



**Interoffice Memorandum**

**DATE:** April 22, 2021

**TO:** Mayor Jerry L. Demings  
-AND-  
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 11, 2021 – Public Hearing  
Applicant: Bryan Potts, Tannath Design, Inc.  
Rouse Road Townhomes Planned Development / Rouse Road  
Townhomes Preliminary Subdivision Plan  
Case # PSP-20-07-192 / District 5

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 10, 2021, to approve the Rouse Road Townhomes Planned Development (PD) / Rouse Road Townhomes Preliminary Subdivision Plan (PSP), to subdivide 8.57 acres in order to construct 31 single-family attached residential dwelling units.

In addition, a waiver from Orange County Code Section 34-209 is requested to allow a six foot aluminum picket fence in lieu of a six foot masonry wall along property fronting Rouse Road.

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 Rouse Road Townhomes PD / Rouse Road Townhomes PSP dated "Received February 25, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

JVW/EPR/lme  
Attachments

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**CASE # PSP-20-07-192**

Commission District # 5

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 10, 2021, to approve the Rouse Road Townhomes Planned Development (PD) / Rouse Road Townhomes Preliminary Subdivision Plan (PSP), to subdivide 8.57 acres in order to construct 31 single-family attached residential dwelling units.

In addition, a waiver from Orange County Code Section 34-209 is requested to allow a six (6) foot aluminum picket fence in lieu of a six (6) foot masonry wall along property fronting Rouse Road.

**2. PROJECT ANALYSIS**

- A. Location: South of Jay Blanchard Trail / West of Rouse Road
- B. Parcel ID: 16-22-31-8972-00-080, 16-22-31-8972-00-090
- C. Total Acres: 8.58 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Riverdale ES – Enrolled: 570 / Capacity: 554  
Union Park MS – Enrolled: 763 / Capacity: 1,318  
University HS – Enrolled: 2,504 / Capacity: 2,590
- G. School Population: 11
- H. Parks: Blanchard Park – 0.1 Miles
- I. Proposed Use: 31 Single-Family Attached Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35' (2-stories)  
Minimum Living Area: 500 Square Feet  
Minimum Lot Width: 20'  
Building Setbacks:  
10' Front  
15' Side  
15' Side Street  
20' Rear  
55' Centerline
- K. Fire Station: 67 – 10679 University Boulevard

L. Transportation: 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 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.

### **3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Medium Density Residential (LMDR). The current zoning designation is Planned Development (PD). This request is consistent with the Comprehensive Plan.

### **4. ZONING**

PD (Planned Development District) (Rouse Road PD)

### **5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Rouse Road Townhomes PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Rouse Road Townhomes Preliminary Subdivision Plan dated "Received February 25, 2021,;" 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 February 25, 2021," 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 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.

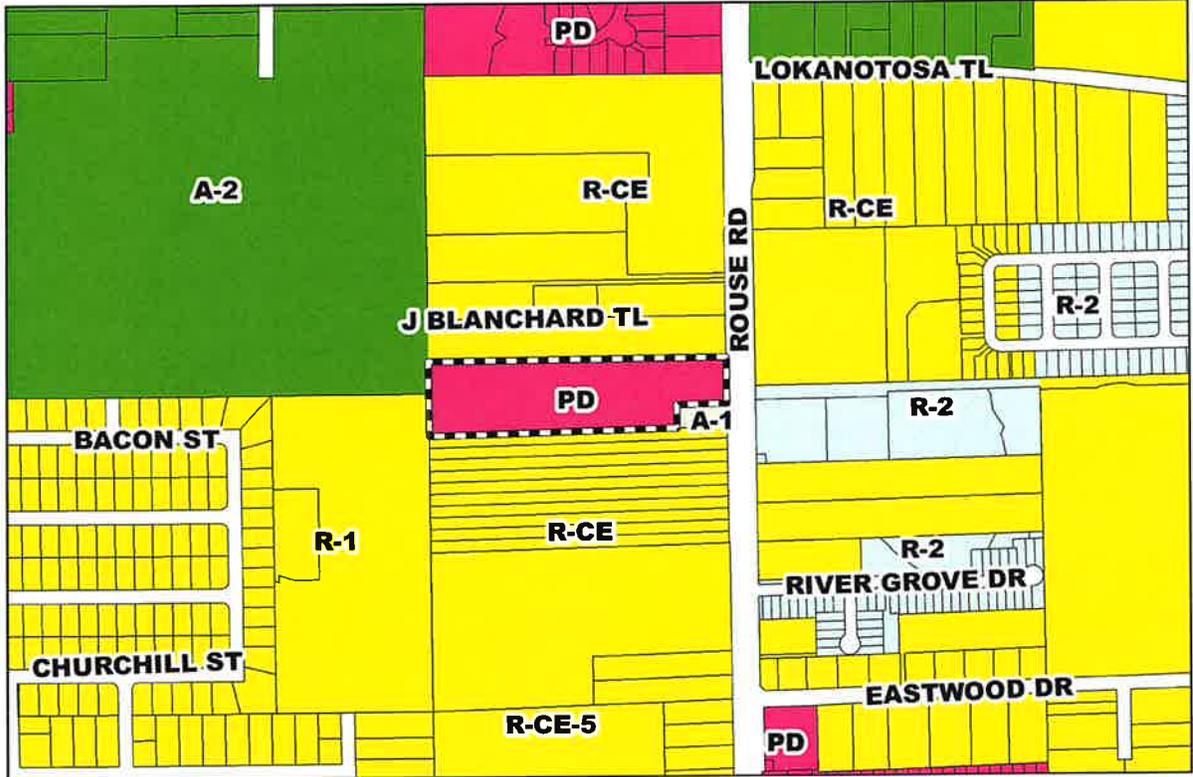
7. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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).
13. 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.

14. 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.
15. A waiver from Section 34-209 is granted to allow a six foot (6') aluminum picket fence in lieu of a six foot (6') masonry wall along property fronting Rouse Road.
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. 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.

# Zoning Map

PSP-20-07-192



 Subject Property



 Subject Property

**Zoning Map**

ZONING: PD (Planned Development District)

APPLICANT: Bryan Potts, Tannath Design Inc.

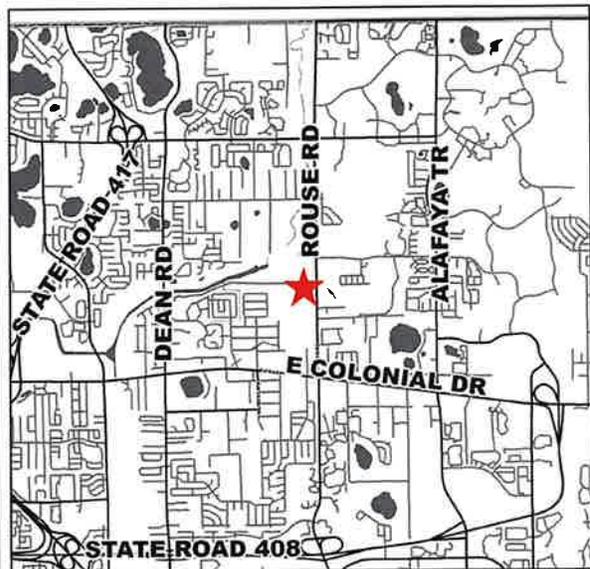
LOCATION: South of Jay Blanchard Trail / West of Rouse Road

TRACT SIZE: 8.58 gross acres

DISTRICT: # 5

S/T/R: 16/22/31

1 inch = 650 feet



## Site Data & Notes Sheet

**SITE DATA:**

PROPERTY LOCATION: 2460 ROUSE ROAD & 2464 ROUSE ROAD  
 PARCEL ID: 18-22-31-0972-00-080 AND 18-22-31-0972-00-090  
 LOCAL MUNICIPALITY: ORANGE COUNTY  
 FUTURE LAND USE: LOW-MEDIUM DENSITY RESIDENTIAL (LMDF)  
 ZONING: PD (LUP-18-11-386)  
 PROPOSED USE: TOWNHOMES  
 GROSS PARCEL AREA: 6.58 AC  
 NET DEVELOPABLE AREA: 5.88 AC  
 WETLAND AREA (W-1) (WITH BUFFER): 2.72 AC

PD SETBACKS CODE LANDSCAPE BUFFERS  
 EAST (ROUSE ROAD) 30' FRONT (EAST) 20'  
 WEST (WETLAND) 50' AVG. SIDE (NORTH) 10'  
 NORTH (PARK ENTRANCE) 10' SIDE (SOUTH) 10'  
 SOUTH (RES/WETLAND) 20' REAR (WEST) 50'  
 MAJOR ROAD (FROM L) 50'

INDIVIDUAL LOT SETBACKS CODE  
 FRONT 20'  
 REAR 20'  
 SIDES 0'  
 END UNIT 10'

**OPEN SPACE:**

THE OPEN SPACE IS MADE UP OF ALL DEVELOPABLE AREAS SURROUNDING THE BUILDINGS, RECREATIONAL AREAS, AND THE CONSERVATION AREA. THE POND DOES NOT MEET THE CRITERIA OF CATEGORY B OPEN SPACE AND IS THEREFORE NOT INCLUDED IN THE CALCULATIONS. THE TOTAL SITE AREA IS 6.58 ACRES WHICH REQUIRES 0.887 ACRES OF OPEN SPACE. ALL OF WHICH IS ACHIEVED AS CATEGORY A. THE FOLLOWING SHOWS THE REQUIRED OPEN SPACE CALCULATIONS.

CATEGORY	ACTUAL AREA	REQUIRED AREA	PERCENTAGE OF REQUIRED	UTILIZED AREA
 A	2.54 AC	0.887 AC	330.76%	0.887 AC
 B	0.0 AC	0.887 AC	0.0%	0.0 AC
 C	2.72 AC	0.887 AC	317.36%	0.0 AC

**OWNERSHIP/MAINTENANCE:**

SEE TRACT PLAN SHEET C-29

**GENERAL SITE NOTES:**

- FIRE HYDRANTS WILL BE INSTALLED SO THE DESIGN AND CALCULATIONS MEET THE REQUIREMENTS OF NFPA 1, 2018 EDITION AS NEEDED.
- THE BUILDING FACADE DESIGN SHALL CONFORM TO THE ORANGE COUNTY ARCHITECTURAL STANDARDS.
- LANDSCAPING SHALL MEET OR EXCEED THE ORANGE COUNTY STANDARDS AS IN THE LAND DEVELOPMENT REGULATIONS.
- IN ACCORDANCE WITH SECTION 38-1227, ANY VARIATIONS FROM COUNTY CODE MINIMUM STANDARDS REPRESENTED ON THIS PLAN THAT HAVE NOT BEEN EXPRESSLY APPROVED BY THE BCC ARE INVALID.
- OPEN SPACE SHALL COMPLY WITH ORANGE COUNTY CODE SECTION 38-1294. ALSO, ADD A NOTE THAT STATES, "RECREATIONAL AREA SHALL COMPLY WITH ORANGE COUNTY CODE SECTION 38-1283".
- THE SITE IS LOCATED WITHIN THE GEOGRAPHICAL LIMITS OF THE EDGECOCK/HATCHEE RIVER PROTECTION ORDINANCE. BASIN-WIDE REGULATIONS APPLY. REFERENCE ORANGE COUNTY CODE CHAPTER 15 ARTICLE XI SECTION 15-442. THE BASIN-WIDE REGULATIONS INCLUDE, BUT ARE NOT LIMITED TO, WETLANDS AND PROTECTIVE BUFFERS, WILDLIFE HABITAT, STORMWATER MANAGEMENT, AND LANDSCAPING WITH NATIVE PLANT SPECIES.
- A UTILITY EASEMENT WILL BE PLACED OVER THE METERS LOCATED IN THE DEVELOPMENT AT TIME OF FINAL ENGINEERING.
- HANDICAP (HIC) RAMPS MUST BE CONSTRUCTED AT THE STREET INTERSECTION(S) AND DRIVEWAY CONNECTION(S) TO COMPLY WITH THE AMERICANS WITH DISABILITY ACT (ADA) AND WILL MEET FOOT DESIGN STANDARDS.
- ALL AREAS NOT IDENTIFIED AS PARKING ZONES SHALL BE POSTED "NO PARKING" PER 18.2.3.5.1 NFPA 1 (FPFC 6TH EDITION). NO PARKING SIGNAGE SHALL COMPLY WITH ORANGE COUNTY STANDARDS.
- STREET SIGNS POSTS TO BE SQUARE GALVANIZED STEEL AND HOLES SHALL BE CORED. 2-INCH SQUARE GALVANIZED POLES SHALL BE PRE-SCORED ALSO CALLED QUICK PUNCH. ALL TRAFFIC CONTROL SIGNS WITHIN THE RIGHT-OF-WAY SHALL BE MANUFACTURED USING DIAMOND GRADE REFLECTIVE SHEETING. ALL SIGNS SHALL BE CONSTRUCTED IN ACCORDANCE WITH HITCHED AND ORANGE COUNTY CRITERIA FOR SIGN SIZE AND SHAPE AND LETTERING DIMENSIONS. NO SIGNS INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY ARE ALLOWED TO BE INSTALLED IN CONCRETE.
- ALL PAVEMENT MARKINGS SHALL BE THERMOPLASTIC AND MUST COMPLY WITH FOOT INDEX 711-001.

PARKING REQUIRED TOWNHOME	GARAGE PARKING + 0.6 SPACE / UNIT FOR VISITORS	16 SPACES
TOTAL PARKING REQUIRED		16 SPACES
PARKING PROVIDED STANDARD PARKING SPACES		17 SPACES
TOTAL PARKING PROVIDED		17 SPACES

**ITE CALCULATIONS**

LAND USE	ITE CODE	SIZE	AVERAGE WEEKDAY DRIVEWAY VOLUMES		AM PEAK HOUR		PM PEAK HOUR	
			DAILY TRIPS	ENTER	EXIT	ENTER	EXIT	
Z29 - MULTIFAMILY HOUSING (LOW-RISE)	220	31 DWELLING UNITS	211	4	12	12	8	

**STORMWATER MANAGEMENT:**

STORMWATER FACILITIES SHALL BE DESIGNED AND PERMITTED IN ACCORDANCE WITH ORANGE COUNTY AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT. A MASTER POND IS PROPOSED FOR STORMWATER MANAGEMENT.

SOIL NUMBER	NAME	USDA TEXTURE	HYDROLOGIC GROUP
1B	PELDA	FINE SAND	A/D
2C	SANBULA	MUCK	A/D
4C	SMYRNA	WET FINE SAND	A/D

SOILS DATA FROM USDA NRCS ONLINE SOILS SURVEY DATED SEPTEMBER 13, 2018.

FLOOD ZONE  
 THE SITE IS LOCATED IN FLOOD ZONE AE (ELEV. 49.1), A SPECIAL FLOOD HAZARD AREA, PER FEMA F.I.R.M. PANEL 1205C0220 C, DATED SEPTEMBER 25, 2009 ORANGE COUNTY, FLORIDA. A CLOMA IS REQUIRED FOR FILL PLACED WITHIN THIS AREA.

WETLANDS  
 THERE IS A CLASS 1 WETLAND LOCATED ON THE WEST END OF THE PROJECT SITE. CAD-20-01-018 188UED 05-16-2020 DELINEATES THE WETLAND.

VEGETATION  
 THE SITE IS CURRENTLY AN OPEN FIELD.

**LEGAL DESCRIPTION:**

PROPERTY DESCRIPTION: LOTS 8, 9, 10 & 11, L688 AND EXCEPT THE EAST 217.8 FEET OF LOTS 10 & 11, WALKER - ROUSE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK U, PAGE 120, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. TOTAL AREA: 6.58 ACRES

**LIGHTING:**

PROJECT LIGHTING SHALL CONFORM TO THE LIGHTING STANDARDS AS ADDRESSED IN THE ORANGE COUNTY ARCHITECTURAL STANDARDS AND GUIDELINES FOR THE COMMERCIAL BUILDINGS AND PROJECTS.

**SIGNAGE:**

BILLBOARDS AND POLE SIGNS ARE PROHIBITED. ALL OTHER SIGNS SHALL COMPLY WITH CHAPTER 31.5 OF THE ORANGE COUNTY LAND DEVELOPMENT CODE.

**UTILIZED AREA**

UTILIZED AREA

**WATER SERVICE**

SERVICE PROVIDER - ORANGE COUNTY UTILITIES  
 FIRE FLOW SHALL COMPLY WITH 18.4 & 18.5 OF NFPA 1, 2018.

**WASTEWATER SERVICE**

SERVICE PROVIDER - ORANGE COUNTY UTILITIES

**SCHOOLAGE POPULATION**

31 UNITS @ 0.33 PER UNIT = 11

**RECREATION AREA**

2.1 RESIDENTS / 31 UNITS = 98.10 RESIDENTS  
 (2.5 AC x 43,590 SF) / 1,000 RESIDENTS = 108.9 SF / RESIDENT  
 98.10 RES x 108.9 SF = 10,686 SF OF RECREATIONAL AREA

THE RECREATIONAL AREA SHALL CONSIST OF PASSIVE TRAILS WITH BENCHES AROUND THE WET RETENTION POND FOR A TOTAL PROVIDED AREA OF 12,303 SF.

**PROJECT INFORMATION:**

PROPOSED USE:	TOWNHOMES
UNITS:	31
LOTS:	31
PROPOSED DENSITY:	6.29 UNITS/ACRE
MIN LIVING AREA:	7602-SQ-FT OR 1,000 SF/SQ-FT
MIN LOT SIZE:	207380' = 1,800 SF
MAX BLDG HEIGHT:	35' - 2-STORY
OPEN SPACE REQUIRED:	10%
BUILDING FFE:	62.00



# Notification Map

S:\15 SUBSTANTIAL CHANGE\2021\DRC\Rouse Road Townhomes PD\_PSP-20-07-192\Rouse Road Townhomes PD\_PSP-20-07-192.mxd

