



**Interoffice Memorandum**

**DATE:** January 30, 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, Interim DRC Chairman  
Development Review Committee *EPR*  
Planning Division  
(407) 836-5523

**SUBJECT:** February 26, 2019 – Public Hearing  
Applicant: Jennifer Stickler, Kimley-Horn & Associates, Inc.  
Hubbard Place Planned Development / Hubbard Place Preliminary  
Subdivision Plan  
Case # PSP-17-09-278

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 19, 2018, to approve the Hubbard Place Planned Development (PD) / Hubbard Place Preliminary Subdivision Plan (PSP) to subdivide 16.59 acres in order to construct 13 single-family detached residential dwelling units.

This project is proposed to be a gated community under Orange County Code Sections 34-280, 34-290, and 34-291.

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 (CP) and approve the Hubbard Place Planned Development / Hubbard Place Preliminary Subdivision Plan dated "Received January 7, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/EPR/lme  
Attachments

**CASE # PSP-17-09-278**

Commission District # 1

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 19, 2018, to approve the Hubbard Place Planned Development (PD) / Hubbard Place Preliminary Subdivision Plan (PSP) to subdivide 16.59 acres in order to construct 13 single-family detached residential dwelling units.

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**2. PROJECT ANALYSIS**

A. Location: South of Lady Bet Drive / West of South Apopka Vineland Road

B. Parcel ID: 28-23-28-0000-00-002, 28-23-28-0000-00-019,  
28-23-28-0000-00-020, 28-23-28-0000-00-022

C. Total Acres: 16.59 gross acres

D. Water Supply: Orlando Utilities Commission

E. Sewer System: Orange County Utilities

F. Schools: Dr. Phillips ES Capacity: 660 / Enrolled: 686  
Southwest MS Capacity: 1,209 / Enrolled: 1,381  
Dr. Phillips HS Capacity: 2,866 / Enrolled: 3,698

G. School Population: 5

H. Parks: Lake Down Boat Ramp – 3.5 Miles

I. Proposed Use: 13 Single-Family Residential Dwelling Units

J. Site Data: Maximum Building Height: 45'  
Minimum Living Area: 1,200 Square Feet  
Minimum Lot Width: 85'  
Building Setbacks:  
25' Front  
7.5' Side  
30' Rear  
50' NHWE

K. Fire Station: 31 – 6116 South Apopka Vineland Road

- L. Transportation: Based on the concurrency management system database dated November 27, 2017, there is one failing roadway segment within a one mile radius of this project. A traffic study will be required prior to obtaining an approved capacity encumbrance letter and building permit.

### **3. COMPREHENSIVE PLAN**

The Future Land Use designation of the subject parcel is Low Density Residential (LDR). This is consistent with the Comprehensive Plan and the associated Hubbard Place Planned Development (PD).

### **4. ZONING**

PD (Planned Development District) (Hubbard Place PD)

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

Approval subject to the following conditions:

1. Development shall conform to the Hubbard Place PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Hubbard Place Preliminary Subdivision Plan dated "Received January 7, 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 January 7, 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. 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.

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. 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.
9. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.
10. 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.
11. 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 neither potable wells nor irrigation wells using local groundwater will be allowed on site.
12. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
13. 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.

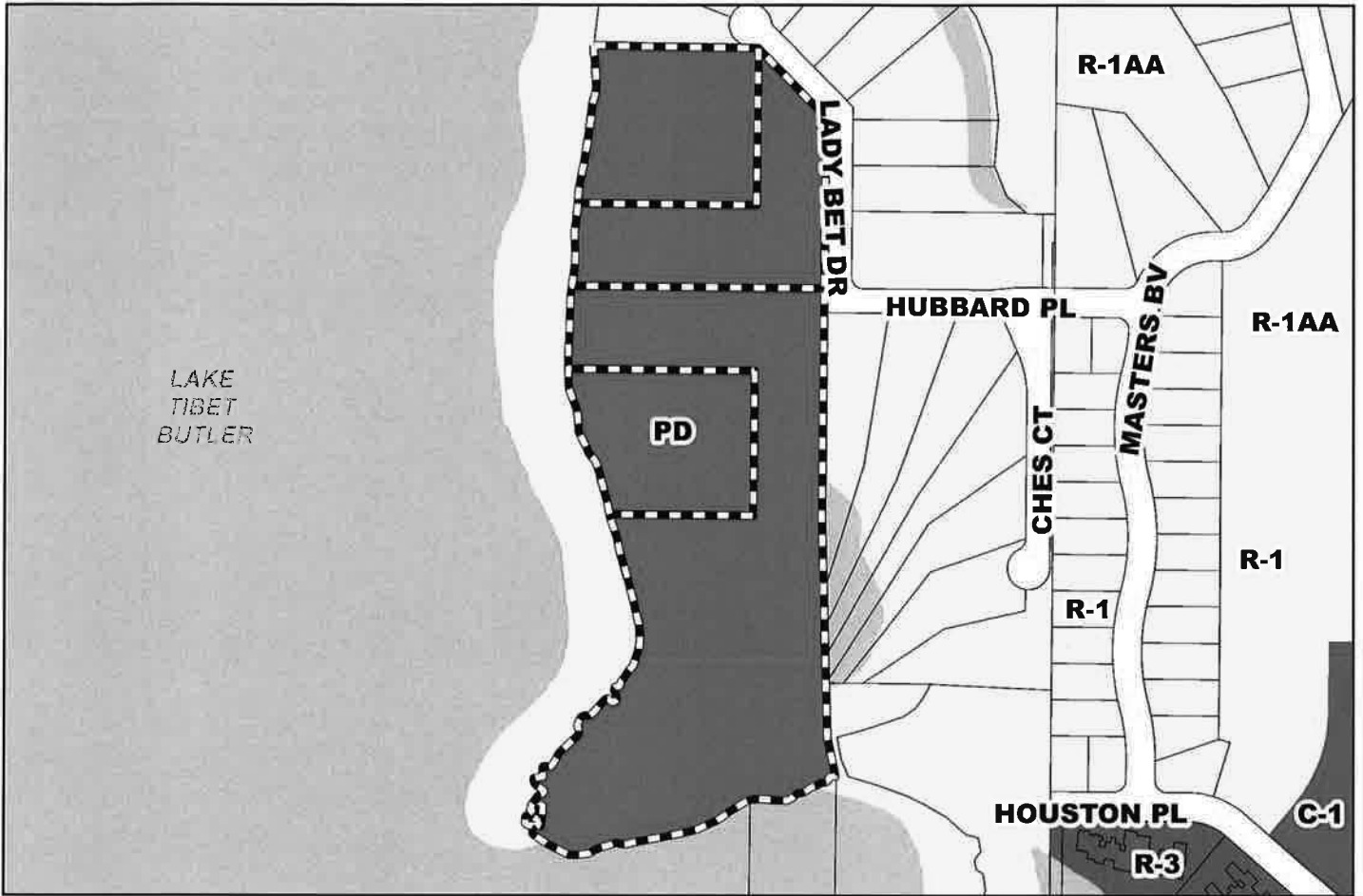
14. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division 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. 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).
16. Compliance shall be required with the state Impaired Waters Rule within the undeveloped areas, as of the date of this change determination, of this project. Any portions of the project that will discharge into an impaired water body shall comply with the Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code.
17. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading plans or review of construction plans if a Phase II Environmental Site Assessment acceptable to EPD and the Florida Department of Environmental Protection (FDEP) finds any contaminants exceeding applicable state standards, the applicant shall submit a copy of a FDEP site clean-up plan approval and a copy of a FDEP statement that the clean-up has been completed. This shall be provided to Orange County Environmental Protection Division and Development Engineering Division by submittal of either an FDEP No Further Action letter or Site Rehabilitation Completion Order (SRCO) with or without conditions or controls, or documentation of specific permissions.
18. 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, shall include notification of the prior use of this property as a citrus grove.
19. Construction plans shall depict that any clearing of shoreline vegetation, wetland enhancement, or altering of the shoreline in the upland buffer, wetland, or below the NHWE shall require approval by the Orange County Environmental Protection Division.

20. The applicant shall comply with the Florida Department of Environmental Protection rule 62-302.700 Special Protection, Outstanding Florida Waters, Outstanding Natural Resource Waters. No degradation of water quality, other than that allowed in Rule 62-4.242(2) and (3), F.A.C., is to be permitted in Outstanding Florida Waters and Outstanding national Resource Waters, respectively, notwithstanding any other Department rules that allow water quality lowering.
21. 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.
22. 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.
23. Lake Tibet-Butler has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Tibet-Butler, this project shall be required to be a participant.
24. The ground area in and around the proposed lift station must be graded so as to ensure that any potential overflow drains solely to the onsite stormwater pond. The lift station must also have a backup generator of sufficient capacity and fuel to run the lift station for 72 hours, in case of a power outage. The lift station must be clearly identified as a private lift station with a staffed 24-hour working contact number in the case of emergency.
25. A Master Utility Plan (MUP) for the PSP shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
26. The plat shall contain a conspicuous note, and the covenants, conditions, and restrictions (CC&Rs) shall contain a conspicuous provision, stating that the development will be served by a private wastewater collection and

transmission system and private lift station, the maintenance and replacement of which shall be the responsibility of the homeowners, and under no circumstances will the County be responsible for the maintenance or replacement thereof.

27. 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.
28. 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.
29. 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 as part of 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. Temporary addressing must be provided for permits and the C of C must be issued prior to approval and recording of a plat. All required inspections shall be complete and approved prior to issuance of a Certificate of Occupancy.
30. Short term/transient rental is prohibited. Length of stay shall be for 180 days or greater.
31. All existing structures shall be removed prior to Certificate of Completion.
32. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
33. Tree mitigation, in compliance with Orange County Code, is required prior to the approval of the plat.
34. The homes for the proposed project may require approved automatic fire sprinkler systems if the following cannot be provided: the required needed fire flow that shall be in accordance with NFPA 1, Table 18.4.5.2.1 (FFPC 6th ed.) for any homes exceeding 5,000 square feet, and / or required fire department access in accordance with NFPA 1-18.2.3.2.1.1 (FFPC 6th ed.).
35. Prior to plat recordation, the various properties shall be reconfigured and deeds recorded in the public records of Orange County so as to not create divided interest in any lot or tract.





 Subject Parcel(s)



 Subject Property

### Zoning Map

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

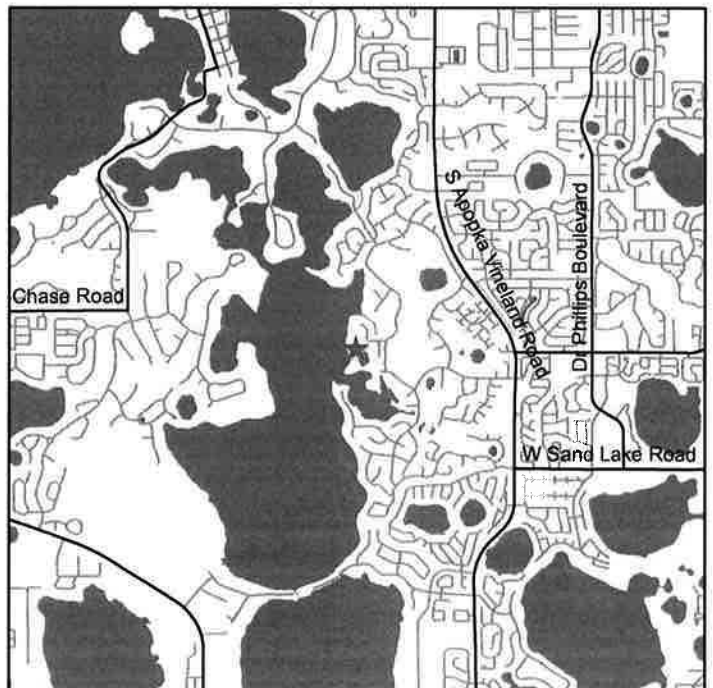
**APPLICANT:** Jennifer Stickler, Kimley-Horn & Associates, Inc.

**LOCATION:** South of Lady Bet Drive / West of South Apopka Vineland Road

**TRACT SIZE:** 16.59 gross acres

**DISTRICT:** 1

**S/T/R:** 28/23/28



**SITE DATA:**

TOTAL AREA: 16.59 ACRES  
 ZONING: PD  
 FUTURE LAND USE: LOW DENSITY RESIDENTIAL  
 PROPOSED USE: SINGLE-FAMILY RESIDENTIAL  
 MAXIMUM BUILDING HEIGHT: 35 FT (2 STORIES)  
 MAXIMUM DENSITY: 4 UNITS PER ACRE  
 MINIMUM LOT AREA: 10,000 S.F.\*  
 MINIMUM LIVING AREA: 1,200 S.F.  
 MINIMUM LOT WIDTH: 85'  
 MINIMUM LOT DEPTH: 110'

\*1 AC. MINIMUM LOT REQUIRED ALONG LAKE TIBET

**TRIP GENERATION:**

Land Use	ITE LUC	Size	Units	ITE Trip Rate	Daily Trip Generation				
					Total	In		Out	
Single-Family Detached Housing	210	13	Dwelling Units	12.36	161	50%	81	50%	80
<b>New External Trips</b>					<b>161</b>		<b>81</b>		<b>80</b>

**GROSS DENSITY CALCULATION:**

GROSS LAND AREA: 16.59 ACRES  
 SURFACE WATER / WETLAND AREA: 2.87 ACRES  
 SURFACE WATER / WETLAND IMPACT AREA: 0.29 ACRES\*  
 NET DEVELOPABLE ACRES: 14.01 ACRES

SW-1 (CLASS I) = 0.48 ACRES      WETLAND 1 (CLASS I) = 0.37 ACRES  
 SW-2 (CLASS III) = 1.92 ACRES      WETLAND 2 (CLASS III) = 0.10 ACRES  
 SW TOTAL = 2.40 ACRES      WETLAND TOTAL = 0.47 ACRES

SW-2 (CLASS III) IMPACT\*\* = 0.22 AC.      WETLAND 2 (CLASS III) IMPACT\*\* = 0.07 AC.

\*\*PER CAI-18-06-032

TOTAL DWELLING UNITS: 13 UNITS  
 13 DWELLING UNITS / 14.01 ACRES = 0.93 DU/ACRE

**SETBACKS**

FRONT: 25 FT  
 REAR: 30\*\*\* FT  
 SIDE: 7.5 FT  
 SIDE STREET: 15 FT  
 NHWE: 50 FT

**BUILDING**

\*\*\*WAIVER AS REQUESTED ON LUP-17-12-373 TO BE 15' ALONG THE NOTHEAST CORNER OF THE PROPERTY ADJACENT TO LADY BET DRIVE

**REQUIRED PARKING:**

SINGLE FAMILY (2 SPACES PER UNIT):  
 2 SPACES \* 13 UNITS: 26 SPACES

**PROVIDED PARKING:**

2 CAR GARAGE PER UNIT: 26 SPACES

**BICYCLE PARKING REQUIRED:**

2 SPACES FOR 10 PARKING SPACES +  
 1 SPACE PER 10 PARKING SPACES OVER 10: 4 SPACES  
 (2 + 16/10 = 3.6)

**OPEN SPACE SUMMARY:**

PLEASE REFER TO SHEET PSP2.3.

**ON-SITE VEGETATION:**

THE SITE IS VEGETATED WITH CITRUS TREES, PALM TREES, OAK TREES, CYPRESS TREES, MAGNOLIA TREES, PINE TREES AND DECIDUOUS TREES.

ANY CLEARING OF VEGETATION, WETLAND ENHANCEMENT, OR ALTERING OF THE SHORELINE IN THE UPLAND BUFFER, WETLAND, OR BELOW THE NORMAL HIGH WATER ELEVATION (NHWE) SHALL REQUIRE APPROVAL BY THE ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION (CALL 407-836-1400).

**PHASING:**

THIS PROJECT WILL BE CONSTRUCTED IN ONE (1) PHASE.

**UTILITY SERVICE:**

PRIOR TO CONSTRUCTION PLAN APPROVAL, HYDRAULIC CALCULATIONS WILL BE SUBMITTED SHOWING THAT THE PROPOSED WATER, WASTEWATER AND RECLAIMED WATER SYSTEMS HAVE BEEN SIZED TO SUPPORT THE ENTIRE PROJECT.

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.

**PARKS AND RECREATION:**

REQUIRED:  
 2.5 ACRES/1000 PROJECTED POPULATION  
 3.1 PEOPLE PER DWELLING UNIT (3.1\*13 UNITS) = 41 POPULATION

$$\frac{41}{1,000} \times 2.5 = 0.10 \text{ ACRES}$$

ACTIVE RECREATION (50% OF TOTAL REQUIRED) = 0.05 ACRES  
 PASSIVE RECREATION (MAX. 50% OF TOTAL) = 0.05 ACRES

**PROPOSED:**

TRACT	TOTAL TRACT AREA	AREA PROVIDED	REC AREA TYPE
OS-1	1.69 Ac.	0.05 Ac.	GROUP C (ACTIVE): EXERCISE STATION
		0.05 Ac.	GROUP C (PASSIVE): COVE (BOAT LAUNCH)

**SCHOOL AGE CHILDREN:**

13 UNITS x 0.431 = 6 STUDENTS





# Hubbard Place PD / Hubbard Place PSP



1 : 2,400  
1 in : 200 ft