

**CASE # CDR-16-07-233**

Commission District: # 1

**GENERAL INFORMATION**

<b>APPLICANT</b>	Anthony Concolino, KMA Design
<b>OWNER</b>	Orlando Health Central, Inc.
<b>PROJECT NAME</b>	Orlando Health Central Porter Road Medical Campus Planned Development / Land Use Plan (PD/LUP)
<b>PARCEL ID NUMBERS</b>	29-23-27-5855-01-000 (recently platted)
<b>TRACT SIZE</b>	73.59 gross acres (overall PD)
<b>LOCATION</b>	South of Porter Road / East of Avalon Road
<b>REQUEST</b>	<p>A PD substantial change to incorporate a Master Sign Plan (MSP) in order to accommodate additional signage with the following waivers from Orange County Code:</p> <ol style="list-style-type: none"><li>1. <i>A waiver from Section 31.5-67(b) to allow the maximum height of a ground sign to be twenty (20) feet with copy area not to exceed fifteen (15) feet; in lieu of a maximum height of twelve (12) feet; and</i></li><li>2. <i>A waiver from Section 31.5-76(b) and (c) to allow directional signs to have a maximum height of eight (8) feet and a maximum copy area of twenty-six (26) square feet; in lieu of a maximum height of six (6) feet and a maximum copy area of six (6) square feet.</i></li></ol>
<b>PUBLIC NOTIFICATION</b>	<p>A notification area extending beyond fifteen hundred (1,500) feet was used for this application [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Thirty-eight (38) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.</p>

**IMPACT ANALYSIS**

**Special Information**

The Orlando Health Central Porter Road Medical Campus Planned Development (PD) contains 73.59 gross acres and is generally located on the east side of Avalon Road, south of Porter Road. The overall PD has existing development entitlements for 364 residential units and 636,854 square feet of non-residential use.

Through this PD substantial change, the applicant is seeking to incorporate a Master Sign Plan (MSP) in order to accommodate additional signage with two (2) sign-related waivers from Orange County Code for increased copy area and height.

**Land Use Compatibility**

The requested substantial change would not adversely impact any surrounding properties.

**Comprehensive Plan (CP) Consistency**

The subject property is designated Village (V) on the Future Land Use Map (FLUM), indicating that it falls within the boundary of the Horizon West Sector Planning Area. More specifically, the subject property is located within the Town Center Specific Area Plan (SAP), and is designated Corporate Campus Mixed Use (CCMU) on the adopted SAP land use map.

The proposed PD substantial change is consistent with the Comprehensive Plan.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Environmental**

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

**Transportation / Concurrency**

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.

**Schools**

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

**Parks and Recreation**

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 – (December 7, 2016)**

**Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Orlando Health Central Porter Road Medical Campus Planned Development / Land Use Plan (PD/LUP) dated “Received October 28, 2016,” subject to the following conditions:**

1. Development shall conform to the Orlando Health Central Porter Road Medical Campus Planned Development / Land Use Plan (PD/LUP) dated "October 28, 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 "October 28, 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 Master Sign 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. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At or prior to the time of construction plan submittal, the applicant shall coordinate with OCU to obtain information on the mounding produced by the RIBS, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.
7. Billboards and pole signs shall be prohibited, except as approved by the Master Sign Plan.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 10, 2015, shall apply:
  - a. To demonstrate concurrency entitlements have been met for this project the developer must provide an Assignment of Vested Trips document concurrent with or prior to Development Plan submittal. In addition, the Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.

- b. No activity will be permitted on the site that may disturb, influence or interfere with: areas of soil or groundwater contamination, any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through FDEP and such approval has been provided to the Environmental Protection Division of Orange County. An owner / operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
- c. The applicant / owner has an affirmative obligation to expressly notify potential purchasers and / or tenants, through the appropriate mechanism, including a conspicuous note on the plat, of the proximity of this development to the West Orange & 545 Solid Waste Disposal Facilities that are located 0.2 miles to the southwest.
- d. 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).
- e. 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.
- f. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
- g. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Village Master Utilities Plan (MUP).
- h. Prior to construction plan approval, all property owners within the Town Center Village, excluding public entities shall be required to sign an agreement between the parties, addressing their proportionate share of funds for the costs of the offsite and onsite master utilities, sized for Village requirements. Property owners may elect to use alternative financing in lieu of the private proportionate cost share agreement, provided master utilities sized for Village requirements are constructed.
- i. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD; such MUP shall include supporting calculations showing that the PD-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
- j. Tree removal/earthwork shall not occur unless and until construction plans for the

first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.

- k. Applicant shall comply with the road agreement for the conveyance of the Right-of-Way on C.R. 545 (Avalon Road) for Parcel CCM-5.
- l. The 636,800 square feet of non-residential shall be for medical-related uses only, and may include ancillary office, personal service and retail uses.
- m. Because the project includes senior adult housing, prior to Development Plan (DP) approval, the developer shall submit to the DRC, for its review and approval, conditions, covenants and/or restrictions (CC&Rs) that restrict occupancy to senior adults and that comply with the requirements of the Housing for Older Persons Act [42 USC S3607(b). ] Such CC&Rs shall be recorded in the public records of Orange County, Florida and shall run with the land. The CC&Rs shall include language that at least one owner/resident shall be at least 55 years of age and in no case shall there be any residents aged 18 years or under. No permanent residency by school-aged children shall be generated as a result of any development within a subsequent DP. Any proposed future conversion of the senior adult housing to unrestricted housing or any proposal to add permanent residency by school-aged children shall constitute a substantial change that must be approved by the BCC at a public hearing. If the substantial change is approved, school impact fees in effect at that time shall be paid and the project shall comply with any school capacity and school concurrency regulations in effect at that time.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (February 10, 2015)**

Upon a motion by Vice-Mayor Boyd, seconded by Commissioner Clarke, and carried with all present members voting AYE by voice vote; County Mayor Jacobs was absent; the Board approved the request by Gregory P. Ohe, Orlando Health Central, Inc., Orlando Health Central Porter Road Medical Campus Planned Development / Unified Neighborhood Plan (PD / UNP), Case # LUP-14-09-280 to rezone 73.59 gross acres from A-1 (Citrus Rural District) and PD (Planned Development District) to PD (Planned Development District) in order to allow for the development of up to 288 age restricted / senior adult housing units and 636,800 square feet of medical-related uses, including ancillary office, personal service and retail uses; on the described property; subject to conditions.