

CASE # CDR-19-06-216

Commission District: # 4

GENERAL INFORMATION

APPLICANT	Lynda Glinski, Waterford Lakes Town Center, LLC
OWNER	Waterford Lakes Town Center, LLC
PROJECT NAME	Waterford Lakes Planned Development
PARCEL ID NUMBER	22-22-31-9010-01-000 (<i>affected parcel only</i>)
TRACT SIZE	1,344.00 gross acres (<i>overall PD</i>) 74.12 gross acres (<i>affected parcel only</i>)
LOCATION	331 N. Alafaya Trail; or generally located on the east side of N. Alafaya Trail, north of State Road 408, and south of Waterford Lakes Parkway
REQUEST	A PD substantial change to expand the special event area within PD Parcels 4 and 5.
PUBLIC NOTIFICATION	A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four hundred sixty-four (464) 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 Waterford Lakes PD was originally approved on May 24 1983 and is currently approved for 5,553 single-family dwelling units; 3,084 multi-family dwelling units; 1,187,107 square feet of commercial uses; 700,450 square feet of mixed use; 21,200 square feet of office uses; and an identified special event area.

Through this PD substantial change, the applicant is seeking to expand the special event area within PD Parcels 4 and 5. No waivers are 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). The proposed PD substantial change 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 Planning 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 PD substantial change 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 – (September 11, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Waterford Lakes Planned Development / Land Use Plan (PD/LUP), dated “August 1, 2019”, subject to the following conditions:

1. Development shall conform to the Waterford Lakes PD Land Use Plan (LUP) dated "Received August 1, 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 1, 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. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 30, 2015 shall apply:
 - a. A maximum of ten (10) rental trucks may be parked in the designated area depicted on the PD/LUP within PD Parcel 7 only.

7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 3, 2010, shall apply:
 - a. The PD shall be permitted to hold Special Events throughout the calendar year located only on that portion of the common area crosshatched in the Waterford Lakes Town Center Special Events Development Plan dated "June 25, 2010" and the additional common area crosshatched within the Land Use Plan dated "Received August 1, 2019."

 - b. The following Special Events shall be prohibited:
 - i. Car Sales Events, i.e. events featuring or promoting the sale of new or used cars;

 - ii. Boat Sales Events, i.e. events featuring or promoting the sale of new or used boats;

 - iii. Special Events featuring the sale of merchandise which is not customarily sold by uses permitted in the Orange County C-1 Zoning District;

 - iv. Flea markets are prohibited.

 - c. All applicable previous Conditions of Approval shall apply.

 - d. All special events must receive approval by the Office of Fire Marshal.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (June 30, 2015)

Upon a motion by Thompson, seconded by Commissioner Nelson, and all present commissioners voting AYE by voice vote; the Board approved the request by Vivien Monaco with Burr and Forman, for Waterford Lakes Planned Development to add "Truck Rental" as a permitted use within PD Parcel 7 only, not to exceed a maximum of ten (10) rental trucks on-site at one time; which constitutes a substantial changes to the development on the described property; subject to conditions.