




Interoffice Memorandum

DATE: January 6, 2023

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

FROM: Tim Boldig, Interim 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 24, 2023 – Public Hearing
Peter Traficante, Kimley-Horn & Associates
Trails Neighborhood Retail Center Planned Development
Case # CDR-22-09-293 / District 5

The Trails Neighborhood Retail Center Planned Development (PD) is located at 3016 N Alafaya Trail. The existing PD development program allows for 91,000 square feet of C-1 (Retail Commercial District) uses, with certain uses restricted.

Through this PD substantial change, the applicant is seeking to add the C-2 (General Commercial District) uses to the list of permitted uses including animal shelters and boarding kennels with no outdoor runs; Landscaping and irrigation businesses; T.V. Studios; Wholesale distribution of durable and nondurable goods; Wholesale bakeries; Wholesale florists; Caterers; and Indoor auctions.

On December 7, 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 Trails Neighborhood Retail Center Planned Development / Land Use Plan (PD/LUP) dated “Received November 8, 2022”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

Attachments
TB/NT/JK

CASE # CDR-22-09-293

Commission District: # 5

GENERAL INFORMATION

APPLICANT	Peter Traficante, Kimley-Horn & Associates
OWNER	MSF Alafaya, LLC
PROJECT NAME	Trails Neighborhood Retail Center Planned Development
PARCEL ID NUMBER(S)	10-22-31-0000-00-015 10-22-31-0000-00-028
TRACT SIZE	5.85 gross acres (affected parcel only)
LOCATION	Generally located at 3016 N Alafaya Trail
REQUEST	A PD substantial change to add certain C-2 (General Commercial District) uses to the list of permitted uses.
PUBLIC NOTIFICATION	A notification area extending beyond seven hundred (700) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred ninety five (195) 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 Trails Neighborhood Retail Center PD was originally approved in 1999 and is currently entitled for 91,000 sf of C-1 (Retail Commercial District) uses, with certain uses restricted. Through this PD Change Determination Request (CDR), the applicant is seeking to add the C-2 (General Commercial District) uses to the list of permitted uses:

- Animal shelters, boarding kennels, animal points, training or animals with no outdoor runs or outdoor compounds;
- Washing & Packaging of fruit and vegetables;
- Landscaping and irrigation business, lawn care, tree service;
- T.V. Studios (excluding towers);
- Satellite Dish Services;
- Wholesale distribution of durable and nondurable goods;
- Wholesale bakeries;
- Wholesale florists;
- Caterers;
- Indoor auctions;

- Music video production, audio-visual motion picture program production, commercial T.V. production.

Through this PD substantial change, the applicant is seeking to add certain C-2 (General Commercial District) uses to the list of permitted uses.

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 Planned Development Commercial (PDC). The subject property is designated PD (Planned Development District) on the zoning map, which is consistent with the FLUM designation. The proposed Change Determination Request (CDR) 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 located within the UCF Study Area.

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 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 Change Determination 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 – (December 7, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Trails Neighborhood Retail Center Planned Development dated "November 8, 2022", subject to the following conditions:

1. Development shall conform to the Trails Neighborhood Retail Center Planned Development dated "Received November 8, 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 November 8, 2022," the condition of approval shall control to the extent of such conflict or inconsistency.
2. 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. 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. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
8. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development (including hydraulically dependent development) within the PD.
9. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
10. Outside sales, storage, and display shall be prohibited.

11. 11. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood elevations shall be submitted to the Development Engineering Division for review and approval.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 16, 2002, shall apply:
 - a. Buildings will be a maximum of 35 feet in height and one-story within 200 feet of the western property line and can be up to 50 feet and four stories beyond 200 feet from the western property line.
 - b. In addition to the six-foot masonry wall, berm, and landscaping, the development plan will preserve existing healthy trees, which are located within 15 feet of the western property line.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 15, 1999, shall apply:
 - a. A five-foot-wide (5') sidewalk shall be provided along the north side of Lokanotosa Trail.
 - b. A waiver of Section 38-1272(3), Orange County Code, to allow a ten-foot (10') setback to the north Planned Development perimeter in lieu of 25 feet is approved.
 - c. There shall be no more than four (4) certificates of occupancy for any single building located on the subject property.
 - d. Auto-part stores shall be prohibited.
 - e. A six-foot (6') masonry wall shall be constructed along the southern portion of the property boundary to the project entrance on Lokanotosa Trail.
 - f. The 15-foot buffer along the western property line shall be landscaped with trees.
 - g. Lighting shall be shrouded to minimize the impact to the adjacent residential areas.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (April 16, 2002-continued to May 7, 2022)

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried by 5-0, the Board approved the request to increase the maximum building height from 35 feet to 50 feet and increase the retail square footage from 75,000 feet to 91,000 feet; which constitutes a substantial change to the Trails Neighborhood Retail Center Planned Development/Land Use Plan Development/Land Use Plan (PD/LUP).



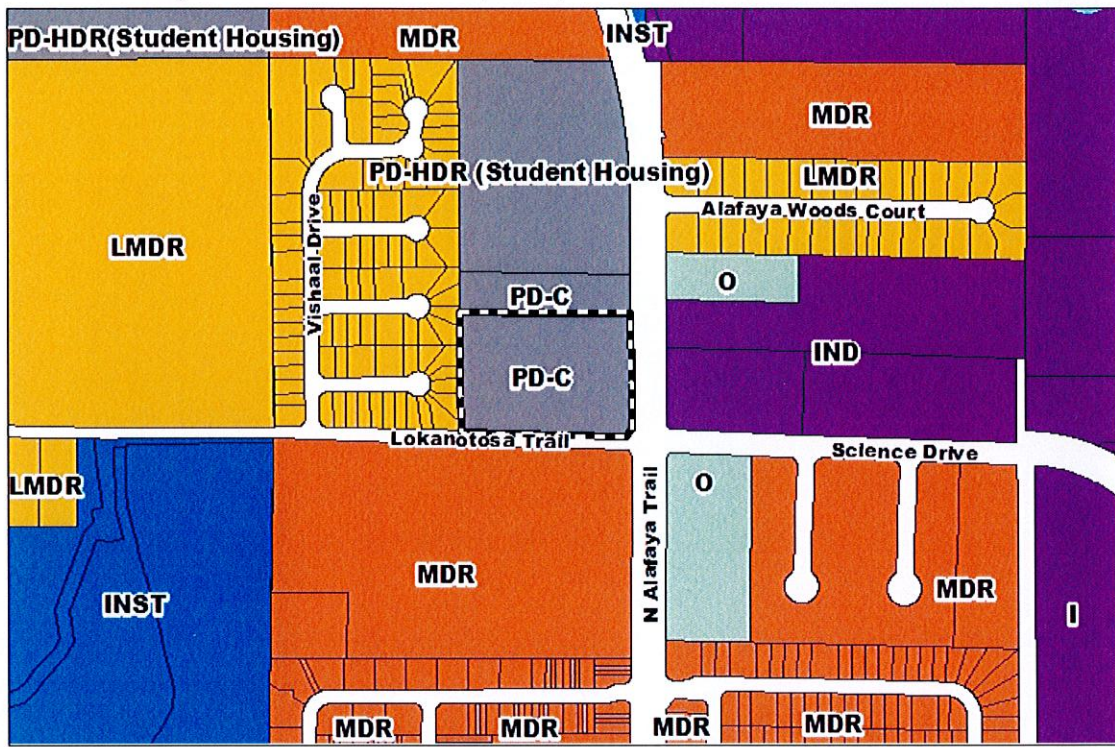
 Subject Property



0 550 1,100 Feet

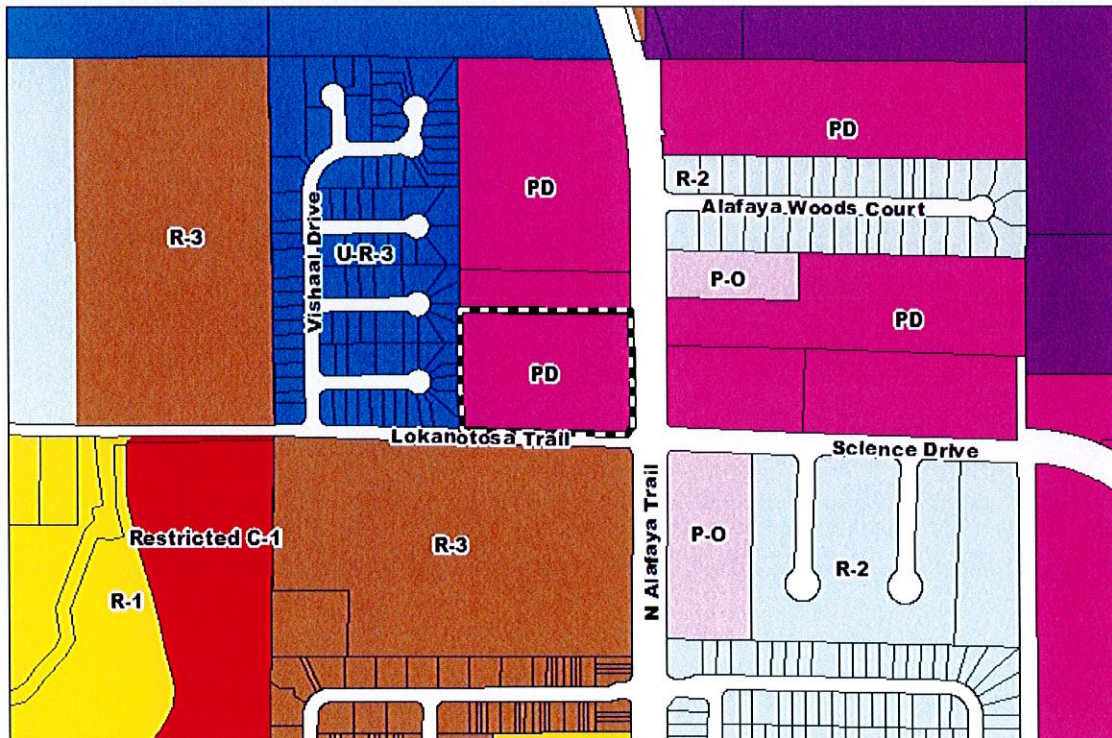
Future Land Use Map

Planned Development – Commercial (PD-C)



Zoning Map

PD (Planned Development District)



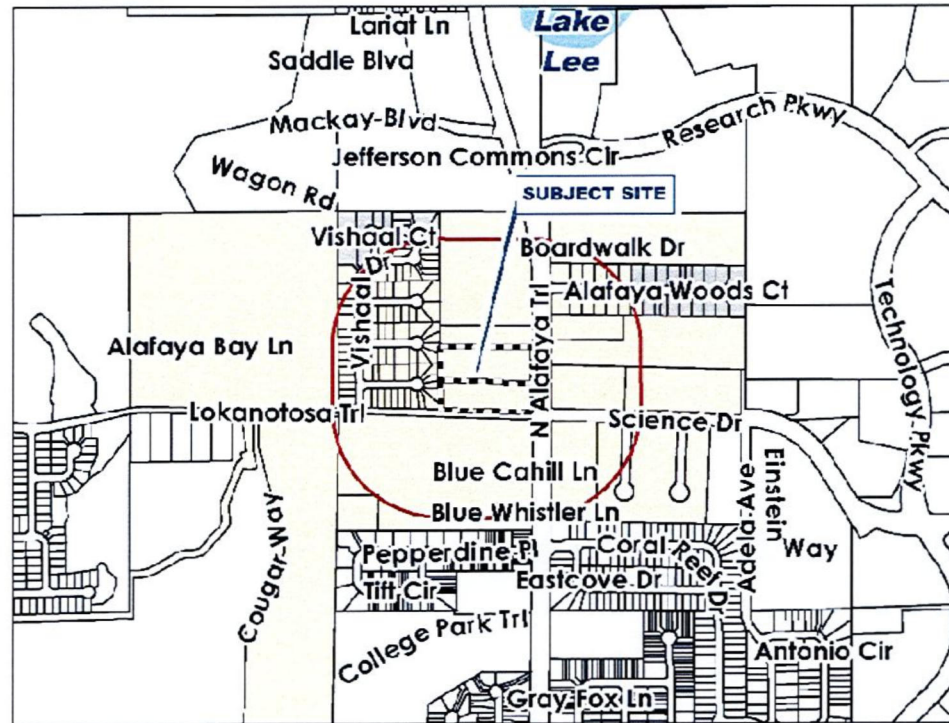
Trails Neighborhood Retail Center PD (Cover Sheet)

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Public Notification Map

Trails Neighborhood Retail Center PD-CDR-22-09-293



SUBJECT SITE

0

1,625

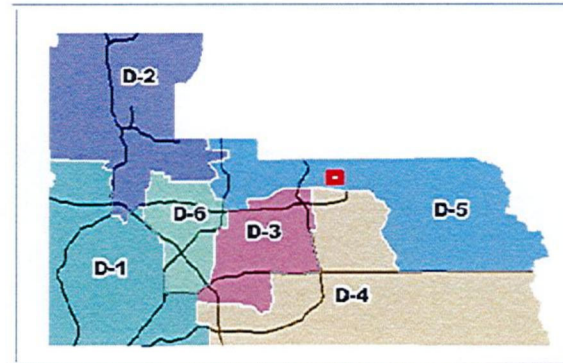
3,250



MAP LEGEND

	SUBJECT SITE		HYDROLOGY
	700 FT BLFFER		NOTIFIED PARCELS
	1 MILE BLFFER		COURTESY PARCELS
	PARCELS		

BUFFER DISTANCE: 700
OF NOTICES: 195



Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: January 24, 2023

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