





## Interoffice Memorandum

DATE: November 16, 2021

TO: Mayor Jerry L. Demings  
-AND-  
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 30, 2021 – Public Hearing  
Applicant: Brooks Stickler; Kimley-Horn & Associates, Inc  
International Corporate Park Planned Development  
Case # CDR-21-07-232 / District 4

The International Corporate Park Planned Development (PD) is located south of State Road 528 and east of Monument Parkway. The existing PD development program allows for manufacturing, warehouse/ distribution, office showroom, and manufacturing.

Through this PD substantial change, the applicant is seeking to revise the November 29, 2016 Board condition of approval #16(2)(a) to reduce the 50-foot perimeter landscape buffer to 10 feet, for Lot 10A only. Lot 10A borders a stormwater tract owned by CFX to the west and north and a 50-foot wetland buffer owned by a Property Owner's Association to the east.

On October 6, 2021, 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 International Corporate Park Planned Development / Land Use Plan (PD/LUP) dated “Received September 1, 2021”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

Attachments  
JVW/EPR/jsh

**Comprehensive Plan (CP) Consistency**

The subject property has an underlying Future Land Use Map (FLUM) designation of Industrial (IND). The International Corporate Park PD was approved in 1986 and includes uses such as manufacturing, warehousing, office showroom, and distribution. The proposed PD substantial change is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

**Overlay Ordinance**

The subject property is not located within an Overlay District.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Environmental**

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

**Transportation Planning**

Transportation Planning staff has reviewed the request, but did not identify any issues or concerns.

**Community Meeting Summary**

A community meeting was not required for this request.

**Schools**

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

**Parks and Recreation**

Orange County Parks and Recreation staff reviewed the 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 – (October 6, 2021)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the International Corporate Park Planned Development / Land Use Plan (PD/LUP), dated "Received September 1, 2021", subject to the following conditions:**

1. Development shall conform to the International Corporate Park Land Use Plan (LUP) dated "Received September 1, 2021," 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 September 1, 2021," 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. Construction plans within this PD shall be consistent with an approved and up-to-date Sunbridge 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.
7. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 29, 2016, shall apply:
  - a. Unless otherwise exempt, compliance shall be required with the state Impaired Waters Rule within the undeveloped areas, as of the date of this change determination, of this project. Any portions of the project that will discharge into an impaired water body shall comply with the Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code.
  - b. Unless a Conservation Area Impact (CAI) 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 or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
  - c. Unless otherwise exempt, the developer shall comply with Orange County Code Chapter 15, Environmental Control, Article XVIII, Environmental Land Stewardship, known as the Environmental Land Stewardship Program.
  - d. 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.

- e. Unless otherwise exempt, stormwater management within the undeveloped areas of this project, as of the date of this change determination, shall be designed to meet the following Outstanding Florida Waters rule: Florida Department of Environmental Protection rule 62-302.700, Special Protection, Outstanding Florida Waters, Outstanding Natural Resource Waters.
  - f. 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).
  - g. Prior to any new development approvals, existing PSP's/DP's will require updating to remove property that is no longer within the PD.
  - h. 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. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 16, 1986, shall apply:
- a. Development in accordance with the following Planned Development criteria and conditions:
    - 1) The following Maximum Height Restrictions shall apply:
      - i. Industrial      6 stories / 80 feet
      - ii. Office            20 stories / 200 feet
      - iii. Commercial    3 stories / 50 feet
      - iv. Hotel             10 stories / 200 feet
    - 2) The following setbacks/buffers shall apply:
      - i. With the exception of Lot 10A, which shall have a ten-foot (10') perimeter landscape buffer, the perimeter of the existing 1986 PD shall have a 50-foot landscape buffer. However, if surrounding property develops residentially, then setbacks from the I-2 standards, shall apply.

ii. Building setbacks from right-of-way:

- 35 feet from collector roads;
- 50 feet from arterial roads;
- 75 feet from Beachline Expressway right-of-way;
- Structures above 60 feet in height will increase setbacks from all property lines, a distance to be determined during the Development Plan approval process; or
- Major street setback as identified in Article XV, if more restrictive.

3) At development plan approval stage, the Developer shall provide for the dedication of access rights to Orange County from all lots adjacent to collector and arterial roads, except at approved locations. The number and location of access points shall be subject to the following criteria:

- i. Median openings. Median openings on roadways with raised medians shall be based upon functional classification of the roadway. The followings minimum desirable distances between median openings shall apply:

| Roadway Functional Classification | Minimum Desirable Spacing Between Median Openings |
|-----------------------------------|---|
| Major Arterials                   | 1,320 feet  |
| Minor Arterials                   | 660 feet  |
| Local                             | 330 feet  |

- ii. Driveway Spacing. Driveways shall be permitted at median openings. Additional access points will be determined at the time of site plan review. Median cuts and access points as depicted on the Land Use Plan are conceptual and the exact location will be determined at the time of development plan approval. The number of access points and spacing for all roads shall be in conformance with Orange County standards and subject to approval by the County Engineer.
- iii. Access Studies. If necessary, the developer or property owner, or its successors or assigns, should submit a traffic engineering analysis for review and approval by Orange County staff for those additional access points requested in the preceding section.

4) Signage shall be in accordance with Chapter 31.5 of the Orange County Code.

5) Performance Standards:

- i. Retail Commercial Use: Per Chapter 38, Article VIII, Division 4, of the Orange County Code.
  - ii. Office Use: Per Chapter 38, Division 4, of the Orange County Code.
  - iii. Industrial Use: Per Chapter 38, Article VIII, Division 5 of the Orange County Code.
  - iv. Open Space: Open space shall be provided as per the P-D District Requirement. Each parcel within the ICP project shall be required to meet the minimum open space/maximum impervious surface requirements.
  - v. Storage Area: All outside storage areas shall be screened from all property lines.
- b. Development shall be in accordance with the following Conservation Area requirements:
  - 1) Development shall be in accordance with the Conservation Area Analysis and Map, as submitted in the Application for Development Approval, October 7, 1985.
  - 2) No removal and/or alteration of Conservation Areas shall occur unless the Developer submits detailed soils, drainage and vegetation studies which justify the proposed development. The exact location and extent of Conservation Areas shall be determined during development plan approval. Those potential Conservation Areas that are not significant and viable that are approved for development should be incorporated into the design of the project to the maximum extent possible.
- c. Prior to approval of any construction plans for publicly dedicated facilities which are dependent upon reduction in the wet season water table, that reduction must have been documented through an actual reduction which has been documented through at least one rainy season. Projections of anticipated reduction will not be accepted.
- d. Any extension of Alafaya Trail in a four (4) lane configuration to the western boundary of the property, if deemed necessary by the County Engineer, shall include a grade separation at the crossing of the Orlando Utilities Commission railroad tracks.
- e. Development shall be in accordance with the following recommendations of the East Central Florida Regional Planning Council, except as modified by Orange County below.



- 1) In the event of discovery of artifacts of historic or archaeological significance during project construction, an owner or developer, or its successors or assigns, shall stop construction in the area of the discovery and notify the County and the Bureau of Historic Sites and Properties of the Florida Department of State. From the date of notification, construction shall be suspended for a period of up to 120 days to allow evaluation of the site.
- 2) To minimize dependence on grounds irrigation and promote the retention of wildlife habitat, the owner or developer, or its successors or assigns, agrees to utilize native vegetation to the maximum extent practicable in the development of the International Corporate Park.
- 3) The Property Owners Association shall continue to have the responsibility and authority to ensure the property maintenance of all components of the stormwater management system within the property, including the ability to assess the individual parcel owners fees for managing, operating and maintaining the entire system.
- 4) Bicycle lanes, bicycle lockers, transit passenger shelters and transit parking bays shall be constructed where necessary to augment and facilitate the operations of off-site transit and bicycle facilities. Furthermore, the Applicant should make known to tenants that the Orlando area has an existing ridesharing program operated by Transit Provider and the City of Orlando, and encourage the use of said program.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (November 29, 2016)**

Upon a motion by Commissioner Thompson, seconded by Commissioner Clarke, and carried by all, the Board of County Commissioners voted to approve the International Corporate Park Planned Development, subject to the sixteen (16) conditions listed in the staff report; further, approve the Order for Rescission of Development Order for International Corporate Park DRI. This was approved along with a Future Land Use Map amendment 2016-2-A-4-2 and text amendment 2016-2-B-FLUE-1, and the Sunbridge Planned Development – Regulating Plan.

CDR-21-07-232



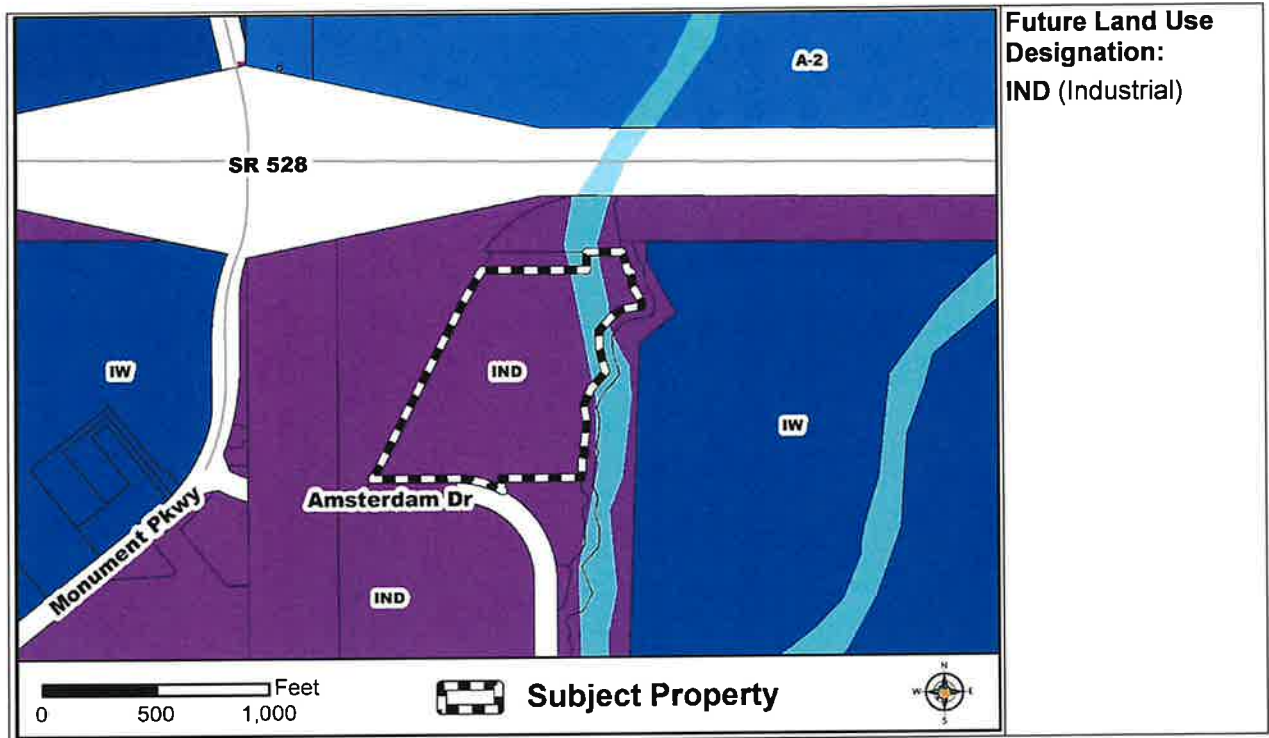
 Subject Property



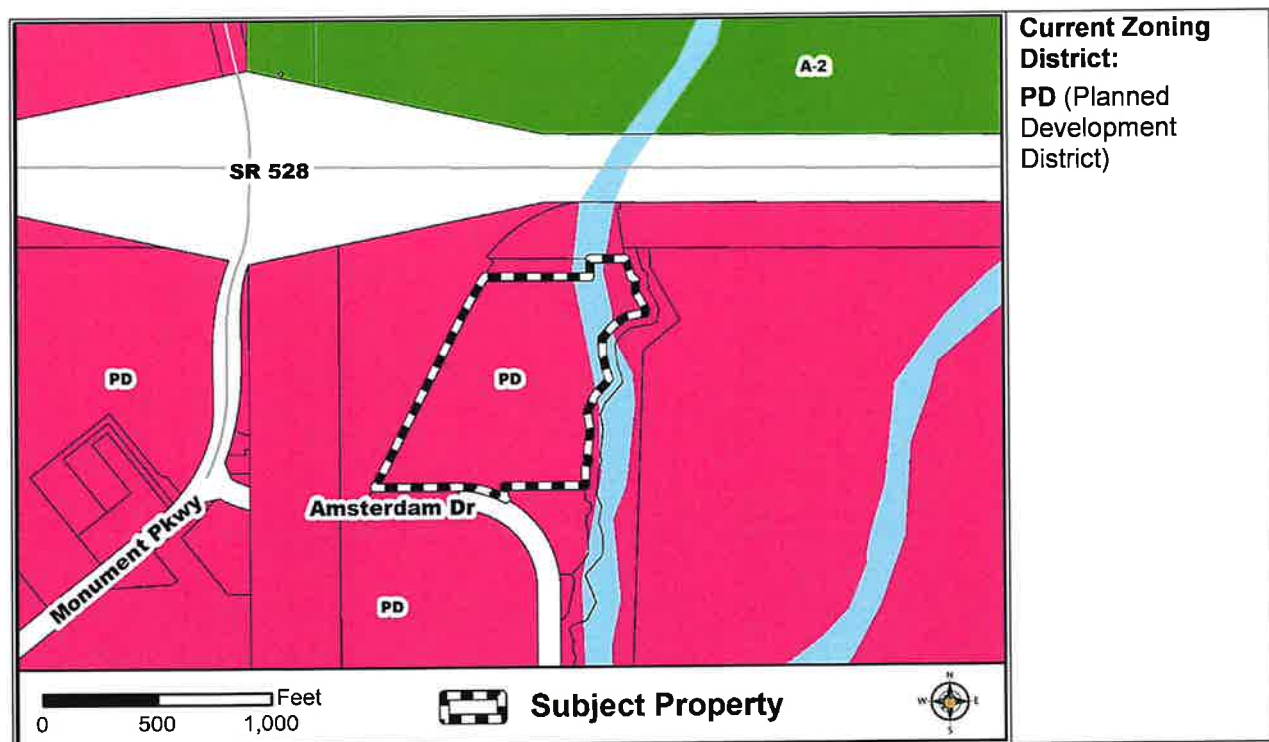
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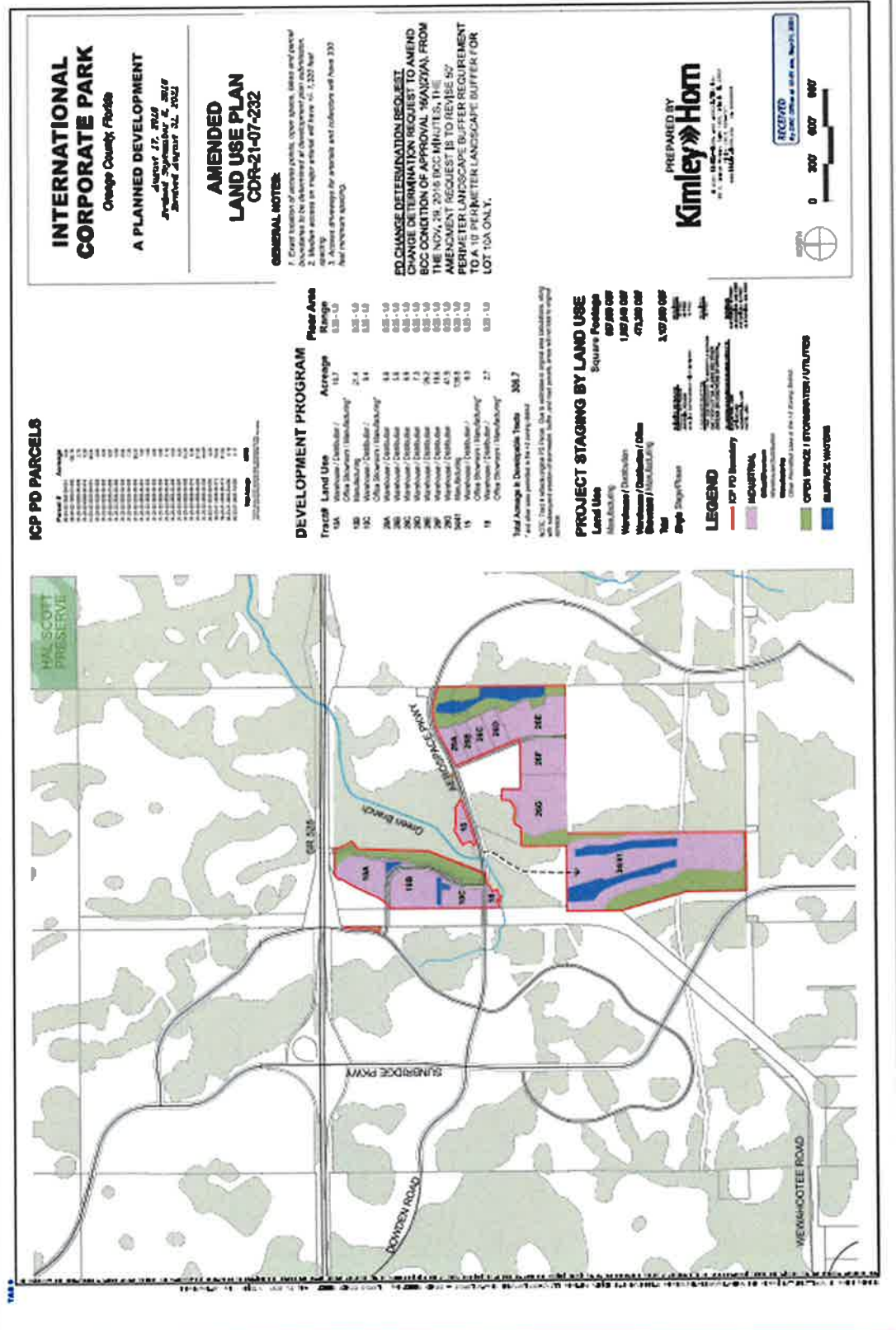
**FUTURE LAND USE – CURRENT**



**ZONING - CURRENT**



## International Corporate Park PD / LUP



## Notification Map

