




Interoffice Memorandum

DATE: February 10, 2023

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

FROM: Tim Boldig., Interim 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: February 21, 2023 – Public Hearing
Russell Maynard, Central Florida Engineering Consultants, LLC
Buena Vista Cay Planned Development
Case # CDR-22-05-164 / District 1

The Buena Vista Cay Planned Development (PD) is located North of 9th Street and South of 8th Street /East of Ruby Lake Drive. The existing PD development program allows for constructing up to fourteen (14) short term rental / timeshare units.

Through this PD substantial change, the applicant is seeking to increase the development program to change from 14 short term rental / timeshare units to 24 short term rental units. The request is consistent with the allowable density of the underlying FLUM designation.

On January 11, 2023, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was held on September 20, 2022, at the Bay Meadows Elementary School, which was attended by 20 area residents who expressed concerns of compatibility and traffic impacts from the increase in units.

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 Buena Vista Cay Planned Development / Land Use Plan (PD/LUP) dated “Received December 1, 2022”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachments
TB/NT/JK

CASE # CDR-22-05-164

Commission District: # 1

GENERAL INFORMATION

APPLICANT Russell Maynard, Central Florida Engineering Consultants, LLC

OWNER Plusa Management, LLC

PROJECT NAME Buena Vista Cay Planned Development (PD)

PARCEL ID NUMBER(S) 15-24-28-6212-00-010, 15-24-28-6212-00-001

TRACT SIZE 2.06 gross acres (overall PD)

LOCATION Generally located North of 9th Street and South of 8th Street / East of Ruby Lake Drive

REQUEST A Change Determination Request (CDR) to increase the development program from 14 short term rental units to 24 Short Term Rental units.

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 thirty-four (134) notices were mailed to those property owners in the notification buffer area. A community meeting was held on September 20, 2022. Summary of the meeting can be found on page 2 of the staff report.

IMPACT ANALYSIS

Special Information

The Buena Vista Cay PD was originally approved on December 15, 2015 to allow for constructing up to fourteen (14) timeshare units (without lockout unit capabilities). In addition, two (2) waivers from the BVN District Standards of Orange County Code were requested to allow a minimum lot size of 2.06 acres, in lieu of a minimum lot size of 4.5 acres; and to eliminate the streetscape landscaping requirement along adjacent and unopened Commercial Street right-of-way.

Through this PD Change Determination Request (CDR), the applicant is asking to increase the development program to change from 14 time-share units to 24 Short Term Rental units and the request is consistent with the allowable density of the underlying FLUM designation.

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 ACMU (Activity Center Mixed Use). The subject property is designated PD (Planned Development District) on the zoning map, which is consistent with the FLUM designation. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Overlay Ordinance

The subject property is located within the Buena Vista North 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 and did not identify any issues or concerns.

Transportation Planning

Existing/Valid transportation capacity entitlements not found. This development will require Transportation Capacity via a Capacity Encumbrance Letter (CEL) Application.

Based on the Concurrency Management (CMS) database dated 6/23/2022, there are multiple failing segments within the project's impact area. Vineland Avenue from Kissimmee Vineland Road to Little Lake Bryan Parkway (1 segment) and Winter Garden Vineland Road from Interstate 4 to Apopka Vineland Road (1 segment). This information is dated and subject to change.

Unless the property is otherwise vested or exempt, 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 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 capacity encumbrance letter or a capacity reservation certificate.

Community Meeting Summary

A community meeting was held on September 20, 2022 at the Bay Meadows Elementary School. Over 20 residents were in attendance and provided comments regarding the following:

- Infrastructure unable to handle proposed new development
- Compatibility issues
- Should not require waivers
- Traffic increase

- Too many units for 2 acres
- There are no sidewalks in the area
- Drainage concerns
- Issues with proposed fence – residents prefer a wall
- This development should stay as timeshare
- Developer's request is based on making more money
- Is new proposal based on Buena Vista overlay?

Schools

Orange County Public Schools (OCPS) reviewed the request and did not identify any issues or concerns.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the Change Determination Request and 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 – (January 11, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Buena Vista Cay Planned Development / Land Use Plan (PD/LUP), dated "December 1, 2022", subject to the following conditions:

1. Development shall conform to the Buena Vista Cay Planned Development dated "Received December 1, 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 December 1, 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. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. 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 MUP and updates must be approved prior to Construction Plan approval.
7. Pole signs and billboards shall be prohibited. All other signage shall comply with Orange County Chapter 31.5, Buena Vista North Overlay Standards.
8. The subject property shall be replatted subsequent to an approved Development Plan/Preliminary Subdivision Plan. No Condominium instruments shall be recorded in the public records prior to plat/replat recordation.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 6, 2019, shall apply:
 - a. 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).
 - b. 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.
 - c. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
 - d. Length of stay shall be a minimum of six consecutive days and shall not exceed 179 consecutive days.
 - e. The following waivers from Orange County Code are granted:
 - 1) A waiver from Section 38-1394.1(a) in order to allow a minimum width of building base green space for two story structures of zero (0) feet for buildings that are attached and / or separated by ten (10) feet or less, in lieu of a minimum width of thirteen (13) feet.
 - 2) A waiver from Section 38-1394.1(a)(2) in order to allow tree planting requirements within the building base landscape area to require one (1) canopy tree and one (1) understory tree for each

six hundred (600) square feet of green space, in lieu of one (1) canopy tree per one hundred (100) square feet of green space.

10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 15, 2015, shall apply:
 - a. 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 the 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 Capacity Encumbrance Letter or a Capacity Reservation Certificate.
 - b. The subject property is located within the Buena Vista North (BVN) Overlay District, and with the exception of any waivers explicitly granted by the BCC shall comply with all applicable development standards addressed under Chapter 31.5 and / or Chapter 38-1391.
 - c. Outdoor sales, storage, and display shall be prohibited.
 - d. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and / or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
 - e. The following waivers from the Buena Vista North (BVN) Overlay District Standards of Orange County Code are granted:
 - 1) A waiver from Section 38-1392 to allow a minimum lot size of 2.06 acres, in lieu of a minimum lot size of 4.5 acres; and
 - 2) A waiver from Section 38-1394 to eliminate the streetscape landscaping requirement along adjacent and unopened Commercial Street right-of-way.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (August 6, 2019)

Upon a motion by Commissioner VanderLey, seconded by Commissioner Uribe, and carried by all members present voting AYE by voice vote, the Board approved the request to amend the existing December 15, 2015 BCC Condition of Approval #11 to allow for a minimum stay of six (6) days instead of two (2) weeks and modify the previously approved setback from fifteen (15) feet to twelve (12) feet. In addition, two waivers were granted related to building base landscaping.



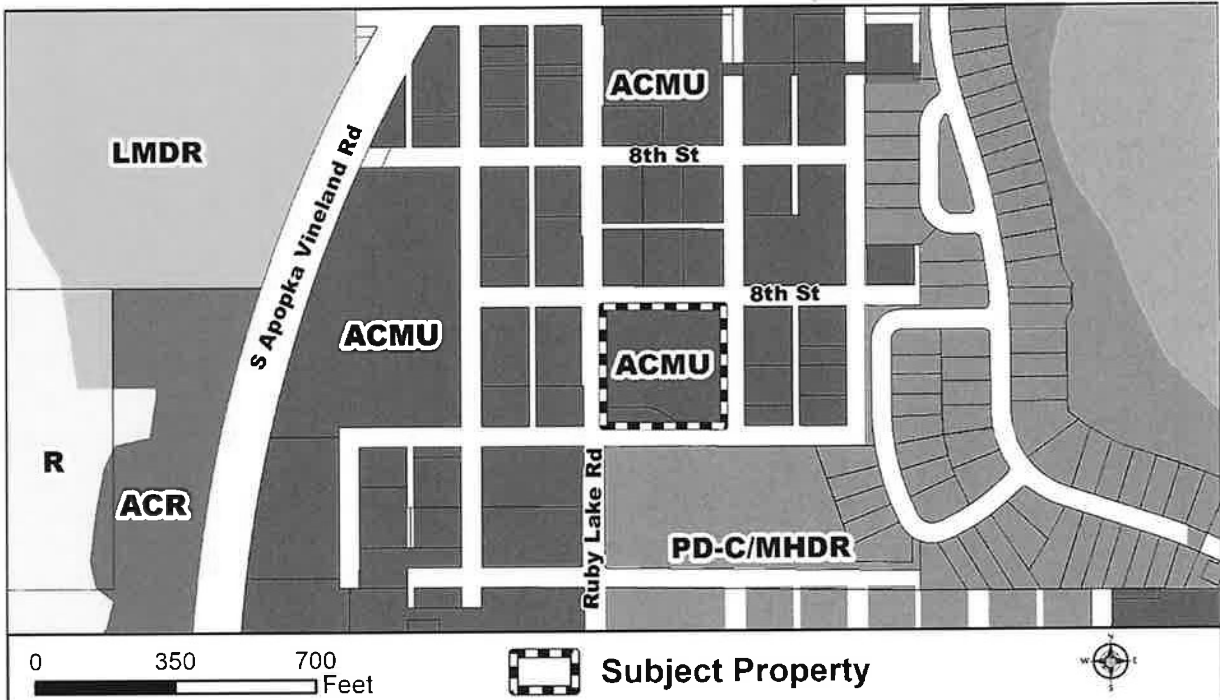
 Subject Property



1 inch = 300 feet

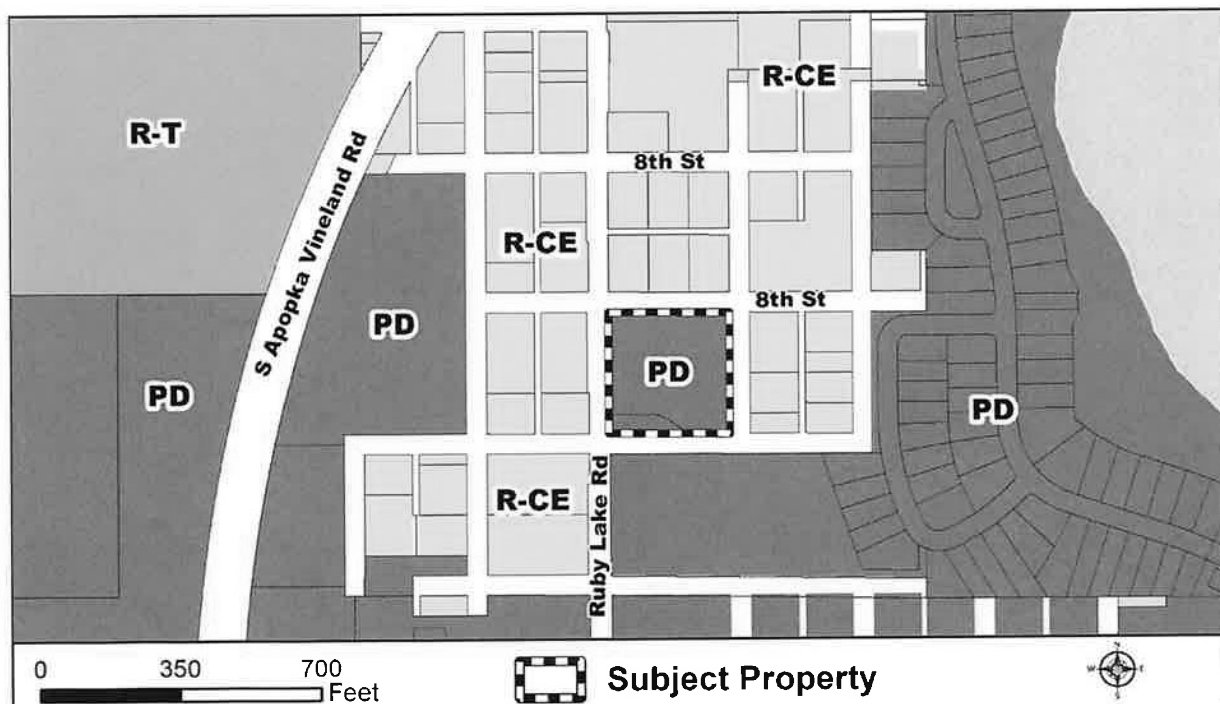
FUTURE LAND USE

Activity Center Mixed Use (ACMU)



ZONING

PD (Planned Development District)



Buena Vista Cay PD / LUP (*Cover Sheet*)

BUENA VISTA CAY PLANNED DEVELOPMENT

Parcel ID: 15-24-28-6212-00-010 & 001
 Case Number - LUP-14-05-122 CDR 18-10-329 Rv 22-05-164

Development Information:
 Gross Acreage: 2.04 ± (55,044 sq ft)
 Current Zoning: R-1
 Proposed Zoning: R-1
 Building Footprint: 35,000 sq ft (3,000 sq ft building, 32,000 sq ft parking)

Proposed Land Use:
 Single-Family Residential (R-1)

Water Management:
 The proposed development will be served by the existing municipal sewer system. The site is located within the service area of the City of Orange's sewer system. The proposed development will be served by the existing municipal sewer system. The site is located within the service area of the City of Orange's sewer system.

APPROVED WAIVER UNDER LOCAL ORDINANCE APPROVED 04/14/2019
 The subject property is currently zoned R-1. The proposed development is a single-family residential development. The proposed development is consistent with the R-1 zoning. The proposed development is consistent with the R-1 zoning. The proposed development is consistent with the R-1 zoning.

AMENDMENT BY: >>>
 ORCA, FLORIDA ENGINEERING CONSULTANTS, LLC
 1000 N. Orange Blossom Trail, Suite 200
 Orange, FL 32814
 Date: 05/24/2019
 File No: 18-10-329 Rv 22-05-164
 Project No: 18-10-329 Rv 22-05-164

NOTE:
 Development shall comply with the Buena Vista North Overlay Ordinance unless explicitly referenced by Orange County Board of County Commissioners.


AMENDMENT - 05/02/2022 BY 11/09/2022
 1. Change from 14 units to 24 Short Term Rental units in multiunit buildings ranging from 3 to 6 units.

RECEIVED
 AUGUST 19, 2015
 BY DRC OFFICE AT 10:00 AM, DRC OFFICE BUILDING

LAND USE PLAN FOR BUENA VISTA CAY PLANNED DEVELOPMENT
 UNF ENGINEERING, INC.
 1575 E. Highway 170, Suite 200, Kissimmee, FL 34758
 Phone: (407) 899-0000
 Fax: (407) 899-0000

Buena Vista Cay PD / LUP

BUENA VISTA CAY PLANNED DEVELOPMENT



SHEET NUMBER
001 OF 01

DATE
10/20/22

SCALE
AS SHOWN

PROJECT
BUENA VISTA CAY PLANNED DEVELOPMENT

OWNER
BUENA VISTA CAY PLANNED DEVELOPMENT, LLC

DESIGNER
CENTRAL PLANNING ENGINEERING CONSULTANTS, LLC

DATE
10/20/22

PROJECT TITLE
BUENA VISTA CAY PLANNED DEVELOPMENT

COUNTY
ORANGE COUNTY, FLORIDA

REVISIONS:

NO.	DATE	DESCRIPTION
1	10/20/22	ISSUED FOR PERMITTING

PROJECT DESCRIPTION:

The project consists of a 100-acre site located in the unincorporated area of Orange County, Florida. The site is currently zoned as Agricultural (A-1). The proposed development includes a 100-acre parcel to be developed as a Planned Development (PD) with a maximum density of 10 units per acre. The development will include a 100-acre parcel to be developed as a Planned Development (PD) with a maximum density of 10 units per acre. The development will include a 100-acre parcel to be developed as a Planned Development (PD) with a maximum density of 10 units per acre.

COMMENTS:

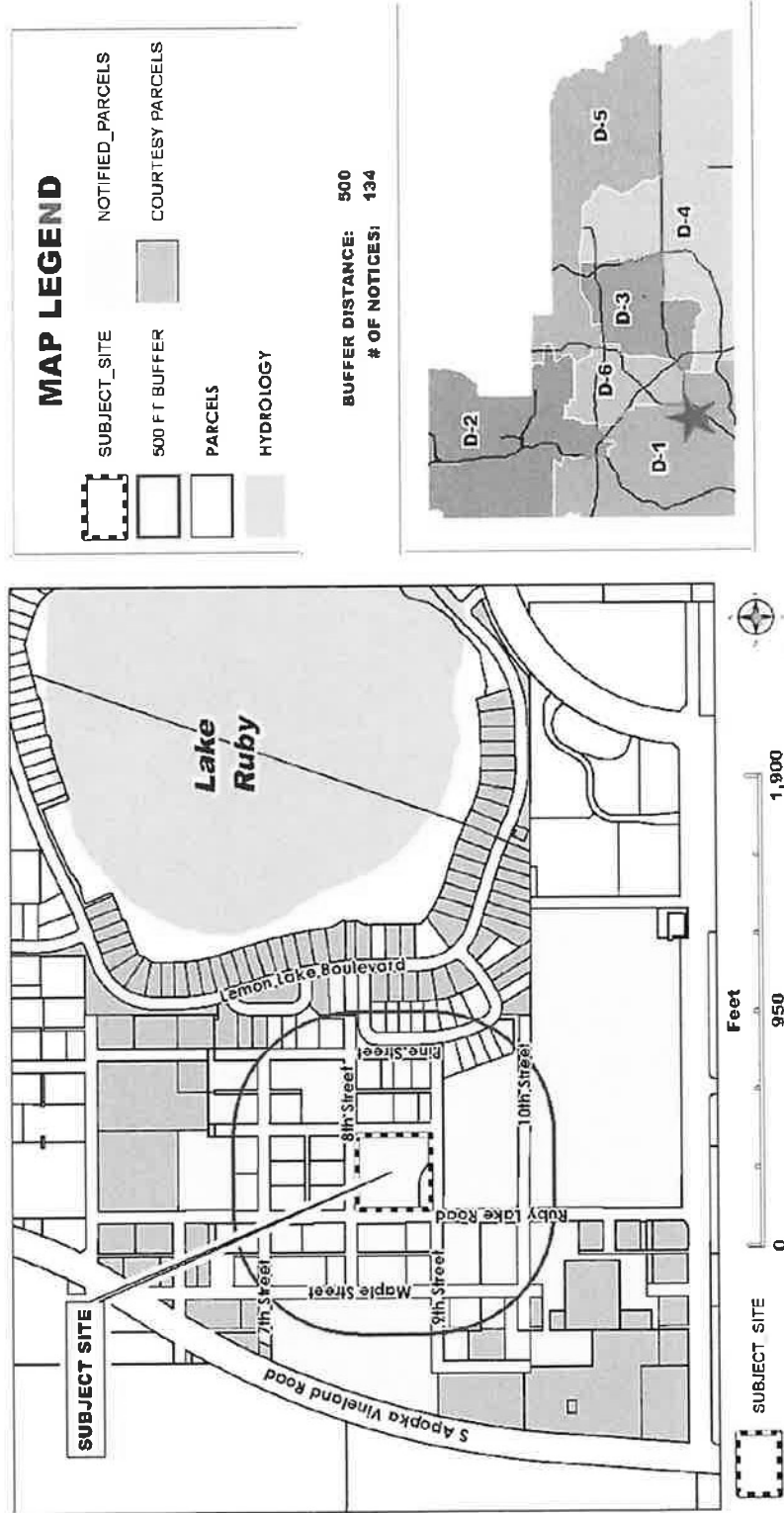
The Planning Commission has reviewed the application and has found that the proposed development is consistent with the Comprehensive Zoning Ordinance and the Comprehensive Land Use Ordinance. The Commission has approved the application and has recommended that the Board of County Commissioners approve the application.

Notification Map

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Public Notification Map

Buena Vista Cay PD – CDR-22-05-164



MAP LEGEND

- SUBJECT_SITE
- 500 FT BUFFER
- NOTIFIED_PARCELS
- COURTESY PARCELS
- PARCELS
- HYDROLOGY

BUFFER DISTANCE: 500
 # OF NOTICES: 134

