





Interoffice Memorandum

DATE: July 22, 2021

TO: Mayor Jerry L. Demings
-AND-
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: August 10, 2021 – Public Hearing
John Frederick Hose; i2 Visual
Isleworth Four Corners Planned Development
Case # CDR-20-09-258 / District 1

The Isleworth Four Corners Planned Development (PD) generally located at the northwest, southwest, and southeast corners of the intersection of Conroy Windermere Road and South Apopka Vineland Road. The existing PD development program allows for 147,334 square feet of retail commercial; 174,731 square feet of office; 45,100 square feet of health club uses; and 124 residential dwelling units.

Through this PD substantial change, the applicant is seeking to modify the existing master sign plan to allow for four non-illuminated wall signs for the Fifth Third Bank located at 9168 Conroy Windermere Road. In addition, the applicant has a waiver from Orange County Code Section 31.5-192 (4) to allow 96.36 square feet of secondary signage copy area in lieu of 39 square feet.

On April 14, 2021, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A virtual community meeting was held for this request on Monday, March 29, 2021, with one resident in attendance. Concerns were raised about allowing for deviations from approved code.

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 Isleworth Four Corners Planned Development / Land Use Plan (PD/LUP) dated “Received May 21, 2021”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachments
JVW/EPR/jsh

CASE # CDR-20-09-258

Commission District: # 1

GENERAL INFORMATION

APPLICANT John Frederick Hose; i2 Visual

OWNER Fifth Third Bank

PROJECT NAME Isleworth Four Corners Planned Development

PARCEL ID NUMBER(S) 16-23-28-3160-03-000 (affected parcel only)

TRACT SIZE 103.8 gross acres (overall PD)
1.13 gross acres (affected parcel only)

LOCATION 9168 Conroy-Windermere Road; Generally located south of Conroy Windemere Road and west of South Apopka Vineland Road

REQUEST A PD substantial change to modify the existing master sign plan to allow for four non-illuminated wall signs. In addition, the applicant has requested the following waiver from Orange County Code:

1. A waiver from Orange County Code Section 31.5-192 (4) to allow 96.36 SF of secondary signage copy area in lieu of 39 SF.

Applicant Justification: The cumulative proposed signage copy area is less than what was originally approved.

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]. Five hundred fifty-seven (557) notices were mailed to those property owners in the notification buffer area.

IMPACT ANALYSIS

Special Information

The Isleworth Four Corners Planned Development (PD) contains 103.80 gross acres and is generally located at the northwest, southwest, and southeast corners of the intersection of Conroy Windermere Road and South Apopka Vineland Road. The overall PD has existing development entitlements for 147,334 square feet of retail commercial; 174,731 square feet of office; 45,100 square feet of health club uses; and 124 residential dwelling units.

Through this PD substantial change, the applicant is seeking to allow four non-illuminated wall signs by modifying the existing master sign plan and requesting a waiver from Sec 31.5-192 (4) to allow for an additional 57.36 square feet of secondary sign copy area.

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 Community Village Center (CVC). The Isleworth Four Corners PD was approved in 2000 and includes office, residential 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 located within the Four Corners Community Village Center 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 reviewed the request but did not identify any issues or concerns.

Transportation Concurrency

Transportation Planning Division staff reviewed the request but did not identify any issues or concerns.

Community Meeting Summary

A virtual community meeting was held for this request on Monday, March 29, 2021, with one (1) resident in attendance. Concerns were raised about allowing for deviations from approved code.

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

Parks and Recreation staff reviewed the 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 14, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Isleworth Four Corners Planned Development / Land Use Plan (PD/LUP), dated “May 21, 2021”, subject to the following conditions:

1. Development shall conform to the Isleworth Four Corners PD Land Use Plan dated "Received May 21, 2021," 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 May 21, 2021," 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 31.5-192(4) is granted to allow 96.36 square feet of secondary signage copy area in lieu of 39 square feet for the Fifth Third Bank Building within Parcel SW-3.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, Dated May 24, 2016, shall apply:
 - a. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
 - b. 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 updated MUP must be approved prior to construction plan approval.
 - c. 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.
 - d. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of

- any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
- e. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) 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 CEL or a CRC.
 - f. A waiver from Section 38-1372(f) is granted to allow no more than two (2) restaurants (coffee shop establishments) with drive-thru within the Southwest Quadrant.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 3, 2015, April 5, 2011, and November 13, 2012, shall apply:
- a. A waiver from Section 38-1354(2) to allow an increase in the maximum copy area for monument signs from forty (40) square feet to seventy-six (76) square feet per the Master Sign Plan.
 - b. A waiver from Section 38-1354(2) to allow an increase in the maximum height of monument signs from ten (10) feet to eleven feet six inches (11'6") per the Master Sign Plan.
 - c. A waiver to amend a previously approved waiver from Section 38-1354(2) to allow an increase in the maximum number of tenant names on monument signs from three (3) names to five (5) names per the Master Sign Plan.
 - d. A waiver from Section 38-1354(4) to allow no more than two (2) signs paralleling the store front in lieu of one (1) for parcels 1-3, and 5-8 per the Proposed Overall Copy Area Chart on the Master Sign Plan.
 - e. A waiver from Section 38-1354(4) to allow a total combined copy area of one hundred and eighty-eight (188) square feet of copy area in lieu of one hundred and eighty-five point five (185.5) square feet of a combined copy area on parcel one (1) per the Proposed Overall Copy Area Chart on the Master Sign Plan.
 - f. A waiver from Section 38-1354(4) to allow a total combined copy area of one hundred and ninety-five (195) square feet of copy area in lieu of one hundred and six point seventeen (106.17) square feet on parcel two (2) per the Proposed Overall Copy Area Chart on the Master Sign Plan. May 24, 2016 page 42 of 52
 - g. A waiver from Section 38-1354(4) to allow a total combined copy area of three hundred thirty-two (332) square feet of copy area in lieu of a combined square

footage of two hundred (200) square feet on parcel seven (7) per the Proposed Overall Copy Area Chart on the Master Sign Plan.

9. All previous applicable BCC Conditions of Approval, dated November 23, 2010, shall apply:
 - a. Separate Development Plan(s) and community meeting(s), as well as BCC approval, shall be required for all Future Development Sites.
 - b. Prior to the issuance of any vertical building permits, the plat shall be approved on the BCC Consent Agenda.
 - c. A Right-of-Way Use Agreement shall be required for any landscaping and/or hardscape installation within the County's right-of-way.
 - d. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be send to the Florida Department of Environmental Protection.
 - e. Signage shall comply with the Master Sign Plan.
 - f. A waiver from Section 38-1354(2) is granted to allow one (1) additional ground sign to be located on the northeast corner of the southwest quadrant at the existing right-in/right out access on Apopka Vineland road, in lieu of one (1) ground sign per each full access point for non-residential development.
 - g. Outdoor sales, storage, and display shall be prohibited.
 - h. A cross access / parking agreement will be required at building permit submittal.

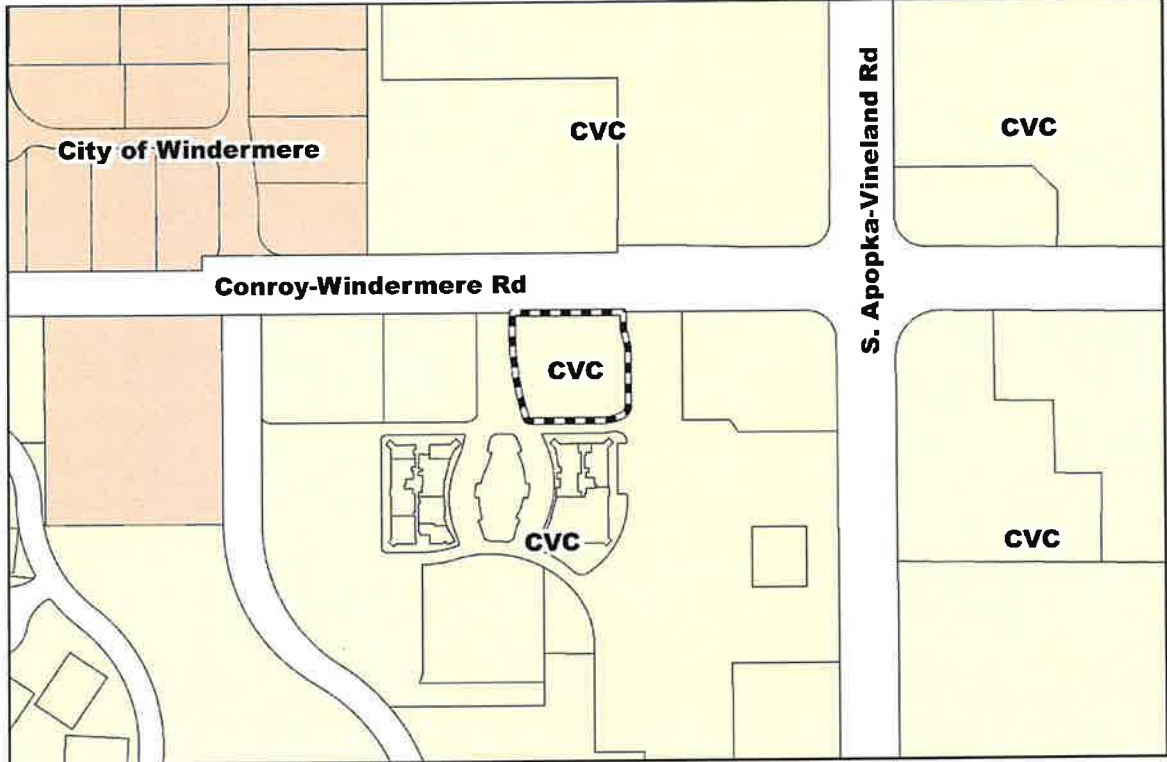
10. All previous applicable BCC Conditions of Approval, dated April 5, 2011, or earlier, shall apply, including:
 - a. A waiver from Section 38-1356(n) and Section 38-1372(j)(1) to allow a maximum building height of 54 feet for a previously-constructed dome which will be mounted upon an existing building in the Southeast Quadrant.
 - b. Master water, reclaimed water, and wastewater plans, including preliminary calculations, shall be updated and approved prior to approval of the construction plans.
 - c. No special exceptions shall be permitted in the Professional Office Districts.
 - d. Billboards and pole signs are prohibited.
 - e. Approve the amended and restated Developer's Agreement concerning second-story commercial. Development shall comply with the Developer's Agreement dated June 4, 2002.

- f. A waiver from Section 38-1356(c) is granted to allow zero (0) foot setbacks in lieu of ten (10) feet for the interior lots in the Southwest Quadrant.
- g. Buildings within Parcel SW3 in the Southwest Quadrant may include clock towers, cupolas, atriums, domes, and similar architecture features that exceed thirty-five (35) feet, but less than fifty (50) feet, that require Orange County BCC approval during the building(s) Development Plan approval process.
- h. A waiver from Section 38-1476 is granted, on the Southwest Quadrant only, to allow for a minimum of 1,170 spaces, or a ratio of 4 spaces per 1,000 square feet, in lieu of 1,463 spaces, or a ratio of 5 spaces per 1,000 square feet.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (May 24, 2016)

Upon a motion by Commissioner Boyd, seconded by Commissioner Edwards, and carried by all, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Heather Isaacs, Tavistock Development Company, LLC, Isleworth – Four Corners Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-11-355, to amend the Isleworth – Four Corners Planned Development / Land Use Plan (PD/LUP) to add notes to clarify the allowable amount of commercial square footage within the PD, and to modify an existing waiver from Orange County Code.

CDR-20-09-258



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Community Village Center

APPLICANT: John Frederick Hose; i2 Visual

LOCATION: 9168 Conroy-Windermere Road;
 south of Conroy Windermere Road,
 west of South Apopka Vineland Road

TRACT SIZE: 103.8 gross acres (overall PD)
 1.13 gross acres (affected parcel only)

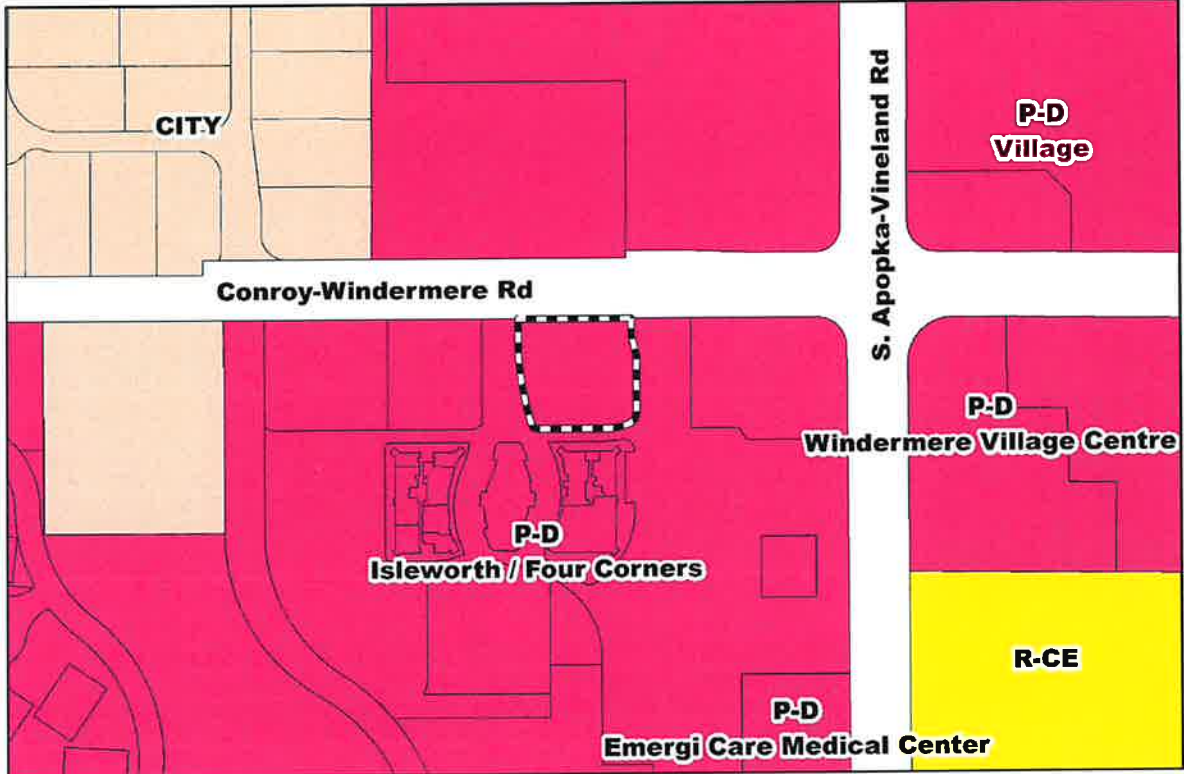
DISTRICT: # 1

S/T/R: 16/23/28

1 inch = 300 feet



CDR-20-09-258



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: John Frederick Hose; i2 Visual

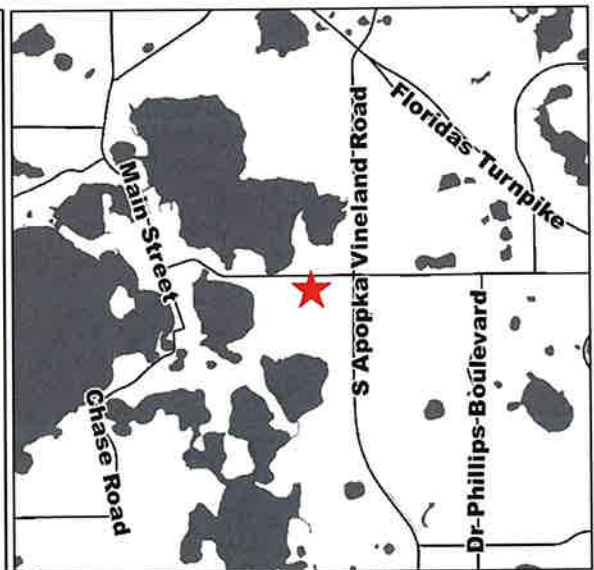
LOCATION: 9168 Conroy-Windermere Road;
 south of Conroy Windermere Road,
 west of South Apopka Vineland Road

TRACT SIZE: 103.8 gross acres (overall PD)
 1.13 gross acres (affected parcel only)

DISTRICT: # 1

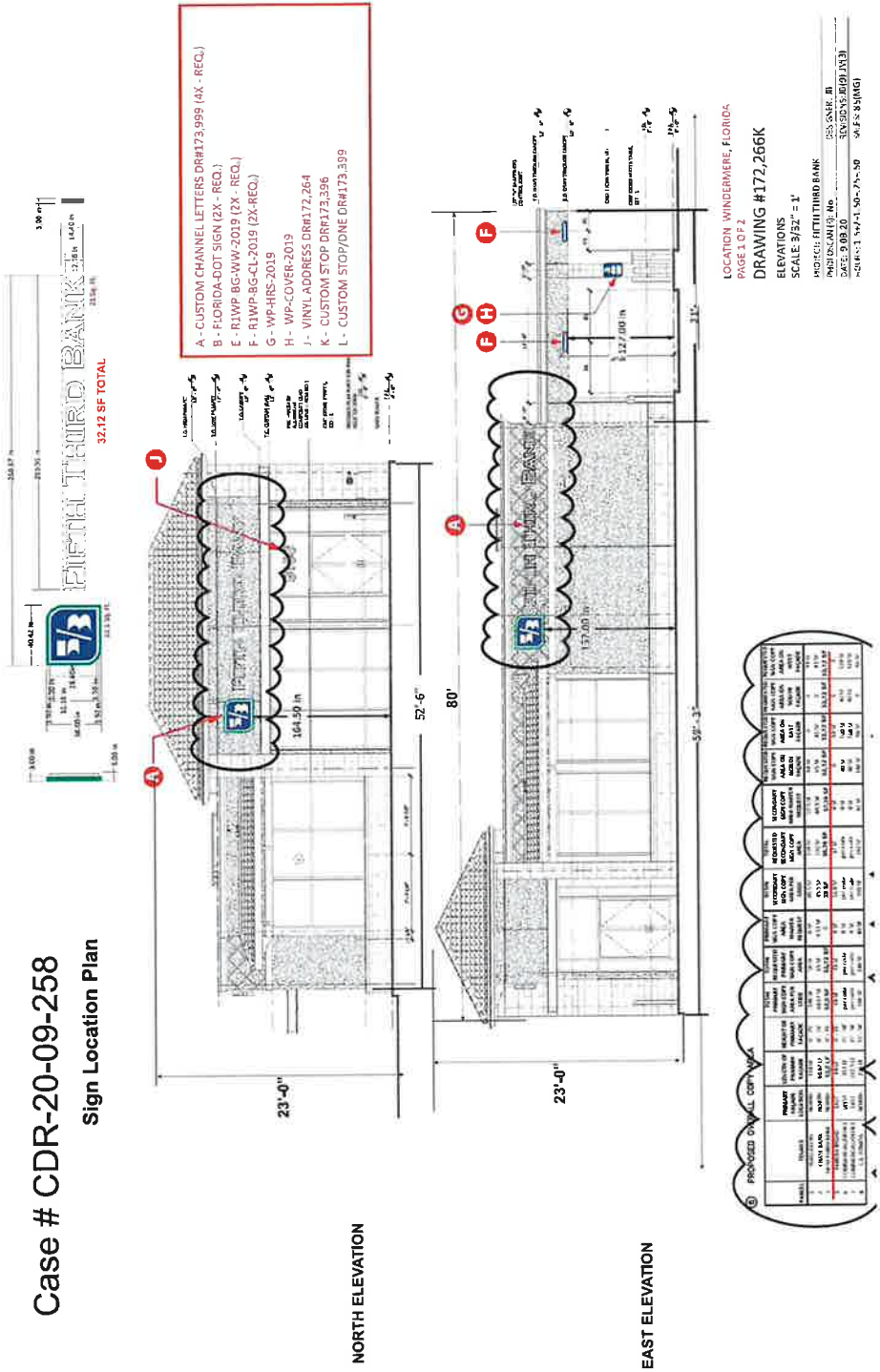
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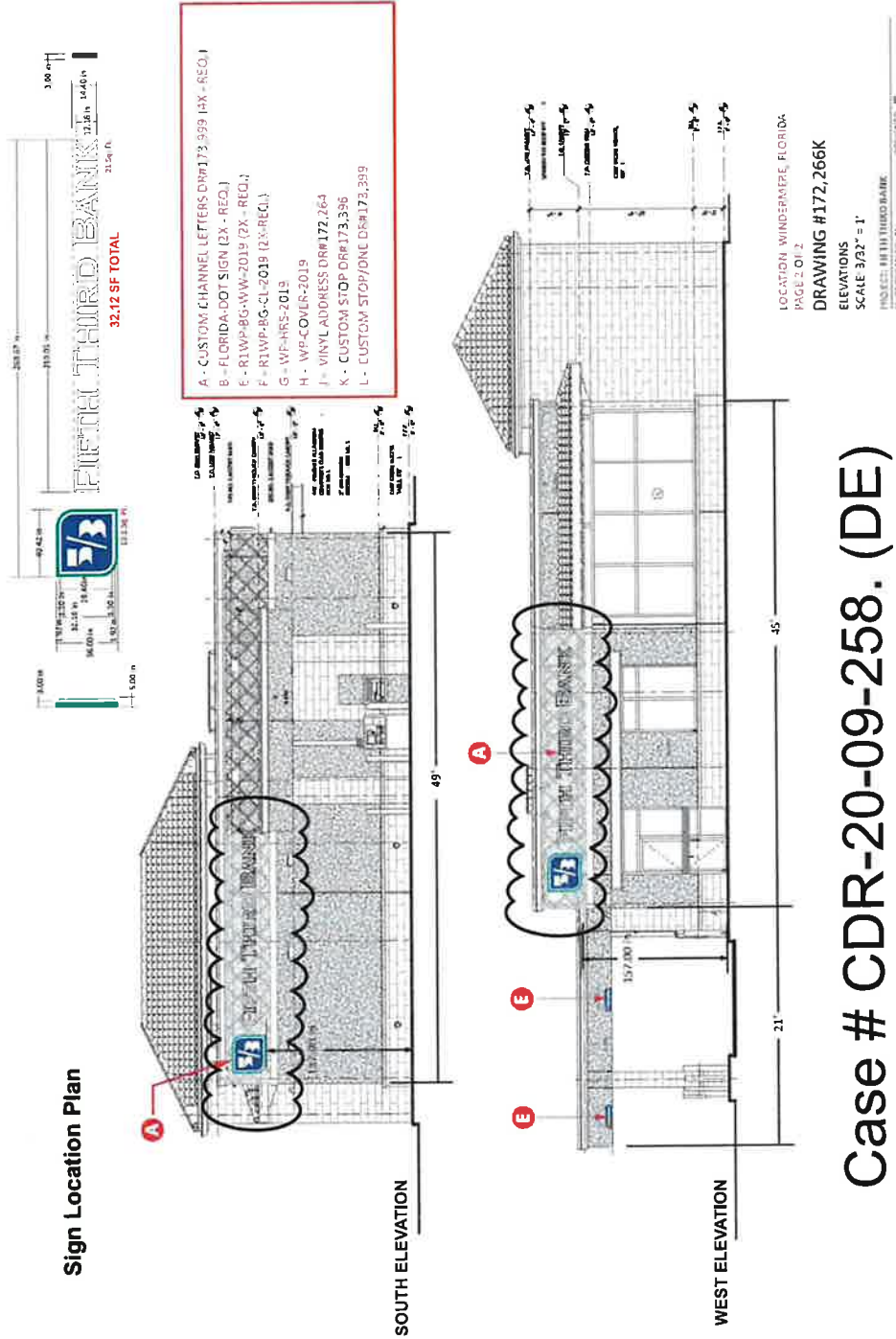


Isleworth – Four Corners PD / LUP / MSP

Case # CDR-20-09-258
 Sign Location Plan

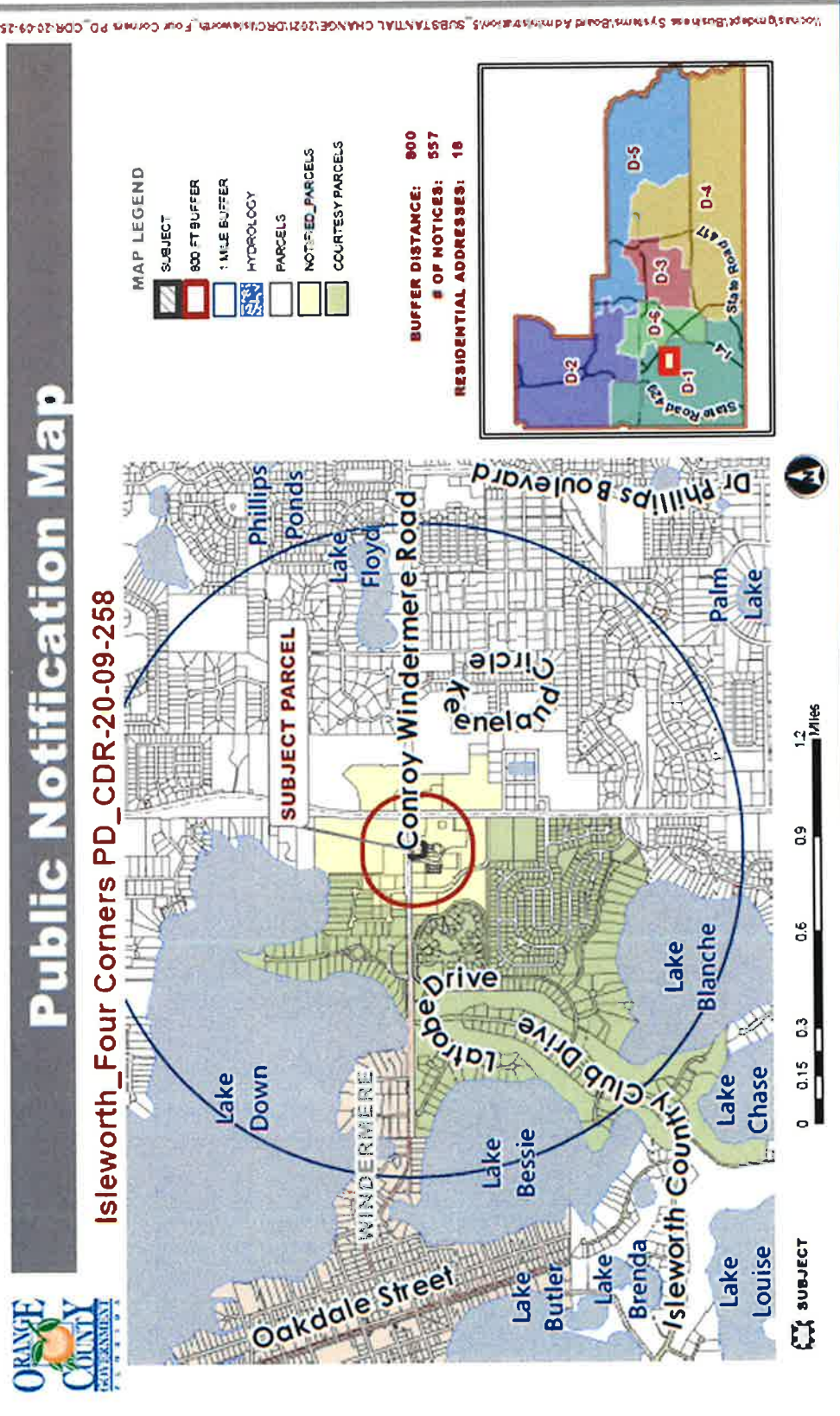


Isleworth – Four Corners PD / LUP / MSP



Case # CDR-20-09-258. (DE)

Notification Map



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Public Notification Map

Isleworth_Four Corners PD_CDR-20-09-258