



**Interoffice Memorandum**

**DATE:** July 22, 2019

**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**   
**Planning Division**  
**(407) 836-5523**

**SUBJECT:** August 20, 2019 – Public Hearing  
Applicant: Larry Poliner, RCE Consultants, LLC  
Rainbow Ridge Planned Development / Rainbow Ridge Preliminary  
Subdivision Plan  
Case # PSP-15-10-304

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 6, 2017, to approve the Rainbow Ridge Planned Development (PD) / Rainbow Ridge Preliminary Subdivision Plan (PSP) to subdivide 43.99 acres in order to construct 20 detached single-family residential dwelling units.

This request also includes the following waivers from Orange County Code:

- 1) A waiver from Section 34-208(c) to allow the subdivision without street lighting in lieu of the requirement of installation of street lights.
- 2) A waiver from Section 34-171(7) to eliminate the requirement of constructing four-foot wide concrete sidewalks on both sides of the street.

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 Rainbow Ridge PD / Rainbow Ridge PSP dated "Received June 18, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2**

JVW/EPR/lme  
Attachments

**CASE # PSP-15-10-304**

Commission District # 2

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 6, 2017, to approve the Rainbow Ridge Planned Development (PD) / Rainbow Ridge Preliminary Subdivision Plan (PSP) to subdivide 43.99 acres in order to construct 20 detached single-family residential dwelling units.

This request also includes the following waivers from Orange County Code:

- 1) A waiver from Section 34-208(c) to allow the subdivision without street lighting in lieu of the requirement of installation of street lights.
- 2) A waiver from Section 34-171(7) to eliminate the requirement of constructing four-foot wide concrete sidewalks on both sides of the street.

**2. PROJECT ANALYSIS**

- A. Location: South of Haas Road / East of Plymouth Sorrento Road
- B. Parcel ID: 07-20-28-0000-00-007, 07-20-28-0000-00-072
- C. Total Acres: 43.99 gross acres
- D. Water Supply: Well
- E. Sewer System: Septic
- F. Schools: Zellwood ES – Capacity: 569 / Enrolled: 621  
Wolf Lake MS – Capacity: 1,091 / Enrolled: 1,271  
Apopka HS – Capacity: 3,231 / Enrolled: 3,292
- G. School Population: 9
- H. Parks: Kelly Park – 3.7 Miles
- I. Proposed Use: 20 Detached Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35'  
Minimum Lot Size: 0.7 acre  
Minimum Lot Width: 150'  
Minimum Living Area: 2,000 Square Feet  
Building Setbacks:  
35' Front  
50' Rear  
10' Side

K. Fire Station: 29 – 225 East Kelly Park Road

L. Transportation: Based on Concurrency Management System dated July 2019, there are no failing segments within 2.5 miles (the impact area) of this project. This project is located in the Rural area of Orange County. Since this development generates less than 50 P.M. peak trips, a traffic study will not be required.

### **3. COMPREHENSIVE PLAN**

The property's Future Land Use Map (FLUM) designation is Rural Settlement 1/2 and it is located in the Rainbow Ridge Rural Settlement. The request is consistent with the Comprehensive Plan.

### **4. ZONING**

PD (Planned Development District) (Rainbow Ridge PD)

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

Approval subject to the following conditions:

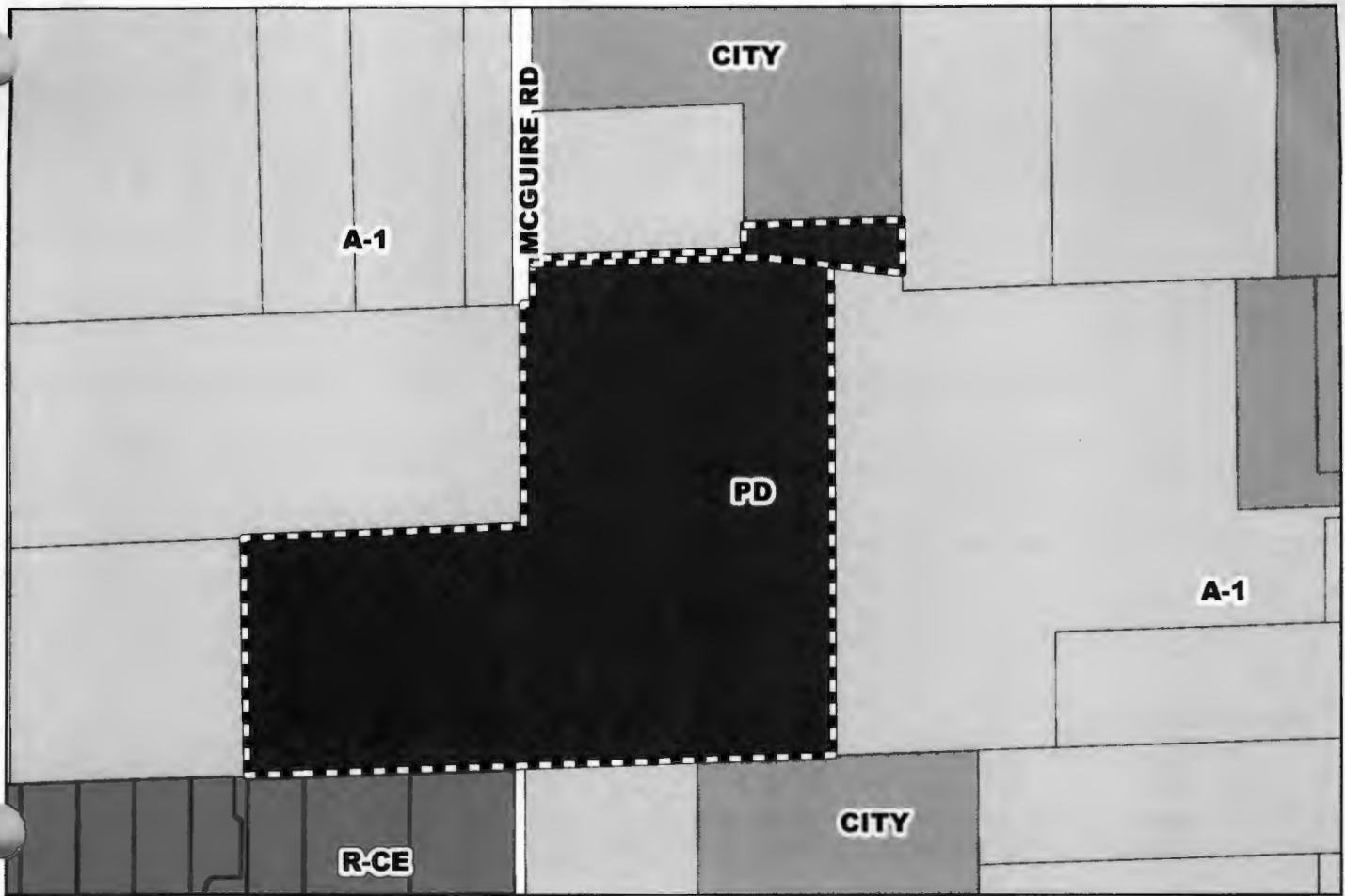
1. Development shall conform to the Rainbow Ridge PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Rainbow Ridge Preliminary Subdivision Plan dated "Received June 18, 2019," and to the conditions of approval listed below. Development based upon this approval shall comply 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 June 18, 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 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. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.

7. 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.
8. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the proposed drainage system (roadside swales) have the capacity to accommodate this development.
9. 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.
10. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the adjacent land use includes publicly managed property: the Sandhill Preserve, the Wekiva Springs State Park and the Lake Lucie Conservation Area. The notice shall indicate that the adjacent property will require the use of resource management practices that may result in periodic temporary conditions that may limit outdoor activities. These practices will include, but not be limited to, ecological burning, pesticide and herbicide usage, exotic plant and animal removal, usage of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.
11. 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).
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. 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.
14. 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 (EPD) 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.
15. This site is located within an ethylene dibromide (EDB, a soil fumigant) groundwater contamination zone delineated by the Florida Department of Environmental Protection (FDEP). Any new water wells will require special permitting per Florida Administrative Code FAC 62-524, which includes specific construction and/or treatment requirements.
16. Any new streets which are is extension of or in alignment with an existing streets shall bear the same name as that borne by such existing streets.
17. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
18. An Individual Lot Grading Plan shall be provided, showing the required stormwater treatment with dry retention swales.
19. The Covenants, Conditions, and Restrictions (CC&Rs) shall contain the following provision: each individual owner shall maintain its stormwater treatment retention pond. Fill material and / or landscaping shall not be allowed within the individual ponds.
20. The following waivers from Orange County Code are granted:
  - a. A waiver from Orange County Code Section 34-208(c), to allow the subdivision without street lighting in lieu of the requirement of installation of street lights.
  - b. A waiver from Orange County Code Section 34-171(7), to eliminate the requirement of constructing 4' wide concrete sidewalks on both sides of the street.



 Subject Parcels



 Subject Property

### Zoning Map

**ZONING:** PD (Planned Development District)

**APPLICANT:** Larry Poliner, RCE  
Consultants, LLC

**LOCATION:** South of Haas Road / East of  
Plymouth Sorrento Road

**TRACT SIZE:** 43.99

**DISTRICT:** 2

**S/T/R:** 07/20/28

1 inch = 500 feet



# RAINBOW RIDGE PRELIMINARY SUBDIVISION PLAN APOPKA, FLORIDA

PARCELS 07-20-28-0000-00-007 & 07-20-28-0000-00-072

PSP-15-10-304



JUNE 2019

## PROJECT CONTACTS

**OWNER:**  
WILLIAM HENRY JR.  
35 W. LAUREL STREET.  
APOPKA, FL 32703  
407.595.0852

**CIVIL ENGINEER:**  
RICE CONSULTANTS, LLC  
LAWRENCE POLNER, P.E.  
617 ARVINE DRIVE  
ALTAMONTE SPRINGS, FL 32701  
407.452.8633

## UTILITIES:

**WATER/SEWER:** SEPTIC/WELL

**SOLID WASTE:** ORANGE COUNTY

**ELECTRIC:** PROGRESS ENERGY  
5886 EXCHANGE PLACE, NP48  
LAKE MARY, FL 32748  
PHONE: 407-948-8463

**TELEPHONE:** CENTURYLINK

**CABLE:** BRIGHTHOUSE NETWORKS  
844 MAGUIRE ROAD  
OCOCHEE, FLORIDA 34761  
PHONE: (407) 628-6828

## SITE DATA

**PROJECT LOCATION:**  
SOUTH OF HABS ROAD WEST OF PLYMOUTH BORRENTO ROAD

**PROPERTY AREA:**  
TOTAL = 43.88 ACRES  
TOTAL OPEN SPACE REQUIRED = 21.885 ACRES (50%)  
NET DEVELOPABLE AREA = 21.885 ACRES

**FUTURE LAND USE:**  
RS 1/2 (RURAL SETTLEMENT)

**PROPERTY ZONING: PROPOSED ZONING:**  
A-1 (AGRICULTURAL) P-D (PLANNED DEVELOPMENT)

## PROPOSED DEVELOPMENT PROGRAM

20 UNITS OR 1 DU/2.30AC

## BUILDING DATA & SETBACKS

**LOT STANDARDS**

MAXIMUM BUILDING HEIGHT: 36 FEET (2 STORIES)  
MINIMUM LOT SIZE: 0.7 ACRE  
MINIMUM LOT WIDTH: 180 FT  
MINIMUM LIVING AREA: 2,000 SF UNDER HAVAC

**MINIMUM BUILDING SETBACKS:**  
FRONT 25'  
REAR 50'  
SIDE 10'

PERIMETER SETBACK REQUIRED = 25'

**SCHOOL AGE CHILDREN**  
20 X 0.431 = 8.62

## STORMWATER MANAGEMENT

PER ORANGE COUNTY AND SURVIM REQUIREMENTS ROADWAY STORMWATER WILL BE THROUGH ROADSIDE SWALES AND EACH LOT SHALL PROVIDE REQUIRED STORMWATER TREATMENT WITH DRY RETENTION SWALES

## OPEN SPACE

PER THE WEKIVA STUDY AREA OPEN SPACE POLICY, FLU 6 B 10, 50% (22 ACRES) OPEN SPACE PROVIDED

## UTILITIES

WATER SHALL BE THROUGH WELL  
SANITARY SHALL BE THROUGH SEPTIC SYSTEMS

## TRAFFIC

PER ITE COD. 210, 9TH EDITION, 20 LOTS WILL GENERATE 191 TOTAL DAILY TRIPS (20 X 9.52 TRIPS/HOME) WITH 15 AM PEAK (20 X 0.75 TRIPS) AND 20 PM PEAK TRIPS (20 X 1.00 TRIPS)

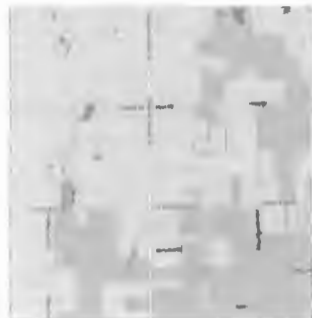
## FLOOD ZONE:

BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, THE STRUCTURE SHOWN HEREON DOES NOT LIE WITHIN THE 100 YEAR FLOOD HAZARD AREA. THIS STRUCTURE LIES IN UNSHADED ZONE "X" COMMUNITY PANEL NO 120179 D050 F  
EFFECTIVE DATE: SEPTEMBER 25, 2009 (SUBJECT TO CHANGE)

## SHEET INDEX

- 1 COVER SHEET
- 2 SITE PLAN
- 3 TREE SURVEY
- 4 AUTOTURN PLAN
- L1-L13 LANDSCAPE PLAN

SURVEY



VICINITY MAP

NOT TO SCALE

## LEGAL DESCRIPTION

PARENT PARCEL DESCRIPTION: (see parcel ID# 07-20-28-0000-00-011) (Official Records Book 6706, Page 4177)

Begin in SW corner of NE 1/4, run east along the Section line 660 feet to Point of Beginning, continue East along the Section line 891.88 feet, then North 2822.38 feet to the South Right of Way line for HABS Road, continue West 30 feet, South 318.17 feet, then West 413.81 feet, then South 775 feet, then West 448 feet 6/8", to East line of West 1/2 of SW 1/4 of NE 1/4 then South along said line to Point of Beginning, Section 07-20-28, Orange County, Florida.

LESS: (see parcel ID# 07-20-28-0000-00-086) (Official Records Book 7890, Page 1089) (BOTH PURCHASE)

Commence at the Southwest corner of the Northeast 1/4 of Section 7, Township 30 South, Range 28 East, Orange County, Florida, and run thence North 89 degrees 38 minutes, 31 seconds East, along the South line of said NE 1/4 of Section 7, for a distance of 1533.83 feet, thence run North 00 degrees 47 minutes 08 seconds West for a distance of 2832.27 feet to the Southern right-of-way line of HABS Road and the Point of Beginning; thence run South 00 degrees 47 minutes 08 seconds East for a distance of 1296.12 feet, thence run South 87 degrees 41 minutes 42 seconds West for a distance of 6402.83 feet, thence North 00 degrees 41 minutes 54 seconds West for a distance of 978.28 feet, thence run North 87 degrees 43 minutes 57 seconds East for a distance of 608.33 feet, thence run North 00 degrees 47 minutes 08 seconds West for a distance of 318.15 feet to the Southern right-of-way line of HABS Road; thence run North 87 degrees 43 minutes 57 seconds East for a distance of 30.00 feet to the Point of Beginning.

AND LESS: (see parcel ID# 07-20-28-0000-00-072) (Official Records Book 10176, Page 7757) (PUBLIC PURCHASE)

Commence at the North Quarter Corner of Section 7, Township 30 South, Range 28 East, Orange County, Florida; thence run South 00 Degrees 41' 54" East, along the West line of the Northeast Quarter of said Section 7, for a distance of 1588.36 feet; thence run North 89 Degrees 18' 08" East, for a distance of 30.00 feet to the Southwest corner of lands described in Official Records Book 5007, Page 513, of the Public Records of Orange County Florida and the Point of Beginning; thence run North 87 Degrees 43' 57" East, along the South line of said lands, for a distance of 618.00 feet; thence run North 00 Degrees 41' 54" West, along the East line of said lands, for a distance of 74.00 feet to the Southwest corner of lands described in Official Records Book 4822, Page 554; thence run North 87 Degrees 43' 57" East, along the South line of said lands, for a distance of 462.84 feet to the Southwest corner of said lands; thence run South 00 Degrees 41' 54" East, for a distance of 153.32 feet; thence run North 88 Degrees 25' 27" West, for a distance of 412.78 feet; thence run South 89 Degrees 43' 57" West, for a distance of 371.18 feet to the Eastern Right-of-Way line of Middle Road; thence run North 00 Degrees 41' 54" West, along said Eastern Right-of-Way line, for a distance of 17.00 feet to the Point of Beginning.

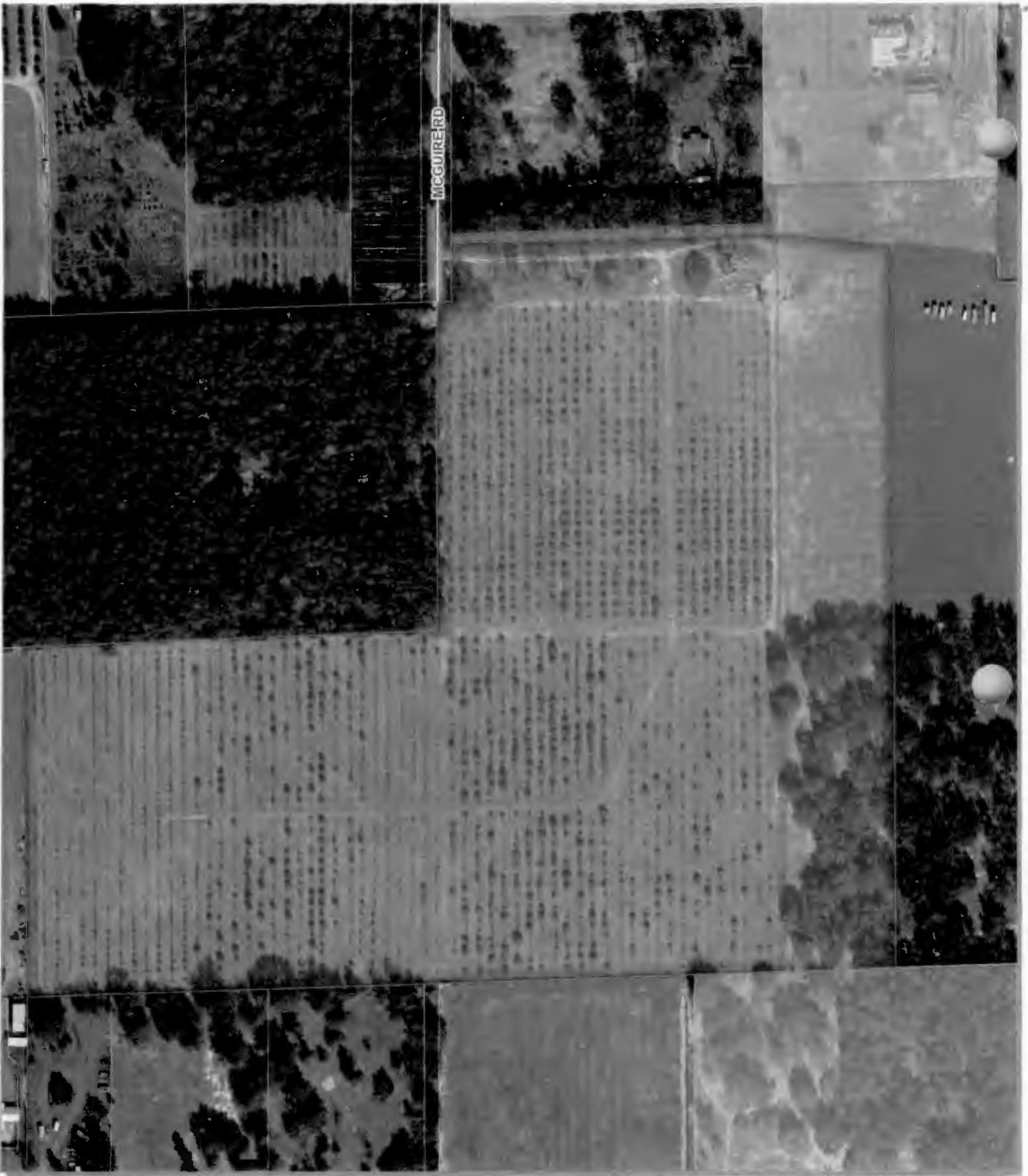
**RECEIVED**  
By DRC Office at 3:18 pm, Jun 10, 2019



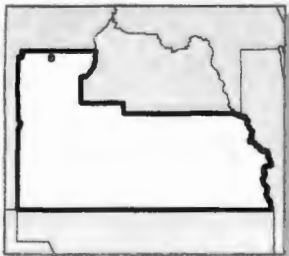
<b>COVER SHEET</b>	
OCTOBER 2015	
17 2014	Issue Date
N/A	Issue Number
1	









# Rainbow Ridge PD / Rainbow Ridge PSP Case # PSP-15-10-304



Parcels		Subject Property	Jurisdiction		Hydrology
---------	---	------------------	--------------	---	-----------



1 : 3,000  
1 in : 250 ft