




## Interoffice Memorandum

DATE: August 23, 2022

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

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

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

SUBJECT: September 13, 2022 – Public Hearing  
Applicant: Brooks Stickler, Kimley-Horn & Associates, Inc.  
Alafaya Trail Property Planned Development / The Shops at  
Alafaya Trail Phase I & II Preliminary Subdivision Plan / Lot 4 -  
Starbucks Development Plan  
Case #DP-21-03-089

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 11, 2022, to approve the Alafaya Trail Property Panned Development (PD) / Alafaya Trail Phase I & II Preliminary Subdivision Plan (PSP) / Lot 4 - Starbucks Development Plan (DP) to construct a 2,500 square foot restaurant on a total of 9.99 acres.

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 PSP may be found in the Planning Division for further reference.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the Alafaya Trail Property PD / Alafaya Trail Phase I & II PSP / Lot 4 - Starbucks DP dated "July 25, 2022", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

JVW/JK/lme  
Attachments

**CASE # DP-21-03-089**

Commission District # 4

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 11, 2022, to approve the Alafaya Trail Property Panned Development (PD) / Alafaya Trail Phase I & II Preliminary Subdivision Plan (PSP) / Lot 4 - Starbucks Development Plan (DP) to construct a 2,500 square foot restaurant on a total of 9.99 acres.

**2. PROJECT ANALYSIS**

- A. Location: South of Iroquois Trail / West of North Alafaya Trail
- B. Parcel ID(s): 22-22-31-8030-01-000, 22-22-31-8030-04-000
- C. Total Acres: 9.99 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: N/A
- I. Proposed Use: 2,500 Square Foot Restaurant
- J. Site Data: Maximum Building Height: 50'  
Building Setbacks:  
25' Front  
10' Rear  
10' Side  
10' Side Street
- K. Fire Station: 83 – 11950 East Lake Underhill Road
- L. Transportation: Based on the Concurrency Management database (CMS) dated June 23, 2021, there are multiple failing roadway segments within the project's impact area. Alafaya Trail, from Science Drive to Colonial and from Lake Underhill Road to Curry Ford Road, and Colonial Drive, from Woodbury Road to Lake Pickett Road, are failing. This information is dated and subject to change.

Unless the property is otherwise vested or exempt, 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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

Alafaya Trail, from the Seminole County line to Innovation Way, is designated as a multi-modal corridor per Orange County Transportation Element Policy T2.2.9. The policy supports the development of multimodal transportation corridors to increase the viability of walking, biking, and transit along these corridors. Transportation improvements shall focus on operational enhancements, intersection improvements that provide for safe movement of pedestrians and bicyclists, high-visibility pavement markings and refuge islands for pedestrians, multiuse paths, landscaping, bicycle facilities, increased transit service and bus shelters, and facilities and design that support transit-oriented development. Development within these corridors shall be subject to the site design standards in Policy T2.2.4, as determined by a transportation impact study.

### **3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development - Commercial/Office (PD-C/O). The subject property is designated PD (Planned Development) on the Zoning Map, which is consistent with the FLUM Designations.

### **4. ZONING**

PD (Planned Development District) (Alafaya Trail Property PD)

**5. REQUESTED ACTION:**

Approval subject to the following conditions:

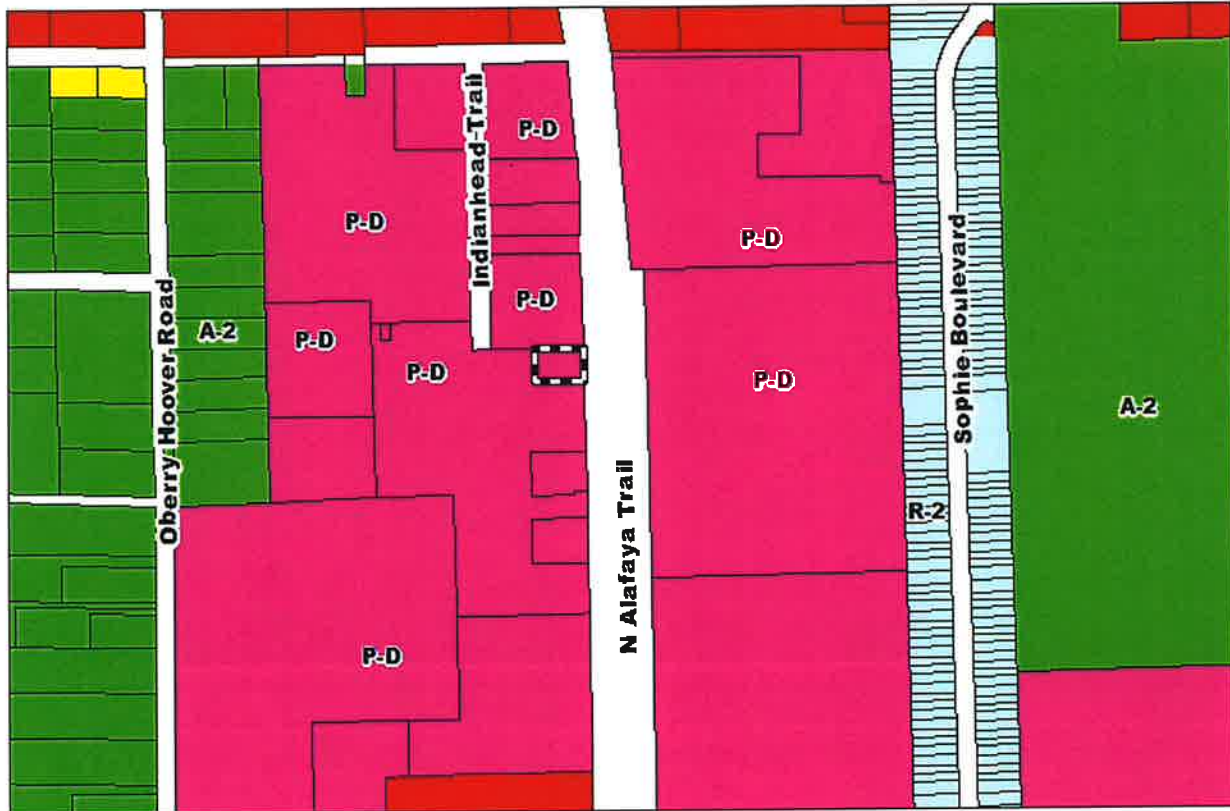
1. Development shall conform to the Alafaya Trail Property Planned Development; Orange County Board of County Commissioners (BCC) approvals; The Shops at Alafaya Trail Phase I & II Preliminary Subdivision Plan; BCC approvals; Lot 4 - Starbucks Development Plan dated "Received July 25, 2022" and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.
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 development 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. Development plan (DP) approval by the DRC (or BCC, as applicable), shall automatically expire if construction plans are required and have not been submitted and approved within two (2) years from DP approval; if construction plans are not required, such DP shall expire two (2) years from approval unless a building permit has been obtained within such two-year period. The foregoing notwithstanding, the DRC may, upon good cause shown, grant successive one (1) year extensions to the expiration date of a DP if the developer makes written request to the DRC chair prior to the expiration date.
7. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
8. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.

9. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
10. Unless the property is otherwise vested or exempt, 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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
11. Prior to construction plan approval, hydraulic calculations, including hydraulically dependent development, shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
12. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
13. Approval of this DP shall void the previously approved DP.
14. Outside sales, storage, and display shall be prohibited.

## Zoning Map

DP-21-03-089



 Subject Property



 Subject Property

### Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Brooks Stickler, Kimley-Horn & Associates

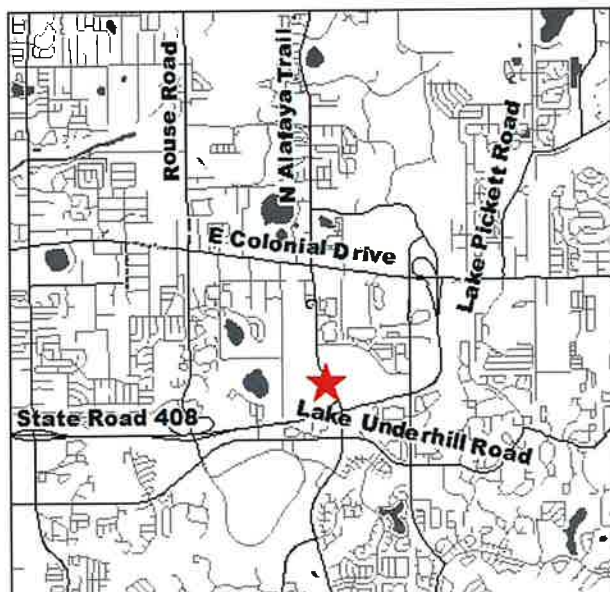
LOCATION: South of Iroquois Trail / West of North Alafaya Trail

TRACT SIZE: 0.96 acres

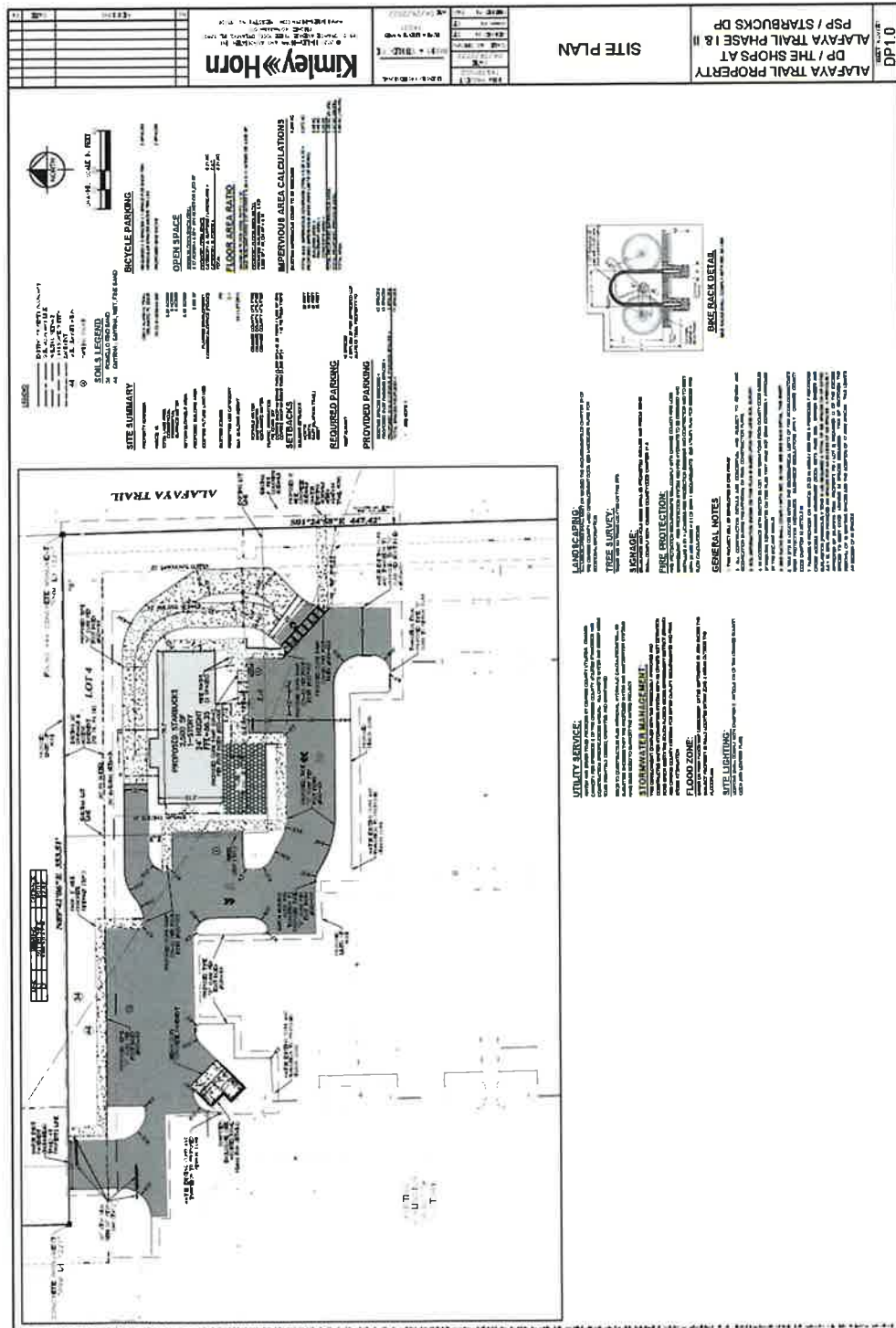
DISTRICT: # 4

S/T/R: 22/22/31

1 inch = 500 feet



# Site Plan Sheet



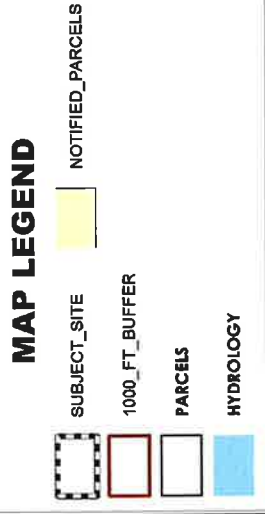
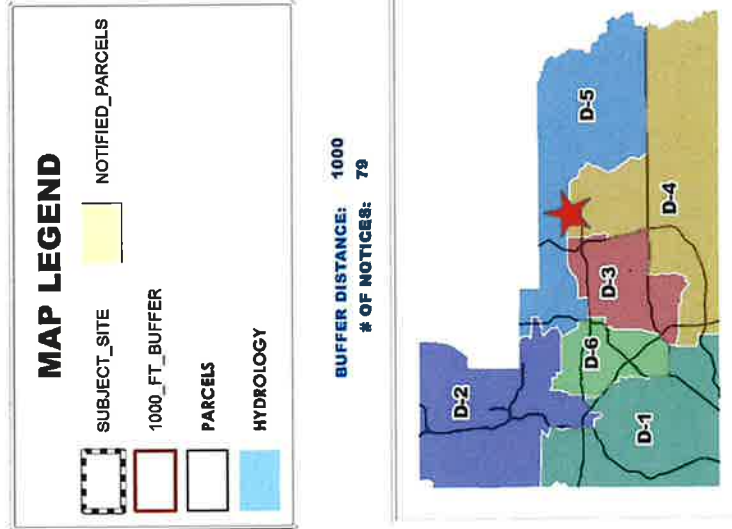
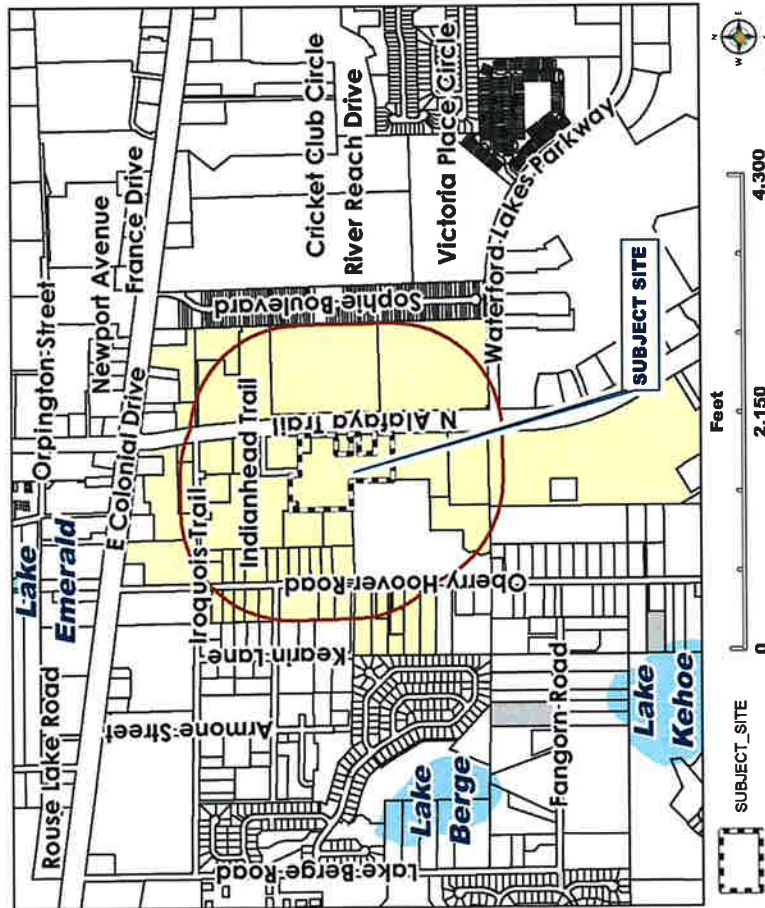


## Notification Map



# Public Notification Map

DP-21-03-089



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