



**Interoffice Memorandum**

**DATE:** May 20, 2019

**TO:** Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners *② forward*

**FROM:** Jon V. Weiss, P.E., Director  
Planning, Environmental and Development  
Services Department

**CONTACT PERSON:** Eric Raasch, DRC Chairman  
Development Review Committee *ERR*  
Planning Division  
(407) 836-5523

**SUBJECT:** June 18, 2019 – Public Hearing  
James Johnston, Shutts & Bowen, LLP  
Silver City Properties Planned Development  
Case # CDR-19-02-069 / District 5

The Silver City Properties Planned Development (PD) is generally located north of University Boulevard and west of N. Forsyth Road. The PD is comprised of two phases. Phase I contains approximately 22.95 gross acres, and was originally approved by the Board in 1998. Phase II of the PD contains approximately 12.57 gross acres and was approved in 2000. The existing development program consists of 220,000 square feet of C-1 commercial uses on Phase I and 184,000 square feet of C-1 commercial uses, and three on-site billboards on Phase II.

Through this PD Change Determination Request (CDR), the applicant is seeking a waiver for Phase I, Lot 1 to allow 4.4 spaces for each 1,000 square feet of commercial uses, in lieu of 5.0 spaces for each 1,000 square feet. This waiver will allow for 36 parking spaces to be removed for the proposed expansion of an existing Costco building.

On May 8, 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 Land Use Plan may be found in the Planning Division for further reference.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the Silver City Properties Planned Development / Land Use Plan (PD/LUP), dated “Received April 11, 2019” subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

Attachments  
JVW/EPR/nt

**CASE # CDR-19-02-069**

Commission District: # 5

**GENERAL INFORMATION**

<b>APPLICANT</b>	James Johnston, Shutts & Bowen, LLP
<b>OWNER</b>	Costco Wholesale Corporation
<b>PROJECT NAME</b>	Silver City Properties Planned Development (PD)
<b>PARCEL ID NUMBER</b>	03-22-30-7874-00-010 (affected parcel)
<b>TRACT SIZE</b>	35.52 gross acres ( <i>overall PD</i> ) 13.15 gross acres ( <i>affected parcel only</i> )
<b>LOCATION</b>	3333 University Boulevard; generally located north of University Boulevard and west of N. Forsyth Road
<b>REQUEST</b>	A PD substantial change to request one (1) waiver from Orange County Code and to amend BCC Condition of Approval 8 (a) from January 5, 2016, to allow for the following waiver:  <ol style="list-style-type: none"><li>1. A waiver is requested from Section 38-1476(a) to allow 4.4 spaces for each 1,000 square feet, in lieu of 5.0 spaces for each 1,000 square feet.</li></ol>
<b>PUBLIC NOTIFICATION</b>	A notification area extending beyond one-thousand five-hundred hundred (1,500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred twenty-six (126) 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 Silver City Properties PD is comprised of two (2) phases. Phase I contains approximately 22.95 gross acres, and was originally approved by the Board of County Commissioners (BCC) in 1998. Phase II of the PD contains approximately 12.57 gross acres and was approved in 2000. The existing development program consists of 220,000 square feet of C-1 commercial uses on Phase I and 184,000 square feet of C-1 commercial uses, and three (3) on-site billboards on Phase II.

Through this PD Change Determination Request (CDR), the applicant is seeking a waiver for Phase I, Lot 1 to allow 4.4 spaces for each 1,000 square feet of commercial uses, in lieu of 5.0 spaces for each 1,000 square feet. This waiver will allow for 36 parking spaces to be removed for the proposed expansion of an existing Costco building.

**Land Use Compatibility**

The proposed PD Change Determination Request (CDR) 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). 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**

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

**Transportation Concurrence**

The Orange County Transportation Planning Division has reviewed and approved the parking study submitted to justify the requested waiver.

**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 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

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**ACTION REQUESTED**

**Development Review Committee (DRC) Recommendation – (May 8, 2019)**

**Make a finding of consistency with the Comprehensive Plan and APPROVE the Silver City Properties Planned Development / Land Use Plan (PD/LUP), dated "Received April 11, 2019", subject to the following conditions:**

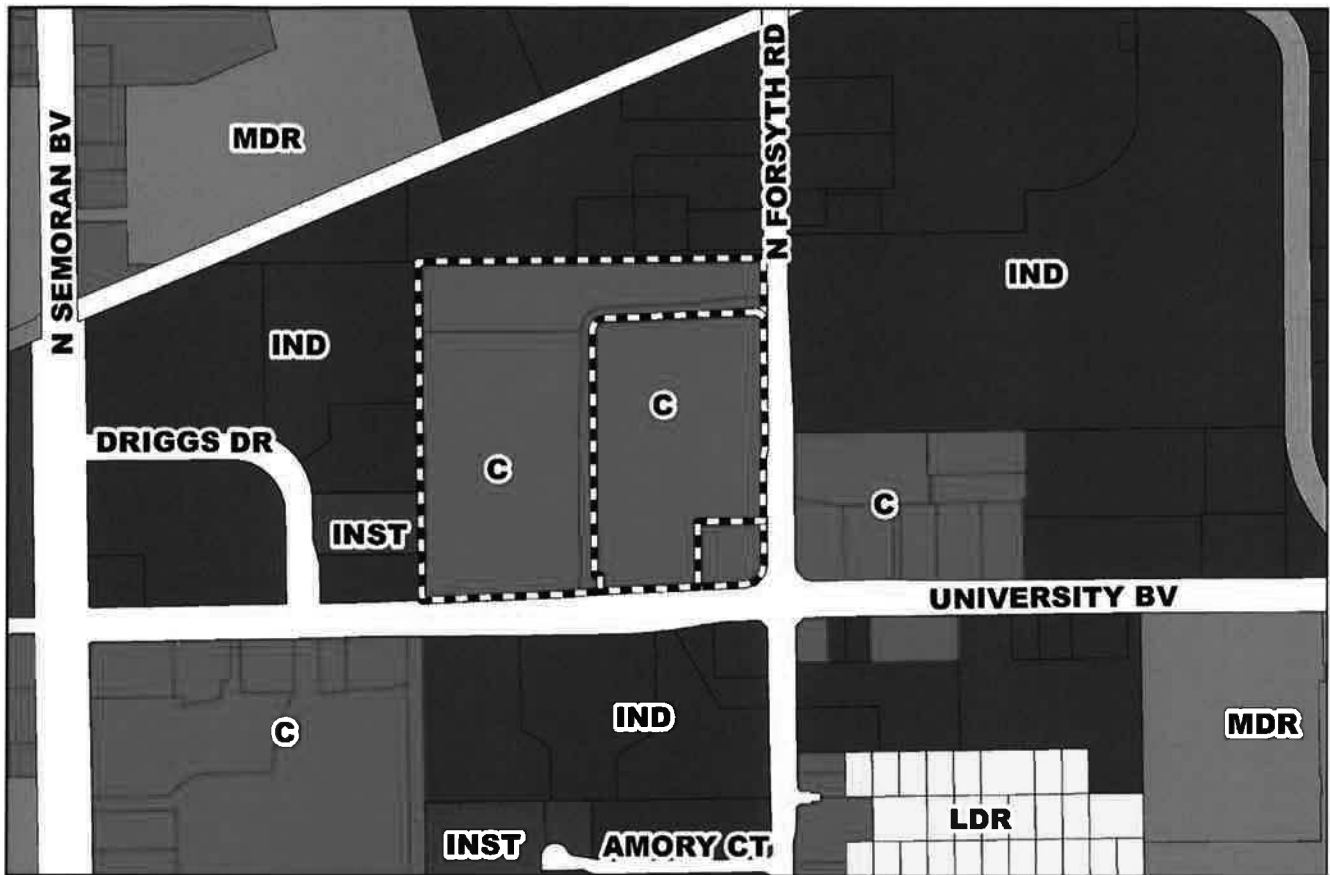
1. Development shall conform to the Silver City Properties Planned Development (PD) dated "Received April 11, 2019," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are 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 April 11, 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. Pole signs and billboards shall be prohibited (except for three billboards located on Forsyth Road which currently exist and are approved). Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
7. A waiver from Orange County Code Section 38-1476(a) is granted for Phase 1 Lot 1 only, to allow 4.4 spaces for each 1,000 square feet, in lieu of 5.0 spaces for each 1,000 square feet.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 5, 2016 shall apply:
  - a. The billboards identified as "BB 2" and "BB 4" shall be removed within 90 days of the submittal of the first permit to convert the other signs to digital display.
  - b. The billboard identified as "BB 3" shall be allowed to operate as a three-faced billboard.
  - c. The billboard identified as "BB 1" shall be allowed to continue operation for a maximum of twenty five (25) years.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION** *(January 5, 2016)*

Upon a motion by Commissioner Edwards, seconded by Commissioner Boyd, and carried by all present members voting Aye by voice vote, to approve the request to reduce the amount of billboards within the project from five (5) to three (3), and reduce the amount of sign faces within the project from twelve (12) to seven (7).

CDR-19-02-069



-  Overall PD
-  Subject Property



★ Subject Property

### Future Land Use Map

**FLUM:** Commercial (C)

**APPLICANT:** James Johnston, Shutts & Bowen, LLP

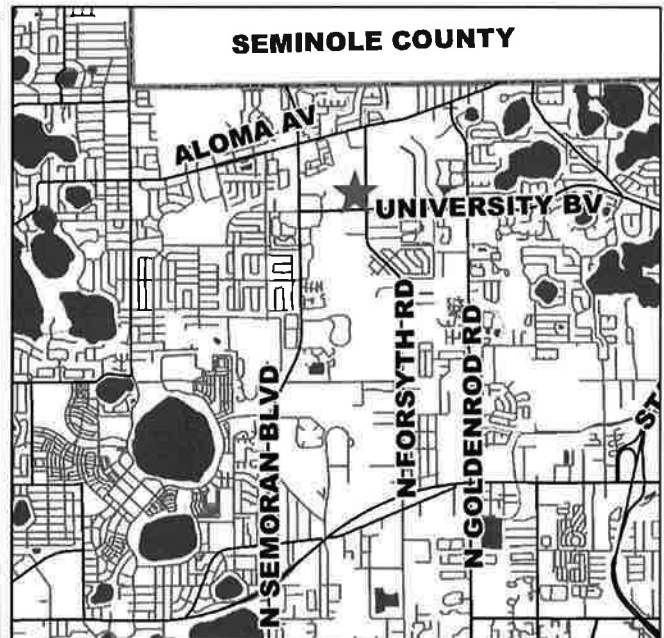
**LOCATION:** 3333 University Boulevard; generally located north of University Boulevard and west of N. Forsyth Road

**TRACT SIZE:** 35.52 gross acres (overall PD)  
 13.15 gross acres (affected parcel only)

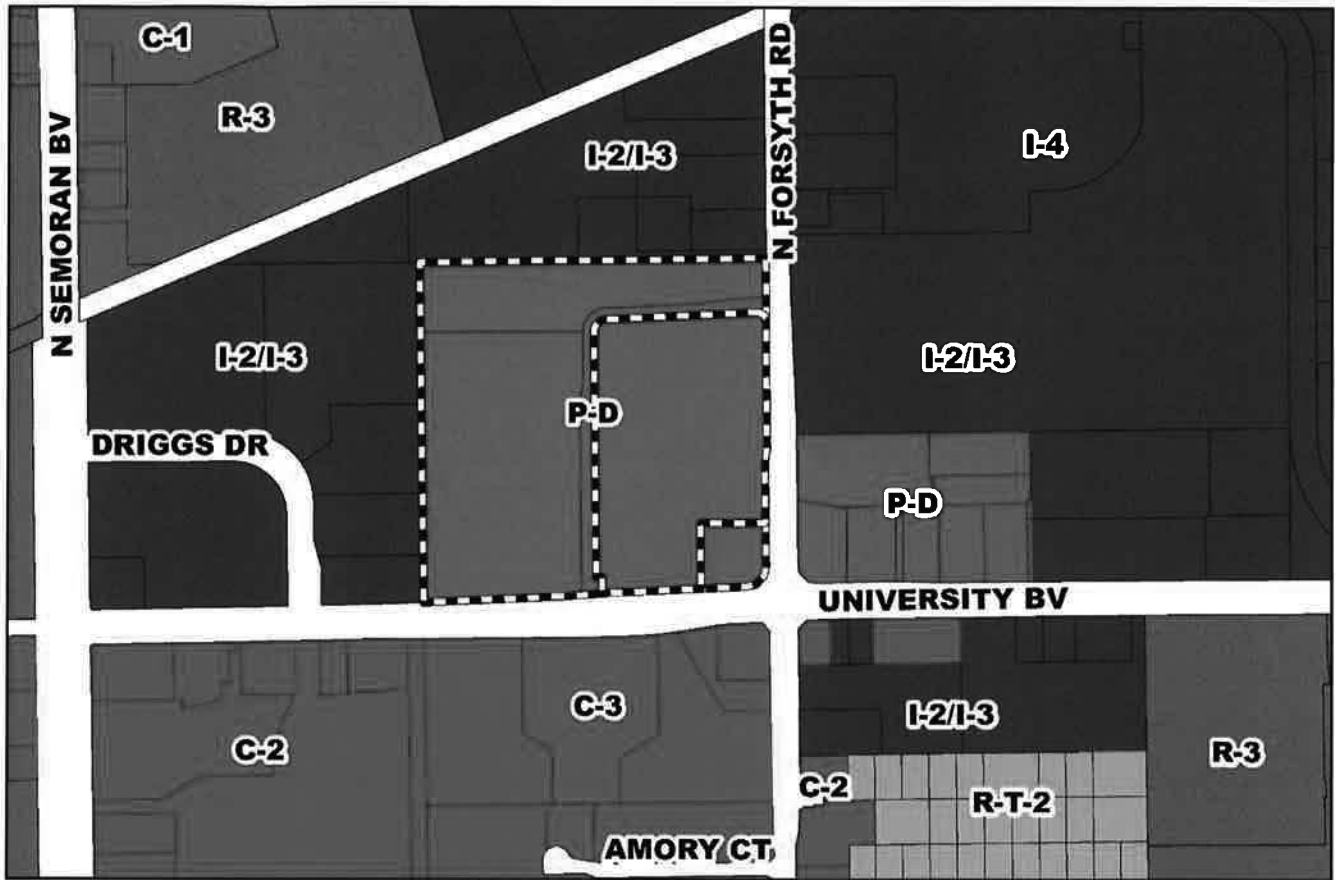
**DISTRICT:** # 5

**S/T/R:** 03/22/30

1 inch = 625 feet







-  Overall PD
-  Subject Property



 Subject Property

### Zoning Map

**ZONING:** Planned Development (PD)

**APPLICANT:** James Johnston, Shutts & Bowen, LLP

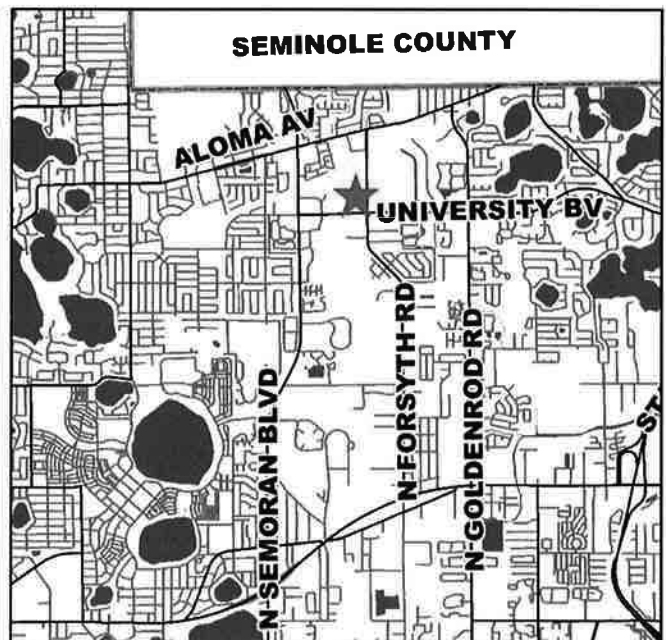
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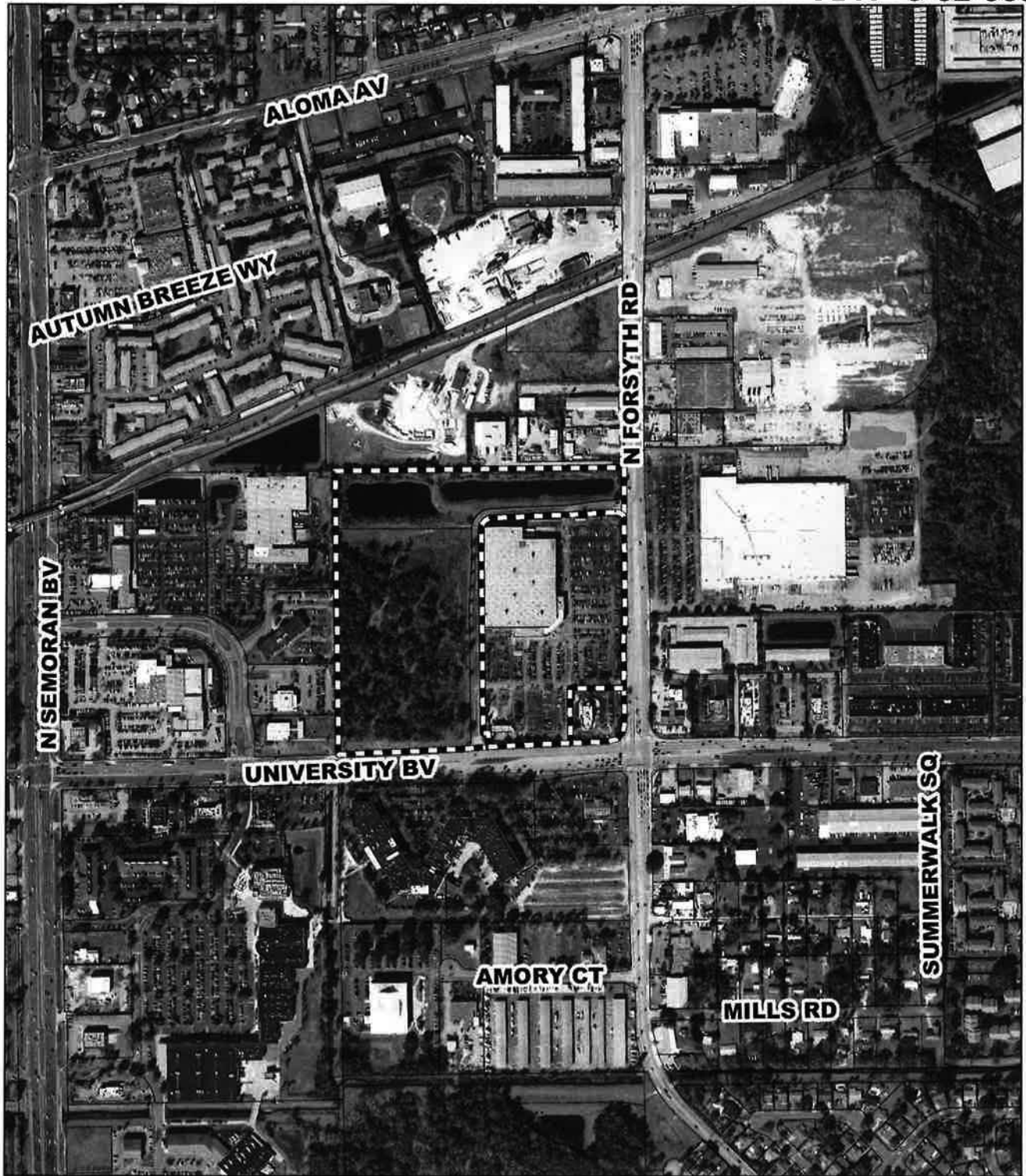
**TRACT SIZE:** 35.52 gross acres (overall PD)  
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**DISTRICT:** # 5

**S/T/R:** 03/22/30

1 inch = 625 feet





-  Overall PD
-  Subject Property



1 inch = 575 feet

**Silver City Properties PD / LUP (Cover Sheet)**



**SILVER CITY PROPERTIES  
 LAND USE PLAN AMENDMENT**

FOR  
**COSTCO WHOLESALE**  
 UNIVERSITY BOULEVARD AND FORSYTH ROAD  
 WINTER PARK, FLORIDA 32792  
 ORANGE COUNTY

SECTION 03, TOWNSHIP 22 SOUTH, RANGE 30 EAST  
 PARCEL ID: 03-22-30-7874-00-010  
 CASE #: CDR-19-02-069

VICINITY AERIAL MAP



LOCATION MAP



SUBJECT INDEX



**PROJECT CONTACTS**

**OWNER:** Silver City Properties, LLC  
 10000 UNIVERSITY BOULEVARD, SUITE 200  
 WINTER PARK, FLORIDA 32792  
 PHONE: (407) 291-1111  
 FAX: (407) 291-1112  
 EMAIL: info@silvercityproperties.com

**DESIGNER:** THOMAS ENGINEERING GROUP, LLC  
 10000 UNIVERSITY BOULEVARD, SUITE 200  
 WINTER PARK, FLORIDA 32792  
 PHONE: (407) 291-1111  
 FAX: (407) 291-1112  
 EMAIL: info@thomaseng.com



PREPARED BY

THOMAS ENGINEERING GROUP, LLC  
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**COSTCO - WINTER PARK**

ORANGE COUNTY, FL

**RECEIVED**  
 By DRC OFFICE at 12:56 pm, Apr 11, 2019

COVER SHEET  
 OCTOBER 31, 2018

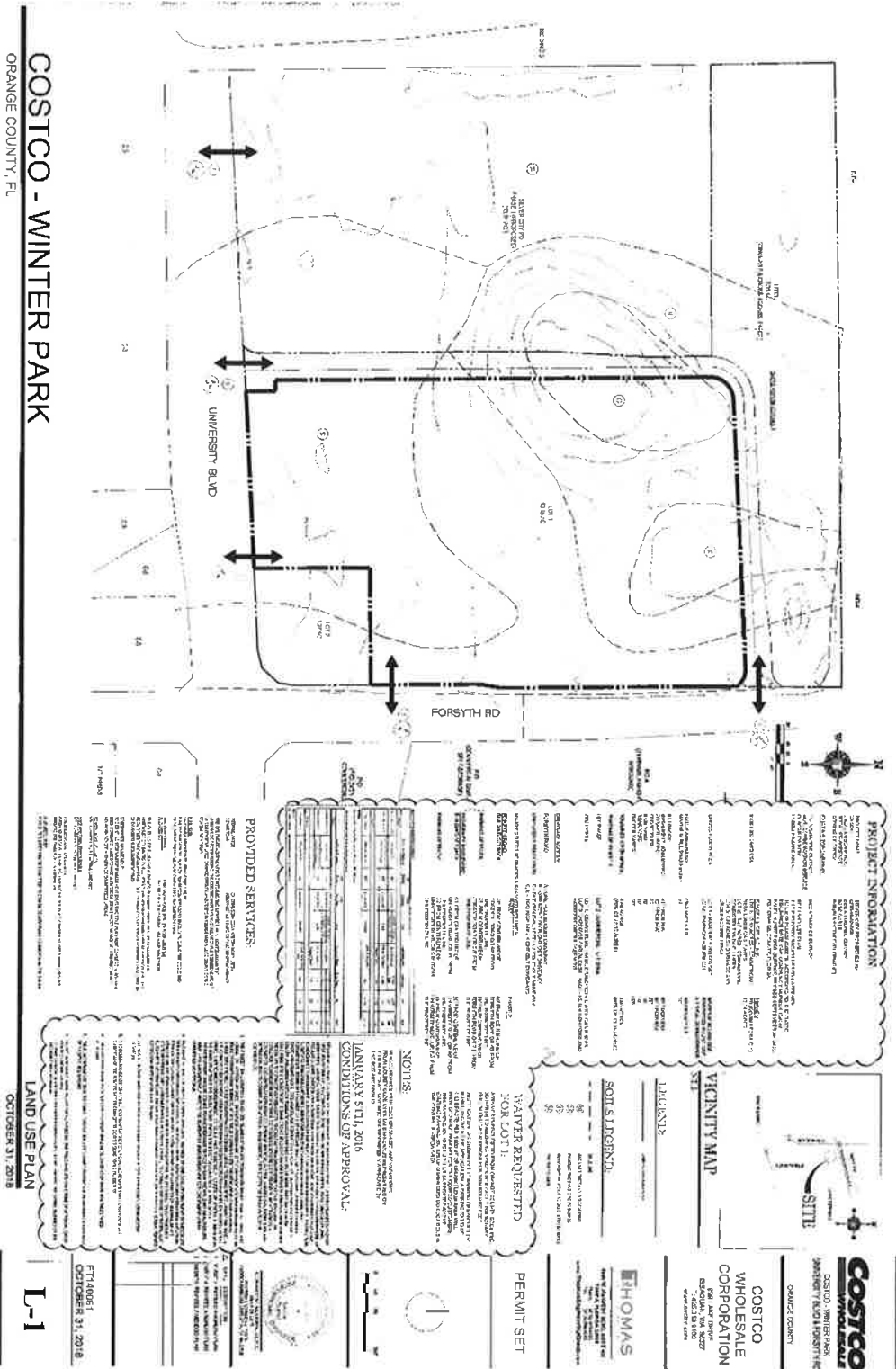
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17174081  
 OCTOBER 31, 2018

Digitally signed by  
 Edward M McDona  
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# Silver City Properties PD / LUP



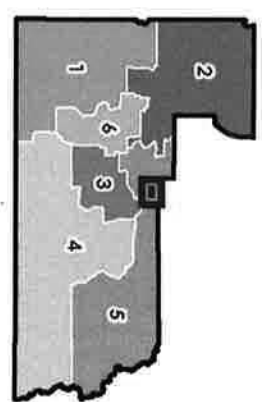
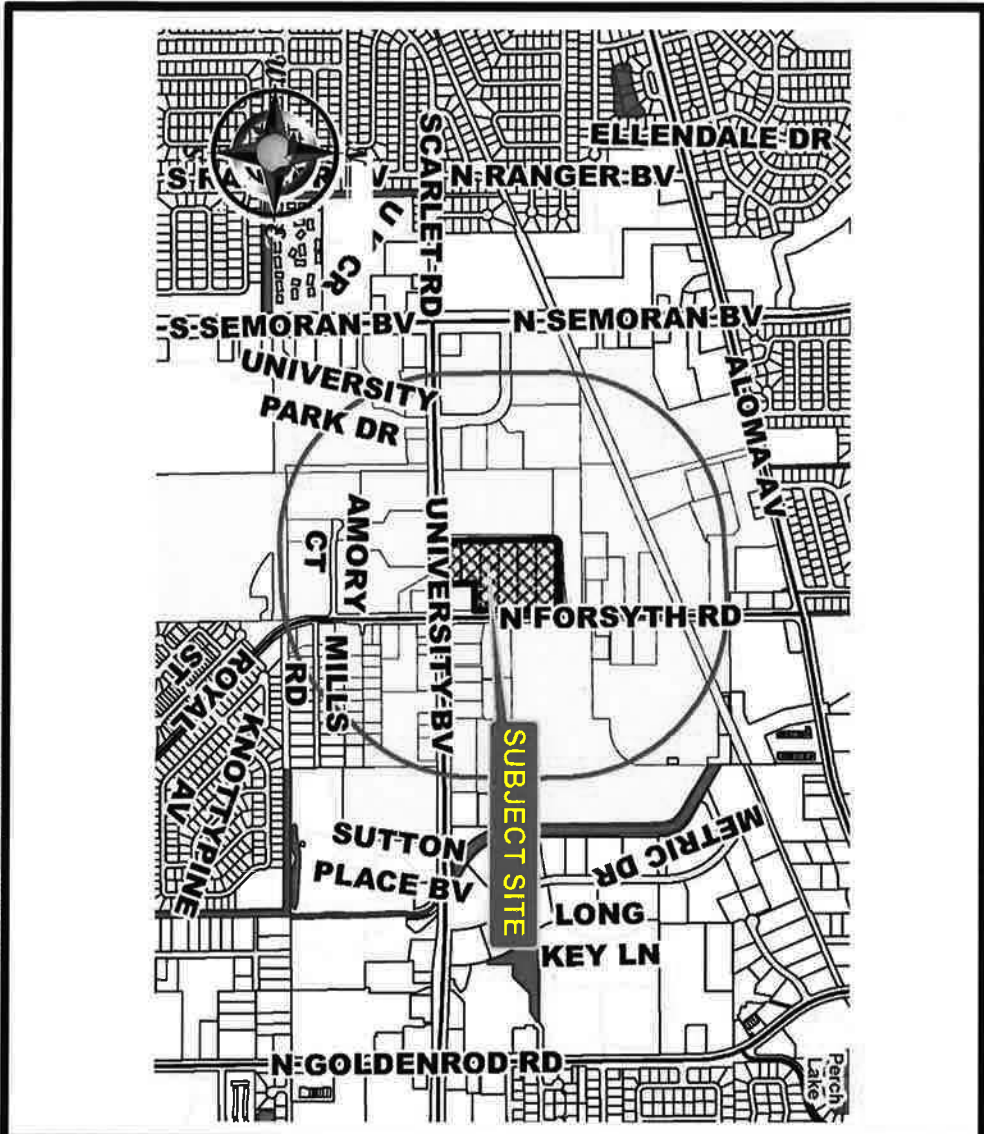


## Notification Map



# Public Notification Map

Silver City Properties\_CDR-19-02-069  
 1500 FT BUFFER, 126 NOTICES



- MAP LEGEND**
- SUBJECT
  - 1500 FT BUFFER
  - HYDROLOGY
  - NOTIFIED PARCELS
  - PARCELS
  - Winter Park

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