

**CASE # CDR-19-04-124**

Commission District: # 1

**GENERAL INFORMATION**

**APPLICANT** Abdul Alkadry, Harris Civil Engineers, LLC

**OWNER** Vineland Pointe Owner, LLC

**PROJECT NAME** Vineland Pointe Planned Development (PD)

**PARCEL ID NUMBER(S)** 14-24-28-8880-01-000, 14-24-28-8880-02-000,  
14-24-28-8880-03-000 (*affected parcels only*)

**TRACT SIZE** 112.85 gross acres (*overall PD*)  
63.59 gross acres (*affected parcels only*)

**LOCATION** Generally located north of Lake Street, south of Lake Willis Drive,  
and east of Interstate 4

**REQUEST** A PD substantial change to add a Master Sign Plan for the shopping center within Phases II and III. In addition, the applicant has requested the following five (5) waivers from Orange County Code:

1. A waiver from Section 31.5-163(a)(2) to allow for a total of one and one-half (1 ½) square feet of copy area for signage for each one (1) linear foot of building frontage per establishment, provided the total copy area for all signage shall not exceed five hundred and forty (540) square feet per establishment for the building identified on site plan sheet AS-100 as "Special Signage Exception" and four hundred (400) square feet per establishment for all other buildings, in lieu of a total of one (1) square foot of copy area for signage may be allowed for each one (1) linear foot of building frontage per establishment, provided that the total copy area for signage shall not exceed two hundred (200) square feet per establishment.

***Applicant Justification:*** *The proposed copy area limit of one and one-half (1 1/2) square feet per one (1) linear foot of building frontage will be distributed around the building according to the requirements of Development Standards 1.1 and 1.2. In effect, there shall be an allowance of one (1) square foot per one (1) linear foot for the front building face, and an additional one-half (1/2) square foot per one (1) linear foot to be placed on one (1) other building face excluding the front. This one-half (1/2) square foot per one (1) linear foot is calculated based on the same building frontage that is used to calculate the front allowance, and is consequently equal to fifty*

*percent (50%) of the front allowance, as stated in Development Standard 1.2.*

*Development Standard 1.2 provides an exception allowing single-tenant buildings to distribute this one-half (1/2) square foot per one (1) linear foot among up to two building faces, provided that neither is the front. This is due to the fact that these tenants, being the only tenants in the building, are representative of a greater proportion of the total wall area than are the tenants of a multi-tenant building. This exception allows only a distribution of a fixed allowance, not an increase in the allowance.*

*These standards will allow enough signage for clear and immediate recognition of the name and location of businesses within Vineland Pointe, while ensuring that signage is distributed around the building. Therefore, the additional signage does not excessively crowd any single façade. The upper limit of four hundred (400) square feet is consistent with the Sign Ordinance for areas of Orange County outside the overlay district.*

*The “Special Tenant Signage” case allowing five hundred and forty (540) square feet of copy area will only apply to one single-tenant building. That specific tenant is much larger than a typical tenant in this development, and consequently the signs on that building will be further separated from each other than they would otherwise be, thereby limiting the visual noise created by enlarged signs.*

*The signs will still be proportional to the building’s frontage, and will still be subject to per-facade copy area limits set forth in Development Standards 1.1 and 1.2. Illustrations of the initial tenant’s signage program under this exception are shown on sheet AS-530, demonstrating that given the particular layout and scale of this building, this amount of signage does not visually appear atypical.*

*Given that the justification for this exception revolves around a single, very large tenant, this exception will expire if the building is later subdivided into multiple tenants. Once the exception expires, future tenants in this building will have the same copy area limitations as every other tenant under this Sign Plan.*

2. A waiver from Orange County Code Section 31.5-168(b), to allow multiple wall signs per building face for a single tenant, in lieu of a maximum number of one wall sign per building face per establishment.

***Applicant Justification:*** *Limits on the number of wall signs are set forth in Development Standard 1.5 as follows:*

- (a) Additional wall signs will only be permitted on the front building face.*
- (b) The cumulative size of all wall signs excluding the first sign shall not exceed fifteen percent (15%) of the total allowable copy area for that building face as calculated by Development Standard 1.1.*
- (c) The cumulative size of all walls signs including the first sign shall not exceed one hundred percent (100%) of the total allowable copy area for that building face as calculated by Development Standard 1.1.*
- (d) Building faces other than the front still shall not be permitted to exceed one wall sign per building face per establishment.*

*Should a tenant choose to make maximum use of the additional wall signs allowed, this results in one main front sign using eighty-five percent (85%) of allowable front copy area, and any number of additional signs, totaling fifteen percent (15%) of allowable front copy area, and which consequently will all be very small in comparison to the main sign. This will allow larger tenants to more easily communicate the location or availability of various departments, services, or other items of interest, thereby reducing confusion for drivers and pedestrians without substantially increasing visual noise.*

3. A waiver from Orange County Code Section 31.5-172(a), to allow that on-site directional signs serving an intersection of two public rights-of-way, where such intersection functions as a vehicular access point to the Vineland Pointe development, shall be permitted a maximum allowable copy area of sixteen (16) square feet per sign face, in lieu of six (6) square feet per sign face.

***Applicant Justification:*** *The on-site directional sign category is intended to serve vehicular access points to a site. The copy area limitation for on-site directional signs given in the Sign Ordinance is suited to more conventional vehicular access points in the form of parking lot drive aisles, but does not provide sufficient legibility across the wide, comparatively higher-speed public roads that Orange County has interpreted as vehicular access points for this development. This is especially true considering that many of the drivers taking directions from these signs will be tourists unfamiliar with the*

area. To properly serve these access points, a larger sign is required.

*All signs shall be installed on private property, even those serving public intersections. Any other on-site directional signs that are not directly serving these intersections will still be limited to the smaller copy area already established in the Sign Ordinance. The copy area proposed is consistent with that allowed for off-site directional signs by the Sign Ordinance. For further elaboration on directional sign layout, see site plan on sheet AS-100.*

4. A waiver from Orange County Code Section 31.5-172(b), to allow that on-site directional signs serving an intersection of two public rights-of-way, where such intersection functions as a vehicular access point to the Vineland Pointe development, shall be permitted a maximum height of ten (10) feet, in lieu of eight (8) feet.

***Applicant Justification:*** *The on-site directional sign category is intended to serve vehicular access points to a site. The height limitation for on-site directional signs given in the Sign Ordinance is suited to more conventional vehicular access points in the form of parking lot drive aisles, but does not provide sufficient legibility across the wide, comparatively higher-speed public roads that Orange County has interpreted as vehicular access points for this project. This is especially true considering that many of the drivers taking directions from these signs will be tourists unfamiliar with the area. To properly serve these access points, a taller sign is required.*

*All signs shall be installed on private property, even those serving public intersections. Any other on-site directional signs that are not directly serving these intersections will still be limited to the shorter height already established in the Sign Ordinance. The height proposed is consistent with that allowed for off-site directional signs by the Sign Ordinance. For further elaboration on directional sign layout, see site plan on sheet AS-100.*

5. A waiver from Orange County Code Section 31.5-67(i), to allow the minimum area of individual tenant panels on ground signs (also known as monument signs) to be three (3) square feet per sign face, in lieu of twelve (12) square feet per sign face.

***Applicant Justification:*** *The size of the development is large enough that if each panel has to be at least twelve square feet, there won't be enough room to include all of the tenants who would reasonably expect to have panels. Rather than*

*request an increase in total allowed copy area for ground signs, we instead would like to keep the overall size per code, and simply make smaller tenant panels. This will limit the visual impact of signage while fairly accommodating the tenants.*

**PUBLIC NOTIFICATION** A notification area extending beyond eight hundred (800) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Five hundred thirty-eight (538) 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 Vineland Pointe PD was originally approved July 12, 1991 and currently includes entitlements for 630,000 square feet of commercial uses, 680 dwelling units, and 245 hotel rooms.

Through this PD substantial change, the applicant is seeking to add a master sign plan to Phase II and Phase III and request five (5) waivers from Orange County Code related to copy area, number of permitted signs per facade, and sign height.

### **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) and Activity Center Residential (ACR). The Vineland Pointe PD was approved in 1991 and includes uses such as commercial, hotel, and residential. 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 located within the Lake Willis Overlay District and the Tourist Commercial 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**

An Amended and Restated Road Impact Fee Agreement for Vineland Pointe PD was approved by the BCC on December 13, 2016 and recorded at Document #20160653429. This Amended and Restated Road Impact Fee Agreement supersedes all terms contained in the prior Road Impact Fee Agreement approved by the Board of County Commissioners on November 9, 2004 and recorded at OR Book/Page 7703/1210.

The Board of County Commissioners approved a First Amendment to Amended and Restated Road Impact Fee Agreement for Vineland Pointe Planned Development ("First Amendment") on November 14, 2017 and was recorded at Document #20170632050 to amend the terms of the Amended and Restated Road Impact Fee Agreement approved by the Board of County Commissioners on December 13, 2016 and recorded at Document #20160653429.

On January 15, 2019 the Board of County Commissioners approved a Second Amendment to Amended and Restated Road Impact Fee Agreement for Vineland Pointe Planned Development ("Second Amendment") by and among Vineland Pointe Owner LLC, Pride Homes of Vineland, LLC, and Orange County to amend the terms of the Amended and Restated Road Impact Fee Agreement approved by the Board of County Commissioners on December 13, 2016 and recorded at Document #20160653429 as amended on November 14, 2017 by a First Amendment to Amended and Restated Road Impact Fee Agreement recorded as Document #20170632050.

**Community Meeting Summary**

A community meeting was not required for this request.

**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 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 – (June 12, 2019)**

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

1. Development shall conform to the Vineland Pointe Land Use Plan (LUP) 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. 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.
7. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan.
8. 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.
9. The following waivers from Orange County Code are granted:
  - a. A waiver from Section 31.5-163(a)(2) to allow for a total of one and one-half (1 ½) square feet of copy area for signage for each one (1) linear foot of building frontage per establishment, provided the total copy area for all signage shall not exceed five hundred and forty (540) square feet per establishment for the building identified on site plan sheet AS-100 as "Special Signage Exception" and four hundred (400) square feet per establishment for all other buildings, in lieu of a total of one (1) square foot of copy area for signage may be allowed for each one (1) linear foot of building frontage per establishment, provided that the total copy area for signage shall not exceed two hundred (200) square feet per establishment.



- b. A waiver from Section 31.5-168(b), to allow multiple wall signs per building face for a single tenant, in lieu of a maximum number of one wall sign per building face per establishment.
  - c. A waiver from Section 31.5-172(a), to allow that on-site directional signs serving an intersection of two public rights-of-way, where such intersection functions as a vehicular access point to the Vineland Pointe development, shall be permitted a maximum allowable copy area of sixteen (16) square feet per sign face, in lieu of six (6) square feet per sign face.
  - d. A waiver from Section 31.5-172(b), to allow that on-site directional signs serving an intersection of two public rights-of-way, where such intersection functions as a vehicular access point to the Vineland Pointe development, shall be permitted a maximum height of ten (10) feet in, lieu of eight (8) feet.
  - e. A waiver from Section 31.5-67(i), to allow the minimum area of individual tenant panels on ground signs (also known as monument signs) to be three (3) square feet per sign face, in lieu of twelve (12) square feet per sign face.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 20, 2017 shall apply:
- a. The developer shall obtain water, wastewater, and reclaimed water from Orange County Utilities.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 15, 2016, shall apply:
- a. 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.
  - 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. Developer shall comply with the terms of the Vineland Pointe Road Impact Fee Agreement (OR Book 07703, Page 1210).
  - e. The following Education Condition of Approval shall apply:

- 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board and effective on November 20, 2015.
- 2) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 440 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may 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 Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement 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.
- 3) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement 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 rights.
- 4) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

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.

- f. A 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, and include main sizes supporting demands.
  - g. Right-of-way for Lake Street shall be dedicated to Orange County as depicted on the Land Use Plan, prior to approval of the first PSP / DP.
  - h. Any Development Plan for Commercial or residential in excess of 440 units in Phase 1 shall require a community meeting and public hearing by the Board of County Commissioners.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 20, 2013 shall apply:

- a. Pole signs and new billboards shall be prohibited. Existing billboard may remain, as stipulated in the Agreement dated August 14, 2000, and amended on June 18, 2013, and August 20, 2013.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 19, 2005 shall apply:
- a. Outdoor storage and display shall be prohibited.
  - b. Project shall conform to the Lake Willis Guidelines.
  - c. No access to Lake Willis Drive or the East Road.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 18, 1995 shall apply:
- a. To allow for agricultural uses (cattle grazing) until such time that the property is submitted for development in accordance with the Planned Development regulations and the approved Land Use Plan; which constitutes a substantial change to the development on the above-described property subject to a maximum of 20 cows; and further, complaints from area residents will trigger further Board review.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 24, 1991 shall apply:
- a. Any conversion from multi-family to timeshare will require a change determination. Timeshare uses shall be considered a commercial use.
  - b. Building heights for the attractions, timeshare and multi-family uses shall be limited to one (1) story in height within 100 feet of the residential uses abutting Lake Willis. Building heights for the attraction and tourist commercial uses shall be limited to one (1) story in height within 60-feet of the residential uses to the south and west. A minimum 25-foot wide landscape buffer and a six (6) foot high masonry wall shall be provided between this project and the Lake Willis Camp Subdivisions. Natural vegetation shall be preserved to the maximum extent possible.
  - c. Existing right-of-way shall not be vacated unless alternate access is provided to affected parcel.
  - d. Pave Vineland Avenue between International Drive and existing pavement at Vineland Avenue, with intersection improvement at two (2) access locations.
  - e. Uses shall be limited to those stated in Policy 1.1.3 of the International Drive Activity Center Plan. Furthermore Policy 1.1.6 of the International Drive Activity Center Plan, dealing with prohibited uses, shall apply to development approvals.

- f. The following densities shall apply:
  - 1) Commercial uses limited to a maximum of .34 FAR.
  - 2) Hotel / motel / timeshare limited to a maximum of 60 rooms per acre.
  - 3) Office limited to a maximum of 1.5 FAR.
  - 4) Residential density shall be a minimum of 12 units per acre and a maximum of 20 units per acre.
- g. If the housing linkage program is in place prior to Development Plan approval, development of non-residential development shall be conditioned upon the development of residential units with the area designated as Activity Center Residential on the Future Land Use Map.
- h. The Development Guidelines for the International Drive Activity Center shall apply to the subject property if they are established prior to building permit submittal including, but not limited to, lighting standards, sign regulations, landscape regulations, open space regulations, trip reduction program, access management controls, transit access design standards, building orientation and location of parking lots.
- i. The property owner shall be required to participate in a property owner's association upon its creation.
- j. Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County Engineer to be technically unfeasible.
- k. The property owner understands and concedes that the property is located within the International Drive Activity Center as adopted by the Orange County Comprehensive Plan and as such development on the property shall be subject to:
  - 1) A funding mechanism, such as, but not limited to, an MSTU(s) and/or MSBU(s), for financing underground utilities and lighting along major roads, including International Drive;
  - 2) A funding mechanism, such as, but not limited to, an MSTU(s) and/or MSBU(s), for financing maintenance of landscaping on public right-of-way, including International Drive;
  - 3) Participation in a mass transit utility district or some other mechanism established to fund the acquisition, construction and operation of the transportation system.

In recognition that the International Drive Master Roadway Plan adopted as part of the Orange County Comprehensive Policy Plan designates a roadway network that is necessary to support the

increased densities/intensities allowed in the International Drive Activity Center, the property owner shall coordinate development within the project to accommodate, to the greatest extent possible, the proposed right-of-way as identified in the International Drive Master Roadway Plan, as applicable to the subject property. Specifically, the road right-of-way for Lake Avenue/Vineland Avenue improvements shall be depicted on the Development Plan either as shown on the Master Roadway Plan or in a different alignment provided such alignment is consistent with the intent of the Master Roadway Plan for the Activity center.

Until either a Developer's Agreement is entered into for the project or an overall funding mechanism is established to acquire needed right-of-way for the Lake Avenue/Vineland Avenue improvements within the Activity Center, building permits shall not be issued. When an overall funding mechanism is eventually established or when a Developer's Agreement is executed, the Property owner shall:

- a) Convey to the county fee simple title to such lands necessary to accommodate the right-of-way for the Lake Avenue/Vineland Avenue improvements as proposed on the Master Roadway Plan; and
- b) In the event the purchase of right-of-way by the County to accommodate the Master Roadway Plan is required within the project, to the extent permitted by law, the property owner recognizes by virtue of this PD land use approval, land uses within the project will escalate and therefore:
  - i. The parties agree that a maximum purchase price shall be no more than \$150,000 per acre for the required right-of-way; and
  - ii. If a Developer's Agreement is entered into, then the property owner shall grant to the County an option to purchase such proposed right-of-way for a minimum of five (5) years from the date of PD approval.
- l. Electrical distribution lines shall be underground.
- m. Participation in a shuttle service connection area attraction, major transportation centers, and on-site development shall be required.
- n. No commercial use shall be allowed within the 50-foot setback from the lake.
- o. Stormwater management systems shall be designed to retain the 100-year storm event with bleed-down allowed for 72 hours of recovery. All stormwater shall receive pollution control treatment prior to discharge into

Lake Willis. Post-development discharge shall not exceed predevelopment conditions and shall be equal to the water quality of Lake Willis. The developer may appeal to the BCC for changes to this condition when Orange County develops new guidelines and criteria for stormwater discharge.

- p. There shall be no access for Parcels 2 & 3 to Lake Willis Drive. The project shall be limited to 12 non-motorized water craft and one (1) safety boat powered by a maximum 25 HP engine for Phase 1.
- q. One dock shall be permitted subject to Orange County regulations.
- r. No construction traffic shall be allowed on East Road or Lake Willis Drive.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (June 20, 2017)**

Upon a motion by Commissioner VanderLey, seconded by Commissioner Nelson, and carried by all present members voting AYE, the Board made a finding of consistency with the Comprehensive Plan; and approved the substantial change request by Abdul Alkadry, Harris Civil Engineers, LLC, Vineland Pointe Planned Development / Land Use Plan (PD / LUP), Case # CDR-17-03-082, to amend the Vineland Pointe PD by consolidating the previous BCC Conditions of Approval; subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report.