



Interoffice Memorandum

DATE: October 14, 2021

TO: Mayor Jerry L. Demings
-AND-
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: October 26, 2021 – Public Hearing
Applicant: Stephanie Lerret, Avalon Park Group
Avalon Park Planned Development
Case # CDR-20-05-133 / District 4

The affected parcels within the Avalon Park Planned Development (PD) are located north and south of Tanja King Boulevard, west of Avalon Park West Boulevard, and south of Cygnus Dive. The existing PD development program allows for single-family, multi-family, assisted living, hotel, education, religious, office, and commercial uses.

Through this PD substantial change, the applicant is seeking to add sign "F" to the Master Sign Plan, as well as update verbiage for special events plans to expand the allowable area for special events to include property south of Tanja King Boulevard and west of Avalon Park West Boulevard. Additionally, a waiver from Orange County Code is requested to reduce the setback for the new sign type. Please note that sign "F" has already been installed on site. The sign was legally permitted and constructed; and it then became non-conforming due to the platting of an adjacent subdivision.

On September 22, 2021, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

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 Avalon Park Planned Development / Land Use Plan (PD/LUP) dated “Received September 2, 2021”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

Attachments
JVW/EPR/jsh

CASE # CDR-20-05-133

Commission District: # 4

GENERAL INFORMATION

APPLICANT Stephanie Lerret; Avalon Park Group

OWNER Avalon Seniors Housing LLC
Sitex Properties USA, Inc.

PROJECT NAME Avalon Park Planned Development

PARCEL ID NUMBER(S) 06-23-32-1027-06-003
06-23-32-1027-05-000 (affected parcels only)

TRACT SIZE 1859.20 gross acres (overall PD)
12.92 gross acres (affected parcel only)

LOCATION North and south of Tanja King Boulevard, west of Avalon Park West Boulevard, south of Cygnus Dive

REQUEST A PD substantial change to add sign type "F" as well as update verbiage for special events plans. Additionally, the following waiver is requested from Orange County Code:

1. A waiver from Orange County Code is requested to allow three-foot setbacks from adjacent rights-of-way and / or property lines in lieu of 10-feet for sign "F".

Applicant Justification: New waiver requested because sign "F" is already in existence.

PUBLIC NOTIFICATION A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four hundred twenty-one (421) 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 Avalon Park PD was originally approved in 1992 and includes uses such as single-family residential, multi-family residential, assisted living, hotel, education, religious, office, and commercial uses. The Avalon Park Master Sign Plan was originally approved in 2010, and updated in 2018.

Through this PD substantial change, the applicant is seeking to add sign "F" to the Master Sign Plan, as well as update verbiage for special events plans to expand the allowable area for special events to include property south of Tanja King Boulevard and

west of Avalon Park West Boulevard. Additionally, a waiver from Orange County Code is requested to reduce the setback for the new sign type. Please note that sign "F" has already been installed on site. The sign was legally permitted and constructed; and it then became non-conforming due to the platting of an adjacent subdivision.

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 TND (Traditional Neighborhood Development). The Avalon Park PD was approved in 1992 and includes uses such as single-family, multi-family, assisted living facility, hotel, education, religious, office, and commercial uses. The proposed PD substantial change is consistent with this designation and all applicable CP provisions; therefore, the request is consistent with the Comprehensive Plan.

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

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

Transportation Concurrency

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

Community Meeting Summary

A community meeting was not required for this application.

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 – (September 22, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Avalon Park Planned Development / Land Use Plan (PD/LUP), dated "September 2, 2021", subject to the following conditions:

1. Development shall conform to the Avalon Park PD dated "Received September 2, 2021," 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 2, 2021," 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 is requested to allow three-foot setbacks from adjacent rights-of-way and / or property lines in lieu of 10-feet for sign "F".
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 22, 2010 shall apply:
 - a. Development shall conform to the Avalon Park PD/DRI Land Use Plan dated "Received April 16, 2010," 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, ordinance 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 of this zoning and the land use plan dated "Received April 16, 2010," the condition of approval shall control to the extent of such conflict or inconsistency.

- b. 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 at the public hearing where this development was approved, 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. 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 or approved.
- c. A waiver from Section 38-1272(5) is granted to allow the church building’s height to be 55 feet and the church bell tower/steeple to be 75 feet in lieu of the 40 feet allowed by the Land Use Plan and 50 feet per Code.
- d. All previous applicable Conditions of Approval shall apply.
- e. The revised Master Sign Plan is approved with the following waivers:
 - 1) Waiver from Section 31.5-67(g) to allow for 3 foot setbacks from adjacent ROWs and / or property lines in lieu of 10 feet on ground “B,” “C,” and “D” signs, in order to maintain consistency with existing development pattern within Avalon Park,
 - 2) Waiver from Section 31.5-67(i) to allow for a minimum individual tenant copy area of 2.25 square feet in lieu of 12 square feet on ground “B” signs, as they are located on pedestrian friendly streets with slower moving traffic,
 - 3) Waiver from Section 31.5-67(i) to allow for a minimum copy area of 2 square feet for each line of text in lieu of 12 square feet on ground “D” signs, as these are located on pedestrian friendly streets with slower moving traffic,
 - 4) Waiver from Section 31.5-67(j) to allow off-site ground signs on unimproved property,
 - 5) Waiver from Section 31.5-66 to allow permanent on-site ground signs to be located off-site from the property on which the businesses sits,
 - 6) Waiver from Section 31.5-74(b) to allow the community / entrance signs to have 40 square feet of copy area in lieu of 16 square feet,
 - 7) Waiver from Section 31.5-74(c) to allow a maximum height for the community / entrance sign to be 20 feet, and
 - 8) Waiver from Section 31.5-67(b) to allow the maximum height for architectural appurtenances to be 15 feet for signage type “A.”

8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 9, 2009 shall apply:
- a. Development shall conform to the Avalon Park PD Land Use Plan dated "Received October 29, 2007 April 6, 2009," 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, ordinance 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 of this zoning and the land use plan dated "Received October 29, 2007 April 6, 2009," the condition of approval shall control to the extent of such conflict or inconsistency.
 - b. 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 at the public hearing where this development was approved, 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. 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 or approved.
 - c. A waiver from Section 38-1272(5) is granted to allow the church building's height to be 55 feet and the church bell tower/steeple to be 75 feet in lieu of the 40 feet allowed by the Land Use Plan and 50 feet per Code.
 - d. All previous applicable Conditions of Approval shall apply.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 5, 2008 shall apply:
- a. Development shall conform to the Avalon Park PD Land Use Plan dated "Received May 21, 2008," 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, ordinance 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 of this zoning and the land use plan dated "Received May 21, 2008," the condition of approval shall control to the extent of such conflict or inconsistency.

- b. 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 his or her authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, 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. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or his or her authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
 - c. Development shall be in accordance with the Cell Tower Ordinance.
 - d. All previous applicable Conditions of Approval shall apply.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 26, 2008 shall apply:
- a. Development shall conform to the Avalon Park PD Land Use Plan dated "Received October 29, 2007," 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, ordinance 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 of this zoning and the land use plan dated "Received October 29, 2007," the condition of approval shall control to the extent of such conflict or inconsistency.

- b. 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 his or her authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, 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. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or his or her authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
 - c. All previous Conditions of Approval shall apply.
- 11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 30, 2007 shall apply:
 - a. The development shall conform to the Avalon Park LUP; Event Locations Map, dated "Received December 6, 2006"; and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent any applicable county laws, ordinances, and regulations are expressly waived or modified by these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such LUP, subject to those uses, densities, and intensities conforming with the restrictions and requirements 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 development to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval of this zoning and the LUP, the condition of approval shall control to the extent of such conflict or inconsistency.
 - b. 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 (BCC) at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the BCC in approving the development, could have reasonably been expected to have been relied upon by the BCC in approving the development, or could have reasonably induced or otherwise influenced the BCC to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the BCC by the applicant (or authorized agent) if it was expressly made to the BCC at a public hearing where the development was considered or approved.
 - c. All previous conditions of approval shall apply.

12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 23, 2005 shall apply:

- a. Development shall conform to the LUP, dated "Received May 23, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.
- b. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County.

The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.

- c. All previous conditions of approval shall apply.

13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 8, 2003 shall apply:

- a. Development shall conform to the LUP, dated "Received March 10, 2003," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.
- b. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the county. The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.

- c. Subordination for public right-of-way within major transmission line easements will be required upon development plan submittal. If subordination is not possible, then an agreement that is acceptable to the County engineer may be submitted.
- d. All conservation areas, upland buffers and mitigation areas shall be platted as tracts with development rights dedicated to Orange County. Conveyance of the wildlife management area shall be in accordance with the approved wildlife management plan.
- e. The developer shall obtain water, wastewater, and reclaimed water services from Orange County subject to County rate resolutions and ordinances.
- f. All development shall comply with the Orange County Econlockhatchee River Protection Ordinance and the St. Johns River Water Management Department Econlockhatchee River Protection rules, as applicable.
- g. A master drainage plan shall be submitted for review and approval. The master drainage plan may be implemented in phases consistent with the staging of development for Avalon Park.
- h. Request waiver from Section 34-152(C) which requires a lot to have a minimum width of 20 feet to dedicated public, paved street. The request is to reduce the width of a lot to 16 feet for townhouse product only.
- i. A waiver is granted from Section 34-177(b) that requires intersection on arterial or collector roads to be situated at least 600 feet apart.
- j. Article VII, PD Development District Section 38-1229-street facilities, except arterial roadways, shall be designed and developed in accordance with the Avalon Park Traditional Neighborhood Design (TND), and as approved by the County engineer.
- k. Article VII, PD Development District Section 38-1230-parking areas are required within 150 feet of uses they serve. Waiver is approved where on-street parking is utilized and for peak demand parking.
- l. Allow a 0-foot side setback for screen porch enclosures on residential lots with 0-foot side principal building setbacks.
- m. Side street setback shall be 10 feet in lieu of 15 feet.
- n. Billboards, pole signs are prohibited. Outdoor storage and display are prohibited.
- o. Corner lots may be 5 feet wider than regular lots in lieu of 10 feet.
- p. The total units shall be 4,831 residential units, down from the 5,040 requested consisting of 631 multi-family units and 369 single-family units. The workplace square footage shall be decreased from 249,397 square feet to 185,000 square feet. The workplace development shall be located in the town center.

q. The following school conditions shall apply:

- 1) The owner shall comply with all provisions of the Public Education Agreement.
- 2) Upon the County's receipt of written notice from the School Board of Orange County, or its designee, that the owner is in default or breach of the Public Education Agreement, the County shall immediately cease issuing building permits, certificates of occupancy, and processing other approvals for any of the new units (as defined in the Public Education Agreement). The County shall again begin issuing building permits, certificates of occupancy, and processing other approvals for any of the new units upon the School Board of Orange County, or its designee's written notice to the County that the owner is no longer in breach or default of the Public Education Agreement. The owner, or its successor or assign under the Public Education Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the action of ceasing the County's issuance of residential building permits, certificates of occupancy, or processing other approvals.
- 3) The owner, or its successor or assign under the Public Education Agreement, agrees that it shall not and is estopped from claiming in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of owner's property.
- 4) Orange County shall be held harmless by the owner or its assigns under the Public Education Agreement, in any dispute between the owner and the School Board of Orange County, over any interpretation or provision of the Public Education Agreement;

14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 11, 2003 shall apply:

- a. Development shall conform to the LUP, dated "Received November 26, 2002," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.
- b. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP Plan have been negotiated and agreed to by both the applicant and the county. The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete,

waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.

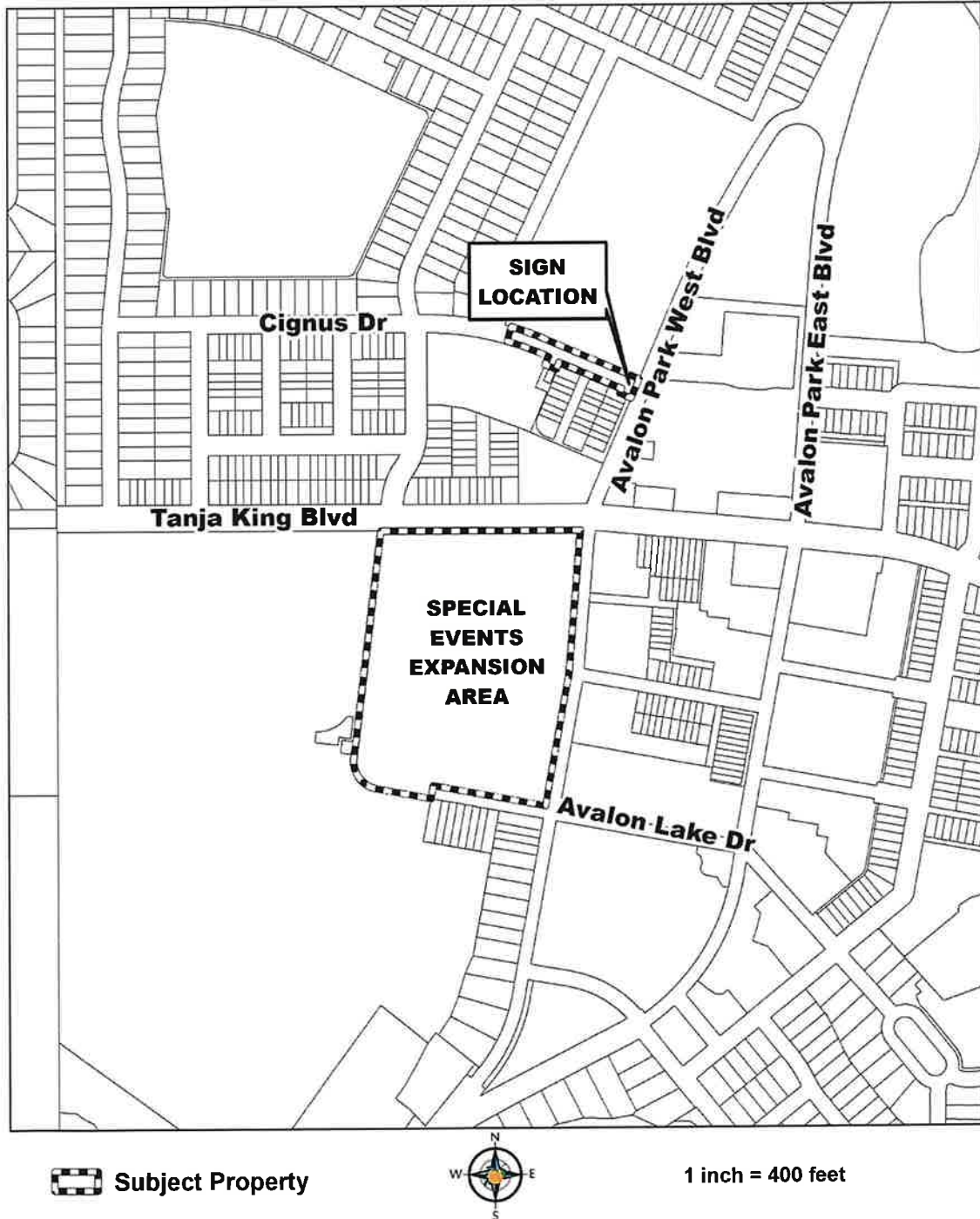
- c. All previous conditions of approval shall apply.
 - d. Modify the waiver regarding corner lots to 5 feet per the previously approved modified PSP for Villages 4 and 5.
 - e. Add a waiver to allow a 0-foot side setback for screen porch enclosures on residential lots with 0-foot side principal building setbacks.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 30, 2001 shall apply:
- a. Development shall conform to the Avalon Park PD/DRI/LUP, dated "Received November 29, 2000," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent (the applicable laws, ordinances, and regulations) are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.
 - b. Prior to construction approval, a revised master stormwater management system to accommodate the proposed revisions will be submitted for review and approval by the County engineer.
 - c. Master water and wastewater plan including preliminary calculations shall be approved prior to approval of construction plans.
 - d. The tract located west of the elementary school site shall be used as a park and shall not be part of the Town Center;
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 5, 1999 shall apply:
- a. Development shall conform to the Avalon Park DRI/PD; Board of County Commissioners' (BCC) approvals; amended LUP, dated "Received September 2, 1998"; and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the BCC or by action of the BCC.
 - b. Prior to the first preliminary subdivision plan, a revised master stormwater management system to accommodate the proposed revisions will be submitted for review and approval by the County engineer.
 - c. Development shall be consistent with the Traditional Neighborhood Principles (Appendix 1) and Building Setback Matrix (Appendix 2).

- d. Section 38-1229 of the Zoning Code is waived to allow for traditional neighborhood design, including narrow pavement and a grid pattern of streets.
- e. Section 38-1230 of the Zoning Code is waived to allow on-street parking to meet the parking requirements.
- f. Any future proposed communication towers shall abide by the Communication Tower Ordinance. For the purposes of interpreting the Ordinance, all three "centers" and the "workplace" as designated on the LUP shall be considered nonresidential zoned lands; the low-density areas on the LUP shall be considered single-family or R-1 zoned lands; the high-density areas on the LUP shall be considered multi-family or
- g. R-3 zoned lands. Any noncompliance issues relating to the placement of any proposed communication towers shall be processed through the Board of Zoning Adjustment utilizing the special exception criteria as dictated by the Communication Tower Ordinance.

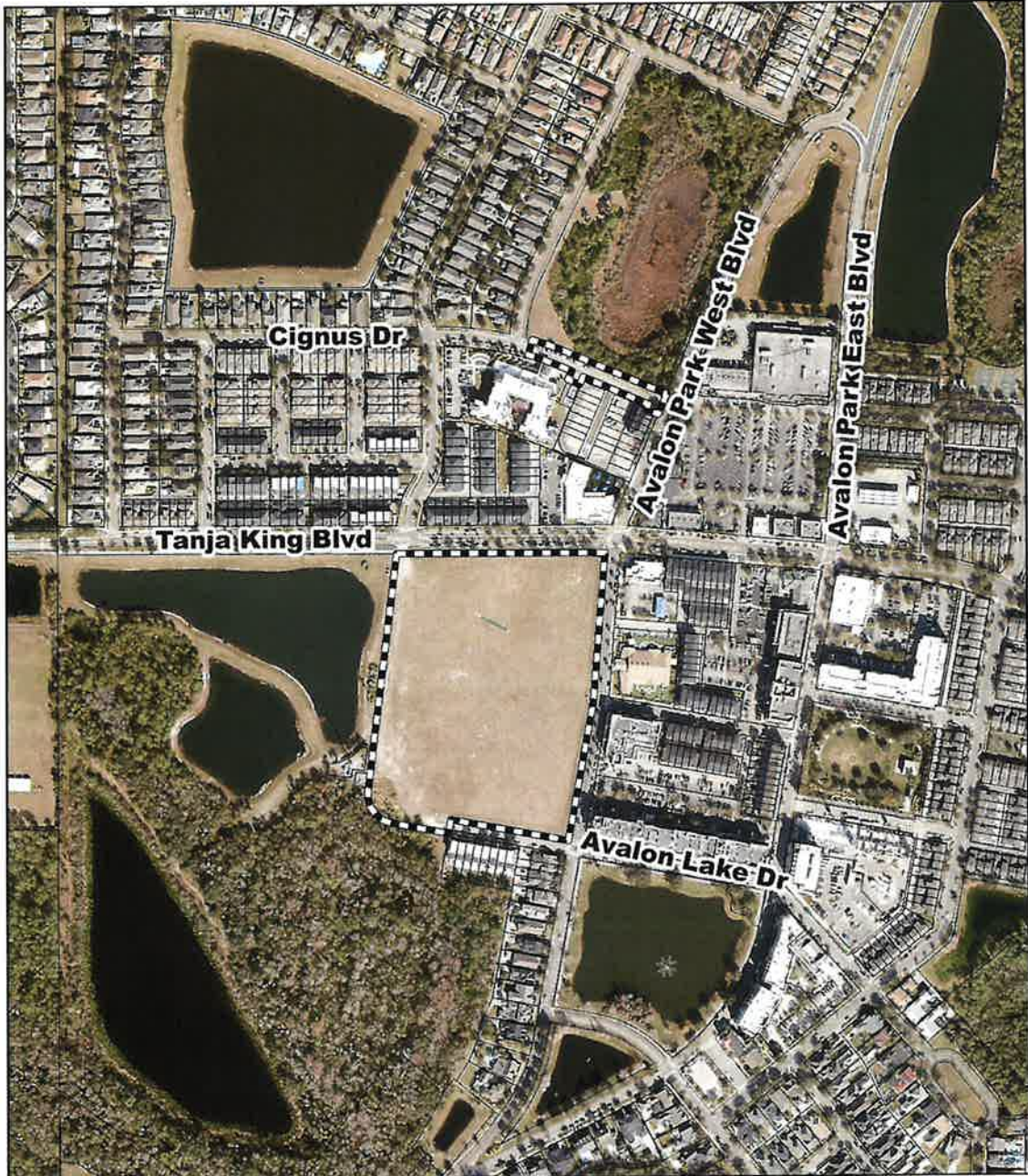
PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (June 22, 2010)

Upon a motion by Commissioner Stewart, seconded by Commissioner Segal, and carried by all members present voting aye by voice vote, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request to the Avalon Park Planned Development/DRI/Land Use Plan/ and Master Sign Plan with eight (8) waivers to Orange County Code.

CDR-20-05-133



CDR-20-05-133

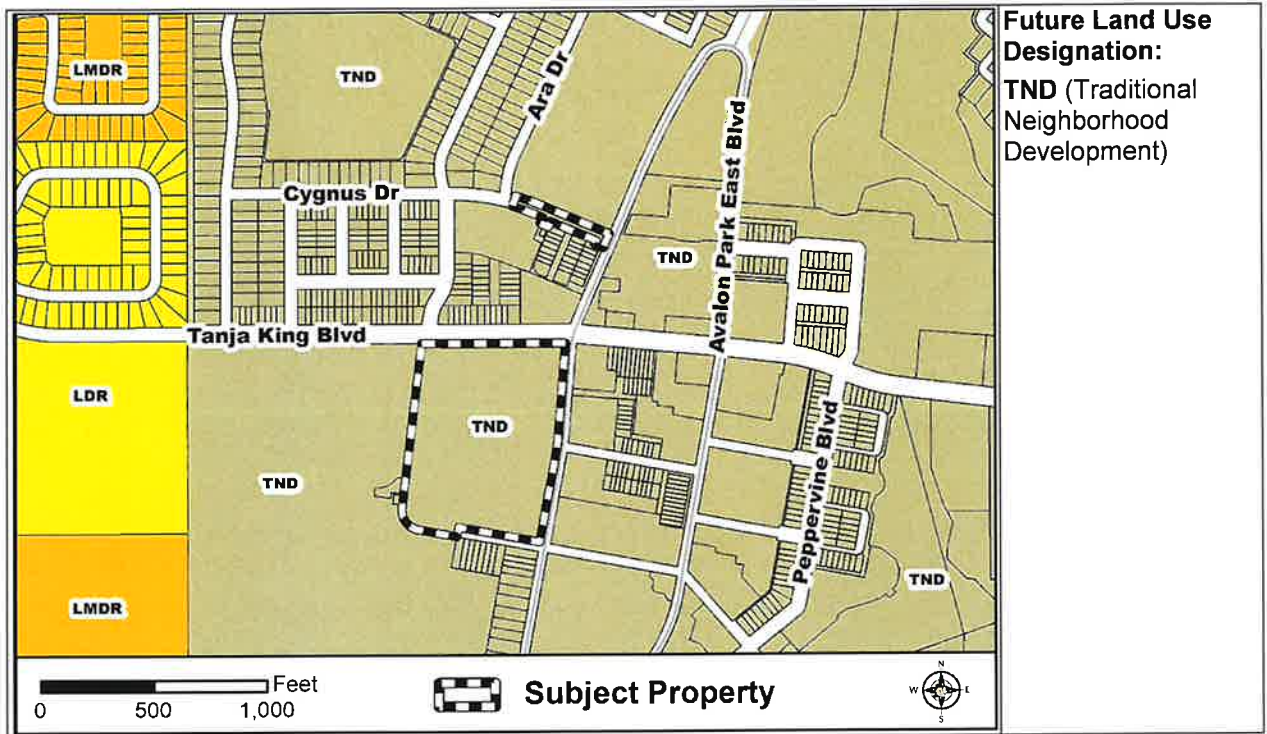


 Subject Property

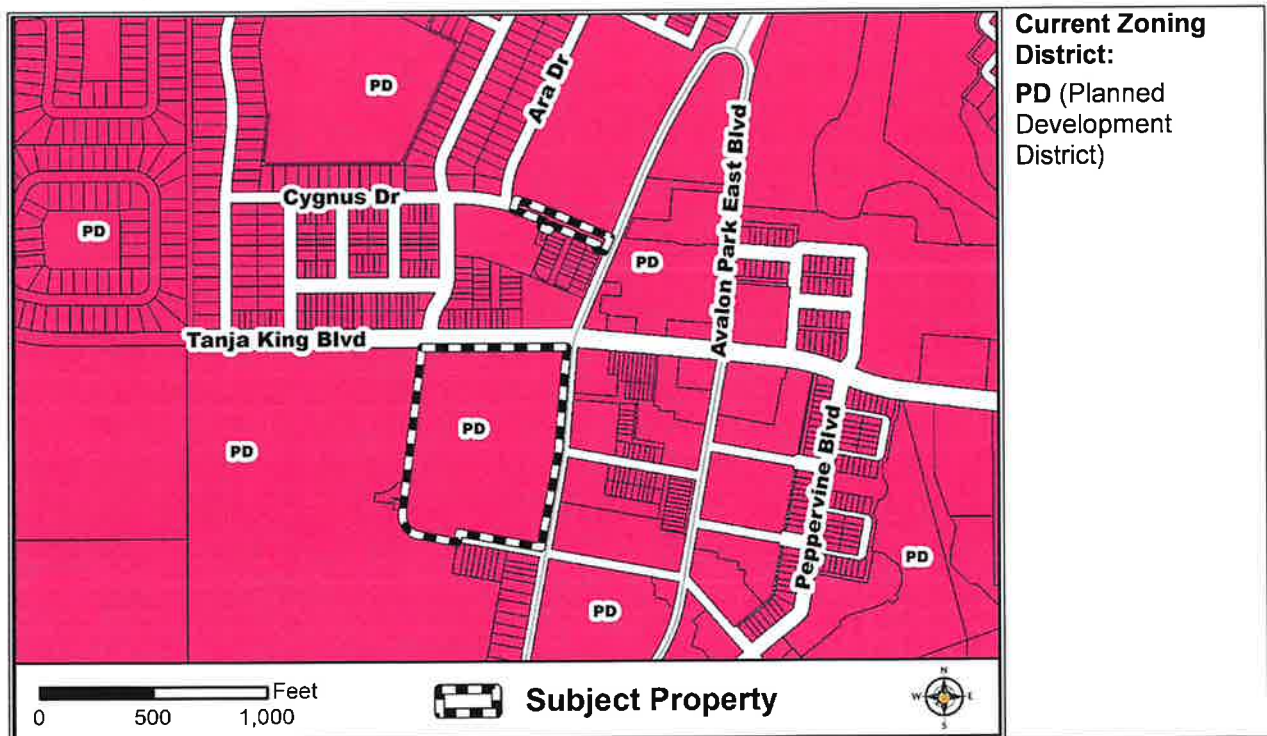


1 inch = 400 feet

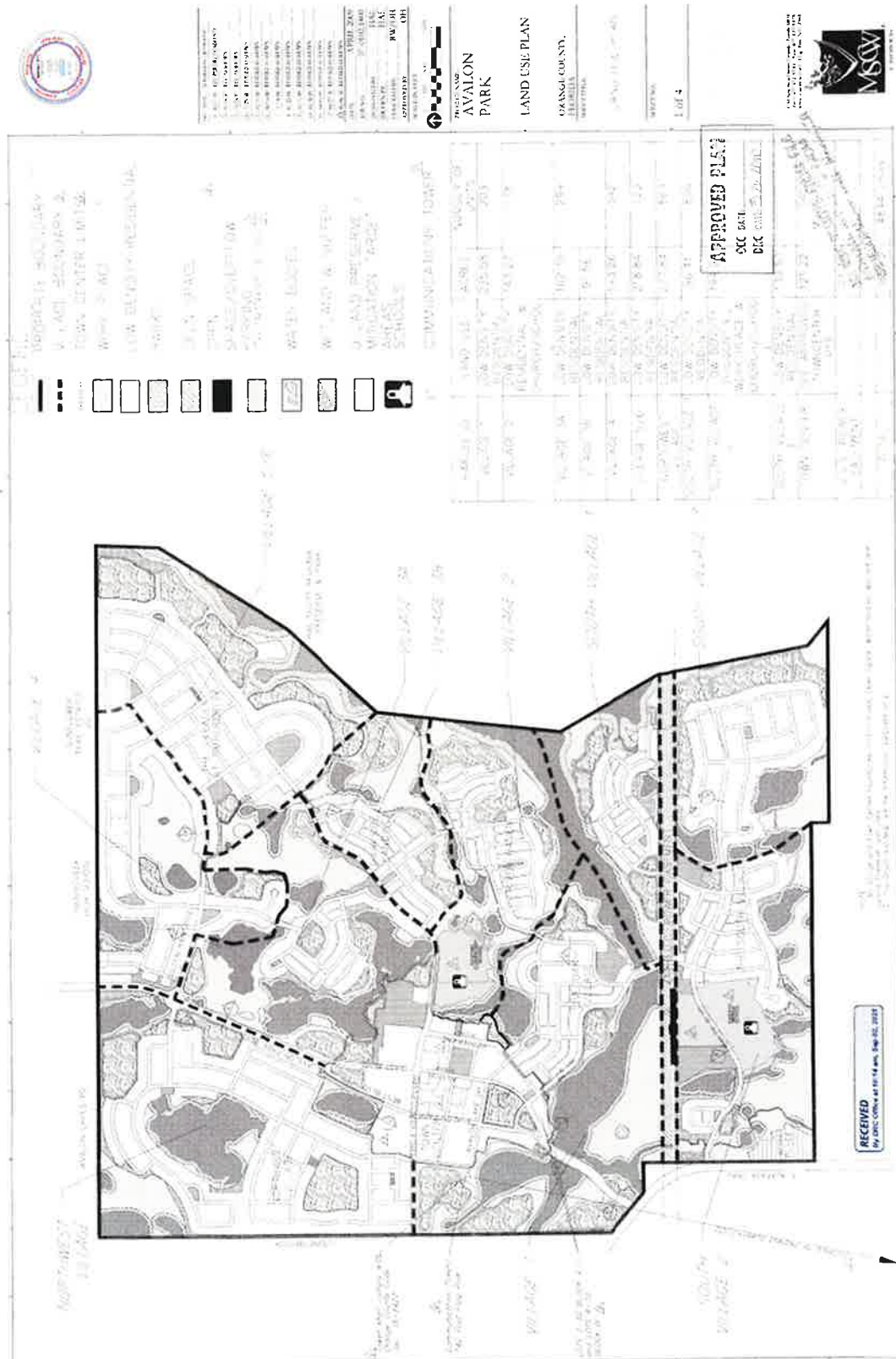
FUTURE LAND USE – CURRENT



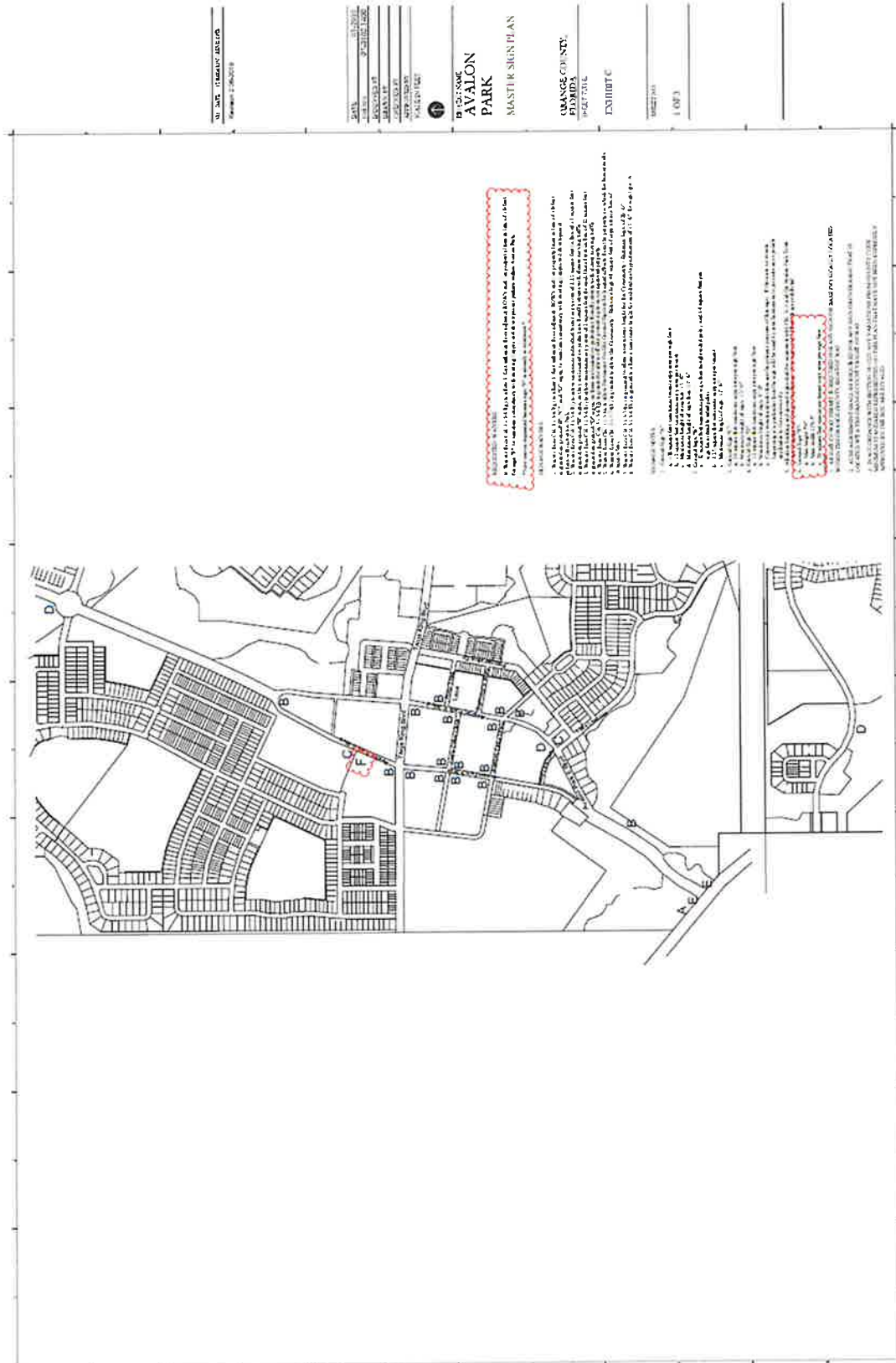
ZONING - CURRENT



Avalon Park PD / LUP (Land Use Plan)



Avalon Park Master Sign Plan

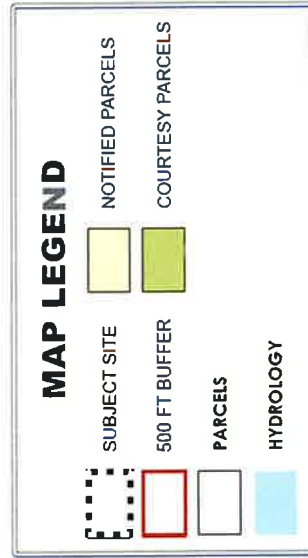
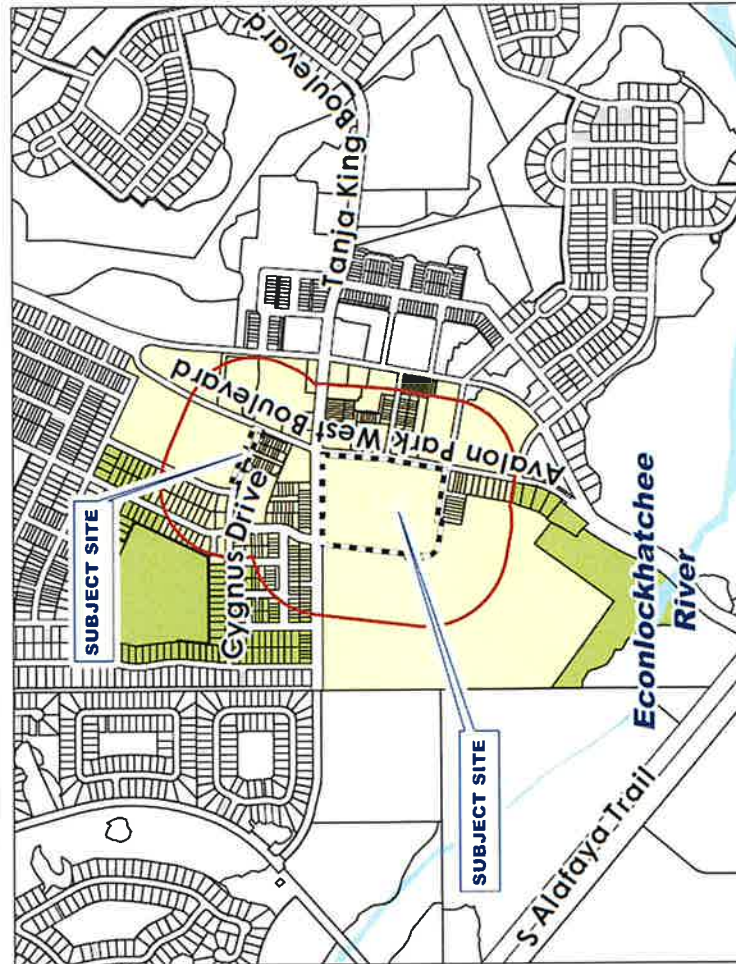


Notification Map

S:\Business Systems\Board Administration\SUBSTANTIAL CHANGE\2021\DR\Avalon Park_CDR-20-05-133\Avalon Park_PD_CDR-20-05-133

Public Notification Map

AVALON PARK_CDR-20-05-133



BUFFER DISTANCE: 500
 # OF NOTICES: 421

