




Interoffice Memorandum

DATE: May 26, 2022

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

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

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

SUBJECT: June 21, 2022 – Public Hearing
Applicant: Jenny Baez, Bowman Consulting Group, Ltd.
Hamlin Planned Development – Unified Neighborhood Plan /
Hamlin East Proton Therapy Center Preliminary Subdivision
Plan / Chick-Fil-A Development Plan
Case #DP-21-09-287

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 11, 2022, to approve the Hamlin Planned Development – Unified Neighborhood Plan (PD - UNP) / Hamlin East Proton Therapy Center Preliminary Subdivision Plan (PSP) / Chick-Fil-A Development Plan (DP) to construct 4,848 square feet fast food restaurant with drive-thru on a total of 1.82 acres.

Additionally, one waiver from Orange County Code Section 38-1390.53(a)(2) is requested to allow decorative screen fencing as an alternative to the masonry knee wall along framework streets in lieu of providing a decorative masonry knee wall in accordance with the standards described in Section 38-1390.52(b)(3).

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 PSP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve the Hamlin PD - UNP / Hamlin East Proton Therapy Center PSP / Chick-Fil-A DP dated "April 28, 2022", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/JK/nt
Attachments

CASE # DP-21-09-287

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 11, 2022, to approve the Hamlin Planned Development (PD) – Unified Neighborhood Plan (UNP) / Hamlin East Proton Therapy Center Preliminary Subdivision Plan (PSP) / Chick-Fil-A Development Plan (DP) to construct 4,848 square feet fast food restaurant with drive-thru on a total of 1.82 acres.

Additionally, one waiver from Orange County Code Section 38-1390.53(a)(2) is requested to allow decorative screen fencing as an alternative to the masonry knee wall along framework streets in lieu of providing a decorative masonry knee wall in accordance with the standards described in Section 38-1390.52(b)(3).

2. PROJECT ANALYSIS

- A. Location: North of Independence Parkway and East of Hamlin Groves Trail
- B. Parcel ID(s): 21-23-27-2719-01-004, 21-23-27-2719-01-000 (a portion of)
- C. Total Acres: 1.82 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: Horizon West Regional Park – 0.7 Miles
- I. Proposed Use: 4,848 Square Feet Fast Food Restaurant with Drive-Thru
- J. Site Data: Maximum Building Height: 45'
Building Setbacks:
10' Front
10' Rear
10' Side Street (west)
10' Side Street (west)
55' Major Road (from ROW centerline)
- K. Fire Station: 44 - 16990 Porter Road

L. Transportation:

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

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

This development has an expired CEL application (CEL-18-11-097) under the parent parcel ID number (21-23-27-2719-01-000). The owner of this development will be required to reapply for Transportation Capacity via a Capacity Encumbrance Letter (CEL) Application. Due to the failing roadways surrounding the project location the owner entered into a Proportionate Share Agreement, and paid the proportionate share contribution amount of \$14,129 on April 22, 2019. The First Amendment to Proportionate Share Agreement for Restaurant at Hamlin NEC was approved by the BCC on October 12, 2021.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Village(V). The subject property is designated PD (Planned Development) on the Zoning Map, which is consistent with the FLUM Designations.

4. ZONING

PD (Planned Development District – Unified Neighborhood Plan) (Hamlin PD - UNP)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Hamlin Planned Development – Unified Neighborhood Plan; Orange County Board of County Commissioners (BCC) approvals; Hamlin East Proton Therapy Center Preliminary Subdivision Plan; BCC approvals; Chick-fil-A Development Plan dated "Received April 28, 2022" and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, 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 preliminary subdivision plan / development plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Development plan (DP) approval by the DRC (or BCC, as applicable), shall automatically expire if construction plans are required and have not been submitted and approved within two (2) years from DP approval; if construction plans are not required, such DP shall expire two (2) years from approval unless a building permit has been obtained within such two-year period. The foregoing notwithstanding, the DRC may, upon good cause shown, grant successive one (1) year extensions to the expiration date of a DP if the developer makes written request to the DRC chair prior to the expiration date.

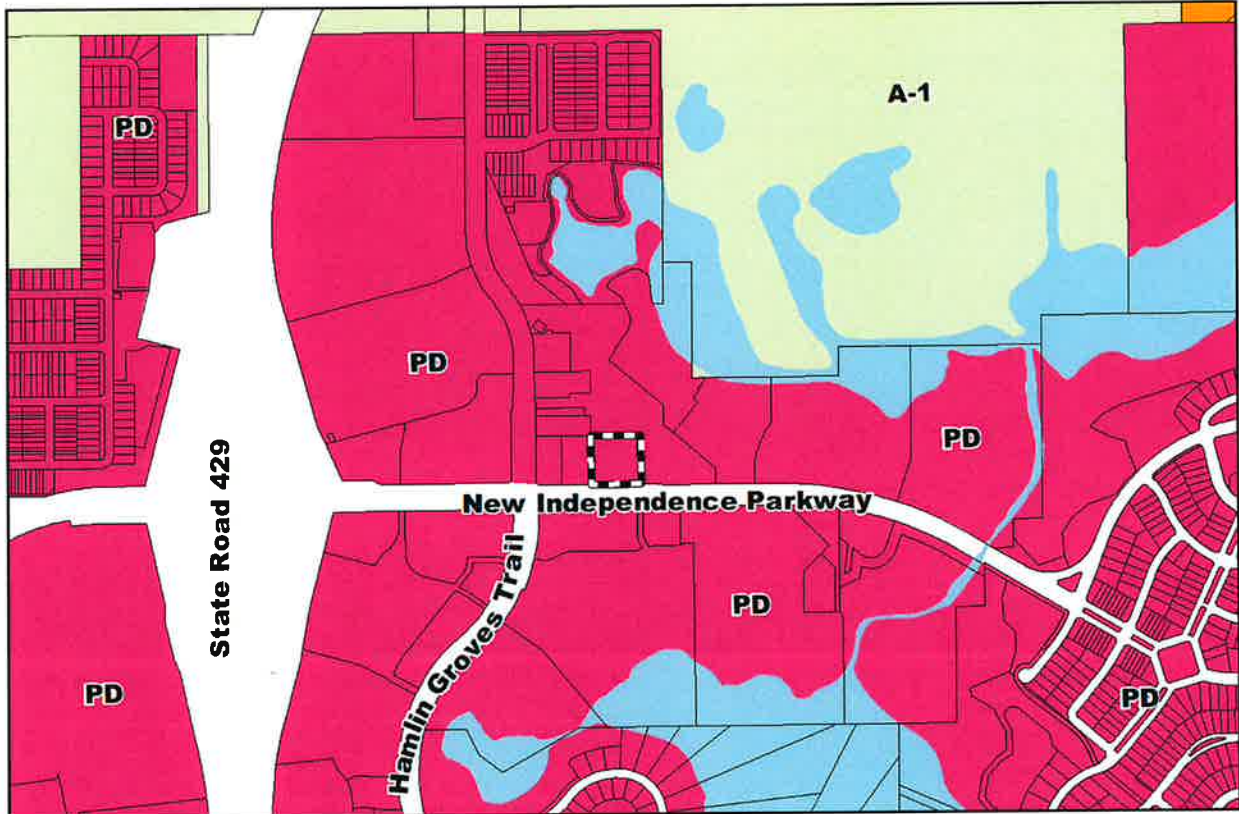
7. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
8. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
9. Unless 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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development 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 project shall comply with the terms and conditions of that certain Town Center East Road Network Agreement approved on December 6, 2011 and recorded at OR Book/Page 10306/1364, Public Records of Orange County, Florida, as may be amended.
11. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the DP, and that construction plans are consistent with the PSP-level MUP and the approved MUP for the Town Center, or shall include an update to the PSP-level or Town Center MUPs to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
12. Pole signs and billboards shall be prohibited. All other signage shall comply with the approved master sign plan or Chapter 31.5, as applicable.
13. Outside sales, storage, and display shall be prohibited.
14. Approval of this DP shall void the previously approved DP (DP-19-11-368).
15. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
16. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be

approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.

17. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
18. Approval of this DP constitutes a lot split approval.
19. A waiver from Orange County Code Section 38-1390.53(a)(2) is granted to allow decorative screen fencing as an alternative to the masonry knee wall along framework streets in lieu of providing a decorative masonry knee wall in accordance with the standards described in Section 38-1390.52(b)(3).

Zoning Map

DP-21-09-287

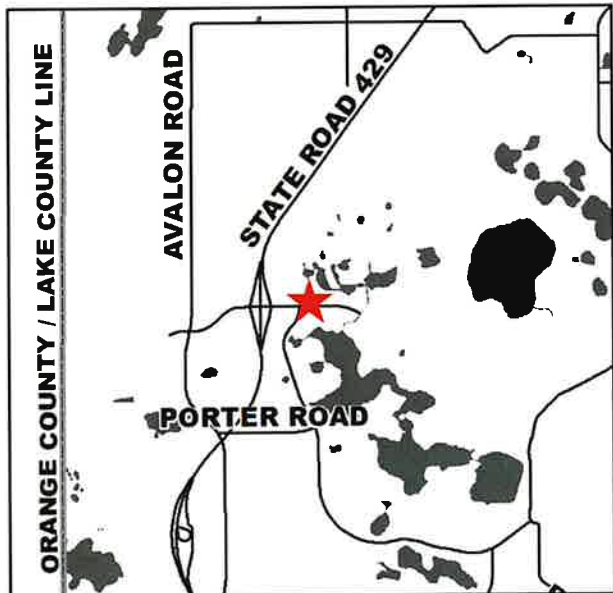


Subject Property



Subject Property

Zoning Map	
ZONING:	PD (Planned Development District) (Hamlin PD-UNP)
APPLICANT:	Jenny Baez, Bowman Consulting Group, Ltd
LOCATION:	North of Independence Parkway / East of Hamlin Groves Trail
TRACT SIZE:	1.82 gross acres
DISTRICT:	# 1
S/T/R:	21-23-27
1 inch = 900 feet	



Site Plan Sheet

CHICK-FIL-A
 HAMLIN
FSU# 4926

MEC OF NEW INDEPENDENCE PARKWAY
 AND HAMLIN GROVES TERRACE
 WINTER GARDEN, FL 34787

CHICK-FIL-A SITE CALCULATIONS					
NO. OF SPOTS	TYPE	AREA (SQ. FT.)	PERCENTAGE OF TOTAL	AREA PER SPOT (SQ. FT.)	REMARKS
20	STANDARD	2,000	83.3%	100	
2	ADDITIONAL	200	8.3%	100	
2	TOTAL	2,200	100%	1100	
PARKING CALCULATIONS					
NO. OF SPOTS	AREA (SQ. FT.)	PERCENTAGE OF TOTAL	AREA PER SPOT (SQ. FT.)	REMARKS	
20	2,000	83.3%	100		
2	200	8.3%	100		
22	2,200	100%	1100		

IMPERVIOUS SURFACE RATIO			
DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE	REMARKS
PAVED DRIVEWAY	1,200	40%	
PAVED PARKING	1,000	33%	
PAVED DRIVEWAY	1,000	33%	
TOTAL	3,200	100%	

SITE ELEVATION TABLE			
LOCATION	ELEVATION	REMARKS	MIN. CLEARANCE
ASPHALT DRIVEWAY	100.0		7.0
PAVED DRIVEWAY	100.0		7.0
PAVED DRIVEWAY	100.0		7.0
PAVED DRIVEWAY	100.0		7.0
PAVED DRIVEWAY	100.0		7.0
PAVED DRIVEWAY	100.0		7.0
PAVED DRIVEWAY	100.0		7.0
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PAVED DRIVEWAY	100.0		7.0
PAVED DRIVEWAY	100.0		7.0
PAVED DRIVEWAY	100.0		7.0

PERMIT C-2.0

LEGEND

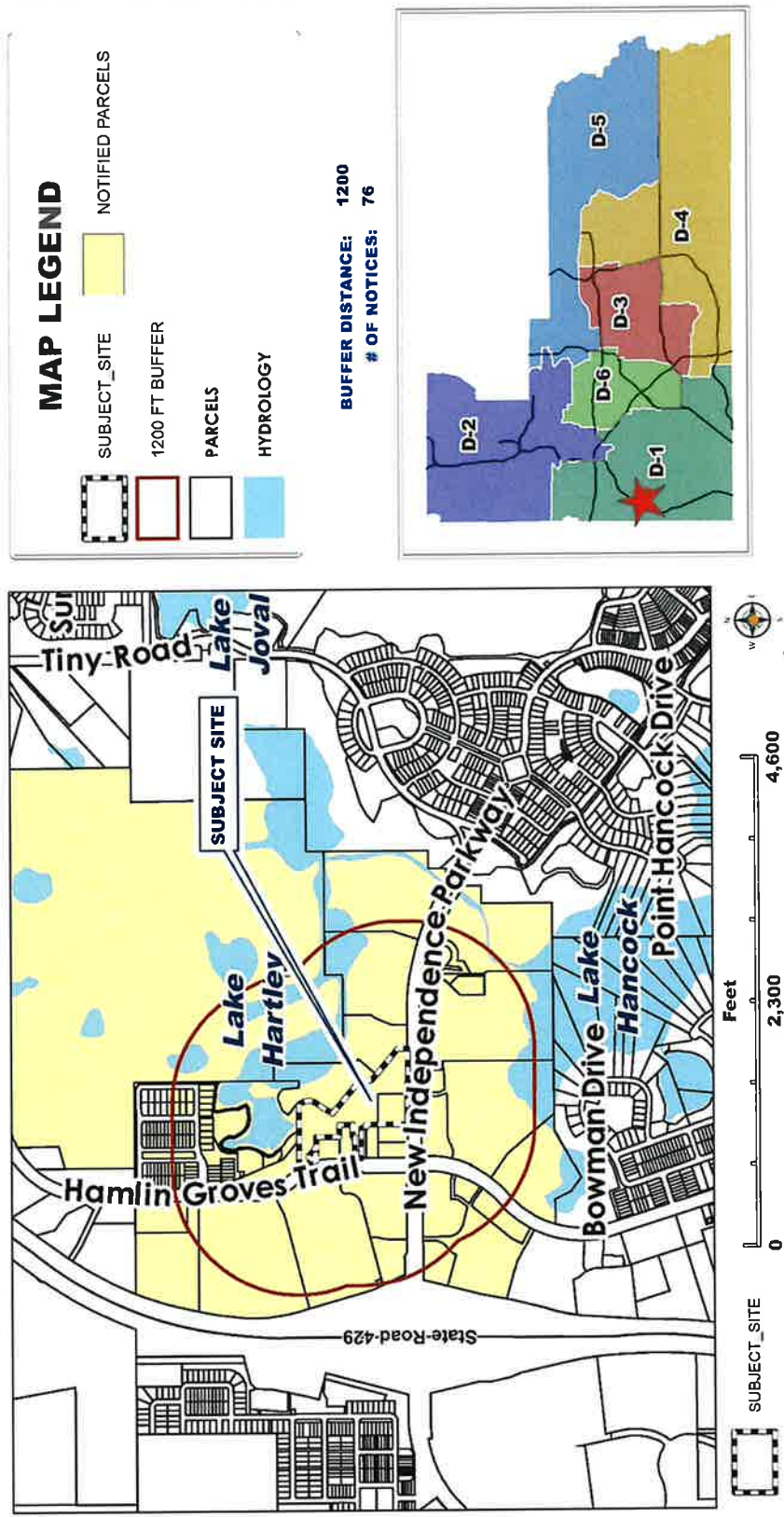
- 1. CHICK-FIL-A BUILDING
- 2. DRIVEWAY
- 3. DRIVEWAY CURB
- 4. DRIVEWAY SIDEWALK
- 5. DRIVEWAY LANDSCAPE BUFFER
- 6. DRIVEWAY BUFFER
- 7. DRIVEWAY DRIVEWAY
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- 39. DRIVEWAY DRIVEWAY
- 40. DRIVEWAY DRIVEWAY

Notification Map

S:\Business Systems\Board Administrators\SUBSTANTIAL CHANGE\2022\DRCHamlin PD - UNP Hamlin East Proton Therapy Center PSP 1

Public Notification Map

DP-21-09-287



MAP LEGEND

- SUBJECT_SITE
- 1200 FT BUFFER
- PARCELS
- HYDROLOGY
- NOTIFIED PARCELS

BUFFER DISTANCE: 1200
 # OF NOTICES: 76

