





Interoffice Memorandum

DATE: December 19, 2019

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 
Planning Division
(407) 836-5523

SUBJECT: January 14, 2020 – Public Hearing
James G. Willard, Shutts & Bowen, LLP
Hamlin West Planned Development
Case # CDR-19-03-111 / District 1

The Hamlin West Planned Development (PD) is generally located north of Porter Road, south of New Independence Parkway, west of State Road 429, and east of Avalon Road. The existing PD development program allows for 763,400 square feet of non-residential uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to create a flex area in the RW-4, RW-4a, and CCM-10 districts, allocate 305 dwelling units from the neighborhood 3 entitlement program to the PD, convert 73,968 square feet of non-residential uses in RW-4 to 445 multi-family dwelling units and allocate them to CCM-10, add multi-family standards to the PD, correct the legal description, adjust access locations, and allocate all 54 hotel rooms to RW-4. In addition, the applicant has requested waivers from Orange County Code related to setbacks, frontages, height, and parking and paved areas, screening, recreation areas.

On September 25, 2019, 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 Hamlin West Planned Development / Land Use Plan (PD/LUP) dated “Received October 21, 2019”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JWW/EPR/nsw
Attachments

CASE # CDR-19-03-111

Commission District: # 1

GENERAL INFORMATION

APPLICANT James G. Willard, Shutts & Bowen, LLP

OWNER Hamlin Retail Partners West LLC

PROJECT NAME Hamlin West Planned Development

PARCEL ID NUMBER(S) 20-23-27-0000-00-007, 20-23-27-0000-00-002,
20-23-27-0000-00-027, 20-23-27-0000-00-025,
19-23-27-0000-00-023, 19-23-27-0000-00-022

TRACT SIZE 165.17 gross acres

LOCATION Generally located north of Porter Road, south of New Independence Parkway, west of State Road 429, and east of Avalon Road

REQUEST A PD substantial change to create a flex area in the RW-4, RW-4a, and CCM-10 districts, allocate 305 dwelling units from the neighborhood 3 entitlement program to the PD, convert 73,968 square feet of non-residential uses in RW-4 to 445 multi-family dwelling units and allocate them to CCM-10, add multi-family standards to the PD, correct the legal description, adjust access locations, and allocate all fifty-four (54) hotel rooms to RW-4. In addition, the applicant has requested the following waivers from Orange County Code:

1. A waiver from Section 24-5 to allow the setback and frontage zones of the framework streets or alternative frame work streets within the Town Center Code to provide the buffering and separation for residential uses from non-residential uses in the Retail Wholesale (RW) and Corporate Campus Mixed Use (CCM) districts as provided for in Sec. 38-1390.41 and 38-1390.51 of the Town Center Code, in lieu of applying Sec. 24-5 buffer yard requirements.

Applicant Justification: *This is a previously approved waiver in Town Center for RW Districts. The CCM district is being added for consistency. This waiver is consistent with the intent of Horizon West Town Center Policies promoting an urban pattern and for consistent with similar conditions and prior approvals in overall Hamlin Projects area that is comprised of The Hamlin PD, The Hamlin West PD, and the Hamlin SW PD.*

2. A waiver from Section 34-152(c) to exempt all lots that front on a community mew, park, or open space tract from the requirement that each lot and tract interior to the subdivision to have minimum frontage of twenty (20) feet to a public paved street. Where public gravity sewer service is proposed within mews, parks, or open space tracts, there shall be a minimum sixty (60) foot wide clearance between vertical structures, a stabilized access road over manholes, and a utility easement over the gravity sewer main.

Applicant Justification: This is a previously approved waiver in Town Center for UR and CCM districts and is being added for consistency. This waiver is consistent with the intent of Horizon West Town Center Policies promoting an urban pattern and is consistent with similar conditions and prior approvals in overall Hamlin Projects area that is comprised of The Hamlin PD, The Hamlin West PD, and The Hamlin SW PD.

3. A waiver from Section 38-1254(2)(d) to allow a minimum rear setback of forty (40) feet for nonresidential uses, in lieu of the required sixty (60) foot setback when adjacent to expressways.

Applicant Justification: This is a previously approved waiver in Town Center for CCM districts and is being added for consistency. This waiver is consistent with the intent of Horizon West Town Center Policies promoting an urban pattern and for consistent with similar conditions and prior approvals in overall Hamlin Projects area that is comprised of The Hamlin PD, The Hamlin West PD, and the Hamlin SW PD.

4. A waiver from Section 38-1258(b) to allow one hundred (100) percent of multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of Multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.

Applicant Justification: This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement

Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.

5. A waiver from Section 38-1258(b) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings located within one hundred plus (100+) feet to one hundred fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.

Applicant Justification: *This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.*

6. A waiver from Section 38-1258(c) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings located within one hundred fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.

Applicant Justification: *This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above*

nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.

7. A waiver from Section 38-1258(d) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings in excess of three (3) stories (forty (40) feet) in height may be permitted, subject to approval by the Board for County Commissioners (BCC). The application for these buildings shall include justification for the requested height. A compatibility plan shall be submitted for approval, which includes greater setbacks and increased buffers to protect adjacent properties.

Applicant Justification: *This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.*

8. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of twenty-five (25) feet and a six-foot high masonry, brick, or block wall.

Applicant Justification: *This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.*

9. A waiver from Section 38-1258(f) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of a six foot high masonry, brick, or block wall shall be constructed whenever a multi-family development is located adjacent to single-family zoned property.

Applicant Justification: This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.

10. A waiver from Section 38-1258(g) to allow a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.

Applicant Justification: This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.

11. A waiver from Section 38-1258(h) to allow a multi-family development to share recreation areas with other multi-family and single-family development in the Hamlin West PD and Hamlin Southwest PD when the combined recreational facilities meet the requirements of Sec. 38-1253, at time of PSP, MDP, or DP, are tracked on the subsequent PD change determination or amendment, and are provided prior to plat

approval or certificate of occupancy for multi-family, in lieu of providing separate recreation areas within the multifamily development and located away from any single-family zoned property.

Applicant Justification: *This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.*

12. A waiver from Section 38-1258(i) to allow for a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.

Applicant Justification: *This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.*

13. A waiver from Section 38-1272(a)(5) to allow a maximum height of seventy-five (75) feet permitted under the Town Center Code within one hundred (100) feet of any residential use, in lieu of a maximum height of thirty-five (35) feet within one hundred (100) feet of any residential use.

Applicant Justification: *This waiver is consistent with the intent of Horizon West Town Center Policies promoting an urban pattern and is consistent with similar conditions and prior approvals in overall Hamlin Projects area that is comprised of The Hamlin PD, The Hamlin West PD, and The Hamlin SW PD.*

PUBLIC NOTIFICATION A notification area extending beyond one thousand (1,000) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred ninety-eight (198) 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 Hamlin West PD was originally approved September 15, 2015 with a development program consisting of non-residential uses. Today, the PD is approved for 763,400 square feet of non-residential uses.

Through this PD substantial change, the applicant is seeking to create a flex area in the RW-4, RW-4a, and CCM-10 districts, allocate 305 dwelling units from the neighborhood 3 entitlement program to the PD, convert 73,968 square feet of non-residential uses in RW-4 to 445 multi-family dwelling units and allocate them to CCM-10, add multi-family standards to the PD, correct the legal description, adjust access locations, and allocate all fifty-four (54) hotel rooms to RW-4. Waivers from Orange County Code related to setbacks, frontages, height, and parking and paved areas, screening, recreation areas are included in this request.

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 subject property has an underlying Future Land Use Map (FLUM) designation of Village (V). The Hamlin Southwest PD was approved in 2015 and includes non-residential uses. 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

Environmental Protection Division (EPD) staff has reviewed the proposed request, but did not identify any issues or concerns.

Transportation Concurrency

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 June 30, 2016 and was recorded at Document #20160338700. Owners agree to design, engineer, permit and construct road improvements and convey any necessary right-of-way for the four-laning of New Independence Parkway from S.R. 429 to Avalon Road/C.R. 545. Owners further agrees to conduct all or a portion of a Preliminary Design Study for the four-laning of Avalon Road/C.R. 545 from McKinney Road to Schofield Road up to their proportionate share contribution which totals \$2,908,445.59. County agrees to provide a vested trip allocation in the amount of 2,315 trips in return for the improvements along with road impact fee credits for the amount of the proportionate share payment. Should the Owners elect to construct additional improvements the parties shall re-negotiate or enter into a new Road Network Agreement.

Community Meeting Summary

A community meeting was not required for this request.

Schools

The applicant received a Capacity Determination (OC-19-080) from Orange County Public Schools (OCPS). This Capacity Determination shows there is adequate capacity to accommodate this request and a Capacity Enhancement Agreement (CEA) is not necessary. As such, staff recommends striking proposed condition #7 from the Development Review Committee recommendation.

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 – (September 25, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hamlin West Planned Development / Land Use Plan (PD/LUP), dated "October 21, 2019", subject to the following conditions:

1. Development shall conform to the Hamlin West Planned Development (PD) dated "Received October 21, 2019," 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 and the land use plan dated "Received October 21, 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 the Road Network Agreement for New Independence Parkway and C.R. 545/Avalon Road recorded at Official Records Document #20160338700, Public Records of Orange County, Florida as may be amended.

7. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of MM DD, YYYY.

 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the ## residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, 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.

 - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, 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 rights.

 - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

- e. ~~Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.~~

- 8. 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 Town Center Village, or shall include an update to the Town Center Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.

- 9. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 24-5 to allow the setback and frontage zones of the framework streets or alternative frame work streets within the Town Center Code to provide the buffering and separation for residential uses from non-residential uses in the Retail Wholesale (RW) and Corporate Campus Mixed Use (CCM) districts as provided for in Sec. 38-1390.41 and 38-1390.51 of the Town Center Code, in lieu of applying Sec. 24-5 buffer yard requirements.

 - b. A waiver from Section 38-1254(2)(d) to allow a minimum rear setback of forty (40) feet for nonresidential uses, in lieu of the required sixty (60) foot setback when adjacent to expressways.

 - c. A waiver from Section 38-1258(a) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property, as measured from the property line of the proposed multi-family development to the nearest property line of the single-family zoned property, shall be restricted to a single story in height.

 - d. A waiver from Section 38-1258(b) to allow one hundred (100) percent of multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of Multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.

 - e. A waiver from Section 38-1258(c) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings located within one hundred fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.

- f. A waiver from Section 38-1258(d) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings in excess of three (3) stories (forty (40) feet) in height may be permitted, subject to approval by the Board for County Commissioners (BCC). The application for these buildings shall include justification for the requested height. A compatibility plan shall be submitted for approval, which includes greater setbacks and increased buffers to protect adjacent properties.
- g. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of twenty-five (25) feet and a six-foot high masonry, brick, or block wall.
- h. A waiver from Section 38-1258(f) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of a six foot high masonry, brick, or block wall shall be constructed whenever a multi-family development is located adjacent to single-family zoned property.
- i. A waiver from Section 38-1258(g) to allow a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.
- j. A waiver from Section 38-1258(h) to allow a multi-family development to share recreation areas with other multi-family and single-family development in the Hamlin West PD and Hamlin Southwest PD when the combined recreational facilities meet the requirements of Sec. 38-1253, at time of PSP, MDP, or DP, are tracked on the subsequent PD change determination or amendment, and are provided prior to plat approval or certificate of occupancy for multi-family, in lieu of providing separate recreation areas within the multifamily development and located away from any single-family zoned property.
- k. A waiver from Section 38-1258(i) to allow for a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.
- l. A waiver from Section 38-1272(a)(5) to allow a maximum height of seventy-five (75) feet permitted under the Town Center Code within one hundred

(100) feet of any residential use, in lieu of a maximum height of thirty-five (35) feet within one hundred (100) feet of any residential use.

10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 19, 2016 shall apply:
 - a. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
 - g. h. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) 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.

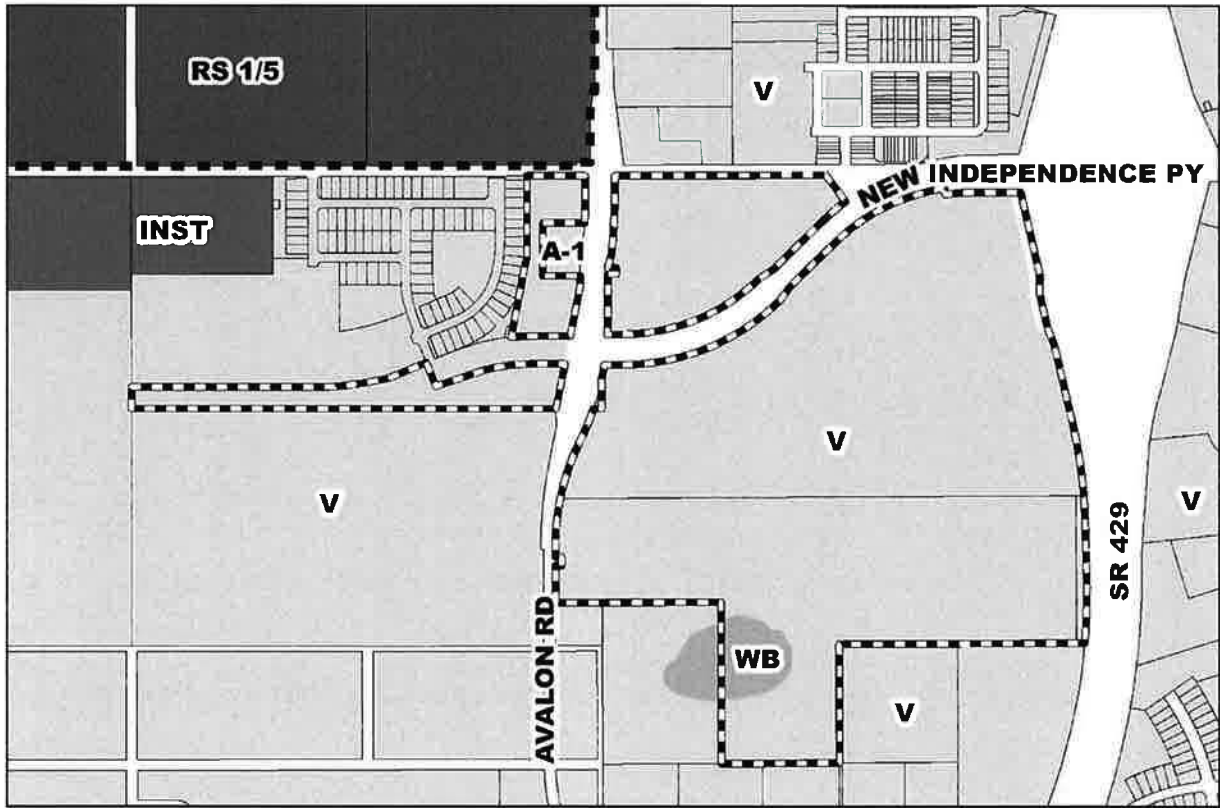
11. Except as amended, modified, and/or superseded, the following previous BCC Conditions of Approval, dated September 15, 2015, shall apply:
 - a. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
 - b. Outside sales, storage, and display shall be prohibited.
 - c. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
 - d. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 - e. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.

- g. 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 Town Center Village (SAP). Utilities infrastructure shall be built connecting to the buildout points of connection approved in the Master Utilities Plan (MUP).
- h. Prior to construction plan approval, all property owners within the Town Center Village, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
- i. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water 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, provide calculations and documentation certifying that the design complies with this condition.
- j. Interconnectivity to the property to the south shall be addressed during subsequent PSP/DP reviews.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (July 19, 2016)

Upon a motion by Commissioner Boyd, seconded by Commissioner Thompson, and carried by present members voting AYE by voice vote, the Board approved the request Dennis Seliga, Boyd Development Corporation for Beth A. Wincey, Case # LUPA-15-12-384, to aggregate and rezone, from A-1 (Citrus Rural District) to PD (Planned Development), 9.36 acres located on the west side of County Road 545 (Avalon Road) into the existing Hamlin West PD, while also reallocating 40,000 square feet of non-residential entitlements from PD Parcel CCM-10 into proposed PD Parcel RW-4b, subject to conditions.

CDR-19-03-111



Subject Property



Subject Property

Future Land Use Map

FLUM: Village (V)

APPLICANT: James G Willard, SLF IV / Boyd Horizon West JV, LLC

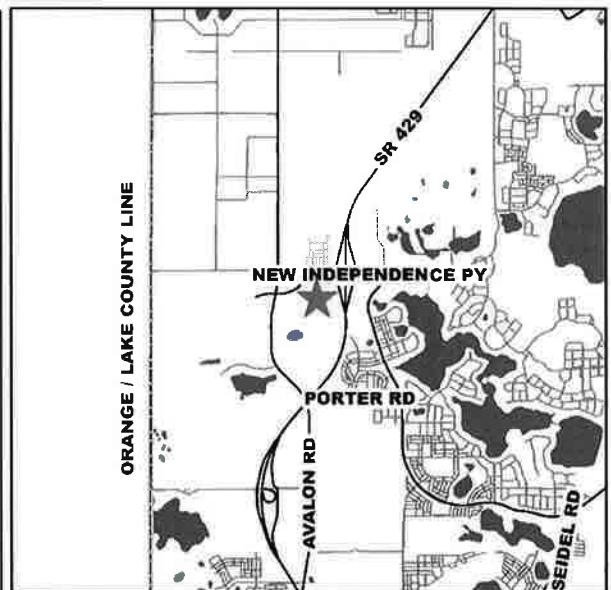
LOCATION: Generally located north of Porter Road, south of New Independence Parkway, west of State Road 429, and east of Avalon Road

TRACT SIZE: 165.17 gross acres

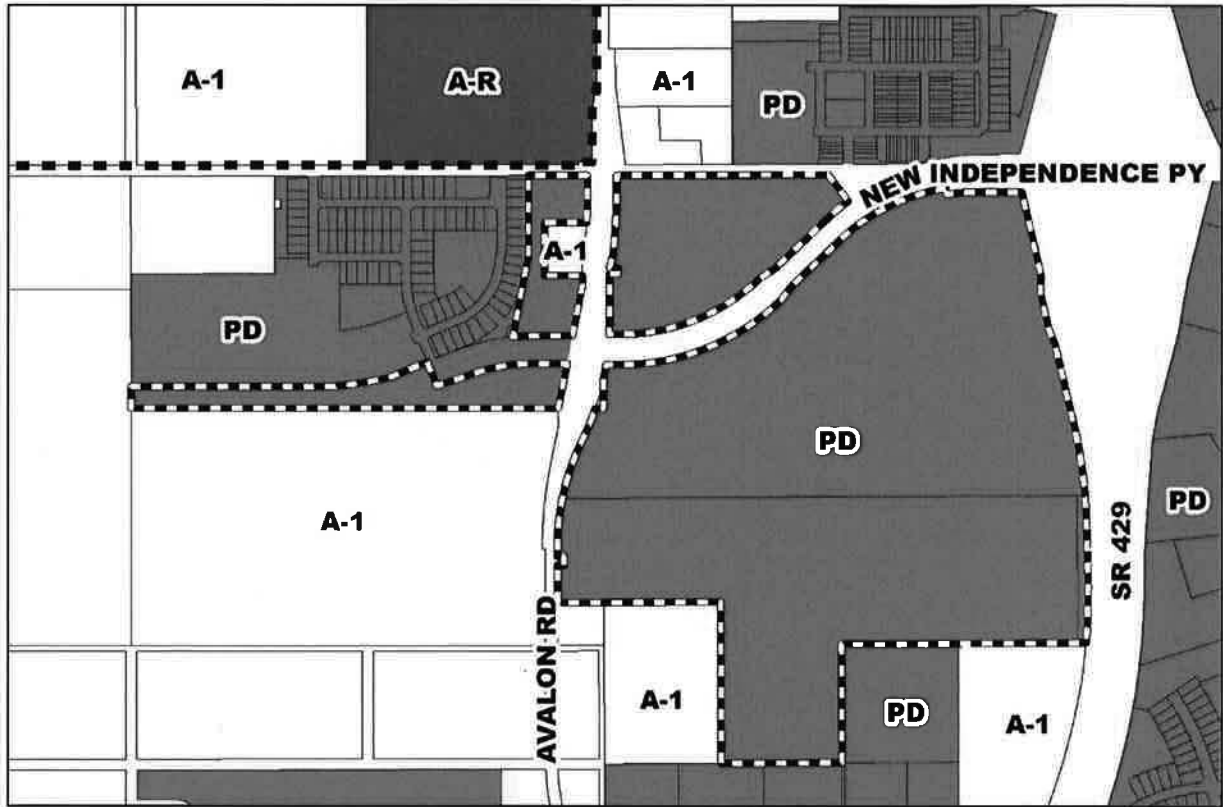
DISTRICT: # 1

S/T/R: 20/23/27

1 inch = 875 feet



CDR-19-03-111



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: James G Willard, SLF IV / Boyd Horizon West JV, LLC

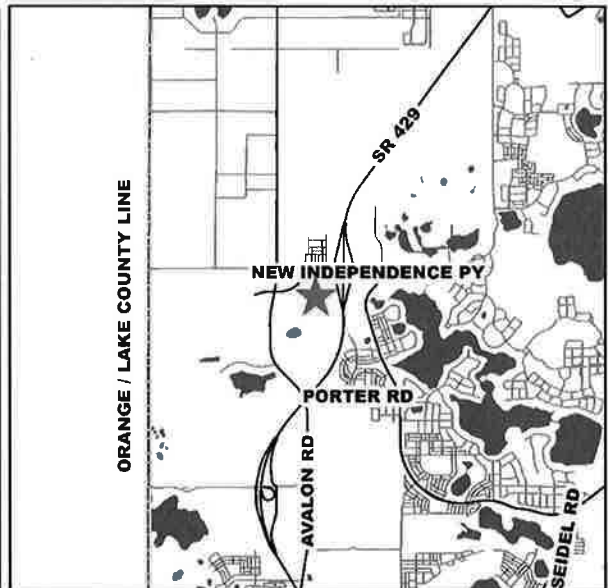
LOCATION: Generally located north of Porter Road, south of New Independence Parkway, west of State Road 429, and east of Avalon Road

TRACT SIZE: 165.17 gross acres

DISTRICT: # 1

S/I/R: 20/23/27

1 inch = 875 feet



Hamlin West PD / LUP (Cover Sheet)

NO.	DATE	SUBMISSION/REVISION
1	02/17/15	SUBMISSION
2	03/11/15	REVISION
3	03/11/15	REVISION
4	03/11/15	REVISION
5	03/11/15	REVISION

HAMLIN WEST PLANNED DEVELOPMENT/UNIFIED NEIGHBORHOOD PLAN/LAND USE PLAN ORANGE COUNTY, FLORIDA CASE# CDR-19-03-111

PARCEL ID:
 20-23-27-0000-00-007, 20-23-27-0000-00-002, 20-23-27-0000-00-027, 20-23-27-0000-00-025,
 19-23-27-0000-00-023, 19-23-27-0000-00-022



LOCATION MAP

SHEET NO.	TITLE
1	COVER SHEET
2,3,4	SURVEY/LEGAL DESCRIPTION
5	FLOODPLAIN, SOILS & VEGETATION MAP
6	UNIFIED NEIGHBORHOOD PLAN/ LAND USE PLAN
7	PROJECT NOTES & CONDITIONS
8,9	CONDITIONS OF APPROVAL

Owner
 HAMLIN RETAIL PARTNERS WEST, LLC
 14422 Shoreline Way
 Suite 130
 Winter Garden, Florida 34787
 Phone: (407) 352-8588
 Fax: (407) 352-3845

SLFV/BOYD HORIZON WEST JV, LLC
 14422 Shoreline Way
 Suite 130
 Winter Garden, Florida 34787
 Phone: (407) 352-8588
 Fax: (407) 352-3845

Planner
 AGMCI, LLC
 Phone: (407) 622-8094
 Email: info@agmci.com
 235 S. Mallard Ave
 Suite 116
 Maitland, FL 32751

Biologist
 Bio-Tech Consulting, Inc.
 2002 E. Robinson St.
 Orlando, Florida
 Phone: (407) 854-5969
 Fax: (386) 672-6554

Surveyor
 Allen & Company, Inc.
 1600 E. Lake Shore Blvd.
 Winter Garden, Florida 34787
 Phone: (407) 654-5355
 Fax: (407) 654-5356

Attorney
 Shults & Bowen, LLP
 300 South Orange Ave
 Suite 1000
 Orlando, FL 32801
 Phone: (407) 835-6909
 Fax: (407) 849-7274

Engineer
 KELLY, COLLINS & GENTRY, INC.
 1700 N. Orange Avenue
 Suite 400
 Orlando, Florida 32804
 Phone: (407) 858-7858

WAIVERS REQUESTED

Section 170.401, Florida Statutes, requires that a developer submit a site plan for a planned development or unified neighborhood plan. The site plan must include a detailed description of the proposed development, including the location, size, and use of the development. The site plan must also include a detailed description of the proposed land use plan, including the location, size, and use of the development. The site plan must also include a detailed description of the proposed floodplain, soils, and vegetation map. The site plan must also include a detailed description of the proposed unified neighborhood plan and land use plan. The site plan must also include a detailed description of the proposed project notes and conditions. The site plan must also include a detailed description of the proposed conditions of approval.

The following are the items that are being waived:

- 1. The requirement that the site plan include a detailed description of the proposed development, including the location, size, and use of the development.
- 2. The requirement that the site plan include a detailed description of the proposed land use plan, including the location, size, and use of the development.
- 3. The requirement that the site plan include a detailed description of the proposed floodplain, soils, and vegetation map.
- 4. The requirement that the site plan include a detailed description of the proposed unified neighborhood plan and land use plan.
- 5. The requirement that the site plan include a detailed description of the proposed project notes and conditions.
- 6. The requirement that the site plan include a detailed description of the proposed conditions of approval.

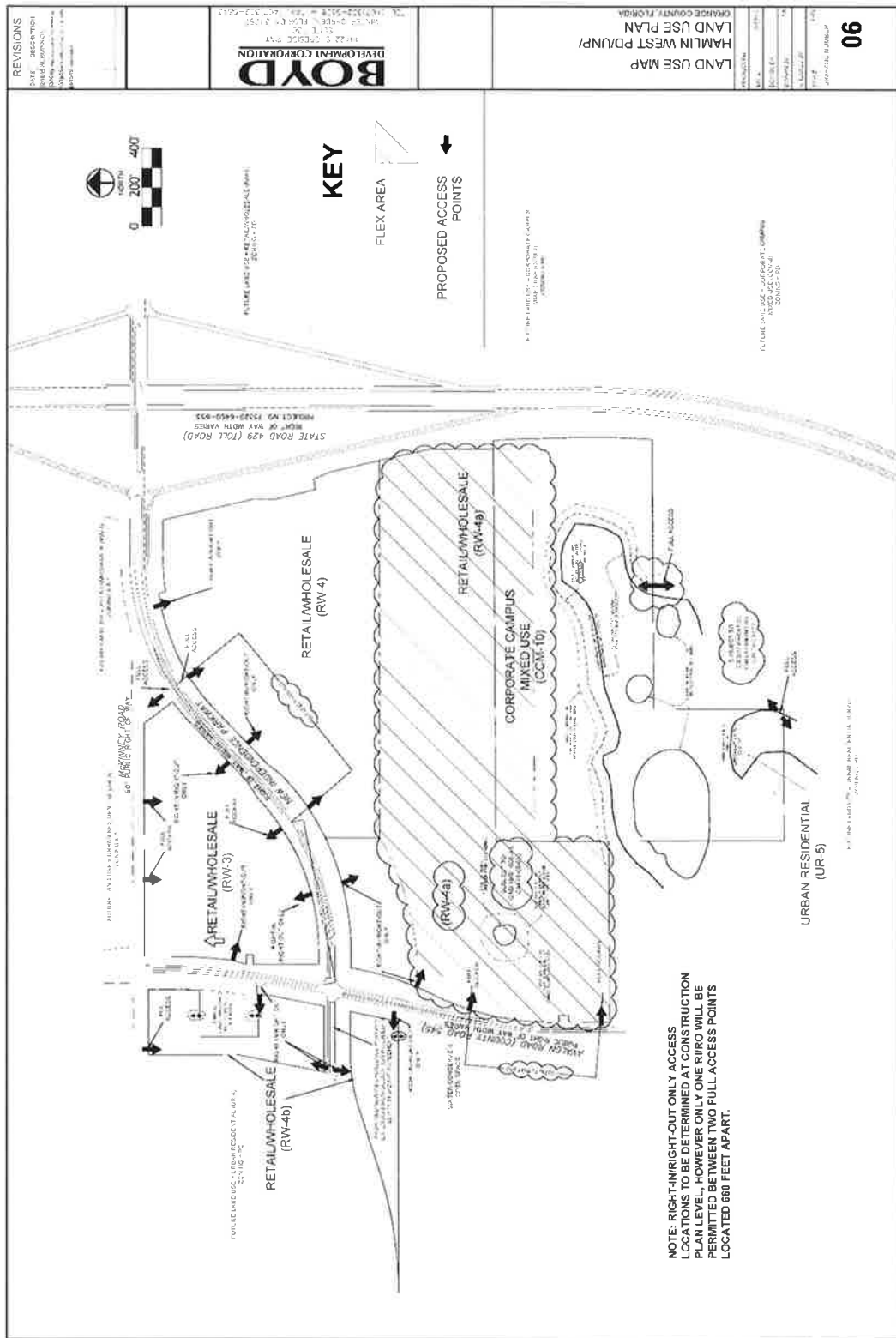
KCG
 KELLY, COLLINS & GENTRY, INC.
 ENGINEERING & PLANNING
 1700 N. ORANGE AVENUE
 SUITE 400
 ORLANDO, FLORIDA 32804
 PHONE: (407) 858-7858
 FAX: (407) 858-1400

AGMCI
 14227 SHORELINE WAY
 SUITE 130
 WINTER GARDEN, FLORIDA 34787
 PHONE: (407) 622-8094

BOYD
 DEVELOPMENT CORPORATION
 14227 SHORELINE WAY
 WINTER GARDEN, FLORIDA 34787
 TEL: (407) 352-8588 • FAX: (407) 352-3845

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 By Date: 01/14/2019 10:00 AM, 01/14/2019

Hamlin West PD / LUP

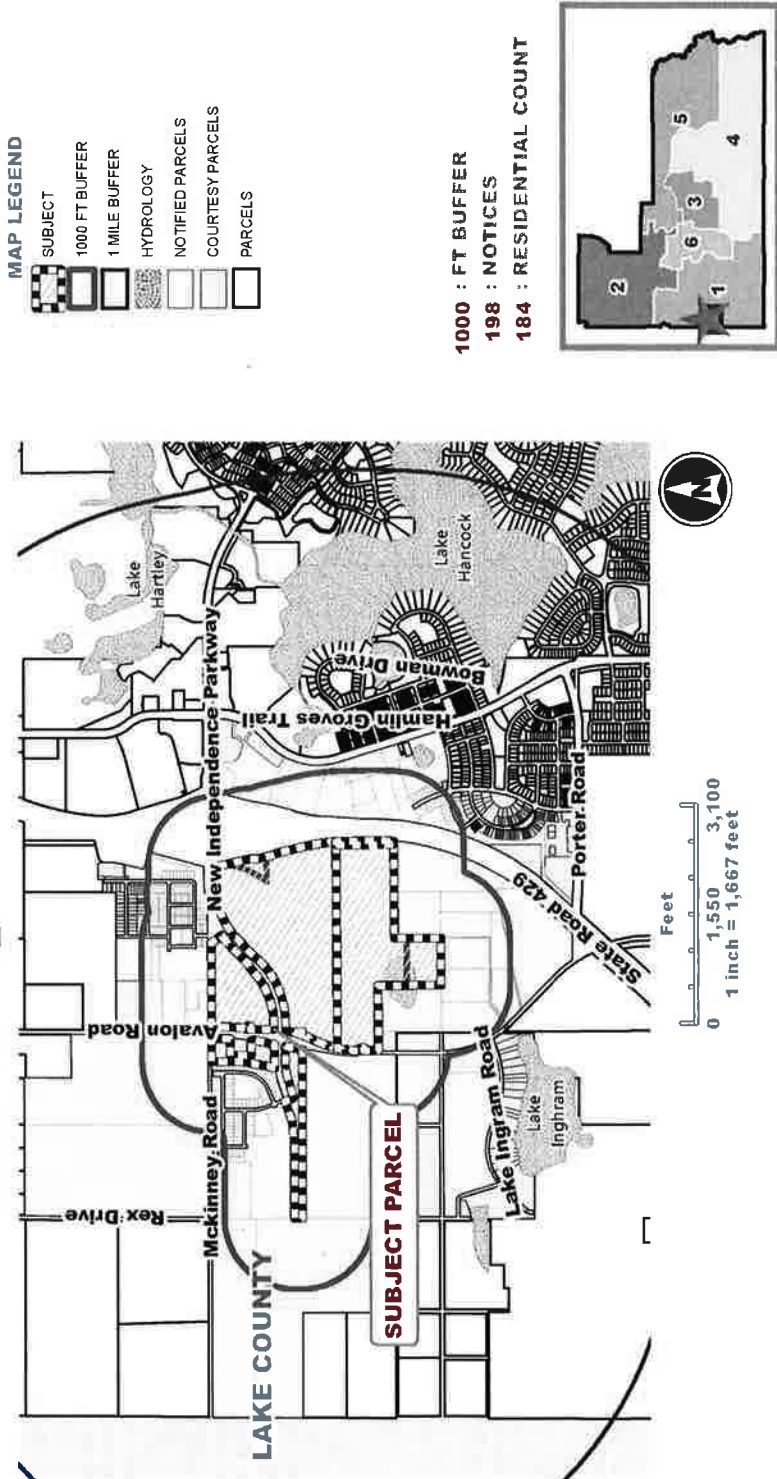


Notification Map

Public Notification Map



Hamlin West PD_CDR-19-03-111



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