





Interoffice Memorandum

DATE: May 14, 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

SUBJECT: June 2, 2020 – Public Hearing
Jay R. Jackson, P.E., Kimley-Horn and Associates, Inc.
Cannongate (The Greens / Thousand Oaks) Planned
Development
Case # CDR-19-08-264 / District 6

The Cannongate (The Greens / Thousand Oaks) Planned Development (PD) is located generally north of W. Oak Ridge Road, south of Conroy Road, east of Wingate Drive, and west of S. John Young Parkway. The existing PD development program allows for 1,440 multi-family residential dwelling units and 30,000 square feet of commercial health club / clubhouse uses.

The subject property is the former Eaglewood Golf Course, which as indicated by aerial photography, closed sometime between 2008 and 2009. Through this PD substantial change, the applicant is seeking to use the trip equivalency matrix to convert the approved 30,000 square feet of commercial health club / clubhouse uses into 27,180 square feet of C-1 (Retail Commercial District) uses, which is proposed to be vertically-integrated into the residential buildings. The applicant's request also includes removal of Board Condition of Approval #7 which prohibited commercial uses other than the health club and pro shop for the golf course. In addition, three waivers from Orange County Code are requested to increase the height of multi-family buildings adjacent to single-family properties from 40 feet (3 stories) to 70 feet (5 stories).

On April 22, 2020, the Development Review Committee recommended approval of the request, subject to conditions. A community meeting was not held for this request, however, an online informational presentation was provided with notification sent to 828 area residents.

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 Cannongate (The Greens / Thousand Oaks) Planned Development / Land Use Plan (PD/LUP) dated “Received February 18, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 6

Attachments
JVW/EPR/nt

CASE # CDR-19-08-264

Commission District: # 6

GENERAL INFORMATION

APPLICANT Jay R. Jackson, P.E., Kimley-Horn & Associates, Inc.

OWNER Millenia Park Partners, LLC

PROJECT NAME Cannongate (The Greens / Thousand Oaks) Planned Development

PARCEL ID NUMBER(S) 21-23-29-1175-00-011 (affected parcel only)

TRACT SIZE 82.15 gross acres (overall PD)
43.64 gross acres (affected parcel only)

LOCATION Generally north of W. Oak Ridge Road, south of Conroy Road, east of Wingate Drive, and west of S. John Young Parkway

REQUEST A PD substantial change to use the trip equivalency matrix to convert the approved 30,000 square feet commercial health club / clubhouse uses into 27,180 square feet of C-1 (Retail Commercial District) uses and to delete Board Condition of Approval #7 from September 25, 1989, which prohibited commercial uses other than the health club and pro shop for the golf course.

In addition, the applicant has requested the following waivers from Orange County Code:

1. A waiver from Section 38-1258(b) is requested to allow five (5) stories, seventy (70) feet in height for multi-family buildings between one hundred plus (100+) to one hundred and fifty (150) feet of single family zoned property, in lieu of the required varying height and maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings one (1) story or two (2) stories in height. The buildings will be designed in an L-shape configuration +/- 305' long by +/- 70' wide with the base of the "L" at a total +/- 160' in length by +/- 70' wide, so that the narrowest end of the structure (+- 70' in width) is no closer than 100' from the property line and the remaining portions of the structure are no closer than 200' from the property line.

2. A waiver from Section 38-1258(c) is requested to allow five (5) stories, seventy (70) feet in height for multi-family buildings one hundred (100) feet from single-family properties, in lieu of multi-family buildings located within one hundred and fifty (150) feet of a single-family zoned property not exceeding three (3) stories (forty (40) feet) in height. The buildings will be designed in an L-shape configuration +/- 305' long by +/- 70' wide with the base of the "L" at a total +/- 160' in length by +/- 70' wide, so that the narrowest end of the structure (+/- 70' in width) is no closer than 100' from the property line and the remaining portions of the structure are no closer than 200' from the property line.
3. A waiver from Section 38-1258(a) to allow five (5) stories, seventy (70) feet in height for multi-family buildings within one hundred (100) feet of a single-family property. The buildings will be designed in an L-shape configuration +/- 305' long by +/- 70' wide with the base of the "L" at a total +/- 160' in length by +/- 70' wide, so that the narrowest end of the structure (+/- 70' in width) is no closer than 100' from the property line and the remaining portions of the structure are no closer than 200' from the property line.

Applicant Justification for Waivers 1-3: *The project is seeking to maximize the current allowable density by creating a mixed use community along the internal roadway that connects the existing PGA Boulevard (to the north) to oak ridge road (to the south). those two points of connection (from the north to the south running parallel to the western boundary) dictate the location of the primary mixed use buildings to be located on the east side of the internal roadway to achieve a successful fully activated street edge. Reducing building height minimizes the necessary density required to create viable ground floor retail with in the 5-story structures. Lowering building heights and placing more structures does not allow the project to maximize the allowable density with surface parking. Adding structured parking is not a viable solution for this type and location of development.*

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]. Eight hundred twenty eight (828) notices were mailed to those property owners in the notification buffer area. A community meeting was not held for this request, however, an online informational presentation was provided with notification sent to 828 area residents.

IMPACT ANALYSIS

Special Information

The Cannongate (The Greens/Thousand Oaks) PD was originally approved on September 14, 1987, with a development program of 886 multi-family residential units, 210,000 square feet of office uses, and 36.78 acres of golf course and open space. Throughout various amendments and expansions to the PD, the currently approved development program includes 1,440 multi-family residential dwelling units and 30,000 square feet of commercial health club / clubhouse uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to use the trip equivalency matrix to convert the approved 30,000 square feet of commercial health club / clubhouse uses into 27,180 square feet of C-1 (Retail Commercial District) uses and to delete BCC Condition of Approval #7 which prohibited commercial uses other than the health club and pro shop for the golf course. In addition, three (3) waivers from Orange Code are requested to increase the height of multi-family buildings adjacent to single-family properties from 40 feet (3 stories) to 70 feet (5 stories).

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 property's Future Land Use Map (FLUM) designation is Medium Density Residential (MDR). However, the Cannongate (The Greens/Thousand Oaks) PD was approved by the Board of County Commissioners in 1987. Per Comprehensive Plan policy FLU8.1.5, the location of PDs within the Urban Service Area that have been approved as of the date of the adoption of the 1991 CP shall be considered consistent with the CP. 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 not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Any non-permitted wetland impacts or activity that may create secondary wetland impacts will require approval a conservation area impact permit. An Orange County Conservation Area Impact CAI permit 09-011 was previously approved on April 13, 2009.

The subject property has a prior use that included golf course maintenance and storage facilities (possibly fuel and chemical storage potential) that could result in soil and/or groundwater contamination. Prior to approval of any land disturbance, other than that required for to achieve contamination assessment and clean-up, the applicant must

provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels. Provide documentation and intent.

The subject property has an Orange County Board of County Commissioners approved resolution #2009-M-32 of August 4, 2009 regarding designating certain land, Parcel 21-23-29-1175-00-011, as the Bonita Fountains Phase 2: ROCC (Redeveloping Orange County Communities) and as a Brownfield Area for the purpose of environmental remediation, rehabilitation, economic development pursuant to Section 376.80(2) Florida Statutes

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for any septic systems; and the Water Management District, as well as the DOH, for wells. 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. Prior to dewatering activities occurring on site, the applicant shall obtain approval of the dewatering plans from the local Water Management District and the FDEP, and will provide the supporting documentation of approval to Orange County EPD. This activity will also need approval of a right-of-way use permit or approval for disposal into the sanitary sewer system.

Transportation Concurrency

The subject property is located within the Alternative Mobility Area (AMA). An Alternative Mobility Analysis will be required for review and approval. The Alternative Mobility Analysis will be required prior to obtaining a building permit.

Community Meeting Summary

In lieu of a community meeting, an informational presentation explaining the request, process, and opportunities for public comment was posted online. A summary of any citizen responses to the presentation will be summarized at the public hearing.

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 – (April 22, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Cannongate (The Greens / Thousand Oaks) Planned Development / Land Use Plan (PD/LUP), dated “February 18, 2020”, subject to the following conditions:

1. Development shall conform to the Cannongate (The Greens / Thousand Oaks) Planned Development dated "Received February 18, 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 February 18, 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. The project site is subject to the Orange County Board of County Commissioners resolution approved on 8/4/2009 regarding designating certain land as the Bonita Fountains Phase 2 Brownfield ROCC (Redeveloping Orange County Communities), and as a Brownfield Area for the purpose of environmental remediation, rehabilitation and economic development pursuant to Section 376.80(2)(c), Florida Statutes. The site received a Site Rehabilitation Completion Order with conditions (deed restrictions) in July 2016. All activity on the site shall comply with the related cleanup and site rehabilitation requirements and limitations.
7. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that neither potable wells nor irrigation wells using local groundwater will be allowed on site, and, of the prior use of this property as a golf course or other uses as identified in an environmental site assessment.
8. Prior to clearing, grubbing or mass grading permit approval or construction plan approval, or any other disturbance in a soil or groundwater contaminated area (not related to contamination verification and clean-up), an FDEP No Further Action

letter or Site Rehabilitation Completion Order (SRCO) with or without conditions or controls, or documentation of specific permission from FDEP shall be submitted to the Orange County EPD.

9. 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.
10. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
11. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater systems have been designed to support all development within the PD.
12. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
13. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County code.
14. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
15. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1258(b) to allow five (5) stories, seventy (70) feet in height for multi-family buildings between one hundred plus (100+) to one hundred and fifty (150) feet of single family zoned property, in lieu of the required varying height and maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings one (1) story or two (2) stories in height. The buildings will be designed in an L-shape configuration +/- 305' long by +/- 70' wide with the base of the "L" at a total +/- 160' in length by +/- 70' wide, so that the narrowest end of the structure (+- 70' in width) is no closer than 100' from the property line and the remaining portions of the structure are no closer than 200' from the property line.
 - b. A waiver from Section 38-1258(c) to allow five (5) stories, seventy (70) feet in height for multi-family buildings one hundred (100) feet from single-family properties, in lieu of multi-family buildings located within one hundred and fifty (150) feet of a single-family zoned property not exceeding three (3)

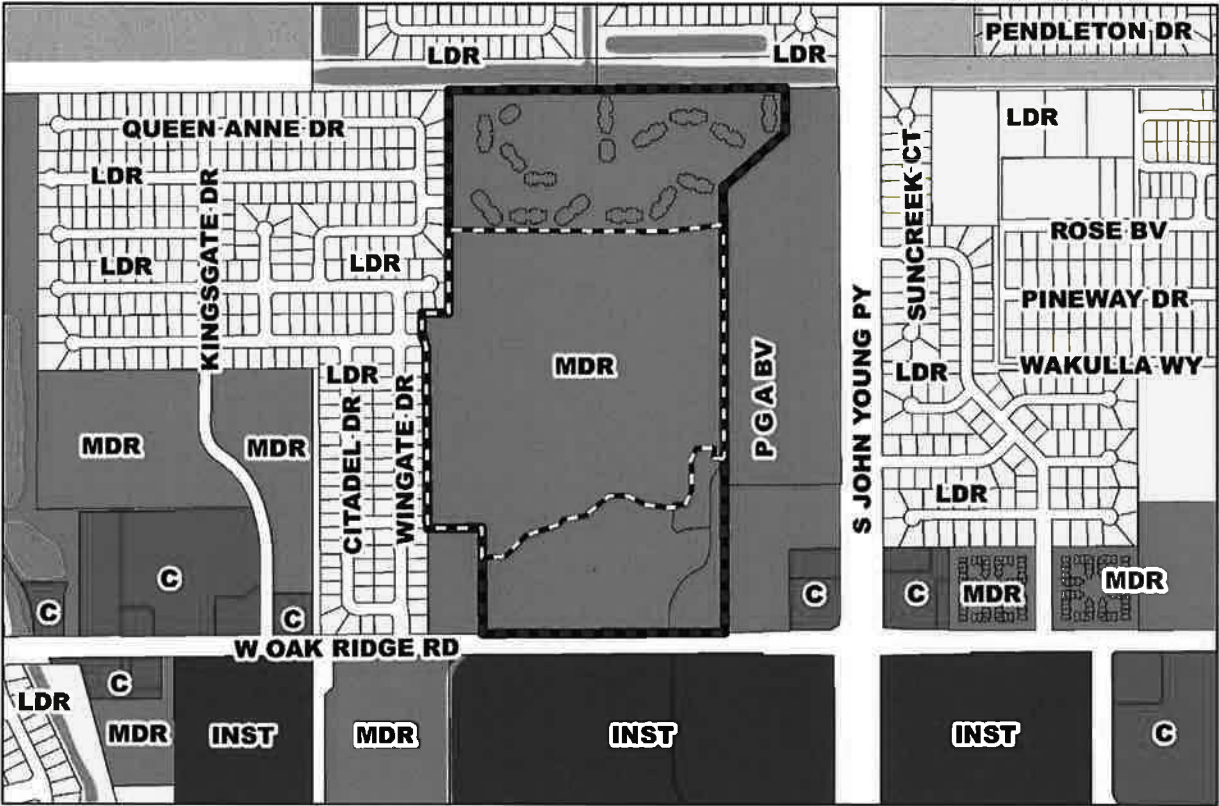
stories (forty (40) feet) in height. The buildings will be designed in an L-shape configuration +/- 305' long by +/- 70' wide with the base of the "L" at a total +/- 160' in length by +/- 70' wide, so that the narrowest end of the structure (+- 70' in width) is no closer than 100' from the property line and the remaining portions of the structure are no closer than 200' from the property line.

- c. A waiver from Section 38-1258(a) to allow five (5) stories, seventy (70) feet in height for multi-family buildings within one hundred (100) feet a of single-family property. The buildings will be designed in an L-shape configuration +/- 305' long by +/- 70' wide with the base of the "L" at a total +/- 160' in length by +/- 70' wide, so that the narrowest end of the structure (+- 70' in width) is no closer than 100' from the property line and the remaining portions of the structure are no closer than 200' from the property line.
16. A "Type B" buffer shall be required along the western property line.
17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 25, 1989 shall apply:
- a. Two (2) story structures in height or greater shall be setback a minimum 100 feet from the western property boundary. A minimum 25 foot setback shall apply to other boundaries of the site.
 - b. Orange County will not own, operate or maintain the on-site wastewater collection system, lift station or force main.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (September 25, 1989)

Upon a motion by Commissioner Carter, seconded by Commissioner Donegan, and carried with all present Commissioners voting AYE by voice vote; Commissioner Dorman was absent; the Board approved the recommendations of the Orange County Planning and Zoning Commission and Review under the date of September 21, 1989.

CDR-19-08-264



Subject Property
 Overall PD

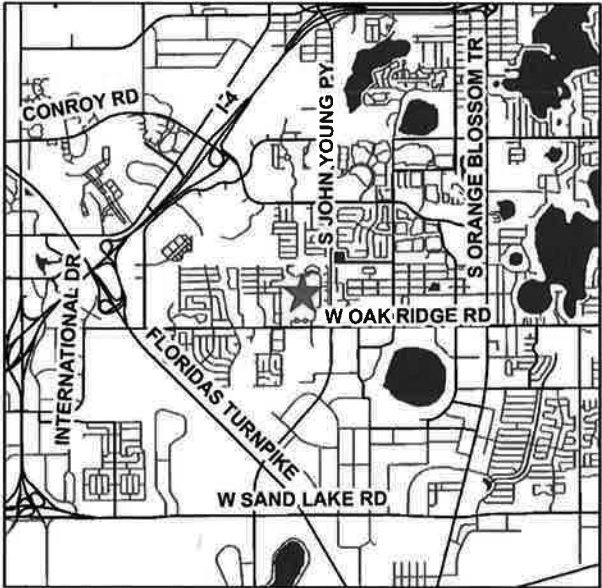


★ Subject Property

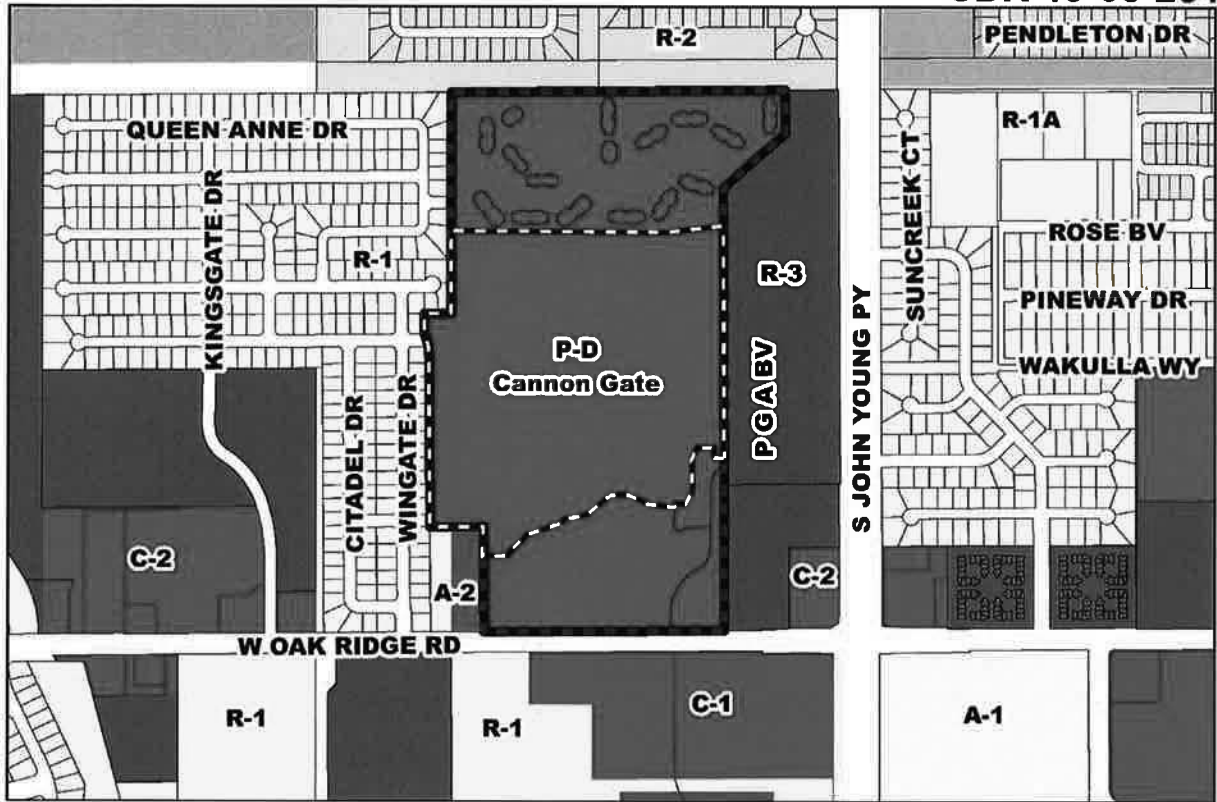
Future Land Use Map

FLUM: Medium Density Residential (MDR)
APPLICANT: Jay R. Jackson, P.E., Kimley-Horn and Associates, Inc.
LOCATION: Generally north of W. Oak Ridge Road, south of Conroy Road, east of Wingate Drive, and west of S. John Young Parkway
TRACT SIZE: 82.15 gross acres (overall PD)
 43.64 gross acres (affected parcel only)
DISTRICT: # 6
S/T/R: 21/23/29

1 inch = 750 feet



CDR-19-08-264



-  Subject Property
-  Overall PD



-  Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Jay R. Jackson, P.E., Kimley-Horn and Associates, Inc.

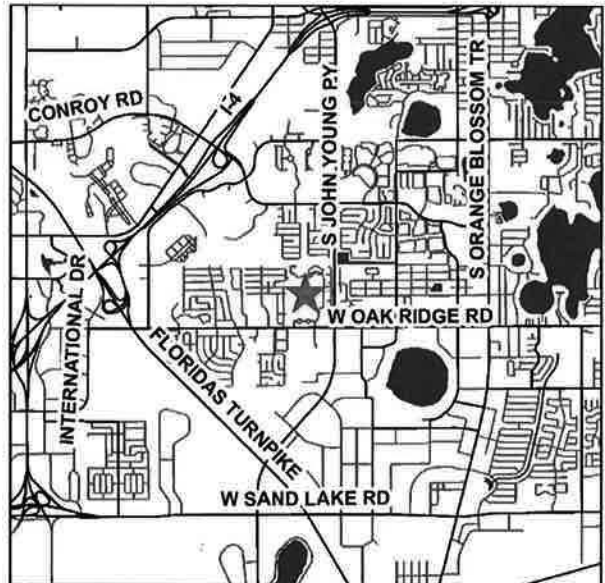
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DISTRICT: # 6

S/T/R: 21/23/29

1 inch = 750 feet



CDR-19-08-264



 Subject Property



1 inch = 575 feet

Notification Map

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