

CASE # PSP-16-06-208

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of November 2, 2016, to approve the Ruby Lake PD / Lot 3 - Townhomes Preliminary Subdivision Plan to subdivide 15.82 acres in order to construct 132 single-family attached residential dwelling units. This project is proposed to be a gated community under Sec. 34-280, 34-290, and 34-291 of Orange County Code.

2. PROJECT ANALYSIS

- A. Location: West of Palm Parkway / South of Daryl Carter Parkway
- B. Parcel ID: 15-24-28-7774-00-020, 14-24-28-1242-66-001 (portion of)
- C. Total Acres: 15.82 (gross acres)
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Sand Lake ES - Capacity: 828 / Enrollment: 591
Southwest MS - Capacity: 1,209/ Enrollment: 1,341
Dr. Phillips HS - Capacity: 2,866/ Enrollment: 3,593
- G. School Population: 57
- H. Parks: Dr. Phillips Park - 3.1 Miles
- I. Proposed Use: 132 Single-Family Attached Residential Dwelling Units
- J. Lot Dimension: Maximum Building Height: 45'
Minimum Living Area: 1,200 Square Feet
Building Setbacks:
 - 10' Front
 - 15' Rear
 - 0'/10' Side
 - 10' Porch
- K. Fire Station: 36 - 12252 Winter Garden Vineland Road

- L. Transportation: This parcel is vested from transportation concurrency under vested rights certificate 98-104.

3. COMPREHENSIVE PLAN

The affected property has an underlying Future Land Use Map (FLUM) designation of Planned Development - Low Medium Density Residential (PD – LMDR). The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Ruby Lake PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Lot 3 Townhomes Preliminary Subdivision Plan dated "Received October 24, 2016," 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 October 24, 2016," 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. A mandatory pre-application/sufficiency review meeting for the re-plat shall be required prior to re-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 re-plat to the County.
7. Prior to the issuance of any vertical building permits, the property shall be replatted.

8. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.
9. 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.
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 which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
12. A 20-foot landscape, pedestrian and utility easement is needed for future roadway improvements and shall be conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.
13. 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 Agreement. 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.
14. The project shall comply with the terms and conditions of the Palm Parkway to Apopka-Vineland Connector Road Agreement recorded in OR Book 8387 Page 3416, Public Records of Orange County, Florida.
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. Because private utilities are proposed within the private ROW, the CC&Rs shall reflect all the lots served by such private utilities and a reserved fund for operation and maintenance of the private utilities shall be established and funded with the creation of the HOA. Prior to platting, the developer shall record in the public records the "declarations" governing the lots and addressing their responsibilities for the on-going maintenance and repair of the private water, wastewater, and reclaimed water infrastructure. The declarations shall require the establishment and maintenance of two HOA accounts for:
 - 1) Annual routine maintenance of the water, wastewater, and reclaimed water infrastructure.
 - 2) Capital repair of the water, wastewater, and reclaimed water infrastructure.
17. 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.
18. If any public water, wastewater or reclaimed water mains will be located outside public rights of way on property owned by an entity other than the developer, a public utility easement shall be granted to OCU and recorded prior to construction plan approval.
19. Length of stay shall be for 180 days or greater. Short term/transient rental shall be prohibited.
20. Signage shall comply with BVN standards and Chapter 31.5, unless otherwise approved by the BCC.
21. A waiver from Section 34-209 is granted to allow for a six-foot stemwall / fence panel as depicted on the plans, in lieu of a six-foot high masonry wall along Palm Parkway.
22. A waiver from Section 34-290(d) is granted to allow for an alley-type access tract in lieu of construction of streets and drainage systems to County standards as stipulated in Section 34-171(1) and 34-171(3)c.