

CASE # CDR-19-06-217

Commission District: # 1

GENERAL INFORMATION

APPLICANT Jay R. Jackson, Kimley Horn and Associates, Inc.

OWNER Pitibru Hotels, LLC

PROJECT NAME Buena Vista Park Planned Development (PD)

PARCEL ID NUMBER(S) 15-24-28-1081-05-000 (affected parcel only)

TRACT SIZE 16.79 gross acres (overall PD)
2.52 gross acres (affected parcel only)

LOCATION 11942 Ravallo Resort Drive; or generally located on the west side of Ravallo Resort Drive and north of Lake Street

REQUEST A PD substantial change to request the following waiver from Orange County Code:

1. A waiver from Section 38-1394.1(2) to allow one canopy tree for each 1,000 square feet of green space, in lieu of the required one per 100 square feet for PD Lot 5.

Applicant Justification: *With the one (1) canopy tree per one hundred (100) square feet spacing, the trees can not survive.*

PUBLIC NOTIFICATION A notification area extending beyond one thousand hundred (1,00) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seventy-four (74) 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 Buena Vista Park PD was originally approved on September 30, 1997 and currently allows for office, commercial and hotel / resort / timeshare land uses equivalent to 11,770 average daily trips (ADTs). The PD also allows land use conversions according to a development equivalency multiplier matrix.

Through this PD substantial change, the applicant is requesting a waiver from Section 38-1394.1(2) to allow one canopy tree for each 1,000 square feet of green space, in lieu

of the required one per 100 square feet for PD Lot 5. This waiver will allow the required canopy trees to survive.

Land Use Compatibility

The PD substantial change would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Amendment

The subject property has an underlying Future Land Use Map (FLUM) designation of Activity Center Mixed Use (ACMU). The proposed PD substantial change is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Community Meeting Summary

A community meeting was not required for this application.

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.

Overlay District Ordinance

The subject property is located within the Buena Vista North Overlay District.

Environmental

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

Transportation / Concurrency

Transportation Planning staff has reviewed the proposed request, but did not identify any issues or concerns.

Schools

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

Parks

Orange County Parks and Recreation staff reviewed the PD substantial change 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 – (September 25, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Buena Vista Park Planned Development / Land Use Plan (PD/LUP), dated “August 21, 2019”, subject to the following conditions:

1. Development shall conform to the Buena Vista Park PD Land Use Plan (LUP) dated "Received August 21, 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 August 21, 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 38-1394.1(2) is granted to allow one canopy tree for each 1,000 square feet of green space, in lieu of the required one per 100 square feet for PD Lot 5.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 5, 2016, shall apply:
 - a. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
 - b. Outside sales, storage, and display shall be prohibited.
 - c. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with the Buena Vista North Overlay District.
 - d. Development shall comply with the Buena Vista North Overlay District standards unless waivers are explicitly granted by the Board of County Commissioners.
 - e. 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.

- f. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
- g. The following waivers from Orange County Code are granted:
 - 1) A waiver from Section 31.5-195(1)(b) to allow for two wall signs to be placed on the primary façade and to be placed on the secondary façade, in lieu of a single wall sign placed on the primary façade, for Parcel 1 only;
 - 2) A waiver from Section 38-1272(a)(1) to allow for a maximum impervious coverage of seventy-six (76) percent of the net land area, in lieu of seventy (70) percent, for Parcel 1 only;
 - 3) A waiver from Section 38-1287(4) to allow for a paving setback of 20 feet from Palm Parkway, in lieu of 25 feet, for Parcel 1 only;
 - 4) A waiver from Section 38-1392.1 to allow for a streetside building setback of 15 feet from a thoroughfare for the parking garage, in lieu of 20 feet, from Lake Street, for Parcel 1 only;
 - 5) A waiver from Section 38-1393.3(1) allow one or more sloped roofs on sixty-nine (69) percent of the linear length of the primary façade, in lieu of at least seventy-five (75) percent, for Parcel 1 only;
 - 6) A waiver from Section 38-1393.3(2) to allow the use of a non-decorative flat parapet wall without a cornice, in lieu of a flat parapet wall that shall be decorative in style with a cornice, for Parcel 1 only;
 - 7) A waiver from Section 38-1394(1)(a) to allow three (3) silver date palms (understory trees) and sixteen (16) crape myrtle (ornamental trees) and a continuous double shrub row for streetscape planting in the median of Palm Parkway, in lieu of five (5) shade trees and ten (10) ornamental trees;
 - 8) A waiver from Section 38.1394(2) to allow silver date palms (understory trees) and crape myrtle (ornamental trees) within the median of Palm Parkway, in lieu of only live oak and laurel oak trees planted as streetscape shade trees; and
 - 9) A waiver from Section 38.1394.1(a) to allow for an average of 15 feet of green space around the base of a building five or more stories in height, in lieu of a minimum width of 20 feet, for Parcel 1 only.
- 8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 30, 1997, shall apply:
 - a. Development shall be consistent with the Activity Center Turkey Lake Road Network Agreement approved by the Board of County Commissioners on

September 24, 1996. Prior to the issuance of any Certificate of Occupancy, the Turkey Lake Road Extension shall be constructed as a four-lane roadway from Lake Avenue to Central Florida Parkway in accordance with the agreement.

- b. To the extent required to comply with the consistency provisions of the Growth Management Act, the following conditions shall be added to the conditions of approval:
- 1) Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center Plan.
 - 2) If the housing linkage program is in place prior to development plan approval, the development of nonresidential development shall be conditioned upon the development of residential units within the area designated Activity Center Residential on the Future Land Use Map.
 - 3) The development guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to development plan submittal, including but not limited lighting standards, sign regulations, open space regulations, trip reduction programs, access management controls, transit access design standards, building orientation, and location of parking lots.
 - 4) The property owner shall be required to participate in a property owners' association upon its creation.
 - 5) Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County engineer to be technically unfeasible.
 - 6) The development plan shall provide for interconnection of adjacent development either by cross-access easement or public right-of-way.
 - 7) Electrical distribution lines shall be underground.
 - 8) Participation in shuttle service connecting area attractions, major transportation centers, and on-site development shall be required.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (March 20, 2018)

Upon a motion by Commissioner VanderLey, seconded by Commissioner Nelson, and carried by all present members, a finding of consistency was made with the Comprehensive Plan, and the request to expand the Buena Vista Park PD through the aggregation of 1.64 acres from the Ruby Lake PD for the construction of an off-site parking lot associated with an adjacent hotel development was approved subject to conditions.