




## Interoffice Memorandum

February 29, 2024

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

FROM: Tanya Wilson, AICP, Director  
Planning, Environmental, and Development Services Department 

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

SUBJECT: March 26, 2024 – Public Hearing  
Applicant(s): Julie Salvo, Tavistock Development Company  
Project Name: Ginn Property Planned Development (PD)  
Project No.: CDR-23-09-297 / District 4

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 14, 2024, to approve the Ginn Property Planned Development (PD). The project is generally located north of State Road 417 and east of Wyndham Lakes Boulevard. The request is to amend the allowable uses on PD Parcel 6B, which is currently entitled for up to 160,000 square feet of Retail Commercial uses. The applicant is seeking to add the new C-2 (General Commercial District) use of new and used car dealers as a permitted use. A community meeting was held for this application on February 8, 2024, where residents expressed concerns of traffic impacts and future incompatible uses. To address these concerns, the DRC is recommending Conditions of Approval 11 and 12 which limit the truck delivery route and ensure the primary use of the dealership is for new cars.

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 documents and the plans may be found in the Planning Division for further reference.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve Ginn Property Planned Development (PD) (CDR-23-09-297) dated "Received December 19, 2023", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

Attachments  
TW/JCK/js

**CASE # CDR-23-09-297**

Commission District: #4

**GENERAL INFORMATION**

<b>APPLICANT</b>	Julie Salvo, Tavistock Development Company
<b>OWNER</b>	Greenway Park DRI, LLC
<b>PROJECT NAME</b>	Ginn Property Planned Development (PD)
<b>PARCEL ID NUMBER(S)</b>	21-24-30-3127-00-025
<b>TRACT SIZE</b>	1,711.62 gross acres (overall PD) 16.67 acres (affected parcel)
<b>LOCATION</b>	North of the State Road 417 / East of Wyndham Lakes Boulevard
<b>REQUEST</b>	To allow the C-2 use of new and used car dealers on Parcel 6B.

**PUBLIC NOTIFICATION** The notification area for this public hearing extended beyond 1,000 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Nine hundred and ten (910) notices were mailed to those property owners in the mailing area.

**IMPACT ANALYSIS**

**Project Overview**

The Ginn Property Planned Development - Land Use Plan (PD-LUP), consisting of approximately 1,711 gross acres generally located north of State Road 417 and west of Boggy Creek Road, was originally approved July 9, 2002. The PD-LUP has an existing Development Program consisting of entitlements for 1,146 single-family dwelling units, 698 multi-family dwelling units, 278 town homes, 192 student housing units, 272,000 square feet of commercial uses, 313,750 square feet of industrial uses, 350 hotel rooms, and 115,000 square feet of office uses.

Through this request, the applicant is proposing to add the C-2 (General Commercial District) use of new and used car dealers as a permitted use on PD Parcel 6B. PD Parcel 6B is located north of State Road 417, west of Boggy Creek Road, and south of J Lawson Boulevard. PD Parcel 6B is currently entitled for up to 160,000 square feet of Office, Industrial, Hotel, and Retail Commercial uses.

A community meeting was held for this application on February 8, 2024, where residents expressed concerns of traffic impacts and future incompatible uses. To address these concerns, the DRC is recommending Conditions of Approval 11 and 12 which limit the truck delivery route and ensure the primary use of the dealership is for new cars.

**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/ Low Med Density Residential/ Med Density Residential/ Commercial/Office/Industrial/ Parks Rec Open Space/Conservation (PD-LDR/LMDR/MDR/C/O/IND/PR-OS/CON) on the Future Land Use Map and is currently zoned Planned Development (PD). The Ginn PD currently allows up to 1,146 single family residential units; 698 multi-family residential units; 278 townhome residential units (2,122 total residential); 192 student housing units; 272,000 sq. feet commercial uses; 313,750 sq. feet industrial uses; 115,000 sq. feet of office uses; and 350 hotel rooms. The request appears to be 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 Environmental Protection Division has reviewed the request and has found no concerns at this time.

**Transportation Planning**

The Ginn Development of Regional Impact Developer's Agreement was approved by the Board of County Commissioners on July 9, 2002 and recorded at OR Book/Page 6566/8146. Under the terms of this agreement the Developer will convey right-of-way along Boggy Creek Road and for roads A, B, and D in the New Road Network along with drainage easements. Developer will receive Road Impact Fee Credits for Right-of-Way dedicated and for design and construction of roads A, B and D for excess capacity created. The Right-of-Way for Boggy Creek Road and Road A was dedicated by plat and the Developer has received \$1,933,613.00 in Road Impact Fee Credits. The Right-of-Way for Roads B and D was dedicated by plat and the Developer received an additional \$4,130,635.00 in Road Impact Fee Credits.

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.

**Community Meeting Summary**

A community meeting was held for this application on February 8, 2024, at Meadow Woods Middle School in District 4. Thirteen area residents attended the meeting and expressed concerns of general traffic infrastructure challenges in the area, as well as concern for a proliferation of car dealers and car lots were this request to be approved.

**Schools**

Orange County Public Schools (OCPS) staff has reviewed the proposed request and 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 – (February 14, 2024)**

**Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Ginn Property PD dated "Received December 19, 2023", subject to the following conditions:**

1. Development shall conform to the Ginn Property Planned Development (PD) dated "Received December 19, 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 December 19, 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 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. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with 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. The developer shall obtain water (except Parcels 4 & 5), wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
  9. 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.
  10. With the exception of new car dealers on Parcel 6B, outdoor sales, storage and display shall be prohibited.
  11. Used automobile sales are not permitted on Parcel 6B except as an ancillary use to new automobile sales.
  12. Truck traffic generated by the uses on Parcel 6B shall avoid residential neighborhoods, and specific routes will be finalized during the development plan review process.

13. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated November 15, 2022 shall apply:
  - a. The multi-family buildings shall be pulled up to the building setback along J Lawson Boulevard, unless impeded by utilities, and no parking shall be located between the buildings and the right-of-way. In addition, the facades of the buildings pulled up to J Lawson Boulevard shall be treated as primary facades, and direct pedestrian connections from the building entrances to the sidewalk along J Lawson Boulevard shall be provided.
  - b. Pedestrian connections shall be provided from each of the buildings facing Wyndham Lakes Boulevard to the sidewalk along Wyndham Lakes Boulevard.
  - c. The following waivers from Orange County Code are granted:
  - d. A waiver from Orange County Code Section 38-1258(c) to allow for a maximum building height of fifty-five (55) feet/four (4) stories for multifamily development in Parcel 6C, in lieu of a maximum building height of forty (40) feet/three (3) stories.
  - e. A waiver from Orange County Code Section 38- 1254(2) (a) to allow for a minimum building setback of fifteen (15) feet on the south side of J. Lawson Blvd and on the east side of Wyndham Lakes Blvd in Parcel 6C, in lieu of a minimum building setback of twenty-five (25) feet.
  - f. A waiver from Orange County Code Section 38- 1479(b) to allow for a minimum parking space size of one hundred sixty-two (162) square feet (nine (9) feet x eighteen (18) feet) in Parcel 6C, in lieu of a minimum parking space size of one hundred eighty (180) square feet (either nine (9) feet x twenty (20) feet or ten (10) feet x eighteen (18) feet).
14. Except as amended, modified, and/or superseded, the following Board Conditions of Approval, dated October 27, 2020, shall apply:
15. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated September 22, 2020 shall apply:
  - a. A waiver from Orange County Code Section 38-1476 (Kennels and Veterinary Clinics) is granted to allow the required parking to be calculated at 22 spaces in accordance with an approved parking study, in lieu of the required parking ratio of one space per 300 square feet.
16. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated September 18, 2018 shall apply:
  - a. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.

- b. A waiver from Orange County Code Section 31.5-67(f) is granted to allow three (3) ground signs in lieu of two (2) ground signs on Lot 1 with a right-of-way frontage in excess of four hundred (400) linear feet, provided that any pole signs and ground signs on the parcel shall be separated from each other by a distance of not less than one hundred (100) feet, and that any ground sign shall be separated from any other ground sign on the parcel by a distance of not less than one hundred (100) feet.
  - c. A waiver from Orange County Code section 31.5-15(a)(1) is granted to allow for copy area for Lot 2 on the multi-tenant ground sign, in lieu of no ground sign copy area for Lot 2 due to its lack of right-of-way frontage.
17. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated September 20, 2016 shall apply:
- a. The project shall comply with the terms and conditions of the Ginn Development of Regional Impact Developer's Agreement and the Boggy Creek Bridge Agreement, as both may be amended from time to time.
  - b. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
  - c. 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).
  - d. The following waivers from Orange County Code are granted for development within PD Parcels 1a, 1b, 4, 5, and 6 only:
    - 1) A waiver from Section 38-1251(b) to allow a maximum Impervious Surface Ratio (ISR) of 0.55 for residential use, in lieu of a maximum ISR of 0.30;
    - 2) A waiver from Section 38-1272(a)(5) to allow a maximum non-residential height of fifty (50) feet, or one-hundred twenty (120) feet for hotel use, in lieu of a maximum height of fifty (50) feet or thirty-five (35) feet when within one-hundred (100) feet of any residential district (internal or external to the PD); and
    - 3) A waiver from Section 38-1327 to allow a maximum Impervious Surface Ratio (ISR) of 0.85 for commercial, industrial and office uses, in lieu of a maximum ISR of 0.70.

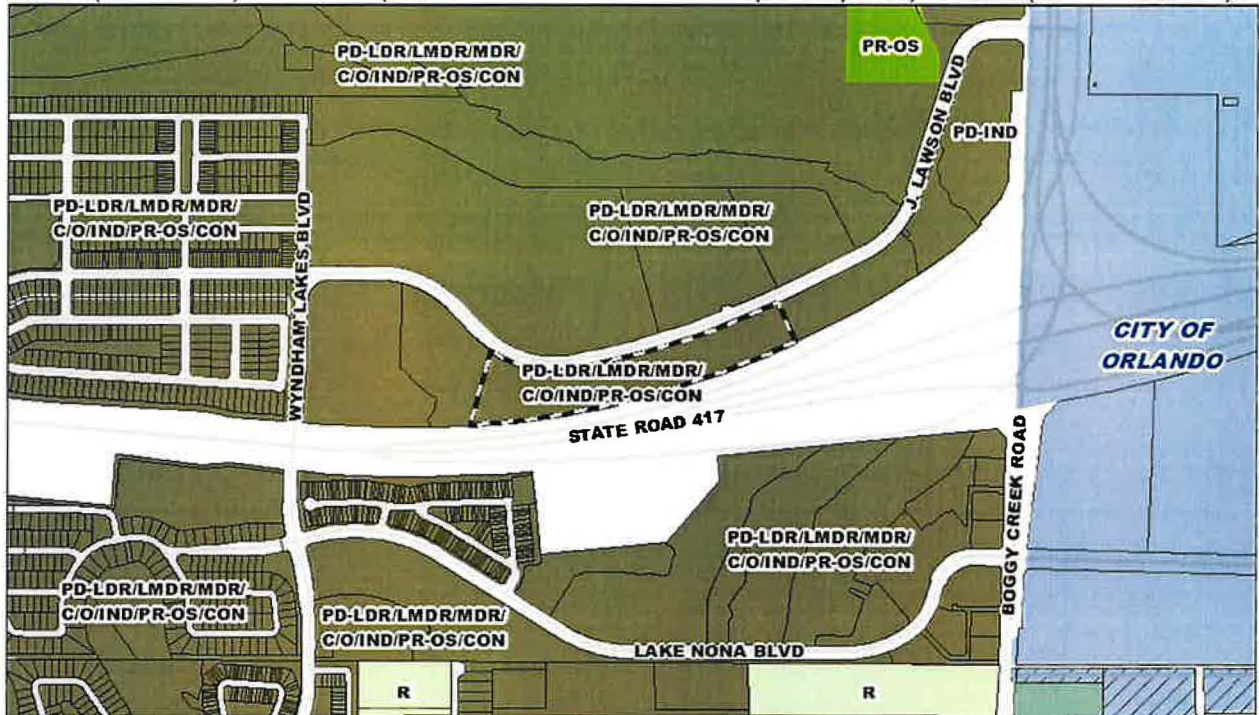


18. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated October 20, 2015, shall apply:
  - a. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
  - b. Public right-of-way access for the required interconnection between Greenway Park DRI and Boggy Creek Enclave PO to the south shall be provided from a point on Beacon Park Blvd. through Parcel 1B within the Greenway Park DRI to the right-of-way stub-out provided in the Boggy Creek Enclave PD. The 50-foot wide right-of-way shall be dedicated to Orange County prior to the issuance by Orange County of any Certificate(s) of Occupancy, whether temporary or permanent, for improvements on Parcel 1B totaling more than 40% of the total permitted Development Program within Parcel 18, as measured by the total number of traffic trips associated with such Parcel 18 Development Program. The 50-foot wide dedicated right-of-way is not an impact fee eligible dedication or road. Therefore, road impact fee credits shall not be issued for such dedication. Traffic trips and the Development Program for the Greenway Park DRI, including for Parcel 18, shall not be reduced, altered, or diminished by, or because of, traffic trips entering the Greenway Park DRI to or from the Boggy Creek Enclave PD; such provision shall be memorialized by a duly approved amendment to the Development Order for the Greenway Park DRI.
19. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated January 7, 2014, shall apply:
  - a. A waiver from Orange County Code Section 38-1272(a) (i) is granted to allow for a maximum I.S.R. of 0.85 (eighty-five percent), in lieu of a maximum I.S.R. of 0.70 (seventy percent).
20. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated April 28, 2009, and July 9, 2002 shall apply:
  - a. Master stormwater, water, reclaim water and wastewater plans including preliminary calculations shall be submitted and approved prior to approval of construction plans.
  - b. All commercial uses within the PD shall comply with the Commercial Design Standards Ordinance. Industrial and Office uses shall comply with the lighting standards established in the Commercial Design Standards Ordinance.
  - c. Developer shall comply with Airport Noise Ordinance 2000-07.

- d. Prior to platting any residential property adjacent to Park P-1, this tract shall be dedicated at no cost to Orange County.
- e. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
- f. Prior to the mass grading of Parcel 5, a 6-foot high PVC fence shall be constructed along the south property line of Parcel 5. However, if the property to the south is rezoned to non-residential uses prior to that time, the fence is not required.

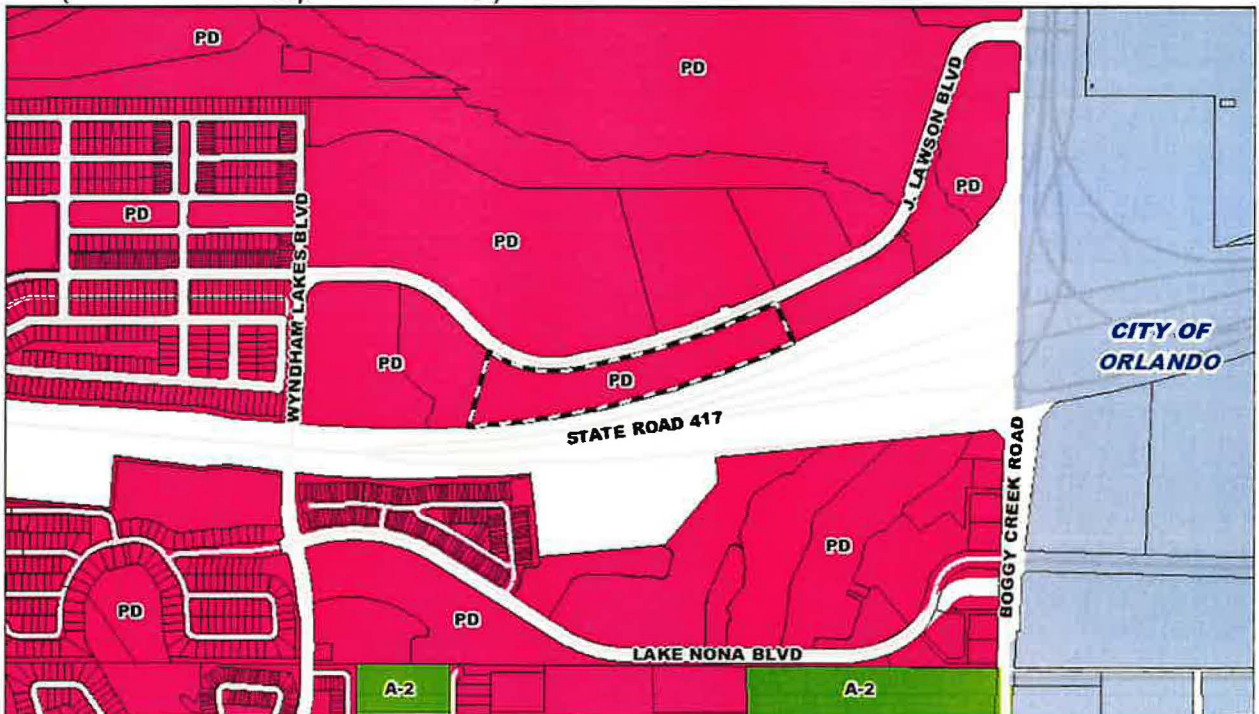
## FUTURE LAND USE

PD (Planned Development) – LDR (Low Density Residential) / LMDR (Low Medium Density Residential)/ MDR (Medium Density Residential) / C (Commerical) / O (Office) / IND (Industrial) / PR-OS (Parks and Recreation – Open Space) / CON (Conservation)



## ZONING

PD (Planned Development District)





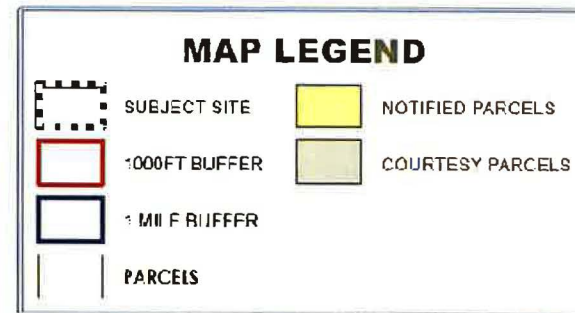
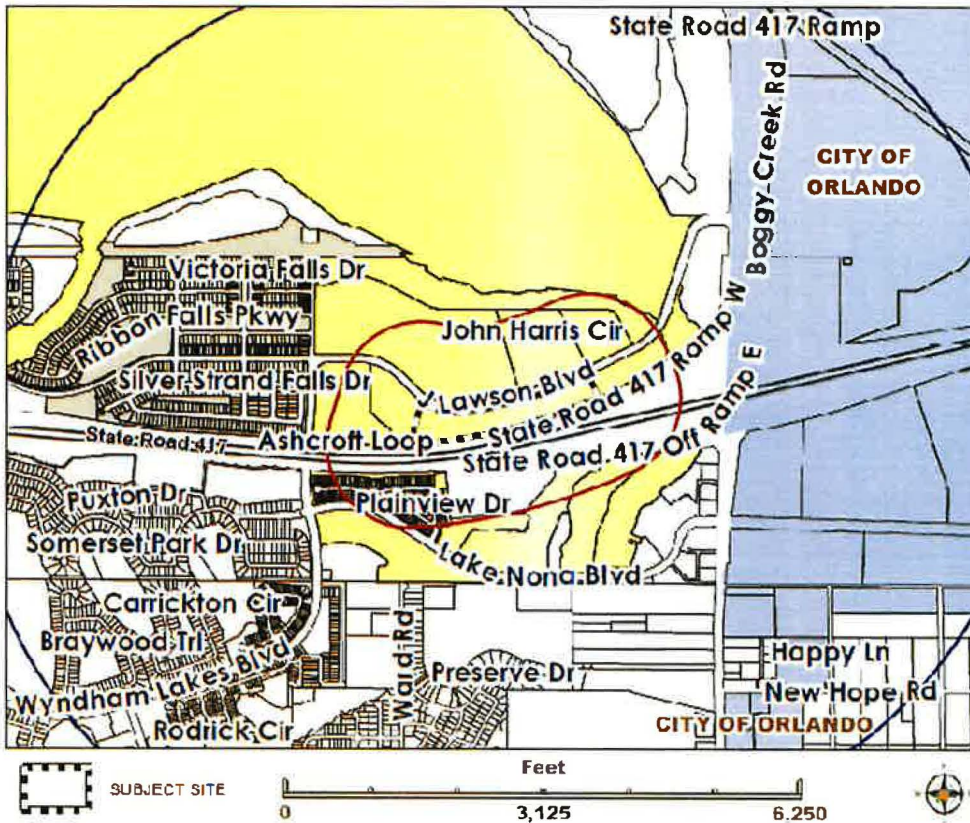




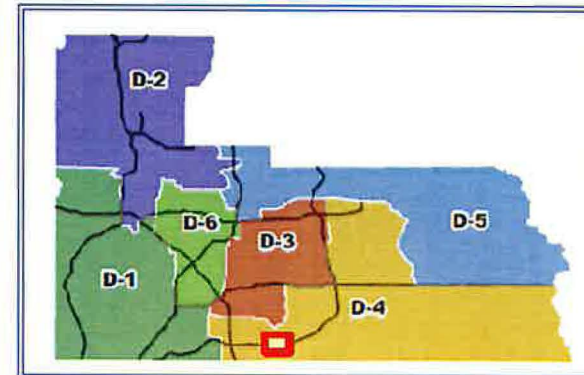


# Public Notification Map

CDR-23-09-297



BUFFER DISTANCE: 1000  
# OF NOTICES: 910



\\s01\apps\planning\GIS\mxd\CDR-23-09-297\CDR-23-09-297.mxd

## Notification Map

DRC Staff Report  
Orange County Planning Division  
BCC Hearing Date: March 26, 2024