

CASE # CDR-18-07-233

Commission District: # 1

GENERAL INFORMATION

APPLICANT Jonathan Martin, Kimley-Horn & Associates, Inc.

OWNER Austin Reed and Associates, Inc.

PROJECT NAME Secret Lake Crossings (PD)

PARCEL ID NUMBER(S) 32-24-27-0000-00-014 & 32-24-27-0000-00-005

TRACT SIZE 4.45 gross acres

LOCATION Generally north of West Irlo Bronson Memorial Highway / West of Lighthouse Key Parkway

REQUEST A PD substantial change to revise the name of the PD from Cracker Boys to Secret Lake Crossings, to add a trip equivalency matrix that includes commercial, general office, medical office, mini-warehouse, and freestanding drive-thru restaurant uses, as well as to remove BCC Condition of Approval #6 from January 5, 2010.

In addition, the applicant has requested the following two (2) waivers from Orange County Code:

1. A waiver from Section 38-1287(4), is requested to allow paving setbacks reduced to zero (0) feet, in lieu of 7.5 feet between internal parcels.

Applicant Justification: *This Wavier will allow for the utilization of shared driveways and promote inter-access passage between lots, as well as limit the total impervious area of the project. No harm or undesirable effects will occur to the neighboring properties or general public because of this waiver.*

2. A waiver from Section 38-1287(2), is requested to allow building setbacks reduced to zero (0) feet, in lieu of a 30' building setback between internal parcels.

Applicant Justification: *The Wavier will allow for the utilization of shared driveways and promote inter-access passage between lots, as well as limit the total impervious area of the project. No harm or undesirable effects will occur to the neighboring properties or general public because of this waiver.*

PUBLIC NOTIFICATION A notification area extending beyond one thousand-five hundred (1,500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Twenty-nine (29) 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 Secret Lake Crossings (fka Cracker Boys) PD contains 4.45 gross acres, was originally approved on July 18, 1983, and currently provides for a development program of 40,000 square feet of C-1 commercial uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to revise the name of the PD from Cracker Boys to Secret Lake, to add a trip equivalency matrix that includes commercial, general office, medical office, mini-warehouse, and freestanding drive-thru restaurant uses, as well as to remove BCC Condition of Approval #6 from January 5, 2010 which limits the number of parking spaces to 110% of the required spaces. Although a trip equivalency matrix is included in this request, the applicant is not proposing to convert any uses at this time. The request also includes two (2) waivers to Orange County code.

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 Commercial (C). The subject property zoned PD (Planned Development District). The request is consistent with the Comprehensive Plan.

Overlay District 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, but did not identify any issues or concerns.

Transportation / Concurrency

Based on the concurrency management system database dated August 23, 2018, there is one failing roadway segment within the project impact area. Avalon Road from US 192 to Hartzog Road is currently operating at level of service F and there is no available

capacity. This information is dated and subject to change. A traffic study will be required prior to obtaining an approved capacity encumbrance letter.

Community Meeting Summary

A community meeting was not required for this application.

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 proposed 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 – (December 5, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Secret Lake Crossings (fka Cracker Boys) Planned Development / Land Use Plan (PD/LUP), dated “October 8, 2018”, subject to the following conditions:

1. Development shall conform to the Secret Lake Crossings (fka Cracker Boys) PD Land Use Plan (LUP) dated "Received October 8, 2018," 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 October 8, 2018," 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 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 approval of the plat.

Nothing in this condition, and nothing in the decision to approve this land use plan / 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. Outside sales, storage, and display shall be prohibited.
8. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 Tourist Commercial standards of the Orange County Code. The existing pole signs shall be removed prior to or together with approval of the first development plan.
9. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1287(4), is requested to allow paving setbacks reduced to zero (0) feet, in lieu of 7.5 feet between internal parcels.
 - b. A waiver from Section 38-1287(2), is requested to allow building setbacks reduced to zero (0) feet, in lieu of a 30' building setback between internal parcels.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 5, 2010 shall apply:
 - a. A waiver from Section 38-1287(4) is granted to allow the existing paving setback along U.S. 192 at 5 feet in lieu of the required 25 feet. However, in the case of redevelopment of these sites, the 25-foot paving setback will be required.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (January 5, 2010)

Upon a motion by Commissioner Boyd, seconded by Commissioner Brummer, and carried with all members voting AYE by voice vote; the Board made a finding of consistency with the Comprehensive Policy Plan and approved the request by Javier Omana for Cracker Boys Planned Development (PD), to rezone from A-1 (Citrus Rural District) (1957) and PD (Planned Development District) (Cracker Boys PD) (1973) to PD (Planned Development District), subject to the recommended conditions.