



Interoffice Memorandum

June 15, 2023

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

A handwritten signature in black ink, appearing to be "T. Boldig", written over the name of the sender.

FROM: Timothy L. Boldig, Interim Director
Planning, Environmental and Development
Services Department

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

SUBJECT: July 11, 2023 – Public Hearing
Applicant: Bob Paymayesh, PE, Group, LLC
Wesley Place Planned Development / Wesley Place Preliminary
Subdivision Plan
Case # PSP-23-02-067 / District 2

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 24, 2023, to approve the Wesley Place Planned Development (PD) / Wesley Place Preliminary Subdivision Plan (PSP) to subdivide 16.57 acres, generally located north of US 441 and east of Washington Street, to construct 26 single-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 Wesley Place PD / Wesley Place PSP dated "Received May 24, 2023", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2

TB/JK/lme
Attachments

CASE # PSP-23-02-067

Commission District # 2

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 24, 2023, to approve the Wesley Place Planned Development (PD) / Wesley Place Preliminary Subdivision Plan (PSP) to subdivide 16.57 acres, generally located north of US 441 and east of Washington Street, to construct 26 single-family residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: North of US 441 / East of Washington Street
- B. Parcel ID: 22-20-27-0000-00-004, 22-20-27-0000-00-005,
22-20-27-7912-00-010
- C. Total Acres: 16.57 gross acres
- D. Water Supply: Zellwood Water
- E. Sewer System: City of Apopka
- F. Schools: Zellwood ES – Enrollment: 499 / Capacity: 578
Wolfe Lake MS - Enrollment: 1,190 / Capacity: 1,097
Apopka HS - Enrollment: 3,351 / Capacity: 3,198
- G. School Population: 11
- H. Parks: East Tangerine Park – 3.5 Miles
- I. Proposed Use: 26 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35'
Minimum Living Area: 1,500 Square Feet
Minimum Lot Width: 75'
Building Setbacks:
25' Front
10' Side
35' Rear
15' Side Street
50' NHWE
- K. Fire Station: 20 – 3200 Washinton Street

L. Transportation: A Capacity Encumbrance Letter (CEL) application (CEL-22-01-005) for the subject parcels was submitted in January 2022 and denied in March 2022. CEL-22-01-005 is expired due to non-activity. Therefore, a re-application of the CEL is required.

Based on the Concurrency Management database (CMS) dated March 2, 2023, there are (2) two failing roadway segments within the project's impact area. Orange Blossom Trail from Ponkan Road to Sadler Road; Earlwood Avenue to Lake County Line. This information is dated and subject to change.

M. EPD Orange County Environmental Protection Division (EPD) granted a Petition for Binding Determination of Exemption CAD-22-02-039 on March 16, 2022. No wetlands were determined to be located within the boundaries of this project site.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Rural Settlement and Low Density Residential(RS 1/1 & LDR). The subject property is designated PD (Planned Development) on the Zoning Map, which is consistent with the FLUM Designations.

4. ZONING

PD (Planned Development District) (Wesley Place PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Wesley Place PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Wesley Place Preliminary Subdivision Plan dated "Received May 24, 2023," 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 May 24, 2023," 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. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.

7. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

8. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. 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 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. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter 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.

9. Roads and drainage system(s), including any retention pond(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.
10. 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.
11. 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.
12. 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.
13. Site development activity shall comply with State recommended Best Management Practices to protect soils during clearing, earthwork and construction. Fugitive dust emissions shall not be allowed from any activity including: vehicular movement, transportation of materials, construction, alteration, loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. Reasonable precautions include application of water, dust suppressants, and other measures defined in Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 15-89.1 Air Pollution Prohibited.
14. 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 and Wildlife Conservation Commission (FWC).
15. 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

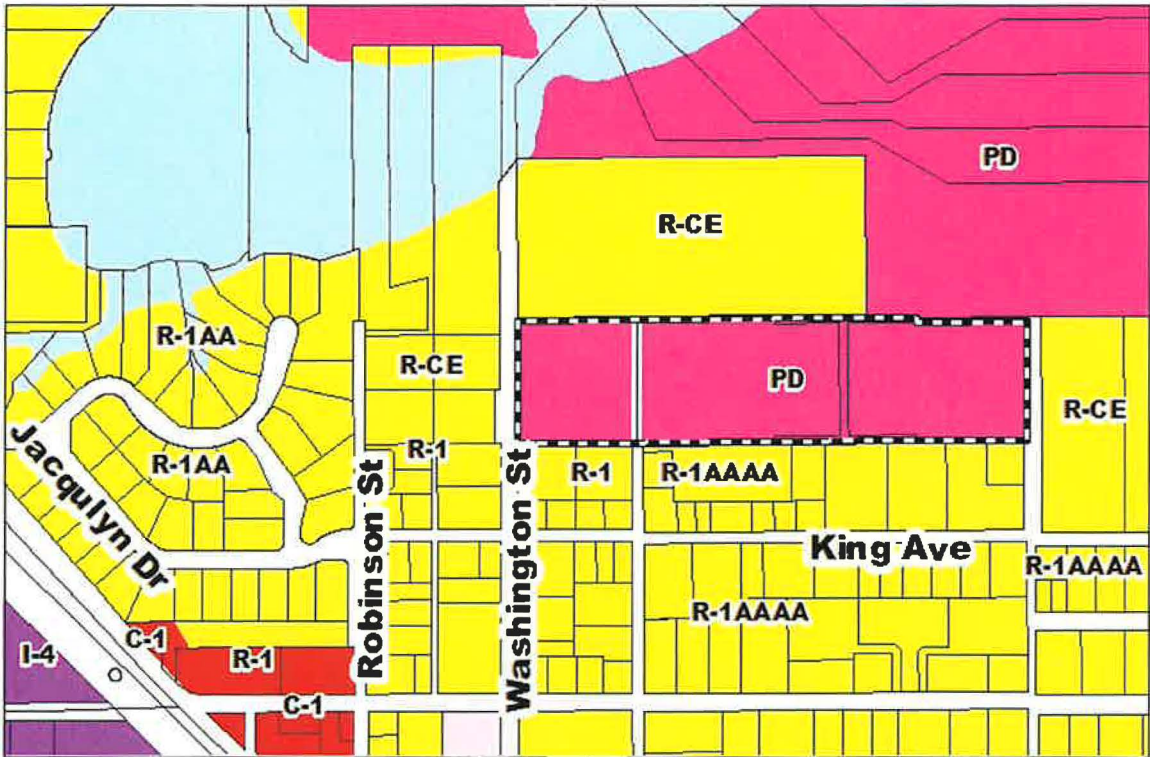
Supervisor at NPDES@ocfl.net. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

16. 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 Golden Gem and Mid-Florida Materials solid waste disposal facilities are located ~0.6 miles east/northeast of this property. A mushroom growing facility is located ~1.1 mile to the north and a septic waste processing facility is ~1 mile to the west. The proposed subdivision could be adversely impacted by odors from activities at these facilities.
17. 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 this property is located within proximity to a publicly managed property. The notice shall indicate that the publicly managed 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.
18. 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.
19. 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 Orange County Environmental Protection Division National Pollutant Discharge Elimination System (NPDES) Supervisor at NPDES@ocfl.net for details.
20. Development shall connect to central water and wastewater service.

21. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
22. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
23. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
24. 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.

Zoning Map

PSP-23-02-067



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development)

APPLICANT: Robert Paymayesh, PE Group, LLC

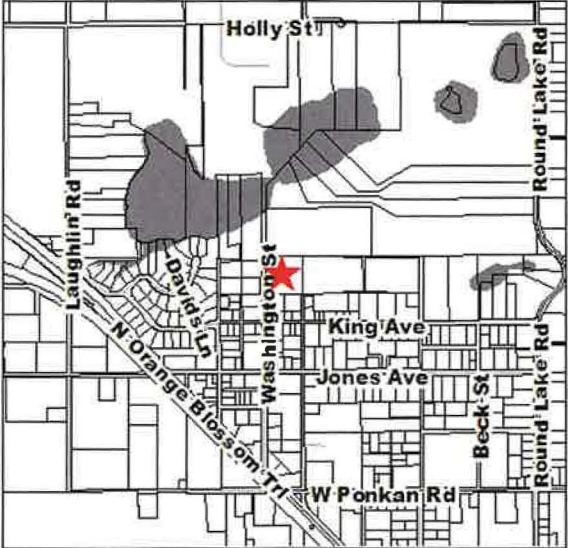
LOCATION: North of US 441 / East of Washington Street

TRACT SIZE: 16.57 acres

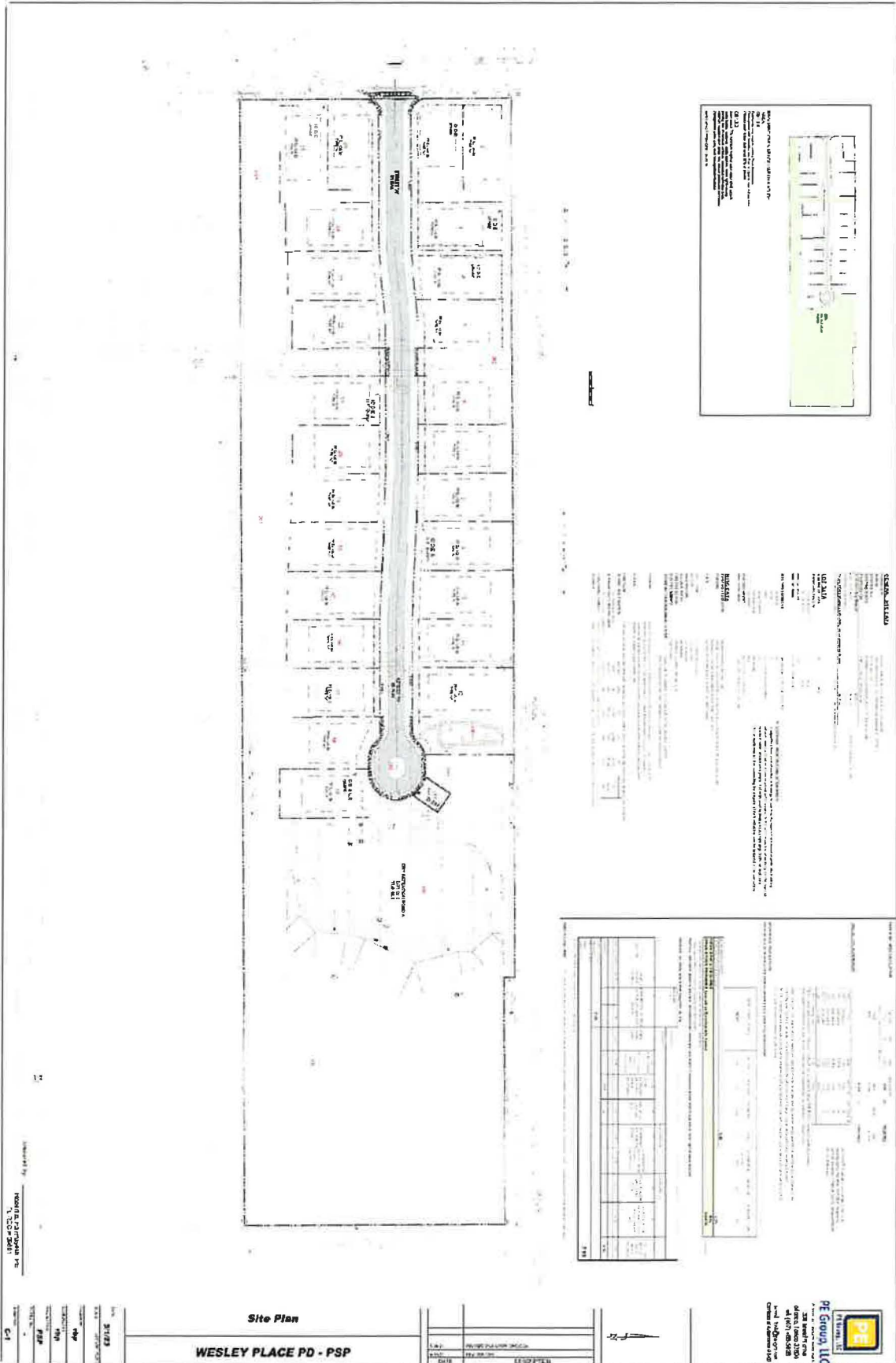
DISTRICT: # 2

ST/R: 22/20/27

1 inch = 500 feet



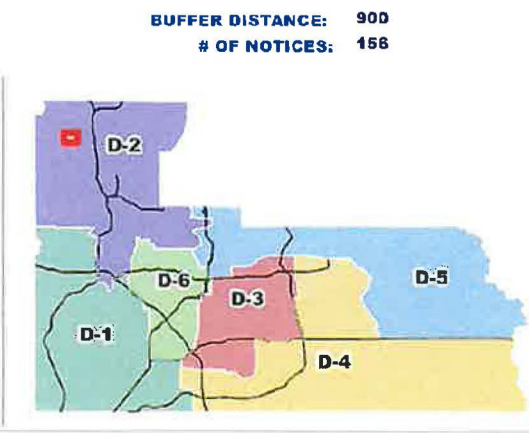
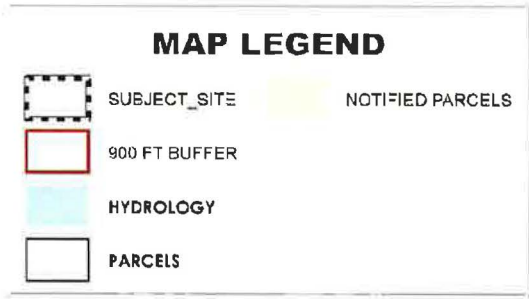
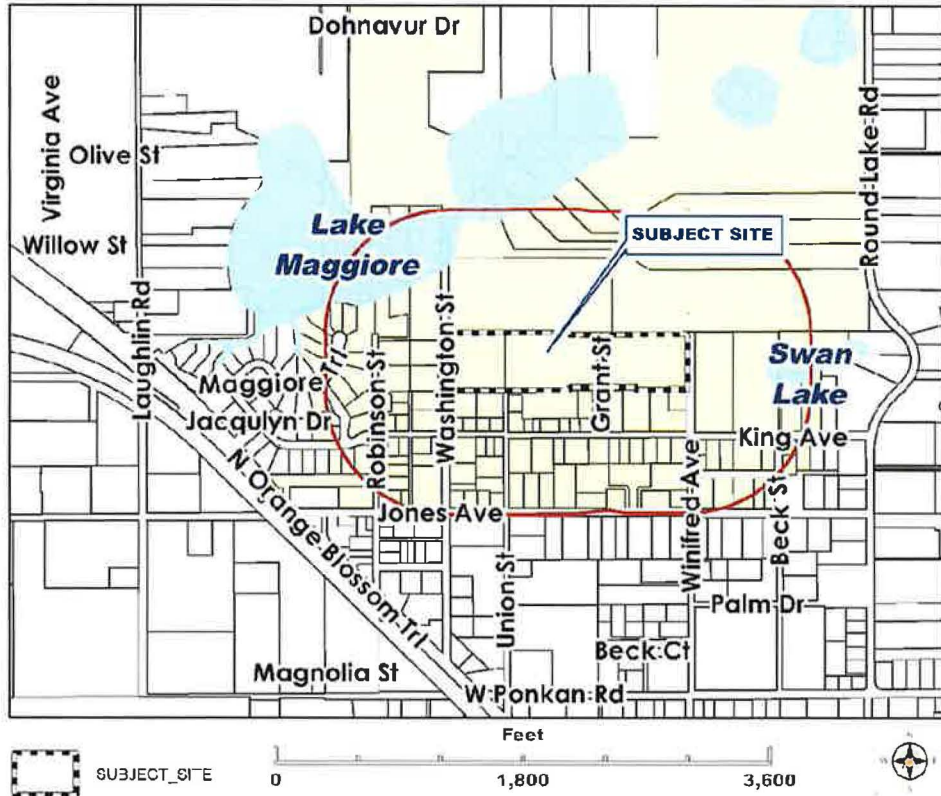
Site Plan Sheet





Public Notification Map

Wesley Place PD PSP_PSP-23-02-067



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Notification Map

DRC Staff Report
Orange County Planning Division
BC Hearing Date: July 11, 2023