



Interoffice Memorandum

August 15, 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: September 24, 2024 – Public Hearing
Applicant(s): Jim Hall, Hall Development Services, Inc.
Project Name: Orlando World Resort Planned Development (PD)
Project No.: CDR-23-05-161 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of June 26, 2024, to approve an amendment to the Orlando World Resort Planned Development. The subject property is located north of W. Irlo Bronson Memorial Highway, east of State Road 192, and south of Walt Disney World's Animal Kingdom Lodge. The request is to increase intensity of the Planned Development from 136 timeshare units to 342 timeshare units and increase the building height from 35 feet to 75 feet for resort lodging use.

This item was continued from the September 10, 2024 Board of County Commissioners public hearing.

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 Orlando World Resort Planned Development (CDR-23-05-161) dated "Received July 18, 2024", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

TW/JCK/rb

Attachments

CASE # CDR-23-05-161

Commission District: # 1

GENERAL INFORMATION

APPLICANT Jim Hall, Hall Development Services, Inc.

OWNER Primicia Florida LLC

PROJECT NAME Orlando World Resort Planned Development (PD)

PARCEL ID NUMBER(S) 33-24-27-0000-00-008 (affected parcel)

TRACT SIZE 17.03 acres (overall PD)
14.71 acres (affected area)

LOCATION North of W. Irlo Bronson Memorial Highway / East of State Road 192 / South of Walt Disney World's Animal Kingdom Lodge / West of Osceola Parkway

REQUEST This request is to increase intensity of the Planned Development from 136 timeshare units to 342 timeshare units and increase the building height from 35 feet to 75 feet for resort lodging use. This item was continued from the September 10, 2024 Board Meeting.

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 1500 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. Thirty-four (34) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The Orlando World Resort Planned Development (PD) consists of approximately 17.03 gross acres and is generally located east of East Orange Lake Boulevard and north of West Irlo Bronson Memorial Highway. The PD was originally approved in 1972, most recently amended in 2017, and includes a development program that allows for a maximum of 136 timeshare units and 21,000 square feet of Tourist Commercial (T-C) uses.

Through this request, the applicant is proposing to add 206 resort lodging units, and increase the building height for resort lodging use to 75 feet. Currently, Tourist Commercial standards allow for a maximum building height of 200 feet for resort lodging uses, thus a waiver is not required.

Land Use Compatibility

The proposed development program is compatible with existing development in the area and would not adversely affect any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Commercial (C) on the Future Land Use Map and is zoned Planned Development (PD). The request appears to be consistent with the Comprehensive Plan.

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

There are 2.48 acres of Class III surface waters on this subject property and was included in Orange County Conservation Area Determination CAD-22-11-225. This determination is valid until its expiration on May 01, 2028. Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Recycling of materials is encouraged if applicable.

Transportation Planning

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 for proposed developments projected to generate 50 or more net PM peak hour vehicle trips. The operational traffic study will be based on the most updated STAMP.

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.

Based on the Concurrency Management database (CMS) dated 6/7/2023, there is a failing roadway segment within the project's impact area. 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 has reviewed this plan and did not identify any outstanding 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 – (June 26, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Orlando World Resort PD dated "Received July 18, 2024", subject to the following conditions:

1. Development shall conform to the Orlando World Resort Planned Development (PD) dated "Received July 18, 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 July 18, 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. Unless a Natural Resource Impact Permit (NRIP) is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland and Surface Water Protection", prior to Construction Plan approval, no wetland, surface water or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect wetland and surface water impacts.
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. Outside sales, storage, and display shall be prohibited.
10. Length of stay shall not exceed 179 consecutive days.
11. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 Tourist Commercial, as may be amended.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 25, 2017, shall apply:
 - a. 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).
 - b. 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.

- c. 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.

13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 23, 1991, shall apply:
 - a. Development shall conform to the Orlando World Resort Land Use Plan, dated Received February 4, 1991, and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent they are expressly waived or modified by these conditions or by action of Orange County.
 - b. The layout/design as shown on the Land Use Plan is not approved. Site design details will be addressed at the Development Stage.
 - c. Access rights shall be dedicated to Orange County along U.S. 192, except at approved locations.
 - d. Water and sewer service to be furnished by the City of Kissimmee.

14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 24, 1989, shall apply:
 - a. Development shall conform to the Beltway Plaza Amended PD Plan, dated Received April 26, 1989, and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent they are expressly waived or modified by these conditions or by action of Orange County.
 - b. The waiver requests for sidewalks and private roads will be reviewed at the Development Plan submittal stage.
 - c. The project shall meet the P-D District Tourist Commercial Standards.
 - d. Permitted uses for Parcels #1 through #6 will be those allowed in Article X, C-1 Retail Commercial District.
 - e. Water and wastewater are to be provided by City of Kissimmee.

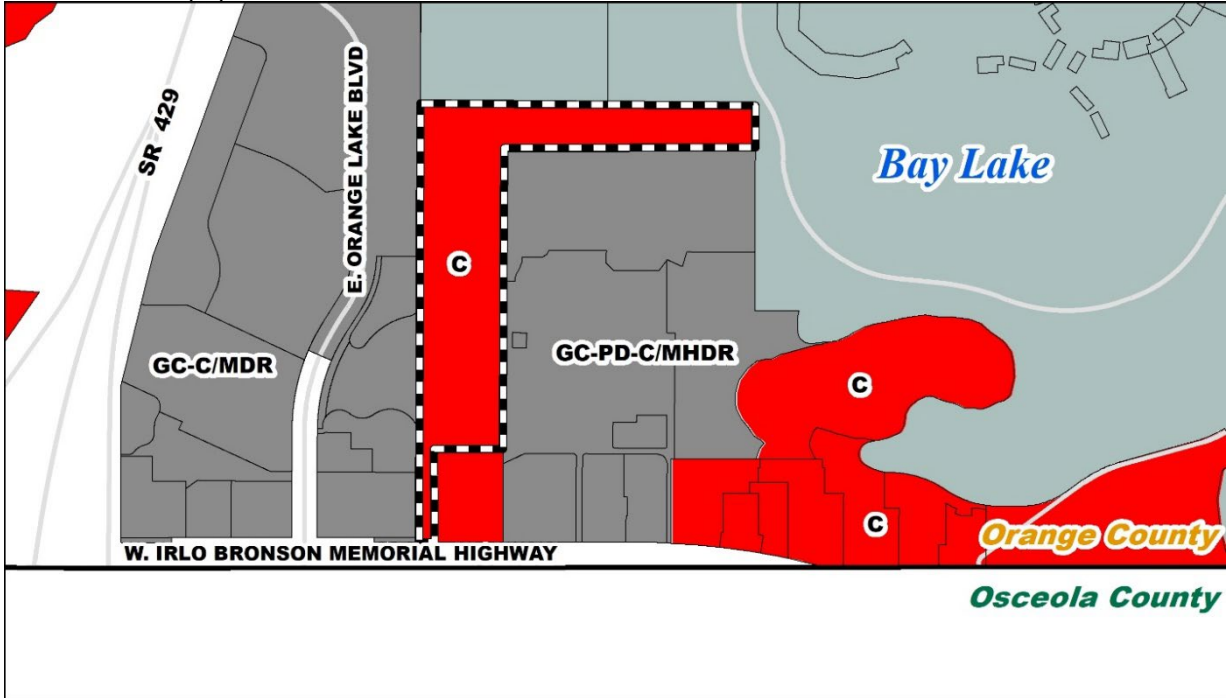
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 19, 1983, shall apply:

- a. Development in accordance with the Couple's Glenn Land Use Plan received August 31, 1983, and all the provisions of the Planned Development District of the Zoning Resolution, unless otherwise waived.
- b. The project shall meet the landscaping and buffering requirements of the Planned Development District (Tourist Commercial) and Orange County Landscape Ordinance No. 74-1.
- c. Tourist Commercial performance standards shall be followed.
- d. A secondary access shall be provided for emergency access.
- e. Dedication of access rights to Orange County from all property, except at approved access.
- f. Install a five-foot sidewalk with screening on the north side of U.S. 192.
- g. Fire protection shall be in accordance with Orange County Fire Department regulations.
- h. Water and wastewater service shall be provided by Osceola Service Company. This condition supersedes note #2 on the plan.
- i. A Florida Department of Transportation permit will be required for any construction within DOT right-of-way.
- j. Stormwater Management plans shall comply with Orange County Subdivision Regulations and shall be subject to the approval of the County Engineer and the Director of Pollution Control. Retention / detention facilities shall be designed for the retention of the runoff resulting from the first inch of rainfall with detention of the runoff limited to predeveloped conditions, provided a positive outlet can be obtained. A soils report will be required from a certified soils laboratory for the retention area. Permeability tests are required. Borings shall indicate AASHTO soils classification, gradation, determination of water table elevation (24 hour test), and anticipated wet/dry season fluctuation.
- k. Compensating storage will be required for all fill material placed below the 100 Year Flood Elevation as determined by the developer's engineer for approval by the County Engineer. Minimum finished floor elevation is to be established at 12 inches above the 100 Year Storm or 18 inches above centerline grade of internal roads, whichever is greater.
- l. A detailed lot grading plan and off-site easement shall be required prior to construction plan approval.
- m. Prior to construction of sanitary sewer facilities, stormwater management systems and waste facilities, the applicable Federal, State and Water

Management Permits will be required and copies submitted to the County Engineering Department.

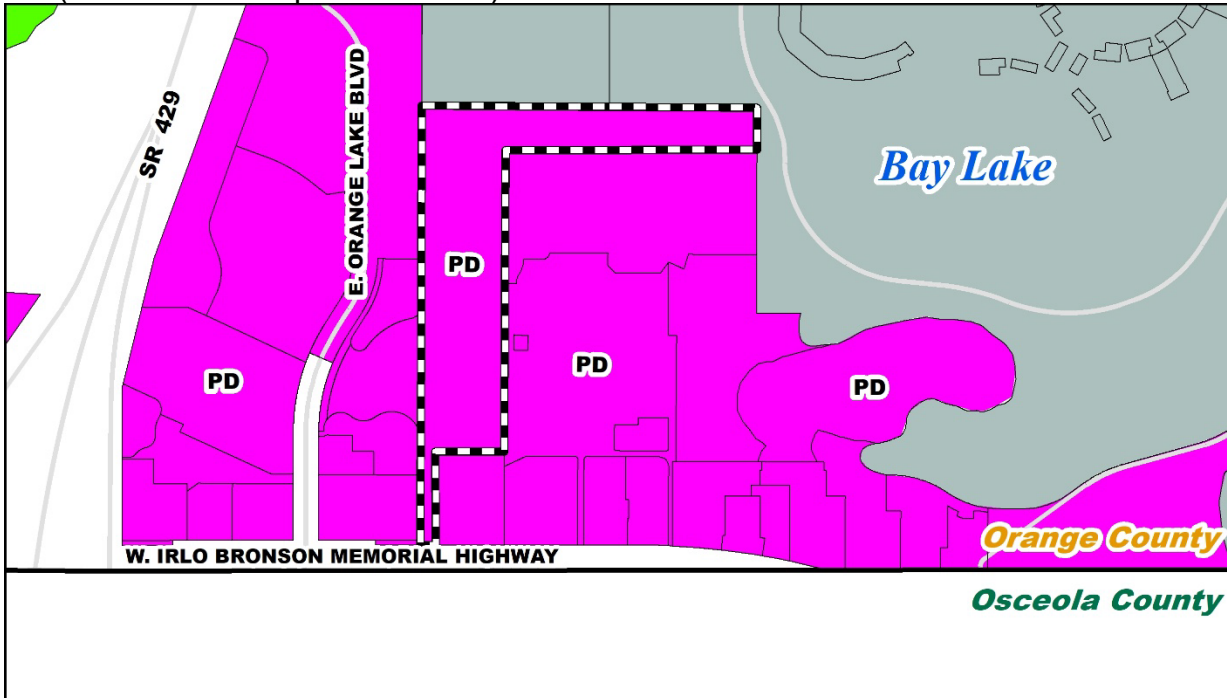
FUTURE LAND USE

Commercial (C)



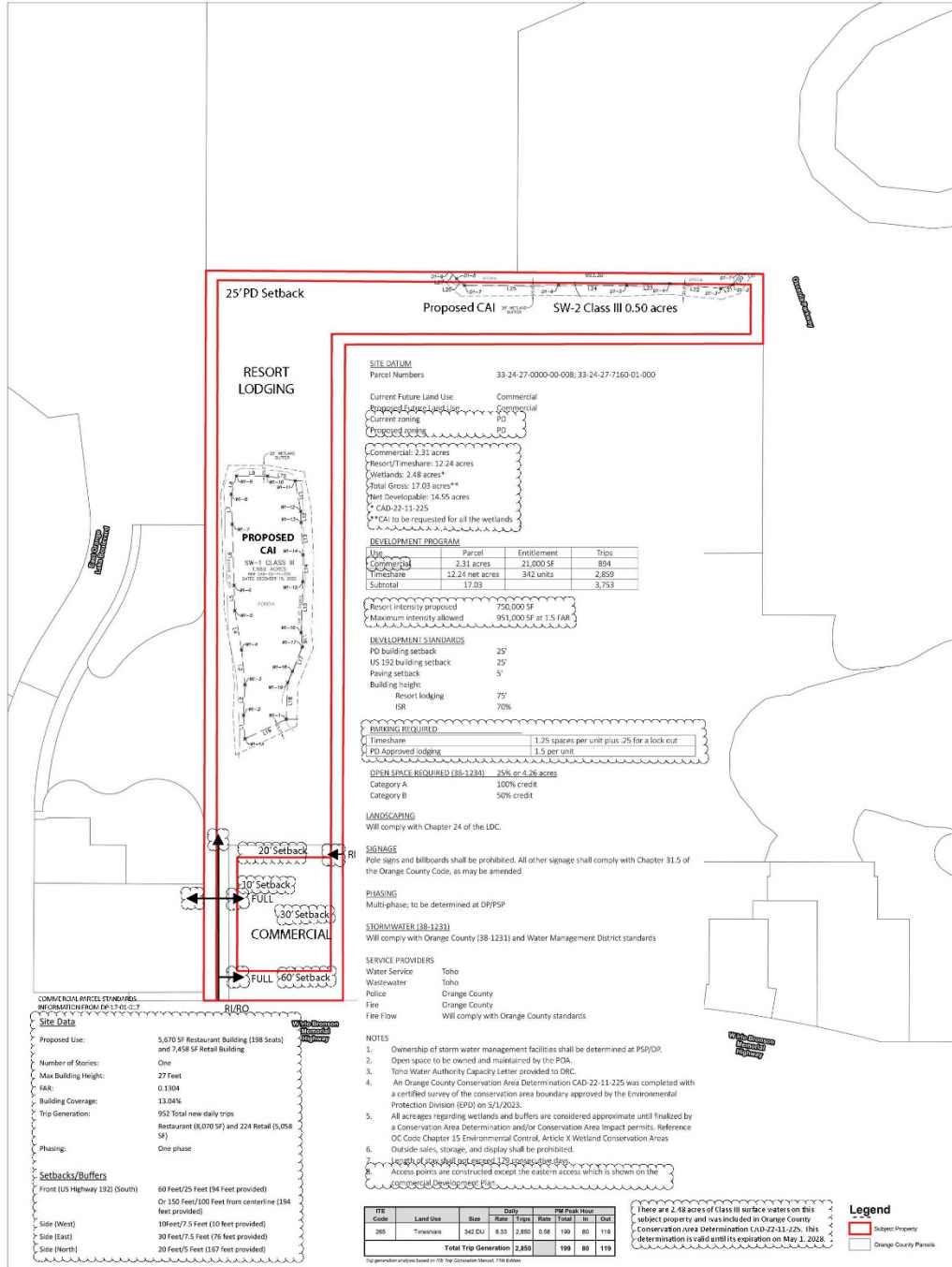
ZONING

PD (Planned Development District)



Land Use Plan

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: September 24, 2024

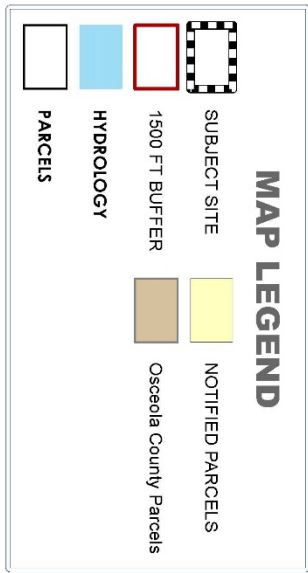
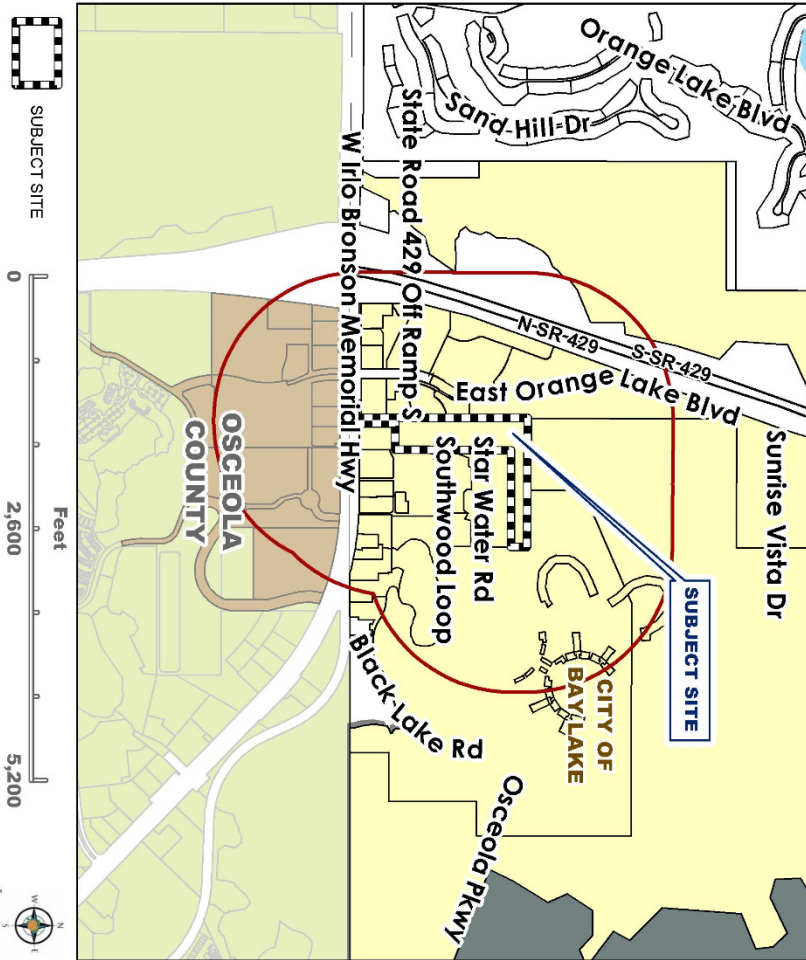


Notification Map



Public Notification Map

Orlando World Resort PD_CDR-23-05-161



BUFFER DISTANCE: 1500
OF NOTICES: 34

