Interoffice Memorandum



DATE:

September 4, 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:

September 18, 2018 – Public Hearing

Darren Pellegrin, Greeneway Park I, LLC Ginn Property Planned Development Case # CDR-18-05-181 / District 4

The Ginn Property Planned Development (PD) is located north of Lake Nona Boulevard and west of Boggy Creek Road. The existing PD allows for single-family and multifamily residential, commercial, industrial, hotel and office uses on over 1,700 gross acres.

Through this PD substantial change, the applicant is seeking to incorporate a Master Sign Plan for Lots 1-6 within Parcel 4 of the Ginn Property PD. The request includes ground signage and also includes two waivers from Orange County Code.

On August 8, 2018, the Development Review Committee (DRC) recommended approval of the request, subject to conditions.

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 Ginn Property Planned Development / Master Sign Plan dated "Received August 15, 2018", subject to the conditions listed under the DRC Recommendation in the

Staff Report. District 4

Attachments JVW/JS/js

CASE # CDR-18-05-181

Commission District: #4

GENERAL INFORMATION

APPLICANT

Darren Pellegrin, Greeneway Park I, LLC

OWNER

Greenway Park I LLC

PROJECT NAME

Ginn Property Planned Development

PARCEL ID NUMBER

28-24-30-4928-02-000; 28-24-30-4928-06-000; 28-24-30-4928-03-000; 28-24-30-4928-04-000; 28-24-30-4928-05-000

(affected parcels only)

TRACT SIZE

32.04 gross acres (affected parcels only)

LOCATION

Generally located north of Lake Nona Boulevard and west of

Boggy Creek Road

REQUEST

A PD substantial change to incorporate a Master Sign Plan for Lots 1-6 within Parcel 4 of the Ginn Property PD. The request includes ground signage on Lots 1, 3, 4, 5, and 6; and also includes the following two waivers from Orange County Code:

- 1. A waiver from Orange County Code Section 31.5-67(f) to allow three (3) ground signs in lieu of two (2) ground signs on Lot 1 with a right-of-way frontage in excess of four hundred (400) linear feet, provided that any pole signs and ground signs on the parcel shall be separated from each other by a distance of not less than one hundred (100) feet, and that any ground sign shall be separated from any other ground sign on the parcel by a distance of not less than one hundred (100) feet.
- 2. A waiver from Orange County Code Section 31.5-15(a)(1) to allow for copy area for Lot 2 on the multi-tenant ground sign, in lieu of no ground sign copy area for Lot 2 due to its lack of right-of-way frontage.

PUBLIC NOTIFICATION

A notification area extending beyond one thousand five hundred (1,500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Twenty-eight (28) 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 Ginn Property PD was originally approved on July 9, 2002 and provided for single-family and multi-family residential, commercial, industrial, hotel, office, and park space as well as conservation areas on over 1,700 gross acres.

Through this PD substantial change, the applicant is seeking to incorporate a Master Sign Plan for Lots 1-6 within Parcel 4 of the Ginn Property PD. The request includes ground signage on Lots 1, 3, 4, 5, and 6, as well as two (2) waivers from Chapter 31.5 of the Orange County Code.

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 - Low Density Residential / Low-Medium Density Residential / Medium Density Residential / Commercial / Office / Industrial / Public Recreation - Open Space / Conservation (PD-LDR/LMDR/MDR/C/O/IND/PR-OS/CON). The proposed PD substantial change is consistent with this designation and all applicable CP provisions; therefore, the request is consistent with the Comprehensive Plan.

Overlay District Ordinance

The subject property is not in 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.

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 (CRC) prior to approval of the plat. 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.

Community Meeting Summary

A community meeting was not required for this request.

Schools

Orange County Public Schools (OCPS) reviewed the proposed request and determined that the request would not impact school concurrency.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the PD substantial change 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 – (August 8, 2018)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Ginn Property Planned Development / Master Sign Plan dated "Received August 15, 2018", subject to the following conditions:

- 1. Development shall conform to the Ginn Property PD Land Use Plan (LUP) / Ginn Property PD dated "Received July 8, 2016," and, for Parcel 4 only, to the Master Sign Plan (MSP) dated "Received August 15, 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, or, for Parcel 4 only, the Master Sign Plan (MSP), dated "Received August 15, 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. Pole signs and billboards shall be prohibited. Fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- 7. A waiver from Orange County Code Section 31.5-67(f) is granted to allow three (3) ground signs in lieu of two (2) ground signs on Lot 1 with a right-of-way frontage in excess of four hundred (400) linear feet, provided that any pole signs and ground signs on the parcel shall be separated from each other by a distance of net less than one hundred (100) feet, and that any ground sign shall be separated from any

other ground sign on the parcel by a distance of not less than one hundred (100) feet.

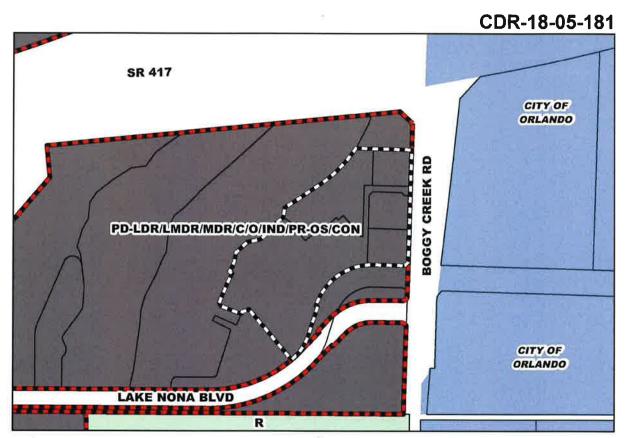
- 8. A waiver from Orange County Code section 31.5-15(a)(1) is granted to allow for copy area for Lot 2 on the multi-tenant ground sign, in lieu of no ground sign copy area for Lot 2 due to its lack of right-of-way frontage.
- 9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 20, 2016 shall apply:
 - a) The project shall comply with the terms and conditions of the Ginn Development of Regional Impact Developer's Agreement and the Boggy Creek Bridge Agreement, as both may be amended from time to time.
 - b) 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.
 - c) 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).
 - d) The following waivers from Orange County Code are granted for development within PD Parcels 1a, 1b, 4, 5, and 6 only:
 - 1) A waiver from Section 38-1251(b) to allow a maximum Impervious Surface Ratio (ISR) of 0.55 for residential use, in lieu of a maximum ISR of 0.30;
 - 2) A waiver from Section 38-1272(a)(5) to allow a maximum non-residential height of fifty (50) feet, or one-hundred twenty (120) feet for hotel use, in lieu of a maximum height of fifty (50) feet or thirty-five (35) feet when within one-hundred (100) feet of any residential district (internal or external to the PD); and
 - 3) A waiver from Section 38-1327 to allow a maximum Impervious Surface Ratio (ISR) of 0.85 for commercial, industrial and office uses, in lieu of a maximum ISR of 0.70.
 - e) Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 20, 2015, shall apply:
 - 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. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.

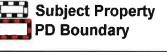
- 2) Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
- Public right-of-way access for the required interconnection between Greeneway Park DRI and Boggy Creek Enclave PO to the south shall be provided from a point on Beacon Park Blvd. through Parcel 1B within the Greeneway Park DRI to the right-of-way stub-out provided in the Boggy Creek Enclave PD. The 50-foot wide right-of-way shall be dedicated to Orange County prior to the issuance by Orange County of any Certificate(s) of Occupancy, whether temporary or permanent, for improvements on Parcel 1B totaling more than 40% of the total permitted Development Program within Parcel 18, as measured by the total number of traffic trips associated with such Parcel 18 Development Program. The 50-foot wide dedicated right-of-way is not an impact fee eligible dedication or road. Therefore, road impact fee credits shall not be issued for such dedication. Traffic trips and the Development Program for the Greeneway Park DRI. including for Parcel 18, shall not be reduced, altered, or diminished by, or because of, traffic trips entering the Greeneway Park DRI to or from the Boggy Creek Enclave PD; such provision shall be memorialized by a duly approved amendment to the Development Order for the Greeneway Park DRI.
- f) Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 7, 2014, shall apply:
 - 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 platting. Nothing in this condition, and nothing in the decision to approve this 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.
 - 2) The Developer shall obtain water (except Parcels 4 & 5), wastewater and reclaimed water service from Orange County Utilities.
 - 3) Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5.
 - 4) Outdoor sales, storage, and display shall be prohibited.
 - 5) A waiver from Orange County Code Section 38-1272(a) (i) is granted to allow for a maximum I.S.R. of 0.85 (eighty-five percent), in lieu of a maximum I.S.R. of 0.70 (seventy percent).
- g) Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 28, 2009, and July 9, 2002 shall apply:

- Master stormwater, water, reclaim water and wastewater plans including preliminary calculations shall be submitted and approved prior to approval of construction plans.
- 2) Pole signs are prohibited. Any existing billboards shall be removed prior to PSP or DP approvals. Ground signs and facia signs shall be permitted per Ch. 31.5.
- 3) All commercial uses within the PD shall comply with the Commercial Design Standards Ordinance. Industrial and Office uses shall comply with the lighting standards established in the Commercial Design Standards Ordinance.
- 4) Developer shall comply with Airport Noise Ordinance 2000-07.
- 5) Prior to platting any residential property adjacent to Park P-1, this tract shall be dedicated at no cost to Orange County.
- 6) Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
- 7) Prior to the mass grading of Parcel 5, a 6 foot high PVC fence shall be constructed along the south property line of Parcel 5. However, if the property to the south is rezoned to non-residential uses prior to that time, the fence is not required.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (September 20, 2016)

Upon a motion by Commissioner Thompson, seconded by Commissioner Boyd, and carried by all present members, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by John T. Townsend, Donald W. McIntosh Associates, Inc., Ginn Property Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-04-142, for three waivers from Orange County Code, and applicable to PD Parcels 1a, 1b, 4, 5, and 6 only.







* Subject Property

Future Land Use Map

FLUM:

Planned Development - Low Density Residential / Low-Medium Density Residential/ Medium Density Residential / Commercial / Office / Industrial / Public Recreation - Open Space / Conservation

(PD-LDR/LMDR/MDR/C/O/IND/PR-OS/CON)

APPLICANT: Darren Pellegrin,

Greeneway Park I, LLC

LOCATION: Generally located north of Lake Nona Blvd

and west of Boggy Creek Road.

TRACT SIZE: 32.04 gross acres

DISTRICT: #4

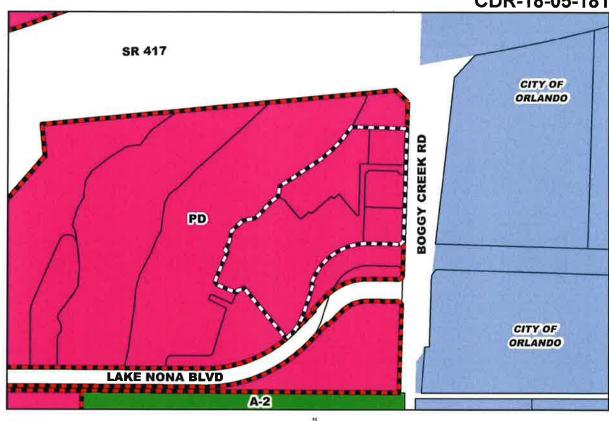
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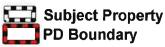
21/24/30, 28/24/30, 29/24/30, 33/24/30

1 inch = 425 feet











Subject Property

Zoning Map

ZONING: Planned Development - Ginn Property PD

APPLICANT: Darren Pellegrin,

Greeneway Park I, LLC

LOCATION: Generally located north of Lake Nona Blvd

and west of Boggy Creek Road.

TRACT SIZE: 32.04 gross acres

DISTRICT: #4

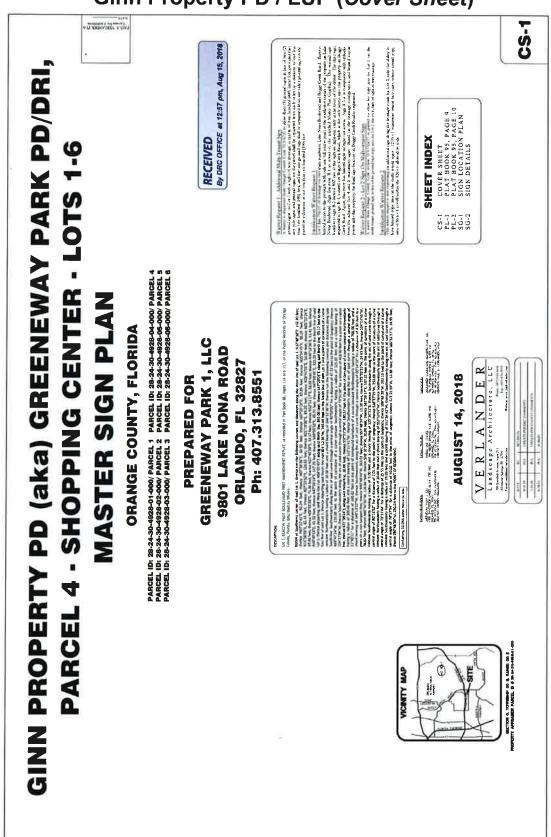
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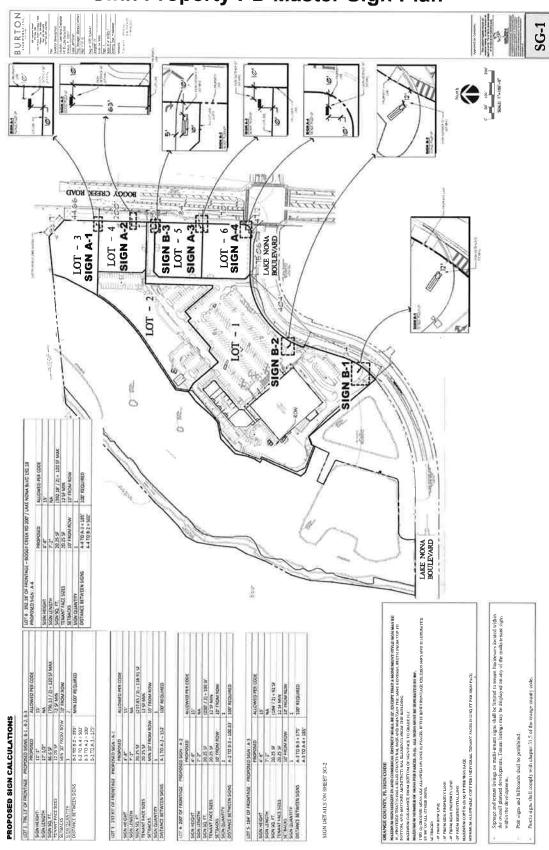
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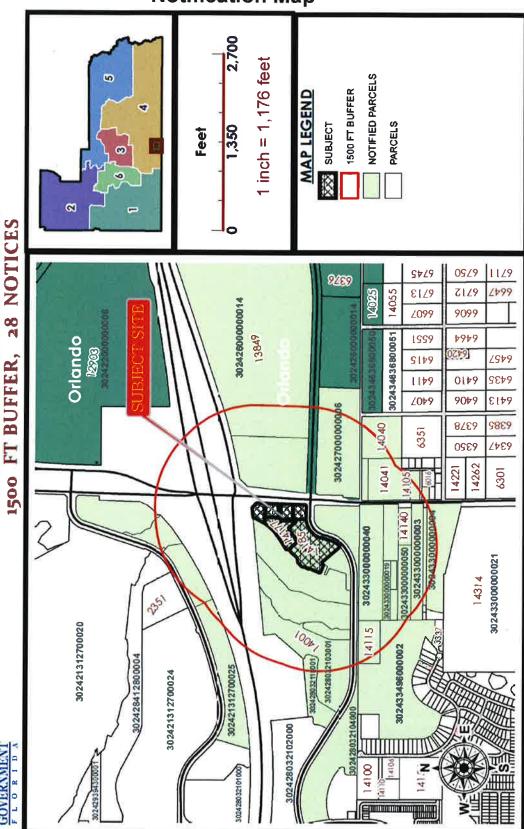
Ginn Property PD / LUP (Cover Sheet)



Ginn Property PD Master Sign Plan



Notification Map





Public Notification Map

≥8 NOTICES