

**CASE # CDR-18-01-026**

Commission District: # 1

**GENERAL INFORMATION**

<b>APPLICANT</b>	Momtaz Barq, Terra-Max Engineering, Inc.
<b>OWNER</b>	Martini Mac Partners Sand Lake, LLC
<b>PROJECT NAME</b>	Pizzuti at Sand Lake Planned Development
<b>PARCEL ID NUMBER</b>	35-23-28-7117-01-000 (affected parcel only)
<b>TRACT SIZE</b>	5.71 gross acres ( <i>overall PD</i> ) 4.69 gross acres ( <i>affected parcel only</i> )
<b>LOCATION</b>	7212 W. Sand Lake Road; or generally on the south side of W. Sand Lake Road, approximately 700 feet west of Turkey Lake Road
<b>REQUEST</b>	A PD substantial change to revise the land use plan to include a use conversion matrix, convert the existing 108,000 square feet of office and 7,000 square feet of retail entitlements into 110,651 square feet of self-storage uses via the added conversion matrix, revise the trip generation tables to include the proposed self-storage use, and clarify the maximum building heights allowed within the PD (specifically 88 feet, seven stories maximum for the proposed self-storage facility). This request also includes a proposed amendment to the BCC-approved building elevations.
<b>PUBLIC NOTIFICATION</b>	A notification area extending beyond nine hundred (900) feet was used for this application [ <i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i> ]. Three hundred thirty-one (331) 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 Pizzuti at Sand Lake PD was originally approved on June 6, 2000 for 97,310 square feet of office uses, or 18,000 square feet of commercial uses, or a 110 unit assisted living facility. Today, the PD is entitled for a 5,429 square foot fast food restaurant; 108,000 square feet of office; and 7,000 square feet of retail. The office and retail are entitled for up to 13 stories (Office: six stories, Retail: one story at ground level; and a six story parking garage) with a maximum height of 125 feet

Through this PD Change Determination Request (CDR), the applicant is seeking to revise the land use plan to include a use conversion matrix, convert the existing 108,000 square feet of office and 7,000 square feet of retail entitlements into 110,651 square feet of self-storage uses via the added conversion matrix, revise the trip generation tables to include the proposed self-storage use, and clarify the building heights allowed. This request also includes a proposed amendment to the BCC-approved building elevations.

**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 Planned Development – Commercial/Office (PD-C/O). 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 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 Joint Planning Area.

**Environmental**

There is a Class I wetland of 1.33 acres located on site, which is connected to Little Sand Lake. Orange County Conservation Area Determination CAD 00-121 was completed for the PD in 2001. The wetland on site is part of a conservation easement recorded in Orange County Official Records Book 9629, Pages 567-576, as shown on the Phillips View Tower plat recorded in Book 9629, Pages 567-576.

**Transportation / Concurrency**

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 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.

**Community Meeting Summary**

A community meeting was not required for this application.

**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 Change Determination 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 – (April 11, 2018)**

**Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Pizzuti at Sand Lake Planned Development / Land Use Plan (PD/LUP) dated “Received April 13, 2018”, subject to the following conditions:**

1. Development shall conform to the Pizzuti at Sand Lake Road Planned Development (PD) dated "Received April 13, 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 April 13, 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. 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.
7. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater and reclaimed water systems have been designed to support all development within the PD.
8. The developer shall obtain wastewater and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
9. The new western access on Sand Lake Road shall be limited to a right-in only.

10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 23, 2007 shall apply:
  - a. 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 certificate of occupancy. However, nothing in this condition and nothing in the decision to approve this development plan shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a CEL or CRC.
  - b. The reservation of a 20-foot transit easement along Turkey Lake Road is a condition of approval for development of this project along the Turkey Lake Road corridor. When the Turkey Lake Road Corridor Transit Plan is implemented, any unused portion of easements shall be abandoned and vacated. Until the easement is utilized or abandoned, the fee-title holder shall be entitled to make use of such easement areas for temporary use such as, but not limited to, non-code required parking, landscaping, and recreation areas. Such easement areas shall be considered as a part of the site area for development purposes.
  - c. The applicant must show substantial compliance with the architectural renderings presented at the January 23, 2007, BCC meeting.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 6, 2000, shall apply:
  - a. Billboards and pole signs shall be prohibited.
  - b. There shall be no visible flat roofs or visible machinery thereon from any side of erected structures. Machinery is defined as air conditioners, antenna, air handlers, ductwork, pipes, or other similar devices.
  - c. No outside storage or display shall be permitted.
  - d. Serial performance attractions, theme parks, and dinner theaters are prohibited.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (January 23, 2007)**

Upon a motion by Commissioner Stewart, seconded by Commissioner Moore, and carried with County Mayor Crotty and Commissioners Fernandez, Stewart, and Moore voting AYE by voice vote; Commissioners Jacobs and Brummer voting NO by voice vote; Commissioner Segal was absent; the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved a request by Momtaz Barq, Pizzuti Planned Development/Land Use Plan (PD/LUP); to amend the LUP to 1) increase the maximum building height from 75 feet to 125 feet; and 2) increase the allowable uses for the development from 97,310 square feet of Office and 18,000 square feet of Commercial to 108,000 square feet of Office and 12,429 square feet of Commercial; which constitutes a substantial change to the development on the previously-described property; subject to the conditions listed in the staff report.

