



Interoffice Memorandum

June 28, 2023

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

FROM: Timothy L. Boldig, Interim 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: July 11, 2023 – Public Hearing
Rebecca Wilson Esq, Lowndes, Drosdick, Doster, Kantor &
Reed, P.A.
World Gateway Planned Development (PD)
Case # CDR-22-11-352 / District 1
(Concurrent with Consent Item DO-23-05-150)

The World Gateway Planned Development (PD) is located North of SR 417 / East of South International Drive. The World Gateway PD was originally approved January 20, 1983, and includes entitlements for commercial, office, hotel, timeshare, multi-family residentials, and golf course uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to merge PD Parcel K2 & K4 with adjacent Parcel K1, and to convert 798 hotel units to 900 multi-family units on Parcel K1. If approved, the overall PD Development Program will include 4,680 hotel rooms; 864 timeshare units; 2,385 multi-family units; 240,000 sf retail commercial uses; 171,530 sf of office uses; 20,000 sf of sit-down restaurant and 5,000 sf of fast-food restaurant uses; and 18 golf course holes. There is also an associated request to amend the World Gateway Development of Regional Impact Development Order to reflect the updated development program.

Additionally, the applicant has requested a waiver from Section 38-1476 to allow a reduction in parking at a rate of 1.45 parking spaces in lieu of 1.5 for one-bedroom units, and to allow two-bedroom and three-bedroom dwelling units at a parking rate of 1.80 in lieu of 2.0.

On April 12, 2023, 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 World Gateway Planned Development / Land Use Plan (PD/LUP) dated “Received February 8, 2023,” subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

TLB/NT/JK
Attachment

CASE # CDR-22-11-352

Commission District: # 1

GENERAL INFORMATION

APPLICANT Rebecca Wilson Esq, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

OWNER GCB Associates, LLC

PROJECT NAME World Gateway Planned Development

PARCEL ID NUMBER(S) 33-24-28-9293-01-000(*affected parcel only*)

TRACT SIZE 819.86 gross acres (overall PD)
33.48 gross acres (affected parcel only)

LOCATION Generally located North of SR 417 / East of South International Drive.

REQUEST A Change Determination Request (CDR) to merge Parcels K2, and K4 with adjacent Parcel K1, and to convert 798 hotel units to 900 multi-family units on Parcel K1.

In addition, the applicant has requested the following waiver from Orange County Code:

A waiver from Section 38-1476 to allow a reduction in parking at a rate of 1.45 parking spaces in lieu of 1.5 for one-bedroom units, and to allow two-bedroom and three-bedroom dwelling units at a parking rate of 1.80 in lieu of 2.0.

Applicant Justification: A Parking study was provided and approved by Transportation Planning to validate the waiver.

PUBLIC NOTIFICATION A notification area extending beyond one thousand two hundred and fifty (1250) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seventeen (17) 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 World Gateway PD was originally approved January 20, 1983 and includes entitlements for commercial, office, hotel, timeshare, multi-family residentials, and golf course uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to merge PD Parcel K2 & K4 with adjacent Parcel K1, and to convert 798 hotel units to 900 multi-family units on Parcel K1. If approved, the overall PD Development Program will include 4,680 hotel rooms; 864 timeshare units; 2,385 multi-family units; 240,000 sf retail commercial uses; 171,530 sf of office uses; 20,000 sf of sit-down restaurant and 5,000 sf of fast-food restaurant uses; and 18 golf course holes. There is also an associated request to amend the World Gateway Development of Regional Impact Development Order to reflect the updated development program.

Additionally, the applicant has requested a waiver from Section 38-1476 to allow a reduction in parking at a rate of 1.45 parking spaces in lieu of 1.5 for one-bedroom units, and to allow two-bedroom and three-bedroom dwelling units at a parking rate of 1.80 in lieu of 2.0.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent Properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Activity Center Residential (ACR) and Activity Center Mixed Use (ACMU). The World Gateway PD was approved in 1983 and includes commercial, office, hotel, timeshare, multi-family residentials, and golf course uses. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Community Meeting Summary

A community meeting was not required for this request.

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.

Overlay District Ordinance

The subject property is located within the Tourist Commercial Signage Overlay District.

Environmental

Environmental Protection Division (EPD) staff has reviewed the proposed request, but did not identify any issues or concerns.

Transportation Planning

Based on the Concurrency Management (CMS) database dated December 1, 2022, there are multiple failing roadway segments within the project's impact area. Kissimmee Vineland Road from the Osceola County Line to S.R. 536 (1 segment) and S.R. 536 from E. Buena Vista Drive to Interstate 4 (1 segment) are failing. This information is dated and subject to change.

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. Transportation Planning approved the parking analysis with the following results:

Per OC code the proposed 331 one-bedroom units X 1.5 = 497 spaces and the proposed 2 bedrooms and 3 bedrooms total 569 units X 2 spaces = 1,138 spaces. The study results showed the 331 one-bedroom units X 1.32 = 438 spaces, while the proposed 2 bedrooms and 3 bedrooms total 569 units X 1.65 spaces = 939 spaces. Transportation Planning supports a waiver to reduce the parking spaces by 8 %.

Schools

Orange County Public Schools (OCPS) reviewed the request and determined dwelling units not already approved in the PD will require a school capacity determination prior to approval.

Parks

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 – (April 12, 2023)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the World Gateway Planned Development / Land Use Plan (PD/LUP) dated “Received February 8, 2023”, subject to the conditions:

1. Development shall conform to the World Gateway Planned Development dated “Received February 8, 2023,” 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 February 8, 2023," 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. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
8. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
9. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
10. Short term/transient rental is prohibited on parcel K1. Length of stay shall be for 180 consecutive days or greater.
11. Prior to any site construction plan approval and any filling within the 100-year flood zone, the applicant must obtain the required permit(s) and approval(s) from the Orange County Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code. Review and approval of compensating storage calculations must accompany the above permit as provided for in Chapter 19-107.
12. Pole signs and billboards shall be prohibited. All other signage shall comply with the approved master sign plan or Chapter 31.5 – Tourist Commercial where applicable.
13. A waiver from Orange County Code Section 38-1476 is granted to allow a reduction of parking at a rate of 1.45 parking spaces in lieu of 1.5 for one-bedroom units, and to allow two-bedroom and three-bedroom dwelling units at a parking rate of 1.80 in lieu of 2.0.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 19, 2014, shall apply:

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 17, 2014.
 - i. 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 on Parcel L1 in excess of the residential units allowed under the PD prior to the approval of this amendment to the PD. The County shall 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.
 - ii. Developer, or 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.
 - iii. 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.
 - iv. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
 - v. The development is required to abide by the World Gateway Development Order, as may be amended
15. The following BCC Conditions of Approval, dated August 5, 2008, September 18, 2007, May 1, 2007, September 22, 1998, April 21, 1992 and March 30, 1981 as modified shall apply:
 - a. Outdoor sales, storage, and display shall be prohibited.
 - b. This project shall comply with the Orange County Commercial Design Standards.
 - c. Orange County shall have no obligation to provide utilities or other services to any portion of the Activity Center Residential ("ACR") designated property lying to the south of the proposed right-of-way of the Southern Connector and west of the eastern Conservation Area, as shown on the Greene Property PD Land Use Plan Amendment. No building or development permits associated with the ACR uses designated for this parcel shall be issued until the owner or developer of said parcel has demonstrated the availability from Osceola County of all necessary utilities and services to serve said parcel by virtue of a binding agreement on the part of Osceola County to provide

all such services. The Developer shall seek to enter into an impact fee agreement with Orange County and Osceola County under which Orange County shall waive its requirements for the payment of any applicable impact fees associated with the development of any portion of this parcel to which the services and facilities associated with such impact fees for that portion of the parcel are provided exclusively by Osceola County, not Orange County.

- d. The developer shall work within the organizational framework of Orange County's International Drive Activity Center to provide for mass transit facilities and services.
- e. Toward the achievement of energy conservation, the World Gateway (fka Greene Property) PD shall perform or require the following actions:
 - 1) Thermal storage cooling systems for nonresidential buildings shall be considered;
 - 2) Developers shall consult with the Florida Solar Energy Center and obtain guidelines for site development relating to building orientation, construction material, and landscaping which provides optimal energy conservation.
- f. Development shall be conducted in accordance with the following transportation requirements:
 - i. Access points to the International Drive Connector and C.R. 535 shall be limited to those illustrated on the revised conceptual land use plan dated December 31, 1980, identified as Sheet 7 PD Land Use Plan. The developer shall be responsible for its pro-rata share of the cost of signalization required by this development when nationally-recognized traffic signal warrants are met.
 - ii. Access shall be provided to all "out parcels" through dedicated rights-of-way or a recorded agreement approved by the Public Works Director guaranteeing access over internal private roadways to said parcels.
 - iii. Developer shall participate in conjunction with Phases 2, 3 and 4, on an equitable basis, in an assessment district or other funding mechanism established by the Board of County Commissioners to provide for the extension of International Drive and other capital improvements in the I-4/International Drive development area. The need for such capital improvements is to be determined through monitoring and modeling studies as required in the development order.
- g. Development shall be conducted in accordance with the following public safety requirements:
 - 1) Fire protection shall be provided in accordance with Section 9.7.2 of the Orange County Subdivision Regulations.

- 2) All structures six stories or higher shall be provided with interior sprinkler systems and constructed of materials approved by the Chief Building Official. The maximum height above natural ground level of Hotel No. 1 (25 stories) shall be 350 feet, Hotel No. 2 (20 stories) shall be 240 feet, cultural center (6 stories) shall be 95 feet, office (6 stories) shall be 80 feet and Phase 4 Hotel (15 stories) shall be 190 feet.

- 3) Participation by the developer, as determined by the Board of County Commissioners, prior to occupancy of Phase 1, in the acquisition and equipping of a fire station and sheriff sub-station site, to be selected by the County in the vicinity of the I-4/C.R. 535 area. In order to accomplish this requirement, the developer shall meet with the following task force at least twice regarding each phase of development, once prior to final design and once prior to occupancy:
 - Sheriff
 - Building Official
 - Local Fire Chief
 - Reedy Creek Improvement District Representative
 - Orange County Public Safety Director

These officials shall review all necessary steps and requirements to insure that adequate public safety is provided during construction and upon occupancy by the public. Provisions for "high rise" fire and rescue services must be provided within a response time based on nationally recognized standards (N.F.P.A., I.R.S. or other). A fire and rescue services agreement shall be obtained from the Reedy Creek Improvement District.

- h. On-site and internal building security service shall be provided subject to approval of the Sheriff of their qualifications to handle security matters as a back-up to public Police services.
 - a. No removal and/or alteration of the conservation areas shall occur unless applicant submits detailed soils and drainage studies for staff review. Removal and/or alteration shall occur only if staff review indicates that those areas are not significant to the County's overall conservation objectives as found in the Conservation Element and the Conservation Section, Future Land Use Element of the Growth Management Policy.

 - b. All development within the 100-year Flood Hazard Boundary must be consistent with the conditions and criteria established by the County Engineer.

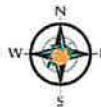
PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (August 19, 2014)

Upon a motion by Commissioner Boyd, seconded by Commissioner Clarke, and carried unanimously. The motion was made to make a finding of consistency with the Comprehensive Plan; and further approve the seventh amended and restated Development Order for World Gateway (Formerly call the Greene Property) PD Development of Regional Impact, subject to ten (10) conditions of approval listed under the Development Review Committee Recommendation in the staff report.

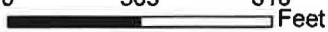
CDR-22-11-352



 Subject Property

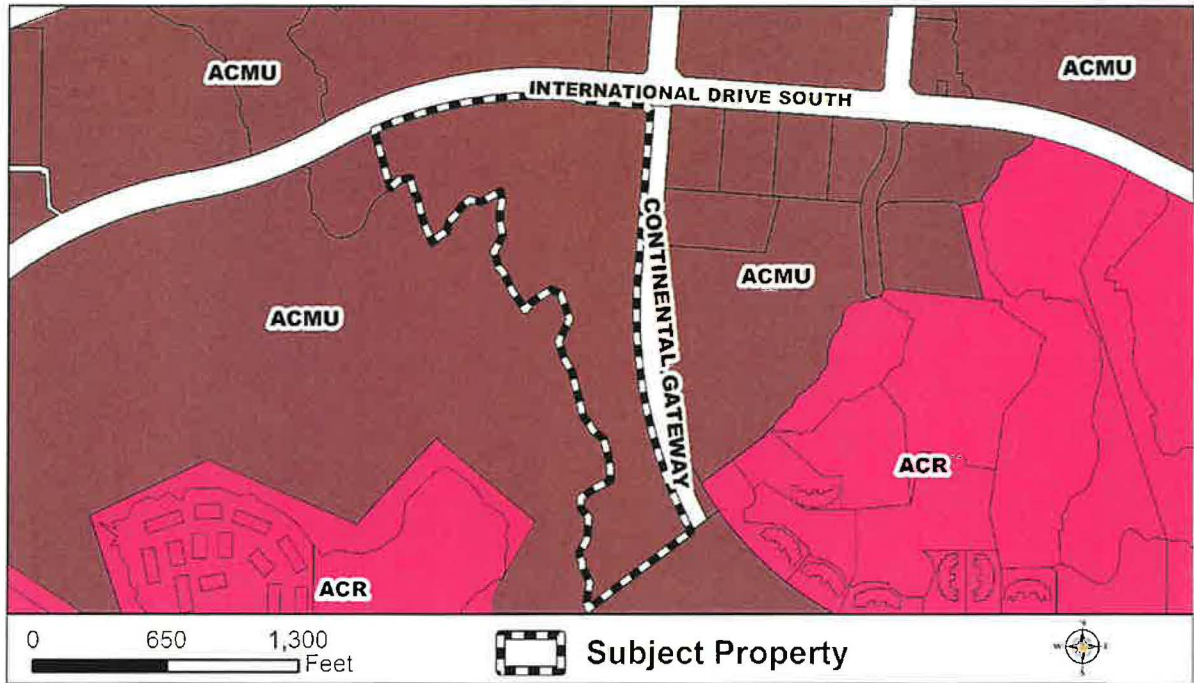


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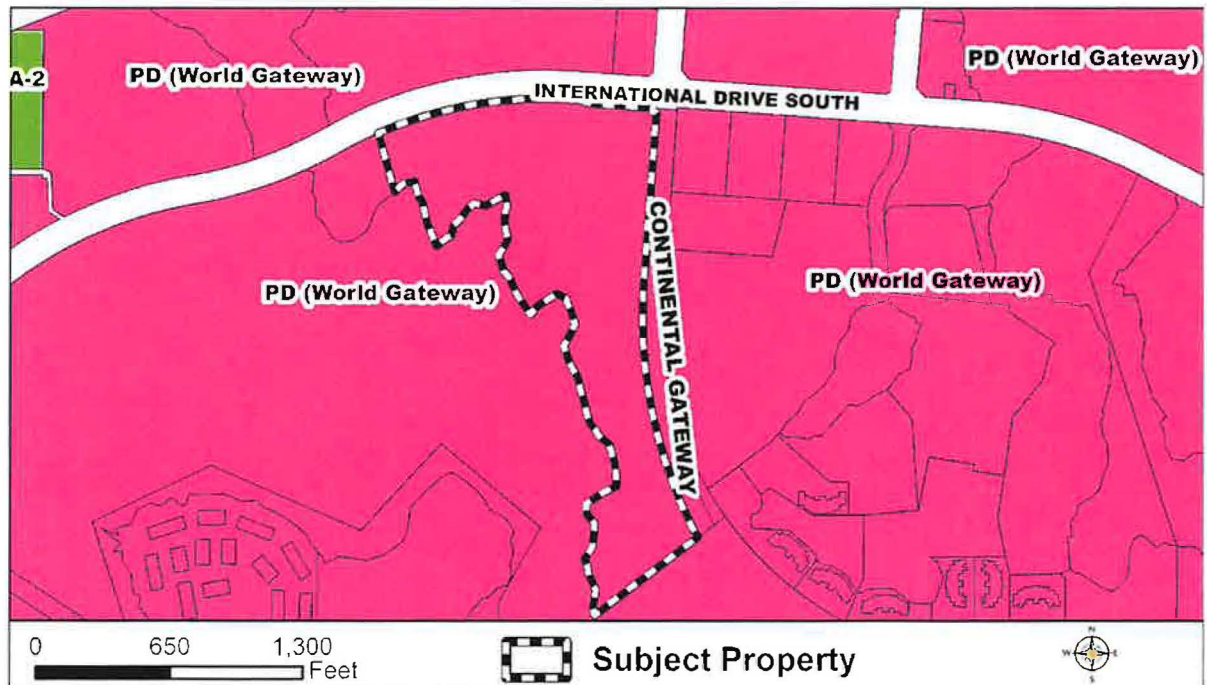
FUTURE LAND USE - CURRENT

ACMU (Activity Center Mixed Use)



ZONING – CURRENT

P-D (Planned Development)



World Gateway PD / LUP (Cover Sheet)

NOTICE OF THIS LUP AMENDMENT:
 AVERAGE PARCELS: 42.6 AC WITH ADJACENT PARCELS, 61 WHICH WILL HAVE A TOTAL
 CHANGE LAND USE ON PARCEL #1 TO MULTI-FAMILY TO ALLOW 3500 UNITS.
 -TOTAL MULTI-FAMILY UNITS TO BE ALLOWED: 3500 UNITS TO BE ALLOWED.
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LAND USE PLAN AMENDMENT
 FOR
WORLD GATEWAY PD
 (aka (reline H))
 ORANGE COUNTY, FLORIDA
 15 November, 2022
 CDR # 22-11-352



PARCEL TAX ID #

33-24-20-00-00-01	33-24-20-00-00-02	33-24-20-00-00-03	33-24-20-00-00-04	33-24-20-00-00-05	33-24-20-00-00-06
33-24-20-00-00-07	33-24-20-00-00-08	33-24-20-00-00-09	33-24-20-00-00-10	33-24-20-00-00-11	33-24-20-00-00-12
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33-24-20-00-00-55	33-24-20-00-00-56	33-24-20-00-00-57	33-24-20-00-00-58	33-24-20-00-00-59	33-24-20-00-00-60



RECEIVED

DATE	TIME	BY

OWNER

NAME	ADDRESS

LEGAL COURSE

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7/8 NUMBER

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7/8 NUMBER

RECEIVED

DATE	TIME	BY

LEGAL COURSE

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7/8 NUMBER

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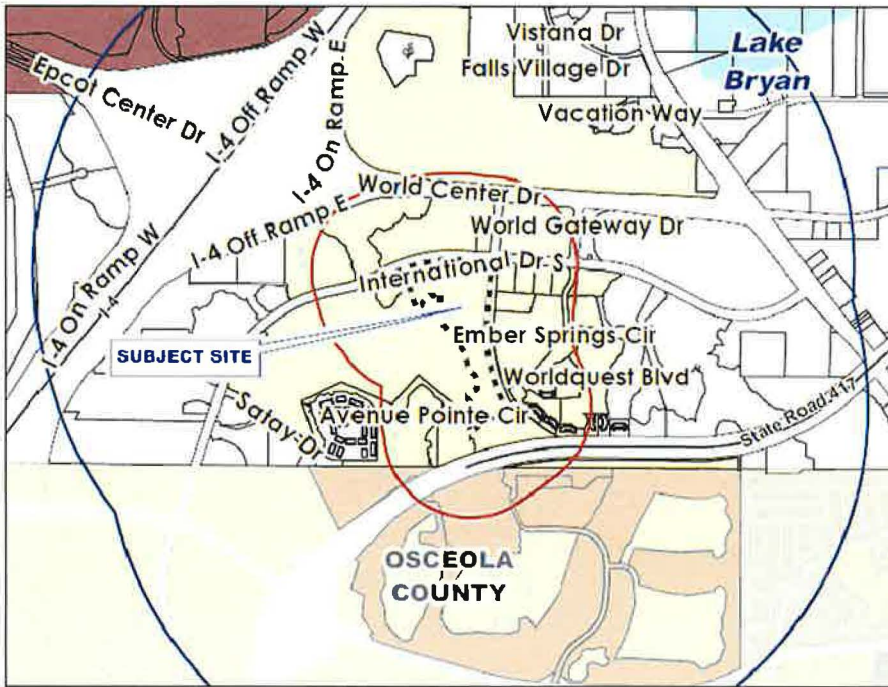
World Gateway PD/LUP





Public Notification Map

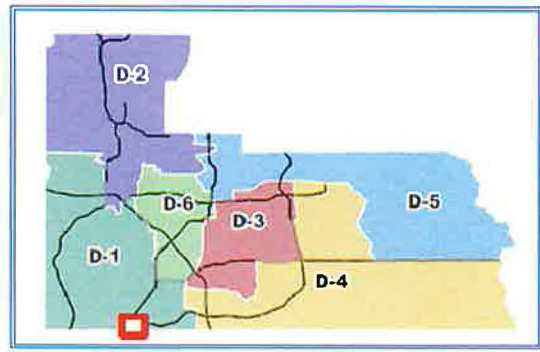
World Gateway PD_CDR-22-11-352



MAP LEGEND

	SUBJECT_SITE		NOTIFIED_PARCELS
	1250 FT BUFFER		Osceola_County_Parcel
	1 MILE BUFFER		HYDROLOGY
	PARCELS		

BUFFER DISTANCE: 1250
OF NOTICES: 17



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Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: July 11, 2023