




Interoffice Memorandum

DATE: March 8, 2022

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

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

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

SUBJECT: April 5, 2022 – Public Hearing
Brian Forster, Land Design
Ward Property Planned Development / Nona West Infrastructure
Preliminary Subdivision Plan
Case # PSP-21-06-166 / District 4

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 12, 2022, to approve the Ward Property Planned Development (PD) / Nona West Infrastructure Preliminary Subdivision Plan (PSP) to subdivide 114.63 acres, generally located north of Simpson Road and west of Boggy Creek Road, in order to construct the master infrastructure that will serve future development parcels for commercial, single-family attached residential dwelling units, and multi-family residential dwelling units.

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 Ward Property PD / Nona West Infrastructure PSP dated "Received February 1, 2022", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

JVW/JK/lme
Attachments

CASE # PSP-21-06-166

Commission District # 4

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 12, 2022, to approve the Ward Property Planned Development (PD) / Nona West Infrastructure Preliminary Subdivision Plan (PSP) to subdivide 114.63 acres, generally located north of Simpson Road and west of Boggy Creek Road, in order to construct the master infrastructure that will serve future development parcels for commercial, single-family attached residential dwelling units, and multi-family residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: North of Simpson Road / West of Boggy Creek Road
- B. Parcel ID: 33-24-30-0000-00-021
- C. Total Acres: 114.63 gross acres
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: N/A
- I. Proposed Use: Master Infrastructure
- J. Site Data: Development shall comply with all standards found in the Ward Property Planned Development.
- K. Fire Station: 55 - 801 Greenway Professional Court
- L. Transportation: Boggy Creek Road / Ward Property PUD: The Board of County Commissioners approved the Road Impact Fee Agreement for the Ward Property on Boggy Creek Road on 8/21/2007 and was recorded at ORBk/Pg 9431/3516. The Ward Property Road Impact Fee Agreement provides that the Owner, Boggy Creek L.L.P., dedicate 2.15 acres of Right-of-Way property for Boggy Creek Road Right-of-Way along with 4.14 acres of drainage easements. The Owners will convey this Right-of-Way by warranty deed within 120 days of execution of this agreement and will receive Road Impact Fee

Credits in the amount of \$587,600. This agreement was approved by the Roadway Agreement Committee on May 2, 2007. A First Amendment to the Road Impact Fee Agreement was approved on April 1, 2008 and recorded at 9653/0102 to extend the timeframe for conveyance to 120 days from the Effective Date of the First Amendment. The warranty deed and drainage easements for conveyance were approved by the BCC on June 10, 2008.

Existing/Valid transportation capacity entitlements not found. This development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. Please contact the Concurrency Management Office at 407-836-5617 for more information. **IMPORTANT NOTE:** This development is located near failing roadway(s) within Orange County. Contact Transportation Planning at 407-836-7893 to verify the existing capacity surrounding the project location, and to verify what type of agreement (if applicable) is needed to remedy deficiencies (OC Code: Chapter 30, Sections 30-620 thru 30-624). This deficiency will require you to submit a Transportation Capacity Analysis with your CEL Submittal Package. Please refer to the Submittal Requirements on the CEL Application for further information. **INFORMATION:** This development will require School Concurrency via a Capacity Encumbrance Letter (CEL) Application. Additional Information: Encumbered school and transportation capacity must be reserved (aka prepay school and transportation reservation fees) by the CEL expiration date or prior to platting.

Improvements: Boggy Creek Rd, from Osceola County Line to SR 417 will be widened from a two-lane roadway to a four-lane roadway from the Orange/Osceola County line to SR 417. The widening will include sidewalks, bicycle lanes, roadway lighting, and median landscaping. At the time of the report, this project has an overall completion of approximately 63%. Construction is anticipated to be complete June 2024. This information is dated and subject to change.

Based on the Concurrency Management database (CMS) dated 6/23/2021, there are multiple failing roadway segments within the project's impact area. Sand Lake Road, from Dr. Phillips Boulevard to Turkey Lake Road, Turkey Lake Road, from Sand Lake Commons to Sand Lake Road, are failing. This information is dated and subject to change.

M. EPD

Solid Waste - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping.

3. COMPREHENSIVE PLAN

The subject property is designated on the Future Land Use Map (FLUM) as Planned Development. The property zoning is PD and is within the Ward Property PD. The request to subdivide 114.69 acres in order to construct the master infrastructure that will serve future development parcels. The proposal is consistent with the comprehensive plan.

4. ZONING

PD (Planned Development District) (Ward Property PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Ward Property Planned Development; Orange County Board of County Commissioners (BCC) approvals; Nona West Infrastructure Preliminary Subdivision Plan dated "Received February 1, 2022" and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. 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 February 1, 2022," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this 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.

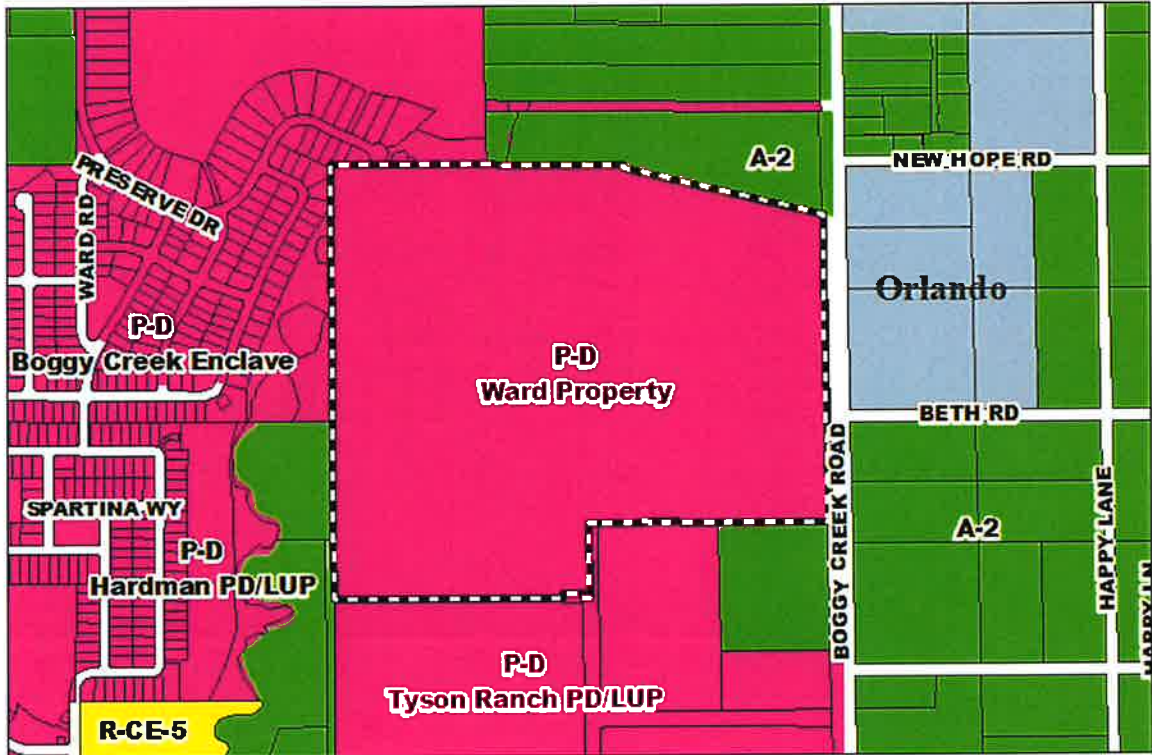
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements 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. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
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. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
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. 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.

11. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
12. 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.
13. A Master Utility Plan (MUP) for the PD 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 PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
14. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
15. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
16. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
17. 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.

18. The stormwater management system shall be designed to retain the 100-year / 24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
19. Unless otherwise allowed by County Code, the property shall be platted prior to the issuance of any vertical building permits.
20. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal and concurrent with construction plan submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the preapplication / sufficiency review meeting prior to formal submittal of the plat to the County.
21. The Drainage Easement recorded in Deed Book 402, Page 362, Public Records of Orange County, Florida, must be vacated prior to submittal of the plat.
22. The infrastructure, other than public utilities, shall be privately owned and maintained. Commercial and industrial developments, at the time of platting, shall establish a Property Owners Association (POA) which shall be responsible for such maintenance as provided in a Declaration of Covenants, Conditions, and Restrictions (CC&R's) to the reasonable satisfaction of the County. This does not mean that gates are required or permitted.
23. Prior to Certificate of Completion for the infrastructure, the design of the traffic signal at the intersection of Beth Road / Road D and Boggy Creek Road must be approved by the Traffic Engineering Division.
24. Construction of the right-turn lanes and associated drainage along Boggy Creek Road, and mast arm traffic signal for the ultimate configuration of Boggy Creek Road at the intersection with Road D/ Beth Road shall be coordinated with the Highway Construction Division. The Developer shall coordinate with the County's contractor (Junior Davis) to construct the right turn lanes, associated drainage, mast arm signal and any interim traffic control measures during the construction of the project at no cost to the County.

Zoning Map

PSP-21-06-166



Subject Property



Subject Property

Zoning Map

ZONING: P-D (Planned Development)
 (Ward Property Land Use Plan)

APPLICANT: Brian Forster, Land Design

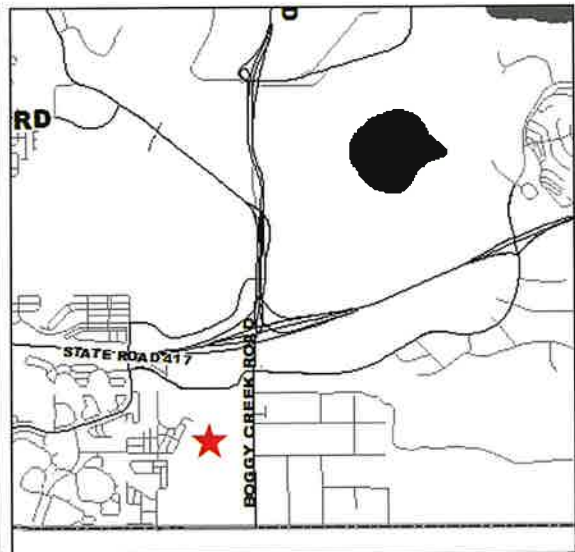
LOCATION: North of Simpson Road
 West of Boggie Creek Road

TRACT SIZE: 114.63 gross acres

DISTRICT: # 4

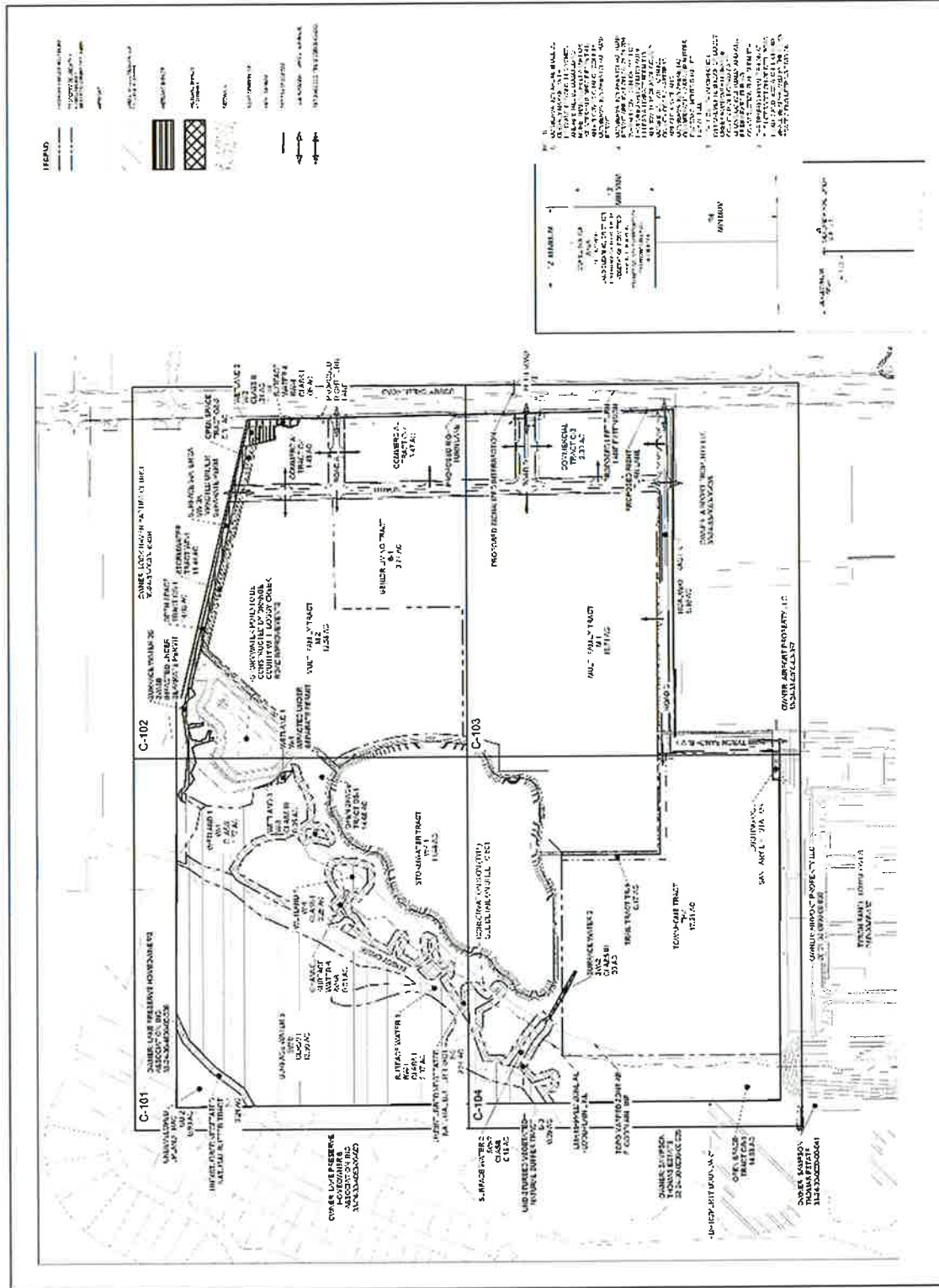
S/T/R: 33-24-30

1 inch = 750 feet



Site Plan Sheet

LandDesign
 11111 S. Orange Blvd.
 Suite 100
 Orange, CA 92668
 (714) 961-1111
 www.landdesign.com



**NOMA WEST
 INFRASTRUCTURE
 PSP**

REVISIONS	
NO.	DATE
1	11/11/2021
2	11/11/2021
3	11/11/2021
4	11/11/2021
5	11/11/2021
6	11/11/2021
7	11/11/2021
8	11/11/2021
9	11/11/2021
10	11/11/2021



C-001

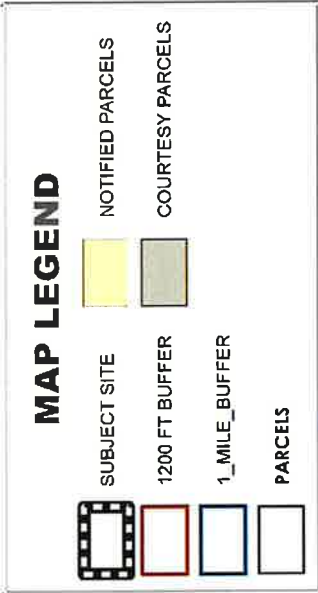
Notification Map

S:\Business Systems\Board Administrations\SUBSTANTIAL CHANGE\2021\DR\Ward Property PD_CDR-20-08-23\Ward Property PD_CDR-



Public Notification Map

Ward Property_Nona West Infrastructure_PSP-21-06-166



BUFFER DISTANCE: 1200
 # OF NOTICES: 325

