## Interoffice Memorandum



June 7, 2023

TO:

Mayor Jerry L. Demings

-AND-

**County Commissioners** 

FROM:

Timothy L. Boldig, Interim Director

Planning, Environmental, and Development Services

Department

CONTACT PERSON:

Joe Kunkel, P.E., DRC Chairman

**Development Review Committee** 

**Public Works Department** 

(407) 836-7971

SUBJECT:

June 20, 2023 – Public Hearing

James Cheek, Winderweedle, Haines, Ward & Woodman, P.A.

Hollywood Plaza Parking Garage Planned Development

Case # CDR-22-07-260/ District 6

The Hollywood Plaza Parking Garage Planned Development (PD) is located at 8050 International Drive. Generally located on the west side of International Drive, south of Sand Lake Road. The existing PD development program allows for 310,000 square foot parking structure; 15,500 square feet of retail uses; and 11,491 square feet of restaurant uses.

Through this PD substantial change, the applicant is seeking to modify existing mezzanine space for restaurant use which will add an additional 1,490 square feet of additional restaurant use for a total of 12,981 square feet of restaurant use.

On May 10, 2023, 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 Hollywood Plaza Parking Garage Planned Development / Land Use Plan (PD/LUP) dated "Received April 13, 2023," subject to the conditions listed under the DRC

Recommendation in the Staff Report. District 6

TLB/NT/JK Attachments

## **CASE # CDR-22-07-260**

Commission District: 6

## **GENERAL INFORMATION**

APPLICANT James Cheek, Winderweedle, Haines, Ward & Woodman, P.A.

OWNER Hollywood Plaza Garage Realty LLC

PROJECT NAME Hollywood Plaza Parking Garage Planned Development

PARCEL ID NUMBER(S) 36-23-28-3787-00-010

**TRACT SIZE** 1.56 gross acres (overall PD)

LOCATION 8050 International Drive. Generally located on the west side of

International Drive, south of Sand Lake Road.

REQUEST A PD substantial change to modify approximately 1,364 square

feet of existing mezzanine space for restaurant use and add an additional 1,490 square feet of additional restaurant use for a total

of 12,981 square feet of restaurant use.

PUBLIC NOTIFICATION A notification area extending beyond one thousand five hundred

(1,500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred twenty-eight (328) 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 Hollywood Plaza Parking Garage Planned Development (PD)was originally approved in February 2015. The overall PD currently allows for the development of a 310,000 square foot parking structure; 15,500 square feet of retail uses; and 11,491 square feet of restaurant uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to modify approximately 1,364 square feet of existing mezzanine space for restaurant use and add an additional 1,490 square feet of additional restaurant use for a total of 12,981 square feet of restaurant use.

### **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 Commercial (C). The Hollywood Plaza Parking Garage PD was approved in February 2015 and includes uses such as parking garage, retail and restaurant 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 located within the I-Drive Overlay District. Property with an existing Planned Development Land Use Plan (PD-LUP) approved prior to February 7, 2017, had until February 7, 2020, to submit a Development Plan (DP) that would have been exempt from the District policies and only had to comply with the development standards approved by the PD rezoning. Per Section 38-868(b)(1)(A).

#### **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**

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, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit.

#### **Community Meeting Summary**

A community meeting was not required for this application.

#### **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 - May 10, 2023

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hollywood Plaza Parking Garage Planned Development / Land Use Plan (PD/LUP), dated "Received April 13, 2023", subject to the following conditions:

- 1. Development shall conform to the Hollywood Plaza Parking Garage Planned Development / Land Use Plan (PD / LUP) dated "Received April 13, 2023" 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 13, 2023," 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).
- If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of 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, 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, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat 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 developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
- Except as amended, modified, and / or superseded, the following BCC Conditions
  of Approval, dated April 26, 2016, shall apply:
  - a. The project shall comply with the terms and conditions of that certain-Right-of-Way Agreement Hollywood Plaza Parking Garage, as approved by the BCC on February 10, 2015, and recorded as Document number 20150081277 Public Records of Orange County, Florida, as may be amended.
  - b. Outside sales, storage, and display shall be prohibited.
  - c. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5, Tourist Commercial Standards of the Orange County Code.
- 10. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated February 10, 2015 shall apply:
  - a. A waiver is granted to use the Convention Plaza District Standards in Sec. 38-860 through Sec. 38-866 of the Orange County Code, in lieu of the PO Tourist Commercial Standards found in Sec. 38-1287, Sec. 38-1290 and Sec. 38-1300 of the Orange County Code.
  - b. Fourteen feet (14') of Right-of-Way is required for a future south bound bus lane as part of the County's International Drive Transit Lanes project. A Road Agreement for the dedication of Right-of-Way is required prior to Development Plan approval and should be coordinated through the Roadway Agreement Committee.

- c. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater systems have been designed to support all development within the PD.
- d. Parking for the POA shall be addressed at the Development Plan submittal.

## PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (April 26, 2016)

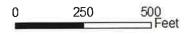
Upon a motion by Commissioner Siplin, seconded by Commissioner Thompson, and carried by all present members, The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Joshua Wallack, Hollywood Plaza Parking Garage Planned Development (PO), Case # CDR-16-02-050, to increase the parking garage square footage from 226,502 square feet to 310,000 square feet; which constitutes a substantial change to the development on the described property; subject to nine (9) conditions.

## CDR-22-07-260



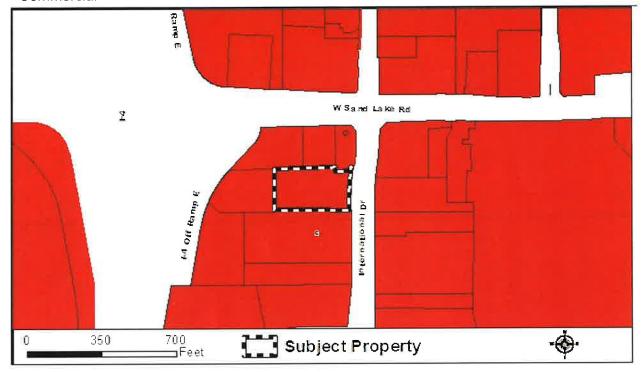






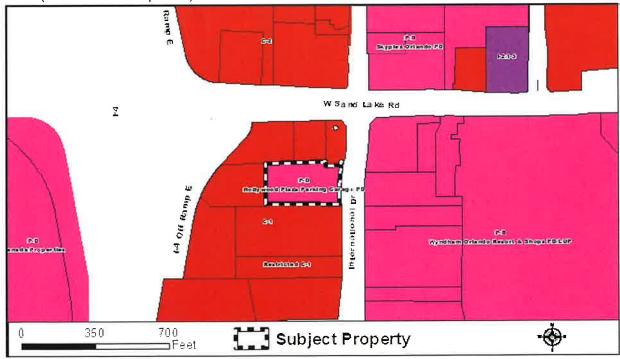
## **FUTURE LAND USE - CURRENT**

Commercial



## **ZONING - CURRENT**

PD (Planned Development)



Staff Report

Hollywood

Plaza

RECEIVED By DRC Office of 11:20 am. Apr 13, 2023

# HOLLYWOOD PLAZA PARKING GARAGE

LAND USE PLAN CHANGE DETERMINATION

FOR 8050 I DRIVE REALTY, LLC

TAX PARCEL D NUMBER: 36-23-28-3787-00-010
LEGAL DESCRIPTION
LEGAL

Burkett

CIVIL ENGINEERING CONSULTANTS



- 1026 compelled are five analytics, as 20008 t 201,422,6763

CASE NUMBER CDR-22-07-260 Orange County, Florida September 2022 8050 INTERNATIONAL DRIVE ORLANDO, FL 52819



SHEET INDEX

1. COVER SHEET

2 SYMBOLS AND ABBREVIATIONS

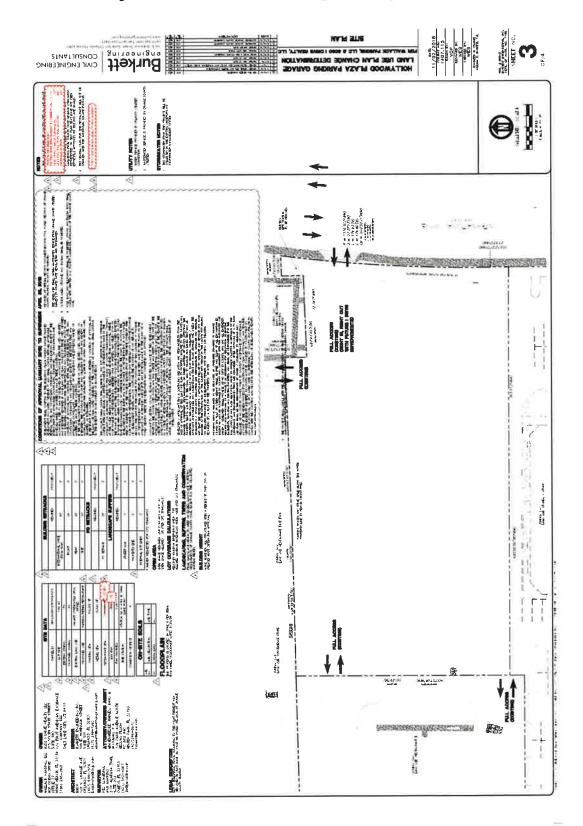
3. SITE PLAN

REVISIONS





## Hollywood Plaza Parking Garage PD / LUP



## **Notification Map**

