

**CASE # CDR-18-08-251**

Commission District: # 1

**GENERAL INFORMATION**

<b>APPLICANT</b>	John Florio, Donald W. McIntosh Associates, Inc.
<b>OWNER</b>	Bonnet Creek Resort Community Development District
<b>PROJECT NAME</b>	Bonnet Creek Resort Planned Development
<b>PARCEL ID NUMBER</b>	32-24-28-0825-00-000 ( <i>affected parcel only</i> )
<b>TRACT SIZE</b>	481.97 gross acres ( <i>overall PD</i> ) 21.59 gross acres ( <i>affected parcel only</i> )
<b>LOCATION</b>	Chelonia Parkway; or generally located south of E. Buena Vista Drive, west of Interstate 4, and north of the Orange County / Osceola County Line.
<b>REQUEST</b>	A Change Determination Request (CDR) to add a Master Sign Plan to the PD Land Use Plan.

In addition, the applicant has requested the following signage related waivers from Orange County Code:

1. A waiver from Section 31.5-166(B) to allow a 25-foot high ground sign in lieu of the 10-foot maximum height resulting in a 15-foot additional sign height.

***Applicant Justification:*** *In order to be consistent with signage across the street, additional height is necessary for visibility.*

2. A waiver from Section 31.5-172 to allow a 12-foot high directional sign in lieu of the 8-foot maximum height resulting in a 4-foot additional sign height.

***Applicant Justification:*** *The 12-foot high directional sign is proportional to the roadway and provides better visibility for visitors to Orange County.*

3. A waiver from Section 31.5-166 to allow a 53-foot separation between ground signs in lieu of the 100-foot minimum separation resulting in a 47-foot reduction in ground sign separation.

***Applicant Justification:*** *In order to be consistent with the signage along Buena Vista Drive, additional signage at the*

*entrance is needed for visibility and beautification of the entrance.*

4. A waiver from Section 31.5-166(A) to allow 216.5 square feet of copy area per ground sign in lieu of the 80 square feet of copy area allowable resulting in 136.5 square feet additional copy area per ground sign.

***Applicant Justification:*** *In order to be consistent with signage across the street, additional copy area is necessary for visibility.*

5. A waiver from Section 31.5-166(A) to allow 138.6 square feet of copy area per ground sign in lieu of the 80 square feet copy area allowable resulting in 58.6 square feet additional copy area per ground sign.

***Applicant Justification:*** *In order to be consistent with signage across the street, additional copy area is necessary for visibility.*

6. A waiver from Section 31.5-166(D) to allow 3 entrance ground signs in lieu of 1 ground entrance sign resulting in 2 additional ground entrance signs.

***Applicant Justification:*** *In order to be consistent with the signage along Buena Vista Drive, additional signage at the entrance is needed for visibility and beautification of the entrance.*

7. A waiver from Section 31.5-172(D) to allow less than 51% of directional logo resulting in 8% directional information.

***Applicant Justification:*** *Visibility of sign to visitors of Orange County.*

8. A waiver from Section 31.5-172(D) to allow less than 51% of directional logo resulting in 39% directional information.

***Applicant Justification:*** *Visibility of sign to visitors of Orange County.*

9. A waiver from Section 31.5-172(A) to allow 43.75 square feet per sign face in lieu of 6 square feet per sign face resulting in an additional 37.75 square feet copy area per sign.

***Applicant Justification:*** *Visibility of sign to visitors of Orange County.*

10. A waiver from Section 31.5-172(A) to allow 6.25 square feet per sign face in lieu of 6 square feet per sign face resulting in an additional 0.25 square feet copy area per sign.

***Applicant Justification:*** *Visibility of sign to visitors of Orange County.*

**PUBLIC NOTIFICATION** A notification area extending beyond one thousand (1,000) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Forty-four (44) 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 Bonnet Creek Resort PD was originally approved by the Board of County Commissioners (BCC) in 1997 and currently allows for a mix of 2,450 hotel rooms with 300,000 square feet of ancillary conference center space; 1,595 timeshare units; 1,000 square feet of commercial uses; and an 18-hole golf course with ancillary uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to add a Master Sign Plan (MSP) to the PD Land Use Plan. This MSP includes all signage, including signage on properties located adjacent to Chelonia Parkway, shown on the MSP approved administratively by Orange County on April 3, 2015.

Additionally, ten (10) signage related waivers are requested pertaining to sign height and face, separation, copy area, and directional logos. These waivers are only for signage located within Chelonia Parkway and do not apply to signage located outside of the Parkway.

### **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 Activity Center Mixed Use (ACMU). The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

### **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)**

Though the subject property is not located within a JPA, as this property is located adjacent to the City of Bay Lake and the Reedy Creek Improvement District, notice of the public hearing was sent to the City and District through the County's normal notice procedures.

**Environmental**

Environmental Protection Division (EPD) staff has reviewed the proposed request, but did not identify any issues or concerns. EPD does note that the applicant has stated that the installation of any new signage would not require impacts to wetlands.

**Transportation / Concurrency**

The current request is for signage only, and will not result in additional trips within the PD. 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 issuance of the initial certificate of occupancy. Nothing in the decision to approve this change determination shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or CRC.

**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 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 23, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Bonnet Creek Resort Planned Development / Land Use Plan (PD/LUP), dated "February 4, 2019", subject to the following conditions:**

1. Development shall conform to the Bonnet Creek Resort PD Land Use Plan (LUP) dated "Received February 4, 2019," 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 February 4, 2019," 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. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
7. 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.
8. The following waivers from Orange County Code are granted:
  - a. A waiver from Section 31.5-166(B) to allow a 25-foot high ground sign, in lieu of the 10-foot maximum height resulting in a 15-foot additional sign height.
  - b. A waiver from Section 31.5-172 to allow a 12-foot high directional sign, in lieu of the 8-foot maximum height resulting in a 4-foot additional sign height.
  - c. A waiver from Section 31.5-166 to allow a 53-foot separation between ground signs, in lieu of the 100-foot minimum separation resulting in a 47-foot reduction in ground sign separation.
  - d. A waiver from Section 31.5-166(A) to allow 216.5 square feet of copy area per ground sign, in lieu of the 80 square feet of copy area allowable resulting in 136.5 square feet additional copy area per ground sign.
  - e. A waiver from Section 31.5-166(A) to allow 138.6 square feet of copy area per ground sign, in lieu of the 80 square feet copy area allowable resulting in 58.6 square feet additional copy area per ground sign.
  - f. A waiver from Section 31.5-166(D) to allow 3 entrance ground signs, in lieu of 1 ground entrance sign resulting in 2 additional ground entrance signs.
  - g. A waiver from Section 31.5-172(D) to allow less than 51% of directional logo resulting in 8% directional information.

- h. A waiver from Section 31.5-172(D) to allow less than 51% of directional logo resulting in 39% directional information.
  - i. A waiver from Section 31.5-172(A) to allow 43.75 square feet per sign face, in lieu of 6 square feet per sign face resulting in an additional 37.75 square feet copy area per sign.
  - j. A waiver from Section 31.5-172(A) to allow 6.25 square feet per sign face, in lieu of 6 square feet per sign face resulting in an additional 0.25 square feet copy area per sign.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 21, 2008 shall apply:
- a. A 0-foot side/interior lot line setback is granted in lieu of the required 10-foot requirement imposed in compliance with the International Drive Activity Center Design Guidelines, as stated in the Comprehensive Policy Plan's International Drive Activity Center Element, Section VII (A).
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 16, 2007, shall apply:
- a. The development shall conform to Future Land Use Element Policy 1.1.5 and activity Center expansion criteria of Future Land Use Element Policy 3.1.17.1.
  - b. The development shall conform to the Development Agreement approved by the Board of County Commissioners with the adoption of Future Land Use Map Amendment 97-1-D-1-1; further approved the proposed Development Order, amended as follows:
    - i. Page 24, traffic section; clarify that any adjustments must be consistent with State rule.
    - ii. Page 29, termination dates for the Development Order revised to 2013.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (October 21, 2008)**

Upon a motion by Commissioner Jacobs, seconded by Commissioner Russell, and carried by all members present, the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the substantial change request by "Jim Hall of Vanasse Hangen Brustlin, Inc.", Bonnet Creek Planned Development (PD) Land Use Plan (LUP), to amend the plan to allow a 0-foot side/interior lot line setback in lieu of 10 feet as required by the International Drive Activity Center Element; which constitutes a substantial change to the development on the described property; subject to conditions.