





## Interoffice Memorandum

DATE: February 19, 2019

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

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

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

SUBJECT: March 12, 2019 – Public Hearing  
Tara Tedrow, Lowndes, Drosdick, Doster, Kantor & Reed, P.A  
Colonial Sunflower Planned Development  
Case # CDR-18-05-152 / District 4

The Colonial Sunflower Planned Development (PD) is located at 14910 Old Cheney Highway, or generally south of E. Colonial Drive and east of Avalon Park Boulevard. The existing PD development program allows for 1,879 dwelling units and 164,445 square feet of commercial use.

Through this PD substantial change, the applicant is seeking to amend the PD to permit the outdoor storage of boats, recreational vehicles (RV), trailers, and vehicles, but not the rental or display of rental vehicles, including heavy-duty / moving trucks on the southeast portion of commercial Parcel 4 as an ancillary use to the approved self-storage facility. All other uses within the commercial tract shall be limited to C-1 (Retail Commercial District) uses only.

On January 9, 2019, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

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 Colonial Sunflower Planned Development / Land Use Plan (PD/LUP) dated “Received December 14, 2018”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

Attachments  
JVW/EPR/nt

**CASE # CDR-18-05-152**

Commission District: #4

**GENERAL INFORMATION**

|                            |   |
|----------------------------|---|
| <b>APPLICANT</b>           | Tara Tedrow, Lowndes, Drosdick, Doster, Kantor & Reed, P.A  |
| <b>OWNER</b>               | JSF Avalon Park Boulevard CMPI LLC  |
| <b>PROJECT NAME</b>        | Colonial Sunflower Planned Development (PD)   |
| <b>PARCEL ID NUMBER</b>    | 24-22-31-0280-01-000 (affected parcel)  |
| <b>TRACT SIZE</b>          | 473.97 gross acres (overall PD)<br>7.77 gross acres (affected parcel)   |
| <b>LOCATION</b>            | 14910 Old Cheney Highway, or generally south of E. Colonial Drive and east of Avalon Park Boulevard.  |
| <b>REQUEST</b>             | A PD substantial change to amend the PD to permit the outdoor storage of boats, recreational vehicles (RV), trailers, and vehicles, but not the rental or display of rental vehicles, including heavy-duty / moving trucks on the southeast portion of commercial Parcel 4 as an ancillary use to the approved self-storage facility. All other uses within the commercial tract shall be limited to C-1 uses only. |
| <b>PUBLIC NOTIFICATION</b> | A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred twenty-eight (128) 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 Colonial Sunflower Planned Development (PD) contains approximately 474 gross acres generally located south of East Colonial Drive (SR 50), east and west of Avalon Park Boulevard. The overall PD has existing land use entitlements for 1,879 dwelling units and 164,445 square feet of commercial use.

Through this PD substantial change, the applicant is seeking to amend the PD to permit the outdoor storage of boats, recreational vehicles (RV), trailers, and vehicles, but not the rental or display of rental vehicles, including heavy-duty / moving trucks on the southeast portion of commercial Parcel 4 as an ancillary use to the approved self-

storage facility. All other uses within the commercial tract shall be limited to C-1 (Retail Commercial District) uses only.

No change to the overall development program is proposed with this request. At the DRC meeting on January 9, 2019, the DRC opted to delete condition 12.b from June 27, 1995, which read as follows:

*Uses within the commercial tract shall be limited to C-1 uses only. Outside storage and/or display shall be prohibited.*

DRC and replaced that language with new condition #7 which now reads:

*Uses within the commercial tract shall be limited to C-1 uses and outdoor storage and/or display shall be prohibited with the exception of the southern portion of commercial Parcel 4 which shall permit outdoor storage of boats, recreational vehicles (RV), trailers, and vehicles, but not the rental or display of U-hauls or moving trucks. Any such boats, RVs, and/or vehicles stored outdoors on Parcel 4 must be able to fit within the dimensions of a standard vehicle parking space.*

**Land Use Compatibility**

The proposed PD change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

**Comprehensive Plan (CP) Consistency**

The Colonial Sunflower PD has an underlying Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR) and Commercial (C). The request is consistent with the Comprehensive Plan.

**Overlay 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**

All previously approved EPD findings and conditions of approval for this PD apply.

**Transportation Concurrency**

This development is vested from transportation concurrency under vested rights certificate 05-321. The project is vested for 192 mobile homes, 832 multi-family units, 715 single-family units and 170,340 square feet of commercial uses.

**Community Meeting Summary**

A community meeting was not required for this request.

**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 – (January 9, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Colonial Sunflower Planned Development / Land Use Plan (PD/LUP), dated “December 14, 2018”, subject to the following conditions:**

1. Development shall conform to the Orangewood Center PD Land Use Plan (LUP) dated "Received December 14, 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 December 14, 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 / 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. The applicant shall dedicate a 10-foot easement corridor for Lighting, Pedestrian, Slope and Fill, and Drainage along the frontage of North Avalon Park Boulevard from this project via subdivision plat or separate instrument.
7. Uses within the commercial tract shall be limited to C-1 uses and outdoor storage and / or display shall be prohibited with the exception of Southeast portion of commercial Parcel 4 which shall permit outdoor storage of boats, recreational vehicles (RV), trailers, and vehicles, but not the rental or display of rental vehicles,

including heavy-duty/ moving trucks. Any such boat, RV, trailer, and / or vehicle stored outdoors on Parcel 4 must be able to fit within the dimensions of a standard vehicle parking space.

8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 12, 2016 shall apply:
  - a. A waiver from Section 38-1258(j), applicable to PD Parcel B – Grandeville at Avalon Park DP, Buildings 13 through 17 only, is granted to allow a minimum multi-family residential building separation of 25 feet for two-story buildings where doors, windows, or other openings in the wall of a living unit back up to a wall of another building with doors, windows, or other openings; in lieu of a minimum separation of 30 feet.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 4, 2015, shall apply:
  - a. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
  - b. Short term rental for a period of less than 180 days is prohibited.
  - c. 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 approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / 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.
  - d. 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.
  - e. 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).
  - f. The following waivers from Orange County Code, applicable to "PD Parcel J" only, are granted:
    - 1) A waiver from Section 38-79(20)(f) to allow a maximum of 50 percent of the buildings to be four (4) units, in lieu of a maximum of 25 percent of the buildings to be four (4) units; and

- 2) A waiver from Section 38-79(20)(j) to allow a minimum distance of 40 feet rear-to-rear between buildings, in lieu of a minimum distance of 60 feet rear-to-rear between buildings.
  - g. An updated Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
  - h. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
  - i. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 4, 2005, shall apply:
- a. The developer shall obtain water and wastewater services from Orange County Utilities.
  - b. The master stormwater management plan shall be modified to include this additional property.
  - c. Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of September 23, 2003 (executed October 16, 2003), and is on file with the Orange County Planning Division.
    - 1) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Public Education Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 2 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Public Education Agreement. The developer and its successor or assign under the Public Education Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
    - 2) Developer, or its successor or assign under the Public Education Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights.



- 3) Orange County shall be held harmless by the developer and its assigns under the Public Education Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Public Education Agreement.
- d. The following modifications to the existing Colonial Sunflower PD shall also be granted:
  - 1) Convert 40 mobile home units within the Colonial Sunflower PD West Village to 40 units of multi-family.
  - 2) Reduce approved commercial square footage from 196,000 square feet to 164,445 square feet.
  - 3) Change institutional zoning (Parcel 3 and 4) to commercial zoning without increasing overall commercial building square footage.
- 11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 5, 2001, shall apply:
  - a. All multi-family development in Parcel E shall be restricted to single story within 100 feet of single-family construction.
  - b. A 25-foot buffer shall be maintained along the southern boundary line of Parcel E.
  - c. No access through the Deerwood Mobile Home Park shall be permitted without written approval.
- 12. Except as amended, modified, and / or superseded, the following BCC Condition of Approval, dated March 2, 1999, shall apply:
  - a. The landscape berm shall be ten feet (10') wide by three feet (3') high and shall have a six foot (6') PVC solid fence on top.
- 13. Except as amended, modified, and / or superseded, the following BCC Condition of Approval, dated August 26, 1997, shall apply:
  - a. A landscaped berm, ten feet (10') wide by eight feet (8') high, 80 percent opaque and irrigated, shall be placed along the southwest portion of the property.
- 14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 27, 1995, shall apply:
  - a. In the event that this is not a certified affordable housing project, the minimum lot size in Villages G and H shall be ½ acre.
  - b. Building setbacks from Old Cheney Highway shall be a minimum of 55 feet from center line or 35 feet from the right-of-way line, whichever is greater.

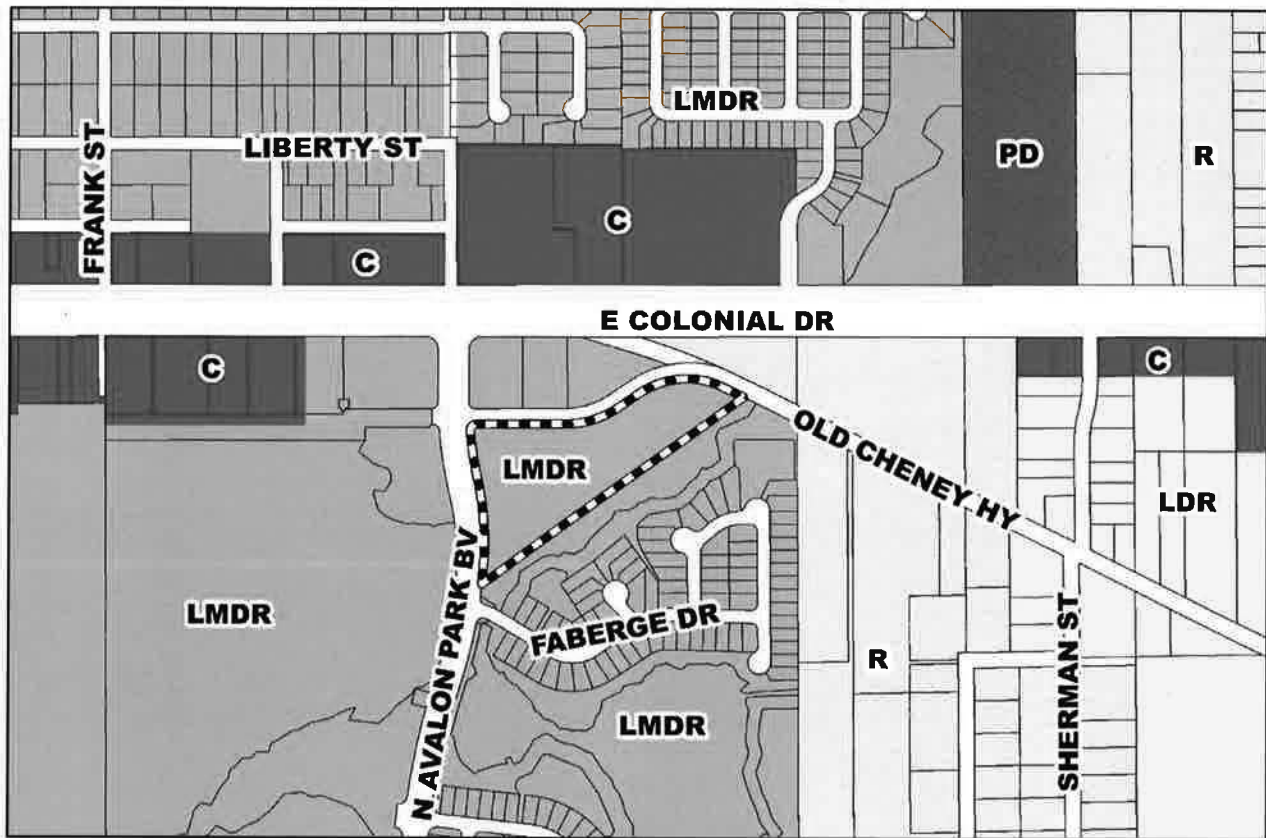
- c. Building setbacks from State Road 50 shall be a minimum of 150 feet from the centerline or 50 feet from the right-of-way line, whichever is greater.
- d. The commercial Tract fronting on Colonial Drive shall be limited to 15 acres and a maximum of 196,000 square feet.
- e. Recreation facilities shall provide construction concurrent with each phase of development for the central park facility prior to the 600th unit.
- f. A minimum 25 foot setback shall be provided along the perimeter of the Planned Development unless a more restrictive setback would apply.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (July 12, 2016)**

Upon a motion by Commissioner Thompson, seconded by Commissioner Boyd, and carried with all members voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Plan; and approved the request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report; and further, approved the new condition of approval.

## Future Land Use Map

CDR-18-05-152



Subject Property



Subject Property

### Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Tara Tedrow, Lowndes, Drosdick, Doster, Kantor & Reed, P.A

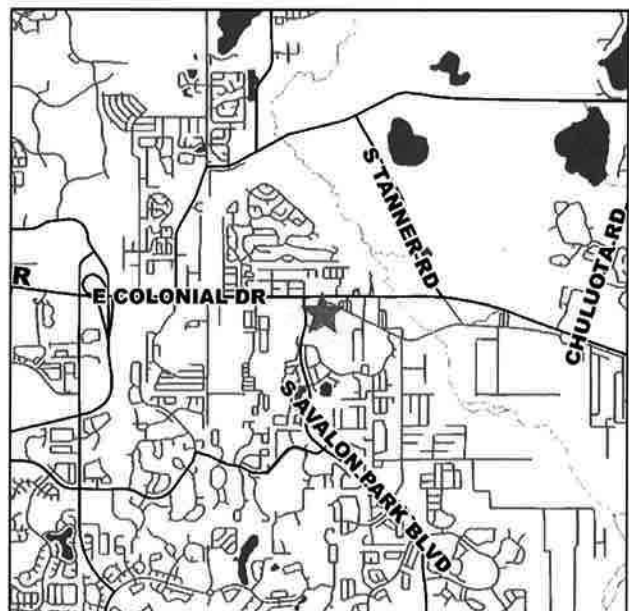
LOCATION: 14910 Old Cheney Highway, or generally south of E. Colonial Drive and east of Avalon Boulevard

TRACT SIZE: 7.77 gross acres

DISTRICT: # 4

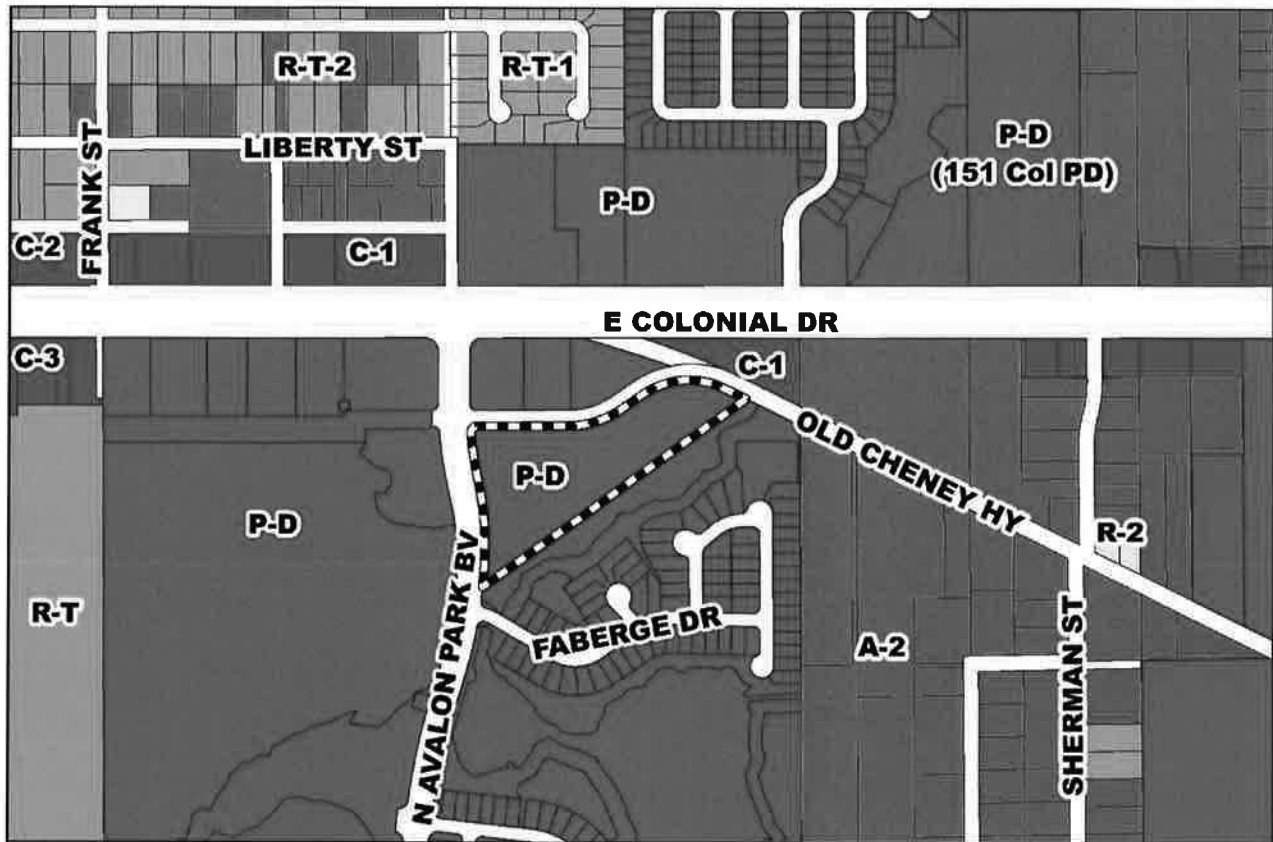
S/T/R: 24/22/31

1 inch = 625 feet



## Zoning Map

CDR-18-05-152



Subject Property



Subject Property

### Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Tara Tedrow, Lowndes, Drosdick, Doster,  
 Kantor & Reed, P.A

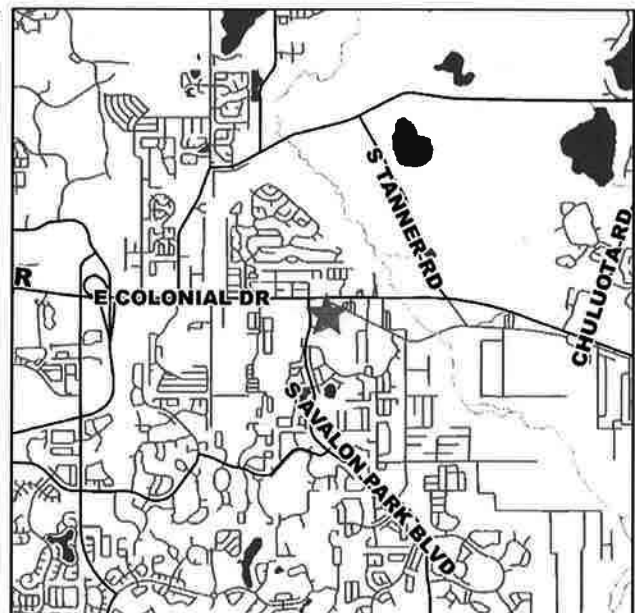
LOCATION: 14910 Old Cheney Highway, or generally  
 south of E. Colonial Drive and east of  
 Avalon Boulevard

TRACT SIZE: 7.77 gross acres

DISTRICT: # 4

S/T/R: 24/22/31

1 inch = 625 feet



## Aerial Map

CDR-18-05-152



 Subject Property



1 inch = 350 feet



# Colonial Sunflower PD / LUP (Cover Sheet)

[illegible]



## Notification Map

