



Interoffice Memorandum

DATE: April 18, 2022

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

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

CONTACT PERSON: **Joe Kunkel, P.E., DRC Chairman**
Development Review Committee
Public Works Department
(407) 836-7971

SUBJECT: April 26, 2022– Public Hearing
Brent Lenzen, Kimley-Horn and Associates, Inc.
Long Lake Planned Development
Case # LUP-21-08-247 / District 5

The Long Lake Planned Development (PD) is generally located south of Hanging Moss Road, approximately 2,200 feet east of N. Semoran Boulevard. The applicant is seeking to rezone two parcels containing 18.15 gross acres from I-2 / I-3 (Industrial District – General) to PD (Planned Development District) in order to construct 363 multi-family units. The request includes four waivers from Orange County Code to increase the maximum building height and reduce the minimum building separation. The proposed Land Use Plan also shows a 30 foot strip of land on the southern portion of the site that will be dedicated to Orange County for the Little Econ Greenway Trail.

On March 17, 2022, the Planning and Zoning Commission recommended approval of the request, subject to conditions. A community meeting was held for this request on January 31, 2022, with 12 residents in attendance expressing concerns of traffic and noise from the clubhouse, however, the overall tone of the meeting was neutral.

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 Long Lake Planned Development / Land Use Plan (PD/LUP) dated “Received February 24, 2022”, subject to the conditions listed under the PZC Recommendation in the Staff Report. District 5

Attachments
JVW/NT/jhs

GENERAL INFORMATION

APPLICANT Brent Lenzen, Kimley-Horn & Associates, Inc.
OWNER Long Lake Development, LLC
PROJECT NAME Long Lake Planned Development (PD)
HEARING TYPE Planning and Zoning Commission
REQUEST I-2 / I-3 (Industrial District - General) to PD (Planned Development District)

A request to rezone two (2) parcels containing 18.15 gross acres from I-2 / I-3 to PD, in order to construct 363 multi-family units. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1258(b) to allow buildings to be four stories (65' maximum height), in lieu of varying in building height with a maximum of fifty (50) percent of buildings being three (3) stories (not to exceed forty (40) feet) in height, with the remaining buildings being one (1) story or two (2) stories in height, when located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property.

Applicant Justification: *The subject single family residential zoned properties are located along the southern boundary of the property and are separated by an existing 40' outfall ditch easement (IND-2/IND-3 zoning) and a future 30' parks and recreation right-of-way dedication from the subject property for the future Little Econ Trail Extension.*

2. A waiver from Section 38-1258(c) to allow a building height of 65' and four stories, in lieu of not exceeding three (3) stories (40 feet) in height, when located within one hundred and fifty (150) feet of single-family zoned property.

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way dedication from the subject property for the future Little Econ Trail Extension.

3. A waiver from Section 38-1258(d) to allow a building height of 65' and four stories in lieu of 40' and three stories.

Applicant Justification: *The four (4) story multi-family product provides more opportunity to create increased on-site open space for both active and passive recreation use. The adjacent single family residential zoned properties are located along the southern boundary of the property and are separated by an existing 40' outfall ditch easement (IND-2/IND-3 zoning) and a future 30' parks and recreation right-of-way dedication from the subject property for the future Little Econ Trail Extension.*

4. A waiver from Section 38-1258(j) to allow buildings to be constructed with 20' separation in lieu of 30' separation for two-story buildings, 40' separation for three-story buildings, and height increases in proportion to additional structure height.

Applicant Justification: *The proposed development has agreed to dedicate a 30' parks and recreation right-of-way to the county for the future Little Econ Trail Extension. Due to the dedication, the site development area has been reduced and the proposed buildings will need to be shifted accordingly, resulting in closer separation distances.*

LOCATION	6730 Hanging Moss Road and 2308 Mercator Drive; generally south of Hanging Moss Road and west of Mercator Drive, approximately 2,200 feet east of N. Semoran Blvd.
PARCEL ID NUMBERS	15-22-30-0000-00-085 and 15-22-30-0000-00-020
TRACT SIZE	18.15 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred thirty-seven (337) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Three Hundred Sixty-Three (363) Multi-Family Units

STAFF RECOMMENDATION

Development Review Committee – (February 23, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Long Lake Planned Development / Land Use Plan (PD/LUP), dated “Received February 24, 2022”, subject to the following conditions:

1. Development shall conform to the Long Lake Land Use Plan (LUP) dated "Received February 24, 2022," 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 February 24, 2022," 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. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, which may include a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the prior use of this property had potential for soil and groundwater contamination.

7. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.

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

9. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
10. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
11. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
12. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
13. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1258(b) to allow buildings to be four stories (65' maximum height), in lieu of varying in building height with a maximum of fifty (50) percent of buildings being three (3) stories (not to exceed forty (40) feet) in height, with the remaining buildings being one (1) story or two (2) stories in height, when located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property.
 - b. A waiver from Section 38-1258(c) to allow a building height of 65' and four stories, in lieu of not exceeding three (3) stories (40 feet) in height, when located within one hundred and fifty (150) feet of single-family zoned property.
 - c. A waiver from Section 38-1258(d) to allow a building height of 65' and four stories in lieu of 40' and three stories.
 - d. A waiver from Section 38-1258(j) to allow buildings to be constructed with 20' separation in lieu of 30' separation for two-story buildings, 40' separation for three-story buildings, and height increases in proportion to additional structure height.

IMPACT ANALYSIS

Overview

The applicant is seeking to rezone two (2) parcels containing 18.15 gross acres from I-2 / I-3 to PD, in order to construct 363 multi-family units. The applicant is also seeking approval of waivers to reduce the required building separation and increase the building height in proximity to single-family zoned property.

The subject property is currently occupied by a concrete crushing facility which is planned to cease operations if this rezoning is approved. There was a Future Land Use Amendment in January 2021 (Case #2020-2-A-5-1) to change the Future Land Use designation from Industrial (IND) to Medium Density Residential (MDR) which allows consideration of up to 20 units per net developable acre. With net developable acreage of 18.15 acres, the maximum units allowed are 363 which is the amount the applicant is requesting.

The request is associated with a Park Dedication and Park Impact Fee Agreement (Little Econ Greenway Trail Dedication) which will need to be approved by the BCC prior to approval of a Development Plan. The dedication consists of a 30' wide strip of land at the southern boundary of the site, totaling approximately 0.6 acres of land.

Land Use Compatibility

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

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input type="checkbox"/>	
Airport Noise Zone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The property is located in Airport Noise Overlay Zone "E". Any required sound mitigation will be required at the time of building permit submittal.
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Medium Density Residential (MDR) which was approved January 12, 2021 (Case # 2020-2-A-1). The MDR designation allows for a maximum residential density of twenty (20) dwelling unit per one (1) net developable acre. The proposed PD zoning district and development program is consistent with the MDR FLUM designation, therefore a CP amendment is not necessary. Additionally, the request is consistent with the following CP provisions:

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

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

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

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.

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

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

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

FLU8.2.2 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 its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

OBJ UD1.3 states that Orange County shall encourage the efficient use of land by integrating uses and creating interconnected and diverse spaces that feature a horizontal and vertical mix of higher residential densities, and smaller scale residential and non-residential uses.

H1.3.8 states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

SITE DATA

Existing Use	Industrial / Concrete Crushing Business
Adjacent Zoning	N: PD (Planned Development District) (1983) E: I-1 / I-5 (Industrial District - Light) (1970) W: I-2 / I-3 (Industrial District - General) (1976) S: A-1 (Citrus Rural District) (1970)
Adjacent Land Uses	N: Industrial / Warehouse E: Industrial / Warehouse W: Industrial / Warehouse S: Agricultural / Single-Family Residential

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback	25 feet
Maximum Building Height:	65 feet (4 stories)
Minimum Living Area:	500 Square Feet (under HVAC)
Open Space:	25%
<i><u>Minimum Building Setbacks</u></i>	
Front Setback:	30 feet (including front porch)
Rear Setback:	25 feet
Side Setback:	25 feet
Building Separation:	20 feet

SPECIAL INFORMATION

Community Meeting Summary

A community meeting was held on January 31, 2022, at Winter Park High School. Twelve (12) residents were in attendance and expressed concerns related to Traffic on Hanging Moss Road and noise from the clubhouse. The overall tone of the meeting was neutral.

Environmental

Former Use Notification - The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, shall include notification of the prior industrial use of this property as solid waste facilities (tree processing and demolition material recycling).

The project shall obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, and the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

No person shall cause, let, suffer, allow, or permit the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities, such as loading, unloading, storing, or handling; without taking reasonable precautions to prevent such emissions including but not limited to application of water, dust suppressants, planting of vegetation, point of activity controls (hoods, filters, etc.) and other measures. Reference Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 15-89.1 Air Pollution Prohibited 15-89.1(b) Unconfined emissions of particulate matter and 15-89.1(b)(2) Reasonable Precautions and defined in the Florida Department of Environmental Protection 62-296.320(4)(c) for Unconfined Emissions of Particulate matter adopted by Orange County Code 15-90 Adoption of state and federal rules by reference.

The subject property had a prior land use (demolition debris recycling) that may have resulted in soil or groundwater contamination. Pursuant to OC Comp Plan Policy C1.5.7, development in, or near, contaminated soils shall properly address the contamination prior to approvals allowing disturbance of the contaminated soils with land clearing (including grubbing, or demolition), mass grading and or construction. Therefore, a Phase I Environmental Site Assessment is required prior to approvals that include alterations of the land's surface. Depending on the results of the Phase I, limited sampling or a full Phase II Environmental Site Assessment will be required. In order to allow for other parts of the project to move forward, a protective activity setback buffer can be established around any found sources of contamination in order to allow simultaneous remediation and other adjacent site development activity in a phased manner to proceed on a case by case basis. The goal of remediation will be compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels. The remediation process will be deemed complete with either a state determination of No Further Action or Site Rehabilitation Completion Order with, or without, conditions, or compliance with a remedial action plan in order to determine when vertical construction can proceed while considering health, safety and welfare (Orange County Code Chapter 15 Environmental Control, Section 15-27 Declaration of Legislative Intent).

This property may be the location contamination due to the storage, processing, and handling of waste materials. Prior to approval of a Preliminary Subdivision Plan or a Development Plan, as a minimum, the applicant shall submit a completed Phase I Environmental Site Assessment. If an Environmental Site Assessment (ESA) has been conducted on this site, then submit an electronic version to the DRC office in the format style as required for other DRC submittal review materials, or provide a copy to the Orange County Environmental Protection Division, Attention: Development Review Program and the Orange County Development Engineering Division, Attention: Platting Office. Early submittal of an ESA Phase I will help streamline the approval process and minimize conditions of approval.

Transportation Planning

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

Improvements: Richard Crotty Parkway, Segment 1A, from Semoran Boulevard to Goldenrod Road. Richard Crotty Parkway will be a new four-lane roadway with sidewalks, bicycle lanes, roadway lighting, and median landscaping. The project is in the design phase and is estimated to be 90% complete.

Based on the Concurrency Management database (CMS) dated 8/6/2021, there are multiple failing roadway segments within the project's impact area along East Colonial Drive, from Semoran Blvd. to Goldenrod Road (2 segments). This information is dated and subject to change.

Water / Wastewater / Reclaim

Existing service or provider

Water: City of Winter Park - Connection required.

Wastewater: City of Winter Park – Connection required.

Schools

Orange County Public Schools (OCPS) reviewed the request and determined that capacity is available for the requested 363 multi-family units.

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

Planning and Zoning Commission (PZC) Recommendation – (March 17, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested PD (Planned Development District) zoning subject to the following conditions of approval including four (4) waivers from Orange County Code:

1. Development shall conform to the Long Lake Land Use Plan (LUP) dated "Received February 24, 2022," 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 February 24, 2022," 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. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, which may include a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the prior use of this property had potential for soil and groundwater contamination.
7. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.

8. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
9. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
10. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
11. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
12. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
13. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1258(b) to allow buildings to be four stories (65' maximum height), in lieu of varying in building height with a maximum of fifty (50) percent of buildings being three (3) stories (not to exceed forty (40) feet) in height, with the remaining buildings being one (1) story or two (2) stories in height, when located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property.
 - b. A waiver from Section 38-1258(c) to allow a building height of 65' and four stories, in lieu of not exceeding three (3) stories (40 feet) in height, when located within one hundred and fifty (150) feet of single-family zoned property.
 - c. A waiver from Section 38-1258(d) to allow a building height of 65' and four stories in lieu of 40' and three stories.
 - d. A waiver from Section 38-1258(j) to allow buildings to be constructed with 20' separation in lieu of 30' separation for two-story buildings, 40' separation for three-story buildings, and height increases in proportion to additional structure height.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested PD (Planned Development District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak during public comment.

Staff indicated that three hundred thirty-seven (337) notices were sent to property owners and residents extending beyond 800 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request.

A motion was made by Commissioner Spears, and seconded by Commissioner Wiggins to recommend APPROVAL of the requested PD (Planned Development District) zoning subject to thirteen (13) conditions listed in the staff report including four (4) waivers from Orange County Code. The motion carried unanimously.

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|-----------------------------|--|
| Motion / Second | <i>Gordon Spears / George Wiggins</i> |
| Voting in Favor | <i>JaJa Wade, Gordon Spears, Mohammed Abdallah, Trevor Sorbo, Evelyn Cardenas, Walter Pavon , George Wiggins and Eddie Fernandez</i> |
| Voting in Opposition | <i>None</i> |
| Absent | <i>Nelson Pena</i> |

LUP-21-08-247



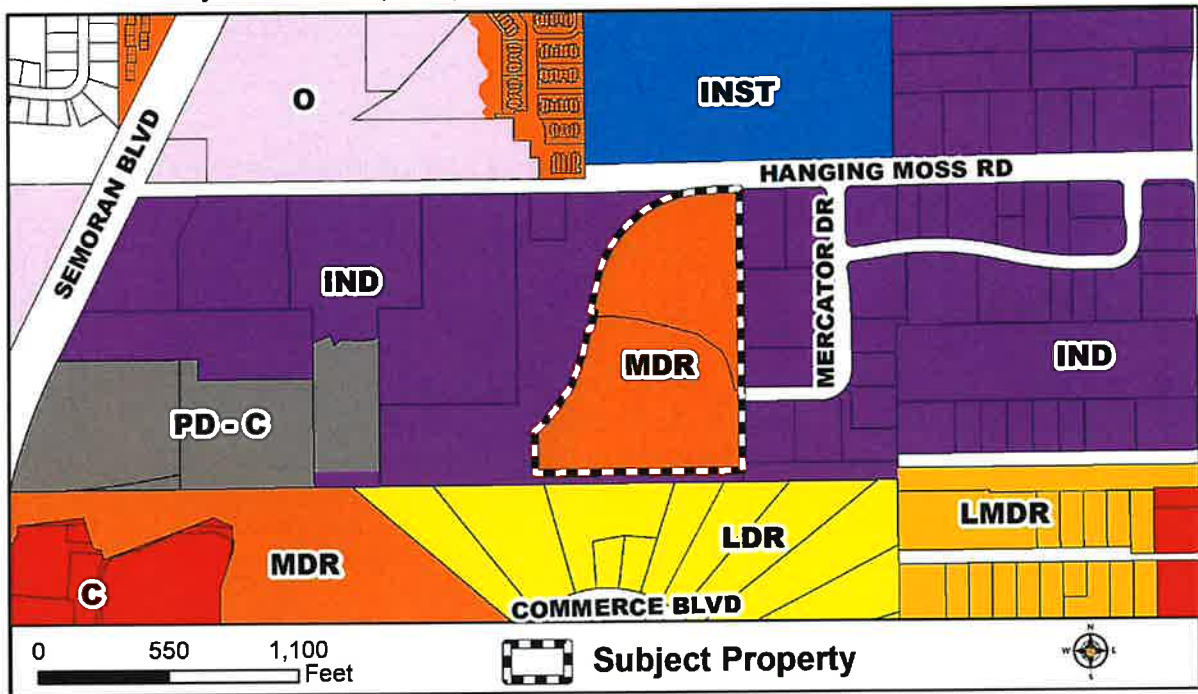
 Subject Property



1 inch = 500 feet

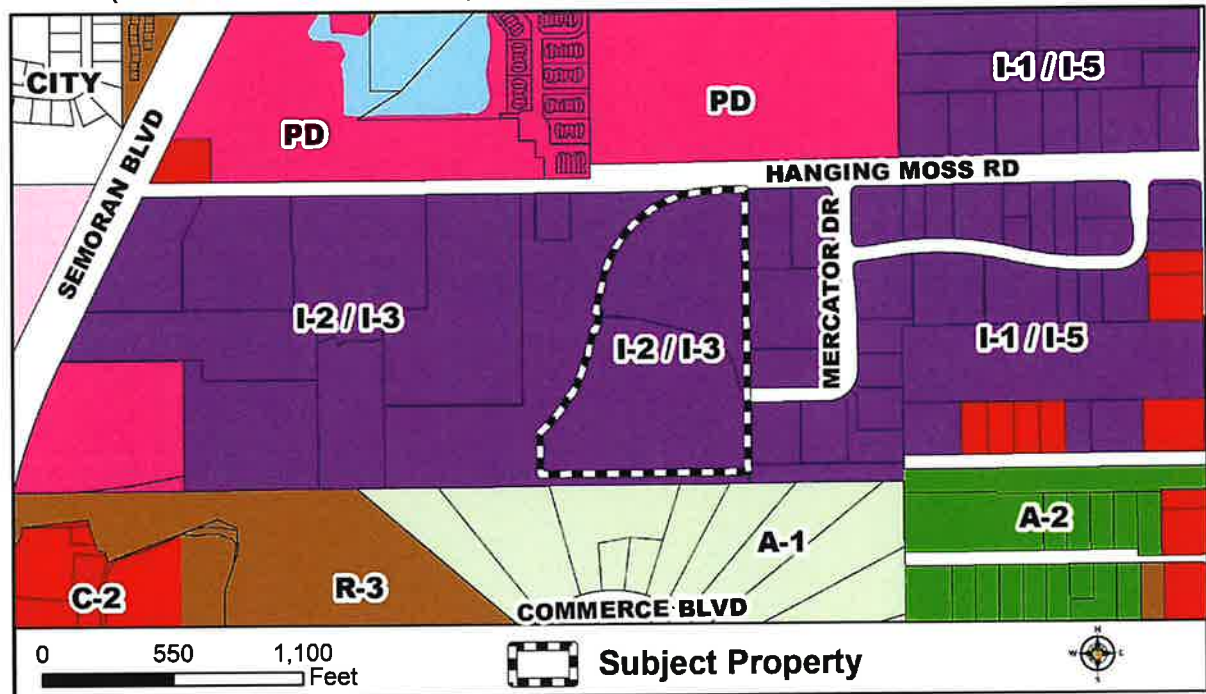
FUTURE LAND USE - CURRENT

Medium Density Residential (MDR)

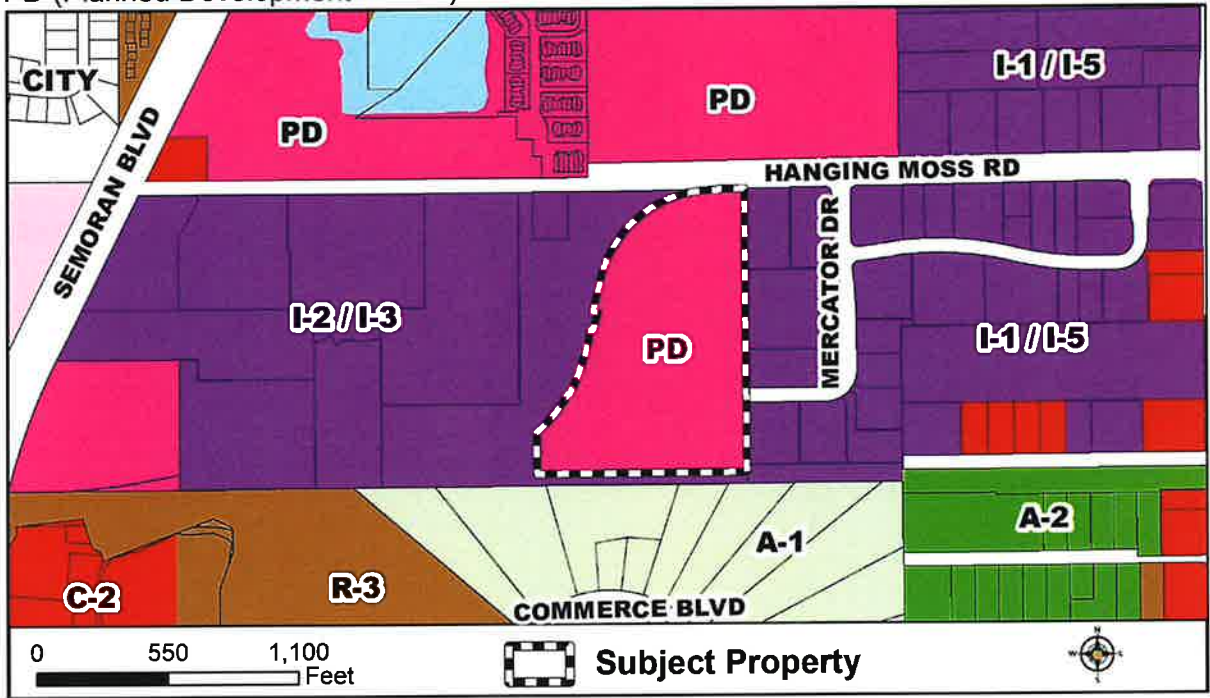


ZONING - CURRENT

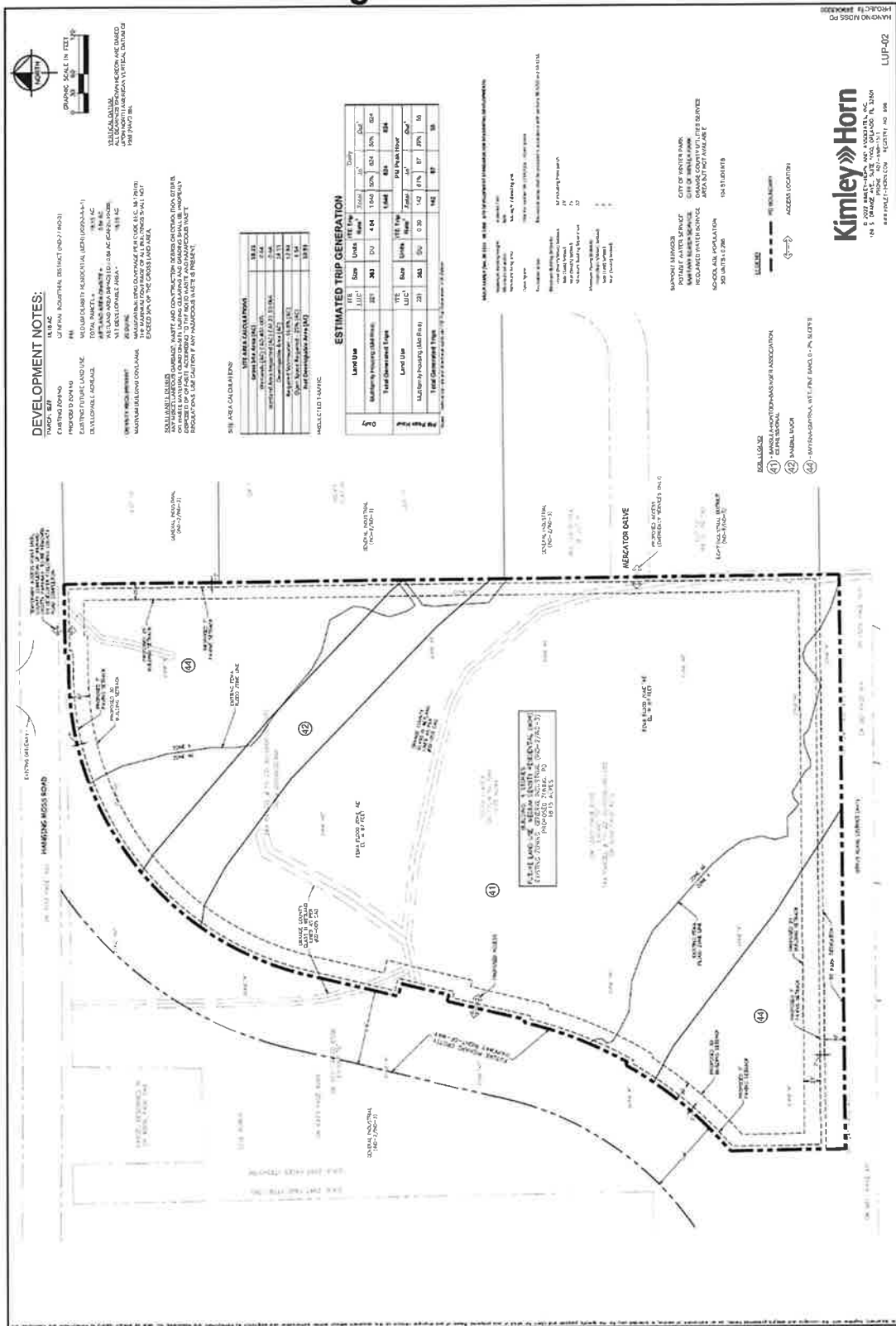
I-2 / I-3 (Industrial District - General)



ZONING – PROPOSED
PD (Planned Development District)



Long Lake PD / LUP



DEVELOPMENT NOTES:

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.

2. THE PROPOSED IMPROVEMENTS TO THE EXISTING DRIVEWAY SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.

3. THE PROPOSED IMPROVEMENTS TO THE EXISTING DRIVEWAY SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.

4. THE PROPOSED IMPROVEMENTS TO THE EXISTING DRIVEWAY SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.

ESTIMATED TRIP GENERATION

Land Use	Area (sq ft)	Vehicle Trips (per Day)	Notes
Multi-Family Residential	10,000	150	1.5 trips per unit
Office	5,000	100	2.0 trips per 1,000 sq ft
Commercial	2,000	40	2.0 trips per 1,000 sq ft
Public	1,000	20	2.0 trips per 1,000 sq ft
Total	18,000	310	

SOIL AREA CALCULATION

Soil Type	Area (sq ft)
Class I	10,000
Class II	5,000
Class III	2,000
Class IV	1,000
Total	18,000

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LUP-247

Notification Map

