



Interoffice Memorandum

DATE: November 29, 2022

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

FROM: Jon V. Weiss, P.E., 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: December 13, 2022 – Public Hearing
Applicant: Robert Paymayesh, PE Group, LLC
Ten Acres International Orlando Planned Development / Ten Acres
International Orlando Preliminary Subdivision Plan
Case # PSP-22-06-220 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's meeting of November 2, 2022, to approve the Ten Acres International Orlando Planned Development (PD) / Ten Acres International Orlando Preliminary Subdivision Plan (PSP) to subdivide 29.89 acres, generally located northwest of South International Drive, east of Interstate 4, to create one (1) lot. The subject property is currently entitled for up to 850 hotel rooms.

This item was continued from the November 29, 2022, Board Meeting.

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 PSP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the Ten Acres International PD / Ten Acres International Orlando PSP dated "Received October 10, 2022", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/JK/lme
Attachments

CASE # PSP-22-06-220

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's meeting of November 2, 2022, to approve the Ten Acres International Orlando Planned Development (PD) / Ten Acres International Orlando Preliminary Subdivision Plan (PSP) to subdivide 29.89 acres, generally located northwest of South International Drive, east of Interstate 4, in order to create one (1) lot.

This item was continued from the November 29, 2022, Board Meeting.

2. PROJECT ANALYSIS

- A. Location: Northwest of South International Drive / East of Interstate 4
- B. Parcel ID: 33-24-28-5844-00-810, 33-24-28-0000-00-007
- C. Total Acres: 29.89 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: N/A
- I. Proposed Use: 1 Lot
- J. Site Data: Maximum Building Height: 300'
Building Setbacks:
35' Front
25' Side
25' Rear
50' NHWE
- K. Fire Station: 56 – 13303 South International Drive
- L. EPD: An Orange County Conservation Area Determination CAD-22-03-073 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on August 1, 2022. An Orange County Conservation Area Impact (CAI) permit CAI-22-08-053 was approved on October 7, 2022 for 0.331ac of class II

and 0.067ac of class III wetland impacts and a total of 0.36 ac of secondary impacts. This plan will comply with all related permit conditions of approval.

An existing Conservation Easement to the South Florida Water Management District exists within the Parcel 2 boundaries, reference Official Records Book 5756, Page 1323.

Notwithstanding the Incidental Take Permit for gopher tortoise (#ORA-23) (the "ITP") previously issued by the Florida Fish and Wildlife Conservation Commission (FWC) for a portion of the site formerly associated with the World Gateway project, the landowner has volunteered to conduct a humane relocation of all gopher tortoise(s) on those portions of the site covered by the ITP. Additionally, prior to approval of any development plan for this project, the landowner will conduct a survey for imperiled wildlife species over 100% of the property and submit a report documenting the results of the survey to EPD for review. Prior to approval of plans that authorize clearing or grading of the site, the landowner will submit to EPD documentation indicating coordination with the appropriate wildlife agencies (i.e., US Fish and Wildlife Service, FWC) and copies of any wildlife permits other than the ITP.

M. Transportation: The required Activity Center Comp Plan 15' Transit Easement was dedicated as part of the Right-of-Way per the August 11, 2021 DRC meeting discussion.

Unless the property is otherwise vested or exempt, 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 approval of the plat. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

Based on the Concurrency Management (CMS) database dated 7/01/2022, there is a failing segment within the project's impact area along S.R. 536 from East Buena Vista Drive to Interstate 4. This information is dated and subject to change.

3. COMPREHENSIVE PLAN

The subject property is designated on the Future Land Use Map (FLUM) as ACMU (Activity Center Mixed Use). The subject property is designated PD (Planned Development District) on the zoning map, which is consistent with the FLUM designation.

4. ZONING

PD (Planned Development District) (Ten Acres International Orlando PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Ten Acres International Orlando Planned Development; Orange County Board of County Commissioners (BCC) approvals; Ten Acres International Orlando Preliminary Subdivision Plan dated "Received October 10, 2022," 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 BCC, or by action of the BCC. 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 October 10, 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.

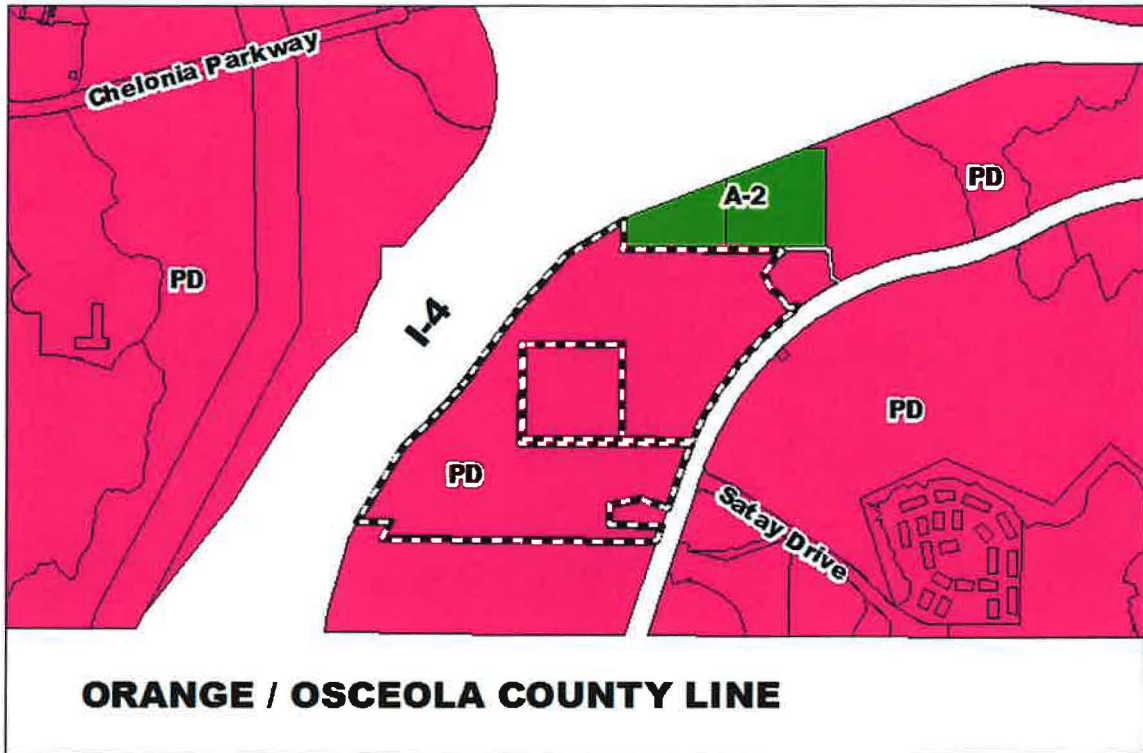
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve 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. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
7. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.

8. Unless otherwise allowed by County Code, the property shall be platted / replatted prior to the issuance of any vertical building permits.
9. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
10. Unless the property is otherwise vested or exempt, 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 approval of the plat. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
11. 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 PSP, and that construction plans are consistent with an approved and up-to-date Master Utility Plan for the PD.
12. Length of stay shall not exceed 179 consecutive days.
13. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
14. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 Tourist Commercial standards, where applicable.
15. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
16. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.

17. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby notified 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).
18. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
19. 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.
20. Notwithstanding the Incidental Take Permit for gopher tortoise (#ORA-23) (the "ITP") previously issued by the Florida Fish and Wildlife Conservation Commission (FWC) for a portion of the site formerly associated with the World Gateway project, the landowner has volunteered to conduct a humane relocation of all gopher tortoise(s) on those portions of the site covered by the ITP. Additionally, prior to approval of any development plan for this project, the landowner will conduct a survey for imperiled wildlife species over 100% of the property and submit a report documenting the results of the survey to EPD for review. Prior to approval of plans that authorize clearing or grading of the site, the landowner will submit to EPD documentation indicating coordination with the appropriate wildlife agencies (i.e., US Fish and Wildlife Service, FWC) and copies of any wildlife permits other than the ITP.
21. Any conservations easement(s) must be recorded in the Public Records of Orange County, Florida prior to site construction plan approval.

Zoning Map

PSP-22-06-220



Subject Property

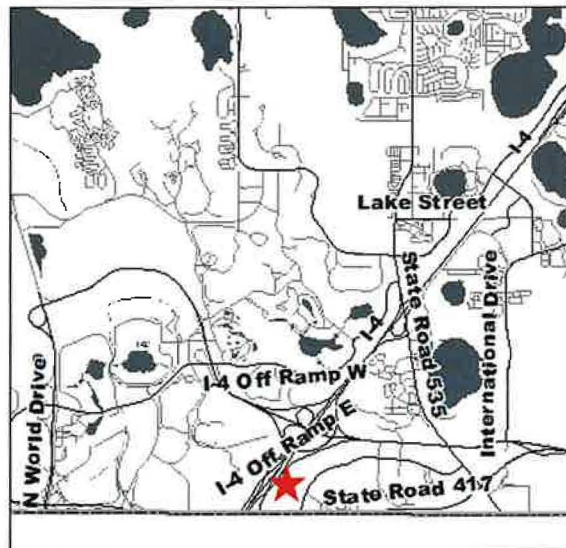


Subject Property

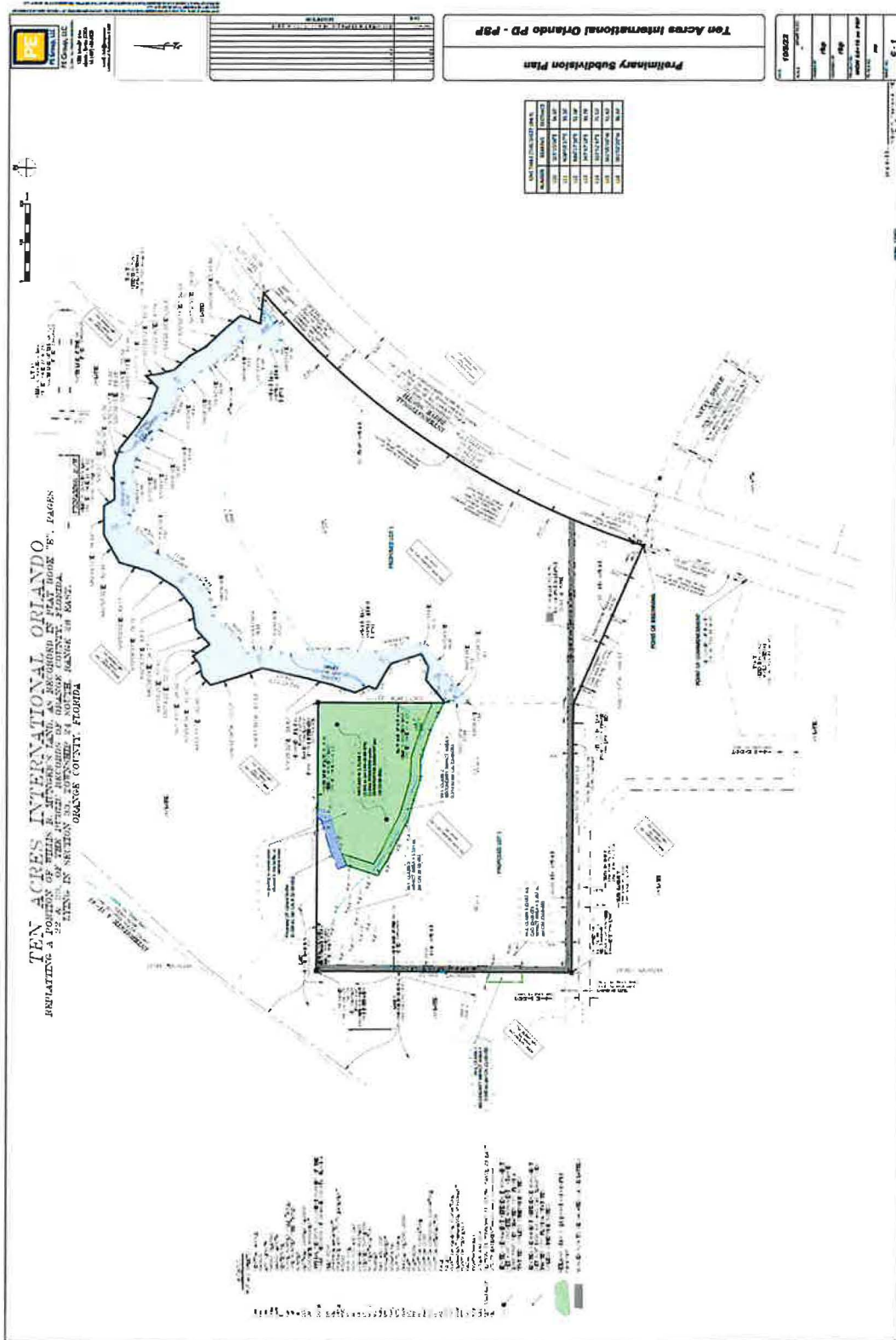
Zoning Map

ZONING: PD (Planned Development District)
 APPLICANT: Robert Paymayesh - PE Group LLC
 LOCATION: South of State Road 536 /
 West of Interstate 4
 TRACT SIZE: 29.89 acres
 DISTRICT: # 1
 ST/R: 33/24/28

1 inch = 1,000 feet



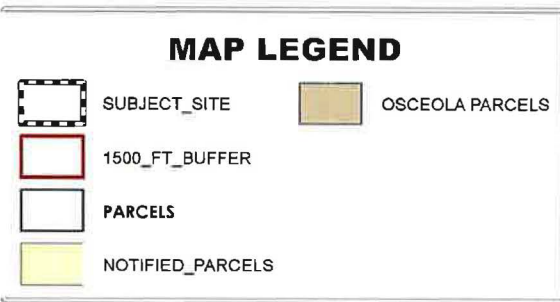
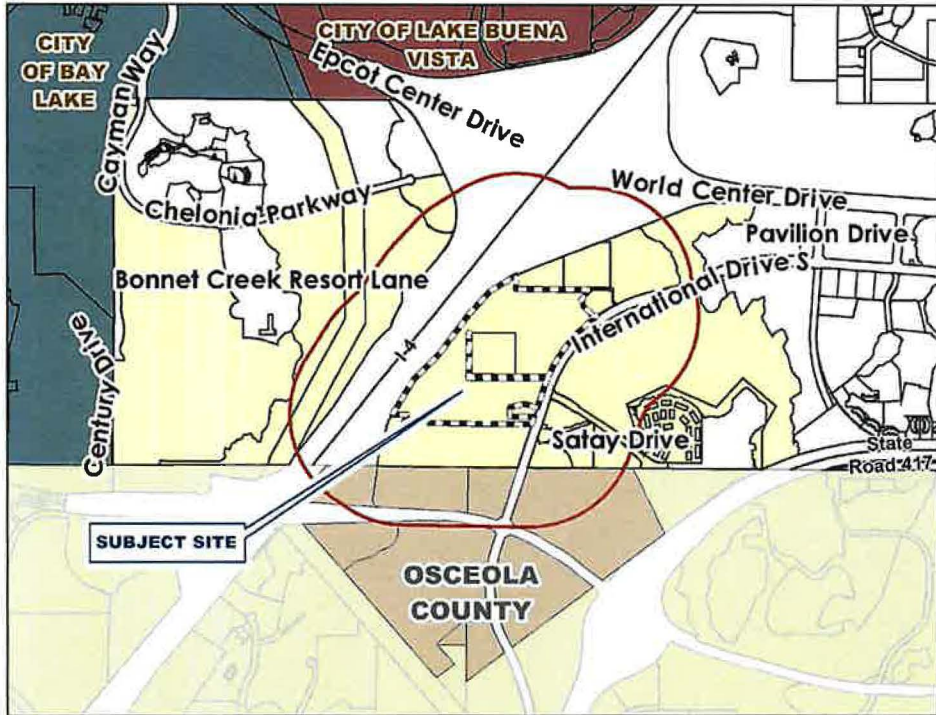
Site Plan Sheet



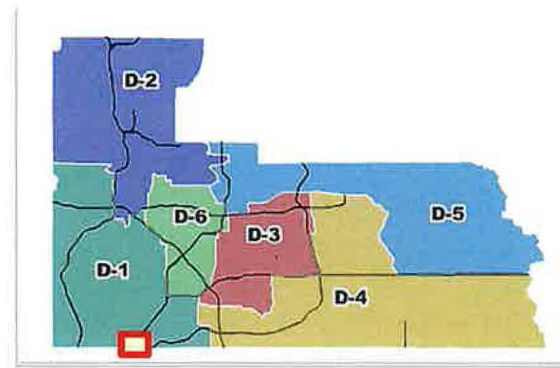


Public Notification Map

Ten Arces International Orlando PD _ PSP-22-06-220



BUFFER DISTANCE: 1500
OF NOTICES: 54



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Notification Map

DRC Staff Report
 Orange County Planning Division
 BCC Hearing Date: December 13, 2022