



## Interoffice Memorandum

DATE: March 19, 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  
Marc Stehli, Poulos & Bennett, LLC  
Moss Park North Planned Development  
Case # CDR-17-11-347 / District 4

The Moss Park North Planned Development (PD) is located at 11001 Moss Park Road; or generally located north of Moss Park Road and east of State Road 417. The existing PD development program allows for 488 single-family and multi-family residential dwelling units and 50,000 square feet of office / private kindergarten school and daycare uses.

Through this PD substantial change, the applicant is seeking to eliminate single-family attached residential dwelling units (townhomes); to reduce the minimum lot width for single-family detached to 40'; reduce the number of residential units from 488 to 402 (a net reduction of 86 units); add a conversion matrix for single-family to office; to revise to revise Note D.6 relating to the development and operation of the daycare and private kindergarten uses, and modify a BCC condition of approval related to the timing of Capacity Enhancement Letter (CEL) approval.

In addition, the applicant has requested the following waiver from Orange County Code:

1. A waiver from Section 38-1501 to allow for a minimum lot width of forty feet (40') in lieu of a minimum lot width of forty-five feet (45').

On February 14, 2018, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

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 Moss Park North Planned Development / Land Use Plan (PD/LUP) dated “Received December 15, 2017”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

Attachments

**CASE # CDR-17-11-347**

Commission District: # 4

**GENERAL INFORMATION**

<b>APPLICANT</b>	Marc Stehli, Poulos & Bennett, LLC
<b>OWNER</b>	Gary T. Randall, Trustee
<b>PROJECT NAME</b>	Moss Park North Planned Development
<b>PARCEL ID NUMBERS</b>	09-24-31-0000-00-003 and 09-24-31-0000-00-011
<b>TRACT SIZE</b>	107.78 gross acres ( <i>overall PD</i> )
<b>LOCATION</b>	11001 Moss Park Road; or generally located north of Moss Park Road and east of State Road 417
<b>REQUEST</b>	<p>A PD substantial change to eliminate single-family attached residential dwelling units (townhomes); to reduce the minimum lot width for single-family detached to 40'; reduce the number of residential units from 488 to 402 (a net reduction of 86 units); add a conversion matrix for single-family to office; to revise Note D.6 relating to the development and operation of the daycare and private kindergarten uses, and modify a BCC condition of approval related to the timing of CEL approval.</p> <p>In addition, the applicant has requested the following waiver from Orange County Code:</p> <ol style="list-style-type: none"><li>1. A waiver from Section 38-1501 to allow for a minimum lot width of forty feet (40') in lieu of a minimum lot width of forty-five feet (45').</li></ol>
<b>PUBLIC NOTIFICATION</b>	<p>A notification area extending beyond five hundred hundred (500) feet was used for this application [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. One hundred fourteen (114) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.</p>

**IMPACT ANALYSIS**

**Special Information**

The Moss Park PD was originally approved on June 6, 2017 and contains entitlements for 488 single-family and multi-family residential dwelling units and 50,000 square feet of office / private kindergarten school and daycare uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to eliminate single-family attached residential dwelling units (townhomes); to reduce the minimum lot width for single-family detached to 40'; reduce the number of residential units from 488 to 402 (a net reduction of 86 units); add a conversion matrix for single-family to office; to revise Note D.6 relating to the development and operation of the daycare and private kindergarten uses, and modify June 7, 2017 BCC Condition of Approval #8a related to the timing of Capacity Encumbrance Letter (CEL) approval. The applicant has stated the need for the modified CEL condition is to reflect code requirements and the modification to Note D.6 to prevent any permitting or enforcement issues if the private kindergarten and daycare uses are collocated in the same building.

**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 PD-MDR/O/CONS (Planned Development – Medium Density Residential / Office / Conservation). The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

**Overlay District Ordinance**

The subject property is located within the Innovation Way Overlay Area.

**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**

This plan shall comply with the Environmental Land Stewardship (ELS) Agreement for Moss Park North and the ELS Program Notice. All natural feature design aspects of the plan shall comply with Orange County Code Chapter 15 Environmental Control, Article XVIII Environmental Land Stewardship known as the Environmental Land Stewardship Program (ELSP) Ordinance Section 15-820.

**Transportation / Concurrency**

As this request provides for a net reduction in residential units, there are no increase in trips associated with this request.

The project shall comply with the terms and conditions of that certain Amended and Restated Innovation Way South Right-of-Way Agreement recorded at Official Records Book/Page 10822/4560, Public Records of Orange County, Florida, as may be amended.

**Community Meeting Summary**

A community meeting was not required for this request.

**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 Moss Park North Planned Development / Land Use Plan (PD/LUP) dated "Received December 15, 2017", subject to the following conditions:**

1. Development shall conform to the Moss Park North Planned Development (PD); dated "Received December 15, 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 December 17, 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 project shall comply with the terms and conditions of that certain Amended and Restated Innovation Way South Right-of-Way Agreement recorded at Official Records Book/Page 10822/4560, Public Records of Orange County, Florida, as may be amended.
7. A waiver from Orange County Code Section 38-1501 is granted to allow for a minimum lot width of forty feet (40') in lieu of a minimum lot width of forty-five feet (45').

8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 7, 2017, shall apply:
- a. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or perpetual use of the public.
  - b. A Master Utility Plan (MUP) 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.
  - c. 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 (CRC) prior to receiving approval of the plat receiving initial Certificate of Occupancy. 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 CEL or a CRC.
  - d. The developer shall obtain water, wastewater, and reclaimed water from Orange County Utilities.
  - e. The developer shall enter into an Environmental Land Stewardship Agreement with Orange County following Orange County Code Chapter 15 Environmental Control, Article XVIII Environmental Land Stewardship known as the Environmental Land Stewardship Program Ordinance (ELSP).
  - f. 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).
  - g. All acreages identified as 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.
  - h. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
  - i. Outside sales, storage, and display shall be prohibited.
  - j. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.

- k. In the event the Applicant proposes modifications to the approved development program, Orange County Public Schools (OCPS) will apply the student generation rates in effect to ensure the units do not exceed 166 school-aged children. If the modified development program causes the project to exceed 166 school-aged children, the project will require a revised school capacity determination and will be subject to capacity and/or concurrency requirements for the difference.
- l. The allowed uses within Parcel D will be limited to Professional Office (P-O) uses and private kindergarten.
- m. A waiver from Orange County Code Section 38-1254(2)(b) is granted to allow for a 30-foot Major Collector Roadway setback along the southern boundary of Parcel A, in lieu of the required 35-foot Major Collector Roadway setback.
- n. The following waivers from Orange County Code are granted for alternative building height standards:
  - 1) A waiver from Section 38-1258(a) to allow 4-story multi-family buildings [not to exceed fifty-five (55) feet in height] in Parcel A to be located seventy-five (75) feet from single-family zoned properties within the PD, in lieu of the requirement that multi-family buildings within one-hundred (100) feet of single family zoned property not exceed a height of one (single) story.
  - 2) A waiver from Section 38-1258(b) to allow all multi-family buildings in Parcel A that are located a minimum of seventy-five (75) feet from single-family zoned properties within the PD to be 4-stories in height [not to exceed fifty-five (55) feet], in lieu of the requirement that multi-family buildings located between one hundred (100) feet and one hundred fifty (150) feet from single-family zoned properties vary in building height with a maximum of fifty (50) percent of the buildings being 3-stories [not to exceed forty (40) feet], with the remaining buildings being one (1) or two (2) stories.
  - 3) A waiver from Section 38-1258(c) to allow 4-story multi-family buildings [not to exceed fifty-five (55) feet in height] in Parcel A to be located seventy-five (75) feet from single-family zoned properties within the PD, in lieu of the requirement that multi-family buildings in excess of 3-stories / 40-feet in height not be located within one-hundred fifty (150) feet of single-family zoned property.
  - 4) A waiver from Section 38-1258(d) to allow 4-story multi-family buildings [not to exceed fifty-five (55) feet in height] within Parcel A, in lieu of a maximum multi-family building height of three (3) stories and forty (40) feet.
- o. A waiver from Orange County Code Section 38-1258(e) is granted to eliminate the requirement for a twenty-five (25) foot landscape buffer between Parcels A and B due to the presence of an existing ~100-foot wide wetland system, in lieu of the requirement that a twenty-five (25) foot landscape buffer be provided consistent with Type C landscape buffer requirements between parking and



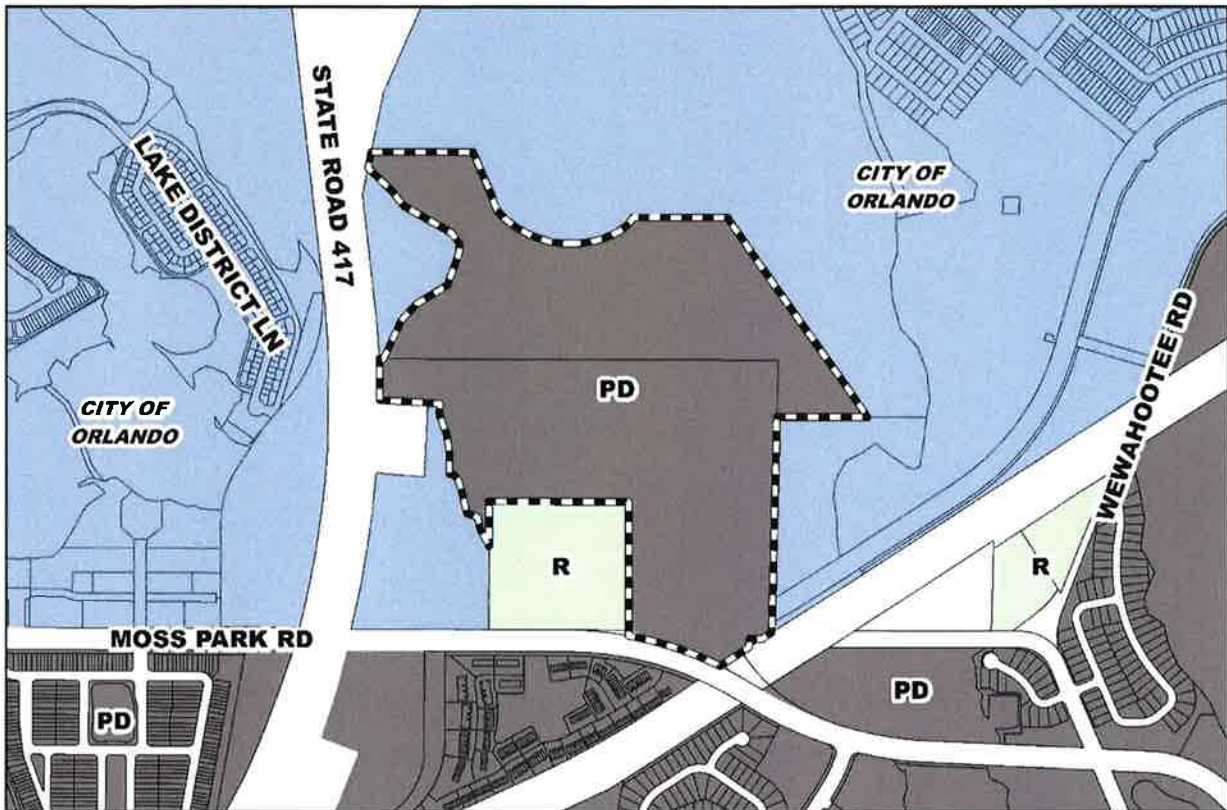
other paved areas for multi-family development adjacent to single-family zoned property.

- p. A waiver from Orange County Code Section 38-1258(f) is granted to eliminate the requirement for a wall between Parcels A and B due to the presence of an existing ~100-foot wide wetland system, in lieu of the requirement that a six-foot high masonry wall be provided between multi-family and single-family zoned property.
- q. A waiver from Orange County Code Section 38-1258(h) is granted to allow for up to fifty (50) percent of the active recreation required for the multi-family development to be provided in Parcel C, adjacent to, but not within the multi-family development and located internally away from single-family zoned property.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (June 6, 2017)**

Upon a motion by Commissioner Thompson, seconded by Commissioner VanderLey, and carried by all members of the Board, a finding of consistency was made; and further, approval of the request to rezone from Farmland Rural District (A-2) to Planned Development District (PD) to allow up to 488 residential dwelling units (single-family and multi-family) and 50,000 square feet of office/private kindergarten school/daycare uses and eight (8) waivers from Orange County Code, subject to the conditions listed in the staff report.

CDR-17-10-347



Subject Parcel

Existing PD



★ Subject Property

### Future Land Use Map

FLUM: Planned Development – Medium Density  
 Residential / Office/ Conservation  
 (PD-MDR/O/CONS)

APPLICANT: Marc Stehli, Poulos & Bennett, LLC

LOCATION: 11001 Moss Park Road; or generally  
 located north of Moss Park Road and east  
 of State Road 417

TRACT SIZE: 107.78 gross acres (overall PD)

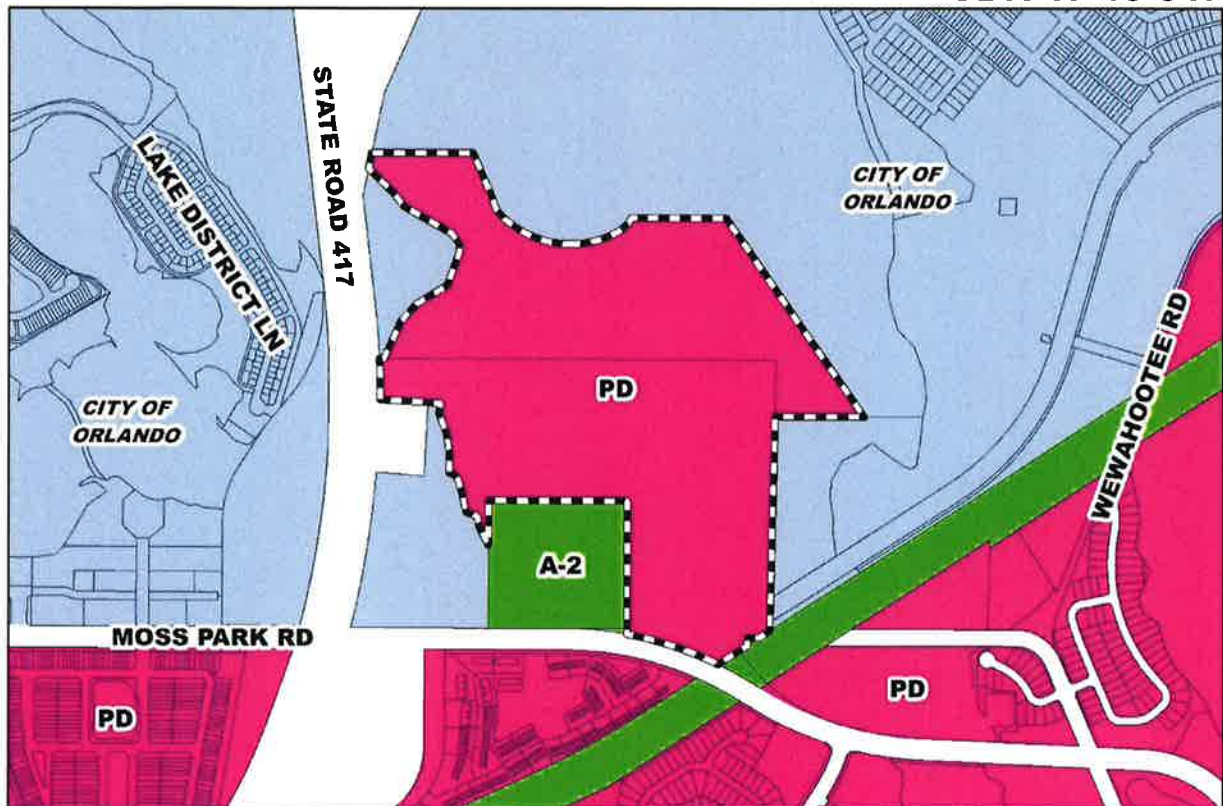
DISTRICT: # 4

S/T/R: 09/24/31

1 inch = 950 feet



CDR-17-10-347



 Subject Parcel  
 Existing PD

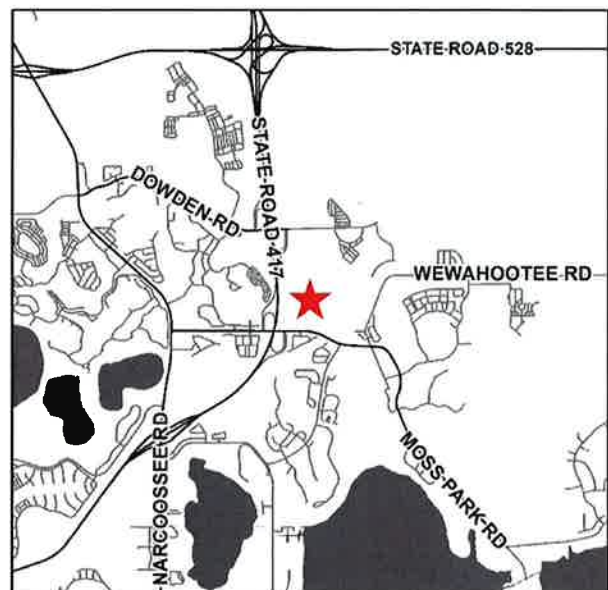


 Subject Property

### Zoning Map

**ZONING:** PD (Planned Development District)  
**APPLICANT:** Marc Stehli, Poulos & Bennett, LLC  
**LOCATION:** 11001 Moss Park Road; or generally located north of Moss Park Road and east of State Road 417  
**TRACT SIZE:** 107.78 gross acres (overall PD)  
**DISTRICT:** # 4  
**S/T/R:** 09/24/31

1 inch = 950 feet





# Moss Park North PD / LUP (Cover Sheet)

## Planned Development/Land Use Plan for Moss Park North CDR-17-11-347 Orange County, FL



CDR-17-11-347

Parcel Id. No.:  
 09-24-31-0000-00-003  
 09-24-31-0000-00-011

**Applicant:**  
 Peirce Development Corporation of Florida  
 24 North Westbourne Drive  
 Maitland, Florida 32751  
 407-777-0309



Location Map  
 Scale: 1" = 1/2 mi

**COMMITTEE REQUEST**  
 The applicant requests that the committee recommend the project be approved for the proposed land use plan. The applicant requests that the committee recommend the project be approved for the proposed land use plan. The applicant requests that the committee recommend the project be approved for the proposed land use plan.

**COMMITTEE REQUEST**  
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**Project:**  
 Moss Park North  
 24 North Westbourne Drive  
 Maitland, FL 32751  
 407-777-0309

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 24 North Westbourne Drive  
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 407-777-0309

Sheet No.	Sheet Title	Sheet No.
1	Sub & 7.10000 Map	1
2	Site Plan & Topography & Drainage Map	2
3	Building Zoning & Private Land Use Map	3
4	Land Use Plan	4
5	Land Use Zoning & Notes	5

Reference	Reference
1	Tree Survey
2	Topography
3	Sub & 7.10000 Map
4	Site Plan & Topography & Drainage Map
5	Building Zoning & Private Land Use Map
6	Land Use Plan
7	Land Use Zoning & Notes

**LEGAL DESCRIPTION**  
 The subject property is located in the City of Maitland, Florida, within the boundaries of the City of Maitland, Florida.

**POULSON & BENNETT**  
 1000 West 1st Street, Suite 100  
 Maitland, FL 32751  
 407-777-0309

**RECEIVED**  
 09-24-31-0000-00-003  
 09-24-31-0000-00-011



Notification Map

