



Interoffice Memorandum

DATE: January 31, 2020

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

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

CONTACT PERSON: Eric Raasch, DRC Chairman
Development Review Committee *GPR*
Planning Division
(407) 836-5523

SUBJECT: February 25, 2020 – Public Hearing
Brooks A. Stickler, Kimley-Horn and Associates, Inc.
Waterford Lakes Multi-family Planned Development
Case # LUP-19-08-266 / District 4

The Waterford Lakes Multi-family Planned Development (PD) is located at 12400 & 12464 E. Colonial Drive; generally south of E. Colonial Drive and east of Woodbury Road. The applicant is seeking to rezone the property from C-1 (Retail Commercial District) to PD (Planned Development District) to allow for the development of up to 256 multi-family dwelling units. The applicant is also seeking ten waivers to Orange County Code. The waivers include reduced roadway setbacks and parking requirements due to the presence of FDOT and utility easements; and flexibility to the multi-family compatibility criteria, due to the fact that the adjacent single-family zoned property is owned by FDOT and is not developable.

On December 19, 2019, 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 Waterford Lakes Multi-family Planned Development / Land Use Plan (PD/LUP) dated “Received November 5, 2019”, subject to the conditions listed under the PZC Recommendation in the Staff Report. District 4

Attachments
JVW/EPR/nt

GENERAL INFORMATION

APPLICANT Brooks A. Stickler, Kimley-Horn and Associates, Inc.

OWNER Chuck Hollow Inc., Rosemary Raganella, Michelle J. Barrios, Joseph Dibartolo, Thomas F. Cooke, Barbara Cooke, Danielle D. Siliato, Lisa Marie Raganella Gray, Carol Ann Kostulias

PROJECT NAME Waterford Lakes Multi-family Planned Development (PD)

HEARING TYPE Planned Development / Land Use Plan (PD / LUP)

REQUEST C-1 (Retail Commercial District) to PD (Planned Development District)

A request to rezone two (2) parcels containing 10.08 gross acres from C-1 to PD, in order to construct two hundred fifty-six (256) multi-family residential units. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1281(1) to allow a minimum building setback abutting an expressway to be sixty-five (65) feet in lieu of seventy-five (75) feet.

Applicant Justification: Due to power poles, utility easements, and FDOT easements on the property, the code minimum building setback criteria could not be met.

2. A waiver from Section 38-1476 to allow maximum parking spaces for proposed dwelling units that are one (1) bedroom with a ratio of 1.35 in lieu of 1.5, and proposed dwelling units that are two (2) and three (3) bedroom with a ratio of 1.85 in lieu of 2.

Applicant Justification: Due to power poles, utility easements, and FDOT easements on the property, the code minimum parking requirement could not be met.

3. A waiver from Section 24-2(a)(2)a to waive the requirement, along the eastern boundary of the property, of planting shade treed every fifty (50) feet of common lot line or fraction thereof.

Applicant Justification: In order to meet this requirement, shade trees would need to be planted within the existing FDOT drainage/access easement along the

east property line adjacent to the R-1 zoned property. Code required tree plantings in the FDOT easement would adversely impact the FDOT stormwater infrastructure and access. Although the adjacent property is zoned R-1, this portion of the property is essentially undevelopable due to existing Duke and FDOT easements.

4. A waiver from Section 38-1258(a) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property in lieu of the single-story height requirement where multi-family buildings are located within one hundred (100) feet of single-family zoned property.
5. A waiver from Section 38-1258(b) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property in lieu of the varying building height where the multi-family buildings are located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned properties.
6. A waiver from Section 38-1258(c) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located along the eastern boundary in lieu of forty (40) feet/three (3) stories in height where the multi-family buildings are located within one hundred and fifty (150) feet of single-family zoned properties.
7. A waiver from Section 38-1258(d) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located along the eastern boundary in lieu of forty (40) feet/three (3) stories in height.
8. A waiver from Section 38-1258(e) along the eastern boundary of the proposed development to allow for parking and other paved areas for multi-family development to be located 14 feet from any single-family zoned property internal to the planned development in

lieu of twenty-five (25) feet. A 14 foot landscape buffer shall be provided with hedges and trees consistent with Type C landscape buffer requirements in lieu of a twenty-five (25) foot landscape buffer.

9. A waiver from Section 38-1258(e) along the eastern boundary of the proposed development to require no wall when a multi-family development is located adjacent to any single-family zoned property internal to the planned development in lieu of a 6 (six)-foot high masonry, brick, or block wall.

Applicant Justification for Waivers 4-9: *The proposed multi-family development is intended to create a consistent look/height throughout the development. This waiver would also allow the use of additional architectural features on the buildings to enhance visual interest. Although the adjacent property is zoned R-1, this portion of the property is essentially undevelopable due to Duke and FDOT easements.*

10. A waiver from Section 38-1258(j) to allow a minimum building separation of thirty (30) feet between four (4) story buildings in lieu of the required forty (40) feet.

Applicant Justification: *Due to power poles, utility easements, and FDOT easements on property, the code minimum building separation criteria could not be met.*

LOCATION

12400 & 12464 E. Colonial Drive; generally south of E. Colonial Drive and east of Woodbury Road

PARCEL ID NUMBERS

23-22-31-0000-00-012 & 23-22-31-0000-00-013

TRACT SIZE

10.08 gross acres

PUBLIC NOTIFICATION

The notification area for this public hearing was 1,200 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred thirty-seven (237) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.

PROPOSED USE

Two hundred fifty-six (256) multi-family residential units

STAFF RECOMMENDATION

Development Review Committee – (November 20, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Waterford Lakes Multi-family Planned Development / Land Use Plan (PD/LUP), dated “Received November 5, 2019”, subject to the following conditions:

1. Development shall conform to the Waterford Lakes Multi-Family Land Use Plan (LUP) dated "Received November 5, 2019," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received November 5, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, 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. 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.
7. 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.
8. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.

9. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
10. 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.
11. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County code.
12. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
13. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1281(1) to allow a minimum building setback abutting an expressway to be sixty-five (65) feet in lieu of seventy-five (75) feet.
 - b. A waiver from Section 38-1476 to allow maximum parking spaces for proposed dwelling units that are one (1) bedroom with a ratio of 1.35 in lieu of 1.5, and proposed dwelling units that are two (2) and three (3) bedroom with a ratio of 1.85 in lieu of 2.
 - c. A waiver from Section 24-2(a)(2)a to waive the requirement, along the eastern boundary of the property, of planting shade treed every fifty (50) feet of common lot line or fraction thereof.
 - d. A waiver from Section 38-1258(a) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property in lieu of the single-story height requirement where multi-family buildings are located within one hundred (100) feet of single-family zoned property.
 - e. A waiver from Section 38-1258(b) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property in lieu of the varying building height where the multi-family buildings are located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned properties.
 - f. A waiver from Section 38-1258(c) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located along the eastern boundary in lieu of forty (40) feet/three (3) stories in height where the multi-family buildings

are located within one hundred and fifty (150) feet of single-family zoned properties.

- g. A waiver from Section 38-1258(d) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located along the eastern boundary in lieu of forty (40) feet/three (3) stories in height.
- h. A waiver from Section 38-1258(e) along the eastern boundary of the proposed development to allow for parking and other paved areas for multi-family development to be located 14 feet from any single-family zoned property internal to the planned development in lieu of twenty-five (25) feet. A 14 foot landscape buffer shall be provided with hedges and trees consistent with Type C landscape buffer requirements in lieu of a twenty-five (25) foot landscape buffer.
- i. A waiver from Section 38-1258(e) along the eastern boundary of the proposed development to require no wall when a multi-family development is located adjacent to any single-family zoned property internal to the planned development in lieu of a 6 (six)-foot high masonry, brick, or block wall.
- j. A waiver from Section 38-1258(j) to allow a minimum building separation of thirty (30) feet between four (4) story buildings in lieu of the required forty (40) feet.

IMPACT ANALYSIS

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 Planned Development Medium-High Density Residential (PD-MHDR), with an approved development program of up to 256 multi-family residential units. That designation was adopted by the Board of County Commissioners (BCC) on November 12, 2019. The proposed PD zoning district and development program are consistent with the proposed FLUM designation and the following CP provisions:

- GOAL FLU1** URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County
- OBJ FLU1.1** Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which

Orange County is responsible for providing infrastructure and services to support urban development.

- Policy FLU1.1.1** Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

- OBJ FLU2.1** Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

- OBJ FLU1.4** The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP

- Policy FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

- Policy FLU1.4.2** Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

- Policy FLU8.2.1** Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be places on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

Community Meeting Summary

A community meeting for the associated Comprehensive Plan Amendment (2019-2-A-4-2) was held on May 14, 2019. No residents attended the meeting.

SITE DATA

| | |
|------------------------|--|
| Existing Use | Undeveloped Land |
| Adjacent Zoning | N: Right-of-Way E: R-3 (Multi-Family Dwelling District) (1992) R-1 (Single-Family Dwelling District) (1957) W: C-1 (Retail Commercial District) (1987) R-3 (Multi-Family Dwelling District) (1985) A-2 (Farmland Rural District) (1957) S: PD (Planned Development District) (Waterford Lakes PD) (1983) |

| | | |
|---------------------------|----|---|
| Adjacent Land Uses | N: | Stormwater pond |
| | E: | Stormwater pond |
| | W: | Multi-family residences and Gas Station |
| | S: | Multi-Family |

APPLICABLE PD DEVELOPMENT STANDARDS

Maximum Building Height: Sixty (60) feet / Four (4) Stories *Per Waiver Request

Minimum Building Setbacks

| | |
|--------------------------------|------------------------------|
| Front Setback: | 20 feet (Woodbury Road) |
| Rear Setback: | 30 feet (East Property Line) |
| Side Setback (Unnamed Street): | 10 feet |
| Side Setback (S.R. 50): | 60 feet |
| Side Setback (S.R. 408): | 75 feet |

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at the intersection of Woodbury Road and E. Colonial Drive, near the State Road 408 on-ramp. A commercial center with a mix of multi-family residential and commercial uses is located northwest of the subject property, across E. Colonial Drive. West of the subject property is a commercial center with a convenience store with gas pumps, and an extended stay hotel. Apartment developments are located south and southwest, and the Waterford Lakes Town Center is located approximately one-mile southwest of the subject property. Stormwater retention ponds and S.R. 408 on-ramps are located north, east, and southeast of the subject property.

Through this request, the applicant is seeking to rezone the property from C-1 (Retail Commercial District) to PD (Planned Development District) to allow for the development of up to 256 multi-family dwelling units, which is consistent with the existing development pattern in the surrounding area. The applicant is also seeking ten (10) waivers from Orange County Code. The waivers include reduced roadway setbacks and parking requirements due to the presence of FDOT and utility easements; and flexibility to the multi-family compatibility criteria, due to the fact that the adjacent single-family zoned property is owned by FDOT and is not developable.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation Planned Development Medium-High Density Residential (PD-MHDR), with an approved development program of up to 256 multi-family residential units. The proposed use is consistent with this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

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

An Orange County Conservation Area Determination (CAD) CAD-18-03-030 was issued for the subject property on February 21, 2019. Conservation Area Impact Permit (CAI) CAI-19-08-045 which proposed 2.15 acres of impact to Wetland 1 (Class III) and 5.21 acres of impact to Wetland 2 (Class II) was approved by the Board of County Commissioners on November 12, 2019.

The site is located within the Econlockhatchee River Protection area and will be subject to basin-wide regulations including, wetlands and protective buffers, wildlife habitat, storm water, and landscaping with native plant species.

Development of the subject property shall comply with all state and federal regulations regarding endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (FWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a wetland impact permit approved by the county and obtaining other applicable jurisdictional agency permits

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. The site discharges into a body of water designated as impaired by the Florida Department of Environmental Protection (FDEP). The Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code may increase the requirements for pollution abatement treatment of stormwater as part of a Basin Management Action Plan (BMAP). Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge.

Transportation / Concurrency

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC. Based on the CMS Database dated September 2019, there are multiple failing segments within the impact area.

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 has indicated that there is sufficient capacity and a Capacity Enhancement Agreement (CEA) is not required for this project. Capacity Determination OC-19-031 was issued on April 1, 2019.

Parks and Recreation

Orange County Parks and Recreation has reviewed the request and did not identify and issues or concerns.

Code Enforcement

There are no active Code Enforcement violations on the subject property.

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 Waterford Lakes Multi-Family Planned Development (PD) Land Use Plan, subject to thirteen (13) conditions.

Staff indicated that two hundred thirty-seven (237) notices were mailed to surrounding property owners within a buffer of 1,200 feet from the subject property, with zero (0) commentaries received in favor of the request and zero (0) commentaries received in opposition to the request. The applicant was present for the hearing and concurred with staff's recommendation. No members of the public spoke at the hearing.

After a detailed discussion regarding the wetland impacts which, as staff indicated, had already been approved by the Board of County Commissioners, and concerns from Commissioner Velazquez that the requested parking waiver would not allow for adequate parking of the development, a motion was made by Commissioner Nazario to find the request to be consistent with the Comprehensive Plan and recommend approval of the Waterford Lakes Multi-Family Planned Development (PD) Land Use Plan, subject to the thirteen (13) conditions listed under the DRC Recommendation. Commissioner Dunn seconded the motion, which then carried on a 8-0 vote.

| | |
|-----------------------------|--|
| Motion / Second | <i>Carlos Nazario / Jimmy Dunn</i> |
| Voting in Favor | <i>Carlos Nazario, Jimmy Dunn, Jose Cantero, Mohammed Abdallah, Diane Velazquez, Gordon Spears, Yog Melwani, and JaJa Wade</i> |
| Voting in Opposition | <i>None</i> |
| Absent | <i>Eddie Fernandez</i> |

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (December 19, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Waterford Lakes Multi-family Planned Development / Land Use Plan (PD/LUP), dated "Received November 5, 2019", subject to the following conditions:

1. Development shall conform to the Waterford Lakes Multi-Family Land Use Plan (LUP) dated "Received November 5, 2019," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received November 5, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to

the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

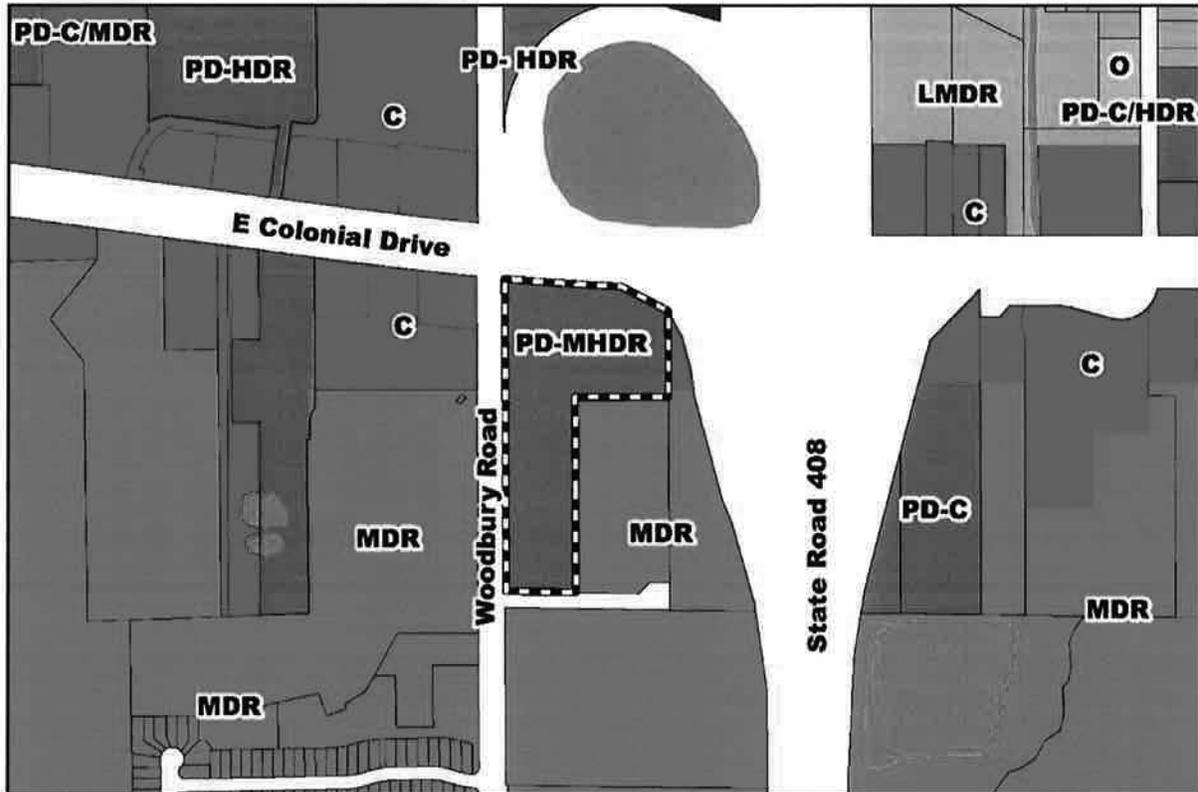
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, 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. 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.
7. 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.
8. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
 9. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
 10. 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.
 11. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County code.
 12. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
 13. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1281(1) to allow a minimum building setback abutting an expressway to be sixty-five (65) feet in lieu of seventy-five (75) feet.
 - b. A waiver from Section 38-1476 to allow maximum parking spaces for proposed dwelling units that are one (1) bedroom with a ratio of 1.35 in lieu of 1.5, and proposed dwelling units that are two (2) and three (3) bedroom with a ratio of 1.85 in lieu of 2.
 - c. A waiver from Section 24-2(a)(2)a to waive the requirement, along the eastern boundary of the property, of planting shade treed every fifty (50) feet of common lot line or fraction thereof.
 - d. A waiver from Section 38-1258(a) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property in lieu of the single-story height requirement where multi-family buildings are located within one hundred (100) feet of single-family zoned property.
 - e. A waiver from Section 38-1258(b) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property in lieu of the varying building height where the multi-family buildings are located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned properties.
 - f. A waiver from Section 38-1258(c) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60)

feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located along the eastern boundary in lieu of forty (40) feet/three (3) stories in height where the multi-family buildings are located within one hundred and fifty (150) feet of single-family zoned properties.

- g. A waiver from Section 38-1258(d) along the eastern boundary of the proposed development to allow a multi-family building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located along the eastern boundary in lieu of forty (40) feet/three (3) stories in height.
- h. A waiver from Section 38-1258(e) along the eastern boundary of the proposed development to allow for parking and other paved areas for multi-family development to be located 14 feet from any single-family zoned property internal to the planned development in lieu of twenty-five (25) feet. A 14 foot landscape buffer shall be provided with hedges and trees consistent with Type C landscape buffer requirements in lieu of a twenty-five (25) foot landscape buffer.
- i. A waiver from Section 38-1258(e) along the eastern boundary of the proposed development to require no wall when a multi-family development is located adjacent to any single-family zoned property internal to the planned development in lieu of a 6 (six)-foot high masonry, brick, or block wall.
- j. A waiver from Section 38-1258(j) to allow a minimum building separation of thirty (30) feet between four (4) story buildings in lieu of the required forty (40) feet.

LUP-19-08-266



Subject Property



Subject Property

Future Land Use Map

FLUM: Planned Development-Medium-High Density Residential (PD-MHDR)

APPLICANT: Brooks A. Stickler, Kimley-Horn and Associates, Inc.

LOCATION: 12400 & 12464 East Colonial Drive; Generally located South of East Colonial Drive, and east of Woodbury Road.

TRACT SIZE: 10.08 gross acres

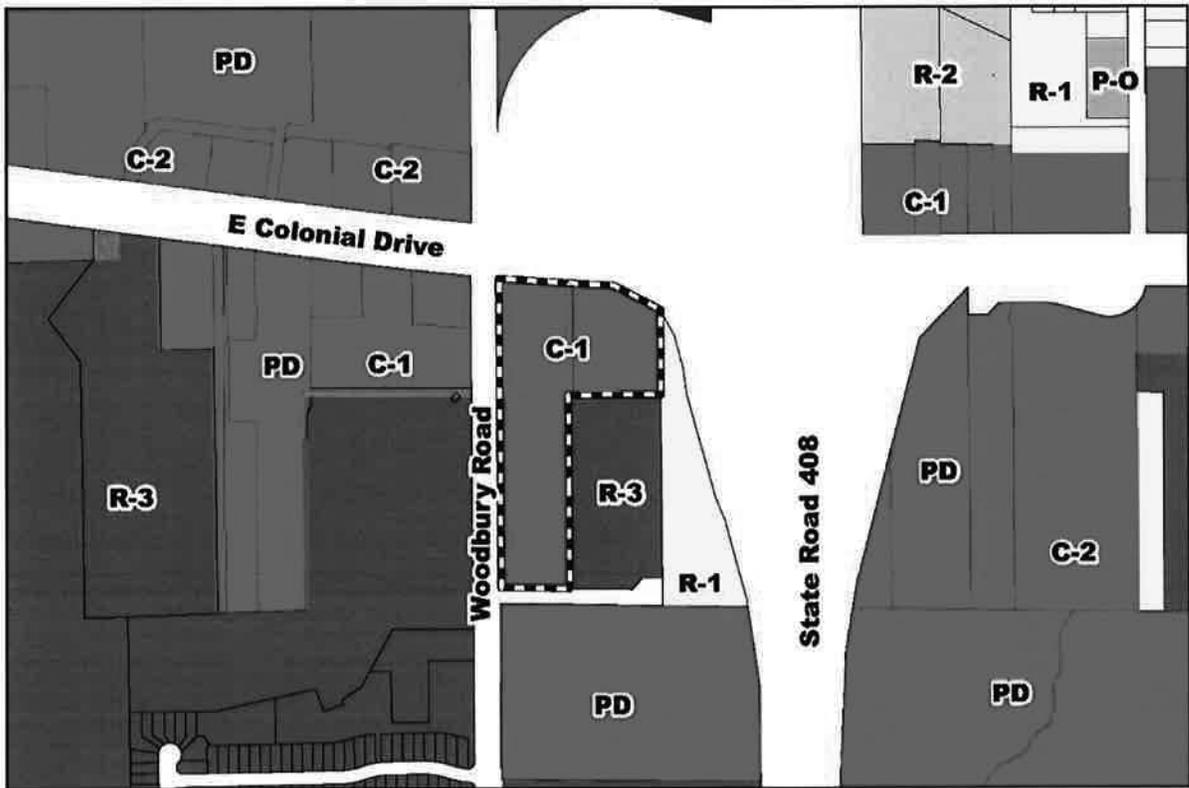
DISTRICT: # 4

S/T/R: 23/22/31

1 inch = 575 feet



LUP-19-08-266



Subject Property



Subject Property

Zoning Map

ZONING: C-1(Retail Commercial District) to PD (Planned Development District)

APPLICANT: Brooks A. Stickler, Kimley-Horn and Associates, Inc.

LOCATION: 12400 & 12464 East Colonial Drive; Generally located South of East Colonial Drive, and east of Woodbury Road.

TRACT SIZE: 10.08 gross acres

DISTRICT: # 4

S/T/R: 23/22/31

1 inch = 575 feet



LUP-19-08-266

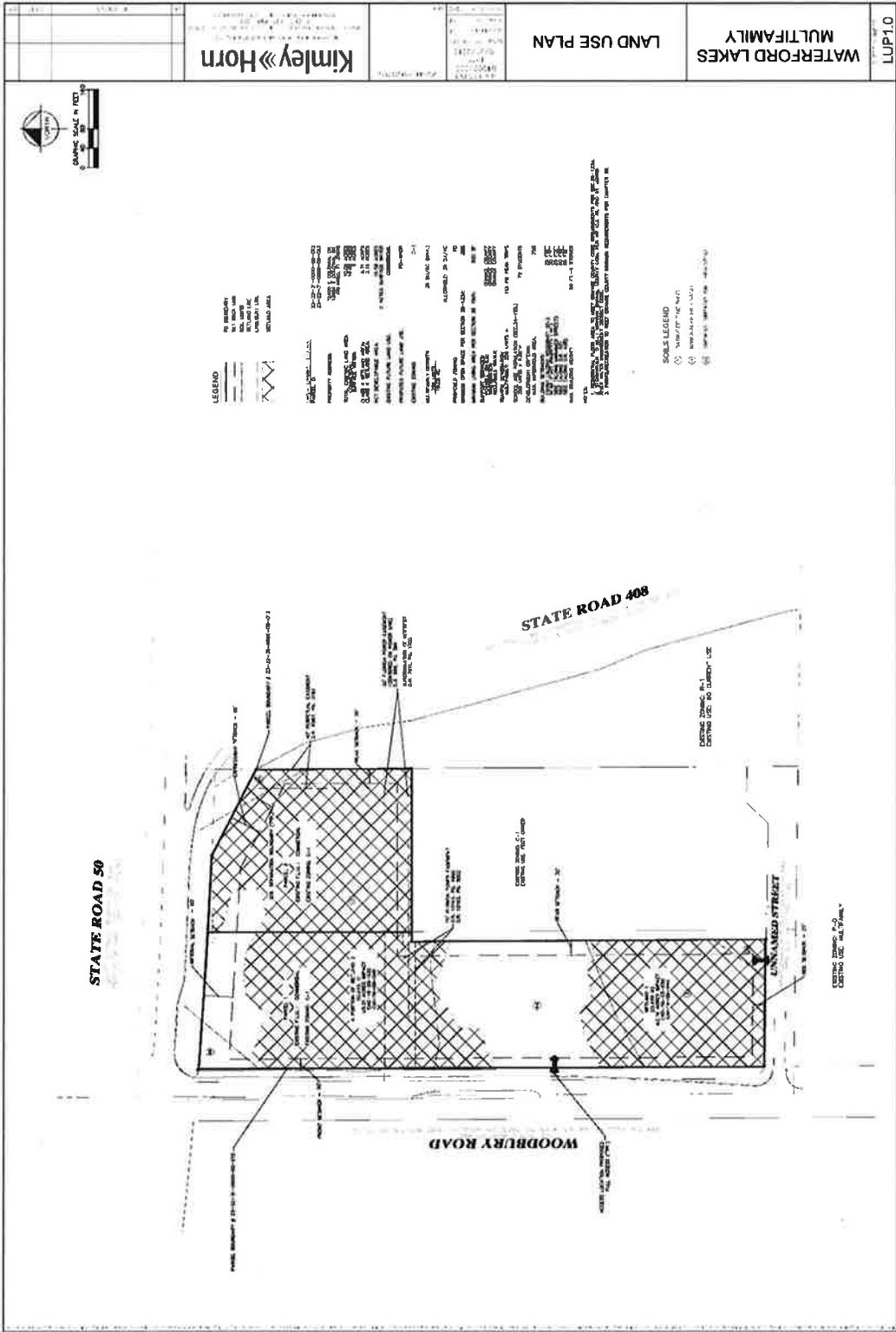


 Subject Property



1 inch = 375 feet

Waterford Lakes Multi-Family PD / LUP



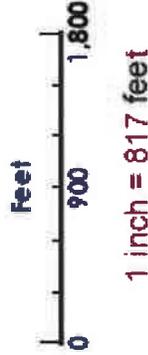
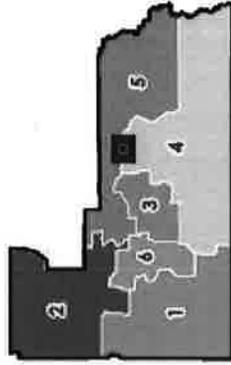
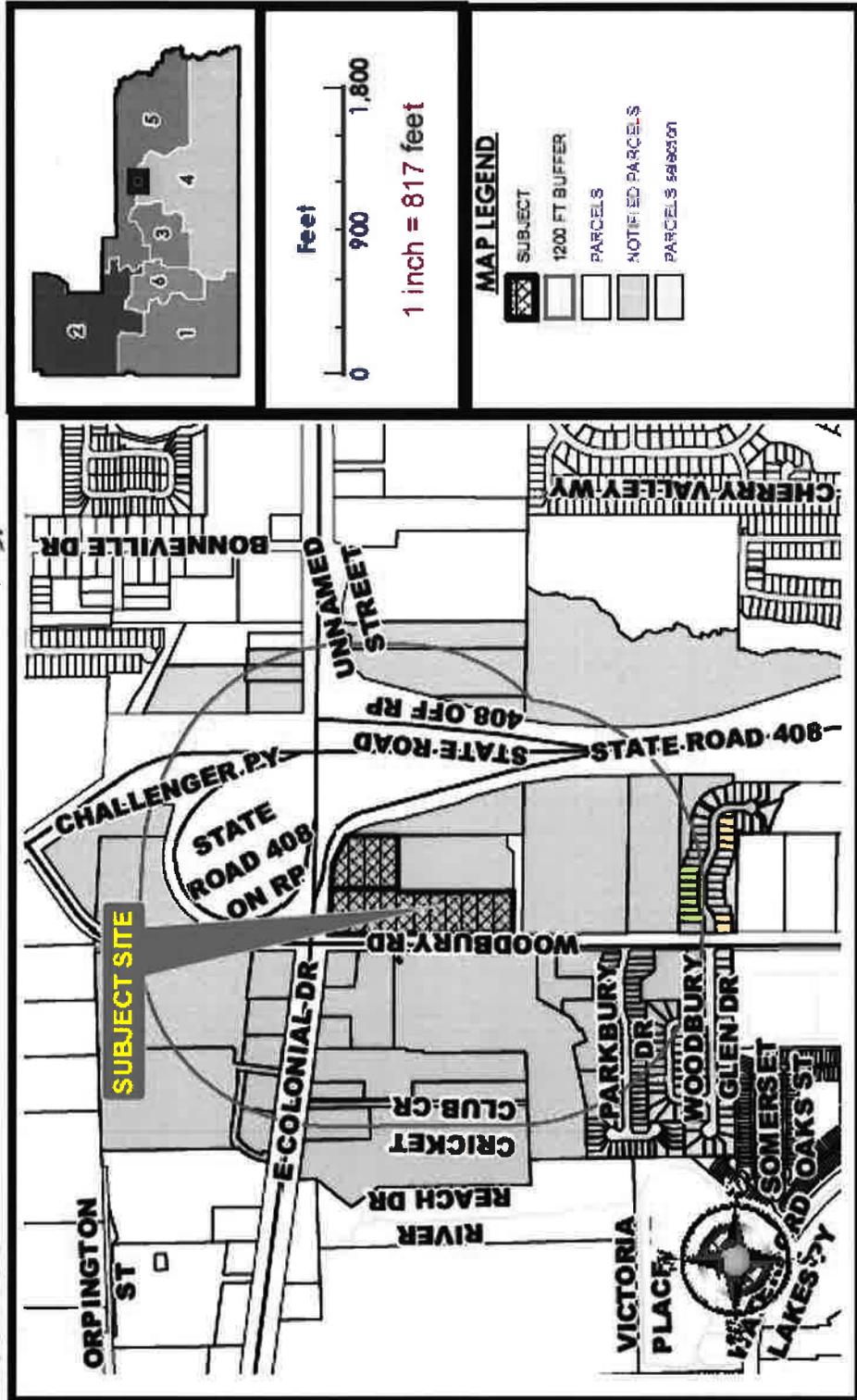
Notification Map



Public Notification Map

12400 E Colonial Drive_2019-2-A-4-2

1200 FT BUFFER, 237 NOTICES



MAP LEGEND

- SUBJECT
- 1200 FT BUFFER
- PARCELS
- NOTIFIED PARCELS
- PARCELS SECTION

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