

CASE # CDR-18-02-055

Commission District: # 5

GENERAL INFORMATION

APPLICANT	Jay R. Jackson, P.E., Kimley-Horn and Associates, Inc.
OWNER	Adventist Health System / Sunbelt Inc., Colonial Pickett LLC, and Bonneville Picket Retail Partners LLC
PROJECT NAME	Lake Pickett Center Planned Development (PD)
PARCEL ID NUMBERS	23-22-31-0000-00-085, 23-22-31-0000-00-067, 23-22-31-0000-00-008, and 23-22-31-0000-00-084
TRACT SIZE	45.71 gross acres (overall PD) 7.26 gross acres (affected parcels)
LOCATION	Generally located north of State Road 50, east of Bonneville Drive, and west of Lake Pickett Road.
REQUEST	A Change Determination Request (CDR) to amend the current LUP to revise the trip equivalency matrix to include freestanding emergency room and medical office uses, and to convert 60,000 square feet of shopping center uses to 12,500 square feet commercial retail, 81,500 square feet medical office, and 19,523 square feet freestanding emergency room uses based on the proposed trip equivalency matrix.
PUBLIC NOTIFICATION	A notification area extending seven hundred (700) feet was used for this application [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Two-Hundred Eighteen (218) 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 Lake Pickett Center Planned Development (PD) contains 45.71 gross acres, and was originally approved by the Board of County Commissioners (BCC) on June 27, 1988. This PD is approved for 114 single-family units, 296 multi-family units, and 60,000 square feet of commercial development.

Through this PD Change Determination Request (CDR), the applicant is seeking to revise the approved trip equivalency matrix to include freestanding emergency room and medical office uses, and convert 60,000 square feet of shopping center uses to 12,500 square feet commercial retail, 81,500 square feet medical office, and 19,523 square feet free-standing emergency room uses based on the proposed trip

equivalency matrix. This change will result in a net decrease of 286 average daily trips and a net decrease of 132 PM peak hour trips.

Land Use Compatibility

The PD Change Determination Request would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The property's Future Land Use Map (FLUM) designation is Commercial. The request would not affect existing or proposed uses; 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 JPA.

Environmental

Environmental Protection Division (EPD) staff has reviewed the proposed request, but did not identify any issues or concerns. Conservation Area Determination CAD-17-05-061 was issued on April 24, 2018.

Transportation / Concurrency

Transportation Division staff have reviewed the proposed request but did not identify any issues or concerns.

Community Meeting Summary

A community meeting was not required for this application.

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

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 – (May 9, 2018)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Lake Pickett Center Planned Development / Land Use Plan (PD/LUP) dated "Received May 16, 2018", subject to the following conditions:

1. Development shall conform to the Lake Pickett Center PD Land Use Plan (LUP) dated "Received May 16, 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 *," 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. Outside sales, storage, and display shall be prohibited.
7. 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.
8. Pole signs, portable signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code however, all signage shall be restricted to a twenty (20) percent reduction in maximum allowable sign copy area.
9. 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 to the perpetual use of the public.
10. In addition to Code-required buffers, a six-foot high masonry wall shall be provided along the north property line adjacent to any residential use.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 15, 2016 shall apply:

- a. 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.
- b. The developer shall obtain water and wastewater service from Orange County Utilities.
- c. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
- d. The following waivers are being requested:
 - 1) A waiver from Section 38-1258(a) to allow multi-family buildings that are four (4) stories and sixty (60) feet in height to be located sixty (60) feet from single-family internal to the PD, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property shall be restricted to single story in height.
 - 2) A waiver from Section 38-1258(b) to allow multi-family buildings that are four (4) stories and sixty (60) feet in height from single family internal to the PD, in lieu of multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining building being one (1) story or two (2) stories in height.
 - 3) A waiver from Section 38-1258(c) to allow buildings that are four (4) stories and sixty (60) feet in height to be located sixty (60) feet from single-family internal to the PD, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single family zoned property shall not exceed three (3) stories (forty (40) feet) in height.
 - 4) A waiver from Section 38-1258(d) to allow buildings that are four (4) stories and sixty (60) feet in height, in lieu of three (3) stories (forty (40) feet) in height.
 - 5) A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development to be seven (7) feet from single-family zoned property, in lieu of the requirement that parking and other paved areas for multi-family development be located at least twenty-five (25) feet from single-family zoned property.
 - 6) A waiver from Section 38-1258(g) to allow an access from a right-of-way serving a single-family residential development.

- e. If right-of-way is necessary or required on Lake Pickett Road then the applicant shall be required to obtain a road agreement for the portion of right-of-way along Lake Pickett Road.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 27, 1988, shall apply:
- a. No encroachment into the conservation area on site shall be permitted.
 - b. Access points on Lake Pickett Road, State Road 50 and Bonneville Road shall be as follows:
 - 1) Restrict access along State Road 50 to one entrance to commercial area and one to multi-family area.
 - 2) Full intersection improvements will be required at all access points.
 - 3) All outparcels shall have internal access only; no direct access to external roads permitted.
 - c. A 50-foot setback from the normal high water elevation (NHWE) of the natural water body on site is required. The NHWE shall be established by the developer's engineer to the satisfaction of the County Engineer prior to Development Plan submittal.
 - d. A 75-foot building setback along the western boundary of Parcel "A," where adjacent to existing R-1 zoning and/or residential development, shall apply unless adjacent residential zoning is changed to permit non-residential uses prior to Development Plan submittal, in which case, a 25-foot setback shall be required in accordance with minimum requirements of Article XXIX of the Orange County Zoning Resolution.
 - e. The 100-year storm must be retained on site unless a positive outfall is provided. Orange County stormwater management requirements must be met for the project.
 - f. Approval of the project does not constitute approval of the proposed street design, parking design, structures, building pads, and their locations.
 - g. A six foot high concrete wall shall be provided along the west property line, adjacent to the P-O and north of commercial, except when it abuts conservation area and retention pond.
 - h. Recreational facilities shall be provided in accordance with the P-D Ordinance. In addition, a detailed recreation area plan shall be submitted in conjunction with the first residential Development Plan submittal.
 - i. Install wall and landscape buffer along the north and south property line of the entrance road onto Bonneville Road.

- j. The pond adjacent to Bonneville Road shall be constructed as an amenity, such that no fence shall be installed.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(November 15, 2016)*

Upon a motion by Commissioner Edwards, seconded by Commissioner Nelson, and carried with County Mayor Jacobs and Commissioners Nelson, Clarke, Edwards, Siplin, and Boyd voting AYE by voice vote; Commissioner Thompson voting NAY; the Board made a finding of consistency with the Comprehensive Plan and further approved the rezoning request by Thomas Sullivan, Lake Pickett Center Planned Development (PD), Case #LUPA-16-06-219, to add 1.56 acres to the existing PD for a total of 45.71 acres; replace 40,000 square feet of commercial and 50,000 square feet of office with 296 multi-family units; and add multi-family as a permitted use; and further, the six (6) waivers from Orange County Code listed in the staff report.