



Interoffice Memorandum

January 25, 2024

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

FROM: Tanya Wilson, AICP, Director
Planning, Environmental, and Development Services Department

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

SUBJECT: February 20, 2024 – Public Hearing
Applicant(s): Scott Gentry, Kelly, Collins & Gentry, Inc
Project Name: Hamlin West PD - UNP / Northshore of Lake
Hamlin PSP
Project No.: CDR-23-12-345 / District 1

This public hearing is to consider a recommendation from the Development Review Committee (DRC) meeting of January 10, 2024, to approve a substantial change to the Hamlin West Planned Development - Unified Neighborhood Plan (PD-UNP) Northshore of Lake Hamlin Preliminary Subdivision Plan (PSP). This project is generally located south of New Independence Parkway and east of Avalon Road within the Horizon West Town Center Village.

The request is to remove the Board condition of approval #27 dated October 26, 2021, which allowed .9 acres of recreation area to be located on an adjoining offsite open space area, and to request a waiver from Orange County Code Section 38-1253 (b) ("recreation facilities") to allow for 1.20 acres of recreation area in lieu of the required 1.74 acres of recreation area on the subject site. The Development Plan (DP) for the construction of the offsite recreation area is currently under review as case DP-23-06-190, which is contingent on approval of case CDR-23-10-313, an amendment to the PSP adjacent to the Northshore subject property. The PSP amendment has been delayed due to extenuating circumstances out of the applicant's control.

The applicant is requesting to return to the original proposal of 1.20 acres to satisfy their onsite recreation area requirement utilizing the "neighborhood square" park, including the series of pocket parks throughout. Approval of this requested waiver and removal of the Board Condition will allow a Certificate of Completion for the subdivision infrastructure to be issued for the project.

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 Hamlin West PD - UNP / Northshore of Lake Hamlin PSP (CDR-23-12-345) dated “Received December 5, 2023”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District #1

TW/JCK/js
Attachment

CASE # CDR-23-12-345
Commission District # 1

1. GENERAL INFORMATION

Applicant: Scott Gentry, Kelly, Collins & Gentry, Inc.

Owner: Dream Finders Homes LLC; DFC Hamlin Parkview LLC; Parkview at Hamlin Homeowners Association, Inc.

Project Name: Hamlin West PD - UNP / Northshore of Lake Hamlin PSP

Hearing Type: Preliminary Subdivision Plan (PSP)

Request: To remove the Board condition of approval #27 dated October 26, 2021, which required offsite recreation area, approved, and to request the following waiver from Orange County Code

A waiver from Section 38-1253 (b) ("recreation facilities") to allow for 1.20 acres of recreation area in lieu of the required 1.74 acres of recreation area.

Applicant Justification: This request allows for the incorporation of a "neighborhood square" as the center of the urban residential neighborhood surrounded by four streets and framed on all four sides by residential buildings. With the inclusion of the "neighborhood square" the effective recreation area (including the paver streets) is 2.17 ac. The HOA will maintain the pavers in the streets and parking areas, hardscape and landscaping in the right-of-way included as park and recreation area and open space. The achieved open space and ultimate pedestrian scaled urban form provides opportunity for community driven events in a visible centralized parklike setting visible to pedestrian and vehicular traffic.

2. PROJECT INFORMATION

A. Overview:

The Hamlin West Planned Development – Unified Neighborhood Plan (PD-UNP) / Northshore of Lake Hamlin Preliminary Subdivision Plan (PSP) is generally located south of New Independence Parkway and east of Avalon Road. On October 26, 2021, the Board approved the PSP to subdivide 21.10 gross acres to construct 225 single-family residential dwelling units. The original request, as recommended for approval by the DRC, included a waiver to allow for 1.20 acres of recreation area in lieu of the required 1.74 acres of recreation area. At the Board meeting, a proposal was approved to remove the waiver and instead require a 0.9 acre area along the pond of the adjacent property to serve as additional recreation area.

A Development Plan (DP) for the construction of the offsite recreation area is currently under review as case DP-23-06-190, which is contingent on approval of case CDR-23-10-313, an amendment to the PSP adjacent to the Northshore subject property. The PSP amendment has been delayed due to extenuating circumstances out of the applicant’s control. The offsite park located is still moving forward but is not incorporated within this project’s boundaries.

This request is to remove the alternative requirement for the offsite recreation area and re-request the waiver for the reduction in recreation area within the bounds of this project in order to allow a Certificate of Completion for the subdivision infrastructure to be issued.

B. Location:

South of New Independence Parkway / East of Avalon Road

C. Parcel ID(s):

Multiple on file with the Planning Division

D. Total Acres:

21.10 acres

E. Water Supply:

Orange County Utilities

F. Sewer System:

Orange County Utilities

- G. Schools: **Water Spring Elementary School**
Enrollment: 1,300 / Capacity: 725
Bridgewater Middle School Name
Enrollment: 1,186/ Capacity: 1,028
Horizon High School Name
Enrollment: 2,314 / Capacity: 2,627
- H. School Population: 74
- I. Parks: Horizon West Regional Park - 2 Miles
- J. Proposed Use: 225 Single-Family Residential Dwelling Units
- K. Site Data: Maximum Building Height: 55' (4-stories)
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width: 20'
Building Setbacks:
7' Front
7' Side
14' Rear
10' Side Street
- L. Fire Station: 44 – 16990 Porter Road
- M. Public Notification: The notification area for this public hearing extended beyond 1500 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Seven hundred and seventy-three (773) notices were mailed to those property owners in the mailing area.
- N. Community Meeting Summary: A community meeting was not required for this case.
- O. Transportation: Transportation staff has reviewed the proposed request but did not identify any issues or concerns.
- P. Environmental Protection Division: EPD staff has reviewed the proposed request but did not identify any issues or concerns.

- Q. Comprehensive Plan: The subject property is designated on the Future Land Use Map (FLUM) as Village and the property is designated as a Corporate Campus Mixed Use District and a Retail Wholesale District within the Horizon West Town Center. The property's zoning is PD and is within the Hamlin West PD. The proposal is consistent with the Comprehensive Plan.
- R. Zoning: PD (Planned Development) (Hamlin West PD)

3. REQUESTED ACTION:

Development Review Committee (DRC) Recommendation – (January 10, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Hamlin West Planned Development – Unified Neighborhood Plan / Northshore of Lake Hamlin Preliminary Subdivision Plan dated "Received December 5, 2023", subject to the following conditions:

1. Development shall conform to the Hamlin West PD Land Use Plan; Board approvals; Northshore of Lake Hamlin Preliminary Subdivision Plan dated "Received December 5, 2023," 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 Board, or by action of the Board. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received December 5, 2023," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board 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. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. A waiver from Orange County Code Section 38-1253 (b) (recreation facilities) is granted to allow for 1.20 acres of recreation area in lieu of the required 1.74 acres of recreation area.
8. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated October 26, 2021, shall apply:

- a) The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
- b) 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.
- c) 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.
- d) 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.
- e) The project shall comply with the terms and conditions of that certain Amended and Restated New Independence Parkway and C.R. 545/Avalon Road Network Agreement approved on August 7, 2018, and recorded at Document Number 20180482220, Public Records of Orange County, Florida, as may be amended.
- f) A Master Utility Plan (MUP) for the PSP, including hydraulically dependent development, 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 PSP shall be consistent with approved and up-to-date Master Utility Plans (MUPs) for the PSP and the Horizon West Town Center. MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUPs and updates must be approved prior to Construction Plan approval.

- g) Where public gravity main will be located within alleyways (except for Alley D), the distance from structure to structure shall be a minimum of 38 feet. To meet this requirement, the rear and side setbacks for affected lots on the PSP shall be a minimum of 19 feet from the property line, based on the utility configuration shown in the PSP.
- h) Where public gravity main will be located within Alley D, the distance from structure to structure shall be a minimum of 60 feet. To meet this requirement, the rear setbacks for affected lots on the PSP shall be a minimum of 30 feet from the property line, based on the utility configuration shown in the PSP.
- i) The proposed development is adjacent to an existing and permitted City of Orlando/Orange County/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, coordinate with OCU to obtain information on the mounding produced by the RIBs, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.
- j) Unless otherwise specified to the County's satisfaction in the PSP, a Development Plan, in conformance with the requirements of Section 34-131(b) (20), including the appropriate group type, is required for the park / recreation tract(s) within this Preliminary Subdivision Plan (PSP), or phase thereof, as appropriate. Regardless of whether the park / recreation tract is included in the PSP or approved via a separate Development Plan, the park / recreation area tract(s) shall be constructed in conjunction with the subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located.
- k) New streets which are an extension of or in alignment with existing streets shall bear the same name as that borne by such existing streets.
- l) Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
- m) Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
- n) 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.

- o) Roads and drainage system(s) will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.

- p) A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.

- q) A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.

- r) A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance, including leasing, fuel, and energy costs for this project, of street lighting inventory within the PSP on publicly owned and maintained streets, with the exception of those street lighting fixtures, poles, and luminaries in the public right of way that shall be installed and maintained by the POA (the "POA Lighting"). Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and, with the exception of the POA Lighting, installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory other than the POA Lighting. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via one or more, as appropriate, "Letter(s) of Commitment," prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

- s) Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.

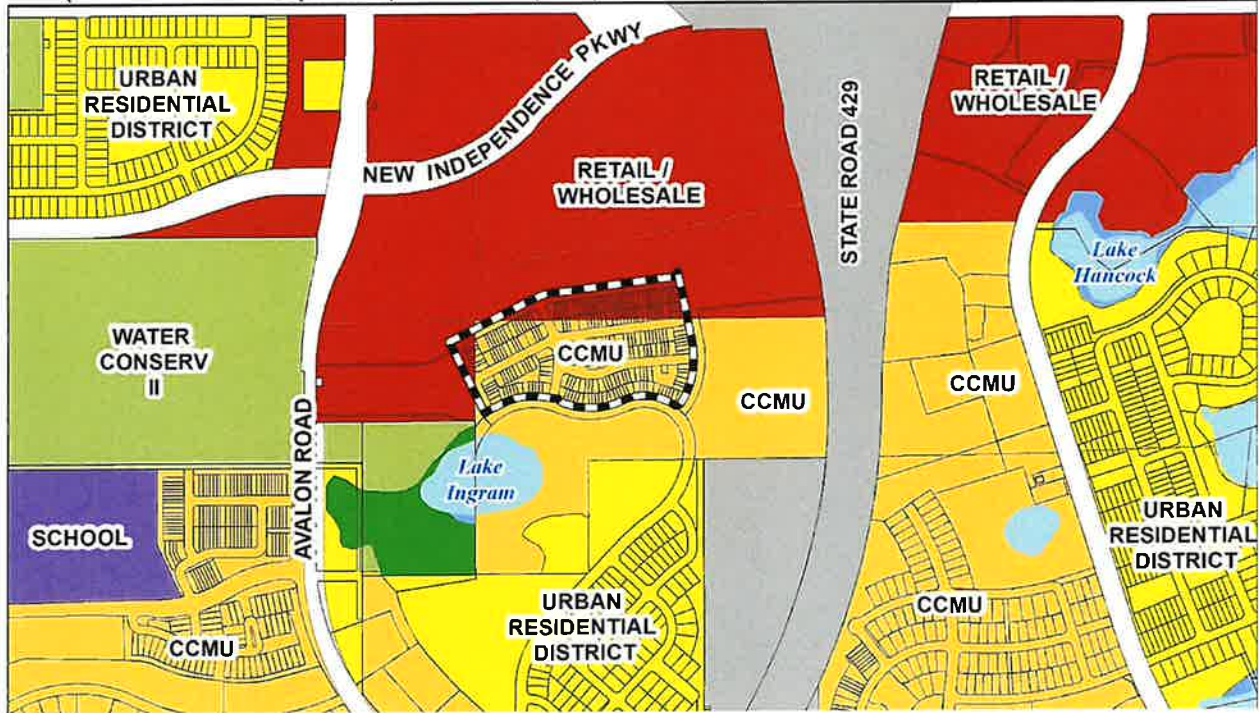
- t) The plat and the Conditions, Covenants, and Restrictions (CC&Rs) for this project shall notify homeowners that solid waste collection by Orange County from the alleyways adjacent to Lots 65 through and including 72 will not be possible because the alleyway configuration does not provide adequate width to accommodate Orange County solid waste collection vehicles.

- u) Streets A & E as shown on the PSP shall be designed and constructed to commercial standards.

- v) ~~The 0.9-acre open space area designated in yellow on Sheet UN-1.0 shall be designated as a recreation area to meet the minimum requirements of Orange County Code Sec. 38-1253(b). A separate Development Plan will be required for this recreation area, consistent with condition #15 of this approval. (Previous Board Condition 27, proposed to be deleted.)~~

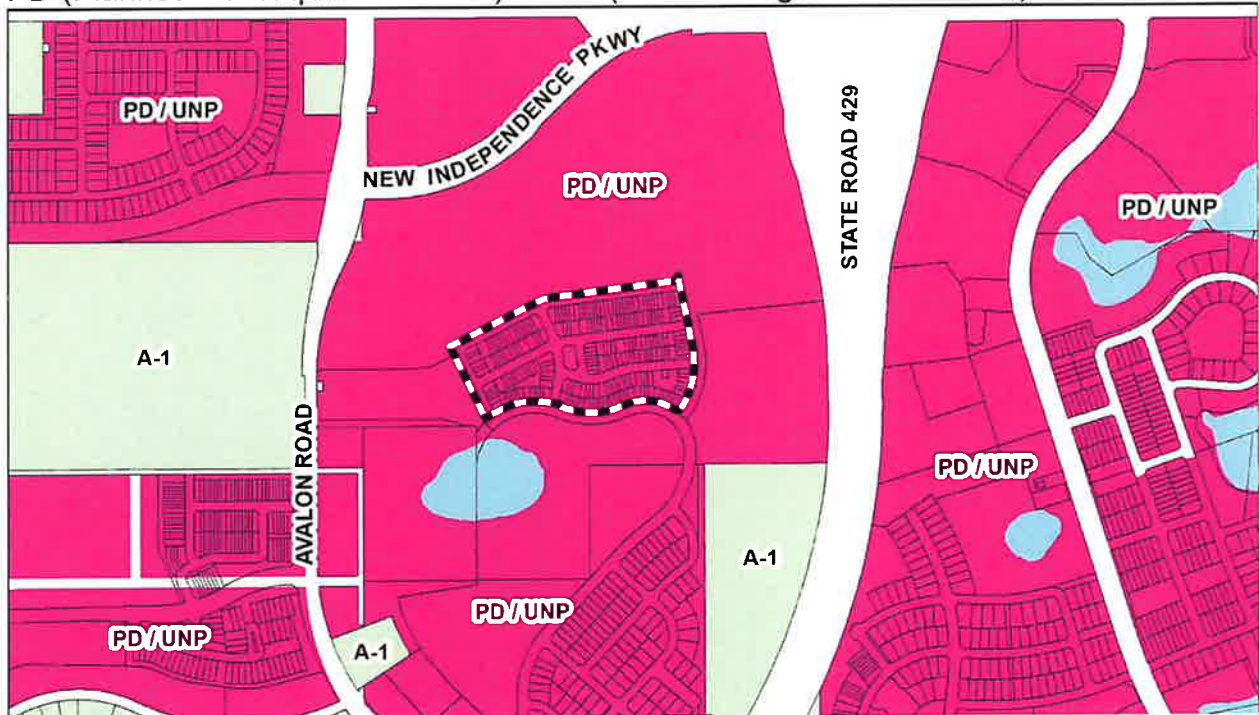
FUTURE LAND USE

PD (Planned Development) / CCMU (Corporate Campus Mixed Use)

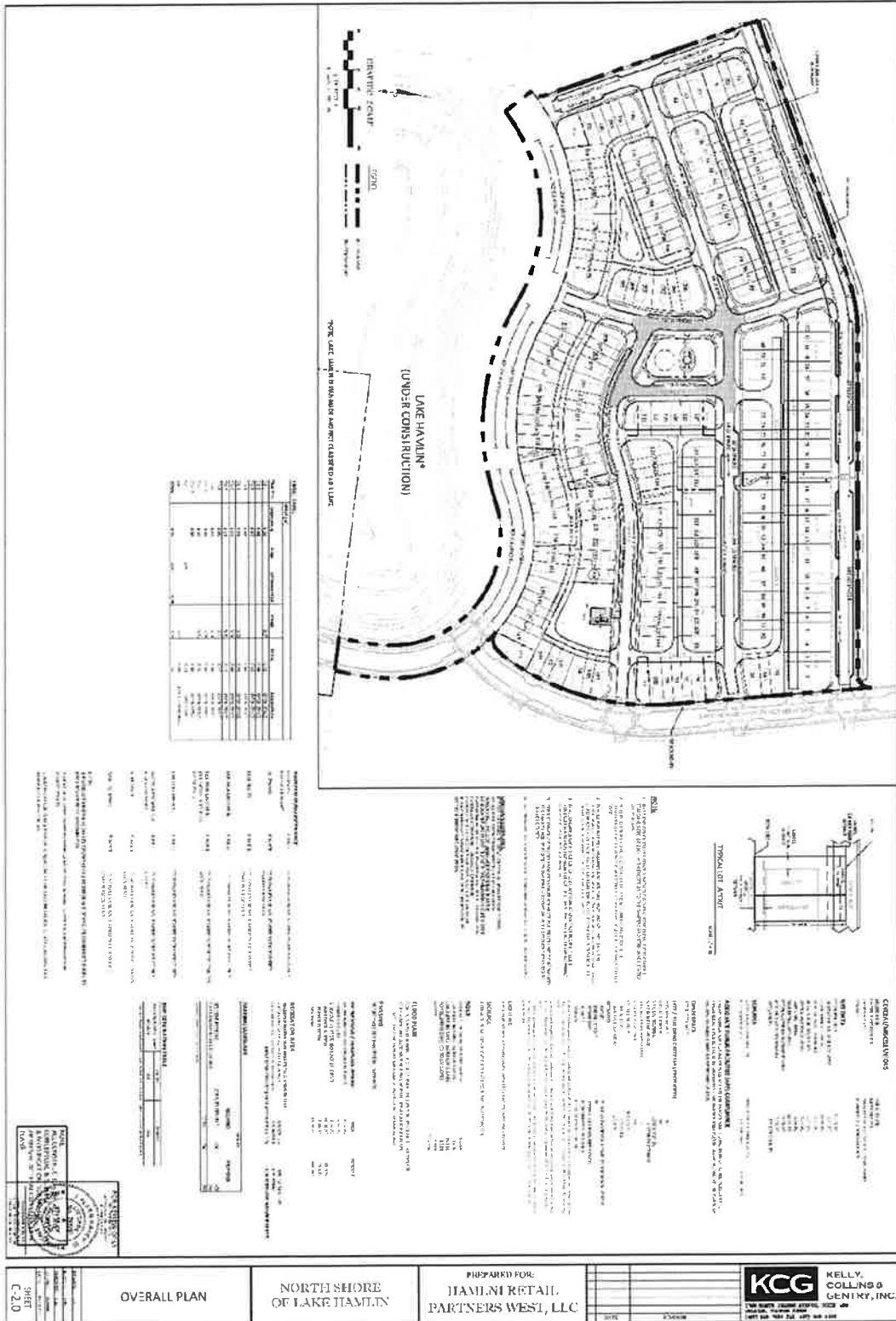


ZONING

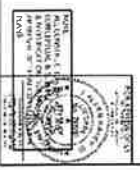
PD (Planned Development District) / UNP (Unified Neighborhood Plan)



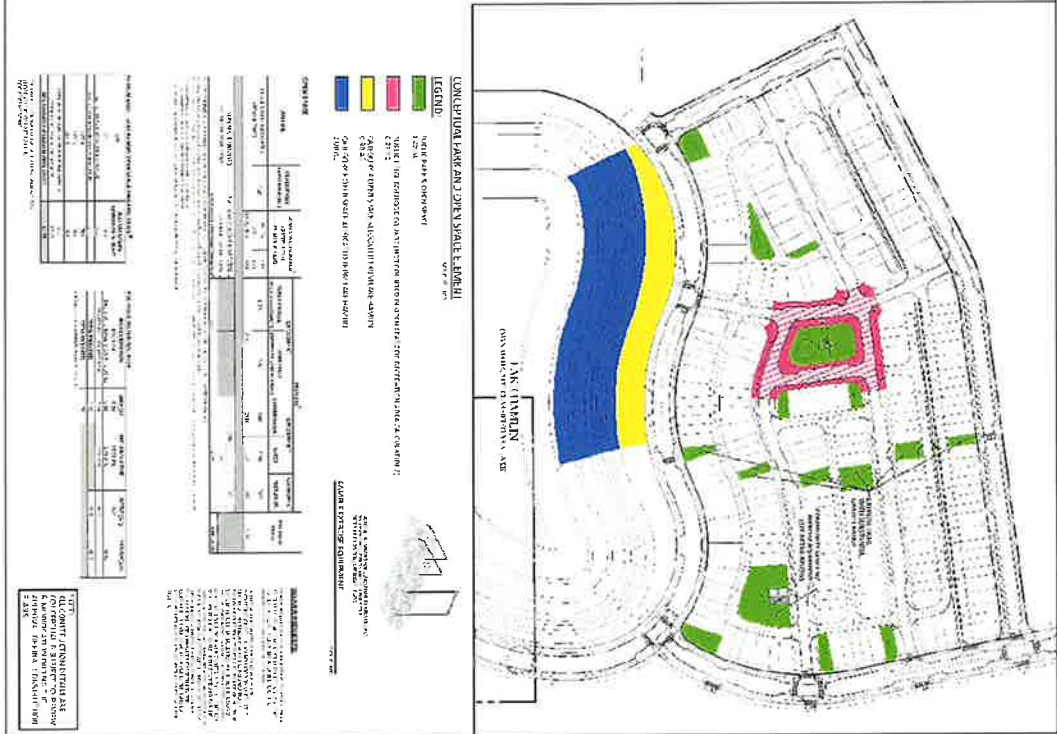
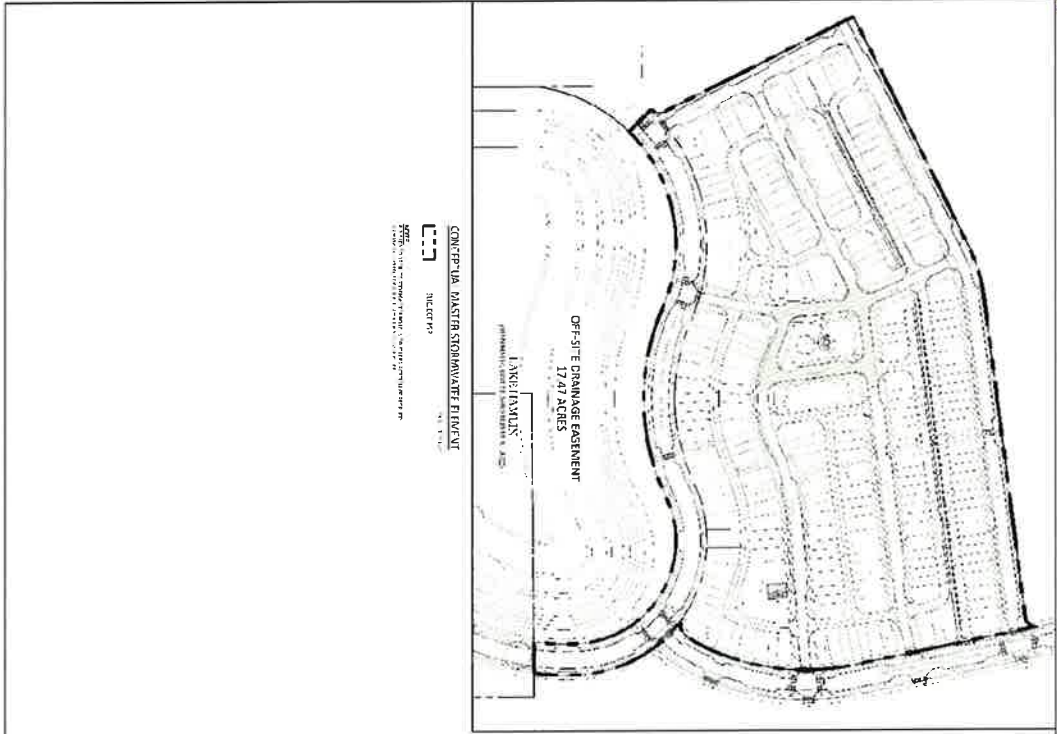
Site Plan Sheet



NO.	DESCRIPTION	AREA	PERCENTAGE
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Previously Approved Offsite Park Exhibit



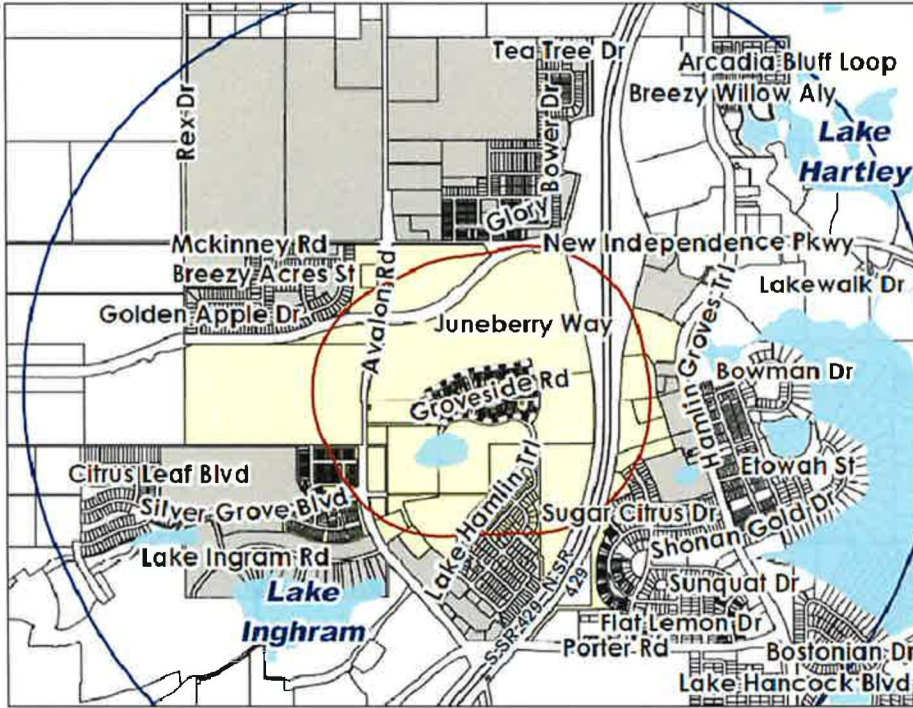
<p>07-N1</p>	<p>UNIFIED NEIGHBORHOOD PLAN</p>	<p>NORTH SHORE OF LAKE HANLIN PSP</p>	<p>PREPARED FOR HJAMINI RETAIL PARTNERS WEST, LLC</p>	<p>KELLY, COLLINS & GENTRY, INC. 1110 SOUTH GARDNER AVENUE, SUITE 400 FULLERTON, CALIFORNIA 92631 (714) 952-1000 FAX (714) 952-1000</p>

Notification Map



Public Notification Map

CDR-23-12-345



MAP LEGEND

	SUBJECT SITE		PARCELS
	1500FT BUFFER		NOTIFIED PARCELS
	1 MILE BUFFER		COURTESY PARCELS
	HYDROLOGY		

BUFFER DISTANCE: 1500
OF NOTICES: 773

