



Interoffice Memorandum

DATE: July 6, 2018

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

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

CONTACT PERSON: John Smogor, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: July 31, 2018 – Public Hearing
Applicant: Jay Jackson, Kimley-Horn & Associates, Inc.
Vineland Pointe Planned Development / Vineland Pointe
Apartments Development Plan
Case # DP-17-12-387

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting on June 13, 2018, to approve the Vineland Pointe Planned Development (PD) / Vineland Pointe Apartments Development Plan (DP) to construct 567 multi-family residential dwelling units within Phase 1 on a total of 33.93 acres. A PD condition of approval requires a public hearing for residential developments in excess of 440 units in Phase 1.

A community meeting was held on March 12, 2018.

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 DP 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 Vineland Pointe PD / Vineland Pointe Apartments DP dated "Received June 14, 2018", subject to conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/JS/lme
Attachments

CASE # DP-17-12-387

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting on June 13, 2018, to approve the Vineland Pointe Planned Development (PD) / Vineland Pointe Apartments Development Plan (DP) to construct 567 multi-family residential dwelling units on a total of 33.93 acres. A PD condition of approval requires a public hearing for residential developments in excess of 440 units in Phase 1.

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2. PROJECT ANALYSIS

- A. Location: North of Lake Street / East of Daryl Carter Parkway
- B. Parcel ID: 14-24-28-4796-01-000
- C. Total Acres: 33.93
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Tangelo Park ES: Capacity 664 / Enrolled 616
Freedom MS: Capacity 1,114 / Enrolled 1,177
Freedom HS: Capacity 2,671 / Enrolled 3,874
- G. School Population: 147
- H. Parks: Lester Mandell Park – 5.2 miles
- I. Proposed Use: 567 Multi-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 50' (4-stories)
Building Setbacks:
25' Daryl Carter Parkway
25' Lake Street
40' Lake Willis
25' PD Boundary
- K. Fire Station: 56 – 13303 International Drive
- L. Transportation: Vineland Avenue: An Amended and Restated Road Impact Fee Agreement for Vineland Pointe PD was approved by the BCC on 12/13/2016 and recorded at Document # 20160653429 for the widening of Vineland Avenue from two

to four lanes from approximately 1800 feet north of CR 535 for a distance of 3,500 feet. The Amended and Restated Road Impact Fee Agreement ("Agreement") by and among Carter-Vineland Pointe, LLLP and Pride Homes of Vineland, LLC (Collectively "Owner") and Orange County provides for the mitigation for the projects traffic impacts to Vineland Avenue, the Constructing Owner will construct the road improvements needed to widen Vineland Avenue from two lanes to four lanes from approximately 1,800 linear feet north of County Road 535 to approximately 3,500 linear feet therefrom. The Constructing Owner will be responsible for acquiring all right-of-way necessary for the project including retention and easements needed. The Constructing Owner will receive transportation impact fee credits equal to 79.9% of the actual costs of the road improvements along with 100% transportation impact fee credits for the acquisition costs needed to complete the road improvements. This Amended and Restated Road Impact Fee Agreement supersedes all terms contained in the prior Road Impact Fee Agreement approved by the Board of County Commissioners on 11/9/2004 and recorded at OR Book/Page 7703/1210.

Vineland Avenue: The Board of County Commissioners approved a First Amendment to Amended and Restated Road Impact Fee Agreement for Vineland Pointe Planned Development ("First Amendment") on November 14, 2017 and was recorded at Document #20170632050 to amend the terms of the Amended and Restated Road Impact Fee Agreement approved by the Board of County Commissioners on December 13, 2016 and recorded at Document #20160653429. The First Amendment provides for concurrency vesting for the project once construction has been funded. The design of the project shall include a modified Preliminary Design Study. The First Amendment modifies Section 9 of the original Agreement to allow for escrowed funds to be deposited based on construction cost estimate and for construction of Phase 1 and Phase 2 of the project to proceed.

This development is vested from transportation concurrency under vested rights certificate #06-112. A copy of this certificate is required prior to obtaining a building permit. Based on 9th Edition of ITE, this project will generate 330 PM peak hour trips.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of ACMU (Activity Center Mixed Use), ACR (Activity Center Residential). This current zoning is PD (Planned Development District) and is consistent with the FLUM designation.

4. ZONING

PD (Vineland Pointe Planned Development)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Vineland Pointe Planned Development (PD); Orange County Board of County Commissioners (BCC) approvals; Vineland Pointe Apartments Development Plan dated "June 14, 2018"; 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.
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.

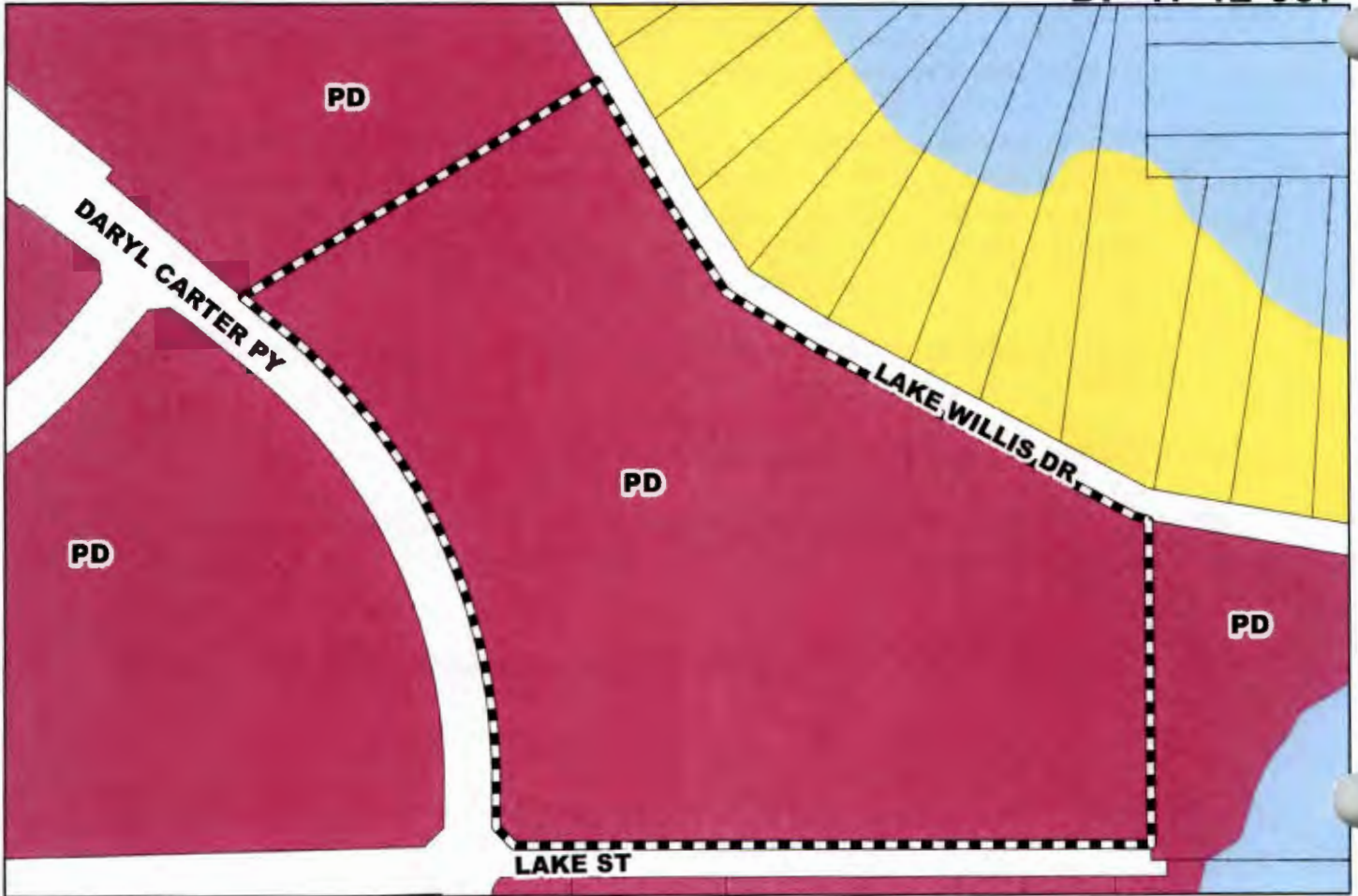
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this development plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues 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. Development plan (DP) approval by the DRC (or BCC, as applicable), shall automatically expire if construction plans are required and have not been submitted and approved within two (2) years from DP approval; if construction plans are not required, such DP shall expire two (2) years from approval unless a building permit has been obtained within such two-year period. The foregoing notwithstanding, the DRC may, upon good cause shown, grant successive one (1) year extensions to the expiration date of a DP if the developer makes written request to the DRC chair prior to the expiration date.
7. 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.
8. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.

9. 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.
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. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
12. 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.
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. 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.
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. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the DP, and that construction plans are consistent with an approved and up-to-date Master Utility Plan for the PD.
17. Short term/transient rental is prohibited. Length of stay shall be for 180 days or greater.
18. Outdoor storage and display shall be prohibited.
19. Pole signs and new billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 Tourist Commercial standards of the Orange County Code.
20. Approval of this DP shall void the previously approved DP plan dated "March 30, 2006."

DP-17-12-387



Subject Parcel



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Jay Jackson
Kimley-Horn & Associates, Inc.

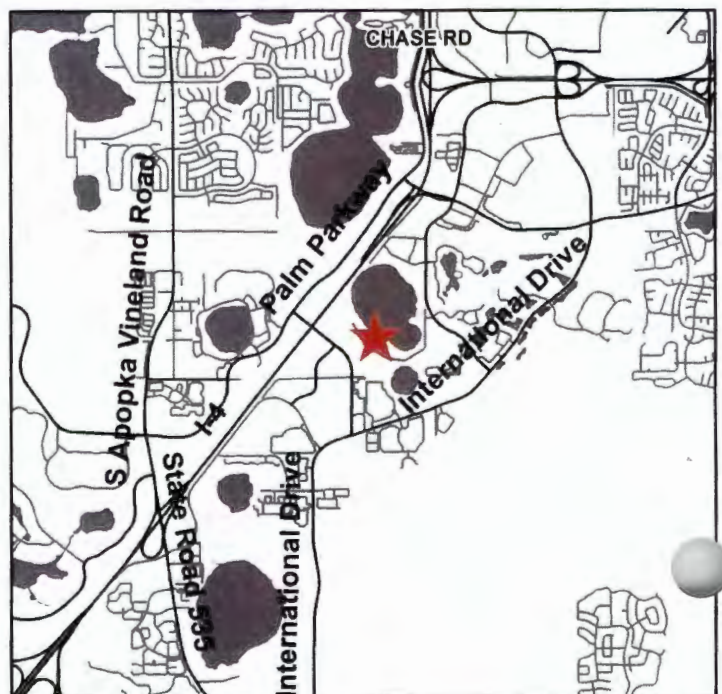
LOCATION: North of Lake Street /
East of Daryl Carter Parkway

TRACT SIZE: 33.93 gross acres

DISTRICT: 1

S/T/R: 14/24/28

1 inch = 333 feet



SITE DATA:

TOTAL SITE AREA:	33.93 ACRES
ZONING:	PD
FUTURE LAND USE:	ACR/ACMU
PROPOSED USE:	MULTI-FAMILY
MAXIMUM BUILDING HEIGHT:	4 STORIES/50 FEET
*PROPOSED BLDG #4 HEIGHT:	39.4 FEET

GROSS DENSITY CALCULATION:

DEVELOPABLE AREA:	33.93 ACRES
DWELLING UNITS:	567 UNITS

567 UNITS / 33.93 ACRES = 16.71 UNITS/ACRE

UNIT MIX:

1 BEDROOM/STUDIO:	228 UNITS
2 BEDROOM:	336 UNITS
4 BEDROOM CONDO:	3 UNITS
TOTAL UNITS:	567 UNITS

SETBACKS (MULTI-FAMILY)

	BUILDING	PAVING
DARYL CARTER PKWY:	25 FT	20 FT
LAKE STREET:	25 FT	20 FT
LAKE WILLIS:	40 FT (MIN. SEE PLAN)	30 FT
PD BOUNDARY:	25 FT	7.5 FT

REQUIRED PARKING:

1 BEDROOM UNITS (1.5 SPACES/UNIT):	
1.5 SPACES * 228 UNITS:	342 SPACES
2 BEDROOM UNITS (2 SPACES/UNIT):	
2 SPACES * 336 UNITS:	672 SPACES
4 BEDROOM CONDO (2 SPACES/UNIT):	
2 SPACES * 3 UNITS:	6 SPACES
TOTAL PARKING SPACES REQUIRED:	1020 SPACES

PROVIDED PARKING:

REGULAR SPACES (9'x20'):	853 SPACES
COMPACT SPACES (8'x16'):	169 SPACES
PARALLEL SPACES (8'x25'):	4 SPACES
HANDICAP SPACES:	27 SPACES
CONDO GARAGE SPACES:	6 SPACES
TOTAL SPACES PROVIDED:	1059 SPACES

OPEN SPACE SUMMARY:

MINIMUM OPEN SPACE CALCULATION: 33.93 AC X 0.25 = 8.48 AC (369,498 S.F.)

CATEGORY B ALLOWABLE (50% OF TOTAL OPEN SPACE REQUIRED):	4.24 AC
CATEGORY C ALLOWABLE (50% OF TOTAL OPEN SPACE REQUIRED):	4.24 AC
CATEGORY B/C COMBINED ALLOWABLE (75% OF TOTAL OPEN REQUIRED):	6.36 AC

PROVIDED OPEN SPACE:

CATEGORY A:	11.57 AC
CATEGORY B:	4.24 AC
CATEGORY C:	0.00 AC
TOTAL:	15.81 AC

IMPERVIOUS CALCULATIONS

MAXIMUM ALLOWABLE IMPERVIOUS AREA (70%):	23.75 AC
BUILDING AREA:	5.59 AC
ASPHALT AREA:	10.16 AC
CONCRETE AREA:	2.03 AC
TOTAL IMPERVIOUS AREA:	17.78 AC (52.4%)

REQUIRED PARKS AND RECREATION:

2.1 PEOPLE PER MULTI-FAMILY UNIT (2.1*567 UNITS) = 1191 POPULATION
2.5 ACRES/1000 PROJECTED POPULATION

$$\frac{1191}{1,000} \times 2.5 = 2.98 \text{ ACRES}$$

3.31 ACRES OF PARKS AND RECREATION ARE PROPOSED WITH THIS DEVELOPMENT.

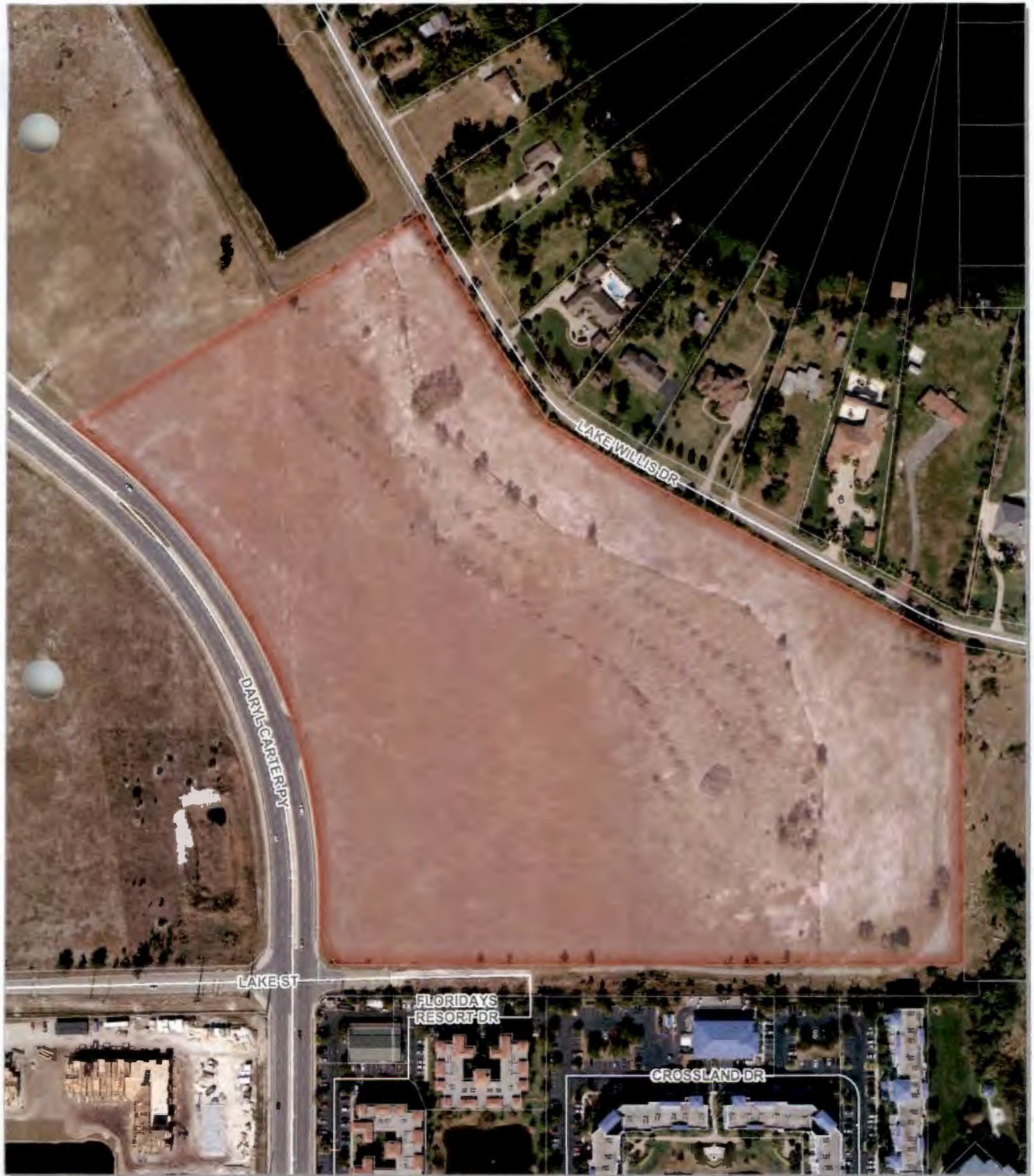
CLUBHOUSE/POOL AREA:	0.60 AC
ACTIVE RECREATION AREA #1:	1.51 AC
PASSIVE RECREATION AREA #1:	0.82 AC
PASSIVE RECREATION AREA #2:	0.58 AC
TOTAL PROVIDED AREA:	3.31 AC

REQUIRED BICYCLE PARKING:

2 SPACES FOR 10 PARKING SPACES +
1 SPACE PER 10 PARKING SPACES OVER 10: 107 SPACES
(2 + 1049/10 = 107)
BICYCLE PARKING PROVIDED: 108 SPACES

TRANSPORTATION:

THIS PROJECT IS VESTED FROM TRANSPORTATION CONCURRENCY PURSUANT TO THAT CERTAIN FIRST AMENDMENT AND RESTATED ROAD IMPACT FEE AGREEMENT, VINELAND POINTE PLANNED DEVELOPMENT (VINELAND AVE) UNDER OFFICIAL DOCUMENT NO. 20170632050 AS RECORDED ON NOVEMBER 17, 2017.



Vineland Pointe PD / Vineland Pointe Apartments DP



1 : 3,000
1 in : 250 ft

Parcels



Subject Property

Jurisdiction



Hydrology