



Interoffice Memorandum

DATE: January 30, 2019

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director *JVW*
Planning, Environmental and Development
Services Department

CONTACT PERSON: **Eric Raasch, Interim DRC Chairman**
Development Review Committee *EPR*
Planning Division
(407) 836-5523

SUBJECT: February 26, 2019 – Public Hearing
Appellant: A. Kurt Ardaman, Fishback Dominick
Applicant: James Monica, P.E., Harris Civil Engineers, LLC
Orangewood N-1 Planned Development / N-1 Westwood
Preliminary Subdivision Plan / Parcel 4 – Westwood Hotel
Development Plan
Case # DP-18-01-017

This public hearing is to consider an appeal of the Development Review Committee's (DRC) decision of October 24, 2018 for the Orangewood N-1 Planned Development (PD) / N-1 Westwood Preliminary Subdivision Plan (PSP) / Parcel 4 – Westwood Hotel Development Plan (DP), to approve the development plan for construction of a 299 room hotel.

The appellant has not indicated the reason for appealing the DRC decision.

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 DP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Uphold the DRC action of October 24, 2018 and approve the Development Plan for construction of a 299 room hotel, subject to the DRC-recommended conditions in the staff report. District 1**

JVW/EPR/lme
Attachments

CASE # DP-18-01-017

Commission District # 1

1. REQUEST

This public hearing is to consider an appeal of the Development Review Committee's (DRC) decision of October 24, 2018 for the Orangewood N-1 Planned Development (PD) / N-1 Westwood Preliminary Subdivision Plan (PSP) / Parcel 4 – Westwood Hotel Development Plan (DP), to approve construction of a 299 room hotel.

The appellant has not indicated the reason for appealing the DRC decision. Per Orange County Code Sec. 38-1203(3)d, any aggrieved party can appeal a decision of the DRC.

2. PROJECT ANALYSIS

- A. Location: North of Westwood Boulevard / South of State Road 528
- B. Parcel ID: 12-24-28-9655-00-024
- C. Total Acres: 5.0
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: Lester Mandell Park – 3.8 miles
- I. Proposed Use: 299 Room Hotel
- J. Site Data: Maximum Building Height: 200'
Building Setbacks:
 - 30' West Entrance Drive
 - 40' Westwood Boulevard
 - 30' Lot 2 (side facing)
 - 75' State Road 528
- K. Fire Station: 54 – 6500 Central Florida Parkway
- L. Transportation: This development is vested from transportation concurrency under vested rights certificate 93-142.

3. SPECIAL INFORMATION

The proposed Development Plan meets all required County standards and was recommended for approval by the Development Review Committee on October 24, 2018. Prior to Certificate of Occupancy, a cross-access easement on the northern portion of the property will be required. The purpose of the cross-access easement is to accommodate a future at-grade Convention Center connector road to the east.

The appellant, Kurt Ardaman, has not provided an explanation regarding the reasons for appealing this Development Plan.

4. COMPREHENSIVE PLAN

The affected property has an underlying Future Land Use Map (FLUM) designation of Activity Mixed Use Commercial (ACMU) and is zoned as the Orangewood N-1 PD. The request is consistent with the Comprehensive Plan.

5. ZONING

PD (Planned Development District) (Orangewood N-1 PD)

6. REQUESTED ACTION:

Uphold the DRC action of October 24, 2018 and approve the Development Plan for construction of a 299 room hotel, subject to the following DRC-recommended conditions:

1. Development shall conform to the Orangewood N-1 Planned Development; Orange County Board of County Commissioners (BCC) approvals; N-1 - Westwood at Orangewood Preliminary Subdivision Plan; BCC approvals; Parcel 4 Westwood Hotel Development Plan dated "Received October 8, 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. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas required shall be shown on all plans and shall be conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to building certificate of occupancy.
8. Prior to Certificate of Occupancy, the necessary road right-of-way or easement(s) at the corner of Westwood Boulevard and West Entrance Drive to accommodate the existing sidewalk and signal pole shall be dedicated to the county.
9. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
10. 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).
11. 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.
12. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.

13. 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 DP, and that construction plans are consistent with an approved and up-to-date Master Utility Plan for the PD.
14. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system accommodates this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
15. Outside sales, storage, and display shall be prohibited.
16. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 Tourist Commercial standards of the Orange County Code.
17. Prior to construction plan approval, documentation shall be provided that this project has the legal right to tie into the master drainage system.
18. Prior to the issuance of any Certificate of Occupancy, a cross-access easement on the northern portion of the property as shown on the development plan dated "received October 8, 2018," shall be dedicated to the county.

4.999 ACRES
12-24-20-20-9555-00-024
239 ROOM HOTEL
1,092 TRIPS PER TRIP GENERATION RATES - 10TH EDITION (see traffic study)
1.000 TRIPS PER ROOM PER DAY
2.0 (PER PSP) PROVIDED: 6.68 ACRES/4.999 = 1.34
MINIMUM REQUIRED: 1.2487 ACRES (25% PER SEC. 38-1234)
1.000 ACRES
TYPE B = 0.3269 ACRES
TOTAL PROVIDED: 1.5578 ACRES (31.6%)

MAX. ALLOWED (SEC. 38-1232): 3.4983 ACRES (70%)
PROPOSED SIDEWALKS: 2,207 AC (441.5%)
PROPOSED ASPHALT: 2,207 AC (441.5%)
PROPOSED SIDEWALK/CONCRETE: 0.2467 AC (4.93%)
PROPOSED PDC. AND DECK: 0.2255 AC (4.51%)
PROPOSED TOTAL IMPROVEMENTS: 3.4412 AC (68.5%)

MAXIMUM BUILDING HEIGHT: 200' (MAX) 160' (PROPOSED BUILDING HEIGHT)

MINIMUM REQUIRED: 199 TOTAL (INCLUDES 7 ADA ACCESSIBLE SPACES)
239 HOTEL ROOMS
199 SPACES REQUIRED (81 SPACE PER 1.5 ROOM)

PROVIDED:

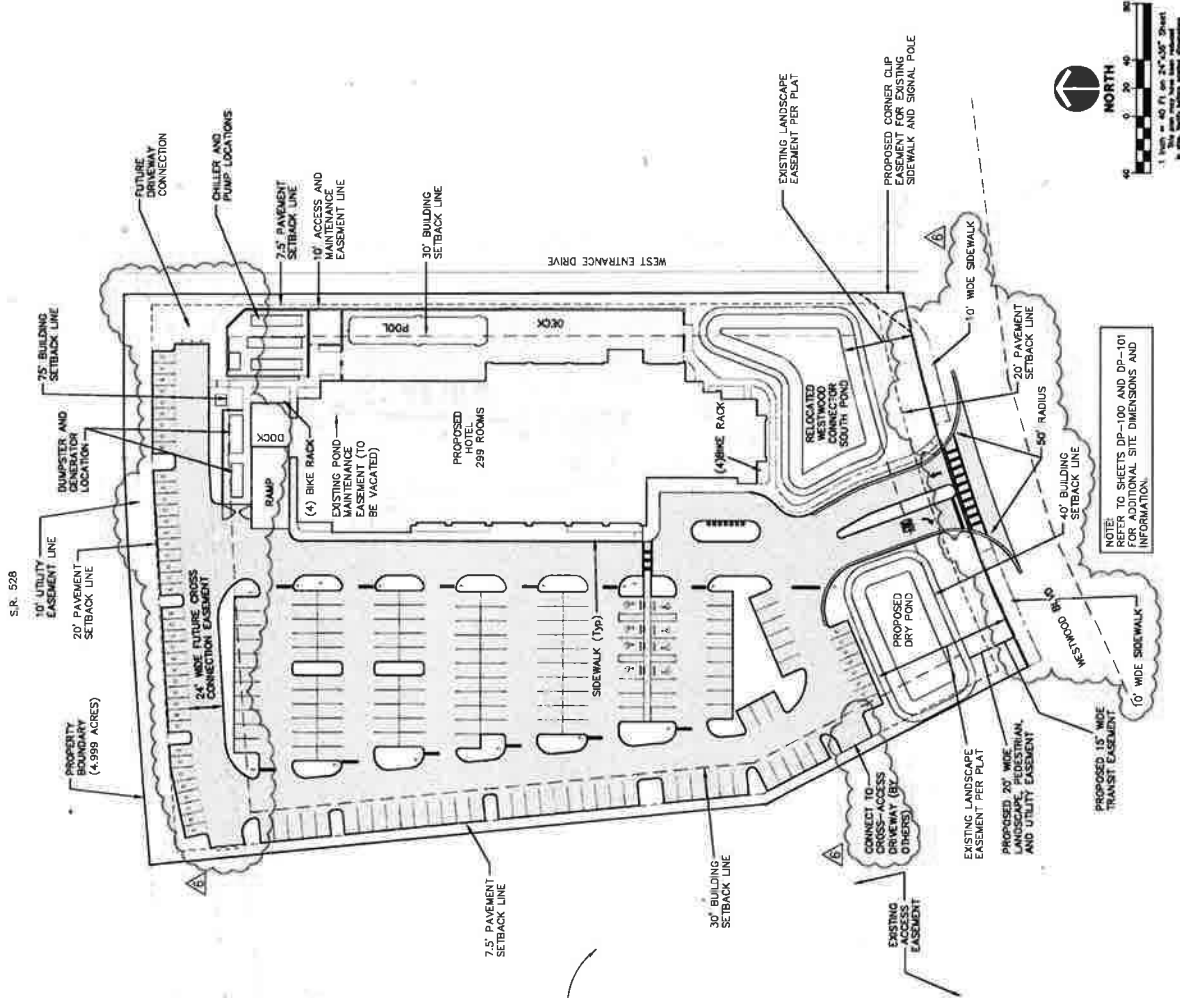
154	REGULAR SPACES (10'x18')
7	ADA SPACES (10'x18')
8	ADA ACCESSIBLE SPACES
209	TOTAL SPACES PROVIDED

8 BICYCLE SPACES PROVIDED ON SITE, (4) IN EACH BIKE RACK
NOTE:
UNUTILIZED ONLY FOR HOTEL GUESTS.

WEST ENTRANCE DRIVE: 30' (BLDG) 7.5' (PAVEMENT)
WESTWOOD BOULEVARD: 40' (BLDG) 20' (PAVEMENT)
N. 10TH STREET: 40' (BLDG) 20' (PAVEMENT)
STATE ROAD 528: 75' (BLDG) 20' (PAVEMENT)

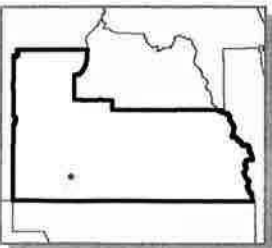
IMPERVIOUS AREAS:
PARKING (SEC 38-1476)

BUILDING SETBACKS:



NOTE: REFER TO SHEETS DP-100 AND DP-101 FOR ADDITIONAL SITE DIMENSIONS AND INFORMATION.

1. PLANS MUST MEET COMPLIANCE WITH THE COMMERCIAL DESIGN STANDARDS SET FORTH IN ARTICLE XII OF CHAPTER 9 OF THE ORANGE COUNTY CODE.
2. IN ACCORDANCE WITH SECTION 38-1227, ANY VARIATIONS FROM COUNTY CODE SHALL BE SUBMITTED TO THE BOARD OF SUPERVISORS THAT HAVE NOT BEEN EXPRESSLY APPROVED BY THE BOC ARE INVALID.
3. BILLBOARDS AND POLE SIGNS SHALL BE PROHIBITED. GROUND AND STRUCTURE SHALL BE IN COMPLIANCE WITH ORANGE COUNTY CODE 31.5 TOURIST COMMERCIAL STANDARDS.
4. ELEVATIONS SHOWN HEREON BASED OFF THE NORTH AMERICAN DATUM OF 1988 (NAVD 88).
5. ALL CONSTRUCTION DETAILS ARE CONCEPTUAL AND SUBJECT TO REVIEW AND MODIFICATION DURING THE COURSE OF FINAL CONSTRUCTION PLANS.



**Orangewood N-1 PD / N-1 Westwood PSP
/ Parcel 4 - Westwood Hotel DP**



Parcels



Subject Property

Jurisdiction



Hydrology

1 : 900
1 in : 75 ft