

CASE # CDR-25-04-089

Commission District: # 4

GENERAL INFORMATION

APPLICANT Tyler Enright, Kimley-Horn & Associates

OWNER OC-IB II Property Owner, LLC

PROJECT NAME Tupperware Heights Planned Development (PD)

PARCEL ID NUMBER(S) 34-24-29-8729-03-000 (affected parcel)

TRACT SIZE 26.14 (affected area)

LOCATION East of S. Orange Blossom Trail / West of Florida's Turnpike, / North of the Orange County and Osceola County line

REQUEST To request the following waiver from Orange County Code:

A waiver from Orange County Code Section 38-1476 to allow 1.80 parking spaces per unit in lieu of one (1) parking space per one-bedroom unit and two (2) parking spaces per two-bedroom unit on Lot 3.

Applicant Justification: Based off comparable affordable housing projects a parking ratio of 1.80 spaces per unit is more appropriate. This is supported by parking studies conducted at existing sites throughout Florida as well as the parking analysis for the subject site conducted dated May, 2025.

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. Eighty-two (82) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The Tupperware Heights Planned Development (PD) was originally approved in 2007 and is located east of S. Orange Blossom Trail, West of Florida's Turnpike, and north of the Orange County – Osceola County line. The current development program allows for 1,354 multi-family residential units and 263,480 square feet of office and commercial uses. This request is for Lot 3, which is entitled for 644 multifamily dwelling units. This development proposed to serve households at 60% of the Area Median Income (AMI) or below, and has obtained an Affordable Housing Certification letter from the Housing and Community Development Division, dated March 17, 2025.

Through this request, the applicant is requesting a waiver from Orange County Code Section 38-1476 to allow 1.80 parking spaces per unit in lieu of one (1) parking space per one-bedroom unit and two (2) parking spaces per two-bedroom unit on Lot 3. As part of the justification for the waiver, the applicant team submitted a parking analysis to Orange County Transportation Planning. The parking analysis justified the reduction through comparison to other projects in Florida, providing the latest parked demand rates evaluation, and a set of multi-modal reduction strategies – including a 0.5 mile walk to the Tupperware Sunrail station.

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 property's Future Land Use Map (FLUM) designation is PD-LDR/LMDR/MDR/C/INST/PR-OS/CON and it is zoned as Planned Development PD. The request appears to be consistent with the Comprehensive Plan. The Land Use Plan was amended in 2023 to allow for a maximum of 1,354 multifamily residential units 263,480 sq. ft. of office and commercial uses. The request appears consistent with the development program and 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 Planning

The project shall comply with the terms and conditions of that certain Tupperware Heights PD - Orange Avenue Transportation Impact Fee Credit Agreement approved on March 7 2017, and recorded at 20170129426 Public Records of Orange County, Florida, as may be amended. Transportation Impact Fee Credit Agreement for the Tupperware Heights PD - Orange Avenue was approved on 3/7/2017 and Recorded at 20170129426 by and between Deerfield Land Corporation and Orange County for a Roadway Conceptual Analysis to be completed for Transportation Impact Fee Credits. The RCA will study 0.61 miles of Orange Avenue from the Osceola County Line to the Turnpike Bridge and recommend future roadway improvements needed. The cost of the RCA work is anticipated to be \$255,280 plus \$24,150 in reimbursable expenses. Upon County's review and approval of the Study Final Report, the Transportation Impact Fee Credit Account shall be established for Deerfield Land Corporation.

On March 20, 2018 the BCC approved a First Amendment to Transportation Impact Fee Credit Agreement ("First Amendment") for Tupperware Heights PD by and between Deerfield Land Corporation and Orange County to amend the terms of the Transportation Impact Fee Credit Agreement approved by the Board of County Commissioners on March 7, 2017 and recorded at Document #20170129428. The First Amendment provides for the adjustment of the completion date for the Roadway Conceptual Analysis from March 1, 2018 to September 1, 2018. The Roadway Agreement Committee approved the First Amendment on February 7, 2018. On January 15, 2019 the Board of County Commissioners approved a Second Amendment to Transportation Impact Fee Credit Agreement for Tupperware Heights PD ("Second Amendment") recorded as Document #20190042142 by and between Deerfield Land Corporation and Orange County to amend the terms of the Transportation Impact Fee Credit Agreement approved by the Board of County Commissioners on March 7, 2017 and recorded at Document #20170129428 as amended. The Second Amendment provides for the adjustment of the completion date for the Roadway Conceptual Analysis from September 1, 2018 to August 31, 2019, and the addition of a Joint Pond Provision to allow the option for a joint-use pond, if County approves.

On September 24, 2019 the BCC approved a Third Amendment to Transportation Impact Fee Credit Agreement for Tupperware Heights PD ("Third Amendment"). The Agreement is recorded as Document # 20190615771 by and between Deerfield Land Corporation and Orange County to amend the terms of the Transportation Impact Fee Credit Agreement approved by the Board of County Commissioners on March 7, 2017 and recorded at Document #20170129428 as amended. The Third Amendment provides for the adjustment of the completion date for the Roadway Conceptual Analysis from August 31, 2019 to August 31, 2020. In addition, Section 2(b) of the agreement has been amended to provide for a total reimbursement of \$77,550 in newsletter and newspaper advertisement costs.

The Roadway Conceptual Analysis was completed and approved by the Board of County Commissioners on March 25, 2020. The Transportation Credit Account TCA-195 was credited in the amount of \$227,831.14 for the completion of the RCA. Existing/Valid transportation capacity entitlements not found. This CDR waiver request to reduce the parking space requirement will not trigger transportation concurrency via a Capacity Encumbrance Letter (CEL) application. Future development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. NOTE: This development is located near failing roadway(s) within Orange County. This deficiency requires a Transportation Impact Analysis (TIA) submitted with the CEL Application Submittal Package. Please refer to the Submittal Requirements on the CEL Application for further information. The owner will have the option to remedy the deficiencies by entering into a Proportionate Share Agreement with Orange County (OC Code: Chapter 30, Sections 30-620 thru 30-624).

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.

Based on the Concurrency Management database (CMS) dated 5/9/2025, there is a failing roadway segment within the project's impact area along Orange Ave, from Osceola County Line to Town Center Blvd. This information is dated and subject to change. A Capacity Encumbrance Letter (CEL) application was submitted in November 2024. CEL-24-11-093 was denied due to transportation deficiencies surrounding the project location. OC-IB II Property Owner LLC entered into a Proportionate Share Agreement with the County and is pending BCC approval as of April 21, 2025. In order to obtain CEL approval, the Prop-Share (PS) Payment must be paid, and the property must be consistent with the Future Land Use/Zoning, and the CEL application must receive an OCPS approval determination.

Community Meeting Summary

A community meeting was not required for this request.

Schools

Orange County Public Schools (OCPS) staff has reviewed the proposed request and 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 – (June 25, 2025)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Tupperware Heights PD dated "Received May 19, 2025", subject to the following conditions:

1. Development shall conform to the Tupperware Heights Planned Development (PD) dated "Received May 19, 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 May 19, 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.

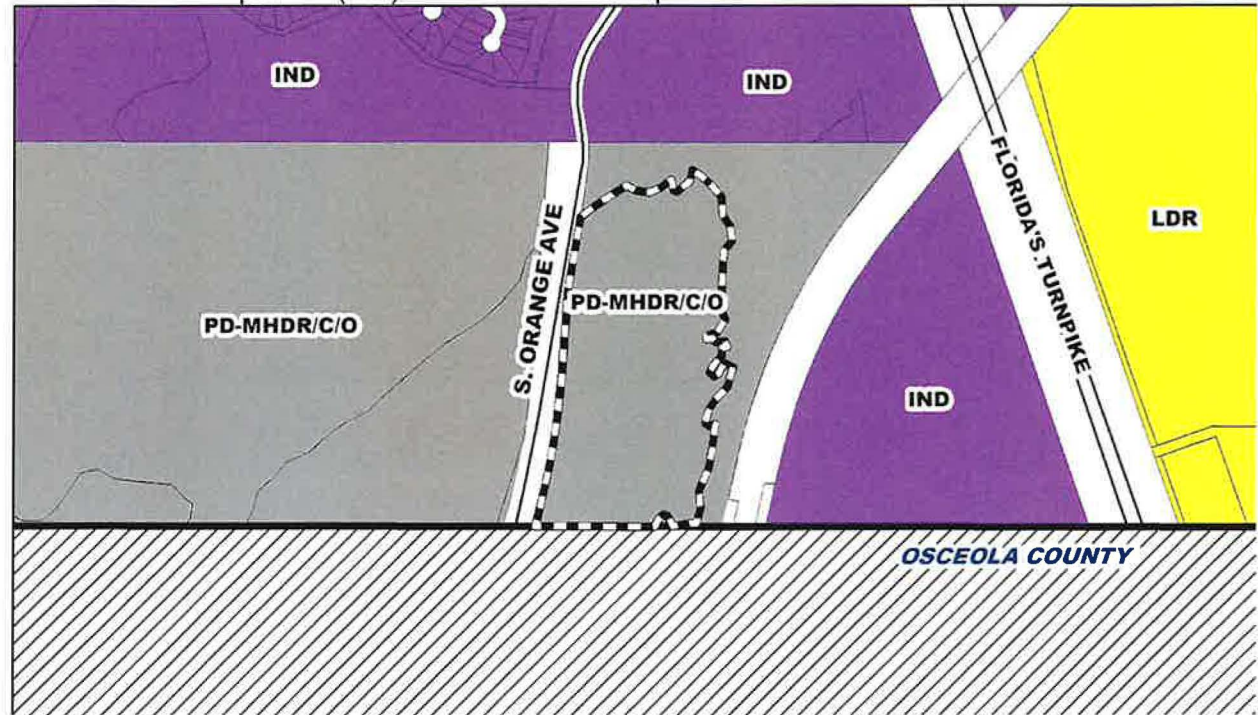
7. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition 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. The project shall comply with the terms and conditions of that certain Tupperware Heights PD - Orange Avenue Transportation Impact Fee Credit Agreement approved on March 7, 2017, and recorded at 20170129426 Public Records of Orange County, Florida, as may be amended.
9. All acreages identified as wetlands, surface waters and upland buffers are considered approximate until finalized by a Wetland Determination (WD) and/or a Natural Resource Impact Permit (NRIP). Approval of this plan does not authorize any direct or indirect wetland/surface water impacts.
10. Unless a Natural Resource Impact Permit (NRIP) is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland and Surface Water Protection", prior to Construction Plan approval, no wetland, surface water or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect wetland and surface water impacts.
11. A waiver from Orange County Code Section 38-1476 is granted to allow 1.80 parking spaces per unit in lieu of one (1) parking space per one-bedroom unit and two (2) parking spaces per two-bedroom unit on Lot 3.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 20, 2023, shall apply:
 - a. Should the applicant wish to be considered for an exemption from Transportation Concurrency based on the updated development program, an updated Transit Oriented Design study (based on the ITE Trip Manual, 11th Edition) will be required prior to approval of the initial PSP.
 - b. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.

- c. 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.
- d. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- e. Non-residential length of stay shall not exceed 179 consecutive days.
- f. Outside sales, storage, and display shall be prohibited.
- g. Within any multi-family residential development, short term rental shall be prohibited. Length of stay shall be for a minimum of 180 consecutive days or greater.
- h. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
- i. To the greatest extent possible, buildings shall be pulled up to the minimum building setback lines along the rights-of-way. The facades of the buildings pulled up to the right-of-way shall be architecturally treated as primary facades and shall have direct pedestrian connection to the right-of-way.
- j. No parking shall be located between, or closer to the right-of-way than, the proposed building setback and the adjacent right-of-way.
- k. The following waivers are granted from Orange County Code:
 - i) A waiver from Orange County Code Section 38-1254(2)c to allow the residential setback from Orange Blossom Trail to be 25 feet in lieu of 50 feet from an arterial street.
 - ii) A waiver from Orange County Code Section 38-1272(a)(3) to allow the commercial setback from Orange Blossom Trail to be 25 feet in lieu of 40 feet from an arterial street.
 - iii) A waiver from Orange County Code Section 38-1254(2)c to allow the residential setback from Orange Avenue to be 15 feet in lieu of 50 feet for from an arterial street.
 - iv) A waiver from Orange County Code Section 38-1272(a)(3) to allow the commercial setback from Orange Avenue to be 15 feet in lieu of 40 feet from an arterial street.

- v) A waiver from Orange County Code Section 38-1272(a)(3) to allow the commercial setback from Mary Louis Lane to be 25 feet in lieu of 30 feet from a collector street.
- 13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 16, 2012, shall apply:
 - a. Prior to approval of a PSP (Preliminary Subdivision Plan) or DP (Development Plan) within this PD, an updated Master Utility Plan (MUP) shall be submitted for review. The updated MUP must be approved prior to Construction Plan approval.
 - b. A waiver is granted from Section 38-1272(a)(5) to allow for a maximum commercial building height of eighty-five (85) feet, in lieu of fifty (50) feet in height or thirty-five (35) feet in height when within one hundred (100) feet of any residential.
 - c. Tract 3 and Tract 4 shall promote public transportation and shall comply with Orange County Transportation Element Objective T2.8 and its attendant policies. Future PSP's and DP's within Tracts 3 and 4 shall comply with Policies T2.8.1 – T2.8.10.
- 14. All previously applicable BCC (Board of County Commissioners) Conditions of Approval dated July 31, 2007 shall apply:
 - a. In order to provide 35 percent open space, not counting conservation areas, a waiver from Section 38-1258(d) is granted to allow a maximum building height of 85 feet in lieu of 40 feet for multi-family structures.

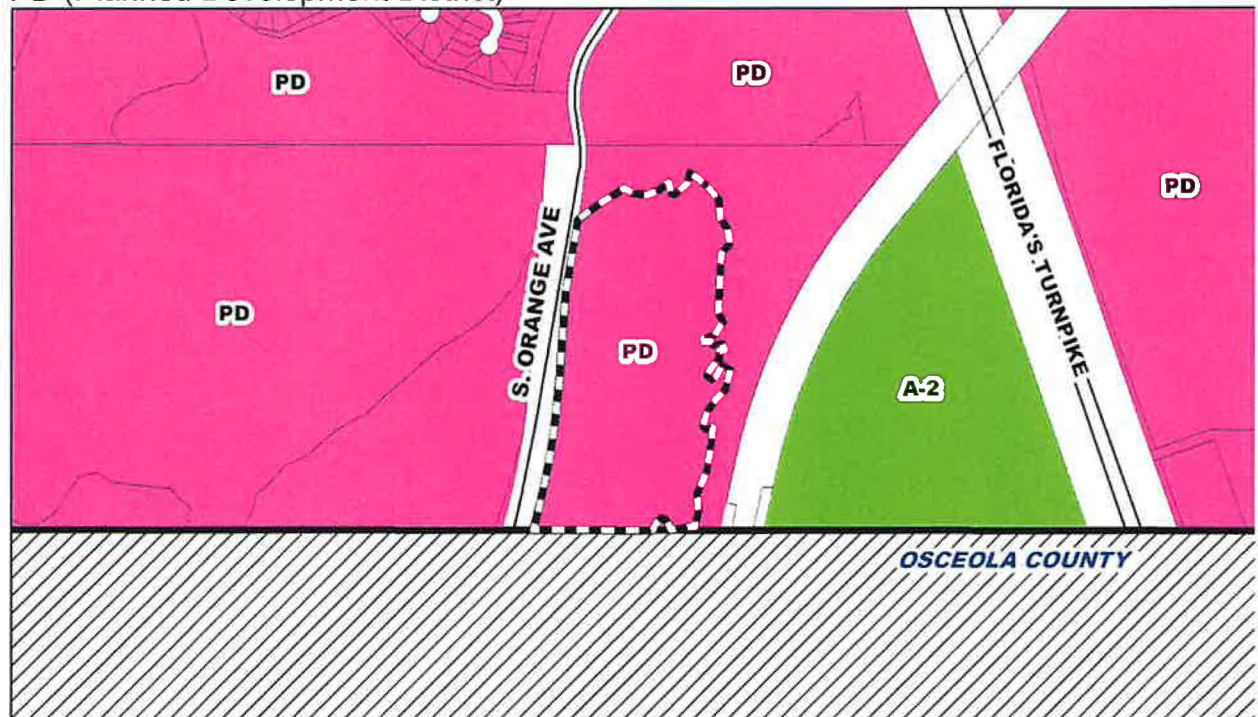
FUTURE LAND USE

Planned Development (PD) / Planned Development – Mixed Use



ZONING

PD (Planned Development District)



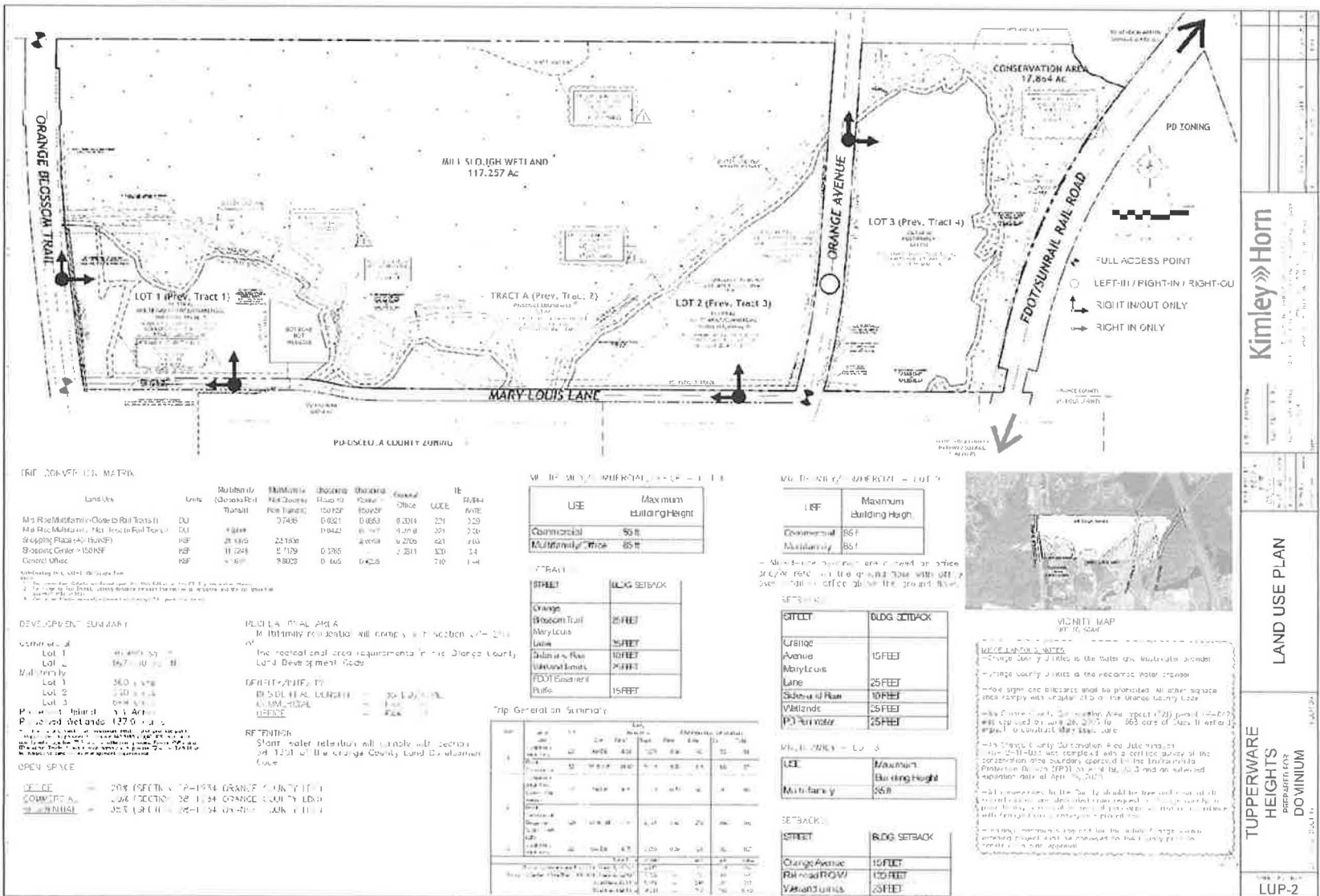
Tupperware Heights PD

Kimley»Horn

LAND USE PLAN

TUPPERWARE HEIGHTS DOMINIUM

LUP-2



TRIP GENERATION MATRIX

Land Use	Units	Bedrooms (Household)	Maximum Floor Space (sq. ft.)	Shopping (sq. ft.)	Shopping (sq. ft.)	Employment (sq. ft.)	Office (sq. ft.)	Other (sq. ft.)
Mid Rise Multifamily - Close to Rail Transit (1)	CU	100	100,000	100,000	100,000	100,000	100,000	100,000
Mid Rise Multifamily - Not Near Rail Transit	CU	100	100,000	100,000	100,000	100,000	100,000	100,000
Shopping Plaza (40,000 sq. ft.)	RSP	100	100,000	100,000	100,000	100,000	100,000	100,000
Shopping Center (150,000 sq. ft.)	RSP	100	100,000	100,000	100,000	100,000	100,000	100,000
Convenience Office	RSP	100	100,000	100,000	100,000	100,000	100,000	100,000

Notes:
 1. Trip generation rates are based on the 2000 Census of the United States.
 2. Trip generation rates are based on the 2000 Census of the United States.
 3. Trip generation rates are based on the 2000 Census of the United States.

DEVELOPMENT SUMMARY

Development	Units	Bedrooms	Floor Space (sq. ft.)	Shopping (sq. ft.)	Employment (sq. ft.)	Office (sq. ft.)	Other (sq. ft.)
Lot 1	100	100	100,000	100,000	100,000	100,000	100,000
Lot 2	100	100	100,000	100,000	100,000	100,000	100,000
Lot 3	100	100	100,000	100,000	100,000	100,000	100,000
Tract A	100	100	100,000	100,000	100,000	100,000	100,000

OPEN SPACE
 1. Open space requirements are based on the 2000 Census of the United States.
 2. Open space requirements are based on the 2000 Census of the United States.
 3. Open space requirements are based on the 2000 Census of the United States.

USE BUILDING HEIGHTS

USE	Maximum Building Height
Commercial	50 ft
Multifamily Office	65 ft

STREET BLDG SETBACK

STREET	BLDG SETBACK
Orange Blossom Trail	25 FEET
Mary Louis Lane	25 FEET
Orange Avenue	25 FEET
Foot/Sunrail Road	25 FEET

Trip Generation Summary

Development	Units	Bedrooms	Floor Space (sq. ft.)	Shopping (sq. ft.)	Employment (sq. ft.)	Office (sq. ft.)	Other (sq. ft.)
Lot 1	100	100	100,000	100,000	100,000	100,000	100,000
Lot 2	100	100	100,000	100,000	100,000	100,000	100,000
Lot 3	100	100	100,000	100,000	100,000	100,000	100,000
Tract A	100	100	100,000	100,000	100,000	100,000	100,000

USE BUILDING HEIGHTS

USE	Maximum Building Height
Commercial	50 ft
Multifamily Office	65 ft

STREET BLDG SETBACK

STREET	BLDG SETBACK
Orange Avenue	15 FEET
Mary Louis Lane	25 FEET
Sideview of Road	10 FEET
Wetlands	25 FEET
PD Footprint	25 FEET

USE BUILDING HEIGHTS

USE	Maximum Building Height
Multifamily	55 ft

STREET BLDG SETBACK

STREET	BLDG SETBACK
Orange Avenue	15 FEET
Railroad ROW	10 FEET
Wetlands	25 FEET



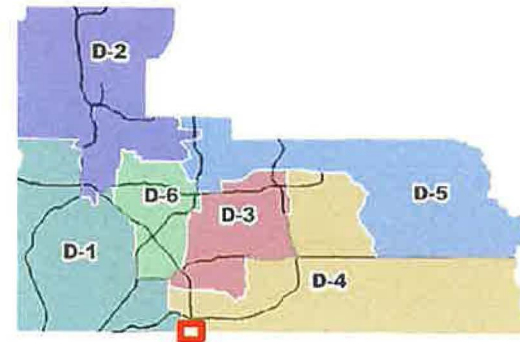
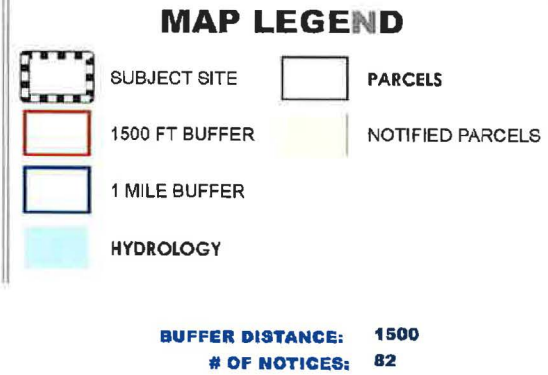
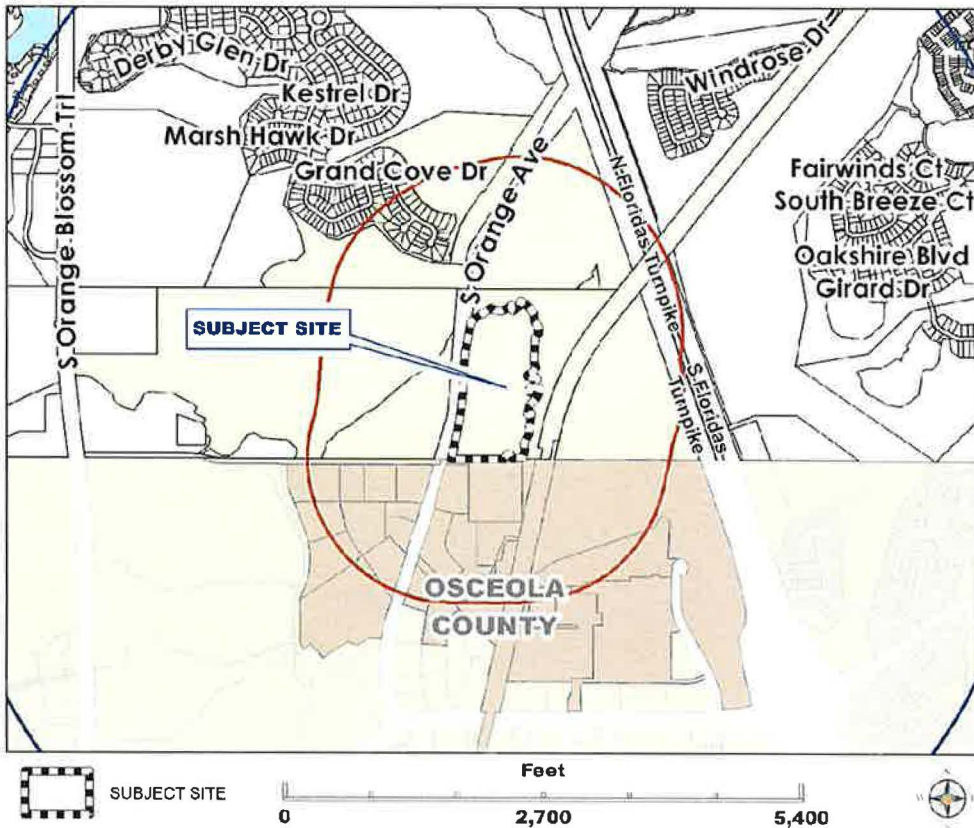
USE BUILDING HEIGHTS

USE BUILDING HEIGHTS
 1. Use building heights are based on the 2000 Census of the United States.
 2. Use building heights are based on the 2000 Census of the United States.
 3. Use building heights are based on the 2000 Census of the United States.



Public Notification Map

Tupperware Heights PD_CDR-25-04-089



Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: August 5, 2025

ORANGE COUNTY PLANNING DIVISION SUBSTANTIAL CHANGE/CDR-25-04-089 Tupperware Heights PD (CDR-25-04-089) \CDR-25-05-089.mxd