

CASE #CDR-19-08-267

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of November 6, 2019, to approve a substantial change to the Brentwood Club Preliminary Subdivision Plan to remove the October 16, 1989 BCC condition of approval #10 regarding installation of a fence along the western boundary where no natural vegetation exists, and to modify condition of approval #3 regarding CC&R's that prohibit clearing and removal of vegetation on the western 35 feet of the project boundary.

2. PROJECT ANALYSIS

- A. Location: North of Darlene Drive / West of South Apopka Vineland Road

- B. Parcel ID: 03-24-28-0909-00-080; 03-24-28-0909-00-090;
03-24-28-0909-00-100; 03-24-28-0909-00-110;
03-24-28-0909-00-120; 03-24-28-0909-00-130;
03-24-28-0909-00-140; 03-24-28-0909-00-150;
03-24-28-0909-00-160; 03-24-28-0909-00-170;
03-24-28-0909-00-180; 03-24-28-0909-00-190;
03-24-28-0909-00-200; 03-24-28-0909-00-210;
03-24-28-0909-00-220; 03-24-28-0909-00-230;
03-24-28-0909-00-240; 03-24-28-0909-00-250;
03-24-28-0909-00-260; 03-24-28-0909-00-270;
03-24-28-0909-00-280

- C. Total Acres: 10.82 gross acres (affected parcels only)

- D. Water Supply: Orlando Utilities Commission

- E. Sewer System: Orange County Utilities

- F. Schools: Bay Meadows ES Capacity: 801 / Enrolled: 678
Southwest MS Capacity: 1,162 / Enrolled: 1,549
Dr. Phillips HS Capacity: 2,798 / Enrolled: 3,818

- G. School Population: 121 (entire PSP)

- H. Parks: Dr. P. Phillips Community Park – 2 Miles

- I. Proposed Use: 287 Single-Family Residential Dwelling Units (entire PSP)

- J. Site Data: Maximum Building Height: 35' (2-stories)
Minimum Living Area: 2,200 Square Feet

Building Setbacks:
30' Front
7.5' Side
35' Rear

K. Fire Station: 31 – 6116 Apopka Vineland Road

L. Transportation: The Transportation Planning Division reviewed this request but did not identify any issues or concerns.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Density Residential. The zoning is R-1AA (Single-Family Dwelling District) is consistent with the Future Land Use Map designation.

4. ZONING

R-1AA (Single-Family Dwelling District)

5. REQUESTED ACTION:

Should the Board approve associated rezoning request RZ-19-09-037, the Development Review Committee recommends approving the request to modify the October 16, 1989 BCC condition of approval #10 and to modify condition of approval #3, as presented below:

1. Development shall conform to the Brentwood Club Preliminary Subdivision Plan, dated ~~“Received September 5, 1989”~~ “Received November 7, 2019,” and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent they are expressly waived or modified by these conditions or by action of Orange County.
2. Prior to platting or construction plan submittal, a survey for legally protected plant and animal species shall be submitted to the Planning Department for review and approval. If any legally protected plant and animal species are found on-site, then a management plan for said species shall be submitted and approved by the Planning Department and the Florida Game and Freshwater Fish Commission prior to construction plan approval.
3. Prior to platting, deed restrictions and covenants shall be filed that prohibit clearing or removal of vegetation including ground cover or placement of any structures on the western 35 feet of the project, with the exception of Lots 74 - 95, as shown on PSP plan dated “Received November 7, 2019.”

4. Prior to platting, the developer shall execute a developer's agreement or sales contract with the School Board regarding Tract #3.
5. The developer shall obtain wastewater service from Orange County subject to the Orange County Rate Resolution Rules and Ordinances. ~~No construction plans will be approved until wastewater capacity has been purchased.~~
6. Prior to platting, documentation shall be submitted regarding formation of a mandatory Home Owners Association for maintenance of the stormwater retention pond.
7. ~~Prior to platting, existing structures shall be removed.~~
8. Turn lanes shall be constructed on Apopka-Vineland Road at the project entrance.
9. Twenty-foot fee simple access shall be required for retention ponds.
10. ~~The developer will be responsible for the fence along the westerly boundary where no natural vegetation exists prior to issuance of Certificate of Completion.~~

Existing deed restrictions and covenants shall be amended to state that the westerly 35 feet of Brentwood Club subdivision, is to remain in its natural vegetative state, as well as prohibit the placement of any structures within that buffer; or alternatively, the individual property owners of Lots 74-95 of the Brentwood Club PSP ("property owners") shall provide a minimum ten (10) foot opaque landscape buffer. This buffer shall consist of natural vegetation, or planted with a hedge species capable of reaching a minimum height of twelve (12) feet at full-growth. If hedges are chosen, they must be planted in the middle of the ten (10) foot buffer at three (3) feet in height and a maximum separation distance of five (5) feet on-center. Property owners may elect to keep a portion or all of the natural vegetation so long as there is an opaque screening (with existing or additional plantings) to the adjoining western property at full-growth of the plant material. Any type of buffer that is provided must be kept clear of vines.

11. The developer will escrow the funds for the construction of the sidewalk along Apopka-Vineland Road prior to issuance of a Certificate of Completion.