



Interoffice Memorandum

DATE: May 15, 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 *EPR*
Planning Division
(407) 836-5523

SUBJECT: June 2, 2020 – Public Hearing
Christy David, IA Orlando Suncrest Village, LLC
Pegasus Place Planned Development Substantial Change
Case # CDR-19-11-371 / District 5

The Pegasus Place Planned Development (PD) is generally located north of University Boulevard and east of Dean Road. The existing PD development program allows for residential and commercial uses.

Through this PD substantial change, the applicant is seeking to clarify the development program of 107,500 square feet of commercial uses on Parcel 1 (Suncrest Village Shopping Center) and to request four waivers from Orange County Code related to parking, impervious surface coverage, and signage for the commercial tract only.

On April 22, 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 Pegasus Place Planned Development / Land Use Plan (PD/LUP) dated "Received March 16, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5

Attachments
JVW/EPR/nsw

CASE # CDR-19-11-371

Commission District: # 5

GENERAL INFORMATION

APPLICANT Christy David, IA Orlando Suncrest Village, LLC (f.k.a. Inland American Orlando Suncrest Village, LLC)

OWNER Inland American Orlando Suncrest Village, LLC

PROJECT NAME Pegasus Place Planned Development

PARCEL ID NUMBER(S) 05-22-31-8479-00-020 (affected parcel only)

TRACT SIZE 197.00 gross acres (overall PD)
14.47 gross acres (affected parcel only)

LOCATION Generally located north of University Boulevard and east of North Dean Road

REQUEST A PD substantial change to clarify the development program of 107,500 square feet of commercial uses on Parcel 1 (Suncrest Village Shopping Center). Additionally, the following waivers from Orange County Code are requested for the commercial tract:

1. A waiver from Section 38-1476(a) to allow for allow for a parking ratio of 4.86 spaces for each 1,000 square feet of gross floor area in lieu of a parking ratio of 5 spaces for each 1,000 square feet of gross floor area.

Applicant Justification: This waiver is for a proposed 7,158 sf expansion to the Publix supermarket at Suncrest Village shopping center. Based on observations at the site, and weekend and seasonal available data from ULI, it is recommended that the redeveloped site accommodate for a peak demand ratio of 4.86 spaces per 1,000 sf to accommodate site-specific 85th percentile parking demand at buildout.

2. A waiver from Section 38-1272(a)(1) to allow for a maximum impervious coverage of seventy-one (71) percent of net land area, in lieu of seventy (70) percent of net land area.

Applicant Justification: This waiver is necessitated by developer's conveyance of required road right-of-way for University Boulevard expansion project pursuant to BCC condition of approval for CDR-19-11-371.

3. A waiver from Section 31.5-67(g) to allow existing ground sign to have a minimum setback from the University Boulevard right-of-way of two (2) feet, in lieu of ten (10) feet.

Applicant Justification: This waiver is necessitated by developer's conveyance of required road right-of-way for University Boulevard expansion project pursuant to BCC condition of approval for CDR-19-11-371.

4. A waiver from Section 31.5-68(f) to allow existing pole sign to have a minimum setback from the University Boulevard right-of-way of five (5) feet, in lieu of ten (10) feet.

Applicant Justification: This waiver is necessitated by developer's conveyance of required road right-of-way for University Boulevard expansion project pursuant to BCC condition of approval for CDR-19-11-371.

PUBLIC NOTIFICATION A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred seventeen (217) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

IMPACT ANALYSIS

Special Information

The Pegasus Place PD was originally approved June 29, 1971 and is currently approved for residential and commercial uses. Through this PD substantial change, the applicant is seeking to clarify the development program of 107,500 square feet of commercial uses on Parcel 1 (Suncrest Village Shopping Center) and to request four (4) waivers from Orange County Code related to parking, impervious surface coverage, and signage on the commercial tract only.

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 Commercial (C). The Pegasus PD was approved in 1971 and includes residential and commercial uses. The proposed PD substantial change is consistent with this designation and all applicable CP provisions; therefore, the request is consistent with the Comprehensive Plan.

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 reviewed the request, but did not identify any issues or concerns.

Transportation Concurrence

Transportation staff reviewed the request, but did not identify any issues or concerns.

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 – (April 22, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Pegasus Place Planned Development / Land Use Plan (PD/LUP), dated “March 16, 2020”, subject to the following conditions:

1. Development shall conform to the Pegasus Place PD Land Use Plan (LUP) dated "Received March 16, 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 March 16, 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

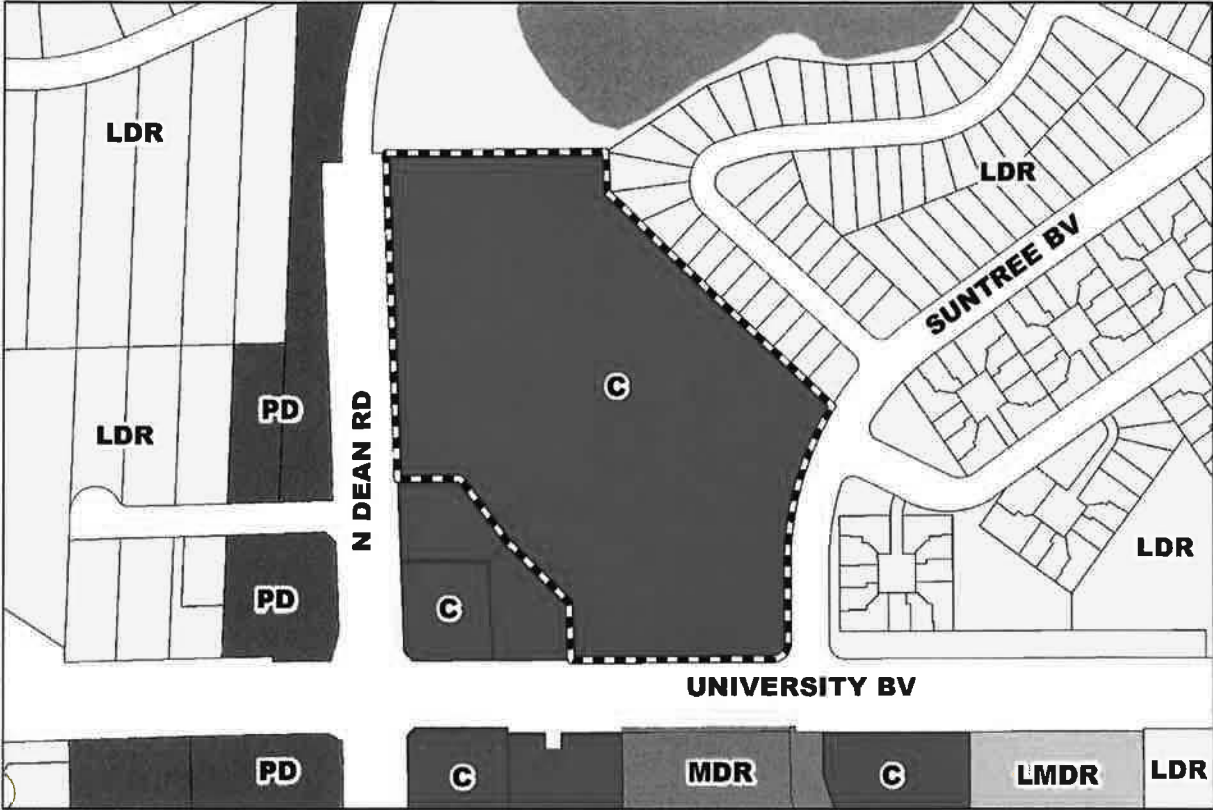
relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review 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. The required road right-of-way for University Boulevard shall be conveyed via separate instrument prior to construction plan approval.
7. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
8. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
9. Outside sales, storage, and display shall be prohibited.
10. Except for the existing pole sign, pole signs and billboards shall be prohibited. Unless otherwise waived, ground and fascia signs shall comply with Chapter 31.5 of the Orange County code.
11. 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.
12. The following waivers from Orange County Code are granted for the commercial tract only:
 - a. A waiver from Section 38-1476(a) to allow for a parking ratio of 4.86 spaces for each 1,000 square feet of gross floor area, in lieu of a parking ratio of 5 spaces for each 1,000 square feet of gross floor area is hereby granted for the commercial tract only.
 - b. A waiver from Section 38-1272(a)(1) to allow for a maximum impervious coverage of seventy-one (71) percent of net land area, in lieu of seventy (70) percent of net land area.
 - c. A waiver from Section 31.5-67(g) to allow existing ground sign as identified on the plans dated March 24, 2020, to have a minimum setback from the University Boulevard right-of-way of two (2) feet, in lieu of ten (10) feet.
 - d. A waiver from Section 31.5-68(f) to allow existing pole sign as identified on the plans dated March 24, 2020, to have a minimum setback from the University Boulevard right-of-way of five (5) feet, in lieu of ten (10) feet.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(January 17, 1983)*

Upon a motion by Commissioner Treadway, seconded by Commissioner Dorman, and carried by all present voting AYE by voice vote, the Board approved the request to amend the Land Use Plan from Garden Apartments to Public Utility (Water Plant) on property located on the north side of University Boulevard, 7/10 mile east of Dean Road, subject to conditions.

CDR-19-11-371



Subject Property



Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Christy David,
 IA Orlando Suncrest Village, LLC

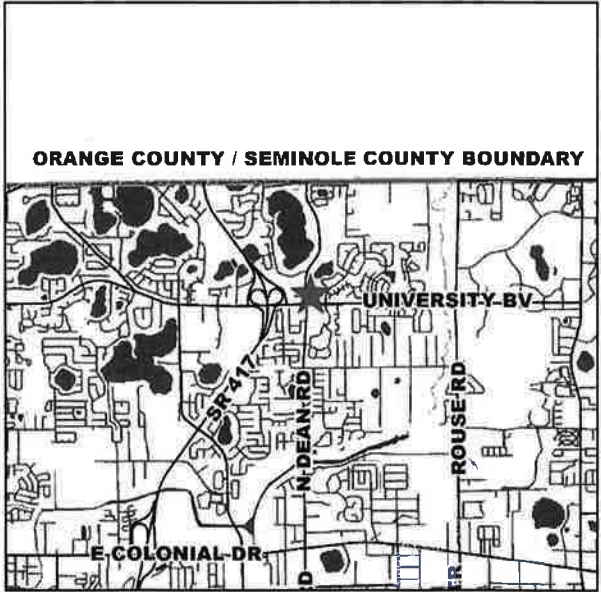
LOCATION: Generally located north of University
 Boulevard and east of North Dean Road

TRACT SIZE: 197.00 gross acres (overall PD)
 14.47 gross acres (affected parcel only)

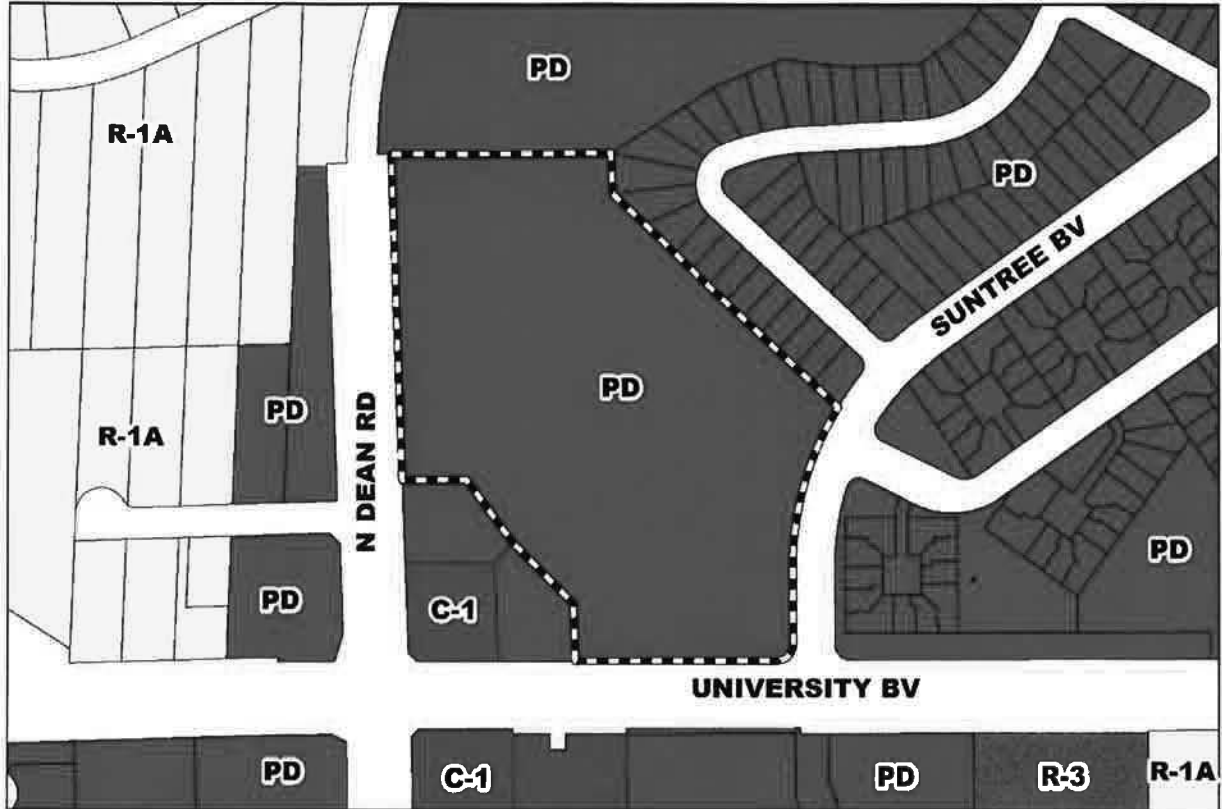
DISTRICT: # 5

S/T/R: 05/22/31

1 inch = 300 feet



CDR-19-11-371



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Christy David,
IA Orlando Suncrest Village, LLC

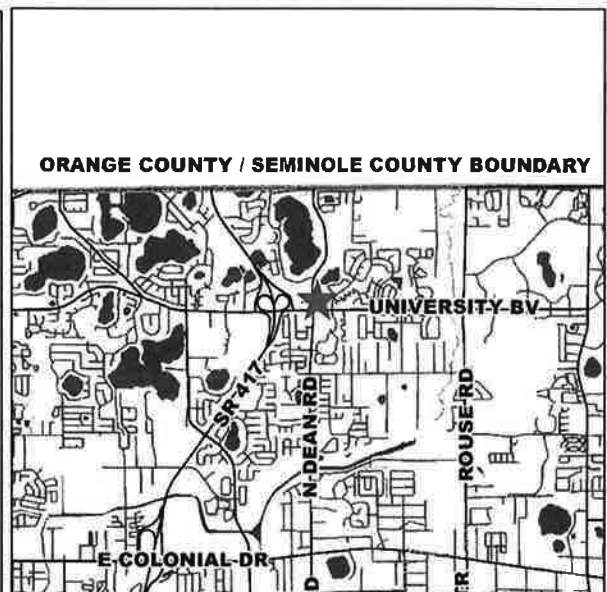
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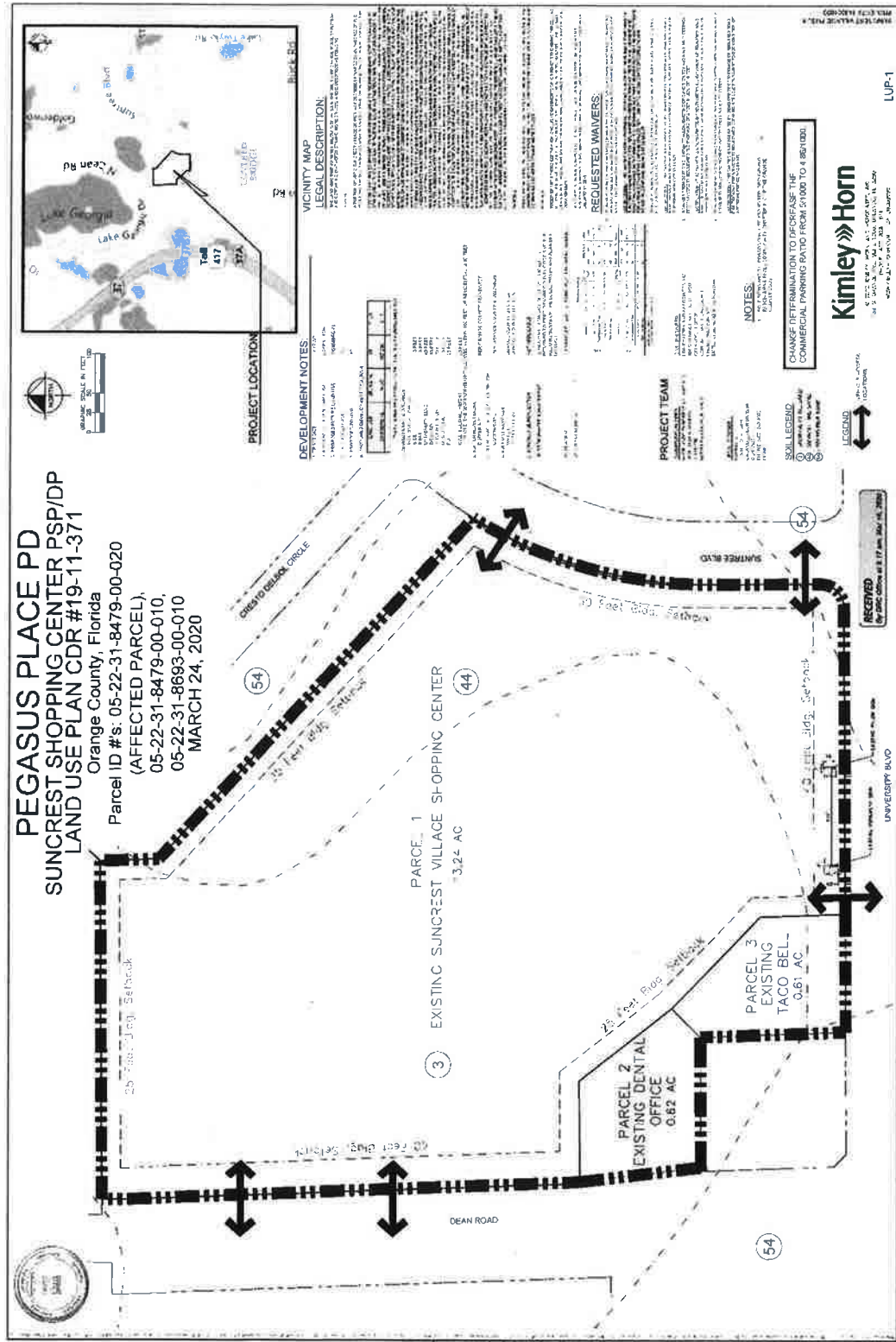
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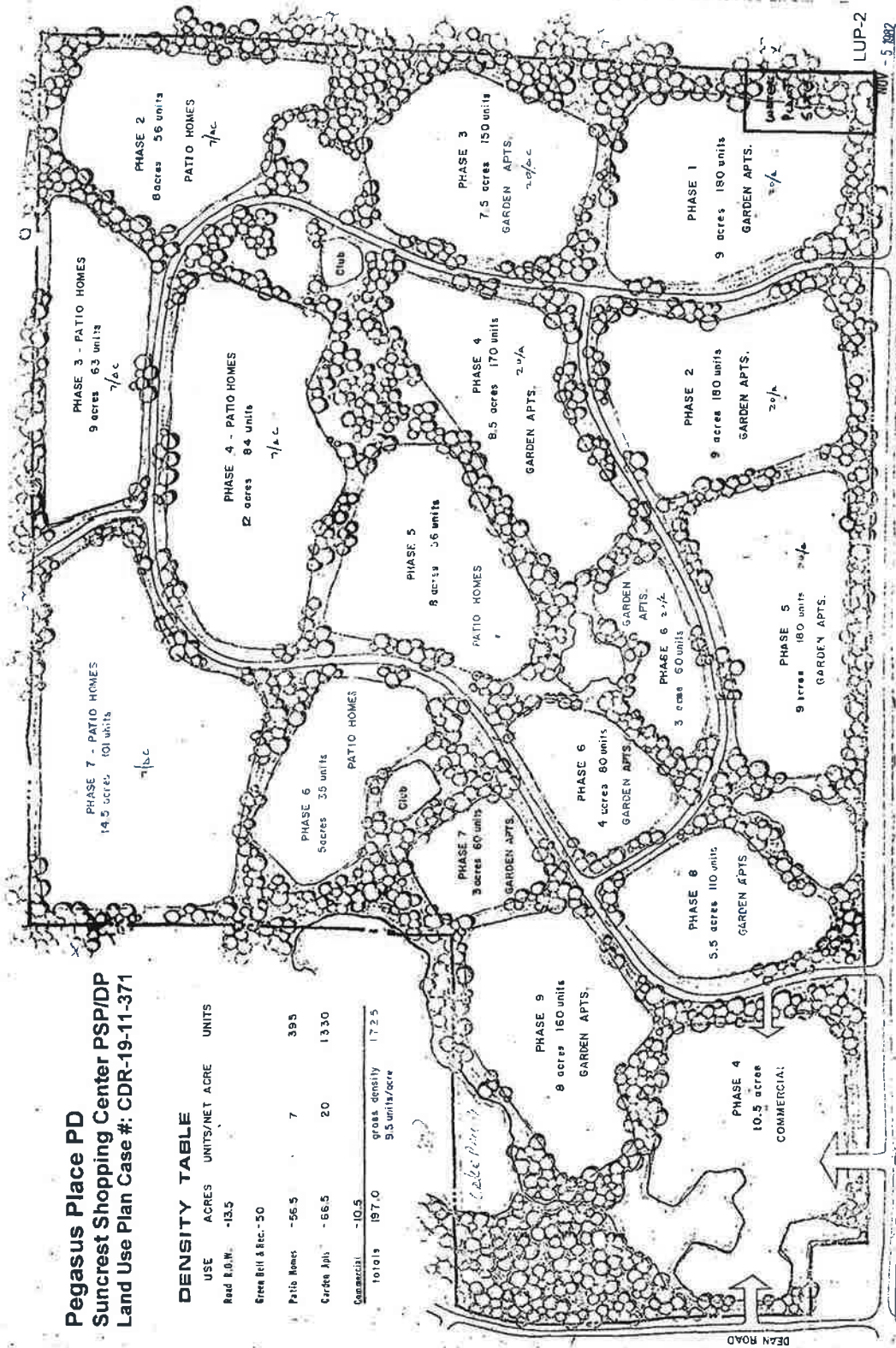
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Pegasus Place PD / LUP (Cover Sheet)



Pegasus Place PD / LUP



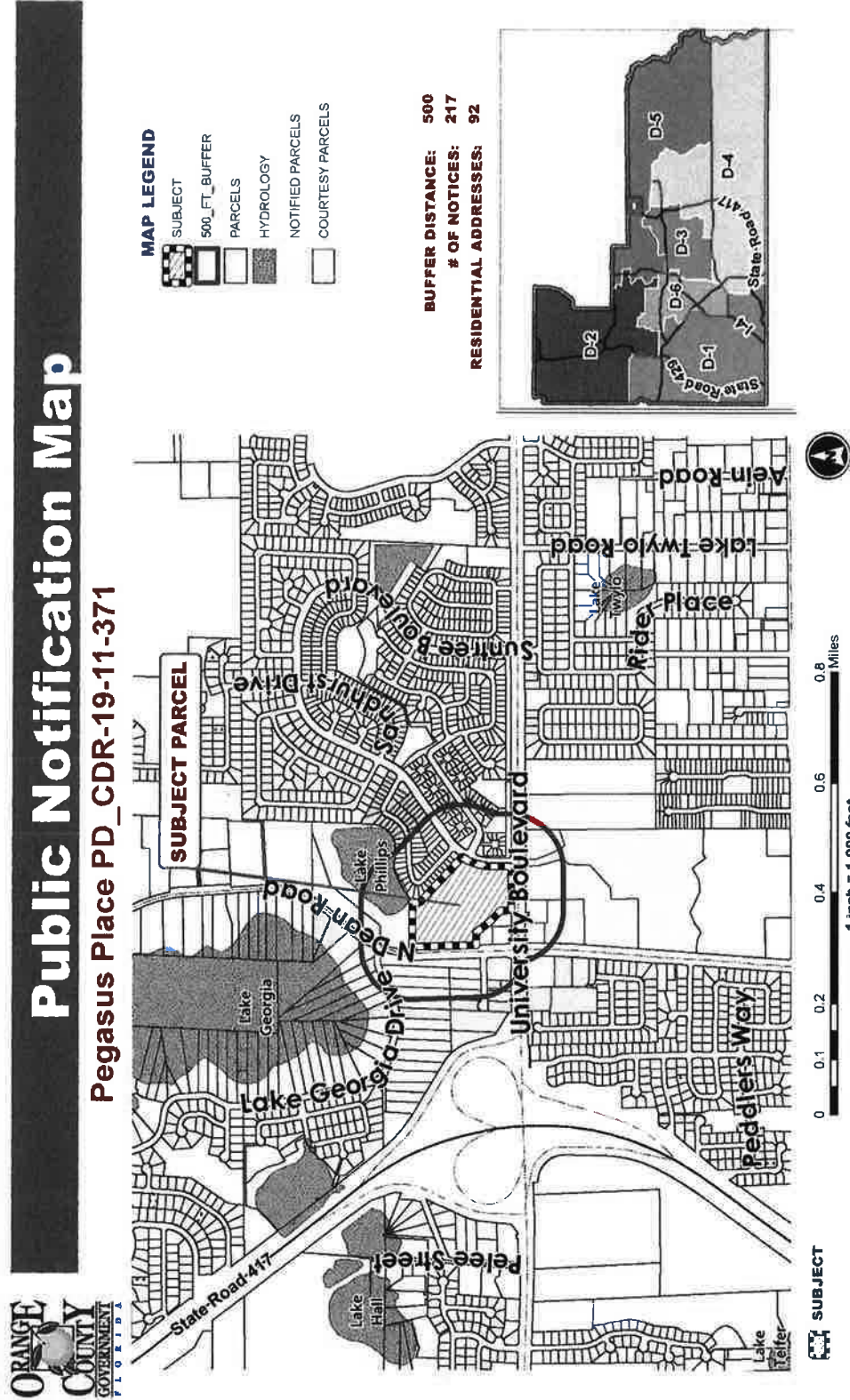
Pegasus Place PD
Suncrest Shopping Center PSP/DP
 Land Use Plan Case #: CDR-19-11-371

DENSITY TABLE

USE	ACRES	UNITS/NET ACRE	UNITS
Resid R.O.W.	-13.5		
Green Bell & Rec.	-50		
Patio Homes	-66.5	7	395
Garden Apts.	-66.5	20	1330
Commercial	-10.5		
Totals	197.0	gross density	17.25
		net density	9.5 units/acre

Notification Map

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Public Notification Map

Pegasus Place PD_CDR-19-11-371

