



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): Jordan Draper, P.E., Kimley-Horn & Associates, Inc.
Project Name: South Park Planned Development (PD)
Project No.: CDR-24-04-093 / District 6

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 10, 2024, to approve a Change Determination to the South Park Planned Development (PD). The project is located at 2800 West Sand Lake Road, and generally located south of West Sand Lake Road and east of South John Young Parkway and is currently developed as a home improvement store. The request is to add 1,919 square feet of retail commercial entitlements to PD Tract 2, increasing the development program from 163,500 to 165,419 square feet of commercial uses. The additional 1,919 square feet of commercial is being requested for the PD to have enough commercial entitlements for the construction of a proposed 4,200 square foot car wash. The car wash site is proposed to be constructed in the existing parking lot of a home improvement store. The existing development will still meet all minimum code requirements with the removal of a portion of the parking area for the car wash.

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 South Park Planned Development (PD) (CDR-24-04-093) dated "Received June 10, 2024", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 6

TW/JCK/kh
Attachments

CASE # CDR-24-04-093
Commission District: #6

GENERAL INFORMATION

APPLICANT Jordan Draper, Kimley-Horn & Associates, Inc.

OWNER Lowes Home Centers Inc.

PROJECT NAME South Park PD

PARCEL ID NUMBER(S) 33-23-29-7457-00-001 (affected parcel)

TRACT SIZE 82.18 gross acres (overall PD)
14.74 acres (affected parcel)

LOCATION 2800 West Sand Lake Road; South of West Sand Lake Road /
East of South John Young Parkway

REQUEST To increase commercial use square footage in Tract 2 from
163,500 to 165,419 for a total commercial use square footage of
676,355 for the entire PD.

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. Two hundred and twenty-three (223)
notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The South Park Planned Development (PD) consists of approximately 82.18 gross acres and is generally located south of West Sand Lake Road and east of South John Young Parkway. The PD was originally approved in 1994, and currently provides for a development program that allows for 24 units per acre of multifamily residential (with a maximum of 514 units), 674,436 square feet of commercial, and 414,000 square feet of office.

Through this request, the applicant is proposing to increase commercial use square footage in Tract 2 by 1,919 square feet for a proposed car wash use. This increases the Tract 2 development program from 163,500 to 165,419 for a total commercial use square footage of 676,355 for the entire PD. Tract 2 is located at 2800 West Sand Lake Road, and is currently developed with a home improvement store. The proposed 2,471 trips for the entire South Park PD with the additional requested commercial square footage for a car wash is significantly less than the 3,222 pm peak hour trips that 2,684,821 sq. ft. of industrial use would generate 3,222 pm peak hour trips, which is relevant as the site

currently has a Future Land Use (FLU) designation of Industrial (IND). The 2,684,821 sq. ft. of industrial comes from the fact that there are 82.18 acres within the South Park PD, which is 3,579,761 sq. ft.; and IND FLU allows for 0.75 FAR, which equates to 2,684,821 sq. ft. of industrial.

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 Industrial (I) on the Future Land Use Map and is zoned Planned Development (PD). The affected property has an underlying Future Land Use Map (FLUM) designation of Industrial (IND). The subject property has an underlying Future Land Use Map (FLUM) designation of Industrial. The 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 increase commercial uses for this PD as commercial uses were contemplated by the 1977 letter (see BLVR #06-77-011).

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

The Environmental Protection Division has reviewed the request and has found no concerns at this time.

Transportation Planning

This development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. Should this project be located near failing roadways then a traffic study will be required with the CEL application.

Based on the recently approved Standard Procedures Manual for Specific Transportation Analysis Methodology Plan (STAMP), published February 27, 2024 (Sec.30-562-2 of the Code of Ordinances), an operational traffic analysis study (intersection analysis) will be required at DP level for proposed developments projected to generate 50 or more net PM peak hour vehicle trips (not including pass-by and internal capture). The operational traffic study will be based on the most updated STAMP.

Community Meeting Summary

A community meeting was not required for this case.

Schools

Orange County Public Schools (OCPS) staff has reviewed the proposed request and 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 – (July 10, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the South Park PD dated “Received June 10, 2024”, subject to the following conditions:

1. Development shall conform to the South Park Planned Development (PD) dated "Received June 10, 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 June 10, 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 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, as may be amended, 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, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
 7. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.

8. 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.

9. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated January 6, 2015 shall apply:
 - a. A waiver from Orange County Code Section 38-1476 is granted to allow four (4) parking spaces for each 1,000 square feet of commercial shopping centers with over 50,000 square feet, in lieu of the requirement for 5 spaces for each 1,000 square feet of commercial for shopping centers with over 50,000 square feet.

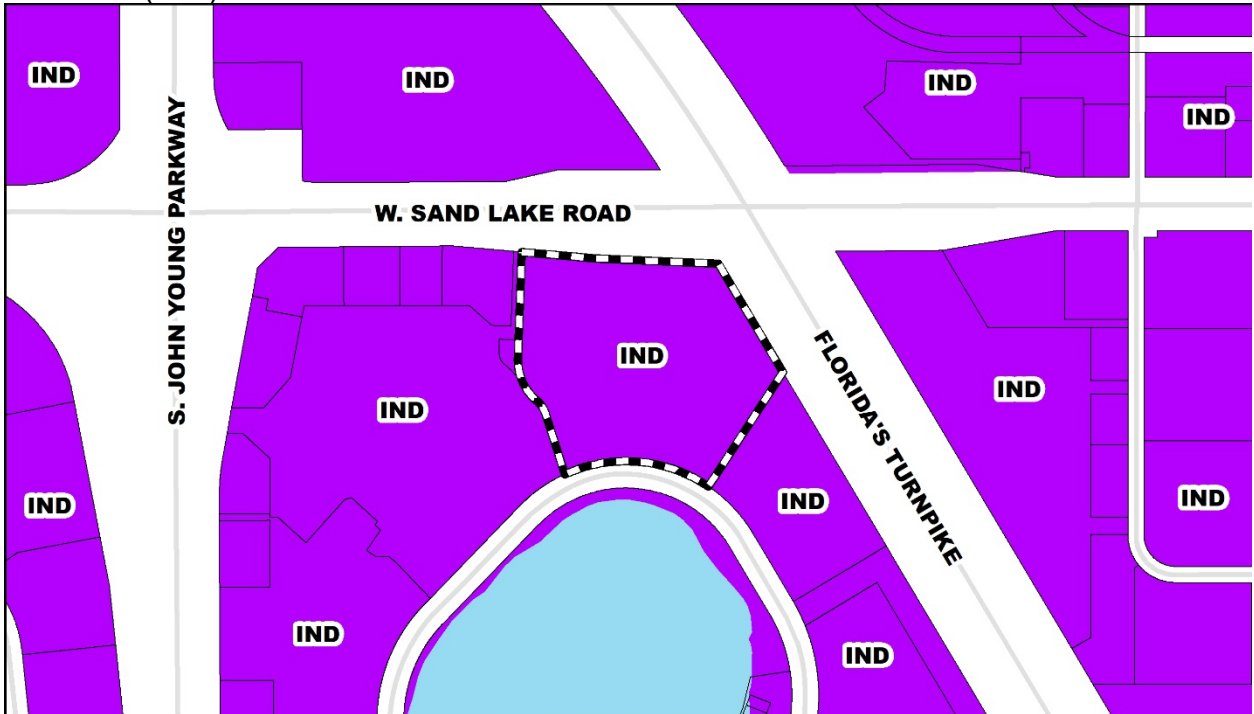
 - b. New pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.

 - c. Outside sales, storage, and display shall be prohibited.

 - d. A liquor license is not authorized.

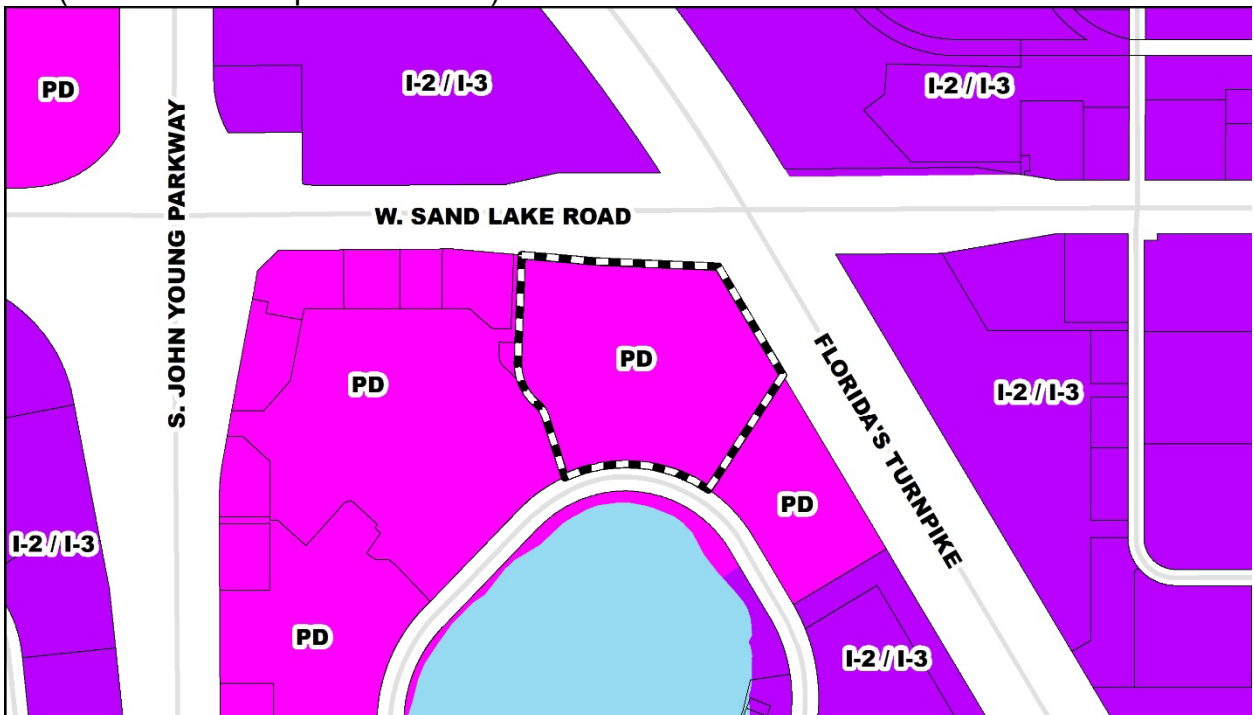
FUTURE LAND USE

Industrial (IND)



ZONING

PD (Planned Development District)

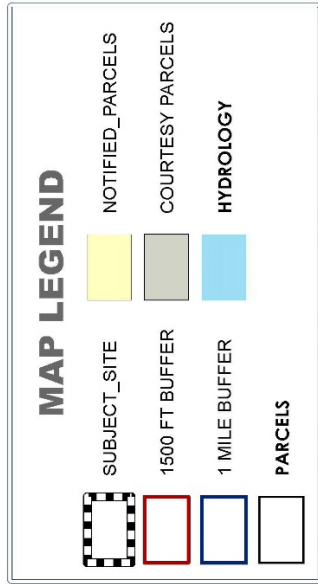


Public Notification Map

South Park PD_CDR-24-04-093



Notification Map



BUFFER DISTANCE: 1500
OF NOTICES: 223

