

CASE # CDR-17-02-054

Commission District: # 3

GENERAL INFORMATION

APPLICANT	Richard C. Wohlfarth, IBI Group (Florida), Inc.
OWNER	Goldenrod II, LLC
PROJECT NAME	Goldenrod Reserve Planned Development (PD)
PARCEL ID NUMBER	14-23-30-5240-17-052
TRACT SIZE	40.07 gross acres
LOCATION	4190 S. Goldenrod Road; or generally west of South Goldenrod Road, approximately 1,100 feet north of Hoffner Avenue
REQUEST	<p>A PD substantial change to incorporate the following “after-the-fact” waiver from Orange County Code:</p> <ol style="list-style-type: none">1. <i>A waiver from Section 38-79(20)(f) to allow for fifty percent (50%) of the townhome units to be in buildings containing five (5) or more units in lieu of minimum of seventy-five percent (75%) of the units being within buildings of five (5) or more units.</i>
PUBLIC NOTIFICATION	A notification area extending beyond five hundred (500) feet was used for this application [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Six hundred sixty-five (665) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

IMPACT ANALYSIS

Special Information

The Goldenrod Reserve PD was originally approved by the Board of County Commissioners (BCC) on May 24, 2016 and provides for the development of up to 156 single-family attached residential units (townhomes). The Goldenrod Reserve PD / Goldenrod Reserve Phases 1 and 2 PSP was later approved by the BCC on September 16, 2016 with a building configuration that is inconsistent with Orange County Code Section 38-79(20)(f), which requires a minimum of 75% of residential units to be contained within buildings with five (5) units or more.

Reflective of subsequent construction, the applicant is now seeking an “after-the-fact” waiver from Section 38-79(20)(f) to allow for fifty percent (50%) of the townhome units to be in buildings containing five (5) or more units, in lieu of a minimum of seventy-five

percent (75%) of the units being within buildings of five (5) or more units.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LDMR). The Goldenrod Reserve PD was also approved on May 24, 2016 for construction of up to 156 single-family attached dwelling units (townhomes). The proposed PD substantial change is consistent with this designation and all applicable CP provisions; therefore, the request is consistent with the Comprehensive Plan.

Overlay District Ordinance

The subject property is not located within an Overlay District.

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.

Environmental

Environmental Protection Division (EPD) staff has reviewed the request, but did not identify any issues or concerns.

Transportation / Concurrency

The approved Capacity Encumbrance Letter (CEL) on file for this project (CEL 16-07-047) was approved for 156 townhomes, but expired on April 3, 2017. Based on the traffic study submitted for this development, there were no failing roadways within a one mile radius and 81 pm peak hour trips would be encumbered. The applicant has been advised to contact the Concurrency Management Office regarding a new or extended CEL.

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

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

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

Development Review Committee (DRC) Recommendation – (February 22, 2017)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Goldenrod Reserve Planned Development / Land Use Plan (PD/LUP) dated "Received "February 23, 2017", subject to the following conditions:

1. Development shall conform to the Goldenrod Reserve Planned Development / Land Use Plan (PD / LUP) dated "Received February 23, 2017," 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 February 23, 2017," 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 waiver is granted from Orange County Code Section 38-79(20)(f) to allow for a minimum of fifty percent (50%) of the townhome units to be in buildings containing five (5) or more units, in lieu of a minimum of seventy-five percent (75%) of the units being within buildings of five (5) or more units.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 24, 2016, shall apply:
 - a. 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.
 - b. 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.
 - c. The Developer shall obtain water and wastewater from Orange County Utilities.

- d. Short term rental shall be prohibited. Length of stay shall be for 180 days or greater.
- e. This property is located within Airport Noise Zone D and E. Compliance with the Airport Noise Ordinance is required.
- f. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- g. 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.
- h. 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.
- i. 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, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
- j. A waiver is granted from Orange County Code Section 38-1254(2)(c) to allow for an arterial street setback from South Goldenrod Road of thirty (30) feet, in lieu of the required arterial street setback of fifty (50) feet.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (May 24, 2016)

Upon a motion by Commissioner Clarke, seconded by Commissioner Boyd, and carried with all present members voting AYE by voice vote; the Board made a finding of consistency with the Comprehensive Plan and approved the request by Richard C. Wohlfarth, Goldenrod II, LLC, Goldenrod Reserve Planned Development (PD) Land Use Plan (LUP), to rezone from R-T to PD, subject to conditions.