



# Orange County Government

Orange County  
Administration Center  
201 S Rosalind Ave.  
Orlando, FL 32802-1393

## Decision Letter

### Board of County Commissioners

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Tuesday, August 21, 2018

2:00 PM

County Commission Chambers

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18-756

Substantial Change

David E. Axel, Axel Real Estate, Lake Pickett Cluster Parcels 1, 2, & 3  
Preliminary Subdivision Plan, Case # CDR-18-02-062, amend plan; District 5  
(Continued from July 10, July 17, and August 7, 2018)

**Consideration:** Substantial change request to add gated entrances, revise project phasing, and delete the August 22, 2017, BCC condition of approval #36, which requires the HOA to maintain failing septic tanks at the homeowner's expense. This project is proposed to be a gated community pursuant to Orange County Code Section 34-280, 34-290, and 34-291.

**Location:** District 5; property generally located North of Lake Pickett Road / East of Chuluota Road; Orange County, Florida (legal property description on file in Planning Division)

The following are proposed changes to the Conditions of Approval in the Staff Report:

Modify Condition of Approval 8:

8. ~~Developer shall contribute its pro-rata share of the safety improvements on Lake Pickett Road.~~  
The following additional conditions of approval with respect to Lake Pickett Road shall apply:

a. Applicant will construct eastbound left turn lanes on Lake Pickett Road at both project entrances at the time of development of the first phase, such turn lanes to be designed in accordance with Florida Greenbook standards.

b. At the time of such turn lane construction, Applicant will mill and resurface the approximate eighty-five foot (85') gap between the eastern limits of the Heartwood PSP (PSP 17-01-012) turn lane taper and the project's east entrance turn lane taper, as well as the approximate five hundred foot (500') gap between the turn lane tapers at the project's east and west entrances.

c. Applicant will, at Orange County's discretion, either install or fund at a rate of One Dollar Twenty Five Cents (\$1.25) per linear foot ("Rumble Striping Payment"), profiled thermoplastic pavement markings ("Rumble Striping") for both edgelines and centerlines within the limits of resurfacing. Centerline striping will include reflective pavement markings ("RPM's")

d. At the time of development of each project entrance, Applicant shall install lighting of the project entry features and roadway lighting sufficient to light the entrance intersections to an initial average horizontal illumination level of 1.0 foot candle. The roadway lighting may be within the Applicant's property or within the Orange County right-of-way. If the lighting is installed within the County right-of-way, the maintenance cost for the lighting shall be included in the HOA's lighting maintenance contract with the utility company.

e. Applicant shall pay Fifty Thousand Dollars (\$50,000) toward the cost of any additional safety improvements that the County may determine are necessary on Lake Pickett Road within the project Limits, which limits shall extend from the eastern edge of the improvements to be made as per Heartwood PSP (PSP 17-01-012) to 100 feet past the taper for the east project entrance ("Safety Improvement Payment"). The Safety Improvement Payment shall be due prior to issuance of the first building permit.

f. In consideration of the Applicant constructing the above improvements, making the Rumble Striping Payment (if applicable) and making the Safety Improvement Payment, Applicant shall not be required to construct or pay for any additional improvements to Lake Pickett Road, either within or outside the project Limits, including but not limited to, the paving of shoulders along the right-of-way or application of friction course materials beyond the \$50,000 cap, except as otherwise may be required by the Orange County subdivision regulations regarding adequate ingress and egress to and from the project.

g. The parties acknowledge that there is a pending Orange County roadway resurfacing project for the segment of Lake Pickett Road from Chuluota Road to Fort Christmas Road, which project may include the application of friction course materials and the construction of paved shoulders at Orange County's expense. The Applicant and Orange County shall work cooperatively to facilitate the roadway resurfacing project within the Project Limits; provided that such cooperation shall not result in additional expense to Applicant beyond the \$50,000 cap.

Delete Condition of Approval 9d:

~~9d. 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.~~



Delete Condition of Approval 9h:

~~9h. 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.~~

New Condition of Approval 9ff:

Recorded covenants and restrictions for this subdivision will include a provision that authorizes the Home Owners Association ("HOA") to maintain and repair failing septic tanks at the HOA's expense and grants access to the County and other appropriate agencies to inspect septic systems.

New Condition of Approval 9gg:

9gg. Florida Department of Health and Orange County septic tank regulations applicable to the project at the time of construction of each septic tank shall be complied with.

A motion was made by Commissioner Bonilla, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report; further, modify Condition of Approval #8; further, delete Condition of Approval #9d; further, delete Condition of Approval #9h; further, add new Condition of Approval #9ff; and further, add new Condition of Approval #9gg. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin



THE FOREGOING DECISION HAS BEEN FILED  
WITH ME THIS 28TH DAY OF AUGUST 2018.

*Katie Smith*

DEPUTY CLERK  
BOARD OF COUNTY COMMISSIONERS  
ORANGE COUNTY, FLORIDA

*Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.*

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