

**CASE # DP-18-12-394**

Commission District # 1

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of June 26, 2019, to approve the Hamlin Planned Development (PD) – Unified Neighborhood Plan (UNP) / (RW-2) Hamlin SEC Commercial Preliminary Subdivision Plan (PSP) / Master Development Plan (DP) m m for future building sites within the project limits so as to allow for the subsequent submittal of building permit applications for each building in lieu of needing a Development Plan and go through the DRC process for each building.

The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1476 and 38-1478 to allow shared parking per the shared parking analysis allowing 4.53 spaces per 1,000 square feet [per Section 38-1390.52(b) and Section 38-1389(d)(4)(f)], in lieu of 5 spaces per 1,000 square feet.
2. A waiver from Section 38-1390.48(b) & (c) to allow 1.00 Floor Area Ratio (FAR) in the Retail / Wholesale District (RW) and Corporate Campus Mixed Use District (CCM) within the Hamlin PD, in lieu of a maximum 0.40 FAR.

**2. PROJECT ANALYSIS**

- |                       |   |
|-----------------------|---|
| A. Location:          | East of Hamlin Groves Trail / South of New Independence Parkway                           |
| B. Parcel IDs:        | 20-23-27-2713-01-000, 20-23-27-2713-02-000,<br>20-23-27-2713-03-000, 20-23-27-2713-04-000 |
| C. Total Acres:       | 35.81   |
| D. Water Supply:      | Orange County Utilities   |
| E. Sewer System:      | Orange County Utilities   |
| F. Schools:           | N/A   |
| G. School Population: | N/A   |
| H. Parks:             | Horizon West Regional Park – 0.8 Miles  |
| I. Proposed Uses:     | Retail Wholesale  |
| J. Site Data:         | Maximum Building Height: 50'<br>Building Setbacks:<br>10' Front                           |

5' Side  
5' Side Street  
10' Rear

K. Fire Station: 34 - 4000 Winter Garden Vineland Road

L. Transportation: A Road Network Agreement for Town Center East was approved by the Board of County Commissioners on December 6, 2011 and recorded at OR Book/Page 10306/1364. The Developer has obtained vested trips for the completion of construction for Hamlin Groves Trail and New Independence Parkway to four lanes. Right-of-Way for the road network has been dedicated to the County.

The First Amendment to Town Center East Road Network Agreement ("First Amendment") between Orange County and SLF IV/Boyd Horizon West JV, LLC ("Developer") and Orlando Health Central, Inc. ("Orlando Health") was approved by the Board of County Commissioners on 7/10/2012 and recorded at ORBK 10411/ 0542 for the conveyance of Right-of-Way for the road network in Town Center. The First Amendment contemplates that the Orlando Health parcel will be included in the terms of the original agreement. Under the terms of the First Amendment, Orlando Health shall receive \$22,500 per acre in Road Impact Fee Credits for the dedication of 2.11 acre parcel for Hamlin Trail Right-of-Way for a total of \$47,450.00 in road impact fee credits. An additional 2.22 acre area of Right-of-Way for Porter Road will be donated to Orange County by Orlando Health at no cost to the County. Developer has assigned 650 Vested Trips to Orlando Health. Orlando Health is has the option to complete the Phase 4 improvements. The First Amendment also acknowledges that the Developer has acquired the Gleason Parcel which is now included in the definition of the Property.

The Second Amendment to the Town Center East Road Network Agreement was approved by the Board of County Commissioners on 3/15/2016 and recorded at Doc #20160137843 and adjusts the performance thresholds needed for vested trips to be allocated under the terms of the agreement and for the timing of award of transportation impact fee credits. The Road Agreement Committee approved the Second Amendment on January 6, 2016.

### **3. COMPREHENSIVE PLAN**

The property's Future Land Use Map (FLUM) designation is Village (V), indicating that it falls within the Horizon West Special Planning Area. More specifically, it is located within the Town Center Special Planning Area and is designated Retail / Wholesale (RW-2) District. The request is consistent with the Comprehensive Plan.

### **4. ZONING**

PD (Planned Development District) (Hamlin PD - UNP)

### **5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Hamlin UNP Planned Development; Orange County Board of County Commissioners (BCC) approvals; (RW-2) Hamlin SEC Commercial Preliminary Subdivision Plan; BCC approvals; Master Development Plan dated "Received June 11, 2019" and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of

the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this development 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. Development plan (DP) approval by the DRC (or BCC, as applicable), shall automatically expire if construction plans are required and have not been submitted and approved within two (2) years from DP approval; if construction plans are not required, such DP shall expire two (2) years from approval unless a building permit has been obtained within such two-year period. The foregoing notwithstanding, the DRC may, upon good cause shown, grant successive one (1) year extensions to the expiration date of a DP if the developer makes written request to the DRC chair prior to the expiration date.
7. As proof of satisfaction of the project's transportation concurrency obligations, the project must comply with that certain Town Center East Road Network Agreement recorded at O.R. Book 10306, Page 1364, Public

Records of Orange County, Florida. The developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to plat approval. In addition, any Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.

8. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
9. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
10. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
11. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
12. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction

Permit, as well as to any other Orange County Division(s) for any other applicable permits.

13. Prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the DP, including hydraulically dependent parcels outside the DP boundaries; such MUP shall include supporting calculations showing that the DP-level MUP is consistent with the approved and up-to-date MUP for the Horizon West Town Center, or shall include an update to the Horizon West Town Center MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
14. Outside sales, storage, and display shall be prohibited, except as otherwise approved by the Board of County Commissioners.
15. Approval of this DP constitutes a lot split approval. Applicant shall submit to Orange County Property Appraiser for new parcel number prior to submitting for building permits.
16. Signage shall comply with the approved Master Sign Plan.
17. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
18. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
19. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
20. Construction plans within this DP shall be consistent with approved and up-to-date Master Utility Plans (MUPs) for the DP and the Horizon West Town Center. MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUPs must be approved prior to construction plan approval.
21. A waiver from Section 38-1476 and 38-1478 is granted to allow shared parking per the shared parking analysis allowing 4.53 spaces per 1,000 square feet [per Section 38-1390.52(b) and Section 38-1389(d)(4)(f)], in lieu of 5 spaces per 1,000 square feet.

22. A waiver from Section 38-1390.48(b) & (c) is granted to allow 1.00 Floor Area Ratio (FAR) in the Retail / Wholesale District (RW) and Corporate Campus Mixed Use District (CCM) within the Hamlin PD, in lieu of a maximum 0.40 FAR.