



Interoffice Memorandum

DATE: September 17, 2019

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

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

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

SUBJECT: October 8, 2019 – Public Hearing
Adam Smith, VHB, Inc.
Ruby Lake Planned Development
Case # CDR-19-02-075 / District 1

The Ruby Lake Planned Development (PD) is generally located southwest of the intersection of Palm Parkway and Daryl Carter Parkway. The existing PD development program allows for 1,200 timeshare / villas; 160,834 square feet of office; 244 single-family residential units; 156 townhome units; 780 hotel units; and 15,538 square feet of commercial, and 100,000 square feet of self-storage uses.

Through this PD substantial change, the applicant is seeking to convert the development program for Lot 3B from 156 townhome units to 20 townhome units and 200,000 square feet of Commercial C-1 uses, including a 20,000 square foot free-standing emergency department, which is a net decrease of 136 townhomes and a net increase of 200,000 square feet of commercial. The proposal includes a minimum of a Type C buffer on the western property line of Lot 3B, which is adjacent to single-family residential uses. That buffer will be completely opaque from the ground up to a height of at least six feet and shall be a minimum of 15 feet wide.

The proposal also includes the addition of two access points, and an update to the Master Sign Plan to add a ground sign for the emergency department. Additionally, seven waivers are requested pertaining to landscaping, access, architectural design concepts, light fixtures, and building unit count.

On August 28, 2018, 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 Ruby Lake Planned Development / Land Use Plan (PD/LUP) dated "Received July 22, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/EPR/nsw
Attachments

CASE # CDR-19-02-075

Commission District: # 1

GENERAL INFORMATION

APPLICANT Adam Smith, VHB, Inc.
OWNER Adventist Health System / Sunbelt, Inc.
PROJECT NAME Ruby Lake Planned Development
PARCEL ID NUMBER(S) 15-24-28-7774-00-025 (affected parcel only)
TRACT SIZE 244.86 gross acres (overall PD)
11.63 gross acres (affected parcel only)
LOCATION Generally located southwest of the intersection of Palm Parkway and Daryl Carter Parkway

REQUEST A Change Determination Request (CDR) to amend the approved development program for Lot 3B to include twenty (20) townhomes and 200,000 square feet of Commercial C-1 uses, including a 20,000 square foot free standing emergency department, add two access points, and add an emergency department ground sign to the Master Sign Plan. In addition, the applicant has requested the following seven (7) waivers from Orange County Code:

1. A waiver from Section 38-1394.1(a)(2) to allow for non-residential buildings to allow for tree planting requirements around the building base area per Sec. 24-4(d), in lieu of the one (1) canopy tree for each one hundred (100) square feet of green space.

Applicant Justification: *This code section is not practical as the BVN standards of Sec. 38-1394.2(1) require canopy trees to be four-inch (4") caliper and a height of fourteen (14) feet. It is not feasible to plant one four-inch (4") caliper canopy tree every 100 feet as the trees would be located too close together and is not practical regarding their long term health and survival. This requested waiver is for the 1 tree/100 sf requirement. The BVN requirement that canopy trees are a minimum four-inch (4") caliper canopy will be implemented.*

2. A waiver from Orange County Section 38-830(13) to allow for commercial development to share access with single family development, in lieu of not allowing entrances or exits to direct traffic into adjacent residential areas.

Applicant Justification: Due to engineering constraints along the frontage of Palm Parkway, two separate full access points are not achievable. The shared access drive will be designed to accommodate the traffic from the adjacent uses.

3. Waiver from Section 38-1392.2(2)c for Lot 3B-2 to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path in lieu of ten (10) feet along one side of the pedestrian path.

Applicant Justification: To provide streetscape consistency along Daryl Carter Parkway, the site would benefit from slightly smaller planting strip. This would be supplemented with enhanced landscaping throughout the development and the utilization of landscape planters where applicable.

4. Waiver from Section 38-1392.2(3)c for Lot 3B-2 to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path in lieu twelve (12) feet along one (1) side (or six (6)-foot on each side) of the connecting pathway.

Applicant Justification: To provide streetscape consistency along Daryl Carter Parkway, the site would benefit from slightly smaller planting strip. This would be supplemented with enhanced landscaping throughout the development and the utilization of landscape planters where applicable.

5. A waiver from Section 38-1391.1 to provide architectural design concepts with Development Plans, in lieu of providing a building architectural design concept or set of design guidelines as part of the planned development process.

Applicant Justification: Development plans require architectural elevations to be included. Therefore, additional architectural design concepts are not necessary.

6. A waiver from Section 38-1396.1(2) for Lot 3B-2 to allow light fixtures other than the acorn-style fixtures.

Applicant Justification: The proposed project has a specific design scheme that utilizes more modern architectural features. The proposed lighting will provide adequate illumination in a better-looking fixture.

7. A waiver from Section 38-79(20)f to allow for fifty (50) percent of the units in buildings containing five (5) or more units in Lot 3B-1 in lieu of seventy-five (75) percent of the units in buildings containing five (5) or more units.

Applicant Justification: *The existing townhome development consists of buildings containing four or more units due to the site plan and shape of the development parcel. This project has already been approved and constructed.*

PUBLIC NOTIFICATION A notification area extending beyond seven hundred (700) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eighty-eight (188) 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 Ruby Lake PD was originally approved on June 3, 1975 for residential resort recreation facilities and a recreation area. Subsequent PD amendments have resulted in a development program consisting of 1,200 timeshare / villas; 160,834 square feet of office; 244 single-family residential units; 156 townhome units; 780 hotel units; 15,538 square feet of commercial, and 100,000 square feet of self-storage uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to amend the approved development program for Lot 3B to include twenty (20) townhomes and 200,000 square feet of Commercial C-1 uses, including a 20,000 square foot free standing emergency department, add two access points, and add an emergency department ground sign to the Master Sign Plan. Additionally, seven (7) waivers are requested pertaining to landscaping, access, architectural design concepts, light fixtures, and building unit count.

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 – Commercial/Low Medium Density Residential. This Future Land Use Map (FLUM) designation was approved by the Board of County Commissioners on May 21, 2019 via Comprehensive Plan Amendment 2019-1-A-1-3. The proposed PD substantial change is consistent with this designation and all applicable CP provisions; therefore, the request is consistent with the Comprehensive Plan.

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, but did not identify any issues or concerns.

Transportation Concurrency

The Palm Parkway to Apopka-Vineland Connector Road Agreement was approved by the BCC on December 6, 2005 and recorded at OR Book 8387 Page 3416. The agreement is between three Developers, BVC Partners I, LLC, Kerina, Inc. and Sand Lake Investments, LTD and Orange County for the realignment of Fenton Street from Apopka-Vineland Road to Palm Parkway. The Developers have provided Right-of-Way for the road project and paid for the Design, Engineering, Permitting and Mitigation costs. Orange County will be responsible for constructing the four-lane roadway within its 10-year Capital Improvement Program. A Supplemental Agreement to the Palm Parkway to Apopka-Vineland Connector Road Agreement ("First Supplemental") by and among Kerina, Inc.; and Sand Lake Investments, Ltd. (collectively "Owners") and Orange County was approved by the Board of County Commissioners on December 6, 2005 and recorded at OR Book/Page 8387/3525. The Second Supplemental to the Palm Parkway to Apopka-Vineland Connector Road Agreement ("Second Supplemental") by and among Daryl M. Carter, not individually but as Trustee under a Florida land trust known and designated as "Carter-Orange 105 Sand Lake Trust"; and Kerina Village, LLC (collectively "Owners") and Orange County was approved by the Board of County Commissioners on June 21, 2011 and recorded at OR Book/Page 10232/3595. The Third Supplemental to the Palm Parkway to Apopka-Vineland Connector Road Agreement ("Third Supplemental") by and among Daryl M. Carter, not individually but as Trustee under a Florida land trust known and designated as "Carter-Orange 105 Sand Lake Trust"; Kerina, Inc.; Kerina Village, LLC; Kerina Wildwood, LLC; Pulte Home Corporation (collectively "Owners") and Orange County provides for a modification of the terms of the landscaping, irrigation and street lighting requirements as provided for in the Palm Parkway to Apopka-Vineland Connector Road Agreement as approved by the Board of County Commissioners on December 5, 2005 and recorded at OR Book/Page 8387/3416. The Fourth Supplemental to the Palm Parkway to Apopka-Vineland Connector Road Agreement ("Fourth Supplemental") by and among Daryl M. Carter, not individually but as Trustee under a Florida land trust known and designated as "Carter-Orange 105 Sand Lake Trust"; Kerina, Inc.; Kerina Village, LLC; Kerina Wildwood, LLC; Pulte Home Corporation (collectively "Owners") and Orange County provides for a modification of the terms of the Apopka-Vineland Connector Road Agreement as approved by the Board of County Commissioners on December 5, 2005 and recorded at OR Book/Page 8387/3416. The Fifth Supplemental Agreement to the Palm Parkway to Apopka-Vineland Connector Road approved October 3, 2017 and Recorded at 20170546981 by and among Daryl M. Carter, as "Carter-Orange 105 Sand Lake Trust"; Kerina, Inc.; Kerina Village, LLC; Kerina Wildwood, LLC; Pulte Home Company; and the School Board of Orange County and Orange County provides for a modification of the terms of the appraisal requirements as provided for in the Palm Parkway to Apopka-Vineland Connector Road Agreement as approved by the Board of County Commissioners on December 5, 2005 and recorded at OR Book/Page 8387/3416.

To date, the road is partially under construction and anticipated to be completed in its entirety by 2022.

Community Meeting Summary

A community meeting was not required for this request, but one was held for the associated Comprehensive Plan Amendment (2019-1-A-1-3). At the community meeting, thirty residents were in attendance and voiced concerns about compatibility with residential development, property rights of current home owners, traffic, and crime.

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 28, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Ruby Lake Planned Development / Land Use Plan (PD/LUP), dated “July 22, 2019”, subject to the following conditions:

1. Development shall conform to the Ruby Lake Planned Development (PD) dated "Received July 22, 2019," 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 22, 2019," 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 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 following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1394.1(a)(2) to allow for non-residential buildings to allow for tree planting requirements around the building base area per Sec. 24-4(d), in lieu of the one (1) canopy tree for each one hundred (100) square feet of green space.
 - b. A waiver from Orange County Section 38-830(13) to allow for commercial development to share access with single family development, in lieu of not allowing entrances or exits to direct traffic into adjacent residential areas.
 - c. A waiver from Section 38-1392.2(2)c for Lot 3B-2 to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path in lieu of ten (10) feet along one side of the pedestrian path.
 - d. A waiver from Section 38-1392.2(3)c for Lot 3B-2 to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path in lieu of twelve (12) feet along one (1) side (or six (6)-foot on each side) of the connecting pathway.
 - e. A waiver from Section 38-1391.1 to provide architectural design concepts with Development Plans, in lieu of providing a building architectural design concept or set of design guidelines as part of the planned development process.
 - f. A waiver from Section 38-1396.1(2) for Lot 3B-2 to allow light fixtures other than the acorn-style fixtures.
 - g. A waiver from Section 38-79(20)f to allow for fifty (50) percent of the units in buildings containing five (5) or more units in Lot 3B-1 in lieu of seventy-five (75) percent of the units in buildings containing five (5) or more units.

7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 11, 2018 shall apply:
 - a. 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 plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or capacity reservation certificate.

 - b. A waiver from Section 38-1394.1(a)(2) is granted to eliminate the requirement of providing one (1) canopy tree for each one hundred (100) square feet of green space within the building base landscape area for Lot 1C. Canopy trees shall be planted 35-feet on center in lieu of 40-feet on center.

- c. A waiver from Section 38-1392.1 is granted to allow for a minimum ten (10) foot setback when abutting residential zoned property, in lieu of thirty-five (35) feet for Lot 1C.
 - d. A waiver from Section 38-1272(3) is granted to allow for a minimum ten (10) foot setback along the perimeter of the PD, in lieu of twenty-five (25) feet for Lot 1C.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 16, 2015 shall apply:
- a. The following Education Condition of Approval shall apply:
 - i. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board on January 27, 2015, and as amended on May 26, 2015.
 - ii. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 0 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - iii. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - iv. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - v. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
 - 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. 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.
- d. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
- e. Outside sales, storage, and display shall be prohibited.
- f. 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.
- g. Signage shall comply with the Master Sign Plan.
- h. All development shall comply with Buena Vista North Standards as well as the Tourist Commercial Activity Center with the exception of waivers explicitly granted by the Board of County Commissioners.
- i. Length of stay for residential uses shall be 180 consecutive days or greater. Short term rental shall be prohibited for residential uses. Length of stay shall not exceed 179 consecutive days for commercial uses.
- j. A waiver is granted from Orange County Code Section 38-1258 (a, b, c, and d) to allow for a maximum building height of 75 feet (6 stories) for multi-family buildings within the PD with a separation of 20 feet from single-family uses, all internal to the PD only, in lieu of the proximity based requirements. All other requirements of that section will still apply.
- k. A waiver is granted from Orange County Code Section 38-1393 to allow for maximum building heights within the PD to be preserved as previously approved by the Board of County Commissioners for lots other than Lot 3, with a minimum separation of 20 feet from single family development within the PD, in lieu of the proximity based requirements as otherwise identified in Section 38-1393.
- l. A waiver is granted from Orange County Code Section 38-1300 to allow for a maximum building height of 75 feet (6 stories) for all multi-family residential; in lieu of 60 feet, or 35 feet when within 100 feet of single-family residential, or between 65-75 feet when within 300 feet of existing single family residential, all internal to the PD only. All other requirements of that section will still apply.

- m. A waiver is granted from Orange County Code Section 38-1258(f) to require no wall when a multi-family development is located adjacent to any single family zoned property internal to the project only, in lieu of a required 6 foot high masonry, brick or block wall.
- n. A waiver is granted from Orange County Code Section 38-1258(f) to require a minimum building separation of 20 feet between all multi-family buildings with no increase in proportion to additional structural height; in lieu of a minimum separation of 30 feet for two-story buildings, 40 feet for three-story buildings, and proportionate separation increases for additional building heights.
- o. A waiver is granted from Orange County Code Section 38-1392.1 to allow a 20-foot single family residential building setback from abutting residentially zoned property, external to the PD only; in lieu of a 35-foot building setback. All other requirements of that section will still apply.
- p. A waiver is granted from Orange County Code Section 38-1287(1)(b) to allow for a minimum 40-foot building setback from an abutting arterial right-of-way, in lieu of a minimum 60-foot building setback from an abutting arterial right-of-way.
- q. A waiver is granted from Orange County Code Section 38-1251(b) to allow the maximum coverage of all buildings to not exceed 75% of the gross land area, in lieu of the maximum coverage of all buildings not exceeding 30% of the gross land area.
- r. A waiver is granted from Orange County Code Section 38-1258(e) to allow parking and other paved areas for multi-family development to be located no closer than 7.5 feet from any single family zoned property internal to the project only, in lieu of the requirement that parking and other paved areas for multi-family development be located no closer than 25 feet from any single family zoned property. In addition, a minimum 7.5-foot landscape buffer consistent with Type C landscape buffer requirements shall be provided, in lieu of a minimum 25-foot landscape buffer.
- s. A waiver is granted from Orange County Code Sections 31.5-67(b), 31.5-166(b), and 38.1395.2(1) and to allow for a maximum height of twelve (12) feet for multitenant ground signs; in lieu of a maximum height of eight (8) feet.
- t. A waiver is granted from Orange County Code Section 31.5-166(d) to allow for up to three (3) ground signs on a parcel with right-of-way frontage in excess of five hundred (500) linear feet, in lieu of a maximum number of two (2) ground signs.
- u. Development shall comply with all provisions of the Developer's Agreement for the Activity Center Turkey Lake Road Network Agreement, approved by

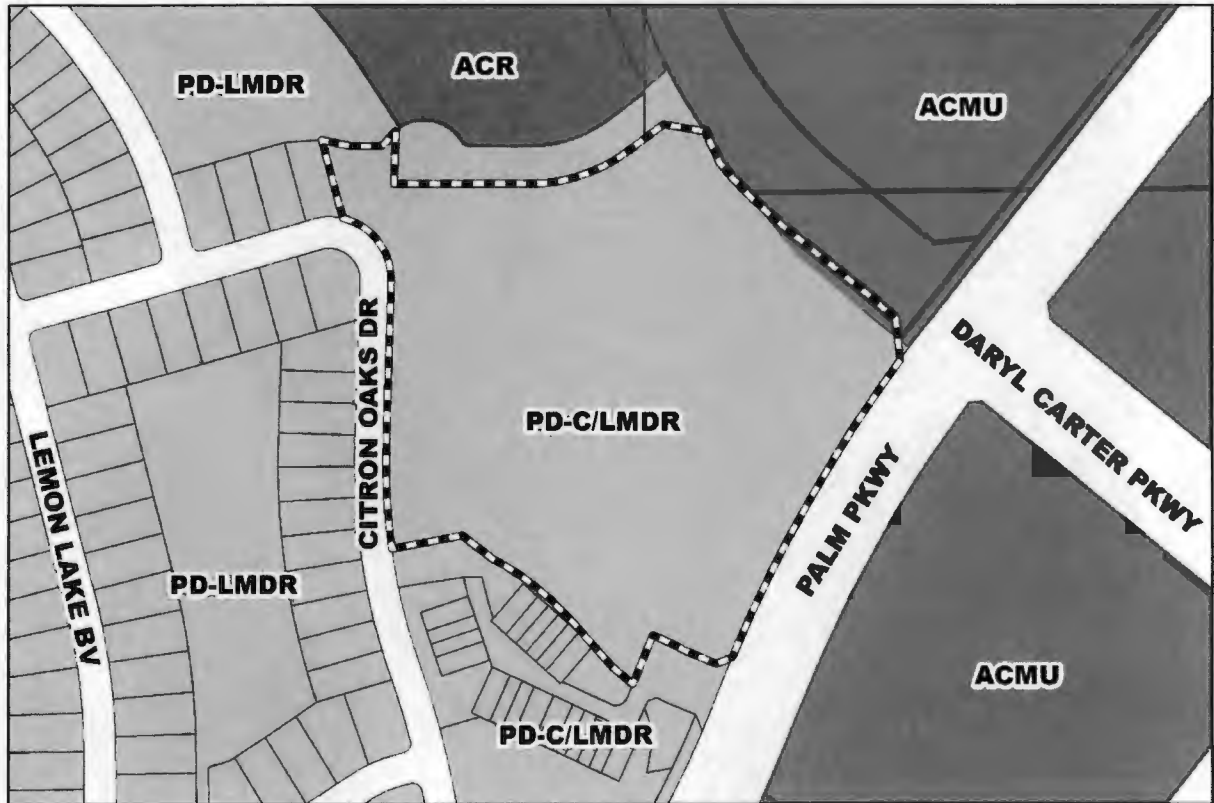
the BCC on September 24, 1996, and recorded in O.R. Book 5138, Page 1988, Public Records of Orange County, Florida.

- v. The following International Drive strategic conditions shall apply:
- w. Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center Plan.
- x. If the housing linkage program is in place prior to development plan approval, the development of nonresidential development shall be conditioned upon the development of residential units within the designated as Activity Center Residential on the Future Land Use Map.
- y. The Development Guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to development plan submittal, including, but not limited to, lighting standards, sign regulations, open space standards, building orientation, and location of parking lots.
- z. The property owners shall be required to participate in the International Drive Property Owners' Association upon its creation.
- aa. Stormwater management facilities shall be designed as an aesthetic feature except when determined by the County Engineer to be technically unfeasible.
- bb. The development plan shall provide for interconnection of adjacent developable parcels either by cross-access easement or public right-of-way. This shall include connection into a continuation of an area-wide transportation plan for the International Drive Activity Center.
- cc. Electrical distribution lines shall be underground.
- dd. Participation in a shuttle service connecting area attractions, major transportation centers, and on-site development shall be provided.
- ee. A Level One (1) Environmental Site Assessment (ESA) shall be submitted to the County for review, as part of any Preliminary Subdivision Plan (PSP) and I or Development Plan (DP) submittal.
- ff. Waivers from Chapter 38 related to landscaping requirements adjacent to road right-of-way may be requested at Preliminary Subdivision Plan (PSP) review. If approved by the Board of County Commissioners on the PSP, the waivers would constitute a non-substantial change to the PD Land Use Plan.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(September 11, 2018)*

Upon a motion by Commissioner VanderLey, seconded by Commissioner Love, and carried by a 7-0 vote, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change requested by Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor, and Reed, P.A., to the Ruby Lake Planned Development / Land Use Plan (PD/LUP), Case #CDR-18-05-176, to request 1) A waiver from Section 38-1394.1(a)(2) to eliminate the requirement of providing one (1) canopy tree for each one hundred (100) square feet of green space within the building base landscape area for Lot 1C; 2) A waiver from Section 38-1272(3) to allow for a minimum ten (10) foot setback along the perimeter of the PD, in lieu of twenty-five (25) feet for Lot 1C; and 3) A waiver from Section 38-1392.1 to allow for a minimum ten (10) foot setback when abutting residential zoned property, in lieu of thirty-five (35) feet for Lot 1C; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207; which constitutes a substantial change to the development on the described property, subject to the conditions of approval listed under the DRC Recommendation in the Staff Report.

CDR-19-02-075



Subject Property



★ Subject Property

Future Land Use Map

FLUM: Planned Development - Commercial/
 Low Density Residential (PD-C/LMDR)

APPLICANT: Adam Smith, VHB, Inc.

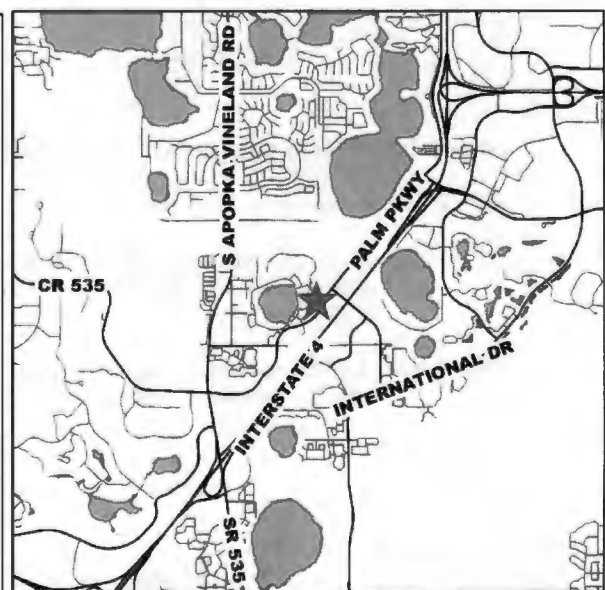
LOCATION: Generally located southwest of the
 intersection of palm Parkway and Daryl
 Carter Parkway

TRACT SIZE: 244.86 gross acres (overall PD)
 16.72 gross acres (affected parcel only)

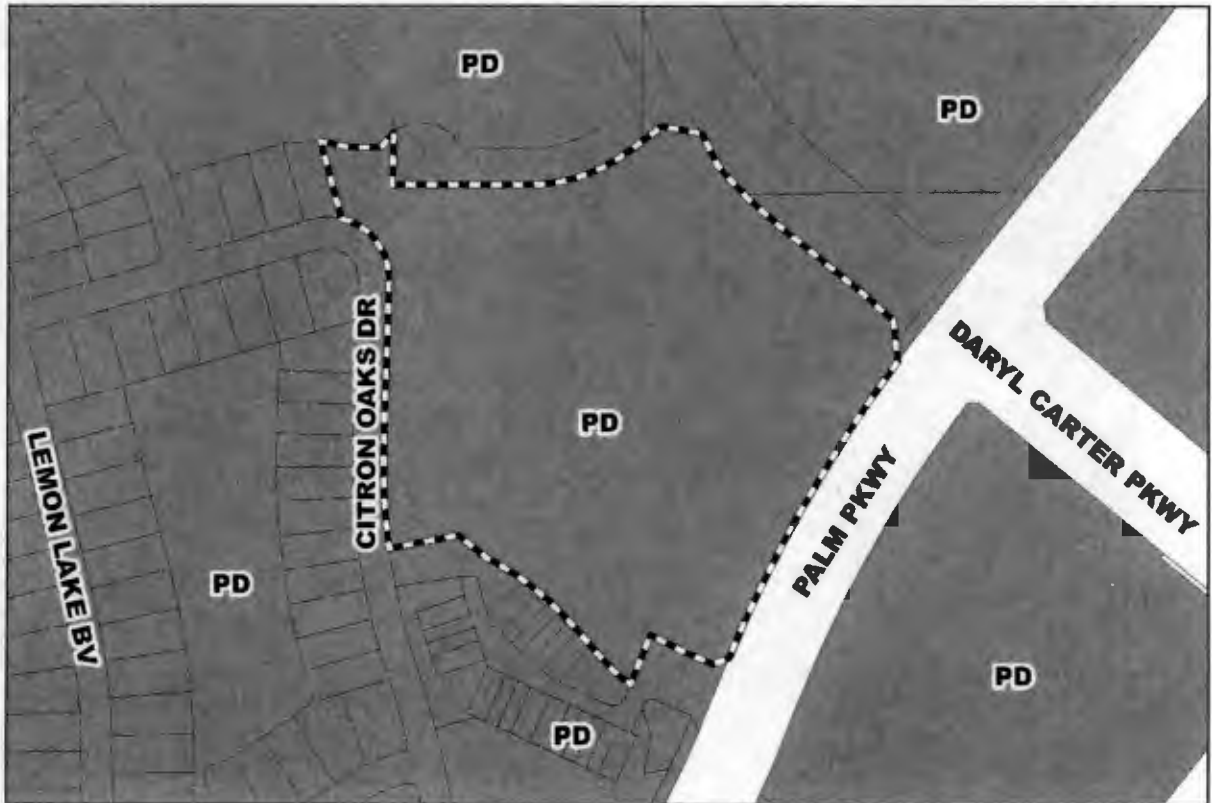
DISTRICT: # 1

S/T/R: 15/24/28

1 inch = 250 feet



CDR-19-02-075



 Subject Property

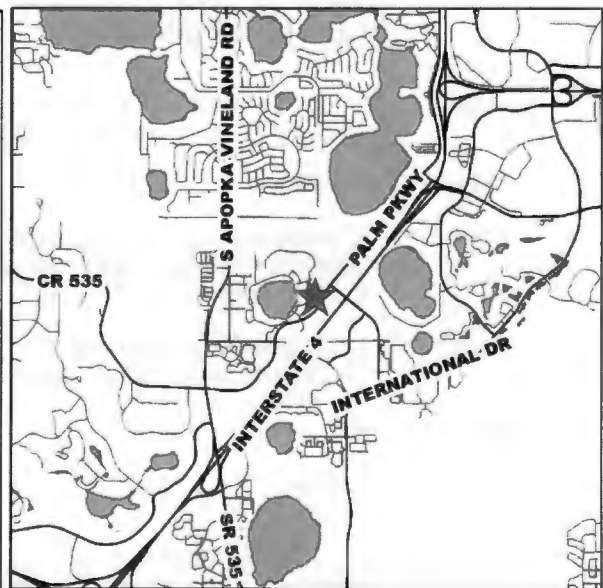


★ Subject Property

Zoning Map

ZONING: Planned Development District (PD)
APPLICANT: Adam Smith, VHB, Inc.
LOCATION: Generally located southwest of the intersection of Palm Parkway and Daryl Carter Parkway
TRACT SIZE: 244.86 gross acres (overall PD)
 16.72 gross acres (affected parcel only)
DISTRICT: # 1
S/T/R: 15/24/28

1 inch = 250 feet



Ruby Lake PD / LUP



Vhb
 10000 E. 1st Avenue
 Suite 100
 Denver, CO 80231
 Phone: 303.751.1100
 Fax: 303.751.1101
 www.vhb.com

**RUBY LAKE
 PLANNED
 DEVELOPMENT**
 Orange County, Florida

Site Datum
 N.E.S. 5 8
 10/15/2019

APPROXIMATE PROPERTY/OWNER DATA (FROM RECORDS)

APPROXIMATE PROPERTY/OWNER	ACRES	APPROXIMATE PROPERTY/OWNER	ACRES
...

LAND USE / ZONING TABLE

LAND USE	ACT	CODE	PERCENTAGE OF TOTAL AREA	PERCENTAGE OF TOTAL AREA
...

GENERAL NOTES:

1. The proposed development is located within the Ruby Lake Planned Development...
2. The proposed development is consistent with the Orange County Comprehensive Zoning Ordinance...
3. The proposed development is consistent with the Orange County Comprehensive Zoning Ordinance...

CONCLUSIONS:

The proposed development is consistent with the Orange County Comprehensive Zoning Ordinance and the Ruby Lake Planned Development. The proposed development is consistent with the Orange County Comprehensive Zoning Ordinance and the Ruby Lake Planned Development.

GENERAL NOTES:

1. The proposed development is located within the Ruby Lake Planned Development...
2. The proposed development is consistent with the Orange County Comprehensive Zoning Ordinance...
3. The proposed development is consistent with the Orange County Comprehensive Zoning Ordinance...

LAND USE / ZONING TABLE

LAND USE	ACT	CODE	PERCENTAGE OF TOTAL AREA	PERCENTAGE OF TOTAL AREA
...

GENERAL NOTES:

1. The proposed development is located within the Ruby Lake Planned Development...
2. The proposed development is consistent with the Orange County Comprehensive Zoning Ordinance...
3. The proposed development is consistent with the Orange County Comprehensive Zoning Ordinance...

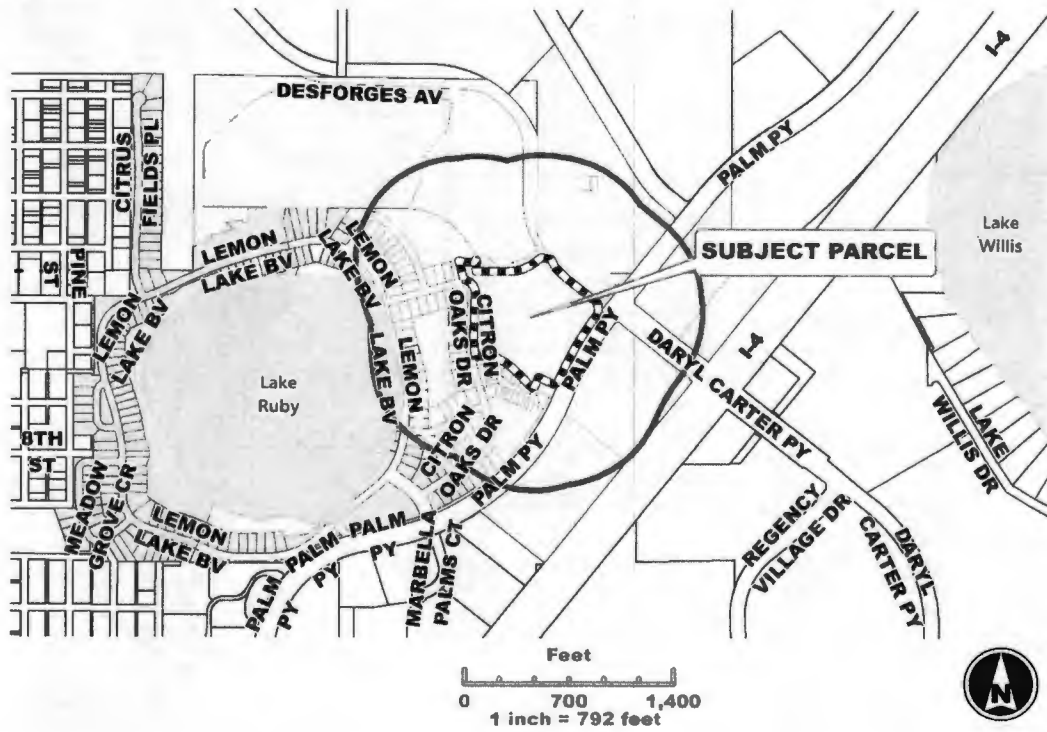
CONCLUSIONS:

The proposed development is consistent with the Orange County Comprehensive Zoning Ordinance and the Ruby Lake Planned Development. The proposed development is consistent with the Orange County Comprehensive Zoning Ordinance and the Ruby Lake Planned Development.



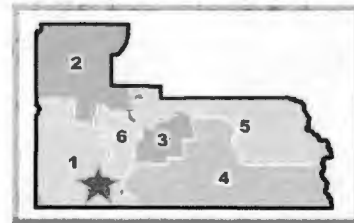
Public Notification Map

Ruby Lake PD_CDR-19-02-075



- MAP LEGEND**
- SUBJECT
 - 700 FT BUFFER
 - 1 MILE BUFFER
 - HYDROLOGY
 - NOTIFIED PARCELS
 - COURTESY PARCELS
 - PARCELS

700 : FT BUFFER
 188 : NOTICES
 132 : RESIDENTIAL COUNT



Notification Map

DRC Staff Report
 Orange County Planning Division
 BCC Hearing Date: October 8, 2019