

MUNICIPAL PLANNING BOARD

OCTOBER 18, 2005

AGENDA ITEMS K & L ■ SOUTH ORANGE RETAIL

Case Numbers

GMP2005-00029
GMP2005-00032

Applicant

James G. Willard, Esq., Shutts & Bowen LLP

Location

The property is located on the west side of South Orange Avenue between West Grant Street and West Crystal Lake Street (District 4).

Requested Action

1. Growth Management Plan Amendment to change the future land use designation from Industrial to Urban Activity Center (±12.00 acres).
2. Growth Management Plan Amendment to create future land use Subarea Policy S.12.5 (±20.0 acres).

Recommendation

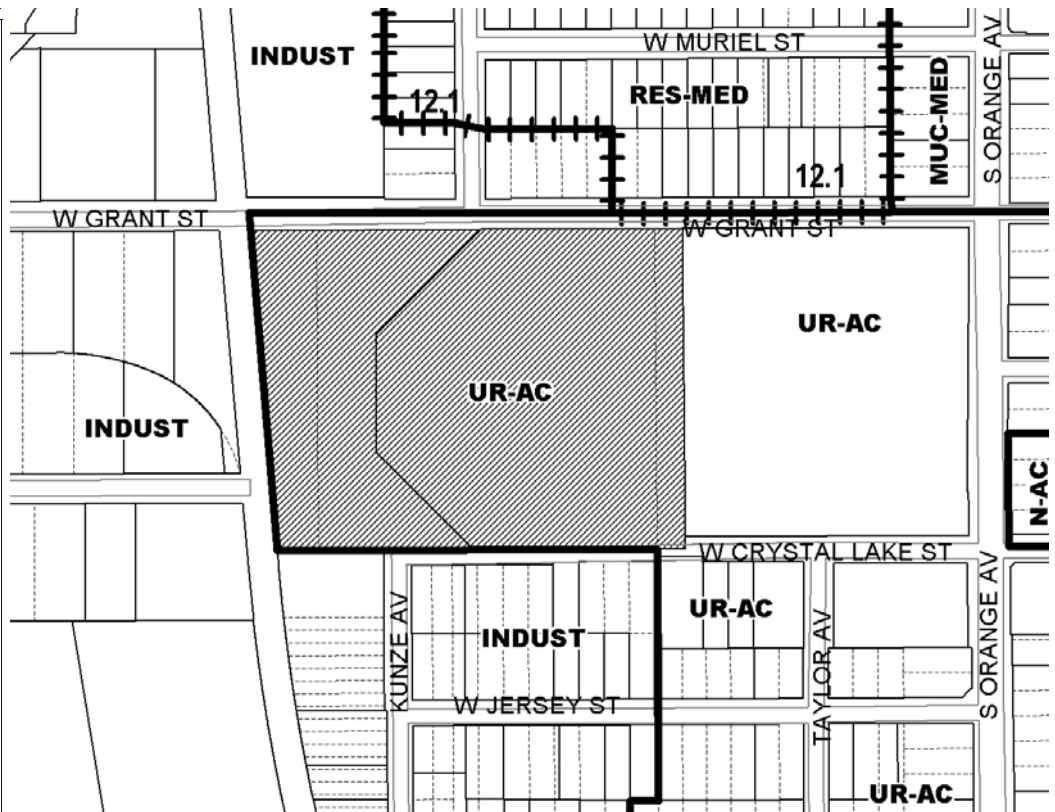
Approval subject to the conditions contained in this report.

Project Planner

Anita McNamara, AICP



Updated: October 10, 2005



Location Map

Subject Site



SUMMARY

Project Description

The subject property is a ±20.0 acre site bound on the east side by South Orange Avenue, on the north side by West Grant Street, on the south side by West Crystal Lake Street, and on the west by the CSX railroad. The property consists of three parcels. The parcel fronting South Orange is developed with a strip mall and three outparcels containing fast-food restaurants, while the parcels to the rear are developed with an auto auction. The applicant is requesting a Growth Management Plan Amendment to change the future land use on the western ±12.0 acre portion of the property (western area of site) from Industrial to Urban Activity Center. A follow-up rezoning from I-G/T and AC-2/T to PD/T will be submitted in the next few months. The PD rezoning will cover the entire ±20.0 acre property (auto auction property and shopping center and outparcels).

The development plan submitted with the applications proposes redevelopment of the property with a mixture of retail uses ranging from a “big box” to anchors to smaller boutiques. To accomplish redevelopment of the property as proposed, the applicant needs approval of the following.

- Change the future land use designation on the western ±12.0 acres from Industrial to Urban Activity

Center.

- Establish Future Land Use Subarea Policy S.12.5 to require PD zoning and mixed-use, on the entire ±20 acres.

Background

- 1960s: Drive-in Theatre and Shopping Center built.
- 1982: Kentucky Fried Chicken built (outparcel).
- 1989: Taco Bell built (outparcel).
- 1995: Master Plan approval for fast food outparcel (Pollo Tropical).
- 1997: Pollo Tropical built (outparcel).

Outstanding Issues

None at this time.

Public Comment

Courtesy notices were mailed to property owners within 300 feet of the subject property on October 6, 2005. As of October 10, 2005, two calls for more information have been received.

FINDINGS

In review of the proposed GMP future land use map amendment and rezoning, it is found that:

1. The proposed Future Land Use Map amendment is consistent with the State Comprehensive Plan (Chapter 187, Florida Statutes).
2. The proposed Future Land Use Map amendment is consistent with the East Central Florida Strategic Regional Policy Plan.
3. The proposed Future Land Use Map amendment is consistent with the requirements for Future Land Use Element analysis, goals, objectives and policies of Chapter 9J-5.006(2) and (3), Florida Administrative Code (FAC).
4. The proposed Future Land Use Map amendment is consistent with the provisions of Chapter 163, Part II, Florida Statutes.
5. The proposed Future Land Use Map amendment and rezoning is consistent with the objectives and policies of the City's adopted Growth Management Plan (GMP); particularly, Future Land Use Objectives 2.1 and 2.3, Policies 2.1.1 and 2.3.1, and Figure LU-1.
6. The proposed Future Land Use Map amendment, text amendment, rezoning, and master plan are consistent with all applicable requirements of the City of Orlando Land Development Code.
7. The proposed Future Land Use Map amendment and rezoning are compatible with the surrounding development pattern.
8. The proposed development will be constructed in accordance with Chapter 59 of the City Code, the Concurrency Management Ordinance, which ensures that adequate public facilities are available to serve the development.

CONDITIONS OF APPROVAL**City Planning**

1. *Rezoning*
The associated rezoning shall not be adopted until after the effective date of the GMP Amendment.
2. *Subarea Policy*
There is a proposed GMP Subarea Policy for this property. The subarea policy requires PD zoning and a mixture of uses to include residential uses.

INFORMATION FOR PERMITTING REVIEW

City Planning

1. *Contact—Anita McNamara*
For questions regarding City Planning conditions, please contact Anita.McNamara, AICP at 407.246.3292 or anita.mcnamara@cityoforlando.net.
2. *PD Rezoning*
The Planned Development (PD) rezoning may not be approved until the proposed GMP amendment is effective.
2. *Subject to Codes*
Except as provided herein, the proposed project is subject to the conditions of this report and all codes and ordinances of the State of Florida, City of Orlando and all other applicable regulatory agencies.

Transportation Engineering

1. *Contact—Adam Walosik*
For questions regarding this Transportation Engineering Bureau TRC application review, please contact Adam Walosik at 407.246.3322 or Adam.Walosik@cityoforlando.net.

Transportation Planning

1. *Contact—Jason Burton*
For questions regarding this Transportation Planning review, please contact Jason Burton at 407-246-3389 Or Jason.Burton@cityoforlando.net.

Urban Design

1. *Contact—Alex Law*
For questions regarding Urban Design review, please contact Alex Law, AICP at 407.246.2861 or alex.law@cityoforlando.net.

Engineering and Zoning

1. *Contact—Smith*
For questions regarding Engineering or Zoning contact Lendra Smith at 407.246.3237 or lendra.smith@cityoforlando.net Information regarding plan review, permit issuance and inspections can be obtained by using PROMPT our interactive voice response system at 407.246.4444.
 2. *Sidewalk*
As per Section 61.225 of the Land Development Code, a 5 foot wide concrete sidewalk is required along all dedicated rights-of-way. Any existing sidewalk damaged or broken is to be repaired.
 3. *Engineering Standards Manual*
The City Council Adopted the Engineering Standards Manual (ESM), Third Edition on January 27, 2003. All plans must conform to the ESM and all construction must be accomplished in accordance to the ESM.
 4. *Sewer Applications*
The owner/developer should contact this office relative to filing an application for the proposed development. The owner/developer is required to pay the Sewer Benefit Fees in accordance with the Sewer Service Policy. Construction is to be in accordance with the Engineering Standard Manual Second Edition.
 5. *Sewer—FDEP*
This project requires a Florida Department of Environmental Protection (FDEP) permit for the sanitary sewer system. The Office of Permitting Services processes the permit for projects with reserved sewer capacity. At the time of FDEP permit submittal to the Office of Permitting Services, the following is required:
 1. Permit Application - signed/sealed by the owner. This Office will complete page 2 of 6 when the construction plans are approved.
 2. Construction Plans - six sets, signed/sealed by the engineer. The plans are to include the on-site and off-site sewer design together with the City's details. If a lift station is part of the sewer design, the engineer is to submit the shop drawings for the lift station (private or public).The construction plans are reviewed by the City of Orlando's Waste Water Bureau and returned to the Office of Permitting Services when approved. This Office will contact the engineer to pick up the application and two sets of the approved plans or the transport to FDEP. The remaining sets will be retained by the Office for distribution.
Reminder: PLEASE ALLOW 3-4 WEEKS FOR THIS PROCESS
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INFORMATION FOR PERMITTING REVIEW

6. *Concurrency—Chapter 59*

Please be advised that the development of this project/property is subject to the terms and provisions of Concurrency Management Chapter 59 of the City Code and the Committed Trip Allocation Policy.
7. *Storm-NPDES*

Construction activities including clearing, grading and excavating activities shall obtain an Environmental Protection Agency (EPA) National Pollution Discharge Elimination System (NPDES) permit, except: Operations that result in the disturbance of one acre total land area which are not part of a larger common plan of development or sale.
8. *Storm-Water Management District*

The owner/developer is required to design and construct an on-site storm water system in accordance with the Orlando Urban Storm Water Management Manual and the approved Master Drainage Plan. Approval from St. Johns Water Management District is required. The system is to be privately owned and maintained.
9. *On-Site Fees*

At the time of development, the owner/developer is required to apply an on-site inspection fee that is a percentage of the cost of the on-site improvements, excluding the building, in accordance with City Land Development Code, Section 65.604.
10. *Replat*

The property is required to replat in accordance with Section 65.401 of the City's Land Development Code prior to the issuance of building permits.
11. *Easement—Misc.*

Additional right-of-way and sidewalk easements may be required with the redevelopment of this site.
12. *Engineering/Zoning—Misc.*

See Chapter 64 Orlando Land Development Code for sign requirements and regulations. Separate permit applications are required for signs.
13. *Refuse Containers*

Refuse Container Sites: In accordance with the City Code, Section 28.6 (f) 1-3 the Office of Permitting Services is authorized to make determination of approval/disapproval of refuse container sites.. Approval/disapproval of the use of commercial hand pick-up of refuse from any non-residential entity shall be determined solely by the Refuse Collection Bureau Staff.
14. *Street Tree Fund*

The Orlando City Council approved a Resolution at the January 27, 1997 City Council Meeting. Section 61.226 of the City's Land Development Code provides for a Street Tree Trust Fund. The developer is required to contribute funds to the Trust Fund prior to issuance of the building permit. The City is responsible for installation of the trees. The cost is \$285 for each 12'-14' height of canopy tree. The developer may install the street trees in lieu of contribution to the Trust Fund in accordance with Section 61.226.
15. *Engineering/Zoning Misc.*

At the time of Master Plan review stormwater drainage calculations and geotechnical reports will need to be provided for review.
16. *Erosion & Sedimentation Control*

Storm water control measures to minimize the impact of the erosion/sedimentation shall be incorporated in the plan of the development for all projects in the City of Orlando and a detailed description of these measures are to be included with the final engineering submittal. This is in accordance with Section 6 of the Orlando Urban Storm Water Management Manual.
17. *Recommendation*

The Office of Permitting Services defers all actions of the Rezoning to the City Planning Division.

Fire

1. *Contact—Neil Wu*

for questions regarding this Fire review, please contact Neil Wu at 407-246-3150 or Neil.Wu@cityoforlando.net.
2. *TRC—Fire Code Review*

TRC is a Land Development Code function. The design will be reviewed for City Fire Code compliance at the time of permit application.
3. *TRC—Construction Phase*

Please inform contractor that where underground mains and hydrants are to be provided, they shall be installed, completed, and

INFORMATION FOR PERMITTING REVIEW

in service prior to construction work. [NFPA 1: 29-2.3.2]

Fire department access shall be provided at the start of the project and shall be maintained throughout construction. [NFPA 1: 29-2.1]

In all buildings more than one story in height, at least one stairway shall be provided that is in usable condition at all times and that meets the requirements of 7.2.2 of the Life Safety Code, NFPA 101. [NFPA 1: 29-2.2]

4. TRC—Required Fire Flow

All structures must be protected by fire hydrants in accordance with City Fire Code 24.27(f). A determination will be made at the time plans are submitted for permitting. We will need a Required Fire Flow calculation in accordance with the ISO method demonstrating the water distribution system and new/existing fire hydrant(s) can deliver the demand.

5. TRC—Sprinkler Ord. 5000 and Res.

All new buildings exceeding 5,000 square feet in area and residential occupancies, except detached one- and two-family dwellings, must be protected by an approved automatic sprinkler system. [City Fire Code, Chapter 24, Section 24.27(c)]

6. TRC—Private UG Mains

A fire permit is required prior to the installation of all private underground dedicated and combination (domestic and fire service) fire mains serving hydrants and fire suppression systems. [City Fire Code: 24.13(t)(13)]

Building

1. Contact—Hite

For questions regarding Building issues, contact Tom Hite at 407.246.2525 or thomas.hite@cityoforlando.net. To obtain plan review status, schedule/cancel an inspection and obtain inspection results, please call PROMPT, our Interactive Voice Response System at 407.246.4444 or access your case on line by going to our web site at www.permits.net/permits and look for the online button.

2. Applicable Codes

All submittals for Building Permits are subject to compliance with current editions of all applicable codes. The applicable codes are as follows:

Florida Building Code (FBC) 2001 Edition (Accessibility Code: All new construction/alterations shall comply with Chapter 11 (FBC).

Florida Plumbing Code 2001 Edition

Florida Mechanical Code 2001 Edition

Florida Gas Code 2001 Edition

National Electrical Code 2002 Edition

Florida Fire Prevention Code 2004 Edition

NFPA 1 (2003) with Florida Amendments

NFPA 101 Life Safety Code (2003) with Florida Amendments

NFPA 13 (2002)

NFPA 72 (2002)

City of Orlando Code

City of Orlando Engineering Standards Manual

City of Orlando Land Development Code

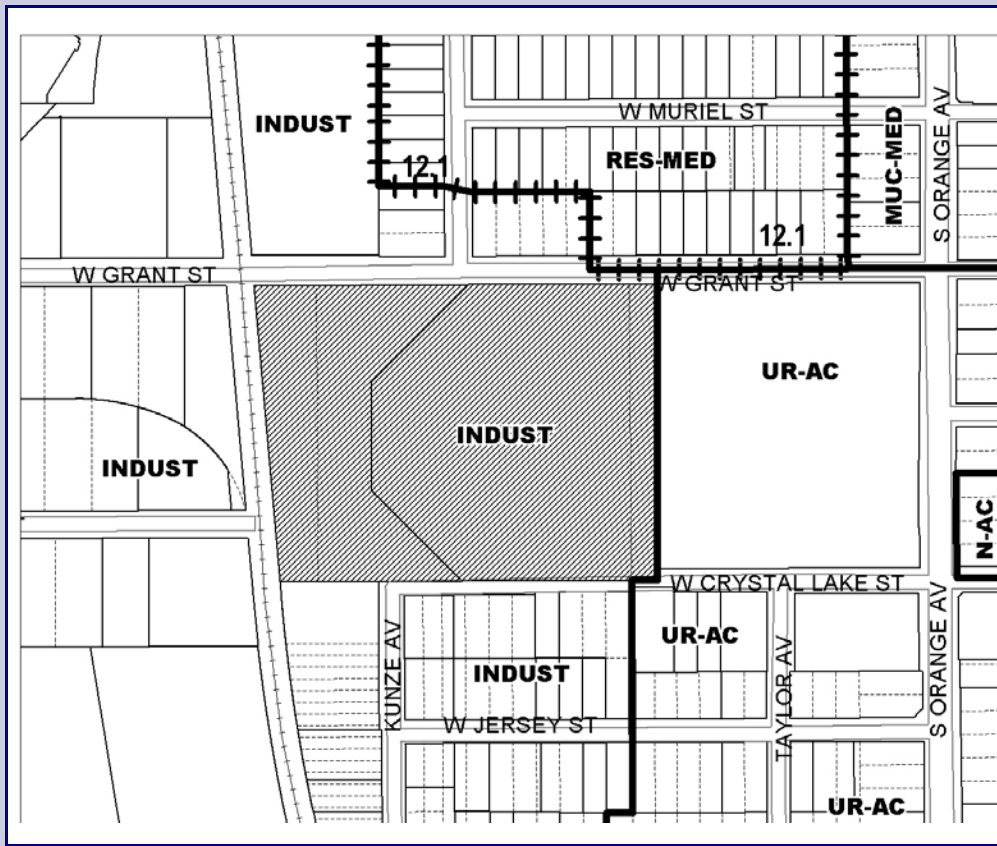
3. FBC—TABLE 602

Buildings located within 30 feet of property lines or other buildings require fire resistance ratings of wall and wall openings per Table 602 - Florida Building Code (FBC) 2004 edition.

4. Miscellaneous

TRC is a Land Development Code function. The design will be reviewed for City Building Code compliance at the time of permit application.

FUTURE LAND USE MAPS (SODO)



EXISTING North
FUTURE LAND USE
GMP2005-00029

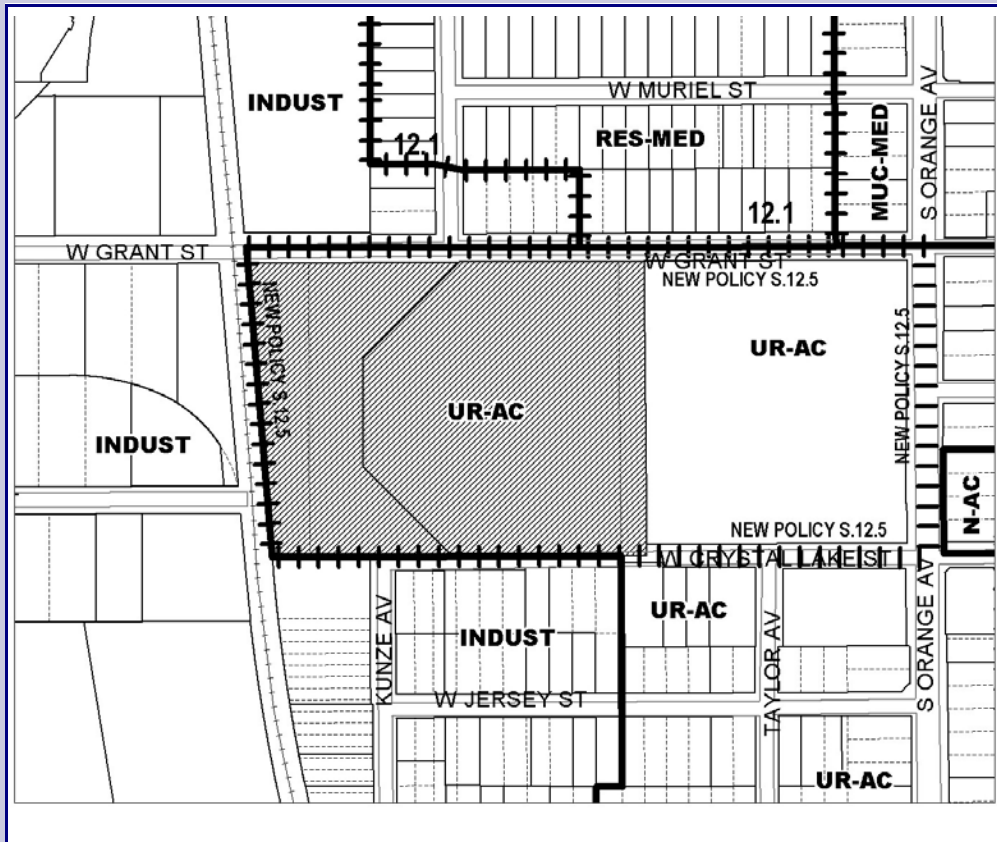
Future Land Use Designations
 Industrial
 Max. .70 FAR*

Permitted Uses
 Office
 Public, Recreational, Institutional
 Industrial

* FAR = Floor Area Ratio

- Subject Area: District 4**
- Future Land Use Line**
- GMP Policy Line**

City of Orlando
 Economic Development Department
 September 2005



PROPOSED North
FUTURE LAND USE
GMP2005-00029

Future Land Use Designation
 Urban Activity Center
 Max. 1.0 FAR* and/or 100 du/ac**
 Min. 30 du/ac**

Permitted Uses
 Residential
 Office
 Commercial
 Public, Recreational, Institutional
 Industrial

* FAR = Floor Area Ratio
 ** du/ac = dwelling units per acre

- Subject Area: District 4**
- Future Land Use Line**
- GMP Policy Line**

City of Orlando
 Economic Development Department
 September 2005

BACKGROUND

The subject property is a ±20.0 acre site bound on the east side by South Orange Avenue, on the north side by West Grant Street, on the south side by West Crystal Lake Street, and on the west by the CSX railroad. The property consists of three parcels. The parcel fronting South Orange is developed with a strip mall and three outparcels containing fast-food restaurants, while the parcels to the rear are developed with an auto auction. The applicant is requesting a Growth Management Plan Amendment to change the future land use designation on the ±12.0 acre portion of the property (western area of site) from Industrial to Urban Activity Center.

The development plan submitted with the application proposes redevelopment of the property with a mixture of retail uses ranging from a “big box” to anchors to smaller boutiques.

In conjunction with the future land use map amendment, the City is proposing to establish a subarea policy pertaining to redevelopment of property. The language of the subarea policy will require Planned Development (PD) zoning, a mixture of uses, and a balanced transportation system.

GMP ANALYSIS

The following analysis is provided to meet the criteria of Rule 9J-5.006, Florida Administrative Code, criteria for preparing a Future Land Use Element. These requirements include: compliance with the City policies concerning standards for future land use designations; the impact of proposed amendments on natural resources; and an analysis of the availability of public facilities and services. In 2004, the State of Florida designated the City of Orlando as a Certified Local Government. The effective date of the City's Local Government Comprehensive Planning Certification Agreement was May 12, 2004. Pursuant to section 3 of the Certification Agreement, GMP amendments for property inside the City limits as of the effective date of the Certification Agreement are exempt from State and regional review. Because the subject property was inside the City limits on May 12, 2004, the proposed GMP amendment is exempt from State and regional review.

Consistency with GMP Polices and Objectives

Urban Activity Center

The proposed amendment affects the size of an existing Urban Activity Center. Objective 2.1 and Policy 2.1.1 of the Future Land Use Element provide standards relating to development inside activity centers. Policy 2.1.1 (c) states:

“Urban Activity Center—To provide for concentrated areas of residential, commercial, office, industrial, recreational and cultural facilities serving major subregions of the Orlando urban area, and at intensities significantly higher than in surrounding neighborhoods. Although some Urban Activity Centers may be composed of a single type of use, a mixture of land uses is specifically encouraged. These activity centers are intended for locations where intermediate levels of thoroughfare and mass transit service are available, providing access between metropolitan subregions and complementing the primary arterial transportation system.”

Figure LU-1 states that the minimum size for an Urban Activity Center is 40 acres. The current activity center is approximately 160 acres in size. If the future land use is changed from Industrial to Urban Activity Center 12.0 acres, the activity center would be 172 acres in size, which meets the minimum requirement.

Vacant Land Study

Per Future Land Use Policy 2.1.4, requested expansions of Activity Centers require that the applicant submit a vacant land study. Specifically, proposed expansions of Urban Activity Centers require a market area 2+ miles around the property be studied. Consistent with this requirement, the applicant submitted a study that demonstrates that less than the maximum 25% of the land area in a two-mile radius in the Activity Centers are vacant.

Land Use Compatibility

The subject property is currently developed with an auto auction use. This type of use is classified as an intensive retail use, which is permitted under the existing Industrial Future Land Use and I-G/T zoning. This is a higher intensity use than the uses to the east (light retail and eating & drinking establishments) in the existing portion of the Urban Activity Center. Properties to south are also designated as Industrial and are primarily developed with industrial uses, but many appear to be non-conforming with regard to site development, e. g., no landscaping, unimproved parking, etc. Properties to the northeast are designated Residential Medium Intensity and are developed with residential uses. Again, some of these properties, especially those on the north side of Grant Street appear to be in poor repair and some are occupied by non-conforming, non-residential uses. The conceptual site plan submitted by applicant includes a big box retail anchor with structured parking adjacent to the railroad tracks on the western portion of the property and retail shops on the north and south facing on internal surface parking lots. The proposed concept plan has positive features, but further refinement will be necessary to provide acceptable transitions to off-site uses. Nevertheless, the proposed light retail use is more compatible with the properties to the north and east than the existing intensive retail use.

Environmental Conditions

Conservation Element Policy 1.4.1 states that all projects requiring Municipal Planning Board and City Council review, including shall provide an Environmental Assessment. Developments exempt from this requirement include those located within the “Urbanized Disturbed Lands” area shown in Figure C-1 of the Conservation Element.

According to Figure C-1 of the Conservation Element, the subject property lies inside the Urbanized Disturbed Land area and is therefore exempt.

Concurrency Management / Adequate Public Facilities

Section 59.301 of the Land Development Code requires that the City perform a concurrency evaluation for GMP amendments that would increase density or intensity of a development. The City’s Industrial future land use designation permits a maximum non-residential intensity of 0.70 FAR (existing Future Land Use designation). The City’s Urban Activity Center future land use designation permits a maximum non-residential intensity of 1.0 FAR (proposed Future Land Use designation). The following evaluation is advisory and is to be used in evaluating the GMP amendment. The concurrency evaluation does not guarantee capacity in the future nor does it encumber capacity for any period of time.

The concurrency evaluations for this project were performed on September 22, 2005 to analyze the impact of the amendment request. Three scenarios were developed to analyze the impact of the amendment request. Scenario #1 considered the impact of developing the site at the maximum intensity permitted under the City’s existing Industrial future land use designation ([±12.00 acres X 43,560 sq. ft.] @ 0.70 FAR = 365,904 sq. ft.). The Scenario #2 considered the impact developing the site at the maximum intensity permitted by the proposed Urban Activity Center future land use designation ([±12.00 acres X 43,560 sq. ft.] @ 1.0 FAR = 522,720 sq. ft.) Scenario #3 considered the impact of developing the site at the intensity as proposed by the applicant. (±12.00 @ 0.54 FAR = 282,000 sq. ft.) The

Intensity	Roads	Wastewater	Solid Waste	Potable Water	Parks	Concurrency		
	(Trips)	(GPD)	(Lbs./Day)	(GPD)	(Acres)	2005	2006	2007
1. Max. Industrial (0.70 FAR) 365,904 square feet	-160	51,227	3,293	80,499	N/A	Yes	Yes	No
2. Max. Urban Activity Center (1.0 FAR) 522,720 square feet	-160	52,272	4,704	67,954	N/A	Yes	Yes	No
3. Max. Urban Activity Center (0.54 FAR) 282,000 square feet	-160	28,200	2,538	36,660	N/A	Yes	Yes	Yes

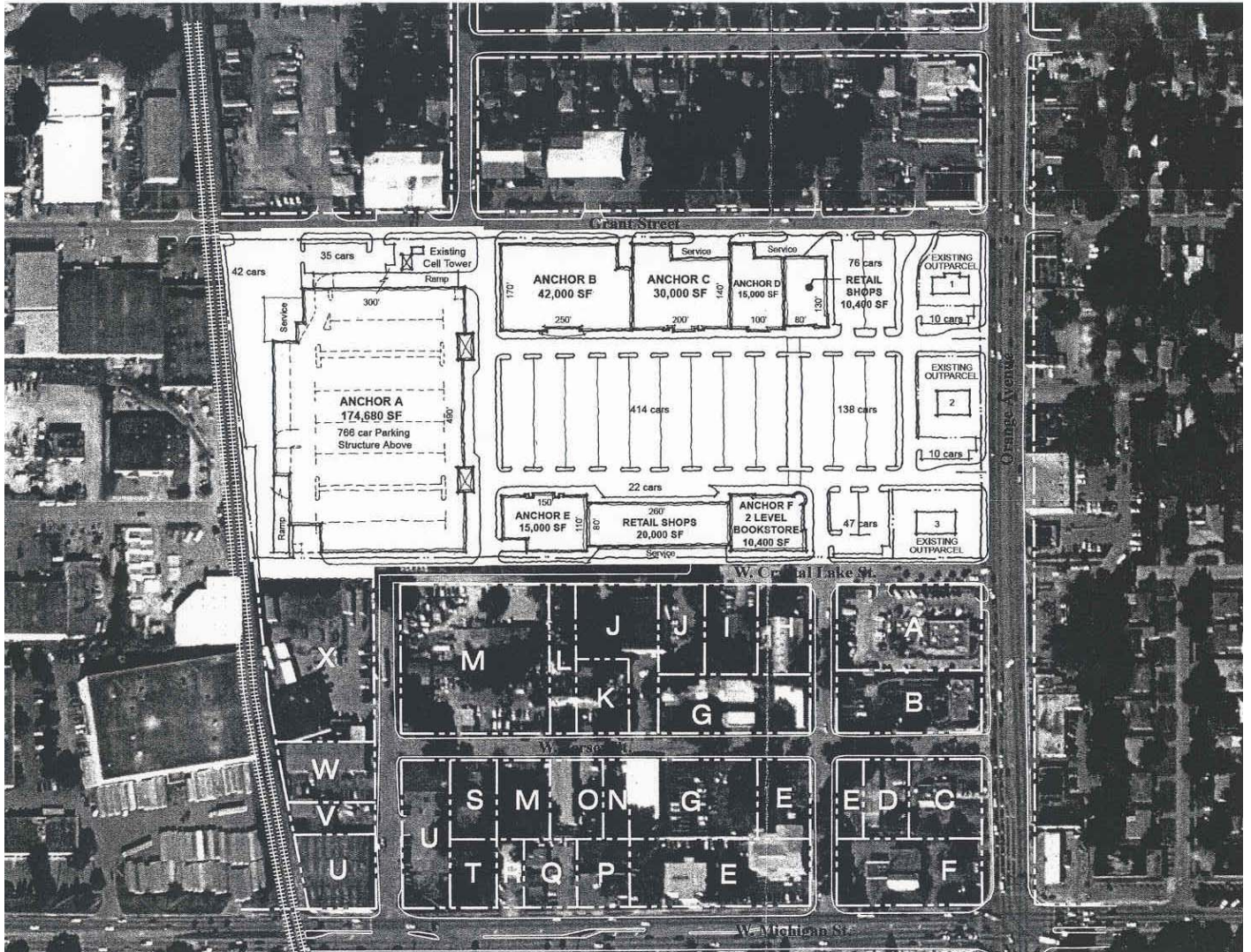
detailed results of the scenarios are shown below.

SUBAREA POLICY

To facilitate an opportunity for superior development that may serve as a catalyst to redevelopment of the area, the City is proposing to create Subarea Policy S.12.5. The subarea policy would ensure redevelopment under one unified development approval. Thereby preventing piecemeal redevelopment of smaller parcels. The subarea policy would also establish specific development controls that would pertain to this property and will help foster high-quality redevelopment the site, while promoting a mixture of uses that are sensitive to the existing neighborhood. Staff is strongly suggesting that the redevelopment plan include residential uses to create a desirable transition along the north and south. At a minimum, the PD development plan will need to demonstrate compatibility with adjacent uses. The proposed text of the subarea policy reads as follows:

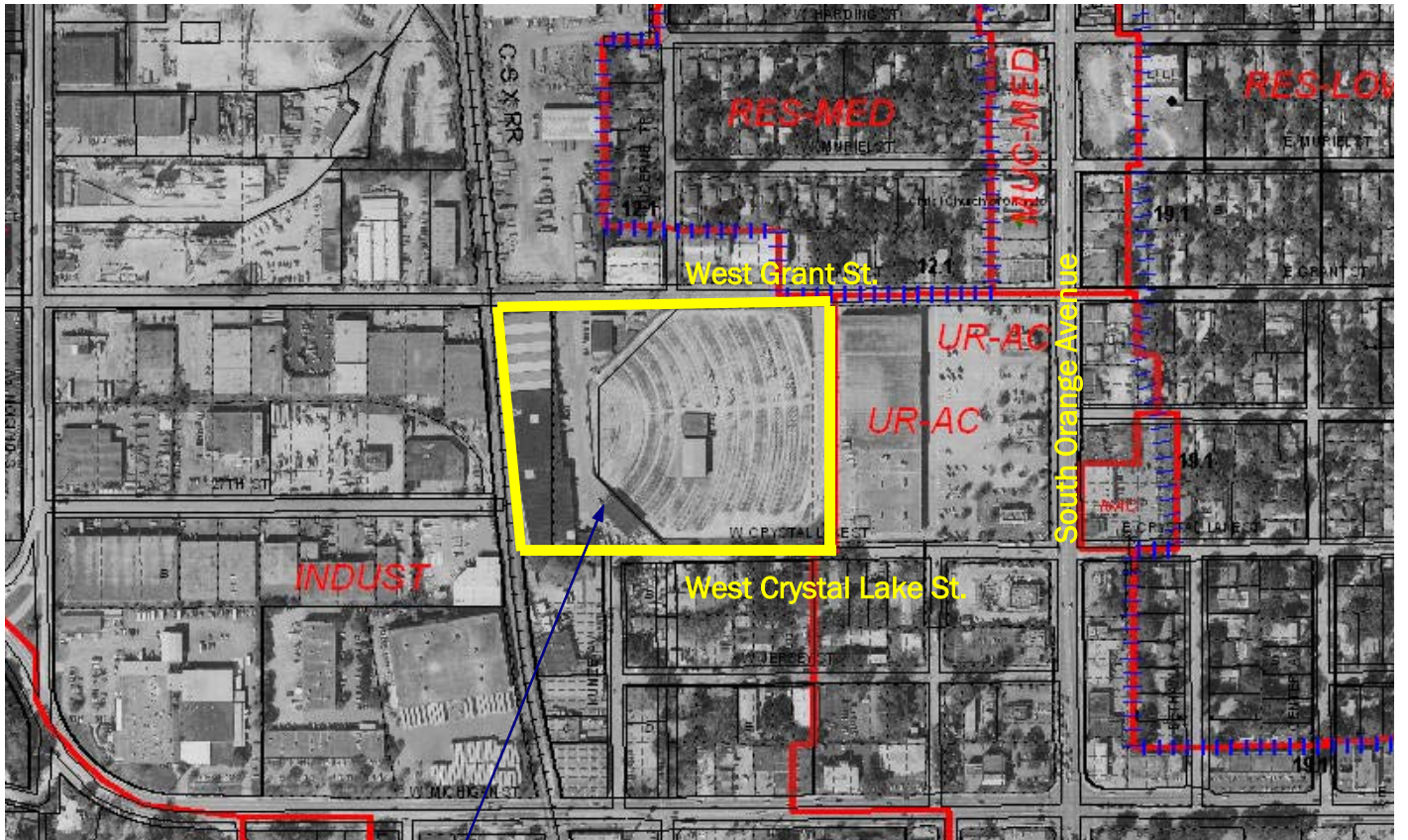
Redevelopment of this area shall be contingent upon rezoning to Planned Development (PD). All of the property within this area shall be included as part of a single unified development plan that incorporates a mixture of uses, minimizes adverse impacts to surrounding properties through the design and orientation of uses along the perimeter of the site, provides safe and convenient pedestrian connections, and accommodates mass transit as well as private vehicles.

CONCEPTUAL SITE PLAN



The above site plan was submitted with the Future Land Use Map change. Per the applicant, it is for informational purposes and does not necessarily indicate a final site plan.

Subject Property—GMP Amendment to change future land use designation from Industrial to Urban Activity Center



Existing Auto Auction