




Interoffice Memorandum

DATE: December 12, 2023

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

FROM: Andres Salcedo, P.E., Acting Director 
Planning, Environmental and Development
Services Department

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

SUBJECT: January 9, 2024 – Public Hearing
Applicant(s): Jason Mahoney - NV5, Inc.
Project Name: Grassmere Reserve PD / Grassmere Reserve PSP
Case #PSP-23-02-050/ District 2

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of November 1, 2023, to approve the Grassmere Reserve PD / Grassmere Reserve PSP to subdivide 124.08 acres in order to construct 153 single-family residential dwelling units. The subject property is generally located South of West Ponkan Road / East of Junction Road.

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 Grassmere Reserve PD / Grassmere Reserve PSP dated "Received November 8, 2023", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2

Attachments

CASE # PSP-23-02-050
Commission District # 2

1. GENERAL INFORMATION

Applicant: Jason Mahoney - NV5, Inc.

Owner: ECP GRASSMERE LLC

Project Name: Grassmere Reserve PD / Grassmere Reserve PSP

Hearing Type: Preliminary Subdivision Plan (PSP)

Request: To subdivide 124.08 acres in order to construct 153 single family residential dwelling units.

2. PROJECT INFORMATION

A. Overview: The Grassmere Reserve PD was originally approved in November 2005. A PD substantial change was approved on September 27, 2022. The development program includes up to 200 dwelling units and 32,670 square feet of commercial development.

Through this PSP request, the applicant is seeking to subdivide 124.08 acres in order to construct 153 single family residential dwelling units.

B. Location: South of West Ponkan Road / East of Junction Road

C. Parcel ID(s): 26-20-27-0000-00-020

D. Total Acres: 124.08 gross acres
99.26 net developable acres

E. Water Supply: City of Apopka

F. Sewer System: City of Apopka

G. Schools: Zellwood Elementary
Wolf Lake Middle School

H. School Population: 81

- I. Parks: Roosevelt Nichols Park - 2.2 Miles
- J. Proposed Use: 153 Single-Family Residential Dwelling Units
- K. Site Data: Maximum Building Height: 35'
Minimum Living Area:
Minimum Lot Width: 50'
Building Setbacks: 25' Front 5' Side 25' Rear
25' Site Street 50' NHWE
- L. Fire Station: 20 - 3200 Washington Street
- M. Public Notification: The notification area for this public hearing extended beyond fifteen hundred (1,500) feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Six hundred and eight (608) notices were mailed to those property owners in the mailing area.
- N. Community Meeting Summary: A community meeting was not required for this case.
- O. Transportation: Based on the Concurrency Management database (CMS) dated 3/2/2023, there is a failing roadway segment within the project's impact area. Orange Blossom Trail from Ponkan Road to Sadler Road. This information is dated and subject to change.
- P. Environmental Protection Division: Wekiva Priority Focus Area - This site is located within the Wekiva Priority Focus Area. If a septic system is required, the Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires advanced treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiwa Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP. Contact the Florida Department of Health (FDOH) for details of advanced septic treatment system requirements.

Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

Be aware that lines which determine the landward extent of water may be ambulatory, not static, and may change through time by the natural or man-induced occurrence of accretions, relictions and avulsions. Therefore, the prior determination of a normal high water elevation for a particular water body at a particular time shall not preclude later determinations of the then-existing normal high water elevation. The normal high water elevation shall have no significance with respect to sovereign ownership, or with respect to establishing vertical control or stormwater frequency elevations. Reference OC Code Chapter 30 Planning and Development, Article IX Surface Water Boundary Regulations, Section 30-311.

Q. Comprehensive Plan:

The subject property is designated on the Future Land Use Map (FLUM) as RSLD 2/1. The subject property is designated PD (Planned Development District) on the zoning map, which is consistent with the FLUM designation.

R. Zoning:

The subject property is designated PD (Planned Development District) on the zoning map.

3. REQUESTED ACTION:

Development Review Committee (DRC) Recommendation – (November 1, 2023)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Grassmere Reserve PD / Grassmere Reserve PSP dated "Received November 8, 2023", subject to the following conditions:

1. Development shall conform to the Grassmere Reserve PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Grassmere Reserve Preliminary Subdivision Plan dated "Received November 8, 2023," 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 8, 2023," 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. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
8. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review and approval.

Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.

9. Prior to any site construction plan approval and any filling within the 100-year flood zone, the applicant must obtain the required permit(s) and approval(s) from the Orange County Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code. Review and approval of compensating storage calculations must accompany the above permit as provided for in Chapter 19-107.

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. 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

12. Associated offsite infrastructure including, but not limited to, connecting roadways, roadway improvements (including mill & resurface of both lanes), additional road right-of-way & necessary construction related easements, and public utilities, for improvements along Ponkan Road and Junction Road, must be submitted as E-Plan(s) and have Certificate(s) of Completion prior to platting.

13. 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 Countys satisfaction, all items identified in the pre-application/sufficiency review meeting prior to formal submittal of the plat to the County.

14. 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.

15. 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, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
16. Approval of this Preliminary Subdivision Plan voids the previously approved Preliminary Subdivisions Plan (Case# PSP-19-07-244) and any associated site construction plans.
17. 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.
18. 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.
19. 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 this site is located within a delineated area of groundwater contamination for ethylene dibromide (EDB) as defined by the Florida Department of Environmental Protection (FDEP).
20. Site development activity shall comply with State recommended Best Management Practices to protect soils during clearing, earthwork and construction. Fugitive dust emissions shall not be allowed from any activity including: vehicular movement,

transportation of materials, construction, alteration, loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. Reasonable precautions include application of water, dust suppressants, and other measures defined in Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 15-89.1 Air Pollution Prohibited.

21. 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.

22. 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.

23. Development shall connect to central water and wastewater service.

24. New streets that are extensions of or in alignment with existing streets shall bear the same names as those 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.

FUTURE LAND USE

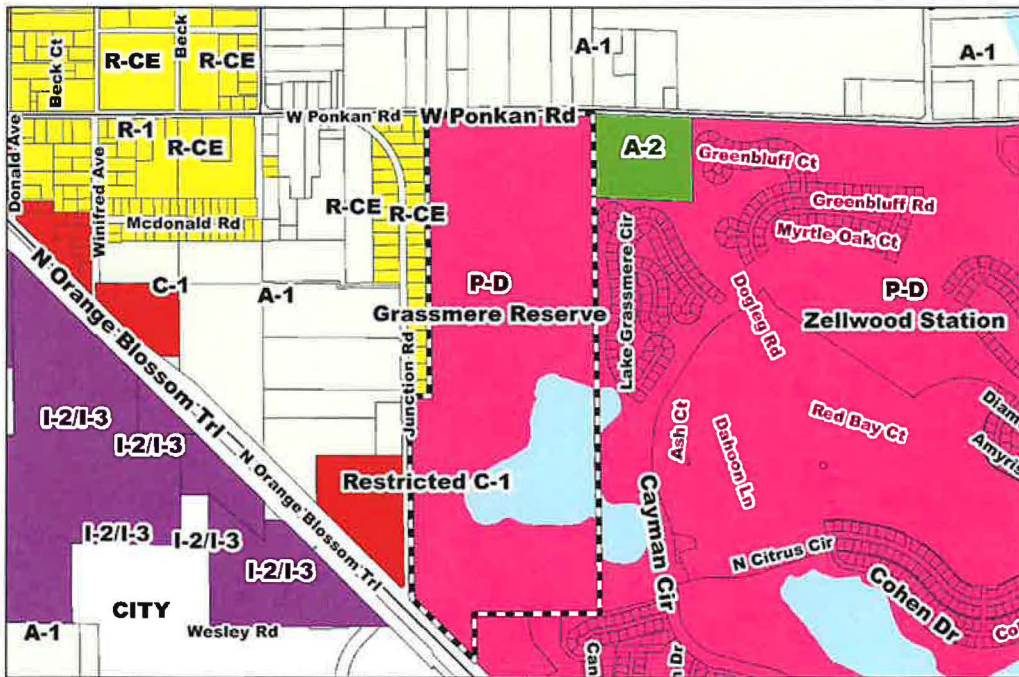
RSLD 2/1 (Rural Settlement Low Density 2 units/acre)



Subject Property

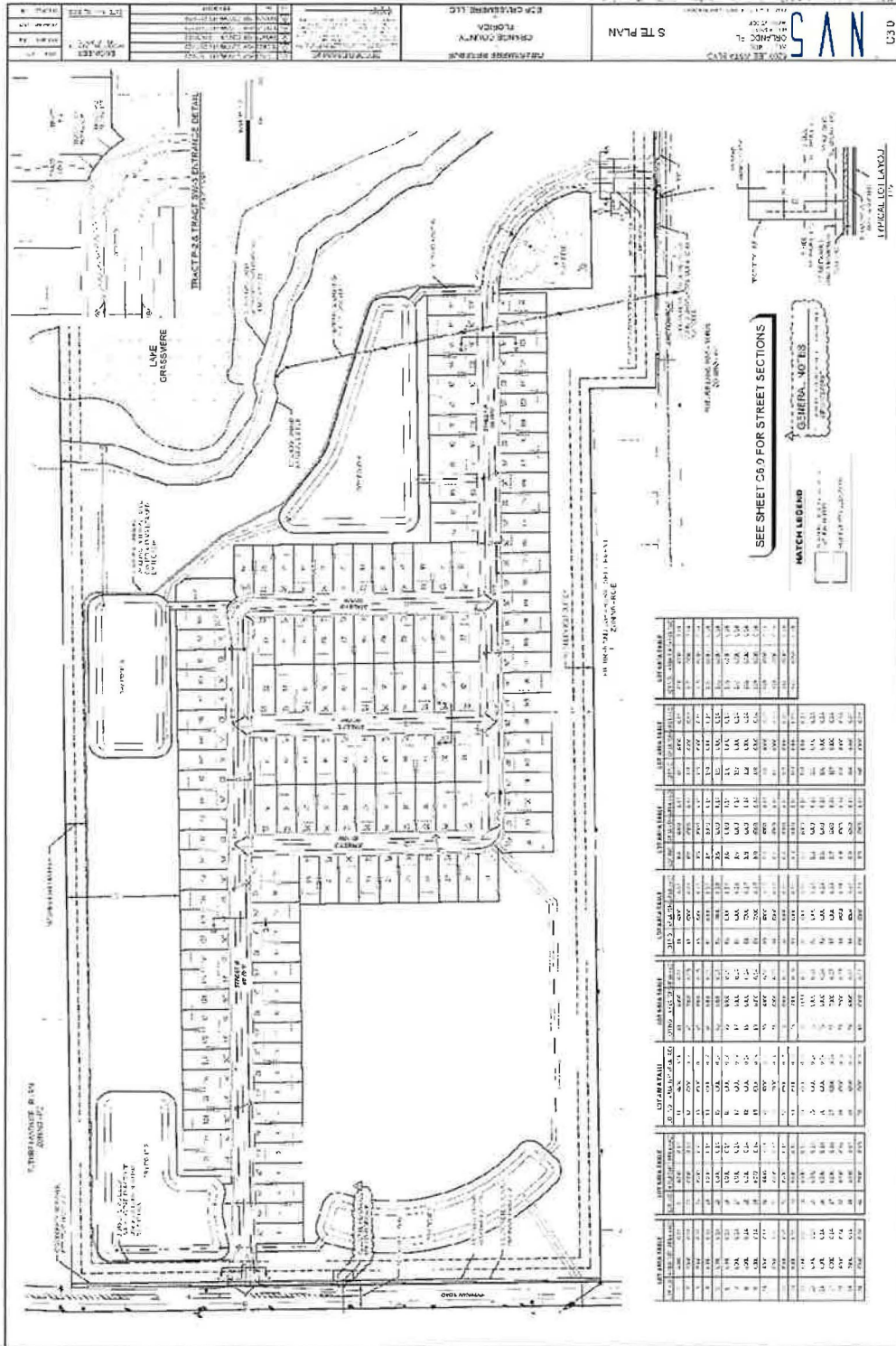
ZONING

PD (Planned Development District)



Subject Property

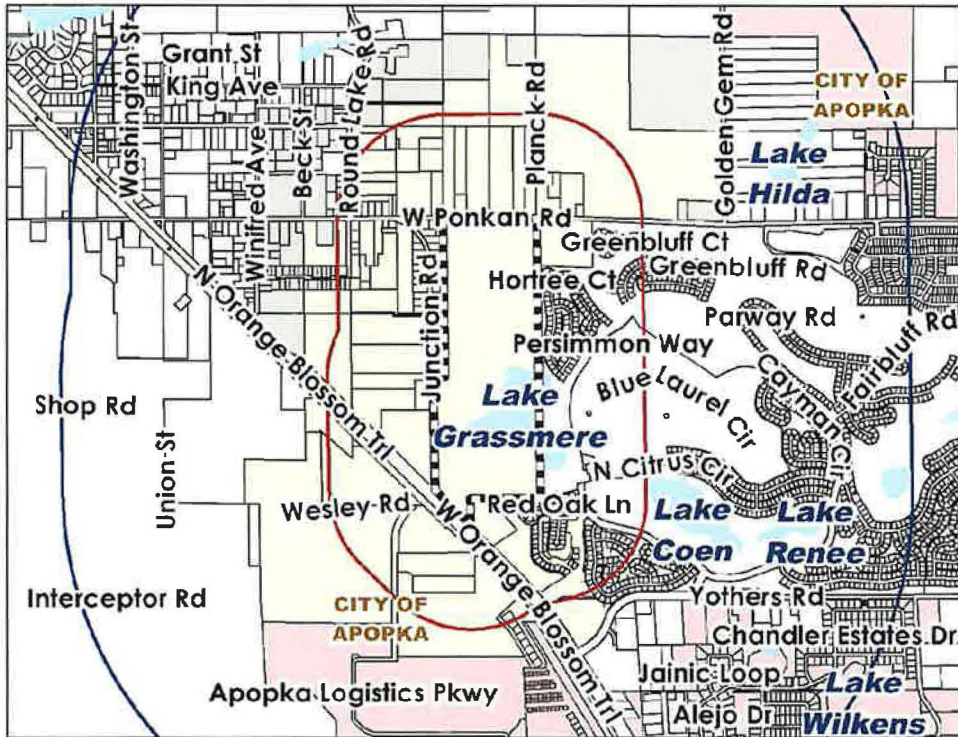
Site Plan Sheet



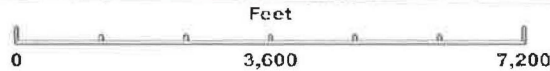


Public Notification Map

Grassmere Reserve PD_PSP-23-02-050



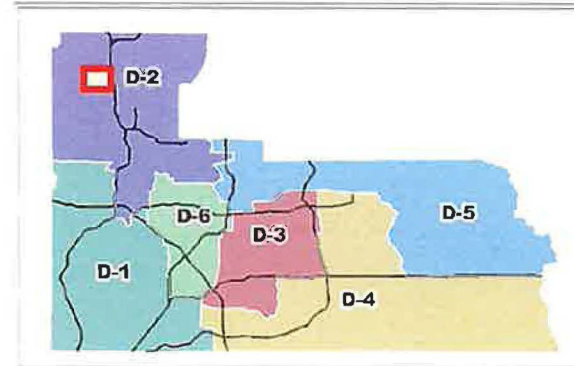
SUBJECT_SITE



MAP LEGEND

- SUBJECT_SITE
- 1500 FT BUFFER
- 1 MILE BUFFER
- HYDROLOGY
- PARCELS
- NOTIFIED_PARCELS
- COURTESY_PARCELS

BUFFER DISTANCE: 1500
OF NOTICES: 608



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Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: January 9, 2024