



Interoffice Memorandum

DATE: March 5, 2020

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 *gpm*
Planning Division
(407) 836-5523

SUBJECT: March 24, 2020 – Public Hearing
Quang Lam, Lam Civil Engineering, Inc.
Golden Keys Condo Planned Development
Case # LUP-18-06-204 / District 3

The Golden Keys Condo Planned Development (PD) is located at 2143 S. Goldenrod Road; or generally located on the east side of S. Goldenrod Road, approximately 740 feet north of Curry Ford Road. The applicant is seeking to rezone 4.35 gross acres from R-1A (Single-Family Dwelling District) to PD (Planned Development District) to construct 30 multi-family dwelling units. There are two waivers from Orange County Code related to building height and building separation associated with this request.

On November 21, 2019, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. This item was continued from the February 11, 2020 Board of County Commissioners meeting to allow for a community meeting, which was held on March 4, 2020 at Chickasaw Elementary School.

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 Golden Keys Condo Planned Development / Land Use Plan (PD/LUP) dated "Received September 13, 2019", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 3

Attachments
JVW/EPR/nsw

GENERAL INFORMATION

APPLICANT Quang Lam, Lam Civil Engineering, Inc.
OWNER Kurly Key Properties, LLC
PROJECT NAME Golden Keys Condo Planned Development (PD)
HEARING TYPE Planned Development / Land Use Plan (PD / LUP)
REQUEST **R-1A** (Single-Family Dwelling District) **to**
PD (Planned Development District)

A request to rezone 4.35 gross acres from R-1A to PD, in order to construct thirty (30) multi-family dwelling units. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1258(a) to allow 2-story units, in lieu of 1-story units within 100 feet of single-family zoned property.

Applicant Justification: *The property is approximately 165 feet wide and is flanked both sides (north and south) by single-family zoned property and typical multi-family units are 2-story. This property and surrounding properties (north and south) has a future land use of medium density residential which implies when the surrounding properties are ready to develop they will most likely develop as a multi-family, hence it will be the highest and best use.*

2. A waiver from Section 38-1258(j) to allow potential doors, windows or other openings between buildings with minimum separation of twenty (20) feet, in lieu of buildings separation of thirty (30) feet with potential doors, windows or openings between buildings.

Applicant Justification: *The minimum building separation for fire department access is 20 feet. This waiver is consistent with the requirements of the fire department.*

LOCATION 2143 S. Goldenrod Road; or generally located on the east side of S. Goldenrod Road, approximately 740 feet north of Curry Ford Road

PARCEL ID NUMBER	02-23-30-6404-00-008
TRACT SIZE	4.35 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 600 feet [<i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i>]. Five hundred four (504) notices were mailed to those property owners in the mailing area.
PROPOSED USE	Thirty (30) Multi-Family Dwelling Units

STAFF RECOMMENDATION

Development Review Committee – (October 9, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Golden Keys Condo Planned Development / Land Use Plan (PD/LUP), dated "Received September 13, 2019", subject to the following conditions:

1. Development shall conform to the Golden Keys Condo Land Use Plan (LUP) dated "Received September 13, 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 September 13, 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. 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.

7. Prior to recording of the plat, the CC&Rs (covenants, conditions, and restrictions) shall state that this site is within the boundary of the Orlando Range & Chemical Yard formerly known as the Orlando Army Airfield (OAA) Toxic Gas & Decontamination Yard that is a Formerly Used Defense Site (FUDS).
8. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
9. 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).
10. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that neither potable wells nor irrigation wells using local groundwater will be allowed on site.
11. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
12. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
13. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances
14. This property is located within Airport Noise Zone 'E'. Development shall comply with Article XV, Chapter 9, Orange County Code (Airport Noise Impact Areas), as may be amended from time to time.
15. 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.
16. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.

17. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
18. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
19. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1258(a) to allow 2-story units, in lieu of 1-story units within 100 feet of single-family zoned property.
 - b. A waiver from Section 38-1258(f) to allow a six (6) foot high vinyl fence, in lieu of a six (6) foot high masonry, brick, or block wall along adjacent single-family zoned property.
 - c. A waiver from Section 38-1258(j) to allow a twenty (20) foot minimum building separation, in lieu of a thirty (30) foot minimum building separation where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or openings.

IMPACT ANALYSIS

Land Use Compatibility

The applicant is seeking to rezone the subject parcels from R-1A (Single-Family Dwelling District) to PD (Planned Development District) in order to construct thirty (30) multi-family dwelling units. The applicant is also seeking approval of waivers to allow two (2) story units in lieu of one (1) story units within 100 feet of single-family zoned property and to allow building separation of twenty (20) feet in lieu of thirty (30) feet.

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 Medium Density Residential (MDR) which allows for a maximum residential density of twenty (20) dwelling units per net developable acre. The proposed PD zoning district and development program is consistent with the MDR FLUM designation and the following CP provisions:

Goal FLU1 Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County.

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

Policy FLU1.1.1 Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

OBJ FLU 1.2 Orange County shall use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. The Urban Service Area shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development.

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

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

FLU8.2.1 Land use changes shall be required to be compatible with the 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 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.

Community Meeting Summary

A community meeting was held on March 4, 2020 at Chickasaw Elementary School. Forty (40) residents were in attendance and expressed their opposition to the request. Residents voiced concerns related to impacts to the adjacent wetland, flooding, stormwater, traffic, access to the site, privacy, crime, the development becoming rentals and setting a precedent for multi-family in the area. Attendees also expressed concerns related to the proximity to adjacent single-family homes, and stated preferences for a ten foot wall on the property line and for the site to remain single-family.

SITE DATA

Existing Use

Undeveloped Land

Adjacent Zoning	N: R-1A (Single Family Dwelling District) (1957)
	E: R-2 (Residential District) (1979)
	W: R-1A (Single Family Dwelling District) (1957)
	S: R-1A (Single Family Dwelling District) (1957)

Adjacent Land Uses	N: Undeveloped Land
	E: Undeveloped Land
	W: Single Family Dwelling Units
	S: Single-Family Dwelling Unit

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback:	25 feet
Maximum Building Height:	35 feet
Minimum Living Area:	500 Square Feet (under HVAC)

Minimum Building Setbacks

Front Setback:	50 feet
Rear Setback:	25 feet
Side Setback:	25 feet

Minimum Open Space:	25 percent
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SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to PD (Planned Development District) to allow for the construction of thirty (30) multi-family dwelling units. The subject property is located at 2143 S. Goldenrod Road; or generally located on the east side of Goldenrod Road, approximately 740 feet north of Curry Ford Road. The surrounding area is developed within varying levels of residential development with commercial development located at the intersection of Goldenrod Road and Curry Ford Road south of the subject property.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation Medium Density Residential (MDR). The proposed use is consistent with this designation and all applicable CP provisions.

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 not located within an Overlay District.

Airport Noise Zone

The subject property is located within Airport Noise Zone E. Appropriate mitigation criteria will be required at the time of building permit submittal.

Environmental

An Orange County Conservation Area Determination CAD-18-02-022 was completed that included this project site. Wetland classifications were determined on March 1, 2018 and agreed upon on March 8, 2018. The certified survey of the conservation area boundary was approved on June 7, 2018.

Transportation / Concurrency

Based on the Concurrency database dated July 16, 2018, capacity is available to be encumbered within a one-mile radius of this project. This information is dated and subject to change. A capacity encumbrance letter will be required prior to platting.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaimed:	Orange County Utilities

Schools

The applicant received capacity determination OC-19-082, which showed adequate school capacity available.

Parks and Recreation

The Parks and Recreation Division reviewed this request but did not provide any comments or objections.

Code Enforcement

No code enforcement, special magistrate or lot clearing issues on the subject property have been identified.

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 Golden Keys Condo Planned Development (PD) Land Use Plan, subject to nineteen (19) conditions.

Staff indicated that five hundred four (504) notices were mailed to surrounding property owners within a buffer of 600 feet from the subject property, with zero (0) commentaries received in support, and four (4) in opposition to the request. Those in opposition cited concerns related to traffic, crime, privacy, wetland impacts, and compatibility with existing commercial and residential development. The applicant was present for the hearing and concurred with staff's recommendation. There were three (3) members of the public present to speak on this request.

Discussion ensued regarding wetland impacts, cross access, the development program, buffering, and the requested waivers. As a result, condition 19b, which was a requested waiver, was removed by the Planning and Zoning Commission. A motion was made by Commissioner Spears to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the Golden Keys Condo PD Land Use Plan, subject to the nineteen (19) conditions listed under the DRC Recommendation, with the exception of condition 19b. Commissioner Nazario seconded the motion, which then carried on a 8-0 vote.

Motion / Second *Gordon Spears / Carlos Nazario*

Voting in Favor *Gordon Spears, Carlos Nazario, Yog Melwani, Jose Cantero, Mohammed Abdallah, Diane Velazquez, Jimmy Dunn, and JaJa Wade*

Voting in Opposition *None*

Absent *Eddie Fernandez*

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (November 21, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Golden Keys Condo Planned Development / Land Use Plan (PD/LUP), dated "Received September 13, 2019", subject to the following conditions:

1. Development shall conform to the Golden Keys Condo Land Use Plan (LUP) dated "Received September 13, 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 September 13, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.

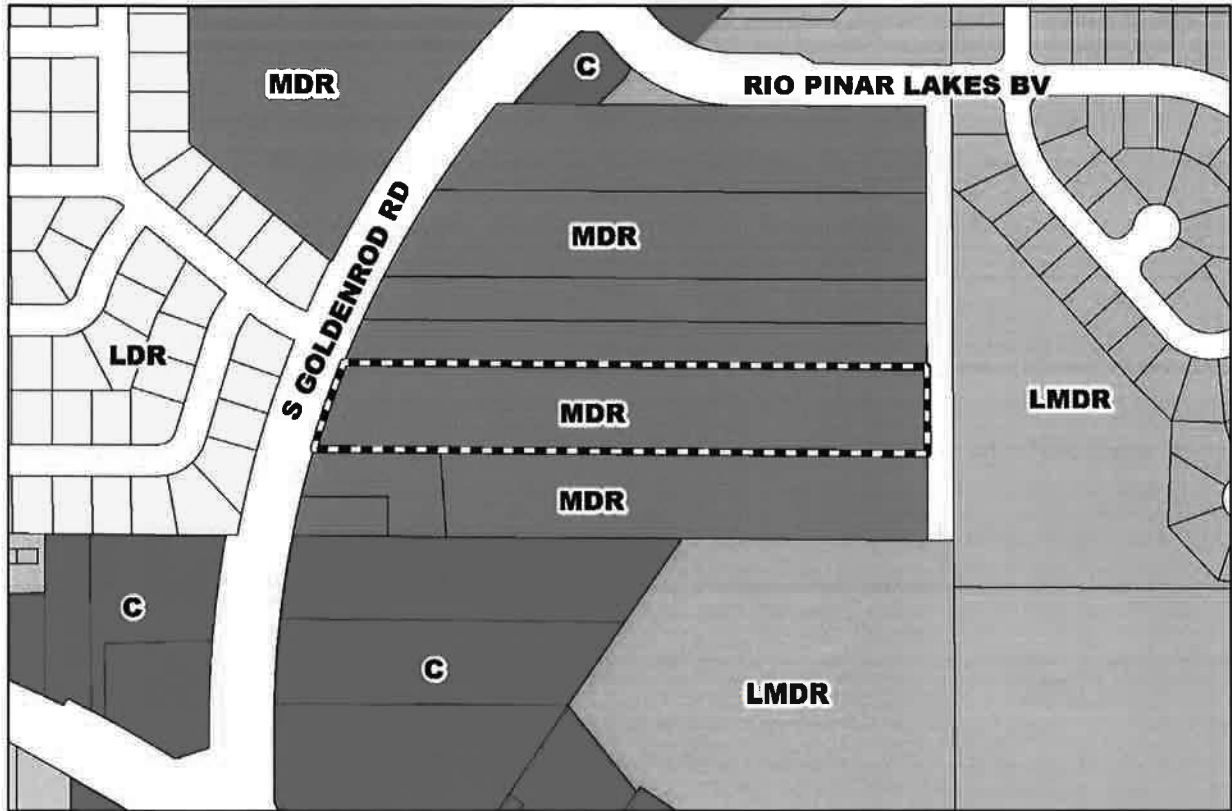
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3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability 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.
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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. 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.
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 - a. A waiver from Section 38-1258(a) to allow 2-story units, in lieu of 1-story units within 100 feet of single-family zoned property.
 - b. A waiver from Section 38-1258(j) to allow a twenty (20) foot minimum building separation, in lieu of a thirty (30) foot minimum building separation where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or openings.

LUP-18-06-204



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Medium Density Residential (MDR)

APPLICANT: Quang Lam, Lam Civil Engineering

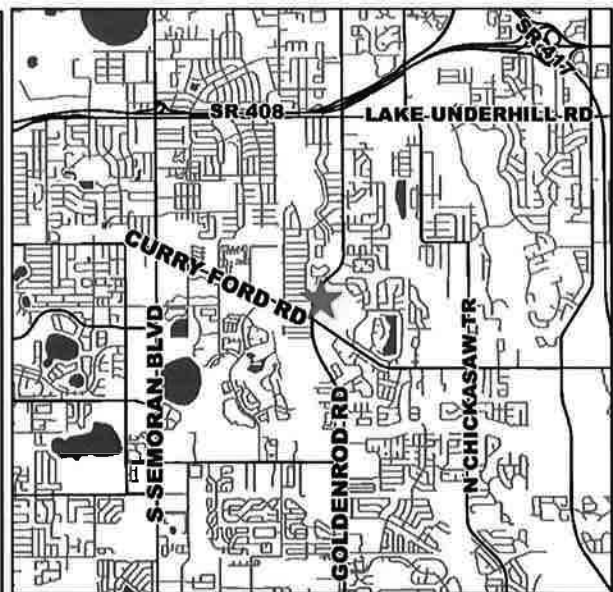
LOCATION: 2143 S Goldenrod Road; or generally located on the east side of Goldenrod Road, approximately 740 feet north of Curry Ford Road.

TRACT SIZE: 4.35 gross acres

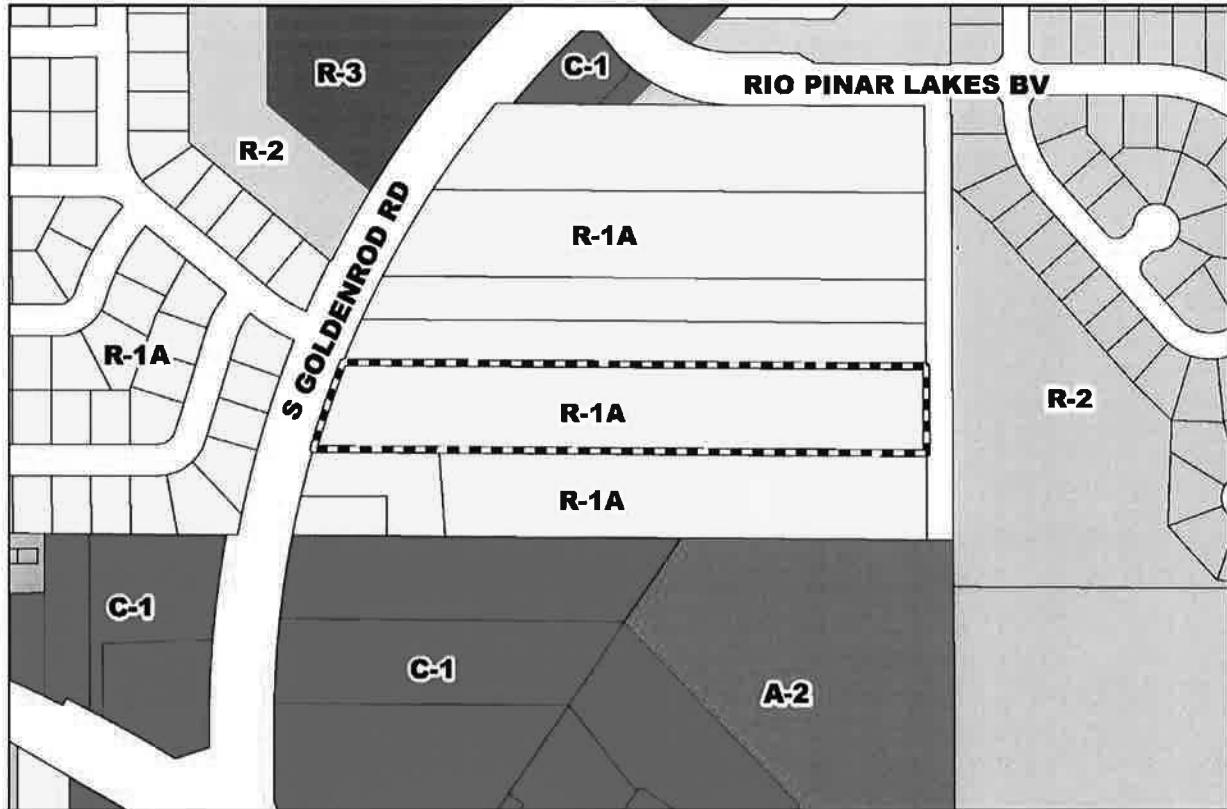
DISTRICT: # 3

S/T/R: 02/23/30

1 inch = 300 feet



LUP-18-06-204



Subject Property



★ Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to PD (Planned Development District)

APPLICANT: Quang Lam, Lam Civil Engineering

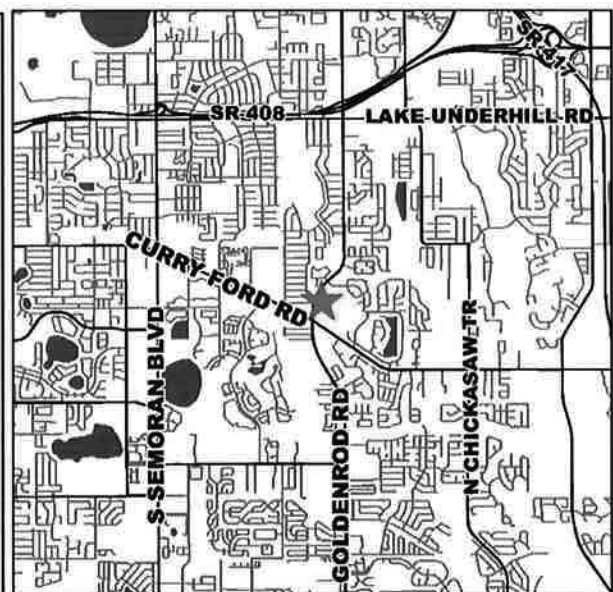
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TRACT SIZE: 4.35 gross acres

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S/T/R: 02/23/30

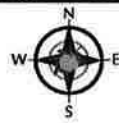
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LUP-18-06-204



 Subject Property

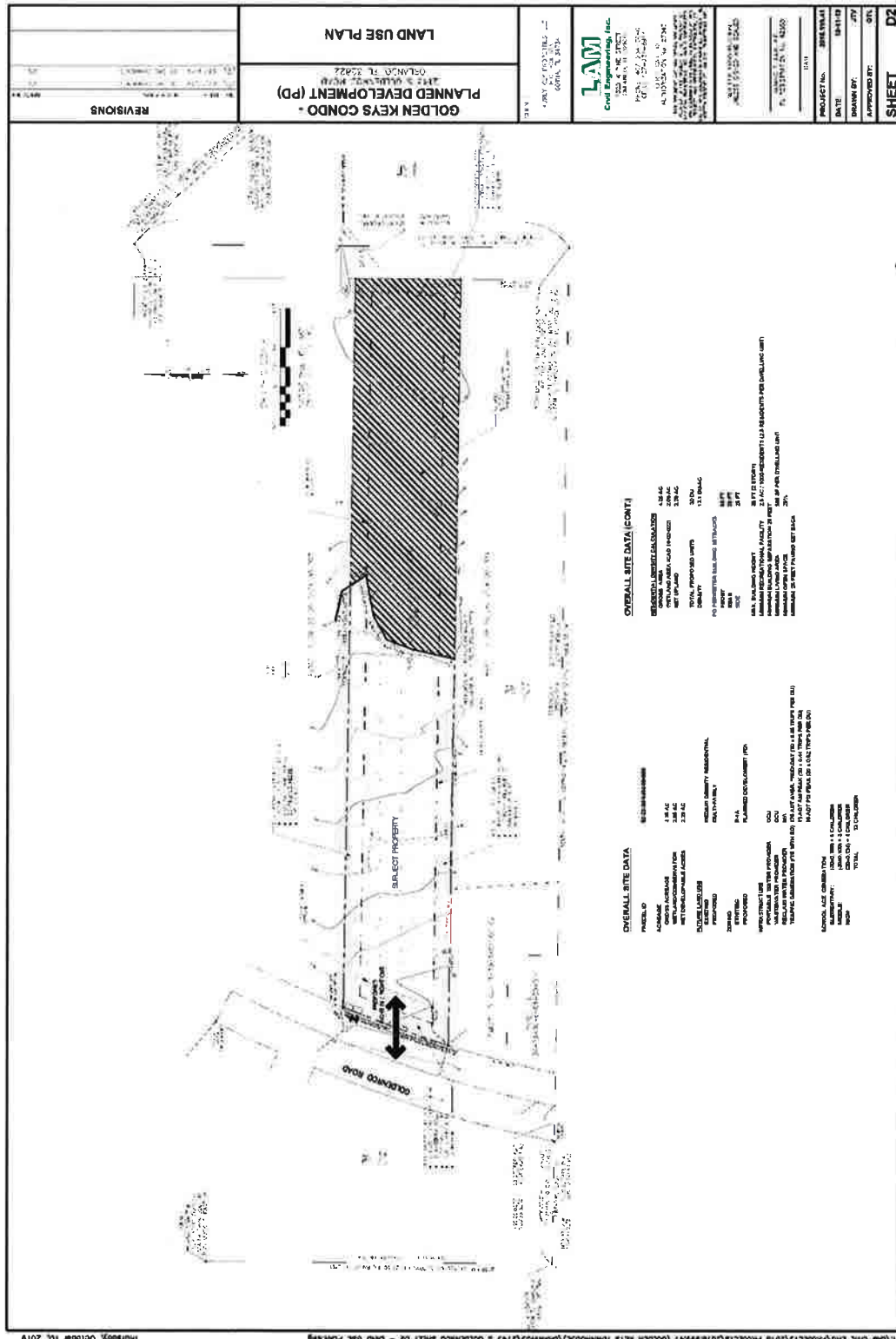


1 inch = 300 feet

Golden Keys Condo PD / LUP (Cover Sheet)

[illegible]

Golden Keys Condo PD / LUP



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Notification Map

