





**Interoffice Memorandum**

**DATE:** October 28, 2021

**TO:** Mayor Jerry L. Demings  
-AND-  
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:** November 9, 2021 – Public Hearing  
Applicant: Lance Jackson, Lennar Homes  
Rhett's Ridge Preliminary Subdivision Plan  
Case # PSP-21-03-084 / District 2

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 8, 2021, to approve the Rhett's Ridge Preliminary Subdivision Plan (PSP), to subdivide 42.78 acres, generally located south of West Lester Road, east of Plymouth Sorrento Road, in order to construct 120 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 Rhett's Ridge PSP dated "Received September 13, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2**

JVW/EPR/lme  
Attachments

**CASE # PSP-21-03-084**

Commission District # 2

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 8, 2021, to approve the Rhett's Ridge Preliminary Subdivision Plan (PSP), to subdivide 42.78 acres, generally located south of West Lester Road, east of Plymouth Sorrento Road, in order to construct 120 single-family residential dwelling units.

**2. PROJECT ANALYSIS**

- A. Location: South of West Lester Road / East of Plymouth Sorrento Road
- B. Parcels: 31-20-28-0000-00-004, 31-20-28-0000-00-023, 31-20-28-0000-00-025, 31-20-28-0000-00-031
- C. Total Acres: 42.78
- D. Water Supply: City of Apopka
- E. Sewer System: City of Apopka
- F. Schools: Wolf Lake ES – Enrolled: 974 / Capacity: 736  
Wolf Lake MS – Enrolled: 1,411 / Capacity: 1,132  
Apopka HS – Enrolled: 3,525 / Capacity: 3,198
- G. School Population: 52
- H. Parks: Roosevelt Nichols Park – 1.5 Miles
- I. Proposed Use: 120 Single-Family Residential Dwelling Units
- J. Lot Dimension: Maximum Building Height: 40'  
Minimum Living Area: 1,800 Square Feet  
Minimum Lot Width: 50'  
Building Setbacks:  
15' Front  
5' Side  
15' Side Street  
20' Rear
- K. Fire Station: 20 – 3200 North Washington Street

- L. Transportation: Based on the Concurrency Management database (CMS) dated April 15, 2021, there is a failing roadway segment within the project's impact area; Orange Blossom Trail, from Park Avenue to the Western Beltway. This information is dated and subject to change.

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 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.

### **3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Density Residential (LDR). The subject property is designated R-1 Restricted (Single-Family Dwelling District - Restricted) on the Zoning Map, which is consistent with the FLUM Designation.

### **4. ZONING**

On March 23, 2021, the Board approved a rezoning for this property to R-1 Restricted (Single-Family Dwelling District - Restricted). That action included the following restrictions:

- 1) Development shall be limited to one hundred twenty (120) single-family residential units;
- 2) No less than two (2) access points shall be provided;
- 3) Vehicular access gates shall be prohibited;
- 4) Lots along the periphery of the site shall be a minimum of seventy-five feet (75') wide; and
- 5) The required open space shall be oriented to the northern and northwestern portion of the site in order to preserve existing trees, unless the soil analysis required by Comprehensive Plan Policy OS1.3.6 indicates that a different area is a more effective recharge area. In such case, when the soil type best suited for aquifer recharge is situated elsewhere on the site, then the open space should be located there instead;

- 6) Minimum living area shall be no less than 1,800 square feet;
- 7) A "tot lot" shall be provided; and
- 8) In an effort to preserve the existing trees along the southern property boundary, the rear yard setback for homes located along the southern property boundary shall be a minimum of thirty (30) feet in lieu of twenty (20) feet.

**5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Rhetts's Ridge Preliminary Subdivision Plan dated "Received September 13, 2021," 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 13, 2021," 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. 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).
  7. 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.
  8. 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.
9. 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.
  10. 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.
  11. 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.
  12. Development shall connect to central water and wastewater service from City of Apopka.
  13. 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.

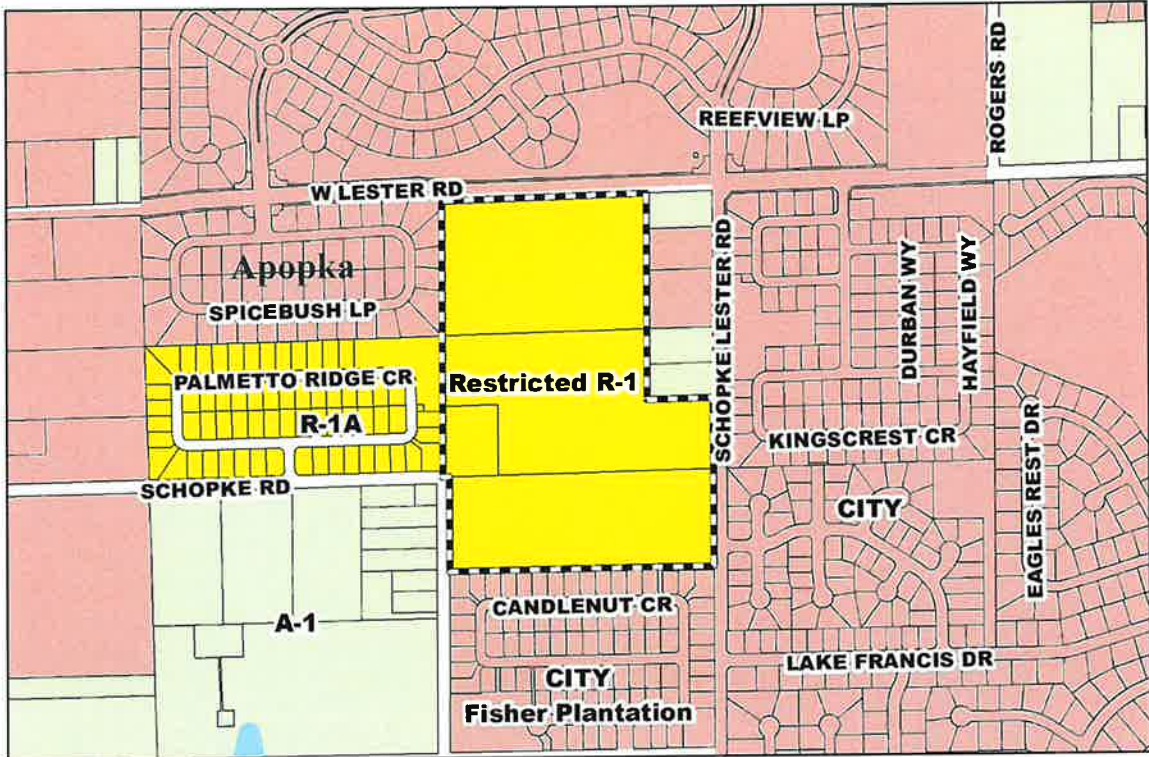
14. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
15. 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.
16. 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.
17. 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.
18. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
19. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
20. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
21. A 15' wide right-of-way dedication along Schopke Road shall be conveyed to Orange County at the time of platting, at no cost to the County.

22. All fencing abutting OS-2, OS-3, OS-4, OS-5, and OS-1 between lots 36 and 37 shall be limited to 50 percent opaque, such as aluminum picket or similar, up to 6 feet tall, or opaque up to 4 feet tall.



# Zoning Map

PSP-21-03-084

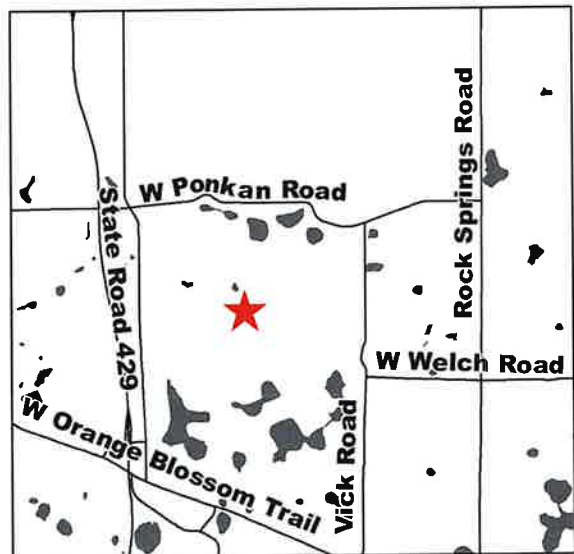


Subject Property



Subject Property

Zoning Map	
ZONING:	R-1 Restricted (Single-Family Dwelling District - Restricted)
APPLICANT:	Lance Jackson, Lennar Homes
LOCATION:	South of West Lester Road East of Plymouth Sorrento Road
TRACT SIZE:	42.78 gross acres
DISTRICT:	# 2
S/T/R:	31-20-28
1 inch = 700 feet	





# Notification Map

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