

CASE # CDR-17-03-066

Commission District: # 6

GENERAL INFORMATION

APPLICANT	Michael Dipaola, United Sign Systems, Inc.
OWNER	EPR Karting, LLC
PROJECT NAME	Universal Boulevard Planned Development
PARCEL ID NUMBER	36-23-28-6120-01-002 (<i>affected parcel only</i>)
TRACT SIZE	2,126.69 gross acres (<i>overall PD</i>) 8.50 gross acres (<i>affected parcel only</i>)
LOCATION	The affected parcel is generally north of Universal Boulevard, approximately 1,000 feet west of Pointe Plaza Avenue.
REQUEST	<p>A PD substantial change to accommodate additional signage requiring the following waivers from Orange County Code for the Universal Boulevard PD / West and Northwest PSP Lot 5A only:</p> <ol style="list-style-type: none">1. A waiver from Section 31.5-163(a)(2) to allow 1,042 square feet of wall signage, in lieu of 200 square feet.2. A waiver from Section 31.5-168(b) to allow two (2) wall signs per building face for a single tenant, in lieu of one (1) wall sign. <p>Additionally, the following waiver has also been requested from only the Master Sign Plan:</p> <ol style="list-style-type: none">1. A waiver from the Master Sign Plan to allow a maximum copy area of 369 square feet for wall signs, in lieu of a maximum copy area of sixty (60) square feet.
PUBLIC NOTIFICATION	A notification area extending beyond one thousand one hundred (1,100) feet was used for this application [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Forty-one (41) 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 Universal Boulevard PD was originally approved on December 14, 1999, as the

USI South Campus PD, and has existing entitlements for 3,307,817 square feet of retail commercial, 10,400 hotel rooms, 6,820 units of timeshare/resort rental, +/- 300 acres of attraction, 1,000 student school / 400 bed student housing, and 36 holes of golf course uses.

Through this PD substantial change, the applicant is seeking to incorporate additional signage within an 8.50-acre parcel, and more specifically within Lot 5 of the Universal Boulevard PD / West and Northwest PSP and a tract that is developed with the "Andretti Indoor Karting and Games" complex. Because the proposed signage exceeds that allowed by the approved / existing PD Master Sign Plan (MSP) and Orange County Code – Tourist Commercial sign standards, three waivers for increased wall sign copy area and number of wall signs have been requested.

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 underlying Future Land Use Map (FLUM) designation of Planned Development – Mixed Use (PD-MU). The proposed PD substantial change is consistent with this FLUM designation and all other applicable CP provisions.

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

Environmental Protection Division (EPD) staff reviewed the PD Change Determination Request (CDR) and did not identify any issues or concerns.

Transportation / Concurrency

This development is vested from meeting transportation concurrency requirements under vested rights certificate #05-109. A copy of this certificate must be provided with any application for a building permit.

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 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 – (April 12, 2017)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Universal Boulevard Planned Development / Land Use Plan (PD/LUP) dated "Received April 4, 2017", subject to the following conditions:

1. Development shall conform to the Universal Boulevard (aka U.S.I. South Campus) PD Land Use Plan dated "Received April 4, 2017," 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 April 4, 2017," 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. The following waivers are granted for the Universal Boulevard PD / West and Northwest PSP Lot 5A only:
 - a. A waiver from the Master Sign Plan and Orange County Code Section 31.5-163(a)(2) to allow 1,042 square feet of wall signage, in lieu of 200 square feet;
 - b. A waiver from the Master Sign Plan and Orange County Code Section 31.5-168(b) to allow two (2) walls signs per building face for a single tenant, in lieu of one (1) wall sign; and
 - c. A waiver from the Master Sign Plan to allow a maximum copy area of 369 square feet for wall signs, in lieu of sixty (60) square feet.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 4, 2015, shall apply:

- a. 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.
 - b. A road agreement is required to be in place for the conveyance of right-of-way required for the Kirkman Road Extension prior to PSP / DP.
 - c. A waiver is granted to use the Convention Plaza District Overlay standards in Orange County Code Section 38-865, in lieu of the PD General Site Development Standards and PD Tourist Commercial Standards found in Orange County Code Sections 38-1234, 38-1287, 38-1290, 38-1291, 38-1300, and 38-1476.
 - d. Development shall be consistent with the Mandarin Drive Agreement approved by the BCC on June 4, 2013, and recorded at Book 10581, Page 0871, Public Records of Orange County, Florida.
 - e. A mandatory pre-application / sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 4, 2013, shall apply:
- a. No activity will be permitted within the boundaries of the site that may disturb, influence or interfere with: areas of soil or groundwater contamination, remediation activities, or within the hydrological zone of influence of the contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP). Such approval may include, but is not limited to: an FDEP No Further Action letter, Site Rehabilitation Completion Order (SRCO), or documentation of specific permission from FDEP. Such documentation shall be provided to the Environmental Protection Division of Orange County.
 - b. On properties where contamination has been documented, the covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that the property has been identified with soil and groundwater contamination and shall state the status of the resulting remediation.
 - c. Neither potable wells nor irrigation using local groundwater will be allowed on sites where identified soil or groundwater contamination has been documented.
 - d. The Developer shall obtain wastewater and reclaimed water service from Orange County Utilities.

- e. The CC&Rs for the parcels within this PD shall contain a statement reflecting the location of a regional wastewater treatment plant adjacent to the PD.
 - f. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Master Sign Guidelines with the exception of any approved waivers.
 - g. Maximum building height shall be 400 feet / 40 stories as shown on the approved PD/ LUP, except that the maximum building height shall be 50 feet / 3 stories for the 62.62 acres being added with this request and for the area of the existing PD northwest of the Mandarin Drive right of way.
9. All previous applicable BCC Conditions of Approval, dated April 28, 2009, shall apply:
- a. The Master Signage Plan dated "Received January 12, 2009," is approved which grants a waiver from Section 31.5-163(a)(2) to allow the size of 3 building / fascia signs to be up to 632 square feet each (for a total of 1,896 square feet) in lieu of 260 square feet.
10. All previous applicable BCC Conditions of Approval dated January 10, 2006, February 3, 2004, and December 14, 1999, shall apply:
- a. Residential uses shall be limited to those residential uses in the Land Uses Agreement entered into on January 4, 1994, by and among Orange County, Martin Marietta Corporation, and Orlando Central Park, Inc.
 - b. Development shall comply with the property owner's Donation Agreement (Universal Boulevard PD) effective as of February 2, 2006, by and between the School Board of Orange County, Florida and Universal City Property Management III, LLC. In the event the County receives written notification from the School Board of developer's breach of the agreement, the County shall cease issuing development approvals until such time as the School Board provides written notice to the County that the breach has been cured.
 - c. The use, on the UCF Rosen School of Hospitality campus only, shall be restricted to student housing and any change in such use shall constitute a substantial change to the PD. This project shall also comply with the Student Housing Ordinance.
 - d. A waiver of Section 38-1259(h) is granted to allow a maximum building height increase from 3 stories / 40 feet to 4 stories / 55 feet, for the UCF Rosen School of Hospitality campus only.
 - e. Billboards and pole signs shall be prohibited. All existing billboards shall be removed within five years of this approval.
 - f. Any communication tower requests shall be processed through the Board of Zoning Adjustment, following Section 38-1427, Orange County Code.

- g. Swapping of property between the Orange County Convention Center Expansion Phase V PD/LUP and USI South Campus PD/LUP with overall uses/interests not being affected may occur as a non-substantial change, as reviewed and approved by Development Review Committee.
- h. The Universal Studios South Campus LUP may be developed to a total daily trip generation equivalent to Universal's share of the design capacity of the proposed Universal Boulevard extension.
- i. An additional 20,000 total daily trips may be generated by the Universal Studios Development upon completion of a four-lane connection between the proposed Universal Boulevard and John Young Parkway to six lanes from the Osceola County line to Interstate 4.
- j. An additional 43,523 total daily trips may be generated upon the completion of the extension of Kirkman Road from Sand Lake Road to the Beeline Expressway and the interchange with the Beeline at the Kirkman Road Extension.
- k. These two improvements (i.e., east-west spur road and the Kirkman extension) may be interchanged in their construction sequences if and to the extent that the same travel demand is met.
- l. Any future use of fireworks requires a public hearing and is subject to the Board of County Commissioners' (BCC) approval.
- m. No construction plan approval for vertical construction shall be permitted until a mitigation plan is approved for that parcel.
- n. The Environmental Protection Division (EPD) shall monitor this area during both construction and operation to ensure compliance with Orange County Code with regard to noise elevations in the area. In the event that noise readings exceed that which is allowed under current code requirements (i.e., the Noise Ordinance), EPD or the Public Works director may order construction activity halted from 7 p.m. until 7 a.m.
- o. No searchlights or up-lighting shall be allowed within 2,600 feet of all residential areas. Additional lighting shall be submitted with the proposed attraction area prior to approval.
- p. All parking light poles shall be restricted to a maximum height of 30 feet.
- q. Lighting, with the exception of landscape lighting, shall be directed in a downward direction and away from the Williamsburg neighborhood.
- r. A waiver shall be granted from the Tourist Commercial Performance Standards to the extent indicated on the USI South Campus LUP.

- s. Applicant agrees that the foregoing restrictions shall be enforceable against the property by Orange County for a period of 20 years from the date hereof regardless of whether the property remains in unincorporated Orange County.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (August 4, 2015)

Upon a motion by Commissioner Siplin, seconded by Commissioner Edwards, and carried by all members voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Jay Jackson, Kimley-Horn & Associates, Universal Boulevard Planned Development / Land Use Plan – Case # CDR-14-12-354, to add “light industrial” and “industrial park” as permitted uses (consistent with the I-1/I-5 Light Industrial District) within the Universal Boulevard Planned Development / Land Use Plan, excluding certain industrial uses that will be expressly prohibited; and by revising the PD/LUP to depict specific industrial land use area, an expanded Convention Plaza District Equivalent Zone, and development entitlements by property ownership; and further, the request includes a waiver to apply the Convention Plaza District Overlay standards described in orange county code Section 38-865 to certain portions of the PD, in lieu of the General PD Site Development Standards and PD Tourist Commercial Standards found in Orange County Code Section 38-1234, 38-1287, 38-1290, 38-1291, 38-1300,j and 38-1476; which constitutes a substantial change to the development on the described property, subject to conditions.