





Interoffice Memorandum

DATE: March 24, 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: April 21, 2020 – Public Hearing
Applicant: Brian H. Warren, NV5, Inc.
Grassmere Reserve Planned Development / Grassmere Reserve
Preliminary Subdivision Plan
Case # PSP-19-07-244 / District 2

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 18, 2019, to approve the Grassmere Reserve Planned Development (PD) / Grassmere Reserve Preliminary Subdivision Plan (PSP) to subdivide 124.08 acres in order to construct 98 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 and approve the Grassmere Reserve PD / Grassmere Reserve PSP dated "Received March 2, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2**

JVW/EPR/lme
Attachments

CASE # PSP-19-07-244

Commission District # 2

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 18, 2019, to approve the Grassmere Reserve Planned Development (PD) / Grassmere Reserve Preliminary Subdivision Plan (PSP) to subdivide 124.08 acres in order to construct 98 single-family residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: South of West Ponkan Road / East of Junction Road
- B. Parcel ID: 26-20-27-0000-00-020
- C. Total Acres: 124.08 gross acres
- D. Water Supply: City of Apopka
- E. Sewer System: City of Apopka
- F. Schools: Zellwood ES Capacity: 569 / Enrolled: 625
Wolf Lake MS Capacity: 1,090 / Enrolled: 1,460
Apopka HS Capacity: 3,230 / Enrolled: 3,334
- G. School Population: 42
- H. Parks: Roosevelt Nichols Park – 2 Miles
- I. Proposed Use: 98 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35'
Minimum Living Area: 1,500 Square Feet
Minimum Lot Width: 70'
Building Setbacks:
25' Front
25' Rear
10' Side
25' Side Street
50' NHWE
- K. Fire Station: 20 – 3200 Washington Street
- L. Transportation: An approved Transportation Capacity Encumbrance Letter (CEL) # 2019-05-034 is on file for this project.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Rural Settlement 1/1 (RS 1/1). This current zoning is PD (Planned Development District) and is consistent with the FLUM designation.

4. ZONING

PD (Planned Development District) (Grassmere Reserve PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Grassmere Reserve Planned Development (PD); Orange County Board of County Commissioners (BCC) approvals; Grassmere Reserve Preliminary Subdivision Plan dated "Received March 2, 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 March 2, 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. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the adjacent land use includes sources of potential periodic nuisance, including a wildlife animal facility adjacent to the north, two landfills (Class III construction, demolition and vegetative debris) approximately one mile to the north, a large soil excavation operation 0.3 miles to the north, landscape nurseries to the west, a mulch processing facility to the SW across US 441. These facilities may periodically create odors, noise, and/or dust depending upon meteorological and operational circumstances.
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.

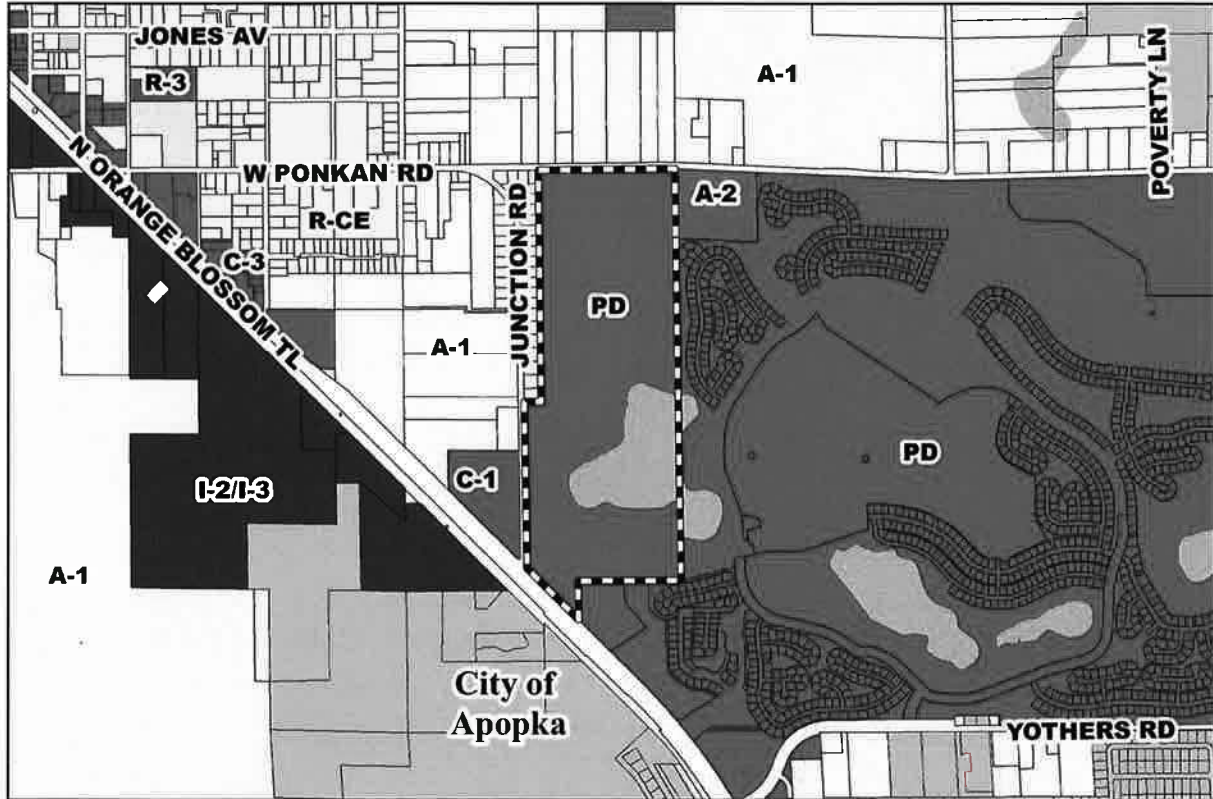
8. The covenants, conditions, and restrictions (CC&Rs), or as appropriate, a recorded restrictive covenant on the property and a note on the plat shall include notification to the homebuyers and HOA/POA that neither potable wells nor irrigation wells using local groundwater will be allowed on site.
9. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
10. 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.
11. 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.
12. 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.
13. 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).

14. 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.
15. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
16. 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.
17. In order to comply with the intent of Section 177.091(18), F.S., lot numbers at plat must be consecutive and consistent with the PSP. Failure to meet this requirement may require a change to the PSP and may delay approval of the plat.
18. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
19. 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 land use plan/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.
20. 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.
21. 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.
22. 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.

23. 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.
24. 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.
25. Prior to construction plan approval, the Traffic Engineering Division shall evaluate and determine the need for a left turn lane from Junction Road into the subdivision.

Zoning Map

PSP-19-07-244



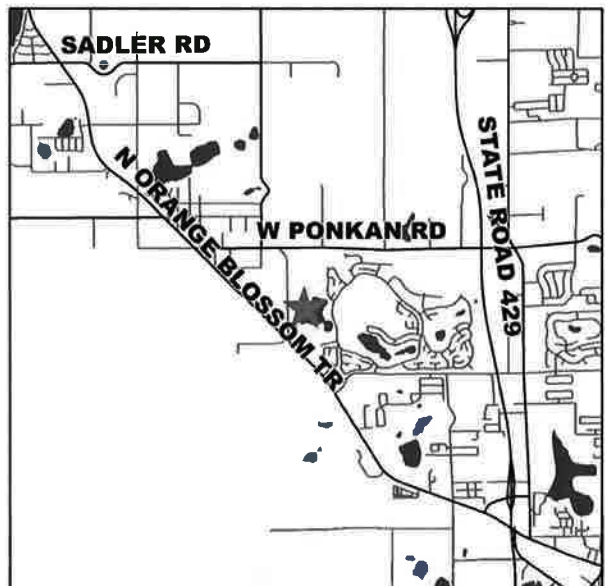
Subject Parcel



Subject Property

Zoning Map

ZONING: PD (Planned Development District)
 APPLICANT: Brian H. Warren, NV5, Inc.
 LOCATION: South of West Ponkan Road / East of Junction Road
 TRACT SIZE: 124.08 gross acres
 DISTRICT: 2
 S/T/R: 26/20/27



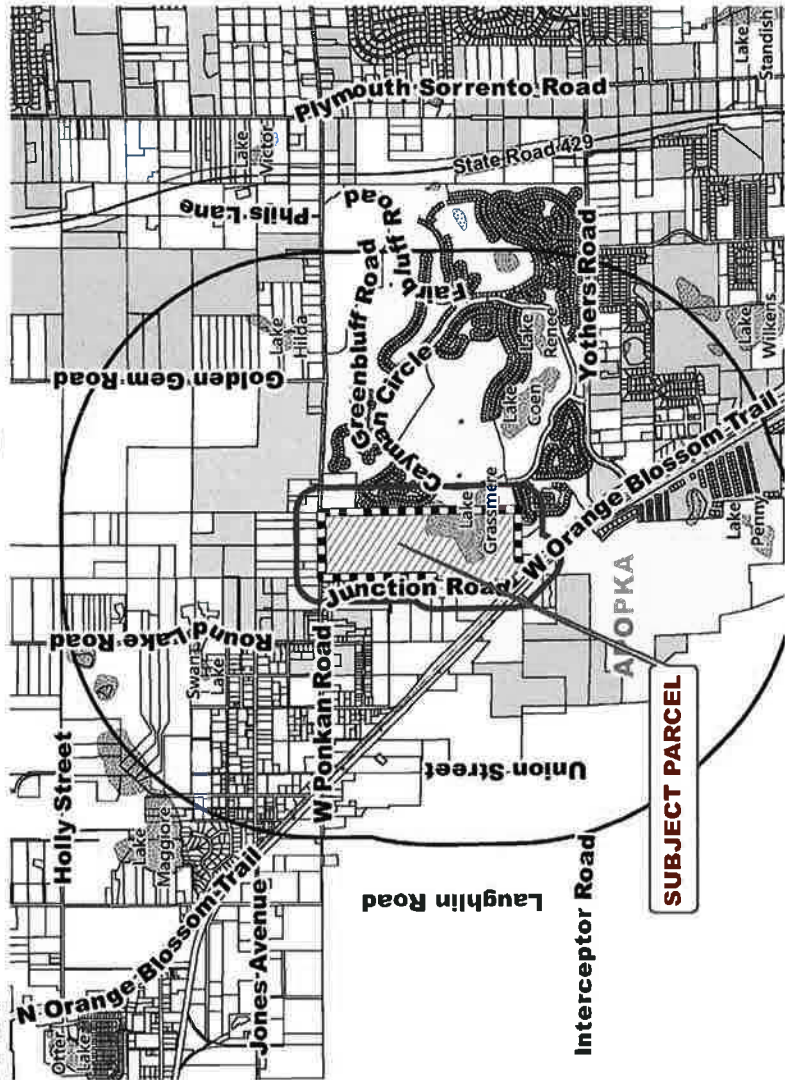
Aerial



Notification Map

Public Notification Map

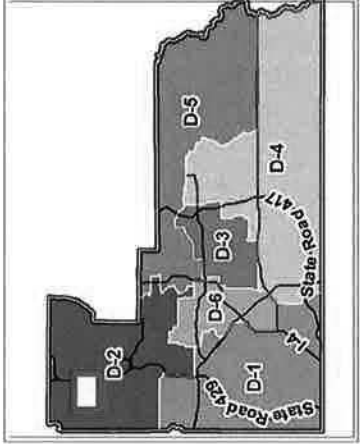
Grassmere Reserve PD_PSP-19-07-244



MAP LEGEND

- SUBJECT
- 500_FT_BUFFER
- 1_MILE_BUFFER
- PARCELS
- HYDROLOGY
- NOTIFIED_PARCELS
- COURTESY_PARCELS

BUFFER DISTANCE: 500
OF NOTICES: 872
RESIDENTIAL ADDRESSES: 372



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SUBJECT