



Interoffice Memorandum

February 7, 2024

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Tanya Wilson, AICP, Director 
Planning, Environmental, and Development Services Department

**CONTACT PERSON: Joseph C. Kunkel, P.E., DRC Chairman
Development Review Committee
Public Works Department
(407) 836-7971**

SUBJECT: February 20, 2024 – Public Hearing
Applicant(s): Kendell Keith, Oak Hill Planning Studio, LLC
Project Name: Hamlin West Planned Development-Unified
Neighborhood Plan (PD-UNP) / Land Use Plan
Project No.: LUPA-23-06-197 / District 1
(Related to APF-23-11-318; and RAG-23-08-025 - Consent Items)

This public hearing is to consider a recommendation from the Planning and Zoning Commission (PZC) meeting of January 18, 2024, to approve a Land Use Plan Amendment (LUPA) to the Hamlin West Planned Development-Unified Neighborhood Plan (PD-UNP)/ Land Use Plan. The subject property is generally located north of New Independence Parkway and west of Avalon Road, within the Horizon West Town Center Village. The request is to rezone 1.51 acres from A-1 (Citrus Rural District) to PD (Planned Development District), incorporate the property into the Hamlin West PD-UNP, and assign it the Retail/Wholesale RW-4B district designation. While the request expands the land area of the PD-UNP, no additional entitlements are requested.

This amendment also reflects the transfer of 0.30 Adequate Public Facilities (APF) acreage credits from the Silverleaf PD to satisfy the APF requirement generated by the additional land area. Credit transfer is allowed within the Horizon West Special Planning Area. In addition, one waiver is requested from Orange County Code, Section 38-1390.53(a)(2) to allow decorative screen fencing as an alternative to the masonry knee wall along framework streets in lieu of providing a decorative masonry knee wall. This waiver has already been approved for the existing PD area and allows for a consistent landscape theme throughout the Hamlin projects.

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.

February 20, 2024 – Public Hearing

Kendell Keith, Oak Hill Planning Studio, LLC

Hamlin West Planned Development-Unified Neighborhood Plan (PD– UNP) / Land Use Plan (LUP) / Case #
LUPA-23-06-197 / District 1

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ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and APPROVE the Hamlin West Planned Development- Unified Neighborhood Plan (PD– UNP)/ Land Use Plan Amendment LUPA-23-06-197 dated “Received November 17, 2023”, subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1

TW/NT/js

Attachment

CASE # LUPA-23-06-197

Commission District: 1

GENERAL INFORMATION

APPLICANT Kendell Keith, Oak Hill Planning Studio, LLC

OWNER Hamlin Retail Partners West, LLC

PROJECT NAME Hamlin West Planned Development-Unified Neighborhood Plan (PD- UNP) / Land Use Plan (LUP)

PARCEL ID NUMBER(S) 19-23-27-0000-00-013 (affected parcel)

TRACT SIZE 1.51 acres (subject area to be rezoned)
186.97 acres (Overall PD)

LOCATION North of New Independence Parkway / West of Avalon Road

REQUEST To rezone 1.51 acres from A-1 (Citrus Rural District) to PD (Planned Development District), incorporate the property into the Hamlin West PD-UNP, and assign it Retail/Wholesale RW-4B district.

In addition, the following waiver is requested from Orange County Code:

1. A waiver from Section 38-1390.53(a)(2) to allow decorative screen fencing as an alternative to the masonry knee wall along framework streets in lieu of providing a decorative masonry knee wall.

Applicant Justification: *This waiver matches many of the other developments in the area and allows for a consistent landscape theme that has been established throughout the Hamlin projects.*

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 1,000 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Four hundred forty (440) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The Hamlin West Planned Development - Unified Neighborhood Plan (PD-UNP) was originally approved September 15, 2015, with a development program consisting of residential and non-residential uses. Today, the PD is approved for a development program of 1,087 dwelling units, 630,763 square feet of non-residential uses, and 54 hotel rooms.

The applicant is seeking to rezone 1.51 acres from A-1 (Citrus Rural District) to PD (Planned Development District), incorporate it into the Hamlin West PD-UNP, and assign it the Retail Wholesale District RW-4B designation. The surrounding property within the PD is also designated RW-4B and is entitled for up to 40,000 square feet of non-residential uses. This application is only to expand the area of the PD and no additional entitlements are requested.

The applicant is also seeking approval of a waiver to allow decorative screen fencing as an alternative to the masonry knee wall along framework streets (Avalon Road) in lieu of providing a decorative masonry knee wall. This waiver has already been granted for the existing PD area.

This case is associated with consent items APF-23-11-318; and RAG-23-08-025. Case APF-23-11-318 is an amendment to the Adequate Public Facilities agreement for Hamlin West. This LUPA creates a new 0.30-acre APF deficit for the project, which is being satisfied via transfer of surplus APF acreage credits from the Silverleaf PD. Case RAG-23-08-025 is the Third Supplement to the Hamlin West Amended and Restated Road Network Agreement.

Land Use Compatibility

The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Village. The proposed zoning is PD and the project is located within the Hamlin West PD. The proposed PD zoning district and development program is consistent with the Village FLUM designation, 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 and did not identify any issues or concerns.

Transportation Planning

The Second Supplement to the Hamlin West Amended and Restated Road Network Agreement has completed the RAC process and shall accompany the LUPA to the BCC. Right-of-Way is required from this property for the Avalon Road Expansion and New Independence Parkway and shall be conveyed prior to DP approval.

Community Meeting Summary

A community meeting was held for this item on October 30, 2023, at Hamlin Middle School. Approximately 10 residents were in attendance. Concerns were expressed about the type of uses that may be permitted on the site and potential impacts to nearby residential areas. It was suggested that conditions be adopted into the PD to limit uses with potential negative impacts (ex. gas station) and to adopt other restrictions such as hours of operation, outdoor lighting standards, etc. to reduce potential harmful impacts to nearby residential areas.

Schools

Orange County Public Schools (OCPS) reviewed the request and 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.

DRC RECOMMENDED ACTION

Development Review Committee – (September 20, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hamlin West PD – UNP Planned Development / Land Use Plan (PD/LUP), dated “Received November 17, 2023”, subject to the following conditions:

1. Development shall conform to the Hamlin West PD Land Use Plan Amendment (LUPA) dated "Received November 17, 2023," 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 November 17, 2023," 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. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
 7. The project shall comply with the terms and conditions of that certain Hamlin West Amended and Restated Road Network Agreement approved on August 7, 2018, and recorded at Doc #20180482220, Public Records of Orange County, Florida, as may be amended.
 8. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and ponds have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
 9. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
 10. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
 11. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
 12. A waiver from Orange County Code Section 38-1390.53(a)(2) is granted to allow decorative screen fencing as an alternative to the masonry knee wall along framework streets in lieu of providing a decorative masonry knee wall.
 13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 2, 2023, shall apply:

- a. 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.
 - b. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
 - c. All right-of-way required from this property for the Avalon Road Expansion and New Independence Parkway shall be conveyed to Orange County prior to DP/PSP approval on Parcel 19-23-27-0000-00-023.
 - d. The extension of Lake Hamlin Trail to County Road 545 shall be publicly dedicated Right-of-Way at no cost to Orange County.
 - e. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
 - f. No vertical permits shall be issued in an area encumbered by a drainage easement dedicated to Orange County or to the perpetual use of the public, unless otherwise approved by the County.
 - g. Pole signs and billboards shall be prohibited. All other signage shall comply with Section 31.5-194, Horizon West Town Center.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 8, 2021, shall apply:
- a. The project shall comply with the terms and conditions of that certain New Independence Parkway and C.R. 545/Avalon Road Agreement recorded at Document #20160338700, Public Records of Orange County, Florida, as may be amended.
 - b. No plat shall be approved for recording until any and all underlying condominiums of record as prescribed by Chapter 718, FS, have been terminated.
 - c. Prior to any plat recordation within this Planned Development, the various properties contained within the bounds of any plat shall be reconfigured and deeds recorded in the public records of Orange County so as to not create divided interest in any lot or tract.
 - d. The following waivers from Orange County Code are granted:

- 1) A waiver from Section 38-1390.55 (a)(2) to allow a fifteen (15) foot building separation, in lieu of twenty (20) feet.
 - 2) A waiver from Section 38-1390.51 (table 4-1) to allow four (4) stories / fifty-five (55) feet maximum building height for attached townhome units, in lieu of forty-five (45) feet.
 - 3) A waiver from Section 38-1390.51 (table 4-1) to allow a seven (7) foot minimum and fifteen (15) foot maximum front setback, with steps allowed to encroach up to five (5) feet, for townhome units in lieu of a ten (10) foot build to line.
 - 4) A waiver from Section 38-1387.1 (a)(3) to allow the minimum lot depth for townhomes to be sixty-five (65) feet, in lieu of one hundred (100) feet.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 14, 2020, shall apply:
- a. 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.
 - b. The following waivers from Orange County Code are granted:
 - i. A waiver from Section 24-5 to allow the setback and frontage zones of the framework streets or alternative framework streets within the Town Center Code to provide the buffering and separation for residential uses from nonresidential 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.
 - ii. 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.
 - iii. 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.

- iv. 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.
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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.
- ix. 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.

- x. 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.
 - xi. 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.
 - xii. 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.
16. 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.
 - b. 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.
17. 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. 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).
- e. 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.
- f. 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.
- g. Interconnectivity to the property to the south shall be addressed during subsequent PSP/DP reviews.

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested PD (Planned Development District) zoning subject to the seventeen (17) conditions listed in the staff report and one additional condition: to limit hours of operation to 5:00 a.m. to 11:00 p.m. and prohibit gas stations on the site. The applicant was present and agreed with the staff recommendation with the exception of the additional condition to limit hours of operation and prohibit gas stations on the site. No members of the public were present to speak during public comment.

Staff indicated that four hundred and forty (440) notices were sent to property owners and residents extending beyond 1,000 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request.

A motion was made by Commissioner Boers and seconded by Commissioner Wiggins to recommend APPROVAL of the requested PD (Planned Development District) zoning subject to seventeen (17) conditions listed in the staff report (excluding the addition condition to limit hours of operation and uses), including one waiver from Orange County Code. The motion carried unanimously.

Motion / Second: *David Boers / George Wiggins*

Voting in Favor: *David Boers, George Wiggins, Evelyn Cardenas, Camille Evans, Michael Arrington, Nelson Pena and Gordon Spears*

Voting in Opposition: *None*

Absent: *Walter Pavon and Eddie Fernandez*

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (January 18, 2024)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hamlin West PD – UNP Planned Development / Land Use Plan (PD/LUP), dated “Received November 17, 2023”, subject to the 17 conditions listed in the staff report., subject to the following conditions:

1. Development shall conform to the Hamlin West PD Land Use Plan Amendment (LUPA) dated "Received November 17, 2023," 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 November 17, 2023," 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. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. The project shall comply with the terms and conditions of that certain Hamlin West Amended and Restated Road Network Agreement approved on August 7, 2018, and

recorded at Doc #20180482220, Public Records of Orange County, Florida, as may be amended.

8. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and ponds have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
9. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
10. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
11. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
12. A waiver from Orange County Code Section 38-1390.53(a)(2) is granted to allow decorative screen fencing as an alternative to the masonry knee wall along framework streets in lieu of providing a decorative masonry knee wall.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 2, 2023, shall apply:
 - a. 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.
 - b. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
 - c. All right-of-way required from this property for the Avalon Road Expansion and New Independence Parkway shall be conveyed to Orange County prior to DP/PSP approval on Parcel 19-23-27-0000-00-023.

- d. The extension of Lake Hamlin Trail to County Road 545 shall be publicly dedicated Right-of-Way at no cost to Orange County.
 - e. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
 - f. No vertical permits shall be issued in an area encumbered by a drainage easement dedicated to Orange County or to the perpetual use of the public, unless otherwise approved by the County.
 - g. Pole signs and billboards shall be prohibited. All other signage shall comply with Section 31.5-194, Horizon West Town Center.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 8, 2021, shall apply:
- a. The project shall comply with the terms and conditions of that certain New Independence Parkway and C.R. 545/Avalon Road Agreement recorded at Document #20160338700, Public Records of Orange County, Florida, as may be amended.
 - b. No plat shall be approved for recording until any and all underlying condominiums of record as prescribed by Chapter 718, FS, have been terminated.
 - c. Prior to any plat recordation within this Planned Development, the various properties contained within the bounds of any plat shall be reconfigured and deeds recorded in the public records of Orange County so as to not create divided interest in any lot or tract.
 - d. The following waivers from Orange County Code are granted:
 - 1) A waiver from Section 38-1390.55 (a)(2) to allow a fifteen (15) foot building separation, in lieu of twenty (20) feet.
 - 2) A waiver from Section 38-1390.51 (table 4-1) to allow four (4) stories / fifty-five (55) feet maximum building height for attached townhome units, in lieu of forty-five (45) feet.
 - 3) A waiver from Section 38-1390.51 (table 4-1) to allow a seven (7) foot minimum and fifteen (15) foot maximum front setback, with steps allowed to encroach up to five (5) feet, for townhome units in lieu of a ten (10) foot build to line.

- 4) A waiver from Section 38-1387.1 (a)(3) to allow the minimum lot depth for townhomes to be sixty-five (65) feet, in lieu of one hundred (100) feet.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 14, 2020, shall apply:
- a. 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.
 - b. The following waivers from Orange County Code are granted:
 - i. A waiver from Section 24-5 to allow the setback and frontage zones of the framework streets or alternative framework streets within the Town Center Code to provide the buffering and separation for residential uses from nonresidential 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.
 - ii. 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.
 - iii. 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.
 - iv. 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.
 - v. 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.
- vi. 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.
 - vii. 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.
 - viii. 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.
 - ix. 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.
 - x. 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.
 - xi. 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.

- xii. 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.
16. 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.
 - b. 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.
17. 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. 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).
 - e. 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.

- f. 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.

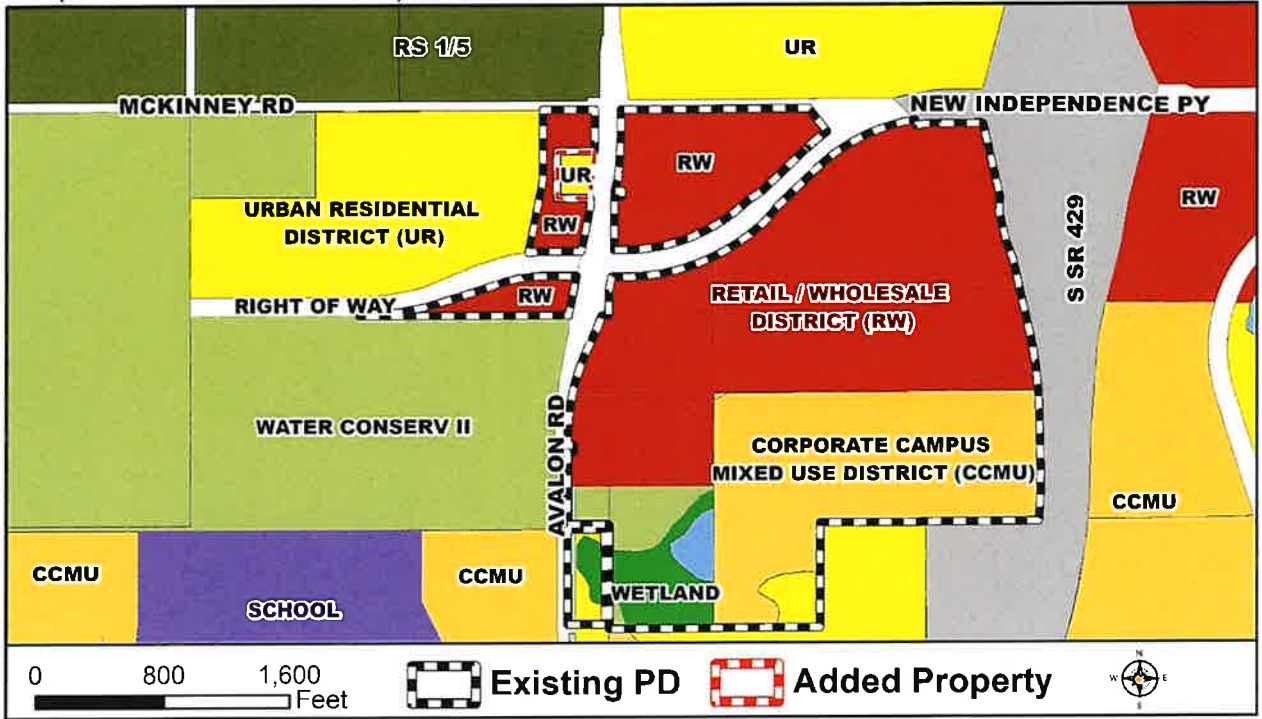
- g. Interconnectivity to the property to the south shall be addressed during subsequent PSP/DP reviews.

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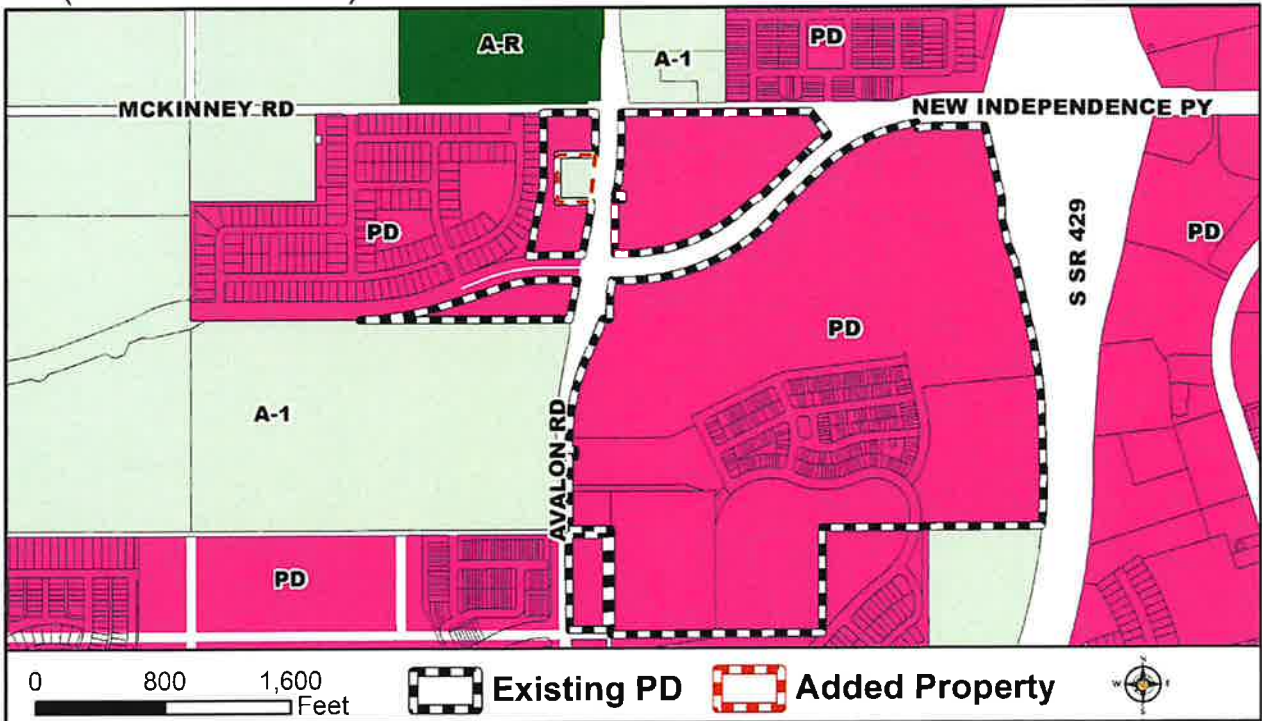
TOWN CENTER HORIZON WEST SPECIAL PLANNING AREA MAP - CURRENT

UR (Urban Residential District)

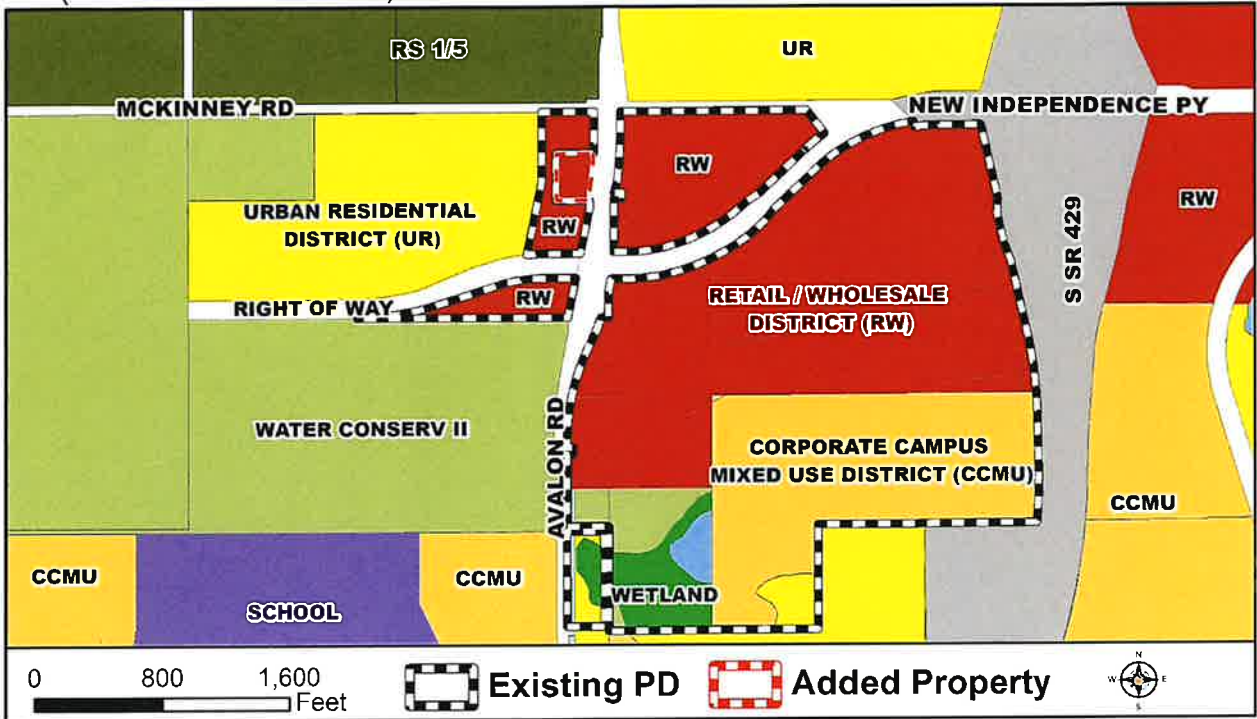


ZONING- CURRENT

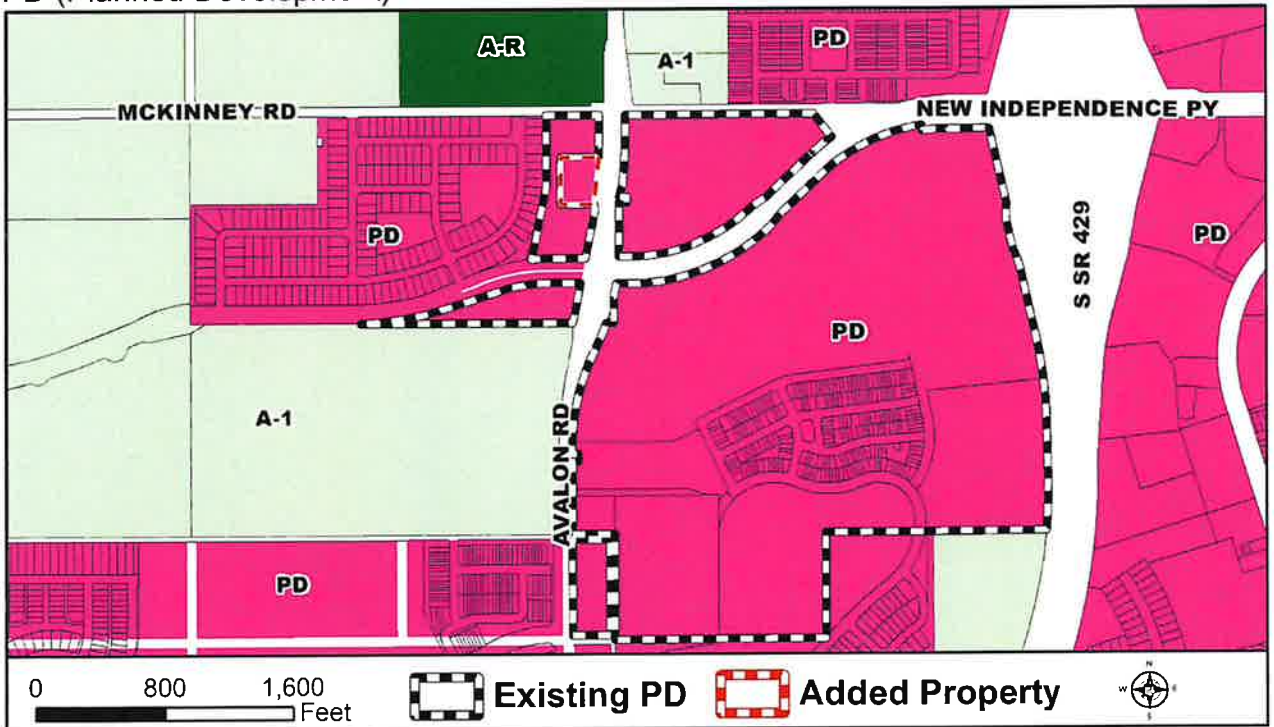
A-1 (Citrus Rural District)



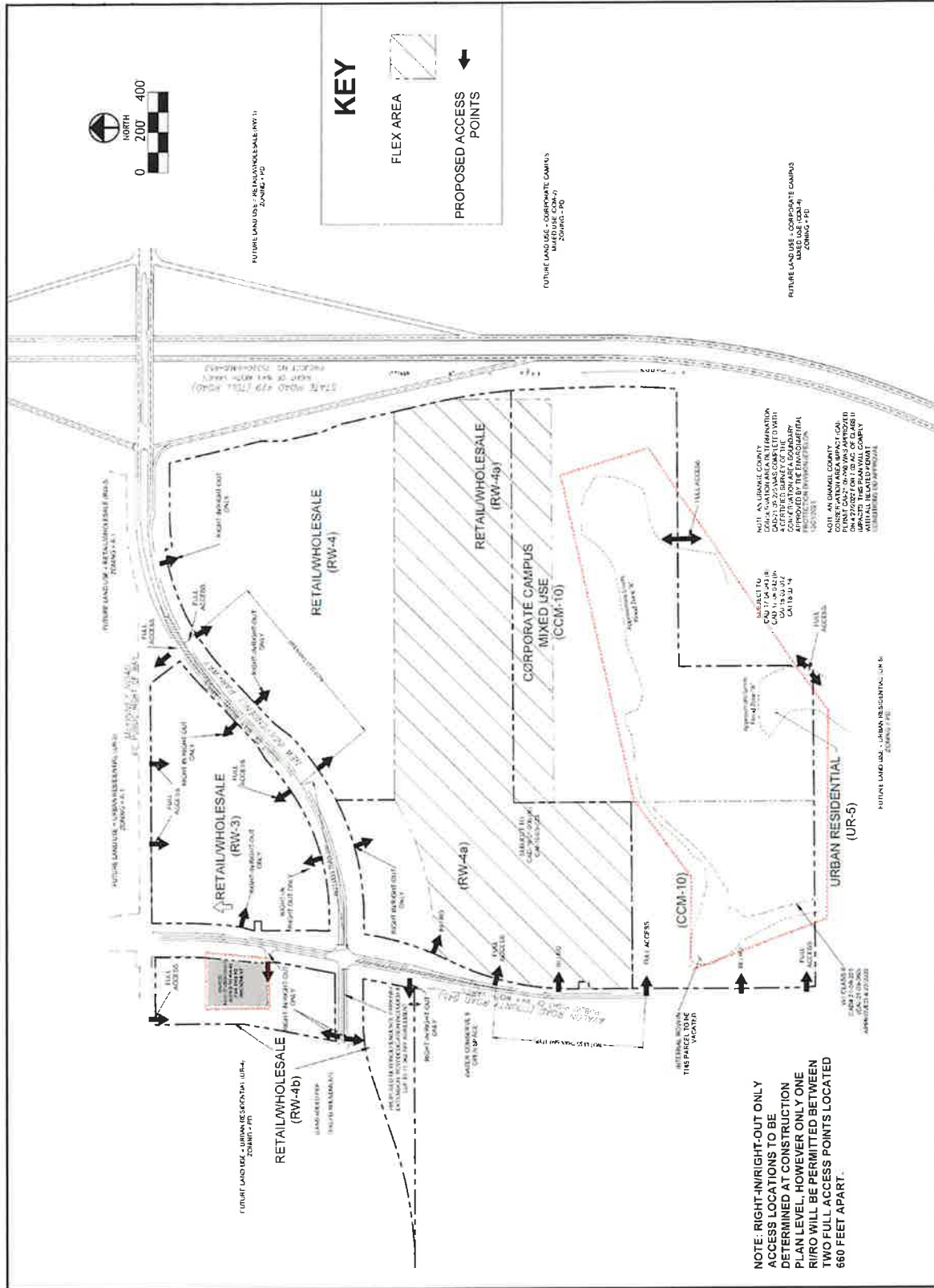
TOWN CENTER HORIZON WEST SPECIAL PLANNING AREA MAP - PROPOSED
RW (Retail Wholesale District)



ZONING- PROPOSED
PD (Planned Development)



Hamlin West PD- UNP PD / LUPA



Notification Map

