

**COMMUNITY, ENVIRONMENTAL & DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION PUBLIC HEARING REPORT
 February 26, 2019**

This packet contains the following public hearings to be heard by the Board of County Commissioners on Tuesday February 26, 2019.

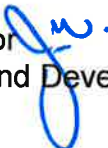
<u>NAME OF REQUEST</u>	<u>CASE NUMBER</u>	<u>TYPE OF HEARING</u>
Tom Daly, Daly Design Tyson Ranch, PD/LUP District 4	LUP-18-02-056	Rezoning
Chris Straub, River Oaks Landing HOA, Pegasus PD/PSP District 5	CDR-18-11-373	Substantial Change
Eric E. Warren, Poulos & Bennett San Lorenzo Townhomes PD/PSP District 3	PSP-18-05-168	Preliminary Subdivision Plan
Jennifer Stickler, Hubbard Place PSP District 1	PSP-17-09-278	Preliminary Subdivision Plan
Adam Smith, Waterleigh PD/LUP District 1	CDR-18-03-073	Substantial Change
John Prowell, VHB Wetherbee Acres PD/LUP District 4 (continued from February 12, 2019)	CDR-18-08-263	Substantial Change
James H. McNeil, Orangewood N-2 PD/LUP District 1	CDR-18-07-230	Substantial Change
Kurt Ardaman, Orangewood N-1 Westwood PSP- Parcel 4 Westwood Hotel Development Plan District 1	DP-18-01-017	Development Review Appeal




Interoffice Memorandum

DATE: February 5, 2019

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

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

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

SUBJECT: February 26, 2019 – Public Hearing
Thomas Daly, Daly Design Group
Tyson Ranch Planned Development
Case # LUP-18-02-056 / District 4

The Tyson Ranch Planned Development (PD) is generally located south of State Road 417, north of Simpson Road, and west of Boggy Creek Road.

The applicant is seeking to rezone 75.29 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 350 multi-family dwelling units, 330 attached single-family dwelling units, 187,389 square feet of commercial and office uses, and 250 hotel rooms. This request also includes a Master Sign Plan. Additionally, twelve (12) waivers are requested related to building setbacks, heights, separation distance, massing, and buffering.

On November 15, 2018, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was required for this application. This item was continued from the January 8, 2019 Board of County Commissioners hearing for further discussion of right-of-way dedication for the widening of Boggy Creek Road and associated infrastructure.

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 Tyson Ranch Planned Development / Land Use Plan (PD/LUP) dated “Received October 12, 2018”, subject to the conditions listed under the PZC Recommendation in the Staff Report. District 4

Attachments
JVW/EPR/stt

GENERAL INFORMATION

APPLICANT Thomas Daly, Daly Design Group
OWNER Orlando Airport Property, LLC
PROJECT NAME Tyson Ranch Planned Development (PD)
HEARING TYPE Planned Development / Land Use Plan (PD / LUP)
REQUEST **A-2** (Farmland Rural District) **to**
PD (Planned Development District)

A request to rezone 75.29 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 350 multi-family dwelling units, 330 attached single-family dwelling units, 187,389 square feet of commercial and office uses, and 250 hotel rooms. This request also includes a Master Sign Plan.

The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-79(20)(j) to allow 40' rear to rear townhome building separations within Parcel 4, in lieu of a 60' rear to rear separation for townhome buildings.

Applicant Justification: *40' rear to rear townhome building separation is sufficient for building life safety regulations.*

2. A waiver from Section 38-79(20)(f) to allow a maximum 50% of buildings to be (4) four units within Parcel 4, in lieu of a maximum 25% of building to be (4) four units.

Applicant Justification: *Due to the configuration of the subject parcel, multiple (4) four unit buildings may be required to develop the parcel with the desired intent.*

3. A waiver from Section 38-1258(d) to allow 3-story (45' height) multi-family buildings within parcel 3, in lieu of 3-story and 40' in height.

Applicant Justification: *Parcel 3 is a part of an overall mixed use development PD that has commercial, office, hotel, self-storage and attached single family uses*

proposed within the PD boundaries. The proposed additional 5' height is to accommodate the roof line of the proposed multifamily buildings.

4. A waiver from Section 38-1258(a) to allow a 3 story (45' height) multi-family building to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of Parcel 3 adjacent to internal PD Parcel 4, 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 single story in height.
5. A waiver from Section 38-1258(b) to allow 100% of the multi-family buildings to be 3 story (45' height) to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of Parcel 3 adjacent to internal PD Parcel 4, 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.
6. A waiver from Section 38-1258(c) to allow a 3 story (45' height) multi-family building to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of parcel 3 adjacent to internal PD Parcel 4, in lieu of Multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (40 feet) in height, except as provided in (d) below.

Applicant Justification for 4, 5 & 6: *The current property owner (Bonnemaison Property) PID# 34-24-30-0000-00-035 to the east of parcel 3 applied for a comprehensive plan amendment in 2010. Per the applicants request at that time the FLU for the Bonnemaison Property was amended from Agricultural to PD-C/O/MDR. The applicants request was approved for 100,000sf of commercial, 50,000sf of office and 86 residential units on 10ac+/- of land. (2010-1-A-4-3). The owners of the Bonnemaison Property have also entered*

into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools; the CEA have been approved to allow for 86 residential units. The county and the land owner has requested throughout the rezoning process that cross access between Parcel 2 (non-residential) and the Bonnemaison Property is provided with this LUP. Cross access between a single family home and a commercial property is not consistent with county policies and speaks to the property owner's intension to redevelop this site consistent with the approved FLU entitlements that were applied for and approved in 2010.

The adjacent property to the west of Parcel 3 (Ward PD Parcel 14) PID# 33-24-30-0000-00-021 is approved for townhomes at 8 du/ac. with a maximum building height of 2 stories. The approved setback along the common property line is 25'. The proposed waiver would allow for a 65' setback from the Ward PD Parcel 14. The combined setback between the two properties would be 90' between 2 story attached single family homes and 3 story multifamily buildings.

The proposed land uses within Parcels 3&4 are internal to the Tyson PD. Both owned by the property owner. The owner is agreeable to the requested waiver to reduce the required setback.

7. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development on parcel 3 to be located ten (10) feet from the east property line adjacent to single-family zoned property line. A (10)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of parking and other paved areas for multi-family development shall be located at least twenty-five (25) feet from any single-family zoned property. A twenty-five (25)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code.

Applicant Justification: *The adjacent property (Bonnemaison Property) PID# 34-24-30-0000-00-035 to the east of parcel 3 is approved for 100,000sf of commercial, 50,000sf of office and 86 residential units on 10ac+/- of land. Evidence of the intended use can be found in the approved staff report 2010-1-A-4-3. The required paved area setback between commercial*

properties in the land development code is 7.5 feet. The requested waiver is 10'.

The county and the adjacent land owner have requested cross access thru Parcel 2 (non-residential) to this property in anticipation of future development consistent with the existing FLU entitlements

8. A waiver from Section 38-1258(f) to allow a 6' high aluminum fence on the east and west property line of Parcel 3, 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.

Applicant Justification: *The adjacent property (Bonnemaison Property) PID# 34-24-30-0000-00-035 to the east of Parcel 3 is approved for 100,000 SF of commercial, 50,000 SF of office and 86 residential units on 10ac+/- of land. Evidence of the intended use can be found in the approved staff report 2010-1-A-4-3. There is no requirement for a wall between adjacent non-residential properties. However, the applicant is agreeable to the installation of a 6' high decorative aluminum fence to provide security for both properties.*

The county and the adjacent land owner have requested cross access thru Parcel 2 (non-residential) to this property in anticipation of future development consistent with the existing FLU entitlements. This provides further evidence that the adjacent property is not being considered as a single family home.

9. A waiver from Section 38-1254(1) to allow a 3 story (45' height) multi-family building to be located 85' on the east side of Parcel 3, 65' from the west side of Parcel 3 abutting the Ward PD Parcel 14, and 105' from internal Parcel 4, in lieu of structures in excess of two (2) stories should increase this setback to reflect the additional structural height.

Applicant Justification: *The current property owner (Bonnemaison Property) PID# 34-24-30-0000-00-035 to the east of Parcel 3 applied for a comprehensive plan amendment in 2010. Per the applicants request at that time the FLU for the Bonnemaison Property was amended from Agricultural to PD-C/O/MDR. The applicants request was approved for 100,000sf of commercial, 50,000sf of office and 86 residential units on 10ac+/- of land. (2010-1-A-4-3). The owners of the*

Bonnemaison Property have also entered into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools; the CEA have been approved to allow for 86 residential units. The county and the land owner has requested throughout the rezoning process that cross access between Parcel 2 (non-residential) and the Bonnemaison Property is provided with this LUP. Cross access between a single family home and a commercial property is not consistent with county policies and speaks to the property owner's intension to redevelop this site consistent with the approved FLU entitlements that were applied for and approved in 2010.

The adjacent property to the west of Parcel 3 (Ward PD parcel 14) PID# 33-24-30-0000-00-021 is approved for townhomes at 8 du/ac. with a maximum building height of 2 stories. The approved setback along the common property line is 25'. The proposed waiver would allow for a 65' setback from the Ward PD Parcel 14. The combined setback between the two properties would be 90' between 2 story attached single family homes and 3 story multifamily buildings.

The proposed land uses within Parcels 3&4 are internal to the Tyson PD. Both owned by the property owner. The owner is agreeable to the requested waiver to reduce the required setback.

10. A waiver from Section 38-1272(5) to allow a 6 story (75' height) hotel within Parcel 1 north of Pond 10, in lieu of a maximum commercial building height of 50' and 35' within 100' of any residential property.

Applicant Justification: *The Hotel use is a permitted use within the overall mixed-use PD Development. A waiver to allow a maximum 6-story (75' height) hotel is only applicable to the portion of Parcel 1 located directly north of Pond 10 as shown on Sheet L-105. The overall project is a mixed use development and the proposed hotel building height is consistent with the approved entitlements for this property. The location of the proposed waiver is wholly internal to the Tyson PD. Parcel 4 is owned by the property owner. The owner is agreeable to the requested waiver.*

11. A waiver from Section 38-1603 to allow a 60' non-residential building setback from the center line of Boggy Creek Rd (minor arterial urban) and 40' from the property line whichever is greater, in lieu of a 120' non-residential

building setback from the center line of Boggy Creek Rd (minor arterial rural).

Applicant Justification: This application is timed to coordinate with the Boggy Creek Road expansion from a 2 lane minor arterial rural road section to a 4 lane minor arterial urban roadway section. The planned improvement from SR 417 to Simpson Road has been fully funded, is 100% designed and currently in the right of way acquisition process. The reduced non-residential building setback is consistent with the planned urbanization of this area of the county.

12. A waiver from Section 24-5(3) to allow a 10' landscape buffer on the north and west side of Parcel 2, in lieu of a 15' Type "C" landscape buffer.

Applicant Justification: The current property owner (Bonnemaison Property) PID# 34-24-30-0000-00-035 to the east of parcel 3 applied for a comprehensive plan amendment in 2010. Per the applicants request at that time the FLU for the Bonnemaison Property was amended from Agricultural to PD-C/O/MDR. The applicants request was approved for 100,000sf of commercial, 50,000sf of office and 86 residential units on 10ac+/- of land. (2010-1-A-4-3). The owners of the Bonnemaison Property have also entered into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools; the CEA have been approved to allow for 86 residential units. The county and the land owner has requested throughout the rezoning process that cross access between Parcel 2 (non-residential) and the Bonnemaison Property is provided with this LUP. Cross access between a single family home and a commercial property is not consistent with county policies and speaks to the property owner's intension to redevelop this site consistent with the approved FLU entitlements that were applied for and approved in 2010.

The reduction in the landscape buffer is consistent with buffer requirements between non-residential uses. Parcel 2 & 3 are integral to the Tyson PD. Both are owned by the property owner. The owner is agreeable to the reduced buffer between parcels 2 & 3.

LOCATION

South of State Road 417, North of Simpson Road, and West of Boggy Creek Road

PARCEL ID NUMBERS	33-24-30-0000-00-036 and 33-24-30-0000-00-038
TRACT SIZE	75.29 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,100 feet [<i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i>]. Six hundred sixty-five (665) notices were mailed to those property owners in the mailing area. A community meeting was required for this application.
PROPOSED USE	350 multi-family dwelling units, 330 attached single-family dwelling units, 187,389 square feet of commercial and office uses, and 250 hotel rooms

STAFF RECOMMENDATION

Development Review Committee – (October 24, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Tyson Ranch Planned Development / Land Use Plan (PD/LUP), dated “Received October 12, 2018”, subject to the following conditions:

1. Development shall conform to the Tyson Ranch Land Use Plan (LUP) dated “Received October 12, 2018,” and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated “Received October 12, 2018,” the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners (“Board”) at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may

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- withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
 4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
 5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
 6. 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, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

7. The project shall dedicate the necessary right-of-way, retention pond and easements for Boggy Creek Road prior to or concurrently with the first PSP or DP approval for this project.

8. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of MM DD, YYYY.

 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 0 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

 - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.

 - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

9. 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.

10. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.

11. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.

12. A Utilities Developer Agreement related to the extension of utility mains included in this PD may be required. The need for an agreement and the terms of the

agreement will be determined based on the MUP for this PD. Agreements must be approved by the BCC prior to construction plan approval.

13. This property is located within Airport Noise Zones 'E'. Development shall comply with Article XV, Chapter 9, Orange County Code (Airport Noise Impact Areas), as may be amended from time to time.
14. 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.
15. Short term/transient rental is prohibited within residential properties. Length of stay shall be for 180 consecutive days or greater.
16. Hotel length of stay shall not exceed 179 consecutive days.
17. Outside sales, storage, and display shall be prohibited.
18. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
19. A current Phase I 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 PSP and /or DP approval for any streets or tracts anticipated to be dedicated to the County or to the perpetual use of the public.
20. If the proposed North-South roadway currently shown as a private road on the Boggy Creek Crossings PD/LUP dated "received January 11, 2016," moves forward as a private road then all internal roadways of this development must also be private with a gated entry to the residential portion of this development subject to approval by the Board of County Commissioners.
21. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-79(20)(j) to allow 40' rear to rear townhome building separations within Parcel 4, in lieu of a 60' rear to rear separation for townhome buildings.
 - b. A waiver from Section 38-79(20)(f) to allow a maximum 50% of buildings to be (4) four units within Parcel 4 in lieu of a maximum 25% of building to be (4) four units.
 - c. A waiver from Section 38-1258(d) to allow 3-story (45' height) multi-family buildings within parcel 3, in lieu of 3-story and 40' in height.
 - d. A waiver from Section 38-1258(a) to allow a 3 story (45' height) multi-family building to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of Parcel 3 adjacent to internal PD Parcel 4, 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 single story in height.

- e. A waiver from Section 38-1258(b) to allow 100% of the multi-family buildings to be 3 story (45' height) to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of Parcel 3 adjacent to internal PD Parcel 4, 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.
- f. A waiver from Section 38-1258(c) to allow a 3 story (45' height) multi-family building to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of parcel 3 adjacent to internal PD parcel 4, in lieu of Multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (40 feet) in height, except as provided in (d) below.
- g. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development on parcel 3 to be located ten (10) feet from the east property line adjacent to single-family zoned property line. A (10)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of parking and other paved areas for multi-family development shall be located at least twenty-five (25) feet from any single-family zoned property. A twenty-five (25)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code.
- h. A waiver from Section 38-1258(f) to allow a 6' high aluminum fence on the east and west property line of Parcel 3, 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.
- i. A waiver from Section 38-1254(1) to allow a 3 story (45' height) multi-family building to be located 85' on the east side of Parcel 3, 65' from the west side of Parcel 3 abutting the Ward PD Parcel 14, and 105' from internal Parcel 4, in lieu of structures in excess of two (2) stories should increase this setback to reflect the additional structural height.
- j. A waiver from Section 38-1272(5) to allow a 6 story (75' height) hotel within Parcel 1 north of Pond 10, in lieu of a maximum commercial building height of 50' and 35' within 100' of any residential property.
- k. A waiver from Section 38-1603 to allow a 60' non-residential building setback from the center line of Boggy Creek Rd (minor arterial urban) and 40' from the

property line whichever is greater, in lieu of a 120' non-residential building setback from the center line of Boggy Creek Rd (minor arterial rural).

- I. A waiver from Section 24-5(3) to allow a 10' landscape buffer on the north and west side of Parcel 2, in lieu of a 15' Type "C" landscape buffer.

IMPACT ANALYSIS

Land Use Compatibility

The applicant is seeking to rezone the subject parcels from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 350 multi-family dwelling units, 330 attached single-family dwelling units, 187,389 square feet of commercial and office uses, and 250 hotel rooms. The applicant is also seeking approval of twelve (12) waivers related to the configuration of development on the site, heights, setbacks, and buffers.

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

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development – Industrial / Commercial / Office / Medium Density Residential (PD-IND/C/O/MDR) which allows for a development program of 820,000 square feet of airport and medical support uses, including medical offices, manufacturing of medical equipment, research and development of medical and pharmaceutical products, manufacturing and assembly of scientific instruments, and all other uses consistent with uses identified to support airport and medical industrial uses; 250 hotel rooms; 450 multi-family residential dwelling units; 300 single-family residential dwelling units; 100,000 square feet of commercial retail; and 275,000 square feet of office. The proposed PD zoning district and development program is consistent with the PD-IND/C/O/MDR FLUM designation and the following CP provisions:

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

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

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.

OBJ UD1.3 states that Orange County shall encourage the efficient use of land by integrating uses and creating interconnected and diverse spaces that feature a horizontal and vertical mix of higher residential densities, and smaller scale residential and non-residential uses.

OBJ T3.2 states that Orange County shall build and require to be built street, pedestrian and bicycle networks that provide regional, community, and neighborhood interconnectivity and provide direct access to existing and planned multimodal transportation facilities, activity centers, community services, and amenities as appropriate.

T3.2.1 states that the County shall require developments to provide interconnected transportation street, pedestrian, and bicycle networks through measures including, but not limited to, cross access easements, public rights-of-way, and/or transportation facility stub outs to adjacent parcels. These connections shall be provided in all directions, except where not physically feasible or the abutting land is undevelopable, including across existing and proposed streets, at intervals that support direct pedestrian and bicycle travel within and beyond the borders of the proposed development and that avoid cul-de-sacs or other closed-end street designs.

T3.2.2 states that the County shall ensure that existing and new developments are connected by pedestrian, bikeways and roadway systems unless prevented by physical or environmental barriers, including, but not limited to, limited access roadways, railroads, and environmental features. Where full street connections are not possible, bicycle and pedestrian connections may be required by the County.

Community Meeting Summary

A community meeting was required for this application. The meeting was held on February 21, 2018 at Wetherbee Elementary School. Sixteen (16) residents attended and expressed their concerns with the intensity of development, the timing of the widening of Boggy Creek Road, stormwater runoff, and potential wetland impacts.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: A-2 (Farmland Rural District) (1957) PD (Planned Development District – Ward Property PD) (2007)
	E: A-2 (Farmland Rural District) (1957)
	W: A-2 (Farmland Rural District) (1957)
	S: A-2 (Farmland Rural District) (1957) PD (Planned Development District – Boggy Creek Crossing PD) (2014)
Adjacent Land Uses	N: Grazing Land
	E: Single-Family Residential
	W: Single-Family Residential
	S: Church, Grazing Land, Undeveloped Commercial

Applicable PD Development Standards:

Single-Family Residential (Attached):

PD Perimeter Setback:	25 feet
Maximum Building Height:	35 feet / 2 stories
Minimum Lot Width:	20 feet
Minimum Lot Area:	1,800 Square Feet
Minimum Living Area:	1,000 Square Feet (under HVAC)

Minimum Building Setbacks

Front Setback:	20 feet
Rear Setback:	20 feet
Side Setback:	0 feet
Corner Setback:	15 feet
NHWE Setback:	50 feet

Building Side to Side Setback: 20 feet
Building Rear to Rear Setback: 40 feet

Multi-Family Residential:

PD Perimeter Setback:	25 feet (North and West) 20 feet (interior road)
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Maximum Building Height: 65 feet / 5 stories
Minimum Lot Width: 85 feet
Minimum Living Area: 500 Square Feet (under HVAC)

Non-Residential:

Commercial

Maximum FAR: 0.3 FAR

Maximum Building Height: 55 feet / 4 stories
Minimum Lot Width: 80 feet (major streets) / 60 feet (all other streets)
Minimum Lot Area: 6,000 Square Feet
Minimum Floor Area: 500 Square Feet (under HVAC)

Office

Maximum FAR: 0.3 FAR

Maximum Building Height: 55 feet / 4 stories
Minimum Lot Width: 85 feet
Minimum Lot Area: 10,000 Square Feet

Hotel

Maximum FAR: 0.3 FAR
Maximum Building Height: 75 feet / 6 stories
NHWE Setback: 50 feet

Minimum Building Setbacks

Boggy Creek Road: 40 feet from property line / 60 feet from centerline
Project Access Road: 30 feet
Interior Lot Lines: 10 feet (25 feet abutting residential district)
Building Perimeter Rear: 25 feet

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone 75.29 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 350 multi-family dwelling units, 330 attached single-family dwelling units, 187,389 square feet of commercial and office uses, and 250 hotel rooms.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation of Planned Development – Industrial / Commercial / Office / Medium Density Residential (PD-IND/C/O/MDR). The proposed use is consistent with this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is located within Airport Noise Zone "E".

Environmental

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). Documentation from the FWC indicates that bald eagle nest OR078 is located within one mile east.

This property has a prior agricultural land use (including cattle operations) that may have resulted in soil or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection Division (EPD) and the Development Engineering (DE) Division.

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies.

This site will discharge into water bodies that have been designated as impaired by the Florida Department of Environmental Protection (FDEP): Boggy Creek (fecal coliform), and East Lake Tohopekaliga Drain (nutrients). The Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code, may increase the requirements for pollution abatement treatment of stormwater as part of the adopted Lake Okeechobee Basin Management Action Plans (BMAP).

Transportation / Concurrency

Based on the Concurrency Management System database dated February 12, 2018, there is one failing roadway segment within the project impact area: Boggy Creek Road is currently operating at Level of Service "F" from the Central Florida Greenway to the Osceola County Line and there is no available capacity. This information is dated and subject to change. A traffic study will be required prior to obtaining a building permit.

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, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orlando Utilities Commission
Wastewater:	Orange County Utilities
Reclaimed:	Orange County Utilities

Schools

A Capacity Enhancement Agreement (CEA) for the subject property was reviewed by Orange County Public Schools (OC-18-008) and was approved by OCPS on November 13, 2018.

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not provide any comments

Code Enforcement

There are no active Code Enforcement violations on the subject property.

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 Tyson Ranch Planned Development / Land Use Plan (PD/LUP), dated "Received October 12, 2018". Staff also recommended that an additional condition be added limiting cross access between this PD and the Boggy Creek Crossings PD if the Boggy Creek Crossings PD develops multi-family adjacent to the cross access to PD Parcel 1.

Staff indicated that six hundred sixty-five (665) notices were mailed to the surrounding property owners within a buffer extending 1,100 feet from the subject property, with zero (0) commentaries received in support and two (2) received in opposition. The applicant was present and agreed with the staff recommendation. There was one (1) member of the public present who discussed the scale of development and impact on the area roads.

After a brief discussion regarding cross access and proposed waivers, a motion was made by Commissioner DiVecchio to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the Tyson Ranch Planned Development / Land Use Plan (PD/LUP) dated "Received October 12, 2018", subject to the twenty-one (21) DRC recommended conditions, and the PZC-added staff recommended condition regarding cross access. Commissioner Cantero seconded the motion, which carried on a 8-0 vote.

Motion / Second

Pat DiVecchio / Jose Cantero

Voting in Favor	<i>Pat DiVecchio, Jose Cantero, Paul Wean, William Gusler, Gordon Spears, Tina Demostene, Yog Melwani and James Dunn</i>
Voting in Opposition	<i>None</i>
Absent	<i>JaJa Wade</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (November 15, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Tyson Ranch Planned Development / Land Use Plan (PD/LUP), dated "Received October 12, 2018", subject to the following conditions:

1. Development shall conform to the Tyson Ranch Land Use Plan (LUP) dated "Received October 12, 2018," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received October 12, 2018," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. 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, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
7. The project shall dedicate the necessary right-of-way, retention pond and easements for Boggy Creek Road prior to or concurrently with the first PSP or DP approval for this project.
8. The following Education Condition of Approval shall apply:

- a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of November 13, 2018.
- b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 0 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
- c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
- d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

9. 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.
10. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
11. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
12. A Utilities Developer Agreement related to the extension of utility mains included in this PD may be required. The need for an agreement and the terms of the agreement will be determined based on the MUP for this PD. Agreements must be approved by the BCC prior to construction plan approval.
13. This property is located within Airport Noise Zones 'E'. Development shall comply with Article XV, Chapter 9, Orange County Code (Airport Noise Impact Areas), as may be amended from time to time.

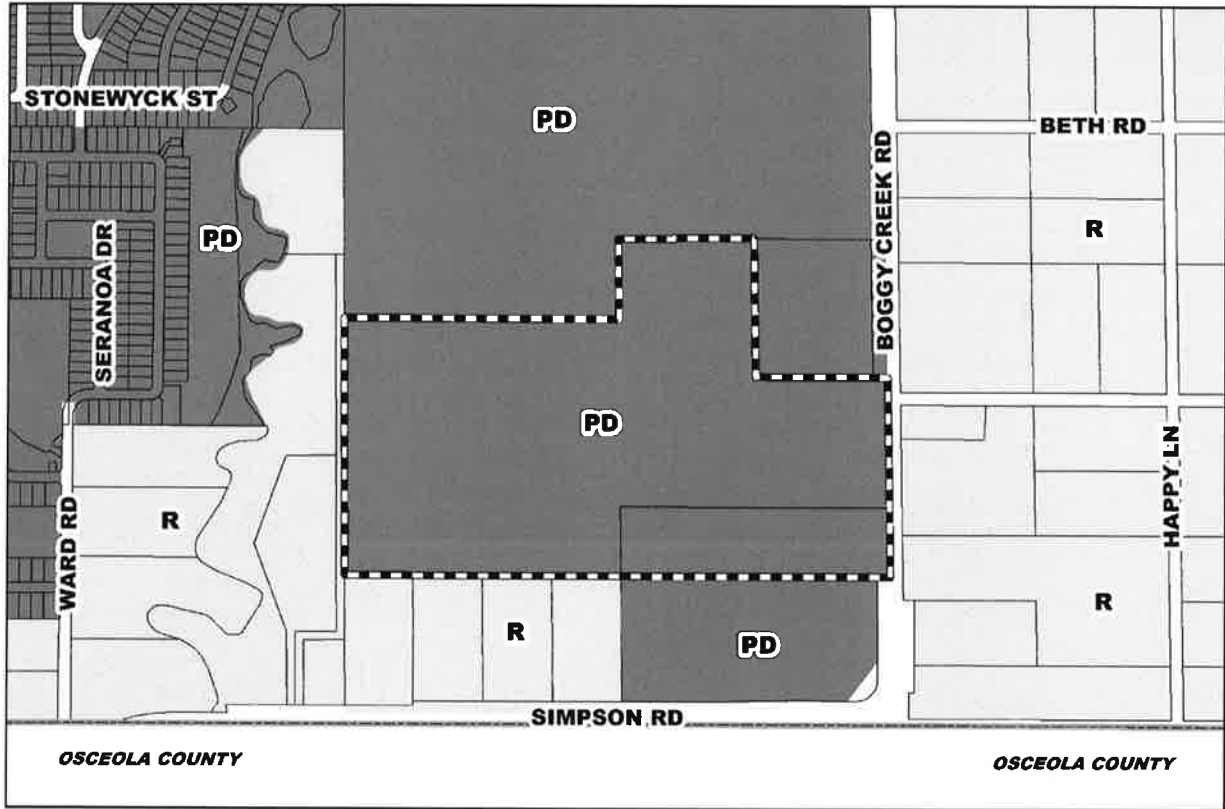
14. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
15. Short term/transient rental is prohibited within residential properties. Length of stay shall be for 180 consecutive days or greater.
16. Hotel length of stay shall not exceed 179 consecutive days.
17. Outside sales, storage, and display shall be prohibited.
18. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
19. A current Phase I 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 PSP and /or DP approval for any streets or tracts anticipated to be dedicated to the County or to the perpetual use of the public.
20. If the proposed North-South roadway currently shown as a private road on the Boggy Creek Crossings PD/LUP dated "received January 11, 2016," moves forward as a private road then all internal roadways of this development must also be private with a gated entry to the residential portion of this development subject to approval by the Board of County Commissioners.
21. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-79(20)(j) to allow 40' rear to rear townhome building separations within Parcel 4, in lieu of a 60' rear to rear separation for townhome buildings.
 - b. A waiver from Section 38-79(20)(f) to allow a maximum 50% of buildings to be (4) four units within Parcel 4 in lieu of a maximum 25% of building to be (4) four units.
 - c. A waiver from Section 38-1258(d) to allow 3-story (45' height) multi-family buildings within parcel 3, in lieu of 3-story and 40' in height.
 - d. A waiver from Section 38-1258(a) to allow a 3 story (45' height) multi-family building to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of Parcel 3 adjacent to internal PD Parcel 4, 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 single story in height.
 - e. A waiver from Section 38-1258(b) to allow 100% of the multi-family buildings to be 3 story (45' height) to be located 85' from the east property line of Parcel 3, 65'

from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of Parcel 3 adjacent to internal PD Parcel 4, 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.

- f. A waiver from Section 38-1258(c) to allow a 3 story (45' height) multi-family building to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of parcel 3 adjacent to internal PD parcel 4, in lieu of Multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (40 feet) in height, except as provided in (d) below.
- g. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development on parcel 3 to be located ten (10) feet from the east property line adjacent to single-family zoned property line. A (10)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of parking and other paved areas for multi-family development shall be located at least twenty-five (25) feet from any single-family zoned property. A twenty-five (25)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code.
- h. A waiver from Section 38-1258(f) to allow a 6' high aluminum fence on the east and west property line of Parcel 3, 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.
- i. A waiver from Section 38-1254(1) to allow a 3 story (45' height) multi-family building to be located 85' on the east side of Parcel 3, 65' from the west side of Parcel 3 abutting the Ward PD Parcel 14, and 105' from internal Parcel 4, in lieu of structures in excess of two (2) stories should increase this setback to reflect the additional structural height.
- j. A waiver from Section 38-1272(5) to allow a 6 story (75' height) hotel within Parcel 1 north of Pond 10, in lieu of a maximum commercial building height of 50' and 35' within 100' of any residential property.
- k. A waiver from Section 38-1603 to allow a 60' non-residential building setback from the center line of Boggy Creek Rd (minor arterial urban) and 40' from the property line whichever is greater, in lieu of a 120' non-residential building setback from the center line of Boggy Creek Rd (minor arterial rural).
- l. A waiver from Section 24-5(3) to allow a 10' landscape buffer on the north and west side of Parcel 2, in lieu of a 15' Type "C" landscape buffer.

22. If the Boggy Creek Crossings PD/LUP develops multi-family development adjacent to the proposed easternmost cross access between PD Parcel 1 and the Boggy Creek Crossings PD/LUP, then the proposed cross access shall not be constructed.

LUP-18-02-056



 Subject Parcel



 Subject Property

Future Land Use Map

FLUM: Planned Development - Industrial / Commercial / Office / Medium Density Residential (PD-IND/C/O/MDR)

APPLICANT: Thomas Daly, Daly Design Group

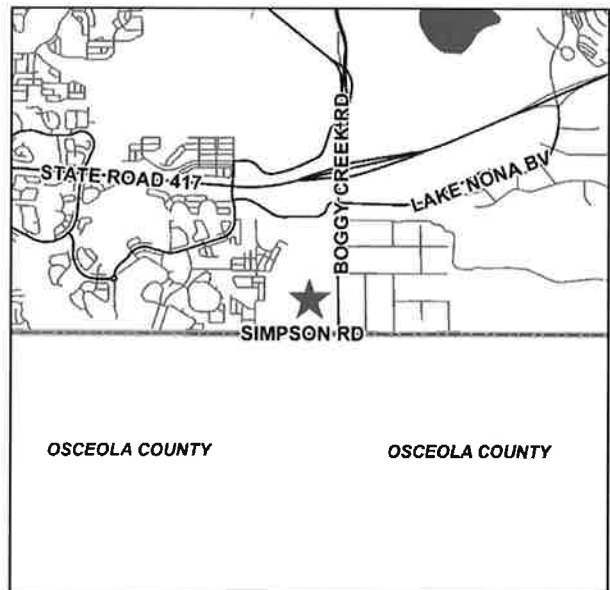
LOCATION: South of State Road 417, North of Simpson Road, and West of Bogy Creek Road

TRACT SIZE: 75.29 gross acres

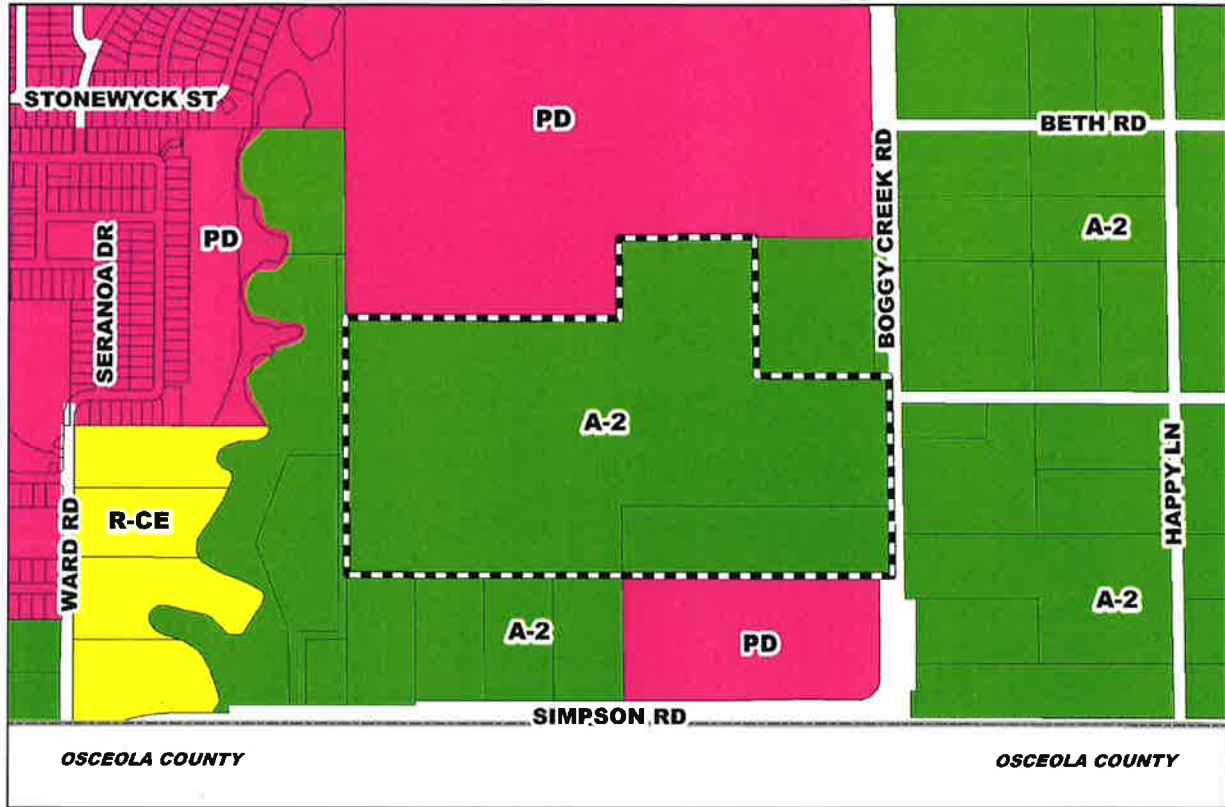
DISTRICT: # 4

S/T/R: 33/24/30

1 inch = 750 feet



LUP-18-02-056



Subject Parcel



Subject Property

Zoning Map

ZONING: A-2 (Farmland Rural District) to PD (Planned Development District)

APPLICANT: Thomas Daly, Daly Design Group

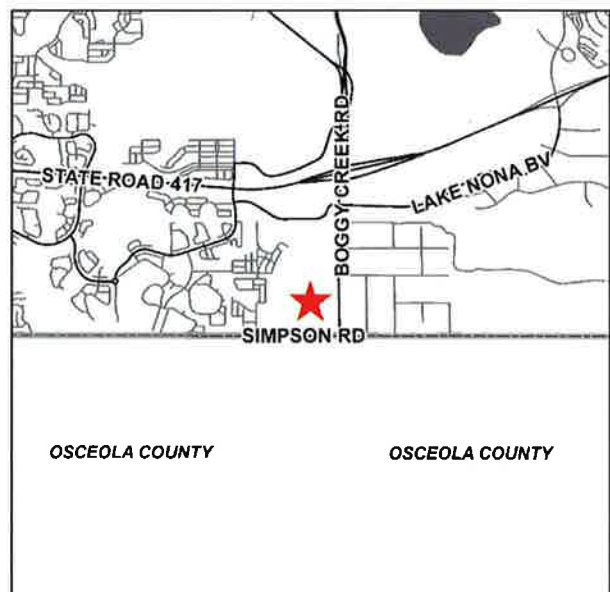
LOCATION: South of State Road 417, North of Simpson Road, and West of Bogy Creek Road

TRACT SIZE: 75.29 gross acres

DISTRICT: # 4

S/T/R: 33/24/30

1 inch = 750 feet



LUP-18-02-056

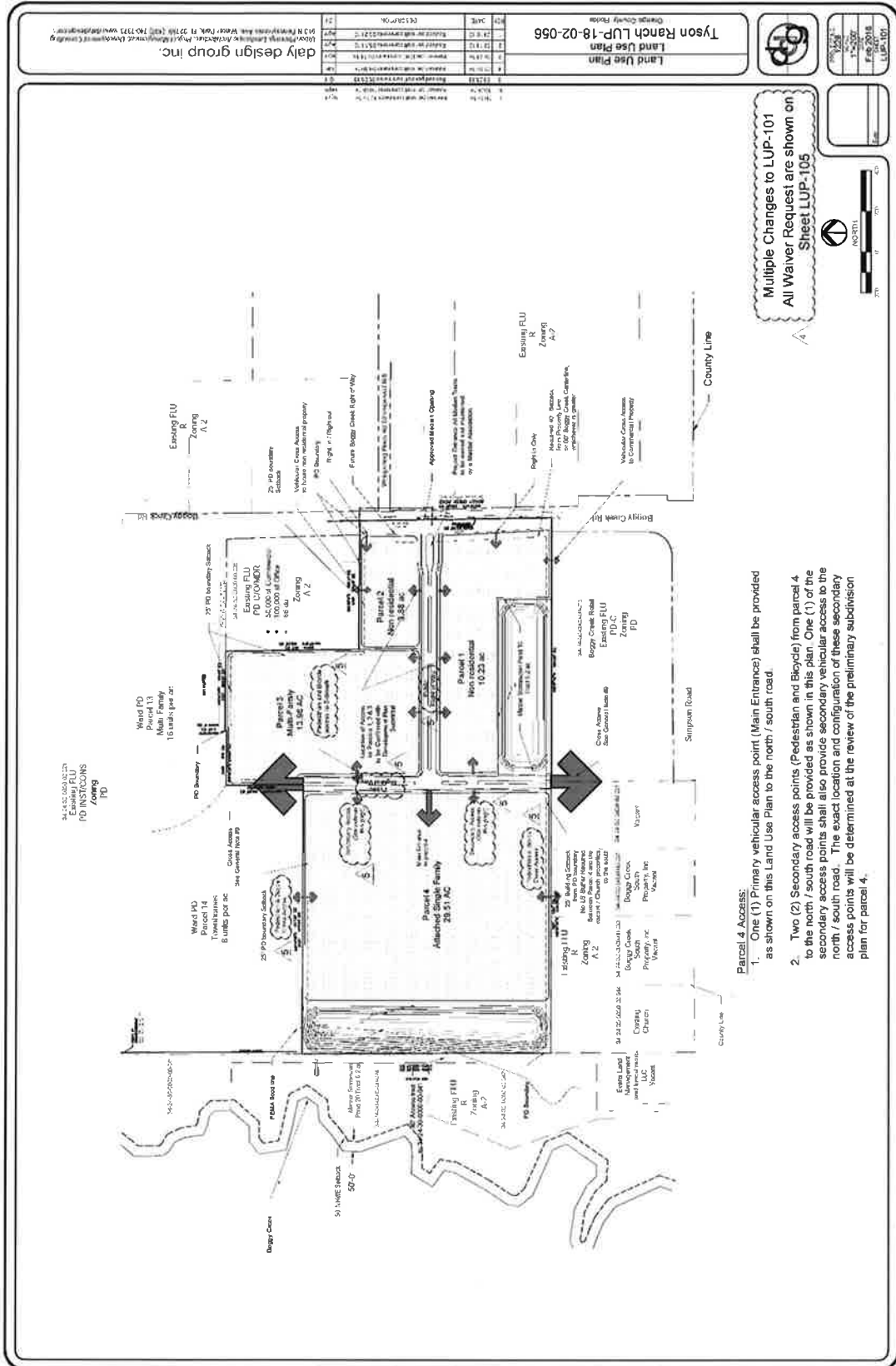


 Subject Parcel



1 inch = 750 feet

Tyson Ranch PD / LUP

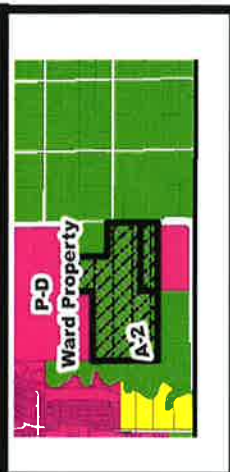
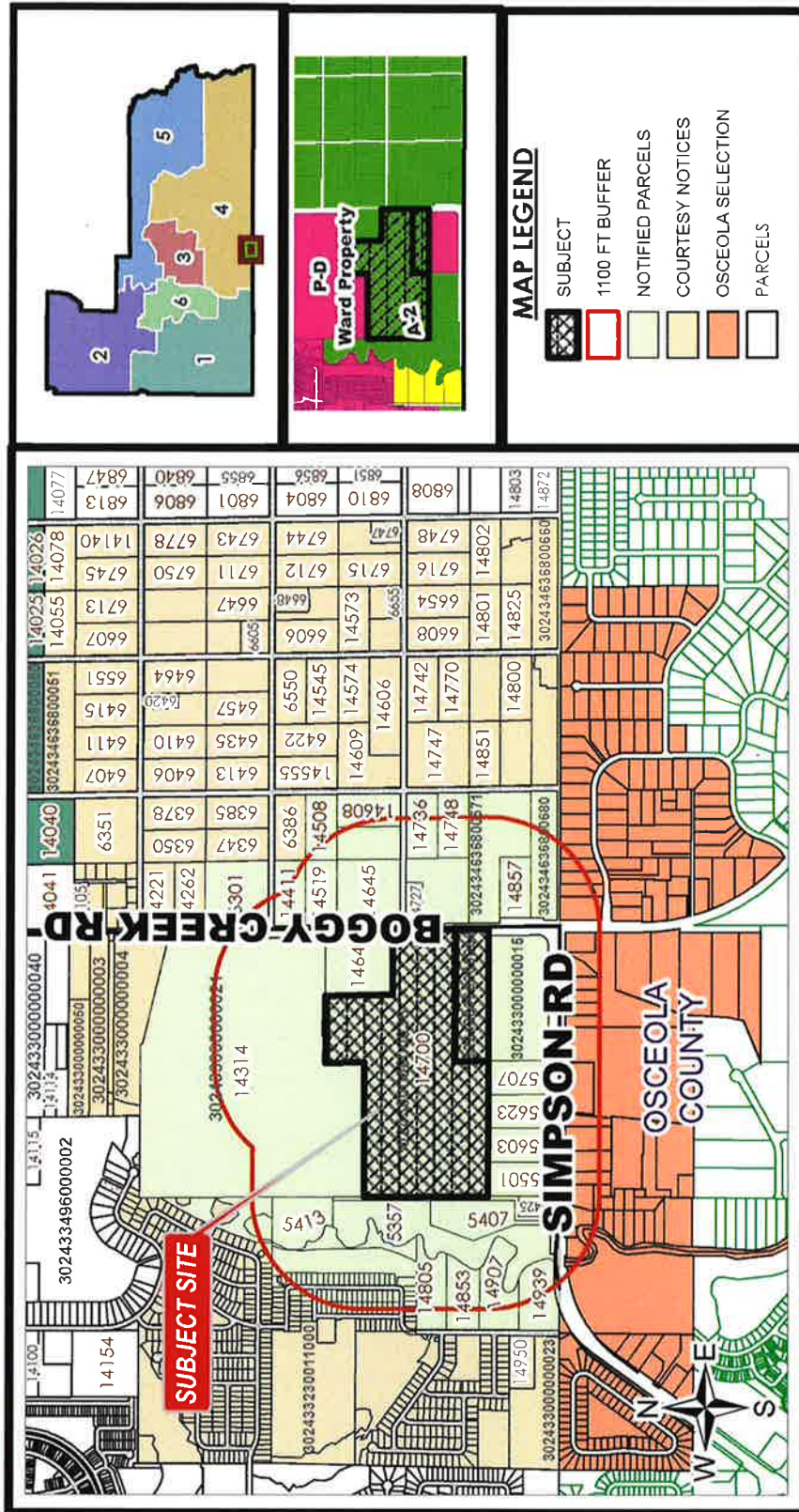


Notification Map

Public Notification Map

Tyson Ranch Land Use Plan_LUP-18-02-056

1100 FT BUFFER, 665 NOTICES



MAP LEGEND

- SUBJECT
- 1100 FT BUFFER
- NOTIFIED PARCELS
- COURTESY NOTICES
- OSCEOLA SELECTION
- PARCELS



\\Ocnas\gmdept\Business Systems\Board Administration\SUBSTANTIAL CHANGE\2018\DR\Tyson Ranch Land Use Plan_LUP-18-02-056\Tyson Ranch Land Use Plan_LUP-18-02-056.mxd



Interoffice Memorandum

DATE: January 28, 2019

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

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

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

SUBJECT: February 26, 2019 – Public Hearing
Applicant: Chris Straub, River Oaks Landing HOA
Pegasus PD / River Oaks Preliminary Subdivision Plan
Case # CDR-18-11-373

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 19, 2018, to approve a substantial change to the Pegasus Planned Development (PD) / River Oaks Preliminary Subdivision Plan (PSP) to amend the previously approved December 12, 1995 BCC Conditions of Approval to require the inspection of the streets and drainage systems every three years instead of annually, and to require the engineering report to be submitted to each owner of property within the subdivision in lieu of the County Engineer.

This PSP was approved by the BCC in 1995 and pre-dates the County's current gated communities ordinance, which was approved by the BCC in 2002 and amended in 2009. The requested changes are consistent with the current standards found in Sec. 34-290 of Orange County Code. There are no proposed changes to the entitlements, development program, or PSP layout associated with this change.

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 (CP) and approve the Pegasus PD / River Oaks PSP dated "Received March 13, 1995", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

JVW/EPR/lme
Attachments

CASE # CDR-18-11-373

Commission District # 5

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 19, 2018, to approve a substantial change to the Pegasus Planned Development (PD) / River Oaks Preliminary Subdivision Plan (PSP) to amend the previously approved December 12, 1995 BCC Conditions of Approval to require the inspection of the streets and drainage systems every three years instead of annually, and to require the engineering report to be submitted to each owner of property within the subdivision in lieu of the County Engineer. To facilitate these changes, the December 12, 1995 conditions are proposed to be modified as follows:

- e. *Three (3) years after the certificate of completion require ~~an annual~~ a triennial inspection of the streets and drainage systems by a registered civil engineer. This inspection shall, using good engineering practice, determine the level of maintenance and identify any needed repairs. The inspection shall be written into a report format.*
- g. *Provide that ~~the annual~~ each triennial engineering report shall be submitted to ~~County Engineer~~ each owner of property in the gated community within 30 days after written receipt of the report by the HOA.*
- h. *Require that the streets shall be resurfaced every 15 years unless the ~~annual~~ triennial engineering report referenced in subsection (e) above makes a recommendation to either shorten or lengthen that timeframe based on the documentation of conditions as contained in the report.*
- i. *Declare that upon any default in any of these requirements, the County, at its option and after due notice of its declaration of a default and the stated time to cure, may remove the gates and upon dedication of the rights-of-way assume responsibility for maintenance, using those HOA funds dedicated to streets and/or drainage systems maintenance and repair, or if none or an insufficient amount exists, a temporary Municipal Service ~~Taxing~~ Benefit Unit in an amount necessary to accomplish the task.*

This PSP was approved by the BCC in 1995 and pre-dates the County's current gated communities ordinance, which was approved by the BCC in 2002 and amended in 2009. The requested changes are consistent with the current standards found in Sec. 34-290 of Orange County Code.

There are no proposed changes to the entitlements, development program, or PSP layout associated with this change.

2. PROJECT ANALYSIS

- A. Location: North of Lokanotosa Trail / West of Rouse Road
- B. Parcel ID: 09-22-31-7503-00-005
- C. Total Acres: 35.85 gross acres
3.27 (affected parcel) (private road)
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Riverdale ES Capacity: 607 / Enrolled: 623
Union Park MS Capacity: 1,478 / Enrolled: 782
University HS Capacity: 2,674 / Enrolled: 2,848
- G. School Population: 27
- H. Parks: Blanchard Park – 0.3 Miles
- I. Proposed Use: 65 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35' (2-stories)
Minimum Living Area: 1,700 Square Feet
Building Setbacks:
25' Front
0' / 10' Side
15' Rear
35' Rouse Road R-O-W
25' Adjacent to Northern Property Line
15' Adjacent to Southern Property Line
- K. Fire Station: 67 – 10679 University Boulevard
- L. Transportation: The PSP is currently developed with 65 single-family residential dwelling units and the proposed change will not generate any new trips.

3. COMPREHENSIVE PLAN

The subject property is designated on the Future Land Use Map (FLUM) as Low Density Residential (LDR). The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (Pegasus PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Streets and drainage systems shall be platted as separate tracts.
2. Street and drainage system tracts shall be conveyed to and owned by a mandatory property owners association that shall be responsible for the operation, maintenance and repair of the streets and drainage systems.
3. Nonexclusive easement rights for ingress, egress, and drainage over the street(s) and drainage system tracts shall be granted to the property lot owners with an undivided interest among all lot owners.
 - a. The right, license, or easement granted to a Utility supplier shall include the nonexclusive right to ingress and egress over street tracts for access and maintenance of their utilities.
4. The developer shall construct the streets and drainage systems to county standards and shall comply with the provisions of Orange County Code Sections 34-203 and 34-204 regarding letters of credit, certificates of completion, and approval for maintenance as if the streets and drainage system were "public improvements."
5. Entryway gates shall be equipped with an audio (siren) override device to allow emergency access to the subdivision by fire/rescue, sheriff, and other emergency response personnel. Such audio override device shall be approved in writing by the Orange County Fire and Rescue Service Division prior to installation of the gates.
6. Prior to or simultaneously with the recording of the subdivision plat, the developer shall record in the Official Records of Orange County a document or documents (e.g., deed restrictions) which, to the County's satisfaction, are legally sufficient and enforceable to accomplish or otherwise ensure the following:
 - a. Establish a "mandatory" homeowners'/property owners' association with the ability and duty to levy and collect regular and special assessments for repair and maintenance (including resurfacing) of the streets and repair and maintenance of the drainage system, such assessments to be in an amount or amounts approved by the County prior to recordation as sufficient for such routine annual maintenance. The homeowners'/property owners' association shall have the right to enforce payment of

assessments by the imposition and enforcement of liens for unpaid assessments, such enforcement to be by way of foreclosure or other remedy authorized by statute, ordinance, or case law in the State of Florida.

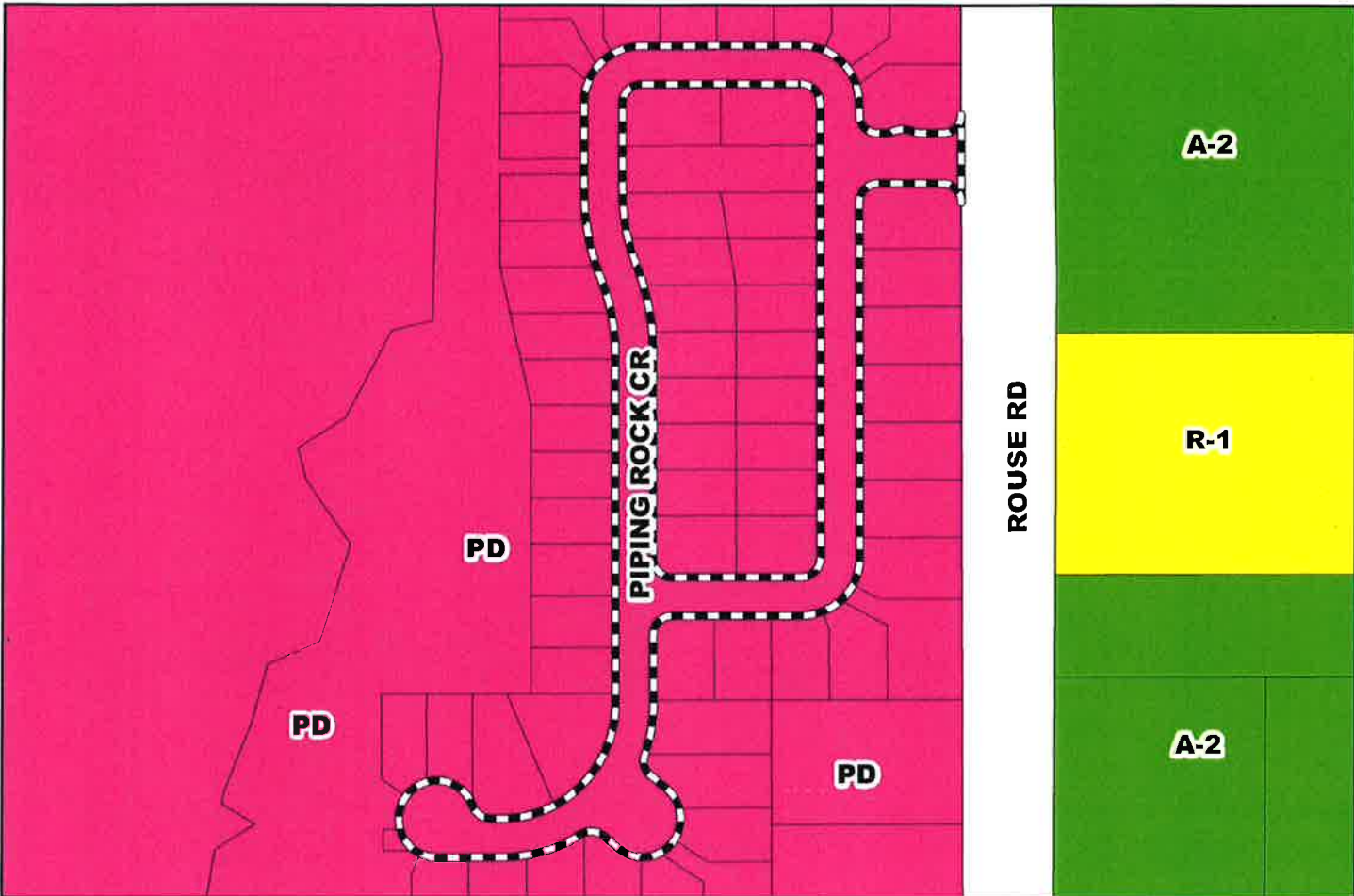
- b. Establish a fund for reserves for periodic major maintenance to the streets and drainage system, including ponds, with minimum level of reserves to be maintained in perpetuity and replenished from time to time, as necessary, by assessment, and such minimum level of reserves shall be in such amount or amounts approved by the County prior to recordation.
- c. Provide that all street and/or drainage system funds shall be held in accounts separate and apart from all other homeowners' association (HOA) funds.
- d. Requires an annual statement or other financial report (in form and detail acceptable to the Orange County Comptroller) to be submitted to County confirming existence of the funds.
- e. Three (3) years after the certificate of completion require ~~an annual~~ triennial inspection of the streets and drainage systems by a registered civil engineer. This inspection shall, using good engineering practice, determine the level of maintenance and identify any needed repairs. The inspection shall be written into a report format.
- f. Require that all remedial work recommended by the engineer in any engineering report specified in subparagraph "e" above be completed by the HOA within 60 days following receipt by the HOA of such engineering report unless the recommended remedial work is of such a nature of character as not be susceptible of completion within said 60-day period, in which event, the HOA shall be required to commence within said 60-day period all actions and measures reasonably necessary to effect completion of the recommended remedial work and to diligently and continuously prosecute such actions and measures to completion such that, in any event, the recommended remedial work is completed not later than 180 days following receipt by the HOA of said annual engineering report.
- g. Provide that ~~the annual~~ each triennial engineering report shall be submitted to ~~County Engineer~~ each owner of property in the gated community within 30 days after written receipt of the report by the HOA.
- h. Require that the streets shall be resurfaced every 15 years unless the ~~annual~~ triennial engineering report referenced in subsection (e) above makes a recommendation to either shorten or lengthen that timeframe based on the documentation of conditions as contained in the report.

- i. Require all sale contracts in which the developer is involved to expressly disclose these requirements (directly, not by reference), including contracts for resales. When the developer is not involved in the transaction, this provision shall be complied with to the greatest extent practicable.

- j. Expressly indemnify, defend, and hold the County harmless from any loss, cost, damage, or expense, including reasonable attorneys' fees at the trial level and in any appellate or bankruptcy proceeding, arising, directly or indirectly, out of (i) maintenance, repair, and/or reconstruction of the streets and/or drainage systems, or (ii) tort liability related to or stemming from the streets and/or drainage system. The duty to so indemnify, defend, and hold the County harmless shall be that of the association and the developer, jointly and severally, but (i) the duty of the developer shall exist only for the period the developer controls the HOA and (ii) the recourse of the County as respects the liability of the developer shall extend only to the right, title, interest and/or estate of the developer in or to any of the platted lots.

- k. Expressly disclose that homeowners get no discount in taxes because of private streets or drainage system.

- l. Declare that upon any default in any of these requirements, the County, at its option and after due notice of its declaration of a default and the stated time to cure, may remove the gates and upon dedication of the rights-of-way assume responsibility for maintenance, using those HOA funds dedicated to streets and/or drainage systems maintenance and repair, or if none or an insufficient amount exists, a temporary Municipal Service Taxing Benefit Unit in an amount necessary to accomplish the task.



Subject Parcel



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Chris Straub, River Oaks Landing HOA

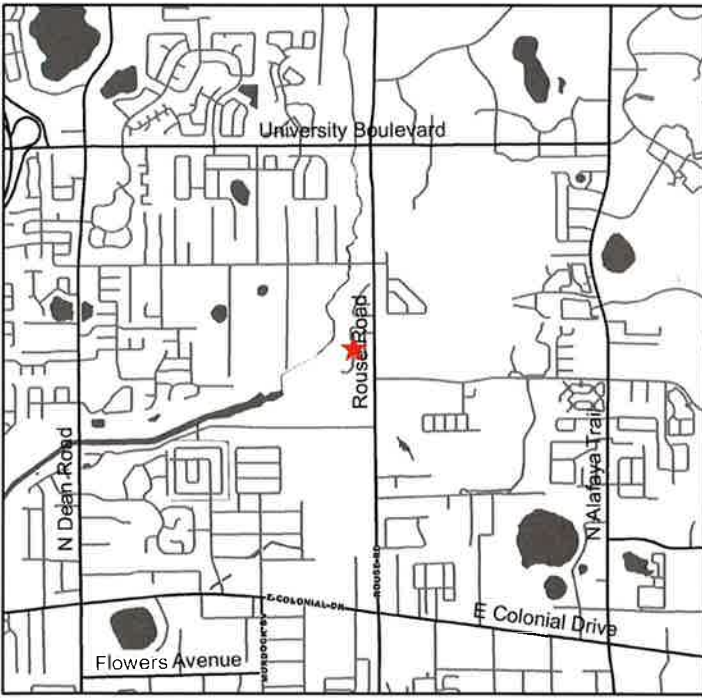
LOCATION: North of Lokanotosa Trail / East of Rouse Road

TRACT SIZE: 35.85 gross acres
3.27 (affected parcel)

DISTRICT: 5

S/T/R: 09/22/31

1 inch = 227 feet





LOKANOTOSA-TL



Pegasus PD / River Oaks PSP



Parcels		Subject Property	Jurisdiction		Hydrology
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1 : 1,800
1 in : 150 ft




Interoffice Memorandum

DATE: January 29, 2019

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

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

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

SUBJECT: February 26, 2019 – Public Hearing
Applicant: Eric Warren, Poulos & Bennett, LLC
San Lorenzo Townhomes Planned Development / San Lorenzo
Preliminary Subdivision Plan
Case # PSP-18-05-168

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 19, 2018, to approve the San Lorenzo Townhomes Planned Development (PD) / San Lorenzo Preliminary Subdivision Plan (PSP) to subdivide 13.49 acres in order to construct 72 single-family detached residential dwelling units.

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 (CP) and approve the San Lorenzo Townhomes Planned Development / San Lorenzo Preliminary Subdivision Plan dated "Received November 9, 2018", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 3**

JVW/EPR/lme
Attachments

CASE # PSP-18-05-168

Commission District # 3

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 19, 2018, to approve the San Lorenzo Townhomes Planned Development (PD) / San Lorenzo Preliminary Subdivision Plan (PSP) to subdivide 13.49 acres in order to construct 72 single-family detached residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: South of Pershing Avenue / West of Goldenrod Road
- B. Parcel ID: 10-23-30-3032-00-640, 10-23-30-3032-00-661
- C. Total Acres: 13.49 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Three Points ES Capacity: 758 / Enrolled: 510
Liberty MS Capacity: 1,498 / Enrolled: 1,115
Colonial HS Capacity: 3,733 / Enrolled: 3,411
- G. School Population: 31
- H. Parks: Barber Park – 2 Miles
- I. Proposed Use: 74 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35' (2-stories)
Minimum Living Area: 1,200 Square Feet
Building Setbacks:
 - 10' Front
 - 20' Front Garage
 - 5' Side
 - 15' Corner
 - 20' Rear
 - 25' PD Perimeter
 - 50' Major Roadway
- K. Fire Station: 71 – 4405 Saint Florian Way
- L. Transportation: Based on the CMS dated June, 6, 2018 there is one failing segment (Goldenrod Road from Pershing Avenue to Curry

Ford Road) within the impact area. A traffic study may be required prior to obtaining an approved capacity encumbrance letter and building permit.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR). The subject property is designated PD (Planned Development District) on the zoning map, which is consistent with the FLUM designation. This request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (San Lorenzo Townhomes PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the San Lorenzo Townhomes Planned Development (PD); Orange County Board of County Commissioners (BCC) approvals; San Lorenzo Preliminary Subdivision Plan dated "Received November 9, 2018," 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. 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 November 9, 2018," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board

by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
7. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal

and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or capacity reservation certificate.

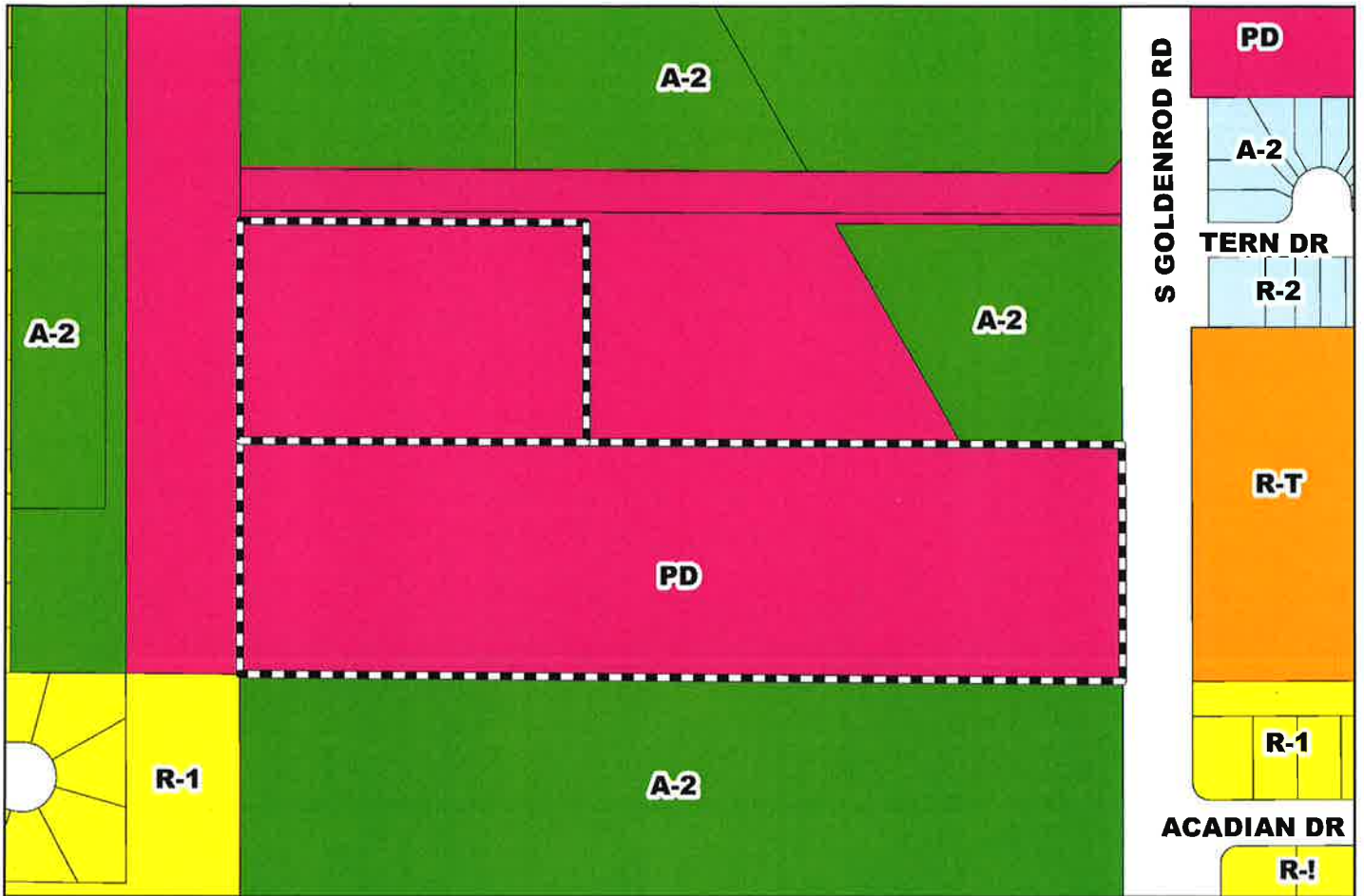
8. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
9. Unless 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.
10. 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).
11. 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.
12. 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.
13. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan. The MUP and amendments to the approved MUP shall be submitted to Orange County Utilities at least thirty (30) days prior to

construction plan submittal and must be approved prior to construction plan approval.

14. This property is located within Airport Noise Zones D and E. Development shall comply with Article XV, Chapter 9, Orange County Code (Airport Noise Impact Areas), as may be amended from time to time.
15. 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.
16. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
17. 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.
18. Unless otherwise allowed by County Code, the property shall be re-platted prior to the issuance of any vertical building permits.
19. A mandatory pre-application/sufficiency review meeting for the re-plat shall be required prior to plat submittal and concurrent with construction plan submittal. 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.
20. 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.
21. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, if not provided by the Property Association, shall be the responsibility of the County.
22. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel and energy costs for this project. 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 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. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section via a "Letter 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 Department. 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.

23. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.



 Subject Parcel



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Eric Warren, Poulos & Bennett, LLC

LOCATION: South of Pershing Avenue / West of Goldenrod Road

TRACT SIZE: 13.49 gross acres

DISTRICT: 3


S/T/R: 10/23/30





San Lorenzo Townhomes PD / San Lorenzo PSP



Parcels		Subject Property	Jurisdiction		Hydrology
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1 : 2,400
1 in : 200 ft



Interoffice Memorandum

DATE: January 30, 2019

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

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

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

SUBJECT: February 26, 2019 – Public Hearing
Applicant: Jennifer Stickler, Kimley-Horn & Associates, Inc.
Hubbard Place Planned Development / Hubbard Place Preliminary
Subdivision Plan
Case # PSP-17-09-278

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 19, 2018, to approve the Hubbard Place Planned Development (PD) / Hubbard Place Preliminary Subdivision Plan (PSP) to subdivide 16.59 acres in order to construct 13 single-family detached residential dwelling units.

This project is proposed to be a gated community under Orange County Code Sections 34-280, 34-290, and 34-291.

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 (CP) and approve the Hubbard Place Planned Development / Hubbard Place Preliminary Subdivision Plan dated "Received January 7, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/EPR/lme
Attachments

CASE # PSP-17-09-278

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 19, 2018, to approve the Hubbard Place Planned Development (PD) / Hubbard Place Preliminary Subdivision Plan (PSP) to subdivide 16.59 acres in order to construct 13 single-family detached residential dwelling units.

This project is proposed to be a gated community under Orange County Code Sections 34-280, 34-290, and 34-291.

2. PROJECT ANALYSIS

- A. Location: South of Lady Bet Drive / West of South Apopka Vineland Road
- B. Parcel ID: 28-23-28-0000-00-002, 28-23-28-0000-00-019, 28-23-28-0000-00-020, 28-23-28-0000-00-022
- C. Total Acres: 16.59 gross acres
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: Dr. Phillips ES Capacity: 660 / Enrolled: 686
Southwest MS Capacity: 1,209 / Enrolled: 1,381
Dr. Phillips HS Capacity: 2,866 / Enrolled: 3,698
- G. School Population: 5
- H. Parks: Lake Down Boat Ramp – 3.5 Miles
- I. Proposed Use: 13 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 45'
Minimum Living Area: 1,200 Square Feet
Minimum Lot Width: 85'
Building Setbacks:
25' Front
7.5' Side
30' Rear
50' NHWE
- K. Fire Station: 31 – 6116 South Apopka Vineland Road

- L. Transportation: Based on the concurrency management system database dated November 27, 2017, there is one failing roadway segment within a one mile radius of this project. A traffic study will be required prior to obtaining an approved capacity encumbrance letter and building permit.

3. COMPREHENSIVE PLAN

The Future Land Use designation of the subject parcel is Low Density Residential (LDR). This is consistent with the Comprehensive Plan and the associated Hubbard Place Planned Development (PD).

4. ZONING

PD (Planned Development District) (Hubbard Place PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Hubbard Place PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Hubbard Place Preliminary Subdivision Plan dated "Received January 7, 2019," 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. 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 January 7, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was

expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater

requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.

7. 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.
8. 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.
9. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.
10. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / 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.
11. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that neither potable wells nor irrigation wells using local groundwater will be allowed on site.
12. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
13. 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

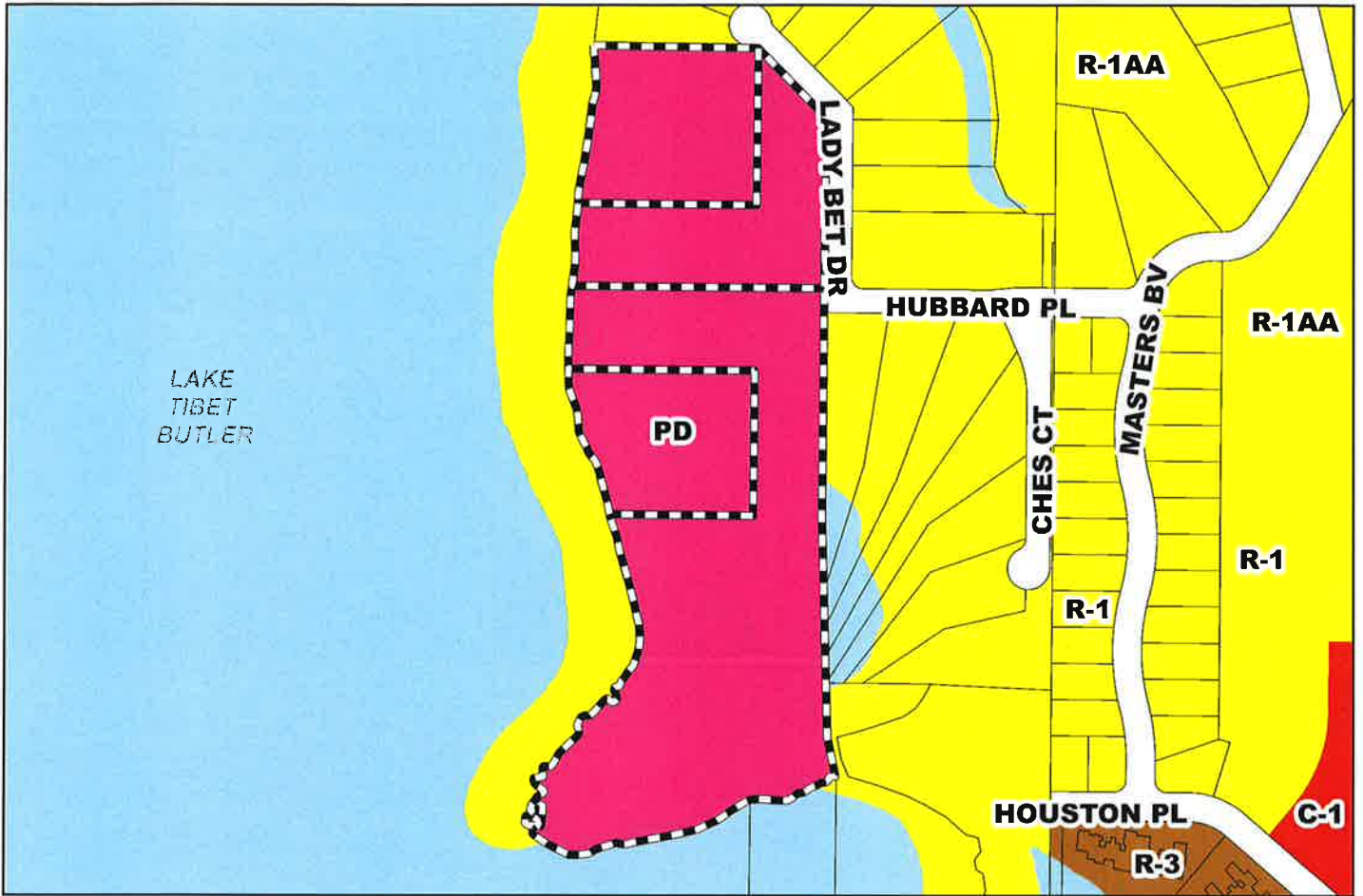
area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.

14. 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.
15. 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).
16. Compliance shall be required with the state Impaired Waters Rule within the undeveloped areas, as of the date of this change determination, of this project. Any portions of the project that will discharge into an impaired water body shall comply with the Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code.
17. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading plans or review of construction plans if a Phase II Environmental Site Assessment acceptable to EPD and the Florida Department of Environmental Protection (FDEP) finds any contaminants exceeding applicable state standards, the applicant shall submit a copy of a FDEP site clean-up plan approval and a copy of a FDEP statement that the clean-up has been completed. This shall be provided to Orange County Environmental Protection Division and Development Engineering Division by submittal of either an FDEP No Further Action letter or Site Rehabilitation Completion Order (SRCO) with or without conditions or controls, or documentation of specific permissions.
18. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, shall include notification of the prior use of this property as a citrus grove.
19. Construction plans shall depict that any clearing of shoreline vegetation, wetland enhancement, or altering of the shoreline in the upland buffer, wetland, or below the NHWE shall require approval by the Orange County Environmental Protection Division.

20. The applicant shall comply with the Florida Department of Environmental Protection rule 62-302.700 Special Protection, Outstanding Florida Waters, Outstanding Natural Resource Waters. No degradation of water quality, other than that allowed in Rule 62-4.242(2) and (3), F.A.C., is to be permitted in Outstanding Florida Waters and Outstanding national Resource Waters, respectively, notwithstanding any other Department rules that allow water quality lowering.
21. 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.
22. 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.
23. Lake Tibet-Butler has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Tibet-Butler, this project shall be required to be a participant.
24. The ground area in and around the proposed lift station must be graded so as to ensure that any potential overflow drains solely to the onsite stormwater pond. The lift station must also have a backup generator of sufficient capacity and fuel to run the lift station for 72 hours, in case of a power outage. The lift station must be clearly identified as a private lift station with a staffed 24-hour working contact number in the case of emergency.
25. A Master Utility Plan (MUP) for the PSP shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
26. The plat shall contain a conspicuous note, and the covenants, conditions, and restrictions (CC&Rs) shall contain a conspicuous provision, stating that the development will be served by a private wastewater collection and

transmission system and private lift station, the maintenance and replacement of which shall be the responsibility of the homeowners, and under no circumstances will the County be responsible for the maintenance or replacement thereof.

27. 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.
28. 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.
29. 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 as part of 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. Temporary addressing must be provided for permits and the C of C must be issued prior to approval and recording of a plat. All required inspections shall be complete and approved prior to issuance of a Certificate of Occupancy.
30. Short term/transient rental is prohibited. Length of stay shall be for 180 days or greater.
31. All existing structures shall be removed prior to Certificate of Completion.
32. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
33. Tree mitigation, in compliance with Orange County Code, is required prior to the approval of the plat.
34. The homes for the proposed project may require approved automatic fire sprinkler systems if the following cannot be provided: the required needed fire flow that shall be in accordance with NFPA 1, Table 18.4.5.2.1 (FFPC 6th ed.) for any homes exceeding 5,000 square feet, and / or required fire department access in accordance with NFPA 1-18.2.3.2.1.1 (FFPC 6th ed.).
35. Prior to plat recordation, the various properties 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.



 Subject Parcel(s)



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Jennifer Stickler, Kimley-Horn & Associates, Inc.

LOCATION: South of Lady Bet Drive / West of South Apopka Vineland Road

TRACT SIZE: 16.59 gross acres

DISTRICT: 1

S/T/R: 28/23/28



SITE DATA:

TOTAL AREA: 16.59 ACRES
 ZONING: PD
 FUTURE LAND USE: LOW DENSITY RESIDENTIAL
 PROPOSED USE: SINGLE-FAMILY RESIDENTIAL
 MAXIMUM BUILDING HEIGHT: 35 FT (2 STORIES)
 MAXIMUM DENSITY: 4 UNITS PER ACRE
 MINIMUM LOT AREA: 10,000 S.F.*
 MINIMUM LIVING AREA: 1,200 S.F.
 MINIMUM LOT WIDTH: 85'
 MINIMUM LOT DEPTH: 110'

*1 AC. MINIMUM LOT REQUIRED ALONG LAKE TIBET

TRIP GENERATION:

Land Use	ITE LUC	Size	Units	ITE Trip Rate	Daily Trip Generation				
					Total	In		Out	
Single-Family Detached Housing	210	13	Dwelling Units	12.36	161	50%	81	50%	80
New External Trips					161		81		80

GROSS DENSITY CALCULATION:

GROSS LAND AREA: 16.59 ACRES
 SURFACE WATER / WETLAND AREA: 2.87 ACRES
 SURFACE WATER / WETLAND IMPACT AREA: 0.29 ACRES*
 NET DEVELOPABLE ACRES: 14.01 ACRES

SW-1 (CLASS I) = 0.48 ACRES WETLAND 1 (CLASS I) = 0.37 ACRES
 SW-2 (CLASS III) = 1.92 ACRES WETLAND 2 (CLASS III) = 0.10 ACRES
 SW TOTAL = 2.40 ACRES WETLAND TOTAL = 0.47 ACRES

SW-2 (CLASS III) IMPACT** = 0.22 AC. WETLAND 2 (CLASS III) IMPACT** = 0.07 AC.

**PER CAI-18-06-032

TOTAL DWELLING UNITS: 13 UNITS
 13 DWELLING UNITS / 14.01 ACRES = 0.93 DU/ACRE

SETBACKS

FRONT: 25 FT
 REAR: 30*** FT
 SIDE: 7.5 FT
 SIDE STREET: 15 FT
 NHWE: 50 FT

BUILDING

***WAIVER AS REQUESTED ON LUP-17-12-373 TO BE 15' ALONG THE NOTHEAST CORNER OF THE PROPERTY ADJACENT TO LADY BET DRIVE

REQUIRED PARKING:

SINGLE FAMILY (2 SPACES PER UNIT):
 2 SPACES * 13 UNITS: 26 SPACES

PROVIDED PARKING:

2 CAR GARAGE PER UNIT: 26 SPACES

BICYCLE PARKING REQUIRED:

2 SPACES FOR 10 PARKING SPACES +
 1 SPACE PER 10 PARKING SPACES OVER 10: 4 SPACES
 (2 + 16/10 = 3.6)

OPEN SPACE SUMMARY:

PLEASE REFER TO SHEET PSP2.3.

ON-SITE VEGETATION:

THE SITE IS VEGETATED WITH CITRUS TREES, PALM TREES, OAK TREES, CYPRESS TREES, MAGNOLIA TREES, PINE TREES AND DECIDUOUS TREES.

ANY CLEARING OF VEGETATION, WETLAND ENHANCEMENT, OR ALTERING OF THE SHORELINE IN THE UPLAND BUFFER, WETLAND, OR BELOW THE NORMAL HIGH WATER ELEVATION (NHWE) SHALL REQUIRE APPROVAL BY THE ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION (CALL 407-836-1400).

PHASING:

THIS PROJECT WILL BE CONSTRUCTED IN ONE (1) PHASE.

UTILITY SERVICE:

PRIOR TO CONSTRUCTION PLAN APPROVAL, HYDRAULIC CALCULATIONS WILL BE SUBMITTED SHOWING THAT THE PROPOSED WATER, WASTEWATER AND RECLAIMED WATER SYSTEMS HAVE BEEN SIZED TO SUPPORT THE ENTIRE PROJECT.

ANY MISCELLANEOUS GARBAGE, HAZARDOUS WASTE, YARD WASTE (INCLUDING EXCESS FERTILIZERS, HERBICIDES AND PESTICIDES), AND CONSTRUCTION OR DEMOLITION DEBRIS SHALL BE DISPOSED OF OFF-SITE ACCORDING TO THE SOLID WASTE AND HAZARDOUS WASTE REGULATIONS.

PARKS AND RECREATION:

REQUIRED:
 2.5 ACRES/1000 PROJECTED POPULATION
 3.1 PEOPLE PER DWELLING UNIT (3.1*13 UNITS) = 41 POPULATION

$$\frac{41}{1,000} \times 2.5 = 0.10 \text{ ACRES}$$

ACTIVE RECREATION (50% OF TOTAL REQUIRED) = 0.05 ACRES
 PASSIVE RECREATION (MAX. 50% OF TOTAL) = 0.05 ACRES

PROPOSED:

TRACT	TOTAL TRACT AREA	AREA PROVIDED	REC AREA TYPE
OS-1	1.69 Ac.	0.05 Ac.	GROUP C (ACTIVE): EXERCISE STATION
		0.05 Ac.	GROUP C (PASSIVE): COVE (BOAT LAUNCH)

SCHOOL AGE CHILDREN:

13 UNITS x 0.431 = 6 STUDENTS



Hubbard Place PD / Hubbard Place PSP

Parcels		Subject Property	Jurisdiction		Hydrology
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1 : 2,400
1 in : 200 ft




Interoffice Memorandum

DATE: January 29, 2019

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

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

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

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

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

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

On November 7, 2018, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Waterleigh Planned Development / Land Use Plan (PD/LUP) dated “Received October 4, 2018”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachments
JWW/EPR/nt

CASE # CDR-18-03-073

Commission District: # 1

GENERAL INFORMATION

APPLICANT Adam Smith, VHB, Inc.

OWNER D. R. Horton, Inc.

PROJECT NAME Waterleigh Planned Development (PD)

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

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

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

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

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

1. A waiver from Section 38-1389(d)(3)(g) to allow 70% of the build-to-line to be by landscaped street walls, in lieu of 50% for public street frontages. The total requirement for buildings and street walls will remain at 70% per code.

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

2. A waiver from Section 38-1389(d)(4)(d) to allow for no maximum parking lot frontage within the Village Center, in lieu of 65' for major local streets and 200' for other streets.

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

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

3. A waiver from Section 38-1389(d)(4)(h) to allow parking in the front of buildings in areas where the building face addresses the major external streets in lieu of parking in the rear and sides of buildings.

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

PUBLIC NOTIFICATION A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred forty-two (342) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

IMPACT ANALYSIS

Special Information

The Waterleigh PD contains 1,485.4 gross acres, was originally approved on February 12, 2013, and currently provides for a development program of 3,600 residential dwelling units, 204,453 square feet of non-residential uses, and public elementary and middle school sites.

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

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

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

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The underlying Future Land Use Map (FLUM) designation of the Waterleigh PD is "Village", indicating that the property falls within the Horizon West Special Planning Area. More specifically, the PD parcels affected by this request are located within Horizon West Village H. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary. If approved, staff will administratively update the Horizon West Special Planning Area Land Use Map.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

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

Transportation Concurrency

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

As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village H Road Network Agreement recorded at O.R. Book 10525, Page 6172, Public Records of Orange County, Florida, the developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan/Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.

Community Meeting Summary

A community meeting was not required for this request.

Schools

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the Change Determination Request but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

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

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (November 7, 2018)

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

1. Development shall conform to the Waterleigh PD Land Use Plan (LUP) dated "Received October 4, 2018," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received October 4, 2018," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's

obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The project shall comply with the terms and conditions of that certain Village H Road Network Agreement recorded at Official Records Book/Page 10525/6172, Public Records of Orange County, Florida, as may be amended.
7. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
8. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
9. In accordance with section 38-1389(2)(d) the following uses are approved within the Village Center District: Adult/child day care centers, drive-thrus in conjunction with a permitted use, and automobile service stations.
10. The following waivers are granted from Orange County Code:
 - a. A waiver from Section 38-1389(d)(3)(g) to allow 70% of the build-to-line to be by landscaped street walls, in lieu of 50% for public street frontages. The total requirement for buildings and street walls will remain at 70% per code.
 - b. A waiver from Section 38-1389(d)(4)(d) to allow for no maximum parking lot frontage within the Village Center, in lieu of 65' for major local streets and 200' for other streets.

- c. A waiver from Section 38-1389(d)(4)(h) to allow parking in the front of buildings in areas where the building face addresses the major external streets in lieu of parking in the rear and sides of buildings.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 10, 2018 shall apply:
- a. Construction plans for residential and commercial development within this PD, submitted after January 31, 2019, shall not be approved until the APF Utility tract(s) (water and wastewater) and 50-foot access & utility easement are conveyed to Orange County Utilities.
 - b. The conveyed APF Utility tract(s) (water and wastewater) and minimum 50-foot access & utility easement or tract connection to public right-of-way, that are acceptable to the County, shall have a typical average slope of 5 percent or less over the existing grade, an elevation above the 100-year flood plain, and shall be located outside of wetlands. A developer-built offsite master stormwater system shall be designed and constructed to serve the APF Utility tract(s) and 50-foot access & utility easement.
 - c. The Utility tract(s) (water and wastewater) identified in this PD shall be dedicated to the County in accordance with the Waterleigh PD APF Agreement approved by BCC, as may be amended. The actual location of the APF Utility tract(s) shall be identified with the PSP or DP.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 18, 2016 shall apply:
- a. As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village H Road Network Agreement recorded at O.R. Book 10525, Page 6172, Public Records of Orange County, Florida, the developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan/Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
 - b. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village. Utilities infrastructure shall be built connecting to the buildout points of connection approved in the Village H MUP.
 - c. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan.
 - d. The following waivers from Orange County Code are granted for the Master Sign Plan:

- 1) A waiver from Section 38-79(114) is approved to allow a maximum accessory structure height of up to twenty-five (25) feet in lieu of twenty (20) feet with a roof slope of 2:12 or steeper for locations as depicted on the Master Sign Plan;
 - 2) A waiver from Section 31.5-193 (c)(2) is approved to allow a maximum ground sign height of twelve (12) feet in lieu of eight (8) feet within the Village Center;
 - 3) A waiver from Section 31.5-193(1)(c)(5) is approved to allow a maximum copy area of sixty (60) square feet for the primary subdivision sign in lieu of twenty (20) square feet and to allow the copy area of secondary subdivision signs to have a maximum copy area of twenty (20) square feet in lieu of ten (10) square feet;
 - 4) A waiver from Section 31.5-67(b) is approved to allow for a maximum subdivision sign height of twelve (12) feet in lieu of eight (8) feet.
- g. Median signs shall not be allowed on the roads connecting to SR 545. Signs may be permitted in the medians of low volume, low speed roads and shall be located in a separate tract, to be owned and maintained by the HOA. The medians shall be designed to Greenbook standards addressing clear zone and sight distance requirements, and shall include non-mountable curbs.
13. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated July 19, 2016 shall apply:
- a. The covenants, conditions and restriction (CC&Rs) shall contain notification of the proximity of solid waste management facilities within one-mile of development activity in this project area.
 - b. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
 - c. The following waivers from Orange County Code are granted for PD Parcels 10 and 11 only:
 - 1) A waiver from Orange County Code Section 38-1258(c) to allow a maximum height of five (5) stories and sixty-five (65) feet for multi-family residential buildings located within one hundred fifty (150) feet from single family zoned property, in lieu of a maximum height of three stories and forty (40) feet for multi-family residential buildings located within one-hundred fifty (150) feet of single-family zoned property.
 - 2) A waiver from Orange County Code Section 38-1258(f) to eliminate the requirement of constructing a six (6) foot high masonry, brick, or block wall whenever a multi-family development is located adjacent to a single-family zoned property.

- 3) A waiver from Orange County Code Section 38-1258(g) to allow multi-family development to access any right-of-way serving single-family residential development.
 - 4) A waiver from Orange County Code Section 38-1258(i) to eliminate the requirement of a multi-family development located adjacent to a right-of-way to be fenced whenever single-family zoned property is located across the right-of-way.
 - 5) A waiver from Orange County Code Section 38-1258(j) to allow a minimum twenty (20) feet of building separation where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of thirty (30) feet of separation for two-story buildings, and in lieu of forty (40) feet of separation for building three (3) stories or higher.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 19, 2015, shall apply:
- a. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
 - b. Payment of 500 ERUs (wastewater) and 500 ERCs (water) are due prior to construction plan approval for the first construction plan set within Village H unless previously satisfied by another Village H parcel. Alternatively, property owners may elect to enter into an agreement with Orange County to construct, with the first set of construction plans, the utility improvements beyond what is required by the Village H Master Utility Plan.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated April 9, 2013 and February 12, 2013, shall apply:
- a. Prior to construction plan approval, a phased master stormwater management plan including a drainage study to establish the 100-year flood elevation shall be submitted to the Development Engineering Division for review and approval.
 - b. Prior to the approval of the first PSP or DP for this PD, a driveway access spacing plan, consistent with the preliminary study included as part of the Road Network Agreement, for CR 545, Old YMCA Road, and the internal loop road shall be submitted to and approved by the County Engineer.
 - c. The APF Agreement shall be approved by BCC concurrent with the PD Land Use Plan.
 - d. The developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of 08-16-2006, and amended on 04-29-2008 and 06-24-2008.
- 1) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the

County shall immediately cease issuing building permits for any residential units in excess of the 199 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- 2) Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - 3) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- e. A Master Utility Plan (MUP) consistent with Village H MUP shall be submitted to Orange County Utilities prior to approval of the first PSP/DP. The MUP must be approved prior to Construction Plan approval.
 - f. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
 - g. Prior to construction plan approval, all property owners within Village H, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
 - h. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
 - i. Outdoor sales, storage, and display shall be prohibited within any district that allows commercial / office uses.
 - j. The following waivers are from Orange County Code Section 38-1258 (Multi-Family Development Compatibility):
 - 1) A waiver is granted from Section 38-1258(a) to allow multi-family buildings located within twenty-five (25) feet of single-family zoned property to be developed at a maximum height of five (5) stories and sixty-five (65) feet, in lieu of single-story maximum within one-hundred (100) feet of single-family zoned property.

- 2) A waiver is granted from Section 38-1258(b) to allow multi-family buildings between twenty-five (25) feet to one-hundred and fifty (150) feet of single family zoned property to be developed at a maximum height of five (5) stories and sixty-five (65) feet in height for one-hundred (100) percent of the buildings, in lieu of multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property varying in height with a maximum of fifty percent (50%) of the buildings being three (3) stories [not to exceed forty (40) feet] in height with the remaining buildings being one (1) story or two (2) stories in height.
- 3) A waiver is granted from Section 38-1258(e) to allow for ten (10) foot paving setbacks adjacent to single-family zoned property, in lieu of a twenty-five (25) foot minimum paving setback.
- k. A waiver is granted from Orange County Code Section 38-1384(f)(l) [General Residential Development Standards] to allow each block face with more than five (5) lots with or without alleys to contain one (1) distinct lot size (excluding end units), in lieu of at least two (2) distinct lot sizes (excluding end units).
- l. The following waivers are from the development guidelines under Orange County Code Sections 38-1385.8 (Garden Home Mixed Use District) and 38-1386 (Village Home District):
 - 1) A waiver is granted from Section 38-1385.8(b)(2) to decrease the minimum average lot size to three-thousand eight-hundred and forty (3,840) square feet for single-family lot sizes less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of six-thousand (6,000) square feet.
 - 2) A waiver is granted from Section 38-1385.8(b)(4) to allow for a minimum lot width of thirty-two (32) feet for single-family detached units, in lieu of forty (40) feet for single-family detached units.
 - 3) A waiver is granted from Section 38-1385.8(b)(9)(a) to allow a seven (7) foot front porch setback for lots less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of a ten (10) foot front porch setback.
 - 4) A waiver is granted from Section 38-1385.8(b)(9)(b) to allow a minimum side yard setback of four (4) feet for lots less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of a five (5) foot side yard setback.
 - 5) A waiver is granted from Section 38-1386(b)(2) to decrease the minimum average lot size to three-thousand eight-hundred and forty (3,840) square feet for single-family lots sizes less than thirty-five (35) feet in width [and corner lots less than forty-five (45) feet in width], in lieu of four-thousand two-hundred (4,200) square feet.
 - 6) A waiver is granted from Section 38-1386(b)(4) to allow for a minimum lot width of thirty-two (32) feet for single-family detached units, in lieu of thirty-five (35) feet for single-family detached units.

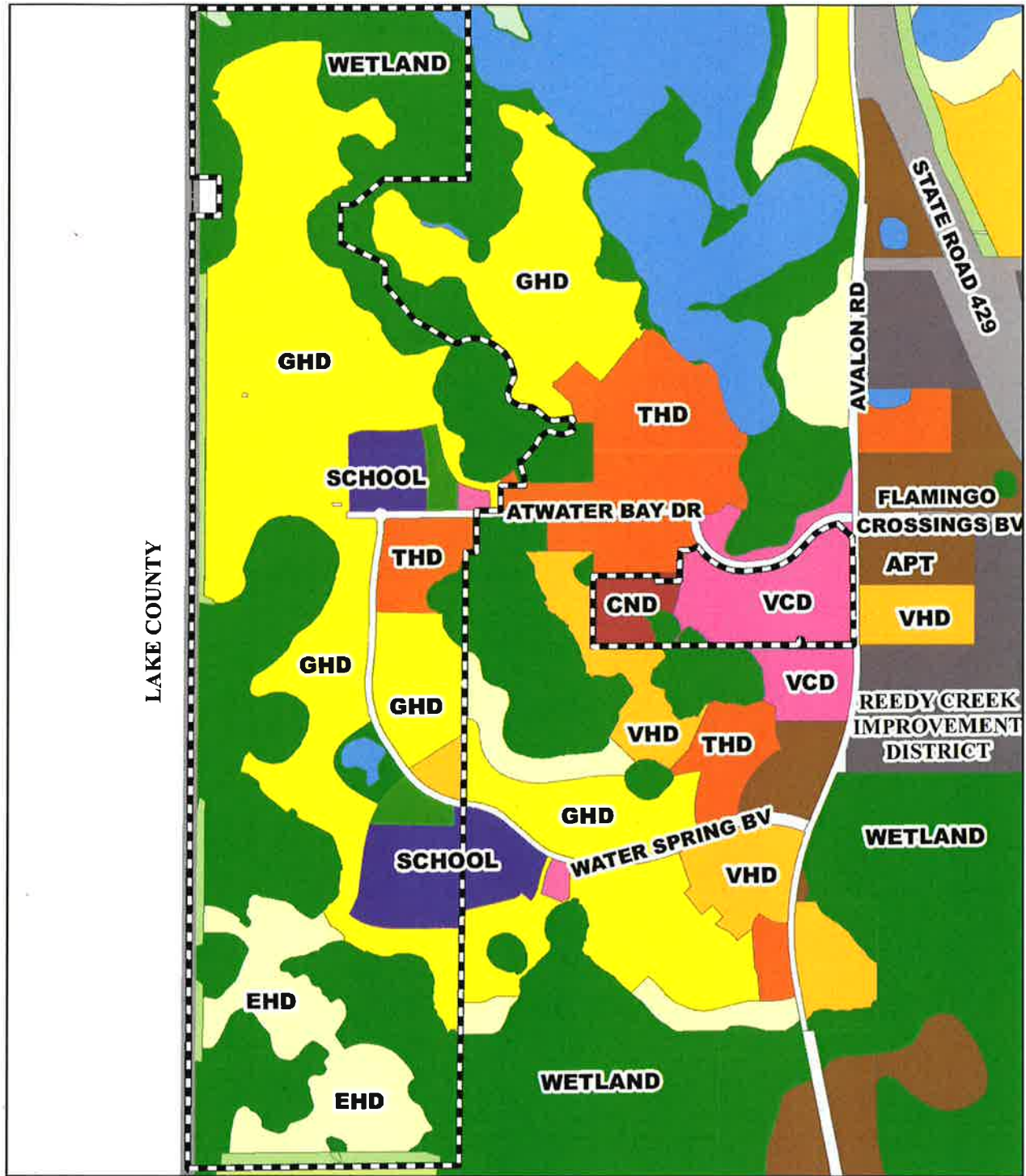
- 7) A waiver is granted from Section 38-1386(b)(10)(a) to allow a seven (7) foot front porch setback for lots less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of a ten (10) foot front porch setback.
- 8) A waiver is granted from Section 38-1386(b)(10)(b) to allow a minimum side yard setback of four (4) feet for lots less than thirty-five (35) feet in width [and corner lots less than forty-five (45) feet in width], in lieu of a five (5) foot side yard setback.
- m. A waiver is granted from Orange County Code Sections 38-1387.2(a)(8)(c) [Apartment District] and 38-1387.3(b)(3)(h)(3) [Condominium District] to correct the referenced code section to reflect "garage setbacks per section 38-1384(g)", in lieu of "garage setbacks per section 38-1384(i)".
- n. A waiver is granted from Orange County Code Section 38-1388(e)(i) [Neighborhood Center District] to eliminate the maximum fifty (50) foot lot width.
- o. The Development Standards and Guidelines for this PD shall be consistent with Orange County Code Chapter 38 (New Village PD Code) unless expressly and explicitly waived by the Board of County Commissioners.
- p. Multi-use trails / bike paths shall be maintained by the HOA. Funding of this maintenance expense shall be the responsibility of the HOA unless the County approves a MSBU or other funding mechanism for this purpose.
- q. Prior to the first PSP/DP an agreement addressing development and maintenance of the APF Park land shall be entered into with the developer and the County.
- r. Waivers to any development standard of Chapter 38 of the Orange County Code may be granted by the Board of County Commissioners at a public hearing in conjunction with the approval of any PSP for a parcel(s) of land within the Waterleigh PD, except as may be provided to the contrary in Section 38-1207 regarding substantial changes to a PD/LUP. A revised PD noting the requested waivers (applicable to the specific PSP) shall be submitted with the PSP application. Notification of waiver requests prior to the public hearing shall be the same as that required for a substantial change to a PD/LUP, e.g., including notice to owners of property within 300 feet of the perimeter of the PD.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (April 10, 2018)

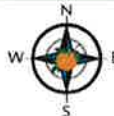
Upon a motion by Commissioner VanderLey, seconded by Commissioner Nelson, and carried with all present members voting AYE by voice vote; the Board made a finding of consistency with the Comprehensive Plan; and approved the request subject to the conditions of approval listed under the Development Review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

Horizon West Special Planning Area Land Use Map

CDR-18-03-073



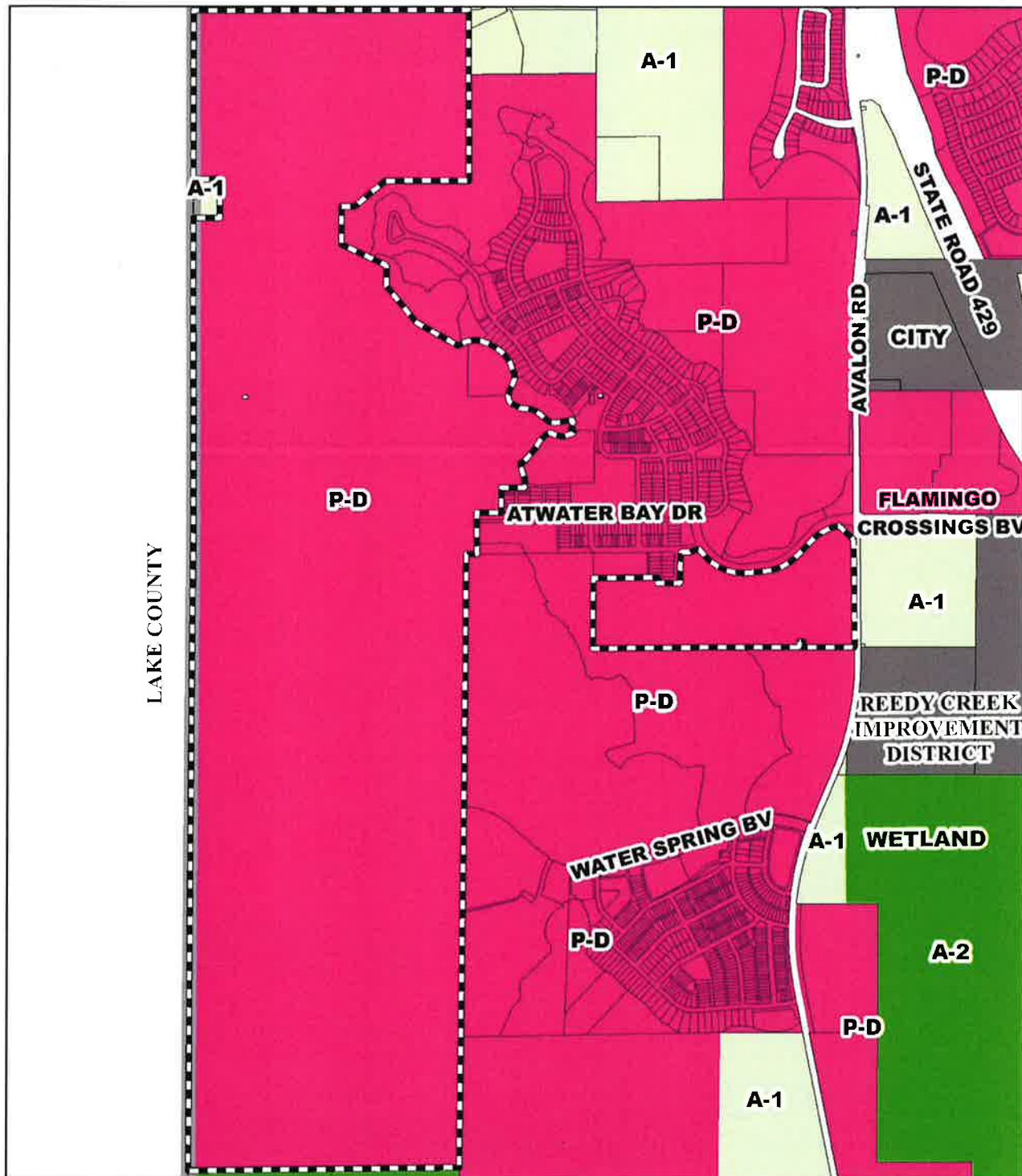
 Subject Property



1 inch = 1,350 feet

ZONING MAP

CDR-18-03-073



 Subject Property



1 inch = 1,350 feet

AERIAL MAP

CDR-18-03-073

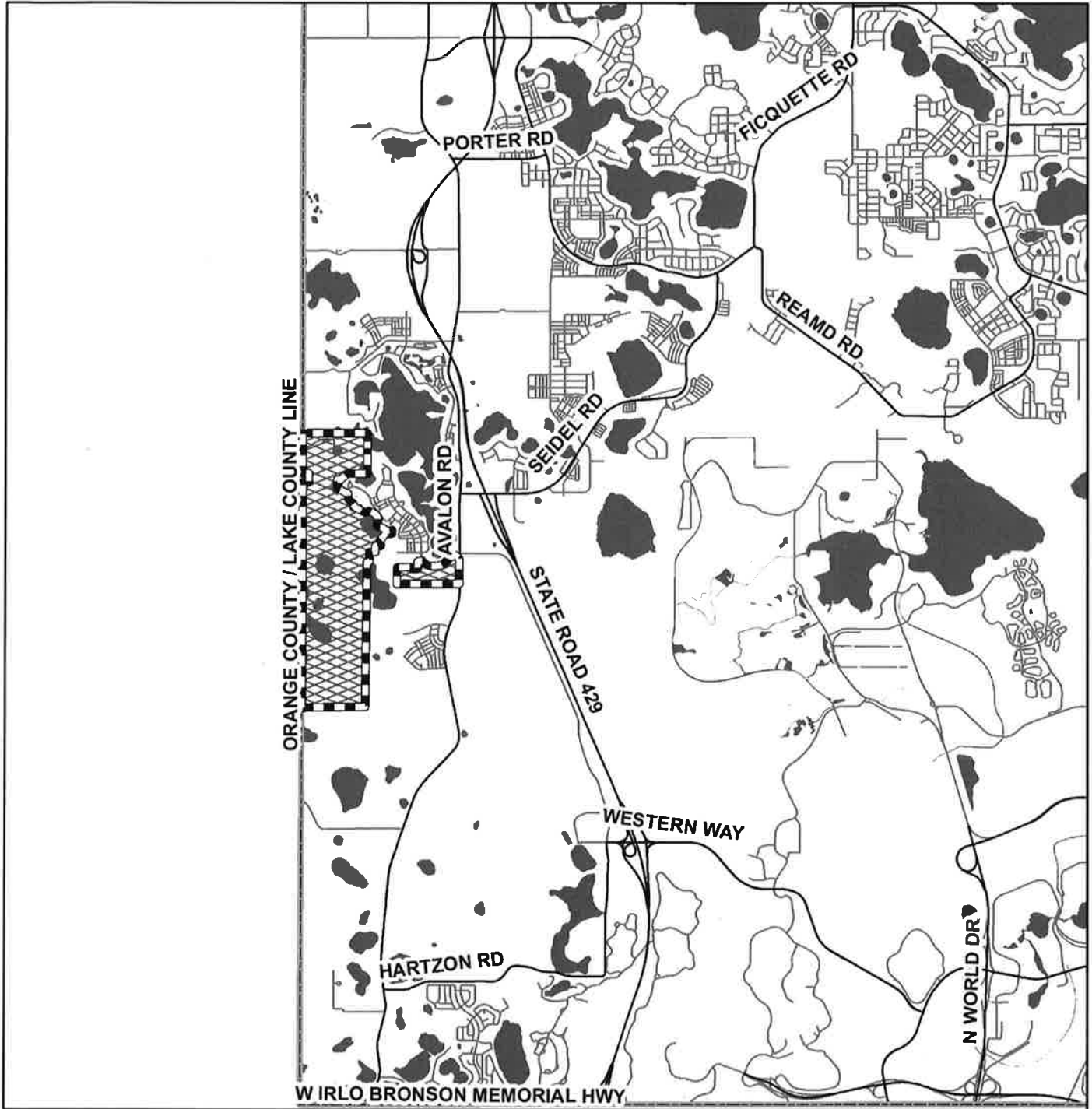


 **Subject Property**



1 inch = 1,350 feet

LOCATION MAP



Subject Property 

Waterleigh PD / LUP (Cover Sheet)

**Waterleigh Planned Development
 / Land Use Plan**

CDR-18-03-073

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

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



Site Location Map

Property Information

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

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

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

Legal:
Miranda F. Fitzgerald
Lowndes Dowdell Duster Kantor & Reed, P.A.
 215 North Kola Drive
 Orlando, FL 32801
 P: 407.843.4000

Environmental:
Rio Tech Consulting, Inc.
 2002 E. Robinson Street
 Orlando, FL 32803
 P: 407.894.7900

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

Issued for:

Date Issued: 12/12/2014

Latest Issue: 10/03/2018

Index

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

CHANGE DETERMINATION REQUEST

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

NOTE: IN ACCORDANCE WITH SECTION 16.12(2), ANY PARCELS WITH ORANGE COUNTY BCC DEVELOPMENT STANDARDS SURVEYS (I.E. ON PARCELS) THAT HAVE NOT BEEN PREVIOUSLY APPROVED BY THE BCC ARE INVALID.

RECEIVED
 BY BCC OFFICE 01/30/19 AM, 09:04, 2019

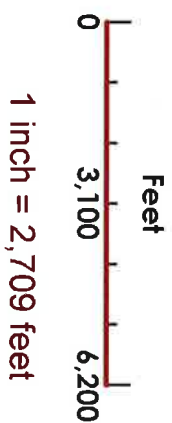
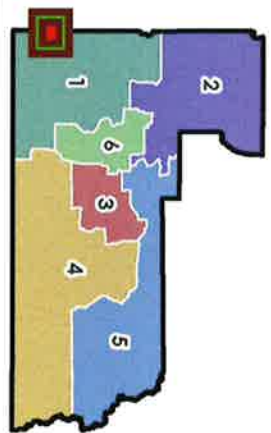
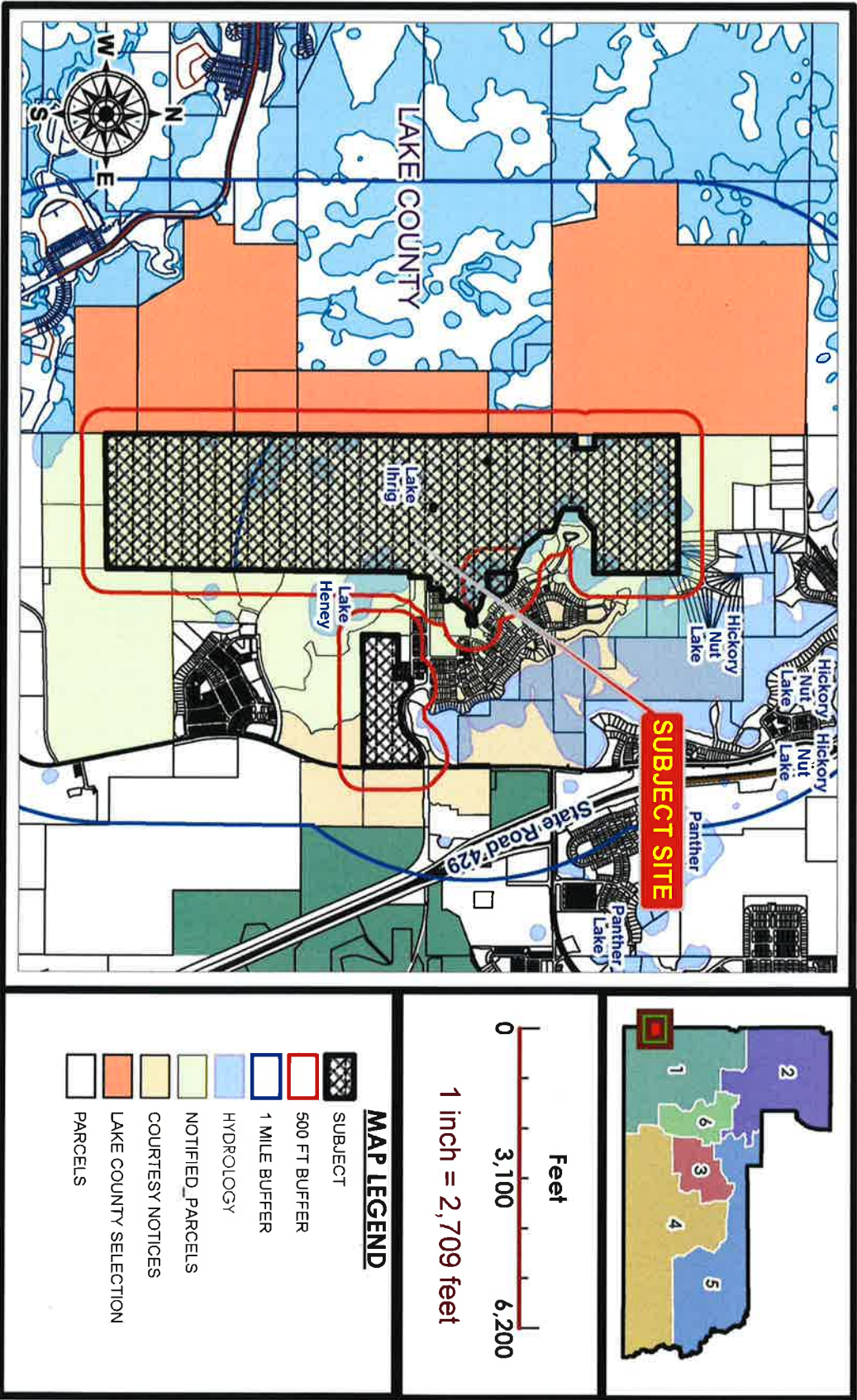


Notification Map



Public Notification Map

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



MAP LEGEND

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


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Interoffice Memorandum

DATE: February 12, 2019

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

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

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

SUBJECT: February 26, 2019 – Public Hearing
John Prowell, VHB, Inc.
Wetherbee Acres Planned Development
Case # CDR-18-08-263 / District 4

The Wetherbee Acres Planned Development (PD) is generally located south of E. Wetherbee Road and west of Boggy Creek Road. The existing PD development program allows for a maximum of 950 units (a combination of townhouses and apartments).

Through this PD substantial change, the applicant is requesting three (3) waivers from Orange County Code to allow 60% of townhome units to be in buildings containing five units or more units in lieu of 75%, to allow multi-family development to share access with single-family development, and allow multi-family buildings greater than 75' from single-family to have a maximum height of 40 feet (three stories). There is no change to the approved development program with this request.

On October 24, 2018, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

However, due to an oversight in the DRC staff report, the DRC did not consider the following June 19, 2018 BCC Condition of Approval:

- 13. The access to the Yates PD, as shown on the plan, has been deleted, and access shall only be provided from Wetherbee Road.*

Though this is an approved BCC Condition, staff recommends that the BCC add this condition as part of their motion for approval, as Condition 9(f). Existing condition 9(f) should then be renumbered as 9(g).

This item was continued from the February 12, 2019 Board of County Commissioners hearing for additional discussion of the site with the applicant.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Wetherbee Acres Planned Development / Land Use Plan (PD/LUP) dated “Received September 20, 2018”, subject to the conditions listed under the DRC Recommendation in the Staff Report, with the addition of condition 9(f) and renumbering existing 9(f) to 9(g). District 4

Attachments
JWW/EPR/stt

CASE # CDR-18-08-263

Commission District: # 4

GENERAL INFORMATION

APPLICANT John Prowell, VHB, Inc.
OWNER Wetherbee Acres, LLLP
PROJECT NAME Wetherbee Acres Planned Development
PARCEL ID NUMBER 20-24-30-0000-00-004
TRACT SIZE 98.49 gross acres (overall PD)
LOCATION Generally located south of E. Wetherbee Road and west of Boggy Creek Road
REQUEST A PD substantial change to request the following waivers from Orange County Code:

1. A waiver from Section 38-79(20)(f) to allow for 60% of units to be in buildings containing 5 or more units, in lieu of 75% of units to be in buildings containing 5 units or more.

Applicant Justification: This waiver will allow for flexibility in site design based upon the geometry of the site. The additional 4-unit buildings are able to be placed in a way to maximize community open space.

2. A waiver from Section 38-1258(g) to allow multi-family development to share access with single-family development, in lieu of not allowing access to multi-family development from a right-of-way serving single-family development.

Applicant Justification: Due to engineering constraints, along the frontage of Wetherbee Road, two separate full access points is not achievable. The shared access drive will be designed to accommodate the traffic from the adjacent uses. In no case shall platted single-family lots directly access the multi-family access road.

3. A waiver from Section 38-1258(a) & (b) to allow multi-family buildings greater than 75' from single-family properties to have an allowable height of 40 feet (3-stories), in lieu of requiring 50% of buildings between 100 and 150 feet to be one or two-story structures and buildings less than 100' from single-family properties to be limited to a single-story.

Applicant Justification: *Based on the natural drainage swale and associated upland buffers separating the townhomes from multi-family development, the two uses are clearly defined and buffered from one another. The code is unclear in the measurement criteria, as the building and property lines are referenced. This request is to confirm that the separation is measured from multi-family building and single-family buildings, as opposed to property lines.*

PUBLIC NOTIFICATION A notification area extending beyond eight hundred (800) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred and nine (309) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

IMPACT ANALYSIS

Special Information

The Wetherbee Acres PD was originally approved on November 4, 2004 and currently includes entitlements for a maximum of 950 units (a combination of townhouses and apartments).

Through this PD Change Determination Request (CDR), the applicant is requesting three (3) waivers from Orange County Code to allow 60% of townhome units to be in buildings containing 5 units or more, to allow multi-family development to share access with single-family development, and allow multi-family buildings greater than 75' from single-family to have a maximum height of 40 feet (3-stories). No change to the approved development program is proposed with this request.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Medium Density Residential (MDR). The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

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

Transportation / Concurrency

Based on the Concurrency Management System database dated November 28, 2017, there is one failing roadway within the project impact area. Boggy Creek Road from Tradeport Drive to Wetherbee Road is currently operating at Level of Service "F" and there is no available capacity. A traffic study will be required prior to obtaining an approved Capacity Encumbrance Letter and building permit. This information is dated and is subject to change.

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, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Community Meeting Summary

A community meeting was not required for this request.

Schools

Orange County Public Schools (OCPS) did not comment of this case, as it does not involve an increase in residential units or density. However, a revised CEA addressing a previously requested and approved modification to the PD development program was approved by Orange County Public Schools on December 11, 2018.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the Change Determination Request but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

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

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (October 24, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Wetherbee Acres Planned Development / Land Use Plan (PD/LUP), dated "September 20, 2018", subject to the following conditions:

1. Development shall conform to the Wetherbee Acres Land Use Plan (LUP) dated "Received September 20, 2018," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any

applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received September 20, 2018," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of)

development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of April 29, 2003, and as amended on December 11, 2018.

 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 3 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

 - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.

 - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

 - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

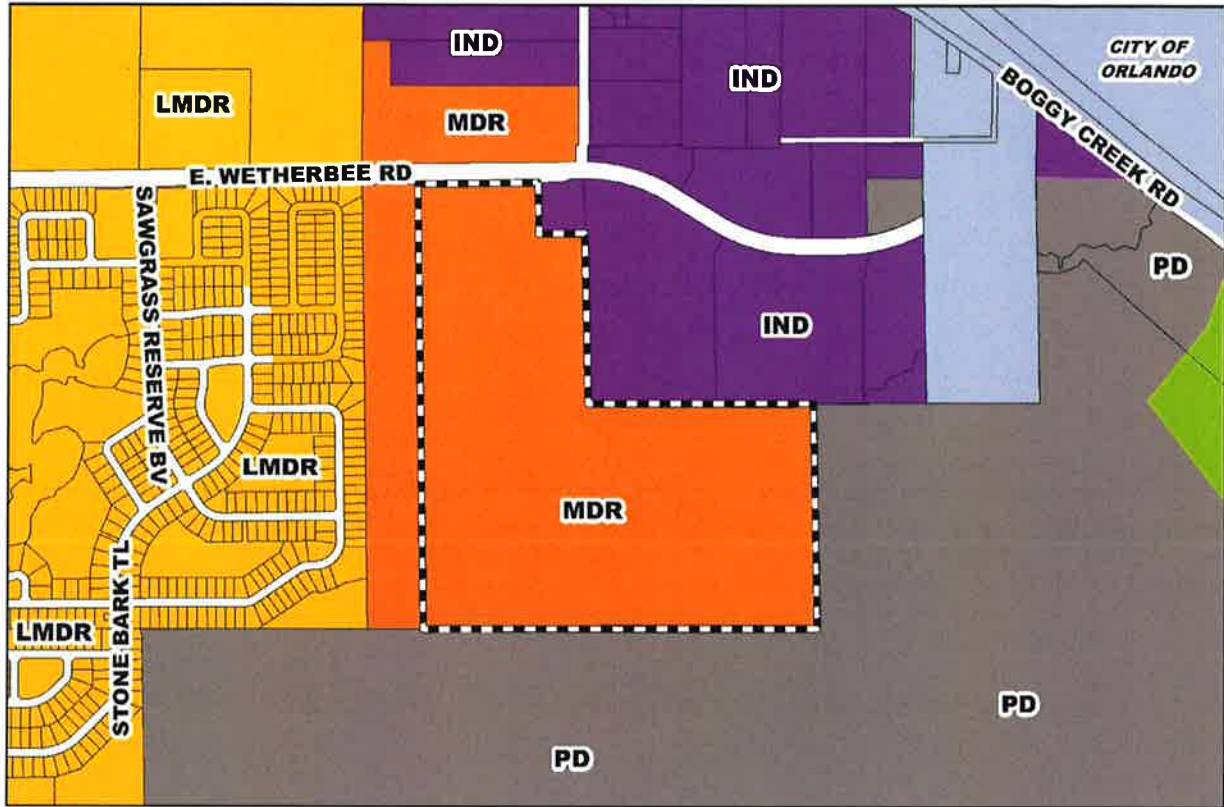
7. The following waivers are granted from Orange County Code:
 - a. A waiver from Section 38-79(20)(f) to allow for 60% of units to be in buildings containing 5 or more units, in lieu of 75% of units to be in buildings containing 5 units or more.
 - b. A waiver from Section 38-1258(g) to allow multi-family development to share access with single-family development, in lieu of not allowing access to multi-family development from a right-of-way serving single-family development.
 - c. A waiver from Section 38-1258(a) & (b) to allow multi-family buildings greater than 75' from single-family properties to have an allowable height of 40 feet (3-stories), in lieu of requiring 50% of buildings between 100 and 150 feet to be one or two-story structures and buildings less than 100' from single-family properties to be limited to a single-story.
8. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 19, 2018 shall apply:
 - a. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / 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.
 - b. 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.
 - c. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
 - d. This project is for a maximum of 950 townhomes, fee-simple condominiums, or rental apartment units. No more than 450 units shall be developed as rental apartments. Each rental apartment complex shall be a maximum of 350 units.
 - e. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
 - f. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 6, 2006 shall apply:

- i. This property lies within Airport Noise Zone "D." Zone "D" shall require notification provisions on the covenants, conditions, and restrictions and the condominium document declarations. A Waiver of Claim and 25 decibel (db) sound level reduction are required at Preliminary Subdivision Plan (PSP)/Platting/Development Plan stage.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(June 19, 2018)*

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

CDR-18-08-263



Subject Parcel

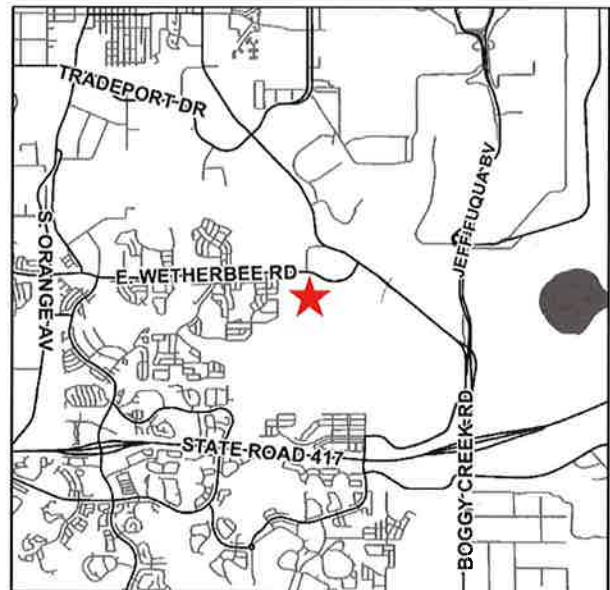


Subject Property

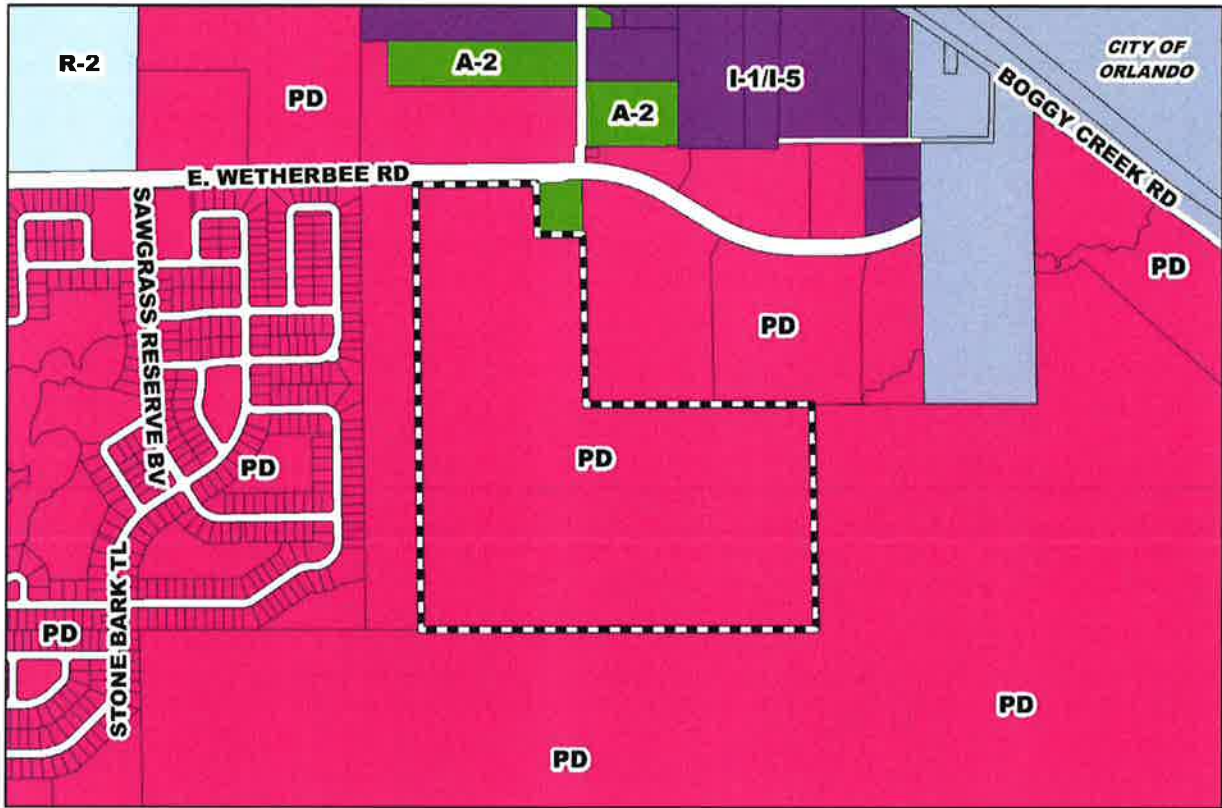
Future Land Use Map

FLUM: Medium Density Residential (MDR)
 APPLICANT: John Prowell, VHB, Inc.
 LOCATION: Generally located south of E. Wetherbee Road and west of Boggy Creek Road
 TRACT SIZE: 98.4 gross acres (overall PD)
 DISTRICT: # 4
 S/T/R: 20/24/30

1 inch = 925 feet



CDR-18-08-263



Subject Parcel

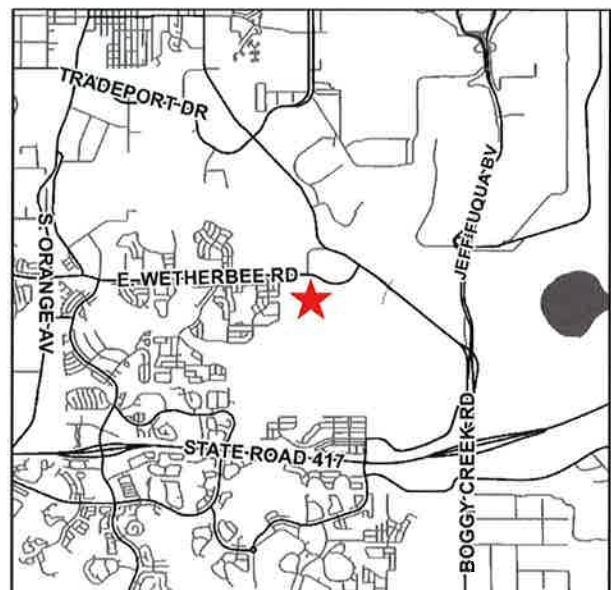


Subject Property

Zoning Map

ZONING: PD (Planned Development District)
 APPLICANT: John Prowell, VHB, Inc.
 LOCATION: Generally located south of E. Wetherbee Road and west of Boggy Creek Road
 TRACT SIZE: 98.49 gross acres (overall PD)
 DISTRICT: # 4
 S/T/R: 20/24/30

1 inch = 925 feet



Wetherbee Acres PD / LUP (Cover Sheet)



Land Use Plan

Issued for	Orange County
Date Issued	November 13, 2017
Latest Issue	September 18, 2018

Wetherbee Acres, PD

Orange County, Florida
 Parcel ID# 20-24-30-0000-00-004
 CDR-18-08-263



Sheet Index		Latest Issue
No.	Drawing Title	September 18, 2018
C00	Cover Sheet	September 18, 2018
C01	Land Use Plan	September 18, 2018

Applicant
 Wetherbee Acres, LLLP
 P.O. Box 231
 Orlando, FL 32802

Planner/Engineer
 VHB
 225 E. Robinson Street
 Suite 300
 Orlando, FL 32801

Surveyor
 Maser Consulting P.A.
 1101 North Lake Destiny Road
 Suite 415
 Maitland, Florida 32751

Project Summary
 The project consists of a new 100-unit residential development located on a 10-acre parcel. The development will include a mix of single-family detached and townhome units. The site is currently zoned for residential use and is adjacent to existing residential developments. The project is consistent with the local comprehensive land use plan and the county's growth management plan. The applicant has provided all necessary information for the review of the land use plan and is requesting approval for the project.

Project Description
 The project is a new 100-unit residential development located on a 10-acre parcel. The development will include a mix of single-family detached and townhome units. The site is currently zoned for residential use and is adjacent to existing residential developments. The project is consistent with the local comprehensive land use plan and the county's growth management plan. The applicant has provided all necessary information for the review of the land use plan and is requesting approval for the project.

Project Location
 The project is located on a 10-acre parcel located on the east side of the county. The parcel is adjacent to existing residential developments and is consistent with the local comprehensive land use plan and the county's growth management plan. The applicant has provided all necessary information for the review of the land use plan and is requesting approval for the project.

Item Project : 6311100
 Review Date: 09/18/2018







Interoffice Memorandum

DATE: January 30, 2019

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

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

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

SUBJECT: February 26, 2019 – Public Hearing
James H. McNeil Jr., Akerman, LLP
Orangewood N-2 Planned Development
Case # CDR-18-07-230 / District 1

The Orangewood N-2 Planned Development (PD) is located south of Central Florida Parkway and West of International Drive.

The existing PD development program allows for 648 timeshare villas, 1,017 hotel rooms, 2,447 multi-family dwelling units, 507 single-family dwelling units, an elementary school site, and 457,455 square feet of tourist commercial uses.

Through this PD substantial change, the applicant is seeking to convert 507 single-family dwelling units to 507 short-term rental units and remove the potential elementary school site from Parcel 11D. Additionally, two waivers are being requested to allow for the project to be governed by a Preliminary Subdivision Plan and residential site standards.

On January 9, 2019, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Orangewood N-2 Planned Development / Land Use Plan (PD/LUP) dated “Received November 8, 2018”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/EPR/nsw
Attachments

CASE # CDR-18-07-230

Commission District: # 1

GENERAL INFORMATION

APPLICANT James H. McNeil, Jr., Akerman, LLP

OWNER AG-RW Grande Pines LLC

PROJECT NAME Orangewood N-2 Planned Development

PARCEL ID NUMBER 13-24-28-6283-07-010, 13-24-28-6283-00-110,
13-24-28-0530-02-000, 13-24-28-6283-12-090 (*a portion of
(affected parcels only)*)

TRACT SIZE 588.70 gross acres (*overall PD*)
116.10 gross acres (*affected parcels only*)

LOCATION Generally located south of Central Florida Parkway and West
of International Drive

REQUEST A PD substantial change to convert entitlements on PD Parcel 11D from 507 single-family dwelling units to 507 short-term rental units and remove the elementary school site. Additionally, two waivers are being requested to allow for the project to be governed by a Preliminary Subdivision Plan and residential site standards. Those waivers are as follows:

1. A waiver from 38-1203(3) is granted to allow the project to be governed by a Preliminary Subdivision Plan, in accordance with the applicable provisions of Chapter 34, and any other applicable provisions of Orange County Code related to residential development, in lieu of the requirement to submit a Development Plan(s).

Applicant Justification: *The project will be a commercial project for short-term rental, but will be constructed in appearance as a residential development. The product will be constructed on individually platted lots with individual rental properties to appear as homes and townhomes, and specific design concerns may be addressed on the PSP, individual development plans for each lot will be unnecessary.*

2. A waiver is granted to allow the project to be treated as a residential project and be governed by the standards in Chapter 38, Article VIII, related to Residential Site Standards, and any other applicable provisions of Orange County Code related to residential development, in lieu of the standards set forth in Chapter 38, Article VIII, and any

other applicable provisions of Orange County Code related to Tourist Commercial Site Development Standards or commercial components of a planned development (PD).

Applicant Justification: *The project will be a commercial project for short-term rental, but will be constructed in appearance as a residential development.*

PUBLIC NOTIFICATION A notification area extending beyond five hundred (500) feet was used for this application [*Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet*]. Six hundred eight (608) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

IMPACT ANALYSIS

Special Information

The Orangewood N-2 PD was originally approved on September 5, 1972, and has existing development entitlements for up to 1,665 hotel rooms and timeshare villas; 2,447 multi-family residential units; 507 single family units, 457,455 square feet of tourist commercial uses, and a potential elementary school.

Through this PD Change Determination Request (CDR), the applicant is seeking to convert 507 single-family dwelling units to 507 short-term rental units and remove the potential elementary school site from PD Parcel 11D.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Activity Center Residential (ACR). The Orangewood N-2 PD was approved in 1972 and includes multi-family residential, single-family residential, hotel, timeshare, and tourist commercial uses. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Overlay District Ordinance

The subject property is located within the Tourist Commercial Signage Overlay.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

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

Transportation / Concurrency

The Orangewood N-2 PD is vested from transportation concurrency under vested rights certificate 92-268.

Community Meeting Summary

A community meeting was not required for this request.

Schools

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the Change Determination Request, but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

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

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (January 9, 2019)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Orangewood N-2 Planned Development / Land Use Plan (PD/LUP) dated "Received November 8, 2018", subject to the following conditions:

1. Development shall conform to the Orangewood N-2 Land Use Plan (LUP) dated "Received November 8, 2018" and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received November 8, 2018," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas required shall be shown on all plans and shall be conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval. Developer / applicant to contact Transportation Planning at 407-836-8076 to coordinate.
7. The following waivers from Orange County Code are granted:
 - a. A waiver from 38-1203(3) is granted to allow the project to be governed by a Preliminary Subdivision Plan, in accordance with the applicable provisions of Chapter 34, and any other applicable provisions of Orange County Code related to residential development, in lieu of the requirement to submit a Development Plan(s).
 - b. A waiver is granted to allow the project to be treated as a residential project and be governed by the standards in Chapter 38, Article VIII, related to Residential Site Standards, and any other applicable provisions of Orange County Code related to residential development, in lieu of the standards set forth in Chapter 38, Article VIII, and any other applicable provisions of Orange County Code related to Tourist Commercial Site Development Standards or commercial components of a planned development (PD).
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 30, 2015 shall apply:
 - a. All acreages identified as conservation areas and buffers are considered approximate until finalized by Conservation Area Determination (CAD) and Conservation Area Impact (CAI) Permits. Approval of this plan does not permit any proposed conservation impacts.
 - b. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/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.
 - c. The following Education Condition of Approval shall apply to Parcel 11 only:
 - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of April 28, 2015, as may be amended.
 - 2) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately

cease issuing building permits for any residential units in excess of the 781 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- 3) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - 4) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - 5) Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- d. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). An MUP update shall be submitted to Orange County Utilities at least thirty (30) days prior to construction plan submittal. The updated MUP must be approved prior to Construction Plan approval.
 - e. The developer shall obtain water, wastewater, and reclaimed water from Orange County Utilities.
 - f. Any multi-family development shall prohibit short term rental of 179 days or less. Any hotel/timeshare development, and any development on Parcel 11D, shall prohibit stays of 180 days or more. The CCR's shall include a notice/provision stating that short term rental shall not exceed 179 consecutive days within any 12-month period.
 - g. A waiver from Orange County Code Section 38-1501 is granted to allow a minimum lot width of thirty-two (32) feet, in lieu of forty-five (45) feet.
 - h. A waiver from Orange County Code Section 38-1501 is granted to allow a side setback of four (4) feet in lieu of five (5) feet for the thirty-two (32) foot

- lots. A/C units shall be located to the rear of homes, outside of the side setback.
- i. Permitted and prohibited uses shall be those specified in Policies ID1.1.3 and ID1.1.6 of the International Drive Activity Center Element.
 - j. Any single family detached houses or short term rental units on lots less than 50 feet in width shall have rear-loaded garages.
 - k. Parcel 11A shall require approval by the Board of County Commissioners at a public hearing.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 10, 2015, shall apply:
- a. The following Education Condition of Approval shall apply to Parcel 15 only:
 - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board [and Orange County] as of 2/02/2015.
 - 2) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the zero (0) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - 3) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - 4) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

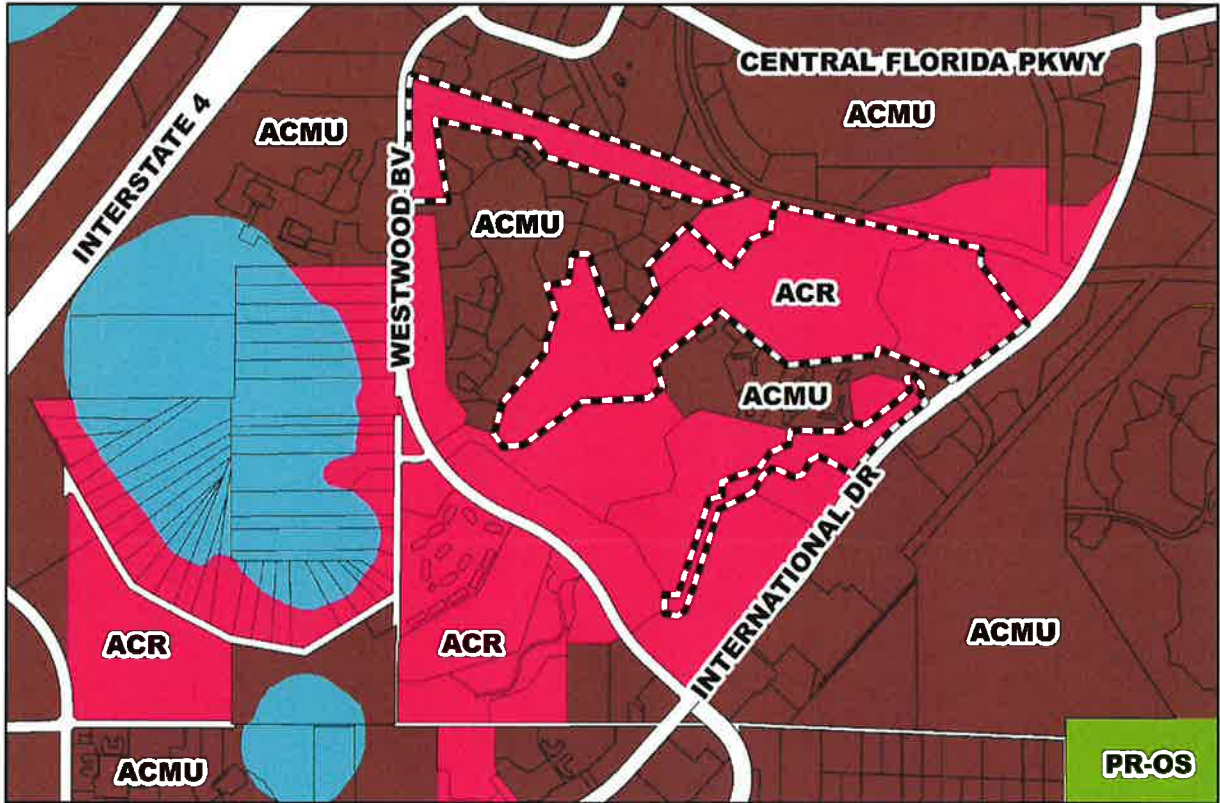
- 5) Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
 - b. A copy of Concurrency Vested Rights certificate must be provided with the application for a building permit.
 - c. For Parcel 15 only, upon receipt of a permit, following County Completion of Design Plans, Developer shall construct the Improvements to the intersection of Westwood Boulevard Extension and International Drive within 180 days as provided in the Road Impact Fee Agreement approved by the BCC on May 14, 2013, and recorded at OR Book/Page 10571/4753.
 - d. Pole signs and billboards shall be prohibited. Ground and fascia sign shall comply with Chapter 31.5 Tourist Commercial Standards of the Orange County Code with the exception of Parcel 6 which shall comply with the approved Master Sign Plan.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 8, 2013, shall apply:
- a. An additional access driveway is approved for a right-in access only for Parcel 15 only. No future right-out access is approved at this location without a change to the Land Use Plan and approval by the Board of this change request.
 - b. The Master Sign Plan, dated "Received July 24, 2013," applicable to Parcel 6 only, is approved with the following waivers:
 - 1) A waiver from Section 31.5-163(a)(1) to allow the copy area of the outparcel 7 ground signs to be no more than 60 square feet each in exchange for other ground signs (per the Master Sign Plan for Parcel 6) to be reduced to 30 square feet, as outparcel 7 has limited right-of-way frontage. The exception to this requirement is that the ground sign within outparcel 5 may also have no greater than 60 square feet in copy area, in lieu of 30 square feet.
 - 2) A waiver from Section 31.5-166(d) to allow a maximum of two (2) ground signs for outparcel 7 (as identified on the Master Sign Plan) where less than 500-feet of right-of-way frontage is present, in lieu of the requirement that the two (2) ground signs have greater than 500-feet of right-of-way frontage. The waiver also allows the two (2) ground signs to be separated from each other and from any other ground signs within adjacent outparcels to be separated by a distance of less than 100-feet, but no closer than 50-feet; in lieu of the requirement that they be separated by a distance of not less than 100-feet.

- 3) A waiver from Section 31.5-166(e) to allow two (2) ground signs advertising or identifying businesses within outparcel 7 to be located off-site (within adjacent outparcels 1, 2 and 6 as identified on the Master Sign Plan), in lieu of the requirement that ground signs only be used to advertise or identify businesses within the parcel in which they are located.
 - 4) A waiver from Section 31.5-166(e) to allow Parcel 2 to share a 60 dual tenant square foot ground sign on Parcel 5 in lieu of a ground sign may only advertise or identify the establishment or business on the parcel.
 - 5) A waiver from Section 38-1287(2), (3) & (4) to allow internal lot lines to have building and paving setbacks reduced to zero is granted for Parcel 6 only.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated April 20, 2010 and February 16, 2010, shall apply:
- a. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan, with a tree removal and mitigation plan, have been approved by Orange County.
 - b. Outdoor storage and display shall be prohibited.
 - c. This project is located in the International Drive Activity Center and is subject to the provisions of the International Drive Activity Center Element of the Comprehensive Plan.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (June 30, 2015)

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

CDR-18-07-230



Subject Property

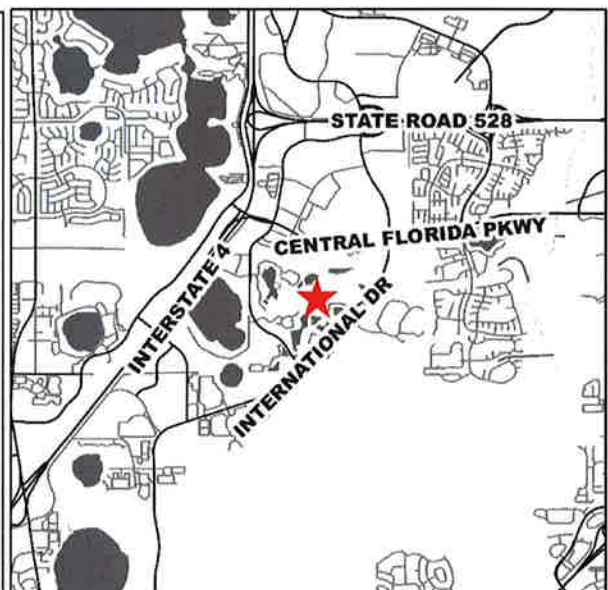


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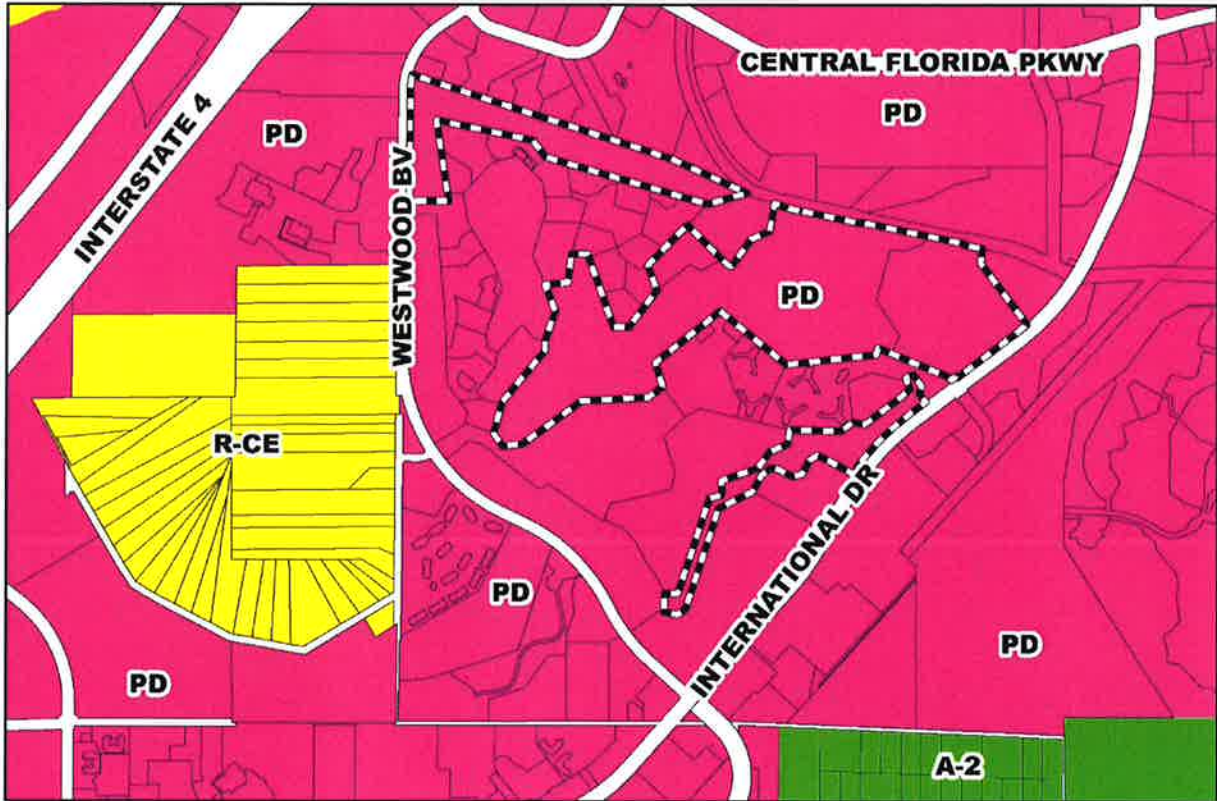
Future Land Use Map

FLUM: Activity Center Residential
APPLICANT: James H. McNeil, Jr., Akerman, LLP
LOCATION: Generally located south of Central Florida Parkway and West of International Drive.
TRACT SIZE: 116.10 gross acres (affected parcels)
DISTRICT: # 1
S/T/R: 13/24/28

1 inch = 1,250 feet



CDR-18-07-230



 Subject Property



 Subject Property

Zoning Map

ZONING: PD (Planned Development)
APPLICANT: James H. McNeil, Jr., Akerman, LLP
LOCATION: Generally located south of Central Florida Parkway and West of International Drive.
TRACT SIZE: 116.10 gross acres (affected parcels)
DISTRICT: # 1
S/T/R: 13/24/28

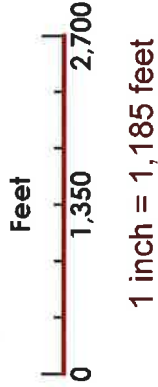
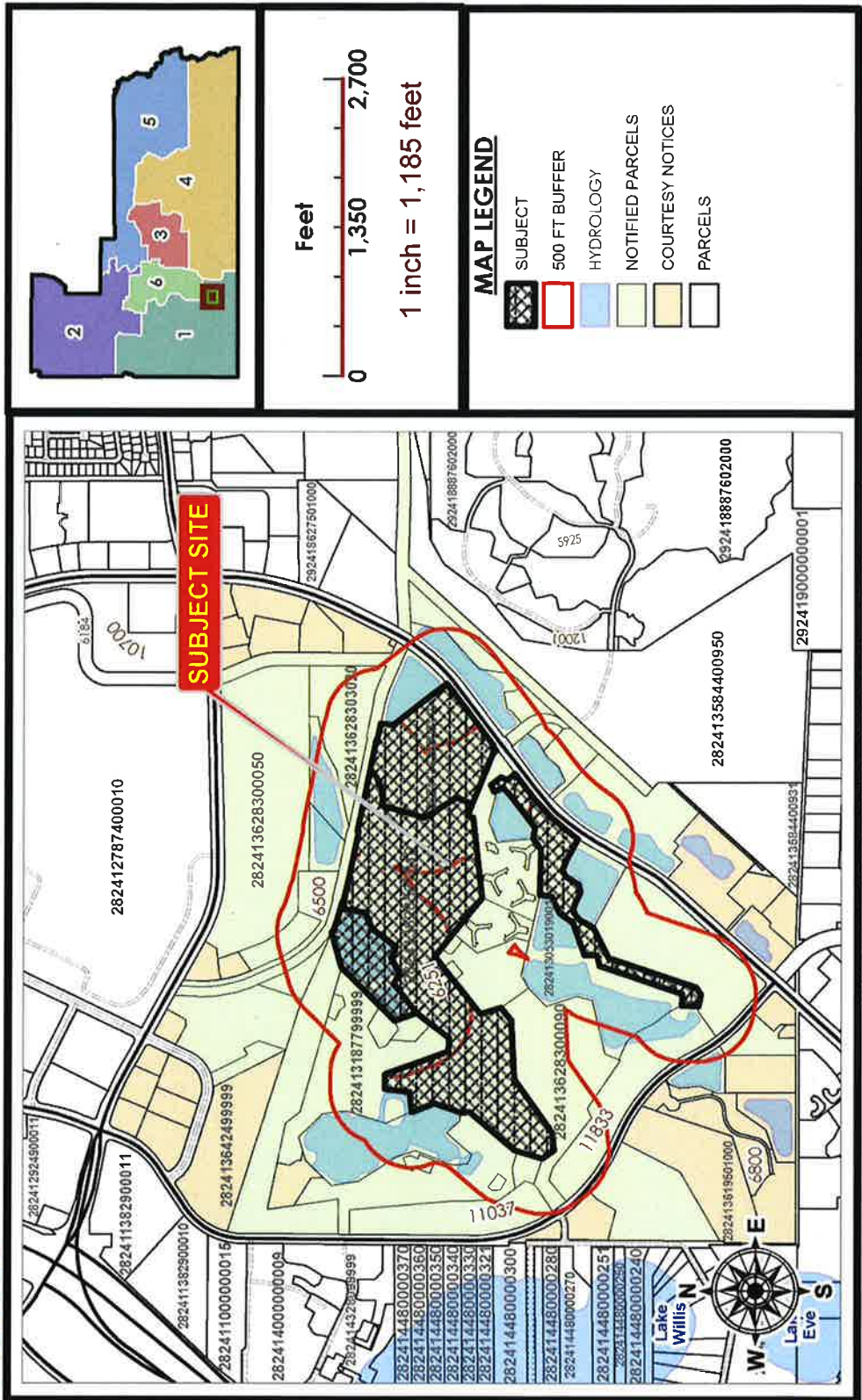
1 inch = 1,250 feet



Notification Map

Public Notification Map

Orangewood N-2 PD_CDR-18-07-230
 500 FT BUFFER, 6o8 NOTICES



MAP LEGEND

- SUBJECT
- 500 FT BUFFER
- HYDROLOGY
- NOTIFIED PARCELS
- COURTESY NOTICES
- PARCELS

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Interoffice Memorandum

DATE: January 30, 2019

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

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

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

SUBJECT: February 26, 2019 – Public Hearing
Appellant: A. Kurt Ardaman, Fishback Dominick
Applicant: James Monica, P.E., Harris Civil Engineers, LLC
Orangewood N-1 Planned Development / N-1 Westwood
Preliminary Subdivision Plan / Parcel 4 – Westwood Hotel
Development Plan
Case # DP-18-01-017

This public hearing is to consider an appeal of the Development Review Committee's (DRC) decision of October 24, 2018 for the Orangewood N-1 Planned Development (PD) / N-1 Westwood Preliminary Subdivision Plan (PSP) / Parcel 4 – Westwood Hotel Development Plan (DP), to approve the development plan for construction of a 299 room hotel.

The appellant has not indicated the reason for appealing the DRC decision.

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

ACTION REQUESTED: Uphold the DRC action of October 24, 2018 and approve the Development Plan for construction of a 299 room hotel, subject to the DRC-recommended conditions in the staff report. District 1

JVW/EPR/lme
Attachments

CASE # DP-18-01-017

Commission District # 1

1. REQUEST

This public hearing is to consider an appeal of the Development Review Committee's (DRC) decision of October 24, 2018 for the Orangewood N-1 Planned Development (PD) / N-1 Westwood Preliminary Subdivision Plan (PSP) / Parcel 4 – Westwood Hotel Development Plan (DP), to approve construction of a 299 room hotel.

The appellant has not indicated the reason for appealing the DRC decision. Per Orange County Code Sec. 38-1203(3)d, any aggrieved party can appeal a decision of the DRC.

2. PROJECT ANALYSIS

- A. Location: North of Westwood Boulevard / South of State Road 528
- B. Parcel ID: 12-24-28-9655-00-024
- C. Total Acres: 5.0
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: Lester Mandell Park – 3.8 miles
- I. Proposed Use: 299 Room Hotel
- J. Site Data: Maximum Building Height: 200'
Building Setbacks:
 - 30' West Entrance Drive
 - 40' Westwood Boulevard
 - 30' Lot 2 (side facing)
 - 75' State Road 528
- K. Fire Station: 54 – 6500 Central Florida Parkway
- L. Transportation: This development is vested from transportation concurrency under vested rights certificate 93-142.

3. SPECIAL INFORMATION

The proposed Development Plan meets all required County standards and was recommended for approval by the Development Review Committee on October 24, 2018. Prior to Certificate of Occupancy, a cross-access easement on the northern portion of the property will be required. The purpose of the cross-access easement is to accommodate a future at-grade Convention Center connector road to the east.

The appellant, Kurt Ardaman, has not provided an explanation regarding the reasons for appealing this Development Plan.

4. COMPREHENSIVE PLAN

The affected property has an underlying Future Land Use Map (FLUM) designation of Activity Mixed Use Commercial (ACMU) and is zoned as the Orangewood N-1 PD. The request is consistent with the Comprehensive Plan.

5. ZONING

PD (Planned Development District) (Orangewood N-1 PD)

6. REQUESTED ACTION:

Uphold the DRC action of October 24, 2018 and approve the Development Plan for construction of a 299 room hotel, subject to the following DRC-recommended conditions:

1. Development shall conform to the Orangewood N-1 Planned Development; Orange County Board of County Commissioners (BCC) approvals; N-1 - Westwood at Orangewood Preliminary Subdivision Plan; BCC approvals; Parcel 4 Westwood Hotel Development Plan dated "Received October 8, 2018" 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 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 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. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas required shall be shown on all plans and shall be conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to building certificate of occupancy.
8. Prior to Certificate of Occupancy, the necessary road right-of-way or easement(s) at the corner of Westwood Boulevard and West Entrance Drive to accommodate the existing sidewalk and signal pole shall be dedicated to the county.
9. 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.
10. 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).
11. 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.
12. 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.

13. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the DP, and that construction plans are consistent with an approved and up-to-date Master Utility Plan for the PD.
14. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system accommodates this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
15. Outside sales, storage, and display shall be prohibited.
16. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 Tourist Commercial standards of the Orange County Code.
17. Prior to construction plan approval, documentation shall be provided that this project has the legal right to tie into the master drainage system.
18. Prior to the issuance of any Certificate of Occupancy, a cross-access easement on the northern portion of the property as shown on the development plan dated "received October 8, 2018," shall be dedicated to the county.



**Orangewood N-1 PD / N-1 Westwood PSP
/ Parcel 4 - Westwood Hotel DP**



Parcels		Subject Property	Jurisdiction		Hydrology
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1 : 900
1 in : 75 ft