



Interoffice Memorandum

DATE: October 29, 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

SUBJECT: November 10, 2020 – Public Hearing
Bryan F. Borland, WP South Acquisitions, LLC
Orangewood N-9 Planned Development
Case # CDR-19-10-338 / District 4

Eric P. Raasch,
Jr., AICP

Digitally signed by Eric P.
Raasch, Jr., AICP
Date: 2020.10.30 10:46:47
-04'00'

The Orangewood N-9 Planned Development (PD) is generally located north of Taft-Vineland Road, south of S.R. 528, east of S. John Young Parkway, and west of U.S. 441. The existing PD development program allows for commercial and industrial uses.

Through this PD substantial change, the applicant is seeking to create parcels 1A, 1B, and 1C and convert 404,454 square feet of industrial uses to 346 multi-family dwelling units on parcel 1B. Additionally, one waiver related to building height is being requested.

On August 12, 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 Orangewood N-9 Planned Development / Land Use Plan (PD/LUP) dated "Received March 19, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

Attachments
JVW/EPR/nsw

CASE # CDR-19-10-338

Commission District: # 4

GENERAL INFORMATION

APPLICANT Bryan F. Borland, WP South Acquisitions, LLC

OWNER PIC Association Group, LLC; JMA Property Investments LLC

PROJECT NAME Orangewood N-9 Planned Development

PARCEL ID NUMBER(S) 09-24-29-8559-00-001, 09-24-29-8559-00-020
09-24-29-8559-00-030, 09-24-29-8559-00-040
09-24-29-8559-00-050, 09-24-29-8559-00-060
09-24-29-8559-00-070, 09-24-29-8559-00-080
(affected parcels only)

TRACT SIZE 170.80 gross acres (overall PD)
12.40 gross acres (affected parcels only)

LOCATION Generally located north of Taft-Vineland Road, south of SR 528,
east of S. John Young Parkway, and west of U.S. 441

REQUEST A PD substantial change to create parcels 1A, 1B, and 1C and
convert 404,454 square feet of industrial uses to 346 multi-family
dwelling units on parcel 1B. In addition, the applicant has
requested the following waiver from Orange County Code:

1. A waiver from Section 38-1251(d) to allow for building heights
of fifty (50) feet and four (4) stories, in lieu of thirty-five (35)
feet and three (3) stories.

Applicant Justification: *The immediately adjacent
properties are industrial uses with 50 foot building heights
permitted, therefore, the proposed building height maximum
of 50 foot / 4 stories for multi-family buildings would be
compatible with surrounding land uses.*

PUBLIC NOTIFICATION A notification area extending beyond one thousand (1,000) feet
was used for this application [Chapter 30-40(c)(3a) of the Orange
County Code requires 300 feet]. One hundred eighty (180)
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 Orangewood N-9 PD was originally approved September 5, 1972 and currently includes entitlement for commercial and industrial uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to create parcels 1A, 1B, and 1C and convert 404,454 square feet of industrial uses to 346 multi-family dwelling units on parcel 1B. Additionally, one waiver related to building height is being requested.

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 Industrial (IND). The Orangewood PD was approved in 1972 and includes a mix of uses, including multi-family residential. Per policy FLU8.1.5, Planned Developments that have been approved as of the date of the adoption of the 1991 Comprehensive Plan shall be considered consistent with the Comprehensive Plan.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

The project area has been cleared. It was included in the Orange County conservation area permits completed for the Orangewood PD. This request shall comply with all related permit conditions of approval.

Transportation / Concurrency

Concurrency Vested Rights Certificate CVRC #99-167 is on file for this Planned Development.

Community Meeting Summary

A community meeting was not required for this request.

Schools

The applicant has submitted Capacity Determination OC-19-086 with Orange County Public Schools (OCPS), which was returned showing insufficient capacity at Freedom Middle School, which is currently enrolled at 111 percent capacity. This request has received capacity due to planned relief schools for Waterbridge Elementary School (2020) and Freedom High School (2021). The OCPS Capacity Determination can be found on page 11 of this staff report.

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 – (August 12, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Orangewood N-9 Planned Development / Land Use Plan (PD/LUP), dated “March 19, 2020”, subject to the following conditions:

1. Development shall conform to the Orangewood N-9 Planned Development (PD) dated "Received March 19, 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 March 19, 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. 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 MM DD, YYYY.
 - 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 ## 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.
 - e) 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.
7. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the PD.
8. 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 certificate of occupancy. However, nothing in this condition and nothing in the decision to approve this development plan 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.
9. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
10. Lots 2-8 of Parcel 1B and the Amazonas Circle right-of-way, all as more particularly described in that certain Taft-Vineland Business Park Replat recorded in Plat Book 67, Page 89 of the Public Records of Orange County, Florida, shall be vacated prior to development plan approval for Parcel 1B. Prior to, or concurrently with, Orange County's approval of the plat vacation, Owner / Developer shall provide, at Owner / Developer's sole cost and at no cost to County, any and all easements via separate instrument(s) necessary for reestablishment and/or relocation of existing platted easements. Such easements may be temporary in nature at the

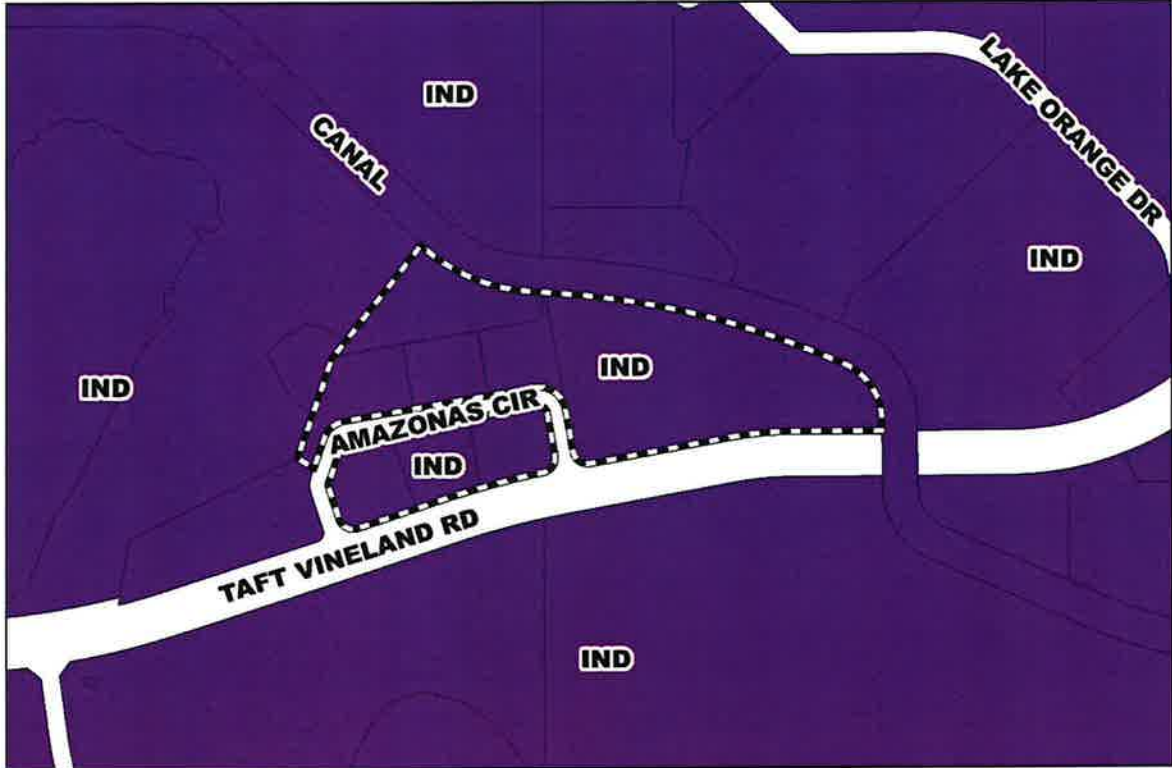
plat vacation stage, but in no event shall a new plat for Parcel 1B (as it may be revised) be approved until the County has received permanent easements, in a form satisfactory to County and at no cost to County, either via separate instrument or via plat.

11. The developer shall obtain water, wastewater, and reclaimed water from Orange County Utilities subject to County rate resolutions and ordinances.
12. A waiver from Orange County Code Section 38-1251(d) is granted to allow for building heights of fifty (50) feet and four (4) stories, in lieu of thirty-five (35) feet and three (3) stories for Parcel 1B only.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 11, 1997 shall apply:
 - a. Adult entertainment shall be prohibited.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (November 11, 1997)

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried by all present members voting AYE by voice vote; the Board approved the request to change Lots 4 and 5 as shown on the amended Land Use Plan from Industrial Use to Retail Commercial Use, subject to conditions.

CDR-19-10-338



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Industrial

APPLICANT: Bryan F. Borland,
 WP South Acquisitions, LLC

LOCATION: Generally located north Of Taft-Vineland
 Road, south of SR 528, east of S John
 Young, and west of US 441

TRACT SIZE: 170.80 gross acres (overall PD)
 12.40 gross acres (affected parcels only)

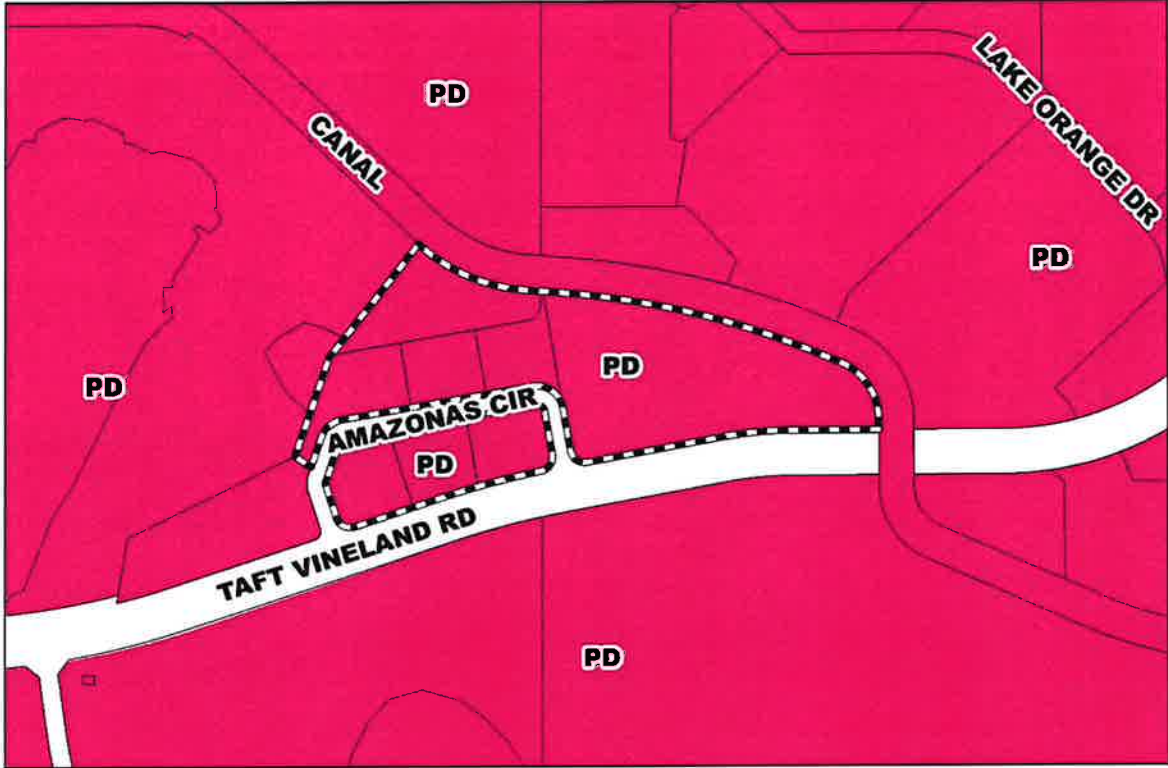
DISTRICT: # 4

S/T/R: 09/24/29

1 inch = 400 feet



CDR-19-10-338



 Subject Property



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Bryan F. Borland,
 WP South Acquisitions, LLC

LOCATION: Generally located north of Taft-Vineland Road, south of SR 528, east of S John Young, and west of US 441

TRACT SIZE: 170.80 gross acres (overall PD)
 12.40 gross acres (affected parcels only)

DISTRICT: # 4

S/T/R: 09/24/29

1 inch = 400 feet



Orangewood N-9 PD / LUP (Cover Sheet)

Land Use Plan

Issued for Land Use Plan Amendment
 Date Issued January 21, 2016
 Latest Issue March 18, 2020

Number	Drawing Title	Issued Date
2	Existing Site Conditions	N/A
3	Land Use Plan	03/18/2020

ORANGWOOD NEIGHBORHOOD 9/
 S&B PROPERTY PLANNED DEVELOPMENT/
 LAND USE PLAN (PD/LUP)
 CDR-19-10-338

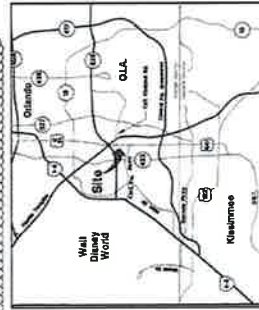
Taft-Vineland Road/Amazonas circle
 Orange County, Florida

Affected Parcel IDs: 09-24-29-8559-00-001
 09-24-29-8559-00-020
 09-24-29-8559-00-030
 09-24-29-8559-00-040
 09-24-29-8559-00-050
 09-24-29-8559-00-060
 09-24-29-8559-00-070
 09-24-29-8559-00-080
 12.4 ACRES

*Parcel Number 09-24-29-8559-00-001 is a subdivision tract that was approved for Orange County MDC 10b Wooded Subsites Part 1d. However, this parcel is not included in the MDC 10b Wooded Subsites Part 1d.

Property Owner
 214 Investment Property
 2140 Columbia Drive, Suite 1
 Orange, FL 32817

KELLY,
 COLLINS &
 GENTRY, INC.



Affected Parcels Legal Description

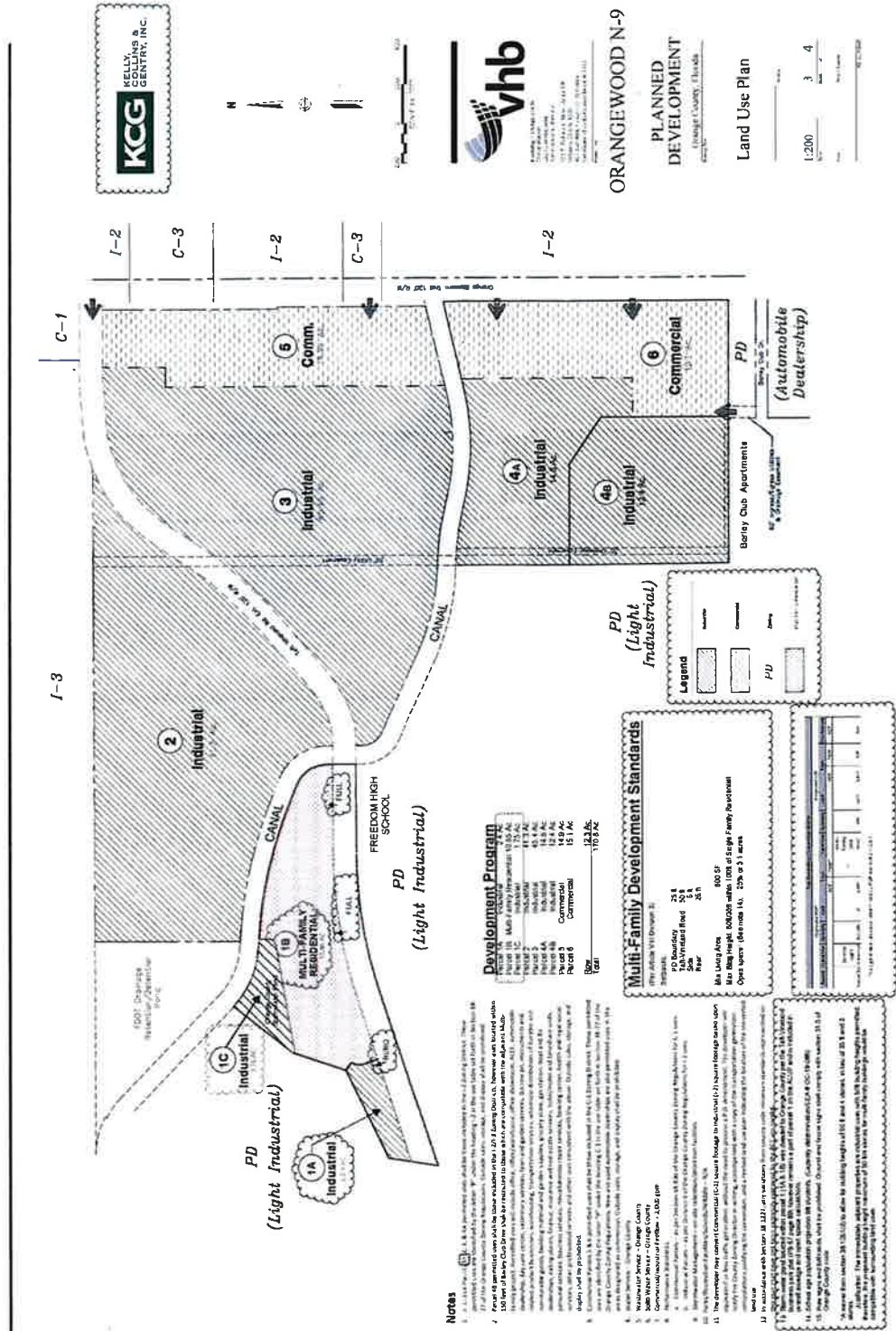
10000 S. VINELAND ROAD, PARCELS 001-080, ORANGE COUNTY, FLORIDA

10000 S. VINELAND ROAD, PARCELS 001-080, ORANGE COUNTY, FLORIDA

RECEIVED
 By DRC Office at 8:29 am, Mar 18, 2020



Orangewood N-9 PD / LUP



OCPS Capacity Determination

Attachment A



Facilities Planning
 Orange County Public Schools

School Capacity Determination

User ID #: 109591 November 12, 2019 12:34:43

Project ID: **CEA – OC – 19 – 086**

Valid Until: May 9, 2021

Project Name: TAFT VINELAND APARTMENTS @ ORANGEWOOD N-9 PD-ALUP			
Unvested Units	Single Family Units: 0	Vested Units	Single Family Units: 0
	Multi Family Units: 346		Multi Family Units: 0
	Town Homes Units: 0		Town Homes Units: 0

	Elementary	Middle	High
CSA:	OO		
School:	WATERBRIDGE ES	FREEDOM MS	FREEDOM HS
Analysis of Existing Conditions			
School Capacity (2019-2020)	760	1,114	2,671
Enrollment (2019-2020)	1,219	1,241	3,847
Utilization (2019-2020)	160.0%	111.0%	144.0%
LOS Standard	110.0%	100.0%	100.0%
Available Seats	0	0	0
Analysis of Reserved Capacity			
School Level	Elementary	Middle	
Encumbered Capacity	47	47	115
Reserved Capacity	0	0	22
Adjusted Utilization	166.6%	115.6%	149.2%
Adjusted Available Seats	0	0	0
Analysis of Proposed Development			
Students Generated	51.554	21.798	24.220
Adjusted Utilization	173.4%	117.6%	150.1%
PASS/FAIL	FAIL*	FAIL	FAIL*
Number of Seats to Mitigate	51.554	21.798	24.220

WATERBRIDGE ES	PASS - SCHEDULED FOR RELIEF IN 2020.
FREEDOM MS	
FREEDOM HS	PASS - SCHEDULED FOR RELIEF IN 2021.

Notification Map

location\dep\Business Systems\Board Administration\SUBSTANTIAL CHANGE\2020\DR\CDR\19-10-338\Orange

