



Interoffice Memorandum

May 1, 2023

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

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

A handwritten signature in black ink, appearing to be "TB", written over the printed name of Timothy L. Boldig.

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

SUBJECT: May 23, 2023 – Public Hearing
Applicant: Scott Gentry, Kelly, Collins & Gentry, Inc.
Hamlin Southwest Planned Development – Unified Neighborhood
Plan / Hamlin Southwest Overall Infrastructure Preliminary
Subdivision Plan / Hamlin Southwest Medical Offices Master
Development Plan
Case # CDR-22-06-206 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of April 12, 2023, to approve a substantial change to the Hamlin Southwest Planned Development – Unified Neighborhood Plan (PD - UNP) / Hamlin Southwest Overall Infrastructure Preliminary Subdivision Plan (PSP) / Hamlin Southwest Medical Offices Master Development Plan (DP) to add details related to Buildings M, N, and O within Lot 2 of Hamlin SW Medical Office Master DP, update the DP tables prior to submitting Construction Plans, and add self-storage as a permitted use and establish associated standards

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

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve Hamlin Southwest PD - UNP / Hamlin Southwest Overall Infrastructure PSP / Hamlin Southwest Medical Offices Master DP dated "Received April 20, 2023", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

TB/JK/lme
Attachments

CASE # CDR-22-06-206

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of April 12, 2023, to approve a substantial change to the Hamlin Southwest Planned Development – Unified Neighborhood Plan (PD - UNP) / Hamlin Southwest Overall Infrastructure Preliminary Subdivision Plan (PSP) / Hamlin Southwest Medical Offices Master Development Plan (DP) to add details related to Buildings M, N, and O within Lot 2 of Hamlin SW Medical Office Master DP, update the DP tables prior to submitting Construction Plans, and add self-storage as a permitted use and establish associated standards. A self-storage facility is a permitted use in the Corporate Campus Mixed Use (CCMU) District.

2. PROJECT ANALYSIS

- A. Location: South of New Independence Parkway / West of State Road 429
- B. Parcel ID: 20-23-2710-02-000, 20-23-27-2710-02-002
- C. Total Acres: 10.78 gross overall acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: N/A
- I. Proposed Use: Commercial
- J. Site Data: Maximum Building Height: 75'
Minimum Living Area: 1,200 Square Feet
Building Setbacks:
10' Front
5' Side
20' Rear
10' Side Street
88' NHWE
- K. Fire Station: 44 – 16990 Porter Road

L. Transportation: On August 7, 2018 the Board of County Commissioners approved an Amended and Restated Road Network Agreement by and among Hamlin Retail Partners West, LLC; West Orange/Avalon Road Land, LLC; SLF IV/Boyd Horizon West JV, LLC; Independence Parkway Development, LLC and Orange County. The Amended and Restated Road Network Agreement provides for a fair share cost analysis of funds to be allocated to roadway improvements for New Independence Parkway and C.R. 545 (Avalon Road). The Scope of the Improvements is outlined according to available funding for design and construction. A Vested Trip Allocation table is included to allow for concurrency to be met through the completion of roadway improvements. Transportation Impact Fee Credits to be awarded based on County improved costs for design and construction. The Constructing Owner has the option to install road improvements in excess of their fair share amount and be awarded additional vested trips at a rate of \$6,758.11 per trip of the additional contribution amount up to a maximum of 500 additional trips and additional transportation impact fee credits in the amount of the additional work performed. Any additional improvements must be approved by Orange County.

M. EPD An Orange County Conservation Area Determination CAD-17-04-042 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 10/13/2017. The CAD identified 0.11 acres of Class III wetlands/surface waters within the subject property boundaries.

An Orange County Conservation Area Impact (CAI) permit CAI-18-03-014 was approved on 11/15/2018 for 0.11 acres of Class III wetlands/surface waters within the subject property boundaries. Any future development within this site will comply with all related permit conditions of approval.

2. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V), indicating that it is within the Horizon West Special Planning Area. More specifically, the subject property is located within Horizon West Town Center and is designated Corporate Campus Mixed Use District and Urban Residential District on the Horizon West Special Planning Area Land Use Map.

4. ZONING

PD (Planned Development District) (Hamlin Southwest PD - UNP)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Hamlin Southwest Planned Development – Unified Neighborhood Plan; Orange County Board of County Commissioners (BCC) approvals; Hamlin Southwest Overall Infrastructure Preliminary Subdivision Plan; BCC approvals; Hamlin Southwest Medical Offices Master Development Plan dated "Received April 20, 2023", and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the 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, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

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

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

6. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.

7. 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.

8. Pole signs and billboards shall be prohibited. All other signage shall comply with Section 31.5-194 of the Orange County Code, or a master sign plan, if approved.

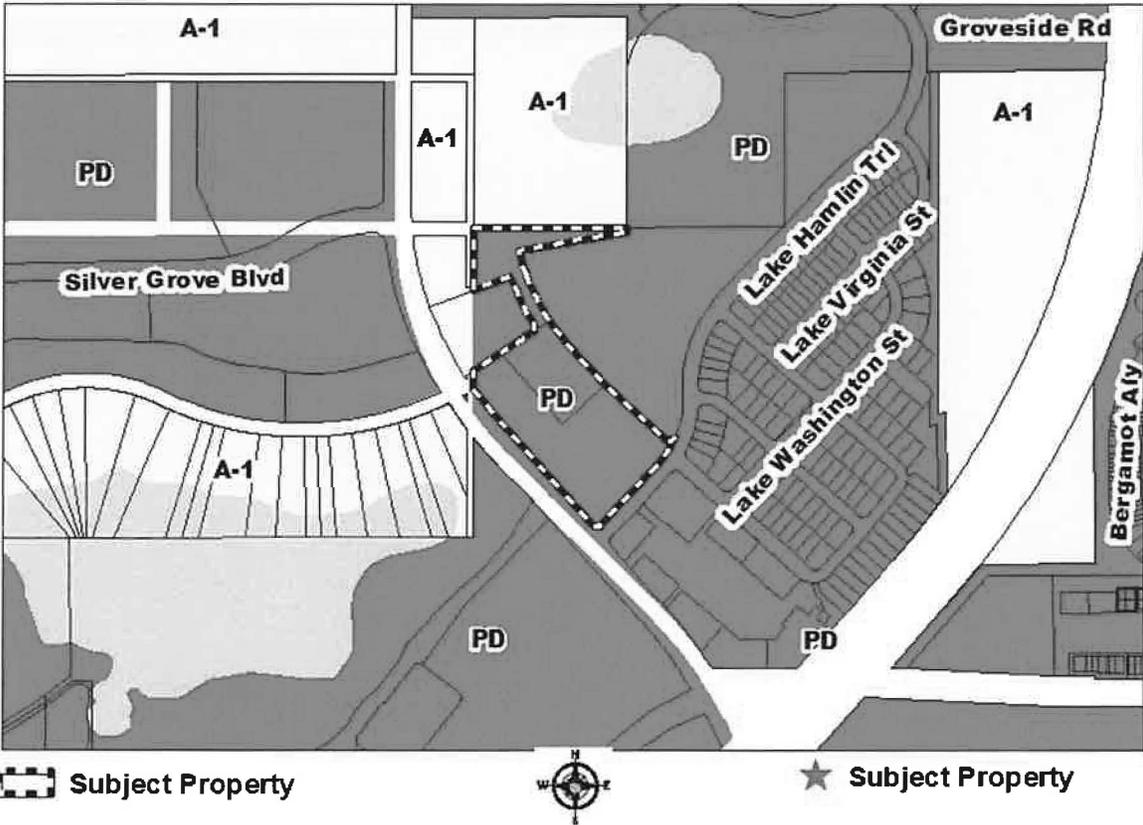
9. Prior to the first certificate of occupancy for Lot 2, the following right-of-way and easements shall be dedicated to, and recorded in the public records of, Orange County, Florida: drainage easements for the outfall system from pond tract SW-4A; access and utility easements for the fire station; the corner clip right-of-way; and, if necessary, the temporary slope easement.
10. Associated offsite infrastructure including, but not limited to, connecting roadways, roadway improvements, and public utilities within the Avalon Road right-of-way and/or Lake Hamlin Trail, must be submitted as an E-Permit and have a Certificate of Completion prior to any vertical permit issuance.
11. Pursuant to Section 30-242, Orange County Code, unless otherwise dedicated or conveyed to the county, any infrastructure improvement(s) required by this development plan shall be perpetually maintained by the applicant or applicant's successors in interest to the real property described in the site construction plan permit issued by the county. Prior to approval of the site construction plan permit by the county, the applicant shall execute and record an agreement satisfactory to the county which assures continuous, perpetual maintenance of the improvements, including certification of compliance with all requirements of the Americans with Disabilities Act and corresponding standards. No certificate of occupancy shall be issued until such assurance has been received and accepted by the county, and recorded in the public records of Orange County, Florida.
12. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and nonresidential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
13. Except as amended, modified, and / or superseded, the following DRC Conditions of Approval, dated February 26, 2020, shall apply:
 - a. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.

- b. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. 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.

- h. The project shall comply with the terms and conditions of that certain New Independence Parkway and C.R. 545/Avalon Road Agreement recorded at Document #20160338700, Public Records of Orange County, Florida, as may be amended.
- i. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County/Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, coordinate with OCU to obtain information on the mounding produced by the RIBs, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.
- j. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the DP, including hydraulically dependent development, and that construction plans are consistent with approved and up-to-date Master Utility Plans for the PD and the Horizon West Town Center.
- k. A mandatory pre-application/sufficiency review meeting for the 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.
- l. Unless otherwise allowed by County Code, the property shall be platted prior to the issuance of any vertical building permits.
- m. The project shall comply with the terms and conditions of that certain Hamlin Southwest PD APF Agreement approved on August 7, 2018 and recorded at Document Number 20180482219 Public Records of Orange County, Florida, as may be amended.

Zoning Map

CDR-22-06-206



Zoning Map

ZONING: PD (Planned Development)

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

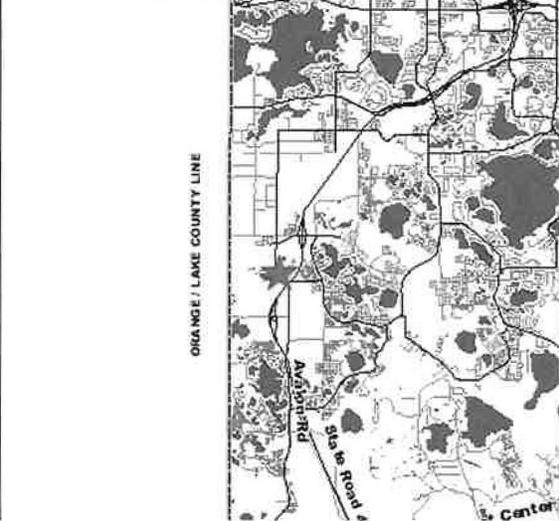
LOCATION: South of New Independence Parkway / West of State Road 429

TRACT SIZE: 10.78 gross acres

DISTRICT: # 1

ST/R: 20/23/27

1 inch = 625 feet



Site Plan Sheet

KCC
 KELLY, GENTRY, INC.
 LIGHT FIXTURES AND LIGHT FIXTURES

PREPARED FOR:
HAMLIN RETAIL PARTNERS WEST, LLC

MASTER DP
MEDICAL OFFICES

OVERALL PLAN

073-2
 SHEET NO. 1 OF 1

GENERAL NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE (CBC) AND THE CALIFORNIA ELECTRICAL CODE (CEC).
2. ALL UTILITIES SHALL BE DEPTH TO THE CENTERLINE OF THE UTILITY LINE UNLESS OTHERWISE NOTED.
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LEGEND:

- 1. EXISTING UTILITIES
- 2. PROPOSED UTILITIES
- 3. EXISTING CONCRETE
- 4. PROPOSED CONCRETE
- 5. EXISTING ASPHALT
- 6. PROPOSED ASPHALT
- 7. EXISTING GRAVEL
- 8. PROPOSED GRAVEL
- 9. EXISTING SOIL
- 10. PROPOSED SOIL
- 11. EXISTING VEGETATION
- 12. PROPOSED VEGETATION
- 13. EXISTING FENCE
- 14. PROPOSED FENCE
- 15. EXISTING SIGN
- 16. PROPOSED SIGN
- 17. EXISTING LIGHT FIXTURE
- 18. PROPOSED LIGHT FIXTURE
- 19. EXISTING LANDSCAPE
- 20. PROPOSED LANDSCAPE

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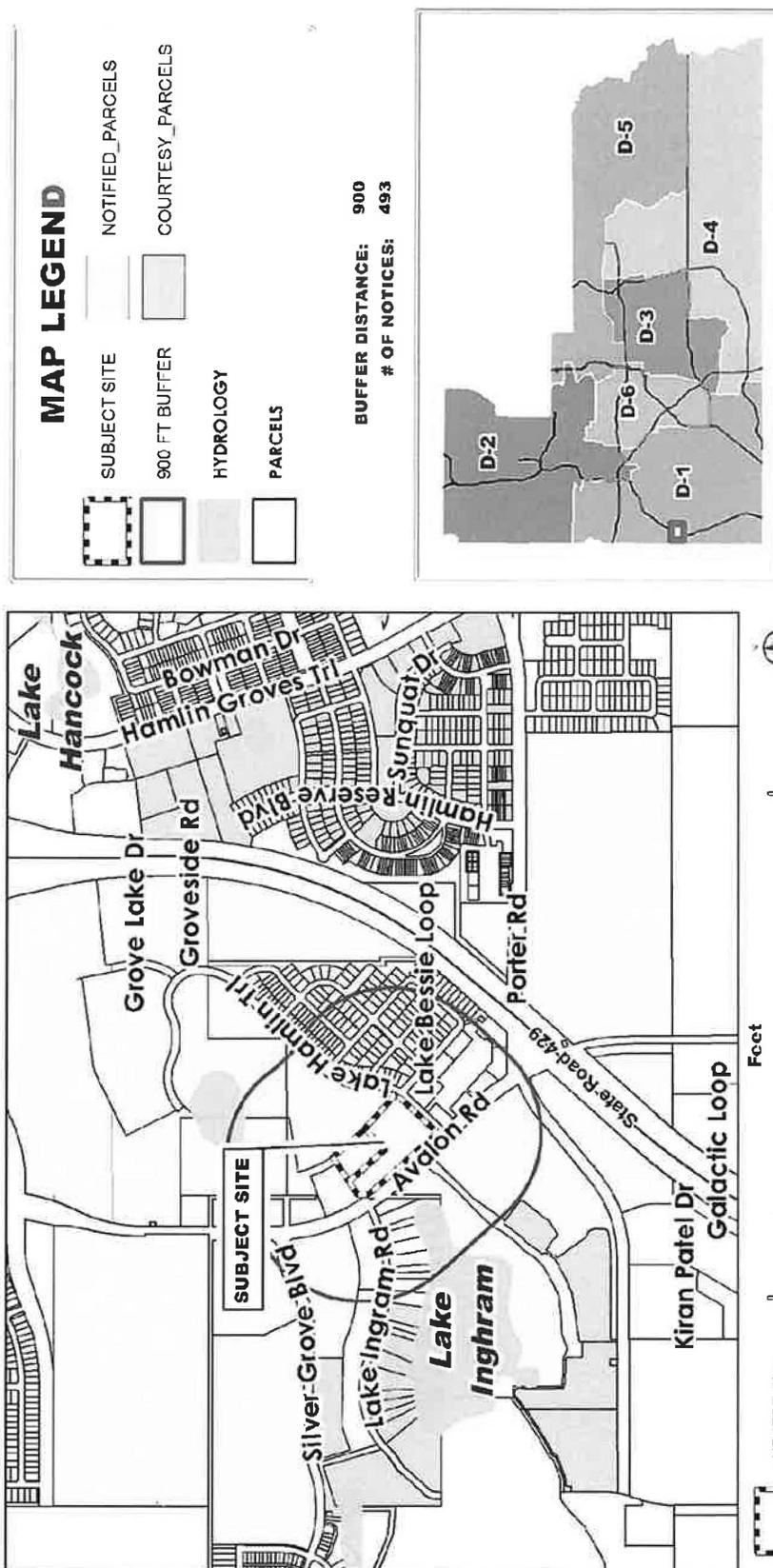
Notification Map

S:\Business Systems\Board Administrators\SUBSTANTIAL_CHANGE\2023\Hamlin Southwest PD - UNP Overall Intra PSP MO Master DP_CD



Public Notification Map

CDR-22-06-206



MAP LEGEND

- SUBJECT SITE
- 900 FT BUFFER
- HYDROLOGY
- PARCELS
- NOTIFIED_PARCELS
- COURTESY_PARCELS

BUFFER DISTANCE: 900
 # OF NOTICES: 493

