



Interoffice Memorandum

DATE: July 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, DRC Chairman
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: August 20, 2019 – Public Hearing
Applicant: Adam Smith, VHB, Inc.
Lake Reams Neighborhood Planned Development / Developco –
Reams Road Preliminary Subdivision Plan
Case # PSP-16-12-421

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 23, 2019, to deny the Lake Reams Neighborhood Planned Development (PD) / Developco – Reams Road Preliminary Subdivision Plan (PSP) to subdivide 306.89 acres in order to construct 74 single-family detached residential dwelling units.

This item was continued from the June 18, 2019, Board of County Commissioners' meeting.

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 inconsistency with the Comprehensive Plan (CP) and deny the Lake Reams Neighborhood Planned Development / Developco – Reams Road Preliminary Subdivision Plan. District 1**

JVW/EPR/lme
Attachments

CASE # PSP-16-12-421

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 23, 2019, to deny the Lake Reams Neighborhood Planned Development (PD) / Developco – Reams Road Preliminary Subdivision Plan (PSP) to subdivide 306.89 acres in order to construct 74 single-family detached residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: East of the Reams Road / Ficquette Road intersection
- B. Parcel ID: 27-23-27-0000-00-020
- C. Total Acres: 306.89 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Bay Lake ES Capacity: 791 / Enrolled: 1,212
Bridgewater MS Capacity: 1,040 / Enrolled: 2,678
Windermere HS Capacity: 2,753 / Enrolled: 3,374
- G. School Population: 31
- H. Parks: Deputy Scott Pine Community Park – 0.4 Miles
- I. Proposed Use: 74 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 45' (3-stories)
Minimum Living Area: 1,500 Square Feet
Building Setbacks:
 - 20' Front
 - 5' Side
 - 25' Rear
 - 50' NHWE
 - 10' Porch
 - 10' Side Street
- K. Fire Station: 34 – 4000 Winter Garden Vineland Road
- L. Transportation: 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.

3. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Village and is within the Horizon West Special Area of Lakeside Village. The northern portion of the property is designated as an Estate District within the Lakeside Village Special Planning Area. The southern portion of the property is designated Upland Greenbelt.

4. ZONING

PD (Planned Development District) (Lake Reams Neighborhood PD)

5. REQUESTED ACTION:

Make a finding of inconsistency with the Comprehensive Plan and deny the Lake Reams Neighborhood PD / Developco – Reams Road Preliminary Subdivision Plan.

However, in the event the Board approves this request, the following conditions of approval are recommended:

1. Development shall conform to the Lake Reams Neighborhood Center PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Developco - Reams Road Preliminary Subdivision Plan dated "Received April 30, 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 30, 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 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. 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.

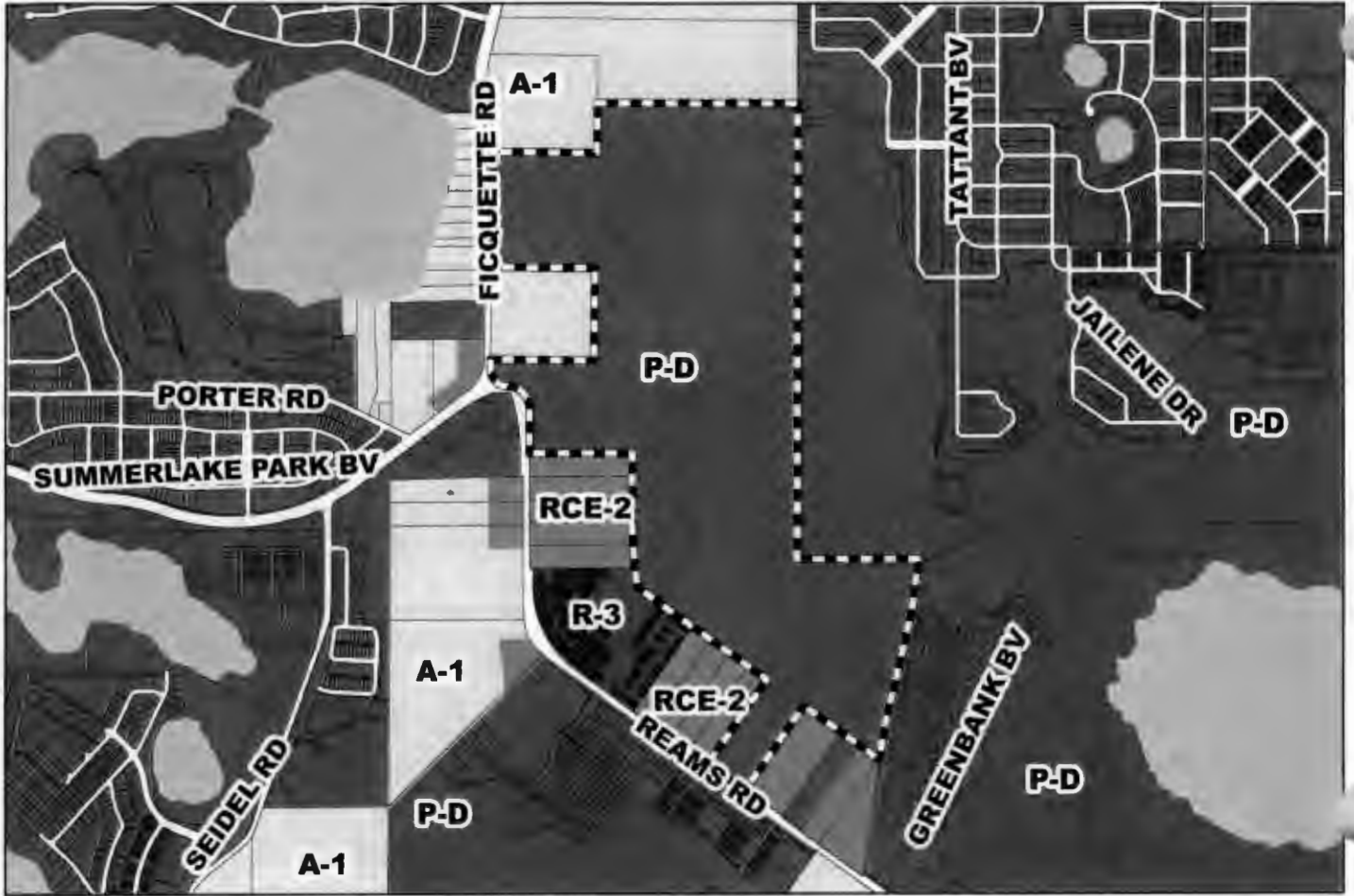
7. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved 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.
8. 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.
9. 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.
10. The project shall comply with the terms and conditions of the road agreement for Ficquette Road and Reams Road approved by the Board of County Commissioners together with tis PSP.
11. 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.
12. 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).

13. 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.
14. 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 for an Orange County Dock Construction Permit. Application shall be made to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction prior to installation.
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. 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.
18. 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 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. 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 updated MUP must be approved prior to construction plan approval.
20. 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.
21. 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.
22. Prior to Certificate of Completion, the developer shall be responsible to modify and construct, at no cost to the county, the fourth leg of the traffic signal at the intersection of Summerlake Park Boulevard and Reams Road/Ficquette Road to accommodate the development.



 Subject Property



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Adam Smith, VHB, Inc.

LOCATION: East of the Reams Road & Ficquette Road intersection

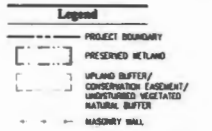
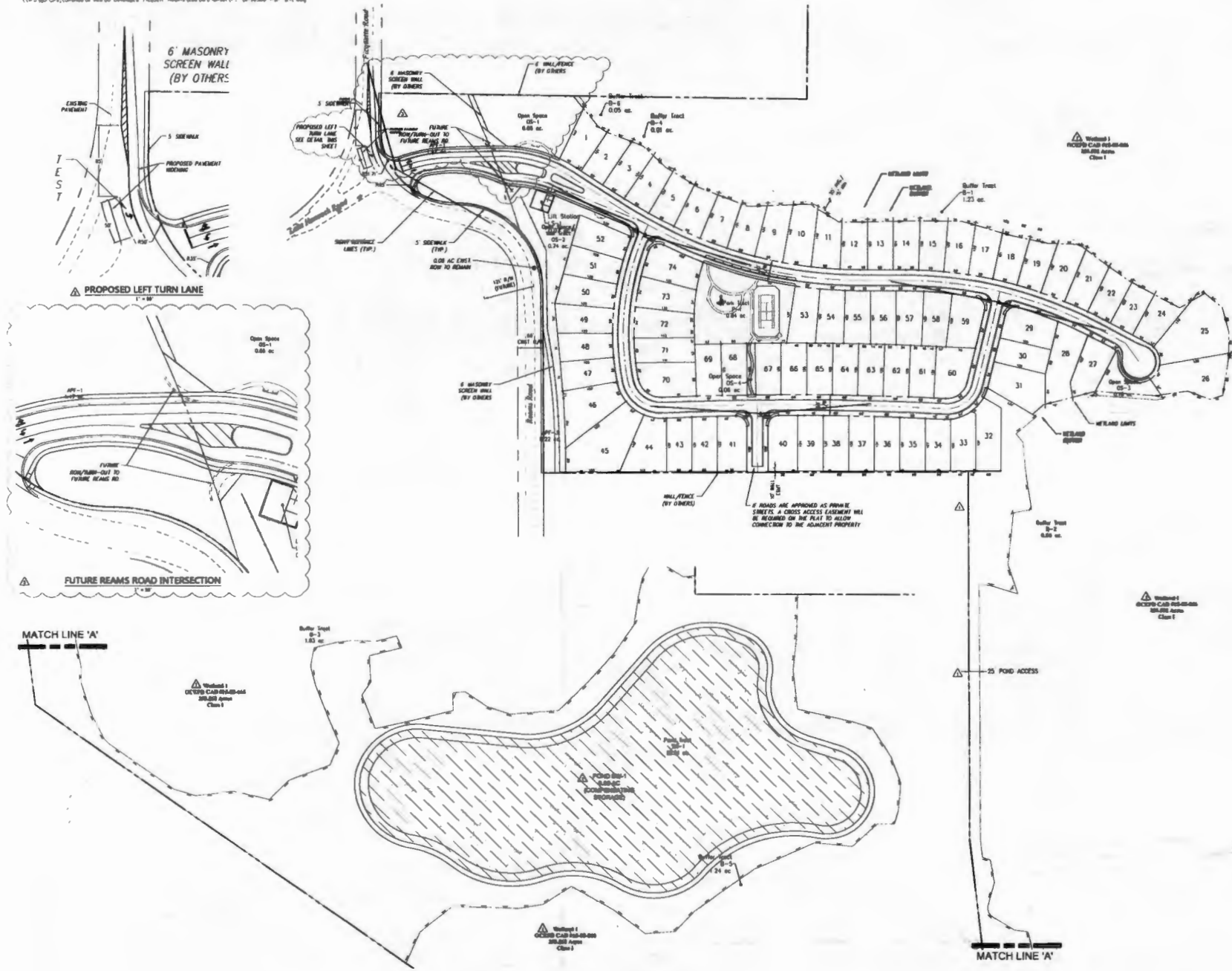
TRACT SIZE: 306.89 gross acres

DISTRICT: 1

S/T/R: 27/23/27

1 inch = 1,667 feet





ALL DISTANCES SHOWN IN ACCORDANCE WITH F&M BREAKBOOK, CHAPTER 14



**Lake Reams
 Neighborhood PD -
 Parcel 25
 PSP**

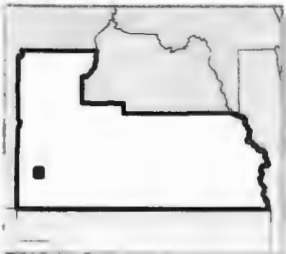
Orange County, Florida

NO.	NAME	DATE	STATUS
1	Reviewed per County Ordinance	08/11/2010	
2	Reviewed per County Ordinance	11/10/2010	
3	Reviewed per County Ordinance	04/20/2011	
4	Reviewed per County Ordinance	08/02/2011	
5	Reviewed per County Ordinance	09/01/2011	

Prepared by: [Signature]
 Date: Dec. 16, 2016

Vertical Datum: NAVD83
 Drawing: **Site Plan**

C-4



**Lake Reams Neighborhood PD/DevelopCo
- Reams Road PSP #PSP-16-12-421**



Parcels		Subject Property	Jurisdiction		Hydrology
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1 : 9,600
1 in : 800 ft