



Interoffice Memorandum

DATE: August 23, 2022

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

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental and Development
Services Department

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

SUBJECT: September 13, 2022 – Public Hearing
Applicant: Victor Perea, Burkett Engineering
Emerald Villas Preliminary Subdivision Plan
Case # PSP-22-05-186

This public hearing is to consider a recommendation from the Development Review Committee's meeting of August 10, 2022, to approve the Emerald Villas Preliminary Subdivision Plan (PSP) to subdivide 36.2 acres, generally located north of Silver Star Road, west of Pine Hills Road, into three (3) lots.

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 Emerald Villas PSP dated "Received August 10, 2022", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2

JVW/JK/lme
Attachments

CASE # PSP-22-05-186

Commission District # 2

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's meeting of August 10, 2022, to approve the Emerald Villas Preliminary Subdivision Plan (PSP) to subdivide 36.2 acres, generally located north of Silver Star Road, west of Pine Hills Road, into three (3) lots.

2. PROJECT ANALYSIS

- A. Location: North of Silver Star Road / West of Pine Hills Road
- B. Parcel ID: 07-22-29-0000-00-004, 07-22-29-0000-00-076
- C. Total Acres: 36.2 gross acres
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: Rolling Hills Park – 1.5 Miles
- I. Proposed Use: 3 Lots
- J. Site Data: Maximum Building Height: 35'
Building Setbacks:
20' Front
10' Side
30' Rear
- K. Fire Station: TBD
- L. EPD: This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations may apply. Regulations include, but are not limited to: septic tank criteria, open space, stormwater treatment, conservation, and increased buffer widths.

- M. Transportation: Based on the concurrency management (CMS) database dated May 24, 2022, there is a failing segment within the project's impact area along Powers Drive from Silver Star Road to North Lane. This information is dated and subject to change.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Medium Density Residential (MDR). The subject property is designated R-3 (Multiple-Family Dwelling District) on the Zoning Map, which is consistent with the FLUM Designation.

4. ZONING

R-3 (Multiple-Family Dwelling District)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Emerald Villas Preliminary Subdivision Plan dated "Received August 10, 2022," 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 August 10, 2022," 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

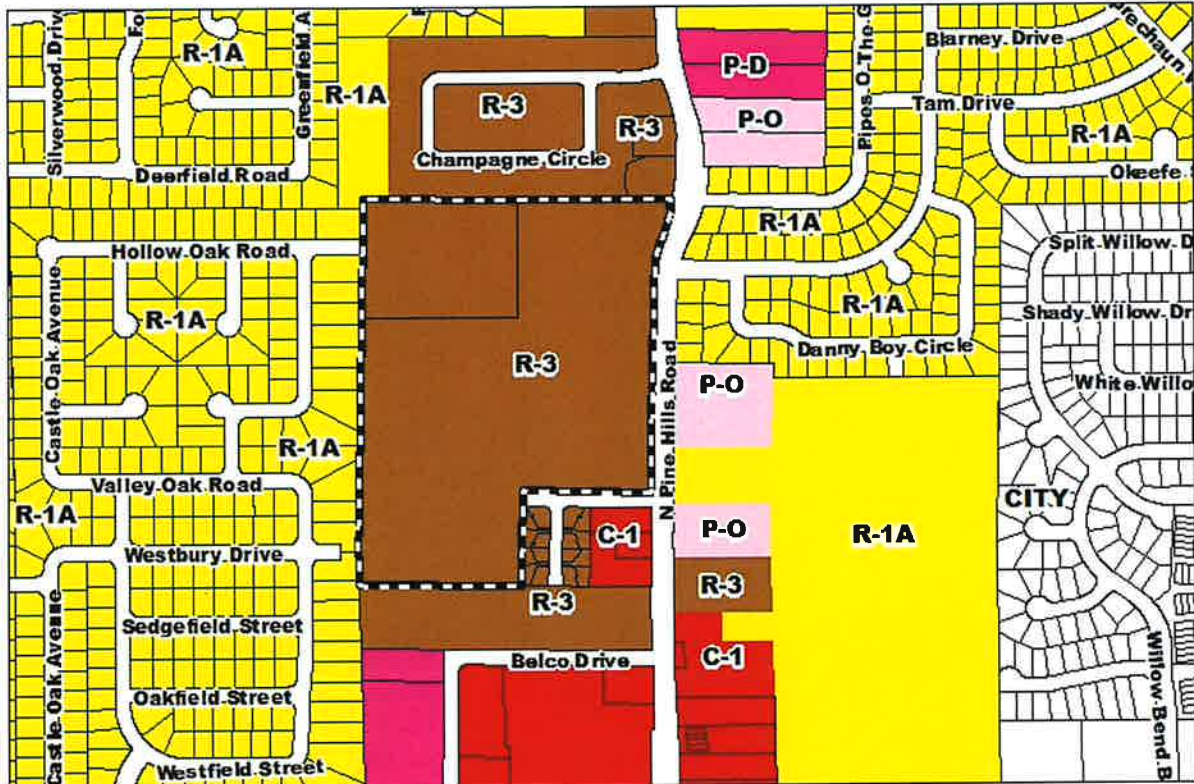
applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

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. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater systems have been designed to support all development (including hydraulically dependent development) within the PSP.

7. 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.
8. 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.
9. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
10. Unless otherwise allowed by County Code, the property shall be platted/replatted prior to the issuance of any vertical building permits.
11. 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.
12. 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.
13. Short term / transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.

Zoning Map

PSP-22-05-186



 Subject Property



 Subject Property

Zoning Map

ZONING: R-3 (Multi-Family Dwelling District)

APPLICANT: Victor Perea, Burkett Engineering

LOCATION: North of Silver Star Road / West of Pine Hills Road

TRACT SIZE: 6.50 acres

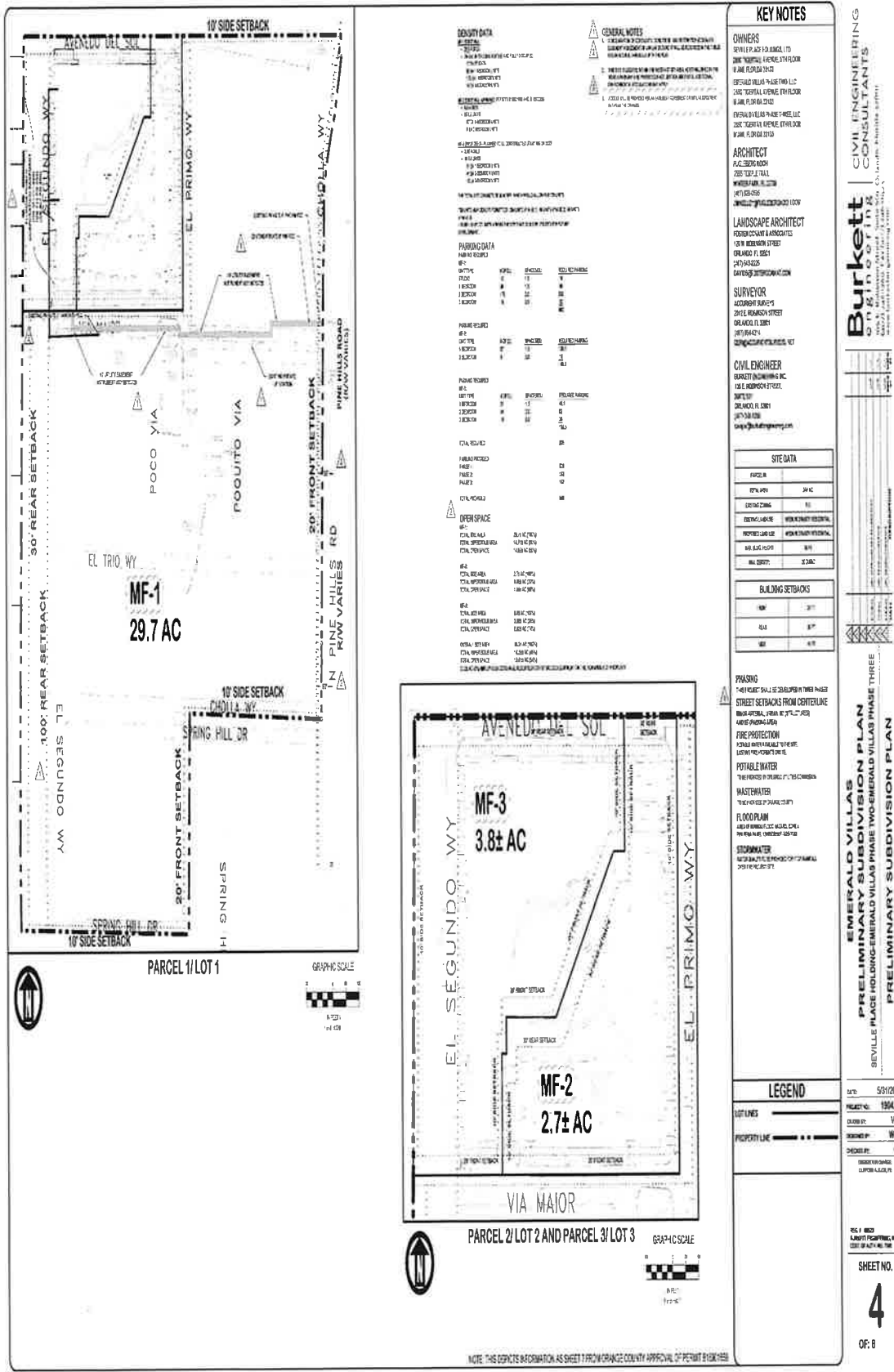
DISTRICT: # 2

S/T/R: 07/22/29

1 inch = 600 feet



Site Plan Sheet



Notification Map



Public Notification Map

Emerald Villas PSP-22-05-186

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