





Interoffice Memorandum

DATE: December 17, 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, DRC Chairman**
Development Review Committee
Planning Division 
(407) 836-5523

SUBJECT: January 14, 2020 – Public Hearing
Raymond Stangle, Jordan & Associates Consulting, Inc.
Rouse Road Villas Planned Development
Case # LUP-18-01-037 / District 5

The Rouse Road Villas Planned Development (PD) is located at 2108 & 2116 Rouse Road, generally west of Rouse Road, north of East Colonial Drive, and south of Eastwood Drive. The applicant is seeking to rezone two parcels containing 2.41 gross acres from R-1 (Single-Family Dwelling District) to PD (Planned Development District), in order to construct 24 fee-simple duplex units. The applicant is also seeking approval of seven waivers to reduce the minimum duplex lot area, minimum duplex lot width, minimum front yard setback, minimum side yard setback, and minimum rear yard setback, to allow lots to abut an alley and lots to have access from a mew, park, or open space, and to allow a tract to have access from an external dedicated public street, in lieu of an internal public street.

On August 14, 2019, the Development Review Committee (DRC) recommended denial of the request due to the extent of the requested waivers. On October 17, 2019, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was held on October 3, 2018 at Riverside Elementary School. One resident was in attendance and expressed support for the development.

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 Rouse Road Villas Planned Development / Land Use Plan (PD/LUP) dated “Received July 16, 2019”, subject to the conditions listed under the PZC Recommendation in the Staff Report. District 5

Attachments
JVW/EPR/nt

GENERAL INFORMATION

APPLICANT Raymond Stangle, Jordan & Associates Consulting, Inc.
OWNER Salsabil LLC
PROJECT NAME Rouse Road Villas Planned Development (PD)
HEARING TYPE Planned Development / Land Use Plan (PD / LUP)
REQUEST R-1 (Single-Family Dwelling District) to
PD (Planned Development District)

A request to rezone two (2) parcels containing 2.41 gross acres from R-1 (Single-Family Dwelling District) to PD (Planned Development District), in order to construct twenty four (24) fee-simple duplex units. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1501 to allow for a minimum duplex lot area of 3,550 square feet, in lieu of 8,000 square feet.
2. A waiver from Section 38-1501 to allow for a minimum duplex lot width of 50 feet, in lieu of 80 feet.
3. A waiver from Section 38-1501 to allow for a minimum rear yard of 5 feet, in lieu of 30 feet.
4. A waiver from Section 38-79(2) to allow for a minimum front yard setback of 20 feet, a side yard setback of 5 feet and a rear yard setback of 5 feet, in lieu of a minimum front yard setback of 25 feet, a side yard setback of 6 feet and a rear yard setback of 25 feet.

Applicant Justification for waivers 1-4: *In order to maximize open space, minimize building footprint, and create a walkable and affordable community this planned development community reduces lot areas that are dedicated to a single residence. All residences will be two story, thus reducing the overall size of lot necessary. Lowering the minimum lot area provides for more common open spaces, a single community wide recreation area utilized for all residences within the community. This development is also more compact and insures all areas of the subdivision not dedicated to the residence, vehicular travel ways, recreation and storm*

water management will be maintained by the homeowner's association to insure proper long term maintenance of the subdivision. As this PD will require a minimum building living area of 1,450 SF as opposed to the minimum 500 SF of section 38-1501, this development will maintain compatibility with other developments in the area while maximizing the number of units to meet the demands of home buyers.

5. A waiver from Section 38-1502(B) to allow for a lot to abut an alley, in lieu of a street.

Applicant Justification: *The proposed subdivision design provides for vehicular and pedestrian access to adjacent residential properties in accordance with Comprehensive Plan policy T3.2.1 and provides adequate access for police, fire and refuse collection via the alleys for the proposed residential units. The access to the residences via the alleys allows for a more compact and efficient development while still complying with the future land use density of 10 units/acre.*

6. A waiver from Section 34-152(C) to allow for a lot to have access from a mew, park, open space, in lieu of having a minimum access width of twenty (20) feet to a dedicated public paved street.

Applicant Justification: *The proposed subdivision design provides for access to each lot through a private easement over the proposed 20 foot wide alley with adequate access for police, fire and refuse collection. Furthermore, in accordance with section 34-152(c), the proposed design will not create remnant or landlocked parcels within the subdivision, and all alleys will be asphalt paved to a standard identical to that for a paved public road to insure long term function with minimal maintenance.*

7. A waiver from Section 34-152(C) to allow for a tract to have access from an external dedicated paved public street, in lieu of an internal dedicated paved public street.

Applicant Justification: *Due to the unique nature of the proposed subdivision layout and in order to allow for the lift station tract to be accessed from a dedicated paved public street, the lift station will be accessed directly from rouse road. This access is consistent with the lift station on the west side of rouse road.*

LOCATION	2108 & 2116 Rouse Road; or generally on the west side of Rouse Road, north of East Colonial Drive, and south of Eastwood Drive.
PARCEL ID NUMBERS	16-22-31-0000-00-024 and 16-22-31-0000-00-023
TRACT SIZE	2.41 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred ten (110) notices were mailed to those property owners in the mailing area. A community meeting was held on October 3, 2018 at Riverside Elementary School, and is summarized on page 9 of this report.
PROPOSED USE	Twenty-Four (24) Fee-Simple Duplex Units

STAFF RECOMMENDATION

Development Review Committee – (August 14, 2019)

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the Rouse Road Villas Planned Development / Land Use Plan (PD/LUP), dated “Received July 16, 2019”.

ALTERNATIVE ACTION

Make a finding of consistency with the Comprehensive Plan and APPROVE the Rouse Road Villas Planned Development / Land Use Plan (PD/LUP), dated “Received July 16, 2019”, subject to the following conditions:

1. Development shall conform to the Rouse Road Villas Land Use Plan (LUP) dated "Received July 16, 2019," 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 16, 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 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. 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.
8. 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 MM DD, YYYY.
 - 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 ## 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.

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.
9. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.

10. 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.
11. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
12. 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.
13. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
14. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1501 to allow for a minimum duplex lot area of 3,550 square feet, in lieu of 8,000 square feet.
 - b. A waiver from Section 38-1501 to allow for a minimum duplex lot width of 50 feet, in lieu of 80 feet.
 - c. A waiver from Section 38-1501 to allow for a minimum rear yard of 5, feet in lieu of 30 feet.
 - d. A waiver from Section 38-79(2) to allow for a minimum front yard setback of 20 feet, a side yard setback of 5 feet and a rear yard setback of 5 feet, in lieu of a minimum front yard setback of 25 feet, a side yard setback of 6 feet and a rear yard setback of 25 feet.
 - e. A waiver from Section 38-1502(B) to allow for a lot to abut an alley, in lieu of a street.
 - f. A waiver from Section 34-152(C) to allow for a lot to have access from a mew, park, open space, in lieu of having a minimum access width of twenty (20) feet to a dedicated public paved street.
 - g. A waiver from Section 34-152(C) to allow for a tract to have access from an external dedicated paved public street, in lieu of an internal dedicated paved public street.

IMPACT ANALYSIS

Land Use Compatibility

The applicant is seeking to rezone the subject parcels from R-1 (Single-Family Dwelling District) to PD (Planned Development District) in order to construct twenty-four (24) fee-simple duplex units. The applicant is also seeking approval of seven waivers to reduce the minimum duplex lot area, minimum duplex lot width, minimum front yard setback, minimum side yard setback, and minimum rear yard setback, to allow lots to abut an alley and lots to have access from a mew, park, or open space, and to allow a tract to have access from an external dedicated public street, in lieu of an internal public street.

The extent of the requested waivers to reduce the R-2 (Residential District) standards and the intensity of the proposed development program have the potential to be incompatible with existing development in the area, and may adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR) which allows for a maximum residential density of ten (10) dwelling units per net developable acre. The proposed PD zoning district and development program are consistent with LMDR FLUM designation and the following CP provisions:

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 FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

Policy 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.

Policy 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.

OBJ N1.1 states that future land use changes are shall be compatible with or do not adversely impact existing or proposed neighborhoods.

GOAL N3 states the County shall improve the quality and appearance of existing and new neighborhoods.

OBJ N3.1 states the integrity of neighborhoods shall be protected the integrity of neighborhoods through the enforcement of County codes.

Community Meeting Summary

A community meeting was required for this application. The meeting was held on October 3, 2018 at Riverside Elementary School. One (1) resident was in attendance and expressed support for the development.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: R-1 (Single-Family Dwelling District) (1957) E: P-D (Planned Development District) (2001) W: R-CE-5 (Rural Country Estate Residential District) (1980) S: R-1 (Single-Family Dwelling District) (1957)
Adjacent Land Uses	N: Single-Family Dwelling Unit E: Single-Family Dwelling Unit W: Single-Family Residential Subdivision S: Religious Facility

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback	25 feet
Maximum Building Height:	35 feet (2 stories)
Minimum Lot Area:	1,775 square feet *See Waiver Request
Minimum Lot Width:	25 feet *See Waiver Request
Minimum Living Area:	1,450 square feet (under HVAC)

Minimum Building Setbacks

Front Setback:	20 feet *See Waiver Request
Rear Setback:	5 feet *See Waiver Request
Side Setback:	5 feet *See Waiver Request

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone the subject property from R-1 (Single-Family Dwelling District) to PD (Planned Development District) in order to construct twenty-four (24) fee-simple duplex units. The applicant is also seeking approval of seven waivers to reduce the minimum duplex lot area, minimum duplex lot width, minimum front yard setback, minimum side yard setback, and minimum rear yard setback, to allow lots to abut an alley and lots to have access from a mew, park, or open space, and to allow a tract to have access from an external dedicated public street, in lieu of an internal public street.

The subject property is adjacent to a religious facility and single-family detached dwelling units on larger lots, and is located along a corridor that is characterized by single-family detached residential units and subdivisions.

DRC recommended denial of this request due to concerns with the requested waivers. The proposed waivers appear to allow for a multi-family style product, with the required subdivision infrastructure not meeting the minimum requirements in County code. DRC staff suggested re-designing the project to increase the compatibility with the surrounding area and minimize the need for waivers, but applicant declined.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR). 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 not located within a 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

The subject property is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply. Reference Orange County Code Chapter 15 Article XI Section 15-442. The basin-wide regulations include, but are not limited to, wetlands and protective buffers, wildlife habitat, stormwater management, and landscaping with native plant species.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 50-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales

upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as 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).

Transportation / Concurrency

Based on the County's Concurrency Management System database dated February 19, 2018, there are no deficient roadways within a one mile radius of this project and capacity is available to be encumbered. 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 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 Capacity Encumbrance Letter or a Capacity Reservation Certificate.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaim Water:	Not Currently Available

Schools

Orange County public Schools Concurrency Determination CMA-OC-19-102 has indicated that there is sufficient capacity to serve the proposed development. As such, if the Board approves this request, staff recommends striking PZC proposed condition of approval #8 regarding the Capacity Enhancement Agreement.

Parks and Recreation

The Parks and Recreation Division reviewed this request but did not provide any comments or objections.

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 inconsistency with the Comprehensive Plan and recommend denial of the Rouse Road Villas Planned Development (PD) Land Use Plan. Staff noted that DRC recommended denial due to the extent of the requested waivers. Staff indicated that two hundred fifty-seven (257) notices were mailed to surrounding property owners within a buffer of 700 feet from the subject property, with zero (0) commentaries received in support or in opposition to the request. The applicant was present and disagreed with the DRC recommendation. There were no members of the public present to speak on this request.

After a brief discussion, a motion was made by Commissioner Spears, seconded by Commissioner Fernandez to recommend denial of the request. The motion failed. Subsequently, a motion was made by Commissioner Abdallah to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the Rouse Road Townhomes PD Land Use Plan, subject to the fourteen (14) conditions listed under the DRC Alternative Action Recommendation. Commissioner Dunn seconded the motion, which the carried on a 7-1 vote.

Motion / Second	<i>Mohammed Abdallah / Jimmy Dunn</i>
Voting in Favor	<i>Mohammed Abdallah, Jimmy Dunn, Diane Velazquez, Carlos Nazario, Yog Melwani, Jose Cantero, and Eddie Fernandez</i>
Voting in Opposition	<i>Gordon Spears</i>
Absent	<i>JaJa Wade</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (September 19, 2019)

Make a finding of consistency with the Comprehensive Plan and APPROVE the Rouse Road Villas Planned Development / Land Use Plan (PD/LUP), dated “Received July 16, 2019”, subject to the following conditions:

1. Development shall conform to the Rouse Road Villas Land Use Plan (LUP) dated "Received July 16, 2019," 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 16, 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 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

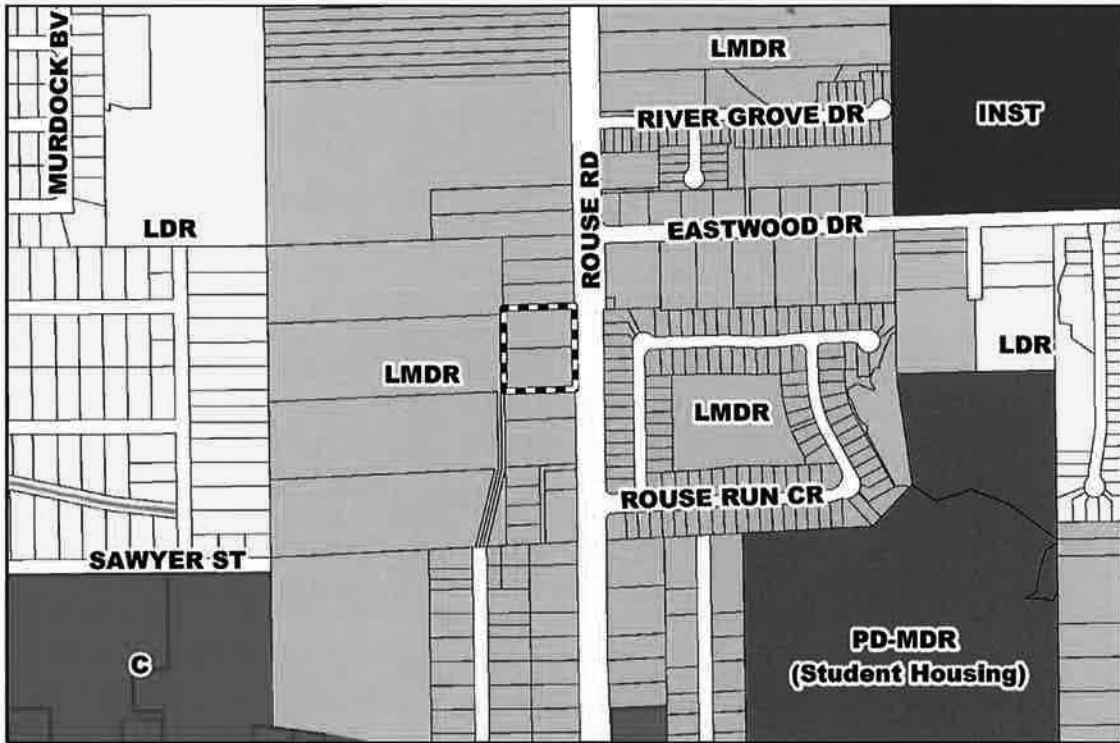
shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's 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. 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.
8. 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 MM-DD, YYYY.
 - 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 ## 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.

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.

9. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
10. 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.
11. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
12. 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.
13. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
14. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1501 to allow for a minimum duplex lot area of 3,550 square feet, in lieu of 8,000 square feet.
 - b. A waiver from Section 38-1501 to allow for a minimum duplex lot width of 50 feet, in lieu of 80 feet.
 - c. A waiver from Section 38-1501 to allow for a minimum rear yard of 5, feet in lieu of 30 feet.
 - d. A waiver from Section 38-79(2) to allow for a minimum front yard setback of 20 feet, a side yard setback of 5 feet and a rear yard setback of 5 feet, in lieu of a minimum front yard setback of 25 feet, a side yard setback of 6 feet and a rear yard setback of 25 feet.
 - e. A waiver from Section 38-1502(B) to allow for a lot to abut an alley, in lieu of a street.
 - f. A waiver from Section 34-152(C) to allow for a lot to have access from a mew, park, open space, in lieu of having a minimum access width of twenty (20) feet to a dedicated public paved street.
 - g. A waiver from Section 34-152(C) to allow for a tract to have access from an external dedicated paved public street, in lieu of an internal dedicated paved public street.

LUP-18-01-037



Subject Property

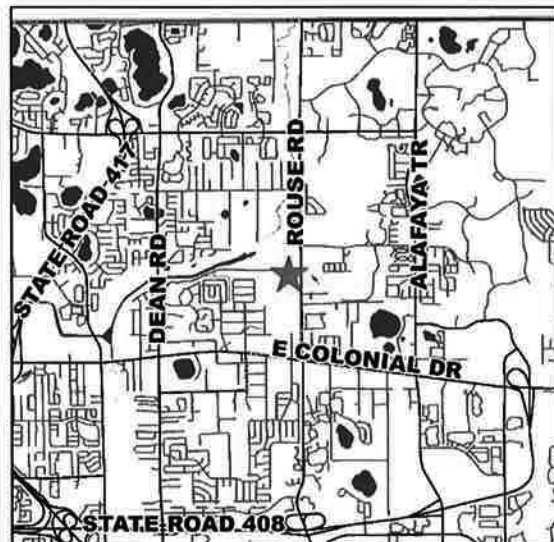


Subject Property

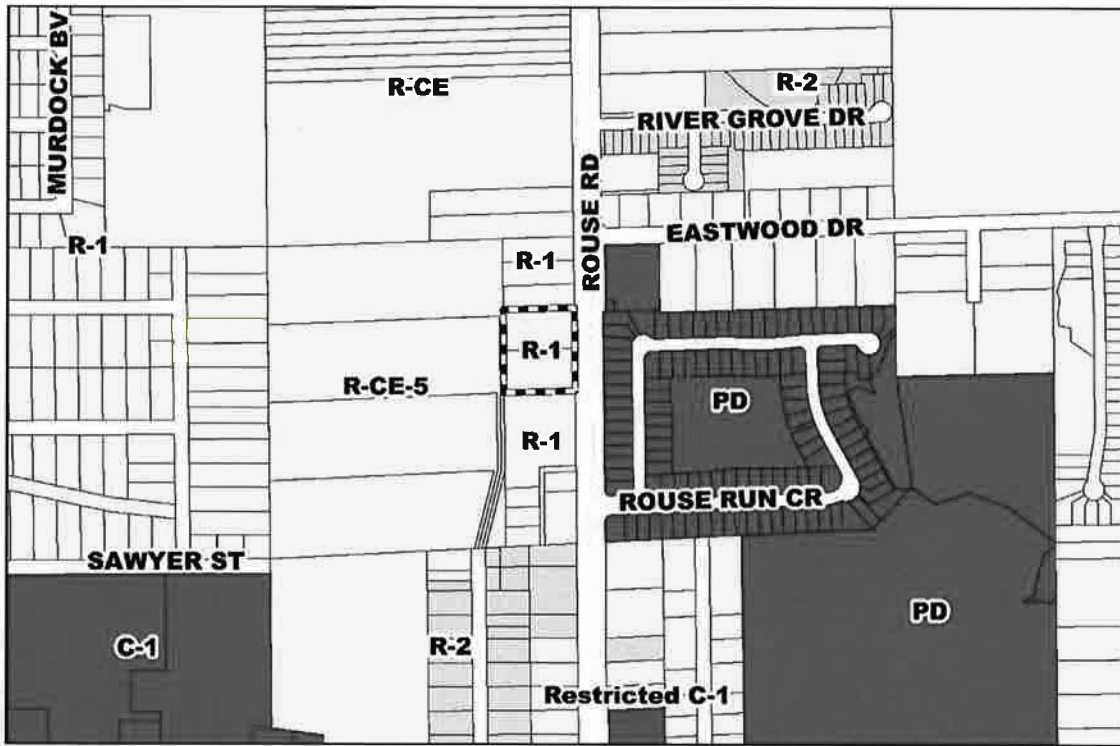
Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)
APPLICANT: Raymond Stangle, Jordan & Associates Consulting, Inc.
LOCATION: 2801 & 2116 Rouse Road; or generally on the west side of Rouse Road, north of East Colonial Drive, and south of Eastwood Drive
TRACT SIZE: 2.41 gross acres
DISTRICT: # 5
S/T/R: 16/22/31

1 inch = 600 feet



LUP-18-01-037



 Subject Property



 Subject Property

Zoning Map

ZONING: R-1 (Single-Family Dwelling District) to PD (Planned Development District)

APPLICANT: Raymond Stangle, Jordan & Associates Consulting, Inc.

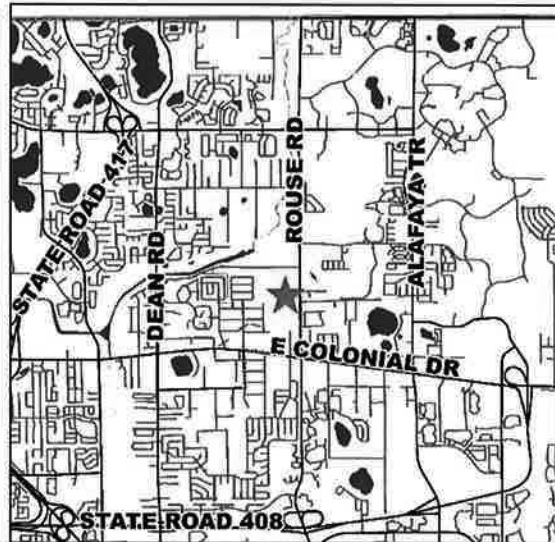
LOCATION: 2801 & 2116 Rouse Road; or generally on the west side of Rouse Road, north of East Colonial Drive, and south of Eastwood Drive

TRACT SIZE: 2.41 gross acres

DISTRICT: # 5

S/T/R: 16/22/31

1 inch = 600 feet



LUP-18-01-037



 Subject Property



1 inch = 400 feet

Rouse Road Villas PD / LUP (Cover Sheet)

LAND USE PLAN FOR
 ROUSE ROAD VILLAS

CASE NUMBER: LUP-18-01-037
 ADDRESS: 2118 ROUSE ROAD
 ORLANDO, FL 32817
 PARCEL I.D. No: 16-22-31-0000-00-022
 16-22-31-0000-00-024

LEGAL DESCRIPTION

LEGAL DESCRIPTION: PARCEL 16-22-31-0000-00-022, 2118 ROUSE ROAD, ORLANDO, FL 32817. PARCEL 16-22-31-0000-00-024, 2118 ROUSE ROAD, ORLANDO, FL 32817.

NOTES

NOTES: 1. THE LEGAL DESCRIPTION IS BASED ON THE RECORD DEED FOR THE PARCEL. 2. THE LEGAL DESCRIPTION IS BASED ON THE RECORD DEED FOR THE PARCEL.

OWNER

SHARON LUCAS
 2118 ROUSE ROAD
 ORLANDO, FL 32817

ENGINEER

JORDAN ENGINEERING
 3000 W. BOULEVARD, SUITE 100
 ORLANDO, FL 32817



SHEET INDEX & BULLETIN TABLE

SHEET NUMBER	TITLE	DATE
1	COVER SHEET	1/14/20
2	GENERAL NOTES	1/14/20
3	LEGAL DESCRIPTION	1/14/20
4	OWNER INFORMATION	1/14/20
5	ENGINEER INFORMATION	1/14/20
6	NOTES	1/14/20
7	LEGAL DESCRIPTION	1/14/20
8	OWNER INFORMATION	1/14/20
9	ENGINEER INFORMATION	1/14/20
10	NOTES	1/14/20

SITE DATA

SITE DATA: 2118 ROUSE ROAD, ORLANDO, FL 32817. PARCEL I.D. No: 16-22-31-0000-00-022, 16-22-31-0000-00-024.

LAND DEVELOPMENT CODE WAIVER REQUESTS

1. THE APPLICANT REQUESTS A WAIVER OF THE MINIMUM LOT AREA REQUIREMENT OF 10,000 SQ. FT. FOR THE PROPOSED DEVELOPMENT. THE WAIVER IS REQUESTED BECAUSE THE PROPOSED DEVELOPMENT IS A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT AND THE MINIMUM LOT AREA REQUIREMENT IS UNREASONABLY BURDENSOME FOR THIS TYPE OF DEVELOPMENT.

2. THE APPLICANT REQUESTS A WAIVER OF THE MINIMUM FRONT YARD SETBACK REQUIREMENT OF 10 FEET FOR THE PROPOSED DEVELOPMENT. THE WAIVER IS REQUESTED BECAUSE THE PROPOSED DEVELOPMENT IS A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT AND THE MINIMUM FRONT YARD SETBACK REQUIREMENT IS UNREASONABLY BURDENSOME FOR THIS TYPE OF DEVELOPMENT.

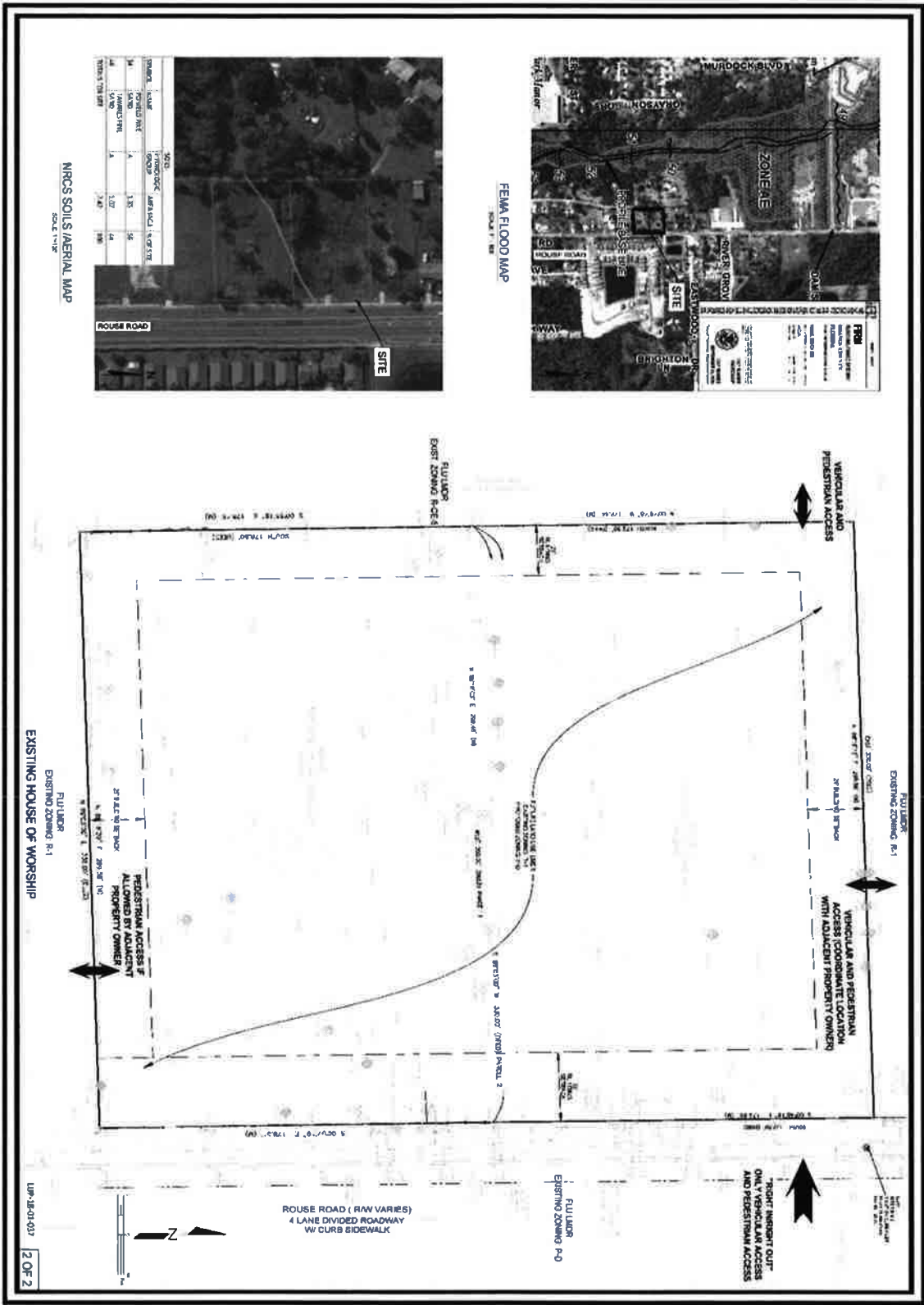
3. THE APPLICANT REQUESTS A WAIVER OF THE MINIMUM SIDE YARD SETBACK REQUIREMENT OF 5 FEET FOR THE PROPOSED DEVELOPMENT. THE WAIVER IS REQUESTED BECAUSE THE PROPOSED DEVELOPMENT IS A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT AND THE MINIMUM SIDE YARD SETBACK REQUIREMENT IS UNREASONABLY BURDENSOME FOR THIS TYPE OF DEVELOPMENT.

4. THE APPLICANT REQUESTS A WAIVER OF THE MINIMUM REAR YARD SETBACK REQUIREMENT OF 5 FEET FOR THE PROPOSED DEVELOPMENT. THE WAIVER IS REQUESTED BECAUSE THE PROPOSED DEVELOPMENT IS A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT AND THE MINIMUM REAR YARD SETBACK REQUIREMENT IS UNREASONABLY BURDENSOME FOR THIS TYPE OF DEVELOPMENT.

5. THE APPLICANT REQUESTS A WAIVER OF THE MINIMUM FRONT YARD SETBACK REQUIREMENT OF 10 FEET FOR THE PROPOSED DEVELOPMENT. THE WAIVER IS REQUESTED BECAUSE THE PROPOSED DEVELOPMENT IS A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT AND THE MINIMUM FRONT YARD SETBACK REQUIREMENT IS UNREASONABLY BURDENSOME FOR THIS TYPE OF DEVELOPMENT.



Rouse Road Villas PD / LUP

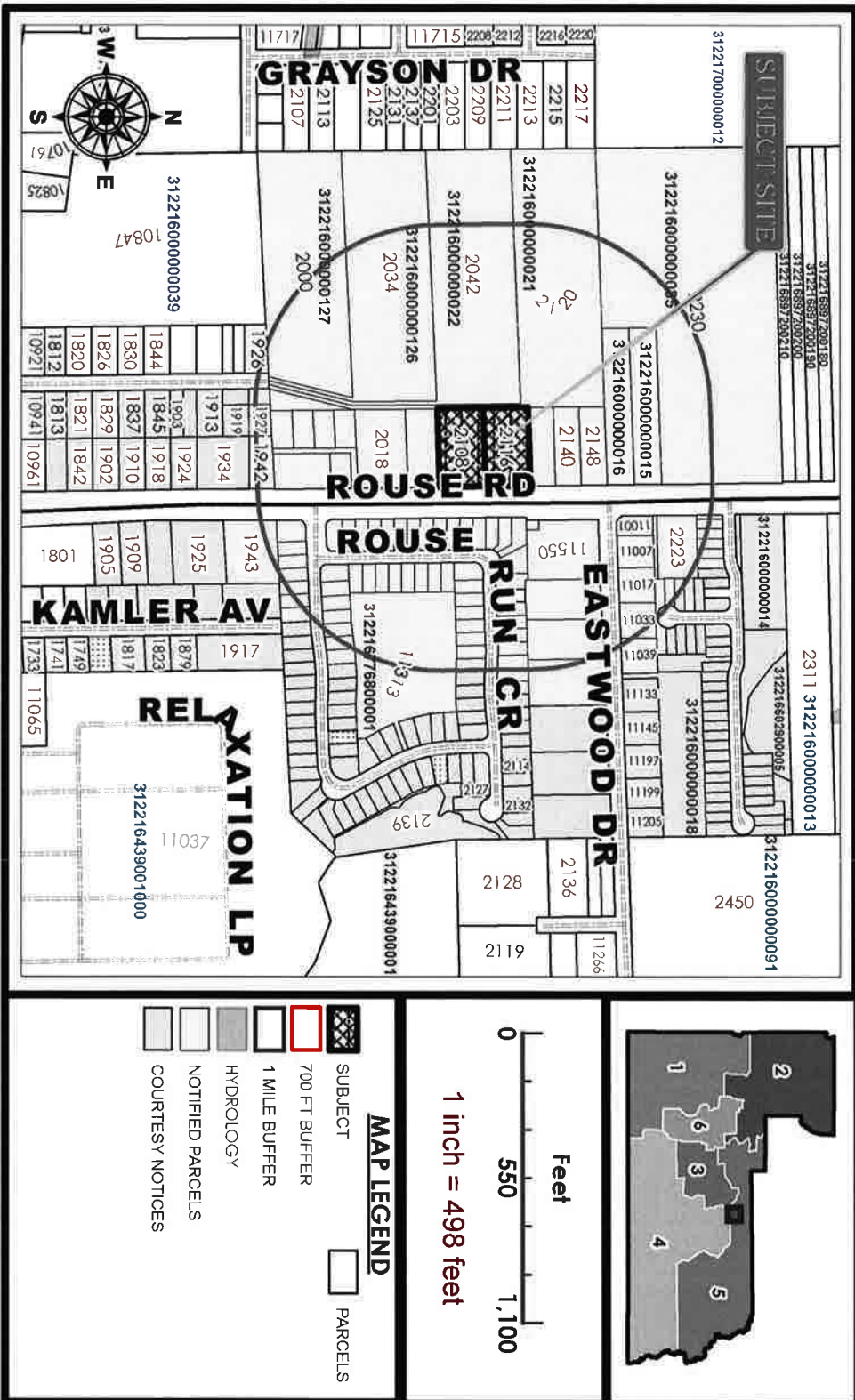


Notification Map



Public Notification Map

Rouse Road Villas_LUP-18-01-037
 700 FT BUFFER, 257 NOTICES



\\Cormat\gndepnt\Business Systems\Board Administration\SUBSTANTIAL CHANGE\2018\DRP\Rouse Road Villas_LUP-18-01-037\Rouse Road Villas_LUP-18-01-037.mxd