



## Interoffice Memorandum

DATE: August 31, 2022

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

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

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

SUBJECT: September 27, 2022 – Public Hearing  
Applicant: Clay Harris, Hamlin Retail, LLC  
Hamlin Planned Development – Unified Neighborhood Plan /  
Hamlin Reserve Preliminary Subdivision Plan / Hamlin Retail  
Development Plan  
Case #DP-22-02-072

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 10, 2022, to approve the Hamlin Planned Development – Unified Neighborhood Plan (PD-UNP) / Hamlin Reserve Preliminary Subdivision Plan (PSP) / Hamlin Retail Development Plan (DP) to construct a 9,830 square foot retail building on a total of 1.04 acres.

In addition, the following waivers from Orange County Code are being requested:

- a. A waiver from condition 163 of Section 38-79. Orange County Code to allow a fitness facility to be built at less than thirty thousand (30,000) square feet.
- b. A waiver from Section 38-1390.51 table 4-1 to allow 100% of the building to be located at the 20-foot front build-to-line in lieu of 10-foot build-to-line and up to 30% allowed at the 20-foot line.
- c. A waiver from Section 38-1390.53(a)(2) to allow decorative screen fencing as an alternative to the masonry knee wall along framework streets in lieu of providing a decorative masonry knee wall in accordance with the standards described in Section 38-1390.52(b)(3).

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

**ACTION REQUESTED:**    **Make a finding of consistency with the Comprehensive Plan and approve the Hamlin PD - UNP / Hamlin Reserve PSP / Hamlin Retail DP dated “July 1, 2022”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/JK/lme  
Attachments

**CASE # DP-22-02-072**

Commission District # 1

## **1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 10, 2022, to approve the Hamlin Planned Development – Unified Neighborhood Plan (PD-UNP) / Hamlin Reserve Preliminary Subdivision Plan (PSP) / Hamlin Retail Development Plan (DP) to construct a 9,830 square foot retail building on a total of 1.04 acres.

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## **2. PROJECT ANALYSIS**

- |                       |  |
|-----------------------|--|
| A. Location:          | North of Porter Road / West of Hamlin Groves Trail |
| B. Parcel ID(s):      | 29-23-27-2716-02-001, 29-23-27-2716-02-002         |
| C. Total Acres:       | 1.04 gross acres                                   |
| D. Water Supply:      | Orange County Utilities                            |
| E. Sewer System:      | Orange County Utilities                            |
| F. Schools:           | N/A  |
| G. School Population: | N/A  |
| H. Parks:             | N/A  |
| I. Proposed Use:      | 9,830 Square Foot Retail Building                  |
| J. Site Data:         | Maximum Building Height: 45'                       |

Building Setbacks:  
10' Front  
91' Rear  
10' Side

K. Fire Station: 44 – 16990 Porter Road

L. Transportation: A Road Network Agreement for Town Center East was approved by the Board of County Commissioners on December 6, 2011 and recorded at OR Book/Page 10306/1364. The Developer has obtained vested trips for the completion of construction for Hamlin Groves Trail and New Independence Parkway to four lanes. Right-of-Way for the road network has been dedicated to the County.

First Amendment to Town Center East Road Network Agreement ("First Amendment") between Orange County and SLF IV/Boyd Horizon West JV, LLC ("Developer") and Orlando Health Central, Inc. ("Orlando Health") was approved by the Board of County Commissioners on 7/10/2012 and recorded at ORBK 10411/ 0542 for the conveyance of Right-of-Way for the road network in Town Center. The First Amendment contemplates that the Orlando Health parcel will be included in the terms of the original agreement. Under the terms of the First Amendment, Orlando Health shall receive \$22,500 per acre in Road Impact Fee Credits for the dedication of 2.11-acre parcel for Hamlin Trail Right-of-Way for a total of \$47,450.00 in road impact fee credits. An additional 2.22-acre area of Right-of-Way for Porter Road will be donated to Orange County by Orlando Health at no cost to the County. Developer has assigned 650 Vested Trips to Orlando Health. Orlando Health has the option to complete the Phase 4 improvements. The First Amendment also acknowledges that Developer has acquired the Gleason Parcel which is now included in the definition of the Property.

The Second Amendment to Town Center East Road Network Agreement was approved by Board of County Commissioners on 3/15/2016 and recorded at Doc#20160137843 and adjusts the performance thresholds needed for vested trips to be allocated under the terms of the agreement and for the timing of award of transportation impact fee credits. RAC approved the Second Amendment on January 6, 2016.

Per Boyd Development, Trips will not be assigned to this Development through the Road Network Agreement. Thus, this Development will need to go through the CEL Proportionate Share process prior to permit approval.

Based on the concurrency management system dated March 8, 2022, there are multiple failing roadways within the project's impact area along Avalon Road from Schofield Road to New Independence Parkway. This information is dated and subject to change.

Transportation Concurrency requirement is required for future development. The property owner has submitted a Capacity Encumbrance Letter application (CEL-21-12-106).

### **3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V). The Subject Property is designated PD (Hamlin PD -UNP) on the Zoning Map. The request appears to be consistent with the comprehensive plan.

### **4. ZONING**

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

### **5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Hamlin Planned Development - Unified Neighborhood Plan; Orange County Board of County Commissioners (BCC) approvals; Hamlin Reserve Preliminary Subdivision Plan; BCC approvals; Hamlin Retail Development Plan dated "Received July 1, 2022" and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the

plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this development plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

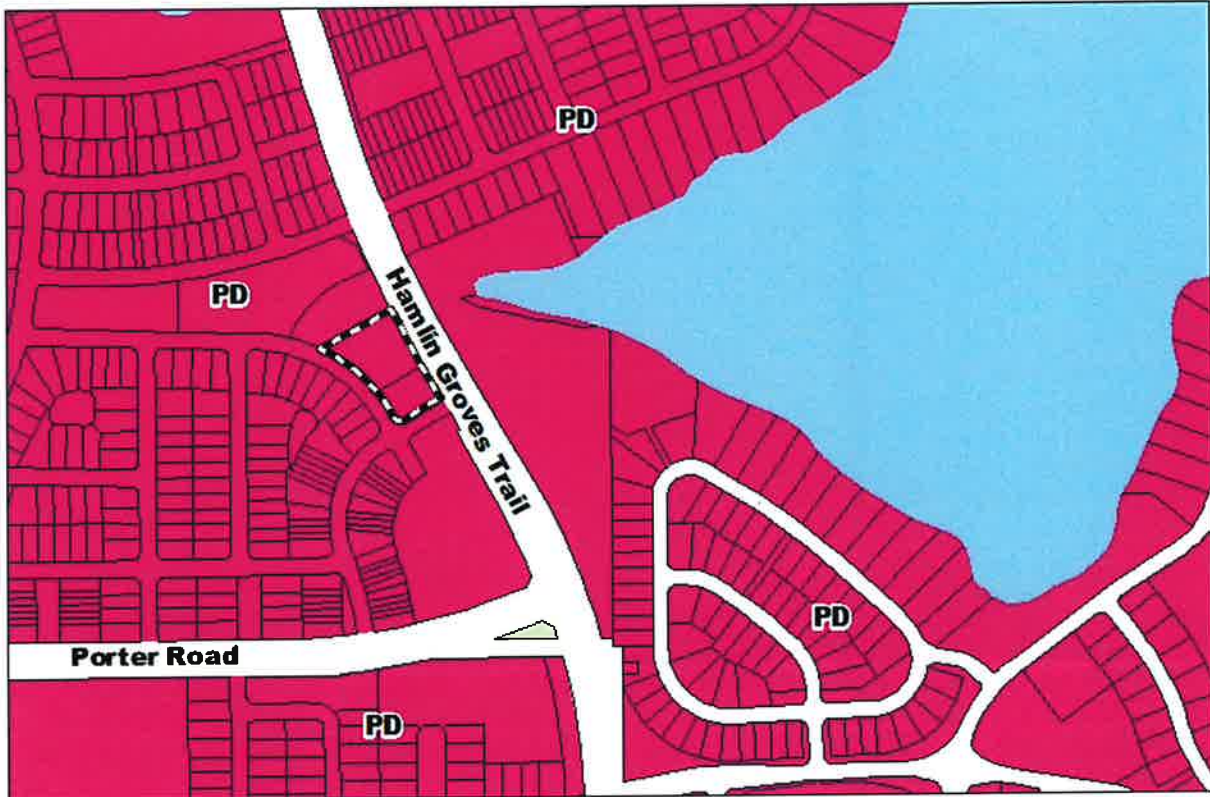
6. Development plan (DP) approval by the DRC (or BCC, as applicable), shall automatically expire if construction plans are required and have not been submitted and approved within two (2) years from DP approval; if construction plans are not required, such DP shall expire two (2) years from approval unless a building permit has been obtained within such two-year period. The foregoing notwithstanding, the DRC may, upon good cause shown, grant successive one (1) year extensions to the expiration date of a DP if the developer makes written request to the DRC chair prior to the expiration date.
7. A mandatory pre-application/sufficiency review meeting for the plat/replat shall be required prior to plat submittal and concurrent with construction plan submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the preapplication/ sufficiency review meeting prior to formal submittal of the plat to the County.
8. Unless otherwise allowed by County Code, the property shall be replatted prior to the issuance of any vertical building permits.
9. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and ponds have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD
10. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
11. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
12. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
13. The project shall comply with the terms and conditions of that certain Town Center East Road Network Agreement approved on December 6, 2011, and recorded at OR Book/Page 10306/1364, Public Records of Orange County, Florida, as may be amended.

14. 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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development 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.
15. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the DP, and that construction plans are consistent with an approved and up-to-date Master Utility Plan for the PD.
16. Outside sales, storage, and display shall be prohibited.
17. Pole signs and billboards shall be prohibited. All other signage shall comply with approved master sign plan or Chapter 31.5 where applicable.
18. The following waivers from Orange County Code are granted:
  - a. A waiver from condition 163 of Section 38-79. Orange County Code to allow a fitness facility to be built at less than thirty thousand (30,000) square feet.
  - b. A waiver from Section 38-1390.51 table 4-1 to allow 100% of the building to be located at the 20-foot front build-to-line in lieu of 10-foot build-to-line and up to 30% allowed at the 20-foot line.
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## Zoning Map

DP-22-02-072



 Subject Property



 Subject Property

### Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Clay Harris, Hamlin Retail LLC

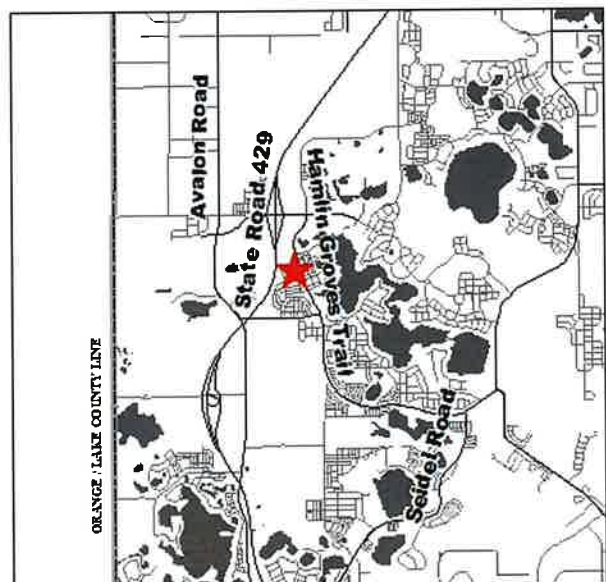
LOCATION: North of Porter Road / Hamlin Groves Trail

TRACT SIZE: 1.04 gross acres

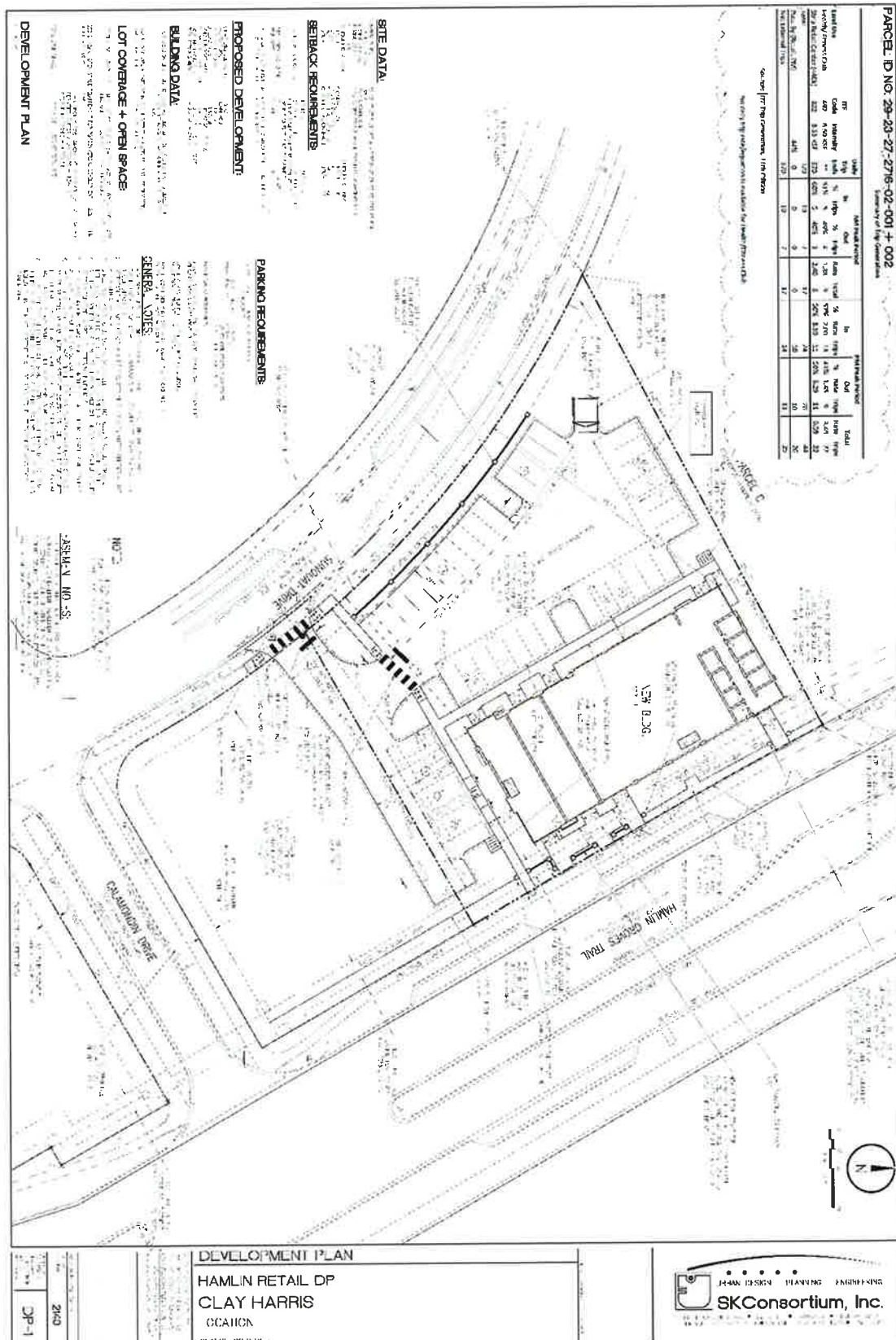
DISTRICT: # 1

S/T/R: 29/23/27

1 inch = 500 feet



## Site Plan Sheet



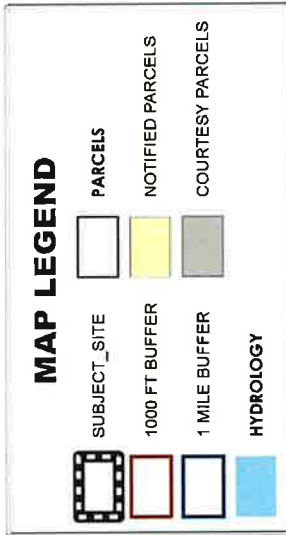


## Notification Map

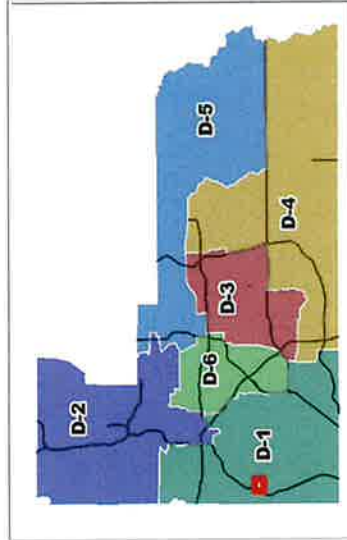


# Public Notification Map

Hamlin PD - UNP Hamlin Reserve PSP Hamlin Retail DP-22-02-072



**BUFFER DISTANCE: 1000**  
**# OF NOTICES: 540**



S:\Business Systems\Board Administration\5. SUBSTANTIAL CHANGE\2022\02\072\Hamlin PD - UNP Hamlin Reserve PSP Hamlin Retail DP-22