



Interoffice Memorandum

DATE: November 16, 2018

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

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

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

SUBJECT: December 18, 2018 – Public Hearing
Dallas Austin, DR Horton, Inc.
Holly Estates Planned Development
Case # CDR-18-07-217 / District 2

The Holly Estates Planned Development (PD) is generally located west of N. Orange Blossom Trail, north of Willow Street, and south of Sadler Road. The existing PD development program allows for 245 single-family dwelling units and 45,000 square feet of commercial uses.

Through this PD substantial change, the applicant is seeking to add a Master Sign Plan and delete November 9, 2004 BCC Conditions of Approval #7 and #10 to eliminate the requirements to connect to Orange County Utilities and build a boat dock on the central lake known as Otter Lake. Additionally, four (4) residential sign waivers are requested related to the height of the signs and the ability to place the signs on unimproved property outside of the residential subdivision in order to advertise the subdivision from N. Orange Blossom Trail.

On September 26, 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 Holly Estates Planned Development / Land Use Plan (PD/LUP) dated “Received October 8, 2018”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2

Attachments

JVW/EPR/stt

CASE # CDR-18-07-217

Commission District: # 2

GENERAL INFORMATION

APPLICANT Dallas Austin, DR Horton, Inc.

OWNER DR Horton, Inc., Jack H. Zimmer Jr., and Kevin G. Dinneen Trust

PROJECT NAME Holly Estates Planned Development

PARCEL ID NUMBER(S) 16-20-27-0000-00-052, 21-20-27-0000-00-003,
21-20-27-0000-00-138, and 21-20-27-0000-00-139

TRACT SIZE 111.81 gross acres (overall PD)

LOCATION Generally located west of N. Orange Blossom Trail, north of Willow Street, and south of Sadler Road

REQUEST A PD substantial change to add a Master Sign Plan and delete November 9, 2004 BCC Conditions of Approval #7 and #10, which relate to the requirement to connect to Orange County Utilities and build a boat dock on the central lake known as Otter Lake, respectfully.

In addition, the applicant has requested the following residential identification sign waivers from Orange County Code:

1. A waiver from Section 31.5-67(b) to allow for the maximum height of a ground sign in a commercial district that is located within one hundred (100) feet of a residential district, and not having a right-of-way between the sign and residential district, for the copy area of the sign be a maximum of eight (8) feet in height and architectural features of the sign above the copy area of to be proportional in height and size to the copy area, in lieu of the requirement that the maximum height of the sign shall be eight (8) feet.

Applicant Justification: *The two (2) entry signs for the Residential development are located on Commercial parcels that immediately abut the Residential parcel, and will be placed on either side of the entry road into the Residential development. The two (2) Residential entry signs are located on a major arterial roadway (US 441) at a significant curve of the roadway, and are setback from the roadway to allow for sight distance requirements for traffic exiting the development. The additional sign height will allow for better visibility of the identification sign for the Residential*

development, and compensate for the curvature of the roadway and the travel speeds of approaching traffic.

2. A waiver from Section 31.5-67(f) to allow for a maximum of two (2) ground signs on a parcel within a right-of-way frontage with approximately two hundred and seventy (270) linear feet, in lieu of the requirement that such frontage measure more than four hundred (400) linear feet.

Applicant Justification: *The waiver is requested for the southern of the two (2) PD Commercial parcels that have less than four hundred (400) linear feet of frontage on US 441. The southern Commercial parcel is one of two (2) Commercial parcels in the PD. The two (2) Commercial parcel flank the right-of-way that provides access into the Residential area of the PD. A portion of each of the Commercial parcels is needed for identification signage for the Residential neighborhood. This waiver would allow each of the parcels to also have a Commercial ground sign, in addition to the Residential identification sign. The northern Commercial parcel has right-of-way frontage in excess of four hundred (400) linear feet, so no waiver is required for the northern commercial parcel.*

3. A waiver from Section 31.5-67(j) to allow for a ground sign to be erected on unimproved property.

Applicant Justification: *The waiver is to allow the two (2) entry signs for the Residential development to be located on unimproved Commercial parcels within the PD. The Residential subdivision of the Holly Estates PD does not front on the project's access road, US 441. The subdivision is accessed via a right-of-way from US 441 that traverses between the two PD Commercial parcels fronting on US 441 into the Residential subdivision area. The waiver is needed to provide appropriate identification for the Residential neighborhood, and is consistent with other similar approved Residential subdivision signage. The Master Sign Plan included in the PD Land Use Plan provides locations for future Commercial signage on the Commercial parcels when they are developed.*

4. A waiver from Section 31.5-73(a) to allow for a sign stating only the name of an approved residential development to be erected outside the subdivision, in lieu of the requirement that the sign be located within the residential subdivision.

Applicant Justification: *The residential subdivision of the Holly Estates PD does not front on the project's access road, US 441. The subdivision is accessed via a right-of-way from*

US 441 that traverses between the two PD Commercial parcels fronting on US 441 into the Residential subdivision area. The waiver is needed to provide appropriate identification for the Residential neighborhood, and is consistent with other similar approved Residential subdivision signage.

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 twenty-nine (329) 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 Holly Estates PD contains 111.81 gross acres and was originally approved on November 9, 2004. The PD currently includes development entitlements for 245 single-family dwelling units and 45,000 square feet of commercial uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to add a Master Sign Plan and delete November 9, 2004 BCC Conditions of Approval #7 and #10 to eliminate the requirements to connect to Orange County Utilities and build a boat dock on the central lake known as Otter Lake. The full text of these conditions are as follows:

- 7) The developer shall obtain water service from Orange County subject to County rate resolutions and ordinances.

- 10) A fishing dock shall be constructed in the central lake. The fishing dock will be owned and maintained by the homeowners' association.

These conditions are being removed as the City of Apopka will be the utility service provider for this project and the applicant has no intent on constructing a fishing dock. If one is built, the applicant will need to proceed through the property permitting process.

Additionally, four (4) residential sign waivers are requested relating to the height of the signs and the ability to place the signs on unimproved property outside of the residential subdivision in order to advertise the subdivision from N. Orange Blossom Trail.

No change to the development program or standards are 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) designations of Commercial (C), Low Density Residential (LDR), and Rural Settlement 1/1 (RS 1/1). The

proposed Change Determination Request (CDR) is consistent with this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is located within the Otter Lake 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

Orange County Transportation Planning staff has reviewed the proposed request, but did not identify any issues or concerns.

Community Meeting Summary

A community meeting was not required for this application.

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 proposed 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 – (September 26, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Holly Estates Planned Development / Land Use Plan (PD/LUP), dated “October 8, 2018”, subject to the following conditions:

1. Development shall conform to the Holly Estates PD Land Use Plan (LUP) dated "Received October 8," 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 8," 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 waivers from Orange County Code are granted:
 - a. A waiver from Section 31.5-67(b) to allow for the maximum height of a ground sign in a commercial district that is located within one hundred (100) feet of a residential district, and not having a right-of-way between the sign and residential district, for the copy area of the sign be a maximum of eight (8) feet in height and architectural features of the sign above the copy area of to be proportional in height and size to the copy area, in lieu of the requirement that the maximum height of the sign shall be eight (8) feet;
 - b. A waiver from Section 31.5-73(a) to allow for a sign stating only the name of an approved residential development to be erected outside the subdivision, in lieu of the requirement that such a sign be located within the subdivision;
 - c. A waiver from Section 31.5-67(j) to allow for a ground sign to be erected on unimproved property; and
 - d. A waiver from Section 31.5-67(f) to allow for a maximum of two (2) ground signs on a parcel within a right-of-way frontage with approximately two hundred and seventy (270) linear feet, in lieu of the requirement that such frontage measure more than four hundred (400) linear feet.
7. The developer shall obtain central water and wastewater services from the City of Apopka.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 9, 2004 shall apply:
 - a. Pole signs and billboards shall be prohibited. An existing pole sign shall be removed at the termination of the lease agreement, with no extensions granted. Ground signs and fascia signs shall comply with Chapter 31.5, with the exception of any waivers explicitly granted by the Board of County Commissioners'.
 - b. Outside sales, storage and display shall be prohibited.
 - c. Commercial uses shall be limited to those consistent with the C-1 zoning designation.

- d. The extension of Holly Street to U.S. Highway 441 shall be reviewed at the time of the Preliminary Subdivision Plan (PSP) by the Development Review Committee for proper alignment to minimize wetland impacts from internal and external ingress/egress for this development.
- e. At the PSP approval, the developer may offer to donate to the County, at no cost, approximately 3/4 acre of land for the benefit of, and to be used in conjunction with, the Willow Street Community Center. The property line for the contributed parcel shall run from the northwest corner of the existing Willow Street Community Center property, approximately 150 feet to the north, and 210 feet to the east. Additionally, the developer may offer to convey any land to the west, up to the easterly mean high water mark of Eagle Lake. At the PSP submittal, an appropriate buffer along the common boundary between the community facility and the project shall be addressed.
- f. The lots along the northern boundary of the project shall be 1/4-acre.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (November 4, 2004)

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board made a finding of consistency with the Comprehensive Policy Plan and approved the request by Dick Davis, Holly Estates Planned Development (PD), to rezone from Citrus Rural (A-1) (1957), Single-Family Dwelling District (R-1A) (1993), and Retail Commercial District (C-1) (1961) to PD, on the previously-described property subject to the recommended conditions.

CDR-18-07-217

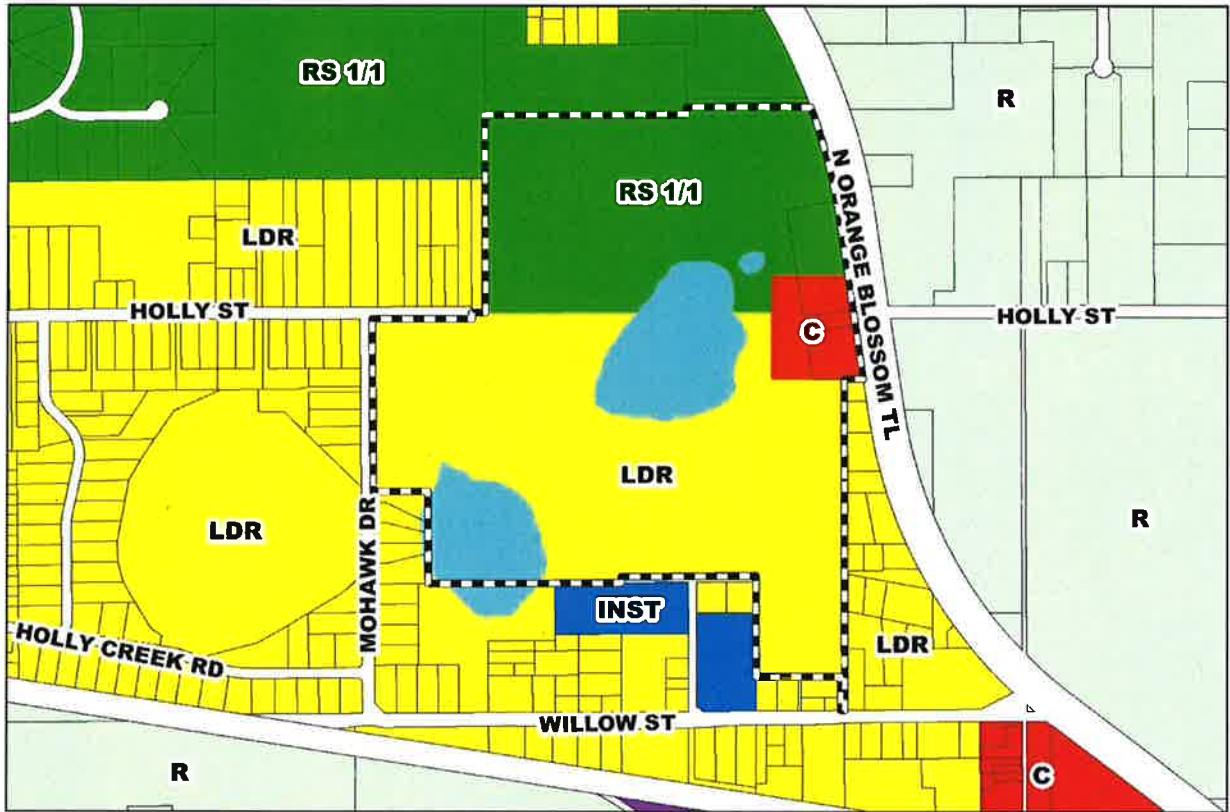


 Subject Parcels



1 inch = 700 feet

CDR-18-07-217



Subject Property



Subject Property

Future Land Use Map

FLUM: Commercial (C), Low Density Residential (LDR), and Rural Settlement 1/1 (RS 1/1)

APPLICANT: Dallas Austin, DR Horton, Inc.

LOCATION: Generally located west of N. Orange Blossom Trail, north of Willow Street, and south of Sadler Road

TRACT SIZE: 111.81 gross acres (overall PD)

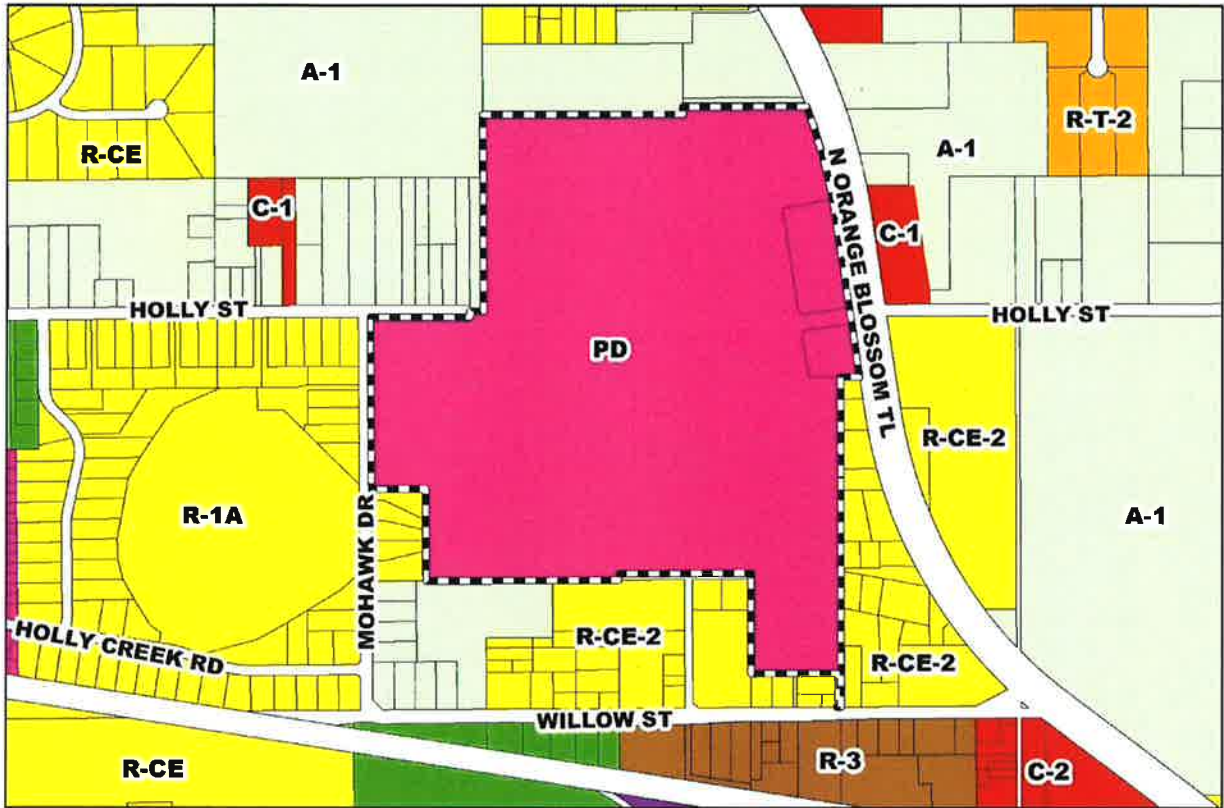
DISTRICT: # 2

S/T/R: 16/20/27, 21/20/27

1 inch = 775 feet



CDR-18-07-217



 Subject Property



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)
APPLICANT: Dallas Austin, DR Horton, Inc.
LOCATION: Generally located west of N. Orange Blossom Trail, north of Willow Street, and south of Sadler Road
TRACT SIZE: 111.81 gross acres (overall PD)
DISTRICT: # 2
S/T/R: 16/20/27, 21/20/27

1 inch = 775 feet



Holly Estates PD / LUP (Cover Sheet)

Land Use Plan
 for
Holly Estates Planned Development
 CDR-18-07-217
 Orange County, FL



Parcel Id. No.:

- 21-20-27-0000-00-003
- 21-20-27-0000-00-139
- 16-20-27-0000-00-052
- 21-20-27-0000-00-138

Owner/Applicant:

DR Horton, LLC
 6300 Lake Nona Blvd, STE 400
 Orlando, FL 32822-5149

Owner/Applicant:

Jack H Zimmer Fund, Kirk G Dimmett Trust
 PO Box 2335
 Winter Park, FL 32790-2335



Vicinity Map
 Date: 11/16/18

Sheet Id.	Sheet Index	Sheet Title	Scale
101	1	Final LUP (LUP)	1" = 200'
204	2	Residential Utility Agency	1" = 200'
306	3	Professional Utility Agency	1" = 200'
404	4	REC Conditional use of approval	1" = 200'
501	5	Final LUP (LUP)	1" = 200'
601	6	Final LUP (LUP)	1" = 200'
701	7	Final LUP (LUP)	1" = 200'
801	8	Final LUP (LUP)	1" = 200'
901	9	Final LUP (LUP)	1" = 200'
1001	10	Final LUP (LUP)	1" = 200'
1101	11	Final LUP (LUP)	1" = 200'
1201	12	Final LUP (LUP)	1" = 200'
1301	13	Final LUP (LUP)	1" = 200'
1401	14	Final LUP (LUP)	1" = 200'
1501	15	Final LUP (LUP)	1" = 200'
1601	16	Final LUP (LUP)	1" = 200'
1701	17	Final LUP (LUP)	1" = 200'
1801	18	Final LUP (LUP)	1" = 200'
1901	19	Final LUP (LUP)	1" = 200'
2001	20	Final LUP (LUP)	1" = 200'
2101	21	Final LUP (LUP)	1" = 200'
2201	22	Final LUP (LUP)	1" = 200'
2301	23	Final LUP (LUP)	1" = 200'
2401	24	Final LUP (LUP)	1" = 200'
2501	25	Final LUP (LUP)	1" = 200'
2601	26	Final LUP (LUP)	1" = 200'
2701	27	Final LUP (LUP)	1" = 200'
2801	28	Final LUP (LUP)	1" = 200'
2901	29	Final LUP (LUP)	1" = 200'
3001	30	Final LUP (LUP)	1" = 200'
3101	31	Final LUP (LUP)	1" = 200'
3201	32	Final LUP (LUP)	1" = 200'
3301	33	Final LUP (LUP)	1" = 200'
3401	34	Final LUP (LUP)	1" = 200'
3501	35	Final LUP (LUP)	1" = 200'
3601	36	Final LUP (LUP)	1" = 200'
3701	37	Final LUP (LUP)	1" = 200'
3801	38	Final LUP (LUP)	1" = 200'
3901	39	Final LUP (LUP)	1" = 200'
4001	40	Final LUP (LUP)	1" = 200'
4101	41	Final LUP (LUP)	1" = 200'
4201	42	Final LUP (LUP)	1" = 200'
4301	43	Final LUP (LUP)	1" = 200'
4401	44	Final LUP (LUP)	1" = 200'
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4601	46	Final LUP (LUP)	1" = 200'
4701	47	Final LUP (LUP)	1" = 200'
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5001	50	Final LUP (LUP)	1" = 200'
5101	51	Final LUP (LUP)	1" = 200'
5201	52	Final LUP (LUP)	1" = 200'
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5801	58	Final LUP (LUP)	1" = 200'
5901	59	Final LUP (LUP)	1" = 200'
6001	60	Final LUP (LUP)	1" = 200'
6101	61	Final LUP (LUP)	1" = 200'
6201	62	Final LUP (LUP)	1" = 200'
6301	63	Final LUP (LUP)	1" = 200'
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6701	67	Final LUP (LUP)	1" = 200'
6801	68	Final LUP (LUP)	1" = 200'
6901	69	Final LUP (LUP)	1" = 200'
7001	70	Final LUP (LUP)	1" = 200'
7101	71	Final LUP (LUP)	1" = 200'
7201	72	Final LUP (LUP)	1" = 200'
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7401	74	Final LUP (LUP)	1" = 200'
7501	75	Final LUP (LUP)	1" = 200'
7601	76	Final LUP (LUP)	1" = 200'
7701	77	Final LUP (LUP)	1" = 200'
7801	78	Final LUP (LUP)	1" = 200'
7901	79	Final LUP (LUP)	1" = 200'
8001	80	Final LUP (LUP)	1" = 200'
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8201	82	Final LUP (LUP)	1" = 200'
8301	83	Final LUP (LUP)	1" = 200'
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8501	85	Final LUP (LUP)	1" = 200'
8601	86	Final LUP (LUP)	1" = 200'
8701	87	Final LUP (LUP)	1" = 200'
8801	88	Final LUP (LUP)	1" = 200'
8901	89	Final LUP (LUP)	1" = 200'
9001	90	Final LUP (LUP)	1" = 200'
9101	91	Final LUP (LUP)	1" = 200'
9201	92	Final LUP (LUP)	1" = 200'
9301	93	Final LUP (LUP)	1" = 200'
9401	94	Final LUP (LUP)	1" = 200'
9501	95	Final LUP (LUP)	1" = 200'
9601	96	Final LUP (LUP)	1" = 200'
9701	97	Final LUP (LUP)	1" = 200'
9801	98	Final LUP (LUP)	1" = 200'
9901	99	Final LUP (LUP)	1" = 200'
10001	100	Final LUP (LUP)	1" = 200'

PREPARED BY DAVIS & ASSOCIATES
 AND APPROVED BY THE ORANGE COUNTY BOARD
 NOVEMBER 9, 2014. ALL PROPOSED REVISIONS BY
 POULOS & BENNETT TO THE PLAN HAVE BEEN
 CLOUDED.



RECEIVED
 By DRC OFFICE at 9:27 am, Oct 06, 2018

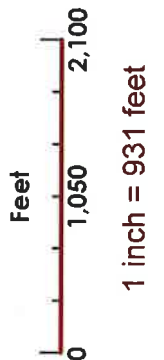
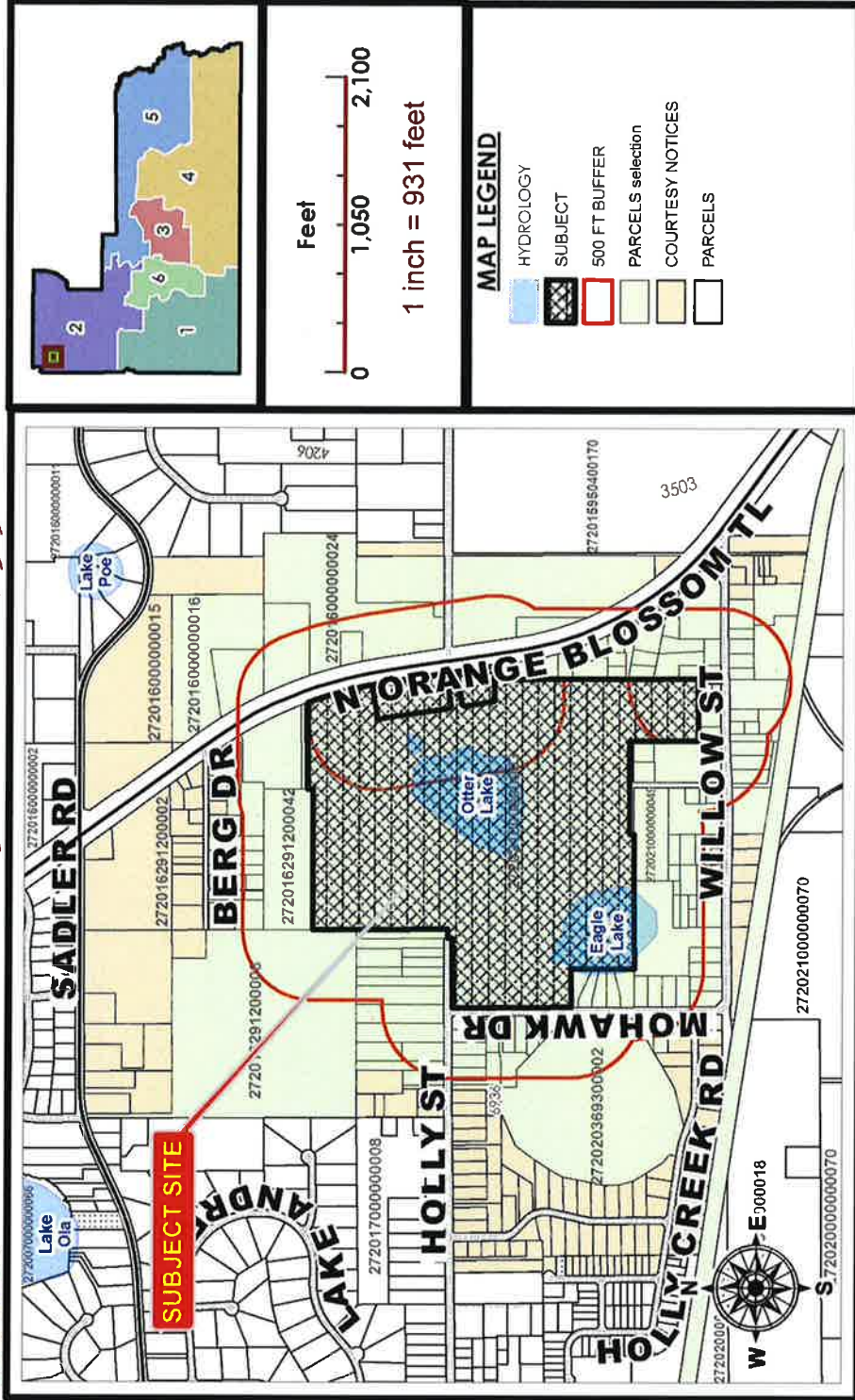
Notification Map



Public Notification Map

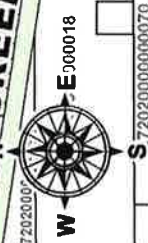
Holly Estates PD-LUP_CDR-18-07-217

500 FT BUFFER, 329 NOTICES



MAP LEGEND

	HYDROLOGY
	SUBJECT
	500 FT BUFFER
	PARCELS selection
	COURTESY NOTICES
	PARCELS



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