




Interoffice Memorandum

DATE: October 20, 2022

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

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

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

SUBJECT: November 15, 2022 – Public Hearing
Geoffrey Geach, Kimley-Horn
Lake Sherwood Village Planned Development
Case # CDR-22-04-148/ District 6

The Lake Sherwood Village Planned Development (PD) is located North of State Road 408 / West of State Road 435. The existing PD development program allows for residential multifamily, commercial, recreation areas and open space.

Through this PD substantial change, the applicant is seeking to allow for a communications tower use on Commercial Tract B of the PD. The request also includes two waivers from Code allow a monopole communications tower between 80 feet and 140 feet in height to be within 633' of single-family or duplex residential units, and within 587' of existing multi-family residential units, in lieu of 700' from each.

On September 7, 2022, 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 Lake Sherwood Village Planned Development / Land Use Plan (PD/LUP) dated “Received September 16, 2022”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 6**

Attachments
JWW/NT/ATV

CASE # CDR-22-04-148

Commission District: # 6

GENERAL INFORMATION

APPLICANT Geoffrey Geach, Kimley-Horn

OWNER Wal-mart Stores East LP

PROJECT NAME Lake Sherwood Village Planned Development

PARCEL ID NUMBER(S) 26-22-28-6069-00-021 (affected parcel)

TRACT SIZE 0.1148 acres (affected area only)

LOCATION Generally located North of State Road 408 / West of State Road 435.

REQUEST A Change Determination Request (CDR) to allow for a communications tower use on Commercial Tract B of the PD. The request also includes two waivers from Code to reduce the separation distance between the tower and existing single-family residential development. In addition, the applicant has requested the following waivers from Orange County Code:

1. A waiver from Section 38-1427(d)(2)d to allow a monopole between 80 feet and 140 feet to be within 633' of single-family or duplex residential units, in lieu of 700'.

Applicant Justification: Located between the proposed communication tower and the nearest single-family residential units are (1) an existing tree canopy buffer on the parent parcel, (2) the 408 East-West Expressway at a toll booth segment, which has 11 vehicular lanes. the intervening areas between the proposed communication tower and the nearest single-family residential unit provide ample separation and buffering.

2. A waiver from Section 38-1427(d)(2)d to allow a monopole between 80 feet and 140 feet to be within 587' of existing multi-family residential units, in lieu of 700'.

Applicant Justification: Located between the proposed communication tower and the nearest existing multi-family residential units is an existing tree canopy buffer on the parent parcel and a tree buffer along the multi-family unit parcel across a vacated row. The intervening areas between the proposed communication tower and the nearest existing multi-family residential units provide sufficient separation and buffering.

PUBLIC NOTIFICATION A notification area extending one (1) mile was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four thousand six hundred twenty-five (4,625) 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 Lake Sherwood Village PD was originally approved 1997. The development plan for this PD includes residential multifamily, commercial, recreation areas and open space.

Through this PD Change Determination Request (CDR), the applicant is seeking to allow for a communications tower use on Commercial Tract B of the PD. The request also includes two waivers from Code to reduce the separation distance between the tower and existing single-family residential development.

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 PD/HDR/C (Planned Development/High Density Residential/Commercial). The Lake Sherwood Village PD was approved in 1997 and includes uses such as commercial and apartments. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

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

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

Transportation Planning

Transportation Planning reviewed the request and did not identify any issues or concerns. The following comments were provided as informational comments:

- Unmanned Structures are exempt from Transportation Concurrency Entitlements.
- Based on the concurrency management (CMS) database dated 5/02/2022, there is a failing roadway segment within the project's impact area along Good Homes

Road from White Road to Colonial Drive. This information is dated and subject to change.

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 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 – (September 7, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Lake Sherwood Village Planned Development / Land Use Plan (PD/LUP), dated “September 16, 2022”, subject to the following conditions:

1. Development shall conform to the Lake Sherwood Village Planned Development dated "September 16, 2022," 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 September 16, 2022," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or

otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

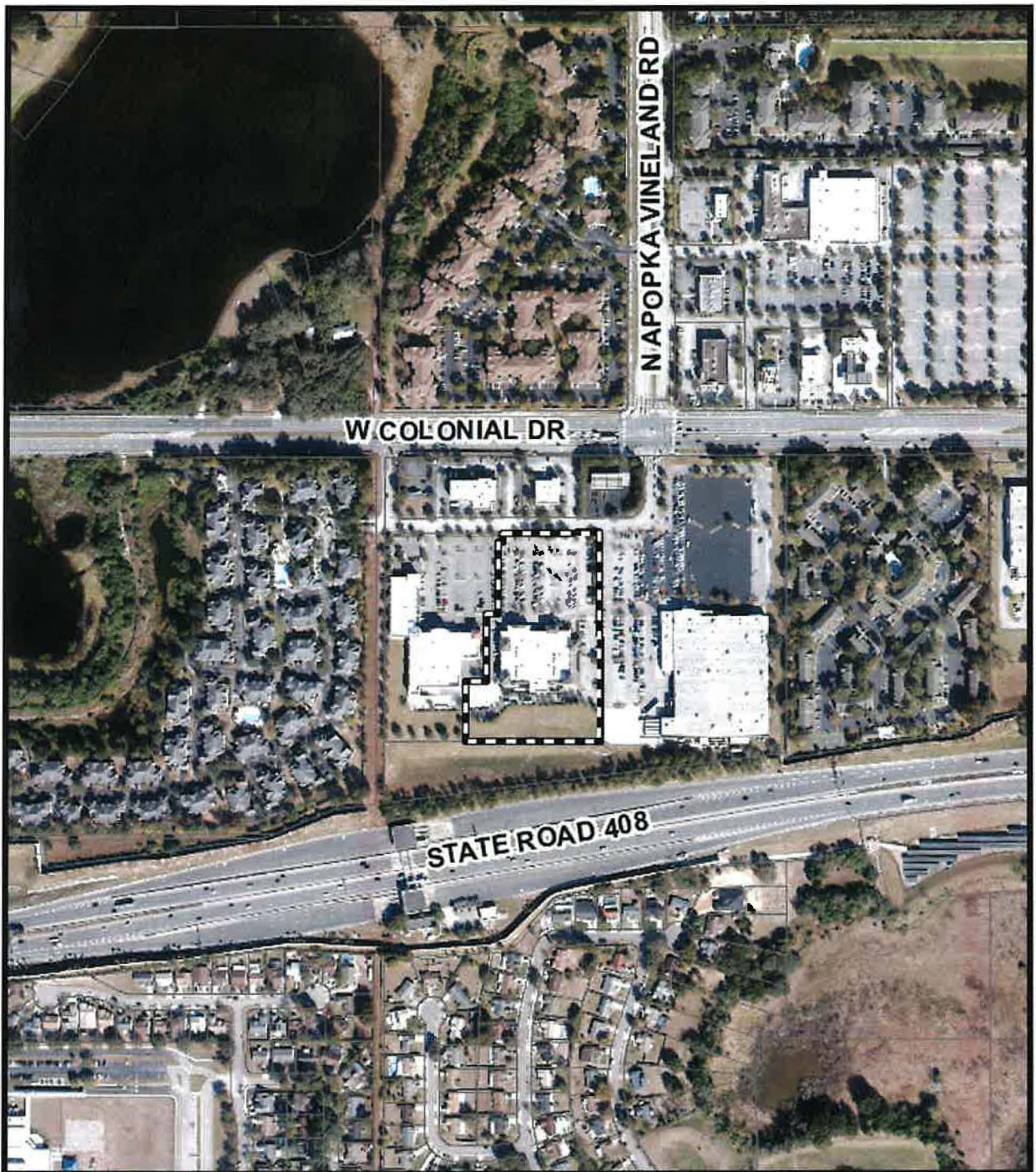
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development (including hydraulically dependent development) within the PD.

7. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
8. This communication tower shall be designed and constructed to accommodate at least two (2) service providers. The applicant shall provide a notarized letter acknowledging that the communication tower is designed and will be constructed to accommodate at least two (2) service providers, prior to issuance of a building permit.
9. A waiver from Orange County Code Section 38-1427(d)(2)d. is granted to allow a monopole tower 150-feet tall to be within 633-feet of single-family or duplex residential units, and 705-feet of vacant single-family zoned platted lands, in lieu of 1,050-feet.
10. A waiver from Orange County Code Section 38-1427(d)(2)d. is granted to allow a monopole tower 150-feet tall to be within 587-feet of existing multi-family residential units, in lieu of 1,050-feet.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 24, 2009 shall apply:
 - a. Outdoor storage and display shall be prohibited.
 - b. Billboards and new pole signs shall be prohibited.
 - c. A waiver from Section 38-1272 (a) 3 to reduce the rear setback to 43.73 feet with a 70-foot average in lieu of 50.65 feet with a 77-foot foot average is granted.
 - d. A waiver from Section 38-1476 (a) is granted to allow reduction in the parking requirement to allow 4/1000 in lieu of 5/1000.
 - e. Since Lake Sherwood is a landlocked basin, the stormwater management system shall be designed to retain the 100-year/24-hour storm event on site.
 - f. Access rights along S.R. 50 shall be dedicated to Orange County except as shown the site plan.
 - g. Orange County shall not own, operate, or maintain the on-site water or wastewater systems.
 - h. The project shall be platted prior to issuance of a Certificate of Occupancy.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(March 24, 2009)*

Upon a motion by Commissioner Russell, seconded by Commissioner Segal, and carried by all members present voting AYE by voice vote, the Board approved the substantial change request to allow a 43.73-foot (with 70-foot average) rear setback in lieu of 50.65 feet (with 77-foot average), as previously approved by the Board; which constitutes a substantial change to the development on the described property.

Aerial Map

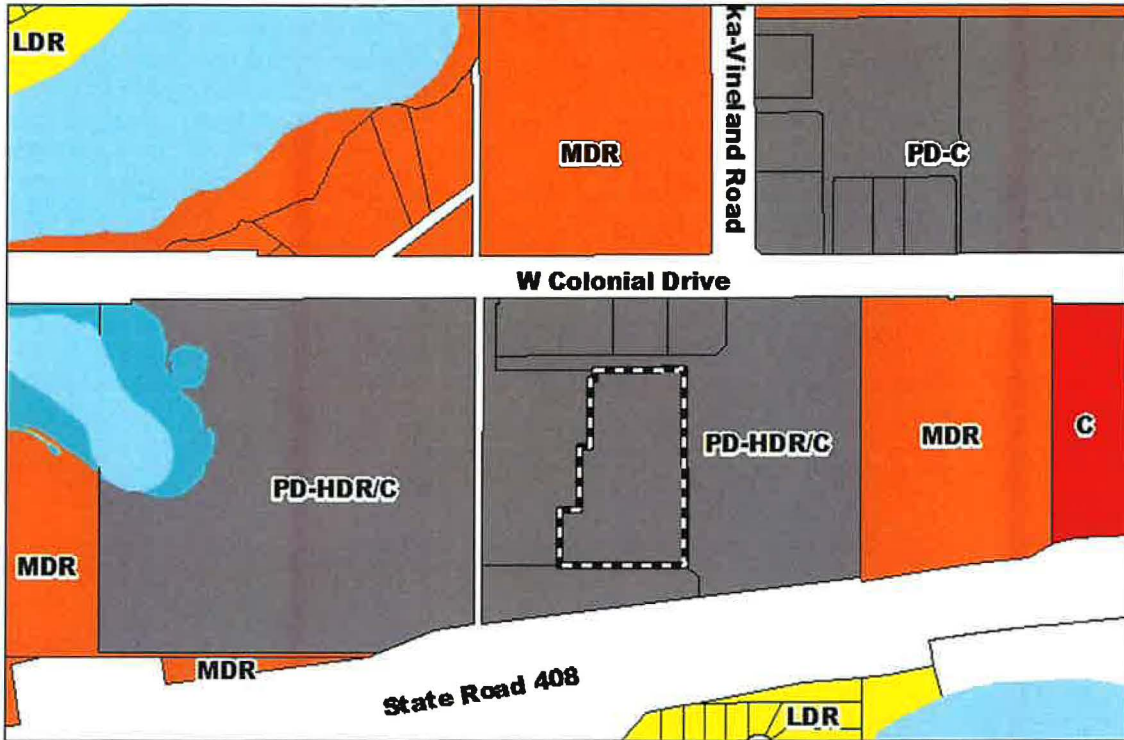


 Subject Property

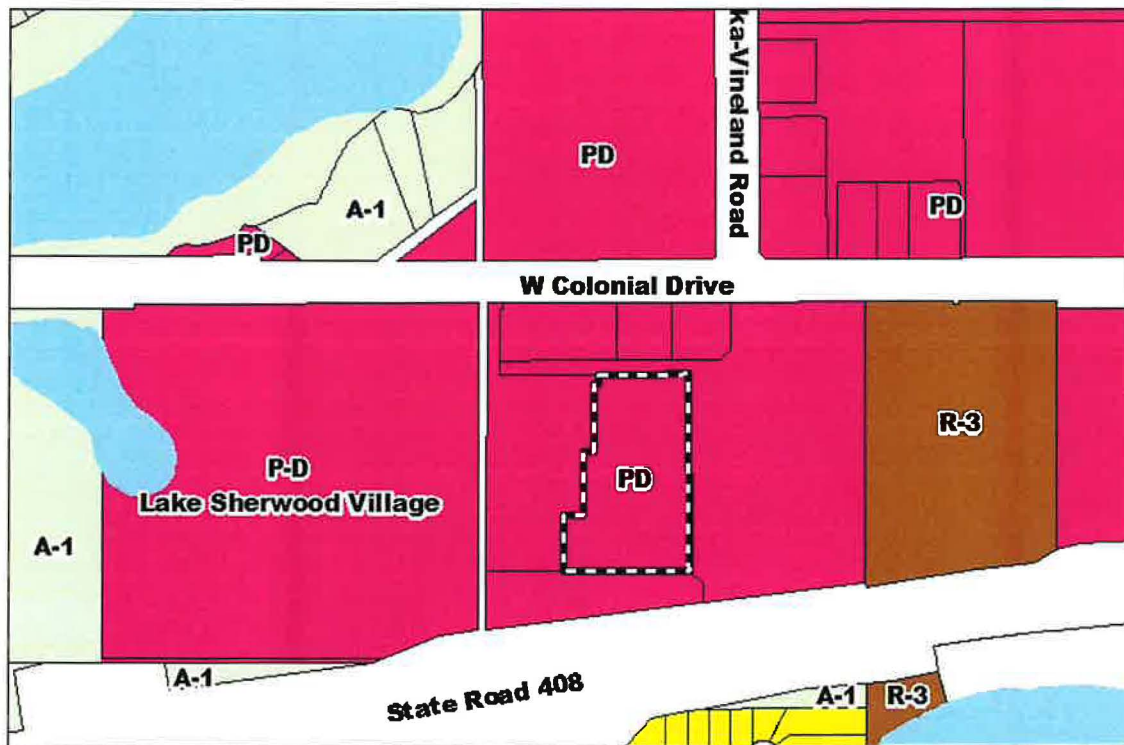


0 500 1,000 Feet

FUTURE LAND USE



ZONING



Lake Sherwood Village PD / LUP (Cover Sheet)

6

PROJECT SUMMARY	
SITE NAME:	LAKE SHERWOOD VILLAGE PD
407P ADDRESS:	7414 W COLONIAL DR ORLANDO, FL 32818
JURISDICTION:	ORANGE COUNTY
COUNTY:	ORANGE
ZONING:	P-O
PROPERTY OWNER:	MAL-MART STORES EAST LP
ADDRESS:	2075 9F 10794 ST BENTONVILLE, AR 72015
APPLICANT:	68A TOWERS IN LLC, 8005 CONGRESS AVENUE BOCA RATON, FL 33497 OFFICE: (800) 487-1400 FAX: (561) 228-3572
SBA CONTACT:	JESSICA ROSS PHONE 3613227142
SITE COORDINATES:	15
1. ATTITUDE:	28' 3" 56.01' N (NAD 83/2011)
2. LENGTH:	81' 2" 31.25' N (NAD 83/2011)
ELEVATION:	126.7 ANGL (NAD 83)
PARCEL NUMBER:	262228066000021
BUILDING CODE:	FLORIDA BUILDING CODE 2020
TA STANDARD:	ASSETA 222 N
BASIC GRID SPEED:	64 MPH

HANDICAPPED REQUIREMENTS:
 FACILITY IS UNIMPAVED AND NOT FOR HUMAN HABITATION.
 HANDICAP ACCESS NOT REQUIRED.

PLUMBING REQUIREMENTS:
 FACILITY HAS NO PLUMBING.

CONSULTING TEAM	
ARCHITECTURAL / ENGINEERING FIRM:	KIMLEY-HORN 655 NORTH FRANKLIN STREET SUITE 150 TAMPA, FL 33602 CONTACT: TONY DAWSON PHONE: (813) 620-1400
SURVEYING FIRM:	HCP CONSULTANTS, INC. 1000 ANSELIS DRIVE SUITE # 30040 CONTACT: WILLIAM S. PAYNE PHONE: 813-401-5460

UTILITIES INFORMATION	
CABLE COMPANY:	FIBER COMPANY:
TIME ENERGY CONTACT/CUSTOMER SERVICE PHONE/WEBSITE:	TIME CONTACT/TELEPHONE:
<p>THIS LAND USE PLAN AMENDMENT PROPOSES TO AMEND THE PREVIOUSLY APPROVED LAKE SHERWOOD VILLAGE, CASE # 26009, TO ALLOW A 80' CONCRETE TOWER ON A PORTION OF TRACT B. THE TOWER SHALL BE SET BACK FROM THE PROPERTY BOUNDARIES FOR A MINIMUM DISTANCE OF 10 FEET FROM ALL BOUNDARIES. THE TOWER SHALL BE USED FOR COMMUNICATIONS PURPOSES AND SHALL NOT BE USED FOR MULTIFAMILY RESIDENTIAL USES.</p>	

RECEIVED
By DRC Office at 9:48 am, Sept 16, 2022

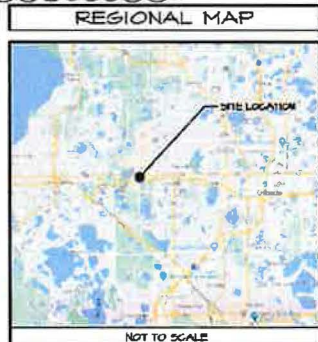
SITE NAME
LAKE SHERWOOD VILLAGE PD

SITE I.D.:
FL26278-S

ADDRESS
 7818 W COLONIAL DR
 ORLANDO, FL 32818

PROJECT TYPE
150' MONOPOLE LAND USE PLAN

PROJECT NUMBER
CASE #: CDR-22-04-148



DRIVING DIRECTIONS

HIGHWAY INFORMATION: CLOSEST TO HIGHWAY, ORLANDO, FL.

DIRECTIONS: HEAD SOUTHEAST ON FL 507 / S ORANGE AVE TOWARD N SOUTH ST ON N ROAD RIGHT ONTC 1 (LAVENS CIRCLE) N ALONG ORLANDO DOWNTOWN ON THE CORNER SIGN FT TAKE THE RAMP ON THE RIGHT FOR FL 408 N 5.0 MI AT EAST A ROAD ON THE RIGHT AND FOLLOW SIGN FOR HAWAIIAN RD 11.04 MI TURN RIGHT ONTO N HAWAIIAN RD / COUNTY TRUNK RD 425 TOWARD HAWAIIAN RD 11.04 MI TURN LEFT ONTO FL 505 / W COLONIAL DR ON THE RIGHT LEFT 45 FT KEEP STRAIGHT TO GET ONTO ROAD 492 E - 3608 LEFT 262 FT (ROAD RIGHT) 171 FT ARRIVE AT DESTINATION.

SHEET SCALE FACTOR:

PLOT SIZE:
 8" x 11", TO SCALE
 24" x 36", 1X SCALE AS NOTED

SHEET INDEX	
NO.	DESCRIPTION
LUP-1	TITLE SHEET
LUP-2	LAND USE PLAN
LUP-3	LAND USE PLAN NOTES
LS-1	LAND SURVEY / LEGAL DESCRIPTION
LS-2	LAND SURVEY
C-1	ACRAL SITE PLAN
C-11	OVERALL SITE PLAN
C-2	PDS ARAPD 407P PLAN
C-3	SITE ELEVATIONS
C-4	SITE DETAILS
C-5	TRUCK DETAILS
L-1	LANDSCAPING PLAN
1-2	LANDSCAPING DETAIL 1

LEGAL DESCRIPTION

WEST 1/4 OF THE 31ST AND 32ND SECTIONS OF THE 26TH TOWNSHIP 41N RANGE 12E MERIDIAN OF ORANGE COUNTY, FLORIDA, LESS MORE OR LESS ACRES AS FOLLOWS:

TO BE OWNED BY THE STATE OF FLORIDA

1/4 ACRES

THIS PART OF THE PROPERTY OF THE STATE OF FLORIDA IS THE PART THAT WAS A BEING HELD AS A TRUST FOR THE STATE OF FLORIDA AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

TO BE OWNED BY THE STATE OF FLORIDA

1/4 ACRES

THIS PART OF THE PROPERTY OF THE STATE OF FLORIDA IS THE PART THAT WAS A BEING HELD AS A TRUST FOR THE STATE OF FLORIDA AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

TO BE OWNED BY THE STATE OF FLORIDA

1/4 ACRES

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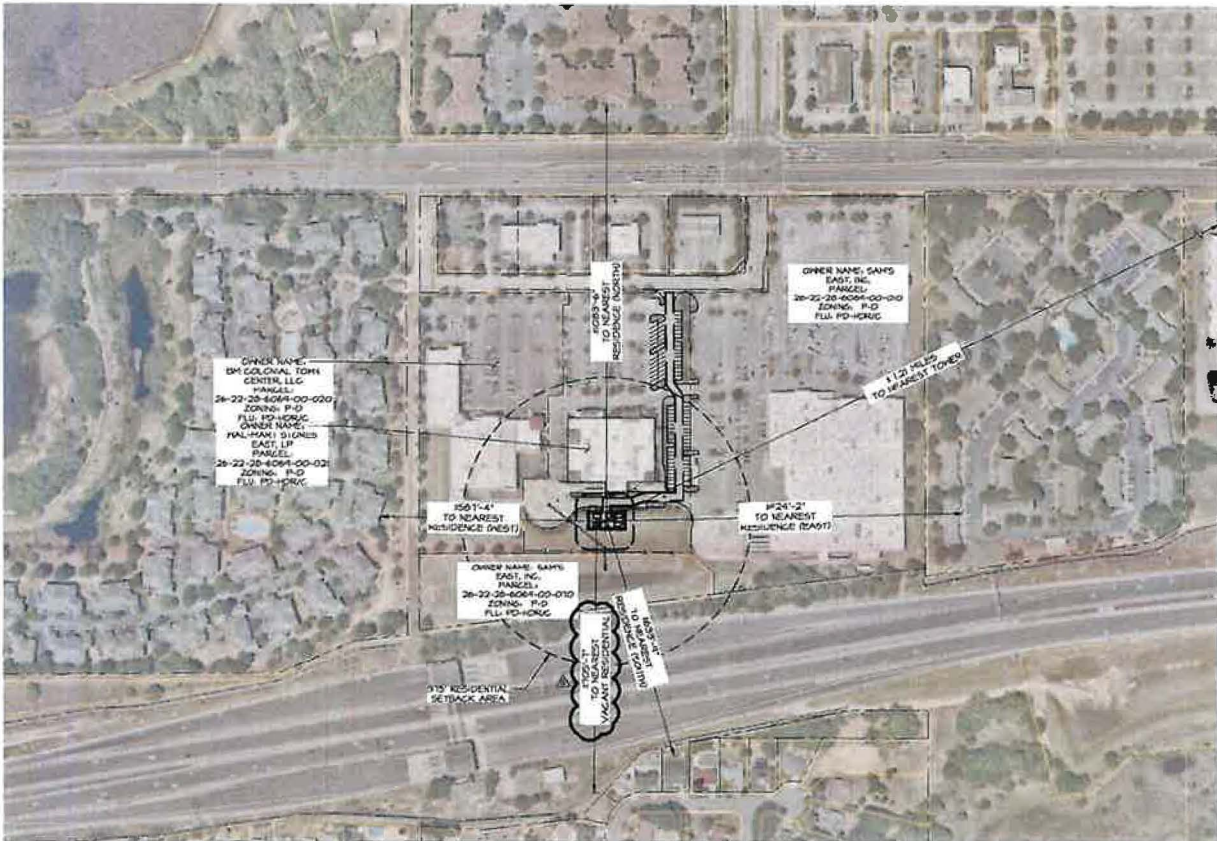
SBA	
SBA NETWORK SERVICES, LLC. 8001 CONGRESS AVENUE BOCA RATON, FL 33497 TEL: (800) 487-7483	
Kimley-Horn	
655 NORTH FRANKLIN STREET SUITE 150 TAMPA, FL 33602 PHONE: (813) 620-1400 WWW.KIMLEY-HORN.COM	
THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THE CLIENT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CLIENT.	
DATE PROJECT #	DATE ISSUE
DATE BY	DATE
CREATED BY	DATE
DATE	DATE

REVISIONS		
NO.	DATE	DESCRIPTION
1	04/10/22	REVISED PER COMMENTS
2	04/17/22	REVISED PER COMMENTS
3	07/11/22	REVISED PER COMMENTS
4	04/19/22	REVISED PER COMMENTS
5	07/05/22	REVISED PER COMMENTS

NOT FOR CONSTRUCTION	
SITE NAME	LAKE SHERWOOD VILLAGE PD
SITE NUMBER	FL26278-S
PROPERTY ADDRESS	7818 W COLONIAL DR ORLANDO, FL 32818
SUBJECT TITLE	RAWLAND
CASE NUMBER	TITLE SHEET
SCALE NUMBER	REVISION:
LUP-1	E

Lake Sherwood Village PD / LUP

	
SBA NETWORK SERVICES, LLC. 8051 CONGRESS AVENUE BOCA RATON, FL 33487 TEL: (800) 487-7483	
	
655 NORTH FRANKLIN STREET SUITE 150 TAMPA, FL 33602 PHONE: (813) 630-1480 WWW.KIMLEY-HORN.COM	
THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT IS STRICTLY PROHIBITED.	
AGE PROJECT# : 18M1528	DRAWN BY : ADP
CHECKED BY : JCK	REV. 3 BY : ADP
REVISIONS	
# DATE BY COMMENTS	1 11/02/22 JCK ADD P.D. COMMENTS
2 11/03/22 ADP ADD P.D. COMMENTS	3 11/03/22 ADP ADD P.D. COMMENTS
4 11/03/22 ADP ADD P.D. COMMENTS	5 11/03/22 ADP ADD P.D. COMMENTS
6 11/03/22 ADP ADD P.D. COMMENTS	7 11/03/22 ADP ADD P.D. COMMENTS
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10 11/03/22 ADP ADD P.D. COMMENTS	11 11/03/22 ADP ADD P.D. COMMENTS
12 11/03/22 ADP ADD P.D. COMMENTS	13 11/03/22 ADP ADD P.D. COMMENTS
14 11/03/22 ADP ADD P.D. COMMENTS	15 11/03/22 ADP ADD P.D. COMMENTS
NOT FOR CONSTRUCTION	
SITE NAME LAKE SHERWOOD VILLAGE PD SITE NUMBER FL26278-S	
PREPARED BY 7818 W COLONIAL DR ORLANDO, FL 32816	
RAWLAND	
SHEET TITLE OVERALL SITE PLAN	
SHEET NUMBER C-1	REVISION E



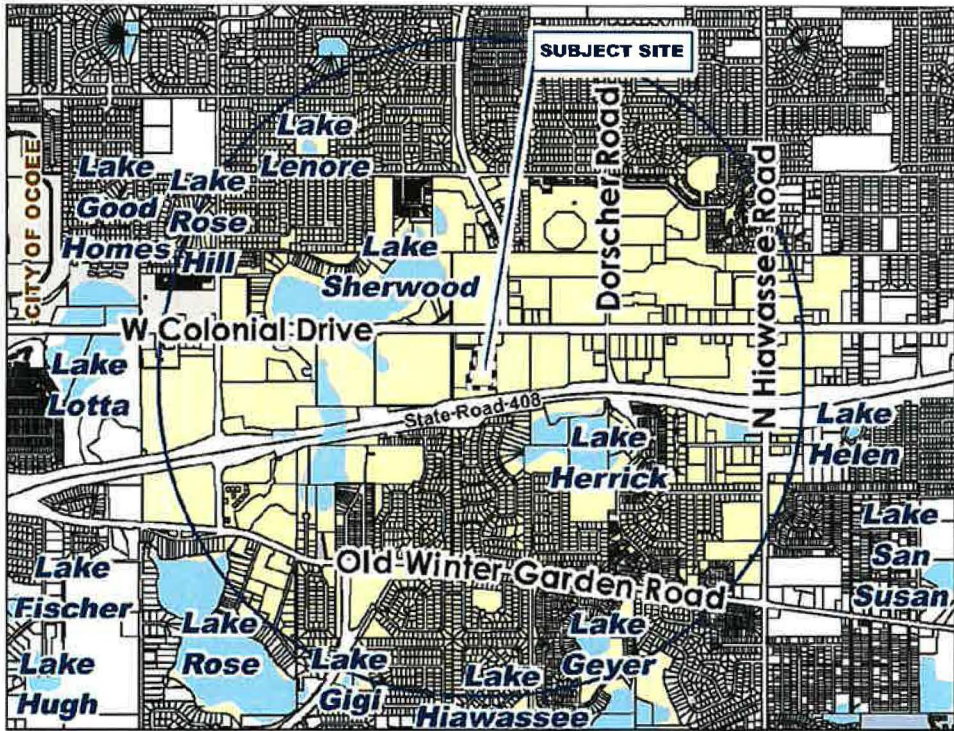
1 AERIAL SITE PLAN

SCALE: N.T.S.



Public Notification Map

Lake Sherwood Village PD_CDR-22-04-148



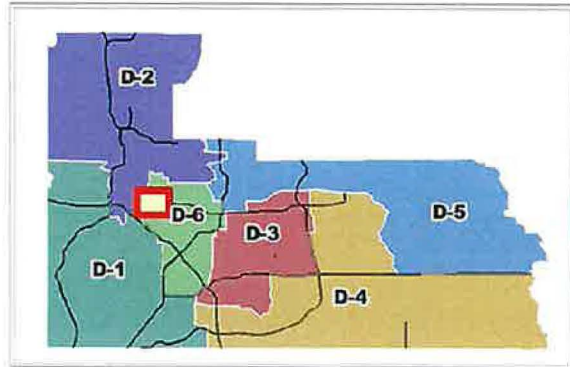
SUBJECT SITE



MAP LEGEND

- SUBJECT SITE
- NOTIFIED PARCELS
- 1 MILE BUFFER
- PARCELS
- HYDROLOGY

BUFFER DISTANCE: 1 MILE
OF NOTICES: 4625



Notification Map

Orange County Planning Division
BCC Hearing Date: November 15, 2022
DRC Staff Report

S:\Business Systems\Board Administration\5_SUBSTANTIAL_CHANGE\2022\DRC\Lake Sherwood Village PD_CDR-22-04-148\CDR-22-04-148.m