



Interoffice Memorandum

August 27, 2024

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

FROM: Tanya Wilson, AICP, Director 
Planning, Environmental, and Development Services Department

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

SUBJECT: October 8, 2024 – Public Hearing
Applicant(s): Jennifer Stickler, Kimley-Horn & Associates, Inc.
Project Name: Southchase Planned Development (PD)
Project No.: CDR-24-07-165 / District 4

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 14, 2024 to approve the Southchase Planned Development. The subject property is located south of Wetherbee Road and west of South Orange Avenue. The request is to add a temporary access off of South Orange Avenue to access the free standing emergency room to be used as the primary access until future development occurs and the internal driveway is constructed at which point the access will be converted to a right-in only.

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 documents and the plans may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve Southchase Planned Development (CDR-24-07-165) dated "Received July 26, 2024", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

TW/JCK/bs

Attachments

CASE # CDR-24-07-165
Commission District: # 4

GENERAL INFORMATION

APPLICANT Jennifer Stickler, Kimley-Horn & Associates, Inc.

OWNER Adventist Health System/Sunbelt Inc.

PROJECT NAME Southchase Planned Development (PD)

PARCEL ID NUMBER(S) 23-24-29-8238-00-030 (affected parcel)

TRACT SIZE 5.74 acres (affected area)

LOCATION South of Wetherbee Road / West of South Orange Avenue

REQUEST To add a temporary right-in / right-out access to Parcel 44 along South Orange Avenue south of the previously approved access.

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 600 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Five hundred and thirty-two (532) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The Southchase PD was originally approved in 1987 and includes uses such as low and high density residential, commercial, office and industrial. Parcel 44 is entitled for commercial uses. The Southchase PD Phase 1b Parcel 44 Preliminary subdivision plan was originally approved in 1998, which only shows access off of an internal driveway which has not been constructed. There is currently a development plan for a free standing emergency department being reviewed (DP-24-03-083). The applicant is proposing temporary access off of South Orange Avenue to access the free standing emergency room to be used as the primary access until future development occurs and the internal driveway is constructed at which point the access will be converted to a right-in only.

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

The subject property has a Future Land Use (FLUM) designation of Commercial (C) and is currently zoned Planned Development (P-D) which is consistent with the FLUM designation. The request is consistent with the comprehensive plan.

Overlay Ordinance

The subject property is not located within an 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

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

Community Meeting Summary

A community meeting was not required for this request.

Schools

Orange County Public Schools has reviewed this plan and did not identify any outstanding 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 14, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Southchase PD dated "Received July 26, 2024", subject to the following conditions:

1. Development shall conform to the Southchase Planned Development (PD) dated "Received July 26, 2024," 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 26, 2024," 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 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, as may be amended, 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. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. The Temporary Access Point shall be converted to a right-in only when either: the second phase of Lot 3 is constructed and rear access to the lot must be provided; or when Parcel 44A is constructed and rear access to Lot 3 must be provided; whichever occurs first.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 9, 2024, shall apply:
 - a. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
 - b. The proposed areas for outdoor storage and display, equipment rental and leasing with outdoor storage, and truck rental and leasing shall generally be located as shown on Sheet C0.06 in the provided concept plan for CDR-23-05-167. Temporary overnight parking of dual rear wheel vehicles, for unloading shipments only, shall be limited to the rear (east side) of the building.

- c. Applicant shall post “No Loitering / No Soliciting” signs in the four (4) locations agreed upon, at the January 9, 2024, BCC hearing for CDR-23-05-167, prior to using the site for any C-2 or C-3 uses.
9. Except as amended, modified, and / or superseded, the following Conditions of Approval, dated February 7, 2023, shall apply:
- a. New pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
 - b. Short term / transient rental is prohibited on Parcel 44A. Length of stay shall be for 180 consecutive days or greater.
 - c. 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).
 - d. 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.
 - e. A 6 ft. high wall and enhanced landscaping shall be provided along the entire length of the western property line. This enhanced buffer shall consist of 2 parallel rows, planted 25 ft. on center, staggered, with alternating canopy shade and understory trees. The canopy trees will be 4-inch caliper.
 - f. The Developer shall obtain wastewater and reclaimed water from Orange County Utilities subject to County rate resolutions and ordinances. The Developer shall obtain water service from Orange County Utilities for the portion of the Project in the County's service area subject to County rate resolutions and ordinances.
 - g. 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.
 - h. The Development Plan for parcel 44A shall be reviewed by the Board of County Commissioners at a Public Hearing.
 - i. A waiver from Section 38-1258(d) for Parcel 44A to allow the multi-family residential buildings, to have a maximum building height of four (4) stories, fifty (50) feet with the buildings to be located minimum 150 feet from the residential property in lieu of the maximum three (3)

stories or forty (40) feet subject to approval by the Board of County Commissioners.

10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 20, 2013 shall apply:
 - a. A waiver from Orange County Code Section 31.5-68(e) is granted to allow three (3) pole signs in lieu of two (2) pole signs within PD Parcels 8 and 9 only.

11. All previous applicable BCC Conditions of Approval, dated April 2, 2002, shall apply:
 - a. Prior to construction plan approval, a Master Stormwater Management Plan and a drainage study to establish the 100-year flood elevation shall be submitted to the County Development Engineering Division for review and approval.

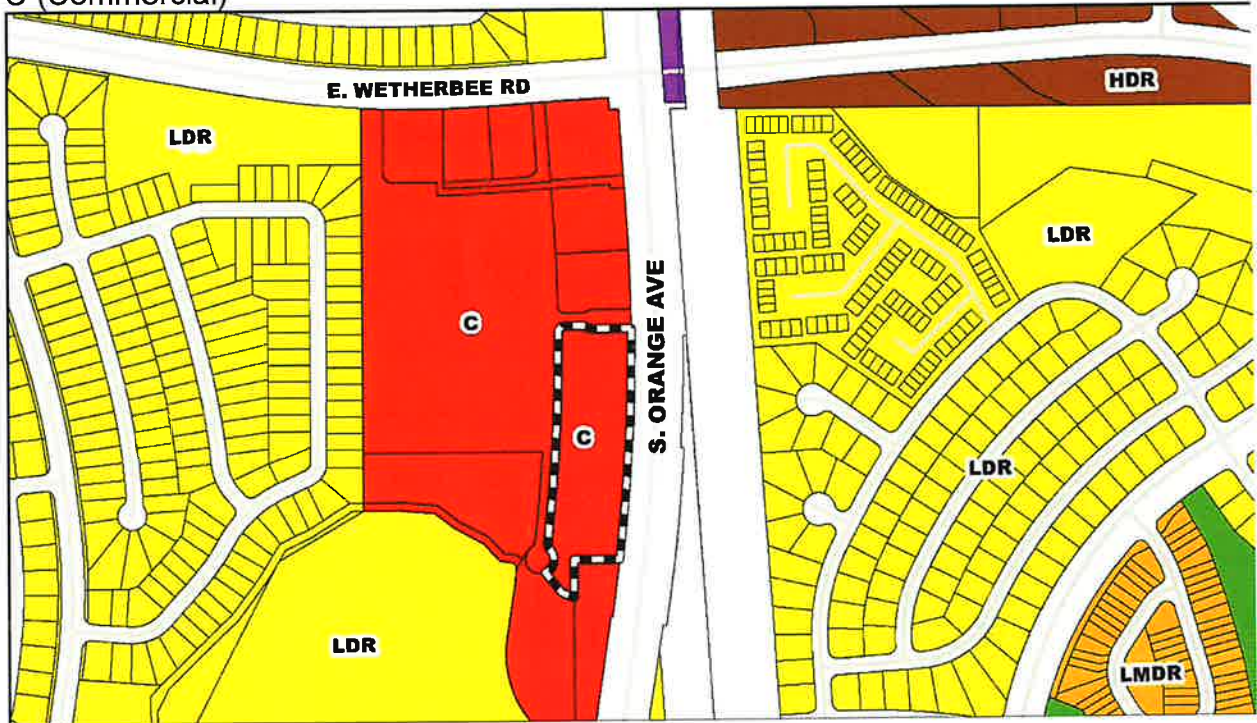
 - b. All commercial development shall comply with the Commercial Design Standards Ordinance. All industrial development along Orange Avenue shall comply with the design standards established in the Commercial Design Standards Ordinance. All development shall comply with the lighting standards established in the Commercial Design Standards Ordinance

 - c. Outdoor storage and display (in Industrial tracts) shall not be permitted within 100 feet of Orange Avenue or within 100 feet of residential areas.

 - d. Prior to the approval of the first development plan or preliminary subdivision plan, access to the Kissimmee Utility Authority's easement shall be addressed.

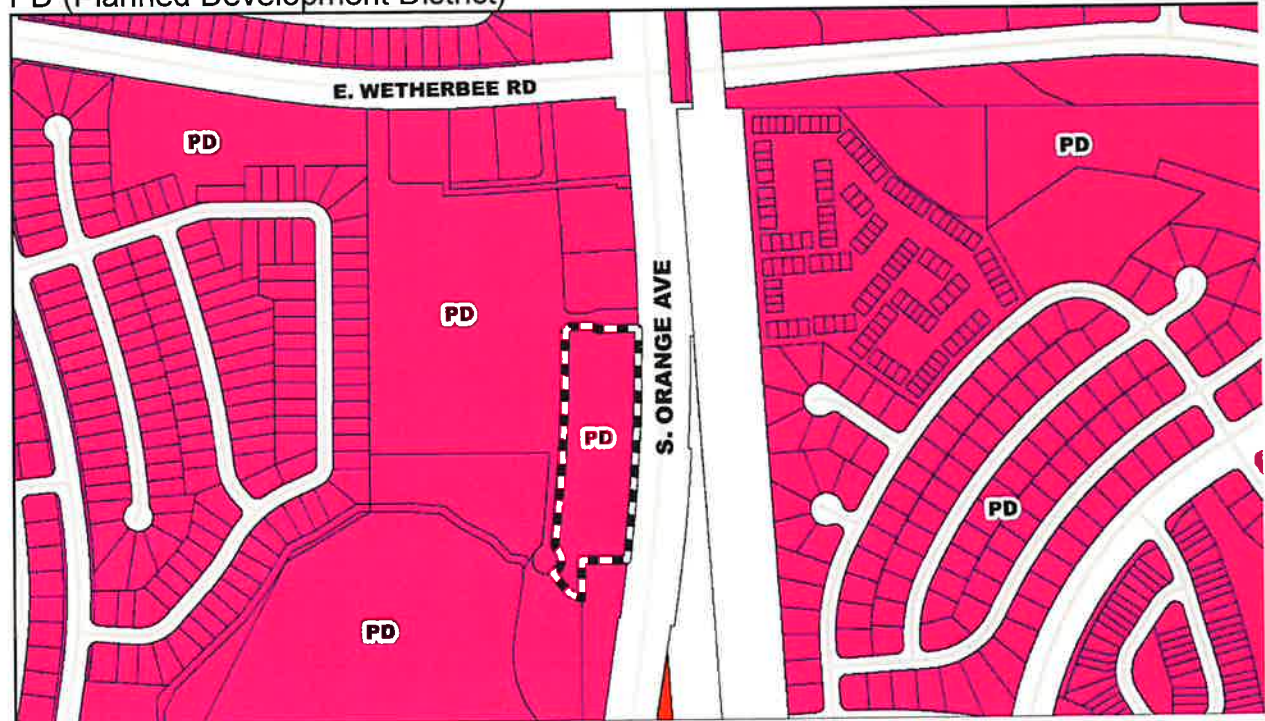
FUTURE LAND USE

C (Commercial)

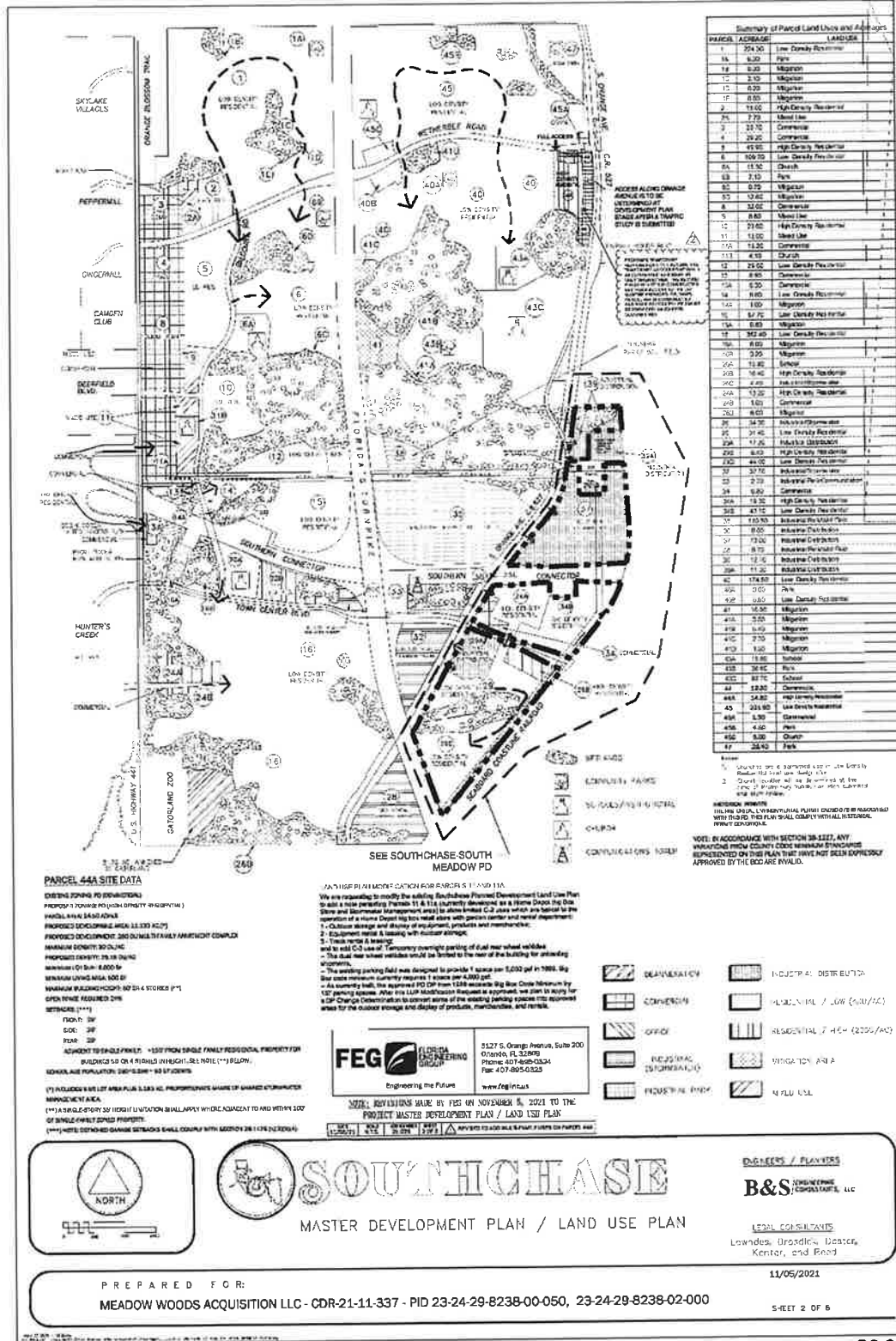


ZONING

PD (Planned Development District)



Site Plan Sheet



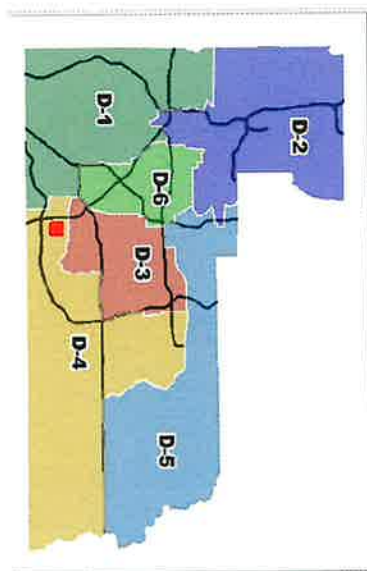
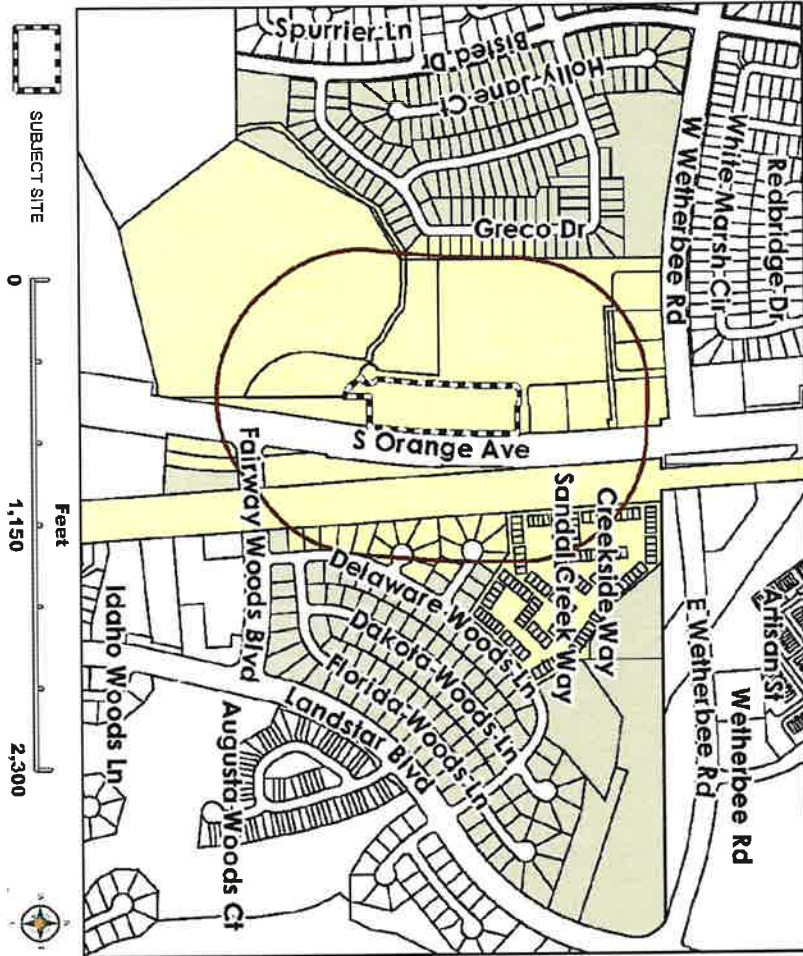
C0.03

Notification Map



Public Notification Map

CDR-24-07-165



MAP LEGEND

- SUBJECT SITE
- NOTIFIED PARCELS
- 600FT BUFFER
- COURTESY PARCELS
- 1 MILE BUFFER
- PARCELS

BUFFER DISTANCE: 600
OF NOTICES: 532