

**COMMUNITY, ENVIRONMENTAL & DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION PUBLIC HEARING REPORT
AUGUST 1, 2017**

This packet contains the following public hearings to be heard by the Board of County Commissioners on Tuesday, August 1, 2017.

<u>Name of Request</u>	<u>Case Number</u>	<u>Type of Hearing</u>
Marc Stehli, Poulos & Bennett, LLC, for Hickory Nut Estates PD / Hickory Nut Estates PSP; District 1	PSP-16-06-222	Preliminary Subdivision Plan
Mark Kinchla, Mission Homes, LLC, for Old Cheney 10 PSP; District 5	PSP-16-08-235	Preliminary Subdivision Plan
Darren Pellegrin, Greeneway Park, LLC, for Ginn Property PD / Greeneway Park Parcel 4 PSP; District 4	PSP-17-01-019	Preliminary Subdivision Plan



Interoffice Memorandum

DATE: July 7, 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: August 1, 2017 – Public Hearing
Darren Pellegrin, Greenway Park, LLC
Ginn Property PD / Greenway Park Parcel 4 Preliminary
Subdivision Plan (PSP) Case # PSP-17-01-019 / District 4

This Preliminary Subdivision Plan (PSP) is a request to subdivide 32.1 acres in order to create six (6) commercial lots and an associated conservation tract, to accommodate up to 350 hotel rooms, 5,000 square feet of office and 150,000 square feet of commercial uses.

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

A waiver from Orange County Code Chapter 34-152(c) is requested to allow access to a landlocked parcel via an ingress / egress easement in lieu of a twenty (20) foot access to a dedicated public paved road.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, 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 to 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 Ginn Property PD / Greenway Park Parcel 4 Preliminary Subdivision Plan (PSP) dated “Received June 16, 2017”, subject to the conditions of approval listed under the DRC Recommendation in the Staff Report. District 4**

JVW/JS/sfv
Attachments

CASE # PSP-17-01-019

Commission District # 4

1. REQUEST

This Preliminary Subdivision Plan (PSP) is a request to subdivide 32.1 acres in order to create six (6) commercial lots and an associated conservation tract, to accommodate up to 350 hotel rooms, 5,000 square feet of office and 150,000 square feet of commercial uses.

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

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2. PROJECT ANALYSIS

- A. Location: South of SR 417 / West of Boggy Creek Road / North of Lake Nona Boulevard
- B. Parcel ID: 28-24-30-0322-01-000
- C. Total Acres: 32.05 (gross)
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: N/A
- I. Proposed Uses: 350 hotel rooms; 5,000 square feet of office; 150,000 square feet of commercial
- J. Site Data:
 - Maximum building height:
 - 120' (10-stories) (hotel)
 - 50' (2-stories) (commercial)
 - 35' (2-stories) (office)
 - Minimum Common Open Space: 20%
 - Building Setbacks:
 - 30' front (Boggy Creek)
 - 30' side (Lake Nona Blvd)
 - 30' rear
 - 10' interior lines
 - 60' State Road 417

- K. Fire Station: Station 55 - 801 Greenway Professional Ct.
- L. Transportation: Boggy Creek Road (Ginn DRI and Roads A, B and D): The Ginn Property Development of Regional Impact Developer's Agreement was approved by the Board of County Commissioners on July 9, 2002 and recorded at OR Book/Page 6566/8146. Under the terms of this agreement the Developer will convey right-of-way along Boggy Creek Road and for roads A, B, and D in the New Road Network along with drainage easements. Developer will receive Road Impact Fee Credits for Right-of-Way dedicated and for design and construction of roads A, B and D for excess capacity created. The Right-of-Way for Boggy Creek Road and Road A was dedicated by plat and the Developer has received \$1,933,613.00 in Road Impact Fee Credits. The Right-of-Way for Roads B and D was dedicated by plat and the Developer received an additional \$4,130,635.00 in Road Impact Fee Credits.

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 approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision 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.

3. COMPREHENSIVE PLAN

The Future Land Use designation of the subject parcel is Planned Development - Low Density Residential / Low-Medium Density Residential / Medium Density Residential / Commercial / Office / Industrial / Parks and Recreation - Open Space / Conservation (PD-LDR/LMDR/MDR/C/O/IND/PR-OS/CON). The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (Ginn Property PD)

5. REQUESTED ACTION:

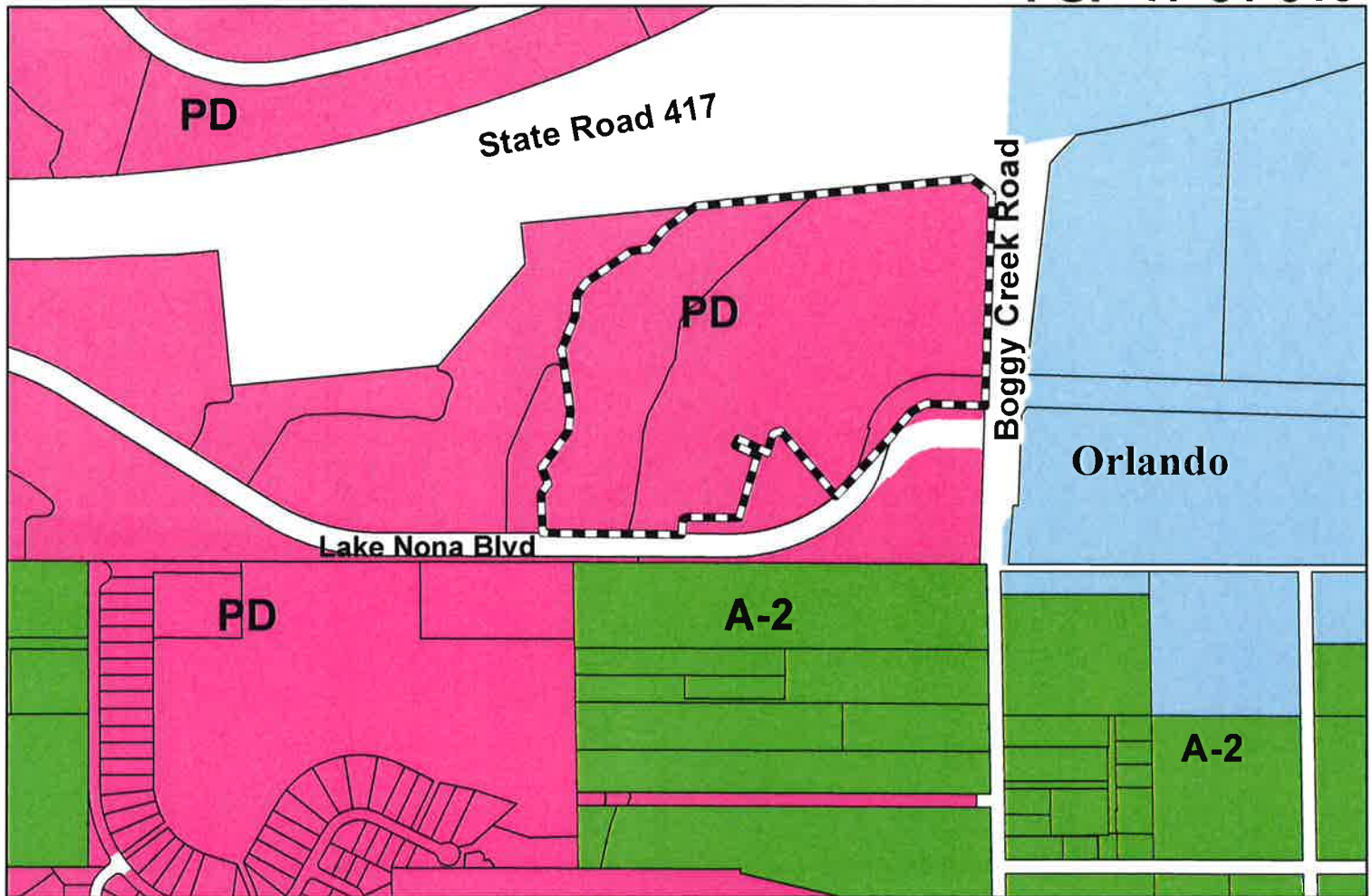
Approval subject to the following conditions:

1. Development shall conform to the Ginn Property PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Greenway Park Parcel 4 Preliminary Subdivision Plan dated "Received June 16, 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 June 16, 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. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
7. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
8. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
9. 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 approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision 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.

10. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
11. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
12. 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).
13. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
14. Construction plans within this PSP 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.
15. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
16. Outside sales, storage, and display shall be prohibited.
17. A waiver from Orange County Code Chapter 34-152(c) is granted to allow access to a landlocked parcel via an ingress / egress easement in lieu of a twenty (20) foot access to a dedicated public paved road.



Subject Property



Subject Property

Zoning

ZONING: PD (Planned Development District)
(Ginn Property PD)

APPLICANT: Darren Pellegin,
Greenway Park, LLC

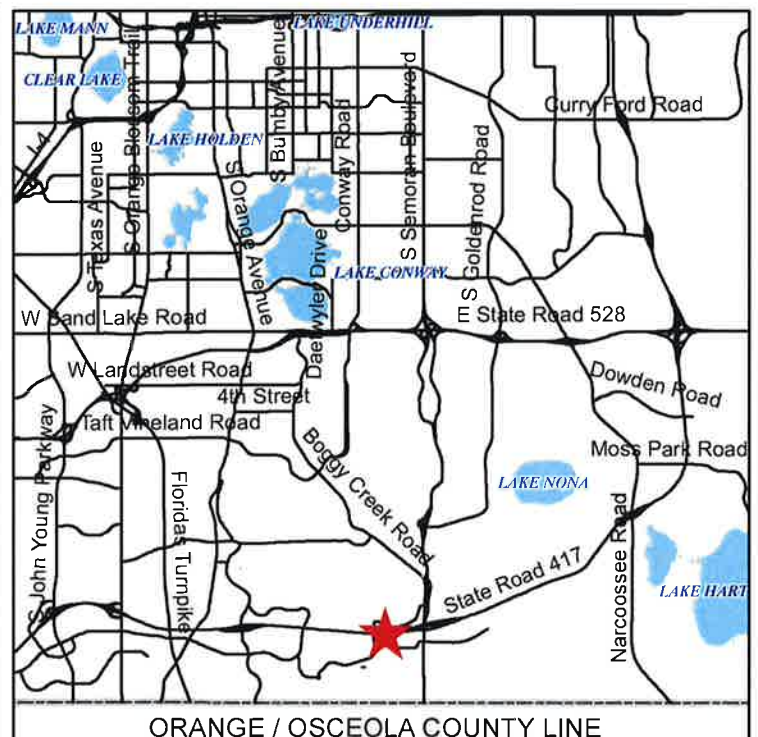
LOCATION: South of SR 417 / West of Boggy
Creek Rd / North of Lake Nona Blvd

TRACT SIZE: 32.05

DISTRICT: # 4

S/T/R: 28/24/30

1 inch = 750 feet



$$(43.229) * (42.70 * 46.842 \text{ AAT}) = 2.306 \text{ AAT}$$

LOT NUMBER	AREA (MT)	AREA (AC)	USE	DEVELOPMENT
1	346,877.57	8.01	COMMERCIAL/ HOTEL	P.O.A.
2	128,887.57	2.91	COMMERCIAL/ HOTEL	P.O.A.
3	49,698.58	1.14	COMMERCIAL	P.O.A.
4	41,988.00	0.96	COMMERCIAL	P.O.A.
5	44,158.33	1.01	COMMERCIAL	P.O.A.
6	44,632.00	1.03	COMMERCIAL	P.O.A.
TRACT A	779,855	16.99	CONSERVATION	P.O.A.
TOTAL	1,305,569	33.26		

REQUEST A WAIVER TO LDC SECTION 34-152(C) TO PROVIDE A 20' ACCESS EASEMENT FOR LOTS 2 THROUGH 4 TO PUBLIC RIGHT-OF-WAY, IN LIEU OF PROVIDING 20 FEET SIMPLE ACCESS. THIS IS A COMMERCIAL SUBDIVISION (SHOPPING CENTER) WHERE ACCESS TO BE THROUGH INTERNAL ACCESS DRIVE.

Elevations shown hereon are relative to NAVD88 datum based on Orange County Benchmark 18B-348.051, Elevation 66.478 (NAVD88) provided by the Orange County Engineering Department, located a square cut Southwest base of power pole Southeast corner of electric tower. According to the Orange County Engineering Department the NGVD29 datum elevation of Orange County Benchmark 18B-348.051 is 67.472 feet (NGVD29). To convert elevations on this drawing from NAVD88 datum to NGVD29 datum, add 0.994 foot to the elevations shown hereon.
(Example: Elev. 100.00 (NAVD88) + 0.994 = Elev. 100.994 (NGVD29)

[illegible]

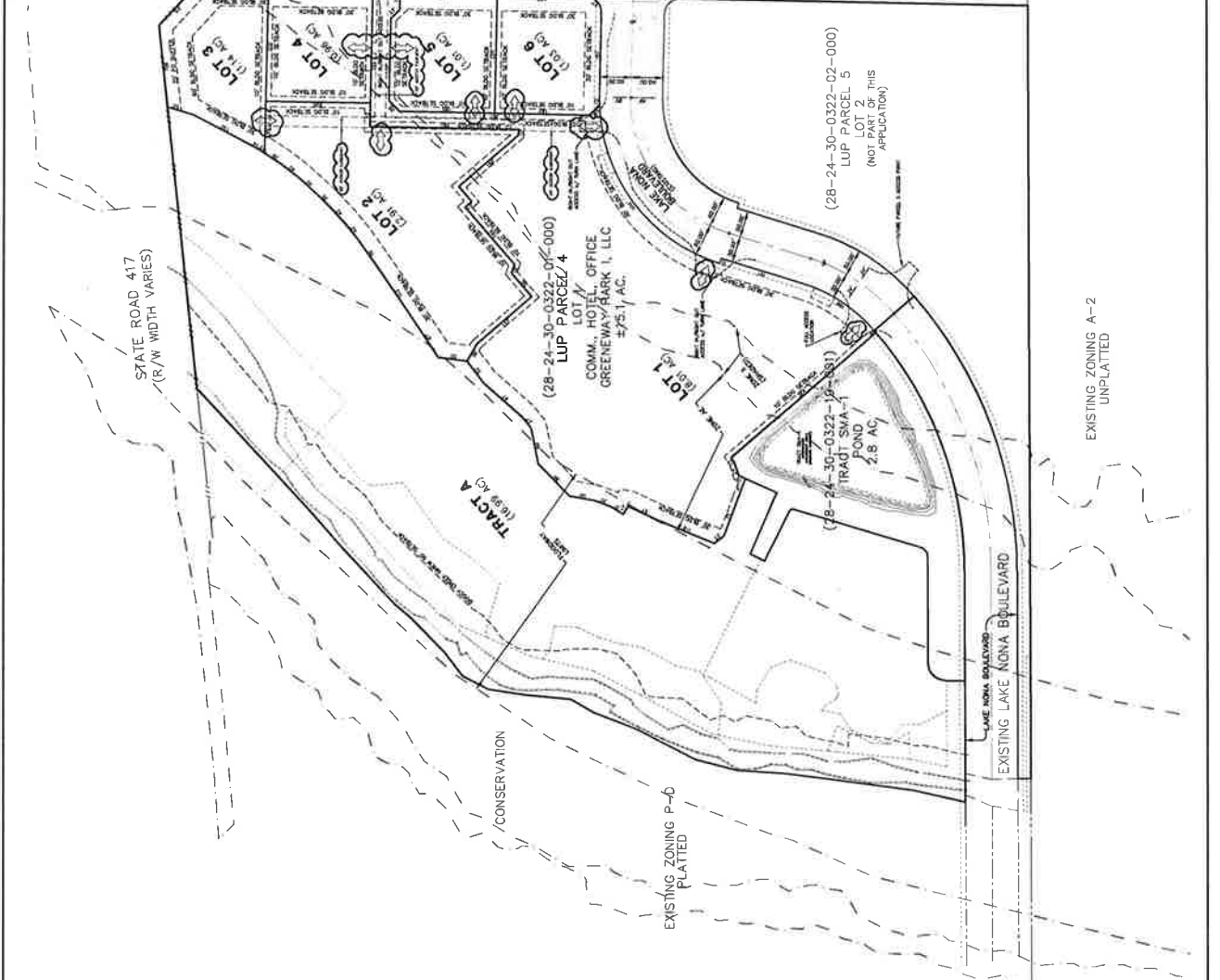
2. ALL CONSTRUCTION DETAILS ARE CONCEPTUAL AND SUBJECT TO REVIEW AND MODIFICATION DURING APPROVAL OF FINAL CONSTRUCTION PLANS

ALL FINISHED FLOOR ELEVATIONS TO BE SET CONGRUENT WITH ORANGE COUNTY AND SEMMO CRITERIA.

ACCESS FOR LOTS 2 THROUGH 6 SHALL BE INTERNAL TO THE SITE. NO DRIVEWAYS SHALL BE CONNECTED

8. **CRANIALY (ASSEMBLIES)**
 NUMBER WIDTH OF CRANIALY (ASSEMBLIES) SHALL BE 20 FT. 1.455/6/9/15 00-01

[illegible]



DRAWING		18210-PSP	5 OF 5
SHEET			
PRELIMINARY SUBDIVISION PLAN			
ORANGE COUNTY, FLORIDA			
GREENWAY PARK PD/DRI			
PARCEL 4 - SHOPPING CENTER			
ENGINEERS			
DONALD W. MCINTOSH ASSOCIATES, INC.			
PLANNERS			
Kenny Real Estate Company Florida, Ltd.			
27-24-30-0000-00-003			
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Ginn Property PD / Greenway Park Parcel 4 PSP

Parcels	Subject Property	Jurisdiction	Hydrology
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1 : 2,400
1 in : 200 ft