




Interoffice Memorandum

DATE: July 26, 2023

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

FROM: Andres Salcedo, P.E., Acting 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: August 8, 2023 – Public Hearing
Applicant: Chad H. Moorhead, Madden, Moorhead & Stokes, LLC.
Corner Lake Gardens Planned Development / Solace at Corner
Lake Preliminary Subdivision Plan
Case # PSP-22-12-362 / District 5

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of June 28, 2023, to approve the Corner Lake Gardens Planned Development (PD) / Solace at Corner Lake Preliminary Subdivision Plan (PSP) to subdivide 74.19 acres, generally located south of Lake Pickett Road and west of Chuluota Road, to construct 47 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 Corner Lake Gardens PD / Solace at Corner Lake PSP dated "Received June 6, 2023", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

AS/JCK/lme
Attachments

CASE #PSP-22-12-362
Commission District #5

1. GENERAL INFORMATION

Applicant	Chad H. Moorhead, Madden, Moorhead & Stokes, LLC.
Owner	Larry C. & Ann W. Linder
Project Name	Corner Lake Gardens PD / Solace at Corner Lake PSP
Hearing Type	Preliminary Subdivision Plan
Request	To subdivide 74.19 acres, to construct 47 single-family residential dwelling units.

2. PROJECT ANALYSIS

A. Overview:	The Corner Lake Gardens Planned Development (PD) contains 74.37 gross acres and was originally approved on October 25, 2022. The subject property is located south of Lake Pickett Road, and west of Chuluota Road within the Corner Lake Rural Settlement. The overall PD is approved for 47 single-family residential dwelling units. The approval included specific conditions prohibiting community boat ramps and semi-private docks, as well as requiring larger lot sizes. This PSP is compliant with all PD Conditions
B. Location:	South of Lake Pickett Road / West of Chuluota Road
C. Parcel ID:	09-22-32-0000-00-006
D. Total Acres:	74.19 gross acres
E. Water Supply:	Orange County Utilities
F. Sewer System:	Orange County Utilities

- G. Schools: **East Lake ES**
Enrollment: 498 / Capacity: 682
Corner Lake MS
Enrollment: 829 / Capacity: 1,066
East River HS
Enrollment: 1,943 / Capacity: 3,003
- H. School Population: 21
- I. Parks: Bithlo Community Park – 3.5 Miles
- J. Proposed Use: 47 Single-Family Residential Dwelling Units
- K. Site Data: Maximum Building Height: 35' (3-stories)
Minimum Lot Width:
80' (Interior Lots) / 90' Lake Front Lots)
Building Setbacks:
20' Front
35' Rear
15' Side Street
50' NHWE
5' Side
- L. Fire Station: 82 – 500 Story Partin Road
- M. Public Notification: The notification area for this public hearing extended 1,200 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet. 275 notices were mailed to those property owners in the mailing area.
- N. Community Meeting Summary: A community meeting was held on March 20, 2023, at Corner Lake Middle School. Residents primarily expressed concerns regarding traffic and impacts to the lake.
- O. Transportation: The applicant offered to donate the needed right-of-way at no cost during the Land Use Plan review. Per Board condition of approval, the owner shall donate right-of-way on Lake Pickett Road at no cost to the County. The right-of-way shall be conveyed prior to first plat approval.

The Current Owners submitted a Capacity Encumbrance Letter Application (CEL-22-08-081) and was denied in December 2022. The Current Owners and M/I Homes of Orlando, LLC submitted a Proportionate Share Agreement Submittal to the Roadway Agreement Committee (RAC) Office in January 2023. The agreement is currently pending RAC & BCC approval. This project requires Board approval and Proportionate Share Payment before satisfying Transportation Concurrency Requirements.

P. EPD:

An Orange County Conservation Area Determination CAD 03-056 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD). The CAD identified 17.72 acre of Class I wetlands associated with Corner Lake and 8.57 acre of Class II wetlands onsite.

This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. Reference OC Code Chapter 15, Article XI Econlockhatchee River Protection.

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).

In lieu of conventional (non-nitrogen-reducing) Onsite Sewage Treatment and Disposal Systems (OSTDS), also referred to as septic systems, the development shall implement advanced nitrogen reducing septic systems approved by the Florida Department of Health.

- Q. Comprehensive Plan: The subject property has an underlying Future Land Use Map (FLUM) designation of Rural Settlement 1/1 (RS 1/1) which allows for a maximum residential density of 1 dwelling unit per 1 net developable acre. The subject property is designated PD (Planned Development District) on the zoning map, which is consistent with the FLUM designation.
- R. Zoning: PD (Planned Development) (Corner Lake Gardens PD)

3. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Corner Lake Gardens PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Solace at Corner Lake Preliminary Subdivision Plan dated "Received June 6, 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 June 6, 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. This project shall be a gated community subject to and governed by Article VIII, Chapter 34, as it may be amended from time to time (the "Gated Communities Ordinance") and the infrastructure, other than public utilities, shall be privately owned and maintained. The developer, as that term is defined by the Gated Communities Ordinance, including its successors and assigns, shall fully comply with the Gated Communities Ordinance. To that end, the developer acknowledges

and agrees that, pursuant to the Gated Communities Ordinance, a gated community is a privilege and not a right, and, as such, approval of this project as a gated community by the Board constitutes a contract between the developer and the Board, the consideration for which is the developer's understanding and acknowledgment that the developer shall create and maintain the reserve accounts as set forth in, and in accordance with, the Gated Communities Ordinance, including, notwithstanding Section 720.303(6)(i), Florida Statutes, the requirement that the developer make the initial contributions under Section 34-291(c)(6) of the Gated Communities Ordinance to help ensure the financial ability of its successors and assigns to maintain the infrastructure after the turnover of the infrastructure. Furthermore, prior to or concurrent with submittal of the plat, the developer shall enter into an agreement with the County confirming its obligations under the Gated Communities Ordinance.

8. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review and approval. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
9. Prior to any site construction plan approval and any filling within the 100-year flood zone, the applicant must obtain the required permit(s) and approval(s) from the Orange County Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code. Review and approval of compensating storage calculations must accompany the above permit as provided for in Chapter 19-107.
10. 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.
11. 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.
12. Associated offsite infrastructure including, but not limited to, turning lane(s), roadway improvements, and public utilities, must be submitted as an E-Plan and have a Certificate of Completion prior to platting.

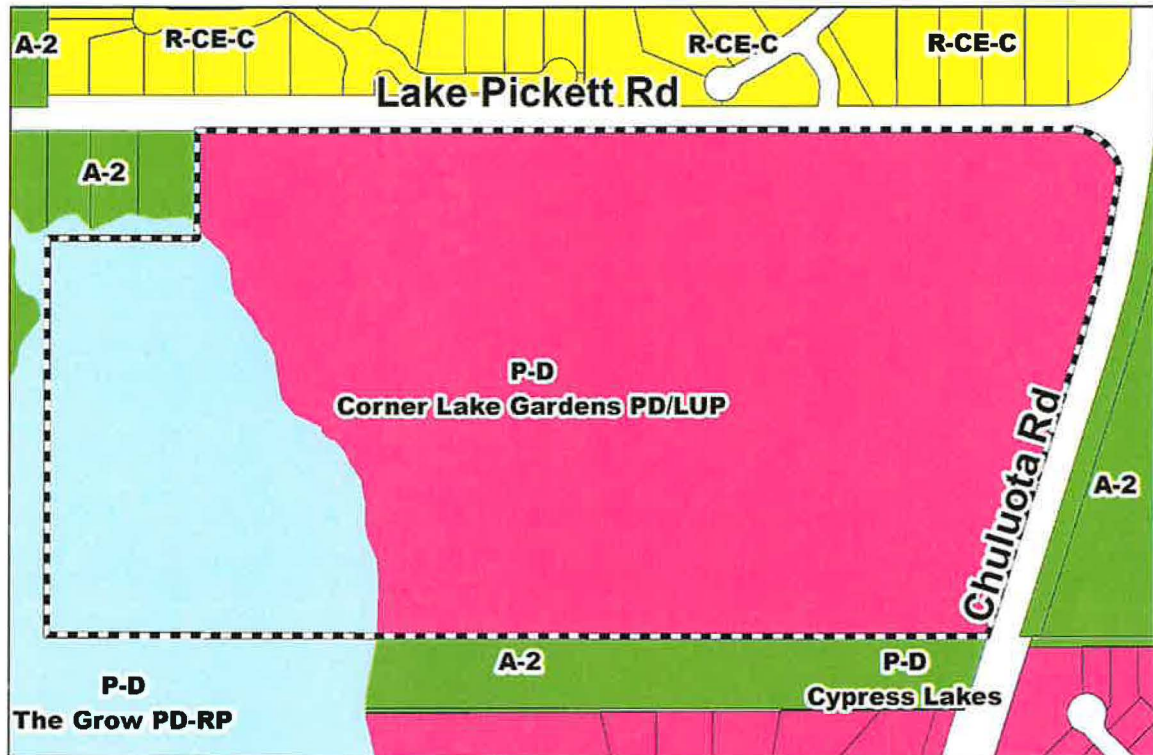
13. In accordance with Orange County Code Chapter 30, Article VIII, Division 2, Section 30-280(e) of the Orange County Site Development Ordinance and Chapter 34, Article VIII, Division 2, Section 34-290(h)(10) of the Orange County Gated Communities Ordinance, the O&M Plan shall contain, at a minimum, the following information:
- 1) a schedule for mowing stormwater ponds, including around structures,
 - 2) a schedule for algae control for wet bottom ponds,
 - 3) a schedule for disking dry ponds,
 - 4) a schedule for inspection of pipes, underdrains, control structures, pond slopes, and any other permitted stormwater management control or conveyance structures,
 - 5) a method for identifying and repairing or replacing damaged structures or eroded pond banks,
 - 6) additional requirements as necessary to address specific site conditions related to land use, soil conditions, water table, annual rainfall, and the age of the system, and,
 - 7) an Assessment and Performance Evaluation (APE) Report certified by a Professional Engineer (PE) licensed in the State of Florida to be submitted every three years. Additional maintenance requirements may be established by the PE performing the evaluation report.
14. 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.
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 Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
16. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.

17. 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.
18. 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).
19. 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.
20. In lieu of conventional (non-nitrogen-reducing) Onsite Sewage Treatment and Disposal Systems (OSTDS), also referred to as septic systems, the development shall implement advanced nitrogen reducing septic systems approved by the Florida Department of Health.
21. Community boat ramps and semi-private docks are prohibited on Corner Lake.
22. The owner shall donate right-of-way on Lake Pickett Road at no cost to the County. The right-of-way shall be conveyed prior to or concurrent with first plat approval.
23. 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 properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") 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.

24. A Master Utility Plan (MUP) for the PD 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 PD 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.
25. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
26. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
27. 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.
28. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
29. The Declaration of Covenants, Conditions, and Restrictions (CC&Rs) shall provide that for the HOA is responsible for the repair or replacement of any decorative enhancements (e.g., pavers) removed or damaged as a result of operations and maintenance activities performed by Orange County within Tract A-1 as shown on the PSP and all utility easements.

Zoning Map

PSP-22-12-362



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

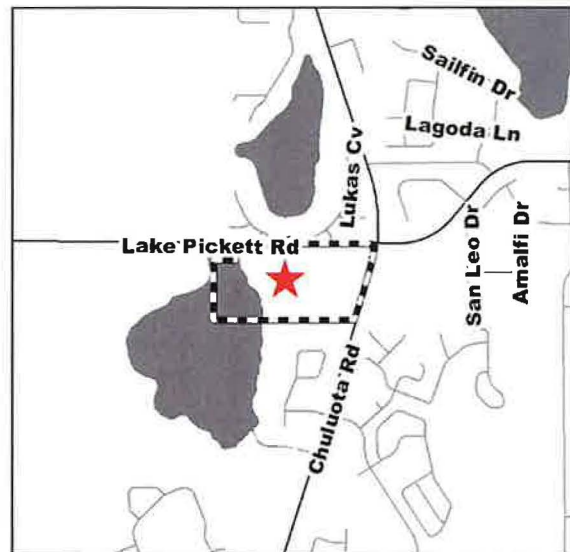
APPLICANT: Chad H. Moorhead, Madden, Moorhead & Stokes, Inc.

LOCATION: South of Lake Pickett Road and West of Chuluota Road

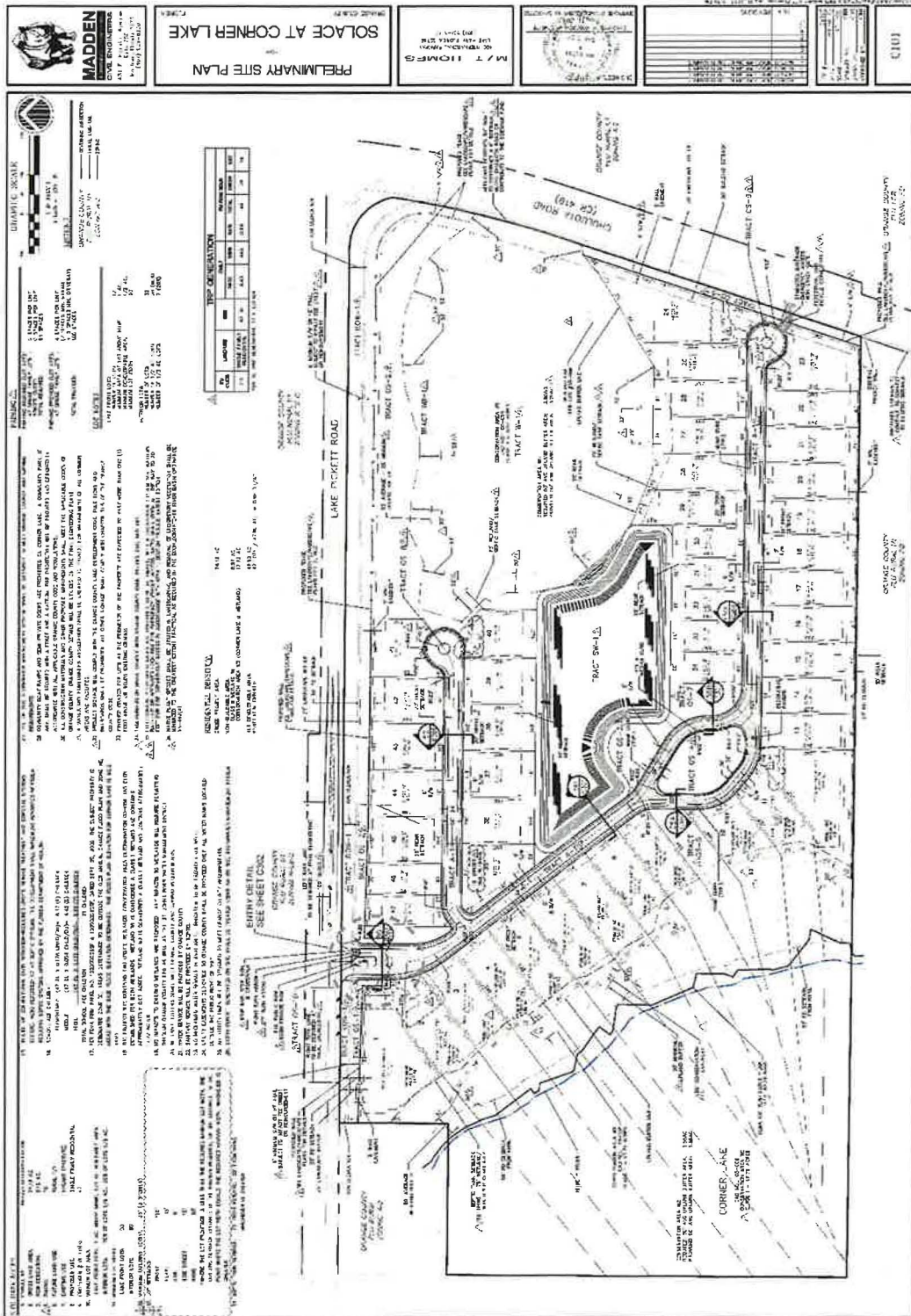
TRACT SIZE: 74.19 gross

DISTRICT: # 5

1 inch = 375 feet



Site Plan Sheet

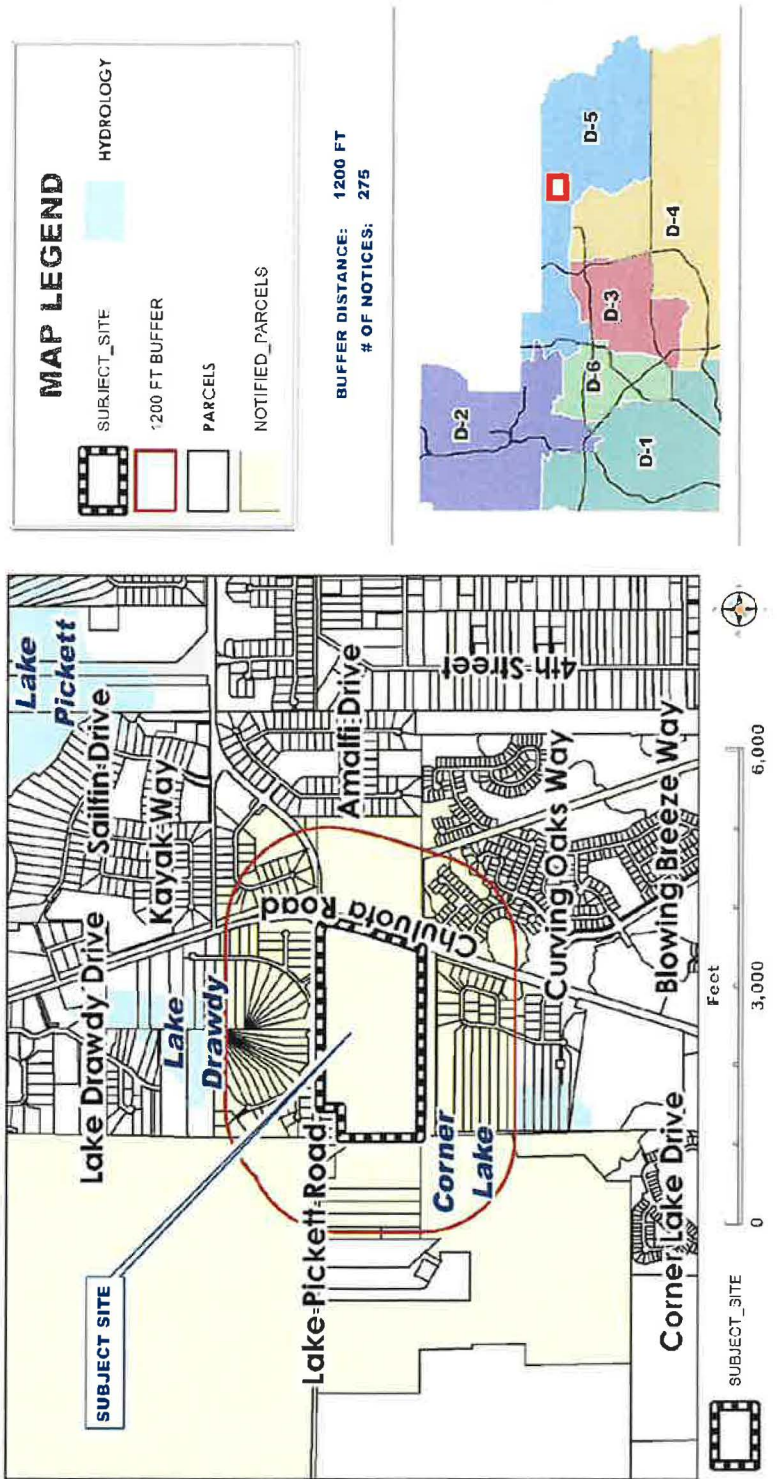


Notification Map

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Public Notification Map

Corner Lake Gardens PD_PSP-22-12-362



BUFFER DISTANCE: 1200 FT
 # OF NOTICES: 275

