





Interoffice Memorandum

DATE: January 29, 2019

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

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

CONTACT PERSON: Eric Raasch, Interim DRC Chairman
Development Review Committee
Planning Division 
(407) 836-5523

SUBJECT: February 26, 2019 – Public Hearing
Adam Smith, VHB, Inc.
Waterleigh Planned Development
Case # CDR-18-03-073 / District 1

The Waterleigh Planned Development (PD) is generally located west of the intersection C.R. 545 (Avalon Road) and Flamingo Crossings Boulevard. The existing PD contains 1,485.40 gross acres and was originally approved on February 12, 2013. The PD currently allows a development program of 3,600 residential dwelling units, 204,453 square feet of non-residential uses, and public elementary and middle school sites.

Through this PD substantial change, the applicant is seeking to revise the layout for the conceptual layout for the Village Center, request conditional uses for the Village Center in accordance with Orange County Code Section 38-1389(2)(d), as well as to eliminate parcels 10, 14, and 23, and update the unit counts and acreages for Parcels 11, 13, 24, 25, 26, 27, 30, and 31. The requested conditional uses include adult/child day care centers, drive-throughs in conjunction with a permitted use, and automobile service stations.

On November 7, 2018, 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 Waterleigh Planned Development / Land Use Plan (PD/LUP) dated “Received October 4, 2018”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachments
JWW/EPR/nt

CASE # CDR-18-03-073

Commission District: # 1

GENERAL INFORMATION

APPLICANT Adam Smith, VHB, Inc.

OWNER D. R. Horton, Inc.

PROJECT NAME Waterleigh Planned Development (PD)

PARCEL ID NUMBERS 07-24-27-0000-00-003 and 07-24-27-0000-00-001

TRACT SIZE 1,485.4 gross acres (*overall PD*)
347.7 gross acres (*affected parcels only*)

LOCATION Generally west of the intersection C.R. 545 (Avalon Road) and Flamingo Crossings Boulevard

REQUEST A PD substantial change to revise the conceptual layout for the Village Center, request conditional uses for the Village Center, eliminate Parcels 10, 14, and 23, and update the unit counts and acreages for Parcels 11, 13, 24, 25, 26, 27, 30, and 31.

Additionally, the applicant has requested the following three (3) waivers from Orange County Code:

1. 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.

Applicant Justification: *The public street rights-of-way are multi-lane arterial and collector streets with high traffic supporting commuters and multiple schools. For pedestrian safety, Internal Collector/Corridors have been established to create the pedestrian environment for the Village Center. Street Walls and landscaping will be used along the public street frontages as place making attributes and will include pedestrian paths into the walkable grid commercial areas.*

2. 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.

Applicant Justification: *Knee walls and landscape buffers have been included to screen the parking areas. Due to high traffic volumes of the exterior major streets, development has been internalized within the Village Center to promote*

pedestrian movement in a more safe environment. This includes the majority of the parking being placed around the perimeter of the commercial district to limit vehicular traffic in areas where the walking grid is promoted.

3. 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.

Applicant Justification: *Knee walls and landscape buffers have been included to screen the parking areas. Due to high traffic volumes of the exterior major streets, development has been internalized within the Village Center to promote pedestrian movement in a more safe environment. This includes the majority of the parking being placed around the perimeter of the commercial district to limit vehicular traffic in areas where the walking grid is promoted.*

PUBLIC NOTIFICATION A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred forty-two (342) 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 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 public elementary and middle school sites.

Through this PD Change Determination Request (CDR), the applicant is seeking to revise the layout for the conceptual layout for the village center, request conditional uses for the Village Center in accordance with Orange County Code section 38-1389(2)(d), as well as to eliminate Parcels 10, 14, and 23, and update the unit counts and acreages for Parcels 11, 13, 24, 25, 26, 27, 30, and 31 as shown in the table below. The requested conditional uses include adult/child day care centers, drive-throughs in conjunction with a permitted use, and automobile service stations. The request also includes three (3) waivers from Orange County Code to allow for 70% of the required public street frontage to be achieved through knee walls in lieu of 50%; to remove the maximum parking lot frontage within the Village Center; and to allow for parking in front of buildings.

The following table shows the impacted districts, with no change to the overall unit count:

Parcel	SAP Use	Existing Est. Developable Area	Proposed Est. Developable Area	Existing Units Allowed	Proposed Units Allowed	Existing Density	Proposed Density
10	Townhome	13.8	N/A	77	N/A	7.1	N/A
11	Apartment	29	42.8	504	730	22.2	21.6
13	Village Center	38.1	44.6	406	383	13.5	10.9
14	Village Center	6.5	N/A	122	N/A	23.8	N/A
23	Condo	12.8	N/A	226	N/A	22.4	N/A
24	Townhome	36.9	49.7	177	239	6.1	6.1
	Garden Home						
25	Mixed Use	110.3	121.8	415	426	4.7	4.4
26	Townhome	16.4	19.1	103	150	8	10
	Garden Home						
27	Mixed Use	28.4	28.4	132	191	5.9	8.5
30	Village Home	5.1	5.1	34	30	8.4	7.5
	Garden Home						
31	Mixed Use	36.2	36.2	86	133	3	4.7
Total		333.50	347.70	2282	2282	6.84	6.56

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 are 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. If approved, staff will administratively update the Horizon West Special Planning Area Land Use Map.

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, but did not identify any issues or concerns.

Transportation Concurrency

Avalon Road (CR 545): A Village H Horizon West Road Network Agreement for C.R. "Signatory Owners" was approved by the BCC on 2/12/2013 and recorded at OR Book/Page 10525/6172. The Village H Horizon West Road Network Agreement provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of C.R. 545 to four lanes in four phases according to specific trip allocations and performance thresholds. Concurrency Vesting shall be provided pursuant to Table 1 based on achieved thresholds of the road improvements. Conveyance shall be by general warranty deed at no cost to the County prior to each phase of roadway construction. The Signatory Owners will receive Road Impact Fee Credits in Road Impact Fee Zone 4 for the lesser of (a) 95% of the actual, reasonable unreimbursed sums incurred by Signatory Owners for permitting, design, mitigation, inspection and construction expense exclusive of enhanced landscaping and street lighting or (b) 60% of the countywide average total cost of road construction per lane mile. This agreement was negotiated based on the approved Horizon West Global Road Term Sheet.

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.

Community Meeting Summary

A community meeting was not required for this request.

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 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 – (November 7, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Waterleigh Planned Development / Land Use Plan (PD/LUP), dated "October 4, 2018", subject to the following conditions:

1. Development shall conform to the Waterleigh PD Land Use Plan (LUP) dated "Received October 4, 2018," 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 October 4, 2018," 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 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. The project shall comply with the terms and conditions of that certain Village H Road Network Agreement recorded at Official Records Book/Page 10525/6172, Public Records of Orange County, Florida, as may be amended.
7. 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.
8. 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).
9. 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, and automobile service stations.
10. The following waivers are granted from Orange County Code:
 - a. 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.
 - b. 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.

- c. 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.
11. 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.
12. 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. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan.
 - d. The following waivers from Orange County Code are granted for the Master Sign Plan:

- 1) 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;
 - 2) 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;
 - 3) 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;
 - 4) 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.
- g. 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.
13. 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:
 - 1) 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.
 - 2) 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.

- 3) 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.
 - 4) 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.
 - 5) 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.
14. 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.
15. 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.
- 1) 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.

- 2) 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.
 - 3) 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):
 - 1) 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.

- 2) 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.
- 3) 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):
 - 1) 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.
 - 2) 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.
 - 3) 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.
 - 4) 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.
 - 5) 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.
 - 6) 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.

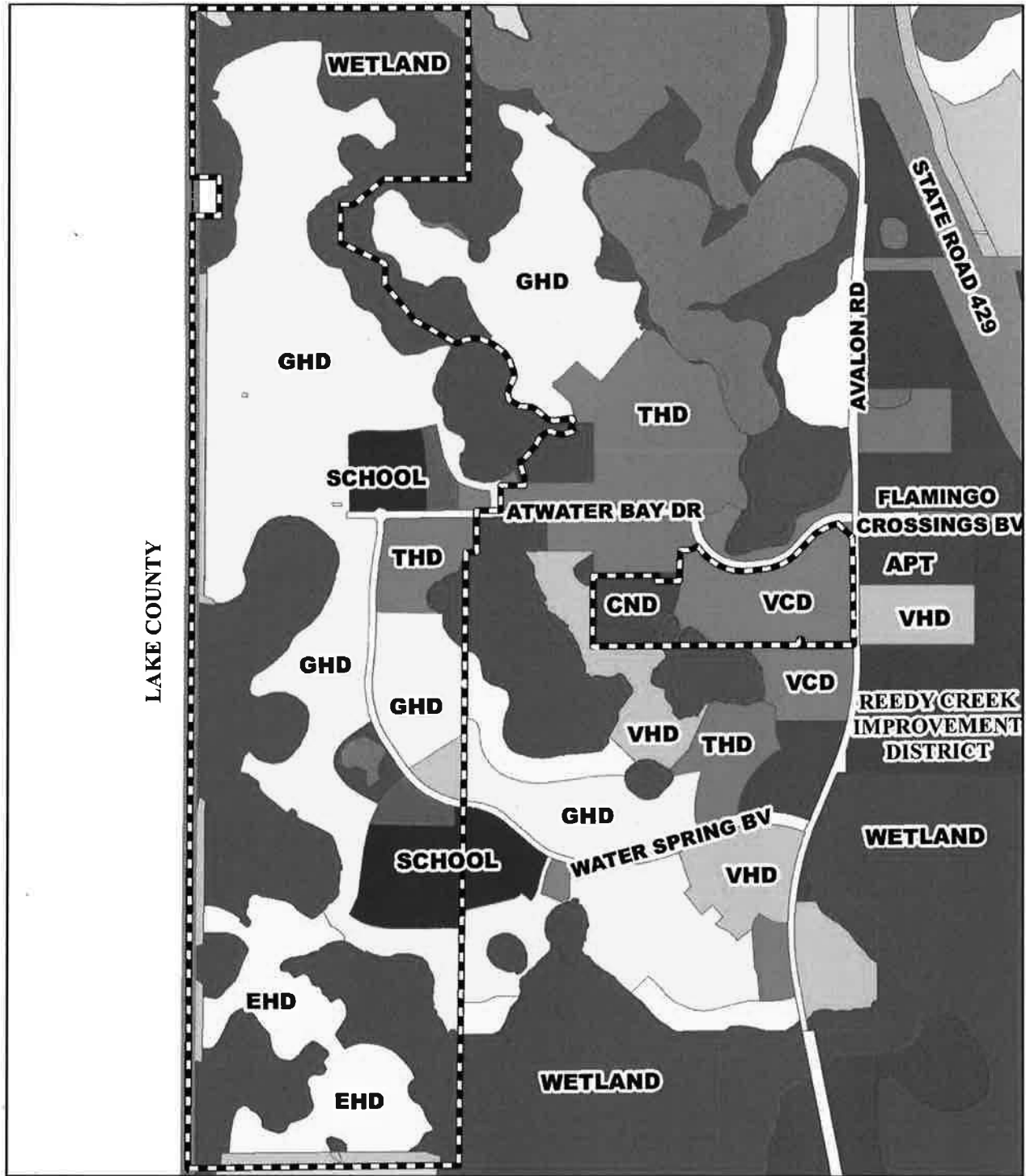
- 7) A waiver is granted from Section 38-1386(b)(10)(a) to allow a seven (7) foot front porch setback for lots less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of a ten (10) foot front porch setback.
- 8) A waiver is granted from Section 38-1386(b)(10)(b) 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 (April 10, 2018)

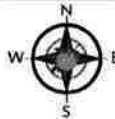
Upon a motion by Commissioner VanderLey, seconded by Commissioner Nelson, and carried with all present members voting AYE by voice vote; the Board made a finding of consistency with the Comprehensive Plan; and approved the request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report; and further, approved the new condition of approval.

Horizon West Special Planning Area Land Use Map

CDR-18-03-073



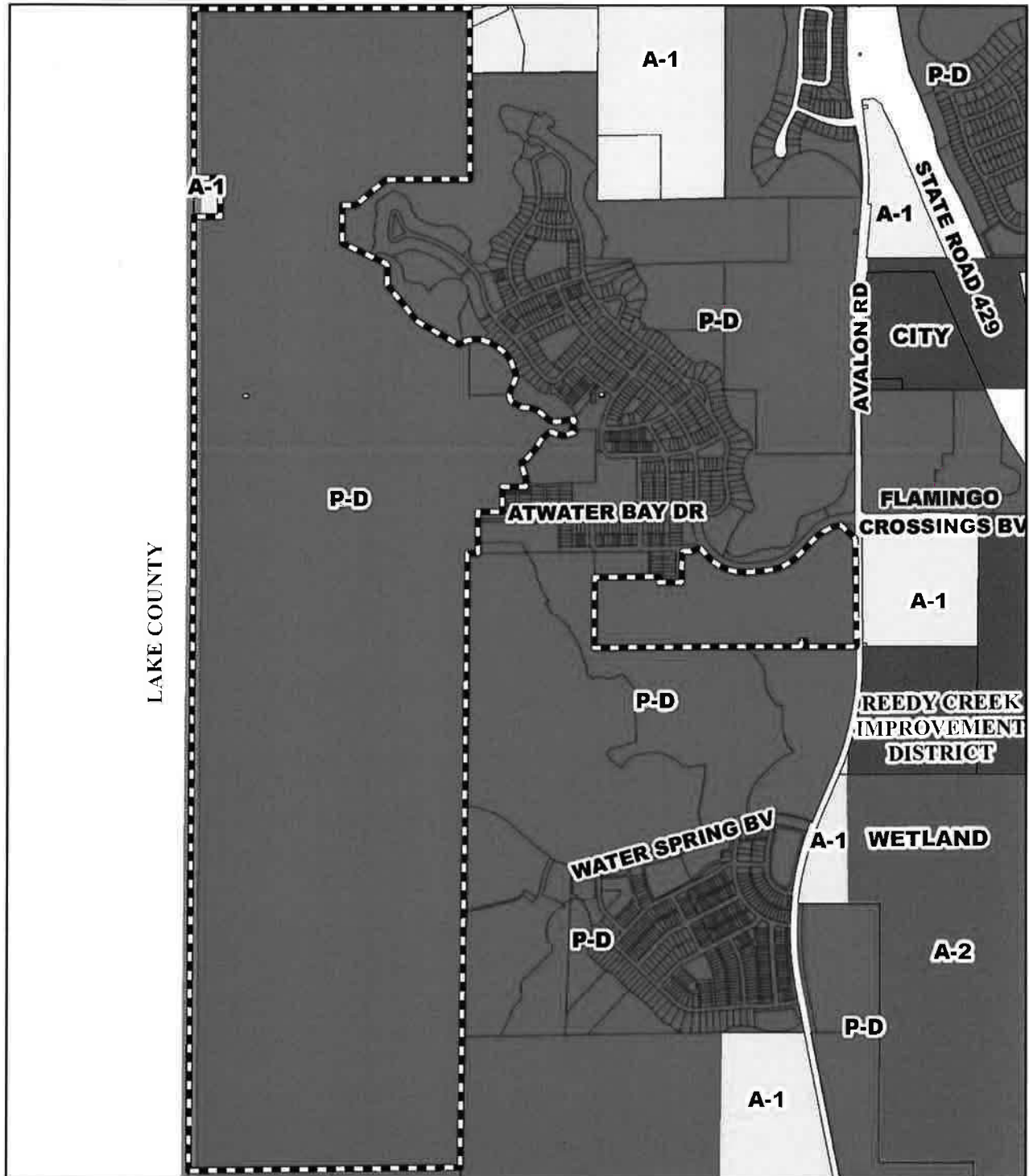
 Subject Property



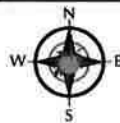
1 inch = 1,350 feet

ZONING MAP

CDR-18-03-073



 Subject Property



1 inch = 1,350 feet

AERIAL MAP

CDR-18-03-073

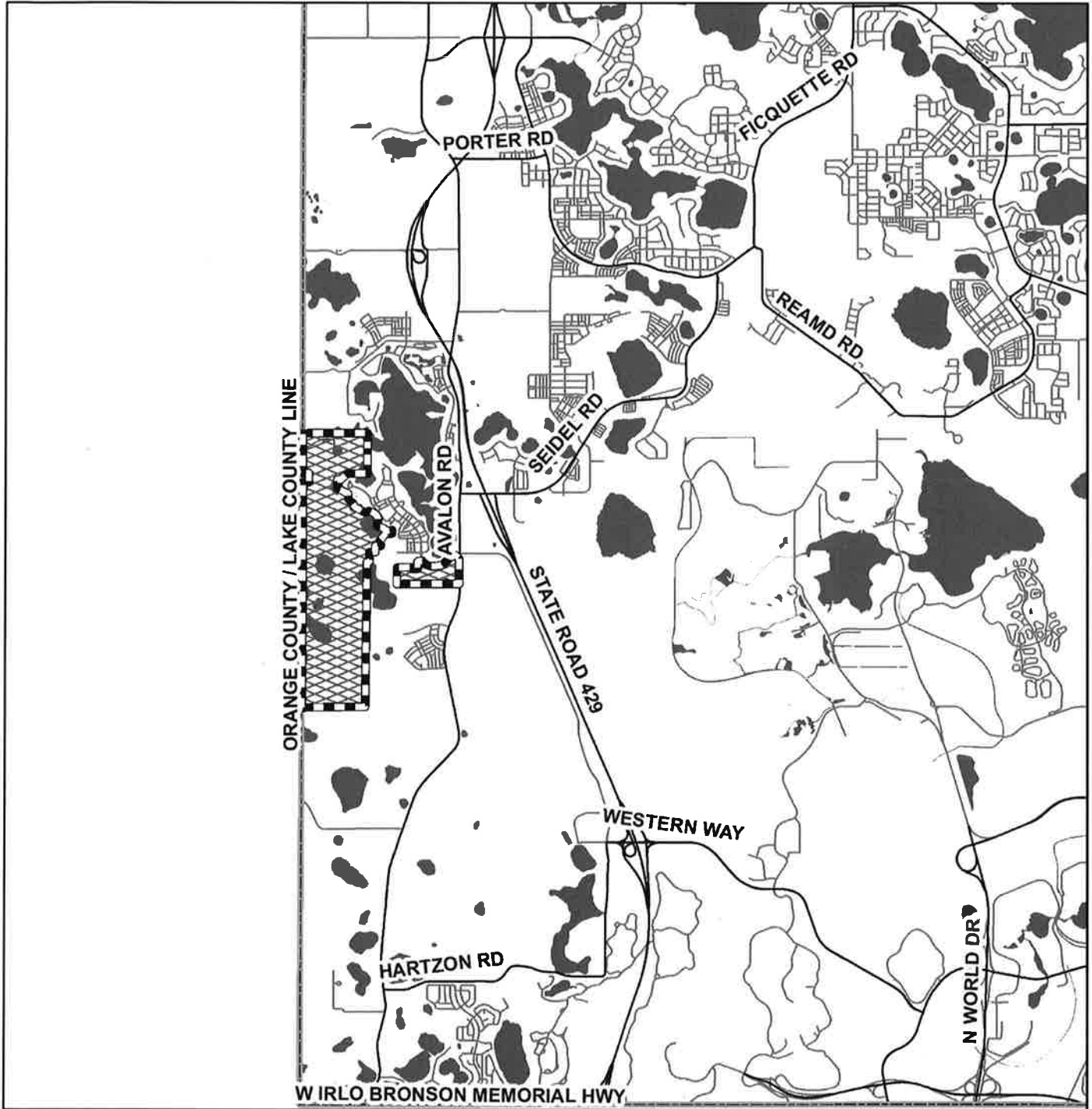


 Subject Property



1 inch = 1,350 feet

LOCATION MAP



Subject Property 

Waterleigh PD / LUP (Cover Sheet)

**Waterleigh Planned Development
 / Land Use Plan**

CDR-18-03-073

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

Parcel ID#: 07-24-27-0000-00-003 (Portions of), 08-24-27-0000-00-017 (Portions of)



Site Location Map ↑

Property Information

Owner / Applicant:
D.R. Horton, Inc.
 5850 T.G. Lee Blvd., Suite 600
 Orlando, FL 32822
 Tel.: 407.850.5200

Agent:
Jim Cooper
Cooper Development LLC
 400 N. New York Ave., Suite 110
 Winter Park, FL 32790
 Tel.: 407.808.9386

Community Planner & Civil Engineer:
YIH
 235 E. Robinson St, Suite 300
 Orlando, FL 32801
 P: 407.833.4000 - F: 407.833.4008

Legal:
Miranda F. Fitzgerald
Lowndes Dowditch Duster Kantor & Reed, P.A.
 215 North Kola Drive
 Orlando, FL 32801
 P: 407.843.6000

Environmental:
Rio Tech Consulting, Inc.
 2002 E. Robinson Street
 Orlando, FL 32803
 P: 407.804.7000

Surveyor:
Donald W. McIntosh Associates, Inc.
 2200 Park Avenue North
 Winter Park, FL 32789
 P: 407.644.4068

Issued for:

Date Issued: 12/12/2014

Latest Issue: 10/03/2018

Index

No.	Drawing Title	Latest Revision
Sheet 1	Cover Sheet	10/03/2018
Sheet 1A	BCC Conditions of Approval	10/03/2018
Sheet 2	Location Map-Aerial	10/03/2018
Sheet 3	Soils Map	10/03/2018
Sheet 4	Topography and Flood Plain	10/03/2018
Sheet 5	Vegetation / FLUCCS / Wetland Limits	10/03/2018
Sheet 6	Land Use Plan	10/03/2018
Sheet 6A	Village Center / Land Use Plan	10/03/2018
Sheet 7	SAP and Code Consistency	10/03/2018
Sheet 8	Notes & Waivers - Design Standards	10/03/2018
Sheet 9	Adequate Public Facilities & TDR	10/03/2018
Sheet 10	Typical Sections	10/03/2018
Sheet 11	Boundary Sketch & Legal Description	10/03/2018
Sheet 12	Master Sign Plan	10/03/2018
Sheet 13	Master Sign Plan - Details & Notes	10/03/2018

CHANGE DETERMINATION REQUEST

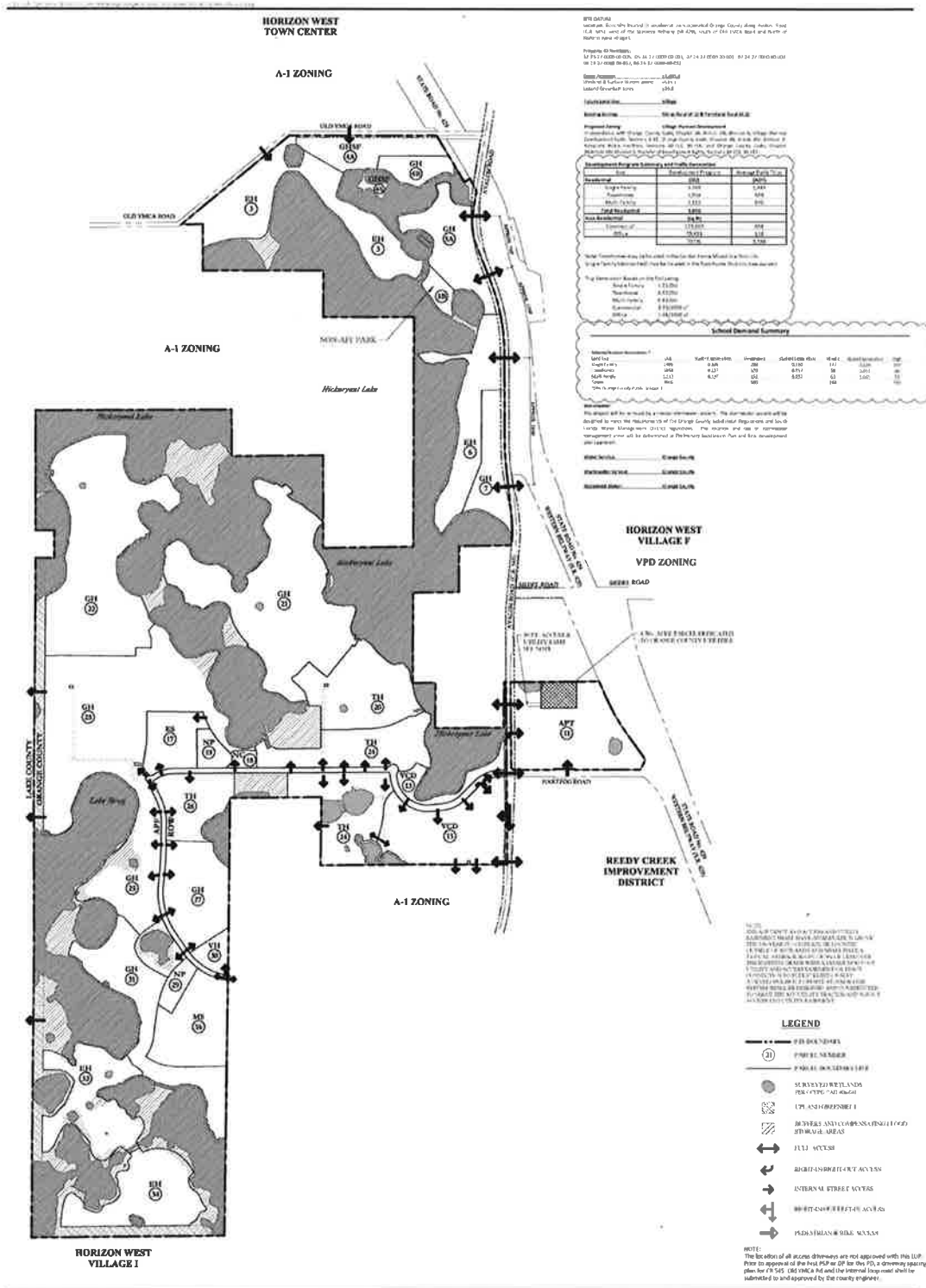
1. Revise layout for Village Center & request waivers.
2. Eliminate parcels 10, 14 and 23.
3. Reduce overall density.
4. Update unit counts for parcels 11, 13, 24, 25, 26, 27, 30 & 31.
5. Add conditional uses for the Village Center.

NOT TO BE CONSIDERED WITH SECTION 16.12(2), ANY PARCELS WITH ORANGE COUNTY BCCD DESIGN STANDARDS SURVEYS OR TO BE CONSIDERED WITH THESE NOT BEEN PURPOSELY EMPLOYED BY THE BCC ARE INVALID

RECEIVED
 BY BCC OFFICE 01/30/2019, City 04, 2019



Waterleigh PD / LUP



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

SHEET 6

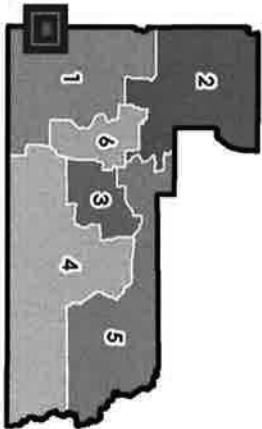
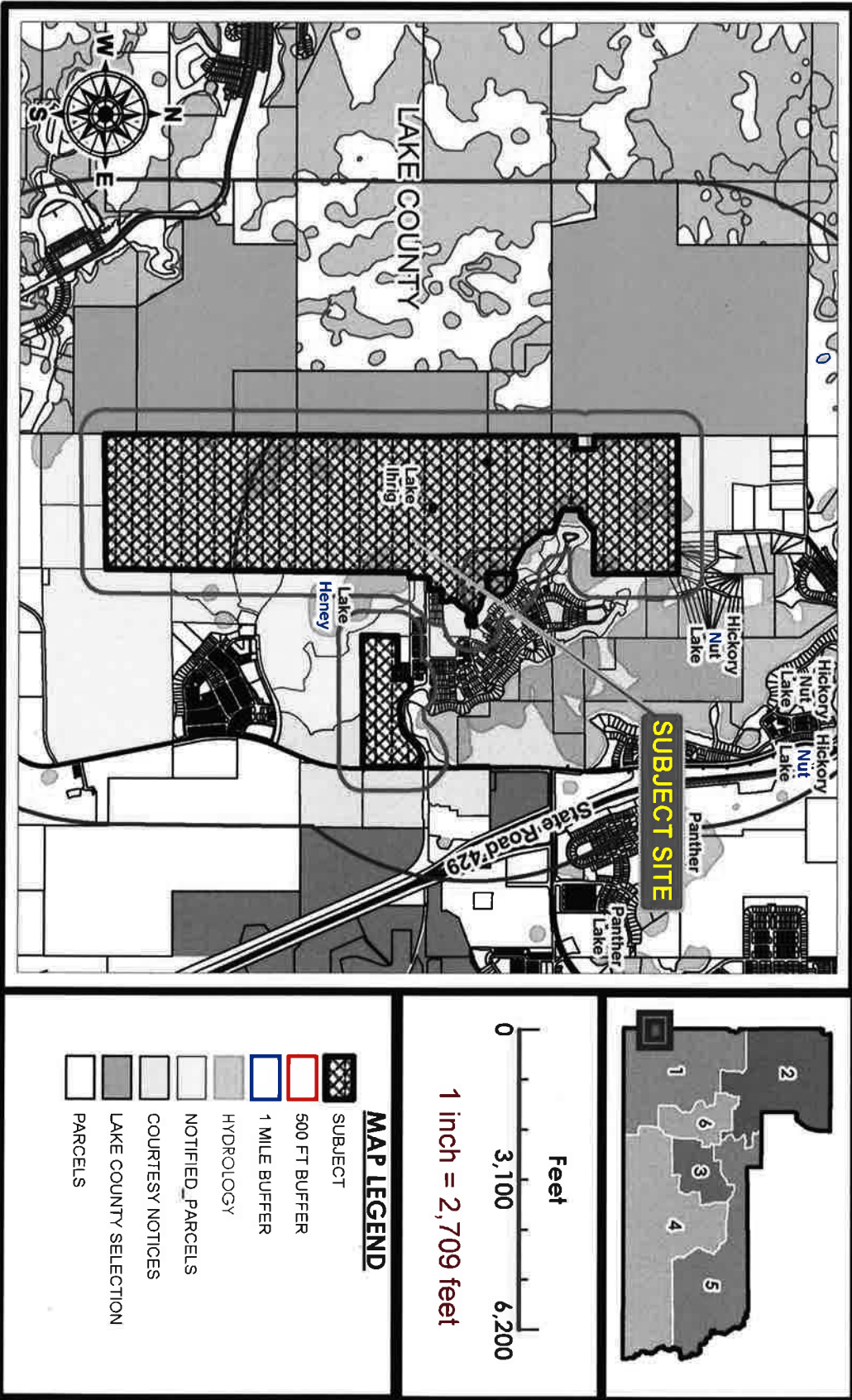
 vhb
 VILLAGE H
 DATE: 10/21/2019

Notification Map



Public Notification Map

Waterleigh PD_CDR-18-03-073
 500 FT BUFFER, 342 NOTICES



MAP LEGEND

	SUBJECT
	500 FT BUFFER
	1 MILE BUFFER
	HYDROLOGY
	NOTIFIED PARCELS
	COURTESY NOTICES
	LAKE COUNTY SELECTION
	PARCELS

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