




Interoffice Memorandum

DATE: June 9, 2023

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

FROM: Tim Boldig., Interim 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: June 20, 2023 – Public Hearing
Erika Hughes, VHB, Inc.
Waterleigh Planned Development
Case # CDR-22-11-355 / District 1

The Waterleigh Planned Development (PD) is located North of Water Springs Boulevard / West of Avalon Road. The existing PD development program allows for 3,600 residential dwelling units, 204,453 square feet of non-residential uses, and elementary and middle school sites. Through this PD substantial change, the applicant is seeking to update the conceptual Village Center layout and add two new permitted uses in the Village Center District, PD Parcel 13, including a liquor store and a self-storage facility. On March 22, 2023, the Development Review Committee (DRC) recommended approval of the request, subject to conditions.

This item was continued from the May 2, 2023 Board hearing to allow the applicant to hold a community meeting. A community meeting was held on Thursday, June 8, 2023 at the Water Spring Elementary School Cafeteria and there were over 80 residents in attendance.

The comments and concerns of the residents included the following:

- Storage use in a village center is not a good use
- People don't walk or bike to a storage place
- Separate the application: have one request for the liquor store use and another one for the storage use
- There will be issues with moving trucks and possible traffic conflicts with pedestrians

- Issues with traffic on Avalon Road
- Village center needs more restaurants
- Residents want more businesses like restaurants and gyms.
- Residents pay top dollars to have a place where to live, work, and play
- The storage use is not compatible with the village center

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 Waterleigh Planned Development / Land Use Plan (PD/LUP) dated “Received April 10, 2023”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

CASE # CDR-22-11-355

Commission District: # 1

GENERAL INFORMATION

APPLICANT Erika Hughes, VHB, Inc.

OWNER DR Horton Inc.

PROJECT NAME Waterleigh Planned Development (PD)

PARCEL ID NUMBER(S) 08-24-27-7525-06-001

TRACT SIZE 28.95 gross acres (overall PD)

LOCATION Generally located North of Water Springs Boulevard / West of Avalon Road

REQUEST A Change Determination Request (CDR) to A PD substantial change to update the conceptual Village Center layout and add two new permitted uses in the Village Center District, PD Parcel 13, including a liquor store and a self-storage facility.

PUBLIC NOTIFICATION A notification area extending beyond thirteen hundred (1,300) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred thirty-one (131) notices were mailed to those property owners in the notification buffer area. A community meeting was required for this application.

IMPACT ANALYSIS

Special Information

The Waterleigh PD contains 1,485.4 gross acres, was originally approved on February 12, 2013, and currently provides for a development program of 3,600 residential dwelling units, 204,453 square feet of non-residential uses, and elementary and middle school sites.

Through this PD substantial change, the applicant is seeking to update the conceptual Village Center layout and add two new permitted uses in the Village Center District, PD Parcel 13, including a liquor store and a self-storage facility.

The Horizon West Village Code Sec.38-1389(c)(2) describes uses allowed in the Village Center districts. Sec.38-1389(c)(2)(d) calls out an additional set of uses which must be approved as a substantial change to the LUP and approved by the BCC. Self-storage facilities are one of the uses on this list and must comply with design standards as identified in the following code section:

Sec.38-1389(c)(2)(d) **Note

** Specific design standards for self storage facilities shall be established at the time of PD approval, PD substantial change approval, or PSP and DP approval (as may be applicable), and included on the respective land use plan or site plan. Notwithstanding application type, the specific design standards shall be subject to approval at a public hearing before the board of county commissioners. To ensure that self storage facilities are developed in an architecturally compatible fashion, while not precluding pedestrian accessibility, design standards shall include the following:

- Building modulation shall be employed to break up long façades and create a visually unique project. Building modulation may be achieved through the use of horizontal and vertical projections or recesses, including awnings, overhangs or other similar architectural features. Color and textural changes that diminish the perceived horizontal scale and massing of buildings, with particular attention given to building corners and primary entrances, may also be used. Regardless of building modulation, self storage facilities shall have a maximum building length of two hundred seventy-five (275) feet;
- At least one primary building facade shall have a minimum transparency of fifty (50) percent on the ground floor, and a minimum transparency of twenty-five (25) percent on all remaining floors. Each other primary building facade shall have a minimum combined transparency of twenty-five (25) percent for all floors. For purposes of these design standards, transparency may consist of transparent windows, vehicular breezeways, or spandrel glass features (without opening into building wall or structure); and dormers, shutters or other architectural elements may be used to further enhance facades;
- Building elements shall not function as signage, and unique or symbolic business elements shall be secondary to the overall architectural design;
- Access to storage units shall be encouraged from the interior of the building; however, any outdoor storage or outdoor access to storage units shall be screened from street view and shall not face or be visible from any street; and
- Regardless of street frontage, projects shall be limited to two (2) curb cuts on any block face and no more than three (3) curb cuts for any parcel.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The underlying Future Land Use Map (FLUM) designation of the Waterleigh PD is "Village", indicating that the property falls within the Horizon West Special Planning Area. More specifically, the PD parcels affected by this request is located within Horizon West Village H. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Environmental Protection Division (EPD) staff has reviewed the proposed request and did not identify any issues or concerns.

Transportation Planning

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, 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.

Community Meeting Summary

This item was continued from the May 2, 2023 Board hearing to allow the applicant to hold a community meeting. A community meeting was held on Thursday, June 8, 2023 at the Water Spring Elementary School Cafeteria and there were over 80 residents in attendance. The comments and concerns of the residents included the following:

- Storage use in a village center is not a good use
- People don't walk or bike to a storage place
- Separate the application: have one request for the liquor store use and another one for the storage use
- There will be issues with moving trucks and possible traffic conflicts with pedestrians
- Issues with traffic on Avalon Road
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- Residents pay top dollars to have a place where to live, work, and play
- The storage use is not compatible with the village center

Schools

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

Parks and Recreation

Orange County Parks and Recreation staff reviewed the Change Determination Request 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.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (March 22, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Waterleigh Planned Development / Land Use Plan (PD/LUP), dated “April 10, 2023”, subject to the following conditions:

1. Development shall conform to the Waterleigh Planned Development dated "Received April 10, 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 April 10, 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 final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. 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, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat 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.
8. The project shall comply with the terms and conditions of that certain Village H Road Network Agreement approved on February 12, 2013, and recorded at OR Book/Page 10525/6172, Public Records of Orange County, Florida, as may be amended.

9. Pole signs and billboards shall be prohibited. All other signage shall comply with the approved master sign plan or Chapter 31.5, where applicable.
10. In accordance with Section 38-1389(2)(d) the following uses are approved within the Village Center District: Adult / child day care centers, drive-thrus in conjunction with a permitted use, automobile service stations, liquor stores and self-storage.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 26, 2019, 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. 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).
 - c. The following waivers are granted from Orange County Code:
 - i. A waiver from Section 38-1389(d)(3)(g) to allow 70% of the build-to-line to be by landscaped street walls, in lieu of 50% for public street frontages. The total requirement for buildings and street walls will remain at 70% per code.
 - ii. A waiver from Section 38-1389(d)(4)(d) to allow for no maximum parking lot frontage within the Village Center, in lieu of 65' for major local streets and 200' for other streets.
 - iii. A waiver from Section 38-1389(d)(4)(h) to allow parking in the front of buildings in areas where the building face addresses the major external streets in lieu of parking in the rear and sides of buildings.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 10, 2018, shall apply:
 - a. Construction plans for residential and commercial development within this PD, submitted after January 31, 2019, shall not be approved until the APF Utility tract(s) (water and wastewater) and 50-foot access & utility easement are conveyed to Orange County Utilities.
 - b. The conveyed APF Utility tract(s) (water and wastewater) and minimum 50-foot access & utility easement or tract connection to public right-of-way, that are acceptable to the County, shall have a typical average slope of 5 percent or less over the existing grade, an elevation above the 100-year flood plain, and shall be located outside of wetlands. A developer-built offsite master stormwater system shall be designed and constructed to serve the APF Utility tract(s) and 50-foot access & utility easement.

- c. The Utility tract(s) (water and wastewater) identified in this PD shall be dedicated to the County in accordance with the Waterleigh PD APF Agreement approved by BCC, as may be amended. The actual location of the APF Utility tract(s) shall be identified with the PSP or DP.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 18, 2016 shall apply:
- a. As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village H Road Network Agreement recorded at O.R. Book 10525, Page 6172, 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 Preliminary Subdivision Plan/Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
- b. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village. Utilities infrastructure shall be built connecting to the buildout points of connection approved in the Village H MUP.
- c. The following waivers from Orange County Code are granted for the Master Sign Plan:
- i. A waiver from Section 38-79(114) is approved to allow a maximum accessory structure height of up to twenty-five (25) feet in lieu of twenty (20) feet with a roof slope of 2:12 or steeper for locations as depicted on the Master Sign Plan;
- ii. A waiver from Section 31.5-193 (c)(2) is approved to allow a maximum ground sign height of twelve (12) feet in lieu of eight (8) feet within the Village Center;
- iii. A waiver from Section 31.5-193(1)(c)(5) is approved to allow a maximum copy area of sixty (60) square feet for the primary subdivision sign in lieu of twenty (20) square feet and to allow the copy area of secondary subdivision signs to have a maximum copy area of twenty (20) square feet in lieu of ten (10) square feet;
- iv. A waiver from Section 31.5-67(b) is approved to allow for a maximum subdivision sign height of twelve (12) feet in lieu of eight (8) feet.
- d. Median signs shall not be allowed on the roads connecting to SR 545. Signs may be permitted in the medians of low volume, low speed roads and shall be located in a separate tract, to be owned and maintained by the HOA. The medians shall be designed to Greenbook standards addressing clear zone and sight distance requirements, and shall include non-mountable curbs.

14. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated July 19, 2016 shall apply:
- a. The covenants, conditions and restriction (CC&Rs) shall contain notification of the proximity of solid waste management facilities within one-mile of development activity in this project area.
 - b. 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.
 - c. The following waivers from Orange County Code are granted for PD Parcels 10 and 11 only:
 - i. A waiver from Orange County Code Section 38-1258(c) to allow a maximum height of five (5) stories and sixty-five (65) feet for multi-family residential buildings located within one hundred fifty (150) feet from single family zoned property, in lieu of a maximum height of three stories and forty (40) feet for multi-family residential buildings located within one-hundred fifty (150) feet of single-family zoned property.
 - ii. A waiver from Orange County Code Section 38-1258(f) to eliminate the requirement of constructing a six (6) foot high masonry, brick, or block wall whenever a multi-family development is located adjacent to a single-family zoned property.
 - iii. A waiver from Orange County Code Section 38-1258(g) to allow multi-family development to access any right-of-way serving single-family residential development.
 - iv. A waiver from Orange County Code Section 38-1258(i) to eliminate the requirement of a multi-family development located adjacent to a right-of-way to be fenced whenever single-family zoned property is located across the right-of-way.
 - v. A waiver from Orange County Code Section 38-1258(j) to allow a minimum twenty (20) feet of building separation where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of thirty (30) feet of separation for two-story buildings, and in lieu of forty (40) feet of separation for building three (3) stories or higher.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 19, 2015, shall apply:
- a. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction

plan submittal. The updated MUP must be approved prior to construction plan approval.

- b. Payment of 500 ERUs (wastewater) and 500 ERCs (water) are due prior to construction plan approval for the first construction plan set within Village H unless previously satisfied by another Village H parcel. Alternatively, property owners may elect to enter into an agreement with Orange County to construct, with the first set of construction plans, the utility improvements beyond what is required by the Village H Master Utility Plan.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated April 9, 2013 and February 12, 2013, shall apply:
- a. Prior to construction plan approval, a phased master stormwater management plan including a drainage study to establish the 100-year flood elevation shall be submitted to the Development Engineering Division for review and approval.
 - b. Prior to the approval of the first PSP or DP for this PD, a driveway access spacing plan, consistent with the preliminary study included as part of the Road Network Agreement, for CR 545, Old YMCA Road, and the internal loop road shall be submitted to and approved by the County Engineer.
 - c. The APF Agreement shall be approved by BCC concurrent with the PD Land Use Plan.
 - d. The developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of 08-16-2006, and amended on 04-29-2008 and 06-24-2008.
 - i. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 199 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - ii. Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - iii. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County

Public Schools over any interpretation or provision of the Capacity Enhancement Agreement. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

- e. A Master Utility Plan (MUP) consistent with Village H MUP shall be submitted to Orange County Utilities prior to approval of the first PSP/DP. The MUP must be approved prior to Construction Plan approval.
- f. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
- g. Prior to construction plan approval, all property owners within Village H, 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.
- h. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- i. Outdoor sales, storage, and display shall be prohibited within any district that allows commercial / office uses.
- j. The following waivers are from Orange County Code Section 38-1258 (Multi-Family Development Compatibility):
 - i. i. A waiver is granted from Section 38-1258(a) to allow multi-family buildings located within twenty-five (25) feet of single-family zoned property to be developed at a maximum height of five (5) stories and sixty-five (65) feet, in lieu of single-story maximum within one-hundred (100) feet of single-family zoned property.
 - ii. A waiver is granted from Section 38-1258(b) to allow multi-family buildings between twenty-five (25) feet to one-hundred and fifty (150) feet of single family zoned property to be developed at a maximum height of five (5) stories and sixty-five (65) feet in height for one-hundred (100) percent of the buildings, 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 varying in height with a maximum of fifty percent (50%) 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.
 - iii. A waiver is granted from Section 38-1258(e) to allow for ten (10) foot paving setbacks adjacent to single-family zoned property, in lieu of a twenty-five (25) foot minimum paving setback.

- k. A waiver is granted from Orange County Code Section 38-1384(f)(l) [General Residential Development Standards] to allow each block face with more than five (5) lots with or without alleys to contain one (1) distinct lot size (excluding end units), in lieu of at least two (2) distinct lot sizes (excluding end units).

- l. The following waivers are from the development guidelines under Orange County Code Sections 38-1385.8 (Garden Home Mixed Use District) and 38-1386 (Village Home District):
 - i. A waiver is granted from Section 38-1385.8(b)(2) to decrease the minimum average lot size to three-thousand eight-hundred and forty (3,840) square feet for single-family lot sizes less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of six-thousand (6,000) square feet.

 - ii. A waiver is granted from Section 38-1385.8(b)(4) to allow for a minimum lot width of thirty-two (32) feet for single-family detached units, in lieu of forty (40) feet for single-family detached units.

 - iii. A waiver is granted from Section 38-1385.8(b)(9)(a) to allow a seven (7) foot front porch setback for lots less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of a ten (10) foot front porch setback.

 - iv. A waiver is granted from Section 38-1385.8(b)(9)(b) to allow a minimum side yard setback of four (4) feet for lots less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of a five (5) foot side yard setback.

 - v. A waiver is granted from Section 38-1386(b)(2) to decrease the minimum average lot size to three-thousand eight-hundred and forty (3,840) square feet for single-family lots sizes less than thirty-five (35) feet in width [and corner lots less than forty-five (45) feet in width], in lieu of four-thousand two-hundred (4,200) square feet.

 - vi. A waiver is granted from Section 38-1386(b)(4) to allow for a minimum lot width of thirty-two (32) feet for single-family detached units, in lieu of thirty-five (35) feet for single-family detached units.

 - vii. A waiver is granted from Section 38-1386(b)(10)(a) to allow a seven (7) foot front porch setback for lots less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of a ten (10) foot front porch setback.

 - viii. A waiver is granted from Section 38-1386(b)(10)(b) to allow a minimum side yard setback of four (4) feet for lots less than thirty-five (35) feet in width [and corner lots less than forty-five (45) feet in width], in lieu of a five (5) foot side yard setback.

- m. A waiver is granted from Orange County Code Sections 38-1387.2(a)(8)(c) [Apartment District] and 38-1387.3(b)(3)(h)(3) [Condominium District] to correct the referenced code section to reflect "garage setbacks per section 38-1384(g)", in lieu of "garage setbacks per section 38-1384(i)".
- n. A waiver is granted from Orange County Code Section 38-1388(e)(i) [Neighborhood Center District] to eliminate the maximum fifty (50) foot lot width.
- o. The Development Standards and Guidelines for this PD shall be consistent with Orange County Code Chapter 38 (New Village PD Code) unless expressly and explicitly waived by the Board of County Commissioners.
- p. Multi-use trails / bike paths shall be maintained by the HOA. Funding of this maintenance expense shall be the responsibility of the HOA unless the County approves a MSBU or other funding mechanism for this purpose.
- q. Prior to the first PSP/DP an agreement addressing development and maintenance of the APF Park land shall be entered into with the developer and the County.
- r. Waivers to any development standard of Chapter 38 of the Orange County Code may be granted by the Board of County Commissioners at a public hearing in conjunction with the approval of any PSP for a parcel(s) of land within the Waterleigh PD, except as may be provided to the contrary in Section 38-1207 regarding substantial changes to a PD/LUP. A revised PD noting the requested waivers (applicable to the specific PSP) shall be submitted with the PSP application. Notification of waiver requests prior to the public hearing shall be the same as that required for a substantial change to a PD/LUP, e.g., including notice to owners of property within 300 feet of the perimeter of the PD.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (February 26, 2019)

Upon a motion by Commissioner VanderLey, seconded by Commissioner Moore, and carried by 7-0 vote. The motion was made to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report.



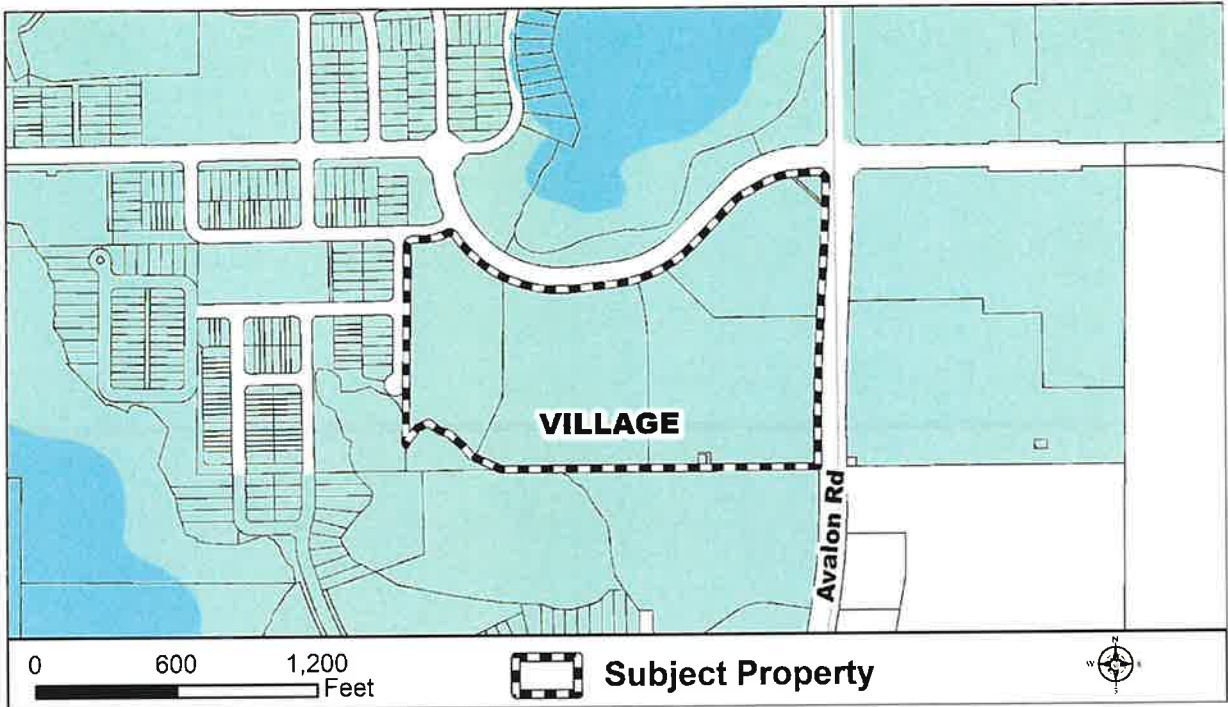
 **Subject Property**



0 500 1,000
Feet

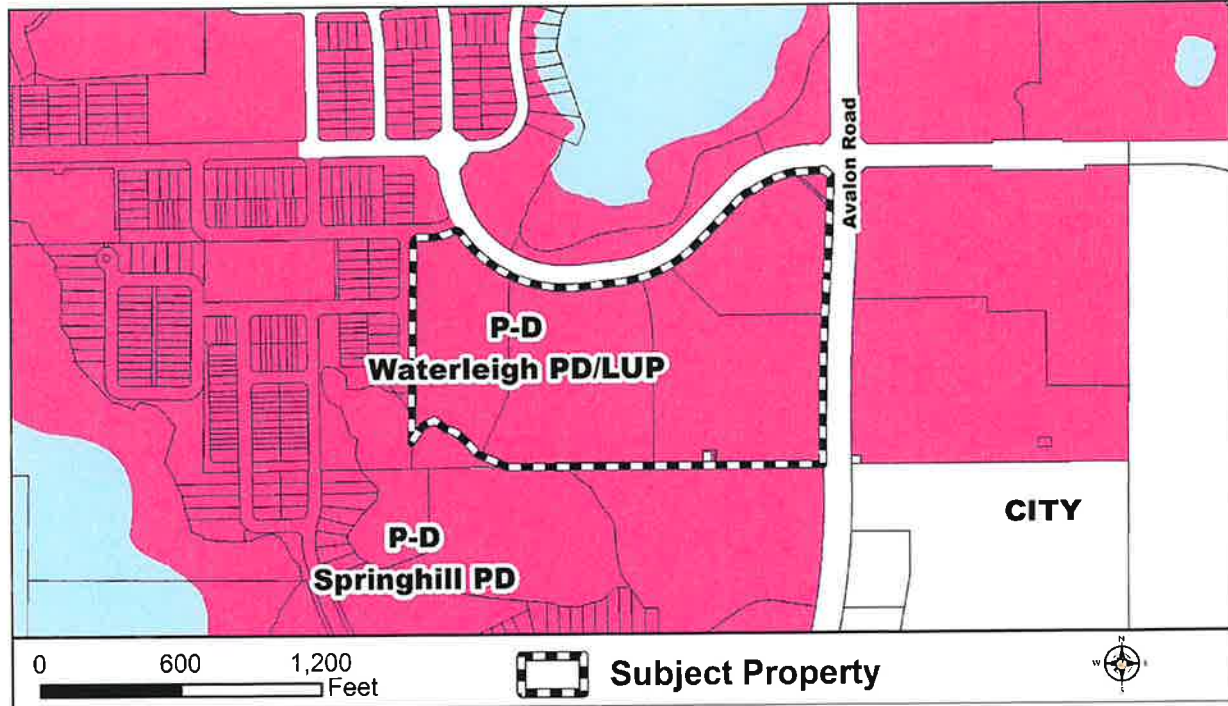
FUTURE LAND USE - CURRENT

Village (V)



ZONING - CURRENT

P-D (Planned Development)



Waterleigh PD / LUP (Cover Sheet)

**Waterleigh Planned Development
 / Land Use Plan**

CDR- 22-11-355

Hickorynut Village (Village H) of Horizon West
 Orange County, Florida

Parcel ID#: 08-24-27-7525-06-001;08-24-27-7525-01-001



Site Location Map

Property Information

Owner / Applicant:

D.R. Horton, Inc.
 10192 Dowden Road,
 Orlando, FL 32832-5128
 Tel: 407-850-5200

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VHB
 255 E. Robinson St, Suite 300
 Orlando, FL 32801
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Legal
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Lombardi Hruschick Hoiter Kantor & Reed, P.A.
 315 North First Street
 Orlando, FL 32801
 P: 407.433.6901

Environmental
Blue Tech Consulting, Inc.
 3023 E. Robinson Street
 Orlando, FL 32803
 P: 407.891.9669

Survey
Donald W. McClain & Associates, Inc.
 2200 Park Avenue, Suite 200
 Winter Park, FL 32789
 P: 407.744.6008

Issued for:

Date Issued: 12/12/2014

Latest Issue: 03/22/2023

LEGAL DESCRIPTION

See Sheet 11.

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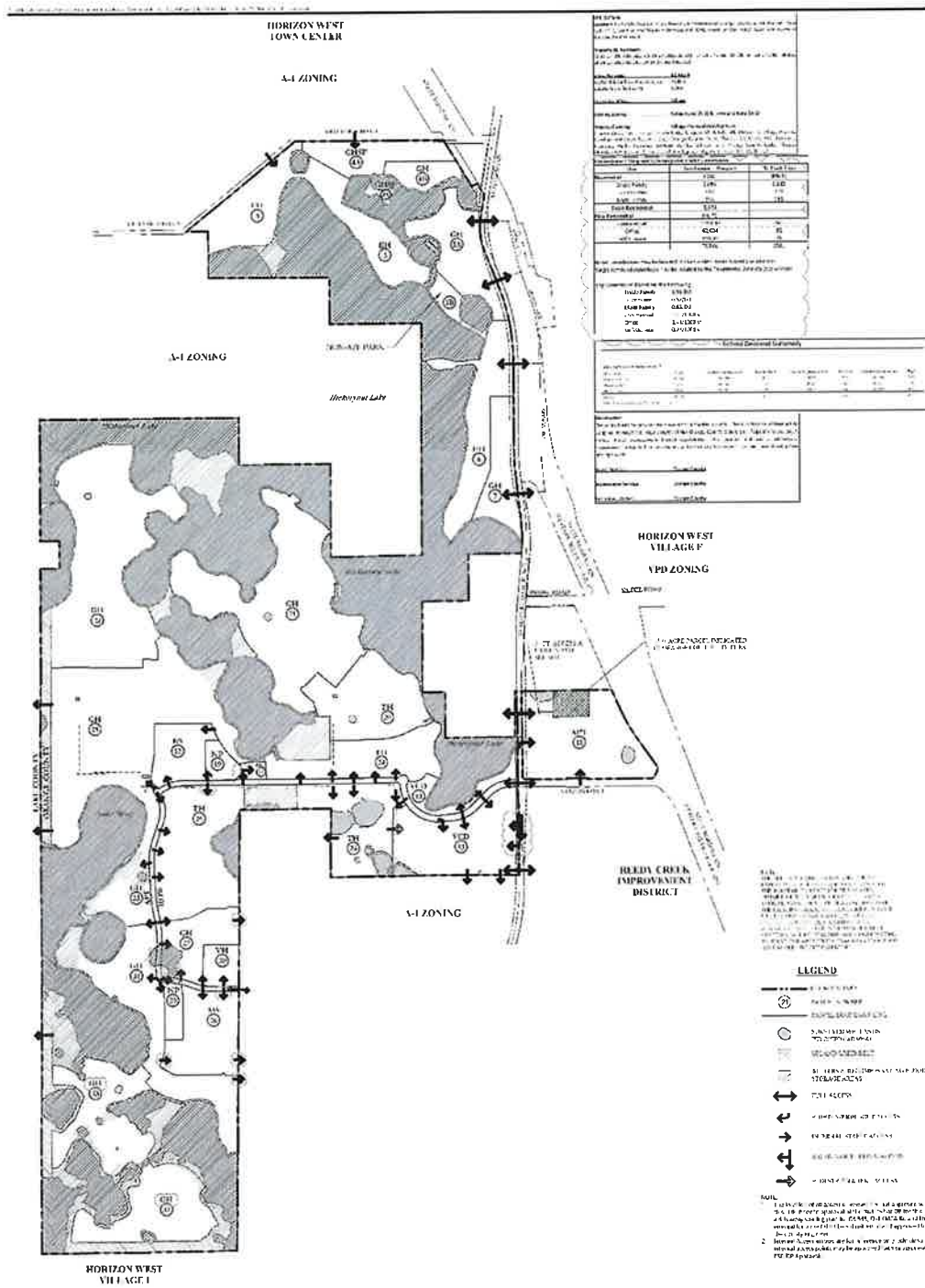
| No. | Drawing Title | Latest Revision |
|----------|---------------------------------------|-----------------|
| Sheet 1 | Cover Sheet | 03/22/2023 |
| Sheet 2 | Location Map-Aerial | 06/14/2019 |
| Sheet 3 | Soils Map | 06/14/2019 |
| Sheet 4 | Topography and Flood Plain | 06/14/2019 |
| Sheet 5 | Vegetation / F.U.CCS / Wetland Limits | 06/14/2019 |
| Sheet 6 | Land Use Plan | 03/22/2023 |
| Sheet 6A | Village Center / Land Use Plan | 03/22/2023 |
| Sheet 7 | SAP and Code Consistency | 02/24/2021 |
| Sheet 8 | Notes & Waivers - Design Standards | 02/13/2023 |
| Sheet 8A | Self-storage Building Elevations | 03/08/2023 |
| Sheet 9 | Adequate Public Facilities & TDR | 07/10/2020 |
| Sheet 10 | Typical Sections | 06/14/2019 |
| Sheet 11 | Boundary Sketch & Legal Description | 06/14/2019 |
| Sheet 12 | Master Sign Plan | 07/10/2020 |
| Sheet 13 | Master Sign Plan - Details & Notes | 06/14/2019 |

CHANGE DETERMINATION REQUEST

1. Add liquor store as a permitted use on Parcel 13;
2. Add self-storage as a permitted use on Parcel 13;



Waterleigh PD / LUP

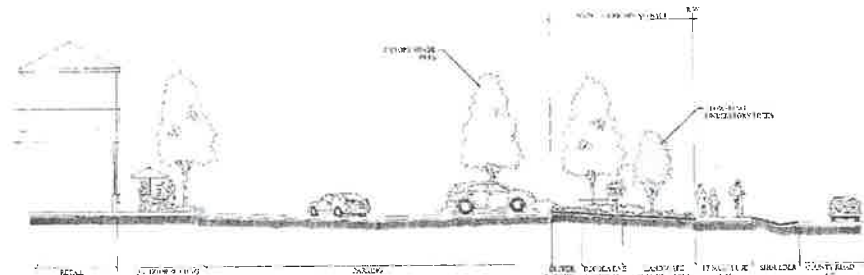
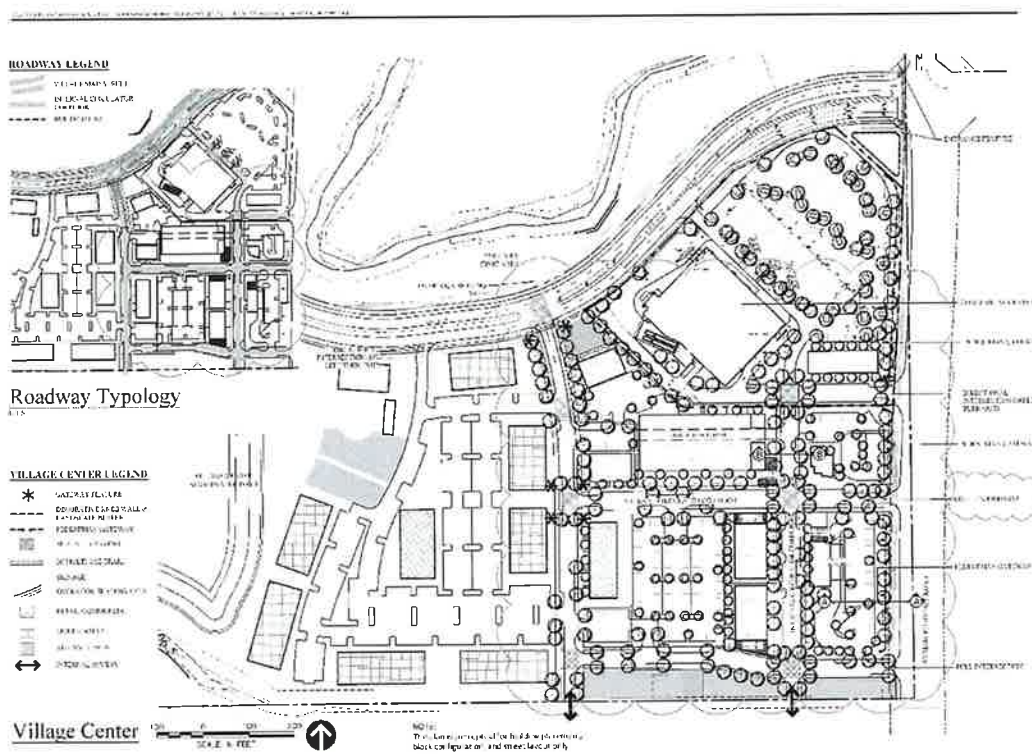


Land Use Plan
 Waterleigh Planned Development/Land Use Plan
 Hickorynut Village (Village H) of Horizon West
 Orange County, Florida

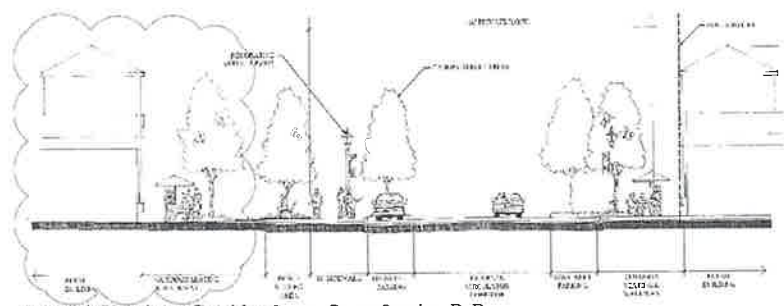
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6

Waterleigh PD / LUP (Conceptual Village Center Plan)



APF/CR545 Street Cross Section A-A



Internal Circulator Corridor Street Cross Section B-B

Village Center / Land Use Plan
Waterleigh Planned Development/Land Use Plan
Hickorynut Village (Village H) of Horizon West
Orange County, Florida

6A

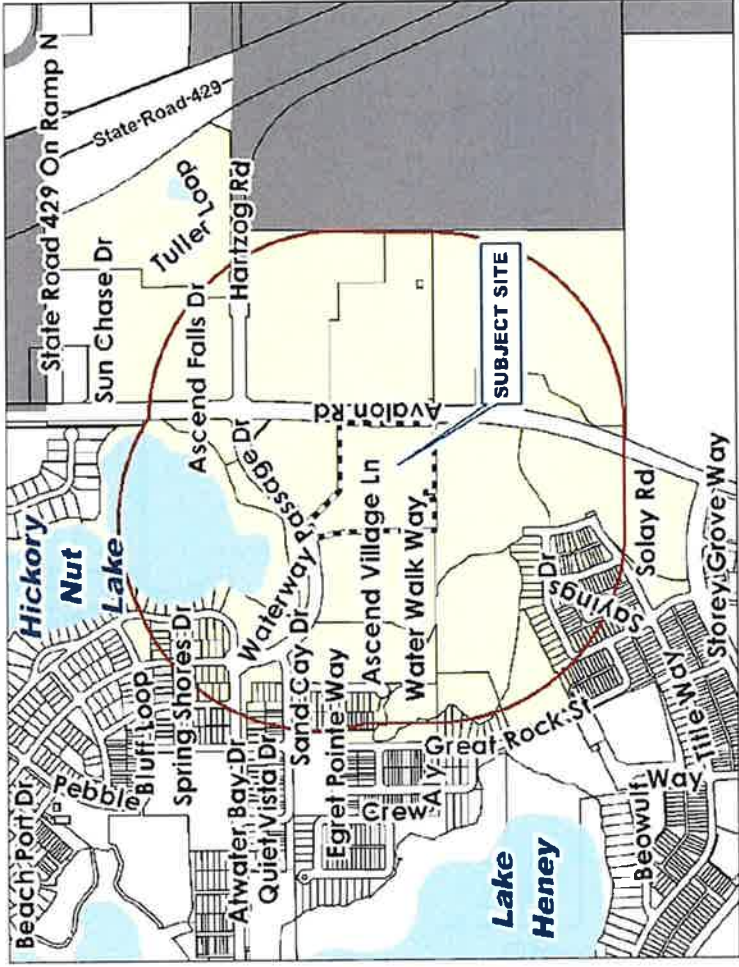


vhb

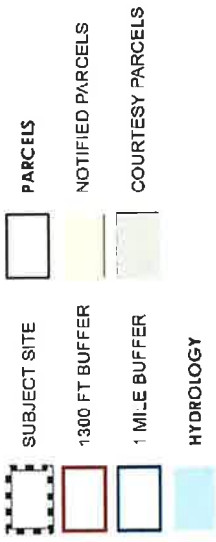
Notification Map

Public Notification Map

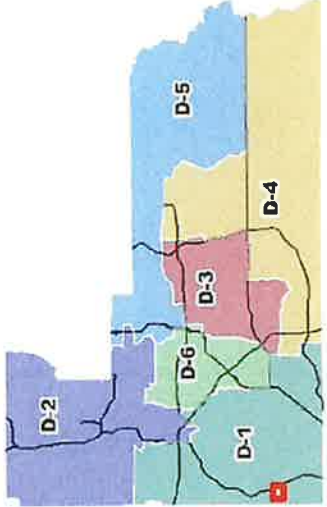
Waterleigh PD_CDR-22-11-355



MAP LEGEND



BUFFER DISTANCE: 1300
 # OF NOTICES: 131



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