



Interoffice Memorandum

DATE: September 25, 2020

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

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

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

Eric P. Raasch,
Jr., AICP

Digitally signed by Eric P.
Raasch, Jr., AICP
Date: 2020.09.25 11:38:04
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SUBJECT: October 13, 2020 – Public Hearing
Jenny Baez, Bowman Consulting Group
Universal Boulevard Planned Development
Case # CDR-20-04-114 / District 6

The Universal Boulevard Planned Development (PD) is located at the northwest corner of McKenna Drive and Universal Boulevard, west of Destination Parkway. The existing PD development program includes entitlements for commercial, attraction and hotel uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to incorporate additional signage within a 1.93-acre parcel, more specifically within Lot 3 of the Universal Boulevard PD / OEP East PSP that will be developed with a Chick-fil-A restaurant. The request is to modify the approved Master Sign Plan to allow for 131.25 square footage of wall sign copy area, in lieu of the 84.25 square feet that is currently allowed. Additionally, a waiver is being requested related to the maximum allowable copy area for building signs.

On August 12, 2020, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Universal Boulevard Planned Development / Land Use Plan (PD/LUP) dated “Received July 21, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 6.

Attachments
JVW/EPR/JAH

CASE # CDR-20-04-114

Commission District: # 6

GENERAL INFORMATION

APPLICANT Jenny Baez, Bowman Consulting Group

OWNER Destination Shoppes, LP

PROJECT NAME Universal Boulevard Planned Development (aka U.S.I. South Campus PD)

PARCEL ID NUMBER(S) 06-24-29-6100-03-001 (affected parcel only)

TRACT SIZE 1.93 gross acres (affected parcel only)

LOCATION Generally located at the northwest corner of McKenna Drive and Universal Boulevard, west of Destination Parkway.

REQUEST A Change Determination Request (CDR) to modify the approved Master Sign Plan to allow for 131.25 square feet of wall sign copy area on a new Chick-fil-A building. In addition, the applicant has requested the following waiver from Orange County Code:

1. A waiver from Section 31.5-163(a)(2) to allow for 131.25 square feet of wall sign copy area in lieu of 84.25 square feet. This request is for a portion of Lot 3 of the OEP East PSP only.

Applicant Justification: *The new Chick-fil-A building proposed is very different than the prototypical designs and layouts executed in the past, in order to complement the I-Drive overlay corridor urban design. In order to still ensure the most efficient circulation for the customers, have superior aesthetic design and ensure the most successful business viability in this corridor, the applicant is respectfully requesting to have the additional copy area and consider to splitting the overall square footage amongst all building frontages (not only the main façade along Universal Blvd). This way the signs can be visible for the main façade of the building facing west, as well as along Universal Boulevard and drive thru users in the rear. Adequate signage is vital for the safety and proper access for Chick-fil-A's patrons and guests.*

PUBLIC NOTIFICATION A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred forty two (142) notices were mailed to those property owners in the notification

buffer area. A community meeting was not required for this application.

IMPACT ANALYSIS

Special Information

The Universal Boulevard PD was originally approved December 14, 1999 and currently includes entitlements for commercial, attraction and hotel uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to incorporate additional signage within a 1.93-acre parcel, more specifically within Lot 3 of the Universal Boulevard PD / OEP East PSP that will be developed with a Chick-fil-A restaurant. The request is to modify the approved Master Sign Plan to allow for 131.25 square footage of wall sign copy area, in lieu of the 84.25 square feet that is currently allowed. Additionally, a waiver is being requested related to the maximum allowable copy area for building signs.

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development Mixed Use (PD-MU). The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, the request is consistent with the Comprehensive Plan.

Overlay Ordinance

The subject property is located within the International Drive Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

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

Transportation Concurrency

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

Community Meeting Summary

A community meeting was not required for this request.

Schools

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

Parks and Recreation

Orange County Parks and Recreation staff reviewed the Change Determination Request but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

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

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (August 12, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Universal Boulevard Planned Development / Land Use Plan (PD/LUP), dated “July 21, 2020”, subject to the following conditions:

1. Development shall conform to the Universal Boulevard PD Land Use Plan (LUP) dated "Received July 21, 2020," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received July 21, 2020," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. A waiver is granted from Sec. 31.5-163(a)(2) to allow for 131.25 square feet of wall sign copy area in lieu of 84.25 square feet. This request is for a portion of Lot 3 of the OEP East PSP only.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 17, 2019 shall apply:
 - a. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP), which shall include reclaimed water and wastewater utilities. MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.

- b. Development shall be consistent with the Mandarin Drive Agreement approved by the BCC on June 4, 2013, and recorded at Book 10581, Page 0871, Public Records of Orange County, Florida.
- c. A mandatory pre-application / sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
- d. Historic uses of certain areas within and adjacent to the Universal Property have resulted in limited soil and/or groundwater contamination. Various assessments, investigations, studies, and remedial actions addressing all of the areas of both suspected and identified contamination have been completed under the RCRA Corrective Action regulatory program and/or other environmental regulatory programs administered by the Florida Department of Environmental Protection (FDEP) or the U. S. Environmental Protection Agency. As the result of these actions, all soils with concentrations of contaminants exceeding Florida Residential Soil Cleanup Target Levels (SCTLs), as specified in 62-777, Florida Administrative Code (FAC), have been removed from the Universal Property and adjacent properties and all remaining areas with groundwater contamination at concentrations exceeding Florida Groundwater Cleanup Target Levels (GCTLs), as specified in 62-777, FAC, located either within or adjacent to the Universal Property are currently being addressed pursuant to FDEP RCRA Corrective Action Permits 70666-HF-003 (issued to Lockheed Martin Corporation) and 147519-HH-004 (issued to Universal City Property Management III, et. al.). Of the seven remaining areas with groundwater contamination being addressed with active remediation, only the former Landfill 1 site and the Lockheed Martin Solid Waste Management Unit 49 (aka Area East of the Simulation Testing Laboratory) are within the Universal Property. The remaining five areas with groundwater contamination adjacent to the Universal Property are: (1) the Lockheed Martin Main Plant Site; (2) the Lockheed Martin Former Building 10 Site; (3) the former Landfill 4 site; (4) the former Landfill 5 site; and (5) the Pershing/Waste Conservation Area. Orange County will not require a current Phase 1 Environmental Site Assessment (ESA) prior to approval of site development activities for any area within the Planned Development that is (i) within the RCRA permit facility boundary for either 70666-HF-003 or 147519-HH-004; (ii) was historically subject to FDEP approved site assessment and/or remediation activities, and/or has been issued a FDEP Site Remediation Completion Order (SRCO) or similar determination of site closure; (iii) remains under active FDEP management of remedial actions; or (iv) is the subject of a recent ESA, or similar assessment, unless the development activities include any roadways, rights-of-way, and/or tracts that are anticipated to be dedicated to Orange County and/or to the perpetual use of the public, in which case an ESA and current title opinion shall be submitted to the Orange County Environmental Protection Division for review as part of any Construction Plan submittal. In addition, any development, mass grading, clearing, or grubbing within areas of active groundwater remediation shall not result in the disturbance of any on-going remediation activities, including any monitoring or recovery wells, without prior FDEP approval.

- e. 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.
- f. Neither potable wells nor irrigation using local groundwater will be allowed on sites where identified soil or groundwater contamination has been documented.
- g. The Developer shall obtain wastewater and reclaimed water service from Orange County Utilities.
- h. The CC&Rs for the parcels within this PD shall contain a statement that a regional wastewater treatment plant with a capacity of 56 million gallons per day (MGD) abuts the eastern property boundary of this development.
- i. Maximum building height shall be as shown on the approved PD/LUP, including any waivers granted thereby. For any building or structure that will be accessible to the public to be constructed within the 62.62 acre "Visual Screening Area" as depicted on the approved PD/LUP which has a habitable finish floor elevation over fifty (50) feet above the finish site grade elevation ("Screened Building"), a visual screening shall be provided such that sight lines from the highest habitable floor of any such Screened Building shall obscure any and all existing openings in existing buildings within the adjacent LMC STL facility up to a maximum of twelve (12) feet above the grade elevation of the building. Such visual screening may consist of (i) a barrier comprised of berms, landscaping, fences or walls along the property boundary adjacent to the LMC STL facility, (ii) a building parapet or similar architectural feature on the screened building, or (iii) any combination of those elements. Permit applications for any screened building within the Visual Screening Area will include an appropriate sight line study demonstrating that this condition has been met.
- j. The Universal Boulevard Planned Development: Signage Design Guidelines dated "Received November 27, 2019," are approved which grant a waiver from Section 31.5 for the Universal Property, including a waiver to allow three ground signs a maximum of 30 feet in height. Additionally, billboards and pole signs currently installed on the Universal Property shall be permitted to remain and may be relocated as necessary related to the development of the Entertainment Resort Complex on the Universal Property. Any new billboards proposed for the Universal Property shall comply with the Orange County Code.
- k. Residential uses shall be limited to those residential uses in the Land Uses Agreement entered into on January 4, 1994, by and among Orange County, Martin Marietta Corporation, and Orlando Central Park, Inc.
- l. Any communication tower requests shall be processed as a development permit under Chapter 38-30 of the Code.
- m. Prior to construction plan approval, master stormwater management plans for this project shall be reviewed and approved by Orange County.

- n. Swapping of property between the Orange County Convention Center Expansion Phase V PD/LUP and Universal Boulevard (fka USI South Campus) PD/LUP with overall uses/interests not being affected may occur as a non-substantial change, as reviewed and approved by Development Review Committee.
- o. Use of fireworks and pyrotechnics are allowed in conjunction with the attraction use in the entertainment resort complex located on the Universal Property. Fireworks and pyrotechnic shows are permitted until midnight except for holidays and special events in which case shows may be permitted until 1 a.m.
- p. Searchlights or uplighting shall be permitted as part of the use of the Universal Property as an Entertainment Resort Complex.
- q. Pain management clinics shall be prohibited.
- r. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
- s. The following uses shall be prohibited on the area described as the "Area within the Pavilion PD to become part of the Universal Boulevard PD" on Sheet 8 of 18 of the Universal Boulevard PD LUP: new and used vehicle lots, pawn shops, labor pools, pay day loan type institutions, and outdoor storage of boats and recreational vehicles.
- t. The wetlands located within the Universal Property are jurisdictional to the SFWMD. These wetlands were verified as non-jurisdictional to Orange County as determined through the state FDEP pre-Henderson Jurisdictional Determination. The Universal Boulevard PD (a/k/a USI South Campus PD) has Orange County Conservation Area Determination #92-18 permitted with a survey approved on 10/1/97 that only claimed the canals 9/30/2002. No encroachment or modification can occur to the canals without an Orange County conservation area impact permit through the Environmental Protection Division. However, as the canals are in drainage easements and based on Universal having previously permitted and mitigated all wetland impacts, modification can occur under those guidelines.
- u. The following waivers from Orange County Code is granted and shall be applicable to any PDP perimeter established on a Perimeter Development Plan ("PDP") approved pursuant to Section 38-30 of the code for all or any portion of the Universal Property:
 - 1) A waiver from Section 9-649(b)(2)b to allow the maximum height of an outdoor lighting fixture (inclusive of the pole and light source/luminaire) to be ninety (90) feet in any parking lots designed as a speed parking

lot in lieu of the code's maximum height of thirty (30) feet within a parking lot.

- 2) A waiver from the "berms" definition found in Section 24-2 of the code to allow the maximum slope of a berm in the PDP perimeter to be two-to-one (2:1) in lieu of a maximum slope of three-to-one (3:1).
- 3) A waiver from the "masonry wall" definition found in Section 24-2 of the code to allow any masonry wall to be constructed in the PDP perimeter to consist of masonry or similar materials meeting the Florida building code requirements in lieu of the southern building code requirements.
- 4) A waiver from the "shade tree or canopy tree" definition found in Section 24-2 of the code to allow the exact species of shade trees and/or canopy trees in the PDP perimeter to be specified by the professional landscape architect for the project in lieu of the tree species being specified in the Florida friendly plant list or by the Orange County Zoning Manager or designee.
- 5) A waiver from Section 24-3(b)(9) of the code to allow for flexibility in landscape design for the proposed use and not require a plant schedule.
- 6) A waiver from Section 24-4(a)(1) of the code to modify the definition of vehicular use areas such that "adjacent to right-of-way/roadway" shall mean those areas that lie within 25 feet of the roadway in lieu of 75 feet.
- 7) A waiver from Section 24-4(a)(2) of the code to modify the definition of vehicular use areas such that "adjacent to other properties" shall mean those areas that lie within 25 feet of the property boundary in lieu of 30 feet.
- 8) A waiver from Section 24-4(a)(3)c of the code to allow landscaped areas in the PDP perimeter which are adjacent to parking areas to be flush with vehicle parking and travel areas in lieu of requiring curb and wheel stops.
- 9) A waiver from Section 24-4(a)(3)d of the code to allow an unlimited amount of continuous parking spaces without a landscape break in the PDP perimeter in lieu of the maximum ten (10) continuous parking spaces without a landscape break.
- 10) A waiver from Section 24-4(d) of the code to allow the minimum landscaped areas between buildings and public right-of-way and along the primary façade in the PDP perimeter to be zero feet in lieu of the minimum standards set forth in Section 24-4(d).
- 11) A waiver from Section 24-4(e) of the code to allow service areas in the PDP perimeter visible from the public right-of-way or abutting other properties to be screened with a fence in lieu of a masonry wall.

- 12) A Waiver from Section 24-4(f) of the code to allow solid waste storage areas in the PDP perimeter that are within the building setback area or located in an area visible to customers from the public right-of-way to be screened with a fence in lieu of a masonry wall.
- 13) A waiver from Section 24-4(h) of the code to allow open storage areas in the PDP perimeter to be screened with a fence in lieu of a 6' high masonry wall.
- 14) A waiver from the application of Section 24-4(l) of the code for the PDP perimeter, including, but not limited to the 40/40/20 plan, in lieu of having to comply with this Section.
- 15) A waiver from Section 24-5 of the code for the universal property eliminating the buffer yard standards as they may relate to any uses located adjacent to each other on any portions of the property that are under common ownership or control and reducing any additional applicable buffer yards to 25' in lieu of any standard over 25' specified in Section 24-5.
- 16) A waiver from Section 24-5(b) of the code for the PDP perimeter to require one (1) shade tree for every fifty (50) feet of road frontage only on public roadways in lieu of one (1) shade tree for every forty (40) lineal feet of road frontage.
- 17) A waiver from the application of Section 24-6 of the code's water efficient landscaping requirements to the PDP perimeter in lieu of having to meet those requirements.
- 18) A waiver from the application of Section 24-8 of the code's landscape materials/installation requirements to the PDP perimeter in lieu of having to comply with this Section.
- 19) A waiver from Section 24-9 of the code to allow landscape plans to be provided with a PDP in lieu of a development/subdivision plans and to not require a method of maintenance to be included with such plan.
- 20) A waiver from Section 24-10(a)(3) of the code to allow flexibility in landscape design in and around paved areas in the PDP perimeter in lieu of landscaping being provided throughout parking areas in an amount equal to ten (10) percent of the total paved area.
- 21) A waiver from Section 34-171(7) of the code to construct sidewalks of varying width along one side of the street in portions of the PDP perimeter in lieu of a five (5) foot sidewalk on both sides of the street.
- 22) A waiver from Section 34-171(7) of the code for sidewalk in the PDP perimeter to be outside of ROW in lieu of sidewalk to be located within the street ROW.

- 23) A waiver from Section 37-4(a)(3)g of the code to allow potable water use for irrigation systems in the PDP perimeter in lieu of new developments requiring reclaimed water and prohibiting potable water usage for irrigation.
 - 24) A waiver from Section 38-1479(b) of the code to allow a minimum parking space of 7'x17' in lieu of 9'x20' or 10'x18' spaces.
 - 25) A waiver from Section 38-1235(b)(9) of the code to zero percent in lieu of a minimum of 3 percent of parking areas to be landscaped to allow flexibility in landscape design in and around parking areas to facilitate safe, efficient parking circulation and design.
 - 26) A waiver from Section 38-1235(b)(11) of the code to allow portions of the vehicular and pedestrian passageways in the PDP perimeter to be together in lieu of separated.
 - 27) A waiver from Section 38-1291(d) of the code to remove the standardized regulations requiring screen hedges and/or berms for all paved areas and fenced stormwater retention facilities to allow more flexibility in landscape design in lieu of having to meet this requirement.
 - 28) A waiver from Section 38-1291(e) of the code to allow zero percent in lieu of 5 percent of total paved parking areas in the PDP perimeter to be landscaped to allow flexibility in landscape design in and around parking areas in the PDP perimeter to facilitate safe, efficient parking circulation and design.
 - 29) A waiver from Section 38-1298 of the code to allow flexibility in sidewalk design adjacent to the ROW in the PDP perimeter in lieu of requiring sidewalks along all ROWs.
 - 30) A waiver from Sections 37-601 – 37-613 of the Code to exempt the PDP Perimeter from having to comply with the County's water conservation rules, in lieu of having to comply with those portions of the code.
- v. The following waivers from Orange County Code is granted and shall be applicable to any portion of the Universal Property:
- 1) In the event a Perimeter Development Plan (PDP) is approved for any portion of the Universal Property pursuant to Section 38-30 of the code, A Waiver from the applicability of all of Chapters 9, 19, 24, 30, 34, 37, and 38, except for (i) Section 38-30 and (ii) the Building and Fire codes, as those determinations are the authority of the Building and Fire marshal, respectively, of the code for that portion of the Universal Property located inward of any established PDP perimeter as shown on an applicable PDP (the "PDP interior") in lieu of the applicability of those chapters of the code to the PDP interior.

- 2) A waiver from Section 31.5 of the code for the Universal Property to be governed by the Universal Boulevard Planned Development: Signage Design Guidelines (“signage design guidelines”) in lieu of compliance with Section 31.5 of the code.
- 3) A waiver from Section 38-1230(a) and Article XI of Chapter 38 of the code for the universal property in lieu of compliance with Section 38-1230(a) and Article XI of Chapter 38 of the code.
- 4) A waiver from Section 38-1234 of the Code for the Universal Property in lieu of compliance with Section 38-1234 of the Code.
- 5) A waiver from Section 38-1287(1) of the code for the Universal Property to allow reduced building setbacks along certain right-of-ways as stated in the building setback table for the universal property on sheet 3 of the land use plan in lieu of compliance with the standard building setbacks found in Section 38-1287(1) of the Code.
- 6) A waiver from Section 38-1287(2) of the code for the Universal Property to allow for an internal side property line setback between lots with different ownership of twenty-five (25) feet in lieu of the standard thirty (30) foot setback found in Section 38-1287(2) of the code.
- 7) A waiver for the Universal Property from Sections 38-1287(2) and (3) to allow for internal side and rear property line setbacks between lots with common ownership or between lots owned by affiliated entities of zero (0) feet in lieu of the required thirty (30) foot setback and twenty (20) foot setback, respectively. For purposes of this waiver, affiliated entities shall have the same meaning ascribed to “affiliated entity” defined in Section 38-30(b) of the Code.
- 8) A waiver from Section 38-1287(4) of the Code for the Universal Property to allow a zero (0) foot paving setback in lieu of all of the standard paving setbacks set forth in Section 38-1287(4) of the Code.
- 9) For any portion of the Universal Property approved as a Perimeter Development Plan (PDP) pursuant to Section 38-30 of the code, A Waiver from Section 38-1427(g) and Section 38-1427(o) to allow the installation of communication antennas, including antennas that are a part of a distributive antenna system (das), small wireless facility, two-way radio system, or other similar communication facilities, on any buildings, structures, poles or pole-type structures located within the approved PDP in lieu of having to meet the code’s minimum height, design and siting requirements contained in these Sections.
- 10) For any portion of the universal property approved as a Perimeter Development Plan (PDP) pursuant to Section 38-30 of the code, A waiver from Sections 38-1236 and 38-1427 of the Code to allow the installation of communication towers at various locations within the

approved PDP to be determined at the time of permitting and construction in lieu of having to meet the minimum siting and separation requirements found in Sections 38-1236 and 38-1427 of the Code.

8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 20, 2017, shall apply
 - a. The following waivers are granted for the Universal Boulevard PD / West and Northwest PSP Lot 5A only:
 - 1) A waiver from the Master Sign Plan and Orange County Code Section 31.5-163(a)(2) to allow 1,042 square feet of wall signage, in lieu of 200 square feet;
 - 2) A waiver from the Master Sign Plan and Orange County Code Section 31.5-168(b) to allow two (2) walls signs per building face for a single tenant, in lieu of one (1) wall sign; and
 - 3) A waiver from the Master Sign Plan to allow a maximum copy area of 369 square feet for wall signs, in lieu of sixty (60) square feet.
 - 4) Any change to copy on the signs shown on this Land Use Plan will be a substantial change due to the extent and size of the waivers being granted.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 4, 2015, shall apply:
 - a. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
 - b. A road agreement is required to be in place for the conveyance of right-of-way required for the Kirkman Road Extension prior to PSP / DP.
 - c. A waiver is granted to use the Convention Plaza District Overlay standards in Orange County Code Section 38-865, in lieu of the PD General Site Development Standards and PD Tourist Commercial Standards found in Orange County Code Sections 38-1234, 38-1287, 38-1290, 38-1291, 38-1300, and 38-1476.
 - d. Development shall be consistent with the Mandarin Drive Agreement approved by the BCC on June 4, 2013, and recorded at Book 10581, Page 0871, Public Records of Orange County, Florida.
 - e. A mandatory pre-application / sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the

pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.

10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 4, 2013, shall apply:

- a. 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.
- b. 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.
- c. Neither potable wells nor irrigation using local groundwater will be allowed on sites where identified soil or groundwater contamination has been documented.
- d. The Developer shall obtain wastewater and reclaimed water service from Orange County Utilities.
- e. 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.
- f. 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.
- g. Maximum building height shall be 400 feet / 40 stories as shown on the approved PD/ LUP, except that the maximum building height shall be 50 feet / 3 stories for the 62.62 acres being added with this request and for the area of the existing PD northwest of the Mandarin Drive right of way.

11. All previous applicable BCC Conditions of Approval, dated April 28, 2009, shall apply:

- a. 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:

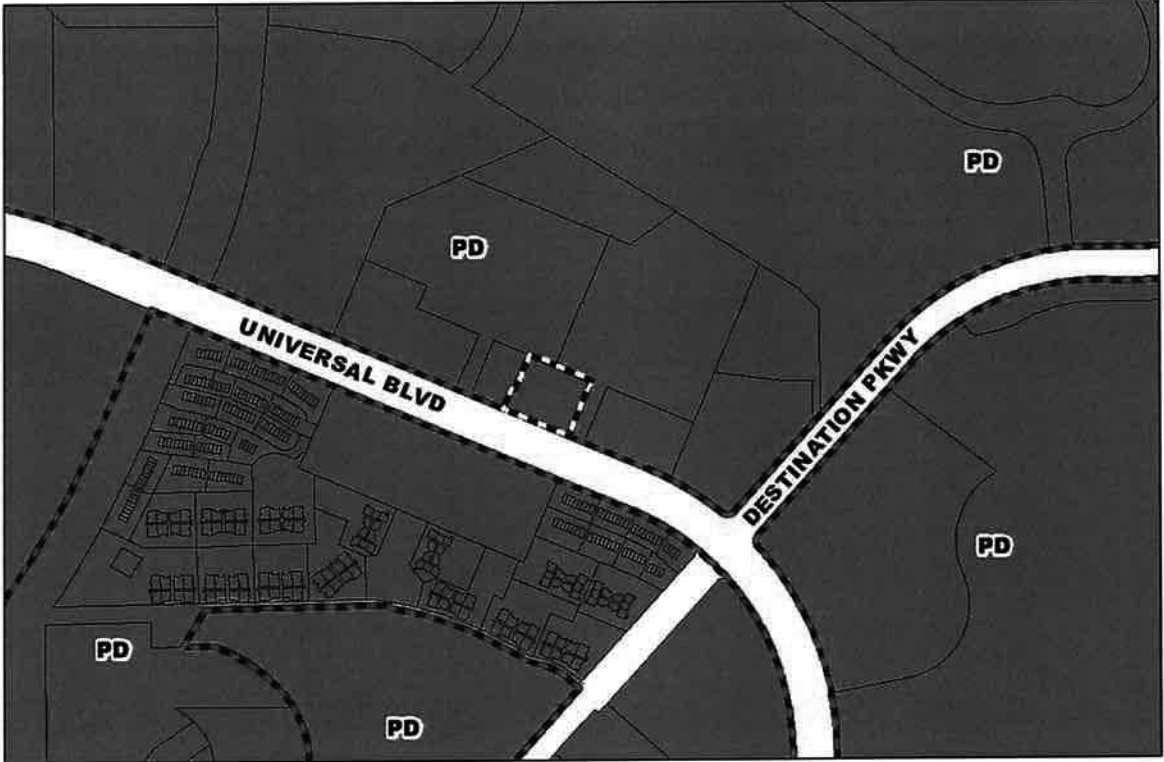
- a. Residential uses shall be limited to those residential uses in the Land Uses Agreement entered into on January 4, 1994, by and among Orange County, Martin Marietta Corporation, and Orlando Central Park, Inc.
- b. Development shall comply with the property owner's Donation Agreement (Universal Boulevard PD) effective as of February 2, 2006, by and between the School Board of Orange County, Florida and Universal City Property Management III, LLC. In the event the County receives written notification from the School Board of developer's breach of the agreement, the County shall cease issuing development approvals until such time as the School Board 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. 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 non-substantial change, as reviewed and approved by Development Review Committee.
- h. 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.
- i. 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.
- j. 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.
- k. 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.

- l. Any future use of fireworks requires a public hearing and is subject to the Board of County Commissioners' (BCC) approval.
- m. No construction plan approval for vertical construction shall be permitted until a mitigation plan is approved for that parcel.
- n. 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.
- o. No searchlights or up-lighting shall be allowed within 2,600 feet of all residential areas. Additional lighting shall be submitted with the proposed attraction area prior to approval.
- p. All parking light poles shall be restricted to a maximum height of 30 feet.
- q. Lighting, with the exception of landscape lighting, shall be directed in a downward direction and away from the Williamsburg neighborhood.
- r. A waiver shall be granted from the Tourist Commercial Performance Standards to the extent indicated on the USI South Campus LUP.
- s. 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.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (December 17, 2019)

Upon a motion by Commissioner Siplin, seconded by Commissioner VanderLey, and carried by a vote of 7-0 to approve the substantial change to amend the PD boundary and entitlements, and granted 39 waivers related to the Universal property.

CDR-20-04-114



 Subject Property
 Overall PD



 Subject Property

Future Land Use Map

FLUM: Planned Development (PD)

APPLICANT: Jenny Baez, Bowman Consulting Group

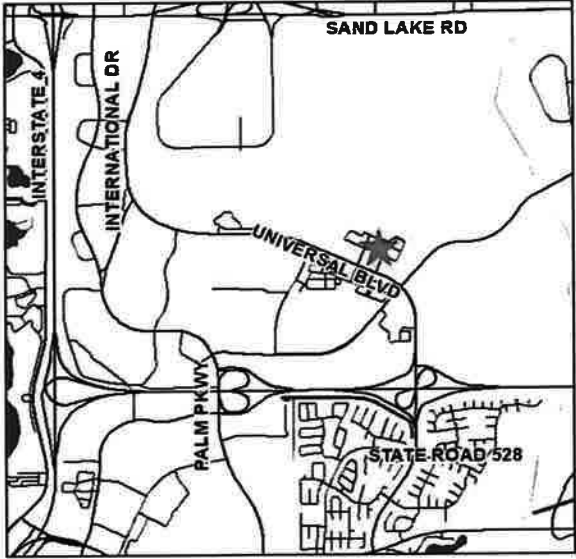
LOCATION: Northwest corner of McKenna Drive and Universal Boulevard, west of Destination Parkway

TRACT SIZE: 1.93 gross acres (affected parcel only)

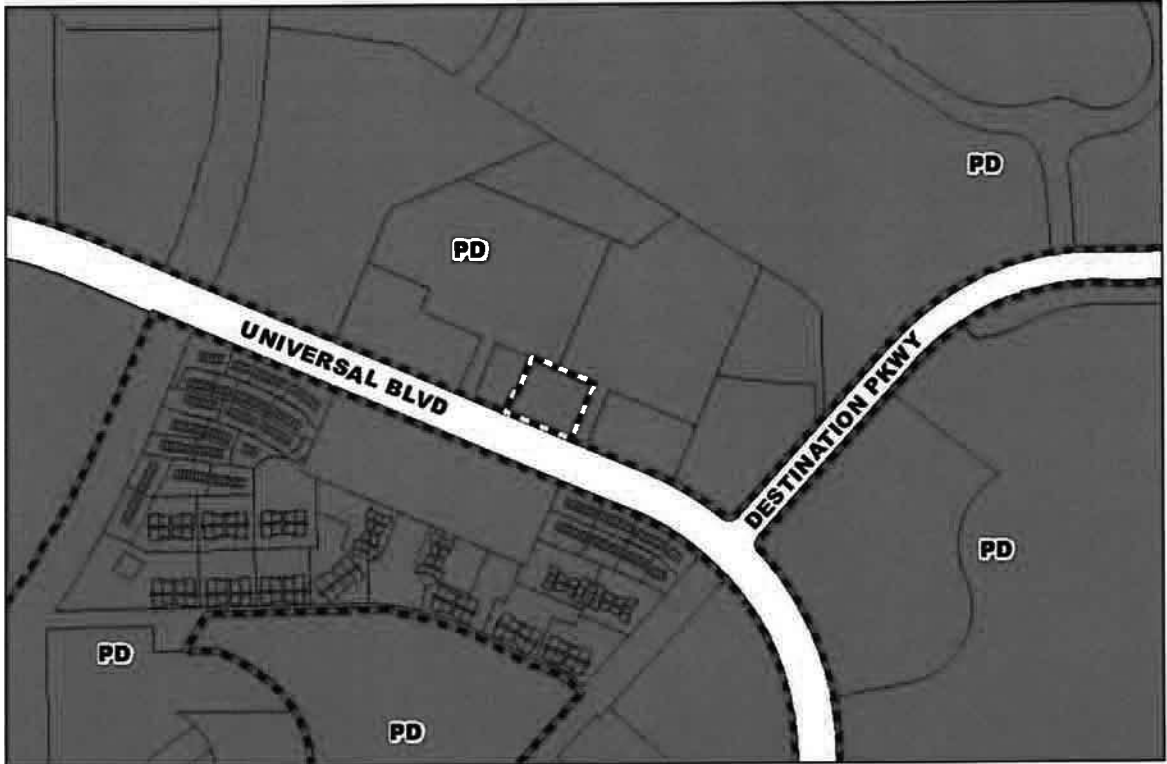
DISTRICT: # 6

S/I/T/R: 31/23/29

1 inch = 666 feet



CDR-20-04-114



Subject Property
 Overall PD



Subject Property

Zoning Map

ZONING: Planned Development (PD)

APPLICANT: Jenny Baez, Bowman Consulting Group

LOCATION: Northwest corner of McKenna Drive and Universal Boulevard, west of Destination Parkway

TRACT SIZE: 1.93 gross acres (affected parcel only)

DISTRICT: # 6

S/T/R: 31/23/29

1 inch = 666 feet

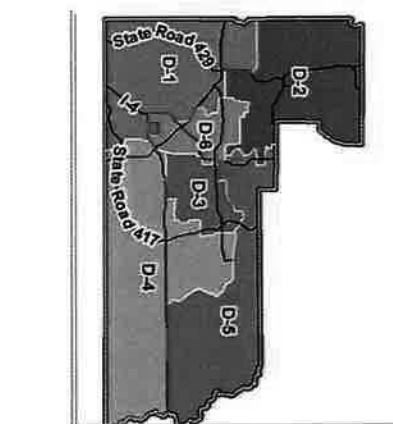
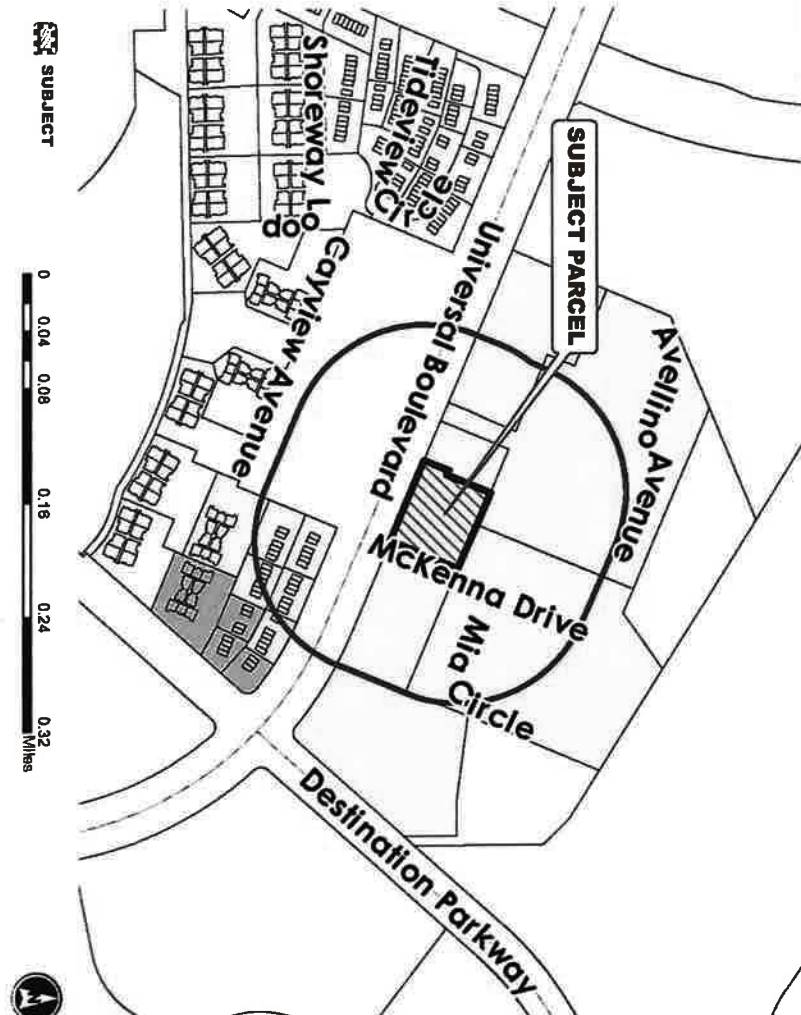


Notification Map



Public Notification Map

Universal Boulevard_CDR-20-04-114



MAP LEGEND

- SUBJECT
- 500_FT_BUFFER
- PARCELS
- NOTIFIED PARCELS
- COURTESY_PARCELS

BUFFER DISTANCES: 500
OF NOTICES: 142
RESIDENTIAL ADDRESSES: 39

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