




Interoffice Memorandum

DATE: March 10, 2022

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

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental and Development
Services Department 

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

SUBJECT: March 22, 2022 – Public Hearing
Momtaz Barq, Terra-Max Engineering, Inc.
Waterford Lakes Planned Development
Case # CDR-20-11-324 / District 4

The Waterford Lakes Planned Development (PD) is located north and south of SR 408 and east and west of Alafaya Trail. The existing PD development program allows for 5,553 single-family dwelling units; 3,084 multi-family dwelling units; 1,187,107 square feet of commercial uses; 700,450 square feet of mixed use; 21,200 square feet of office uses; and an identified special event area. PD Parcel 10A (subject parcel) is currently entitled for 7,200 square feet of Office uses.

Through this PD substantial change, the applicant is seeking to exempt Parcel 10A (subject parcel) from Board Condition of Approval J(2) from 1983 and Conditions 3 and 4 from 1988, which cited major streets setbacks and landscape buffers along the right-of-way. PD parcel 10A has two large drainage easements along the northern property boundary and eastern property boundary as well as geometric constraints which makes the parcel difficult to develop for the intended office use. Therefore, the applicant has requested a waiver from Section 38-1272 (a)(3) to reduce the required front building setback from 30 feet to five feet.

On June 9, 2021, 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 Waterford Lakes Planned Development / Land Use Plan (PD/LUP) dated “Received January 14, 2022”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

Attachments
JVW/JHS

CASE # CDR-20-11-324

Commission District: # 4

GENERAL INFORMATION

APPLICANT Momtaz Barq, Terra-Max Engineering, Inc.

OWNER ABC Enterprises, LLC

PROJECT NAME Waterford Lakes Planned Development

PARCEL ID NUMBER(S) 27-22-31-0000-00-046 (affected parcel only)

TRACT SIZE 1,344 gross acres (overall PD)
1.89 gross acres (site area)

LOCATION Generally located North of Lake Underhill Road, East of N Alafaya Trail, and south of the Crest at Waterford Lakes Condominiums.

REQUEST A PD substantial change to exempt PD Parcel 10A from BCC Condition of Approval J(2) from 1983 and condition of approval #3 and #4 from 1988 in regard to building setbacks and landscape buffers along the right-of-way, and to request the following waiver:

1. A waiver from Section 38-1272 (a)(3) to reduce the required front building setback from thirty (30) feet to five (5) feet.

Applicant Justification: The developer is proposing to provide a development with urban design elements that promote a more pedestrian friendly development with parking areas buffered from street view behind the proposed building. This will also allow the developer to deal with the parcel's geometric constraints and provide a more uniform layout and minimize environmental impacts to the northern portions of the parcel.

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]. Seven hundred seventy-one (771) 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 PD was originally approved on May 24 1983 and is currently approved for 5,553 single-family dwelling units; 3,084 multi-family dwelling units; 1,187,107 square feet of commercial uses; 700,450 square feet of mixed use; 21, 200 square feet of office uses; and an identified special event area.

Through this PD substantial change, the applicant is seeking to exempt Parcel 10A (subject parcel) from BCC condition of approval J(2) from 1983 and conditions 3 and #4 from 1988, which cited Major Streets Setbacks and landscape buffers along the right-of-way.

Condition J2 dated May 24, 1983

Major street setbacks shall conform to Article XXI for Alafaya Trail (150 feet from centerline) and Lake Underhill Drive (110 feet from centerline)

Conditions 3 and 4 Dated May 2, 1988

3. The following minimum building setbacks shall apply:

Commercial/Office Parcels:

For all internal roads – 30 feet from property line;

Expressway – 75 feet from right-of-way line;

Alafaya Trail – 150 feet from centerline;

Lake Underhill Drive – 110 feet from centerline; and

Abutting Residential or Agricultural (including across the street) – 25 feet from property line shall be provided for structures less than 35 feet in height. Setbacks shall be increased at a rate of 1 foot for each 3.75 feet of additional building height in excess of 35 feet

4. Extensive landscape buffering or buffer walls shall be provided adjacent to all collector and arterial roads and adjacent to all property lines between low and high intensity uses. The following minimum landscape buffer width standards shall apply:
- a. Overall project perimeter and East/West Expressway frontage parcels – 25 feet;
 - b. Parcels fronting Alafaya Trail and Lake Underhill Drive, Town Center and Retail Center parcels – 20 feet; and
 - c. All other parcels – 10 feet

Instead, the applicant is proposing to adhere to Orange County Code standards except for the requested waiver from Section 38-1272 (a)(3) to reduce the required front building setback from thirty (30) feet to five (5) feet. With the requested waiver, the building setback would be five (5) feet with a five (5) foot landscape buffer along the right-of-way line.

PD Parcel 10A (subject parcel) is currently entitled for 7,200 square feet of Office uses. This parcel has two large drainage easements along the northern property boundary and eastern property boundary as well as geometric constraints which makes the parcel difficult to develop for the intended office use.

Land Use Compatibility

The PD substantial change would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Amendment

The subject property has an underlying Future Land Use Map (FLUM) designation of Commercial (C). The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Community Meeting Summary

A community meeting was not required for this request.

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.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Environmental

Econ Protection Ordinance - This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply per Orange County Code Chapter 15 Article XI Section 15-442. Basin regulations include, but are not limited to, required wetland buffers, wildlife habitat preservation and landscaping with native plant species.

CAD Complete - Conservation Area Determination CAD-19-04-059 was completed for Parcel 10A on June 21, 2019, and revised on April 14, 2020. The CAD claimed the drainage ditch on site as a Class III conservation area - surface water SW-1 hydrologically connected to the Econlockhatchee River by way of man-made activities. The regulations in Orange County Code Chapter 15 Article X - Wetland Conservation Areas apply. Approval of this plan does not authorize any direct or indirect conservation area impacts.

Transportation / Concurrency

Transportation Planning staff has reviewed the proposed request, but did not identify any issues or concerns. Trips will be assessed during the Development Plan (DP) process.

Schools

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

Parks

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 – (June 9, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Waterford Lakes Planned Development / Land Use Plan (PD/LUP), dated “January 14, 2022”, subject to the following conditions:

1. Development shall conform to the Waterford Lakes Planned Development dated "Received January 14, 2022," 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 January 14, 2022," 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.

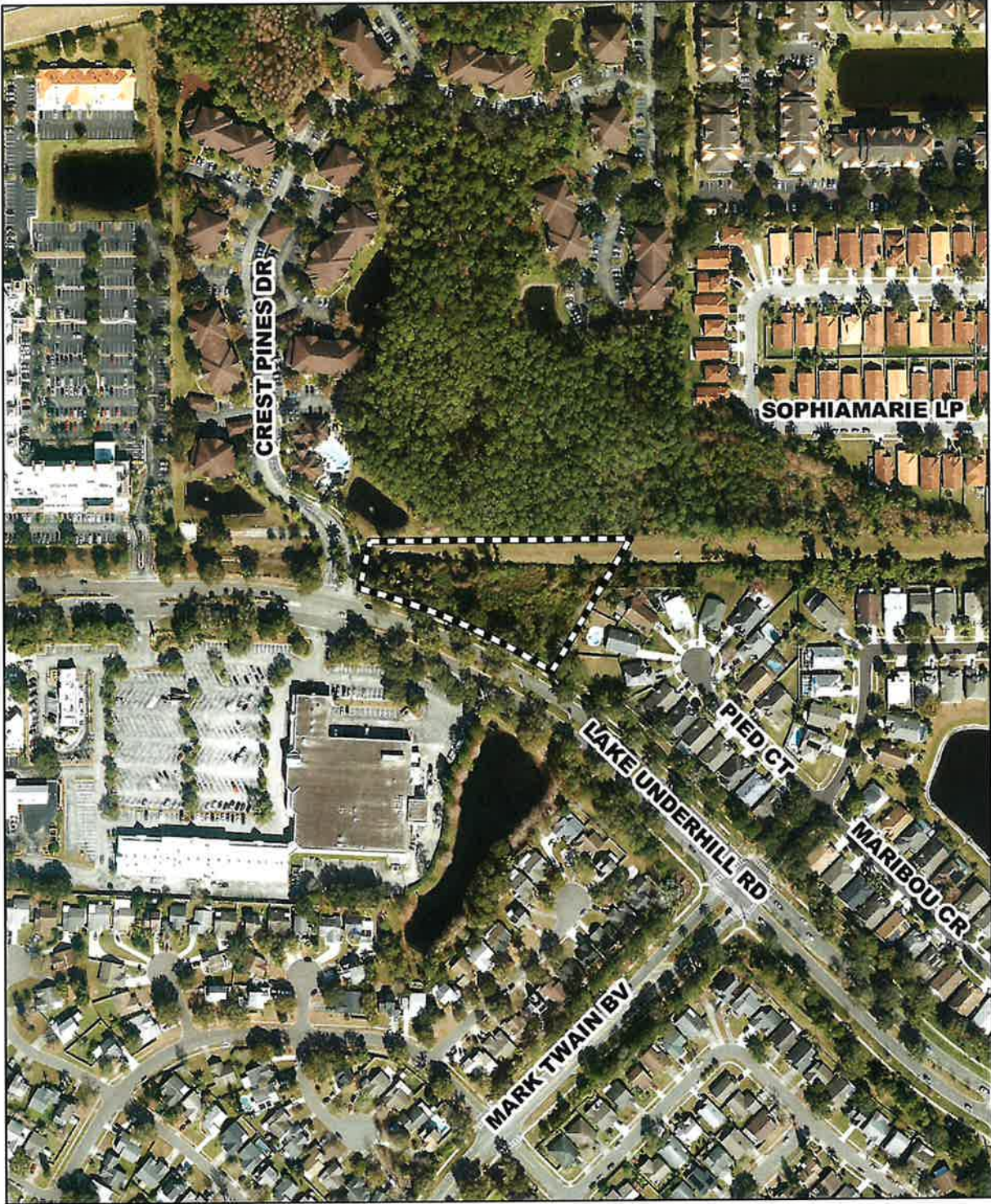
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, 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. Board conditions #3 and #4 from May 2, 1988, and condition #J(2) from May 24, 1983, shall not apply to Parcel 10A; except as waived by the Board of County Commissioners, or, as applicable, by the Zoning Manager, Parcel 10A shall comply with Orange County Code for landscaping and building setbacks.

7. A waiver from Orange County Code Section 38-1272 (a)(3) is granted to reduce the required front building setback from thirty (30) feet to five (5) feet for Parcel 10A only.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 12, 2021, shall apply:
 - a. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
 - b. 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.
 - c. A maximum of ten (10) rental trucks may be parked in the designated area depicted on the PD/LUP within PD Parcel 7 only.
 - d. The PD shall be permitted to hold Special Events throughout the calendar year located only on that portion of the common area crosshatched in the Waterford Lakes Town Center Special Events Development Plan dated "June 25, 2010" and the additional common area crosshatched within the Land Use Plan dated "Received August 1, 2019."
 - e. The following Special Events shall be prohibited:
 - i. Car Sales Events, i.e. events featuring or promoting the sale of new or used cars;
 - ii. Boat Sales Events, i.e. events featuring or promoting the sale of new or used boats;
 - iii. Special Events featuring the sale of merchandise which is not customarily sold by uses permitted in the Orange County C-1 Zoning District;
 - iv. Flea markets are prohibited.
 - f. All applicable previous Conditions of Approval shall apply.
 - g. All special events must receive approval by the Office of Fire Marshal.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (January 12, 2021)

Upon a motion by Commissioner Gomez Cordero, seconded by Commissioner Uribe, and carried by all present members, the Board made a finding of consistency with the comprehensive plan and approved the substantial change request to add mini-golf course as a permitted use on PD Parcel 4/5, subject to nine (9) conditions of approval.

CDR-20-11-324

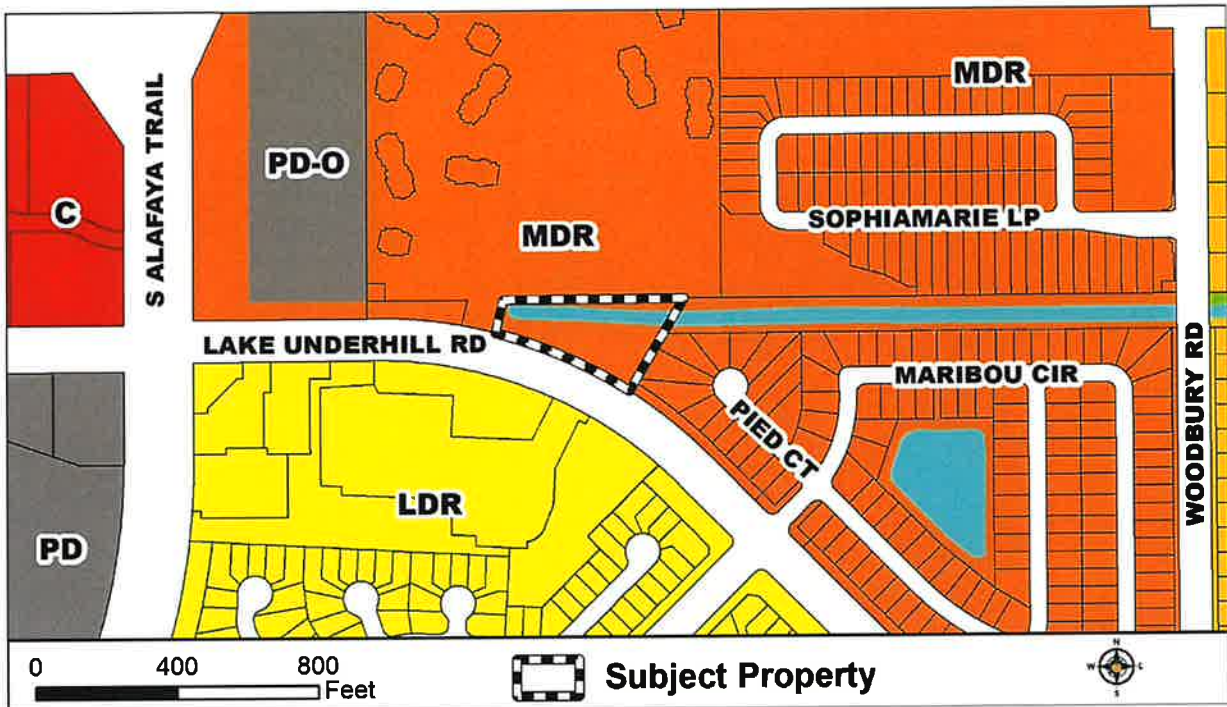


 Subject Property

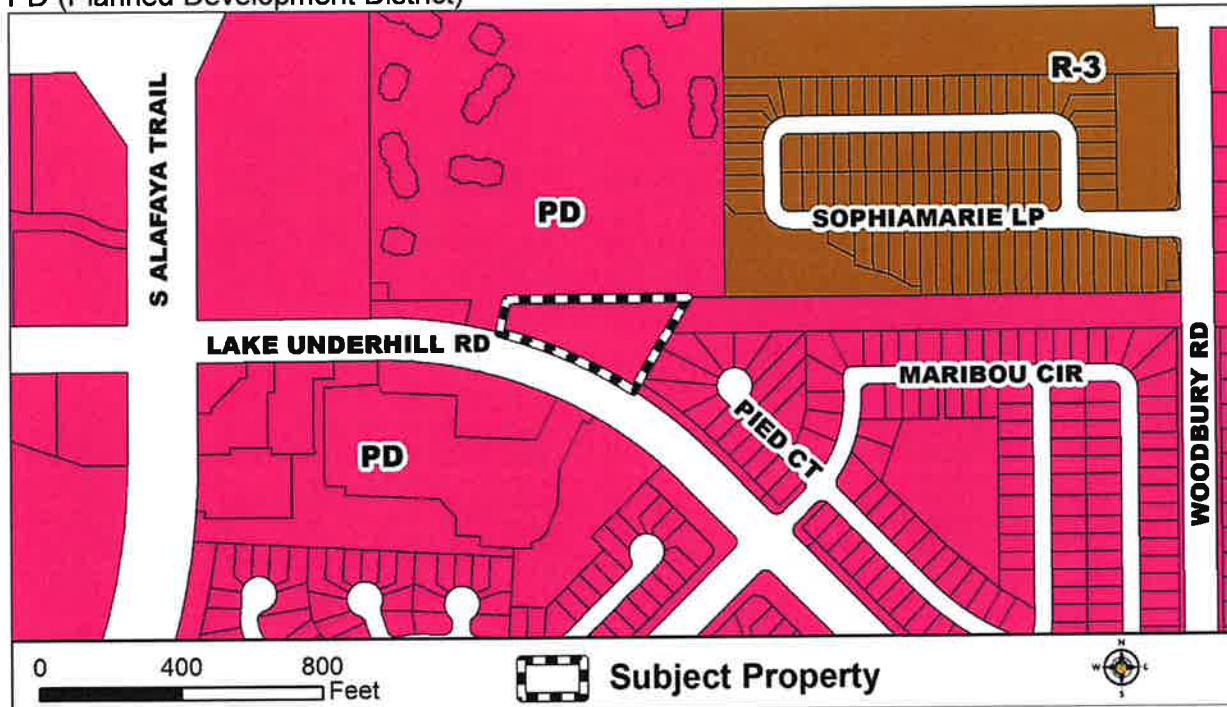


1 inch = 250 feet

Future Land Use Map Medium Density Residential (MDR)



Zoning Map PD (Planned Development District)



Waterford Lakes PD / LUP

CASE:
 CDR-20-11-324

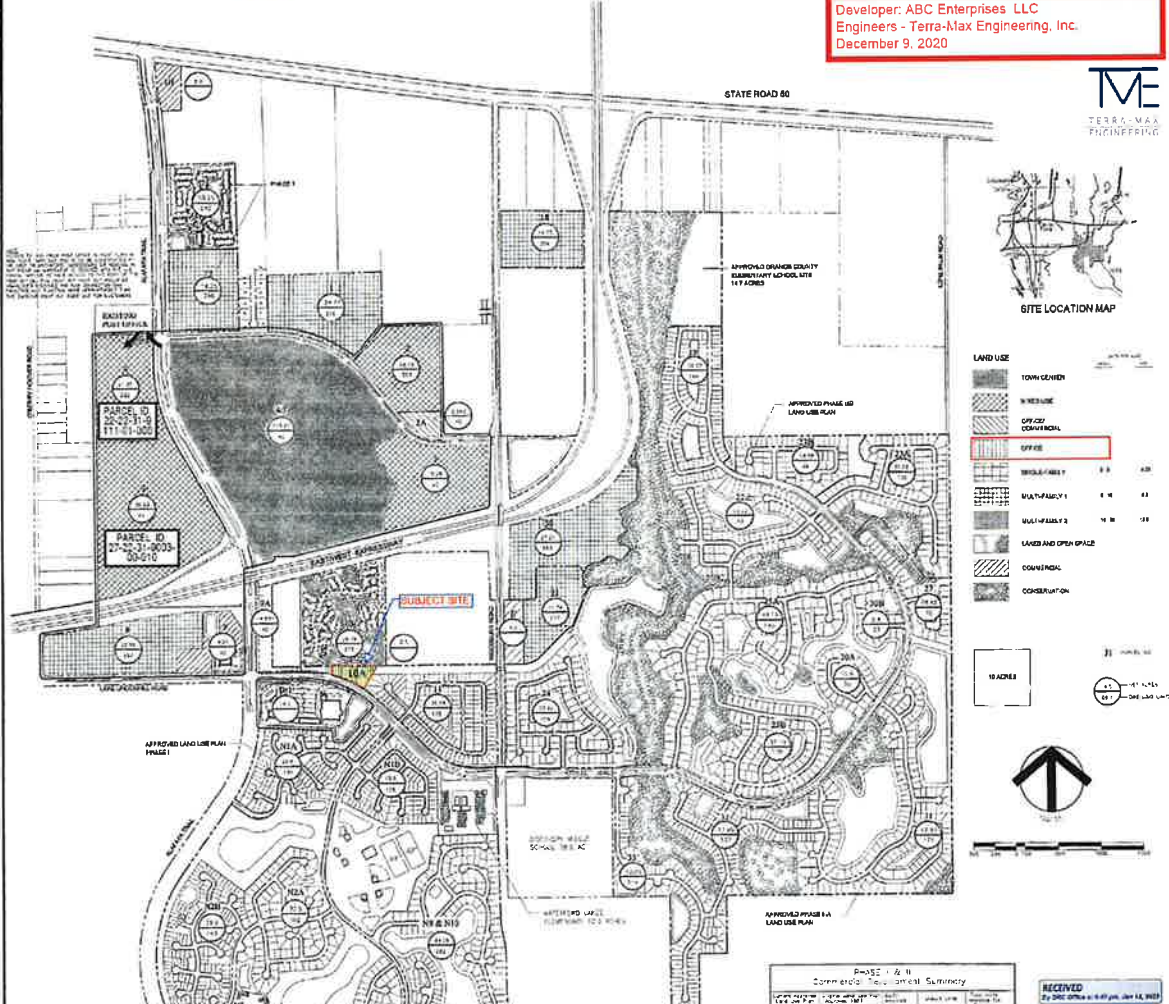


WATERFORD LAKES

ORANGE COUNTY, FLORIDA
 A PLANNED RESIDENTIAL COMMUNITY
 FOR WATERFORD PROPERTY HOLDINGS, INC.

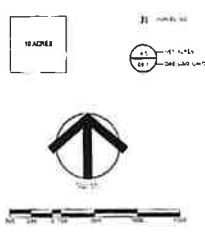
PLANNERS - CANIN ASSOCIATES, INC.
 ENGINEERS - BOWYER-SINGLETON & ASSOCIATES
 ENVIRONMENTAL SCIENTISTS - BREEDLOVE, DENNIS & ASSOCIATES, INC.
 TRANSPORTATION - TRANSPORTATION CONSULTING GROUP
 SOILS - JAMMAL & ASSOCIATES, INC.

Developer: ABC Enterprises LLC
 Engineers - Terra-Max Engineering, Inc.
 December 9, 2020



LAND USE

TOWN CENTER	1	10	10'
RESIDENTIAL	1	10	10'
OFFICE	1	10	10'
COMMERCIAL	1	10	10'
INDUSTRIAL	1	10	10'
AGRICULTURE	1	10	10'
CONSERVATION	1	10	10'
UNDEVELOPED	1	10	10'



WATERFORD LAKES P.D. MASTER PLAN

PHASE I Residential Development Summary

Lot	Area (sq ft)	Area (ac)	Units
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PHASE I & II Commercial Development Summary

Lot	Area (sq ft)	Area (ac)	Units
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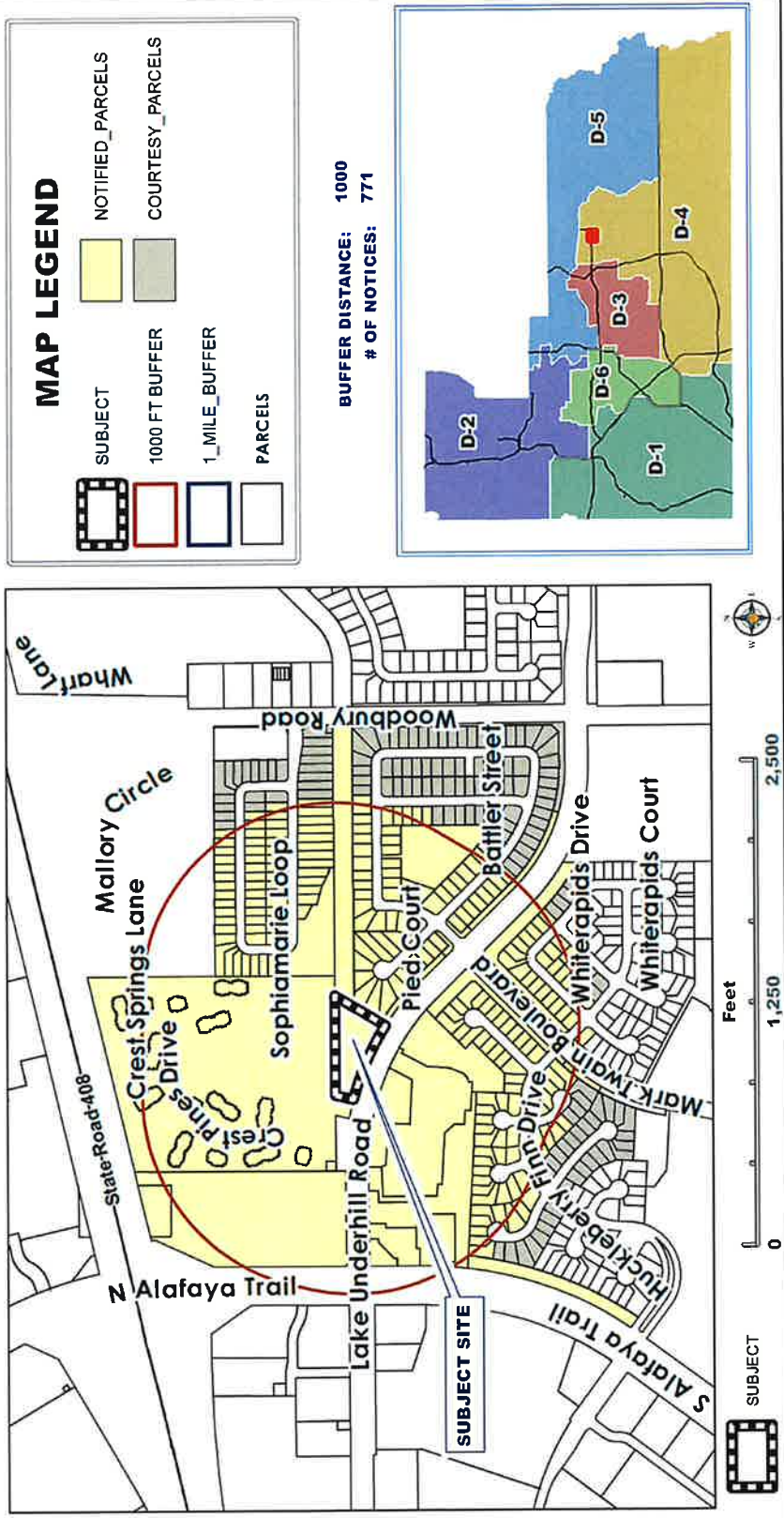
PHASE I Active Development Summary

Lot	Area (sq ft)	Area (ac)	Units
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73	10,000	0.23	10
74	10,000	0.23	10
75	10,000	0.23	10
76	10,000	0.23	10
77	10,000	0.23	10
78	10,000	0.23	10
79	10,000	0.23	10
80	1		

Notification Map

Public Notification Map

Waterford Lakes PD_CDR-20-11-324



MAP LEGEND

- SUBJECT
- 1000 FT BUFFER
- 1_MILE_BUFFER
- PARCELS
- NOTIFIED_PARCELS
- COURTESY_PARCELS

BUFFER DISTANCE: 1000
 # OF NOTICES: 771

