

CASE # CDR-16-08-264

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Momtaz Barq, Terra-Maz Engineering, Inc.
OWNER	Muslim Welfare Association of Greater Orlando
PROJECT NAME	Jama Planned Development (PD)
PARCEL ID NUMBERS	15-24-28-0000-00-020; 15-24-28-0000-00-026; 15-24-28-4092-52-001; 15-24-28-4092-52-002; 15-24-28-4092-55-130; 15-24-28-4092-57-060; 15-24-28-6211-55-010; 15-24-28-6211-56-010; 15-24-28-6211-57-010; and 15-24-28-6211-57-030
TRACT SIZE	8.84 gross acres
LOCATION	East of South Apopka Vineland Road, west of Pine Street, south of 4 th Street and north of 7 th Street
REQUEST	A PD substantial change to increase the religious facility square footage from 18,000 square feet to 23,000; add 3,000 square feet to the existing school for a total of 30,352; and increase the maximum building height from 50 feet to 60 feet, in order to accommodate architectural features only.

In addition, the following waivers from Orange County Code have been requested:

- 1) *A waiver from Section 38-1394.1(2) to allow for 0.4 canopy trees for each one hundred (100) square feet of green space around the building base; in lieu of one (1) canopy tree for each one hundred (100) square feet of green space around the building base; and*
- 2) *A waiver from Section 38-1392.5(1) to allow for a minimum face-of-curb to face-of-curb landscape planter (parking island) width of thirteen (13) feet at the widest point and tapering to a minimum of two (2) feet at the narrowest point; in lieu of a minimum width of thirteen (13) feet.*

PUBLIC NOTIFICATION	A notification area extending beyond six-hundred (600) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Ninety-three (93) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this request.
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IMPACT ANALYSIS

Special Information

The Jama PD was originally approved July 28, 2015 and allows for the development of an 18,000 square foot religious facility; 18,000 square foot gymnasium; 27,352 square foot private school (K-8) with a 400 student maximum; a 22,000 square foot community center; and a 2,818 square foot clinic.

Through this PD substantial change, the applicant is seeking to increase the religious facility square footage from 18,000 square feet to 23,000; add 3,000 square feet to the existing school for a total of 30,352; and increase the maximum building height from 50 feet to 60 feet, in order to accommodate architectural features only. The proposed religious facility expansion would be for areas other than the sanctuary (lobby, bathrooms, office area, etc.), and the resulting maximum school capacity would remain at 400 students.

Finally, the applicant has requested two (2) waivers from Orange County Code to reduce the amount of required canopy trees, and the minimum width of parking islands.

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 property has an underlying Future Land Use Map (FLUM) designation of Activity Center Mixed Use (ACMU). The proposed use is consistent with this designation and all applicable CP provisions; therefore, the proposed PD substantial change is consistent with the Comprehensive Plan.

Overlay District Ordinance

The subject property is located within the Buena Vista North Overlay District. The project will comply with all applicable standards of the Orange County Code, with the exception of any waivers explicitly granted by the BCC.

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, but did not identify any issues or concerns.

Transportation / Concurrency

There is an approved Capacity Encumbrance Letter on file for this Development. CEL # 2015-58 was approved for 161 PM peak hour trips and expires April 22, 2019. This development is also located within the International Drive Activity Center and Per Policies ID1.2.15 and ID2.2.2 of the Comprehensive Plan, right of way for a 15-foot

transit easement and a 20-foot landscape, pedestrian and utility easement is required from this project for future roadway improvements. The easement areas required shall be shown on all plans and conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.

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 PD substantial change 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 11, 2017)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Jama Planned Development / Land Use Plan (PD/LUP) dated “Received December 8, 2016”, subject to the following conditions:

1. Development shall conform to the Jama Planned Development / Land Use Plan (PD/LUP) dated "Received December 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 of this land use plan and the land use plan dated "Received December 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/LUP 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 following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1394.1(2) to allow for 0.4 canopy trees for each one hundred (100) square feet of green space around the building base; in lieu of

- one (1) canopy tree for each one hundred (100) square feet of green space around the building base.
- b. A waiver from Section 38-1392.5(1) to allow for a minimum face-of-curb to face-of-curb landscape planter (parking island) width of thirteen (13) feet at the widest point and tapering to a minimum of two (2) feet at the narrowest point; in lieu of a minimum width of thirteen (13) feet.
7. This project shall comply with Orange County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas required shall be shown on all plans and conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 28, 2015, shall apply:
- a. 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 issuance of the initial certificate of occupancy. 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.
 - b. All acreage identified as conservation areas and buffers are considered approximate until finalized by Conservation Area Determination (CAD) and Conservation Area Impact (CAI) Permits. Approval of this plan does not permit any proposed conservation impacts.
 - c. The Developer shall obtain water and wastewater service from Orange County Utilities.
 - d. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least thirty (30) days prior to the submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
 - e. Outdoor sales, storage and display shall be prohibited.
 - f. Signage shall comply with the Buena Vista North Overlay code and Chapter 31.5.
 - g. Modular units / mobile homes shall be prohibited within this PD.
 - h. This property is located within the Buena Vista North Overlay District and shall comply with all Buena Vista North Overlay District standards, with the exception of any waivers explicitly granted by the Board of County Commissioners.
 - i. The following waivers from Orange County Code are granted:

- 1) A waiver from Section 38-1393 to allow a two (2) story / fifty (50) foot high building on PD Parcels 1, 6, and 7, and the vacated right-of-way between these parcels, to be located within eighty (80) feet of single-family residential, in lieu of a maximum thirty-five (35) foot high building within one hundred (100) feet of single-family residential.
 - 2) A waiver from Section 38-1393 to allow a two (2) story / fifty (50) foot high community center building on PD Parcels 2 and 10 to be located within eighty (80) feet of single-family residential, in lieu of a maximum thirty-five (35) foot high building within one hundred (100) feet of single-family residential.
 - 3) A waiver from Section 38-1393 to allow a two (2) story / thirty five (35) foot high building addition on PD Parcel 2 to be located within eighty (80) feet of single-family residential, in lieu of a maximum thirty-five (35) foot high building within one hundred (100) feet of single-family residential.
- j. The petition to vacate (PTV) all areas on the Jama Land Use Plan (LUP) labeled as "to be vacated" shall be considered by the Board of County Commissioners (BCC) along with the PD. However, if the BCC approves the LUP and Petition-to-Vacate (PTV), the BCC's approval of the PTV for Ruby Lake Road right-of-way between 4th Street and 5th Street shall be conditioned upon and shall not become final until the developer has improved 5th Street between Ruby Lake Road and Pine Street to county code and standards, including the requirements of Section 38-1391.3 (street design within the Buena Vista North District), and a Certificate of Completion for all improvements to 5th Street has been issued by the County Public Works Department. In the event the BCC does not approve the PTV for any or all areas labeled as "to be vacated," the applicant shall submit a revised LUP for consideration by the County.
- k. Any additional right-of-way required for the right-in, right-out, access point on 4th Street shall be conveyed to the County at no additional cost, prior to construction plan approval.
- l. Access to the proposed medical clinic (Parcel I.D. #15-24-28-6211-55-010) shall be limited to and from internal portions of the PD only.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (July 28, 2015)

Upon a motion by Commissioner Boyd, seconded by Commissioner Nelson, and carried with all present members voting AYE, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the rezoning request by Momtaz Barq, Terra-Max Engineering, Inc., Jama PD/LUP, Case # LUP-13-05-138 to rezone 7.68 acres (excluding right-of-way vacates) / 8.94 acres (including right-of-way vacates) from R-CE (Country Estate District) to PD (Planned Development District) in order to allow for the development of an 18,000 square foot religious facility, an 18,000 square foot gymnasium, a 27,352 square foot K-8 private school, a 22,000 square foot community center and a 2,818 square foot clinic, on the described property; and further approved 3 waivers related to building height; on the described property; subject to conditions.