





## Interoffice Memorandum

DATE: October 26, 2021

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Jon V. Weiss, P.E., Director   
Planning, Environmental and Development  
Services Department

CONTACT PERSON: Eric Raasch, DRC Chairman   
Development Review Committee  
Planning Division  
(407) 836-5523

SUBJECT: October 26, 2021 – Public Hearing  
Applicant: Steven Thorp, Orange County Public Schools  
Hackney Prairie Planned Development  
Case # CDR-21-08-258 / District 2

The Hackney Prairie Planned Development (PD) is generally located north of Hackney Prairie Road and west of North Apopka Vineland Road. The existing PD development program allows for an elementary school.

Through this PD substantial change, the applicant is seeking to amend the November 1, 2011 BCC Condition #3 to read as "Billboards and pole signs shall be prohibited. All signage, including electronic message centers (EMC), shall comply with the provisions of Section 38-1755(o)." The purpose of this request is to permit an EMC at Prairie Lake Elementary School.

On September 8, 2021, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

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 substantial change to the Hackney Prairie Planned Development / Land Use Plan (PD/LUP) dated "Received September 13, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2

Attachments  
JVW/EPR/nsw

**CASE # CDR-21-08-258**

Commission District: # 2

**GENERAL INFORMATION**

<b>APPLICANT</b>	Steven Thorp, Orange County Public Schools
<b>OWNER</b>	School Board of Orange County Florida
<b>PROJECT NAME</b>	Hackney Prairie Planned Development
<b>PARCEL ID NUMBER</b>	03-22-28-0000-00-046
<b>TRACT SIZE</b>	16.63 gross acres (overall PD) 12.84 gross acres (subject parcel only)
<b>LOCATION</b>	Generally located north of Hackney Prairie Road and west of North Apopka Vineland Road
<b>REQUEST</b>	A PD substantial change to amend the November 1, 2011 BCC Condition #3 to read as "Billboards and pole signs shall be prohibited. All signage, including electronic message centers (EMC), shall comply with the provisions of Section 38-1755(o)."
<b>PUBLIC NOTIFICATION</b>	A notification area extending beyond nine hundred (900) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four hundred four (404) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

**IMPACT ANALYSIS**

**Special Information**

The Hackney Prairie PD was originally approved November 1, 2011 and currently includes an elementary school use. This PD exists partially within Orange County (12.84 gross acres) and partially within the City of Ocoee (3.79 gross acres). The City of Ocoee has been notified of this request pursuant to the Interlocal Agreement.

Through this PD substantial change, the applicant is seeking to amend the November 1, 2011 BCC Condition #3 to read as "Billboards and pole signs shall be prohibited. All signage, including electronic message centers (EMC), shall comply with the provisions of Section 38-1755(o)."

**Land Use Compatibility**

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

**Comprehensive Plan (CP) Consistency**

The subject property has an underlying Future Land Use Map (FLUM) designation of Rural Settlement 1/1 (RS 1/1). The Hackney Prairie PD was approved in 2011 and includes an elementary school use. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

**Overlay Ordinance**

The subject property is not located within an Overlay District.

**Rural Settlement**

The subject property is located within the Clarcona Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within the City of Ocoee JPA.

**Environmental**

Environmental Protection Division (EPD) staff has reviewed the request, but did not identify any issues or concerns.

**Transportation / Concurrency**

Transportation Planning staff has reviewed the proposed request, but did not identify any issues or concerns.

**Community Meeting Summary**

A community meeting was not required for this request.

**Schools**

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

**Parks and Recreation**

Orange County Parks and Recreation staff reviewed the PD substantial change but did not identify any issues or concerns.

**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.

**ACTION REQUESTED**

**Development Review Committee (DRC) Recommendation – (September 8, 2021)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hackney Prairie Planned Development / Land Use Plan (PD/LUP), dated “September 13, 2021”, subject to the following conditions:**

1. Development shall conform to the Hackney Prairie PD Land Use Plan dated "Received September 13, 2021," 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 September 13, 2021," 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, or any other development order, 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.

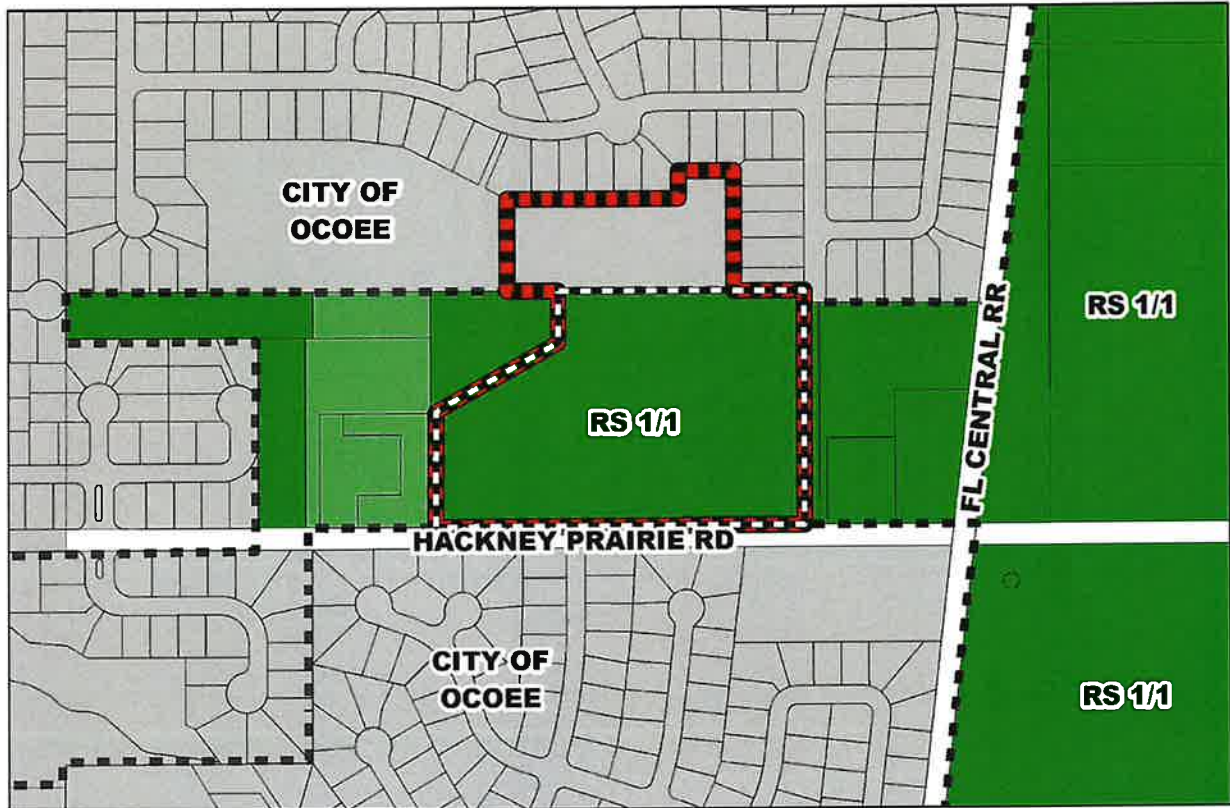
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements 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. Billboards and pole signs shall be prohibited. All signage, including electronic message centers (EMC), shall comply with the provisions of Section 38-1755(o).
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 1, 2011 shall apply:
  - a. Tree removal/Earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
  - b. Approval of this Planned Development / Land Use Plan also approves the Tri-Party Interlocal Agreement between the City of Ocoee, Orange County School Board, and the Board of County Commissioners.
  - c. A waiver from Section 38-1754(a) (2) is granted to allow for an elementary school to be located adjacent to a water treatment plant.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (November 1, 2011)**

Upon a motion by Commissioner Brummer, seconded by Commissioner Russell, and carried by a 5-2 vote, the Board made a finding of consistency with the Comprehensive Plan and further, approved the request by Tyrone K. Smith (School Board of Orange County Florida, Hackney Prairie Planned Development, to rezone from R-CE-C (Country Estate-Cluster District) to PD (Planned Development District) with the following waiver: Section 38-1754(a) (2) is granted to allow for an elementary school to be located adjacent to a water treatment plant, on the described property; subject to conditions.



CDR-21-08-258



 Subject Property  
 PD Boundary



 Subject Property

### Future Land Use Map

**FLUM:** Rural Settlement 1/1 (RS 1/1)

**APPLICANT:** Steven Thorp, Orange County Public Schools

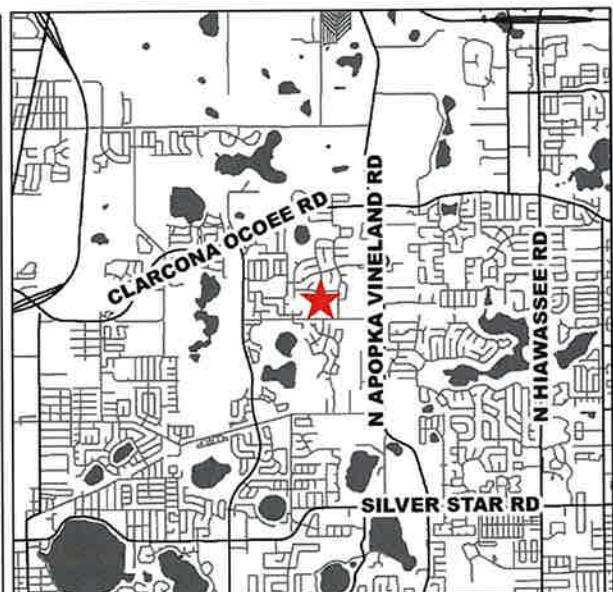
**LOCATION:** Generally located north of Hackney Prairie Road and west of North Apopka Vineland Road

**TRACT SIZE:** 16.63 gross acres (overall PD)  
 12.84 gross acres (County parcel only)

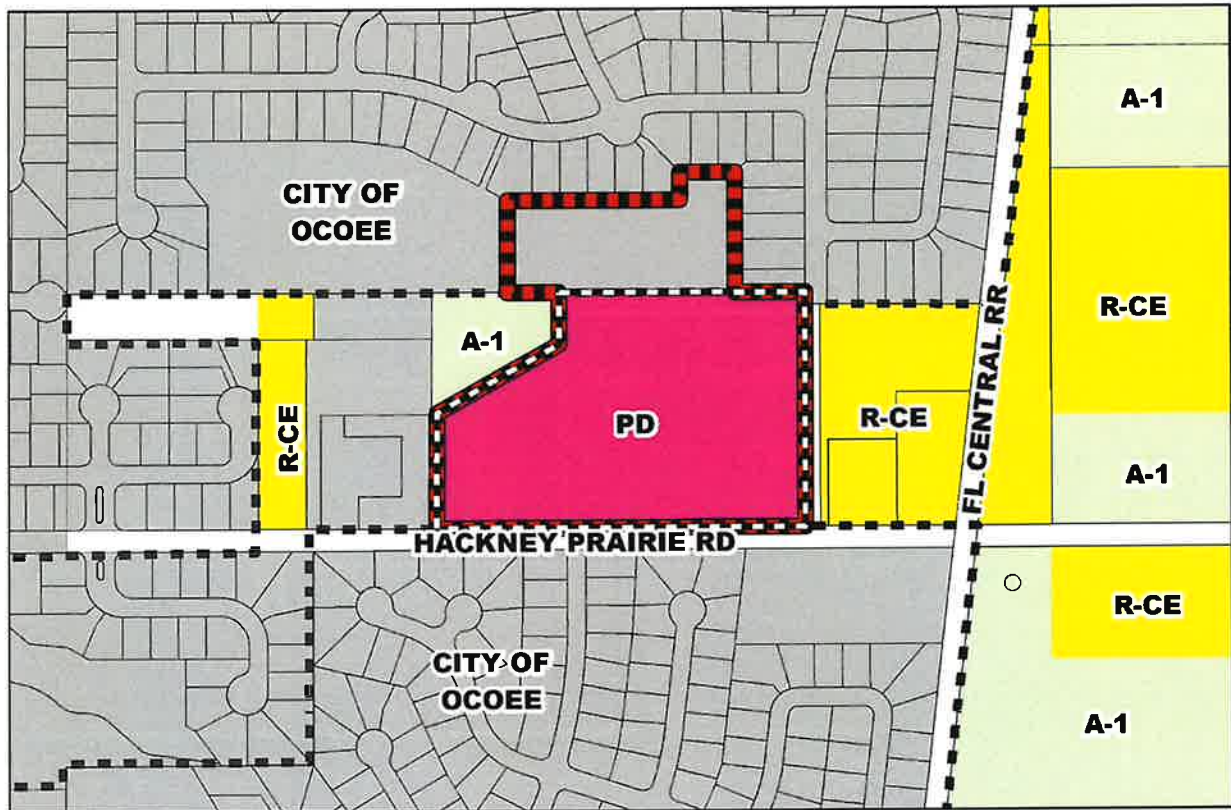
**DISTRICT:** # 2

**S/T/R:** 03/22/28

1 inch = 425 feet



CDR-21-08-258



Subject Property  
 PD Boundary



Subject Property

### Zoning Map

**ZONING:** PD (Planned Development District)

**APPLICANT:** Steven Thorp, Orange County Public Schools

**LOCATION:** Generally located north of Hackney Prairie Road and west of North Apopka Vineland Road

**TRACT SIZE:** 16.63 gross acres (overall PD)  
 12.84 gross acres (County parcel only)

**DISTRICT:** # 2





**S/T/R:** 03/22/28

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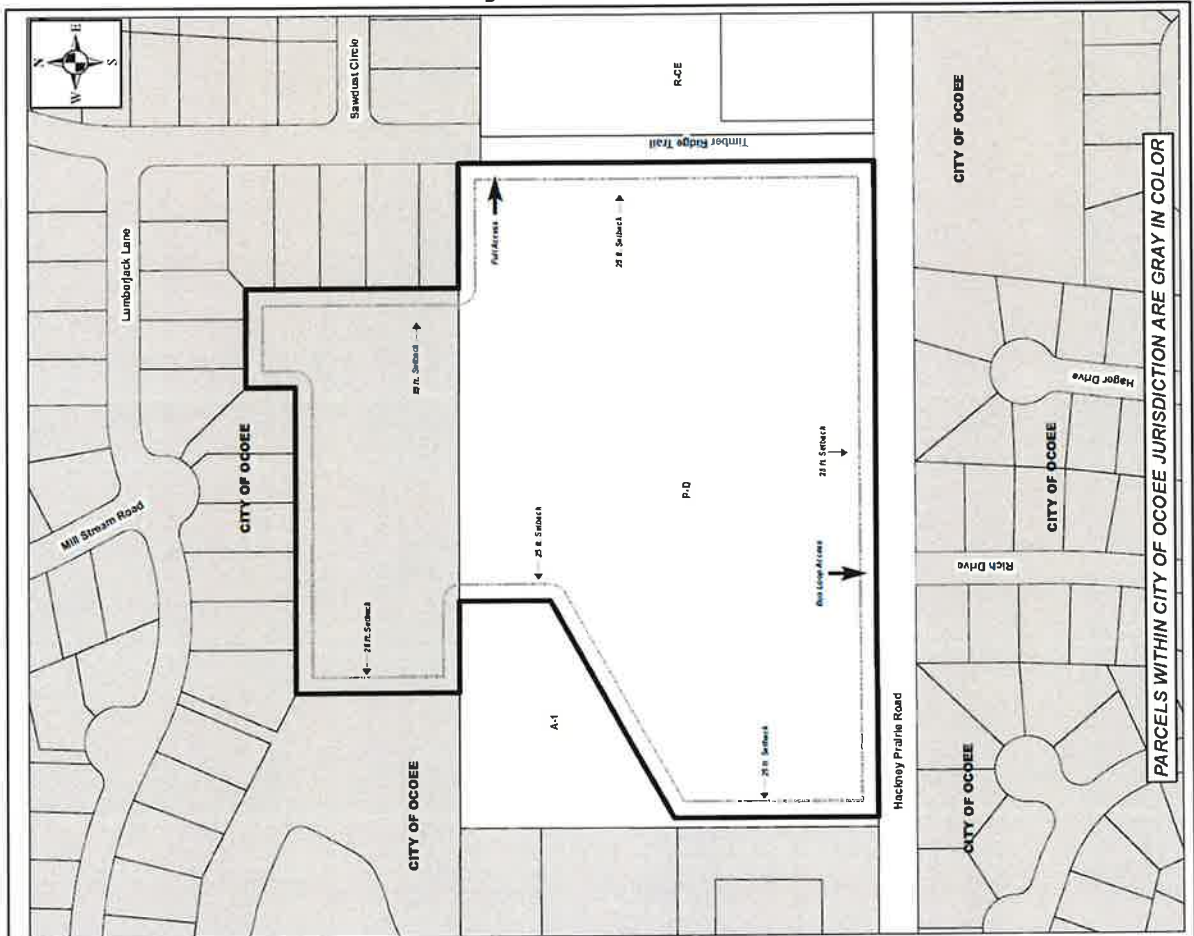


## Hackney Prairie PD / LUP (Cover Sheet)

	<h1 style="margin: 0;">HACKNEY PRAIRIE LAND USE PLAN</h1> <h2 style="margin: 0;">19-E-N-7</h2> <p style="margin: 0;">Case #CDR-21-08-258</p> <p style="margin: 0;">PARCEL ID#: 03-22-28-0000-00-007 (Ocoee) 03-22-28-0000-00-046 (County)</p> <p style="margin: 0;">4966 TIMBER RIDGE TRAIL &amp; 8732 HACKNEY PRAIRIE ROAD</p>	<p><b>TABLE OF CONTENTS:</b></p> <p>LUP-01: Location Map, Aerial, Applicant Information LUP-02: Site Data, Zoning Data and Setbacks LUP-03: Soil, Vegetation, Future Land Use, Topographic Maps LUP-04: Legal Description LUP-05: Survey</p> <div style="border: 1px solid black; padding: 10px; margin-top: 20px; text-align: center;">  <h3 style="margin: 0;">Facilities Planning</h3> <p style="margin: 0;">Orange County Public Schools</p> <p style="margin: 0;">6501 Magic Way, Orlando, FL 32809 Tel: (407) 317- 3700 Fax: (407)-317-3263</p> </div>						
		<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><b>Location &amp; Aerial Legend</b></p> <ul style="list-style-type: none"> <li><span style="color: red;">□</span> Project Site</li> <li><span style="color: green;">■</span> Ocoee City Limits</li> <li><span style="color: blue;">—</span> Railroads</li> <li><span style="color: lightblue;">■</span> Lakes</li> <li><span style="color: black;">—</span> Major Roads</li> <li><span style="color: black;">—</span> Streets</li> </ul> </div> <div style="width: 45%;"> <p><b>LEGAL DESCRIPTION</b></p> <p>See Sheet LUP-04 for full legal description of this PD</p> </div> </div> <div style="margin-top: 20px; text-align: right;"> <p><b>RECEIVED</b></p> <p>By DRC Approved Stamp at 12:39 pm, Sep 13, 2021</p> </div>						
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><b>PREPARED BY</b> Brent Thoma ACP</td> <td style="width: 50%;"><b>DATE</b> Created: 8-2-2021 Revised: 8-2-2021 2nd Revision: 9-16-2021 3rd Revision: 9-16-2021 4th Revision: 9-24-2021</td> </tr> <tr> <td colspan="2"><b>FILE NAME</b> 19-E-N-7 Hackney Prairie Plan</td> </tr> <tr> <td colspan="2"><b>SHEET NUMBER</b> LUP-01</td> </tr> </table>	<b>PREPARED BY</b> Brent Thoma ACP	<b>DATE</b> Created: 8-2-2021 Revised: 8-2-2021 2nd Revision: 9-16-2021 3rd Revision: 9-16-2021 4th Revision: 9-24-2021	<b>FILE NAME</b> 19-E-N-7 Hackney Prairie Plan		<b>SHEET NUMBER</b> LUP-01	
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<b>SHEET NUMBER</b> LUP-01								



# Hackney Prairie PD / LUP



## HACKNEY PRAIRIE ROAD LAND USE PLAN 19-E-N-7 SITE DATA

OWNER: SCHOOL BOARD OF ORANGE COUNTY, FLORIDA  
 PARCEL NUMBERS: 03-22-28-0020-00007 (OCOEE), 03-22-28-0020-00046 (COUNTY)  
 TOTAL DEVELOPABLE ACRES: 16.63 AC  
 EXISTING ZONING: UNC (UNCLASSIFIED) (OCOEE) AND PD (PLANNED DEVELOPMENT DISTRICT)  
 FUTURE LAND USE: LDR (LOW DENSITY RESIDENTIAL) (OCOEE) RURAL SETTLEMENT 111 (CLANCON RURAL SETTLEMENT)  
 PROPOSED USES: ELEMENTARY SCHOOL  
 PROPOSED SQUARE FOOTAGE: 115,000 SQ. FT.  
 TYPICAL GENERATION 150 (AVG. 150 PER STUDENT)  
 WATER AVERAGE DAILY FLOW RATE: 6.225 CPD  
 WASTEWATER AVERAGE DAILY FLOW RATE: 5.632 CPD  
 SPONGE: BUILDINGS AND POLE SIGNS SHALL BE PROHIBITED ALL SIGNAGE INCLUDING ELECTRONIC MESSAGE CENTERS (EMSC) SHALL COMPLY WITH THE PROVISIONS OF SECTION 35-1726(1)  
 BUFFERS: SHALL COMPLY WITH THE ORANGE COUNTY PUBLIC SCHOOL Siting REGULATIONS OF CHAPTER 38  
 OPEN SPACE: MINIMUM 20%  
 IMPERVIOUS: MAXIMUM 70%  
 PHASING: PROJECT SHALL BE BUILT IN ONE (1) PHASE  
 SETBACKS: SHALL COMPLY WITH ORANGE COUNTY PLANNED DEVELOPMENT STANDARDS HACKNEY PRAIRIE ROAD TO PERIMETER  
 BUILDING HEIGHT: 35 FEET (2 Story max. height)  
 WATER SERVICE: CITY OF OCOEE  
 WASTEWATER: CITY OF OCOEE  
 FIRE FLOW: SHALL COMPLY WITH ORANGE COUNTY STANDARDS  
 STORMWATER: SHALL COMPLY WITH WATER MANAGEMENT DISTRICT REQUIREMENTS  
 ACCESS: PRIMARY ACCESS PARKING AND PARENT PICK-UP/DROFF SHALL BE FROM TIMBER RIDGE TRAIL, AND BUS ACCESS SHALL BE FROM HACKNEY PRAIRIE ROAD  
 WAIVERS: WAIVER REQUESTED FROM SECTION 35-1754 (a)(2) AS PERTAINS TO ADJACENCY TO WATER TREATMENT PLANTS  
 NOTES:  
 - Development review criteria and standards of this school site have been memorialized in an Interlocal Agreement between Orange County Public Schools, Orange County and the City of Ocoee.  
 1. Hackney Prairie Road, at the northern City limit, to Hackney Prairie Road to be improved.  
 2. Timber Ridge Trail, at the northern City limit, to Hackney Prairie Road to be improved.  
 3. This school site is located on the eastern side of the Hackney Prairie Road to be improved.  
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## Notification Map

