



**Interoffice Memorandum**

**DATE:** August 20, 2019

**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 *ERN*  
Planning Division  
(407) 836-5523

**SUBJECT:** September 10, 2019 – Public Hearing  
Steven Shea, Civil/Site Engineering, Inc.  
Semoran Vista Planned Development  
Case # LUP-18-12-392 / District 5

The proposed Semoran Vista Planned Development (PD) is located at 1427 N. Semoran Boulevard, or generally located north of Old Cheney Highway, east of N. Semoran Boulevard, south of Cornelia Avenue, and west of Myrtle Street. The applicant is seeking to rezone a 3.45 gross acre subject parcel from P-O (Professional Office District) to PD (Planned Development District), in order to construct 45,000 square feet of retail commercial and office uses. No waivers from Orange County Code are requested.

On July 18, 2019, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was not required for this application, but a community meeting was held for the associated Comprehensive Plan Future Land Use Map Amendment (2019-1-S-5-4) on February 28, 2019 at Forsyth Elementary School. A summary of that community meeting can be found in the staff report.

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 Semoran Vista Planned Development / Land Use Plan (PD/LUP) dated "Received**

**April 30, 2019”, subject to the conditions listed under the  
PZC Recommendation in the Staff Report. District 5**

Attachments  
JWW/EPR/nt

**GENERAL INFORMATION**

**APPLICANT** Steven Shea, Civil/Site Engineering, Inc.  
**OWNER** Semoran Vista, Inc.  
**PROJECT NAME** Semoran Vista Planned Development (PD)  
**HEARING TYPE** Planned Development / Land Use Plan (PD / LUP)  
**REQUEST** **P-O** (Professional Office District) **to**  
**PD** (Planned Development District)

A request to rezone one (1) parcel containing 3.45 gross acres from P-O (Professional Office District) to PD (Planned Development District), in order to construct 45,000 square feet of retail commercial and office uses. No waivers from Orange County Code are requested.

**LOCATION** 1427 N. Semoran Boulevard; generally located north of Old Cheney Highway, east of N. Semoran Boulevard, south of Cornelia Avenue, and west of Myrtle Street.

**PARCEL ID NUMBERS** 15-22-30-5024-01-260

**TRACT SIZE** 3.45 gross acres

**PUBLIC NOTIFICATION** The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred ten (110) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application, but a community meeting was held for the associated Future Land Use Map Amendment (2019-1-S-5-4).

**PROPOSED USE** 45,000 square feet of retail commercial and office uses.

**STAFF RECOMMENDATION**

**Development Review Committee – (June 12, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Semoran Vista Planned Development / Land Use Plan (PD/LUP), dated “April 30, 2019”, subject to the following conditions:**

1. Development shall conform to the Semoran Vista Land Use Plan (LUP) dated "Received April 30, 2019," 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 30, 2019," 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 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. 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.
7. 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.
8. 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).
9. Access to Myrtle Street shall be prohibited.
10. The developer shall obtain water service from Orange County Utilities subject to County rate resolutions and ordinances for the portion of the PD that is located within Orange County Utilities potable water service area.
11. 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.
12. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.

13. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
14. Outside sales, storage, and display shall be prohibited.
15. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
16. This property is located within Airport Noise Zones 'D'. Development shall comply with Article XV, Chapter 9, Orange County Code (Airport Noise Impact Areas), as may be amended from time to time.
17. This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit.
18. The following C-1 uses are prohibited: bars, liquor stores, tattoo parlors, massage parlors, pawn shops, fortune tellers, and bail bondsmen.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The applicant is seeking to rezone the subject parcel from P-O (Professional Office District) to PD (Planned Development District) in order to construct 45,000 square feet of retail commercial and office uses. Based on input from the community meeting, to ensure compatibility with the adjacent residential neighborhood, the applicant is proposing to prohibit the following uses: bars, liquor stores, tattoo parlors, massage parlors, pawn shops, fortune tellers and bail bondsmen.

The proposed development program is compatible with existing development in the area, and 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-Commercial (PD-C), with a proposed development program of up to 45,000 square feet of retail commercial uses and office uses, which was approved by the Board of County Commissioners (BCC) on May 21, 2019. The proposed PD zoning district and development program is consistent with the FLUM designation and the following CP provisions:

**OBJ FLU1.1** states that Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

**Policy FLU1.1.1** states that Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

**OBJ FLU2.1** states that Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**Policy FLU8.2.1** states that land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

**FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

**Community Meeting Summary**

A community meeting for the associated Comprehensive Plan Amendment (2019-1-S-5-4) was held on February 28, 2019, and was attended by twelve (12) area residents. At the meeting, residents expressed concern about access to the property from Myrtle Street, as well as a desire that certain uses such as gas stations and liquor stores not be developed on the property.

**SITE DATA**

<b>Existing Use</b>	Undeveloped Land
<b>Adjacent Zoning</b>	N: P-O (Professional Office District) (1977)
	E: R-1A (Single-Family Dwelling District) (1957)
	W: PD (Planned Development District) (2001) <i>*Adult Entertainment, Bars, and Package Sales are prohibited.</i>
	S: P-O (Professional Office District) (1984) <i>*Access to Myrtle Street is prohibited.</i>
<b>Adjacent Land Uses</b>	N: Medical Office

- E: Single-Family Residential
- W: Retail Commercial Center
- S: Professional Office Center

**APPLICABLE PD DEVELOPMENT STANDARDS**

PD Perimeter Setback            25 feet  
Maximum Building Height:    50 feet (35 feet within 100 feet of residential)

**Minimum Building Setbacks**

Front Setback (SR 436):        40 feet  
Rear Setback:                    25 feet  
Side Setback:                    25 feet

**SPECIAL INFORMATION**

**Subject Property Analysis**

The applicant is seeking to rezone the subject parcel from P-O (Professional Office District) to PD (Planned Development District) in order to construct 45,000 square feet of retail commercial and office uses. Based on input from the community meeting, to ensure compatibility with the adjacent residential neighborhood, the applicant is proposing to prohibit the following uses: pubs, liquor stores, tattoo parlors, massage parlors, pawn shops, fortune tellers and bail bondsmen. No waivers from Orange County Code are requested.

The subject property is located along Semoran Boulevard, which is characterized by office and retail commercial uses along the roadway, with single-family residential uses transitioning outward from the roadway. The property to the north, along with the subject property, were rezoned from R-1A (Single-Family Dwelling District) to P-O (Professional Office District) in 1977. The parcel to the south of the subject property was rezoned from R-1A (Single-Family Dwelling District) to P-O (Professional Office District) in 1984. The applicant originally requested C-1 (Retail Commercial District) zoning, however, staff noted compatibility concerns with the adjacent residential neighborhood and recommended that strip commercial development should be avoided along major arterial roadways. The Board approved the P-O zoning with access to Myrtle Street prohibited. The property across Semoran Boulevard to the west was rezoned from (Professional Office District) to PD (Planned Development District) as the Stowell Plaza PD in 2001. The Stowell Plaza PD was approved with restriction including prohibited access to residential streets and several prohibited uses including adult entertainment, bars, and package sales.

**Comprehensive Plan (CP) Amendment**

An amendment of the FLUM to Planned Development-Commercial (PD-C), with a proposed development program of up to up to 45,000 square feet of retail commercial uses and office uses (2019-1-S-5-4) was adopted by the Board of County Commissioners (BCC) on May 21, 2019. The proposed use is consistent with this designation and all applicable CP provisions.



**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.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is located within an Airport Noise Zone "D". However, aircraft noise/land use control zone regulations do not apply to vacant lands zoned for non-residential use.

**Environmental**

The subject property had a Conservation Area Determination (CAD), CAD-18-09-140, issued on March 13, 2019. The CAD determined that Class III wetlands are located on the property. A Conservation Area Impact (CAI) permit (CAI-19-02-003), to impact the 0.72-gross acre of Class III wetland was issued by the Environmental Protection Division on April 25, 2019.

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).

Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations.

The applicant is advised to use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, 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.

**Transportation / Concurrency**

The subject property is located within the Alternative Mobility Area (AMA) and is exempt from transportation concurrency. A mobility analysis may be required prior to permitting.

**Water / Wastewater / Reclaim**

Water: Existing service or provider  
Orange County Utilities and Orlando Utilities Commission

Wastewater: Orange County Utilities

Reclaim Water: Not Currently Available

**Schools**

Orange County Public Schools reviewed this request, but did not provide any comments as this request does not affect schools.

**Parks and Recreation**

Orange County Parks and Recreation reviewed this request, but did not provide any comments or concerns.

**Code Enforcement**

There are no active code enforcement violations, incidents, or hearings for the subject property.

**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.

**PLANNING AND ZONING COMMISSION (PZC) FINDINGS**

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested Semoran Vista Planned Development (PD), subject to eighteen (18) conditions.

Staff indicated that one hundred ten (110) notices were mailed to surrounding property owners within a buffer of 600 feet from the subject property, with zero (0) commentaries received in support or in opposition. The applicant was present for the hearing and concurred with staff's recommendation. One (1) member of the public was present to speak on this request and requested that additional uses such as methadone clinics and gas stations be prohibited on the subject property.

After limited discussion, a motion was made by Commissioner Spears to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the Semoran Vista Planned Development Land Use Plan (LUP), subject to eighteen (18) conditions, and with the revision to Condition #18 to add the prohibited use of alcohol and drug treatment centers. Commissioner Abdallah seconded the motion, which then carried on a 9-0 vote.

**Motion / Second**

*Gordon Spears / Mohammed Abdallah*

**Voting in Favor**

*Gordon Spears, Mohammed Abdallah, JaJa Wade, Jose Cantero, Diane Velazquez, Jimmy Dunn, Yog Melwani, Carlos Nazario, and Eddie Fernandez*

**Voting in Opposition**

*None*

Absent

None

**PZC RECOMMENDED ACTION**

**Planning and Zoning Commission (PZC) Recommendation – (July 18, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Semoran Vista Planned Development / Land Use Plan (PD/LUP), dated "April 30, 2019", subject to the following conditions:**

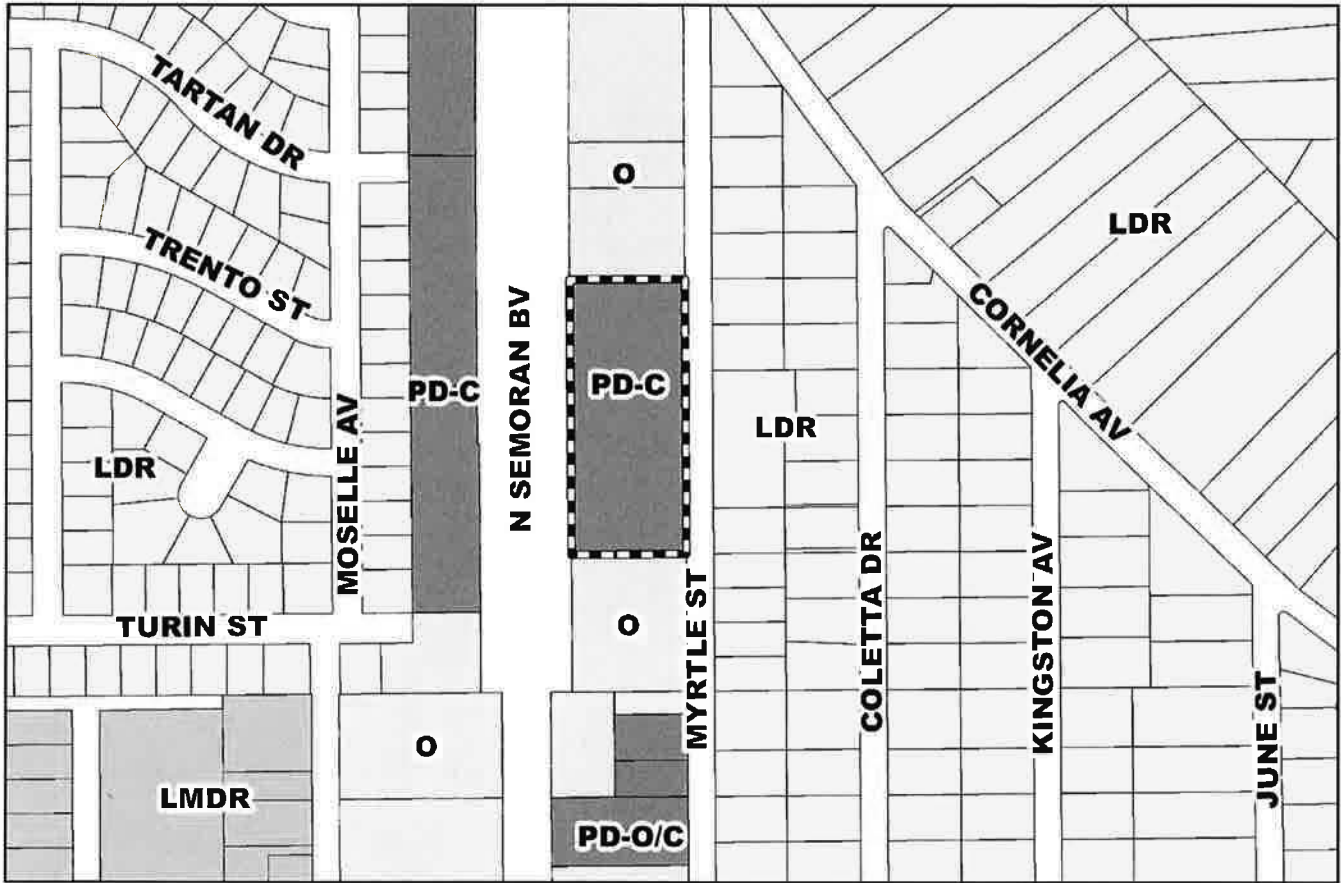
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applicant shall obtain all other applicable state or federal permits before commencement of development.

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.
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LUP-18-12-392



 Subject Property



 Subject Property

### Future Land Use Map

FLUM: Planned Development-Commercial (PD-C)

APPLICANT: Steven Shea, Civil/Site Engineering, Inc.

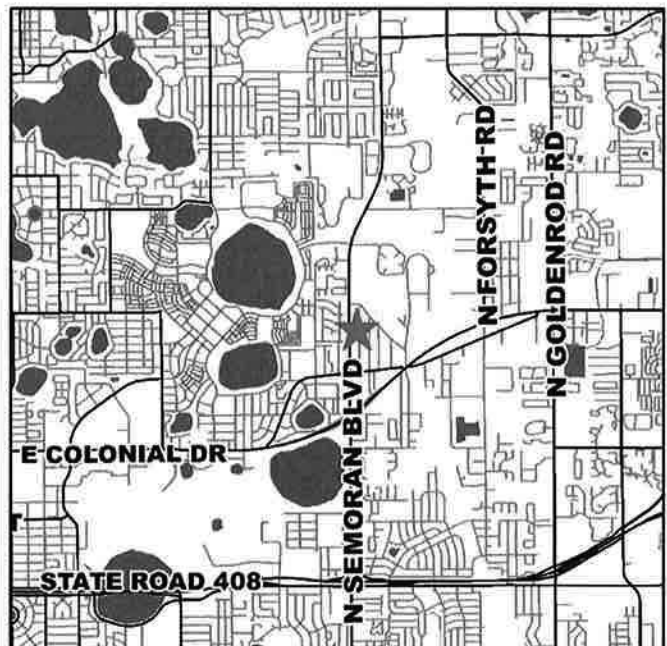
LOCATION: 1427 N. Semoran Boulevard; Generally located north of Old Cheney Highway, east of N. Semoran Boulevard, south of Cornelia Avenue, and west of Myrtle Street.

TRACT SIZE: 3.45 gross acres

DISTRICT: # 5

S/T/R: 15/22/30

1 inch = 375 feet



LUP-18-12-392



 Subject Property



 Subject Property

### Zoning Map

ZONING: P-O (Professional Office District)

APPLICANT: Steven Shea, Civil/Site Engineering, Inc.

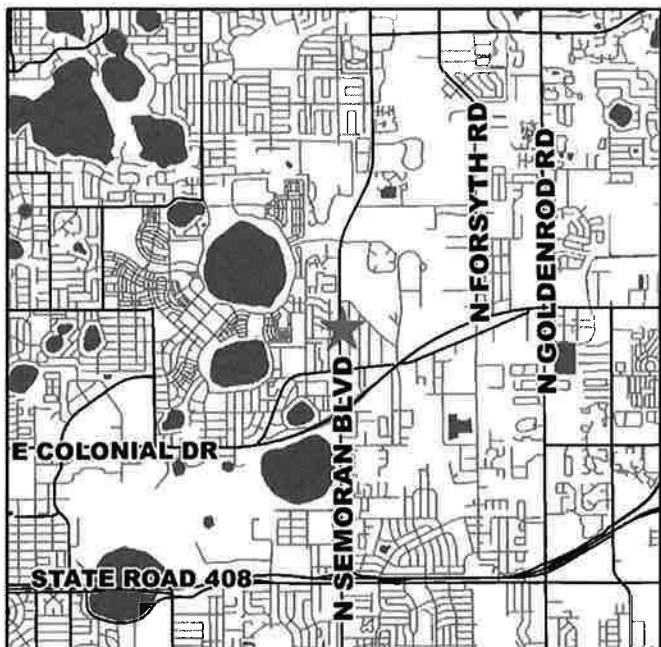
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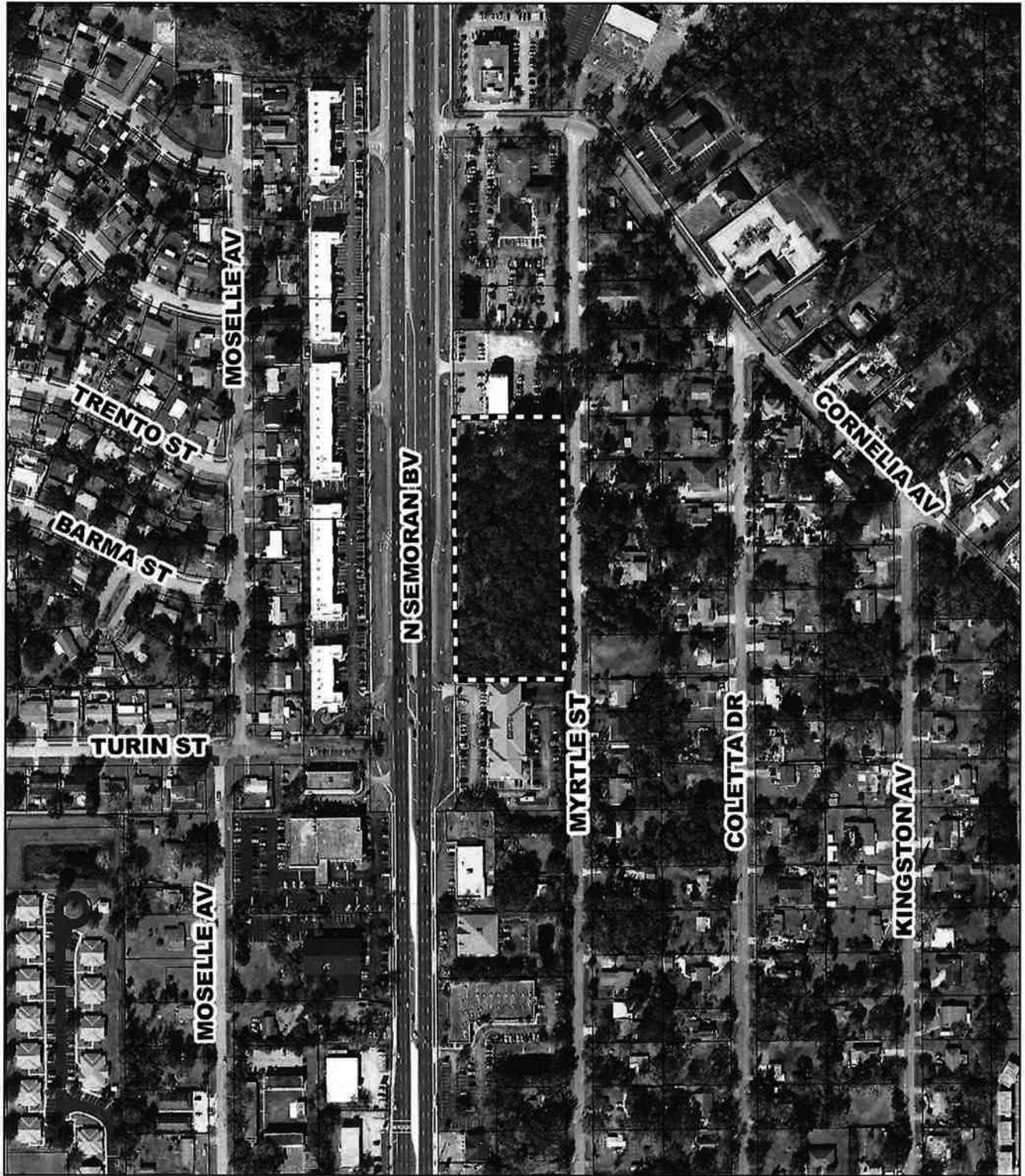
TRACT SIZE: 3.45 gross acres

DISTRICT: # 5

S/T/R: 15/22/30

1 inch = 375 feet





 Subject Property

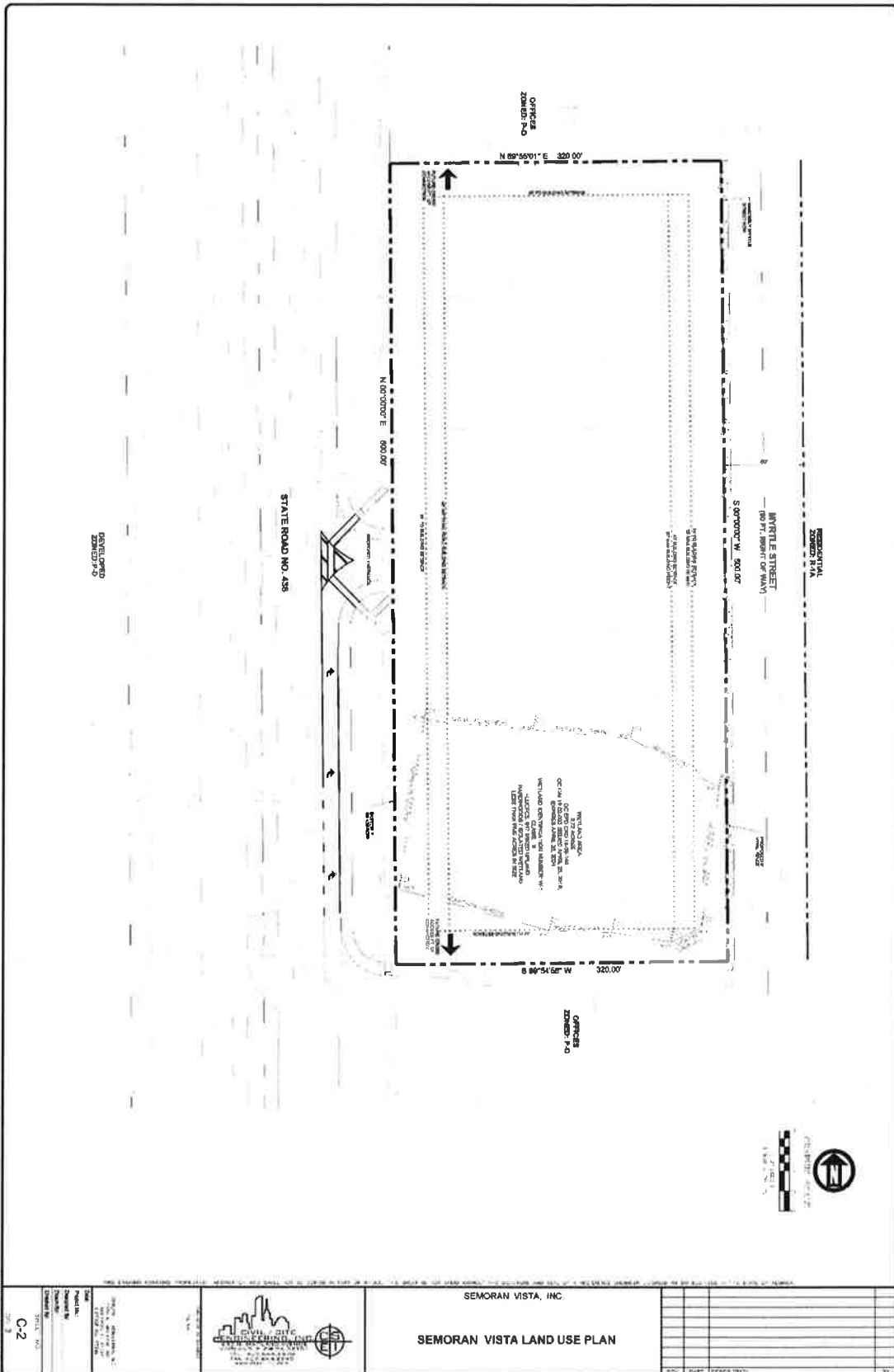


1 inch = 300 feet





**Semoran Vista PD / LUP**



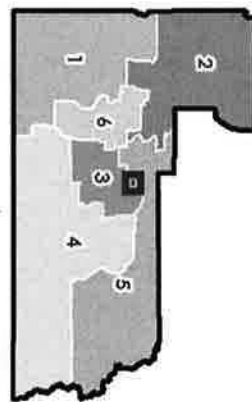
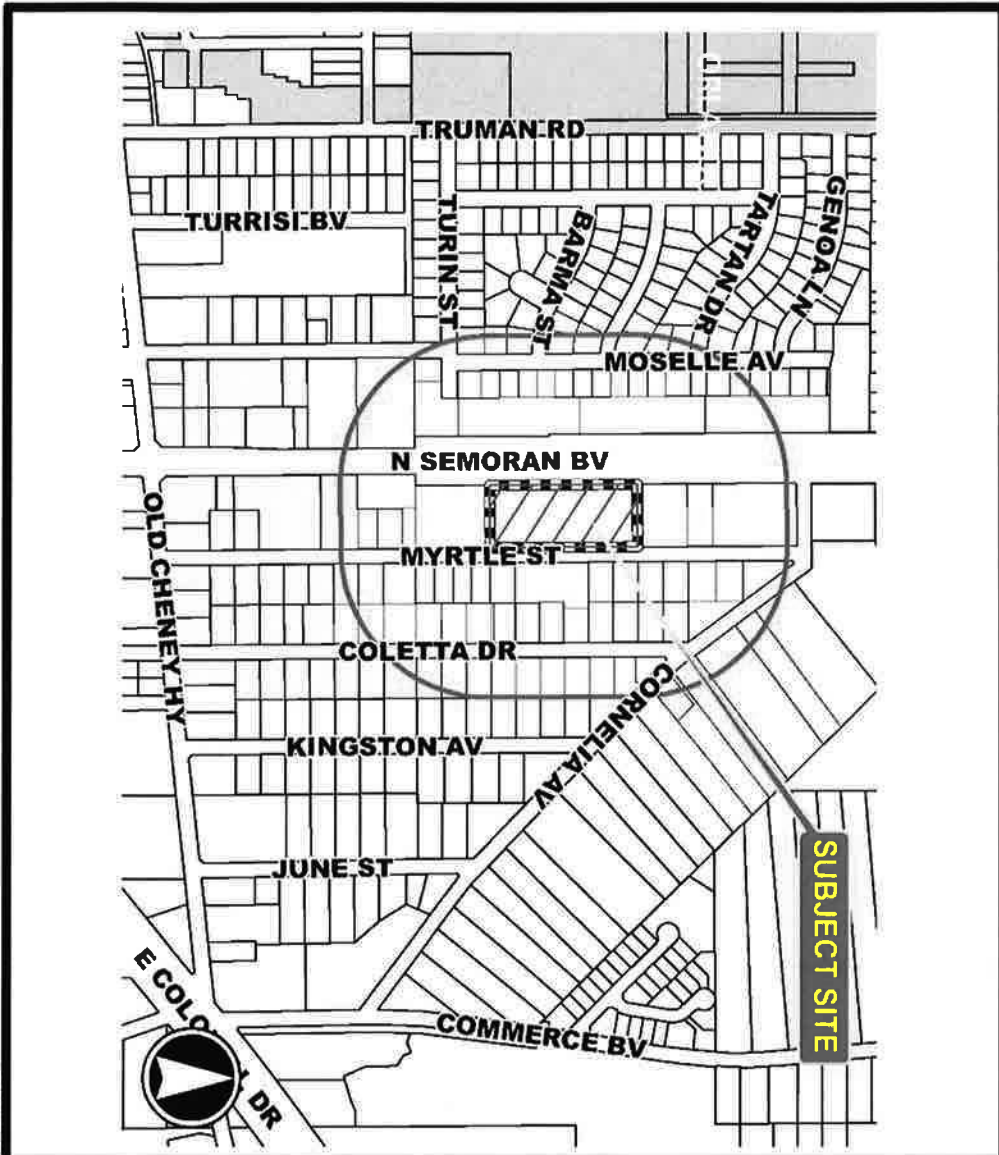
<p>DATE: 10/11/18          DRAWN BY: [Name]          CHECKED BY: [Name]          TITLE: [Title]</p>		<p>SEMORAN VISTA, INC.   <b>SEMORAN VISTA LAND USE PLAN</b></p>	<table border="1"> <tr> <td>NO.</td> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION									
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## Notification Map










# Public Notification Map

LUP-18-12-392  
600 FT BUFFER, 110 NOTICES  
[ Residential Count: 71 ]



### MAP LEGEND

-  SUBJECT
-  600 FT BUFFER
-  1 MILE BUFFER
-  NOTIFIED PARCELS
-  COURTESY NOTICES
-  PARCELS
-  Orlando