

CASE # CDR-17-03-071

Commission District: # 1

GENERAL INFORMATION

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| APPLICANT | Kathy Hattaway, Poulos & Bennett, LLC |
| OWNER | Walt Disney Parks and Resorts U.S., Inc. |
| PROJECT NAME | Black Lake Parcel Planned Development (PD) |
| PARCEL ID NUMBER | 34-24-27-1000-01-003 (<i>affected parcel only</i>) |
| TRACT SIZE | 34.04 gross acres (<i>overall PD</i>) 8.16 gross acres (<i>affected parcel only</i>) |
| LOCATION | Generally located north of West Irlo Bronson Memorial Highway (U.S. 192) and east of State Road 429. |
| REQUEST | <p>A PD substantial change to add “Off-Site Employee Parking” as a permitted use within PD Parcel C. In addition, the applicant has requested the following waivers from Orange County Code:</p> <ol style="list-style-type: none">1. A waiver from Section 24-4(a)(1) to eliminate the requirement for landscaping for a vehicular use area within seventy-five (75) feet of the roadway;2. A waiver from Section 24-4(a)(2) to eliminate the requirement for landscaping to be installed to screen the vehicular use area from the adjacent properties;3. A waiver from Section 24-4(a)(3) to eliminate the requirement for landscaped areas in interior vehicular use areas;4. A waiver from Section 38-1235(8) to eliminate the requirement for a landscape, tree planting and screening concept plan;5. A waiver from Section 38-1206(b)(9) to eliminate the requirement for a minimum of three (3) percent of all commercial parking areas to be landscaped;6. A waiver from Section 38-1287(4) to allow a zero (0) foot side paving setback, in lieu of the requirement for a 7.5-foot side paving setback; and7. A waiver from Section 38-1291 to eliminate the tourist commercial development landscaping plan requirements |

at the construction plan submission stage.

PUBLIC NOTIFICATION

A notification area extending beyond one thousand five hundred (1500) feet was used for this application [*Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet*]. Thirty-one (31) 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 Black Lake Parcel PD was originally approved on August 19, 2008 with a development program allowing for 110,000 square feet of commercial, 275 hotel units, and 275 timeshare units.

Through this PD substantial change, the applicant is seeking to add off-site employee parking as a permitted use, with a maximum of 325 parking spaces, on a 2.96-acre tract within PD Parcel C only. Given the isolation of PD Parcel C, the applicant is also seeking seven (7) waivers from Orange County Code to eliminate required landscape and side paving setback requirements.

The use of “temporary parking” was originally approved with an 18-month term for the 2.96-acre tract area by DRC on April 23, 2014. The temporary use also received subsequent extensions on September 23, 2015 (expiring April 23, 2017) and February 22, 2017 (expiring December 31, 2017). However, the latter extension was also subject to submittal of this PD substantial change and their associated Development Plan (DP-17-03-072).

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 an underlying Future Land Use Map (FLUM) designation of Growth Center – Commercial (GC-C) and is zoned as the Black Lake Parcel PD. The request is consistent with the Comprehensive Plan (CP).

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 has reviewed the proposed request, but did not identify any issues or concerns.

Transportation / Concurrency

Transportation / Concurrency staff has reviewed the proposed request and determined there are no resulting transportation impacts.

Community Meeting Summary

A community meeting was not required for this request.

Schools

Orange County Public Schools (OCPS) reviewed the proposed request and determined that it would not impact existing public school capacity.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the proposed 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 – (June 14, 2017)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Black Lake Parcel Planned Development / Land Use Plan (PD/LUP) dated "Received April 26, 2017", subject to the following conditions:

1. Development shall conform to the Black Lake Parcel PD / Land Use Plan (PD/LUP) dated "Received April 26, 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 "April

26, 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 from Orange County Code are granted:
 - a. A waiver from Section 24-4(a)(1) to eliminate the requirement for landscaping for a vehicular use area within seventy-five (75) feet of the roadway;
 - b. A waiver from Section 24-4(a)(2) to eliminate the requirement for landscaping to be installed to screen the vehicular use area from the adjacent properties;
 - c. A waiver from Section 24-4(a)(3) to eliminate the requirement for landscaped areas in interior vehicular use areas;
 - d. A waiver from Section 38-1235(8) to eliminate the requirement for a landscape, tree planting and screening concept plan;
 - e. A waiver from Section 38-1206(b)(9) to eliminate the requirement for a minimum of three (3) percent of all commercial parking areas to be landscaped;
 - f. A waiver from Section 38-1287(4) to allow a zero (0) foot side paving setback, in lieu of the requirement for a 7.5-foot side paving setback; and
 - g. A waiver from Section 38-1291 to eliminate the tourist commercial development landscaping plan requirements at the construction plan submission stage.
7. 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.
8. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 28, 2011 shall apply:
 - a. A waiver from Section 38-1287(2), (3), and (4) is granted to allow zero (0) foot interior lot line setbacks for paving and building in lieu of the required side setback of thirty (30) feet, rear setback of twenty (20) feet, paving side of seven and one-half (7.5) feet, and rear paving of five (5) feet.
10. All previous applicable Conditions of Approval dated August 19, 2008, shall apply:
 - a. All acreages regarding 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.

- b. Prior to Preliminary Subdivision Plan or Development Plan Approval, a one-lot plat shall be approved.
- c. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal/mitigation plan have been approved by Orange County.
- d. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Chapter 31.
- e. Outdoor storage and display shall be prohibited, except as depicted on the Land Use Plan.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (June 28, 2011)

Upon a motion by Commissioner Boyd, seconded by Commissioner Brummer, and carried by with all present members voyting AYA by voice vote; the Board made a finding of consistency with the Comprehensive Plan and approved the substantial change request by Robert Moon, Dyer, Riddle, Mills & Precourt, Inc., Black Lake Parcel Planned Development (PD) Land Use Plan (LUP), subject to conditions.