



Interoffice Memorandum

DATE: April 25, 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: May 24, 2022 – Public Hearing
Mitch Collins, P.E. Inc.
Waterford Oaks Planned Development (PD)
Case # CDR-22-01-010 / District 4

The Waterford Oaks Planned Development (PD) is generally located south of E. Colonial Drive and west of Alafaya Trail. The existing PD development program allows for 221,000 square feet of retail commercial (shopping center) uses.

Through this PD substantial change, the applicant is requesting one waiver from Code to allow a minimum parking requirement of 4.0 spaces per 1,000 square feet for shopping centers over fifty thousand (50,000) square feet, in lieu of 5 spaces per 1,000 square feet.

On April 13, 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 Waterford Oaks Planned Development (PD / Land Use Plan (PD/LUP) dated “Received March 24, 2022”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

Attachments
JVV/NT/atv

CASE # CDR-22-01-010

Commission District: # 4

GENERAL INFORMATION

APPLICANT Mitch Collins, P.E. Inc.

OWNER Bluerock Development, LLC

PROJECT NAME Waterford Oaks Planned Development (PD)

PARCEL ID NUMBER(S) 22-22-31-8974-01-000; 22-22-31-8974-01-001 (affected parcels)

TRACT SIZE 22.98 gross acres (overall PD)
13.1 gross acres (affected area)

LOCATION Generally located south of East Colonial Drive and west of Alafaya Trail.

REQUEST A PD substantial change to request the following waiver from Orange County Code:

1. A waiver from Section 38-1476(a), to allow a minimum parking requirement of 4.0 spaces per 1,000 square feet for shopping centers over fifty thousand (50,000) square feet, in lieu of 5 spaces per 1,000 square feet.

Applicant Justification: See *Waterford Oaks Parking Demand Analysis* dated April 7, 2022, by Traffic & Mobility Consultants.

PUBLIC NOTIFICATION A notification area extending beyond eight hundred (800) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eighty three (83) 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 Waterford Oaks PD was originally approved on March 12, 2012. Overtime additional parcels have been added to the Land Use Plan through Land Use Plan Amendments; LUPA-12-10-215, LUPA-14-08-223, and LUPA-14-12-364. Two Change Determinations Requests have been approved, CDR-13-09-230, requested for a waiver from Section 38-1477 to allow Phase 1 parking spaces to be located on a separate lot more than 300 feet from the principle entrances. The other request, CDR-19-11-361 requested to incorporate vacated portions of Indianhead Trail and modify wetland impacts.

The most recent amendment was LUPA-21-02-040 an additional Parcel was rezoned from A-2 (Farmland Rural District) to PD (Planned Development District) to incorporate the property into the Waterford Oaks PD and allow for commercial uses. Additionally, the Master Sign Plan was amended to show additional signage and incorporate the additional 1.03 acres.

Through this PD substantial change, the applicant is requesting one waiver from Code to allow a minimum parking requirement of 4.0 spaces per 1,000 square feet for shopping centers over fifty thousand (50,000) square feet, in lieu of 5 spaces per 1,000 square feet.

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 Planned Development-Commercial (PD-C) and Commercial (C). The proposed Change Determination Request (CDR) is consistent with the designation and all applicable Comprehensive Plan provisions; therefore, a future land use map 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 has approved the Parking Demand Analysis dated April 7, 2022, by Traffic & Mobility Consultants.

Community Meeting Summary

A community meeting was not held 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 – April 13, 2022

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Waterford Oaks Planned Development / Land Use Plan (PD/LUP), dated “Received March 24, 2022” and updated April 14, 2022, subject to the following conditions:

1. Development shall conform to the Waterford Oaks PD Land Use Plan Amendment dated "Received March 24, 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 March 24, 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. 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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this land use 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. A waiver from Section 38-1476(a) is granted to allow a minimum parking requirement of 4.0 spaces per 1,000 square feet for shopping centers over fifty thousand (50,000) square feet, in lieu of 5 spaces per 1,000 square feet.

8. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated October 26, 2021 shall apply:
 - a. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.

 - b. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.

9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 26, 2021, shall apply:
 - a. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.

 - b. 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 within the PD.

 - c. The developer/applicant shall preserve a 100' wide wetland area and upland buffer area adjacent to the western property line of parcel identification number 22-22-31-8974-00-001, as shown on associated Conservation Area Impact Permit CAI-19-02-012.

10. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated June 2, 2015 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. Billboards and pole signs shall be prohibited. All other signage shall comply with the Master Sign Plan.

 - c. Approval of this Land Use Plan will void the existing Socarras PD.

- d. A waiver from Orange County Code Section 38-1477 is granted to allow Phase 2, Phase 4 and Phase 5 parking spaces to be located on separate lots and greater than 300 feet, but not more than 600 feet, from the principal entrance, in lieu of providing parking spaces on the same lot where the principal use is located or within 300 feet from the principal entrance.
 - e. A waiver from Orange County Code Section 38-77 is granted to allow the outdoor display of merchandise in a PD District, to consist of two (2) sets of outdoor patio furniture (tables, chairs, umbrella) for Palm Casual Furniture only.
 - f. A waiver from Orange County Code Section 38-1272(a)(3) is granted to allow a front setback from a street right-of-way of ten (10) feet, in lieu of thirty (30) feet, from the right-of-way between Phases 4 & 5.
 - g. A waiver from Orange County Code Section 31.5-67(f) is granted to allow two (2) ground signs, identified as A1 and B3 on the Master Sign Plan, on a parcel with a right-of-way frontage less than four hundred (400) linear feet, and to allow the two (2) ground signs to be separated from each other by a distance of eighty (80) feet, in lieu of a separation of not less than one hundred (100) feet.
 - h. A waiver from Orange County Code Section 31.5, Article II, Division 2 is granted to allow an off-site ground sign, identified as A1 on the Master Sign Plan.
 - i. Upon the opening of the primary cross-access at the southern terminus of Indianhead Trail into the Alafaya Trail Property PD for the benefit of the Waterford Oaks PD that allows traffic from the Waterford Oaks PD to access the traffic signal on Alafaya Trail, the developer of the Waterford Oaks PD shall grant a secondary cross-access for the benefit of the Alafaya Trail Property PD by: (i) providing an access easement at the southern property line of Tax Parcel ID No. 22-22-31-8469-00-140 for the benefit of the adjacent property owner to the south; and (ii) constructing a stub-out to the northern property line of Tax Parcel ID No. 22-22-31-8030-01-000. The developer of the Waterford Oaks PD shall not be responsible for the costs of any improvements necessary to open the primary cross-access at the southern terminus of Indianhead Trail or to connect to the described stub-out being provided for the secondary access, including, but not limited to, mitigation for wetland impacts and the demolition of the wall that is currently constructed on the Alafaya Trail Property PD: those costs being and remaining costs to be paid by the adjacent property owner to the south.
11. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated December 3, 2013, and May 14, 2013, shall apply:
- a. As part of the construction plans for the first PSP or DP that will use the westernmost access driveway off Iroquois Trail, the missing section of

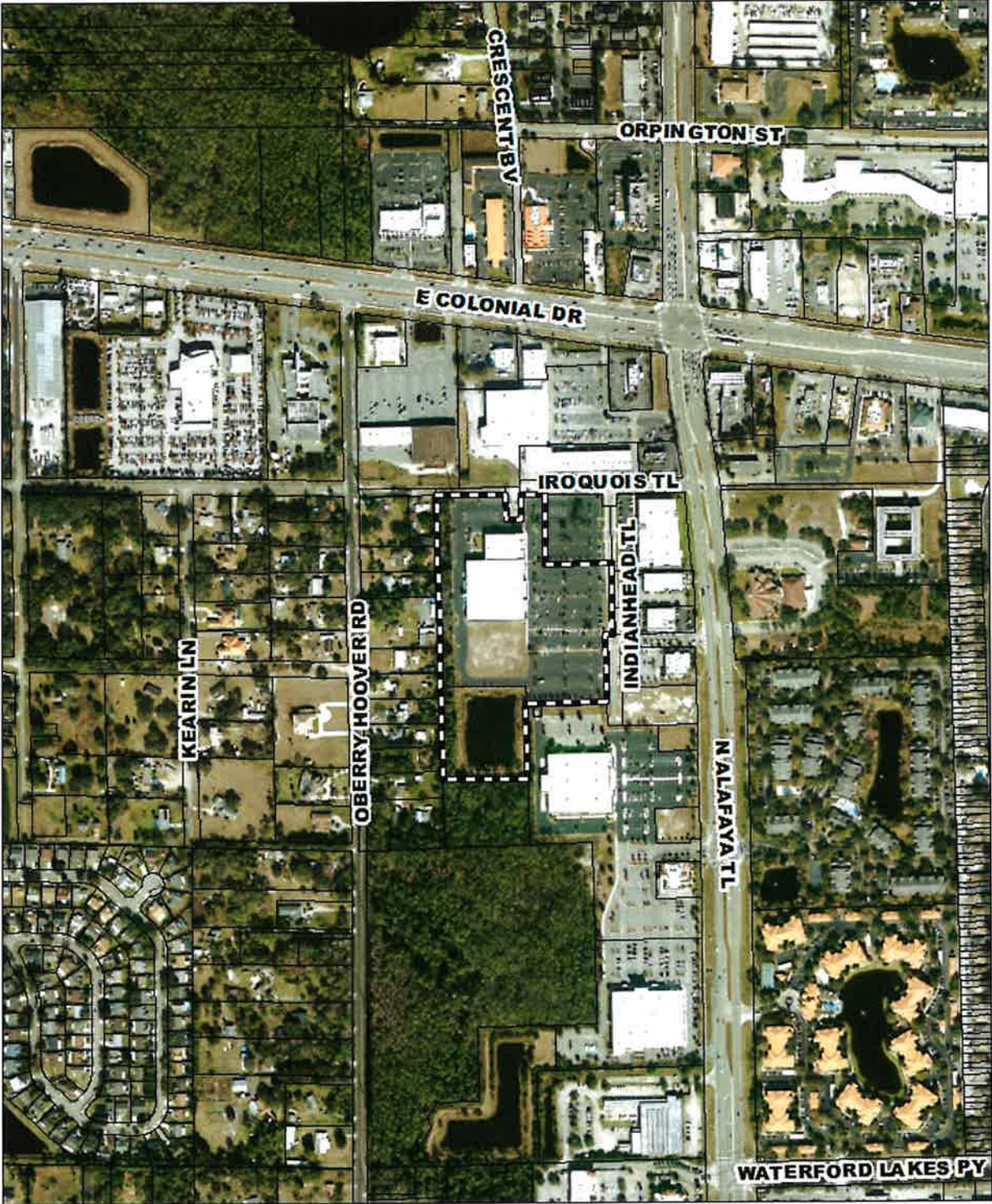
Iroquois Trail shall be constructed to connect the new access driveway to the existing Iroquois Trail. Adequate width of right-of-way (50' minimum) will have to be dedicated to the County to complete this section of roadway.

12. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated August 28, 2012, 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.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *October 26, 2021*

Upon a motion by Commissioner Gomez Cordero, seconded by Commissioner Moore, and carried by all members present voting AYE by voice vote, the Board approved the Land Use Plan Amendment to incorporate 1.03 acres into the Waterford Oaks PD and amend the Master Sign plan to increase the permitted signage.

CDR-22-01-010

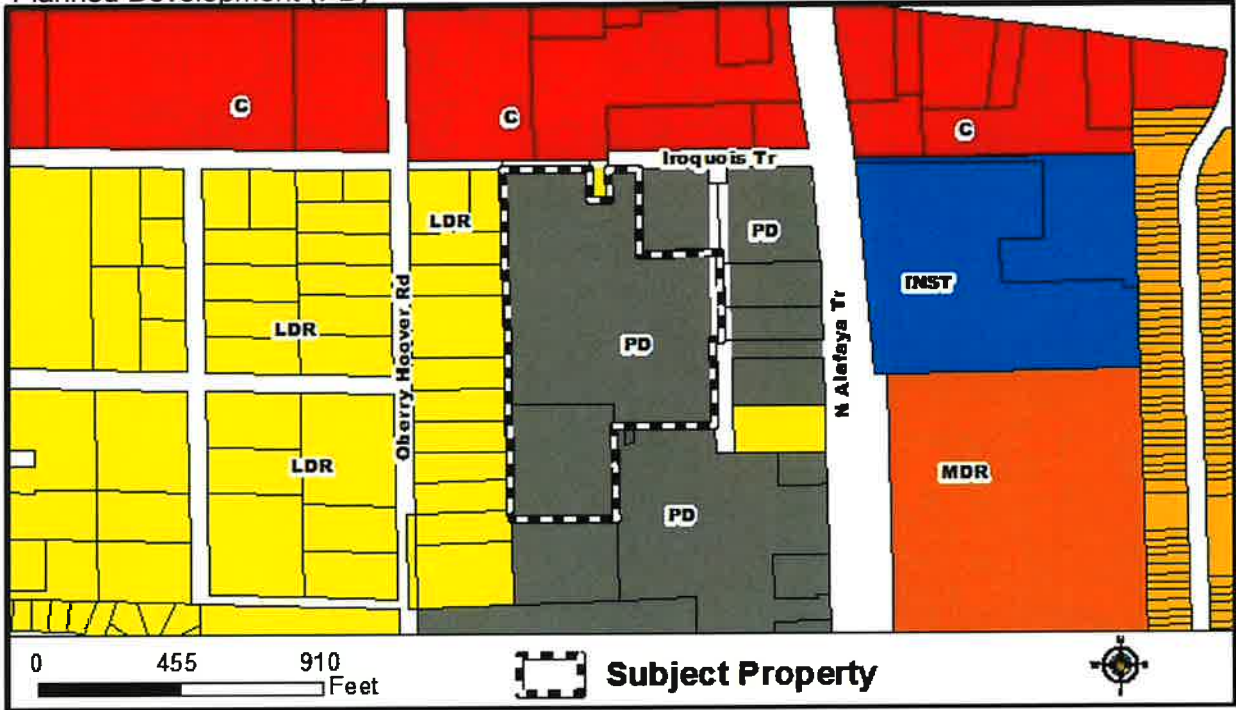


 Subject Property

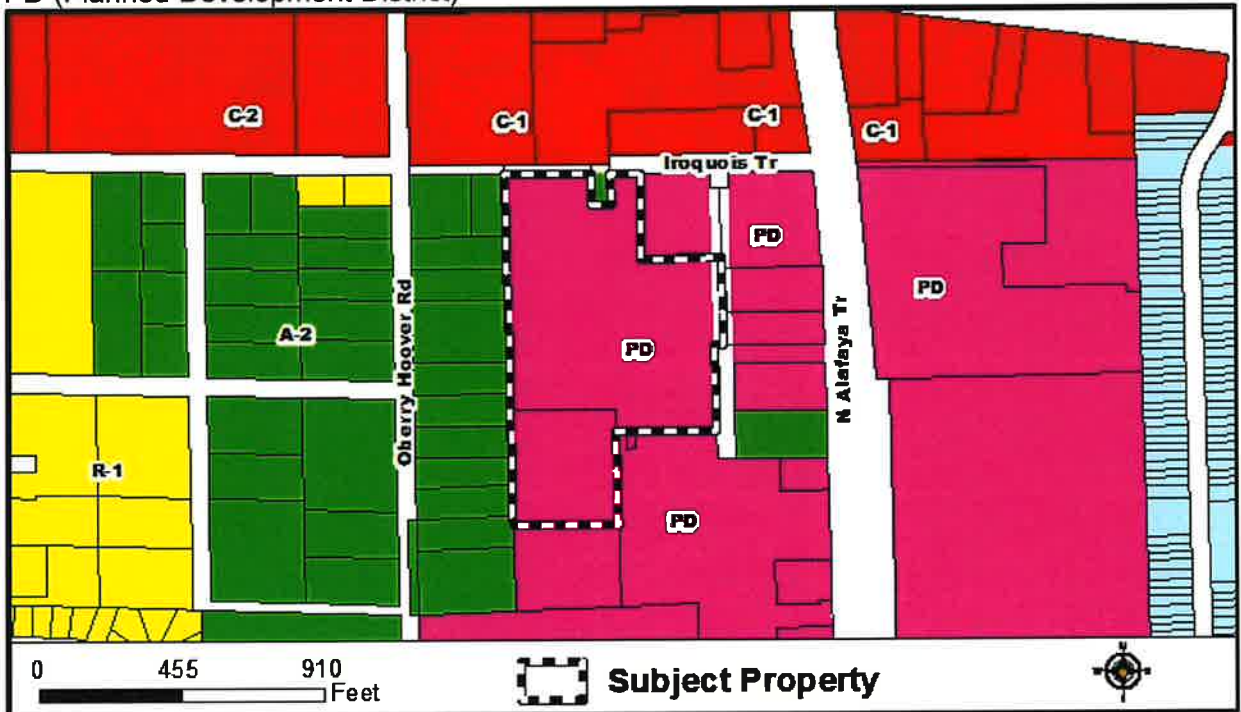


1 inch = 500 feet

FUTURE LAND USE
Planned Development (PD)



Zoning
PD (Planned Development District)



Waterford Oaks PD / LUP (Cover Sheet)

LAND USE PLAN FOR WATERFORD OAKS PD

CDR-22-01-010

1434, 1440, 1448, 1460 AND 1500 N. ALAFAYA TRAIL
 1421 AND 1538 INDIANHEAD TRAIL
 ORANGE COUNTY, FLORIDA
 22-22-31-8469-00-010, 22-22-31-6527-01-000,
 22-22-31-6527-01-001, 22-22-31-8469-00-050,
 22-22-31-8469-00-180, 22-22-31-8974-01-000,
 22-22-31-8974-01-001, 22-22-31-8974-00-001,
 22-22-31-8469-00-060



LOCATION MAP

WAIVER TABLE (PREVIOUSLY APPROVED):	
WAIVER REQUEST:	JUSTIFICATION:
<p>1. A waiver from the requirement of the LUP to provide a site plan for the proposed development.</p> <p>2. A waiver from the requirement of the LUP to provide a site plan for the proposed development.</p> <p>3. A waiver from the requirement of the LUP to provide a site plan for the proposed development.</p> <p>4. A waiver from the requirement of the LUP to provide a site plan for the proposed development.</p>	<p>1. The project is located in a residential area and the proposed development is a single-family detached home. The project is consistent with the land use plan for the area and will not have any adverse impacts on the surrounding area.</p> <p>2. The project is located in a residential area and the proposed development is a single-family detached home. The project is consistent with the land use plan for the area and will not have any adverse impacts on the surrounding area.</p> <p>3. The project is located in a residential area and the proposed development is a single-family detached home. The project is consistent with the land use plan for the area and will not have any adverse impacts on the surrounding area.</p> <p>4. The project is located in a residential area and the proposed development is a single-family detached home. The project is consistent with the land use plan for the area and will not have any adverse impacts on the surrounding area.</p>



Mitchell Collins, P.E., Inc.
 801 East Quail Street
 Orlando, FL 32801
 P: 407.850.8557
 C: 407.448.8777
mitchcollinspe@aol.com

RECEIVED
 By DRC Office at 6:29 pm, Mar 24, 2022

LEGAL DESCRIPTION:

1. A certain parcel of land, situated in the City of Orlando, Florida, and being more particularly described as follows: ...

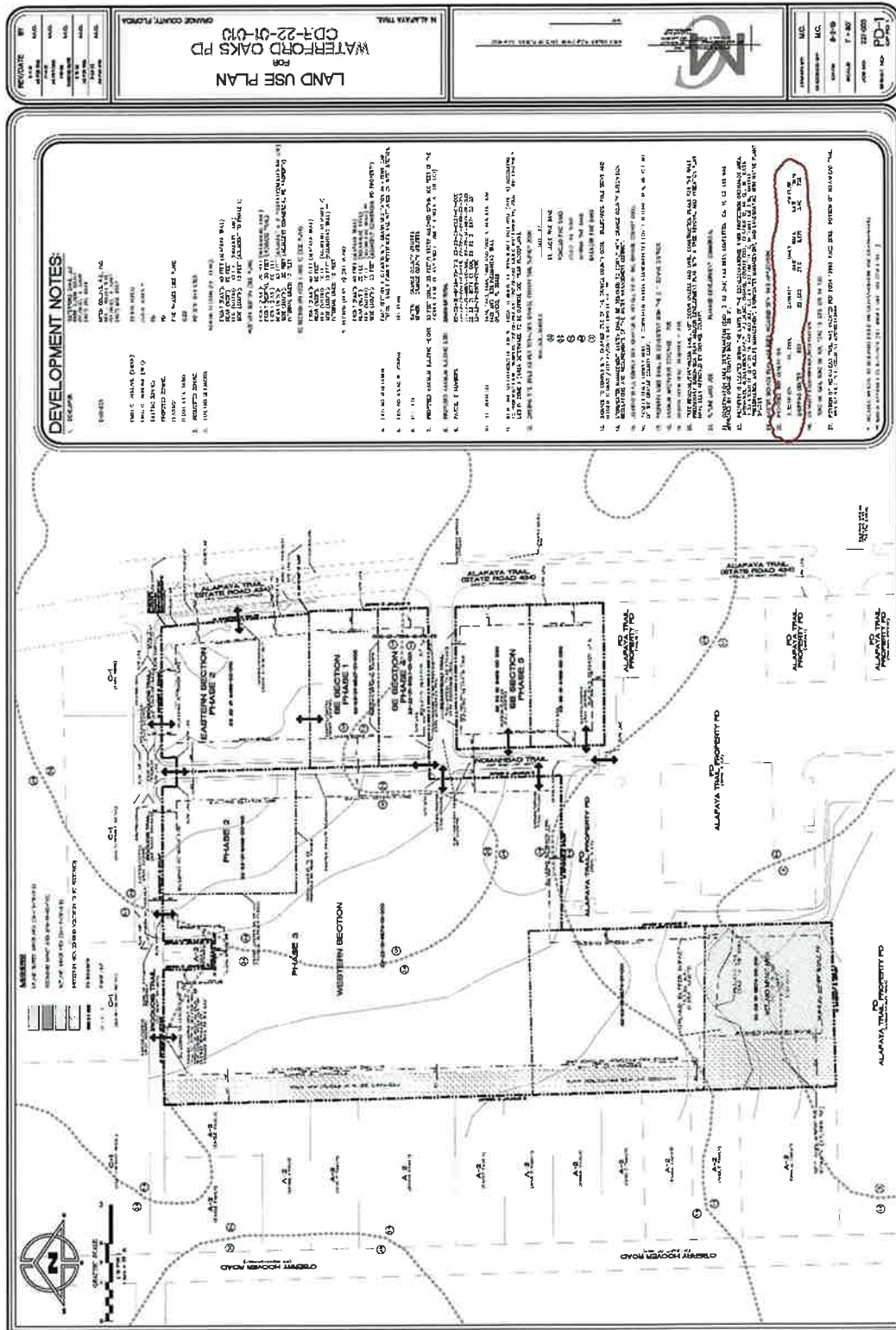
2. A certain parcel of land, situated in the City of Orlando, Florida, and being more particularly described as follows: ...

3. A certain parcel of land, situated in the City of Orlando, Florida, and being more particularly described as follows: ...

4. A certain parcel of land, situated in the City of Orlando, Florida, and being more particularly described as follows: ...

OWNER/DEVELOPER:	
2022 W. WINDY HILL, UNIT 1	
ENGINEER:	
MICHAELE B. COLLINS, P.E.	
801 EAST QUAIL STREET	
ORLANDO, FLORIDA 32801	
INDEX OF DRAWINGS	
DWG. NO.	DESCRIPTION
CDR-22-01-010	COVER SHEET
PO-1	LAND USE PLAN
LUP	WATERFORD OAKS PD

WATERFORD OAKS PD / LUP



Notification Map

