Interoffice Memorandum



July 19, 2024

TO: Mayor Jerry L. Demings

-AND-

County Commissioners

FROM: Tanya Wilson, AICP, Director

Planning, Environmental, and Development Services Department

CONTACT PERSON: Joseph C. Kunkel, P.E., DRC Chairman

Development Review Committee

Public Works Department

(407) 836-7971

SUBJECT: August 13, 2024 – Public Hearing

Applicant(s): Brent Lenzen, Kimley-Horn & Associates, Inc.

Project Name: Southpark Center Planned Development - Land Use Plan

(PD - LUP)

Project No.: LUP-23-08-260 / District 6

This public hearing is to consider a recommendation from the Planning and Zoning Commission (PZC) meeting on June 20, 2024, to approve the Southpark Center Planned Development (PD) / Land Use Plan (LUP). The subject property is generally located north of State Road 528 and west of South John Young Parkway. The request is to rezone 90.31 acres from I-2 / I-3 (Industrial District) to PD (Planned Development District) with a proposed development program of up to 2,403 multi-family units and 1,710,700 square feet of commercial uses. Up to 400,000 square feet of commercial uses are proposed to be vertically integrated with multi-family residential uses. The site is currently partially developed as an office park, which will remain as part of the mixed-use development. In addition, six waivers from Orange County Code are being requested related to increased building height, and to reduce parking calculations and setbacks. The project is also adjacent to the future Shingle Creek Trail extension, and Condition of Approval #28 requires an agreement with the County regarding access prior to Development Plan approval.

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 documents and the plans may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and

approve Southpark Center Planned Development Land Use Plan (LUP-23-08-260) dated "Received April 25, 2024", subject to the conditions listed under the PZC Recommendation in the Staff

Report. District 6

TW/JCK/kh Attachments

CASE # LUP-23-08-260

Commission District: #6

GENERAL INFORMATION

APPLICANT Brent Lenzen, Kimley-Horn & Associates, Inc.

OWNER Sun Belt Office II, LLC

PROJECT NAME Southpark Center Planned Development - Land Use Plan (PD-

LUP)

PARCEL ID NUMBER(S) 04-24-29-0000-00-012, 04-24-29-3045-00-060,

04-24-29-3045-00-090, 04-24-29-3045-00-080, 04-24-29-3045-00-030, 04-24-29-3045-00-020, 04-24-29-3045-00-040, 04-24-29-3045-00-051,

04-24-29-3045-00-091

TRACT SIZE 90.31 gross acres

88.89 developable acres

LOCATION North of State Road 528 / West of South John Young Parkway

REQUESTTo rezone 90.31 acres from I-2 / I-3 (Industrial District) to PD

(Planned Development District) to construct up to 2,403 multifamily units and 1,710,700 square feet of commercial uses. Up to 400,000 square feet of commercial uses are proposed to be

vertically integrated with multi-family residential uses.

In addition, six (6) waivers from Orange County Code are being requested related to building height, building coverage, parking, setbacks and required open space.

 A waiver from Section 38-1258(2) to allow multi-family buildings located more than 100-feet from single-family zoned property to be a maximum height of seven (7) stories / onehundred ten (110) feet, in lieu of three (3) stories / forty (40) feet.

Applicant Justification: The waiver requested will allow for a vertically integrated dense urban mixed-use development.

2. A waiver from Section 38-1272(a)(5) to allow commercial buildings with a maximum height of twelve (12) stories / one-hundred eighty (180) feet for hotels and seven (7) stories / one-hundred ten (110) feet for commercial / retail, in lieu of fifty (50) feet, except thirty-five (35) feet within one hundred (100) feet of any residential use of residential district.

Applicant Justification: The waiver requested will allow for a vertically integrated dense urban mixed-use development.

3. A waiver from Section 38-1476 to allow 1.35 spaces per efficiency unit or 1 bedroom and 1.8 spaces per apartment unit of two (2) or three (3) bedrooms, 0.9 spaces per 1.5 hotel rooms, 0.9 spaces per 200 square feet of office building, and 4.5 spaces per 1,000 square feet of retail in lieu of the required 1.5 spaces per efficiency unit or 1 bedroom, 2.0 spaces per two or three bedroom units, 1 space per 1.5 hotel rooms, 1 space per 200 square feet of office building, and 5 spaces per 1,000 square feet of retail.

Applicant Justification: Based on the parking study conducted for this site, a 10% reduction from code required parking is more than appropriate for this development to function.

4. A waiver from Section 38-1272(a)(3)(a) for commercial buildings to have a minimum setback of ten (10) feet from front and side street yards (South John Young Parkway, San Marco Court, Southpark Center Loop, Cordova Park Drive & Challen Court) in lieu of thirty (30) feet.

Applicant Justification: The requested waiver allows for a more dense unified mixed use development. Many of the additional buildings proposed are mixed use and the requested setback will allow for development consistent with the county's desired urban form for new and infill development. The intent is to place buildings as close to the right-of-way as possible to frame the roadways, as well as provide adequate space for pedestrian facilities. The applicant team is understanding of potential utility conflicts and has committed to provide careful design consideration during individual development plan applications to follow the LUP process, when all utility information is available.

5. A waiver from Section 38-1254(a)(2) for residential buildings to have a minimum setback of ten (10) feet from functionally classified roads (South John Young Parkway) in lieu of twenty-five (25) feet.

Applicant Justification: The requested waiver allows for a more dense unified mixed use development. Many of the additional buildings proposed are mixed use and the requested setback will allow for development consistent with the county's desired urban form for new and infill development. The intent is to place buildings as close to the right-of-way as possible to frame the roadways, as well as provide adequate space for pedestrian facilities. The applicant

team is understanding of potential utility conflicts and has committed to provide careful design consideration during individual development plan applications to follow the LUP process, when all utility information is available.

6. A waiver from Section 38-1254 (a)(3) for residential buildings to have a minimum setback of ten (10) feet from all other rights-of-ways (San Marco Court, Southpark Center Loop, Cordova Park Drive & Challen Court) in lieu of twenty (20) feet.

Applicant Justification: The requested waiver allows for a more dense unified mixed use development. Many of the additional buildings proposed are mixed use and the requested setback will allow for development consistent with the county's desired urban form for new and infill development. The intent is to place buildings as close to the right-of-way as possible to frame the roadways, as well as provide adequate space for pedestrian facilities. The applicant team is understanding of potential utility conflicts and has committed to provide careful design consideration during individual development plan applications to follow the LUP process, when all utility information is available.

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. Three-hundred and eighteen (318) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The subject property is generally located north of State Road 528 and west of South John Young Parkway. The proposed project is in close proximity to International Drive and Epic Universe. The property currently has an Industrial Future Land Use and is zoned as I-2/I-3 (Industrial District-General). The existing office park development, which covers a portion of the overall project area, has been permitted under the current conventional districts. This request is to rezone to Planned Development (PD) for a mixed used development program consisting of approximately 2,403 multifamily units and 1,710,700 square feet of commercial uses, of which up to 400,000 square feet will be vertically integrated with the multifamily uses. In addition, six (6) waivers from Orange County Code are being requested related to building height, parking, and setbacks. The developer is currently engaged in discussions with Parks and Recreation regarding an agreement addressing trail connections for the Shingle Creek Trail project.

In regard to the Future Land Use designation of Industrial, a Binding Letter of Vested Rights dated January 14, 1977, with no expiration date, was issued by the Department of Administration, Division of State Planning. This letter certifies that the OCP project/property is vested against concurrency and consistency with the comprehensive plan for the approximately 4.5 million square feet of non-residential uses as applied for. The letter also cites additional allowable uses including the following: Attractions and Recreational Facilities, Industrial Plants and Industrial Parks, Office Parks, Petroleum Storage Facilities, Residential Developments (Multi-Family), Schools, and Shopping Centers. Therefore, a FLUM amendment is not needed to add a multifamily use to this PD as multifamily uses were contemplated by the 1977 letter (see BLVR #06-77-011).

The applicant is utilizing a Trip Equivalency Matrix included within the proposed Land Use Plan to convert trips from the vested 4.5 million square feet of non-residential uses to achieve the proposed development program.

SITE DATA

Existing Use Office / Undeveloped

Adjacent Zoning N: I-2/I-3 (Industrial District) (1988)

E: P-D (Planned Development) (1965)
W: P-D (Planned Development) (2000)

S: P-D (Planned Development) (1988)

Adjacent Land Uses N: Hotel / Gas Station

E: Office / Retail Commercial

W: Conservation

S: State Road 528 / Office

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback: 25 feet

Maximum Building Height: 110 feet (7 stories) for Commercial use; 180 feet (12

stories) for Hotel use; 110 feet (7 stories) for Multi-family use; 50 feet for Industrial use; and 35 feet for industrial

use within 100 ft of residential

Minimum Building Setbacks

Front Setback: 10 feet Rear Setback: 10 feet Side Setback: 10 feet

Minimum Open Space:

Commercial: 20% Multi-Family: 25% Industrial: 15%

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Industrial. The proposed South Park PD is part of the old Orlando Central Park Project ("OCP"). A Binding Letter of Vested Rights dated January 14, 1977, with no expiration date, was issued by the Department of Administration, Division of State Planning. This letter certifies that the OCP project/property is vested against concurrency and consistency with the comprehensive plan for the approximately 4.5 million square feet of non-residential uses as applied for. The letter also cites additional allowable uses including the following: Attractions and Recreational Facilities, Industrial Plants and Industrial Parks, Office Parks, Petroleum Storage Facilities, Residential Developments (Multi-Family), Schools, and Shopping Centers. Therefore, a FLUM amendment is not needed to add a multifamily use to this PD as multifamily uses were contemplated by the 1977 letter (see BLVR #06-77-011).

The proposed PD zoning district and development program is consistent with the Comprehensive Plan and the following provisions:

- **FLU1.1.5** states that Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County's desired urban framework. Infill is defined as development consistent with the Infill Master Plan (2008).
- **FLU1.4.1** states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- **FLU1.4.2** states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.
- **GOAL FLU2** states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.
- **FLU2.2.1** states that within the Urban Service Area, Orange County shall encourage a mixture of land uses within activity and mixed-use commercial centers. Office and residential land uses shall be part of the balanced land use mixture, in addition to the commercial component.
- **FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is

restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

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

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division.

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).

Transportation Planning

Future development will be required to meet transportation capacity requirements.

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 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 9/6/2023, there are multiple failing roadway segments within the project's impact area along John Young Pkwy, from Central Florida Pkwy to Sand Lake Rd (3 segment(s)). This information is dated and subject to change.

Community Meeting Summary

A community meeting was not required for this request.

Schools

OCPS has noted that capacity is not available at the elementary and middle school levels for this project at this time. The Elementary School (Tangelo Park) does not have capacity available and has an existing adjusted utilization rate of 129.1%. If this project is approved, the adjusted utilization rate would increase to 447% with 338.823 students generated.

The Middle School (Westridge) does not have capacity available and has an existing adjusted utilization rate of 125%. If this project is approved, the adjusted utilization rate would increase to 139.7% with 156.195 students generated.

The High School (Lake Buena Vista) has capacity available for the 192 students generated and would result in an adjusted utilization rate of 87.1% if this project is approved (currently 80.2%).

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 – (April 24, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Southpark Center PD dated "Received April 25, 2024 subject to the following conditions:

 Development shall conform to the Southpark Center Land Use Plan (LUP) dated "Received April 25, 2024," 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 25, 2024," 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)

<u>development permits, not recording (or delaying recording of) a plat for the property, or both.</u>

- 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, 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. 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.
- 8. Prior to approval of the first development and/or preliminary subdivision plan associated with this Land Use Plan (LUP), a Master Drainage Plan or Plan update, for the entire Gran Park at Southpark Phase II subdivision consistent with Orange County Code 30-282 and/or 34-229 must be submitted and accepted as a separate E-Plan. Certification with supporting calculations shall be submitted with any and all construction plan(s) which states that the project is consistent with the approved master drainage plan for this planned development.
- 9. Off-site improvements may be required in conjunction with development plans in order to offset the impacts created by the proposed development. All projects shall be required to provide an adequate level of facilities and services to accommodate the projects as proposed in the development plans.
- 10. Prior to approval of any plans that require filling within the 100-year flood zone, such as Site Construction Plans or Mass Grading Excavation/Fill permit or the like, the applicant must obtain the required permit(s) and approval(s) from the Orange County Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code, as may be amended from time to time.

- 11. All streetscape elements installed within the public rights-of-way of Gran Park at Southpark Phase II subdivision shall be privately maintained through a Property Owners Association (POA).
- 12. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).
- All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- 14. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Supervisor at NPDES@ocfl.net. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
- 16. In compliance with Section 19 of the Orange County Code, the property owner / engineer may be required to provide a series of FEMA Letter of Map Changes (LOMC). For development within the 1% annual chance flood (100-year flood) floodplain without an established Base Flood Elevations (BFE), depicted as Zone A, the owner/engineer must perform a study to establish the BFE and obtain a FEMA LOMR (Letter of Map Revision) prior to site construction plan submittal. For modifications to a determined BFE (Zone AE), floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a FEMA Conditional Letter of Map Revision (CLOMR) must be obtained prior to site construction plan approval; a subsequent FEMA Letter of Map Revision (LOMR) reflecting final construction will be required. Said FEMA LOMR approval must be obtained by the owner/engineer and must be submitted to the Floodplain Administrator prior to the release of the Certificate of Occupancy and/or Certificate of Completion. Compensation Storage for all projects within the 1% annual chance flood (100year flood) floodplain shall be provide on a "cup for cup" basis in accordance with Chapter 19-107(1).
- 17. <u>A traffic safety and operational analysis is required to be submitted at the Development Plan stage.</u>

- 18. A 10% reduction in parking is approved, based on the current generic land uses (retail of 590,700 square feet and offices 920,000 square feet). Once all land uses are identified, if any further reduction over the approved 10% reduction is sought, a revised parking analysis will be required, and the land use plan and waiver request will need to be revised.
- 19. 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 nonresidential 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.
- 20. 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.
- 21. <u>The developer shall obtain wastewater and reclaimed water service from Orange</u> County Utilities subject to County rate resolutions and ordinances.
- 22. <u>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.</u>
- 23. <u>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.</u>
- 24. Hotel length of stay shall not exceed 179 consecutive days.
- 25. <u>Within multifamily developments, short-term rental shall be prohibited. Length of</u> stay shall be for a minimum of 180 consecutive days.
- 26. All structured parking located along the southern east-west portion of South Park
 Center Loop and the proposed new north-south road shall be lined at a minimum
 by habitable space on the first floor, such as retail, office or multi-family uses. All
 other structured parking garages shall reflect the character, scale, massing and

materiality of the principal structures they serve, and the facades shall be architecturally treated to match the principal building.

- 27. A minimum streetscape width of 14-feet shall be required along Southpark Center Loop, San Marco Court, Cordova Park Drive, and Challen Court, with a minimum sidewalk width of 10-feet. Canopy street trees shall be installed every 25-feet on center along the right-of-way. Trees shall have a clear trunk of 6-feet and a minimum caliper of 3-inches at the time of planting. Palms may not be used. Existing street trees may count towards the street tree requirement above and may remain at 35-feet on center.
- 28. Prior to the approval of the first Development Plan (DP), the applicant shall propose and come to agreement with the County on the location of up to 20 parking spaces and access for (i) the general public, (ii) emergency services, and (iii) trail maintenance for the future Shingle Creek Trail extension (Shingle Creek Trail Phase 1, Segments 2 and 3). The location of both the parking and access may be relocated in future DP's as mutually agreed upon by the County and developer. Such parking and access shall be granted via fee or easement, as mutually agreed, promptly upon the completion of construction of the Shingle Creek Trail Phase 1, Segments 2 and 3 projects.
- 29. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1258(2) to allow multi-family buildings located more than 100-feet from single-family zoned property to be a maximum height of seven (7) stories / one-hundred ten (110) feet, in lieu of three (3) stories / forty (40) feet.
 - b. A waiver from Section 38-1272(a)(5) to allow commercial buildings with a maximum height of twelve (12) stories / one-hundred eighty (180) feet for hotels and seven (7) stories / one-hundred ten (110) feet for commercial / retail, in lieu of fifty (50) feet, except thirty-five (35) feet within one hundred (100) feet of any residential use of residential district.
 - c. A waiver from Section 38-1476 to allow 1.35 spaces per efficiency unit or 1 bedroom and 1.8 spaces per apartment unit of two (2) or three (3) bedrooms, 0.9 spaces per 1.5 hotel rooms, 0.9 spaces per 200 square feet of office building, and 4.5 spaces per 1,000 square feet of retail in lieu of the required 1.5 spaces per efficiency unit or 1 bedroom, 2.0 spaces per two or three bedroom units, 1 space per 1.5 hotel rooms, 1 space per 200 square feet of office building, and 5 spaces per 1,000 square feet of retail.
 - d. A waiver from Section 38-1272(a)(3)(a) for commercial buildings to have a minimum setback of ten (10) feet from front and side street yards (South John Young Parkway, San Marco Court, Southpark Center Loop, Cordova Park Drive & Challen Court) in lieu of thirty (30) feet.

- e. A waiver from Section 38-1254(a)(2) for residential buildings to have a minimum setback of ten (10) feet from functionally classified roads (South John Young Parkway) in lieu of twenty-five (25) feet.
- f. A waiver from Section 38-1254 (a)(3) for residential buildings to have a minimum setback of ten (10) feet from all other rights-of-ways (San Marco Court, Southpark Center Loop, Cordova Park Drive & Challen Court) in lieu of twenty (20) feet.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested PD (Planned Development District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak during public comment.

A motion was made by Commissioner Evans, and seconded by Commissioner Spears to recommend APPROVAL of the requested PD (Planned Development District) zoning subject to twenty-five (29) conditions listed in the staff report including six (6) from Orange County Code. The motion carried 5 to 1.

Motion / Second Camille Evans / Gordon Spears

Voting in Favor Camille Evans, Gordon Spears, George Wiggins, Nelson

Pena, and Evelyn Cardenas

Voting in Opposition *Eric Gray*

Absent Michael Arrington, David Boers and Eddie Fernandez

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (June 20, 2024)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of The Southpark Center Land Use Plan (LUP), dated "Received April 25, 2024", subject to the 29 conditions listed in the staff report, subject to the following conditions:

1. Development shall conform to the Southpark Center Land Use Plan (LUP) dated "Received April 25, 2024" 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 25, 2024" 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. 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. 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.
- 8. Prior to approval of the first development and/or preliminary subdivision plan associated with this Land Use Plan (LUP), a Master Drainage Plan or Plan update, for the entire Gran Park at Southpark Phase II subdivision consistent with Orange County Code 30-282 and/or 34-229 must be submitted and accepted as a separate E-Plan. Certification with supporting calculations shall be submitted with any and all construction plan(s) which states that the project is consistent with the approved master drainage plan for this planned development.
- 9. Off-site improvements may be required in conjunction with development plans in order to offset the impacts created by the proposed development. All projects shall be required to provide an adequate level of facilities and services to accommodate the projects as proposed in the development plans.
- 10. Prior to approval of any plans that require filling within the 100-year flood zone, such as Site Construction Plans or Mass Grading Excavation/Fill permit or the like, the applicant must obtain the required permit(s) and approval(s) from the Orange County Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code, as may be amended from time to time.
- 11. All streetscape elements installed within the public rights-of-way of Gran Park at Southpark Phase II subdivision shall be privately maintained through a Property Owners Association (POA).
- 12. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).

- 13. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- 14. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- 15. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Supervisor at NPDES@ocfl.net. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
- 16. In compliance with Section 19 of the Orange County Code, the property owner / engineer may be required to provide a series of FEMA Letter of Map Changes (LOMC). For development within the 1% annual chance flood (100-year flood) floodplain without an established Base Flood Elevations (BFE), depicted as Zone A, the owner/engineer must perform a study to establish the BFE and obtain a FEMA LOMR (Letter of Map Revision) prior to site construction plan submittal. For modifications to a determined BFE (Zone AE), floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a FEMA Conditional Letter of Map Revision (CLOMR) must be obtained prior to site construction plan approval; a subsequent FEMA Letter of Map Revision (LOMR) reflecting final construction will be required. Said FEMA LOMR approval must be obtained by the owner/engineer and must be submitted to the Floodplain Administrator prior to the release of the Certificate of Occupancy and/or Certificate of Completion. Compensation Storage for all projects within the 1% annual chance flood (100-year flood) floodplain shall be provide on a "cup for cup" basis in accordance with Chapter 19-107(1).
- 17. A traffic safety and operational analysis is required to be submitted at the Development Plan stage.
- 18. A 10% reduction in parking is approved, based on the current generic land uses (retail of 590,700 square feet and offices 920,000 square feet). Once all land uses are identified, if any further reduction over the approved 10% reduction is sought, a revised parking analysis will be required, and the land use plan and waiver request will need to be revised.
- 19. 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.

- 20. 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.
- 21. <u>The developer shall obtain wastewater and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.</u>
- 22. <u>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.</u>
- 23. <u>Pole signs and billboards shall be prohibited.</u> All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
- 24. Hotel length of stay shall not exceed 179 consecutive days.
- 25. Within multifamily developments, short-term rental shall be prohibited. Length of stay shall be for a minimum of 180 consecutive days.
- 26. All structured parking located along the southern east-west portion of South Park Center Loop and the proposed new north-south road shall be lined at a minimum by habitable space on the first floor, such as retail, office or multi-family uses. All other structured parking garages shall reflect the character, scale, massing and materiality of the principal structures they serve, and the facades shall be architecturally treated to match the principal building.
- 27. A minimum streetscape width of 14-feet shall be required along Southpark Center Loop, San Marco Court, Cordova Park Drive, and Challen Court, with a minimum sidewalk width of 10-feet. Canopy street trees shall be installed every 25-feet on center along the right-of-way. Trees shall have a clear trunk of 6-feet and a minimum caliper of 3-inches at the time of planting. Palms may not be used. Existing street trees may count towards the street tree requirement above and may remain at 35-feet on center.
- 28. Prior to the approval of the first Development Plan (DP), the applicant shall propose and come to agreement with the County on the location of up to 20 parking spaces and access for (i) the general public, (ii) emergency services, and (iii) trail maintenance for the future Shingle Creek Trail extension (Shingle Creek Trail Phase 1, Segments 2 and 3). The location of both the parking and access may be relocated in future DP's

as mutually agreed upon by the County and developer. Such parking and access shall be granted via fee or easement, as mutually agreed, promptly upon the completion of construction of the Shingle Creek Trail Phase 1, Segments 2 and 3 projects.

- 29. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1258(2) to allow multi-family buildings located more than 100-feet from single-family zoned property to be a maximum height of seven (7) stories / one-hundred ten (110) feet, in lieu of three (3) stories / forty (40) feet.
 - b. A waiver from Section 38-1272(a)(5) to allow commercial buildings with a maximum height of twelve (12) stories / one-hundred eighty (180) feet for hotels and seven (7) stories / one-hundred ten (110) feet for commercial / retail, in lieu of fifty (50) feet, except thirty-five (35) feet within one hundred (100) feet of any residential use of residential district.
 - c. A waiver from Section 38-1476 to allow 1.35 spaces per efficiency unit or 1 bedroom and 1.8 spaces per apartment unit of two (2) or three (3) bedrooms, 0.9 spaces per 1.5 hotel rooms, 0.9 spaces per 200 square feet of office building, and 4.5 spaces per 1,000 square feet of retail in lieu of the required 1.5 spaces per efficiency unit or 1 bedroom, 2.0 spaces per two or three bedroom units, 1 space per 1.5 hotel rooms, 1 space per 200 square feet of office building, and 5 spaces per 1,000 square feet of retail.
 - d. A waiver from Section 38-1272(a)(3)(a) for commercial buildings to have a minimum setback of ten (10) feet from front and side street yards (South John Young Parkway, San Marco Court, Southpark Center Loop, Cordova Park Drive & Challen Court) in lieu of thirty (30) feet.
 - e. A waiver from Section 38-1254(a)(2) for residential buildings to have a minimum setback of ten (10) feet from functionally classified roads (South John Young Parkway) in lieu of twenty-five (25) feet.
 - f. A waiver from Section 38-1254(a)(3) for residential buildings to have a minimum setback of ten (10) feet from all other rights-of-ways (San Marco Court, Southpark Center Loop, Cordova Park Drive & Challen Court) in lieu of twenty (20) feet.

FUTURE LAND USE - CURRENT

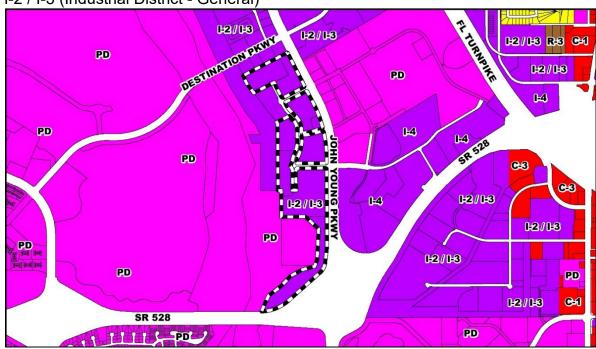
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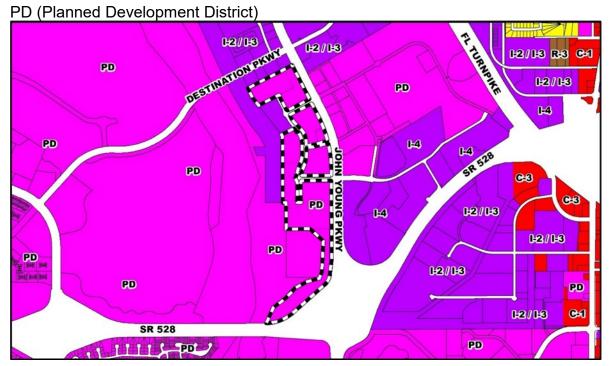
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ZONING - CURRENT

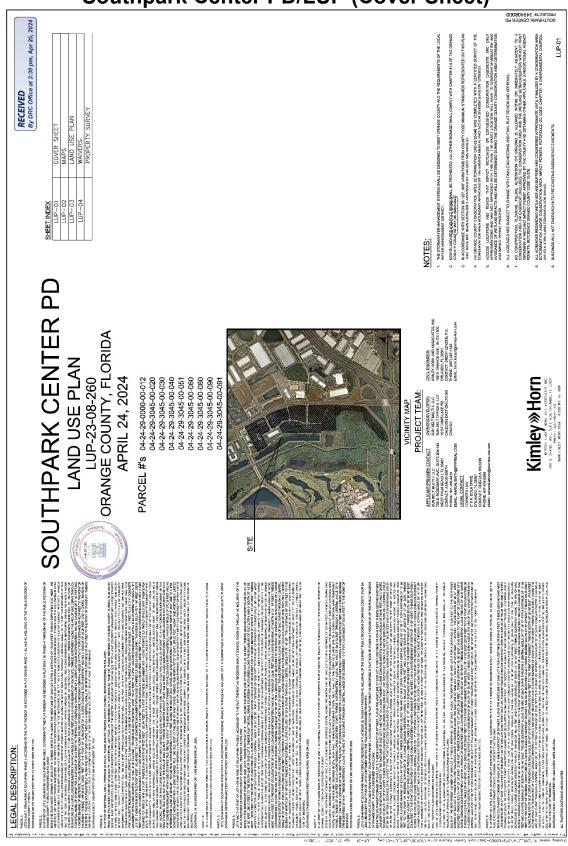
I-2 / I-3 (Industrial District - General)



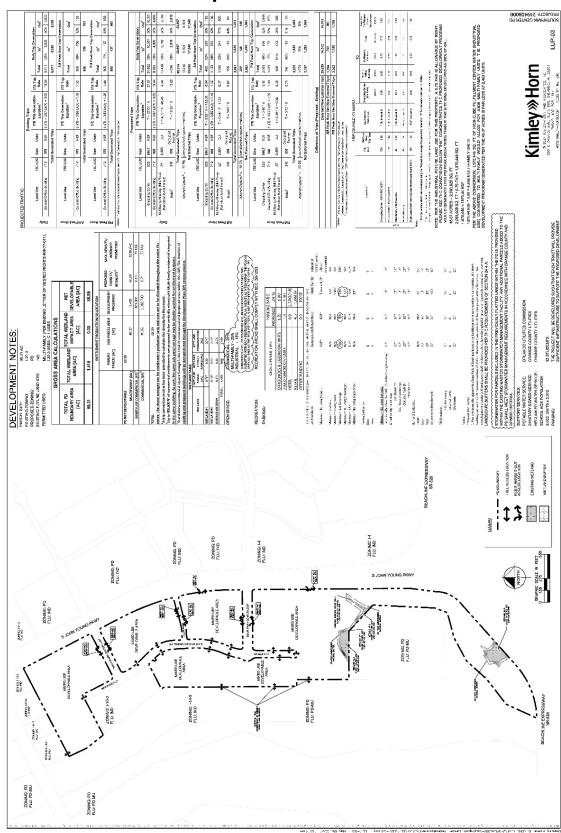
ZONING - PROPOSED



Southpark Center PD/LUP (Cover Sheet)



Southpark Center PD/LUP



Notification Map

