



Interoffice Memorandum

DATE: September 26, 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: October 25, 2022 – Public Hearing
Rick Baldocchi, AVCON, Inc.
Universal Boulevard Planned Development / South Central
Parcels Preliminary Subdivision Plan
Case # CDR-22-02-054 / District 6

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 21, 2022, to approve a substantial change to the Universal Boulevard Planned Development (PD) / South Central Parcels Preliminary Subdivision Plan (PSP) to subdivide 25.09 acres on Parcel 3 into 4 parcels, and add multi-family and hotel uses.

In addition, a waiver from Orange County Code Section 34-152(c) is requested to allow Lot 3C to be accessed via an ingress-egress easement in lieu of fronting a dedicated public street.

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 PSP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve the Universal Boulevard PD / South Central Parcels PSP dated "Received August 25, 2022", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 6**

JVW/JK/lme
Attachments

CASE # CDR-22-02-054
Commission District # 6

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 21, 2022, to approve a substantial change to the Universal Boulevard Planned Development (PD) / South Central Parcels Preliminary Subdivision Plan (PSP) to subdivide 25.09 acres on Parcel 3 into 4 parcels, and add multi-family and hotel uses.

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2. PROJECT ANALYSIS

- A. Location: South of Universal Boulevard / West of Destination Parkway
- B. Parcel ID: 06-24-29-0000-00-017, 06-24-29-0000-00-018,
06-24-29-0000-00-035, 06-24-29-0000-00-036
- C. Total Acres: 25.09 gross acres
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: ES – Enrolled: 447 / Capacity: 606
MS – Enrolled: 1,200 / Capacity: 981
HS - Enrolled: 1,683 / Capacity: 2,756
- G. School Population: 184
- H. Parks: Tangelo Community Park – 5 Miles
- I. Proposed Use: Multi-Family & Retail Commercial
- J. Site Data: Maximum Building Height: 400'
Minimum Living Area: 500 Square Feet
Minimum Lot Width: 16'
Building Setbacks:
0' - 25' Front
0' - 30' Side
0' - 20' Rear
50' NHWE
- K. Fire Station: 57 – 6014 Destination Parkway

L. EPD: An Orange County Conservation Area Determination CAD 92-018 was completed for this site with a certified survey of the conservation area boundary approved by the Environmental Protection Division.

M. Transportation: Based on the Concurrency Management database (CMS) dated February 14, 2022, capacity exists within the project's impact area. This information is dated and subject to change.

Future development located on parcel ID numbers 06-24-29-0000-00-017, 06-24-29-0000-00-018, and 06-24-29-0000-00-035 has met transportation concurrency entitlements under TCVRC-05-109 (University City Property Management). A Concurrency (Transportation) Vested Rights Certificate was issued to Universal City Property Management III, LLC on December 15, 2005 granting vesting entitlements under Common Law.

Encumbered school and transportation capacity must be reserved (aka prepay school and transportation reservation fees) by the CEL expiration date or prior to platting.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of PD Mixed Use. The subject property is designated PD (Planned Development) on the Zoning Map, which is consistent with the FLUM Designations.

4. ZONING

PD (Planned Development District) (Universal Boulevard PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Universal Boulevard Planned Development; Orange County Board of County Commissioners (BCC) approvals; South Central Parcels Preliminary Subdivision Plan dated "Received August 25, 2022," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan

dated "Received August 25, 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. Except as otherwise addressed in a separate roadway and infrastructure agreement, utilities agreement, or other applicable agreement, or as otherwise agreed to by the County: (i) 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; (ii) Owner / Developer shall provide, at no cost to County, any and all easements required for approval of the 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; (iii) any encumbrances on the property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) that are discovered after approval of a PD Land Use Plan and have not otherwise been addressed in the above referenced agreement(s), shall be the responsibility of Owner /Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance, unless otherwise agreed to by the

County; (iv) 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).

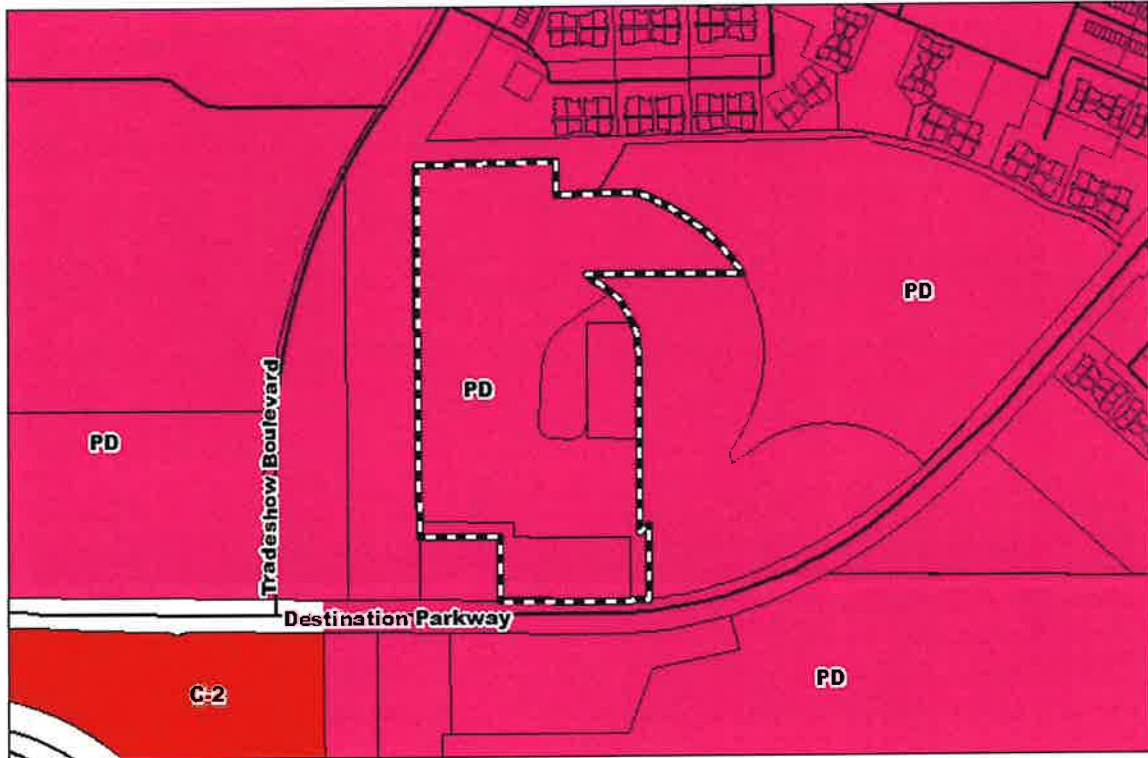
5. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this development plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property on the subject plan that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means), and to resolve any issues that may be identified by the County as a result of any such changes. Except as otherwise addressed in a separate roadway and infrastructure agreement, utilities agreement, or other applicable agreement, or as otherwise agreed to by the County, 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.
6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this Preliminary Subdivision Plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
7. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the DP, and that construction plans are consistent with an approved and up-to-date Master Utility Plan for the PD.
8. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and ponds have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
9. Unless otherwise allowed by County Code, the property shall be platted/replatted prior to the issuance of any vertical building permits.
10. All easements in conflict with proposed vertical construction must be vacated and/or modified with suitable replacement easements, acceptable to Orange

County, recorded in the public records of Orange County prior to vertical permit issuance.

11. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval.
12. Prior to plat recordation for any phase of this Preliminary Subdivision Plan, the various properties shall be reconfigured and deeds recorded in the public records of Orange County so as to not create divided interest in any lot, tract, and/or parcel.
13. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
14. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
15. Lot 3C shall not be a single-family residential development.
16. Within multi-family residential developments, short term rental shall be prohibited. Length of stay shall be for a minimum of 180 consecutive days or greater.
17. Hotel length of stay shall not exceed 170 consecutive days.
18. Outside sales, storage, and display shall be prohibited.
19. New pole signs and billboards shall be prohibited. All other signage shall comply with the approved master sign plan or Chapter 31.5, as applicable.
20. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
21. A waiver from Orange County Code Section 34-152(c) is granted to allow Lot 3C to be accessed via an ingress-egress easement in lieu of fronting a dedicated public street.


Zoning Map

CDR-22-02-054

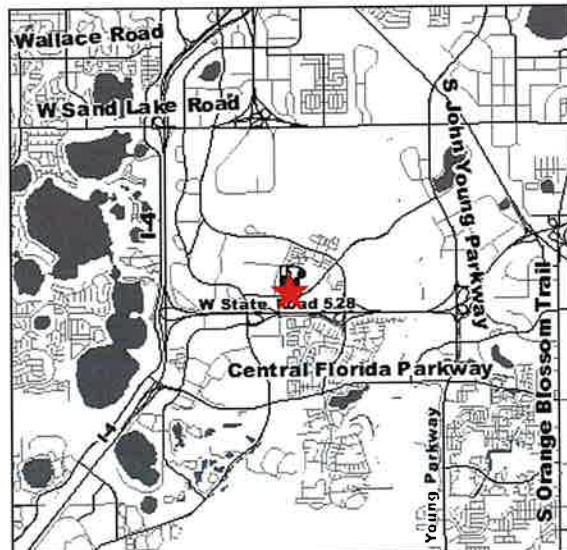


 Subject Property

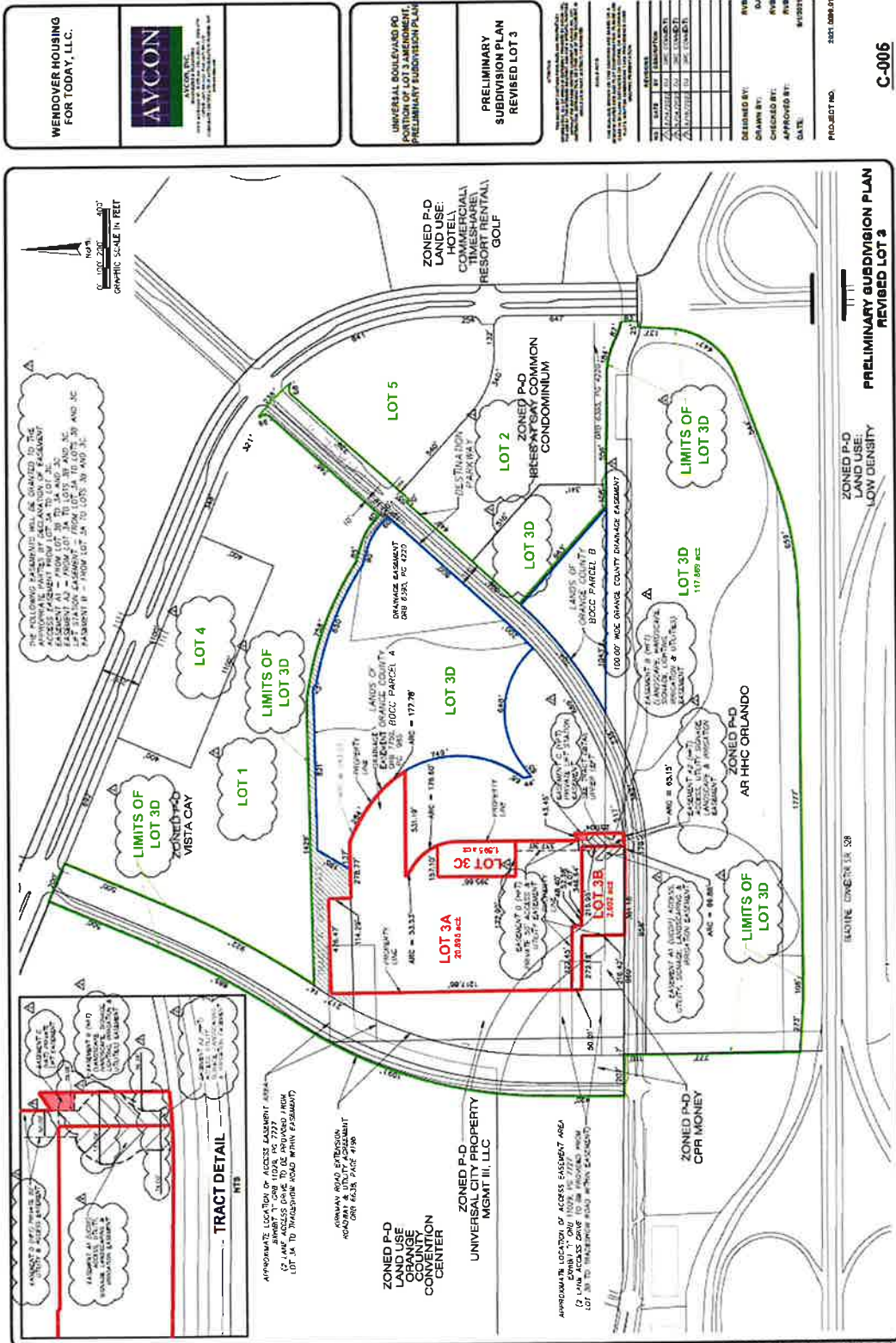


 Subject Property

Zoning Map	
ZONING:	PD (Planned Development District)
APPLICANT:	Rick Baldocchi - Avcon; Brandon Hueber - Crosland Southeast
LOCATION:	North of Destination Parkway and South of Universal Boulevard / East of Tradeshow Road and West of Destination Parkway
TRACT SIZE:	25.089 acres
DISTRICT:	# 6
S/T/R:	06/24/29
1 inch = 500 feet	



Site Plan Sheet

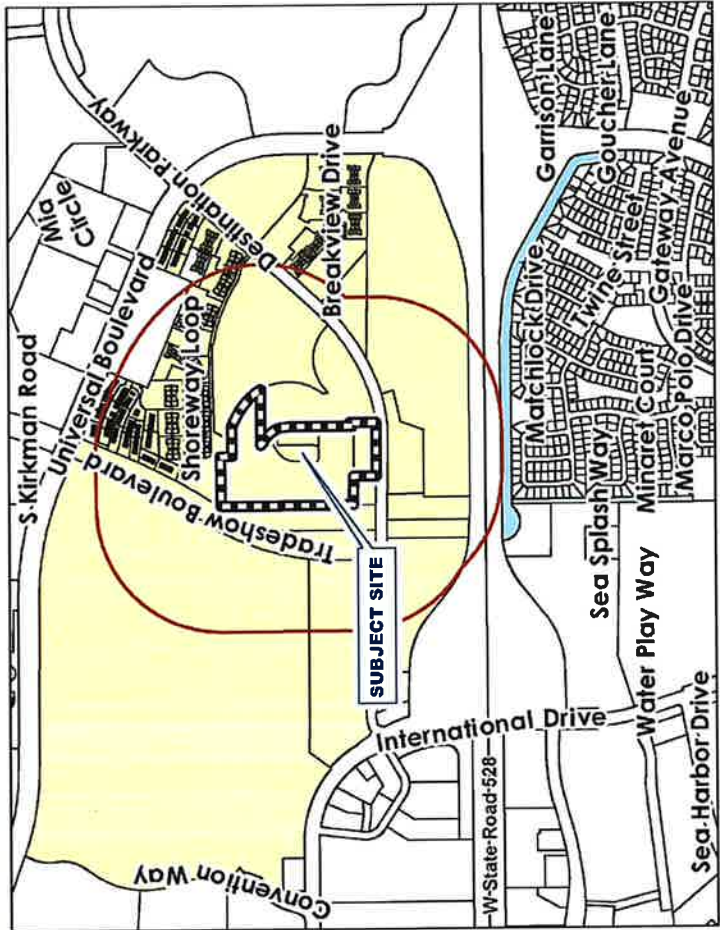


Notification Map

S:\Business Systems\Board Administrations\SUBSTANTIAL_CHANGE\2022\DR\Universal Boulevard PD South Central Parcels PSP_CDR-22

Public Notification Map

Universal Boulevard PD South Central Parcels PSP_CDR-22-02-054



MAP LEGEND

- SUBJECT_SITE
- 1200 FT BUFFER
- PARCELS
- NOTIFIED PARCELS
- HYDROLOGY

BUFFER DISTANCE: 1200
 # OF NOTICES: 986

