

CASE # CDR-18-08-260

Commission District # 6

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of October 23, 2019, to approve a substantial change to the Silver Pines Planned Development (PD) / Silver Pines Preliminary Subdivision Plan (PSP) to change 10 lots that are 75 feet wide to 15 lots that are 50 feet wide, to remove the requirement for a community center and a tot lot in Phase III, and to remove the existing basketball court within Tract 5 of Phase III and convert it to passive open space.

2. PROJECT ANALYSIS

- A. Location: South of Silver Star Road / West of North Pine Hills Road
- B. Parcel ID: 18-22-29-8054-00-050, 18-22-29-8054-00-600
18-22-29-8054-00-580, 18-22-29-8054-00-620,
18-22-29-8054-00-640, 18-22-29-8054-00-610,
18-22-29-8054-00-630, 18-22-29-8054-00-650,
18-22-29-8054-00-590, 18-22-29-8054-00-060
- C. Total Acres: 84.64 gross acres (overall PSP)
1.93 gross acres (affected parcels)
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: Pine Hills ES – Capacity: 712 / Enrolled: 742
Meadowbrook MS – Capacity: 1,178 / Enrolled: 968
Evans HS – Capacity: 2,289 / Enrolled: 2,449
- G. School Population: 101
- H. Parks: Barnett Park – 1.8 Miles
- I. Proposed Use: 240 Single-Family Residential Dwelling Units (overall PSP) /
15 Single-Family Residential Dwelling Units (affected parcels)
- J. Site Data: Maximum Building Height: 35'
Minimum Living Area: 950 Square Feet
Building Setbacks:
25' Front
25' Rear
6' Side

- K. Fire Station: 42 – 5420 West Silver Star Road
- L. Transportation: This project is in the Alternative Mobility Area and is exempt from transportation concurrency. A mobility analysis will be required prior to obtaining a building permit.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR). The Subject Property is designated PD (Planned Development) on the Zoning Map, which is consistent with the FLUM Designation.

4. ZONING

PD (Planned Development District) (Silver Pines PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Silver Pines PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Silver Pines Preliminary Subdivision Plan dated "Received September 26, 2019," 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 26, 2019," 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).
 6. A re-plat shall be required. A mandatory pre-application/sufficiency review meeting for the re-plat shall be required prior to re-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 re-plat to the County.

7. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated August 3, 1993 shall apply:
- a. Inlets shall not be located in the curb radius.
 - b. The expense of relocating the existing drainage and easements shall be borne by the developer.
 - c. Prior to construction plan submittal, the Woodsmere Pump Station basin study shall be approved by the Orange County engineer before discharge is allowed to Woodsmere Lake.
 - d. Lot grading shall not adversely affect adjacent lots.
 - e. Prior to construction plan approval, subordination from utility companies shall be required for retention pond sites. If subordination is not achievable, an agreement acceptable to the county engineer shall be substituted.
 - f. The developer shall obtain wastewater service from Orange County subject to County rate resolutions and ordinances.