



**Interoffice Memorandum**

**DATE:** November 16, 2020  
**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**

**Eric P. Raasch,**  
**Jr., AICP**

Digitally signed by Eric P. Raasch, Jr., AICP  
Date: 2020.11.16  
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**SUBJECT:** December 1, 2020 – Public Hearing  
Applicant: Brooks Stickler, Kimley-Horn & Associates, Inc.  
Waterford Lakes Multi-Family Planned Development / Waterford  
Lakes Multi-Family Development Plan  
Case # DP-19-11-393 / District 4

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 26, 2020, to approve the Waterford Lakes Multi-Family Planned Development (PD) / Waterford Lakes Multi-Family Development Plan (DP) to construct 255 multi-family residential dwelling units on a total of 10.08 acres. This case was continued at the October 13, 2020 and November 10, 2020 Board meetings.

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 Waterford Lakes Multi-Family PD / Waterford Lakes Multi-Family DP dated "Received August 17, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

JVW/EPR/lme  
Attachments

**CASE # DP-19-11-393**

Commission District # 4

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 26, 2020, to approve the Waterford Lakes Multi-Family Planned Development (PD) / Waterford Lakes Multi-Family Development Plan (DP) to construct 256 multi-family residential dwelling units on a total of 10.08 acres.

**2. PROJECT ANALYSIS**

- A. Location: South of East Colonial Drive / East of Woodbury Road
- B. Parcel ID: 23-22-31-0000-00-012, 23-22-31-0000-00-013
- C. Total Acres: 10.08 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Castle Creek ES – Capacity: 768 / Enrollment: 746  
Legacy MS – Capacity: 1,088 / Enrollment: 870  
East River HS – Capacity: 3,002 / Enrollment: 1,959
- G. School Population: 72
- H. Parks: East Orange Neighborhood Park – 1 Mile
- I. Proposed Use: 95,568 Square Feet Retail  
4,700 Square Feet Outdoor Seating
- J. Site Data: Maximum Building Height: 60'  
Minimum Living Area: 500 Square Feet  
Minimum Lot Width: 85'  
Building Setbacks:  
25' Front  
25' Side  
60' East Colonial Drive  
65' State Road 408  
30' Rear  
25' Side Street  
61.5' NHWE
- K. Fire Station: 80 – 1841 Bonneville Road

L. Transportation: Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

Additional right-of-way is needed for the Woodbury Road Extension.

Contact the Turnpike for Colonial Parkway project right-of-way requirements.

### **3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) designation of Medium High Density Residential (MHDR) and zoning of Planned Development. The zoning is consistent with the Future Land Use.

### **4. ZONING**

P-D (Planned Development District) (Waterford Lakes Multi-Family PD)

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

Approval subject to the following conditions:

1. Development shall conform to the Waterford Lakes Multi-Family Planned Development; Orange County Board of County Commissioners (BCC) approvals; Waterford Lakes Multi-Family Development Plan dated "Received August 17, 2020"; 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, 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 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. 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.
  7. The stormwater management system shall be designed to retain the 100-year / 24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year / 24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
  8. A mandatory pre-application / sufficiency review meeting for the plat 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 pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
  9. Unless otherwise allowed by County Code, the property shall be platted prior to the issuance of any vertical building permits.
  10. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
  11. The owner / applicant shall dedicate 13-feet of Right-of-Way for Woodbury Road improvements prior to or concurrently with the platting or re-platting of the property.
  12. 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

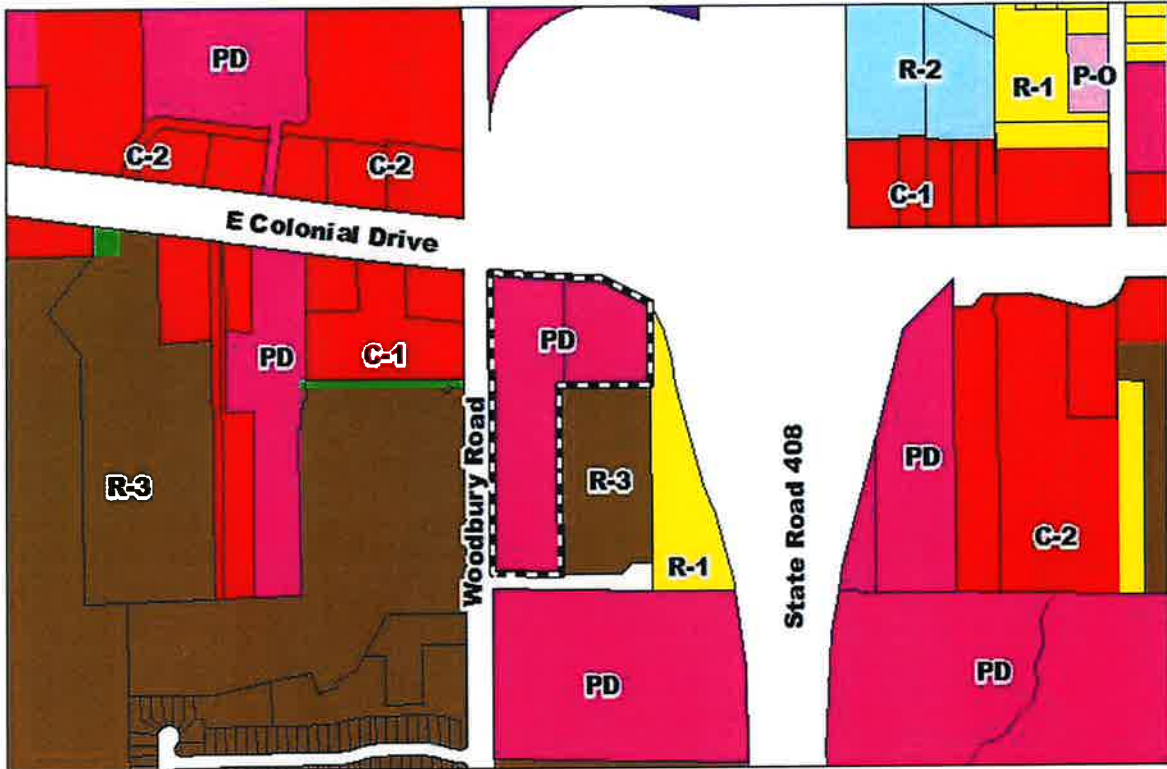
- System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
13. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
  14. 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.
  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. 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.
  17. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
  18. Short term / transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
  19. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County code.
  20. Any proposed fencing along Woodbury Road or Colonial Drive shall be aluminum picket, or a similar design as approved by the Zoning Division. If

any fencing is proposed along Woodbury Road or Colonial Drive, a pedestrian access gate shall be provided at the northwest corner of the property.

21. This DP shall not become effective unless and until CDR-20-07-202 has been approved by the BCC and all applicable appeal periods have expired without an appeal.

## Zoning Map

DP-19-11-393



Subject Property



Subject Property

### Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Brooks A. Stickler, Kimley-Horn and Associates, Inc.

LOCATION: 12400 & 12464 East Colonial Drive; Generally located South of East Colonial Drive, and east of Woodbury Road.

TRACT SIZE: 10.08 gross acres

DISTRICT: # 4

S/T/R: 23/22/31

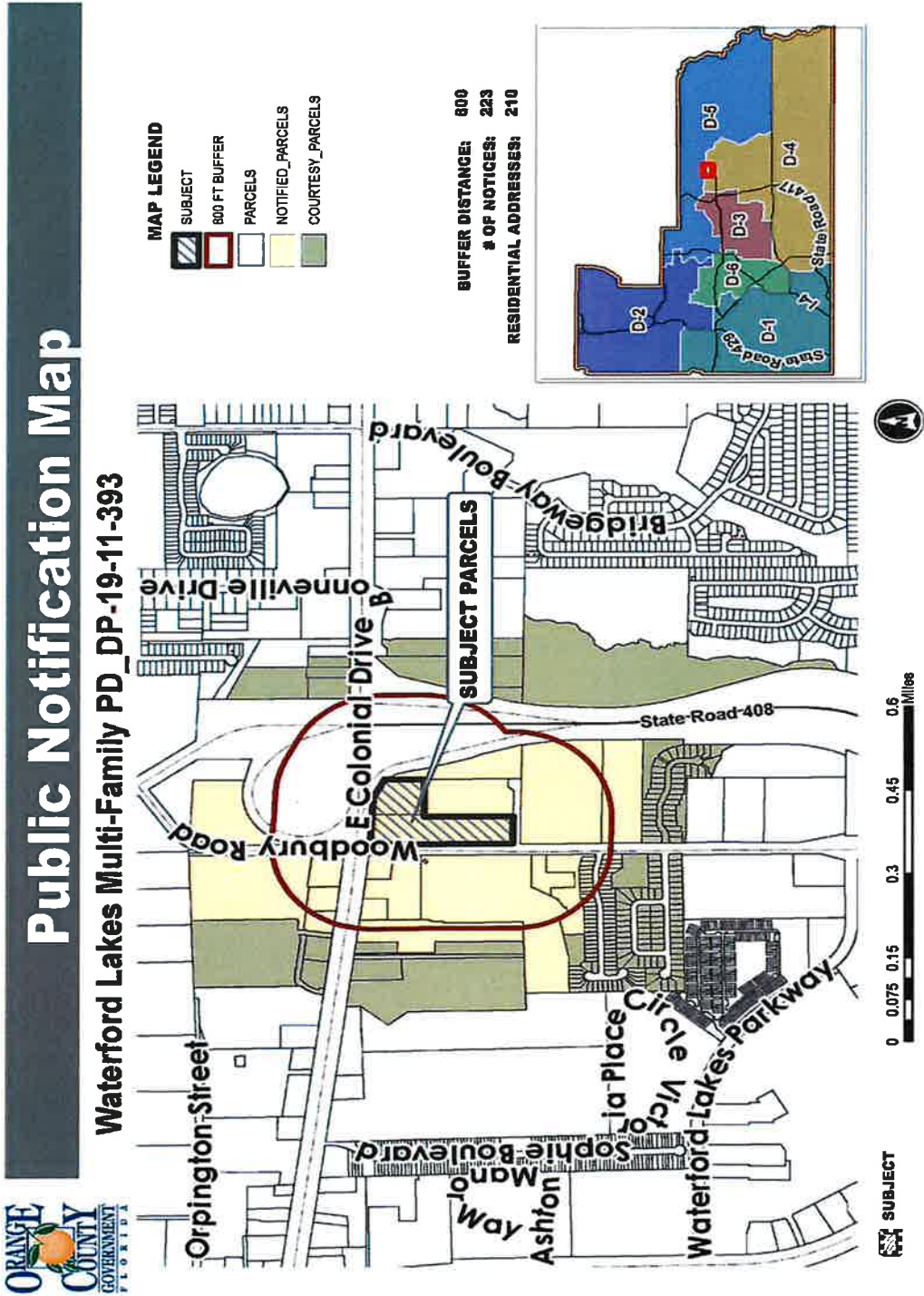
1 inch = 575 feet







# Notification Map



locastymdepthBusiness SystemsBoard Administrators\SUBSTANTIAL CHANGE\2020DRC\Waterford Lakes Multi-Family PD\_CDR-20-07

