



Interoffice Memorandum

DATE: December 20, 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: January 10, 2023 – Public Hearing
John Townsend, Donald W. McIntosh Associates, Inc.
Isleworth- Four Corners Planned Development
Case # CDR-22-08-282 / District 1

The Isleworth- Four Corners Planned Development (PD) is located on the north and south sides of Conroy Windermere Road and west of S. Apopka Vineland Road in District 1. The existing PD development program allows for 147,334 square feet of retail commercial; 174,731 square feet of office; 45,100 square feet of health club; and 124 residential dwelling units.

Through this PD substantial change, the applicant is seeking to allow for a waiver from Orange County Code Section 38-1254(2)e to reduce the front yard setback to 10' in lieu of 20' for Lot 17 of Phase 2.

On November 2, 2022, 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 Isleworth- Four Corners Planned Development / Land Use Plan (PD/LUP) dated “Received October 11, 2022”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

Attachments
JVW/NT/DM

CASE # CDR-22-08-282

Commission District: # 1

GENERAL INFORMATION

APPLICANT John Townsend, Donald W. McIntosh Associates, Inc.

OWNER David and Nicole O'Reilly

PROJECT NAME Isleworth- Four Corners Planned Development (PD)

PARCEL ID NUMBER 16-23-28-2948-00-170 (affected parcel)

TRACT SIZE 0.26 gross acres (affected parcel)

LOCATION 4912 Aviva Garden Court, Windermere

REQUEST A PD substantial change to modify the PD to allow for a waiver from Orange County Code Section 38-1254(2)e to reduce the front yard setback to 10' in lieu of 20' for Lot 17 of Phase 2.

Applicant Justification: A reduction in the front yard setback to the side entry garage to allow development of the lot that is consistent and compatible with the development pattern established throughout the neighborhood.

PUBLIC NOTIFICATION A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred five (105) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

IMPACT ANALYSIS

Special Information

The Isleworth- Four Corners Planned Development (PD) was originally approved in June 2000. The overall PD has existing land use entitlements for 147,334 square feet of retail commercial; 174,731 square feet of office; 45,100 square feet of health club; and 124 residential dwelling units.

Through this PD substantial change, the applicant is seeking to allow for a waiver from Orange County Code Section 38-1254(2)e, to reduce the front yard setback to 10' in lieu of 20' for Lot 17 of Phase 2.

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 an underlying Future Land Use Map (FLUM) designation of Community Village Center (CVC). The Isleworth- Four Corners PD was approved in June 2000 and includes uses such as residential, commercial, office and a health club. The proposed PD substantial change is consistent with this designation and all applicable CP provisions; therefore, the request is 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

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

Transportation Planning

Transportation Planning staff has reviewed the proposed request and did not identify any issue or concerns.

Community Meeting Summary

A community meeting was not required for this application.

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 Change Determination 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 – November 2, 2022

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Isleworth-Four Corners Planned Development / Land Use Plan (PD/LUP), dated “October 11, 2022”, subject to the following conditions:

1. Development shall conform to the Isleworth- Four Corners Planned Development / Land Use Plan (PD / LUP) dated "Received October 11, 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 October 11, 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 and must apply for and obtain a capacity reservation certificate 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 capacity encumbrance letter or a capacity reservation certificate.
7. 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.
8. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
9. Pole signs and billboards shall be prohibited. All other signage shall comply with the approved master sign plan or Chapter 31.5 of the Orange County Code, where applicable.
10. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
11. A waiver from Orange County Code Section 38-1254(2)e. is granted to reduce the front yard setback to 10' in lieu of 20' for Lot 17 of the plat of Gardens of Isleworth Unit 2 as recorded in Plat Book 67, Page 127 of the public records of Orange County, Florida.

12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 10, 2021 shall apply:
 - a. A waiver from Orange County Code Section 31.5-192 (4) is granted to allow 96.36 square feet of secondary signage copy area in lieu of 39 square feet for the Fifth Third Bank Building within Parcel SW-3.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, Dated May 24, 2016, shall apply:
 - a. 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.
 - 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. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
 - d. 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.
 - e. A waiver from Section 38-1372(f) is granted to allow no more than two (2) restaurants (coffee shop establishments) with drive-thru within the Southwest Quadrant.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 3, 2015, April 5, 2011, and November 13, 2012, shall apply:
 - a. A waiver from Section 38-1354(2) to allow an increase in the maximum copy area for monument signs from forty (40) square feet to seventy-six (76) square feet per the Master Sign Plan.
 - b. A waiver from Section 38-1354(2) to allow an increase in the maximum height of monument signs from ten (10) feet to eleven feet six inches (11'6") per the Master Sign Plan.

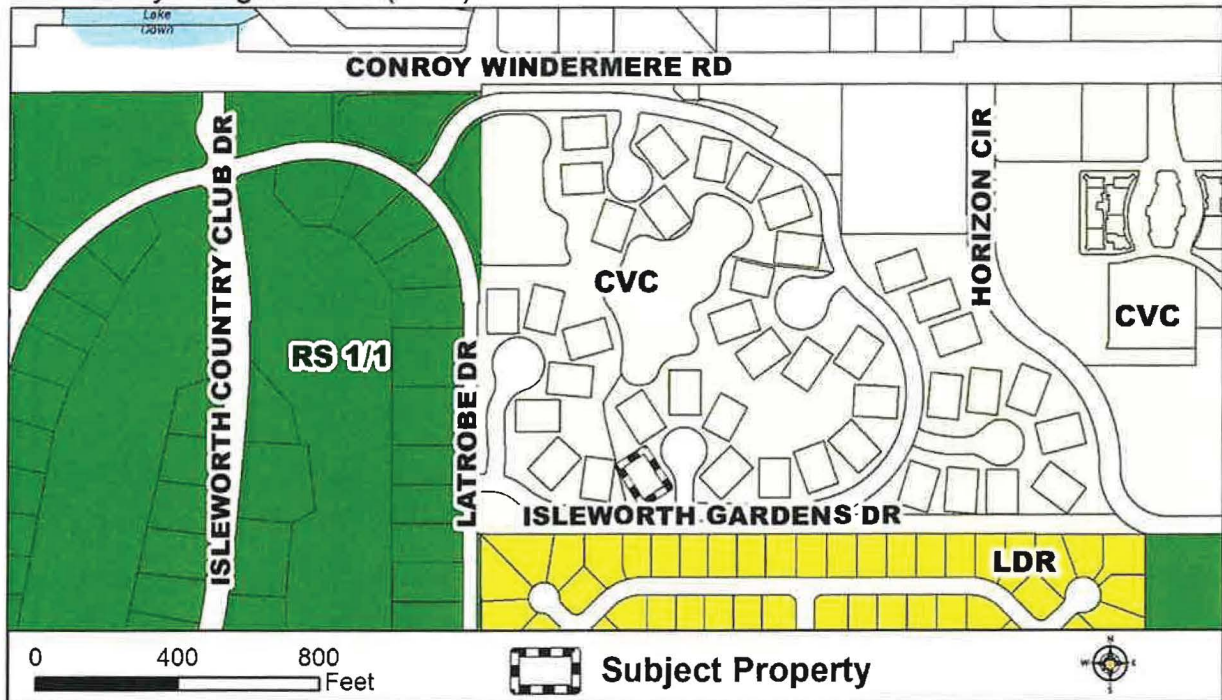
- c. A waiver to amend a previously approved waiver from Section 38-1354(2) to allow an increase in the maximum number of tenant names on monument signs from three (3) names to five (5) names per the Master Sign Plan.
 - d. A waiver from Section 38-1354(4) to allow no more than two (2) signs paralleling the store front in lieu of one (1) for parcels 1-3, and 5-8 per the Proposed Overall Copy Area Chart on the Master Sign Plan.
 - e. A waiver from Section 38-1354(4) to allow a total combined copy area of one hundred and eighty-eight (188) square feet of copy area in lieu of one hundred and eighty-five point five (185.5) square feet of a combined copy area on parcel one (1) per the Proposed Overall Copy Area Chart on the Master Sign Plan.
 - f. A waiver from Section 38-1354(4) to allow a total combined copy area of one hundred and ninety-five (195) square feet of copy area in lieu of one hundred and six point seventeen (106.17) square feet on parcel two (2) per the Proposed Overall Copy Area Chart on the Master Sign Plan. May 24, 2016 page 42 of 52
 - g. A waiver from Section 38-1354(4) to allow a total combined copy area of three hundred thirty-two (332) square feet of copy area in lieu of a combined square footage of two hundred (200) square feet on parcel seven (7) per the Proposed Overall Copy Area Chart on the Master Sign Plan.
15. All previous applicable BCC Conditions of Approval, dated November 23, 2010, shall apply:
- a. Separate Development Plan(s) and community meeting(s), as well as BCC approval, shall be required for all Future Development Sites.
 - b. Prior to the issuance of any vertical building permits, the plat shall be approved on the BCC Consent Agenda.
 - c. A Right-of-Way Use Agreement shall be required for any landscaping and/or hardscape installation within the County's right-of-way.
 - d. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be send to the Florida Department of Environmental Protection.

- e. A waiver from Section 38-1354(2) is granted to allow one (1) additional ground sign to be located on the northeast corner of the southwest quadrant at the existing right-in/right out access on Apopka Vineland road, in lieu of one (1) ground sign per each full access point for non-residential development.
 - f. Outdoor sales, storage, and display shall be prohibited.
 - g. A cross access / parking agreement will be required at building permit submittal.
16. All previous applicable BCC Conditions of Approval, dated April 5, 2011, or earlier, shall apply, including:
- a. A waiver from Section 38-1356(n) and Section 38-1372(j)(1) to allow a maximum building height of 54 feet for a previously constructed dome which will be mounted upon an existing building in the Southeast Quadrant.
 - b. Master water, reclaimed water, and wastewater plans, including preliminary calculations, shall be updated and approved prior to approval of the construction plans.
 - c. No special exceptions shall be permitted in the Professional Office Districts.
 - d. Approve the amended and restated Developer's Agreement concerning second-story commercial. Development shall comply with the Developer's Agreement dated June 4, 2002.
 - e. A waiver from Section 38-1356(c) is granted to allow zero (0) foot setbacks in lieu of ten (10) feet for the interior lots in the Southwest Quadrant.
 - f. Buildings within Parcel SW3 in the Southwest Quadrant may include clock towers, cupolas, atriums, domes, and similar architecture features that exceed thirty-five (35) feet, but less than fifty (50) feet, that require Orange County BCC approval during the building(s) Development Plan approval process.
 - g. A waiver from Section 38-1476 is granted, on the Southwest Quadrant only, to allow for a minimum of 1,170 spaces, or a ratio of 4 spaces per 1,000 square feet, in lieu of 1,463 spaces, or a ratio of 5 spaces per 1,000 square feet.

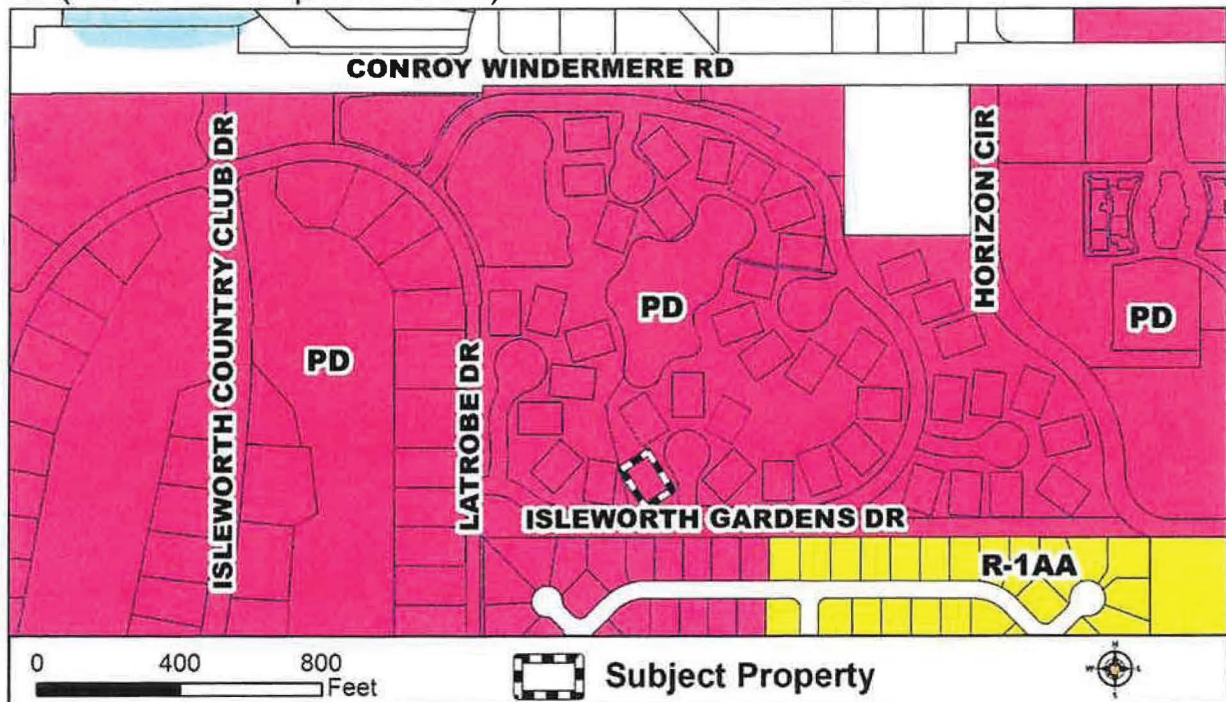
PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (August 10, 2021)

Upon a motion by Commissioner Wilson, seconded by Commissioner Uribe, and carried by all present members the Board approved a substantial change request subject to the ten (10) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated July 22, 2021 to allow for four non-illuminated wall signs. This request also includes the following waiver from Orange County Code: A waiver from Orange County Code Section 31.5-192 (4) is requested to allow 96.36 square feet of secondary signage copy area in lieu of 39 square feet for the Fifth Third Bank Building within Parcel SW-3; Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

Future Land Use Map Community Village Center (CVC)



Zoning Map PD (Planned Development District)



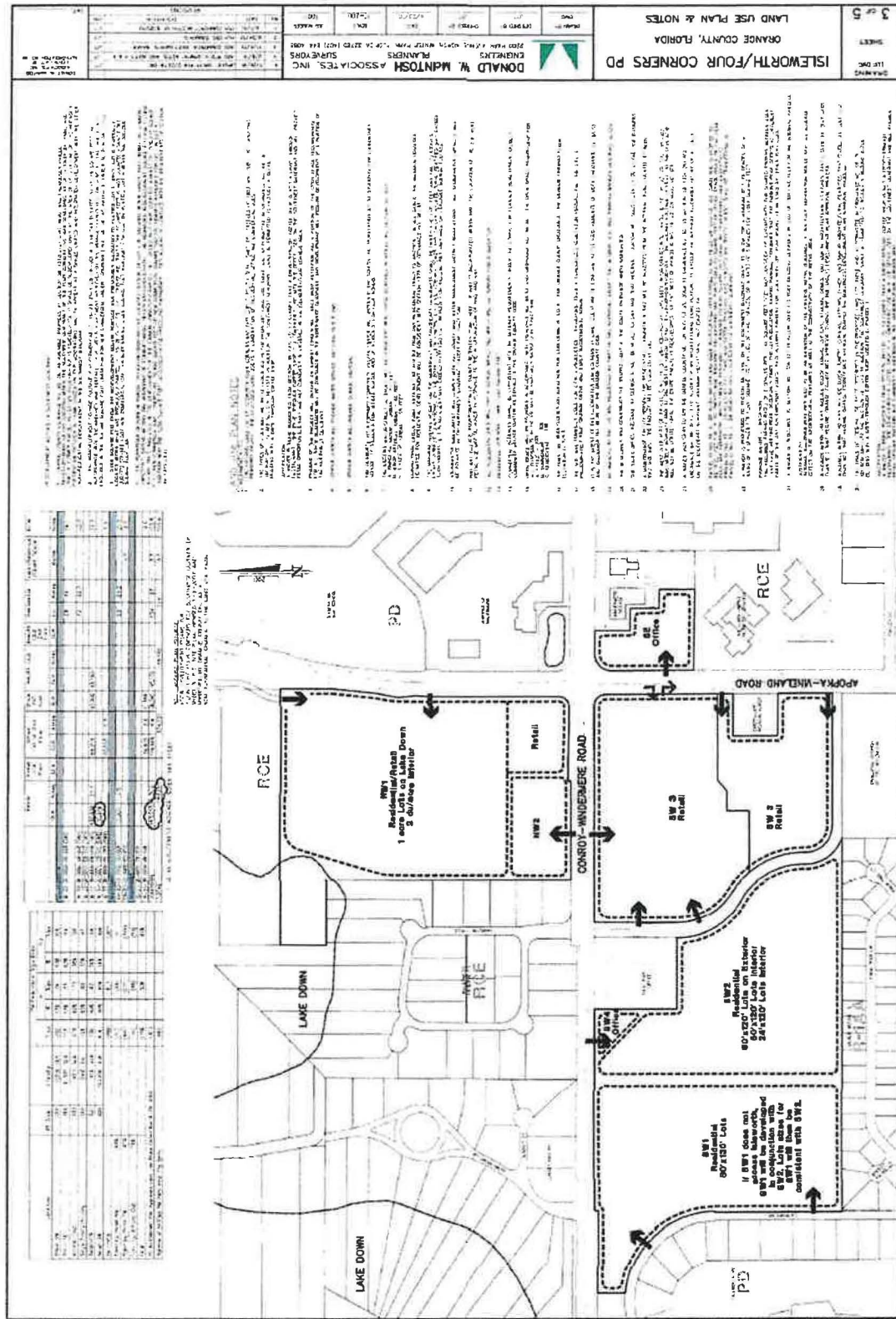


 Subject Property



1 inch = 160 feet

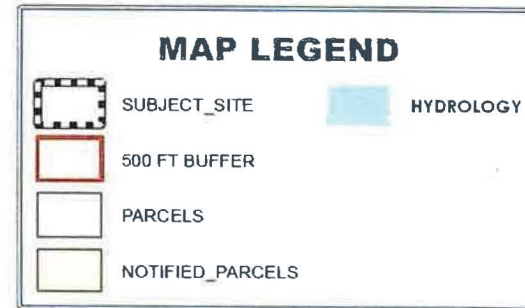
Isleworth-Four Corners PD / LUP



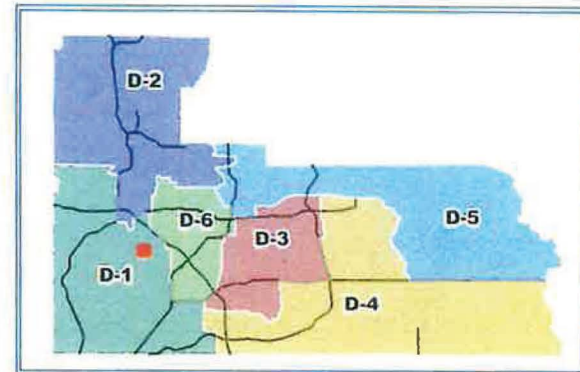


Public Notification Map

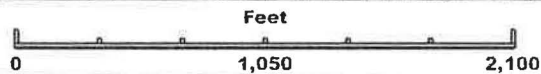
Isleworth-Four Corners PD_CDR-22-08-282



BUFFER DISTANCE: 500
OF NOTICES: 105



SUBJECT_SITE



Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: January 10, 2023