

CASE # DP-18-02-050

Commission District # 2

1. REQUEST

This public hearing is to consider an appeal of the Development Review Committee's (DRC) decision of August 14, 2019, to approve the Polo Glen Planned Development (PD) / Polo Glen at Lake Betty Development Plan (DP) for 336 multi-family residential dwelling units on 45.75 gross acres.

2. PROJECT ANALYSIS

- A. Location: North of Maitland Boulevard / East of South Orange Blossom Trail
- B. Parcel IDs: 30-21-29-0000-00-001
- C. Total Acres: 45.75
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Lockhart ES: Capacity 594 / Enrolled 476
Lockhart MS: Capacity 753 / Enrolled 879
Wekiva HS: Capacity 2,707 / Enrolled 2,055
- G. School Population: 96
- H. Parks: Riverside Acres – 2.75 Miles
- I. Proposed Uses: 336 Multi-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 45' (3-stories)
Minimum Living Area: 606 Square Feet
Building Setbacks:
 - 50' Front
 - 5' Side
 - 25' Perimeter
 - 25' Rear
 - 50' US 441
- K. Fire Station: 40 – 5570 West Beggs Road
- L. Transportation: This project is located in the Alternative Mobility Area (AMA) and will be exempt from concurrency.

3. SPECIAL INFORMATION

The Polo Glen Planned Development (PD) was originally approved on March 18, 2008, and includes four hundred eighty (480) multi-family residential units. The Polo Glen Planned Development (PD) / Polo Glen at Lake Betty Development Plan (DP) was originally heard by the DRC on February 27, 2019. No action was taken, and the applicant was directed to address the park requirement indicated on the PD Land Use Plan, as well as to work with the adjacent property owner, Northrop Grumman, to address access issues. The DP was next heard by the DRC on April 24, 2019. At that meeting, the request was postponed to allow the applicant and the Northrop Grumman representative to meet with FDOT to try and resolve an access issue. At the June 12, 2019, DRC meeting the request was once again postponed in order to obtain documentation from FDOT, for submittal of a revised plan, and to allow time for approval of a private agreement between Northrop Grumman and Polo Glen. On August 14, 2019, the Development Review Committee (DRC) voted to approve the Polo Glen at Lake Betty DP, although the plan shows a directional turn lane and a signal at Pemberton Drive, noting that FDOT may approve moving the signal to Laser Drive, which would require a change determination to update the development plan to show the new location of the signal. It was noted that a traffic study has been submitted to FDOT, which would warrant the signal, however the timing analysis had not been completed.

4. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Planned Development-Medium Density Residential / Parks & Recreation (PD-MDR/PR). The request is consistent with the Comprehensive Plan.

5. ZONING

PD (Planned Development District) (Polo Glen PD)

6. REQUESTED ACTION:

Uphold the DRC action of August 14, 2019 and approve the request, subject to the following conditions:

1. Development shall conform to the Polo Glen Planned Development; Orange County Board of County Commissioners (BCC) approvals; Polo Glen at Lake Betty Development Plan dated "Received June 24, 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.

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 development 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. Development plan (DP) approval by the DRC (or BCC, as applicable), shall automatically expire if construction plans are required and have not been submitted and approved within two (2) years from DP approval; if construction plans are not required, such DP shall expire two (2) years from approval unless a building permit has been obtained within such two-year period. The foregoing notwithstanding, the DRC may, upon good cause shown, grant successive one (1) year extensions to the expiration date of a DP if the developer makes written request to the DRC chair prior to the expiration date.
 7. 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.
 8. 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.
 9. 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).
 10. 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.

11. 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.
12. 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.
13. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
14. 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.
15. Short term and transient rental shall be prohibited. Length of stay shall be for a minimum of 180 consecutive days.
16. New Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Orange County Code Chapter 31.5.
17. Unless otherwise allowed by County Code, the property shall be platted prior to the issuance of any vertical building permits.
18. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
19. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal and concurrent with construction plan submittal. 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.
20. 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.
 21. There shall be no watercraft permitted on Lake Betty.
 22. A stormwater pond sharing agreement between the Orange County Parks and Recreation Division and the Developer shall be recorded prior to platting.
 23. No vertical building permits shall be issued until Orange County has received the final decision from FDOT on the relocation of the traffic signal currently anticipated to be located at Pemberton Drive.