



Interoffice Memorandum

DATE: January 23, 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

SUBJECT: February 11, 2020 – Public Hearing
Applicant: Eric Warren, Poulos & Bennett, LLC
Spring Grove - Northeast Planned Development / Phase 3 – Parcel
28 Preliminary Subdivision Plan
Case # PSP-19-03-081

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 25, 2019, to approve the Spring Grove - Northeast Planned Development (PD) / Phase 3 – Parcel 28 Preliminary Subdivision Plan (PSP) to subdivide 24.23 acres in order to construct 107 single-family residential dwelling units.

In addition, the following waivers from Orange County Code are requested:

- a. A waiver from Section 38-1382(h)(4), to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement.
- b. A waiver from Section 38-1384(g)(1), to allow garage access to be setback from an alley tract in lieu of an easement.
- c. A waiver from Section 38-1384(g)(2), to allow the reference to pertain to an alley tract in lieu of an easement.
- d. A waiver from Section 38-1384(i)(2), to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.

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 Spring Grove - Northeast PD / Phase 3 – Parcel 28 PSP dated “Received May 14, 2019”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/EPR/lme
Attachments

CASE # PSP-19-03-081

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 25, 2019, to approve the Spring Grove - Northeast Planned Development (PD) / Phase 3 – Parcel 28 Preliminary Subdivision Plan (PSP) to subdivide 24.23 acres in order to construct 107 single-family residential dwelling units.

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2. PROJECT ANALYSIS

- A. Location: North of Flemings Road / East of Avalon Road
- B. Parcel ID: 20-24-27-0000-00-009
- C. Total Acres: 24.23 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Keene's Crossing ES Capacity: 812 / Enrolled: 1,583
Bridgewater MS Capacity: 1,040 / Enrolled: 2,678
Windermere HS Capacity: 2,753 / Enrolled: 3,373
- G. School Population: 47
- H. Parks: Horizon West Regional Park – 7 Miles
- I. Proposed Use: 107 Single-Family Residential Dwelling Units

- J. Site Data: Maximum Building Height: 45' (3-stories)
 Minimum Living Area: 1,000 Square Feet
 Minimum Lot Width: 32'
 Building Setbacks:
 15' Front
 7' Front Porch
 4' Side
 10' Side Street
 20' Rear
- K. Fire Station: 32 – 14932 East Orange Lake Boulevard
- L. Transportation: There is an Adequate Public Facilities Right-of-Way Agreement for Village I "Spring Grove" Northeast Planned Development that was approved by BCC on 7/19/2016 and Recorded at 20160390723 for the dedication of right-of-way.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V). The subject property is designated PD (Planned Development District) on the zoning map, which is consistent with the FLUM designation.

4. ZONING

PD (Planned Development District) (Spring Grove - Northeast PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Spring Groves - Northeast Planned Development (PD); Orange County Board of County Commissioners (BCC) approvals; Phase 3 - Parcel 28 Preliminary Subdivision Plan dated "Received May 14, 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 May 14, 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 ("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 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. The project shall comply with the terms and conditions of that certain Adequate Public Facilities Right-of-Way Agreement for Village I, Spring Grove, recorded at Official Records Document #20160390723, Public Records of Orange County, Florida, as may be amended.
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. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
10. 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.
11. 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.
12. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include

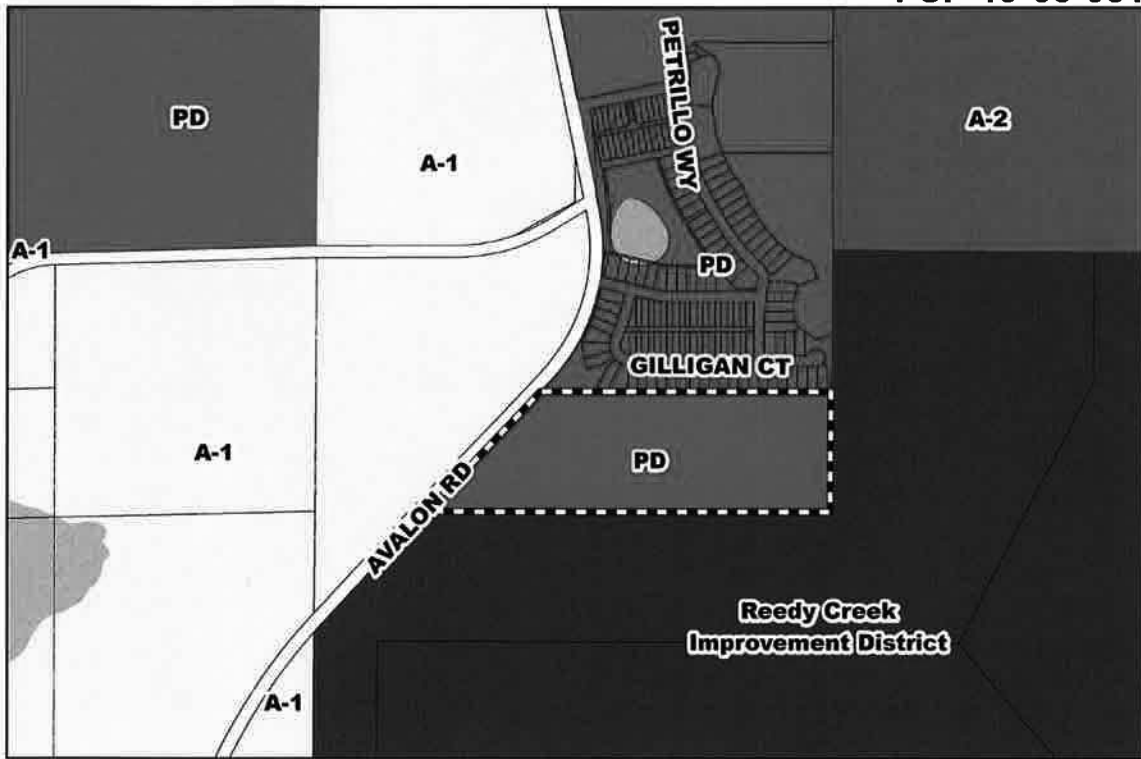
supporting calculations showing that the PSP-level MUP is consistent with the approved and up-to-date MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.

13. 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.
14. 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.
15. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
16. 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.
17. 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.
18. 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, if not provided by the Homeowners' Association, shall be the responsibility of the County.
19. 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.
20. 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.

21. 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.
22. Tree mitigation shall be satisfied prior to the recording of the plat.
23. The lot grading plan for 32-foot wide single-family detached lots (and similar narrow lots) shall include design features to ensure positive drainage from the side yard to the front roadway or rear alley. These design features may include, (a) A/C units on same side of homes so that A/C units are not located adjacent to each other, (b) A/C units on same side placed at high elevation point of side yard so that drainage flows away from the A/C units to the front roadway and rear alley, (c) A/C units located behind the home when garage is detached from the home with courtyard, (d) other lot grading plan approved by the County Engineer.
24. This project shall comply with Comprehensive Plan Policy FLU4.3.10.
25. The following waivers from Orange County Code are granted:
- a. A waiver from Section 38-1382(h)(4), to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement
 - b. A waiver from Section 38-1384(g)(1), to allow garage access to be setback from an alley tract in lieu of an easement
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Zoning Map

PSP-19-03-081



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Eric Warren, Poulos and Bennett, LLC

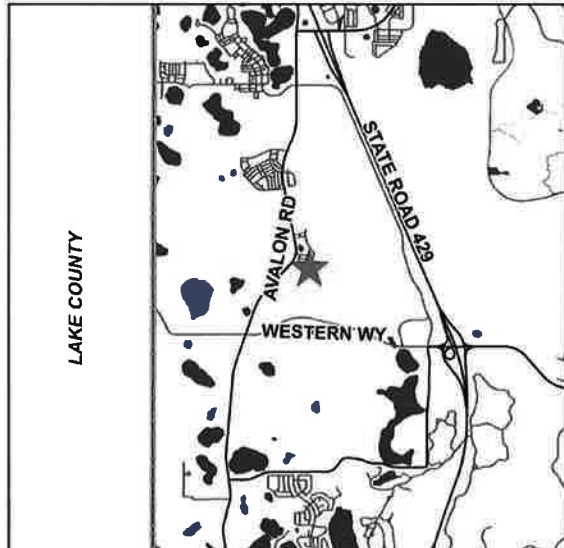
LOCATION: Generally south of Water Spring Blvd., north of Flemings Rd., east of Avalon Rd, and west of State Road 429

TRACT SIZE: 23.24 gross acres

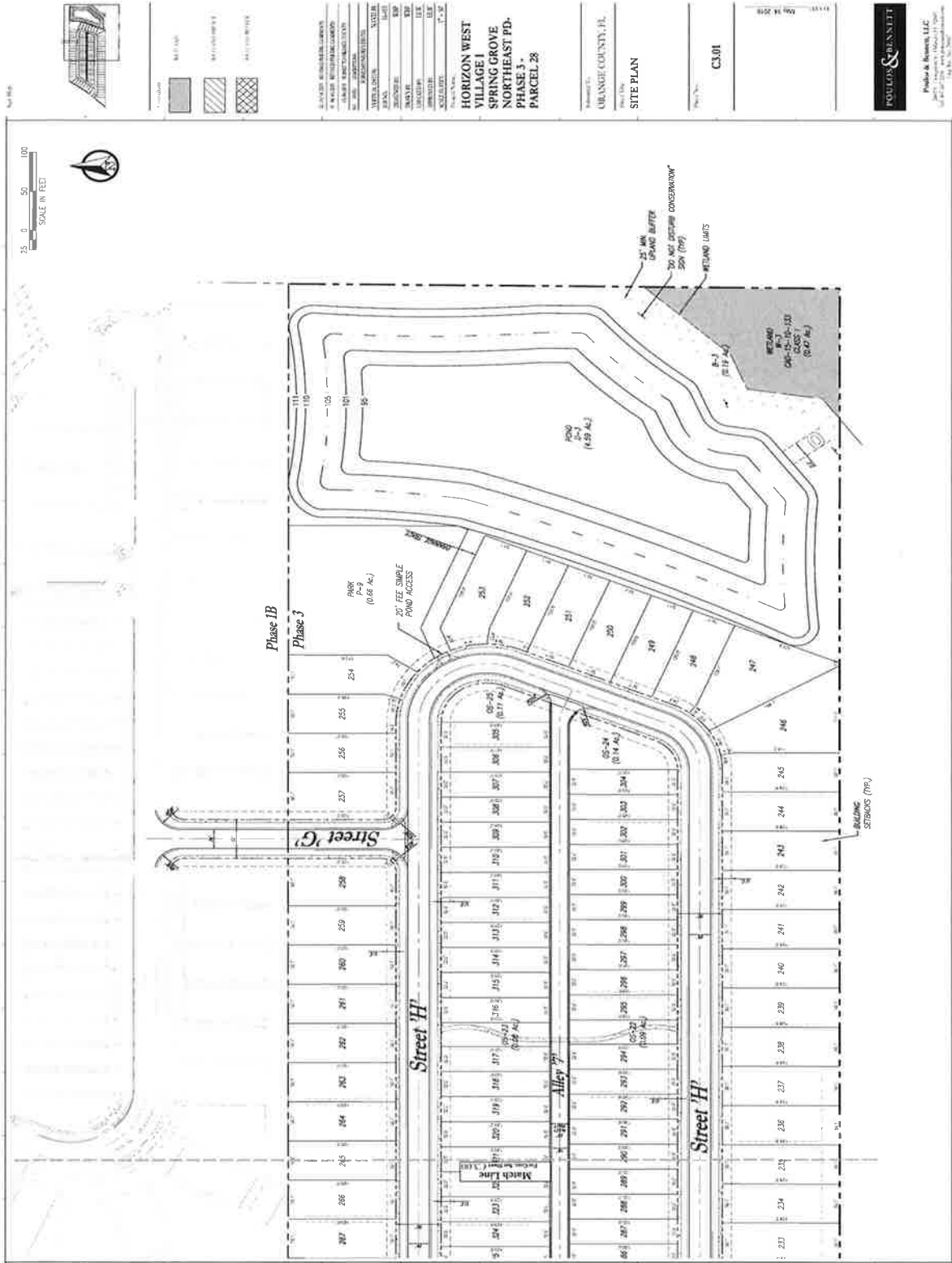
DISTRICT: # 1

S/T/R: 20/24/27

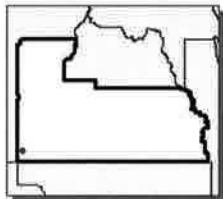
1 inch = 750 feet



Site Plan Sheet



Aerial



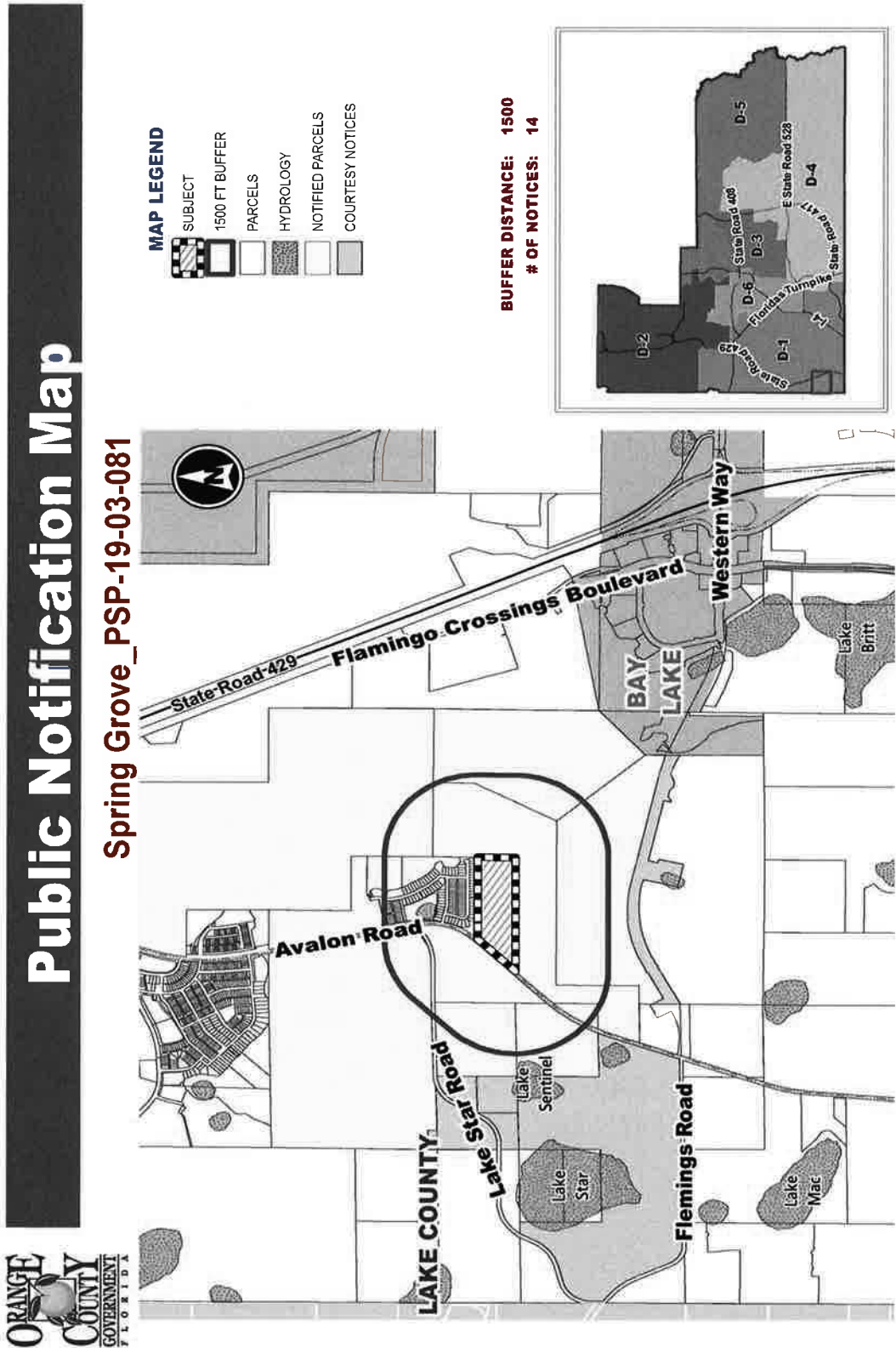
**Spring Cove - Northeast PD
/ Phase 3 - Parcel 28
PSP Case # PSP-19-03-081**



	Parcels		Subject Property		Jurisdiction		Hydrology
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1 : 3,600
1 in : 300 ft

Notification Map



Public Notification Map

Spring Grove_PSP-19-03-081



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