

CASE # LUPA-17-10-296

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Raymond Stangle, Jordan & Associates Consulting, Inc.
OWNER	Lake Buena Vista Properties, LLC
PROJECT NAME	Buena Vista Park Planned Development (PD)
HEARING TYPE	Planned Development / Land Use Plan (PD / LUP)
REQUEST	PD (Planned Development District) (Ruby Lake PD) to PD (Planned Development District) (Buena Vista Park PD) <i>A request to add 1.64 gross acres from the Ruby Lake PD into the Buena Vista Park PD, in order to construct an off-site parking lot. The request does not include any waivers.</i>
LOCATION	Generally located north of Lake Street and east of Palm Parkway
PARCEL ID NUMBERS	15-24-28-1081-00-001, 15-24-28-1081-00-002, 15-24-28-1081-01-000, 15-24-28-1081-02-000, 15-24-28-1081-03-000, 15-24-28-1081-04-000, 15-24-28-1081-05-000, 15-24-28-4350-01-000, and 15-24-28-5120-00-001 (a portion of)* <i>*proposed for aggregation</i>
TRACT SIZE	15.158 gross acres (existing PD) <u>1.640 gross acres (parcel to be aggregated)</u> 16.798 gross acres (resulting PD)
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 500 feet [<i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i>]. Two hundred thirteen (213) notices were mailed to those property owners in the mailing area. A community meeting was not required for this request.

IMPACT ANALYSIS

Land Use Compatibility

The applicant is seeking to rezone the subject parcel from PD (Planned Development District) (Ruby Lake PD) to PD (Planned Development District) (Buena Vista Park PD) in order to construct an off-site parking lot. The applicant is not seeking any waivers with this request.

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 Activity Center Mixed Use (ACMU). The ACMU FLUM designation allows for thirty (30) percent of the land area to be used for residential purposes. The proposed Land Use Plan Amendment (LUPA) is consistent with this FLUM designation and all other applicable provisions of the Comprehensive Plan.

Community Meeting Summary

A community meeting was not required for this request.

SITE DATA

Existing Use	Retention Pond
Adjacent Zoning	N: PD (Planned Development District) (Ruby Lake PD) (1975)
	E: PD (Planned Development District) (Ruby Lake PD) (1975)
	W: PD (Planned Development District) (Buena Vista Park PD) (1997)
	S: PD (Planned Development District) (Buena Vista PD) (1988)
Adjacent Land Uses	N: Undeveloped Residential
	E: Hotel
	W: Hotel
	S: Hotel

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback	25 feet
Maximum Building Height:	150 feet
Minimum Lot Size:	4.50 acres
Minimum Lot Width:	150 feet

Minimum Building Setbacks

Front Setback:	10 feet (local) / 15 feet (collector) / 20 feet (thoroughfare)
Rear Setback:	15 feet (local) / 20 feet (collector/thoroughfare)
Side Setback:	5 feet (local) / 10 feet (collector / thoroughfare)

SPECIAL INFORMATION

Subject Property Analysis

The Buena Vista Park PD was originally approved on September 30, 1997, and currently allows for office, commercial and hotel / resort / timeshare land uses equivalent to 11,770 average daily trips (ADTs). The PD also allows land use conversions according to a development equivalency multiplier matrix.

With this request, the applicant is seeking to extract 1.64 gross acres from the Ruby Lake PD and aggregate it into the Buena Vista Park PD in order to develop a parking lot for a hotel currently under development. There are no changes to the development program proposed with this request and there are no waivers being requested.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation of Activity Center Mixed Use (ACMU). The proposed zoning and use is consistent with this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

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 located within the Buena Vista North Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

Orange County Environmental Protection Division staff reviewed the Land Use Plan Amendment, but did not identify any issues or concerns.

Transportation / Concurrency

This development is vested from transportation concurrency.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaimed:	Orange County Utilities

Schools

Orange County Public Schools reviewed this request, but did not provide any comments as this request does not impact schools.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the Land Use Plan amendment, 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 10, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Buena Vista Park Planned Development / Land Use Plan (PD/LUP), dated “Received December 19, 2017”, subject to the following conditions:

1. Development shall conform to the Buena Vista Park Planned Development / Land Use Plan (PD / LUP) dated "Received December 19, 2017," 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 December 19, 2017," 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. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 5, 2016, shall apply:
 - a. 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.
 - b. Outside sales, storage, and display shall be prohibited.

- c. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with the Buena Vista North Overlay District.
- d. Development shall comply with the Buena Vista North Overlay District standards unless waivers are explicitly granted by the Board of County Commissioners.
- e. 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 updated MUP must be approved prior to construction plan approval.
- f. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
- g. The following waivers from Orange County Code are granted:
 - 1) A waiver from Section 31.5-195(1)(b) to allow for two wall signs to be placed on the primary façade and to be placed on the secondary façade, in lieu of a single wall sign placed on the primary façade, for Parcel 1 only;
 - 2) A waiver from Section 38-1272(a)(1) to allow for a maximum impervious coverage of seventy-six (76) percent of the net land area, in lieu of seventy (70) percent, for Parcel 1 only;
 - 3) A waiver from Section 38-1287(4) to allow for a paving setback of 20 feet from Palm Parkway, in lieu of 25 feet, for Parcel 1 only;
 - 4) A waiver from Section 38-1392.1 to allow for a streetside building setback of 15 feet from a thoroughfare for the parking garage, in lieu of 20 feet, from Lake Street, for Parcel 1 only;
 - 5) A waiver from Section 38-1393.3(1) allow one or more sloped roofs on sixty-nine (69) percent of the linear length of the primary façade, in lieu of at least seventy-five (75) percent, for Parcel 1 only;
 - 6) A waiver from Section 38-1393.3(2) to allow the use of a non-decorative flat parapet wall without a cornice, in lieu of a flat parapet wall that shall be decorative in style with a cornice, for Parcel 1 only;
 - 7) A waiver from Section 38-1394(1)(a) to allow three (3) silver date palms (understory trees) and sixteen (16) crape myrtle (ornamental trees) and a continuous double shrub row for streetscape planting in the median of Palm Parkway, in lieu of five (5) shade trees and ten (10) ornamental trees;
 - 8) A waiver from Section 38.1394(2) to allow silver date palms (understory trees) and crape myrtle (ornamental trees) within the median of Palm Parkway, in lieu of only live oak and laurel oak trees planted as streetscape shade trees; and

- 9) A waiver from Section 38.1394.1(a) to allow for an average of 15 feet of green space around the base of a building five or more stories in height, in lieu of a minimum width of 20 feet, for Parcel 1 only.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 30, 1997, shall apply:
- a. Development shall be consistent with the Activity Center Turkey Lake Road Network Agreement approved by the Board of County Commissioners on September 24, 1996. Prior to the issuance of any Certificate of Occupancy, the Turkey Lake Road Extension shall be constructed as a four-lane roadway from Lake Avenue to Central Florida Parkway in accordance with the agreement.
 - b. To the extent required to comply with the consistency provisions of the Growth Management Act, the following conditions shall be added to the conditions of approval:
 - 1) Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center Plan.
 - 2) If the housing linkage program is in place prior to development plan approval, the development of nonresidential development shall be conditioned upon the development of residential units within the area designated Activity Center Residential on the Future Land Use Map.
 - 3) The development guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to development plan submittal, including but not limited lighting standards, sign regulations, open space regulations, trip reduction programs, access management controls, transit access design standards, building orientation, and location of parking lots.
 - 4) The property owner shall be required to participate in a property owners' association upon its creation.
 - 5) Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County engineer to be technically unfeasible.
 - 6) The development plan shall provide for interconnection of adjacent development either by cross-access easement or public right-of-way.
 - 7) Electrical distribution lines shall be underground.
 - 8) Participation in shuttle service connecting area attractions, major transportation centers, and on-site development shall be required.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (April 5, 2016)

Upon a motion by Commissioner Boyd, seconded by Commissioner Nelson, and carried by all present members, the Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request request by Miranda F. Fitzgerald, Lowndes, Drosdick, Cantor & Reed, P.A., Buena Vista Park Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-11-341, to rezone from R-CE (Country Estate District) to PD (Planned Development District) to approve nine (9) waivers from Orange County Code relating to wall signage, maximum impervious coverage, setbacks, roof slopes, and landscaping, which constitutes a substantial change to the development on the described proeprty, subject to conditions.