



Interoffice Memorandum

August 16, 2024

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

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

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

SUBJECT: September 10, 2024 – Public Hearing
Applicant(s): Jim Hall, Hall Development Service, Inc.
Project Name: Patterson Planned Development (PD)
Project No.: CDR-23-11-323 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 10, 2024, to approve the substantial change request to the Patterson Planned Development (PD). The 47-acre subject property is within a growth center located between the Horizon West Lakeside Village Special Planning Area and Disney's Magic Kingdom. More specifically the site is located on the west of Reams Road, east of Seidel Road, and south of Summerlake Park Boulevard. This request is to increase the development program by 94 units, for a total of 598 multi-family residential units. The PD is currently partially developed with a 308-unit multi-family development.

The required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these documents and the plans may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve Patterson PD (CDR-23-11-323) dated "Received June 18, 2024", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

TW/JCK/rb

Attachments

CASE # CDR-23-11-323
Commission District: # 1

GENERAL INFORMATION

APPLICANT	Jim Hall, Hall Development Service, Inc.
OWNER	Timlerlock Partners II LP
PROJECT NAME	Patterson Planned Development (PD)
PARCEL ID NUMBER(S)	02-24-27-7150-01-000 (affected parcel)
TRACT SIZE	46.99 gross acres / 34.55 net developable acres
LOCATION	Generally located on the west side of Reams Road, east of Seidel Road and south of Summerlake Park Boulevard
REQUEST	To increase the development program by 94 units, for a total of 598 multi-family residential units.
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,000 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Six hundred and fifty-four (654) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The Patterson Planned Development (PD) consists of approximately 47 gross acres and is generally located on the east side of Reams Road, west of Seidel Road and south of Summerlake Park Boulevard. The property is within a growth center located between the Horizon West Lakeside Village Special Planning Area and Disney's Magic Kingdom. The PD was originally approved on June 26, 2001, and currently provides for a development program consisting of 504 multi-family residential units. The PD is partially developed a 308-unit multi-family development.

Through this PD Change Determination Request (CDR), the applicant is seeking to increase the development program by 94 units, for a total of 598 multi-family residential units

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Activity Center Mixed Use (ACMU). The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

The subject property has an underlying Future Land Use Map (FLUM) designation of Medium Density Residential (MDR) on the Future Land Use Map and is zoned Planned Development (PD). The Planned Development currently allows for 504 multi-family units. The request would add an additional 94 residential units. The request appears to be consistent with the Comprehensive Plan.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

There is a recorded Orange County Conservation Easement and a South Florida Water Management District Conservation Easement within this project. The conservation easement is described as 9.63 acres, reference Official Record Book 10344 PG 3861 and Official Record Book 10391 PG 1734. Clearly show the boundaries and add labels to identify the conservation easements.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

This site has soil that is suitable for gopher tortoise habitat. There is an increased likeliness for presence of gopher tortoise burrows. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations. Forward any related permits to the Orange County Environmental Protection Division.

Portions of this site are immediately adjacent to the Walt Disney World Parks that produces noise levels above the normal neighborhood ambient sound. Construction of residential units should consider housing construction techniques and design features to minimize interior noise to the residents.

No construction, clearing, alteration or grading is allowed in a tract or easement unless approved by the county and other applicable jurisdictional agencies. Any proposed impacts within the conservation tract/easement will require a Conservation Area Impact (CAI) permit. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to wetlandpermitting@ocfl.net.

The removal, alteration or encroachment within a Class I Conservation Area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit. Class I impacts require consideration at a public hearing before the Orange County Board of County Commissioners. Reference OC Code Chapter 15, Article X Wetland Conservation Areas, Division 1 Generally, Section 364 Definitions, Subsection (a) Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

Transportation Planning

Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

Based on the Concurrency Management database (CMS) dated 01/25/2023, there are multiple failing roadway segments within the project's impact area along Reams Rd, from Fiquette / Summerlake Park to Taborfield Ave (2 segment(s)). This information is dated and subject to change.

This development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. NOTE: Should this project be located near failing roadways then a traffic study will be required with the CEL application.

A Developer's Agreement was approved by the Board of County Commissioners on May 23, 2000 and recorded at OR Book/Page 6074/2062. Under the terms of the Developer's Agreement in Section 2 the Developer agrees to donate Right-of-Way for Reams Road at no cost to the County. The dedication was to occur prior to development plan approval. A First Amendment to the Developer's Agreement was approved by the Board of County Commissioners on November 15, 2005 and recorded at OR Book/Page 8314/3801. Under the terms of the First Amendment Section 2 of the original agreement was modified to state that the donation of Right-of-Way would occur not later than the date of the subdivision of the property. Minutes from the October 11, 2005 Board of County Commissioners Substantial Change Public Hearing for the Patterson Planned Development placed a condition number nine on the project stating that Developer shall donate right-of-way in a form acceptable to the County for Reams Road improvement at no cost to the County and without impact fee credits or any other compensation and that such donation shall occur not later than the subdivision of the property. The Patterson

PD Deed and Easement were approved by the BCC on 9/11/2012 and recorded at OR Book/Page 10442/2749 and 10442/2753. An additional 10-foot utility easement in favor of Orange County was conveyed by plat.

Community Meeting Summary

A community meeting was not required for this request.

Schools

The project has an approved Capacity Enhancement Agreement (CEA 05-014). Recital C in the CEA acknowledges that the number of units to be built was unknown and that the CEA provides flexibility. Recital G states that the builder will pay impact fees in advance, which is further detailed in Section 3.a.i. This request is expected to generate an additional student enrollment of 27 students.

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 – (July 10, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Patterson PD dated “Received June 18, 2024”, subject to the following conditions:

1. Development shall conform to the Patterson Planned Development (PD) dated "Received June 18, 2024," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received June 18, 2024," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the

development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits

associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.

7. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the adjacent land use includes Walt Disney World Parks which may temporarily cause a noise disturbance.
8. Unless a Natural Resource Impact Permit (NRIP) is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland and Surface Water Protection", prior to Construction Plan approval, no wetland, surface water or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect wetland and surface water impacts.
9. 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 and Wildlife Conservation Commission (FWC).
10. All acreages identified as wetlands, surface waters and upland buffers are considered approximate until finalized by a Wetland Determination (WD) and/or a Natural Resource Impact Permit (NRIP). Approval of this plan does not authorize any direct or indirect wetland/surface water impacts.
11. The Public Works Engineering Division (PWED) requires easements for the Reams Rd CIP project. The applicant shall convey the required easements prior to construction plan approval.
12. In compliance with Chapter 19, property owner/engineer shall be required to provide a series of FEMA Letter of Map Change (LOMC). For development within the 1% annual chance flood (100-year flood) floodplain without established Base Flood Elevations (BFE), depicted as Zone A, the owner/engineer shall perform a study to establish the BFE and submit a LOMR application to obtain FEMA approval. The approval letter from FEMA shall be submitted to the County before the submittal of the construction plan. For modifications to determined BFE (Zone AE), floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a Conditional Letter of Map Revision (CLOMR) shall be submitted by the owner/engineer to FEMA for approval. The approval letter from FEMA shall be submitted to the County before the approval of the construction plan. A subsequent Letter of Map Revision (LOMR) reflecting final construction will be required. The LOMR application shall be submitted to FEMA for approval by the owner/engineer to release the CO/CC. Compensation Storage for all projects within the 1% annual chance flood (100-year flood) floodplain shall be provide on a "cup for cup" basis in accordance with Chapter 19-107 (1).

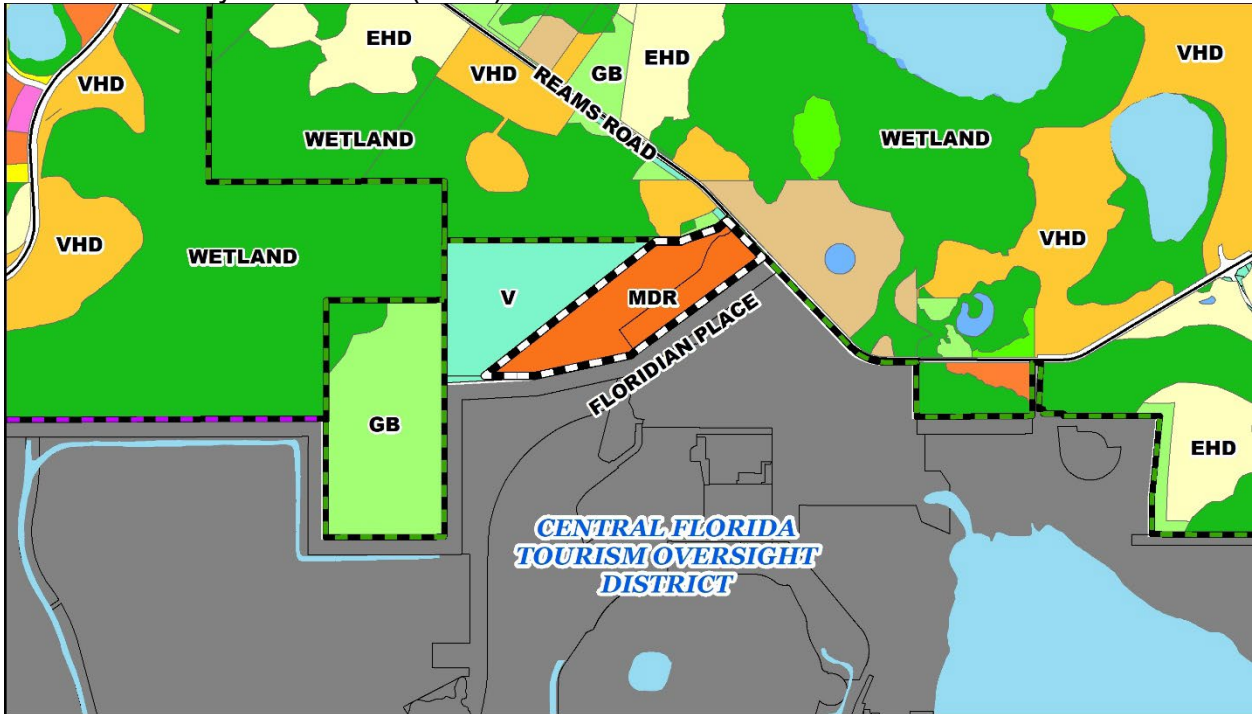
13. Prior to development/preliminary subdivision plan approval, a traffic operational and safety study will be provided and accepted by the County Engineer. The Study shall use a 5-year post opening date projected traffic generation and will identify operational and safety improvements required to address safe and adequate access. The improvements include but are not limited to signing, pavement markings, traffic control such as signalization, roundabouts, or other roadway improvements.
14. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
15. 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 (including hydraulically dependent development) within the PD.
16. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
17. 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.
18. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 23, 2011, shall apply:
 - a. A waiver from Section 38-1258(f) is granted to allow a forty-five (45) foot buffered yard with trees and hedges measured from the Espinosa parcel boundaries (Parcel # 02-24-27-0000-00-004) in lieu of the wall requirement.
19. All previous applicable Conditions of Approval dated March 10, 2009, shall apply:
 - a. Tree removal/earthwork shall not occur unless and until construction plans for the 1st Preliminary Subdivision and/or Development Plan with removal/mitigation plans have been approved by Orange County.
 - b. Capacity Enhancement Agreements 05-005 and 05-014 apply to this project. The first 300 residential units appearing in a plat or final site plan

shall comply with CEA 05-014, and any residential units beyond the 300th shall comply with CEA 05-005. Prior to recording of any plat or issuance of the first building permit for any phase, a letter must be obtained from OCPS to determine that the project is consistent with the applicable Capacity Enhancement Agreement.

- c. Prior to Platting, the right-of-way for Reams Road shall be conveyed.
- d. A waiver from Section 38-1387(b)(5) of the Orange County Code is granted to allow a maximum building height of sixty-five (65) feet / four (4) stories in lieu of forty-five (45) feet due to the site's irregular configuration and location of wetlands.
- e. Except where waived, all development shall comply with the Horizon West Design Standards.
- f. A waiver from Section 38-1382(h) of the Orange County Code is granted to place the recreational facilities internally.
- g. Prior to the issuance of any vertical building permits, this property shall be platted.

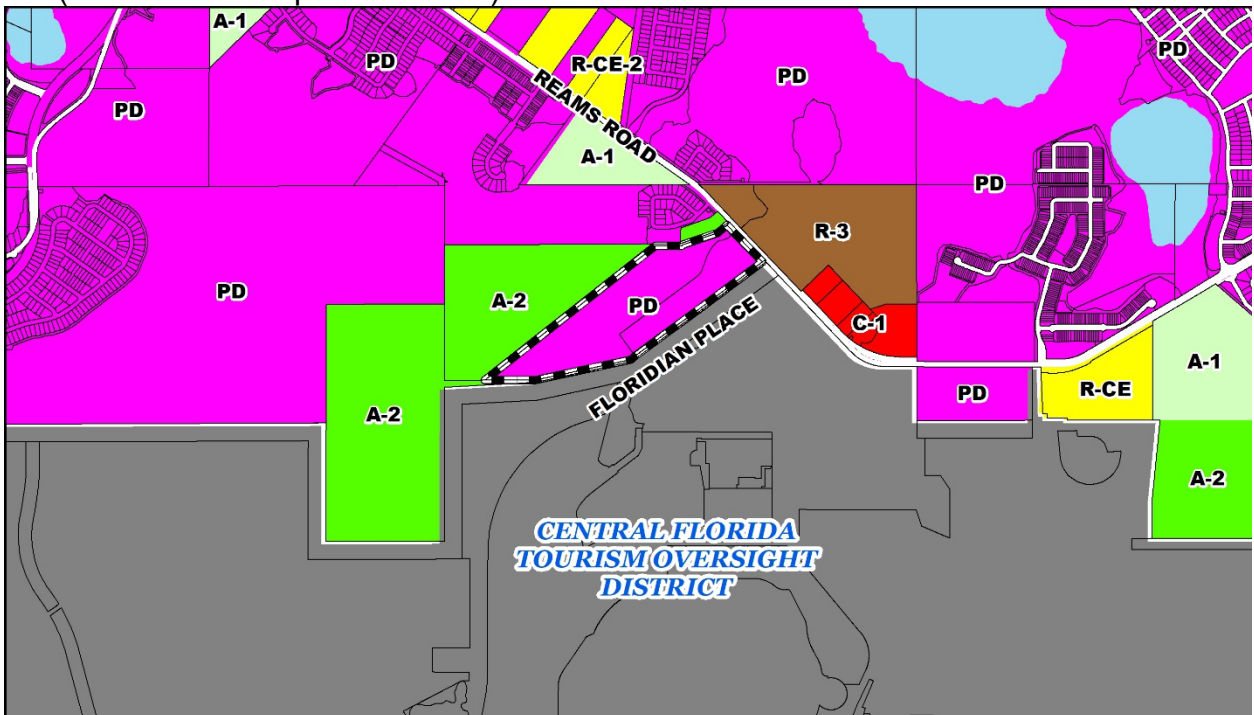
FUTURE LAND USE

Medium Density Residential (MDR)



ZONING

PD (Planned Development District)

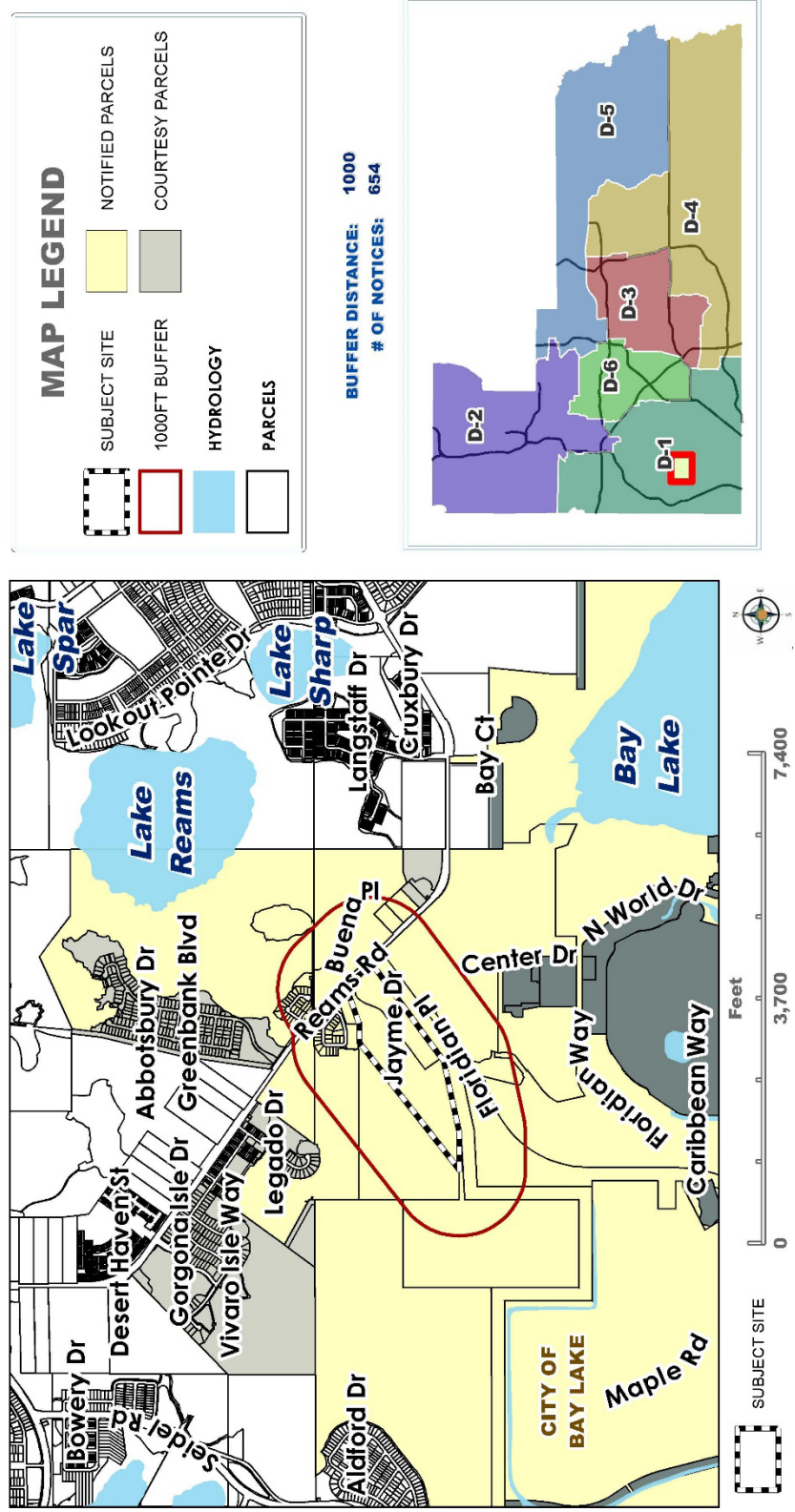


Notification Map

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Public Notification Map

CDR-23-11-323



MAP LEGEND

- SUBJECT SITE (dashed black outline)
- 1000FT BUFFER (red outline)
- HYDROLOGY (blue fill)
- PARCELS (black outline)
- NOTIFIED PARCELS (yellow fill)
- COURTESY PARCELS (grey fill)

BUFFER DISTANCE: 1000
 # OF NOTICES: 654

