



Interoffice Memorandum

DATE: January 29, 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: February 25, 2020 – Public Hearing
Stephen Allen, Civil Corp Engineering, Inc.
Eagle Lake Planned Development
Case # LUP-18-06-216 / District 4

The Eagle Lake Planned Development (PD) is generally located south of Kirby Smith Road, north of Weller Boulevard, and east of Narcoossee Road. The applicant is seeking to rezone one parcel containing 3.14 gross acres from A-2 (Farmland Rural District) to PD, in order to construct 47,872.40 square feet of office and retail commercial uses. The applicant is also seeking approval of two waivers to allow for a reduced setback on the north property line and to reduce the number of required parking spaces.

On December 19, 2019, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was not required for this application.

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 Eagle Lake Planned Development / Land Use Plan (PD/LUP) dated "Received August 29, 2019", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 4

Attachments
JWW/EPR/nt

GENERAL INFORMATION

APPLICANT Stephen Allen, Civil Corp Engineering, Inc.
OWNER Eagle Global Holding Inc.
PROJECT NAME Eagle Lake Planned Development (PD)
HEARING TYPE Planned Development / Land Use Plan (PD / LUP)
REQUEST **A-2** (Farmland Rural District) **to**
PD (Planned Development District)

A request to rezone one (1) parcel containing 3.14 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District), in order to construct 47,872.40 square feet of office and retail commercial uses. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1272(3) to allow for a setback on the north property line of 5 feet, in lieu of 25 feet.

***Applicant Justification:** To maintain a 25 foot separation from the original property line while still providing a 20-foot fee simple access for residential to the east.*

2. A waiver from Section 38-1476(a) to allow for a minimum of 215 parking spaces (4.5 per 1,000 square feet), in lieu of 263 spaces (5.5 per 1,000 square feet).

***Applicant Justification:** A parking study was done for similar sites and found that a minimum of 215 parking spaces were required for 47,332.4 SF of commercial and office uses combined (4.5 spaces per 1,000 SF)*

LOCATION Generally located south of Kirby Smith Road, north of Weller Boulevard, and east of Narcoossee Road.

PARCEL ID NUMBERS 20-24-31-9302-00-011

TRACT SIZE 3.14 gross acres

PUBLIC NOTIFICATION

The notification area for this public hearing extended beyond 1,500 feet [*Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet*]. One hundred sixteen (116) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.

PROPOSED USE

47,872.4 square feet of office and retail commercial uses

STAFF RECOMMENDATION

Development Review Committee – (December 4, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Eagle Lake Planned Development / Land Use Plan (PD/LUP), dated "Received August 29, 2019", subject to the following conditions:

1. Development shall conform to the Eagle Lake Land Use Plan (LUP) dated "Received August 29, 2019," 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 August 29, 2019," 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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development 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. Lake Whipoorwill has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Whipoorwill, this project shall be required to be a participant.

8. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
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. The developer shall obtain wastewater and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
11. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater and reclaimed water systems have been designed to support all development within the PD.
12. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
13. Outside sales, storage, and display shall be prohibited.
14. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
15. Cross access easements to the north property shall be recorded prior to construction plan approval.
16. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1272(3) to allow for a setback on the north property line of 5 feet in lieu of 25 feet.
 - b. A waiver from Section 38-1476(a) to allow for a minimum of 215 parking spaces (4.5 per 1,000 square feet) in lieu of 263 spaces (5.5 per 1,000 square feet).

IMPACT ANALYSIS

Land Use Compatibility

The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development - Commercial/Office (PD-C/O) which has an approved specific development program of up to 22,716.50 square feet of commercial/office uses in the frontage zone and up to 22,155.90 square feet of office uses in the transition zone. The PD-C/O Future Land Use was approved by the Board of County Commissioners on May 21, 2019. The proposed PD zoning district and development program is consistent with Planned Development - Commercial/Office FLUM designation and the following CP provisions:

FLU6.3.1.2 states that to recognize the importance of protecting the visual, residential and environmental character of the Lake Hart/Lake Whippoorwill Rural Settlement and Lake Whippoorwill, which both adjoin the Study Area to the east, Orange County and the City of Orlando have entered into an interlocal agreement, approved by the Board of County Commissioners (BCC) on September 22, 2015, to provide general planning principles for the Narcoossee Roadway Corridor Study Area (depicted on Map 19 of the Future Land Use Map Series) in the event the City annexes or has annexed any portion of this Study Area and considers an application to amend the City's Growth Management Plan or an application for a development order for the area annexed. The interlocal agreement provides standards that ensure a transition from higher densities and intensities along the properties immediately abutting the east side of Narcoossee Road to lower densities and intensities abutting the Rural Settlement and Lake Whippoorwill, which are largely similar to standards outlined in Policies FLU6.3.2 through FLU6.3.4.2. (Added 11/15, Ord. 2015-20)

FLU6.3.2 states that on November 18, 2008, the Narcoossee Road-Lake Hart / Lake Whippoorwill Rural Settlement Study was presented to the Board of County Commissioners. The study's intent was to provide sound planning guidelines along the east side of Narcoossee Road in keeping with development occurring in the City of Orlando to the west, and to transition the intensity of land uses from Narcoossee Road east to the Rural Settlement in order to protect the Rural Settlement and Lake Whippoorwill. Policies FLU6.3.2 through FLU6.3.4.2 shall apply only to properties with direct frontage on the east side of Narcoossee Road between Kirby Smith Road and Tyson Road in the Lake Hart/Lake Whippoorwill Rural Settlement. Nothing in these policies shall be construed to convey entitlements of development rights. To address the specific and unique issues affecting the Lake Hart/ Lake Whippoorwill Rural Settlement, applications for development approval for property fronting on Narcoossee Road in the Lake Hart/Lake Whippoorwill Rural Settlement shall be processed as Planned Developments (at both the Comprehensive Plan Amendment and the rezoning stage) to ensure compatibility with the Rural Settlement. (Added 5/01, Ord. 01-11; Amended 10/09, Ord. 2009-28, Policy 2.4.2-r; Amended 11/15, Ord. 2015-20)

FLU6.3.2.1 states that upon adoption by the Board of County Commissioners, a property which is granted a future land use change to Planned Development (PD) pursuant to Policy FLU6.3.2 will be included in the Urban Service Area (with the exception of the portion of the PD that retains a Rural Settlement designation pursuant to Policies FLU6.3.2 and FLU6.3.2.2, which will remain in the Rural Settlement). As part of the application submittal, the applicant must demonstrate that the request is consistent with Orange County's goals for the Narcoossee Road corridor and must

identify three development zones: a 'frontage zone' which abuts Narcoossee Road; a 'rural settlement zone' adjacent to Lake Whippoorwill; and a 'transition zone' which is the remaining area between the 'frontage zone', and the 'rural settlement zone'. (Added 10/09, Ord. 2009-28; Amended 11/15, Ord. 2015-20)

FLU6.3.2.2 states that compatibility requirements shall address transitional uses, appropriate mass and scale of structures, architectural features, increased buffers, and other performance standards deemed appropriate during review by the Development Review Committee. Proposed future land use changes that include commercial uses also shall be consistent with the requirements of FLU1.4.3 through FLU1.4.15. To provide transition between development occurring on Narcoossee Road and the land adjacent to the lake that will remain in the Rural Settlement, development standards shall be incorporated into the land development code to address the following:

- A. **Building Height Transition.** Building heights and density and intensity of land uses within this Study Area shall transition downward from west to east, with the highest structures and highest density and intensity fronting Narcoossee Road, and development on the eastern boundary of the Study Area remaining compatible with the Rural Settlement, consistent with Policy FLU6.2.14.
- B. **Cross Access.** To minimize ingress and egress onto Narcoossee Road from the Study Area, and/or to provide access to properties remaining within the Rural Settlement, development within the Study Area shall construct an accessway. The accessway shall generally be oriented north and south and located at the junction of the 'transition zone' and the 'rural settlement zone'. It shall accommodate vehicular and pedestrian traffic and, when functionally feasible, on-street parking. The accessway will also be included within a cross-access easement to adjacent developments, consistent with approved land use plans. Additionally, shared parking may be approved by Orange County on a case-by-case basis.
- C. **Access Management.** Any access to Tyson Road or Kirby Smith Road shall be designed to discourage trips heading east into the Rural Settlement.
- D. **Physical Buffering.** Development on the eastern boundary of the Study Area must remain compatible with the Rural Settlement. A buffer averaging 300 feet from the normal high water elevation of Lake Whippoorwill shall be retained and included in the 'rural settlement zone'; and in no case shall such buffer be less than 200 feet. Within this buffer, a minimum of 100 feet shall remain undeveloped. This area may be planted with native species, and invasive species shall be removed as a condition of any future development order. The western boundary of the 'rural settlement zone' shall generally align with the approved Rural Settlement boundary of the adjacent Planned Developments within the Study Area (if any), consistent with the approved land use plans. This land may be utilized for: single-family detached housing at a maximum density of one (1) dwelling unit per two (2) acres of developable land; passive open space incorporating walks or trails; or conservation through protective covenants running with the land. Along with this transitional use, buffers between Study Area development and adjacent Rural Settlement properties shall be similar to those required in the Code between residential and non-residential uses.

- E. Management and Protection of Rural Settlement Lands and Resources. Those portions of the Study Area that will be preserved as part of the Lake Hart / Lake Whippoorwill Rural Settlement shall be protected and managed to preserve the natural resources and vegetation that provide wildlife habitat and a visual buffer between urban and rural land uses. All Planned Development-Land Use Plans shall incorporate natural resource inventories and land management practices designed to:
1. Maintain, and supplement, where possible, the height and opacity of existing tree canopy and understory vegetation;
 2. Remove or manage invasive vegetation; and
 3. Reduce the direct flow and increase the quality of stormwater to Lake Whippoorwill.
- F. Stormwater Management. Stormwater retention and detention facilities designed to serve urban development may be permitted in the 'rural settlement zone', provided that all design standards for stormwater management facilities are met and such facilities are not located closer than 100 feet from the normal high water elevation of Lake Whippoorwill. However, a secondary system, such as a bioswale, may be allowed within that 100 feet in order to prevent overland stormwater flow from discharging into Lake Whippoorwill. In addition, the use of one or more Low Impact Development (LID) techniques approved by the County shall be strongly encouraged for all urban development within the Study Area. The purpose of utilizing Low Impact Development stormwater design techniques is to reduce pollutants entering Lake Whippoorwill by: capturing those pollutants close to the source; utilizing existing natural features and resources as stormwater filtering systems; and ensuring that stormwater retention and detention facilities are integrated into the overall project plan and designed, constructed, and maintained as project amenities. (Original Policy FLU6.3.2.2 added 10/09, Ord. 2009-28; Policy deleted 11/15, Ord. 2015- 20; new Policy FLU6.3.2.2 added 11/15, Ord. 2015-20)

FLU6.3.2.4 states that allowable uses as part of the Planned Development shall be as follows:

- A. Office. P-O (Professional Office District) uses for offices including, but not limited to, doctor's offices, attorney's offices, real estate offices, mortgage and finance offices and tax consultant services;
- B. Commercial. Limited C-1 (Retail Commercial District) uses for neighborhood commercial and community-scale commercial and office development, such as small neighborhood-serving retail, eating and drinking places, and personal services. Professional office (P-O) and retail commercial (C-1) uses may be allowed subject to the following:
 1. The maximum intensity (Floor Area Ratio) for any site where professional office and/or retail commercial may be allowed shall be limited to 0.35;

2. Retail commercial uses shall be restricted to sites within the 'frontage zone' that have direct access (one of the approaches to the intersection is either internal to the subject property or abuts the subject property) to: an existing signalized intersection with Narcoossee Road; or direct access to an intersection that is consistent with minimum spacing standards for signalized intersections;
 3. Retail commercial uses shall be limited to the amount of square feet of nonresidential use consistent with a neighborhood center, as defined through Comprehensive Plan Policy FLU1.4.6 (per intersection).
 4. Strip commercial shall be prohibited;
 5. Professional office uses shall be permitted to locate anywhere within a Planned Development outside of the 'rural settlement zone' and may be developed in conjunction with retail commercial uses; however, office uses will not count toward the square footage limitation identified in Policy FLU1.4.6; and
 6. The size and shape of sites where professional office/retail commercial uses may be allowed shall be compact and oriented to a signalized intersection.
- C. Residential. Residential uses shall be permitted consistent with the following criteria:
1. The maximum density within the 'frontage zone' and 'transition zone' shall be limited to that permitted under the Low-Medium Density Residential (LMDR) future land use designation. The maximum density within the 'frontage zone' may be increased to the Medium Density Residential (MDR) when the 'transition zone' is used as a sending area and the units are transferred out of the 'transition zone' to the 'frontage zone' using the conversion matrix identified in the corresponding overlay district. Once the units are transferred out of the 'transition zone', that area can only be used for stormwater, parking, or open space.
 2. The total number of dwellings that would be permitted under the Medium Density Residential (MDR) and Low-Medium Density Residential (LMDR) future land use designations may be developed as single-family detached, attached or multi-family housing types, subject to the limitations described below.
 - a. Multi-family three stories or higher shall be restricted to the 'frontage zone'.
 - b. Where residential dwellings are planned in the 'transition zone' to abut lands remaining within the 'rural settlement zone', single-family detached or attached dwellings are permitted. The number of attached units within a single building shall be limited, and buildings shall generally be oriented toward the 'rural settlement zone'. In addition, attached dwelling buildings

shall be spaced in a manner compatible with the spacing of residential dwellings within the Rural Settlement.

FLU6.3.4 states that new development fronting on Lakes Hart or Whippoorwill shall take into consideration existing tree canopy and wetland areas in project design. The County may apply reasonable performance standards to address impacts of building height and lighting on adjacent development and on view corridors from the lake. The County also may require connectivity of recreational facilities, such as equestrian and multi-use trails, between the properties included in the Study Area and development north and south of the study area. Orange County shall impose restrictions on the use of watercraft and access to lakes. Restrictions on lake access are not intended to apply to the development of a single-family home on a lot of record in the Rural Settlement, so long as applicable Land Development Code and State standards are met.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

Community Meeting Summary

A community meeting was not required for this request.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: A-2 (Farmland Rural District) (1957)
	E: A-2 (Farmland Rural District) (1957)
	W: City of Orlando
	S: PD (Planned Development District) (Lake Nona Dental Specialist PD) (2012) and, A-2 (Farmland Rural District) (1957)

Adjacent Land Uses

N: Single-Family Residential

E: Single-Family Residential

W: Valencia College Campus

S: Dentist Office, Single Family Residential

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback 25 feet

Maximum Building Height: 35 feet

Minimum Building Setbacks

North Setback: 5 feet *Per Waiver Request

South Setback: 25 feet

East Setback: 25 feet (50 feet from NHWL)

West Setback: 30 feet (Narcoossee Road)

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone the subject parcel from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct a up to 22,716.50 square feet of commercial/office uses in the frontage zone and up to 22,155.90 square feet of office uses in the transition zone. The applicant is also seeking approval of two (2) waivers to allow for a reduced setback on the north property line and to reduce the number of required parking spaces. This proposed development program is consistent with the property's Planned Development - Commercial/Office (PD-C/O) Future Land Use Map designation, which was approved by the Board of County Commissioners on May 21, 2019. The proposed development is consistent with the Narcoossee Road Corridor Overlay policies in the Comprehensive Plan.

Comprehensive Plan (CP) Amendment

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development - Commercial/Office (PD-C/O) which has an approved specific development program of up to 22,716.50 square feet of commercial/office uses in the frontage zone and up to 22,155.90 square feet of office uses in the transition zone.

Rural Settlement

The subject Property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject Property is not located within a Joint Planning Area.

Overlay District Ordinance

The subject Property is not located within an Overlay District.

Airport Noise Zone

The subject Property is not located within an Airport Noise Zone.

Environmental

Lake Whippoorwill has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from the lake, this project shall be required to be a participant.

Approval of this plan does not grant permission for the construction or alteration of boat ramps, docks, observation piers, lake shore vegetation, or seawalls on the lake. Any person desiring these types of structures or to perform shoreline alterations shall first apply for a permit from the Orange County EPD prior to commencement of such activities.

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

Density and Floor Area Ratio (FAR) calculation is determined by dividing the total number of units/square footage by the net developable land area. The net developable land area is defined as the gross land area, less surface waters and wetland areas. In order to include new Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County Environmental Protection Division. Reference Orange County Comprehensive Plan Policy FLU1.1.2 C.

Transportation / Concurrency

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 / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Based on the Concurrency database dated July 16, 2018, capacity is available to be encumbered within a 2.5-mile radius of this project. This information is dated and subject to change.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orlando Utilities Commission
Wastewater:	Orange County Utilities
Reclaimed:	Orange County Utilities

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

Orange County Parks and Recreation reviewed the request but did not identify any issues or concerns.

Code Enforcement

There are no outstanding Code Enforcement violations on the subject property.

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.

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the Eagle Lake Planned Development (PD) Land Use Plan, subject to sixteen (16) conditions.

Staff indicated that one hundred sixteen (116) notices were mailed to surrounding property owners within a buffer of 1,500 feet from the subject property, with zero (0) commentaries received in favor of the request and zero (0) commentaries received in opposition to the request. The applicant was present for the hearing and concurred with staff's recommendation. No members of the public spoke at the hearing.

After a brief discussion, a motion was made by Commissioner Nazario to find the request to be consistent with the Comprehensive Plan and recommend approval of the Eagle Lake PD Land Use Plan, subject to the sixteen (16) conditions listed under the DRC Recommendation. Commissioner Cantero seconded the motion, which then carried on a 7-0 vote.

Motion / Second

Carlos Nazario / Jose Cantero

Voting in Favor

*Carlos Nazario, Jose Cantero, Mohammed Abdallah,
Diane Velazquez, Yog Melwani, Jimmy Dunn, and
Gordon Spears*

Voting in Opposition

None

Absent

Eddie Fernandez and JaJa Wade

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (December 19, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Eagle Lake Planned Development / Land Use Plan (PD/LUP), dated “Received August 29, 2019”, subject to the following conditions:

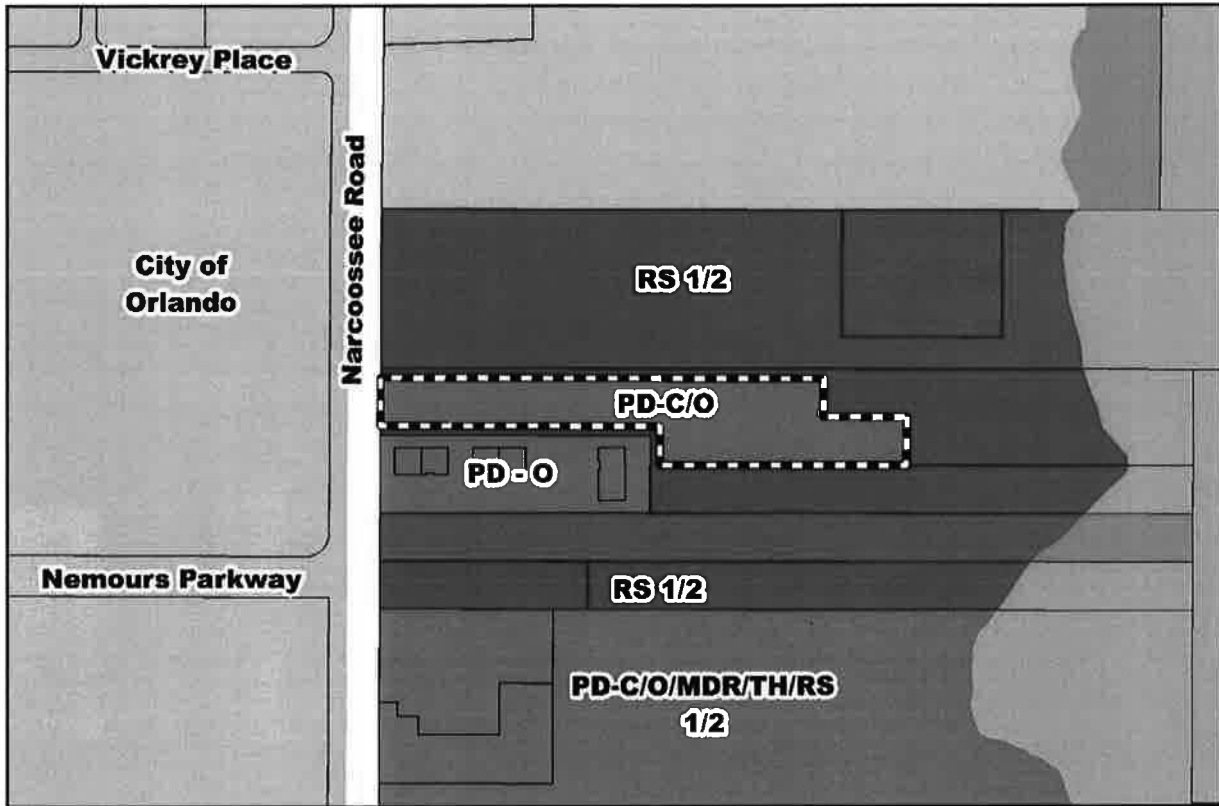
1. Development shall conform to the Eagle Lake Land Use Plan (LUP) dated "Received August 29, 2019," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived 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 August 29, 2019," 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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development 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. Lake Whippoorwill has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Whippoorwill, this project shall be required to be a participant.
8. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
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. The developer shall obtain wastewater and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
11. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater and reclaimed water systems have been designed to support all development within the PD.
12. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
13. Outside sales, storage, and display shall be prohibited.
14. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
15. Cross access easements to the north property shall be recorded prior to construction plan approval.
16. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1272(3) to allow for a setback on the north property line of 5 feet in lieu of 25 feet.
 - b. A waiver from Section 38-1476(a) to allow for a minimum of 215 parking spaces (4.5 per 1,000 square feet) in lieu of 263 spaces (5.5 per 1,000 square feet).

LUP-18-06-216



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Planned Development- Commercial/Office (PD-C/O)

APPLICANT: Stephen Allen, Civil Corp Engineering, Inc.

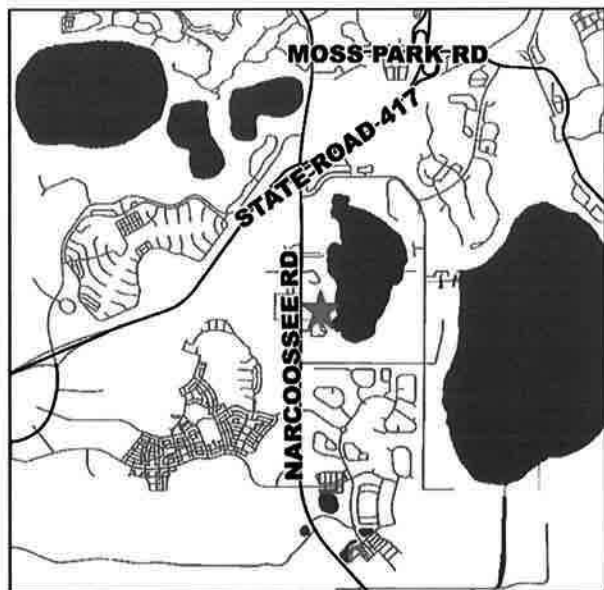
LOCATION: Generally located south of Kirby Smith Road, north of Weller Boulevard, and east of Narcossee Road.

TRACT SIZE: 3.14 gross acres

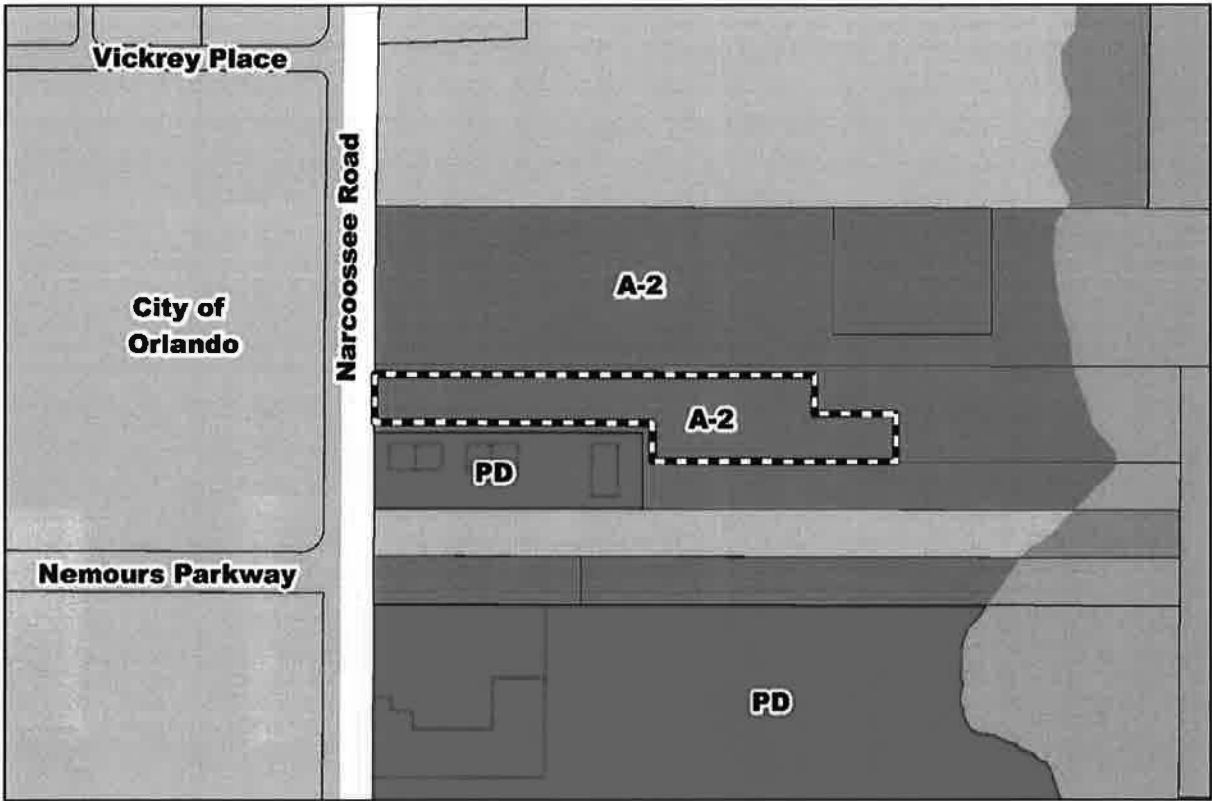
DISTRICT: # 4

S/T/R: 20/24/31

1 inch = 325 feet



LUP-18-06-216



Subject Property



Subject Property

Zoning Map

ZONING: A-2 (Farmland Rural District) to PD (Planned Development District)

APPLICANT: Stephen Allen, Civil Corp Engineering, Inc.

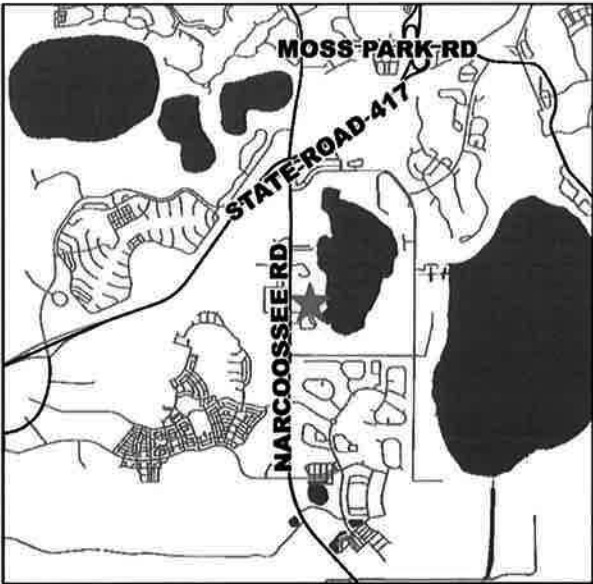
LOCATION: Generally located south of Kirby Smith Road, north of Weller Boulevard, and east of Narcoossee Road.

TRACT SIZE: 3.14 gross acres

DISTRICT: # 4

S/T/R: 20/24/31

1 inch = 325 feet



LUP-18-06-216



 Subject Property



1 inch = 425 feet

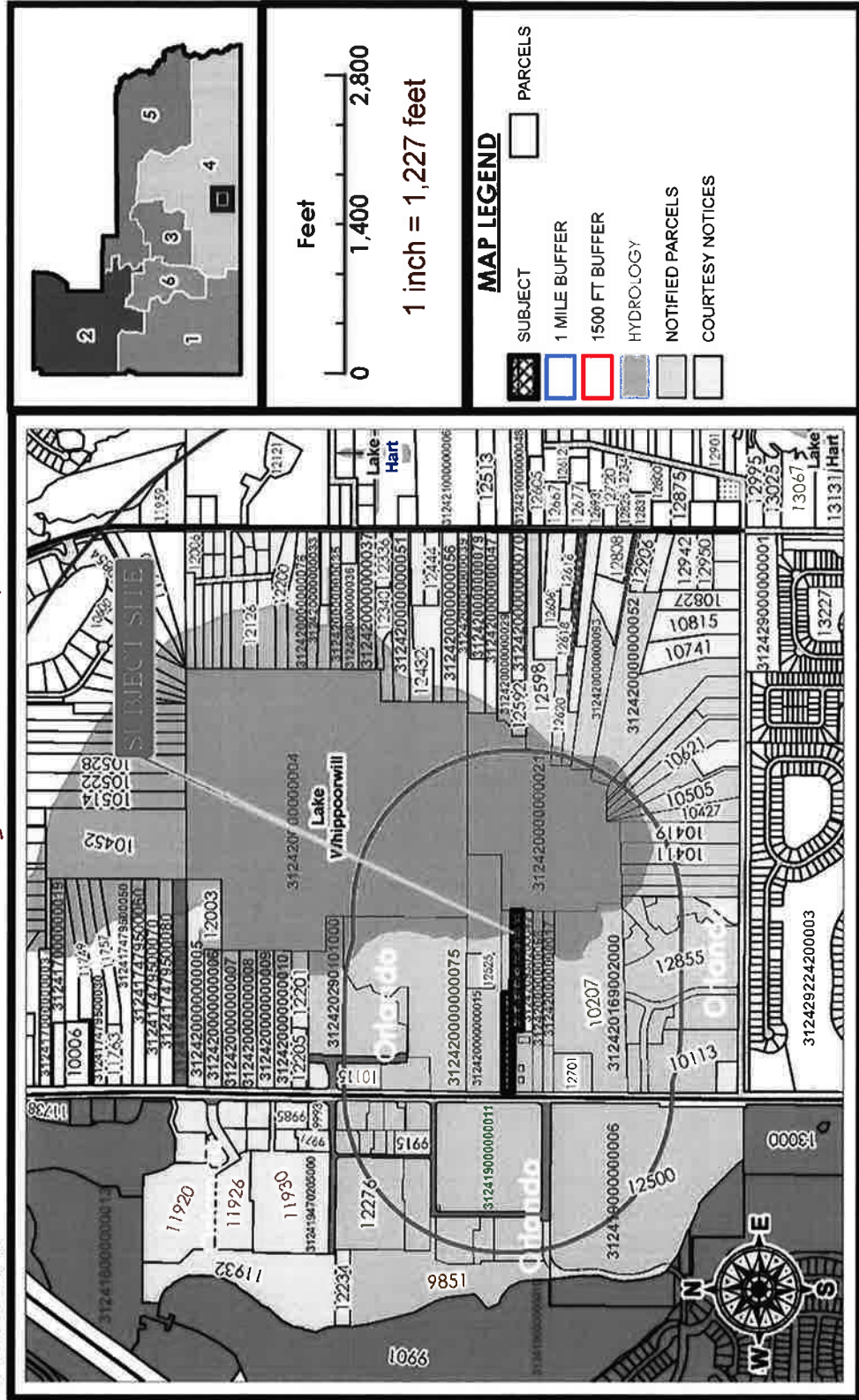


Public Notification Map

2018-2-S-4-1_LUP-18-06-215

1500 FT BUFFER, 116 NOTICES

Notification Map



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