



**Interoffice Memorandum**

**DATE:** September 9, 2019

**TO:** Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners

**FROM:** Jon V. Weiss, P.E., Director *JW.*  
Planning, Environmental and Development  
Services Department

**CONTACT PERSON:** Eric Raasch, DRC Chairman *ERR*  
Development Review Committee  
Planning Division  
(407) 836-5523

**SUBJECT:** September 24, 2019 – Public Hearing  
Larry Poliner, RCE Consultants, LLC  
Four Corners Plaza Planned Development  
Case # LUP-19-02-063 / District 1

The Four Corners Plaza Planned Development (PD) is generally located north of the Osceola County line, east of the Lake County line, approximately 2,200 feet west of Avalon Road. The applicant is seeking to rezone one parcel containing 2.41 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District), in order to construct 23,400 square feet of commercial uses. The request also includes five waivers from Orange County Code for a reduction in parking and building and pavement setbacks.

On August 15, 2019, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was not required for this application.

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 Four Corners Plaza Planned Development / Land Use Plan (PD/LUP) dated "Received July 23, 2019", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1**

Attachments  
JWW/EPR/stt

**GENERAL INFORMATION**

**APPLICANT** Larry Poliner, RCE Consultants, LLC  
**OWNER** Four Corners Plaza, LLC  
**PROJECT NAME** Four Corners Plaza Planned Development (PD)  
**HEARING TYPE** Planned Development / Land Use Plan (PD / LUP)  
**REQUEST** **A-1 (Citrus Rural District) to  
PD (Planned Development District)**

A request to rezone one (1) parcel containing 2.41 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District), in order to construct 23,400 square feet of commercial uses. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1476(a), Shopping Centers, is requested to allow for a reduced parking requirement of 4.0 spaces / 1,000 square feet, in lieu of a minimum parking requirement of 5.5 spaces / 1,000 square feet.

***Applicant Justification:*** A parking study has been performed which illustrates that 4.0 parking spaces / 1,000 SF is sufficient for the proposed retail uses.

2. A waiver from Section 38-1287(1)(c) is requested to allow a reduced minimum north building setback of 20 feet, in lieu of the minimum setback of 40 feet.

***Applicant Justification:*** Although Bali Boulevard is a collector road, there is a 40' buffer from the property line to the edge of pavement within the right of way providing sufficient building visual setbacks.

3. A waiver from Section 38-1287(1)(b) is requested to allow a reduced minimum south building setback of 20 feet, in lieu of the minimum setback of 60 feet.

***Applicant Justification:*** Although US 192 is an arterial roadway there is a 55' buffer from the property line to the edge of pavement within the right of way providing sufficient building visual setbacks.

4. A waiver from Section 38-1287(4) is requested to allow a reduced minimum south pavement setback of 20 feet, in lieu of the minimum setback of 25 feet.

**Applicant Justification:** *Although US 192 is an arterial roadway there is a 55' buffer from the property line to the edge of pavement within the right of way providing sufficient building visual setbacks.*

5. A waiver from Section 38-1287(4) is requested to allow a reduced minimum north pavement setback of 10 feet, in lieu of the minimum setback of 20 feet.

**Applicant Justification:** *Although Bali Boulevard is a collector road, there is a 40' buffer from the property line to the edge of pavement within the right of way providing sufficient buffering.*

<b>LOCATION</b>	17981 W. Space Coast Parkway; or generally located north of the Osceola County Line, east of the Lake County Line, approximately 2,200 feet west of Avalon Road
<b>PARCEL ID NUMBER</b>	31-24-27-0000-00-028
<b>TRACT SIZE</b>	2.41 gross acres
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing extended beyond 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Twenty-seven (27) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	23,400 square feet of retail commercial uses

### **STAFF RECOMMENDATION**

#### **Development Review Committee – (July 10, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Four Corners Plaza Planned Development / Land Use Plan (PD/LUP), dated "Received July 23, 2019", subject to the following conditions:**

1. Development shall conform to the Four Corners Plaza Land Use Plan (LUP) dated "Received July 23, 2019" 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 23, 2019," 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. 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.
7. 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).
8. 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.
9. Perimeter landscaping shall meet current code regulations and also include two understory trees between each required canopy tree.
10. The following waivers from Orange County Code are granted:
  - a. A waiver from Section 38-1476(a), Shopping Centers, to allow for a reduced parking requirement of 4.0 spaces / 1,000 square feet, in lieu of a minimum parking requirement of 5.5 spaces / 1,000 square feet.
  - b. A waiver from Section 38-1287(1)(c) to allow a reduced minimum north building setback of 20 feet, in lieu of the minimum setback of 40 feet.
  - c. A waiver from Section 38-1287(1)(b) to allow a reduced minimum south building setback of 20 feet, in lieu of the minimum setback of 60 feet.
  - d. A waiver from Section 38-1287(4) to allow a reduced minimum south pavement setback of 20 feet, in lieu of the minimum setback of 25 feet.

- e. A waiver from Section 38-1287(4) to allow a reduced minimum north pavement setback of 10 feet, in lieu of the minimum setback of 20 feet.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

### **Comprehensive Plan (CP) Consistency**

The subject property has an underlying Future Land Use Map (FLUM) designation of Growth Center – Commercial (GC-C) which allows for a maximum Floor to Area Ratio (FAR) of 1.5 and requires utility connection to providers other than Orange County Utilities. The proposed PD zoning district and development program is consistent with Growth Center - Commercial FLUM designation and the following CP provisions:

**FLU1.4.1** states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

**FLU1.4.2** states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

**GOAL FLU2** states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.2.1** states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

**FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and

Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

**Community Meeting Summary**

A community meeting was not required for this request.

**SITE DATA**

<b>Existing Use</b>	Undeveloped Land
<b>Adjacent Zoning</b>	N: PD (Planned Development District) (Isle of Bali PD) (1972)
	E: A-1 (Citrus Rural District) (1957)
	W: C-1 (Retail Commercial District) (Lake County)
	S: CT (Commercial Tourist District) (Osceola County)
<b>Adjacent Land Uses</b>	N: Timeshare / Short Term Rental
	E: Undeveloped
	W: Gas Station
	S: Undeveloped

**APPLICABLE PD DEVELOPMENT STANDARDS**

PD Perimeter Setback	25 feet
Maximum Building Height:	35 feet

**Minimum Building Setbacks**

Front Setback:	20 feet
Rear Setback:	10 feet
Street Setback:	20 feet (US 192)
	40 feet (Bali Boulevard)

**SPECIAL INFORMATION**

**Subject Property Analysis**

The applicant is seeking to rezone 2.41 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District), in order to construct 23,400 square feet of commercial uses. Additionally, five (5) waivers from Orange County Code are requested to reduce parking requirements, and building & paving setbacks.

**Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Growth Center - Commercial (C) Future Land Use Map (FLUM) designation.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

Although the subject property is not located within a JPA, notice of the public hearing has been sent to the adjacent Counties for their information. No comments were received from these Counties.

**Overlay District Ordinance**

The subject property is not located within an Overlay District

**Airport Noise Zone**

The subject property is not located within an Airport Noise Zone.

**Environmental**

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (endangered, threatened, or species of special concern.) The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

An Orange County Conservation Area Determination (CAD) is not required for this project.

**Transportation / Concurrency**

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.

Based on the Concurrency Management System database, Avalon Road is deficient and operation at Level of Service "F" from US 192 to Hartzog Road. A traffic study will be required prior to obtaining an approved Capacity Encumbrance Letter. This information is dated and subject to change.

**Water / Wastewater / Reclaim**

	<u>Existing service or provider</u>
Water:	Toho Water Authority
Wastewater:	Toho Water Authority



Reclaimed: Orange County Utilities

**Schools**

Orange County Public Schools reviewed this request, but did not provide any comments as this request does not affect schools.

**Parks and Recreation**

Orange County Parks and Recreation reviewed this request, but did not provide any comments or concerns.

**Code Enforcement**

There are no active Code Enforcement violations, cases, or liens on the subject property.

**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.

**PLANNING AND ZONING COMMISSION (PZC) FINDINGS**

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the Four Corners Plaza Planned Development (PD) Land Use Plan, subject to ten (10) conditions.

Staff indicated that twenty-seven (27) notices were mailed to surrounding property owners within a buffer of 1,500 feet from the subject property, with zero (0) commentaries received in support or in opposition to the request. The applicant was present for the hearing and concurred with staff's recommendation. There were no members of the public present to speak on this request.

After a brief discussion, a motion was made by Commissioner Dunn to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the Four Corners Plaza PD Land Use Plan, subject to the ten (10) conditions listed under the DRC Recommendation. Commissioner Nazario seconded the motion, which then carried on an 8-0 vote.

- Motion / Second**                      *Jimmy Dunn / Carlos Nazario*
- Voting in Favor**                      *Jimmy Dunn, Carlos Nazario, Eddie Fernandez, Yog Melwani, Diane Velazquez, Mohammed Abdallah, Gordon Spears, and Jose Cantero*
- Voting in Opposition**              *None*
- Absent**                                      *JaJa Wade*

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**PZC RECOMMENDED ACTION****Planning and Zoning Commission (PZC) Recommendation – (August 15, 2019)**

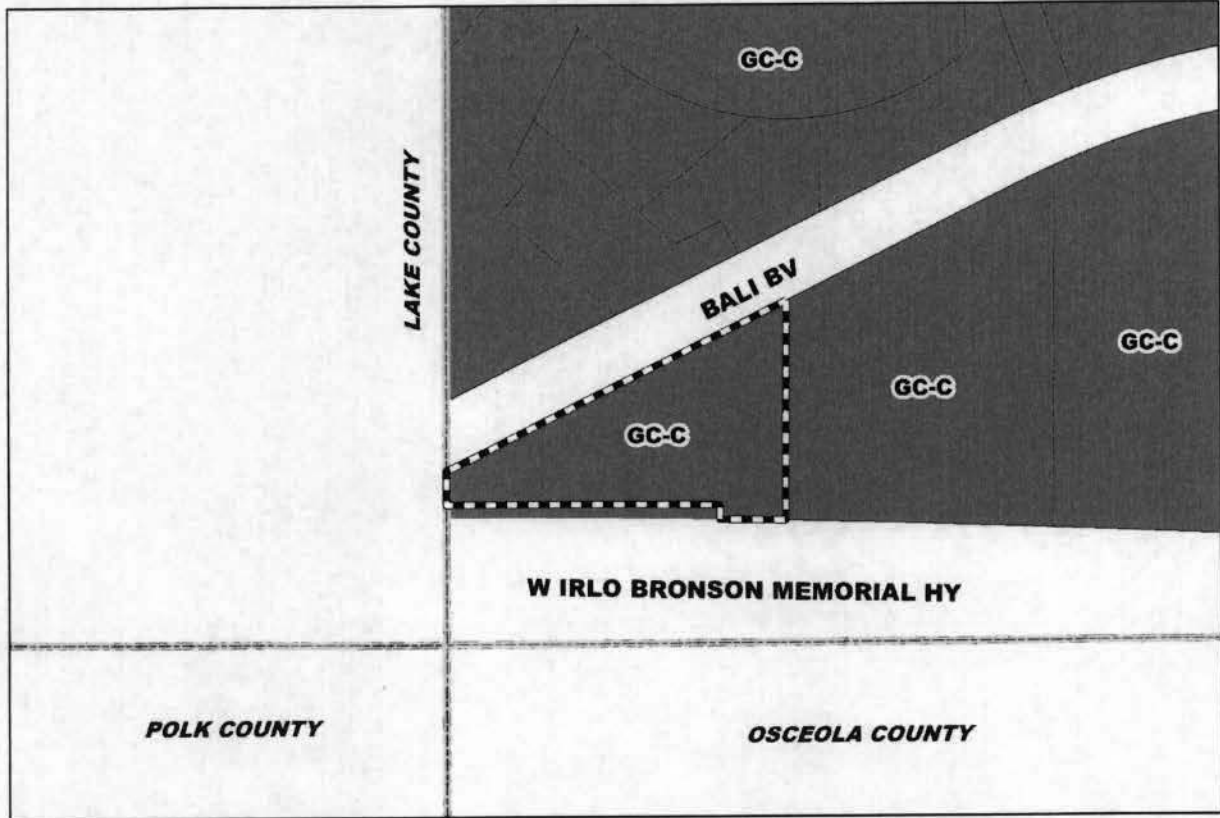
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LUP-19-02-063



Subject Property

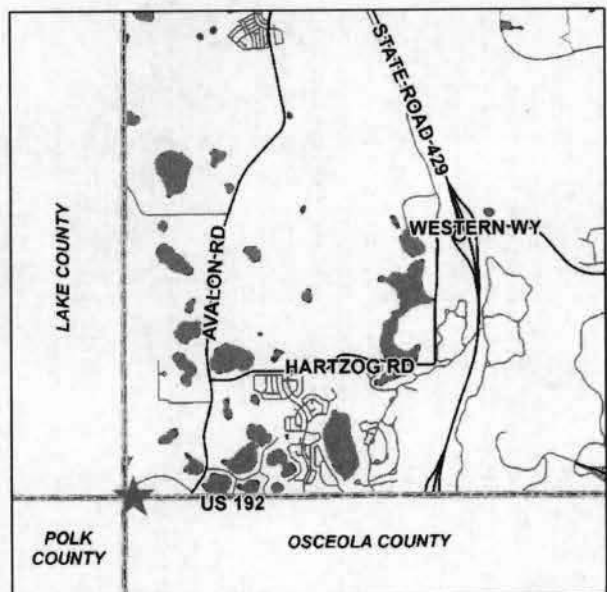


Subject Property

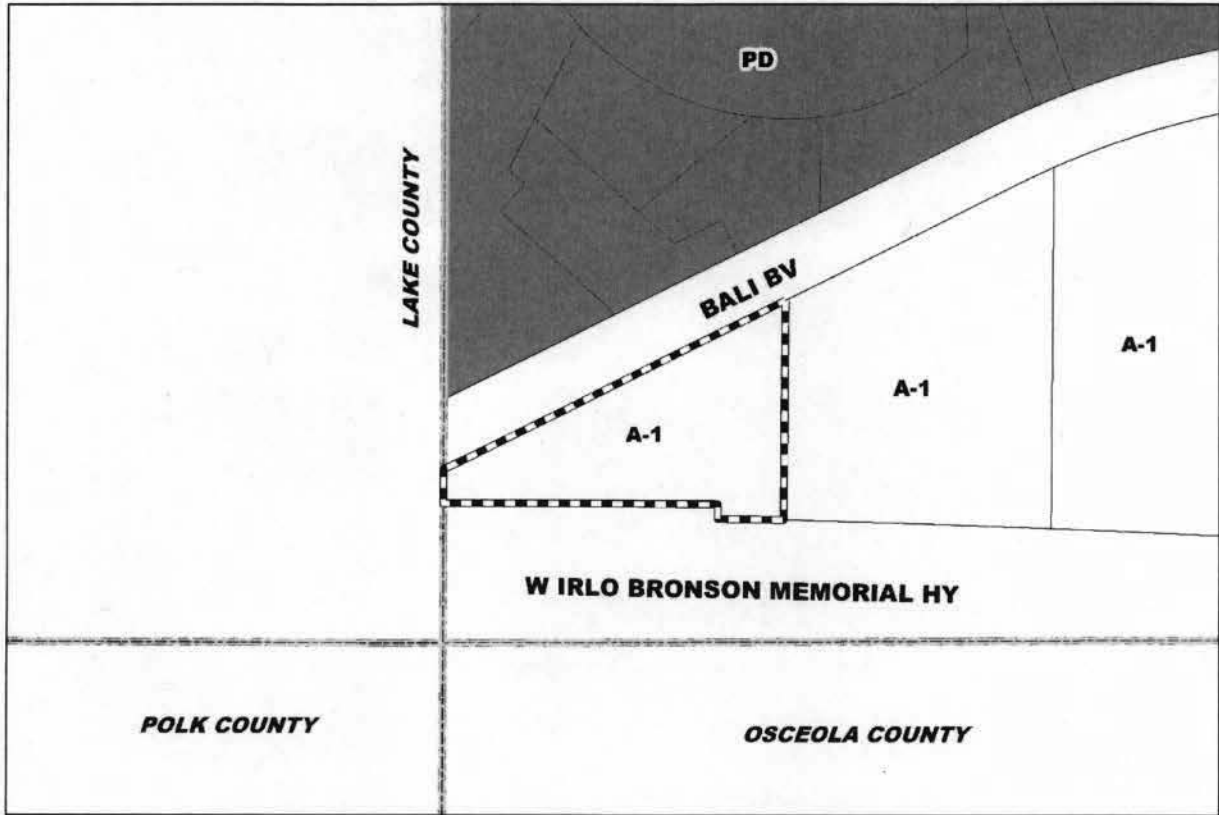
### Future Land Use Map

**FLUM:** Growth Center - Commercial (GC-C)  
**APPLICANT:** Larry Poliner, RCE Consultants, LLC  
**LOCATION:** 17981 W. Space Coast Parkway; or generally located north of the Osceola County Line, east of the Lake County Line, approximately 2,200 feet west of Avalon Road  
**TRACT SIZE:** 2.41 gross acres  
**DISTRICT:** # 1  
**S/T/R:** 31/24/27

1 inch = 250 feet



LUP-19-02-063



Subject Property



Subject Property

### Zoning Map

**ZONING:** A-1 (Citrus Rural District) to PD (Planned Development District)

**APPLICANT:** Larry Poliner, RCE Consultants, LLC

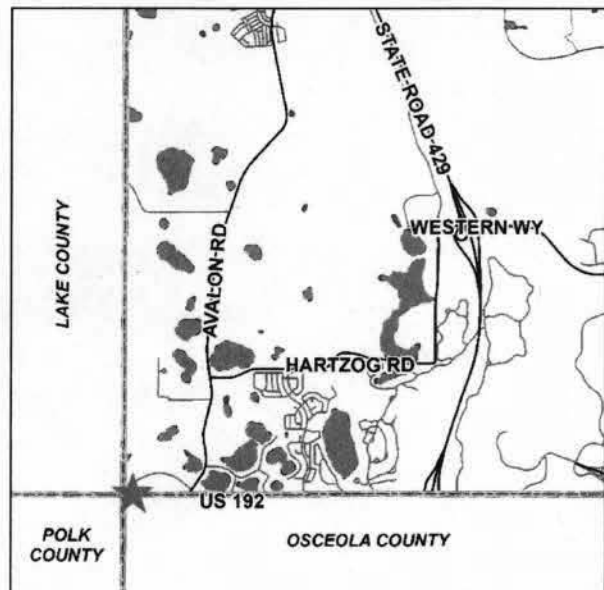
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**TRACT SIZE:** 2.41 gross acres

**DISTRICT:** # 1

**S/T/R:** 31/24/27

1 inch = 250 feet



LUP-19-02-063



 Subject Property



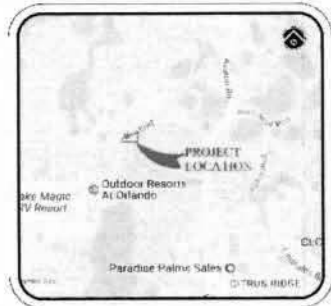
1 inch = 200 feet

**RECEIVED**  
By Sapfo at 12:04 pm, Jun 11, 2019

# LAND USE PLANS for FOUR CORNERS PLAZA PD



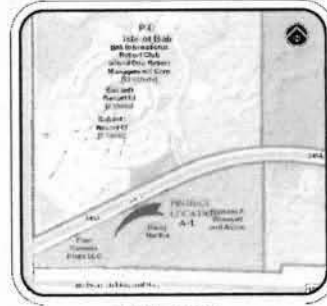
PROJECT NO. LUP-19-02-063  
PARCEL ID: 31-24-27-0000-00-028  
JUNE 2019



VICINITY MAP  
N.T.S.



AERIAL MAP  
N.T.S.



ZONING MAP  
N.T.S.

**PROJECT TEAM:**

LAND SUBMITTER'S NAME:  
FOUR CORNERS PLAZA, LLC  
1315 CORNFORD ROAD, SUITE 100  
ORLANDO, FL 32809

LAND ENGINEER:  
JAN RENCE POLSKY  
P.L.L.C. 4631 W. W. AVE.  
SUITE 100  
ALTA VISTA, FL 32710

APPROVED FOR:  
KENTON L. WOOD, CHAIRMAN/GENERAL MANAGER, LLC  
104 N.W. 24th Street, Suite 200  
LAKELAND, FL 33801  
AD 107 7242  
ISSUING 4/11/19

**LEGAL DESCRIPTION:**

The Southwest quarter of the Southwest quarter of Section 31, Township 24 South, Range 27 East, lying South of State Highway No. 536, Orange County, Florida, LESS the East 980 feet thereof and LESS all that portion lying within the right of way of State Road 536A.

CONTAINING 2.400 ACRES MORE OR LESS.

According to the Federal Insurance Rate Map, this property lies in Zone(s) "X", Map number 128950038 E, Dated: December 6, 2006.

SHEET INDEX	
SHEET	DESCRIPTION
C-1.0	COVER SHEET
G-2.0	EXISTING CONDITIONS
C-3.0	LAND USE PLAN

Elevations shown hereon are based on geodetic survey marker X-629 having a elevation of 119.36 feet (NGVD 29).



RCE CONSULTANTS, LLC

817 AVIATION DRIVE  
ALTA VISTA, FL 32751  
LAKELAND@RCECONSULTANTS.NET

REV	DATE	DESCRIPTION	BY

FOUR CORNER RETAIL

COVER SHEET

DESIGN BY	
REVISION	
DATE	
SCALE	
DATE	

ME CONSULTANTS, LLC  
10000 W. BOULEVARD, SUITE 100  
LAKELAND, FL 33801

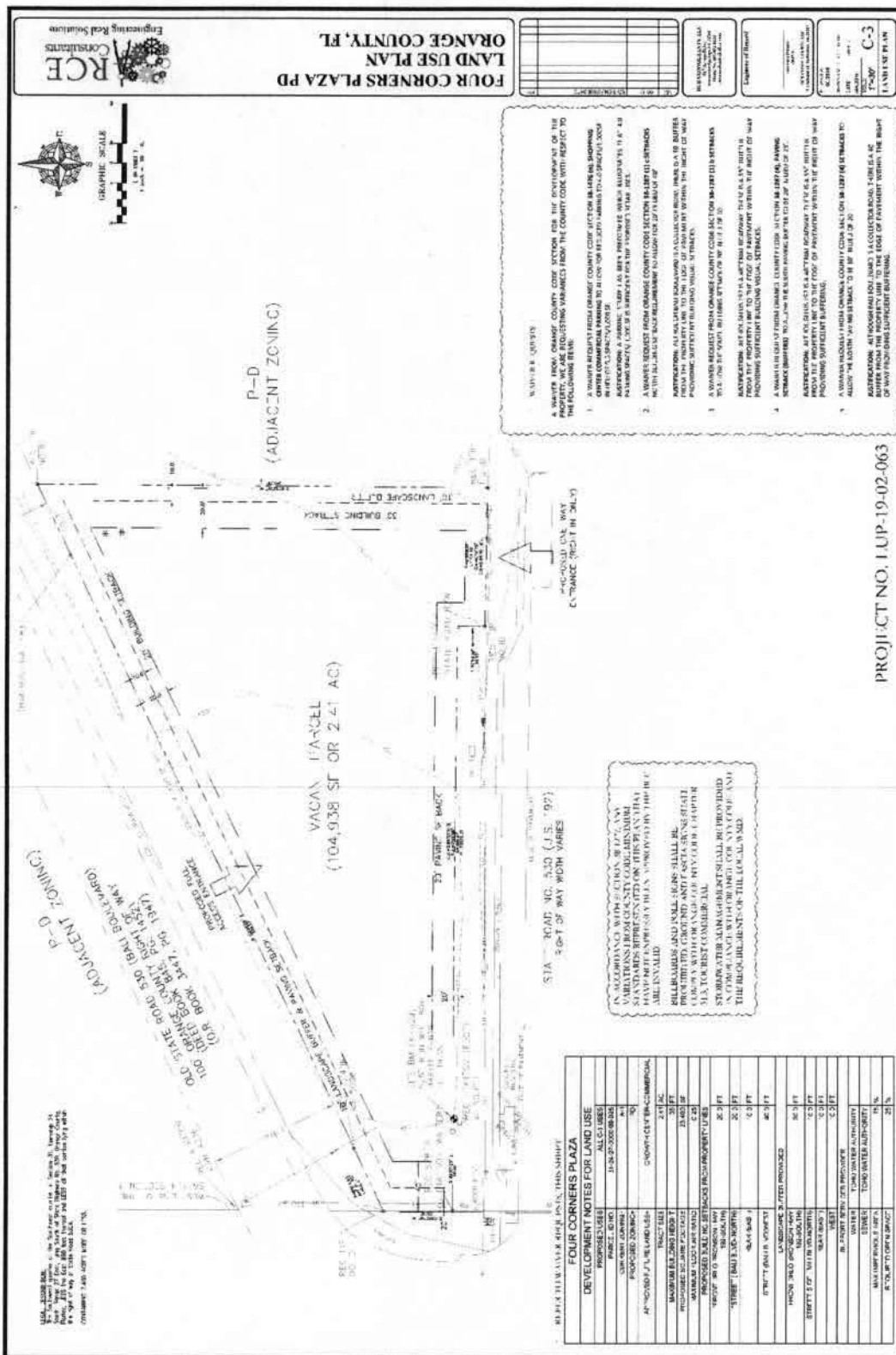
**Four Corners Plaza PD / LUP (Cover Sheet)**

**BCC Hearing Date: September 24, 2019**

**Rezoning Staff Report  
Case # LUP-19-02-063**



# Four Corners Plaza PD / LUP



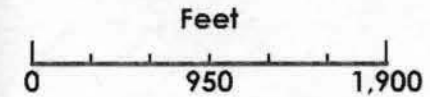
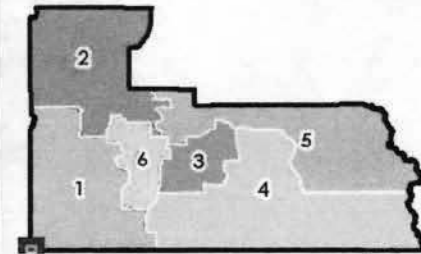
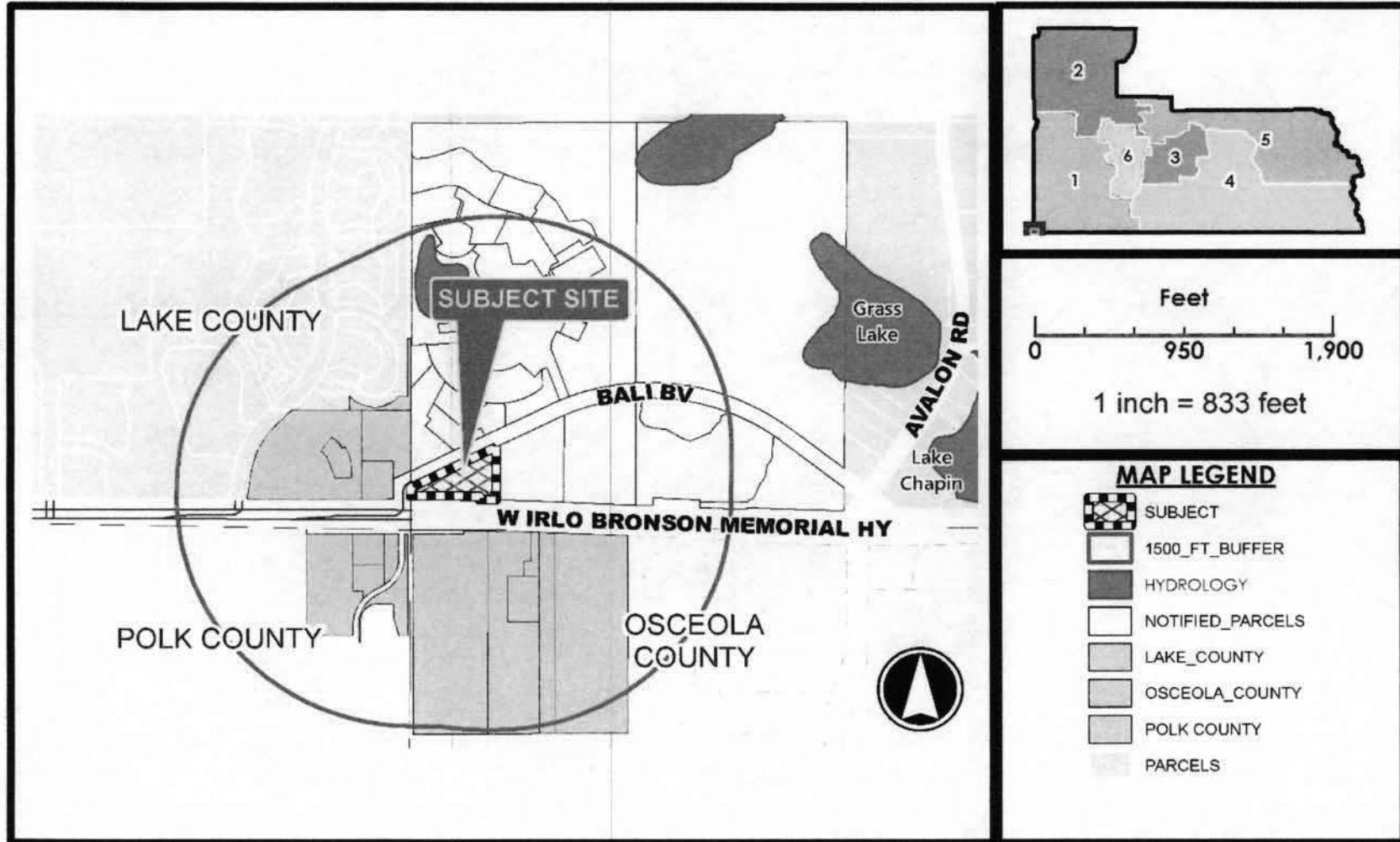


# Public Notification Map

Four Corners Plaza LUP\_LUP-19-02-063

1500 FT BUFFER, 27 NOTICES

[ Residential Count: 23 ]



1 inch = 833 feet

### MAP LEGEND

- SUBJECT
- 1500\_FT\_BUFFER
- HYDROLOGY
- NOTIFIED\_PARCELS
- LAKE\_COUNTY
- OSCEOLA\_COUNTY
- POLK\_COUNTY
- PARCELS

Notification Map

BCC Hearing Date: September 24, 2019

Rezoning Staff Report  
Case # LUP-19-02-063