

**CASE # CDR-19-06-192**

Commission District: # 1

**GENERAL INFORMATION**

**APPLICANT** Jonathan P. Huels, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

**OWNER** AWH Orlando Property LLC

**PROJECT NAME** Orangewood N-1 Planned Development (PD)

**PARCEL ID NUMBER(S)** 12-24-28-6652-00-010 (affected parcel only)

**TRACT SIZE** 28.56 gross (affected parcel only)

**LOCATION** Generally located at the southwest corner of Westwood Boulevard and International Drive.

**REQUEST** A PD substantial change to modify the approved Master Sign Plan to allow for four (4) ground signs. In addition, the applicant has requested the following waivers from Orange County Code:

1. A waiver from Section 31.5-166(d) to allow four (4) ground signs in lieu of two (2) ground signs.

***Applicant Justification:*** Three of the ground signs are existing with their locations previously approved under variance VA-11-01-106. The proposed fourth ground sign would be of the same size and design as the existing ground signs located off of Westwood Blvd and placed at the entrance of the newly constructed convention center to serve as an important wayfinding tool on a property with more than 2,300 linear feet of frontage on public rights of way, which furthers the intent of the MSP to create attractive, aesthetic, and cohesive signage throughout the overall development.

2. A waiver from Section 31.5-166(a) to allow four (4) ground signs with a maximum copy area of greater than 80 sq. ft.

***Applicant Justification:*** Three of the ground signs are existing with copy areas previously approved under variance VA-11-01-106. The proposed fourth ground sign would be of the same size and design as the existing ground signs located off of Westwood Blvd which furthers the intent of the MSP to create attractive, aesthetic, and cohesive signage throughout the overall development.

3. A waiver from Section 31.5-166(d) to allow 50 feet of separation distance between two (2) ground signs in lieu of 100 feet.

***Applicant Justification:*** *The subject two ground signs are existing with the separation distance previously approved under variance VA-11-01-106*

**PUBLIC NOTIFICATION** A notification area extending beyond one thousand five hundred (1,500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Fifty-six (56) 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 Orangewood N-1 PD was originally approved September 5, 1972 and currently includes entitlements for commercial and office uses.

Through this PD substantial change, the applicant is seeking to modify the approved Master Sign Plan to allow for four (4) ground signs. Additionally, waivers are being requested related to the number of signs permitted, maximum copy area, and sign separation requirements.

### **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). The Orangewood N-1 PD was approved in 1972 and includes commercial and office uses. The proposed PD substantial change 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 T6 General I-Drive Overlay

### **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**

This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas required shall be shown on all plans and shall be conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan approval.

**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 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 Orangewood N-1 Planned Development / Land Use Plan (PD/LUP), dated “August 29, 2019”, subject to the following conditions:**

1. Development shall conform to the Orangewood N-1 Planned Development dated "Received August 29, 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 29, 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, 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. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas required shall be shown on all plans and shall be conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.
7. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater have been designed to support all development within the PD.
8. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
9. The following waivers from Orange County code are granted:
  - a. A waiver from Section 31.5-166(d) to allow four (4) ground signs in lieu of two (2) ground signs.
  - b. A waiver from Section 31.5-166(a) to allow four (4) ground signs with a maximum copy area of greater than 80 sq. ft.
  - c. A waiver from Section 31.5-166(d) to allow 50 feet of separation distance between two (2) ground signs in lieu of 100 feet.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 8, 1984 shall apply:
  - a. Development in accordance with the following:
    - 1) Land Use Plans as approved by Board of County Commissioners on September 5, 1972, and as amended.
    - 2) Amendment to Land Use Plan for Neighborhood 1 (Westwood) by Board of County Commissioners, January 23, 1979.
    - 3) Amendment to Land Use Plan for additional 8.78 acres dated received October 18, 1984.
    - 4) Tourist commercial elements of Article XXIX, Zoning Resolution and Subdivision Regulations, unless herein waived.
  - b. Project master signs shall not be calculated in total copy area figures for the individual lots on which they are erected.
  - c. The Developer shall obtain water service from Orange County subject to County Resolutions and Ordinances.

- d. The Developer shall obtain wastewater service from Orange County in accordance with the Sand Lake Road Wastewater Allocation Rules. Any transfer of wastewater capacity shall be in accordance with the Allocation Rules.
- e. Any available water/wastewater capacity will be committed only upon approval of final construction plans and submission of FDER Permit Application. Priority will be based on first come, first served. (Executed Agreements or County Ordinance being the only exception to the above.)

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (January 28, 1985)**

Upon a motion by Commissioner Treadway, seconded by Commissioner Dorman, and carried by all present Commissioners voting AYE, the Board approved the request of Florida Land Company, "Orangewood PD" to establish Zoning Classification of PD and Land Use approval for office/commercial development and amend PD to include additional land, subject to conditions.