



Interoffice Memorandum

DATE: March 28, 2018

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: April 10, 2018 – Public Hearing
John Townsend, Donald W. McIntosh Associates, Inc.
Spring Isle Planned Development
Case # CDR-17-09-280

The Spring Isle Planned Development (PD) is located on the north side of S. Avalon Park Boulevard and on the east side of Golden Isle Boulevard. The existing PD development program allows for 125,261 square feet of office and commercial uses, and 756 single-family attached and detached dwelling units.

Through this PD substantial change, the applicant is seeking to amend the prohibited use of "automotive repair station" listed on the Land Use Plan to permit a retail tire store, which also provides minor automotive services consistent with the C-1 (Retail Commercial District) zoning district. No waivers are associated with this request.

On February 14, 2018, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. As summarized in the staff report, a community meeting was held on December 7, 2018 at Camelot Elementary School.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Spring Isle Planned Development / Land Use Plan (PD/LUP) dated “Received January 18, 2018”, subject to the conditions listed under the DRC Recommendation in the Staff Report.**
District 4

Attachments

CASE # CDR-17-09-280

Commission District: # 4

GENERAL INFORMATION

APPLICANT	John Townsend, Donald W. McIntosh Associates, Inc.
OWNER	Spring Isle D, LLC
PROJECT NAME	Spring Isle Planned Development
PARCEL ID NUMBER	30-22-32-0000-00-046 (affected parcel only)
TRACT SIZE	222.87 gross acres (<i>overall PD</i>) 5.16 gross acres (<i>affected parcel only</i>)
LOCATION	321 S. Avalon Park Boulevard; or generally located on the north side of S. Avalon Park Boulevard and on the east side of Golden Isle Boulevard.
REQUEST	A PD substantial change to amend the prohibited use of "automotive repair station" listed on the Land Use Plan to permit a retail tire store which also provides minor automotive services consistent with the C-1 (Retail Commercial District) zoning district. No waivers are associated with this request.
PUBLIC NOTIFICATION	A notification area extending beyond eight hundred (800) feet was used for this application [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Eight hundred sixty-one (861) notices were mailed to those property owners in the notification buffer area. A community meeting was held on December 7, 2017 at Camelot Elementary School as summarized in this report below.

IMPACT ANALYSIS

Special Information

The Spring Isle PD was originally approved on August 5, 2003 and currently provides for a development program consisting of 125,261 square feet of office and commercial uses, and 756 single-family attached and detached dwelling units.

Through this PD substantial change request, the applicant is seeking to amend the prohibited use of "automotive repair station" listed on the Land Use Plan to permit a retail tire store which also provides minor automotive services consistent with the C-1 (Retail Commercial District) zoning district.

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 affected parcels have an underlying Future Land Use Map (FLUM) designation of Planned Development - Low Density Residential / Medium Density Residential / Commercial / Office / Parks and Recreation-Open Space / Conservation (PD - LDR / MDR / C / O / PR-OS). The proposed PD Change Determination Request (CDR) is consistent with this FLUM designation.

Overlay District Ordinance

The subject property is located within the Avalon Park Boulevard Corridor 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

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) 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 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.

Based on the Concurrency Management System database dated October 12, 2017, capacity is available within a one mile radius of this project. This information is dated and subject to change.

Community Meeting Summary

A community meeting was held on December 7, 2017 at Camelot Elementary School to discuss the request. There were sixteen (16) residents in attendance and there were concerns expressed about the change of a prohibited use, the impacts of an automobile related use, and having a similar use in close proximity to the subject property.

Schools

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

Parks and Recreation

Orange County Parks and Recreation staff reviewed the 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 – (February 14, 2018)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Spring Isle Planned Development / Land Use Plan (PD/LUP) dated "Received January 18, 2018", subject to the following conditions:

1. Development shall conform to the Spring Isle PD Land Use Plan Amendment (LUPA) dated "Received January 18, 2018," 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 January 18, 2018," 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. 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.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 18, 2016 shall apply:
 - a. The following Education Condition of Approval shall apply:
 1. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of February 9, 2016.

2. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 11 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
3. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
4. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- b. A waiver from Orange County Code Section 31.5-5 is approved to allow for two (2) multi-tenant signs as depicted on the Master Sign Plan (MSP) to advertise for those parcels located within this PD, in lieu of signs that advertise for on-site tenants only.
- c. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Orange County Code Chapter 31.5 with the exception of Parcels G, H, and I. Parcels G, H, and I shall comply with the Master Sign Plan.
8. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated February 16, 2016, 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. 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).

- c. A waiver from Orange County Code Section 24-4(a) (2) is granted to eliminate landscaping requirements between vehicular use areas on adjacent non-residential properties.
 - d. A waiver from Orange County Section 38-1272(a)(3) is granted to allow a minimum setback from the side and rear property lines of zero (0) feet for non-residential (commercial) development, in lieu of ten (10) feet.
 - e. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
 - f. All proposed vertical structures shall be located a minimum of 18 feet from the centerline of the existing 30-inch water main and 30-inch wastewater force main.
 - g. The developer/property owner shall sign an agreement which releases Orange County from liability associated with the presence of the 30-inch water main and 30-inch wastewater force main located on Parcel H. The agreement shall be approved by the BCC prior to construction plan approval.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 19, 2010, and August 5, 2003, 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. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
 - c. Outdoor storage and display shall be prohibited.
 - d. This project shall comply with the Avalon Park Boulevard Design Standards, with the following exceptions:
 - i. Golden Isle Boulevard shall have a minimum 10-foot-wide landscape parkway and incorporate one 5-foot walk and one 8-foot walk.
 - ii. The commercial and office/commercial portion of the PD (Tracts G and H) shall be 27.71 acres in size but shall not exceed 150,000 square feet of building.
 - iii. Main commercial "anchors" may front an internal drive isle and face Avalon Park Boulevard, so long as any side building façade fronting Golden Isle Boulevard is addressed as a primary building façade.
 - iv. The commercial and office/commercial portion of the PD (Tracts G and H) shall each be considered a "Community Commercial" / "Office" site.

- e. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan, with a tree removal and mitigation plan, have been approved by Orange County.
- f. A waiver from Orange County Code Section 38-1272(3)(b) is granted to allow a 15-foot building setback along Avalon Park Boulevard in lieu of the required 40 feet.
- g. A waiver from Section 38-1272(3)(a) is granted to allow a 20-foot setback along the north/south connector road in lieu of the required 30 feet.
- h. A waiver from Section 38-1272(3)(d) is granted to allow 15-foot setbacks from internal streets in lieu of the required 30 feet.
- i. The commercial uses shall be limited to Commercial (C-1) uses.
- j. Construction traffic shall not be permitted to access the PD via Sunflower Trail.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (October 18, 2016)

Upon a motion by Commissioner Thompson, seconded by Commissioner Siplin, and carried by all members of the Board, a finding of consistency was made; and further, approval of the substantial change request to allow for two (2) multi-tenant signs on the Master Sign Plan advertising for property within the PD in lieu of only advertising for tenants on site, subject to the conditions listed.

CDR-17-09-280



Subject Parcel
Existing PD



★ Subject Property

Future Land Use Map

FLUM: Planned Development (PD)

APPLICANT: John Townsend,
Donald W. McIntosh Associates, Inc

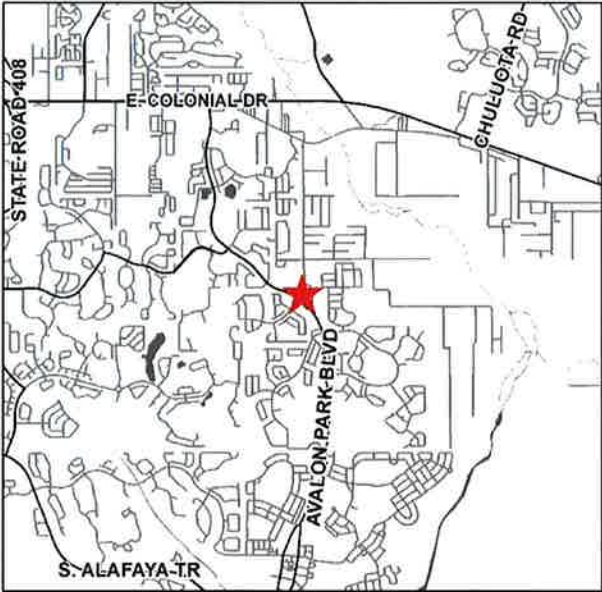
LOCATION: 321 S. Avalon Park Boulevard; or generally
located on the north side of S. Avalon Park
Boulevard and on the east side of Golden
Isle Boulevard

TRACT SIZE: 222.87 gross acres (overall PD)
5.16 gross acres (affected parcel only)

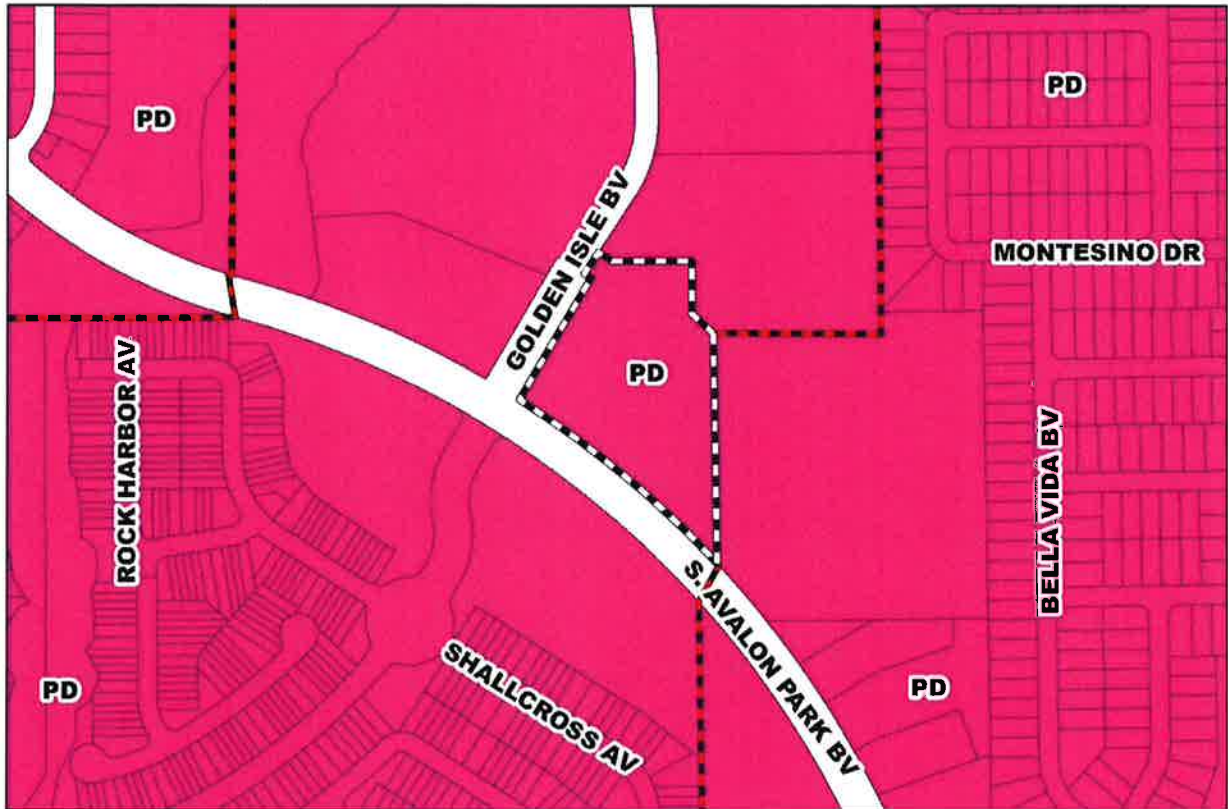
DISTRICT: # 4

S/T/R: 30/22/32

1 inch = 400 feet



CDR-17-09-280



 Subject Parcel
 Existing PD



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: John Townsend,
 Donald W. McIntosh Associates, Inc

LOCATION: 321 S. Avalon Park Boulevard; or generally
 located on the north side of S. Avalon Park
 Boulevard and on the east side of Golden
 Isle Boulevard

TRACT SIZE: 222.87 gross acres (overall PD)
 5.16 gross acres (affected parcel only)

DISTRICT: # 4

S/T/R: 30/22/32

1 inch = 400 feet



Spring Isle PD / LUP (Cover Sheet)



SPRING ISLE LAND USE PLAN AMENDMENT CDR-17-09-280 ORANGE COUNTY, FLORIDA

PREPARED FOR

PLANNED ENGINEER/SURVEYOR:
DONALD W. MCINTOSH ASSOCIATES, INC.
2200 PARK AVENUE NORTH
WINTER PARK, FL 32789
(407) 644-0066

Spring Isle C, LLC
401 Ferguson Drive
Orlando, Florida 32805
(407) 293-6562

ENVIRONMENTAL:
BIO-TECH CONSULTING, INC.
3052 W. PARKWAY STREET
ORLANDO, FL 32803
(407) 894-5969

TAX PARCEL ID NUMBERS

PHASE 2
30-22-32-0000-00-015
30-22-32-0000-00-016
30-22-32-0000-00-022
30-22-32-0000-00-043
30-22-32-0000-00-046
30-22-32-0000-00-050
30-22-32-0000-00-051

SECTION-TOWNSHIP-RANGE

SUB-PHASES 1-5
30-22-32
31-22-32
25-22-31



VICINITY MAP
BY PEC, INC.



REVISED JANUARY 17, 2018
OCTOBER 19, 2010

DONALD W. MCINTOSH ASSOCIATES, INC.
ENGINEERS
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-0066

SHEET INDEX

- 1 COVER SHEET
- 2 CONDITIONS OF APPROVAL
- 3 EXISTING CONDITIONS
- 4 LAND USE PLAN
- 5 DEVELOPMENT PROGRAM
- 6 PHASE 2 SKETCH OF DESCRIPTION
- 7 PARCEL LAND USE PLAN
- 8 MASTER SIGNAGE PLAN
- 9 SIGNAGE DETAILS

NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION

SPRING ISLE PD LUP AMENDMENT 28013 6/22/09 REVISED 1/17/18



Notification Map

Public Notification Map
Spring Isle PD CDR-17-09-280
800 FT BUFFER, 861 NOTICES

