

**CASE # PSP-15-10-300**

Commission District # 1

## **1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 11, 2017, to recommend approval to the Reams Road Property PD / Reams Road Property Preliminary Subdivision Plan to subdivide and construct 160 single-family attached and detached residential dwelling units on 100.2 gross acres.

The request also includes the following waivers from Orange County Code:

1. A waiver from Orange County Code Section 34-152(c) is requested to allow Tract LS-1 to have access external to the subdivision street in lieu of access internal to a subdivision street.
2. A waiver from Orange County Code Section 34-152(c) is requested to allow upland greenbelt and power easement tracts without providing access, in lieu of providing a twenty foot (20') access to a dedicated public street.

## **2. PROJECT ANALYSIS**

- |                       |   |
|-----------------------|---|
| A. Location:          | South of Reams Road / West of Jayme Drive   |
| B. Parcel ID:         | 34-23-27-0000-00-035; 35-23-27-0000-00-013;<br>35-23-27-0000-00-015; 02-24-27-0000-00-005   |
| C. Total Acres:       | 100.2   |
| D. Water Supply:      | Orange County Utilities   |
| E. Sewer System:      | Orange County Utilities   |
| F. Schools:           | Independence ES Capacity: 830 / Enrolled: 786<br>Bridgewater MS Capacity: 1,176 / Enrolled: 1,559<br>West Orange HS Capacity: 3,276 / Enrolled: 4,161 |
| G. School Population: | 68  |
| H. Parks:             | West Beach Park – 4.8 Miles   |
| I. Proposed Use:      | 160 Attached & Detached Residential Dwelling Units  |
| J. Site Data:         | <u>Maximum Building Height:</u><br>55' (4-stories) (Attached)<br>45' (3-stories) (Detached)   |

Minimum Living Area: 1,000 Square Feet

Building Setbacks:

Attached:

10' Front Porch

15' Front

14' Rear

7' Side

10' Corner

Detached:

7' Front Porch

15' Front

20' Rear

4' Side

10' Corner

K. Fire Station: 35 – 7435 Winter Garden Vineland Road

L. Transportation: Per the County Reams Road Alignment Study, right-of-way (ROW) was required from this project for the widening of Reams Road. A Right-of-Way Conveyance and Adequate Facilities Agreement for the dedication of ROW for Reams Road was approved by the BCC on March 15, 2016 and recorded at Document #20160137846 in Orange County records.

An application for a Capacity Encumbrance Letter (CEL-15-05-034) for 47 single family dwelling units and 114 townhomes was submitted for review and was denied as a result of failing level of service conditions on Reams Road from Lake Hancock Road to Cast Drive and Cast Drive to Silver Lake Park Drive. A proportionate share agreement (RAG-16-07-017) is scheduled on the February 7, 2017 BCC consent agenda, which will need to be pulled to be considered concurrent with this PSP request.

### **3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V) within the Lakeside Village with a Specific Area Plan (SAP) designation of Village Home District (VHD) and Wetland/Conservation (CONS). The project is consistent with the Comprehensive Plan.

### **4. ZONING**

PD (Planned Development) (Reams Road Property PD)

**5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Reams Road Property PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Reams Road Property Preliminary Subdivision Plan dated "Received November 21, 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 November 21, 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. 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.
7. 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.
8. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
9. 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.

10. 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.
11. The following Education Condition of Approval shall apply:
  - a) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of June 8, 2015.
  - b) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 5 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - c) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
  - d) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement. 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.

12. 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.
13. 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 & Wildlife Conservation Commission (FWC).
14. 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.
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. Where any public gravity mains will be located within alleyways, the distance from structure to structure shall be a minimum of 38 feet. To meet this requirement, the Rear Setback for Lots 55 to 114 shall be a minimum of 19 feet from the property line based on the utility configuration shown in the PSP.
17. The plat and the Conditions, Covenants, and Restrictions (CC&Rs) for this project shall notify homeowners of the following: Homeowners own and maintain their individual water services which extend to their homes from public water meters located adjacent to public road right-of-way. The privately-owned water services for the Lots numbered 55 to 114 on the PSP extend to these units through HOA-owned park tracts. The owners of these lots shall be granted access to HOA-owned tracts for the purpose of maintaining their water services.

18. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD, including hydraulically dependent parcels outside the PD boundaries; such MUP shall include supporting calculations showing that the PD-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
19. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
20. All home designs/types proposed for this PSP shall be submitted to the County for setback & architectural review a minimum of 90 days prior to model home requests and/or permitting.
21. The project shall comply with the terms and conditions of that certain Reams Road Property PD Mattamy Homes ROW & APF Agreement recorded at Document # 20160137846, Public Records of Orange County, Florida, as may be amended.
22. A waiver from Orange County Code Section 34-152(c) is granted to allow access for Lift-Station Tract LS-1 to be external to the subdivision street in lieu of access internal to a subdivision street.
23. A waiver from Orange County Code Section 34-152(c) is granted to allow upland greenbelt and power easement tracts without providing access, in lieu of providing a twenty foot (20') access to a dedicated public street.