



Interoffice Memorandum

DATE: June 27, 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, DRC Chairman
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: July 16, 2019 – Public Hearing
Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor, & Reed,
P.A.
Southchase Planned Development
Case # CDR-18-05-149 / District 4
(Related to Consent Item: DO-18-12-400)

The Southchase PD / DRI was originally approved by the Board in 1987 and allows for a mix of residential, commercial and industrial uses. The subject property is generally located on the south side of E. Town Center Boulevard and on the east side of S. Orange Avenue.

Through this PD substantial change, the applicant is seeking to convert 95,000 square feet of commercial uses into 281,160 square feet of industrial distribution (high cube) uses on PD Parcel 29A using a trip equivalency ratio.

Additionally, the list of permitted uses within the Industrial category is being amended to reflect the uses permitted within the I-2 zoning district in effect at the date of the initial approval of the Southchase PD and DRI. Lastly, the applicant has requested a waiver from Orange County Code to allow to allow a maximum impervious surface coverage of 80%, in lieu of a maximum impervious surface coverage of 70%.

On February 13, 2019, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. As summarized in the staff report, a community meeting was held on July 26, 2019, at Oakshire Elementary school, which was attended by approximately 30 area residents.

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 Southchase Planned Development / Land Use Plan (PD/LUP) dated “Received May 10, 2019”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

Attachments
JVW/EPR/stt

CASE # CDR-18-05-149

Commission District: # 4

GENERAL INFORMATION

APPLICANT Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor, & Reed, P.A.

OWNER Daryl M. Carter, Trustee

PROJECT NAME Southchase Planned Development

PARCEL ID NUMBER 26-24-29-0000-00-007 (affected parcel only)

TRACT SIZE 3,115.10 gross acres (overall PD)
17.43 gross acres (affected parcel only)

LOCATION Generally located on the south side of E. Town Center Boulevard and on the east side of S. Orange Avenue

REQUEST A PD substantial change to convert 95,000 square feet of commercial uses into 281,160 square feet of industrial distribution (high cube) uses on PD Parcel 29A using a trip equivalency ratio.

Additionally, the list of permitted uses within the Industrial category is being amended to reflect the uses permitted within the I-2 zoning district in effect at the date of the initial approval of the Southchase PD and DRI.

In addition, the applicant has requested the following waiver from Orange County Code:

1. A waiver from Section 38-1327 to allow a maximum impervious surface coverage of 80%, in lieu of a maximum impervious surface coverage of 70%.

Applicant Justification: *The master stormwater system was designed to attenuate 80% impervious as well as including 1" over the basins for treatment.*

PUBLIC NOTIFICATION 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]. Five hundred and three (503) notices were mailed to those property owners in the notification buffer area. A community meeting was held on July 26, 2019 at Oakshire Elementary School as summarized in this report below.

IMPACT ANALYSIS

Special Information

The Southchase PD / DRI was originally approved by the Board of County Commissioners (BCC) in 1987 and allows for a mix of residential, commercial and industrial uses.

Through this PD Change Determination Request, the applicant is seeking to convert 95,000 square feet of commercial uses into 281,160 square feet of high cube industrial distribution uses on PD Parcel 29A using a trip equivalency ratio.

Additionally, the list of permitted uses within the Industrial category is being amended to reflect the uses permitted within the I-2 zoning district in effect at the date of the initial approval of the Southchase PD and DRI. An amendment to the Development Order (DO) is running concurrent with this request to amend the listed uses within the DO.

Furthermore, the applicant has requested a waiver from Orange County Code to allow to allow a maximum impervious surface coverage of 80%, in lieu of a maximum impervious surface coverage of 70%.

Lastly, through the dialogue received at the community meeting, and additional meetings between the applicant team, staff, residents, and the District Commissioner's office, the following compatibility measures are being implemented:

- The Land Use Plan shows a conceptual layout of the site and building elevations based off of sign design requirements. Retention ponds will be placed along the southern and western property lines in order to create a buffer between the project and residential neighborhood.
- The Land Use Plan includes screen walls with landscaping along the southern and western property boundaries in order to shield the existing neighborhood from possible sound intrusion, as well as create a visual buffer from the project. The wall will be 6-feet high along Southmeadow Drive and 8-feet high adjacent to the residential lots. The placement and height of the wall is based on a sound study specific to the design of the site. The wall will be designed to match the appearance of neighboring screen walls.

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 Industrial. The proposed PD Change Determination Request is consistent with this designation and all applicable CP provisions; therefore, 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 located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Orange County Environmental Protection Division (EPD) staff has reviewed the proposed request, but did not identify any issues or concerns.

Transportation / Concurrency

Orange County Transportation Planning reviewed the request and determined that it will not impact public school capacity.

Community Meeting Summary

A community meeting was required for this request. The community meeting was held on July 26, 2018 at Oakshire Elementary School. There were thirty (30) residents in attendance. There were concerns expressed about the proposed use, preference for retail commercial on the property, noise and visual impacts, and impacts to existing wildlife.

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 proposed 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 – (February 13, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Southchase Planned Development / Land Use Plan (PD/LUP), dated “May 10, 2019”, subject to the following conditions:

1. Development shall conform to the Southchase PD dated "Received May 10, 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 May 10, 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).

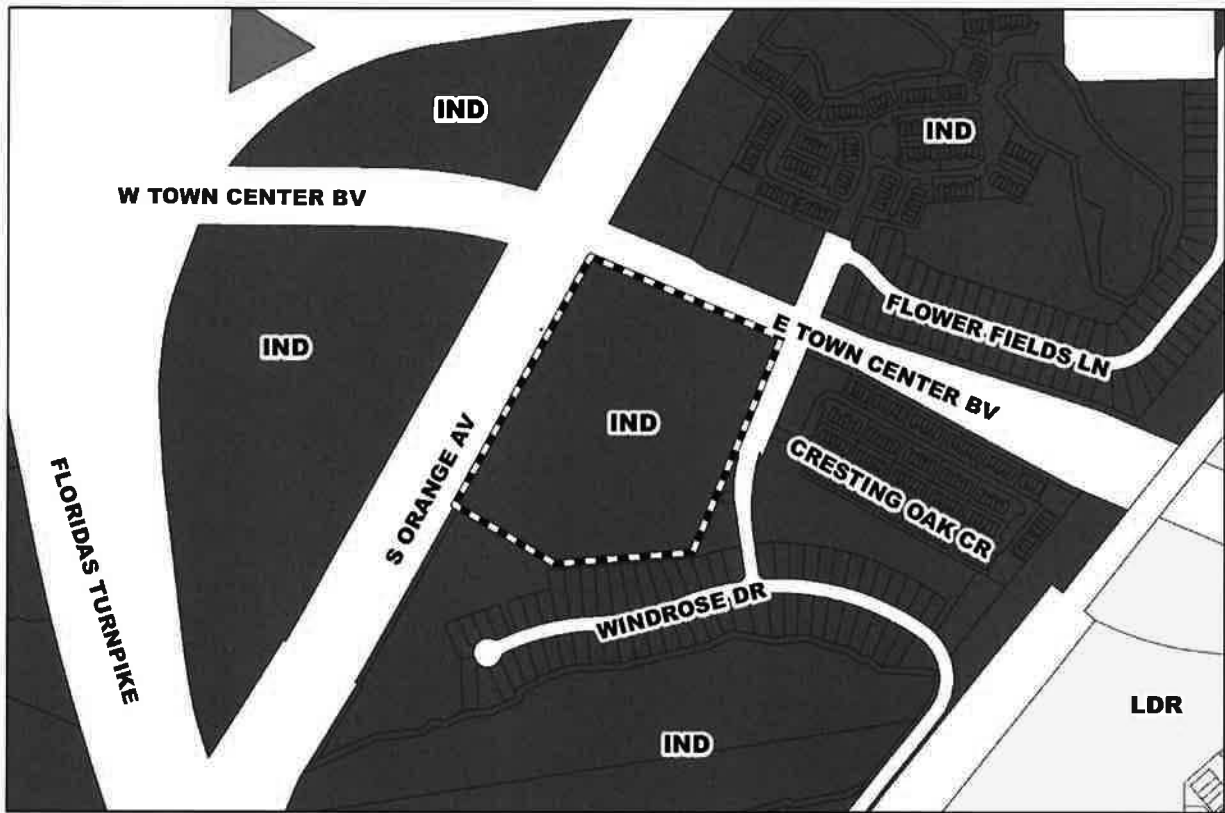
6. A waiver from Orange County Code Section 38-1327 is granted for Parcel 29A only to allow a maximum impervious surface coverage of 80%, in lieu of a maximum impervious surface coverage of 70%.
7. The Developer shall obtain wastewater and reclaimed water from Orange County Utilities subject to County rate resolutions and ordinances. The Developer shall obtain water service from Orange County Utilities for the portion of the Project in the County's service area subject to County rate resolutions and ordinances.
8. 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.
9. Outside sales, storage, and display shall be prohibited on Parcel 29A.
10. The developer shall conduct a traffic signal warrant study within six (6) months of the first Certificate of Occupancy and install the traffic signal at no cost to the County when, and if, warranted.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 20, 2013, shall apply:
 - a. A waiver from Orange County Code Section 31.5-68(e) is granted to allow three (3) pole signs in lieu of two (2) pole signs within PD Parcels 8 and 9 only.
12. All previous applicable BCC Conditions of Approval, dated April 2, 2002, shall apply:
 - a. Prior to construction plan approval, a Master Stormwater Management Plan and a drainage study to establish the 100-year flood elevation shall be submitted to the County Development Engineering Division for review and approval.
 - b. All commercial development shall comply with the Commercial Design Standards Ordinance. All industrial development along Orange Avenue shall comply with the design standards established in the Commercial Design Standards Ordinance. All development shall comply with the lighting standards established in the Commercial Design Standards Ordinance.

- c. Pole signs and billboards shall be prohibited. Outdoor storage and display (in Industrial tracts) shall not be permitted within 100 feet of Orange Avenue or within 100 feet of residential areas. Ground signs and fascia signage shall comply with Chapter 31.5.
- d. Prior to the approval of the first development plan or preliminary subdivision plan, access to the Kissimmee Utility Authority's easement shall be addressed.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (August 20, 2013)

Upon a motion by Commissioner Thompson, seconded by Commissioner Boyd, and carried by all members present, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Major Stacy, B&S Engineering Consultants, LLC, Southchase Planned Development (PD), (Case #CDR-11-03-079), to grant the following waiver from Orange County Code: 1) From Section 31.5-68(e) to allow three (3) pole signs in lieu of two (2) pole signs within PD Parcels 8 and 9 only; which constitutes a substantial change to the development on the described property; subject to conditions.

CDR-18-05-149



Subject Property



Subject Property

Future Land Use Map

FLUM: Industrial (IND)

APPLICANT: Miranda Fitzgerald, Lowndes, Drosdick,
 Doster, Kantor, & Reed, P.A.

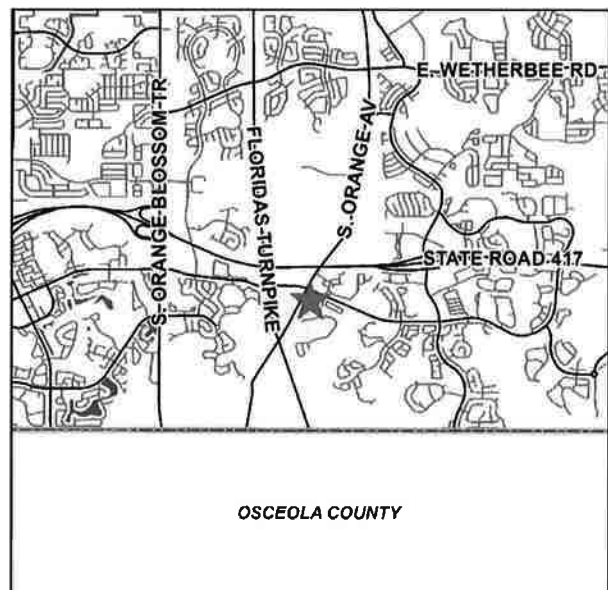
LOCATION: Generally located on the south side of E.
 Town Center Boulevard and on the east
 side of S. Orange Avenue

TRACT SIZE: 3,115.10 gross acres (affected parcel only)
 17.43 gross acres (overall PD)

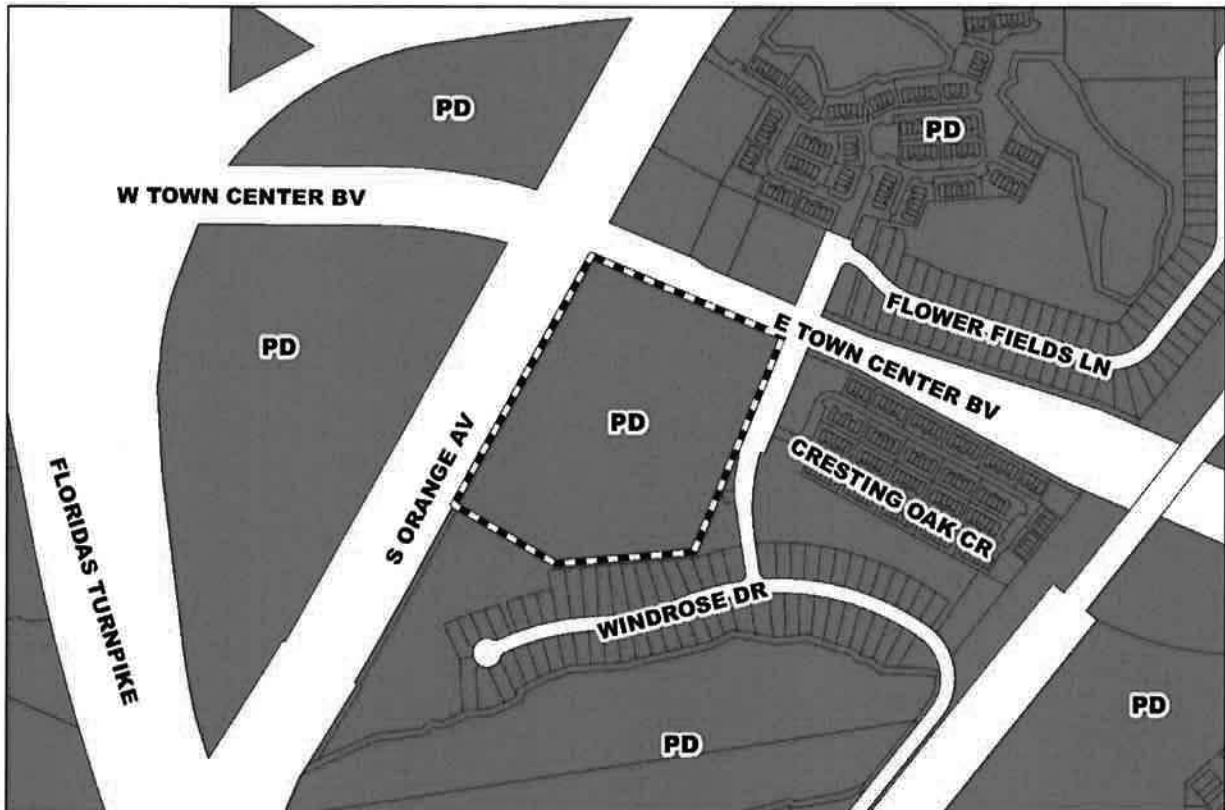
DISTRICT: # 4

S/T/R: 26/24/29

1 inch = 550 feet



CDR-18-05-149



 Subject Property



★ Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor, & Reed, P.A.

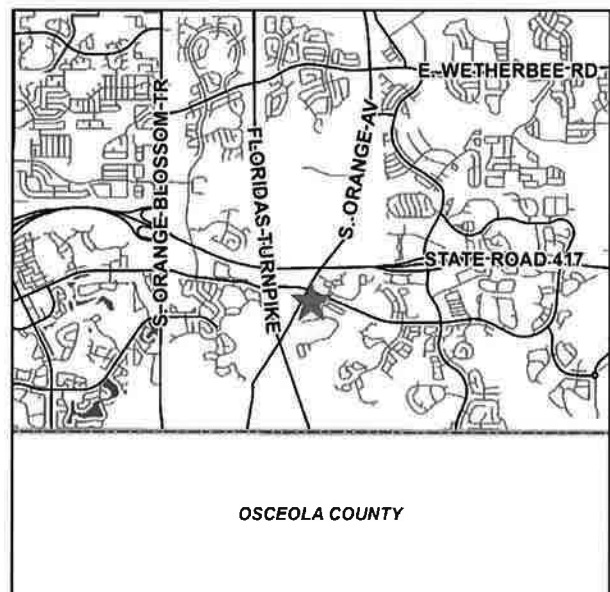
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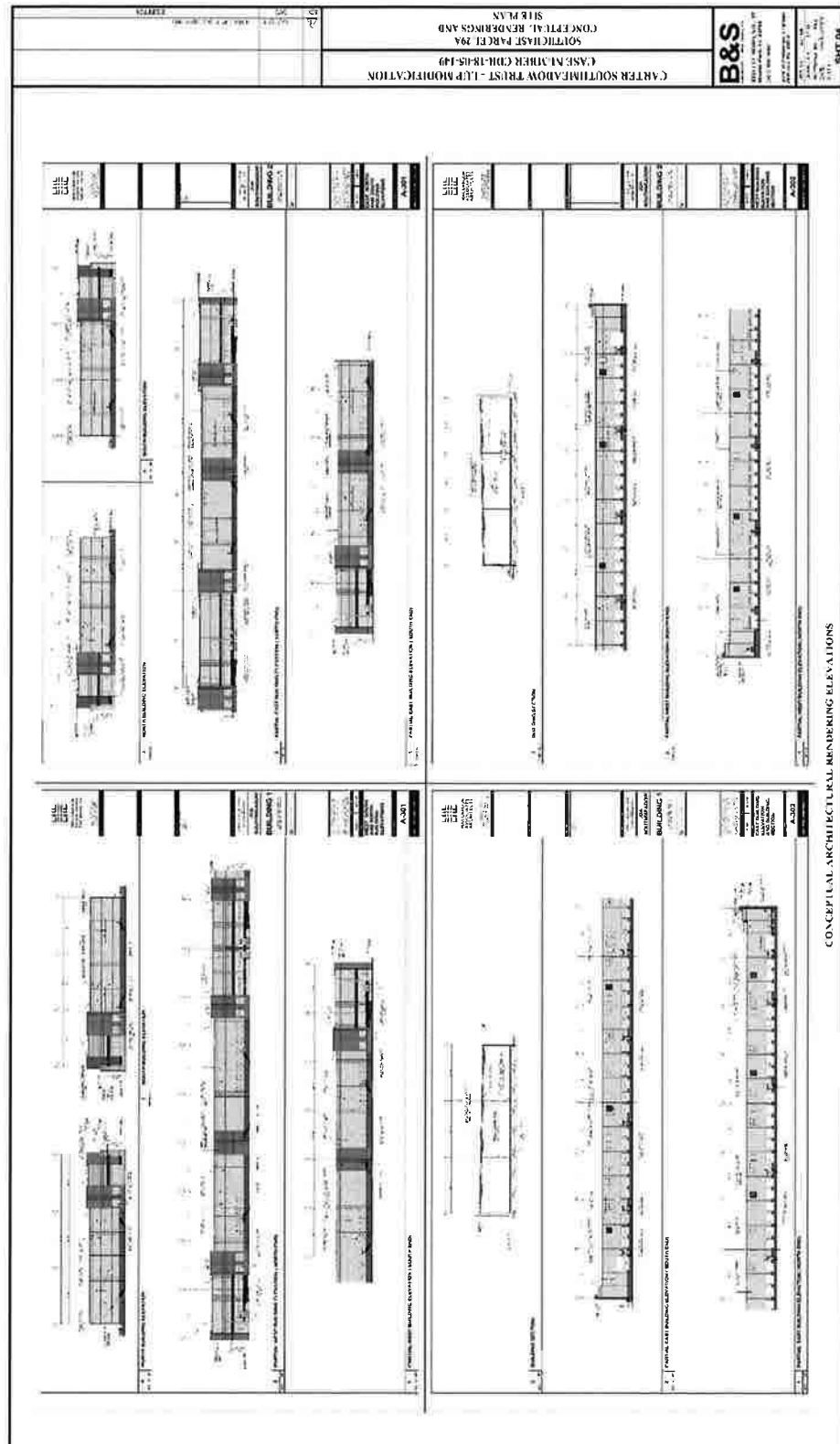
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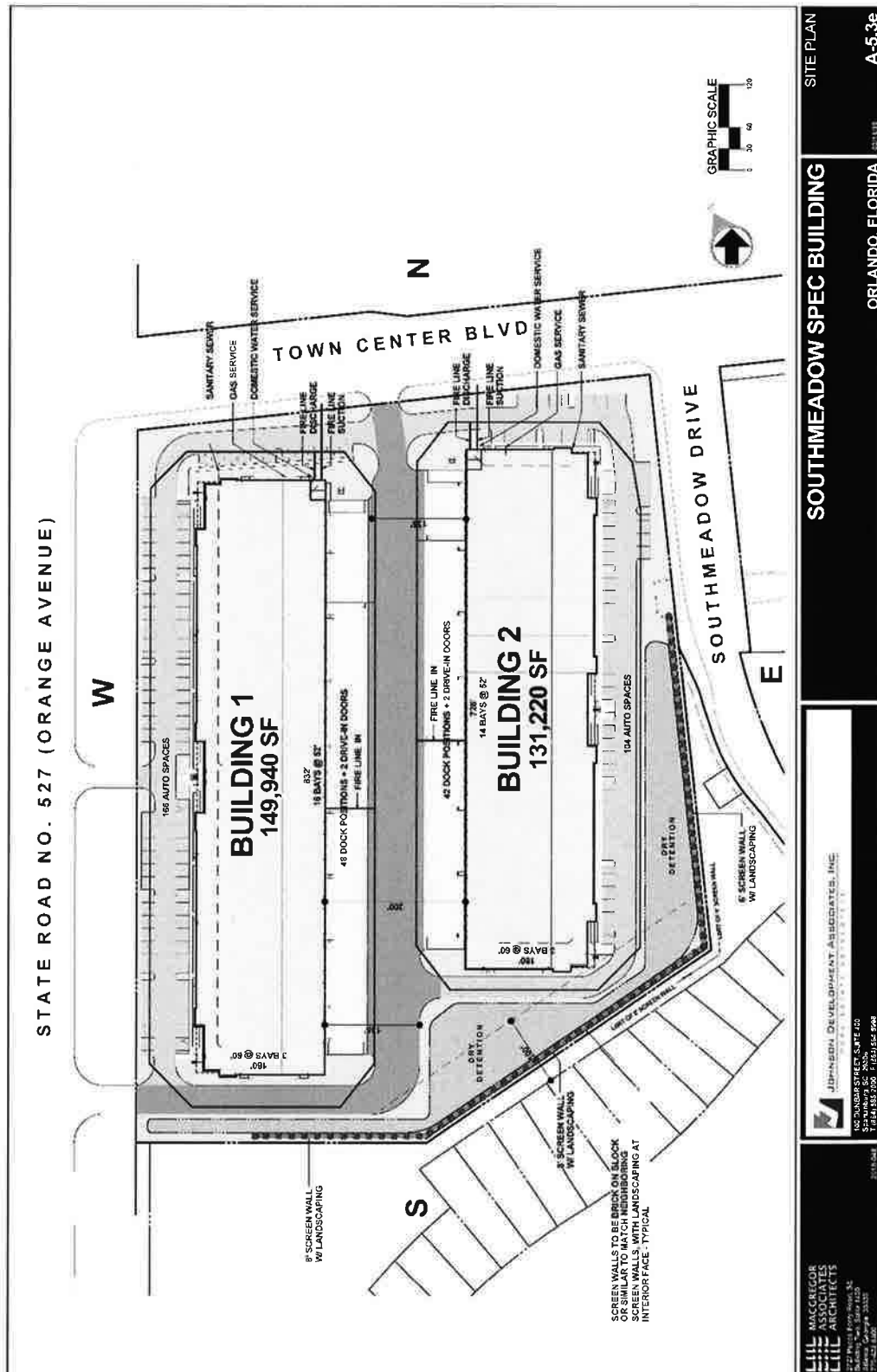




Southchase PD / LUP Project Elevations



Southchase PD / LUP Site Compatibility Plan



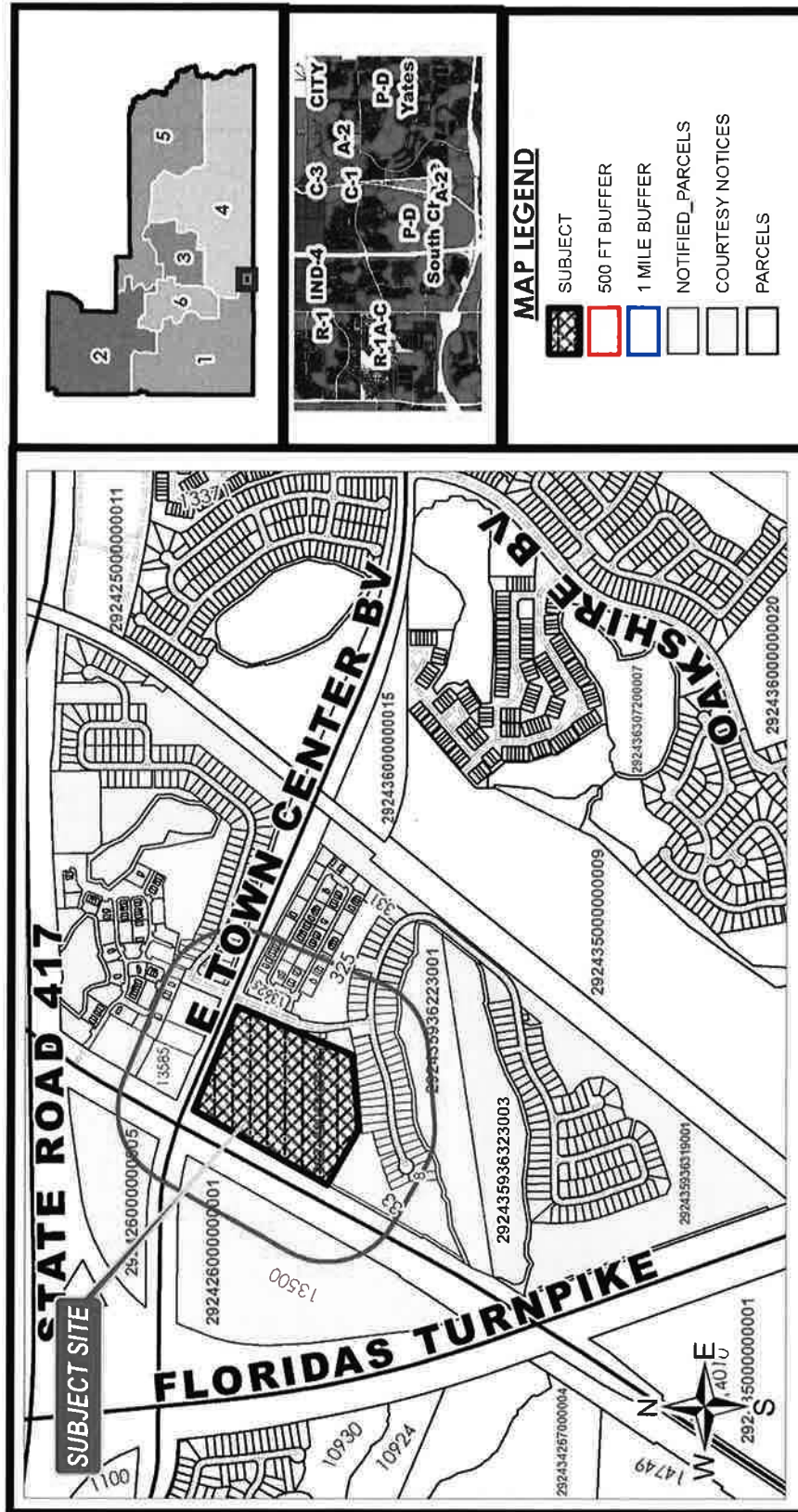


Public Notification Map

Southchase PD_CDR-18-05-149

500 FT BUFFER, 503 NOTICES

Notification Map



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