




Interoffice Memorandum

DATE: September 20, 2022

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

FROM: Jon V. Weiss, P.E., 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: October 11, 2022 – Public Hearing
Applicant: Sam Sebaali, Florida Engineering Group, Inc.
Buena Vista Park Planned Development / Buena Vista Park Parcel
2 Preliminary Subdivision Plan
Case # CDR-22-06-212 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's meeting of September 7, 2022, to approve a substantial change to the Buena Vista Park Planned Development (PD) / Buena Vista Park Parcel 2 Preliminary Subdivision Plan (PSP) to convert 33,565 square feet of commercial use to add 136 hotel rooms, using the equivalency matrix on Lots 2 and 3.

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 PSP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve the Buena Vista Park PD / Buena Vista Park Parcel 2 PSP dated "Received August 15, 2022", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/JK/lme
Attachments

CASE # CDR-22-06-212
Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's meeting of September 7, 2022, to approve a substantial change to the Buena Vista Park Planned Development (PD) / Buena Vista Park Parcel 2 Preliminary Subdivision Plan (PSP) to convert 33,565 square feet of commercial use to add 136 hotel rooms, using the equivalency matrix on Lots 2 and 3.

2. PROJECT ANALYSIS

- A. Location: North of Lake Street / West of Palm Parkway
- B. Parcel ID: 15-24-28-1081-02-000, 15-24-28-1081-03-000
- C. Total Acres: 2.13 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: N/A
- I. Site Data: Maximum Building Height: 150'
Building Setbacks:
 - 10' Front
 - 25' Rear
 - 5' Side
 - 10' Side Street
- K. Fire Station: 36 - 12252 Winter Garden Vineland Road
- L. Transportation: The Road Impact Fee Agreement for Buena Vista Park PD was approved by the Board of County Commissioners on December 16, 2003 and recorded at OR Book / Page 8895 / 0364. The agreement provided that the Developer would convey property along the southern boundary of the property to Orange County for Lake Street west of the intersection of Lake Street and Palm Parkway. The County opened TCA-177 account in Zone 4 for the amount of \$655,585.00. Tract C was conveyed by Plat on 9/22/2005 and recorded at Plat Book / Page 62 / 120. The acreage total for the property

conveyed is 18,830 square feet or 0.43228 acres. All obligations by the Developer have been met.

The Activity Center Turkey Lake Road Network Agreement was approved by the Board of County Commissioners on September 24, 1996 and recorded at OR Book / Page 5138 / 1988. The agreement provided that the Developers would convey property for the Turkey Lake Road Extension a/k/a Palm Parkway. The County opened four TCA Accounts totaling \$5,511,589.79. The developers provided all necessary right-of-way, designed and constructed the road improvement to four lanes. All obligations by the Developers have been met and the road has been improved in this area.

Possible transportation concurrency entitlements under TCVRC-04-195 (Boyce Property). PLEASE BE AWARE: A Vested Rights Verification by the County's Concurrency Attorney will be required to confirm if future projects will be granted vested rights entitlements under the Vested Rights Certificate. Applicant to submit proof that the development is entitled to vesting under TCVRC-04-195. Please provide backup documentation to the Concurrency Management Office confirming that the certificate is valid.

Based on the Concurrency Management (CMS) database dated 6/23/2022, there are multiple failing segments within the project's impact area. Vineland Avenue from Kissimmee Vineland Road to Little Lake Bryan Parkway (1 segment) and Winter Garden Vineland Road from Interstate 4 to Apopka Vineland Road (1 segment). This information is dated and subject to change.

M. EPD:

Habitat- Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The

construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping.

Fugitive Dust - No person shall cause, let, suffer, allow, or permit the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities, such as loading, unloading, storing, or handling; without taking reasonable precautions to prevent such emissions including but not limited to application of water, dust suppressants, planting of vegetation, point of activity controls (hoods, filters, etc) and other measures. Reference Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 15-89.1 Air Pollution Prohibited 15-89.1(b) Unconfined emissions of particulate matter and 15-89.1(b)(2) Reasonable Precautions and defined in the Florida Department of Environmental Protection 62-296.320(4)(c) for Unconfined Emissions of Particulate matter adopted by Orange County Code 15-90 Adoption of state and federal rules by reference.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Activity Center Mixed Use (ACMU). The subject property is designated PD (Buena Vista PD) on the Zoning Map. The request is consistent with the comprehensive plan.

4. ZONING

PD (Planned Development District) (Buena Vista Park PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Buena Vista Park Planned Development; Orange County Board of County Commissioners (BCC) approvals; Buena Vista Park Parcel 2 Preliminary Subdivision Plan dated "Received August 15, 2022," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency

between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received August 15, 2022," 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 preliminary subdivision 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

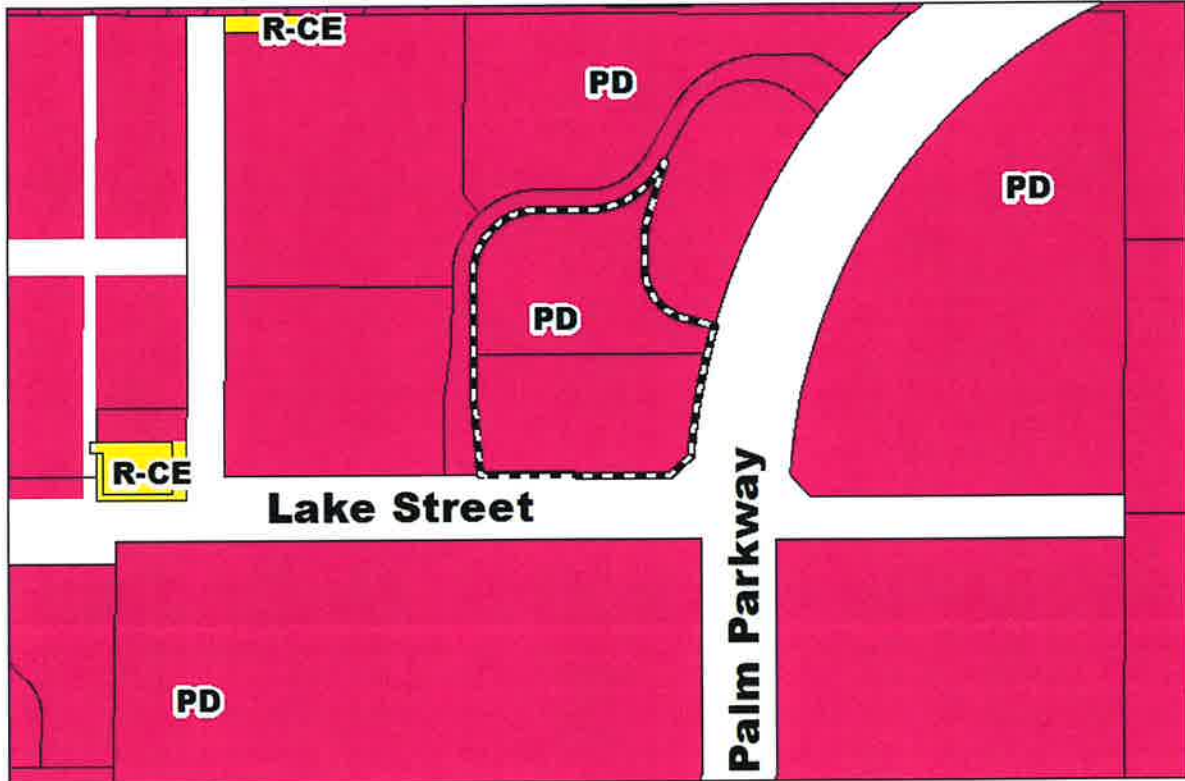
costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As 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 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 Master Utility Plan (MUP) for the PSP shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. 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 MUP and updates must be approved prior to Construction Plan approval.
8. A traffic study for a left turn lane and/or other access requirements at the intersection of Lake Street and Ravallo Resort Drive must be submitted prior to, or together with, the initial Development Plan associated with Lots 2 and 3. County and applicant must reach consensus regarding any required improvements prior to Development Plan approval.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 10, 2004 shall apply:
 - a. Master water, wastewater, reclaimed water and stormwater plans including preliminary calculations shall be required to be submitted for review and approval prior to submission of construction plans.
 - b. The project shall comply with Lighting Ordinance 2003-08.
 - c. The project shall comply with the Commercial Design Standards Ordinance.
 - d. Billboards and pole signs shall be prohibited.
 - e. Outdoor storage and display shall be prohibited.
 - f. The project shall comply with the Buena Vista North District Standards.

- g. Prior to construction plan approval, a wildlife survey and copies of correspondence with the U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission will be provided to the Orange County Environmental Protection Division, Attention: Development Review Committee Representative. If gopher tortoises are present, then prior to earthwork or construction, an incidental take or relocation permit must be obtained.
- h. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection National Pollution Discharge Elimination System (NPDES) Coordinator Notice of Intent for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator.
- i. The right-of-way shall be conveyed to Orange County consistent with the right-of-way agreement approved by the Board of County Commissioners on December 16, 2003.
- j. The developer shall provide a right-turn lane at Lake Avenue and Palm Parkway and staff will study the feasibility of the developer providing a right-turn lane at the northern access to Palm Parkway.

Zoning Map

CDR-22-06-212



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Sam J. Sebaali, Florida Engineering Group Inc.

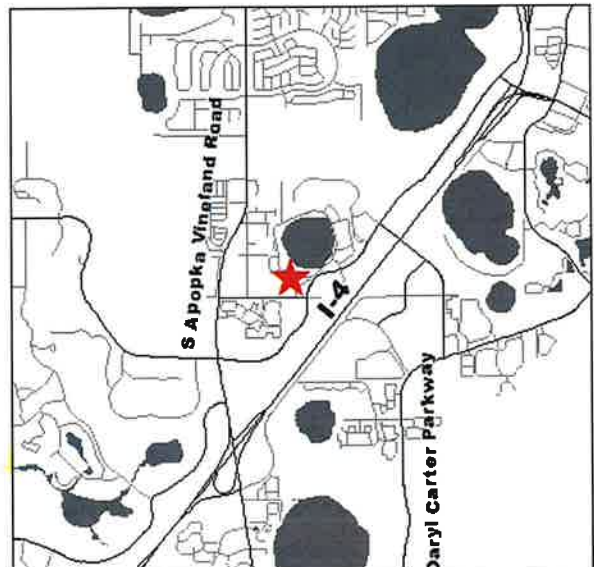
LOCATION: North of Lake Street / West of Palm Parkway

TRACT SIZE: 2.16 acres

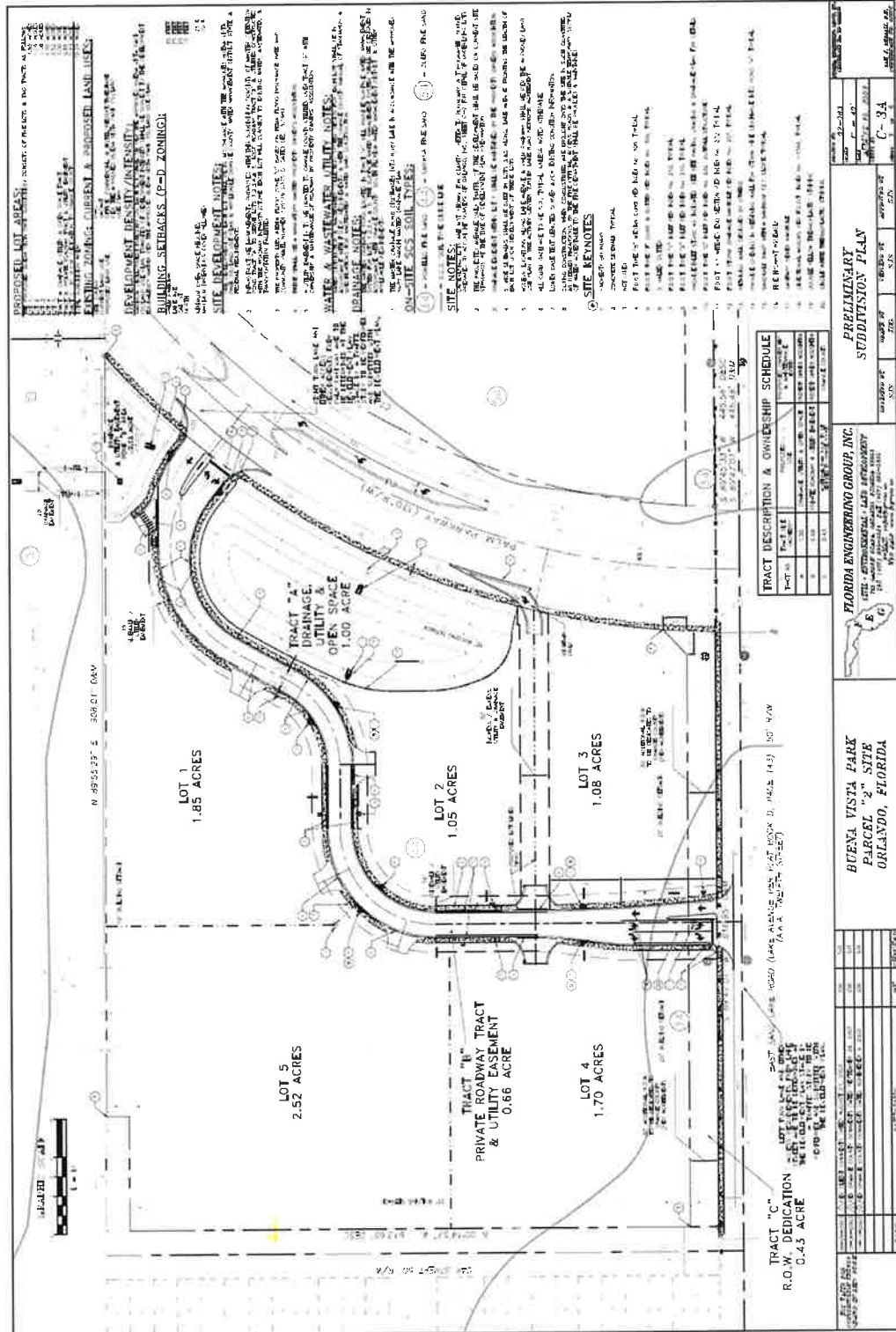
DISTRICT: # 1

S/T/R: 15/24/28

1 inch = 200 feet



Site Plan Sheet

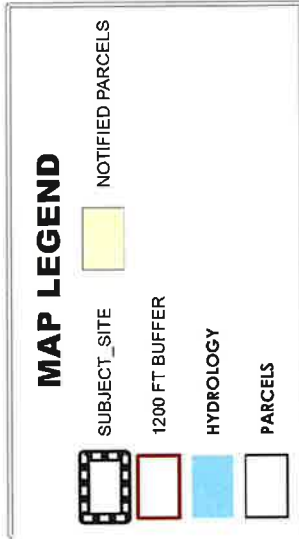
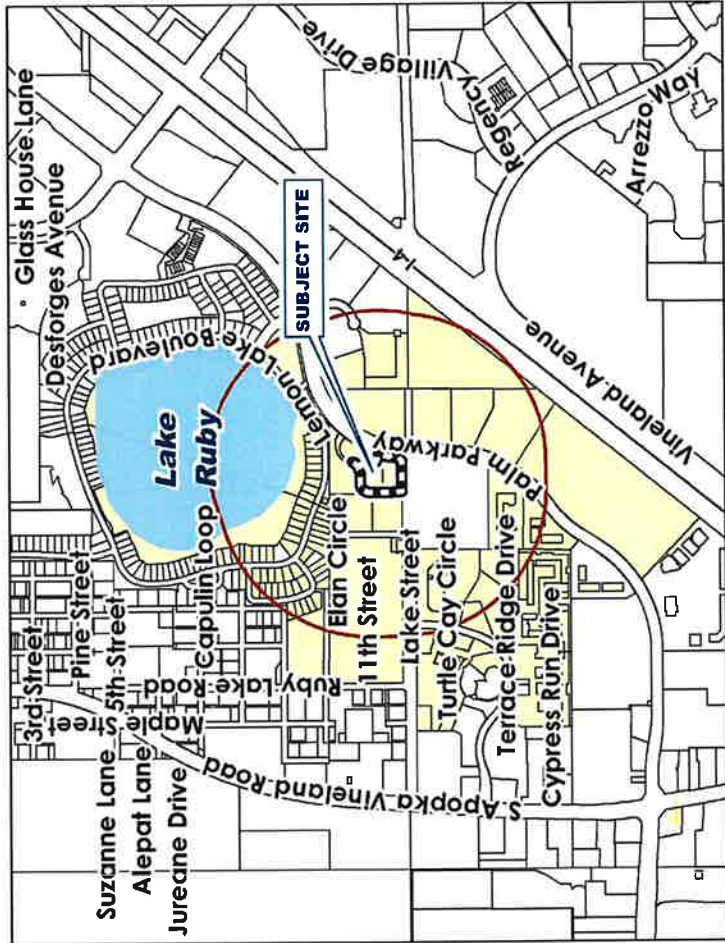


Notification Map

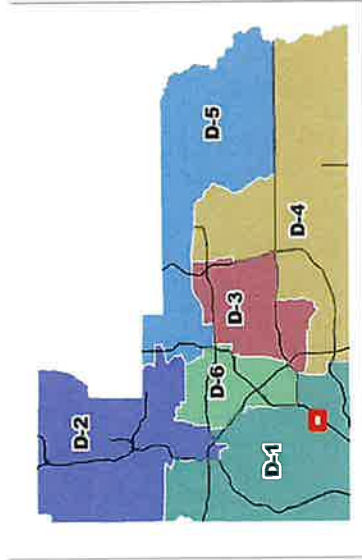


Public Notification Map

Buena Vista Park PD Buena Vista Park PSP_CDR-22-06-212



BUFFER DISTANCE: 1200
 # OF NOTICES: 254



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