



Interoffice Memorandum

DATE: November 21, 2022

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental and Development
Services Department

CONTACT PERSON: **Joe Kunkel, P.E., DRC Chairman**
Development Review Committee
Public Works Department
(407) 836-7971

SUBJECT: December 13, 2022 – Public Hearing
Applicant: Edward Durruthy, Castle & Cooke Real Estate Services
Enclave at Lake Holden Preliminary Subdivision Plan
Case # PSP-21-03-071 / District 3

This public hearing is to consider a recommendation from the Development Review Committee's meeting of October 19, 2022, to approve the Enclave at Lake Holden Preliminary Subdivision Plan (PSP) to subdivide 13.30 acres, generally located north of West Lake Holden Point, east of South Westmoreland Drive, to construct 11 single-family residential dwelling units.

In addition, a waiver from Orange County Code Section 34-152(c) is requested to allow Tracts E and F to have a minimum access width of zero (0) feet for Tract E and ten (10) feet for Tract F to a dedicated public paved street, in lieu of each lot and tract interior to the subdivision having a minimum access width of twenty (20) feet to a dedicated public paved street interior to the subdivision. These lots have sufficient street frontage to external streets.

A community meeting was held on December 6, 2022.

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 Enclave at Lake Holden PSP dated “Received October 24, 2022”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 3

JVW/JK/lme
Attachments

CASE # PSP-21-03-071

Commission District # 3

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's meeting of October 19, 2022, to approve the Enclave at Lake Holden Preliminary Subdivision Plan (PSP) to subdivide 13.30 acres, generally located north of West Lake Holden Point, east of South Westmoreland Drive, in order to construct 11 single-family residential dwelling units.

In addition, a waiver from Orange County Code Section 34-152(c) is requested to allow Tracts E and F interior to the subdivision to have a minimum access width of zero (0) feet for Tract E and ten (10) feet for Tract F to a dedicated public paved street, in lieu of each lot and tract interior to the subdivision having a minimum access width of twenty (20) feet to a dedicated public paved street.

A community meeting was held on December 6, 2022.

2. PROJECT ANALYSIS

- A. Location: North of West Lake Holden Point / East of South Westmoreland Drive
- B. Parcel ID: 11-23-29-9495-00-010, 11-23-29-9495-00-020, 11-23-29-9495-00-030, 11-23-29-9495-00-040, 11-23-29-9495-00-050
- C. Total Acres: 13.30 gross acres
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: Pineloch ES – Enrolled: 767 / Capacity: 770
Memorial MS – Enrolled: 941 / Capacity: 1,192
Oak Ridge HS – Enrolled: 2,486 / Capacity: 2,208
- G. School Population: 4
- H. Parks: Cypress Grove Park – 2 Miles
- I. Proposed Use: 11 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35'
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width: 60'

Building Setbacks:
20' Front
20' Rear
5' Side
15' Side Street

K. Fire Station: 50 – 1415 West 29th Street

L. EPD: Conservation Area Determination - An Orange County Conservation Area Determination CAD 06-200 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 11/28/06. The CAD identified 3.27 ac Class I wetland and 6.35 ac Class I surface water (Lake Holden) within the subject property boundaries.

Boat Docks or Ramps - Approval of this plan/request does not constitute approval of a permit for the construction of a boat dock (including: boardwalks or observation piers in wetlands or in wetland buffer areas) or a boat ramp. Any person desiring to construct a boat dock or boat ramp within this county shall first apply for a permit prior to the installation. A boat dock shall require additional permitting under OC Code Chapter 15, Article IX, Construction of Boat Dock Ordinance and a boat ramp shall require additional permitting under OC Code Chapter 15, Article XV, Boat Ramp Facility.

M. Transportation: Based on the Concurrency Management database (CMS) dated 3/11/2021, there are multiple failing roadway segments within the project's impact area. Holden Avenue, from OBT to Orange Avenue, and Michigan Avenue, from I-4 to Orange Avenue.

Existing/Valid transportation capacity entitlements not found. Please plan on obtaining transportation & school concurrency entitlements prior to platting via a Capacity Encumbrance Letter (CEL) Application. Please be aware prepayment of transportation and school impact fees via the County's Reservation Process (Chapter 30) will be required prior to plat. Contact the Concurrency Management Office at 407-836-5617 for further questions.

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; provided, however, if the County removes the Alternative Mobility Area from its Code prior to approval of the first building permit, then this project shall comply with the County's then-current transportation concurrency requirements.

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.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Density Residential (LDR). The R-1 (Single-Family Dwelling District) (Restricted) zoning is consistent with the underlying FLUM designation.

4. ZONING

RSTD R-1 (Restricted Single-Family Dwelling District)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Enclave at Lake Holden Preliminary Subdivision Plan dated "Received October 24, 2022," 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 October 24, 2022," 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 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 Section 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 Department. 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.
7. 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, if not provided by the Homeowners' Association, shall be the responsibility of the County.
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. 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.
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. 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.
12. 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. Any person desiring to construct any of these structures 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.
13. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. Lake Holden has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Holden, this project shall be required to be a participant.
19. 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).
20. "No Parking" signs shall be installed along both sides of subdivision streets prior to issuance by county of a certificate of completion for the infrastructure.
21. 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.
22. 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.
23. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
24. 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.
25. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.

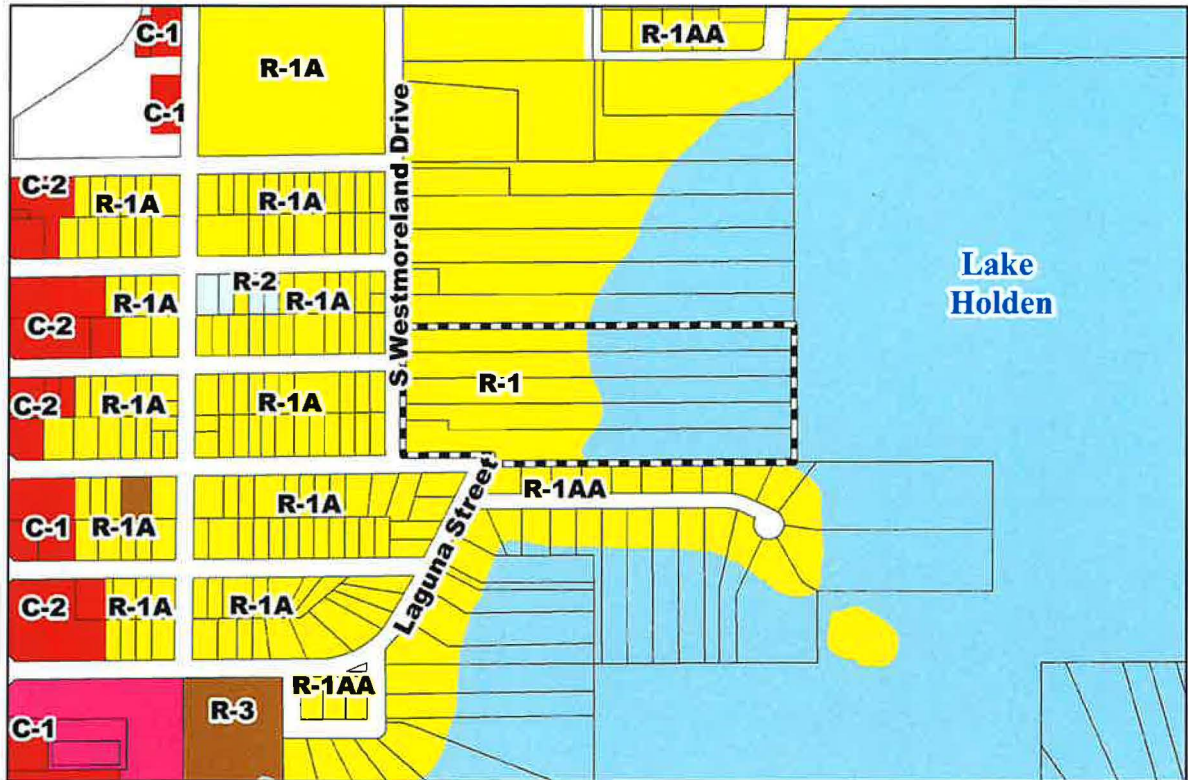
26. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.

27. In order to notify drivers of a hidden driveway, safety measures including, but not limited to, flashing signs, additional lighting, and signage, shall be coordinated with the Orange County Traffic Engineering Division and installed along the 37th Street curve in front of the project, prior to Certificate of Completion.

28. A waiver from Orange County Code Section 34-152(c) is granted to allow Tracts E and F interior to the subdivision to have a minimum access width of zero (0) feet for Tract E and ten (10) feet for Tract F to a dedicated public paved street, in lieu of each lot and tract interior to the subdivision having a minimum access width of twenty (20) feet to a dedicated public paved street.

Zoning Map

PSP-21-03-071



 Subject Property



 Subject Property

Zoning Map

ZONING: R-1 (Single-Family Dwelling District)

APPLICANT: Edward Durruthy - Castle & Cooke Real Estate Services

LOCATION: North of Lake Holden Place / East of South Westmoreland Drive

TRACT SIZE: 13.30 acres

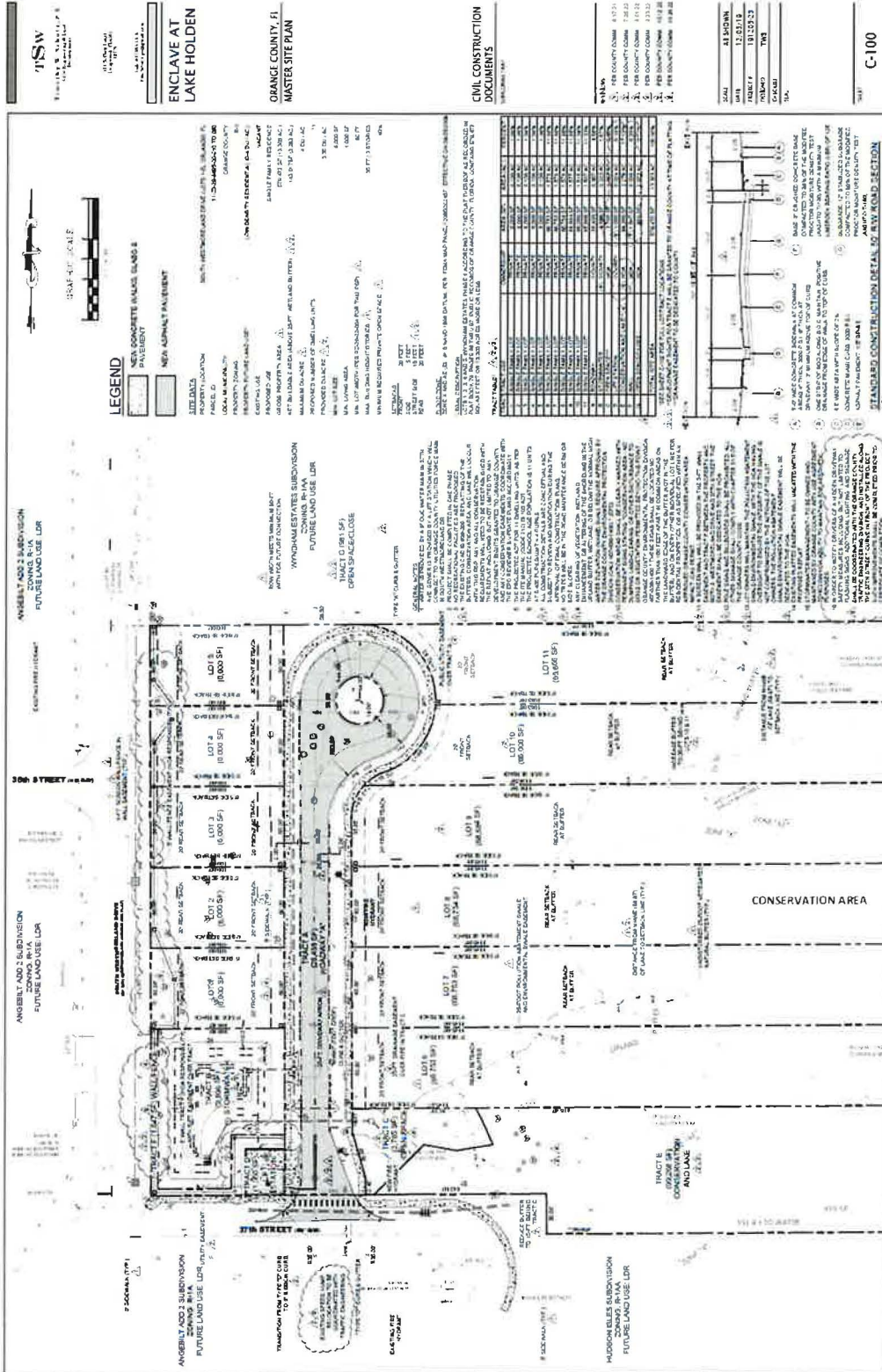
DISTRICT: # 3

S/T/R: 11/23/29

1 inch = 500 feet



Site Plan Sheet



Notification Map

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