

**CASE # PSP-18-09-310**

Commission District # 1

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 13, 2019, to approve the Estates of Lake Hancock Planned Development (PD) / Estates of Lake Hancock Preliminary Subdivision Plan (PSP) to subdivide 20.65 acres in order to construct four single-family detached residential dwelling units. The request also includes the provision for an accessory dwelling unit inclusive of a stable for the keeping of horses or ponies on Lot 76 (Estate Rural).

The request also includes the following waivers from Orange County Code:

1. A waiver for Lot 76 only from Section 38-79(114)(h), to allow an accessory structure to have a maximum building height of thirty-five (35) feet / two (2) stories, in lieu of a maximum height of fifteen (15) feet / one (1) story.
2. A waiver for Lot 76 only from Section 38-1384(e), to allow a maximum height of six (6) feet for a fence or wall in the front yard setback, in lieu of the maximum height of three (3) feet, six (6) inches.
3. A waiver for Lot 76 only from Section 38-1384(j), to allow a maximum living area of one thousand five hundred (1,500) square feet for the accessory unit over the stable, in lieu of a maximum living area of seven hundred fifty (750) square feet.
4. A waiver from Section 38-1384(d), to allow for none of the homes to have front porches in lieu of the requirement for front porches on at least fifty (50) percent of all detached single-family lots of less than seventy five (75) feet in width.
5. A waiver from Section 38-1384(f)(2)c, to allow for the first floor elevations to be twelve (12) to fourteen (14) inches above sidewalk along grading in lieu of the requirement for first floor elevations to be at least eighteen (18) inches above the finished grade of the sidewalk.
6. A waiver from Section 34-171(7), to allow for a sidewalk to be on one side of the right-of-way, in lieu of both sides.

This project is proposed to be a gated community under Orange County Code Sections 34-280, 34-290, and 34-291.

**2. PROJECT ANALYSIS**

- |                 |  |
|-----------------|--|
| A. Location:    | North of Porter Road / East of Summerlake Pointe Boulevard   |
| B. Parcel ID:   | 27-23-27-2740-00-220, 27-23-27-2740-10-000,<br>27-23-27-2740-00-223, 27-23-27-2740-00-006 (a portion of) |
| C. Total Acres: | 20.65 gross acres  |

- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Independence ES Capacity: 832 / Enrolled: 1,034  
Bridgewater MS Capacity: 1,176 / Enrolled: 2,256  
Windermere HS Capacity: 2,776 / Enrolled: 2,186
- G. School Population: 2
- H. Parks: Deputy Scott Pine Community Park – 2 Miles
- I. Proposed Use: Four Single-Family Detached Residential Dwelling Units
- J. Site Data: **Estate:**  
Maximum Building Height: 45' (3-stories)  
Minimum Living Area: 1,500 Square Feet  
Building Setbacks:  
    20' Front  
    10' Front Porch  
    5' Side  
    10' Side Street  
    25' Rear  
    50' NHWE  
**Estate Rural:**  
Maximum Building Height: 45' (3-stories)  
Minimum Living Area: 1,500 Square Feet  
Building Setbacks:  
    35' Front  
    25' Front Porch  
    10' Side  
    10' Side Street  
    50' Rear  
    50' NHWE
- K. Fire Station: 34 – 4000 Winter Garden Vineland Road
- L. Transportation: Based on the concurrency management system database dated October 31, 2018, there are multiple failing roadways within a one mile radius of this project. A traffic study may be required prior to obtaining an approved capacity encumbrance letter and building permit.

### 3. COMPREHENSIVE PLAN

The Future Land Use designation of the subject parcel is Village (V). The subject property is within the Horizon West Village of Bridgewater and is designated as an Estate District (lots 73-75) and an Estate Rural District (lot 76) on both the Village of Bridgewater Special Planning Area Map and the Estates of Lake Hancock PD. As such, this request is consistent with the Comprehensive Plan and the associated Estates of Lake Hancock PD.

**4. ZONING**

PD (Planned Development District) (Estates of Lake Hancock PD)

**5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Estates of Lake Hancock Planned Development; Orange County Board of County Commissioners (BCC) approvals; Estates of Lake Hancock Preliminary Subdivision Plan dated "Received February 14, 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 February 14, 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. 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.
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. 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.
9. 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 for Lake Hancock. Any person desiring to construct any of these structures on Lake Hancock 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.
10. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp for Lake Hancock. Any person desiring to construct a boat ramp on Lake Hancock 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.

11. 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.
12. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP), including hydraulically dependent development. 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.
13. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
14. 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.
15. All home designs/types proposed for this PSP shall be submitted to the County for setback & architectural review a minimum of 90 days prior to model home requests and/or permitting.
16. All existing structures within the PSP shall be demolished prior to plat approval.
17. Prior to the issuance of any vertical building permits, the property shall be re-platted.
18. 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.
19. A mandatory pre-application/sufficiency review meeting for the re-plat shall be required prior to re-plat submittal and concurrent with construction plan submittal. 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.
20. This project 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.
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 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. If fire department access cannot be reached within 50' of an exterior door, an approved automatic fire sprinkler system shall be required.
  
23. Pursuant to a Memorandum of Agreement between Carida Ski Lakes, Inc. ("Carida") and Orange County, Florida, approved by the Board of County Commissioners ("Board") on January 11, 2000 (the "MOA"), Carida operates a water ski club for training, instruction, recreation, and competition activities on Tract F (Lake Ledbetter) on the Isles of Lake Hancock plat recorded on September 12, 1996, at Plat Book 36, pages 141 – 146, Public Records of Orange County, Florida (the "Ski Activities"). Pursuant to the MOA, Carida has constructed various docks on Lake Ledbetter; portions of two such docks are currently located on proposed lots 74 and 75 (the "Docks"). Carida may continue to operate the Ski Activities using said Docks, and maintain the Docks in accordance with the MOA, until such time as proposed lots 74 and 75 are platted for residential use. At such time as proposed lot 74 is platted for residential use, any dock structure located on proposed lot 74 shall be removed. At such time as proposed lot 75 is platted for residential use, any dock structure located on proposed lot 75 shall be removed. Additionally, any contract for sale on proposed lots 74 or 75 shall include a 1-page disclaimer to be initialed by each buyer at the time of contract execution, which shall read "Buyer acknowledges that this property does not have any right to use either of the man-made ski lakes located in the Estates of Lake Hancock subdivision or the Isles of Lake Hancock subdivision without membership to the Winter Garden Water Ski Club or Isles of Lake Hancock Ski Club. Access to Lake Hancock will be available through the boat ramp and park owned by the Homeowners' Association."
  
24. The following waivers from Orange County Code are granted:
  - a. A waiver for Lot 76 only from Section 38-79(114)(h), to allow an accessory structure to have a maximum building height of thirty-five (35) feet / two (2) stories, in lieu of a maximum height of fifteen (15) feet / one (1) story.
  
  - b. A waiver for Lot 76 only from Section 38-1384(e), to allow a maximum height of six (6) feet for a fence or wall in the front yard setback, in lieu of the maximum height of three (3) feet, six (6) inches.
  
  - c. A waiver for Lot 76 only from Section 38-1384(j), to allow a maximum living area of one thousand five hundred (1,500) square feet for the accessory unit over the stable, in lieu of a maximum living area of seven hundred fifty (750) square feet.
  
  - d. A waiver from Section 38-1384(d), to allow for none of the homes to have front porches in lieu of the requirement for front porches on at least fifty (50) percent of all detached single-family lots of less than seventy five (75) feet in width.
  
  - e. A waiver from Section 38-1384(f)(2)c, to allow for the first floor elevations to be twelve (12) to fourteen (14) inches above sidewalk along grading in lieu of the requirement for first floor elevations to be at least eighteen (18) inches above the finished grade of the sidewalk.
  
  - f. A waiver from Section 34-171(7), to allow for a sidewalk to be on one side of the right-of-way, in lieu of both sides.