



Interoffice Memorandum

DATE: October 8, 2020

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
Planning Division
(407) 836-5523

Eric P. Raasch,
Jr., AICP

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Raasch, Jr., AICP
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SUBJECT: October 27, 2020 – Public Hearing
Applicant: Hal H. Kantor, Lowndes, Drosdick, Doster, Kantor &
Reed, P.A.
Chatham Village Planned Development
Case # CDR-20-08-240 / District 1

The Chatham Village Planned Development (PD) is located generally west of Winter Garden Vineland Road, north of Vista Boulevard, and south of Royal Cypress Way. The existing PD development program allows for 1,400 multi-family dwelling units. Within the PD, the Mystic Point Development Plan for the subject property was approved in 1993 with a Development Program of 373 multi-family dwelling units, and a parking waiver to allow for 685 parking spaces. However, the existing development was constructed with 670 parking spaces.

Through this PD substantial change, the applicant is seeking one waiver from Section 38-1476 to allow 1.8 parking spaces for 2 & 3 bedroom units, in lieu of 2 parking spaces per unit.

On September 23, 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 Chatham Village Planned Development / Land Use Plan (PD/LUP) dated “Received August 31, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachments
JVW/EPR/nt

CASE # CDR-20-08-240

Commission District: # 1

GENERAL INFORMATION

APPLICANT Hal H. Kantor, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

OWNER Abaco Key Gardens LP

PROJECT NAME Chatham Village Planned Development

PARCEL ID NUMBER 17-24-28-0000-00-011 (affected parcel only)

TRACT SIZE 75.76 gross acres (overall PD)
20.96 gross acres (affected parcel only)

LOCATION Generally west of Winter Garden Vineland Road, north of Vista Boulevard, and south of Royal Cypress Way

REQUEST A PD substantial change to request the following waiver from Orange County Code:

1. A waiver from Section 38-1476 to allow 1.8 parking spaces for 2 & 3 bedroom units, in lieu of 2 parking spaces per unit.

***Applicant Justification:** The apartment complex was constructed several years ago and had a total of 670 parking spaces. This request is for a reduction in parking spaces on the approved plan from 685 to 670. Over the years there has not been an issue concerning sufficient parking. This request simply recognizes the existing situation. In addition, the Parking Demand Analysis by LTEC demonstrates that there is sufficient parking for the development.*

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]. Twenty (20) 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 Chatham Village PD was originally approved on March 24, 1992, and is generally located west of Winter Garden Vineland Road, north of Vista Boulevard, and south of Royal Cypress Way. The PD has an existing Development Program of 1,400 multi-family dwelling units. Within the PD, the Mystic Point Development Plan for the subject property was approved in 1993 with a Development Program of 373 multi-family dwelling units,

and a parking waiver to allow for 685 parking spaces. However, the existing development was constructed with 670 parking spaces.

Through this PD Change Determination Request (CDR), the applicant is seeking one waiver from Section 38-1476 to allow 1.8 parking spaces for 2 & 3 bedroom units, in lieu of 2 parking spaces per unit, not to exceed a total of 670 parking spaces for the development.

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 High Density Residential (HDR). The Chatham Village PD was approved in 1992 and includes multi-family residential uses. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

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 Joint Planning Area.

Environmental

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

Transportation Concurrency

Transportation Planning staff have reviewed the request and the parking study that was provided, 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 – (September 23, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Chatham Village Planned Development / Land Use Plan (PD/LUP), dated “August 31, 2020”, subject to the following conditions:

1. Development shall conform to the Chatham Village PD dated "Received August 31, 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 August 31, 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.

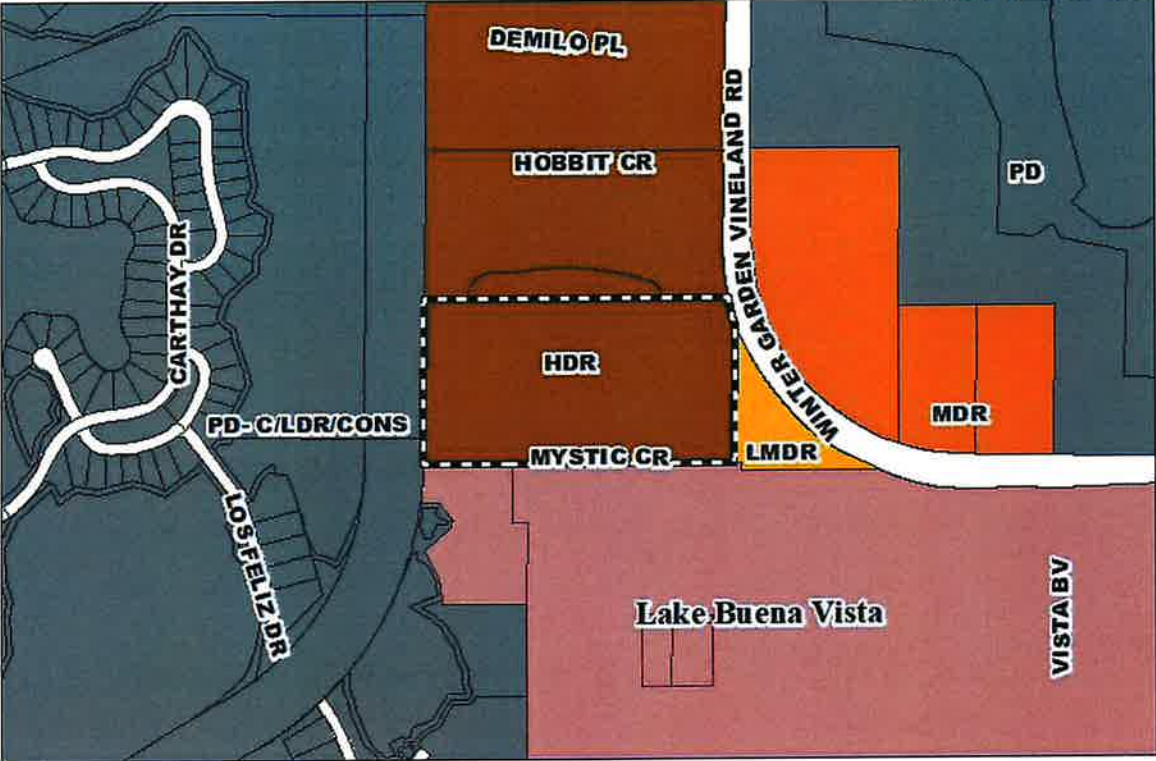
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that 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. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
7. 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.
8. A waiver from Orange County Code Section 38-1476 is granted to allow 1.8 parking spaces for 2 and 3 bedroom units, in lieu of 2 parking spaces per unit.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 24, 1992 shall apply:
 - a. Consistent with the adopted policies governing growth centers and affordable housing, utility service will be provided by Orange County or Reedy Creek Improvement District per the signed utility service agreement between Orange County and Reedy Creek Improvement District. In any event, the developer shall obtain water and wastewater capacity prior to construction plans being approved.

- b. Prior to construction plan approval, the size, location, and points of connection for water mains, sewer mains, and force mains shall be determined.
- c. Prior to construction plan approval, the developer shall agree to utilize reclaimed water for landscaping and green area irrigation.
- d. Stormwater management system shall be designed to comply with Orange County Subdivision regulations and Reedy Creek Improvement District Regulations.
- e. The number and location of access points are not approved with this plan. The number and location shall be determined at the development plan stage. The County may require cross-access easements in conjunction with the access points
- f. The rezoning of this project to PD is subject to receiving approval of a Comprehensive Policy Plan amendment to accommodate the project. There shall be no development plan approval by the County for any portion of the project until the Comprehensive Policy Plan amendment allowing such development has been granted. The conditional rezoning is being processed prior to the Plan Amendment to facilitate the need for affordable housing only.
- g. A landscape buffer shall be provided along state Road 535. Said landscaping and buffer shall be determined at the development plan review stage, but in no way shall be less than that shown on Exhibit "A" as submitted by the applicant.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (March 24, 1992)

Upon a motion by Commissioner Carter, seconded by Commissioner Butler, and carried by all present members voting AYE by voice vote; the Board approved a change in zoning classification from R-CE to PD on the property subject to the Development Review Committee conditions as amended.

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Subject Property



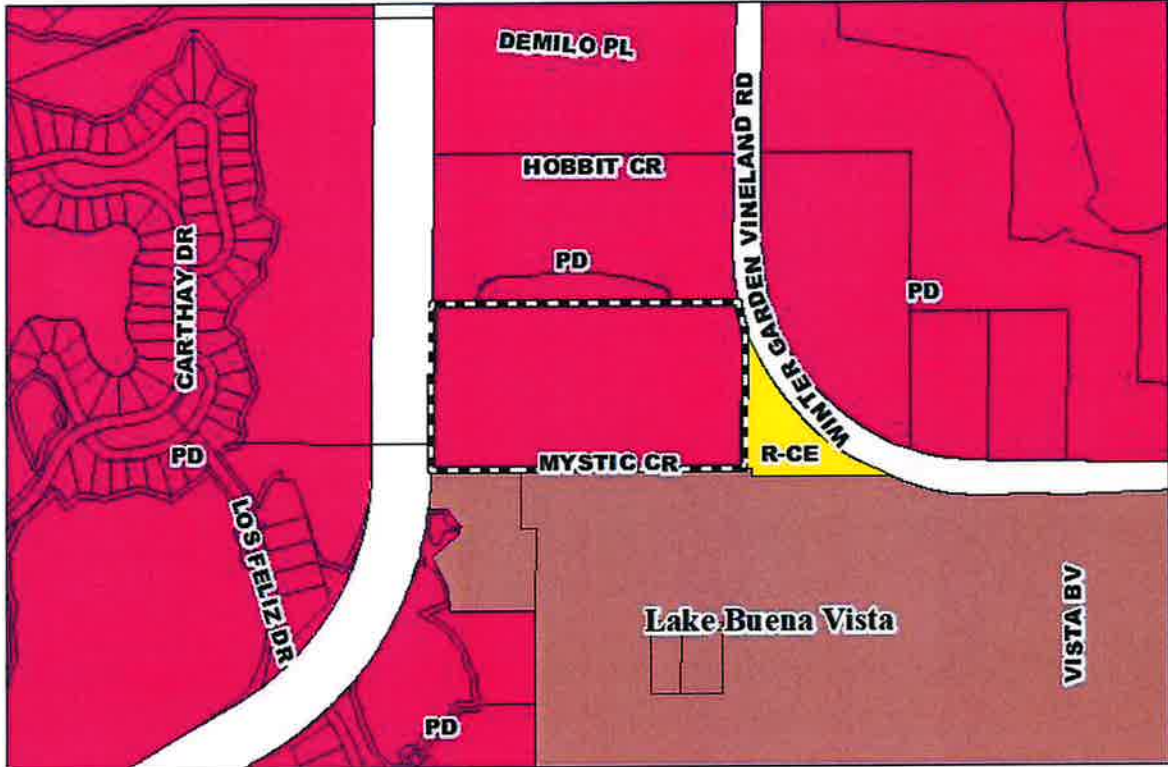
Subject Property

Future Land Use Map

FLUM: High Density Residential (HDR)
APPLICANT: Hal H. Kantor, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
LOCATION: Generally west of Winter Garden Vineland Road, north of Vista Boulevard, and south of Royal Cypress Way.
TRACT SIZE: 75.76 gross acres (overall PD)
 20.96 gross acres (affected parcel only)
DISTRICT: # 1
ST/R: 17/24/27
 1 inch = 625 feet



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Subject Property



Subject Property

Zoning Map

ZONING: Planned Development (PD)

APPLICANT: Hal H. Kantor, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

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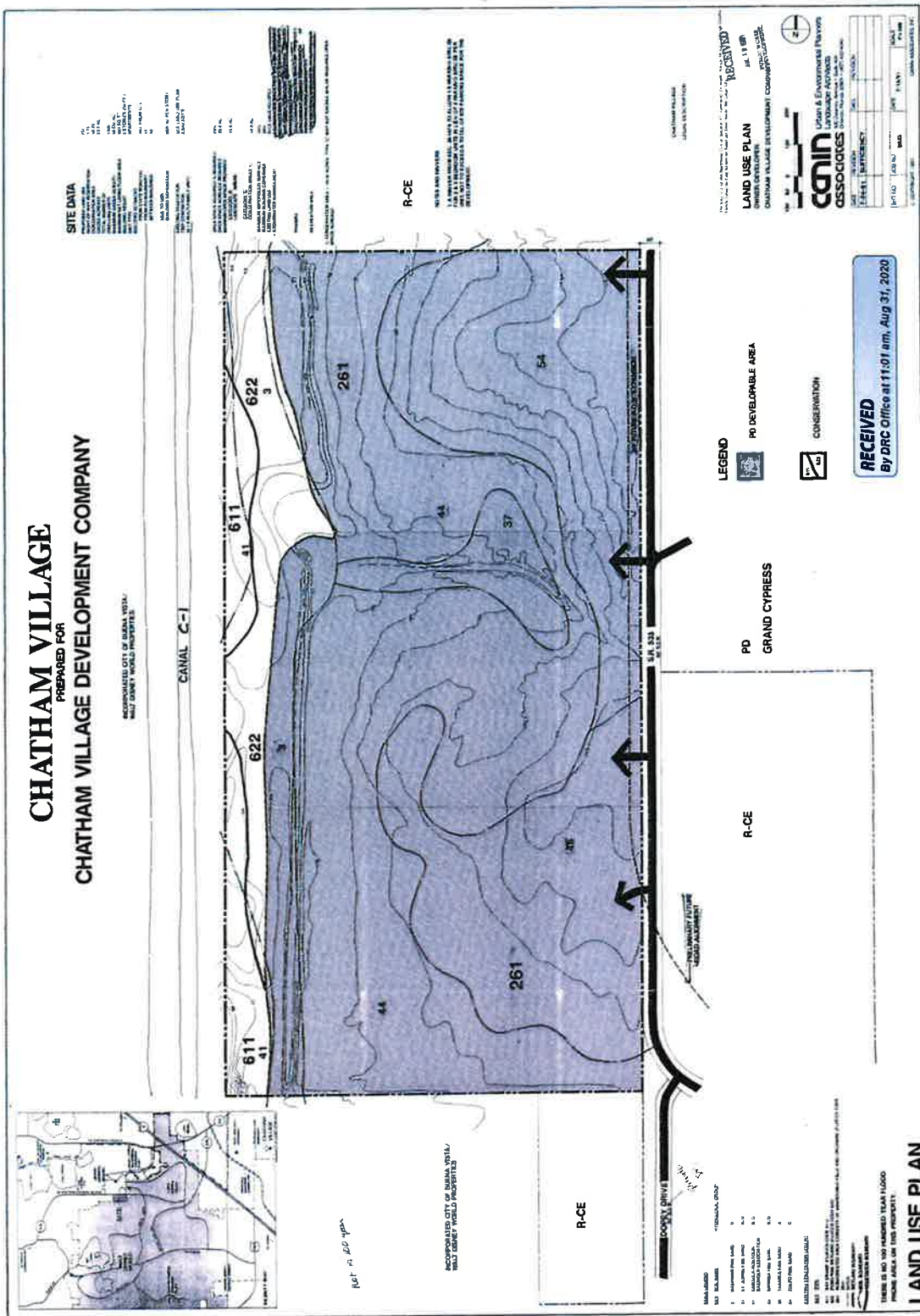


 Subject Property



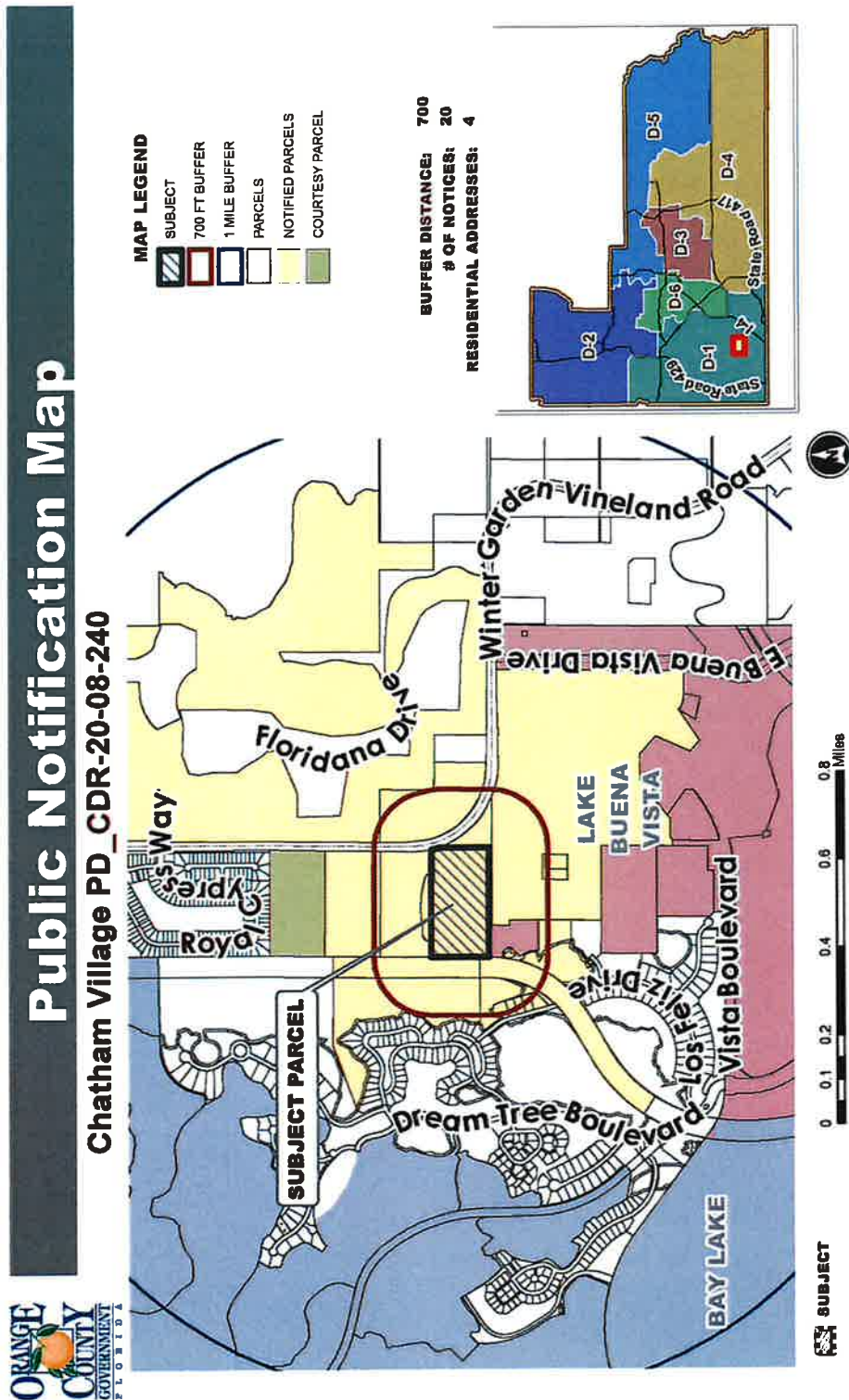
1 inch = 750 feet

Chatham Village PD / LUP



Notification Map

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Public Notification Map

Chatham Village PD_CDR-20-08-240

