Interoffice Memorandum



DATE:

January 29, 2020

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 4/11

Planning Division (407) 836-5523

SUBJECT:

February 25, 2020 – Public Hearing

Kenneth Patterson, Design SolutionsFL, Inc.

Hiawassee Road Property Planned Development

Case # LUP-19-05-156 / District 2

The Hiawassee Road Property Planned Development (PD) is generally located on the west side of N. Hiawassee Road, approximately 1,100 feet north of Clarcona Ocoee Road. The applicant is seeking to rezone one parcel containing 6.71 gross acres from R-CE-C (Country Estate Cluster District) to PD (Planned Development District), in order to construct a 43,854 square foot church complex with ancillary gymnasium, 50 student K-8 school, and 50 student daycare.

On December 29, 2020, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was held on August 8, 2019 at Prairie Lake Elementary School and 21 property owners were in attendance.

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 (CP) and approve the Hiawassee Road Property Planned Development / Land Use Plan (PD/LUP) dated "Received October 17, 2019", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 2

Attachments JVW/EPR/nt

PZC Recommendation Staff Report Commission District: # 2

GENERAL INFORMATION

APPLICANT

Kenneth Patterson, Design SolutionsFL, Inc.

OWNER

Clarcona, Inc.

PROJECT NAME

Hiawassee Road Property Planned Development (PD)

HEARING TYPE

Planned Development / Land Use Plan (PD / LUP)

REQUEST

R-CE-C (Country Estate Cluster District) to

PD (Planned Development District)

A request to rezone one (1) parcel containing 6.71 gross acres from R-CE-C to PD, in order to construct a 43,854 square foot church complex with ancillary gymnasium, 50 student K-8 school, and 50 student daycare. No waivers to

Orange County Code are requested.

LOCATION

N. Hiawassee Road, or generally located on the west side of N. Hiawassee Road, approximately 1,100 feet north of

Clarcona Ocoee Road

PARCEL ID NUMBER

35-21-28-0000-00-136

TRACT SIZE

6.71 gross acres

PUBLIC NOTIFICATION

The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred twelve (212) notices were mailed to those property owners in the mailing area. A community meeting was held on August 8, 2019 and is summarized

further in this report.

PROPOSED USE

A 43,854 square foot church complex with ancillary gymnasium, 50 student K-8 school, and 50 student daycare.

STAFF RECOMMENDATION

Development Review Committee – (November 20, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hiawassee Road Planned Development / Land Use Plan (PD/LUP), dated "Received October 17, 2019", subject to the following conditions:

- Development shall conform to the Hiawassee Road Property Land Use Plan (LUP) dated "Received October 17, 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 October 17, 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. 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).

- 5. 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.
- 6. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
- 7. 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.
- 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).
- 9. 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.

- 10. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
- 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. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- 13. Outside sales, storage, and display shall be prohibited.
- Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- 15. Access to Albeth Road shall be prohibited.
- 16. The Type "C" buffer yard shall retain as many of existing trees within the required buffer as practically possible. A tree survey of the entire property shall be provided with the initial Development Plan.
- 17. Sound amplification for any outdoor events shall be prohibited.
- 18. A community meeting shall be held for the initial Development Plan prior to approval.
- 19. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.

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 Rural Settlement 1/1 (RS 1/1) which allows for a maximum residential density of up to one (1) dwelling unit per net developable acre, as well as certain non-residential uses that are governed by the applicable Zoning District.

The proposed PD zoning district is consistent with RS 1/1 FLUM designation and the following Comprehensive Plan (CP) provisions are applicable to the requested PD development program, and may be considered for purposes of determining consistency:

- **FLU1.4.2** states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.
- **FLU1.4.3** states that the location of commercial development shall be concentrated at major intersections and within Activity Centers and Neighborhood Activity Nodes within the Urban Service Area.
- **FLU6.2.4** states that the County may use the PD designation to ensure new development within the Rural Settlement contributes to the community's sense of place, including increased setbacks along roadways to preserve views, open space, and rural character.
- **FLU6.2.5** states that permitted densities within the Rural Settlements shall maintain their rural character, and consider factors including lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses.
- **FLU6.2.5** states that the permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C).
- **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 the 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.
- **OBJ N1.1** Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods.
- **OS1.3.6** states that to maximize open space and preserve the natural environment, all development shall conform to the following requirements.

An acceptable alternative plan to a configuration in which the required percentage of open space is located on site is a plan that ensures that the required percentage of open space is permanently preserved through the transfer of density credits, development rights, or property purchases (such off-site transfers shall be limited to property located within the Wekiva Springshed), and such open space shall be permanently protected through conservation easements or similar binding mechanisms. (Added 10/10, Ord. 2010-13)

The following text describes areas of Orange County that contain special criteria for open space. For these following areas, all open space shall be permanently protected and unless otherwise noted, the clustering of open space is required.

Non-Residential land uses in the Rural Service Area

New non-residential uses permitted in the Wekiva Study Area within the Rural Service Area generally shall be limited to neighborhood and community commercial uses including small offices, institutional uses, agricultural uses, public parks and public conservation lands. Land uses existing prior to adoption of this policy shall be recognized and allowed to develop according to the appropriate Land Development Code in place at the time of development permitting. Comprehensive plan map amendments may allow neighborhood or community commercial uses only at intersections of collector or arterial roadways, and such uses shall be restricted to neighborhood and low-intensity community commercial uses. Such commercial uses shall not be considered to be an impetus for increased residential densities in proximity to those commercial uses. Nonresidential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. To minimize impervious surfaces, shared parking shall be required to the greatest extent practicable between adjacent non-residential uses.

Community Meeting Summary

A community meeting was held on August 8, 2019 at Prairie Lake Elementary School and twenty-one (21) property owners were in attendance. Those in attendance raised issues regarding property values, preference for residential development on the property, desire for no connection to be made to Albeth Road, preference for the proposed use to be placed in a near-by commercial center, and general concerns regarding compatibility with the surrounding area.

SITE DATA

Adjacent Zoning N: R-CE (Country Estate District) (1977)

E: R-1A (Single-Family Dwelling District) (1983)

W: A-1 (Citrus Rural District) (1957)

S: R-CE-C (Country Estate Cluster District) (1985)

Adjacent Land Uses N: Single Family Residential

E: Single Family Residential

W: Single Family Residential

S: Single Family Residential

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback

25 feet

Maximum Building Height:

35 feet

Minimum Building Setbacks

Front Setback:

50 feet

Rear Setback:

25 feet

Side Setback:

25 feet

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone one (1) parcel containing 6.71 gross acres from R-CE-C (Country Estate Cluster District) to PD (Planned Development District), in order to construct a 43,854 square foot church complex with ancillary gymnasium, 50 student K-8 school, and 50 student daycare. The property is located in the Clarcona Rural Settlement. Orange County Comprehensive Plan (CP) provisions allow for the proposed use to be located within the Rural Settlement.

Today, this property has a cluster plan approved in 2014 (Case #RZ-14-02-008) that allows for the development of up to 11 single-family dwellings in a cul-de-sac configuration on lots that are a minimum of a ½ acre in area and a minimum lot width of 100 feet.

Comprehensive Plan (CP) Amendment

The subject property has a Future Land Use Map (FLUM) designation of Rural Settlement 1/1 (RS 1/1) which allows for a maximum residential density of up to one (1) dwelling unit per net developable acre, as well as certain non-residential uses that are governed by the applicable Zoning District. The proposed use is consistent with this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Rural Settlement

The subject Property is located within the Clarcona Rural Settlement

Joint Planning Area (JPA)

The subject Property is not located within a Joint Planning Area.

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

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations apply. In addition to the state regulations, local policies are included

in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva. These requirements may reduce the total net developable acreage. Regulations include, but are not limited to: septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed, and aquifer vulnerability.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (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).

This site is located within a delineated area of groundwater contamination as defined by the Florida Department of Environmental Protection (FDEP). Any new water wells will require special permitting per Florida Administrative Code (FAC) 62-524, which includes specific construction and/or treatment requirements.

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.

Water / Wastewater / Reclaim

Existing service or provider

Water:

Orange County Utilities

Wastewater:

Orange County Utilities

Reclaim Water:

Orange County Utilities

Schools

Orange County Public Schools reviewed this request, but did not identify any issues or concerns.

Parks and Recreation

Orange County Parks and Recreation reviewed this 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 Hiawassee Road Planned Development (PD) Land Use Plan, subject to nineteen (19) conditions.

Staff noted that a community meeting had been held for the request, which was attended by twenty-one (21) area residents who expressed concerns of compatibility with the surrounding residential uses and a preference this property remain residential. In response to the concerns heard at the community meeting, staff clarified that the DRC had included conditions fifteen (15) through nineteen (19), which included a prohibition on access to the residential street Albeth Road to the north, and other buffering criteria. Staff further indicated that two hundred twelve (212) notices were mailed to surrounding property owners within a buffer of 600 feet from the subject property. Staff received four (4) responses in opposition citing concerns of traffic and impacts to property values, as well as a petition with 34 signatures requesting no access from Albeth Road; one (1) response in favor provided that any access from Albeth Road be prohibited; and one (1) response was generally in favor.

The applicant was present for the hearing and concurred with staff's recommendation. Seven (7) members of the church congregation, some of who were also area residents, spoke in favor of the request, and two (2) citizens spoke in opposition, citing concerns of incompatibility with the adjacent residential area.

After a detailed discussion regarding the additional buffering and access criteria recommended by the DRC, and concerns from Commissioner Velazquez that the school component would be disruptive to the residential community, a motion was made by Commissioner Velazquez to find the request to be consistent with the Comprehensive Plan and recommend approval of the Hiawassee Road PD Land Use Plan, subject to the nineteen (19) conditions listed under the DRC Recommendation. Commissioner Wade seconded the motion, which then carried on an 8-0 vote.

Motion / Second Diane Velazquez / JaJa Wade

Voting in Favor Diane Velazquez, JaJa Wade, Jose Cantero, Jimmy

Dunn, Mohammed Abdallah, Carlos Nazario, Gordon

Spears and Yog Melwani

Voting in Opposition None

Absent Eddie Fernandez

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (December 19, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hiawassee Road Planned Development / Land Use Plan (PD/LUP), dated "Received October 17, 2019", subject to the following conditions:

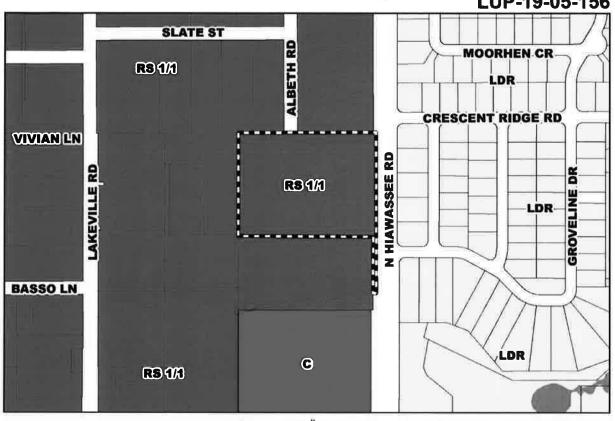
- 1. Development shall conform to the Hiawassee Rd Property Land Use Plan (LUP) dated "Received October 17, 2019," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly 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 October 17, 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. 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).
- 5. 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.
- 6. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
- 7. 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.
- 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).
- 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.

- 10. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
- 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. <u>Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.</u>
- 13. Outside sales, storage, and display shall be prohibited.
- Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- 15. Access to Albeth Road shall be prohibited.
- 16. The Type "C" buffer yard shall retain as many of existing trees within the required buffer as practically possible. A tree survey of the entire property shall be provided with the initial Development Plan.
- 17. Sound amplification for any outdoor events shall be prohibited.
- A community meeting shall be held for the initial Development Plan prior to approval.
- 19. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.











Future Land Use Map

FLUM:

Rural Settlement 1/1 (RS 1/1)

APPLICANT: Kenneth Patterson, Design SolutionsFL, Inc.

LOCATION: N. Hiawassee Road, or generally located on the west side of N. Hlawassee Road,

approximately 1,100 feet north of Clarcona

Ocoee Road

TRACT SIZE: 6.71 gross acres

DISTRICT:

#2

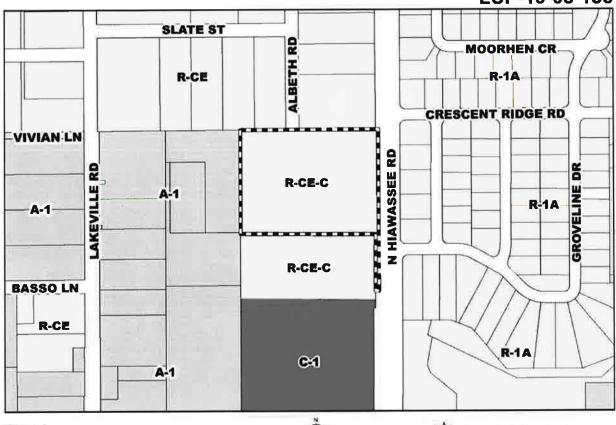
\$/T/R:

35/21/28

1 inch = 350 feet



LUP-19-05-156



Subject Property



* Subject Property

Zoning Map

ZONING: F

R-CE-C (Country Estate Cluster District) to

PD (Planned Development District)

APPLICANT: Kenneth Patterson, Design SolutionsFL, Inc.

LOCATION: N. Hiawassee Road, or generally located on

the west side of N. Hiawassee Road, approximately 1,100 feet north of Clarcona

Ocoee Road

TRACT SIZE: 6.71 gross acres

DISTRICT: #2

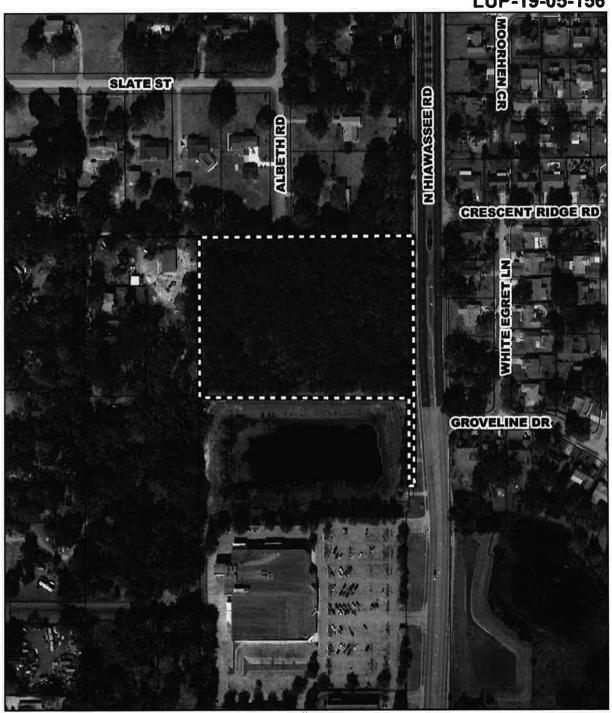
S/T/R:

35/21/28

1 inch = 350 feet



LUP-19-05-156

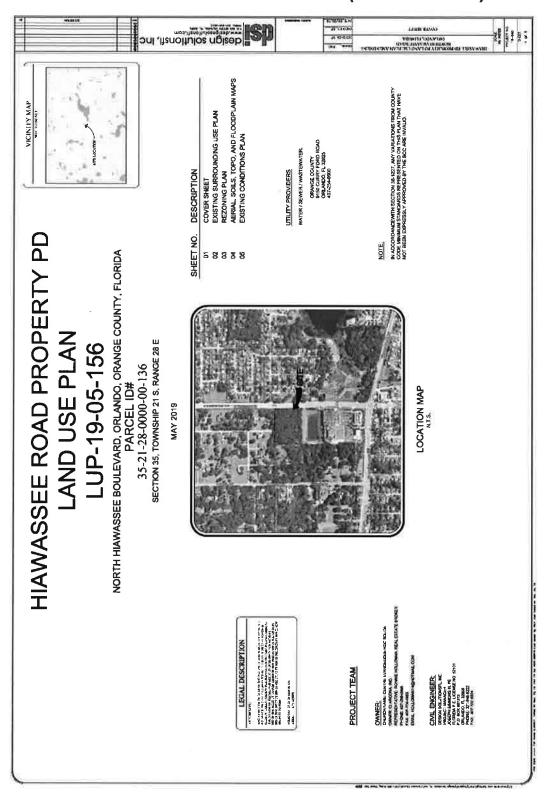




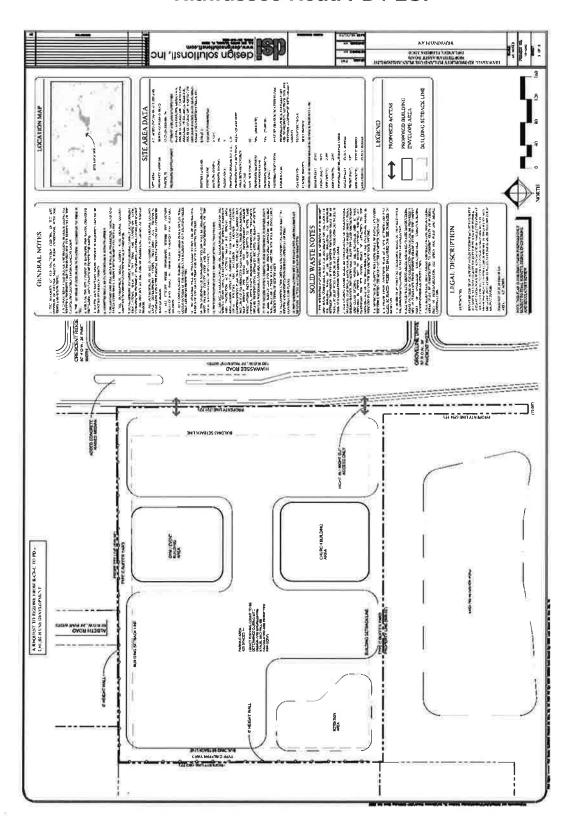


1 inch = 225 feet

Hiawassee Road PD / LUP (Cover Sheet)



Hiawassee Road PD / LUP



Notification Map

