



Interoffice Memorandum

DATE: July 30, 2019

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director *JVW*
Planning, Environmental and Development
Services Department

CONTACT PERSON: **Eric Raasch, DRC Chairman** *ERR*
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: August 20, 2019 – Public Hearing
Applicant: Steve Mellich, Mellich Blenden Engineering, Inc.
Avalon Park Planned Development / Avalon Town Center
Townhomes Preliminary Subdivision Plan
Case # PSP-18-12-403

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 10, 2019, to approve the Avalon Park Planned Development (PD) / Avalon Town Center Townhomes Preliminary Subdivision Plan (PSP) to subdivide 1.45 acres in order to construct 24 attached single-family residential dwelling units.

The request also includes the following waiver from Orange County Code:

- 1) A waiver from Section 34-152(c) to allow the lots to front a mew, open space, etc., instead of a County roadway. Legal access to these lots will be through an egress / ingress easement shown on the plat, in lieu of 20' fee simple as required by code.

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 Avalon Park PD / Avalon Town Center Townhomes PSP dated "Received July 8, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

JVW/EPR/lme
Attachments

CASE # PSP-18-12-403

Commission District # 4

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 10, 2019, to approve the Avalon Park Planned Development (PD) / Avalon Town Center Townhomes Preliminary Subdivision Plan (PSP) to subdivide 1.45 acres in order to construct 24 attached single-family residential dwelling units.

The request also includes the following waiver from Orange County Code:

- 1) A waiver from Section 34-152(c) to allow the lots to front a mew, open space, etc., instead of a County roadway. Legal access to these lots will be through an egress / ingress easement shown on the plat, in lieu of 20' fee simple as required by code.

2. PROJECT ANALYSIS

- A. Location: North of Tanja King Boulevard / West of Avalon Park West Boulevard
- B. Parcel ID: 06-23-32-1027-06-002
- C. Total Acres: 1.45 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Stone Lakes ES Capacity: 752 / Enrolled: 783
Avalon MS Capacity: 970 / Enrolled: 1,032
Timber Creek HS Capacity: 2,592 / Enrolled: 3,413
- G. School Population: 7
- H. Parks: Avalon Mailer Trailhead – 1 Mile
- I. Proposed Use: 24 Attached Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 40' (3-stories)
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width: 20'
Building Setbacks:
 - 5' Front
 - 0' Side
 - 0' Rear

- K. Fire Station: 85 – 13801 Townsend Drive

- L. Transportation: Based on the Concurrency Management System database, dated December 22, 2018, there are no failing roadways within a one-mile radius of this development. This information is dated and subject to change. An approved Capacity Encumbrance Letter is required prior to obtaining a building permit.

3. COMPREHENSIVE PLAN

The Future Land Use designation of the subject parcel is Traditional Neighborhood Development (TND). This is consistent with the Comprehensive Plan and the associated Avalon Park Planned Development (PD).

4. ZONING

PD (Planned Development District) (Avalon Park PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Avalon Park Planned Development (PD); Orange County Board of County Commissioners (BCC) approvals; Avalon Town Center Townhomes Preliminary Subdivision Plan dated "Received July 8, 2019," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received July 8, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the

plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.

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 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. 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.
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. A Master Utility Plan (MUP) for the PSP 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 and be consistent with the approved and up-to-date MUP for the PD.
12. Construction plans within this PSP shall be consistent with approved and up-to-date Master Utility Plans (MUP) for the PSP and PD. MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
13. The plat and the Conditions, Covenants, and Restrictions (CC&Rs) for this project shall notify homeowners of the following: Homeowners own and

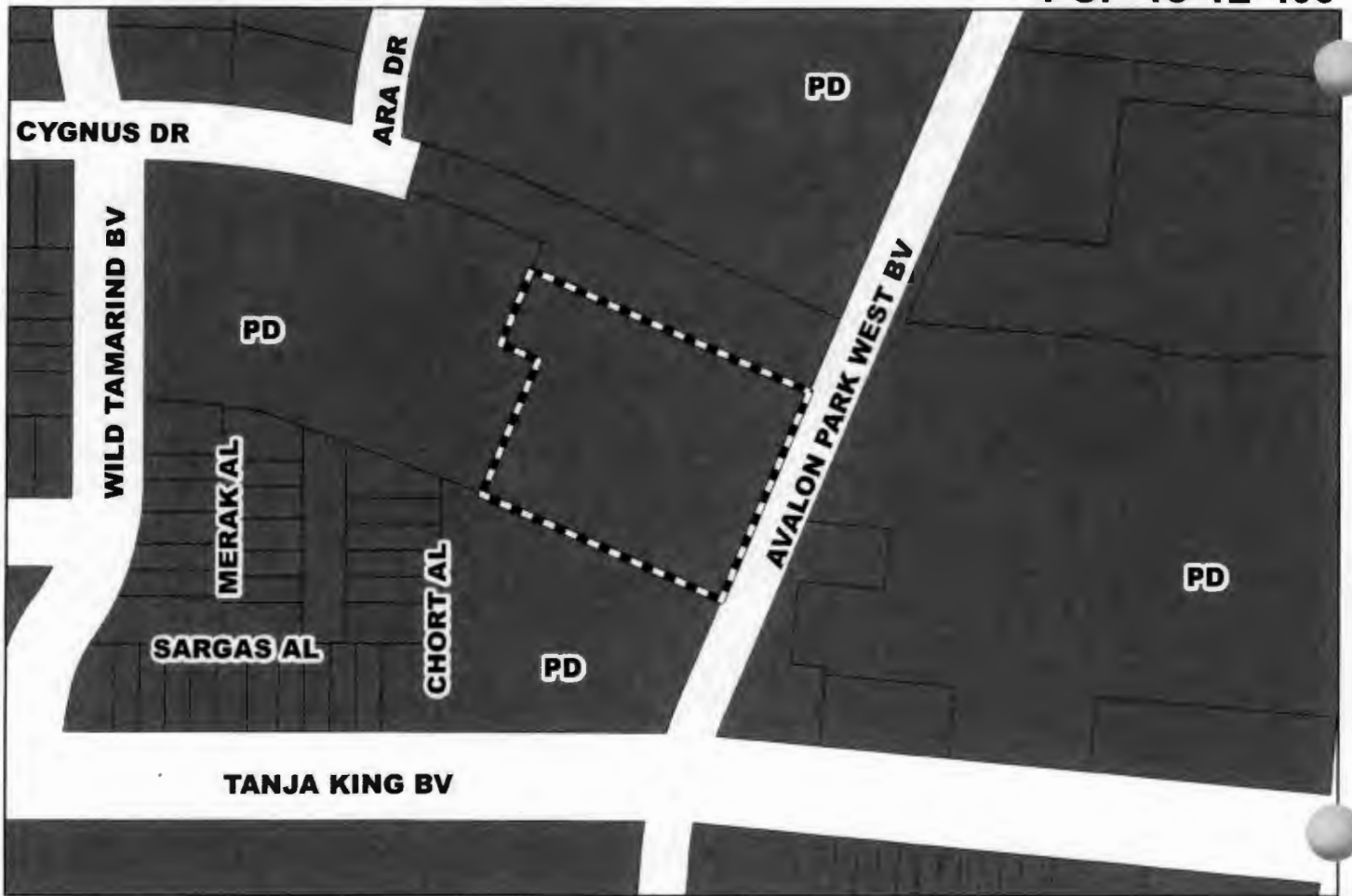
maintain their individual water services which extend to their homes from public water meters located adjacent to public road right-of-way and/or public utility easements. The owners of the affected lots shall be granted access to HOA-owned tracts for the purpose of maintaining their water services.

14. Where public gravity mains will be located within alleyways, the distance from structure to structure shall be a minimum of 38 feet. To meet this requirement, setbacks for affected lots on the PSP shall be a minimum of 19 feet from the centerline of the alley, based on the utility configuration shown in the PSP.
15. If any public utility infrastructure will be located outside public right-of-way on property owned by an entity other than the developer, construction plans shall not be approved until the developer has provided the County with the appropriate easements for such public utility mains; such easements shall be recorded in the public records of Orange County, Florida.
16. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan.
17. Property shall be aggregated through the Orange County Property Appraiser into one parcel prior to submitting for any building permits.
18. All home designs/types proposed for this PSP shall be submitted to the County for setback & architectural review a minimum of 90 days prior to model home requests and/or permitting.
19. Prior to construction plan approval, documentation shall be provided that this project has the legal right to tie into the master drainage system.
20. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
21. 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.
22. 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.
23. 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.

24. Prior to construction plan approval, an access easement over Cygnus Drive for the perpetual use of the public shall be recorded.

25. A waiver from Orange County Code Section 34-152(c) is granted to allow the lots to front a mew, open space, etc., instead of a County roadway. Legal access to these lots will be through an egress / ingress easement shown on the plat, in lieu of 20' fee simple as required by code.



 Subject Parcels



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Steve Mellich, Mellich Blenden Engineering, Inc.

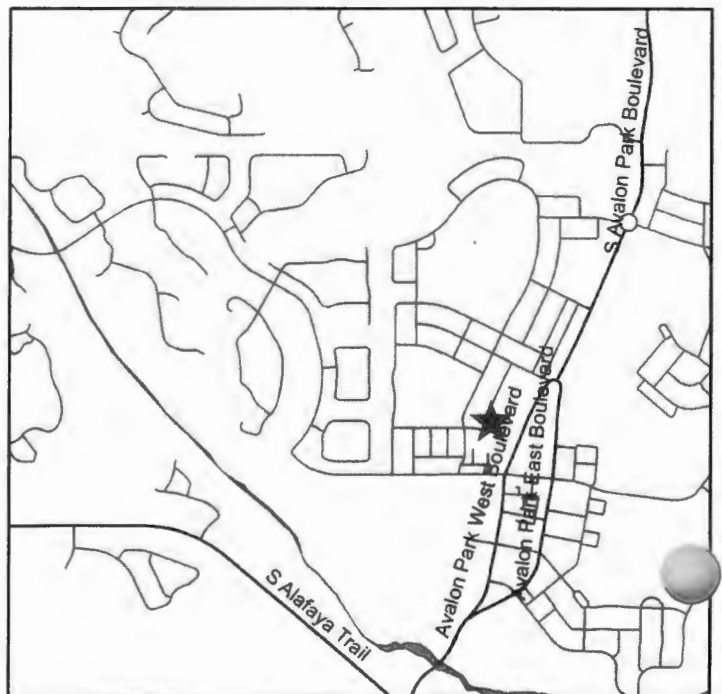
LOCATION: North of Tanja King Boulevard / West of Avalon Park West Boulevard

TRACT SIZE: 1.45 acres

DISTRICT: 4

S/T/R: 06/23/32

1 inch = 167 feet



AVALON PARK PD/AVALON TOWN CENTER PSP/ A PORTION OF TRACT 6 / AVALON TOWNHOMES

CASE NO. PSP-18-12-403(DE)

SITE DATA

GENERAL:

CURRENT USE:	VACANT
LAND USE:	PLANNED DEVELOPMENT
CURRENT ZONING:	PD
PROPOSED USE:	RESIDENTIAL TOWNHOMES
GROSS LAND AREA:	1.48 AC
WETLANDS:	0.00 AC
NET DEVELOPABLE AREA:	1.48 ACRES
MAXIMUM IMPERVIOUS AREA:	9328
PROPOSED IMPERVIOUS AREA:	1,028 ACRES (70,680)
OPEN SPACE:	0.442 ACRES (30,200)

RESIDENTIAL DATA:

PROPOSED RESIDENTIAL UNITS:	25
PROPOSED DENSITY:	25/1.48 = 17.24 DU/AC
MINIMUM LOT WIDTH:	20'
MINIMUM LOT SIZE:	20' X 80'
MINIMUM LOT DEPTH:	60'
MAXIMUM BUILDING HEIGHT:	40' (3 STORIES)
PROPOSED BUILDING HEIGHT:	40' MAX.
MAXIMUM BUILDING LENGTH:	200'
MINIMUM LIVING AREA:	1,000 S.F. (HEATED AND COOLED ONLY)
PROJECT SCHOOL AGE POPULATION:	7 STUDENTS (25 X 0.250)
PROJECTED TRAFFIC IMPACT:	173 A.D.T. (25 X 7)
PHASING:	1 PHASE

SETBACKS:

FRONT: 5' MIN.	FROM GARAGE TO E.O.P.: 5' MIN.
REAR: 0 FEET	REAR TO REAR: 30' MIN.
SIDE: 0 FEET	BLDG. SEPARATION: 10' MIN.
CORNER LOT: 3' MIN.	REAR SETBACK FOR GRAVITY SEWER IN ALLEY: 10'

REQUIRED: 80% OF THE BUILDINGS ON THE BLOCK SHOULD CONFORM TO THE BUILD-TO LINE.
PROVIDED: 100% OF THE BUILDINGS ON THE BLOCK CONFORM TO THE BUILD-TO LINE.
REQUIRED: PARKING LOTS MUST BE SCREENED FROM STREETS WITH A 3' TALL WALL OR HEDGE.

PRELIMINARY STORMWATER CALCULATIONS

THIS SITE IS PART OF BASIN 610A OF THE AVALON MASTER STORMWATER PLAN.
STORMWATER TREATMENT IS PROVIDED IN POND 61A.

SERVICES PROVIDED

WATER AND WASTEWATER:	ORANGE COUNTY UTILITIES
SOLID WASTE:	ORANGE COUNTY UTILITIES
ELECTRIC SERVICE:	DUNE ENERGY
TELEPHONE SERVICE:	AT&T
FIRE:	ORANGE COUNTY
POLICE:	ORANGE COUNTY SHERIFF DEPT.

RECREATION PROVIDED

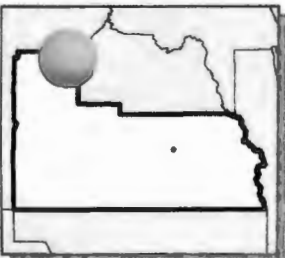
ALL RECREATION REQUIREMENTS FOR THE PD HAVE BEEN MET WITHIN THE EXISTING PD AND ARE IN PLACE.

PARKING REQUIREMENTS

SPACES REQUIRED: TOWNHOME LOTS X 2 = 25 X 2 = 50 SPACES
PARKING PROVIDED: 50 GARAGE SPACES + 4 ON-SITE + 9 STREET PARKING = 63 SPACES

NOTES

- EXISTING STRUCTURES AND DRIVEWAY CUTS SHALL BE REMOVED PRIOR TO CONSTRUCTION
- STORMWATER MANAGEMENT FACILITIES WILL BE PROVIDED ACCORDING TO ORANGE COUNTY AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT REQUIREMENTS.
- THIS PROJECT WILL COMPLY WITH THE CURRENT ORANGE COUNTY ANBOR ORDINANCE.
- THIS PROJECT IS A SINGLE PHASE PROJECT.
- BILLBOARDS AND POLE SIGNS SHALL BE PROHIBITED. GROUND AND FASCIA SIGNS SHALL COMPLY WITH THE MASTER SIGN PLAN.
- IT IS ANTICIPATED THAT FINISH FLOOR ELEVATIONS OF SOME PERIMETER LOTS WILL VARY MORE THAN ONE FOOT ABOVE EXISTING GRADE. TYPICALLY THIS WILL BE 1 TO 2 FEET
- ALL CONSTRUCTION DETAILS ARE CONCEPTUAL AND SUBJECT TO REVIEW AND MODIFICATION DURING THE APPROVAL OF FINAL CONSTRUCTION PLANS.
- THE 13' SIDEWALK AND UTILITY EASEMENT SHALL BE MAINTAINED BY THE HOA.
- THE 20' ACCESS, DRAINAGE AND UTILITY EASEMENT SHALL BE MAINTAINED BY THE HOA.
- IN ACCORDANCE WITH SECTION 30-1227, ANY VARIATIONS FROM COUNTY CODE MINIMUM STANDARDS REPRESENTED ON THIS PLAN THAT HAVE NOT BEEN EXPRESSLY APPROVED BY BCC ARE INVALID.
- PROJECT SHALL COMPLY WITH THE COMMERCIAL DESIGN STANDARDS SET FORTH IN ARTICLE XII OF CHAPTER 9 OF THE ORANGE COUNTY LAND DEVELOPMENT CODE AND THE AVALON PARK COMMERCIAL DESIGN STANDARDS.
- BALCONIES, PORCHES, STOOPS, AND ROOF OVERHANGS MAY ENROACH INTO FRONT SETBACK AND CORNER LOT SIDE SETBACK. BALCONIES AND ROOF OVERHANGS MAY ENROACH INTO THE REAR SETBACK.
- ALL AREAS NOT DESIGNATED AS PARKING ZONES SHALL BE POSTED "NO PARKING" PER 18.2.3.1 NFPA(FPC 8th EDITION). "NO PARKING" SIGNAGE SHALL BE LOCATED ON ALL STREET LIGHT POSTS OUTSIDE OF THE SPECIFIED PARKING ZONES.
- THE PLAT AND THE CONDITIONS, COVENANTS AND RESTRICTIONS (CC&Rs) FOR THIS PROJECT SHALL NOTIFY HOMEOWNERS OF THE FOLLOWING: HOMEOWNERS OWN AND MAINTAIN THEIR INDIVIDUAL WATER SERVICES WHICH EXTEND TO THEIR HOMES FROM PUBLIC WATER METERS LOCATED ADJACENT TO PUBLIC ROAD RIGHT OF WAYS AND/OR PUBLIC UTILITY EASEMENTS. THE OWNERS OF THE AFFECTED LOTS SHALL BE GRANTED ACCESS TO HOA OWNED TRACTS FOR THE PURPOSE OF MAINTAINING THEIR WATER SERVICES.
- A MINIMUM 35-FOOT CLEAR ZONE IS REQUIRED FROM BUILDING TO BUILDING. MINIMUM 26-FOOT ZONE CLEAR OF FENCES. A 26 FOOT UTILITY EASEMENT CENTERED ON THE ALLEY IS REQUIRED. GRAVITY MAINS MUST BE PLACED WITHIN THREE FEET OF THE CENTER OF THE ALLEY. GRAVITY SERVICE CLEANOUTS WILL BE LOCATED APPROXIMATELY TWO FEET FROM THE EDGE OF PAVEMENT, AND SHALL BE TRAFFIC BEARING. INDIVIDUAL LOT OWNERS WILL OWN AND MAINTAIN THEIR WASTEWATER SERVICE FROM THE CLEANOUT TO THE HOME. ALL OTHER SYSTEMS SHALL BE OWNED AND MAINTAINED BY COU. ALL GRAVITY MAINS SHALL BE 8-INCH DIAMETER AND UPGRADED TO SDR-26 PVC PIPE. THE WASTEWATER GRAVITY SYSTEM EXTENDING INTO THE ALLEYWAY WILL HAVE NO MORE THAN ONE MANHOLE (THE TERMINAL MANHOLE). IN ACCORDANCE WITH FDEP REQUIREMENTS, THE MAXIMUM LENGTH OF PIPE BETWEEN THE TERMINAL MANHOLE AND THE DOWNSTREAM MANHOLE LOCATED IN ROAD RIGHT-OF-WAY IS 400 FEET. GRAVITY SYSTEMS CAN EXTEND INTO THE ALLEYWAY FROM EITHER DIRECTION, SO THERE CAN BE TWO MANHOLES LOCATED IN THE SAME ALLEYWAY AS LONG AS BOTH ARE TERMINAL MANHOLES FLOWING IN OPPOSITE DIRECTIONS. GRAVITY MAINS SHALL HAVE A MAXIMUM OF FIVE FEET OF COVER.
- ALL STORM DRAIN INLETS CONSTRUCTED AS PART OF NEW DEVELOPMENT PROJECTS IN ORANGE COUNTY SHALL HAVE METAL MEDALLION INLET MARKERS INSTALLED. TEXT ON THE MARKER SHALL BE EVENLY SPACED AND READ "NO DUMPING, ONLY RAIN IN THE DRAIN". MARKERS MUST BE COMMERCIAL GRADE STAINLESS STEEL, ALUMINUM, BRASS OR BRONZE AND EITHER STAMPED FROM SHEET METAL OR CAST. METAL MARKER COLOR MUST BE NON-REFLECTIVE BLUE OR GREEN. AQUATIC CREATURE OR SYMBOL SHOWN ON MARKER SHALL BE CONSISTENT THROUGHOUT THE SUBDIVISION. MARKERS MUST BE AFFIXED TO A CLEAN, PREPARED SURFACE WITH ADHESIVES, FASTENERS, OR HEAT AS RECOMMENDED BY THE MANUFACTURER. MARKERS SHALL BE ALIGNED WITH THE CENTER OF THE DRAINAGE INLETS AT THE TOP OF THE CURB. LETTERING MUST BE BETWEEN 0.4 - 0.5 INCHES AND THE TOTAL DIAMETER OF THE MARKER BETWEEN 3.75 - 4.25 INCHES.



Avalon Park PD - Avalon Town Center Townhomes PSP - PSP-18-12-403



	Parcels		Subject Property		Jurisdiction		Hydrology
--	---------	--	------------------	--	--------------	--	-----------

1 : 600
1 in : 50 ft