



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Decision Letter

Board of County Commissioners

Tuesday, March 26, 2024

2:00 PM

County Commission Chambers

24-325

Case # CDR-23-09-297

Julie Salvo, Tavistock Development Company, Ginn Property Planned Development (PD), amend plan; District 4

Consideration: A PD substantial change to allow the C-2 use of new and used car dealers on Parcel 6B; Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

Location: District 4; property generally located North of the State Road 417 / West of Boggy Creek Road; Orange County, Florida (legal property description on file in Planning Division)

New Condition of Approval # 13:

13. The developer will be required to submit an operational analysis for the proposed development on each of Parcels 6B, 6C, and 1B. Based on CMS data as of March 2024, the developer acknowledges that proportionate share mitigation offered to offset transportation concurrency deficiencies attributable to such development is anticipated to contemplate the construction of a traffic signal and/or other operational improvement at the intersection of J Lawson Boulevard and Wyndham Lakes Boulevard; accordingly, prior to or in connection with execution of a proportionate share agreement for one or more of those parcels (the "Proportionate Share Agreements"), the developer will enter into an agreement with the County to pipeline proportionate share mitigation paid in connection with development of those parcels into construction of the signal and/or other operational improvement. Proportionate share amounts paid to the County pursuant to the Proportionate Share Agreements shall be creditable against transportation impact fees for the subject project(s).

Previous Conditions of Approval # 13, # 14, # 15, # 16, # 17, # 18, # 19 & # 20 are renumbered to Conditions of Approval # 14, # 15, # 16, # 17, # 18, # 19, # 20 & # 21:

~~13.~~ 14. Except as amended, modified, and / or superseded, the following Board Conditions of

Approval, dated November 15, 2022 shall apply:

a. The multi-family buildings shall be pulled up to the building setback along J Lawson Boulevard, unless impeded by utilities, and no parking shall be located between the buildings and the right-of-way. In addition, the facades of the buildings pulled up to J Lawson Boulevard shall be treated as primary facades, and direct pedestrian connections from building entrances to the sidewalk along J Lawson Boulevard shall be provided.

b. Pedestrian connections shall be provided from each of the buildings facing Wyndham Lakes Boulevard to the sidewalk along Wyndham Lakes Boulevard.

c. The following waivers from Orange County Code are granted:

d. A waiver from Orange County Code Section 38-1258(c) to all for a maximum building height of fifty-five (55) feet/four (4) stories for multifamily development in Parcel 6C, in lieu of a maximum building height of forty (40) feet/three (3) stories.

e. A waiver from Orange County Code Section 38-1254(2) (a) to allow for a minimum building setback of fifteen (15) feet on the south side of J. Lawson Blvd and on the east side of Wyndham Lakes Blvd in Parcel 6C, in lieu of a minimum building setback of twenty-five (25) feet.

f. A waiver from Orange County Code Section 38-1479(b) to allow for a minimum parking space size of one hundred sixty-two (162) square feet (nine (9) feet x eighteen (18) feet) in Parcel 6C, in lieu of a minimum parking space size of one hundred eighty (180) square feet (either nine (9) feet x twenty (20) feet or ten (10) feet x eighteen (18) feet).

~~14.~~ 15. Except as amended, modified, and/or superseded, the following Board Conditions of Approval, dated October 27, 2020, shall apply:

~~15.~~ 16. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated September 22, 2020 shall apply:

a. A waiver from Orange County Code Section 38-1476 (Kennels and Veterinary Clinics) is granted to allow the required parking to be calculated at 22 spaces in accordance with an approved parking study, in lieu of the required parking ratio of one space per 300 square feet.

~~16.~~ 17. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated September 18, 2018 shall apply:

a. 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. A waiver from Orange County Code Section 31.5-67(f) is granted to allow three (3) ground signs in lieu of two (2) ground signs on Lot 1 with a right-of-way frontage in excess of four hundred (400) linear feet, provided that any pole signs and ground signs on the parcel shall be separated

from each other by a distance of not less than one hundred (100) feet, and that any ground sign shall be separated from any other ground sign on the parcel by a distance of not less than one hundred (100) feet.

c. A waiver from Orange County Code section 31.5-15(a)(1) is granted to allow for copy area for Lot 2 on the multi-tenant ground sign, in lieu of no ground sign copy area for Lot 2 due to its lack of right-of-way frontage.

~~17.~~ 18. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated September 20, 2016 shall apply:

a. The project shall with the terms and conditions of the Ginn Development of Regional Impact Developer's Agreement and the Boggy Creek Bridge Agreement, as both may be amended from time to time.

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. 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. The following waivers from Orange County Code are granted for development within PD Parcels 1a, 1b, 4, 5, and 6 only:

1) A waiver from Section 30-1251(b) to allow a maximum Impervious Surface Ratio (ISR) of 0.55 for residential use, in lieu of a maximum ISR of 0.30;

2) A waiver from Section 38-1272(a)(5) to allow a maximum non-residential height of fifty (50) feet, or one-hundred twenty (120) feet for hotel use, in lieu of a maximum height of fifty (50) feet or thirty-five (35) feet when within one-hundred (100) feet of any residential district (internal or external to the PD); and

3) A waiver from Section 38-1327 to allow a maximum Impervious Surface Ratio (ISR) of 0.85 for commercial, industrial and office uses, in lieu of a maximum ISR of 0.70.

~~18.~~ 19. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated October 20, 2015, shall apply:

a. 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. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.

b. Public right-of-way access for the required interconnection between Greenway Park DRI and Boggy Creek Enclave PO to the south shall be provided from a point on Beacon Park Blvd. through Parcel 1B within the Greenway Park DRI to the right-of-way stub-out provided in the Boggy Creek Enclave PD. The 50-foot wide right-of-way shall be dedicated to Orange County prior to the issuance by Orange County of any Certificate(s) of Occupancy, whether temporary or permanent, for improvements on Parcel 1B totaling more than 40% of the total permitted Development Program within Parcel 18, as measured by the total number of traffic trips associated with such Parcel 18 Development Program. The 50-foot wide dedicated right-of-way is not an impact fee eligible dedication or road. Therefore, road impact fee credits shall not be issued for such dedication. Traffic trips and the Development Program for the Greenway Park DRI, including Parcel 18, shall not be reduced, altered, or diminished by, or because of, traffic trips entering the Greenway Park DRI to or from the Boggy Creek Enclave PD; such provision shall be memorialized by a duly approved amendment to the Development Order for the Greenway Park DRI.

~~19.~~ 20. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated January 7, 2014, shall apply:

a. A waiver from Orange County Code Section 38-1272(a) (i) is granted to allow for a maximum I.S.R. of 0.85 (eighty-five percent), in lieu of a maximum I.S.R. of 0.70 (seventy percent).

~~20.~~ 21. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated April 28, 2009, and July 9, 2002 shall apply:

a. Master stormwater, water, reclaim water and wastewater plans including preliminary calculations shall be submitted and approved prior to approval of construction plans.

b. All commercial uses within the PD shall comply with the Commercial Design Standards Ordinance. Industrial and Office uses shall comply with the lighting standards established in the Commercial Design Standards Ordinance.

c. Developer shall comply with Airport Noise Ordinance 2000-07.

d. Prior to platting any residential property adjacent to Park P-1, this tract shall be dedicated at no cost to Orange County.

e. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.

f. Prior to the mass grading of Parcel 5, a 6-foot high PVC fence shall be constructed along the south property line of Parcel 5. However, if the property to the south is rezoned to non-residential uses prior to that time, the fence is not required.

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, approve the substantial change request subject to the twenty (20) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated February 29, 2024; further, approve new Condition of Approval #13; and further, approve renumbered Conditions of Approval #14, #15, #16, #17, #18, #19, #20, and #21. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, and Commissioner Bonilla

Nay: 1 - Commissioner Wilson

Absent: 1 - Commissioner Scott

**THE FOREGOING DECISION HAS BEEN
FILED WITH ME THIS 5TH DAY OF
APRIL 2024.**

for J. Hight
DEPUTY CLERK
BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA

Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.
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