



Interoffice Memorandum

April 10, 2023

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

FROM: Timothy L. Boldig, Interim Director
Planning, Environmental and Development
Services Department

A handwritten signature in black ink, appearing to be "T. Boldig", written over the name in the "FROM:" field.

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

SUBJECT: May 2, 2023 – Public Hearing
Scott M. Gentry, Kelly, Collins & Gentry, Inc.
Hamlin West PD – UNP Planned Development
Case # LUPA-21-11-335 / District 1

The Hamlin West PD – UNP Planned Development (PD) is located South of New Independence Parkway / East of Avalon Road. The applicant is seeking to rezone 19.11 acres from A-1 (Citrus Rural District) to PD (Planned Development District) and add the property to the existing Hamlin West PD; and, designate the area as Corporate Campus Mixed Use District on the Horizon West Land Use Map. The request also includes updating the Adequate Public Facilities table to reflect a transfer of credits from the Silverleaf PD, one waiver to allow a decorative screen fence in lieu of a knee wall along framework streets, and converting 67,810 square feet of the approved 689,432 square feet of permitted non-residential development and 97 of the approved 322 townhome units to 408 apartment units. If approved, the overall PD development program would include 864 multi-family units, 225 townhome units, and 630,763 square feet of non-residential development.

On January 19, 2023, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was held on March 28, 2023, at the Hamlin Elementary School, which was attended by approximately 33 area residents who expressed concerns related to loss of commercial opportunities, infrastructure impacts from additional residential development, and a shifting vision for the area.

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 Hamlin West PD – UNP Planned Development / Land Use Plan (PD/LUP) dated “Received December 5, 2022,” subject to the conditions listed under the PZC Recommendation in the Staff Report; and, approval and execution of Third Amendment to Adequate Public Facilities Agreement for Horizon West PD/UNP by and between SLF IV/Boyd Horizon West JV, LLC, and Orange County. District 1

TLB/nt

Attachment

GENERAL INFORMATION

APPLICANT Scott M. Gentry, Kelly, Collins & Gentry, Inc
OWNER Hamlin Retail Partners West, LLC
PROJECT NAME Hamlin West PD– UNP Planned Development (PD)
HEARING TYPE Planned Development / Land Use Plan (PD / LUP)
REQUEST **A-1** (Citrus Rural District) **to**
PD (Planned Development District)

A request to rezone 19.11 acres from A-1 (Citrus Rural District) to PD (Planned Development District) and add the property to the existing Hamlin West PD and designate the area as Corporate Campus Mixed Use District on the Horizon West Land Use Map. The request also includes updating the Adequate Public Facilities table to reflect a transfer of credits from the Silverleaf PD; and converting 67,810 square feet of the approved 689,432 square feet of permitted non-residential development, and 97 of the approved 322 townhome units, to 408 apartment units.

1. A waiver from 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.

Applicant Justification: *This waiver matches many of the other developments in the area and allows for a consistent landscape theme that has been established in throughout the Hamlin projects.*

LOCATION South of New Independence Parkway / East of Avalon Road
PARCEL ID NUMBERS 20-23-27-0000-00-007, 20-23-27-0000-00-002, 20-23-27-0000-00-027, 20-23-27-0000-00-038, 19-23-27-0000-00-023, 19-23-27-0000-00-022, 19-23-27-5840-13-010, 19-23-27-0000-00-019, 20-23-27-0000-00-016
TRACT SIZE 19.11 acres (rezoned from A-1 to PD)
185.46 acres (Overall PD)

PUBLIC NOTIFICATION The notification area for this public hearing was 1,200 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Nine hundred ninety-four (994) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.

PROPOSED USE Four hundred eight (408) apartment units

STAFF RECOMMENDATION

Development Review Committee – (November 16, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hamlin West PD– UNP Planned Development / Land Use Plan (PD/LUP), dated “Received December 5, 2022”, subject to the following conditions:

1. Development shall conform to the Hamlin West UNP Land Use Plan (LUP) dated "Received December 5, 2022," 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 December 5, 2022," 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. 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.
7. 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).
8. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
9. The project shall comply with the terms and conditions of that certain Hamlin West Amended and Restated Road Network Agreement approved on August 7, 2018 and recorded at DOC NUMBER 20180482220, Public Records of Orange County, Florida, as may be amended.

10. All right-of-way required from this property for the Avalon Road Expansion and New Independence Parkway shall be conveyed to Orange County prior to DP/PSP approval on Parcel 19-23-27-0000-00-023.
11. The extension of Lake Hamlin Trail to County Road 545 shall be publicly dedicated Right-of-Way at no cost to Orange County.
12. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
13. No vertical permits shall be issued in an area encumbered by a drainage easement dedicated to Orange County or to the perpetual use of the public, unless otherwise approved by the County.
14. Pole signs and billboards shall be prohibited, all other signage shall comply with Section 31.5-194, Horizon West Town Center.
15. 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.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 8, 2021, shall apply:
 - a. The project shall comply with the terms and conditions of that certain New Independence Parkway and C.R. 545/Avalon Road Agreement recorded at Document #20160338700, Public Records of Orange County, Florida, as may be amended.
 - b. No plat shall be approved for recording until any and all underlying condominiums of record as prescribed by Chapter 718, FS, have been terminated.
 - c. Prior to any plat recordation within this Planned Development, the various properties contained within the bounds of any plat shall be reconfigured and deeds recorded in the public records of Orange County so as to not create divided interest in any lot or tract.
 - d. The following waivers from Orange County Code are granted:
 - 1) A waiver from Section 38-1390.55 (a)(2) to allow a fifteen (15) foot building separation, in lieu of twenty (20) feet.

- 2) A waiver from Section 38-1390.51 (table 4-1) to allow four (4) stories / fifty-five (55) feet maximum building height for attached townhome units, in lieu of forty-five (45) feet.
- 3) A waiver from Section 38-1390.51 (table 4-1) to allow a seven (7) foot minimum and fifteen (15) foot maximum front setback, with steps allowed to encroach up to five (5) feet, for townhome units in lieu of a ten (10) foot build-to line.
- 4) A waiver from Section 38-1387.1 (a)(3) to allow the minimum lot depth for townhomes to be sixty-five (65) feet, in lieu of one hundred (100) feet.

17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 14, 2020, shall apply:

- a. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD, including hydraulically dependent parcels outside the PD boundaries; such MUP shall include supporting calculations showing that the PD-level MUP is consistent with the approved MUP for the Town Center Village, or shall include an update to the Town Center Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
- b. The following waivers from Orange County Code are granted:
 - i. A waiver from Section 24-5 to allow the setback and frontage zones of the framework streets or alternative frame work streets within the Town Center Code to provide the buffering and separation for residential uses from non-residential uses in the Retail Wholesale (RW) and Corporate Campus Mixed Use (CCM) districts as provided for in Sec. 38-1390.41 and 38-1390.51 of the Town Center Code, in lieu of applying Sec. 24-5 buffer yard requirements.
 - ii. A waiver from Section 38-1254(2)(d) to allow a minimum rear setback of forty (40) feet for nonresidential uses, in lieu of the required sixty (60) foot setback when adjacent to expressways.
 - iii. A waiver from Section 38-1258(a) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property, as measured from the property line of the proposed multi-family development to the nearest property line of the single-family zoned property, shall be restricted to a single story in height.
 - iv. A waiver from Section 38-1258(b) to allow one hundred (100) percent of multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, 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 shall vary in building height with a maximum of fifty

- (50) percent 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.
- v. A waiver from Section 38-1258(c) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings located within one hundred fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.
 - vi. A waiver from Section 38-1258(d) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings in excess of three (3) stories (forty (40) feet) in height may be permitted, subject to approval by the Board for County Commissioners (BCC). The application for these buildings shall include justification for the requested height. A compatibility plan shall be submitted for approval, which includes greater setbacks and increased buffers to protect adjacent properties.
 - vii. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of twenty-five (25) feet and a six-foot high masonry, brick, or block wall.
 - viii. A waiver from Section 38-1258(f) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of a six foot high masonry, brick, or block wall shall be constructed whenever a multi-family development is located adjacent to single-family zoned property.
 - ix. A waiver from Section 38-1258(g) to allow a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.
 - x. A waiver from Section 38-1258(h) to allow a multi-family development to share recreation areas with other multi-family and single-family development in the Hamlin West PD and Hamlin Southwest PD when the combined recreational facilities meet the requirements of Sec. 38-1253, at time of PSP, MDP, or DP, are tracked on the subsequent PD change determination or amendment, and are provided prior to plat approval or certificate of occupancy for multi-family, in lieu of providing separate

recreation areas within the multifamily development and located away from any single-family zoned property.

- xi. A waiver from Section 38-1258(i) to allow for a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.
- xii. A waiver from Section 38-1272(a)(5) to allow a maximum height of seventy-five (75) feet permitted under the Town Center Code within one hundred (100) feet of any residential use, in lieu of a maximum height of thirty-five (35) feet within one hundred (100) feet of any residential use.

18. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 19, 2016 shall apply:

- a. 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.
- b. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision 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.

19. Except as amended, modified, and/or superseded, the following previous BCC Conditions of Approval, dated September 15, 2015, shall apply:

- a. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- b. Outside sales, storage, and display shall be prohibited.
- c. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
- d. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the

ultimate flows for the entire Town Center Village (SAP). Utilities infrastructure shall be built connecting to the buildout points of connection approved in the Master Utilities Plan (MUP).

- e. Prior to construction plan approval, all property owners within the Town Center Village, 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.
- f. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, provide calculations and documentation certifying that the design complies with this condition.
- g. Interconnectivity to the property to the south shall be addressed during subsequent PSP/DP reviews.

IMPACT ANALYSIS

Land Use Compatibility

The Hamlin West PD was originally approved September 15, 2015 with a development program consisting of residential and non-residential uses. Today, the PD is approved for a development program of 695 dwelling units, 689,432 square feet of non-residential uses, and 54 hotel rooms.

The applicant is seeking to rezone 19.11 acres from A-1 (Citrus Rural District) to PD (Planned Development District) and add the property to the existing Hamlin West PD and designate the area as Corporate Campus Mixed Use District on the Horizon West Land Use Map. The request also includes updating the Adequate Public Facilities table to reflect a transfer of credits from the Silverleaf PD; one waiver to allow a decorative screen fence in lieu of a knee wall along framework streets; and converting 67,810 square feet of the approved 689,432 square feet of permitted non-residential development, and 97 of the approved 322 townhome units, to 408 apartment units. If approved, the overall PD development program would be 864 multi-family units, 225 townhome units, and 630,763 square feet of non-residential development.

There are 6.76 acres of Adequate Public Facilities (APF) lands required with this application. The third amendment to the APF agreement (APF-22-11-336), has been submitted with this request to transfer 6.76 APF surplus acreage credits from the Silverleaf PD (CDR-22-03-095) to cover the APF deficit.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Village. The proposed zoning is PD and the project is located within the Hamlin West Unified Development Plan. The proposed PD zoning district and development program is consistent with the Village FLUM designation; therefore a CP amendment is not necessary. Additionally, the request is consistent with the following CP provisions:

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

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with 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.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: A-R (Agricultural-Residential District)
	E: PD (Planned Development)
	W: PD (Planned Development)
	S: PD (Planned Development)

Adjacent Land Uses	N: Undeveloped Land
	E: Agricultural Land
	W: Residential
	S: County Utilities

APPLICABLE PD DEVELOPMENT STANDARDS

Maximum Building Height:	45 feet (single family); 55 feet (townhomes)
Minimum Lot Size:	3,200 square feet (single family); 1,000 square feet/unit (townhomes)
Minimum Lot Width:	32 feet (single family); 16 feet (townhomes)
Minimum Living Area:	1,200 square feet (single family); 1,000 square feet/unit (townhomes)

Minimum Building Setbacks

Front Setback:	10 feet (single family); 7 feet (townhomes)
Rear Setback:	20 feet (single family); 14 feet (townhomes)
Side Setback:	10 feet (single family); 10 feet (townhomes)

SPECIAL INFORMATION

Community Meeting Summary

A community meeting was held on March 28, 2023 at the Hamlin Elementary School, Cafeteria.

The following are highlights of the comments from residents who spoke at the community meeting:

- Do not support changes of commercial entitlements to residential
- Wawa right idea wrong corner. Wawa is a destination, it will bring more traffic
- Prefer gas station closer to 429
- Commercial projects are good developers do not have the right intention
- How are developers dealing with safety? Are they providing funding for more police officers?
- Need statistics and numbers that support the need for additional housing
- Issues with Lake Ingham level – homeowner is a beekeeper and is affected by all this rapid growth
- Resident that initiated a petition – my concerns do not matter, what are you going to do to make me feel at ease with all this residential growth
- Promises have not been kept – need more green spaces
- There are many problems with all the traffic
- Need information on the widening of Avalon Road
- Need to improve safety for pedestrians, look for traffic calming options
- School capacity is a major concern
- As a young professional I want more density that supports more businesses, restaurants, bars. Make apartments more affordable
- Give housing options for first time homebuyers. Build affordable housing

- Add a pedestrian bridge
- High density residential projects will bring more traffic
- There is urban sprawl in this area. People bought a vision of a walkable community for people to live, work, and play
- Hamlin is not walkable, it is not safe for pedestrians
- Need to be more proactive, need to know impact of apartments and all the traffic to be generated. What is the impact of more people for the existing schools?

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

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

Transportation Planning

The Second Supplement to the Hamlin West Amended and Restated Road Network Agreement has completed the RAC process and shall accompany the LUPA to the BCC. Right-of-Way is required from this property for the Avalon Road Expansion and New Independence Parkway and shall be conveyed prior to DP approval.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaim Water:	Orange County Utilities

Schools

School Capacity Determination (OC-22-075) was issued on September 22, 2022, indicating available school capacity at all levels. This determination expires on September 2, 2024.

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.

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 nineteen (19) conditions.

Staff indicated that nine hundred ninety-four (994) notices were sent to an area extending beyond 1,200 feet from the subject property, with over one hundred and fifty (150) responses in opposition received. Those in opposition expressed concerns with replacing commercial entitlements with multifamily entitlements. Residents stated they were sold on the developer's vision for a walkable village and a boutique commercial destination. There is too much traffic in the area and schools are over capacity. Scott M. Gentry, Kelly, applicant, was present and agreed with the staff recommendation.

Following lengthy discussion, a motion was made by Commissioner David Boers to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the Hamlin West PD– UNP Planned Development / Land Use Plan (PD/LUP) dated "Received December 5, 2022", subject to the nineteen (19) conditions listed in the staff report. Commissioner Eddie Fernandez seconded the motion, which was then carried on a 4-2 vote, with Commissioners JaJa Wade and George Wiggins voting in the negative.

Motion / Second	<i>Boers / Fernandez</i>
Voting in Favor	<i>Boers, Fernandez, Spears, Cardenas</i>
Voting in Opposition	<i>Wade, Wiggins</i>
Absent	<i>Pena, Arrington</i> * Pavon, conflict of interest

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (January 19, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hamlin West PD – UNP Planned Development / Land Use Plan (PD/LUP), dated "Received December 5, 2022", subject to the following conditions:

1. Development shall conform to the Hamlin West UNP Land Use Plan (LUP) dated "Received December 5, 2022," 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 December 5, 2022," 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. 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.
7. 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).
8. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
9. The project shall comply with the terms and conditions of that certain Hamlin West Amended and Restated Road Network Agreement approved on August 7, 2018 and recorded at DOC NUMBER 20180482220, Public Records of Orange County, Florida, as may be amended.
10. All right-of-way required from this property for the Avalon Road Expansion and New Independence Parkway shall be conveyed to Orange County prior to DP/PSP approval on Parcel 19-23-27-0000-00-023.
11. The extension of Lake Hamlin Trail to County Road 545 shall be publicly dedicated Right-of-Way at no cost to Orange County.
12. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
13. No vertical permits shall be issued in an area encumbered by a drainage easement dedicated to Orange County or to the perpetual use of the public, unless otherwise approved by the County.
14. Pole signs and billboards shall be prohibited, all other signage shall comply with Section 31.5-194, Horizon West Town Center.

15. 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.

16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 8, 2021, shall apply:
 - a. The project shall comply with the terms and conditions of that certain New Independence Parkway and C.R. 545/Avalon Road Agreement recorded at Document #20160338700, Public Records of Orange County, Florida, as may be amended.
 - b. No plat shall be approved for recording until any and all underlying condominiums of record as prescribed by Chapter 718, FS, have been terminated.
 - c. Prior to any plat recordation within this Planned Development, the various properties contained within the bounds of any plat shall be reconfigured and deeds recorded in the public records of Orange County so as to not create divided interest in any lot or tract.
 - d. The following waivers from Orange County Code are granted:
 - 1) A waiver from Section 38-1390.55 (a)(2) to allow a fifteen (15) foot building separation, in lieu of twenty (20) feet.
 - 2) A waiver from Section 38-1390.51 (table 4-1) to allow four (4) stories / fifty-five (55) feet maximum building height for attached townhome units, in lieu of forty-five (45) feet.
 - 3) A waiver from Section 38-1390.51 (table 4-1) to allow a seven (7) foot minimum and fifteen (15) foot maximum front setback, with steps allowed to encroach up to five (5) feet, for townhome units in lieu of a ten (10) foot build-to line.
 - 4) A waiver from Section 38-1387.1 (a)(3) to allow the minimum lot depth for townhomes to be sixty-five (65) feet, in lieu of one hundred (100) feet.

17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 14, 2020, shall apply:
 - a. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD, including hydraulically dependent parcels outside the PD boundaries; such MUP shall include supporting calculations showing that the PD-level MUP is consistent with the approved MUP for the Town Center Village, or shall include an update to the Town Center Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
 - b. The following waivers from Orange County Code are granted:

- i. A waiver from Section 24-5 to allow the setback and frontage zones of the framework streets or alternative frame work streets within the Town Center Code to provide the buffering and separation for residential uses from non-residential uses in the Retail Wholesale (RW) and Corporate Campus Mixed Use (CCM) districts as provided for in Sec. 38-1390.41 and 38-1390.51 of the Town Center Code, in lieu of applying Sec. 24-5 buffer yard requirements.
- ii. A waiver from Section 38-1254(2)(d) to allow a minimum rear setback of forty (40) feet for nonresidential uses, in lieu of the required sixty (60) foot setback when adjacent to expressways.
- iii. A waiver from Section 38-1258(a) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property, as measured from the property line of the proposed multi-family development to the nearest property line of the single-family zoned property, shall be restricted to a single story in height.
- iv. A waiver from Section 38-1258(b) to allow one hundred (100) percent of multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, 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 shall vary in building height with a maximum of fifty (50) percent 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.
- v. A waiver from Section 38-1258(c) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings located within one hundred fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.
- vi. A waiver from Section 38-1258(d) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings in excess of three (3) stories (forty (40) feet) in height may be permitted, subject to approval by the Board for County Commissioners (BCC). The application for these buildings shall include justification for the requested height. A compatibility plan shall be submitted for approval, which includes greater setbacks and increased buffers to protect adjacent properties.
- vii. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family

property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of twenty-five (25) feet and a six-foot high masonry, brick, or block wall.

- viii. A waiver from Section 38-1258(f) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of a six foot high masonry, brick, or block wall shall be constructed whenever a multi-family development is located adjacent to single-family zoned property.
- ix. A waiver from Section 38-1258(g) to allow a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.
- x. A waiver from Section 38-1258(h) to allow a multi-family development to share recreation areas with other multi-family and single-family development in the Hamlin West PD and Hamlin Southwest PD when the combined recreational facilities meet the requirements of Sec. 38-1253, at time of PSP, MDP, or DP, are tracked on the subsequent PD change determination or amendment, and are provided prior to plat approval or certificate of occupancy for multi-family, in lieu of providing separate recreation areas within the multifamily development and located away from any single-family zoned property.
- xi. A waiver from Section 38-1258(i) to allow for a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.
- xii. A waiver from Section 38-1272(a)(5) to allow a maximum height of seventy-five (75) feet permitted under the Town Center Code within one hundred (100) feet of any residential use, in lieu of a maximum height of thirty-five (35) feet within one hundred (100) feet of any residential use.

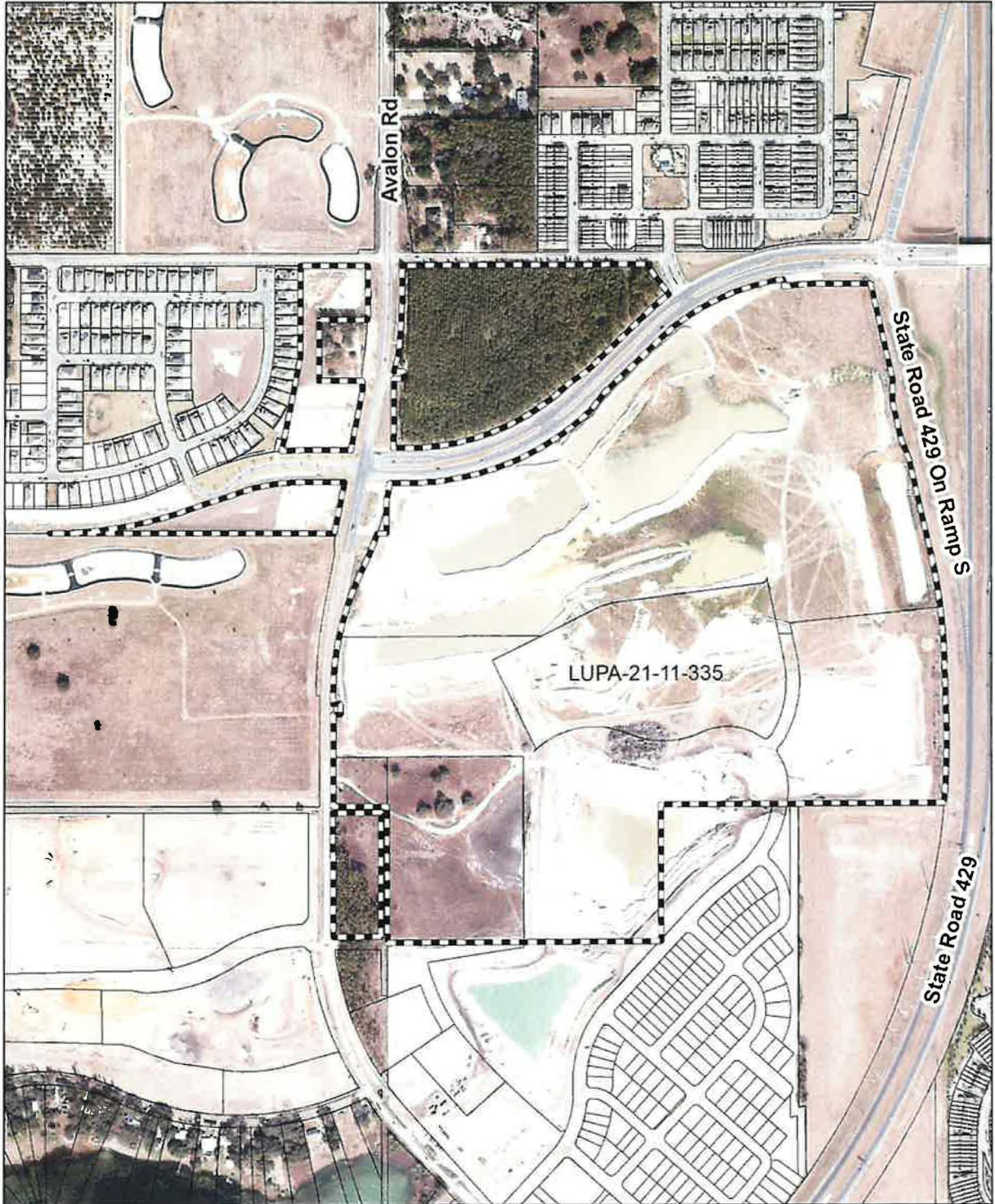
18. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 19, 2016 shall apply:

- a. 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.
- b. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the

decision to approve this land use plan / preliminary subdivision 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.

19. Except as amended, modified, and/or superseded, the following previous BCC Conditions of Approval, dated September 15, 2015, shall apply:
- a. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
 - b. Outside sales, storage, and display shall be prohibited.
 - c. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
 - d. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Town Center Village (SAP). Utilities infrastructure shall be built connecting to the buildout points of connection approved in the Master Utilities Plan (MUP).
 - e. Prior to construction plan approval, all property owners within the Town Center Village, 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.
 - f. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, provide calculations and documentation certifying that the design complies with this condition.
 - g. Interconnectivity to the property to the south shall be addressed during subsequent PSP/DP reviews.

LUPA-21-11-335



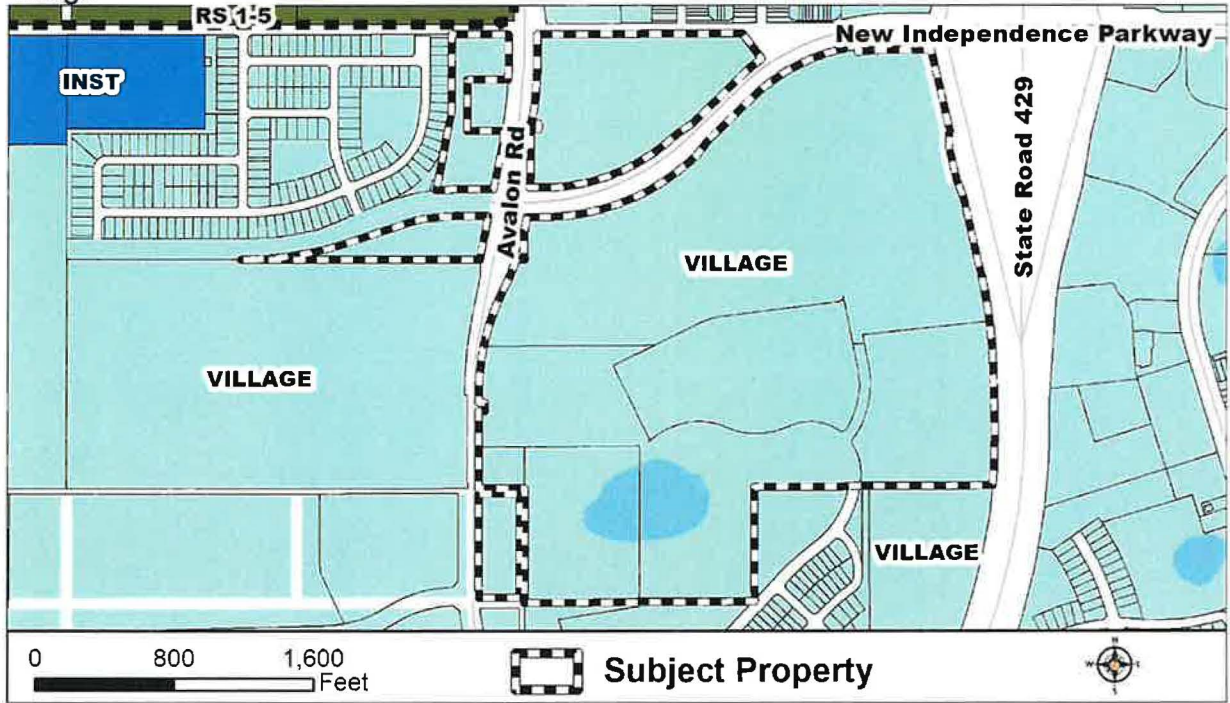
 Subject Property



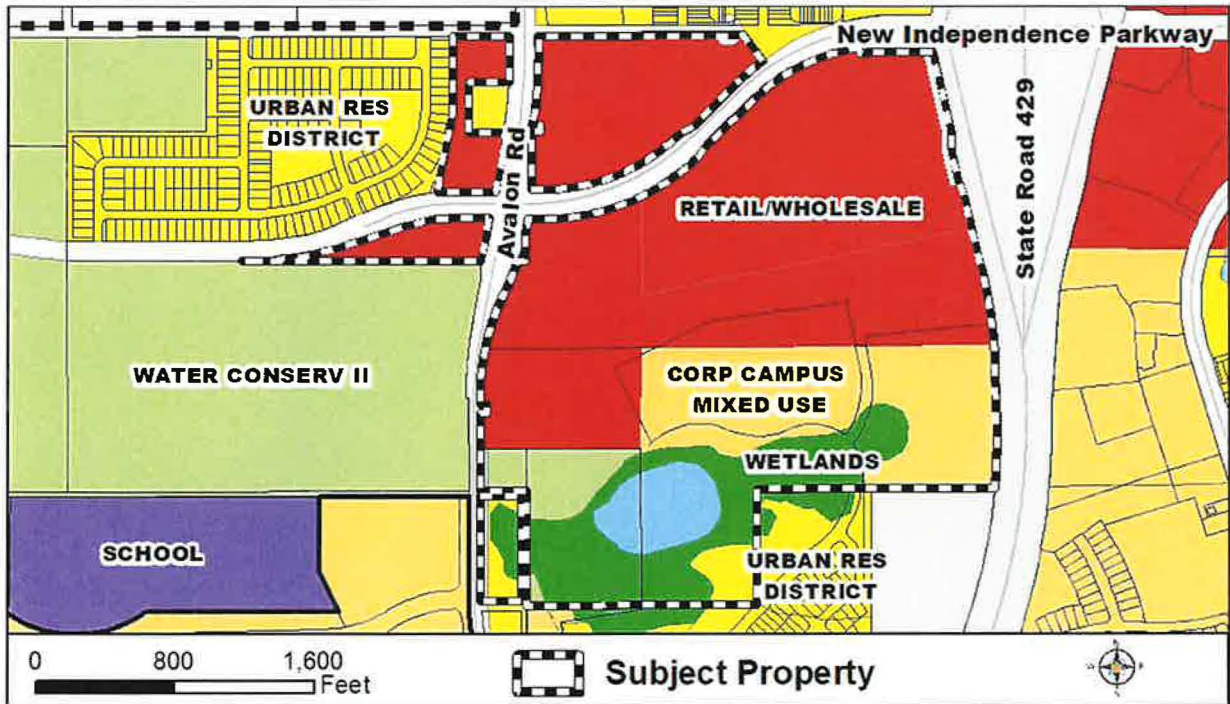
1 inch = 615 feet

FUTURE LAND USE - CURRENT

Village

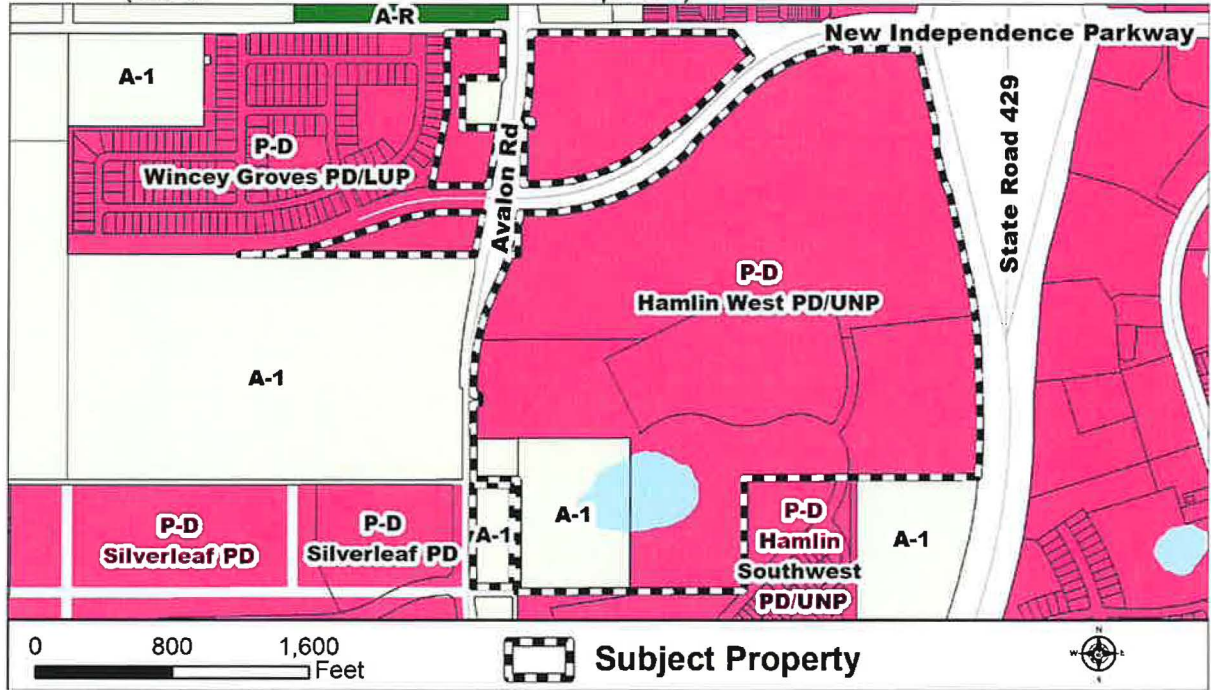


TOWN CENTER HORIZON WEST SPECIAL PLANNING AREA MAP



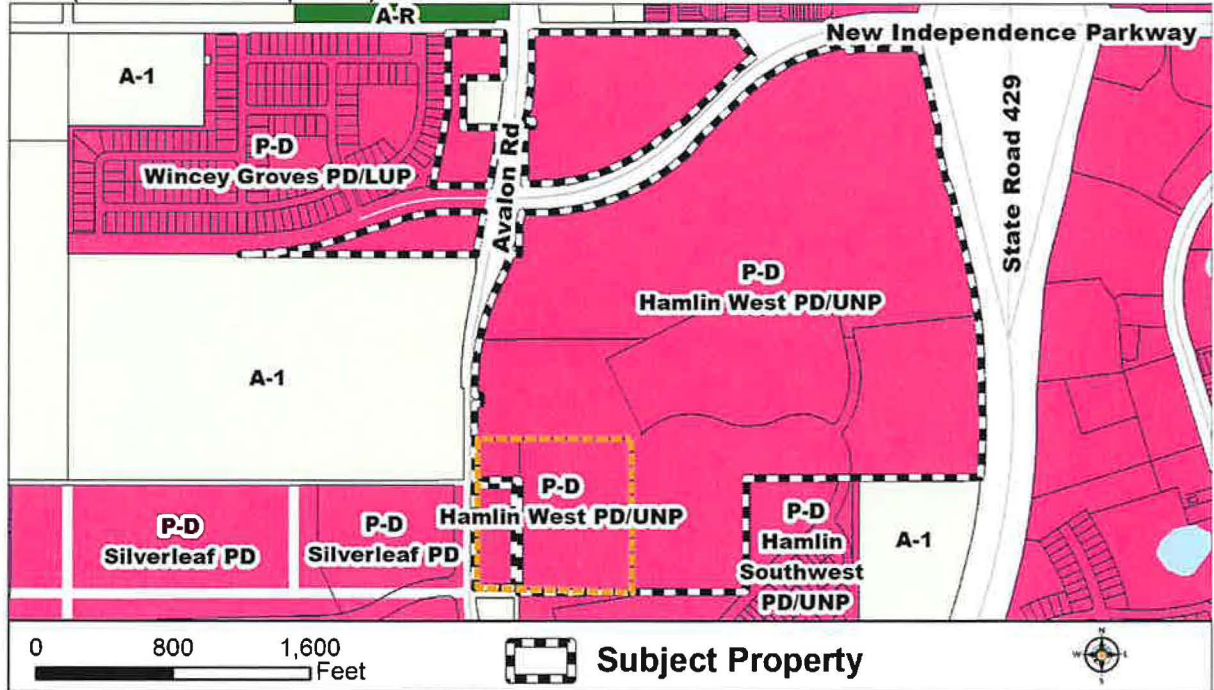
ZONING – CURRENT

A-1/P-D (Citrus Rural District/Planned Development)



ZONING – PROPOSED

P-D (Planned Development)



LEGAL DESCRIPTION
181 9811.1



HAMLIN WEST

PLANNED DEVELOPMENT/UNIFIED NEIGHBORHOOD PLAN/LAND USE PLAN

ORANGE COUNTY, FLORIDA

CASE# LUPA-21-11-335
PARCEL ID:

20-23-27-000-00-00 / 20-23-27-000-00-002 / 20-23-27-000-00-02 / 20-23-27-000-00-038,
15-23-27-000-00-023, 9-23-27-000-00-022 19-23-27-2840-13-010,
10-23-27-000-00-010 20-23-27-000-00-016



LOCATION MAP

NO.	TITLE	DATE
1	COVER SHEET	05/02/2023
2	SURVEY/LEGAL DESCRIPTION	05/02/2023
3	FLOODPLAIN, SCILS & VEGETATION MAP	05/02/2023
4	UNIFIED NEIGHBORHOOD PLAN/LAND USE PLAN	05/02/2023
5	PROJECT NOTES & CONDITIONS	05/02/2023

SHEET NO.	TITLE
1	COVER SHEET
2,3,4	SURVEY/LEGAL DESCRIPTION
5	FLOODPLAIN, SCILS & VEGETATION MAP
6	UNIFIED NEIGHBORHOOD PLAN/ LAND USE PLAN
7	PROJECT NOTES & CONDITIONS

Owner

HAMLIN RETAIL PARTNERS WEST LLC
14432 Shoreline Way
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Planner

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gencen@agmodesign.com
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Maitland FL 32751

Engineer

KELLY COLLINS & GENTRY, INC.
1703 N Orange Avenue
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Orlando Florida 32814
Phone (407) 858-7858

APPROVED WAIVERS

The following waives are approved with this application:

- Request to waive Section 17.02.01 (a) (1) regarding the requirement of a site plan for a Planned Development/Unified Neighborhood Plan/Land Use Plan. The applicant has provided a detailed site plan that meets the requirements of the code and the Board of Planning and Zoning Ordinance. The Board of Planning and Zoning Ordinance has approved the site plan and the applicant has provided a detailed site plan that meets the requirements of the code and the Board of Planning and Zoning Ordinance.
- Request to waive Section 17.02.01 (a) (2) regarding the requirement of a site plan for a Planned Development/Unified Neighborhood Plan/Land Use Plan. The applicant has provided a detailed site plan that meets the requirements of the code and the Board of Planning and Zoning Ordinance. The Board of Planning and Zoning Ordinance has approved the site plan and the applicant has provided a detailed site plan that meets the requirements of the code and the Board of Planning and Zoning Ordinance.
- Request to waive Section 17.02.01 (a) (3) regarding the requirement of a site plan for a Planned Development/Unified Neighborhood Plan/Land Use Plan. The applicant has provided a detailed site plan that meets the requirements of the code and the Board of Planning and Zoning Ordinance. The Board of Planning and Zoning Ordinance has approved the site plan and the applicant has provided a detailed site plan that meets the requirements of the code and the Board of Planning and Zoning Ordinance.

Biologist

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Fax (407) 573-8724

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Attorney

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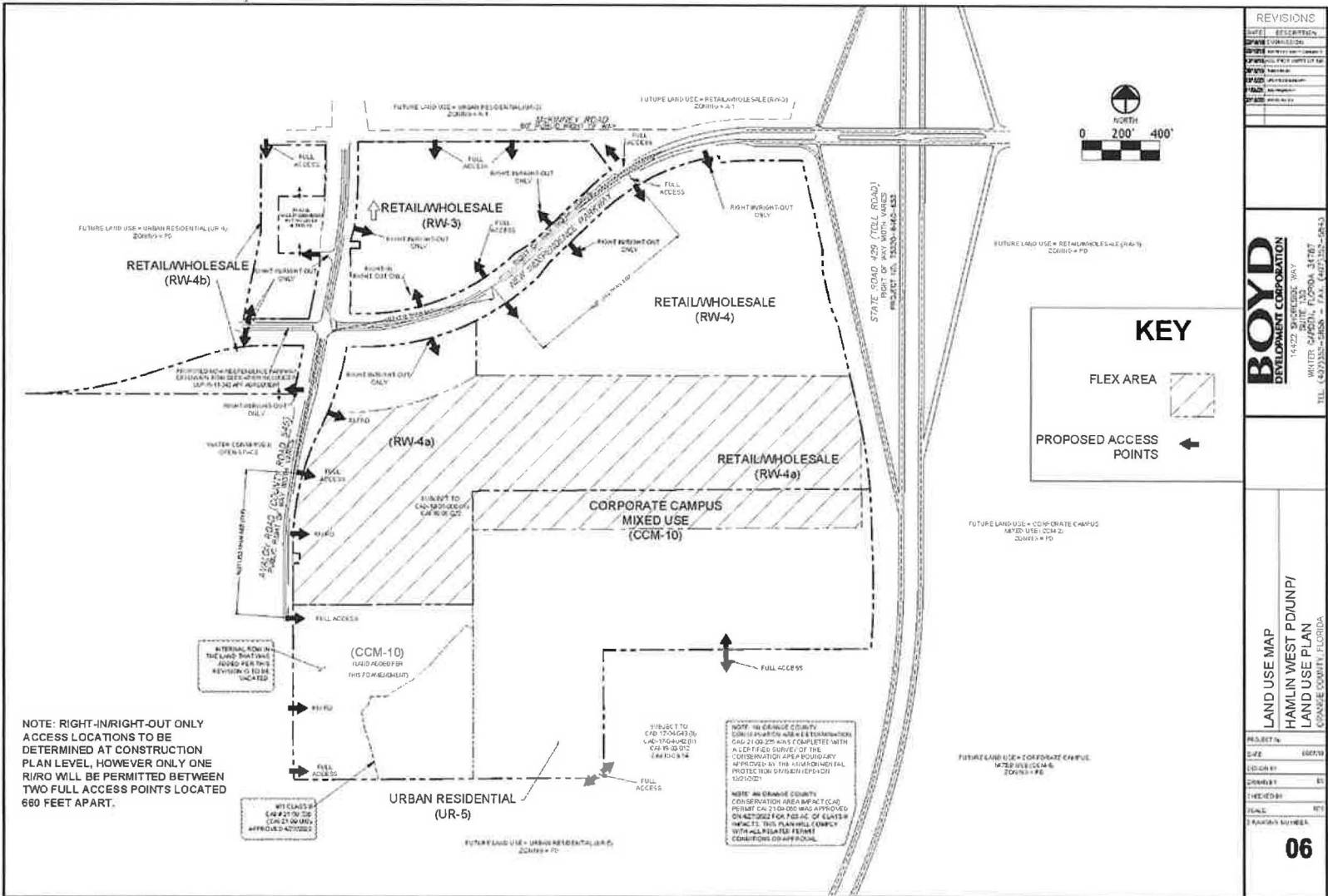
BOYD DEVELOPMENT CORPORATION
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WINTER GARDEN, FLORIDA 34737
PHONE (407) 352-5858 FAX (407) 352-0843

RECEIVED
By DATE OFFICE 05/02/2023 09:23 AM

Hamlin West PD - UNP / LUPA (Cover Sheet)

Rezoning Staff Report
Case # LUPA-21-11-335
BCO Hearing Date: May 2, 2023

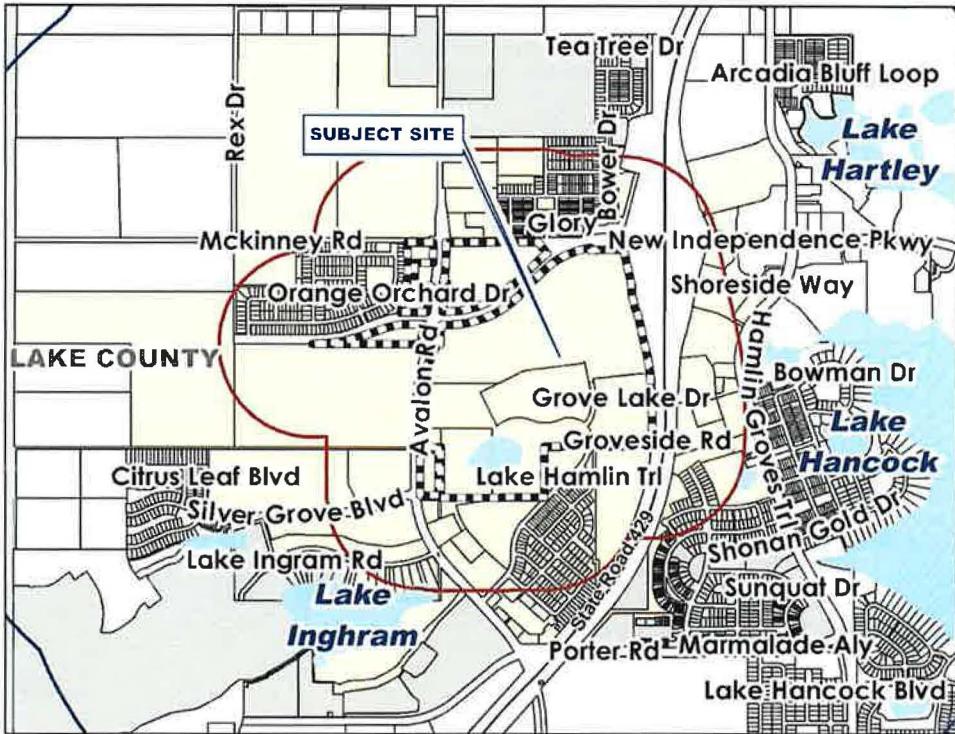
Hamlin West PD - UNP / LUP





Public Notification Map

Hamlin West PD - UNP_LUPA-21-11-335



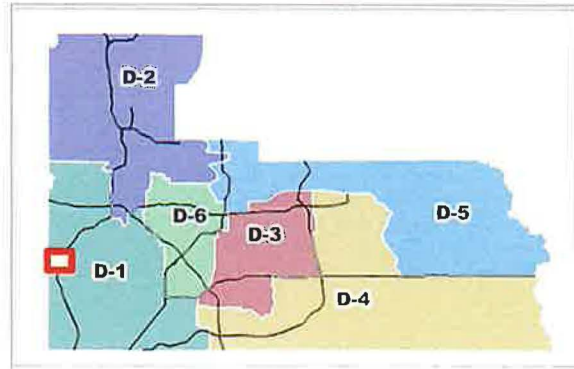
SUBJECT SITE



MAP LEGEND

- SUBJECT SITE
- 1200 FT BUFFER
- 1 MILE BUFFER
- HYDROLOGY
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS

BUFFER DISTANCE: 1200
OF NOTICES: 994



S:\Business Systems\Board Administration\SUBSTANTIAL CHANGE\2023\Hamlin West PD - UNP_LUPA-21-11-335\Hamlin West PD - UNP_L

Notification Map

Rezoning Staff Report
Case # LUPA-21-11-335
BCC Hearing Date: May 2, 2023