



Interoffice Memorandum

February 28, 2023

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

FROM: Timothy L. Boldig, Interim 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: March 21, 2023 – Public Hearing
Scott M. Gentry, Kelly, Collins & Gentry, Inc.
Hamlin Southwest PD - UNP Planned Development
Case # LUPA-21-12-393 / District 1
(Related to APF-22-11-337 - Consent Item)

The Hamlin Southwest PD - UNP Planned Development (PD) is located north of Porter Road and west of State Road 429. The applicant is seeking to to rezone 1.65 acres from A-1 to PD to be added to the PD in the CCM-10B (Corporate Campus Mixed-Use Parcel 10B) district, and to remove 1.54 acres for the future Orange County fire station and 1.24 acres of Adequate Public Facility (APF) right-of-way that was previously dedicated. The acreage changes result in a decrease of the overall acreage for the PD from 78.96 acres to 77.83 acres. This request also includes the transfer of 150,000 non-residential square feet from the Silverleaf PD which will be added to the CCM-10b district as well as a transfer of 1.08 APF credits from the Hamlin West PD. In addition, one waiver from Orange County Code is requested 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.

On January 19, 2023, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was not required for this application.

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 Hamlin Southwest PD - UNP Planned Development / Land Use Plan (PD/LUP) dated “Received December 5, 2022”, subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1

TLB/JK:js

Attachments

GENERAL INFORMATION

APPLICANT	Scott M. Gentry, Kelly, Collins & Gentry, Inc.
OWNER	SLF IV/BOYD HORIZON WEST JV, LLC
PROJECT NAME	Hamlin Southwest PD - UNP Planned Development (PD)
HEARING TYPE	Planned Development / Land Use Plan (PD / LUP)
REQUEST	A-1 (Citrus Rural District) to PD (Planned Development District)

A request to rezone 1.65 acres from A-1 to PD to be added to the PD in the CCM-10B (Corporate Campus Mixed-Use Parcel 10B) district, and to remove 1.54 acres for the future Orange County fire station and 1.24 acres of Adequate Public Facility (APF) right-of-way that was previously dedicated. The acreage changes result in a decrease of the overall acreage from 78.96 acres to 77.83 acres. This request also includes the transfer of 150,000 non-residential square feet from the Silverleaf PD which will be added to the CCM-10b district as well as a transfer of 1.13 APF credits from the Hamlin West PD.

The request also includes the following waiver from Orange County Code:

1. A waiver from Section 38-1390.53(a)(2) is requested 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.

Applicant Justification: This waiver matches many of the other developments in the area and allows for a consistent landscape theme that has been established in throughout the Hamlin projects.

LOCATION	Generally located North of Porter Road / West of State Road 429
PARCEL ID NUMBERS	19-23-27-5840-12-110; 29-23-27-2700-00-001; 20-23-27-2710-02-000; 20-23-27-2710-01-000; 20-23-27-2710-19-042; 20-23-27-2710-19-041
TRACT SIZE	1.65 acres (proposed rezoning from A-1 to PD) 77.83 acres (Overall PD)

PUBLIC NOTIFICATION The notification area for this public hearing was 900 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four hundred ninety-three (493) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.

PROPOSED USE Updating non-residential and residential acreages, rezoning, and APF transfer of credits.

STAFF RECOMMENDATION

Development Review Committee – (November 16, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hamlin Southwest PD - UNP Planned Development / Land Use Plan (PD/LUP), dated "Received December 5, 2022", subject to the following conditions:

1. Development shall conform to the Hamlin Southwest Planned Development - Unified Neighborhood Plan Land Use Plan Amendment (LUPA) dated "Received December 5, 2022," 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 December 5, 2022," 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, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The project shall comply with the terms and conditions of that certain Hamlin West Amended and Restated Road Network Agreement approved on August 7, 2018 and recorded at DOC NUMBER 20180482220, Public Records of Orange County, Florida, as may be amended.
7. All right-of-way required from this property for the Avalon Road Expansion and New Independence Parkway shall be conveyed to Orange County prior to DP/PSP approval on Parcel 19-23-27-0000-00-023.
8. No vertical permits shall be issued in an area encumbered by a drainage easement dedicated to Orange County or to the perpetual use of the public, unless otherwise approved by the County.

9. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
10. Pole signs and billboards shall be prohibited, all other signage shall comply with Section 31.5-194, Horizon West Town Center.
11. A waiver from Orange County Code Section 38-1390.53(a)(2) is granted 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.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 14, 2020 shall apply:
 - a. 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.
 - b. The following waivers from Orange County Code are requested:
 - i. 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.
 - ii. 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.
 - iii. 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.
 - iv. 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.

- v. 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.
- vi. 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.
- vii. 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.
- viii. 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.
- ix. 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.
- x. 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.
- xi. 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.

- xii. 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.
 - xiii. 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.
 - xiv. 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.
 - xv. 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.
 - xvi. 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.
13. 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. 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.
- l. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
- m. 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.

IMPACT ANALYSIS

Overview

The Hamlin Southwest PD was originally approved August 7, 2018, with a development program consisting of residential uses. Today, the PD is approved for a development program consisting of 317 single-family attached and detached residential dwelling units and 154,817 square feet of non-residential uses.

Through this request, the applicant is seeking to rezone 1.65 acres from A-1 to PD to be added to the PD in CCM-10B, and to remove 1.54 acres for the future Orange County fire station and 1.24 acres of APF ROW that was previously dedicated. The acreage changes result in a decrease of the overall acreage from 78.96 ac to 77.83 ac. This request also includes the transfer of 150,000 non-residential square feet from the Silverleaf PD which will be added to the CCM-10b district as well as a transfer of 1.13 APF credits from the Hamlin West PD. In the area that is added to the PD there will be one right in right out access from Avalon Road.

The applicant is also seeking approval of a waiver 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.

Land use Compatibility

The proposed development program is compatible with existing development in the area and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Village. The proposed zoning is PD and the project is located within the Hamlin Southwest Unified Development Plan. The proposed PD zoning district and development program is consistent with the Village FLUM designation, therefore a CP amendment is not necessary. Additionally, the request is consistent with the following CP provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or

conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: A-1 (Citrus Rural District); PD (Planned Development) E: A-1 (Citrus Rural District); PD (Planned Development) W: A-1 (Citrus Rural District); PD (Planned Development) S: PD (Planned Development)
Adjacent Land Uses	N: Undeveloped Land; proposed residential use E: Undeveloped Land W: County Utilities S: Undeveloped Land

APPLICABLE PD DEVELOPMENT STANDARDS

Multi-family Standards

Maximum Building Height: 65 feet (5 stories); 45 feet (3 stories) townhomes and single-family

Minimum Lot Depth: 100 feet / 110 feet with alley

Minimum Lot Width: 125 feet

Minimum Living Area: 500 Square Feet (under HVAC)

Minimum Building Setbacks

Front Setback: 10 feet

Rear Setback: 20/14 feet

Side Setback: 10 feet

SPECIAL INFORMATION

Community Meeting Summary

A community meeting was not required for this request.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone

Environmental

Environmental Protection Division (EPD) staff has reviewed the proposed request and did not identify any issues or concerns.

Transportation / Access

All right-of-way required from this property for the Avalon Road Expansion and New Independence Parkway shall be conveyed to Orange County prior to DP/PSP approval on Parcel 19-23-27-0000-00-023.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaim Water:	Orange County Utilities

Schools

Orange County Public Schools (OCPS) reviewed the request and did not identify any issues or concerns.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the Change Determination Request and 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.

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested PD (Planned Development District) zoning, subject to thirteen (13) conditions.

Staff indicated that four hundred ninety-three (493) notices were sent to an area extending beyond 900 feet from the subject property, with over fifteen (15) responses in opposition received. Those in opposition expressed concern with transfer of credits, change of

nonresidential uses to residential, traffic, overcrowding of schools. The applicant was present and agreed with the DRC recommendation.

Following a brief discussion, a motion was made by Commissioner Boers to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the Hamlin Southwest PD - UNP Planned Development / Land Use Plan (PD/LUP) dated "Received December 5, 2023", subject to the thirteen (13) conditions listed in the staff report. Commissioner Fernandez seconded the motion, which was then carried on a 6-0 vote, with Commissioner Pavon abstaining from voting due to a conflict of interest.

Motion / Second	David Boers / <i>Eddie Fernandez</i>
Voting in Favor	6
Voting in Opposition	0
Absent	<i>Nelson Pena, Michael Arrington</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (January 19, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hamlin Southwest PD - UNP Planned Development / Land Use Plan (PD/LUP), dated "Received December 5, 2022", subject to the following conditions:

1. Development shall conform to the Hamlin Southwest Planned Development - Unified Neighborhood Plan Land Use Plan Amendment (LUPA) dated "Received December 5, 2022," 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 December 5, 2022," 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, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The project shall comply with the terms and conditions of that certain Hamlin West Amended and Restated Road Network Agreement approved on August 7, 2018 and recorded at DOC NUMBER 20180482220, Public Records of Orange County, Florida, as may be amended.

7. All right-of-way required from this property for the Avalon Road Expansion and New Independence Parkway shall be conveyed to Orange County prior to DP/PSP approval on Parcel 19-23-27-0000-00-023.
8. No vertical permits shall be issued in an area encumbered by a drainage easement dedicated to Orange County or to the perpetual use of the public, unless otherwise approved by the County.
9. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
10. Pole signs and billboards shall be prohibited, all other signage shall comply with Section 31.5-194, Horizon West Town Center.
11. A waiver from Orange County Code Section 38-1390.53(a)(2) is granted 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.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 14, 2020 shall apply:
 - c. 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.
 - d. The following waivers from Orange County Code are requested:
 - xvii. 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.
 - xviii. 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.
 - xix. 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.

- xx. 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.
- xxi. 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.
- xxii. 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.
- xxiii. 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.
- xxiv. 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.
- xxv. 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.

- xxvi. 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.
 - xxvii. 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.
 - xxviii. 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.
 - xxix. 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.
 - xxx. 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.
 - xxxi. 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.
 - xxxii. 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.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 7, 2018, shall apply:
- n. 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.

- o. The following Education Condition of Approval shall apply:
 - 6) 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.
 - 7) 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.
 - 8) 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.
 - 9) 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.
 - 10) 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.
- p. 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).
- q. 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.
- r. 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.

- s. 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.
- t. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
- u. 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.
- v. 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).
- w. 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.
- x. 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.
- y. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
- z. 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.

LUPA-21-12-393



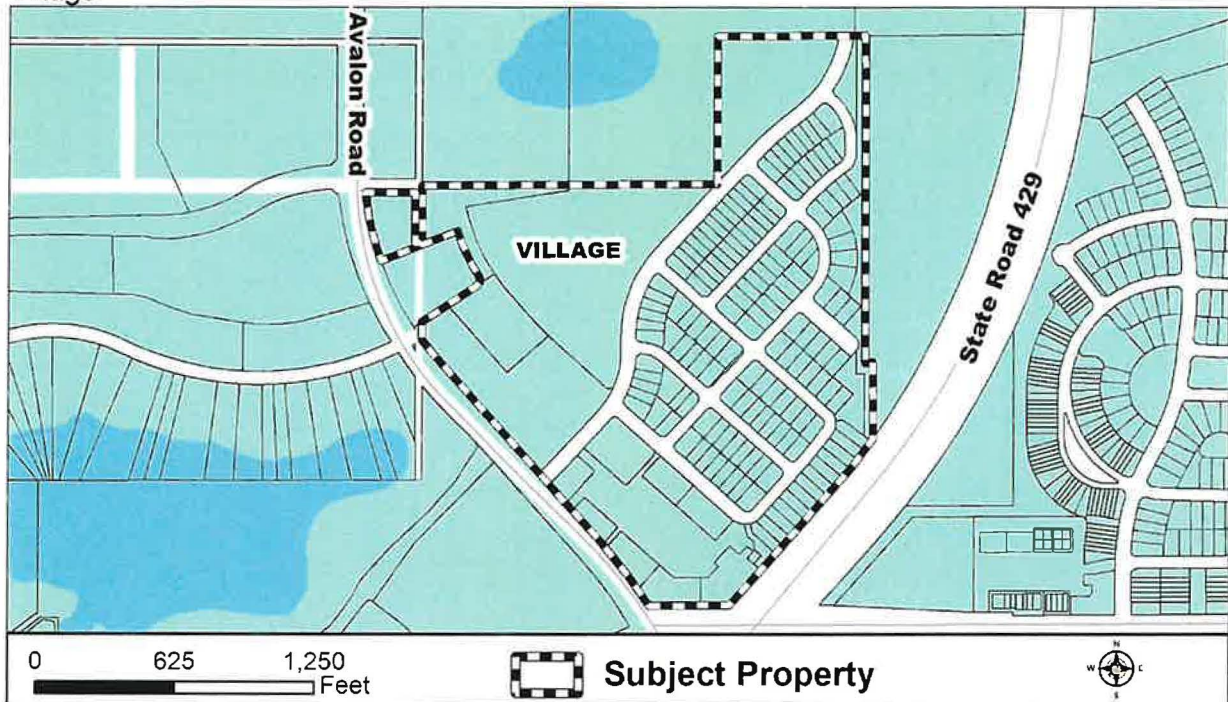
 Subject Property



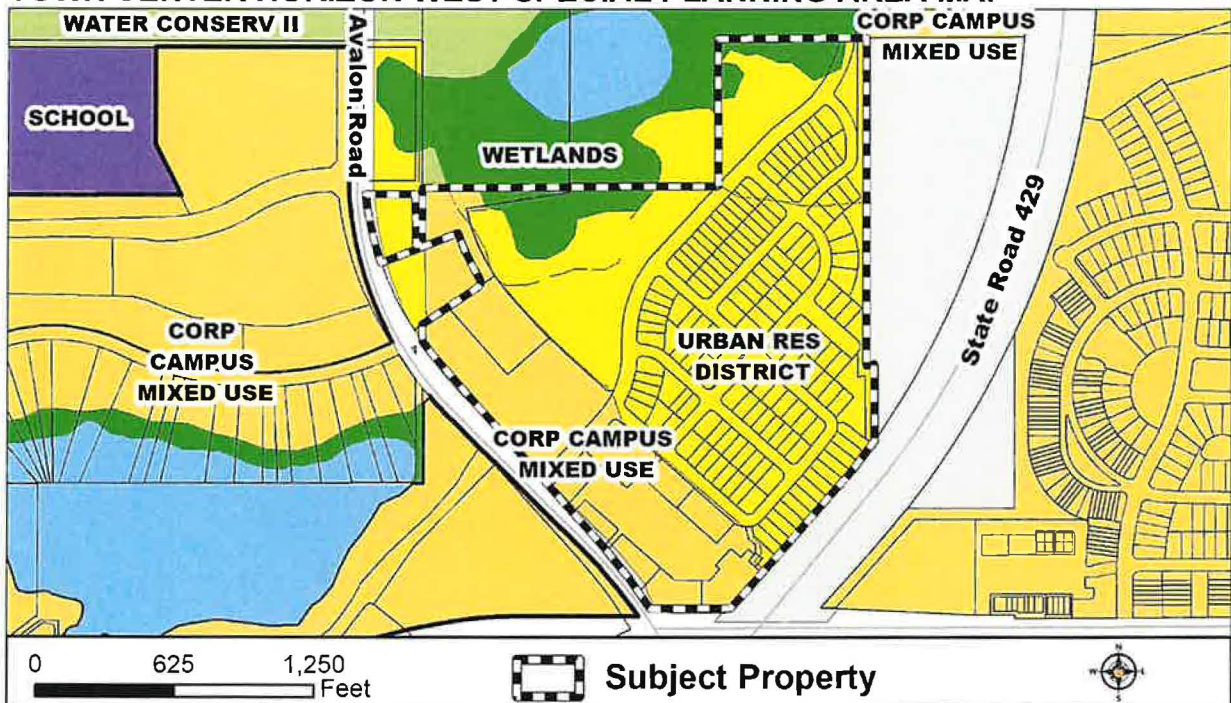
1 inch = 323 feet

FUTURE LAND USE - CURRENT

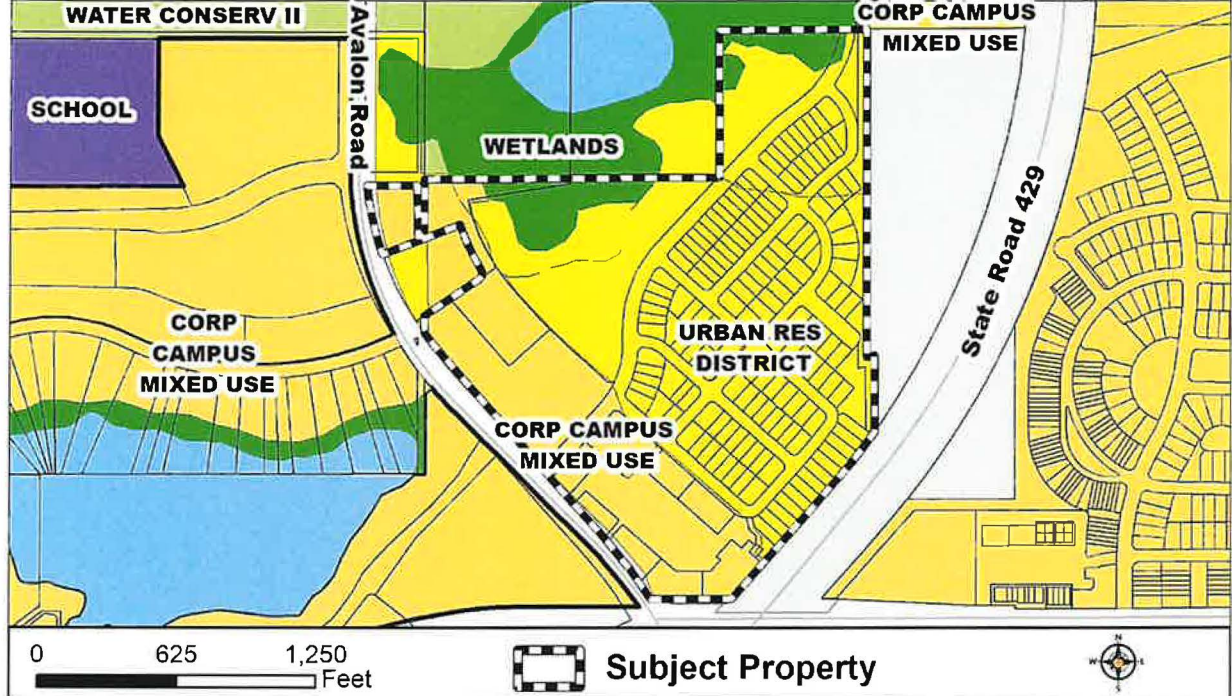
Village



TOWN CENTER HORIZON WEST SPECIAL PLANNING AREA MAP

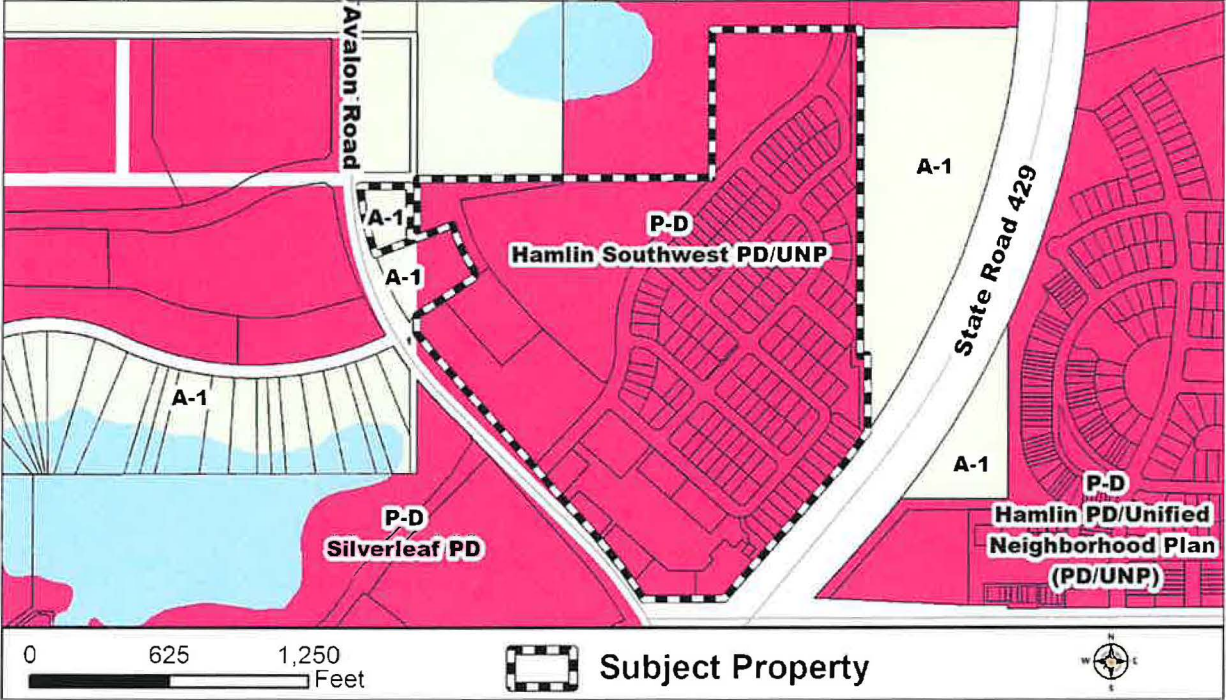


TOWN CENTER HORIZON WEST SPECIAL PLANNING AREA MAP (Proposed)



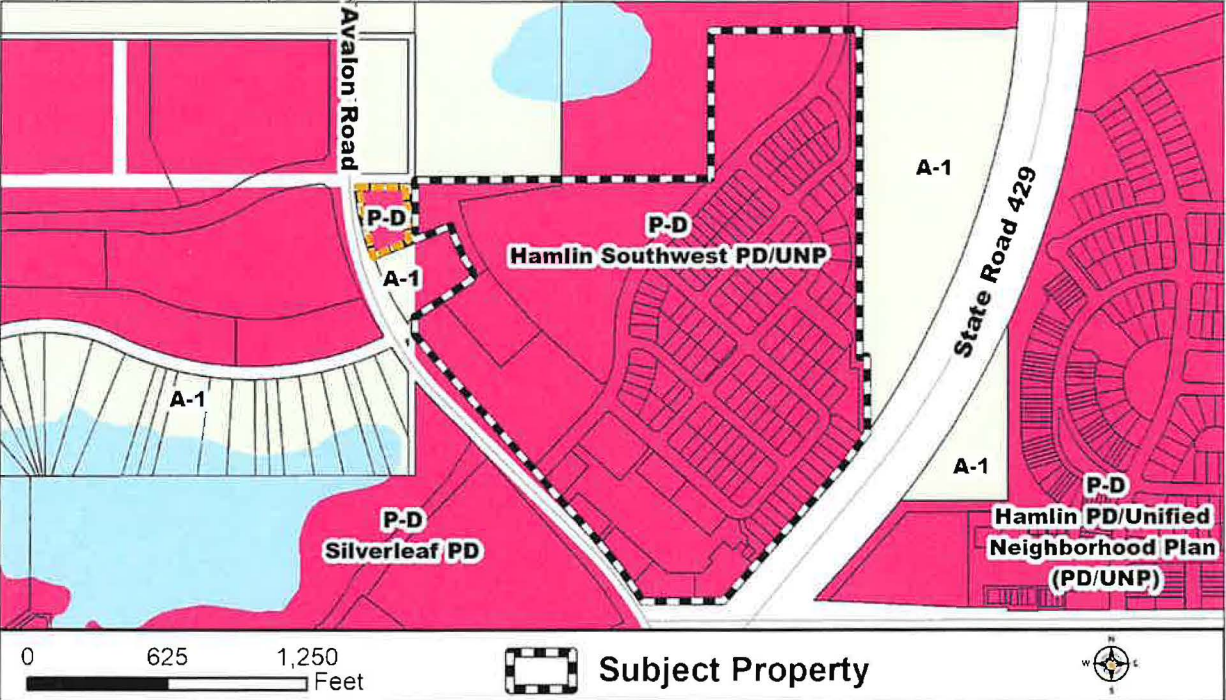
ZONING – CURRENT

A-1/P-D (Citrus Rural District/Planned Development)



ZONING – PROPOSED

PD (Planned Development)



[illegible]

LAND USE PLAN

FOR:

HAMLIN SOUTHWEST

UNIFIED NEIGHBORHOOD PLAN PD/UNP

CASE # LUPA-21-12-393

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

PARCEL ID #:

29-23-27-0000-00-036, 20-23-27-0000-00-022
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, 19-23-27-5640-00-000
{19-23-27-5640-12-110}

SLF IV / BOYD HORIZON WEST JV, LLC;
WEST ORANGE AVALON ROAD LAND, LLC;
HAMLIN RETAIL PARTNERS WEST, LLC

(PAGE) SEVEN EIGHT TWO
 (WTE) ONE
 TITAN GAMMA PL TWO

APPROVED WAIVERS REQUESTED:

DOI: 10.1002/for

Member since 1996[illegible]

DEVELOPMENT TEAM

Downloaded by [91.229.248.110] at 05:30 04 October 2014

1. **THESE** **ARE** **THE** **QUESTIONS** **FOR** **THE** **EXAM**
 2. **THE** **QUESTIONS** **ARE** **THE** **QUESTIONS** **FOR** **THE** **EXAM**
 3. **THE** **QUESTIONS** **ARE** **THE** **QUESTIONS** **FOR** **THE** **EXAM**
 4. **THE** **QUESTIONS** **ARE** **THE** **QUESTIONS** **FOR** **THE** **EXAM**
 5. **THE** **QUESTIONS** **ARE** **THE** **QUESTIONS** **FOR** **THE** **EXAM**
 6. **THE** **QUESTIONS** **ARE** **THE** **QUESTIONS** **FOR** **THE** **EXAM**
 7. **THE** **QUESTIONS** **ARE** **THE** **QUESTIONS** **FOR** **THE** **EXAM**
 8. **THE** **QUESTIONS** **ARE** **THE** **QUESTIONS** **FOR** **THE** **EXAM**
 9. **THE** **QUESTIONS** **ARE** **THE** **QUESTIONS** **FOR** **THE** **EXAM**
 10. **THE** **QUESTIONS** **ARE** **THE** **QUESTIONS** **FOR** **THE** **EXAM**

References

[illegible]

Source

1. 2010年12月31日，甲公司“应付账款”科目贷方余额为100万元，其中明细科目贷方余额有50万元，借方余额有50万元；“预付账款”科目借方余额为20万元，其中明细科目借方余额有10万元，贷方余额有10万元。甲公司2010年12月31日资产负债表“应付账款”项目应填列的金额为（ ）万元。
 A. 50
 B. 70
 C. 80
 D. 100

[illegible]

QUALITATIVE

a. 1997年12月31日
 1998年12月31日
 1999年12月31日
 2000年12月31日

WAIVERS REQUESTED:

Handwritten text, likely a signature or name, written in cursive script.

SECTION 19 TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA



PREPARED
BY:

AGMC

236 WATLAND AVENUE
SUITE 116
WATLAND, FLORIDA 92756
PHONE (407) 623-8094

KCG

1700 NORTH ORANGE AVENUE
SUITE 400
ORLANDO, FLORIDA 32804
PHONE (407) 898-7058
FAX (407) 898-7888

SHEET INDEX

SHEET TITLE	SHEET NO.
PLAN COVER	P-1.0
SKETCH & LEGAL DESCRIPTION	P-1.5
EXISTING CONDITIONS PLAN	P-2.0
LAND USE PLAN	P-3.0

REVISIONS	DATE	BY	CHKD BY	APP'D BY

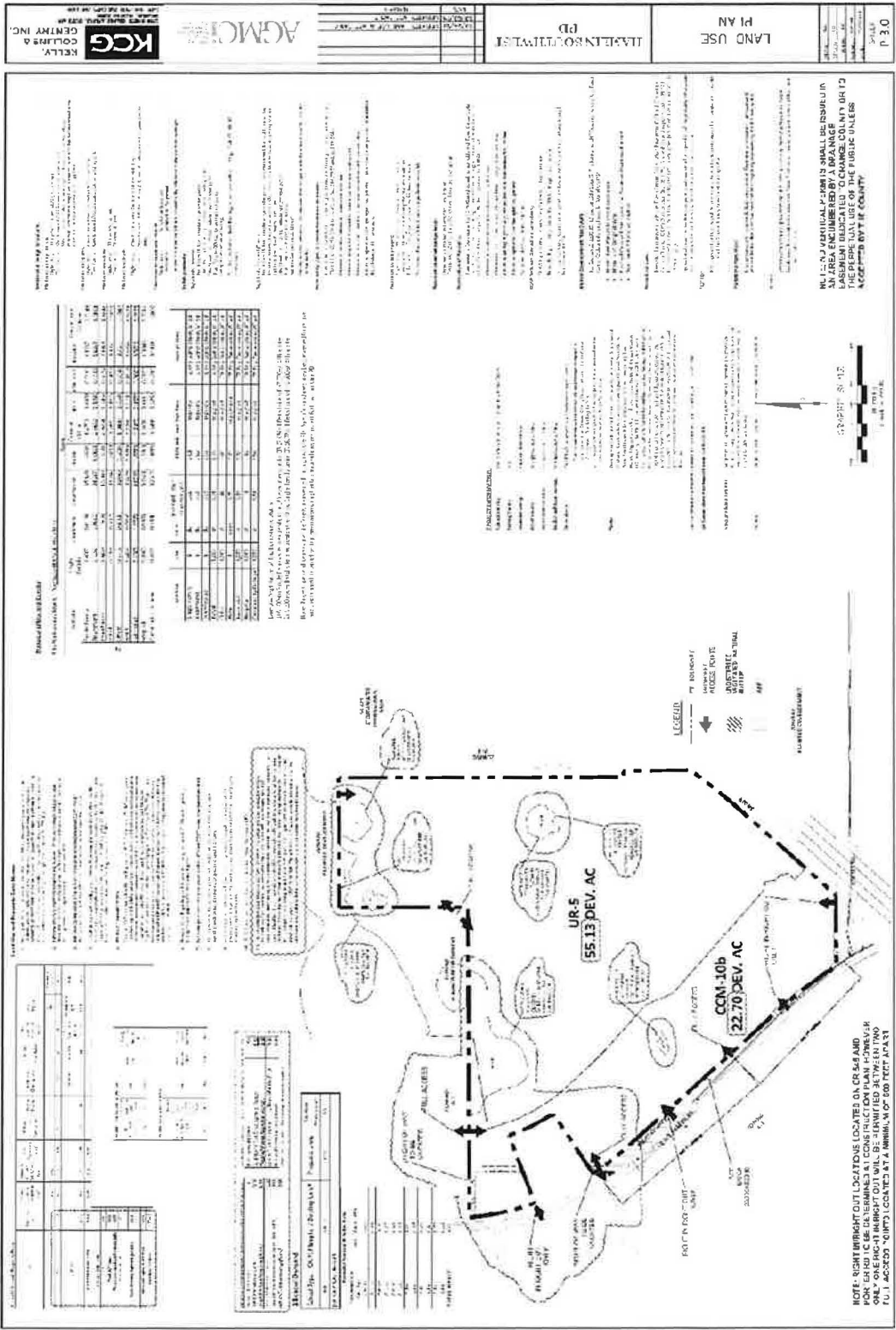
SHEET
P-1.0

RECEIVED
By DHS, Office of P & IS, Oct 23, 2012

Hamlin Southwest PD - UNP / LUPA (Cover Sheet)

Rezoning Staff Report
Case # LUPA-21-12-393
BCC Hearing Date: March 21, 2023

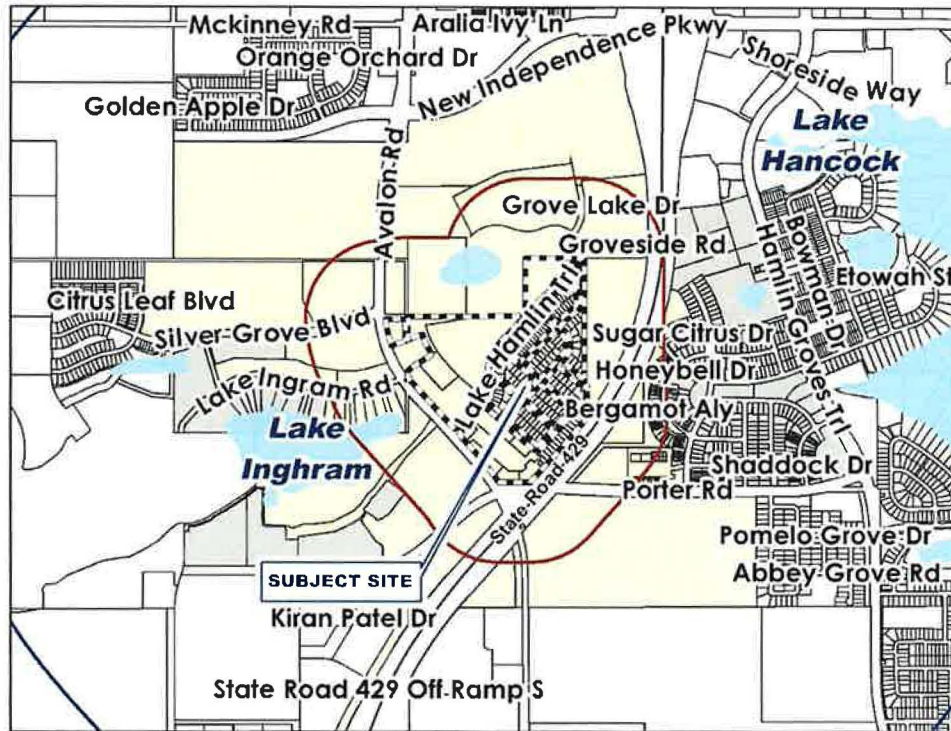
Hamlin Southwest PD - UNP / LUPA



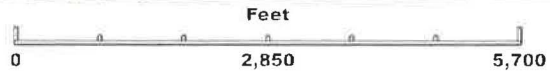


Public Notification Map

Hamlin Southwest PD - UNP -LUPA-21-12-393



SUBJECT SITE



MAP LEGEND



SUBJECT SITE



900 FT BUFFER



1 MILE BUFFER



HYDROLOGY



PARCELS



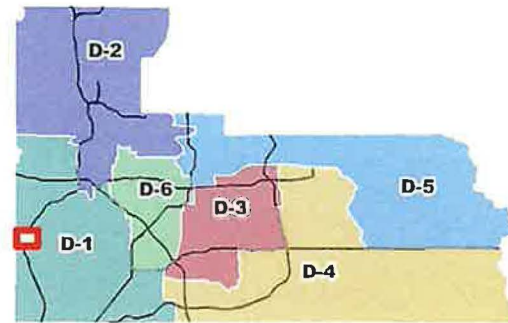
NOTIFIED PARCELS



COURTESY PARCELS

BUFFER DISTANCE: 900

OF NOTICES: 493



Notification Map

Rezoning Staff Report
Case # LUPA-21-12-393
BCC Hearing Date: March 21, 2023