



Interoffice Memorandum

DATE: January 8, 2021

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

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental and Development
Services Department

CONTACT PERSON: Eric Raasch, DRC Chairman
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: January 26, 2021 – Public Hearing
Jay Jackson, Kimley-Horn & Associates, Inc.
Barry W. Corporation Tract Planned Development
Case # CDR-19-12-405 / District 1

Eric P. Raasch,
Jr., AICP

Digitally signed by Eric P.
Raasch, Jr., AICP
Date: 2021.01.08
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The Barry W. Corporation Tract Planned Development (PD) is generally located north and south of Vineland Avenue and east of Interstate 4. The existing PD development program allows for a 720,000 square foot outlet mall and 384 timeshare units.

Through this PD substantial change, the applicant is seeking to update the Master Sign Plan and to permit four (4) waivers from Orange County Code related to signage.

On November 18, 2020, 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 Barry W. Corporation Tract Planned Development / Land Use Plan (PD/LUP) dated "Received November 19, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachments
JVW/EPR/nsw

CASE # CDR-19-12-405

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Jay Jackson, Kimley-Horn & Associates, Inc.
OWNER	Chelsea Orlando Development LP
PROJECT NAME	Barry W. Corporation Tract Planned Development
PARCEL ID NUMBER(S)	22-24-28-0000-00-003, 23-24-28-5844-00-140, 23-24-28-7417-00-180, 23-24-28-8195-99-999, 22-24-28-8893-00-010 (affected parcels only)
TRACT SIZE	99.79 gross acres
LOCATION	Generally located north and south of Vineland Avenue and east of Interstate 4
REQUEST	<p>A PD substantial change to update the Master Sign Plan and request the following waivers from Orange County Code:</p> <ol style="list-style-type: none">1. A waiver from Section 31.5-166 (a) for sign J2 to be 242 square feet, in lieu of 80 square feet of copy area for a ground sign. <i>Applicant Justification: This waiver request will allow the owner to update the center with a modern theme and utilize current technology. Also, the proposed signs are located within the center.</i>2. A waiver from Section 31.5-166 (d) to allow four (4) ground signs, in lieu of two (2). <i>Applicant Justification: This waiver request will allow the owner to update the center with a modern theme and utilize current technology.</i>3. A waiver from Section 31.5-169(a) for sign J1 (Welcome Center) to allow twenty-four (24) square feet, in lieu of six (6) square feet. <i>Applicant Justification: This waiver request will allow the owner to update the center with a modern theme and utilize current technology. Also, the proposed signs are located within the center.</i>

4. A waiver from Section 31.5-169(a) for sign J1 (Simon Guest Services) to allow twelve (12) square feet, in lieu of six (6) square feet.

Applicant Justification: *This waiver request will allow the owner to update the center with a modern theme and utilize current technology. Also, the proposed signs are located within the center.*

PUBLIC NOTIFICATION A notification area extending beyond eight hundred (800) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four hundred seventy-seven (477) 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 Barry W. Corporation Tract PD was originally approved December 17, 1984 and is generally located north and south of Vineland Avenue and east of Interstate 4. Currently, the PD is approved for a 720,000 square foot outlet mall and 384 timeshare units.

Through this PD Change Determination Request (CDR), the applicant is seeking to update the Master Sign Plan and request four (4) waivers from Orange County Code related to signage.

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 Activity Center Mixed Use (ACMU). The Barry W. Corporation Tract PD was approved in 1984 and includes outlet mall and timeshare uses. The proposed PD substantial change is consistent with this designation and all applicable CP provisions; therefore, the request is consistent with the Comprehensive Plan.

Overlay Ordinance

The subject property is located within the Tourist Commercial Signage 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

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

Transportation / Concurrency

Lake Street (from I-4 to East Road): The Dixie Stampede Lake Avenue Right-of-Way Acquisition Agreement was approved by the Board of County Commissioners on February 24, 2004 and not recorded. The Agreement provided that Dixie Stampede dedicate thirty-feet of right-of-way along Vineland Road (Lake Street) perpendicular to I-4 along the northern boundary of the property. The right-of-way was conveyed by general warranty deed approved by the Board of County Commissioners on June 14, 2005 and recorded at OR Book/Page 8038/4457. Developer was paid \$269,300 cash in a real estate purchase transaction for the dedication of 0.457 acres of right-of-way rather than receiving road impact fee credits.

Lake Street (from I-4 to East Road): A Road Impact Fee Agreement ("Agreement") between Chelsea Orlando Development Limited Partnership ("Developer") and Orange County for the construction of the Lake Street Extension was approved by the Board of County Commissioners on June 26, 2012 and recorded at OR Book/Page 10400/8427. The Agreement contemplates that the Developer will design, permit and construct as an E-project a two-lane section of roadway of approximately 500 feet in length within the County right-of-way, from the edge of Developer's property to the intersection of Wildwood Avenue, to extend Lake Street to connect to the existing roadway network. The Lake Street Extension is scheduled to open to vehicular traffic no later than 90 days after the opening of the Developer's Project. Developer is to provide the County with design and construction costs for review prior to beginning any work. Developer shall be eligible to request road impact fee credits for 100% of the actual costs of design, permitting and construction by providing invoices to be reviewed and accepted by the County for the work performed.

Community Meeting Summary

A community meeting was not required for this request.

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 but 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 – (November 18, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Barry W. Corporation Tract Planned Development / Land Use Plan (PD/LUP), dated "November 19, 2020", subject to the following conditions:

1. Development shall conform to the Barry W. Corporation Tract PD Land Use Plan (LUP) dated "Received November 19, 2020," 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 November 19, 2020," 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. 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 PD.
7. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 31.5-166 (a) for sign J2 to be 242 square feet in lieu of 80 square feet of copy area for a ground sign.
 - b. A waiver from Section 31.5-166 (d) to allow four (4) ground signs in lieu of two (2).
 - c. A waiver from Section 31.5-169(a) for sign J1 (Welcome Center) to be 24 square feet in lieu of six (6) square feet.
 - d. A waiver from Section 31.5-169(a) for sign J1 (Simon Guest Services) to be 12 square feet in lieu of six (6) square feet.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 17, 2013 shall apply:
 - a. A valid copy of the vested rights certificate is required prior to permitting or the applicant will have to apply for and obtain a capacity encumbrance letter prior to construction plan submittal. Nothing in this condition and nothing in the decision to approve this development 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.

- b. The following waivers from Orange County Code Section 31.5 are granted in order to accommodate the proposed the Master Sign Plan for Phase III:
 - 1) From Section 31.5-166(b) to increase the maximum height of the ground signs at each entry drive from eight (8) feet to eleven (11) feet, similar to the previously approved Phases I and II signage (Signs M.1 and M.2).
 - 2) From Section 31.5-168(b) to allow multiple wall signs per building face for a single tenant, or per store front for a multi-tenant site (a maximum of 841 sq. ft. of fascia signage for Buildings 18-22).
- 9. All previous applicable BCC Conditions of Approval, dated August 28, 2012 shall apply:
 - a. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
 - b. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan.
 - c. Outdoor sales, storage, and display shall be prohibited.
 - d. The applicant must obtain a capacity encumbrance letter (CEL) prior to approval of this project.
 - e. The following waivers from Section 31.5 are granted in order to accommodate the proposed the Master Sign Plan:
 - 1) A waiver from Section 31.5-163(2) to allow signage to be placed on architectural towers similar to previously approved Phases I and II signage: Up to three (3) tenant signs not to exceed 200 SF total and 200 SF of project ID signage, available on each tower face;
 - 2) A waiver from Section 31.5-166(a) to increase the maximum copy area of any ground sign from sixty (60) square feet to 800 square feet for the sign facing Lake Street;
 - 3) A waiver from Section 31.5-166(b) to increase the maximum height of the ground sign facing Lake Street from eight (8) feet to twenty-two (22) feet. Top of screen wall signs vary from 16'-0" to 29'-0" with the peak of the wall feature roofs at 29'-0"feet; and
 - 4) A waiver from Section 31.5-166(c) to decrease the minimum setback for any ground sign from ten (10) feet from all property lines to seven (7) feet from property line along Lake Street.

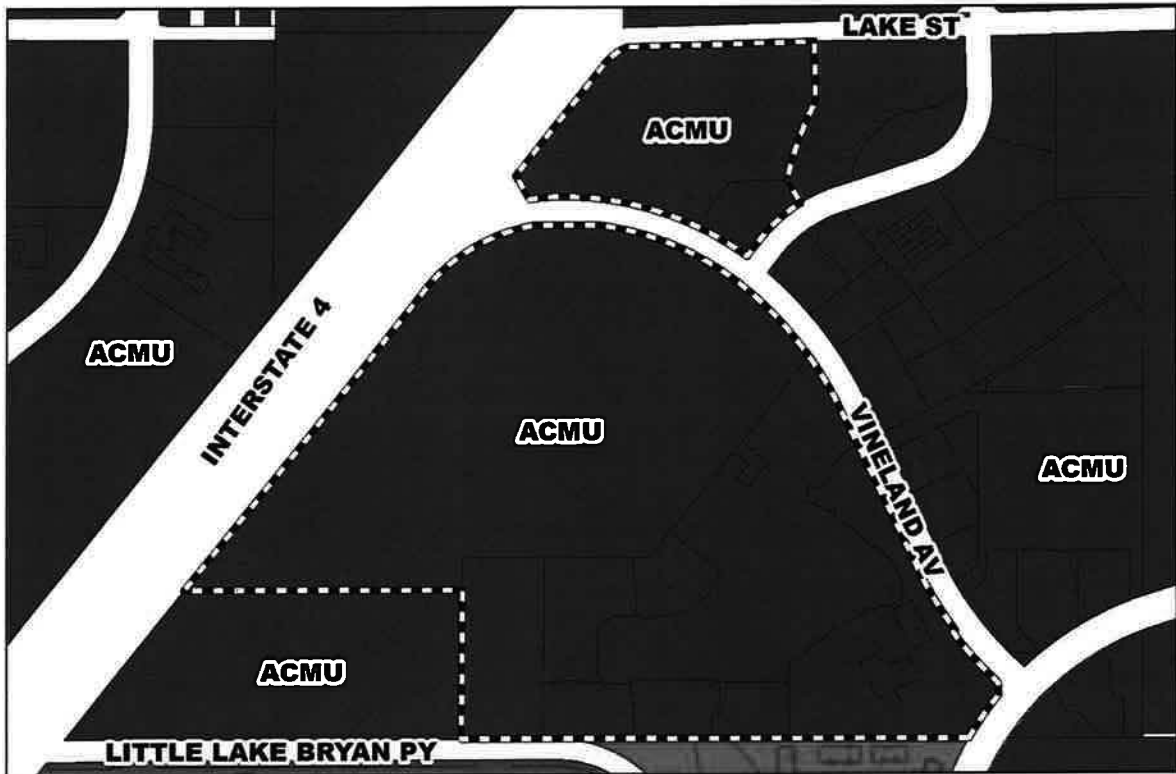
10. All previous and applicable Conditions of Approval from June 30, 1998 shall apply:

- a. The following International Drive Strategic Plan conditions shall apply:
- 1) Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center Plan.
 - 2) If the housing linkage program is in place prior to development plan approval, the development of non-residential development shall be conditioned upon the development of residential units within the area designated Activity Center Residential on the Future Land Use Map.
 - 3) The development guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to development plan submittal.
 - 4) The property owner shall be required to participate in a property owners' association upon its creation.
 - 5) Stormwater management facilities shall be designed as an aesthetic feature except where determined by the County engineer to be technically unfeasible.
 - 6) A twenty (20) foot-wide pedestrian/landscape/utility easement, plus a 15- foot-wide transit easement, shall be provided along International Drive for a total of 35 feet (with the transit easement in front).
 - 7) The development plan shall provide for the inter-connection of adjacent development either by cross access easement or public right-of-way. This shall include connection into and continuation of an area-wide transportation plan for the International Drive Activity Center.
 - 8) Electrical distribution lines shall be underground.
 - 9) Participation in a shuttle service connecting area attractions, major transportation centers and on-site development shall be provided.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (December 17, 2013)

Upon a motion by Commissioner Boyd, seconded by Commissioner Edwards, and carried by all present members voting AYE by voice vote, the Board made finding of consistency with the Comprehensive Plan; and approved the substantial change request to allow two (2) sign related waivers from Orange County Code.

CDR-19-12-405



Subject Property



★ Subject Property

Future Land Use Map

FLUM: Activity Center Mixed Use (ACMU)

APPLICANT: Jay Jackson,
 Kimley-Horn & Associates, Inc.

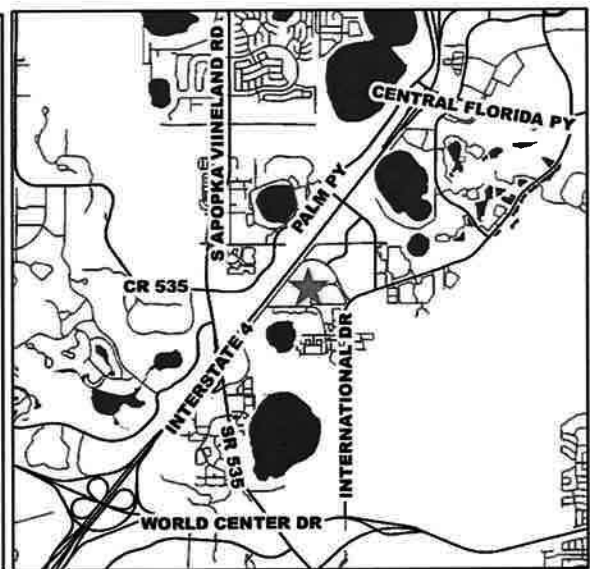
LOCATION: Generally located south of Vineland
 Avenue and east of Interstate 4.

TRACT SIZE: 99.79 gross acres

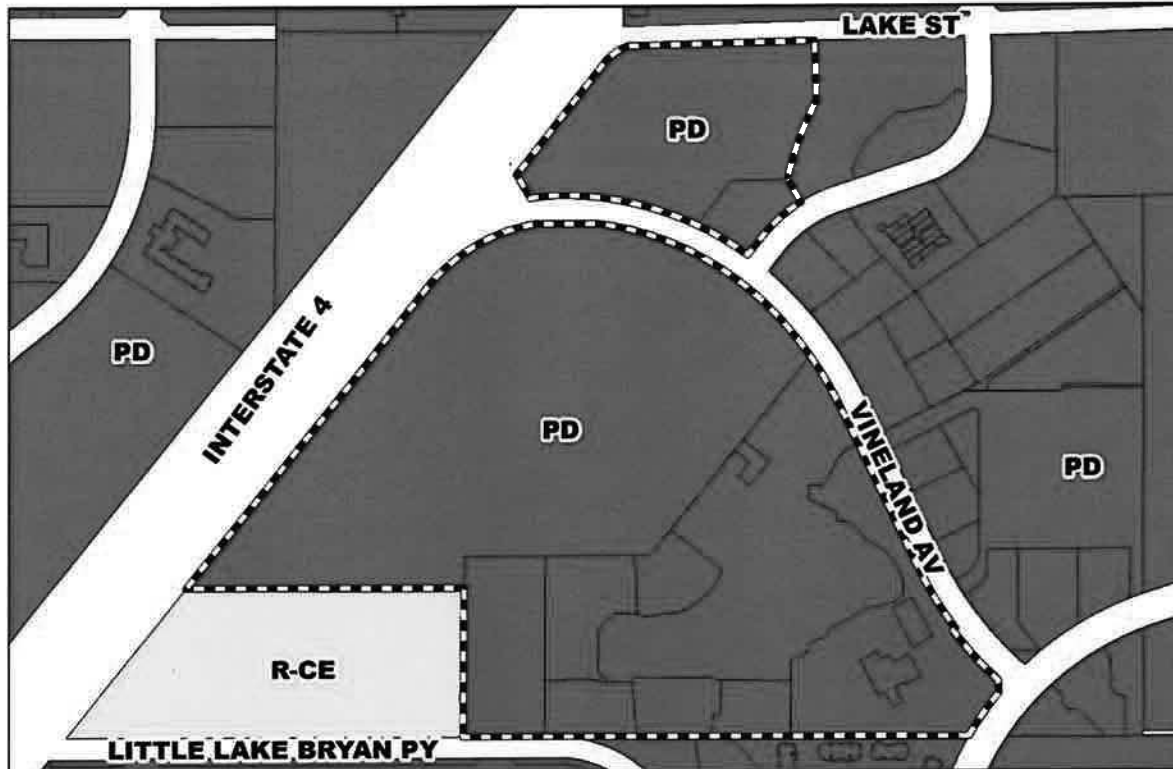
DISTRICT: # 1

S/T/R: 22/24/28

1 inch = 575 feet



CDR-19-12-405



 Subject Property



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Jay Jackson,
Kimley-Horn & Associates, Inc.

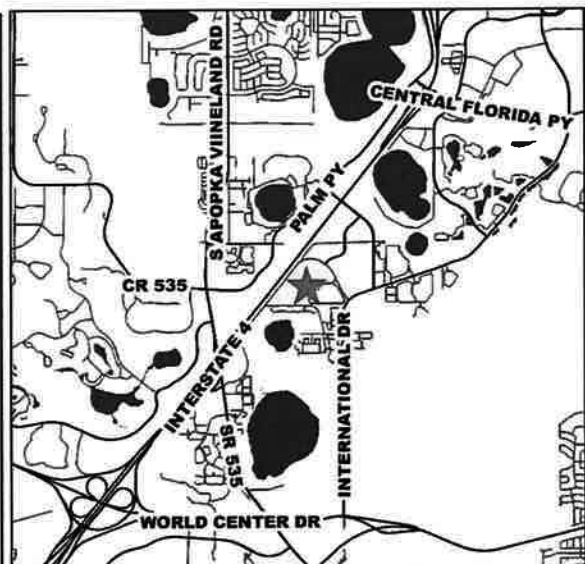
LOCATION: Generally located south of Vineland
Avenue and east of Interstate 4.

TRACT SIZE: 99.79 gross acres

DISTRICT: # 1

S/T/R: 22/24/28

1 inch = 575 feet







Notification Map

