



Interoffice Memorandum

DATE: October 14, 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: November 15, 2022 – Public Hearing
Sam Sebaali, Florida Engineering, Inc.
Southchase Planned Development
Case # CDR-21-11-337 / District 4
(Concurrent with Consent Item DO-21-11-339)

The Southchase Planned Development (PD) is generally located east of S. Orange Blossom Trail, north of Osceola County, and south of the Central Florida Parkway. The existing PD development program allows for low and high density residential, commercial, office and industrial uses.

Through this PD substantial change, the applicant is seeking to create a new Parcel 44A from Parcel 44 and convert existing entitlements of 32,340 square feet of commercial uses for Parcel 44A to 280 multi-family units. The applicant is also requesting a waiver to allow a building height of four stories in lieu of a three, to be located no closer than 150 feet away from single-family residential properties.

This item was continued from the September 27, 2022, Board meeting.

On May 25, 2022, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was held on March 10, 2022, with 45 residents in attendance expressing concerns for increased traffic, compatibility, impacts to schools, and crime.

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 Southchase Planned Development / Land Use Plan (PD/LUP) dated “Received July 1, 2022”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

Attachments
JVW/NT/JHS

CASE # CDR-21-11-337

Commission District: # 4

GENERAL INFORMATION

APPLICANT Sam Sebaali, Florida Engineering Group, Inc.

OWNER West Pine, LLC

PROJECT NAME Southchase Planned Development (PD)

PARCEL ID NUMBER(S) 23-24-29-8238-00-050 and 23-24-29-8238-02-000 (affected parcels only)

TRACT SIZE 3115.10 gross acres (overall PD/DRI)
14.50 gross acres (affected parcels only)

LOCATION Generally located on the south side of W. Wetherbee Road, west of S. Orange Ave.

REQUEST A PD substantial change to convert 32,340 square feet of commercial uses to 280 mid-rise multifamily dwelling units based on trip equivalencies, and creating a new Parcel 44A from Parcel 44. In addition, the applicant has requested the following waiver from Orange County Code:

1. A waiver from Section 38-1258(d) to allow the multi-family residential buildings, to have a maximum building height of four (4) stories, fifty (50) feet with the buildings to be located minimum 150 feet from the residential property in lieu of the maximum three (3) stories or forty (40) feet subject to approval by the Board of County Commissioners.

Applicant Justification: The PD Land Use Plan (LUP) currently permits fifty (50) feet commercial buildings Within twenty-five (25) feet of the single-family zoned property to the west of the Subject site. The multi-family buildings will be located greater than one-hundred fifty (150) feet from the single-family zoned property. The applicant is requesting the proposed waivers, since the multi-family use is more compatible with the single-family use and the proposed waivers result in a lesser impact; the height is limited to the current allowable 50' height; and the building separation is increased by one-hundred twenty-five (125) feet.

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]. Seven hundred nine (709) notices were mailed to those property owners in the notification

buffer area. A community meeting was held on March 10, 2022 and is summarized further in this report.

IMPACT ANALYSIS

Overview

The Southchase PD was originally approved in 1987 and includes uses such as low and high density residential, commercial, office and industrial.

Through this PD substantial change, the applicant is seeking to convert 32,340 square feet of commercial to 280 mid-rise multifamily dwelling units based on trip equivalencies. The subject property is currently designated for commercial uses on the PD Land Use Plan. Through this request, the subject parcel is proposed to be used for multi-family residential uses instead. A waiver is request to allow for four (4) story multi-family buildings, to be located no closer than 150 feet to the western property line.

Due to resident concerns expressed at the March 10, 2022, community meeting, staff is proposing a condition of approval to require existing trees located within the 25 foot residential buffer along the western property line of parcel 44A to be preserved; or alternatively, a 6 foot wall and enhanced landscaping shall be provided along the entire length of the western property line. This enhanced buffer will consist of two parallel rows, planted 25 feet on-center, staggered, with alternating canopy shade and understory trees.

Additionally, to address resident concerns, the proposed four-story multi-family buildings would be located no closer than 150 feet to the single-family residential properties to the west.

Land Use Compatibility

The PD substantial change would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Amendment

The subject property has an underlying Future Land Use Map (FLUM) designation of Commercial (C). The Southchase PD was originally approved in 1987 and includes uses such as low and high density residential, commercial, office and industrial. The Southchase PD was adopted prior to the adoption of the Comprehensive Plan. The proposed Change Determination Request (CDR) is therefore consistent with the designation and a Comprehensive Plan Amendment is not necessary.

Community Meeting Summary

A community meeting was held on March 10, 2022. Forty-five (45) residents were in attendance and expressed concerns related to traffic, compatibility with the existing residential uses, impacts to schools and increased crime.

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.

Overlay District Ordinance

The subject property is located within the Meadow Woods Station TOD Overlay District.

Environmental

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

Transportation Planning

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

Schools

Orange County Public Schools (OCPS) reviewed the request and determined that capacity is not available at the high school level, but is available at the elementary and middle school levels. The high school (Cypress) currently has an adjusted utilization rate of 124.6% and with this proposed project, the utilization rate will increase to 125.4%.

Parks

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 – (May 25, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Southchase Planned Development / Land Use Plan (PD/LUP), dated "July 1, 2022", subject to the following conditions:

1. Development shall conform to the Southchase Land Use Plan (LUP) dated "Received July 1, 2022," 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 1, 2022," 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 prior to construction plan submittal for Parcel 44A 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 land use 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.
7. New pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
8. Short term/transient rental is prohibited on Parcel 44A. Length of stay shall be for 180 consecutive days or greater.
9. 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).
10. 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.
11. Existing trees located within the 25 ft. residential buffer along the western property line of parcel 44A shall be preserved; alternatively, a 6 ft. wall and enhanced landscaping shall be provided along the entire length of the western property line. This enhanced buffer shall consist of 2 parallel rows, planted 25 ft. on center, staggered, with alternating canopy shade and understory trees.
12. The Developer shall obtain wastewater and reclaimed water from Orange County Utilities subject to County rate resolutions and ordinances. The Developer shall obtain water service from Orange County Utilities for the portion of the Project in the County's service area subject to County rate resolutions and ordinances.
13. 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 updated MUP must be approved prior to construction plan approval.
14. A waiver from Section 38-1258(d) for Parcel 44A to allow the multi-family residential buildings, to have a maximum building height of four (4) stories, fifty (50) feet with the buildings to be located minimum 150 feet from the residential

property in lieu of the maximum three (3) stories or forty (40) feet subject to approval by the Board of County Commissioners.

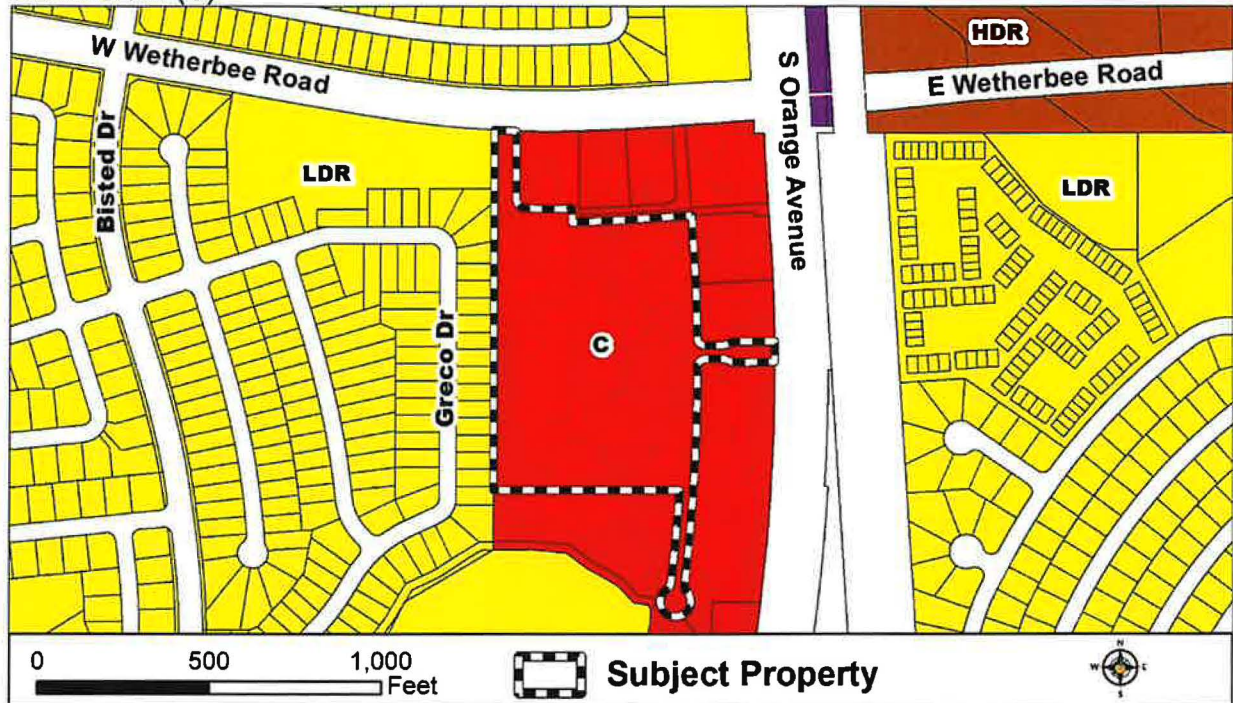
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 20, 2013 shall apply:
- a. A waiver from Orange County Code Section 31.5-68(e) is granted to allow three (3) pole signs in lieu of two (2) pole signs within PD Parcels 8 and 9 only.
 - b. All previous applicable BCC Conditions of Approval, dated April 2, 2002, shall apply:
 - 1) Prior to construction plan approval, a Master Stormwater Management Plan and a drainage study to establish the 100-year flood elevation shall be submitted to the County Development Engineering Division for review and approval.
 - 2) All commercial development shall comply with the Commercial Design Standards Ordinance. All industrial development along Orange Avenue shall comply with the design standards established in the Commercial Design Standards Ordinance. All development shall comply with the lighting standards established in the Commercial Design Standards Ordinance
 - 3) Pole signs and billboards shall be prohibited. Outdoor storage and display (in Industrial tracts) shall not be permitted within 100 feet of Orange Avenue or within 100 feet of residential areas. Ground signs and fascia signage shall comply with Chapter 31.5.
 - 4) Prior to the approval of the first development plan or preliminary subdivision plan, access to the Kissimmee Utility Authority's easement shall be addressed.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (August 20, 2013)

Upon a motion by Commissioner Thompson, seconded by Commissioner Boyd, and carried by all present members, the Board made a finding of consistency with the Comprehensive Plan and approved the PD substantial change to the Southchase PD and grant a waiver from Orange County Code to allow three pole signs in lieu of two pole signs.

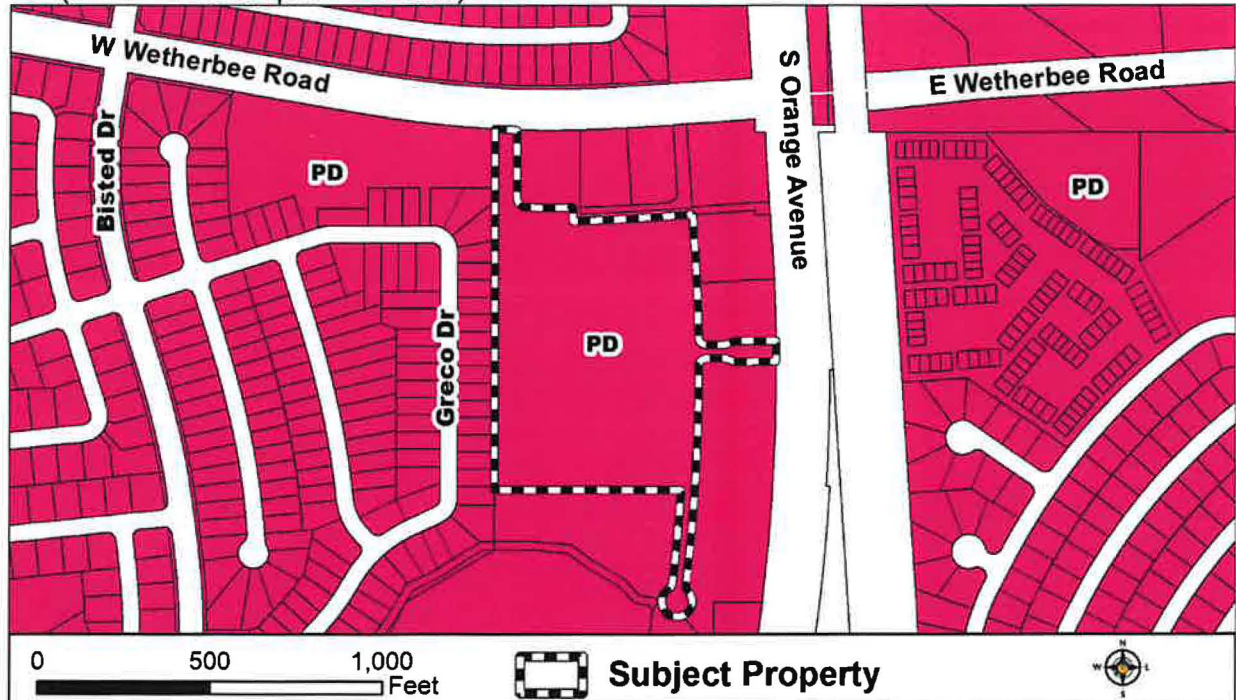
FUTURE LAND USE MAP

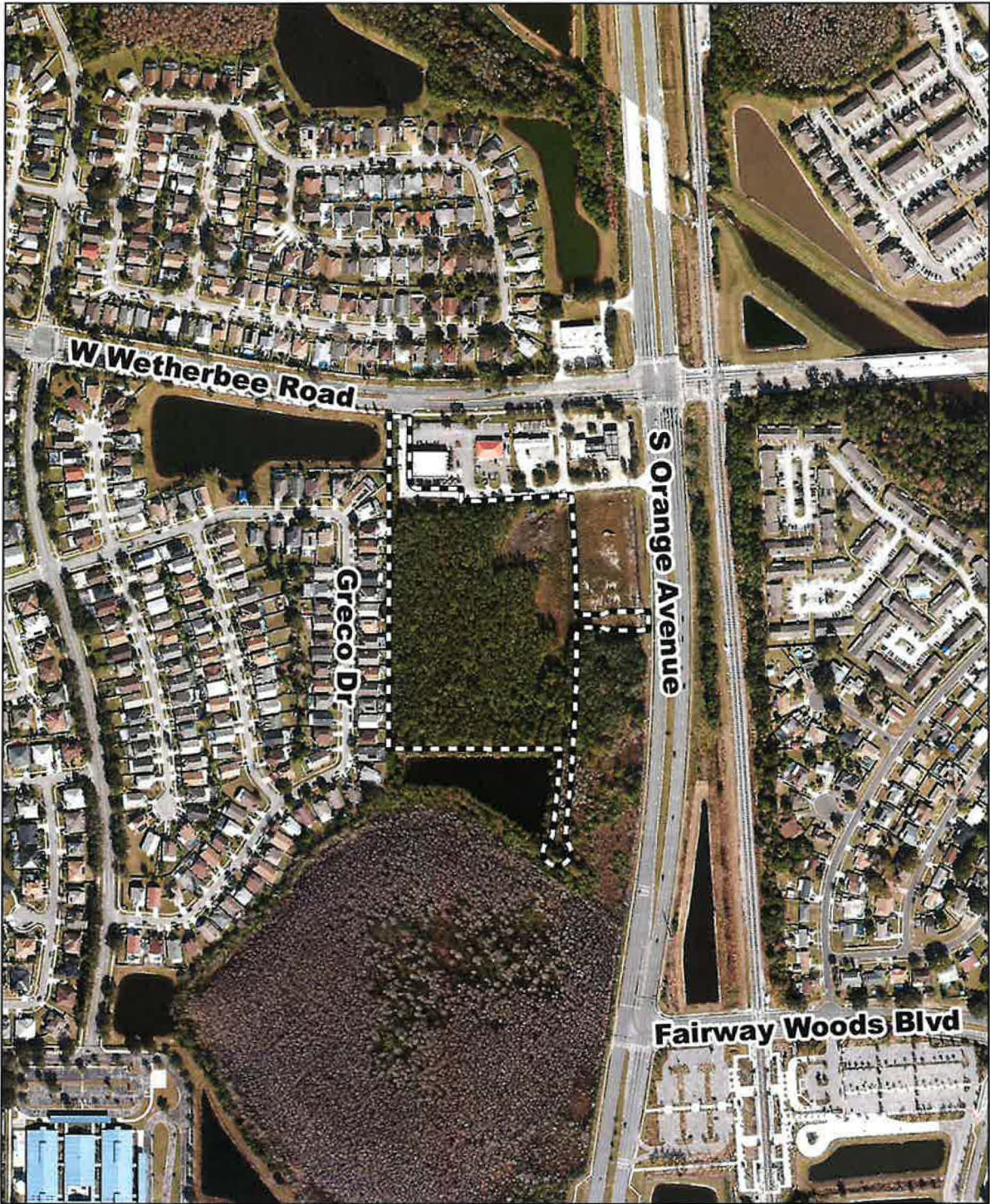
Commercial (C)



ZONING MAP

PD (Planned Development District)





 Subject Property



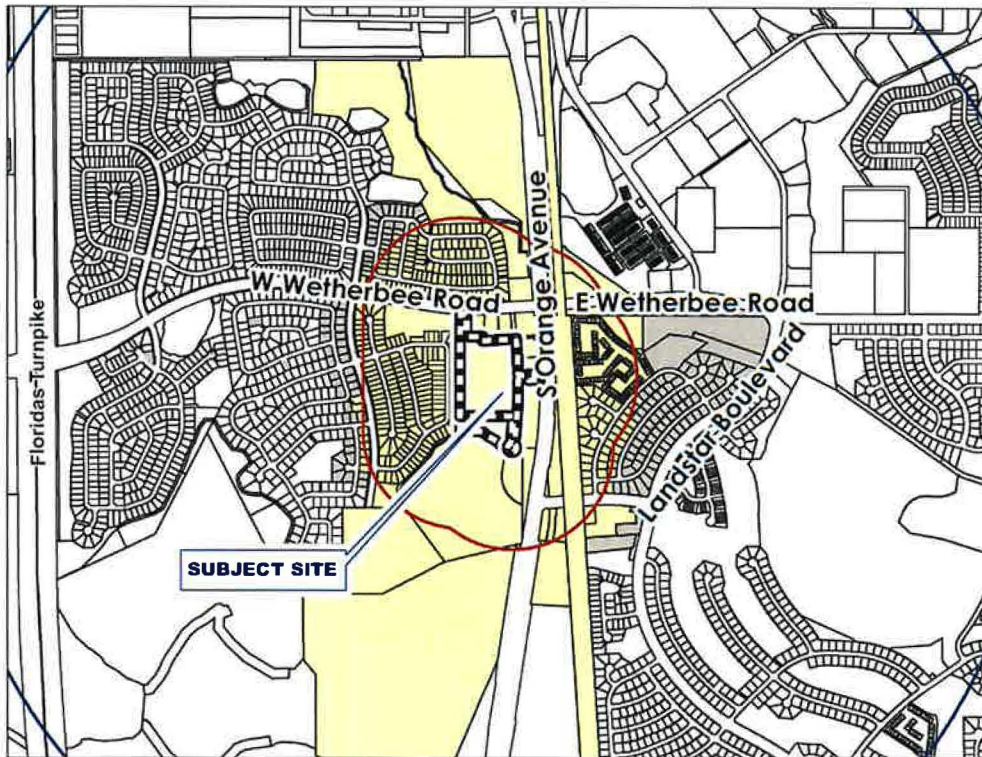
1 inch = 400 feet





Public Notification Map

Southchase PD_CDR-21-11-337



SUBJECT SITE

Feet

0

2,700

5,400



MAP LEGEND



SUBJECT SITE



NOTIFIED PARCELS



1000 FT BUFFER



COURTESY PARCELS



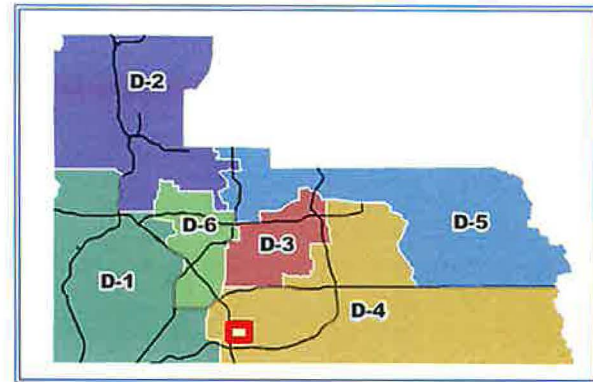
1 MILE BUFFER



PARCELS

BUFFER DISTANCE: 1000

OF NOTICES: 709



Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: November 15, 2022