





Interoffice Memorandum

DATE: August 20, 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: September 10, 2019 – Public Hearing
Julie C. Salvo, Orange County Public Schools
OCPS Northwest Maintenance Facility Planned Development
Case # LUP-19-01-045 / District 1

The OCPS Northwest Maintenance Facility Planned Development (PD) is generally located on the south side of E. Maple Street, approximately 700 feet west of Bethune Avenue. The applicant is seeking to rezone one (1) parcel containing 9.68 gross acres from R-2 (Residential District) to PD (Planned Development District), in order to repurpose an existing elementary school site (old Maxey Elementary School) into an OCPS maintenance facility and educational facility with agricultural uses.

On August 15, 2019, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was required for this application and is summarized in the staff report.

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 OCPS Northwest Maintenance Facility Planned Development / Land Use Plan (PD/LUP) dated "Received July 17, 2019", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1

Attachments
JVW/EPR/stt

GENERAL INFORMATION

| | |
|----------------------------|--|
| APPLICANT | Julie C. Salvo, Orange County Public Schools |
| OWNER | School Board of Orange County Florida |
| PROJECT NAME | OCPS Northwest Maintenance Facility Planned Development (PD) |
| HEARING TYPE | Planned Development / Land Use Plan (PD / LUP) |
| REQUEST | R-2 (Residential District) to PD (Planned Development District) A request to rezone one (1) parcel containing 9.68 gross acres from R-2 (Residential District) to PD (Planned Development District), in order to repurpose an existing elementary school site into an OCPS maintenance facility and educational facility with agricultural uses. No waivers from Orange County Code are requested. |
| LOCATION | 1100 E. Maple Street; or generally located on the south side of E. Maple Street, approximately 700 feet west of Bethune Avenue |
| PARCEL ID NUMBER | 12-22-27-6496-15-003 |
| TRACT SIZE | 9.68 gross acres |
| PUBLIC NOTIFICATION | The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four hundred and nine (409) notices were mailed to those property owners in the mailing area. A community meeting was required for this application. |
| PROPOSED USE | OCPS maintenance facility and educational facility with agricultural uses |

STAFF RECOMMENDATION

Development Review Committee – (July 10, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the OCPS Northwest Maintenance Facility Planned Development / Land Use Plan (PD/LUP), dated “Received July 17, 2019”, subject to the following conditions:

1. Development shall conform to the OCPS Northwest Maintenance Facility Land Use Plan (LUP) dated "Received July 17, 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 July 17, 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 and wastewater service from City of Winter Garden.
7. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code. Electronic message center sign shall comply with Orange County Code Chapter 38-1755 (O).

IMPACT ANALYSIS

Land Use Compatibility

The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Institutional (INST) which allows for the operation of uses including public and private utilities, facilities, structures and lands that serve a public or quasi-public purpose. Public schools that have been designated Institutional may continue to maintain that designation. The proposed PD zoning district and development program is consistent with Institutional FLUM designation and the following CP provisions:

FLU1.4.1 states that Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

PS1.1.1 requires the Orange County shall support and encourage the involvement of communities, community agencies, businesses and families in an effective range of programs and activities, which support families and children, in conjunction with School Board facilities and programs.

PS2.2.7 requires the Orange County shall support the School Board in locating appropriate school services, such as administrative offices, night classes and adult education, in alternative locations, such as but not limited to commercial plazas, shopping malls and community centers.

PS3.1.1 states that the Land Development Code will be utilized to ensure the compatibility of land uses adjacent to existing schools and school sites.

Community Meeting Summary

A community meeting was held on April 29, 2019 at Maxey Elementary School. Excluding the applicant and various Orange County staff, seven (7) residents attended. Community residents were generally supportive of the project, but raised mild concerns with future use of the old Maxey Elementary School building and site, and access of the agricultural program to all students.

SITE DATA

| | |
|------------------------|---|
| Existing Use | Elementary School Building with Portables |
| Adjacent Zoning | N: I-2/I-3 (Industrial District) (1968) |

E: I-2 (General Industrial District) (*City of Winter Garden*)
W: C-2 (Arterial Commercial District) (*City of Winter Garden*)
S: I-1 (Light Industrial and Warehousing District) (*City of Winter Garden*)
I-2 (General Industrial District) (*City of Winter Garden*)

Adjacent Land Uses N: Metal Materials Manufacturing
E: Automobile Auction
W: Grove
S: Furniture Manufacturing, Warehousing, Scrapyard

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback: 25 feet
Maximum Building Height: 50 feet (35 feet within 100 feet of residential)

Minimum Building Setbacks

North Setback: 35 feet
East Setback: 30 feet
West Setback: 50 feet
South Setback: 50 feet

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone the subject parcel from R-2 (Residential District) to PD (Planned Development District), in order to repurpose an existing elementary school site into an OCPS maintenance facility and educational facility with agricultural uses. No waivers from Orange County Code are requested.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is located within the Winter Garden JPA. Notice of the PZC public hearing was sent to the City. No comments were received from the City prior to the PZC hearing.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

Orange County Environmental Protection Division (EPD) reviewed this request, but did not provide any comments or concerns.

Transportation / Concurrency

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 approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Based on the Concurrency Management System database, there are no failing roadways within the project impact area.

Water / Wastewater / Reclaim

| | |
|-------------|--|
| Water: | <u>Existing service or provider</u> City of Winter Garden |
| Wastewater: | City of Winter Garden |
| Reclaimed: | City of Winter Garden |

Schools

Orange County Public Schools (OCPS) reviewed this request, but did not provide any comments or concerns.

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not provide any comments or concerns.

Code Enforcement

There are no active Code Enforcement violations, hearings, or liens on the subject property.

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.

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the OCPS Northwest Maintenance Facility Planned Development (PD) Land Use Plan, subject to seven (7) conditions.

Staff indicated that four hundred and nine (409) notices were mailed to surrounding property owners within a buffer of 1,000 feet from the subject property, with one (1) commentary received in support of the request and zero (0) received in opposition. The applicant was present for the hearing and concurred with staff's recommendation. There were four (4) members of the public that spoke in opposition to this request.

After a discussion regarding the operation of the site and its future, a motion was made by Commissioner Dunn to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the OCPS Northwest Maintenance Facility PD Land Use Plan, subject to the seven (7) conditions listed under the DRC Recommendation. Commissioner Cantero seconded the motion, which then carried on an 8-0 vote.

Motion / Second*Jimmy Dunn / Jose Cantero***Voting in Favor***Jimmy Dunn, Jose Cantero, Diane Velazquez, Gordon Spears, Carlos Nazario, Mohammed Abdallah, Yog Melwani, and Eddie Fernandez***Voting in Opposition***None***Absent***JaJa Wade***PZC RECOMMENDED ACTION****Planning and Zoning Commission (PZC) Recommendation – (August 15, 2019)**

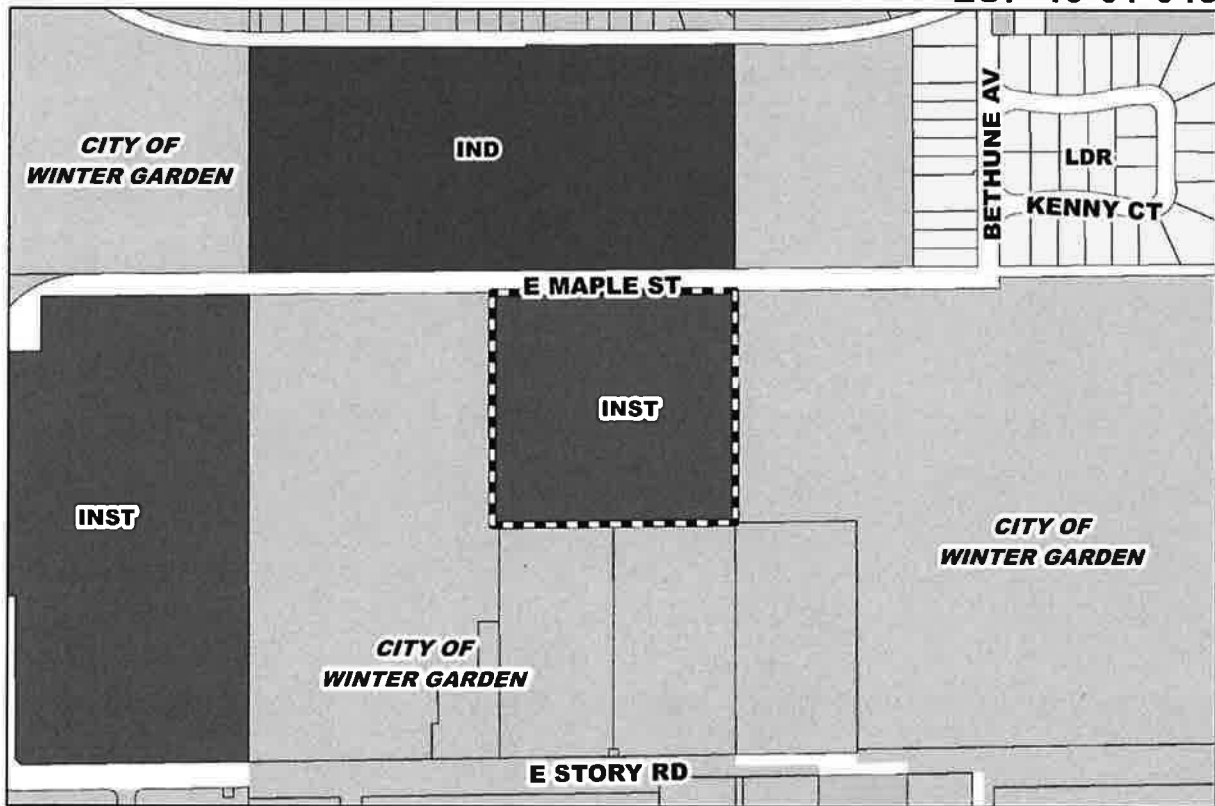
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LUP-19-01-045



Subject Property



★ Subject Property

Future Land Use Map

FLUM: Institutional (INST)

APPLICANT: Julie C. Salvo,
Orange County Public Schools

LOCATION: 1100 E. Maple Street; or generally located
on the south side of E. Maple Street,
approximately 700 feet west of Bethune
Avenue

TRACT SIZE: 9.68 gross acres

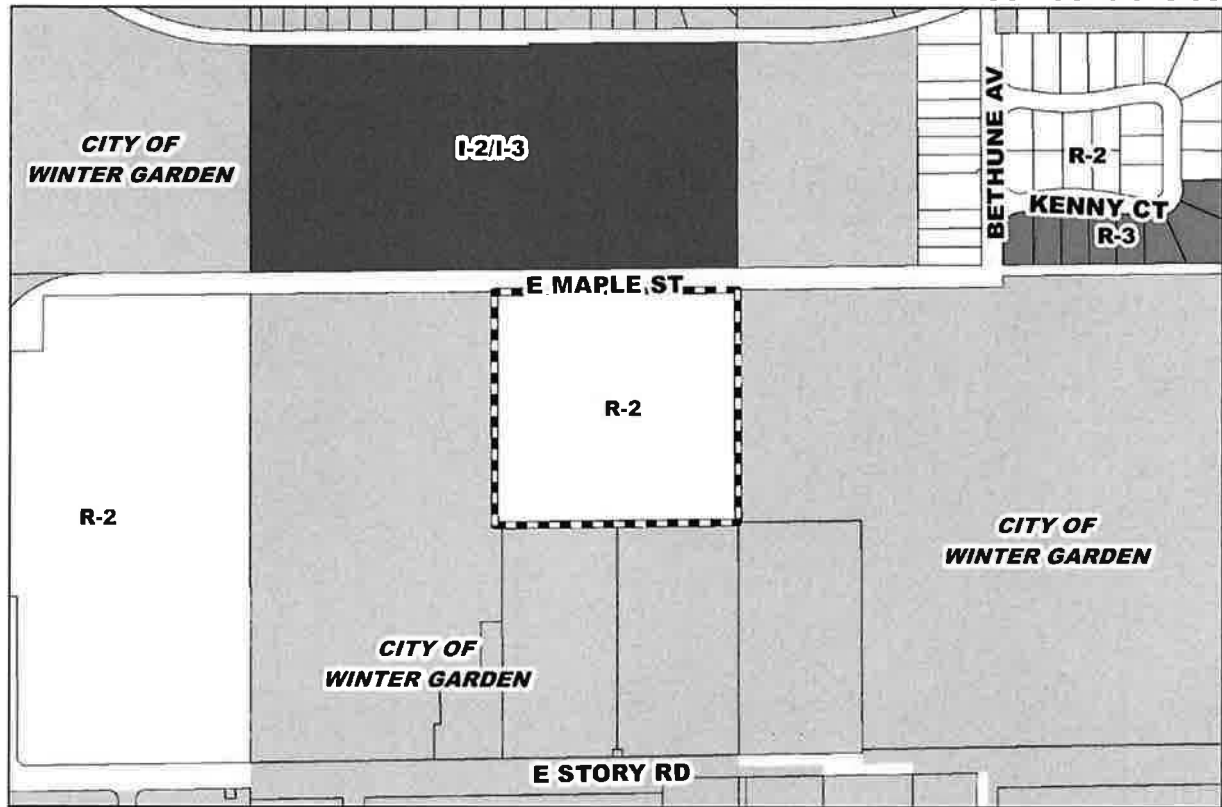
DISTRICT: # 1

S/T/R: 12/22/27

1 inch = 425 feet



LUP-19-01-045



 Subject Property



★ Subject Property

Zoning Map

ZONING: R-2 (Residential District) to
PD (Planned Development District)

APPLICANT: Julie C. Salvo,
Orange County Public Schools

LOCATION: 1100 E. Maple Street; or generally located
on the south side of E. Maple Street,
approximately 700 feet west of Bethune
Avenue

TRACT SIZE: 9.68 gross acres

DISTRICT: # 1

S/I/R: 12/22/27

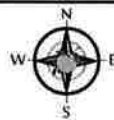
1 inch = 425 feet



LUP-19-01-045



Subject Property



1 inch = 275 feet

OCPS Northwest Maintenance Facility PD / LUP (Cover Sheet)

LUP-19-01-045

OCPS Northwest Maintenance Facility Planned Development/Land Use Plan

1100 E. Maple Street

Winter Garden, FL 34787

PARCEL ID#: 12-22-27-6496-15-003

TABLE OF CONTENTS:

LUP-01: Location Map, Aerial 2018, Applicant Information, Legal Description

LUP-02: Site Data, Zoning Data, and Setbacks

LUP-03: Soil, Vegetation, Flood, Topographic Maps

LUP-04: Sketch and Legal Description

LUP-05: Aerial

[illegible]

CONTAINING 9.5 ACRES +/-

Owner:
School Board of Orange County Florida
445 W. Amelia Street
Orlando, FL 32801



Facilities Planning

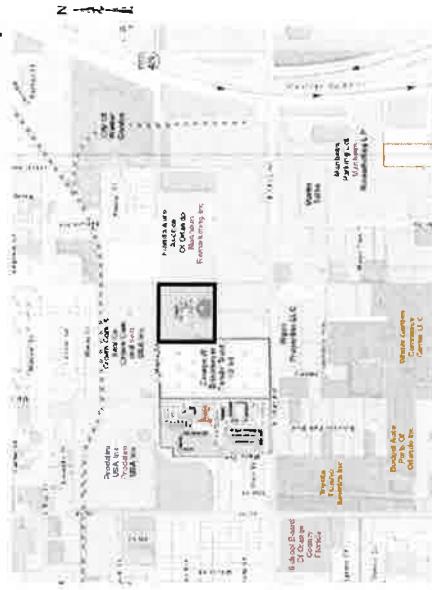
Orange County Public Schools

6501 Magic Way, Orlando, FL 32809
Tel: (407) 317-3974 Fax: (407) 317-3263

| | | | |
|-----------------------|--|---|----------------------------|
| PREPARED BY JCS/VJ | DATE CIVILIAN: 01-08-2019 MILITARY: 01-17-2019 | FILE NAME OCT 19 16:11:00 Mainframe Password | SHEET NUMBER LUP-01 |
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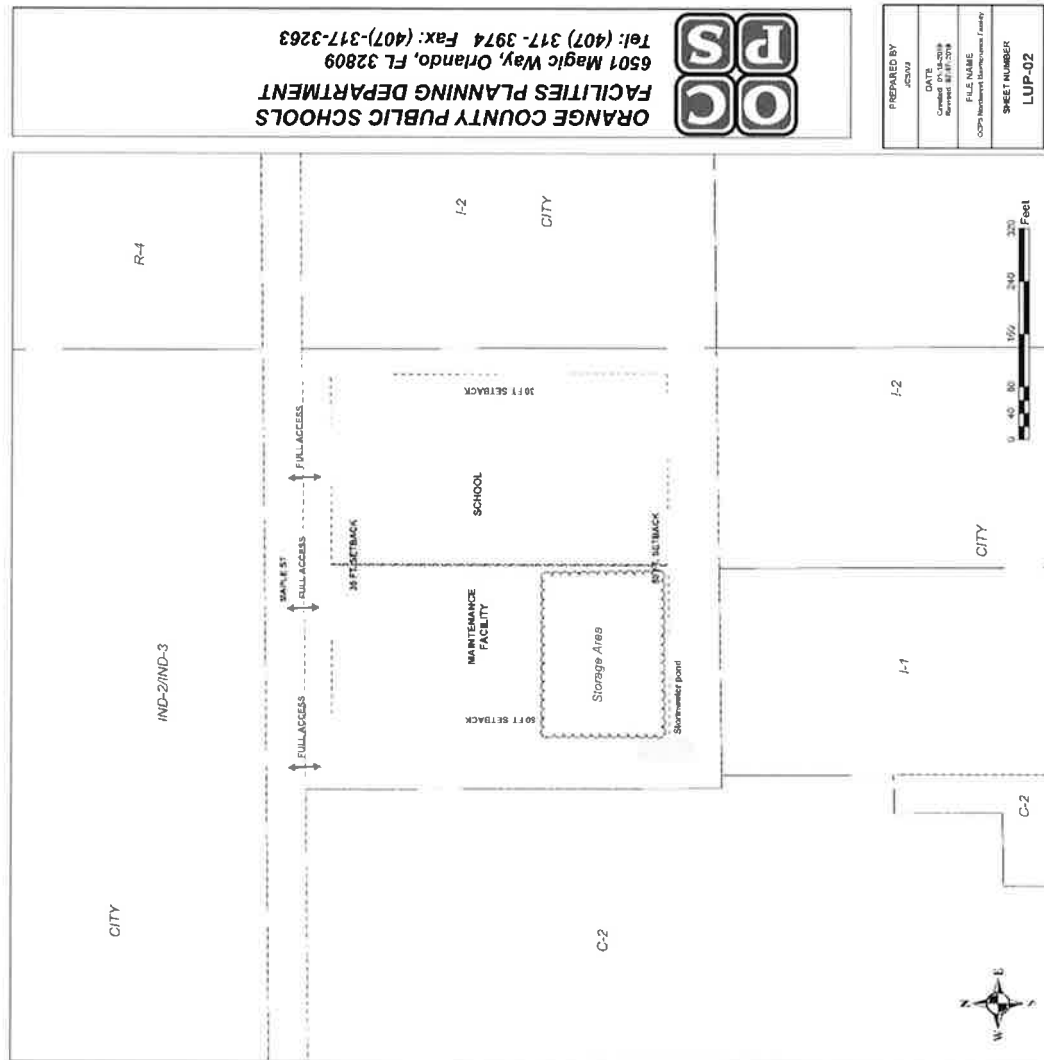
RECEIVED
Ely State College on Oct 24 1968, Vol 17, 2018

Location Map



2018 Aerial Map





OCPS NORTHWEST MAINTENANCE FACILITY PD/LUP

CASE #: LUP-19-01-045

SITE DATA

| | |
|-------------------------|--|
| PARCEL NUMBER | 12-07-37-698B-15-003 |
| TOTAL SITE AREA | 9.68 AC. |
| LESS WETLAND ACREAGE | 0.00 AC. |
| TOTAL DEVELOPABLE ACRES | 9.68 AC. |
| EXISTING ZONING | R-3 (RESIDENTIAL DISTRICT) |
| PROPOSED ZONING | PD (PLANNED DEVELOPMENT) |
| FUTURE LAND USE | INST (INSTITUTIONAL) |
| PROPOSED USES: | MAINTENANCE FACILITY (New items intended to be located on property include white fuel storage tank, new generator shed, new maintenance building, new maintenance shop, and school bus lot. Large tractor lot, 1 Auditorium lot, and 1 trailer. Hours of operation 6:30AM to 4:00PM.) |
| BUILDING SQUARE FOOTAGE | 38,220 SQ FT SCHOOL |
| FLOOR AREA RATIO (FAR) | 38,220 / 421,650 = 0.09 |
| TRIP GENERATION | 560 (35,790 SQ FT X .15 IS FOR OFFICE) |
| SIGNAGE | SHALL COMPLY WITH OREGON COUNTY PUBLIC SCHOOL SITING REGULATIONS CHAPTER 38 NOTE: BULDCARDS AND POLE SIGNS SHALL BE PROHIBITED |
| BUFFER | A BUFFER SHALL BE PROVIDED ON THE NORTHWEST CORNER OF THE PROPERTY TO BUFFER THE MAINTENANCE FACILITY FROM THE STREET |
| OPEN SPACE | MINIMUM 25% |
| IMPERVIOUS | MAXIMUM 70% |
| PHASING | PROJECT TO BE BUILT IN ONE PHASE |
| SETBACKS | 35 FT NORTH 50 FT SOUTH 50 FT WEST |
| WATER SERVICE | CITY OF WINTER GARDEN |
| WASTEWATER | CITY OF WINTER GARDEN |
| (UR)FLOW | SHALL COMPLY WITH OREGON COUNTY STANDARDS |
| WATER/WASTE | SHALL COMPLY WITH WATER MANAGEMENT DISTRICT REQUIREMENTS |
| ACCESS | PRIMARY ACCESS SHALL BE FROM MARLBOR STREET |
| NOTES | TO THE BEST KNOWLEDGE OF COPS, the site complies with Section 38-1754.(3). (A) Land is not located within one hundred feet of a gas transmission line, nor adjacent to industrial property from which noise exceeds sixty decibels at two o'clock p.m. Any future development that may occur on the property will comply with applicable environmental standards. All easements shall not be single within 100 feet of residential. In accordance with Section 38-1754(3)(g). |

Public Notification Map

OCPS Northwest Maintenance Facility PD_LUP-19-01-045

1000 FT BUFFER, 409 NOTICES

Notification Map

