



Interoffice Memorandum

February 29, 2024

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

FROM: Tanya Wilson, AICP, Director 
Planning, Environmental, and Development Services Department

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

SUBJECT: March 26, 2024 – Public Hearing
Applicant(s): Chad Moorhead, Madden, Moorhead & Stokes, LLC
Project Name: Spring Isle Planned Development (PD)
Project No.: CDR-23-09-295/ District 4

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 14, 2024, to approve the Spring Isle Planned Development (PD). The project is generally located north of Avalon Park Boulevard, and east of Golden Isle Boulevard. The request is to amend the allowable uses on the PD Parcel H, which is currently entitled for 35,527 square feet of retail commercial uses, 4,842 square feet of office uses, 126,604 square feet of mini-warehouse uses with ancillary outdoor boat and RV storage, and 11,999 square feet of day care uses. The applicant is seeking to add the new C-3 (Wholesale Commercial District) use of veterinary services with outdoor runs or compounds, animal shelters, boarding kennels, animal compounds, training of animals, and cat and dog grooming to Parcel H as a permitted use. A pet boarding, day camp, grooming, and veterinary service use is proposed on the property.

A community meeting was held for this application on February 7, 2024, where residents expressed concerns of noise and impacts to the adjacent residential communities. To address these concerns the DRC is recommending Conditions of Approval 9, 10, and 11, which restrict hours of operation, the location of outdoor play areas, and require enhanced landscape buffering.

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 documents 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 Spring Isle Planned Development (CDR-23-09-295) dated “Received November 30, 2023”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

Attachments
TW/JCK/bs

CASE # CDR-23-09-295
Commission District: # 4

GENERAL INFORMATION

APPLICANT	Chad Moorhead, Madden, Moorhead & Stokes, LLC
OWNER	Spring Isle C, LLC
PROJECT NAME	Spring Isle Planned Development (PD)
PARCEL ID NUMBER(S)	30-22-32-0000-00-051 (affected parcel)
TRACT SIZE	224.87 gross acres (overall PD) 7.10 acres (affected area)
LOCATION	North of Avalon Park Boulevard / East of Golden Isle Boulevard
REQUEST	To add the C-3 use of veterinary services with outdoor runs or compounds, animal shelters, boarding kennels, animal compounds, training of animals, and cat and dog grooming to Parcel H
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 800 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Three hundred and three (303) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The Spring Isle Planned Development (PD) was originally approved in August 2003 and currently provides for a development program consisting of 193,435 square feet of office and commercial uses, and 756 single-family attached and detached dwelling units. PD Parcel H is currently entitled for 35,527 square feet of retail commercial uses, 4,842 square feet of office uses, 126,604 square feet of mini-warehouse uses with ancillary outdoor boat and RV storage, and 11,999 square feet of day care uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to add the new C-3 (Wholesale Commercial District) use of veterinary services with outdoor runs or compounds, animal shelters, boarding kennels, animal compounds, training of animals, and cat and dog grooming to Parcel H as a permitted use. A pet boarding, day camp, grooming, and veterinary service use is proposed on the property.

A community meeting was held for this application on February 7, 2024, where 11 residents expressed concerns of noise and impacts to the adjacent residential communities. To address these concerns the DRC is recommending Conditions of Approval 9, 10, and 11, which restrict hours of operation, the location of outdoor play areas, and require enhanced landscape buffering.

Land Use Compatibility

The proposed PD substantial change may not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The subject property has a Future Land Use Map (FLUM) designation of Planned Development- Low Density Residential/ Med Density Residential/ Commercial/Office Parks Rec Open Space/Conservation (PD- PD-LDR/MDR/C/O/PR-OS/CONS) on the Future Land Use Map and is currently zoned Planned Development (PD), which is consistent with the FLUM Designation.

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 proposed request and did not identify any issues or concerns.

Transportation Planning

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 properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") 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.

Based on the Concurrency Management database (CMS) dated 10/13/2023, there are multiple failing roadway segments within the project's impact area. Alafaya Tr, from University Blvd to Science Dr (1 segments) and University Blvd, from Dean Rd to Rouse Rd (1 segments), are failing. This information is dated and subject to change.

Community Meeting Summary

A community meeting was held for this application on February 7, 2024. Eleven area residents attended and expressed concerns about noise impacts to the adjacent single-family homes. The applicant team shared information on proposed hours of outside activity, explained how there is a schedule to when the dogs are brought outside and a limit to how many at a time, and explained that the building construction type and insulation are enhanced in specific efforts to help with noise reduction. Additional sound buffering measures were also discussed. The overall tone and result of the meeting was mixed.

Schools

Orange County Public Schools (OCPS) staff has reviewed the proposed request and 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 14, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Spring Isle PD dated "Received November 30, 2023", subject to the following conditions:

1. Development shall conform to the Spring Isle Planned Development (PD) dated "Received November 30, 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 November 30, 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 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 issuance of any permits associated with 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 properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") 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. The commercial uses shall be limited to Commercial (C-1) uses except for Parcel H, which will be permitted the C-2 use of outdoor storage and the C-3 use of Animal shelters, boarding kennels, animal pounds, training of animals, with outdoor runs or outdoor compounds.
9. The hours of operation for any outdoor activities, including outdoor runs and play areas, shall be limited to Monday-Friday 6:30am-7pm, and Saturday and Sunday 9am-5pm.
10. The outdoor play area shall be located on the east side of the building or an interior courtyard.
11. Enhanced landscaping shall be planted in three parallel rows spaced a minimum of 8 feet apart, located between the perimeter of the outdoor runs or play areas and adjacent properties or ROW. The first row, closest to the building foundation, shall be planted with minimum 3 foot high fast growing shrubs such as, podocarpus, installed every 3 feet on-center, the second row planted with minimum 7 foot high understory trees, planted every 25 feet on-center and the third row planted with minimum 10 foot high shade trees, planted every 40 feet on-center.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 26, 2023 shall apply:

- a. A Master Utility Plan (MUP) for the PD 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.
 - b. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
 - c. Outdoor sales, storage, and display shall be prohibited, with the exception of that portion of Parcel H where outdoor boat and vehicular storage will be permitted ancillary to the self-storage use as reflected on sheet 7 of plan dated July 7, 2023.
 - d. A Type B Landscape Buffer plus enhanced landscaping consisting of a second row of shade trees spaced 25' on center shall be provided on the eastern lot boundary adjacent to the outdoor storage on Parcel H.
 - e. Billboards and Pole signs shall be prohibited. Parcels G, H, and I shall comply with the approved Master Sign Plan, or Chapter 31.5 where applicable. All other parcels shall comply with Chapter 31.5.
13. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated December 15, 2020, shall apply:
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 18, 2016, shall apply:
- a. The following Education Condition of Approval shall apply:
 - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of February 9, 2016.
 - 2) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 11 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions

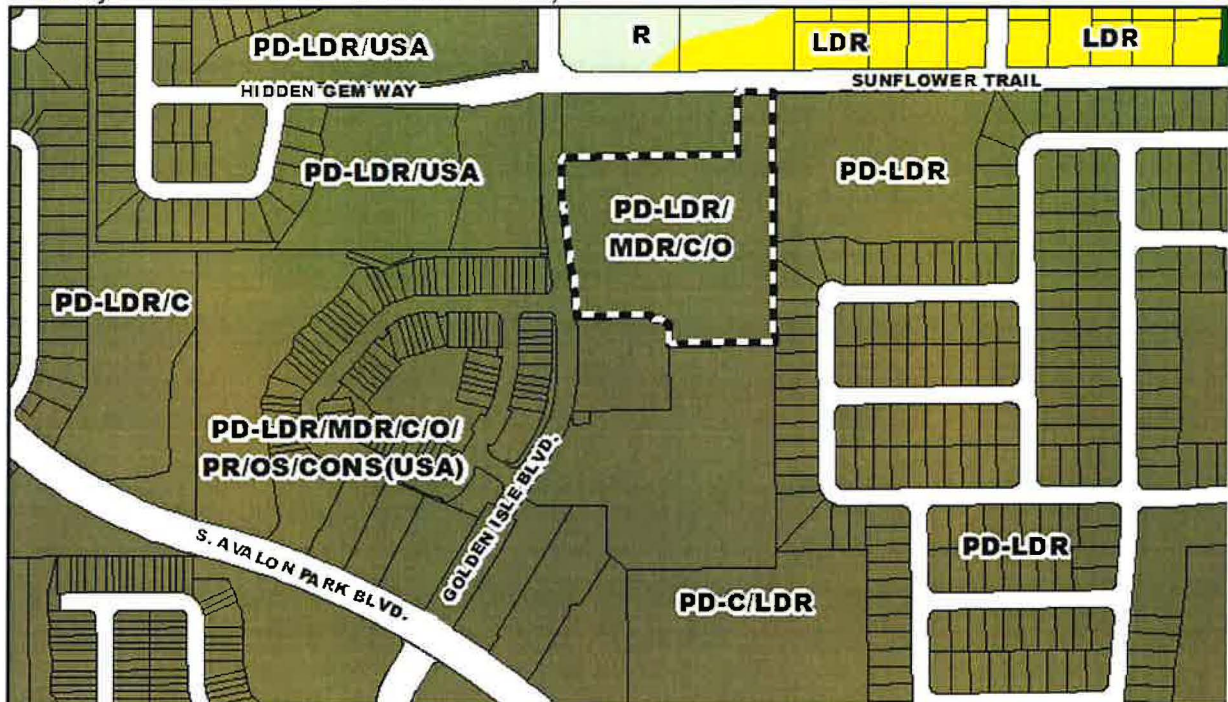
arising as a result of the act of ceasing the County's issuance of residential building permits.

- 3) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - 4) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement. 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.
2. A waiver from Orange County Code Section 31.5-5 is approved to allow for two (2) multitenant signs as depicted on the Master Sign Plan (MSP) to advertise for those parcels located within this PD, in lieu of signs that advertise for on-site tenants only.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 16, 2016, 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. A waiver from Orange County Code Section 24-4(a) (2) is granted to eliminate landscaping requirements between vehicular use areas on adjacent non-residential properties.
 - c. A waiver from Orange County Section 38-1272(a)(3) is granted to allow a minimum setback from the side and rear property lines of zero (0) feet for non-residential (commercial) development, in lieu of ten (10) feet.
 - d. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
 - e. All proposed vertical structures shall be located a minimum of 18 feet from the centerline of the existing 30-inch water main and 30-inch wastewater force main.

- f. The developer/property owner shall sign an agreement which releases Orange County from liability associated with the presence of the 30-inch water main and 30-inch wastewater force main located on Parcel H. The agreement shall be approved by the BCC prior to construction plan approval.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 19, 2010, and August 5, 2003, shall apply:
- a. All acreages regarding 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.
 - b. This project shall comply with the Avalon Park Boulevard Design Standards, with the following exceptions:
 - 1) Golden Isle Boulevard shall have a minimum 10-foot-wide landscape parkway and incorporate one 5-foot walk and one 8-foot walk.
 - 2) Main commercial “anchors” may front an internal drive isle and face Avalon Park Boulevard, so long as any side building façade fronting Golden Isle Boulevard is addressed as a primary building façade.
 - 3) The commercial and office/commercial portion of the PD (Tracts G and H) shall each be considered a “Community Commercial” / “Office” site.
 - c. Tree removal / earthwork shall not occur unless and until construction plans for the first preliminary Subdivision and/or Development Plan, with a tree removal and mitigation plan, have been approved by Orange County.
 - d. A waiver from Orange County Code Section 38-1272(3)(b) is granted to allow a 15-foot building setback along Avalon Park Boulevard in lieu of the required 40 feet.
 - e. A waiver from Section 38-1272(3)(a) is granted to allow a 20-foot setback along the north/south connector road in lieu of the required 30 feet.
 - f. A waiver from Section 38-1272(3)(d) is granted to allow 15-foot setbacks from internal streets in lieu of the required 30 feet.
 - g. Construction traffic shall not be permitted to access the PD via Sunflower Trail.

FUTURE LAND USE

PD (Planned Development) / LDR/MDR/C/O (Low-Medium Density Residential/Medium Density Residential/Commercial/Office)

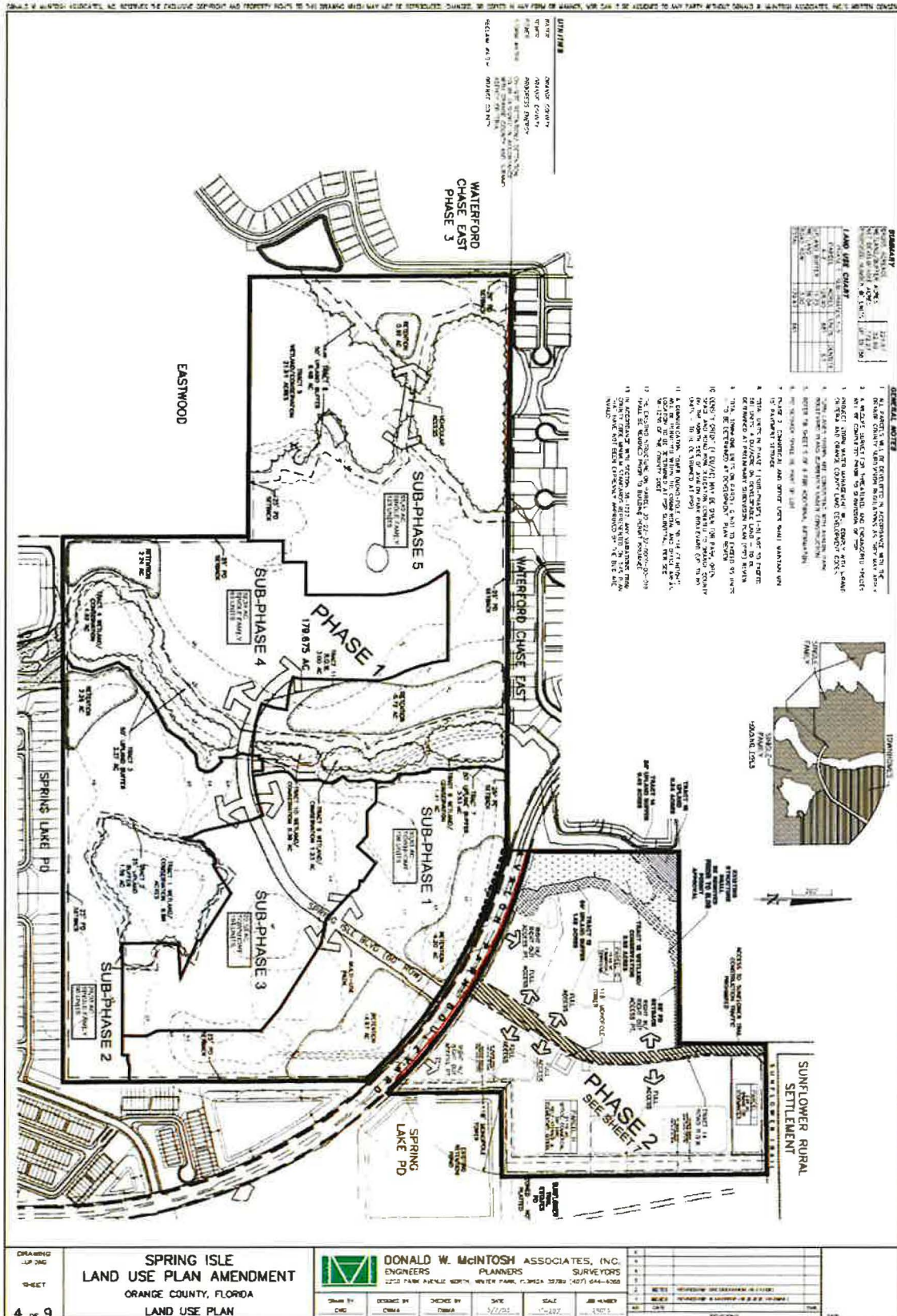


ZONING

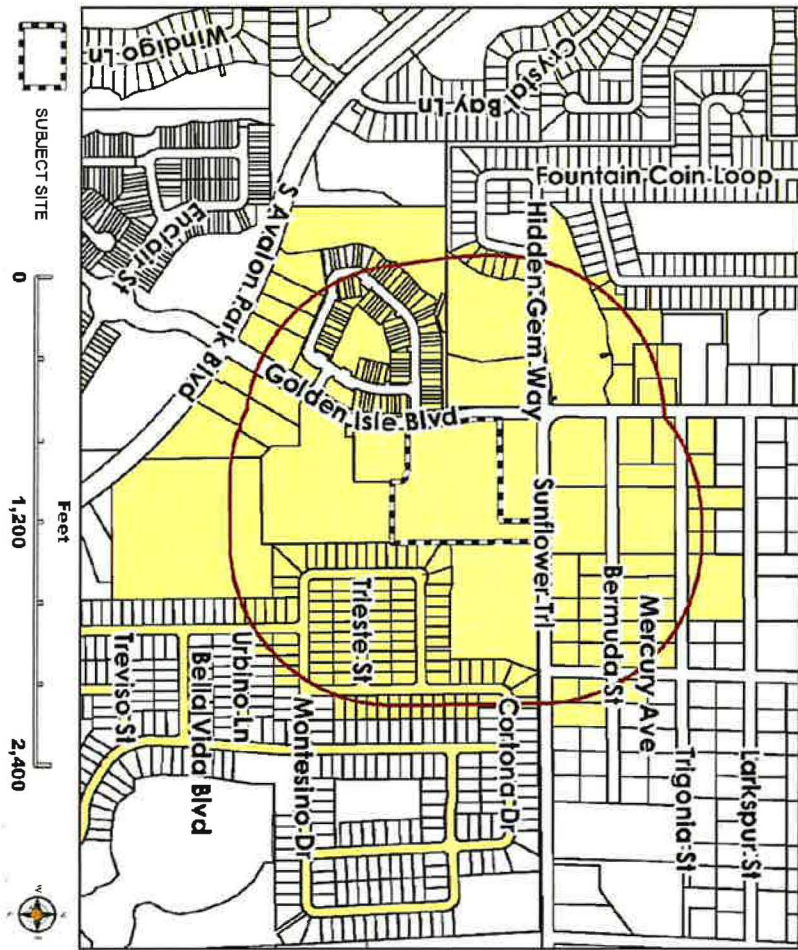
PD (Planned Development District)



Land Use Plan

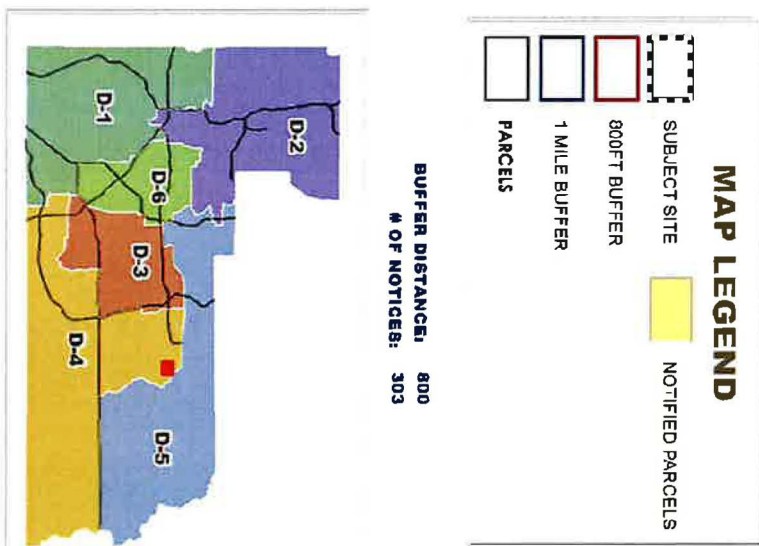


Notification Map



Public Notification Map

CDR-23-09-295



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