



Interoffice Memorandum

DATE: April 19, 2019

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, Interim DRC Chairman
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: May 7, 2019 – Public Hearing
Applicant: John Prowell, VHB, Inc.
Wetherbee Acres Planned Development / Wetherbee Acres
Preliminary Subdivision Plan
Case # PSP-18-05-143

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 27, 2019, to approve the Wetherbee Acres Planned Development (PD) / Wetherbee Acres Preliminary Subdivision Plan (PSP) to subdivide 99.19 acres in order to construct 70 single-family attached 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 (CP) and approve the Wetherbee Acres Planned Development / Wetherbee Acres Preliminary Subdivision Plan dated "Received March 19, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

JVW/EPR/lme
Attachments

CASE # PSP-18-05-143

Commission District # 4

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 27, 2019, to approve the Wetherbee Acres Planned Development (PD) / Wetherbee Acres Preliminary Subdivision Plan (PSP) to subdivide 99.19 acres in order to construct 70 single-family attached residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: South of Wetherbee Road / West of Boggy Creek Road
- B. Parcel ID: 20-24-30-0000-00-004
- C. Total Acres: 99.19 gross acres
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: Wetherbee ES Capacity: 817 / Enrolled: 994
South Creek MS Capacity: 1,125 / Enrolled: 1,101
Cypress Creek HS Capacity: 2,762 / Enrolled: 3,355
- G. School Population: 30
- H. Parks: South Orange Youth Sports Complex – 1.2 Miles
- I. Proposed Use: 70 Single-Family Attached Residential Dwelling Units
- J. Site Data: Maximum Building Height: 40' (3-stories)
Minimum Living Area: 1,288 Square Feet
Minimum Lot Width: 23'
Building Setbacks:
20' Front
10' Side
10' Side Street
20' Rear
25' PD Boundary
- K. Fire Station: 55 – 801 Greenway Professional Center
- L. Transportation: Based on the Concurrency Management System database dated November 28, 2017, there is one failing roadway within the project impact area. Boggy Creek Road from

Tradeport Drive to Wetherbee Road is currently operating at Level of Service "F" and there is no available capacity. A traffic study will be required prior to obtaining an approved Capacity Encumbrance Letter and building permit. This information is dated and is subject to change.

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this Land Use Plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

3. COMPREHENSIVE PLAN

The Future Land Use designation of the subject parcel is Medium Density Residential (MDR). This is consistent with the Comprehensive Plan and the associated Wetherbee Acres Planned Development (PD).

4. ZONING

PD (Planned Development District) (Wetherbee Acres PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Wetherbee Acres PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Wetherbee Acres Preliminary Subdivision Plan dated "Received March 19, 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 March 19, 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).

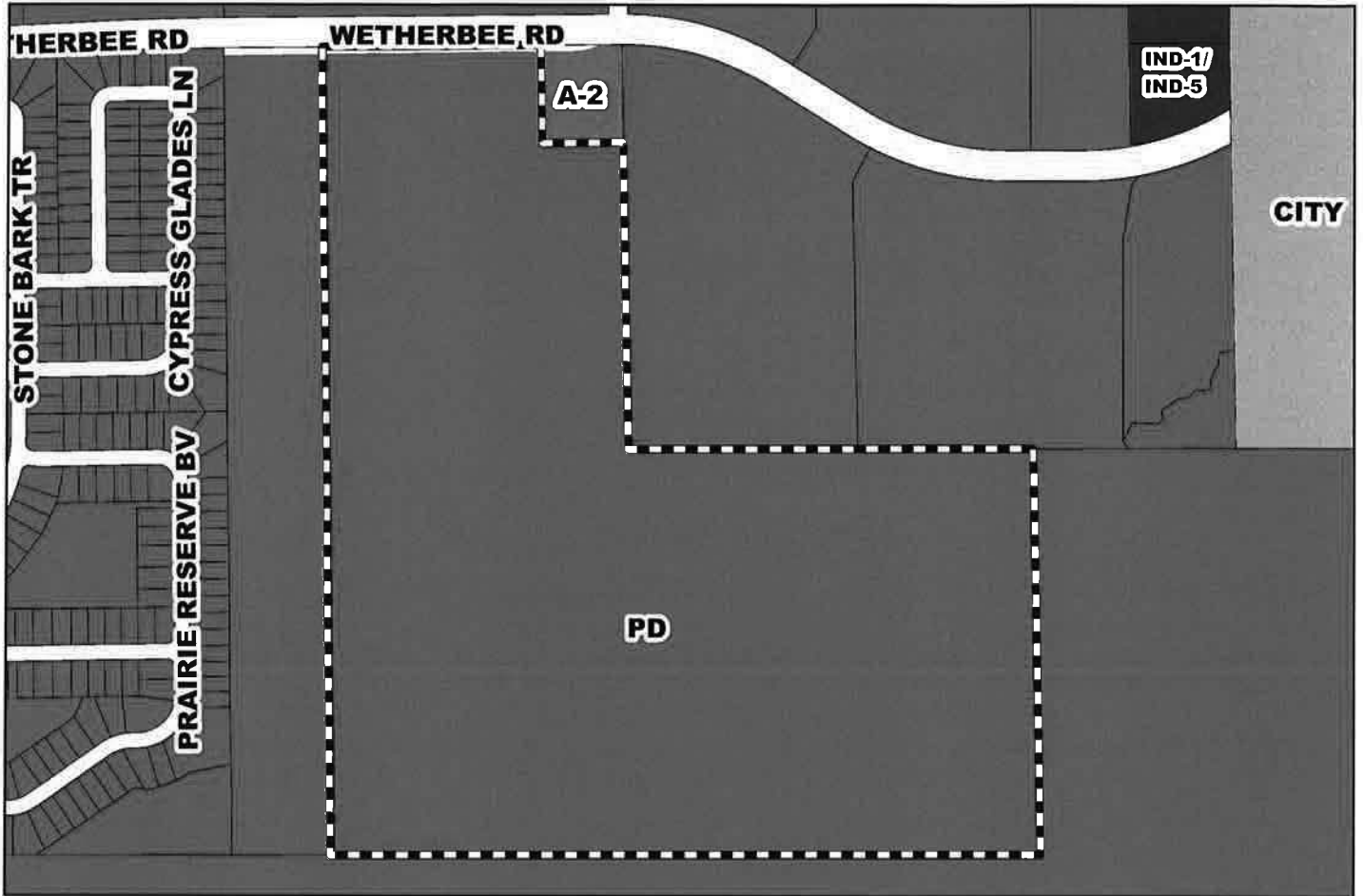
6. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
7. The site shall be stabilized following grubbing, clearing, earth work or mass grading to 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.
8. 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.
9. 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).
10. 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.
11. 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.
12. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the

Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

13. 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. The MUP must be approved prior to Construction Plan approval.
14. 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.
15. This property is located within Airport Noise Zone "D." Development shall comply with Article XV, Chapter 9, Orange County Code (Airport Noise Impact Areas), as may be amended from time to time.
16. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
17. 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 as part of 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.
18. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
19. 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, if not provided by the Property Association, shall be the responsibility of the County.
20. 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 Section

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 Department. 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.

21. 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.
22. 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.
23. 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.
24. 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 updated MUP must be approved prior to construction plan approval.
25. The drainage and access easement recorded in OR Book/Page 9720/4750, Public Records of Orange County, Florida, shall be vacated or modified, as determined by the County, prior to Construction Plan approval.



 Subject Parcel(s)



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

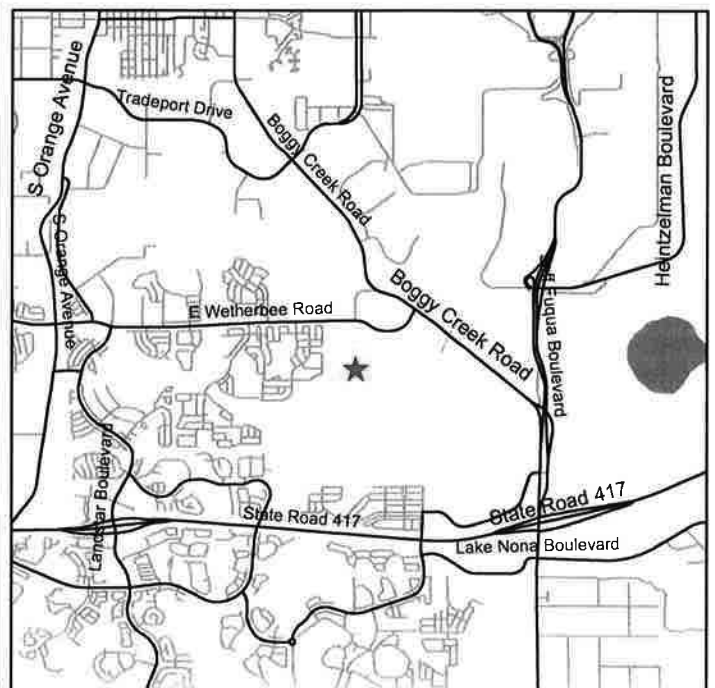
APPLICANT: John Prowell, VHB, Inc.

LOCATION: South of Wetherbee Road / West of Buggy Creek Road

TRACT SIZE: 99.19 gross acres

DISTRICT: 4

S/T/R: 20/24/30



SITE DATA
GENERAL

PROJECT: WETHERBEE ACRES
 LOCATION: ORANGE COUNTY, FLORIDA
 DATE: APRIL 27, 2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]

SOIL DATA

NO.	DESCRIPTION	DEPTH (FEET)	SOIL TYPE
1	GRAVELLY SAND	0.0 - 1.0	SP-1
2	SAND	1.0 - 2.0	SP-2
3	SAND	2.0 - 3.0	SP-2
4	SAND	3.0 - 4.0	SP-2
5	SAND	4.0 - 5.0	SP-2
6	SAND	5.0 - 6.0	SP-2
7	SAND	6.0 - 7.0	SP-2
8	SAND	7.0 - 8.0	SP-2
9	SAND	8.0 - 9.0	SP-2
10	SAND	9.0 - 10.0	SP-2

FRANING

2017 ILLUMINANCE

GENERAL PLANNING ORANGE COUNTY WATERWAY BYLAW

WETLANDS

PERMITS

ENVIRONMENTAL NOTES

OPEN SPACE REQUIREMENTS

NO.	DESCRIPTION	AREA (ACRES)
1	WETLANDS	1.25
2	WATERWAY	0.50
3	WATERWAY	0.50
4	WATERWAY	0.50
5	WATERWAY	0.50
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NOTES

1. THIS PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP).

2. THE PROJECT IS SUBJECT TO THE WETLANDS AND WATERWAY REGULATIONS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP).

3. THE PROJECT IS SUBJECT TO THE OPEN SPACE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP).

4. THE PROJECT IS SUBJECT TO THE WETLANDS AND WATERWAY REGULATIONS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP).

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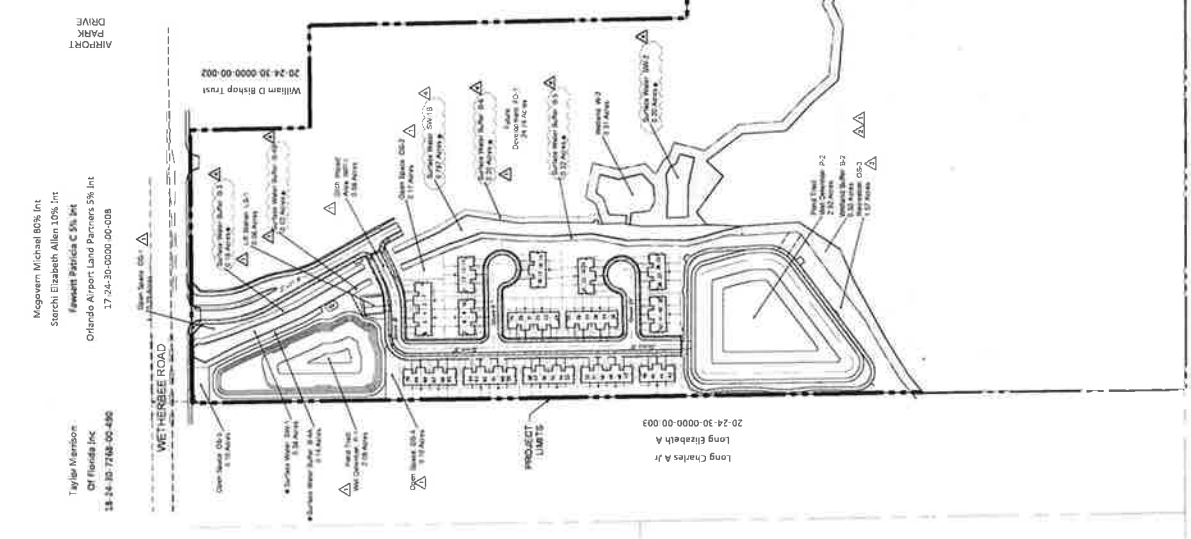
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10. THE PROJECT IS SUBJECT TO THE WETLANDS AND WATERWAY REGULATIONS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP).

△ DENOTES CONSERVATION TRACTS THAT SHALL BE PLATTED
 AND THE LAND TO BE USED FOR RECREATION OR
 MAINTENANCE OF THE EXISTING SWALE/TOT.



Wetherbee Acres

Orange County, Florida

NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	APRIL 27, 2018
2	FINAL PLAN	APRIL 27, 2018
3	REVISION	APRIL 27, 2018

April 27, 2018
 Preliminary Plan
 Subdivision Plan
 Vertical Datum NAVD88

Master Site Plan

C-3

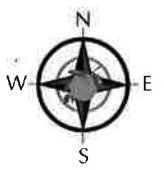
DATE: Mar 18, 2019

6311100



Wetherbee Acres PD / Wetherbee Acres PSP

Parcels		Subject Property		Hydrology
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1 : 3,600
1 in : 300 ft