





Interoffice Memorandum

DATE: January 20, 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: February 9, 2021 – Public Hearing
Brent Lenzen, Kimley-Horn & Associates, Inc.
Signature Lakes Planned Development
Case # CDR-20-09-264 / District 1

The Signature Lakes Planned Development (PD) is located east of Tiny Road, north of Lake Hancock, and west of Ficquette Hancock Road; within the Horizon West / Village of Bridgewater Special Planning Area. The overall PD has existing entitlements for 2,381 residential units, 20,000 square feet of neighborhood commercial uses, a fifteen-acre elementary school site, and approximately 47 acres of other Adequate Public Facilities parks, rights-of-way and bike trails.

Through this PD substantial change, the applicant is proposing to remove 16 residential dwelling units from Parcel SL-15 "Neighborhood Center". The applicant is also requesting a setback waiver from Section 38-1388(c)(8), as a result of a conflict with an existing utility easement.

On November 18, 2020, 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 Signature Lakes Planned Development / Land Use Plan (PD/LUP) dated “Received October 23, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

Attachments
JVW/EPR/JAH

CASE # CDR-20-09-264

Commission District: # 1

GENERAL INFORMATION

APPLICANT Brent Lenzen, Kimley-Horn & Associates, Inc.

OWNER VR Falcon Square Holdings

PROJECT NAME Signature Lakes Planned Development

PARCEL ID NUMBER(S) 27-23-27-8125-00-008*
27-23-27-8125-00-009 (affected parcels only / * portion thereof)

TRACT SIZE 1,396.03 gross acres (overall PD)
1.30 gross acres (affected parcel only)

LOCATION Generally located east of Tiny Road, north of Lake Hancock, and west of Ficquette Hancock Road, near the intersection of New Independence Parkway and Old Thicket Trace.

REQUEST A PD substantial Change Determination Request (CDR) to remove 16 residential units from Parcel SL-15. In addition, the applicant has requested the following waiver from Orange County Code:

1. A waiver to Old Village Code Section 38-1388(c)(8) to allow the buildings in neighborhood commercial areas to have a side yard setback of a maximum of 15 feet from the property line or the width of the existing utility and drainage easement along at least one (1) property line in lieu of the requirement that buildings in such neighborhood commercial areas shall have a side yard setback of zero (0) feet along at least one (1) property line. This waiver will only apply to Parcel SL-15.

Applicant Justification: *The waiver is necessary due to the presence of an existing drainage and utility easement on the property side yards which contain numerous public utilities and prevent the option of moving the buildings closer to the property lines.*

PUBLIC NOTIFICATION A notification area extending beyond seven hundred (700) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seventeen (17) 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 Signature Lakes Planned Development (PD) is located east of Tiny Road, north of Lake Hancock, and west of Ficquette Hancock Road; within the Horizon West / Village of Bridgewater Special Planning Area. The overall PD has existing entitlements for 2,381 residential units, 20,000 square feet of neighborhood commercial uses, a fifteen-acre elementary school site, and approximately 47 acres of other Adequate Public Facilities parks, rights-of-way and bike trails.

Through this PD substantial change, the applicant is proposing to remove 16 residential dwelling units from Parcel SL-15 "Neighborhood Center". The applicant is also requesting a setback waiver from Section 38-1388(c)(8), as a result of a conflict with an existing utility easement.

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 underlying Future Land Use Map (FLUM) designation of the Signature Lakes Neighborhood PD is "Village", indicating that the property falls within the Horizon West Special Planning Area (SPA). More specifically, the subject property is designated as a Neighborhood Center District on the Special Planning Area Land Use Map. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

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

Conservation Area Permits - Orange County Conservation Area Determination CAD 02-029 and Impact Permits CAI 03-017 and CAI 04-119 were completed for the PD. This plan shall comply with all related permit conditions of approval. Environmental Protection Division (EPD) staff reviewed the request, but did not identify any issues or concerns.

Transportation Concurrency

Orange County Transportation staff reviewed the Change Determination Request but did not identify any issues or concerns.

Community Meeting Summary

A community meeting was not required.

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 – (November 18, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Signature Lakes Planned Development / Land Use Plan (PD/LUP), dated “October 23, 2020”, subject to the following conditions:

1. Development shall conform to the Signature Lakes Land Use Plan dated "Received October 23, 2020," 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 of this land use plan and the land use plan dated "Received October 23, 2020*," 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 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.

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 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. 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 MUP and updates must be approved prior to Construction Plan approval.
7. A waiver is granted from Orange County Old Village Code Section 38-1388(c)(8) to allow the buildings in neighborhood commercial areas to have a side yard setback of a maximum of 15 feet from the property line or the width of the existing utility and drainage easement along at least one (1) property line in lieu of the requirement that buildings in such neighborhood commercial areas shall have a side yard setback of zero (0) feet along at least one (1) property line. This waiver will only apply to Parcel SL-15.

8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 14, 2013 shall apply:
 - a. The following waiver shall be applicable to Parcels SC-12 and SC-19 only:
 - 1) A waiver from Orange County Code Section 38-1384(c) to allow for an average block length of three hundred fifty feet (350'), in lieu of three hundred feet (300'), where lot widths of less than sixty feet (60') wide are proposed.

9. All previous applicable Conditions of Approval dated August 28, 2012, shall apply:
 - a. The following waivers shall apply only to Parcel SC -11:
 - 1) A waiver from Section 38-1386(b)(2) is granted to decrease the minimum average lot size from 4,800 square feet to 3,500 square feet;
 - 2) A waiver from Section 38-1386(b)(4) is granted to decrease the minimum lot width from 40 feet to 32 feet;
 - 3) A waiver from Section 38-1389(b)(8)(a) is granted to reduce the minimum front porch setback from 10 feet to 7 feet;
 - 4) A waiver from Section 38-1386(b)(8)(b) is granted to decrease the minimum side building setback from 5 feet to 4 feet for lots less than 40 feet wide; and
 - 5) A waiver from Section 38-1384(c) is granted to allow for an average block length of 350 feet in lieu of 300 feet, where lot widths less than 60 feet are proposed.

10. All previous applicable BCC Conditions of Approval dated October 23, 2007 shall apply:
 - a. The following waivers shall apply only to Parcel SL-4:
 - 1) A waiver from Section 38-1258(a), which requires that the maximum building height be restricted to 1 story when within 100 feet of single-family residences is granted.
 - 2) A waiver from Section 38-1258(e), to allow parking for multi-family to be less than 25 feet from single-family residences and to require a 25-foot Type C landscape buffer is granted.
 - 3) A waiver from Section 38-1258(f), which requires a 6-foot-high masonry, brick, or block wall between multi-family and single-family residences, is granted.
 - 4) A waiver from Section 38-1258(g), to allow multi-family to directly access a right-of-way serving single-family residences is granted.

- 5) A waiver from Section 38-1258(i), which requires the multi-family tract to be fenced when directly across from single-family residences is granted.
- b. All previous applicable Conditions of Approval shall apply:
- 1) The developer shall obtain water, reclaimed water, and wastewater from Orange County subject to County rate resolutions and ordinances.
 - 2) Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master utility and stormwater plans for this PD.
 - 3) The right-of-way shall be conveyed to Orange County prior to the completion of Phase 1D.
 - 4) Prior to construction plan approval, a master stormwater management plan and a drainage study to establish the 100-year flood elevation for Lake Hartley shall be submitted to the Development Engineering Division for review and approval.
 - 5) Pole signs and billboards shall be prohibited.
 - 6) All commercial development shall comply with the Commercial Design Standards Ordinance and the scale and character of the Village.
 - 7) At the time of approval of a plat for single-family residential unit project, the developer shall have prepared and submitted for review a document containing Covenants, Conditions, and Restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneously with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
 - The same front facade for single-family residential units may not be repeated more than 5 times within 1 block length for both sides of any street and shall be separated by at least 2 units with different facades.
 - House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front facade of the main body of the house shall not exceed 40 feet in length, except for wings of "L's," which setback from the facade.
 - In no case shall more than 50 percent of the front facade of a house consist of an unobstructed block wall or garage door.
 - At least 50 percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of 7 feet in depth and cover a minimum of 10 feet in width or 1/3 of the front facade, whichever is greater.
 - Flat roofs shall be prohibited.

- Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be located within 3 feet of the sidewalk to define the separation of public and private spaces. Such fences shall be no higher than 3 feet, 6 inches and limited to decorative wrought iron or wood picket style.
 - The provision of the CC&Rs incorporating the above-referenced requirements shall not be amended, removed, or suspended without the prior approval of the Board of County Commissioners (BCC), which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect.
 - Furthermore, the CC&Rs shall provide that the homeowners' association and any person owning property in the development have the right to enforce these requirements in the event they are violated.
 - Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces Orange County ordinances and regulations.
- 8) The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Bridgewater Village. Utilities infrastructure shall be built connecting to the proposed 24-foot reclaimed water main at Ficquette Road to the 24-foot water main on C.R. 535 and the 16-inch force main on Ficquette Road. These connection points may be modified at time of construction plan approval.
- 9) The following Education Conditions of Approval shall apply:
- Developer shall comply with all provisions of the Public Education Agreement (PEA) entered into with the Orange County School Board as of May 31, 2003, dates referencing all of the school enhancement agreements that have already been adopted: June 3, 2002, original Signature Lakes Agreement with amendment on July 8, 2003, and second agreement on June 4, 2003.
 - Upon the County's receipt of written notice from Orange County Public Schools (OCPS) that the developer is in default or breach of the PEA, the County shall immediately cease issuing building permits for any residential units in excess of the 134 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon OCPS' written notice to the County that the developer is no longer in breach or default of the PEA. The developer and its successor or assign under the PEA, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

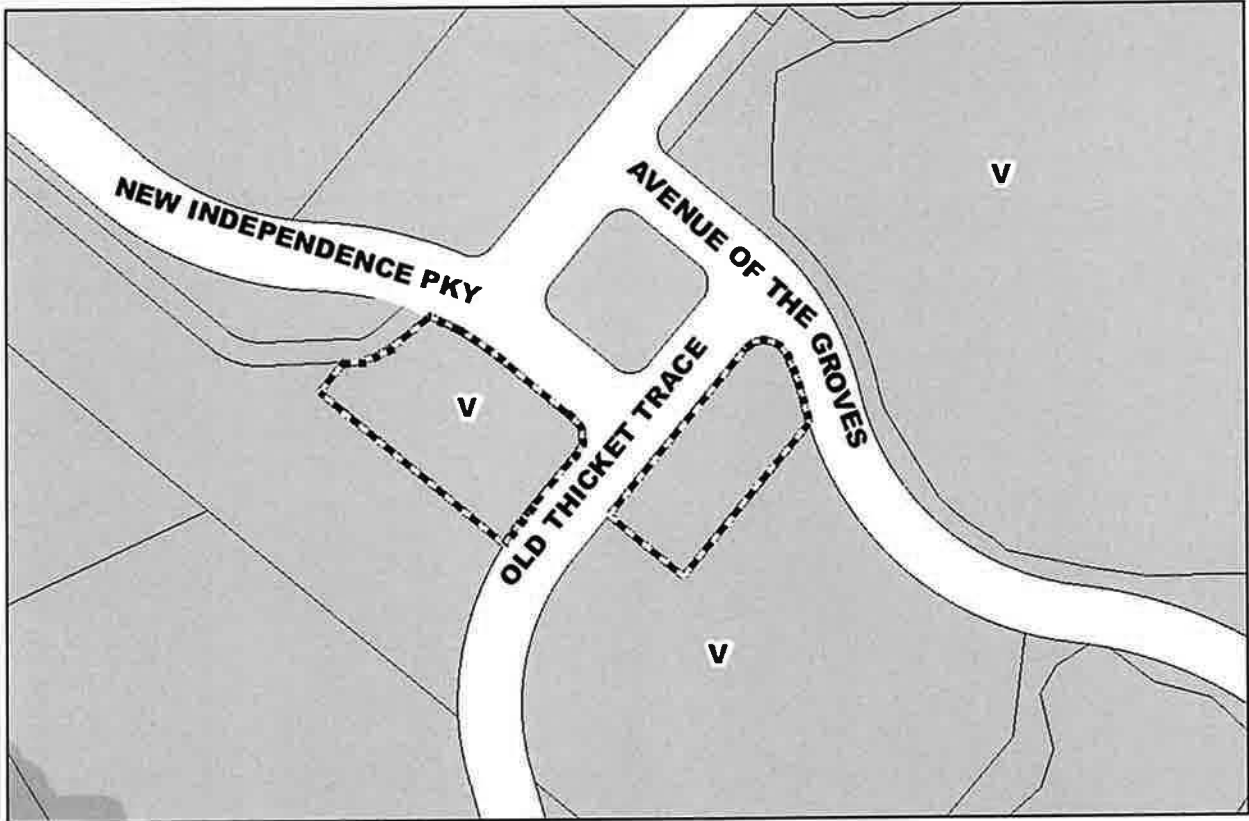
- Developer, or its successor or assign under the PEA, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights.
 - Orange County shall be held harmless by the developer and its assigns under the PEA, in any dispute between the developer and OCPS over any interpretation or provision of the PEA.
- 10) Any proposals for apartments shall be processed through the Board of Zoning Adjustment (BZA) for special exception in accordance with Orange County Code 38-1387(3). Townhomes in the Village Home District shall also require BZA approval. As a prerequisite to granting any special exception for apartment, the developer shall present design guidelines that include, at a minimum, elevations, block length, and other aesthetic requirements and conditions of the special exception, if approved, shall incorporate the design guidelines.
- 11) Of the 696 residential units allowed within the Townhouse/Apartment District, no more than a maximum of 550 units in the entire PD may be operated commercially as rental units. In addition, under no circumstances shall any parcel within this PD designated as Townhouse/Apartment District have more than 300 rental apartments, except parcel SL-8, which shall not have more than 331 rental apartments.
- 12) Short-term rental of any townhouse shall be prohibited.
- 13) All recreational trails in excess of 5 feet shall be maintained by the Home Owner's Association.
- 14) Outside storage and display shall be prohibited.
11. All previous applicable BCC Conditions of Approval dated July 18, 2006 shall apply:
- a. A waiver from Section 38-1258(h) to allow shared recreational facilities between multi-family developments and single-family developments is granted.
 - b. The recreation facilities shall be designated on the applicable plat as a Common Area to be owned and maintained by Independence Community Association, Inc., with costs of operation and maintenance thereof to be assessed proportionately among the owners of residential dwellings in the community, in accordance with the terms of the Master Declaration for Independence.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (May 14, 2013)

Upon a motion by Commissioner Boyd, seconded by Commissioner Clarke, and carried by a vote of 7 to 0 in favor, the Board made a finding of consistency with the Comprehensive Plan; and approved the substantial change request to aggregate and convert 16.2 acres of upland greenbelt into PD Parcel SC-12 (Garden Home District) and amend PD parcel SC-19 from Townhome / Apartment District to Village Home District, resulting in a net decrease in the overall

PD residential entitlements by 17 units; the substantial change provides an average 150' wide buffer within PD parcel SC-12 along the east side of Tiny Road; and an updated alignment to APF ROW 10; and further, granted a waiver from Sec. 38-1394(c) to allow for an average block length of 350 feet in lieu of 300 feet, where lot widths less than 60 feet are proposed, applicable only to parcels SC-12 and SC-19.

CDR-20-09-264



 Subject Property



 Subject Property

Future Land Use Map

FLUM: V (Village)

APPLICANT: Brent Lenzen, Kimley-Horn & Associates

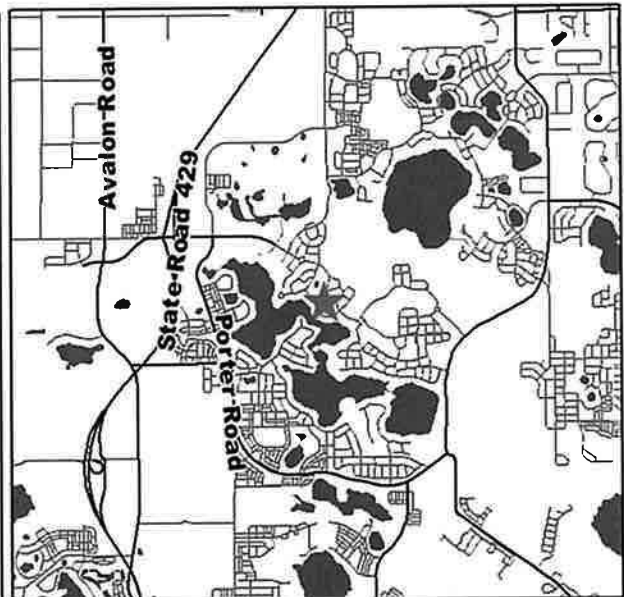
LOCATION: Generally located east of Tiny Road,
north of Lake Hancock, near the
intersection of New Independence
Parkway and Old Thicket Trace.

TRACT SIZE: 1.30 gross acres

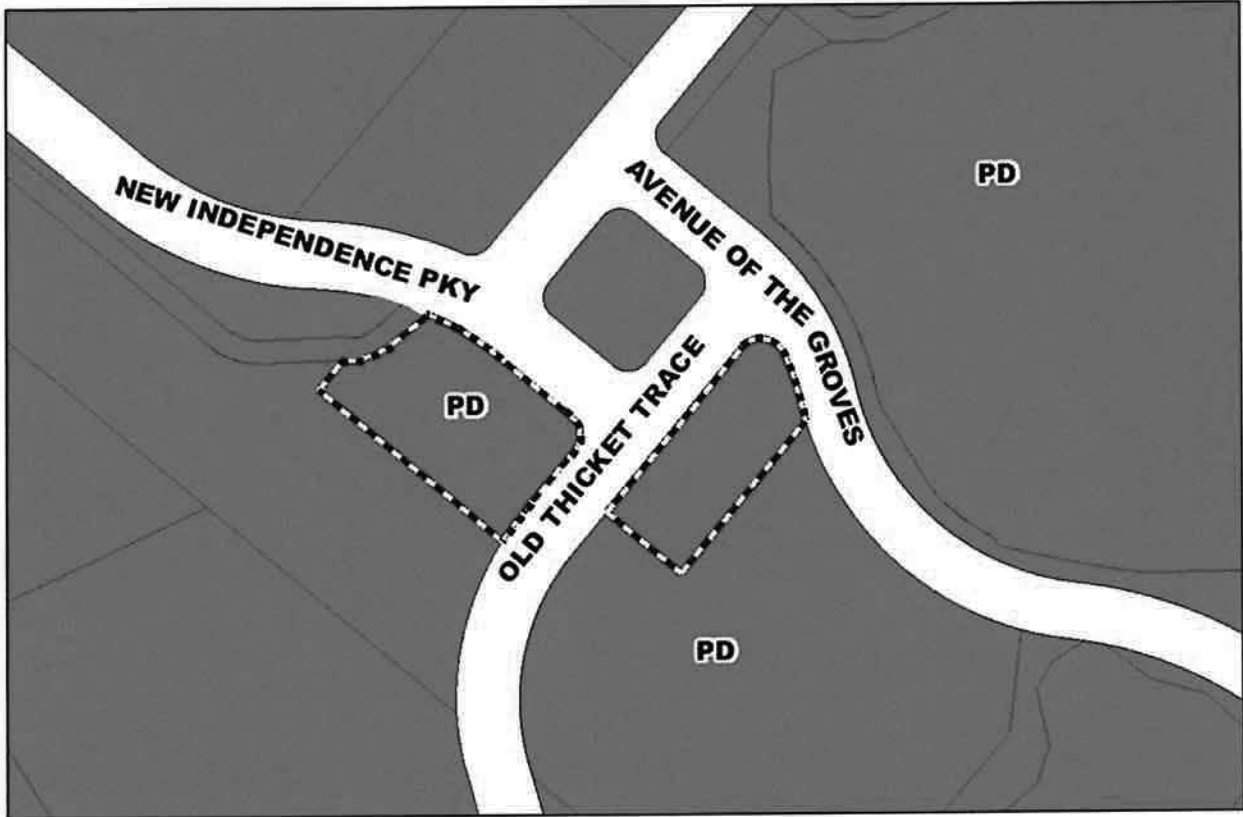
DISTRICT: # 1

S/T/R: 22/23/27

1 inch = 167 feet



CDR-20-09-264



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Brent Lenzen, Kimley-Horn & Associates

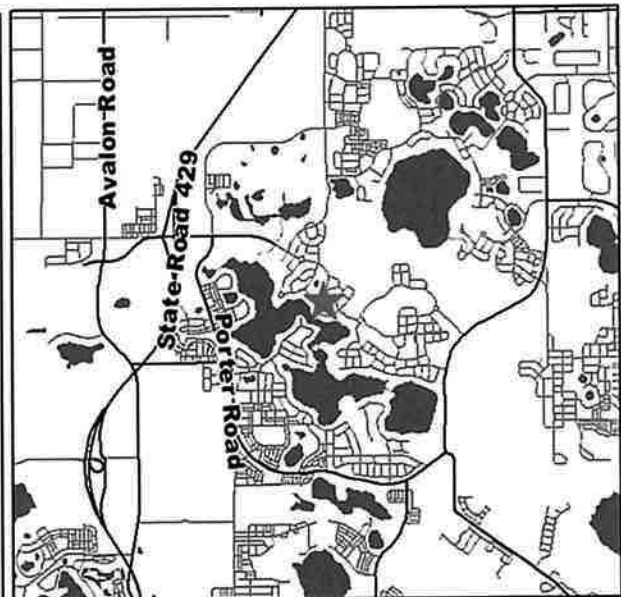
LOCATION: Generally located east of Tiny Road, north of Lake Hancock, near the intersection of New Independence Parkway and Old Thicket Trace.

TRACT SIZE: 1.30 gross acres

DISTRICT: # 1

S/I/R: 22/23/27

1 inch = 167 feet



Signature Lakes PD / LUP (Cover Sheet)

Signature Lakes Neighborhood

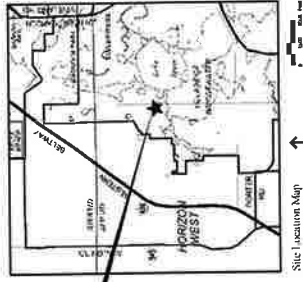
Amended Land Use Plan

A RESIDENTIAL NEIGHBORHOOD IN THE VILLAGE OF BRIDGEWATER,
 HORIZON WEST, ORANGE COUNTY, FLORIDA

Orange County, Florida

AFFECTED PARCELS ONLY

27-23-27-8125-00-008
 27-23-27-8125-00-009



PROJECT SITE

Development Team

Original Developer:
 SLY INDEPENDENCE PHASE 3, LLC
 6310 Capital Drive, Suite 130
 Lakewood, Florida 34202
 P: 941.388.0707
 F: 941.907.3212

Applicant:
 VENTERRA REALTY
 20333 Highway 249, Suite 650
 Houston, Texas 77070
 P: 281.822.9103

Original D.R.C. Date: March 26, 2003

FOR PREPARED BY

Design Engineer:
 Kimley-Horn & Associates, Inc.
 1100 Polk Street
 Orlando, FL 32801
 P: (407) 843-6656

Landscaping Architect:
 Greening Artisan, Kernersville, Virginia
 10000 Highway 249, Suite 650
 Houston, Texas 77070
 P: (281) 822-9103

Architect:
 The Pavin Group
 10000 Highway 249, Suite 650
 Houston, Texas 77070
 P: (281) 822-9103

Surveyor:
 Gussner-Bishop & Associates, Inc.
 1100 Polk Street
 Orlando, FL 32801
 P: (407) 843-6656

Professional Consultant:
 Muley & Associates, Inc.
 1100 Polk Street, 48711
 Orlando, Florida 32801
 P: (552) 591-2000



RECEIVED
 By DRC Office at 10:56 am, Oct 23, 2020

Amendment Request - November 25, 2020:

Item 11. PUDs have been updated to conform to the Residential Districting Code from the 17th and 18th Amendments to the Orange County Code. The amendments to the PUDs have been updated to conform to the Residential Districting Code from the 17th and 18th Amendments to the Orange County Code. The amendments to the PUDs have been updated to conform to the Residential Districting Code from the 17th and 18th Amendments to the Orange County Code.

Legal Description:
 Please see Sheet C-17, Typical Cross-Sections & Legal Description for the Overall Legal Description.

Case No.: CDR-20-09-264

Issued for: Orange County

Date issued: March 3, 2003

Latest Issue: November 25, 2020

Sheet Index

Number	Drawing Title	Latest Issue
C-1	Cover Sheet	5/20/2015
C-1A	PCC Conditions	5/20/2015
C-1C	Topography & Floodplum	3/1/2004
C-2	Soils Plan	3/1/2004
C-3	Vegetation	3/1/2004
C-4	Land Use Plan	5/20/2015
C-5	Adequate Public Facilities	3/8/2013
C-6	Transfer of Development Rights -	5/20/2015
C-7	Soundings & Receiving Areas	11/25/2020
C-8	Project Data Summary & Performance Standards	11/25/2020
C-9	Land Use Data	8/1/2005
C-10	Typical Cross-Sections	8/1/2005
C-11	Typical Cross-Sections	8/1/2005
C-12	Typical Cross-Sections	6/28/2012
C-13	Typical Cross-Sections	6/28/2012
C-14	Typical Cross-Sections	4/3/2012
C-15	Typical Cross-Sections	8/1/2005
C-16	Typical Cross-Sections	3/1/2004
C-17	Typical Cross-Sections & Legal Description	3/1/2004
C-18	Design Guidelines	3/1/2004
C-19	Design Guidelines	3/1/2004
C-20	Design Guidelines	3/1/2004
C-21	Design Guidelines	3/1/2004
C-22	Design Guidelines	3/1/2004

Notification Map

locansigmdepl/Business Systems/Board Administrations_SUBSTANTIAL_CHANGE/2020/DRC/signature Lakes PD-LUP_CDR-20-09-264/CD

