



Interoffice Memorandum

DATE: October 30, 2018

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

FROM: Jon V. Weiss, P.E., Director *JV*
Community, Environmental and Development
Services Department

CONTACT PERSON: Eric Raasch, Interim DRC Chairman *EPR*
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: December 18, 2018 – Public Hearing
Applicant: Christina Baxter, Poulos & Bennett, LLC
Yates Planned Development / Parcel 2 Preliminary Subdivision Plan
Case # CDR-18-03-070

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of October 10, 2018, to approve a substantial change to the Yates Planned Development (PD) / Parcel 2 Preliminary Subdivision Plan (PSP) to modify the boundary of the PSP to include an additional parcel containing 19.84 acres as Phase 4 of the project, totaling an additional 64 lots; remove Lot 200 from Phase 3 to provide an open space tract for a utility connection; and remove a lot from Phase 2B in order to provide a road connection to Phase 4.

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 (CP) and approve the Yates Planned Development / Parcel 2 Preliminary Subdivision Plan dated "Received September 17, 2018", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

JVW/EPR/lme
Attachments

CASE # CDR-18-03-070

Commission District # 4

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of October 10, 2018, to approve a substantial change to the Yates Planned Development (PD) / Parcel 2 Preliminary Subdivision Plan (PSP) to modify the boundary of the PSP to include an additional parcel containing 19.84 acres as Phase 4 of the project, totaling an additional 64 lots; remove Lot 200 from Phase 3 to provide an open space tract for a utility connection; and remove a lot from Phase 2B in order to provide a road connection to Phase 4.

2. PROJECT ANALYSIS

- A. Location: South of Wetherbee Road / West of Boggy Creek Road
- B. Parcel ID: 20-24-30-0000-00-003, 20-24-30-0000-00-005
- C. Total Acres: 167.38
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: Wetherbee ES Capacity: 817 / Enrolled: 994
South Creek MS Capacity: 1,125 / Enrolled: 1,101
Cypress Creek HS Capacity: 2,762 / Enrolled: 3,355
- G. School Population: 227
- H. Parks: Meadow Woods – 3.2 Miles
- I. Proposed Use: 563 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35'
Minimum Living Area: 1,100 Square Feet
Minimum Lot Width: 50'
Building Setbacks:
 - 20' Front
 - 5' Side
 - 35' Major Road
 - 20' Rear
 - 15' Side Street
- K. Fire Station: 55 – 801 Greenway Professional Center
- L. Transportation: Based on the concurrency management system database dated 03-16-18, there is one failing roadway within a one-mile radius of this project. Boggy Creek Road from Tradeport Drive to Wetherbee Road is currently deficient and operating at Level of

Service (LOS) "F". This information is dated and subject to change. A traffic study will be required prior to obtaining an approved Capacity Encumbrance Letter (CEL).

3. COMPREHENSIVE PLAN

The Future Land Use designation of the subject parcel is Low-Medium Density Residential (LMDR) and Medium Density Residential (MDR). The existing PD (Planned Development District) zoning is consistent with these designations.

4. ZONING

PD (Planned Development) (Yates PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

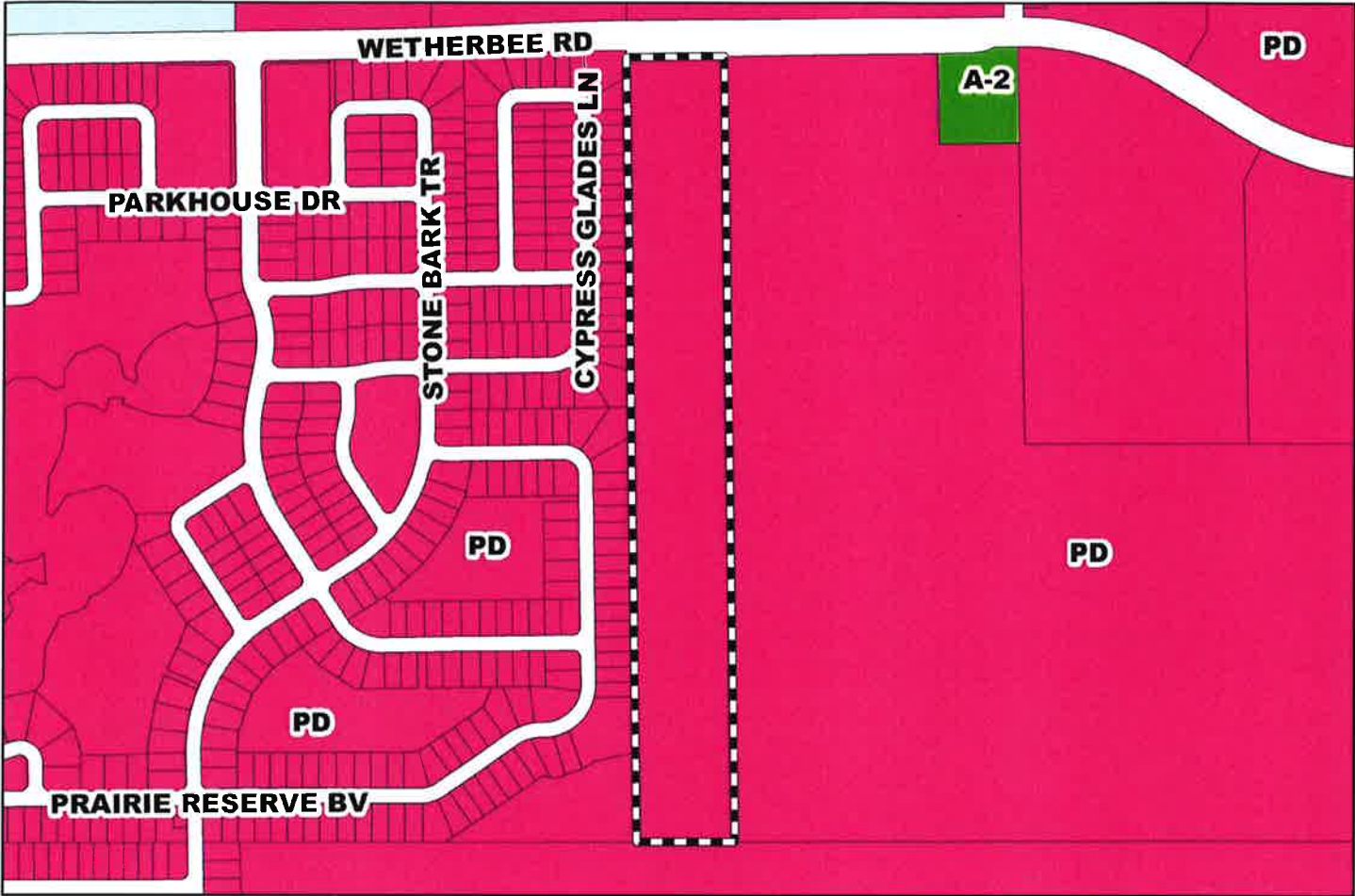
1. Development shall conform to the Yates Planned Development (PD); Orange County Board of County Commissioners (BCC) approvals; Parcel 2 Preliminary Subdivision Plan dated "Received September 17, 2018," and to the conditions of approval listed below. Development based upon this approval shall comply 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 September 17, 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 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. The proposed street that connects Phase 2B and Phase 4 shall be constructed with the infrastructure for Phase 4.
7. The property (Parcel 2) shall be re-platted due to lot reconfiguration prior to the issuance of any vertical building permits.
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 mandatory pre-application review meeting for the plat of Phase 4 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 review meeting prior to formal submittal of the plat to the County.
10. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
11. Prior to construction plan approval, documentation with supporting calculations shall be submitted, certifying that this project is consistent with an approved Master Stormwater Plan (MSP) for the PD.

12. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) 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 CEL or a CRC.
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. 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.
15. 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.
16. 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.
17. 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.
18. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
19. 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.

20. All existing structures within the added property shall be demolished prior to plat approval.
21. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
22. This property is located within Airport Noise Zones D and E. Development shall comply with Article XV, Chapter 9, Orange County Code (Airport Noise Impact Areas), as may be amended from time to time.
23. 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 Agreements. 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.
24. In the event trails are proposed within Phase 4, they will be owned and maintained by the HOA.
25. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 27, 2006, shall apply:
 - a. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this development is consistent with the approved master stormwater management and utility plan for the PD.
 - b. If site research confirms that a cattle vat had been present on this site, then prior to platting, the Covenants, Conditions & Restrictions shall contain notification of this information.
 - c. Prior to platting, an Environmental Site Assessment and sampling acceptable to Orange County Environmental Protection Division (EPD) and the Florida Department of Environmental Protection (FDEP) shall be submitted if a cattle vat was located on this site. Any contaminants resulting from the cattle vat, that may be found to exceed state standards, shall be cleaned up according to an approved plan and verified by post clean-up testing as required.



 Subject Parcel

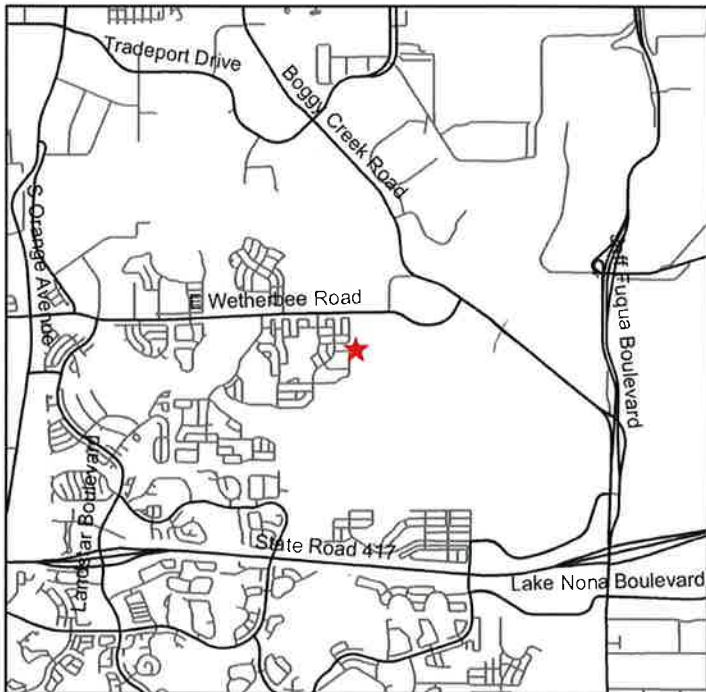


 Subject Property

Zoning Map

ZONING: PD (Planned Development District)
 APPLICANT: Christina Baxter, Poulos & Bennett, LLC
 LOCATION: South of Wetherbee Road / West of Bogy Creek Road
 TRACT SIZE: 167.38
 DISTRICT: 4
 S/T/R: 20/24/30

1 inch = 583 feet

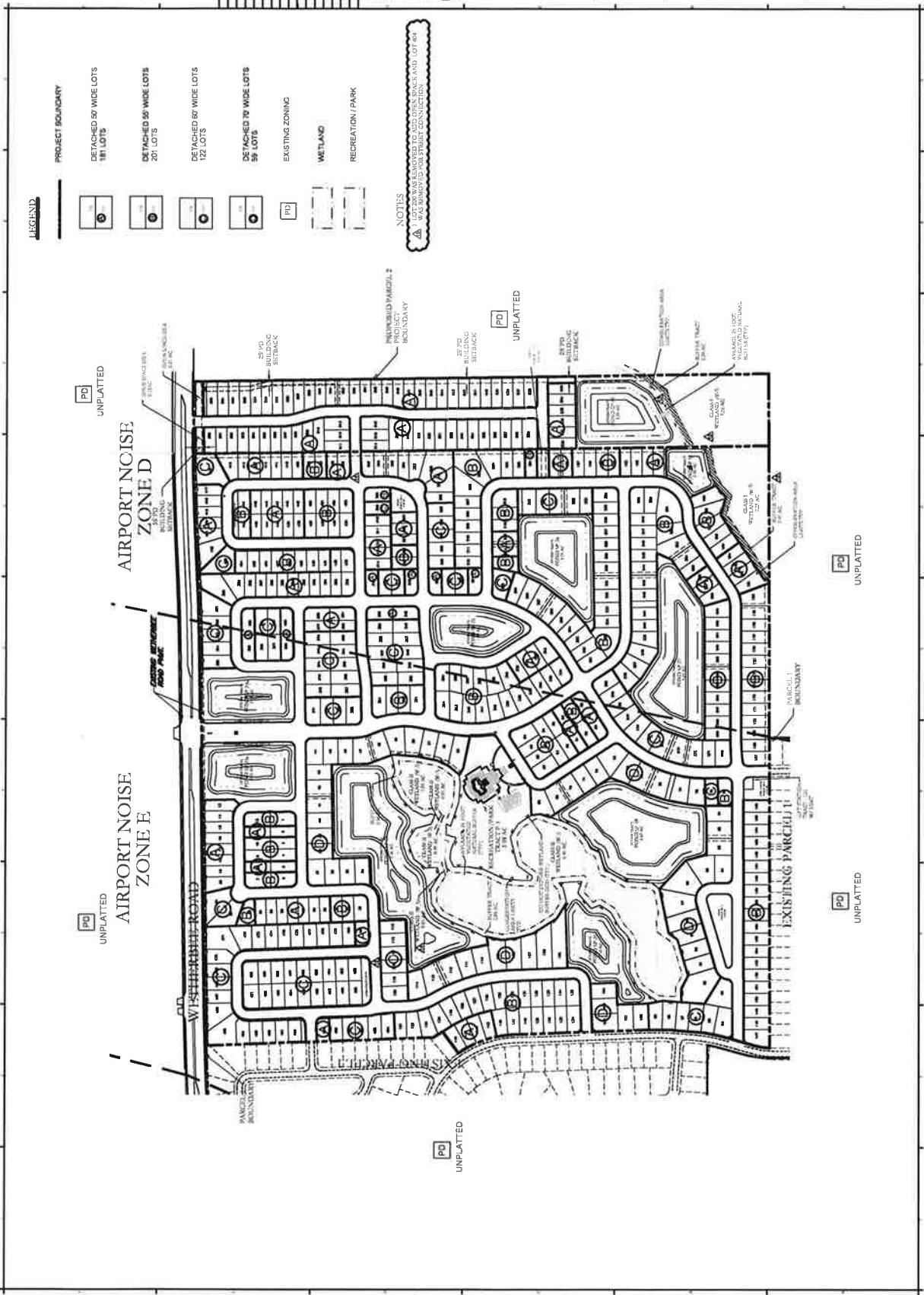


LEGEND

- PROJECT BOUNDARY
- DETACHED 50' WIDE LOTS
181 LOTS
- DETACHED 55' WIDE LOTS
201 LOTS
- DETACHED 60' WIDE LOTS
122 LOTS
- DETACHED 70' WIDE LOTS
59 LOTS
- EXISTING ZONING
- WETLAND
- RECREATION / PARK

NOTES

1. LOTS 200 WAS REDESIGNED TO ACCOMMODATE A LOT FOR WAS RUNDOWN FOR STREET CONSOLIDATION.



NO.	DATE	DESCRIPTION
1	12/15/2015	PRELIMINARY
2	01/15/2016	REVISED
3	02/15/2016	REVISED
4	03/15/2016	REVISED
5	04/15/2016	REVISED
6	05/15/2016	REVISED
7	06/15/2016	REVISED
8	07/15/2016	REVISED
9	08/15/2016	REVISED
10	09/15/2016	REVISED
11	10/15/2016	REVISED
12	11/15/2016	REVISED
13	12/15/2016	REVISED
14	01/15/2017	REVISED
15	02/15/2017	REVISED
16	03/15/2017	REVISED
17	04/15/2017	REVISED
18	05/15/2017	REVISED
19	06/15/2017	REVISED
20	07/15/2017	REVISED
21	08/15/2017	REVISED
22	09/15/2017	REVISED
23	10/15/2017	REVISED
24	11/15/2017	REVISED
25	12/15/2017	REVISED
26	01/15/2018	REVISED
27	02/15/2018	REVISED
28	03/15/2018	REVISED
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95	10/15/2023	REVISED
96	11/15/2023	REVISED
97	12/15/2023	REVISED
98	01/15/2024	REVISED
99	02/15/2024	REVISED
100	03/15/2024	REVISED

PROJECT NAME
YATES PD
PARCEL 2

CLIENT
Y.T. YATES, LLC
2381 LEE ROAD SUITE 204
WINTER PARK, FL 32792

SUBJECT TITLE
ORANGE COUNTY, FL
MASTER SITE
PLAN

PROJECT NO.
8

Project # 2023-001
Date: 11/15/2023
Page: 8 of 8
Fig. No. 2023-001





Yates PD / Parcel 2 PSP



1 : 3,600
1 in : 300 ft