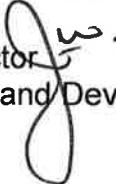





Interoffice Memorandum

DATE: December 19, 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, DRC Chairman 
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: January 14, 2020 – Public Hearing
James G. Willard, Shutts & Bowen, LLP
Hamlin Southwest Planned Development
Case # CDR-19-03-110 / District 1

The Hamlin Southwest Planned Development (PD) is generally located north of Porter Road, south of New Independence Parkway, west of State Road 429, and east of Avalon Road. The existing PD development program allows for 317 residential dwelling units.

Through this PD substantial change, the applicant is seeking to create district CCM-10b, transfer 110,135 square feet of non-residential uses from the Hamlin PD/UNP to CCM-10b, and reallocate 165 dwelling units to CCM-10b and convert them to 44,682 square feet of non-residential uses. In addition, the applicant has requested waivers from Orange County Code related to setbacks, frontages, height, and parking and paved areas, screening, recreation areas, pedestrian paths, and garages.

On September 25, 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 Hamlin Southwest Planned Development / Land Use Plan (PD/LUP) dated “Received October 21, 2019”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JWW/EPR/nsw
Attachments

CASE # CDR-19-03-110

Commission District: # 1

GENERAL INFORMATION

APPLICANT James G. Willard, Shutts & Bowen, LLP

OWNER SLF IV / Boyd Horizon West JV, LLC; Hamlin Retail Partners West, LLC; West Orange Avalon Road, LLC

PROJECT NAME Hamlin Southwest Planned Development (PD)

PARCEL ID NUMBER(S) 29-23-27-0000-00-036, 29-23-27-0000-00-022, 29-23-27-0000-00-010, 20-23-27-0000-00-008, 20-23-27-0000-00-013, 20-23-27-0000-00-011, 20-23-27-0000-00-014, 20-23-27-0000-00-012, 20-23-27-0000-00-010, 19-23-27-5840-00-000

TRACT SIZE 78.96 gross acres

LOCATION Generally located north of Porter Road, south of New Independence Parkway, west of State Road 429, and east of Avalon Road

REQUEST A PD substantial change to create district CCM-10b, transfer 110,135 square feet of non-residential uses from the Hamlin UNP/PD to CCM-10b, and reallocate 165 dwelling units to CCM-10b and convert them to 44,682 square feet of non-residential uses. In addition, the applicant has requested the following waivers from Orange County Code:

1. A waiver from Section 24-5 to allow the setback and frontage zones of the framework streets or alternatives as applicable within Corporate Campus Mixed Use (CCM) districts Sec. 38-1390.41 and 38-1390.51 along with the street right of way to provide the separation and buffer yard requirements between nonresidential and residential uses.

Applicant Justification: This is a previously approved waiver in Town Center for RW Districts. The CCM district is being added for consistency. This waiver is consistent with the intent of Horizon West Town Center Policies promoting an urban pattern and for consistent with similar conditions and prior approvals in overall Hamlin Projects area that is comprised of The Hamlin PD, The Hamlin West PD, and the Hamlin SW PD.

2. A waiver from Section 38-1254(2)(d) to allow a minimum rear setback of twenty-five (25) feet for residential, in lieu of the

required seventy-five (75) foot setback when adjacent to expressways.

Applicant Justification: *The section of SR 429 is elevated well above the area requested for this waiver. Therefore, the requested reduction in setback has significantly less impact than when a ROW is located at grade with an adjacent development.*

3. A waiver from Section 38-1254(2)(d) to allow a minimum rear setback of forty (40) feet for nonresidential uses, in lieu of the required sixty (60) foot setback when adjacent to expressways.

Applicant Justification: *This is a previously approved waiver in Town Center for CCM districts and is being added for consistency. This waiver is consistent with the intent of Horizon West Town Center Policies promoting an urban pattern and for consistent with similar conditions and prior approvals in overall Hamlin Projects area that is comprised of The Hamlin PD, The Hamlin West PD, and the Hamlin SW PD.*

4. A waiver from Section 38-1258(a) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, 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 a single story in height.

Applicant Justification: *This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.*

5. A waiver from Section 38-1258(b) to allow one hundred (100) percent of multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family

residential lot, 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.

Applicant Justification: This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.

6. A waiver from Section 38-1258(c) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings located within one hundred fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.

Applicant Justification: This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.

7. A waiver from Section 38-1258(d) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings in excess of three (3) stories (forty (40) feet) in height may be permitted, subject to approval by the Board for County Commissioners (BCC). The application for these buildings shall include justification for the requested height. A

compatibility plan shall be submitted for approval, which includes greater setbacks and increased buffers to protect adjacent properties.

Applicant Justification: *This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.*

8. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of twenty-five (25) feet and a six-foot high masonry, brick, or block wall.

Applicant Justification: *This is requested to allow This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.*

9. A waiver from Section 38-1258(f) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, 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: *This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.*

10. A waiver from Section 38-1258(g) to allow a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.

Applicant Justification: *This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.*

11. A waiver from Section 38-1258(h) to allow a multi-family development to share recreation areas with other multi-family and single-family development in the Hamlin West PD and Hamlin Southwest PD when the combined recreational facilities meet the requirements of Sec. 38-1253, at time of PSP, MDP, or DP, are tracked on the subsequent PD change determination or amendment, and are provided prior to plat approval or certificate of occupancy for multi-family, in lieu of providing separate recreation areas within the multifamily development and located away from any single-family zoned property.

Applicant Justification: *This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and*

facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.

12. A waiver from Section 38-1258(i) to allow for a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.

Applicant Justification: *This is requested to allow for the integration of urban residential uses and housing diversity consistent with the intent of Horizon West Town Center policy and Code. This request is also consistent with the Village Center multi-family development compatibility requirement Sec. 38-1389(d)(3)(f)(1) 'to promote a mix of land uses and facilitate new urbanism development patterns, waivers from (Sec. 38-1258) standards should be considered at the time of approval'. This waiver is also requested to allow for the opportunity for multi-family units freestanding or above nonresidential uses to be included in CCM-10b. This is a previously approved waiver in Town Center.*

13. A waiver from Section 38-1272(a)(5) to allow a maximum height of seventy-five (75) feet permitted under the Town Center Code within one hundred (100) feet of any residential use, in lieu of a maximum height of thirty-five (35) feet within one hundred (100) feet of any residential use.

Applicant Justification: *This waiver is consistent with the intent of Horizon West Town Center Policies promoting an urban pattern and is consistent with similar conditions and prior approvals in overall Hamlin Projects area that is comprised of The Hamlin PD, The Hamlin West PD, and The Hamlin SW PD.*

14. A waiver from Section 38-1384(f)(2) to eliminate the requirement, in lieu of all lots sixty (60) feet in width or less include a pedestrian path or walkway from the primary entrance to the sidewalk.

Applicant Justification: *This is a previously approved waiver in Town Center for UR and CCM districts and is being added for consistency. This waiver is consistent with the intent of Horizon West Town Center Policies promoting an urban pattern and is consistent with similar conditions and prior approvals in overall Hamlin Projects area that is comprised of*

The Hamlin PD, The Hamlin West PD, and The Hamlin SW PD.

15. A waiver from Section 38-1384(g)(3)(b) to allow for double wide garage entries on front-loaded lots that are less than sixty-five (65) feet in width, but greater than fifty (50) feet in width, in lieu of the requirement that prohibits double-wide garage entries on all front-loaded lots of less than sixty-five (65) feet in width.

Applicant Justification: *This is a previously approved waiver in Town Center for UR and CCM districts and is being added for consistency. This waiver is consistent with the intent of Horizon West Town Center Policies promoting an urban pattern and is consistent with similar conditions and prior approvals in overall Hamlin Projects area that is comprised of The Hamlin PD, The Hamlin West PD, and The Hamlin SW PD.*

16. A waiver from Section 38-1384(i)(4) to allow front loaded garages on all lots greater than fifty (50) feet in width that face neighborhood parks and open space tracts that are less than 10,000 square feet in area, in lieu of all lots greater than fifty (50) feet in width that face neighborhood squares and parks shall be provided from a rear alley easement or from a front driveway where the garages are located at or beyond the rear wall of the primary structure.

Applicant Justification: *This waiver is needed where small open spaces or park space with limited utility that typically occur at "Y" intersections of local streets, planted medians, and similar conditions where fronting lots are limited, and alleys are not appropriate or feasible.*

PUBLIC NOTIFICATION A notification area extending beyond one thousand (1,000) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred ten (110) 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 Hamlin Southwest PD was originally approved August 7, 2018 with a development program consisting of residential uses. Today, the PD is approved for 317 dwelling units.

Through this PD Change Determination Request (CDR), the applicant is seeking to create district CCM-10b, transfer 110,135 square feet of non-residential uses from Hamlin UNP/PD to CCM-10b, and reallocate 165 dwelling units to CCM-10b and convert

them to 44,682 square feet of non-residential uses. Waivers from Orange County Code related to setbacks, frontages, height, and parking and paved areas, screening, recreation areas, pedestrian paths, and garages are included in this request.

Land Use Compatibility

The PD Change Determination Request 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). The Hamlin Southwest PD was approved in 2018 and includes residential 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 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

On August 7, 2018 the Board of County Commissioners approved an Adequate Public Facilities Agreement ("Agreement") by and among SLF IV/Boyd Horizon West JV, LLC; West Orange/Avalon Road Land, LLC; Hamlin Retail Partners West, LLC (collectively "Owners") and Orange County for the dedication of 1.2 acres right-of-way for C.R. 545 (Avalon Road) and the satisfaction of a 10.9 acre APF deficiency through a transfer of surplus APF Credits. Under the terms of the Adequate Public Facilities Agreement, Owners shall convey to Orange County a total of 1.2 acres of Right-of-Way for C.R. 545 (Avalon Road) at a value of \$22,500 per acre. The dedication of right-of-way shall serve to partially satisfy the Adequate Public Facilities requirement under the APF/TDR Ordinance which requires approximately 12.1 acres of public facilities lands to be provided from this property. An APF deficit of 10.9 acres at a fee of \$43,187.73 per acre will be satisfied through the transfer of APF credits from within the Town Center SAP. The Owner will receive \$22,500 per acre for the conveyance of 1.2 acres of right-of-way for Reams Road for a total of \$27,000.00 in transportation impact fee credits. One non-standard provision in this agreement is in Section 17 which contains the delegation of authority to the Manager of Real Estate Management to terminate the agreement once all terms have been satisfied.

A Road Network Agreement for New Independence Parkway and C.R. 545/Avalon Road ("Agreement") among Hamlin Retail Partners West, LLC; Carter-Orange 45 SR 429 Land Trust; Beth A. Wincey, individually; and Beth A. Wincey and N. Ann D. Wincey and

M. Bea Deariso, as Co-Alternative Successor Trustees of the Milton W. Deariso Trust dated November 30, 1988 (collectively "Owners") and Orange County was approved by the BCC on June 30, 2016 and was recorded at Document #20160338700. Owners agree to design, engineer, permit and construct road improvements and convey any necessary right-of-way for the four-laning of New Independence Parkway from S.R. 429 to Avalon Road/C.R. 545. Owners further agrees to conduct all or a portion of a Preliminary Design Study for the four-laning of Avalon Road/C.R. 545 from McKinney Road to Schofield Road up to their proportionate share contribution which totals \$2,908,445.59. County agrees to provide a vested trip allocation in the amount of 2,315 trips in return for the improvements along with road impact fee credits for the amount of the proportionate share payment. Should the Owners elect to construct additional improvements the parties shall re-negotiate or enter into a new Road Network Agreement.

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 – (September 25, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hamlin Southwest Planned Development / Land Use Plan (PD/LUP), dated "October 21, 2019", subject to the following conditions:

1. Development shall conform to the Hamlin Southwest Planned Development (PD) dated "Received October 21, 2019," 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 21, 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 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 the Road Network Agreement for New Independence Parkway and C.R. 545/Avalon Road recorded at Official Records Document #20160338700, Public Records of Orange County, Florida as may be amended.
7. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD, including hydraulically dependent parcels outside the PD boundaries; such MUP shall include supporting calculations showing that the PD-level MUP is consistent with the approved MUP for the Town Center Village, or shall include an update to the Town Center Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
8. The following waivers from Orange County Code are requested:
 - a. A waiver from Section 24-5 to allow the setback and frontage zones of the framework streets or alternatives as applicable within Corporate Campus Mixed Use (CCM) districts Sec. 38-1390.41 and 38-1390.51 along with the street right of way to provide the separation and buffer yard requirements between nonresidential and residential uses.
 - b. A waiver from Section 38-1254(2)(d) to allow a minimum rear setback of twenty-five (25) feet for residential, in lieu of the required seventy-five (75) foot setback when adjacent to expressways.
 - c. A waiver from Section 38-1254(2)(d) to allow a minimum rear setback of forty (40) feet for nonresidential uses, in lieu of the required sixty (60) foot setback when adjacent to expressways.
 - d. A waiver from Section 38-1258(a) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, 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 a single story in height.
 - e. A waiver from Section 38-1258(b) to allow one hundred (100) percent of multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, 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 multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings located within one hundred fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.
- g. A waiver from Section 38-1258(d) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings in excess of three (3) stories (forty (40) feet) in height may be permitted, subject to approval by the Board for County Commissioners (BCC). The application for these buildings shall include justification for the requested height. A compatibility plan shall be submitted for approval, which includes greater setbacks and increased buffers to protect adjacent properties.
- h. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of twenty-five (25) feet and a six-foot high masonry, brick, or block wall.
- i. A waiver from Section 38-1258(f) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, 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.
- j. A waiver from Section 38-1258 (g) to allow a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.
- k. A waiver from Section 38-1258(h) to allow a multi-family development to share recreation areas with other multi-family and single-family development in the Hamlin West PD and Hamlin Southwest PD when the combined recreational facilities meet the requirements of Sec. 38-1253, at time of PSP, MDP, or DP, are tracked on the subsequent PD change

determination or amendment, and are provided prior to plat approval or certificate of occupancy for multi-family, in lieu of providing separate recreation areas within the multifamily development and located away from any single-family zoned property.

- i. A waiver from Section 38-1258(i) to allow for a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.
 - m. A waiver from Section 38-1272(a)(5) to allow a maximum height of seventy-five (75) feet permitted under the Town Center Code within one hundred (100) feet of any residential use, in lieu of a maximum height of thirty-five (35) feet within one hundred (100) feet of any residential use.
 - n. A waiver from Section 38-1384(f)(2) to eliminate the requirement, in lieu of all lots sixty (60) feet in width or less include a pedestrian path or walkway from the primary entrance to the sidewalk.
 - o. A waiver from Section 38-1384(g)(3)(b) to allow for double wide garage entries on front-loaded lots that are less than sixty-five (65) feet in width, but greater than fifty (50) feet in width, in lieu of the requirement that prohibits double-wide garage entries on all front-loaded lots of less than sixty-five (65) feet in width.
 - p. A waiver from Section 38-1384(i)(4) to allow front loaded garages on all lots greater than fifty (50) feet in width that face neighborhood parks and open space tracts that are less than 10,000 square feet in area, in lieu of all lots greater than fifty (50) feet in width that face neighborhood squares an parks shall be provided from a rear alley easement or from a front driveway where the garages are located at or beyond the rear wall of the primary structure.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 7, 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. The following Education Condition of Approval shall apply:

 - 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 June 26, 2018.

- 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 10 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.
- c. 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).
 - 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. 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.

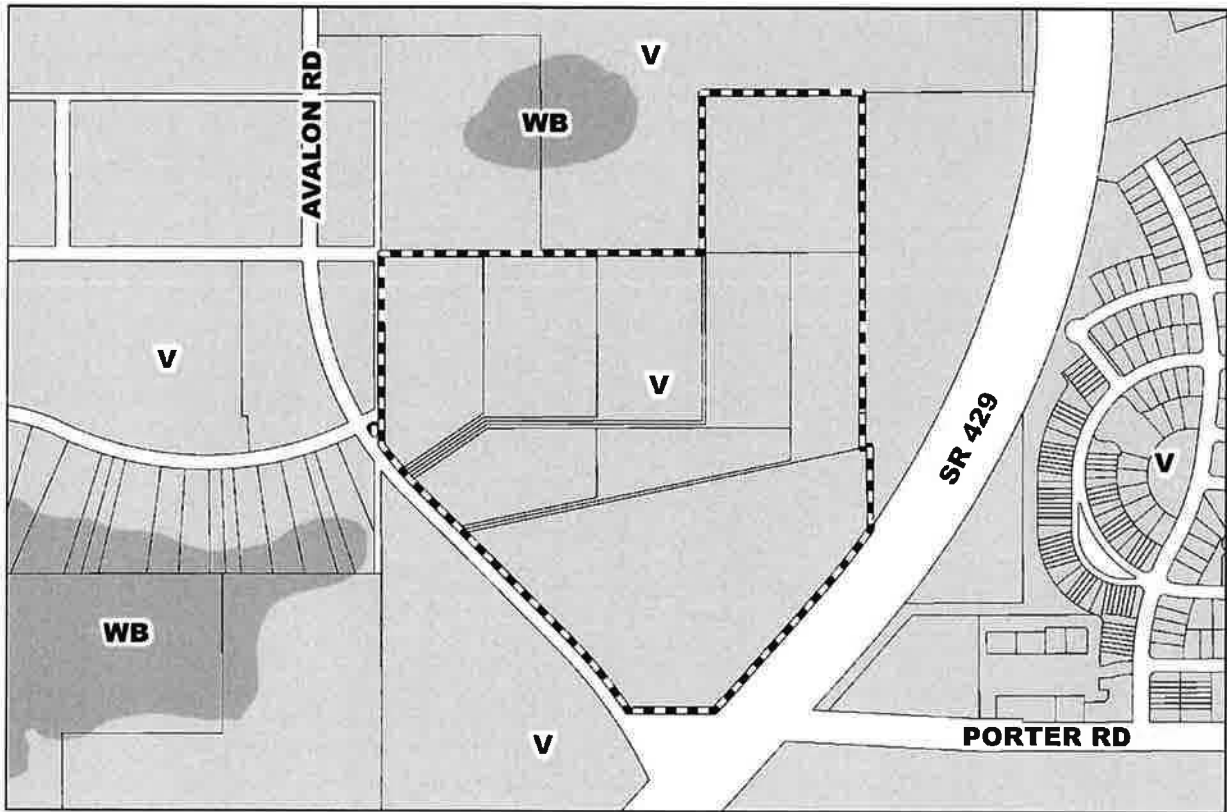
- f. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- g. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
- h. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water 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, provide calculations and documentation certifying that the design complies with this condition.
- i. 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 Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
- j. Prior to construction plan approval, all property owners within the Town Center Village, 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.
- k. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5-194 of the Orange County Code.
- l. 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.
- m. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
- n. 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.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(August 7, 2018)*

Upon a motion by Commissioner VanderLey, seconded by Commissioner Clarke, and carried by all present members voting AYE by voice vote, the Board approved the request to rezone (10) parcels containing 78.96 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District) subject to conditions.

CDR-19-03-110



Subject Property

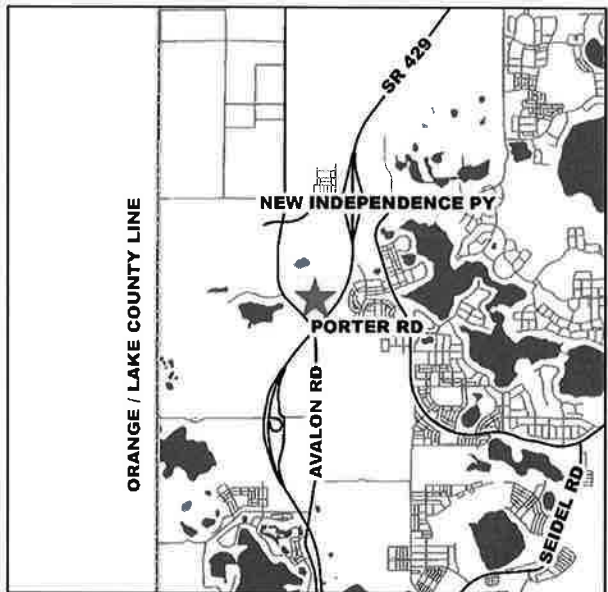


Subject Property

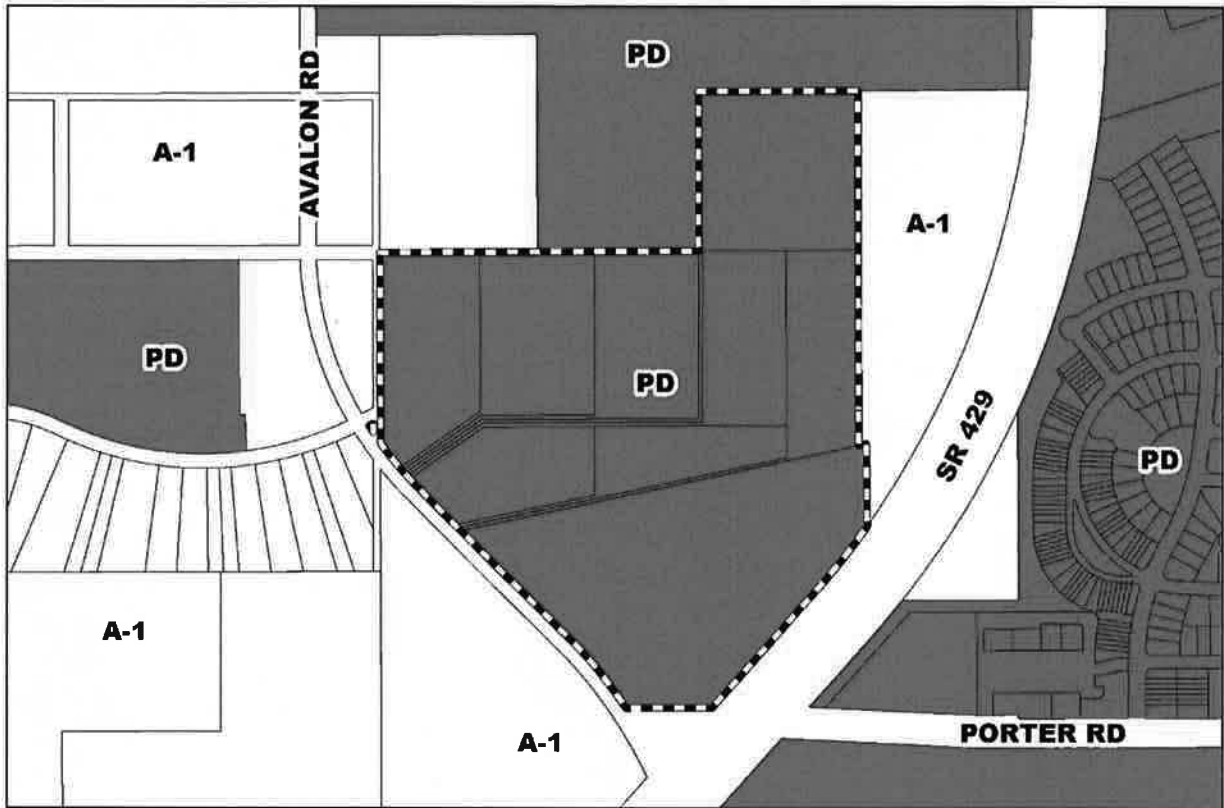
Future Land Use Map

FLUM: Village (V)
APPLICANT: James G Willard, SLF IV / Boyd Horizon West JV, LLC
LOCATION: Generally located north of Porter Road, south of New Independence Parkway, west of State Road 429, and east of Avalon Road
TRACT SIZE: 78.96 gross acres
DISTRICT: # 1
S/T/R: 20/23/27

1 inch = 650 feet



CDR-19-03-110



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: James G Willard, SLF IV / Boyd Horizon West JV, LLC

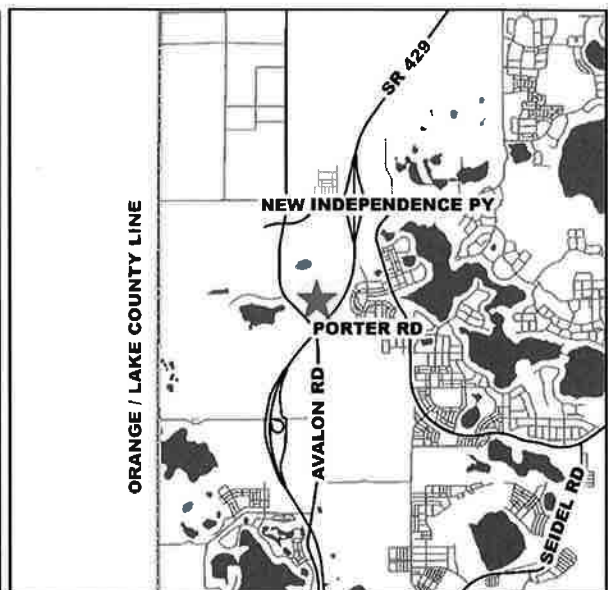
LOCATION: Generally located north of Porter Road, south of New Independence Parkway, west of State Road 429, and east of Avalon Road

TRACT SIZE: 78.96 gross acres

DISTRICT: # 1

S/T/R: 20/23/27

1 inch = 650 feet



Hamlin Southwest PD / LUP (Cover Sheet)

LAND USE PLAN


FOR:

HAMLIN SOUTHWEST UNIFIED DEVELOPMENT PLAN PD/UNP

CASE # CDR-19-03-110


**NORTHEAST OF AVALON ROAD, NORTH PORTER RD,
AND WEST OF SR 429
ORANGE COUNTY, FL**

PREPARED BY:



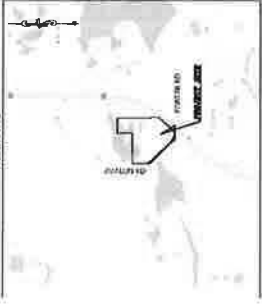
AGMCI
AGRI-CULTURAL MANAGEMENT CONSULTANTS, INC.

235 MATTHEWS AVENUE
SUITE 113
MARTLAND, FLORIDA 32911
PHONE (407) 822-8004



KCG
KELLY, COLLINS & GENTRY, INC.

1700 NORTHER BLANCKE AVENUE
SUITE 400
ORANGE, FLORIDA 32804
PHONE (407) 888-7855
FAX (407) 888-1488



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PARCEL ID #

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 29-23-27-0000-00-010, 20-23-27-0000-00-008,
 20-23-27-0000-00-013, 20-23-27-0000-00-011,
 20-23-27-0000-00-014, 20-23-27-0000-00-012,
 20-23-27-0000-00-010, 19-23-27-5940-00-000

PERMITTED BY:

SLE IV / BOYD HORIZON WEST JV, LLC;
 WEST HORIZON WEST, LLC;
 HAMLIN RETAIL PARTNERS WEST, LLC

1446 WEST SR 429
 NORTH ORANGE, FL 32827

DEVELOPMENT TAKE:

OWNER'S DECLARATION:

CONVEYANCE:

REMARKS:

NOTES:

MAVERS REQUESTED:

REMARKS:

NOTES:

DEVELOPMENT TAKE:

OWNER'S DECLARATION:

CONVEYANCE:

REMARKS:

NOTES:

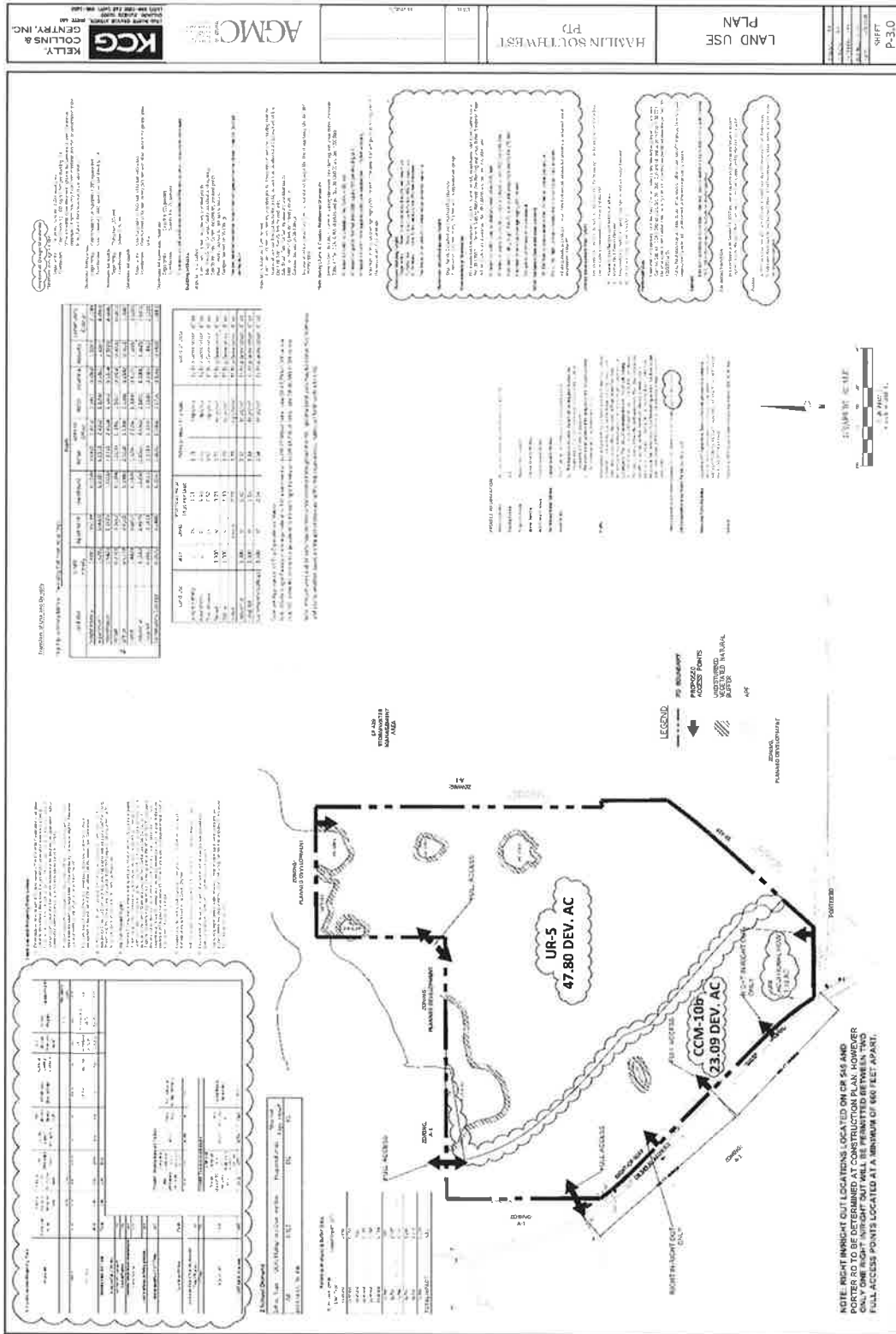
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 PLANNING DIVISION

SECTION 9 TOWNSHIP 25 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA

SHEET INDEX

SHEET TITLE	SHEET NO.
PLAN COVER	P-1.0
SKETCH & LEGAL DESCRIPTION	P-2.0
EXISTING CONDITIONS PLAN	P-3.0
LAND USE PLAN	P-3.0

Hamlin Southwest PD / LUP

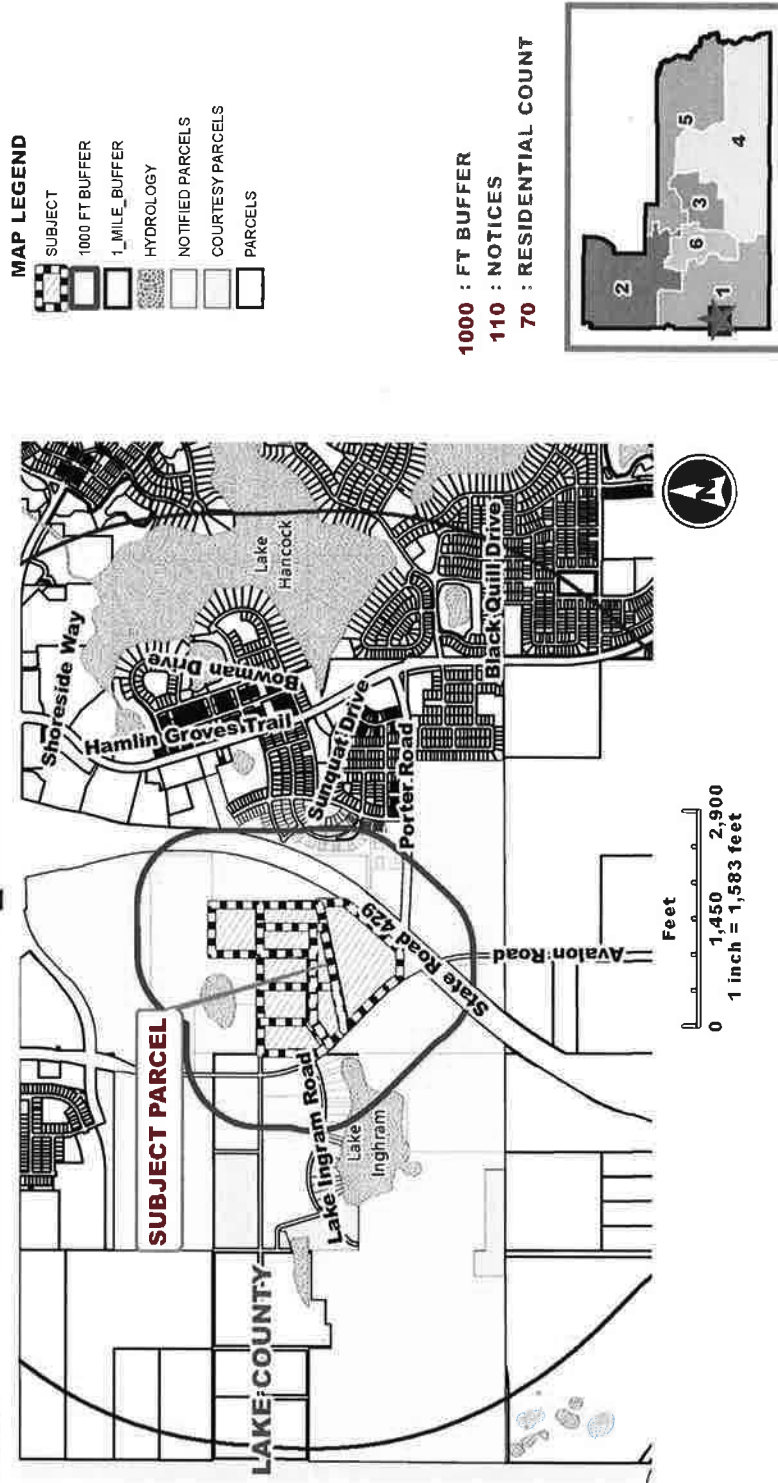


Notification Map

Public Notification Map



Hamlin Southwest PD_CDR-19-03-110



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