

**COMMUNITY, ENVIRONMENTAL & DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION PUBLIC HEARING REPORT
June 20, 2017**

This packet contains the following public hearings to be heard by the Board of County Commissioners on Tuesday, June 20, 2017.

<u>Name of Request</u>	<u>Case Number</u>	<u>Type of Hearing</u>
Marc Stehli, Poulos & Bennett, LLC, Hickory Nut Estates Planned Development / Hickory Nut Estates Preliminary Subdivision Plan; (Continued from March 21, 2017) District 1	PSP-16-06-222	Preliminary Subdivision Plan
Momtaz Barq, Terra-Max Engineering, Inc., Royal Estates PD/ Parcel 1 Preliminary Subdivision Plan (PSP); District 1	PSP-16-09-337	Preliminary Subdivision Plan
John J. Herbert, American Civil Engineering Company, Heaven IV Preliminary Subdivision Plan (PSP); District 6	PSP-16-06-199	Preliminary Subdivision Plan
Orange County Public Schools (Tyrone K. Smith), Hubbard Construction PD / Pine Hills Transportation Facility PSP / DP; District 2	PSP-16-11-395	Preliminary Subdivision Plan
Kathy Hattaway, Poulos & Bennett, LLC, Northeast Resort Parcel Planned Development (PD) / NERP Phase 5 Preliminary Subdivision Plan (PSP); District 1	PSP-16-12-423	Preliminary Subdivision Plan
Jay R. Jackson, P.E., Kimley-Horn & Associates, Inc., Tinwood PD / Regency Village Preliminary Subdivision Plan; (amend plan) District 1	CDR-16-11-385	Substantial Change
Adam Smith, VHB, Inc., Zanzibar Property PD / Zanzibar Property Phase 1 PSP & Park Tract P-2 DP; District 1	CDR-17-01-009	Substantial Change
Daniel T. O'Keefe, Shutts & Bowen, LLP, North of Albert's Planned Development (PD) - Westside Village Home District Preliminary Subdivision Plan (PSP) / Development Plan (DP); (amend plan) District 1	CDR-17-05-138	Substantial Change



Interoffice Memorandum

DATE: May 31, 2017

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director *JVW*
Community, Environmental and Development
Services Department

CONTACT PERSON: *JS* John Smogor, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: June 20, 2017 – Public Hearing
Applicant: John J. Herbert,
American Civil Engineering Company
Heaven IV Preliminary Subdivision Plan –
Case # PSP-16-06-199

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 Heaven IV Preliminary Subdivision Plan to subdivide 4.24 acres into three (3) non-residential lots.

The application for this request is subject to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy will be available upon request in the DRC Office.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation, including an 11" x 17" plan, is in the top drawer of the BCC file cabinet in the supply room adjacent to District 4 Commissioner's office.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the Heaven IV Preliminary Subdivision Plan dated "Received April 25, 2017", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 6

JVW/JS/sfv
Attachments

CASE # PSP-16-06-199

Commission District # 6

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of April 12, 2017 to approve the Heaven IV Preliminary Subdivision Plan to subdivide 4.24 acres into three (3) non-residential lots.

2. PROJECT ANALYSIS

- A. Location: North of Sand Lake Road / West of Presidents Drive
- B. Parcel ID: 28-23-29-6394-03-000
- C. Total Acres: 4.24
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: N/A
- I. Proposed Use: Three (3) Non-Residential Lots
- J. Site Data: Maximum Building Height: 50'
Building Setbacks:
 - 25' Front (Sand Lake Road)
 - 25' Front (Presidents Drive)
 - 10' Rear
 - 15' Side
- K. Fire Station: 52 – 4765 W. Sand Lake Road
- L. Transportation: This project is located within the Orange County Alternative Mobility Area and is exempt from transportation concurrency. A mobility analysis may be required prior to obtaining a building permit.

3. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Industrial (IND). The request is be consistent with the Comprehensive Plan.

4. ZONING

IND – 2 / IND – 3 (Industrial Park District)

5. REQUESTED ACTION:

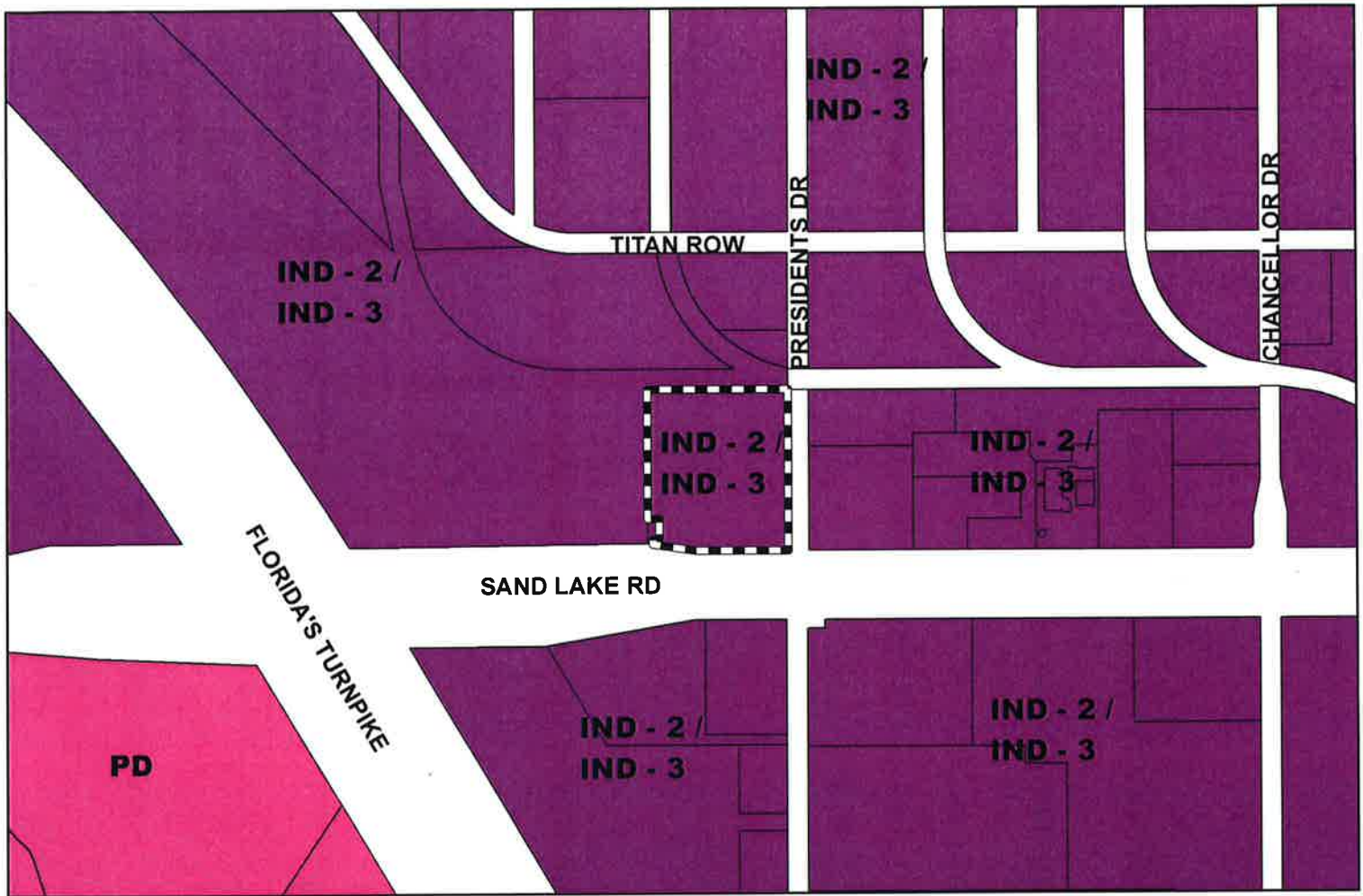
Approval subject to the following conditions:

1. Development shall conform to the Heaven IV Preliminary Subdivision Plan dated "Received April 25, 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 April 25, 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. 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.
7. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
8. 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.

9. 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.
10. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed systems have been designed to support all development within the PD.
11. 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.



Subject Property



Subject Property

Zoning

ZONING: Industrial-2 / Industrial-3

APPLICANT: John Herbert,
American Civil Engineering, Co.

LOCATION: North of Sand Lake Road /
West of Presidents Drive

TRACT SIZE: 4.24 acres

DISTRICT: #6

S/T/R: 28/23/29

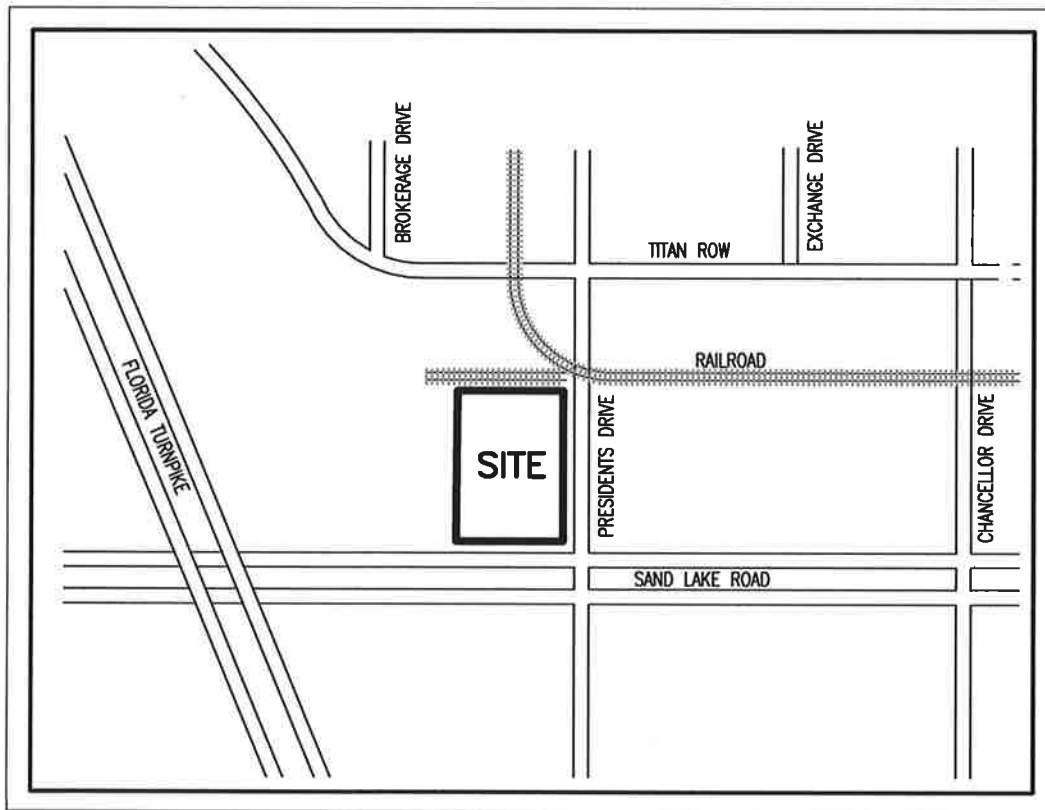
1 inch = 500 feet



Heaven IV Preliminary Subdivision Plan

location map

ref. no.: PSP-16-06-199



LOCATION MAP

N.T.S.

Heaven IV Preliminary Subdivision Plan

site data & note sheet

ref. no.: PSP-16-06-199

DEVELOPMENT INFORMATION:

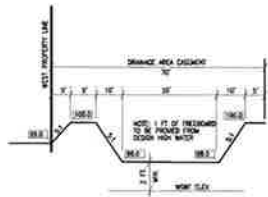
1. NAME OF DEVELOPMENT	HEAVEN IV-PSP
2. CURRENT ZONING	IND-2/IND-3
3. PROJECT AREA	4.240 AC
4. FUTURE LAND USE	IND
5. CURRENT ZONING	IND-3 / IND-3
6. PARCEL ID NUMBER	28-23-29-6394-03-000
7. PARCEL ADDRESS	7620 PRESIDENTS DRIVE
8. PSP NAME	HEAVEN IV PRELIMINARY SUBDIVISION PLAN
9. PROPOSED USE	COMMERCIAL DEVELOPMENTS
10. NUMBER OF LOTS	3 COMMERCIAL LOTS
11. CONSERVATION AREA PERMITS	CAD-15-05-067
IMPACT PERMIT	CAI-15-07-024
12. WATER AND SEWER PROVIDED	ORANGE COUNTY UTILITIES

DEVELOPMENT NOTES:

1. NO OTHER CONTIGUOUS PROPERTY IS UNDER OWNERSHIP OR CONTROL OF THE APPLICANT.
2. NO PHASING OF THE PROJECT INFRASTRUCTURE IS PROPOSED.
3. ONE-HUNDRED-YEAR FLOOD ELEVATION DOES NOT EXIST ON SUBJECT PARCEL.
4. THE PROJECTED AVERAGE DAILY TRAFFIC (ADT) FROM THE DEVELOPMENT TO BE DETERMINED AT TIME OF EACH LOT DEVELOPMENT.
5. NO PROPOSED VACATION OF RIGHTS-OF-WAY OR EASEMENTS.
6. NO BORROW OPERATION FOR EXPORT OFF-SITE WILL BE UNDERTAKEN AS PART OF THE PROJECT
7. ALL RUNOFF TO BE DIRECTED TO THE W.Q.V. RETENTION POND PRIOR TO DISCHARGE TO THE MASTER RETENTION POND WEST OF THE SUBJECT DEVELOPMENT.
8. ALL CONSTRUCTION DETAILS ARE CONCEPTUAL AND SUBJECT TO REVIEW AND MODIFICATION DURING THE APPROVAL OF FINAL CONSTRUCTION PLANS.
9. THE DRIVEWAY IMPROVEMENTS WITHIN THE SAND LAKE RIGHT-OF-WAY SHALL BE APPROVED AND PERMITTED THROUGH FDOT.

DEVELOPMENT DATA:

1. MAX. BUILDING HEIGHT	50 FT
2. FRONT BLDG. SETBACK	25' (SANDLAKE ROAD)
3. SIDE BLDG. SETBACK	15'
4. REAR BLDG. SETBACK	10'
5. FRONT BLDG. SETBACK	25' (PRESIDENTS DRIVE)
6. OVERALL OPEN SPACE	15 %
7. ISR (IMP. SURFACE RATIO)	0.80
8. FAR MAX.	0.50
9. BUFFER AT R/W	10 FT



TYPICAL RETENTION POND SECTION
SECTION B-B

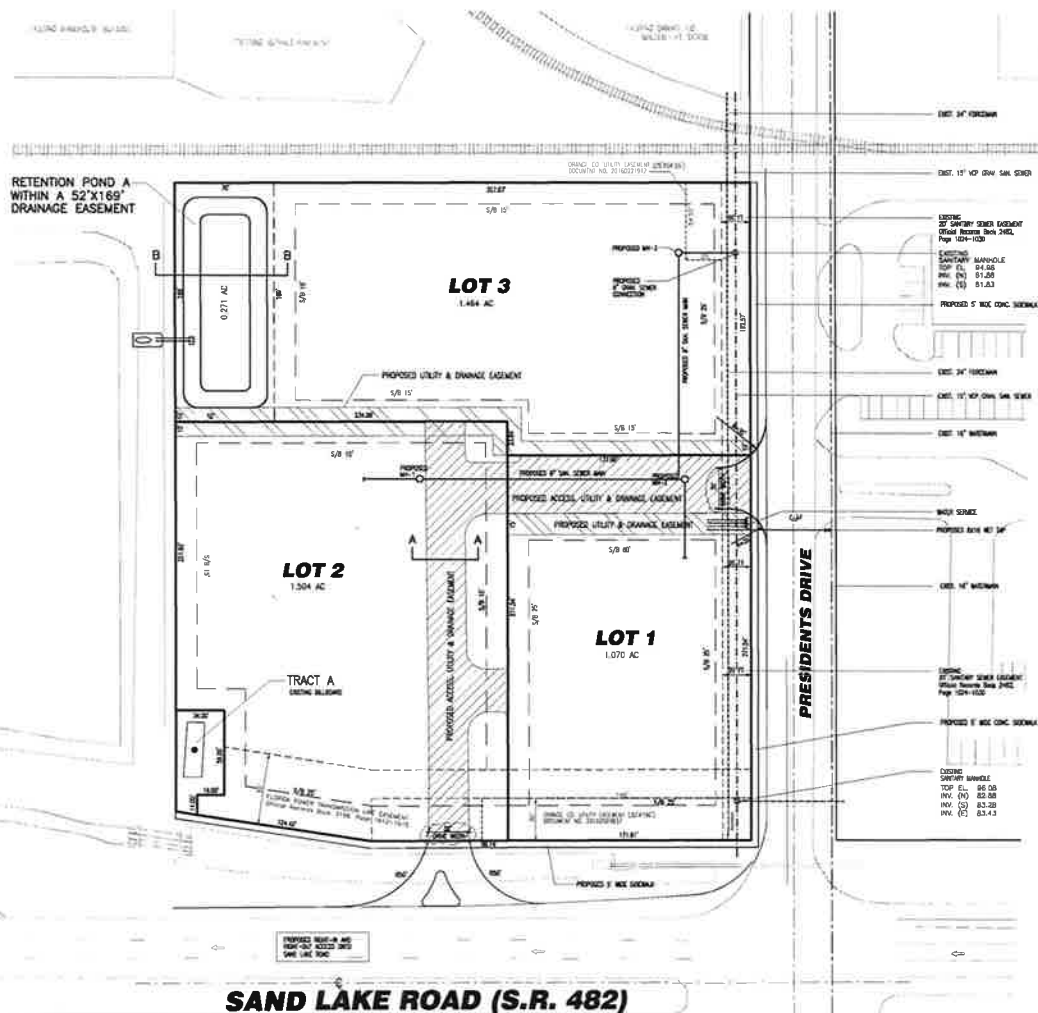
WET RETENTION POND
SPRING RETAIN WALL 48'-0" (S&S)-1
800814-1 (08/14/2002)

DRAINAGE AND RETENTION POND
EASEMENT & UTILITY
Orlando Central Park 1955, Page 4385

WET PLATED

FEWA FLOOD MAP INFORMATION
MAP NO. 1200SC0110
MAP REV. DATE: 08/25/09
ZONE AH, EL. 91

RETENTION POND A
WITHIN A 52'X169'
DRAINAGE EASEMENT



SAND LAKE ROAD (S.R. 482)

LEGAL DESCRIPTION

BLOCK "C", ORLANDO CENTRAL PARK NUMBER FIFTY-ONE according to the plat thereof as recorded in Plat Book 17, Page 29 of Public Records of Orange County, Florida, LESS that part of said Block "C" described as follows:

Begin at the Southwest corner of Block "C", ORLANDO CENTRAL PARK NUMBER FIFTY-ONE according to the plat thereof as recorded in Plat Book 17, Page 29 of the Public Records of Orange County, Florida; thence run North 07°11'43" West 70.66 feet along the West boundary of said Block "C" to a 5/8 inch Iron Bar and Cap Stamped LBI; thence leaving said West boundary run North 07°40'17" East 34.08 feet to a 5/8 inch Iron Bar and Cap Stamped LBI; thence South 07°11'43" East 55.02 feet to a 5/8 inch Iron Bar and Cap Stamped LBI; thence South 07°40'17" West 19.00 feet to a 5/8 inch Iron Bar and Cap Stamped LBI; thence South 07°11'43" East 14.00 feet to a 5/8 inch Iron Bar and Cap Stamped LBI on the North right-of-way line of Sand Lake Road (S.R. 482) as shown on the addressed ORLANDO CENTRAL PARK NUMBER FIFTY-ONE; thence North 87°18'54" West 15.18 feet to the Point of Beginning.

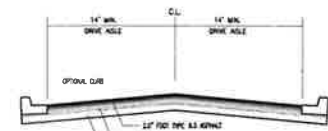


PROJECT DIRECTORY

DEVELOPER/OWNER
BRETT FINESTONE & VINCE WELLS
HEAVEN IV, LLC
108 COMMERCE STREET, SUITE 200
LAKE WORTH, FL 33748
(407) 947-0200 OFFICE
(407) 947-0200 FAX
bfinestone@earthlink.net

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(407) 353-9876 OFFICE
jhartley@atl.com

ENGINEER
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AUSCHAM CIVIL ENGINEERING CO.
207 N. MOSS ROAD, SUITE 211
WINTER SPRINGS, FLORIDA 32789
PH: 407-327-7700
FAX 407-327-7700
herbert@auscham.com



TYPICAL PAVEMENT SECTION
SECTION A-A

DEVELOPMENT INFORMATION:

1. NAME OF DEVELOPMENT	HEAVEN IV-PSP
2. CURRENT ZONING	IND-2/IND-3
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9. BUFFER AT R/W	10 FT

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3. ONE-HUNDRED-YEAR FLOOD ELEVATION DOES NOT EXIST ON SUBJECT PARCEL.
4. THE PROJECTED AVERAGE DAILY TRAFFIC (ADT) FROM THE DEVELOPMENT TO BE DETERMINED AT TIME OF EACH LOT DEVELOPMENT.
5. NO PROPOSED VARIATION OF RIGHTS-OF-WAY OR EASEMENTS.
6. NO BROWNFLOW OPERATION FOR EXPORT OFF-SITE WILL BE UNDERTAKEN AS PART OF THE PROJECT.
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9. THE DRIVEWAY IMPROVEMENTS WITHIN THE SAND LAKE RIGHT-OF-WAY SHALL BE APPROVED AND PERMITTED THROUGH FOOT.

PRELIMINARY SUBDIVISION PLAN 16-06-199

HEAVEN IV-PSP

7620 PRESIDENTS DR. ORLANDO, FLORIDA 32809

PSP PLAN

Project no. 15040

Sheet number

2 of 2



Heaven IV PSP

