



Interoffice Memorandum

DATE: October 8, 2020

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, DRC Chairman**
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: October 27, 2020 – Public Hearing
Applicant: Albert Bustamante, Fekany Brothers Enterprise
Old Cheney 10 Preliminary Subdivision Plan
Case # PSP-20-01-020 / District 5

Eric P. Raasch, Jr.,
AICP

Digitally signed by Eric P. Raasch,
Jr., AICP
Date: 2020.10.08 10:22:45 -04'00'

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 9, 2020, to approve the Old Cheney 10 Preliminary Subdivision Plan (PSP) to subdivide 0.87 acres in order to construct 10 single-family attached 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 Old Cheney 10 PSP dated "Received August 31, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

JVW/EPR/lme
Attachments

CASE # PSP-20-01-020

Commission District # 5

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 9, 2020, to approve the Old Cheney 10 Preliminary Subdivision Plan (PSP) to subdivide 0.87 acres in order to construct 10 single-family attached residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: North of Old Cheney Highway / East of Truman Road
- B. Parcel ID: 21-22-30-0000-00-048
- C. Total Acres: 0.87 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Baldwin Park ES – Enrolled: 730 / Capacity: 688
Glenridge MS – Enrolled: 1,168 / Capacity: 1,211
Winter Park HS – Enrolled: 3,369 / Capacity: 3,628
- G. School Population: 4
- H. Parks: Cady Way Trail – 1 Mile
- I. Proposed Use: 10 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35'
Minimum Living Area: 500 Square Feet
Minimum Lot Width: 20'
Building Setbacks:
20' Front
20' Rear
0' Side (Interior Lots)
10' Side (End Units)
15' Side Street
- K. Fire Station: 66 – 996 North Semoran Boulevard
- L. Transportation: This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and

approved by the Transportation Planning Division prior to obtaining a building permit.

3. COMPREHENSIVE PLAN

The property's Future Land Use Designation is Medium Density Residential (MDR) and is zoned R-3 (Multiple Family Dwelling District). The request is consistent with the Comprehensive Plan.

4. ZONING

R-3 (Multiple Family Dwelling District)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Old Cheney 10 Preliminary Subdivision Plan dated "Received August 31, 2020", 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 August 31, 2020", 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. An Earliest Public Records title search must be provided to County for review prior to plan approval for the thirty (30) foot portion of Truman Road that lies immediately west of this proposed project as there appears to be inadequate public access.
7. 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

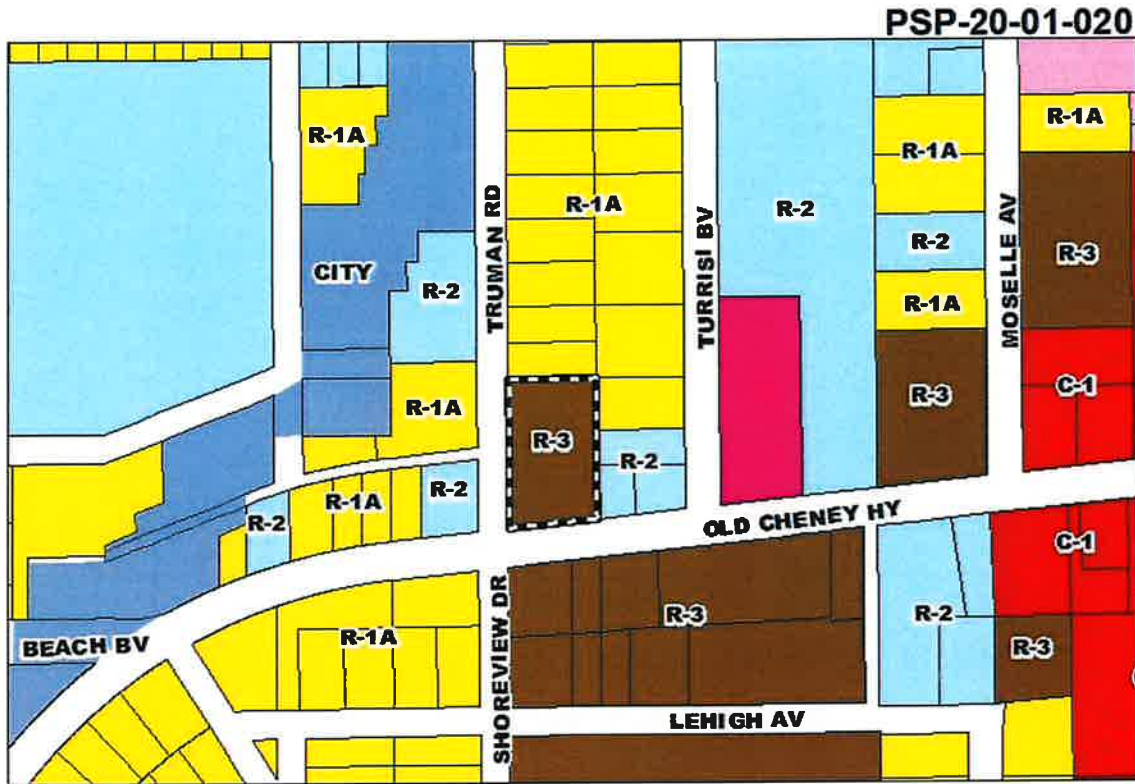
shall be sent to the Florida Department of Environmental Protection by the developer.

8. Unless otherwise approved by the Fire Department, "No Parking" signs shall be installed along both sides of Truman Road prior to the issuance of a Certificate of Completion for the infrastructure.
9. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

15. 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.

Zoning Map



Subject Property

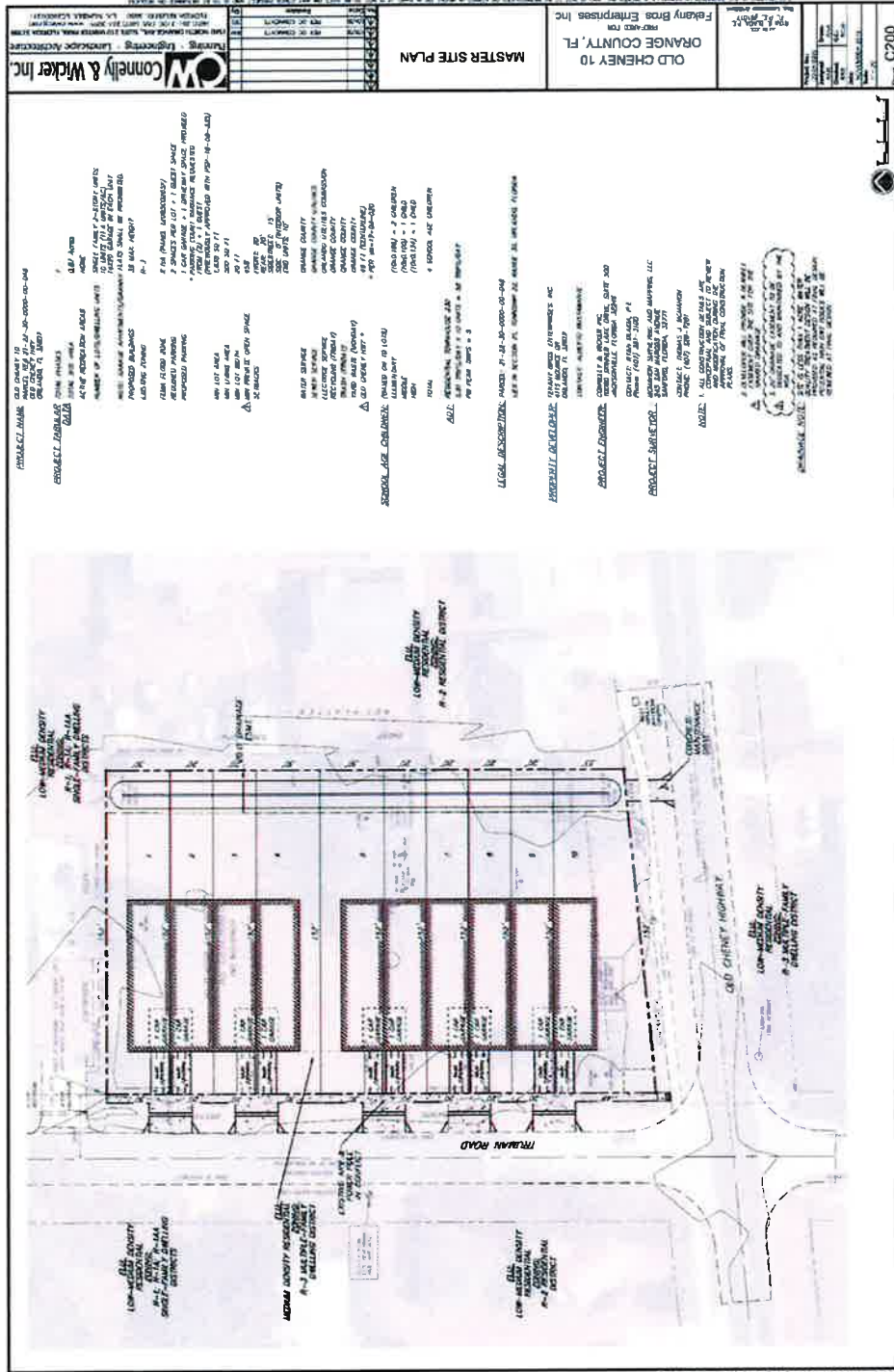


Subject Property

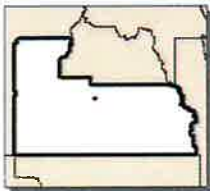
Zoning Map	
ZONING:	R-3 (Multiple-Family Dwelling District)
APPLICANT:	Albert Bustamante, Fekany Brothers Enterprise
OWNER:	Fekany Bros Enterprises Inc.
LOCATION:	North of Old Cheney Highway / East of Truman Road
TRACT SIZE:	0.87-gross acre
DISTRICT:	# 5
S/T/R:	21/22/30
1 inch = 250 feet	



Site Data & Notes Sheet & Site Plan Sheet



Aerial



**Old Cheney 10 PSP Case
PSP-20-01-020**

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|---|---------|---|------------------|---|--------------|---|-----------|
|  | Parcels |  | Subject Property |  | Jurisdiction |  | Hydrology |
|---|---------|---|------------------|---|--------------|---|-----------|



1 : 600
1 in : 50 ft

Notification Map

locasymdep\business Systems\Board Administrators\SUBSTANTIAL CHANGE\2020\RCD\Old Cheney 10_PSP-20-01-020\Old Cheney 10

