

**COMMUNITY, ENVIRONMENTAL & DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION PUBLIC HEARING REPORT
June 20, 2017**

This packet contains the following public hearings to be heard by the Board of County Commissioners on Tuesday, June 20, 2017.

<u>Name of Request</u>	<u>Case Number</u>	<u>Type of Hearing</u>
Marc Stehli, Poulos & Bennett, LLC, Hickory Nut Estates Planned Development / Hickory Nut Estates Preliminary Subdivision Plan; (Continued from March 21, 2017) District 1	PSP-16-06-222	Preliminary Subdivision Plan
Momtaz Barq, Terra-Max Engineering, Inc., Royal Estates PD/ Parcel 1 Preliminary Subdivision Plan (PSP); District 1	PSP-16-09-337	Preliminary Subdivision Plan
John J. Herbert, American Civil Engineering Company, Heaven IV Preliminary Subdivision Plan (PSP); District 6	PSP-16-06-199	Preliminary Subdivision Plan
Orange County Public Schools (Tyrone K. Smith), Hubbard Construction PD / Pine Hills Transportation Facility PSP / DP; District 2	PSP-16-11-395	Preliminary Subdivision Plan
Kathy Hattaway, Poulos & Bennett, LLC, Northeast Resort Parcel Planned Development (PD) / NERP Phase 5 Preliminary Subdivision Plan (PSP); District 1	PSP-16-12-423	Preliminary Subdivision Plan
Jay R. Jackson, P.E., Kimley-Horn & Associates, Inc., Tinwood PD / Regency Village Preliminary Subdivision Plan; (amend plan) District 1	CDR-16-11-385	Substantial Change
Adam Smith, VHB, Inc., Zanzibar Property PD / Zanzibar Property Phase 1 PSP & Park Tract P-2 DP; District 1	CDR-17-01-009	Substantial Change
Daniel T. O'Keefe, Shutts & Bowen, LLP, North of Albert's Planned Development (PD) - Westside Village Home District Preliminary Subdivision Plan (PSP) / Development Plan (DP); (amend plan) District 1	CDR-17-05-138	Substantial Change



Interoffice Memorandum

DATE: May 31, 2017

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smogor, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: June 20, 2017 – Public Hearing
Applicant: Jay R. Jackson, P.E., Kimley-Horn & Associates, Inc.
Tinwood PD / Regency Village Preliminary Subdivision Plan – Case #
CDR-16-11-385

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of April 26, 2017, to recommend approval of the Tinwood PD / Regency Village Preliminary Subdivision Plan – Substantial Change to split Lot 1 into four (4) lots numbered Lot 1A through Lot 1D.

The request also includes the following waiver from Orange County Code:

A waiver from Orange County Code Section 34-152(c) is requested to allow Lots 1B, 1C, and 1D to access through a twenty-five (25) foot minimum wide private easement in lieu of a twenty (20) foot access to a dedicated public paved street.

The application for this request is subject to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy will be available upon request in the DRC Office.

Supporting documentation for this request can be accessed through the County's FastTrack site, located at:

https://fasttrack.ocfl.net/OnlineServices/DC_DevelopmentReviewCommittee.aspx

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the Tinwood PD / Regency Village Preliminary Subdivision Plan dated "Received April 10, 2017", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/JS/sfv
Attachments

Case # CDR-16-11-385

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of April 26, 2017, to approve the Tinwood PD / Regency Village Preliminary Subdivision Plan – Substantial Change to split Lot 1 into four (4) lots numbered Lot 1A through Lot 1D.

This request also includes the following waiver from Orange County Code:

A waiver from Orange County Code Section 34-152(c) is requested to allow Lots 1B, 1C, and 1D to access through a twenty-five (25) foot minimum wide private easement in lieu of a twenty (20) foot access to a dedicated public paved street.

2. PROJECT ANALYSIS

- | | |
|-----------------------|---|
| A. Location: | North of International Drive South / East of Vineland Avenue |
| B. Parcel IDs: | 23-24-28-7415-00-010; 23-24-28-7415-00-011 |
| C. Total Acres: | 54.34 acres (entire PSP) / 19.82 (affected Lot 1) |
| D. Water Supply: | Orange County Utilities |
| E. Sewer System: | Orange County Utilities |
| F. Schools: | N/A |
| G. School Population: | N/A |
| H. Parks: | N/A |
| I. Proposed Uses: | Retail / Commercial |
| J. Site Data: | Maximum Building Height: 60'
Building Setbacks:
50' Front (4 Stories)
25' Side
25' Rear
50' Major Road |
| K. Fire Station: | 56 - 13303 International Drive |

- L. Transportation: This project is vested from transportation concurrency under vested rights certificate #06-025. A copy of this certificate will be required along with the application for building permit.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Activity Center Mixed Use (ACMU). The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (Tinwood PD)

5. REQUESTED ACTION:

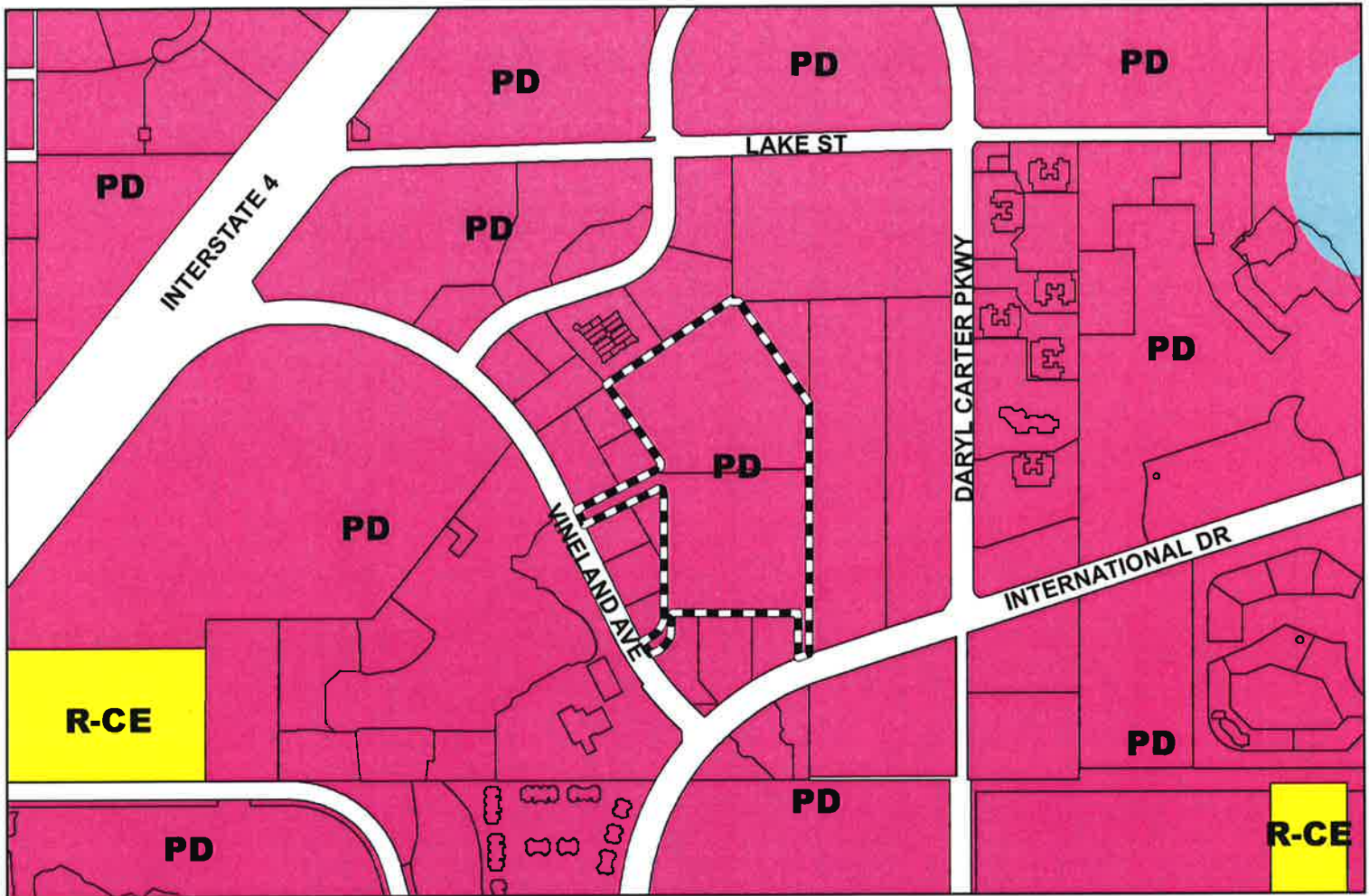
Approval subject to the following conditions:

1. Development shall conform to the Tinwood PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Regency Village Preliminary Subdivision Plan dated "Received April 10, 2017," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received April 10, 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 preliminary subdivision 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. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
7. Outside sales, storage, and display shall be prohibited.
8. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Master Sign Plan.

9. Lots 1B, 1C and 1D shall be re-platted.
10. A waiver from Orange County Code Section 34-152(c) is granted to allow Lots 1B, 1C, and 1D to access through a twenty-five (25) foot minimum wide private easement in lieu of a twenty (20) foot access to a dedicated public paved street.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 18, 2002 shall apply:
 - a. Prior to construction plan approval, a revised master stormwater management plan shall be submitted to the County engineer for review and approval.
 - b. The development plan shall comply with Commercial Design Standards Ordinance.
 - c. The developer in the agreement has requested impact fee credits for the conveyance of a 30-foot strip of land approximately 0.64 +/- acres along Vineland Road to the County. The purpose of this agreement is to establish the terms and conditions for the conveyance of this property between the developer and the County. Road impact fee credits are to be exchanged for the conveyance and will be based upon the appraised value of the property as approved by the Real Estate management Division. The Road Impact Fee Credit Committee approved this agreement on February 20, 2002.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 1, 2001 shall apply:
 - a. Prior to construction plan approval, a Master Stormwater Management Plan for the planned development shall be submitted to the County engineer for review and approval.
 - b. There shall be ten-foot wide (10') sidewalks on International Drive fronting the project.
 - c. Development shall comply with development guidelines as specified on sheet PSP-1, dated "Received April 17, 2001," regarding amenities.



Subject Property



Subject Property

Zoning

ZONING: PD (Planned Development)
(Tinwood PD)

APPLICANT: Jay Jackson,
Kimley-Horn & Associates, Inc.

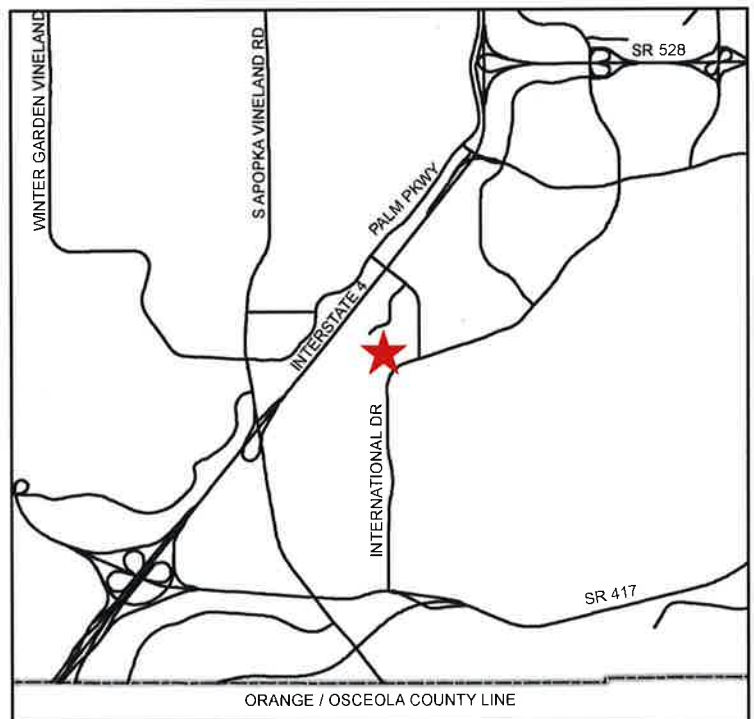
LOCATION: North of International Drive /
East of Vineland Avenue

TRACT SIZE: 54.34 acres (entire PSP) /
19.82 acres (affected Lot 1)

DISTRICT: #1

S/T/R: 23/24/28

1 inch = 750 feet



Drawing name: K:\ORL_Civil\149778000-Regency Village\CADD\EXHIBITS\EX-01-LOCATION.dwg EX-1 Apr 28, 2017 11:14am by: robertapence

This document, together with the concepts and design presented herein, is an instrument of service, as an instrument of service, is issued only for the specific purpose and client for which it was prepared. It is not to be relied upon for any other purpose without written authorization and signature by Kimley-Horn and Associates, Inc.

SCALE AS NOTED DESIGNED BY JRJ DRAWN BY RWS CHECKED BY JRJ	Kimley»Horn © 2017 KIMLEY-HORN AND ASSOCIATES, INC. 3660 MAGUIRE BOULEVARD, SUITE 200, ORLANDO, FL 32803 PHONE: 407-898-1511 WWW.KIMLEY-HORN.COM CA 00000696	DATE 04/26/17 PROJECT NO. 149778000	LOCATION MAP		DESIGN ENGINEER: FLORIDA P.E. LICENSE NUMBER: DATE:	SHEET NUMBER EX-1
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Tinwood PD / Regency Village PSP

