

Interoffice Memorandum

DATE: February 3, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department

CONTACT: Nicolas Thalmueller, AICP, DRC Chairman

PHONE: (407) 836-5523

DIVISION: Development Review Committee

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan and approve Westmoreland Oaks Townhomes Preliminary Subdivision Plan (PSP) dated "Received January 15, 2025", subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report. District 6.

PROJECT: Westmoreland Oaks Townhomes PSP (PSP-24-01-001)

PURPOSE: This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 8, 2025, to Westmoreland Oaks Townhomes Preliminary Subdivision Plan (PSP). The subject property is located north of 25th Street and west of South Westmoreland Drive. The request is to subdivide the 0.65 gross acre property to construct 10 single-family attached residential dwelling units.

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 documents and the plans may be found in the Planning Division for further reference.

BUDGET: N/A

CASE # PSP-24-01-001

Commission District # 6

1. GENERAL INFORMATION

Applicant:	Zach Kasky Zach Kasky Architecture, LLC
Owner:	Today Assets, LLC
Project Name:	Westmoreland Oaks Townhomes Preliminary Subdivision Plan (PSP)
Hearing Type:	Preliminary Subdivision Plan (PSP)
Request:	To subdivide 0.65 acres in order to construct 10 single-family attached residential dwelling units.

2. PROJECT INFORMATION

A. Overview:	The subject property is located north of 25th Street and west of South Westmoreland Drive. This request is to subdivide the 0.65 gross acre property to construct 10 single-family attached residential dwelling units.
B. Location:	1011 25th Street; North of 25th Street / West of S. Westmoreland
C. Parcel ID(s):	03-23-29-0180-40-210
D. Total Acres:	0.65 gross acres
E. Water Supply:	Orlando Utilities Commission
F. Sewer System:	Orange County Utilities
G. Schools:	Catalina Elementary School Enrollment: 602 / Capacity: 754 Memorial Middle School Enrollment: 720 / Capacity: 1,192 Jones High School Name Enrollment: 1,642 / Capacity: 1,465
H. School Population:	4 students
I. Parks:	Kaley Square Park – 0.3 Miles

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: February 25, 2025

- J. Proposed Use: 10 single-family attached residential dwelling units
- K. Site Data: Maximum Building Height: 35 ft
Minimum Floor Area: 500 sq. ft. / dwelling unit
Minimum Lot Width: 20 ft
- Building Setbacks:
Minimum Front Yard (Lots 1,3,5,7,9): 9 ft*
Minimum Front Yard (Lots 2,4,6,8,10): 7 ft*
Minimum Side Yard: 0 ft internal lot lines / 10 ft for end units
Minimum Street Side Yard: 12 feet*
Minimum Rear Yard: 20 ft
- * per approved Variance (VA-24-09-085)
- L. Fire Station: Fire station 50 – 1417 29th Street
- M. Public Notification: The notification area for this public hearing extended beyond 800 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Three hundred and twenty (320) notices were mailed to those property owners in the mailing area.
- N. Community Meeting Summary: A community meeting was not required for this case.
- O. Transportation: Existing/Valid transportation capacity entitlements not found. This development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. Please include the existing structures to be demolished on the CEL application to receive concurrency credit. NOTE: Should this project be located near failing roadways then a traffic study will be required with the CEL application.
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be located near failing roadways then a traffic study will be required with the CEL application.

Based on the Concurrency Management database (CMS) dated 01/29/2024, there are multiple failing roadway segments within the project's impact area along Michigan Ave, from Interstate 4 to Orange Ave (1 segment(s)) and along Orange Blossom Tr, from Kaley Ave to East-West Expy. This information is dated and subject to change.

P. Environmental Protection Division:

This site is located within the Okeechobee Basin Management Action Plan (BMAP) Area, a Reasonable Assurance Plan (RAP) Area, or a Pollution Reduction Plan (PRP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended; Within a BMAP Area, a RAP Area, or a PRP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a). On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

This site could be adversely impacted by existing solid waste management activities from the Trademark Metals Recycling/ Kaley Street Transfer Station located 0.67 of a mile to the Northeast. Potential odor and noise disturbance to residents should be considered during design. Prospective property owners should be notified of this proximity. Reference OC Comprehensive Plan, Solid Waste Element SW1.7.4.

This site is located within the Orange County Board of Commissioners resolution 2007-M-31 approved on 8/28/2007 regarding

designating certain land as the Holden Heights: ROCC (Redeveloping Orange County Communities) Area and as a "Brownfield Area" for the purpose of environmental remediation, rehabilitation, and economic development pursuant to Section 376.80, Florida Statutes.

Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff.

Q. Comprehensive Plan:

The subject property has an underlying Future Land Use Map (FLUM) designation of Medium Density Residential (MDR) which allows consideration of 20 DU per acre (SS-23-07-042). The zoning for the subject property is R-2 (Residential District) which is consistent with the FLUM designation.

R. Zoning:

R-2 (Residential District)

3. REQUESTED ACTION:

Development Review Committee (DRC) Recommendation – (January 8, 2025)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Westmoreland Oaks Townhomes Preliminary Subdivision Plan (PSP) dated "Received January 15, 2025", subject to the following conditions:

1. Development shall conform to the Westmoreland Oaks Townhomes Preliminary Subdivision Plan dated "Received January 15, 2025," 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 Board, or by action of the Board. 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 January 15, 2025," 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 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, as may be amended, 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 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. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. 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 Countys satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
8. 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.
9. 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 Orange County Environmental Protection Division National Pollutant Discharge Elimination System (NPDES) Supervisor at NPDES@ocfl.net for details.
10. Site development activity shall comply with State recommended Best Management Practices to protect soils during clearing, earthwork and construction. Fugitive dust emissions shall not be allowed from any activity including: vehicular movement, transportation of materials, construction, alteration, loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. Reasonable precautions include application of water, dust suppressants, and other measures defined in Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 15-89.1 Air Pollution Prohibited.
11. "No Parking" signage shall be installed within the development, per the approved plan, prior to the issued certificate of completion for the infrastructure.
12. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of

the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

13. 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. Construction plans within this PSP 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 MUP and updates must be approved prior to Construction Plan approval.
14. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
15. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
16. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
17. 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.
18. The plat and the Conditions, Covenants, and Restrictions (CC&Rs) for this project shall include language as a note on the plat and a restriction in the CC&Rs that notifies the owners of the following: Solid waste and recycling collection for Lots 1 through 10 shall be collected from the 25th Street right-of-way. The owners of the affected lots shall be responsible for transporting solid waste and recycling

containers to their property line adjacent to 25th Street right-of-way for collection on their designated collection day.

19. The Declaration of Covenants, Conditions, and Restrictions (CC&Rs) shall provide for the HOA replacement of any decorative enhancements (e.g., pavers) removed as a result of maintenance activities performed by Orange County.

20. The following provision must be incorporated into the Declaration of Covenants, Conditions, and Restrictions (CC&Rs):

For the proposed private infrastructure (pond, alley, and pervious pavers located within the shared access and utility easement), the CC&Rs shall reflect all lots served by such infrastructure a reserve fund for maintenance, repair, and capital replacement of the infrastructure shall be established and funded with the creation of the HOA; removal of this section from the CC&Rs is prohibited unless approved by the Orange County Board of County Commissioners. Coincident with platting, the developer shall record in the public records the CC&Rs governing the lots and addressing the HOA responsibilities for the annual maintenance and any necessary repairs of the infrastructure. The CC&Rs shall require the establishment and maintenance of two HOA accounts for:

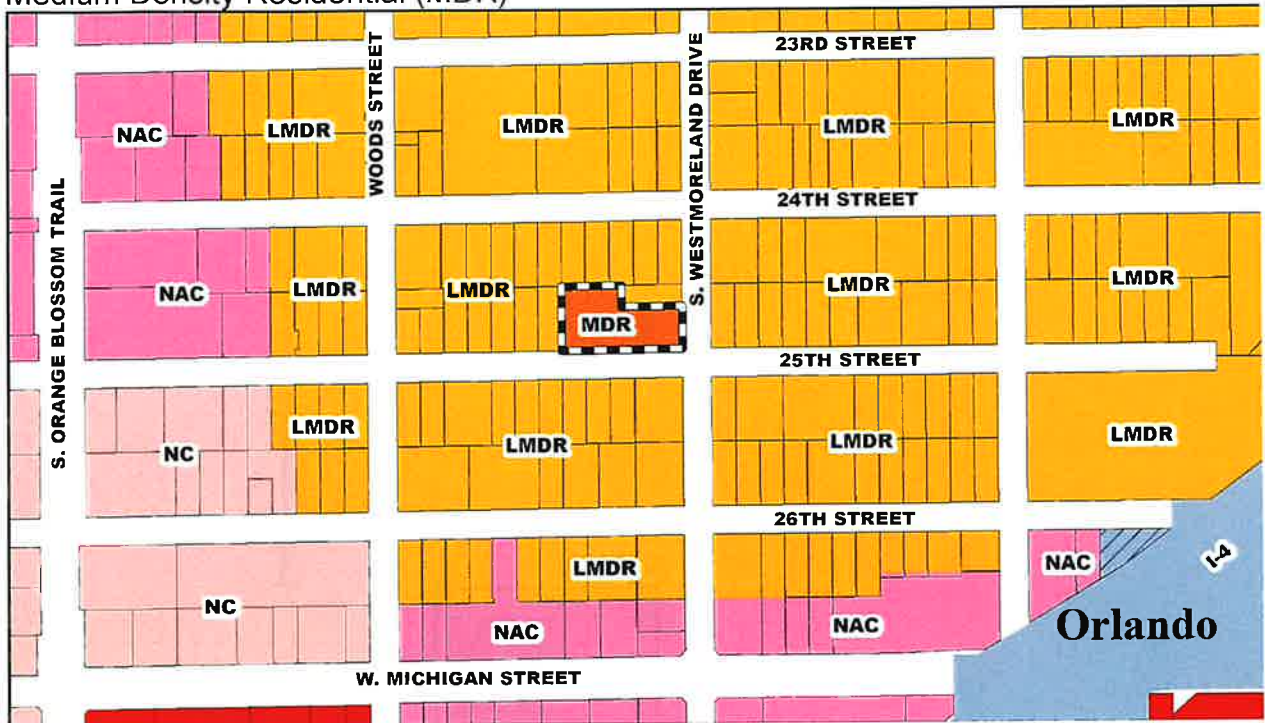
- i. Annual routine maintenance of the infrastructure, including an engineers report to be submitted to the HOA on a three year cycle.
- ii. Capital-repair/replacement of the infrastructure based on a 20-year life cycle. Initial funding of the accounts shall be approved by County Engineer, or their designee, and on the basis of a professional engineer's estimate for the above referenced accounts.

Each of these accounts must be asset accounts kept separate and apart from all other funds and accounts of the HOA, and for accounting purposes the HOA may not commingle these accounts, either with each other or with other funds and accounts of the HOA. However, notwithstanding the foregoing, the monies in the above accounts may be commingled with monies in other HOA accounts for banking and investment purposes, and may be pooled with other HOA monies in a common investment program, so long as the financial books and records of the HOA account for these monies separately and apart from all other HOA monies and keep such monies earmarked for the purposes set forth herein. All earnings from the investment of monies in the required HOA accounts shall remain in their respective accounts and shall follow their respective principal.

21. Solid waste and recycling for each unit shall be screened from the street and placed in an enclosure with material finishes matching or complementing the principal structure. These enclosures shall incorporate gates to ensure no visibility of the trash receptacle. Additional planters shall be incorporated on top of the enclosures to further obscure the enclosures' use.

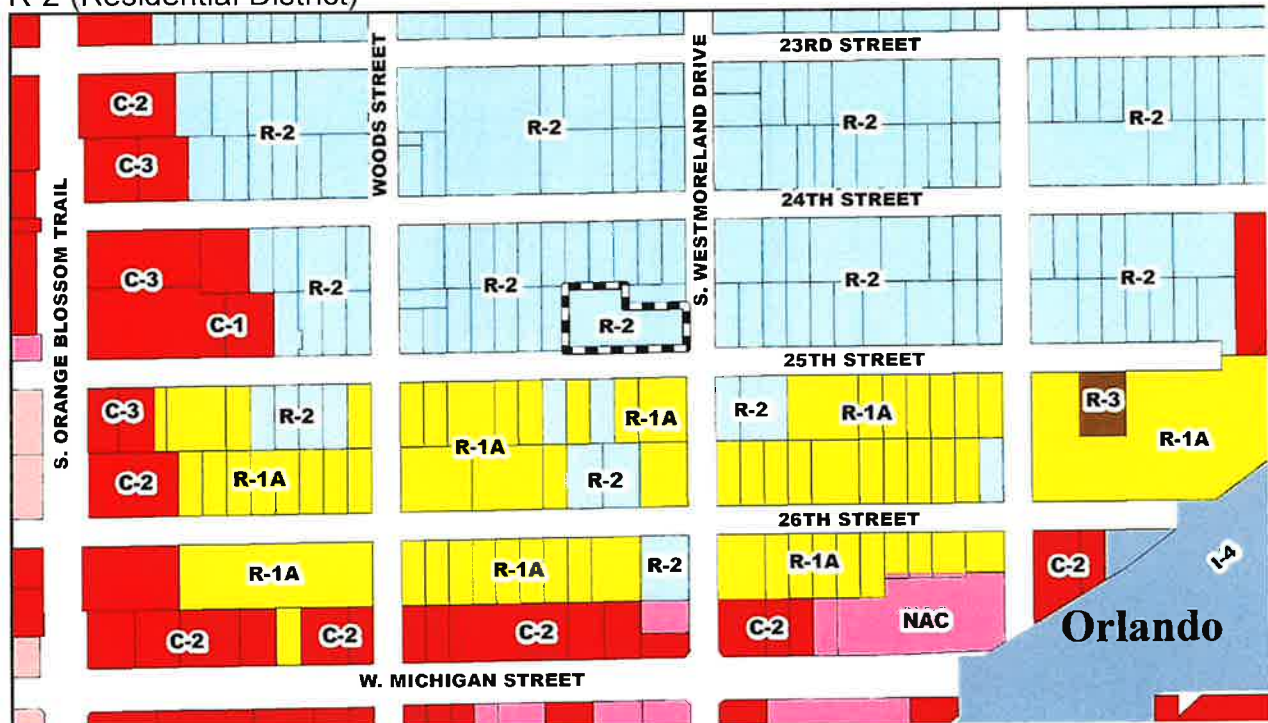
FUTURE LAND USE

Medium Density Residential (MDR)

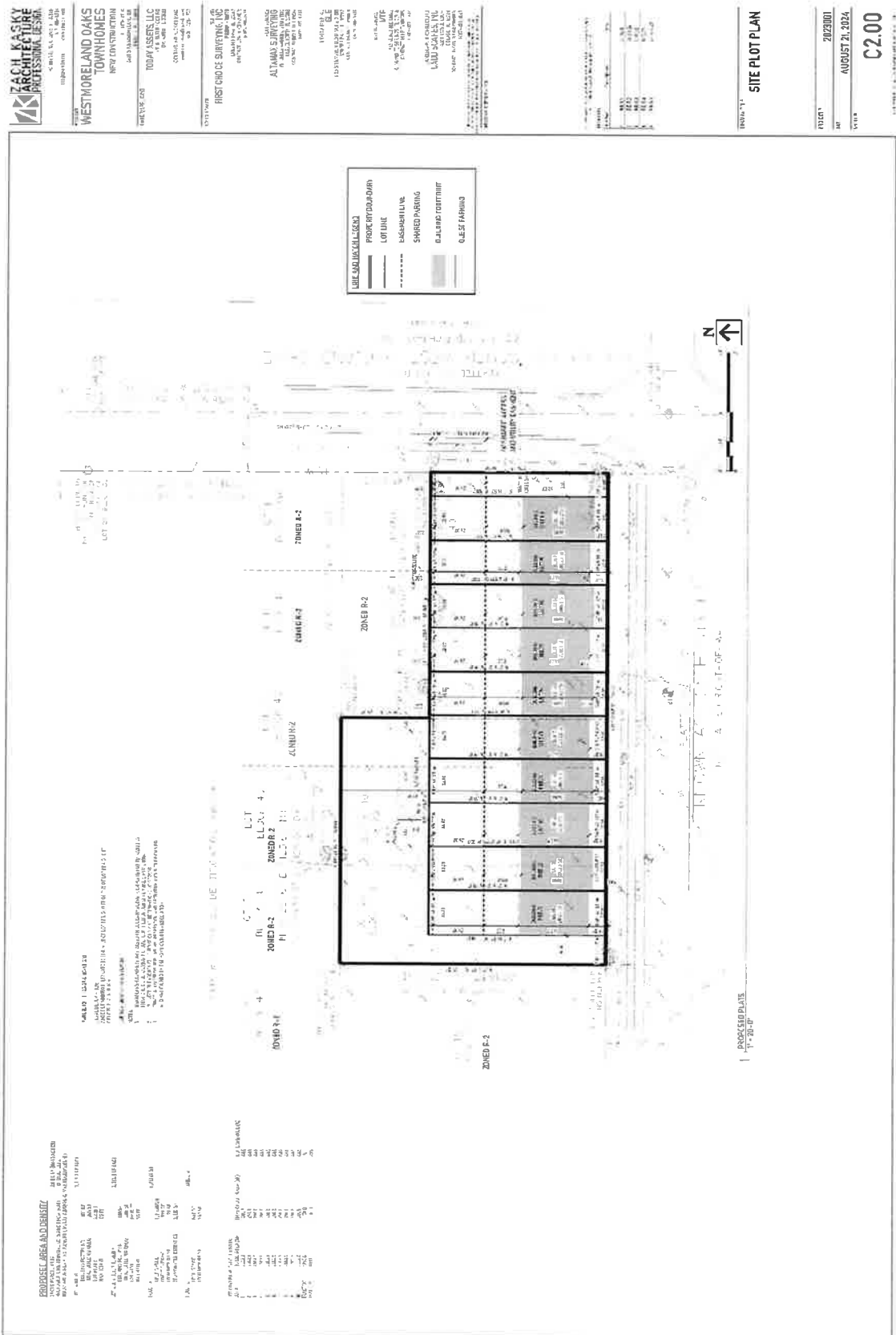


ZONING

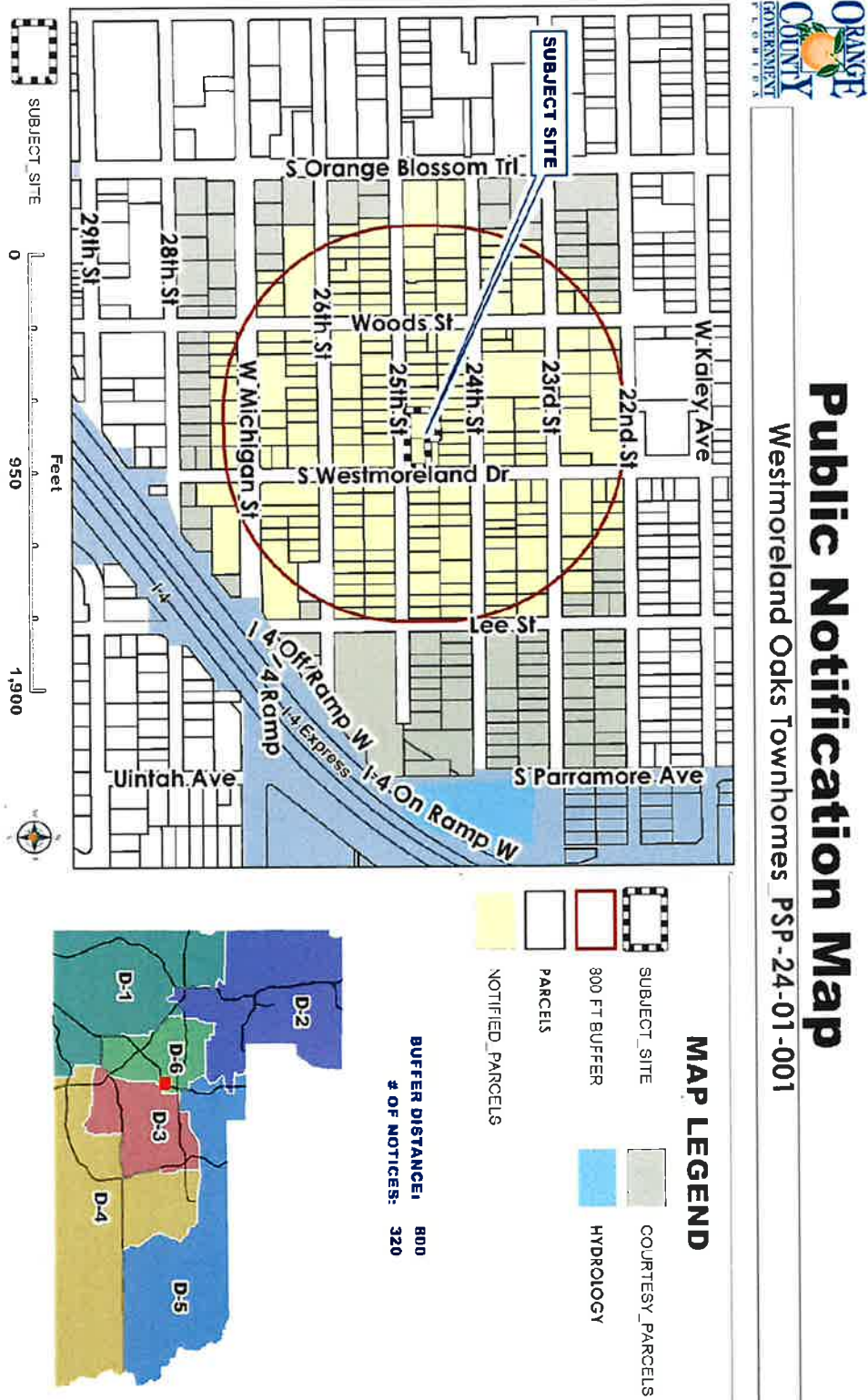
R-2 (Residential District)



Site Plan Sheet



Notification Map



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