



**Interoffice Memorandum**

September 5, 2023

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Andres Salcedo, P.E., Acting Director  
Planning, Environmental and Development  
Services Department *Andres*

**CONTACT PERSON: Joseph C. Kunkel, P.E., DRC Chairman  
Development Review Committee  
Public Works Department  
(407) 836-7971**

SUBJECT: September 26, 2023 – Public Hearing  
Applicant: Laurence Poliner, RCE Consultants, LLC  
Case Name: Village F Master PD / Shoppes at Lakeview  
Development Plan  
Case #: DP-22-12-375 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 26, 2023, to approve the Village F Master PD / Shoppes at Lakeview Development Plan (DP) to construct a 19,989 square foot retail shopping center on 2.44 acres, located at 8810 Seidel Road, Winter Garden, Florida.

Additionally, due to the site configuration, two waivers from Orange County Code are requested to allow 0% of the building frontage for the two proposed buildings to be located at the front setback line, in lieu of 50% of the building frontage.

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 Village F Master PD / Shoppes at Lakeview DP dated "Received July 31, 2023", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

AS/JCK/nt  
Attachments

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**CASE # DP-22-12-375**

Commission District # 1

**1. GENERAL INFORMATION**

Applicant	Laurence Poliner, RCE Consultants, LLC
Owner	Monsters of Midway Properties, LLC
Project Name	Village F Master PD / Shoppes at Lakeview DP
Hearing Type	Development Plan (DP)
Request	To construct 19,989 square foot retail shopping center on 2.44 acres.

In addition, two waivers are being requested from Orange County Code to allow reductions in the percentage of linear footage of the facades of each building that are built directly on the front building setback line.

1. A waiver from Sec. 38-1388(e)(7) to allow Building 1 to provide 0% linear footage of the front façade on the front building setback line in lieu of 50% linear footage.

***Applicant Justification:*** *The justification for this request is that the east property line and setback are a large continuous radius, and the intent is to maintain an orthogonal building for construction. We set the southeast corner of the building near to the setback line as required, but as the property line and setback line curve east, the façade gradually and incrementally inches further away from the setback line, the distance between the building façade and the setback line ranges from a few inches to several feet. We believe this strategy meets the spirit of this section of the zoning code.*

2. A waiver from Sec. 38-1388(e)(7) to allow Building 2 to provide 0% linear footage of the front façade on the front building setback line in lieu of 50% linear footage.

***Applicant Justification:*** *The justification for this request is that the east property line and setback are a large continuous radius, and the intent is to maintain an orthogonal building for construction. We set the southeast corner of each building near to the setback line as required, but as the property line and setback line curve east, the façade gradually and incrementally inches further away from the setback line, the distance between the building façade and the setback line ranges from 4' to 8' at the awning. We believe this strategy meets the spirit of this section of the zoning code.*

## 2. PROJECT ANALYSIS

A. Overview:	The subject property is located in the Village F Master PD, within Horizon West Village F. The subject property is designated Neighborhood Center District, which is allotted 20,000 square feet of non-residential uses. The 19,989 square foot retail shopping center is consistent with the use designations.
B. Location:	South of Murcott Blossom Boulevard and west of Seidel Road
C. Parcel ID:	34-23-27-0000-00-004
D. Total Acres:	2.44 gross acres
E. Water Supply:	Orange County Utilities
F. Sewer System:	Orange County Utilities
G. Schools:	N/A
H. School Population:	N/A
I. Parks:	Deputy Scott Pine Community Park - 2.2 miles
J. Proposed Use:	19,989 square foot retail shopping center
K. Site Data:	Maximum Building Height: 45' (3-stories) Building Setbacks: 10' Front / 0' Side / 6' Side Street / 15' Perimeter Side / 10' Rear

- K. Fire Station: 44 - 16990 Porter Road
- L. Public Notification: The notification area for this public hearing extended beyond 500 feet (Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet). One hundred thirty-six (136) notices were mailed to those property owners in the mailing area.
- M. Community Meeting Summary: A community meeting was not required for this request.
- N. Transportation: The Village F Horizon West Road Network Agreement approved June 18, 2013 provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of Seidel Road to four lanes in three phases according to specific trip allocations and performance thresholds. Concurrency Vesting shall be provided pursuant to Table 1 based on achieved thresholds of the road improvements. Conveyance shall be by general warranty deed at no cost to the County prior to each phase of roadway construction. The Signatory Owners will receive Road Impact Fee Credits in Road Impact Fee Zone 4 for the lesser of (a) 95% of the actual, reasonable unreimbursed sums incurred by Signatory Owners for permitting, design, mitigation, inspection and construction expense exclusive of enhanced landscaping and street lighting or (b) 60% of the countywide average total cost of road construction per lane mile.
- Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first

building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

Based on the Concurrency Management database (CMS) dated January 25, 2023, there are multiple failing roadway segments within the project's impact area. Ficquette Road, from Sumerlake Park Blvd./Overstreet Road to Reams Road (2 segment(s)) and Reams Road, from Lake Hancock Road to Floridian Place, are failing. This information is dated and subject to change.

O. EPD:

Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping.

No person shall cause, let, suffer, allow, or permit the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities, such as loading, unloading, storing, or handling; without taking reasonable precautions to prevent such emissions including but not limited to application of water, dust suppressants, planting of vegetation, point of activity controls (hoods, filters, etc) and other measures. Reference Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 15-89.1 Air Pollution Prohibited 15-89.1(b) Unconfined emissions of particulate matter and 15-89.1(b)(2) Reasonable Precautions and defined in the Florida Department of Environmental Protection 62-296.320(4)(c) for Unconfined Emissions of Particulate matter adopted by Orange County Code 15-90 Adoption of state and federal rules by reference.

P. Comprehensive Plan:

The subject property is designated on the Future Land Use Map (FLUM) as Village. The subject property is designated PD (Planned Development District) on the zoning map, which is consistent with the FLUM designation.

Q. Zoning:

PD (Planned Development District)

### **3. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Village F Master Planned Development; Orange County Board of County Commissioners (BCC) approvals; Shoppes at Lakeview Development Plan dated "Received July 31, 2023"; 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.

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 (F.S.), 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, F.S., 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 development 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. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Development plan (DP) approval by the DRC (or BCC, as applicable), shall automatically expire if construction plans are required and have not been submitted and approved within two (2) years from DP approval; if construction plans are not required, such DP shall expire two (2) years from approval unless a building permit has been obtained within such two-year period. The foregoing notwithstanding, the DRC may, upon good cause shown, grant successive one (1) year extensions to the expiration date of a DP if the developer makes written request to the DRC chair prior to the expiration date.
8. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
9. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and ponds have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
10. Unless otherwise allowed by County Code, the property shall be platted / replatted prior to the issuance of any vertical building permits.
11. A mandatory pre-application/sufficiency review meeting for the plat/replat shall be required prior to plat submittal and concurrent with construction plan submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the preapplication/sufficiency review meeting prior to formal submittal of the plat to the County.

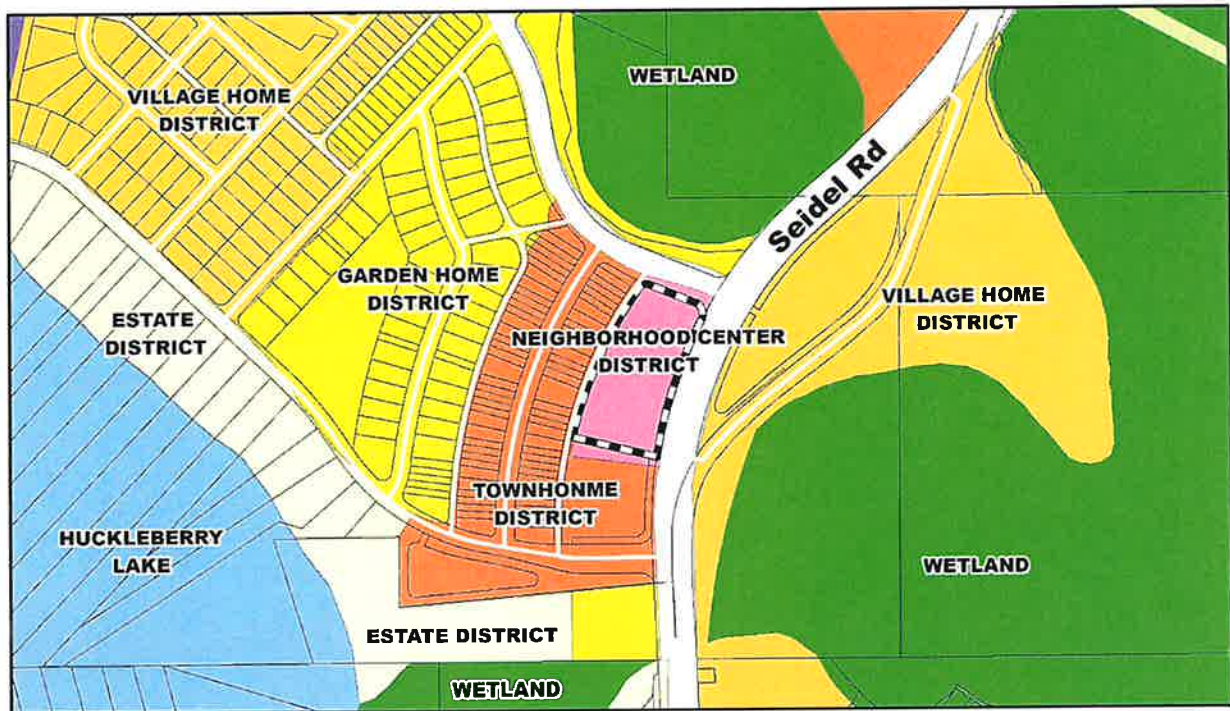


12. Any infrastructure improvements required by this development plan shall be perpetually maintained by the applicant and all successors in interest to the real property described in the site construction plan permit issued unless dedicated to the county. Prior to approval of the site construction plan permit, the applicant shall supply to the county an executed agreement in recordable form, or some other form of security, satisfactory to the county which assures continuous, perpetual maintenance of the improvements, including certification of compliance with all requirements of the Americans with Disabilities Act and corresponding standards. No certificate of occupancy shall be issued until such assurance has been received and accepted by the county, and recorded in the public records of Orange County, Florida.
13. The project shall comply with the terms and conditions of that certain Village F Road Network Agreement approved on June 18, 2013, and recorded at O.R. Book 10591, Page 5123, Public Records of Orange County, Florida, as may be amended.
14. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and nonresidential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
15. 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.
16. 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.

17. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the DP, and that construction plans are consistent with an approved and up-to-date Master Utility Plan for the PD.
18. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
19. Outside sales, storage, and display shall be prohibited.
20. A waiver from Orange County Code, Section 38-1388(e)(7) is granted to allow Building 1 to provide 0% linear footage of the front façade on the front building setback line in lieu of 50% linear footage.
21. A waiver from Orange County Code, Section 38-1388(e)(7) is granted to allow Building 2 to provide 0% linear footage of the front façade on the front building setback line in lieu of 50% linear footage.

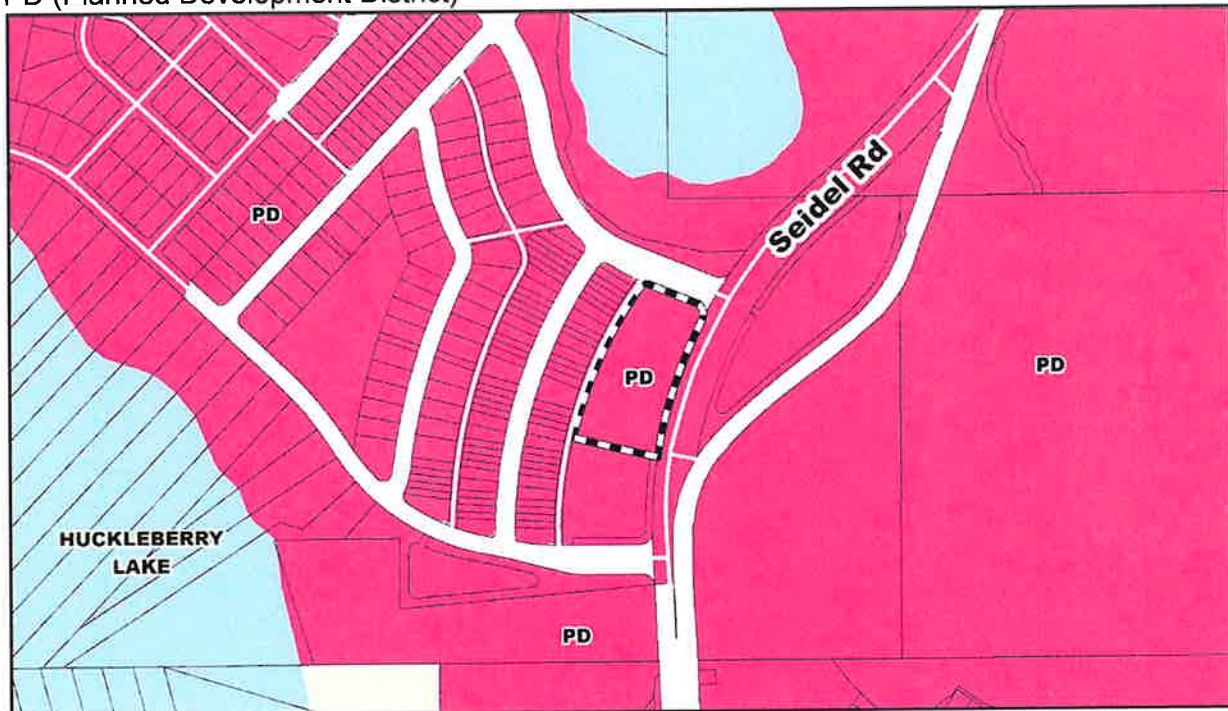
**FUTURE LAND USE - CURRENT**

Village (V) – Neighborhood Center District



**ZONING – CURRENT**

PD (Planned Development District)



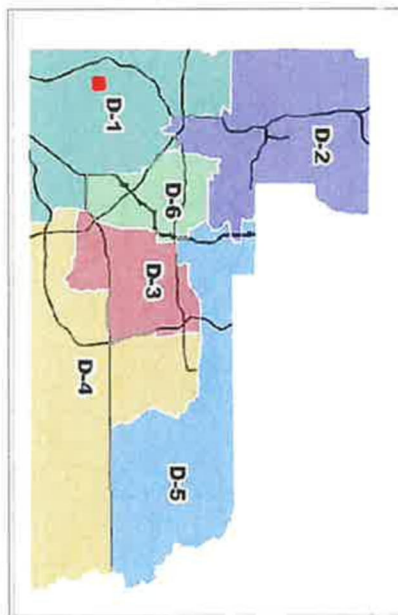
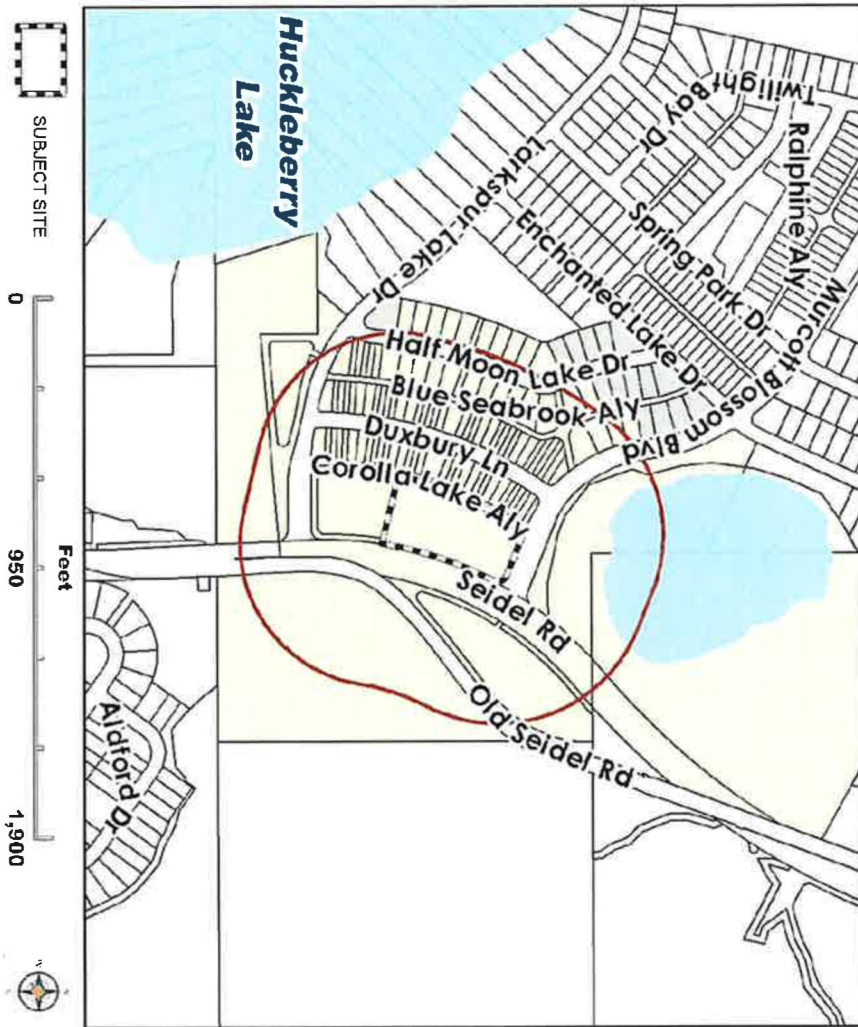


## Notification Map



# Public Notification Map

DP-22-12-375



**BUFFER DISTANCE:** 500  
**# OF NOTICES:** 136

**MAP LEGEND**

	SUBJECT SITE		PARCELS
	500FT BUFFER		NOTIFIED PARCELS
	1 MILE BUFFER		COURTESY PARCELS
	HYDROLOGY		