

CASE # CDR-17-03-084

Commission District: # 5

GENERAL INFORMATION

APPLICANT	Bryan Potts, Tannath Design, Inc.
OWNER	ORC Palladium, LLC
PROJECT NAME	Quadrangle Planned Development
PARCEL ID NUMBER	03-22-31-7270-23-000 (affected parcel only)
TRACT SIZE	473.15 gross acres (<i>overall PD</i>) 5.47 gross acres (<i>affected parcel only</i>)
LOCATION	North of University Boulevard, approximately 1,200 feet west of Alafaya Trail.
REQUEST	A PD substantial change to allocate 2,304 square feet of retail uses to Tract 23. The request also includes the following waiver from Orange County Code: <ol style="list-style-type: none">1. A waiver from Section 38-1476 for Tract 23 only to allow 3.5 parking spaces per 1,000 square feet, in lieu of 4.0 spaces per 1,000 square feet of net office space.
PUBLIC NOTIFICATION	A notification area extending beyond fifteen hundred (1,500) feet was used for this application [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. One hundred fifty-four (154) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this request.

IMPACT ANALYSIS

Special Information

The Quadrangle PD contains 473.15 gross acres and was originally approved on October 15, 1984. The existing Development Program allows for 315,822 square feet of Commercial; 2,490,073 square feet of Office / Showroom; 820 Hotel Rooms; 747 Multi-Family Units, and 2,063 Student Housing Beds.

Through this PD Change Determination Request (CDR), the applicant is seeking to allocate 2,304 square feet of retail uses from the overall development program to Tract 23 and incorporate a parking waiver from Orange County Code, Section 38-1476, to reduce parking for office uses from 4.0 spaces per 1,000 square feet to 3.5 spaces per 1,000 square feet on Tract 23. Tract 23 is currently entitled with 74,500 square feet of office uses.

Land Use Compatibility

The PD Change Determination Request would not adversely impact any adjacent properties.

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 this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Overlay District 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 / Concurrency

The Quadrangle was approved for a total of 315,822 square feet of retail commercial uses and a trip generation of 1,389 p.m. peak hour trips. A total of 234,817 square feet of retail uses have been built and 81,000 square feet of retail use remains to be developed. This project is still within the approved entitlement thresholds and in addition, this parcel is within the Quadrangle DRI and is bound by the terms and conditions of the development order for the DRI. The DRI is vested from transportation concurrency under CVRC#93-077. The applicant must provide a copy of the vested rights certificate prior to obtaining a building permit for this project.

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 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 – (January 24, 2018)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Quadrangle Planned Development / Land Use Plan (PD/LUP) dated “Received January 2, 2018”, subject to the following conditions:

1. Development shall conform to the Quadrangle PD Land Use Plan (LUP) dated "Received January 2, 2018," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received January 2, 2018," 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. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
7. Outside sales, storage, and display shall be prohibited.
8. A waiver from Orange County Code Section 38-1476 for Tract 23 only is granted to allow 3.5 parking spaces per 1,000 square feet, in lieu of 4.0 spaces per 1,000 square feet of net office space.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 26, 2013 shall apply:
 - a. Car rental is approved as an ancillary use within PD Tract 22 only, including 14 parking spaces to be used exclusively for rental cars.
10. All previous applicable BCC Conditions of Approval dated September 1, 2009, January 4, 2005, August 4, 1998, June 24, 1997, May 10, 1994, July 10, 1989, February 15, 1988, March 17, 1986 and October 15, 1984 shall apply, unless otherwise replaced by new conditions of Approval.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(March 26, 2013)*

The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Barbara Luikart, Phelps Dunbar, LLP, The Quadrangle Planned Development (PD) (Tract 22) Land Use Plan (LUP), (Case #CDR-13-01-010), to allow car rental as an ancillary use within the hotel and to allow up to 14 parking spaces to be utilized for car rental use within PD Tract 22 only; which constitutes a substantial change to the development on the described property, subject to conditions.