

CASE # CDR-25-05-105

Commission District # 1

1. GENERAL INFORMATION

Applicant:	Christopher P. Roper, Akerman, LLP.
Owner:	Magicwood LL, LLC c/o Innovatus Capital Partners, LLC
Project Name:	Orangewood N-1 Planned Development (PD) / Westwood at Orangewood Preliminary Subdivision Plan (PSP)
Hearing Type:	Preliminary Subdivision Plan (PSP)
Request:	To remove the September 11, 1979 Board condition of approval #7a related to Average Daily Traffic Generation from the PSP to be added to the PD, and to amend condition #7b to clarify that multifamily is a permitted use.

2. PROJECT INFORMATION

A. Overview:	The Orangewood N-1 Planned Development (PD) is generally located north of Central Florida Parkway, south of State Road 528, east of Interstate 4, and west of Westwood Boulevard. The PD identifies permitted uses and standards but does not assign any specific development programs. The Westwood at Orangewood PSP was originally approved in 1979 and included a condition of approval that restricted average daily traffic (ADT) to a specific vested trip capacity. The applicant has applied to amend the PD-LUP (CDR-24-05-130) to assign a specific entitlement program based on the Future Land Use Map designation to the subject parcel and is coordinating with county staff to craft a condition of approval requiring any new development beyond what was vested to be subject to concurrency requirement. Per coordination with county staff, this PSP amendment is requested to transfer the trip cap condition of approval from the PSP to the PD in association with the new PD conditions.
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In addition, Condition of Approval 7b, restricted uses to C-1, C-2, and P-O. At the time of approval, multi-family was a type of use that was allowed via special exception in the C-1 district, and the applicant is proposing to amend the condition to clarify that multi-family uses when approved on the PD are permitted.

Applicants proposed revisions to COA 7b:

Nonresidential Uses shall be limited to uses permitted in the C-1, C-2, and P-O Districts provided that the Development Review Committee shall review for compatibility with tourist commercial development and use permitted within said districts determined by the Zoning Director to be incompatible or any other use proposed by the developer. Said determination of the Development Review Committee shall be subject to review by the Board.

COA 7a (1979) to be removed:

Average Daily Traffic generated by all development in Westwood shall be limited to 22,096.

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| B. Location: | North of Central Florida Parkway / South of State Road 528/ East of Interstate 4 / West of Westwood Boulevard |
| C. Parcel ID(s): | 12-24-28-9655-00-010 (affected area) |
| D. Total Acres: | 10 acres (affected area) |
| E. Water Supply: | Orange County Utilities |
| F. Sewer System: | Orange County Utilities |
| G. Schools: | Sand Lake ES
Enrollment: 730 / Capacity: 768
Freedom MS
Enrollment: 1,170 / Capacity: 1,157
Lake Buena Vista HS
Enrollment: 2,114 / Capacity: 2,707 |
| H. Parks: | Dr. P. Phillips Community Park - 4.5 Miles |

I. Site Data:	N/A
J. Fire Station:	Fire Station 54 - 6500 Central Florida Pkwy Orlando, FL 32824
K. Public Notification:	The notification area for this public hearing extended beyond 1500 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. One hundred and one (101) notices were mailed to those property owners in the mailing area.
L. Community Meeting Summary:	A community meeting was not required for this request.
M. Transportation:	Transportation Planning staff has reviewed the proposed request and did not identify any issues or concerns.
N. Environmental Protection Division:	Environmental Protection Division (EPD) staff has reviewed the proposed request and did not identify any issues or concerns.
O. Comprehensive Plan:	The subject property has an underlying Future Land Use Map (FLUM) designation of Activity Center Mixed Use (ACMU) on the Future Land Use Map and is zoned Planned Development (PD). As described in the International Drive Element of the Comp Plan, ACMU is a mixture of tourist-related development and supportive residential activity. Per Comprehensive Plan Policy FLU1.1.4 The ACMU FLUM designation allows uses up to a maximum FAR of 3.0, hotel/motel lodging uses up to a maximum of 60 rooms/acre, and residential uses at a minimum of 12 and up to a maximum of 30 units per developable acre. Per Comprehensive Plan Policy ID1.1.7, no more than 30% of a site designated ACMU shall be used for residential purposes. The request appears to be consistent with the Comprehensive Plan.
P. Zoning:	PD (Planned Development District)

3. REQUESTED ACTION:

Development Review Committee (DRC) Recommendation – (May 28, 2025)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Orangewood N-1 PD / Westwood at Orangewood Preliminary Subdivision Plan dated "Received May 12, 2025", subject to the following conditions:

1. Development shall conform to the Orangewood N-1 PD Land Use Plan; Board approvals; Westwood at Orangewood Preliminary Subdivision Plan dated "Received May 12, 2025," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the Board, or by action of the Board. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received May 12, 2025," 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, as may be amended, 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 preliminary subdivision 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, as may be amended, 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. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, 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.
8. A Master Utility Plan (MUP) for the PSP shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PSP shall be consistent with an approved and

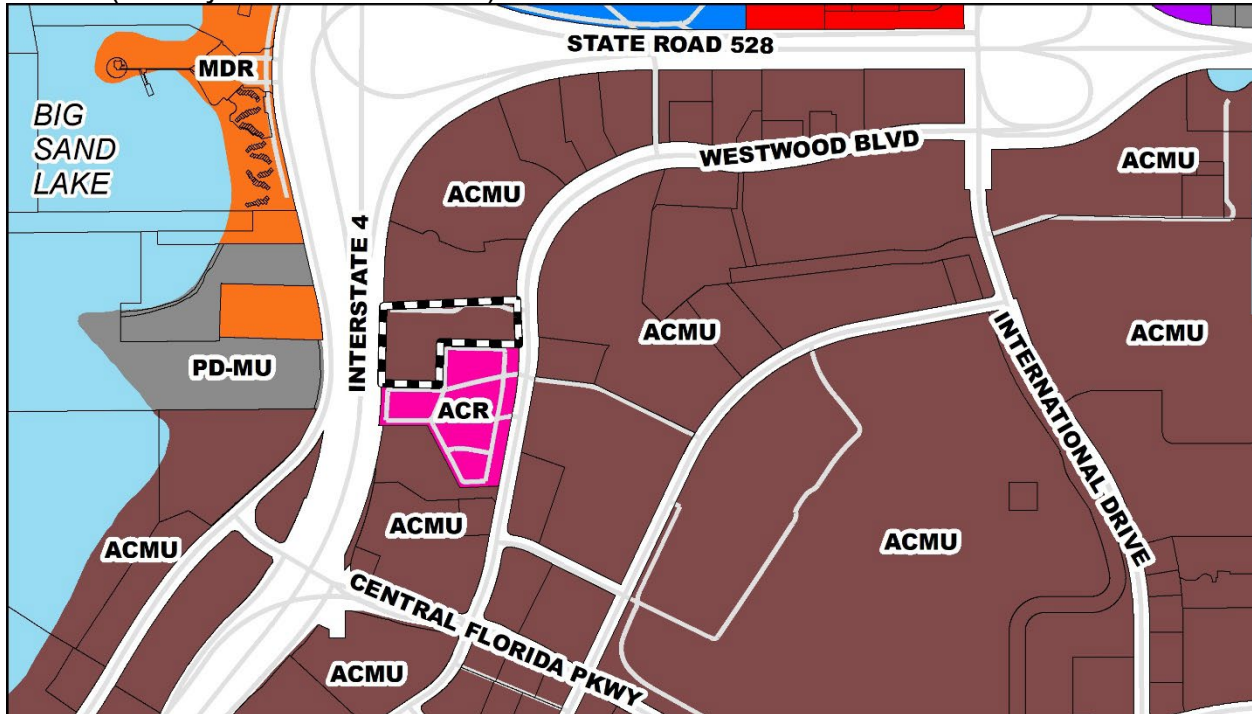
up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.

9. Non-residential uses shall be limited to uses permitted in the C-1, C-2, and P-O Districts.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 26, 2016, shall apply:
 - a. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
 - b. No vertical permit will be issued until you can demonstrate the functionality of the proposed underground stormwater system.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 11, 1979, shall apply:
 - a. The original PD plan for the Westwood area (Neighborhood 1) provided 84 acres of open space. A minimum of 44.5 acres of open space shall be provided by the developer within the Westwood area. The remaining 39.5 acres of open space (equaling the 84 acres originally provided) shall be provided in Neighborhood #2 as park area through the development of the remaining land owned by Florida Land Company in the Orangewood PD. The location of this acreage must be identified before final 90 acres of the Westwood project area are processed for final development approval.
 - b. Provision of adequate fire protection in accordance with the Subdivision Regulations. No structure over three stories high shall be constructed unless and until aerial fire protection equipment and personnel are available to the Taft Fire Control District to serve the proposed high-rise development.
 - c. Orange County will have no operation and maintenance responsibilities for either on or off-site retention. The County's responsibility will be limited to those closed drainage systems with the County dedicated right of way and any systems serving runoff from any roadway systems.
 - d. The Valencia Drainage District and/or individual site owners will be responsible for the construction, operation and maintenance of all stormwater management systems other than those described in (7) above.

- e. A culvert system shall be installed along Westwood Boulevard for drainage with treatment of the first inch of runoff on each development site outside of the Westwood Boulevard right of way. The design and installation of the drainage system shall be subject to the approval of the Public Works and Pollution Control Directors and shall conform to County standards. All utility poles and sign structures shall be located so they do not interfere with the normal maintenance of the drainage system.

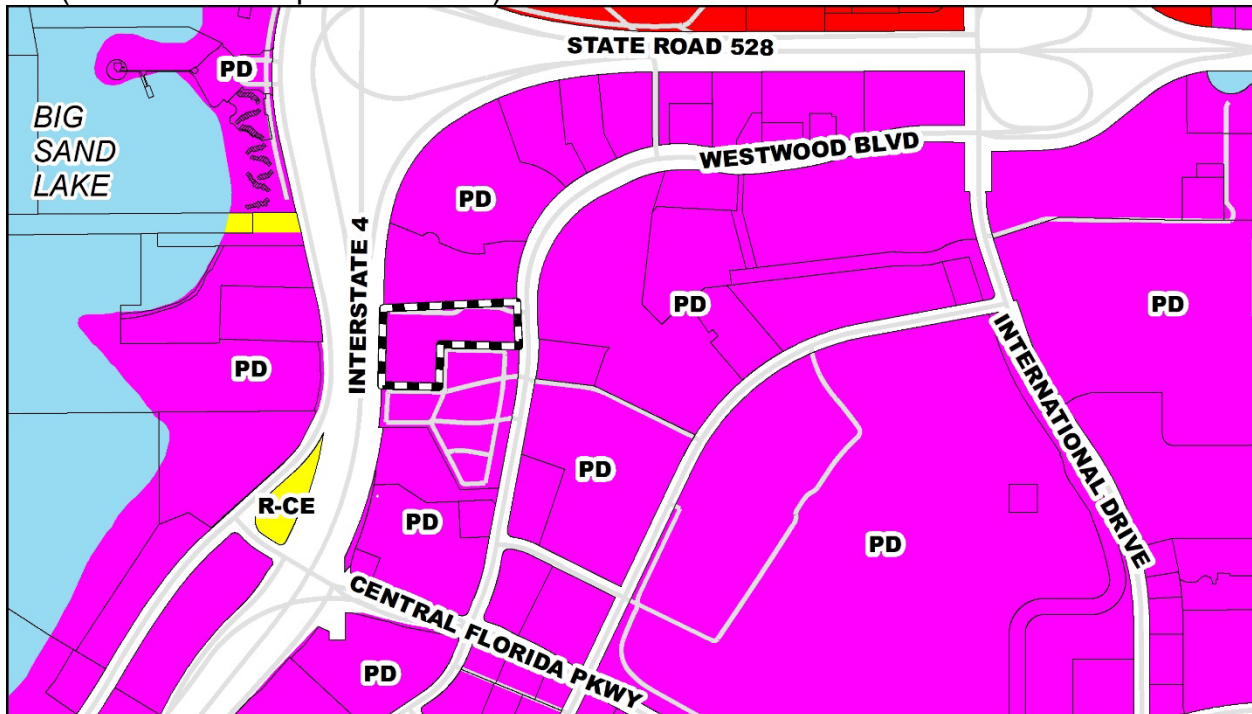
FUTURE LAND USE

ACMU (Activity Center Mixed Use)

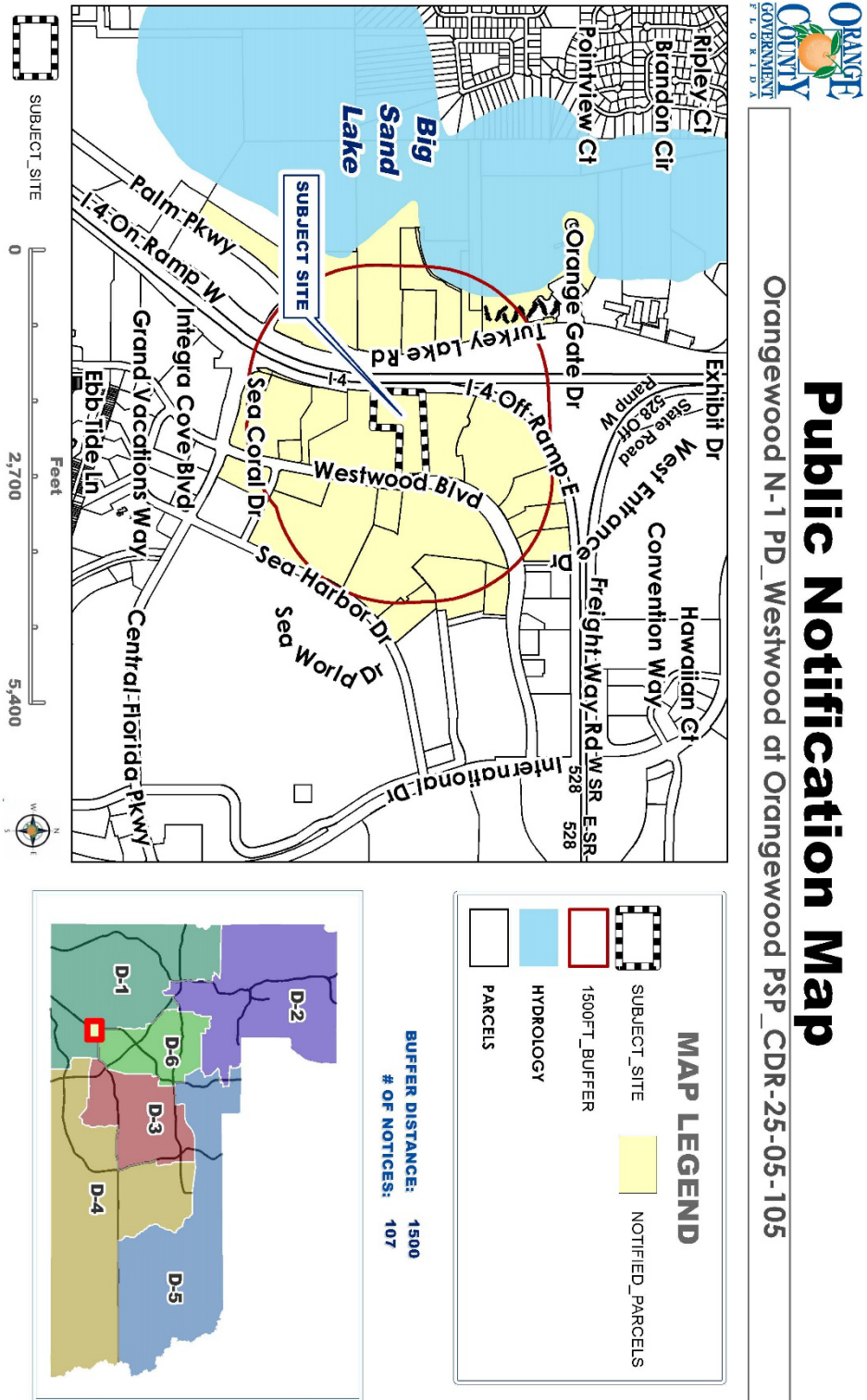


ZONING

PD (Planned Development District)



Notification Map



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