



Interoffice Memorandum

DATE: September 25, 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: October 13, 2020 – Public Hearing
Applicant: Christina Baxter, Poulos & Bennett, LLC
Orangewood (Neighborhood 2) Planned Development / Grande Pines Parcel 11D Preliminary Subdivision Plan
Case # CDR-20-02-045 / District 1

This public hearing is to consider a recommendation from the Development Review Committee’s (DRC) meeting of August 12, 2020, to approve a substantial change to the Orangewood (Neighborhood 2) Planned Development (PD) / Grande Pines Parcel 11D Preliminary Subdivision Plan (PSP), which is currently entitled for 423 short-term rental units on fee simple lots. The current request is to expand Park Tract P-1 to include additional parking, revise phase lines for a total five phases, decrease the number of units from 423 to 385, increase townhome lot width from 20 feet to 22 feet, revise the gate entrance access point, remove open space tracts along boundary, add parking and parking tracts along boundary, add a guard house along the entrance road in the median at the gated entrance, revise townhome building elevations, add guard house elevations, and request modification / removal of Board condition #7 regarding approval of a CDD for the project and modify to Board condition #9 to accommodate the additional phase.

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 Orangewood (Neighborhood 2) PD / Grande Pines Parcel 11D PSP dated “Received August 28, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/EPR/lme
Attachments

CASE # CDR-20-02-045

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 12, 2020, to approve a substantial change to the Orangewood (Neighborhood 2) Planned Development (PD) / Grande Pines Parcel 11D Preliminary Subdivision Plan (PSP) to expand Park Tract P-1 to include additional parking, revise phase lines for a total five phases, decrease the number of units from 423 to 385, increase townhome lot width from 20 feet to 22 feet, revise the gate entrance access point, remove open space tracts along boundary, add parking and parking tracts along boundary, add a guard house along the entrance road in the median at the gated entrance, revise townhome building elevations, add guard house elevations, and request modification / removal of Board condition #7 regarding approval of a CDD for the project and modify Board condition #9 to accommodate the additional phase.

Board condition #7 from May 21, 2019 currently reads as follows:

7. *This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.*

DRC recommended deleting this condition, as the project is short-term rental and won't be covered by the County's Gated Communities Ordinance. Additionally, a Community Development District has been created for the property.

Board condition #9 from May 21, 2019 currently reads as follows:

9. *Developer shall notify the neighboring property thirty (30) days prior to construction of Phase 4 at the address provided.*

DRC recommended modifying this condition to include the new proposed phase in the notice to the residents as well, which has been updated as condition #13.b.

2. PROJECT ANALYSIS

- A. Location: South of Central Florida Parkway / West of I-Drive
- B. Parcel ID: 13-24-28-6283-07-010, 13-24-28-6283-00-110,
13-24-28-6283-12-040, 13-24-28-6283-03-020,
13-24-28-6283-12-090
- C. Total Acres: 118.78 acres

- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Sunshine ES: Enrolled - 507 / Capacity - 551
Freedom MS: Enrolled - 1,236 / Capacity - 1,066
Freedom HS: Enrolled - 3,735 / Capacity - 2,605
- G. School Population: 193
- H. Park: Lester Mandell Park – 2.8 Miles
- I. Proposed Use: 385 Short-Term Rental Units
- J. Site Data: Maximum Building Height: 35'
Minimum Living Area: 1,200 Square Feet
Building Setbacks:
25' PD Perimeter
35' I-Drive
40' Westwood Boulevard (R-O-W)
150' Westwood Boulevard (Centerline)
40' Central Florida Parkway (R-O-W)
70' Central Florida Parkway (Centerline)
20' Front
20' Rear
5' Side (Phase 1 & 2)
10' (Phase 3)
15' Side Street
- K. Fire Station: 54 – 6500 Central Florida Parkway
- L. Transportation: This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements on both Westwood Boulevard and International Drive.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Activity Center Residential (ACR). The subject property is designated PD (Planned Development) on the Zoning Map, which is consistent with the current FLUM Designation.

4. ZONING

PD (Planned Development District) (Orangewood N-2 PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Orangetown N-2 PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Grande Pines Parcel 11D Preliminary Subdivision Plan dated "Received August 28, 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. 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 August 28, 2020," 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, 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. 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.

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. 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 of the prior use of this property as a golf course or other uses as identified in an environmental site assessment.
9. 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.
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. Pursuant to OC Comp Plan Policy C1.5.7, development in, or near, contaminated soils shall properly address the contamination prior to approvals allowing disturbance of the contaminated soils with land clearing (including grubbing, or demolition), mass grading and or construction. Therefore, because of the site's prior land use, a Phase I Environmental Site Assessment is required prior to approvals that include alterations of the land's surface. Depending on the results of the Phase I, limited sampling or a full Phase II Environmental Site Assessment will be required.
12. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas required shall be shown on the plan as a revised plan and conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated, May 21, 2019, shall apply:
 - a. 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.

- b. Developer shall notify the neighboring property thirty (30) days prior to commencement of construction of Phase 4 and Phase 5 at the address provided at the May 21, 2019, BCC Hearing.

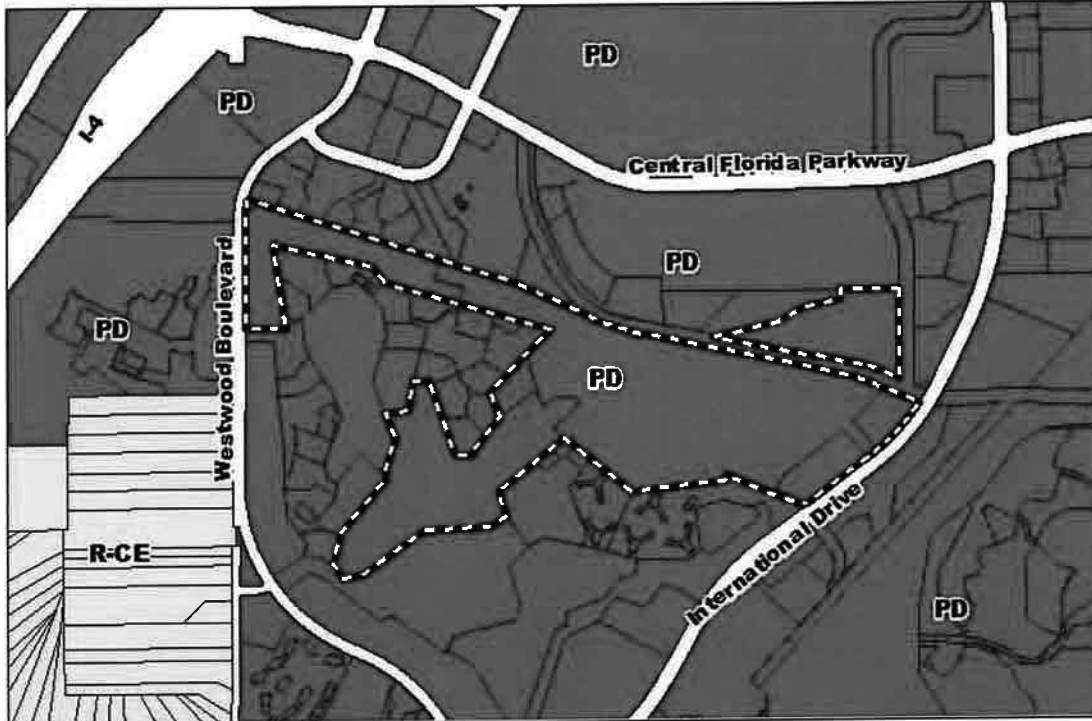
14. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated October 6, 2015 shall apply:

- a. 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.
- b. The property shall be re-platted.
- c. 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.
- d. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
- e. 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.
- f. Any proposed public utility easements located on land owned by an entity other than the developer must be granted and recorded prior to construction plan approval.
- g. 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.

- h. A Development Plan for any Park / Recreation Area shall be approved by the DRC and installed in conjunction with the associated plat.

CDR-20-02-045



Subject Property

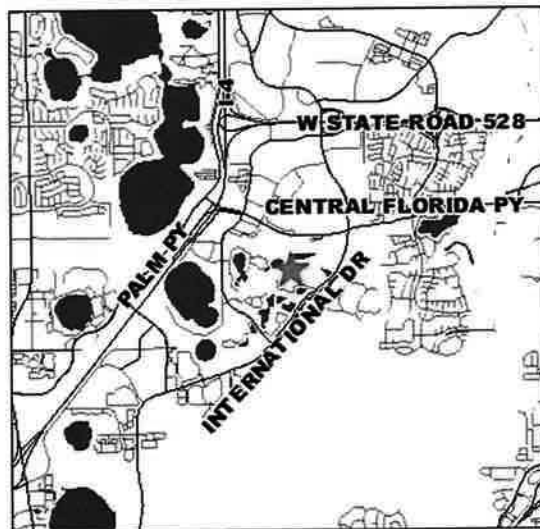


Subject Property

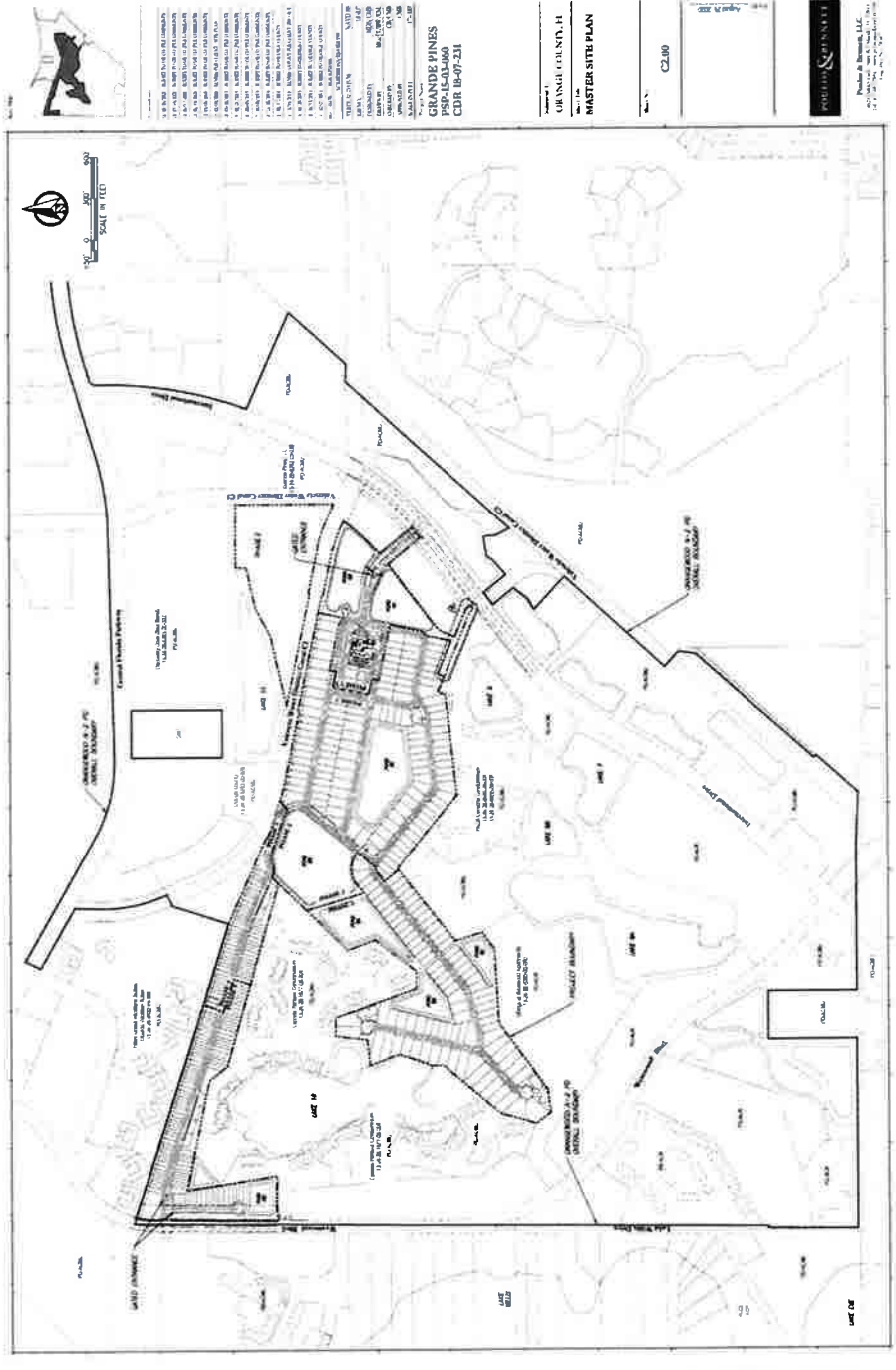
Zoning Map

ZONING: PD (Planned Development District)
APPLICANT: Christina Baxter, Poulos & Bennett, LLC
OWNER: AG-RW Grande Pines, LLC
 Park Square Homes
LOCATION: South of Central Florida Parkway / West of
 International Drive
TRACT SIZE: 118.78 gross acres
DISTRICT: # 1
S/T/R: 13/24/28

1 inch = 1,100 feet



Site Data & Notes Sheet & Site Plan Sheet



- 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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GRANDES PINES
 PSP-14-04-00
 CDR B-07-231

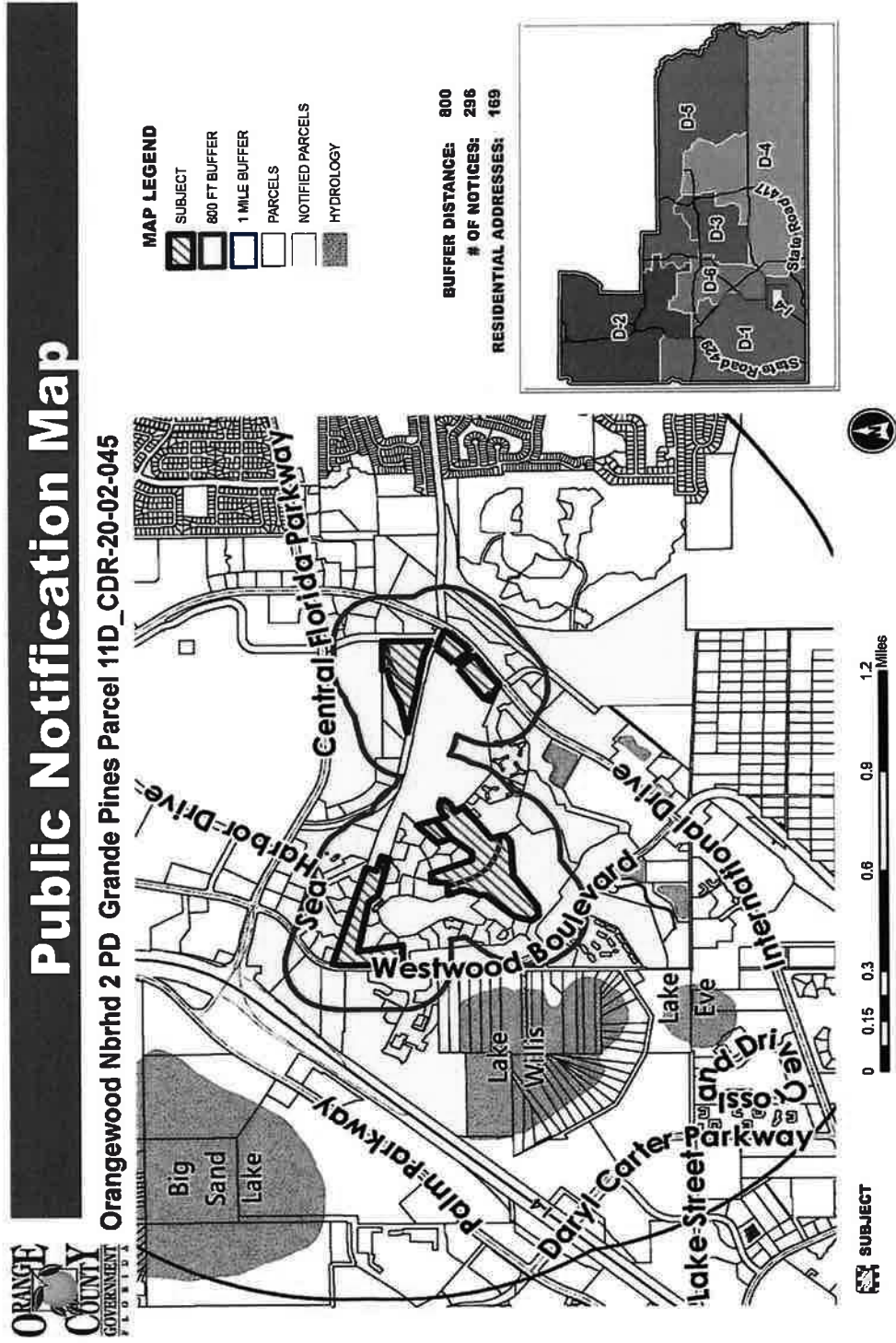
PLANNING DIVISION
 ORANGE COUNTY, FL
 MASTER SITE PLAN

DATE: 08/14/2020
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]



Notification Map

locas\gmd\depth\Business Systems\Board Administrations_SUBSTANTIAL CHANGE\2020\DR\Orange\wood Nbrhd 2 PD Grande Pines Pcl 1



Public Notification Map

Orangewood Nbrhd 2 PD Grande Pines Parcel 11D_CDR-20-02-045

