





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

**SUBJECT:** September 10, 2019 – Public Hearing  
Mattaniah Jahn, Law Office of Mattaniah S. Jahn P.A.  
Hunter's Creek Planned Development  
Case # CDR-19-03-101 / District 1

The Hunter's Creek Planned Development (PD) was originally approved by the Board of County Commissioners on November 28, 1983. This PD is currently approved for a development program consisting of 9,624 residential units, shopping, office, entertainment, hotel, institutional and light industrial/warehouse uses, as well as parks, open space, golf courses and four (4) school sites.

Through this PD substantial change, the applicant is seeking to allow a 139-foot tall monopole style communication tower and support compound on PD Tract 181.

In addition, one (1) waiver from Orange County Code is requested to reduce the minimum separation distance between the proposed monopole tower from residentially-zoned lands.

On July 24, 2019, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was required for this request and is summarized 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 substantial change to the Hunter's Creek Planned Development / Land Use Plan (PD/LUP) dated "Received June 28, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachments  
JVW/EPR/stt

**CASE # CDR-19-03-101**

Commission District: # 1

**GENERAL INFORMATION**

**APPLICANT** Mattaniah Jahn, Law Office of Mattaniah S. Jahn P.A.

**OWNER** Shoppes at Hunter's Creek, LLC

**PROJECT NAME** Hunter's Creek Planned Development

**PARCEL ID NUMBER** 34-24-29-3114-00-090 (affected parcel only)

**TRACT SIZE** 3,995.00 gross acres (*overall PD*)  
1.32 gross acres (*affected parcel only*)

**LOCATION** 14650 Gatorland Drive; or generally located on the west side of S. Orange Blossom Trail, approximately 1,300 feet south of Cypress Crossings Drive.

**REQUEST** A PD substantial change to to allow a 139-foot tall monopole style communication tower and support compound on PD Tract 181. In addition, the applicant has requested the following waiver from Orange County Code:

1. A waiver from Section 38-1427(d)(2) to allow a minimum separation distance to single-family zoned property of 456 feet, in lieu of the required minimum separation distance of 695 feet, for Parcel ID 34-24-29-3114-00-090 only.

***Applicant Justification:*** *Parcel 34-24-29-0000-00-018 (Deerfield Parcel) is zoned A-2 and located within the required separation area. Eco-Site respectfully requests a waiver granting relief from the residential separation requirement from this parcel as it is encumbered by environmental restrictions. Specifically, the portion of the Deerfield Parcel location within the separation area is under a conservation easement in favor of the South Florida Water Management District through Permit #49-00477-5. Therefore, no residential uses can be developed within the standard code separation on the Deerfield Parcel.*

**PUBLIC NOTIFICATION** A notification area extending beyond one thousand two hundred (1,200) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred and fifty-three (253) notices were mailed to those property owners in the notification buffer area. A community meeting was held on May 13, 2019 at Endeavor Elementary School as summarized in this report below.

## **IMPACT ANALYSIS**

### **Special Information**

The Hunter's Creek PD was originally approved by the Board of County Commissioners on November 28, 1983. This PD is currently approved for a development program consisting of 9,624 residential units, shopping, office, entertainment, hotel, institutional and light industrial/warehouse uses, as well as parks, open space, golf courses and four (4) school sites.

Through this PD Change Determination Request (CDR), the applicant is seeking to allow a 139-foot tall monopole style communication tower and support compound on PD Tract 181. Additionally, one (1) waiver from Orange County Code is requested to reduce the minimum separation distance between the proposed monopole tower from residentially-zoned lands.

### **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**

The applicant shall 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**

Orange County Transportation Planning reviewed the request, but did not identify any issues or concerns with the request.

**Community Meeting Summary**

A community meeting was held on May 13, 2019 at Endeavor Elementary School. No residents attended the meeting.

**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 – (July 24, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hunter's Creek Planned Development / Land Use Plan (PD/LUP), dated "June 28, 2019", subject to the following conditions:**

1. Development shall conform to the Hunter's Creek Planned Development (PD) dated "Received \*," 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 \*," 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. A waiver from Orange County Code Section 38-1427(d)(2) is granted to allow a minimum separation distance to single-family zoned property of 456 feet, in lieu of the required minimum separation distance of 695 feet, for Parcel ID 34-24-29-3114-00-090 only.

7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 27, 2012 shall apply:
  - a. The following waivers from Orange County Code Sections 38-1258 and 38-1477 are granted to address multi-family residential building setbacks, height, buffering/screening and parking standards for PD Tract 300 – Lot 2 only:
    - 1) A waiver from Section 38-1258(b) to allow all multi-family buildings located within one hundred thirty-five (135) feet of single-family zoned property to be four (4) stories in height (not to exceed 55 feet), in lieu of three (3) stories and 40' to be located 150' from single-family property;
    - 2) A waiver from Section 38-1258(c) to allow a maximum height of fifty-five (55) feet for all multi-family buildings, in lieu of a maximum building height of forty (40) feet;
    - 3) A waiver from Section 38-1258(f) to eliminate the requirement to construct a six (6) foot masonry wall whenever a multi-family development is located adjacent to single-family zoned property; and
    - 4) A waiver from Section 38-1477 to allow thirty-three (33) parking spaces to be located on Hunter's Park Lane, a private right-of-way, subject to HOA approval, in lieu of all required parking spaces to be located on the same lot.
  - b. Additional access to Hunter Park Lane on the NE corner on lot 2 shall obtain approval from the Master HOA to access the private road.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 13, 2003 shall apply:
  - a. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved master plan for the Hunter's Creek PD.
  - b. A waiver is approved for a wall along the SR 417 because the parcels are fifteen feet below the Greenway.
  - c. A private easement agreement addressing ownership and maintenance of the common private utilities will be required prior to Certificate of Occupancy.
  - d. Orange County shall not own, operate, or maintain the on-site wastewater system.
  - e. A total of 360 units shall be built with a maximum of 240 for sale as condominium or townhome units allocated to Tract 330A, and a maximum 120 for sale as townhome units on no more than 15 acres allocated to Tract 370.
  - f. The covenants and the restrictions shall include restrictions limiting rental of units to not less than 90 days.

- g. Additional gas stations and tire stores shall be prohibited.
  - h. No residential development (except access) shall be permitted fronting John Young Parkway.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 8, 1992 shall apply:
- a. Access to the outparcels on John Young Parkway shall be from the internal road system.
  - b. As part of the next development plan submitted for parcels adjacent to Shingle creek on the east side and as part of the next development plan submittal for any parcels west of Shingle creek the applicant shall include on the Development Plan all remaining unplatted portions of the Shingle Creek Conservation Area such that these areas can be platted as conservation tracts.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 12, 1991, shall apply:
- a. Minimum lot sizes shall be addressed at the Development Plan stage and shall be compatible with the remainder of the project.
  - b. A six-foot (6') masonry wall shall be provided along the northern property line where adjacent residential uses abut the RV/boat storage. A 12-foot height limit shall be required on any vehicle stored adjacent to the property line. Commercial sales shall be prohibited.
  - c. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 23, 1990, shall apply:
- a. The apartment complexes in the designated areas shall be no higher than two (2) story;
  - b. The developer shall provide a privacy fence and intensive landscape buffers.
12. All previous applicable BCC Conditions of Approval, dated November 28, 1983, shall apply.

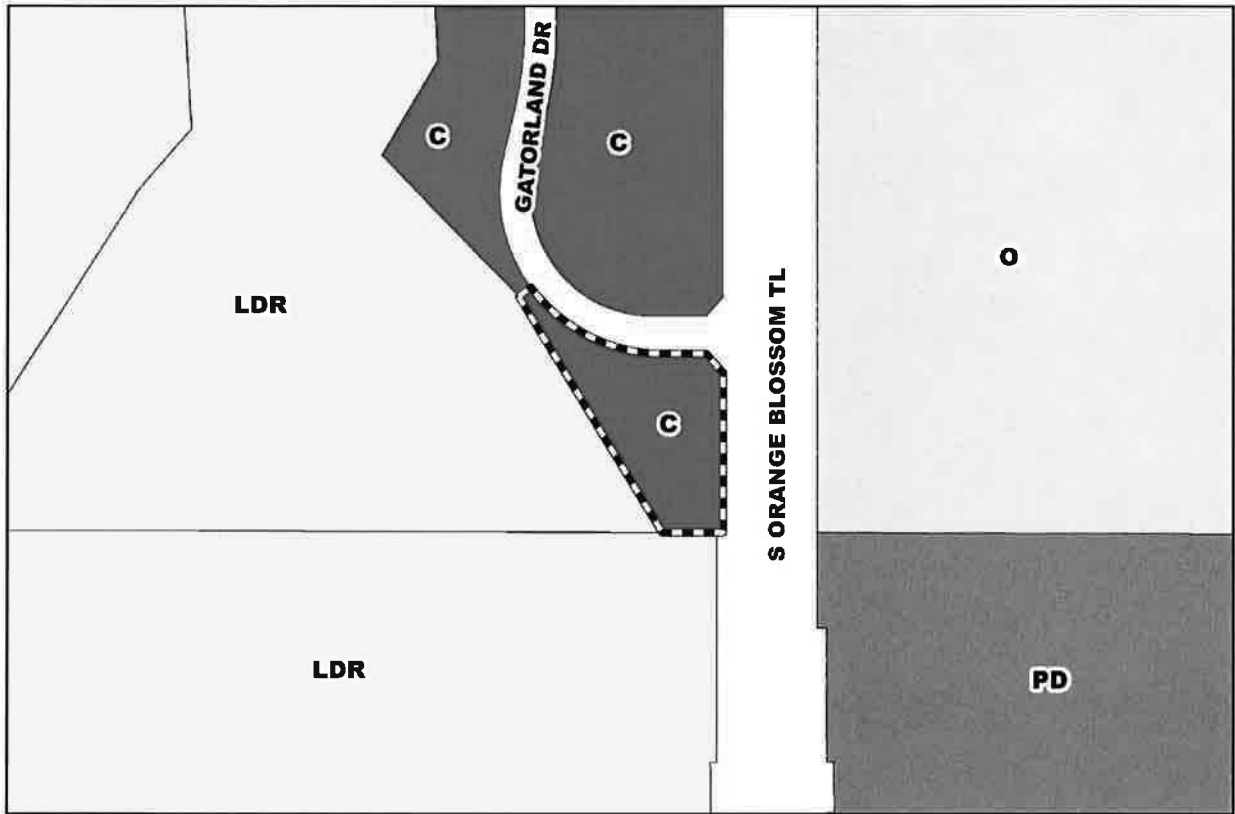
**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (June 20, 2017)**

Upon a motion by Commissioner VanderLey, seconded by Commissioner Nelson, and carried by with all present members voting AYE by voice vote; the Board made a finding of consistency with the Comprehensive Plan and approved the substantial change request by Deborah L. Martohue, Martohue Land Use Law P.A., to amend the Hunter's Creek PD/LUP to allow for a 134-foot high camouflaged "monocross" communication tower and equipment compound on a



3,600 square-foot leased tract within an 8.29-acre parcel, Case #CDR-16-09-332, subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report.

**CDR-19-03-101**



 Subject Property



 Subject Property

### Future Land Use Map

**FLUM:** Commercial (C)

**APPLICANT:** Mattaniah Jahn,  
Law Office of Mattaniah S. Jahn P.A.

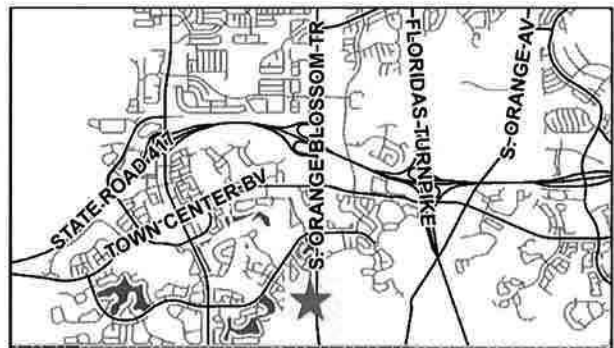
**LOCATION:** 14650 Gatorland Drive; or generally located  
on the west side of S. Orange Blossom  
Trail, approximately 1,300 feet south of  
Cypress Crossings Drive

**TRACT SIZE:** 3,995.00 gross acres (overall PD)  
1.32 gross acres (affected parcel only)

**DISTRICT:** # 1

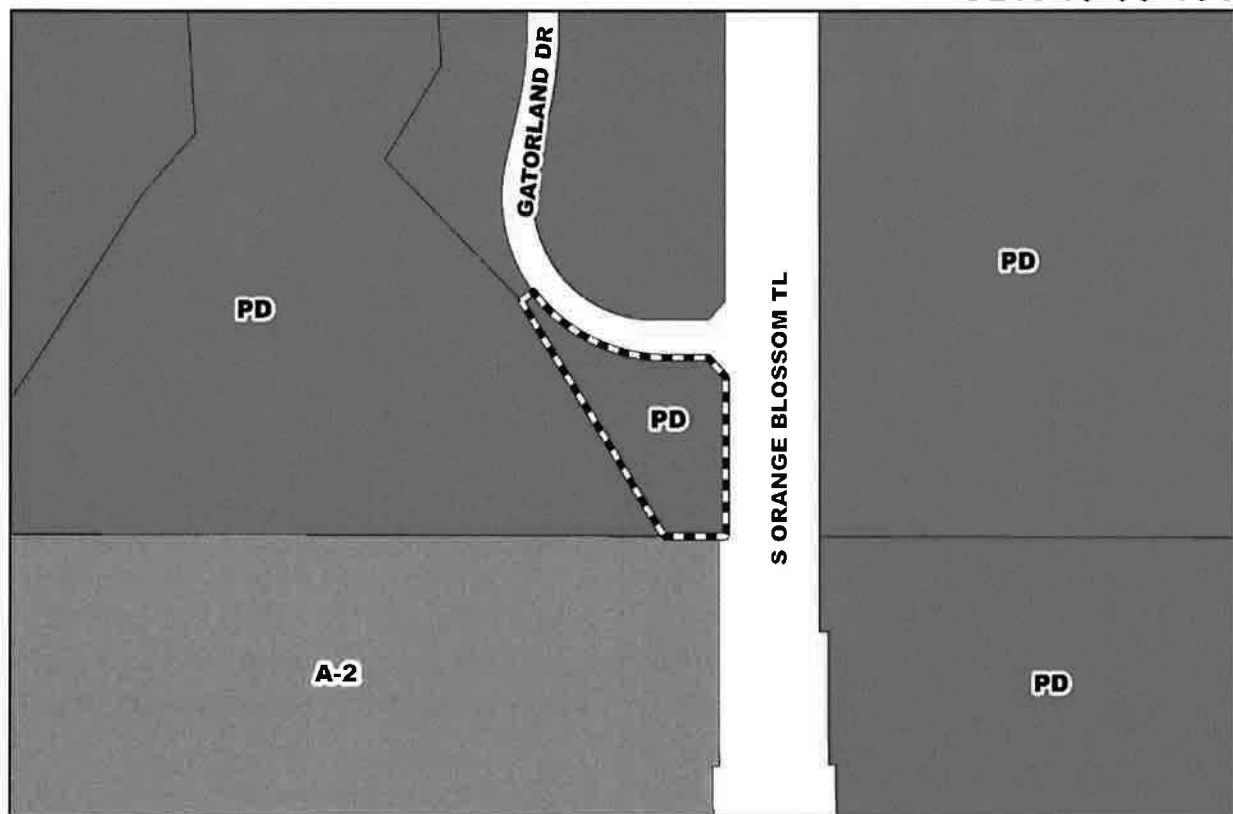
**S/T/R:** 34/24/29

1 inch = 250 feet



OSCEOLA COUNTY

CDR-19-03-101



Subject Property



Subject Property

**Zoning Map**

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

**APPLICANT:** Mattaniah Jahn,  
Law Office of Mattaniah S. Jahn P.A.

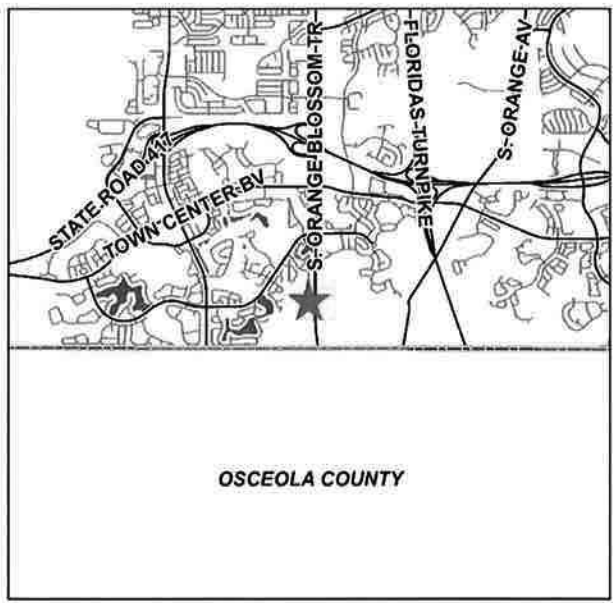
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**TRACT SIZE:** 3,995.00 gross acres (overall PD)  
1.32 gross acres (affected parcel only)


**DISTRICT:** # 1

**S/T/R:** 34/24/29

1 inch = 250 feet



# Hunter's Creek PD / LUP (Cover Sheet)


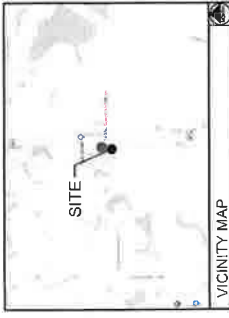


240 LEIGH FARM ROAD, SUITE 230  
 DURHAM, NC 27707

**ECO-SITE: FL-0109 / FALCON TRACE**  
**T-MOBILE: A2E0312A**  
**CONSTRUCTION PLANS**  
**CDR-19-03-101**

**SITE ADDRESS**  
 (EVT: ADDRESS TBD)  
 14650 GATORLAND DRIVE,  
 ORLANDO, FL 32837

ORANGE COUNTY  
 LATITUDE: N 28° 21' 13.41" (28.353725)  
 LONGITUDE: W 81° 24' 19.70" (-81.405556)  
 TAX/PIN #: 34-24-29-314-00-080 (A PORTION OF)  
 ZONING: P-D

**VICINITY MAP**

FROM ORLANDO INTERNATIONAL AIRPORT:  
 PROCEED FROM I-95 FLUVA BLVD AND TAKE RAMP  
 WORLD / FLORIDA'S TURKEYE / KISSIMEE / TAMPA  
 AT EXIT 11, TAKE RAMP RIGHT AND FOLLOW SIGNS  
 FOR US-17 / US-441 / US-92. TURN RIGHT ONTO US-17 S  
 / US-92 W / US-441 S / US-17 / 92 ORANGE BLOSSOM  
 AT GATORLAND DR THE LAST INTERSECTION IS US-441  
 S / US-92 W / US-17 S / US-17 / 92 / ORANGE BLOSSOM  
 TRAIL / ORANGE BLOSSOM TRAIL S IF YOU REACH  
 CYPRESS CROSSING DR, YOU'VE GONE TOO FAR

**FLOOD ZONE INFORMATION**  
 SITE IS LOCATED IN FLOOD ZONE: "X" PER FEMA FIRM COMMUNITY  
 PANEL #14285C026 (OC DATED 09/25/09)

SHEET	DESCRIPTION	NO.
T-1	COVER SHEET	2
LUP 1.0	AMENDED HUNTERS CREEK LAND USE PLAN	2
LUP 2.0	AMENDED HUNTERS CREEK LAND USE PLAN	2
LUP 3.0	AMENDED HUNTERS CREEK LAND USE PLAN	2
LUP 4.0	AMENDED HUNTERS CREEK LAND USE PLAN	2
LUP 5.0	AMENDED HUNTERS CREEK LAND USE PLAN	2
LUP 6.0	AMENDED HUNTERS CREEK LAND USE PLAN	2
LUP 7.0	AMENDED HUNTERS CREEK LAND USE PLAN	2
LUP 8.0	AMENDED HUNTERS CREEK LAND USE PLAN	2
LUP 9.0	AMENDED HUNTERS CREEK LAND USE PLAN	2
LUP 10.0	AMENDED HUNTERS CREEK LAND USE PLAN	2
LUP 11.0	AMENDED HUNTERS CREEK LAND USE PLAN	2
LUP 12.0	AMENDED HUNTERS CREEK LAND USE PLAN	2
LUP 13.0	PULLUP CONDITIONS OF APPROVAL	2
LS-1	SITE SURVEY	2
Z-1	DEMOLITION PLAN	2
Z-2	OVERALL SITE PLAN	2
Z-3	SITE PLAN	2
Z-4	LANDSCAPE PLAN	2
Z-5	FENCE DETAILS	2
Z-6	SITE SIGNAGE DETAILS	2
Z-7	TOWER ELEVATION & ANTENNA PLAN	2
Z-8	AERIAL PLAN	2
Z-9	TOWER SEPARATION AERIAL	2

**SHEET INDEX**  
 ORANGE COUNTY BUILDING DIVISION  
 201 S ROSALIND AVE  
 ORLANDO, FL 32801  
 PHONE: (407) 838-3550

**PERMIT INFORMATION**

**DEVELOPER/APPLICANT:**  
 240 LEIGH FARM ROAD, SUITE 230  
 DURHAM, NC 27707  
 PHONE: (661) 673-3936  
 ATTN: DAVID PARKS

**POWER COMPANY:**  
 KISSIMEE UTILITY AUTHORITY  
 PHONE: (407) 853-7777  
 ATTN: CUSTOMER SERVICE

**TELEPHONE COMPANY:**  
 AT&T, 754-531-5000

**PROPERTY OWNER:**  
 SHOPPEES AT HUNTERS CREEK, LLC  
 ORLANDO, FL 32791

**FLORIDA BUILDING CODE REGISTRY ATTENTION:**  
 2014 WEG  
 ELECTRIC CODE:  
 DESIGN WIND SPEED: PER ASCE 7-10  
 V<sub>W</sub> = 139 MPH (100 MI/HR)  
 V<sub>W</sub> = 135 MPH (NO MIN)

**MUNICIPALITY:**  
 ORANGE COUNTY

**STATE:**  
 FLORIDA

**TOWER TYPE:**  
 MONOPOLE

**TOWER HEIGHT:**  
 135' (139' TO HIGHEST APPURTENANCE)

**NUMBER OF CARRIERS:**  
 0 EXISTING, 1 PROPOSED

**USE:**  
 PROPOSED TELECOMMUNICATIONS TOWER  
 AND UNMANNED EQUIPMENT

**CONSULTANT:**  
 KIMLEY-HORN AND ASSOCIATES, INC  
 655 NORTH FRANKLIN STREET, SUITE 150  
 TAMPA, FL 33602  
 PHONE: (813) 244-4400  
 ATTN: RICHARD JOHNSON, P.E.


**PROJECT SUMMARY**


**CONTACTS**


**COVER SHEET**

T-1 2

**PRELIMINARY**  
 NOT FOR CONSTRUCTION







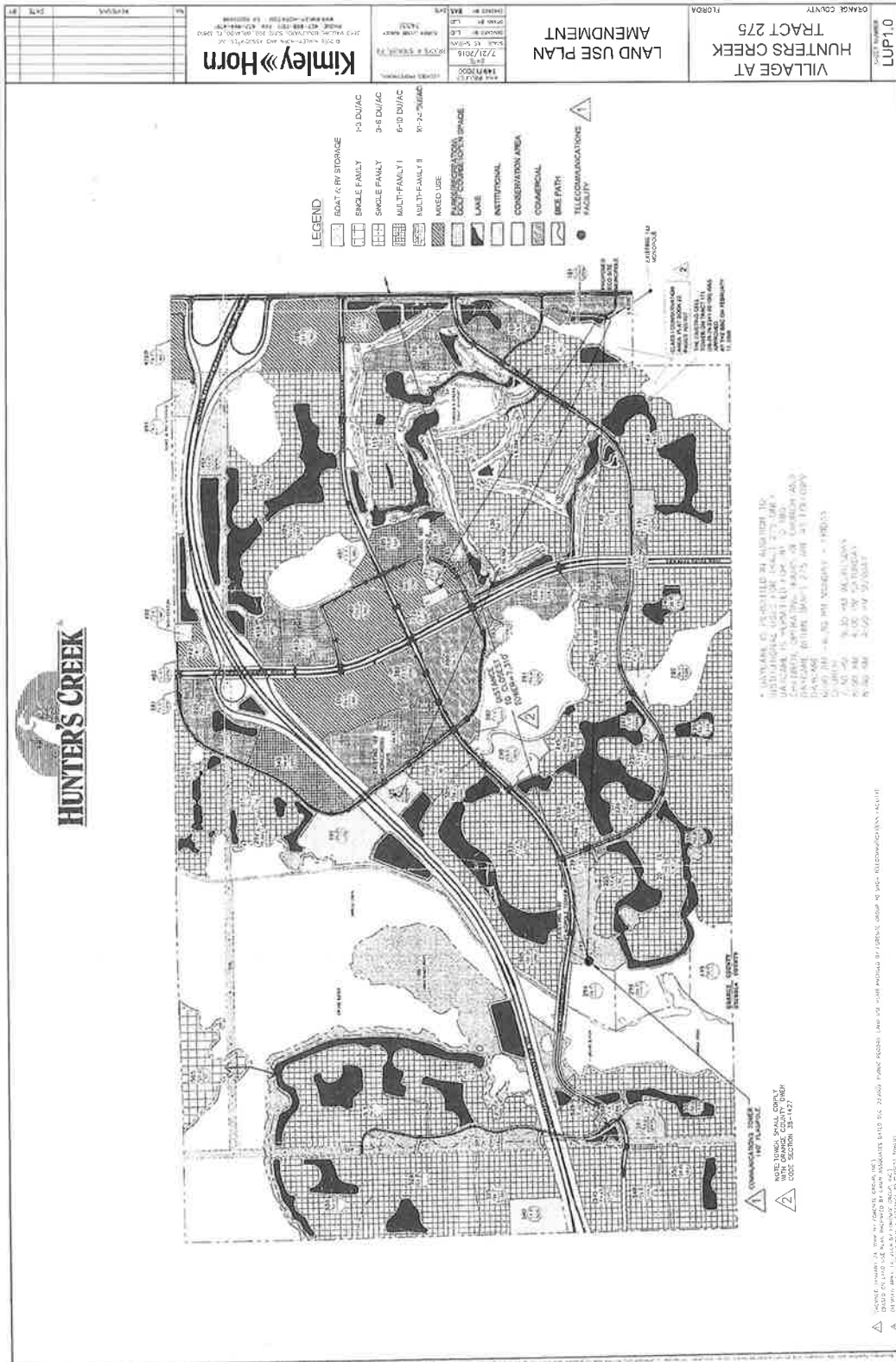
655 N. FRANKLIN STREET, SUITE 150  
 TAMPA, FL 33602  
 PHONE: (813) 244-4400  
 WWW.KIMLEY-HORN.COM

FL-0109  
 FALCON TRACE  
 T-MOBILE: A2E0312A  
 14650 GATORLAND DRIVE  
 ORLANDO, FL 32837

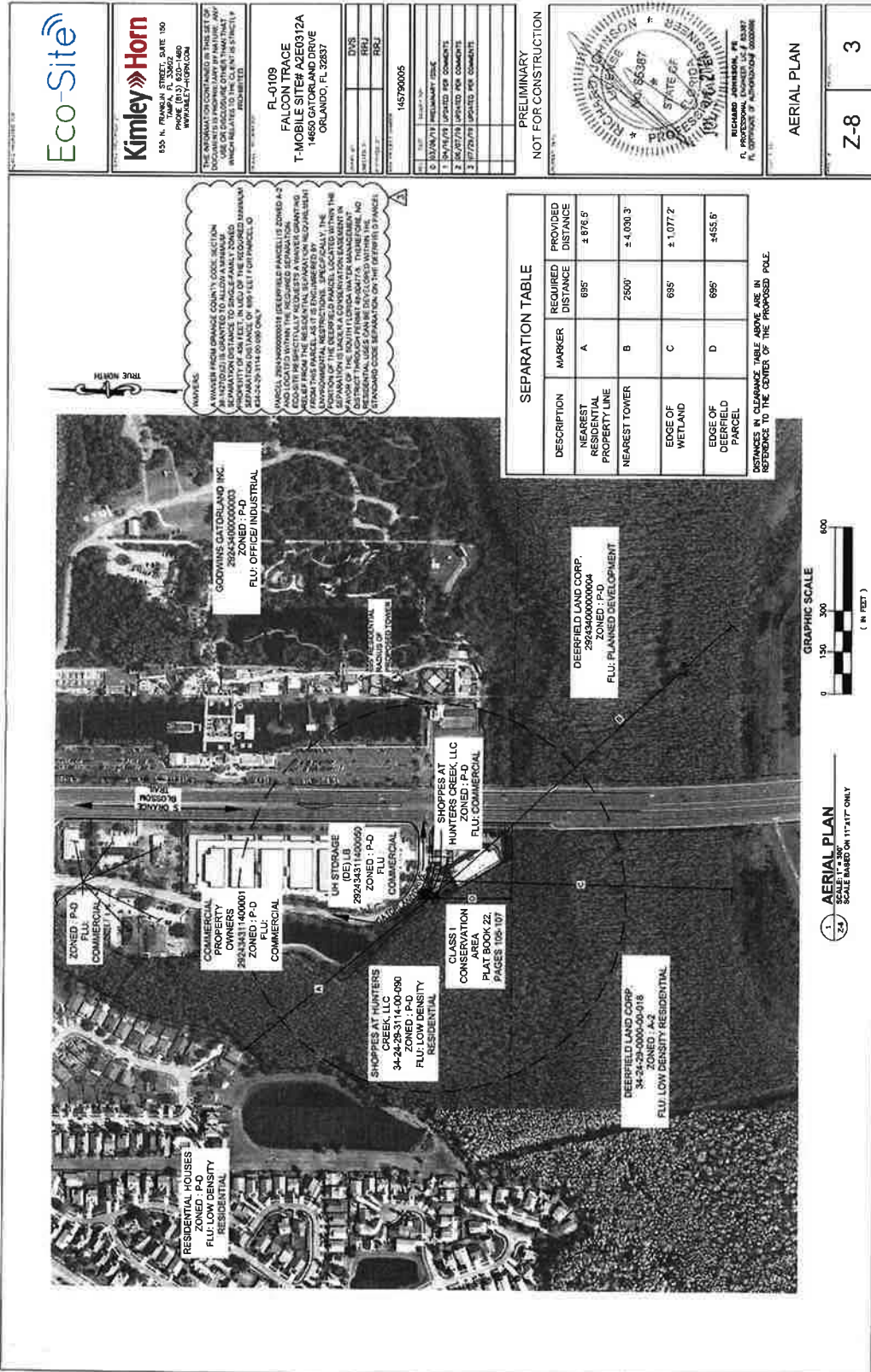
DATE: 09/25/19  
 DRAWN BY: RBJ  
 CHECKED BY: RBJ  
 PROJECT NO.: 14579005

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# Hunter's Creek PD / LUP



Hunter's Creek PD / LUP (Distance Separation Plan)



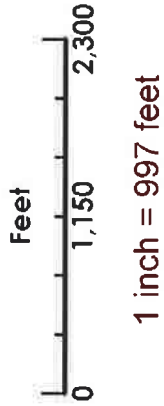
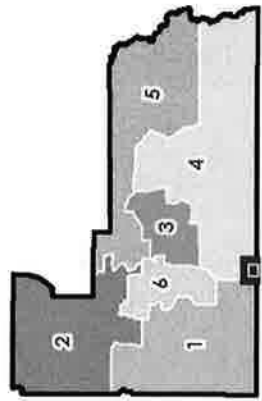
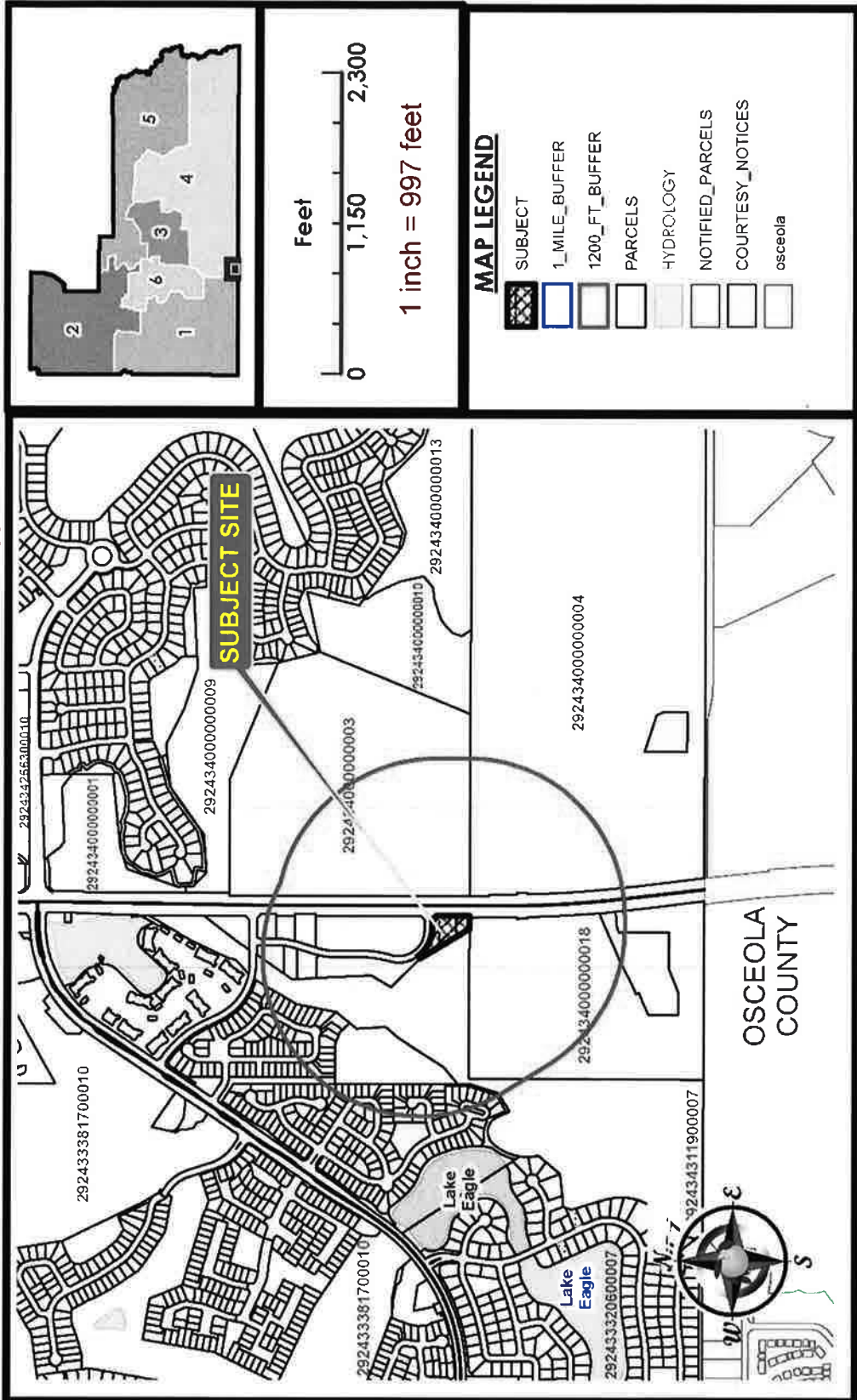


# Public Notification Map

Hunters Creek PD\_CDR-19-03-101[??]

1200 FT BUFFER, 253 NOTICES

## Notification Map



### MAP LEGEND

- SUBJECT
- 1\_MILE\_BUFFER
- 1200\_FT\_BUFFER
- PARCELS
- HYDROLOGY
- NOTIFIED\_PARCELS
- COURTESY\_NOTICES
- osceola

OSCEOLA COUNTY



S:\Business Systems\Board Administration\SUBSTANTIAL CHANGE\2019\PLANNING\Hunters Creek PD\_CDR-19-03-101\Hunters Creek\_PD\_CDR-19-03-101.mxd