



Interoffice Memorandum

September 6, 2023

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

FROM: Andres Salcedo, P.E., Acting Director
Planning, Environmental and Development
Services Department *AS*

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

SUBJECT: September 26, 2023 – Public Hearing
Nicole Martin, Madden Moorhead & Stokes, Inc.
Spring Isle Planned Development
Case # CDR-23-03-108 / District 4

The Spring Isle Planned Development (PD) located at 15551 Golden Isle Boulevard, Orlando, Florida, was originally approved in August 2003. The overall PD has existing land use entitlements for up to 756 attached and detached residential units, 4,841 square feet of office uses, 10,000 square feet of commercial uses and 126,604 square feet of mini-warehouse/self-storage use.

Through this PD substantial change, the applicant is requesting to allow outdoor boat and vehicular storage on PD Parcel H as an ancillary use to the approved self-storage facility.

On June 14, 2023, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. Relating to buffering for the outdoor storage, Condition of Approval #11 requires Type B landscape buffering consisting of shade trees on 25' centers along the eastern lot boundary adjacent to the outdoor storage on Parcel H. 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 and approve the substantial change to the Spring Isle Planned Development / Land Use Plan (PD/LUP) dated "Received July 7, 2023", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

AS/NT:jk
Attachments

CASE # CDR-23-03-108

Commission District: 4

GENERAL INFORMATION

APPLICANT Nicole Martin, Madden Moorhead & Stokes, Inc.

OWNER Spring Isle Storage, LLC

PROJECT NAME Spring Isle Planned Development (PD)

PARCEL ID NUMBER(S) 30-22-32-7894-01-000 (affected parcel only)

TRACT SIZE 224.87 gross acres (overall PD)
7.25 gross acres (affected parcel only)

LOCATION Generally located on the east side of Golden Isle Blvd, north of S. Avalon Park Blvd.

REQUEST A PD substantial to allow outdoor boat and vehicular storage on PD Parcel H as an ancillary use to the approved self-storage facility.

PUBLIC NOTIFICATION A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3)(a) of the Orange County Code requires 300 feet]. Five hundred seventy-two (572) 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 Spring Isle PD was originally approved in August 2003. The overall PD has existing land use entitlements for up to 756 attached and detached residential units, 4,841 square feet of office uses, 10,000 square feet of commercial uses and 126,604 square feet of mini-warehouse / self-storage use.

Through this PD substantial change, the applicant is seeking to allow outdoor boat and vehicular storage on PD Parcel H as an ancillary use to the approved and existing self-storage facility.

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 a Future Land Use Map (FLUM) designation of Planned Development-Low Density Residential/ Med Density Residential / Commercial / Office Parks Rec Open Space / Conservation (PD-LDR/MDR/C/O/PR-OS/CONS) on the FLUM and is currently zoned PD.

The Spring Isle PD was approved in August 2003 and includes 756 attached and detached residential units, 4,841 square feet of office uses, 10,000 square feet of commercial uses and 126,604 square feet of mini-warehouse/self-storage use. 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

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

Transportation Planning

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.

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 – June 14, 2023

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Spring Isle Planned Development / Land Use Plan (PD/LUP), dated “July 7, 2023”, subject to the following conditions:

1. Development shall conform to the Spring Isle Planned Development / Land Use Plan (PD/LUP) dated "Received July 7, 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 July 7, 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 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 properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") 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. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. 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.
9. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
10. Outdoor sales, storage, and display shall be prohibited, with the exception of that portion of Parcel H where outdoor boat and vehicular storage will be permitted ancillary to the self-storage use as reflected on sheet 7 of plan dated July 7, 2023.
11. A Type B Landscape Buffer plus enhanced landscaping consisting of a second row of shade trees spaced 25' on center shall be provided on the eastern lot boundary adjacent to the outdoor storage on Parcel H.
12. Billboards and Pole signs shall be prohibited. Parcels G, H, and I shall comply with the approved Master Sign Plan, or Chapter 31.5 where applicable. All other parcels shall comply with Chapter 31.5.
13. The commercial uses shall be limited to Commercial (C-1) uses, and the C-2 use of outdoor storage on Parcel H.
14. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated December 15, 2020, shall apply:
 - a. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 18, 2016, shall apply:
 1. The following Education Condition of Approval shall apply:
 - a) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of February 9, 2016.
 - b) 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 in excess of the 11 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may 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,

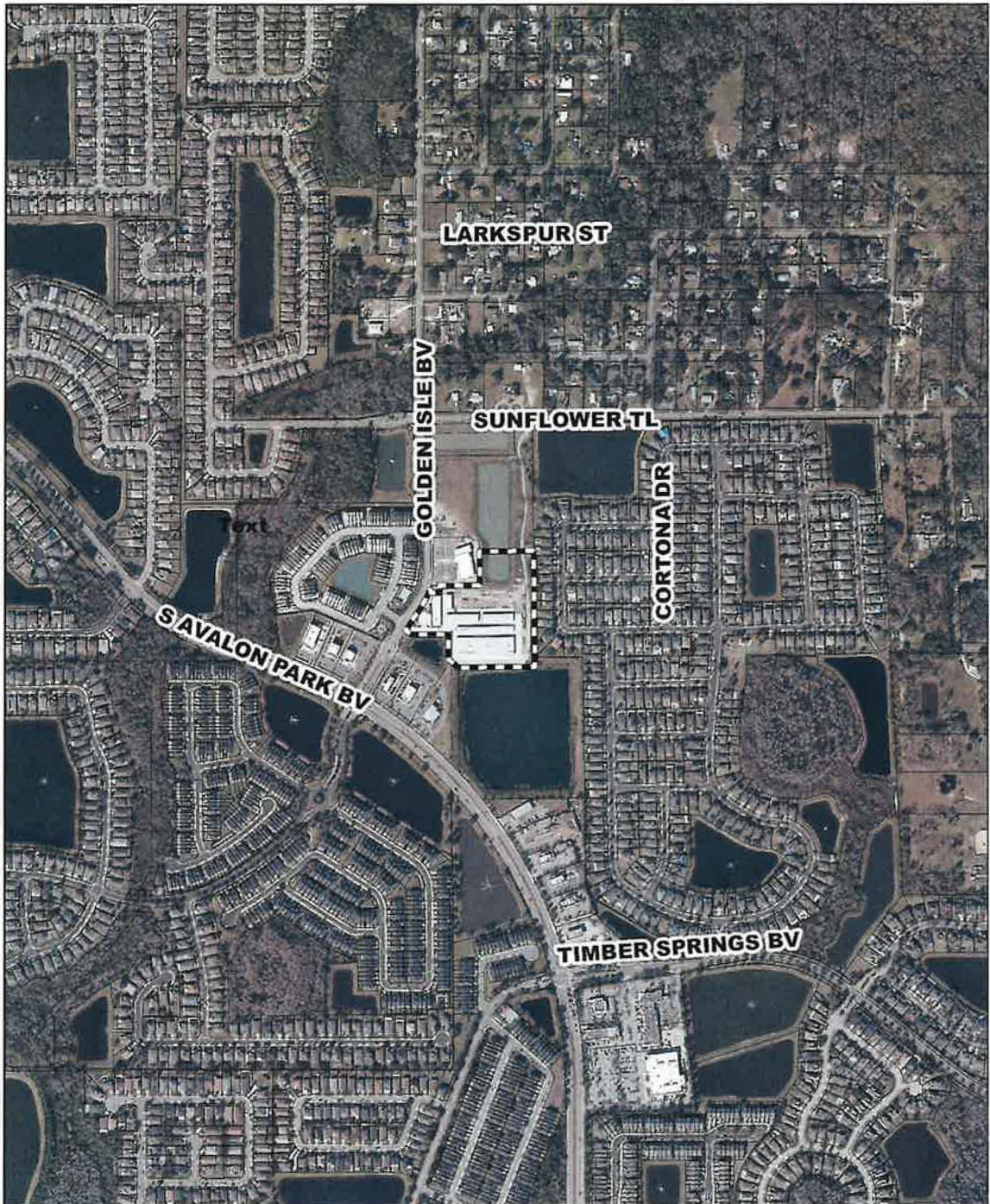
shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- c) Developer, and 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.
 - d) 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. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
2. A waiver from Orange County Code Section 31.5-5 is approved to allow for two (2) multitenant signs as depicted on the Master Sign Plan (MSP) to advertise for those parcels located within this PD, in lieu of signs that advertise for on-site tenants only.
- b. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 16, 2016, shall apply:
- 1. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
 - 2. A waiver from Orange County Code Section 24-4(a) (2) is granted to eliminate landscaping requirements between vehicular use areas on adjacent non-residential properties.
 - 3. A waiver from Orange County Section 38-1272(a)(3) is granted to allow a minimum setback from the side and rear property lines of zero (0) feet for non-residential (commercial) development, in lieu of ten (10) feet.
 - 4. 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.
 - 5. All proposed vertical structures shall be located a minimum of 18 feet from the centerline of the existing 30-inch water main and 30-inch wastewater force main.

6. The developer/property owner shall sign an agreement which releases Orange County from liability associated with the presence of the 30-inch water main and 30-inch wastewater force main located on Parcel H. The agreement shall be approved by the BCC prior to construction plan approval.
- c. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 19, 2010, and August 5, 2003, shall apply:
1. All acreages regarding 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.
 2. This project shall comply with the Avalon Park Boulevard Design Standards, with the following exceptions:
 - i. Golden Isle Boulevard shall have a minimum 10-foot-wide landscape parkway and incorporate one 5-foot walk and one 8-foot walk.
 - ii. Main commercial “anchors” may front an internal drive isle and face Avalon Park Boulevard, so long as any side building façade fronting Golden Isle Boulevard is addressed as a primary building façade.
 - iii. The commercial and office/commercial portion of the PD (Tracts G and H) shall each be considered a “Community Commercial” / “Office” site.
 3. Tree removal / earthwork shall not occur unless and until construction plans for the first preliminary Subdivision and/or Development Plan, with a tree removal and mitigation plan, have been approved by Orange County.
 4. A waiver from Orange County Code Section 38-1272(3)(b) is granted to allow a 15-foot building setback along Avalon Park Boulevard in lieu of the required 40 feet.
 5. A waiver from Section 38-1272(3)(a) is granted to allow a 20-foot setback along the north/south connector road in lieu of the required 30 feet.
 6. A waiver from Section 38-1272(3)(d) is granted to allow 15-foot setbacks from internal streets in lieu of the required 30 feet.
 7. Construction traffic shall not be permitted to access the PD via Sunflower Trail.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (December 15, 2020)

Upon a motion by Commissioner Gomez-Cordero, seconded by Commissioner Bonilla, and carried by all present to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the nine (9) conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The request was to remove Condition 9(d) dated October 10, 2020 and August 5, 2003, which capped PD Parcels G and H at a maximum 150,000 square feet of non-residential uses; clarify the use of the Land Use Equivalency Matrix added in 2016, to exceed the 150,000 square foot restriction if the equivalency matrix is applied; transfer 40,000 square feet of C-1 uses from PD Parcel G to PD Parcel H and convert 14,473 square feet of C-1 to 11,999 square feet of day care uses; and to convert 20,420 square feet of office uses on PD Parcel H to 126,604 square feet of Mini-warehouse. The resulting development program is 193,435 square feet of non-residential uses on PD Parcels G and H; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

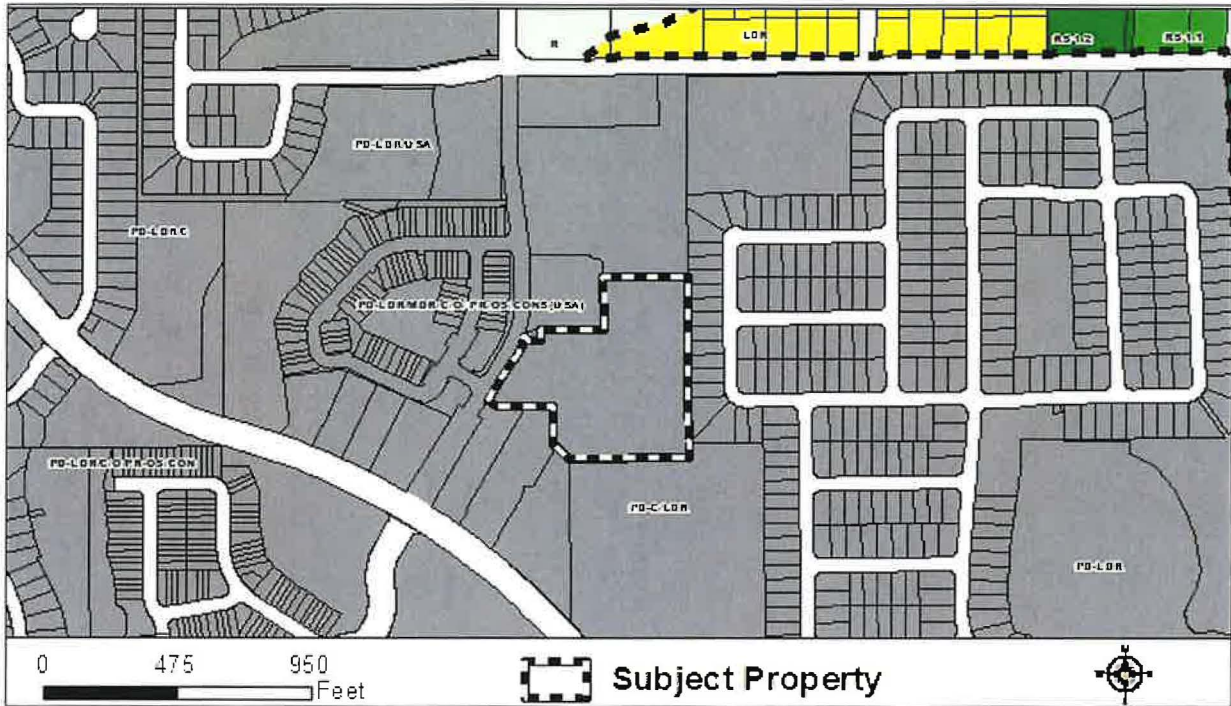


 Subject Property

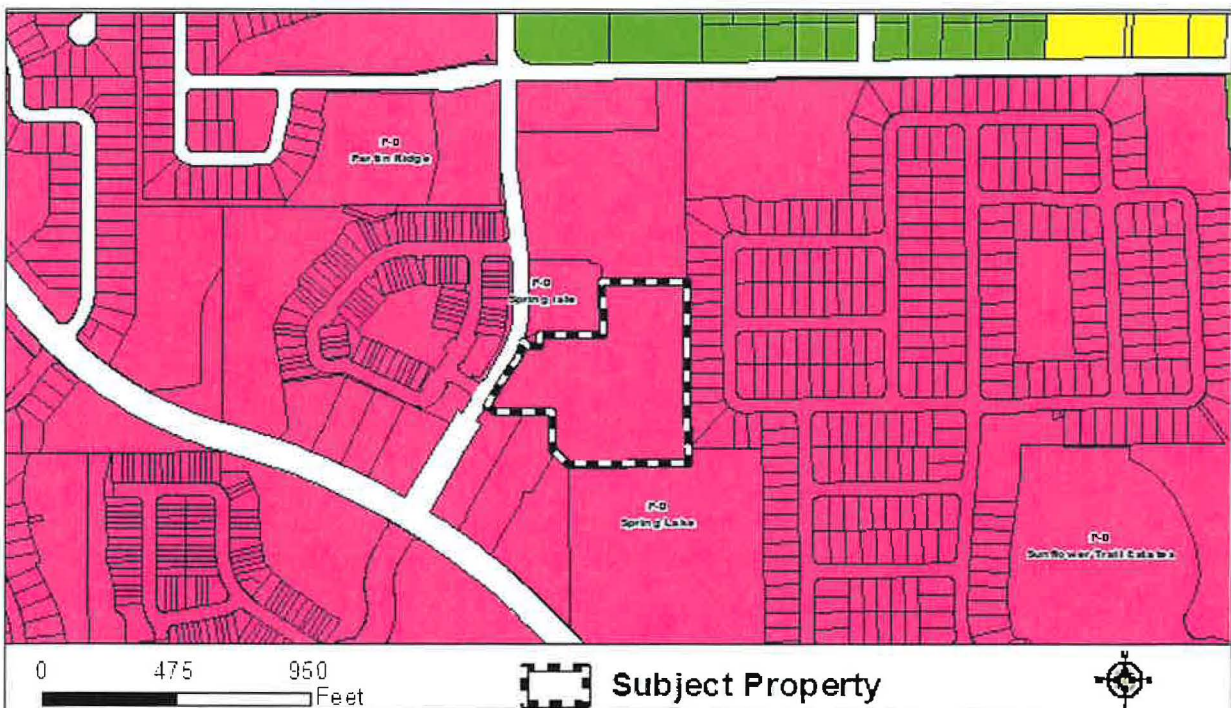


1 inch = 700 feet

FUTURE LAND USE
PD (Planned Development)



ZONING
PD (Planned Development District)





SPRING ISLE LAND USE PLAN AMENDMENT

CDR-23-03-108

ORANGE COUNTY, FLORIDA

THIS PLAN SET HAS BEEN AMENDED BY MADDEN, MOORHEAD, & STOKES, LLC
FROM THE DONALD W. MCINTOSH APPROVED PLAN, DATED: FEBRUARY 14, 2018

RECEIVED

By DRC at 3:00 pm, Jul 07, 2023

PLANNER/ENGINEER/SURVEYOR:
DONALD W. MCINTOSH ASSOCIATES, INC.
2200 PARK AVENUE NORTH
WINTER PARK, FL 32789
(407) 644-4068

ENVIRONMENTAL:
BIO-TECH CONSULTING, INC.
2002 E. ROBINSON STREET
ORLANDO, FL 32803
(407) 894-5969

PREPARED FOR
Spring Isle C, LLC
PO BOX 1015
WINDERMERE, FL 34786
(407) 925-2667

APPROVED LEGAL DESCRIPTION
[Detailed legal description text follows]

CHANGE DETERMINATION REQUEST

Modify the BCC conditions of approval and amend the PD to allow outdoor boat and vehicle storage on PD Parcel #1 as an auxiliary use to the approved self-storage facility; otherwise use conforms as approved with CDR 20-28-211

TAX PARCEL ID NUMBERS

PHASE 2
30-22-32-0000-00-013
30-22-32-0000-00-018
30-22-32-0000-00-022
30-22-32-0000-00-048
30-22-32-0000-00-050
30-22-32-0000-00-051
30-22-32-0000-00-053
(30-22-32-0000-00-054 PARCEL #2)
30-22-32-0000-00-055
30-22-32-0000-00-056

SECTION-TOWNSHIP-RANGE

**PHASE 1
SUB-PHASES 1-5**
30-22-32
31-22-32
25-22-31



VICINITY MAP
BY PEC, INC.

REVISED JANUARY 17, 2018
OCTOBER 19, 2010

MARCH 23, 2023
JUNE 14, 2023

DONALD W. MCINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
3200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068

SHEET INDEX

- 1 COVER SHEET
- 2 CONDITIONS OF APPROVAL
- 3 EXISTING CONDITIONS
- 4 LAND USE PLAN
- 5 DEVELOPMENT PROGRAM
- 6 PHASE 2 SKETCH OF DESCRIPTION
- 7 PARCEL LAND USE PLAN
- 8 MASTER SIGNAGE PLAN
- 9 SIGNAGE DETAILS

NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION

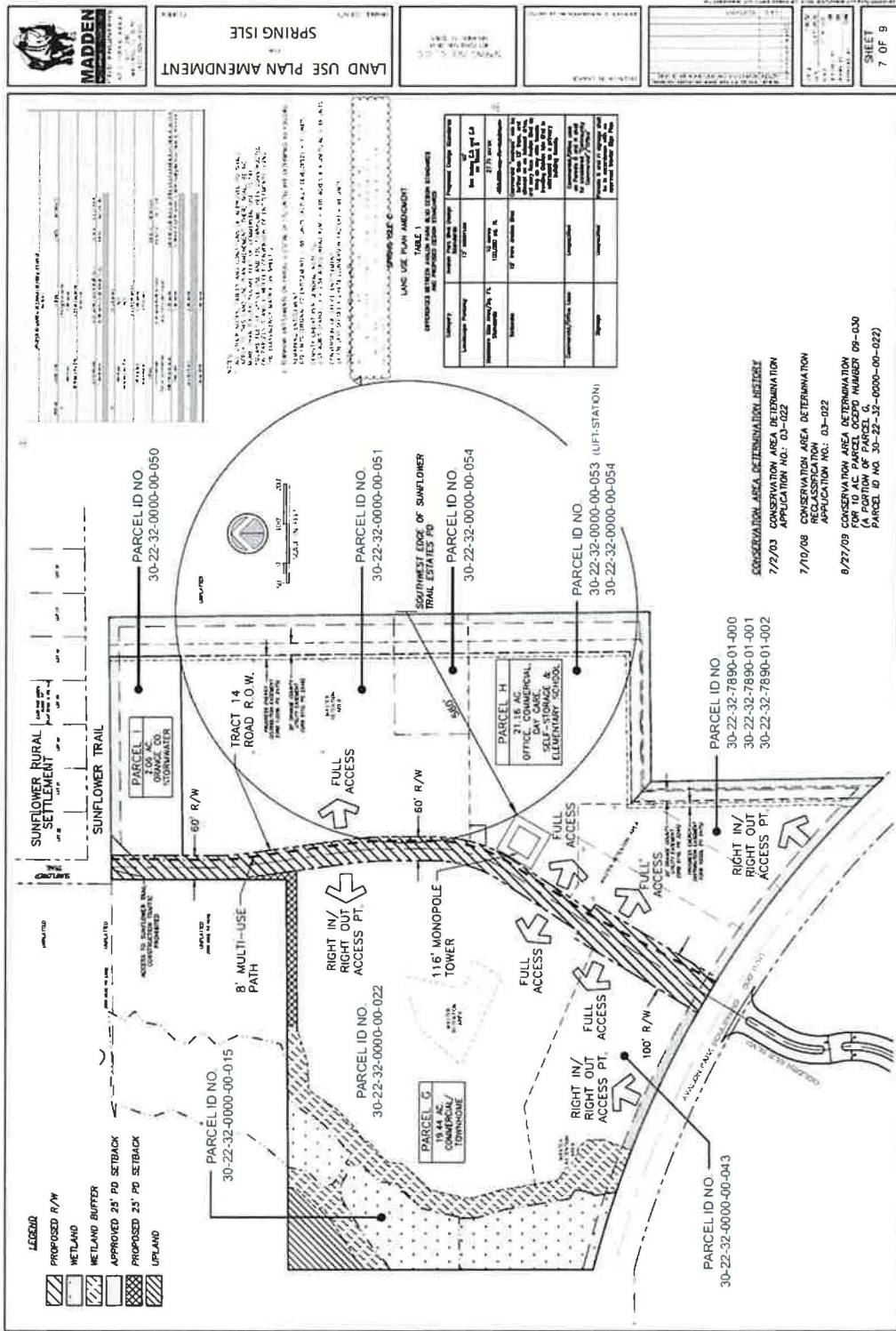
06/07/2023 REVISION PER BCC COMMENT
5/05/2023 REVISION PER DRC COMMENT
5/10/2020 REVISION PER DRC DISCUSSION (LD-21-2020)
SPRING ISLE PD / LUP AMENDMENT

Spring Isle PD / LUP (Cover Sheet)

Orange County Planning Division
BCC Hearing Date: September 26, 2023

DRC Staff Report

Spring Isle PD / LUP



Notification Map

