



Interoffice Memorandum

DATE: August 18, 2020
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

Eric P. Raasch,
Jr., AICP

Digitally signed by Eric P.
Raasch, Jr., AICP
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SUBJECT: September 1, 2020 – Public Hearing
Applicant: Doug Skiles, Envision Design + Engineering, LLC
Wise Colonial Planned Development / East Colonial Apartments
Development Plan
Case # DP-20-02-065

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 22, 2020, to approve the Wise Colonial Planned Development (PD) / East Colonial Apartments Development Plan (DP) to construct 270 multi-family residential dwelling units on a total of 12.77 acres.

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 DP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve the Wise Colonial PD / East Colonial Apartments DP dated "Received July 2, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

JVW/EPR/lme
Attachments

CASE # DP-20-02-065

Commission District # 5

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 22, 2020, to approve the Wise Colonial Planned Development (PD) / East Colonial Apartments Development Plan (DP) to construct 270 multi-family residential dwelling units on a total of 12.77 acres.

2. PROJECT ANALYSIS

- A. Location: North of East Colonial Drive / West of Forsyth Road
- B. Parcel ID: 22-22-30-0000-00-001, 22-22-30-0000-00-005
- C. Total Acres: 12.77 gross acres
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: Baldwin Park ES - Capacity: 688 / Enrolled: 831
Glenridge MS - Capacity: 1,211 / Enrolled: 1,341
Winter Park HS - Capacity: 3,628 / Enrolled: 3,356
- G. School Population: 68
- H. Parks: Lil Econ Greenway – 1 Mile
- I. Proposed Use: 270 Multi-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 55'
Minimum Living Area: 550 Square Feet
Building Setbacks:
25' Front
25' Side Street
30' Rear
- K. Fire Station: 66 – 996 North Semoran Boulevard
- L. Transportation: This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit.

3. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Medium High Density Residential (MHDR) and Commercial (C), and the zoning is PD. The request is consistent with the Comprehensive Plan.

4. ZONING

P-D (Planned Development District) (Wise Colonial PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Wise Colonial Planned Development; Orange County Board of County Commissioners (BCC) approvals; East Colonial Apartments Development Plan dated "Received July 2, 2020"; 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, or any other development order, 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. 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

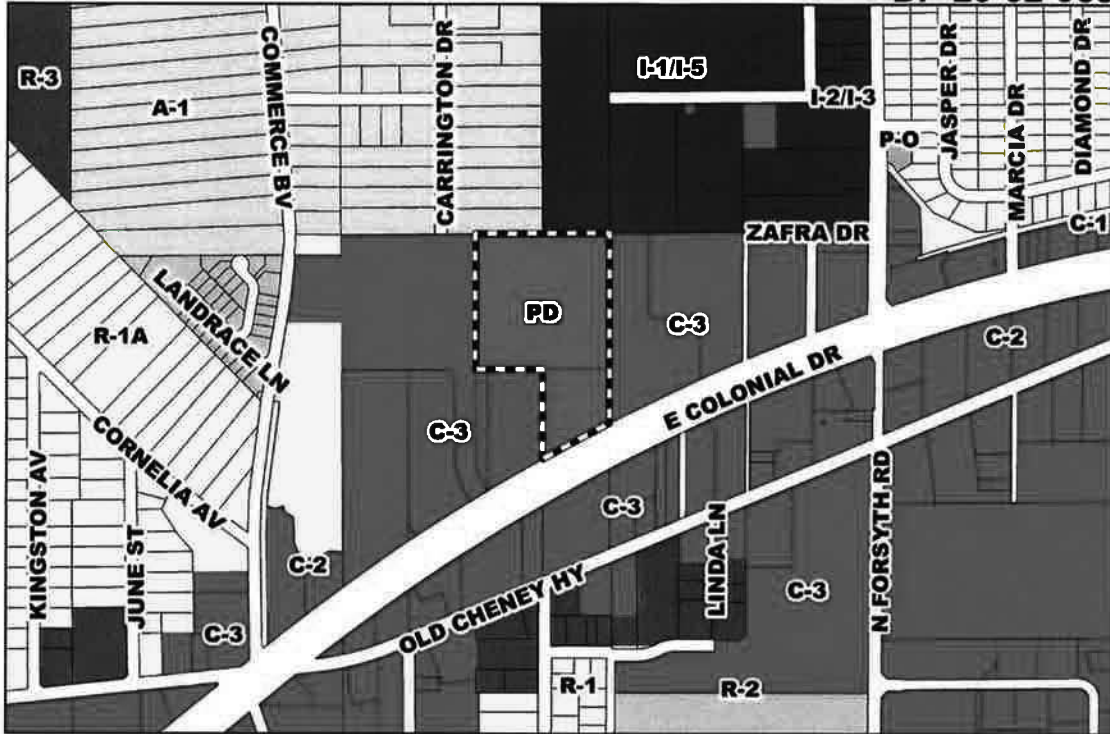
and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee 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.

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. 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.
11. 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, that the property on the northeast boundary that is not residential currently has a permit for a concrete crushing facility which may be the source of offsite dust and noise to adjacent properties.
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. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed wastewater systems have been designed to support all development within the PD.

14. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
15. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
16. 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.
17. A mandatory pre-application / sufficiency review meeting for the (re)plat shall be required prior to (re)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 (re)plat to the County.
18. Unless otherwise allowed by County Code, the property shall be (re)platted prior to the issuance of any vertical building permits.
19. The easements for cross access and drainage shall be recorded in the public records prior to or concurrent with the (re)plat.
20. Any proposed fencing around the dog park shall be aluminum picket or similar fencing, and shall not exceed 50% opacity.

Zoning Map

DP-20-02-065



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Doug Skiles, Envision Design + Engineering, LLC

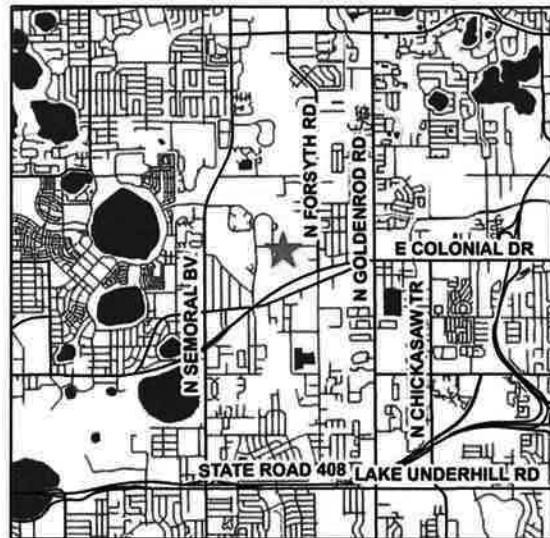
LOCATION: Generally North of East Colonial Drive, and west of Forsyth Road

TRACT SIZE: 12.77 gross acres

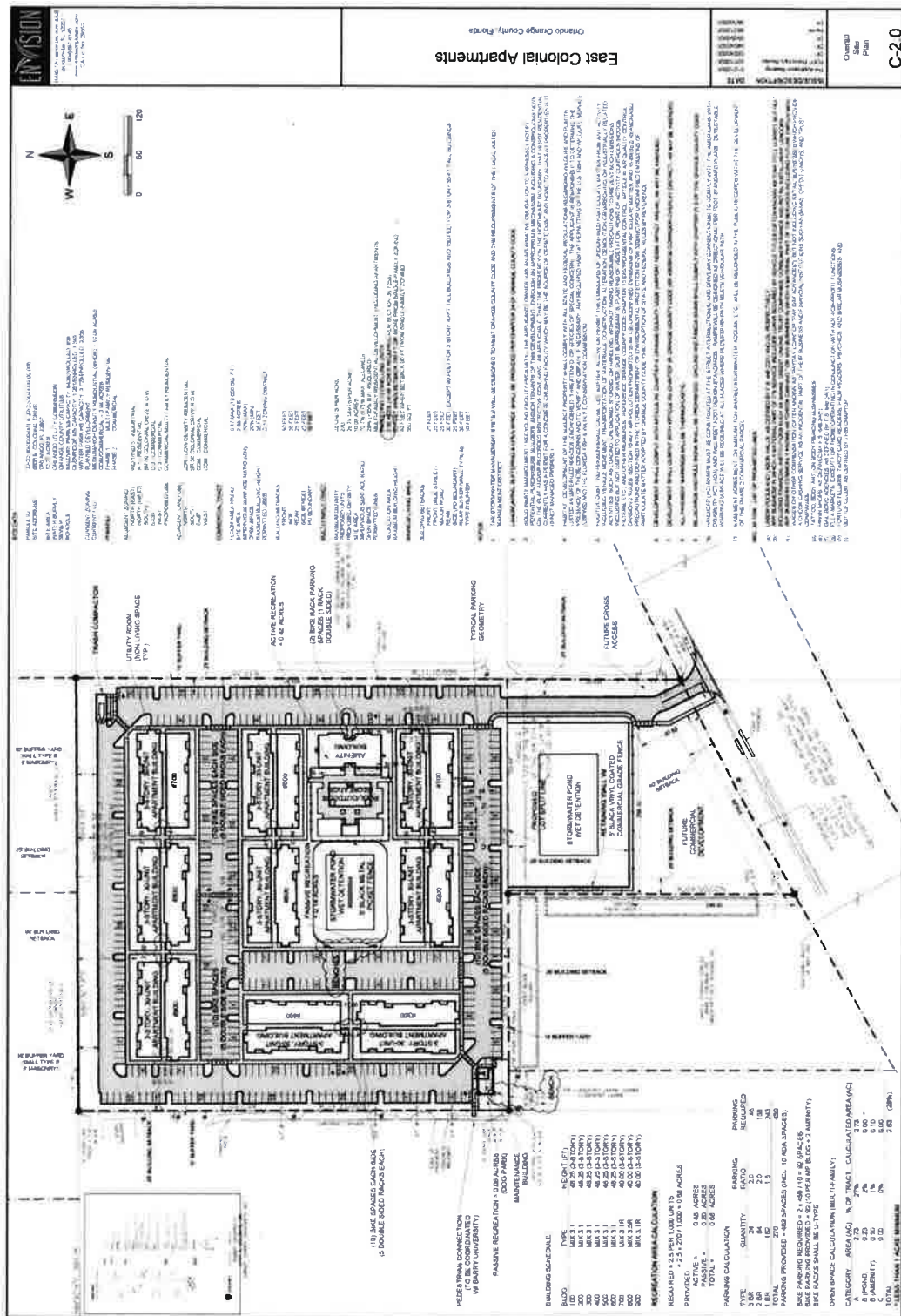
DISTRICT: # 5

S/T/R: 22/22/30

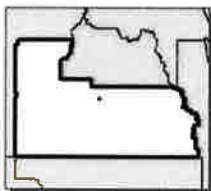
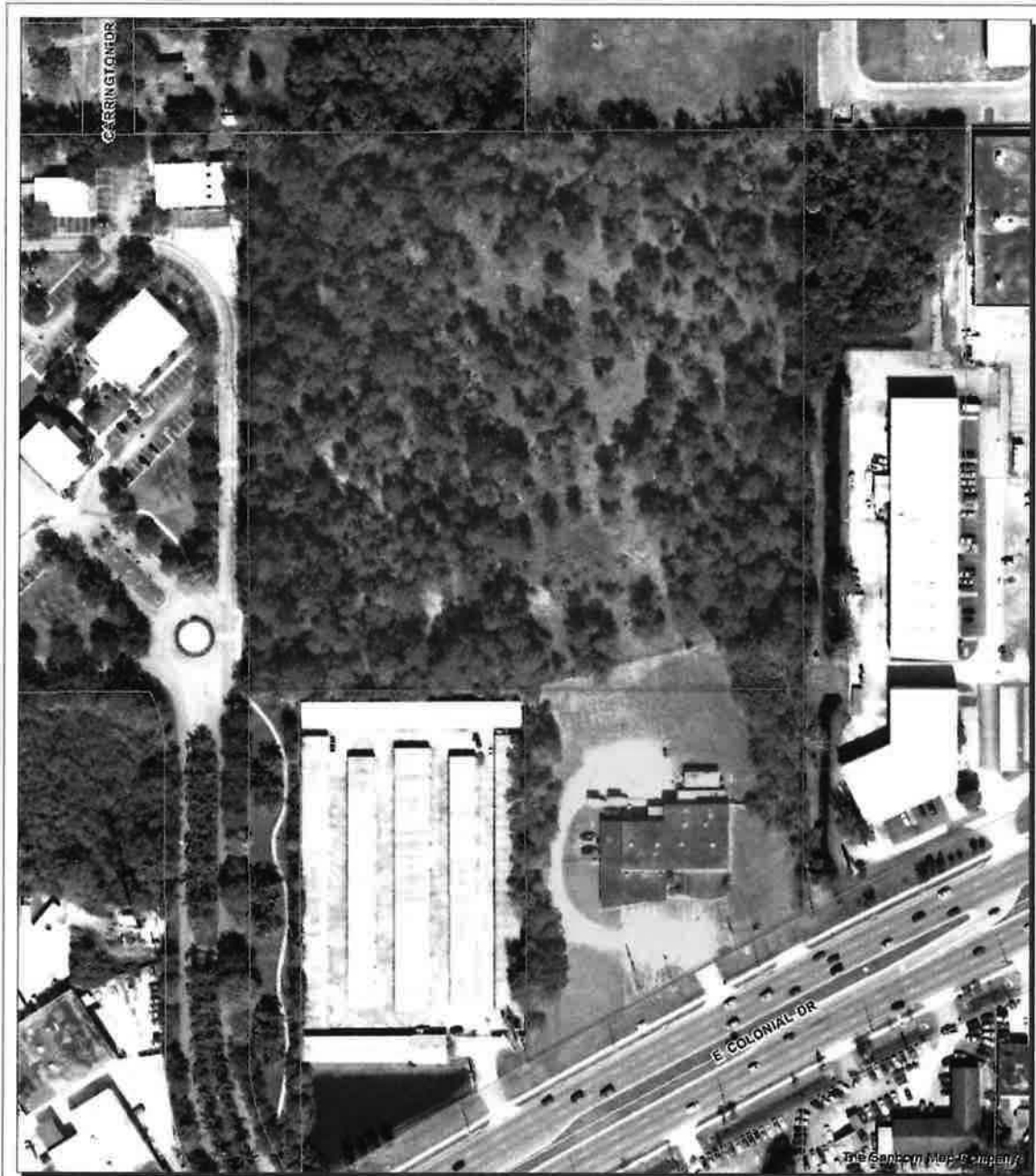
1 inch = 700 feet



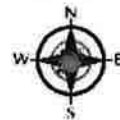
Site Data & Notes Sheet & Site Plan Sheet



Aerial



**Wise Colonial PD\ East Colonial Apartments
DP Case # DP-20-02-065**



1 : 1,800
1 in : 150 ft

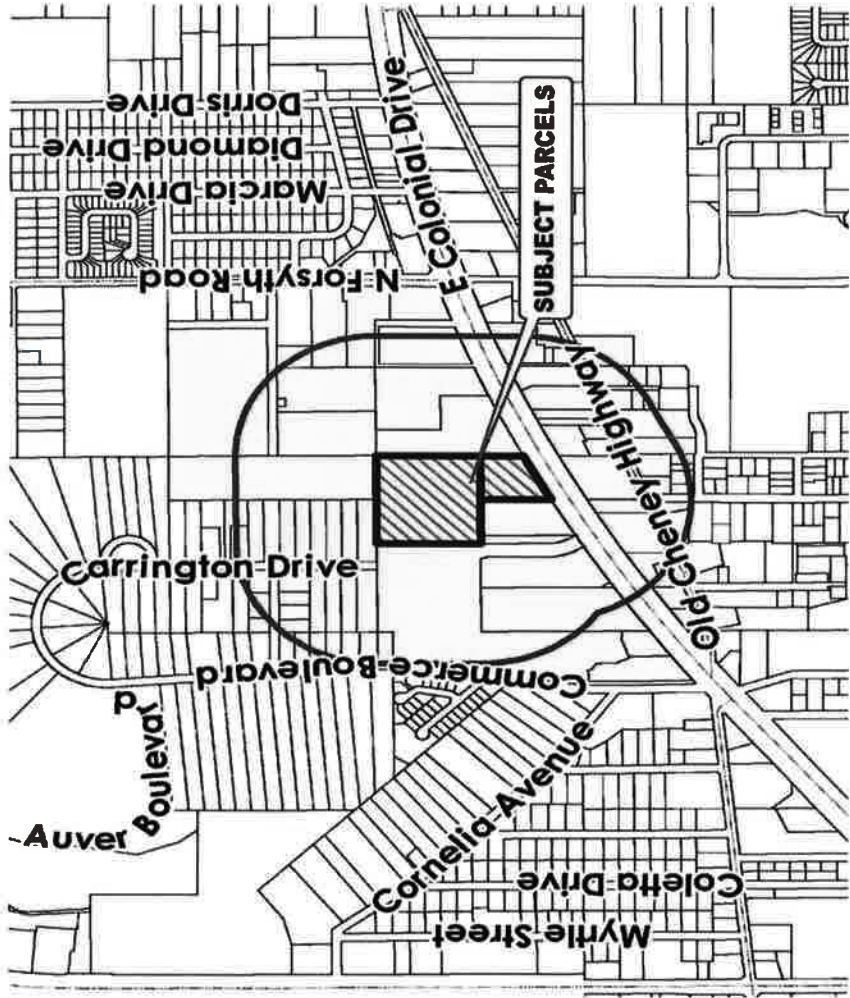
Notification Map

locasemgdephtBusiness SystemsBoard Administrations_SUBSTANTIAL_CHANGE2020DRCwise Colonial_PD_E.Colonial Apts_DP-20-02-



Public Notification Map

Wise Colonial PD_E.Colonial Apts_DP-20-02-065



MAP LEGEND

	SUBJECT
	900 FT BUFFER
	PARCELS
	NOTIFIED PARCELS

BUFFER DISTANCE: 900
OF NOTICES: 98
RESIDENTIAL ADDRESSES: 25

