



## Interoffice Memorandum

DATE: October 14, 2021

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

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

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

SUBJECT: October 26, 2021 – Public Hearing  
Applicant: Scott Gentry, Kelly, Collins & Gentry, Inc.  
Hamlin West Planned Development – Unified Neighborhood Plan /  
Northshore of Lake Hamlin Preliminary Subdivision Plan  
Case # PSP-20-11-326 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 11, 2021, to approve the Hamlin West Planned Development – Unified Neighborhood Plan (PD-UNP) / Northshore of Lake Hamlin Preliminary Subdivision Plan (PSP) to subdivide 21.10 gross acres, generally located south of New Independence Parkway and east of Avalon Road, in order to construct 225 single-family residential dwelling units.

In addition, a waiver from Orange County Code is being requested:

A waiver from Orange County Code Section 38-1253(b) is requested to allow for 1.20 acres of recreation area in lieu of the required 1.74 acres of recreation area.

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

**ACTION REQUESTED:** Make a finding of consistency with the Comprehensive Plan and approve the Hamlin West PD - UNP / Northshore of Lake Hamlin PSP dated "Received August 26, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/EPR/lme  
Attachments

**CASE # PSP-20-11-326**

Commission District # 1

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 11, 2021, to approve the Hamlin West Planned Development – Unified Neighborhood Plan (PD-UNP) / Northshore of Lake Hamlin Preliminary Subdivision Plan (PSP) to subdivide 21.10 gross acres, generally located south of New Independence Parkway and east of Avalon Road, in order to construct 225 single-family residential dwelling units.

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**2. PROJECT ANALYSIS**

- A. Location: South of New Independence Parkway / East of Avalon Road
- B. Parcel ID: 20-23-27-0000-00-002, 20-23-27-0000-00-007
- C. Total Acres: 21.10 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Water Spring ES – Enrolled: 1,147 / Capacity: 791  
Bridgewater MS – Enrolled: 1,699 / Capacity: 1,040  
Horizon HS – Enrolled: 1,325 / Capacity: 1,950
- G. School Population: 74
- H. Parks: Horizon West Regional Park – 2 Miles
- I. Proposed Use: 225 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 55' (4-stories)  
Minimum Living Area: 1,000 Square Feet  
Minimum Lot Width: 20'  
Building Setbacks:
  - 7' Front
  - 7' Side
  - 14' Rear
  - 10' Side Street

K. Fire Station: 44 – 16990 Porter Road

L. Transportation: On August 7, 2018 the Board of County Commissioners approved an Amended and Restated Road Network Agreement by and among Hamlin Retail Partners West, LLC; West Orange/Avalon Road Land, LLC; SLF IV/Boyd Horizon West JV, LLC; Independence Parkway Development, LLC and Orange County. The Amended and Restated Road Network Agreement provides for a fair share cost analysis of funds to be allocated to roadway improvements for New Independence Parkway and C.R. 545 (Avalon Road). The Scope of the Improvements is outlined according to available funding for design and construction. A Vested Trip Allocation table is included to allow for concurrency to be met through the completion of roadway improvements. Transportation Impact Fee Credits to be awarded based on County improved costs for design and construction. The Constructing Owner has the option to install road improvements in excess of their fair share amount and be awarded additional vested trips at a rate of \$6,758.11 per trip of the additional contribution amount up to a maximum of 500 additional trips and additional transportation impact fee credits in the amount of the additional work performed. Any additional improvements must be approved by Orange County.

### **3. COMPREHENSIVE PLAN**

The subject property is designated on the Future Land Use Map (FLUM) as Village and the property is designated as a Corporate Campus Mixed Use District and a Retail Wholesale District within the Horizon West Town Center. The property's zoning is PD and is within the Hamlin West PD. The proposal appears to be consistent with the Comprehensive Plan.

### **4. ZONING**

PD (Planned Development District) (Hamlin West PD)

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

Approval subject to the following conditions:

1. Development shall conform to the Hamlin West Planned Development - Unified Neighborhood Plan; Orange County Board of County Commissioners (BCC) approvals; Northshore of Lake Hamlin Preliminary Subdivision Plan dated "Received August 26, 2021," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated

herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received August 26, 2021," 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 preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
7. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
8. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
9. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

10. The project shall comply with the terms and conditions of that certain Amended and Restated New Independence Parkway and C.R. 545/Avalon Road Network Agreement approved on August 7, 2018, and recorded at Document Number 20180482220, Public Records of Orange County, Florida, as may be amended.
11. A Master Utility Plan (MUP) for the PSP, including hydraulically dependent development, shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PSP shall be consistent with approved and up-to-date Master Utility Plans (MUPs) for the PSP and the Horizon West Town Center. MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUPs and updates must be approved prior to Construction Plan approval.
12. Where public gravity main will be located within alleyways (except for Alley D), the distance from structure to structure shall be a minimum of 38 feet. To meet this requirement, the rear and side setbacks for affected lots on the PSP shall be a minimum of 19 feet from the property line, based on the utility configuration shown in the PSP.
13. Where public gravity main will be located within Alley D, the distance from structure to structure shall be a minimum of 60 feet. To meet this requirement, the rear setbacks for affected lots on the PSP shall be a minimum of 30 feet from the property line, based on the utility configuration shown in the PSP.
14. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County/Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, coordinate with OCU to obtain information on the mounding produced by the RIBs, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.
15. Unless otherwise specified to the County's satisfaction in the PSP, a Development Plan, in conformance with the requirements of Section 34-131(b) (20), including the appropriate group type, is required for the park / recreation tract(s) within this Preliminary Subdivision Plan (PSP), or phase thereof, as appropriate. Regardless of whether the park / recreation tract is included in the PSP or approved via a separate Development Plan, the park / recreation area tract(s) shall be constructed in conjunction with the subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located.

16. New streets which are an extension of or in alignment with existing streets shall bear the same name as that borne by such existing streets.
17. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
18. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
19. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
20. Roads and drainage system(s) will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
21. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
22. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
23. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance, including leasing, fuel, and energy costs for this project, of street lighting inventory within the PSP on publicly owned and maintained streets, with the exception of those street lighting fixtures, poles, and luminaries in the public right of way that shall be installed and maintained by the POA (the "POA Lighting"). Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and, with the exception of the POA Lighting, installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory other than the POA Lighting. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via one or more, as appropriate, "Letter(s) of Commitment," prior to the installation of the street lighting fixtures,

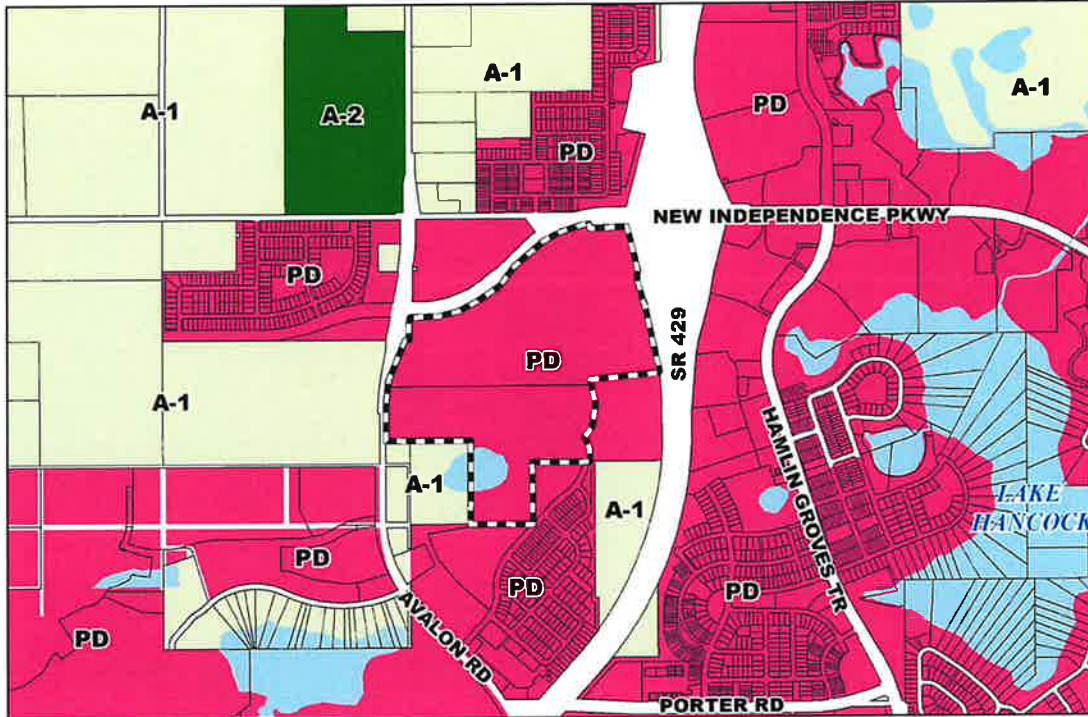
poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

24. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
25. The plat and the Conditions, Covenants, and Restrictions (CC&Rs) for this project shall notify homeowners that solid waste collection by Orange County from this project has the legal right to tie into the master drainage system alleyways adjacent to Lots 65 through and including 72 will not be possible because the alleyway configuration does not provide adequate width to accommodate Orange County solid waste collection vehicles.
26. Streets A & E as shown on the PSP shall be designed and constructed to commercial standards.
27. A waiver from Orange County Code Section 38-1253(b) is granted to allow for 1.20 acres of recreation area in lieu of the required 1.74 acres of recreation area.



## Zoning Map

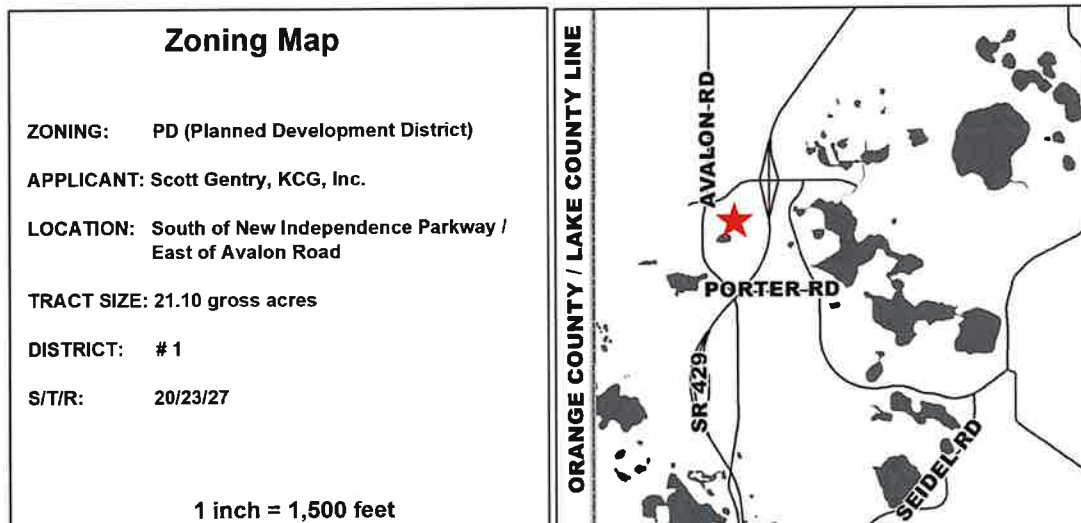
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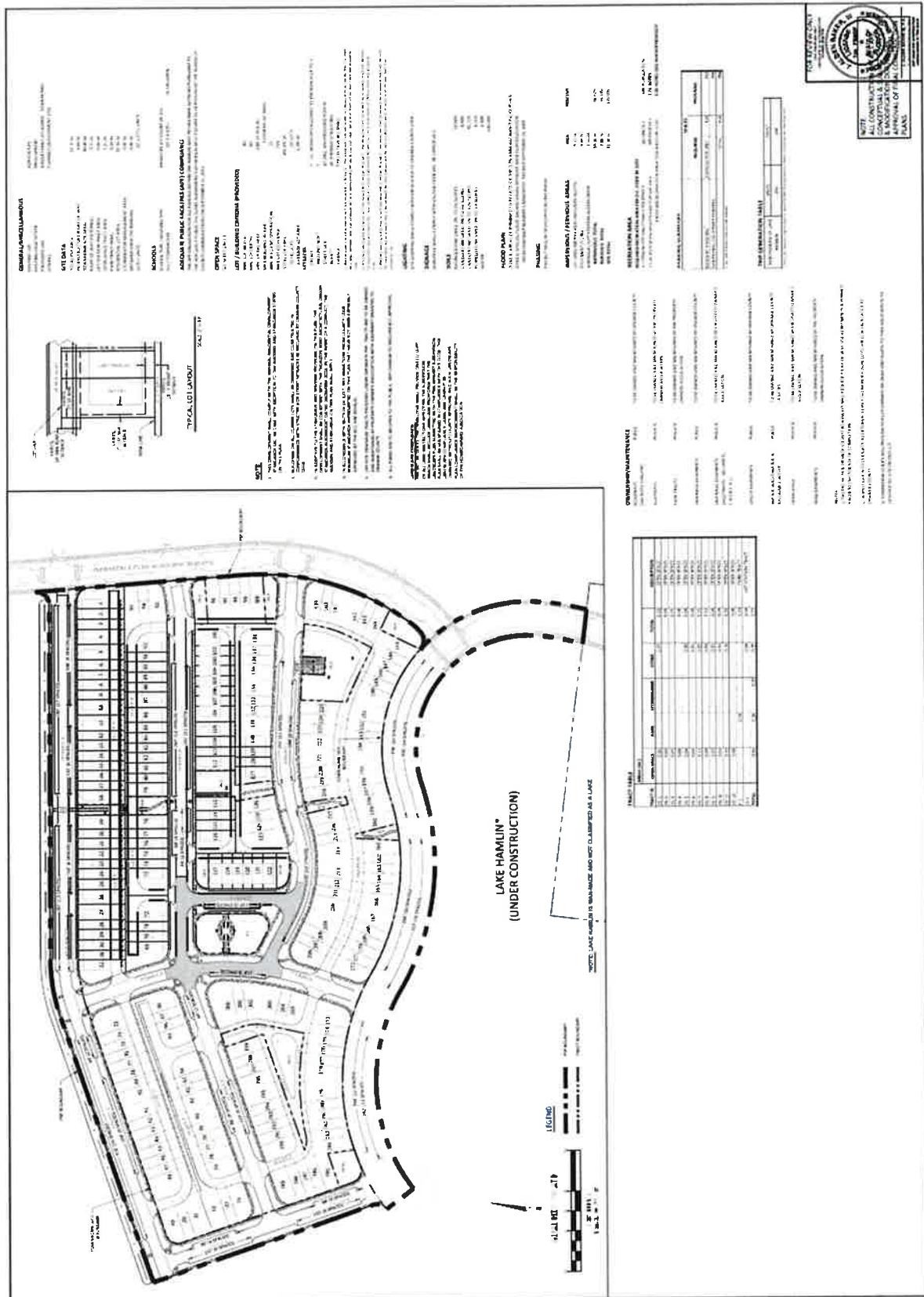
 Subject Property



 Subject Property



# Site Plan Sheet

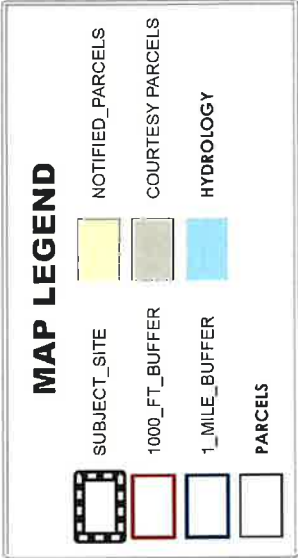
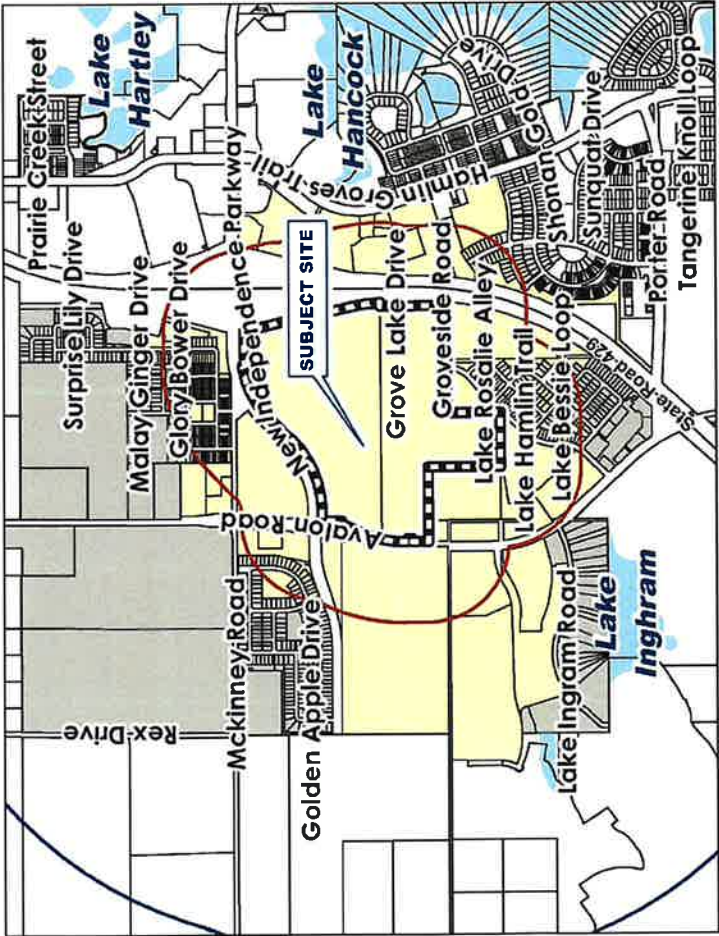


Notification Map

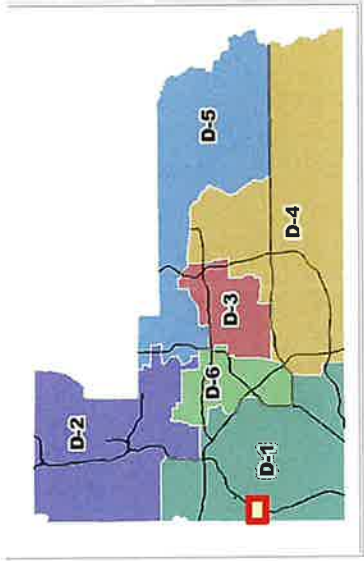


Public Notification Map

Hamlin West PD\_UNP Northshore of Lake Hamlin\_PSP-20-11-326



BUFFER DISTANCE: 1000  
# OF NOTICES: 525



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