



Interoffice Memorandum

DATE: March 26, 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
Applicant: Andrea Cardo, Interplan, LLC
Frye Center PD / Lakeside Village PSP / Regions Bank DP
Case # DP-17-09-288

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting on February 14, 2018, to approve the Frye Center Planned Development (DP) / Lakeside Village Preliminary Subdivision Plan (PSP) / Regions Bank Development Plan (DP) to construct a 2,200 square foot bank on 0.78 acres.

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

1. A waiver from Section 38-1384(d) of the original Horizon West Code to eliminate the canopy tree planting requirement within all public streets at a maximum of forty feet (40') on center and to be located in planter strips between the curb and sidewalks; provided, however, applicant shall pay into the Orange County Tree Mitigation Fund in an amount equivalent to the cost of the trees that would have been required had the waiver not been granted, all as calculated by an Orange County Arborist.

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 PSP may be found in the Planning Division for further reference. A community meeting was not held for this request.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the Frye Center PD / Lakeside Village PSP / Regions Bank DP dated "Received January 16, 2018", subject to conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/JS/sfv
Attachments

CASE # DP-17-09-288

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting on February 14, 2018, to approve the Frye Center Planned Development (PD) / Lakeside Village Preliminary Subdivision Plan (PSP) / Regions Bank Development Plan (DP) to construct a 2,200 square foot bank on 0.78 acres.

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

A waiver from Section 38-1384(d) of the original Horizon West Code to eliminate the canopy tree planting requirement within all public streets at a maximum of forty feet (40') on center and to be located in planter strips between the curb and sidewalks; provided, however, applicant shall pay into the Orange County Tree Mitigation Fund in an amount equivalent to the cost of the trees that would have been required had the waiver not been granted, all as calculated by an Orange County Arborist.

2. PROJECT ANALYSIS

- | | |
|-----------------------|--|
| A. Location: | South of Lakeside Village Lane / West of Winter Garden-Vineland Road |
| B. Parcel ID: | 36-23-27-5450-04-000 |
| C. Total Acres: | 0.78 gross acres |
| 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 Use: | Commercial Bank |
| J. Site Data: | Maximum Building Height: 50' (3-stories)
Building Setbacks:
10' Front
0' Side Street
6' Side
15' Rear |

K. Fire Station: 35 - 7435 Winter Garden Vineland Road

L. Transportation: Based on the concurrency management system database dated 10-11-17, there are two failing roadway segments within a one mile radius of this project. Reams Road from Floridian Pl. to Silverlake Park Dr. and Winter Garden Vineland Road from Sunset Blvd. to Silverlake Park Dr. and from Reams Road to Chase Road are currently deficient and operating at level of service F. This information is dated and is subject to change. Based on the 9th edition of ITE, the proposed bank will generate 61 pm peak hour trips will impact the failing roadway segments. A traffic study will be required prior to obtaining an approved capacity encumbrance letter and building permit.

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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development 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 subject property is located within the Lakeside Village Special Planning Area (SPA) and is designated on the SPA map as Village Center (VC).

4. ZONING

PD (Frye Center Planned Development)

5. REQUESTED ACTION:

Approval subject to the following conditions:

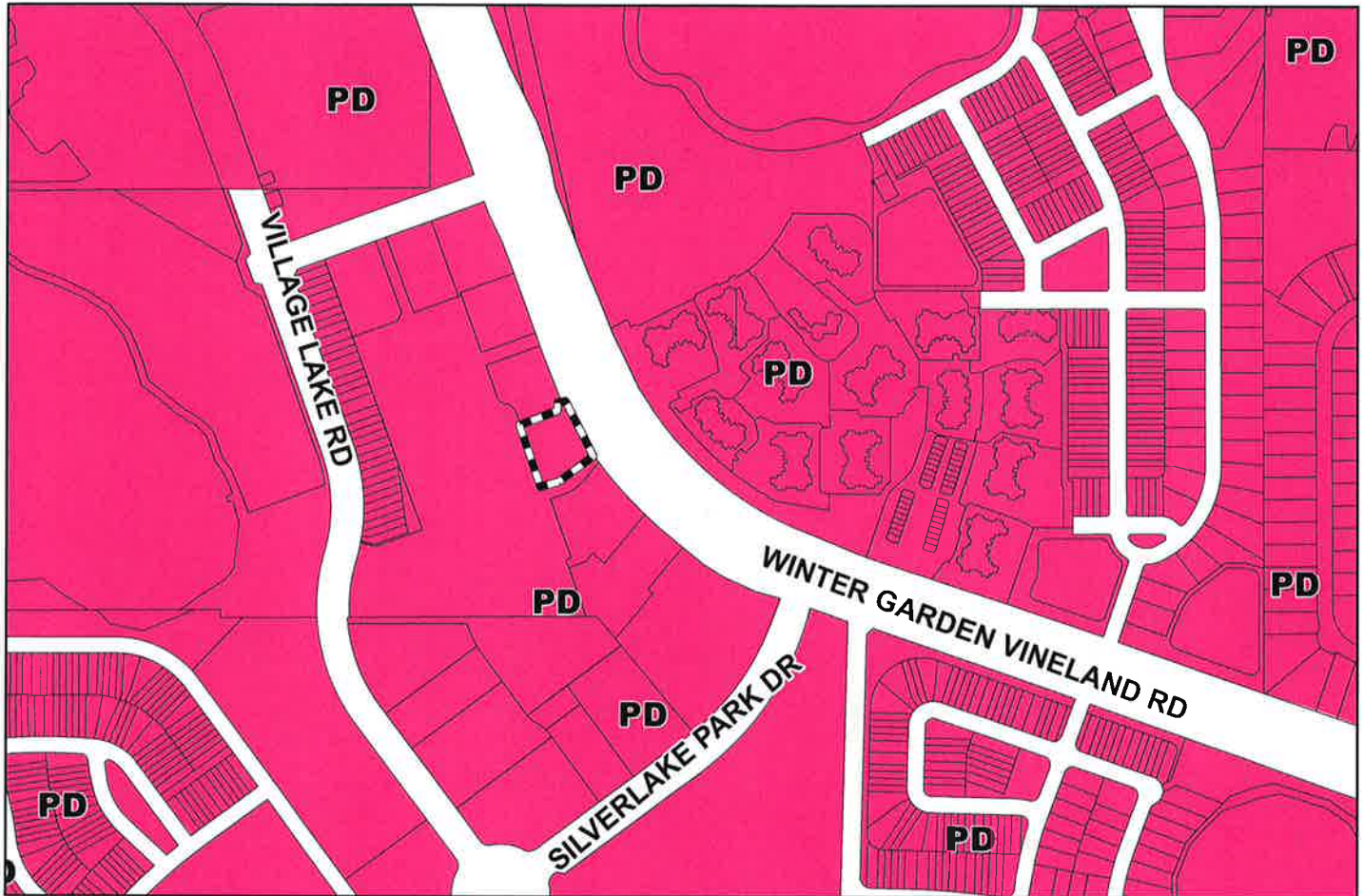
1. Development shall conform to the Frye Center Planned Development; Orange County Board of County Commissioners (BCC) approvals; Lakeside Village Preliminary Subdivision Plan; BCC approvals; Regions Bank Development Plan dated "Received January 16, 2018" and to the conditions of approval listed below. 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.

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 development 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

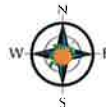
for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. Development plan (DP) approval by the DRC (or BCC, as applicable), shall automatically expire if construction plans are required and have not been submitted and approved within two (2) years from DP approval; if construction plans are not required, such DP shall expire two (2) years from approval unless a building permit has been obtained within such two-year period. The foregoing notwithstanding, the DRC may, upon good cause shown, grant successive one (1) year extensions to the expiration date of a DP if the developer makes written request to the DRC chair prior to the expiration date.
7. 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.
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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development 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. 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.
11. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater and reclaimed water systems have been designed to support all development within the DP, and that construction plans are consistent with an approved and up-to-date Master Utility Plan for the PD.
12. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with the applicable Orange County Code.

13. Approval of this DP shall void the previously approved Fifth Third Bank DP dated "Received November 03, 2011."
14. Outside sales, storage, and display shall be prohibited.
15. A waiver from Orange County Code Section 38-1384(d) of the original Horizon West Code is granted to eliminate the canopy tree planting requirement within all public streets at a maximum of forty feet (40') on center and to be located in planter strips between the curb and sidewalks; provided, however, applicant shall pay into the Orange County Tree Mitigation Fund in an amount equivalent to the cost of the trees that would have been required had the waiver not been granted, all as calculated by an Orange County Arborist.



Subject Property



Subject Property

Zoning

ZONING: PD (Planned Development District)
(Frye Center PD)

APPLICANT: Andrea Cardo,
Interplan, LLC

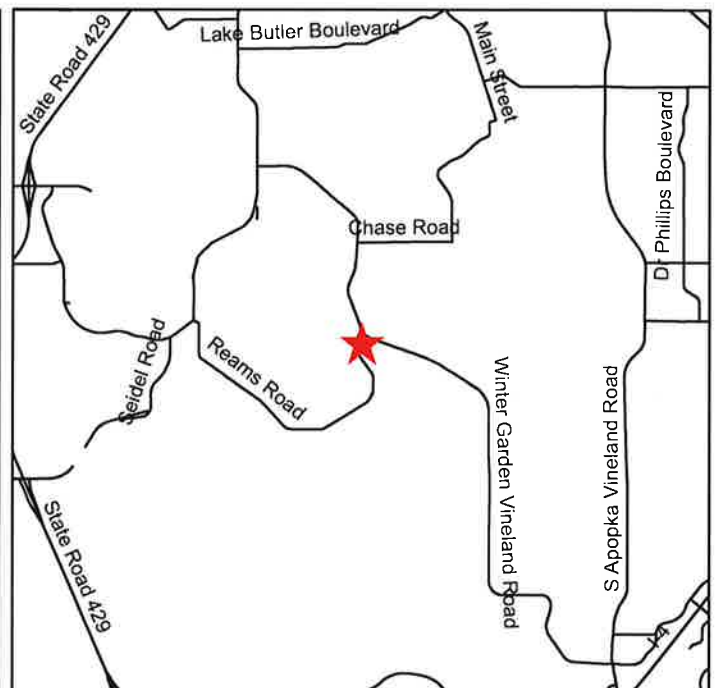
LOCATION: South of Lakeside Village Lane / West
of Winter Garden Vineland Road

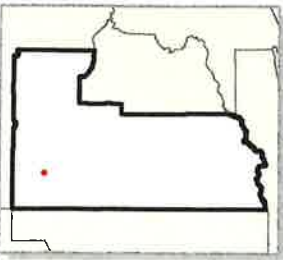
TRACT SIZE: 0.78 gross acres

DISTRICT: #1



S/T/R: 36/23/27

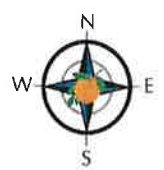
1 inch = 544 feet





Frye Center PD / Lakeside Village PSP / Regions Bank DP

Parcels		Subject Property	Jurisdiction		Hydrology
---------	---	------------------	--------------	---	-----------



1 : 600
1 in : 50 ft