





Interoffice Memorandum

DATE: March 10, 2021

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

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

CONTACT PERSON: **Eric Raasch, DRC Chairman**
Development Review Committee 
Planning Division
(407) 836-5523

SUBJECT: March 23, 2021 – Public Hearing
Jennifer Stickler, Kimley-Horn & Associates, Inc.
Hannah Smith Property Planned Development
Case # CDR-20-11-315 / District 1

The Hannah Smith Planned Development (PD) is generally located east and west of Palm Parkway, west of Interstate 4, and north and south of Daryl Carter Parkway. The Hannah Smith Property PD contains 86.84 acres and was originally approved on February 20, 2001, and currently includes development entitlements for hotel, timeshare, and multi-family units, as well as office and tourist commercial uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to add a Master Sign Plan and add the use of pet boarding facilities with outdoor runs to Tract 1. In addition, the applicant is requesting eight waivers from Orange County Code related to the associated Master Sign Plan. No change to the development program or development standards are proposed with this request.

On January 13, 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 Hannah Smith Property Planned Development / Land Use Plan (PD/LUP) dated “Received December 11, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachments
JVW/EPR/JAH

CASE # CDR-20-11-315
Commission District: # 1

GENERAL INFORMATION

APPLICANT	Jennifer Stickler, Kimley-Horn & Associates
OWNERS	O-Town Outparcels, LLC; O-Town Retail, LLC; Glass House Condo, LLC; O-Town 6 Acres, LLC; O-Town Boardwalk, LLC; and O-Town MD, LLC
PROJECT NAME	Hannah Smith Property Planned Development
PARCEL ID NUMBER(S)	14-24-28-1242-60-000, 14-24-28-1242-61-001, 14-24-28-1242-65-001, 14-24-28-1242-67-241, 14-24-28-1242-60-001, 14-24-28-0000-00-028, 14-24-28-1242-66-000, 14-24-28-1242-66-001, and 15-24-28-7774-00-023
TRACT SIZE	86.84 gross acres (overall PD)
LOCATION	Generally located east of Palm Parkway, west of Interstate 4, and south of Daryl Carter Parkway
REQUEST	<p>A PD substantial change to add a Master Sign Plan and to add the use of pet boarding facilities with outdoor runs to Tract 1 of the approved Land Use Plan. In addition, the applicant has requested the following waivers from Orange County Code:</p> <ol style="list-style-type: none">1. A waiver from Section 31.5-195(1)(a) is requested within Tracts 2, 3 and 4 to allow a maximum height of a multiple tenant ground sign to be ten (10) feet in lieu of eight (8) feet. <i>Applicant Justification:</i> In order to create a sense of place and exemplify the brand of O-Town West, cohesive signage features with repetitive elements are necessary. Additional ground sign height allows the opportunity to place those cohesive elements and still accommodate all tenants who would reasonably expect to have a panel.2. A waiver from Section 31.5-195(1)(b) is requested within Tracts 1, 2, 3 and 4 to allow multiple wall signs on a primary façade, and to allow signage to be placed on secondary facades, in lieu of only 1 sign per establishment being placed on the primary façade, and no signs being placed on a secondary façade. <i>Applicant Justification:</i> The cumulative size of all wall signs on each facade shall not exceed the total allowable copy area

per code. Consequently, the additional signs will all be very small in comparison to the main sign on each facade. this will allow tenants to more easily communicate the location or availability of various departments, or to otherwise satisfy prototypical signage packages, thereby reducing confusion for drivers and pedestrians without substantially increasing visual noise.

3. A waiver from Section 31.5-67(e) is requested within Tract 2 to allow a maximum number for two (2) ground signs permitted per parcel, in lieu of a maximum number of one (1) ground sign permitted per parcel, provided that any pole signs and ground signs on the parcel shall be separated by a distance of not less than one hundred (100) feet on Parcels 2, 3, and 6.

Applicant Justification: *The additional ground signs will allow the outparcels/free standing users to have individual single tenant signage while still being able to provide the multitenant signage for the internal tenants in locations that are feasible for a multitenant sign to be located.*

4. A waiver from Section 31.5-67(f) is requested within Tracts 1, 2, 3, and 4 to allow a maximum number of three (3) ground signs permitted per parcel with a right-of-way frontage in excess of four hundred (400) linear feet, in lieu of two (2) ground signs per parcel with a right-of-way frontage in excess of four hundred (400) linear feet.

Applicant Justification: *The additional ground signs will allow the outparcels/free standing users to have individual single tenant signage while still being able to provide the multitenant signage for the internal tenants in locations that are feasible for a multitenant sign to be located.*

5. A waiver from Section 31.5-67(g) is requested within Tracts 2 and 3 to allow a minimum setback of zero (0) feet from the right-of-way or any property line in lieu of ten (10) feet from the right-of-way or any property line.

Applicant Justification: *A reduction of the minimum setback allows the signage to be incorporated within the 16' wide hardscape walkable path fronting the entirety of the O-Town West developments. this waiver allows the sign to be located within the hardscape areas between the planter beds in order to limit interference with direct pedestrian travel. If the signs were to be pushed back from the property line, then they would fall within the pedestrian path of travel or be behind the hardscape features limiting visibility behind the trees within the hardscape planter beds that front the development.*

6. A waiver from Section 31.5-67(1) is requested within Tracts 2 and 3 to allow the minimum allowable copy area for each individual tenant on a multitenant ground sign shall be one (1) square foot per sign face and within Tract 4 to allow the minimum allowable copy area for each individual tenant on a multitenant ground sign to be two (2) square feet per sign face in lieu of twelve (12) square feet per sign face.

Applicant Justification: *A reduction in the tenant panel copy area to accommodate all tenants who would reasonably expect to have a panel on the multitenant signage.*

7. A waiver from Section 31.5-76(b) is requested within Tracts 1, 2, 3, and 4 to allow for a maximum copy area of fifteen (15) square feet in lieu of a maximum allowable copy area of six (6) square feet per sign face for any directional sign.

Applicant Justification: *In order to create a sense of place and exemplify the brand of O-Town West, cohesive signage features with repetitive elements are necessary. A directional element with an increased copy area further exemplifies that sense of place.*

8. A waiver from Section 31.5-195(1)(a) is requested within Tracts 1, 2, 3, and 4 to allow for internal illumination in lieu of external illumination only for ground signs.

Applicant Justification: *Internal illumination allows the text and arrows to appear crisp and clearly legible to vehicular traffic during evening, dusk, and dawn hours when the surrounding ambient light is not enough for clear legibility. During the dusk and dawn hours, as ambient lighting is changing, signs without internal illumination may become difficult to read and distract the drivers, the use of internal illumination will remove that concern. Signs with internal illumination also helps to reduce the number of shadows cast on the face of the signage allowing for an easier and quicker read of the text. Please note that signs may incorporate dimmers if brightness of a sign is a concern.*

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 thirty-two (232) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

IMPACT ANALYSIS

Special Information

The Hannah Smith Property PD contains 86.84 acres and was originally approved on February 20, 2001, and currently includes development entitlements for hotel, timeshare, and multi-family units, as well as office and tourist commercial uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to add a Master Sign Plan and add the use of pet boarding facilities with outdoor runs to Tract 1. In addition, the applicant is requesting eight waivers from Orange County Code related to the associated Master Sign Plan. No change to the development program or development standards are proposed with this request.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development – Commercial / Medium High Density Residential (PD-C/MHDR) and Planned Development – Commercial / Medium High Density Residential / Activity Center Mixed Use (PD-C/MHDR/ACMU). The proposed Change Determination Request (CDR) is consistent with these designations and all applicable CP provisions; therefore, a CP amendment is not necessary.

Overlay Ordinance

The subject property is located within the Buena Vista North 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 request, but did not identify any issues or concerns.

Transportation Concurrency

The Palm Parkway to Apopka-Vineland Connector Road Agreement was approved by the BCC on 12/06/2005 and recorded at OR Book 8387 Page 3416. The agreement is between three Developers, BVC Partners I, LLC, Kerina, Inc. and Sand Lake Investments, LTD and Orange County for the realignment of Fenton Street from Apopka-Vineland Road to Palm Parkway. The Developers will provide Right-of-Way for the road project and pay for the Design, Engineering, Permitting and Mitigation costs. Orange County will be responsible for constructing the four-lane roadway within its 10-year Capital Improvement Program. Developers have the option to construct if County does not. If Developers construct they will receive Road Impact Fee Credits. Developers will receive Vested Rights for Fenton Street from Apopka-Vineland Road to Palm Parkway including the intersections. The typical section for the four-lane roadway consists of 100

feet of Right-of-Way with a 15-foot Transit/Pedestrian Utility Easement and a 20-foot Pedestrian/Landscape Easement on either side of the roadway. The design speed is 40 m.p.h. Currently, the Project Manager has been selected and the design is 100% complete and certain Right-of-Way has been placed in escrow per the terms of the agreement. The Supplemental Agreement to the Palm Parkway to Apopka-Vineland Connector Road Agreement ("First Supplemental") by and among Kerina, Inc.; and Sand Lake Investments, Ltd.(collectively "Owners") and Orange County was approved by the Board of County Commissioners on December 6, 2005 and recorded at OR Book/Page 8387/3525. The First Supplemental provides for a modification of the terms for the parties to the Connector Road Agreement to provide the Mortgagees thirty (30) days opportunity to cure any BVC default after receiving the above Notice. The curing of any BVC default shall be at the option of the Mortgagees.

The Second Supplemental to the Palm Parkway to Apopka-Vineland Connector Road Agreement ("Second Supplemental") by and among Daryl M. Carter, not individually but as Trustee under a Florida land trust known and designated as "Carter-Orange 105 Sand Lake Trust"; and Kerina Village, LLC (collectively "Owners") and Orange County was approved by the Board of County Commissioners on June 21, 2011 and recorded at OR Book/Page 10232/3595. The Second Supplemental provides for a modification of the terms in that County waives the requirements of Section 9.1 and agrees to grant the vacations requested once Carter and Kerina have delivered easements as shown on Exhibit 14. County waives the requirements of Section 18.1 and in return Hannah L. Smith (Joinder to this agreement only) shall convey to Carter her interest in a thirty (30) foot wide strip described on Amended Exhibit 10 attached (the Fenton Street Missing Link) by quit-claim deed within 10 days of the Effective date of the Second Supplemental.

The Third Supplemental to the Palm Parkway to Apopka-Vineland Connector Road Agreement ("Third Supplemental") by and among Daryl M. Carter, not individually but as Trustee under a Florida land trust known and designated as "Carter-Orange 105 Sand Lake Trust"; Kerina, Inc.; Kerina Village, LLC; Kerina Wildwood, LLC; Pulte Home Corporation (collectively "Owners") and Orange County provides for a modification of the terms of the landscaping, irrigation and street lighting requirements as provided for in the Palm Parkway to Apopka-Vineland Connector Road Agreement as approved by the Board of County Commissioners on 12/05/2005 and recorded at OR Book/Page 8387/3416. The Third Supplemental designates the Connector Road as a collector road rather than a thoroughfare, a distinction important for the Buena Vista North District Standards. The first Owner to develop will install the landscaping and irrigation in the median and street lighting for the entire length of the Connector Road. The agreement also modifies an existing provision for the funding of ongoing maintenance and replacement from the other owners via a possible MSBU, versus an MSTU as originally provided. Installation and maintenance of landscaping along the frontage of the Connector Road will continue to be individually as each owner develops. The Fourth Supplemental to the Palm Parkway to Apopka-Vineland Connector Road Agreement ("Fourth Supplemental") by and among Daryl M. Carter, not individually but as Trustee under a Florida land trust known and designated as "Carter-Orange 105 Sand Lake Trust"; Kerina, Inc.; Kerina Village, LLC; Kerina Wildwood, LLC; Pulte Home Corporation (collectively "Owners") and Orange County provides for a modification of the terms of the Apopka-Vineland Connector Road Agreement as approved by the Board of County Commissioners on 12/05/2005 and recorded at OR Book/Page 8387/3416. A Third

Supplemental which provides for a modification of the terms of the landscaping requirements is being considered with this Fourth Supplemental.

The Fourth Supplemental provides for the alternative construction of the southeastern segment from Palm Parkway to Station 525 as shown on the construction plans by a Segmenting Owner and outlines the bid process and revises the definition of several Defined Terms in the agreement to change the segmentation of the road for purposes of the agreement, once this portion of the road has been constructed. The Fifth Supplemental Agreement to the Palm Parkway to Apopka-Vineland Connector Road approved 10/3/2017 and Recorded at 20170546981 by and among Daryl M. Carter, as "Carter-Orange 105 Sand Lake Trust"; Kerina, Inc.; Kerina Village, LLC; Kerina Wildwood, LLC; Pulte Home Company; and the School Board of Orange County and Orange County provides for a modification of the terms of the appraisal requirements as provided for in the Palm Parkway to Apopka-Vineland Connector Road Agreement as approved by the Board of County Commissioners on 12/05/2005 and recorded at OR Book/Page 8387/3416. The Fifth Supplemental provides for a waiver of the appraisal requirement and includes agreed upon amounts negotiated among the Owners and Orange County for the purpose of this agreement only. The Notices provisions have been updated also.

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 13, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hannah Smith Property Planned Development / Land Use Plan (PD/LUP), dated "December 11, 2020", subject to the following conditions:

1. Development shall conform to the Hannah Smith Planned Development (PD) dated "Received December 11, 2020," 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 11, 2020," 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. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or capacity reservation certificate.

7. Billboards and pole signs shall be prohibited. All other signage shall comply with the Master Sign Plan. Any signage not within the MSP shall comply with Orange County Code Chapter 31.5 Buena Vista North Standards.

8. The following waivers from Orange County Code are requested:
 - a. A waiver from Section 31.5-195(1)(a) is requested within Tracts 2, 3 and 4 to allow a maximum height of a multiple tenant ground sign to be ten (10) feet in lieu of eight (8) feet.

 - b. A waiver from Section 31.5-195(1)(b) is requested within Tracts 1, 2, 3 and 4 to allow multiple wall signs on a primary façade, and to allow signage to be placed on secondary facades, in lieu of only one (1) sign per establishment being placed on the primary façade, and no signs being placed on a secondary façade.

 - c. A waiver from Section 31.5-67(e) is requested within Tract 2 to allow a maximum number for two (2) ground signs permitted per parcel, in lieu of a maximum number of one (1) ground sign permitted per parcel, provided that any pole signs and ground signs on the parcel shall be separated by a distance of not less than one hundred (100) feet on Parcels 2, 3, and 6.

 - d. A waiver from Section 31.5-67(f) is requested within Tracts 1, 2, 3, and 4 to allow a maximum number of three (3) ground signs permitted per parcel with a right-of-way frontage in excess of four hundred (400) linear feet, in lieu of two (2) ground signs per parcel with a right-of-way frontage in excess of four hundred (400) linear feet.

- e. A waiver from Section 31.5-67(g) is requested within Tracts 2 and 3 to allow a minimum setback of zero (0) feet from the right-of-way or any property line in lieu of ten (10) feet from the right-of-way or any property line.
 - f. A waiver from Section 31.5-67(1) is requested within Tracts 2 and 3 to allow the minimum allowable copy area for each individual tenant on a multitenant ground sign shall be one (1) square foot per sign face and within Tract 4 to allow the minimum allowable copy area for each individual tenant on a multitenant ground sign to be two (2) square feet per sign face in lieu of twelve (12) square feet per sign face.
 - g. A waiver from Section 31.5-76(b) is requested within Tracts 1, 2, 3, and 4 to allow for a maximum copy area of fifteen (15) square feet in lieu of a maximum allowable copy area of six (6) square feet per sign face for any directional sign.
 - h. A waiver from Section 31.5-195(1)(a) is requested within Tracts 1, 2, 3, and 4 to allow for internal illumination in lieu of external illumination only for ground signs.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 27, 2019 shall apply:
- a. The project shall comply with the terms and conditions of that certain Palm Parkway to Apopka-Vineland Connector Road Agreement recorded at Official Records Book/Page 8387/3416, Public Records of Orange County, Florida, as may be amended.
 - b. The following Education Condition of Approval shall apply:
 - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement (CEA #OC-18-009) entered into with the Orange County School Board as of November 11, 2018
 - 2) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 250 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - 3) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future

litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.

- 4) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - 5) Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- c. 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 & Wildlife Conservation Commission (FWC).
 - d. 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.
 - e. The following waivers are granted from Orange County Code:
 - 1) A waiver from Section 38-1393 is requested to eliminate the BVN minimum setback/height limitations to allow a multi-family building with a maximum building height of one hundred fifteen (115) feet/nine (9) stories for Tracts 1, 3 and 5, in lieu of the proximity based requirements.
 - 2) A waiver from Section 38-1254 within Tracts 1, 2, 3 and 4 to allow zero foot setback for internal lot lines, in lieu of the required minimum setback of twenty-five (25) feet.
 - 3) A waiver from Section 38-1393 is requested to allow a maximum height of 150 feet for non-residential development for Tract 4, in lieu of the proximity based requirements.
 - 4) A waiver from Section 38-1394.1(a)(2) is requested to allow for multi-family and non-residential buildings to allow for tree planting requirements around the building base area per Sec. 24-4(d) for all Tracts, in lieu of the one (1) canopy tree for each one hundred (100) square feet of green space.
 - 5) A waiver from Section 38-1272(a)5 is requested to allow the maximum building height to be fifty (50) feet, in lieu of thirty-five (35) feet for any commercial building within Tract 1.
 - 6) A waiver from Section 38-1392.1 is requested to allow a building setback of twenty-five (25) feet for Tracts 1, 2, 4 and 5, in lieu of thirty-five (35)

feet minimum building setback requirement to lands with residential zoning, residential future land use or physical residential use.

- 7) A waiver from Section 38-1392.2(2)c is requested within Tracts 2, 3, and 4 to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path, in lieu of ten (10) feet along one side of the pedestrian path.
- 8) A waiver from Section 38-1392.2(3)c is requested within Tracts 2, 3, and 4 to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path, in lieu twelve (12) feet along one (1) side (or six (6)-foot on each side) of the connecting pathway.
- 9) A waiver from Section 38-1391.1 is requested to provide architectural design concepts with Development Plans, in lieu of providing a building architectural design concept or set of design guidelines as part of the planned development process.
- 10) A waiver from Section 38-1396.1(2) is requested for Tracts 1, 2, 3 and 4 to allow light fixtures other than the acorn-style fixtures.
- 11) A waiver from Section 24-4(a)(2)a. is requested within Tracts 1, 2, 3, and 4 to permit palms, in addition to shade trees, to meet the vehicular use area requirements, with no more that 50% of the shade tree requirement being met with palms, in lieu of limiting allowable trees to shade trees.
- 12) A waiver from Section 38-1392.5(1) is requested within Tracts 1, 2, 3 and 4 to allow for a minimum landscaped area of eight (8) percent of a parking lot, in lieu of ten (10) percent and a minimum landscape planter width of ten (10) feet from face of curb to face of curb, in lieu of thirteen (13) feet from face of curb to face of curb. Cumulative tree caliper inches will be provided per code requirements.
- 13) A waiver from Section 38-1392.5(2) is requested within Tracts 1, 2, 3 and 4 to allow for a minimum of one (1) canopy tree (as defined by BVN code as 4" caliper or greater) for every 10 parking spaces, in lieu of 0.8 caliper inches of canopy trees for every parking space. It is also requested to permit specimen palms, in addition to canopy tree.
- 14) A waiver from Section 38-1272 (a)(1) is requested within Tracts 2,3, and 4 to allow a maximum impervious coverage not to exceed eighty (80) percent of the net land area, in lieu of seventy (70) percent of the net land area.
- 15) A waiver from Section 38-1394(1)(b) is requested within Tracts 1, 2, 3 and 4 to allow one shade tree every fifty (50) feet at minimum of four-inch (4") caliper with a minimum height of fourteen (14) feet and three (3) ornamental trees every one-hundred (100) feet, in lieu of one (1) shade tree every forty (40) feet at a minimum of four-inch caliper with a minimum height of fourteen (14) feet and 3 ornamental trees every one hundred

feet for collector roads. It is also requested to permit specimen palms, in addition to canopy trees, to meet the requirement.

- 16) A waiver from Section 38-1394(1)(c) is requested within Tracts 1, 2, 3 and 4 to also permit specimen palms as canopy trees and palms as understory trees in reference to three (3) shade trees for every one hundred (100) feet, four-inch caliper, 14-foot height minimum; or five (5) under-story trees in tree-wells for every one hundred (100) feet.
 - 17) A waiver from Section 38-1394(2) is requested within Tracts 1, 2, 3 and 4 to allow for specimen palms, in lieu of laurel oaks and in addition to live oaks as streetscape shade trees.
 - 18) A waiver from Section 38-1394.1(a) is requested within Tracts 1, 2, 3 and 4 to allow for the green space around the base of each single-story building to be zero feet (0') if abutted by a sidewalk, in lieu of ten feet (10') around the base of each single story building within the commercial or vertical mixed use developments.
 - 19) A waiver from Section 38-1394.1(b) is requested within Tracts 1, 2, 3, and 4 to allow for a minimum ground sign planting area of one times the copy area of the ground sign, in lieu of three times the copy area of the ground sign.
 - 20) A waiver from Section 38-1394.1(c) is requested within Tracts 1, 2, 3 and 4 to allow for zero (0) feet of landscape buffer requirement between land uses internal to the PD.
 - 21) A waiver from Section 38-1286 is requested within Tract 4 to have no minimum lot width, in lieu of one hundred fifty (150) feet.
 - 22) A waiver from Section 38-1287(1) is requested to allow a minimum building setback from an Arterial to be twenty-five (25) feet for Tract 4, in lieu of sixty (60) feet.
- f. 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.
- g. Transient and short term rental shall be prohibited within residential development. Length of stay shall be for a consecutive 180 days or greater.
- h. 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.

10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 13, 2018 shall apply:
- a. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
 - b. Big Sand Lake has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Big Sand Lake, this project shall be required to be a participant.
 - c. A waiver from Section 38-1394.1(a)(2) is granted for Parcel 14-24-28-0000-00-027 to allow for multi-family developments to have tree planting requirements around the building base area per Section 24-4(d)(2), in lieu of one (1) canopy tree for each one hundred (100) square feet of green space.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 6, 2018 shall apply:
- a. The following Education Condition of Approval shall apply:
 - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement (CEA #OC-17-020) entered into with the Orange County School Board as of October 30, 2017.
 - 2) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the zero (0) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - 3) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.

- 4) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - 5) Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- b. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
 - c. No motorized watercraft shall be permitted onto Big Sand Lake from this development. (Condition from BCC 2/20/2001).
 - d. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
 - e. 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. The MUP must be approved prior to Construction Plan approval.
 - f. Outside sales, storage, and display shall be prohibited.
 - g. Development shall comply with the Buena Vista North overlay standards unless waivers have been explicitly approved by the BCC.
 - h. 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.
 - i. A waiver from Orange County Code Section 38-1393 is granted to allow for a maximum building height of 75 feet (6-stories) for multi-family buildings internal to the PD with a separation of 20 feet from single-family uses, in lieu of the proximity based requirements.
 - j. A waiver from Orange County Code Section 38-1258(j) is granted to require a minimum building separation of 20 feet between all multi-family buildings internal to the PD with no increase in proportion to additional structural height; in lieu of a minimum separation of 30 feet for two-story buildings, 40 feet for

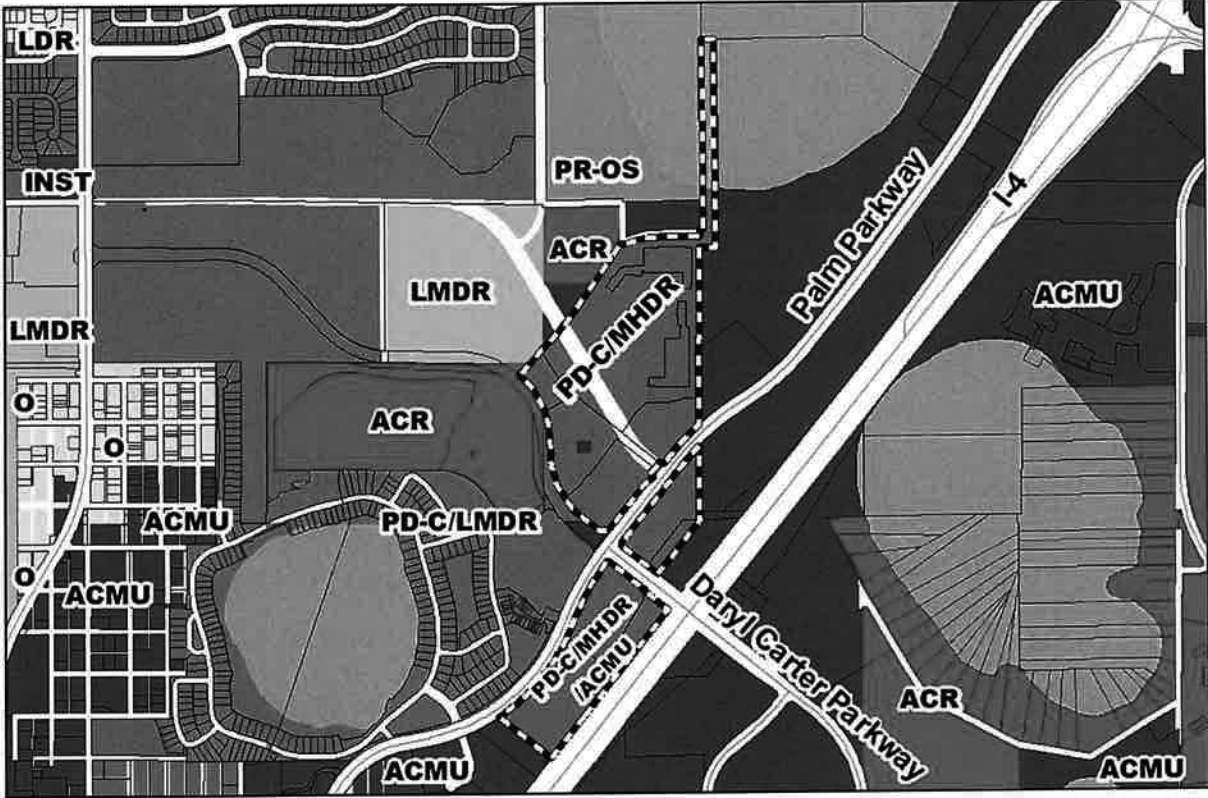
three-story buildings, and proportionate separation increases for additional building heights.

- k. A waiver from Orange County Code Section 38-1287(1)(b) is granted to allow for a minimum 40-foot building setback for all buildings internal to the PD from an abutting arterial right-of-way, in lieu of a minimum 60-foot building setback from a abutting arterial right-of-way.
- l. A waiver from Orange County Code Section 38-1251(b) is granted to allow the maximum coverage of all buildings to not exceed 75% of the gross land area internal to the PD, in lieu of the maximum coverage of all buildings not exceeding 30% of the gross land area.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (June 23, 2020)

Upon a motion by Commissioner VanderLey, seconded by Commissioner Uribe, and carried 7-0 by a voice vote, the Board made a finding of consistency with the Comprehensive Plan; and approved the Substantial Change Request to the Hannah Smith Property PD to amend the development program to allow for 314,000 square feet of office uses, 1,300 multi-family units, 165 hotel rooms, one (1) timeshare unit, and 349,000 square feet of commercial uses. The Board also approved a waiver from Orange County Code Section 38-1393 to allow for a maximum height of 200 feet for non-residential development for Tract 4, in lieu of the proximity-based requirements.

CDR-20-11-315



Subject Property

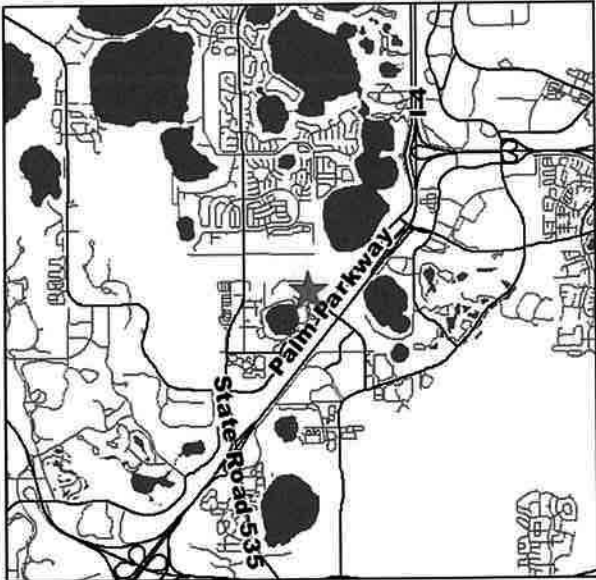


Subject Property

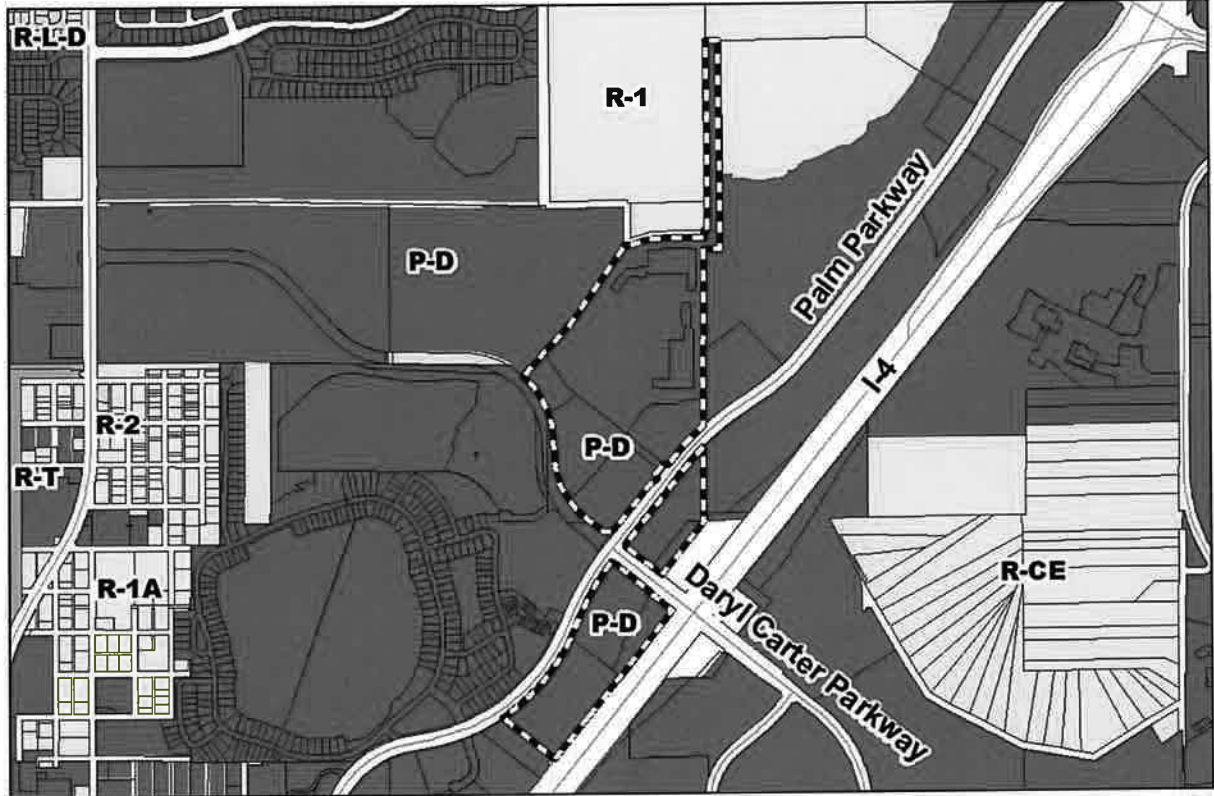
Future Land Use Map

FLUM: PD-C/MHDR/ACMU
APPLICANT: Jennifer Stickler, Kimley-Horn & Associates
LOCATION: Generally located east of Palm Parkway, west of Interstate 4, and south of Daryl Carter Parkway
TRACT SIZE: 86.84 gross acres
DISTRICT: # 1
S/T/R: 14/24/28

1 inch = 1,289 feet



CDR-20-11-315



Subject Property



Subject Property

Zoning Map

Zoning: P-D

APPLICANT: Jennifer Stickler, Kimley-Horn & Associates

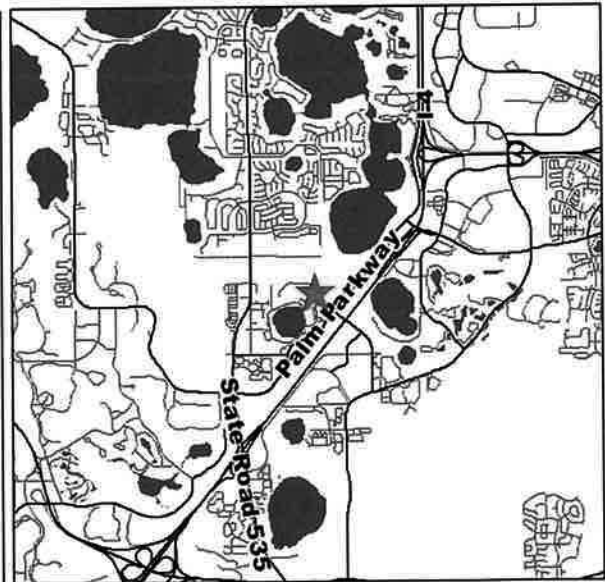
LOCATION: Generally located east of Palm Parkway, west of Interstate 4, and south of Daryl Carter Parkway

TRACT SIZE: 86.84 gross acres

DISTRICT: # 1

S/T/R: 14/24/28

1 inch = 1,289 feet



Hannah Smith PD / LUP (Cover Sheet)

Land Use Plan HANNAH SMITH PROPERTY PD

Orange County, FL

CDR-20-11-315

I-4, Daryl Carter Pkwy, & Fenton St.

Parcel ID: 11-24-28-0000-00-020; 14-24-28-1242-66-001;
 14-24-28-1242-60-000; 14-24-28-1242-71-350; 14-24-28-1242-66-000;
 14-24-28-1242-71-380; 14-24-28-0000-00-018; 14-24-28-0000-00-012;
 15-24-28-7774-00-024; 15-24-28-7774-00-023

Issued for PD Rezoning Approval

Date Issued April 28, 2020

Latest Issued December 9, 2020

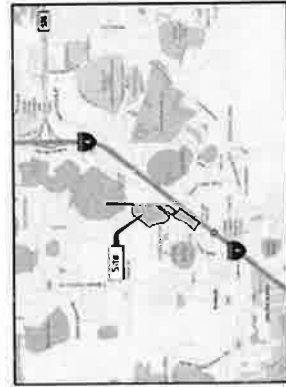
Applicant:
 Kimley-Horn and Associates
 189 S. Orange Ave., Suite 1000
 Orlando, FL 32801
 Email: jennifer.stickler@kimley-horn.com
 Phone: (407) 898-1511

Client:
 O-Town Retail LLC
 7940 Via Dellagio Way Ste 200
 Orlando, FL 32819-5400

Contact: Jennifer J. Stickler, P.E.
 Email: jennifer.stickler@kimley-horn.com
 Phone: (407) 898-1511

SHEET INDEX

SHEET #	TITLE
01	COVER SHEET
02	ENVIRONMENTAL CONDITIONS
03	NOTES & LAND USE PLAN
04	APPROVED WAIVERS
05	CONDITIONS OF APPROVAL
06	BOUNDARY SURVEY
07	BOUNDARY SURVEY
08	BOUNDARY SURVEY
09	CONDITIONS OF APPROVAL; ADDITIONAL
10	PROPOSED WAIVER REQUESTS
11-46	MASTER SIGN PLAN



Site Location Map

Legal Description:

Parcel 1: 59.50 acres
 Parcel 2: 7.49 acres
 Parcel 3: 19.85 acres
 Total: 86.84 acres

REQUEST:
 Add a master sign plan and associated
 waivers for Tracts 1, 2, 3, 4.



Notification Map

