



Board of County Commissioners

2012-2 Small Scale

Adoption Public Hearing

November 13, 2012



Today's Amendments

2012-2 Small Scale Cycle

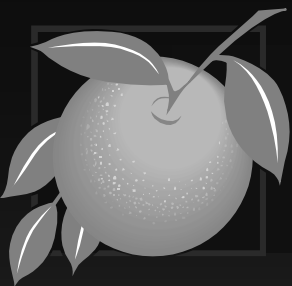
- Future Land Use Map (FLUM) Amendments
- FLUM Amendments with Rezoning
- FLUM Amendments with Substantial Change



Today's Amendments

2012-2 Small Scale Cycle

- Future Land Use Map (FLUM) Amendments
 - 2012-2-S-4-1 (IND to C in Taft)
 - 2012-2-S-5-1 (LDR to PD-O/LDR on Roxbury Rd)
- FLUM Amendments with Rezoning
 - 2012-2-S-1-3 and LUP-12-07-134 (postponed)
 - 2012-2-S-6-1 and RZ-12-10-029 (LDR to C near Ivey Lane)
- FLUM Amendments with Substantial Change
 - 2012-2-S-1-2 and CDR-12-07-136 (TH/APT to VHD in Bridgewater)
 - 2012-2-S-1-4 and CDR-12-07-135 (GB to GHD – eagle's nest)



Board of County Commissioners

2012-2 Small Scale Privately-Initiated Amendment

Case #: 2012-2-S-4-1

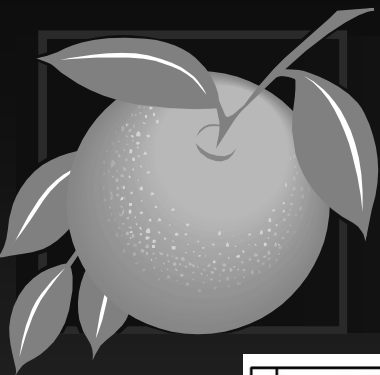
Agent/Owner: Matthew Campo, Campo Engineering for
Concreform Co.

From: Industrial (IND)

To: Commercial (C)

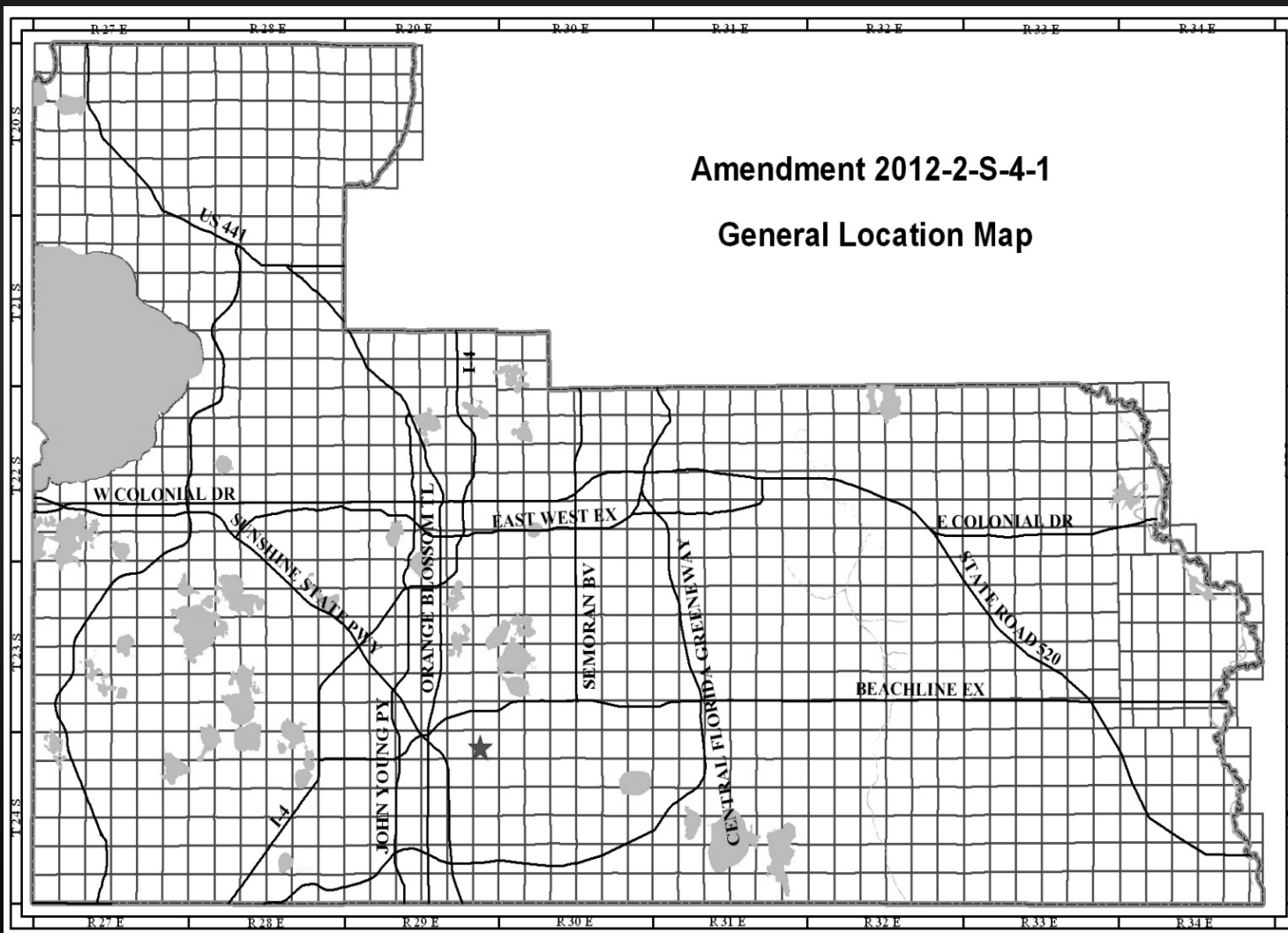
Acreage: 1.98

Proposed use: 8,320 square feet of retail (general merchandise
store) uses



2012-2-S-4-1

Location

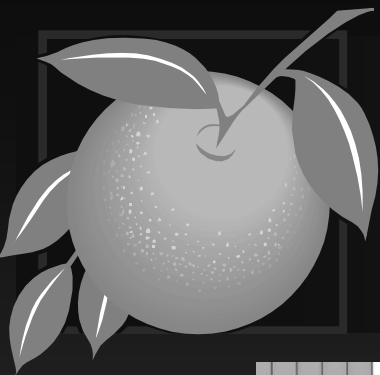




2012-2-S-4-1

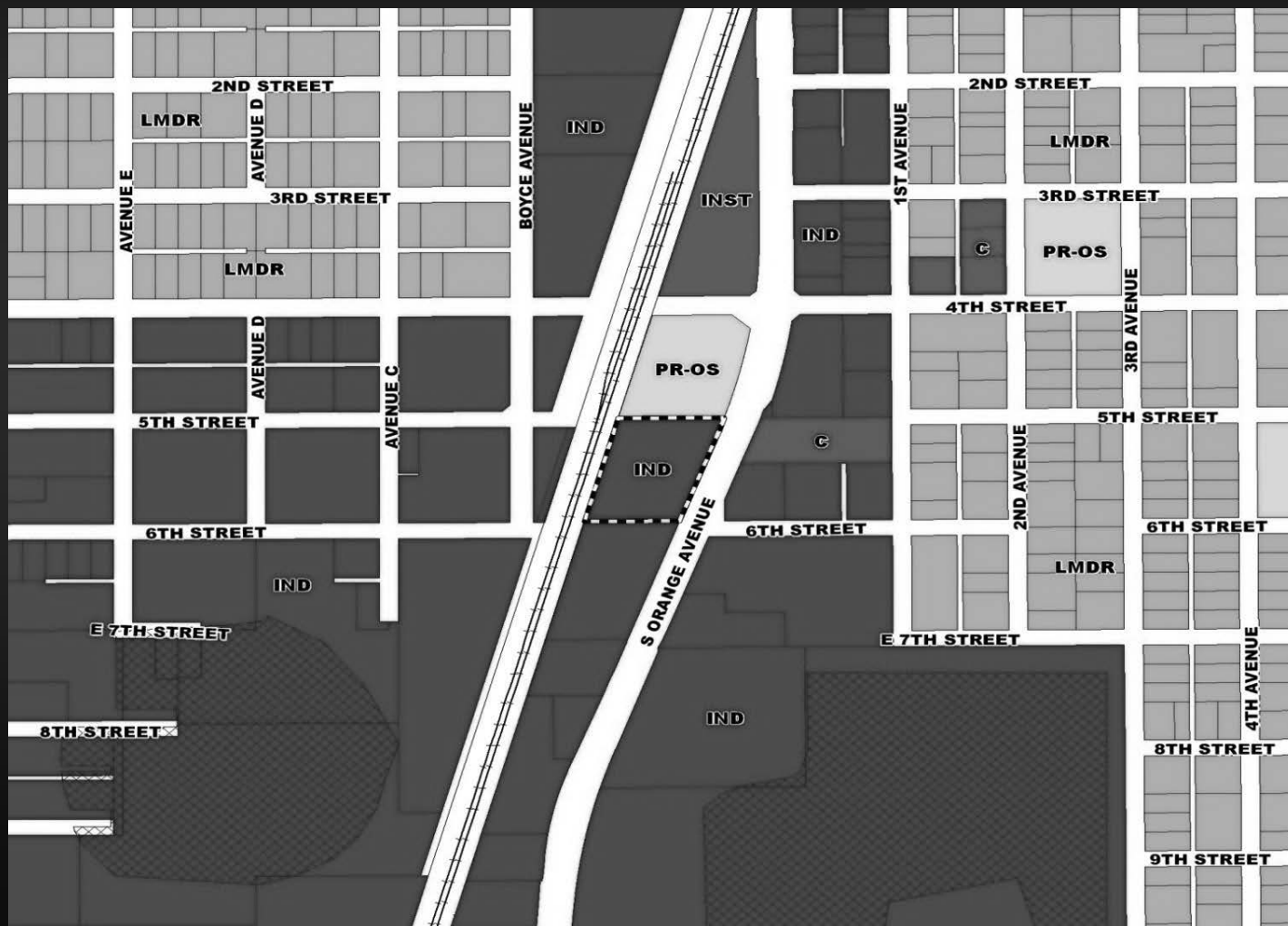
Aerial





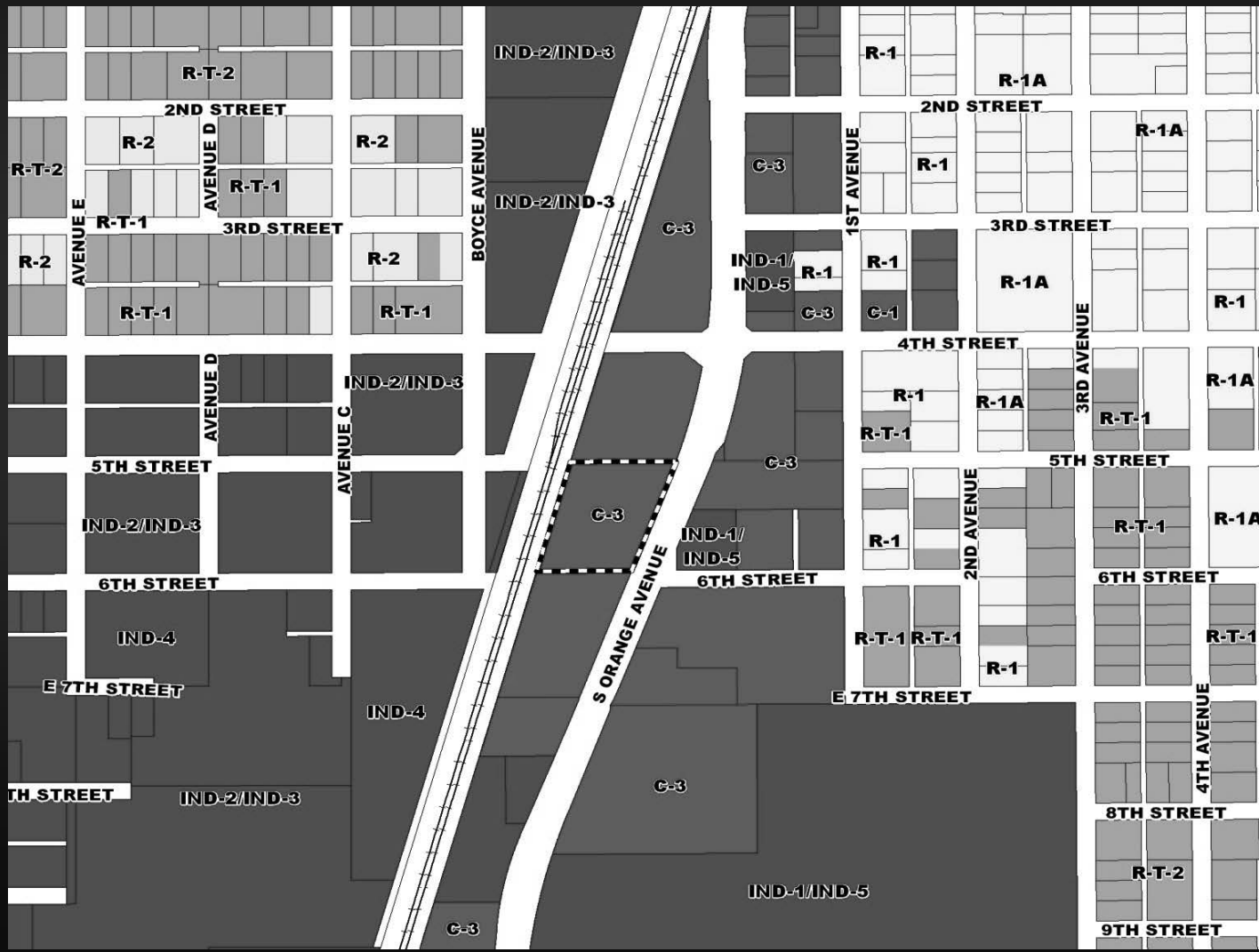
2012-2-S-4-1

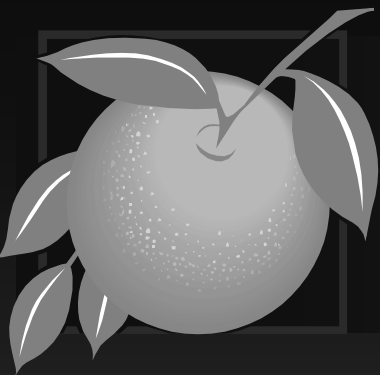
Future Land Use





2012-2-S-4-1 Zoning



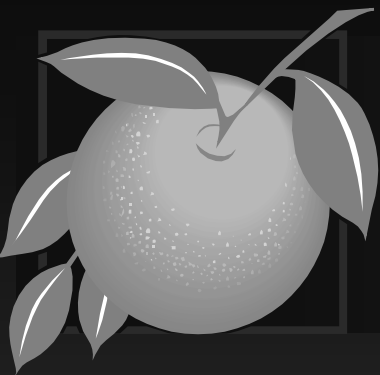


2012-2-S-4-1

Analysis and Recommendations

Comprehensive Plan Consistency

- **Policy FLU1.1.5**
 - **Mixed-use development and infill development to promote compact urban form**
 - **Efficient use of land and infrastructure**
- **Policy FLU1.4.2**
 - **Land use change shall be compatible with and serve existing neighborhoods**



2012-2-S-4-1

Analysis and Recommendations

Staff Recommendation: Adopt

LPA Recommendation: Adopt

- **Make a finding of consistency with the Comprehensive Plan**
 - **Objectives FLU2.2 and FLU8.2**
 - **Policies FLU1.1.5, FLU1.4.2, FLU8.2.1, and FLU8.2.11**
- **Determine the amendment is in compliance, and**
- **Adopt Amendment 2012-2-S-4-1 (Industrial to Commercial)**



Board of County Commissioners

2012-2 Small Scale Privately-Initiated Amendment

Case #: 2012-2-S-5-1 (fka 2011-2-S-5-1 and 2012-1-S-5-1)

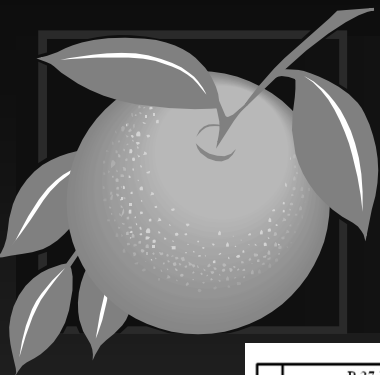
Agent/Owner: Scott A. Glass, Esq. - Shutts & Bowen LLP for Roxbury LLC

From: Low Density Residential (LDR)

To: Planned Development – Office/Low Density Residential (PD-O/LDR)

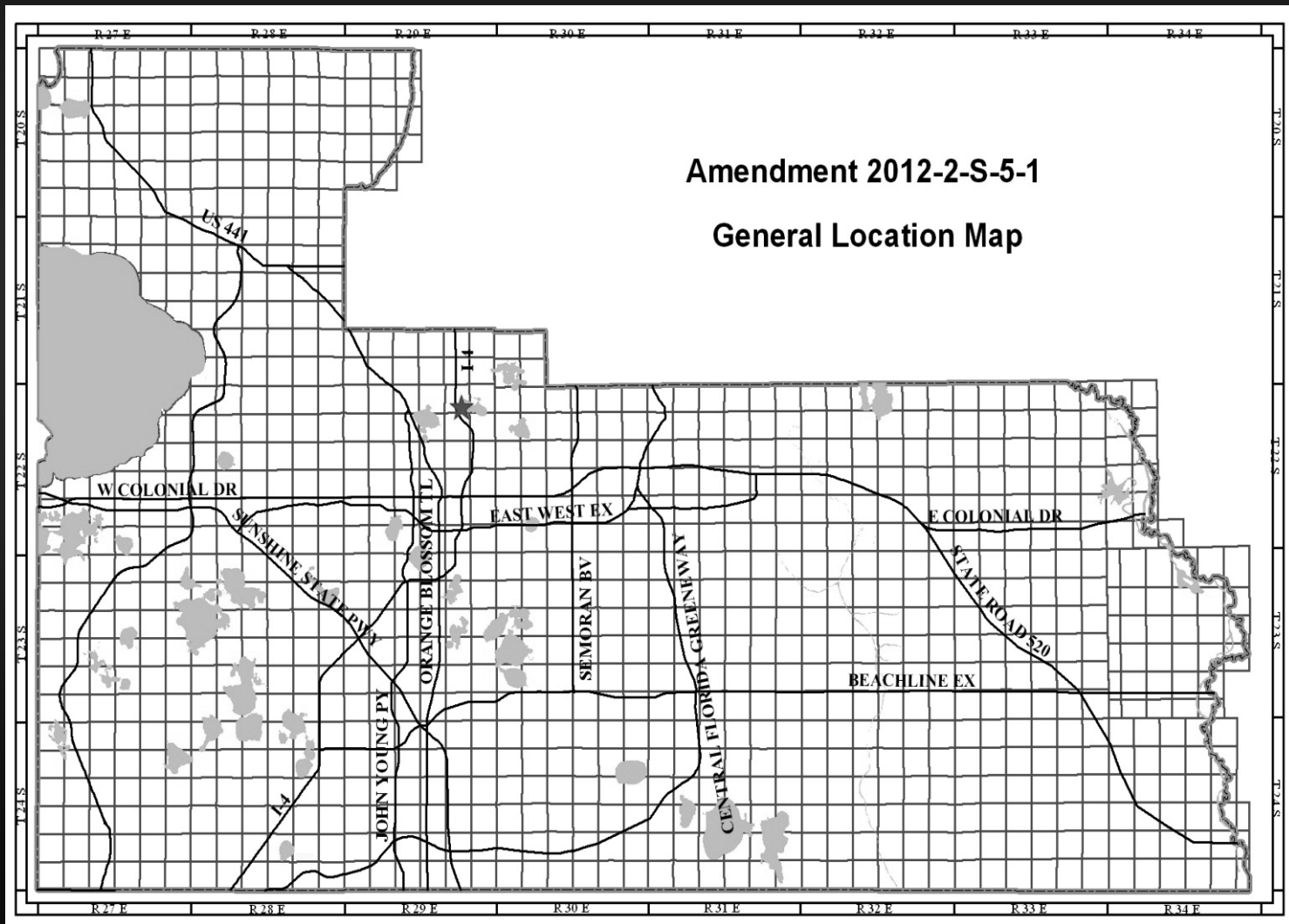
Acreage: 0.20 acre

Proposed use: Up to 635 sq. ft. of office uses



2012-2-S-5-1

Location

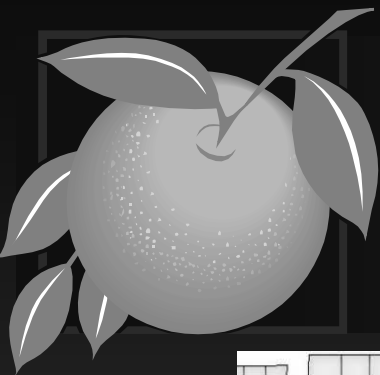




2012-2-S-5-1

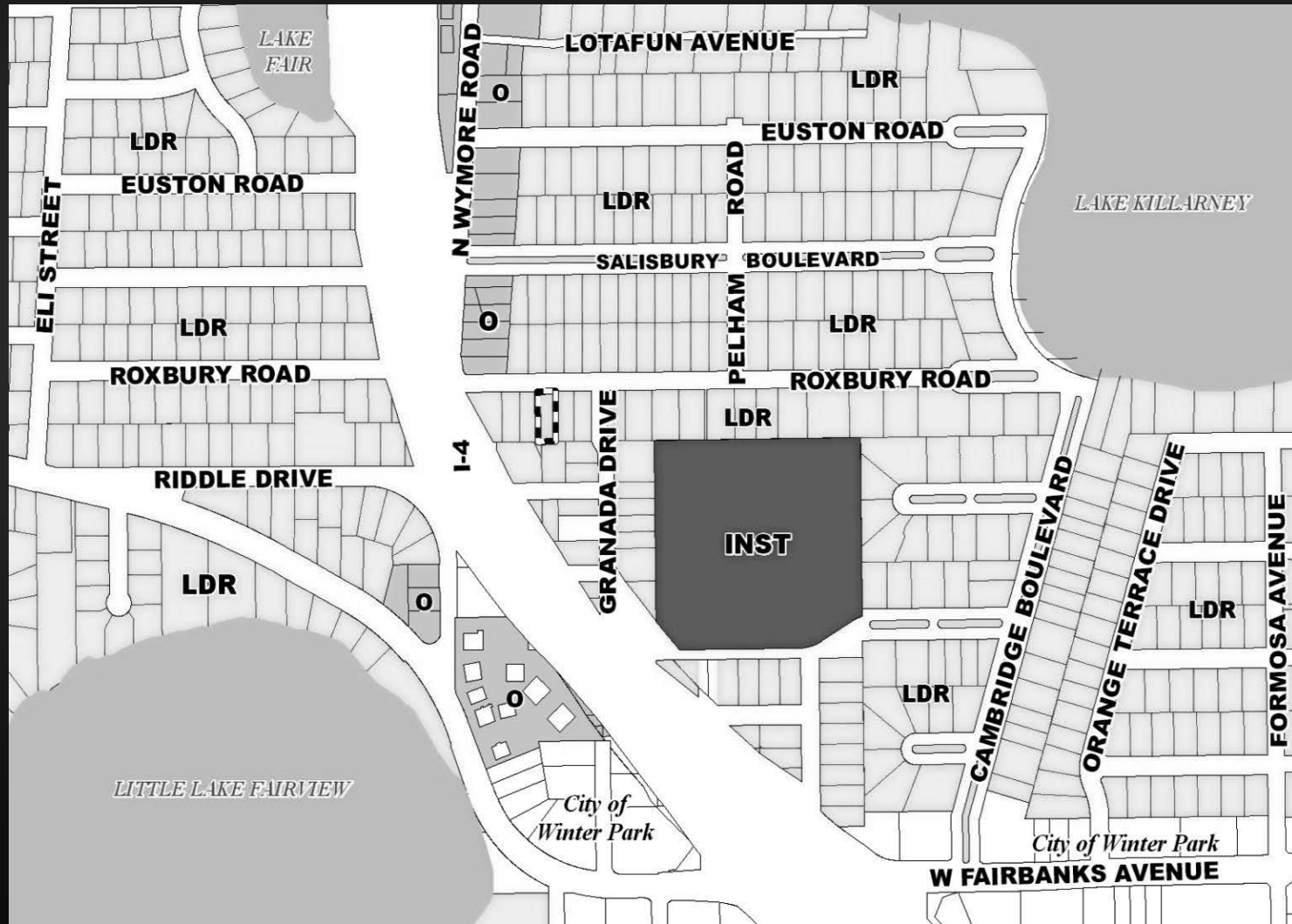
Aerial

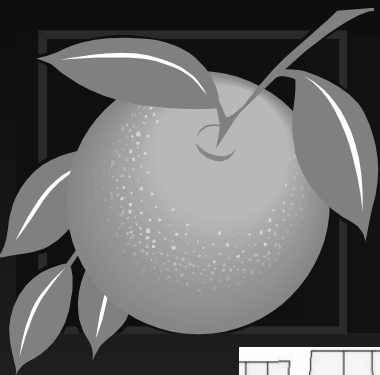




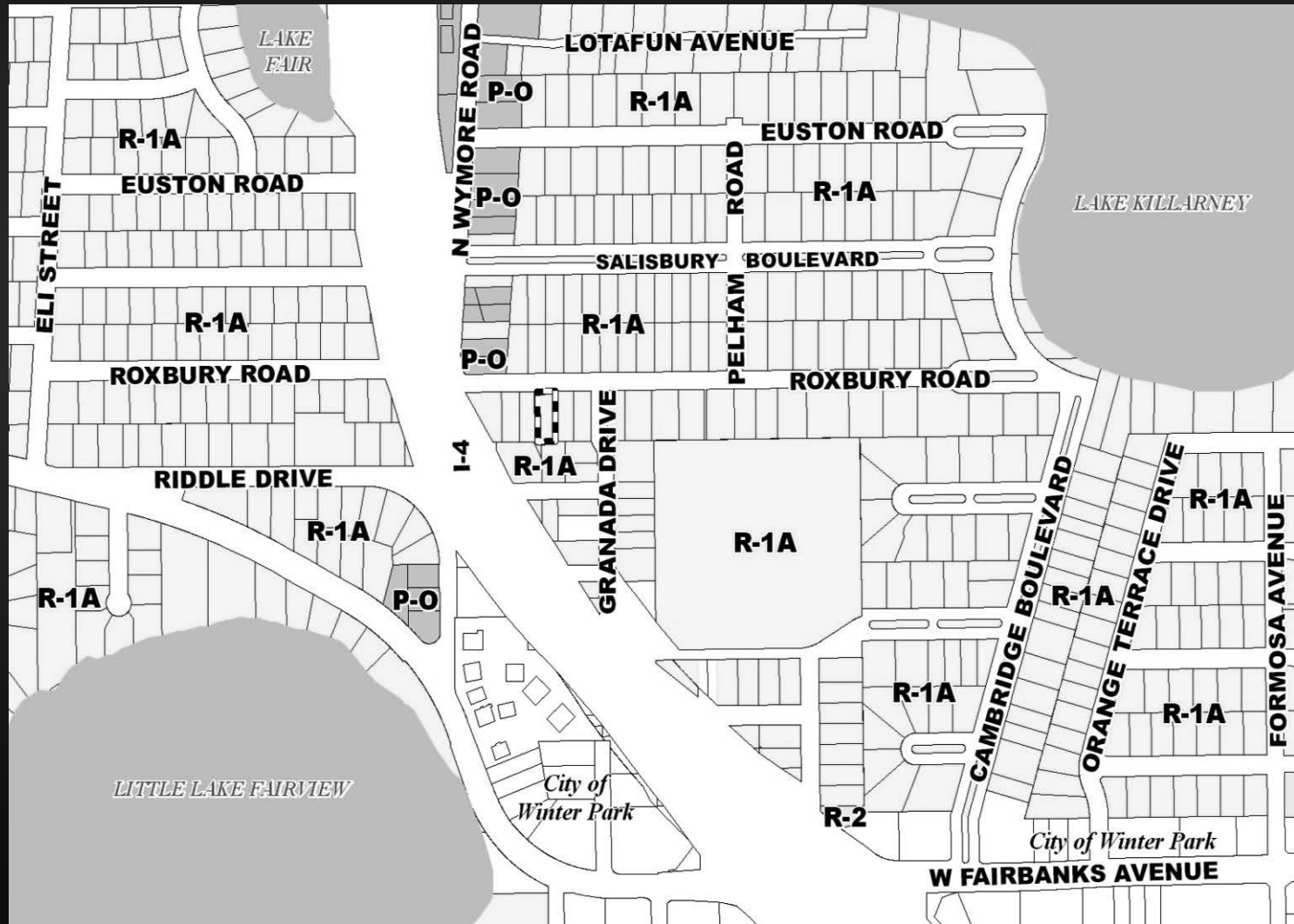
2012-2-S-5-1

Future Land Use





2012-2-S-5-1 Zoning

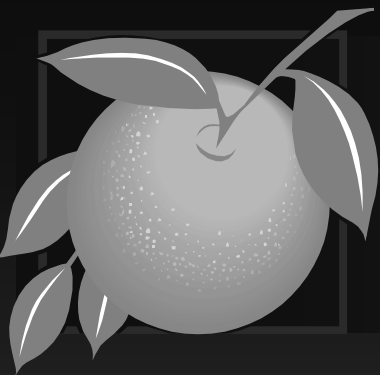




2012-2-S-5-1

FDOT Parcels



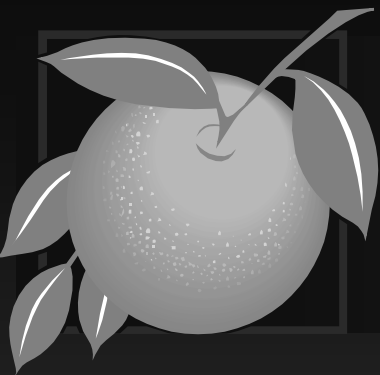


2012-2-S-5-1

Analysis and Recommendations

Comprehensive Plan Consistency

- **Approval of this FLUM amendment and subsequent rezoning would allow for future use of the site for offices, a use more intense than residential that could prove incompatible with the neighborhood**
- **Traffic could also adversely impact the neighborhood, as access to the subject property will be via the surrounding residential streets**
- **Approval of the FLUM amendment and rezoning could set a precedent**



2012-2-S-5-1

Analysis and Recommendations

Staff Recommendation: Do Not Adopt

LPA Recommendation: Adopt

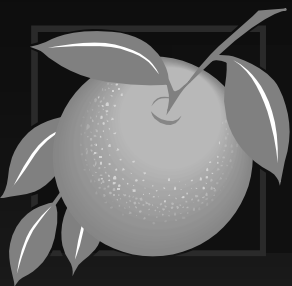
- **Make a finding of inconsistency with the Comprehensive Plan**
 - **Objective FLU8.2 and N1.1**
 - **Policies FLU1.4.4, FLU2.3.6, and FLU8.2.1**
- **Determine that the amendment is not in compliance; and**
- **Do not adopt Amendment 2012-2-S-5-1 (LDR to PD-O/LDR)**



Today's Amendments

2012-2 Small Scale Cycle

- Future Land Use Map (FLUM) Amendments
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Board of County Commissioners

2012-2 Small Scale Privately Initiated Amendment

Case #: 2012-2-S-1-3

Agent/Owner: Alison M. Yurko for Vista Pointe Family Limited Partnership

From: Low Density Residential (LDR)

To: Planned Development-Office (PD-O)

Acreage: 0.93

Proposed use: 6,000 sq. ft. of office development

CONTINUED



Board of County Commissioners

Rezoning

Case #: LUP-12-07-134

Agent/Owner: Alison M. Yurko for Vista Pointe Family Limited Partnership

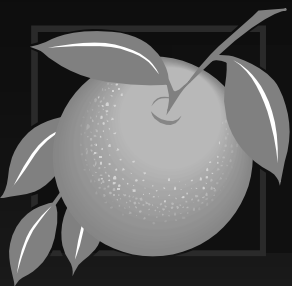
From: R-CE (Rural - Country Estate District)

To: PD (Planned Development)

Acreage: 0.93

Proposed use: 6,000 sq. ft. of office development

POSTPONED



Board of County Commissioners

2012-2 Small Scale Privately Initiated Amendment

Case #: 2012-2-S-6-1

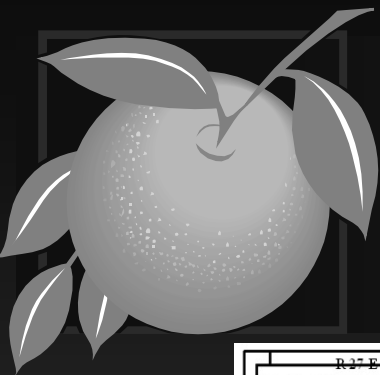
Agent/Owner: James Edward Macon for James Edward Macon, Inc.

From: Low Density Residential (LDR)

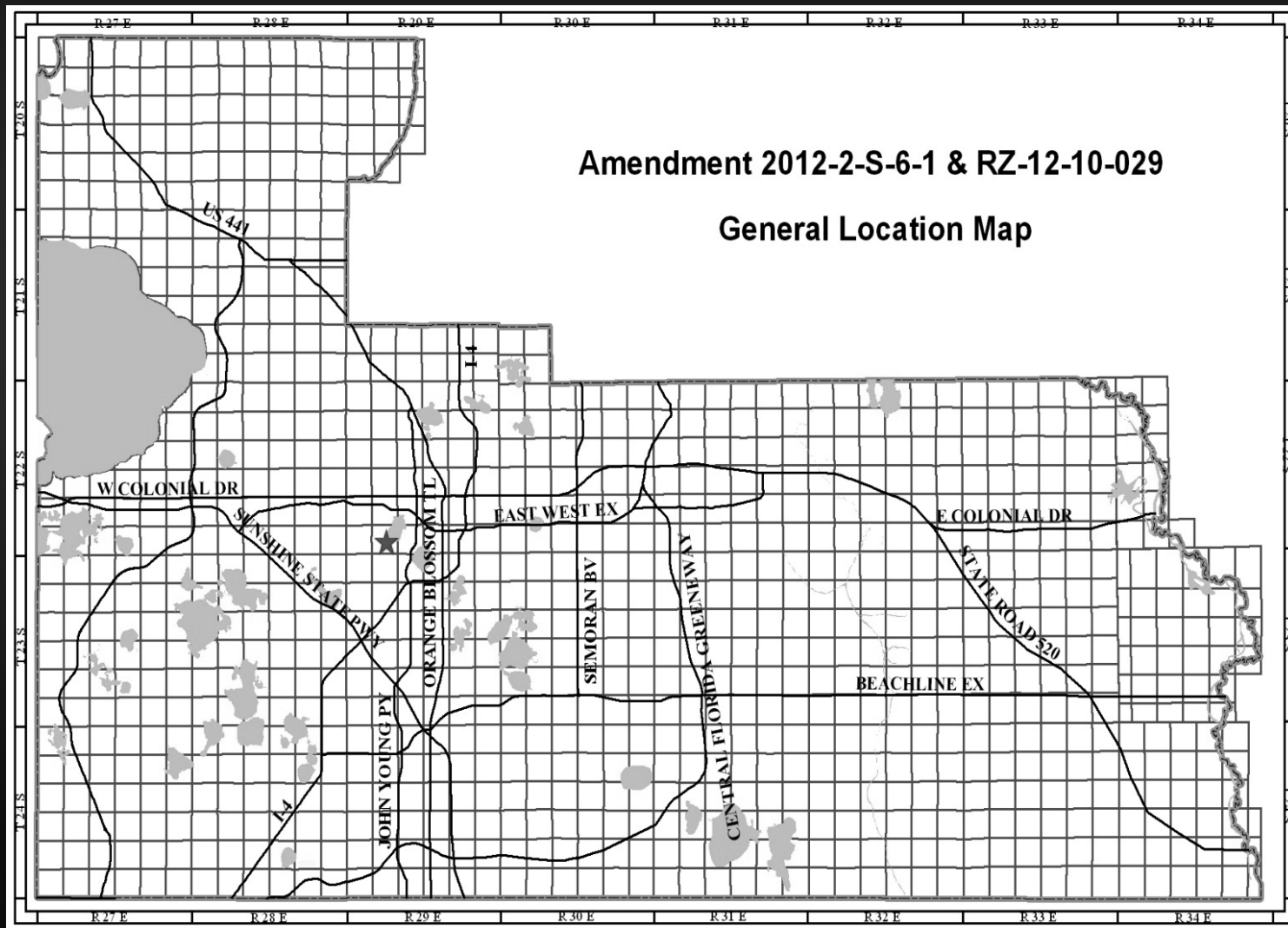
To: Commercial (C)

Acreage: 0.14 acre

Proposed use: 1,044 sq. ft. of commercial or office development, with uses limited to those permitted in the C-1 (Retail Commercial) zoning district



2012-2-S-6-1 and RZ-12-10-029 Location

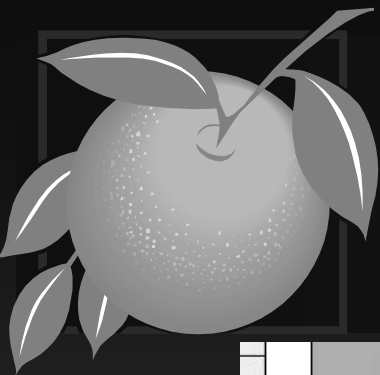




2012-2-S-6-1 and RZ-12-10-029

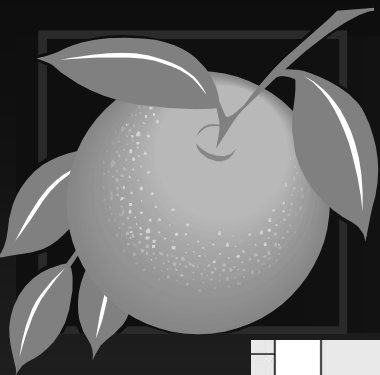
Aerial





2012-2-S-6-1 and RZ-12-10-029 Future Land Use





2012-2-S-6-1 and RZ-12-10-029 Zoning



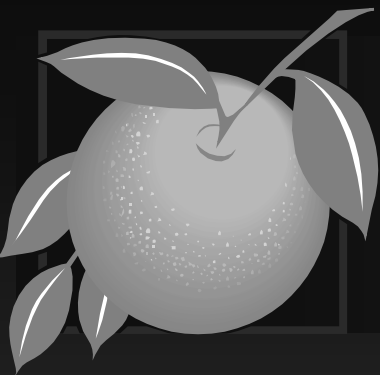


2012-2-S-6-1

Analysis and Recommendations

Comprehensive Plan Consistency

- **Policy FLU1.1.5**
 - **Mixed-use development and infill development to promote compact urban form**
 - **Efficient use of land and infrastructure**
- **Policy FLU2.3.6**
 - **Area characterized by a mix of commercial, residential, and institutional uses**
 - **Property across the street from a neighborhood market on Lenox Boulevard**



2012-2-S-6-1

Analysis and Recommendations

Staff Recommendation: Adopt

LPA Recommendation: Adopt

- **Make a finding of consistency with the Comprehensive Plan**
 - **Objectives FLU8.2 and N1.1**
 - **Policies FLU1.1.5, FLU1.4.4, FLU1.4.6, FLU2.3.6, and FLU8.2.1**
- **Determine that the amendment is in compliance; and**
- **Adopt Amendment 2012-2-S-6-1 (LDR to C)**



Board of County Commissioners

Rezoning

Case #: RZ-12-10-029

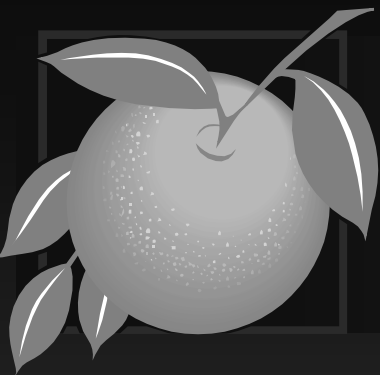
Agent/Owner: James Edward Macon for James Edward Macon, Inc.

From: R-1 (Single-Family Dwelling District)

To: C-1 (Retail Commercial District)

Acreage: 0.14 acre

Proposed use: 1,044 sq. ft. of commercial or office development, with uses limited to those permitted in the C-1 (Retail Commercial) zoning district



RZ-12-10-029

Analysis and Recommendations

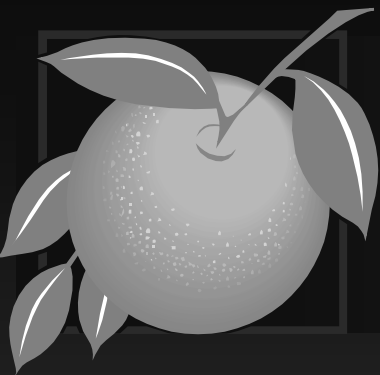
Staff Recommendation: Approve

PZC Recommendation: Approve

Approve the requested C-1 (Retail Commercial District) zoning, subject to approval of the FLUM Amendment and the following 3 restrictions and 2 waivers:

Restrictions:

- If approved by the Board of County Commissioners, this rezoning shall not become effective until the associated Future Land Use Map Amendment 2012-2-S-6-1 is in effect.**

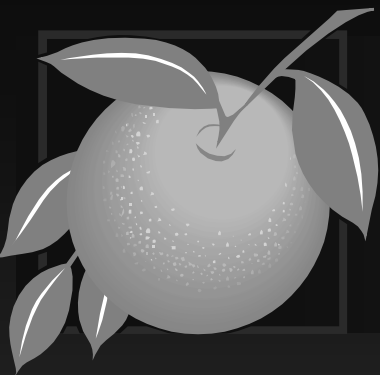


RZ-12-10-029

Analysis and Recommendations

Restrictions (continued):

- The prohibition of the following C-1 uses—applicable to neighboring properties granted the C-1 zoning classification via the Board of County Commissioners' September 1, 1998 approval of Rezoning Case Z-98-086 (Ivey Lane Study)—shall also apply to the subject property:
 - a. Cocktail lounges that are not primarily restaurants;
 - b. Automotive service stations;
 - c. Convenience stores;
 - d. Pawn shops;
 - e. Drive-in restaurants;
 - f. Laundromats;
 - g. Bottle clubs or private lounges;
 - h. Skating rinks;
 - i. Bowling alleys;
 - j. Video arcades and billiard parlors;
 - k. Liquor stores;
 - l. Hotels and motels;
 - m. Parking lots and garages.
- Billboards and pole signs shall be prohibited.



RZ-12-10-029

Analysis and Recommendations

Waivers:

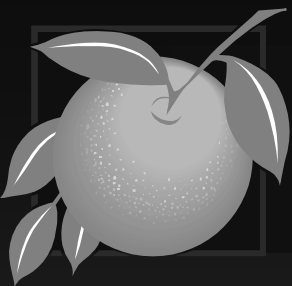
- **A waiver of Section 38-830(2) of the Orange County Code is granted to reduce the minimum lot size requirement from six thousand (6,000) square feet to five thousand eight hundred eighty-one (5,881) square feet.**
- **A waiver of Section 38-830(3) of the Orange County Code is granted to reduce the minimum lot width requirement from sixty (60) feet to fifty (50) feet.**



Today's Amendments

2012-2 Small Scale Cycle

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- FLUM Amendments with Substantial Change
 - 2012-2-S-1-2 and CDR-12-07-136 (TH/APT to VHD in Bridgewater)
 - 2012-2-S-1-4 and CDR-12-07-135 (GB to GHD – eagle's nest)



Board of County Commissioners

2012-2 Small Scale Privately Initiated Amendment

Case #: 2012-2-S-1-2

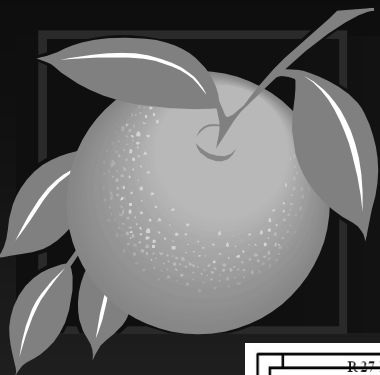
Agent/Owner: Lance Bennett, Poulos and Bennett, LLC for Citi Independence Builder, LLC

From: Horizon West Village of Bridgewater Specific Area Plan (SAP) – Townhome(TH)/ Apartment (APT) District

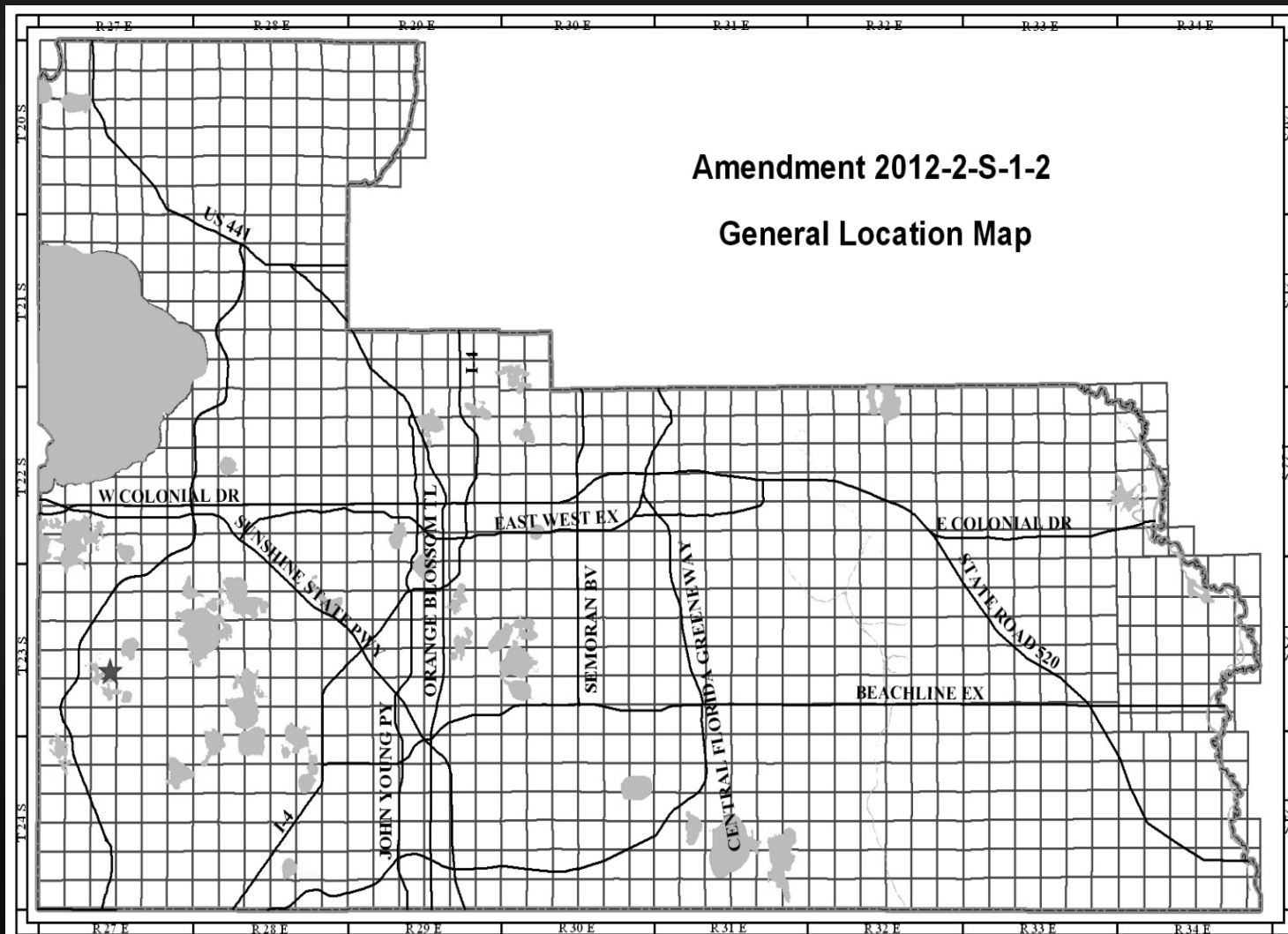
To: Horizon West Village of Bridgewater Specific Area Plan (SAP) – Village Home District (VHD)

Acreage: 6.49

Proposed use: 42 single family detached dwelling units



2012-2-S-1-2 & CDR-12-07-136 Location

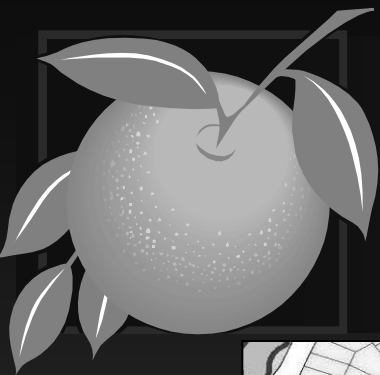




2012-2-S-1-2 & CDR-12-07-136

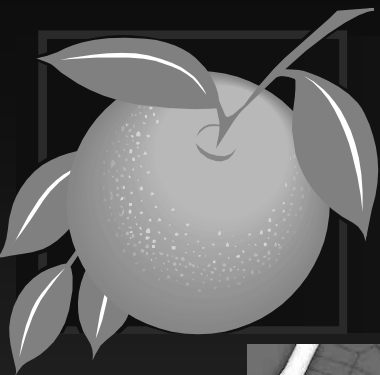
Aerial





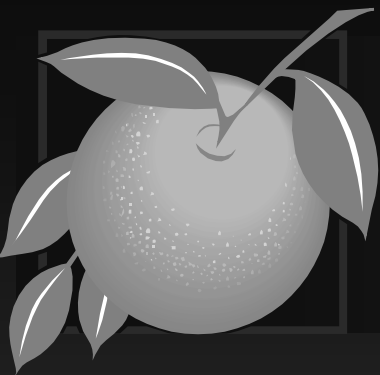
2012-2-S-1-2 & CDR-12-07-136 Future Land Use





2012-2-S-1-2 & CDR-12-07-136 Zoning



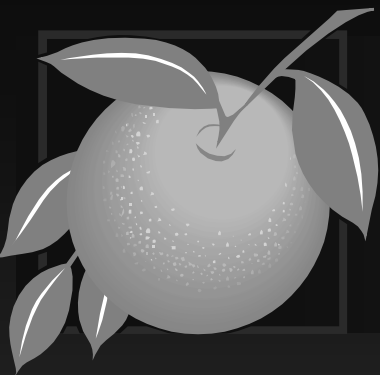


2012-2-S-1-2

Analysis and Recommendations

Comprehensive Plan Consistency

- **Policy FLU4.1.5.1 – provides for a mix of housing types**
- **Policies FLU4.1.1 and FLU4.5.4 – density decrease offset by recent increases**
- **Policy FLU4.5.12 – provide for a variety of lot sizes**



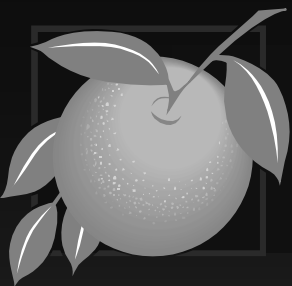
2012-2-S-1-2

Analysis and Recommendations

Staff Recommendation: Adopt

LPA Recommendation: Adopt

- **Make a finding of consistency with the Comprehensive Plan**
 - **Objective FLU8.2**
 - **Policies FLU4.1.1(c), FLU4.1.5, FLU4.1.5.1, FLU4.5.4, FLU4.5.10, FLU4.5.12, FLU8.2.1, and FLU8.2.11**
- **Determine that the amendment is in compliance, and**
- **Adopt Amendment 2012-2-S-1-2 (Horizon West TH/APT to VHD)**



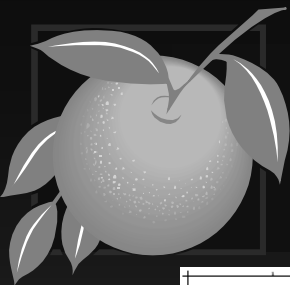
Board of County Commissioners

Substantial Change

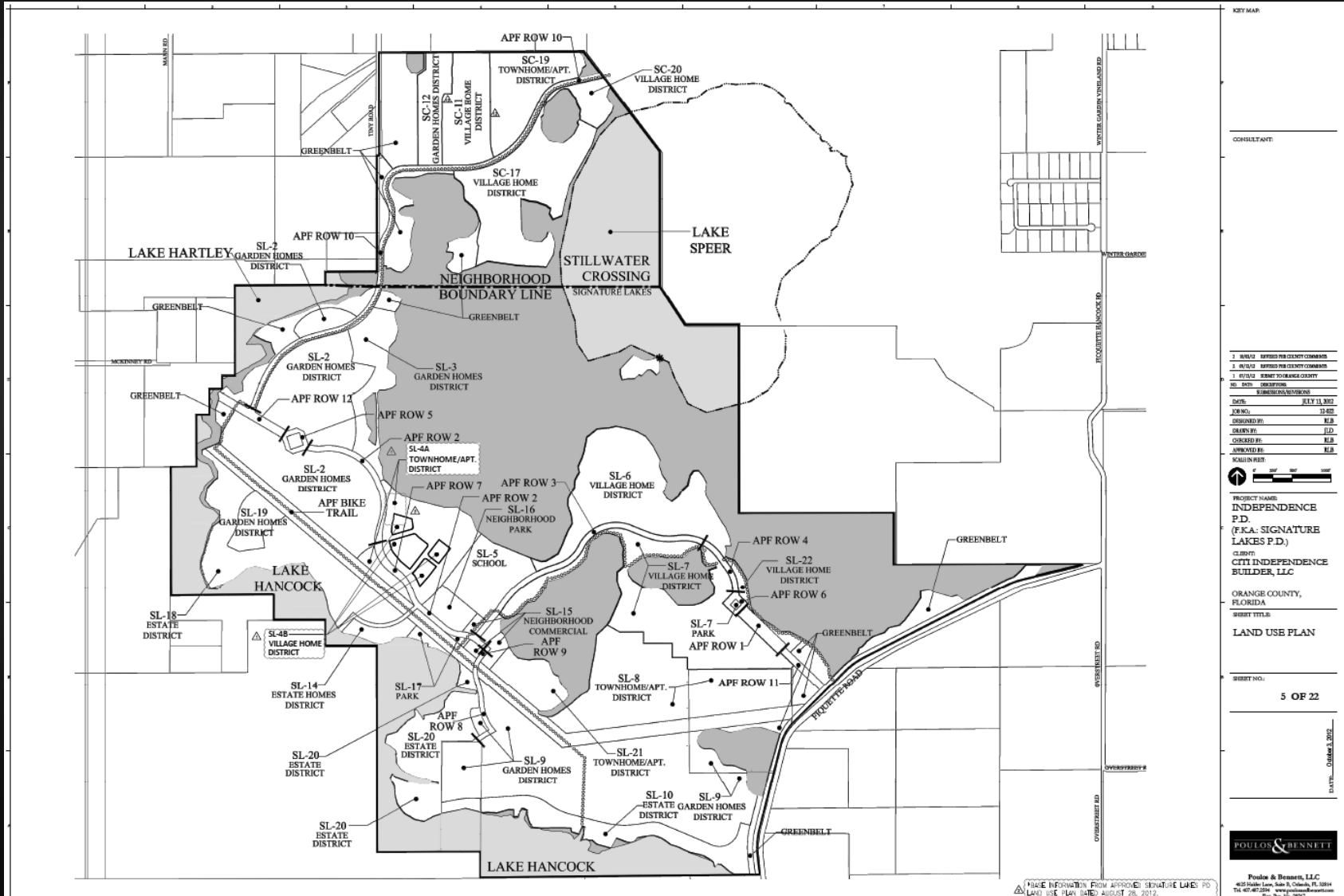
Case: CDR-12-07-136

Agent/Owner: Lance Bennett, Poulos and Bennett, LLC for Citi
Independence Builder, LLC

Request: Substantial Change to the Signature Lakes PD/LUP to reflect the proposed Future Land Use Map Amendment (FLUMA). The Orange County Development Review Committee (DRC) has reviewed this request and has issued a recommendation of approval, subject to seven (7) conditions.



Substantial Change – CDR-12-07-136

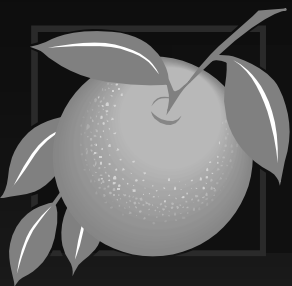




Substantial Change – CDR-12-07-136

DRC Recommendation

Make a finding of consistency with the Comprehensive Plan and APPROVE Substantial Change to the Signature Lakes Planned Development / Land Use Plan (PD/LUP), subject to the 7 conditions recommended by the DRC on September 26, 2012.



Substantial Change – CDR-12-07-136

DRC Conditions of Approval

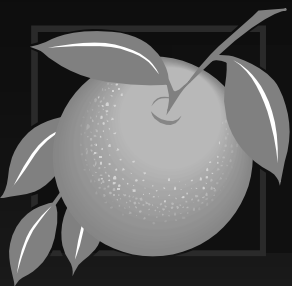
- 1. Development shall conform to the Signature Lakes PD Land Use Plan dated "Received October 5, 2012," and shall comply with all applicable federal, state and county laws, ordinances and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived 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, density and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state and county laws, ordinance 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 of this zoning and the land use plan dated "Received October 5, 2012," the condition of approval shall control to the extent of such conflict or inconsistency.**



Substantial Change – CDR-12-07-136

DRC Conditions of Approval cont.

- 2. The 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 at the public hearing where this development was approved, 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. 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 or approved.**



Substantial Change – CDR-12-07-136

DRC Conditions of Approval cont.

3. The following waivers are for Parcel SL-4B only:

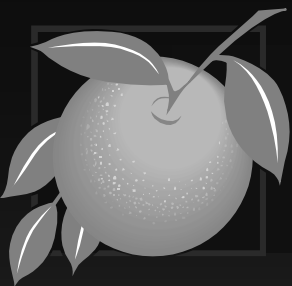
- a. A waiver from Section 38-1386(b)(2) is granted to decrease the minimum average lot size from 4,800 ~~6,000~~ square feet to 3,840 square feet for single-family lots less than 40'.**
- b. A waiver from Section 38-1386(b)(4) is granted to decrease the minimum lot width from 40' to 32' for single-family detached dwelling units.**
- c. A waiver from Section 38-1386(b)(8)(a) is granted to reduce the minimum front porch setback from 10' to 7' within lots less than 40' wide.**
- d. A waiver from Section 38-1386(b)(8)(b) is granted to decrease the minimum side building setback from 5' to 4' within the lots less than 40' wide.**



Substantial Change – CDR-12-07-136

DRC Conditions of Approval cont.

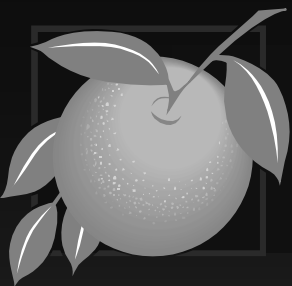
- 4. All previous applicable BCC Conditions of approval, dated August 28, 2012, shall apply:**
 - a. The following waivers shall apply only to Parcel SC-11:**
 - 1) A waiver from section 38-1386(b)(2) is granted to decrease the minimum average lot size from 4,800 square feet to 3,500 square feet;**
 - 2) A waiver from Section 38-1386(b)(4) is granted to decrease the minimum lot width from 40 feet to 32 feet;**
 - 3) A waiver from Section 38-1389(b)(8)(a) is granted to reduce the minimum front porch setback from 10 feet to 7 feet;**
 - 4) A waiver from Section 38-1386(b)(8)(b) is granted to decrease the minimum side building setback from 5 feet to 4 feet for lots less than 40 feet wide; and**
 - 5) A waiver from Section 38-1384(c) is granted to allow for an average block length of 350 feet in lieu of 300 feet, where lot widths less than 60 feet are proposed.**



Substantial Change – CDR-12-07-136

DRC Conditions of Approval cont.

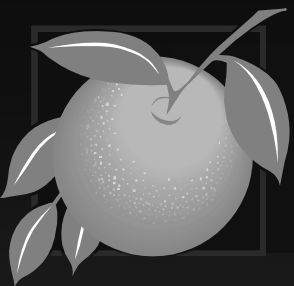
- 5. All previous applicable BCC Conditions of Approval dated October 23, 2007 shall apply:**
 - a. The following waivers shall apply only to Parcel SL-4:**
 - 1) A waiver from Section 38-1258(a), which requires that the maximum building height be restricted to 1 story when within 100 feet of single-family residences is granted.**
 - 2) A waiver from Section 38-1258(e), to allow parking for multi-family to be less than 25 feet from single-family residences and to require a 25-foot Type C landscape buffer is granted.**
 - 3) A waiver from Section 38-1258(f), which requires a 6-foot-high masonry, brick, or block wall between multi-family and single-family residences, is granted.**
 - 4) A waiver from Section 38-1258(g), to allow multi-family to directly access a right-of-way serving single-family residences is granted.**
 - 5) A waiver from Section 38-1258(i), which requires the multi-family tract to be fenced when directly across from single-family residences is granted.**



Substantial Change – CDR-12-07-136

DRC Conditions of Approval cont.

- 6. All previous applicable Conditions of Approval shall apply:**
 - a. The developer shall obtain water, reclaimed water, and wastewater from Orange County subject to County rate resolutions and ordinances.**
 - b. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master utility and stormwater plans for this PD.**
 - c. The right-of-way shall be conveyed to Orange County prior to the completion of Phase 1D.**
 - d. Prior to construction plan approval, a master stormwater management plan and a drainage study to establish the 100-year flood elevation for Lake Hartley shall be submitted to the Development Engineering Division for review and approval.**
 - e. Pole signs and billboards shall be prohibited.**
 - f. All commercial development shall comply with the Commercial Design Standards Ordinance and the scale and character of the Village.**



Substantial Change – CDR-12-07-136

DRC Conditions of Approval cont.

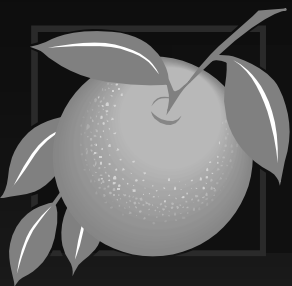
- g. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing Covenants, Conditions, and Restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneously with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:**
- 1) The same front façade for single-family residential units may not be repeated more than 5 times within 1 block length for both sides of any street and shall be separated by at least 2 units with different facades.**
 - 2) House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed 40 feet in length, except for wings of "L's," which setback from the façade.**
 - 3) In no case shall more than 50 percent of the front façade of a house consist of an unobstructed block wall or garage door.**
 - 4) At least 50 percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of 7 feet in depth and cover a minimum of 10 feet in width or 1/3 of the front façade, whichever is greater.**



Substantial Change – CDR-12-07-136

DRC Conditions of Approval cont.

- 5) Flat roofs shall be prohibited.**
- 6) Unless otherwise prohibited by the CC&R's, fencing in the front yard shall be located within 3 feet of the sidewalk to define the separation of public and private spaces. Such fences shall be no higher than 3 feet, 6 inches and limited to decorative wrought iron or wood picket style.**
- 7) The provision of the CC&Rs incorporating the above-referenced requirements shall not be amended, removed, or suspended without the prior approval of the Board of County Commissioners (BCC), which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect.**
- 8) Furthermore, the CC&Rs shall provide that the homeowners' association and any person owning property in the development have the right to enforce these requirements in the event they are violated.**
- 9) Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces Orange County ordinances and regulations.**



Substantial Change – CDR-12-07-136

DRC Conditions of Approval cont.

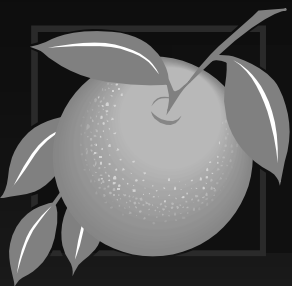
- h. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Bridgewater Village. Utilities infrastructure shall be built connecting to the proposed 24-foot reclaimed water main at Ficquette Road to the 24-foot water main on C.R. 535 and the 16-inch force main on Ficquette Road. These connection points may be modified at time of construction plan approval.**
- i. Master water, reclaimed water, and wastewater plans, including preliminary calculations, shall be approved prior to approval of construction plans.**
- j. The following Education Conditions of Approval shall apply:**
 - 1) Developer shall comply with all provisions of the Public Education Agreement (PEA) entered into with the Orange County School Board as of May 31, 2003, dates referencing all of the school enhancement agreements that have already been adopted: June 3, 2002, original Signature Lakes Agreement with amendment on July 8, 2003, and second agreement on June 4, 2003.**



Substantial Change – CDR-12-07-136

DRC Conditions of Approval cont.

- 2) Upon the County's receipt of written notice from Orange County Public Schools (OCPS) that the developer is in default or breach of the PEA, the County shall immediately cease issuing building permits for any residential units in excess of the 134 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon OCPS' written notice to the County that the developer is no longer in breach or default of the PEA. The developer and its successor or assign under the PEA, 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, or its successor or assign under the PEA, 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 property rights.**
- 4) Orange County shall be held harmless by the developer and its assigns under the PEA, in any dispute between the developer and OCPS over an interpretation or provision of the PEA.**



Substantial Change – CDR-12-07-136

DRC Conditions of Approval cont.

- k. Any proposals for apartments shall be processed through the Board of Zoning Adjustment (BZA) for special exception in accordance with Orange County Code 38-1387(3). Townhomes in the Village Home District shall also require BZA approval. As a prerequisite to granting any special exception for apartments, the developer shall present design guidelines that include, at a minimum, elevations, block length, and other aesthetic requirements and conditions of the special exception, if approved, shall incorporate the design guidelines.**
- l. Of the 1,107 residential units allowed in the Townhouse/Apartment District, no more than a maximum of 550 units in the entire PD may be operated commercially as residential units. In addition, under no circumstances, shall any parcel within the PD designated as Townhomes/Apartment District have more than 300 rental apartments.**
- m. Short-term rental of any townhouse shall be prohibited.**
- n. A Municipal Service Taxing Unit shall be established for all recreational trails in excess of 5 feet.**
- o. Outside storage and display shall be prohibited.**



Substantial Change – CDR-12-07-136

DRC Conditions of Approval cont.

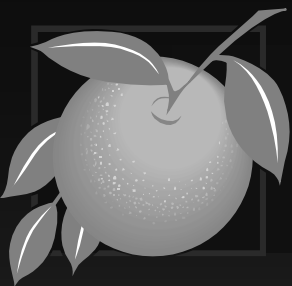
- 7. All previous applicable BCC Conditions of Approval dated July 18, 2006 shall apply:**
 - a. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County. The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.**
 - b. A waiver from Section 38-1258(h) to allow shared recreational facilities between multi-family development and single-family developments is granted.**
 - c. The recreation facilities shall be designated on the applicable plat as a Common Area to be owned and maintained by Independence Community Association, Inc., with the costs of operation and maintenance thereof to be assessed proportionately among the owners of residential dwellings in the community, in accordance with the terms of the Master Declaration for Independence.**



Substantial Change – CDR-12-07-136

Action Requested

Find the request consistent with the Comprehensive Plan and approve the substantial change to the Signature Lakes PD Land Use Plan dated "Received October 5, 2012," subject to the 7 conditions as stated in the staff report.



Board of County Commissioners

2012-2 Small Scale Privately Initiated Amendment

Case #: 2012-2-S-1-4

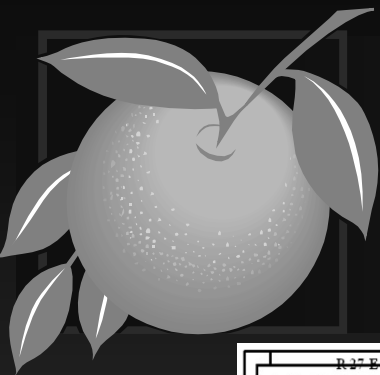
Agent/Owner: Lance Bennett, Poulos and Bennett, LLC for VF
Horizon Investments, LLC

From: Horizon West Village F Specific Area Plan (SAP) –
Greenbelt (GB) (Eagle's Nest Protection Zone)

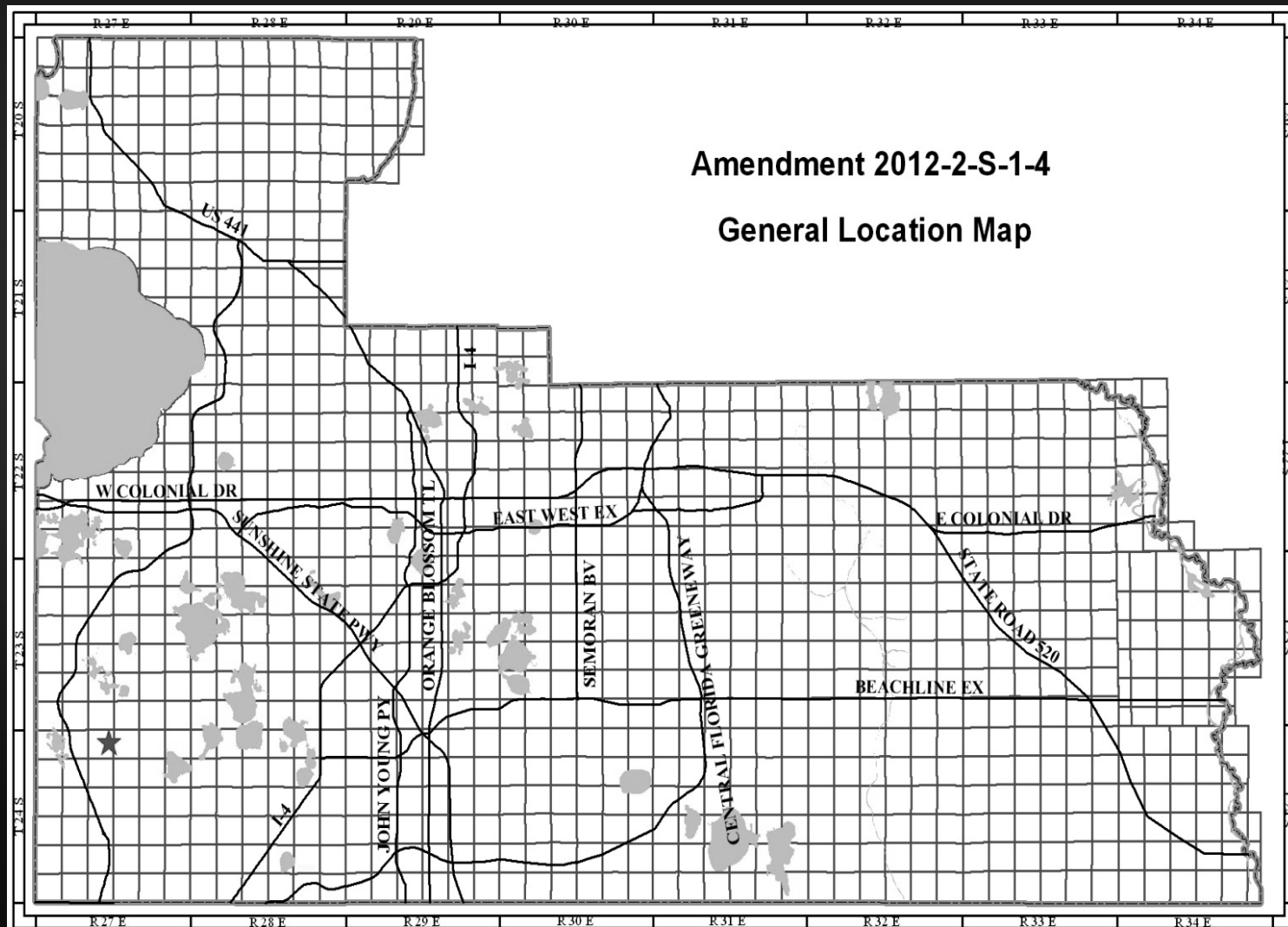
To: Horizon West Village F Specific Area Plan (SAP) –
Garden Home District (GHD)

Acreage: 9.90

Proposed use: 32 single family detached dwelling units



2012-2-S-1-4 & CDR-12-07-135 Location

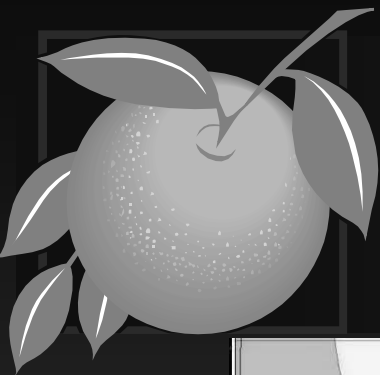




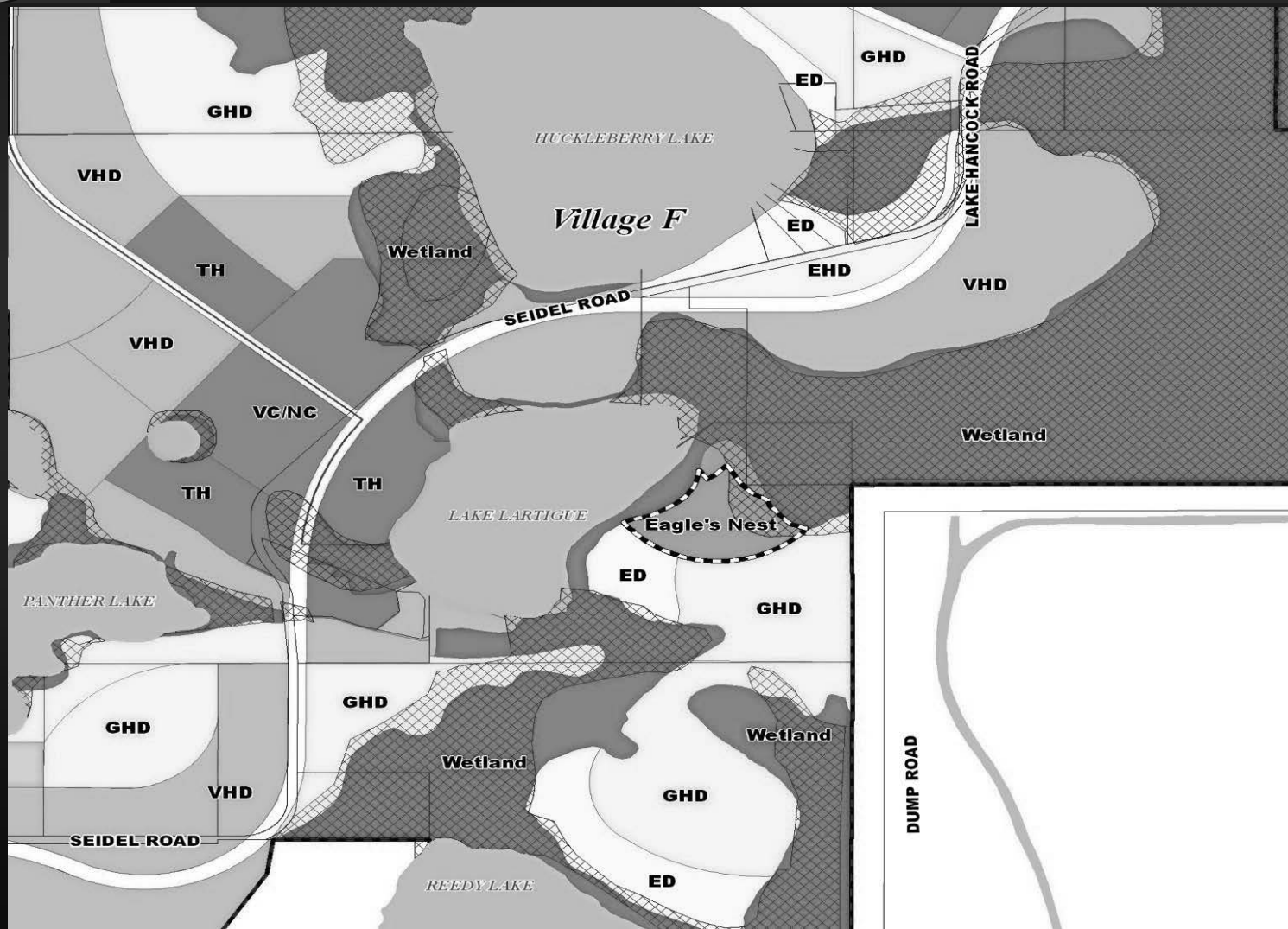
2012-2-S-1-4 & CDR-12-07-135

Aerial





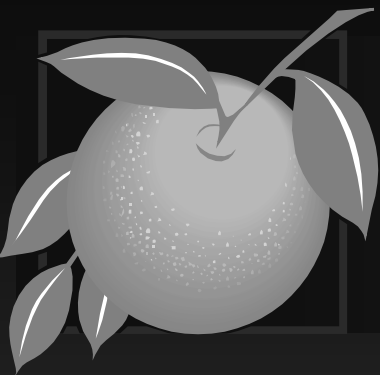
2012-2-S-1-4 & CDR-12-07-135 Future Land Use





2012-2-S-1-4 & CDR-12-07-135 Zoning





2012-2-S-1-4

Analysis and Recommendations

Comprehensive Plan Consistency

- **Policy FLU4.1.1 – provides for a mix of housing types**
- **Policy FLU4.17.6 – TDRs used to transfer units to site**
- **Eagle's nest**
 - **Identified in a cursory field observation in 2006**
 - **Site-specific Wildlife Assessment Report in 2012 shows no eagle nests within 1 mile of site**



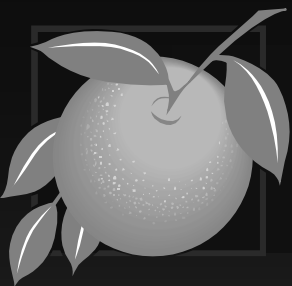
2012-2-S-1-4

Analysis and Recommendations

Staff Recommendation: Adopt

LPA Recommendation: Adopt

- **Make a finding of consistency with the Comprehensive Plan**
 - **Objective FLU 8.2**
 - **Policies FLU1.4.1, FLU1.4.2, FLU4.1.1(C), FLU4.1.11, FLU4.17.4, FLU4.17.6, FLU4.17.14, and FLU8.2.11**
- **Determine that the amendment is in compliance, and**
- **Adopt Amendment 2012-2-S-1-4 (Horizon West Village F, GB – Eagle's Nest Protection Zone to GHD)**



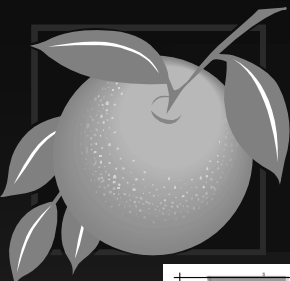
Board of County Commissioners

Substantial Change

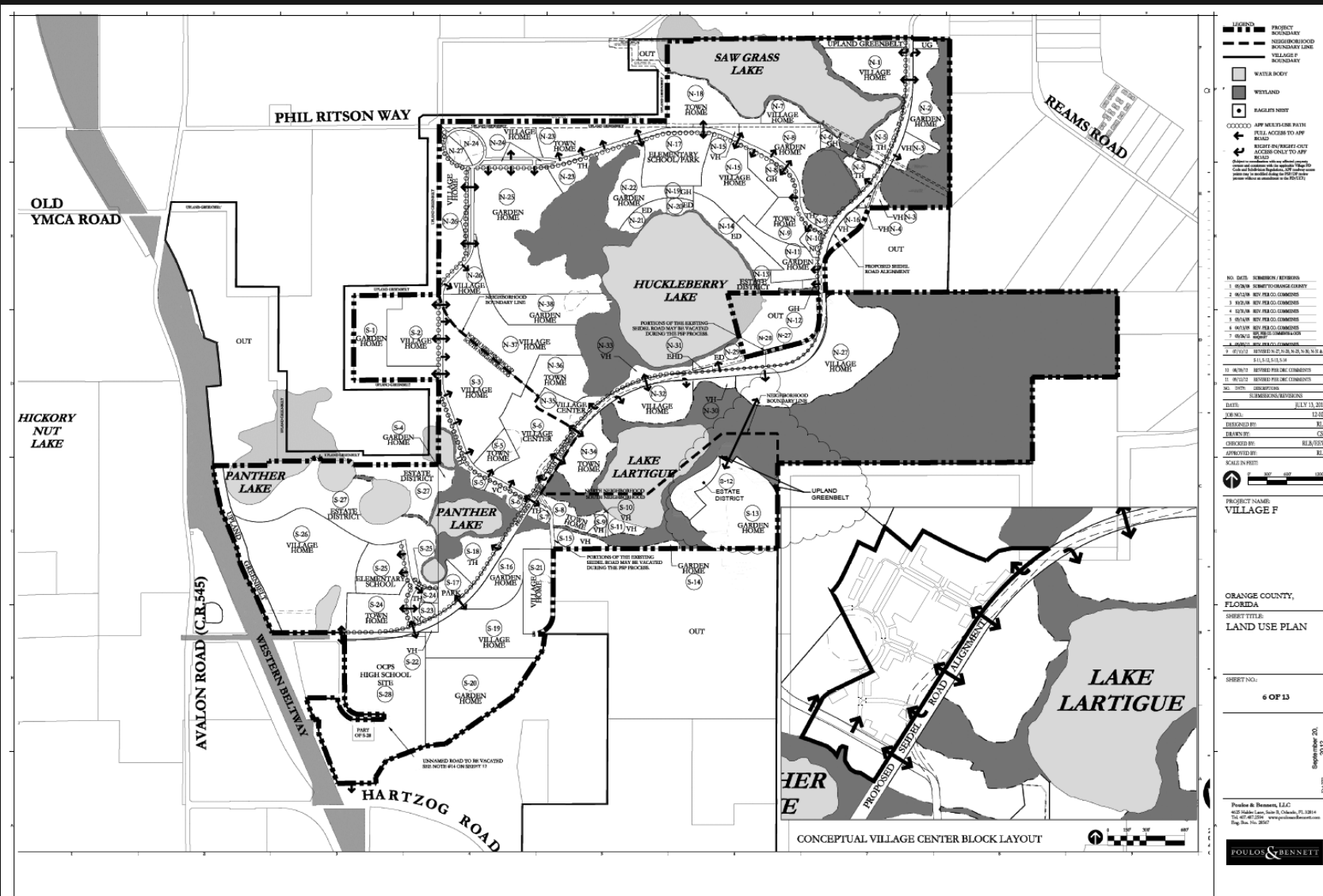
Case: CDR-12-07-135

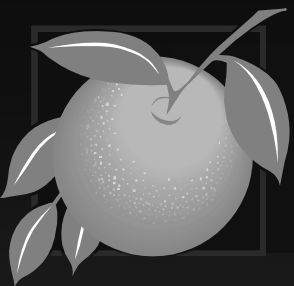
Agent/Owner: Lance Bennett, Poulos and Bennett, LLC for VF Horizon Investments, LLC

Request: Substantial Change to the Village F Master PD/LUP to reflect the proposed Future Land Use Map Amendment (FLUMA). The Orange County Development Review Committee (DRC) has reviewed this request and has issued a recommendation of approval, subject to 7 conditions.



Substantial Change – CDR-12-07-135





Substantial Change – CDR-12-07-135

DRC Recommendation

Make a finding of consistency with the Comprehensive Plan and approve CDR-12-07-135, a substantial change to the Village F Master Planned Development / Land Use Plan (PD/LUP), subject to the 7 conditions recommended by the DRC on September 12, 2012.



Substantial Change – CDR-12-07-135

DRC Conditions of Approval

1. Development shall conform to the Village F Master Signature-Lakes PD Land Use Plan dated "Received September 24, 2012," 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, density and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state and county laws, ordinance 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 of this zoning and the land use plan dated "Received September 24, 2012," the condition of approval shall control to the extent of such conflict or inconsistency.



Substantial Change – CDR-12-07-135

DRC Conditions of Approval cont.

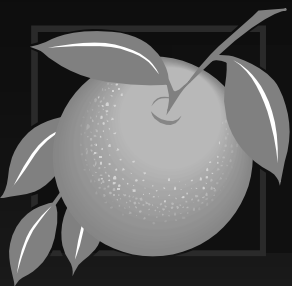
- 2. The project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise 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. 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 or approved.**
- 3. Prior to any PSP or DP approval for PD Parcels N-23 through N-27, an agreement shall be executed to address required right-of-way dedication for Phil Ritson Way.**
- 4. Prior to any PSP or DP approval, a road agreement shall be executed to address required right-of-way dedication for Seidel Road.**



Substantial Change – CDR-12-07-135

DRC Conditions of Approval cont.

- 5. Access locations and roads that impact wetlands and rare uplands are only approximations and are not approved with this plan. The exact location will have to consider minimization and avoidance of wetland impact and rare habitat and will be determined during the Orange County conservation area determination and impact permit process.**
- 6. All previous applicable BCC Conditions of Approval, dated August 28, 2012 shall apply, unless otherwise replaced by new Conditions of Approval (as noted):**
 - a. All acreages regarding 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.**
 - b. No activity will be permitted within the boundaries of the site that may disturb, influence or interfere with: areas of soil or groundwater contamination, remediation activities, or within the hydrological zone of influence of the contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection. Such approval may include, but is not limited to: an FDEP No Further Action letter, Site Rehabilitation Completion Order (SRCO), or documentation of specific permission from FDEP. Such documentation shall be provided to the Environmental Protection Division of Orange County.**



Substantial Change – CDR-12-07-135

DRC Conditions of Approval cont.

- c. Neither potable wells nor irrigation using local groundwater will be allowed on sites where identified soil or groundwater contamination has been documented.**
- d. On properties where contamination has been documented, the covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that the property has been identified with soil and groundwater contamination and shall state the status of the resulting remediation.**
- e. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.**
- f. A Master Utility Plan (MUP) for Village F PD shall be submitted to Orange County Utilities prior to the approval of the first Preliminary Subdivision Plan/Development Plan. The MUP must be approved prior to construction plan approval.**
- g. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Village F Master Utilities Plan (MUP).**



DRC Conditions of Approval cont.

- h. Prior to construction plan approval, all property owners within Village F, 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 size for Village requirements are constructed.**
 - i. Tree removal/Earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.**
 - j. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5 and Section 38-1389(d)(5).**
- 7. All previous applicable BCC Conditions of Approval, dated September 15, 2009 shall apply, unless otherwise replaced by the new Conditions of Approval above (as noted):**
 - a. Final configuration of the Parcel N-17 Elementary School / Park site shall be approved by both the Orange County Parks and Recreation Division and Orange County Public Schools.**



Substantial Change – CDR-12-07-135

DRC Conditions of Approval cont.

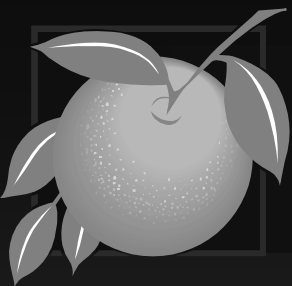
- b. There shall be a 20-foot fee simple access provided between the Parcel S-17 Park site and the Parcel S-25 Elementary School site.**
- c. A waiver from Section 38-1386(a)(2) is granted to allow Parcel N-33 to have structures and uses to serve civic (excluding education / daycare / telecommunication towers & fields) and non-commercial recreational needs without having to obtain Special Exception Approval from the Board of Zoning Adjustment.**
- d. The Garden Home and Village Home Districts shall contain a mix of single-family detached and single-family attached residences. The exact configuration of this mix shall be determined at the time of Preliminary Subdivision Plan review.**
- e. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.**
- f. A waiver from Section 38-1384(f)(1) is granted to allow each block face to contain one (1) distinct lot size in lieu of each block containing at least two (2) distinct lot sizes (excluding end units). This waiver shall apply only to block faces with five (5) or fewer lots.**



Substantial Change – CDR-12-07-135

DRC Conditions of Approval cont.

- g. The following Education Conditions of Approval shall apply:**
 - i. The Developer shall comply with all provision of Capacity Enhancement Agreements (CEAs) numbered 06-011-01, 06-011-02, 06-011-03, 06-011-05, 06-011-06-T2, 06-011-07, 06-011-08, 06-011-10, 06-011-12, 06-011-14, 06-011-15, and 06-011-16 entered into with the Orange County School Board (and Orange County) in November 2006 and recorded in the official records of the Orange County Comptroller.**
 - ii. 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 residential units allowed under the zoning existing prior to the approval of the PD zoning, as indicated in each of the CEAs listed above. The County shall 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.**



Substantial Change – CDR-12-07-135

DRC Conditions of Approval cont.

- iii. The Developer, or 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 the developer's rights.
 - iv. 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.
 - v. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
-
- h. The cross-section for Seidel Road is not approved with this plan. The final cross-section shall be designed to be pedestrian-oriented, with a maximum speed limit of thirty (30) miles per hour. The final design speed shall be reviewed and approved by the County Engineer.



Substantial Change – CDR-12-07-135

Action Requested

Find the request consistent with the Comprehensive Plan and approve the substantial change to the Village F Master Planned Development / Land Use Plan (PD/LUP) dated “Received September 24, 2012,” subject to the 7 conditions as stated in the staff report.



Action Requested

Ordinance

Make of finding of consistency with the Comprehensive Plan, determine that the amendments are in compliance, and adopt an Ordinance – consistent with today's actions – approving the proposed Future Land Use Map Amendments.



Board of County Commissioners

2012-2 Small Scale

Adoption Public Hearing

November 13, 2012