



Interoffice Memorandum

DATE: April 22, 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, Interim DRC Chairman**
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: May 21, 2019 – Public Hearing
Applicant: James Hoffman, VHB, Inc.
Monk Property Planned Development / Monk Property Preliminary
Subdivision Plan
Case # PSP-18-10-340

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of March 27, 2019, to approve the Monk Property Planned Development (PD) / Monk Property Preliminary Subdivision Plan (PSP) to subdivide 49.57 acres in order to construct 81 single-family residential dwelling units.

This request also includes the following waivers from Orange County Code:

- 1) A waiver from Section 38-1385.5(b)(9)(c) is granted to allow a minimum rear-yard setback of 20' for any lots that are not abutting adjacent property along the eastern property line, in lieu of the minimum 25' rear yard primary building setback required for lots within the Estate Home District.
- 2) A waiver from Section 38-1384(i)(4) is granted to allow lots greater than 50' in width that face neighborhood squares and parks to be front loaded, in lieu of access from a rear alley or from a rear-yard garage.

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 (CP) and approve the Monk Property Planned Development / Monk Property Preliminary Subdivision Plan dated "Received April 10, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report.
District 1

JVW/EPR/lme
Attachments

CASE # PSP-18-10-340

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of March 27, 2019, to approve the Monk Property Planned Development (PD) / Monk Property Preliminary Subdivision Plan (PSP) to subdivide 49.57 acres in order to construct 81 single-family residential dwelling units.

This request also includes the following waivers from Orange County Code:

- 1) A waiver from Section 38-1385.5(b)(9)(c) is granted to allow a minimum rear-yard setback of 20' for any lots that are not abutting adjacent property along the eastern property line, in lieu of the minimum 25' rear yard primary building setback required by code for lots within the Estate Home District.
- 2) A waiver from Section 38-1384(i)(4) is granted to allow lots greater than 50' in width that face neighborhood squares and parks to be front loaded, in lieu of access from a rear alley or from a rear-yard garage.

2. PROJECT ANALYSIS

- | | |
|-----------------------|---|
| A. Location: | North of Overstreet Road / South of Winter Garden Vineland Road |
| B. Parcel ID: | 23-23-27-0000-00-007, 23-23-27-0000-00-013,
23-23-27-0000-00-026 |
| C. Total Acres: | 49.57 gross acres |
| D. Water Supply: | Orange County Utilities |
| E. Sewer System: | Orange County Utilities |
| F. Schools: | Sunset Park ES Capacity: 753 / Enrolled: 959
Bridgewater MS Capacity: 1,040 / Enrolled: 2,678
Windermere HS Capacity: 2,753 / Enrolled: 3,374 |
| G. School Population: | 39 |
| H. Parks: | Deputy Scott Pine Community Park – 1 Mile |
| I. Proposed Use: | 81 Single-Family Residential Dwelling Units |
| J. Site Data: | Maximum Building Height: 45' (3-stories)
Minimum Living Area: 1,200 Square Feet |

Building Setbacks:
15' Front
4' Side
10' Side Street
20' Rear
50' NHWE

K. Fire Station: 35 – 7435 Winter Garden Vineland Road

L. Transportation: Based on the concurrency management system database dated October 31, 2018, this project will impact two failing roadway segments along Winter Garden Vineland Road from Ficquette Road to Lake Butler Blvd. and Reams Road to Chase Road. On September 19, 2018, the Road Agreement Committee approved a proportionate share agreement for this development for \$414,305.00 as mitigation for 16 p.m. peak hour trips. This agreement was approved by the Board on April 9, 2019.

3. COMPREHENSIVE PLAN

The Future Land Use designation of the subject parcel is Village (V) and is within the Village of Lakeside of Horizon West. The Special Planning Area map of the Village of Lakeside shows the property is designated as Estate District. This is consistent with the Comprehensive Plan and the associated Monk Property Planned Development (PD).

4. ZONING

PD (Planned Development District) (Monk Property PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Monk Property Planned Development (PD); Orange County Board of County Commissioners (BCC) approvals; Monk Property Preliminary Subdivision Plan dated "Received April 10, 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 April 10, 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 at the public hearing where this development was approved, 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. 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 or 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).

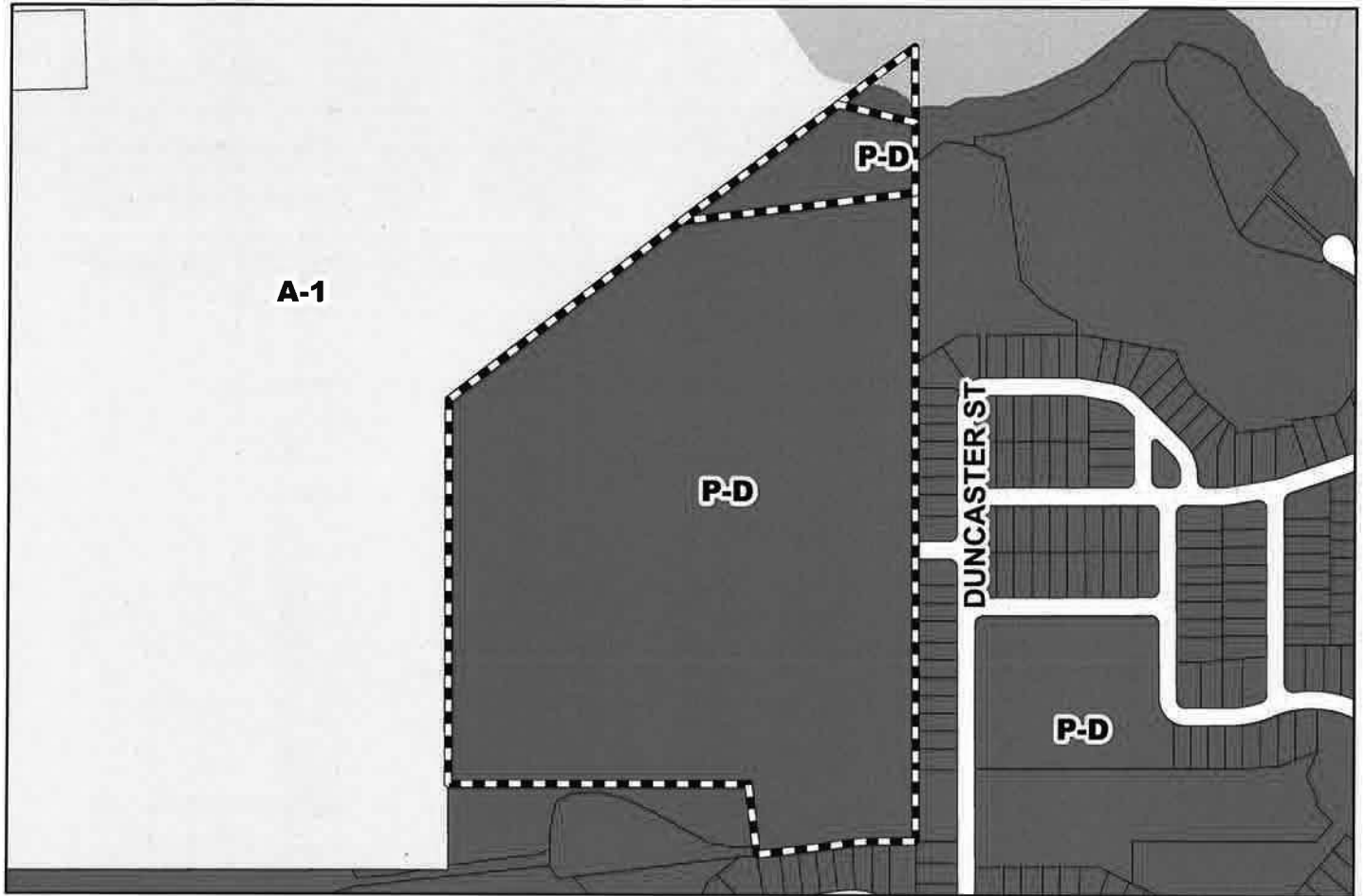
6. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
7. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading permit plans or review of construction plans if a Phase II Environmental Site Assessment acceptable to EPD and the Florida Department of Environmental Protection (FDEP) finds any contaminants exceeding applicable state standards, the applicant shall submit a copy of a FDEP site clean-up plan approval and a copy of a FDEP statement that the clean-up has been completed. This shall be provided to Orange County Environmental Protection Division and Development Engineering Division by submittal of either an FDEP No Further Action letter or Site Rehabilitation Completion Order (SRCO) with or without conditions or controls, or documentation of specific permissions from FDEP.
8. 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.
9. 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.
10. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

11. 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).
12. 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.
13. The covenants, conditions, and restrictions (CC&Rs), or as appropriate, a recorded restrictive covenant on the property and a note on the plat shall include notification to the homebuyers and HOA/POA that neither potable wells nor irrigation wells using local groundwater will be allowed on site.
14. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, shall include notification of the prior use of this property as a citrus grove.
15. 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.
16. 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.
17. 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 updated MUP must be approved prior to construction plan approval.

18. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD, including hydraulically dependent parcels outside the PD boundaries; such MUP shall include supporting calculations showing that the PD-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
19. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
20. Unless otherwise specified to the County's satisfaction in the PSP, a Development Plan, in conformance with the requirements of Section 34-131(b) (20), including the appropriate group type, is required for the park / recreation tract(s) within this Preliminary Subdivision Plan (PSP), or phase thereof, as appropriate. Regardless of whether the park / recreation tract is included in the PSP or approved via a separate Development Plan, the park / recreation area tract(s) shall be constructed in conjunction with the subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located. Temporary Addressing, must be provided for permits and the C of C must be issued prior to approval and recording of a plat.
21. New streets which are an extension of or in alignment with existing streets shall bear the same name as that borne by such existing streets.
22. 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.
23. In order to comply with the intent of Section 177.091(18), F.S., lot numbers at plat must be consecutive and consistent with the PSP. Failure to meet this requirement may require a change to the PSP and may delay approval of the plat.
24. All existing structures with the exception of the Cell Tower shall be removed prior to plat approval.
25. 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.
26. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles,

and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

27. 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.
28. 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.
29. If fire department access cannot be reached within 50' of an exterior door, an approved automatic fire sprinkler system shall be required in accordance with NFPA 1- Chapter 18 (FFPC 6th edition).
30. A waiver from Orange County Code Section 38-1385.5(b)(9)(c) is granted to allow a minimum rear-yard setback of 20' for any lots that are not abutting adjacent property along the eastern property line, in lieu of the minimum 25' rear yard primary building setback required by code for lots within the Estate Home District.
31. A waiver from Orange County Code Section 38-1384(i)(4) is granted to allow lots greater than 50' in width that face neighborhood squares and parks to be front loaded in lieu of access from a rear alley or from a rear-yard garage.
32. The covenants, conditions, and restrictions (CC&Rs), or as appropriate, a recorded restrictive covenant on the property and a note on the plat shall include notification to the homebuyers and HOA/POA that a cell tower is on site.



 Subject Property



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: James Hoffman, VHB, Inc.

LOCATION: North of Overstreet Road /
South of Winter Garden Vineland Road

TRACT SIZE: 49.57 gross acres

DISTRICT: 1

S/T/R: 23/23/27

1 inch = 489 feet





225 E Robinson Street
Suite 300
Orlando, FL 32801
407.859.4806
Certificate of Authorization
Number: FL #3932

LEGEND

- PROPOSED ROADWAY
- PROPOSED DRIVEWAY
- PROPOSED SIDEWALK
- PROPOSED BIKEWAY
- PROPOSED UTILITY
- PROPOSED FENCE
- PROPOSED SIGN
- PROPOSED LIGHT
- PROPOSED TREE
- PROPOSED LANDSCAPE
- PROPOSED FURNITURE
- PROPOSED SIGNAGE
- PROPOSED LIGHTING
- PROPOSED UTILITY
- PROPOSED FENCE
- PROPOSED SIGN
- PROPOSED LIGHT
- PROPOSED TREE
- PROPOSED LANDSCAPE
- PROPOSED FURNITURE
- PROPOSED SIGNAGE
- PROPOSED LIGHTING

NOTES:
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.



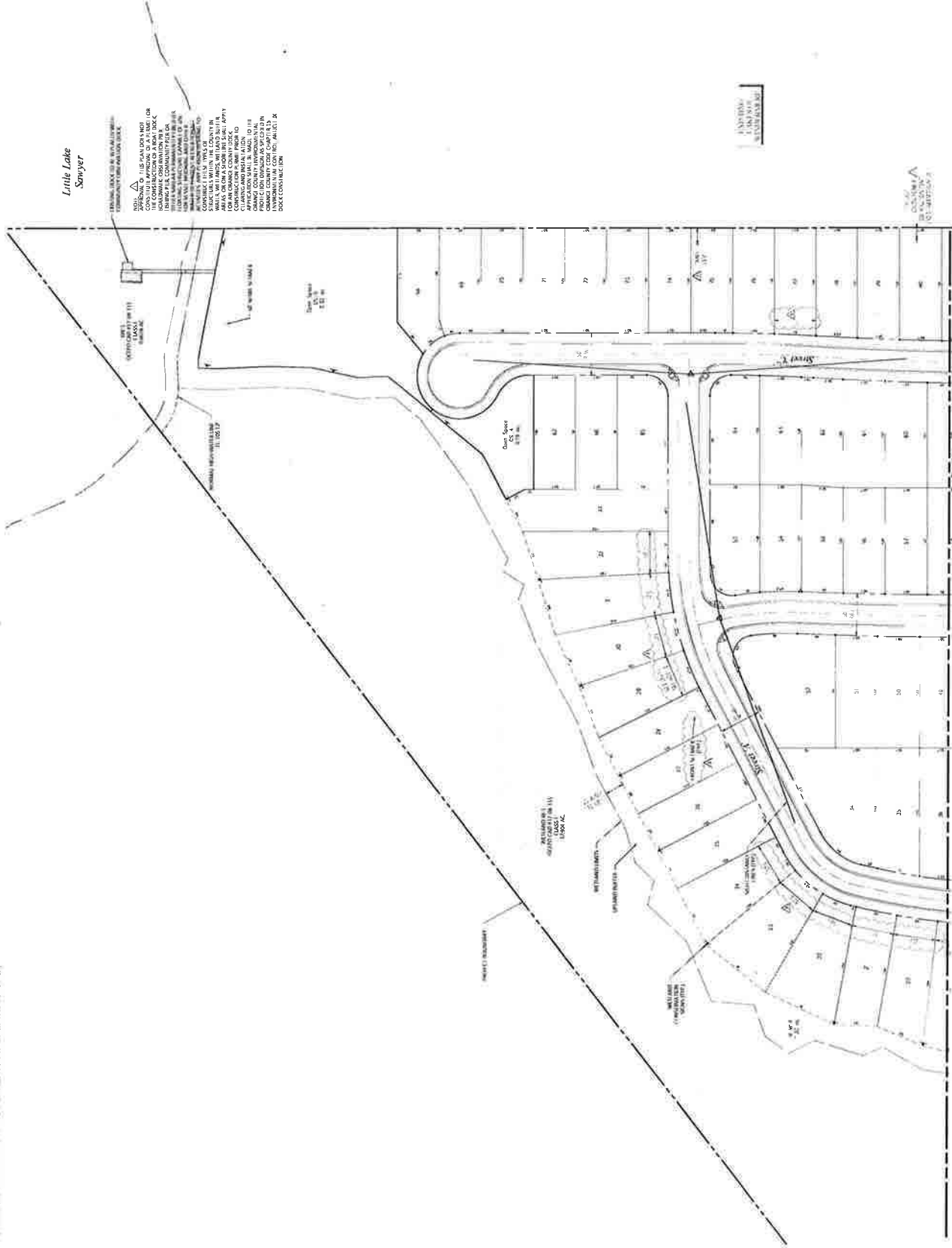
Monk Property

Orange County, Florida

Project Name	Monk Property
Project Address	Orange County, Florida
Project Owner	Monk Property
Project Manager	Monk Property
Project Engineer	Monk Property
Project Date	08/11/2018
Project Status	Preliminary Subdivision Plan
Project Location	Orange County, Florida
Project Scale	Vertical Datum NAVD83
Project Notes	Site Plan

C-4

DATE: May 07, 2019 6272.00



Little Lake
Snyder

SEE SHEET C-5 FOR CONTINUATION



225 E Robinson Street
Suite 300
Orlando, FL 32801
407.833.8006
Certificate of Authorization
Number FL 03932

LEGEND



NOTES:
1. PROPERTY IS TO BE DEVELOPED AS A RESIDENTIAL COMMUNITY.
2. ALL UTILITIES TO BE DELETED OR RELOCATED TO THE PROPOSED LOT LINES.
3. ALL UTILITIES TO BE DELETED OR RELOCATED TO THE PROPOSED LOT LINES.
4. ALL UTILITIES TO BE DELETED OR RELOCATED TO THE PROPOSED LOT LINES.



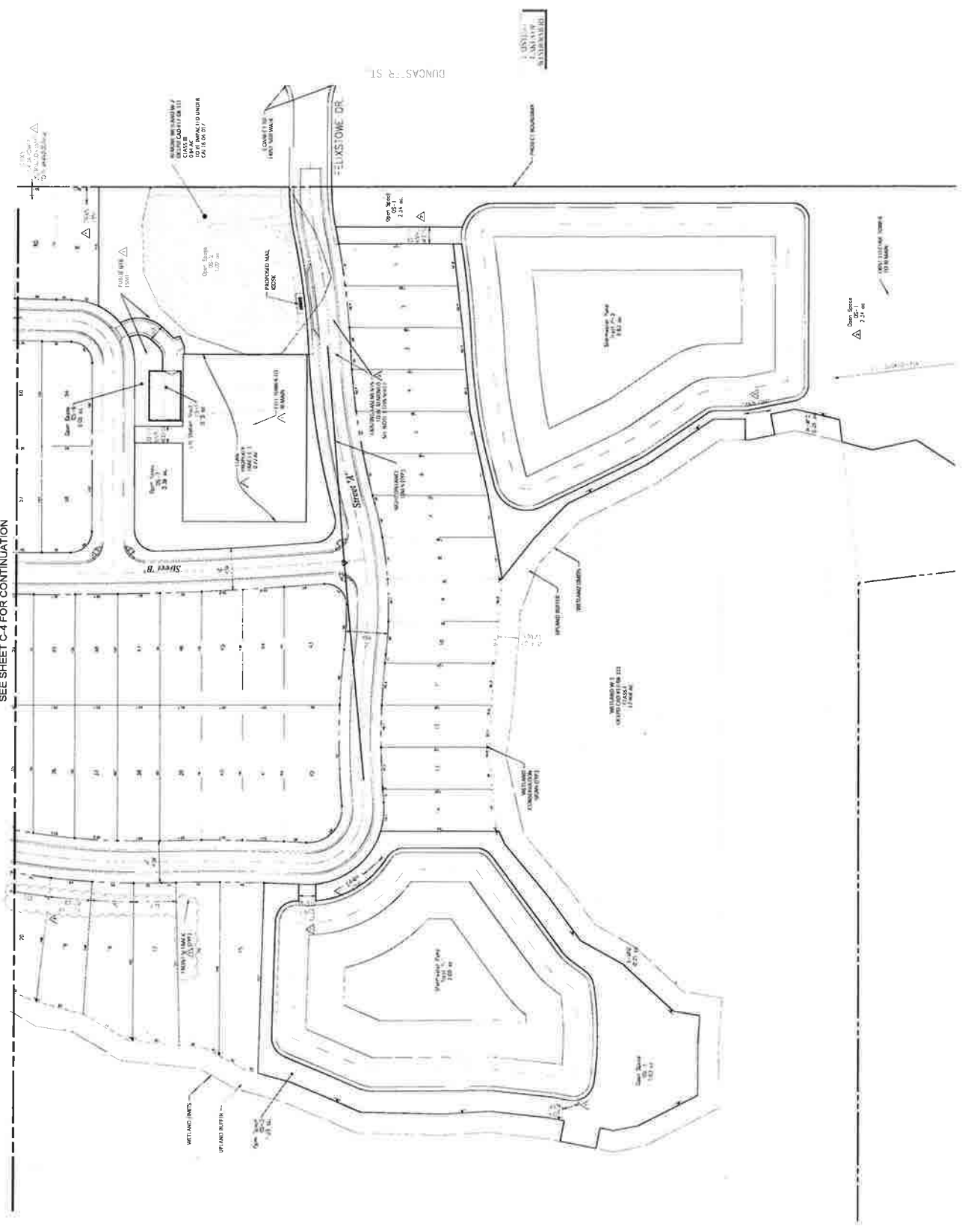
Monk Property
Orange County, Florida

Table with project details including dates and plan names.

C-5

DATE: Mar. 07, 2018 6:27:02 PM

SEE SHEET C-4 FOR CONTINUATION



DATE: 03/07/2018 06:27:02 PM



Monk Property PD/PSP Plan

Case # PSPS-18-10-340



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

1 : 3,600
1 in : 300 ft