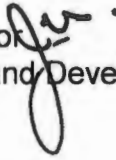





**Interoffice Memorandum**

**DATE:** July 23, 2019

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

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

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

**SUBJECT:** August 20, 2019 – Public Hearing  
Nizam Kahn, World Center Plaza, LLC  
Marriott World Center Planned Development  
Case # CDR-19-01-000 / District 1

The Marriott World Center Planned Development (PD) is located at 14344 State Road 535; or generally located north of World Center Drive and west of State Road 535. The existing PD development program allows for 2,003 hotel rooms, 418,000 square feet of exhibit space, 333 timeshare units, an 18-hole golf course, 6,900 square feet of office, 7,000 square feet of retail, and 6,200 square feet of restaurant uses. The affected parcel is located on PD Parcel D, which is approved for 6,900 square feet of office, 7,000 square feet of retail, and 6,200 square feet of restaurant uses.

Through this PD substantial change, the applicant is seeking to request a waiver from Orange County Code to reduce the front pavement setback from 25 feet to allow for 7.5 feet.

On June 26, 2019, 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 Marriott World Center Planned Development / Land Use Plan (PD/LUP) dated “Received March 5, 2019”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/EPR/nsw  
Attachments

**CASE # CDR-19-01-000**

Commission District: # 1

**GENERAL INFORMATION**

**APPLICANT** Nizam Kahn, World Center Plaza, LLC

**OWNER** World Center Plaza, LLC

**PROJECT NAME** Marriott World Center Planned Development

**PARCEL ID NUMBER(S)** 34-24-28-0000-00-047 (affected parcel only)

**TRACT SIZE** 205.96 gross acres (overall PD)  
2.35 gross acres (affected parcel only)

**LOCATION** 14344 State Road 535; or generally located north of World Center Drive and west of State Road 535.

**REQUEST** A PD substantial change to request the following waiver from Orange County Code:

1. A waiver from Section 38-1287(4) to allow a 7.5 foot wide front pavement setback, in lieu of the 25 foot wide front setback.

***Applicant Justification:** At present there is over 60 feet of green space in front of the building along SR 535 from the edge of the pavement to the ROW line. In order to make the project work, we can only provide a 7.5 foot setback in the front. Please note that there is more than adequate room for any transit lane within the current FDOT ROW. There are no plans for any transit lanes or and widening of road proposed by FDOT in the 2040 planning study along this stretch of SR 535. We strongly feel that the additional pavement setback of 25 feet is not necessary and warranted for this particular site.*

**PUBLIC NOTIFICATION** A notification area extending beyond one thousand five hundred (1,500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Sixty-five (65) 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 Marriott Orlando World Center PD was originally approved as the Windsong DRI on August 16, 1973 and has existing development entitlements for up to 2,003 hotel rooms, 418,000 square feet of exhibit space, 333 timeshare units, an 18-hole golf course, 6,900 square feet of office, 7,000 square feet of retail, and 6,200 square feet of restaurant uses. The affected parcel is located on PD Parcel D, which is approved for 6,900 square feet of office, 7,000 square feet of retail, and 6,200 square feet of restaurant uses.

Through this PD substantial change, the applicant is seeking to request a waiver from Orange County Code to reduce the front pavement setback from 25 feet to allow for 7.5 feet.

### **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 Activity Center Mixed Use (ACMU). The Marriott World Center PD was approved in 1973 as the Windsong PD and includes uses such as hotel, timeshare, office, exhibit space, restaurant, retail, and golf course. 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 Tourist Commercial Signage 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**

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 / preliminary subdivision 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 not required for this request.

**Schools**

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

**Parks and Recreation**

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

**Specific Project Expenditure Report and Relationship Disclosure Forms**

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

**ACTION REQUESTED**

**Development Review Committee (DRC) Recommendation – (June 26, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Marriott World Center Planned Development / Land Use Plan (PD/LUP), dated “March 5, 2019”, subject to the following conditions:**

1. Development shall conform to the Marriott Orlando World Center PD Land Use Plan (LUP) dated "Received March 5, 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 March 5, 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. 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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development 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.

7. Within sixty (60) days of Board of County Commissioners approval of the PD, or prior to the approval of the DP or PSP, whichever is sooner, the developer shall grant to Orange County an ingress, egress, and utility easement that is acceptable to Orange County, over parcel 34-24-28-0000-00-047, extending from State Road 535 to the existing Orange County Utilities Master Pump Station located adjacent to the southern boundary of the parcel.
8. A waiver from Section 38-1287(4) is granted to allow a 7.5 foot wide front pavement setback in lieu of the 25 foot wide front setback.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 30, 2007 shall apply:
  - a. Six-inch caliper oaks shall be planted 30 feet on center along the western boundary of Tract D. If building height of Tract D exceeds 50 feet, additional landscaping/buffering may be required.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated, May 24, 2005, shall apply:
  - a. Outdoor storage and display shall be prohibited.
  - b. Billboards and pole signs shall be prohibited.
  - c. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated, January 28, 1997, shall apply:
  - a. To the extent required to comply with the consistency provision of the Growth Management Act, the following additional conditions shall be added to the conditions of approval:
    - 1) Land uses shall be limited to those stated in Policy 1.1.3 of the International Drive Activity Center Plan. Furthermore, Policy 1.1.6 of the International Drive Activity Center Plan dealing with prohibited uses shall apply to development approvals.
    - 2) The following density shall apply: - commercial uses limited to a maximum of .34FAR. Increased density/intensity/may be allowed if it can be demonstrated an increase in the traffic impact in the adjoining network does not occur.
    - 3) If the housing linkage program is in place prior to development plan approval, development of nonresidential development shall be conditioned upon the development of residential units within the area designated as Activity Center Residential on the Future Land Use Map.

- 4) 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 regulations, trip reduction program, access management controls, transit access design standards, building orientation, and location of parking lots.
  - 5) The property owners shall be required to participate in a property owners' association upon its creation.
  - 6) The property owner understands and concedes that the property is located within the International Drive Activity Center as adopted by the Orange County Comprehensive Plan, and as such, development on the property shall be subject to participation in a mass transit utility district or some other mechanism established to fund acquisition, construction, and operation of the transportation system.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated, February 16, 1987, shall apply:
- a. A six foot masonry or concrete wall shall be provided on the north side of the property and on the east side adjacent to the condominium units along State, Road 535. All parking and driveway areas which abut residential uses off-site shall be buffered pursuant to the Tourist Commercial Requirements, including hotel parking areas.
  - b. Development of the wastewater treatment plant shall conform to the Land Use Conditions of 8/21/73 and 1/17/83; the Support Information dated received 10/27/86; the Development Plan submitted dated received 10/27/86; and to the following conditions of approval.
    - 1) Prior to construction and/ or modification of the interim wastewater facilities, the developer shall file an application and obtain an Orange County Wastewater Permit from the Orange County Environmental Protection Department pursuant ,to the Orange County Water Quality Rules and Chapter 67-1830, Laws of Florida (1967).
    - 2) Prior to construction and/or modification of the interim wastewater facilities, the developer shall file an application and obtain an Orange County Utility Facilities Permit from the County pursuant to the Orange County Water and Wastewater Facilities Permit Rules.
    - 3) In the event an Orange County Utilities Facilities Permit is issues, the developer shall comply with all conditions imposed by the County Pursuant to the above mentioned permit rules and applicable laws.



- 4) The interim wastewater treatment facility serving the existing Sabal Palms Project shall have a capacity of 30,000 GPD. The modification to the existing 350,000 GPD interim wastewater treatment facility will increase the capacity of this facility to 450,000 GPD.
- 5) The developer shall participate in all future wastewater service capacity sales for wastewater service capacity if additional services required in any County regional, subregional or area-wide central wastewater plant; which the County determines will serve the property for which the interim wastewater facility is designed. Developer participation shall be for the maximum wastewater capacity permissible to a total capacity for which the interim wastewater facility is designed. When the total capacity purchased equals the capacity of the interim facilities, developer shall at his expense connect to the regional, subregional or area-wide central wastewater plant and dispose of the interim facilities.
- 6) Prior to obtaining building permits for the expansion of the existing interim treatment facility, the developer shall pay such wastewater capital charges for the additional 100,000 GPD in accordance with County Rate Resolutions and Ordinances.
- 7) Each project connecting to the interim wastewater treatment facility shall meet the Pretreatment Requirements as described in the Orange County Industrial User Ordinance (84-5).
- 8) The subject wastewater treatment facilities to be permitted and constructed shall be owned or operated by one owner who shall be the same person or entity who operated and manages the property served by the interim facility.
- 9) The developer shall execute an amendment to the existing wastewater facilities agreement with the County providing terms and conditions acceptable to the County Attorney and the County, and which incorporated the above conditions, prior to the use of the expansion of the 350,000 GPD wastewater treatment facility or prior to issuance of a Certificate of Occupancy for the 30,000 GPD wastewater treatment facility, whichever occurs sooner.
- 10) Within 30 days after approval of this development plan, the developer shall provide to the County all closing documents required in the Orange County/Shearson Vista Partners II, Limited/Epoch Properties, Inc./Marriott Corporation Sewer and Water Utilities Agreement to provide water service to this project.
- 11) Discontinuation of 30,000 GPD facility when the larger facility (450,000) is on line.

- c. Water/Wastewater service shall be obtained pursuant to the Orange County/Shearson Vista Partners II/Epoch Properties, Inc./Marriott Corporation Sewer and Water Utilities Agreement as amended.
  - d. No signage will be permitted on the 10 acre addition to the Land Use Plan since the entire permitted signage has been allocated to the hotel site, except for internal directional signage.
  - e. If the 15-foot right-of-way at the north property line is not vacated, a 25 foot buffer will be required south of the right-of-way.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated, January 17, 1983, shall apply:
- a. Sewer and Water Service:
    - 1) The Developer shall participate in the Southwest Subregional Water Program.
    - 2) The Developer shall participate in the Southwest Subregional Wastewater Treatment Program. If this is not available by Mid 1985 an interim package plant may be built by the developers until such time as the Southwest Subregional Wastewater Treatment Plant is available; this does not remove the requirement of participation in the Southwest Subregional Wastewater Treatment Plan and all applicable dues and fees shall be paid in advance.
    - 3) All design and construction shall be in accordance with Orange County Standards and Specifications for Sewerage and Water Facilities.
    - 4) Available capacity will be committed only upon approval of final construction plans and submission of DER Permit application.  
  
Priority will be based on first-come, first served. (Executed Agreements or County Ordinance being the only exception to the above).
  - b. Transportation improvements shall be provided as follows:
    - 1) All roads shall be designed in accordance with the Manual on Uniform Standards for Design, Construction and Maintenance for Streets, Highways, State of Florida.
    - 2) At the time of plan submittal, the engineer of record shall submit certification that the project complies with the minimum standards for street design.
    - 3) Access points to the International Drive Connector shall be to those illustrated. The Developer shall be responsible for sharing the cost

of signalization required by this development when nationally-recognized traffic signal warrants are met.

- 4) Swale drainage will be permitted only if the subgrade soils conditions are suitable as certified by a certified soils engineer and provided that the wet weather elevation is at least two (2) feet below the invert of the swales.
  - 5) Prior to Engineering approval of construction plans, the Developer shall submit a soils report, including soil borings at a maximum interval along street centerlines of five hundred (500) feet. The minimum depth of boring shall be five (5) feet below the storm or sanitary sewer, whichever is greater. Not less than two boring shall be taken per street. AASHTO soils classification, gradation, determination of water table elevation (24 hour test), and anticipated wet/dry season fluctuation shall be included in said report.
  - 6) A typical road cross section shall conform to County standards.
  - 7) Payment of pro-rata share of improvements of C.R. 535 and a four-lane divided highway, between the International Drive Connector and Interstate 4, said share to be based on traffic engineering studies accepted by the Board, which identify the percentage of C.R. 535 traffic generated by the development. Payment shall be made in cash or through participation with other property owners in a special assessment, municipal services taxing district or other funding mechanisms established by the Board to provide for funding of road and other capital improvements in the I-4/International Drive development area.
  - 8) Developer shall participate on an equitable basis in an assessment district or other funding mechanism established by the Board of County Commissioners to provide for the extension of International Drive development area.
- c. Stormwater Management shall be provided as follows:
- 1) Retention/detention facilities shall be designed for storage of the difference between pre/post developed condition of runoff from a 25-year, 24 hour – 8.6 inches storm with peak rate of discharge limited to pre-developed conditions. Discharge of stormwater from this site toward Reedy Creek shall be in accordance with the Reedy Creek Drainage District and Orange County Agreement which limits proposed discharges to 13 CSM, unless otherwise amended by Agreement with Reedy Creek or modified by Judicial decree. The stormwater management design shall conform to all jurisdictional regulatory agency criteria and contractual or judicially imposed requirement in force at the time of development.



- 2) Retention/detention facilities shall be designed in accordance with County regulations.
  - 3) A soils report will be required from a certified soil laboratory for the retention area. Permeability tests are required. Borings shall indicate AASHTO soils classification, gradation, determination of water table elevation (24 hour test), and anticipated wet/dry season fluctuation.
- d. Prior to construction of sanitary sewer facilities, stormwater management systems and water facilities, the applicable Federal, State and Water Management permits will be required and copies submitted to the County Engineering Department.
- e. Fire Protection:
- 1) Fire protection shall be provided in accordance with Orange County Fire Department Standards, Ordinance #79-24 (SFPC), specifically in regards to the following codes:
    - a) 6003 – Fire Hydrant Placement
    - b) 6006 – Fire Flow Determination
  - 2) Participation by the Developer, as determined by the Board of County Commissioners, prior to occupancy of Phase 1, in the acquisition and equipping of a fire station and sheriff substation site, to be selected by the County in the vicinity of the I-4 / C.R. 535 area.
- f. Pond northeast of hotel shall not be filled for parking area unless appropriate State and County Permits are secured.
- g. Extensive landscape buffers or buffer walls will be required adjacent to the major roadways, adjacent development and any out parcels. If any out parcels remain, sufficient access will have to be provided.
- h. If, for any reason, an appropriate municipal water supply cannot be delivered to the Marriott Orlando Planned Development from Vistana Water Treatment Plan, then it will be necessary for Marriott to consult with County Staff to site and develop a water supply.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (January 30, 2007)**

Upon a motion by Commissioner Jacobs, seconded by Commissioner Fernandez, and carried by all members present voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Jim Hall, Canin Associates, Inc., Marriott World Center Planned Development/Land Use Plan (PD/LUP); to amend the LUP to convert Tract D from Office to include Commercial uses and to include a Conversion Matrix and Traffic Generation Table; which constitutes a substantial change to the development on the above-described property; subject to four (4) conditions.

CDR-19-01-000



 Subject Property  
 PD Boundary

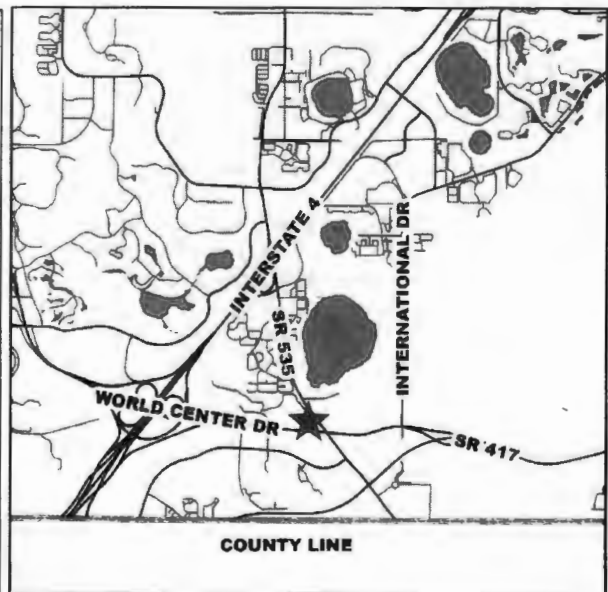


 Subject Property

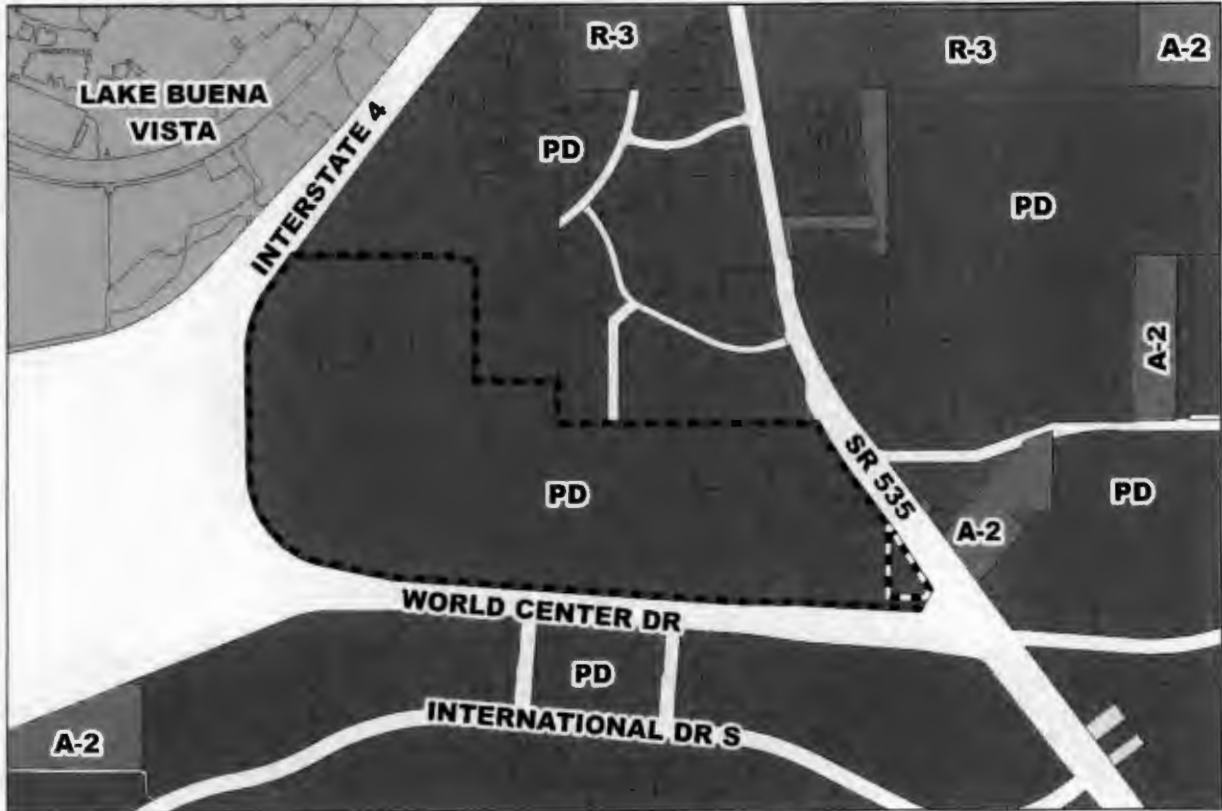
### Future Land Use Map

**FLUM:** Activity Center Mixed Use (ACMU)  
**APPLICANT:** Nizam Kahn, World Center Plaza, LLC  
**LOCATION:** 14344 State Road 535; or generally located north of World Center Drive and west of State Road 535.  
**TRACT SIZE:** 205.96 gross acres  
 2.35 gross acres  
**DISTRICT:** # 1  
**S/T/R:** 34/24/28

1 inch = 1,250 feet



CDR-19-01-000



Subject Property  
 PD Boundary

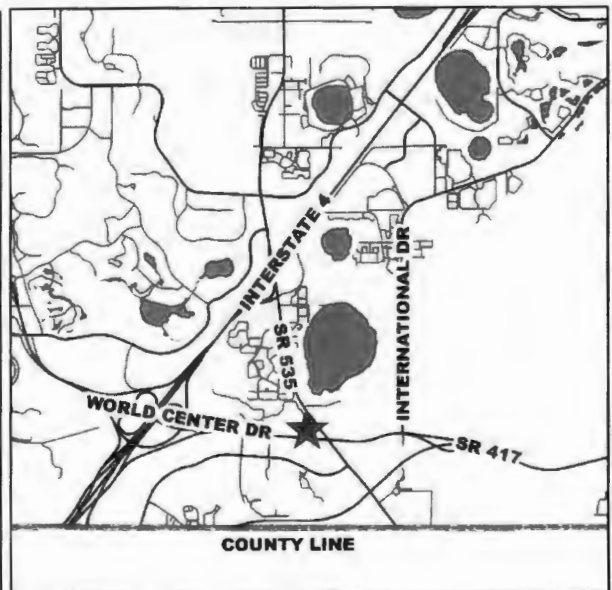


Subject Property

**Zoning Map**

**ZONING:** PD (Planned Development District)  
**APPLICANT:** Nizam Kahn, World Center Plaza, LLC  
**LOCATION:** 14344 State Road 535; or generally located north of World Center Drive and west of State Road 535.  
**TRACT SIZE:** 205.96 gross acres  
 2.35 gross acres  
**DISTRICT:** # 1  
**S/T/R:** 34/24/28

1 inch = 1,250 feet





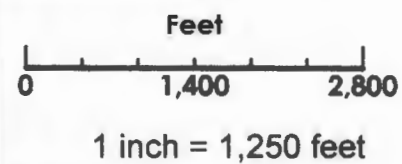
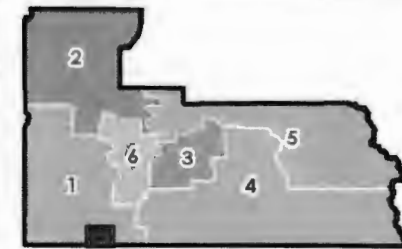
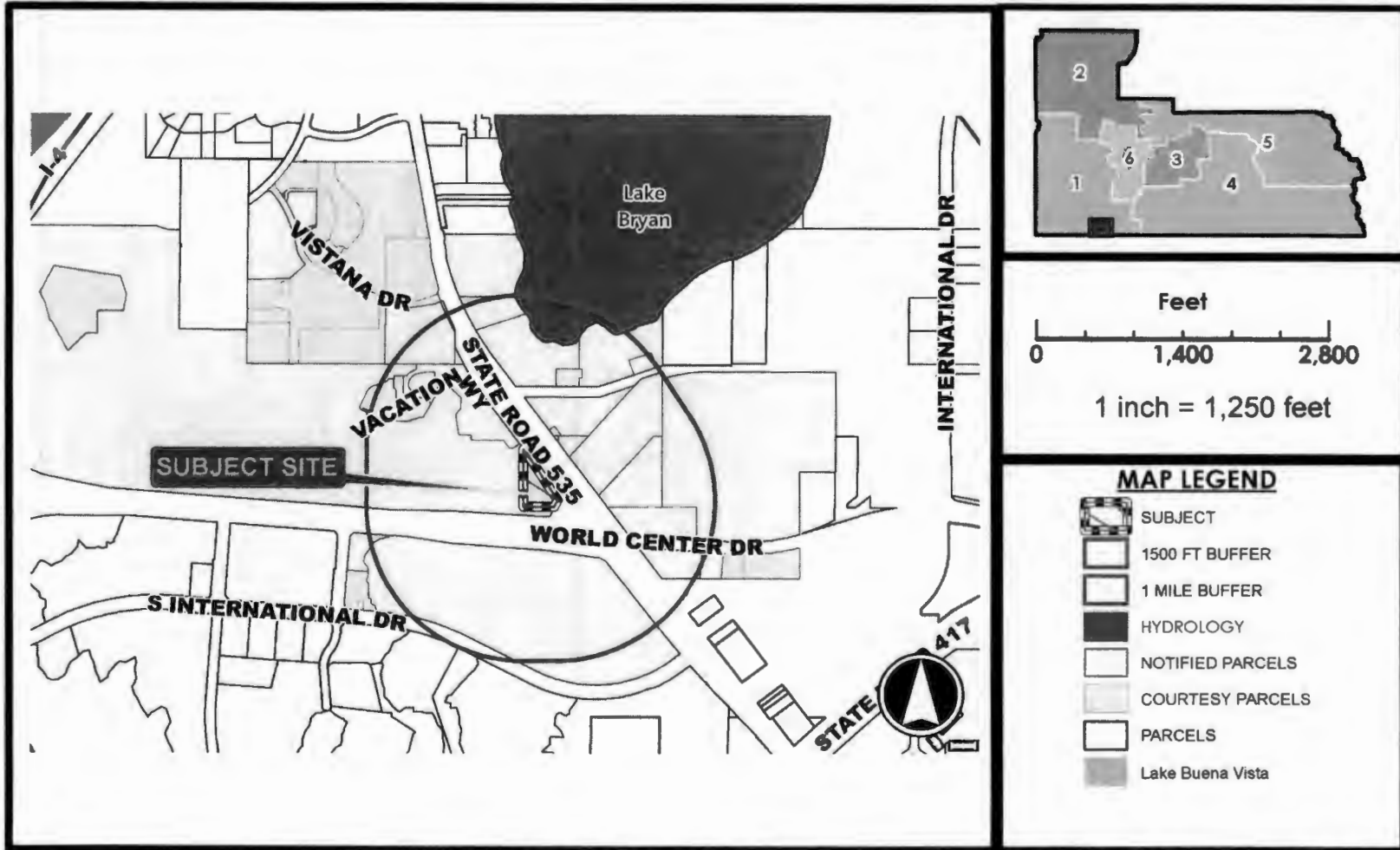


# Public Notification Map

Marriott Orlando World Center PD\_CDR-19-01-000

1500 FT BUFFER, 65 NOTICES

[ Residential Count: 27 ]



### MAP LEGEND

- SUBJECT
- 1500 FT BUFFER
- 1 MILE BUFFER
- HYDROLOGY
- NOTIFIED PARCELS
- COURTESY PARCELS
- PARCELS
- Lake Buena Vista

Notification Map

DRC Staff Report  
 Orange County Planning Division  
 BCC Hearing Date: August 20, 2019