



Interoffice Memorandum

DATE: March 17, 2020

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

FROM: Jon V. Weiss, P.E., Director *JV*
Planning, Environmental and Development
Services Department

CONTACT PERSON: Eric Raasch, DRC Chairman *ERR*
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: April 7, 2020 – Public Hearing
Ryan von Weller, Hawthorne Park Developer, LLC
Silver Pines Planned Development
Case # CDR-19-11-388 / District 6

The Silver Pines Planned Development (PD) is located at 5300 Silver Star Road; or generally south of Silver Star Road and west of Pine Hills Road. The existing PD development program allows for residential and commercial uses. The affected property is a six-acre portion of an existing shopping center, which is current entitled to be redeveloped into 120 age-restricted certified affordable housing units.

Through this PD substantial change, the applicant is seeking two waivers from Orange County Code for a portion of Parcel A to allow 3.412 parking spaces per 1,000 square feet of gross floor area, in lieu of the requirement of 5 parking spaces per 1,000 square feet of gross floor area for shopping centers over 50,000 square feet and to allow a maximum building height of four stories or 55 feet, in lieu of the maximum of three stories or 40 feet in height.

On February 26, 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 Silver Pines Planned Development / Land Use Plan (PD/LUP) dated “Received January 16, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 6

Attachments
JVW/EPR/nsw

CASE # CDR-19-11-388
Commission District: # 6

GENERAL INFORMATION

APPLICANT Ryan von Weller, Hawthorne Park Developer, LLC

OWNER Hawthorne Park, Ltd.

PROJECT NAME Silver Pines Planned Development

PARCEL ID NUMBER(S) 18-22-29-8011-06-000, 18-22-29-8011-05-000
18-22-29-8011-04-000, 18-22-29-8011-03-000,
18-22-29-8020-00-001, 18-22-29-8020-02-000,
18-22-29-8020-01-000 (affected parcels only)

TRACT SIZE 84.65 gross acres (overall PD)
14.50 gross acres (affected parcels only)

LOCATION 5300 Silver Star Road; generally located south of Silver Star Road
and west of Pine Hills Road

REQUEST A PD substantial change to request the following waivers from
Orange County Code for a portion of Parcel A:

1. A waiver from Section 38-1476(a) to allow 3.412 parking spaces per 1,000 square feet of gross floor area, in lieu of the requirement of 5 parking spaces per 1,000 square feet of gross floor area for shopping centers over 50,000 square feet.

Justification: *The existing shopping center prior to the development of the proposed multi-family affordable housing development meets the county code of 5 spaces per 1,000 square feet of commercial space. The parking lot goes widely unused as demonstrated in the parking study provided with this waiver request. This is due to the character of the area and the shopping center and is confirmed by the nature of the existing businesses that are current tenants. In addition, this site is within the AMA and designed to encourage the use of alternative means of transportation. A slightly reduced parking lot promotes this goal.*

2. A waiver from Section 38-1258(d) to allow a maximum building height of four (4) stories or fifty-five (55) feet in height, in lieu of the maximum of three (3) stories or forty (40) feet in height.

Justification: *The waiver for height is required in order to reduce the footprint of the affordable senior housing*

development, which has a minimum number of units associated with the award from the state. A larger footprint would impact the functionality of the remaining commercial buildings.

PUBLIC NOTIFICATION A notification area extending beyond one thousand (1,000) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seven hundred fourteen (714) 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 Silver Pines PD was originally approved on May 25, 1971 for a planned residential community with supporting commercial uses. Through this PD substantial change, the applicant is seeking two (2) waivers from Orange County Code related to parking and building height on a portion of Parcel A.

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 Silver Pines 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 Concurrency

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 – (February 26, 2020)

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

1. Development shall conform to the Silver Pines Planned Development dated "Received January 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 January 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 following waivers from Orange County Code are granted for a portion of parcel A only:
 - a. A waiver from Section 38-1476(a) to allow 3.412 parking spaces per 1,000 square feet of gross floor area, in lieu of the requirement of 5 parking spaces per 1,000 square feet of gross floor area for shopping centers over 50,000 square feet.

- b. A waiver from Section 38-1258(d) to allow a maximum building height of four (4) stories or fifty-five (55) feet in height, in lieu of the maximum of three (3) stories or forty (40) feet in height.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 17, 2019 shall apply:
- a. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
 - b. Outside sales, storage, and display shall be prohibited.
 - c. Short term/transient rental is prohibited within the residential areas of the PD. Length of stay shall be for 180 consecutive days or greater.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 11, 2017 shall apply:
- a. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
 - b. This parcel is in the alternative mobility area. A mobility analysis will be required prior to obtaining a building permit.
 - c. 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.
 - d. The Developer shall obtain wastewater service from Orange County Utilities.
 - e. The following four (4) Conditions shall apply to PD Parcel A only:
 - 1) Because the project includes approval for senior housing, prior to Development Plan/PSP approval, the developer shall submit to the DRC, for its review and approval, conditions, covenants, and/or restrictions (CC&Rs) that restrict occupancy to senior adults and that comply with the requirements of the Housing for Older Persons Act [42 U.S.C. §3607(b).] Such CC&Rs shall be recorded in the public records of Orange County, Florida and shall run with the land. The CC&Rs shall include language that at least one owner/resident shall be at least 55 years of age and in no case shall there be any residents aged 18 years or under. No permanent residency by school-aged children shall be generated as a result of any development on this Development Plan. Any proposed future conversion of the senior housing to unrestricted housing or any proposal to add permanent residency by school-aged children shall constitute a substantial change that must be approved by the BCC at a public hearing. If the substantial change is approved, school

impact fees in effect at that time shall be paid and the project shall comply with any school capacity and school concurrency regulations in effect at that time.

- 2) A waiver from Orange County Code, Section 38-1258(d) is granted to allow a maximum building height of three stories or forty-five feet (45'), in lieu of a maximum building height of three stories or forty feet (40').
 - 3) A waiver from Orange County Code, Section 38-1476(a) is granted to allow one (1) parking space for each apartment dwelling unit in lieu of the requirement of 1.5 parking spaces for 1 bedroom dwelling units and 2 spaces for 2 or 3 bedroom dwelling units.
 - 4) Should the occupancy change from age-restricted, the new use or non-age restricted occupancy shall be required to meet then-current parking standards. In the alternative, a parking study acceptable to Orange County may be submitted which substantiates the waiver to County's satisfaction.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 3, 1989, shall apply:
- a. Development Plans for the open space / recreation tracts shall be submitted concurrently with the first residential parcel Development Plan along with a proposed construction schedule for recreation facilities.
 - b. Access for each parcel shall be determined at the Development Plan stage. The proposed internal road system is not approved with the Land Use Plan.
 - c. A detailed landscape plan shall be submitted with the Development Plan for the multi-family parcel that provides adequate landscaping for the 40-foot buffer (adjacent to the 19 units per acre multi-family portion).
 - d. There are additional recorded drainage and utility easements through this site which are not shown on the plan. These shall be accommodated at construction plan approval stage.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 25, 1971, shall apply:
- a. All buildings within 100 feet of single-family residential areas be limited to single-story.
 - b. All access streets presently maintained by Orange County be upgraded and resurfaced by the Developer as deemed necessary by the Superintendent of the Road and Bridge Department.

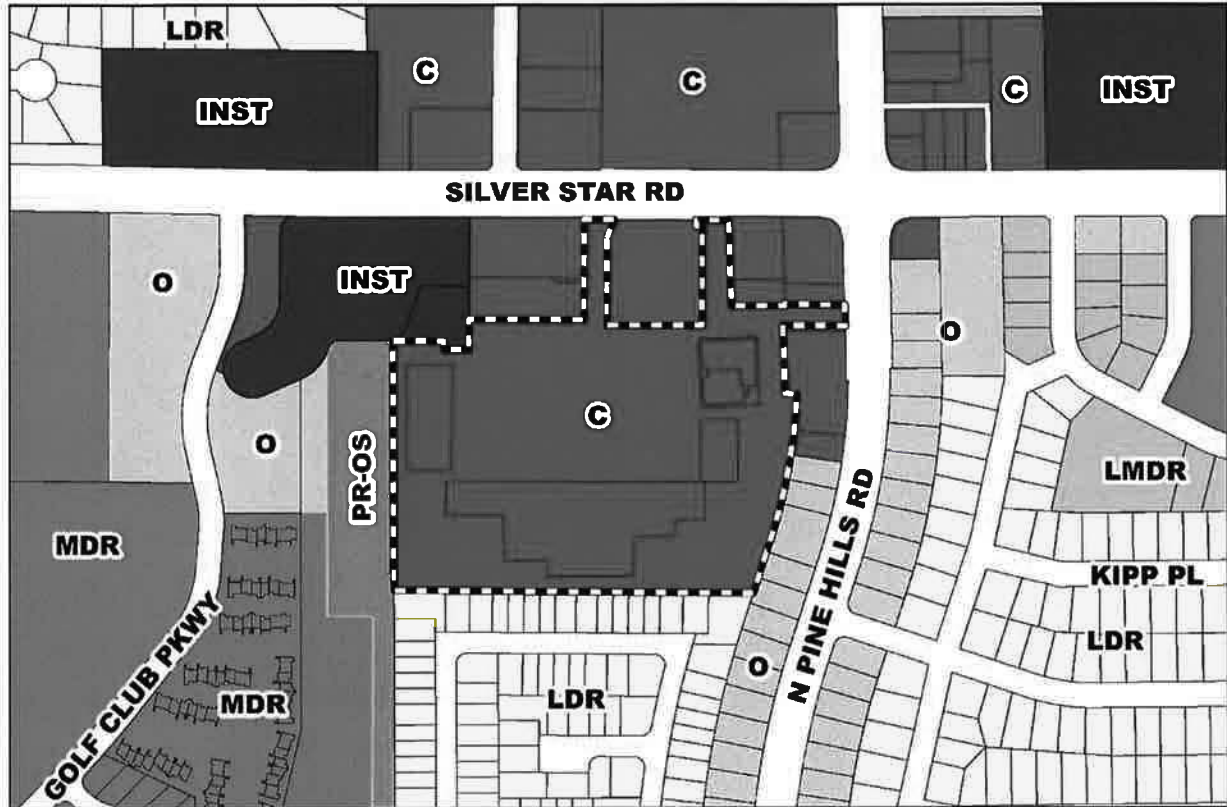
PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (December 17, 2019)

Upon a motion by Commissioner Siplin, seconded by Commissioner Uribe, and carried by all members present voting Aye by voice vote, to approve the request to create "Perimeter Lots"

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: April 7, 2020

in Phase 3 on lots 5, 6, and 70-77, renumber the lots from 5, 6, and 58-65 to lots 200-214, and reduce the minimum lot width of lots 200-214 from 75 feet to 50 feet, resulting in an increase of five (5) lots; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

CDR-19-11-388



Subject Property



Subject Property

Future Land Use Map

FLUM: Commercial

APPLICANT: Ryan von Weller,
Hawthorne Park Developer, LLC

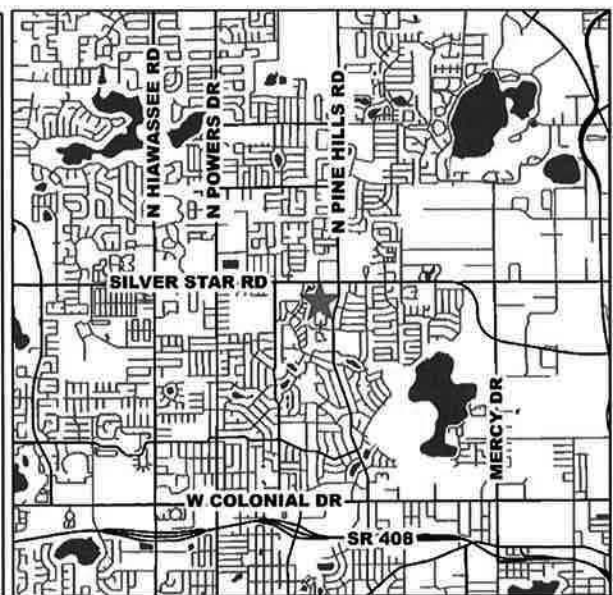
LOCATION: 5300 Silver Star Road; generally located south of Silver Star Road and west of Pine Hills Road

TRACT SIZE: 84.65 gross acres (overall PD)
14.50 gross acres (affected parcels only)

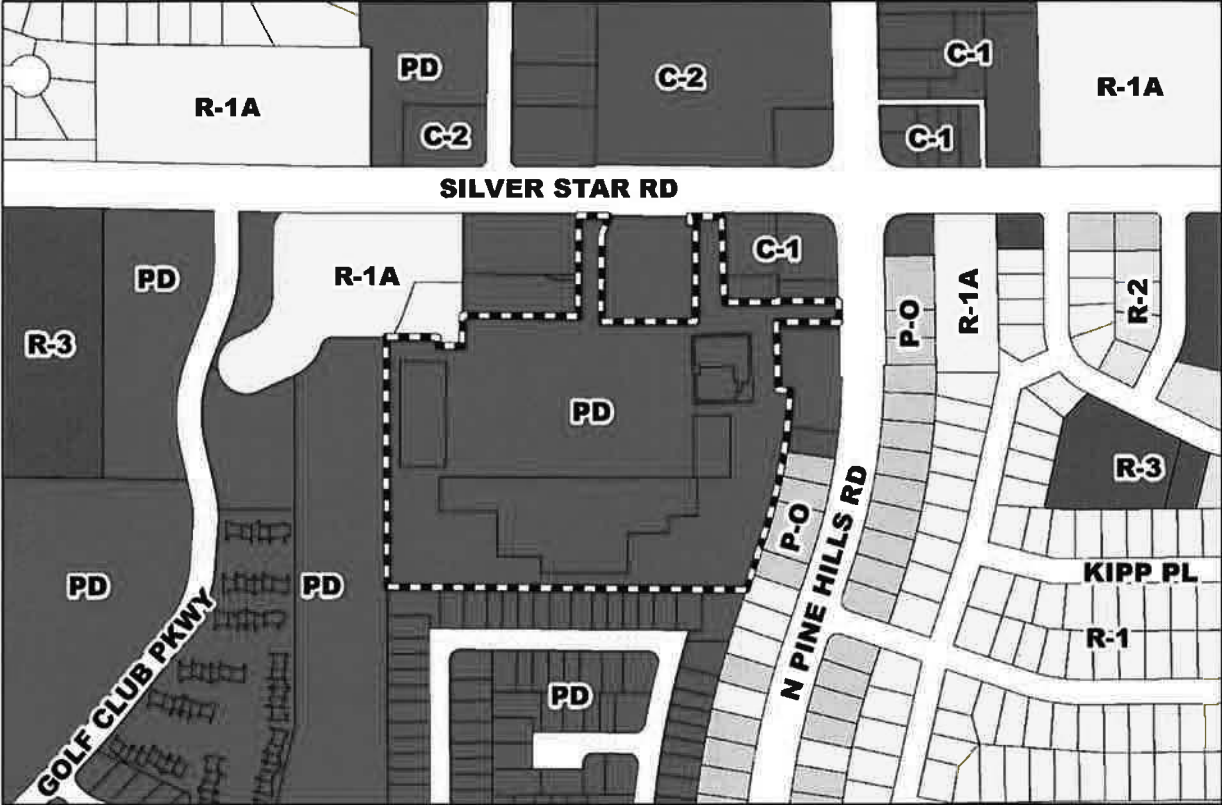
DISTRICT: # 6

S/T/R: 18/22/29

1 inch = 375 feet



CDR-19-11-388



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Ryan von Weller,
Hawthorne Park Developer, LLC

LOCATION: 5300 Silver Star Road; generally located south of Silver Star Road and west of Pine Hills Road

TRACT SIZE: 84.65 gross acres (overall PD)
14.50 gross acres (affected parcels only)

DISTRICT: # 6

S/T/R: 18/22/29

1 inch = 375 feet



Silver Pines PD / LUP (Cover Sheet)

SILVER PINES PD

PARCEL ID#(S): 18-22-29-8011-06-000, 18-22-29-8011-05-000
 18-22-29-8011-04-000, 18-22-29-8011-03-000,
 18-22-29-8020-00-001, 18-22-29-8020-02-000,
 18-22-29-8020-01-000

CDR-19-11-388
 ORLANDO, FL
 JANUARY 14, 2020



LOCATION MAP:

Sheet List Table

Sheet Number	Sheet Title
001	General Notes
002	Site Plan
003	Final Conditions of Approval
004	Final Conditions of Approval

PROJECT TEAM

ARCHITECT
 SLOCUM PLATT ARCHITECTS
 670 NORTH ORLANDO AVENUE, SUITE 1001
 ORLANDO, FL 32751
 (407) 846-3019

CIVIL ENGINEER
 AYCON, INC.
 11111 WILSON STREET, SUITE 200
 ORLANDO, FL 32822
 (407) 559-1122

SURVEYOR
 E. CLARK'S NATIONAL SURVEYOR NETWORK
 3650 W. MARKET STREET, SUITE 200
 ANKRON, OH 44333
 (330) 787-8987

LUP



AYCON PROJECT NO.		REVISIONS	
NO.	DATE	DESCRIPTION	
1	01/14/20	CDR-19-11-388 REVISION	



AYCON, INC.
 ENGINEERS & ARCHITECTS
 11111 WILSON STREET, SUITE 200
 ORLANDO, FL 32822
 (407) 559-1122

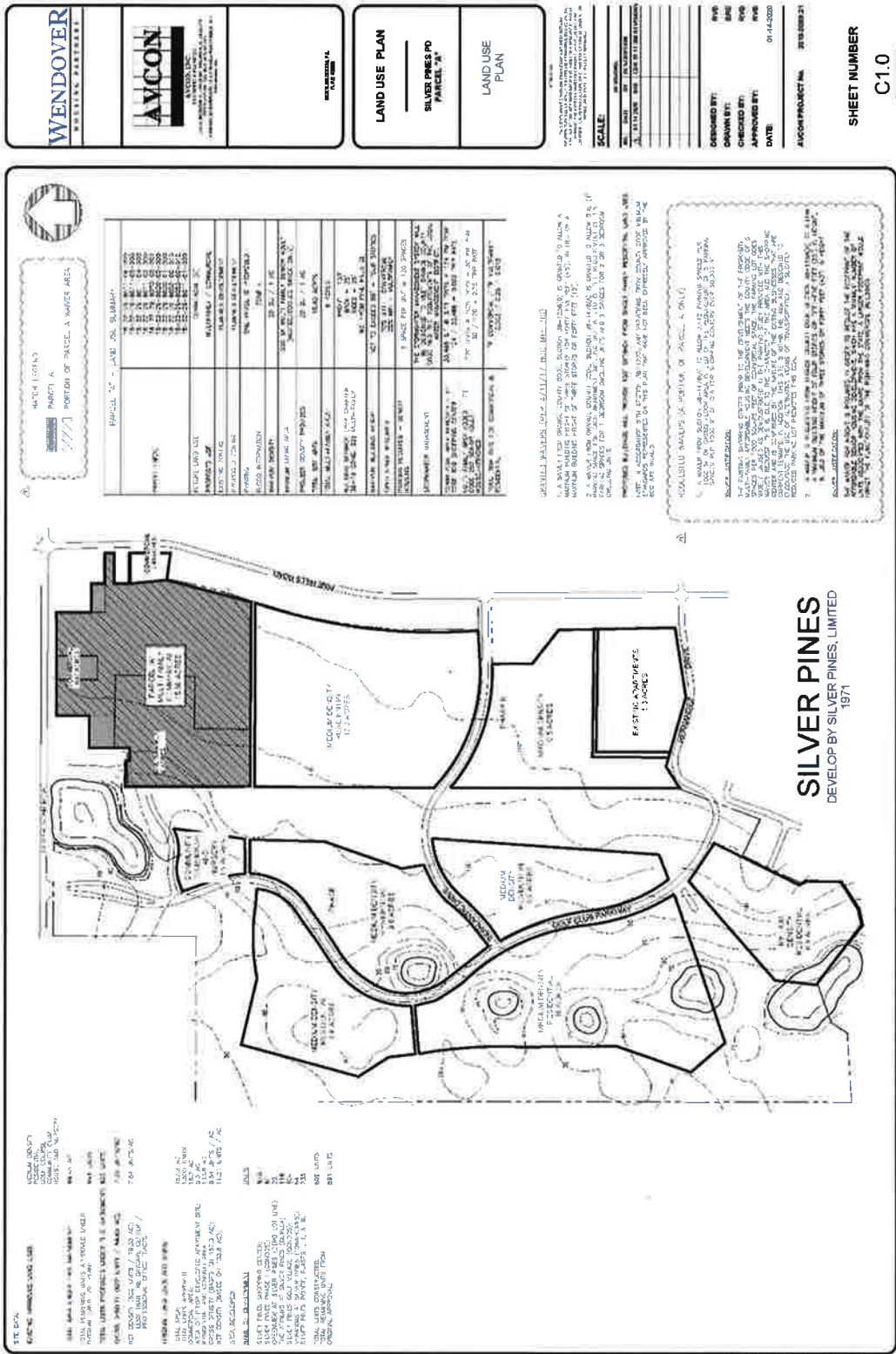
ROY A. WOODRUFF
 P.L.C.



LEGAL DESCRIPTION

THE LAND REFERRED TO IN THIS INSTRUMENT IS PART OF THE TRACT OF LAND...
 (The following text is a dense, repetitive legal description of the property, including references to various parcels and survey data.)

Silver Pines PD / LUP



Notification Map

S:\Business Systems\Board Administration\ArcGIS\MAIN.mxd

Public Notification Map



CDR-19-11-388_Silver Pines PD

MAP LEGEND

- SUBJECT
- 1000 FT BUFFER
- PARCELS
- HYDROLOGY
- NOTIFIED PARCELS
- COURTESY PARCELS

BUFFER DISTANCE: 1000
OF NOTICES: 714
RESIDENTIAL ADDRESSES: 340

