
CASE # PSP-17-08-236

Commission District # 2

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting on February 14, 2018, to recommend approval of the Wekiva Springs Road Preliminary Subdivision Plan (PSP) to subdivide 4.27 acres in order to construct 13 single-family residential dwelling units.

The request also includes the following waiver from Orange County Code:

1. A waiver from Orange County Code Section 34-152(c) is requested to allow for access to Tract D-1 (Stormwater Management Tract) from existing Wekiva Springs Road right-of-way in lieu of access from an internal subdivision street.

2. PROJECT ANALYSIS

A. Location: North of Votaw Road / East of North Wekiwa Springs Road

B. Parcel ID: 01-21-28-6900-00-810

C. Total Acres: 4.27 gross acres

D. Water Supply: Orange County Utilities

E. Sewer System: Orange County Utilities

F. Schools: Clay Springs ES: Capacity 832 / Enrolled 732
Piedmont Lakes MS: Capacity 1,113 / Enrolled 1,120
Wekiva HS: Capacity 2,797 / Enrolled 2,274

G. School Population: 3.4 Students

H. Parks: Kelly Park - 7.7 Miles

I. Proposed Use: 13 Single-Family Residential Dwelling Units

Site Data: Open Space: 35% required (Wekiva Study Area Policies)
Maximum Building Height: 35' (2-stories)
Minimum Lot Area: 5,000'
Minimum Lot Width: 50'
Building Setbacks:
20' Front
5' Side
20' Rear

K. Fire Station: Station 27 - 2248 Novella Eliza Lane

L. Transportation: Based on the concurrency management system database dated 08-24-17, there is one failing roadway within a one mile radius of this project. Wekiva Springs Road from Canter Club Trail to Orchard Drive is currently operating at level of service F and there is no available capacity. This information is dated and is subject to change. A traffic study will be required prior to obtaining an approved Capacity Encumbrance Letter (CEL) and building permit.

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 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 affected property has an underlying Future Land Use Map (FLUM) designation of Low Density Residential (LDR), is zoned R-1, and is located within the Wekiva Study Area. The request is consistent with the comprehensive plan.

4. ZONING

R-1 (Single Family Dwelling District)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Wekiva Springs Road Preliminary Subdivision Plan dated "Received January 18, 2018," 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 January 18, 2018," 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 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.
8. 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.
9. 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.

10. 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.
11. 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 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.
12. 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.
13. 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.
14. 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.

15. Prior to approval of the plat for this project, the developer shall have prepared and submitted for review a document containing covenants, conditions, and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneously with the plat, shall include provisions incorporating the following requirements related to the private lift station and sanitary sewer systems:
 - a. The HOA shall establish a pump station maintenance and replacement fund for the development which shall be funded by the HOA members as part of their dues in an amount sufficient to maintain a minimum balance equivalent to 10% of the pump station replacement costs. The CC&Rs shall require the account to be sufficiently funded to provide a complete pump station replacement on twenty (20) year cycles.
 - b. The HOA shall establish a reserve account equivalent to ten percent (10%) of the wastewater construction costs for the development; such account shall be initially funded concurrently with the creation of the HOA. This reserve account shall maintain a minimum balance equivalent to 10% of the wastewater construction costs and shall be funded by the HOA members as part of their dues.
 - c. An inspection of the private lift station and sanitary sewer systems by a registered engineer shall be required every three (3) years. This inspection shall determine, using good engineering practices, the level of maintenance and identify any needed repairs. The inspection shall be written into a report format and submitted to the Utilities Engineering Manager.
 - d. Within sixty (60) days of receipt by the HOA of the triennial inspection report, the HOA shall complete all remedial work recommended by the engineer.
 - e. The HOA shall hold harmless and indemnify Orange County from any cost of maintenance and reconstruction of, or tort liability or award of damages related to or stemming from the private lift station and sanitary sewer systems.
 - f. There shall be an express statement that homeowners receive no discount in property or other taxes as a result of the private lift station and sanitary sewer systems.
16. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
17. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.

18. A waiver from Orange County Code Section 34-152(C) is granted to allow for access to Tract D-1 from existing Wekiva Springs Road right of way in lieu of access from an internal subdivision street.