



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

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Date: 2020.11.16 10:42:24 -05'00'

The Waterford Lakes Multi-Family Planned Development (PD) is located at 12400 and 12464 E. Colonial Drive, or generally located south of E. Colonial Drive and east of Woodbury Road. The existing PD development program allows for 256 multi-family residential dwelling units.

Through this PD substantial change, the applicant is seeking to adjust the location of the southern access and is requesting five waivers from Orange County Code related to building setbacks, garage setbacks, parking space size, landscaping, and recreation requirements due to right-of-way dedication. The applicant is also proposing to reduce the unit count from 256 dwelling units down to 255 dwelling units.

On August 26, 2020, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. This case was continued from the October 13, 2020 and November 10, 2020 BCC meetings. 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 Waterford Lakes Multi-Family Planned Development / Land Use Plan (PD/LUP) dated “Received September 15, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

Attachments
JVW/EPR/nsw

CASE # CDR-20-07-202

Commission District: # 4

GENERAL INFORMATION

APPLICANT Brooks Stickler, Kimley-Horn & Associates, Inc.

OWNER Woodbury Road Partners, LLC

PROJECT NAME Waterford Lakes Multi-Family Planned Development (PD)

PARCEL ID NUMBER(S) 23-22-31-0000-00-013, 23-22-31-0000-00-012

TRACT SIZE 10.08 gross acres

LOCATION 12400 and 12464 E. Colonial Drive, or generally located south of E. Colonial Drive and east of Woodbury Road.

REQUEST A PD substantial change to adjust the location of the southern access and request the following waivers from Orange County Code:

1. A waiver from Section 38-1254(2)(a) to allow a building setback of twelve (12) feet from the property line of the right-of-way dedication, in lieu of twenty-five (25) feet.
Applicant Justification: Due to a recent change by Orange County 13 feet of right-of-way has been dedicated to Woodbury, the code minimum building setback criteria could not be met.
2. A waiver from Section 38-1479(b) to allow a regular parking space to be a minimum 162 square feet (9' x 18'), in lieu of the required 180 square feet (either 9' x 20' or 10' X 18').
Applicant Justification: Due to a recent change by Orange County 13 feet of right-of-way has been dedicated to Woodbury, the code minimum criteria could not be met. The waiver would allow the north side of the development to maintain the same amount of parking spaces that were being provided without the 13 feet of right-of-way.
3. A waiver from Section 24-4(a)(1)(a) to allow a landscape strip to be five (5) feet in width along the northwestern most 569 feet of the west property line, in lieu of seven (7) feet in width.

Applicant Justification: Due to a recent change by Orange County 13 feet of right-of-way has been dedicated to Woodbury, the code minimum landscape width criteria could not be met. The 5 feet in width would only apply on the north portion of the site (a total of 569 feet). Then the 5 feet landscape buffer will transition into a 10 foot landscape buffer for the remainder of the site (a total of 595 feet).

4. A waiver from Section 38-1253(b) to allow both active and passive recreation areas at a ratio of 2.25 acres per 1,000 projected population, in lieu of 2.50 acres per 1,000 projected population.

Applicant Justification: Due to a recent change by Orange County 13 feet of right-of-way has been dedicated to Woodbury, the code minimum of the recreation criteria could not be met.

5. A waiver from Section 38-1426(a)(3)(b)(4) to allow a detached accessory structure used for parking to be located between the primary structure and the right-of way five (5) feet from the property line, in lieu of detached accessory structures used for enclosed parking not being between located between the primary building and right-of-way.

Applicant Justification: Due to a recent change by Orange County 13 feet of right-of-way has been dedicated to Woodbury, the code of detached accessory structures could not be met. Due to the 13 feet of right of way the site has decreased in its proportions therefore that location works best as the closest location to building 3.

The applicant is also proposing to reduce the unit count from 256 dwelling units down to 255 dwelling units.

PUBLIC NOTIFICATION A notification area extending beyond eight hundred (800) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred twenty-three (223) 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 Waterford Lakes Multi-Family PD was originally approved February 25, 2020 and currently includes entitlements for 256 multi-family residential dwelling units.

Through this PD Change Determination Request (CDR), the applicant is seeking to request five waivers from Orange County Code related to setbacks, parking space size, landscaping, and recreation requirements. These waivers were necessitated to accommodate the applicant's proposed multi-family layout due to the County's desire for 13 feet of right-of-way for future improvements to Woodbury Road. The applicant is also proposing to reduce the unit count from 256 dwelling units down to 255 dwelling units.

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 Planned Development – Medium-High Density Residential (PD-MHDR). The Waterford Lakes Multi-Family PD was approved in 2020 and includes multifamily-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 request, but did not identify any issues or concerns.

Transportation / Concurrency

Transportation Planning staff has reviewed the request, but did not identify any issues or concerns.

Community Meeting Summary

A community meeting was held on not required for this request.

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 – (August 26, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Waterford Lakes Multi-Family Planned Development / Land Use Plan (PD/LUP), dated “September 15, 2020”, subject to the following conditions:

1. Development shall conform to the Waterford Lakes Multi-Family Planned Development (PD) dated "Received September 15, 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 and the land use plan dated "Received September 15, 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 ("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 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 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.
7. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1254(2)(a) to allow a building setback of twelve (12) feet from the property line of the right-of-way dedication, in lieu of twenty-five (25) feet.
 - b. A waiver from Section 38-1479(b) to allow a regular parking space to be a minimum 162 square feet (9' x 18'), in lieu of the required 180 square feet (either 9' x 20' or 10' X 18').
 - c. A waiver from Section 24-4(a)(1)(a) to allow a landscape strip to be five (5) feet in width along the northwestern most 569 feet of the west property line, in lieu of seven (7) feet in width.
 - d. A waiver from Section 38-1253(b) to allow both active and passive recreation areas at a ratio of 2.25 acres per 1,000 projected population, in lieu of 2.50 acres per 1,000 projected population.

- e. A waiver from Section 38-1426(a)(3)(b)(4) to allow a detached accessory structure used for parking to be located between the primary structure and the right-of way five (5) feet from the property line, in lieu of detached accessory structures used for enclosed parking not being located between the primary building and right-of-way.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 25, 2020 shall apply:
- a. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
 - b. 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.
 - c. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
 - d. 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.
 - e. 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.
 - f. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County code.
 - g. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
 - h. At the time the developer seeks approval of a development plan the developer shall conduct a traffic operational study for Woodbury Road, the intersection of Woodbury Road, State Road 50, and the unnamed street on the south shall be subject to the results of the study. Furthermore, the development plan shall be reviewed by the Board of County Commissioners at a public hearing.

- i. The following waivers from Orange County Code are granted:
- 1) A waiver from Section 38-1281(1) to allow a minimum building setback abutting an expressway to be sixty-five (65) feet in lieu of seventy-five (75) feet.
 - 2) A waiver from Section 38-1476 to allow maximum parking spaces for proposed dwelling units that are one (1) bedroom with a ratio of 1.35 in lieu of 1.5, and proposed dwelling units that are two (2) and three (3) bedroom with a ratio of 1.85 in lieu of 2.
 - 3) A waiver from Section 24-2(a)(2)a to waive the requirement, along the eastern boundary of the property, of planting shade treed every fifty (50) feet of common lot line or fraction thereof.
 - 4) A waiver from Section 38-1258(a) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet / four (4) stories with a minimum setback of 25 feet from single-family zoned property in lieu of the single-story height requirement where multi-family buildings are located within one hundred (100) feet of single-family zoned property.
 - 5) A waiver from Section 38-1258(b) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property in lieu of the varying building height where the multi-family buildings are located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned properties.
 - 6) A waiver from Section 38-1258(c) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located along the eastern boundary in lieu of forty (40) feet/three (3) stories in height where the multi-family buildings are located within one hundred and fifty (150) feet of single-family zoned properties.
 - 7) A waiver from Section 38-1258(d) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located along the eastern boundary in lieu of forty (40) feet/three (3) stories in height.
 - 8) A waiver from Section 38-1258(e) along the eastern boundary of the proposed development to allow for parking and other paved areas for multi-family development to be located 14 feet from any

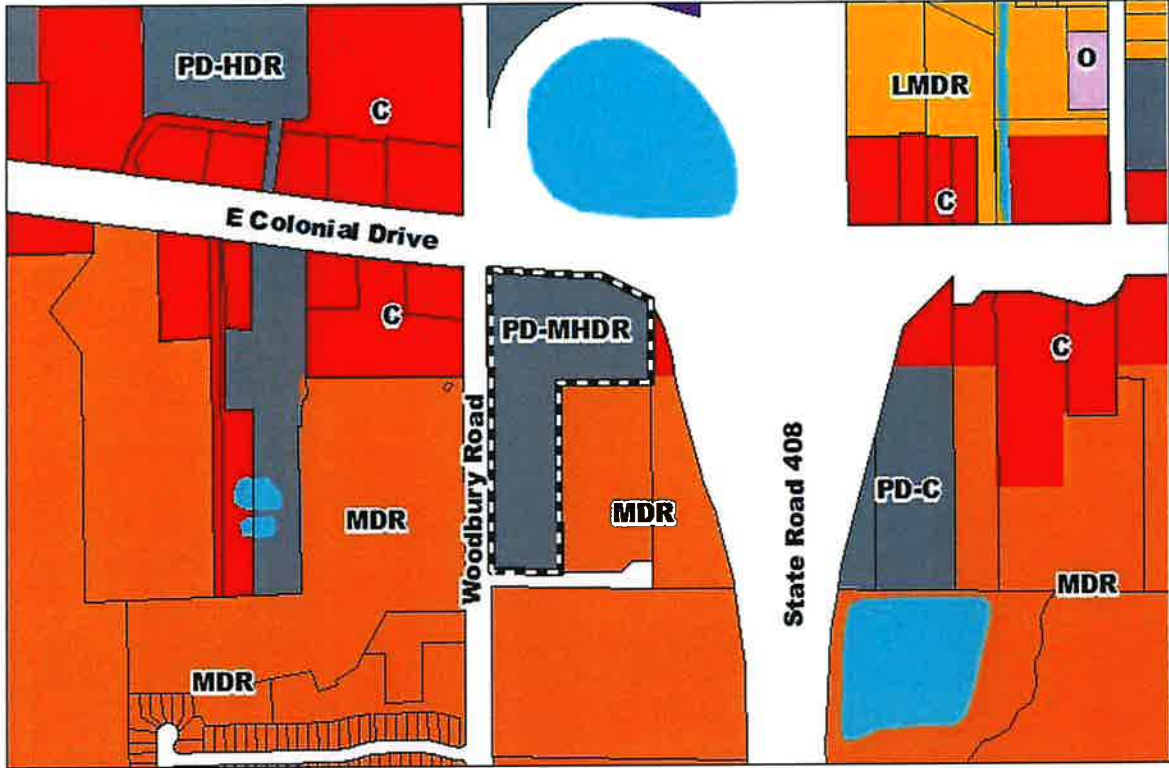
single-family zoned property internal to the planned development in lieu of twenty-five (25) feet. A 14 foot landscape buffer shall be provided with hedges and trees consistent with Type C landscape buffer requirements in lieu of a twenty-five (25) foot landscape buffer.

- 9) A waiver from Section 38-1258(e) along the eastern boundary of the proposed development to require no wall when a multi-family development is located adjacent to any single-family zoned property internal to the planned development in lieu of a 6 (six)-foot high masonry, brick, or block wall.
- 10) A waiver from Section 38-1258(j) to allow a minimum building separation of thirty (30) feet between four (4) story buildings in lieu of the required forty (40) feet.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (February 25, 2020)

Upon a motion by Commissioner Gomez Cordero, seconded by Commissioner Moore, and carried by a 6-1 vote, the Board approved the request to rezone two (2) parcels from C-1 (Retail Commercial District) to PD (Planned Development District) in order to construct two hundred fifty-six (256) multi-family residential units, subject to conditions.

CDR-20-07-202



Subject Property



Subject Property

Future Land Use Map

FLUM: Planned Development-Medium-High Density Residential (PD-MHDR)

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

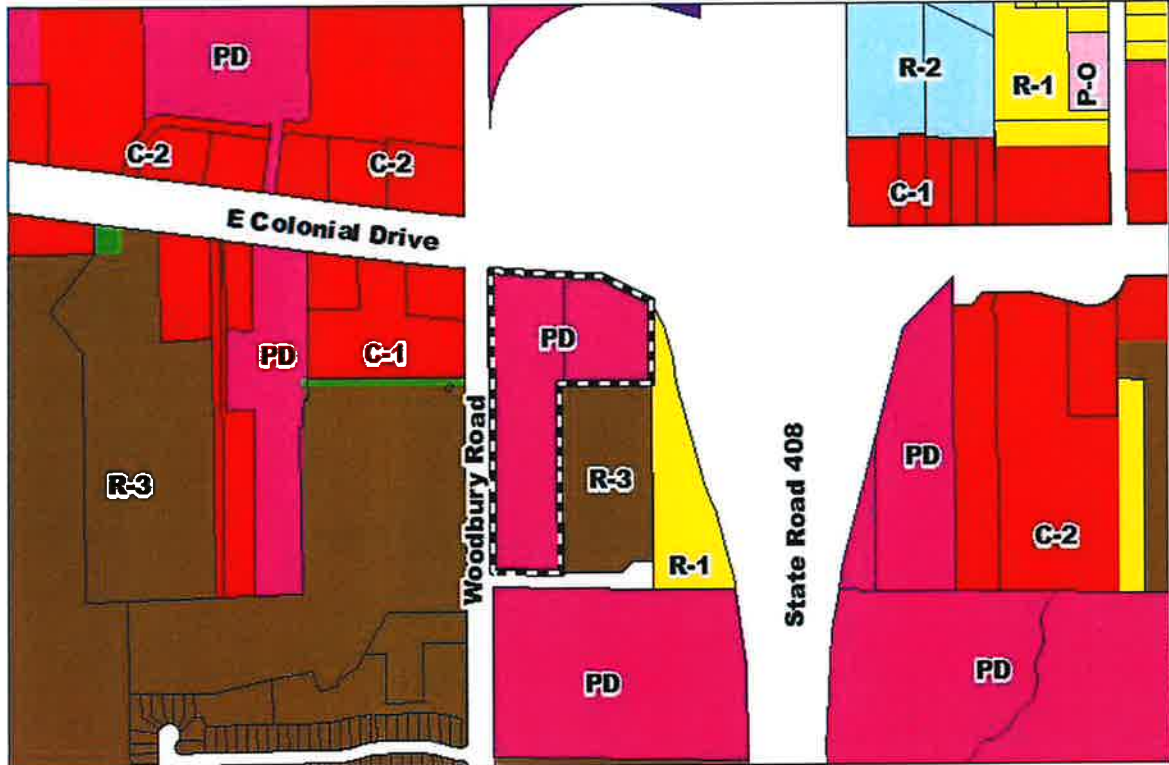
DISTRICT: # 4

S/T/R: 23/22/31

1 inch = 575 feet



CDR-20-07-202



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

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