



# Orange County Government

Orange County  
Administration Center  
201 S Rosalind Ave.  
Orlando, FL 32802-1393

## Decision Letter

### Board of County Commissioners

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Tuesday, March 10, 2020

2:00 PM

County Commission Chambers

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20-224

Substantial Change

Kathy Hattaway, Poulos & Bennett, LLC, Withers Planned Development /  
Land Use Plan (PD / LUP), Case # CDR-19-10-331, amend plan; District 1

**Consideration:** A PD substantial change to revise the unit count and density for PD Parcels 4, 5, and 6; to update the APF table to reflect transfers to the Parcel 1 PD (LUP-19-02-052), Serenade PD (LUP-18-10-354), and Cross PD (LUP-18-12-410); to update the TDR table to reflect a transfer to the Parcel 1 PD. In addition, the applicant has requested the following waivers from Orange County Code: 1. A waiver from Section 34-152(c), for PD Parcels 4, 5, 11, 13, and 17, to allow lots to front a mews, park, open space, etc. and have access via a tract or easement, in lieu of the requirement that each lot shall have a minimum access width of twenty (20) feet to a dedicated public paved street. 2. A waiver from Section 38-1382(h)(4), for PD Parcels 4, 5, 11, 13, and 17, to allow alleys to be designed as a tract, in lieu of the requirement that they shall be designed as a private easement. 3. A waiver from Section 38-1384(g)(1), for PD Parcels 4, 5, 11, 13, and 17, to allow garage access to be setback from an alley tract, in lieu of an easement. 4. A waiver from Section 38-1384(g)(2), for PD Parcels 4, 5, 11, 13, and 17, to allow detached garages without access to a rear alley tract, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot, in lieu of detached garages without access to a rear alley easement, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot. 5. A waiver from Section 38-1384(i)(2), for PD Parcels 4, 5, 11, 13, and 17, to allow vehicular access to garages or other off-street parking to be from a rear alley tract, in lieu of an easement. 6. A waiver from Section 30-714(c) to allow the project to proceed beyond 5% of the approved PD entitlements, which 5% threshold is identified in the APF Agreement as 40 dwelling units (attached or detached); provided, however, that prior to said 5% threshold being reached or exceeded: (A) the approximately 5.81 acres of Future APF Right-of-Way have been conveyed to the County or to an escrow agent who is obligated to release a deed conveying such right-of-way to the County, in accordance with that certain Hartzog Road Right-of-Way Agreement recorded at ORB 9712/4850, as amended, and as affected by that certain First Amendment to Agreement Concerning Hartzog Road Right-of-Way Agreement recorded at ORB 11021/4154, as amended; (B) the approximately 0.98 acres of APF ROW have been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County; and (C) the approximately 5.0 acre APF Park has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County. 7. A waiver from Orange County Code Section 38-1258(g), for PD Parcels 11, 13, and 17, to allow shared access for multi-family and single-family residential and to allow multi-family residential to directly access a right-of-way serving platted single-family residential development, in lieu of the requirement that multi-family development shall not directly access any right-of-way serving platted single-family residential. This waiver is external to the Withers PD. 8. A waiver from Orange County Code Section 30-551 is requested to allow the project to obtain a CEL upon the project becoming subject to the Village I Road Network Agreement, provided that all other requirements for obtaining a CEL have been met by the applicant.

The foregoing is in lieu of allowing the project to obtain a CEL prior to the issuance of trips for the project under the Village I Road Network Agreement; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

**Location:** District 1; property generally located east of Avalon Road, north of Hartzog Road, and south of Western Way; Orange County, Florida (legal property description on file in Planning Division)

Modify Condition of Approval #7:

7. Pursuant to the BCC's acceptance of the Village I Term Sheet on November 13, 2018, this project shall comply with the terms and conditions of the Village I Road Network Agreement recorded at Doc# 20200109451, Public Records of Orange County, Florida, as may be amended from time to time.

Modify Condition of Approval #9.c.:

9.c. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter in accordance with Section 12.1 of the Village I Road Network Agreement recorded at Doc# 20200109451, Public Records of Orange County, Florida, as may be amended from time to time, and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, approve the substantial change request, subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report, as amended; further, modify Conditions of Approval #7, and #9.c.; and further, approve the First Amendment to Adequate Public Facilities Agreement for Horizon West Village I Withers PD by and between Withers LLC, Columnar Partnership Holding I LLC, and Orange County. The motion carried by the following vote:

**Aye:** 7 – Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commission Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin



THE FOREGOING DECISION HAS BEEN  
FILED WITH ME THIS 17TH DAY OF MARCH  
2020.

for Jessica Vaughn  
DEPUTY CLERK  
BOARD OF COUNTY COMMISSIONERS  
ORANGE COUNTY, FLORIDA

*Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.*

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