

CASE # CDR-15-12-381

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Kathy Hattaway, HCI Planning & Land Development Consultants
OWNER	Compass Rose Corp. <i>(affected parcels only)</i>
PROJECT NAME	Village F Master Planned Development / Land Use Plan (PD/LUP)
PARCEL ID NUMBERS	04-24-27-0000-00-031 and 04-24-27-0000-00-033 <i>(affected parcels only)</i>
TRACT SIZE	1,708.95 gross acres <i>(overall PD)</i> 34.03 gross acres <i>(affected parcels only)</i>
LOCATION	West of Seidel Road, approximately one-half (1/2) mile east of the Western Beltway.
REQUEST	<p>A substantial change to the Village F Master PD by revising the Village Center Conceptual Block inset on the PD/LUP, expanding permitted Village Center District uses; and requesting the following seven (7) waivers from Orange County Code, applicable to PD Parcels S-6 and N-35 only (Village Center District):</p> <ol style="list-style-type: none">1. <i>A waiver from Section 38-1389(b) to allow a grocery store and up to three (3) additional buildings south of the internal main street to face Seidel Road and/or Seton Creek Boulevard; in lieu of the requirement that primary building entries and façades face the internal streets of the Village Center.</i>2. <i>A waiver from Section 38-1389(d)(3)(g) to allow for interior blocks, not including Seidel Road or Seton Creek Boulevard, to have a minimum of forty percent (40%) of the build-to-line of any block or parcel to be occupied by buildings and/or street-walls, and up to one-hundred percent (100%) of that requirement to be landscaped street-walls; in lieu of the requirement that a minimum of seventy percent (70%) of the build-to-line of any block or parcel be occupied by buildings and/or street-walls, and that landscaped street-walls not make up more than fifty percent (50%) of the required frontage.</i>3. <i>A waiver from Section 38-1389(d)(4)(d) to allow parking adjacent to Seidel Road and Seton Creek Boulevard to span the length of the roadway frontage; in lieu of the maximum</i>

frontage for parking lots of sixty-five (65) feet along a Village Center circulator or a Village Center major local street.

4. *A waiver from Section 38-1389(d)(4)(g) to allow parking lots to abut street intersections or civic use areas; in lieu of the requirement that parking lots and parking garages not abut street intersections or civic use areas.*
5. *A waiver from Section 38-1389(d)(4)(h) to allow parking in the front of the grocery store and buildings south of the internal main street; in lieu of the requirement that off-street parking be located to the rear or side of buildings.*
6. *A waiver from Section 38-1389(d)(4)(i)(i) to allow parking in the front of the grocery store; in lieu of the requirement that parking be located at the rear or side of the grocery store front façade.*
7. *A waiver from Section 24-5(a)(3) to allow a buffer to be less than six (6) feet in height and less than fifteen (15) feet wide; in lieu of the requirement that a buffer be completely opaque from the ground up to a height of at least six (6) feet and a minimum of fifteen (15) feet wide.*

PUBLIC NOTIFICATION

A notification area extending beyond five hundred (500) feet was used for this application [*Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet*]. One hundred twenty-four (124) notices were mailed to those property owners in the notification buffer area.

IMPACT ANALYSIS

Special Information

The Village F Master PD is located within the Village F Specific Area Plan (SAP) boundary of Horizon West in southwest Orange County. The existing PD development program consists of 3,245 residential dwelling units, 240,000 square feet of non-residential activity, two elementary schools, one high school and other Adequate Public Facilities (APF).

Through this PD substantial change, the applicant is requesting to revise the Village Center District Conceptual Block Plan inset on the PD/LUP to reflect an internal orientation of the buildings centered along an internal “main street”; and to expand the types of permitted uses within the Village Center District to include the following:

- 1) Sale of alcohol for on-premises consumption, including drinking establishments, cocktail lounges, pubs & bars (*in addition to full-service restaurants with ancillary alcohol sales*);
- 2) Adult / child day care centers; and

3) Drive-throughs in conjunction with a permitted use.

Finally, the applicant is seeking seven (7) waivers from Orange County Code, applicable to PD Parcels S-6 and N-35 (Village Center District) only, to address building placement and orientation, parking lot placement, and buffers. No change to existing PD development entitlements is being sought.

Land Use Compatibility

The proposed PD Substantial Change request would not adversely impact surrounding properties.

Comprehensive Plan (CP) Consistency

The underlying Future Land Use Map (FLUM) designation of the Village F Master PD is "Village", indicating that the property falls within the Horizon West Sector Planning Area (SAP). More specifically, and excluding Adequate Public Facility (APF) lands, upland greenbelts, wetlands, and power easements; the subject PD parcels are designated Village Center District by the Village F SAP map. The request is consistent with the underlying SAP land use designations and all applicable provisions of the Comprehensive Plan.

Community Meeting Summary

A community meeting was held for this request on Wednesday, September 28, 2016 at Bridgewater Middle School. Excluding Orange County staff and applicant representatives, the meeting was attended by approximately 32 residents. Those in attendance expressed concern with the request to permit commercial drive-throughs, commercial hours of operation, and with the amount of proposed commercial access drives from Seton Creek Boulevard. The 340-unit multi-family residential project (DP-15-07-210) within the Village Center District was approved on December 16, 2015, but residents indicated that their home builder did not properly advise them about it or the non-residential uses. Finally, residents also expressed opposition to on-street parking along any perimeter Village Center District streets.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Environmental Protection Division (EPD) staff reviewed the PD Substantial Change request and did not identify any issues or concerns.

Transportation / Concurrency

This PD substantial change does not increase existing development entitlements; therefore, no additional impacts to the surrounding roadway network are anticipated.

The Board of County Commissioners (BCC) approved the Village F Horizon West Road Network Agreement on 6/18/2013, which provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of Seidel Road to four lanes in three phases according to specific trip allocations and performance thresholds. Concurrency Vesting shall be provided pursuant to Table 1 based on achieved thresholds of the road improvements. Conveyance shall be by general warranty deed at no cost to the County prior to each phase of roadway construction. The Signatory Owners will receive Road Impact Fee Credits in Road Impact Fee Zone 4 for the lesser of (a) 95% of the actual, reasonable unreimbursed sums incurred by Signatory Owners for permitting, design, mitigation, inspection and construction expense exclusive of enhanced landscaping and street lighting or (b) 60% of the countywide average total cost of road construction per lane mile.

As proof of satisfaction of the project's transportation concurrency obligations, the project must comply with that certain Village F Road Network Agreement recorded at O.R. Book 10591, Page 5123, Public Records of Orange County, Florida. The developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to plat approval. In addition, any Development Plan must show a legend with trip allocations by parcel identification number and phase of the development. Finally, owners must comply with all terms of the Village F Road Network Agreement approved by the BCC on June 18, 2013.

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the Substantial Change request but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (May 25, 2016)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Village F Master Planned Development / Land Use Plan (PD/LUP) dated "Received May 13, 2016", subject to the following conditions:

1. Development shall conform to the Village F Master Planned Development / Land Use Plan (PD/LUP) dated "Received May 13, 2016," 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 of this land use plan and the land use plan dated "Received May 13, 2016," 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 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 wasn't considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to

disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Owners must comply with all terms of the Village F Road Network Agreement approved by the BCC on June 18, 2013, and recorded at Book 10951, Page 5123, Public Records of Orange County, Florida.
7. The following waivers from Orange County Code are granted and applicable to the non-residential portion of PD Parcels S-6 and N-35 (Village Center District) only:
 - a. A waiver from Section 38-1389(b) to allow a grocery store and up to three (3) additional buildings south of the internal main street to face Seidel Road and/or Seton Creek Boulevard; in lieu of the requirement that primary building entries and façades face the internal streets of the Village Center.
 - b. A waiver from Section 38-1389(d)(3)(g) to allow for interior blocks, not including Seidel Road or Seton Creek Boulevard, to have a minimum of forty percent (40%) of the build-to-line of any block or parcel to be occupied by buildings and/or street-walls, and up to one-hundred percent (100%) of that requirement to be landscaped street-walls; in lieu of the requirement that a minimum of seventy percent (70%) of the build-to-line of any block or parcel be occupied by buildings and/or street-walls, and that landscaped street-walls not make up more than fifty percent (50%) of the required frontage.
 - c. A waiver from Section 38-1389(d)(4)(d) to allow parking adjacent to Seidel Road and Seton Creek Boulevard to span the length of the roadway frontage; in lieu of the maximum frontage for parking lots of sixty-five (65) feet along a Village Center circulator or a Village Center major local street.

- d. A waiver from Section 38-1389(d)(4)(g) to allow parking lots to abut street intersections or civic use areas; in lieu of the requirement that parking lots and parking garages not abut street intersections or civic use areas.
 - e. A waiver from Section 38-1389(d)(4)(h) to allow parking in the front of the grocery store and buildings south of the internal main street; in lieu of the requirement that off-street parking be located to the rear or side of buildings.
 - f. A waiver from Section 38-1389(d)(4)(i)(i) to allow parking in the front of the grocery store; in lieu of the requirement that parking be located at the rear or side of the grocery store front façade.
 - g. A waiver from Section 24-5(a)(3) to allow a buffer to be less than six (6) feet in height and less than fifteen (15) feet wide; in lieu of the requirement that a buffer be completely opaque from the ground up to a height of at least six (6) feet and a minimum of fifteen (15) feet wide.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 26, 2016 shall apply:
- a. The following waivers from Orange County Code are granted for 116 lots within the Village F Master PD *(to be reflected on the Horizon West Village F Parcels N32, N33, N34, N36, N37, N38, S3, S4 and S5 Preliminary Subdivision Plan if and when approved)*:
 - 1) A waiver from Section 38-1384(g)(3)(f) to allow lots 60 feet and greater to have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks for the primary structure, in lieu of the requirement that lots greater than 65 feet can have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks for the primary structure;
 - 2) A waiver from Section 38-1384(g)(2) to permit the "J load" home product and the "half and half" home product to have front-loaded garage doors that are flush with the nearest adjacent plane of the primary structure, in lieu of the requirement that front-loaded garage doors be recessed a minimum of ten (10) feet behind the nearest adjacent plane of the primary structure. [NOTE: See Sheet No. 14 of 14 of the Village F PD for "J load" home product and "half and half" home product elevations.];
 - 3) A waiver from Section 38-1384(f)(2)(c) to allow first floor elevations with one (1) step above the finished grade of the sidewalk on "J load" homes, in lieu of the requirement to have first floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk; and

- 4) A waiver from Section 38-1384(d) to permit porches less than ten feet wide to be constructed without railings, in lieu of the requirement that porches less than 10 feet wide include railings.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 15, 2015 shall apply:
 - a. The following waivers from Orange County Code are granted and applicable to the residential portion of PD Parcels S-6 and N-35 (Village Center District) only:
 - 1) A waiver from Orange County Code Section 38-1258(a) to allow a maximum height of three (3) stories and forty-five (45) feet for multi-family residential buildings located within one hundred (100) feet, but greater than fifteen (15) feet, from single family zoned property; in lieu of a maximum height of one single story for multi-family residential buildings located within one-hundred (100) feet of single family zoned property;
 - 2) A waiver from Orange County Code Section 38-1258(b) to allow a maximum height of three (3) stories and forty-five (45) feet for 100% of the multi-family residential buildings located between one-hundred plus (100+) feet and one-hundred fifty (150) feet from single family zoned property; in lieu of varying building heights with a maximum of 50% of the buildings being a maximum of three (3) stories and forty (40) feet and the remaining buildings being one (1) or two (2) stories;
 - 3) A waiver from Orange County Code Section 38-1389(b) to allow structures to be placed at a twenty (20) foot build-to-line from Seton Creek Boulevard, Wood Crane Drive, and defined internal / circulator corridors, and at a thirty (30) foot build-to-line from Seidel Road; in lieu of structures being brought forward to a ten (10) foot build-to-line; and
 - 4) A waiver from Orange County Code Section 38-1389(d)(3)(g) to allow all primary buildings, structures, walks, and fences to be placed along a thirty (30) foot build-to-line from Seidel Road; in lieu of the requirement that all primary buildings, structures, walks and fences be placed along a ten (10) foot build-to-line from all public street frontages.
 - 5) A waiver from Orange County Code Section 38-1389(c)(1) to allow a maximum residential land area within the Village Center District of 46%, in lieu of a maximum residential land area of 40%.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 4, 2015 shall apply:

- a. All terms of the Village F Road Network Agreement, recorded at O.R. Book 10591, Page 5123, Public Records of Orange County, Florida, must be met for this project.
 - b. To demonstrate concurrency entitlements have been met for this project, the developer must provide a valid Assignment of Vested Trips document signed by Orange County prior to plat approval. In addition, the Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
 - c. The following waivers from Orange County Code are granted for a designated area within PD Parcel S-27 (Estate District) only, as depicted on the PD/LUP:
 - 1) A waiver from Section 38-1385(b)(4) to allow for a minimum lot width of fifty (50) feet, in lieu of the required minimum lot width of eighty-five (85) feet;
 - 2) A waiver from Section 38-1385(b)(2) to allow for a minimum average lot size of 6,000 square feet, in lieu of the required minimum average lot size of 10,000 square feet; and
 - 3) A waiver from Section 38-1385(b)(9) to allow for a minimum front porch setback of 15 feet, in lieu of the required minimum front porch setback of 20 feet.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 30, 2015, shall apply:
- a. Waivers from Orange County Code Section 31.5-67(b) and Section 31.5-73(c) are granted to allow ground signage with architectural features (such as an entry tower, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of twenty-five (25) feet, in addition to ground signs with architectural features at two (2) primary project entrances along Seidel Road with a maximum height of eight (8) feet. These heights shall be exclusive of lightning protection, with an additional two feet allowed for lightning protection. These features may include signage; however, the features shall be consistent with the locations shown on the entry features site plan (PD/LUP), with no signage exceeding forty-eight (48) square feet per sign. Such signage shall not interfere with sight triangles at Seidel Road and side street intersections.
 - b. A waiver from Orange County Code Section 38-79(114)(h) is granted to allow accessory structures in the form of entry features (such as an entry column, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of twenty-five (25) feet. These features shall be exclusive of lightning protection, with an additional two (2) feet allowed for lightning protection. The features may include signage; however, the features shall be consistent with the locations shown on the entry feature site plan (PD/LUP), with no signage

exceeding forty-eight (48) square feet per sign. Such signage shall not interfere with sight triangles at Seidel Road and side street intersections.

- c. A Level One (1) Environmental Site Assessment (ESA) shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 25, 2014, shall apply:
- a. A waiver from Orange County Code Section 38-1253(c) is granted to allow on street parking within PD Parcels S-22, S-24, S-26 and S-27 only.
 - b. A waiver from Orange County Code Section 38-1384(i)(2) is granted to allow lots fronting on a village or neighborhood square to have front loaded access when less than 30% of the affected block face fronts the village or neighborhood square; or where the lots face an open space tract that is not needed to satisfy the 7.5% requirement of Code Section 38-1382(i); or where the size and configuration of an open space tract precludes it from functioning as an active gathering space. The waiver is applicable within PD Parcels S-22, S-24, S-26 and S-27 only.
 - c. The following waivers from Orange County Code Section 38-1385 (Village Home District) are granted and applicable to PD Parcel S-26 only:
 - 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
 - 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;
 - 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
 - d. A waiver from Orange County Code Section 38-1387.1(a)(7) is granted to allow for a minimum 10% "common open space" within PD Parcel S-24 only (Townhome District), in lieu of a minimum 30% common open space. At a

minimum, an additional 7.5% “public open space” shall also be provided, for a cumulative total of 17.5% open space within the subject parcel.

- e. No PD development permits will be issued until TDR credits are presented to and accepted by the County.

13. The following BCC Conditions of Approval dated December 17, 2013 shall apply:

- a. A waiver from Orange County Code Section 34-152(c) is granted to remove the requirement that each lot within the Village Home and Townhome Districts that front a community mew, park, or open space tract to have a minimum access width of 20 feet to a dedicated public paved street. This waiver shall apply to PD Parcels N-23A, N-23B, N-25A, N-26A, N-26B and S-2 only.
- b. A waiver from Orange County Code Section 38-1384(b)(4) is granted to allow for an average block length range of 200 feet to 400 feet where the average lot width for single-family attached or detached developments is less than 60 feet in width; and to allow for an average block length range of 600 feet to 800 feet where the average lot width for single-family attached or detached developments is between 60 feet and 85 feet in width. This waiver shall apply to PD Parcels N-21, N-22, N-25A, N-25B, N-26A, N-26B, S-1 and S-2 only.
- c. A waiver from Orange County Code Section 38-1384(f)(3) is granted to eliminate the pedestrian path/walkway from the primary entrance to the sidewalk for lots equal to or less than 60 feet in width. This waiver shall apply to PD Parcels N-21, N-22, N-25B, N-26B, S-1 and S-2 only.
- d. A waiver from Orange County Code Section 38-1384(f)(3)(c) is granted to eliminate the requirement for three (3) steps used to elevate the finished floor of residential buildings above the sidewalk grade that are adjacent to wetlands, lakes or ponds within the limits of the Estate and Garden Home Districts. This waiver shall apply to PD Parcels N-21, N-22 and N-25B only.
- e. A waiver from Orange County Code Section 38-1384(i)(2) is granted to allow lots fronting a village or neighborhood square to have front loaded access when less than 30% of the affected block face fronts the village or neighborhood square; or where the lots face an open space tract that is not needed to satisfy the 7.5% requirement of Code Section 38-1382(i); or where the size and configuration of an open space tract precludes it from functioning as an active gathering space; or where a visual barrier and landscaped buffer median has been provided within the right-of-way. This waiver shall apply to PD Parcels N-25B, N-26B, S-1 and S-2 only.
- f. A waiver from Orange County Code Sections 38-1384(b)(4) and 38-187.1(a)(12) is granted to allow for an average block length of 400 feet for townhome lots where proposed lot widths are less than 60 feet, and to not require the minimum and

maximum block width requirements of 290 feet and 310 feet, respectively. This waiver shall apply to PD Parcels N-23A, N23-B, N-24, N-25A, N-26A, N-26B and S-2 only.

- g. A waiver from Section 38-1384(f)(1) requiring that each block face contain at least two (2) district lot sizes (excluding end units); is granted to allow each block face to contain one (1) distinct lot size. This waiver applies to PD Parcels N-21, N-22, N-23B, N-25A, N-25B, N-26A, N-26B, S-1 and S-2 only.
- h. The following waivers are granted from Orange County Code Section 38-1385.7 (Garden Home District) for PD Parcels N-25A, N-25B and S-1 only:
 - 1) A waiver from Section 38-1385.7(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 6,000 square feet;
 - 2) A waiver from Section 38-1385.7(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of forty (40) feet;
 - 3) A waiver from Section 38-1385.7(b)(5) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1385.7(b)(9)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1385.7(b)(9)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
- i. The following waivers are granted from Orange County Code Section 38-1386 (Village Home District) for PD Parcels N-26A, N-26B and S-2 only and Townhome District PD Parcel N-23B only:
 - 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
 - 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;
 - 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;

- 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
14. All previous applicable BCC Conditions of Approval, dated August 27, 2013, shall apply:
 - a. The following waivers are granted from Orange County Code Section 38-1385.7 (Garden Home District) for PD Parcels N-8 and N-11 only:
 - 1) A waiver from Section 38-1385.7(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 6,000 square feet;
 - 2) A waiver from Section 38-1385.7(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of forty (40) feet;
 - 3) A waiver from Section 38-1385.7(b)(5) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1385.7(b)(9)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1385.7(b)(9)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
 - b. The following waivers are granted from Orange County Code Section 38-1386 (Village Home District) for PD Parcels N-15 and N-16 only:
 - 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
 - 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;

- 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
- c. A waiver from Orange County Code Section 38-1384(i)(2) is granted to allow lots fronting on a village or neighborhood square to have front loaded access when less than 30% of the affected block face fronts the village or neighborhood square; or where the lots face an open space tract that is not needed to satisfy the 7.5% requirement of Code Section 38-1382(i), or where the size and configuration of an open space tract precludes it from functioning as an active gathering space.
15. All previous applicable BCC Conditions of Approval dated April 9, 2013, shall apply:
- a. The following waivers from Orange County Code are applicable only to PD Parcels N-32, N-33, N-34, N-35, N-36, N-37, N-38, S-3, S-4, S-5, S-6, S-7, S-10, S-15, S-16, S-18, S-19 & S-20; and are intended to provide alternative sign/architectural features and/or a greater mix of single-family detached residential lot types and larger front porches, while ensuring the desired balanced and blended residential development pattern required by the Village F Specific Area Plan (SAP) and Village Planned Development Code:
 - 1) Waivers from Section 31.5-67(b) and Section 31.5-73(c) are granted to allow a ground sign with architectural features (such as an entry tower, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of forty-two (42) feet, in lieu of a ground sign with architectural features at one (1) primary project entrance along Seidel Road with a maximum height of eight (8) feet. These features shall be exclusive of lightning protection and may include signage; however, the features shall be consistent with the locations shown on the master sign plan (PD/LUP) with no signage exceeding the allowable square footage for a primary entry sign;
 - 2) Waivers from Section 31.5-67(b) and Section 31.5-73(c) are granted to allow a ground sign with architectural features (such as an entry tower, corner turret, archway, etc.) at two (2) secondary project entrances along Seidel Road with a maximum height of ten (10) feet, in lieu of a ground sign with architectural features at one (1) secondary project entrance along Seidel Road with a maximum height of eight (8) feet. These features shall be exclusive of lightning protection and may include signage; however, the

features shall be consistent with the locations shown on the master sign plan (PD/LUP) with no signage exceeding the allowable square footage for a secondary entry sign; and

- 3) A waiver from Section 38-1253(c) is granted to allow for on-street parking for recreation areas, in lieu of on-site parking.
- b. The following waivers are granted from Orange County Code Section 38-1385.7 and shall apply to a maximum of 50% of the units required in the combined and applicable Garden Home Single-Family District PD Parcels only:
- 1) A waiver from Section 38-1385.7 (b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 6,000 square feet;
 - 2) A waiver from Section 38-1385.7(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of forty (40) feet;
 - 3) A waiver from Section 38-1385.7(b)(5) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1385.7(b)(9)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1385.7(b)(9)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
- c. The following waivers are granted from Orange County Code Section 38-1386 and shall apply to a maximum of 50% of the units required in the combined and applicable Village Home District PD Parcels only, and in any applicable Townhome Districts where single family detached lots are proposed:
- 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
 - 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;
 - 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;

- 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
- d. Excluding the primary segments of a required six foot (6') high perimeter/roadway screen wall, waivers from Section 38-1408(b) and (f) and Section 34-209 are granted to increase the wall height to fourteen (14) feet for architectural accents only (such as archways, pilasters, etc.), at not less than one-hundred (100) foot intervals along the perimeter of parcels adjacent to APF roadways.
- e. 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 simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
- 1) The same front facade for single family residential units may not be repeated more than five (5) times within one (1) block length for both sides of any street, and shall be separated by at least two (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 facade of the main body of the house shall not exceed (40) feet in length, except for wings or "L's", which are setback from the facade. In no case shall more than fifty (50) percent of the front facade of the house consist of an unobstructed block wall or garage door.
 - 3) At least fifty (50) percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of seven (7) feet in depth and cover minimum ten (10) feet in width or one third (1/3) of the front facade, whichever is greater.
 - 4) Flat roofs shall be prohibited.
 - 5) Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be no higher than three (3) feet, six (6) inches and limited to decorative wrought iron or wood picket style.
 - 6) The provisions of the CC&R's incorporating the above referenced requirements shall not be amended, removed or superseded without the prior approval of the Board of County Commissioners, which approval may be

withheld in the Board's sole discretion and the CC&R's shall contain a statement to that effect. Furthermore, the CC&R's shall provide that the homeowner's association and any person owning the property in the development have the right to enforce these requirements in the event they are violated.

- 7) 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 other Orange County ordinances and regulations.

16. All previous applicable BCC Conditions of Approval, dated November 13, 2012 shall apply:
- a. Prior to any PSP or DP approval for PD Parcels N-23 through N-26, an agreement shall be executed to address required right-of-way dedication for Phil Ritson Way if necessary as determined by the Development Review Committee (DRC).
 - b. Prior to any PSP or DP approval, a road agreement shall be executed to address required right-of-way dedication for Seidel Road.
 - c. Access locations and roads that impact wetlands and rare wetlands 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.
17. All previous applicable BCC Conditions of Approval, dated August 28, 2012 shall apply:
- 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.
 - 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 or Development Plan. The MUP must be approved prior 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).
 - 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).
18. All previous applicable BCC Conditions of Approval, dated September 15, 2009 (as modified) shall apply:
- 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.
 - b. There shall be a 20-foot fee simple access provided between the Parcels 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 may contain a mix of single family detached and single-family attached residences (within the Village F Master PD). 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.
- g. The following Education Conditions of Approval shall apply:
 - 1) 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, and all provisions of CEA OC-13-022 entered into with the Orange County School Board on November 12, 2013.
 - 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 residential units allowed under the zoning existing prior to the approval of the PO 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.
 - 3) 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.

- 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) 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.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(April 26, 2016)*

Upon a motion by Commissioner Boyd, seconded by Commissioner Clarke, and carried with all present members voting AYE by voice vote with Mayor Jacobs absent, the Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Daniel T. O'Keefe, Shutts & Bowen, LLP, Village F Master PD / LUP – Case # CDR-15-12-401, for four (4) waivers to Orange County Code, applicable only to one-hundred sixteen (116) lots located within Watermark Phases 1A through 2C and controlled by Meritage Homes, subject to conditions.