




## Interoffice Memorandum

DATE: May 26, 2023

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

FROM: Tim Boldig., Interim Director  
Planning, Environmental and Development  
Services Department

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

SUBJECT: June 6, 2023 – Public Hearing  
Tara Velez, Orlando Epilepsy Center, Inc.  
Lake Nona Dental Specialist Planned Development  
Case # CDR-22-08-263/ District 4

The Lake Nona Dental Specialist Planned Development (PD) is located North of Tyson Road / East of Narcoossee Road. The existing PD development program allows for the development of professional offices.

Through this PD substantial change, the applicant is seeking to modify a prior Board Condition of Approval relating to signage. The property is located within the Narcoossee Road Overlay District. The existing Condition states that signage must comply with Comprehensive Plan policies that existed at the time, which significantly limited allowable copy area. Those policies have since been repealed, and the applicant has requested to modify the Condition to state, "Pole signs and billboards shall be prohibited. All other signage shall comply with Section 31.5 of Orange County Code", to allow a new wall sign for a tenant of the office complex.

On April 12, 2023, 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 Lake Nona Dental Specialist Planned Development / Land Use Plan (PD/LUP) dated “Received December 13, 2022”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

Attachments  
TB/NT/JK

**CASE # CDR-22-08-263**

Commission District: # 4

**GENERAL INFORMATION**

**APPLICANT** Tara Velez, Orlando Epilepsy Center, Inc.

**OWNER** Eagle Pine Investment LLC

**PROJECT NAME** Lake Nona Dental Specialist Planned Development (PD)

**PARCEL ID NUMBER(S)** 20-24-31-4765-03-000

**TRACT SIZE** 2.07 gross acres

**LOCATION** Generally located North of Tyson Road / East of Narcoossee Road

**REQUEST** A Change Determination Request (CDR) to modify the June 5, 2012 BCC condition of approval #6 to state, "Pole signs and billboards shall be prohibited. All other signage shall comply with Section 31.5 of Orange County Code".

**PUBLIC NOTIFICATION** A notification area extending beyond one thousand two hundred (1,200) 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. A community meeting was not required for this application.

**IMPACT ANALYSIS**

**Special Information**

The Lake Nona Dental Specialist PD was originally approved in June 2012 for the development of professional offices. The property is located in the Narcoossee Road Corridor Overlay. In 2012 when the PD was originally approved, the Comprehensive Plan policies regulating the Overlay included specific limitations regarding allowable signage. Those policies were removed from the Comprehensive Plan in 2016 and all surrounding development is permitted to follow the current standard signage regulations in Chapter 31.5 of the Orange County Code.

Through this PD Change Determination Request (CDR), the applicant is seeking to modify the June 5, 2012 BCC condition of approval #6 to state, "Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of Orange County Code".

**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 - Office (Rural Settlement) [PD - O (RS)]. The FLUM designation allows for up to 20,000 square feet of dental and medical office space. The requested use is consistent with the Comprehensive Plan.

**Overlay District Ordinance**

The subject property is located within the Narcoossee Road Corridor Overlay District.

**Rural Settlement**

The subject property is located within the Lake Hart / Lake Whipoorwill Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is located within the Narcoossee Rodway Corridor.

**Environmental**

Environmental Protection Division (EPD) staff has reviewed the proposed request and did not identify any issues or concerns.

**Transportation Planning**

Transportation Planning staff has reviewed the proposed request and did not identify any issues or concerns.

**Community Meeting Summary**

A community meeting was not required for this project.

**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 and 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 – (April 12, 2023)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Lake Nona Dental Specialist Planned Development Planned Development / Land Use Plan (PD/LUP), dated “Received December 13, 2022”, subject to the following conditions:**

1. Development shall conform to the Lake Nona Dental Specialist Planned Development dated "Received December 13, 2022," 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 December 13, 2022," 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. 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 final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of Orange County Code.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 5, 2012 shall apply:
  - a. Any parking immediately adjacent to Narcoossee Road shall be limited to one (1) row and one (1) drive aisle.
  - b. The Developer shall obtain wastewater and reclaimed water service from Orange County Utilities.
  - c. Outdoor sales, storage and display shall be prohibited.

- d. Tree removal/Earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION** *(June 5, 2012)*

Upon a motion by Commissioner Commissioner Jennifer Thompson, seconded by County Mayor Teresa Jacobs, and carried by a 6-0 vote. Commissioner Ted Edwards was absent.

The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Thomas Daly, Lake Nona Dental Specialist Land Use Plan, to rezone from A-2 (Farmland Rural District) to PD (Planned Development District), on the described property; subject to eight conditions.


CDR-22-08-263



 Subject Property

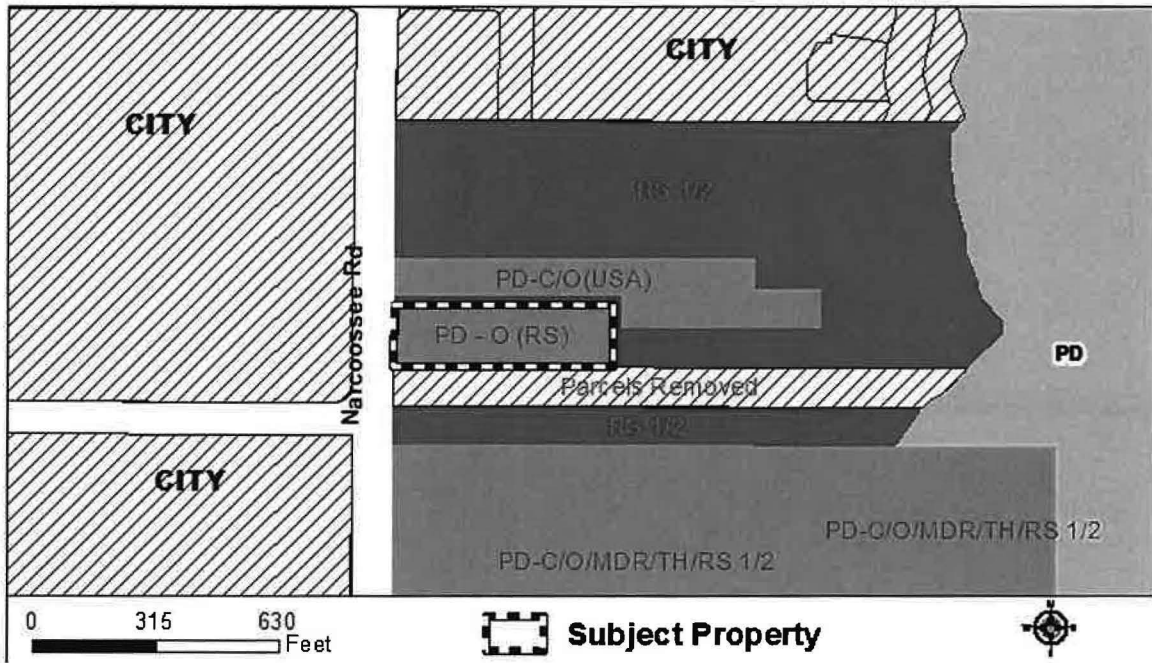


0 305 610 Feet

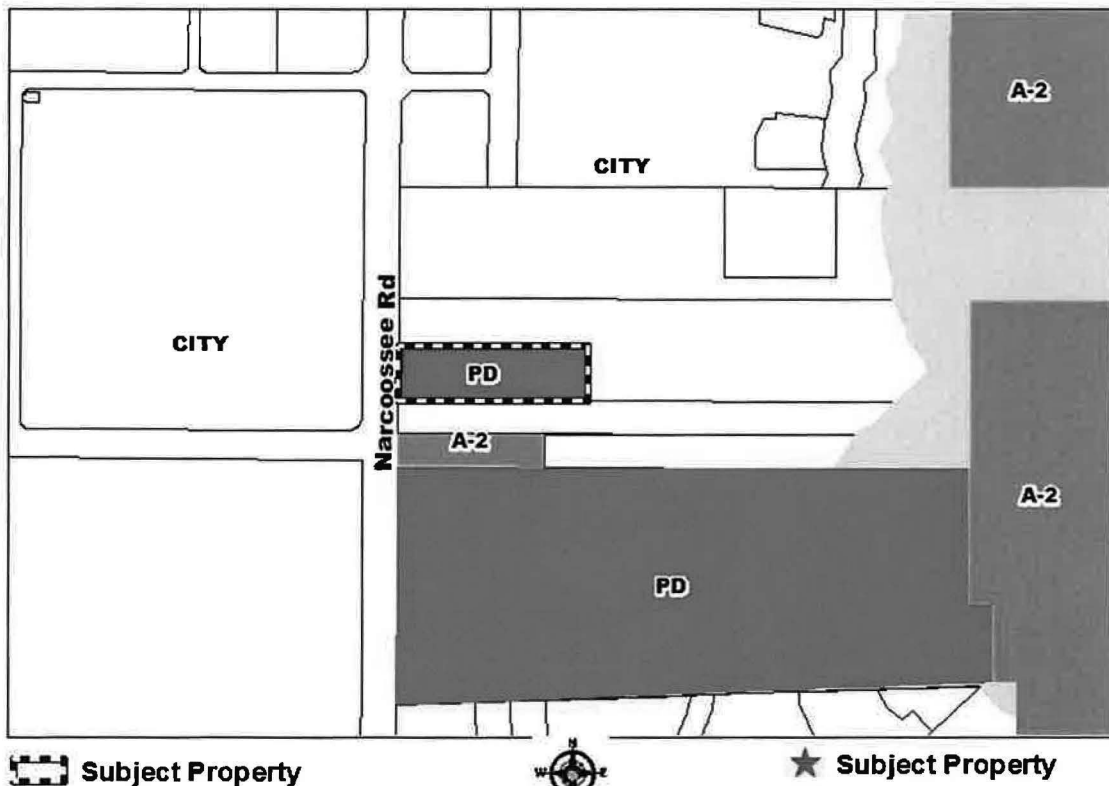




**FUTURE LAND USE - CURRENT**



**ZONING - CURRENT**  
P-D (Planned Development)

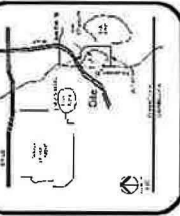


# Lake Nona Dental Specialist PD / LUP

RE: CDR - 22-08-263

-Revised-

**Lake Nona Dental Specialist**  
**Land Use Plan**  
**Parcel ID # 20-24-31-9302-00-040**  
**Orange County, Florida**  
**January 20'2**

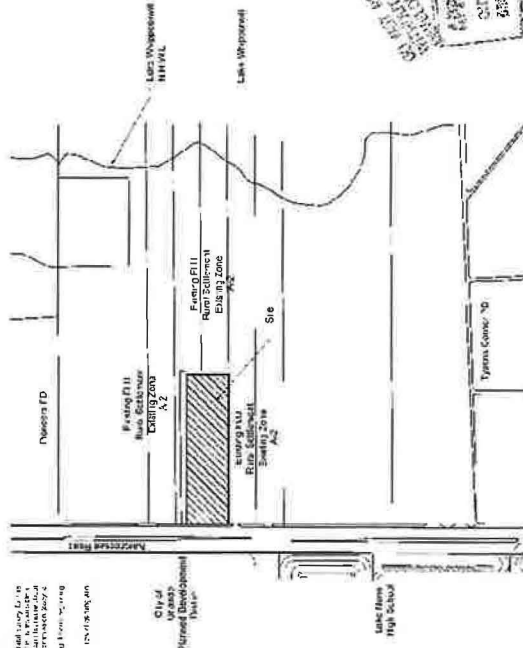


Vicinity Map

**State Data**

Population	20,200
Area	2,074
Population Density	9.7
Population Growth	1.1%
Population Change	1,000
Population Change	5.0%
Population Change	10.0%
Population Change	15.0%
Population Change	20.0%
Population Change	25.0%
Population Change	30.0%
Population Change	35.0%
Population Change	40.0%
Population Change	45.0%
Population Change	50.0%
Population Change	55.0%
Population Change	60.0%
Population Change	65.0%
Population Change	70.0%
Population Change	75.0%
Population Change	80.0%
Population Change	85.0%
Population Change	90.0%
Population Change	95.0%
Population Change	100.0%

1 3/27/12 Revised per ERC comments / meeting 02/22/12



Area Development Map



**SHEET INDEX**  
 SHEET DESCRIPTION  
 1158 Lake Nona PD

**Team Members**

**Owner**  
 LUCY LOUIS COOPER  
 2011 N. W. 11th St.  
 Suite 101, Lake Nona, FL 32159

**Partner**  
 JEFFREY LOUIS COOPER  
 2011 N. W. 11th St.  
 Suite 101, Lake Nona, FL 32159

**daly design group inc.**  
 2501 N.W. 11th St. Suite 101, Lake Nona, FL 32159

**RECEIVED**  
 By: [Signature] Date: 02/22/12

**Use of Users**

**Permitted Users**

**Notes**

1. This is a preliminary map and should not be used for any other purpose.  
 2. The user of this map is responsible for obtaining all necessary permits and approvals from the appropriate authorities.  
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**Design Guidelines**

**1. General**

**1.1. Purpose**

**1.2. Scope**

**1.3. Authority**

**1.4. Definitions**

**1.5. Objectives**

**1.6. Standards**

**1.7. Procedures**

**1.8. Enforcement**

**1.9. Maintenance**

**1.10. Revisions**

**1.11. Other**

**1.12. Appendix**

**1.13. Glossary**

**1.14. Bibliography**

**1.15. Index**

**1.16. Maps**

**1.17. Tables**

**1.18. Figures**

**1.19. Forms**

**1.20. Other**

**1.21. Appendix**

**1.22. Glossary**

**1.23. Bibliography**

**1.24. Index**

**1.25. Maps**

**1.26. Tables**

**1.27. Figures**

**1.28. Forms**

**1.29. Other**

**1.30. Appendix**

**1.31. Glossary**

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**1.38. Other**

**1.39. Appendix**

**1.40. Glossary**

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**1.44. Tables**

**1.45. Figures**

**1.46. Forms**

**1.47. Other**

**1.48. Appendix**

**1.49. Glossary**

**1.50. Bibliography**

**1.51. Index**

**1.52. Maps**

**1.53. Tables**

**1.54. Figures**

**1.55. Forms**

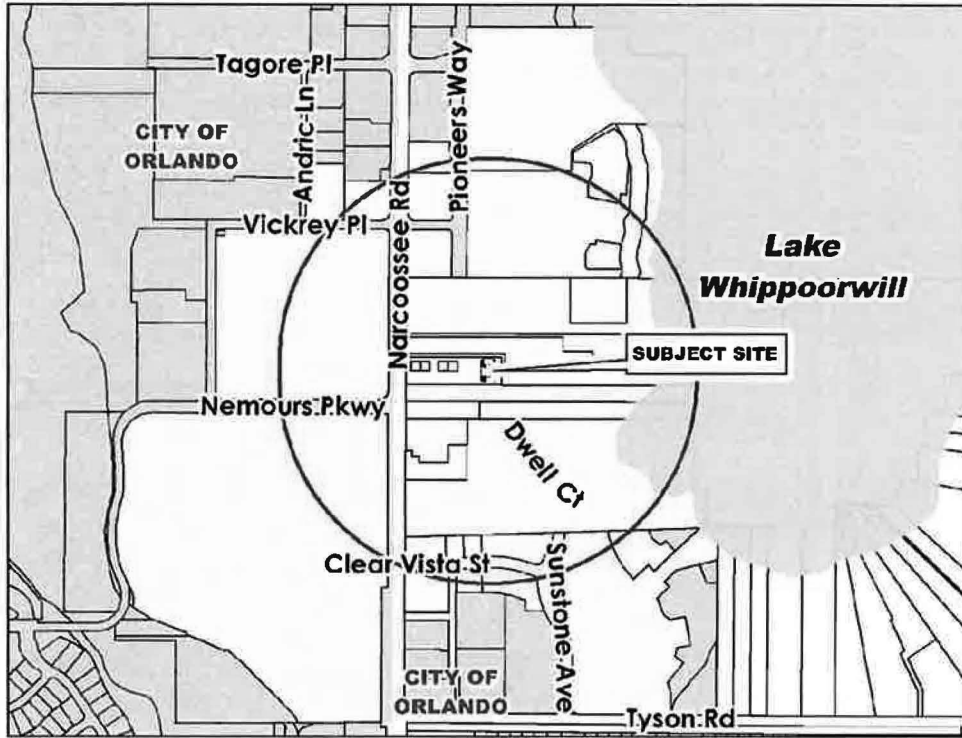
**1.56. Other**



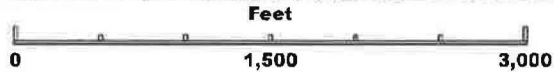
# Public Notification Map

Lake Nona Dental Specialist PD\_CDR-22-08-263

6



SUBJECT SITE



## MAP LEGEND



SUBJECT SITE



NOTIFIED PARCELS



1200 FT BUFFER

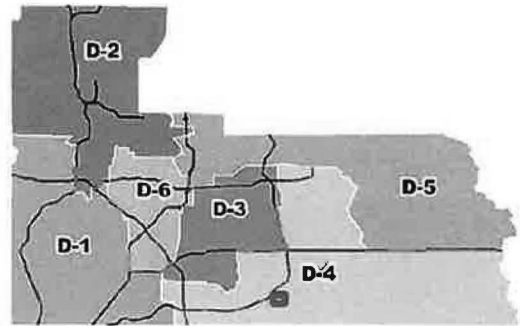


HYDROLOGY



PARCELS

**BUFFER DISTANCE: 1200**  
**# OF NOTICES: 41**



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## Notification Map

**DRC Staff Report**  
**Orange County Planning Division**  
**BCC Hearing Date: June 6, 2023**