



Interoffice Memorandum

DATE: April 22, 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
Planning Division
(407) 836-5523

SUBJECT: May 21, 2019 – Public Hearing
Applicant: James McNeil, Jr., Akerman, LLP
Orangewood N-2 Planned Development / Grande Pines Parcel 11D
Preliminary Subdivision Plan
Case # CDR-18-07-231

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of March 13, 2019, to approve a substantial change to the Orangewood N-2 Planned Development (PD) / Grande Pines Parcel 11D Preliminary Subdivision Plan (PSP) to change the use from single-family residential to short-term rental; add a site plan for proposed amenity included in Phase 1 Park P-1; revise the PSP boundary to remove the commercial tracts fronting International Drive; and to add gates off International Drive and Westwood Boulevard.

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 Orangewood N-2 Planned Development / Grande Pines Parcel 11D Preliminary Subdivision Plan dated "Received March 29, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/EPR/lme
Attachments

CASE # CDR-18-07-231

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of March 13, 2019, to approve a substantial change to the Orangewood N-2 Planned Development (PD) / Grande Pines Parcel 11D Preliminary Subdivision Plan (PSP) to change the use from single-family residential to short-term rental; add a site plan for proposed amenity included in Phase 1 Park P-1; revise the PSP boundary to remove the commercial tracts fronting International Drive; and to add gates off International Drive and Westwood Boulevard.

2. PROJECT ANALYSIS

- A. Location: South of Central Florida Parkway / East of Westwood Boulevard
- B. Parcel ID: 13-24-28-6283-00-110, 13-24-28-6283-03-020,
13-24-28-6283-07-010, 13-24-28-6283-12-040,
13-24-28-6283-12-090
- C. Total Acres: 118.78 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Waterbridge ES Capacity: 814 / Enrolled: 1,387
Freedom MS Capacity: 1,066 / Enrolled: 1,279
Freedom HS Capacity: 2,606 / Enrolled: 3,891
- G. School Population: 212
- H. Parks: Lester Mandell Park – 2.8 Miles
- I. Proposed Use: 423 Short Term Rental Units
- J. Site Data: Maximum Building Height: 35'
Minimum Living Area: 1,200 Square Feet
Building Setbacks:
20' Front
5' Side
15' Side Street
20' Rear
60' I-Drive
40' Westwood Boulevard

K. Fire Station: 54 – 6500 West Central Florida Parkway

L. Transportation: This project is vested from concurrency under vested rights certificate 92-268. A copy of the vested rights certificate is required prior to obtaining a building permit.

3. COMPREHENSIVE PLAN

The Future Land Use Map (FLUM) designation of the subject parcel is Activity Center Residential (ACR). This is consistent with the Comprehensive Plan and the associated Orangewood N-2 Planned Development (PD).

4. ZONING

PD (Planned Development District) (Orangewood N-2 PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Orangewood (Neighborhood 2) PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Grande Pines Parcel 11D Preliminary Subdivision Plan dated "Received March 29, 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 March 29, 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. 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.

7. 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.

8. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated October 6, 2015 shall apply:
 - a. 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.

 - b. The property shall be re-platted.

 - c. This parcel is part of the County's International Drive Activity Center. As such, a 15-foot transit easement is required from this project for future roadway improvements. In addition, a separate 20-foot landscape, pedestrian and utility easement is required from this project for future roadway improvements. This is also based on the International Drive Activity Center requirements. The applicant shall coordinate these efforts with the Transportation Planning Division.

 - d. 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.

 - e. Prior to commencement of any earth work or construction, 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.

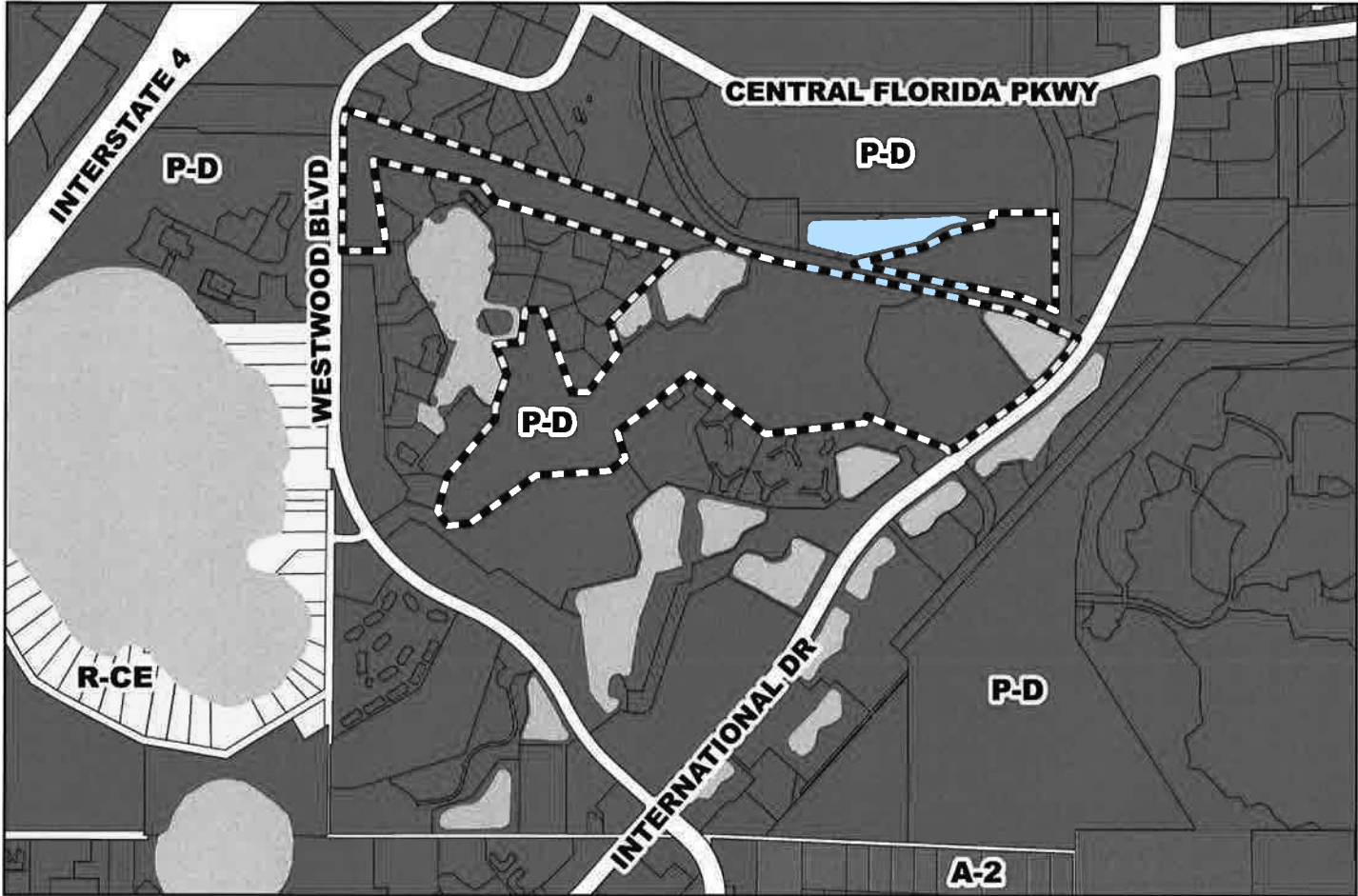
 - f. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum 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.

- g. 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 (EPD) 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.
- h. A mandatory pre-application/sufficiency review meeting for the re-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.
- i. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
- j. 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.
- k. Any proposed public utility easements located on land owned by an entity other than the developer must be granted and recorded prior to construction plan approval.
- l. 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 updated MUP must be approved prior to construction plan approval.

- m. A Development Plan for any park/recreation area shall be approved by the DRC and installed in conjunction with the associated plat.



 Subject Property



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: James McNeil, Jr., Akerman, LLP

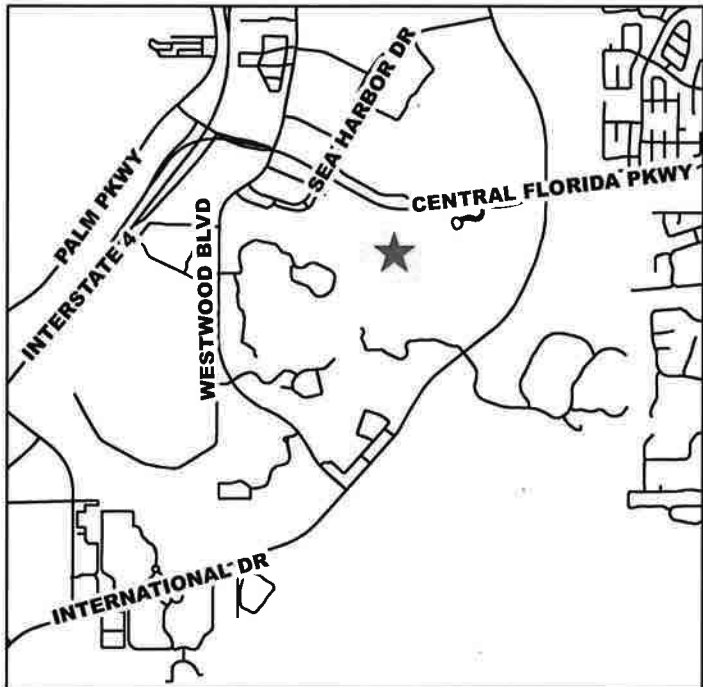
LOCATION: South of Central Florida Parkway / East of Westwood Boulevard

TRACT SIZE: 118.78 gross acres

DISTRICT: 1

S/T/R: 13/24/28

1 inch = 1,250 feet



City of Pine



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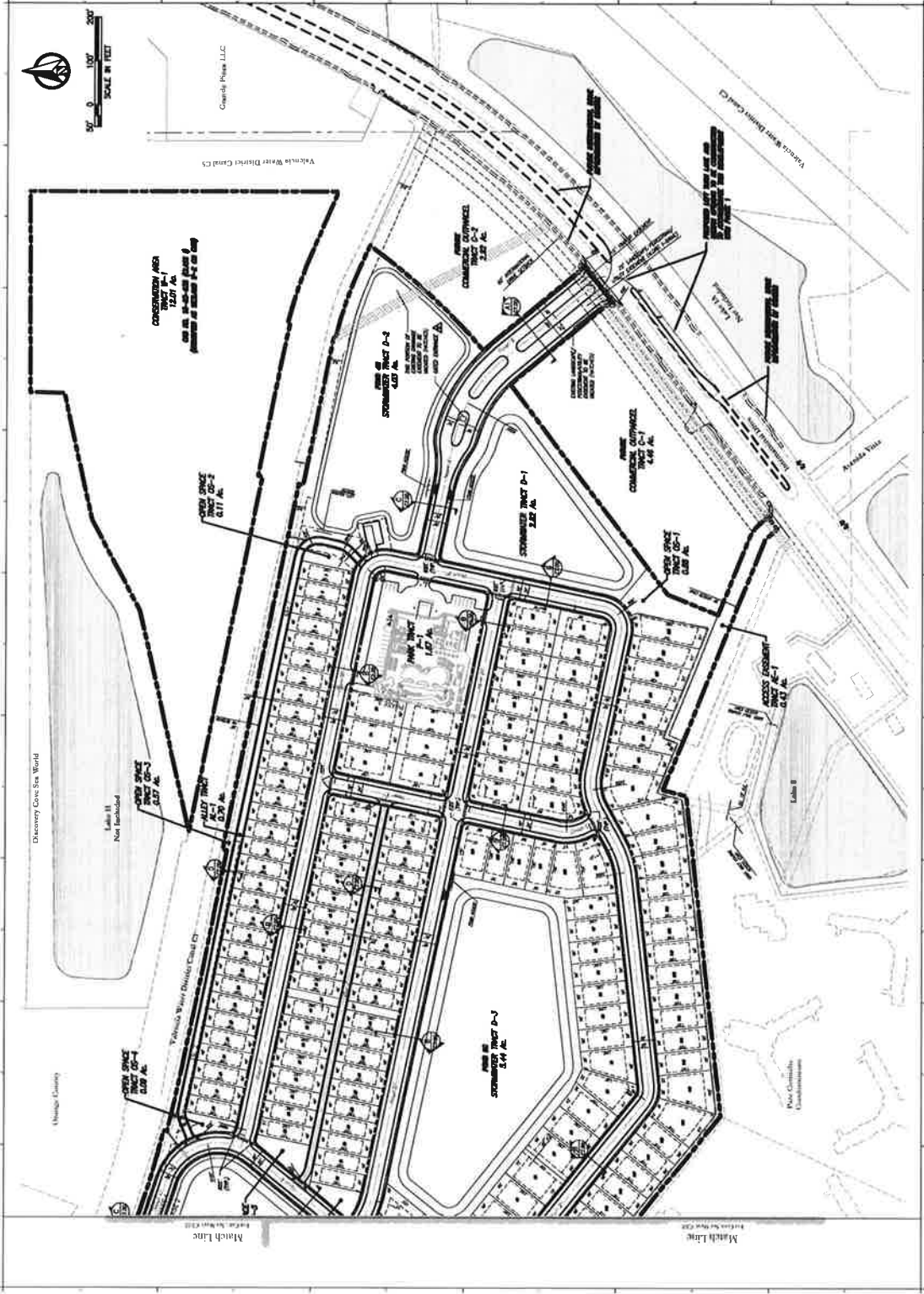
GRANDE PINES
 PSP-15-03-060
 CDR 18-07-231

Project Name: GRANDE PINES
 Location: ORANGE COUNTY, FL
 Street: [Blank]
 Preliminary Subdivision Plan
 Date: [Blank]

Scale: C3.00

PAULLO & BENNETT

Paullo & Bennett, LLC
 10000 N. US Highway 1
 Suite 100
 Orlando, FL 32817
 Tel: 407.226.2270
 Fax: 407.226.2271
 www.paulloandbennett.com



DATE: 11/15/15
 SCALE: C3.00

City Map



Scale

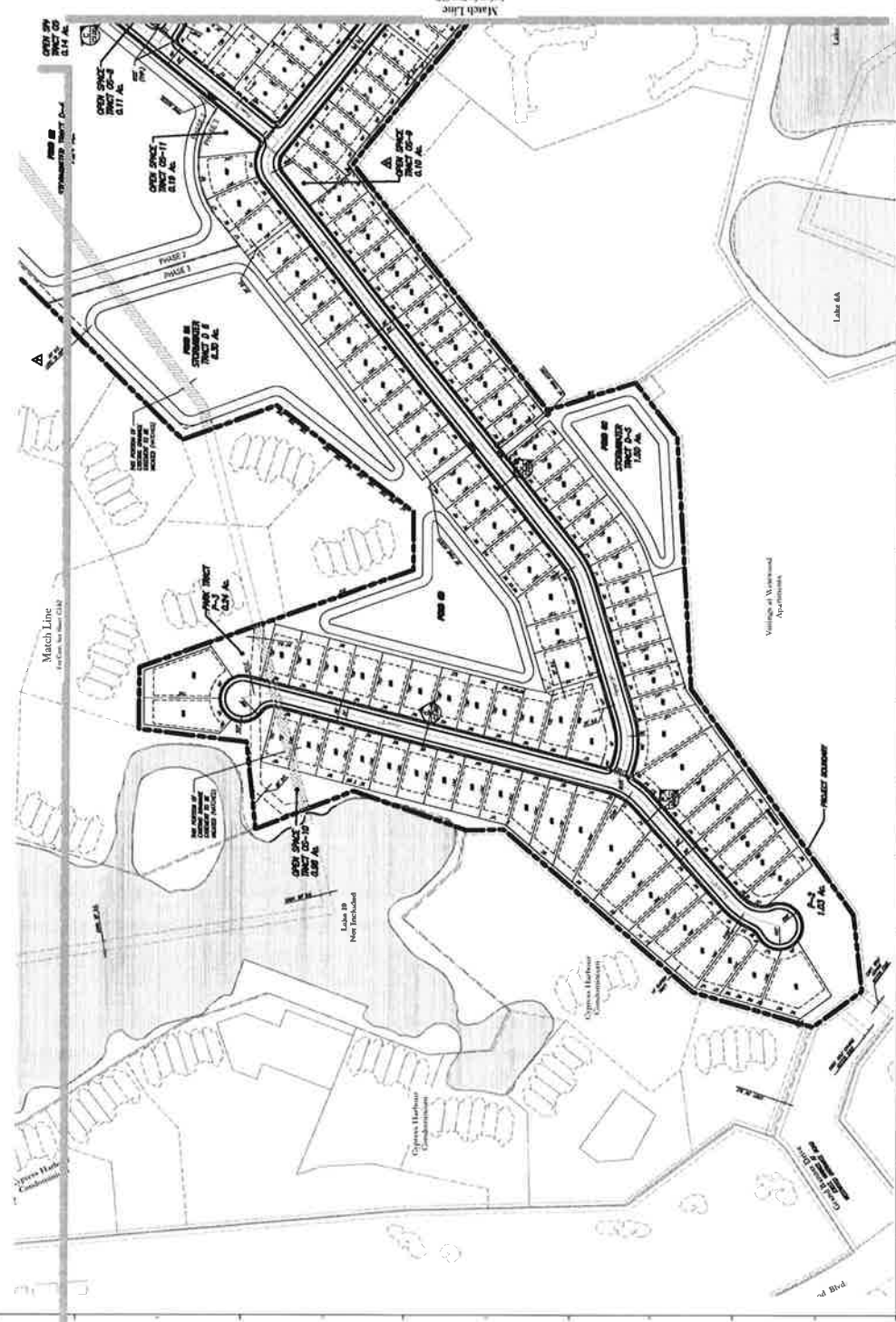
1. PREPARED BY: POULOS & ASSOCIATES, INC.
2. DATE: 04/15/2018
3. PROJECT: GRAND PINES
4. SHEET: C3.01
5. DRAWN BY: [Name]
6. CHECKED BY: [Name]
7. APPROVED BY: [Name]
8. TITLE: PRELIMINARY SUBDIVISION PLAN
9. SCALE: AS SHOWN
10. SHEET NO.: C3.01
11. TOTAL SHEETS: 03
12. PROJECT NO.: 18-07-231
13. CITY: GRAND PINES
14. COUNTY: ORANGE
15. STATE: FLORIDA
16. ZONING: [Code]
17. [Other details]

GRAND PINES
 PRR 18-03-060
 CDR 18-07-231

ORANGE COUNTY, FL
 PRELIMINARY
 SUBDIVISION
 PLAN

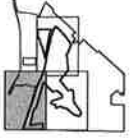
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DATE: April 15, 2018
 TIME: 10:00 AM



2018-04-15 10:00 AM - SCALE: AS SHOWN - SHEET: C3.01 - PROJECT: GRAND PINES

Key Map

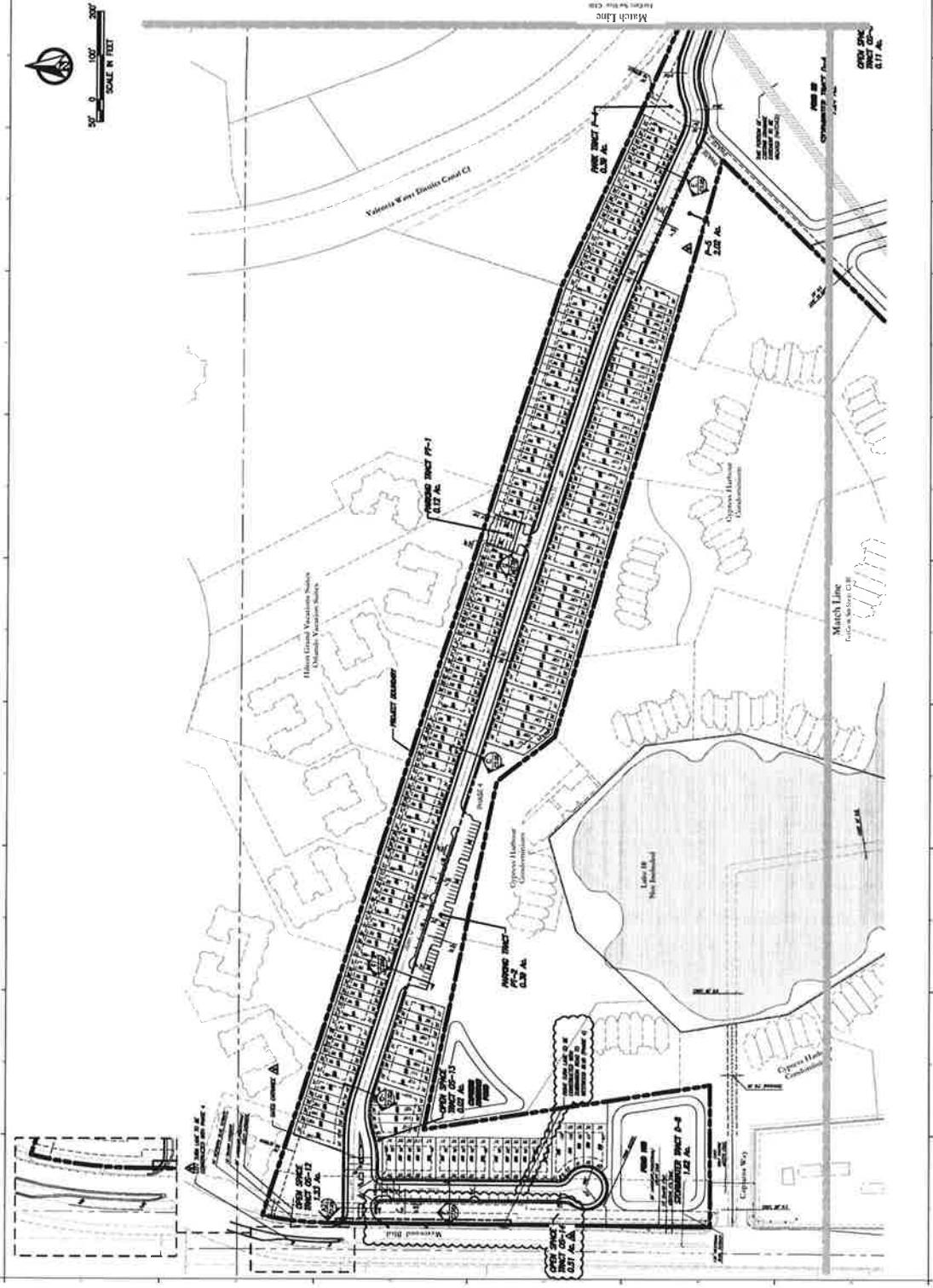


PLANNING	SCOTT B. HARRIS
DESIGN	SCOTT B. HARRIS
CONSTRUCTION	SCOTT B. HARRIS
SALES	SCOTT B. HARRIS
MARKETING	SCOTT B. HARRIS
LEGAL	SCOTT B. HARRIS
FINANCE	SCOTT B. HARRIS
OPERATIONS	SCOTT B. HARRIS
MAINTENANCE	SCOTT B. HARRIS
SECURITY	SCOTT B. HARRIS
ENVIRONMENTAL	SCOTT B. HARRIS
COMMUNITY RELATIONS	SCOTT B. HARRIS
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RESEARCH	SCOTT B. HARRIS
TRAINING	SCOTT B. HARRIS
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OPERATIONS	SCOTT B. HARRIS
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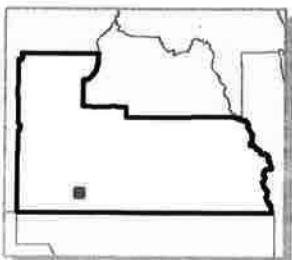
Project Name:
GRANDE PINES
 PSP-15-03-060
 CDR 18-07-231

Orange County, FL
**PRELIMINARY
 SUBDIVISION
 PLAN**

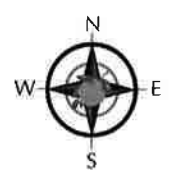
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 April 15, 2015



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**Orangewood N-2 PD / Grande Pines Parcel 11D PSP
~ Case #CDR-18-07-231**



Parcels		Subject Property		Jurisdiction		Hydrology	
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1 : 8,400
1 in : 700 ft