

**CASE # PSP-15-11-339**

Commission District # 2

## 1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of April 12, 2017, to recommend approval of the Sweetwater Golf and Country Club PD / The Reserve Preliminary Subdivision Plan / Development Plan to subdivide 7.164 acres in order to construct 72 single-family attached residential dwelling units. This request was continued from the March 21, 2017 Board of County Commissioners' meeting to allow for advertisement of the requested waivers.

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

A waiver from Orange County Code Section 34-152(b) is requested to allow corner lots for single-family attached townhomes the same width as interior lots in lieu of 10 feet wider.

A waiver from Orange County Code Section 34-171(1) and 34-290(d) is requested to allow minimum private right-of-way width of 44.5 feet in the area adjacent to Lot 32 only in the Estates at Sweetwater Golf & Country Club, where a 5.5-foot drainage easement is provided. All other private rights-of-way shall be at least 50 feet wide.

A waiver from Orange County Code Section 34-266(i) is requested to allow the use of FDOT Type V gutter inlets and Types 5 & 6 curb inlets in the areas as reflected on Sheet 6 from the plan date stamped "Received January 30, 2017".

A community meeting was held on January 7, 2016.

This project is proposed to 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.

## 2. PROJECT ANALYSIS

- |                 |  |
|-----------------|--|
| A. Location:    | South of Sweetwater Country Club Drive / West of the Orange County / Seminole County Line  |
| B. Parcel ID:   | 36-20-28-0000-00-030; 36-20-28-8466-00-003;<br>36-20-28-8466-00-004; 36-20-28-8466-00-005; |
| C. Total Acres: | 12.47 acres (including off-site work areas)<br>7.164 acres (excluding off-site work areas) |

- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Clay Springs ES Capacity: 832 / Enrolled: 7665  
Piedmont Lakes MS Capacity: 1,113 / Enrolled: 1,144  
Wekiva HS Capacity: 2,797 / Enrolled: 2,351
- G. School Population: 19
- H. Parks: Kelly Park – 7.2 Miles
- I. Proposed Use: 72 Single-Family Attached Residential Dwelling Units
- J. Site Data: Maximum Building Height:  
35' (2-stories)
- Minimum Living Area:  
2,000 Square Feet
- Building Setbacks:  
25' PD Boundary  
15' Front  
0' Side  
20' Rear
- K. Fire Station: 27 – 2248 Novella Eliza Lane
- L. Transportation: Based on the concurrency management system database dated November 20, 2015, there is one failing roadway segment within a one mile radius of this project. Wekiwa Springs Road from Canter Club Trail to Orchard Drive is currently operating below the adopted level of service standard. This information is dated and subject to change. A traffic study may be required prior to obtaining an approved capacity encumbrance letter.

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.

### 3. COMPREHENSIVE PLAN

The subject property is designated on the Future Land Use Map (FLUM) as Public Recreation / Open Space (PR-OS). The zoning is PD (Sweetwater Golf and Country Club). The proposed use for the property is 72 villas and a clubhouse with 3 dwelling units. Since the Planned Development was approved prior to the adoption of the Comprehensive Plan and there are other residential single family uses elsewhere in the PD, the requested villas are considered to be consistent with the Comprehensive Plan.

### 4. ZONING

PD (Planned Development) (Sweetwater Golf and Country Club PD)

### 5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Sweetwater Golf and Country Club PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; The Reserve at Sweetwater Golf and Country Club Preliminary Subdivision Plan dated "Received January 30, 2017," 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 January 30, 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 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. Any tree mitigation requirements shall be paid prior to plat approval.
7. Short term rental shall be prohibited. Length of stay shall be for 180 days or greater.

8. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
9. 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.
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. 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.
13. 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.
14. 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.

15. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
16. Subdivision landscaping shall be installed and inspected prior to the issuance of a Certificate of Completion.
17. This project shall be a gated community and, unless otherwise waived, 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.
18. A waiver from Orange County Code Section 34-152(b) is granted to allow corner lots for single-family attached townhomes the same width as interior lots in lieu of 10 feet wider.
19. A waiver from Orange County Code Sections 34-171(1) and 34-290(d) is granted to allow minimum private right-of-way width of 44.5 feet in the area adjacent to Lot 32 only in the Estates at Sweetwater Golf & Country Club, where a 5.5-foot drainage easement is provided. All other private rights-of-way shall be at least 50 feet wide.
20. A waiver from Orange County Code Section 34-266(i) is granted to allow the use of FDOT Type V gutter inlets and Types 5 & 6 curb inlets in the areas as reflected on Sheet 6 from the plan date stamped "Received January 30, 2017."