## Interoffice Memorandum



DATE:

November 6, 2017

TO:

Mayor Teresa Jacobs

-AND-

Board of County Commissioners

FROM:

Jon V. Weiss, P.E. Director

Community, Environmental and Development

Services Department

**CONTACT PERSON:** 

John Smogor, Chairman

**Development/Review Committee** 

Planning Division (407) 836-5616

SUBJECT:

November 28, 2017 - Public Hearing

Applicant: Robert Paymayesh, Round Lake Trust, LLC

Terra Bona Planned Development / Terra Bona Preliminary

Subdivision Plan / Development Plan Case # CDR-17-02-063 / District 2

This Preliminary Subdivision Plan (PSP) / Development Plan (DP) Change Determination Request (CDR) is to consider a recommendation from the Development Review Committee's (DRC) meeting of October 18, 2017, to replace the previously approved Terra Bona PD / Terra Bona PSP / DP with a new PSP / DP to subdivide 121.84 gross acres to allow for the construction of 104 detached 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 (CP) and approve the Terra Bona Planned Development / Terra Bona Preliminary Subdivision Plan / Development Plan dated "Received September 12, 2017", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2

JVW/JS/sfv Attachments

## CASE # CDR-17-02-063

Commission District # 2

## 1. REQUEST

This Preliminary Subdivision Plan (PSP) / Development Plan (DP) Change Determination Request (CDR) is to consider a recommendation from the Development Review Committee's (DRC) meeting of October 18, 2017, to replace the previously approved Terra Bona PD / Terra Bona PSP / DP with a new PSP / DP to subdivide 121.84 gross acres to allow for the construction of 104 detached single-family residential dwelling units.

## 2. PROJECT ANALYSIS

A. Location: North of West Ponkan Road / West of Round Lake Road

B. Parcel IDs: 22-20-27-8635-00-001; 22-20-27-8635-00-002;

22-20-27-8635-00-010; 22-20-27-8635-00-020; 22-20-27-8635-00-030; 22-20-27-8635-00-040;

22-20-27-8635-00-050

C. Total Acres: 121.84 acres (gross)

D. Water Supply: City of Apopka

E. Sewer System: City of Apopka

F. Schools: Zellwood ES: Capacity 623 / Enrollment 662

Wolf Lake MS: Capacity 1109 / Enrollment 1,309 Apopka HS: Capacity 3,020 / Enrollment 3,295

G. School Population: 45

H. Parks: Roosevelt Nichols Park - 4.1 Miles

I. Proposed Uses: 104 detached single-family residential dwelling units

J. Site Data: Maximum Building Height: 35' (2-stories)

Minimum Living Area: 2,000 Square Feet

Minimum Lot Width: 90'

Minimum Lot Area: 14,750 (96 interior lots) / 1 acre along

Lake and West Property Line (8 Lots)

**Building Setbacks:** 

25' Front 35' Rear

10' Side / 15' Side Street

25' PD Perimeter 35' Round Lake Road 50' NHWE (Lake Minore) K. Fire Station:

Station 20 - 3200 Washington Street

L. Transportation:

Based on the concurrency database dated March 23, 2017, Orange Blossom Trail is operating at level of service F from Plymouth Sorrento Road to the Lake County Line. This information is dated and is subject to change. A traffic study will be required prior to obtaining an approved capacity encumbrance letter.

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 issuance of the initial certificate of occupancy. Nothing in the decision to approve this PSP / DP 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 Planned Development - Rural Settlement 1/1 / Rural Settlement 1/2 (PD - RS 1/1 - RS 1/2). The request is consistent with the Comprehensive Plan.

## 4. ZONING

PD (Planned Development District) (Terra Bona PD)

## 5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Terra Bona Planned Development; Orange County Board of County Commissioners (BCC) approvals; Terra Bona Preliminary Subdivision Plan / Development Plan dated "Received September 12, 2017" 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 12, 2017," 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).

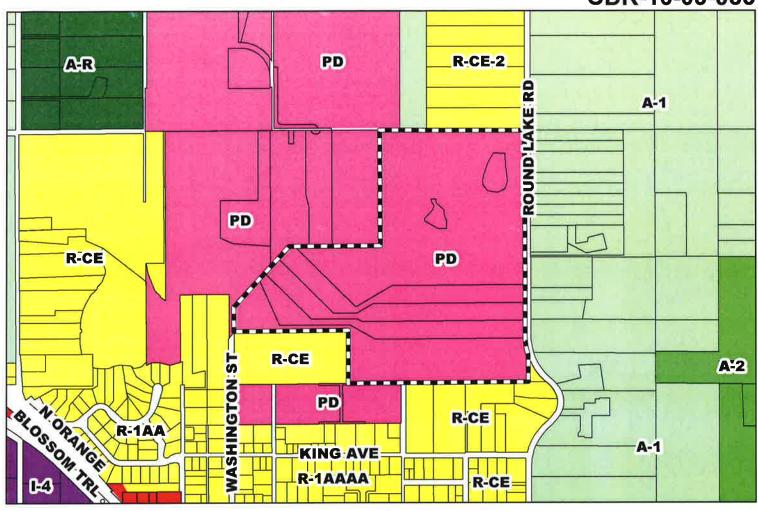
- A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
- 7. 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.
- 8. 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.
- 9. 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.
- 10. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is

otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.

- 11. 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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development 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.
- 12. The applicant/owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including, but not limited to, a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, of the proximity of the Golden Gem and Mid-Florida Materials solid waste management facilities.
- 13. 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.
- 14. 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.
- 15. 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.

- 16. 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.
- 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. 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).
- 19. 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.

# CDR-16-03-083





**Subject Property** 



★ Subject Property

# **Zoning Map**

ZONING:

Planned Development District (PD)

(Terra Bona PD)

APPLICANT: Robert Paymayesh

LOCATION: North of West Ponkan Road /

West of Round Lake Road

TRACT SIZE: 121.84 gross acres

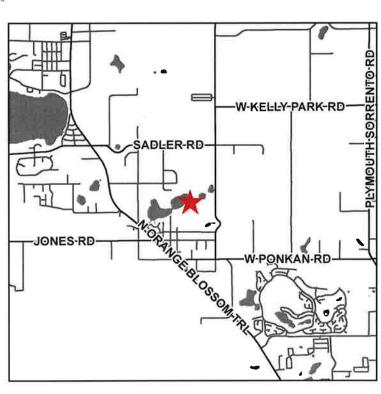
DISTRICT:

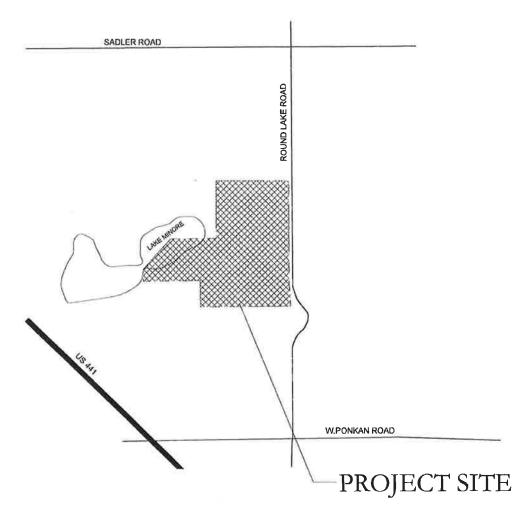
#2

S/T/R:

22/20/27

1 inch = 1,000 feet





LOCATION MAP

## TERRA BONA PSP

## GENERAL SITE DATA

22-20-27-8635-00-001 + 002 + 010 + 020 + 030 + 040 + 050 PARCEL ID # Address 3548, 3602, 3650, 3704, 3820 Round Lake Road

EXISTING FLU RS 1/1 and RS 1/2

PLANNED DEVELOPMENT (PD, #CDR-16-03-083 - Aug 2, 2016) EXISTING ZONING

PROPOSED USE SINGLE FAMILY RESIDENTIAL

SITE GROSS ACERAGE 121.84 ac EXIST CLASS I WETLANDS (welfand 3-small pond) 2,43 no per CAD EXPECTED AREA OF IMPACT = 0.45 ac EXISTING CLASS III WETLANDS (wetland 2-isolated marsh) 1.95 ac 3,78 ac EXISTING CLASS I SHORELINE WETLANDS (well and 1) 6.77 ac AKE WATER AREA AREA+ shoreline wetland up to NHWE per CAD 10.55 ac 328 + 677) TOTAL DEVELOPABLE LAND AREA (not of class 1 wetl) 108.86 ac (121.04 - 2.43 - 10.56)

per Wekelya Basin Sludy Area FLU

**LOT DATA** NUMBER OF LOTS D.U. SFR 104 PROPOSED DENSITY

GROSS DENSITY 0.96 DU/ec NET DENSITY 0.96 DU/ac MIN LOT WIDTH

14,750 S.F. (98 interior lots)
1 acre ALONG LAKE & WEST P.L. (8 lots) MIN LOT AREA

BUILOING SETBACKS

FRONT REAR

10', 15' ALONG SIDE STREET

Along PD perim 25' 35' from Round Lake Road from NHWE 87.40 (Lake Minore) 50'

BUILDING HEIGHT MAX - 35 FT. 2 STORIES

MIN LIVING AREA 2,000 S.F. - UNDER HEAT & AIR

### MISC DATA

PARKING:

EXISTING VEGETATION: Pastury/grazing with Natural Vegeration and Iree cover.

PHASING: PROJECT MAY BE CONSTRUCTED IN PHASES. EACH PHASE SHALL BE A STAND ALONE

AND HAVE THE REQUIRED INFRASTRUCTURE IN PLACE. C.A.D.

CAD# 69-000

NO IMPACTS to CLASS I WETLANDS ARE PROPOSED. C,E,L, / CEA: **CEL/CRC 08-87** CEA # OC-16-012 (MITIGATION AGREEMENT FOR CAPACITY ENHANCEMENT)

WATER: City of Apopka

WASTEWATER: City of Apopha RECLAIM WATER: not available

FIRE PROTECTION: ORANGE COUNTY FIRE RESCUE

ELECTRIC SERVICE:

PROGRESS ENERGY SHALL BE DESIGNED TO COMPLY WITH THE ORANGE COUNTY STORM WATER MANAGEMENT SYSTEM:

REGULATIONS AND WATER MANAGEMENT DISTRICT REGULATIONS.

PONDS SHALL RETAIN RUNOFF FROM THE 100 YR 24HR STORM EVENT,

Required parking spaces per unit shall be provided as outlined by the Planning and Resource Group's (PRG). Street Parking is prohibited. For toks greater than 75' in width Remote Guest Parking is not required.

"No Parking" signage shall be located on all street light posts outside of the specified parking zones.

POLICE: Provided by Orange County Sheriff's Office.

1000 gpm for homes less then 5000 sqft , residential, ALL STRUCTURES SHALL BE NO MORE THAN 500' FROM A FIRE HYDRANT SCYRC # 09-028 Lend use units rate population

SCHOOL AGE CHILDREN: SFR 104 0,431 45 AVERAGE DAILY TRAFFIC (ADT): ITE rate Land use

SFR(210) 104 10,47115 1.089

FEMA PANEL NUMBER: SIGNAGE:

100 YEAR FLOOD PLAIN EL. 87.40 (NAV88) - firm map #12095C0125F SHALL COMPLY WITH CHAPTER 31.5 OF ORANGE COUNTY CODES, NO BILLBOARDS OR POLE SIGNS PROPOSED,

### PARK & REC AREA CALCULATION

Land use SFR rate = 3.1 person	104 fot x 2.5 a	0.00775 c/1,000 pers	eres regd (ec) 0.81	ac	REQUIRED
tract			<u>area</u> 0.90	group	TYPE ACTIVE
			0.90	ac	PROVIDED

## TRACTS . TYPE & OWNERSHIP

fract	use	area	ewned by	open space cat	
С	stormwater	3.74	Public	A	•
D	atorrowales	3.50	Public	A	•
E	stormwater	2,97	Public	A	
G	open space/conserv ation	36,21	HOA	A	
н	open space	11,37	HOA	A	
T.	open space	2.50	HOA	A	
J	open space/sccess	0.01	НОА	Α	
A	park	0,90	HOA	A	recreation category O
В	III station	0,04	Public	n/a	
R/W	internal roads	7.11	Public	n/a	1

<sup>\*</sup> to be owned, and, maintained, by Orange County with use agreement to allow HOA ability to maintain for aesthetic purposes

Private Drainage Easements, mainly along Type "C" rear yard lot lines, to be owned by HOA,

OPEN SPACE CALCULATIONS
PROVIDE 50% OPEN SPACE PER WEKIYA BASIN STUDY AREA, FLU REQUIREMENT

<sup>&</sup>quot; measured landward of NHWE of Lake

							**
	DEVELOPABLE ACRES	LIFT STA	ROAD RAV	ACTIVE PARK	LOTS	DRY PONOS	OPEN SPACE TRACTS
	**	26	àC	W.	ac	ac.	*
	108.86	0.04	7,11	0.90	42.88	10,28	47,65
DEVELOPMENT AREA					50.93		
OPEN SPACE AREA						-	67.93
OPEN SPACE REOD							50%
OPEN SPACE PROVIDED							53.22%

\* for sees are measured to NHWE of lake for lake/ront lots

\* open space TRACT excludes all class 1 wellands and lake surface (36.21+11.37+2.5+0.01-2.43)

PER FLU: 80% Open space is required - excludes class 1 wellands, lake, active recreational areas, impervious areas, road right of ways and lots

PROVIDE 10% OPEN SPACE PER CHAPTER 38

		REG	UIRED					PRO	VIDED			
				CATEGORY A				CATEGORYB		CATEGORY C		
DEVELO LAND USE PABLE ACRES	DEVELO PABLE	/ELO REQUIRED % OF OPEN BLE SPACE BY LAND USE	PARK (100% credil)	(4) BUFFER/ OPEN SPACE/G REENBE LT TRACTS (100% credii)	TOTAL CATEGORY (A) OPEN SPACE PROVIDED	MIN. CAF (A) OPEN SPACE REQ'D (1)	(7) STORMWAT ER TRACTS (TOTAL)	(F) STORMWATER TRACTS OPEN SPACE CREDIT (50%)	(9) CONSERVATION WETLANDS (TOTAL)	CONSERVATI ON WETLANDS OPEN SPACE CREDIT (50%)	(11)  TOTAL TYPE (8) + (C)  OPEN  SPACE PROVIDED	
SINGLE FAMILY	108,86	10.00%	10.89	0.90	47,65	48,56	2.72	10.2B	5.14	1,95	66,0	0.11
TOTALS		-		_		48,56	nk			-		6.11
OPEN SPACE REQUIRED TOTAL OPEN			10.89							,		
SPACE PROVIDED												54.67

<sup>6,</sup> Cal (A) OPEN SPACE shall be a minimum of 25% of the required open space.

## CRITERIA TEST : 50% OPEN SPACE PER CHAPTER 38

		REG	QUIRED					PRO	VIDED			
					CATEGORY A				GORYE	CATEGORY C		
LAND USE	(f) (9) DEVELO PABLE ACRES	SPACE B	(2) D % OF OPEN IY LAND USE 3-1234)	ACTIVE PARK (100% credil)	(4) BUFFER/ OPEN SPACE/G REENBE LT TRACTS (100% credit)	TOTAL CATEGORY (A) OPEN SPACE PROVIDED	(B) MIN, CAT (A) OPEN SPACE REQID (1)	STORMWAT ER TRACTS (TOTAL)	(B) BTORMWATER TRACTS OPEN SPACE CREDIT (50%)	(9) CONSERVATION WETLANDS (TOTAL)	CONSERVATI ON WETLANDS OPEN SPACE CREDIT (50%)	(B) + (C) OPEN SPACE
SINGLE FAMILY	108,86	50,00%	54,43	0.90	47.65	48,56	1361	10,28	5,14	1,95	0,98	8,11
TOTALS					_	48.56				-		6.11
OPEN SPACE REQUIRED			54.43									
TOTAL OPEN SPACE PROVIDED												54.67

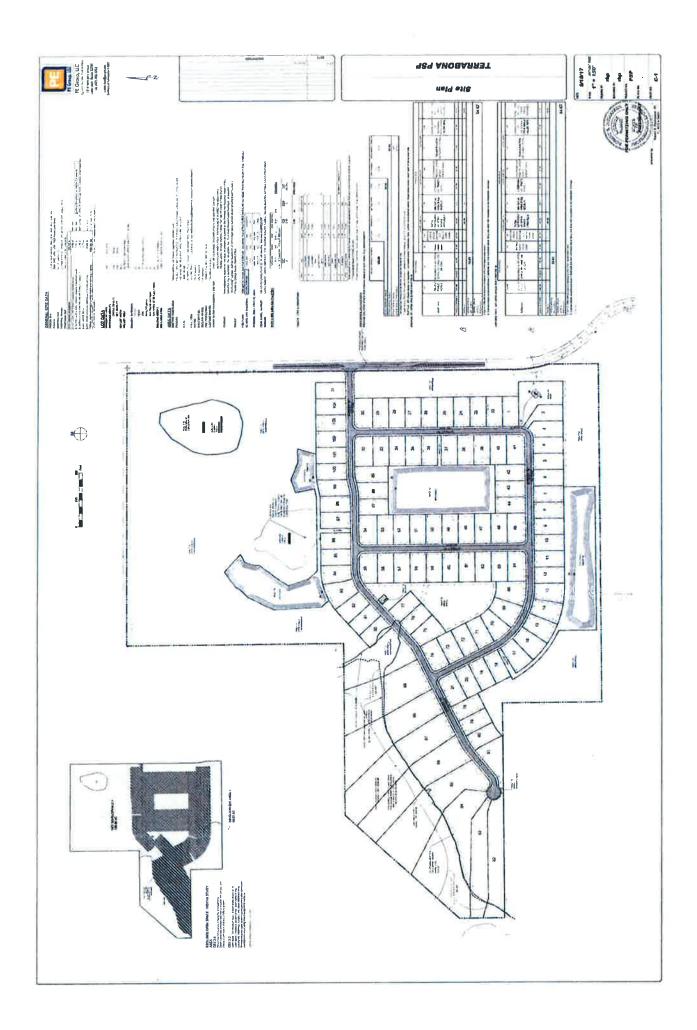
12. [5] + [11]

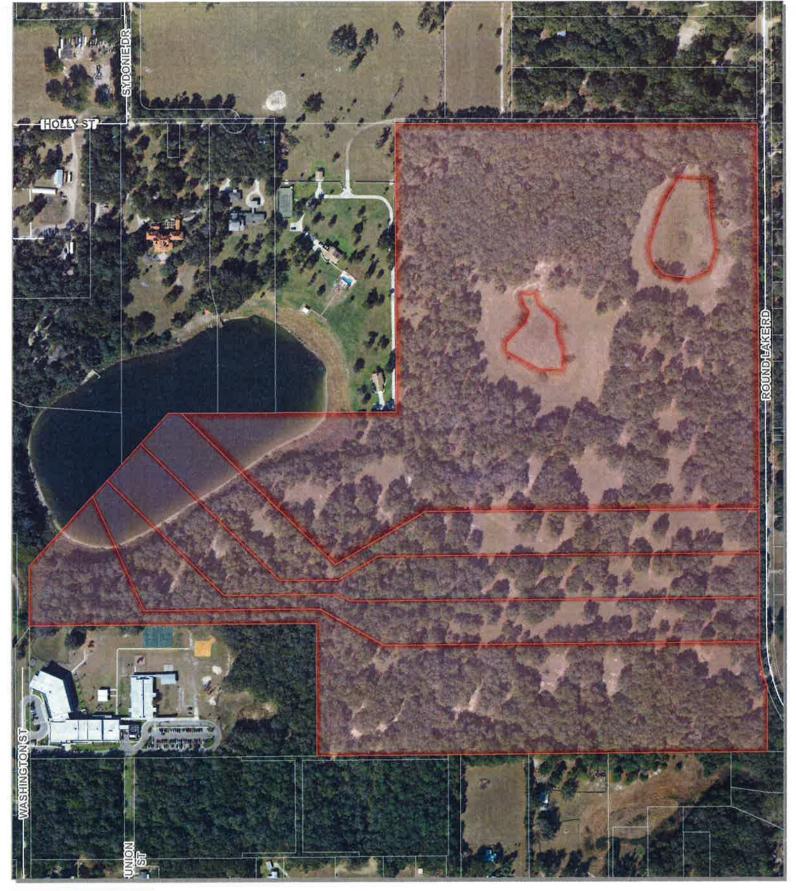
<sup>9.</sup> Conservation easement/class 1 wetland are not included since they are also not included in developable acerage.

PROVIDED

8. CAT (A) DEEN SPACE shall be a minimum of 25% of the required open space.

9. Conservation easement/class 1 wetland are not included since they are also not included in developable acerage.







# Terra Bona PD / Terra Bona PSP / DP

Subject Property

Parcels



Jurisdiction Hydrology