



Interoffice Memorandum

DATE: April 15, 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 *EPR*
Planning Division
(407) 836-5523

SUBJECT: May 5, 2020 – Public Hearing
Applicant: Jennifer Stickler, Kimley-Horn & Associates, Inc.
Village F Master Planned Development / The Mark at Horizon
West Development Plan
Case # DP-19-09-295 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 22, 2020, to approve the Village F Master Planned Development (PD) / The Mark at Horizon West Development Plan (DP) to construct 95,568 square feet of retail development and 4,700 square feet of outdoor seating on a total of 21 acres.

This public hearing is required by Orange County Code Section 38-1389(c)(4), which states that individual retail establishments within the Horizon West Village Center District between 7,500 and 15,000 square feet in gross floor area may be approved by the Board at a public hearing.

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 / The Mark at Horizon West DP dated "Received March 20, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/EPR/lme
Attachments

CASE # DP-19-09-295

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 22, 2020, to approve the Village F Master Planned Development (PD) / The Mark at Horizon West Development Plan (DP) to construct 95,568 square feet of retail development and 4,700 square feet of outdoor seating on a total of 21 acres.

2. PROJECT ANALYSIS

- A. Location: South of Seton Creek Boulevard / West of Seidel Road
- B. Parcel ID: 04-24-27-7215-01-000
- C. Total Acres: 21 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: N/A
- I. Proposed Use: 95,568 Square Feet Retail
4,700 Square Feet Outdoor Seating
- J. Site Data: Maximum Building Height: 50' (3-stories)
Building Setbacks:
10' Front
0' Side
6' Side Street
- K. Fire Station: 44 - 16990 Porter Road
- L. Transportation: Seidel Road: The Village F Horizon West Road Network Agreement 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.

3. COMPREHENSIVE PLAN

The subject property is designated on the Future Land Use Map (FLUM) as Village, indicating that it is within Village F of Horizon West. The zoning is PD, within the Village F Master PD. The request is consistent with the Comprehensive Plan.

4. ZONING

P-D (Planned Development District) (Village F Master PD)

5. 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; The Mark at Horizon West Development Plan dated "Received March 20, 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

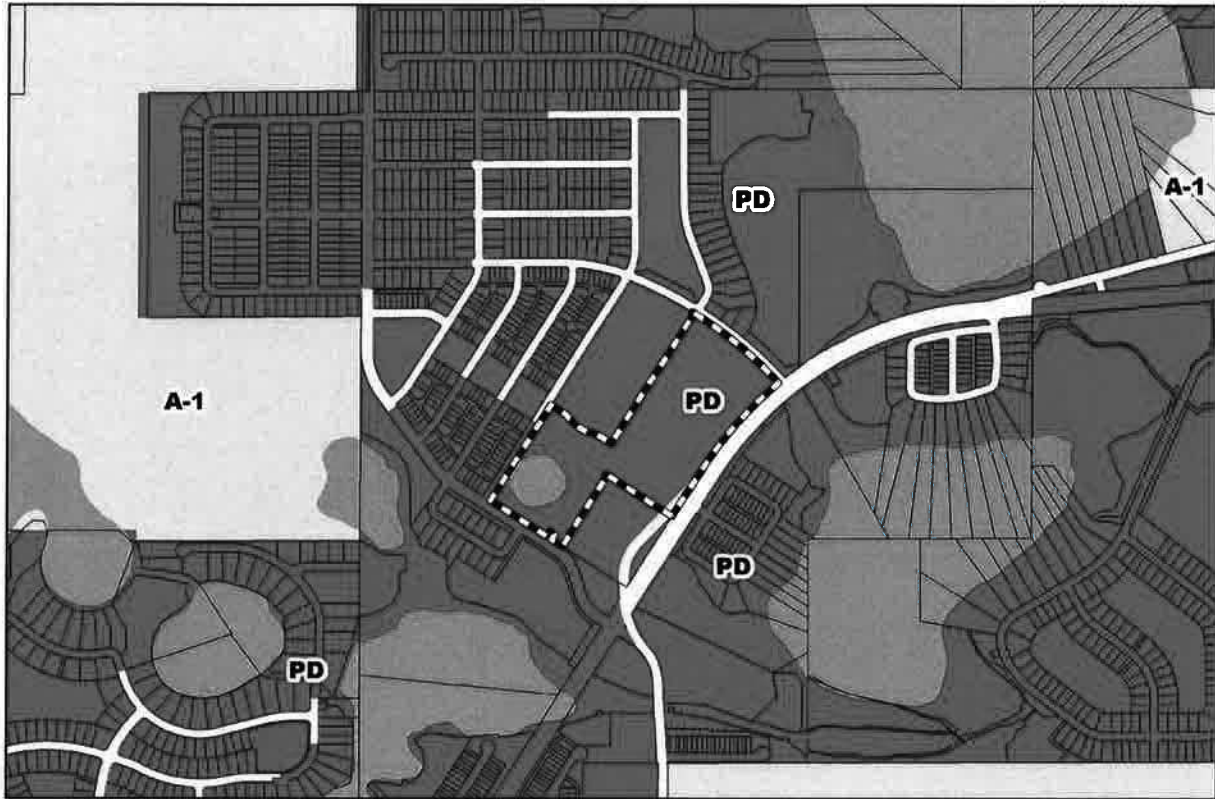
(1) year extensions to the expiration date of a DP if the developer makes written request to the DRC chair prior to the expiration date.

7. 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.
8. 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.
9. 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, shall include notification of prior use of this property as a citrus grove.
10. 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.
11. As proof of satisfaction of the project's transportation concurrency obligations, the project must comply with that certain Village F Road Network Agreement recorded at O.R. Book 10591, Page 5123, Public Records of Orange County, Florida. The developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to plat approval. In addition, any Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
12. Owners must comply with all terms of the Village F Road Network Agreement approved by the BCC on June 18, 2013.
13. Prior to construction plan approval, hydraulic calculations, including hydraulically dependent development, 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 Village.

14. 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.
15. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
16. Prior to construction plan approval or the issuance of any vertical permits, the drainage easement recorded in ORB 10933/1286 shall be modified or proposed construction shall be relocated to avoid conflicts.
17. Sale of alcohol for on-premises consumption, including drinking establishments, cocktail lounges, pubs and bars, is prohibited with the exception of full-service restaurants, which may have ancillary alcohol sales.
18. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5.
19. Prior to construction plan approval, an intersection operational analysis for the intersection of Seidel Road and Seton Creek Boulevard must be provided to the Traffic Engineering Division for review and approval and any required improvements identified in the approved analysis shall be implemented as part of the approved construction plan.

Zoning Map

DP-19-09-295



 Subject Parcel



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

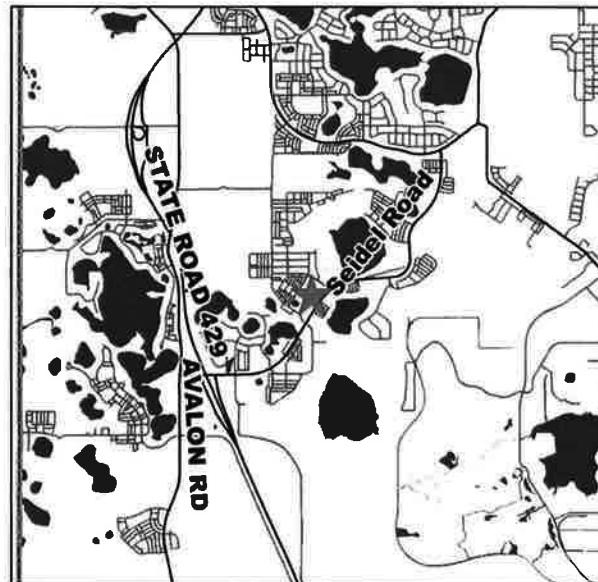
APPLICANT: Jennifer Stickler, Kimley-Horn & Associates, Inc.

LOCATION: South of Seton Creek Boulevard / West of Seidel Road

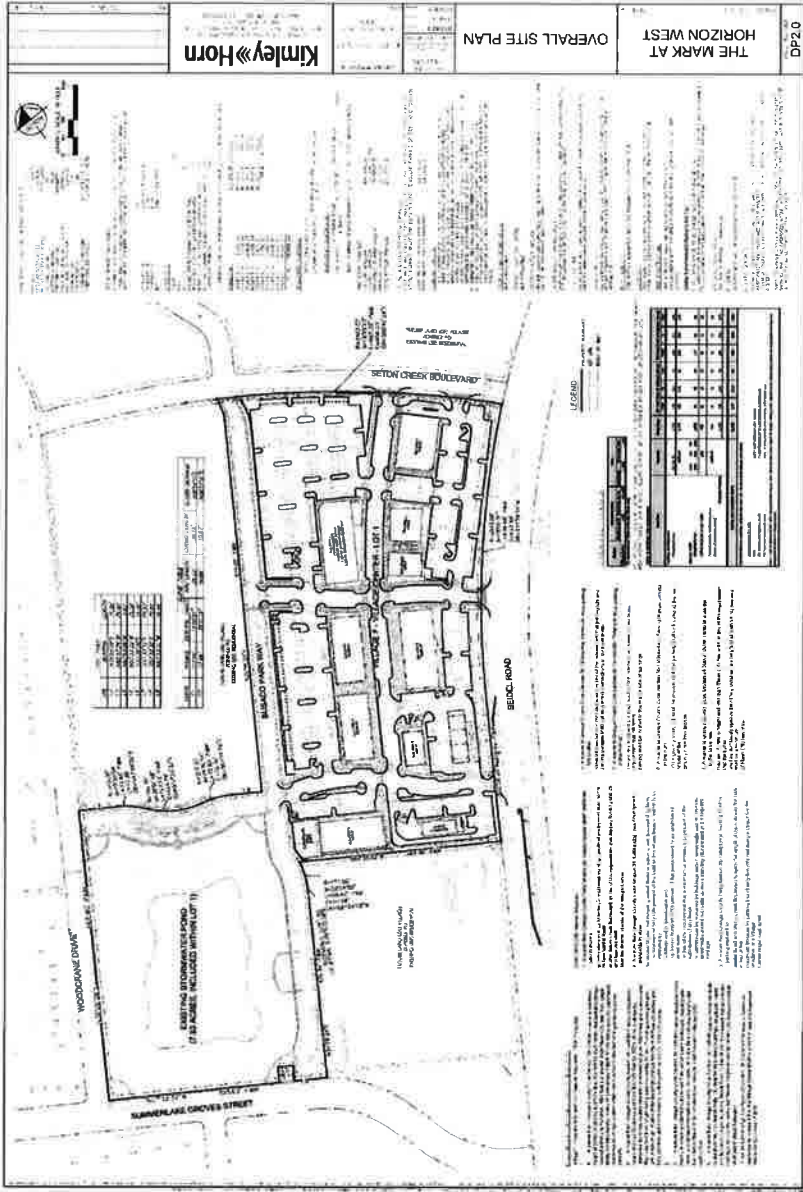
TRACT SIZE: 21 gross acres

DISTRICT: 1

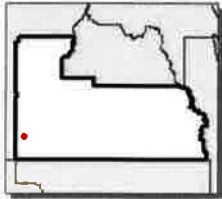
S/T/R: 04/24/27



Site Data & Notes Sheet & Site Plan Sheet



Aerial



**Village F Master PD / The
 Mark at Horizon West
 DP Case # DP-19-09-295**



 Parcels	 Subject Property	 Jurisdiction	 Hydrology
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1 : 3,000
 1 in : 250 ft

Notification Map

S:\Business Systems\Board Administration\Substantial Change\2020\DR\CVillage F Master PD_Mark at Horizon West_DP-19-09-295\

