



Interoffice Memorandum

March 6, 2023

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

FROM: Timothy L. 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: March 21, 2023 – Public Hearing
David Evans, Evans Engineering, Inc.
Grand Cypress Resort Planned Development
Case # CDR-22-04-144/ District 1

The Grand Cypress Resort Planned Development (PD) was originally approved in 1975 (f/k/a Cypress Walk). It was last amended in January 2019 and currently contains approximately 1,579 gross acres. It is generally located on the east side of Winter Garden Vineland Road between Lake Sheen Reserve Boulevard and South Apopka Vineland Road (S.R. 535). The overall PD has existing land use entitlements for 1,505 hotel rooms, 1,466 villas (timeshare units), 207 multi-family residential units, 2 single-family residential units, 100,000 square feet of retail / entertainment uses, a spa facility and other resort-related uses.

Through this substantial change to the PD, the applicant is seeking to modify the PD to allow for: 1) an updated Entitlement Chart based on last DP submitted for approval to county; and 2) a Master Sign Plan, which includes detailed sign graphics and sign locations within the PD project boundaries and along CR 535. In addition, the applicant has requested six (6) waivers from Orange County Code affecting sign regulations.

On January 25, 2023, 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 Grand Cypress Resort Planned Development / Land Use Plan (PD/LUP) dated “Received December 22, 2022,” subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachments

TLB/NT/JK:js

CASE # CDR-22-04-144

Commission District: # 1

GENERAL INFORMATION

APPLICANT	David Evans, Evans Engineering, Inc.
OWNER	Grand Cypress Orlando LLC
PROJECT NAME	Grand Cypress Resort Planned Development
PARCEL ID NUMBER(S)	08-24-28-5844-00-000; 09-24-28-0000-00-001; 09-24-28-5844-00-130; 16-24-28-0000-00-001; 16-24-28-0000-00-002; 16-24-28-0000-00-003; 16-24-28-5844-00-840; 21-24-28-0000-00-007; 17-24-28-5844-00-000; 17-24-28-5844-00-390; 17-24-28-5844-00-590; 17-24-28-5844-00-600; 21-24-28-3125-00-020; 08-24-28-5844-00-710; 21-24-28-3125-00-030; 21-24-28-3125-00-050; 21-24-28-3125-00-060; 21-24-28-3125-00-070; 21-24-28-3125-00-080; 21-24-28-3125-00-090; 21-24-28-3125-00-100; 21-24-28-3125-00-110; 21-24-28-3125-00-120; 21-24-28-3125-00-130; 21-24-28-3125-00-140; 21-24-28-5844-00-450; 21-24-28-5844-00-120; and 21-24-28-5844-00-121
TRACT SIZE	1,578.73 gross acres (overall PD)
LOCATION	Generally located on the east side of Winter Garden Vineland Road between Lake Sheen Reserve Boulevard and South Apopka Vineland Road (S.R. 535).
REQUEST	<p>A PD substantial change to modify the PD to allow for:</p> <ol style="list-style-type: none">1. An updated Entitlement Chart based on last DP submitted for approval to the County.2. A Master Sign Plan, including overall sign locations on S.R. 535 for the project and detailed sign graphics and locations. <p>In addition, the applicant has requested the following waivers from Orange County Code:</p> <ol style="list-style-type: none">1. A waiver from Sec 31.5-67(b) to allow a ground sign a maximum height of 14'-6" in lieu of 12' for the ground sign on the west corner of the Gate 1 entry.

Applicant Justification: *The proposed design has a sculptural and sophisticated style that will not feel heavy or overpowering - it is not a traditional wall or ground sign. The sign will be integrated and will relate to the scale of the existing berm behind it.*

2. A waiver from Sec. 31.5-67 (e) and (f) to permit six (6) ground signs in lieu of (2).

Applicant Justification: *Grand Cypress controls an excessive amount of linear frontage (8,608 LF) on the north side of S.R.535, and the proposed signs are only located at the entrances to the property. Three (3) at the Gate 2 Entry, two (2) at the Gate 1 Entry and one (1) at the Service Entry.*

3. A waiver from Sec. 31.5-67 (e) and (f) to permit three (3) ground signs to be within one hundred (100) feet of each other at the Gate 2 Entry.

Applicant Justification: *Three (3) signs, within (100) feet of each other, are proposed at the Gate 2 Entry only. Two (2) ground signs to flank the entry and one (1) ground sign to be located in the median - this causes the signs to be within (100) feet of each.*

4. A waiver from sec. 31.5-76 (b) to allow up to (21) SF of allowable copy area in lieu of (6) SF for the Directionals shown on page L30.01.

Applicant Justification: *Proposed Directional Signs are located on Grand Cypress property to help visitors identify the upcoming gated entries. Due to the number of uses of the property and the posted speed limit of S.R. 535 (45 MPH), text height is increased for legibility purposes. Copy area is only shown on one sign face.*

5. A waiver from Sec. 31.5-76 (c) to allow a sign height of 8' in lieu of 6' for the directionals shown on sheet L30.01

Applicant Justification: *Proposed Directional Signs are located on Grand Cypress property to help visitors identify the upcoming gated entries. Due to the number of uses of the property and the posted speed limit of S.R. 535 (45 MPH), text height is increased for legibility purposes, causing the overall sign height to be increased for visibility.*

6. A waiver from Sec. 31.5-76 (e) to allow two (2) directional signs at the Gate 1 Entry area for the directionals shown on sheet L30.01.

Applicant Justification: Signs shown are located on Grand Cypress property to help visitors identify the upcoming gated entries. The two (2) signs are separated more than the 100' apart and face alternate sides of the road.

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]. Five hundred eighteen (518) 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 Grand Cypress Resort Planned Development (PD) was originally approved in 1975 (As Cypress Walk). It was last amended in January 2019 and currently contains approximately 1,579 gross acres. It is generally located on the east side of Winter Garden Vineland Road between Lake Sheen Reserve Boulevard and South Apopka Vineland Road (S.R. 535). The overall PD has existing land use entitlements for 1,505 hotel rooms, 1,466 villas (timeshare units), 207 multi-family residential units, 2 single-family residential units, 100,000 square feet of retail / entertainment uses, a spa facility and other resort-related uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to modify the PD to allow for: 1) an updated Entitlement Chart based on last DP submitted for approval to county; and 2) a Master Sign Plan, including overall sign locations on CR 535 for the project and detailed sign graphics and locations. In addition, the applicant has requested six (6) waivers from Orange County Code affecting sign regulations.

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 multiple underlying Future Land Use Map (FLUM) designations of Planned Development PD/ Commercial (C)/Medium Density Residential (MDR)/ Rural-Agricultural (R) on the Future Land Use Map and is zoned Planned Development (PD). The Grand Cypress Resort Planned Development (PD) has existing land use entitlements for 1,505 hotel rooms, 1,466 villas (timeshare units), 207 multi-family residential units, 2 single-family residential units, 100,000 square feet of retail / entertainment uses, a spa facility and other resort-related uses. 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

Part of the property within the Grand Cypress Resort PD is located in the Tourist Commercial Signage overlay. Signage for new development in this area must comply with the requirements for signs found in Section 31.5, Division 2 of the County Code (Note: this should not affect this current proposal).

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 – (January 25, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Grand Cypress Resort Planned Development / Land Use Plan (PD/LUP), dated "December 22, 2022", subject to the following conditions:

1. Development shall conform to the Grand Cypress Resort Planned Development (PD) dated "Received December 22, 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 December 22, 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. Pole signs and billboards shall be prohibited. All other signage shall comply with the approved master sign plan or Chapter 31.5, where applicable.
7. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
8. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 31.5-67(b) to allow a ground sign a maximum height of 14'-6" in lieu of 12' for the ground sign on the west corner of the Gate 1 entry.
 - b. A waiver from Section 31.5-67 (e) and (f) to permit six (6) ground signs in lieu of (2).
 - c. A waiver from Section 31.5-67 (e) and (f) to permit three (3) ground signs to be within one hundred (100) feet of each other at the Gate 2 Entry.
 - d. A waiver from Section 31.5-76 (b) to allow up to (21) SF of allowable copy area in lieu of (6) SF for the Directionals shown on page L30.01.
 - e. A waiver from Section 31.5-76 (c) to allow a sign height of 8' in lieu of 6' for the directionals shown on sheet L30.01
 - f. A waiver from Section 31.5-76 (e) to allow two (2) directional signs at the Gate 1 Entry area for the directionals shown on sheet L30.01.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 18, 2018, shall apply:

- a. 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.
- b. 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.
- c. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
- d. The following Education Condition of Approval shall apply:
 - i. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board [and Orange County] as of October 9, 2018.
 - ii. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 1,446 residential units allowed under the zoning existing prior to the approval of this PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - iii. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - iv. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

- v. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- 10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 8, 2013, shall apply:
 - a. The following waivers from Orange County Code are applicable for internal lots only (as depicted on the PD/LUP):
 - i. A waiver from Orange County Code Section 38-1258(d) is granted to increase the maximum building height allowed for multi-family to 75' (6-stories) in lieu of 40' (3-stories); and
 - ii. A waiver from Orange County Code Section 38-1272(5) is granted to increase the maximum building height allowed for hotel / timeshare / commercial uses to 75' (6-stories) in lieu of 40' (3-stories).
- 11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated March 4, 2008, and March 29, 2005, shall apply:
 - a. Outdoor sales, storage, and display shall be prohibited.
 - b. A waiver of Section 38-1254(2) is granted to allow a 25-foot setback from State Road 535.

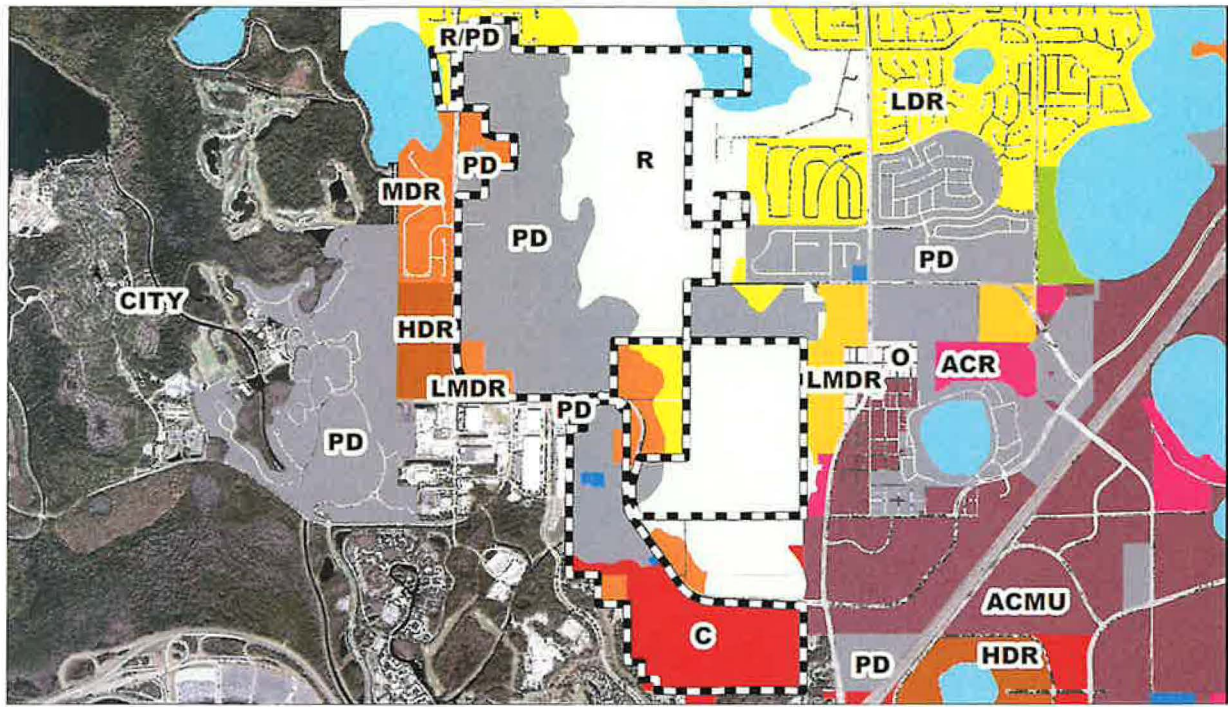
PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (December 18, 2018)

Upon a motion by Commissioner Siplin, seconded by Commissioner Gomez Cordero, and carried by all members present with one (1) recused, the Board approved a Land Use Plan Amendment (LUPA) to rezone two (2) parcels totaling 15.13 gross acres from R-CE (County Estate District) to PD (Planned Development District), incorporate the property into the existing Grand Cypress Resort PD, increase the "dwelling unit" development program of the PD from 1,466 dwelling units to 1,668 dwelling units (an overall increase of 202 dwelling units), and revise the land use entitlement chart to reflect entitlements by zones instead of by PD parcels.



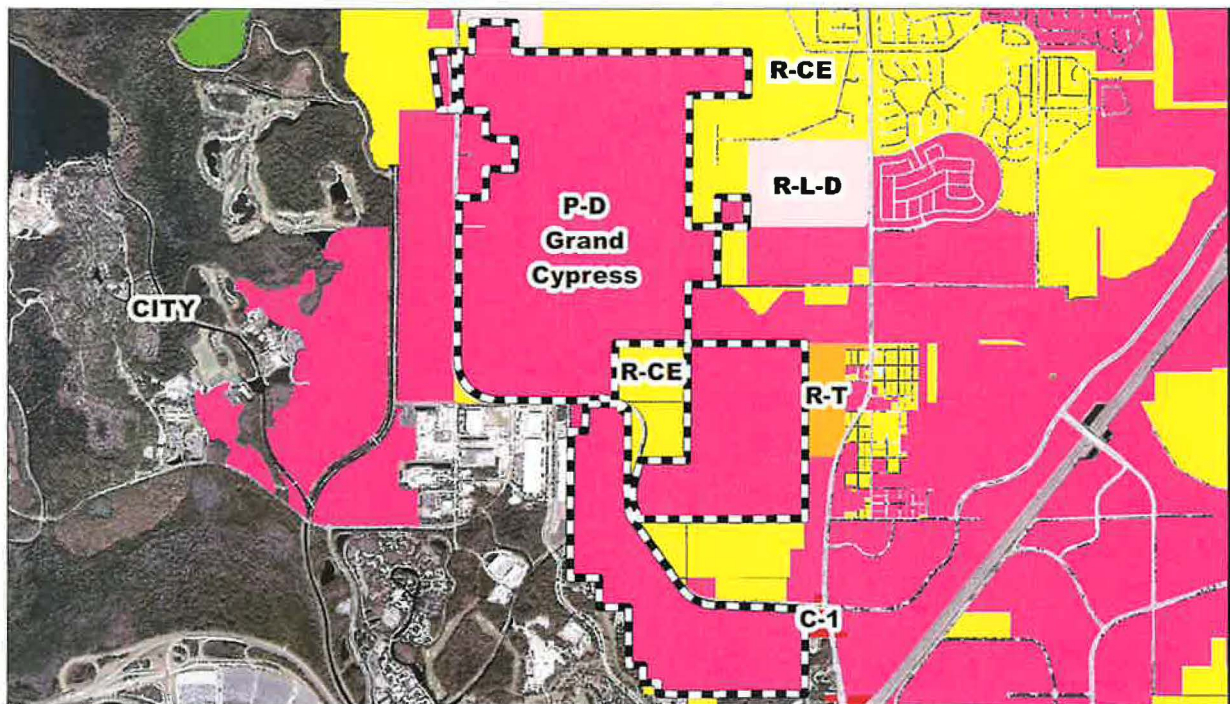
FUTURE LAND USE

Planned Development (PD)-Commercial (C)/ Med. Density Residential (MDR),
Institutional (INST), Rural (R)



ZONING

PD (Planned Development District)



PD AMENDMENT 13: GRAND CYPRESS RESORT

ORANGE COUNTY, FLORIDA | OCTOBER 26, 2022 | CASE NO. CDR -22-04-144



OFFICE OF THE COUNTY CLERK
 ORANGE COUNTY, FLORIDA
 100 N. 11th St., 10th Floor
 ORLANDO, FL 32801

RECEIVED
 City, DRC Office at 9:43 am, (Date 11, 2022)

SHEET INDEX

L00.00	COVER, SHEET INDEX, PROJECT LOCATION, PARCEL ID NUMBERS
L10.00	PROJECT DESCRIPTION & OVERALL ACREAGE
L10.01	PD AMENDMENT #13 LUP & LAND USE ENTITLEMENT CHART
L20.00	SUMMARY OF CHANGES, ATTACHMENT # 1, BCC CONDITIONS OF APPROVAL
L20.01	ORANGE COUNTY BCC CONDITIONS OF APPROVAL
L30.00	LOCATION PLAN
L30.01	GATE 1 & DIRECTIONAL SIGNAGE
L30.02	GATE 2
L30.03	SERVICE ENTRY

PARCEL ID NUMBERS

PARCEL ID NUMBER (NORTH OF CYPRESS CREEK)	PARCEL ID NUMBER (SOUTH OF CYPRESS CREEK)
08-24-28-3126-01-000 (NEW)	21-24-28-3125-00-020
08-24-28-3126-02-000 (NEW)	21-24-28-3125-00-030
08-24-28-5844-00-000	21-24-28-3125-00-050
09-24-28-5844-00-130	21-24-28-3125-00-060
09-24-28-0000-00-001	21-24-28-3125-00-070
16-24-28-0000-00-001	21-24-28-3125-00-080
16-24-28-0000-00-002	21-24-28-3125-00-090
16-24-28-0000-00-003	21-24-28-3125-00-100
21-24-28-5844-00-120	21-24-28-3125-00-110
21-24-28-5844-00-121	21-24-28-3125-00-120
16-24-28-5844-00-840	21-24-28-3125-00-130
21-24-28-0000-00-007	21-24-28-3125-00-140
	21-24-28-5844-00-450

PROJECT TEAM

OWNER:
 GRAND CYPRESS ORLANDO LLC,
 C/O DART INTERESTS FLORIDA LLC
 450 S. ORANGE AVENUE, SUITE 200
 ORLANDO, FL 32801
 407.698.4640

CIVIL ENGINEER:
 EVANS ENGINEERING, INC
 719 IRMA AVENUE
 ORLANDO FL 32803
 407.872.1515

DESIGNER:
 SOSDESIGN
 508 WEST 5TH STREET, SUITE 250
 CHARLOTTE, NC 28202
 704.348.7000

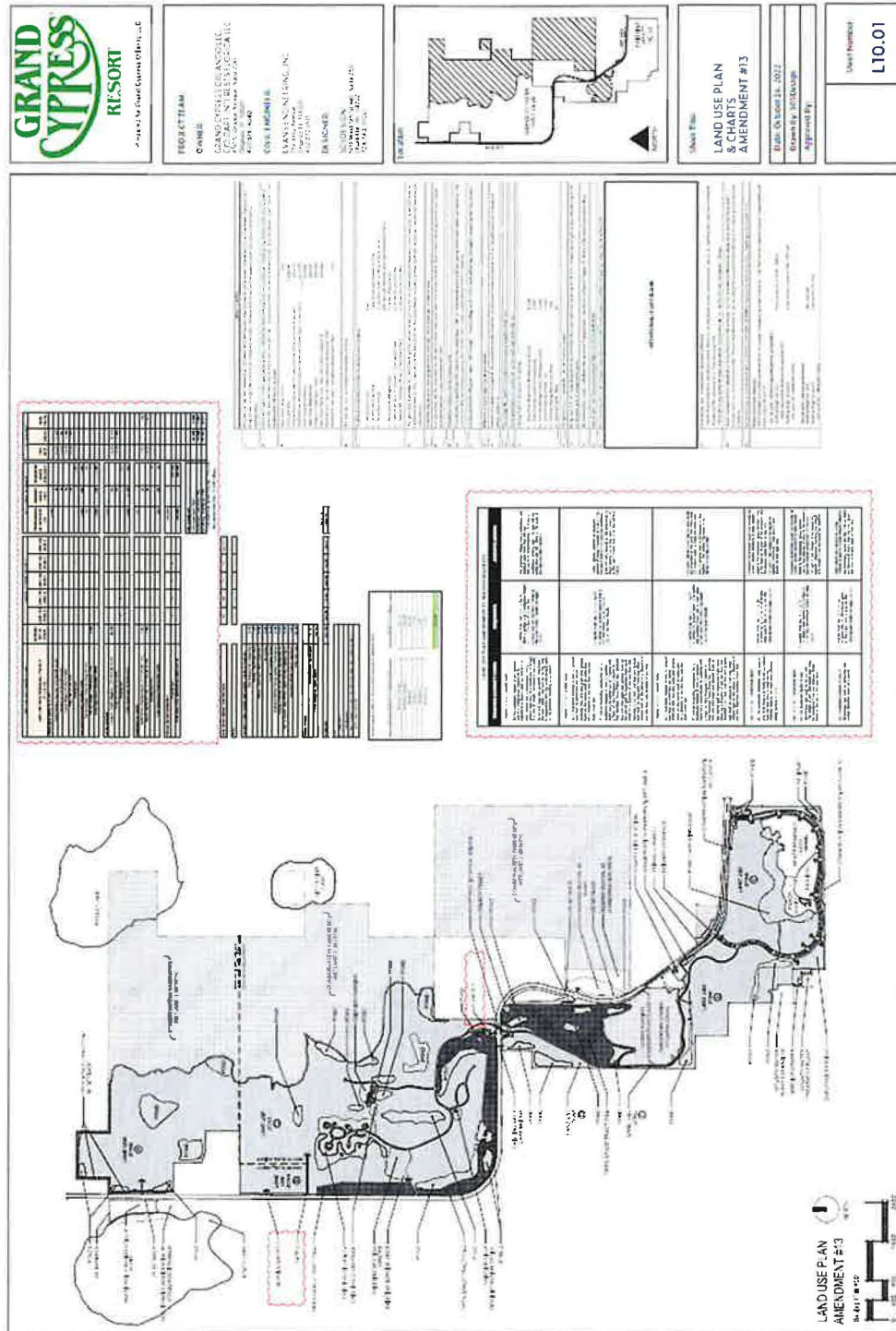
LANDSCAPE ARCHITECTURE:
 DTJ
 3101 IRIS AVE, STE. 130
 BOULDER, CO 80301
 303.443.7533

ATTORNEY:
 LOWMEDES, DROSDICK,
 DOSTER, KANTOR & REED, P.A.
 215 N. EOLA DR, ORLANDO, FL 32801
 407.843.4600

PROJECT LOCATION



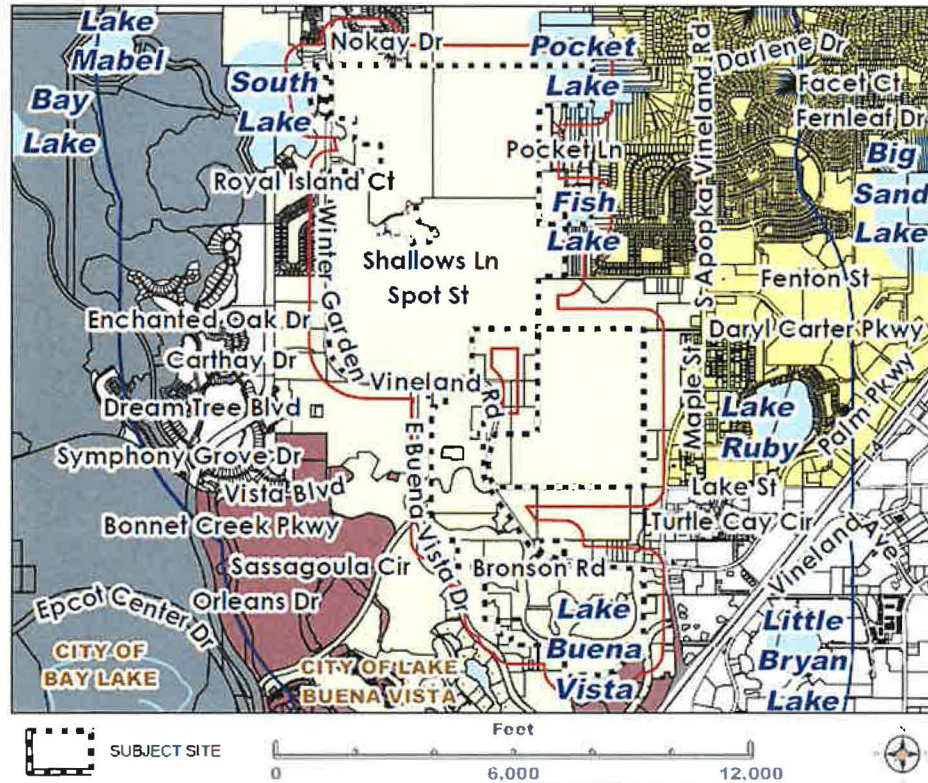
Grand Cypress Resort PD / LUP





Public Notification Map

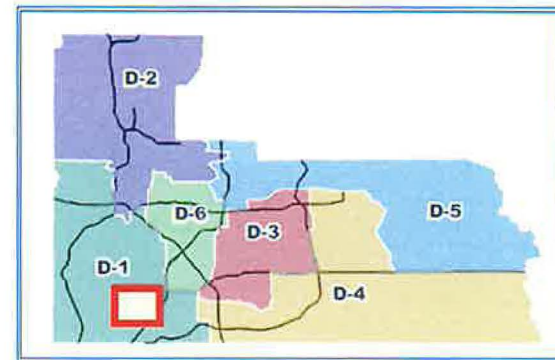
Grand Cypress Resort (CDR-22-04-144)



MAP LEGEND

	SUBJECT SITE		HYDROLOGY
	500 FT BUFFER		NOTIFIED PARCELS
	1 MILE BUFFER		Dr. Phillips
	PARCELS		

BUFFER DISTANCE: 500
OF NOTICES: 518



Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: March 21, 2023