




## Interoffice Memorandum

DATE: January 14, 2022

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

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

CONTACT PERSON: **Joseph Kunkel, P.E. , DRC Chairman  
Development Review Committee  
Public Works Department  
(407) 836-7971**

SUBJECT: February 8, 2022 – Public Hearing  
Brent Lenzen, Kimley-Horn and Associates, Inc.  
Kingsland Grande Planned Development  
Case # CDR-21-09-279 / District 1

The Kingsland Grande Planned Development (PD) is located northwest of the Lake Street and Regency Village Drive. The existing PD development program allows for 1,044 hotel rooms. Through this PD substantial change, the applicant is seeking to convert the existing entitlements to 310,300 square feet of amusement / commercial uses through the conversion matrix and add cross access connectivity to the north. In addition, the applicant is seeking a waiver to reduce the required parking based on the results of an approved parking study.

On December 15, 2021, 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 Kingsland Grande Planned Development / Land Use Plan (PD/LUP) dated "Received November 24, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

Attachments  
JVW/NT/jhs

**CASE # CDR-21-09-279**

Commission District: # 1

**GENERAL INFORMATION**

**APPLICANT** Brent A. Lenzen, Kimley-Horn and Associates, Inc.

**OWNER** Kingsland Robert S TR

**PROJECT NAME** Kingsland Grande Planned Development (PD)

**PARCEL ID NUMBERS** 14-24-28-5844-01-130 and 14-24-28-5844-01-132

**TRACT SIZE** 16.49 gross acres

**LOCATION** Generally located northwest of the Lake Street and Regency Village Drive intersection.

**REQUEST** A PD substantial change to convert 1,044 hotel rooms to 310,300 square feet of amusement / commercial use through the conversion matrix and add cross access connection to the north.

In addition, the applicant has requested the following waiver from Orange County Code:

1. A waiver from Section 38-1476 to calculate required parking for amusement or assembly places without fixed seats at 1 space per each 3.46 patrons (0.289 spaces per patron), plus 1 space per each employee, in lieu of 1 space per each 3 patrons (0.333 spaces per patron), plus 1 space per each employee.

***Applicant Justification:*** Based on the parking study conducted for this site and the unique proposed use, submitted to Orange County on November 3, 2021 by James M. Taylor, P.E., and further coordination with staff, the proposed 12% parking reduction is acceptable to meet the proposed parking demands.

**PUBLIC NOTIFICATION** A notification area extending beyond fifteen hundred (1,500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred eighty-nine (289) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

## **IMPACT ANALYSIS**

### **Overview**

The Kingsland Grande PD was originally approved October 10, 2006. The current development program allows for 1,044 hotel rooms. Through this PD substantial change the applicant is seeking to convert 1,044 hotel rooms to 310,300 square feet of amusement / commercial use through the conversion matrix and add cross access connection to the north. In addition, the applicant is requesting a waiver to reduce the required parking.

### **Land Use Compatibility**

The PD substantial change would not adversely impact any adjacent properties.

### **Comprehensive Plan (CP) Amendment**

The subject property has an underlying Future Land Use Map (FLUM) designation of Activity Center Mixed-Use (ACMU). The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

### **Community Meeting Summary**

A community meeting was not required for this request.

### **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.

### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

### **Environmental**

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

### **Transportation Planning**

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Based on the Concurrency Management database (CMS) dated 9/10/2021, there are multiple failing roadway segments within the project's impact area. Winter Garden-Vineland Road, from I-4 to Buena Vista Drive (2 segments) and Vineland Road, from SR 535 to Little Lake Bryan Parkway, are failing. This information is dated and subject to change.

Road Impact Fee Agreement for the Kingsland Grande PD was approved by the Board of County Commissioners on 10/10/2006 and recorded at OR Book/Page 8920/0345. Under the terms of the agreement, the Developer, Robert S. Kingsland, will dedicate 25 feet along the southern boundary of the property for Lake Street and receive Road Impact fee Credits. The conveyance will be by plat at some point in the future. To date the conveyance has not yet been completed.

**Schools**

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

**Parks**

Orange County Parks and Recreation staff reviewed the PD substantial change 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 – (December 15, 2021)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Kingsland Grande Planned Development / Land Use Plan (PD/LUP), dated “November 24, 2021”, subject to the following conditions:**

1. Development shall conform to the Kingsland Grande Land Use Plan (LUP) dated "Received November 24, 2021," 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 November 24, 2021," 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).

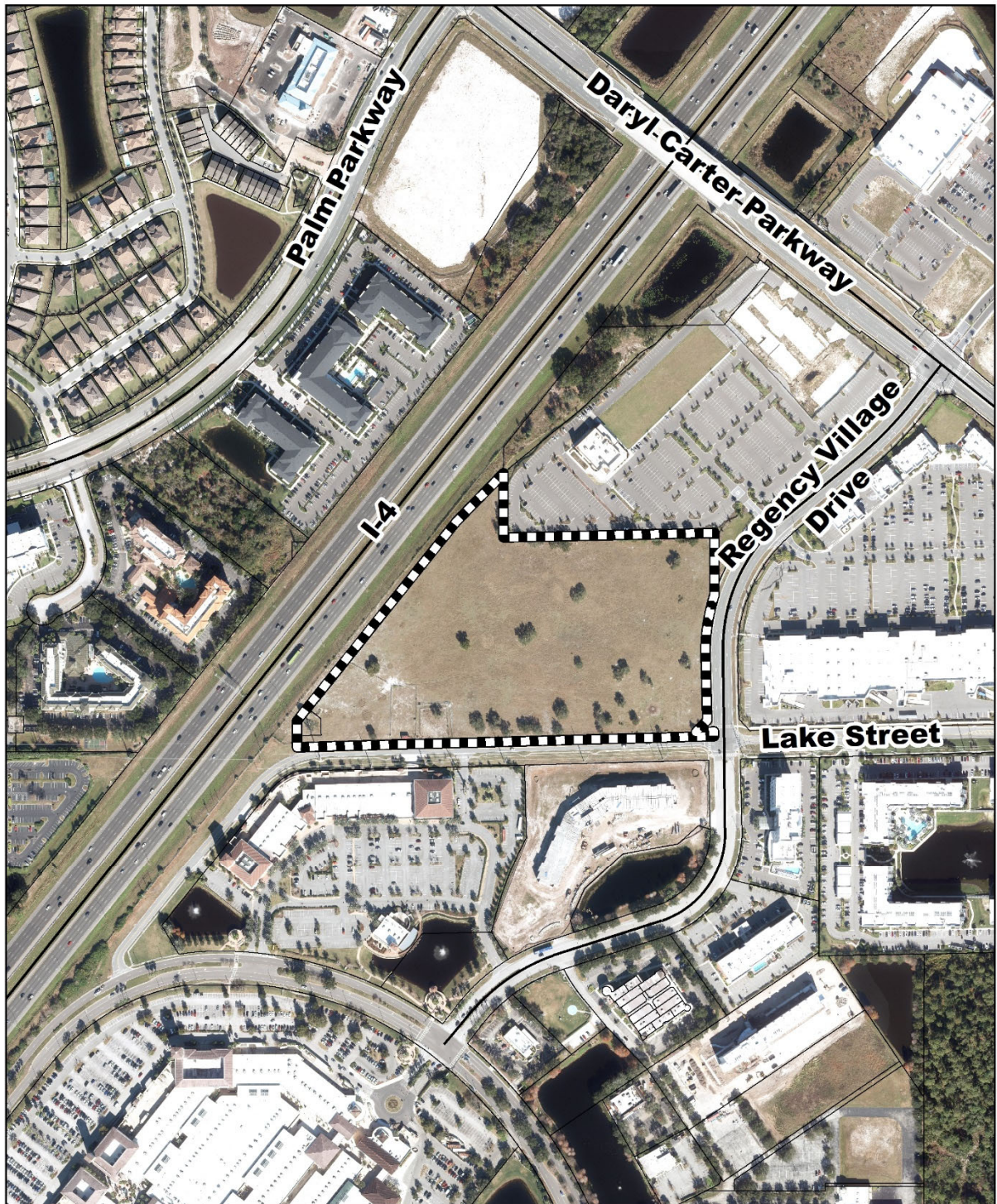
6. The project shall comply with the terms and conditions of that certain Kingsland Grande PD Right-of-Way Agreement approved by the Orange County Board of County Commissioners on October 10, 2006, and recorded at OR Book/Page 8920/0345, Public Records of Orange County, Florida, as may be amended, including the requirement to dedicate applicable right-of-way to the County prior to or simultaneously with the plat.
7. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
8. New pole signs and billboards shall be prohibited. All other signage shall comply with approved master sign plan. If no master sign plan has been approved, all other signage shall comply with Chapter 31.5 of the Orange County Tourist Commercial Code.
9. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
10. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the PD, and that construction plans are consistent with an approved and up-to-date Master Utility Plan for the Wildwood Area Roadway Network.
11. A waiver from Section 38-1476 is granted to calculate required parking for amusement or assembly places without fixed seats at 1 space per each 3.46 patrons (0.289 spaces per patron), plus 1 space per each employee, in lieu of 1 space per each 3 patrons (0.333 spaces per patron), plus 1 space per each employee.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 10, 2006, shall apply:
  - a. Prior to the first preliminary subdivision/development plan, a master sign plan shall be approved. The existing billboard may remain; however, shall comply with the terms of the letter from Orange County Zoning Division to Fran Sirianni, dated September 28, 1998. Additional billboards and pole signs shall be prohibited.
  - b. Outdoor storage and display shall be prohibited.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(October 10, 2006)***

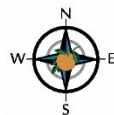
Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried by all members present, the Board approved the Kingsland Grande PD, to rezone from R-CE to PD, subject to conditions.



CDR-21-09-279



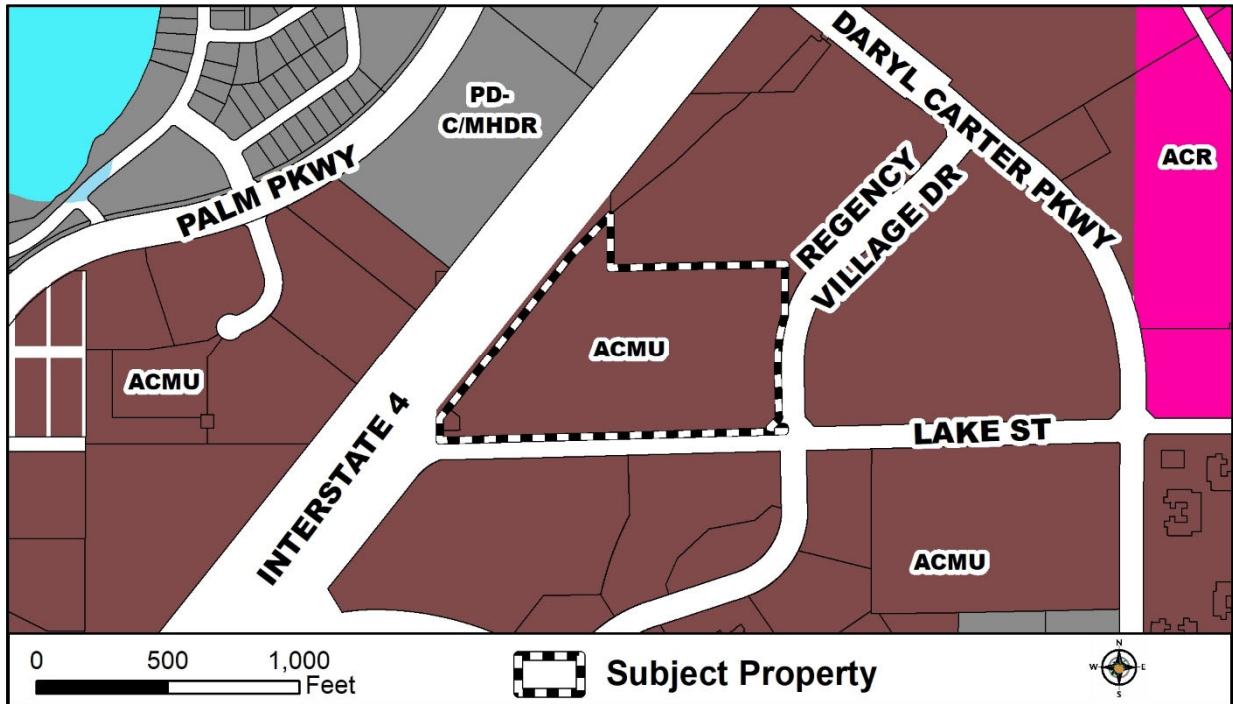
 Subject Property



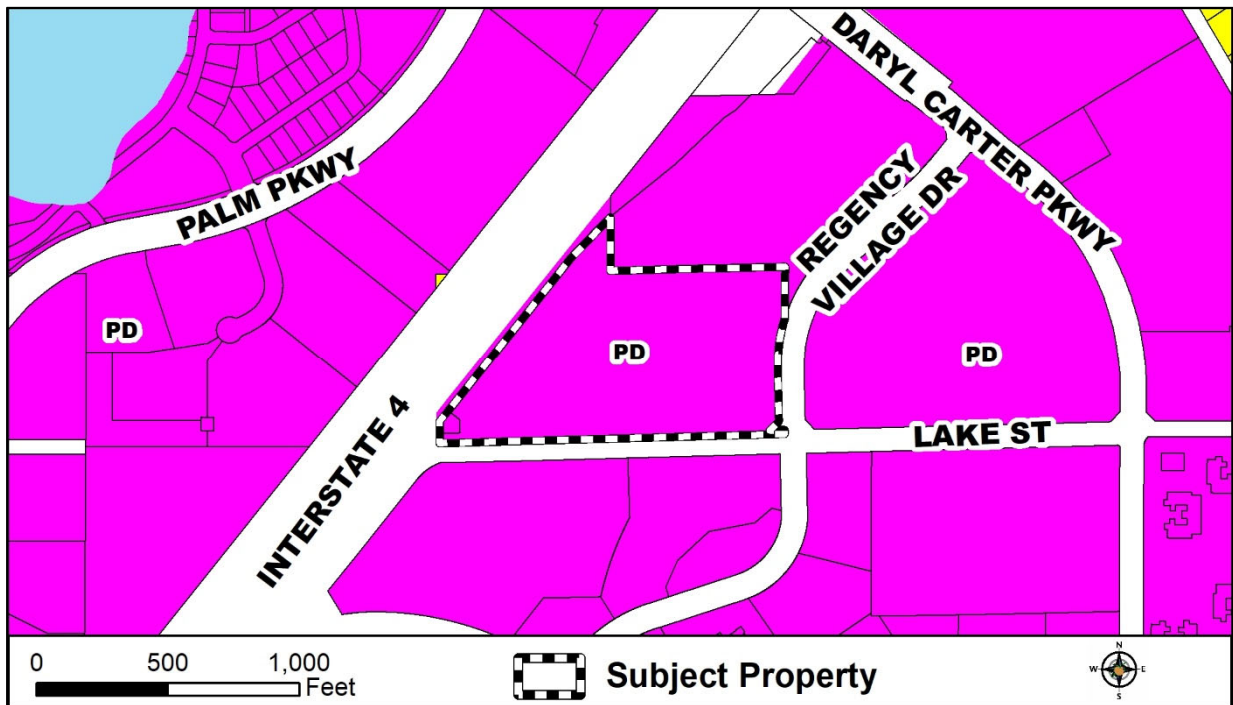
1 inch = 400 feet



**Future Land Use Map:**  
Activity Center Mixed Use (ACMU)



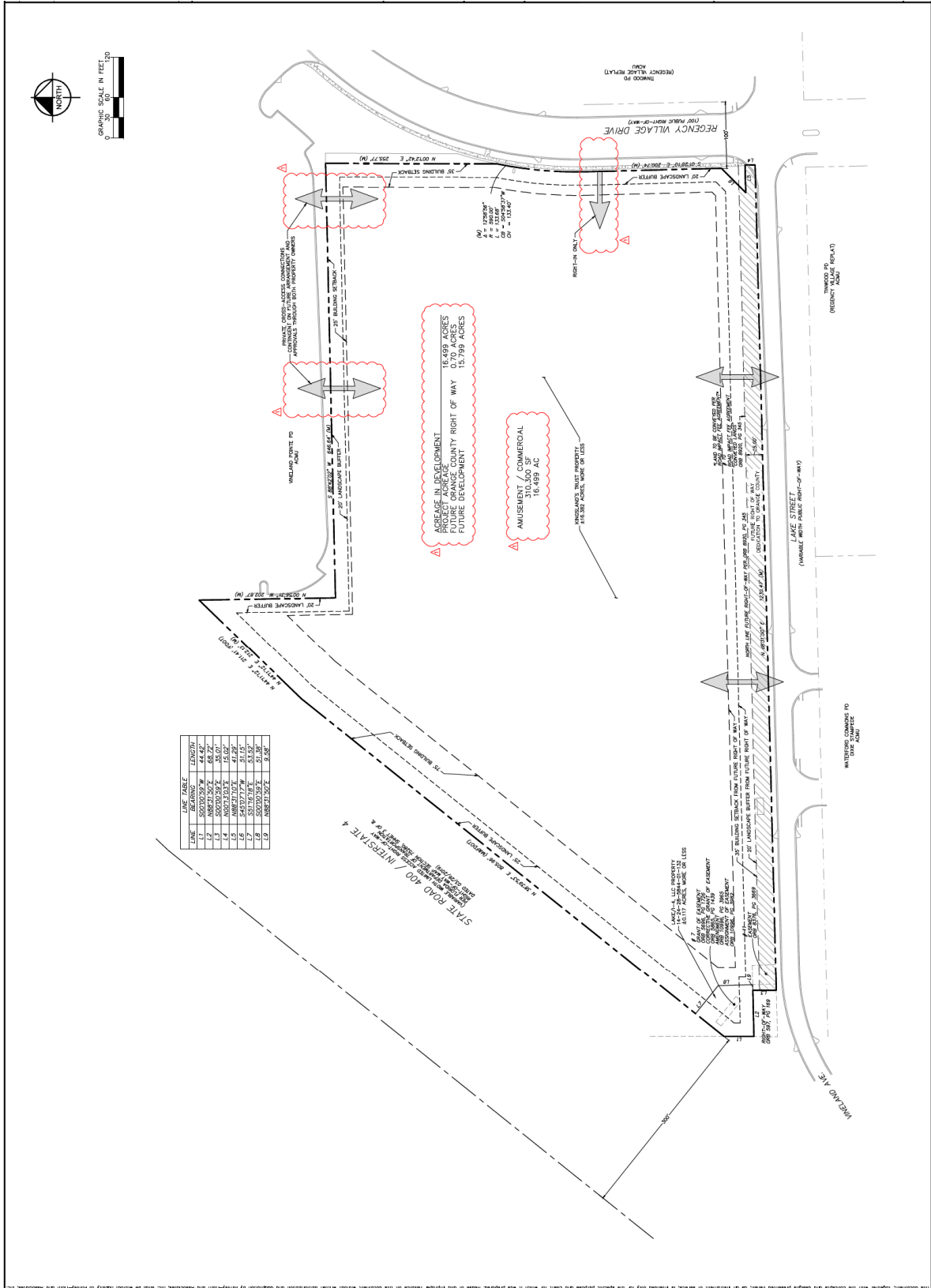
**Zoning Map:**  
PD (Planned Development District)



# Kingsland Grande PD / LUP (Cover Sheet)

[illegible]

# Kingsland Grande PD / LUP



## Notification Map

