



Interoffice Memorandum

May 8, 2023

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



FROM: Timothy L. Boldig, Interim 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: May 23, 2023 – Public Hearing
Applicant: Victor O. Perea, Burkett Engineering
Oaks at Lake Standish Preliminary Subdivision Plan
Case # PSP-22-04-138 / District 2

This public hearing is to consider a recommendation from the Development Review Committee's meeting of March 22, 2023, to approve the Oaks at Lake Standish Preliminary Subdivision Plan (PSP) to subdivide 24.72 acres to construct 80 single-family residential dwelling units.

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 Oaks at Lake Standish PSP dated "Received April 12, 2023", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2

TB/JK/lme
Attachments

CASE # PSP-22-04-138

Commission District # 2

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's meeting of March 22, 2023, to approve the Oaks at Lake Standish Preliminary Subdivision Plan (PSP) to subdivide 24.72 acres to construct 80 single-family residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: South of West Lester Road / East of Plymouth Sorrento Road
- B. Parcels: 31-20-28-0000-00-003, 31-20-28-0000-00-026,
31-20-28-0000-00-039
- C. Total Acres: 24.72
- D. Water Supply: City of Apopka
- E. Sewer System: City of Apopka
- F. Schools: Wolf Lake ES – Capacity: 747 / Enrollment: 736
Wolf Lake MS – Capacity: 1,191 / Enrollment: 1,097
Apopka HS – Capacity: 3,353 / Enrollment: 3,198
- G. School Population: 36
- H. Parks: Roosevelt Nichols Park – 2 Miles
- I. Proposed Use: 80 Single-Family Residential Dwelling Units
- J. Lot Dimension: Maximum Building Height: 35'
Minimum Living Area: 1,800 Square Feet
Minimum Lot Width: 50'
Building Setbacks:
20' Front
5' Side
20' Rear
- K. Fire Station: 20 – 3200 Washington Street
- L. EPD: An Orange County Conservation Area Determination CAD-22-03-058 was completed with a certified survey of the conservation area boundary approved by the Environmental

Protection Division (EPD) on 5/19/22. The CAD identified 0.03 acre of Class III wetland.

M. Transportation: Existing/Valid transportation capacity entitlements not found. This development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. Please contact the Concurrency Management Office at 407-836-5678 for more information. **INFORMATION:** This development will require School Concurrency via a Capacity Encumbrance Letter (CEL) Application. **Additional Information:** Encumbered school and transportation capacity must be reserved (aka prepay school and transportation reservation fees) by the CEL expiration date or prior to platting.

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.

Based on the Concurrency Management (CMS) Database dated 5/02/2022, capacity exists within the project's impact area. This information is dated and subject to change.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Density Residential (LDR). The subject property is designated R-1 Restricted (Single-Family Dwelling District) on the Zoning Map, which is consistent with the FLUM Designations.

4. ZONING

R-1 Restricted (Single-Family Dwelling District)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Oaks at Lake Standish Preliminary Subdivision Plan dated "Received April 12, 2023," 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 12, 2023," 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, 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, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of 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 National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
9. 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.
10. 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.

11. 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.
12. "No Parking" signs shall be installed along one side of subdivision streets prior to issuance by county of a certificate of completion for the infrastructure.
13. Pursuant to Article XII, Chapter 30, Orange County Code, 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, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat 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.
14. Development shall connect to City of Apopka central water and wastewater service.
15. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
16. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
17. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
18. All fencing abutting open space tracts which are 25 ft. wide or less, or which are not visible from rights-of-way, shall be limited to 50 percent opaque, such as aluminum picket or similar, up to 6 feet tall, or opaque up to 4 feet tall (e.g. along the west side of Lot 15 and along the rear yards of Lots 15 - 40).
19. 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.

20. 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.
21. 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.
22. 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.
23. 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, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
24. If it is anticipated that retaining wall(s) will be designed and constructed, it shall be noted on the preliminary subdivision plan, and the following provision must be incorporated into the Declaration of Covenants, Conditions, and Restrictions (CC&Rs):

For the proposed retaining wall(s), the CC&Rs shall reflect all lots served by such retaining wall and a reserve fund for maintenance, repair, and capital replacement of the retaining wall shall be established and funded with the creation of the HOA; removal of this section from the CC&Rs is prohibited unless approved by the Orange County Board of County Commissioners. Coincident with platting, the developer shall record in the public records the CC&Rs

governing the lots and addressing the HOA responsibilities for the annual maintenance and any necessary repairs of the retaining wall. The CC&Rs shall require the establishment and maintenance of two HOA accounts for:

- a. Annual routine maintenance of the retaining wall, including an engineer's report to be submitted to the HOA on a three-year cycle.
- b. Capital-repair/replacement of the retaining wall based on a 50-year life cycle.

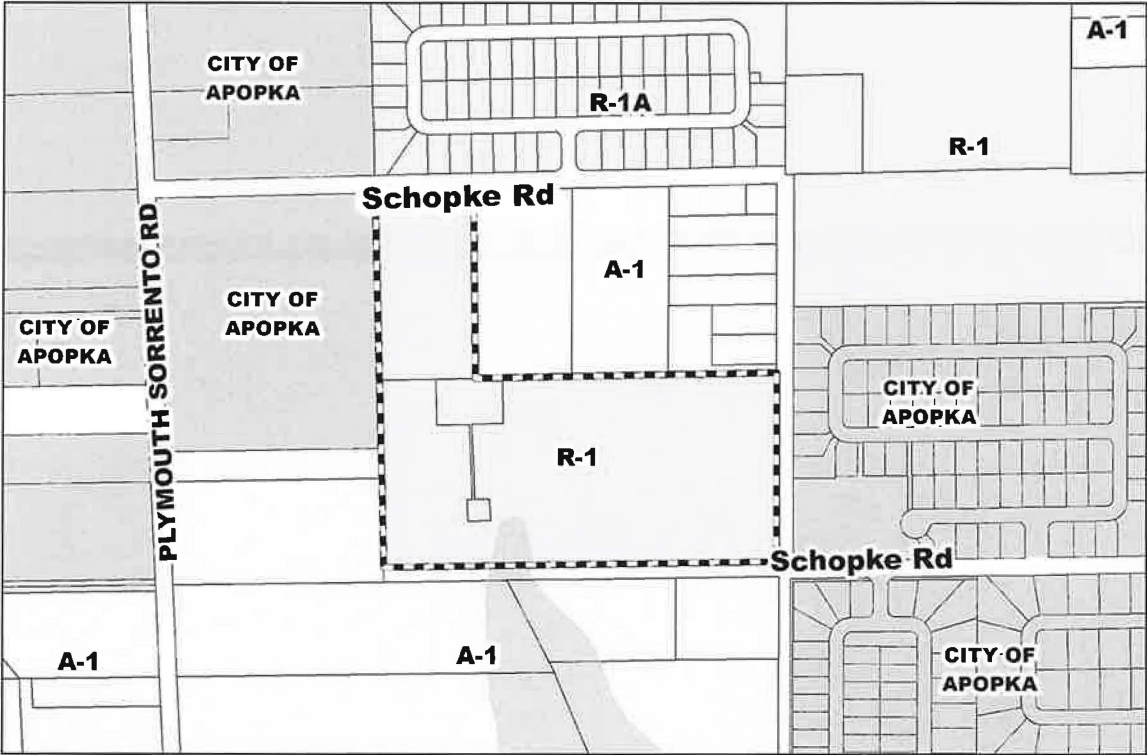
Initial funding of the accounts shall be approved by County Engineer, or their designee, and on the basis of a professional engineer's estimate for the above referenced accounts.

If the subdivision construction plans depict and provide for retaining wall(s) without being noted on the preliminary subdivision plan, it shall constitute a substantial change requiring a public hearing.

- 25. Associated offsite infrastructure including, but not limited to, connecting roadways, roadway improvements, and public utilities, must be submitted as an E-Permit and have a Certificate of Completion prior to platting.
- 26. Owner(s) of Lots 49 through 65 inclusive, as depicted on the initially approved Oaks at Lake Standish Preliminary Subdivision Plan, dated "*", shall not be permitted to install any structure, including but not limited to masonry walls, sheds, pools, pool decks or pool enclosures, or landscaping within the Drainage Easement located on said Lots. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this condition, and through a conspicuous note in the Declaration of Covenants, Conditions, and Restrictions (CC&R's) that a Drainage Easement encumbers said Lots.

Zoning Map

PSP-22-04-138



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development)

APPLICANT: Victor Perea, Burkett Engineering

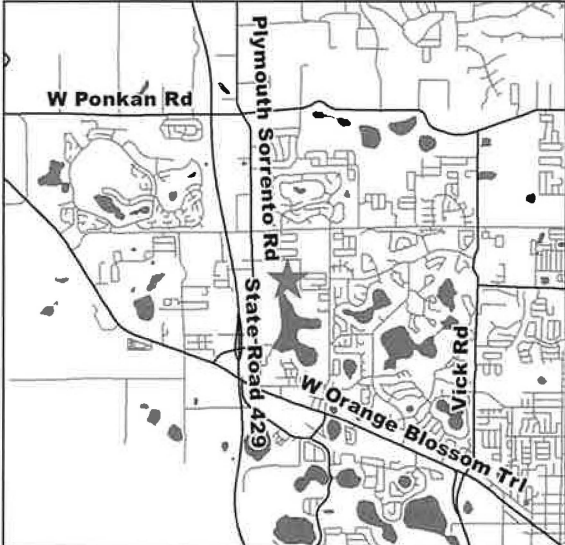
LOCATION: East of Plymouth Sorrento Road / South of W Lester Road

TRACT SIZE: 24.85 gross acres

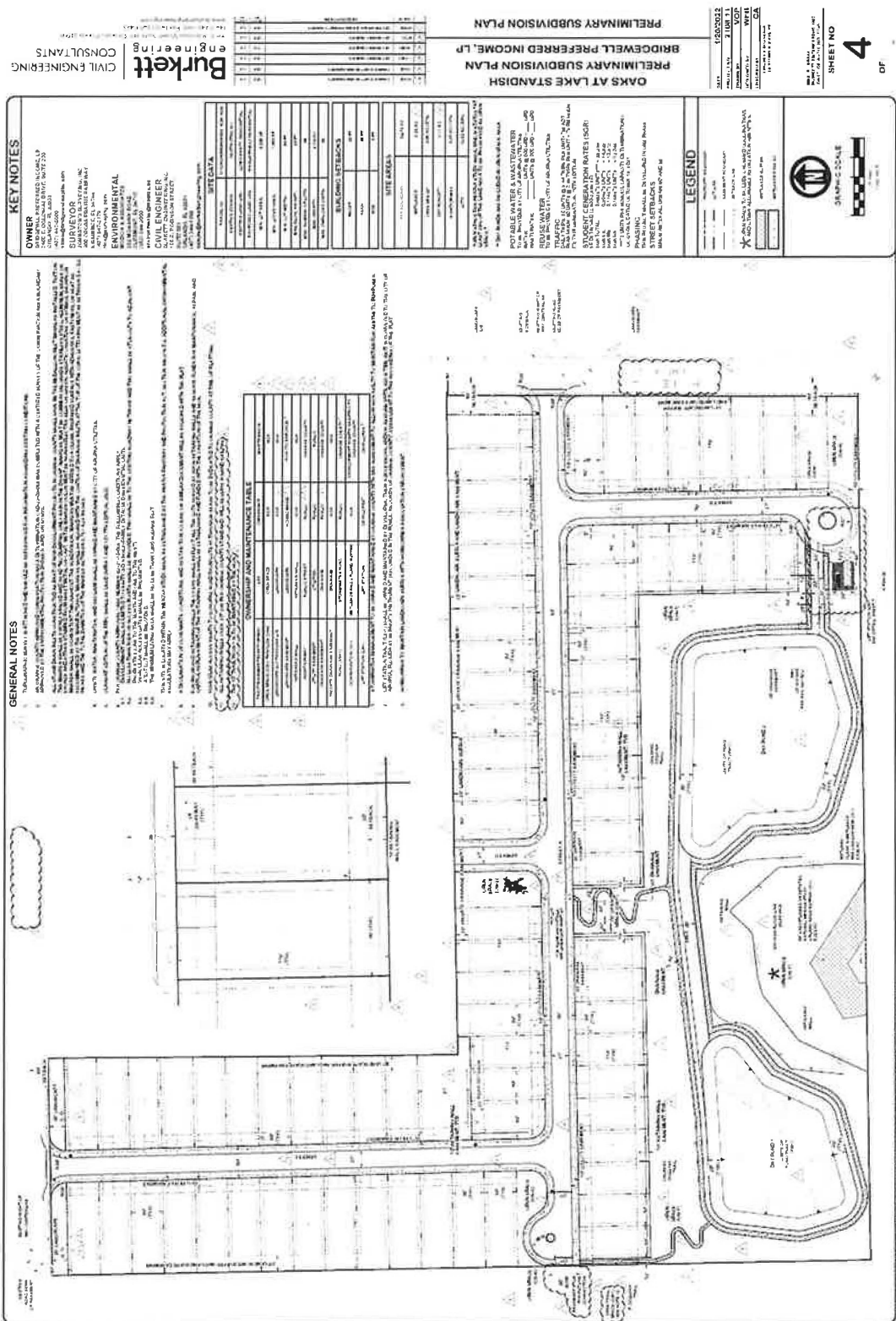
DISTRICT: # 2

S/T/R: 31/20/28

1 inch = 500 feet



Site Plan Sheet



OWNER:
 OAKS AT LAKE STANDISH
 15500 STATE ROAD 141
 SUITE 100
 WESTLAKE, CA 91391

SURVEYOR:
 BARKETT ENGINEERING
 10000 BARKETT DRIVE
 WESTLAKE, CA 91391

PREPARED BY:
 BARKETT ENGINEERING

KEY NOTES:

1. THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE CITY OF WESTLAKE. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF BARKETT ENGINEERING.

2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF WESTLAKE AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES AND THE CALIFORNIA DEPARTMENT OF PUBLICATIONS.

3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES AND THE CALIFORNIA DEPARTMENT OF PUBLICATIONS.

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NO.	DESCRIPTION	OWNER	MAINTENANCE
1	CONCRETE DRIVE	OWNER	OWNER
2	ASPHALT DRIVE	OWNER	OWNER
3	ASPHALT DRIVE	OWNER	OWNER
4	ASPHALT DRIVE	OWNER	OWNER
5	ASPHALT DRIVE	OWNER	OWNER

NO.	DESCRIPTION	VALUE
1	TOTAL AREA	100,000 SQ. FT.
2	ASPHALT DRIVE	10,000 SQ. FT.
3	ASPHALT DRIVE	10,000 SQ. FT.
4	ASPHALT DRIVE	10,000 SQ. FT.
5	ASPHALT DRIVE	10,000 SQ. FT.

NO.	DESCRIPTION	VALUE
1	BLVD. DATA	10,000 SQ. FT.
2	BLVD. DATA	10,000 SQ. FT.
3	BLVD. DATA	10,000 SQ. FT.
4	BLVD. DATA	10,000 SQ. FT.

(Symbol)	CONCRETE DRIVE
(Symbol)	ASPHALT DRIVE
(Symbol)	ASPHALT DRIVE
(Symbol)	ASPHALT DRIVE
(Symbol)	ASPHALT DRIVE

DATE: 1/20/2023
 PROJECT NO.: 20230101
 DRAWING NO.: 01
 SCALE: AS SHOWN
 SHEET NO.: 4 OF 4

OAKS AT LAKE STANDISH
 PRELIMINARY SUBDIVISION PLAN
 BRIDGEWELL PREFERRED INCOME, LP
 PRELIMINARY SUBDIVISION PLAN

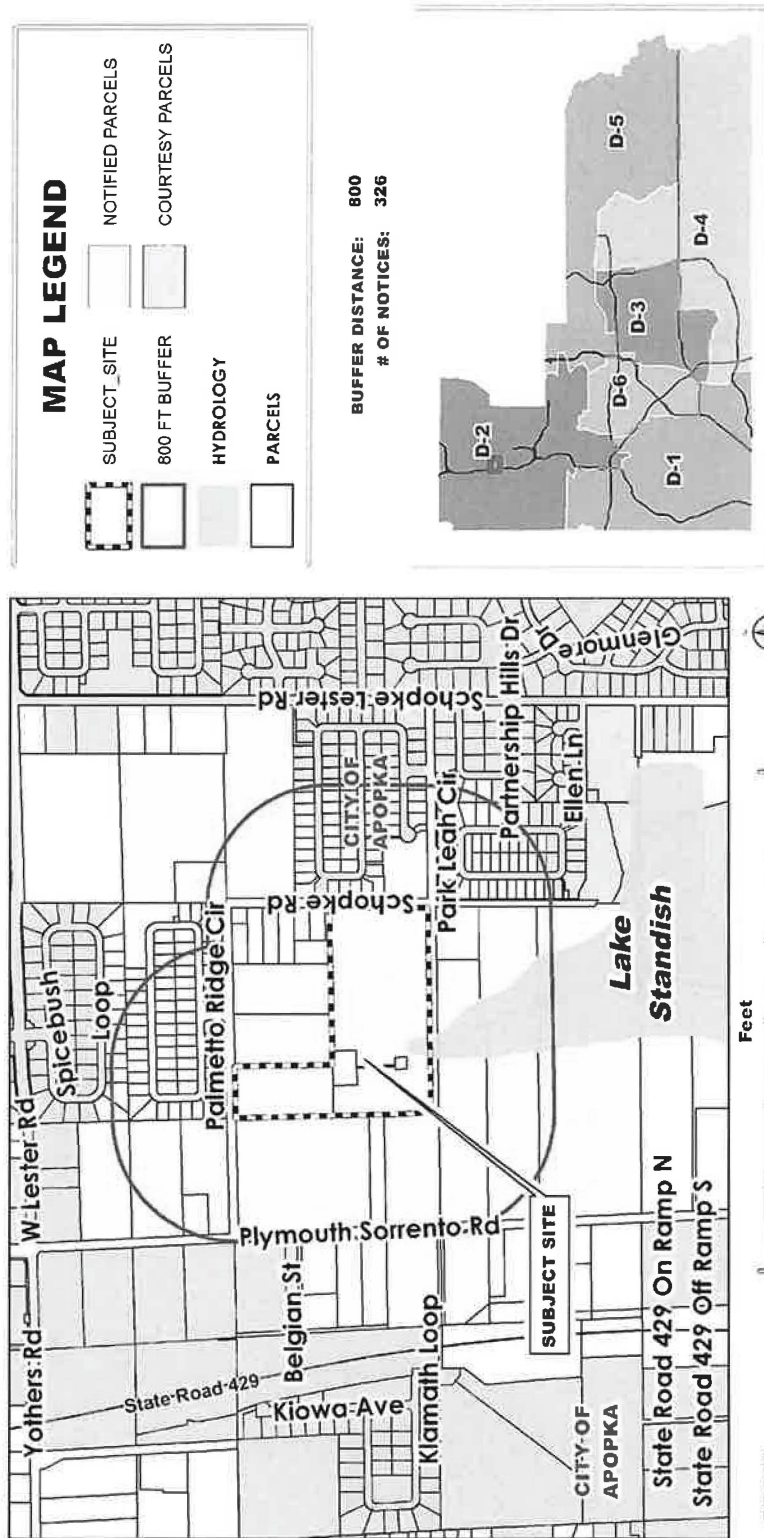
Notification Map

S:\Business Systems\Board Administrations\SUBSTANTIAL CHANGE\2023\Oaks at Lake Standish PSP_PSP-22-04-138\Oaks at Lake Standish



Public Notification Map

Oaks at Lake Standish PSP_PSP-22-04-138



MAP LEGEND

	SUBJECT_SITE		NOTIFIED PARCELS
	800 FT BUFFER		COURTESY PARCELS
	HYDROLOGY		PARCELS

BUFFER DISTANCE: 800
 # OF NOTICES: 326

