



**Interoffice Memorandum**

DATE: January 14, 2019

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

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

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

SUBJECT: January 29, 2019 – Public Hearing  
Appellant: Damon Parrish, Waldrop Engineering  
AIPO – South Orange Properties Planned Development / AIPO –  
South Orange Woodland Park Phase 10 Preliminary Subdivision  
Plan  
Case # DVR-18-09-309

This public hearing is to consider an appeal of the Development Review Committee's (DRC) decision of October 10, 2018 for the AIPO – South Orange Properties Planned Development (PD) / AIPO – South Orange Woodland Park Phase 10 Preliminary Subdivision Plan (PSP) to deny the request for a variance from Orange County Code Section 30-83(d), to allow the temporary use of an eight-unit townhome building for model homes and a sales center, in lieu of the five-unit limit.

This item was continued from the December 18, 2018, BCC 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: Uphold the DRC action of October 10, 2018 and deny the request for a variance from Orange County Code Section 30-83(d) to allow the temporary use of an eight-unit townhome building for model homes and a sales center, in lieu of the five-unit limit. District 4**

JVW/EPR/lme  
Attachments

**CASE # DVR-18-09-309**

Commission District # 4

**1. REQUEST**

This public hearing is to consider an appeal of the Development Review Committee's (DRC) decision of October 10, 2018 for the AIPO – South Orange Properties Planned Development (PD) / AIPO – South Orange Woodland Park Phase 10 Preliminary Subdivision Plan (PSP) to deny a request for a variance from Orange County Code Section 30-83(d), to allow the temporary use of an eight-unit townhome building for model homes and a sales center, in lieu of the five-unit limit.

**2. PROJECT ANALYSIS**

- A. Location: North of East Wetherbee Road / Southwest of Boggy Creek Road
- B. Parcel ID: 18-24-30-7268-00-490 (a portion of)  
17-24-30-0000-00-015
- C. Total Acres: 18.69
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: Wetherbee ES Capacity: 817 / Enrolled: 994  
South Creek MS Capacity: 1,125 / Enrolled: 1,101  
Cypress Creek HS Capacity: 2,762 / Enrolled: 3,355
- G. School Population: 435
- H. Parks: South Orange Youth Sports Complex – 1.5 miles
- I. Proposed Use: 122 Attached Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35' (2-stories)  
Minimum Living Area: 1,000 Square Feet  
Building Setbacks:  
**Units with an alley:**  
17' Front  
0'/10' Side  
29' Rear  
**Units without an alley:**  
20' Front  
0' / 10' Side  
20' Rear

- K. Fire Station: 55 – 801 Greenway Professional Court
- L. Transportation: Based on the concurrency management system database dated 11-09-17, there is one failing roadway segment within a one-mile radius of this development. Boggy Creek Road from Tradeport Drive to Wetherbee Road is currently operating at Level of Service (LOS) “F” and there is no available capacity. This information is dated and subject to change. A traffic study will be required prior to obtaining an approved Capacity Encumbrance Letter (CEL) and building permit.

### **3. SPECIAL INFORMATION**

The AIPO – South Orange Properties PD / AIPO – South Orange Woodland Park Phase 10 Preliminary Subdivision Plan (PSP) includes 122 single-family attached residential dwelling units and was approved by the Board of County Commissioners on June 5, 2018. The applicant has now requested a variance from Orange County Code Section 30-83(d) to allow for a townhome building containing eight (8) units to be used for model homes, in lieu of a maximum of five (5) model units. The applicant has provided the following justification for the request:

*The Woodland Park Phase 10 development only contains townhome buildings with six (6) or eight (8) units, and the use of any of its building for model homes requires a variance from the 5-unit limit found in Section 30-83(d) of Orange County Code. The proposed model-homes building is located near the project’s main point-of-access, and adjacent to the community amenities area, minimizing cross-traffic between visitors and construction operations. A temporary parking area with 16 spaces is proposed along the east side of the sales center building.*

Per Orange County Code Section 30-85(e), DRC has the ability to review the variance request based on criteria found in Chapter 34 (Subdivision Regulations). Per Chapter 34, DRC may approve a request for a variance when such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of Chapter 34 would result in an unnecessary hardship. The granting of the variance requested shall not confer on the applicant any special privilege that is denied to other lands, structures or required subdivision improvements under similar conditions.

Per Section 34-27(b)(1), DRC shall not grant a variance unless one (1) of the following exist:

- a. That special conditions and circumstances exist which are peculiar to the land, structures, or required subdivision improvements involved and which are not applicable to other lands, structures, or required subdivision improvements.

- b. That a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties with similar conditions.
- c. That special conditions and circumstances exist and do not result from the actions of the applicant.

Furthermore, if the DRC were to have approved the variance request, the following findings would have to be made:

- a. The DRC shall make a finding that the reasons set forth in the application justify the granting of the variance which would make possible the reasonable use of the land, buildings, or other improvements.
- b. The DRC shall make further finding that the granting of the variance would be in harmony with the general purpose and intent of these regulations, will not be injurious to the surrounding territory, or otherwise be detrimental to the public welfare.

On October 10, 2018, the Development Review Committee (DRC) determined that the request did not meet the criteria for a variance, and denied the applicant's request for a variance from Sec. 30-83(d).

#### **4. COMPREHENSIVE PLAN**

The subject property is designated on the Future Land Use Map (FLUM) as Low Medium Density Residential.

#### **5. ZONING**

PD (Planned Development) (AIPO – South Orange Properties PD)

#### **6. REQUESTED ACTION:**

Uphold the DRC action of October 10, 2018 and deny the request for a variance from Orange County Code Section 30-83(d) to allow the temporary use of an eight-unit townhome building for model homes and a sales center, in lieu of the five-unit limit.

October 15, 2018

RECEIVED  
OCT 17 2018  
UDS  
DRC OFFICE

**Mr. Eric P. Raasch, Jr.**  
Interim DRC Chairman  
Planning Division – Development Review Committee Office  
Community, Environmental, and Development Services Department  
201 S. Rosalind Avenue. Orlando, FL 32801

**Re: BCC Appeal Request**  
**DVR 18-09-309 – District 4**  
AIPO – South Orange Properties  
Woodland Park Phase 10 PSP  
Section 30-83 (d) Variance Request

Dean Mr. Raasch;

Please accept this letter as our formal request to appeal the DRC decision of October 10, 2018 on case DVR-18-09-309, denying a variance request from Section 30-83(d) of the Orange County Code.

If you have any questions or concerns, please do not hesitate to contact me directly via phone or email, at (407) 775-2514 / [marcos.bastian@waldropengineering.com](mailto:marcos.bastian@waldropengineering.com).

Sincerely,



**WALDROP ENGINEERING, P.A.**  
Marcos Bastian, AICP  
Planning Manager – Orlando

**APPROVED MEETING MINUTES  
OCTOBER 10, 2018**

A change determination was requested to the previously approved Stoneybrook Hills Phase 3 Preliminary Subdivision Plan, to modify the lot layout on the western portion of Phase 3 (PD Tract 11), to reduce the need for a retaining wall, and to remove the seven sub-phases. The revised layout reduces the number of lots in Tract 11 by 9, from 74 to 65.

Discussion ensued regarding revised plan clean ups and outstanding issues from staff related to a proposed waiver, submittal of a boundary survey, the construction of Boulevard A and inconsistencies with the land use plan. The applicant indicated that legal access will be provided, eliminating the need for a waiver, geometry call outs will be submitted with the revised plan, Boulevard A will be constructed prior to platting, and a change determination request to the PD Land Use Plan will be submitted to clean up the inconsistencies on note 4.0 regarding Passive Recreation; correcting the lot count to 88, and correcting the lot widths on Tract 11 to 100' by 140'.

***MOTION by Diana Almodovar, seconded by Andres Salecdo, TO APPROVE A NON-SUBSTANTIAL CHANGE TO THE STONEYBROOK HILLS PHASE 3 PRELIMINARY SUBDIVISION PLAN, subject to submittal and approval of a revised plan and contingent upon submittal and approval of a change determination request to the Tiedke PD Land Use Plan.***

***MOTION CARRIED.***

**10. DVR-18-09-309 - DISTRICT 4  
AIPO – SOUTH ORANGE PROPERTIES PD / AIPO – SOUTH ORANGE WOODLAND  
PARK PHASE 10 PSP**

Present for discussion was Damon Parrish and Marco Bastian. Jason Sorensen presented this case to the DRC.

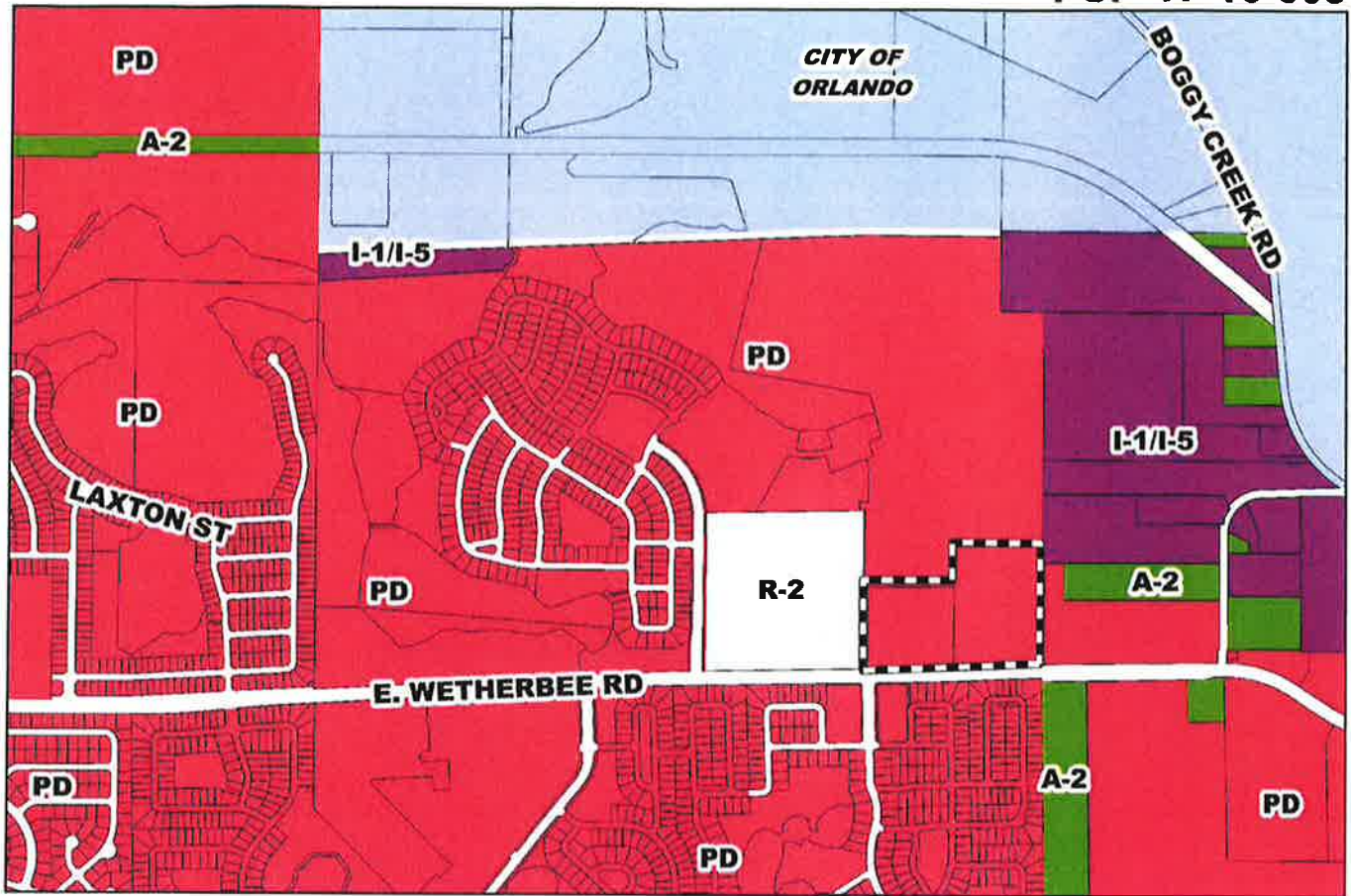
The applicant is requesting a variance from Orange County Code Section 30-83(d) to allow the temporary use of an eight-unit townhome building as model homes and sales center, in lieu of the five-unit limit.

The proposed model homes building is located near to the project's main point-of-access, and adjacent to the community amenities area, minimizing cross-traffic between visitors and construction operations.

Discussion ensued regarding the proposed request for a variance from Section 30-83(d) to allow the temporary use of an eight-unit townhome building as model homes, and staff determined that this request does not meet the criteria for a variance.

***MOTION by Jennifer Moreau, seconded by Alberto Vargas, TO DENY THE REQUEST FOR A VARIANCE FROM ORANGE COUNTY CODE SECTION 30-83(d) TO ALLOW THE TEMPORARY USE OF AN EIGHT-UNIT TOWNHOME BUILDING AS MODEL HOMES AND SALES CENTER, IN LIEU OF THE FIVE-UNIT LIMIT.***

***MOTION CARRIED.***



 Subject Property

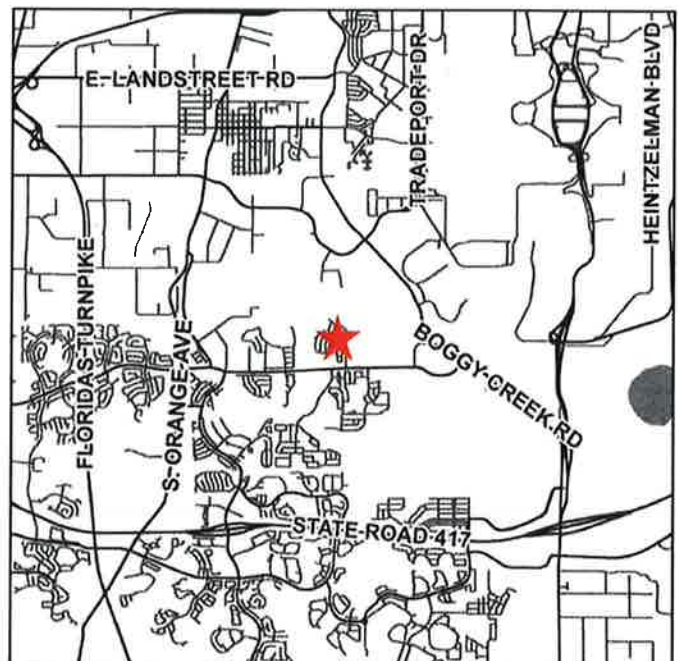


 Subject Property

### Zoning Map

**ZONING:** PD (Planned Development District)  
**APPLICANT:** Kevin P. White, Waldrop Engineering  
**LOCATION:** North of East Wetherbee Road / Southwest of Bogy Creek Road  
**TRACT SIZE:** 18.69 gross acres  
**DISTRICT:** # 4  
**S/I/R:** 17/24/30, 18/24/30

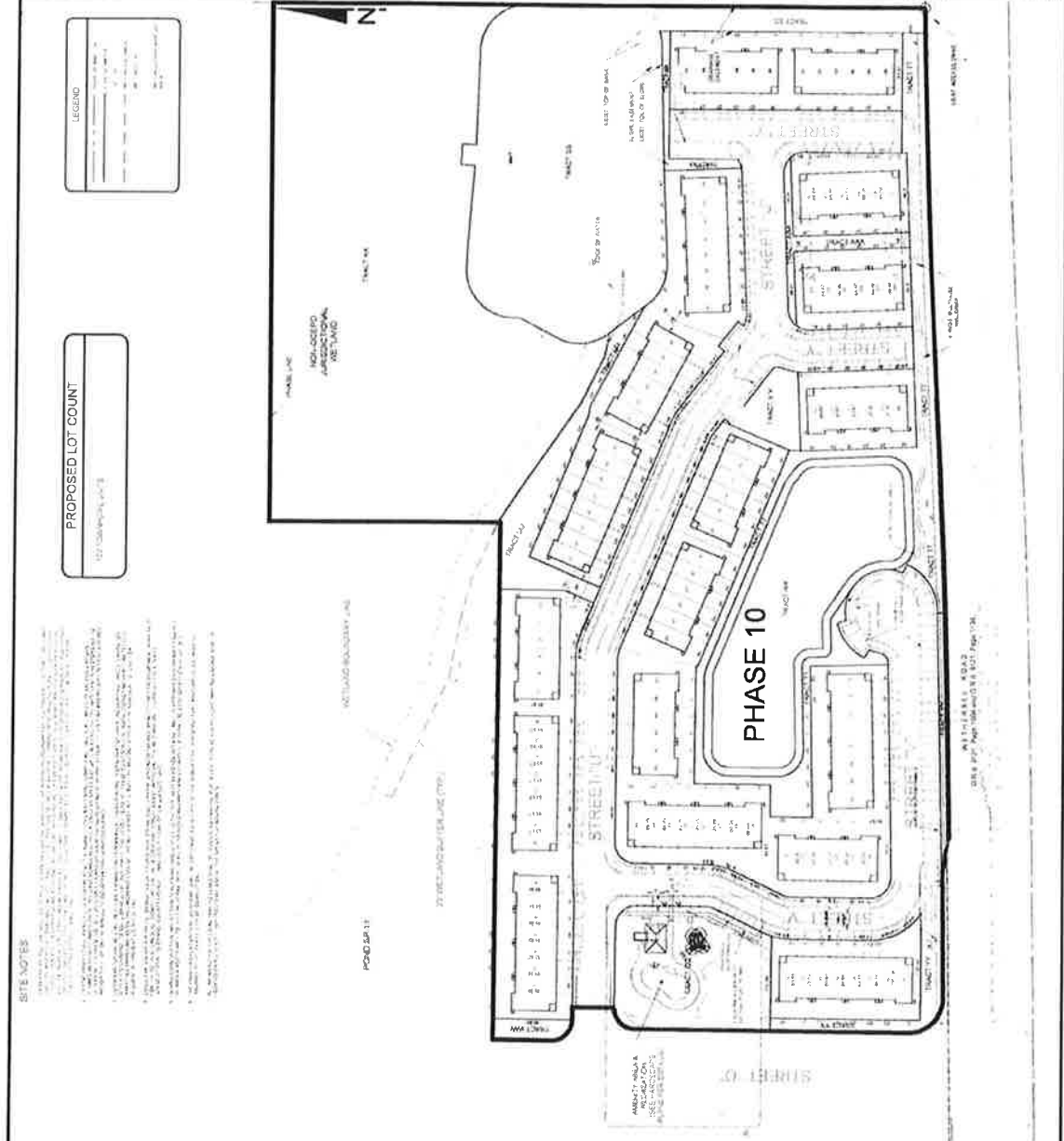
1 inch = 1,250 feet





PRELIMINARY SUBDIVISION PLANS  
**WOODLAND PARK**  
**PHASE 10**  
 CLIENT: TAYLOR MORRISON OF FLORIDA, INC.  
 SITE PLAN

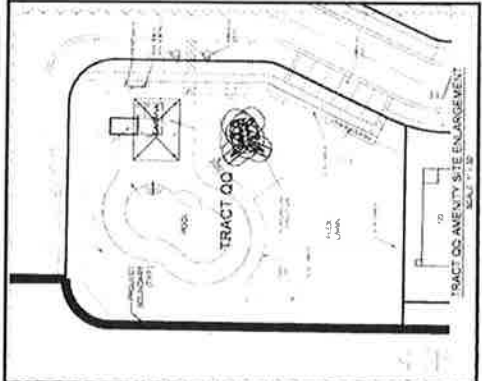
NO.	DESCRIPTION	DATE
1	PRELIMINARY SUBDIVISION PLANS	11/15/17
2	REVISIONS	
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- SITE NOTES:**
1. THE INFORMATION ON THIS PLAN IS BASED ON THE RECORD DRAWINGS AND SURVEY DATA PROVIDED BY THE CLIENT. WALDROP ENGINEERING HAS CONDUCTED VISUAL VERIFICATION OF THE INFORMATION PROVIDED AND HAS FOUND IT TO BE ACCURATE TO THE BEST OF ITS KNOWLEDGE AND BELIEF. WALDROP ENGINEERING DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED.
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**PROPOSED LOT COUNT**

LOT NO.	AREA (SQ. FT.)	AREA (SQ. YD.)	PROPOSED LOT COUNT
1	10,000	111.11	1
2	10,000	111.11	1
3	10,000	111.11	1
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CONSERVATION SIGN DETAIL

DATE: 11/15/17  
 SCALE: AS SHOWN





NO.	DESCRIPTION	DATE
1	PRELIMINARY SUBDIVISION PLANS	11/15/17
2	REVISIONS	
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**AIPO – South Orange Properties  
 PD / AIPO – South Orange  
 Woodland Park Phase 10 PSP**



 Parcels	 Subject Property	 Jurisdiction	 Hydrology
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1 : 2,400  
 1 in : 200 ft