



**Interoffice Memorandum**

DATE: December 15, 2022

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

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

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

SUBJECT: January 10, 2023 – Public Hearing  
Brent A. Lenzen, Kimley-Horn and Associates, Inc.  
Kingsland Grande Planned Development  
Case # CDR-22-08-275 / District 1

The Kingsland Grande Planned Development (PD) is located east of Interstate 4, and northwest of the Lake Street and Regency Village Drive intersection. The current development program allows for 310,300 square feet of amusement / commercial use. Through this PD substantial change, the applicant is seeking to add a Master Sign Plan and request two waivers from Orange County Code for maximum impervious surface area and for increased square footage of copy area for specific signage.

On November 16, 2022, the Development Review Committee (DRC) recommended approval of the request, subject to 11 conditions of approval. 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 Kingsland Grande Planned Development / Land Use Plan (PD/LUP) dated “Received October 17, 2022”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachments  
JVW/NT/DM

**CASE # CDR-22-08-275**

Commission District: # 1

**GENERAL INFORMATION**

|                            |   |
|----------------------------|---|
| <b>APPLICANT</b>           | Brent A. Lenzen, Kimley-Horn and Associates, Inc.   |
| <b>OWNER</b>               | Area 15 Orlando, LLC  |
| <b>PROJECT NAME</b>        | Kingsland Grande Planned Development (PD)   |
| <b>PARCEL ID NUMBER(S)</b> | 14-24-28-5844-01-130; 14-24-28-5844-01-130  |
| <b>TRACT SIZE</b>          | 16.49 gross acres   |
| <b>LOCATION</b>            | Generally located northwest of the Lake Street and Regency Village Drive intersection.  |
| <b>REQUEST</b>             | <p>A PD substantial change to add a Master Sign Plan. In addition, the applicant has requested the following waivers from Orange County Code:</p> <ol style="list-style-type: none"><li>1. A waiver from Orange County Code Section 38-1272(a)(1)) to allow a maximum impervious surface ratio of 75% in lieu of 70%.<br/><i><b>Applicant Justification:</b> Based on parking requirements and coordination with staff, the impervious surface ratio will need to be increased to 75% maximum in order to maintain the maximum amount of parking while still meeting the open space requirements.</i></li><li>2. A waiver from Orange County Code Section 31.5-163 to allow a total of 4,477 square feet of copy area for combined signs 3c, 3d, 3e, 3f, 3g and 3h in lieu of the 200 square feet allowable.<br/><i><b>Applicant Justification:</b> The copy area requested is necessary to comply with nationally recognized existing branding for the proposed use.</i></li></ol> |
| <b>PUBLIC NOTIFICATION</b> | A notification area extending beyond 1,500 feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred fifty-nine (259) 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 Kingsland Grande PD was originally approved October 10, 2006. The current development program allows for 310,300 square feet of amusement / commercial use.

Through this PD substantial change, the applicant is seeking to add a Master Sign Plan and request two (2) waivers from Orange County Code for maximum impervious surface area and for increased square footage of copy area for specific signage.

### **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 Activity Center Mixed-Use (ACMU). Kingsland Grande PD was originally approved in October 2006. and includes amusement and commercial uses. The proposed PD substantial change is consistent with this designation and all applicable CP provisions; therefore, the request is consistent with the Comprehensive Plan.

### **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 Planning**

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, 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.

### **Community Meeting Summary**

A community meeting was not required for this application.

### **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 – November 16, 2022**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Kingsland Grande PD Planned Development / Land Use Plan (PD/LUP), dated “October 17, 2022”, subject to the following conditions:**

1. Development shall conform to the Kingsland Grande Land Use Plan (LUP) dated "Received October 17, 2022," 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 October 17, 2022," the condition of approval shall control to the extent of such conflict or inconsistency.
  
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this 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. The project shall comply with the terms and conditions of that certain Kingsland Grande PD Right-of-Way Agreement approved on 10/10/2006 and recorded at OR Book/Page 8920/0345 Public Records of Orange County, Florida, as may be amended.
7. 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, 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.

8. A waiver from Orange County Code Section 38-1272(a)(1) is granted to allow a maximum impervious surface ratio of 75% in lieu of 70%.
9. A waiver from Orange County Code Section 31.5-163 is granted to allow a total of 4,477 square feet of copy area for combined signs 3c, 3d, 3e, 3f, 3g and 3h in lieu of the 200 square feet allowable.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 8, 2022 shall apply:
  - a. New billboards and pole signs shall be prohibited. All signage shall comply with the approved master sign plan, or Chapter 31.5, Tourist Commercial Developments, of the Orange County Code where applicable.
  - b. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
  - c. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the PD, and that construction plans are consistent with an approved and up-to-date Master Utility Plan for the Wildwood Area Roadway Network.
  - d. A waiver from Section 38-1476 is granted to calculate required parking for amusement or assembly places without fixed seats at 1 space per each 3.46 patrons (0.289 spaces per patron), plus 1 space per each employee, in lieu of 1 space per each 3 patrons (0.333 spaces per patron), plus 1 space per each employee.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 10, 2006, shall apply:
  - a. Outdoor storage and display shall be prohibited.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (February 8, 2022)**

Upon a motion by Commissioner Wilson, seconded by Commissioner Gomez Cordero, and carried by all present members, the Board approved a substantial change request subject to the twelve (12) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated January 14, 2022; and further, approve revised condition of approval #8 and the deletion of condition of 12a as presented. The request was to convert 1,044 hotel rooms to 310,300 square feet of amusement / commercial use through the conversion matrix and add cross access connection to the north. In addition, a waiver was granted from Orange County Code Section 38-1476 to calculate required parking for amusement or assembly places without fixed seats at 1 space per each 3.46 patrons (0.289 spaces per patron), plus 1 space per each employee, in lieu of 1 space per each 3 patrons (0.333 spaces per patron), plus 1 space per each employee; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.





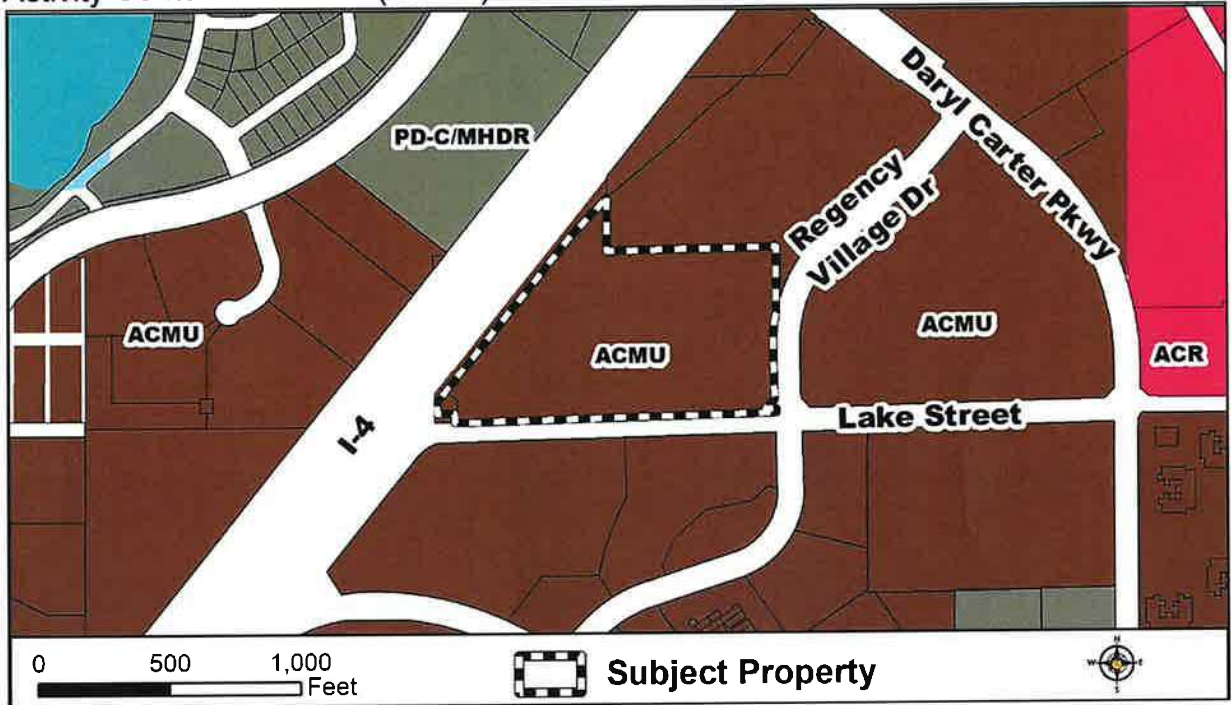
 Subject Property



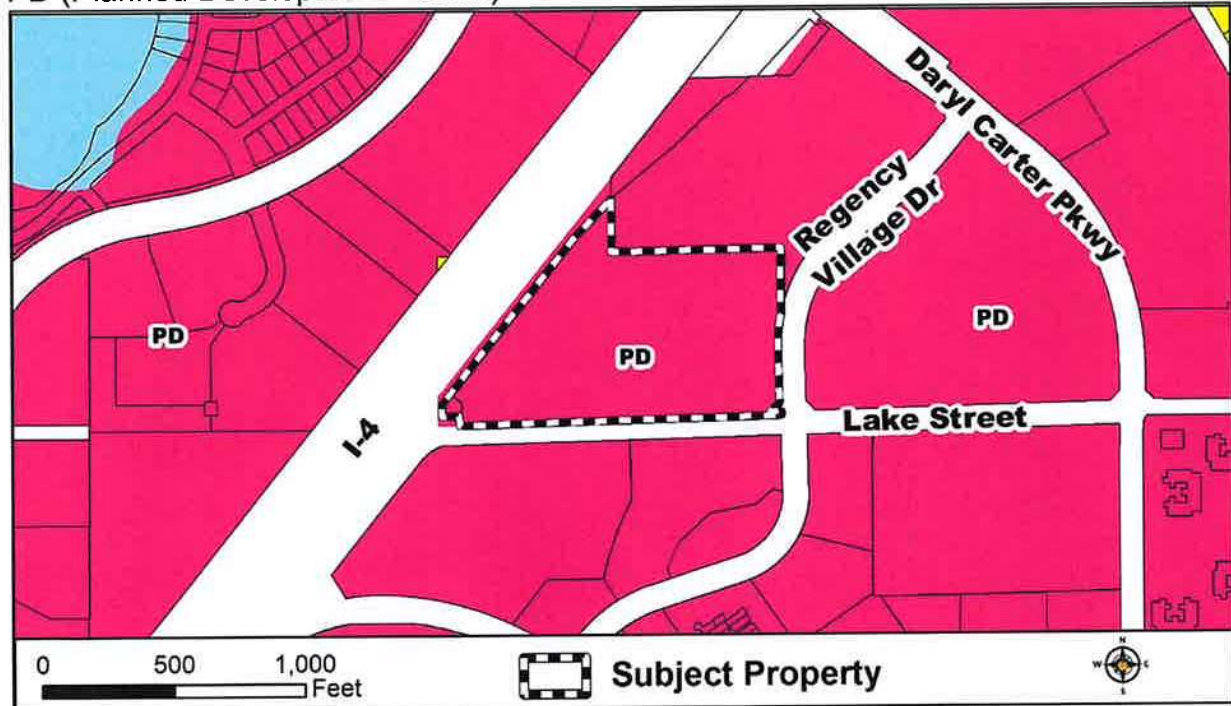
1 inch = 500 feet



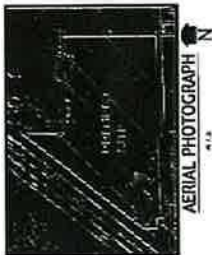
**Future Land Use Map**  
Activity Center Mixed Use (ACMU)



**Zoning Map**  
PD (Planned Development District)



# Kingsland Grande PD / LUP (Cover Sheet)



**WAIVERS: (CDR-21-08-279)**  
 1. A WAIVER FROM THE ORANGE COUNTY CODE SECTION 80-14-1  
 2. A WAIVER FROM THE ORANGE COUNTY CODE SECTION 80-14-1  
 3. A WAIVER FROM THE ORANGE COUNTY CODE SECTION 80-14-1  
 4. A WAIVER FROM THE ORANGE COUNTY CODE SECTION 80-14-1  
 5. A WAIVER FROM THE ORANGE COUNTY CODE SECTION 80-14-1

**WAIVERS: (CDR-22-08-275)**  
 1. A WAIVER FROM THE ORANGE COUNTY CODE SECTION 80-14-1  
 2. A WAIVER FROM THE ORANGE COUNTY CODE SECTION 80-14-1  
 3. A WAIVER FROM THE ORANGE COUNTY CODE SECTION 80-14-1  
 4. A WAIVER FROM THE ORANGE COUNTY CODE SECTION 80-14-1  
 5. A WAIVER FROM THE ORANGE COUNTY CODE SECTION 80-14-1

RECEIVED  
 BY: [Name] DATE: 1/10/23 AM: 09:17:22

## KINGSLAND GRANDE PD Land Use Plan ORANGE COUNTY, FLORIDA

**PARCEL ID NUMBERS:**  
 PARCEL ID# 14-24-28-5844-01-130 (Area 15 Orlando LLC)  
 PARCEL ID# 14-24-28-5844-01-132 (Area 15 Orlando LLC)

**CDR-22-08-275**

**SHEET INDEX**  
 SHEET # 01  
 COVER SHEET  
 LUP  
 MASTER SIGN PLAN

**Kimley-Horn**  
 ENGINEERING ASSOCIATES, INC.  
 1815 SOUTH ORANGE AVENUE  
 ORLANDO, FLORIDA 32813  
 (407) 881-9121

**DEVELOPMENT NOTES:**  
 1. ALL ADDRESSES AND APPROXIMATE SQUARE FEETAGE OF THE PROPOSED DEVELOPMENT SHALL BE DETERMINED THROUGH A CONSERVATION AREA BRACED SURVEY.  
 2. CONSERVATION AREA BRACED SURVEY SHALL BE CONDUCTED BY A LICENSED SURVEYOR.  
 3. CONSERVATION AREA BRACED SURVEY SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL.  
 4. THE PROJECT SHALL BE APPROVED IN ACCORDANCE WITH THE DEVELOPMENT PLAN AND THE LUP.  
 5. THE PROJECT SHALL BE APPROVED IN ACCORDANCE WITH THE DEVELOPMENT PLAN AND THE LUP.

**PERMITTED USES:**  
 RESIDENTIAL  
 COMMERCIAL  
 INDUSTRIAL  
**PROPOSED USES:**  
 COMMERCIAL  
**PLANNING:**  
 ACCESS  
 OPEN SPACE  
 SIGNAGE  
**UTILITIES:**  
 WATER  
 SEWER  
**TRAFFIC OPERATIONS:**  
 SCHOOL USE  
 PARKS

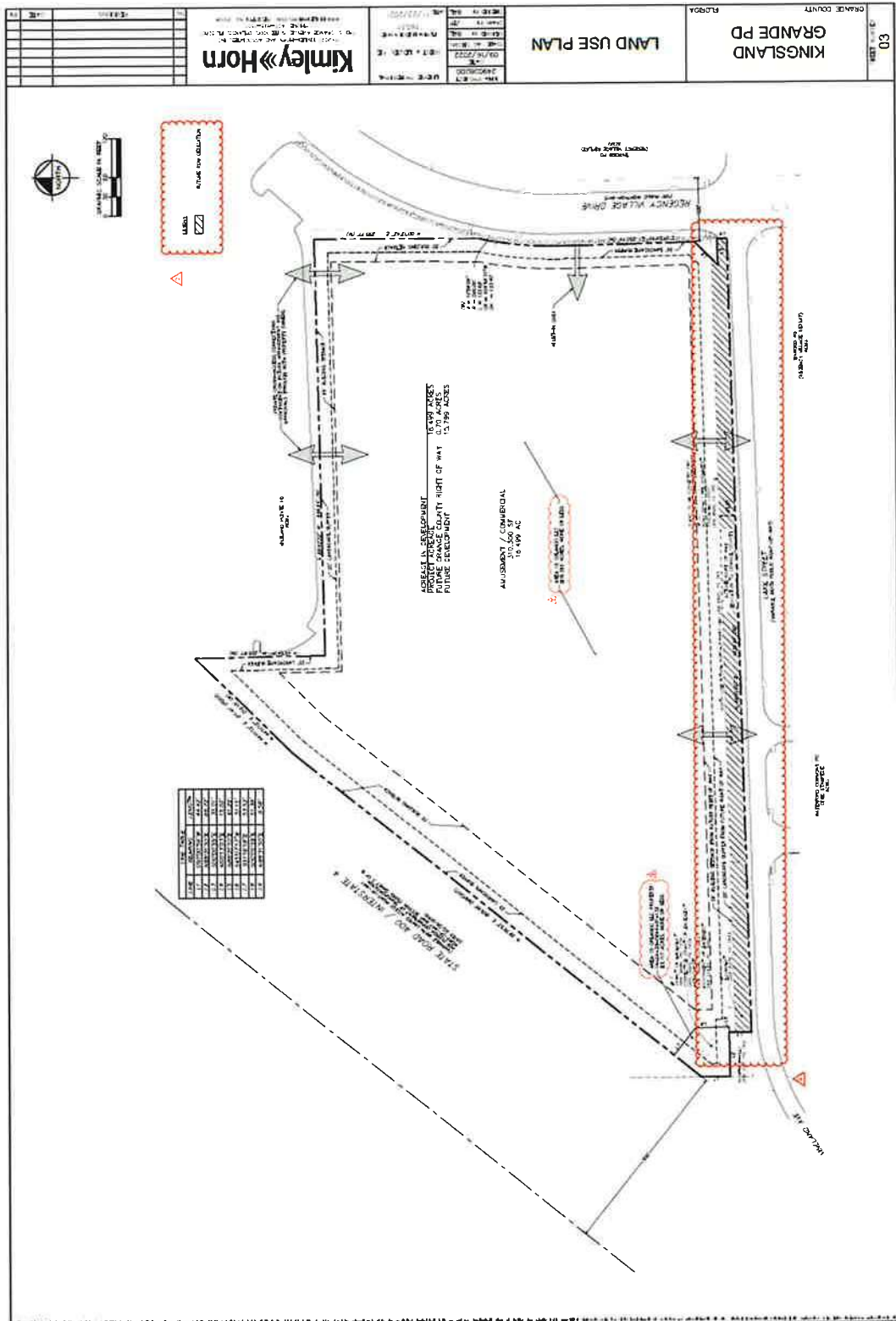
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| STREET | ADJACENT USES | PROPOSED USES | PERMITTED USES |
|--------|---------------|---------------|----------------|
| 1      | RESIDENTIAL   | COMMERCIAL    | RESIDENTIAL    |
| 2      | RESIDENTIAL   | COMMERCIAL    | RESIDENTIAL    |
| 3      | RESIDENTIAL   | COMMERCIAL    | RESIDENTIAL    |
| 4      | RESIDENTIAL   | COMMERCIAL    | RESIDENTIAL    |

**OWNERS:**  
 Area 15 Orlando LLC  
 3215 S. Rancho Drive  
 Las Vegas, NV 89102-8452

**REQUEST: WAIVERS FOR MAXIMUM IMPERVIOUS SURFACE AREA AND SIGNAGE**

# Kingsland Grande PD / LUP





## Notification Map

