



Interoffice Memorandum

DATE: September 17, 2019

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

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

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

SUBJECT: October 8, 2019 – Public Hearing
Joseph E. Harris, Harris Civil Engineers, LLC
Dorscher Place Planned Development
Case # CDR-19-06-183 / District 6

The Dorscher Place Planned Development (PD) is located on the south side of W. Colonial Drive and the west side of Dorscher Road. The existing PD development program allows for 125,000 square feet of retail commercial uses.

Through this PD substantial change, the applicant is seeking to add the C-2 use of "Outdoor Storage of Vehicles in conjunction with an Approved Self-Storage Facility" to PD Lot 3.

On August 28, 2019, 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 Dorscher Place Planned Development / Land Use Plan (PD/LUP) dated "Received August 2, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 6**

Attachments
JVW/EPR/stt

CASE # CDR-19-06-183

Commission District: # 6

GENERAL INFORMATION

APPLICANT	Joseph E. Harris, Harris Civil Engineers, LLC
OWNER	MSP Orlando, LLC
PROJECT NAME	Dorscher Place Planned Development
PARCEL ID NUMBER	26-22-28-8212-00-001 (affected parcel only)
TRACT SIZE	11.73 gross acres (overall PD) 8.46 gross acres (affected parcel only)
LOCATION	7500 W. Colonial Drive; or generally located on the south side of W. Colonial Drive and the west side of Dorscher Road.
REQUEST	A PD substantial change to add the C-2 use of "Outdoor Storage of Vehicles in conjunction with an Approved Self-Storage Facility" to PD Lot 3.
PUBLIC NOTIFICATION	A notification area extending beyond 500 hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Five hundred eighty-four (584) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this request.

IMPACT ANALYSIS

Special Information

The Dorscher Place PD was originally approved on February 25, 1985 with a mix of multi-family and retail commercial uses. Today, the PD is approved for approximately 125,000 square feet of retail commercial uses

Through this PD Change Determination Request (CDR), the applicant is seeking to add the C-2 use of "Outdoor Storage of Vehicles in conjunction with an Approved Self-Storage Facility" to PD Lot 3. The outdoor vehicle storage will be added to the existing self-storage facility on PD Lot 3.

An update to the Preliminary Subdivision Plan and Development Plan to include the proposed outdoor vehicle storage will be required should this request be approved by the Board of County Commissioners.

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 proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

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, but did not identify any issues or concerns.

Transportation / Concurrency

The proposed additional use is not anticipated to require concurrency review.

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 – (August 28, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Dorscher Place Planned Development / Land Use Plan (PD/LUP), dated “August 2, 2019”, subject to the following conditions:

1. Development shall conform to the Dorscher Place Planned Development (PD) dated "Received August 2, 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 August 2, 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

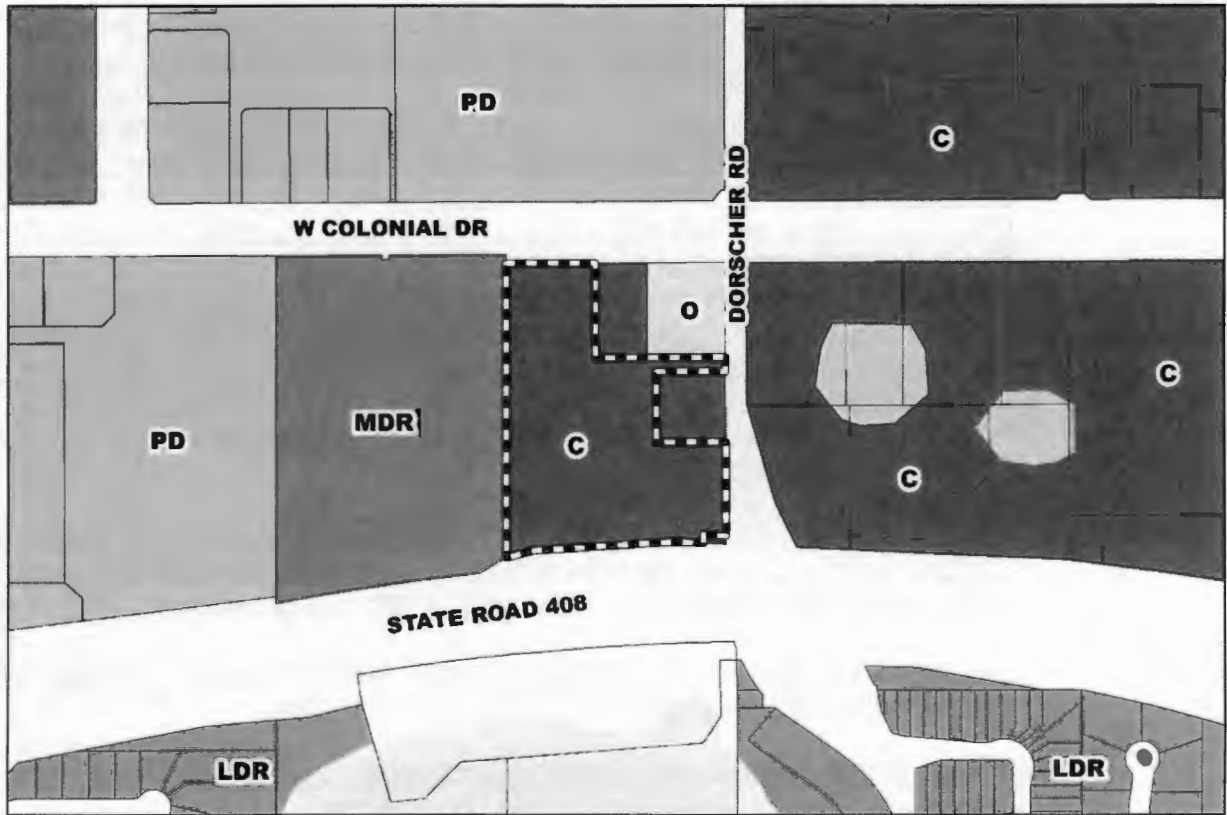
the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

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. 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.
7. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
8. Billboards and new pole signs shall be prohibited . Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 19, 1994 shall apply:
 - a. Setbacks from State Road 50 shall be a minimum of 150 feet from the centerline or 40 feet from the right-of-way line, whichever is greater.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (July 19, 1994)

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Pignone and Butler were absent; the Board approved the request by James H. Pugh, Jr., Ty Tarby, et al. for Dorscher Place Planned Development / Lot 1 for an amendment to the Land Use Plan to convert the land use on Lot 1 from Bank/Office use to Retail Commercial, subject to conditions.

CDR-19-06-183



Subject Property



★ Subject Property

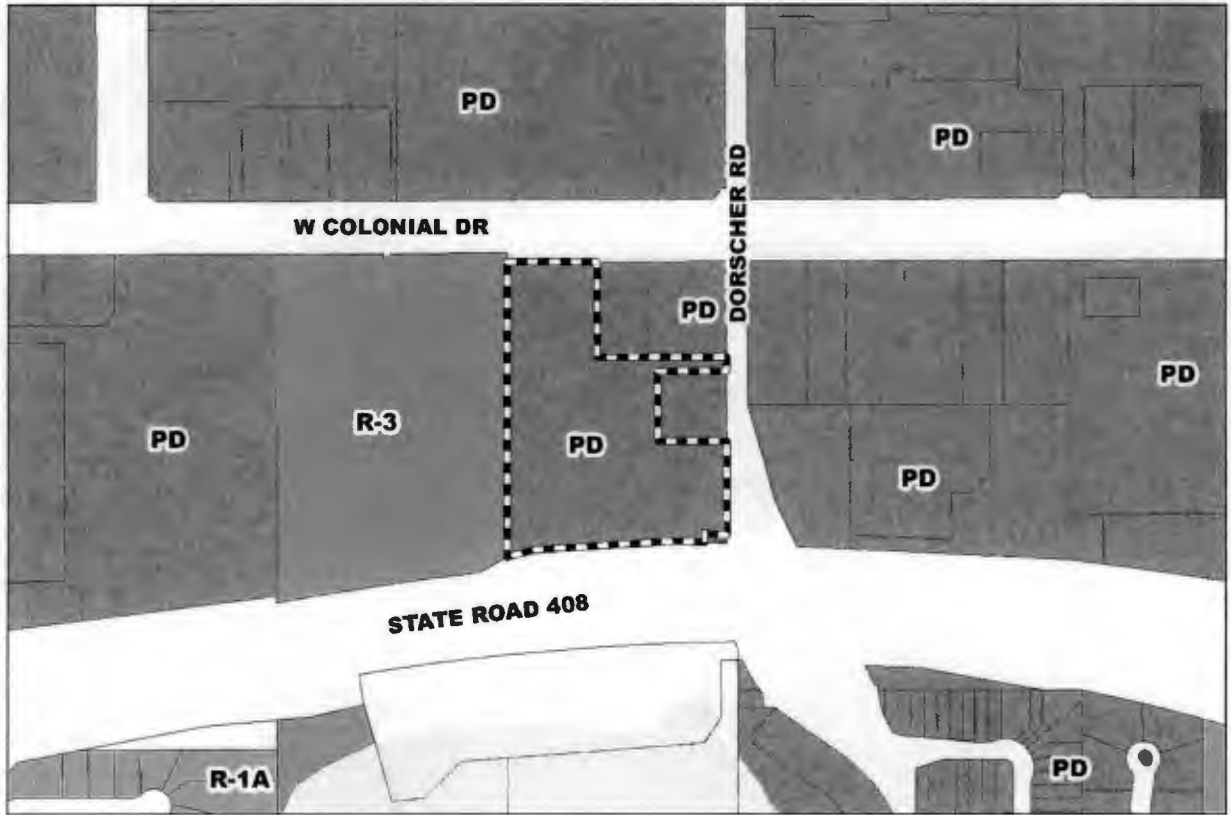
Future Land Use Map

FLUM: Commercial (C)
APPLICANT: Joseph E. Harris,
 Harris Civil Engineers, LLC
LOCATION: 7500 W. Colonial Drive; or generally located
 on the south side of W. Colonial Drive and
 the west side of Dorscher Road
TRACT SIZE: 11.73 gross acres (overall PD)
 8.46 gross acres (affected parcel)
DISTRICT: # 6
S/T/R: 26/22/28

1 inch = 450 feet



CDR-19-06-183



 Subject Property



★ Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Joseph E. Harris,
Harris Civil Engineers, LLC

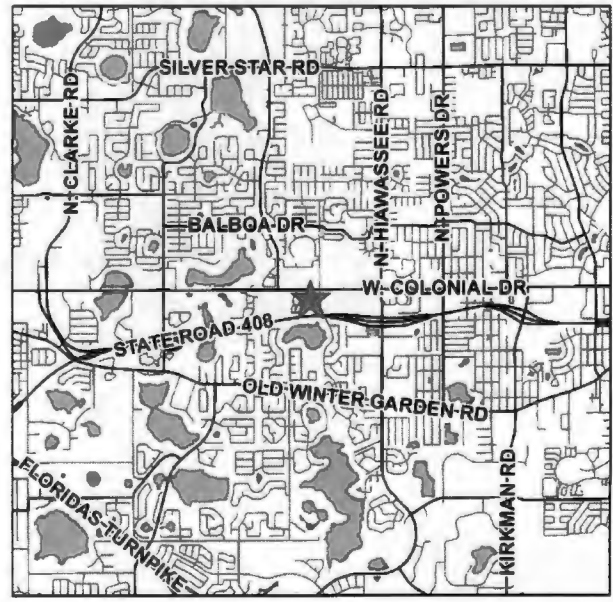
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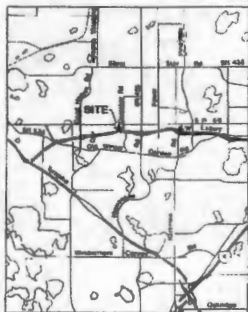
DISTRICT: # 6

S/T/R: 26/22/28

1 inch = 450 feet



LOCATION MAP



CASE# CDR-19-06-183

EXISTING LEGAL DESCRIPTION OF LOT 1 AND 3 PRIOR TO LOT SPLIT

Lot 1 of the part of Dorscher Place as recorded in Plat Book 22 Page 92, of the Official Records of Orange County, Florida 11-A-2, reads:

AND

That part of Section 26, Township 23 South, Range 26 East, Orange County, Florida, more particularly described as follows:

Begin at the Southeast corner of Lot 3, DORSCHER PLACE, recorded in Plat Book 22, Page 92 of the Public Records of Orange County, Florida, thence run the following 3 courses along the southeasterly side of Lot 3, thence run South 89° 58' 10" West for a distance of 200.00 feet, thence run South 0° 4' 18" West for a distance of 200.00 feet, thence run North 89° 58' 10" East for a distance of 200.00 feet to the West Right-of-Way line of Dorscher Road (80 feet Right-of-Way) BORE 2022, Page 18002; thence run South 0° 4' 18" West along said West Right-of-Way line for a distance of 40.00 feet to the Southeast corner of Lot 1 of the aforementioned DORSCHER PLACE, thence run the following 3 courses along the southeasterly side of Lot 1; thence run South 89° 58' 10" West for a distance of 225.00 feet, thence run North 0° 4' 18" West for a distance of 272.00 feet to the South Right-of-Way line of State Road 50; thence run South 89° 58' 10" West along said South Right-of-Way line for a distance of 408.49 feet, thence run South 0° 4' 18" West for a distance of 828.29 feet to the West Right-of-Way line of the East/West Expressway; thence run West along said West Right-of-Way line the following 3 courses, thence run South 79° 25' 17" East for a distance of 80.42 feet, thence run North 89° 43' 25" East for a distance of 410.43 feet, thence run South 87° 8' 36" East for a distance of 148.26 feet to the aforementioned West Right-of-Way line of Dorscher Place, thence run North 0° 4' 18" West along West Right-of-Way line for a distance of 0.01 feet, thence run South 87° 8' 36" West for a distance of 26.06 feet, thence run South 0° 4' 18" West for a distance of 25.06 feet, thence run South 87° 8' 36" East for a distance of 28.06 feet to said West Right-of-Way line of Dorscher Road, thence run North 0° 4' 18" West along said West Right-of-Way line for a distance of 259.34 feet to the Point of Beginning. (B.C. 2, 2018)

Source: David W. Strickland, Assessor, Inc.

EXISTING LEGAL DESCRIPTION OF LOT 3 (TRACT A) SUBSEQUENT TO LOT SPLIT (11-06-2018)

TRACT A

Begin at the Southeast corner of Lot 1, DORSCHER PLACE, recorded in Plat Book 22, Page 92 of the Public Records of Orange County, Florida, thence run the following 3 courses along the southeasterly side of Lot 1, thence run South 89° 58' 10" West for a distance of 200.00 feet, thence run South 0° 4' 18" West for a distance of 200.00 feet, thence run North 89° 58' 10" East for a distance of 200.00 feet to the West Right-of-Way line of Dorscher Road (80 feet Right-of-Way) BORE 2022, Page 18002; thence run South 0° 4' 18" West along said West Right-of-Way line for a distance of 40.00 feet to the Southeast corner of Lot 1 of the aforementioned DORSCHER PLACE, thence run the following 3 courses along the southeasterly side of Lot 1; thence run South 89° 58' 10" West for a distance of 225.00 feet, thence run North 0° 4' 18" West for a distance of 272.00 feet to the South Right-of-Way line of State Road 50; thence run South 89° 58' 10" West along said South Right-of-Way line for a distance of 408.49 feet, thence run South 0° 4' 18" West for a distance of 828.29 feet to the West Right-of-Way line of the East/West Expressway; thence run West along said West Right-of-Way line the following 3 courses, thence run South 79° 25' 17" East for a distance of 80.42 feet, thence run North 89° 43' 25" East for a distance of 410.43 feet, thence run South 87° 8' 36" East for a distance of 148.26 feet to the aforementioned West Right-of-Way line of Dorscher Place, thence run North 0° 4' 18" West along West Right-of-Way line for a distance of 0.01 feet, thence run South 87° 8' 36" West for a distance of 26.06 feet, thence run South 0° 4' 18" West for a distance of 25.06 feet, thence run South 87° 8' 36" East for a distance of 28.06 feet to said West Right-of-Way line of Dorscher Road, thence run North 0° 4' 18" West along said West Right-of-Way line for a distance of 259.34 feet to the Point of Beginning. (B.C. 2, 2018)

OWNER/APPLICANT
 MARI J. DALLAGHER
 MARI DALLAGHER, LLC
 1302 BELMONT STREET
 ORANGE, FL 32803
 PHONE: 407-238-8928

REAL ESTATE
 JAMES R. LEE, JR.
 JAMES R. LEE & ASSOCIATES, LLC
 1302 BELMONT STREET
 ORANGE, FL 32803
 PHONE: 407-238-8928

LEGAL COUNSEL
 ANNA LOUISE ATORNEY
 DEAN NEAR ATTORNEY AT LAW
 380 S ORANGE AVE, SUITE 700
 ORANGE, FL 32809
 PHONE: 407-841-1300

DEVELOPMENT NOTES

- LAND USE PLAN DEVELOPMENT NOTES:**
- PROJECT NAME: DORSCHER PLACE PD (LOT 3 AMENDMENT)
 - EXISTING TOPOGRAPHY: EXISTING 1" CONTOURS ARE SHOWN ON PLAN
 -THERE ARE NO LAKES, WATERCOURSES, FLOOD PRONE AREAS OR CONSERVATION AREAS ON THE PROPERTY.
 -SOILS ARE SHOWN ON THE PLAN.
 - LAND USE: COMMERCIAL**
 LOT 1 EXISTING USE IS A RETAIL CONVENIENCE STORE (METRO ONE STOP) WITH A GROSS SQUARE FOOTAGE OF 11,800 SQ. FT. AND LIVING AREA OF 4,075 SQ. FT.
 LOT 2 EXISTING USE IS A CHILD CARE CENTER (HARRIS CHILDREN CENTER) WITH A GROSS SQUARE FOOTAGE OF 6,438 SQ. FT. AND A LIVING AREA OF 6,372 SQ. FT.
 LOT 3 AND 4 ARE CURRENTLY APPROVED FOR RETAIL AND COMMERCIAL USES CONSISTENT WITH D-1 RETAIL COMMERCIAL DISTRICT SUBJECT TO THE FOLLOWING MINIMUM BUILDING SETBACKS:
 15' FROM CENTERLINE OF SR 50 OR 45' FROM ROW, WHICHEVER IS GREATER
 25' FROM DORSCHER ROAD
 25' FROM EXPRESSWAY
 25' FROM ADJACENT RESIDENTIAL
 15' FROM REAR AND SIDE
 - LAND USE: OPEN SPACE**
 OPEN SPACES OF THE OVERALL DORSCHER PLACE PD SHALL BE OPEN SPACES CONSISTENT WITH THE PD OPEN SPACE REQUIREMENTS.
 - PHASING**
 THIS IS A SINGLE PHASE PROJECT. THE ACTUAL CONSTRUCTION SCHEDULE FOR INDIVIDUAL BUILDINGS WILL DEPEND ON MARKET DEMAND.
 ACCESS ROAD ACCESS SHALL BE FROM DORSCHER ROAD AS SHOWN ON THE PLAN. THE DORSCHER PLACE PROJECT IMPROVED DORSCHER ROAD FROM SR 50 TO THE E/W EXPRESSWAY GRADE. IMPROVEMENTS HAVE BEEN ACCEPTED BY ORANGE COUNTY.
 PROJECTED TRAFFIC GENERATION: LOT 1 AND 2 WILL GENERATE APPROXIMATELY 2,160 VEH/ DAY BASED ON 16,000 VEH/ DAY/ RETAIL OR 3,400 VEH/ DAY FAST FOOD RESTAURANT USE. LOTS 3 AND 4 ARE APPROVED FOR APPROXIMATELY 16,000 VEH/ DAY BASED ON A MIX OF RETAIL AND RESTAURANT USE.
 MAJOR STREET SETBACK: 150' FROM CENTERLINE OF SR 50
 PLANNED RIGHT-OF-WAY LINE: 150' FROM CENTERLINE OF SR 50. PROJECT HAS PREVIOUSLY DEDICATED 25' OF R/W TO MEET THIS REQUIREMENT.
 - UTILITIES**
 -SEWER SERVICE: ORANGE COUNTY
 -SEWER SERVICE: ORANGE COUNTY
 -STORMWATER MANAGEMENT CONCEPT: DORSCHER PLACE PD IS REQUIRED TO PROVIDE ON-SITE RETENTION/DETENTION. ALL MEET ORANGE COUNTY AND SURPASS OTHERS. THE 100-YEAR RETENTION POND HAS ALREADY BEEN CONSTRUCTED AT THE SOUTH END OF DORSCHER PLACE PD TO ACCOMMODATE THE FULL PROJECT. THE POND WAS CONSTRUCTED AS PART OF THE DORSCHER ROAD AND EAST/WEST EXPRESSWAY EXTENSION CONSTRUCTION PROJECT.
 RETENTION POND: 150' FROM CENTERLINE OF SR 50
 FLOODING: NOT APPLICABLE
 PARKS AND RECREATION: NOT APPLICABLE

SOILS

SOILS BOUNDARY

Ld LAKELAND FINE SAND LEVEL PHASE

Ld LAKELAND FINE SAND VERY GENTLY SLOPING PHASE

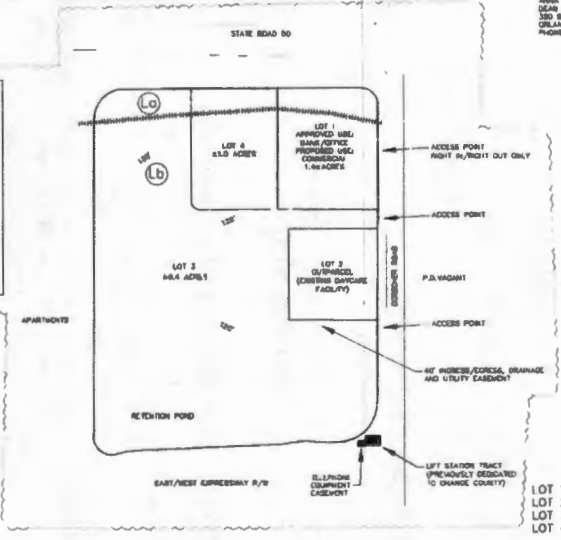
SOURCE: ORANGE COUNTY SOILS AND LAND CONSERVATION SERVICE

125' ELEVATION IN FEET ABOVE SEA LEVEL

SOURCE: DNRMS B, MCH, FOS, BSH, BSH, ETC.

BOUNDARY LINE

R.O.W. LINE



- LOT 1 PARCEL ID# 28-22-28-2138-00-010
 LOT 2 PARCEL ID# 28-22-28-2138-00-020
 LOT 3 PARCEL ID# 28-22-28-8212-00-001
 LOT 4 PARCEL ID# 28-22-28-8212-00-002

RECEIVED
 APR 18 2024
 PUBLIC WORKS
 880 OFFICE

HARRIS

1. TITLE: PD AMENDMENT
 2. PROJECT NAME: DORSCHER PLACE PD
 3. PROJECT NUMBER: CDR-19-06-183
 4. DATE: 04/11/24
 5. DRAWN BY: J. L. HARRIS
 6. CHECKED BY: J. L. HARRIS

P.D. LAND USE PLAN AMENDMENT



REVISIONS:

DORSCHER PLACE PD
 LOT 3 AMENDMENT

Drawn By: J. L. Harris
 Date: 04-11-24
 Project No: CDR-19-06-183
 Checked By: J. L. Harris

C-001

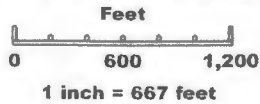
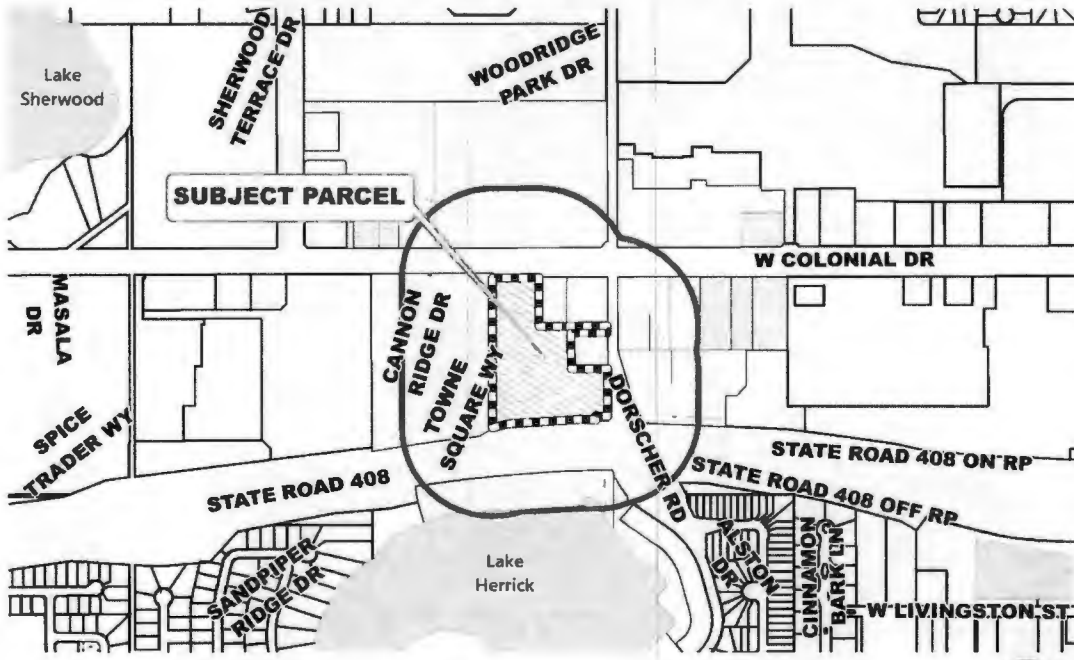
Dorscher Place PD / LUP

**Orange County Planning Division
 BCC Hearing Date: October 8, 2019
 DRC Staff Report**



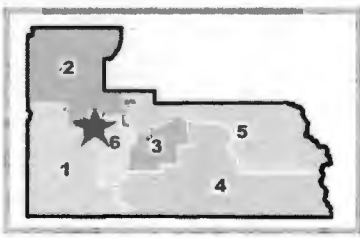
Public Notification Map

Dorscher Place PD_CDR-19-06-183



- MAP LEGEND**
- SUBJECT
 - 500 FT BUFFER
 - HYDROLOGY
 - NOTIFIED PARCELS
 - COURTESY PARCELS
 - PARCELS

500 : FT BUFFER
 584 : NOTICES
 364 : RESIDENTIAL COUNT



8

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 9/8/2019 10:10:47 AM

Notification Map

DRC Staff Report
 Orange County Planning Division
 BCC Hearing Date: October 8, 2019