



Interoffice Memorandum

July 19, 2024

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

FROM: Tanya Wilson, AICP, Director
Planning, Environmental, and Development Services Department

**CONTACT PERSON: Joseph C. Kunkel, P.E., DRC Chairman
Development Review Committee
Public Works Department
(407) 836-7971**

SUBJECT: August 13, 2024 – Public Hearing
Applicant(s): Brent Lenzen, Kimley-Horn & Associates, Inc.
Project Name: Bonnet Creek Resort Planned (PD)
Project No.: CDR-23-09-279 / District 1
(Related to DO-24-03-082 - Consent Item)

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of June 26, 2024, to approve the Bonnet Creek Resort Planned Development. The subject property is generally located south of Epcot Center Drive, north of Chelonia Parkway, and west of Interstate-4. The request is to update the trip equivalency matrix and convert 196 timeshare units into 169 hotel rooms, and to request an additional 181 hotel rooms. The 12.22-acre subject parcel affected by this request is within the Phase 3 area of the PD. The resulting development program for the Phase 3 area will be 350 hotel rooms and 250 timeshare units. There is also an associated amendment to the DRI Development Order (DO-24-03-082) to reflect the updated development program.

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 documents and the plans may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve Bonnet Creek Resort Planned Development (CDR-23-09-279) dated "Received May 30, 2024", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

TW/JCK/KH
Attachments

CASE # CDR-23-09-279

Commission District: # 1

GENERAL INFORMATION

APPLICANT Brent Lenzen, Kimley-Horn & Associates, Inc.

OWNER Wyndham Vacation Resorts Inc.

PROJECT NAME Bonnet Creek Resort PD

PARCEL ID NUMBER(S) 32-24-28-0825-00-050 (affected parcel)

TRACT SIZE 12.22 acres (affected area)

LOCATION North of Chelonia Parkway / South of Epcot Center Drive / West of Interstate-4 East

REQUEST To update the conversion matrix, convert 196 timeshare units into 169 hotel rooms and request an additional 181 hotel rooms. This will result in a total development program for Phase 3 of 350 hotel rooms and 250 timeshare units.

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 1500 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Eight (8) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The Bonnet Creek Resort Development of Regional Impact (DRI) / Planned Development (PD) was originally approved in 1997. The 482 gross acre PD and is generally located west of Interstate 4, south of Epcot Center Drive, and north of the Orange County Osceola County Line, and currently allows for a development program of 2,450 hotel rooms with 300,000 sf of conference center space; 1,595 timeshare units with 1,000 sf of customary ancillary commercial/entertainment uses; and an 18-hole golf course.

Through this PD Change Determination Request, the applicant is seeking to update the trip equivalency matrix and convert 196 timeshare units into 169 hotel rooms, and to request an additional 181 hotel rooms. The 12.22-acre subject parcel affected by the is within the phase 3 area of the PD. The resulting development program for the Phase 3 area will be 350 hotel rooms and 250 timeshare units. There is also an associated amendment to the DRI Development Order (DO-24-03-082) to reflect the updated development program.

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 Activity Center Mixed Use (ACMU) on the Future Land Use Map and is zoned Planned Development (PD). As described in the International Drive Element of the Comp Plan, ACMU is a mixture of tourist-related development and supportive residential activity. Per Comprehensive Plan Policy FLU1.1.4 The ACMU FLUM designation allows uses up to a maximum FAR of 3.0, hotel/motel lodging uses up to a maximum of 60 rooms/acre, and residential uses at a minimum of 12 and up to a maximum of 30 units per developable acre. Per Comprehensive Plan Policy ID1.1.7, no more than 30% of a site designated ACMU shall be used for residential purposes. The request appears to be consistent with the Comprehensive Plan.

Overlay Ordinance

The subject property is located within the Tourist Commercial Signage district.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

This property is located within the Tourist Commercial Signage Overlay District.

Environmental

Orange County Environmental Protection Division (EPD) staff has reviewed the proposed request and did not identify any issues or concerns.

Transportation Planning

Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

Based on the Concurrency Management database (CMS) dated 10/02/2023, capacity exists within the project's impact area. This information is dated and subject to change.

Community Meeting Summary

A community meeting was not required for this request.

Schools

Orange County Public Schools has reviewed this plan and did not identify any outstanding 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 – (June 6, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Bonnet Creek Resort PD dated “Received May 30, 2024”, subject to the following conditions:

1. Development shall conform to the Bonnet Creek Resort Planned Development dated "Received May 30, 2024," 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 May 30, 2024," 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. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.

7. In compliance with Section 19 of the Orange County Code, the property owner / engineer may be required to provide a series of FEMA Letter of Map Changes (LOMC). For development within the 1% annual chance flood (100-year flood) floodplain without an established Base Flood Elevations (BFE), depicted as Zone A, the owner/engineer must perform a study to establish the BFE and obtain a FEMA LOMR (Letter of Map Revision) prior to site construction plan submittal. For modifications to a determined BFE (Zone AE), floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a FEMA Conditional Letter of Map Revision (CLOMR) must be obtained prior to site construction plan approval; a subsequent FEMA Letter of Map Revision (LOMR) reflecting final construction will be required. Said FEMA LOMR approval must be obtained by the owner / engineer and must be submitted to the Floodplain Administrator prior to the release of the Certificate of Occupancy and / or Certificate of Completion. Compensation Storage for all projects within the 1% annual chance flood (100-year flood) floodplain shall be provide on a "cup for cup" basis in accordance with Chapter 19-107(1).
8. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
9. New pole signs and billboards shall be prohibited. All other signage shall comply with the approved master sign plan, or Chapter 31.5, where applicable and as may be amended.
10. 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.
11. Length of stay shall not exceed 179 consecutive days.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 9, 2019, shall apply:
 - a. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.

- b. 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.

- c. The following waivers from Orange County Code are granted:
 - 1) A waiver from Section 31.5-166(B) to allow a 25-foot high ground sign in lieu of the 10-foot maximum height resulting in a 15-foot additional sign height.
 - 2) A waiver from Section 31.5-172 to allow a 12-foot high directional sign in lieu of the 8-foot maximum height resulting in a 4-foot additional sign height.
 - 3) A waiver from Section 31.5-166 to allow a 53-foot separation between ground signs in lieu of the 100-foot minimum separation resulting in a 47-foot reduction in ground sign separation.
 - 4) A waiver from Section 31.5-166(A) to allow 216.5 square feet of copy area per ground sign in lieu of the 80 square feet of copy area allowable resulting in 136.5 square feet additional copy area per ground sign.
 - 5) A waiver from Section 31.5-166(A) to allow 138.6 square feet of copy area per ground sign in lieu of the 80 square feet copy area allowable resulting in 58.6 square feet additional copy area per ground sign.
 - 6) A waiver from Section 31.5-166(D) to allow 3 entrance ground signs in lieu of 1 ground entrance sign resulting in 2 additional ground entrance signs.
 - 7) A waiver from Section 31.5-172(D) to allow less than 51% of directional logo resulting in 8% directional information.
 - 8) A waiver from Section 31.5-172(D) to allow less than 51% of directional logo resulting in 39% directional information.
 - 9) A waiver from Section 31.5-172(A) to allow 43.75 square feet per sign face in lieu of 6 square feet per sign face resulting in an additional 37.75 square feet copy area per sign.
 - 10) A waiver from Section 31.5-172(A) to allow 6.25 square feet per sign face in lieu of 6 square feet per sign face resulting in an additional 0.25 square feet copy area per sign.

13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 21, 2008, shall apply:
 - a. A 0-foot side/interior lot line setback is granted in lieu of the required 10-foot requirement imposed in compliance with the International Drive Activity Center Design Guidelines, as stated in the Comprehensive Policy Plan's International Drive Activity Center Element, Section VII (A).

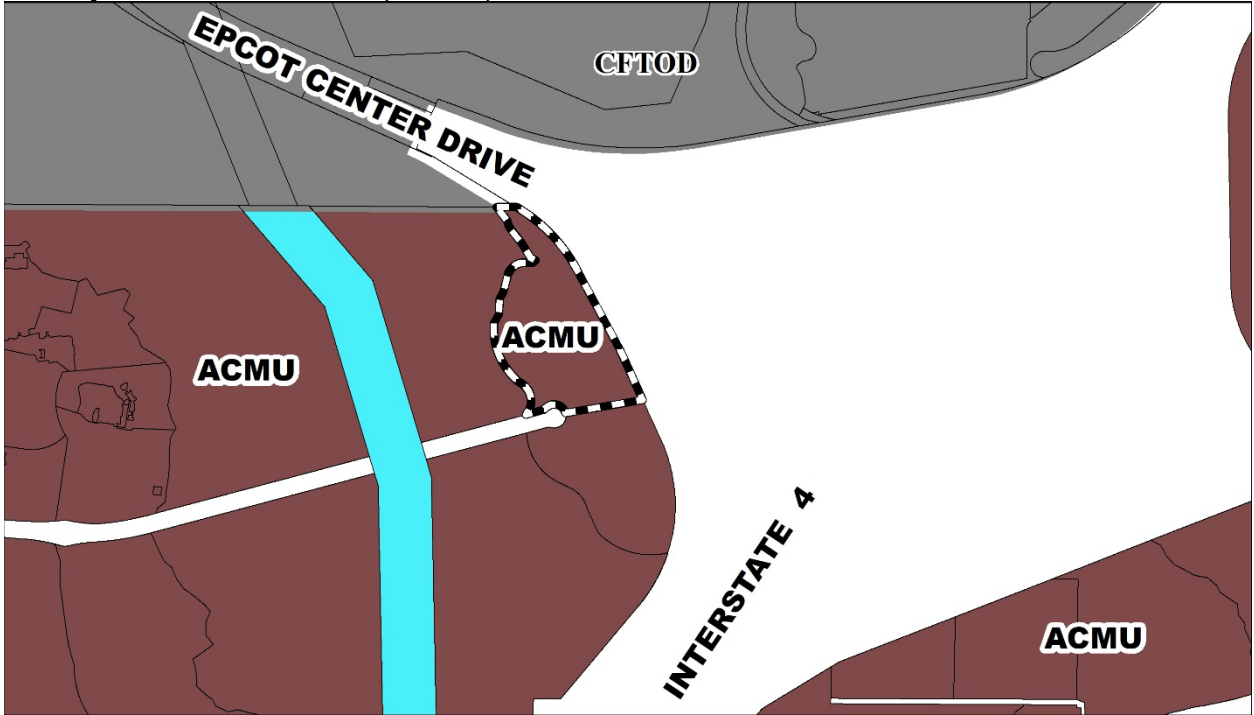
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 16, 2007, shall apply:
 - a. The development shall conform to Future Land Use Element Policy 1.1.5 and activity Center expansion criteria of Future Land Use Element Policy 3.1.17.1.

 - b. The development shall conform to the Development Agreement approved by the Board of County Commissioners with the adoption of Future Land Use Map Amendment 97-1-D-1-1; further approved the proposed Development Order, amended as follows:
 - i. Page 24, traffic section; clarify that any adjustments must be consistent with State rule.

 - ii. Page 29, termination dates for the Development Order revised to 2013.

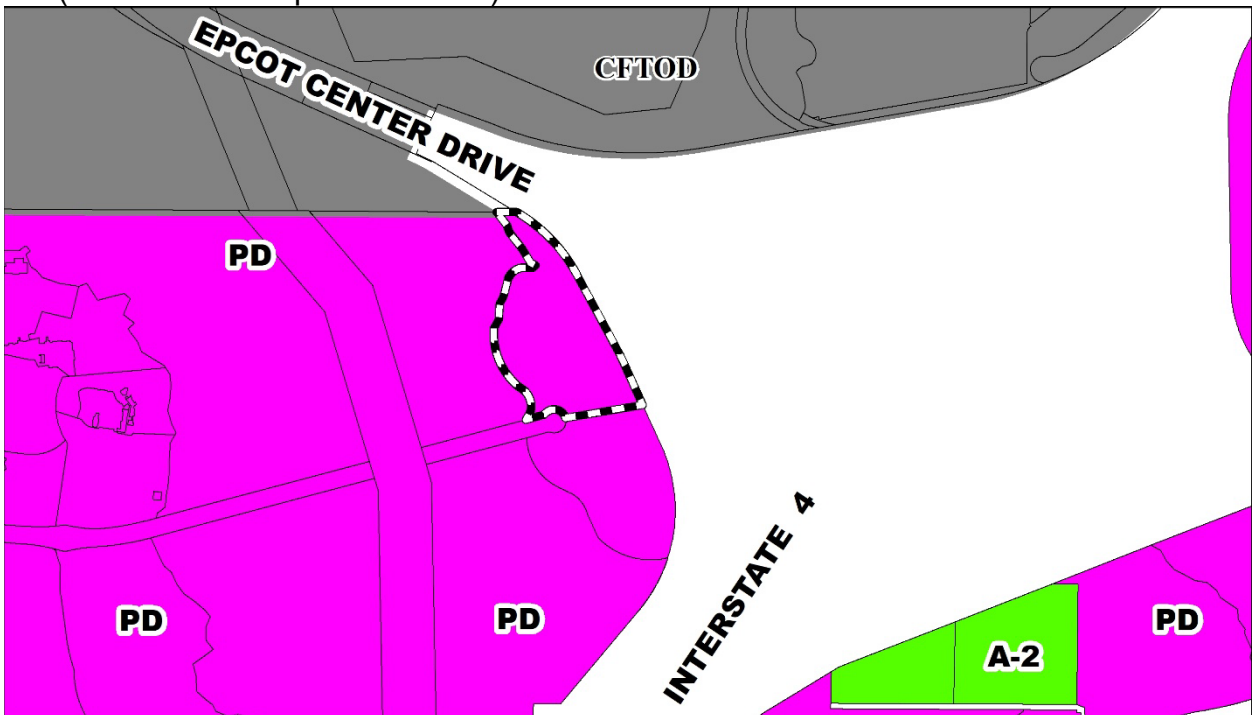
FUTURE LAND USE

Activity Center Mixed Use (ACMU)



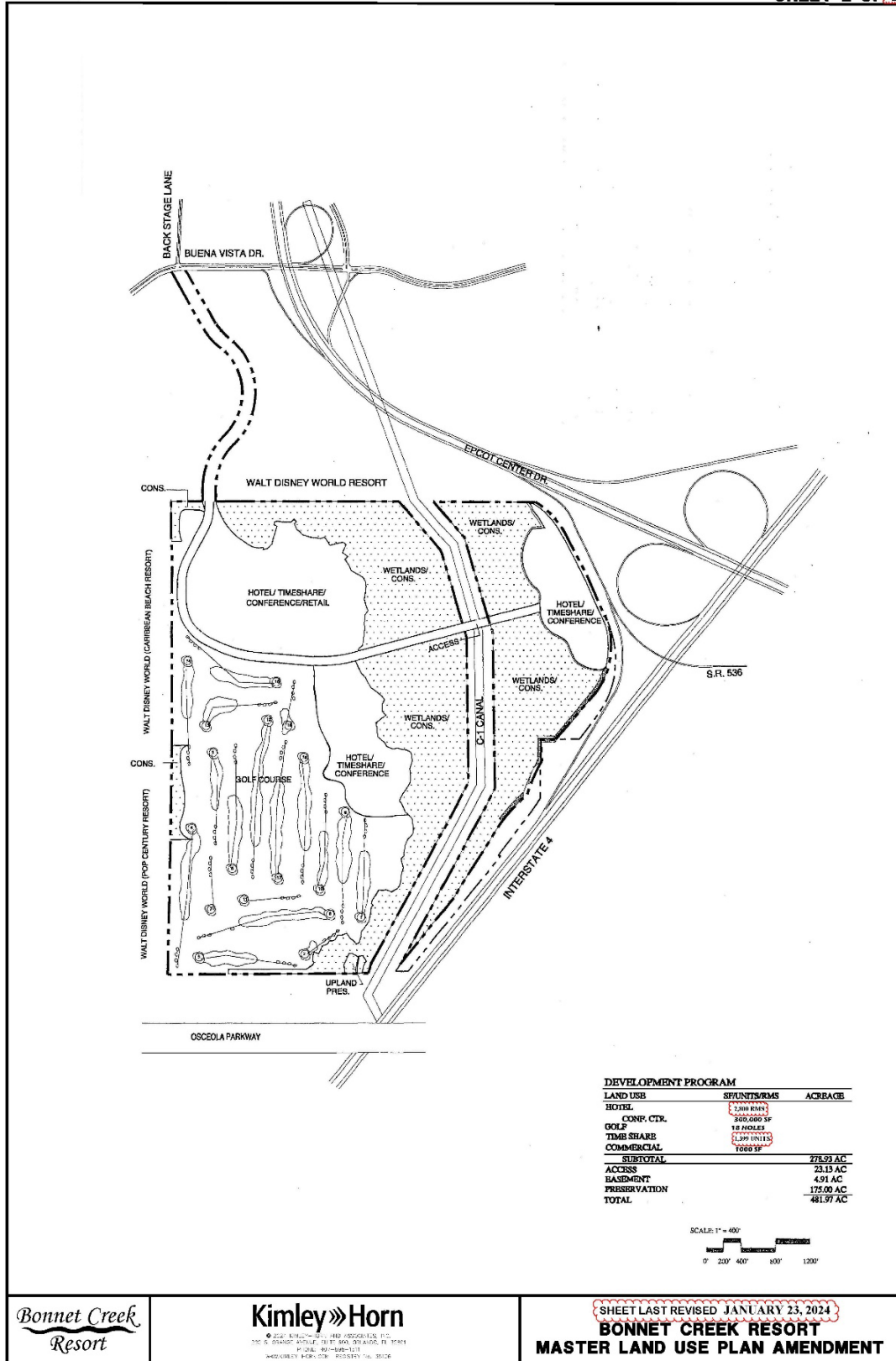
ZONING

PD (Planned Development District)



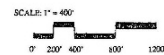
Site Plan Sheet

SHEET 2 OF 6



DEVELOPMENT PROGRAM

| LAND USE | SF/UNITS/RMS | ACREAGE |
|-----------------|--------------|------------------|
| HOTEL | 2,000 RMS | |
| CONF. CTR. | 300,000 SF | |
| GOLF | 18 HOLES | |
| TIMESHARE | 1,000 UNITS | |
| COMMERCIAL | 1000 SF | |
| SUBTOTAL | | 278.93 AC |
| ACCESS | | 23.13 AC |
| BASINMENT | | 4.91 AC |
| PRESERVATION | | 175.00 AC |
| TOTAL | | 481.97 AC |



Bonnet Creek
Resort

Kimley»Horn
© 2024 KIMLEY-HORN AND ASSOCIATES, P.C.
 100 S. STANLEY AVENUE, SUITE 500, ORLANDO, FL 32801
 P: 407.351.9000
 WWW.KIMLEY-HORN.COM

SHEET LAST REVISED JANUARY 23, 2024
BONNET CREEK RESORT
MASTER LAND USE PLAN AMENDMENT

Notification Map



Public Notification Map

Bonnet Creek Resort PD_CDR-23-09-279

