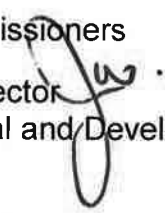





Interoffice Memorandum

DATE: April 6, 2020

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, DRC Chairman** 
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: May 5, 2020 – Public Hearing
Applicant: Mike Solitro, 1007 Votaw, LLC
Misty Woods Phase 2 Preliminary Subdivision Plan
Case # PSP-19-08-283 / District 2

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of March 11, 2020, to approve the Misty Woods Phase 2 Preliminary Subdivision Plan (PSP) to subdivide 5.47 acres in order to construct 20 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 Misty Woods Phase 2 PSP dated "Received March 13, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2**

JVW/EPR/lme
Attachments

CASE # PSP-19-08-283

Commission District # 2

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of March 11, 2020, to approve the Misty Woods Phase 2 Preliminary Subdivision Plan (PSP) to subdivide 5.47 acres in order to construct 20 single-family residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: North of Votaw Road / West of Thompson Road
- B. Parcel ID: 02-21-28-8308-00-011
- C. Total Acres: 5.47 gross acres
- D. Water Supply: City of Apopka
- E. Sewer System: City of Apopka
- F. Schools: Clay Springs ES Capacity: 786 / Enrolled: 801
Piedmont Lakes MS Capacity: 1,027 / Enrolled: 1,075
Wekiva HS Capacity: 2,706 / Enrolled: 2,001
- G. School Population: 9
- H. Parks: West Orange Trail – 1 Mile
- I. Proposed Use: 20 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35' (2-stories)
Minimum Living Area: 1,000 Square Feet
Building Setbacks:
20' Front
20' Rear
5' Side
15' Side Street
- K. Fire Station: 27 - 2248 Novella Eliza Lane
- L. Transportation: A Capacity Encumbrance Letter (CEL) (18-03-024) is on file for this project for nine (9) single-family residences. A revised or new CEL will be required. 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. Based on Concurrency Management System database dated September 2019, capacity is available to be encumbered.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Density Residential (LDR). The subject property is designated R-1 (Single-Family Dwelling District) on the Zoning Map, which is consistent with the FLUM Designation.

4. ZONING

R-1 (Single-Family Dwelling District)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Misty Woods Preliminary Subdivision Plan dated "Received March 13, 2020," 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 March 13, 2020," 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. 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.

7. 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).
8. 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.
9. 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.
10. 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.
11. 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.
12. The developer shall obtain water and wastewater service from City of Apopka.

13. If one does not already exist, the developer, or HOA, as applicable, shall install a minimum 6' high opaque fence which shall be constructed of vinyl along the eastern boundary with Dominish Estates and of wood along the northern boundary with Wekiva Landings and, except as set forth herein, shall meet the requirements of Section 38-1408, Orange County Code. Such fence(s) shall subsequently be maintained and repaired by the homeowners association, as needed.
14. The project shall contain a mixture of fifty (50) and sixty (60) foot lots.
15. 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.
16. In order to comply with the intent of Section 177.091(18), F.S., lot numbers at plat must be consecutive and consistent with the PSP. Failure to meet this requirement may require a change to the PSP and may delay approval of the plat.
17. Single-family residential dwelling units shall be limited to a maximum of one-story in height along the northern property line adjacent to Wekiva Landing subdivision.
18. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
19. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County code.
20. Each lot adjacent to the northern property line shall have at least one live oak tree with a dbh of at least three (3) inches within the rear yard and shall otherwise comply with the requirements of Section 15-306, Orange County Code.
21. 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.
22. 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.

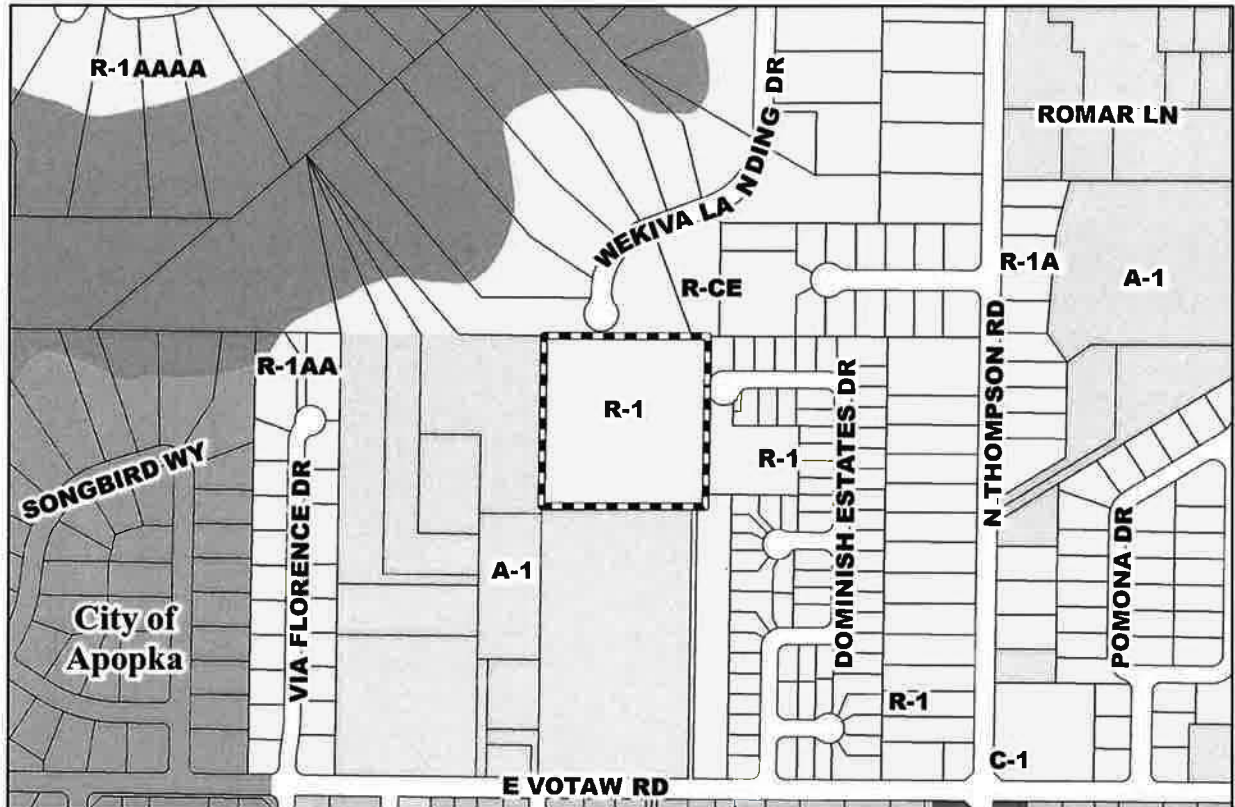
23. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.

24. Prior to plat pre-sufficiency meeting, the strip on the south side referenced as Order on Stipulation per Official Record Book 2749, Page 381, shall be deeded to the adjoining owner to clear title, and recorded in the public records of Orange County, Florida.

25. Unless otherwise approved by the Office of the Fire Marshal, if access cannot be reached within 50 feet of an exterior door to the interior of the building, an approved automatic fire sprinkler system shall be required, allowing an increase to 150 feet.

Zoning Map

PSP-19-08-283



Subject Parcel



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

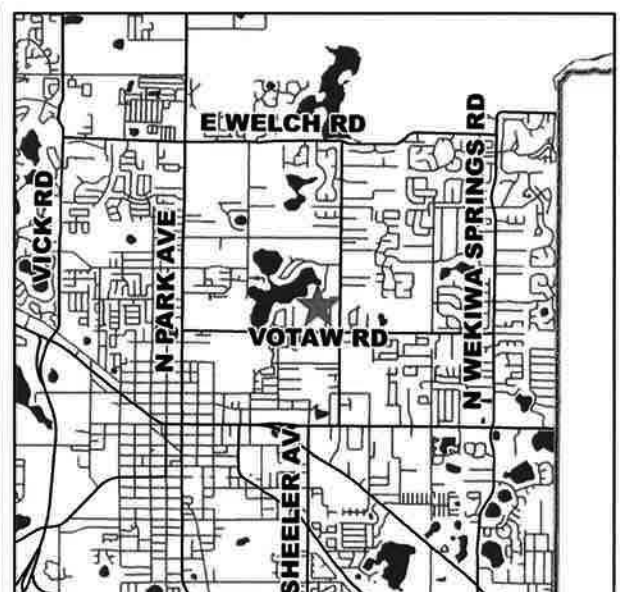
APPLICANT: Mike Solitro, 1007 Votaw, LLC

LOCATION: North of Votaw Road / West of Thompson Road

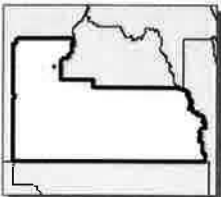
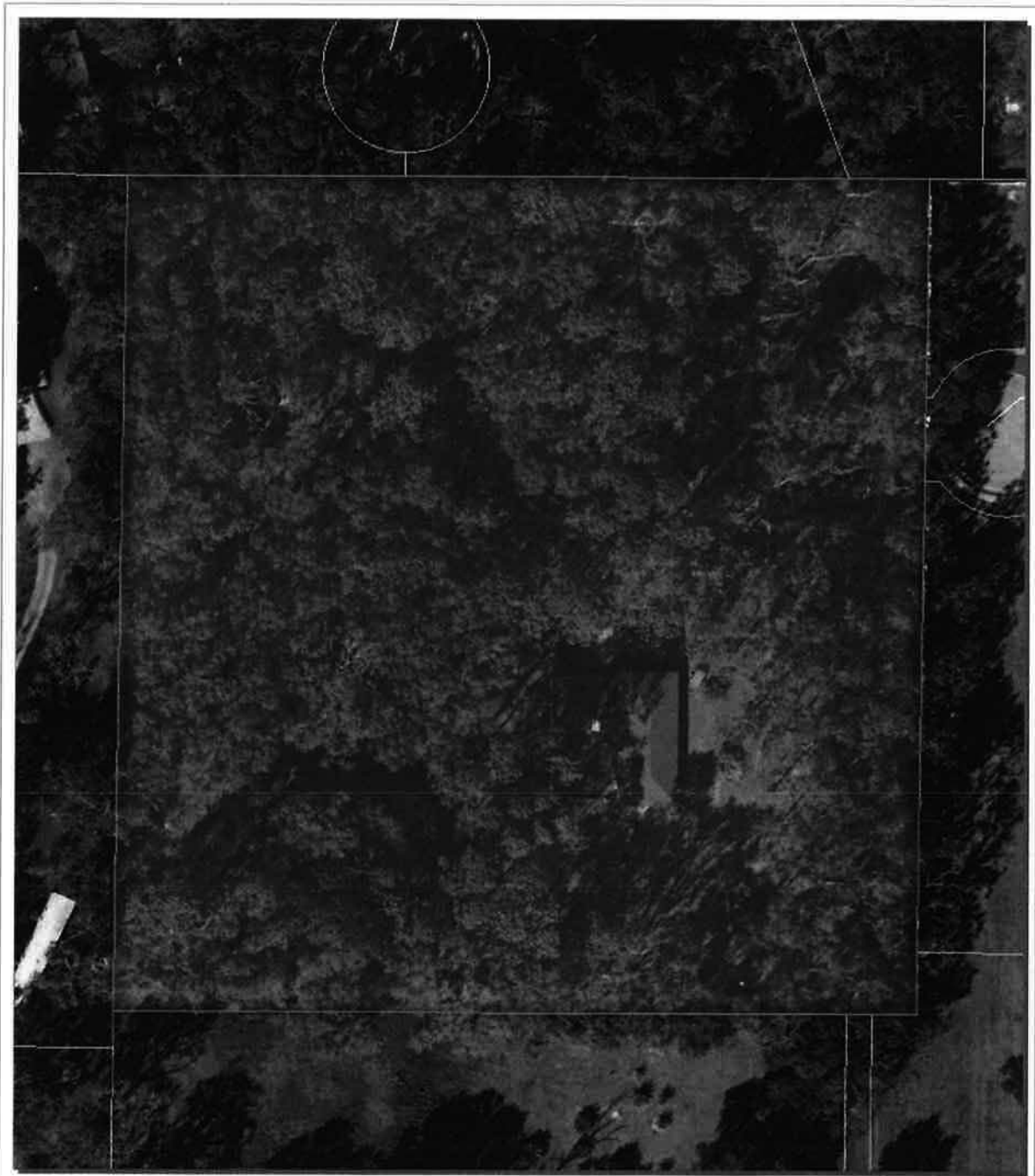
TRACT SIZE: 5.47 gross acres

DISTRICT: 2

S/T/R: 02/21/28




Aerial



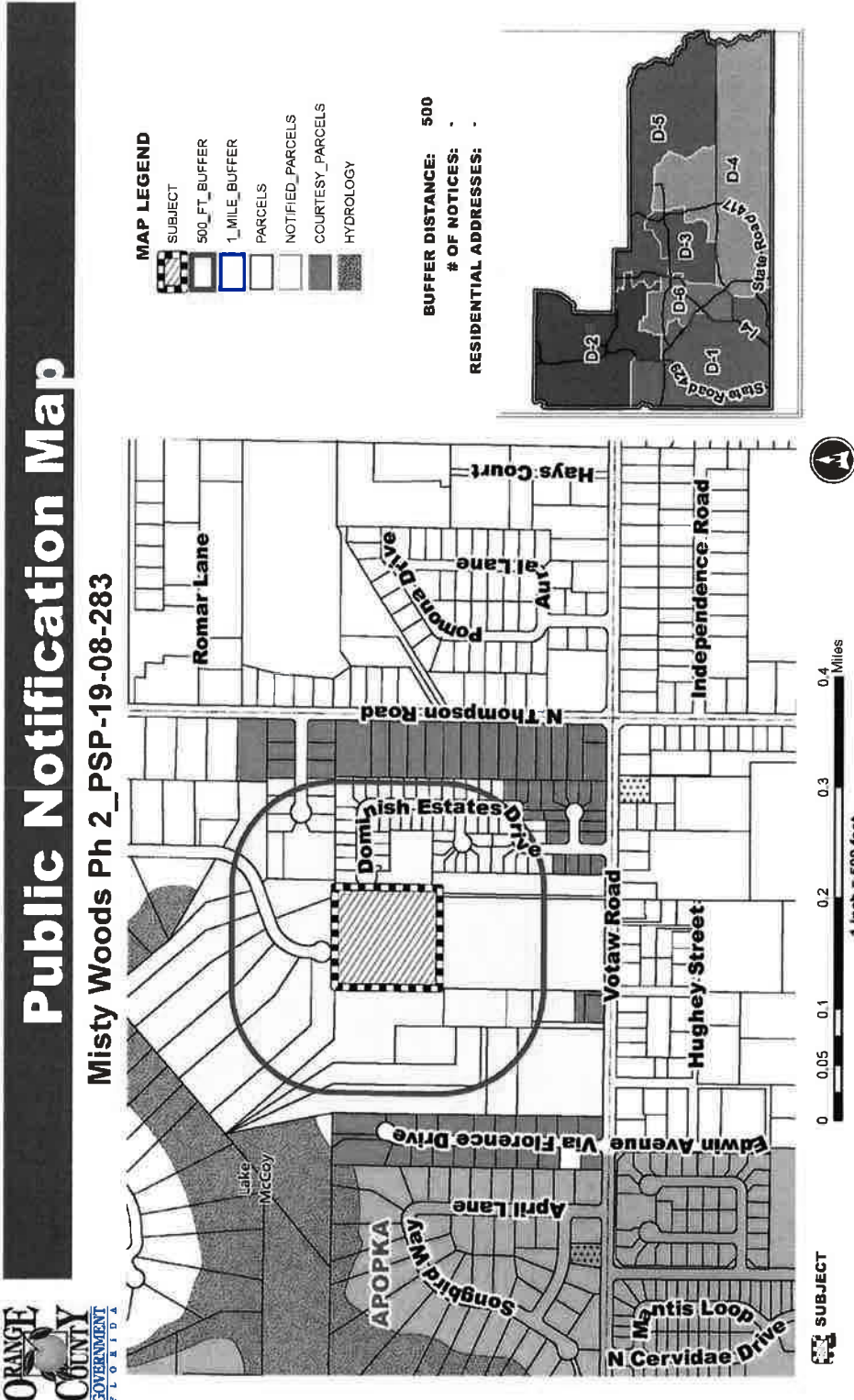
**Misty Woods Phase 2 PSP
Case# PSP-19-08-283**



	Parcels		Subject Property		Jurisdiction		Hydrology
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1 : 900
1 in : 75 ft

Notification Map



S:\Business Systems\Board Administration\ArcGIS\MAIN.mxd

