



Interoffice Memorandum

DATE: May 19, 2021

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

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

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

SUBJECT: June 8, 2021 – Public Hearing
Bryan F. Borland, WP South Acquisitions, LLC
Orangewood N-9 Planned Development
Case # CDR-21-02-039 / District 4

The Orangewood N-9 Planned Development (PD) is generally located north of Taft-Vineland Road, south of SR 528, east of S. John Young Parkway, and west of US 441. The existing PD development program allows for commercial, multi-family residential, and industrial uses.

Through this PD substantial change, the applicant is requesting a waiver from Orange County Code to allow for a maximum building height of four stories / 56 feet to provide pitched roofs and architectural details to the buildings' rooflines. The previously-approved change determination (CDR-19-10-338) included a height waiver for four stories / 50 feet.

On March 24, 2021, 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 Orangewood N-9 Planned Development / Land Use Plan (PD/LUP) dated “Received March 29, 2021”, subject to the conditions listed under the DRC Recommendation in the Staff Report, including a waiver from Orange County Code. District 4

Attachments
JVW/EPR/JAH

CASE # CDR-21-02-039
Commission District: # 4

GENERAL INFORMATION

APPLICANT	Bryan F. Borland, WP South Acquisitions, LLC
OWNER	Pic Association Group, LLC
PROJECT NAME	Orangewood N-9 Planned Development / Land Use Plan (PD/LUP)
PARCEL ID NUMBER	09-24-29-8559-00-001, 09-24-29-8559-00-020 09-24-29-8559-00-030, 09-24-29-8559-00-040 09-24-29-8559-00-050, 09-24-29-8559-00-060 09-24-29-8559-00-070, 09-24-29-8559-00-080 (affected parcels only)
TRACT SIZE	170.80 gross acres (overall PD) 12.40 gross acres (affected parcels only)
LOCATION	Generally located north of Taft-Vineland Road, south of SR 528, east of S. John Young Parkway, and west of US 441
REQUEST	A PD Change Determination Request (CDR) to request the following waiver from Orange County Code: 1. A waiver from Section 38-1251(d) to allow for building heights of fifty-six (56) feet and four (4) stories, in lieu of thirty-five (35) feet and three (3) stories.
PUBLIC NOTIFICATION	A notification area extending beyond fifteen hundred (1500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Forty-one (41) notices were mailed to those property owners in the notification buffer area.

IMPACT ANALYSIS

Special Information

The Orangewood N-9 PD was originally approved September 5, 1972 and currently includes entitlements for commercial, multi-family residential, and industrial uses.

Through this PD Change Determination Request (CDR), the applicant is requesting one waiver related to building height in order to provide pitched roofs and architectural details to the buildings' rooflines. The previous CDR-19-10-338, which approved the exchange of industrial entitlements into multi-family residential, included a height waiver for fifty (50) feet.

Land Use Compatibility

The PD Change Determination Request would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Industrial (IND). The Orangewood N-9 PD was approved in 1972 and includes commercial, multi-family residential, and industrial uses. 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 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

The project area has been cleared. It was included in the Orange County conservation area permits completed for the Orangewood PD. This request shall comply with all related permit conditions of approval.

Transportation / Concurrency

Orange County Transportation staff reviewed the request but did not identify any issues or concerns.

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 – (March 24, 2021)

Make a finding of consistency with the Comprehensive Plan (CP) and APPROVE the substantial change to the Orangewood N-9 Planned Development / Land Use Plan (PD/LUP) dated "Received March 29, 2021", subject to the following conditions, including a waiver from Orange County Code:

1. Development shall conform to the Orangewood N9 Planned Development (PD) dated "Received March 29, 2021" 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 29, 2021," 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 waiver from Orange County Code Section 38-1251(d) is requested to allow for building heights of fifty-six (56) feet and four (4) stories, in lieu of thirty-five (35) feet and three (3) stories for Parcel 1B only.

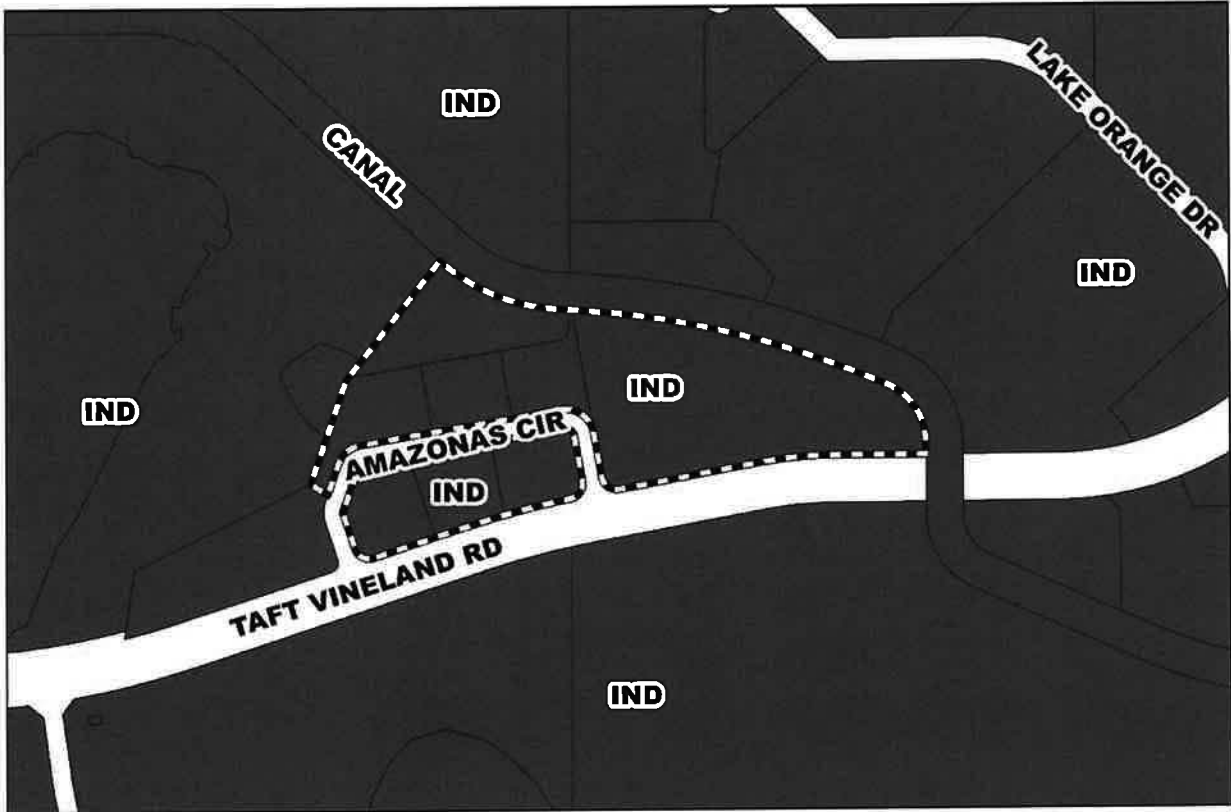
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 17, 2020 shall apply:

- a. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the PD.
 - b. 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 certificate of occupancy. However, nothing in this condition and nothing in the decision to approve this development plan shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
 - c. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
 - d. Lots 2-8 of Parcel 1B and the Amazonas Circle right-of-way, all as more particularly described in that certain Taft-Vineland Business Park Replat recorded in Plat Book 67, Page 89 of the Public Records of Orange County, Florida, shall be vacated prior to development plan approval for Parcel 1B. Prior to, or concurrently with, Orange County's approval of the plat vacation, Owner / Developer shall provide, at Owner / Developer's sole cost and at no cost to County, any and all easements via separate instrument(s) necessary for reestablishment and/or relocation of existing platted easements. Such easements may be temporary in nature at the plat vacation stage, but in no event shall a new plat for Parcel 1B (as it may be revised) be approved until the County has received permanent easements, in a form satisfactory to County and at no cost to County, either via separate instrument or via plat.
 - e. The developer shall obtain water, wastewater, and reclaimed water from Orange County Utilities subject to County rate resolutions and ordinances.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 11, 1997 shall apply:
- a. Adult entertainment shall be prohibited.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(November 17, 2020)*

Upon a motion by Commissioner Gomez Cordero, seconded by Commissioner Uribe, and carried by all present members voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Plan; and approved the Substantial Change subject to the thirteen (13) conditions of approval listed under the Development Review Committee recommendation in the Staff Report.

CDR-21-02-039



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Industrial

APPLICANT: Bryan F. Borland,
 WP South Acquisitions, LLC

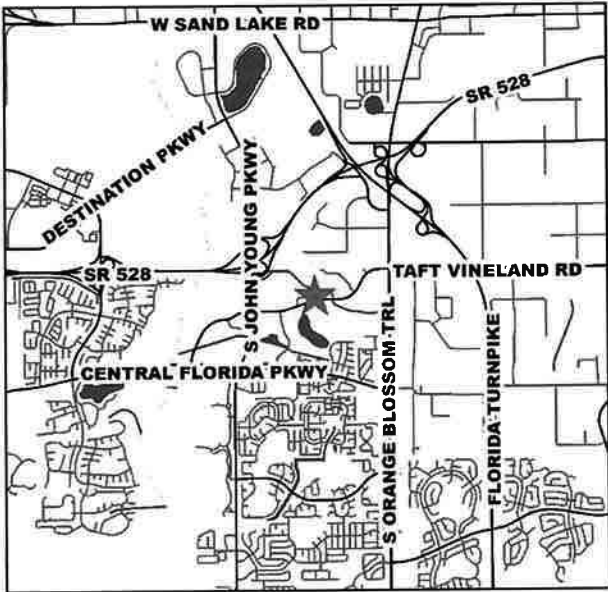
LOCATION: Generally located north Of Taft-Vineland
 Road, south of SR 528, east of S John
 Young, and west of US 441

TRACT SIZE: 170.80 gross acres (overall PD)
 12.40 gross acres (affected parcels only)

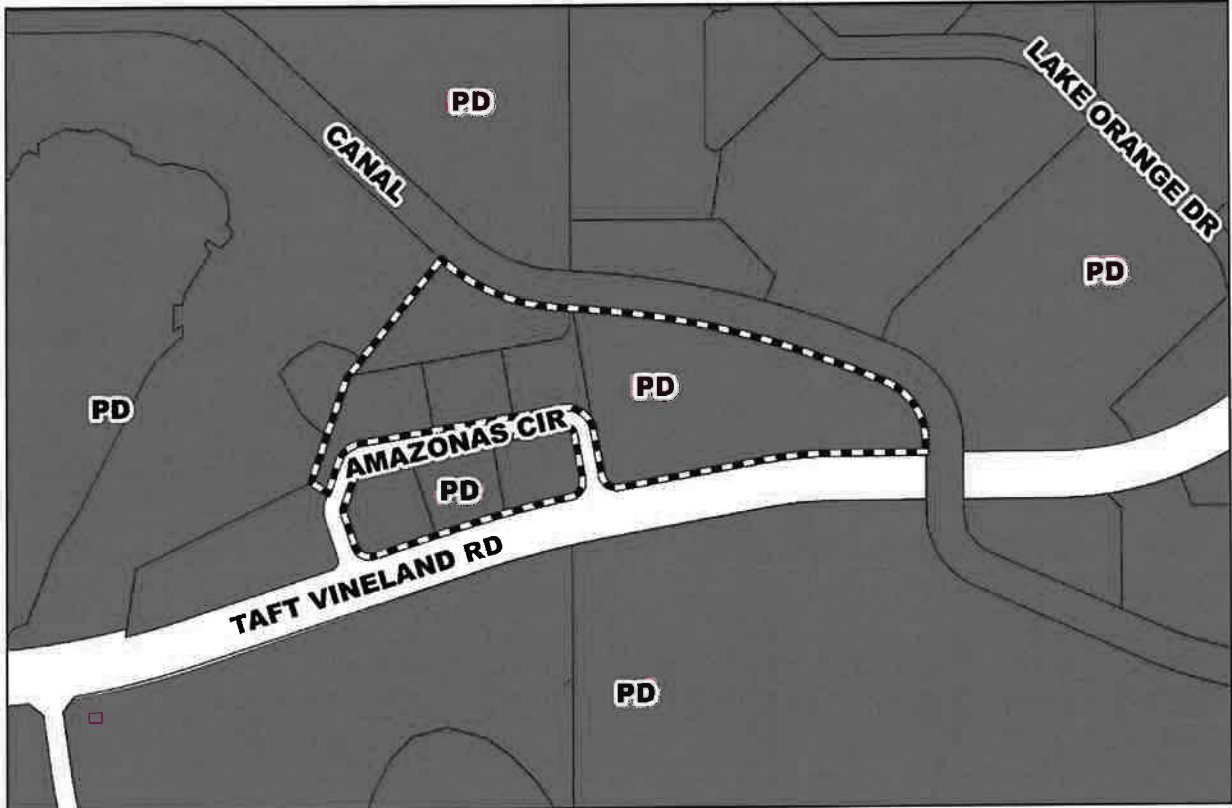
DISTRICT: # 4

S/T/R: 09/24/29

1 inch = 400 feet



CDR-21-02-039



 Subject Property



 Subject Property

Zoning Map	
ZONING:	PD (Planned Development District)
APPLICANT:	Bryan F. Borland, WP South Acquisitions, LLC
LOCATION:	Generally located north Of Taft-Vineland Road, south of SR 528, east of S John Young, and west of US 441
TRACT SIZE:	170.80 gross acres (overall PD) 12.40 gross acres (affected parcels only)
DISTRICT:	# 4
S/T/R:	09/24/29
1 inch = 400 feet	



CDR-21-02-039



 Subject Property



1 inch = 400 feet

Orangewood N-9 PD / LUP (Cover Sheet)

Land Use Plan

Issued for	Land Use Plan Amendment
Date Issued	January 21, 2016
Latest Issue	

Sheet Index		
Number	Drawing Title	Latest Issue
2	Existing Site Conditions	N/A
3	Land Use Plan	3/24/2021

ORANGEWOOD NEIGHBORHOOD 9/ S&B PROPERTY PLANNED DEVELOPMENT/ LAND USE PLAN (PD/LUP)

CDR-21-02-039

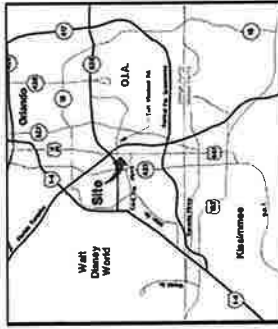
Taft-Vineland Road/Amazonas circle
 Orange County, Florida

- Affected Parcel IDs: 09-24-29-8559-00-001
 09-24-29-8559-00-020
 09-24-29-8559-00-030
 09-24-29-8559-00-040
 09-24-29-8559-00-050
 09-24-29-8559-00-060
 09-24-29-8559-00-070
 09-24-29-8559-00-080

12.4 ACRES

*Parcel Number 09-24-29-8559-00-001 is a subdivision reservation that will not be added to Orange County via this S&B Property Planned Development PD/LUP, however, it remains a part of Parcel 1 in the Orangewood N-9 LUP.

AAA Investment Property/
 PC Association Group
 20000 N. Orange Ave., Suite 1
 Orlando, FL 32807



Site Location Map ↑

Affected Parcels Legal Description

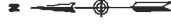
Legal Description of the affected parcels, including details about the subdivision and the specific parcels being affected by the LUP.

RECEIVED
 By DRC Office at 2:46 pm, Mar 29, 2021



Legal Description
 The following is a legal description of the affected parcels, including details about the subdivision and the specific parcels being affected by the LUP.

Orangewood N-9 PD / LUP



SCALE IN FEET
 0 200 400

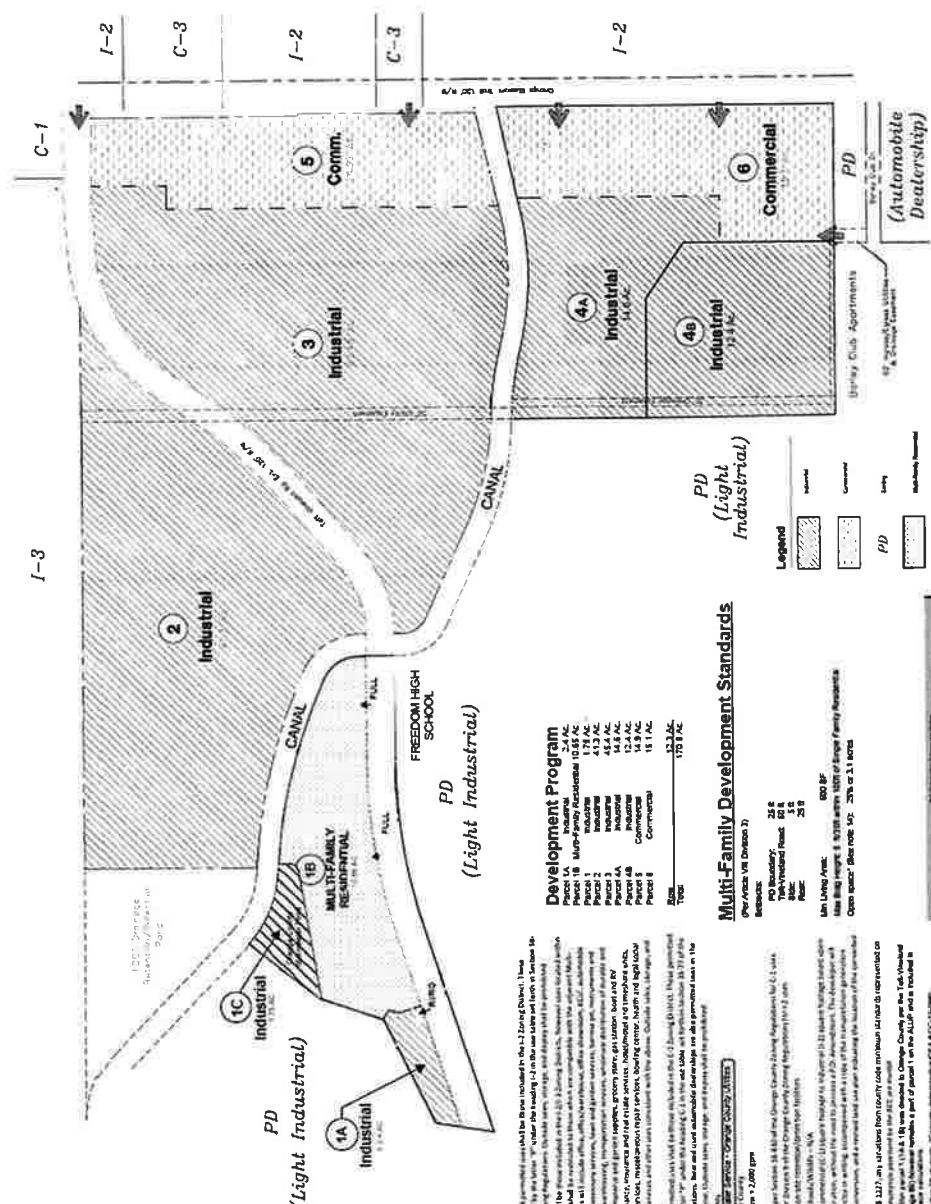


ORANGWOOD N-9

PLANNED DEVELOPMENT
 Orange County, Florida

Land Use Plan

DATE	NO.	DESCRIPTION
1/200	3	3



Development Program

Parcel 1A	Multi-family Residential	12.85 AC
Parcel 1B	Multi-family Residential	2.4 AC
Parcel 2	Industrial	4.13 AC
Parcel 3	Industrial	4.4 AC
Parcel 4A	Industrial	12.4 AC
Parcel 4B	Industrial	12.4 AC
Parcel 5	Commercial	11.1 AC
Parcel 6	Commercial	11.1 AC
TOTAL		110.7 AC

Legend

[Hatched Box]	Industrial
[Dotted Box]	Commercial
[Stippled Box]	PD (Light Industrial)
[Cross-hatched Box]	PD (Automobile Dealership)

Multi-Family Development Standards

General Use Districts:

PD Boundary:	25 ft
Setback:	15 ft
Height:	25 ft

Lot Area: 600 SF
 Max Lot Coverage: 8.5%
 Max Lot Area: 1,200 SF
 Open Space: 20% or 3.1 acres

- NOTES**
1. All parcels shown on this map are subject to the zoning regulations of the City of Orange, Florida, and the County of Orange, Florida. The applicant is responsible for obtaining all necessary permits and approvals from the City and County.
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 20. The applicant is responsible for obtaining all necessary permits and approvals from the City and County.

Notification Map

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