



Interoffice Memorandum

DATE: December 2, 2021

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

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

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

SUBJECT: December 14, 2021 – Public Hearing
Applicant: Carlos A. Rivero
The Palms at Waterford Planned Development
Case # LUP-21-02-051 / District 4

The proposed Palms at Waterford Planned Development is generally located on the east side of Hancock Lone Palm Road, south of East Colonial Drive, and north of Thamhall Way. The applicant is seeking to rezone four parcels containing 16.53 gross acres from A-2 (Farmland Rural District) and PD (Planned Development District) to PD (Planned Development District), in order to construct 76 detached single-family residential dwelling units. Additionally, the applicant is seeking a waiver from Orange County Code Section 38-1405(g) to allow a side street setback of 10 feet in lieu of 15 feet.

On October 21, 2021, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was not required for this application.

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 Palms at Waterford Planned Development / Land Use Plan (PD/LUP) dated "Received July 15, 2021", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 4

Attachments
JVW/EPR/jsh

GENERAL INFORMATION

APPLICANT	Carlos A. Rivero
OWNERS	Carlos A. Rivero, Reinaldo Costa, Aleida Costa, CCD Lone Palm, LLC
PROJECT NAME	The Palms at Waterford Planned Development (PD)
HEARING TYPE	Planning and Zoning Commission
REQUEST	<p>PD (Planned Development District) and A-2 (Farmland Rural District) to PD (Planned Development District)</p> <p><i>A request to rezone 16.53 gross acres from PD (Planned Development District) and A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 76 single-family dwelling units. The request also includes the following waiver from Orange County Code:</i></p> <ol style="list-style-type: none">1. A waiver from Section 38-1405(g) to allow a side street setback of ten (10) feet, in lieu of fifteen (15) feet. <p><i>Applicant Justification:</i> <i>This is requested because of the potential development for any adjacent interconnection being needed in the future is relatively small.</i></p>
LOCATION	0, 1231, 1255, 1299 Hancock Lone Palm Road; or generally located on the east side of Hancock Lone Palm Road, approximately 3,040 feet south of E. Colonial Drive and 350 feet north of Thamhall Way.
PARCEL ID NUMBERS	24-22-31-0000-00-035, 24-22-31-0000-00-011 24-22-31-0000-00-031, 24-22-31-0000-00-063
TRACT SIZE	16.53 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four hundred eighty-eight (488) notices were mailed to those property owners in the surrounding area. A community meeting was required for this request and is summarized in this staff report.
PROPOSED USE	Seventy-Six (76) Detached Single-Family Dwelling Units

STAFF RECOMMENDATION

Development Review Committee – (September 8, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of The Palms at Waterford Planned Development / Land Use Plan (PD/LUP), dated "Received July 15, 2021", subject to the following conditions:

1. Development shall conform to The Palms at Waterford Land Use Plan (LUP) dated "Received July 15, 2021," 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 July 15, 2021," 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. 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).
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. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
9. 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.

10. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
11. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. 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 MUP and updates must be approved prior to Construction Plan approval.
12. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
13. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
14. A waiver from Orange County Code Section 38-1405(g) to allow a side street setback of ten (10) feet, in lieu of fifteen (15) feet is granted.

IMPACT ANALYSIS

Overview

The applicant is seeking to rezone the subject parcels from PD (Planned Development District) and A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct seventy-six (76) single-family dwelling units. Additionally, one (1) waiver is requested from Orange County Code to allow a side street setback of ten (10) feet, in lieu of fifteen (15) feet.

The area can be characterized as urbanizing with multiple projects approved or planned along Hancock Lone Palm Road. The immediate area consists of a mobile home park to the east, large-lot single-family homes to the south and north, and small-lot single-family homes to the west.

Land Use Compatibility

The applicant is seeking to rezone the subject parcels from PD (Planned Development District) and A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct seventy-six (76) single-family dwelling units. The applicant is also seeking approval of a waiver to allow a side street setback of ten (10) feet, in lieu of fifteen (15) feet.

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

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR) which allows for a maximum residential density of ten (10) dwelling unit per one (1) net developable acre. The proposed PD zoning district and development program is consistent with the LMDR FLUM designation, therefore a CP amendment is not necessary. Additionally, the request is consistent with the following CP provisions:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.

FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

SITE DATA

Existing Use	Single-Family Residential / Agricultural
Adjacent Zoning	N: A-2 (Farmland Rural District) (1957) E: PD (Planned Development District) (1995) (Colonial Sunflower PD) W: R-2 (Residential District) (1990) S: A-2 (Farmland Rural District) (1957)
Adjacent Land Uses	N: Agricultural E: Mobile Home Park W: Single-Family Residential S: Single-Family Residential

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback	25 feet
Maximum Building Height:	35 feet / 2 stories
Minimum Lot Size:	5,000 Square Feet
Minimum Lot Width:	50 feet
Minimum Living Area:	1,000 Square Feet (under HVAC)

Minimum Building Setbacks

Front Setback:	20 feet
Rear Setback:	20 feet
Side Setback:	5 feet
Side Street Setback:	10 feet (*see waiver)

SPECIAL INFORMATION

Community Meeting Summary

A virtual community was held on June 17, 2021. Two (2) residents were in attendance and did not express any concerns related to the request

Environmental

Prior to demolition or construction activities associated with existing structures, the applicant shall provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD).

Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations.

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a wetland impact permit approved by the county and obtaining other applicable jurisdictional agency permits. Reference Orange County code 15-376.

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for any septic systems; and the Water Management District, as well as the DOH, for wells.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Transportation / Access

The subject property is located within the North East Orange County Areawide Transportation Study (NEOCATS) area. The study area is bounded by Colonial Drive (SR 50) to the south, Seminole County Line to the north, Alafaya Trail (SR 434) to - Colonial Drive (SR 50) to Alafaya Trail (SR 434) to West end of Chuluota Road. The main objective of this study is to identify and analyze potential transportation projects that would improve network connectivity and provide relief to constrained corridors. The study shall develop a prioritized list of regional roadway improvements as well as intersection improvements, transit, pedestrian, and bicycle enhancements.

Based on the Concurrency Management database (CMS) dated March 11, 2021, there are multiple failing roadway segments within the project's impact area. Three segments along Colonial Drive, from Woodbury Road to S. Tanner Road, are failing. Unless the property is 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 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.

Utilities

Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaim Water:	Orange County Utilities

***Detailed Utility Information:**

Proposed PD conditions # 10 and 11 address the requirement to connect to Orange County Utilities for water and wastewater.

Schools

Orange County Public Schools (OCPS) reviewed this Land Use Plan and has issued Formal Capacity Determination OC-21-020, which shows available school capacity. This Capacity Determination expires March 25, 2022.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the PD Land Use Plan request but did not identify any issues or concerns.

State of Florida Notice

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.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested PD (Planned Development District) zoning, subject to fourteen (14) conditions, which include one (1) waiver.

During PZC discussion, Commissioner Spears expressed concern with the wetland delineation shown on the Land Use Plan. Environmental Protection Division (EPD) staff was present to address the concerns. Also, Commissioner Abdallah questioned the lack of connectivity to the adjacent properties to the north and east and staff relayed to the Commissioner that to the north is a Church and to the west is an existing mobile home park.

Following discussion, a motion was made by Commissioner Pena to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the Palms at Waterford Planned Development / Land Use Plan (PD/LUP) dated "Received July 15, 2021", subject to the fourteen (14) conditions listed in the staff report. Commissioner Spears seconded the motion, which then carried on a 6-0 vote.

Motion / Second	<i>Nelson Pena / Gordon Spears</i>
Voting in Favor	<i>Nelson Pena, Gordon Spears, Eddie Fernandez, Mohammed Abdallah, Trevor Sorbo, and Evelyn Cardenas</i>
Voting in Opposition	<i>None</i>
Absent	<i>Jaja Wade and Walter Pavon</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (October 21, 2021)

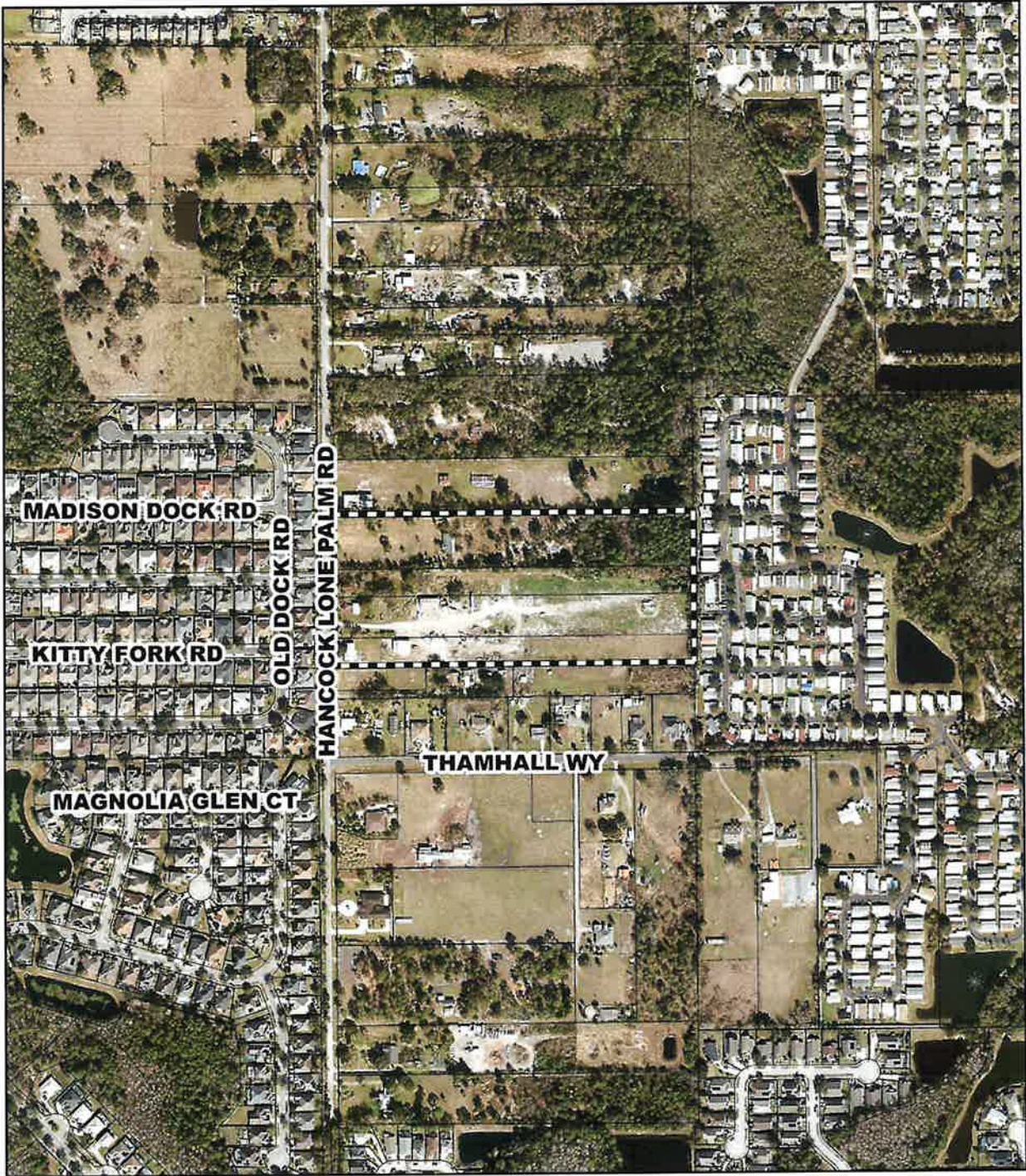
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LUP-21-02-051

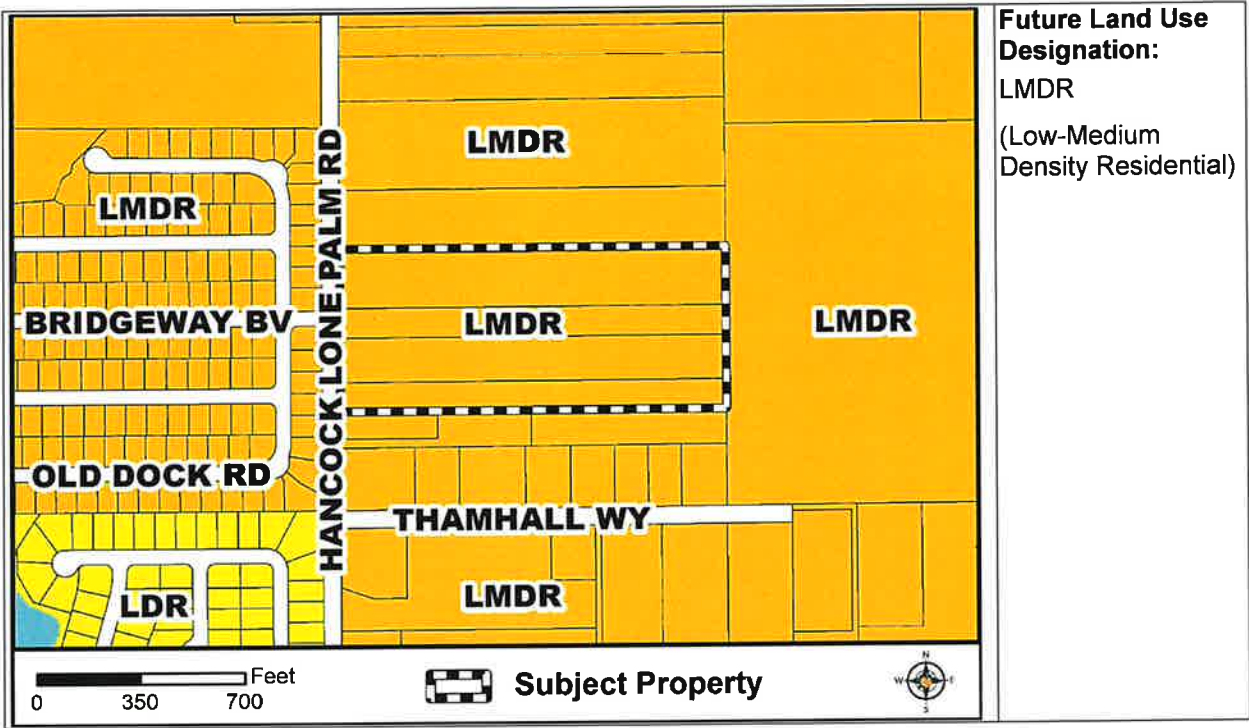


 Subject Property

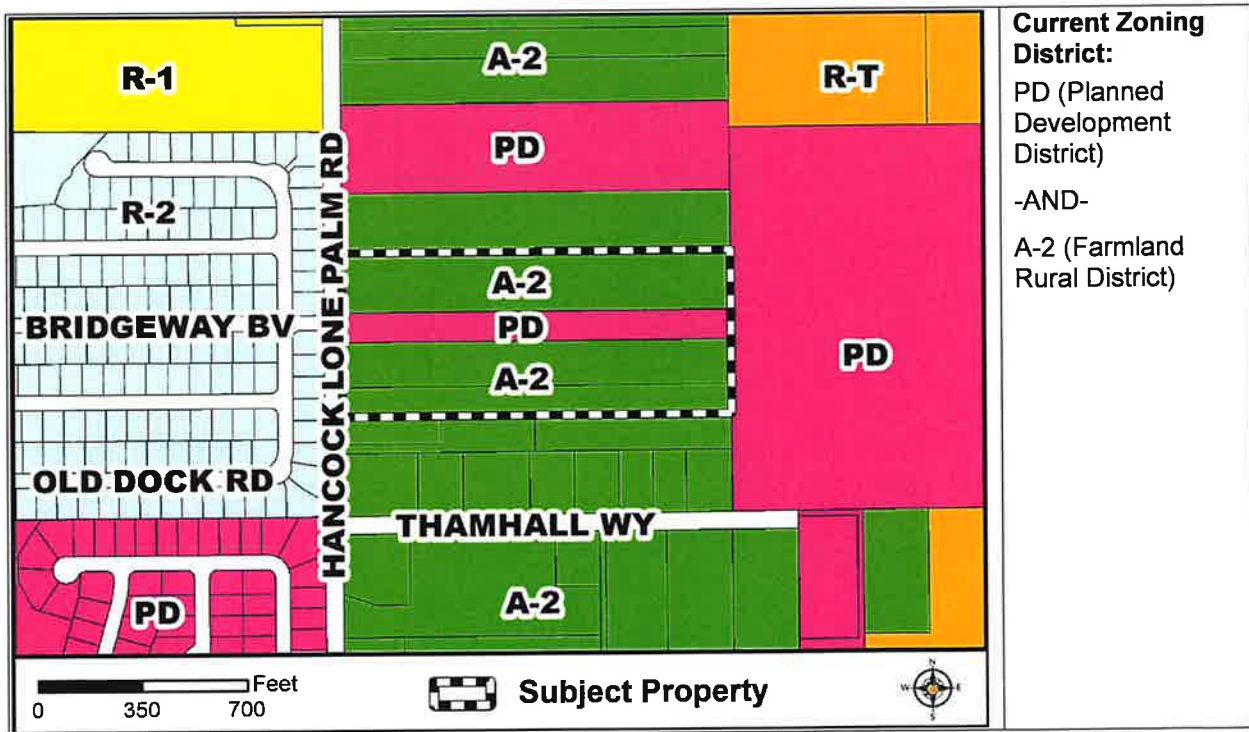


1 inch = 475 feet

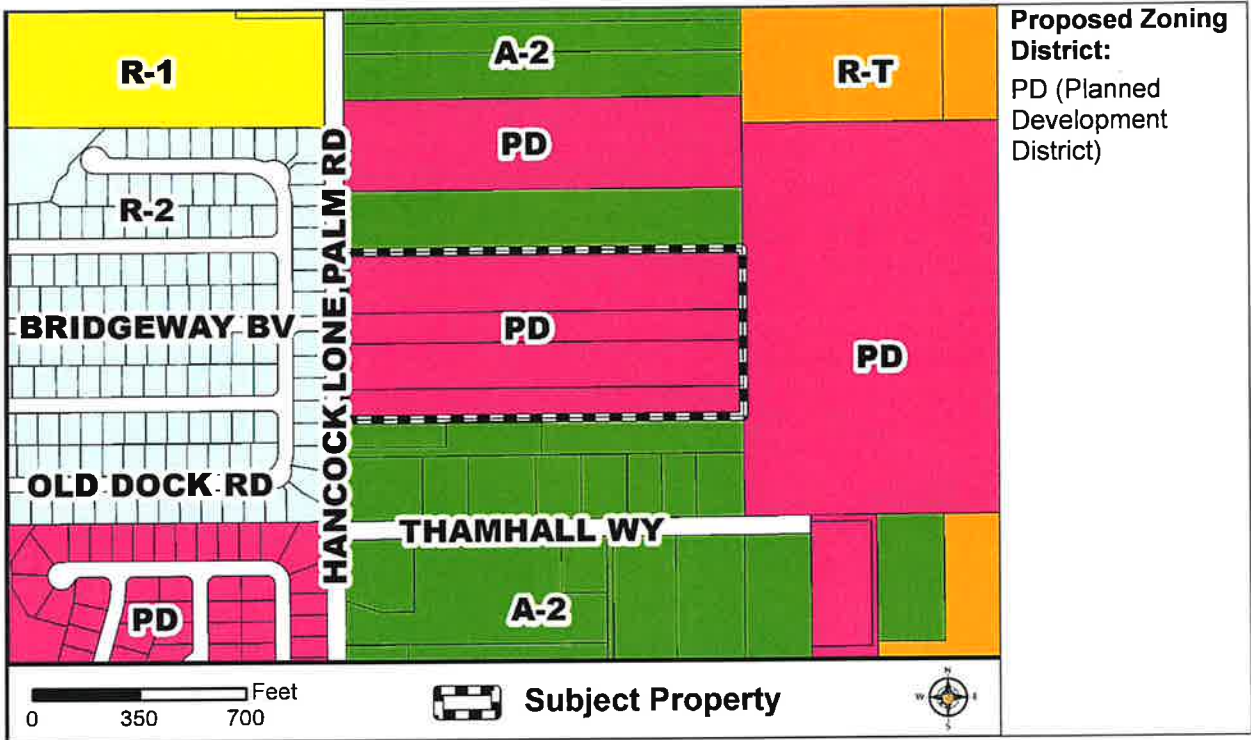
FUTURE LAND USE – CURRENT



ZONING - CURRENT



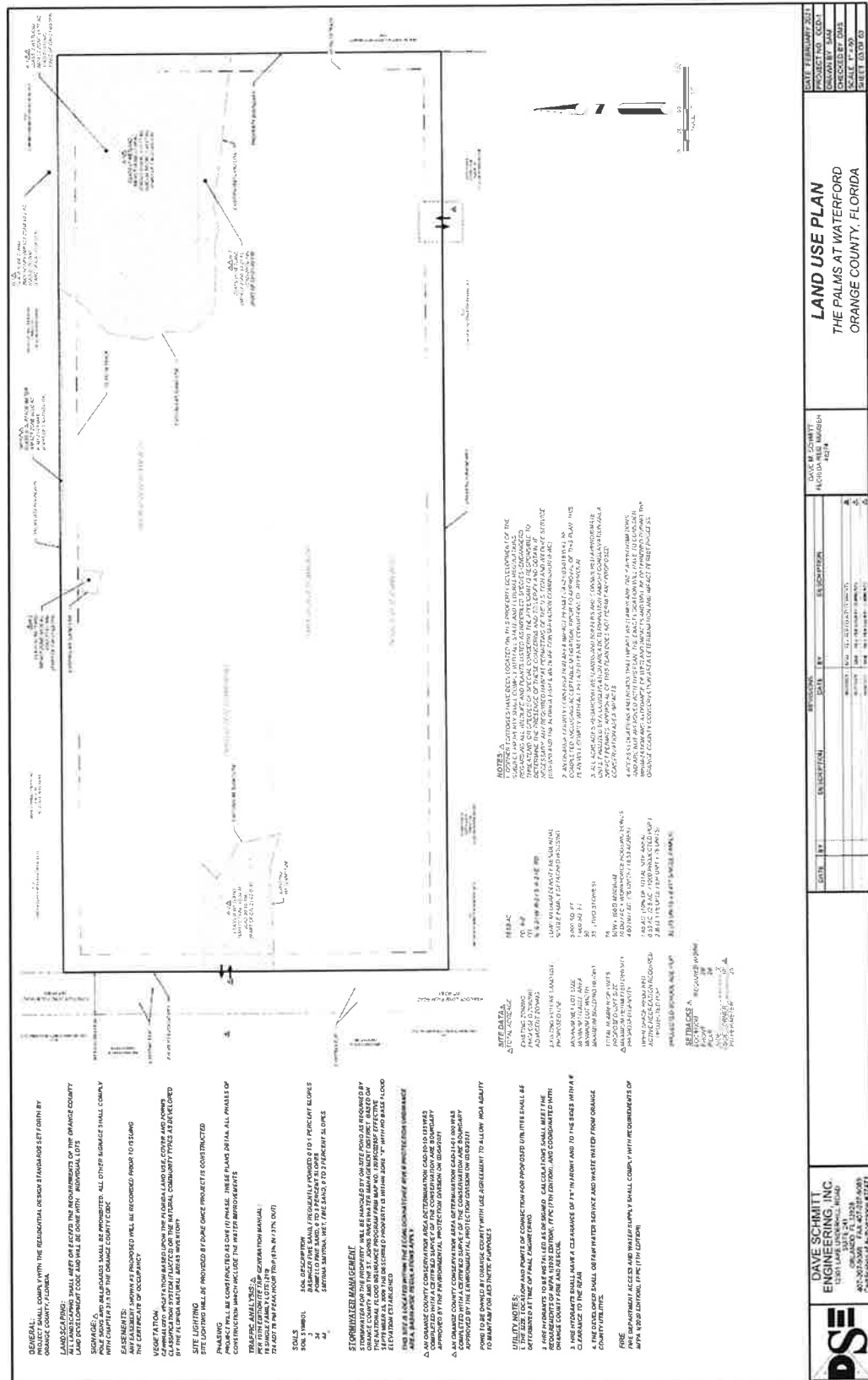
ZONING - PROPOSED



The Palms at Waterford PD / LUP (Cover Sheet)

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<p>NOTES:</p> <p>1. A WARNING FROM SECTION 14-46.00 TO 14-46.05, IN THE CITY OF ORANGE, FLORIDA, IS IN EFFECT. IN THE EVENT OF A FUTURE DEVELOPMENT, THE CITY OF ORANGE WILL BE NOTIFIED. THE CITY OF ORANGE WILL BE NOTIFIED. THE CITY OF ORANGE WILL BE NOTIFIED.</p>				
<p>RECEIVED</p> <p>By DRC Office at 5:09 pm, Jul 15, 2021</p>				
<p>PREPARED FOR:</p> <p>CCD LLC</p>				
<p>SITE LOCATION</p> <p>DAVE SCHMITT ENGINEERING, INC.</p> <p>12301 LAKE UNDERHILL ROAD</p> <p>SUITE 241</p> <p>ORLANDO, FL 32832</p> <p>407-227-5004</p> <p>City of Orange, Florida</p>				
<p>DATE: FEBRUARY 2021 JOB NO: CCD-1 SHEET: 01 OF 03</p>				

The Palms at Waterford PD / LUP





Notification Map

