



Interoffice Memorandum

DATE: November 6, 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

Eric P. Raasch, Jr., AICP

Digitally signed by Eric P. Raasch, Jr., AICP
Date: 2020.11.06 11:20:24 -05'00'

SUBJECT: November 17, 2020 – Public Hearing
Geoffrey L. Summitt, P.E., G.L. Summitt Engineering, Inc.
Lake Roberts Reserve Planned Development
Case # LUP-19-10-347 / District 1
(Related to CAI-19-12-069)

The Lake Roberts Reserve Planned Development (PD) is generally located west of Windermere Road, north of Mckinnon Road, and south of Stoneybrook West Parkway. The applicant is seeking to rezone seven parcels containing 78.53 gross acres from A-1 to PD, in order to construct 41 single-family detached dwelling units. No waivers from Orange County Code are requested.

On September 17, 2020, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was held on December 9, 2020, at Windermere Elementary School, and was attended by 54 area residents. Participants at the meeting expressed numerous concerns about the project's impacts on the quality of the lake and the surrounding wetlands. Several residents also noted existing drainage issues in the area.

Finally, 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 PD/LUP 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 Lake Roberts Reserve Planned Development / Land Use Plan (PD/LUP) dated “Received July 28, 2020”, subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1**

Attachments
JVW/EPR/nt

GENERAL INFORMATION

APPLICANT	Geoffrey L. Summitt, P.E., G.L. Summitt Engineering, Inc.
OWNER	American Orange County Investments 40, LLC; Diana McMurtrey.
PROJECT NAME	Lake Roberts Reserve Planned Development (PD)
HEARING TYPE	Planned Development / Land Use Plan (PD / LUP)
REQUEST	A-1 (Citrus Rural District) to PD (Planned Development District) A request to rezone seven (7) parcels containing 78.53 gross acres from A-1 to PD, in order to construct forty-one (41) single-family detached dwelling units. No waivers from Orange County Code are requested.
LOCATION	Generally located west of Windermere Road, north of Mckinnon Road, and south of Stoneybrook West Parkway
PARCEL ID NUMBERS	01-23-27-0000-00-058; 050; 066; 030; 004; 009; & 003
TRACT SIZE	78.53 gross acres 41.40 net developable acres (*subject to CAI-19-12-069)
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 600 feet [<i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i>]. Eight hundred twenty-nine (829) notices were mailed to those property owners in the surrounding area. A Community Meeting was held on December 9, 2020, and is summarized on page 6 of this report.
PROPOSED USE	Up to forty-one (41) single-family detached dwelling units

STAFF RECOMMENDATION

Development Review Committee – (August 26, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Lake Roberts Reserve Planned Development / Land Use Plan (PD/LUP), dated “Received July 28, 2020”, subject to the following conditions:

1. Development shall conform to the Lake Roberts Reserve Land Use Plan (LUP) dated "Received July 28, 2020," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received July 28, 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 land use 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. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
7. 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).
8. 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.
9. Lake Roberts has an established Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Roberts, this project shall be required to be a participant.
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. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter

15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.

12. 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.
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. 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.
14. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
15. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
16. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
17. Walker Pond Road shall be improved to Orange County standards from Windermere Road to the entrance to the Development unless otherwise allowed by the County Engineer
18. Prior to construction plan approval, additional right-of-way for Walker Pond Road shall be dedicated to Orange County at no cost to the County.
19. The Walker Pond Road drainage treatment pond shall be provided by the developer at no cost to the County.

IMPACT ANALYSIS

Land Use Compatibility

The applicant is seeking to rezone the subject parcels from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct up to forty-one (41) single-family detached dwelling units. The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Rural Settlement 1/1 (RS 1/1) which allows for a maximum residential density of one (1) dwelling unit per net developable acre. The proposed PD zoning district and development program is consistent with the RS 1/1 FLUM designation, therefore a CP amendment is not necessary. Additionally, the request is consistent with the following CP provisions:

Goal FLU1 Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County.

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

Policy FLU1.1.1 Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

OBJ FLU 1.2 Orange County shall use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. The Urban Service Area shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development.

Policy FLU1.4.1 Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

Policy FLU1.4.2 Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

OBJ FLU6.2 – RURAL SETTLEMENTS. Rural Settlements provide for a rural residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the CP was adopted in 1991. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the Rural Service Area, while providing for rural communities.

FLU6.2.5 – The permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C).

FLU6.2.6 – The Future Land Use Map shall reflect the permitted densities of development within the Rural Settlements. Clustering of units with dedicated open space shall be allowed so long as the overall density does not exceed that specified on the Future Land Use Map. Density and Floor Area Ratio (FAR) calculations shall be defined as the language specified in the Future Land Use Element Policy FLU1.1.2(C).

FLU8.2.1 Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

OBJ FLU8.2 – COMPATIBILITY. Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.

FLU8.2.11 Compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

Community Meeting Summary

A community meeting was held on December 9, 2019, at Windermere Elementary School, and was attended by fifty-four (54) area residents. Participants at the meeting expressed numerous concerns about the projects impacts on the quality of the lake and the surrounding wetlands. Several residents also noted existing drainage issues in the area.

SITE DATA

Existing Use	Undeveloped Land / Single-Family Residence
Adjacent Zoning	N: A-1 (Citrus Rural District) (1957) / City of Winter Garden E: A-1 (Citrus Rural District) (1957) W: A-1 (Citrus Rural District) (1957) S: R-CE-C (Country Estate Cluster District) (2000)
Adjacent Land Uses	N: Single Family Residential / Undeveloped Land E: Single Family Residential W: Lake Roberts S: Single Family Residential

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback	25 feet
Maximum Building Height:	35 feet / 2-story
Minimum Lot Size:	1/2-acre
Minimum Lot Width:	100 feet
Minimum Living Area:	3,000 Square Feet (under HVAC)

Minimum Building Setbacks

Front Setback:	30 feet
Rear Setback:	25 feet

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone the subject parcels from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct up to forty-one (41) single-family detached dwelling units. No waivers from Orange County Code are requested. The subject property is located within the West Windermere Rural Settlement. Much of the Rural Settlement is zoned R-CE (Country Estate District) and R-CE-C (Country Estate Cluster District) and developed with lots ranging primarily between 1/2-acre to 1-acre in area and 100' to 120' in width. The subject property is located off Walker Pond Road, along which the properties are zoned A-1 (Citrus Rural District) and are developed on lots ranging primarily between 1-acre to 2-acres in area and 140' to 160' in width.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation Rural Settlement 1/1 (RS 1/1). The proposed use is consistent with this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Rural Settlement

The subject property is located within the West Windermere Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

Orange County Conservation Area Determination CAD-18-10-150 was issued for this project on May 2, 2019 and modified on September 17, 2019 to include the Walker Pond Road right-of-way.

Conservation Area Impact (CAI) Permit CAI-19-12-069, which proposes 6.81 acres of wetland and surface water area impacts has been scheduled concurrent with this request.

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 (BCC).

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (endangered, threatened, or species of special concern.) The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

This project site has a prior agricultural land use that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions.

Transportation / Concurrency

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 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.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaimed:	Orange County Utilities

Schools

An amendment to the Capacity Enhancement Agreement (CEA) (OC-20-013, f.k.a. WG-16-001) was approved and became effective on July 23, 2020.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the request and did not identify any issues or concerns.

Code Enforcement

There are no active Code Enforcement violations on the subject property.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested PD (Planned Development District) zoning, subject to the conditions listed in the staff report, with an additional condition for the approved Capacity Enhancement Agreement with Orange County Public Schools.

Staff indicated that eight hundred twenty-nine (829) notices were sent to an area extending beyond 600 feet from the subject property, with nineteen (19) responses from property owners in favor to the request and fifty-one (51) responses from property owners in opposition. All of the responses received from residents of Walker Pond Road were in favor. Those in opposition cited concerns of the project's negative impacts on wetlands, wildlife, drainage and flooding issues, and school and traffic infrastructure. Those in support cited the developer's commitment to bringing Walker Pond Road up to County standards and addressing the drainage problem. Several residents were in attendance to speak on this request. Two speakers objected to the proposed development on concerns related to traffic and environmental impacts, and argued that the proposed development was not compatible with development in the area. Staff responded that the proposed development was consistent with existing development in the area. Several other residents spoke in favor of the request and the applicant's stated commitments.

Following discussion regarding the proposed wetland impacts and the developer's commitment to improve Walker Pond Road and address the drainage issues, a motion was made by Commissioner Dunn to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the Lake Roberts Reserve Planned Development / Land Use Plan (PD/LUP) dated "Received July 28, 2020", subject to the conditions in the staff report and the additional condition presented by staff. Commissioner Wade seconded the motion, which was then carried on a 7-0 vote.

Motion / Second

Jimmy Dunn / JaJa Wade

Voting in Favor

Jimmy Dunn, JaJa Wade, Evelyn Cardenas, Gordon Spears, Carlos Nazario, Diane Velazquez, and Eddie Fernandez

Voting in Opposition

None

Absent

Nelson Pena

Mohammed Abdallah declared a conflict of interest and recused himself from the vote.

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (September 17, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Lake Roberts Reserve Planned Development / Land Use Plan (PD/LUP), dated "Received July 28, 2020", subject to the following conditions:

1. Development shall conform to the Lake Roberts Reserve Land Use Plan (LUP) dated "Received July 28, 2020," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received July 28, 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 land use 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. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
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8. 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.
9. Lake Roberts has an established Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Roberts, this project shall be required to be a participant.
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. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
 12. 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.
 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. 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.
 14. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
 15. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
 16. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
 17. Walker Pond Road shall be improved to Orange County standards from Windermere Road to the entrance to the Development unless otherwise allowed by the County Engineer
 18. Prior to construction plan approval, additional right-of-way for Walker Pond Road shall be dedicated to Orange County at no cost to the County.
 19. The Walker Pond Road drainage treatment pond shall be provided by the developer at no cost to the County.
 20. The following Education Condition of Approval shall apply:

- a) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of July 23, 2020, as may be amended.

- b) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the six (6) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- c) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.

- d) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

- e) 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.

LUP-19-10-347

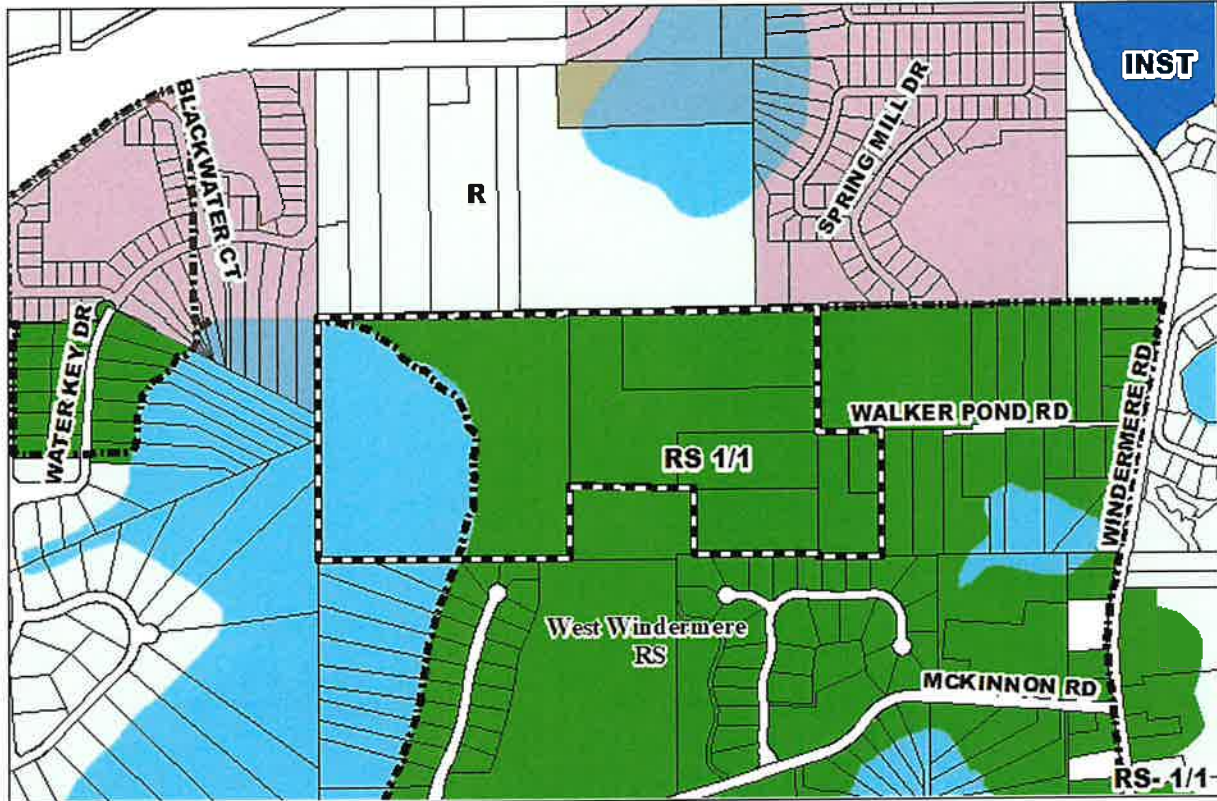


 Subject Property



1 inch = 825 feet

LUP-19-10-347



Subject Property

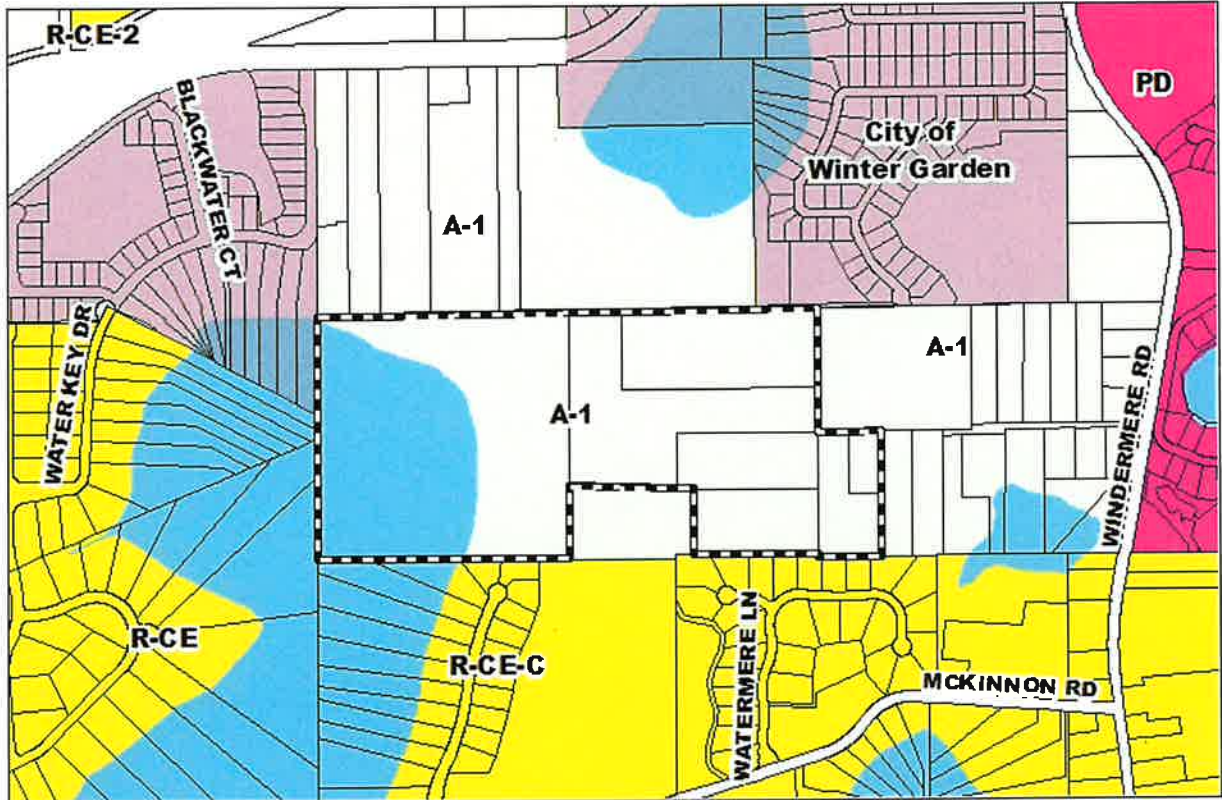


Subject Property

Future Land Use Map	
FLUM:	Rural Settlement 1/1 (RS 1/1)
APPLICANT:	Geoffrey L. Summitt, P.E., GL Summitt Engineering, Inc.
OWNER:	American Orange County Investments 40, LLC; Diana McMurtrey.
LOCATION:	Generally located west of Windermere Road, north of Mckinnon Road, and south of Stoneybrook West Parkway
TRACT SIZE:	78.53 gross acres 41.40 net developable acres
DISTRICT:	# 1
ST/R:	01/23/27 1 inch = 825 feet



LUP-19-10-347



Subject Property



Subject Property

Zoning Map	
ZONING:	A-1 (Citrus Rural District)
APPLICANT:	Geoffrey L. Summitt, P.E., GL Summitt Engineering, Inc.
OWNER:	American Orange County Investments 40, LLC; Diana McMurtrey.
LOCATION:	Generally located west of Windermere Road, north of Mckinnon Road, and south of Stoneybrook West Parkway
TRACT SIZE:	78.53 gross acres 41.40 net developable acres
DISTRICT:	# 1
S/T/R:	01/23/27 1 inch = 825 feet



Lake Roberts Reserve PD / LUP (Cover Sheet)

**Lake Roberts Reserve
 Land use Plan LUP 19-10-347**

Orange County, Florida Parcel I.D. # 01-23-27-0000-00-003; 004; 009; 030;
 050; 058; 066

for

Toll Brothers
 America's Luxury Home Builder®

by

G L SUMMITT
 ENGINEERING INC

Project Team

Owner: Toll Brothers, Inc.
 2811 Orange Lake Dr
 Orlando, FL 32819
 P: (407) 341-1000

Developer: Toll Brothers, Inc.
 2811 Orange Lake Dr
 Orlando, FL 32819
 P: (407) 341-1000

Engineer: G L Summitt Engineering, Inc.
 111 Westside Parkway, LLC
 2662 Semoran Place
 Orlando, FL 32817
 P: (407) 341-0000

LANDSCAPE ARCHITECT:
 G L Summitt Engineering, Inc.
 111 Westside Parkway, LLC
 2662 Semoran Place
 Orlando, FL 32817
 P: (407) 341-0000

Engineer/Architect:
 3002 N. Robinson St
 Orlando, FL 32817
 P: (407) 341-1000

Utilities

Drinking Water: Orange County Water Utility
 2000 Lake Nona Blvd
 Orlando, FL 32825
 P: (407) 241-9999

Sanitary Sewer: Orange County Water Utility
 2000 Lake Nona Blvd
 Orlando, FL 32825
 P: (407) 241-9999

Garbage Disposal: Orange County Water Utility
 2000 Lake Nona Blvd
 Orlando, FL 32825
 P: (407) 241-9999

Reclaim Water: Orange County Water Utility
 2000 Lake Nona Blvd
 Orlando, FL 32825
 P: (407) 241-9999

Electric Service: Florida Power & Light
 10000 Lake Nona Blvd
 Orlando, FL 32826
 P: (407) 341-1000

Phone Provider: AT&T
 2727 Lake Nona Blvd
 Orlando, FL 32826
 P: (407) 341-2100

Cable Provider: Spectrum
 814 Macaulay Blvd
 Orlando, FL 32826
 P: (407) 341-8700

Vicinity Map

STR: 01, 23S, 27E
 1" = 1,500'

Drawing Index

No.	Title	Revised
1	Concept Sheet	06-19-20
2	Boundary Survey	06-19-20
3	Topographic Survey	06-19-20
4	Issuing Conditions Plan	06-19-20
5	Land Use Plan	06-19-20

Coversheet

Project Name: Lake Roberts Reserve PD / LUP (Cover Sheet)

Project Number: 19-10-347

Scale: As Shown

Sheet Number: 1 OF 5



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Toll Brothers, Inc.
 3866 Commerce Park Dr
 Suite 100
 Orlando, FL 32819
 407-341-6000

Lake Roberts Reserve PD
 Orange County, Florida
PD Land Use Plan

Coversheet

Project Name: Lake Roberts Reserve PD / LUP (Cover Sheet)

Project Number: 19-10-347

Scale: As Shown

Sheet Number: 1 OF 5

No.	Title	Revised
1	Concept Sheet	06-19-20
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Sheet Number: 1 OF 5



Lake Roberts Reserve
 Land use Plan LUP 19-10-347
 Orange County, Florida Parcel I.D. # 01-23-27-0000-00-003; 004; 009; 030;
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Vicinity Map



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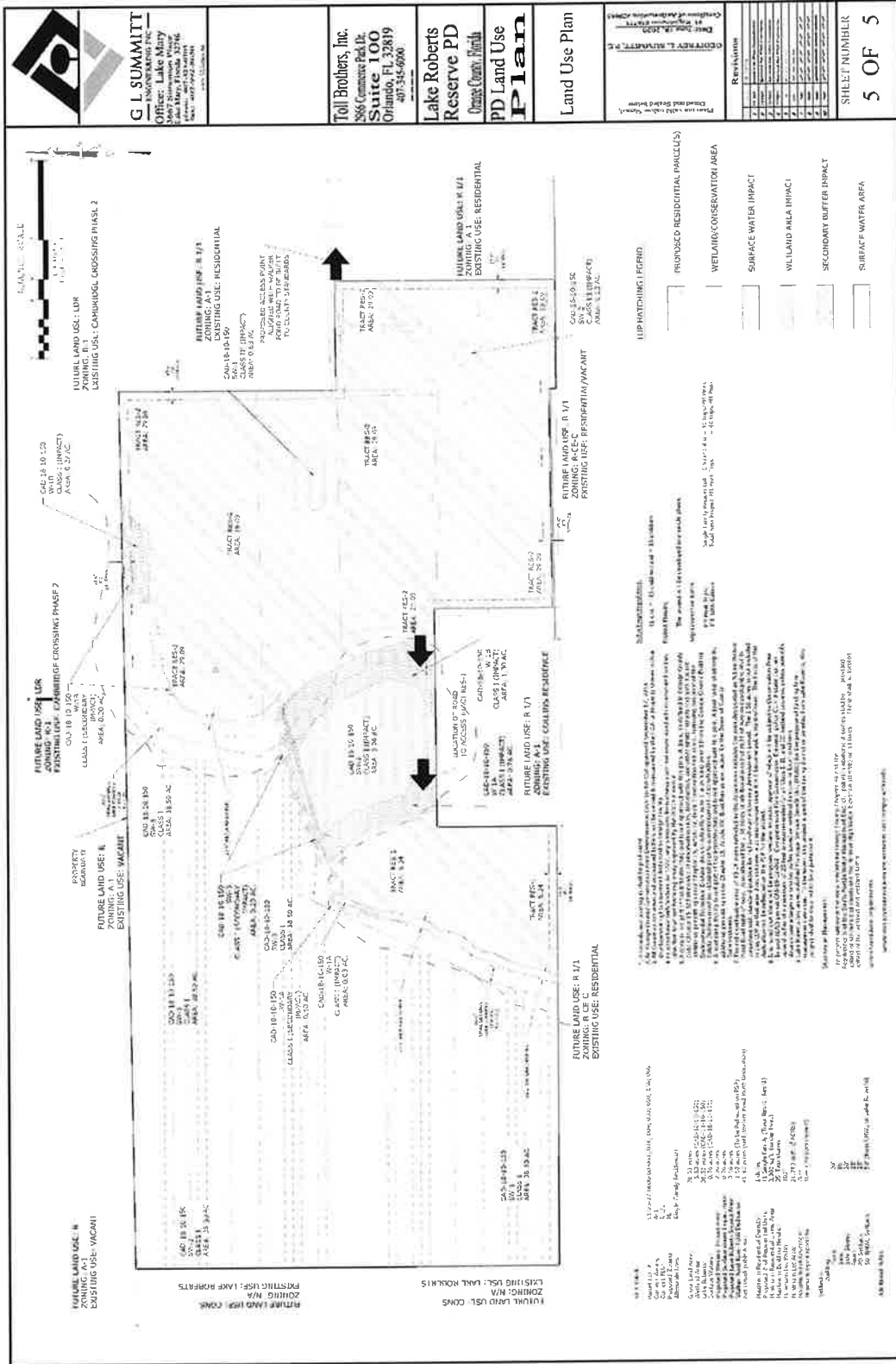
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Lake Roberts Reserve PD / LUP



Notification Map

