



Orange County  
Community,  
Environmental  
&  
Development  
Services  
Department,  
Planning Division

Comprehensive  
Planning

Development  
Review

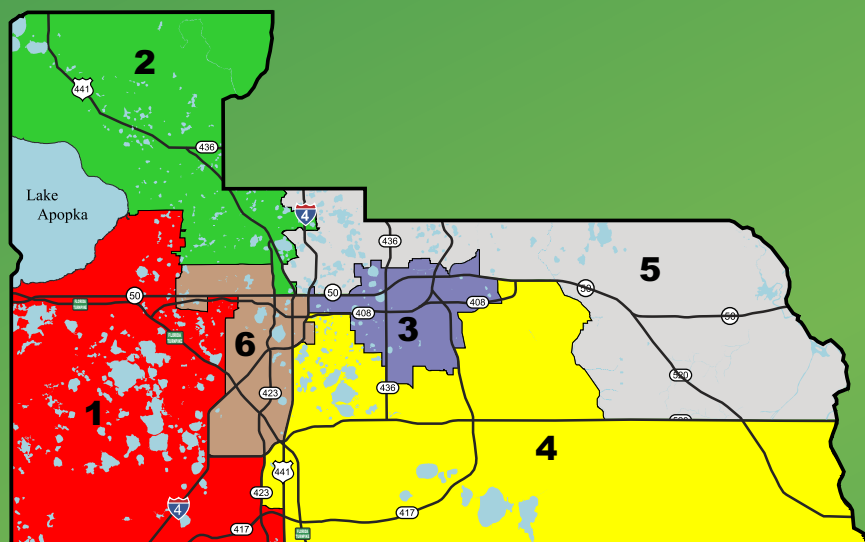
Research and  
Intergovernmental  
Coordination

Community Planning  
& Placemaking



Orange County, Florida

# Planning and Zoning Commission/ Local Planning Agency



## Staff Report

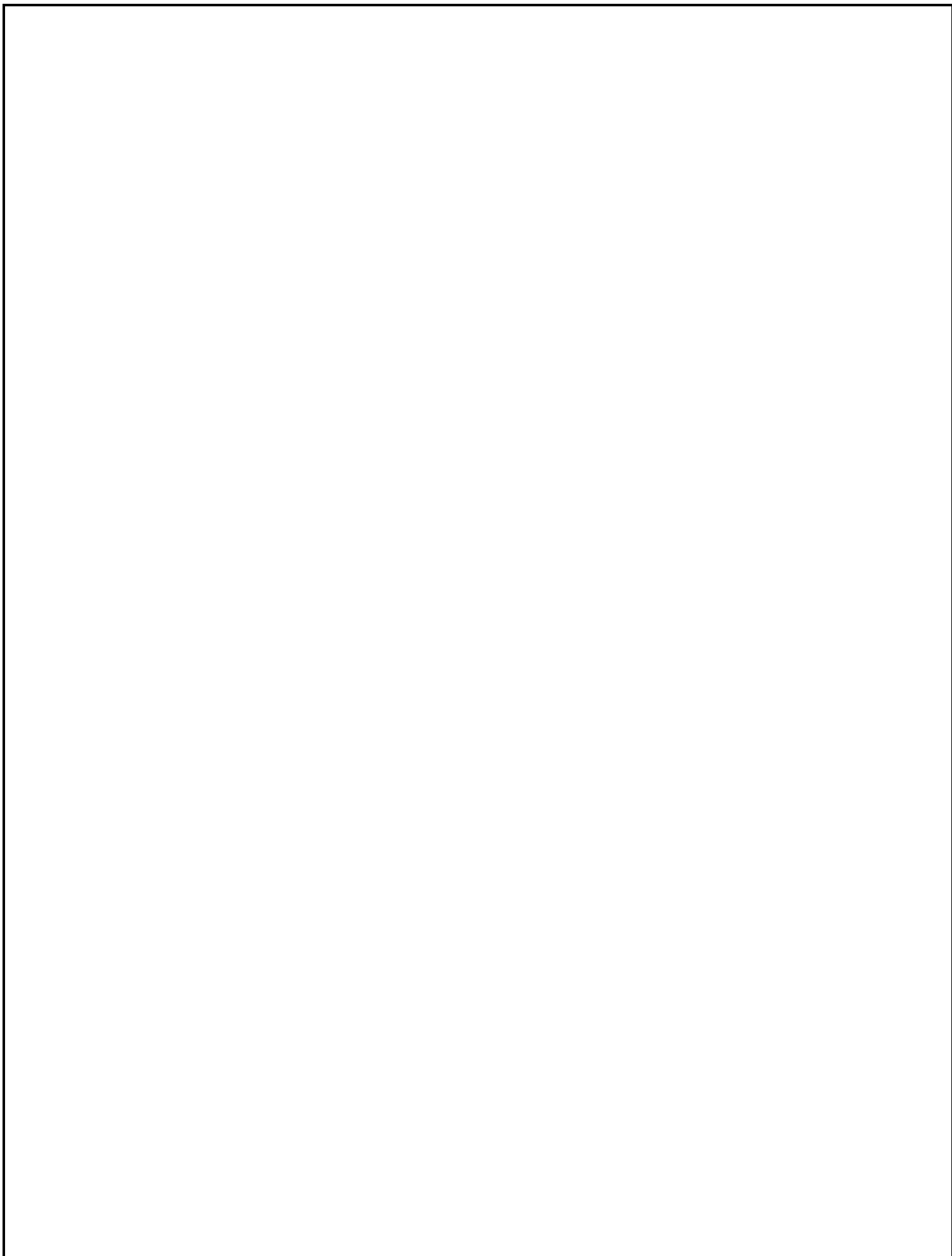
February 21, 2013

Prepared by  
Orange County Community, Environmental &  
Development Services Department,  
Planning Division, Development Review Section

## **Planning and Zoning Commission/ Local Planning Agency (PZC / LPA)**



Betsy VanderLey	District #1
Marvin Barrett	District #2
Tina Demostene	District #3
Pat DiVecchio, Vice Chairman	District #4
Rick V. Baldocchi, Chairman	District #5
Shannon M Currie	District #6
Paul Wean	At Large
Kevin Seraaj	At Large
Jose Carlos Ayala	At Large



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**February 21, 2013**

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<b><u>Case #</u> <u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Commission</u> <u>District</u></b>	<b><u>Recommendations</u> <u>Staff</u></b>	<b><u>P&amp;Z</u></b>	<b><u>BCC Hearing</u> <u>Required</u></b>
<b>I. REZONING PUBLIC HEARING(S)</b>					
RZ-13-02-004 Adolfo De Leon	C-1 to C-2	3	Deny	TBD	No
RZ-13-02-005 David Aihe	R-1A to P-O	6	Approve with one (1) Restriction and two (2) waivers	TBD	No
RZ-13-02-006 Robert E. Carrigan, Jr.	R-CE to R-CE-Cluster	5	Approve with four (4) Restrictions	TBD	No
RZ-13-02-007 Farhad Mohebban	R-1 to C-1	3	Approve with one (1) Restriction	TBD	No
LUP-12-09-184 Scott A. Glass, Shutts & Bowen, LLP for Roxbury Office PD	R-1A to PD	5	Approve with six (6) Conditions	TBD	Yes
LUP-11-12-276 James G. Willard, Shutts & Bowen, LLP for Hamlin PD/UNP	A-1 to PD/UNP	1	Approve with sixteen (16) Conditions	TBD	Yes
LUP-10-12-250 Jeremiah D. Owens, CPH Engineers, Inc. for Orlando Health and Rehab PD	R-1AA to PD	3	Approve with fourteen (14) Conditions	TBD	Yes
LUPA-12-03-065 Jay R. Jackson, Kimley- Horn and Associates, Inc. for Universal Boulevard PD	I-4 & PD to PD	6	Approve with twelve (12) Conditions	TBD	Yes

# SITE and BUILDING REQUIREMENTS

## Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) +++	Min. living area (sq. ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	21,780 (½ acre)	850	100	35	50	10	35	*
A-2	21,780 (½ acre)	850	100	35	50	10	35	*
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	*
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	*
R-CE-2	2 acres	1,200	250	45	50	30	35	*
R-CE-5	5 acres	1,200	185	50	50	45	35	*
R-1AAAA	21,780 (½ acre)	1,500	110	30	35	10	35	*
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	*
R-1AA	10,000	1,200	85	25‡	30‡	7.5	35	*
R-1A	7,500	1,200	75	20‡	25‡	7.5	35	*
R-1	5,000	1,000	50	20‡	20‡	5‡	35	*
R-2	One-family dwelling, 4,500	1,000	45*****	20‡	20‡	5‡	35	*
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90*****	20‡	20‡	5‡	35	*
	Three DUs, 11,250	500 per DU	85†	20‡	30	10	35**, ***	*
	Four or more DUs, 15,000	500 per DU	85†	20‡	30	10****	35**, ***	*
R-3	One-family dwelling, 4,500	1,000	45*****	20‡	20‡	5	35	*
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90*****	20‡	20‡	5‡	35	*
	Three dwelling units, 11,250	500 per DU	85†	20‡	30	10	35**, ***	*
	Four or more DUs, 15,000	500 per DU	85†	20‡	30	10****	35**, ***	
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35***	*
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	N/A	*
R-T-1								
SFR	4,500*****	45*****	1,000	25/20 ††	25/20 ††	5	35	*
Mobile home	4,500*****	45*****	Min. mobile home size 8 ft. x 35 ft.	25/20 ††	25/20 ††	5	35	*
R-T-2	6,000	60	SFR 500	25	25	6	N/A	*
(prior to 1/29/73)			Min. mobile home size 8 ft. x 35 ft.					
(after 1/29/73)	21,780 ½ acre	100	SFR 600 Min. mobile home size 8 ft. x 35 ft.	35	50	10	N/A	*

<i>District</i>	<i>Min. lot area (sq. ft.) †††</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>*Min. front yard (ft.)</i>	<i>*Min. rear yard (ft.)</i>	<i>Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>	<i>Lake setback (ft.)</i>
NR	One-family dwelling, 4,500	1,000	45*****	20	20	5	35/3 stories ††	*
	Two DUs, 8,000	500 per DU	80/90*****	20	20	5	35/3 stories ††	*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ††	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories ††	*
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ††	
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet ††	*
	One-family dwelling, 4,500	1,000	45*****	20	20	5	35/3 stories ††	*
	Two DUs, 8,000	500 per DU	80*****	20	20	5	35/3 stories ††	*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ††	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail ††	*
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ††	*
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet ††	*
	One-family dwelling, 4,500	1,000	45*****	20	20	5	35/3 stories ††	*
	Two DUs, 8,000	500 per DU	80*****	20	20	5	35/3 stories ††	*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ††	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail ††	*
	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ††	*
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35**  ***	*
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets#; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	*

District	Min. lot area (sq. ft.) †††	Min. living area (sq. ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ##	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	*
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ###	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	*

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts
I-4	35	10	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts

**NOTE:** These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

#### FOOTNOTES

*	Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
**	Buildings in excess of 35 feet in height may be permitted as a special exception.
***	Buildings in excess of 1 story in height within 100 feet of the property line of any single-family residential district may be permitted as a special exception.
****	Side setback is 30 feet where adjacent to single-family district.
*****	For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
*****	For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that: <ul style="list-style-type: none"> <li>(i) are either platted or lots of record existing prior to 3/3/97, and</li> <li>(ii) are 75 feet in width or greater, but are less than 90 feet, and</li> <li>(iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet</li> </ul> are deemed to be vested and shall be considered as conforming lots for width and/or size.
#	Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
##	Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
###	Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
‡	For lots platted on or after 3/3/97, or un-platted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
†	Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.



††	Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
†††	Based on gross square feet.

***These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.***

# BUFFER YARD REQUIREMENTS

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## Orange County Code Section 24-5.

Buffer yards prescribed are intended to reduce, both visually and physically, any negative impacts associated with abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

### (a) **Buffer classifications:**

- (1) **Type A, opaque buffer:** This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
- (2) **Type B, opaque buffer:** This buffer classification shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (general and light) (I-2/I-3 and I-1/I-5) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (3) **Type C, opaque buffer.** This buffer classification shall be used to separate neighborhood retail commercial (C-1), industrial-restricted (I-1A) and multi-family uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (4) **Type D, opaque buffer:** This buffer classification shall be used to separate professional office (P-O) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (5) **Type E, mobile home and RV park buffer:** This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.
- (6) **Type F, residential subdivision buffer:** See subdivision regulations (Chapter 34, Orange County Code).

***These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.***

**CASE # RZ-13-02-004**

Commission District: # 3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Adolfo De Leon
<b>OWNER</b>	Adolfo De Leon, Sr.
<b>PROJECT NAME</b>	N/A
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	C-1 (Retail Commercial District) to C-2 (General Commercial District)
<b>LOCATION</b>	133 N. Goldenrod Road; generally described as the northeast corner of N. Goldenrod Road and Bryan Road.
<b>PARCEL ID NUMBER</b>	26-22-30-0000-00-006
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 800 feet (Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet). One hundred five (105) notices were mailed to those property owners in the mailing area.  A community meeting was not held for this application.
<b>TRACT SIZE</b>	~0.63 acre
<b>PROPOSED USE</b>	Those uses permitted in the C-2 (General Commercial District) and more specifically an auto dealership.

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of inconsistency with the Comprehensive Plan, specifically policies FLU1.4.4, FLU1.4.5, FLU1.4.9, OBJ FLU8.2, FLU8.2.1, GOAL N1, and OBJ N1.2, and DENY the requested C-2 zoning.**

**IMPACT ANALYSIS**

**Land Use Compatibility**

The proposed **C-2** zoning would allow land uses that are incompatible with the existing residential development directly east of the subject property.

**Comprehensive Plan (CP) Consistency**

The CP Future Land Use Map designates this location as **Commercial (C)**. The **C-2** zoning is consistent with this land use designation. However, the request is inconsistent with the following Comprehensive Plan provisions:

**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.

**FLU1.4.4** states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

**FLU1.4.5** states given the results of the 2030 acreage projections for Commercial and Office Future Land Use, Orange County may require a market study to determine the need, appropriate location and form of retail and commercial development relative to existing uses, vacant land and land use, population and desired urban form.

**GOAL N1** states the need to maintain the residential character of neighborhoods through land use regulations.

**OBJ N1.2** states the County shall ensure that the Land Development Code either prohibits uses in residential areas that are not compatible with neighborhoods or requires that they be adequately buffered.

**SITE DATA**

<b>Existing Use</b>	Vacant
<b>Adjacent Zoning</b>	N: C-3 (Wholesale Commercial District) (1969) E: R-1A (Single-Family Dwelling District) (1957) W: IND-1/IND-5 (Industrial District) (1972) S: C-1 (Retail Commercial) (1997)
<b>Adjacent Land Uses</b>	N: Orlando Golf Cars (sales and repair services) E: Vacant residential lot W: Crane Rental of Orlando (opposite side of Goldenrod Road) S: Vacant / wetlands (opposite side of Bryan Road)

**PERMITTED USES C-2 (General Commercial District)**

**General Commercial District Summary \***

Min. Lot Area:	8,000 sq. ft.
Min. Lot Width:	100 ft. (on major streets, see Article XV) 80 ft. (on all other streets)
Min. Lot Width (Corner Lots)	125 ft. (on major streets, see Article XV) 100 ft. (on all other streets)
Max. Height:	50 ft. (35 ft. within 100 ft. of all residential districts)
Min. Floor Area:	500 sq. ft.
Building Setbacks:	
Front:	25 ft.
Rear:	15 ft. (20 ft. if abutting residential districts)
Side:	5 ft. (15 ft. if abutting residential districts)
Side Street:	15 ft.

*\* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

**Permitted Uses**

The intent and purpose of the C-2 zoning district is composed of certain lands and structures used to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district is encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood. Characteristically, this district occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district is promoted within the urban service area or in rural settlements where uses of this intensity are already established. The general commercial district should not be located adjacent to single-family residential zoning districts.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code. New and used automobile sales; car rental and leasing; auto painting and body shops; special trade contractors' offices (storage, equipment yards, and offices with outdoor storage); automobile parking lots and parking garages; outdoor storage and display of equipment, products, and merchandise; landscaping and irrigation businesses; commercial kennels; caterers; etc.

**SPECIAL INFORMATION**

**Subject Property Analysis**

The subject parcel is located at the northeast corner of N. Goldenrod Road and Bryan Road and is adjacent to other non-residentially zoned properties. This includes a C-3 (Wholesale Commercial District) zoned parcel to the north, an I-1 / I-5 (Industrial District) zoned parcel to the west (on the opposite side of

Goldenrod), and a vacant C-1 (Retail Commercial District) zoned parcel to the south (on the opposite side of Bryan Road). However, there are also scattered single-family zoned parcels and subdivisions in the area, including adjacent R-1A lots to the east.

According to the submitted application, the applicant is requesting to rezone the subject parcel from C-1 (Retail Commercial District) to C-2 (General Commercial District) for the purpose of constructing a car dealership. Although C-2 uses may be compatible with the existing uses to the north and west, the introduction of such uses would not be compatible with the single family lots to the east. Allowing the development of C-2 (and specifically the desired car dealership) at this location, would also negatively impact the character of Bryan Road, which serves as the primary access to existing single-family subdivisions to the east.

Staff has determined that the existing C-1 (Retail Commercial District) zoning allows for an appropriate scale of non-residential uses, and that the requested C-2 (General Commercial District) zoning would be incompatible with adjacent single family zoned properties and the residential character along Bryan Road. Furthermore, staff finds that the request is inconsistent with the Comprehensive Plan and more specifically with Neighborhood Element Goal N1 and Objective N1.2; and Future Land Use Element Objective FLU8.2 and Policies FLU8.2.1, FLU1.4.4 and FLU1.4.5.

**Comprehensive Plan (CP) Amendment**

A CP Amendment is not required for this application, as the requested zoning is consistent with the underlying Commercial (C) Future Land Use Map designation.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area**

The subject property is not located in a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is located in Airport Noise Zone E, and is subject to the Airport Noise Zoning Ordinance (Ord. 2000-07).

**Environmental**

This property is located within the boundary of the Orlando Range and Chemical Yard. The applicant is advised to use caution in the event any unexploded ordinance or chemical residue is discovered during site studies, surveying or clearing. As a general safety precaution, all site workers should be appropriately trained if any suspicious items are located.

Construction will require Best Management Practices (BMPs) for erosion control.

**Transportation/Access**

This project is in the Alternative Mobility Area and if approved, will be required to meet mobility strategies based on the proposed development.

This project is adjacent to Goldenrod Road, a 4 lane minor arterial. There is no signed bicycle route along Goldenrod Road, but the sidewalks adjacent to the parcel have been constructed. Transit service is also available within a half-mile of the site, on Lake Underhill Road and along Chickasaw Trail.

**Water/Wastewater/Reclaim**

	<u>Existing service or provider*</u>	
Water:	Orange County:	16 inch main on the East side of North Goldenrod Road

Wastewater:	Orange County:	8 inch force main on the West side of North Goldenrod Road
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Reclaim Water:	Orange County
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*\*This is provided for information only, may not reflect the actual connection point. Connection point(s) will be determined at Final Construction Plan Review.*

**Schools**

The applicant is proposing to utilize the property for commercial purposes. Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

**Parks & Recreation**

Not required for non-residential development.

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

**ACTION REQUESTED**

**PZC Recommendation** - (February 21, 2013)

TO BE DETERMINED

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

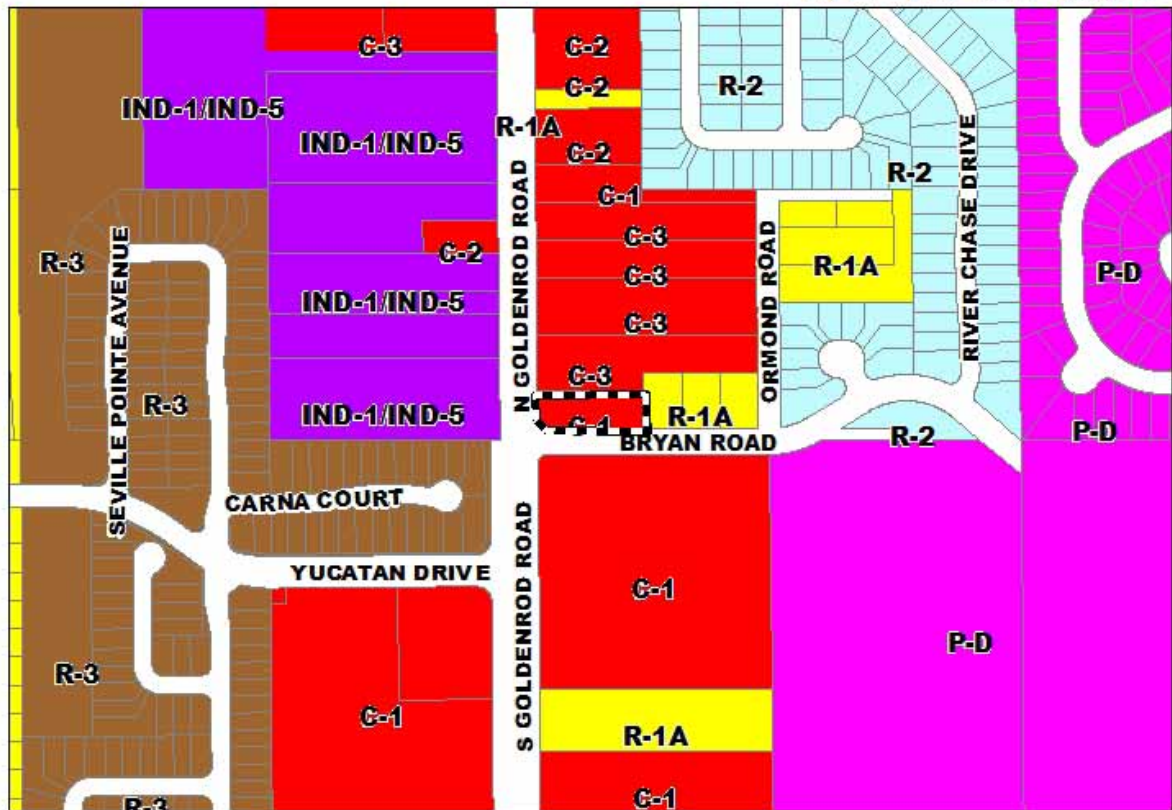
TO BE DETERMINED

<b>Motion/Second</b>	TO BE INSERTED
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<b>Voting in Favor</b>	TO BE INSERTED
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<b>Absent</b>	TO BE INSERTED
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**RZ-13-02-004**



Subject Property

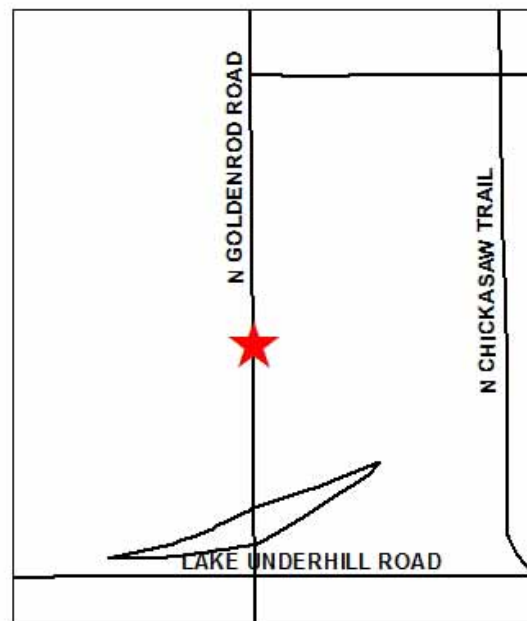


Subject Property

### Zoning

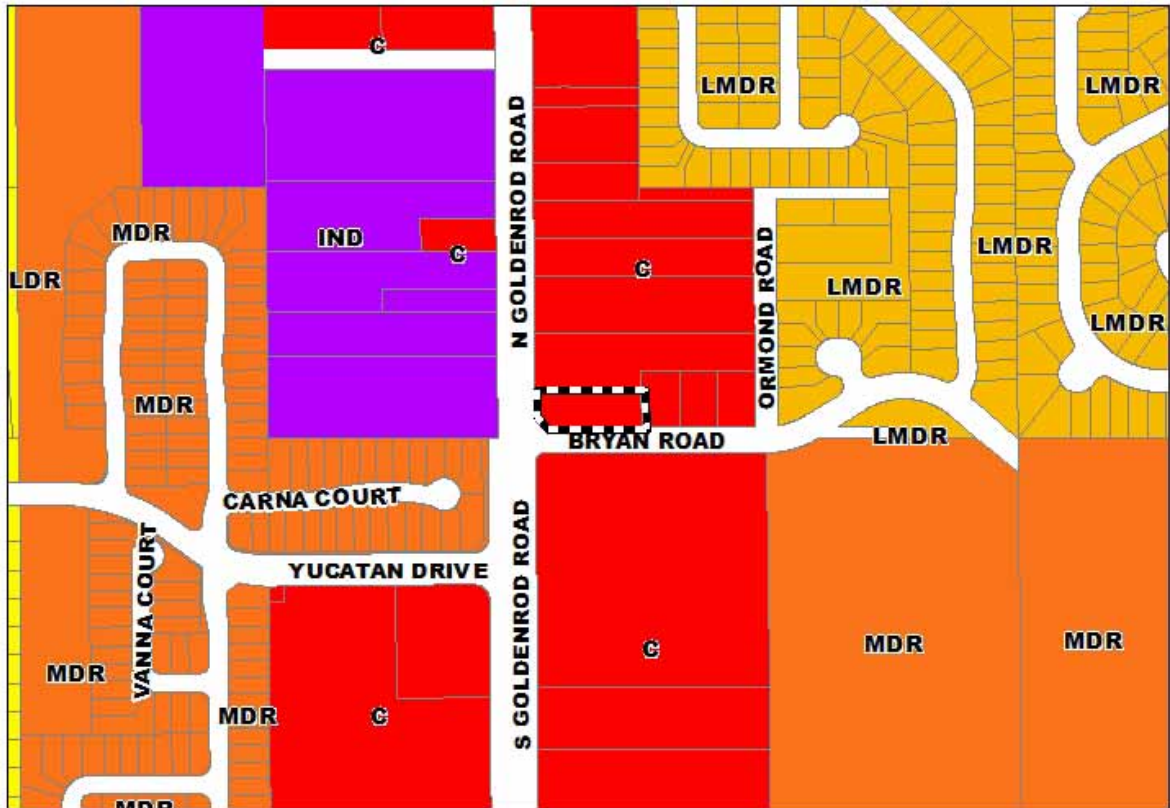
Request: C-1 to C-2  
 Applicant: Adolfo De Leon, Sr.  
 District: #3  
 S/T/R: 26/22/30  
 Location: 133 N. Goldenrod Road  
 Tract Size: ~.63 Acres

1 inch = 417 feet





**RZ-13-02-004**



Subject Property

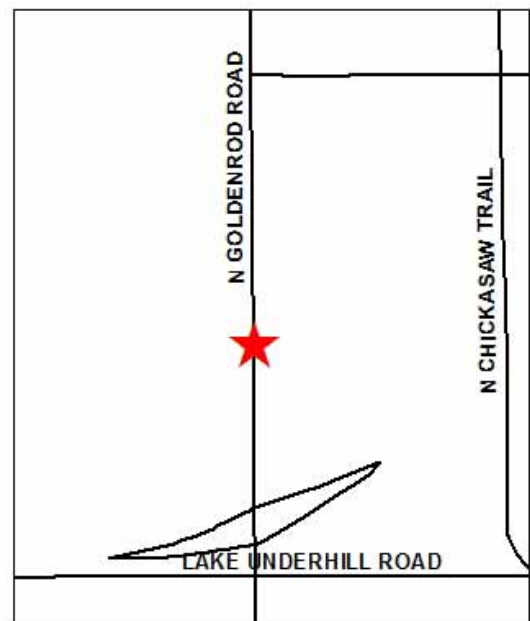


Subject Property

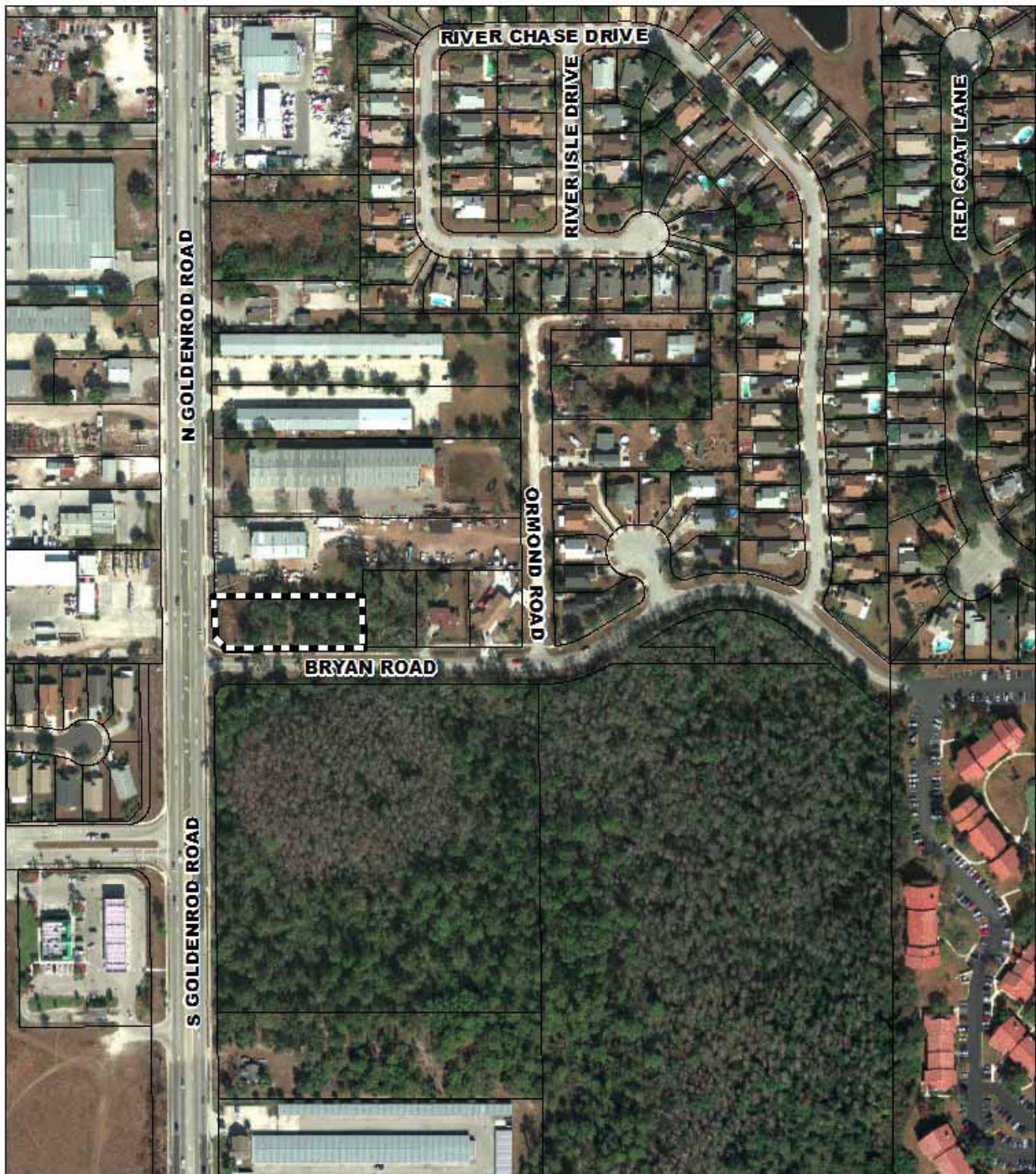
### Future Land Use

FLU: Commercial (C)  
 Applicant: Adolfo De Leon, Sr.  
 Tract Size: ~.63 Acres  
 District: # 3  
 S/T/R: 26/22/30

1 inch = 417 feet



**RZ-13-02-004**

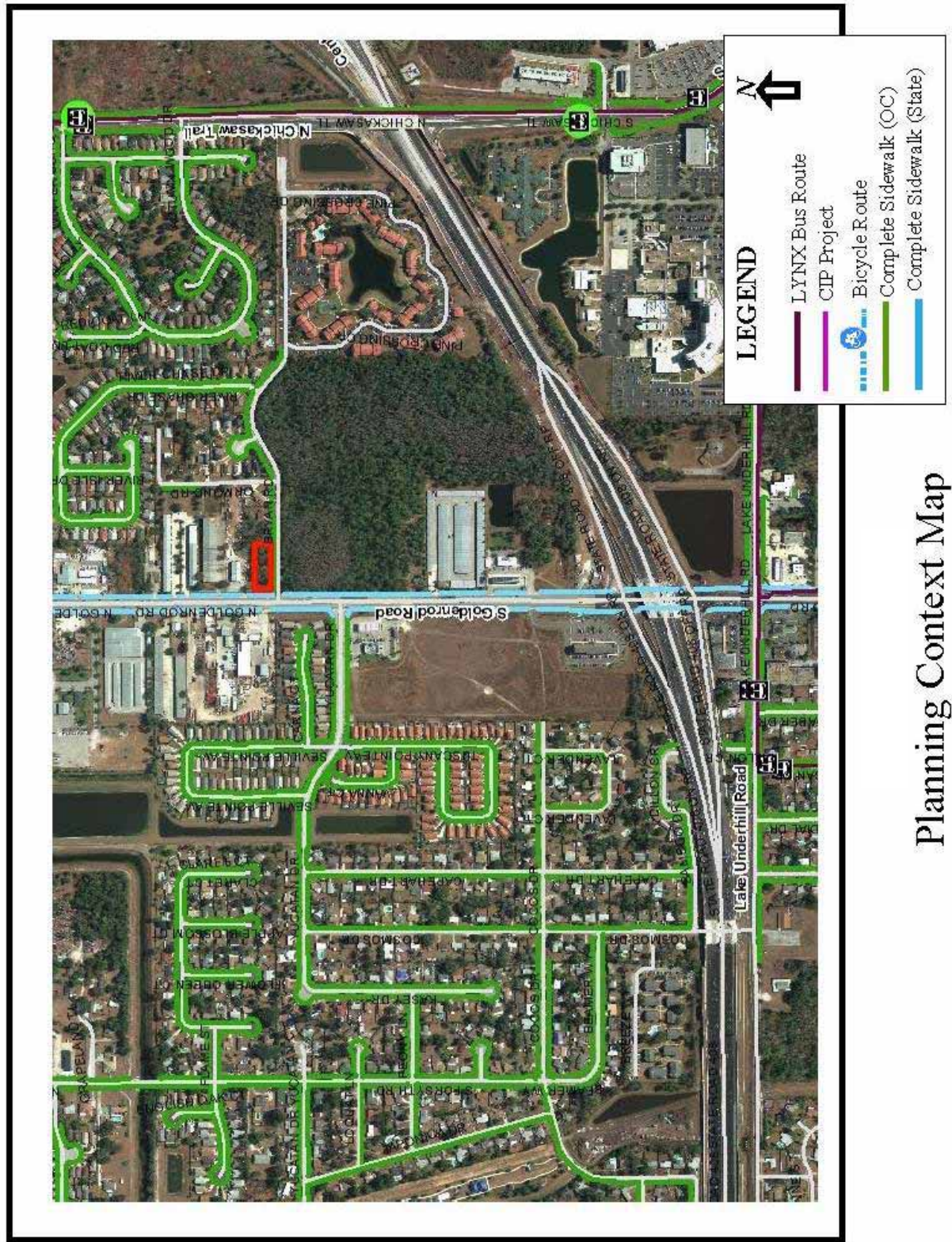


 Subject Property



1 inch = 250 feet





Planning Context Map

**CASE # RZ-13-02-005**

Commission District: # 6

**GENERAL INFORMATION**

<b>APPLICANT</b>	David Aihe
<b>OWNER</b>	David and Ezioma Aihe
<b>PROJECT NAME</b>	N/A
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-1A</b> (Single-Family Dwelling District) (1957) <b>to</b> <b>P-O</b> (Professional Office District)
<b>LOCATION</b>	1221 N. Pine Hills Road; generally described as the east side of N. Pine Hills Road, approximately 300 feet north of Elinore Drive.
<b>PARCEL ID NUMBER</b>	19-22-29-6976-08-110
<b>PUBLIC NOTIFICATION</b>	<p>The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Ninety seven (97) notices were mailed to those property owners in the mailing area.</p> <p>A community meeting was not held for this application.</p>
<b>TRACT SIZE</b>	~0.19 acre (65 ft. x 125 ft.)
<b>PROPOSED USE</b>	Those uses permitted in the P-O (Professional Office District) and the attainment of consistency with the Future Land Use Map.

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and approve the requested P-O zoning, subject to the following restriction and waivers:**

Restriction:

1. A six (6) foot masonry wall or six (6) foot PVC (vinyl) fence shall be required along the eastern (rear) property line.

Waiver(s):

1. A waiver of Section 38-806(2) of the Orange County Code is granted to reduce the minimum lot size requirement from 10,000 square feet to 8,125 square feet.
2. A waiver of Section 38-806(3) of the Orange County Code is granted to reduce the minimum lot width requirement from 85 feet to 65 feet.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The proposed **P-O (Professional Office District)** zoning, with the one (1) restriction and two (2) waivers, would allow land uses that are compatible with the existing development in the area.

### **Comprehensive Plan (CP) Consistency**

The CP Future Land Use Map (FLUM) designates this location as **Office (O)**, which recognizes areas suitable for professional office and office park-style development. The **P-O (Professional Office District)** zoning is consistent with the Office FLUM designation and the following CP objectives and policies:

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

**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. Density shall be calculated by the total number of units divided by developable land. (Natural lakes and designated Conservation Areas are excluded from the gross land area.)

**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.

**SITE DATA**

**Existing Use**                      Single family dwelling unit (1,552 sq. ft living area)

**Adjacent Zoning**            N:    P-O (Professional Office District) (2002)  
   E:    R-1A (Single Family Dwelling District) (1957)  
   W:    P-O (Professional Office District) (1997)  
   S:    R-1A (Single Family Dwelling District) (1957)

**Adjacent Land Uses**    N:    Office building (converted from SFR)  
   E:    Single family residence  
   W:    Office building (converted from SFR)  
   S:    Single family residence

**PERMITTED USES – P-O (Professional Office District)**

**P-O Professional Office District Summary \***

Min. Lot Area:	10,000 sq. ft.
Min. Lot Width:	85 ft.
Max. Height:	35 ft.
Min. Floor Area:	500 sq. ft.
Building Setbacks:	
Front:	25 ft.
Rear:	30 ft.
Side:	10 ft.
Side Street:	15 ft.

*These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

The intent and purpose of the P-O (Professional Office) zoning district is to provide for and encourage development of a wide variety of high quality functional and attractive professional office centers in accordance with adopted county development plans and policies as well as establish standards which promote high quality site development of individual office structures and larger office centers, both of which are properly oriented towards arterial roads and compatible with adjoining properties. The P-O district also encourages the provision of professional services at the neighborhood and community levels, and to provide sites large enough to permit landscaped open spaces and off-street parking facilities.

Specific uses shall be identified by the letter “P” in the use table set forth in Section 38-77 of the Orange County Code. Offices and clinics of medical doctors; dentists and dental labs, veterinary services, attorneys’ services and offices; engineering and architectural services; contractors’ offices; accountant’s offices and tax consultants; real estate offices and agents, etc.

## **SPECIAL INFORMATION**

### **Subject Property Analysis**

The applicant is seeking to rezone the subject property, currently developed with a small single family residence, from R-1A (Single Family Dwelling District) to P-O (Professional Office District). It is the intent of the applicant to convert the existing residence into a professional office.

The site is currently adjacent to an existing single-family dwelling unit to the east. For this reason, staff recommends that a six (6) foot masonry wall or PVC vinyl fence be constructed along the abutting residential zoning on the east boundary of the subject property.

The subject parcel includes 8,125 square feet and is 65 feet in width, which is less than the 10,000 square feet minimum lot size and 85-foot minimum lot width requirement in the requested P-O zoning classification. Therefore, as applied to other P-O zoned parcels along this segment of Pine Hills Road, staff is recommending waivers from Orange County Sections 38-806(2) and (3) to reflect reduced standards.

Staff finds the rezoning request consistent with the applicable provisions of the Comprehensive Plan and the current development trend of the area.

### **Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Future Land Use Map designation.

### **Rural Settlement**

The subject property is not located within a Rural Settlement.

### **Joint Planning Area**

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 in an Airport Noise Zone.

### **Environmental**

Any new construction will require Best Management Practices (BMPs) to prevent erosion along the boundary of the property and into all drainage facilities and ditches.

Prior to demolition or construction activities associated with existing structures, please provide Orange County EPD with a Notice of Asbestos Renovation or Demolition form.

If a septic system is required, the applicant shall notify the Florida Department of

Health (FDOH), Environmental Health Division (407-521-2630), about modification of the septic system permit. If a septic system is required, refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH.

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.

#### **Transportation/Access**

This project is located within an Alternative Mobility Area. The requested change from residential use to office use will generate less than 10 daily trips and is therefore exempt from meeting mobility strategies.

Sidewalks and bicycle lanes are present on both sides of Pine Hills Road.

Transit is accessible adjacent to this parcel on Links 49 and 301. Pick-up-lane service is also available from this parcel.

#### **Code Enforcement**

There are no pending code enforcement violations on the property at this time.

#### **Water/Wastewater/Reclaim**

Water:	<u>Existing service or provider</u> Orlando Utilities Commission
Wastewater:	Orange County Utilities: <i>10 inch gravity main approximately 400 ft south of the property on N. Pine Hills Road at Elinore Drive</i>
Reclaimed Water:	Orange County

#### **Schools**

Orange County Public Schools (OCPS) did not comment on this case as it does not involve an increase in residential units or density.

#### **Parks & Recreation**

Orange County Parks and Recreation did not comment on this case as it does not involve an increase in residential units or density.

#### **Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.



**ACTION REQUESTED**

**PZC Recommendation** – (February 21, 2013)

TO BE DETERMINED

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

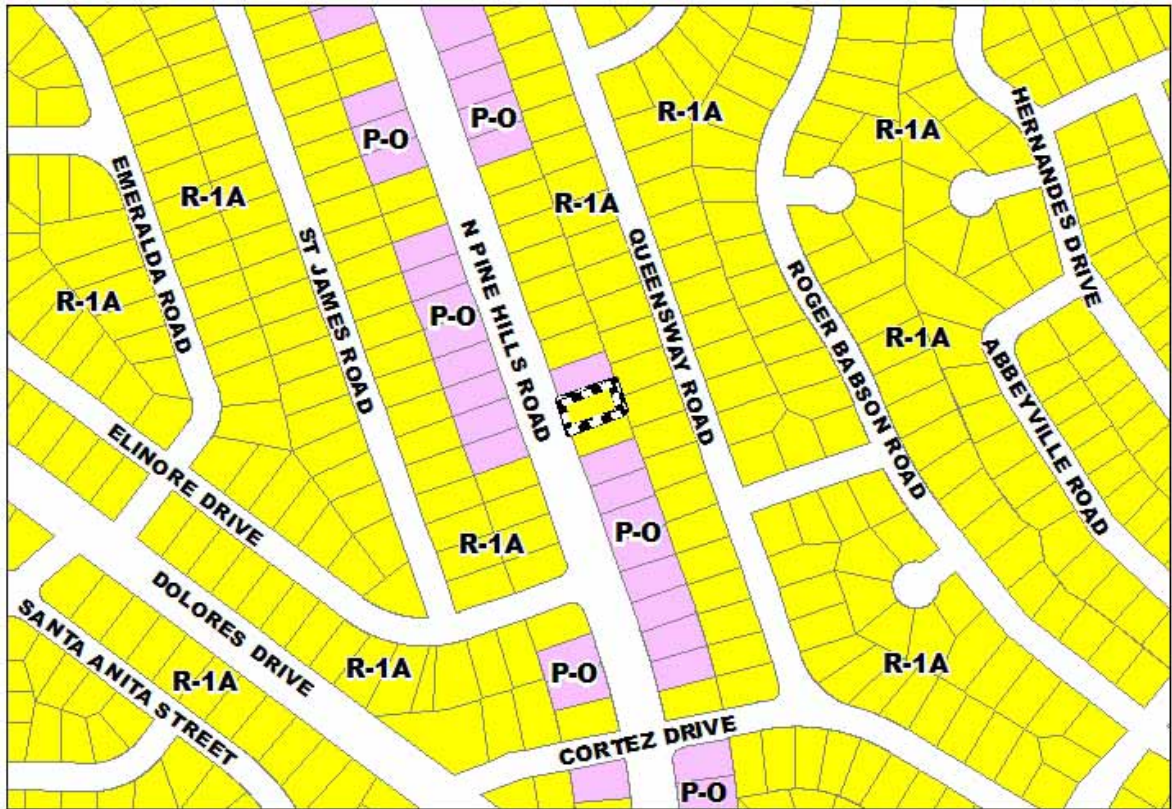
TO BE DETERMINED

**Motion/Second** TO BE INSERTED

**Voting in Favor** TO BE INSERTED

**Absent** TO BE INSERTED

**RZ-13-02-005**



Subject Property

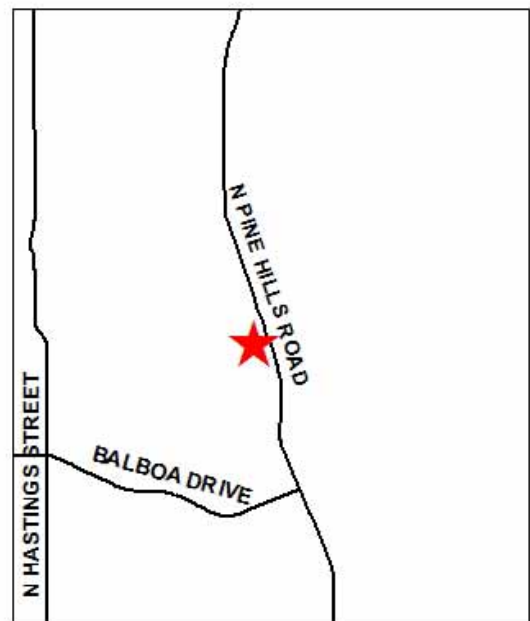


Subject Property

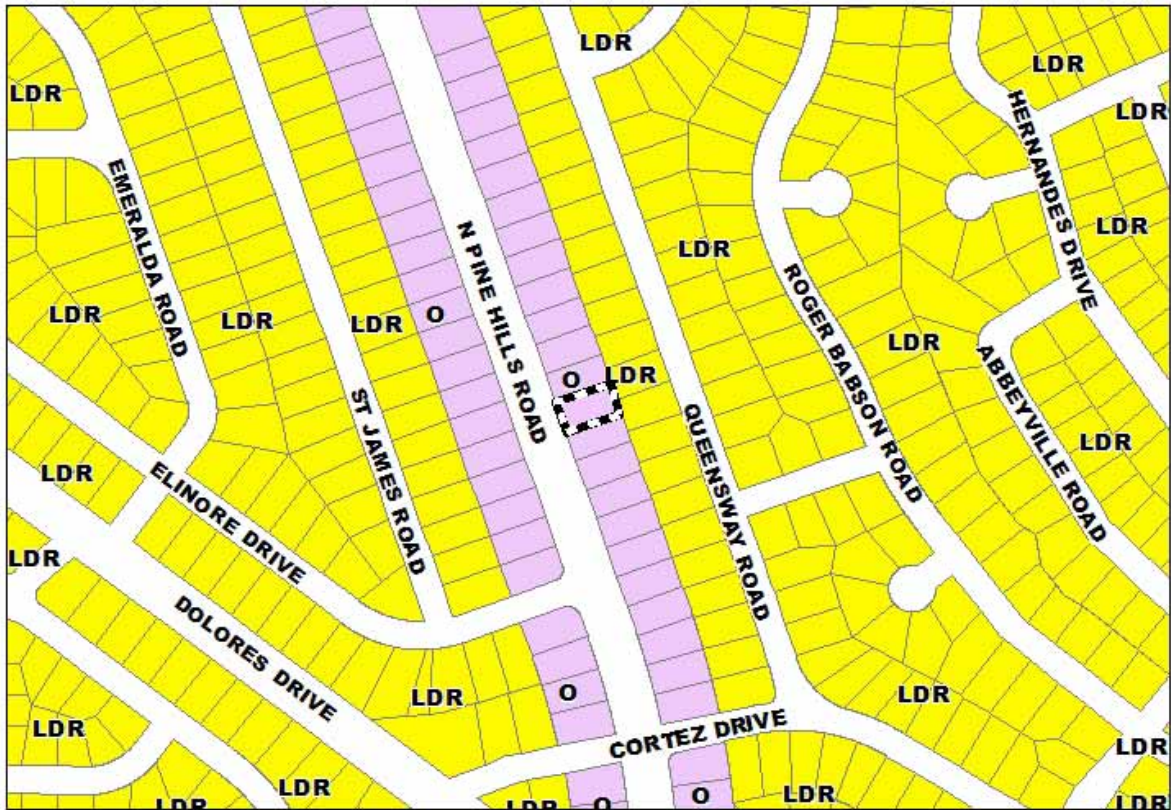
### Zoning

Request: R-1A to P-O  
Applicant: David Aihe  
District: # 6  
S/T/R: 19/22/29  
Location: 1221 N. Pine Hills Road  
Tract Size: ~.186 Acres

1 inch = 333 feet



**RZ-13-02-005**



Subject Property

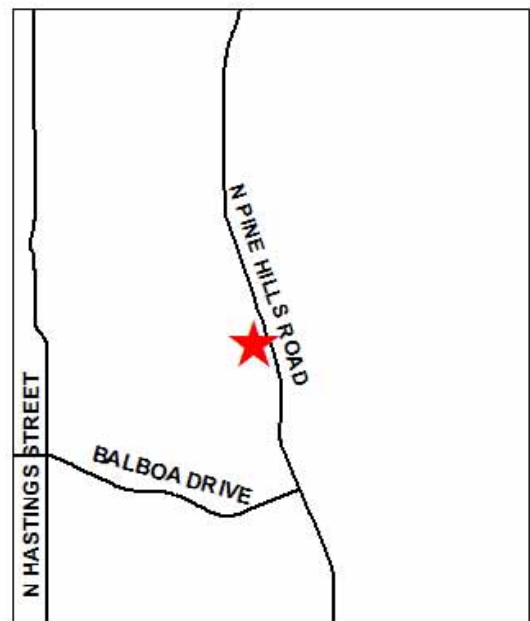


Subject Property

### Future Land Use

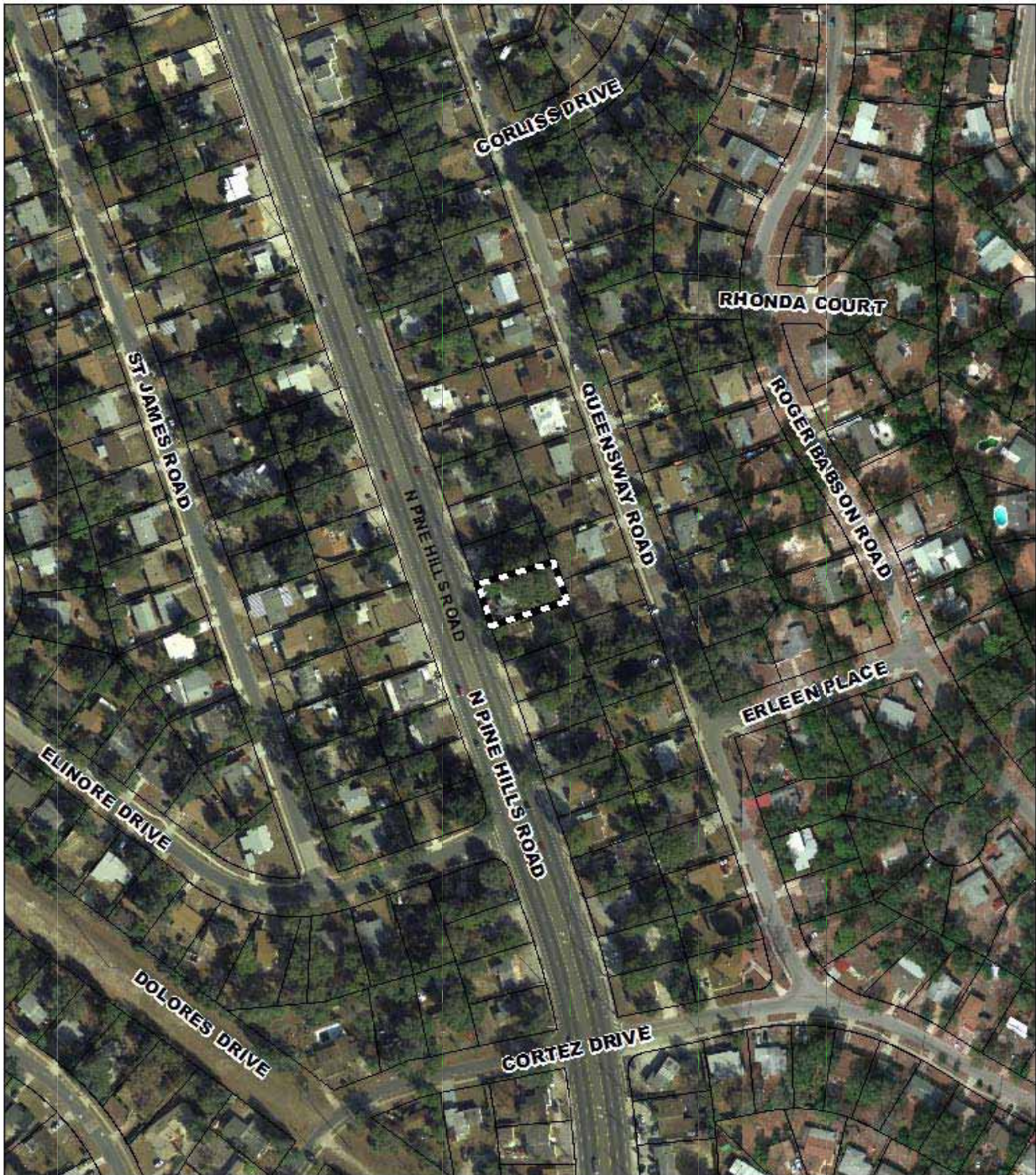
FLU: Office (O)  
Applicant: David Aihe  
Tract Size: ~.186 Acres  
District: # 6  
S/T/R: 19/22/29

1 inch = 333 feet





**RZ-13-02-005**



 Subject Property



1 inch = 208 feet

**CASE # RZ-13-02-006**

Commission District: # 5

**GENERAL INFORMATION**

<b>APPLICANT</b>	Robert E. Carrigan, Jr.
<b>OWNER</b>	Robert E. Carrigan, Jr.
<b>PROJECT NAME</b>	Circle C Ranch
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	R-CE (Country Estate District) to R-CE-C (Country Estate District – Cluster)
<b>LOCATION</b>	4918 and 4950 N. Fort Christmas Road; generally described as the east and west side of N. Fort Christmas Road, immediately south of the Orange / Seminole County Line
<b>PARCEL ID NUMBERS</b>	03-22-32-0000-00-007; 03-22-32-0000-00-001 and 03-22-32-0000-00-005
<b>PUBLIC NOTIFICATION</b>	<p>The notification area for this public hearing was 1,500 feet (Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet). Ninety-six (96) notices were mailed to those property owners in the mailing area.</p> <p>A community meeting was not held for this application.</p>
<b>TRACT SIZE</b>	~76.8 gross acres / ~58.1 net acres
<b>PROPOSED USE</b>	A residential subdivision with forty-nine (49) clustered single-family lots.

## **STAFF RECOMMENDATION**

### **PLANNING**

**Make a finding of consistency with the Comprehensive Plan and approve the requested R-CE-Cluster zoning, subject to the following four (4) restriction(s):**

#### **Restriction(s):**

1. Development shall comply with the submitted cluster land use plan dated "Received January 3, 2013";
2. The minimum lot size shall be 21,780 square feet (1/2 acre);
3. Residential development shall be limited to 49 single family lots; and
4. Prior to Preliminary Subdivision Plan (PSP) approval, development will be subject to School Concurrency and Capacity Enhancement review, and the applicant or any subsequent property owner will be required to apply for a Capacity Enhancement Agreement and/or a School Concurrency Mitigation Agreement with the School Board of Orange County, Florida.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The proposed **R-CE-C** zoning would allow land uses that are compatible with existing development and the development trend in the area. This includes the 575-acre "Lake Pickett Cluster Plan" development located directly south of the subject property. Though undeveloped, the Lake Pickett Cluster Plan, was rezoned to R-CE-C in 2003 and allows for 575 single family lots.

### **Comprehensive Plan (CP) Consistency**

The subject property is located within the Lake Pickett Rural Settlement and is designated **RS 1/1** (Rural Settlement 1/1) on the adopted CP Future Land Use Map. This designation recognizes areas suitable for large lot, single family development at a maximum residential density of one (1) dwelling unit per net developable acre.

Similar to the existing R-CE zoning district, the requested **R-CE-Cluster** zoning is consistent with the underlying RS 1/1 FLUM designation and allows a maximum residential density of one (1) dwelling unit per net developable acre. However, unlike the existing R-CE zoning district which requires a minimum 1-acre lot size, the requested R-CE-C zoning allows residential lots to be "clustered" with minimum 1/2 acre lots.

Staff has determined that the requested R-CE-Cluster zoning is consistent with the Comprehensive Plan, including the following CP provisions:

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

**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. Density shall be calculated by the total number of units divided by developable land. (Nature lakes and designated Conservation Areas are excluded from the gross land area.)

**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 FLU6.2** states Rural Settlements provide for a rural residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the CP was adopted in 1991. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the rural services area while providing for rural communities.

**FLU6.2.1** states that Rural Settlements were implanted to recognize communities that existed at the time of the 1991 CPP adoption. This policy change is being implement as part of this update's strategy to focus development within the County's USA and discourage the proliferation of extended Rural Settlement Boundaries. In addition this policy will allow time for vacant and committed lands within existing Rural Settlements to develop as a means of satisfying this style of living.

**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).

**FLU6.2.6** states that the Future Land Use Map shall reflect the permitted densities of development within the Rural Settlements. Clustering of units with dedicated open space shall be allowed so long as the overall density does not exceed that specified on the Future Land Use Map. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C).



**SITE DATA**

<b>Existing Use</b>	Vacant
<b>Adjacent Zoning</b>	N: A-1 ( <i>Seminole County Zoning Designation</i> ) E: A-1 ( <i>1957</i> ) W: Lake Pickett ( <i>R-CE on western shore line of Lake Pickett</i> ) S: R-CE-C ( <i>2003</i> )
<b>Adjacent Land Uses</b>	N: Single family home E: Single family home W: Lake Pickett S: Vacant / Agricultural ( <i>Citrus Groves</i> )

**PERMITTED USES (R-CE-C)**

**R-CE-C (Country Estate-Cluster District) Summary \***

Min. Lot Area:	1/2 acre (21,780 sq. ft.)
Min. Lot Width:	100 ft.
Max. Height:	35 ft.
Min. Living Area:	1,500 sq. ft.
Building Setbacks:	
Front:	30 ft.
Rear:	25 ft.
Side:	10 ft.
Side Street:	15 ft.

*\* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

The intent and purpose of the R-CE-C zoning district is to provide an alternative approach to residential development under specified residential zoning districts. The R-CE-C district enhances the living environment through the creation of permanent open space and provides flexibility in lot size, housing styles and building placement for a variety in development design compatible with abutting development. The district maintains gross densities compatible with and equal to those possible under the conventional zoning.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code. Single-family homes, home occupations (as defined in Sec. 38-1 Orange County Code), citrus and fruit crops cultivation, etc.



## **SPECIAL INFORMATION**

### **Subject Property Analysis**

The developer shall comply with all concurrency requirements implemented or approved by Orange County.

The applicant is seeking to rezone the subject property, presently vacant, from R-CE (Rural Country Estate) to R-CE-C (Country Estate - Cluster District) in order to develop a forty-nine (49) lot subdivision. Lots located along Lake Pickett will be one (1) acre in size while the interior lots will be one-half (1/2) acre in size. Each lot will be individually served by private wells and septic tanks.

The net upland area of the proposed subdivision includes 58.1 acres; therefore with 49 lots and a net residential density of 0.84 units per acre, the project exceeds the density requirements of the RS 1/1 (Rural Settlement 1/1) FLUM designation.

Staff finds the rezoning request consistent with the applicable provisions of the Comprehensive Plan and the development trend of the surrounding area, which is characterized by a mix of large lot residential development and rural activity.

### **Comprehensive Plan (CP) Amendment**

A CP Amendment is not required for this application, as the requested zoning is consistent with the RS 1/1 Future Land Use Map designation.

### **Rural Settlement**

The subject property is located in the Lake Pickett Rural Settlement.

### **Joint Planning Area**

The subject property is not located in a JPA.

### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

### **Airport Noise Zone**

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

### **Environmental**

There are Class I and Class III wetlands and surface waters on site amounting to approximately 20 acres. An Orange County Conservation Area Determination CAD-11-09-043 was completed for this property with a certified survey of the conservation area boundary approved on May 16, 2012.

The following information will be required for all subsequent development plans or permit applications: the CAD reference number, the approved conservation area boundary survey lines, the identification numbers of all conservation areas, the wetland classifications and acreage of each.

The property is located on the shore of Lake Pickett with Normal High Water Elevation (NHWE) established at 56.8 feet NGVD 29 in the Lake Index of Orange

County.

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area unless approved by the Environmental Protection Division (EPD). Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

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.

This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance area. Basin-wide regulations apply. Reference Chapter 15 Article XI. Basin regulations include, but are not limited to, wetland buffers, wildlife habitat preservation and landscaping with native plant species. In the Econlockhatchee River Protection Ordinance area, all Class I and II wetlands must have a 50-foot average, 25-foot minimum, undisturbed upland buffer located landward of the wetland line that shall retain natural vegetation, or else a wetland impact permit is required.

Approval of this request does not constitute approval of a permit for the construction or renovation of a boat dock (including but not limited to boardwalks or observation piers) or a boat ramp. Any person desiring to construct a boat dock or boat ramp within Unincorporated Orange County shall first apply for a permit prior to the installation. A boat dock shall require additional permitting under Chapter 15, Article IX, Dock Construction, and a boat ramp shall require additional permitting under Chapter 15, Article XV, Boat Ramps. Applications shall be submitted to the Orange County EPD.

All development is required to pre-treat runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Pollution abatement swales shall be provided upland of the NHWE on all lakes and wetlands connected to lakes per Orange County Code, Chapter 34, Section 132. Areas that drain away from wetlands or lakes do not require a swale. Show the direction of drainage, location of all swales and include a 'typical' cross section in the plans. The swale shall be labeled on the plans and included on the plat in a pollution abatement easement.

This property may be the location of petroleum spills, agricultural related contamination, and fertilizer, pesticide or herbicide spillage. Prior to plan or permit approvals, the Orange County EPD will require a completed Phase I Environmental Site Assessment (ESA). If the site is determined to have soil or groundwater contamination, then the applicant must provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels. Depending upon the Phase I ESA results, sampling of soils and/or groundwater may also be required.

**Transportation/Access**

Based on the Concurrency Management Database, there are no failing roadways within a two and one-half (2.5) mile radius of this project.

An approved Capacity Encumbrance Letter (CEL) prior to obtaining a building permit for this project.

**Water/Wastewater/Reclaim**

	<u>Existing service or provider*</u>	
Water:	Orange County Utilities:	The nearest water main is several miles from the site at the intersection of Lake Pickett Rd & Fontana Estates Dr.
Wastewater:	Orange County Utilities:	The nearest wastewater main is several miles from the site, at the intersection of Chuluota Rd and Cypress Lakes Glen Blvd.
Reclaim Water:	N/A	

*\*This is provided for information only, may not reflect the actual connection point. Connection point(s) will be determined at Final Construction Plan Review.*

**Schools**

The requested R-CE-Cluster zoning district is an extension of the existing R-CE district and does not increase existing residential entitlements or density. However, prior to approval of a Preliminary Subdivision Plan (PSP), development will be subject to School Concurrency and Capacity Enhancement review. The applicant or any subsequent property owner will be required to apply for a Capacity Enhancement Agreement and/or a School Concurrency Mitigation Agreement with the School Board of Orange County, Florida.

**Parks & Recreation**

The Parks and Recreation Division reviewed the request but did not comment on the case.

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

**ACTION REQUESTED**

**PZC Recommendation** - (February 21, 2013)

TO BE DETERMINED

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

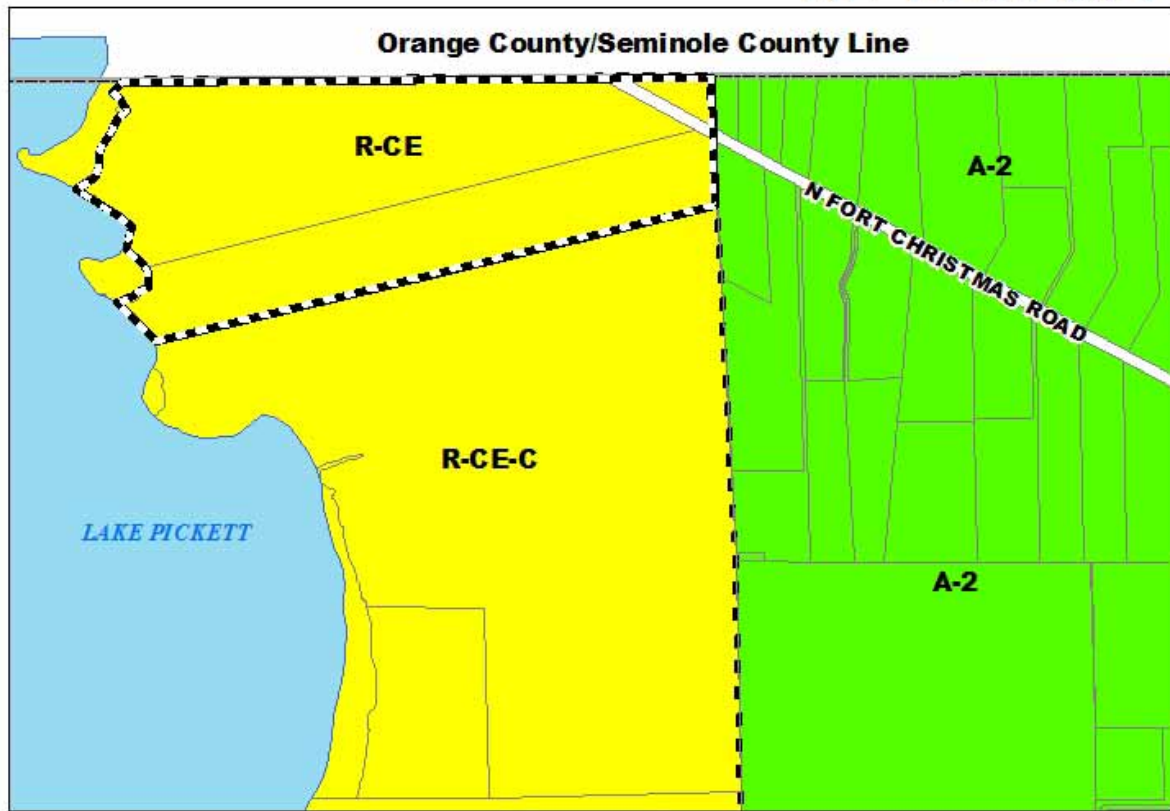
TO BE DETERMINED

**Motion/Second** TO BE INSERTED

**Voting in Favor** TO BE INSERTED

**Absent** TO BE INSERTED

**RZ-13-02-006**



Subject Property

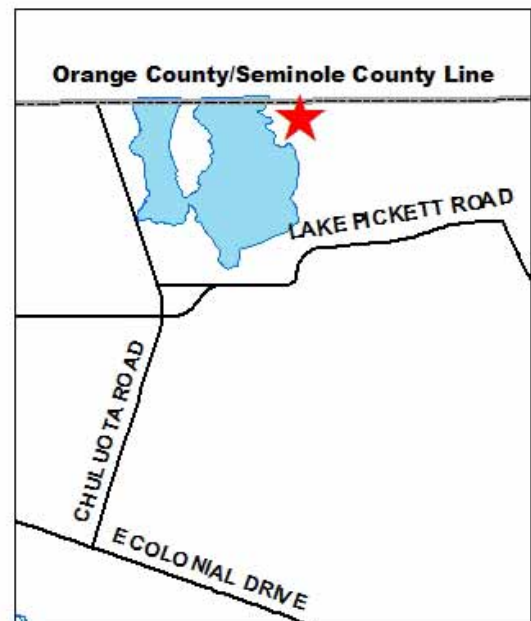


Subject Property

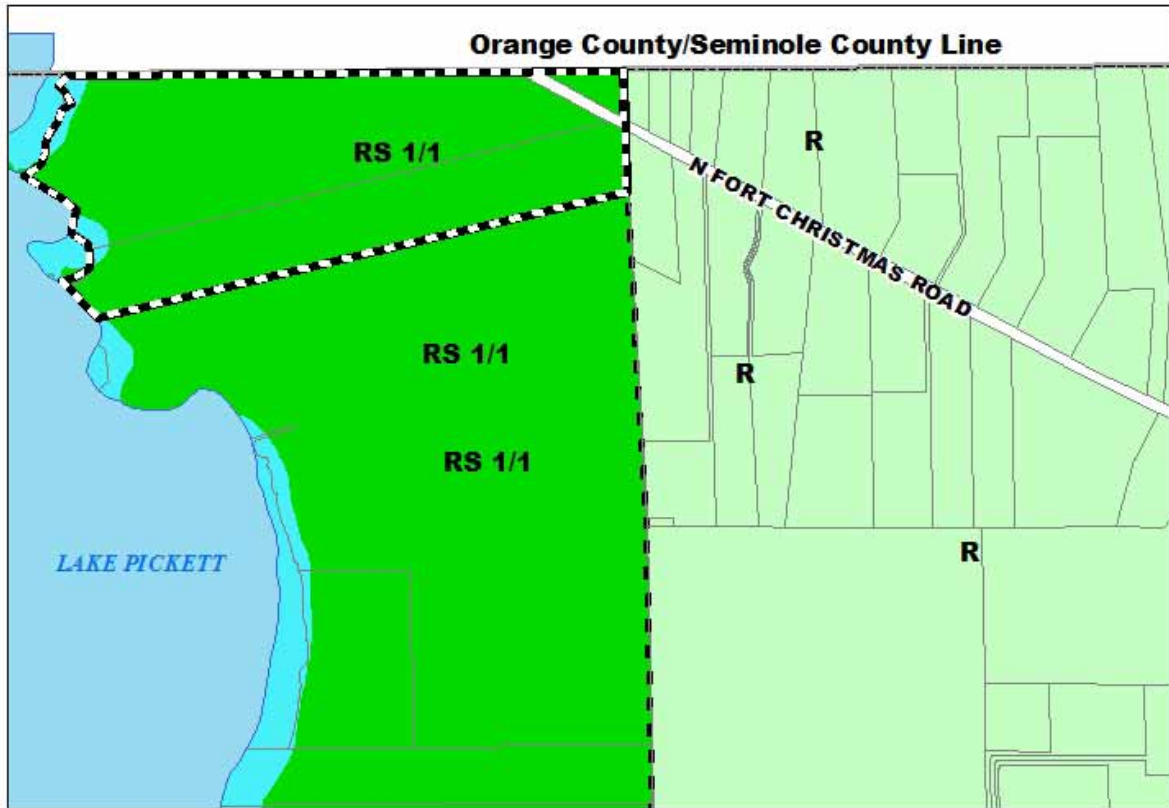
### Zoning

Request: R-CE to R-CE-C  
Applicant: Robert E Carrigan Jr.  
District: #5  
S/T/R: 03-22-32  
Location: 4918 & 4950 N. Fort Christmas Road  
Tract Size: ~76.8 Acres

1 inch = 833 feet



**RZ-13-02-006**



 Subject Property

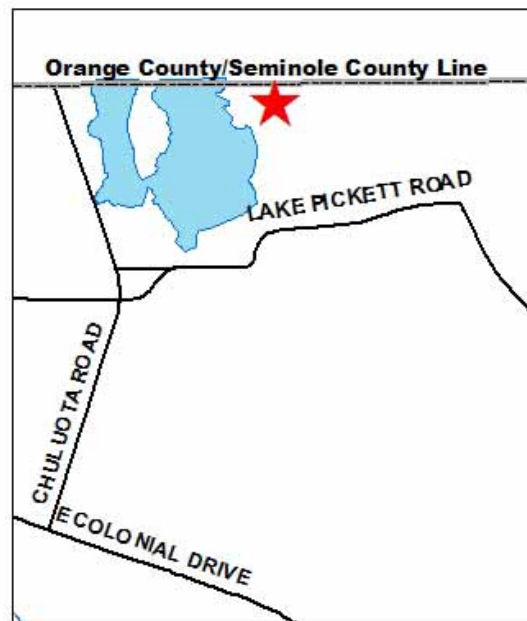


 Subject Property

### Future Land Use

FLU: RS 1/1  
Applicant: Robert E Carrigan Jr.  
Tract Size: ~76.8 Acres  
District: # 5  
S/T/R: 03-22-32

1 inch = 886 feet





**RZ-13-02-006**

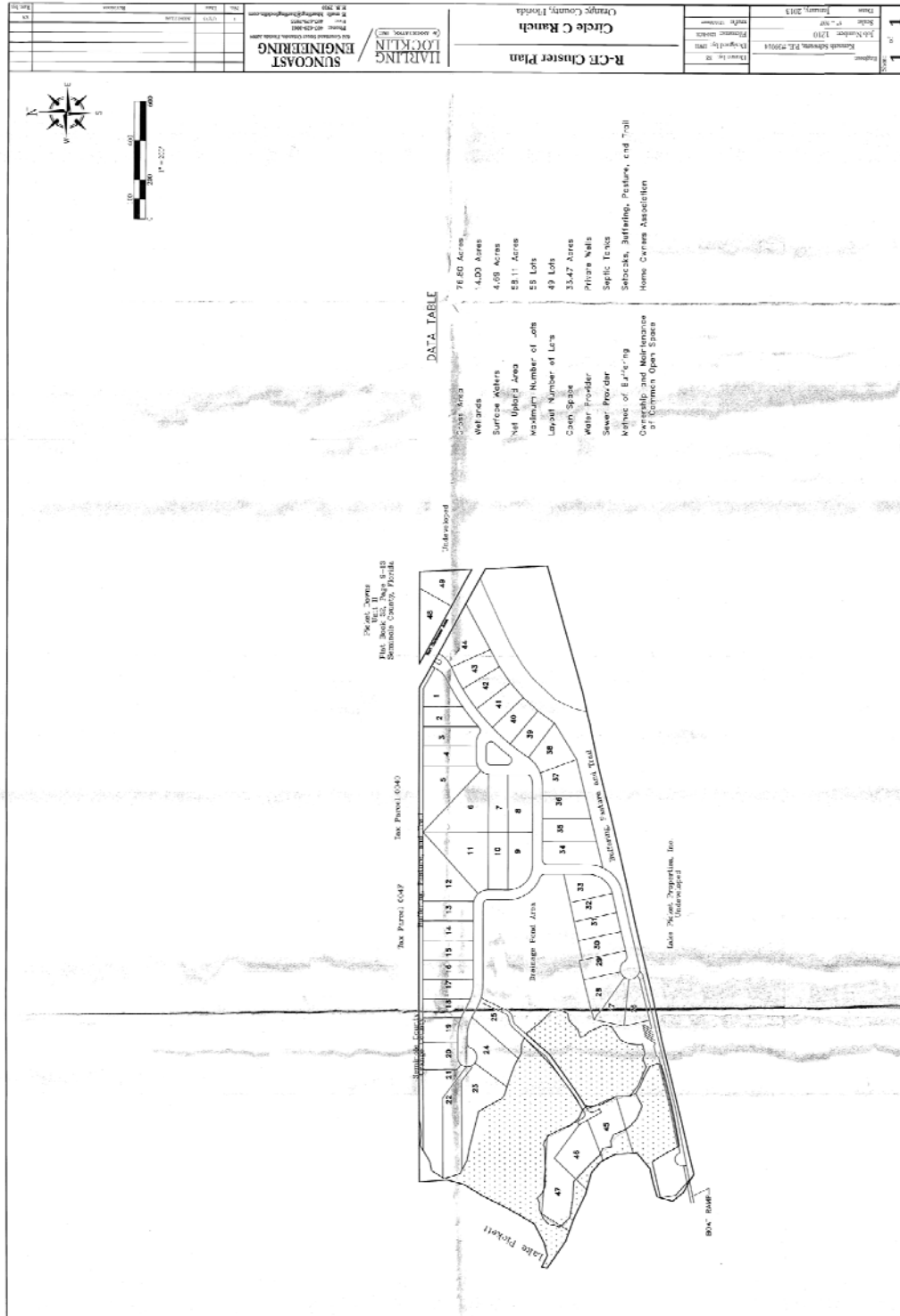


 Subject Property



1 inch = 1,034 feet

**CIRCLE C RANCH – CLUSTER PLAN: CASE # RZ-13-02-006**





**CASE # RZ-13-02-007**

Commission District: # 3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Farhad Mohebban
<b>OWNER</b>	Farhad Mohebban
<b>PROJECT NAME</b>	N/A
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-1</b> (Single-Family Dwelling District) (1957) <b>to</b> <b>C-1</b> (Retail Commercial District)
<b>LOCATION</b>	7311 Curry Ford Road; generally described as the north side of Curry Ford Road, approximately 300 feet east of S. Goldenrod Road.
<b>PARCEL ID NUMBER</b>	02-23-30-3028-01-120
<b>PUBLIC NOTIFICATION</b>	<p>The notification area for this public hearing was 1,200 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred and twenty three (123) notices were mailed to those property owners in the mailing area.</p> <p>A community meeting was not held for this application.</p>
<b>TRACT SIZE</b>	~2.2 acres
<b>PROPOSED USE</b>	Those uses permitted in the C-1 (Retail Commercial District) and the attainment of consistency with the Future Land Use Map.

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and approve the requested C-1 zoning, subject to the following restriction:**

Restriction:

1. Billboards and pole signs shall be prohibited.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The proposed **C-1 (Retail Commercial District)** zoning, with the one (1) restriction, would allow land uses that are compatible with the existing development in the area.

### **Comprehensive Plan (CP) Consistency**

The CP Future Land Use Map (FLUM) designates this location as **Commercial (C)**, which allows consideration of neighborhood and community scale commercial and office development. The **C-1 (Retail Commercial District)** zoning is consistent with the Commercial FLUM designation and the following CP objectives and policies:

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

**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. Density shall be calculated by the total number of units divided by developable land. (Natural lakes and designated Conservation Areas are excluded from the gross land area.)

**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.

## **SITE DATA**

<b>Existing Use</b>	Vacant
<b>Adjacent Zoning</b>	N: C-1 (Retail Commercial District) (1987) E: C-1 (Retail Commercial District) (1987) W: C-1 (Retail Commercial District) (1957) S: C-1 (Retail Commercial District) (1957)
<b>Adjacent Land Uses</b>	N: Wetlands/retention pond E: Curry Ford Animal Hospital W: WaWa Gas Station (under construction) S: CVS

**PERMITTED USES – C-1 (Retail Commercial District)**

**C-1 Retail Commercial District Summary \***

Min. Lot Area:	6,000 sq. ft.
Min. Lot Width:	80 ft. (major street)
	60 ft. (all other streets)
Max. Height:	50 ft.
Min. Floor Area:	500 sq. ft.
Building Setbacks:	
Front:	25 ft.
Rear:	20 ft.
Side:	0 ft.
Side Street:	15 ft.

*These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

The C-1 (Retail Commercial District) zoning is composed of lands and structures used primarily for the furnishing of selected commodities and services at retail. The C-1 zoning district is encouraged along intersections of collectors and arterial roadways and where it does not direct commercial traffic through residential districts. The C-1 zoning district is also encouraged where such development is compatible with adjacent areas or where buffers can be provided to ensure compatibility.

Specific uses shall be identified by the letter “P” in the use table set forth in Section 38-77 of the Orange County Code.

**SPECIAL INFORMATION**

**Subject Property Analysis**

The applicant is seeking to rezone the subject property, currently undeveloped, from R-1A (Single-Family Dwelling District) to C-1 (Retail Commercial District). It is the intent of the applicant to develop the lot for retail commercial purposes.

Staff finds the rezoning request consistent with the applicable provisions of the Comprehensive Plan. The development pattern of the surrounding area along this stretch of Curry Ford Road is characterized by a various mix of commercial uses and intensities. Staff recommends approval of the rezoning request, subject to the one (1) restriction prohibiting billboards and pole signs.

**Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Commercial (C) Future Land Use Map designation.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area**

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 site is located in Airport Noise Zone "E" and is subject to the Airport Noise Zoning Ordinance.

**Environmental**

Any new construction will require Best Management Practices (BMPs) to prevent erosion along the boundary of the property and into all drainage facilities and ditches.

All development is required to pre-treat runoff for pollution abatement purposes, pursuant to Orange County Code 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Prior to earth work or construction, if one acre or more will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County EPD, NPDES Administrator.

Soils maps and aerial photographs indicate there may be wetlands on site. Prior to approval of Orange County permits a completed Conservation Area Determination (CAD), outlined in Chapter 15, Article X, shall be required. No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to conservation areas shall be allowed unless approved by Orange County EPD.

A bald eagle nest (ID OR069) has been located in close proximity to this property. If any species listed by the State or Federal wildlife agencies as Threatened, Endangered, or of Special Concern are present on the property, all applicable permits from the appropriate agencies shall be required.

**Transportation/Access**

Based on the Concurrency Management System (CMS) database there are no failing roadway segments within the project impact area and capacity is available to be encumbered.

A Capacity Encumbrance Letter shall be required prior to obtaining a building permit.

**Code Enforcement**

There are no pending code enforcement violations on the property at this time.

**Water/Wastewater/Reclaim**

Water:	<u>Existing service or provider</u> Orange County Utilities:	20-inch WM located in Curry Ford right-of-way
Wastewater:	Orange County Utilities:	24-inch force main located in Curry Ford right-of-way
Reclaimed Water:	Orange County Utilities:	Currently no mains located in the vicinity of the site.

**Schools**

Orange County Public Schools (OCPS) did not comment on this case as it does not involve an increase in residential units or density.

**Parks & Recreation**

Orange County Parks and Recreation did not comment on this case as it does not involve an increase in residential units or density.

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

**ACTION REQUESTED**

**PZC Recommendation** – (February 21, 2013)

TO BE DETERMINED

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

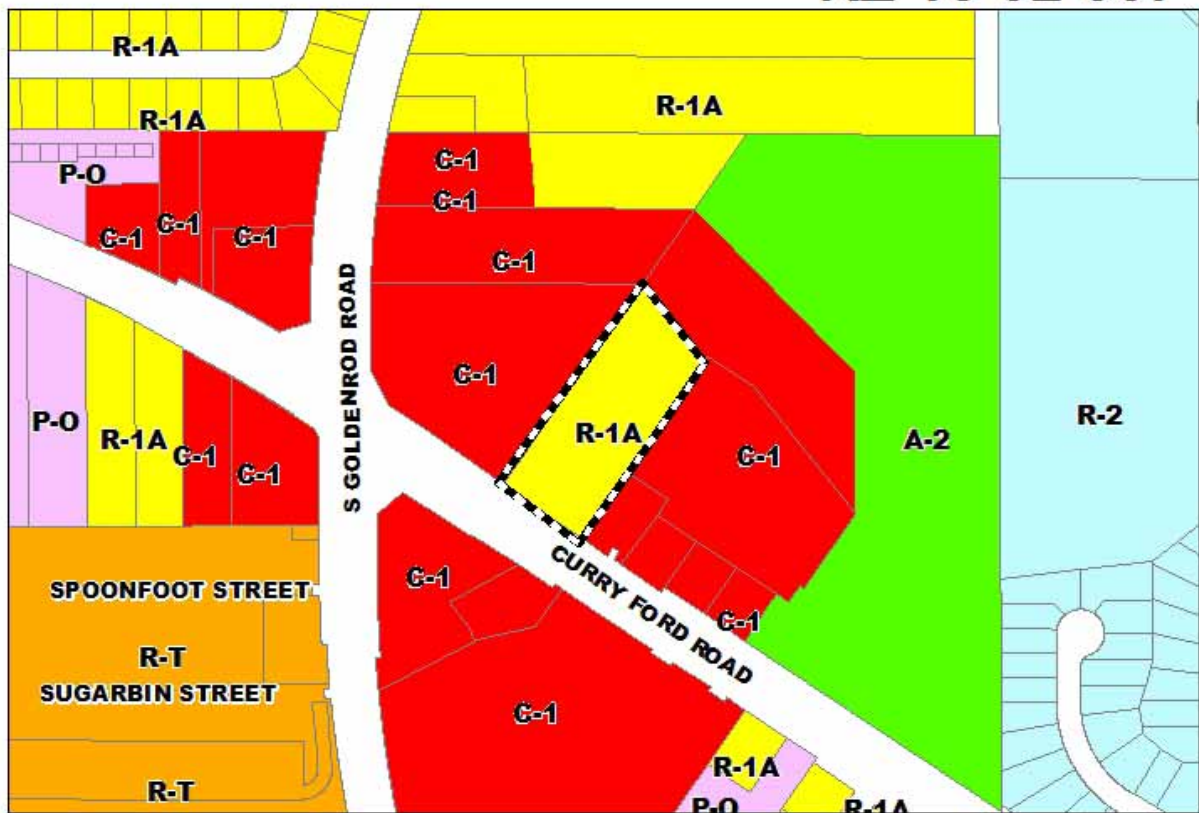
TO BE DETERMINED

**Motion/Second** TO BE INSERTED

**Voting in Favor** TO BE INSERTED

**Absent** TO BE INSERTED

**RZ-13-02-007**



 Subject Property

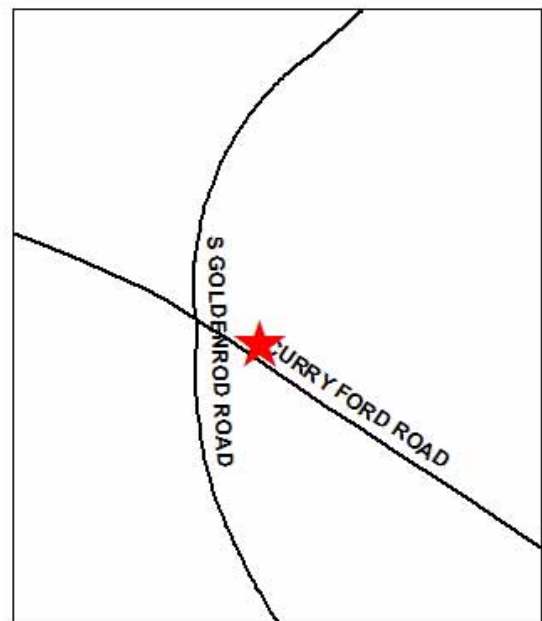


 Subject Property

### Zoning

Request: R-1A to C-1  
Applicant: Farhad Mohebban  
District: #3  
S/T/R: 02/23/30  
Location: 7311 Curry Ford Road  
Tract Size: ~2.23 Acres

1 inch = 333 feet





**RZ-13-02-007**



Subject Property

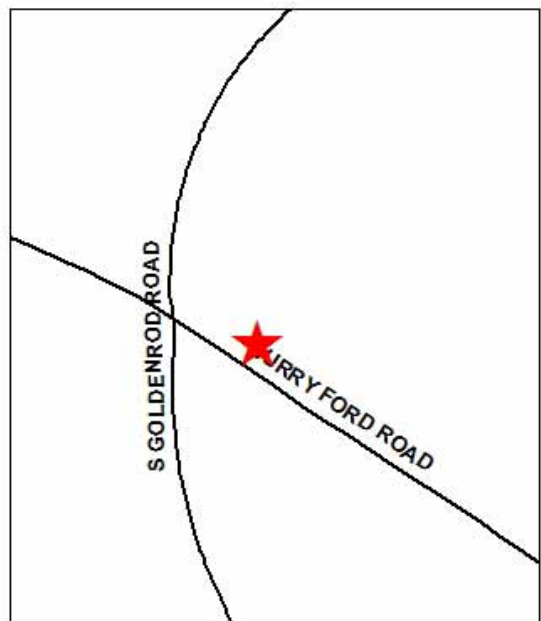


Subject Property

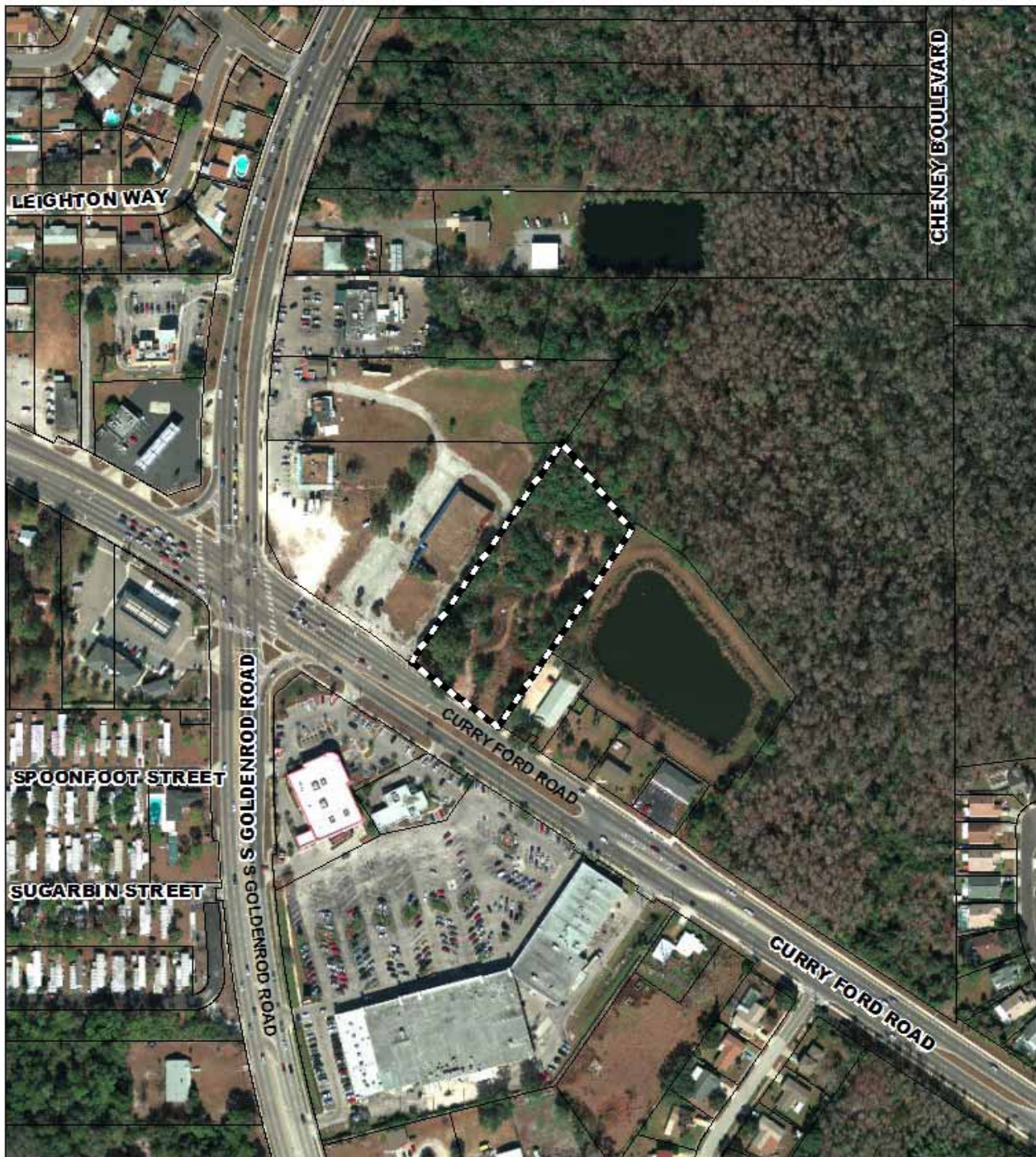
### Future Land Use

FLU: Commercial (C)  
Applicant: Farhad Mohebban  
Tract Size: ~2.23 Acres  
District: # 3  
S/T/R: 02/23/30

1 inch = 333 feet



**RZ-13-02-007**



 **Subject Property**



1 inch = 250 feet

**CASE # LUP-12-09-184**

Commission District: # 5

**GENERAL INFORMATION**

<b>APPLICANT</b>	Scott Glass, Shutts & Bowen, LLP
<b>OWNER</b>	Roxbury, LLC
<b>PROJECT NAME</b>	Roxbury Office Planned Development / Land Use Plan (PD/LUP)
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-1A</b> (Single Family Dwelling District) <b>to</b> <b>PD</b> (Planned Development District)
<b>LOCATION</b>	2654 Roxbury Road; south side of Roxbury Road, east of Wymore Road, north of Fairbanks Avenue, and west of Granada Drive
<b>PARCEL ID NUMBER</b>	02-22-29-2996-13-060
<b>PUBLIC NOTIFICATION</b>	<p>The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Sixty-one (61) notices were mailed to those property owners in the mailing buffer area.</p> <p>Three (3) community meetings were held for the associated Comprehensive Plan amendment, 2012-2-S-5-1.</p>
<b>TRACT SIZE</b>	~0.20-acre
<b>PROPOSED USES</b>	One (1) single-family residential unit or a 635 square foot office building (existing)



## **STAFF RECOMMENDATION**

### **DRC RECOMMENDATION (December 19, 2012)**

**Make a finding of consistency with the Comprehensive Plan and approve the Roxbury Office PD/LUP zoning, subject to the following conditions:**

1. Development shall conform to the Roxbury Office PD Land Use Plan dated "Received January 10, 2013," 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, density 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 of this zoning and the Land Use Plan dated "Received January 10, 2013," 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 at the public hearing where this development was approved, 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. 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 or approved.
3. Outdoor sales, storage and display shall be prohibited.
4. The following applicable waivers are granted for Office use only:
  - a. A waiver from Orange County Code Section 24-4(a)(1) to eliminate the applicable landscaping requirements for vehicular use areas located adjacent to a right-of-way/roadway.
  - b. A waiver from Orange County Code Section 24-4(a)(2) to eliminate the applicable landscaping requirements adjacent to properties zoned or

designated for residential use that are owned by the Florida Department of Transportation (FDOT).

- c. A waiver from Orange County Code Section 24-4(d) to eliminate the applicable building perimeter landscaping requirements provided between all buildings and the public right-of-way and along the primary façade.
  - d. A waiver from Orange County Code Section 24-5(a)(4) to eliminate the applicable Type D buffer requirements along the southern and western parcel boundaries where adjacent property is owned by the Florida Department of Transportation (FDOT) only.
  - e. Waivers from Orange County Code Section 38-1230(a) and 38-1272(d) to allow parking areas to utilize DOT 57 stone (with the exception of the ADA space) in lieu of the requirement that all parking areas be paved.
  - f. Waivers from Orange County Code Sections 38-1272(3) and 38-1272(3)(c) to allow an 11.6' PD perimeter setback along the west property line, a 20.55' PD perimeter setback along the east property line, and a 2.8' PD perimeter setback along the south property line for existing structures only, in lieu of the required 60' PD perimeter setback from an Expressway (west) and the required 25' PD perimeter setback (east and south).
  - g. A waiver from Section 38-1272(a)(3)(d) to allow a 25' front setback for existing structures only, in lieu of the required 30' front setback.
  - h. A waiver from Orange County Code Section 38-1501 to allow a minimum lot width of 57.35' and a minimum lot area of 8,659 square feet for existing structures only, in lieu of a minimum lot width of 85' and a minimum lot area of 10,000 square feet.
5. The following applicable waivers are granted for Residential use only:
- a. A waiver from Orange County Code Section 38-1252 to eliminate the 10% open space requirement for residential.
  - b. A waiver from Orange County Code Section 38-1253 to eliminate the mandatory recreation area requirement.
  - c. Waivers from Orange County Code Sections 38-1254(1) and 38-1254(2)(d) to allow an 11.6' PD perimeter setback along the west property line, a 20.55' PD perimeter setback along the east property line, and a 2.8' PD perimeter setback along the south property line for existing structures only, in lieu of the required 75' PD perimeter setback from an Expressway (west) and the required 25' PD perimeter setback (east and south).
  - d. A waiver from Orange County Code Section 38-1272(a)(3)(d) to allow a 25' front setback for existing structures only, in lieu of the required 30' front setback.

- e. A waiver from Orange County Code Section 38-1501 to allow a minimum living area of 635 square feet and a minimum lot width of 57.35' for existing structures only, in lieu of the required minimum living area of 1,200 square feet and required minimum lot width of 75'.
6. In the event the subject PD property is conveyed to any entity not owned by Joseph and Margaret Sanfelippo (the current property owners), the property shall automatically revert from Office use to Residential use only and shall be subject to the preceding residential waivers from the Orange County Code.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The proposed **PD (Planned Development District)** zoning would allow for land uses that are compatible with the existing development in the area.

### **Comprehensive Plan (CP) Consistency**

The Board of County Commissioners adopted Comprehensive Plan amendment 2012-2-S-5-1 on November 13, 2012. This amended the subject property's Future Land Use Map (FLUM) designation from Low Density Residential (LDR) to Planned Development – Office / Low Density Residential (PD-O/LDR). Therefore, the rezoning request appears consistent with the Comprehensive Plan.

## **SITE DATA**

<b>Existing Use</b>	Unpermitted office
<b>Adjacent Zoning</b>	N: R-1A (Single Family Dwelling District) (1957) E: R-1A (Single Family Dwelling District) (1957) W: R-1A (Single Family Dwelling District) (1957) S: R-1A (Single Family Dwelling District) (1957)
<b>Adjacent Land Uses</b>	N: Multi-family duplex Single-family dwelling unit E: Multi-family duplex W: Vacant Land (future I-4 expansion) S: Vacant Land (future I-4 expansion)

## **APPLICABLE PD GUIDELINES**

Maximum building height:	1 story / 35'
Minimum living area:	635 sq. ft.
Minimum office FAR:	0.073 FAR / 635 sq. ft.
Minimum lot size:	8,659 sq. ft.
Minimum lot width:	57.35 ft.
Maximum lot coverage:	37% / 3,150 sq. ft.
Minimum open space:	63% / 5,532 sq. ft.



*Minimum Building Setbacks*

Front (street) setback:	25 ft.
Side (east) setback:	20.55 ft.
Side (west) setback:	11.6 ft.
Rear setback:	2.8 ft.

**SPECIAL INFORMATION**

**Subject Property Analysis**

The applicant is seeking to rezone the subject property, a ~0.20-acre parcel which is improved with a 635 square foot structure, from R-1A (Single Family Dwelling District) to PD (Planned Development District). The property is currently being used as an unpermitted office. The applicant was cited by Orange County Code Enforcement for the illegal use of a residential property, and has since taken steps to legitimize the office use on site.

The Board of County Commissioners adopted Comprehensive Plan amendment 2012-2-S-5-1 on November 13, 2012, which amended the Future Land Use Map (FLUM) designation from Low Density Residential (LDR) to Planned Development – Office / Low Density Residential (PD – O/LDR). This FLUM classification allows for the consideration of either one single-family unit, or a 635 square foot office with an approved land use plan. The applicant is now requesting to rezone the property, consistent with the previously-approved Comprehensive Plan amendment.

Additionally, the applicant has requested various waivers from the Orange County Code to reflect the existing conditions on the lot. The waivers to obviate the need for commercial landscaping are proposed in keeping with the residential character of the adjacent properties. Additionally, the applicant has requested a waiver from Section 24-5(a)(4) to eliminate the applicable Type D buffer requirement along the southern and western parcel boundaries where adjacent property is owned by the Florida Department of Transportation (FDOT). The property adjacent to the southern and western parcel boundaries has been acquired by FDOT for the future expansion of Interstate 4. The applicant will provide the required buffering adjacent to the existing single-family dwelling unit to the east.

The applicant has also placed notes on the plan that regulate the office operations at the property. These will be recorded as a restrictive covenant that will run with the land. The plan notes read as follows:

1. The property shall be limited to a maximum of 635 square feet of professional office use or to single-family, low-density use consistent with R-1A zoning. No future expansion of office use shall be permitted.
2. No signage other than required street address numbers shall be allowed on the property.
3. Office use shall be limited to a maximum of three (3) employees at any time.

4. No visitors, vendors, customers, clients or non-employees shall be allowed to visit the office. All work shall be done via telephone, computer, facsimile machine and the like.
5. Hours of operation for professional office shall be limited to 8:00 a.m. to 8:00 p.m.
6. The owners shall record a restrictive covenant among the official land records of Orange County incorporating the foregoing restrictions.

Finally, per the direction of the Board of County Commissioners at the November 13, 2012 public hearing for the related Future Land Use Map amendment, DRC recommended a condition of approval which states that in the event the subject PD property is conveyed to any entity not owned by Joseph and Margaret Sanfelippo (the current property owners); the property shall automatically revert from office use to residential use only and shall be subject to residential waivers as recommended in condition #5.

The Orange County Development Review Committee (DRC) has reviewed this project and recommends approval of the request, subject to the six (6) conditions.

**Comprehensive Plan (CP) Amendment**

The Board of County Commissioners adopted Comprehensive Plan amendment 2012-2-S-5-1 on November 13, 2012. The newly adopted Planned Development – Office / Low Density Residential (PD-O/LDR) is consistent with the proposed PD/LUP.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area**

The subject property is not located within a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Environmental**

Septic System - The applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-521-2630), about modification of the septic system permit. If septic is required, then refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH.

Demolition - Prior to demolition or construction activities associated with existing structures, provide the Orange County EPD with a Notice of Asbestos Renovation or Demolition form. For more information, contact Mike Girton at 407-836-1520.

Erosion Control – The applicant should use caution to prevent erosion during construction along the boundary of the property, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion

control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping.

**Transportation / Concurrency**

This project is in the Alternative Mobility Area. The proposed conversion of a single-family unit to office use will result in a net reduction of daily trips. Therefore, this project is not required to meet any mobility strategies.

**Water/Wastewater/Reclaim**

Water: City of Winter Park

Wastewater: On-site septic system

Reclaim Water: N/A

**Schools**

The requested change will result in a reduction in school-age population.

**Parks & Recreation**

The requested change will not result in an increase in population, and therefore will not impact the County's level of service standards for parks.

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

**ACTION REQUESTED**

**PZC Recommendation** - (February 21, 2013)

TO BE DETERMINED

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

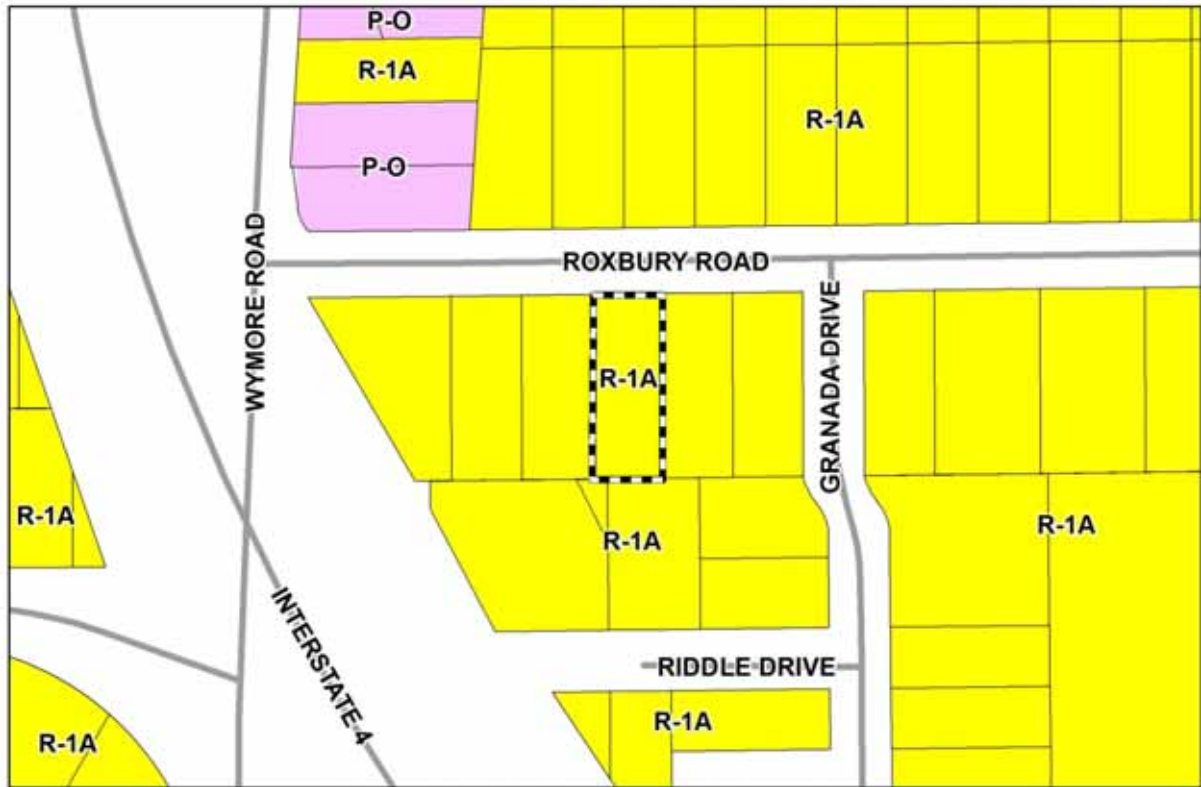
TO BE DETERMINED

**Motion/Second** TO BE INSERTED

**Voting in Favor** TO BE INSERTED


**Absent** TO BE INSERTED

## Roxbury Office PD/LUP: LUP-12-09-184



 Subject Property



 Subject Property

### Zoning

**ZONING:** R-1A (Single Family Dwelling District)

**APPLICANT:** Scott Glass, Esq.  
 Shutts & Bowen, LLP

**LOCATION:** South side of Roxbury Road,  
 east of Wymore Road, west  
 of Granada Drive

**TRACT SIZE:** ~0.20 Acre

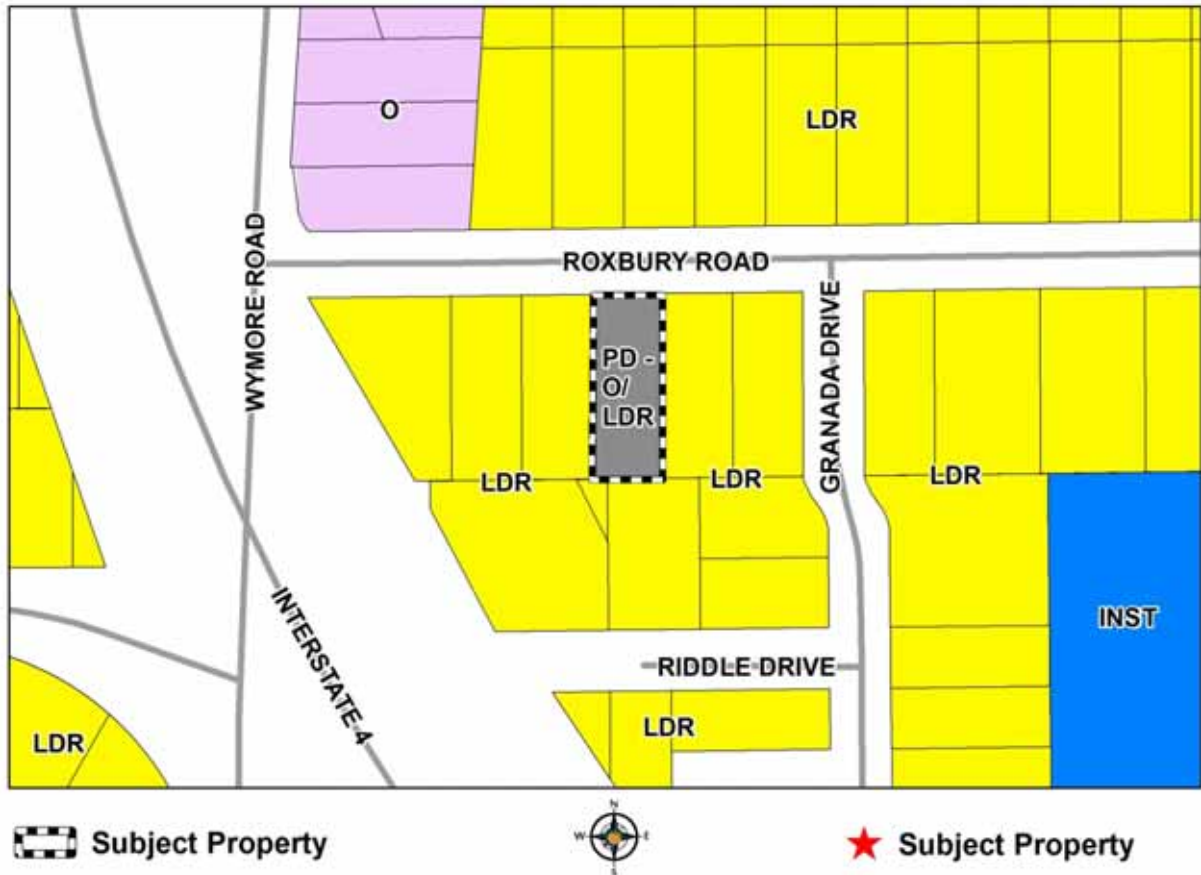
**DISTRICT:** #5

**S/T/R:** 02/22/29

1 inch = 125 feet



## Roxbury Office PD/LUP: LUP-12-09-184

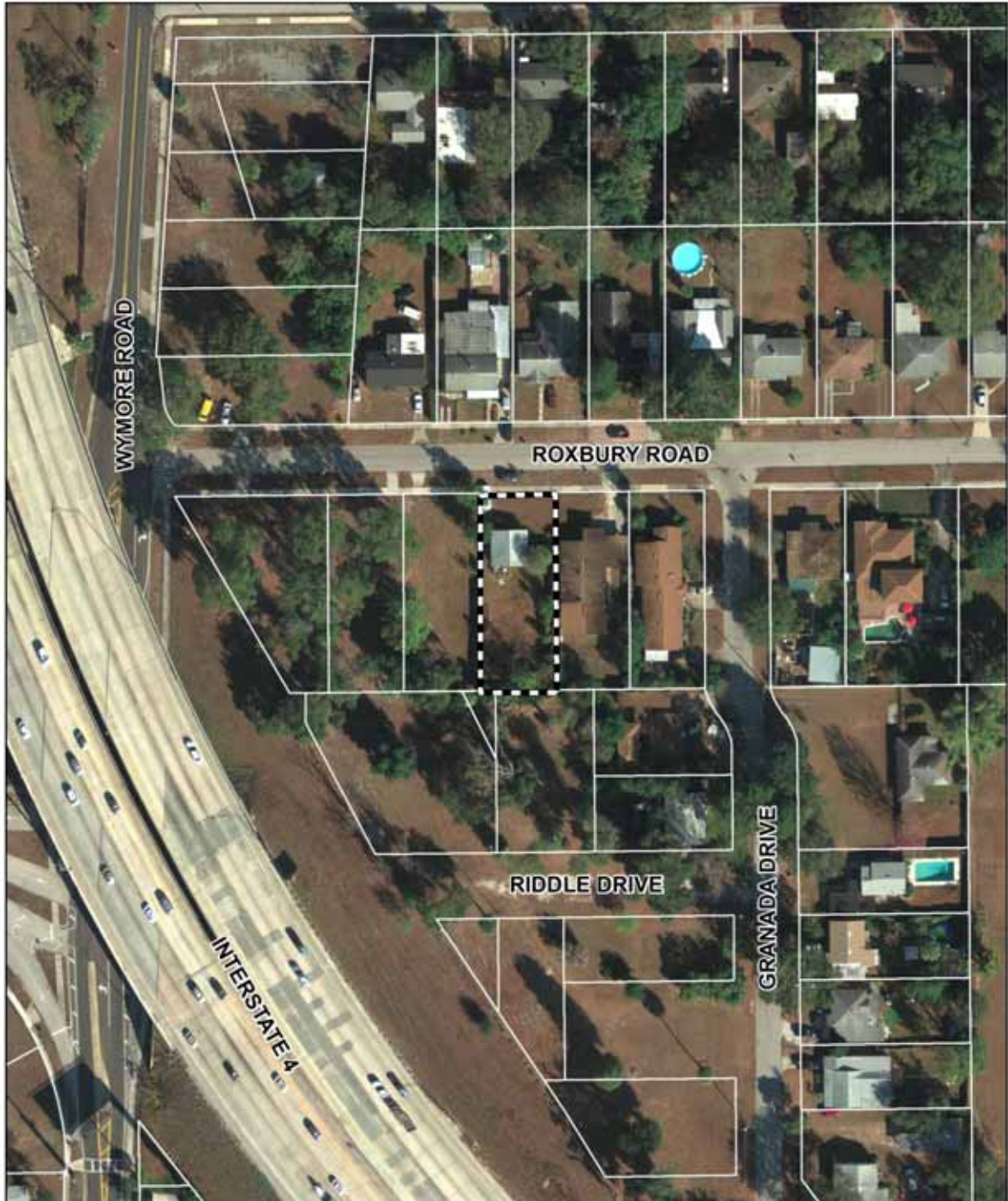


Future Land Use	
<b>FLUM:</b>	Planned Development - Office / Low Density Residential (PD-O/LDR)
<b>APPLICANT:</b>	Scott Glass, Esq. Shutts & Bowen, LLP
<b>LOCATION:</b>	South side of Roxbury Road, east of Wymore Road, west of Granada Drive
<b>TRACT SIZE:</b>	~0.20 Acre
<b>DISTRICT:</b>	#5
<b>S/T/R:</b>	02/22/29
1 inch = 125 feet	





LUP-12-09-184



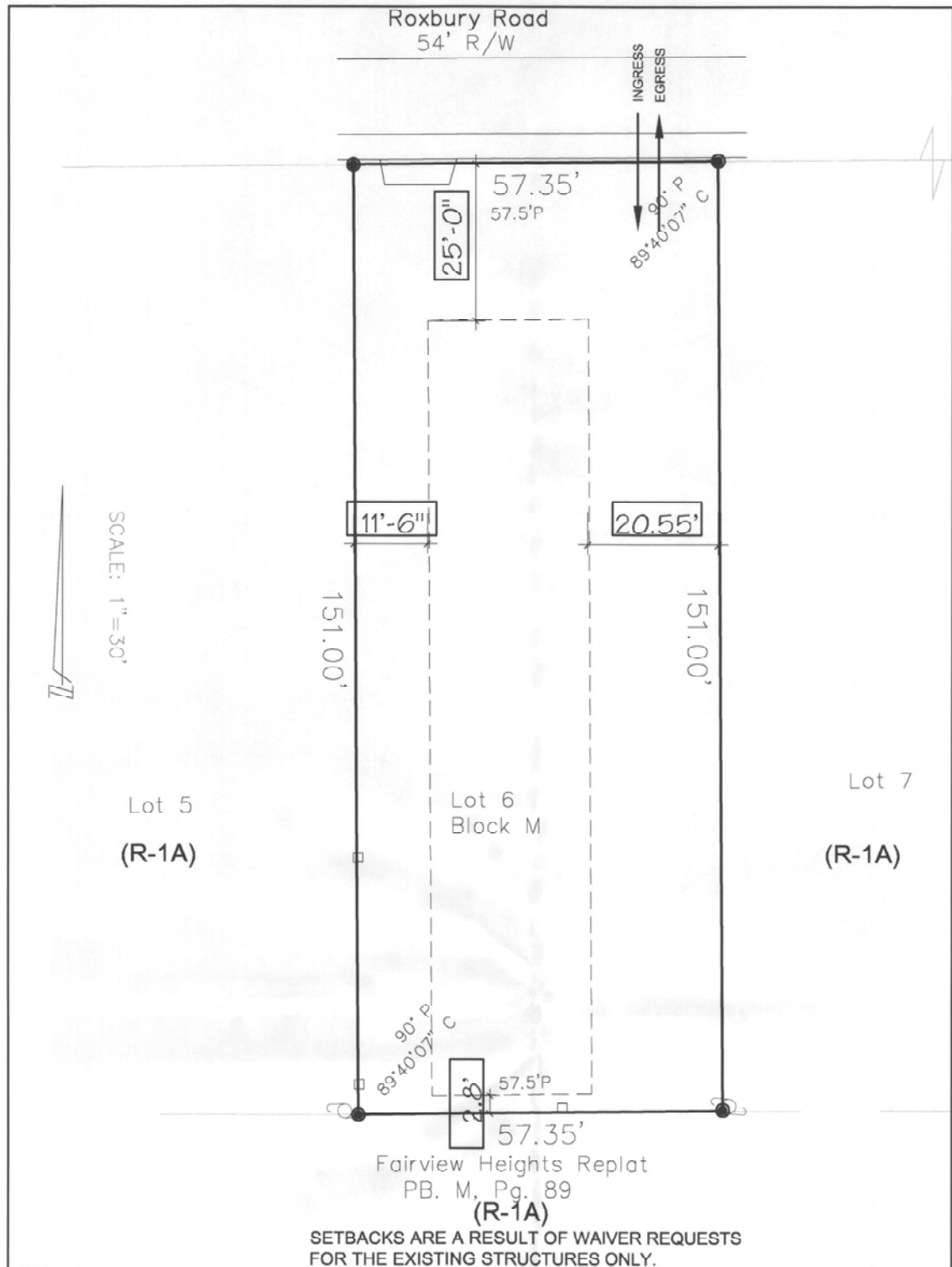
 Subject Property



 Subject Property



**Roxbury Office PD/LUP: LUP-12-09-184**



## CASE # LUP-11-12-276

Commission District: # 1

### GENERAL INFORMATION

**APPLICANT** James G. Willard, Shutts & Bowen, LLP

**OWNER** SLF IV / Boyd Horizon West JV, LLC

**PROJECT NAME** Hamlin Planned Development / Unified Neighborhood Plan (PD/UNP)

**HEARING TYPE** Planning and Zoning Commission

**REQUEST** **A-1** (Citrus Rural District) **to PD/UNP** (Planned Development/Unified Neighborhood Plan)

*The proposed Hamlin PD/UNP provides a mixed-use development program that is consistent with the Horizon West **Town Center** Specific Area Plan (SAP).*

**LOCATION** Generally located on the East side of SR 429; north and south of New Independence Parkway; and west of Lake Hartley and Lake Hancock.

**PARCEL ID NUMBERS** 17-23-27-0000-00-006; 29-23-27-0000-00-001; 29-23-27-0000-00-043; and 29-23-27-0000-00-002

**PUBLIC NOTIFICATION** The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred twenty eight (128) notices were mailed to those property owners in the mailing buffer area.

**TRACT SIZE** ~539.13 gross acres

### **PROPOSED USES**

*\* Pursuant to Chapter 2 of the SAP and based on the ratio of useable acreage divided by total usable acreage in the Town Center, the project shall be entitled to 377 bonus residential units. The 377 bonus residential units shall be allocated amongst the districts at the time of PSP approval.*

PD/UNP District	Res. DUs	Hotel	Non-Res SF
CCM-1	310	72	664,450
CCM-2	80	20	251,250
CCM-3	50	12	92,700
CCM-4	275	71	510,400
CCM-5	116	26	211,500
CNC-1	0	0	63,600
RW-1	0	0	155,100
RW-2	0	0	105,400
UR-1	150	0	0
UR-2	205	0	0
OS-1	0	0	0
BONUS*	377	0	0
<b>Total:</b>	<b>1,563 du</b>	<b>201</b>	<b>2,054,400 SF</b>

## **STAFF RECOMMENDATION**

### **DRC RECOMMENDATION (November 7, 2012)**

**Make a finding of consistency with the Comprehensive Plan and approve the Hamlin PD/UNP zoning, subject to the following conditions:**

1. Development shall conform to the Hamlin PD / Unified Neighborhood Plan dated "Received January 24, 2013", 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 Unified Neighborhood Plan (UNP), 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, ordinance 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 of this zoning, and the Unified Neighborhood Plan (UNP) dated "Received January 24, 2013", 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 at the public hearing where this development was approved, 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. 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 or approved.
3.
  - a) Developer shall comply with all provisions of the Capacity Enhancement Agreements (CEA06-11-09) entered into with the Orange County School Board as of 11/14/2006, and CEA OC-12-002 entered into with the Orange County School Board on 01/29/2013.
  - 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 22 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall 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, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreements, 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. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreements.

4. 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 platting. Nothing in this condition, and nothing in the decision to approve this Unified Neighborhood Plan (UNP), 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.
5. A road agreement is required to be in place for the conveyance of the Right-of Way needed for C.R. 545 (Avalon Road) prior to PSP / DP approval for Parcel CCM-5.
6. All acreages regarding 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.
7. The covenants, conditions, and restrictions (CC&Rs) shall contain notification to potential purchasers, builders or tenants of this development of the proximity of the West Orange & 545 solid waste disposal facilities that are located 0.2 miles to the southwest.
8. No activity will be permitted within the boundaries of the site that may disturb, influence or interfere with: areas of soil or groundwater contamination, remediation activities, or within the hydrological zone of influence of the contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection. Such approval may include, but is not limited to: an FDEP No Further Action letter, Site Rehabilitation Completion Order (SRCO), or documentation of specific permission from FDEP. Such documentation shall be provided to the Environmental Protection Division of Orange County.
9. Neither potable wells nor irrigation using local groundwater will be allowed on sites where identified soil or groundwater contamination has been documented.

10. On properties where contamination has been documented, the covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that the property has been identified with soil and groundwater contamination and shall state the status of the resulting remediation.
11. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
12. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities prior to approval of the first PSP/DP. The MUP must be approved prior to Construction Plan approval.
13. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
14. Payment of 500 ERUs (wastewater) are due at the time of PSP approval for the first PSP within the Town Center and 500 ERCs (water) are due at the time of construction plan approval for the first construction plan set within the Town Center.
15. Prior to construction plan approval, all property owners within the Hamlin PD shall be required to sign an agreement between the parties, addressing their proportionate share of funds for the costs of the offsite and onsite master utilities, sized to the Town Center Village (SAP) build-out requirements.
16. Prior to final approval of the first PSP/DP for any portion of the project, applicant shall form a Property Owners Association (POA) for the project, which association shall be responsible for the maintenance of (i) street lighting, landscaping, irrigation, common signage and hardscape within the rights-of-way of New Independence Parkway, Hamlin Trail and Porter Road, and (ii) public sidewalks, multi-use trails, master stormwater system, on-street parking and common areas/open space and park elements within the project and as required by the Town Center Planned Development Code. A Right-of-Way Use Agreement describing maintenance responsibilities will be required. It is understood that none of the foregoing public areas or elements will be owned or maintained by the County unless hereinafter specifically agreed to in writing by the County.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The proposed Planned Development / Unified Neighborhood Plan (**PD/UNP**) zoning would allow for land uses that are compatible with Town Center development program.

### **Comprehensive Plan (CP) Consistency**

The subject property is designated Village (Horizon West) on the adopted Orange County Future Land Use Map (FLUM) and is located within the boundaries of the **Town Center Specific Area Plan (SAP)**. More specifically, and consistent with the underlying SAP land use map, the subject property consists of the following land use districts and permitted densities/intensities:

<b>Land Use District</b>	<b>Typical Uses</b>
Corporate Campus Mixed Use (CCMU)	Mix of attached and detached residential, office, hotel, limited warehouse and light industrial, civic, parks, limited support/ancillary retail.
Corporate Neighborhood Center (CNC)	Neighborhood-scale retail and service and civic, residential within mixed-use buildings.
Retail / Wholesale (RW)	Regional retail, personal services, office, warehouse/showroom, and limited attached residential.
Urban Residential (UR)	Mix of townhouse and detached residential, civic, parks, neighborhood-scale retail and office.
Open Space (OS)	Elem. school, park, stormwater, outdoor rec. clubs (pools, tennis, golf), cell towers, hotel.

**FLU4.1.2 Town Center.** A Town Center shall be developed through the SAP process as defined in FLU4.1.7 in support of the Villages in West Orange County. The purpose of the Town Center is to provide a place for residential, office, retail and light industrial land uses with a more regional market base that serves as an employment center, the scale of which is not permitted in the villages. The Town Center shall be oriented towards serving the residents of the Villages and surrounding area and not designed as a tourist destination. The Town Center shall be planned and established with limited access expressways within the greenbelt (as defined in FLU4.1.11) of the Town Center. In order for development to take place, the Town Center must be located so that it has immediate access to an interchange or interchanges of the Western Beltway or similar facility with connections to the regional market base. The Town Center must be designed to encourage and accommodate linkage with the regional transit system and must provide for connections to, and be integrated with, the collector streets, pedestrian and bike path system provided in individual villages. One high school site and one activity-based community park site shall be provided to serve the Town Center SAP and Horizon West. Prior to any application for any Planned Development (PD) in Town Center, land for one high school within the Town Center or an appropriate site outside the Town Center that will serve students of the Town Center shall have been conveyed to Orange County. Pursuant to FLU4.9.8, a high school site has been provided to Orange County Public Schools for the purpose of serving students of the Town Center. Consistent with the



provisions of FLU4.18.8 and FLU4.18.10, the site is located in Village F of Horizon West and is depicted on the Recommended Land Use Plan for Town Center.

The Town Center will be integrated with the regional transit system. The design shall include designated locations for establishment of transit stations as a component of a mixed-use development. (Policies 6.1.2.1, 6.1.3; Amended 6/12, Ord. 2012-14)

**FLU4.1.3** The Town Center Code will require all property owners within each of the identified Town Center Neighborhoods to address, at a minimum, the planning and funding of public utilities and major transportation facilities consistent with the Town Center Specific Area Plan, Town Center Neighborhood planning requirements, and applicable Comprehensive Plan policies. All applicable property owners will be required to participate in Neighborhood-based Adequate Public Facilities/Developer Agreements to address the provision and funding of public infrastructure. Approval by the Board of County Commissioners of such agreements shall be required prior to, or in conjunction with, approval of a Planned Development (PD) application. (Added 6/95, Ord. 95-13; Amended 5/97, Ord. 97-07; Amended 3/99, Ord. 99-04; Amended 5/01, Ord. 01-11; Amended 05/03, Ord. 03-03; Amended 12/04, Ord. 04 21Policy 6.1.3; Amended 6/12, Ord. 2012-14)

#### **SITE DATA**

<b>Land Use</b>	The subject property is predominately undeveloped and characterized by planted timberland, agricultural (grazing and orange groves), submerged lands and wetlands.
<b>Adjacent Zoning</b>	N: A-1 (Citrus Rural District) E: A-1 (Citrus Rural District) and Planned Development ( <i>West Lake Hancock PD</i> ) W: A-1 (Citrus Rural District) S: A-1 (Citrus Rural District)
<b>Adjacent Land Uses</b>	N: Vacant / Agricultural E: Vacant Land / Agricultural, Lake Hancock, Lake Hartley W: State Road 429, Vacant Land / Agricultural S: Vacant Land / Agricultural (planted timberland)

#### **APPLICABLE LAND USE DISTRICT STANDARDS (PD) & GUIDELINES\***

The subject Hamlin PD/UNP consists of the following five (5) Town Center SAP land use district.

- Corporate Campus Mixed-Use District
- Corporate Neighborhood Center District
- Retail/Wholesale District
- Urban Residential District
- Open Space District

**PRIMARY BUILDING SETBACK AND BUILD-TO STANDARDS\***

<b>DISTRICT</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>	<b>Side Street</b>	<b>End Unit</b>	<b>Max Height</b>
<b>CNC</b>						
Non-residential	10-20 max	0	10	10-20 max	NA	45/150
Residential (Detached)	10	5	20	10	NA	45
Residential (Apt./ Condos)	10-20 max	5	20	10-20 max	NA	45/150
Residential (Apt./THs)	10-20 max	0	14	10-20 max	5	45
<b>UR, CCMU, RW &amp; OS</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>	<b>Side Street</b>	<b>End Unit</b>	<b>Max Height</b>
Non-residential	10	0	10	10	NA	45/150
Residential (Detached)	10	5	20	10	NA	45
Residential (Apt./ Condos)	10	5	20	10	NA	45/150
Residential (Attached & THs)	10	0	14	10	5	45

Major Street Setbacks

New Independence Parkway (Collector) = 55' from Right-Of-Way centerline.

Hamlin Trail (Collector) = 55' from Right-Of-Way centerline.

Porter Road (Collector) = 55' from Right-Of-Way centerline.

\* See Orange County Code, Chapter 38, Division 8.5 *Horizon West Town Center Planned Development* for a more complete description of applicable development standards for each Land Use District, as may be amended.

**SPECIAL INFORMATION**

**Subject Property Analysis**

The subject parcels are located in Southwest Orange County, and more specifically within the designated *Horizon West Town Center Specific Area Plan (SAP)*. The applicant is seeking to rezone the subject property, comprised of four (4) parcels and ~539.13 gross acres from A-1 (Citrus Rural District) to PD/UNP (Planned Development / Unified Neighborhood Plan) District.

Excluding consideration of 377 bonus residential units, the maximum development program for the subject Hamlin PD/UNP consists of 1,186 residential dwelling units, 201 Hotel Rooms and 2,054,400 square feet on non-residential uses.

A "Uses Permitted by Location" provision, unique to the Town Center Code and its Table of Permitted Land Uses, allows consideration of certain land uses which may not otherwise be permitted outright within a particular land use District. However, all such requested uses must meet the compatibility, connectivity, and reduced-scale design standards described within Section 38-1390.23, Uses Permitted By Location, of the Town Center Code.

The current rezoning application includes two (2) separate requests for Uses Permitted By Location. Parcel CCM-1, along the north edge of New Independence Parkway, reflects a graphic request to development reduced-scale retail uses along the southern portion of the property (adjacent to New Independence

Parkway) in accordance with the Uses Permitted By Location standards. Another such request is depicted along the south portion of Parcel RW-1, where the applicant seeks approval to develop a limited number of attached residential dwelling units. Again, both requests have been evaluated for conformance with the standards described within Town Center Code Section 38-1390.23, and the Code's Table of Permitted Uses. In addition, at the time of Preliminary Subdivision Plan (PSP) submittal, the applicant will be required to show the specific location of the individual retail (Parcel CCM-1) and attached residential (RW-1) sites within the currently-requested area of Uses Permitted By Location.

**Comprehensive Plan (CP) Amendment**

The Horizon West Town Center Specific Area Plan and Recommended Land Use Map were adopted by the Orange County Board of County Commissioners on December 14, 2004 as amendment #2005-2-A-1-2. Various Town Center Goals, Objectives, and Policies have been updated, or added, since the Town Center's original adoption. No additional Comprehensive Plan amendments are necessary for this project.

**Town Center Development Regulations**

The Board of County Commissioners adopted Ordinance 2013-02, which created the development regulations for the Town Center, on February 29th, 2013.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area**

The subject property is not located within a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Environmental**

Conservation Area Determination Status - CAD Complete - There are surface waters (Lake Hartley and Lake Hancock), Class I and Class III wetlands located in this project area. An Orange County Conservation Area Determination CAD-11-08-036 was completed that included the lands within the land use plan boundaries. Wetland classifications were determined on September 16, 2011 and agreed upon on September 26, 2011. The revised certified survey of the conservation area boundary was approved on February 9, 2012

Gopher Tortoise - The Preliminary Environmental Assessment reports dated May 24, 2011 (AIG Property) and December 20, 2011 (Gleason Property) confirmed the presence of gopher tortoises on site. Prior to earthwork or construction plan approvals, forward any related permits to the Orange County Environmental Protection Division, ATTN: John Geiger. The applicant shall comply with the Florida Fish and Wildlife Conservation Commission (FWC) regulations.

Boat Ramp/Docks - Approval of this plan does not constitute approval of a permit for the construction of a boat dock (including but not limited to boardwalks or observation piers) or a boat ramp. Any person desiring to construct a boat dock or

boat ramp within Unincorporated Orange County is required to apply for a permit prior to installation. A boat dock shall require additional permitting under Chapter 15, Article IX, Dock Construction and a boat ramp shall require additional permitting under Chapter 15, Article XV, Boat Ramps.

Landfill Proximity - The covenants, conditions, and restrictions (CC&Rs) shall contain notification of the proximity of solid waste disposal facilities: Pine Ridge located 1.2 miles to the west, West Orange and 545 located 0.2 miles to the southwest. This notification is required since the County shall not support the siting of developments at urban residential densities that would be adversely impacted by existing solid waste management activities. Reference Orange County Comprehensive Plan, Solid Waste Element, Policy SW1.7.4.

Site Contamination - A previously conducted Phase I and Phase II Environmental Site Assessment (ESA) verified recognized environmental conditions within the project boundary. Additional studies and sampling may be required prior to approval of site clearing, mass grading and construction plan approvals. The applicant must provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulations and appropriate cleanup target levels. When construction activities are planned for contaminated areas within the property prior to the completion of the remediation, such activities must not cause further spreading of and/or exacerbate the contamination and shall require FDEP approval.

#### **Transportation / Concurrency**

This project is bound by the terms and conditions of the Horizon West Global Term Sheet which was approved by the Road Agreement Committee on 03/21/12. This term sheet basically outlines a plan for constructing a road network designed to serve the western portion of the Horizon West Sector Planning Area in Orange County by establishing the terms and conditions that will form the basis for individualized Road Network Agreements for Village F, Village H and Town Center East.

Unless expressly agreed between the County and a Signatory Owner, each Road Network Agreement must be generally consistent with the provisions of this Term Sheet and approved by the Board. The individual Road Network Agreements are authorized by Section 163.3180(5)(h)3, Florida Statutes (2011) as a method for landowners to provide regionally beneficial road improvements in lieu of being subject to transportation concurrency.

Town Center East Boulevard: The Road Network Agreement for Town Center East was approved by the Board of County Commissioners on December 6, 2011 and recorded at OR Book/Page 10306/1364. This agreement reflects one portion of the larger Horizon West Global Agreement Term Sheet and follows those terms. The Developer is seeking Concurrency Vesting for the completion of three road projects in Town Center East as well as 50% credit for PDE&E Study; 100% credit for DE&P work, 50% credit for mitigation and 100% credit for construction costs. Right-of-Way will be dedicated at no cost to the County.

**Water/Wastewater/Reclaim**

- Water\*: 20 inch main at northeast corner of Summerlake Park Boulevard and Phil Ritson Way
- Wastewater\*: Future 20 inch force main at approximately the intersection of Avalon Road (C.R. 545) and Phil Ritson Way
- Reclaim Water\*: 36 inch main on the west side of Avalon Road at the intersection with Old YMCA Road.

**\*Notes:**

- a) *The exact locations of the connection points will be based upon and determined at the time of project phasing.*
- b) *BCC approval of the Utility Over-sizing Agreements between OCU and the Developer for the utilities along New Independence Parkway and Hamlin Trail shall be required prior to approval of the roadway construction plans.*

**Schools**

No school sites are planned within the subject properties. However, the project is subject to school Capacity Enhancement Agreement (CEA06-11-09) entered into with the Orange County School Board as of 11/14/2006, and CEA OC-12-002 entered into with the Orange County School Board on 01/29/2013 (See Condition of Approval #3(a-d).

**Parks & Recreation**

The APF park ('Hamlin Park'), abutting the south edge of Parcel UR-2, will be owned and maintained by the Hamlin Property Owners Association (POA). Staff has begun review of a preliminary Development Plan for the APF park site.

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report, and Relationship Disclosure Form, are both currently on file with the Planning Division.

**ACTION REQUESTED**

**PZC Recommendation** - (February 21, 2013)

TO BE DETERMINED

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

TO BE DETERMINED

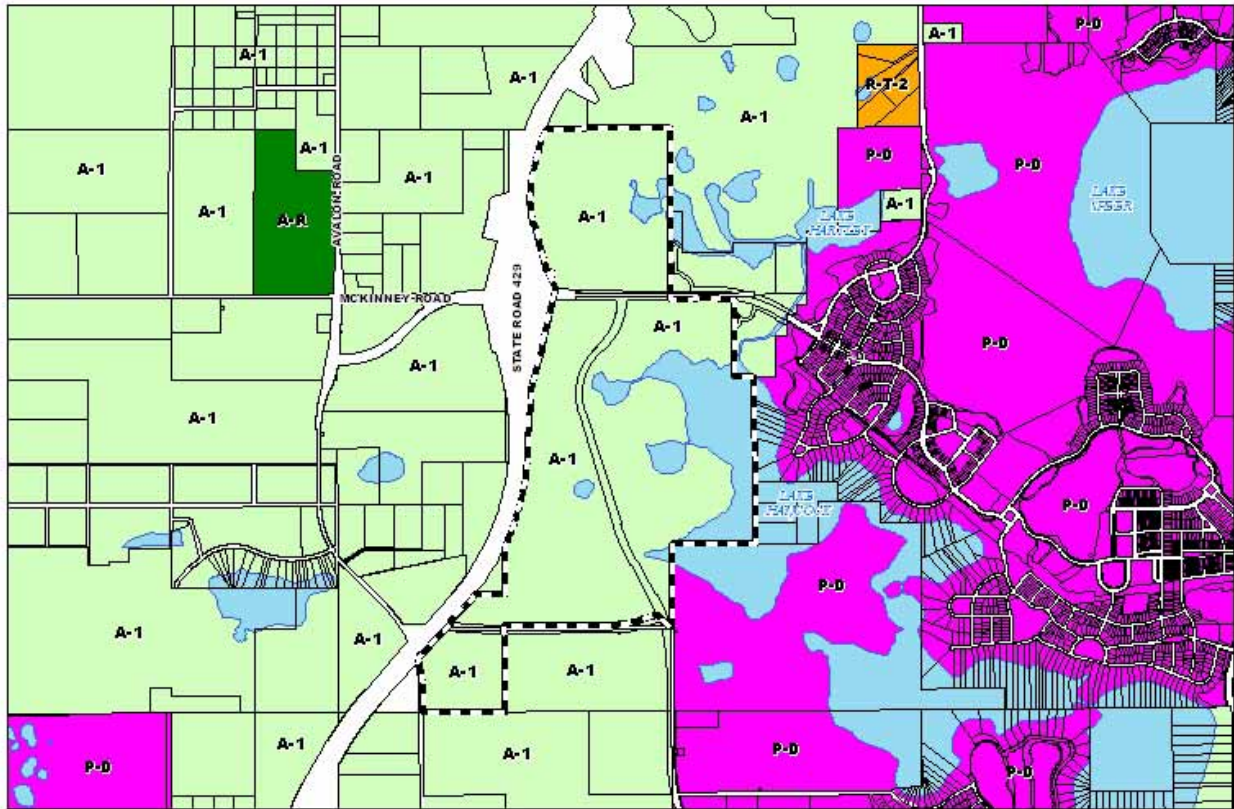
**Motion/Second** TO BE INSERTED

**Voting in Favor** TO BE INSERTED

**Absent** TO BE INSERTED



## Hamlin PD/UNP: LUP-11-12-276



Subject Property



Subject Property

### Zoning

**REQUEST:** A-1 (Citrus Rural District) to  
PD/UNP (Planned Development/  
Unified Neighborhood Plan)

**APPLICANT:** James G. Williard,  
Shutts & Bowen, LLP

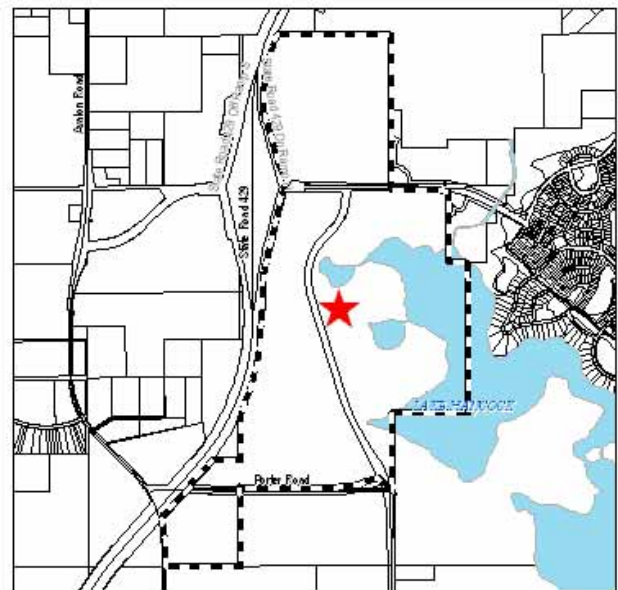
**LOCATION:** East side of SR 429, north and  
south of New Independence Pkwy.,  
west of Lake Hartley and Lake  
Hancock

**TRACT SIZE:** ~539.13 acres (gross)

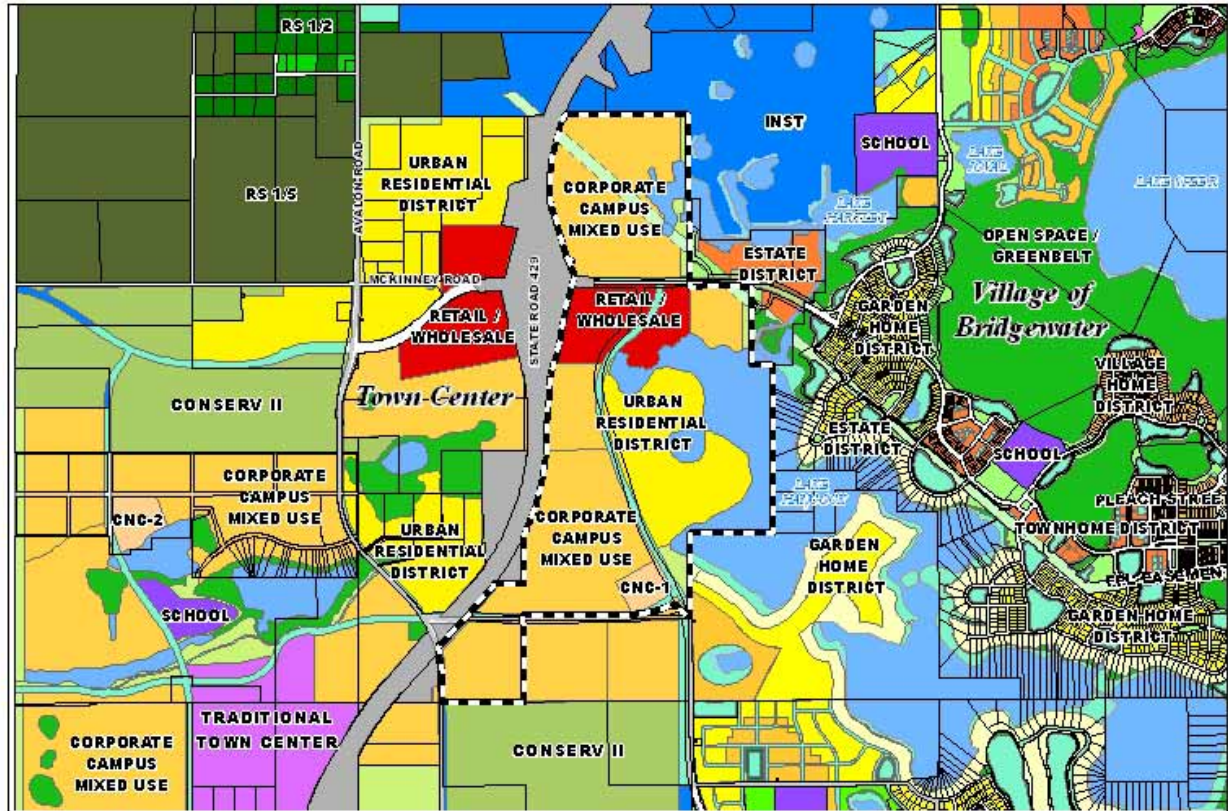
**DISTRICT:** #1

**S/T/R:** 17/23/27 & 29/23/27

1 inch = 2,500 feet



## Hamlin PD/UNP: LUP-11-12-276



 Subject Property



 Subject Property

### Future Land Use

**FLUM:** Village (V)  
 (Horizon West Town Center)

**APPLICANT:** James G. Willard,  
 Shutts & Bowen, LLP

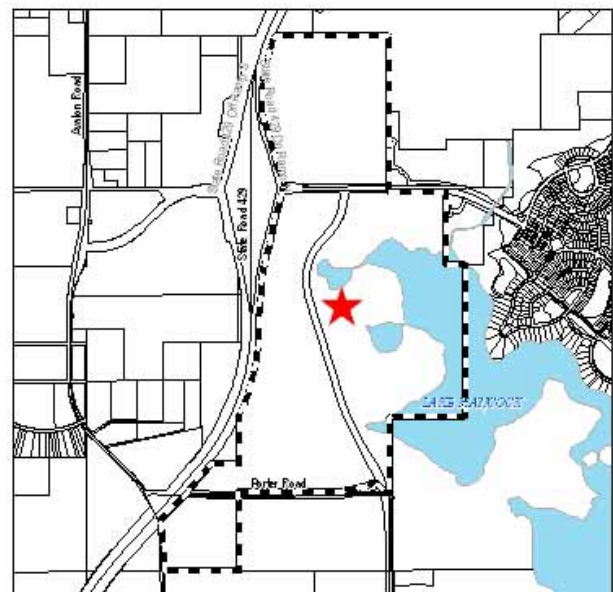
**LOCATION:** East side of SR 429, north and  
 south of New Independence Pkwy.,  
 west of Lake Hartley and Lake  
 Hancock

**TRACT SIZE:** ~539.13 acres (gross)

**DISTRICT:** #1

**S/T/R:** 17/23/27 & 29/23/27

1 inch = 2,500 feet





**Hamlin PD/UNP: LUP-11-12-276**



 **Subject Property**



**1 inch = 1,500 feet**

**CASE # LUP-10-12-250**

Commission District: # 3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Jeremiah D. Owens, CPH Engineers, Inc.
<b>OWNER</b>	The Orlando Rehabilitation Group, Inc.
<b>PROJECT NAME</b>	Orlando Health and Rehab Planned Development / Land Use Plan (PD/LUP) (formerly known as Westminster PD)
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-1AA</b> (Single Family Dwelling District) <b>to</b> <b>PD</b> (Planned Development District)
<b>LOCATION</b>	380 29 <sup>th</sup> Street; 3222 Lee Street and 3417 S. Westmoreland Drive; generally described as the southeast corner of S. Westmoreland Drive and 29 <sup>th</sup> Street
<b>PARCEL ID NUMBER</b>	02-23-29-0000-00-012; 02-23-29-0000-00-025 and 11-23-29-0000-00-001
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred and eleven (111) notices were mailed to those property owners within the buffer area.
<b>TRACT SIZE</b>	~18.64 acres
<b>PROPOSED USES</b>	<p>The applicant has requested to rezone the subject property from R-1AA (Single Family Dwelling District) to PD (Planned Development District) to allow for the following uses:</p> <ul style="list-style-type: none"><li>• Parcel A: 420-bed skilled nursing facility with related ancillary facilities (primary structure built in 1962)</li><li>• Parcels B and C: 72 senior adult housing / multi-family units and related ancillary facilities (majority of Parcel C to be used for stormwater)</li></ul>

## **STAFF RECOMMENDATION**

### **DRC RECOMMENDATION (December 19, 2012)**

**Make a finding of consistency with the Comprehensive Plan and approve the Orlando Health and Rehab Land Use Plan, subject to the following conditions of approval:**

1. Development shall conform to the Orlando Health and Rehab PD Land Use Plan dated "Received November 28, 2012," 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, ordinance 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 of this zoning and the land use plan dated "Received November 28, 2012," 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 at the public hearing where this development was approved, 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. 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 or approved.
3. The Developer shall obtain wastewater service from Orange County Utilities.
4. 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.
5. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5 (residential code) with the exception of BZA approval VA-11-03-003.

6. All development shall comply with Commercial Design Standards including lighting and elevations.
7. Prior to submittal of any vertical construction permit application for Parcels A, B, or C, a Planning Context Study shall be submitted and approved by Orange County.
8. A Hold Harmless Agreement and / or a Use Agreement shall be required for the construction of a wall along a county drainage easement.
9. The following waivers are applicable to PD Parcel A only:
  - a. For the existing north parking lot adjacent to Westmoreland Drive, a waiver from Section 24-4(a)(1) with Parcel A is granted to have a zero foot (0') paving setback for the existing parking areas along Westmoreland Drive in lieu of providing a seven foot (7') landscape strip along the right-of-way.
  - b. A waiver from Section 24-4(a)(2)(a) is granted to allow a zero foot (0') wide buffer in lieu of a seven foot (7') wide landscape buffer with Parcel A abutting Parcel B.
  - c. A waiver from Section 24-5(a)(3) is granted to allow a zero foot (0') buffer in lieu of a fifteen foot (15') wide type C buffer located within Parcel A abutting Parcel B.
  - d. A waiver from Section 38-1272(a)(5) is granted to allow for a maximum building height of forty feet (40') within one hundred feet (100') of residential property in lieu of a maximum building height of thirty-five feet (35') within one hundred feet (100') of residential property for the existing nursing home facility.
10. The following waiver is applicable to PD Parcel B only:
  - a. A waiver from Section 24-4(a)(2)(a) is granted to allow a zero foot (0') wide buffer in lieu of a seven foot (7') wide landscape buffer within Parcel B abutting Parcel A.
11. The following waivers are applicable to PD Parcel C only:
  - a. A waiver from Section 24-5(a)(3) is granted to allow for a seven foot (7') wide buffer with canopy trees spaced at fifty foot (50') on center, in lieu of a fifteen foot (15') wide type C buffer abutting Parcel # 11-23-29-0000-00-021 (County Pond Parcel).
  - b. A waiver from Section 24-5(a)(3) is granted to allow a ten foot (10') wide buffer, in lieu of fifteen foot (15') wide buffer abutting Parcel # 11-23-29-0000-00-019 (Bobek Parcel).

- c. A waiver from Section 24-5(b) is granted to allow canopy trees spaced at fifty foot (50') on center in lieu of forty foot (40') spacing on center abutting Parcel # 11-23-29-0000-00-021 (County Pond Parcel).
  - d. A waiver from Section 38-1254(1) is granted to provide a seven foot (7') building setback, in lieu of a twenty-five foot setback abutting Parcel # 11-23-29-0000-00-021 (County Pond Parcel).
  - e. A waiver from Section 38-1258(e) is granted to allow a seven foot (7') paving setback from residential zoned property, in lieu of the required twenty five foot (25') paving setback from residential property abutting Parcel # 11-23-29-0000-00-021 (County Pond Parcel).
  - f. A waiver from Section 38-1258(f) is granted to eliminate the requirement of a six foot (6') high masonry wall, brick, or block adjacent to single-family zoned property Parcel # 11-23-29-0000-00-021 (County Pond Parcel).
  - g. A waiver from Section 38-1258(f) located within Parcel C abutting Parcel # 11-23-29-0000-00-019 (Bobek Parcel) is granted to eliminate the requirement of a six foot (6') high masonry, brick, or block wall adjacent to single-family zoned property except for that area from the masonry, brick or block wall built along the eastern property line of Parcel C adjacent to Parcel # 11-23-29-0000-00-093 (Wilke Parcel) to the eastern property line of Parcel C.
12. The following waivers are applicable to PD Parcels B & C only:
- a. A waiver from Section 38-1258(a) and (b) is granted to provide a building height of two (2) stories / forty foot (40') maximum after the twenty five foot (25') building setback on the western property line (Westmoreland Drive) in lieu of (Section 38-1258(a)) multi-family buildings located within one hundred feet (100') of single-family zoned property restricted to single story in height, and in lieu of (Section 38-1258(b)) multi-family buildings located within one hundred feet plus (100'+) and one hundred fifty feet (150') of single-family zoned property shall vary in building heights (one, two, and three stories).
  - b. A waiver from Section 38-1258(a) and (b) is granted to provide a building height of two (2) stories / forty foot (40') maximum after the seven foot (7') setback from Parcel # 11-23-29-0000-00-021 (County Pond Parcel) in lieu of (Section 38-1258(a)) multi-family buildings located within one hundred feet (100') of single-family zoned property restricted to single story in height, and in lieu of (Section 38-1258(b)) multi-family buildings located within one hundred feet plus (100'+) and one hundred fifty feet (150') of single-family zoned property shall vary in building heights (one, two, and three stories).



- c. A waiver from Section 38-1258(b) is granted to provide a building height of two (2) stories / forty foot (40') maximum after the one hundred foot (100') building setback on the eastern property line (Lee Street and Parcel # 11-23-29-0000-00-093 (Wilke Parcel) in lieu of multi-family buildings located within one hundred feet plus (100'+) and one hundred fifty feet (150') of single-family zoned property shall vary in building heights (one, two, and three stories).
  - d. A waiver from Section 38-1258(g) is granted to allow Parcel B and C to access Westmoreland Drive only in lieu of multi-family shall not directly access any right-of-way serving platted single-family residential.
13. The foregoing waivers applicable to Parcel C shall only be effective provided the future stormwater pond as depicted on Sheet 5 of the Land Use Plan dated "November 28, 2012" remains in place.
14. An internal gate separating proposed and existing parking areas shall only be accessible by emergency service, maintenance and security personnel as part of the parking lot site work.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The proposed **PD (Planned Development District)** zoning would allow for land uses that are compatible with the existing development in the area.

### **Comprehensive Plan (CP) Consistency**

The subject property has a split Comprehensive Plan Future Land Use Map (FLUM) designation of Low Density Residential (LDR) and Planned Development – Low Medium Density Residential (PD-LMDR) (Senior Housing). The two southernmost parcels were designated PD-LMDR (Senior Housing) through Comprehensive Plan amendment 2005-1-S-4-2, which was adopted by the Board of County Commissioners on May 17, 2005. This amendment, which was for 7.36 acres, allows for consideration of up to 10 dwelling units per acre or 73 senior housing units. Additionally, the request is consistent with the following Comprehensive Plan provisions:

**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.

**OBJ FLU2.1** states that Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

**FLU8.1.2** states that Planned Developments (PDs) intended to incorporate a broad mixture of uses under specific design standards shall be allowed, provided that the

PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map.

**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 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.

**FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

**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 as its contribution to the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

## **SITE DATA**

<b>Existing Use</b>	420 bed skilled nursing facility / vacant
<b>Adjacent Zoning</b>	N: City of Orlando / R-1A (Single Family Dwelling District) (1957)
	E: R-1AA (Single Family Dwelling District) (1957)
	W: R-1A (Single Family Dwelling District) (1957)
	S: R-1AA (Single Family Dwelling District) (1957)
<b>Adjacent Land Uses</b>	N: Vacant (DOT) / Church with ancillary outreach program ( <i>Special Exception granted by BZA on May 6, 1993</i> )
	E: Single-family dwelling units
	W: Vacant (DOT) / Pineloch Elementary School (OCPS)
	S: Orange County retention pond / Single-family residential dwelling unit

**APPLICABLE PD DEVELOPMENT STANDARDS\***

Maximum building height:	40 ft. / 2 stories
Maximum lot coverage:	30%
Minimum open space (Parcel A):	55%
Minimum open space (Parcels B / C):	25%

**Parcel A**

*Minimum Buffer / Paving Setbacks*

North (29 <sup>th</sup> Street)	7 ft.
East (Lee Street)	7 ft.
South (Parcel B)	7 ft.
West (Westmoreland Drive)	7 ft. / 0 ft. (parking)

*Minimum Building Setbacks*

North (29 <sup>th</sup> Street)	30 ft.
East (Lee Street)	30 ft.
South (Parcel B)	30 ft.
West (Westmoreland Drive)	30 ft.

**Parcel B**

*Minimum Buffer / Paving Setbacks*

North (Parcel A)	0 ft.
East (Lee Street)	7 ft.
South (Parcel C)	0 ft.
West (Westmoreland Drive)	7 ft.

*Minimum Building Setbacks*

North	10 ft.
East	100 ft.
South	0 ft.
West	25 ft.

**Parcel C**

*Minimum Buffer / Paving Setbacks*

North (Parcel B)	0 ft.
East (11-23-29-0000-00-093 / Wilke Parcel)	15 ft. buffer / 25' pavement
South (11-23-29-0000-00-019 / Bobek Parcel)	10 ft. buffer / 30 ft. pavement
South (11-23-29-0000-00-021 / County pond)	7 ft. buffer / 7 ft. pavement
West (11-23-29-0000-00-021 / County pond)	7 ft. buffer / 25 ft. pavement
West (Westmoreland Drive)	7 ft.

*Minimum Building Setbacks*

North (Parcel B)	0 ft.
East (11-23-29-0000-00-093 / Wilke Parcel)	100 ft.
South (11-23-29-0000-00-019 / Bobek Parcel)	25 ft.(1 story) / 100 ft. (2 story)
South (11-23-29-0000-00-021 / County pond)	7 ft.
West (11-23-29-0000-00-021 / County pond)	7 ft.
West (Westmoreland Drive)	25 ft.

**\*Standards reflect requested waivers**

## **SPECIAL INFORMATION**

### **Subject Property Analysis**

The applicant is seeking to rezone the 18.64-acre subject property to allow for an existing 420-bed skilled nursing facility (built in 1962) and 72 senior adult housing / multi-family units with related ancillary facilities.

In addition, the applicant has requested various waivers from the Orange County Code. For parcel A, which is located to the north of the site, waivers have been requested to reflect the existing site conditions, including the removal of the required perimeter landscaping adjacent to the parking area fronting Westmoreland Drive; and for a building height of 40' within 100' feet of residentially-zoned property in lieu of a building height of 35'. The applicant has also requested waivers for parcels A and B to remove the required buffer between those parcels, both of which are under common ownership and included within the PD rezoning request.

A waiver has been requested for parcels B and C to allow multi-family access to Westmoreland Drive, which is considered a residential right-of-way that serves platted single-family residential lots.

For parcel C, the applicant has requested waivers to reduce perimeter landscaping, buffering, and setbacks adjacent to the Orange County stormwater pond parcel (PID #11-23-29-0000-00-021) located directly to the southwest. This request also includes the elimination of the required six (6) foot masonry wall adjacent to the Orange County stormwater pond and the Bobek parcel (PID #11-23-29-0000-00-019) to the south. The justification for these waivers is that the majority of parcel C is planned to be used for on-site retention, and DRC-recommended condition of approval #13 states that waivers applicable to Parcel C shall only be effective provided the future stormwater pond as depicted on Sheet 5 of the Land Use Plan dated "November 28, 2012" remains in place. The required six (6) foot masonry wall will be provided adjacent to the Wilke parcel (PID #11-23-29-0000-00-093) to the east, along with a fifteen (15) foot Type C buffer. A fence and a seven (7) foot landscape buffer will be provided adjacent to Lee Street at the perimeter of parcel B. Additionally, a one hundred (100) foot building setback has been provided on the east side of parcels B and C.

### **Rural Settlement**

The subject property is not located within a Rural Settlement.

### **Joint Planning Area**

The subject property is not located within a JPA.

### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

### **Environmental**

Habitat Survey – That applicant shall submit a habitat survey to identify any wildlife or plants listed as threatened, endangered, or species of special concern found on site or determined to use the site, to the Orange County Environmental Protection

Division (EPD). If any of these species are found, then prior to construction plan approval a management plan and copies of permit applications prepared for submittal to the appropriate regulatory agency (USFWS / Florida Fish and Wildlife Commission) shall be submitted the County EPD. Prior to earthwork, clearing or mass grading the final wildlife/plant management plan and approved permits from the appropriate regulatory agency (USFWS/FWC) shall be submitted to EPD. Orange County Comprehensive Plan, Policy C1.7.1 and C1.7.2.

**Transportation / Concurrency**

This project is in the Alternative Mobility Area and will be required to meet mobility strategies. The project is adjacent to Westmoreland Drive, a two-lane local roadway with complete sidewalks.

Transit service is available within a quarter mile distance along Orange Blossom Trail where Link #8 operates and within a half mile along Michigan Street where service is provided by Link #40. There are no signed bicycle routes adjacent to the site.

**Water/Wastewater/Reclaim**

Water: Orlando Utilities Commission (OUC)

Wastewater: Orange County Utilities

Reclaim Water: N/A

**Schools**

The requested change will not result in an increase in school-age population, and therefore will not impact Orange County Public Schools.

**Parks & Recreation**

Orange County Parks and Recreation has reviewed the plan and declined to provide comments.

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

**ACTION REQUESTED**

**PZC Recommendation** - (February 21, 2013)

TO BE DETERMINED

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

TO BE DETERMINED

**Motion/Second** TO BE INSERTED

**Voting in Favor** TO BE INSERTED

**Absent** TO BE INSERTED

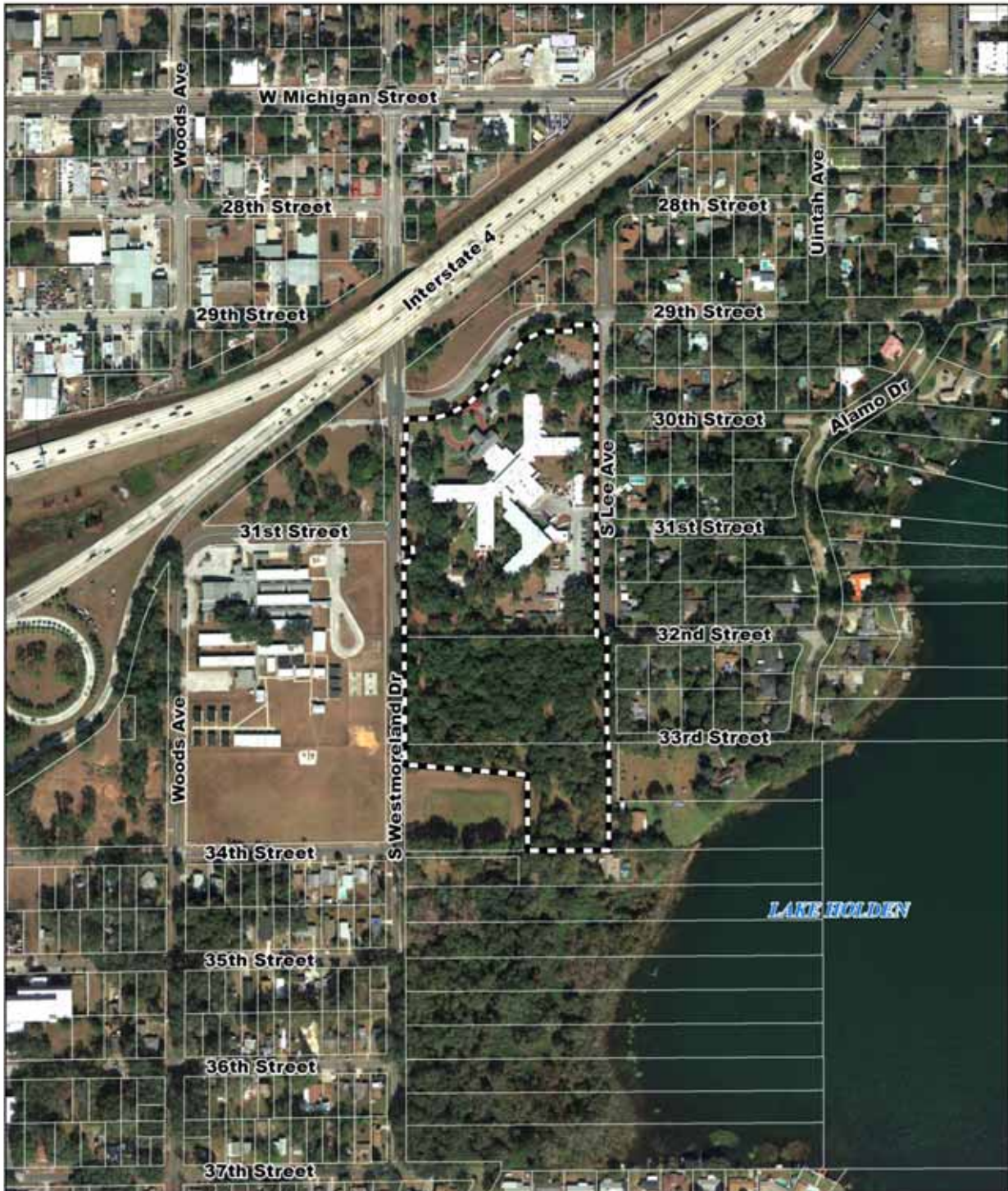








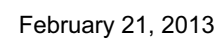
**Orlando Health and Rehab PD: LUP-10-12-250**



 Subject Property



 Subject Property





**CASE # LUPA-12-03-065**

Commission District: # 6

**GENERAL INFORMATION**

<b>APPLICANT</b>	Jay R. Jackson, Kimley-Horn and Associates, Inc.
<b>OWNER</b>	Fourth Quarter Properties 117, LLC
<b>PROJECT NAME</b>	Universal Boulevard Planned Development (also known as "U.S.I. South Campus Planned Development") Land Use Plan Amendment
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>I-4</b> (Industrial District) and <b>PD</b> (Planned Development District) <b>to PD</b> (Planned Development District)
<b>LOCATION</b>	Generally described as north and south of W. Sand Lake Road, east of Universal Boulevard, west of John Young Parkway and north of S.R. 528
<b>PARCEL ID NUMBERS</b>	Multiple parcels; S/T/R: 01/24/28; 36/23/28; 31,32/23/29; 4,5,6/24/29  <i>Parcels proposed to be aggregated into the PD:</i> 31-23-29-0000-00-012; 31-23-29-0000-00-014; 31-23-29-0000-00-008 (partial); and 31-23-29-0000-00-013 (partial)
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Thirteen (13) notices were mailed to those property owners in the mailing buffer area.
<b>TRACT SIZE</b>	~2,126.70 acres (total) / ~62.62 acres (aggregated area)
<b>PROPOSED USES</b>	To aggregate and rezone 62.62 adjacent acres of I-4 zoned property into the subject PD; and to transfer one (1) million square feet of commercial / retail uses from the adjacent Pavilion at Sand Lake PD into the subject PD.

**PROPOSED / MODIFIED DEVELOPMENT PROGRAM**

<b>Land Use</b>	<b>Units</b>
Retail / Commercial	3,307,817 sq. ft.
Hotel	10,400 rooms
Timeshare / Resort Rental	6,820 units
Attraction	+/- 300 acres
School / Student Housing	1,000 students / 400 bed student housing
Golf Course	36 holes with clubhouse

**STAFF RECOMMENDATION**

**DRC RECOMMENDATION (January 23, 2013)**

**Make a finding of consistency with the Comprehensive Plan and approve the Universal Boulevard PD Land Use Plan Amendment to aggregate and rezone 62.62 adjacent acres of I-4 zoned property into the PD; and to transfer 1 million square feet of commercial / retail uses from the adjacent Pavilion at Sand Lake PD into the PD, subject to the following conditions of approval, and to the Pavilion at Sand Lake PD Substantial Change and the Mandarin Drive Agreement moving forward to the Board of County Commissioner simultaneously with this request.**

1. Development shall conform to the Universal Boulevard (a.k.a. "U.S.I. South Campus PD") PD Land Use Plan dated "Received October 15, 2012," 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, ordinance 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 of this zoning and the land use plan dated "Received October 15, 2012," 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 at the public hearing where this development was approved, 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. 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 or approved.

3. A road agreement is required to be in place for the conveyance of Right-of-Way for Mandarin Drive.
4. No activity will be permitted within the boundaries of the site that may disturb, influence or interfere with: areas of soil or groundwater contamination, remediation activities, or within the hydrological zone of influence of the contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP). Such approval may include, but is not limited to: an FDEP No Further Action letter, Site Rehabilitation Completion Order (SRCO), or documentation of specific permission from FDEP. Such documentation shall be provided to the Environmental Protection Division of Orange County.
5. On properties where contamination has been documented, the covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that the property has been identified with soil and groundwater contamination and shall state the status of the resulting remediation.
6. Neither potable wells nor irrigation using local groundwater will be allowed on sites where identified soil or groundwater contamination has been documented.
7. Prior to construction plan approval, updated wastewater and reclaimed water master plans for this PD shall be reviewed and approved by Orange County Utilities.
8. The Developer shall obtain wastewater and reclaimed water service from Orange County Utilities.
9. The CC&Rs for the parcels within this PD shall contain a statement reflecting the location of a regional wastewater treatment plant adjacent to the PD.
10. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Master Sign Guidelines with the exception of any approved waivers.
11. All previous applicable BCC Conditions of Approval, dated April 28, 2009, shall apply:
  - a. 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 his or her authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, 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. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or his or her authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

- b. The Master Signage Plan dated "Received January 12, 2009," is approved which grants a waiver from Section 31.5-163(a)(2) to allow the size of 3 building / fascia signs to be up to 632 square feet each (for a total of 1,896 square feet) in lieu of 260 square feet.

12. All previous applicable BCC Conditions of Approval dated January 10, 2006, February 3, 2004, and December 14, 1999, shall apply:

- a. Residential uses shall be limited to those residential uses in the Land Use Agreement as defined in the 1990 Code.
- b. Development shall comply with the property owner's Voluntary Donation in Aid of Education Agreement approved by the Orange County School Board (OCSB) on January 9, 2006. In the event the County receives written notification from the OCSB of developer's breach of the agreement, the County shall cease issuing development approvals until such time as the OCSB provides written notice to the County that the breach has been cured.
- c. The use, on the UCF Rosen School of Hospitality campus only, shall be restricted to student housing and any change in such use shall constitute a substantial change to the PD. This project shall also comply with the Student Housing Ordinance.
- d. A waiver of Section 38-1259(h) is granted to allow a maximum building height increase from 3 stories / 40 feet to 4 stories / 55 feet, for the UCF Rosen School of Hospitality campus only.
- e. Billboards and pole signs shall be prohibited. All existing billboards shall be removed within five years of this approval.
- f. Any communication tower requests shall be processed through the Board of Zoning Adjustment, following Section 38-1427, Orange County Code.
- g. Prior to construction plan approval, master stormwater management, wastewater, and reclaimed water plans for this project shall be reviewed and approved by Orange County.
- h. Swapping of property between the Orange County Convention Center Expansion Phase V PD/LUP and USI South Campus PD/LUP with overall



uses/interests not being affected may occur as a nonsubstantial change, as reviewed and approved by Development Review Committee.

- i. The Universal Studios South Campus LUP may be developed to a total daily trip generation equivalent to Universal's share of the design capacity of the proposed Universal Boulevard extension.
- j. An additional 20,000 total daily trips may be generated by the Universal Studios Development upon completion of a four-lane connection between the proposed Universal Boulevard and John Young Parkway to six lanes from the Osceola County line to Interstate 4.
- k. An additional 43,523 total daily trips may be generated upon the completion of the extension of Kirkman Road from Sand Lake Road to the Beeline Expressway and the interchange with the Beeline at the Kirkman Road Extension.
- l. These two improvements (i.e., east-west spur road and the Kirkman extension) may be interchanged in their construction sequences if and to the extent that the same travel demand is met.
- m. Any future use of fireworks requires a public hearing and is subject to the Board of County Commissioners' (BCC) approval.
- n. No construction plan approval for vertical construction shall be permitted until a mitigation plan is approved for that parcel.
- o. The Environmental Protection Division (EPD) shall monitor this area during both construction and operation to ensure compliance with Orange County Code with regard to noise elevations in the area. In the event that noise readings exceed that which is allowed under current code requirements (i.e., the Noise Ordinance), EPD or the Public Works director may order construction activity halted from 7 p.m. until 7 a.m.
- p. No searchlights or uplighting shall be allowed within 2,600 feet of all residential areas. Additional lighting shall be submitted with the proposed attraction area prior to approval.
- q. All parking light poles shall be restricted to a maximum height of 30 feet.
- r. Lighting, with the exception of landscape lighting, shall be directed in a downward direction and away from the Williamsburg neighborhood.
- s. A waiver shall be granted from the Tourist Commercial Performance Standards to the extent indicated on the USI South Campus LUP.
- t. Applicant agrees that the foregoing restrictions shall be enforceable against the property by Orange County for a period of 20 years from the date hereof regardless of whether the property remains in unincorporated Orange County.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The proposed **PD (Planned Development District)** zoning would allow for land uses that are compatible with the existing development in the area.

### **Comprehensive Plan (CP) Consistency**

The subject property has a split Comprehensive Plan Future Land Use Map (FLUM) designation of Commercial (C), Industrial (I) and Planned Development – Mixed Use (PD-MU). The 62.62 acre property that is proposed to be aggregated into the PD has a FLUM designation of PD-MU. The proposed request is consistent with these underlying FLUM designations and the following CP provisions:

**FLU1.4.6** establishes that the following guidelines illustrate different types of commercial and retail development consistent with the Orange County Comprehensive Plan. It is the goal of the 2030 CP to increase densities and intensities in the Urban Service Area in order to accommodate projected growth. The Commercial floor area ratio (FAR) shall be 3.0 unless otherwise restricted by County policy or code (See FLU1.1.4A, FLU2.2.4 – FLU2.2.7, and FLU3.2.1 – FLU3.2.13). The basis for increasing densities and intensities is the finding that productive use of vacant land within the Urban Service Area is critical to the County's future urban form. Therefore, with respect to new development and redevelopment, the County is seeking more integrated forms of commercial and non-residential development, including vertical mixed use design and complementary land uses in close proximity to one another, in its desired development pattern for the County's Urban Service Area.

**OBJ FLU2.2** states that Orange County shall develop, adopt and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community.

**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 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.

**SITE DATA**

<b>Existing Use*</b>	Vacant / warehouse (approximately 13,000 square feet)
<b>Adjacent Zoning*</b>	N: PD (Planned Development District - Pavilion at Sand Lake PD) (2007)  IND-2/IND-3 (Industrial District) (1965)  E: PD (Planned Development District - Pavilion at Sand Lake PD) (2007)  IND-2/IND-3 (Industrial District) (1965)  W: PD (Planned Development District - Pavilion at Sand Lake PD) (2007)  IND-2/IND-3 (Industrial District) (1965)  S: PD (Planned Development District - Universal Boulevard PD) (1965)
<b>Adjacent Land Uses*</b>	N: Vacant Warehousing / Office (Lockheed Martin)  E: Orange County South Water Reclamation Facility  W: Warehousing / Office (Lockheed Martin)  S: Vacant / Warehousing

*\*The existing use, adjacent zoning and adjacent land uses have been provided for the aggregated property only. There are multiple uses within the Universal Boulevard PD, including resort rental, student housing, retail, hotel, golf course and institutional (UCF Rosen College of Hospitality Management).*

**APPLICABLE PD DEVELOPMENT STANDARDS**

Maximum building height:	400 ft. / 40 stories
Maximum lot coverage:	70%
Minimum open space:	20%

**Minimum Building Setbacks**

PD perimeter:	25 ft.
Between lots (side):	30 ft.
Between lots (rear):	20 ft.
Abutting Universal Boulevard:	40 ft. (from ROW)
Abutting proposed Kirkman Road:	40 ft. (from ROW)
Abutting SR 528:	60 ft. (from ROW)
Other internal roads:	10 ft. (from ROW)

Note: For building heights in excess of sixty feet (60'), the building setback shall be increased one foot (1') horizontally for each one foot (1') in building height above sixty feet (60').

### **SPECIAL INFORMATION**

#### **Subject Property Analysis**

The applicant is seeking to aggregate and rezone 62.62 adjacent acres of I-4 zoned property into the Universal Boulevard PD; and to transfer one (1) million square feet of commercial / retail uses from the adjacent Pavilion at Sand Lake PD into the PD. The property to be aggregated is located adjacent to the Universal Boulevard PD to the north. The request will be accompanied to the BCC by a road agreement for Mandarin Drive and a substantial change request to the Pavilion at Sand Lake PD to accommodate the proposed transfer of commercial / retail entitlements.

#### **Rural Settlement**

The subject property is not located within a Rural Settlement.

#### **Joint Planning Area**

The subject property is not located within a JPA.

#### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

#### **Environmental**

Conservation Area Determination - This planned development (PD) is included in Orange County Conservation Area Determination (CAD) # 92-18, as noted. The boundary survey was approved on October 1, 1997.

#### **Transportation / Concurrency**

This project is vested from concurrency. Vested rights certificate #05-109 is on file for this project.

#### **Water/Wastewater/Reclaim**

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities

Reclaim Water: N/A

#### **Schools**

The requested change will not result in an increase in school-age population, and therefore will not impact Orange County Public Schools.

#### **Parks & Recreation**

The requested change will not result in an increase in population, and therefore will not impact the County's level of service standards for parks.

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

**ACTION REQUESTED**

**PZC Recommendation** - (February 21, 2013)

TO BE DETERMINED

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

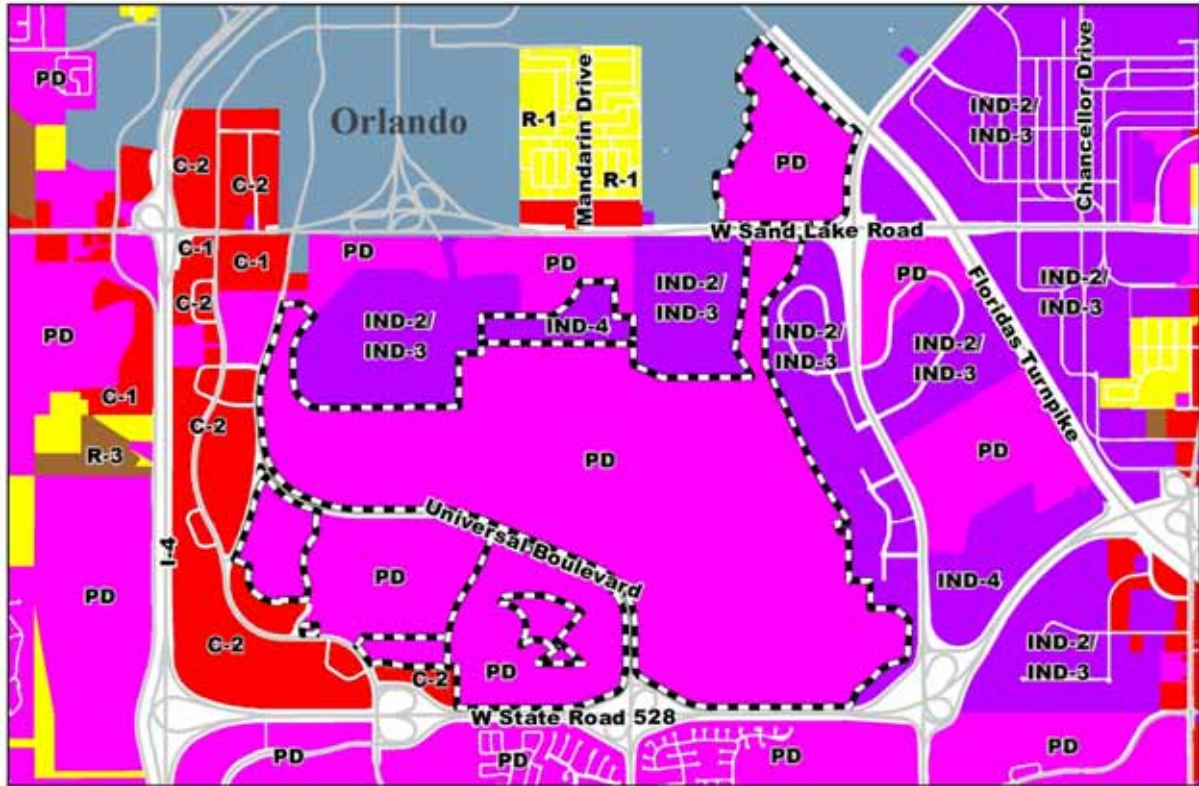
TO BE DETERMINED

<b>Motion/Second</b>	TO BE INSERTED
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<b>Voting in Favor</b>	TO BE INSERTED
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<b>Absent</b>	TO BE INSERTED
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## Universal Boulevard PD: LUPA-12-03-065



 Subject Property



 Subject Property

### Zoning

**ZONING:** PD (Planned Development District)  
 IND-4 (Industrial District)

**APPLICANT:** Jay R. Jackson  
 Kimley-Horn and Associates, Inc.

**LOCATION:** North and south of W. Sand Lake Rd., east of Universal Blvd., west of John Young Pkwy., and north of SR 528

**TRACT SIZE:** ~2,126.70 acres (total)  
 ~62.62 acres (aggregated property)

**DISTRICT:** #6

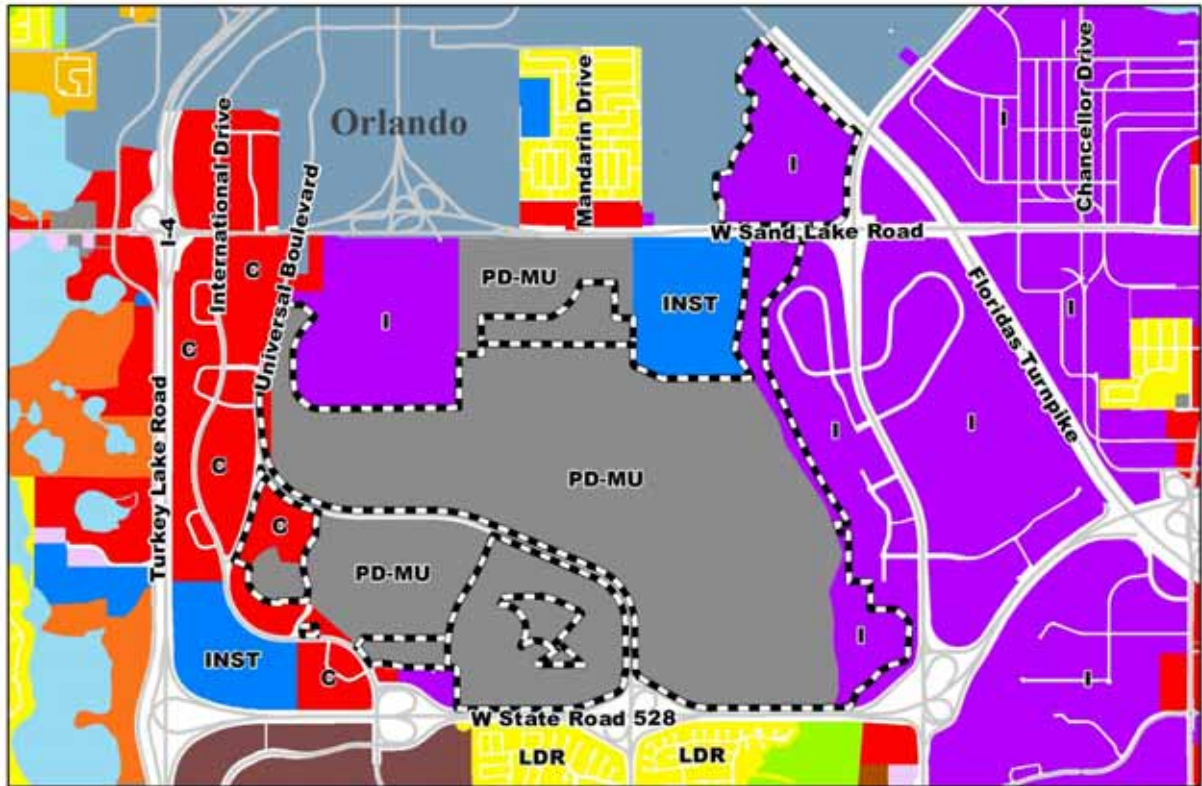
**S/T/R:** 01/24/28; 36/23/28; 31, 32/23/29;  
 4, 5, 6/24/29

1 inch = 3,333 feet





## Universal Boulevard PD: LUPA-12-03-065



Subject Property



Subject Property

### Future Land Use

FLUM: Planned Development - Mixed Use (PD-MU);  
 Commercial (C);  
 Industrial (I)

APPLICANT: Jay R. Jackson  
 Kimley-Horn and Associates, Inc.

LOCATION: North and south of W. Sand Lake Rd., east of Universal Blvd., west of John Young Pkwy., and north of SR 528

TRACT SIZE: ~2,126.70 acres (total)  
 ~62.62 acres (aggregated property)

DISTRICT: #6

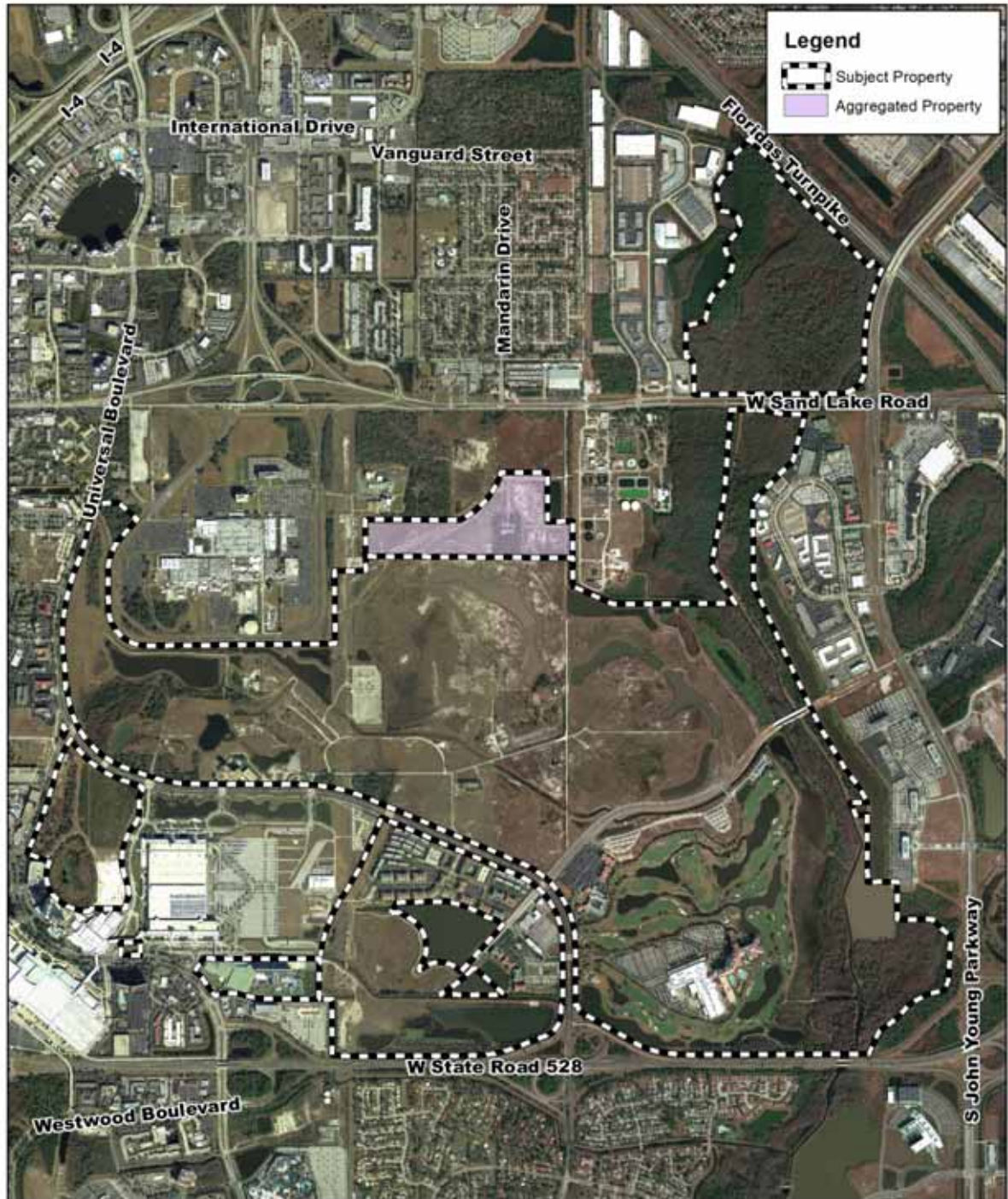
S/T/R: 01/24/28; 36/23/28; 31, 32/23/29;  
 4, 5, 6/24/29

1 inch = 3,333 feet





LUPA-12-03-065



 Subject Property



 Subject Property



February 21, 2013

# Universal Boulevard PD/LUP: LUP-12-03-065

