

**CASE # CDR-16-08-271**

Commission District: # 4

**GENERAL INFORMATION**

<b>APPLICANT</b>	James L. Zboril, Tavistock East Services
<b>OWNERS</b>	B and M Development, LLC; Correct Craft Real Estate, LLC; GPT Transport Owner, LLC; GPT Transport Owner II, LLC; I-Con Systems Industries, LLC; International Corporate Park Property Owners Assn. Inc.; Lincoln International Corp. Park Property Owners Assn., Inc; LT, LLC; NEO Land, LLC; PPF Lincoln ICP Land, LLC; Orange County BCC; Suburban Land Reserve, Inc.; and VIF II/Beachline, LLC
<b>PROJECT NAME</b>	International Corporate Park (ICP) Planned Development / Land Use Plan (PD/LUP)
<b>PARCEL ID NUMBERS</b>	06-24-32-1500-00-001; 06-24-32-1500-01-000; 31-23-32-0000-00-009; 31-23-32-0000-00-010; 31-23-32-3333-00-001; 31-23-32-3333-00-002; 31-23-32-3333-00-003; 31-23-32-3333-01-000; 31-23-32-3333-02-000; 31-23-32-3333-03-000; 31-23-32-3333-04-000; 31-23-32-3333-05-000; 31-23-32-3859-00-001; 31-23-32-3859-00-002; 31-23-32-3859-00-003; 31-23-32-3859-00-004; 31-23-32-3859-00-005; 31-23-32-3859-00-006; 31-23-32-3859-00-007; 31-23-32-3859-00-009; 31-23-32-3859-00-010; 31-23-32-3859-00-020; 31-23-32-3859-00-030; 36-23-31-0000-00-005; 36-23-31-3849-00-012; 36-23-31-3849-00-013; 36-23-31-3849-03-000; and 36-23-31-3849-10-000 (Remaining ICP Parcels Only)
<b>TRACT SIZE</b>	2,850.60 gross acres ( <i>existing property</i> ) <u>-2,479.59 gross acres (<i>extracted property</i>)</u> 371.01 gross acres ( <i>resulting property</i> )
<b>LOCATION</b>	Generally located south of S.R. 528, north of Wewahootee Road, east of Monument Parkway, and south/southwest of Aerospace Parkway.
<b>REQUEST</b>	A PD substantial change request to extract 2,476.18 gross acres from the existing ICP Planned Development (PD), concurrently with an associated request to rescind the ICP Development of Regional Impact (DRI). The proposed PD/LUP has been revised to include updated Parcel ID Numbers, site datum, and an adjusted Development Program consisting of up to 667,000 square feet of manufacturing; 1,967,640 square feet of warehouse / distribution; and 473,260 square feet of warehouse

/ distribution / office showroom / manufacturing. The combined amount of proposed non-residential uses is 3,107,900 square feet.

**PUBLIC NOTIFICATION**

A notification area extending beyond fifteen hundred (1,500) feet was used for this application [*Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet*]. Seven hundred forty-nine (749) notices were mailed to those property owners in the notification buffer area.

**IMPACT ANALYSIS**

**Special Information**

The International Corporate Park (ICP) Development of Regional Impact (DRI) and Planned Development (PD) contains 2,850 gross acres and was originally approved on June 30, 1986. The existing ICP PD development program and DRI Development Order (DO) also provides for a maximum of 20,900,000 square feet of office; warehouse / distribution / office showroom; manufacturing; retail; hotel; day care; and health/fitness uses.

Through this PD substantial change, and concurrently with an associated request to rescind the ICP Development of Regional Impact (DRI), the applicant is seeking to amend the PD by extracting 2,476.18 gross acres, and update the remaining Parcel ID Numbers, site datum, and development program. The amended development program would consist of up to 667,000 square feet of manufacturing; 1,967,640 square feet of warehouse / distribution; and 473,260 square feet of warehouse / distribution / office showroom / manufacturing. The combined amount of proposed non-residential uses is 3,107,900 square feet.

**Land Use Compatibility**

The proposed PD substantial change request would not adversely impact surrounding properties.

**Comprehensive Plan (CP) Consistency**

The underlying Future Land Use Map (FLUM) designation of the resulting PD property is Industrial (I) / Urban Service Area (USA). The proposed PD substantial change is consistent with this FLUM designation and all other applicable provisions of the Comprehensive Plan.

**Overlay District 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**

Stormwater management within the undeveloped areas of this project, as of the date of this substantial change, shall be designed to meet the Outstanding Florida Waters rule. Florida Department of Environmental Protection rule 62-302.700 Special Protection, Outstanding Florida Waters, Outstanding Natural Resource Waters.

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.

Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.

The developer shall enter into an Environmental Stewardship Plan with Orange County following Orange County Code Chapter 15 Environmental Control, Article XVIII Environmental Land Stewardship known as the Environmental Land Stewardship Program (ELSP).

Compliance shall be required with the state Impaired Waters Rule within the undeveloped areas, as of the date of this substantial change, of this project. Any portions of the project that will discharge into an impaired water body shall comply with the Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code.

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).

**Transportation / Concurrency**

The existing ICP DRI is vested for 82,000 annual average daily net external vehicle trips (Concurrency Vested Rights Certificate #92-000007.) However, 11,327 trips are being assigned via private agreement to development within the former ICP DRI, now known as the ICP PD. The new Sunbridge PD-RP being considered concurrently with this substantial change will retain the remaining 70,673 trips.

**Schools**

This request would not result in any impacts to Orange County Public Schools.

**Parks and Recreation**

This request would not result in any impacts to Orange County Parks.

**Community Meeting Summary**

The proposed ICP PD substantial change was discussed during both community meetings held for the related Sunbridge CP amendment and rezoning on April 17, 2016 and August 17, 2016. No specific issues or concerns regarding this request were expressed.

**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 – (September 21, 2016)**

**Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the International Corporate Park Planned Development / Land Use Plan (PD/LUP) dated "Received September 8, 2016", subject to the following conditions:**

1. Development shall conform to the International Corporate Park Planned Development / Land Use Plan (PD/LUP) dated "Received September 8, 2016," 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 September 8, 2016," 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 otherwise exempt, compliance shall be required with the state Impaired Waters Rule within the undeveloped areas, as of the date of this change determination, of this project. Any portions of the project that will discharge into an impaired water body shall comply with the Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code.
7. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.

8. Unless otherwise exempt, the developer shall comply with Orange County Code Chapter 15, Environmental Control, Article XVIII, Environmental Land Stewardship, known as the Environmental Land Stewardship Program.
9. 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.
10. Unless otherwise exempt, stormwater management within the undeveloped areas of this project, as of the date of this change determination, shall be designed to meet the following Outstanding Florida Waters rule: Florida Department of Environmental Protection rule 62-302.700, Special Protection, Outstanding Florida Waters, Outstanding Natural Resource Waters.
11. 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).
12. 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.
13. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
14. Prior to any new development approvals, existing PSP's/DP's will require updating to remove property that is no longer within the PD.
15. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) approval for any streets and / or tracts anticipated to be dedicated to the County and / or to the perpetual use of the public.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 16, 1986, shall apply:
  - a. Development in accordance with the following Planned Development criteria and conditions:
    - 1) The following Maximum Height Restrictions shall apply:
      - a) Industrial      6 stories / 80 feet
      - b) Office          20 stories / 200 feet
      - c) Commercial    3 stories / 50 feet
      - d) Hotel           10 stories / 200 feet

- 2) The following setbacks/buffers shall apply:
- a) Perimeter of the existing 1986 PD shall have a 50 foot landscape buffer. However, if surrounding property develops residentially, then setbacks from the I-2 standards, shall apply.
  - b) Building setbacks from right-of-way:
    - 35 feet from collector roads;
    - 50 feet from arterial roads;
    - 75 feet from Beachline Expressway right-of-way;
    - Structures above 60 feet in height will increase setbacks from all property lines, a distance to be determined during the Development Plan approval process; or
    - Major street setback as identified in Article XV, if more restrictive.
- 3) At development plan approval stage, the Developer shall provide for the dedication of access rights to Orange County from all lots adjacent to collector and arterial roads, except at approved locations. The number and location of access points shall be subject to the following criteria:
- a) Median openings. Median openings on roadways with raised medians shall be based upon functional classification of the roadway. The followings minimum desirable distances between median openings shall apply:

Roadway Functional Classification	Minimum Desirable Spacing Between Median Openings
Major Arterials	1,320 feet
Minor Arterials	660 feet
A. D Local	330 feet

- b) Driveway Spacing. Driveways shall be permitted at median openings. Additional access points will be determined at the time of site plan review. Median cuts and access points as depicted on the Land Use Plan are conceptual and the exact location will be determined at the time of development plan approval. The number of access points and spacing for all roads shall be in conformance with Orange County standards and subject to approval by the County Engineer.
  - c) Access Studies. If necessary, the developer or property owner, or its successors or assigns, should submit a traffic engineering analysis for review and approval by Orange County staff for those additional access points requested in the preceding section.
- 4) Signage shall be in accordance with Chapter 31.5 of the Orange County Code.
- 5) Performance Standards:

- a) Retail Commercial Use: Per Chapter 38, Article VIII, Division 4, of the Orange County Code.
  - b) Office Use: Per Chapter 38, Division 4, of the Orange County Code.
  - c) Industrial Use: Per Chapter 38, Article VIII, Division 5 of the Orange County Code.
  - d) Open Space: Open space shall be provided as per the P-D District Requirement. Each parcel within the ICP project shall be required to meet the minimum open space/maximum impervious surface requirements.
  - e) Storage Area: All outside storage areas shall be screened from all property lines.
- b. Development shall be in accordance with the following Conservation Area requirements:
- 1) Development shall be in accordance with the Conservation Area Analysis and Map, as submitted in the Application for Development Approval, October 7, 1985.
  - 2) No removal and/or alteration of Conservation Areas shall occur unless the Developer submits detailed soils, drainage and vegetation studies which justify the proposed development. The exact location and extent of Conservation Areas shall be determined during development plan approval. Those potential Conservation Areas that are not significant and viable that are approved for development should be incorporated into the design of the project to the maximum extent possible.
- c. Prior to approval of any construction plans for publicly dedicated facilities which are dependent upon reduction in the wet season water table, that reduction must have been documented through an actual reduction which has been documented through at least one rainy season. Projections of anticipated reduction will not be accepted.
- d. Any extension of Alafaya Trail in a four (4) lane configuration to the western boundary of the property, if deemed necessary by the County Engineer, shall include a grade separation at the crossing of the Orlando Utilities Commission railroad tracks.
- e. Development shall be in accordance with the following recommendations of the East Central Florida Regional Planning Council, except as modified by Orange County below:
- 1) In the event of discovery of artifacts of historic or archaeological significance during project construction, an owner or developer, or its successors or assigns, shall stop construction in the area of the discovery and notify the



County and the Bureau of Historic Sites and Properties of the Florida Department of State. From the date of notification, construction shall be suspended for a period of up to 120 days to allow evaluation of the site.

- 2) To minimize dependence on grounds irrigation and promote the retention of wildlife habitat, the owner or developer, or its successors or assigns, agrees to utilize native vegetation to the maximum extent practicable in the development of the International Corporate Park.
- 3) The Property Owners Association shall continue to have the responsibility and authority to ensure the property maintenance of all components of the stormwater management system within the property, including the ability to assess the individual parcel owners fees for managing, operating and maintaining the entire system.
- 4) Bicycle lanes, bicycle lookers, transit passenger shelters and transit parking bays shall be constructed where necessary to augment and facilitate the operations of off-site transit and bicycle facilities. Furthermore, the Applicant should make known to tenants that the Orlando area has an existing ridesharing program operated by Transit Provider and the City of Orlando, and encourage the use of said program.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (June 16, 1986)**

Upon a motion by Commissioner Harrell, seconded by Commissioner Marston, and carried with Commissioner Harrell, Marston, and Treadway voting AYE, Commissioners Carter and Dorman voting NAY, the Board accepted staff recommendations for approval to rezone the subject property from A-2 to PD for mixed use development subject to conditions.