





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
Mattaniah Jahn, Law Office of Mattaniah S. Jahn P.A.
Hunter's Creek Planned Development
Case # CDR-19-03-101 / District 1

The Hunter's Creek Planned Development (PD) was originally approved by the Board of County Commissioners on November 28, 1983. This PD is currently approved for a development program consisting of 9,624 residential units, shopping, office, entertainment, hotel, institutional and light industrial/warehouse uses, as well as parks, open space, golf courses and four (4) school sites.

Through this PD substantial change, the applicant is seeking to allow a 139-foot tall monopole style communication tower and support compound on PD Tract 181.

In addition, one (1) waiver from Orange County Code is requested to reduce the minimum separation distance between the proposed monopole tower from residentially-zoned lands.

On July 24, 2019, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was required for this request 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 substantial change to the Hunter's Creek Planned Development / Land Use Plan (PD/LUP) dated "Received June 28, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

Attachments
JVW/EPR/stt

CASE # CDR-19-03-101

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Mattaniah Jahn, Law Office of Mattaniah S. Jahn P.A.
OWNER	Shoppes at Hunter's Creek, LLC
PROJECT NAME	Hunter's Creek Planned Development
PARCEL ID NUMBER	34-24-29-3114-00-090 (affected parcel only)
TRACT SIZE	3,995.00 gross acres (overall PD) 1.32 gross acres (affected parcel only)
LOCATION	14650 Gatorland Drive; or generally located on the west side of S. Orange Blossom Trail, approximately 1,300 feet south of Cypress Crossings Drive.
REQUEST	A PD substantial change to to allow a 139-foot tall monopole style communication tower and support compound on PD Tract 181. In addition, the applicant has requested the following waiver from Orange County Code:

1. A waiver from Section 38-1427(d)(2) to allow a minimum separation distance to single-family zoned property of 456 feet, in lieu of the required minimum separation distance of 695 feet, for Parcel ID 34-24-29-3114-00-090 only.

Applicant Justification: Parcel 34-24-29-0000-00-018 (Deerfield Parcel) is zoned A-2 and located within the required separation area. Eco-Site respectfully requests a waiver granting relief from the residential separation requirement from this parcel as it is encumbered by environmental restrictions. Specifically, the portion of the Deerfield Parcel location within the separation area is under a conservation easement in favor of the South Florida Water Management District through Permit #49-00477-5. Therefore, no residential uses can be developed within the standard code separation on the Deerfield Parcel.

PUBLIC NOTIFICATION A notification area extending beyond one thousand two hundred (1,200) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred and fifty-three (253) notices were mailed to those property owners in the notification buffer area. A community meeting was held on May 13, 2019 at Endeavor Elementary School as summarized in this report below.

IMPACT ANALYSIS

Special Information

The Hunter's Creek PD was originally approved by the Board of County Commissioners on November 28, 1983. This PD is currently approved for a development program consisting of 9,624 residential units, shopping, office, entertainment, hotel, institutional and light industrial/warehouse uses, as well as parks, open space, golf courses and four (4) school sites.

Through this PD Change Determination Request (CDR), the applicant is seeking to allow a 139-foot tall monopole style communication tower and support compound on PD Tract 181. Additionally, one (1) waiver from Orange County Code is requested to reduce the minimum separation distance between the proposed monopole tower from residentially-zoned lands.

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 Commercial (C). 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)

The subject property is not located within a JPA.

Environmental

The applicant shall use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping.

Transportation / Concurrency

Orange County Transportation Planning reviewed the request, but did not identify any issues or concerns with the request.

Community Meeting Summary

A community meeting was held on May 13, 2019 at Endeavor Elementary School. No residents attended the meeting.

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 – (July 24, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hunter's Creek Planned Development / Land Use Plan (PD/LUP), dated "June 28, 2019", subject to the following conditions:

1. Development shall conform to the Hunter's Creek Planned Development (PD) dated "Received *," 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 *," 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, or any other development order, 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 38-1427(d)(2) is granted to allow a minimum separation distance to single-family zoned property of 456 feet, in lieu of the required minimum separation distance of 695 feet, for Parcel ID 34-24-29-3114-00-090 only.

7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 27, 2012 shall apply:
 - a. The following waivers from Orange County Code Sections 38-1258 and 38-1477 are granted to address multi-family residential building setbacks, height, buffering/screening and parking standards for PD Tract 300 – Lot 2 only:
 - 1) A waiver from Section 38-1258(b) to allow all multi-family buildings located within one hundred thirty-five (135) feet of single-family zoned property to be four (4) stories in height (not to exceed 55 feet), in lieu of three (3) stories and 40' to be located 150' from single-family property;
 - 2) A waiver from Section 38-1258(c) to allow a maximum height of fifty-five (55) feet for all multi-family buildings, in lieu of a maximum building height of forty (40) feet;
 - 3) A waiver from Section 38-1258(f) to eliminate the requirement to construct a six (6) foot masonry wall whenever a multi-family development is located adjacent to single-family zoned property; and
 - 4) A waiver from Section 38-1477 to allow thirty-three (33) parking spaces to be located on Hunter's Park Lane, a private right-of-way, subject to HOA approval, in lieu of all required parking spaces to be located on the same lot.
 - b. Additional access to Hunter Park Lane on the NE corner on lot 2 shall obtain approval from the Master HOA to access the private road.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 13, 2003 shall apply:
 - a. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved master plan for the Hunter's Creek PD.
 - b. A waiver is approved for a wall along the SR 417 because the parcels are fifteen feet below the Greenway.
 - c. A private easement agreement addressing ownership and maintenance of the common private utilities will be required prior to Certificate of Occupancy.
 - d. Orange County shall not own, operate, or maintain the on-site wastewater system.
 - e. A total of 360 units shall be built with a maximum of 240 for sale as condominium or townhome units allocated to Tract 330A, and a maximum 120 for sale as townhome units on no more than 15 acres allocated to Tract 370.
 - f. The covenants and the restrictions shall include restrictions limiting rental of units to not less than 90 days.

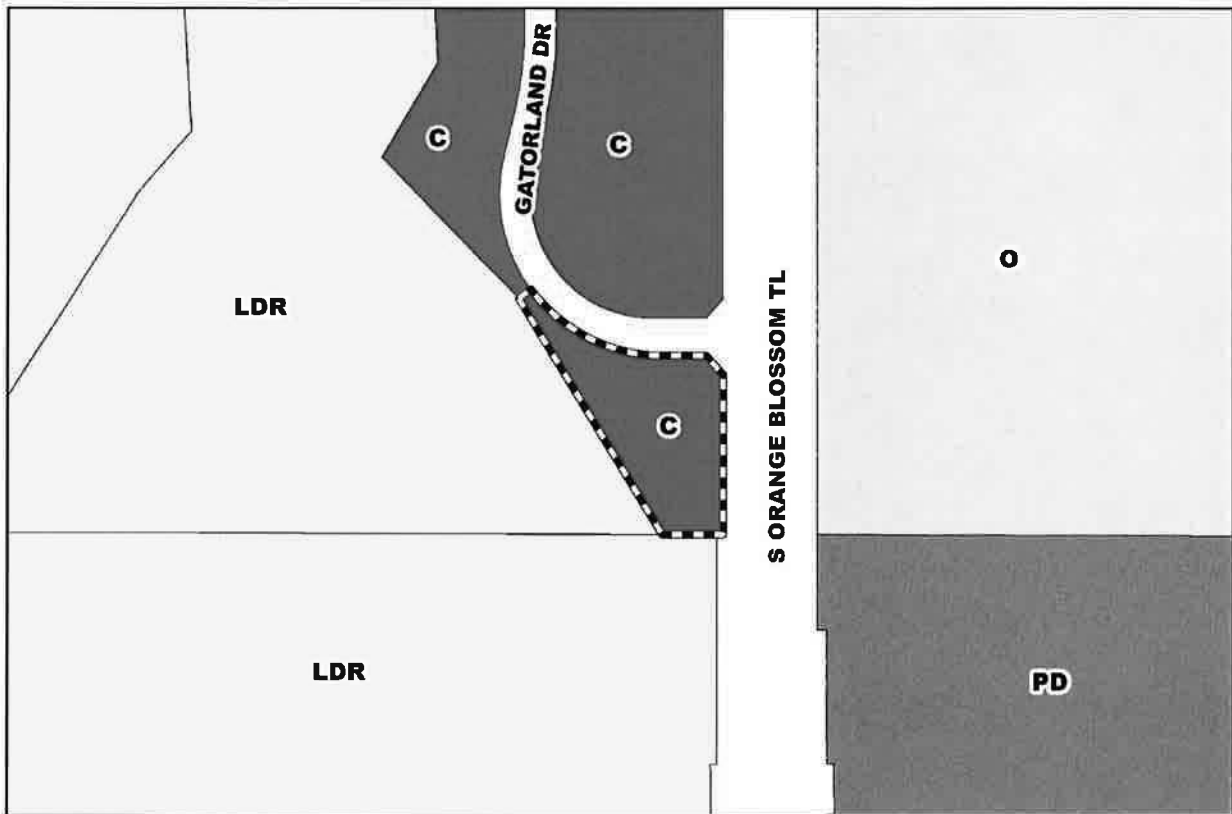
- g. Additional gas stations and tire stores shall be prohibited.
- h. No residential development (except access) shall be permitted fronting John Young Parkway.
- 9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 8, 1992 shall apply:
 - a. Access to the outparcels on John Young Parkway shall be from the internal road system.
 - b. As part of the next development plan submitted for parcels adjacent to Shingle creek on the east side and as part of the next development plan submittal for any parcels west of Shingle creek the applicant shall include on the Development Plan all remaining unplatted portions of the Shingle Creek Conservation Area such that these areas can be platted as conservation tracts.
- 10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 12, 1991, shall apply:
 - a. Minimum lot sizes shall be addressed at the Development Plan stage and shall be compatible with the remainder of the project.
 - b. A six-foot (6') masonry wall shall be provided along the northern property line where adjacent residential uses abut the RV/boat storage. A 12-foot height limit shall be required on any vehicle stored adjacent to the property line. Commercial sales shall be prohibited.
 - c. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
- 11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 23, 1990, shall apply:
 - a. The apartment complexes in the designated areas shall be no higher than two (2) story;
 - b. The developer shall provide a privacy fence and intensive landscape buffers.
- 12. All previous applicable BCC Conditions of Approval, dated November 28, 1983, shall apply.

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

Upon a motion by Commissioner VanderLey, seconded by Commissioner Nelson, and carried by with all present members voting AYE by voice vote; the Board made a finding of consistency with the Comprehensive Plan and approved the substantial change request by Deborah L. Martohue, Martohue Land Use Law P.A., to amend the Hunter's Creek PD/LUP to allow for a 134-foot high camouflaged "monocross" communication tower and equipment compound on a

3,600 square-foot leased tract within an 8.29-acre parcel, Case #CDR-16-09-332, subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report.

CDR-19-03-101



Subject Property



Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Mattaniah Jahn,
Law Office of Mattaniah S. Jahn P.A.

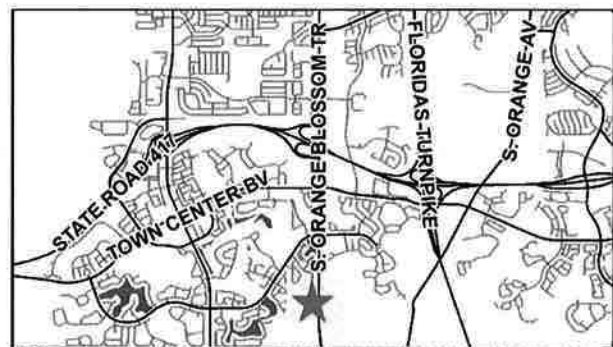
LOCATION: 14650 Gatorland Drive; or generally located
on the west side of S. Orange Blossom
Trail, approximately 1,300 feet south of
Cypress Crossings Drive

TRACT SIZE: 3,995.00 gross acres (overall PD)
1.32 gross acres (affected parcel only)

DISTRICT: # 1

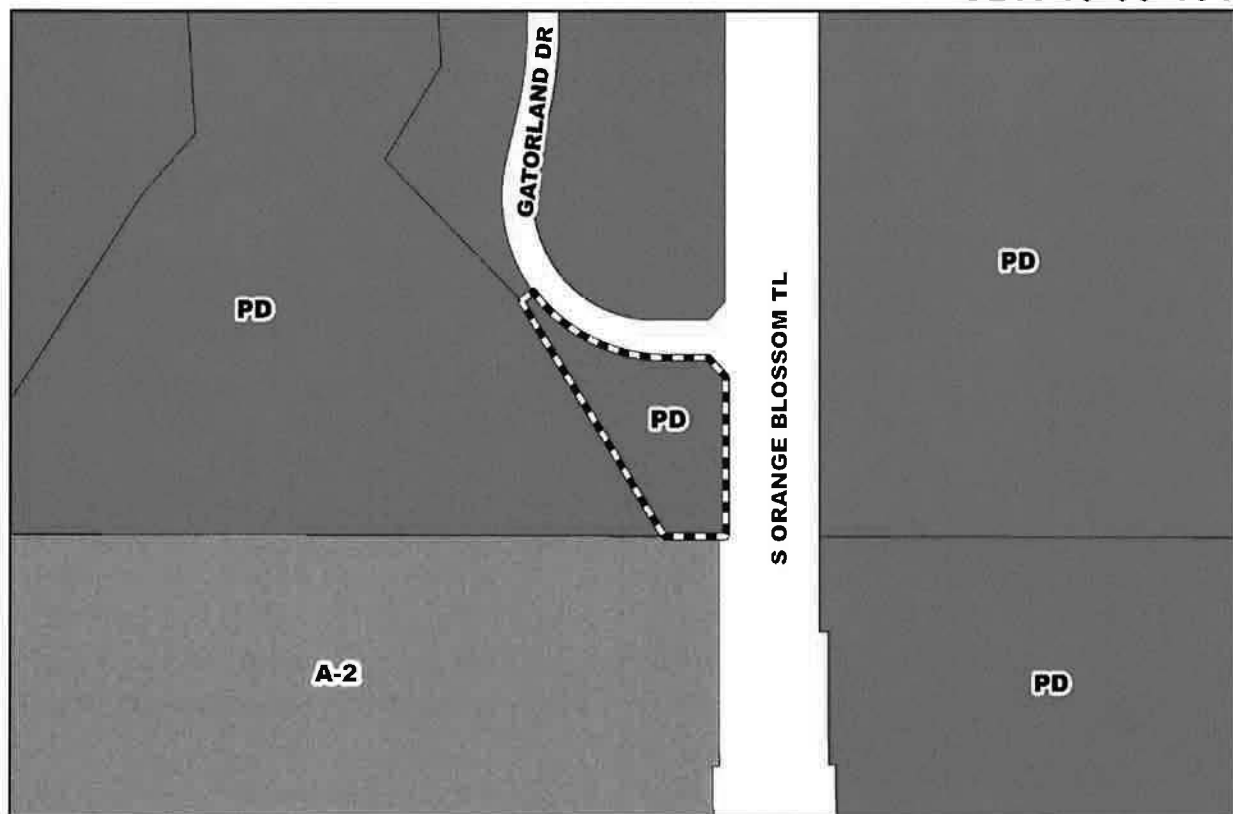
S/T/R: 34/24/29

1 inch = 250 feet



OSCEOLA COUNTY

CDR-19-03-101



 Subject Property



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Mattaniah Jahn,
Law Office of Mattaniah S. Jahn P.A.

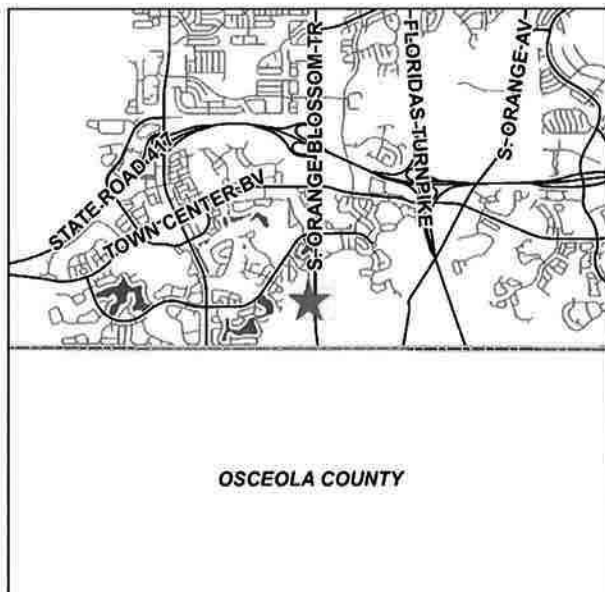
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1.32 gross acres (affected parcel only)

DISTRICT: # 1

S/T/R: 34/24/29

1 inch = 250 feet



Hunter's Creek PD / LUP (Cover Sheet)

 ECO-SITE: FL-0109 / FALCON TRACE T-MOBILE: A2E0312A CONSTRUCTION PLANS CDR-19-03-101		<div style="display: flex; justify-content: space-between;"> <div> <p>240 LEIGH FARM ROAD, SUITE 230 DURHAM, NC 27707</p> </div> <div> <p>FL-0109 FALCON TRACE T-MOBILE SITE A2E0312A 14650 GATORLAND DRIVE ORLANDO, FL 32837</p> </div> </div>	
<p>ECO-Site 655 N. FRANKLIN STREET, SUITE 150 TAMPA, FL 33602 PHONE (813) 830-1460 WWW.ECO-SITE.COM</p>		<p>Kimley-Horn 655 N. FRANKLIN STREET, SUITE 150 TAMPA, FL 33602 PHONE (813) 830-1460 WWW.KIMLEY-HORN.COM</p>	
<p>THE INFORMATION CONTAINED IN THIS SET OF PLANS IS THE PROPERTY OF KIMLEY-HORN & ASSOCIATES, INC. (KHA). IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS INFORMATION IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM KIMLEY-HORN & ASSOCIATES, INC.</p>			
<p>FL-0109 FALCON TRACE T-MOBILE SITE A2E0312A 14650 GATORLAND DRIVE ORLANDO, FL 32837</p>		<p>DATE: 08/28/2019 BY: [Signature] CHECKED: [Signature] SCALE: AS SHOWN</p>	
<p>NOT FOR CONSTRUCTION</p>			
<p>COVER SHEET</p>		<p>T-1 2</p>	

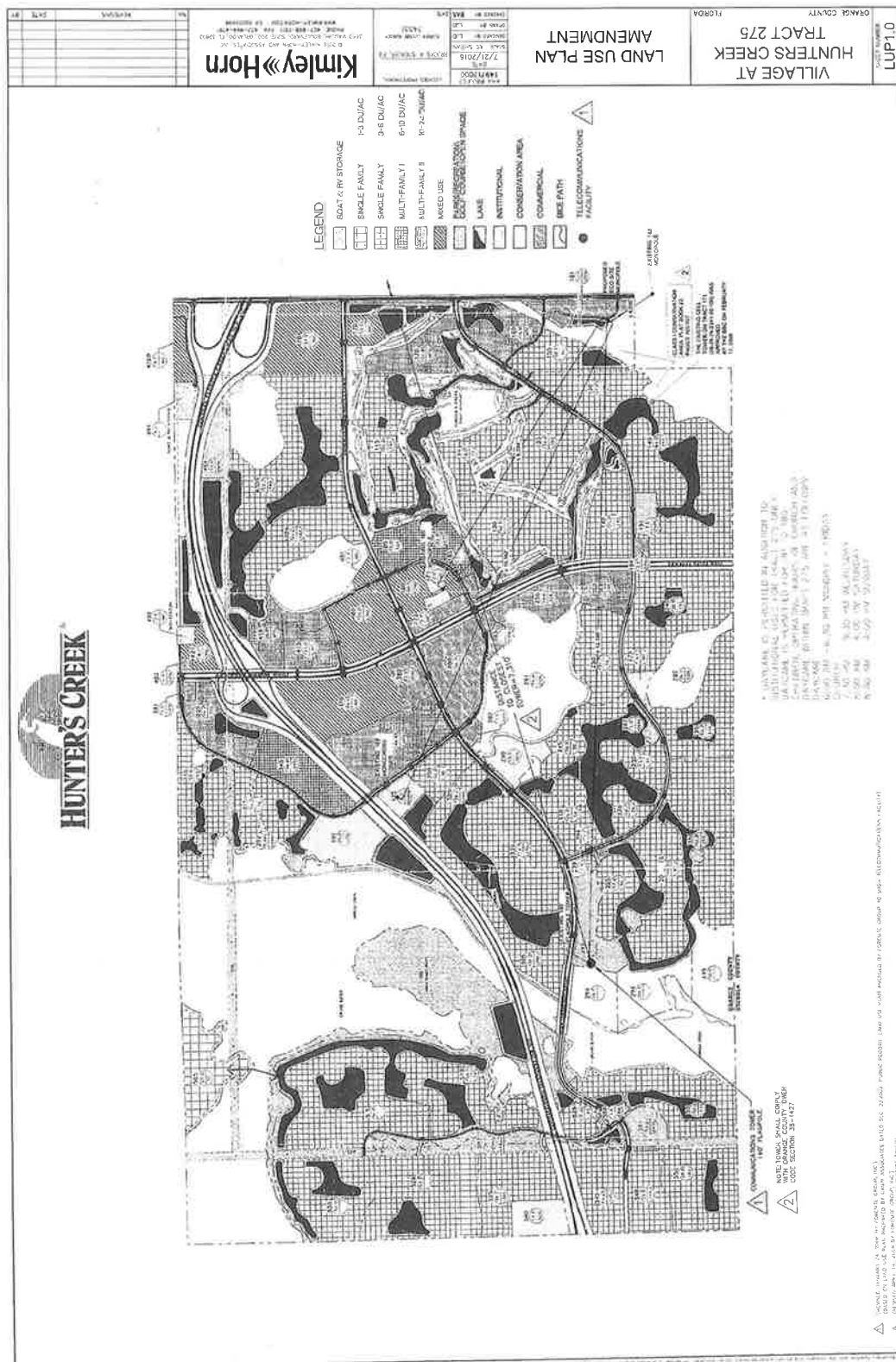
<p>FLOOD ZONE INFORMATION</p> <p>(SITE IS LOCATED IN FLOOD ZONE "X" PER FEMA FIRM COMMUNITY PANEL #14255C02S DATED 09/25/09)</p>	
<p>SHEET</p>	<p>DESCRIPTION</p>
T-1	COVER SHEET
LUP 1.0	AMENDED HUNTERS CREEK LAND USE PLAN
LUP 2.0	AMENDED HUNTERS CREEK LAND USE PLAN
LUP 3.0	AMENDED HUNTERS CREEK LAND USE PLAN
LUP 4.0	AMENDED HUNTERS CREEK LAND USE PLAN
LUP 5.0	AMENDED HUNTERS CREEK LAND USE PLAN
LUP 6.0	AMENDED HUNTERS CREEK LAND USE PLAN
LUP 7.0	AMENDED HUNTERS CREEK LAND USE PLAN
LUP 8.0	AMENDED HUNTERS CREEK LAND USE PLAN
LUP 9.0	AMENDED HUNTERS CREEK LAND USE PLAN
LUP 10.0	AMENDED HUNTERS CREEK LAND USE PLAN
LUP 11.0	AMENDED HUNTERS CREEK LAND USE PLAN
LUP 12.0	AMENDED HUNTERS CREEK LAND USE PLAN
LUP 13.0	PD LUP CONDITIONS OF APPROVAL
LS-1	SITE SURVEY
LS-2	DEMOLITION PLAN
LS-3	OVERALL SITE PLAN
LS-4	SITE PLAN
LS-5	FENCE DETAILS
LS-6	SITE SIGNAGE DETAILS
LS-7	TOWER ELEVATION & ANTENNA PLAN
LS-8	AERIAL PLAN
LS-9	TOWER SEPARATION AERIAL
<p>SHEET INDEX</p> <p>ORANGE COUNTY BUILDING DIVISION 201 S. ROSALIND AVE. ORLANDO, FL 32801 PHONE: (407) 836-3300</p>	
<p>PERMIT INFORMATION</p>	

<p>DEVELOPER/APPLICANT: ECO-SITE 240 LEIGH FARM ROAD, SUITE 230 DURHAM, NC 27707 PHONE: (919) 673-3396 ATTN: DAVID PARKS</p>		<p>POWER COMPANY: KISSIMMEE UTILITY AUTHORITY PHONE: (407) 853-7777 ATTN: CUSTOMER SERVICE TELEPHONE COMPANY ATTN: 1-800-331-5800</p>	
<p>PROPERTY OWNER: SHOPS AT HUNTERS CREEK, LLC 14650 GATORLAND DRIVE ORLANDO, FL 32837</p>		<p>FLORIDA BUILDING CODE PER 2014 ATTACHMENT ELECTRIC CODE 2014 IBC</p>	
<p>DESIGN WIND SPEED: PER ASCE 7-10 (AT = 130 MPH (ULTIMATE)) VAS = 105 MPH (NOMINAL)</p>			
<p>CONTACTS</p>			

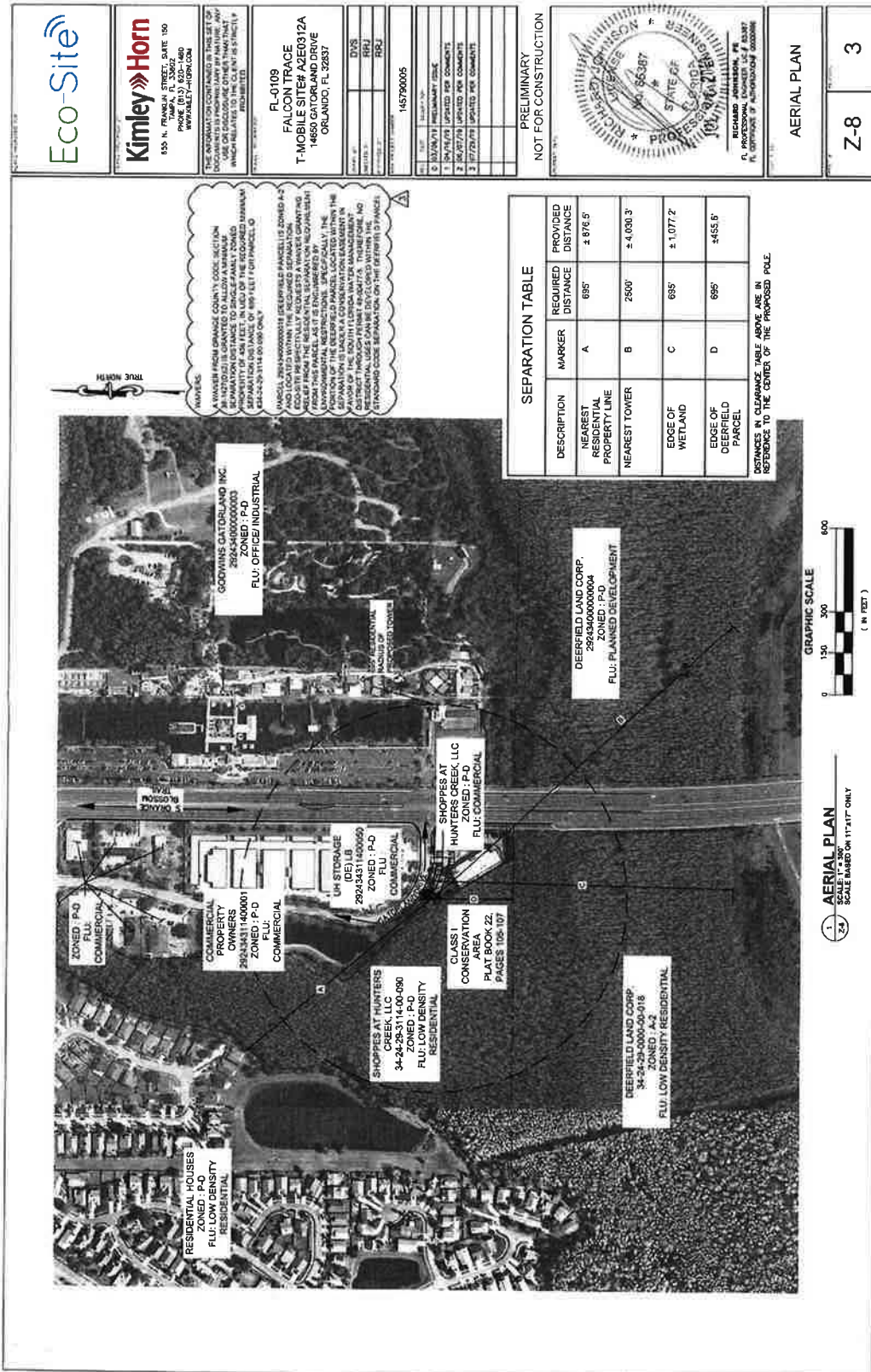
<p>MUNICIPALITY: ORANGE COUNTY STATE: FLORIDA TOWER TYPE: MONOPOLE</p>		<p>TOWER HEIGHT: 135' (135' TO HIGHEST APPURTENANCE) 0' EXISTING, 1' PROPOSED</p>	
<p>NUMBER OF CARRIERS: 1 PROPOSED</p>		<p>USE: PROPOSED TELECOMMUNICATIONS TOWER AND UNMANNED EQUIPMENT</p>	
<p>CONSULTANT: KIMLEY-HORN AND ASSOCIATES, INC. 655 NORTH FRANKLIN STREET, SUITE 150 TAMPA, FL 33602 PHONE: (813) 830-1460 ATTN: RICHARD JOHNSON, P.E.</p>			
<p>PROJECT SUMMARY</p>			

<p>DRIVING DIRECTIONS</p> <p>FROM ORLANDO INTERNATIONAL AIRPORT: PROCEED FROM I-95 FLORIDA BLVD AND TAKE RAMP FROM I-95 TOLL SOUTH TOWARD DUNEDIN WORLD FLORIDA'S TURNPIKE / KISSIMMEE / TAMPA AT EXIT 11, TAKE RAMP RIGHT AND FOLLOW SIGNS FOR US-17 / US-441 / US-92 / TURN RIGHT ONTO US-17 S / US-92 W / US-441 S / US-17 / 92 / ORANGE BLOSSOM TRAIL / ORANGE BLOSSOM TRAIL S IF YOU REACH AT GATORLAND DR THE LAST INTERSECTION IS US-441 S / US-92 W / US-17 S / US-17 / 92 / S ORANGE BLOSSOM TRAIL / ORANGE BLOSSOM TRAIL S IF YOU REACH CYPRESS CROSSING DR, YOU'VE GONE TOO FAR</p>		<p>VICINITY MAP</p>	
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Hunter's Creek PD / LUP



Hunter's Creek PD / LUP (Distance Separation Plan)

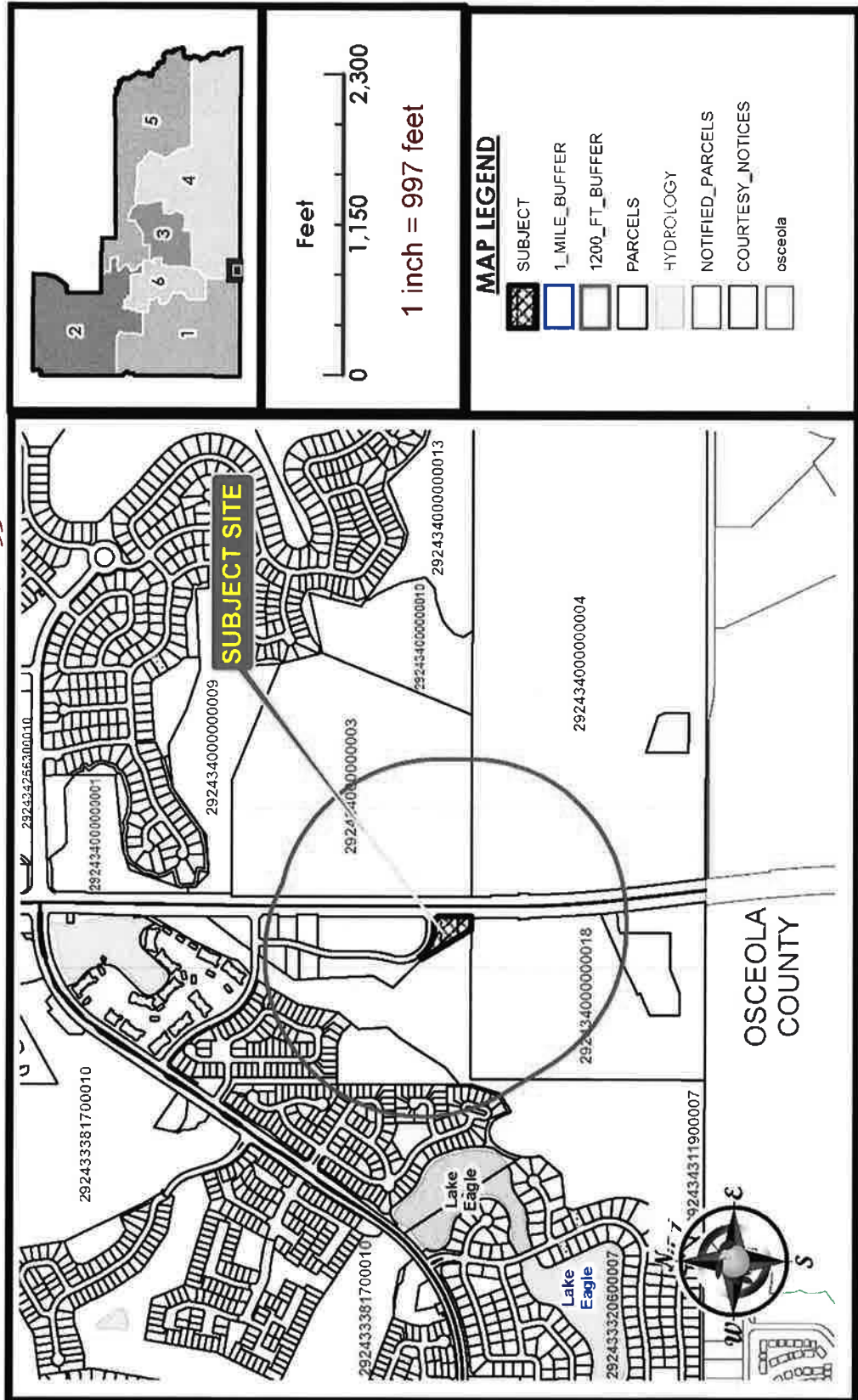


Public Notification Map

Hunters Creek PD_CDR-19-03-1012222

1200 FT BUFFER, 253 NOTICES

Notification Map



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