



Interoffice Memorandum

DATE: June 24, 2020

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

Eric P. Raasch,
Jr., AICP

Digitally signed by Eric
P. Raasch, Jr., AICP
Date: 2020.06.24
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SUBJECT: July 7, 2020 – Public Hearing
Constance Silver, Tri³ Civil Engineering Design Studio, Inc.
South Orlando Urban Center Planned Development
Case # CDR-20-02-057 / District 3

The South Orlando Urban Center Planned Development (PD) is generally located north of Sand Lake Road and east of South Orange Avenue. The existing PD development program allows for 19,000 square feet of office uses; 19,000 square feet of commercial uses; 196 multi-family residential units; and 38 single-family residential units.

Through this PD substantial change, the applicant is seeking to convert the approved 38 single-family attached residential units to 38 multi-family units. The applicant intends to develop the single-family residential townhomes as condominiums and there are no proposed changes to the design of the individual units. Since condominium is a type of ownership rather than a permitted use under the code, the applicant is proposing to change the use from single-family to multi-family and is requesting five (5) waivers from Orange County Code to address buffering requirements between multi-family uses and single-family zoned properties.

On May 13, 2020, 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 South Orlando Urban Center Planned Development / Land Use Plan (PD/LUP) dated “Received May 5, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 3

Attachments
JVW/EPR/nt

CASE # CDR-20-02-057

Commission District: # 3

GENERAL INFORMATION

APPLICANT Constance Silver, TRI³ Civil Engineering Design Studio, Inc.

OWNER Sandlake Station Partners LLC

PROJECT NAME South Orlando Urban Center Planned Development (PD)

PARCEL ID NUMBER(S) 25-23-29-0000-00-045, 25-23-29-00000-00-126, 25-23-29-6924-00-380, 25-23-29-0000-00-143, & 25-23-29-0000-00-144

TRACT SIZE 18.09 gross acres

LOCATION Generally located north of Sand Lake Road and west of South Orange Avenue.

REQUEST A PD substantial change to convert the approved 38 single-family attached residential units to 38 multi-family units to be constructed to resemble townhomes. In addition, the applicant has requested the following waivers from Orange County Code:

1. A waiver from Section 38-1254 (1) to allow two-story multi-family residential buildings to be fifteen (15) feet from the PD Boundary in lieu of a twenty-five (25) foot setback from the PD boundary.

Applicant Justification: This waiver request will permit the same setbacks permitted for the single-family residential townhomes, as these buildings will be the same height, have the same number of units, same building facade, and parking requirements as was approved when classified as SFR townhomes.

2. A waiver from Section 38-1258 (a) to allow two-story multi-family residential buildings to be fifteen (15) feet from SFR zoned properties in lieu of multi-family buildings within one-hundred (100) feet of a SFR zoned property being limited to one-story.

Applicant Justification: This waiver request will permit the same setbacks permitted for the single-family residential townhomes, as these buildings will be the same height, have the same number of units, same building facade, and parking requirements as was approved when classified as SFR townhomes.

3. A waiver from Section 38-1258(e) to allow a ten (10) foot wide landscape buffer from the PD Boundary, consistent with Type C buffer requirements set forth in Chapter 24, and a zero (0) foot wide landscape buffer from lots internal to the PD, in lieu of a twenty-five (25) foot landscape buffer.

Applicant Justification: This waiver request will allow development of the multi-family residential buildings whose rear setbacks are requested to be fifteen (15) feet and whose landscape buffers internal to the PD were not otherwise previously required.

4. A waiver from Section 38-1358(f) to allow a maximum ten (10) foot high concrete, masonry or block retaining wall in conjunction with a and four (4) foot high aluminum fence for safety where multi-family residential is adjacent to single-family residential, in lieu of a six (6) foot high masonry, brick or block wall.

Applicant Justification: This development requires fill in order to meet building design and stormwater management requirements set forth by Orange County and the St. Johns River Water Management District. If the screen wall were to be designed based on Orange County's LDC in conjunction with the amount of fill required for this development, the resulting wall would be in excess of seventeen (17) feet high. The resulting look would create an eye sore and a "fortress" appearance to adjacent SFR lots. Maintenance of a wall of this height is also a concern. Due to the excessive amount of fill required for this development, the applicant is requesting a waiver to construct a four (4) foot high aluminum fence in conjunction with a proposed earth retaining wall as sufficient screening to adjacent SFR zoned properties.

5. A waiver from Section 38-1258 (j) to allow the two-story multi-family residential buildings to have ten (10) feet of separation from another multi-family residential building where doors, windows and other openings in the wall of a living unit back up to a wall of another building with doors, windows, or other openings, in lieu of thirty (30) feet and to otherwise allow the two-story multi-family residential buildings to have a ten (10) feet of separation from another multi-family residential building, in lieu of twenty (20) feet.

Applicant Justification: This waiver request will permit the same separation requirements that were permitted for the single-family residential townhomes, as these buildings will be the same height, have the same number of units, same building facade, and parking requirements as was approved when classified as SFR townhomes.

PUBLIC NOTIFICATION A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred four (204) 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

This project was originally approved as "The Fountains PD" by the BCC on March 6, 2007. As a result of a Florida Department of Transportation study, a Commuter Rail station was proposed directly across Orange Avenue from the subject site. In anticipation of fostering transit-oriented development around the station, the BCC adopted an Interim Transit Oriented Development (TOD) Overlay District on February 5, 2008. The Interim TOD Overlay District (Ordinance 2008-2) established interim standards and guidelines applicable to developments within 1/2 mile of the Central Florida Commuter Rail stations. The intent was to reduce the reliance on the automobile by providing convenient access to the transit facility by promoting a pedestrian-friendly environment which includes a compact and dense mix of commercial, office, residential, institutional and civic uses within walking distance of the station. Subsequently, the County worked with the applicant to amend the Future Land Use (FLU) designation to include a commercial component, and thus be consistent with the intent of the interim TOD overlay. The PD has a currently approved development program of 19,000 square feet of office uses, 19,000 square feet of commercial uses, 196 multi-family residential dwelling units, and 38 single-family attached residential dwelling units.

Through this PD substantial change, the applicant is seeking to convert the approved 38 single-family attached residential units to 38 multi-family units. The applicant intends to develop the single-family residential townhomes as condominiums and there are no proposed changes to the design of the individual units. Since condominium is a type of ownership rather than a permitted use under the code, the applicant is proposing to change the use from single-family to multi-family and is requesting five (5) waivers from Orange County Code to address buffering requirements between multi-family uses and single-family zoned properties. If approved, the applicant would be able to convert the proposed County right-of-way within the property to a private access drive, which would obviate the need for County maintenance. As such, DRC also recommends eliminating a 2009 condition that referenced the internal road on the Preliminary Subdivision Plan.

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 South Orlando Urban Center PD has an underlying Future Land Use Map (FLUM) designation of Planned Development – Office/Commercial/Medium Density Residential (PD-O/C/MDR). The request is consistent with the FLUM designation and all other applicable provisions of the Comprehensive Plan.

Overlay Ordinance

The subject property is located within the Sand Lake Station Transit Oriented Development Overlay District and the South Orange Avenue Corridor 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

All previously approved EPD findings and conditions of approval for this PD apply.

Transportation Concurrency

This project is located in the County's Alternative Mobility Area (AMA) and is exempt from concurrency requirements.

Community Meeting Summary

A community meeting was not required for this request.

Schools

This project is covered under Capacity Enhancement Agreement (CEA) CEA #OC-18-073. This CEA is currently active. OCPS issued a letter dated May 20, 2020, which consents to the conversion of the townhome units to multi-family units and states that an amendment to the CEA is not required.

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 – (May 13, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the South Orlando Urban Center Planned Development / Land Use Plan (PD/LUP), dated "May 5, 2020", subject to the following conditions:

1. Development shall conform to the South Orlando Urban Center PD Land Use Plan (LUP) dated "Received May 5, 2020," 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 5, 2020," 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. This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit.
7. A utility and access easement between Watts Avenue and the Orange County parcel for Pump Station #3222 shall be dedicated to Orange County prior to or concurrent with the first plat within this PD.
8. The project shall not install any gates, with the exception of the gate required by the Florida Department of Transportation.
9. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1254 (1) to allow two-story multi-family residential buildings to be fifteen (15) feet from the PD Boundary in lieu of a twenty-five (25) foot setback from the PD boundary.
 - b. A waiver from Section 38-1258 (a) to allow two-story multi-family residential buildings to be fifteen (15) feet from SFR zoned properties in lieu of multi-family buildings within one-hundred (100) feet of a SFR zoned property being limited to one-story.
 - c. A waiver from Section 38-1258(e) to allow a ten (10) foot wide landscape buffer from the PD Boundary, consistent with Type C buffer requirements set forth in Chapter 24, and a zero (0) foot wide landscape buffer from lots internal to the PD, in lieu of a twenty-five (25) foot landscape buffer.
 - d. A waiver from Section 38-1358(f) to allow a maximum ten (10) foot high concrete, masonry or block retaining wall in conjunction with a four (4) foot high aluminum fence for safety where multi-family residential is adjacent to single-family residential, in lieu of a six (6) foot high masonry, brick or block wall.
 - e. A waiver from Section 38-1258 (j) to allow the two-story multi-family residential buildings to have ten (10) feet of separation from another multi-family residential building where doors, windows and other openings in the wall of a living unit back up to a wall of another building with doors, windows, or other openings, in lieu of thirty (30) feet and to otherwise allow

the two-story multi-family residential buildings to have a ten (10) feet of separation from another multi-family residential building, in lieu of twenty (20) feet.

10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 2, 2019 shall apply:
 - a. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan. The MUP and amendments to the approved MUP shall be submitted to Orange County Utilities at least thirty (30) days prior to construction plan submittal and must be approved prior to construction plan approval.
 - b. This property is located within the South Orange Avenue Corridor Overlay District. This overlay prohibits certain uses as called out in Orange County Code Section 38-1054 and on the Land Use Plan.
 - c. 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 February 12, 2019.
 - 2) 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 46 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
 - 3) 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.
 - 4) 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.

- 5) 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.

- d. Unless a Conservation Area Impact Permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas," prior to Construction Plan approval, no conservation area encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts

- e. The following waivers from Orange County Code are granted:
 - 1) A waiver from Section 38-1254(1) to allow a continuous 10 foot PD perimeter setback along the south PD boundary line adjacent to residentially zoned properties outside of the PD boundary in lieu of 25 feet.

 - 2) A waiver from Section 38-1477 to allow on-street parking spaces that are not located on the same lot or within 300 feet of the principal entrance as measured along the most direct pedestrian route.

- 10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 12, 2009 shall apply:
 - a. The Developer shall obtain wastewater service from Orange County Utilities.

 - b. 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 platting. However, nothing in this condition and nothing in the decision to approve this land use plan amendment shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

 - c. 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.

 - d. Outdoor storage and display shall be prohibited.

 - e. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5, Orange County Code.

 - f. There shall be no interconnection to the single family residential parcels to the east of this site unless a substantial change to the PD is approved by the Board of County Commissioners.

11. All previous applicable conditions of approval shall apply.
 - a. There shall be no development on the existing platted lots fronting Royal Palm Avenue. These areas, north of the wetland shall be designed as open space on the Land Use Plan and reflected in the Covenants, Conditions, and Restrictions (CC&Rs), and the CC&Rs shall not be modified without approval from Orange County.
 - b. An ~~8-foot masonry wall~~ easement shall be ~~constructed~~ provided along the west side of the north/south drainage ditch and an easement shall be provided to connect the north/south drainage ditch to the east/west drainage ditch and sufficient area will be maintained between the wall and the ditch to provide for maintenance.
 - c. Access shall be limited to Orange Avenue.
 - d. There shall be no motorized watercraft on Bearhead Lake.
 - e. This development shall not have a community boat dock or ramp.
 - f. Short-term rentals shall be prohibited.
 - g. The total amount of parking stalls provided shall not exceed 110% of the minimum required per Orange County code.
 - h. Stormwater ponds shall be owned and maintained by the Property Owners' Association.
 - i. Based on this project being an urban infill which promotes a Transit Oriented Development (TOD), the following waivers from Orange County Code Section 38 are being requested:
 - 1) Waiver from Section 38-1234 (6)(a)(1), (2), (4), (7), and (8). Open Space to allow all ponds, regardless of design, to count as Class B open space.
 - 2) Waiver from Section 38-1258 (h). Recreational Facilities (for Residential Developments) to allow single family and multi-family to share the same recreational areas in lieu of providing separate recreational areas for each use.
 - 3) Waiver from Section 38-1476 (a)(1). Quantity of off-street parking to provide a total of 278 shared parking spaces for the combined Commercial/Office/Multi-Family uses onsite with differing peaking during the day. This request shall be in lieu of the calculated 516 parking spaces for the combined uses as required by code.
 - 4) Waiver from Section 38-1254 (1). Setbacks (for Residential Developments) to provide a continuous 25 foot PD perimeter

setback for all uses within the PD in excess of 2 stories in lieu of providing setbacks based on structural height in addition to 2-stories, except where adjacent to residentially zoned properties outside of the PD boundary. To provide a 5' setback from S. Orange Avenue (an arterial street) in lieu of 50' as required by code.

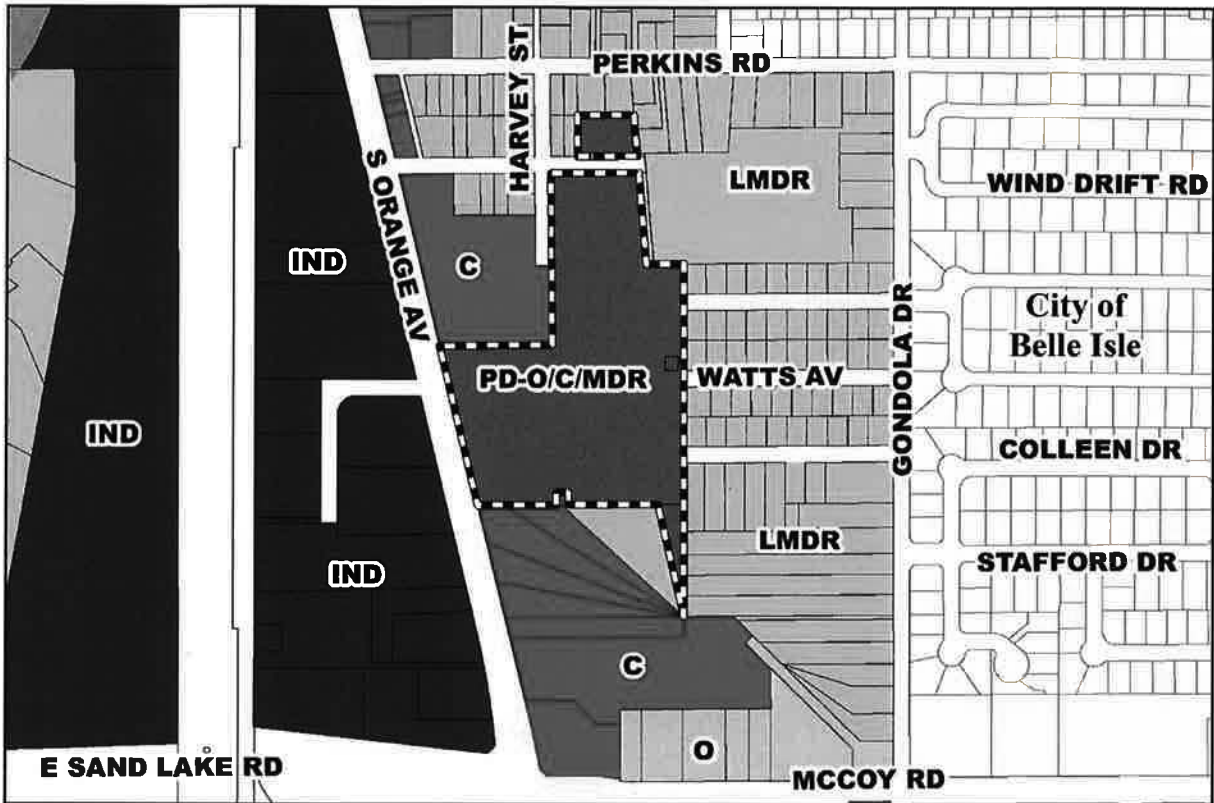
- 5) Waiver from Section 38-1254(2)(a) and Section 38-1272(3)(a). Setbacks (for Residential and General Commercial Developments) to allow the mixed use buildings (commercial/office) a 5' setback from an Arterial Roadway (Orange Avenue) in lieu of the required 50' residential setback and 40' commercial setback.
- 6) Waiver from Section 38-1254(2)(e) and Section 38-1272(3)(d). Setbacks (for Residential and General Commercial Developments) to allow the mixed use buildings (commercial/office and residential) a 5' setback on all other right-of-way in lieu of the required residential setback of 20' and commercial setback of 30'.
- 7) Waiver from Section 38-1258(a) and (b). Multi-family development to allow a 50' setback for the 4-story multi-family buildings in lieu of the required 100'/150' requirement from the proposed single-family residential within the boundaries of this PD.
- 8) Waiver from Section 38-1272 and Section 38-1258(a) and (b). Multi-family development to allow the four story mixed use building (retail and multi-family) within 50' from the proposed single-family residential within the boundaries of this PD in lieu of the required 100'/150'.
- 9) Waiver from Section 38-1258(d). Multi-family development to allow 4-story 50' height multi-family buildings in lieu of the 3-story 40' height allowable by code.
- 10) Waiver from Section 38-1258(f). Multi-family development to omit the requirement that a six-foot high masonry, brick, or block wall be constructed whenever a multi-family development is located adjacent to single-family zoned property within the boundary of the PD.
- 11) Waiver from Section 38-1258(g) Multi-family development to allow a direct access to any right-of-way within the PD serving platted single-family residential development.
- 12) Waiver from Section 38-1258(i) Multi-family development to eliminate the requirement that it be located adjacent to a fenced right-of-way.
- 13) Waiver from Section 38-1272(a)(5) General commercial to allow a 60' commercial mixed-use building in lieu of the 50' height limit and to allow the 60' commercial mixed use building within 50' from

single-family residential in lieu of the required 35' maximum when within 100' of single-family residential within the boundaries of this PD.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (March 12, 2019)

Upon a motion by Commissioner Uribe, seconded by Commissioner VanderLey, and carried by all members present voting AYE by voice vote, the Board approved the substantial change request subject to the conditions of approval listed under the Development Review Committee Recommendation in the staff report.

CDR-20-02-057



Subject Property



Subject Property

Future Land Use Map

FLUM: Planned Development - Office/Commercial /Medium Density Residential (PD-O/C/LMDR)

APPLICANT: Constance Silver, TRI⁹ Civil Engineering Design Studio, Inc.

LOCATION: Generally located north of Sand Lake Road and east of South Orange Avenue

TRACT SIZE: 18.03 gross acres

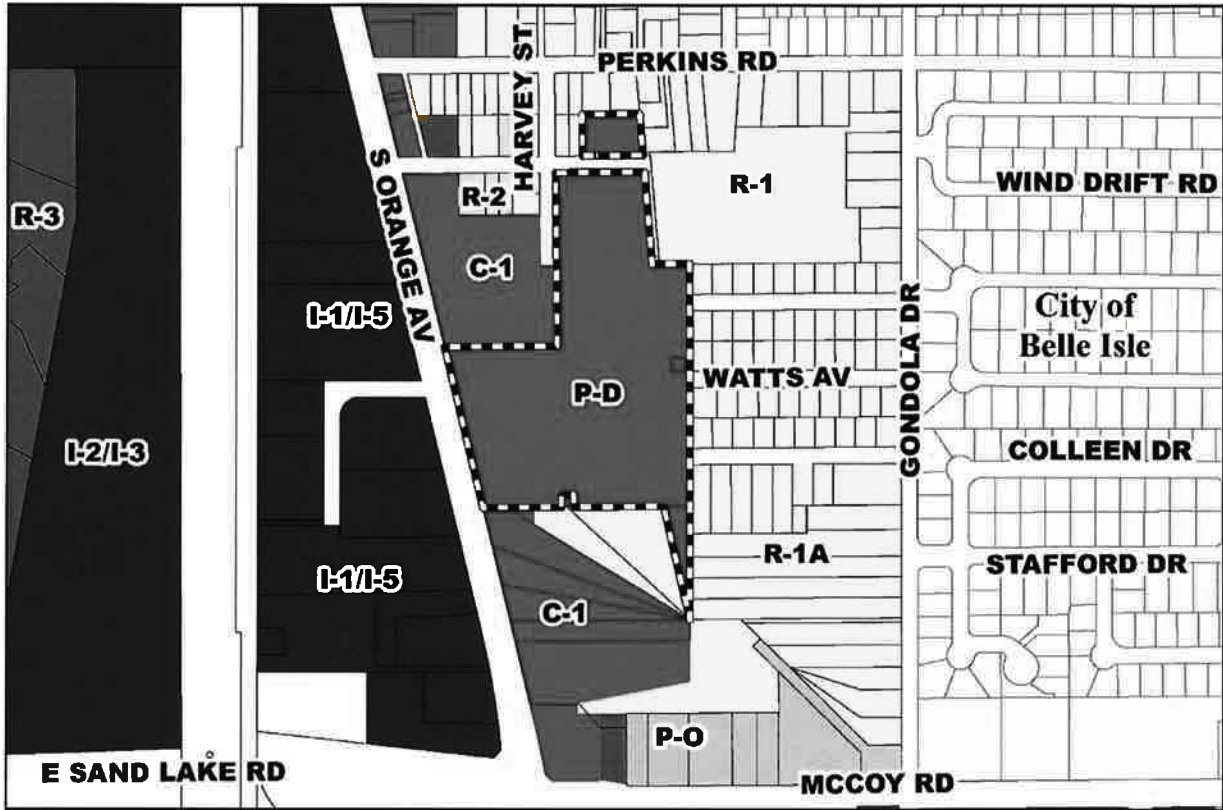
DISTRICT: # 3

S/T/R: 25/23/29

1 inch = 570 feet



CDR-20-02-057



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Constance Silver, TRI³ Civil Engineering Design Studio, Inc.

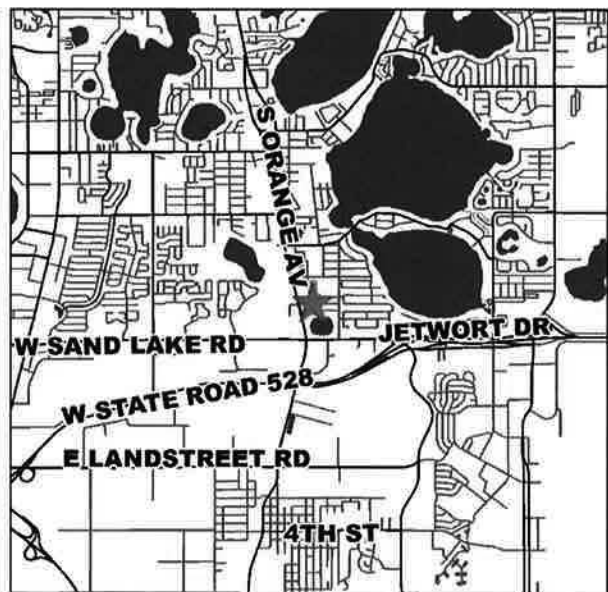
LOCATION: Generally located north of Sand Lake Road and east of South Orange Avenue

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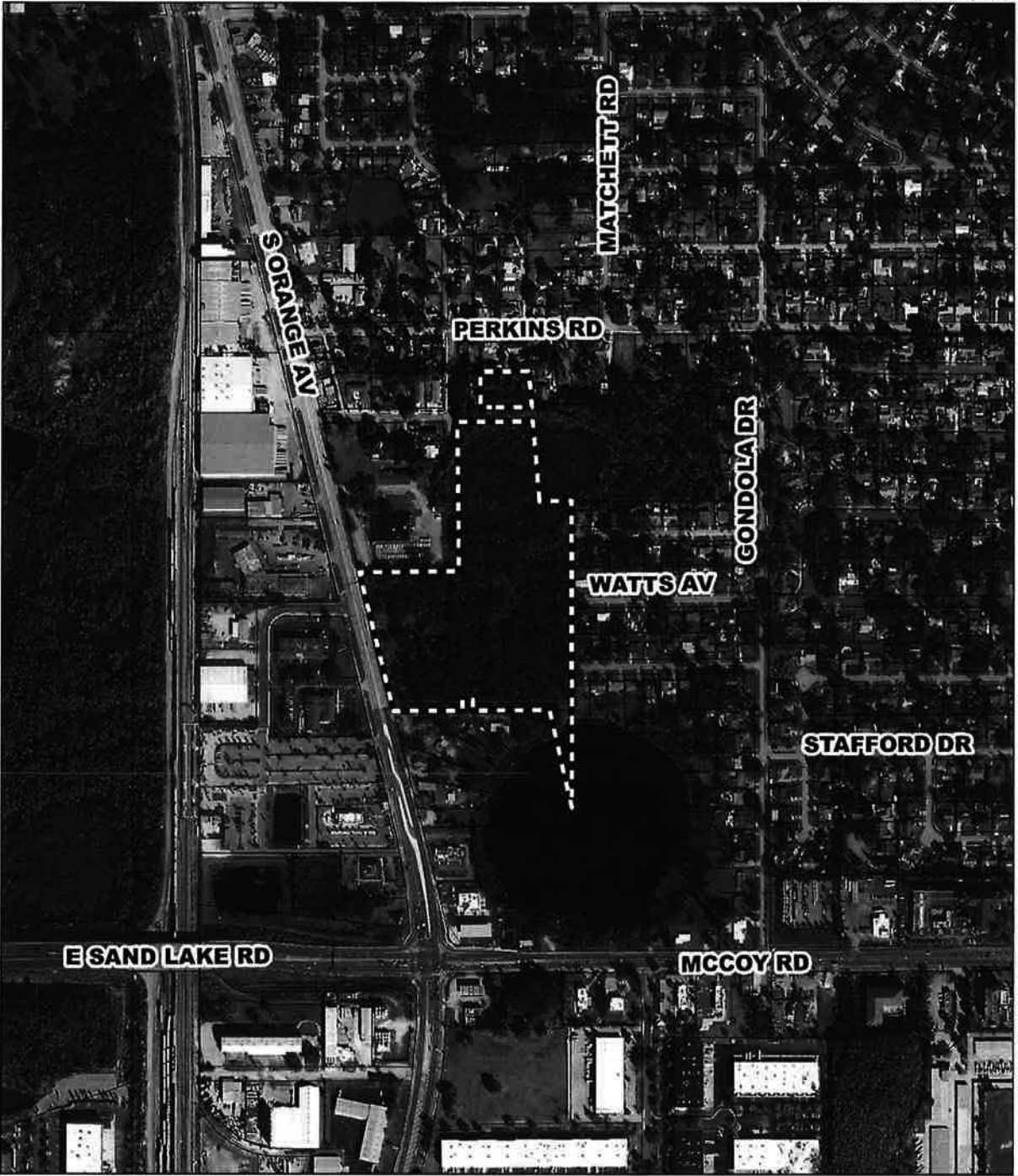
DISTRICT: # 3

S/T/R: 25/23/29

1 inch = 570 feet



CDR-20-02-057



 Subject Property



1 inch = 550 feet

Notification Map

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