




Interoffice Memorandum

June 24, 2024

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

FROM: Tanya Wilson, AICP, 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: July 30, 2024 – Public Hearing 
Applicant(s): Dave Schmitt, P.E., Dave Schmitt Engineering, Inc.
Project Name: Hancock Lone Palm North Preliminary Subdivision Plan
Project No.: PSP-22-11-351/ District 4
(Related to CAI-23-06-030 – Consent Item)

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 14, 2024, to approve the Hancock Lone Palm North Preliminary Subdivision Plan (PSP). This project is located south of East Colonial Drive, east of Hancock Lone Palm Road, west of North Avalon Park Boulevard, and north of Waterford Chase Parkway. The property was rezoned in 2022, subject to restrictions prohibiting vehicular access gates and limiting the maximum development yield to one hundred (100) single-family attached residential units. This request is to subdivide the 18.05 gross acre property to construct 100 single-family attached residential dwelling units.

Under the associated Conservation Area Impact (CAI) permit, the applicant is proposing to impact 0.783 acres of Class III surface waters and 0.43 acre of the required upland buffer adjacent to a Class I wetland.

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 Hancock Lone Palm North Preliminary Subdivision Plan (PSP-22-11-351) dated "Received May 28, 2024", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

TW/JCK/rb

Attachments

CASE # PSP-22-11-351

Commission District # 4

1. GENERAL INFORMATION

Applicant: Dave Schmitt, P.E.,
Dave Schmitt Engineering, Inc.

Owner: Kenneth Viles, Charles Pham, and Suzanne Litton

Project Name: Hancock Lone Palm North Preliminary Subdivision Plan (PSP)

Hearing Type: Preliminary Subdivision Plan (PSP)

Request: To subdivide 18.05 acres to construct 100 single-family attached residential dwelling units.

2. PROJECT INFORMATION

A. Overview: The subject property is located south of East Colonial Drive, east of Hancock Lone Palm Road, west of North Avalon Park Blvd, and north of Waterford Chase Parkway. There was an associated conventional rezoning (RZ-22-05-043) that rezoned the property from A-2 (Farmland Rural District) to R-2 Restricted (Residential District) which was recommended for approval subject to the following restrictions: vehicular access gates shall be prohibited; and development shall be limited to one hundred (100) single-family attached residential units.

This request is to subdivide the 18.05 gross acre property to construct 100 single-family attached residential dwelling units. This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. This may include, but is not limited to, increased buffer size, more stringent habitat protection regulations, increased stormwater requirements, and additional landscaping requirements.

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: July 30, 2024

B. Location:	South of East Colonial Drive / East of Hancock Lone Palm Road / West of North Avalon Park Blvd / North of Waterford Chase Parkway
C. Parcel ID(s):	24-22-31-0000-00-061, 24-22-31-0000-00-062, 24-22-31-0000-00-069, 24-22-31-0000-00-059, 24-22-31-0000-00-045
D. Total Acres:	13.32 net developable acres 18.15 gross acres
E. Water Supply:	Orange County Utilities
F. Sewer System:	Orange County Utilities
G. Schools:	Castle Creek ES Enrollment: 571 / Capacity: 768 Discovery MS Enrollment: 781 / Capacity: 976 East River HS Enrollment: 1,964 / Capacity: 3,003
H. School Population:	37
I. Parks:	East Orange Neighborhood Park - 2.4 Miles
J. Proposed Use:	100 Single-Family Attached Residential Dwelling Units
K. Site Data:	Maximum Building Height: 35 feet (two stories) Minimum Living Area: 1,000 square feet Minimum Lot Width: 20 feet Building Setbacks: Front – 20 feet Rear – 20 feet Side – 0 feet Corner – 15 feet
L. Fire Station:	Fire station 80 - 1841 Bonneville Rd.
M. Public Notification:	The notification area for this public hearing extended beyond 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.

Three hundred and forty-nine (349) 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:

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.

Based on the Concurrency Management (CMS) database dated 12/01/2022, there are multiple failing roadway segments along Colonial Drive from Woodbury Road to S. Tanner Road (3 segments). This information is dated and subject to change.

LPA Solutions, LLC submitted a Capacity Encumbrance Letter Application (CEL-22-06-053) on behalf of the Charles Pham (Owner) for parcels 24-22-31-0000-00-061, 24-22-31-0000-00-062, 24-22-31-0000-00-069, 24-22-31-0000-00-059, and 24-22-31-0000-00-045. CEL-22-06-053 which was denied on August 11, 2022. If the new/current owner did not submit a CEL application for the subject parcels, then a new CEL application will be required. **IMPORTANT NOTE:** This development is located near failing roadway(s) within Orange County. This deficiency will require you to submit a Transportation Capacity Analysis with your CEL Submittal Package. Please refer to the Submittal Requirements on the CEL Application for further information. The owner will have the option to remedy the deficiencies by entering into a Proportionate Share Agreement with Orange County.

P. Environmental Protection Division:

Conservation Area Impact (CAI-23-06-030) is currently in process and has not been issued to date. This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. This may include, but is not limited to, increased buffer size, more stringent habitat protection regulations, increased stormwater requirements, and additional landscaping requirements. The removal, alteration or encroachment within a Class I Conservation Area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners.

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). 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.

Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management. Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Recycling of materials is encouraged if applicable. If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells.

Q. 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 R-2 Restricted (Residential District) on the Zoning Map, which is consistent with the FLUM Designations.

R. Zoning:

R-2 (Residential District) *Restricted

*Restrictions per (RZ-22-05-043):

- 1) Vehicular gates shall be prohibited; and;
- 2) Development shall be limited to one hundred (100) single-family attached residential units.

3. REQUESTED ACTION:

Development Review Committee (DRC) Recommendation – (February 14, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Hancock Lone Palm North Preliminary Subdivision Plan dated “Received May 28, 2024”, subject to the following conditions:

1. Development shall conform to the Hancock Lone Palm North Preliminary Subdivision Plan dated “Received May 28, 2024,” 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 Board, or by action of the Board. 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 May 28, 2024,” 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, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. No parking signs shall be installed along of prior to issuance by county of a certificate of completion for the infrastructure.
8. In accordance with FEMA requirements, a Letter of Map Change (LOMC) shall 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. 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

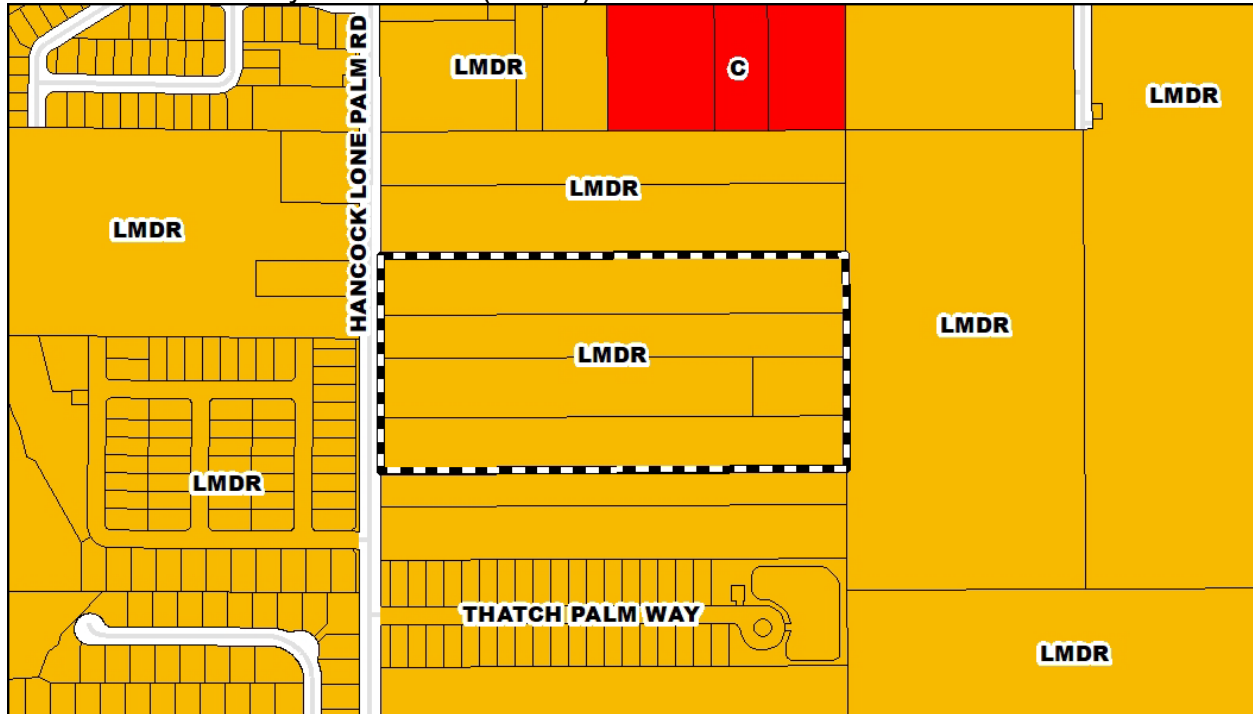
10. Prior to any site construction plan approval and any filling within the 100-year flood zone, the applicant must obtain the required permit(s) and approval(s) from the Orange County Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code. Review and approval of compensating storage calculations must accompany the above permit as provided for in Chapter 19-107.
11. 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.
12. 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.
13. 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.
14. Hancock Lone Palm Road improvement shall be submitted as an E-plan for offsite construction improving the roadway to County standards and a Certificate of Completion must be issued prior to platting.
15. 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.
16. Prior to plat recordation for any phase of this Preliminary Subdivision Plan, the various properties shall be reconfigured and deeds recorded in the public records of Orange County so as to not create divided interest in any lot, tract, and/or parcel.

17. 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.
18. 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.
19. 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 and Wildlife Conservation Commission (FWC).
20. 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.
21. 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.
22. 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.
23. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.

24. A Master Utility Plan (MUP) for the PD 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). 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.
25. 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 properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") 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.
26. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
27. Any lot with a rear yard abutting Open Space tract A shall be limited to four (4) feet in height if opaque, or up to six (6) feet in height if fifty (50) percent or more is transparent such as aluminum picket or similar.
28. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
29. If it is anticipated that retaining wall(s) will be designed and constructed, it shall be noted on the preliminary subdivision plan, and the following provision must be incorporated into the Declaration of Covenants, Conditions, and Restrictions (CC&Rs): For the proposed retaining wall(s), the CC&Rs shall reflect all lots served by such retaining wall and a reserve fund for maintenance, repair, and capital replacement of the retaining wall shall be established and funded with the creation of the HOA; removal of this section from the CC&Rs is prohibited unless approved by the Orange County Board of County Commissioners. Coincident with platting, the developer shall record in the public records the CC&Rs governing the lots and addressing the HOA responsibilities for the annual maintenance and any necessary repairs of the retaining wall. The CC&Rs shall require the establishment and maintenance of two HOA accounts for: 1.) Annual routine maintenance of the retaining wall, including an engineers report to be submitted to the HOA on a three year cycle. 2.) Capital-repair/replacement of the retaining wall based on a 50-year life cycle. Initial funding of the accounts shall be approved by County Engineer, or their designee, and on the basis of a professional engineer's estimate for the above referenced accounts.

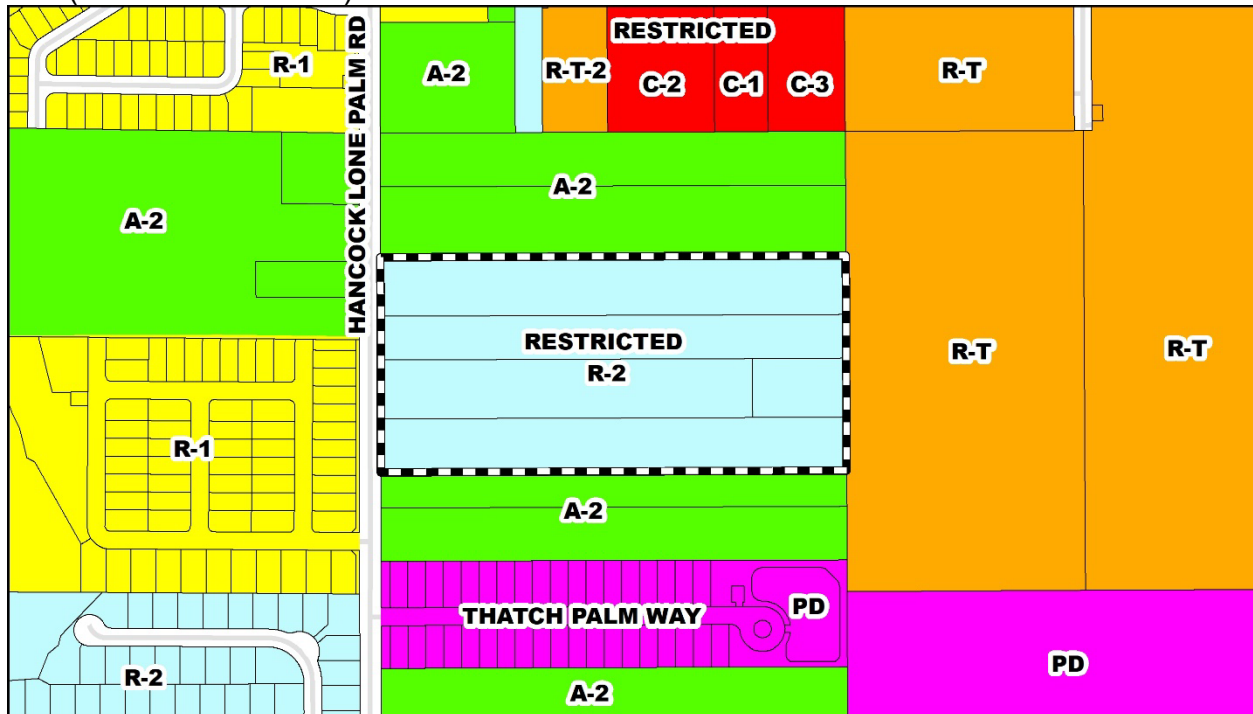
FUTURE LAND USE

Low Medium Density Residential (LMDR)

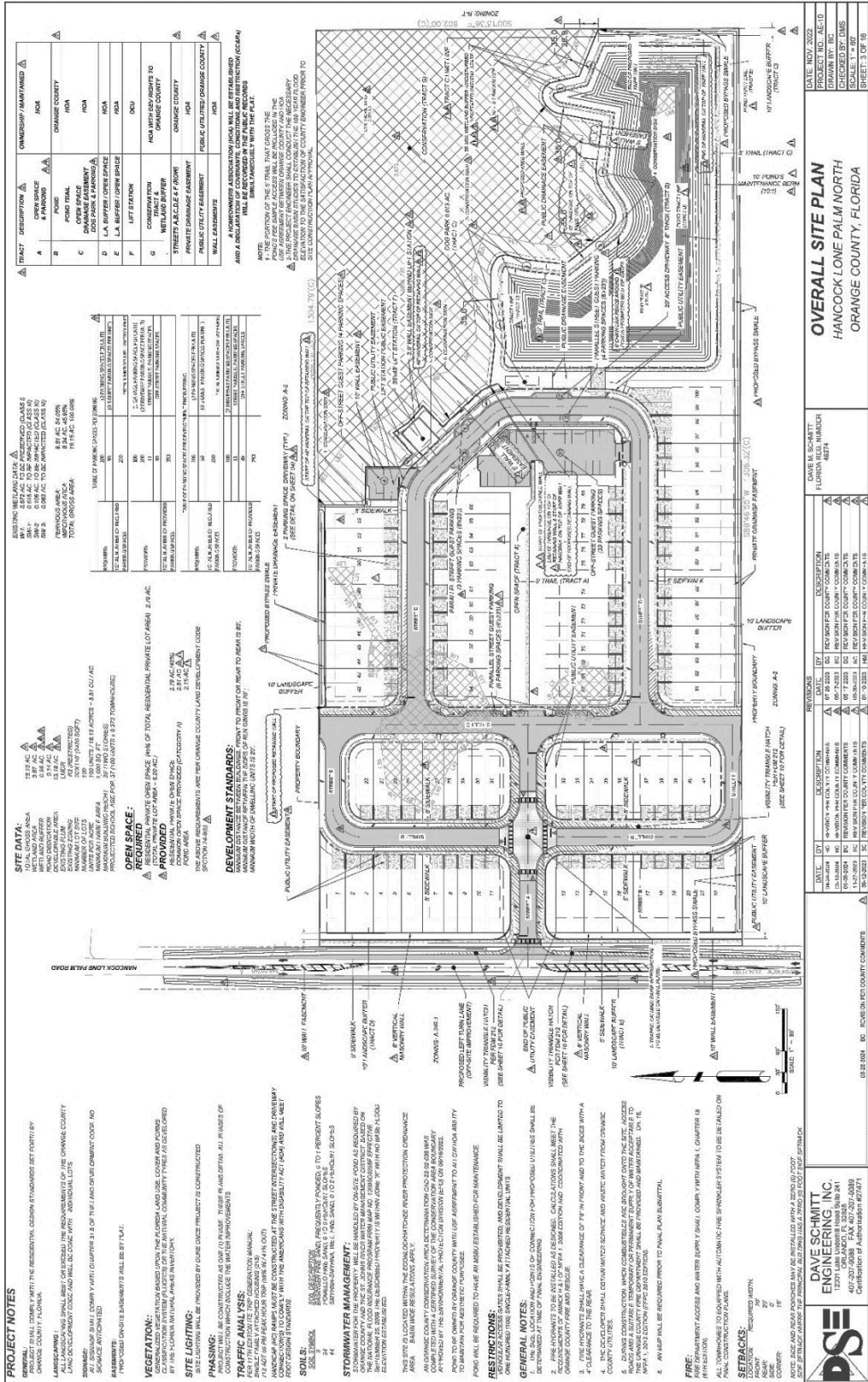


ZONING

R-2 (Residential District) *Restricted



Site Plan Sheet

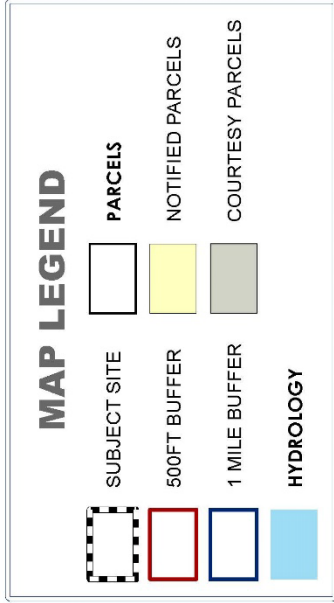
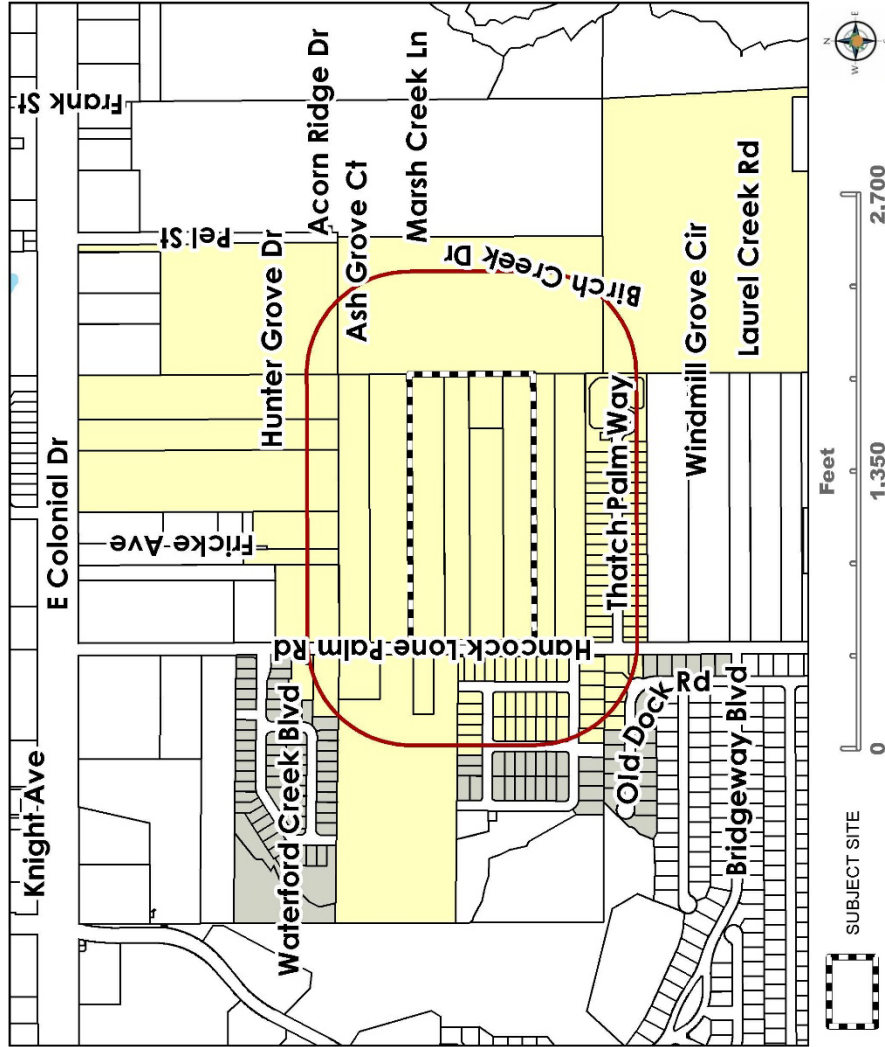


Notification Map

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Public Notification Map

PSP-22-11-351



BUFFER DISTANCE: 500
 # OF NOTICES: 349

