

Interoffice Memorandum

DATE: December 16, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A



FROM: Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department

CONTACT: Nicolas Thalmueller, AICP, DRC Chairman

PHONE: (407) 836-5523

DIVISION: Development Review Committee

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan and approve an amendment to the West Orange Plaza Planned Development (PD) received November 12, 2025, subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report. District 6.

PROJECT: West Orange Plaza Planned Development (PD) (CDR-25-07-186)

PURPOSE: The subject property is located south of West Colonial Drive, east of Dorscher Road, west of North Hiawassee Road, and north of State Road 408. The property is designated Commercial (C) on the Future Land Use Map and is zoned PD. The PD contains 17.43 gross acres and was originally approved in 1973. The existing development program includes 146 hotel rooms, 98,200 square feet of self-storage, 60,997 square feet of retail commercial and the east half of the Land Use Plan (LUP) allows for 301,443 square feet of commercial uses. Parcel A of the PD has previously approved site plans for a free-standing emergency room.

Through this request the applicant is seeking to add the existing Master Sign Plan (MSP) which is currently part of the approved Subdivision Plan set, to the PD Land Use Plan (LUP) plan set and update the MSP for additional signage proposed for Parcel A by requesting two waivers: A waiver from Orange County Code Section 31.5-15(a)(2) within Parcel A to allow a maximum copy area of 350 sf in lieu of a maximum allowable copy area of 138 sf. And a waiver from Orange County Code Section 31.5-67(e) within Parcel A to allow separation of 58' between signs in lieu of 100' between signs.

This proposal received a recommendation of approval from the DRC on December 3, 2025.

BUDGET: N/A

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 800 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 forty (240) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The West Orange Plaza PD contains 17.43 gross acres and was originally approved in 1973. The latest LUP (CDR-24-10-247), which was approved in December of 2024, clarified and formalized the existing entitlements. The existing development program includes 146 hotel rooms, 98,200 square feet of self-storage, 60,997 square feet of retail commercial and the east half of the LUP allows for 301,443 square feet of commercial uses. Parcel A of the PD has approved site plans for a free-standing emergency room.

Through this request the applicant is seeking to add the existing Master Sign Plan (MSP) which is currently part of the approved Subdivision Plan set, to the PD Land Use Plan (LUP) plan set and update the MSP for additional signage proposed for Parcel A by requesting two waivers from Code for increased signage copy area and reduced sign separation.

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 a Future Land Use (FLUM) designation of Commercial (C) and is currently zoned Planned Development (PD) which is consistent with the FLUM designation. The request is 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

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

Transportation Planning

The CDR request to adjust the MSP, update signage, and request a waiver from the County Code will not trigger transportation concurrency requirements via a Capacity Encumbrance Letter (CEL) application.

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 – (December 3, 2025)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the West Orange Plaza PD dated "Received November 12, 2025", subject to the following conditions:

1. Development shall conform to the West Orange Plaza Planned Development (PD) dated "Received November 12, 2025," 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 November 12, 2025," 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

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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.

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7. 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.
8. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
9. 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.
10. New pole signs and billboards shall be prohibited. All other signage shall comply with the approved master sign plan or Chapter 31.5, where applicable and as may be amended.
11. A waiver from Orange County Code Section 31.5-15(a)(2) is granted within Parcel A to allow a maximum copy area of 350 sf in lieu of a maximum allowable copy area of 138 sf.
12. A waiver from Orange County Code Section 31.5-67(e) is granted within Parcel A to allow separation of 58' between signs in lieu of 100' between signs.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 20, 2005, shall apply:
 - a. The communication tower shall comply with the Communication Tower Ordinance.
 - b. The substantial change request involves establishing a 140-foot monopole communication tower within the West Orange Plaza (aka Dorscher Plaza) Planned Development. A setback variance of 249 feet is required if the tower design (flagpole) is not considered appropriately camouflaged.
14. All of the BCC Conditions of Approval dated March 13, 2001 have been struck.

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15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 18, 1997, shall apply:
 - a. A left-turn lane and a right-turn deceleration lane along Dorscher Road at the entrance road shall be provided.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 28, 1983, shall apply:
 - a. Dorscher Road shall be paved to County standards to the south property line. At the time access is created to the project for either S.R. 50, or Hiawassee Road, the total improvements along the road from which access is obtained shall be constructed.
 - b. Dedication of access rights to Orange County from all lots adjacent to S.R. 50 Hiawassee Road and Dorscher Road, except at the approved access points.
 - c. A Developer's Agreement shall be executed prior to approval of Development Plan, providing for the required road improvements, which may include provision for future signalization at the easternmost entrance on Highway 50. A separate Interim Wastewater Treatment Facility Agreement shall also be executed.
 - d. Additional right-of-way is required on S.R. 50 and Hiawassee Road to provide for the planned 100-foot and 60-foot right-of-way, respectively, from the centerline in accordance with Article XXI.
 - e. Swale drainage will be permitted only if the subgrade soils conditions are suitable as certified by a certified soils engineer and provided that the wet weather water table elevation is at least two feet below the invert of the swales.
 - f. Prior to Engineering approval of construction plans, the developer shall submit a soils report including soil borings at a maximum interval along street centerlines of 500 feet. The minimum depth of boring shall be five feet below profile grade, or two feet below the storm or sanitary sewer, whichever is greater. Not less than two borings shall be taken per street; AASHTO soils classification, gradation, determination of water table elevation (24-hour test), and anticipated wet/dry season fluctuation shall be included in said report.
 - g. The typical road cross section shall conform to County Standards.
 - h. A soils report will be required from a certified soil 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.
 - i. Retention/detention facilities shall be designed with a "dry bottom."

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- j. A detailed lot grading plan and off-site easement shall be required prior to construction plan approval.
- k. Prior to construction of sanitary sewer facilities, stormwater management systems, and water facilities, the applicable Federal, State and Water Management Permits will be required and copies submitted to the County Engineering Department.
- l. Drainage plan shall be in accordance with the conceptual Plan dated August 1, 1983.

17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 17, 1975, shall apply:

- a. Dedication to Orange County of the west 30' as described in Right-of-Way Agreement of the West Orange Center property as right-of-way for Dorscher Road.
- b. Provision that improvement of Dorscher Road from S.R. 50 to south project boundary be undertaken by the developer and specifically addressed in conjunction with final plans for the West Orange Center P-D.
- c. Construction of a 6', maintenance-free, wall along the south property line and the provision of a 75' wide landscaped buffer. The landscaping shall consist of existing vegetation and supplemented with planted trees, shrubs, and ground cover, and shall be installed in such a way so as to provide an effective screen between the regional shopping center and abutting properties to the south. The wall shall be constructed concurrently with the first phase of construction. The landscaping shall be installed prior to the final building inspection of the first phase.
- d. Buildings shall be limited to a height of 50', except within 300' of the south property line, where they shall be limited to a height of 20'.
- e. Provision shall be made for on-site percolation of all rainfall to the same extent as natural conditions permitted.
- f. Resolution of an existing drainage problem prior to submission of the final development plans.
- g. Provision of traffic control devices and turning lanes to the satisfaction of the Traffic Engineer.
- h. Dedication of 60' from the centerline of Hiawassee Road and improvement as a 4-lane roadway to service the center.
- i. Dedication of access rights to Hiawassee and State Road 50, except at street openings.

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- j. Development in accordance with Subdivision Regulations.
- 18. All of the BCC Conditions of Approval dated April 17, 1973 have been struck.

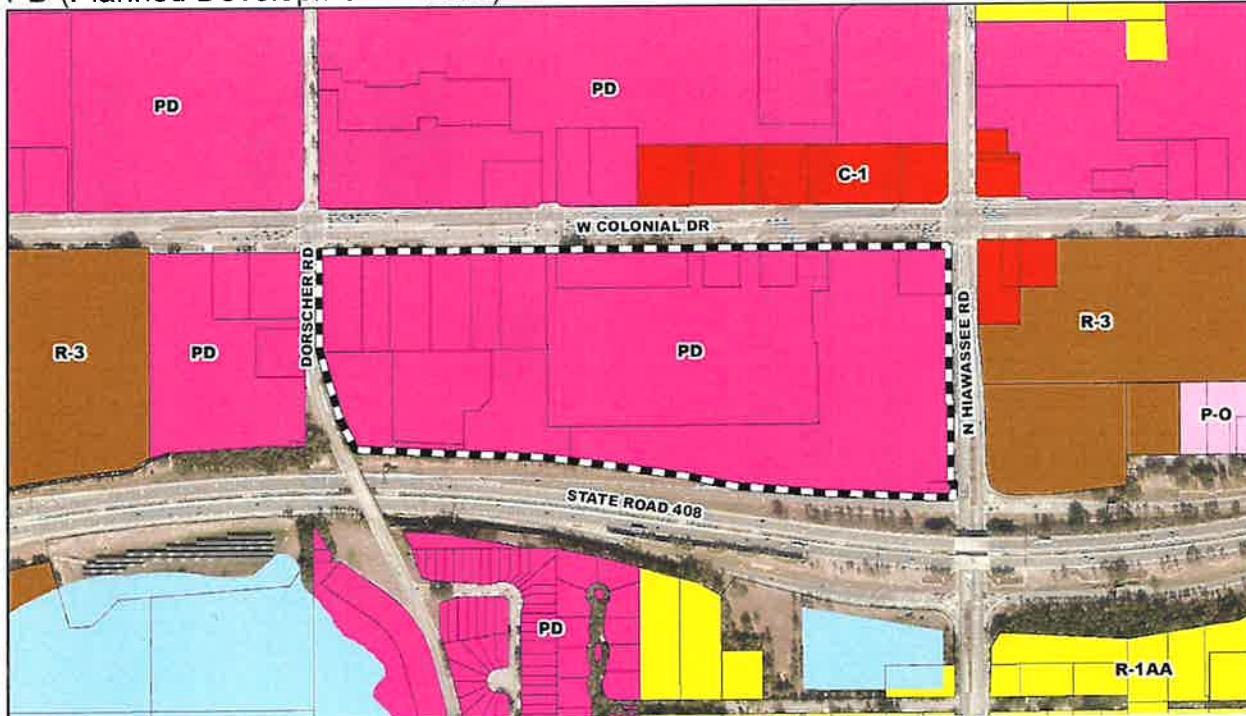
FUTURE LAND USE

C (Commercial)



ZONING

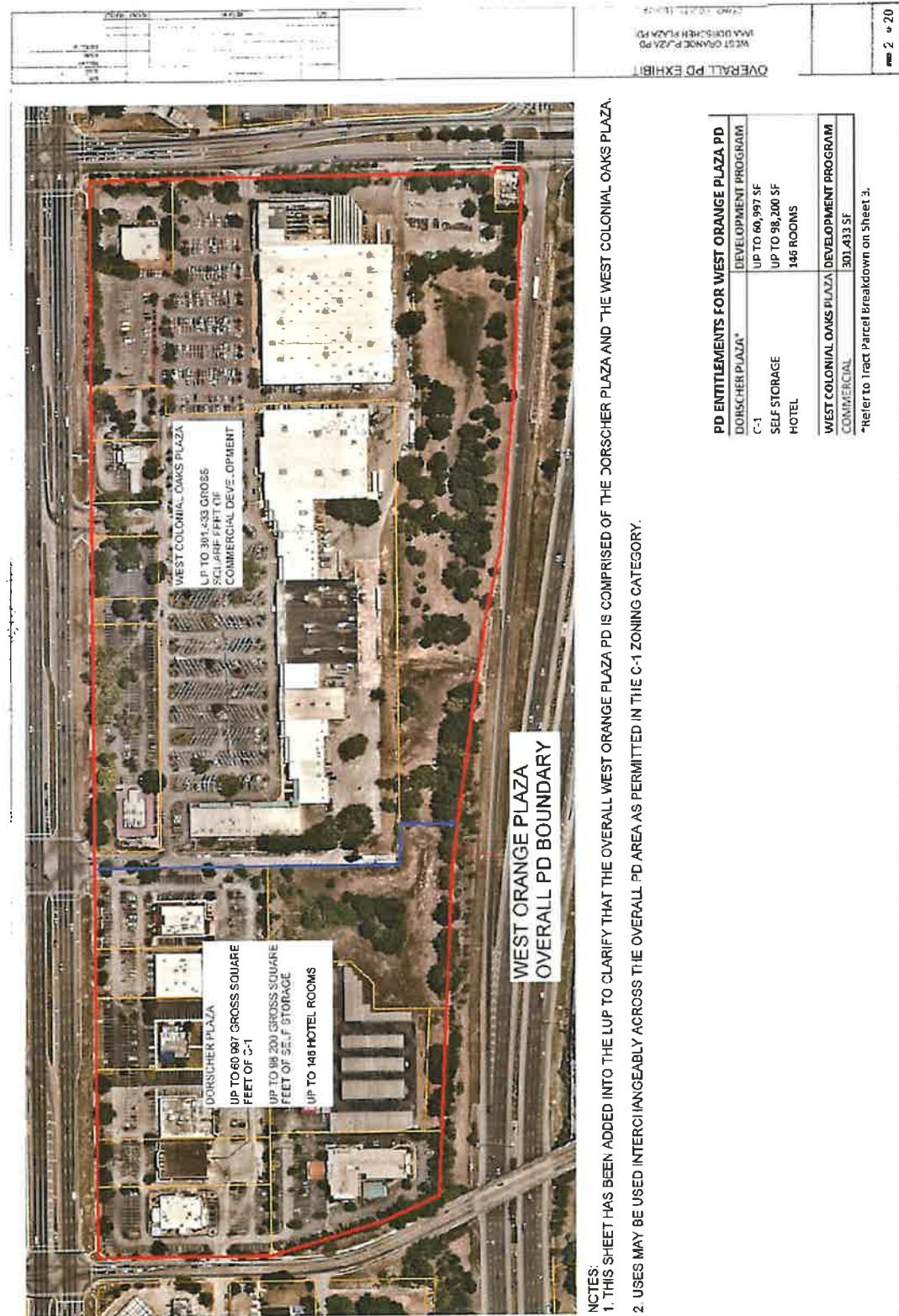
PD (Planned Development District)



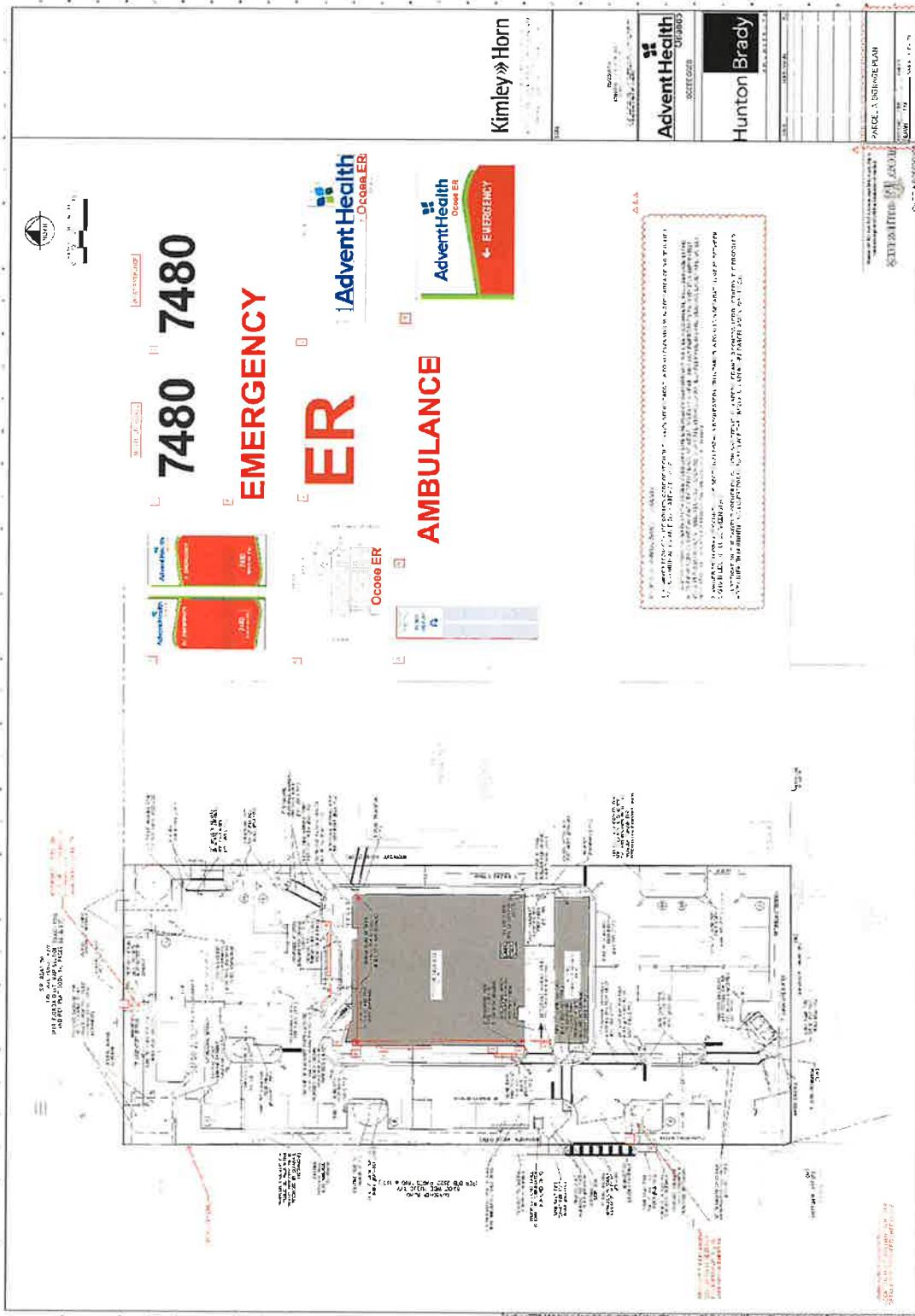
West Orange Plaza PD (Cover Sheet)

REARED BY
Kimley » Horn

Site Plan Sheet



Parcel A Sign Plan Sheet



Notification Map

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Public Notification Map

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