



Interoffice Memorandum

DATE: October 28, 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: November 9, 2021 – Public Hearing
Applicant: Aaron Matson, Cap 5 Development, LLC
Village F Master Planned Development / Parcel S-21 Preliminary
Subdivision Plan
Case # PSP-21-05-143 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 22, 2021, to approve the Village F Master Planned Development (PD) / Parcel S-21 Preliminary Subdivision Plan (PSP), generally located south of Apollo Bond Drive, and along the westside of Summerlake Groves Street, to subdivide 12.82 acres in order to construct 41 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 Village F Master PD / Parcel S-21 PSP dated "Received September 30, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/EPR/lme
Attachments

CASE # PSP-21-05-143

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 22, 2021, to approve the Village F Master Planned Development (PD) / Parcel S-21 Preliminary Subdivision Plan (PSP), to subdivide 12.82 acres, generally located south of Apollo Bond Drive, and along the westside of Summerlake Groves Street, in order to construct 41 single-family residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: South of Apollo Bond Drive / West of Summerlake Groves Street
- B. Parcel IDs: 04-24-27-0000-00-015
- C. Total Acres: 12.82
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Summerlake ES – Enrolled: 1,008 / Capacity: 751
Bridgewater MS – Enrolled: 1,703 / Capacity: 1,040
Horizon HS – Enrolled: 1,328 / Capacity: 1,950
- G. School Population: 18
- H. Parks: Deputy Scott Pine Community Park – 3.7 Miles
- I. Proposed Use: 41 Single-Family Residential Dwelling Units
- J. Lot Dimension: Maximum Building Height: 45'
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width: 32'
Building Setbacks:
20' Front
20' Rear
4' Side
10' Side Street
50' NHWE
- K. Fire Station: 44 – 16990 Porter Road

L. Transportation: The Village F Horizon West Road Network Agreement provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of Seidel Road to four lanes in three phases according to specific trip allocations and performance thresholds. Concurrency Vesting shall be provided pursuant to Table 1 based on achieved thresholds of the road improvements. Conveyance shall be by general warranty deed at no cost to the County prior to each phase of roadway construction. The Signatory Owners will receive Road Impact Fee Credits in Road Impact Fee Zone 4 for the lesser of (a) 95% of the actual, reasonable unreimbursed sums incurred by Signatory Owners for permitting, design, mitigation, inspection and construction expense exclusive of enhanced landscaping and street lighting or (b) 60% of the countywide average total cost of road construction per lane mile.

Encumbered school and transportation capacity must be reserved (aka prepay school and transportation reservation fees) by the CEL expiration date or prior to platting.

There are failing roadway segments within the project's impact area.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V), which indicates that it is within the Horizon West Special Planning Area (SPA). Per the approved Horizon West Village F SPA map, the subject property is designated as a Village Home District. The subject property is designated PD (Planned Development) on the Zoning Map, which is consistent with the FLUM Designation.

4. ZONING

PD (Planned Development District) (Village F Master PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Village F Master PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Parcel S-21 Preliminary Subdivision Plan dated "Received September 30, 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 September 30, 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. 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).
7. 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.
8. 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.
9. 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.
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.

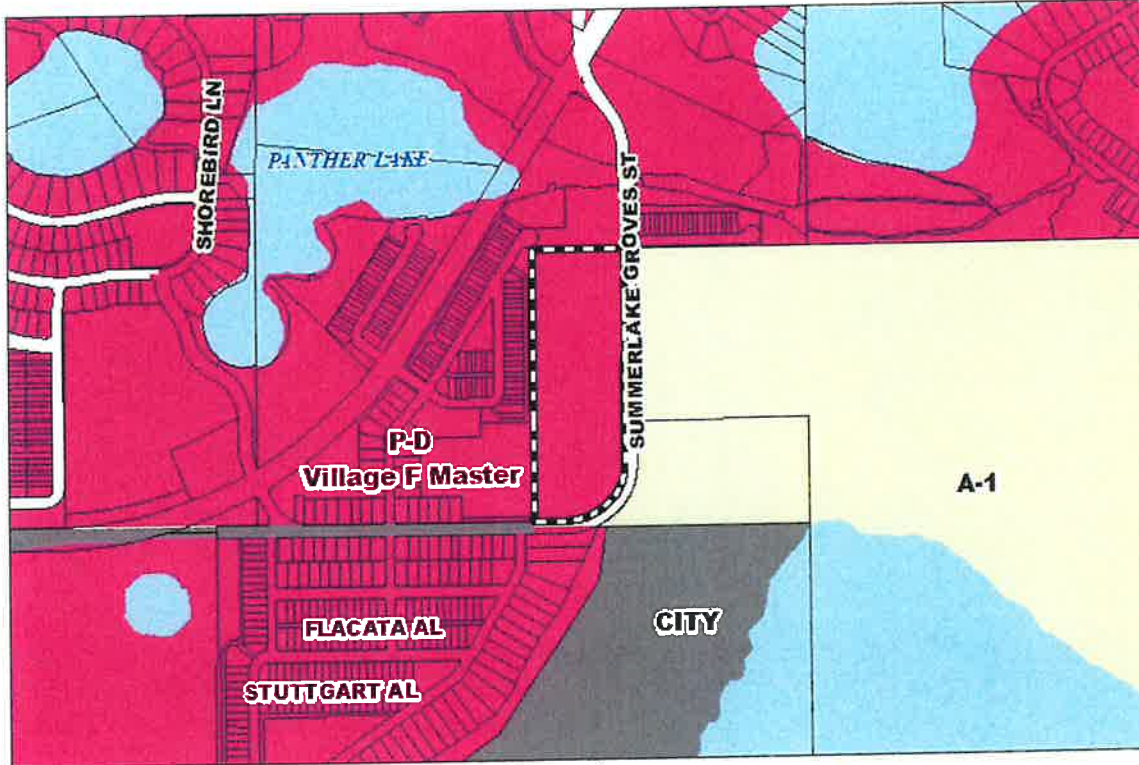
11. The covenants, conditions, and restrictions (CC&Rs), or as appropriate, a recorded restrictive covenant on the property and a note on the plat shall contain notification of the Bay Lake Construction and Demolition Debris landfill site to the east.
12. No activity will be permitted on the site that 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 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.
13. The project shall comply with the terms and conditions of that certain Village F Road Network Agreement approved on June 18, 2013, and recorded at PB 10591 PG 5123, Public Records of Orange County, Florida, as may be amended.
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. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
16. 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.
17. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.

18. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
19. Any lot with a side yard facing an open space tract, park or recreation area shall be visually treated as a corner lot with an abutting side street. The tract, park or recreation area facing facades shall repeat the architectural trim and finishes which are provided on the front façade - including windows, window surrounds, shutters, muntins, eave brackets, expression line, and decorative veneer.
20. The HOA Covenants and Restrictions shall state that the public open space tracts and those amenities within the open space tracts are open to the public and that a change that would prohibited public access will require Orange County Board approval.
21. Lots that face a mew, open space tract, or alley that do not have access to a public right-of-way shall be addressed of an alley and the addressing of the home shall be placed on both sides of the structure.
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. 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.
24. 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.

25. 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.
26. 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.
27. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
28. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
29. Prior to construction plan approval, the land proposed to be dedicated right-of-way located within the access easement area per Doc# 20190762313, shall be conveyed to the applicant from the Watermark HOA, and recorded in the public records of Orange County.
30. The rear yard of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, and the side yard of Lots 15 and 16 as depicted on the preliminary subdivision plan abuts Open Space tract OS-1. As such, the associated fencing shall be treated as a corner lot with an abutting side street. The subject side and rear yard facing the open space tract shall be limited to 4' in height if opaque, or up to 6' in height if 50% or more is transparent such as aluminum picket or similar.

Zoning Map

PSP-21-05-143



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)
 (Village F Master PD)

APPLICANT: Aaron Mats on, Cap 5 Development, LLC

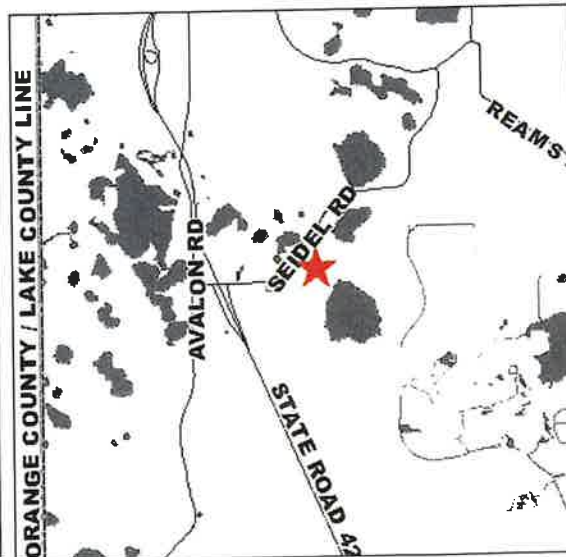
LOCATION: South of Apollo Bond Drive
 Westside of Summerlake Groves Street

TRACT SIZE: 12.82 gross acres


DISTRICT: # 1

S/T/R: 04-24-27

1 inch = 700 feet



Site Data & Notes Sheet



MADDEN
CIVIL ENGINEERS
1000 N. Tustin Ave., Suite 200
Orange, CA 92667
Tel: 714.952.2200

LAND USE TABLES
 VILLAGE F MASTER PD
 PARCEL S-21

DATE: 02/10/21
 TIME: 10:00 AM
 LOCATION: 1000 N. TUSTIN AVE., SUITE 200, ORANGE, CA 92667
 PROJECT: VILLAGE F MASTER PLAN, PARCEL S-21

SCALE: 1" = 100'

DATE: 02/10/21
 TIME: 10:00 AM
 LOCATION: 1000 N. TUSTIN AVE., SUITE 200, ORANGE, CA 92667
 PROJECT: VILLAGE F MASTER PLAN, PARCEL S-21

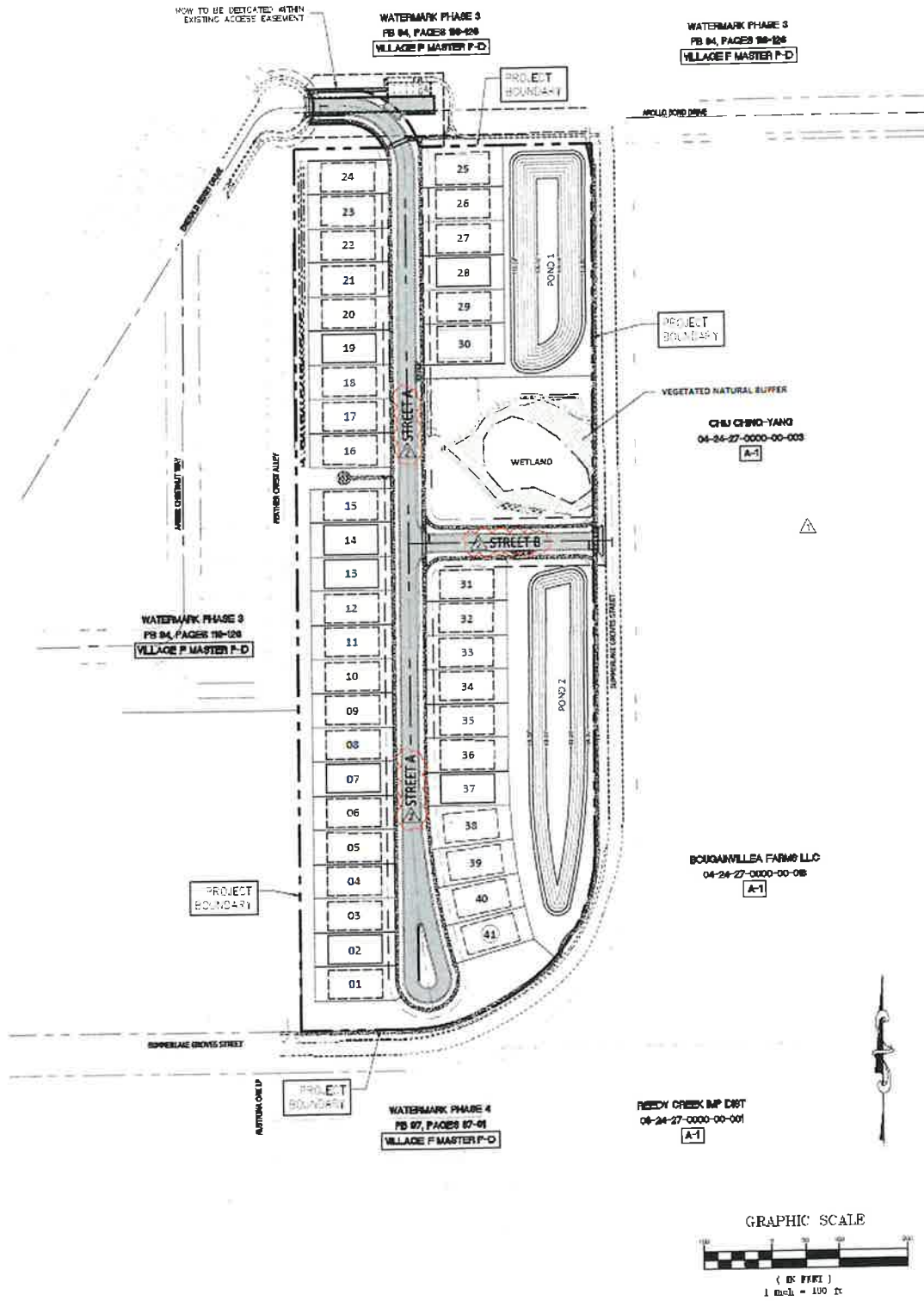
GENERAL NOTES:

1. THESE TABLES ARE TO BE USED IN CONJUNCTION WITH THE LAND USE TABLES AND THE ZONING ORDINANCE.
2. THE TABLES ARE TO BE USED TO DETERMINE THE PERMITTED USES FOR A PARTICULAR PARCEL.
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LAND USE TABLES:

Parcel ID	Area (sq. ft.)	Use	Notes
1000 N. TUSTIN AVE., SUITE 200	10,000	Office	Permitted Use
1000 N. TUSTIN AVE., SUITE 200	10,000	Office	Permitted Use
1000 N. TUSTIN AVE., SUITE 200	10,000	Office	Permitted Use
1000 N. TUSTIN AVE., SUITE 200	10,000	Office	Permitted Use
1000 N. TUSTIN AVE., SUITE 200	10,000	Office	Permitted Use
1000 N. TUSTIN AVE., SUITE 200	10,000	Office	Permitted Use
1000 N. TUSTIN AVE., SUITE 200	10,000	Office	Permitted Use
1000 N. TUSTIN AVE., SUITE 200	10,000	Office	Permitted Use
1000 N. TUSTIN AVE., SUITE 200	10,000	Office	Permitted Use
1000 N. TUSTIN AVE., SUITE 200	10,000	Office	Permitted Use

Site Plan Sheet

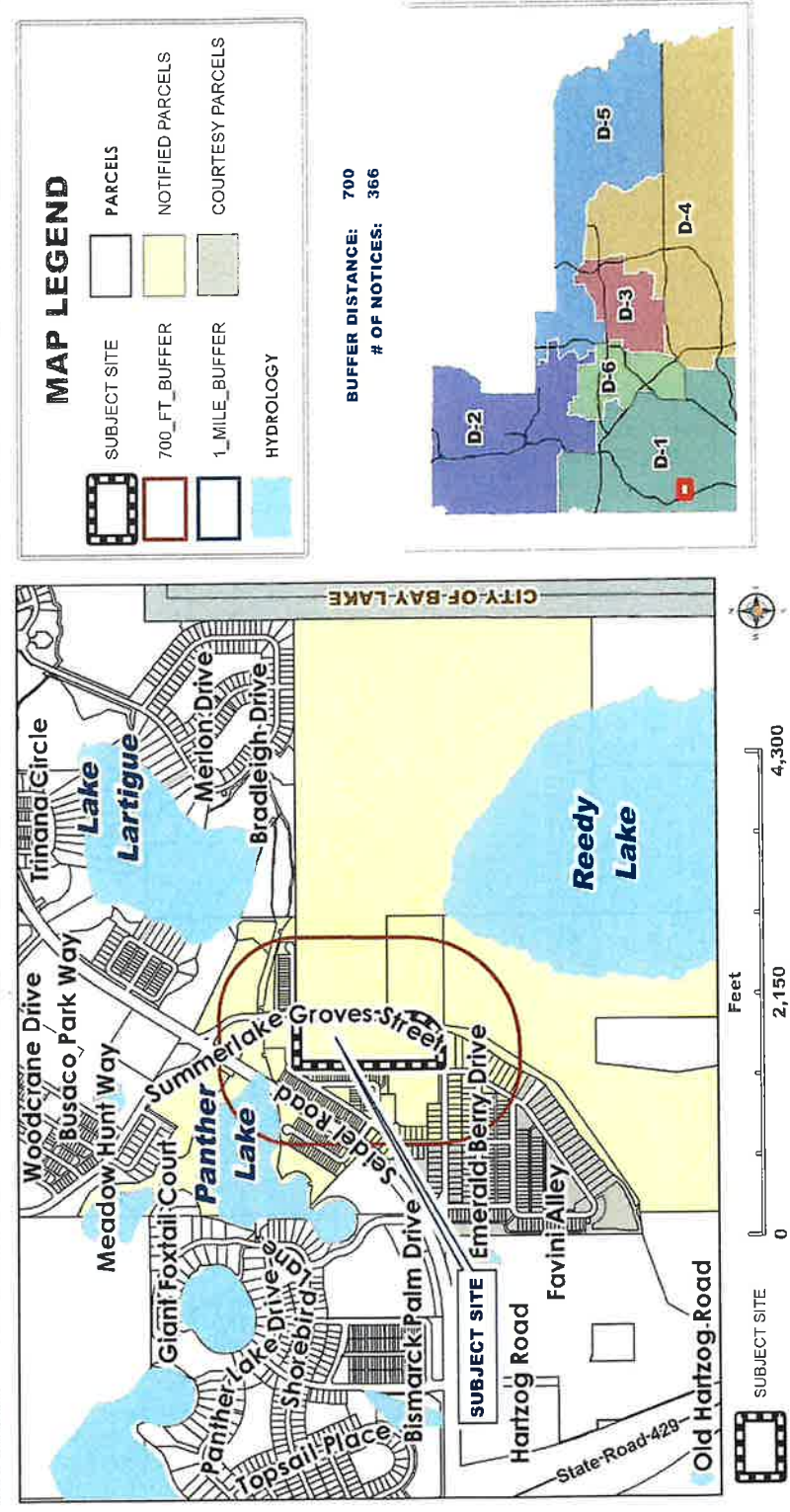


Notification Map



Public Notification Map

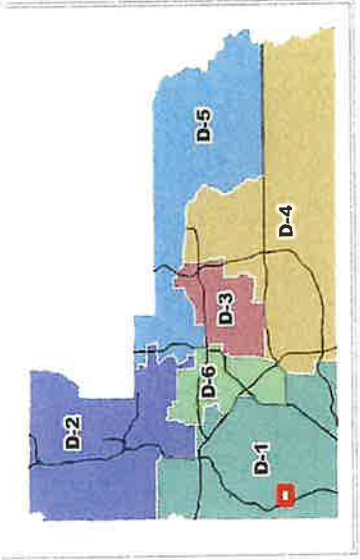
Village F Master PD Parcel S-21_PSP-21-05-143



MAP LEGEND

	SUBJECT SITE		PARCELS
	700_FT_BUFFER		NOTIFIED PARCELS
	1_MILE_BUFFER		COURTESY PARCELS
	HYDROLOGY		

BUFFER DISTANCE: 700
 # OF NOTICES: 366



Feet

0 2,150 4,300

SUBJECT SITE

S:\Business Systems\Board Administrations\SUBSTANTIAL CHANGE\2021\DC\Village F Master PD Parcel S-21_PSP-21-05-143\Map