



Interoffice Memorandum

October 4, 2024

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

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

**CONTACT PERSON: Joseph C. Kunkel, P.E., DRC Chairman
Development Review Committee
Public Works Department
(407) 836-7971**

SUBJECT: October 29, 2024 – Public Hearing
Applicant(s): Brian Ashby, Kimley-Horn and Associates, Inc.
Project Name: Avalon Park Planned Development (PD) / Town
Center Preliminary Subdivision Plan (PSP) / Tract 5A - Avalon Lake
Townhomes PSP
Project No.: PSP-24-02-054 / District 4

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 11, 2024, to approve the Avalon Park Planned Development (PD) / Town Center Preliminary Subdivision Plan (PSP) / Tract 5A - Avalon Lake Townhomes PSP. The project is located at 12810 Tanja King Boulevard; west of Avalon Park West Boulevard and south of Tanja King Boulevard. This request is to subdivide 5.62 acres to construct 90 single-family attached residential dwelling units. In addition, one waiver is requested from Orange County Code Section 34-152(c) to allow subdivision lots and tracts to be accessed from a non-public paved street in lieu of each lot and tract interior to the subdivision having a minimum access width of twenty (20) feet to a dedicated public paved street, except in a gated community. This development is proposing privately owned and maintained internal roads but is not proposing a gated subdivision.

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.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve Avalon Park PD / Town Center PSP/ Tract 5A – Avalon Townhomes PSP (PSP-24-02-054) dated “Received September 11, 2024”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District #4

TW/JCK/bs
Attachments

CASE # PSP-24-02-054
Commission District # 4

1. GENERAL INFORMATION

Applicant: Brian Ashby , Kimley-Horn and Associates, Inc.

Owner: Sitex Properties USA, Inc.

Project Name: Avalon Park Planned Development (PD) / Town Center Preliminary Subdivision Plan (PSP) / Tract 5A - Avalon Lake Townhomes PSP

Hearing Type: Preliminary Subdivision Plan (PSP)

Request: To subdivide 5.62 acres in order to construct 90 single-family attached residential dwelling units.

In addition, a waiver is being requested from Orange County Code Section 34-152(c).

1. A waiver from Section 34-152(c) to allow subdivision lots and tracts to be accessed from a non-public paved street in lieu of each lot and tract interior to the subdivision having a minimum access width of twenty (20) feet to a dedicated public paved street, except in a gated community.

Applicant Justification: *The requested waiver allows for the development to comply with the approved PSP which requires all internal street within the existing parcel to be private and maintained by the existing Property Owner's Association (POA).*

2. PROJECT INFORMATION

A. Overview: The subject property is generally located west of Avalon Park West Boulevard and south of Tanja King Boulevard within the Avalon Park Planned Development (PD), within the Town Center Preliminary Subdivision Plan (PSP), specifically in PSP Tract 5A. The Avalon Park

PD was originally approved in 1992 and included uses such as single-family residential, multi-family residential, assisted living, hotel, education, religious, office, and commercial uses. The Town Center PSP was originally approved August 3, 2000 and is entitled for 1,403 units.

Through this request, the applicant is seeking to subdivide 5.62 acres to construct 90 single-family attached residential dwelling units. In addition, one waiver is requested from Orange County Code Section 34-152(c) to allow subdivision lots and tracts to be accessed from a non-public paved street in lieu of each lot and tract interior to the subdivision having a minimum access width of twenty (20) feet to a dedicated public paved street, except in a gated community. This development is proposing privately owned and maintained internal roads but is not proposing a gated subdivision.

- B. Location: 12810 Tanja King Boulevard; west of Avalon Park West Blvd. and south of Tanja King Blvd.
- C. Parcel ID(s): 06-23-32-1027-05-000
- D. Total Acres: 121.22 acres (overall Town Center PSP)
12.40 acres (overall Tract 5A)
5.62 acres (a portion of Tract 5A)
- E. Water Supply: Orange County Utilities
- F. Sewer System: Orange County Utilities
- G. Schools: **Stone Lakes Elementary School**
Enrollment: 618 / Capacity: 752
Avalon Middle School
Enrollment: 790 / Capacity: 889
Timber Creek High School
Enrollment: 3,380 / Capacity: 2,423
- H. School Population: This request is expected to generate an additional student enrollment of 34 students.

- I. Parks: Corporal Patrick Deans Park - 2 Miles
- J. Proposed Use: 90 Single-Family Attached Residential Dwelling Units
- K. Site Data: Maximum Building Height: 40' (3 stories)
Minimum Living Area: 1,000 SF
Minimum Lot Width: 20'
Building Setbacks:
Front: 5'
Rear: 8'
Side: 0/5'
Corner: 5'
- L. Fire Station: Fire station 87 – 2233 Crown Hill Blvd.
- M. Public Notification: The notification area for this public hearing extended beyond 500 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. Nine hundred and thirty-five (935) 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: This development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. NOTE: Should this project be located near failing roadways then a traffic study will be required with the CEL application. Please contact the Concurrency Management Office at 407-836-6110 for more information.
- Based on the Concurrency Management database (CMS) dated 03/18/2023, capacity exists within the project's impact area. This information is dated and subject to change.
- 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.

P. Environmental Protection Division:

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

There are wetlands adjacent to the south/southwest. No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to wetlandpermitting@ocfl.net.

This site is located approximately 1 mile west of the Hal Scott Preserve managed by St Johns River Water Management District and Orange County. The nearby property may require the use of resource management practices that may result in periodic temporary

conditions that may limit outdoor activities. These practices may include, but not limited to, ecological burning, pesticide and herbicide usage, exotic plant and animal removal, usage of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.

This site could be adversely impacted by existing solid waste management activities from the Orange County Landfill located approximately 2 miles to the southwest. Potential odor and noise disturbance to residents should be considered during design. Prospective property owners should be notified of this proximity.

Use caution to prevent erosion during construction along the boundary of the property, into surface waters, wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping.

Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

The site has already been cleared. Submit a copy to EPD of either the NPDES Notice of Intent (NOI) form or the issued permit for stormwater runoff from construction activity from the Florida Department of Environmental Protection (FDEP). Orange County inspectors may request to view the issued NPDES permit, and the Stormwater Pollution Prevention Plan (SWPPP) at any time on site.

Q. Comprehensive Plan: The subject property has an underlying Future Land Use Map (FLUM) designation of Traditional Neighborhood Development (TND) and is currently zoned Planned Development (PD) which is consistent with the FLUM designation.

R. Zoning: PD (Planned Development)

3. REQUESTED ACTION:

Development Review Committee (DRC) Recommendation – (September 11, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Avalon Park PD / Town Center PSP/ Travn 5A – Avalon Townhomes PSP dated “Received September 11, 2024”, subject to the following conditions:

1. Development shall conform to the Avalon Park PD Land Use Plan; Board approvals; Avalon Lake Townhomes Preliminary Subdivision Plan dated "Received September 11, 2024," 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 September 11, 2024," 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. 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 and Wildlife Conservation Commission (FWC).

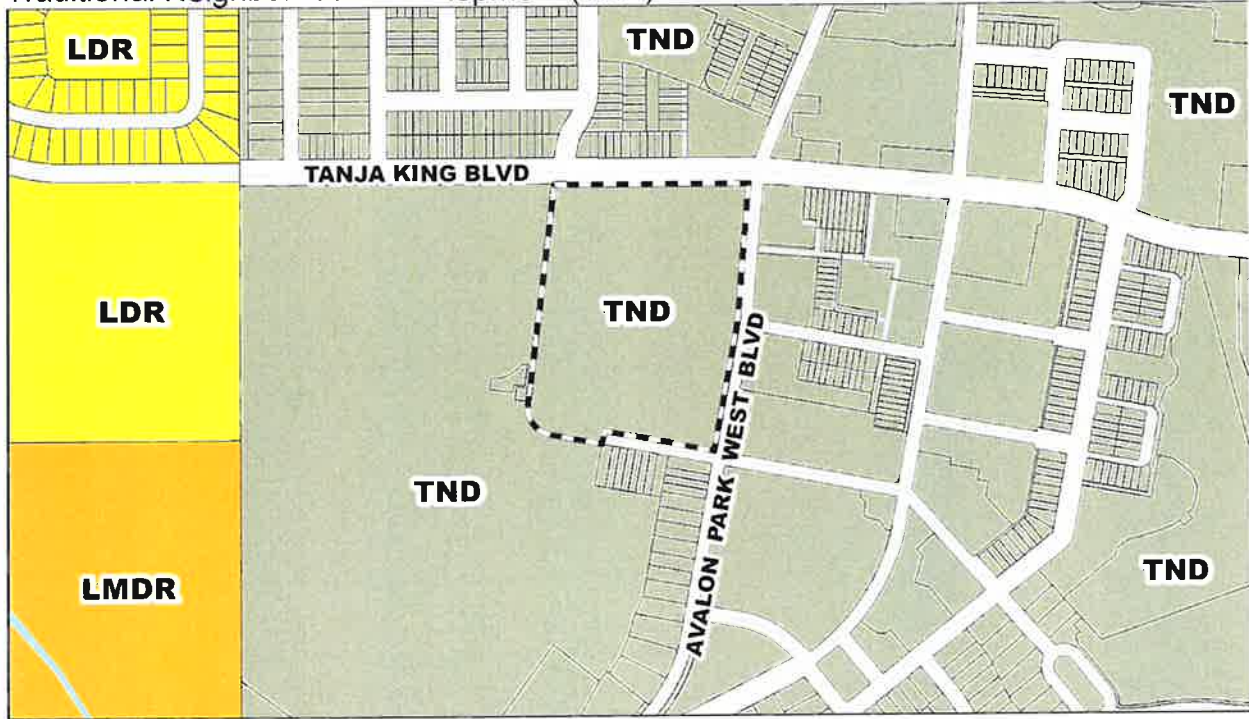
8. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the Orange County Environmental Protection Division National Pollutant Discharge Elimination System (NPDES) Supervisor at NPDES@ocfl.net for details.
9. 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 Supervisor at NPDES@ocfl.net. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
10. 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.
11. 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.
12. Where public gravity main will be located within in alleyways, the distance from structure to structure shall be a minimum of 38 feet. To meet this requirement, the Side and Rear Setbacks for affected lots on the PSP shall be a minimum of 19 feet from the centerline of the alley, based on the utility configuration shown in the PSP.
13. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
14. Pole signs and Billboards are prohibited. All other signage shall comply with approved master sign plan or Chapter 31.5, where applicable and as may be amended.

15. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
16. 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.
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 Countys satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
18. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and ponds have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
19. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
20. Cat's Claw Lane must be complete and open to traffic prior to the issuance of a Certificate of Completion for this subdivision.
21. The plat and CC&R's for this project shall notify homeowners of the following: homeowners own and maintain their individuals water services which extend to their homes from public water meters located adjacent to the public road ROW and/or public utility easements through HOA-owned tracts. The plat shall contain a note on its face that reserves an easement to the homeowners and their successors and assigns of the affected lots access rights to the HOA owned tracts for the purpose of access, construction, installation and maintenance of the water services. This easement shall also be memorialized in the CC&R's.
22. "No Parking" signage shall be installed within the development, per the approved plan, prior to the county issued certificate of completion for the infrastructure.

23. A waiver from Orange County Code Section 34-152(c) is granted to allow subdivision lots and tracts to be accessed from a non-public paved street in lieu of each lot and tract interior to the subdivision having a minimum access width of twenty (20) feet to a dedicated public paved street, except in a gated community.

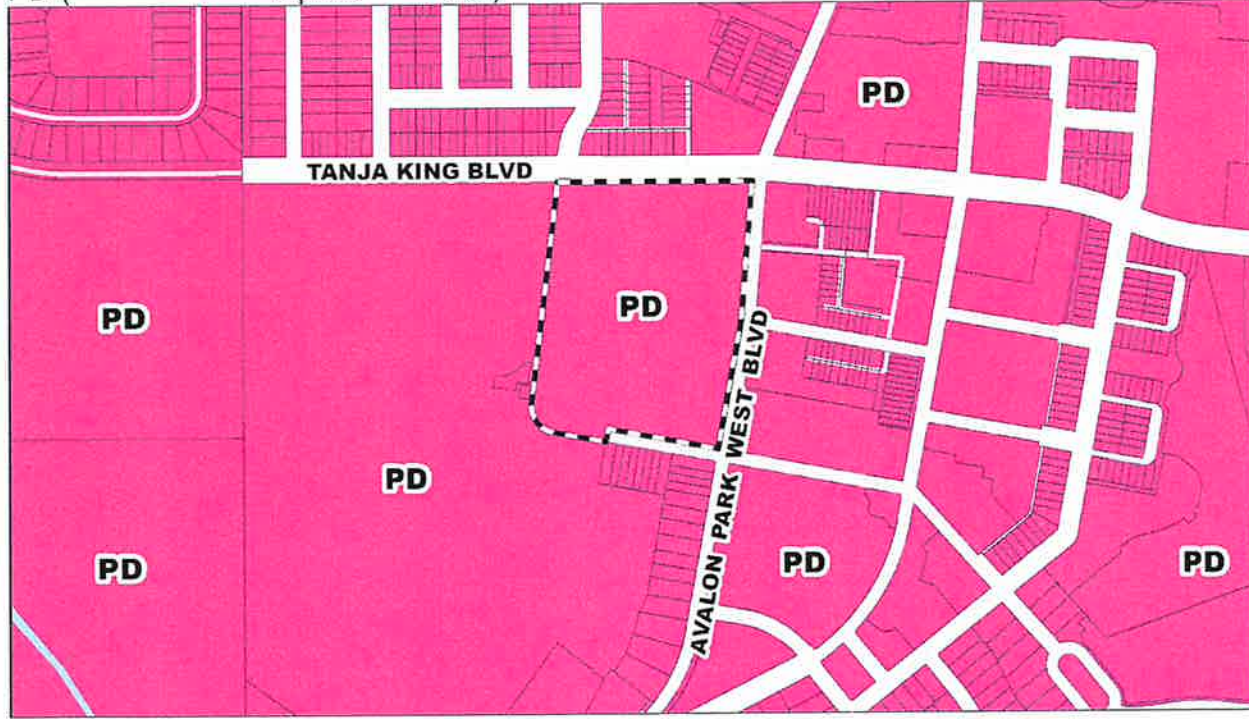
FUTURE LAND USE

Traditional Neighborhood Development (TND)

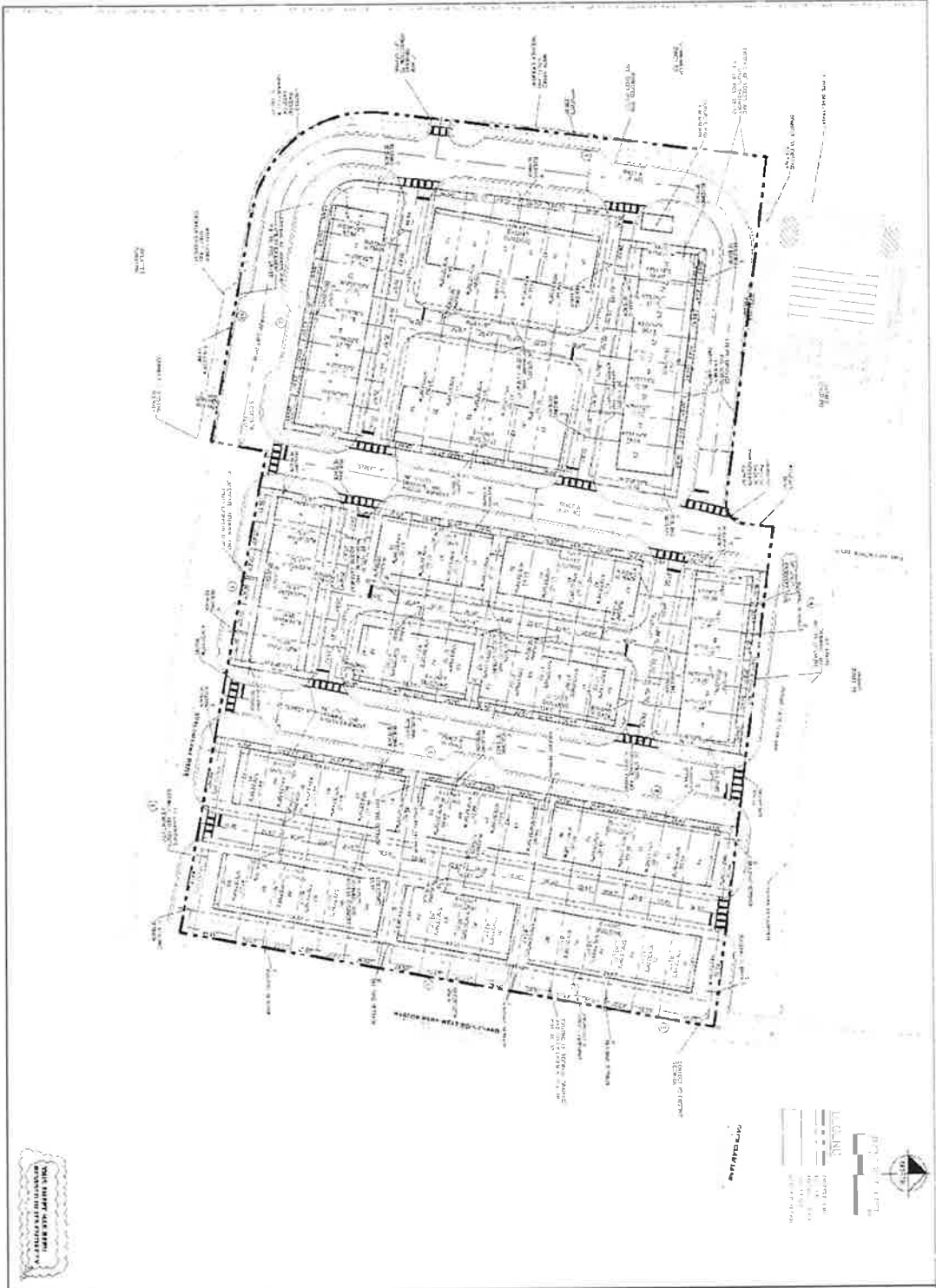


ZONING

PD (Planned Development District)



Site Plan Sheet



PSP2C
AVALON PARK PD /
AVALON LAKE
TOWNHOMES PSP

SITE PLAN

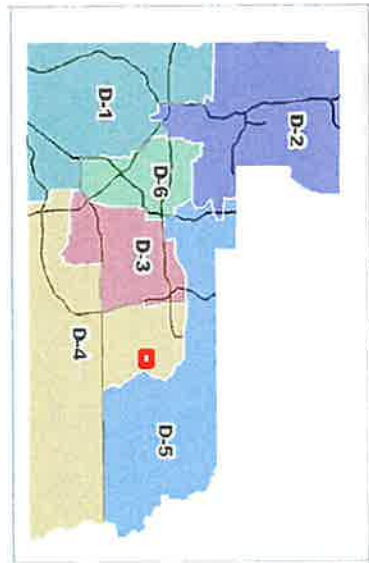
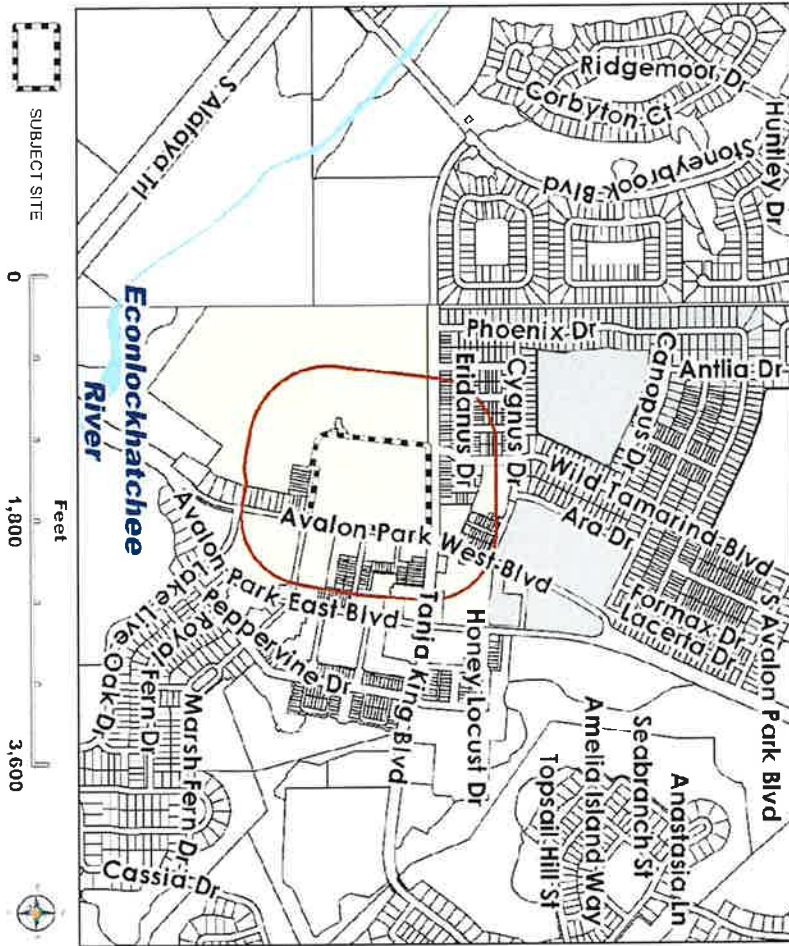
Kimley»Horn

Notification Map



Public Notification Map

PSP-24-02-054



BUFFER DISTANCE: 500
OF NOTICES: 935

- | | | | |
|--|--------------|--|------------------|
| | SUBJECT SITE | | NOTIFIED PARCELS |
| | 500FT BUFFER | | COURTESY PARCELS |
| | HYDROLOGY | | |
| | PARCELS | | |

MAP LEGEND