



Interoffice Memorandum

DATE: September 8, 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

Eric P. Raasch,
Jr., AICP

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Raasch, Jr., AICP
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SUBJECT: September 22, 2020 – Public Hearing
Julie Salvo, Tavistock Development Company
Ginn Property (aka Greenway Park) Planned Development
Case # CDR-20-03-077 / District 4

The Ginn Property (aka Greenway Park) Planned Development (PD) is generally located north and south of State Road 417 and west of Boggy Creek Road. The existing PD development program allows for 1,268 single-family dwelling units, 366 multi-family dwelling units, 163 townhomes, 179,999 square feet of commercial uses, 760,000 square feet of industrial uses, 600 hotel rooms, and 1,077,875 square feet of office uses.

Through this PD substantial change, the applicant is seeking to allow for C-3 uses of animal shelters, boarding kennels, animal compounds, and training of animals with outruns or outdoor compounds on Parcel 5; and to reallocate commercial entitlements between PD Parcels 4, 5, & 6. No change in the overall commercial square footage is proposed. In addition, the applicant has requested a waiver from Orange County Code to allow the required parking to be calculated at 22 spaces in accordance with an approved parking study, in lieu of the required parking ratio of one space per 300 square feet of commercial uses.

On August 12, 2020, 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 Ginn Property (aka Greenway Park) Planned Development / Land Use Plan (PD/LUP) dated “Received April 28, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

Attachments
JVW/EPR/nt

CASE # CDR-20-03-077

Commission District: # 4

GENERAL INFORMATION

APPLICANT Julie Salvo, Tavistock Development Company

OWNER Greenway Park DRI, LLC; Greenway Park Parcel 5 POA; LN Properties Wa, LLC; LN Properties We, LLC; JPMorgan Chase Bank National Assn; Greenway Park Hotel, LLC; WMG Development, LLC; Greenway Park I, LLC

PROJECT NAME Ginn Property (aka Greenway Park) Planned Development

PARCEL ID NUMBER(S) 28-24-30-0321-01-000; 28-24-30-4128-00-001 / 002 / 003 / 004; 21-24-30-3127-02-005; 21-24-30-3127-00-024/ 025 / 026; 28-24-30-3140-01-000 / 02-000 / 03-000 / 04-000; 28-24-30-3140-00-001 / 002; 28-24-30-4928-01-000 / 02-000 / 03-000 / 04-000 / 05-000 / 06-000 / 28-24-30-4928-00-001 (affected parcels)

TRACT SIZE 1,711.62 gross acres (overall PD)
127.75 gross acres (affected parcels only)

LOCATION Generally north & south of State Road 417 / west of Boggy Creek Road

REQUEST A PD substantial change to allow for C-3 uses of animal shelters, boarding kennels, animal compounds, and training of animals with outruns or outdoor compounds on Parcel 5; and to reallocate commercial entitlements between PD Parcels 4, 5, & 6. In addition, the applicant has requested the following waiver from Orange County Code:

1. A waiver from Orange County Code Section 38-1476 (Kennels and Veterinary Clinics) to allow the required parking to be calculated at 22 spaces in accordance with an approved parking study, in lieu of the required parking ratio of one space per 300 square feet.

Applicant Justification: *The code requiring parking is based on building square footage which is not consistent with the users. The employee staff use is small and the animal drop off/retrieval is temporary. The parking study provides justification.*

PUBLIC NOTIFICATION A notification area extending beyond one thousand two hundred hundred (1,200) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Forty (40) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

Special Information

The Ginn Property PD contains approximately 1,711 gross acres, was originally approved July 9, 2002, and is generally located north and south of State Road 417 and west of Boggy Creek Road. The PD has an existing development program consisting of entitlements for 1,268 single-family dwelling units, 366 multi-family dwelling units, 163 townhomes, 179,999 square feet of commercial uses, 760,000 square feet of industrial uses, 600 hotel rooms, and 1,077,875 square feet of office uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to allow for C-3 uses of animal shelters, boarding kennels, animal compounds, and training of animals with outruns or outdoor compounds on Parcel 5; and to reallocate commercial entitlements between PD Parcels 4, 5, & 6; and to request one waiver from Orange County Code related to required parking.

Parcel	Before	After
4	150,000	80,000
5	20,000	27,000
6	9,999	72,999
Total	179,999	179,999

Land Use Compatibility

The PD Change Determination Request 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 (PD-LDR/LMDR/MDR/C/O/IND/PR-OS/CON). The Ginn Property PD was approved in 2002 and includes uses such as Residential, Office, Commercial, and Industrial. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

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

Transportation Concurrency

The Ginn Development of Regional Impact Developer's Agreement was approved by the Board of County Commissioners on July 9, 2002 and recorded at OR Book/Page 6566/8146. Under the terms of this agreement the Developer will convey right-of-way along Boggy Creek Road and for roads A, B, and D in the New Road Network along with drainage easements. Developer will receive Road Impact Fee Credits for Right-of-Way dedicated and for design and construction of roads A, B and D for excess capacity created. The Right-of-Way for Boggy Creek Road and Road A was dedicated by plat and the Developer has received \$1,933,613.00 in Road Impact Fee Credits. The Right-of-Way for Roads B and D was dedicated by plat and the Developer received an additional \$4,130,635.00 in Road Impact Fee Credits.

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 the decision to approve this substantial change 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.

Community Meeting Summary

A community meeting was not required for this request.

Schools

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

Parks and Recreation

Orange County Parks and Recreation staff reviewed the Change Determination Request but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (August 12, 2020)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Ginn Property (aka Greenway Park) Planned Development / Land Use Plan (PD/LUP) dated "Received April 28, 2020", subject to the following conditions:

1. Development shall conform to the Ginn Property PD Land Use Plan (LUP) dated "Received April 28, 2020," and shall comply with all applicable federal, state, and

county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received April 28, 2020," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of

the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. 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. A waiver from Orange County Code Section 38-1476 (Kennels and Veterinary Clinics) is granted to allow the required parking to be calculated at 22 spaces in accordance with an approved parking study, in lieu of the required parking ratio of one space per 300 square feet.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 18, 2018 shall apply:
 - a. Pole signs and billboards shall be prohibited. ~~Fascia signs~~ All other signage shall comply with Chapter 31.5 of the Orange County Code.
 - b. A waiver from Orange County Code Section 31.5-67(f) is granted to allow three (3) ground signs in lieu of two (2) ground signs on Lot 1 with a right-of-way frontage in excess of four hundred (400) linear feet, provided that any pole signs and ground signs on the parcel shall be separated from each other by a distance of net less than one hundred (100) feet, and that any ground sign shall be separated from any other ground sign on the parcel by a distance of not less than one hundred (100) feet.
 - c. A waiver from Orange County Code section 31.5-15(a)(1) is granted to allow for copy area for Lot 2 on the multi-tenant ground sign, in lieu of no ground sign copy area for Lot 2 due to its lack of right-of-way frontage.

9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 20, 2016 shall apply:
- a) The project shall comply with the terms and conditions of the Ginn Development of Regional Impact Developer's Agreement and the Boggy Creek Bridge Agreement, as both may be amended from time to time.
 - 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) 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).
 - d) The following waivers from Orange County Code are granted for development within PD Parcels 1a, 1b, 4, 5, and 6 only:
 - 1) A waiver from Section 38-1251(b) to allow a maximum Impervious Surface Ratio (ISR) of 0.55 for residential use, in lieu of a maximum ISR of 0.30;
 - 2) A waiver from Section 38-1272(a)(5) to allow a maximum non-residential height of fifty (50) feet, or one-hundred twenty (120) feet for hotel use, in lieu of a maximum height of fifty (50) feet or thirty-five (35) feet when within one-hundred (100) feet of any residential district (internal or external to the PD); and
 - 3) A waiver from Section 38-1327 to allow a maximum Impervious Surface Ratio (ISR) of 0.85 for commercial, industrial and office uses, in lieu of a maximum ISR of 0.70.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 20, 2015, shall apply:
- a. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
 - 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. Public right-of-way access for the required interconnection between Greenway Park DRI and Boggy Creek Enclave PO to the south shall be provided from a point on Beacon Park Blvd. through Parcel 1B within the Greenway Park DRI to the right-of-way stub-out provided in the Boggy Creek Enclave PD. The 50-foot wide right-of-way shall be dedicated to Orange County prior to the issuance by Orange County of any Certificate(s) of Occupancy, whether temporary or permanent, for improvements on Parcel 1B totaling more than 40% of the total permitted Development Program within Parcel 18, as measured by the total number of traffic trips associated with such Parcel 18 Development Program. The 50-foot wide dedicated right-of-way is not an impact fee eligible dedication or road. Therefore, road impact fee credits shall not be issued for such dedication. Traffic trips and the Development Program for the Greenway Park DRI, including for Parcel 18, shall not be reduced, altered, or diminished by, or because of, traffic trips entering the Greenway Park DRI to or from the Boggy Creek Enclave PD; such provision shall be memorialized by a duly approved amendment to the Development Order for the Greenway Park DRI.

11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 7, 2014, shall apply:

- a. The Developer shall obtain water (except Parcels 4 & 5), wastewater and reclaimed water service from Orange County Utilities.
- b. Outdoor sales, storage, and display shall be prohibited.
- c. A waiver from Orange County Code Section 38-1272(a) (i) is granted to allow for a maximum I.S.R. of 0.85 (eighty-five percent), in lieu of a maximum I.S.R. of 0.70 (seventy percent).

12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 28, 2009, and July 9, 2002 shall apply:

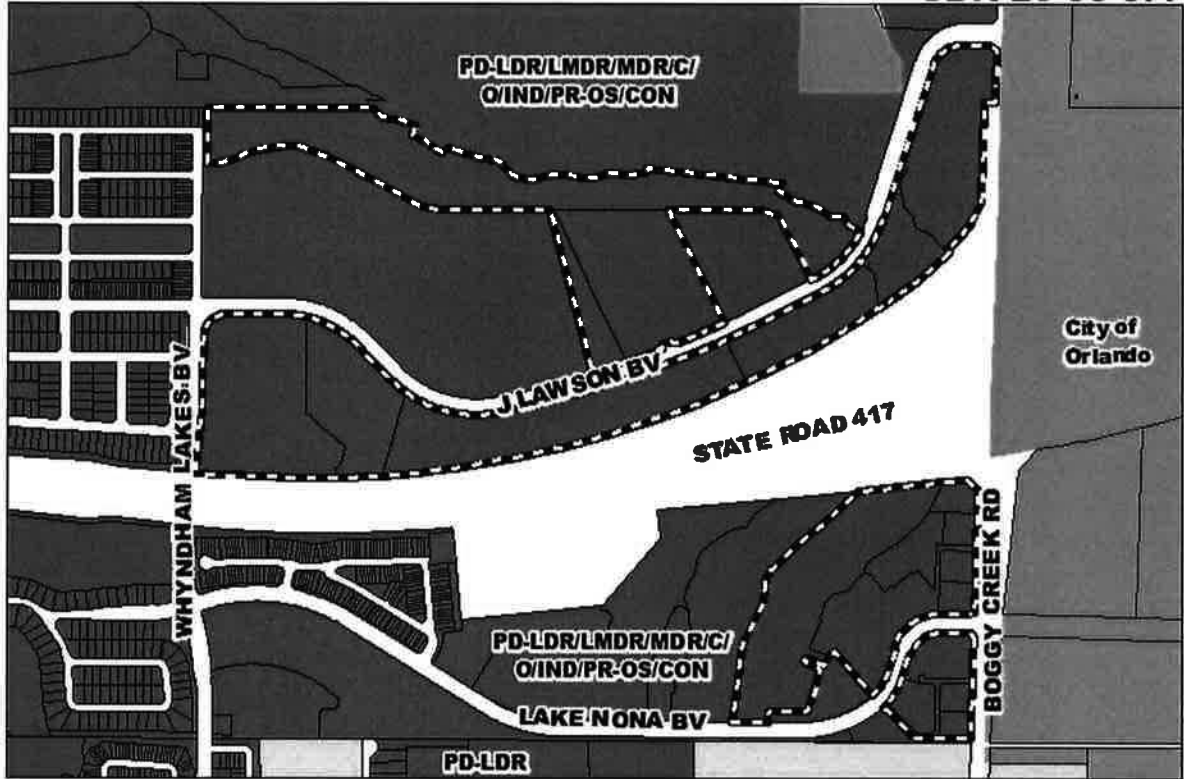
- a. Master stormwater, water, reclaim water and wastewater plans including preliminary calculations shall be submitted and approved prior to approval of construction plans.
- b. Pole signs are prohibited. Any existing billboards shall be removed prior to PSP or DP approvals. Ground signs and fascia signs shall be permitted per Ch. 31.5.
- c. All commercial uses within the PD shall comply with the Commercial Design Standards Ordinance. Industrial and Office uses shall comply with the lighting standards established in the Commercial Design Standards Ordinance.

- d. Developer shall comply with Airport Noise Ordinance 2000-07.
- e. Prior to platting any residential property adjacent to Park P-1, this tract shall be dedicated at no cost to Orange County.
- f. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
- g. Prior to the mass grading of Parcel 5, a 6 foot high PVC fence shall be constructed along the south property line of Parcel 5. However, if the property to the south is rezoned to non-residential uses prior to that time, the fence is not required.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(September 18, 2018)*

Upon a motion by Commissioner Thompson, seconded by Commissioner Clarke, and carried by all members present voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Plan and approved a PD substantial change to allow for a Master Sign Plan for Parcel 4.

CDR-20-03-077



Subject Property

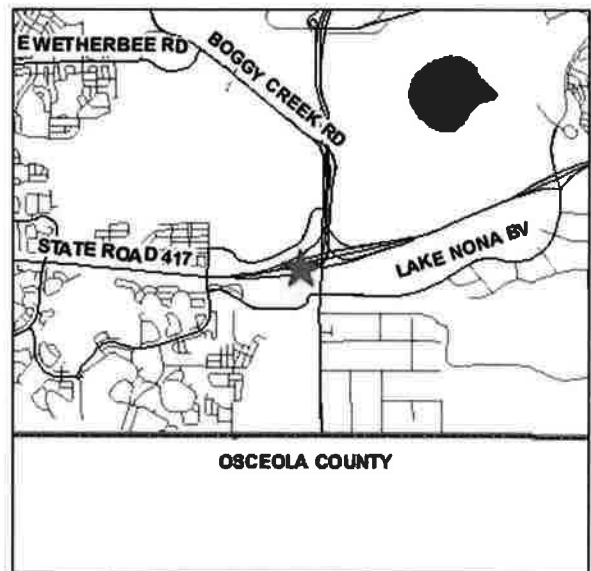


Subject Property

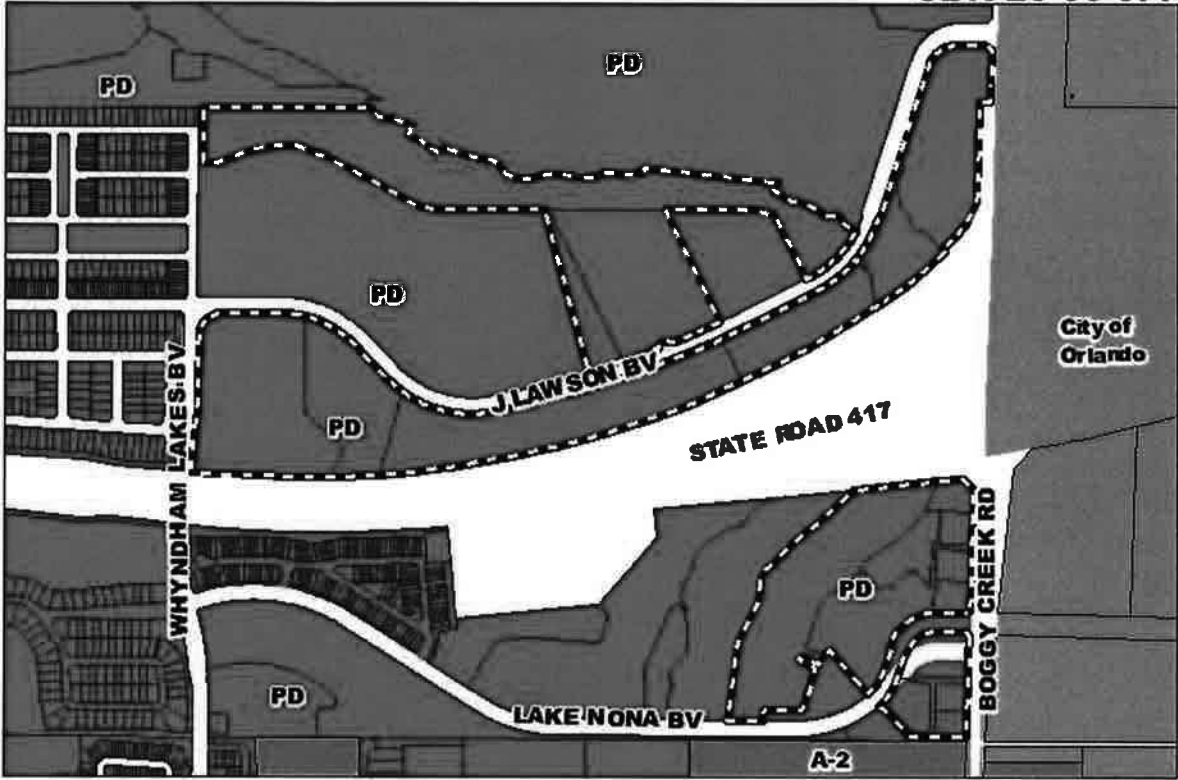
Future Land Use Map

FLUM: Planned Development (PD)
APPLICANT: Julie Salvo, Tavistock Development Company
LOCATION: Generally north & south of State Road 417 / west of Boggy Creek Road
TRACT SIZE: 127.75 gross acres
DISTRICT: #4
ST/R: 28/24/30

1 inch = 950 feet



CDR-20-03-077



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Julie Salvo, Tavistock Development Company

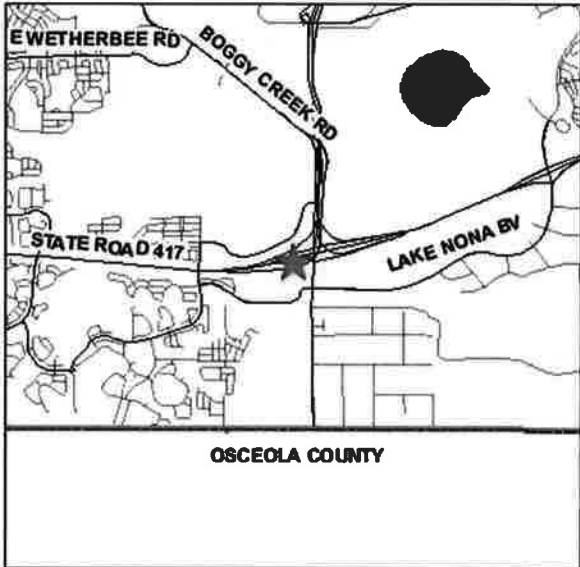
LOCATION: Generally north & south of State Road 417 / west of Boggy Creek Road

TRACT SIZE: 127.75 gross acres

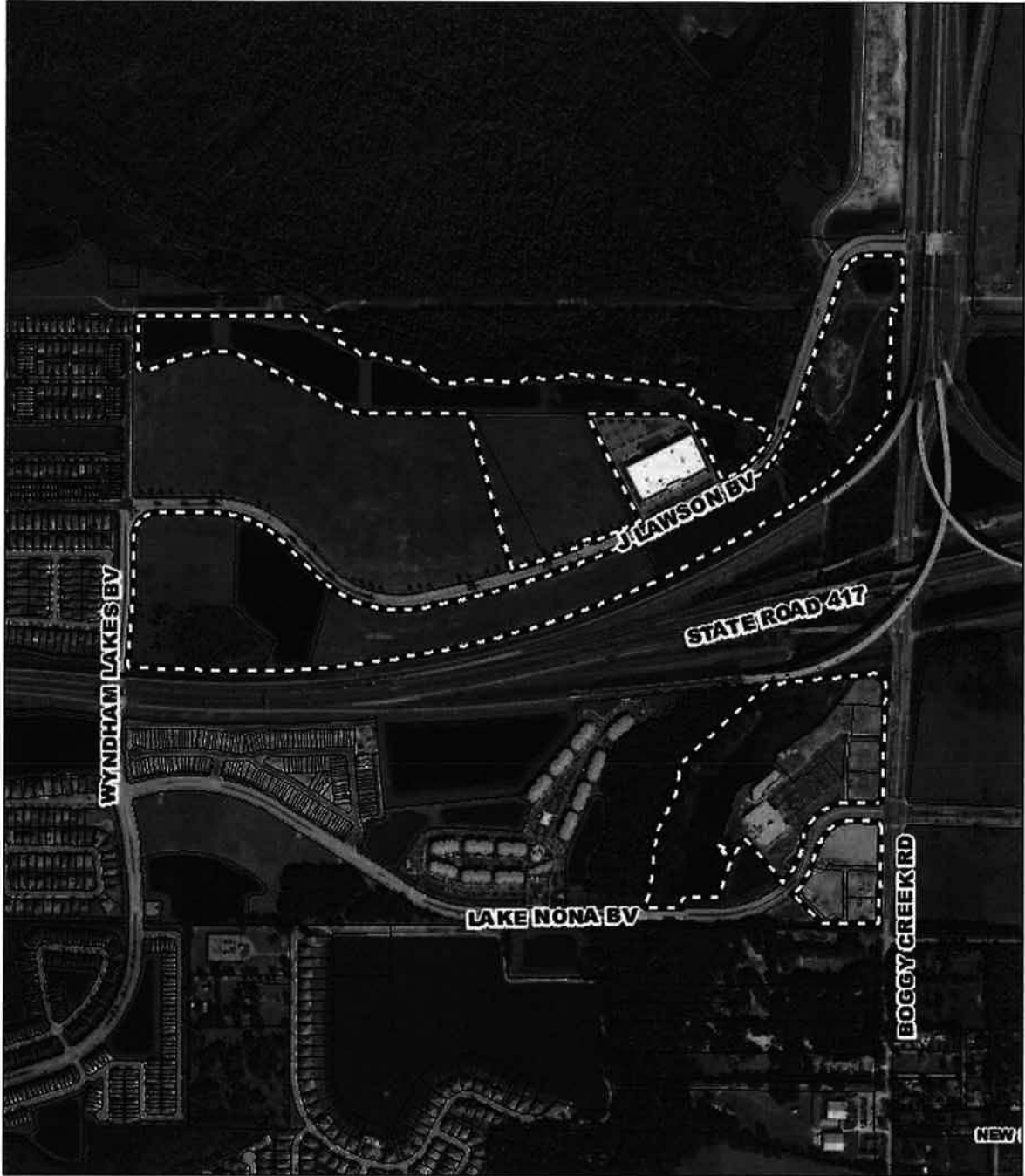
DISTRICT: # 4

ST/R: 28/24/30

1 inch = 950 feet



CDR-20-03-077

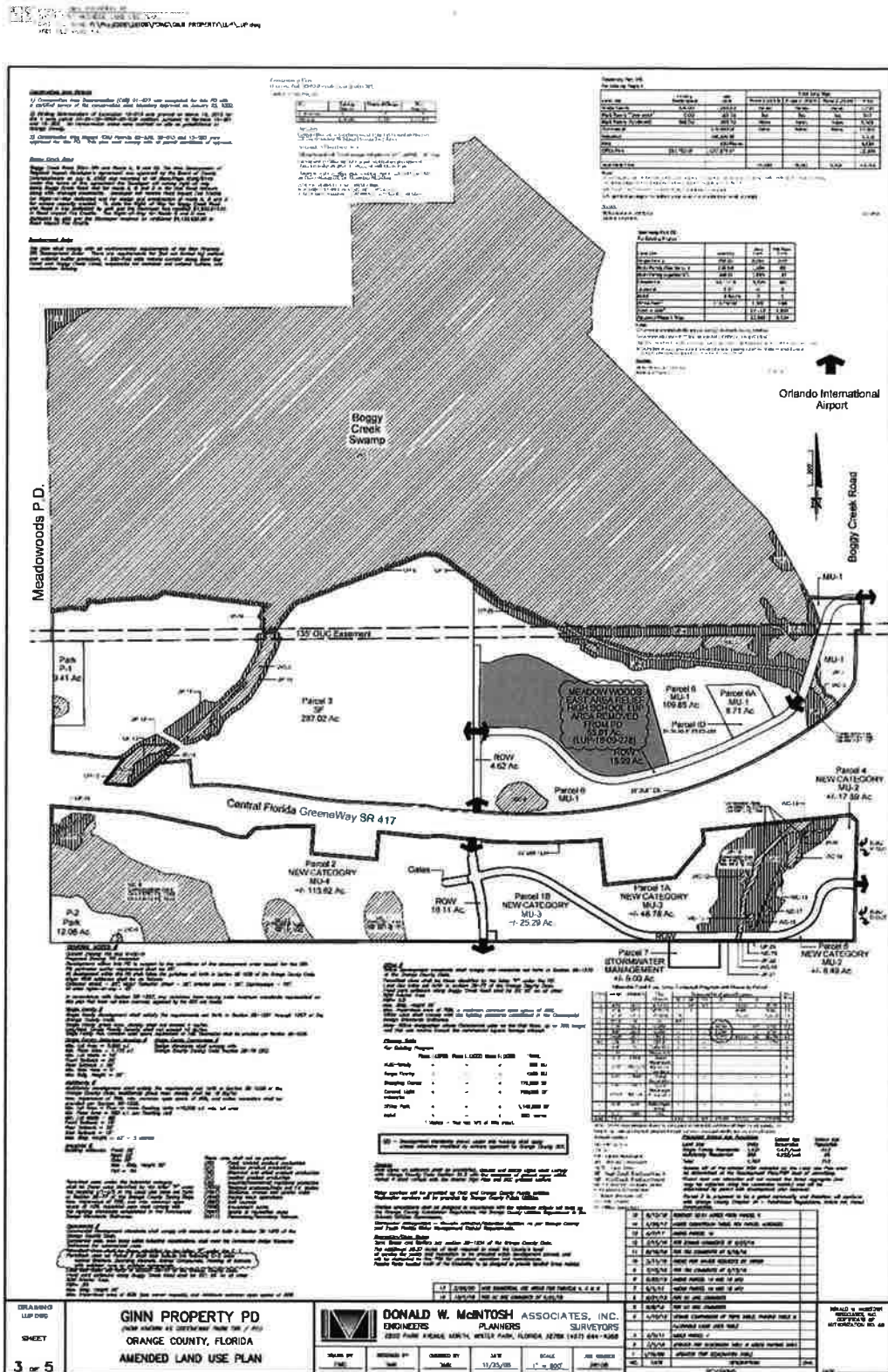


 Subject Property



1 inch = 850 feet

Ginn Property (aka Greenway Park) PD / LUP

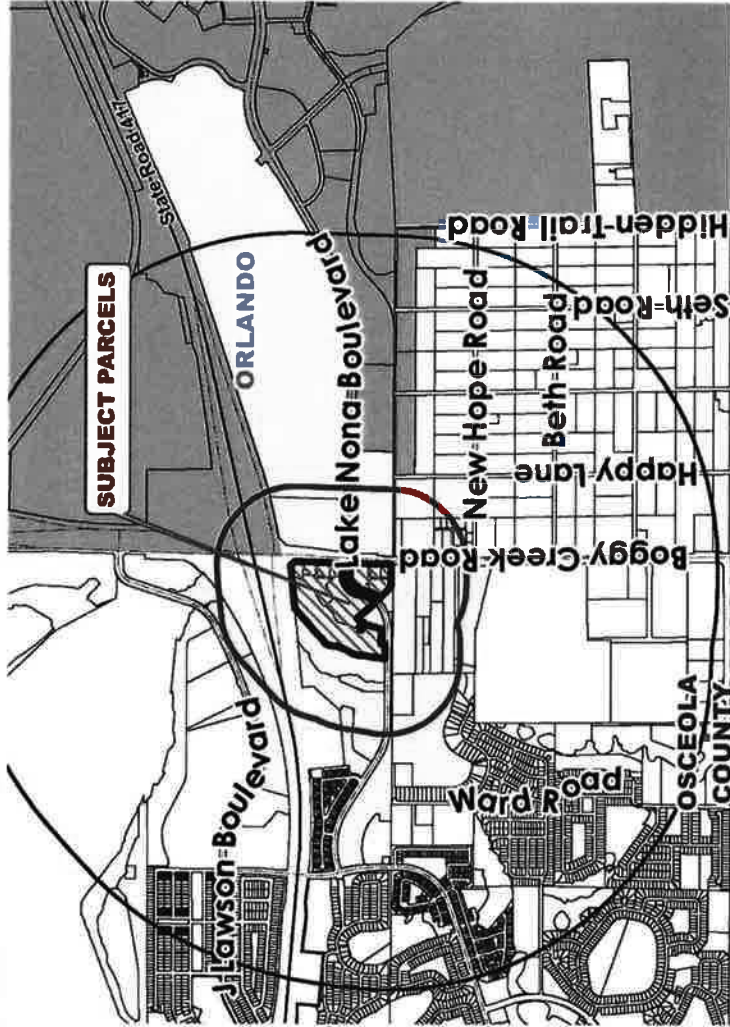


Notification Map

locnasmgdepBusiness SystemsBoard Administration5 SUBSTANTIAL CHANGE2020DRGinn Property PD_CDR-20-03-077CDR-20-03

Public Notification Map

Ginn Property PD_CDR-20-03-077



BUFFER DISTANCE: 1200
OF NOTICES: 40
RESIDENTIAL ADDRESSES: 12

