



Interoffice Memorandum

June 24, 2024

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

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

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

SUBJECT: July 30, 2024 – Public Hearing
Applicant(s): Scott M. Gentry, Kelly, Collins & Gentry, Inc.
Project Name: Hamlin 30 Planned Development (PD) / Land Use Plan (LUP)
Project No.: LUP-22-03-085 / District 1
(Related to RAG-23-01-000 - Consent Item)

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 20, 2023, to approve the Hamlin 30 Planned Development (PD) / Land Use Plan (LUP). The project is generally located north of Schofield Road and west of Avalon Road. The applicant is requesting to rezone three (3) parcels containing 29.58 gross acres from A-1 to PD, in order to construct 100 multi-family residential dwelling units, 169,705 square feet of non-residential uses, and 26 hotel rooms.

This item was continued from the June 18, 2024, Board hearing.

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 documents and the plans may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve Hamlin 30 Planned Development (PD) / Land Use Plan (LUP) (LUP-22-03-085) dated "Received March 21, 2024", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1

TW/JCK/mr
Attachments

CASE # LUP-22-03-085

Commission District: 1

GENERAL INFORMATION

APPLICANT	Scott M. Gentry, Kelly, Collins & Gentry, Inc.
OWNER	Hamlin Partners at Silverleaf, LLC
PROJECT NAME	Hamlin 30 Planned Development (PD) / Land Use Plan (LUP)
PARCEL ID NUMBER(S)	30-23-27-0000-00-006, 30-23-27-0000-00-014, 30-23-27-0000-00-013
TRACT SIZE	29.58 gross acres
LOCATION	17301, 17399 and 17421 Schofield Road; generally located North of Schofield Road / West of Avalon Road
REQUEST	A-1 (Citrus Rural District) to PD (Planned Development District) A request to rezone three (3) parcels containing 29.58 gross acres from A-1 to PD, in order to construct 100 multi-family residential dwelling units, 169,705 square feet of non-residential uses, and 26 hotel rooms.
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,500 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Eighteen (18) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The subject properties, which are currently zoned A-1 (Citrus Rural District) and which consists of approximately 29.58 gross acres in total, are generally located north of Schofield Road and west of Avalon Road. Through this request, the applicant is proposing to rezone the subject parcels from A-1 (Citrus Rural District) to PD (Planned Development District), in order to construct 100 multi-family residential dwelling units, 169,705 square feet of non-residential uses, and 26 hotel rooms. No waivers are requested. In addition, running concurrent with this request is an Adequate Public Facilities (APF) and Road Network Agreement (RAG-23-01-000).

Land Use Compatibility

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 Village (V). It is located in the Horizon West Town Center and is designated Retail Wholesale (RW-5) and Traditional Town Center Core (TTC) on the Special Planning Area Map. The proposed PD zoning district and development program is consistent with the Village (V) FLUM designation, therefore a CP amendment is not necessary. Additionally, the request is consistent with the following CP provisions:

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

GOAL FLU4 (Horizon West) states that it is Orange County's goal to ensure sustainable, quality development in Southwest Orange County to allow a transition from rural to urban uses while protecting environmental quality.

OBJ FLU4.1 states that Orange County shall use a Village Land Use Classification to realize the long range planning vision for West Orange County created through the Horizon West planning process. The Village land use classification has been designed to address the need to overcome the problems associated with and provide a meaningful alternative to the leap-frog pattern of sprawl now occurring in western Orange and eastern Lake County; create a better jobs/housing balance between the large concentration of employment in the tourism industry and the surrounding land uses; create a land use pattern that will reduce reliance on the automobile by allowing a greater variety of land uses closer to work and home; and, replace piecemeal planning that reacts to development on a project by project basis with a long range vision that uses the Village as the building block to allow the transition of this portion of Orange County from rural to urban use through a specific planning process that uses a creative design approach to address regional, environmental, transportation, and housing issues.

OBJ FLU8.2 Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses.

FLU8.2.1 Land use changes shall be required to be compatible with the 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

FLU8.2.6 Zoning development approvals shall have conditions attached, when appropriate, to ensure the enforcement of the Future Land Use designations.

FLU8.2.11 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.

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

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Transportation Planning

The subject property is located within the Town Center West and subject to the BCC Term Sheet approved on August 25, 2015. Per the Term Sheet, a Road Network Agreement is required. The Road Network Agreement shall accompany the proposed LUP to the BCC. A Road Network Agreement must be processed through the Roadway Agreement Committee, and it shall be consistent with the terms of the Town Center West Term Sheet.

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 held for this application on August 15, 2023, at Hamlin Middle School in District 1. Approximately seventeen (17) participants attended the meeting and provided feedback on the application. Questions were asked about the specific development program and when more detailed plans for the site would be available. General concerns were raised about future growth and impacts on traffic and schools. Specific concerns were raised about traffic on Schofield Road and the possibility of adding a turn lane for this development. The overall tone of the meeting was neutral/positive.

Schools

Capacity Determination OC-22-037 shows capacity is available. This determination expires on September 30, 2024.

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.

DRC RECOMMENDED ACTION

Development Review Committee – (December 20, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hamlin 30 Planned Development / Land Use Plan (PD/LUP), dated "Received March 21, 2024", subject to the following conditions:

1. Development shall conform to the Hamlin 30 PD Land Use Plan (LUP) dated "Received March 21, 2024," 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 March 21, 2024," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this 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. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. 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).
8. The project shall comply with the terms and conditions of that certain Hamlin 30 Adequate Public Facilities and Road Network Agreement being entered into concurrently with this PD, as may be amended.
9. A current Phase One 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 Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.

10. An E-Plan road construction plan must be submitted, and a Certificate of Completion issued for Valencia Parkway from the southern terminus shown in "Silverleaf Planned Development - Regulating Plan / Silverleaf Phase 3 (Tract FD-1) Preliminary Subdivision Plan, Case# PSP-21-08-254" south to Schofield Road prior to approval of any site construction plans associated with this Land Use Plan accessing Valencia Parkway.
11. Paving improvements on Schofield Road shall be submitted as an E-Plan and completed in accordance with county road construction commercial standards from CR-545 to the westernmost right-of-way line of Valencia Parkway for those segments not already constructed to commercial standards. A Certificate of Completion must be issued prior to the issuance of the site construction permits associated with this land use plan excluding any Excavation / Fill Permits.
12. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
13. 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.
14. Short term/transient rental is prohibited for multi-family uses in the PD. Length of stay shall be for 180 consecutive days or greater.
15. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5, Horizon West Town Center standards.
16. Length of stay shall not exceed 179 consecutive days for hotel uses within the PD.
17. Prior to approval of the first PSP or DP associated with the Hamlin 30 PD/LUP (this "PD"), other than fill and excavation permits, Applicant shall cause to be recorded (i) an acceptable easement in favor of the County providing ingress/egress for County services including, but not limited to, solid waste transportation; and (ii) acceptable additional necessary access, utility, and construction easements, (temporary and permanent), over and across that strip of land lying immediately north of this PD (as depicted on the Land Use Plan, Sheet P-3.0) and south of the terminus of a public road within the planned residential subdivision to the north, n/k/a the Silverleaf PD-RP/Silverleaf South Tract A Subdivision PSP (the "Silverleaf PSP"). Said strip of land is currently owned by an affiliate of Applicant, Hamlin Partners at Silverleaf, LLC, and is within the Silverleaf PD/RP. The form and substance of such access easement shall be acceptable to the County. The road connection to the north through the Silverleaf PSP must be completed, as evidenced by issuance of a Certificate of Completion, as a condition of any development plan or preliminary subdivision plan utilizing the connection within this PD.
18. A traffic operational and safety study for the Schofield Road access location will be submitted concurrently with the first Development Plan/Preliminary Subdivision Plan (DP/PSP) associated with this Land Use Plan and must be accepted by Orange County prior to DP/PSP approval. The study shall evaluate safety and operation and make recommendations for improvements to mitigate any deficiencies. Additionally,

a traffic operational and safety study for proposed access points along Valencia Parkway must be submitted concurrently with the first DP/PSP submitted accessing Valencia Parkway and must be accepted by Orange County prior to DP/PSP approval.

19. A Master Utility Plan (MUP) for the PD, including hydraulically dependent development, shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with approved and up-to-date Master Utility Plans (MUPs) for the PD and the Horizon West Town Center. MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUPs and updates must be approved prior to Construction Plan approval.
20. The Developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Horizon West Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
21. Prior to construction plan approval, all property owners within Horizon West Town Center Village (SAP), 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 that are adequately sized for Village requirements are constructed to the satisfaction of the County.

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 PD (Planned Development District) zoning subject to the twenty-one (21) conditions listed in the staff report and amendment to condition (#11) regarding the timing of certain paving improvements. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak during public comment.

Staff indicated that eighteen (18) notices were sent to property owners and residents extending beyond 1,500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request.

A motion was made by Commissioner Boers and seconded by Commissioner Evans to recommend APPROVAL of the requested PD (Planned Development District) zoning subject to twenty-one (21) conditions listed in the staff report (including the amended condition #11). The motion was carried by all present.

Motion / Second:	<i>David Boers / Camille Evans</i>
Voting in Favor:	<i>David Boers, George Wiggins, Evelyn Cardenas, Camille Evans, Michael Arrington, Nelson Pena, Gordon Spears, Eddie Fernandez, Eric Gray</i>
Voting in Opposition:	<i>None</i>
Absent:	<i>Eddie Fernandez, Evelyn Cardenas</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (May 16, 2024)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hamlin West PD – UNP Planned Development / Land Use Plan (PD/LUP), dated “Received March 21, 2024”, subject to the following conditions:

1. Development shall conform to the Hamlin 30 PD Land Use Plan (LUP) dated "Received March 21, 2024," 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 March 21, 2024," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly

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

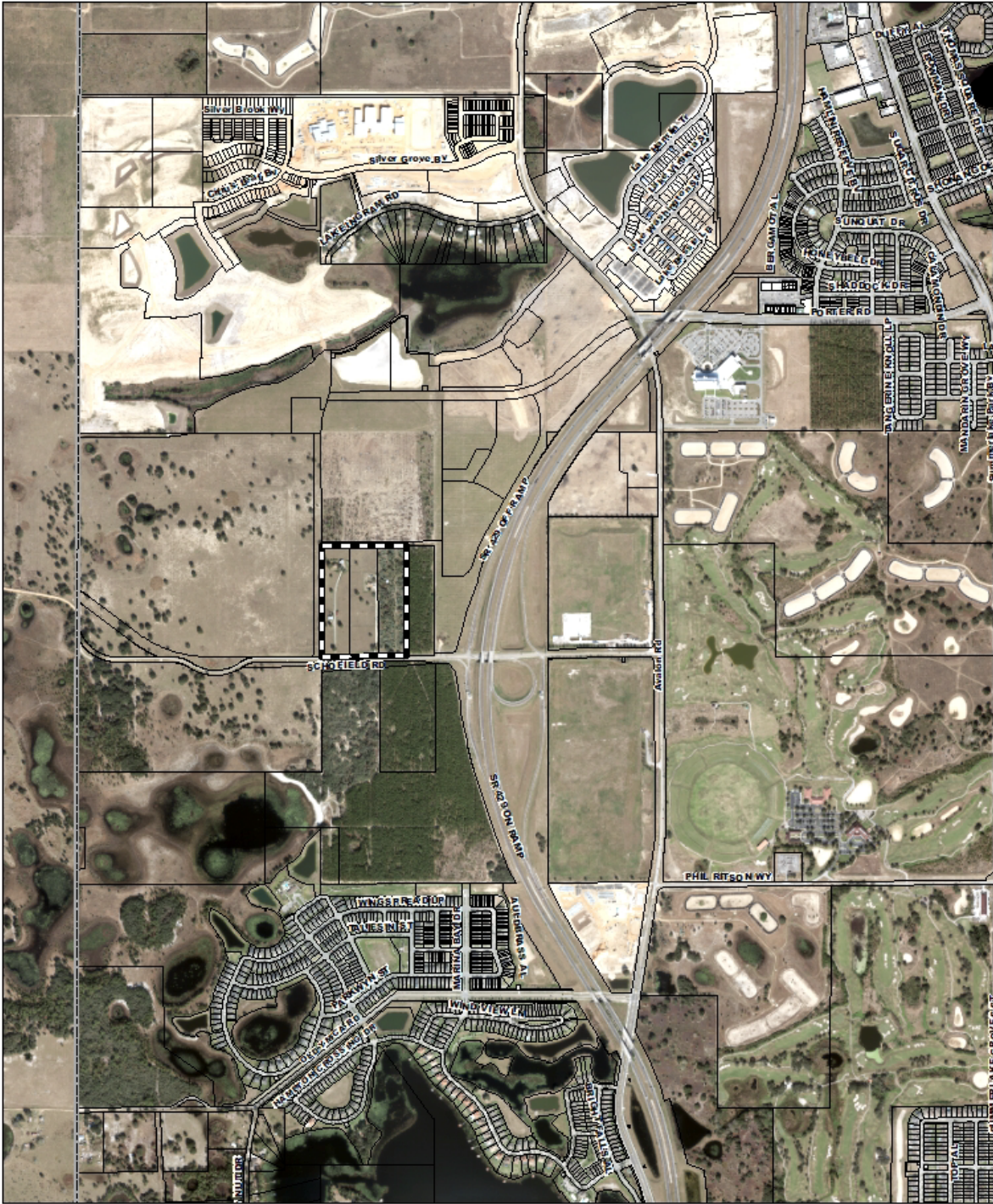
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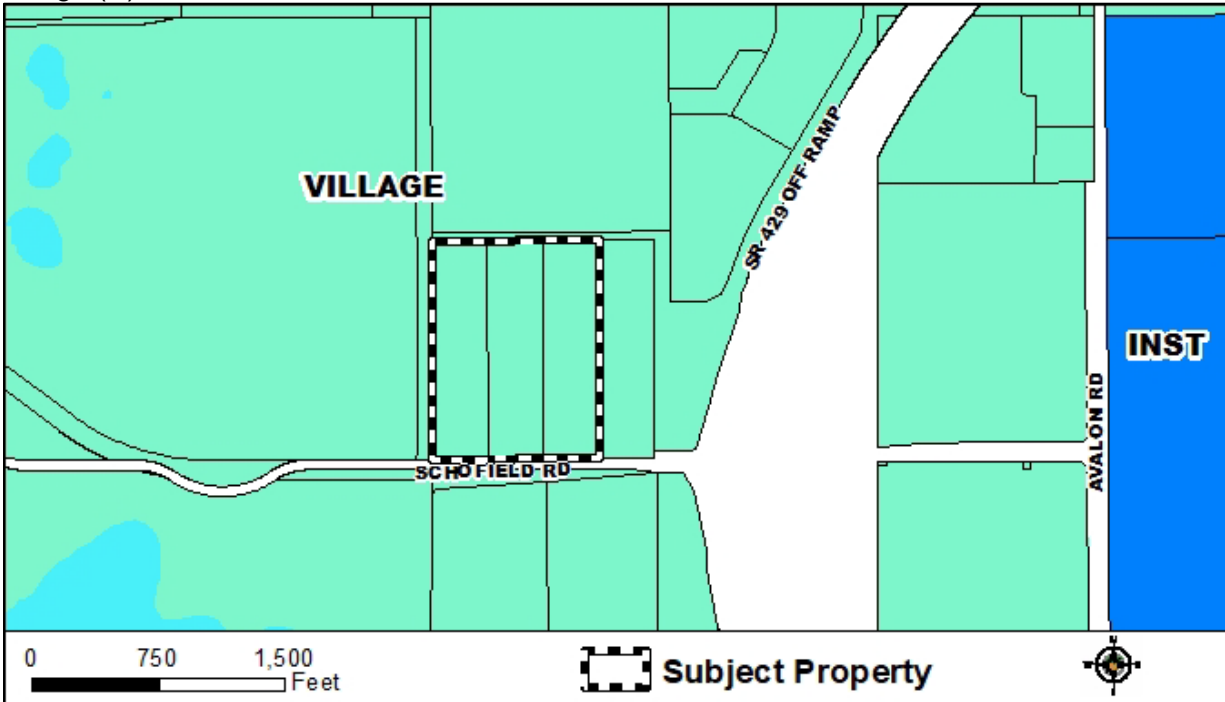
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LUP-22-03-085



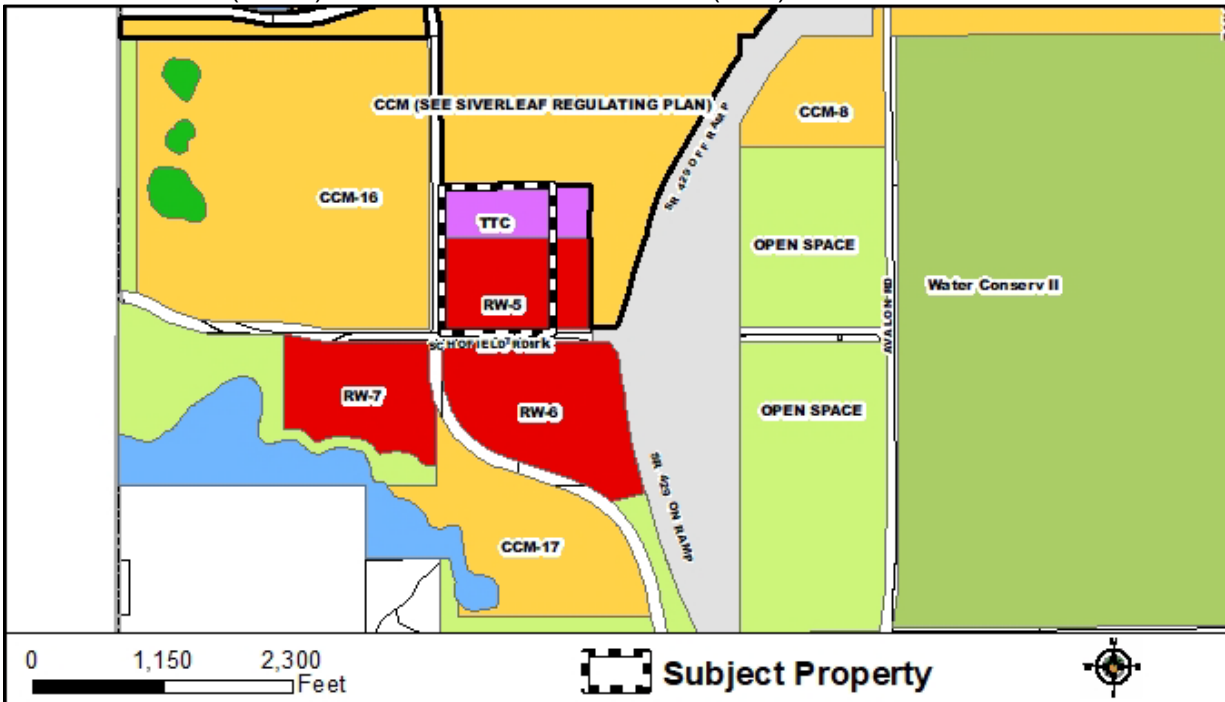
FUTURE LAND USE - CURRENT

Village (V)



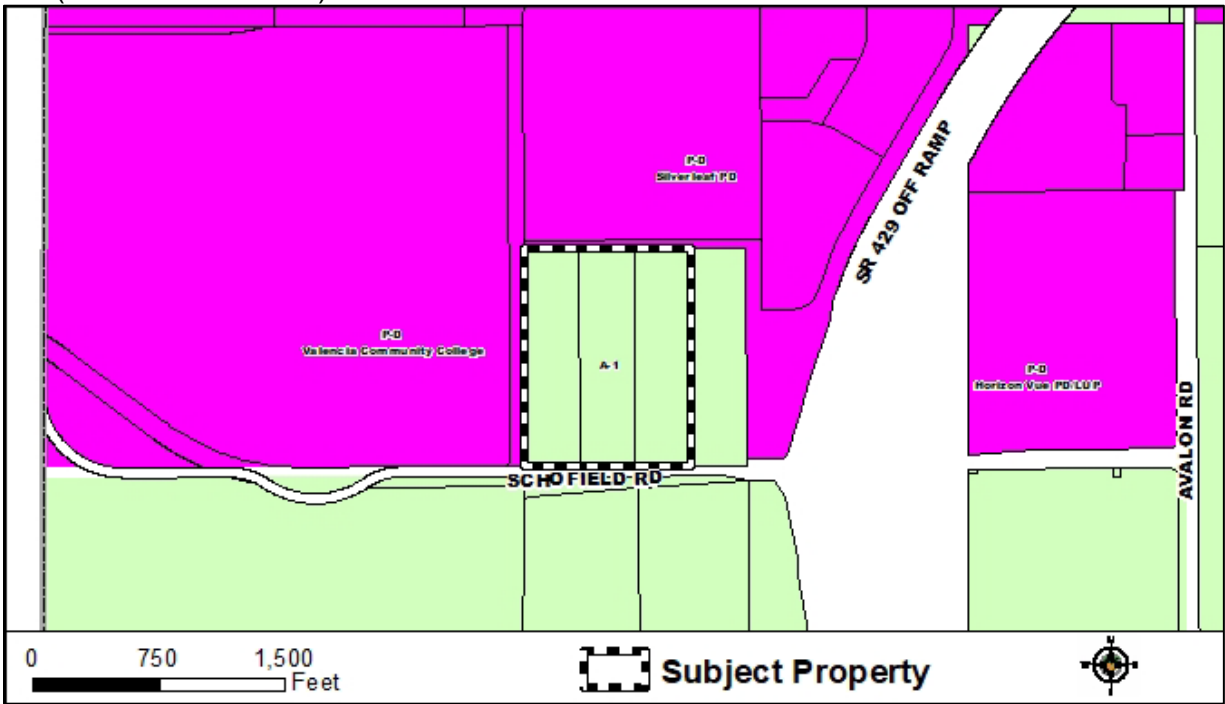
HORIZON WEST SPECIAL PLANNING AREA

Retail Wholesale (RW-5) and Traditional Town Center (TTC)



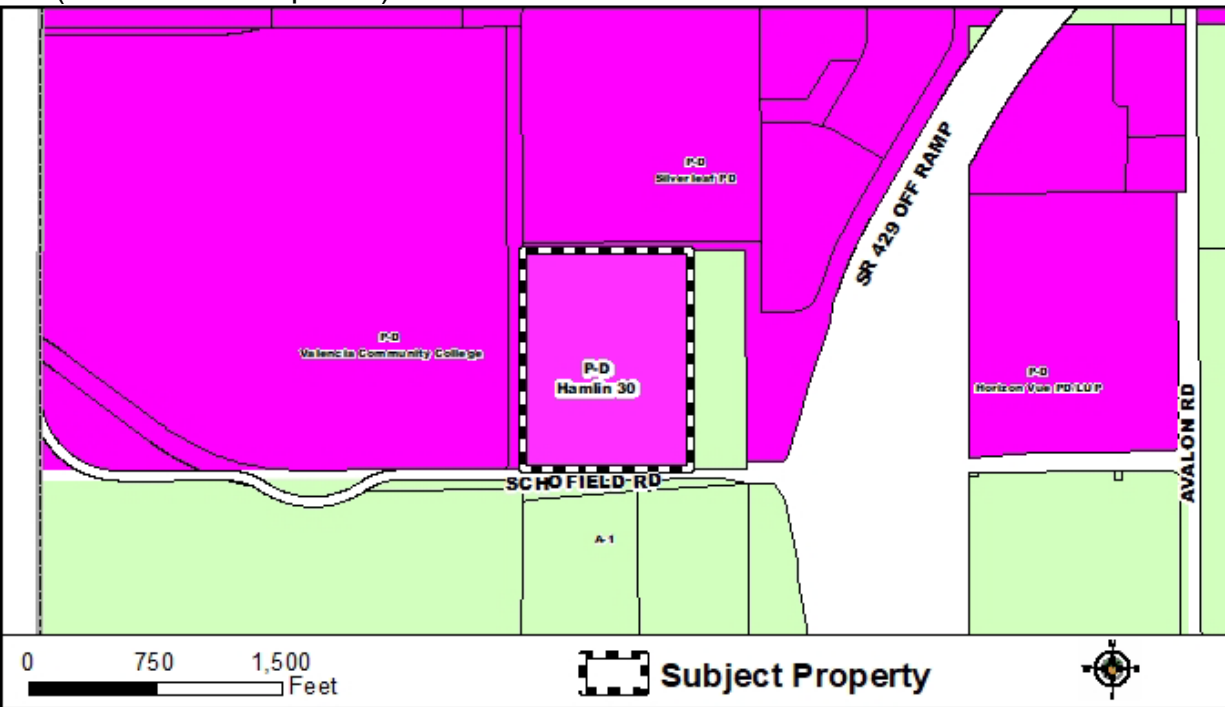
ZONING – CURRENT

A-1 (Citrus Rural District)

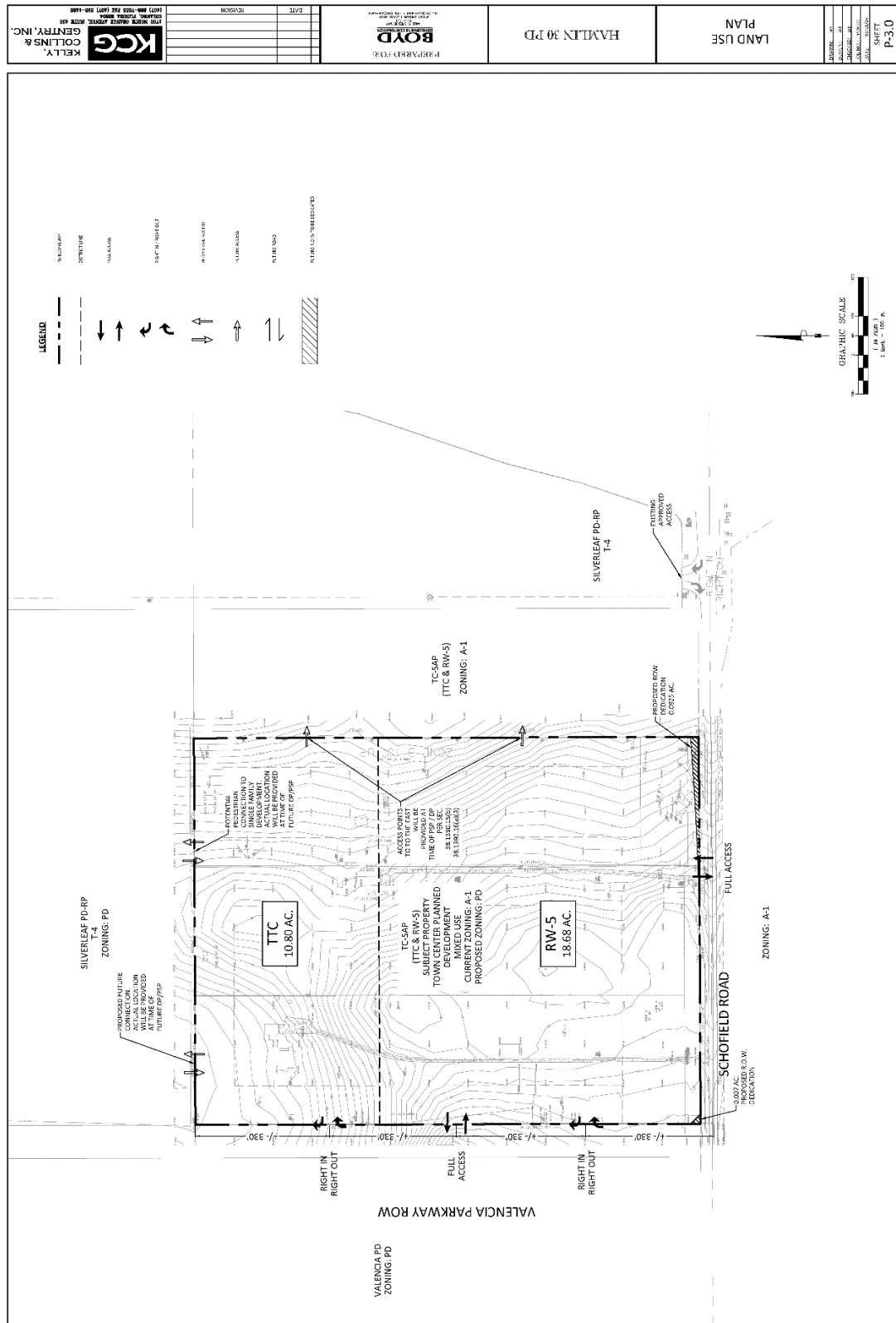


ZONING- PROPOSED

PD (Planned Development)



Hamlin 30 PD Land Use Plan



Notification Map

