





Interoffice Memorandum

DATE: January 8, 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: January 26, 2021 – Public Hearing
Applicant: Thomas Daly, Daly Design Group
Tyson Ranch Planned Development / Parcel 4 – Tyson Ranch
Townhomes Preliminary Subdivision Plan / Development Plan
Case # PSP-20-05-137 / District 4

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of November 18, 2020, to approve the Tyson Ranch Planned Development (PD) / Parcel 4 – Tyson Ranch Townhomes Preliminary Subdivision Plan / Development Plan (PSP / DP), generally located north of Simpson Road and west of Boggy Creek Road, to subdivide 35.94 acres in order to construct 318 single-family attached residential dwelling units and park tracts. This project is proposed to be a gated community under Sections 34-280, 34-290, and 34-291 of Orange County Code.

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 Tyson Ranch PD / Parcel 4 – Tyson Ranch Townhomes PSP / DP dated "Received November 30, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

JVW/EPR/lme
Attachments

CASE # PSP-20-05-137

Commission District # 4

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of November 18, 2020, to approve the Tyson Ranch Planned Development (PD) / Parcel 4 – Tyson Ranch Townhomes Preliminary Subdivision Plan / Development Plan (PSP / DP) to subdivide 35.94 acres in order to construct 318 single-family attached residential dwelling units and park tracts. This project is proposed to be a gated community under Sections 34-280, 34-290, and 34-291 of Orange County Code.

2. PROJECT ANALYSIS

- A. Location: North of Simpson Road / West of Boggy Creek Road
- B. Parcel ID: 33-24-30-0000-00-038
- C. Total Acres: 35.94 gross acres
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: Wyndham Lakes ES - Enrolled: 1,033 / Capacity: 768
South Creek MS - Enrolled: 1,165 / Capacity: 1,077
Cypress Creek HS - Enrolled: 3,265 / Capacity: 2,766
- G. School Population: 105
- H. Parks: Meadow Woods Park – 5.5 Miles
- I. Proposed Use: 318 Single-Family Attached Residential Dwelling Units
And Park Tracts
- J. Site Data: Maximum Building Height: 35' (2-stories)
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width: 20'
Building Setbacks:
20' Front
0' Side
15' Side Street
20' Rear
- K. Fire Station: 55 – 801 Greenway Professional Court

- L. Transportation: 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 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 Planned Development - IND/C/O/MDR (PD-IND/C/O/MDR). The current zoning designation is Planned Development (PD). This request is consistent with the comprehensive plan.

4. ZONING

PD (Planned Development District) (Tyson Ranch PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Tyson Ranch Planned Development; Orange County Board of County Commissioners (BCC) approvals; Parcel 4 - Tyson Ranch Townhomes Preliminary Subdivision Plan dated "Received November 30, 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 November 30, 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. 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)

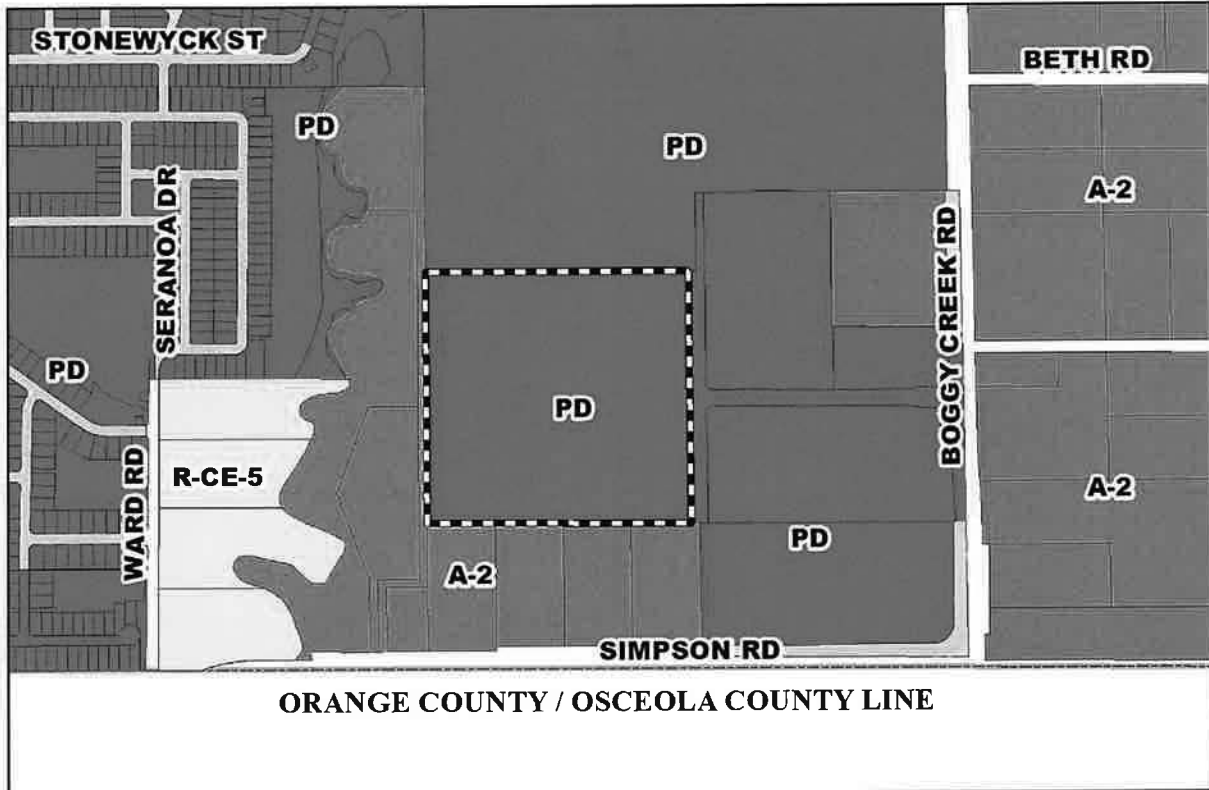
form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

7. 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.
8. 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.
9. A Master Utility Plan (MUP) for the PSP 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) for the PSP and PD. 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.
10. 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.
11. 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.
12. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.

13. Short term / transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
14. Pole signs and billboards shall be prohibited. All other signage shall comply with the approved Master Sign Plan.
15. 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.
16. Any fencing along the west property lines of Lots 43 through 67 and Lots 264 through 270, which abut Tract P-3 shall be limited to a 4-foot aluminum or other decorative metal picket fencing. Other types of fencing shall be prohibited.
17. The pedestrian and bicycle access easements/sidewalks located on the north and south property lines shall not be gated, walled, or fenced but rather shall be kept clear of obstruction in order to provide pedestrian and bicycle access to the adjacent properties.

Zoning Map

PSP-20-05-137



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Thomas Daly, Daly Design Group

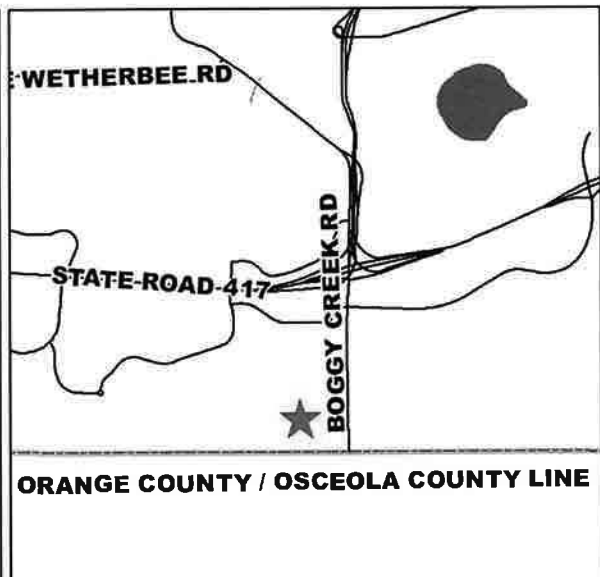
LOCATION: South of Simpson Road /
West of Boggy Creek Road

TRACT SIZE: 35.94 gross acres

DISTRICT: # 4

S/T/R: 33/24/30

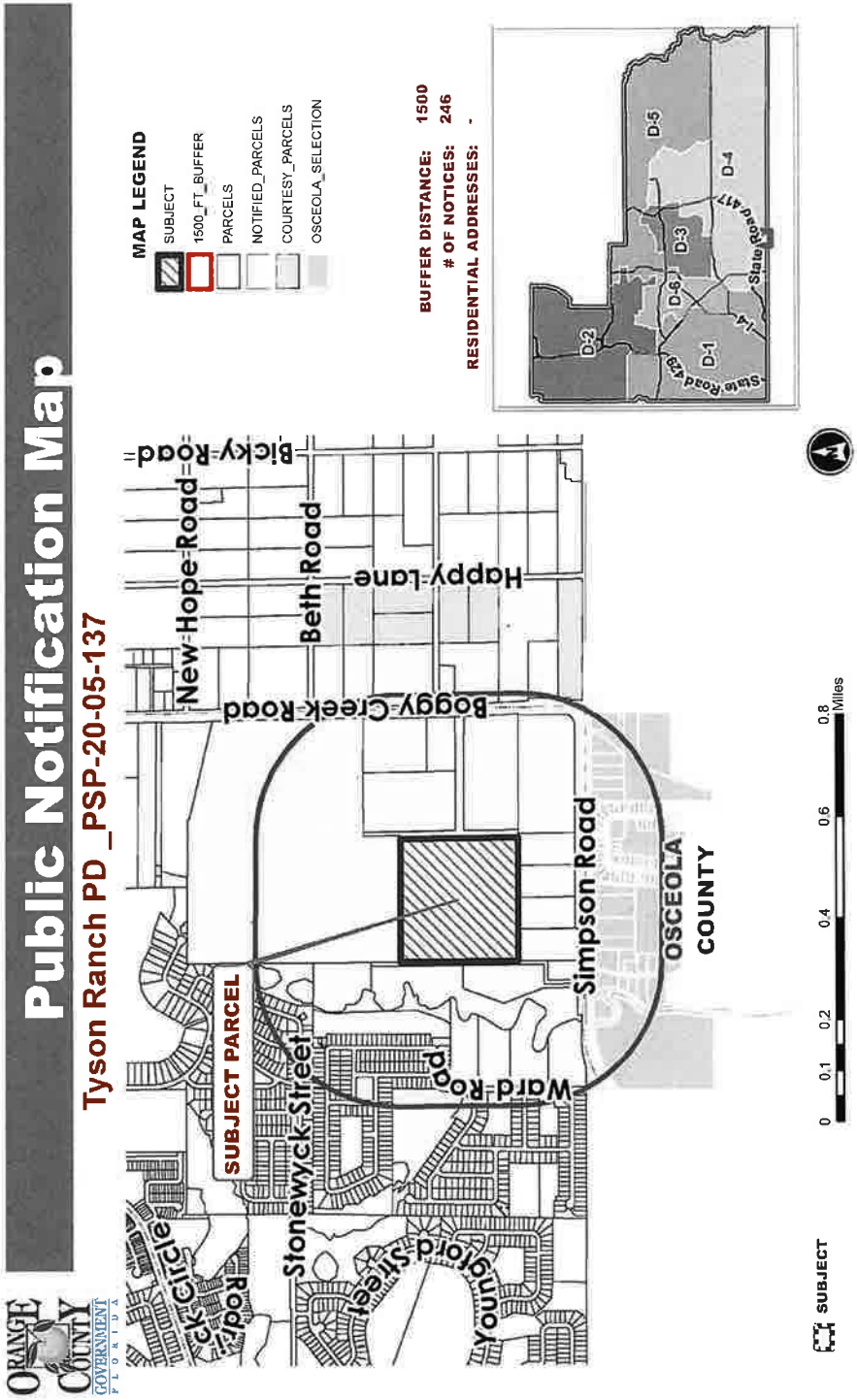
1 inch = 750 feet



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Notification Map



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