



**Interoffice Memorandum**

**DATE:** January 24, 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 *gmr*  
Planning Division  
(407) 836-5523

**SUBJECT:** February 11, 2020 – Public Hearing  
Applicant: Scott M. Gentry, Kelly, Collins & Gentry, Inc.  
Hamlin Southwest Planned Development / Hamlin Southwest  
Overall Infrastructure Preliminary Subdivision Plan  
Case # PSP-19-06-190

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of November 6, 2019, to approve the Hamlin Southwest Planned Development (PD) / Hamlin Southwest Overall Infrastructure Preliminary Subdivision Plan (PSP) to subdivide 78.96 acres in order to construct three lots, two drainage tracts (4A & 4B), an off-site drainage easement, and road infrastructure.

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 PSP may be found in the Planning Division for further reference.

**ACTION REQUESTED:** **Make a finding of consistency with the Comprehensive Plan and approve the Hamlin Southwest PD / Hamlin Southwest Overall Infrastructure PSP dated "Received December 25, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/EPR/lme  
Attachments

**CASE # PSP-19-06-190**

Commission District # 1

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of November 6, 2019, to approve the Hamlin Southwest Planned Development (PD) / Hamlin Southwest Overall Infrastructure Preliminary Subdivision Plan (PSP) to subdivide 78.96 acres in order to construct three lots, two drainage tracts (4A & 4B), an off-site drainage easement, and road infrastructure.

**2. PROJECT ANALYSIS**

- A. Location: South of New Independence Parkway / West of State Road 429
  
- B. Parcel ID: 20-23-27-0000-00-008, 20-23-27-0000-00-010,  
20-23-27-0000-00-011, 20-23-27-0000-00-012,  
20-23-27-0000-00-013, 20-23-27-0000-00-014,  
29-23-27-0000-00-010, 29-23-27-0000-00-022,  
29-23-27-0000-00-036
  
- C. Total Acres: 78.96 gross acres
  
- D. Water Supply: Orange County Utilities
  
- E. Sewer System: Orange County Utilities
  
- F. Schools: N/A
  
- G. School Population: N/A
  
- H. Parks: Horizon West Regional Park – 2.3 Miles
  
- I. Proposed Use: 3 Lots / 2 Drainage Tracts (4A & 4B) / Off-site Drainage Easement / Road Infrastructure
  
- J. Site Data: N/A
  
- K. Fire Station: 44 – 16990 Porter Road
  
- L. Transportation: On August 7, 2018 the Board of County Commissioners approved an Adequate Public Facilities Agreement ("Agreement") by and among SLF IV/Boyd Horizon West JV, LLC; West Orange/Avalon Road Land, LLC; Hamlin Retail Partners West, LLC (collectively "Owners") and Orange County for the dedication of 1.2 acres right-of-way for C.R.

545 (Avalon Road) and the satisfaction of a 10.9 acre APF deficiency through a transfer of surplus APF Credits. Under the terms of the Adequate Public Facilities Agreement, Owners shall convey to Orange County a total of 1.2 acres of Right-of-Way for C.R. 545 (Avalon Road) at a value of \$22,500 per acre. The dedication of right-of-way shall serve to partially satisfy the Adequate Public Facilities requirement under the APF/TDR Ordinance which requires approximately 12.1 acres of public facilities lands to be provided from this property. An APF deficit of 10.9 acres at a fee of \$43,187.73 per acre will be satisfied through the transfer of APF credits from within the Town Center SAP. The Owner will receive \$22,500 per acre for the conveyance of 1.2 acres of right-of-way for Reams Road for a total of \$27,000.00 in transportation impact fee credits. One non-standard provision in this agreement is in Section 17 which contains the delegation of authority to the Manager of Real Estate Management to terminate the agreement once all terms have been satisfied.

On August 7, 2018 the Board of County Commissioners approved an Amended and Restated Road Network Agreement by and among Hamlin Retail Partners West, LLC; West Orange/Avalon Road Land, LLC; SLF IV/Boyd Horizon West JV, LLC; Independence Parkway Development, LLC and Orange County. The Amended and Restated Road Network Agreement provides for a fair share cost analysis of funds to be allocated to roadway improvements for New Independence Parkway and C.R. 545 (Avalon Road). The Scope of the Improvements is outlined according to available funding for design and construction. A Vested Trip Allocation table is included to allow for concurrency to be met through the completion of roadway improvements. Transportation Impact Fee Credits to be awarded based on County improved costs for design and construction. The Constructing Owner has the option to install road improvements in excess of their fair share amount and be awarded additional vested trips at a rate of \$6,758.11 per trip of the additional contribution amount up to a maximum of 500 additional trips and additional transportation impact fee credits in the amount of the additional work performed. Any additional improvements must be approved by Orange County.

A Road Network Agreement for New Independence Parkway and C.R. 545/Avalon Road ("Agreement") among Hamlin Retail Partners West, LLC; Carter-Orange 45 SR 429 Land Trust; Beth A. Wincey, individually; and Beth A. Wincey and

N. Ann D. Wincey and M. Bea Deariso, as Co-Alternative Successor Trustees of the Milton W. Deariso Trust dated November 30, 1988 (collectively "Owners") and Orange County was approved by the BCC on 6/30/2016 and was recorded at Document #20160338700.

### **3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V). The subject property is designated PD (Planned Development) on the Zoning Map, which is consistent with the FLUM Designation.

### **4. ZONING**

PD (Planned Development District) (Hamlin Southwest PD)

### **5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Hamlin Southwest Planned Development (PD); Orange County Board of County Commissioners (BCC) approvals; Hamlin Southwest Overall Infrastructure Preliminary Subdivision Plan dated "Received December 25, 2019," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received December 25, 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. The project shall comply with the terms and conditions of that certain Hamlin West Amended and Restated Road Network Agreement approved on August 7, 2018 and recorded at Document #20180482220 in the Public Records of Orange County, Florida, as may be amended.
7. 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

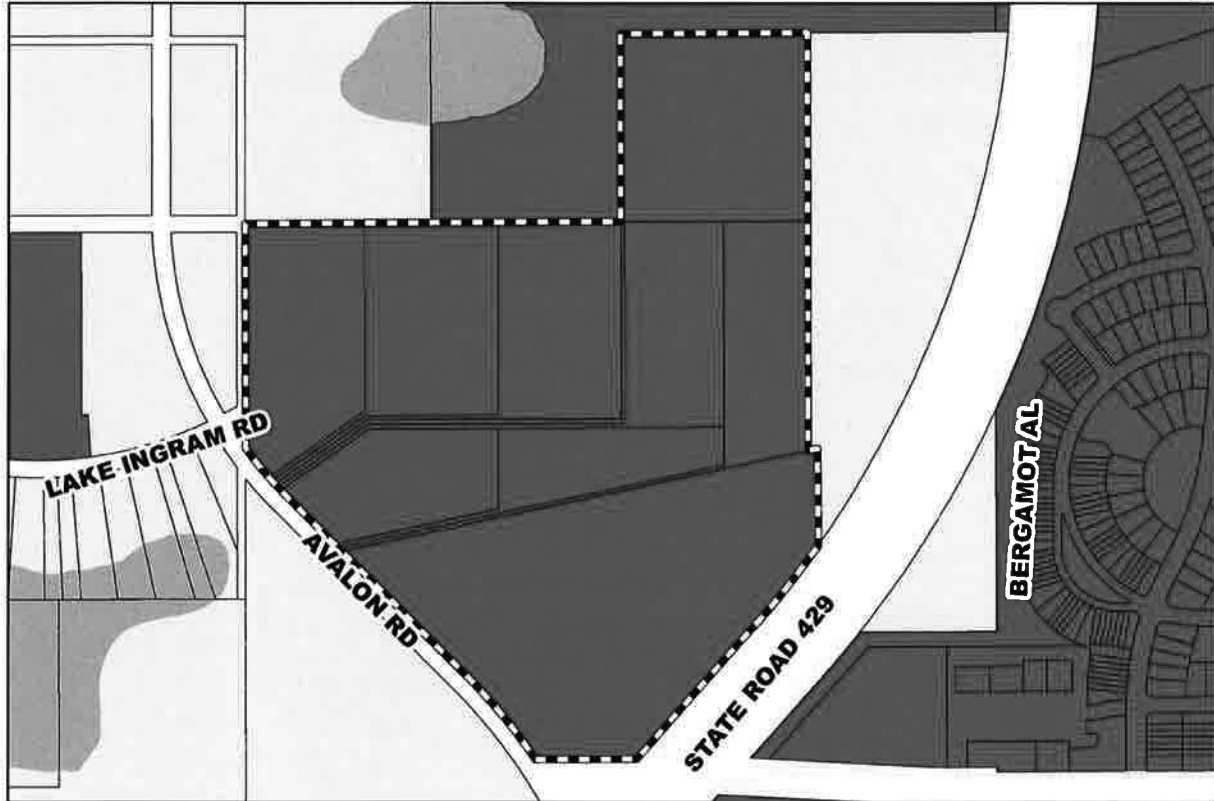
or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.

8. 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.
9. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
10. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
11. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
12. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD, including hydraulically dependent parcels outside the PD boundaries; such MUP shall include supporting calculations showing that the PD-level MUP is consistent with the approved MUP for the Horizon West Town Center, or shall include an update to the Horizon West Town Center MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
13. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.

14. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County/Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, coordinate with OCU to obtain information on the mounding produced by the RIBs, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.
15. Outside sales, storage, and display shall be prohibited.
16. New streets which are an extension of or in alignment with existing streets shall bear the same name as that borne by such existing streets.
17. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Orange County Code 31.5 and the Master Sign Plan (if adopted).
18. Short term/transient rental is prohibited within residential development. Length of stay shall be for 180 consecutive days or greater.
19. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
20. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
21. A mandatory pre-application / sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
22. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.

**Zoning Map**

**PSP-19-06-190**



 Subject Property



 Subject Property

**Zoning Map**

**ZONING:** PD (Planned Development District)

**APPLICANT:** Scott M. Gentry, Kelly, Collins & Gentry, Inc.

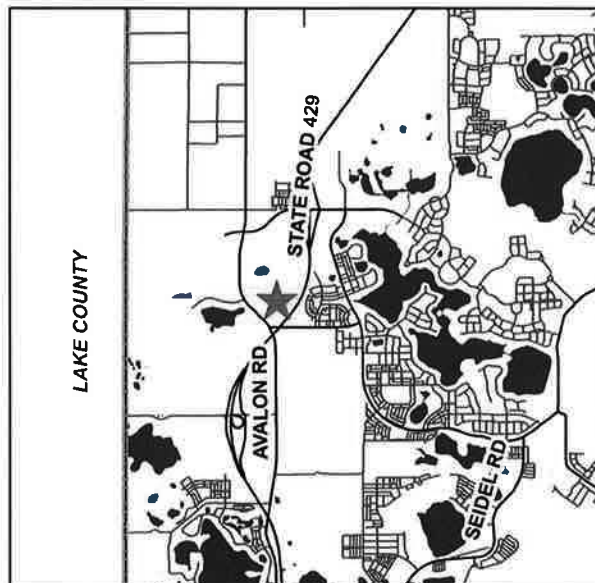
**LOCATION:** South of New Independence Parkway / West of State Road 429

**TRACT SIZE:** 78.96 gross acres

**DISTRICT:** # 1

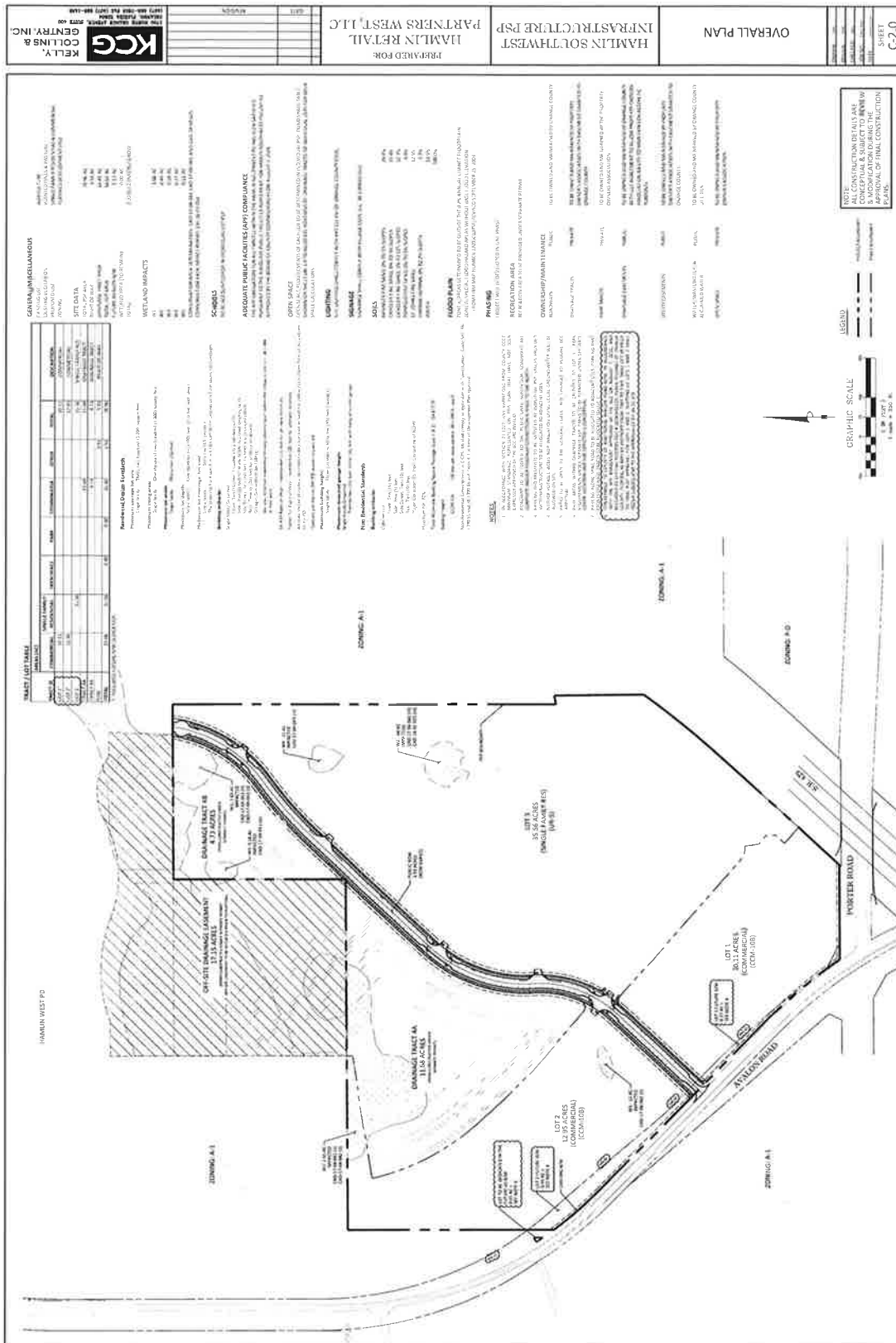
**S/T/R:** 20/23/27, 29/23/27

**1 inch = 550 feet**





Site Data & Notes & Site Plan Sheet



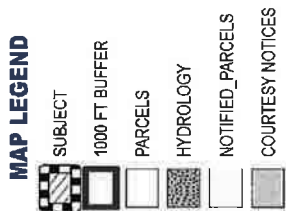
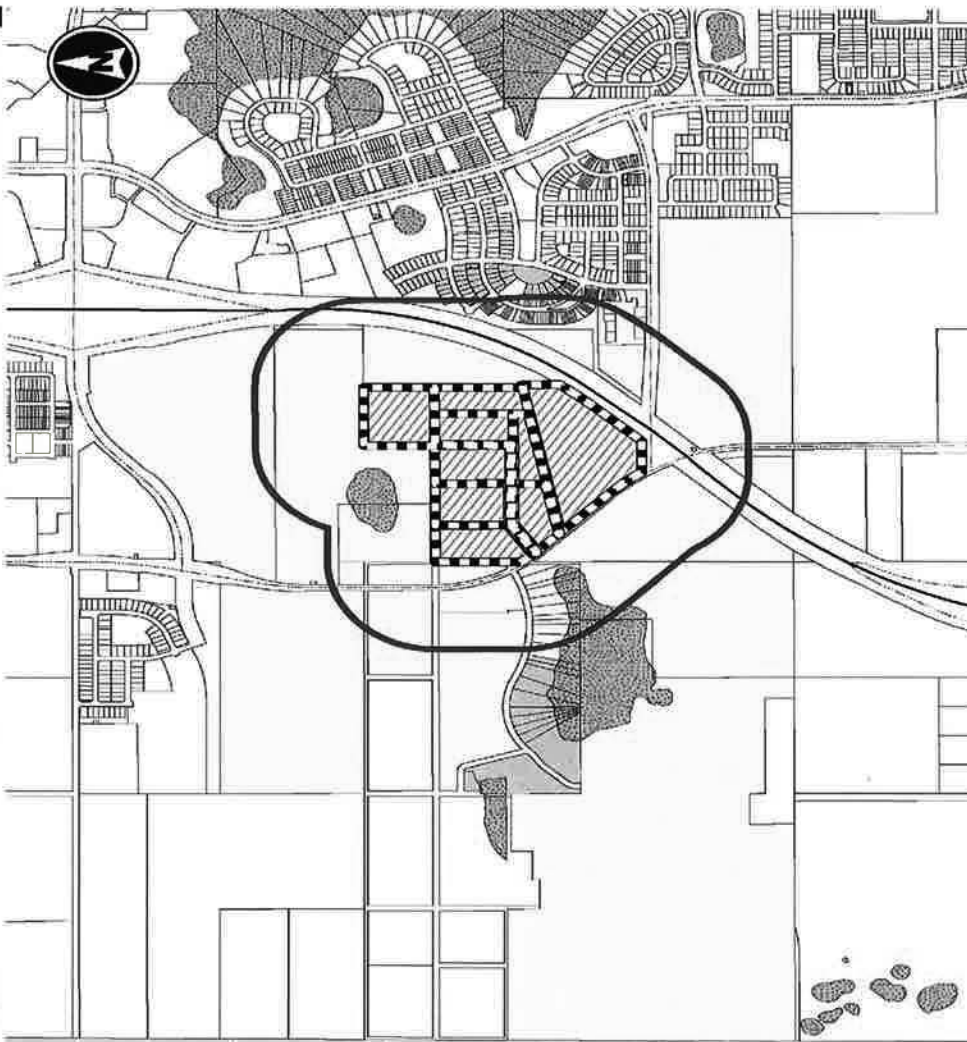
**Aerial**



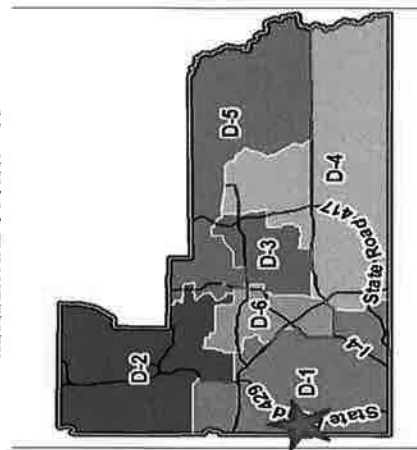
## Notification Map

# Public Notification Map

### Hamlin Southwest Overall InfrastructurePD\_PSP-19-06-190



**BUFFER DISTANCE: 1000**  
**# OF NOTICES: 161**  
**RESIDENTIAL COUNT: 70**



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