

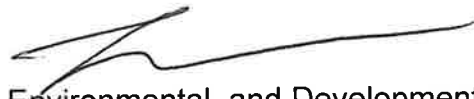
## **Interoffice Memorandum**

**DATE:** April 14, 2025

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** N/A

**FROM:** Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department



**CONTACT:** Nicolas Thalmueller, AICP, DRC Chairman

**PHONE:** (407) 836-5523

**DIVISION:** Development Review Committee

### **ACTION REQUESTED:**

Make a finding of consistency with the Comprehensive Plan and approve an amendment to the Orangewood N-1 Planned Development (PD) Received January 22, 2025, subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report. District 1.

**PROJECT:** Orangewood N-1 Planned Development (PD) (CDR-24-05-130)

**PURPOSE:** This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 22, 2025, to approve an amendment to the Orangewood N-1 Planned Development. The subject property is located north of Central Florida Parkway, south of State Road 528, east of Interstate 4, and west of Westwood Boulevard. The PD currently allows tourist commercial uses and is currently developed with an office development. The request is to add a development program to the subject portion of the PD consisting of 160,000 square feet of office use and 300 multi-family dwelling units to the subject site and to add a trip conversion matrix for Westwood Lot 1.

**This case was continued at the March 11, 2025 and April 8, 2025 Board meetings to further discuss vesting and concurrency requirements.**

**BUDGET:** N/A

**CASE # CDR-24-05-130**

Commission District: # 1

**GENERAL INFORMATION**

<b>APPLICANT</b>	Steve Boyd, Boyd Civil Engineering, Inc.
<b>OWNER</b>	Magicwood TT, LLC
<b>PROJECT NAME</b>	Orangewood N-1 Planned Development (PD)
<b>PARCEL ID NUMBER(S)</b>	12-24-28-9655-00-010 (affected parcels)
<b>TRACT SIZE</b>	10 acres (affected area)
<b>LOCATION</b>	North of Central Florida Parkway / South of State Road 528/ East of Interstate 4 / West of Westwood Boulevard
<b>REQUEST</b>	To add a development program of 160,000 square feet of office use and 300 multi-family dwelling units, and to add a trip conversion matrix for Westwood Lot 1.

**This case was continued at the March 11 and April 8 Board meetings to discuss vesting and concurrency requirements for the project.**

**PUBLIC NOTIFICATION** The notification area for this public hearing extended beyond 1,500 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. One hundred and one (101) notices were mailed to those property owners in the mailing area.

**IMPACT ANALYSIS**

**Project Overview**

The Orangewood N-1 Planned Development (PD) is generally located at the southwest corner of Westwood Boulevard and International drive. The PD was originally approved September 5, 1972 and currently includes entitlements for commercial and office uses. An office development is currently constructed on the site.

Through this Change Determination Request (CDR) the applicant is proposing to add a development program of 160,000 square feet of office use and 300 multi-family dwelling units to the subject portion of the PD. The applicant has stated that the proposed development may consist of demolishing the office development and constructing multi-family or a combination of multi-family and office uses, or repurposing a portion of the office development and constructing multi-family uses.

**Land Use Compatibility**

The proposed development program is compatible with existing development in the area and would not adversely affect any adjacent properties.

**Comprehensive Plan (CP) Consistency**

The subject property has an underlying Future Land Use Map (FLUM) designation of Activity Center Mixed Use (ACMU) on the Future Land Use Map and is zoned Planned Development (PD). As described in the International Drive Element of the Comp Plan, ACMU is a mixture of tourist-related development and supportive residential activity. Per Comprehensive Plan Policy FLU1.1.4 The ACMU FLUM designation allows uses up to a maximum FAR of 3.0, hotel/motel lodging uses up to a maximum of 60 rooms/acre, and residential uses at a minimum of 12 and up to a maximum of 30 units per developable acre. Per Comprehensive Plan Policy ID1.1.7, no more than 30% of a site designated ACMU shall be used for residential purposes.

**Overlay Ordinance**

The subject property is located within the I-Drive District Overlay. An I-Drive Development Plan will be required for development.

**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 and did not identify any issues or concerns.

**Transportation Planning**

Existing/Valid transportation capacity entitlements not found. Please contact Transportation Planning at 407-836-7893 to discuss the addition of a trip conversion matrix for the purpose of converting 115,099SF of Professional Office into 330 MFUs. Also, to determine the type of submittal application (if applicable) is required for the project.

Based on the Concurrency Management database (CMS) dated 06/27/2024, there is a failing roadway segment within the project's impact area long Turkey Lake Road, from Central Florida Parkway to Sand Lake Commons Boulevard. This information is dated and subject to change.

**Community Meeting Summary**

A community meeting was not required for this request.

### Schools

In the Orange County Public Schools “Formal School Capacity Determination Capacity Letter” (OC-24-019) dated September 23, 2024, it was found that school capacity for this development is **NOT AVAILABLE**. This capacity letter expires March 22, 2025.



#### *School Capacity Determination*

User ID    SV    September 23, 2024    10:47:11

Project ID:

CEA – OC – 24 – 019

Valid Until: March 22, 2025

Project Name:		ORANGEWOOD N1 PD AT WESTWOOD	
Unvested Units	Single Family Units:	0	Single Family Units: 0
	Multi Family Units:	300	Multi Family Units: 0
	Multi Family High Rise Units:	0	Multi Family High Rise Units: 0
	Town Homes Units:	0	Town Homes Units: 0
	Mobile Home Units:	0	Mobile Home Units: 0
Vested Units			

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA:	JJ		
	School:	SAND LAKE ES	FREEDOM MS	LAKE BUENA VISTA HS
	<i>Analysis of Existing Conditions</i>			
	School Capacity (2023-2024)	828	1,157	2,763
	Enrollment (2023-2024)	738	1,165	1,723
	Utilization (2023-2024)	75.0%	96.0%	41.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	173	0	1,040
	<i>Analysis of Reserved Capacity</i>			
	School Level	Elementary	Middle	
	Encumbered Capacity	184	40	534
	Reserved Capacity	0	8	0
	Adjusted Utilization	111.3%	104.8%	81.7%
	Adjusted Available Seats	0	0	506
	<i>Analysis of Proposed Development</i>			
	Students Generated	42.300	19.500	24.000
	Adjusted Utilization	116.5%	106.5%	82.6%
	AVAILABLE/NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE	AVAILABLE
	Number of Seats to Mitigate	42.300	19.500	0.000

### 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 – (January 22, 2025)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Orangewood N-1 PD dated “Received January 22, 2025”, subject to the following conditions:

1. Development shall conform to the Orangewood N-1 Planned Development (PD) dated "Received January 22, 2025," 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 January 22, 2025," 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 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, as may be amended, 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.

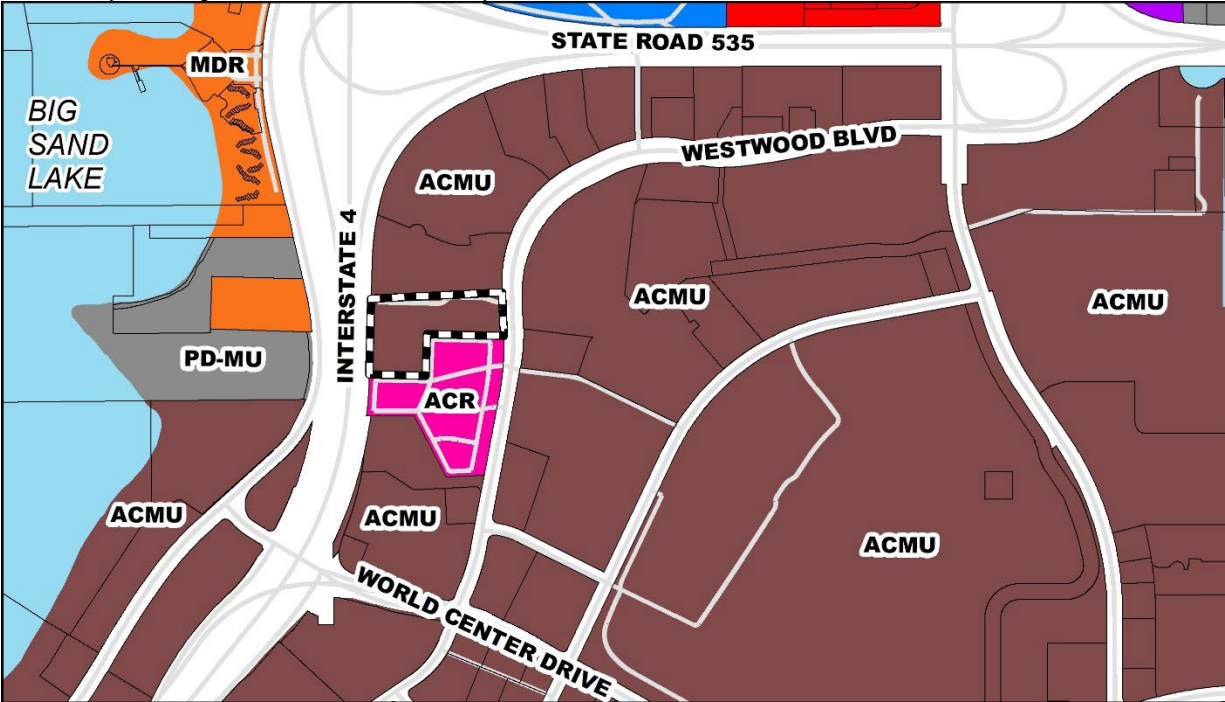
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that 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. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

8. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
9. A traffic operational and safety study of the project entrance at Westwood Blvd will be provided prior or concurrent with the development plan submittal and accepted by the County Engineer. The Study shall use a 5-year post opening date projected traffic generation and will identify operational, and safety improvements required to address safe and adequate access. The improvements include but are not limited to signing, pavement markings, traffic control such as signalization, roundabouts, or other roadway improvements. Should the need for any improvements result from the study, the proposed improvements must be submitted as an E-plan and shall be constructed / installed at no cost to Orange County prior to Certificate of Occupancy.
10. New pole signs and billboards shall be prohibited. All other signage shall comply with the approved master sign plan or Chapter 31.5 Tourist Commercial, where applicable and as may be amended.
11. Short term / transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 12, 2019, shall apply:
  - a. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas required shall be shown on all plans and shall be conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.
  - b. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater have been designed to support all development within the PD.
  - c. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
  - d. The following waivers from Orange County code are granted:
    - 1) A waiver from Section 31.5-166(d) to allow four (4) ground signs in lieu of two (2) ground signs.

- 2) A waiver from Section 31.5-166(a) to allow four (4) ground signs with a maximum copy area of greater than 80 sq. ft.
  - 3) A waiver from Section 31.5-166(d) to allow 50 feet of separation distance between two (2) ground signs in lieu of 100 feet.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 28, 1985 shall apply:
  - a. Development in accordance with the following:
    - 1) Land Use Plans as approved by Board of County Commissioners on September 5, 1972, and as amended.
    - 2) Amendment to Land Use Plan for Neighborhood 1 (Westwood) by Board of County Commissioners, January 23, 1979.
    - 3) Amendment to Land Use Plan for additional 8.78 acres dated received October 18, 1984.
    - 4) Tourist commercial elements of Article XXIX, Zoning Resolution and Subdivision Regulations, unless herein waived.
  - b. Project master signs shall not be calculated in total copy area figures for the individual lots on which they are erected.
  - c. The Developer shall obtain water service from Orange County subject to County Resolutions and Ordinances.
  - d. The Developer shall obtain wastewater service from Orange County in accordance with the Sand Lake Road Wastewater Allocation Rules. Any transfer of wastewater capacity shall be in accordance with the Allocation Rules.
  - e. Any available water/wastewater capacity will be committed only upon approval of final construction plans and submission of FDER Permit Application. Priority will be based on first come, first served. (Executed Agreements or County Ordinance being the only exception to the above.)

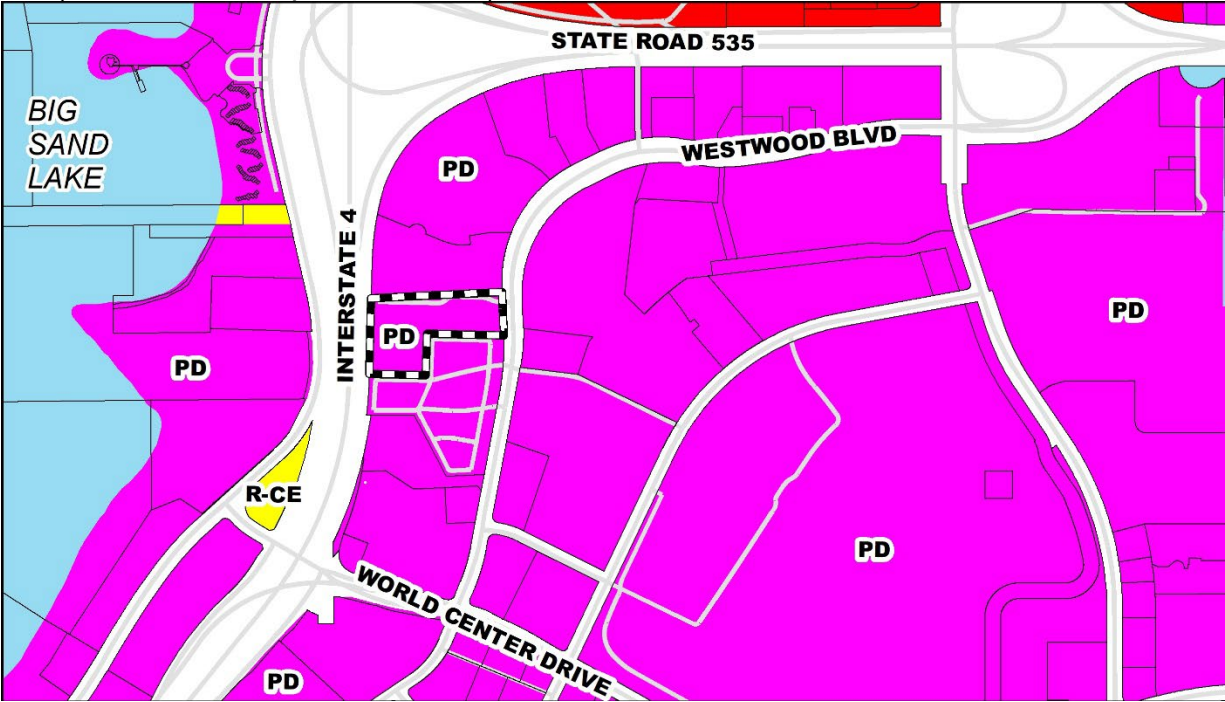
**FUTURE LAND USE**

ACMU (Activity Center Mixed Use)



**ZONING**

PD (Planned Development District)





Notification Map

