



Interoffice Memorandum

DATE: March 29, 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: April 13, 2021 – Public Hearing
Eric Papalini, Cambridge Group, Inc.
Faircloth Planned Development
Case # CDR-20-03-093 / District 6

Eric P. Raasch,
Jr., AICP

Digitally signed by Eric
P. Raasch, Jr., AICP
Date: 2021.03.29
15:24:58 -04'00'

The Faircloth Planned Development (PD) is generally located south of State Road 408, east of Goodland Street, and north of W. Livingston Street. The existing PD development program allows for 17,000 square feet of C-1 and C-2 uses.

Through this PD substantial change, the applicant is seeking to revise proposed uses on LUP from C-1 and C-2 uses to "All C-1 Uses; All C-2 Uses; C-3 Uses: Outdoor Storage of Heavy Construction Equipment/Vehicles and Materials. All Other C-3 Uses Shall Be Prohibited." The C-3 use of Outdoor Storage of Heavy Construction Equipment/Vehicles and Materials is proposed to be limited to the eastern half of the PD. Additionally, the applicant is requesting to modify Board condition of approval 8.C (listed as 10.C in the staff report) to remove an existing prohibition on outdoor storage and display.

On March 10, 2021, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was required for this request as summarized in the staff report. This case was continued from the March 23, 2021 Board meeting.

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 Faircloth Planned Development / Land Use Plan (PD/LUP) dated “Received March 12, 2021”, subject to the conditions listed under the DRC recommendation in the Staff Report. District 6

Attachments
JVW/EPR/nsw

CASE # CDR-20-03-093

Commission District: # 6

GENERAL INFORMATION

APPLICANT Eric Papalini, Cambridge Group, Inc.

OWNER Cambridge Group, Inc.

PROJECT NAME Faircloth Planned Development

PARCEL ID NUMBER 30-22-29-2746-02-010

TRACT SIZE 1.93 gross acres

LOCATION Generally located south of State Road 408, east of Goodland Street, and north of W. Livingston Street

REQUEST A PD substantial change to revise proposed uses on LUP from C-1 and C-2 uses to "All C-1 Uses; All C-2 Uses; C-3 Uses: Outdoor Storage of Heavy Construction Equipment/Vehicles and Materials. All Other C-3 Uses Shall Be Prohibited." The C-3 use of Outdoor Storage of Heavy Construction Equipment/Vehicles and Materials is proposed to be limited to the eastern half of the PD. Additionally, the applicant is requesting to modify Board condition of approval 8.C (listed as 10.C in the staff report) to remove an existing prohibition on outdoor storage and display

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]. Two hundred thirty-seven (237) notices were mailed to those property owners in the notification buffer area. A community meeting was held on January 20, 2021 as summarized in this report below.

IMPACT ANALYSIS

Special Information

The Faircloth PD was originally approved November 23, 2010. When originally approved, the PD allowed for C-1, C-2, and selected C-3 (*see below) uses. On December 12, 2017, the Board approved Change Determination CDR-17-05-158 to remove the permitted C-3 uses and a condition of approval requiring wastewater services be obtained from Orange County Utilities. As a result, the PD has an existing development program consisting of 17,000 square feet of C-1 and C-2 uses. Per Condition of Approval 8.C (listed as 10.C in this staff report), the uses of outdoor sales, storage, and display have been prohibited since the original approval in 2010.

***Selected C-3 Uses Removed in 2017**

- *These selected C-3 uses:*
 - *Outdoor Storage*
 - *Parking and storage of dual rear wheel vehicles*
 - *Warehousing*
 - *Wholesale distribution of bedding, chairs, desks mattresses, waterbeds, carpets, lamps, curtains and linens*
 - *Wholesale distribution of awnings, fencing, septic tanks, mobile homes*
 - *Wholesale distribution of irrigation equipment, garden machinery, lawn machinery, and power mowers*
 - *Wholesale distribution of electronic parts and equipment*
 - *Wholesale distribution of pumps, pumping equipment, paint spray equipment*
 - *Wholesale distribution of produce and/or plant materials*
 - *Wholesale distribution of bakery products, bottled water, canned goods, soft drinks, and fruits, beverage distributors*
 - *Rental and storage of heavy construction equipment, bulldozers and cranes*
(No erected cranes shall be stored on site)

Through this PD substantial change, the applicant is seeking to revise proposed uses on LUP from C-1 and C-2 uses to "All C-1 Uses; All C-2 Uses; C-3 Uses: Outdoor Storage of Heavy Construction Equipment/Vehicles and Materials. All Other C-3 Uses Shall Be Prohibited." The C-3 use of Outdoor Storage of Heavy Construction Equipment/Vehicles and Materials is proposed to be limited to the eastern half of the PD. Additionally, the applicant is requesting to modify Board condition of approval 8.C (listed as 10.C in the staff report) to remove an existing prohibition on outdoor storage and display.

Land Use Compatibility

The PD Change Determination Request would not adversely impact any adjacent properties. To address compatibility concerns raised by staff, the applicant has added a note to the plan to require a landscape buffer along the western edge of the property which will consist of a masonry wall, existing vegetation, and replanted oak trees installed at 3-inch caliper planted at every 30 feet on center where there are any tree gaps larger than 30' along the entire western property line. The masonry wall and additional landscaping will be required on the Development Plan. The applicant has also proposed a 30' setback from the western property line, which exceeds the requirement for a Type B buffer yard as defined by Sec. 24-5 in Orange County Code.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Commercial (C). The Faircloth PD was approved in 2010 and includes C-1 and C-2 uses with the C-2 uses of outdoor sales, storage, and display being prohibited per condition of approval 8.C. 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 JPA.

Environmental

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. In addition to FDOH permitting requirements, this plan shall comply with Orange County Code Chapter 37, Article XVII Individual On-Site Sewage Disposal.

Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Transportation / Concurrency

This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit.

Community Meeting Summary

A community meeting was held on Wednesday, January 20, 2021. Due to current health restrictions, this community meeting was held virtually. Two residents were in attendance and expressed concerns related to drainage, access, traffic, noise, compatibility with the existing residential uses, and additional damage to roads.

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 – (March 10, 2021)

Make a finding of consistency with the Comprehensive Plan (CP) and APPROVE the substantial change to the Faircloth Planned Development / Land Use Plan (PD/LUP) dated “Received March 12, 2021”, subject to the following conditions:

1. Development shall conform to the Faircloth PD Land Use Plan (LUP) dated “Received March 12, 2021,” 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 March 12, 2021,” 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. This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit; provided, however, if the County removes the Alternative Mobility Area from its Code prior to approval of the first building permit, then this project shall be required to comply with the County's then-current transportation concurrency requirements.

7. Prior to building permit, Mission Road shall be brought up to commercial road standards from Old Winter Garden Road to the entrance of the site.
8. No person shall produce, or allow to be produced, any sound within any private or public property, including a right-of-way, which sound, when measured pursuant to section 15-183, exceeds the sound levels in Orange County Code Chapter 15 Environmental Control, Article V Noise Pollution Control, Section 15-182 Maximum permissible sound levels.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 12, 2017 shall apply:
 - a. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
 - b. Prior to construction plan approval, a 25' ingress / egress and drainage easement over lots 12 and 13 of block A of the Fleming Heights Extended subdivision, shall be recorded in the Orange County official records.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 23, 2010 shall apply:
 - a. The northern façade of any structure on this site shall be architecturally treated as a primary façade.
 - b. Billboards and pole signs shall be prohibited. All other signage shall comply with Ch. 31.5.
 - c. Outdoor sales, ~~storage, and display~~ shall be prohibited.
 - d. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan, with a tree removal and mitigation plan, have been approved by Orange County.
 - e. Due to the narrow width of right-of-way available for the road between the right-of-way line and the ditch, a four-foot-wide sidewalk will be allowed to be constructed in lieu of a five-foot-wide sidewalk.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(December 12, 2017)*

Upon a motion by Commissioner Siplin, seconded by Commissioner Thompson, and carried by all present members voting AYE by vote, the Board made a finding of consistency with the Comprehensive Plan; and approved the Substantial Change request to remove the currently permitted C-3 (Wholesale Commercial District) uses and remove previous Board of County Commission (BCC) condition of approval #5 from November 23, 2010 in order to allow the operation of an individual on-site sewage disposal system; 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, subject to conditions.

CDR-20-03-093



Subject Property



Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Eric Papalini, Cambridge Group, Inc.

LOCATION: Generally located south of State Road 408,
 east of Goodland Street, and north of
 W. Livingston Street

TRACT SIZE: 1.93 gross acres

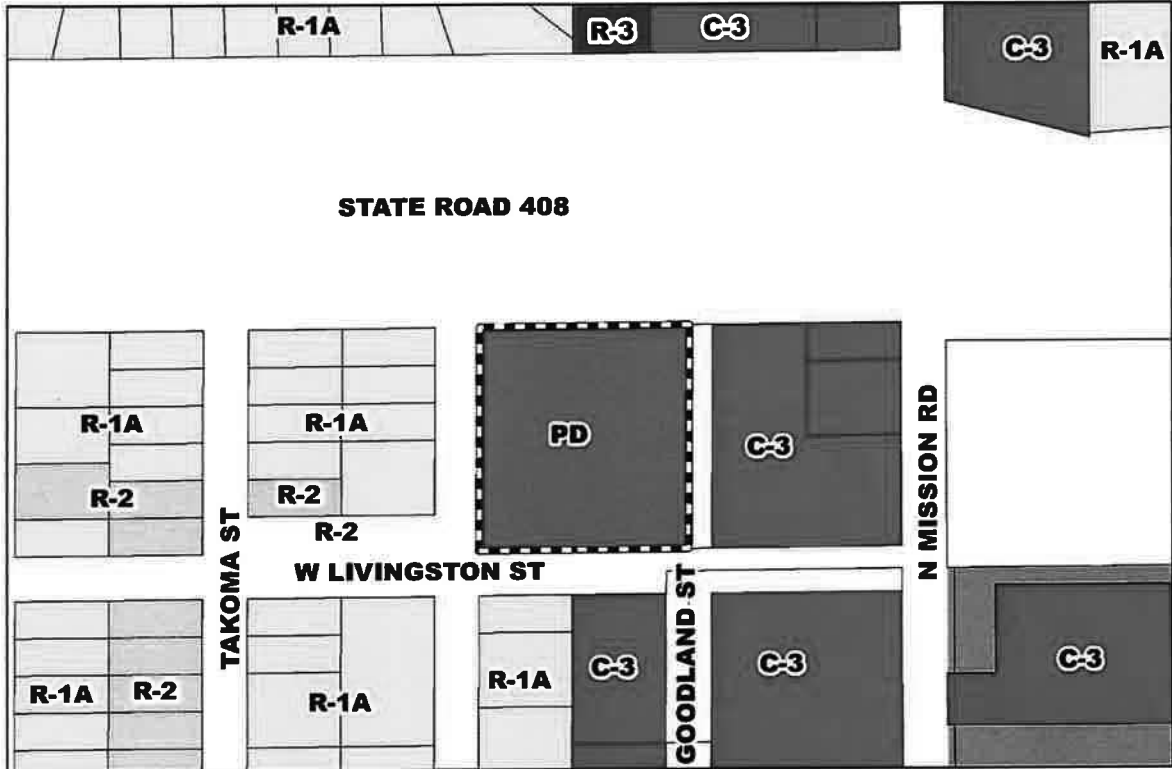
DISTRICT: # 6

S/T/R: 30/22/29

1 inch = 200 feet



CDR-20-03-093



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Eric Papalini, Cambridge Group, Inc.

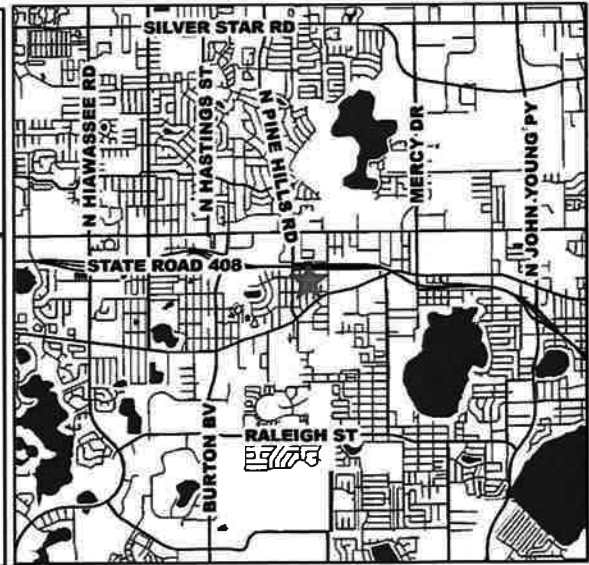
LOCATION: Generally located south of State Road 408, east of Goodland Street, and north of W. Livingston Street

TRACT SIZE: 1.93 gross acres

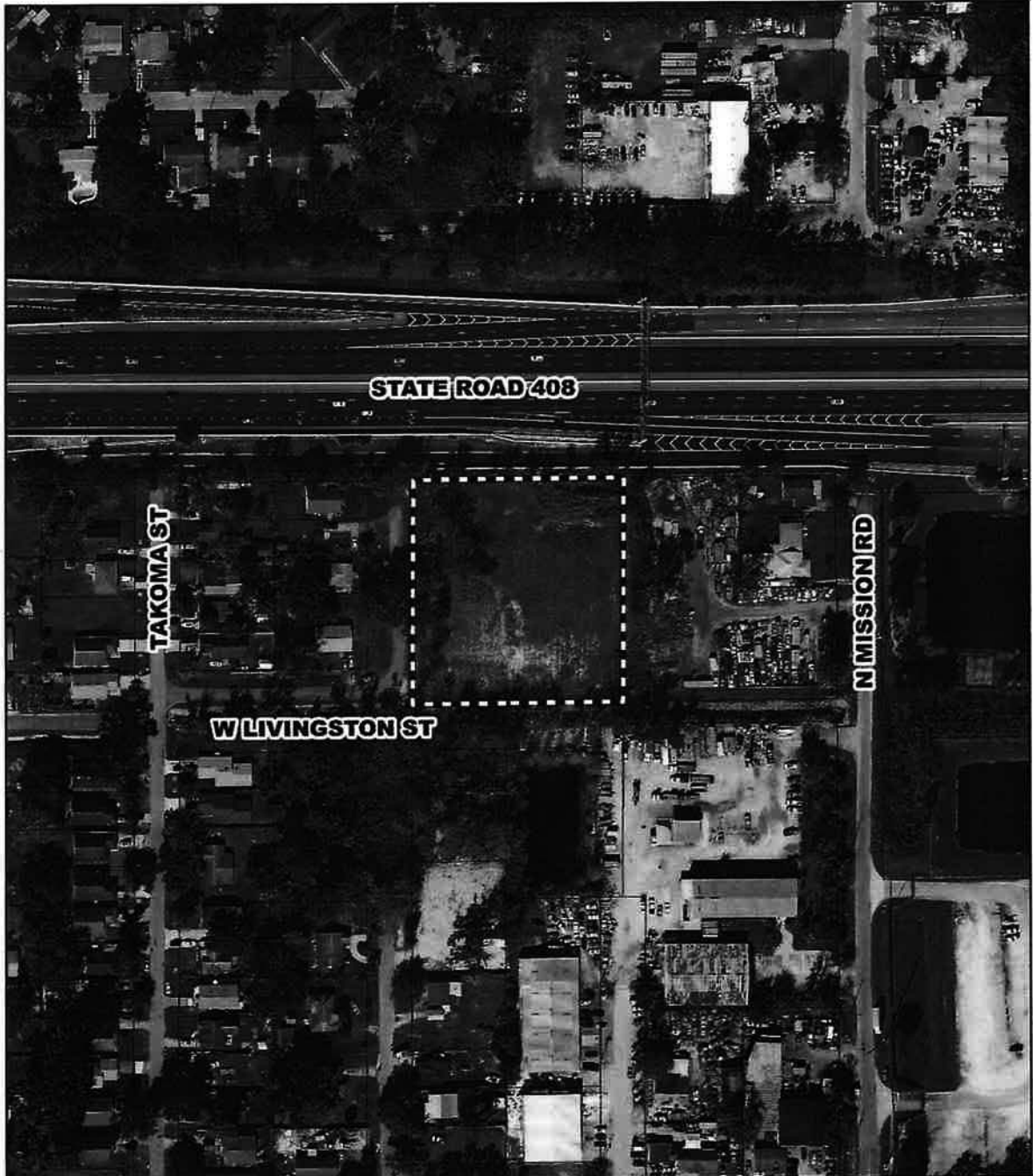
DISTRICT: # 6

S/T/R: 30/22/29

1 inch = 200 feet



CDR-20-03-093



 Subject Property



1 inch = 175 feet

Faircloth PD / LUP (Cover Sheet)

FAIRCLOTH PD LAND USE PLAN

PD 30-22-28-2746-02-010
CASE # CDF-20-03-083

**CENTRAL FLORIDA
ENGINEERING, INC.**

1800 W. UNIVERSITY BLVD., SUITE 200
ORLANDO, FL 32817
PHONE: (407) 464-8444 FAX: (407) 464-8444
WWW.CENTRALFLORIDAENGINEERING.COM

PROJECT INFORMATION

PROJECT NAME: FAIRCLOTH PD / LUP
PROJECT NO: 1800-1800-000000000000
CLIENT: ORANGE COUNTY PLANNING DIVISION
DATE: 03/15/2021
SCALE: AS SHOWN

APPLICANT INFORMATION

NAME: ORANGE COUNTY PLANNING DIVISION
ADDRESS: 1800 W. UNIVERSITY BLVD., SUITE 200
ORLANDO, FL 32817
PHONE: (407) 464-8444
FAX: (407) 464-8444
EMAIL: PLANNING@OCFLA.GOV

DATE INFORMATION

DATE: 03/15/2021
TIME: 10:00 AM
LOCATION: 1800 W. UNIVERSITY BLVD., SUITE 200
ORLANDO, FL 32817

LABORATORY INFORMATION

LABORATORY: ORANGE COUNTY PLANNING DIVISION
ADDRESS: 1800 W. UNIVERSITY BLVD., SUITE 200
ORLANDO, FL 32817
PHONE: (407) 464-8444
FAX: (407) 464-8444
EMAIL: PLANNING@OCFLA.GOV

DATE INFORMATION

DATE: 03/15/2021
TIME: 10:00 AM
LOCATION: 1800 W. UNIVERSITY BLVD., SUITE 200
ORLANDO, FL 32817



LOCATION MAP

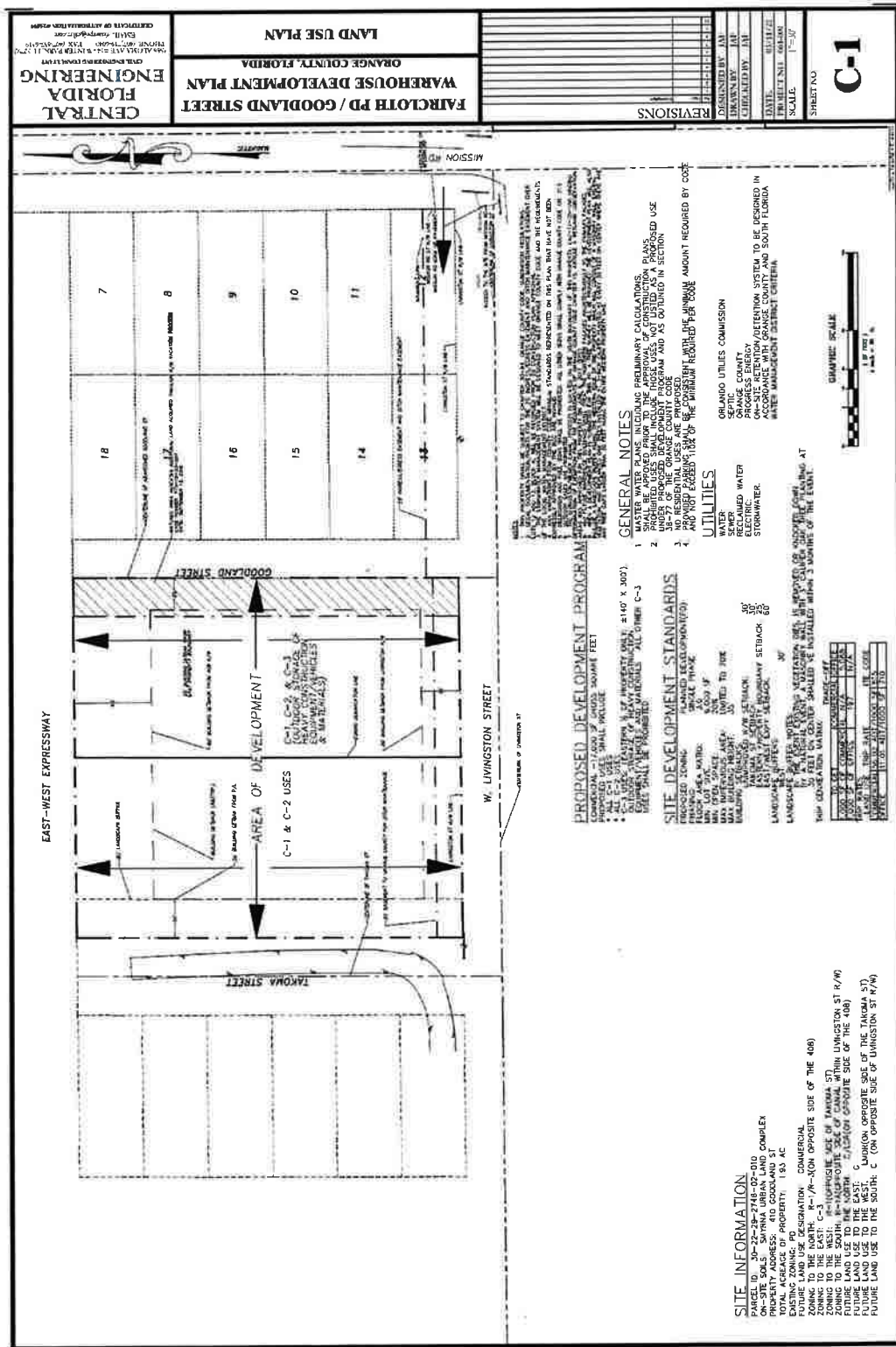
INDEX OF DRAWINGS	
SMT. NO.	DESCRIPTION
01	CONVEY DEED
02	LAND USE PLAN
03	BOUNDARY SURVEY



LEGAL DESCRIPTION
LEGAL DESCRIPTION IS SUBJECT TO ALL RECORDS, RECORDS, RECORDS, RECORDS TO BE FILED UNDER AN
APPLICABLE PUBLIC RECORDS ACT, AND ALL RECORDS OF RECORDS OF RECORDS OF RECORDS OF RECORDS OF RECORDS
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RECEIVED
By DRC Approved Stamp at 3:40 am, Mar 13, 2021

Faircloth PD / LUP



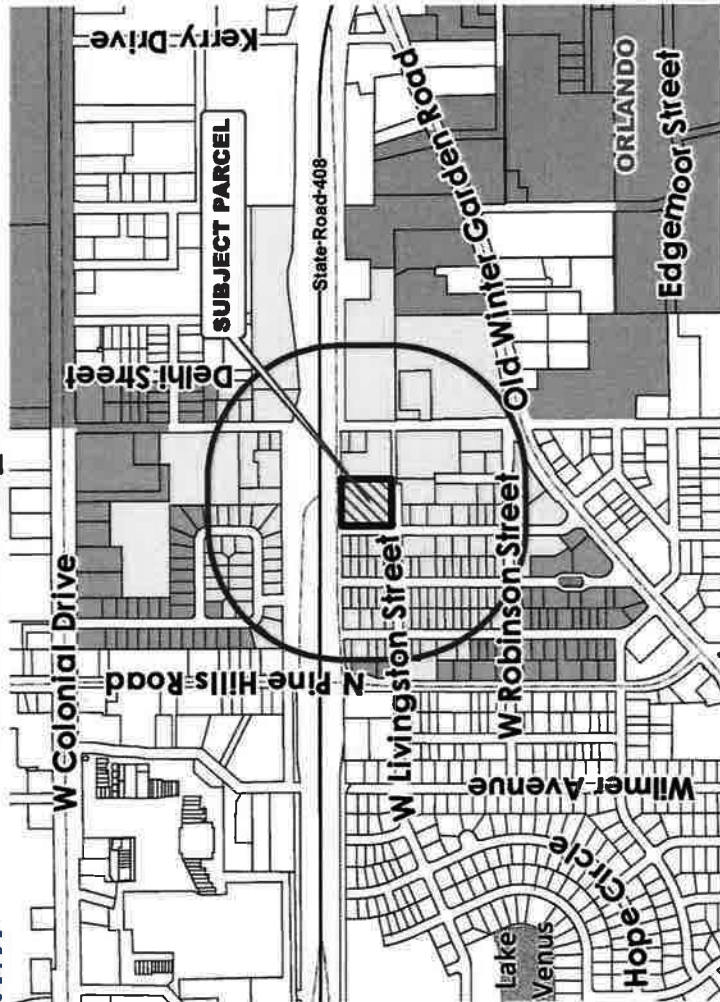
Notification Map

locasgimdephtBusiness SystemsBoard Administratons SUBSTANTIAL CHANGE2021Faircloth PD VCM_CDR-20-03-093ICDR-20-03-093

Public Notification Map



Faircloth PD VCM_CDR-20-03-093



MAP LEGEND

	SUBJECT
	800 FT BUFFER
	HYDROLOGY
	PARCELS
	NOTIFIED PARCELS
	COURTESY PARCELS

BUFFER DISTANCE: 800
OF NOTICES: 237
RESIDENTIAL ADDRESSES: 85

