




Interoffice Memorandum

DATE: May 1, 2023

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

FROM: Tim Boldig, Interim Director 
Planning, Environmental and Development
Services Department

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

SUBJECT: May 23, 2023 – Public Hearing
Rick V. Baldocchi, P.E., AVCON, Inc.
Pet Alliance of Greater Orlando Planned Development (PD)
Case # CDR-22-10-303 / District 6

The Pet Alliance of Greater Orlando Planned development is located on the east side of S John Young Parkway, approximately 3,000 feet south of the I-4 interchange. The PD was originally approved March 9, 2021, and has entitlements for office/veterinary services and indoor kennel, and 25,000 square feet with outdoor runs.

Through this PD substantial change, the applicant is seeking to modify the condition of approval #16 dated March 9th, 2021, of the Land Use Plan to read: Any outdoor areas used by animals shall be located a minimum of 150 feet from the north property line and shall be screened with a masonry block wall, which will be a minimum of six (6) feet in height, along the northern side. The outdoor run area will also be placed such that the natural undisturbed wetland buffer will shield the entire north side of the outdoor area.

In addition, one waiver is requested from Orange County Code Section 38-1476 of Orange County to allow for a reduction in the required quantity of off-street parking spaces to 1 space per 443 square feet of office, animal shelter and run area, in lieu of 1 space per 300 square feet of office, animal shelter, and run area.

On February 22, 2023, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Pet Alliance of Greater Orlando Planned Development / Land Use Plan (PD/LUP) dated “Received March 22, 2023”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 6.

Attachments
TB/NT/SFV

CASE # CDR-22-10-303

Commission District: # 6

GENERAL INFORMATION

APPLICANT Rick V. Baldocchi, P.E., AVCON, Inc.
OWNER Pet Alliance of Greater Orlando Inc.
PROJECT NAME Pet Alliance of Greater Orlando Planned Development (PD)
PARCEL ID NUMBERS 09-23-29-0000-00-020, and 09-23-29-0000-00-015
TRACT SIZE 8.14 gross acres
LOCATION 4311 & 4319 S John Young Parkway; generally located on the east side of S John Young Parkway, approximately 3,000 feet south of the I-4 interchange, and across the street from the Orange County Public Works facility.

REQUEST A Change Determination Request (CDR) to modify condition of approval #16 dated March 9th, 2021, of the Land Use Plan. In addition, the applicant has requested the following waiver from Orange County Code:

1. A waiver from Section 38-1476 of Orange County Code Section 38-1476 of Orange County to allow for a reduction in the required quantity of off-street parking spaces to 1 space per 443 square feet of office, animal shelter and run area, in lieu of 1 space per 300 square feet of office, animal shelter, and run area.

Applicant Justification: *A large percentage of the building floor area will be dedicated to the housing of animals which will not include permanent stations for human staff members or volunteers. The majority of adoption services are performed at other facilities, the animal storage and veterinary clinic services on this site will require a lower number of parking spaces compared to a typical development of this land use.*

PUBLIC NOTIFICATION A notification area extending beyond seven hundred (700) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred sixty-one (261) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

IMPACT ANALYSIS

Overview

The Pet Alliance of Greater Orlando PD was originally approved March 9, 2021.

The PD has entitlements for office/veterinary services and indoor kennel, and 25,000 square feet with outdoor runs.

The PD was approved subject to sixteen (16) conditions of approval. Conditions 15 and 16 were specifically added to address concerns regarding compatibility with the residential uses to the north and south, as the result of the community meeting held for this project on November 12, 2020. The two (2) conditions were modified and approved as follows:

5. A twenty-five (25) foot wide undisturbed natural landscape buffer shall be provided along the north property line. This natural buffer shall retain, to the greatest extent feasible, the existing tree canopy and may be supplemented and enhanced with additional planting in areas where no natural landscaping exists.
6. Any outdoor areas used by animals shall be located on the southern side of the primary building and shall be enclosed in such a way as to reduce the sound to the maximum extent feasible; such enclosure shall be determined on the Development Plan. Animals shall be walked outdoors only between the hours of 9:00a.m, and 5:00p.m.

Through this PD Change Determination Request (CDR), the applicant is seeking to modify the exiting condition of approval #16 to read:

6. Any outdoor areas used by animals shall be located a minimum of 150 feet from the north property line and shall be screened with a masonry block wall, which will be a minimum of six (6) feet in height, along the northern side. The outdoor run area will also be placed such that the natural undisturbed wetland buffer will shield the entire north side of the outdoor area.

The applicant's justification explains that due to the nature of the site with wetlands, 100-year flood plain, property dimensions, and access requirements, putting the outside area on the south side of the building creates a situation where the building area becomes too restricted. The area to be located such that the noise to the property to the north can be mitigated.

Land Use Compatibility

The PD Change Determination Request may adversely impact any adjacent properties.

Comprehensive Plan (CP) Amendment

The subject property has an underlying Future Land Use Map (FLUM) designation of Commercial (C). The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Community Meeting Summary

A community meeting was not required for this request.

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.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Environmental

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

Transportation Planning

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, 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.

Schools

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

Parks

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 – February 22, 2023

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Pet Alliance of Greater Orlando Planned Development / Land Use Plan (PD/LUP), dated "January 3, 2023", subject to the following conditions:

1. Development shall conform to the Pet Alliance of Greater Orlando Land Use Plan (LUP) dated "Received March 22, 2023," 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 March 22, 2023," 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 final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
 7. 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, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat 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.
 8. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review and approval. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
 9. Prior to any site construction plan approval and any filling within the 100-year flood zone, the applicant must obtain the required permit(s) and approval(s) from the Orange County

Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code. Review and approval of compensating storage calculations must accompany the above permit as provided for in Chapter 19-107.

10. Any outdoor areas used by animals shall be located a minimum of 150 feet from the north property line and shall be screened with a masonry block wall, which will be a minimum of six (6) feet in height, along the northern side. The outdoor run area will also be placed such that the natural undisturbed wetland buffer will shield the entire north side of the outdoor area.
11. A waiver from Orange County Code Section 38-1476 is granted to allow for a reduction in the required quantity of off-street parking spaces to 1 space per 443 square feet of office, animal shelter and run area, in lieu of 1 space per 300 square feet of office, animal shelter, and run area.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 9, 2021, shall apply:
 - a) Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
 - b) 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.
 - c) 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.
 - d) Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
 - e) The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
 - f) 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.

- g) Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
- h) 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
- i) A twenty-five (25) foot wide undisturbed natural landscape buffer shall be provided along the north property line. This natural buffer shall retain, to the greatest extent feasible, the existing tree canopy and may be supplemented and enhanced with additional planting in areas where no natural landscaping exists.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (March 9, 2021)

Upon a motion by Commissioner Siplin, seconded by Commissioner Bonilla, and carried by 6-0 vote. The motion was made to make a finding of consistency with the Comprehensive Plan; adopt Amendment SS-20-12-073 from Office (O) to Commercial (C) Future Land Use designation, Office/kennel with outdoor play area; and further, adopt the associated Small-Scale Ordinance 2021-12; further, make a finding of consistency with the Comprehensive Plan; further, approve Rezoning LUP-20-09-270 request from Professional Office District (P-O) to Planned Development (PD) subject to the sixteen (16) conditions and further, approve modified condition of approval # 16.conditions of approval listed under the Development Review Committee recommendation in the Staff Report.


CDR-22-10-303



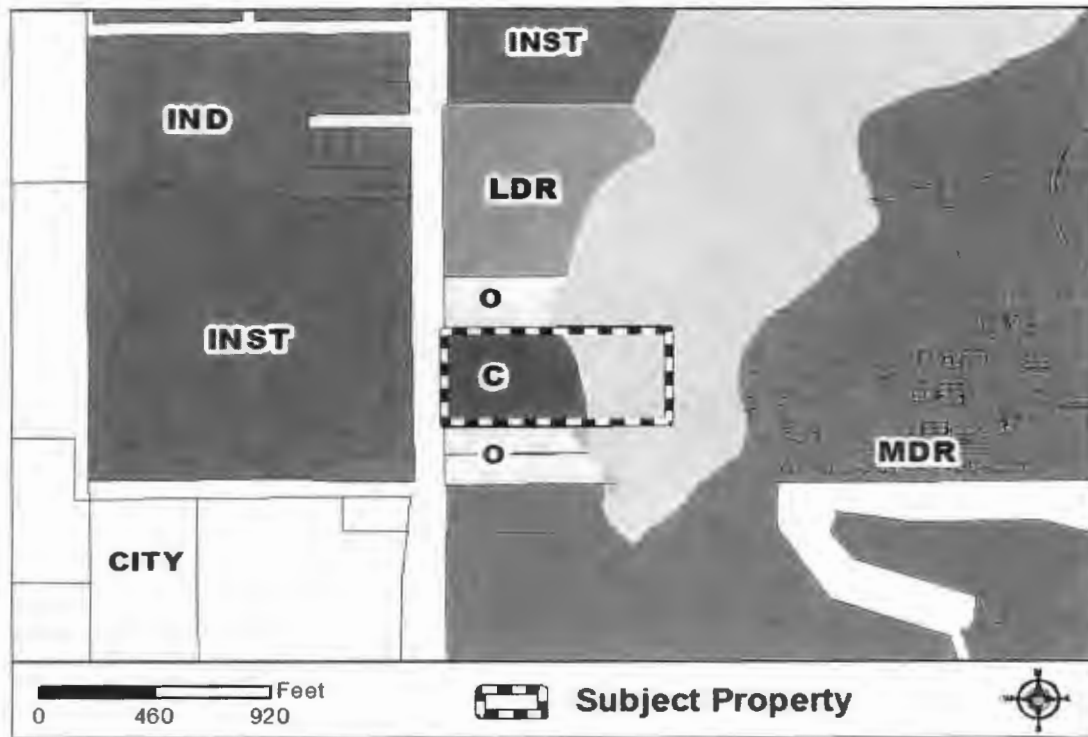
 Subject Property



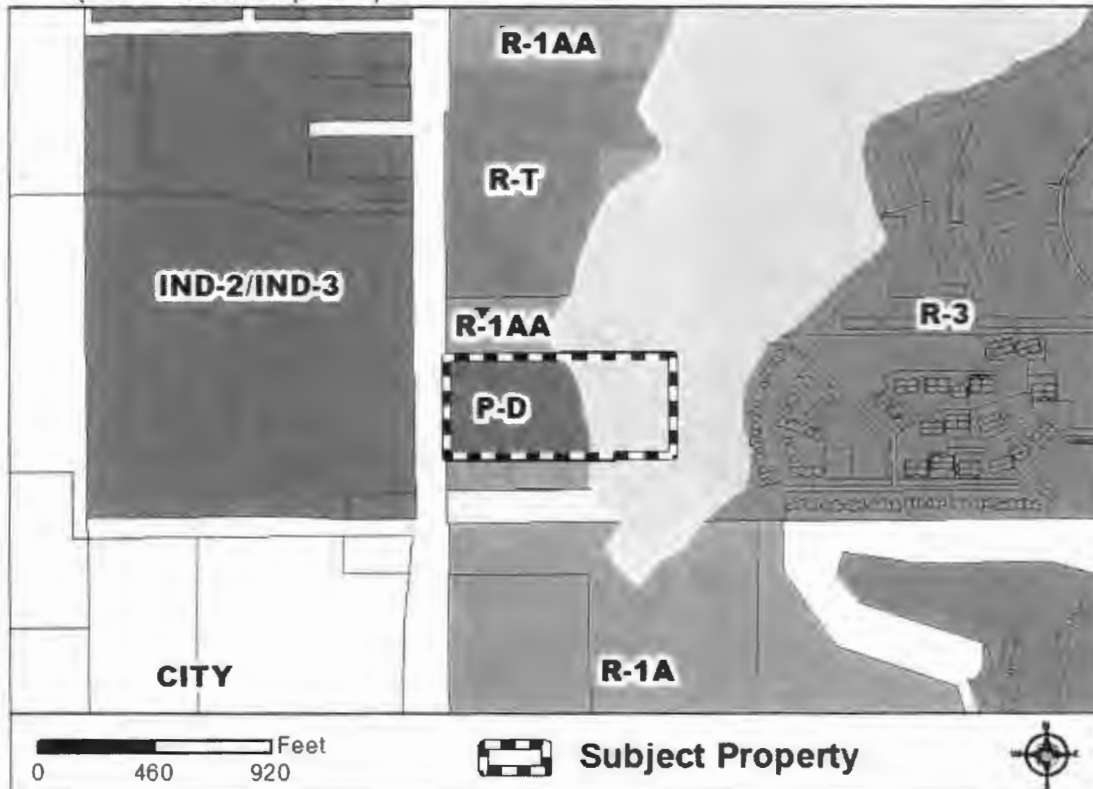
0 250 500 Feet



FUTURE LAND USE - CURRENT
Commercial (C)



ZONING - CURRENT
P-D (Planned Development)



Pet Alliance of Greater Orlando PD Cover Sheet

LAND USE PLAN - CHANGE DETERMINATION PET ALLIANCE OF GREATER ORLANDO

EXISTING: LUP - 20 - 09 - 270
PARCEL ID#(S): 09-23-29-0000-00-015
09-23-29-0000-00-020
ORLANDO, FL
January 13, 2023

LEGAL DESCRIPTION

PARCEL 1: THE NORTH 1/4 PART OF THE SOUTH 1/4 PART OF THE WEST 3/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 29 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, LESS AND EXCEPT THE WEST 100 FEET WIDE BOUNDARY STRIP.

PARCEL 2: THE NORTH 250 FEET OF THE SOUTH 500 FEET OF THE WEST 1/4 OF SECTION 8, TOWNSHIP 29 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, LESS AND EXCEPT THE WEST 100 FEET WIDE BOUNDARY STRIP.

CONTAINING 281,012 SQUARE FEET OR 6.4 ACRES MORE OR LESS.

REQUIRE SITE WAIVERS

A WAIVER IS BEING REQUESTED FROM SECTION 164-14.175 OF THE ORANGE COUNTY CODE TO ALLOW FOR A REDUCTION IN THE SIZE OF THE OFFICE AND STORAGE AND VEHICLE SERVICE AREAS PERMITTED AT THESE FACILITIES. THE AMOUNT OF STORAGE AND VEHICLE SERVICE AREAS PERMITTED TO A TRUCK DEVELOPMENT OF THIS LAND USE.

PROJECT TEAM

OWNER:
 PET ALLIANCE OF GREATER ORLANDO, INC.
 222 S. GAVELAND AVE., 5TH FLOOR
 ORLANDO, FL 32801
 (407) 291-7722

ARCHITECT:
 MONTGOMERY PARTNERS
 200 W. WINDY STREET
 ORLANDO, FL 32801
 (407) 418-1138

CIVIL ENGINEER:
 GMS EAST BIRCHWOOD STREET, SUITE 200
 ORLANDO, FL 32822
 (407) 998-4722

SURVEYOR:
 PAUL PH THOMAS SHOW, P.A.
 2288 BEY HICKORY CIRCLE
 ORLANDO, FL 32778
 (407) 701-0191

Change List Table

Sheet Name	Sheet Title
0-10	Existing Lot - Sheet 0 of 2
1-10	Existing Lot - Sheet 1 of 2
2-10	Existing Lot - Sheet 2 of 2

REVISIONS

NO	DATE	DESCRIPTION
1	09/23/2022	DE SUBMITTAL

AVON INC.

AVON INC. 10000 WINDY ROAD
 WINDY HILLS, FL 32786

EXTERNAL LAND USE MAP

EXTERNAL LAND USE MAP

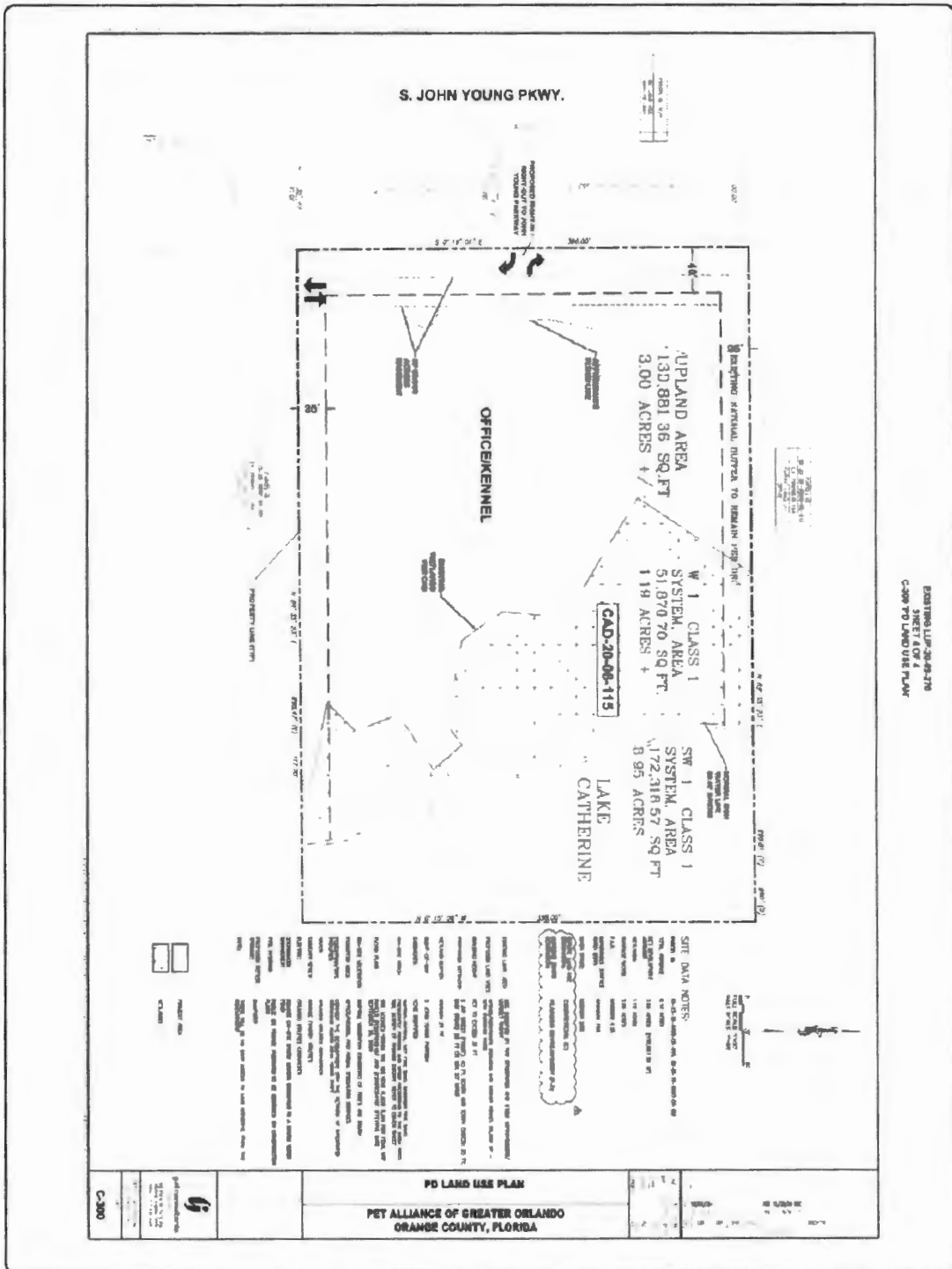
INTERNAL MAP

INTERNAL MAP

LOCATION MAP

LOCATION MAP

Pet Alliance of Greater Orlando PD/LUP



EXISTING LUP 20-06-115
 SHEET 4 OF 4
 C-300 PD LAND USE PLAN

SITE DATA NOTES:
 1. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
 2. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
 3. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
 5. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

PD LAND USE PLAN
 PET ALLIANCE OF GREATER ORLANDO
 ORANGE COUNTY, FLORIDA

C-300

RICK V. SALDUCCHI P.E. 00000000	PET ALLIANCE OF GREATER ORLANDO LUP CHANGE DETERMINATION
EXISTING LUP SHEET 4 OF 4	SHEET 4 OF 4

DESIGNED BY: [Name]
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]
 DATE: 8/11/2023

AVCON PROJECT NO: 2023-00000000

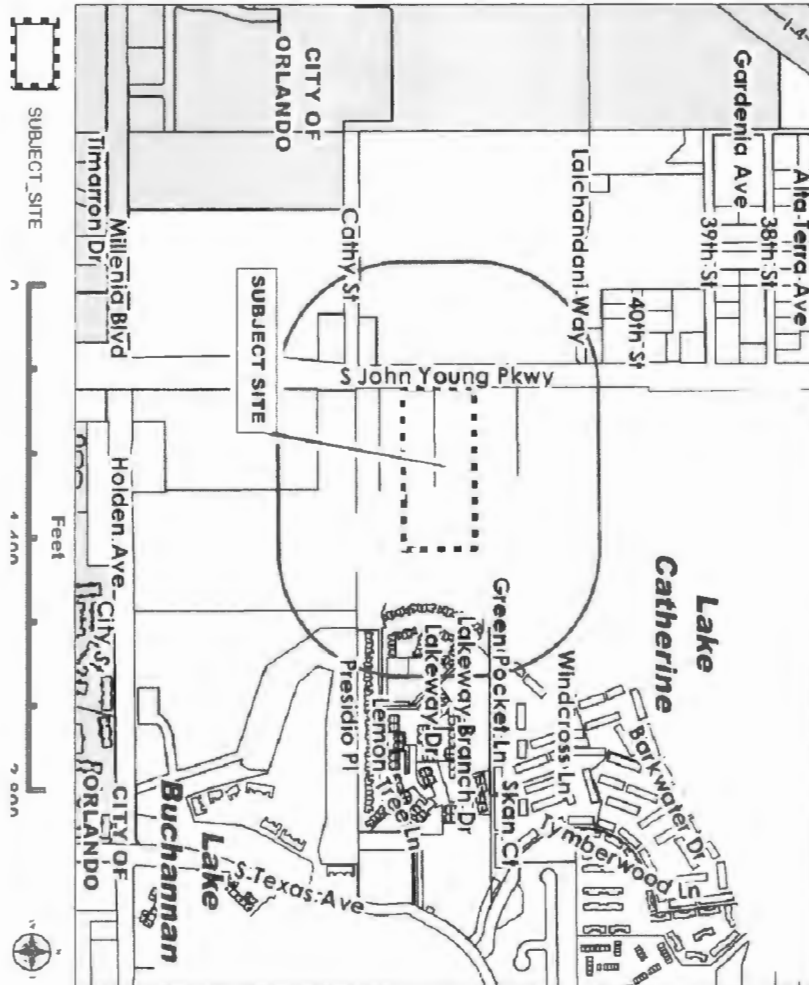
SHEET NUMBER
C-103

Notification Map



Public Notification Map

Pet Alliance of Greater Orlando PD_CDR-22-10-303



MAP LEGEND

	SUBJECT_SITE		PARCELS
	700 FT BUFFER		NOTIFIED PARCELS
	1 MILE BUFFER		

HYDROLOGY

BUFFER DISTANCE: 700
 # OF NOTICES: 261

