



Interoffice Memorandum

DATE: September 8, 2020

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

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

CONTACT PERSON: **Eric Raasch, DRC Chairman**
Development Review Committee
Planning Division
(407) 836-5523

Eric P. Raasch, Jr., AICP

SUBJECT: September 22, 2020 – Public Hearing
Steven Thorp, AICP, Orange County Public Schools
Sunflower Trail Estates Planned Development
Case # CDR-20-07-191 / District 4

Digitally signed by Eric P. Raasch, Jr., AICP
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The Sunflower Trail Estates PD includes 660.33 gross acres and was originally approved on January 16, 2003. The existing PD development program consists of 1,634 single-family dwelling units (including attached townhomes); 80,000 square feet of commercial activity; a 105.59-acre high school tract; and a 28.15-acre middle school tract.

Through this PD substantial change, the applicant is seeking to modify Board Condition of Approval #16 from October 6, 2015, to allow Electronic Message Centers (EMCs) for public school facilities within the PD, subject to the provisions of Section 38-1755. All other EMCs shall be prohibited.

On August 12, 2020, 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 Sunflower Trail Estates Planned Development / Land Use Plan (PD/LUP) dated “July 9, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

Attachments
JVW/EPR/nt

CASE # CDR-20-07-191

Commission District: # 4

GENERAL INFORMATION

APPLICANT	Steven Thorp, AICP, Orange County Public Schools
OWNER	School Board of Orange County Florida
PROJECT NAME	Sunflower Trail Estates Planned Development
PARCEL ID NUMBER(S)	31-22-32-0000-00-002; 31-22-32-0000-00-003; 32-22-32-7978-20-000; 32-22-32-7886-00-120; 32-22-32-7886-00-110; 32-22-32-7886-00-100 (affected parcels)
TRACT SIZE	660.33 gross acres (overall PD) 139.35 gross acres (affected parcels)
LOCATION	Generally located east of Timber Springs Boulevard, west of Guy Road, between Timber Park Lane and Timber Isle Drive.
REQUEST	A PD substantial change to modify BCC Condition of Approval #16 from October 6, 2015, to allow Electronic Message Centers (EMC) for public school facilities within the PD, subject to the provisions of Section 38-1755. All other EMCs shall be prohibited.
PUBLIC NOTIFICATION	A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One thousand three hundred-two (1,302) 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 Sunflower Trail Estates PD includes 660.33 gross acres and was originally approved on January 16, 2003. The existing PD development program consists of 1,634 single-family dwelling units (including attached townhomes); 80,000 square feet of commercial activity; a 105.59-acre high school tract; and a 28.15-acre middle school tract.

Through this PD Change Determination Request (CDR), the applicant is seeking to amend October 6, 2015, BCC Condition of Approval #16 regarding electronic copy signs. Through this PD Change Determination Request (CDR), amend October 6, 2015, BCC Condition of Approval #16 as follows:

Existing Condition: Electronic changeable copy signs shall be prohibited.

Proposed Revision: Electronic Message Centers (EMC) shall be permitted for public school facilities within the PD, subject to the provisions of Section 38-1755. All other EMCs shall be prohibited.

The applicant has submitted this request because Orange County Public Schools (OCPS) is currently undertaking an initiative to convert non-EMC ground signs located at school sites districtwide into EMC ground signs. The revision of condition of approval #16 is intended to permit the conversion of the non-EMC ground sign at Timber Springs MS into an EMC ground sign in accordance with Section 38-1755 of the Orange County Code. Additionally, an EMC ground sign was constructed at Timber Creek HS in 2013. The 2015 condition of approval has created a situation where the EMC ground sign is now a non-confirming sign. The revision of this condition of approval is intended to allow the EMC sign and remove its non-confirming status.

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 (PD) and Rural Settlement 1/2 (RS 1/2), with the parcels proposed for aggregation located within the Sunflower Trail Rural Settlement boundary. Per Orange County Code Section 38-1751(1), a public middle school located within a Rural Settlement and a PD zoning district, is permitted by right. 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 located within the Sunflower Trail 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, but did not identify any issues or concerns.

Transportation Concurrency

Transportation Planning staff has reviewed the proposed request, but did not identify any issues or concerns.

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 but 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 – (August 12, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Sunflower Trail Estates Planned Development / Land Use Plan (PD/LUP), dated “July 9, 2020”, subject to the following conditions:

1. Development shall conform to the Sunflower Trail Estates Planned Development (PD) dated "Received July 9, 2020," 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 9, 2020," 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. Electronic Message Centers (EMC) shall be permitted for public school facilities within the PD, subject to the provisions of Section 38-1755. All other EMC's shall be prohibited.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 6, 2015 shall apply:
 - a. There shall be no vehicular or pedestrian access to Guy Road.

- b. There shall be a minimum twenty-foot (20') landscape buffer along the northern, eastern, and southern property lines of the Middle School site. In addition, OCPS shall install an eight foot (8') masonry wall along the northern and southern property lines adjacent to the platted Tudor Grove at Timber Springs subdivision (OR BK 59 / PG 24) and the platted Timber Isle Phase 2 subdivision (OR BK 61 / PG 98). OCPS shall install a minimum six foot (6') black vinyl chain link fence along the northern, southern and eastern property lines adjacent to the Sunflower Trail Rural Settlement.

- c. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. 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 capacity reservation certificate.

- d. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a state wetland determination and state conservation area impact permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.

- e. 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).

- f. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.

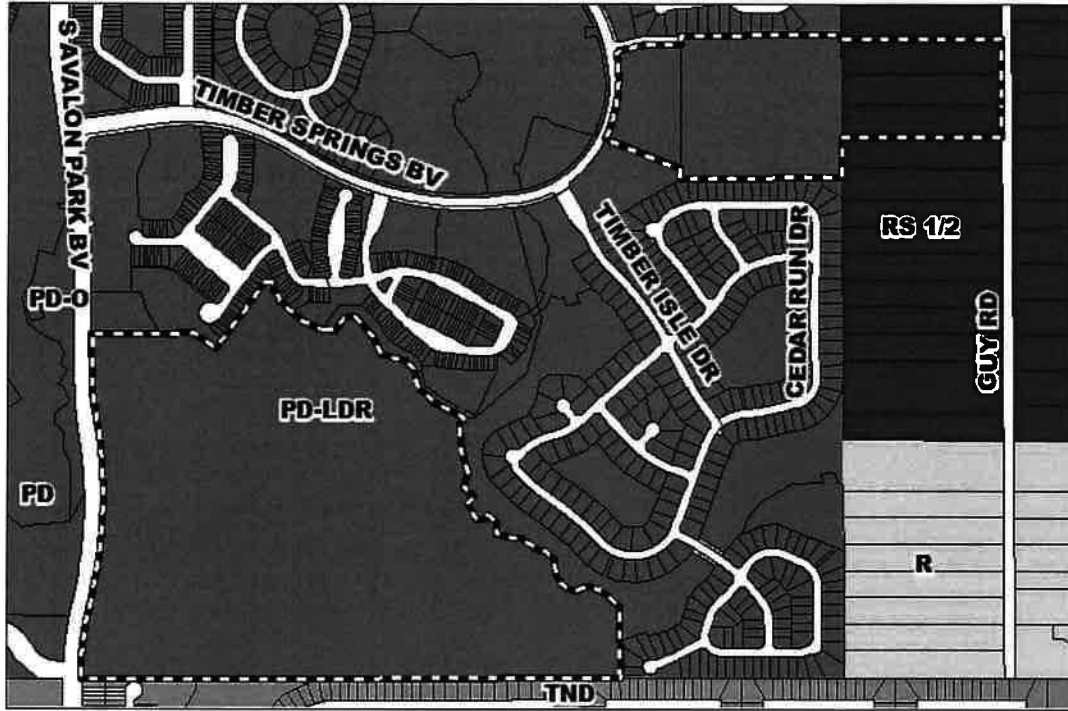
- g. Prior to Development Plan approval for the Middle School site, a traffic operational analysis shall be submitted that addresses or demonstrates the following:
 - 1) An A.M. and P.M. peak hour analysis for the access driveways that demonstrates operation at an acceptable level of service, without undue delay;
 - 2) Use of the 9th Edition ITE Trip Generation Report Land Use Code 534 fitted curve equations (daily trips may be estimated based on the A.M. to daily ratio);
 - 3) Auxiliary turn lane analysis based on the critical A.M. peak hour volumes, and not P.M. peak hour volumes;

- 4) An on-site circulation analysis to verify that entering traffic will not back up onto the main street;
 - 5) A plan to demonstrate how the on-site traffic circulation pattern will be enforced; and
 - 6) Additionally, Orange County Public Schools (OCPS) and Orange County Transportation Planning shall analyze the need for traffic signal at the ~~northern~~ southern intersection of Timber Springs Boulevard and Avalon Park Boulevard.
- h. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
- i. There shall be no site clearing for the Middle School site until the Development Plan is approved by the Development Review Committee (DRC).
- j. Prior to Development Plan approval for the Middle School, Orange County Public Schools shall enter into an agreement with Orange County for a cross access easement through the County park site.
- k. No vertical construction shall be permitted within the Rural Settlement portion of the PD, with exception of non-lit recreation areas, stormwater management areas and ancillary structures.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated March 31, 1998; July 31, 2001; November 19, 2002; and March 11, 2003 shall apply:
- a. The developer shall dedicate at no cost to the County, sufficient utility easements for regional water and wastewater transmission mains at a mutually agreed upon location.
 - b. The 20-foot by 80-foot minimum lot size shall only apply to front-loaded townhouse lots.
 - c. Master stormwater, water, reclaimed water, wastewater, and stormwater plans, including preliminary calculations, shall be approved prior to approval of the construction plans.
 - d. Billboards, pole signs, and outdoor storage and display shall be prohibited.
 - e. The developer shall obtain wastewater, water, and reclaimed water service from Orange County subject to County rate resolutions and ordinances.
 - f. Minimum lot width for Village 9 shall be 55 feet with a minimum living area of 1,200 square feet.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(October 6, 2015)*

Upon a motion by Commissioner Thompson, seconded by Commissioner Edwards, and carried by all members voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the request to amend the Sunflower Trail Estates Planned Development / Land Use Plan (PD/LUP) to aggregate and rezone three (3) adjacent parcels containing 11.45 gross acres into the existing Sunflower Trail Estates PD, and convert a designated "elementary school" site into a "middle school" site.

CDR-20-07-191



Subject Property



Subject Property

Future Land Use Map

FLUM: Planned Development (PD)

APPLICANT: Steven Thorp, AICP, Orange County Public Schools

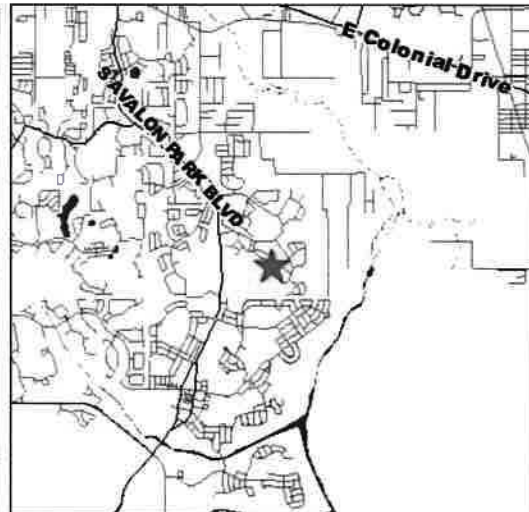
OWNER: School Board of Orange County Florida

LOCATION: Generally located east of Timber Springs Boulevard, west of Guy Road, between Timber Park Lane and Timber Isle Drive.

TRACT SIZE: 660.33 gross acres (overall PD)
 139.35 gross acres (affected parcels)

DISTRICT: # 4

ST/R: 31/22/32 & 32-22-32
 1 inch = 775 feet



CDR-20-07-191



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Steven Thorp, AICP, Orange County Public Schools

OWNER: School Board of Orange County Florida

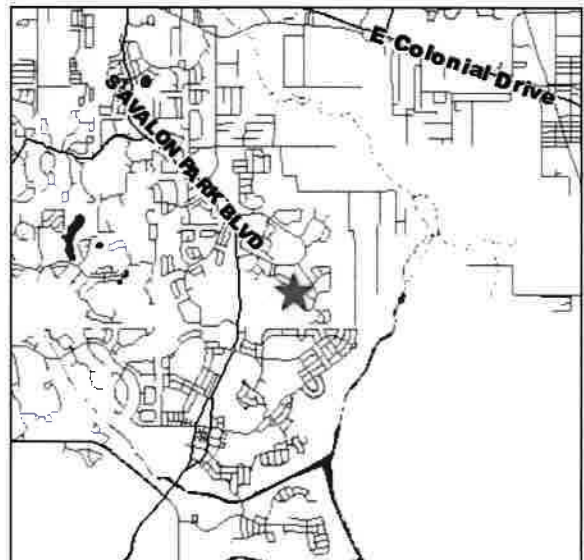
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TRACT SIZE: 660.33 gross acres (overall PD)
 139.35 gross acres (affected parcels)

DISTRICT: # 4

ST/R: 31/22/32 & 32-22-32

1 inch = 775 feet



CDR-20-07-191



 Subject Property



1 inch = 950 feet

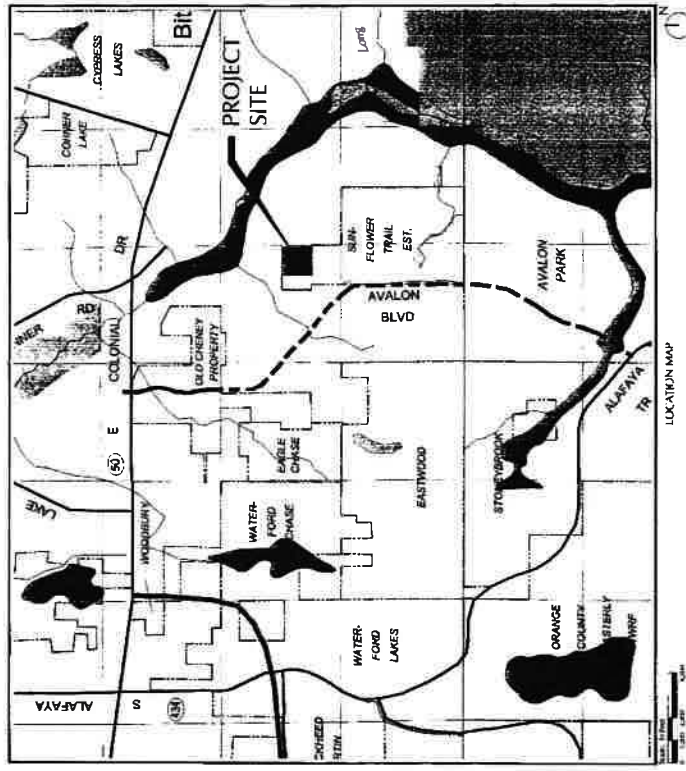
Sunflower Trail Estates PD / LUP (Cover Sheet)

- ORIGINAL CONDITIONS OF APPROVAL:**
1. Development shall conform to the Sunflower Trail Land Use Plan (LUP) as adopted by the Board of County Commissioners on January 14, 2002 and to the subsequent amendments to the LUP. The LUP is located at the following address: 6501 Magic Way, Building 200, Orlando, FL 32809. The LUP is available for review at the Planning and Zoning Commission (P&Z) Office, 6501 Magic Way, Building 200, Orlando, FL 32809. The LUP is also available for review at the Board of County Commissioners (BCC) Office, 100 North Orange Avenue, Orlando, FL 32801.
 2. The site, structure, improvements, and all of the work items approved at the P&Z shall be in accordance with the LUP. The P&Z contains an agreement between the applicant and the County regarding the LUP. The P&Z also contains an agreement between the applicant and the County regarding the LUP. The P&Z also contains an agreement between the applicant and the County regarding the LUP.
 3. The applicant shall be responsible for obtaining all necessary permits, including but not limited to, building, electrical, plumbing, and fire department permits. The applicant shall be responsible for obtaining all necessary permits, including but not limited to, building, electrical, plumbing, and fire department permits.
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SUNFLOWER TRAIL ESTATES PD

Orange County Public Schools
 6501 Magic Way, Building 200
 Orlando, FL 32809
 Phone: 407-317-3700 ext. 2022139

Case #CDR-20-07-191
 PARCEL ID NUMBERS:
 32-22-32-0000-00-003
 32-22-32-7886-00-100
 32-22-32-7886-00-110
 32-22-32-7886-00-120

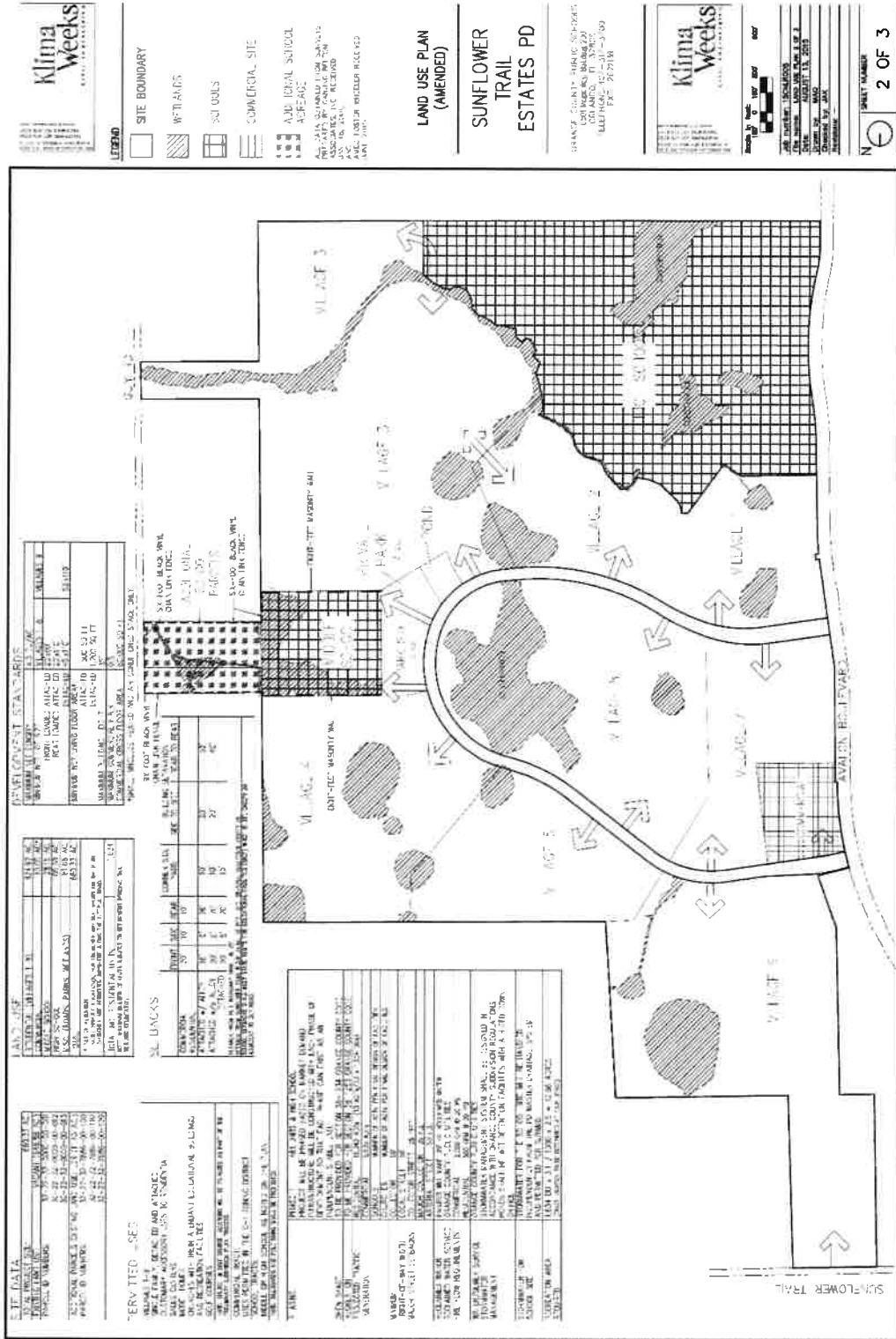


LEGAL DESCRIPTION

TABLE OF CONTENTS

PAGE 1	COVER SHEET
PAGE 2	MAP SHEET
PAGE 3	SUPPORT DATA

Sunflower Trail Estates PD / LUP



Notification Map

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