Interoffice Memorandum



DATE:

September 19, 2019

TO:

Mayor Jerry L. Demings

-AND-

Board of County Commissioners

FROM:

Jon V. Weiss, P.E., Director

Planning, Environmental and Development

Services Department

CONTACT PERSON:

Eric Raasch, DRC Chairman

Development Review Committee CIM

Planning Division (407) 836-5523

SUBJECT:

October 8, 2019 - Public Hearing

Jay R. Jackson, Kimley-Horn Associates, Inc. National Spa and Resort Planned Development

Case # CDR-19-01-025 / District 1

The National Spa and Resort Planned Development (PD) is located at 9200 Turkey Lake Road; or generally located north of Sand Lake Commons Boulevard and west of Interstate 4. The existing PD development program allows for 148,600 square feet of commercial, 120 hotel rooms, 60,000 square feet of spa and recreation, and 286 multi-family residential units.

Through this PD substantial change, the applicant is seeking to add a Master Sign Plan to the existing Land Use Plan. In addition, the applicant has requested three waivers from Orange County Code related to singage copy area and sign height.

On August 14, 2019, 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.

June 18, 2019 – Public Hearing
Jay R. Jackson, Kimley-Horn Associates, Inc.
National Spa and Resort PD / Case # CDR-19-01-025 / District 1
Page 2 of 2

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the National Spa and Resort Planned Development / Land Use Plan (PD/LUP) dated "Received July 22, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/EPR/nsw Attachments

CASE # CDR-19-01-025

Commission District: #1

GENERAL INFORMATION

APPLICANT Jay R. Jackson, Kimley-Horn and Associates, Inc.

OWNER DCS Real Estate Capital Investments IV, LLC

PROJECT NAME National Spa and Resort Planned Development

PARCEL ID NUMBER(S) 02-24-28-0000-00-005, 02-24-28-0000-00-030

02-24-28-0000-00-031

TRACT SIZE 63.94 gross acres

LOCATION 9200 Turkey Lake Road; or generally located north of Sand Lake

Commons Boulevard and west of Interstate 4

REQUEST A PD substantial change to A Change Determination Request

(CDR) to add a Master Sign Plan to the existing Land Use Plan. In addition, the applicant has requested the following four (4)

waivers from Orange County Code:

 A waiver from Section 31.5-67(i) to allow for 8.66 square feet of minimum provided copy area per individual tenant sign, in lieu of twelve (12) square feet of minimum provided copy area per individual tenant sign.

Applicant Justification: This waiver is requested due to the spatial constraints of providing individual tenant signs for each of the seven (7) individual parcels within the allowable sign face area while also displaying the anchoring multi-family development parcel branding element in an aesthetically pleasing hierarchal arrangement.

2. A waiver from Section 31.5-67(b) to allow for a height of fifteen (15) feet, in lieu of twelve (12) feet.

Applicant Justification: This waiver is requested due to the proposed ground sign consistently matching the colors and surface treatments of the proposed building elevations in the approved Lot 7 Development Plan (DP-18-05-142). The proposed anchoring multi-tenant sign, the proposed multi-family development gateway signs, and the proposed multi-family buildings provide consistent color and surface treatment throughout the development, moreover, these three elements create a connected multi-layered entry experience and design.

3. A waiver from Section 31.5-15(a)(1) to allow for one (1) ground sign to be located on each of Lots 5 and Lot 6 consisting of thirty (30) square feet of copy area, in lieu of zero (0) square feet.

Applicant Justification: This waiver is requested due to Lot 6 containing no right-of-way frontage for typical calculation of allowable copy area. The thirty (30) square foot copy area proposed for Lot 6 is borrowed from the overall site's maximum allowable copy area total. Moreover, the ground sign addition to Lot 6 will not add any copy area beyond the existing maximum allowable copy area on site, while providing a ground sign opportunity for Lot 6.

PUBLIC NOTIFICATION A notification area extending beyond seven hundred (700) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eight hundred sixteen (816) 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 National Spa and Resort Planned Development (PD) was originally approved in 1977 as the You Bear Campground PD and has an existing development program consisting of 148,600 square feet of commercial, 120 hotel rooms, 60,000 square feet of spa and recreation, and 286 multi-family residential units. Self-storage is also an approved use, with the number of allowed self-storage units based on an approved trip matrix conversion table.

Through this PD substantial change, the applicant is seeking to Through this PD Change Determination Request (CDR), the applicant is seeking to add a Master Sign Plan to the existing Land Use Plan and request three (3) waivers from Orange County Code related to sign copy area and sign height.

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 Commercial (C) and High Density Residential (HDR). The National Spa and Resort PD was approved in 1977 as the Yogi Bear Campground PD and includes uses such as commercial, hotel, recreation, and multi-family residential. 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 not located within an 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 proposed request, but did not identify any issues or concerns.

Transportation Concurrency

Transportation staff has reviewed the proposed request, but did not identify any issues or concerns.

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 – (August 14, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the National Spa and Resort Planned Development / Land Use Plan (PD/LUP), dated "July 22, 2019", subject to the following conditions:

1. Development shall conform to the National Spa and Resort Land Use Plan (LUP) dated "Received July 22, 2019," 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 July 22, 2019," 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 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. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 31.5-67(i) to allow for 8.66 square feet of minimum provided copy area per individual tenant sign, in lieu of twelve (12) square feet of minimum provided copy area per individual tenant sign.
 - b. A waiver from Section 31.5-67(b) to allow for a height of fifteen (15) feet, in lieu of twelve (12) feet.
 - c. A waiver from Section 31.5-15(a)(1) to allow for one (1) ground sign to be located on each of Lots 5 and Lot 6 consisting of thirty (30) square feet of copy area, in lieu of zero (0) square feet.
- 7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 21, 2017 shall apply:
 - a. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 - b. Self-storage facilities shall comply with Orange County Code Section 38-79(30) & (60).
 - c. Pole signs and new billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code the Master Sign Plan.
 - d. A waiver from Orange County Code Section 38-1272(a)(5) is granted to allow a maximum building height of fifty-five (55) feet for self-storage uses only, in lieu of a maximum building height of fifty (50) feet.
- 8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 13, 2016, shall apply:
 - a. Short term rental shall be prohibited within the multi-family portion of the PD. Residential length of stay shall be for 180 days or greater.
 - b. Outside sales, storage, and display shall be prohibited.

- c. The following Education Condition of Approval shall apply:
 - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of June 28, 2016.
 - 2) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 0 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - 3) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - 4) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - 5) Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- d. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed 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).
- e. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply for an Orange County Dock Construction Permit. Application shall be made to the Orange County Environmental Protection Division as specified in Orange

County Code Chapter 15 Environmental Control, Article IX Dock Construction prior to installation.

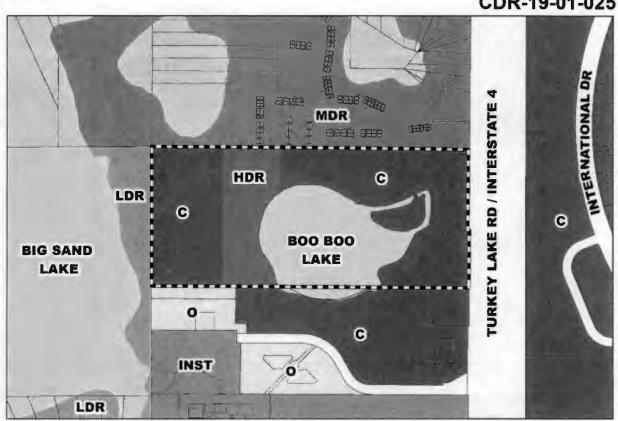
- f. A waiver from Orange County Code Section 38-1258(d) is granted to allow for a maximum multi-family residential building height of six (6) stories / eighty-seven (87) feet, in lieu of a maximum multi-family building height of three (3) stories / forty (40) feet.
- g. A current Level One Environmental 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.
- 9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 14, 2014, shall apply:
 - a. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed waste water and reclaimed water systems have been designed to support the PD.
 - b. 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 land use plan/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.
 - The Developer shall obtain wastewater and reclaimed water service from Orange County Utilities.
 - d. A waiver from Orange County Section 38-1501 is granted to allow for a zero (0) foot building setback from the normal high water elevation contour of "Boo Boo Lake" in lieu of a required minimum fifty (50) foot building setback from the normal high water elevation.
 - e. A twenty (20) foot wide transit easement shall be required for Turkey Lake Road.
 - f. Project shall fully comply with the Orange County "Big Box" Ordinance, #2007-01.
- 10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 19, 1997, shall apply:
 - a. Use of motorized craft (i.e., power boats, jet skis, etc.) shall be prohibited on Big Sand Lake. Motorized vessels shall not be launched from the property.

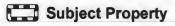
b. An access at the southern boundary is approved; however, the details of this access will be reviewed at the development plan submittal.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (February 21, 2019)

Upon a motion by Commissioner VanderLey, seconded by Commissioner Thompson, and carried by 7-0 vote, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change requested by Jamie T. Poulos, Poulos & Bennett, LLC, to the National Spa and Resort Planned Development / Land Use Plan (PD/LUP), Case #CDR-16-09-339, to request a waiver from Section 38-1272(a)(5) to allow for a maximum building height of 55 feet for self storage uses only, in lieu of a maximum building height of 50 feet; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207; which constitues a substantial change to the development on the described property, subject to the conditions of approval listed under the DRC Reccomendation in the Staff Report.

CDR-19-01-025







★ Subject Property

Future Land Use Map

FLUM:

Commercial (C) /

High Density Residential (HDR)

APPLICANT: Jay R. Jackson,

Kimley-Horn and Associates, Inc.

LOCATION: 9200 Turkey Lake Road; or generally

located north of Sand Lake Commons Boulevard and west of Interstate 4

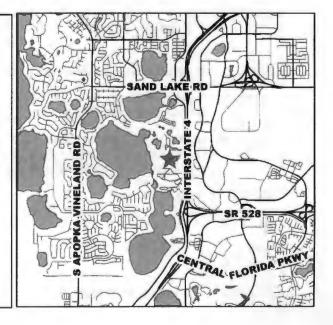
TRACT SIZE: 63.94 gross acres

DISTRICT: #1

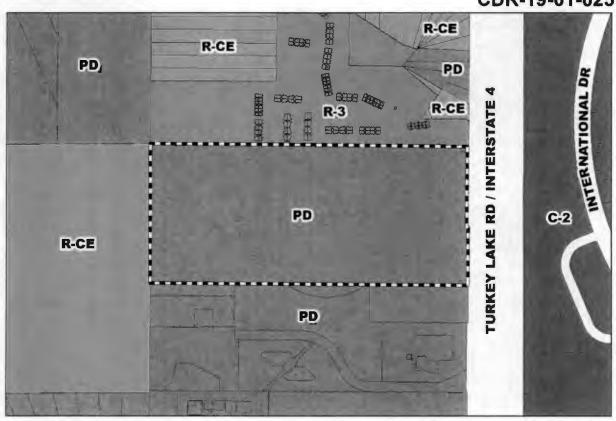
S/T/R:

02/24/28

1 inch = 625 feet











★ Subject Property

Zoning Map

FLUM: PD (Planned Development District)

APPLICANT: Jay R. Jackson,

Kimley-Horn and Associates, Inc.

LOCATION: 9200 Turkey Lake Road; or generally

located north of Sand Lake Commons

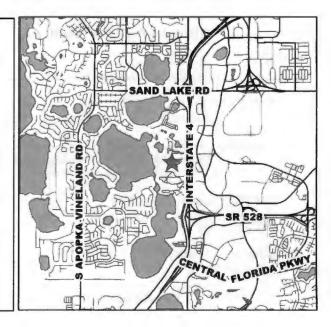
Boulevard and west of Interstate 4

TRACT SIZE: 63.94 gross acres

DISTRICT: #1

S/T/R: 02/24/28

1 inch = 625 feet



National Spa and Res Š D D P (Cover Sheet)

A LANDUSE PLAN AMENDMENT FOR: NATIONAL SPA AND RESORT (A TIMESHARE DEVELOPMENT)

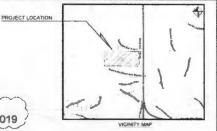
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F.K.A. YOGI BEAR CAMPGROUND

Orange County, Florida July 27, 2016

CDR-19-01-025 Revised: August 20, 2019

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By DRC Office at 5:26 pm, Jul 22, 2019

Kimley»Horn

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PROJECT TEAM

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SHEET INDEX LUP-1 COVER SHEET

LUP-2 LAND USE PLAN LUP-3 EXISTING CONDITIONS

LUP-4 MASTER SIGN PLAN LUP-5 MULTI-TEMANT SIGNAGE (A)

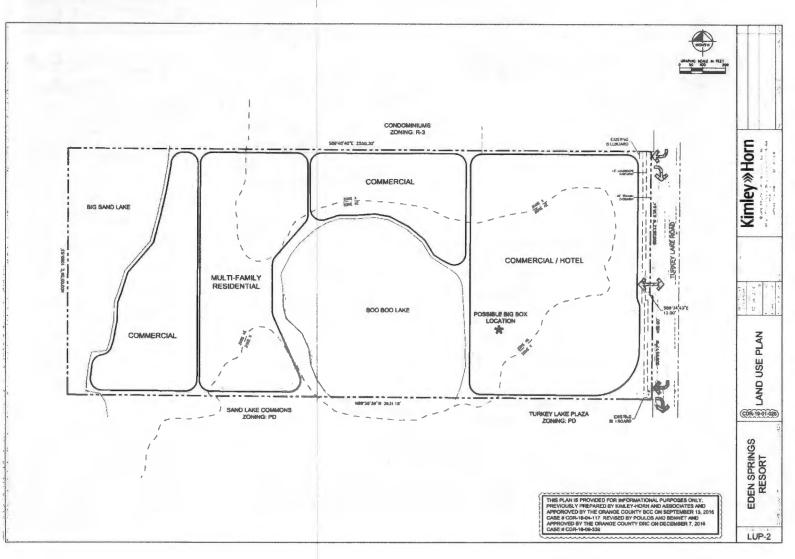
LUP-8 INDIVIDUAL TENANT SIGNAGE 1(8) LUP-7 INDIVIDUAL TENANT SIGNAGE 2 (C) LUP-8 MULTI-FAMILY ENTRY SIGN (D) COA-1 CONDITIONS OF APPROVAL

COA-2 CONDITIONS OF APPROVAL

Hearing inge County Da 9 Planning Division e: October 8, 2019 DRC Staff Report

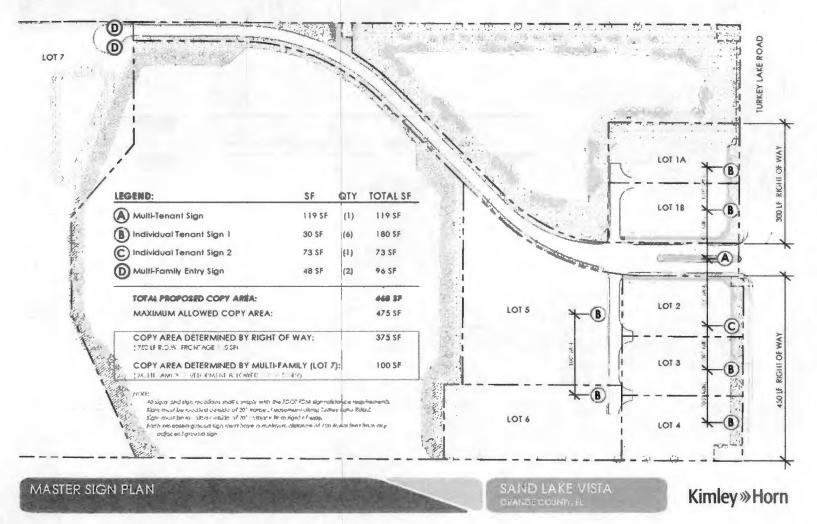
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National Spa and Resort PD / LUP



DRC Staff Report Orange County Planning Division BCC Hearing Date: October 8, 2019

National Spa and Resort Master Sign Plan



BCC Hearing Date: October 8,

Orange County

Planning Division DRC Staff Report

National Spa and **Resort Master Sign Plan**

KEY: (1) Multi-family signage, back-lit channel letters - 18" letters shown: "AZUL", 5" letters shown: "SAND LAKE VISTA" 2.) Tenant panel signage 13"x96"; back lit letters (white) on dark branze panel cabinet, 8" letters shown, final copy tenants TBD (3.) Signage cabinet; 12'-6" x 9'-6", light / fine sand finish background 4.) Adjacent masonry column accessory structure, light / fine (5.) Stepped stucco monument base, light / fine sand finish NUMBER OF SIGNS: LSIGN COPY AREA PER EACH SIGN: 119 SF TOTAL COPY AREA: 119 SF TOTAL

MULTI-TENANT SIGN

erated and provided by Dk.Hite + Partner

NOTE: All signs and sign locations shall comply with the FDOT FDM sight distance requirements. Sign must be located outside of 20' transect easement along Turkey Lake Road.

Sign must be located outside of 10' setback from right-of-way.

(5)

Each proposed ground sign must have a minimum distance of 100 lineal feet from ony adjacent ground sign.

24'-0"

(4)

SAND LAKE VISTA

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WING HOUSI

COLFEESHOP

"A waiver is requested from Orange County Code Section 31.5-67(i) minimum allowable copy area for each Individual tenant on a multitenant ground sign to allow for 8.46 SF of minimum provided copy area per Individual tenant sign in Neu of 12 SF of minimum provided copy area per individual tenant sign. allowed through existing Orange County Code. This waiver is requested due to the spatial constrains of providing individual tenant signs for each of the seven (?) individual parcels within the allowable spin face area while also displaying the anchoring multi-family development parcel branding element in an aesthetically pleasing hierarchical arrangement.

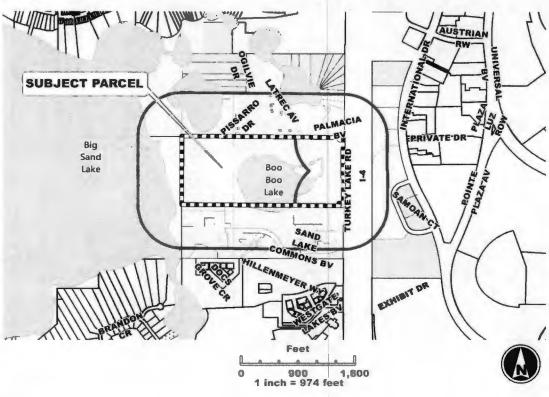
"A walver is requested from Orange County Code Section 31.5-67(b) "A water is requisited from Crand sign, to allow for a helight of 15 feet in maximum in Fig. 12 feet date on the Crand sign, to allow for a helight of 15 feet in lieu of 12 feet date with though assisting Orange County Code. This work is requested cube to the Proughoused ground sign consistently marticing the colors as for the Crand surface is received in the proposed coloring in the copprised of 17. Development Plan DP-18-05-142, the proposed among the approved of 17. Development Plan DP-18-05-142, the proposed among the companies of the Crand State of the Crand State of the Crand State of the properties of the Crand State of the Crand State of the Crand State of the color of the Crand State of the Crand State of the color of the Crand State of the Crand State of the color of the Crand State of the Crand State of the color of color of the color of color color of color of color of color of color of color approved Lot / Development Plan UP-18-UP-142. In a proposed amonomy multi-lenant agn, the proposed multi-family development gateway spins, and the proposed multi-family buildings provide consistent color and surface freatment throughout the development. Moreover, these three elements create a connected multi-layered entry experience and design.

MULTI-TENANT SIGNAGE

SAND LAKE VISTA

Kimley » Horn

National Spa and Resort PD _CDR-19-01-025



MAP LEGEND

SUBJECT 700_FT_BU

HYDROLOGY

NOTIFIED_PARCELS

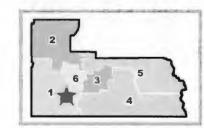
COURTESY PARCELS

PARCELS

700 : FT BUFFER

816 : NOTICES

540 : RESIDENTIAL COUNT



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Notification Map