



**Interoffice Memorandum**

**DATE:** September 25, 2020

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

**Eric P. Raasch,**  
**Jr., AICP**

Digitally signed by Eric P.  
Raasch, Jr., AICP  
Date: 2020.09.25 11:05:02  
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**SUBJECT:** October 13, 2020 – Public Hearing  
Jay Jackson, Kimley-Horn & Associates, Inc.  
National Spa Planned Development  
Case # CDR-20-01-017 / District 1

The National Spa Planned Development (PD) is generally located on the west side of Turkey Lake Road, approximately 720 feet south of Palmacia Boulevard. The existing PD development program allows for 148,600 square feet of commercial, 120 hotel rooms, 60,000 square feet of spa and recreation, and 286 multi-family residential units.

Through this PD substantial change, the applicant is seeking to amend the development program to increase the number of hotel rooms from 120 to 122, increase the shopping center square footage from 148,600 square feet to 170,000 square feet, and reduce the spa area square footage from 60,000 square feet to 26,500 square feet. Additionally, one (1) waiver from Orange County Code related to impervious area is associated with this request.

On August 12, 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 National Spa Planned Development / Land Use Plan (PD/LUP) dated “Received August 17, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachments  
JVW/EPR/nsw

**CASE # CDR-20-01-017**

Commission District: # 1

**GENERAL INFORMATION**

**APPLICANT** Jay Jackson, Kimley-Horn & Associates, Inc.

**OWNER** DCS Real Estate Investments IV, LLC

**PROJECT NAME** National Spa Planned Development (PD)

**PARCEL ID NUMBER(S)** 02-24-28-7851-00-001, 02-24-28-7851-01-001  
02-24-28-7851-02-000, 02-24-28-7851-03-000  
02-24-28-7851-04-000, 02-24-28-7851-05-000,  
02-24-28-7851-01-002 (affected parcels only)

**TRACT SIZE** 64.07 gross acres (overall PD)  
15.65 gross acres (affected parcels only)

**LOCATION** Generally located on the west side of Turkey Lake Road, approximately 720 feet south of Palmacia Boulevard.

**REQUEST** A PD substantial change amend the development program to increase the number of hotel rooms from 120 to 122, increase the shopping center square footage from 148,600 square feet to 170,000 square feet, and reduce the spa area square footage from 60,000 square feet to 26,500 square feet. In addition, the applicant has requested the following waiver from Orange County Code:

1. A waiver from Section 38-1272(a)(1) to allow a maximum impervious area coverage not to exceed seventy-eight (78) percent of the new land area, in lieu of the seventy (70) percent of the net land area on lot 5b.

***Applicant Justification:*** To provide enhanced hardscape, paved access to lot 5a and avoid impacts to conservation areas.

**PUBLIC NOTIFICATION** A notification area extending beyond eight hundred (800) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Six hundred twelve (612) 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 National Spa and Resort Planned Development (PD) was originally approved in 1977 as the Yogi Bear Campground and has an existing development program consisting of 148,600 square feet of commercial, 120 hotel rooms, 60,000 square feet of spa and recreation, and 286 multi-family residential units. Self-storage is also an approved use, with the number of allowed self-storage units based on an approved trip matrix conversion table.

Through this PD Change Determination Request (CDR), the applicant is seeking to amend the development program to increase the number of hotel rooms from 120 to 122, increase the shopping center square footage from 148,600 square feet to 170,000 square feet, and reduce the spa area square footage from 60,000 square feet to 26,500 square feet. Additionally, one (1) waiver from Orange County Code related to impervious area is associated with this request.

**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) and High Density Residential (HDR). 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**

Transportation Division staff has reviewed the proposed 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 – (August 12, 2020)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the National Spa Planned Development / Land Use Plan (PD/LUP), dated “August 17, 2020”, subject to the following conditions:**

1. Development shall conform to the National Spa and Resort PD Land Use Plan (LUP) dated "Received August 17, 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 August 17, 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. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater and reclaimed water systems have been designed to support all development within the PD.
7. The developer shall obtain wastewater and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
8. A waiver from Orange County Code Section 38-1272(a)(1) is granted to allow a maximum impervious area coverage not to exceed seventy-eight (78) percent of the new land area, in lieu of the seventy (70) percent of the net land area on lot 5b.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 8, 2019 shall apply:
  - a. The following waivers from Orange County Code are granted:
    1. A waiver from Section 31.5-67(i) to allow for 8.66 square feet of minimum provided copy area per individual tenant sign, in lieu of twelve (12) square feet of minimum provided copy area per individual tenant sign.
    2. A waiver from Section 31.5-67(b) to allow for a height of fifteen (15) feet, in lieu of twelve (12) feet.
    3. A waiver from Section 31.5-15(a)(1) to allow for one (1) ground sign to be located on each of Lots 5 and Lot 6 consisting of thirty (30) square feet of copy area, in lieu of zero (0) square feet.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 21, 2017 shall apply:
  - a. 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.
  - b. Self-storage facilities shall comply with Orange County Code Section 38-79(30) & (60).
  - c. Pole signs and new billboards shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan.

- d. A waiver from Orange County Code Section 38-1272(a)(5) is granted to allow a maximum building height of fifty-five (55) feet for self-storage uses only, in lieu of a maximum building height of fifty (50) feet.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 13, 2016, shall apply:
- a. Short term rental shall be prohibited within the multi-family portion of the PD. Residential length of stay shall be for 180 days or greater.
  - b. Outside sales, storage, and display shall be prohibited.
  - c. 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 June 28, 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 0 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.



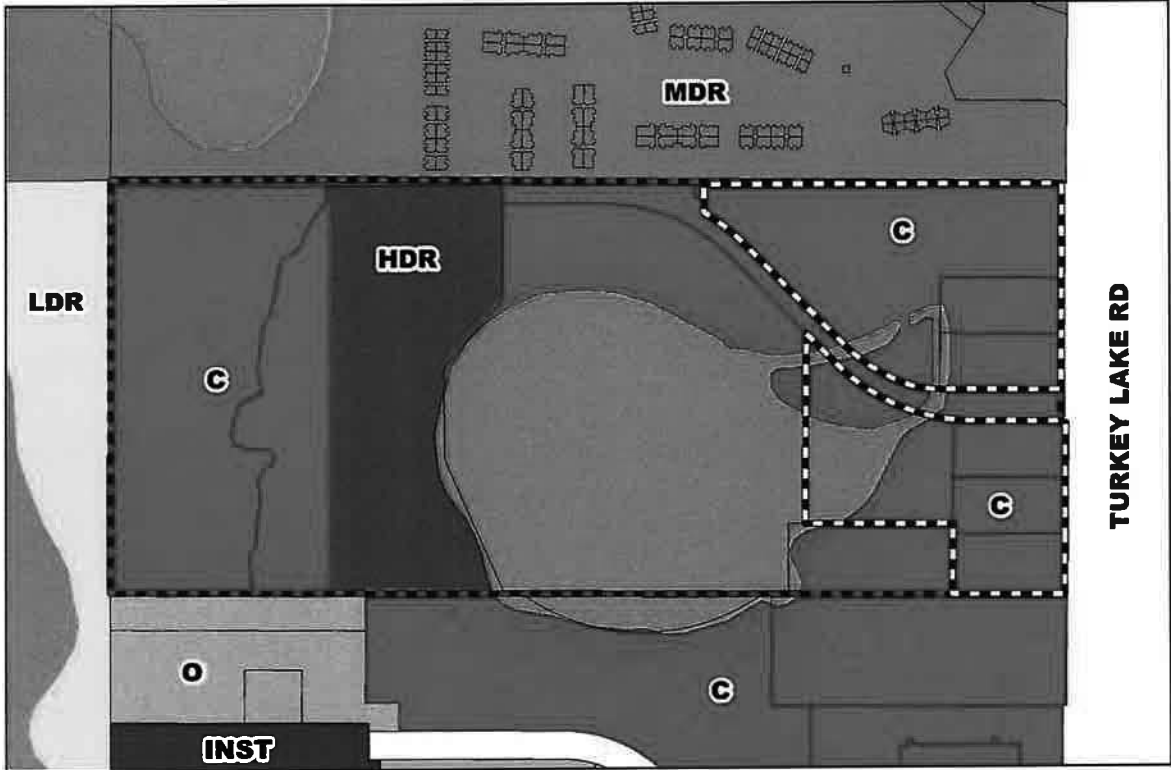
- 5) Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
  
  - d. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby 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).
  
  - e. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply for an Orange County Dock Construction Permit. Application shall be made to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction prior to installation.
  
  - f. A waiver from Orange County Code Section 38-1258(d) is granted to allow for a maximum multi-family residential building height of six (6) stories / eighty-seven (87) feet, in lieu of a maximum multi-family building height of three (3) stories / forty (40) feet.
  
  - g. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and / or tracts anticipated to be dedicated to the County and / or to the perpetual use of the public.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 14, 2014, shall apply:
- a. 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 land use plan/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.

- b. A waiver from Orange County Section 38-1501 is granted to allow for a zero (0) foot building setback from the normal high water elevation contour of "Boo Boo Lake" in lieu of a required minimum fifty (50) foot building setback from the normal high water elevation.
  - c. A twenty (20) foot wide transit easement shall be required for Turkey Lake Road.
  - d. Project shall fully comply with the Orange County "Big Box" Ordinance, #2007-01.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 19, 1997, shall apply:
- a. Use of motorized craft (i.e., power boats, jet skis, etc.) shall be prohibited on Big Sand Lake. Motorized vessels shall not be launched from the property.
  - b. An access at the southern boundary is approved; however, the details of this access will be reviewed at the development plan submittal.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (October 8, 2019)**

Upon a motion by Commissioner VanderLey, seconded by Commissioner Uribe, and carried by all members present voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Plan and approved a PD substantial change to add a Master Sign Plan.

CDR-20-01-017



Subject Property  
 PD Boundary



★ Subject Property

### Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Jay Jackson and Juan Rodriguez  
 Kimley-Horn & Associates, Inc.

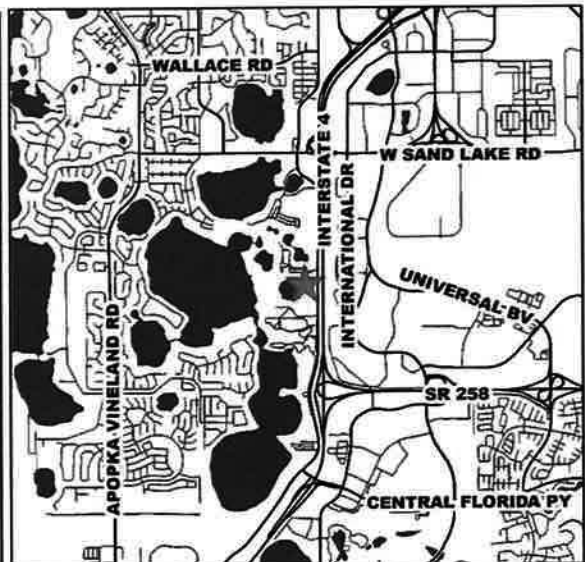
LOCATION: Generally located on the west side of  
 Turkey Lake Road, approximately 720 feet  
 south of Palmacia Boulevard.

TRACT SIZE: 64.07 gross acres (overall PD)  
 15.65 gross acres (affected parcel only)

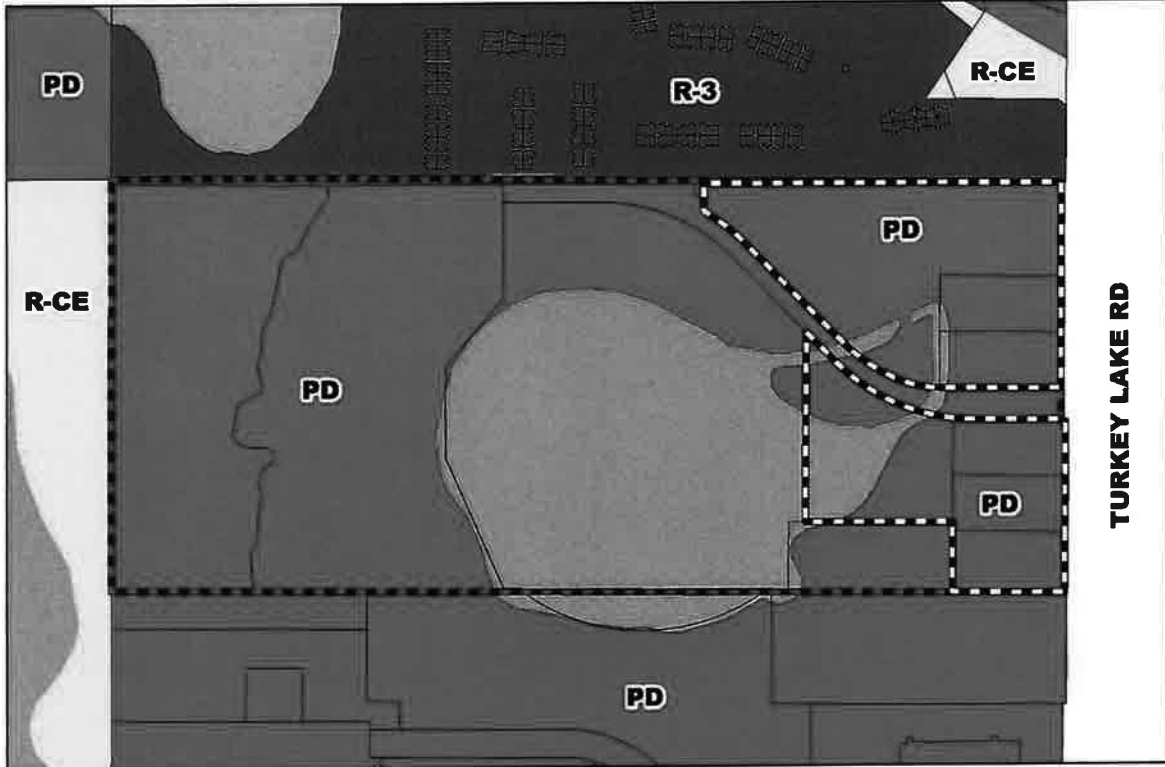
DISTRICT: # 1

S/T/R: 02/24/28

1 inch = 400 feet



CDR-20-01-017



Subject Property  
 PD Boundary



Subject Property

**Zoning Map**

**ZONING:** PD (Planned Development District)

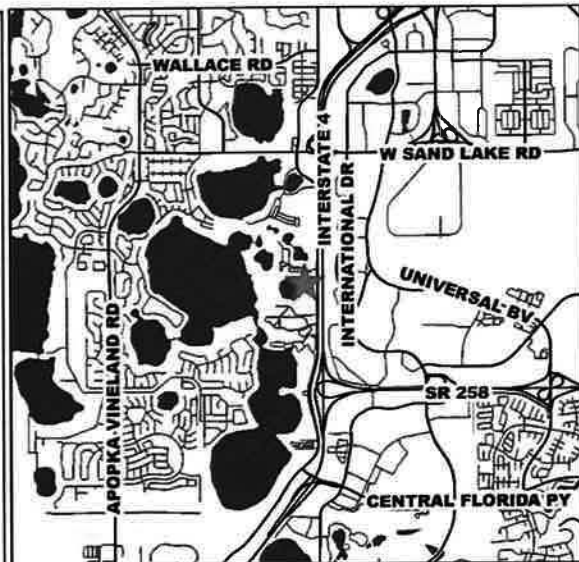
**APPLICANT:** Jay Jackson and Juan Rodriguez  
 Kimley-Horn & Associates, Inc.

**LOCATION:** Generally located on the west side of  
 Turkey Lake Road, approximately 720 feet  
 south of Palmaria Boulevard.

**TRACT SIZE:** 64.07 gross acres (overall PD)  
 15.65 gross acres (affected parcel only)

**DISTRICT:** # 1

**S/T/R:** 02/24/28  
 1 inch = 400 feet



# National Spa PD / LUP (Cover Sheet)

## A LANDUSE PLAN AMENDMENT FOR: NATIONAL SPA AND RESORT (A TIMESHARE DEVELOPMENT) F.K.A. YOGI BEAR CAMPGROUND

**PARCEL ID's: 02-24-28-7851-00-001, 02-24-28-7851-01-001, 02-24-28-7851-00-005  
 02-24-28-7851-01-002, 02-24-28-7851-02-000, 02-24-28-7851-03-000  
 02-24-28-7851-04-000, 02-24-28-7851-05-000, 02-24-28-7851-06-000  
 02-24-28-7851-07-000, 02-24-28-7851-08-000, 02-24-28-7851-09-000  
 02-24-28-7851-10-000**

Revised: January 17, 2020  
 CDR-20-01-017  
 Orange County, Florida

**LEGAL DESCRIPTION:**  
 THE LAND DESCRIBED IS LOCATED IN ORANGE COUNTY, FLORIDA, IN THE SEQUOIA SUBDIVISION, COMMUNITY DEVELOPMENT, PLANNED UNIT DEVELOPMENT, AND IS BOUND BY THE FOLLOWING PARCELS: [Legal description text]

**DEVELOPMENT NOTES:**  
 1. THIS PROJECT IS SUBJECT TO THE FOLLOWING REGULATIONS: [List of regulations]

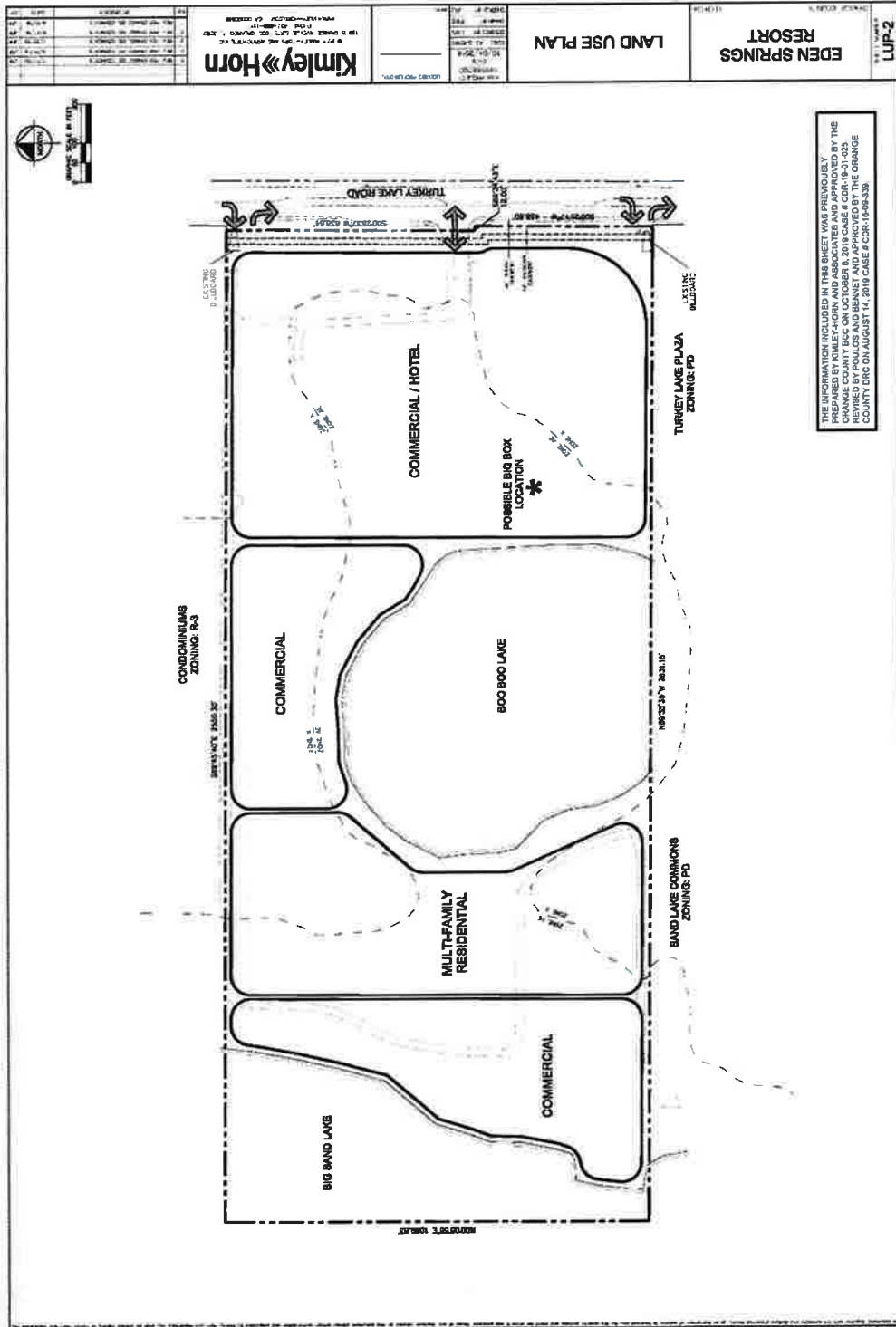
**PROJECT LOCATION:**  
 [Map showing project location within a larger area]

**PROJECT TEAM:**  
 OWNER: [Company Name]  
 DEVELOPER: [Company Name]  
 ARCHITECT: [Company Name]  
 ENGINEER: [Company Name]

**PROJECT SUMMARY:**  
 This project consists of a land use plan amendment for the National Spa and Resort, a timeshare development. The project includes the construction of a multi-story building with a total floor area of [Area] and the installation of [Other details].

PREPARED BY  
**Kimley-Horn**  
INCORPORATED  
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 Orange, Florida 32867  
 Phone: 407.882.4444  
 Fax: 407.882.4445  
 Email: info@kimley-horn.com

National Spa PD / LUP



# Notification Map

\\ocnashg\dept\Business Systems\Board Administrators\SUBSTANTIAL CHANGE\2020\DRC\National Spa\_CDR-20-01-017\CDR-20-01-017

