

**GENERAL INFORMATION**

<b>APPLICANT</b>	Christopher Wrenn, D.R. Horton, Inc.
<b>OWNERS</b>	Fail Katherine Life Estate; Rem: Peter M Fail; Rem: Barry A Fail; and Rem: Janet K Harvey Revocable Trust
<b>PROJECT NAME</b>	Lone Palm Planned Development (PD)
<b>HEARING TYPE</b>	Planned Development / Land Use Plan (PD / LUP)
<b>REQUEST</b>	A-2 (Farmland Rural District) <b>to</b> PD (Planned Development District)  <i>A request to rezone 9.0 acres from A-2 to PD in order to allow for the development of up to forty (40) single-family detached residential dwelling units.</i>
<b>LOCATION</b>	1333 Hancock Lone Palm Road; or generally east of Hancock Lone Palm Road, approximately 2,500 feet south of East Colonial Drive.
<b>PARCEL ID NUMBER</b>	24-22-31-0000-00-043
<b>TRACT SIZE</b>	9.0 gross acres
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing extended beyond 500 feet [ <i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i> ]. Three hundred sixty-nine (369) notices were mailed to those property owners in the mailing area.
<b>PROPOSED USE</b>	Forty (40) single-family detached residential dwelling units.

**STAFF RECOMMENDATION**

**Development Review Committee (DRC) – December 21, 2016**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Lone Palm Planned Development / Land Use Plan (PD/LUP), dated "Received December 27, 2016", subject to the following conditions:**

1. Development shall conform to the Lone Palm Planned Development / Land Use Plan (PD/LUP) dated "Received December 27, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be

developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received December 27, 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 Land Use 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 current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
7. 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 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 CEL or a CRC.
8. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a state application and approved permit, to be provided to Orange County. Approval of this plan does not authorize any direct or indirect conservation area impacts.
9. The developer shall obtain water and wastewater service from Orange County Utilities.
10. 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.
11. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
12. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The applicant's request, to rezone 9.0 acres from A-2 to PD in order to allow for the development of up to forty (40) single-family detached residential dwelling units, would not adversely impact any adjacent properties, and would be compatible with the development trend in the area.

### **Comprehensive Plan (CP) Consistency**

The subject property has an underlying Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR). The proposed use is consistent with this FLUM designation and all other applicable CP provisions, which include (but are not limited to) the following goals, objectives and policies:

**GOAL H1** states that Orange County shall promote and assist in the provision of an ample housing supply, within a broad range of types and price levels.

**OBJ H1.1** states that the County will support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

**FLU1.1.1** states that urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

**FLU1.1.5** states that the Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Growth Centers may include specific provisions for maximum and minimum densities.

**FLU1.4.2** states that Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

**GOAL FLU2** states that the County will encourage urban strategies such as infill development which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.2.1** states that land use changes be compatible with existing development and development trend in the area.

**FLU8.2.2** states that continuous stretches of similar housing types and density of uses shall be avoided. A diverse mix of uses and housing types shall be promoted.

### **Community Meeting Summary**

A community meeting for this request was held on December 15, 2016 at Castle Creek Elementary School. Three (3) residents were in attendance and expressed concerns with traffic, ground water contamination, and potential rural character impacts.

## **SITE DATA**

<b>Existing Use</b>	Single Family Residential
<b>Adjacent Zoning</b>	N: A-2 (Farmland Rural District) (1957)  E: R-T (Mobile Home Park District) (1997) PD (Colonial Sunflower Planned Development) (1995)  W: A-2 (Farmland Rural District) (1957) R-2 (Residential District) (1990)  S: A-2 (Farmland Rural District) (1957)
<b>Adjacent Land Uses</b>	N: Single Family Residential / Church  E: Mobile Home Park  W: Single Family Residential / Farm Land  S: Single Family Residential

## **APPLICABLE PD DEVELOPMENT STANDARDS**

Maximum Building Height:	35 feet
Minimum Floor Area:	1,000 sq. ft.
Minimum Lot Area:	5,500 sq. ft.
Minimum Lot Width:	50 feet
Minimum Lot Depth:	110 feet

### **Minimum Building Setbacks**

Front Yard:	20 feet
Rear Yard:	20 feet
Side Yard:	5 feet
Street Side Yard:	15 feet

PD Perimeter Setback:	25 feet
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## **SPECIAL INFORMATION**

### **Subject Property Analysis**

The applicant is seeking to rezone 9.0 acres from A-2 to PD in order to allow for the development of up to forty (40) single-family detached residential dwelling units.

### **Comprehensive Plan (CP) Amendment**

The subject property has an underlying Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR). The proposed rezoning request is

consistent with this designation and all other applicable CP provisions; therefore, a CP amendment is not required.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is not located within an Airport Noise Zone.

**Environmental**

CAD - There are wetlands located on site. Prior to submitting a Preliminary Subdivision Plan or a Development Plan (PSP/DP), the Environmental Protection Division (EPD) will require a completed Conservation Area Determination (CAD), consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas.

Conservation Area Labels - When a PSP/DP is submitted, the following information should be included in all applicable plan sheets: the Orange County Conservation Area Determination (CAD) number, the approved conservation area boundary survey lines, the identification numbers of all conservation areas, the wetland classifications and acreage of each. Reference Orange County Code 34-131(d)(2) for PSP and 38-1206(6) for DP.

Econ River Protection Ordinance - This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply. Reference Orange County Code Chapter 15 Article XI Section 15-442. The basin-wide regulations include, but are not limited to, wetlands and protective buffers, wildlife habitat, stormwater management, and landscaping with native plant species.

Conservation Area Impacts - The removal, alteration or encroachment within a Class I or Class II conservation area within the Econ Protection Ordinance area requires approval from the Orange County Board of County Commissioners (BCC) on the same day or prior to approval of the PSP/DP.

All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.

Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and

Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

Potential Contamination - This project site has a prior agricultural land use that may have resulted in soil and/or groundwater contamination. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions.

#### **Transportation / Concurrency**

Based on the 9th Edition of the ITE trip generation manual, the proposed request to develop 40 single-family dwelling units will generate 452 daily and 46 pm peak hour trips. According to the concurrency management system database dated 01/20/17 there are two failing roadways within the project impact area. East Colonial Drive between Woodbury Road and Lake Pickett Road, and Lake Pickett Road between Colonial Drive and Percival Road currently have no available capacity and are operating at level of service F. This information is dated and is subject to change. Final permitting or approval of any development on this site will be subject to further review and approval through the County's Concurrency Management System and the applicant will be required to address any projected deficiencies in accordance with Orange County Code. In addition, Pursuant to Orange County Code Section 30-552(3), any application for a Planned Development (PD) zoning is also required to conduct a traffic study to assess the traffic and capacity impacts of the proposed development. Therefore, the applicant is required to submit a traffic analysis for the proposed PD to the Transportation Planning Division for review and approval prior to obtaining an approved Capacity Encumbrance Letter (CEL).

#### **Water / Wastewater / Reclaim**

	<u>Existing service or provider</u>
Water:	Orange County
Wastewater:	Orange County
Reclaimed:	Orange County

#### **Schools**

Orange County Public Schools (OCPS) issued a Capacity Approval Letter for this request on August 8, 2016, which indicated that the subject property is vested for three (3) single-family units, and that the affected schools have adequate capacity to support the remaining thirty-seven (37) proposed single-family residential units.

#### **Parks and Recreation**

Orange County Parks and Recreation staff reviewed the request, but did not identify any issues or concerns.

**Code Enforcement**

No code enforcement, special magistrate or lot cleaning issues on the subject property have been identified.

**Specific Project Expenditure Report and Relationship Disclosure Forms**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (January 19, 2017)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Lone Palm Planned Development / Land Use Plan (PD/LUP), dated "Received December 27, 2016", subject to the following conditions:**

1. Development shall conform to the Lone Palm Planned Development / Land Use Plan (PD/LUP) dated "Received December 27, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received December 27, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
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made to the Board at a public hearing where the development was considered and approved.

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- 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 CEL or a CRC.
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  11. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
  12. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.

## **PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested PD (Planned Development District) zoning, subject to twelve (12) conditions.

Staff indicated that three hundred sixty-nine (369) notices were sent to an area extending beyond 500 feet from the subject property, with four (4) responses in favor and eighteen (18) in opposition received. Those in opposition expressed concern with traffic, inadequate infrastructure, environmental impacts, and aquifer impacts. Kathy Hattaway, the applicant's representative, was present and agreed with the staff recommendation.

Two (2) residents were present to address the PZC regarding the subject rezoning. One resident was in support, while an adjacent property owner was opposed due to privacy concerns and their perceived impacts to the area's rural character.

During PZC discussion, Commissioner Spears expressed concern with the proposed impact to an onsite Class I Wetland, especially given that the subject property is located within the Econlockhatchee Protection Area and appears to drain into an Econlockhatchee River tributary. Staff assured the PZC that approval of the Planned Development / Land Use Plan (PD/LUP) did not authorize any direct or indirect conservation area impacts. However, Commissioner Spears stated he could not support the request unless the applicant committed to preserving the existing wetland area.

Following lengthy discussion, a motion was made by Commissioner DiVecchio to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the Lone Palm Planned Development / Land Use Plan (PD/LUP) dated "Received December 27, 2016", subject to the twelve (12) conditions listed in the staff report. Commissioner Cantero seconded the motion, which was then carried on a 6-1 vote, with Commissioner Spears voting in the negative.

<b>Motion / Second</b>	<i>Pat DiVecchio / Jose Cantero</i>
<b>Voting in Favor</b>	<i>Pat DiVecchio, Jose Cantero, Paul Wean, Tina Demostene, Jaja Wade, and James Dunn</i>
<b>Voting in Opposition</b>	<i>Gordon Spears</i>
<b>Absent</b>	<i>Yog Melwani (Note: The District 2 PZC seat was vacant)</i>