



**Interoffice Memorandum**

**DATE:** May 9, 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:** May 24, 2022 – Public Hearing  
Applicant: Antonio Lopez, Total Engineering Group, LLC  
Jania Place Preliminary Subdivision Plan  
Case # PSP-21-03-083 / District 2

This public hearing is to consider a recommendation from the Development Review Committee's meeting of March 9, 2022, to approve the Jania Place Preliminary Subdivision Plan (PSP) to subdivide 3.09 acres, generally located south of Indian Hill Road, west of Viking Road, in order to construct 10 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 Jania Place PSP dated "Received April 12, 2022", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2**

JVW/JK/lme  
Attachments

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**CASE # PSP-21-03-083**

Commission District # 2

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's meeting of March 9, 2022, to approve the Jania Place Preliminary Subdivision Plan (PSP) to subdivide 3.09 acres, generally located south of Indian Hill Road, west of Viking Road, in order to construct 10 single-family residential dwelling units.

**2. PROJECT ANALYSIS**

- A. Location: South of Indian Hill Road / West of Viking Road
- B. Parcel ID: 12-22-28-5844-00-670
- C. Total Acres: 3.09 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Ridgewood Park ES – Enrolled: 490 / Capacity: 847  
Meadowbrook MS – Enrolled: 919 / Capacity: 1178  
Evans HS – Enrolled: 2280 / Capacity: 2271
- G. School Population: 5
- H. Parks: Rolling Hills Park – 1.7 Miles
- I. Proposed Use: 10 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35'  
Minimum Living Area: 1,000 Square Feet  
Minimum Lot Width: 50'  
Building Setbacks:  
20' Front  
5' Side  
20' Rear  
20' Side Street
- K. Fire Station: 42 – 5420 Silver Star Road
- L. EPD: Current aerial photographs, soils, land cover and flood maps did not show conclusive indicators of wetlands or surface waters onsite. EPD has determined that there are no

conservation areas located on the subject property and the following Binding Determination of Exemption has been issued, reference CAD-21-08-206.

This site is located within the Wekiva Study Area and the Priority Focus Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations may apply.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).M.

M. Transportation: Existing/Valid transportation capacity entitlements not found. This development will require Transportation Capacity via a Capacity Encumbrance Letter (CEL) Application. School capacity must also be obtained via a CEL application.

Encumbered school and transportation capacity must be reserved (aka prepay school and transportation reservation fees) by the CEL expiration date or prior to platting.

Based on the Concurrency Management database (CMS) dated July 14, 2021, there is a failing roadway segment within the project's impact area along Powers Drive, from Silver Star Road to North Lane. This information is dated and subject to change.

### **3. COMPREHENSIVE PLAN**

The property's Future Land Use Map (FLUM) designation is Low Density Residential, its zoning is R-1. This request is consistent with the Comprehensive Plan.

### **4. ZONING**

R-1A (Single-Family Dwelling District)

**5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Jania Place Subdivision Preliminary Subdivision Plan dated "Received April 12, 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 April 12, 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. 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.
7. "No Parking" signs shall be installed within designated areas on the preliminary subdivision plan, prior to issuance by county of a certificate of completion for the infrastructure.
8. 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 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.

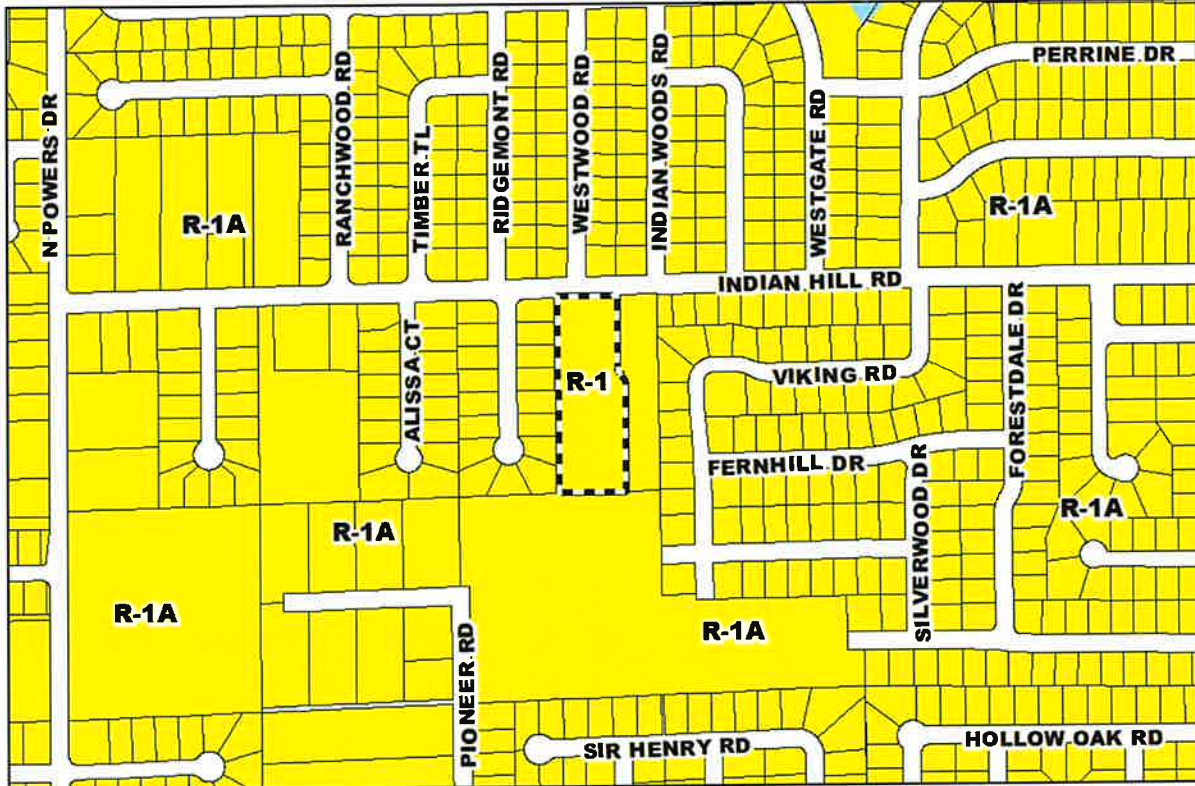
9. A Master Utility Plan (MUP) for the PSP shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PSP shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall 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.
10. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
11. 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.
12. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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).
18. 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.
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 National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
20. The CC&R's shall contain the following prominent note: "No pools, or any type of vertical structure that may alter or interfere with the functionality of the drainage facilities therein, shall be permitted within the Private Drainage Easement."
21. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.

## Zoning Map

PSP-21-03-083



 Subject Property



 Subject Property

**Zoning Map**

**ZONING:** R-1 (Single-Family Dwelling District)

**APPLICANT:** Antonio Lopez,  
Total Engineering Group, LLC.

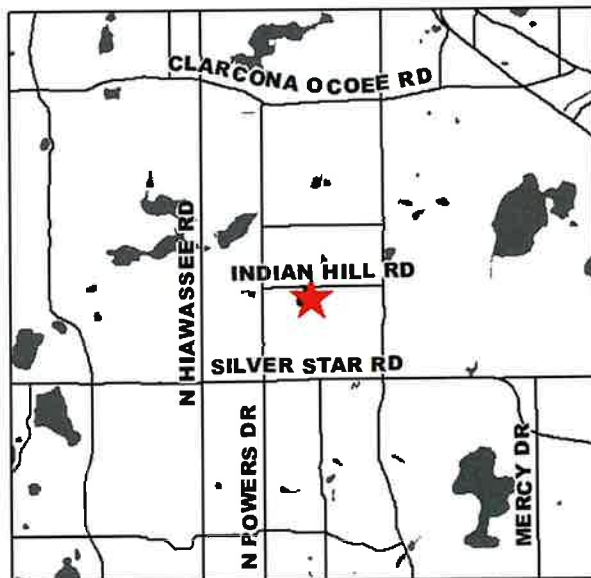
**LOCATION:** South of Indian Hill Road, west of  
Viking Road, and East of Ridgemont  
Road

**TRACT SIZE:** 3.09 gross acres

**DISTRICT:** # 2

**S/T/R:** 12-21-28

1 inch = 500 feet







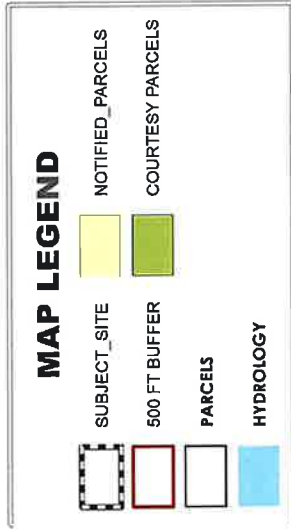
# Notification Map



## Public Notification Map

JANIA PLACE PSP-21-03-083

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BUFFER DISTANCE: 500  
 # OF NOTICES: 308

