




**Interoffice Memorandum**

May 23, 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: June 18, 2024 – Public Hearing  
Applicant(s): Lance Bennett, Poulos & Bennett, LLC  
Project Name: Orangewood N-2 Planned Development (PD)  
Project No.: CDR-23-06-186 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of April 24, 2024, to approve a substantial change to the Orangewood N-2 Planned Development (PD). The project is generally located north of International Drive and east of Central Florida Parkway.

The applicant is requesting to create PD Parcel 10A from a portion of existing PD Parcel 10. They are also requesting to convert unused hotel entitlements, and request additional entitlements, for a total of 245 timeshare units and 15,000 square feet of tourist commercial uses on new PD Parcel 10A.

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 Orangewood N-2 Planned Development (CDR-23-06-186) dated "Received April 4, 2024", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

TW/JCK/kh

Attachments

**CASE # CDR-23-06-186**

Commission District: # 1

**GENERAL INFORMATION**

**APPLICANT** Lance Bennett, Poulos & Bennett, LLC

**OWNER** KIMAYA LLC

**PROJECT NAME** Orangewood N-2 Planned Development (PD)

**PARCEL ID NUMBER(S)** 13-24-28-6283-00-101 (affected parcel)

**TRACT SIZE** 432.9 acres (gross area)  
22.5 acres (affected area)

**LOCATION** North of International Drive / East of Central Florida Parkway

**REQUEST** To create Parcel 10A from existing Parcel 10. Use the existing trip conversion matrix to convert 61 entitled Hotel units to 48 timeshare units and request an additional 197 Timeshare Units (for a total of 245 Timeshare units) as well as 15,000 SF of Tourist Commercial on New PD Parcel 10A.

**PUBLIC NOTIFICATION** The notification area for this public hearing extended beyond 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. One thousand one hundred and twenty-two (1,122) notices were mailed to those property owners in the mailing area.

**IMPACT ANALYSIS**

**Project Overview**

The Orangewood N-2 Planned Development (PD), consisting of approximately 207.1 gross acres, is generally located north of International Drive and east of Central Florida Parkway. The PD was originally approved in 1972. The subject request is located within PD Parcel 10, which has an existing Development Program (DP) of 292 hotel rooms.

Through this request, the applicant is proposing to create PD Parcel 10A from existing PD Parcel 10, to use the existing trip conversion matrix to convert 61 entitled Hotel units to 48 timeshare units and request an additional 197 timeshare units (for a total of 245 timeshare units) as well as requesting an additional 15,000 square feet of Tourist Commercial on New PD Parcel 10A.

**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 Activity Center Mixed Use (AMCU) and Activity Center Residential (ACR). The subject property is designated PD (Planned Development) on the Zoning Map, which is consistent with the FLUM Designation.

**Overlay Ordinance**

The subject property is located within the Tourist Commercial Signage Overlay District.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Environmental**

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

**Transportation Planning**

Based on the Concurrency Management database (CMS) dated 8/22/2023, there is a failing roadway segment within the project's impact area along Turkey Lake Rd, from Central Florida Pkwy to Sand Lake Commons Blvd. This information is dated and subject to change. Existing/Valid transportation capacity entitlements not found. Future 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.

This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas required shall be conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.

Pursuant to Article XII, Chapter 30, Orange County Code, 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.

**Community Meeting Summary**

A community meeting was not required for this case.

**Schools**

Orange County Public Schools (OCPS) staff has reviewed the proposed 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 Forms are currently on file with the Planning Division.

**ACTION REQUESTED**

**Development Review Committee (DRC) Recommendation – (April 24, 2024)**

**Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Orangewood N-2 PD dated “Received April 4, 2024”, subject to the following conditions:**

1. Development shall conform to the Orangewood N-2 Planned Development dated "Received April 4, 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 April 4, 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, 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, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway



improvements. The easement areas required shall be conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.

8. Pursuant to Article XII, Chapter 30, Orange County Code, 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. Non-residential length of stay shall not exceed 179 consecutive days.
10. Outdoor sales, storage, and display shall be prohibited.
11. New pole signs and billboards shall be prohibited. Parcel 6 shall comply with the approved master sign plan where applicable, and all other signage shall comply with Chapter 31.5 Tourist Commercial Standards, as may be amended.
12. In compliance with Section 19 of the Orange County Code, the property owner/engineer may be required to provide a series of FEMA Letter of Map Changes (LOMC). For development within the 1% annual chance flood (100-year flood) floodplain without an established Base Flood Elevations (BFE), depicted as Zone A, the owner/engineer must perform a study to establish the BFE and obtain a FEMA LOMR (Letter of Map Revision) prior to site construction plan submittal. For modifications to a determined BFE (Zone AE), floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a FEMA Conditional Letter of Map Revision (CLOMR) must be obtained prior to site construction plan approval; a subsequent FEMA Letter of Map Revision (LOMR) reflecting final construction will be required. Said FEMA LOMR approval must be obtained by the owner/engineer and must be submitted to the Floodplain Administrator prior to the release of the Certificate of Occupancy and/or Certificate of Completion. Compensation Storage for all projects within the 1% annual chance flood (100-year flood) floodplain shall be provide on a "cup for cup" basis in accordance with Chapter 19-107(1).
13. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated December 12, 2023, shall apply:
  - a. Owner / Developer shall amend and/or supplement the Covenants, Conditions, and Restrictions (CC&Rs) regarding the proximity of any

swimming pool(s) to a retaining wall to state that the Property Owners Association (POA) accepts and assumes sole and entire responsibility and risk for any and all costs associated with ownership, maintenance, repair, and replacement of the retaining wall(s). Such responsibility must specifically include any damage to private property caused by partial or complete failure of such wall(s). Additionally, language acceptable to Orange County shall be added that both the POA and any and all private property owners agree to release, indemnify, and hold harmless Orange County from any claims, damages, etc. that result from failure of all or any part of a retaining wall.

- b. The existing covenants, conditions, and restrictions (CC&Rs) must be modified to provide for a resolution process between the Property Owners Association (POA) and any affected lot owner should there be any encroachments affecting any easements dedicated to the POA.
- c. A waiver from Orange County Code Section 38-79(10) is granted to allow pools and screen enclosures on single family attached (townhome) lots to have a zero-foot side setback in lieu of a five-foot side setback.

14. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated October 25, 2022, shall apply:

- a. Short term / transient rental is prohibited for Parcel 11F; length of stay shall be for 180 consecutive days or greater.
- b. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
- c. A waiver from Orange County Code Section 38-1300 is granted to allow multi-family buildings eighty (80) feet in height within Parcel 11F in lieu of sixty (60) feet in height.

15. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated July 12, 2022, shall apply:

- a. A waiver from Section 38-1300 to allow multi-family buildings eighty (80) feet in height within Parcel 11D, in lieu of sixty (60) feet in height.

16. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated February 26, 2019, shall apply:

- a. The following waivers from Orange County Code are granted:
  - 1) A waiver from 38-1203(3) is granted to allow the project to be governed by a Preliminary Subdivision Plan, in accordance with the applicable provisions of Chapter 34, and any other applicable provisions of Orange County Code related to residential

development, in lieu of the requirement to submit a Development Plan(s).

- 2) A waiver is granted to allow the project to be treated as a residential project and be governed by the standards in Chapter 38, Article VIII, related to Residential Site Standards, and any other applicable provisions of Orange County Code related to residential development, in lieu of the standards set forth in Chapter 38, Article VIII, and any other applicable provisions of Orange County Code related to Tourist Commercial Site Development Standards or commercial components of a planned development (PD).

17. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated June 30, 2015, shall apply:

- a. All acreages identified as conservation areas and buffers are considered approximate until finalized by Conservation Area Determination (CAD) and Conservation Area Impact (CAI) Permits. Approval of this plan does not permit any proposed conservation impacts.
- b. The following Education Condition of Approval shall apply to Parcel 11 only:
  - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of April 28, 2015, as may be amended.
  - 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 781 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. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). An MUP update shall be submitted to Orange County Utilities at least thirty (30) days prior to construction plan submittal. The updated MUP must be approved prior to Construction Plan approval.
  - d. Any multi-family development shall prohibit short term rental of 179 days or less. Any hotel/timeshare development, and any development on Parcel 11D, shall prohibit stays of 180 days or more. The CCR's shall include a notice/provision stating that short term rental shall not exceed 179 consecutive days within any 12-month period.
  - e. A waiver from Orange County Code Section 38-1501 is granted to allow a minimum lot width of thirty-two (32) feet, in lieu of forty-five (45) feet.
  - f. A waiver from Orange County Code Section 38-1501 is granted to allow a side setback of four (4) feet in lieu of five (5) feet for the thirty-two (32) foot lots. A/C units shall be located to the rear of homes, outside of the side setback.
  - g. Permitted and prohibited uses shall be those specified in Policies ID1.1.3 and ID1.1.6 of the International Drive Activity Center Element.
  - h. Any single-family detached houses or short-term rental units on lots less than 50 feet in width shall have rear-loaded garages.
  - i. Parcel 11A shall require approval by the Board of County Commissioners at a public hearing.
18. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated March 10, 2015, shall apply:
- a. The following Education Condition of Approval shall apply to Parcel 15 only:
    - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board [and Orange County] as of 2/02/2015.

- 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. A copy of Concurrency Vested Rights certificate must be provided with the application for a building permit.
  - c. For Parcel 15 only, upon receipt of a permit, following County Completion of Design Plans, Developer shall construct the Improvements to the intersection of Westwood Boulevard Extension and International Drive within 180 days as provided in the Road Impact Fee Agreement approved by the BCC on May 14, 2013, and recorded at OR Book / Page 10571 / 4753.
19. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated October 8, 2013, shall apply:
- a. An additional access driveway is approved for a right-in access only for Parcel 15 only. No future right-out access is approved at this location without a change to the Land Use Plan and approval by the Board of this change request.

- b. The Master Sign Plan, dated "Received July 24, 2013," applicable to Parcel 6 only, is approved with the following waivers:
  - 1) A waiver from Section 31.5-163(a)(1) to allow the copy area of the outparcel 7 ground signs to be no more than 60 square feet each in exchange for other ground signs (per the Master Sign Plan for Parcel 6) to be reduced to 30 square feet, as outparcel 7 has limited right-of-way frontage. The exception to this requirement is that the ground sign within outparcel 5 may also have no greater than 60 square feet in copy area, in lieu of 30 square feet.
  - 2) A waiver from Section 31.5-166(d) to allow a maximum of two (2) ground signs for outparcel 7 (as identified on the Master Sign Plan) where less than 500-feet of right-of-way frontage is present, in lieu of the requirement that the two (2) ground signs have greater than 500-feet of right-of-way frontage. The waiver also allows the two (2) ground signs to be separated from each other and from any other ground signs within adjacent outparcels to be separated by a distance of less than 100-feet, but no closer than 50-feet; in lieu of the requirement that they be separated by a distance of not less than 100-feet.
  - 3) A waiver from Section 31.5-166(e) to allow two (2) ground signs advertising or identifying businesses within outparcel 7 to be located off-site (within adjacent outparcels 1, 2 and 6 as identified on the Master Sign Plan), in lieu of the requirement that ground signs only be used to advertise or identify businesses within the parcel in which they are located.
  - 4) A waiver from Section 31.5-166(e) to allow Parcel 2 to share a 60 dual tenant square foot ground sign on Parcel 5 in lieu of a ground sign may only advertise or identify the establishment or business on the parcel.
  - 5) A waiver from Section 38-1287(2), (3) & (4) to allow internal lot lines to have building and paving setbacks reduced to zero is granted for Parcel 6 only.
  
- 20. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated April 20, 2010, and February 16, 2010, shall apply:
  - a. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan, with a tree removal and mitigation plan, have been approved by Orange County.
  - b. This project is located in the International Drive Activity Center and is subject to the provisions of the International Drive Activity Center Element of the Comprehensive Plan.



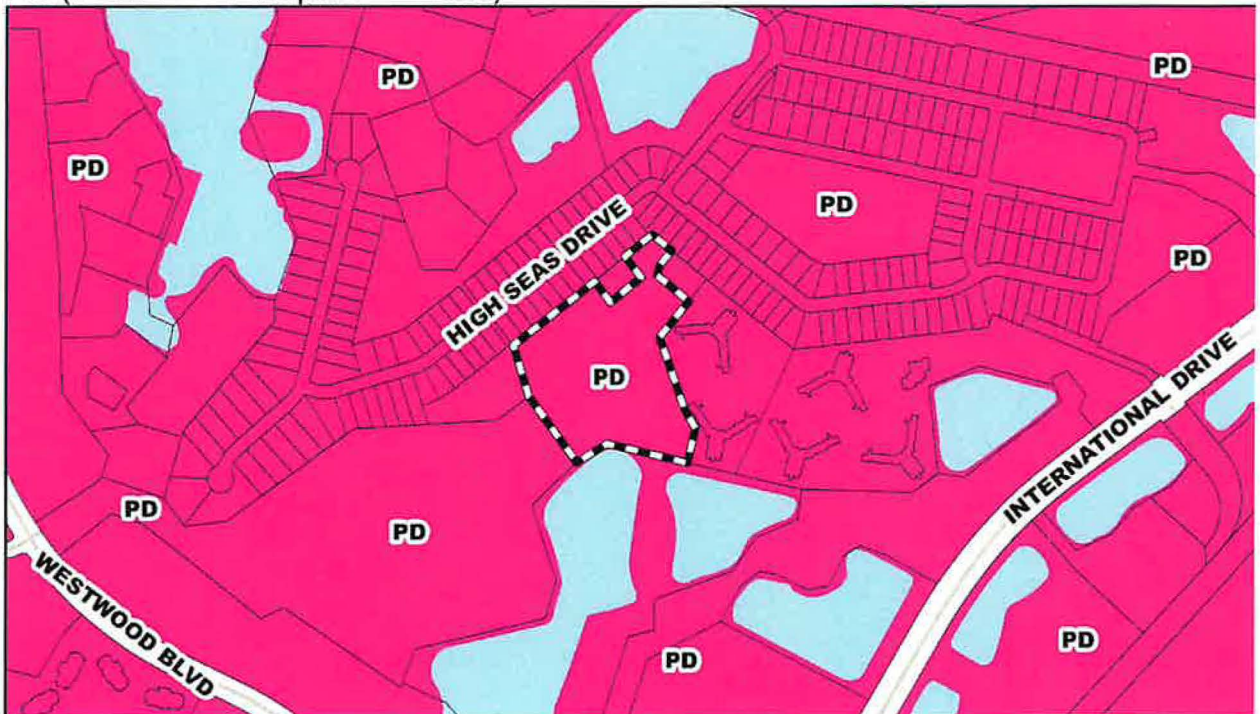
**FUTURE LAND USE**

Planned Development (PD) / Activity Center Mixed Use (ACMU)



**ZONING**

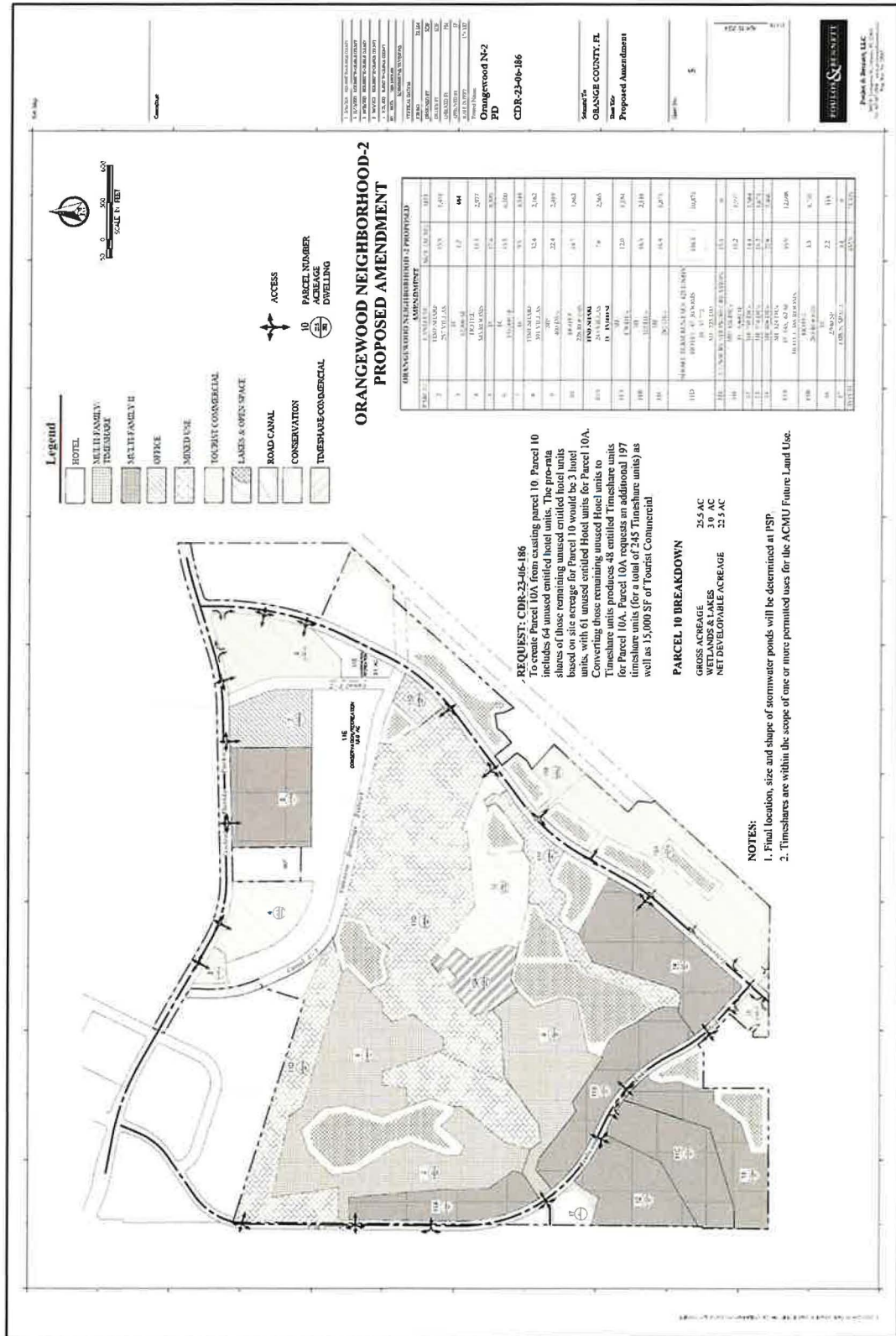
PD (Planned Development District)







# Orangewood N-2 PD Land Use Plan



# Notification Map

