



Interoffice Memorandum

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DATE: January 23, 2020

TO: Katie A. Smith, Deputy Clerk of the Board of County Commissioners, County Comptroller's Office

THROUGH: Cheryl Gillespie, Supervisor, Agenda Development Office

FROM: Alberto A. Vargas, MArch., Manager, Planning Division

CONTACT PERSON: Eric Raasch, DRC Chairman
Development Review Committee *ERR*
Planning Division
(407) 836-5523 or Eric.RaaschJr@ocfl.net

SUBJECT: Request for Board of County Commissioners (BCC) Public Hearing

Note: **Schedule this public hearing concurrently with Consent Item: APF-19-12-412**

Applicant: Kathy Hattaway, Poulos and Bennett, LLC

Case Information: Withers Planned Development / Land Use Plan (PD / LUP) – Case # CDR-19-10-331

Type of Hearing: Substantial Change

Commission District: 1

General Location: Generally east of Avalon Road, north of Hartzog Road, and south of Western Way

BCC Public Hearing Required by: Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

Clerk's Advertising Requirements:

(1) At least 15 days before the BCC public hearing date, publish an advertisement in the Legal Notices section of *The Orlando Sentinel* describing the particular request, the general location of the subject property, and the date, time, and place when the BCC public hearing will be held;

and

(2) At least 10 days before the BCC public hearing date, send notices of BCC public hearing by U.S. mail to owners of property within 300 feet of the subject property and beyond.

Spanish Contact Person:

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, CONTACT THE ORANGE COUNTY PLANNING DIVISION: Front Desk, 407-836-8181

PARA MÁS INFORMACIÓN, REFERENTE A ESTA VISTA PUBLICA CON RESPECTO A UNA AUDENCIA PUBLICA SOBRE PROPIEDAD EN SU AREA/VECINDAD, FAVOR COMUNICARSE CON LA DIVISIÓN DE PLANIFICACION, AL NUMERO, 407-836-8181

Advertising Language:

A PD substantial change to revise the unit count and density for PD Parcels 4, 5, and 6; to update the APF table to reflect transfers to the Parcel 1 PD (LUP-19-02-052), Serenade PD (LUP-18-10-354), and Cross PD (LUP-18-12-410); to update the TDR table to reflect a transfer to the Parcel 1 PD.

In addition, the applicant has requested the following waivers from Orange County Code:

- 1) A waiver from Section 34-152(c), for PD Parcels 4, 5, 11, 13, and 17, to allow lots to front a mews, park, open space, etc. and have access via a tract or easement, in lieu of the requirement that each lot shall have a minimum access width of twenty (20) feet to a dedicated public paved street.

- 2) A waiver from Section 38-1382(h)(4), for PD Parcels 4, 5, 11, 13, and 17, to allow alleys to be designed as a tract, in lieu of the requirement that they shall be designed as a private easement.
- 3) A waiver from Section 38-1384(g)(1), for PD Parcels 4, 5, 11, 13, and 17, to allow garage access to be setback from an alley tract, in lieu of an easement.
- 4) A waiver from Section 38-1384(g)(2), for PD Parcels 4, 5, 11, 13, and 17, to allow detached garages without access to a rear alley tract, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot, in lieu of detached garages without access to a rear alley easement, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot.
- 5) A waiver from Section 38-1384(i)(2), for PD Parcels 4, 5, 11, 13, and 17, to allow vehicular access to garages or other off-street parking to be from a rear alley tract, in lieu of an easement.
- 6) A waiver from Section 30-714(c) to allow the project to proceed beyond 5% of the approved PD entitlements, which 5% threshold is identified in the APF Agreement as 40 dwelling units (attached or detached); provided, however, that prior to said 5% threshold being reached or exceeded: (A) the approximately 5.81 acres of Future APF Right-of-Way have been conveyed to the County or to an escrow agent who is obligated to release a deed conveying such right-of-way to the County, in accordance with that certain Hartzog Road Right-of-Way Agreement recorded at ORB 9712/4850, as amended, and as affected by that certain First Amendment to Agreement Concerning Hartzog Road Right-of-Way Agreement recorded at ORB 11021/4154, as amended; (B) the approximately 0.98 acres of APF ROW have been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County; and (C) the approximately 5.0 acre APF Park has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County.
- 7) A waiver from Orange County Code Section 38-1258(g), for PD Parcels 11, 13, and 17, to allow shared access for multi-family and single-family residential and to allow multi-family residential to directly access a right-of-way serving platted single-family residential development, in lieu of the requirement that multi-family development shall not directly access any right-of-way serving platted single-family residential. This waiver is external to the Withers PD.

- 8) A waiver from Orange County Code Section 30-551 is requested to allow the project to obtain a CEL upon the project becoming subject to the Village I Road Network Agreement, provided that all other requirements for obtaining a CEL have been met by the applicant. The foregoing is in lieu of allowing the project to obtain a CEL prior to the issuance of trips for the project under the Village I Road Network Agreement.

Material Provided:

- (1) Names and last known addresses of property owners within 300 feet and beyond (*via email from Fiscal and Operational Support Division*); and
- (2) Location map (*to be mailed to property owners*).

Special instructions to the Clerk:

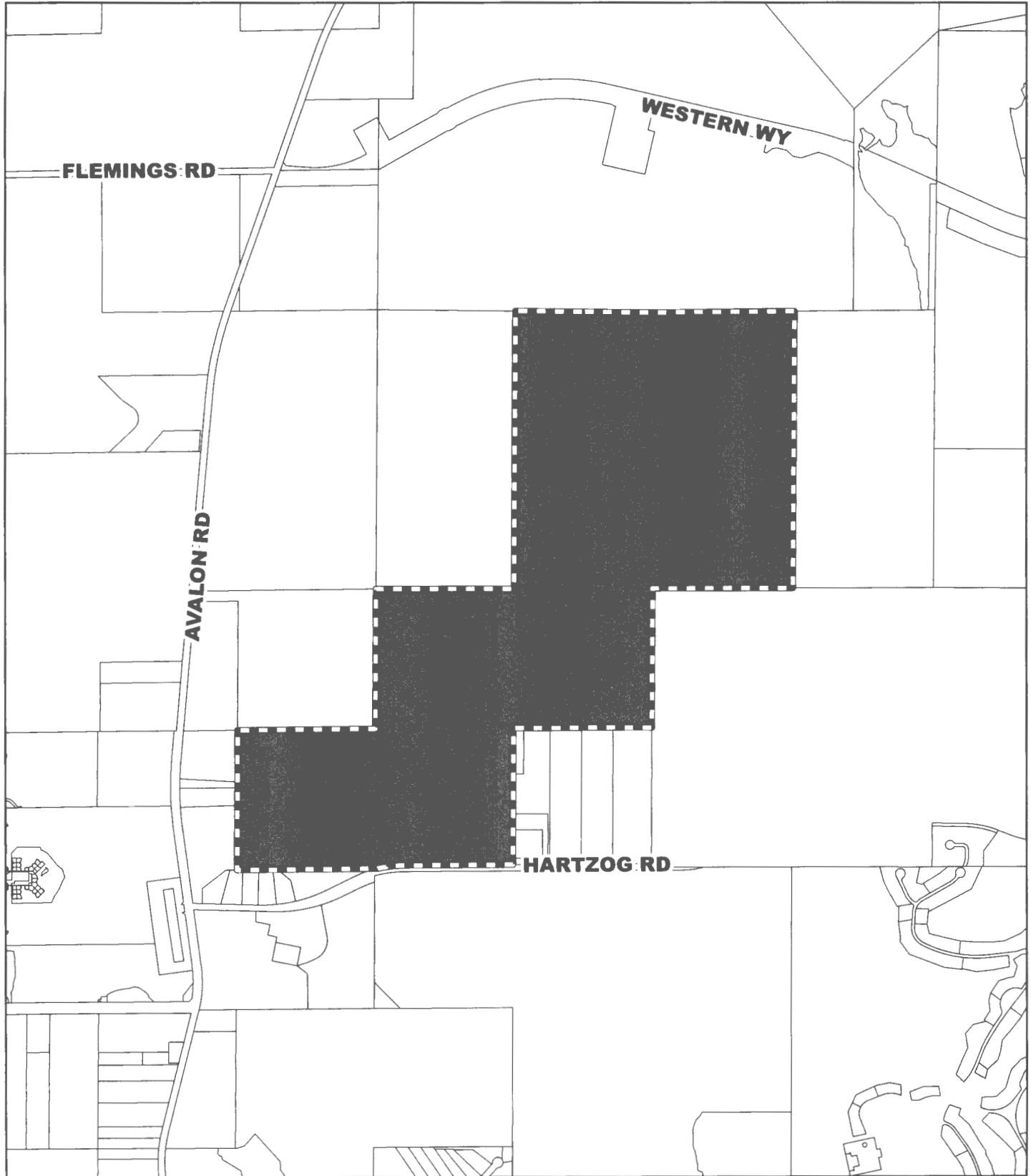
Please place this request on the **March 10, 2020**, BCC agenda. Unless stated otherwise, the public hearing should be advertised to begin at 2:00 p.m., or as soon thereafter as the matter may be heard.

Attachment (location map)

c: Chris R. Testerman, AICP, Deputy County Administrator
Jon V. Weiss, Director, Planning, Environmental, and Development Services
Department

If you have any questions regarding this map, please call the Planning Division at 407-836-5600.

CDR-19-10-331



 Subject Property



1 inch = 1,250 feet