

**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.

<b><u>Name of Request</u></b>	<b><u>Case Number</u></b>	<b><u>Type of Hearing</u></b>
Marc Stehli, Poulos & Bennett, LLC, Hickory Nut Estates Planned Development / Hickory Nut Estates Preliminary Subdivision Plan; (Continued from March 21, 2017) <b>District 1</b>	PSP-16-06-222	Preliminary Subdivision Plan
Momtaz Barq, Terra-Max Engineering, Inc., Royal Estates PD/ Parcel 1 Preliminary Subdivision Plan (PSP); <b>District 1</b>	PSP-16-09-337	Preliminary Subdivision Plan
John J. Herbert, American Civil Engineering Company, Heaven IV Preliminary Subdivision Plan (PSP); <b>District 6</b>	PSP-16-06-199	Preliminary Subdivision Plan
Orange County Public Schools (Tyrone K. Smith), Hubbard Construction PD / Pine Hills Transportation Facility PSP / DP; <b>District 2</b>	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); <b>District 1</b>	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) <b>District 1</b>	CDR-16-11-385	Substantial Change
Adam Smith, VHB, Inc., Zanzibar Property PD / Zanzibar Property Phase 1 PSP & Park Tract P-2 DP; <b>District 1</b>	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) <b>District 1</b>	CDR-17-05-138	Substantial Change



## Interoffice Memorandum

**DATE:** June 5, 2017

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

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

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

**SUBJECT:** June 20, 2017 – Public Hearing  
Applicant: Kathy Hattaway, Poulos & Bennett, LLC  
Northeast Resort Parcel PD / NERP Phase 5 Preliminary  
Subdivision Plan – Case # PSP-16-12-423

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 10, 2017 to approve the Northeast Resort Parcel PD / NERP Phase 5 Preliminary Subdivision Plan to subdivide 39.86 gross acres to allow for construction of sixty (60) detached single-family residential dwelling units.

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

A waiver from Orange County Code Section 34-267(h) for Phase 5 (Parcels I and K) only, is requested to allow a stormwater collection system to connect to the retention outfall system in lieu of separation between both systems.

This project shall 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.

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.

Supporting documentation for this request can be accessed through the County's FastTrack site, located at:

[https://fasttrack.ocfl.net/OnlineServices/DC\\_DevelopmentReviewCommittee.aspx](https://fasttrack.ocfl.net/OnlineServices/DC_DevelopmentReviewCommittee.aspx)

**ACTION REQUESTED:**    **Make a finding of consistency with the Comprehensive Plan (CP) and approve the Northeast Resort Parcel PD / NERP Phase 5 Preliminary Subdivision Plan dated "Received April 24, 2017", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/JS/sfv  
Attachments

**CASE # PSP-16-12-423**

Commission District # 1

## 1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 10, 2017 to approve the Northeast Resort Parcel PD / NERP Phase 5 Preliminary Subdivision Plan to subdivide 39.86 gross acres to allow for construction of sixty (60) detached single-family residential dwelling units.

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

A waiver for Phase 5 (Parcels I and K) is requested from Section 34-267(h) to allow a stormwater collection system to connect to the retention outfall system in lieu of separation between both systems.

This project shall 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:          | North of Vista Boulevard / East of Disney's Fort Wilderness  |  |
| B. Parcel ID:         | 18-24-28-0000-00-012,<br>18-24-28-3102-00-004,   | 18-24-28-3102-11-000<br>18-24-28-3102-00-008 |
| C. Total Acres:       | 39.86 acres  |  |
| D. Water Supply:      | Orange County Utilities  |  |
| E. Sewer System:      | Orange County Utilities  |  |
| F. Schools:           | Sand Lake ES: Capacity 828, Enrollment 659<br>Bridgewater MS: Capacity 1,176, Enrollment 1,826<br>West Orange HS: Capacity 3,276, Enrollment 4,340 |  |
| G. School Population: | 212 (entire PD)  |  |
| H. Parks:             | West Beach Park - 2.3 Miles  |  |
| I. Proposed Use:      | Single-Family Detached Residential   |  |
| J. Site Data:         | Maximum Building Height: 50' (3 stories)<br>Minimum Living Area: 1,200 Square Feet<br>Building Setbacks:   |  |

Cluster Villas (Lots 25-60)

10' Front  
10' Side  
10' Side Street  
10' Rear

Village Home (Lots 1-24)

10' Front  
5' Side  
10' Side Street  
5' Rear

K. Fire Station: 36 - 12252 Winter Garden Vineland Road

L. Transportation: There is a Capacity Reservation Certificate (CRC) on file for this development. CRC #08-072 is approved for 373 single family dwelling units, 200 multifamily dwelling units and 60 timeshares. This CRC expires July 20, 2020.

### **3. COMPREHENSIVE PLAN**

The property's Future Land Use Map (FLUM) designation is Planned Development - Commercial / Low Density Residential / Conservation / Timeshare. The request is consistent with the Comprehensive Plan.

### **4. ZONING**

Planned Development (PD)

### **5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Northeast Resort Parcel PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; NERP Phase 5 Preliminary Subdivision Plan dated "Received April 24, 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 24, 2017," the condition of approval shall control to the extent of such conflict or inconsistency.

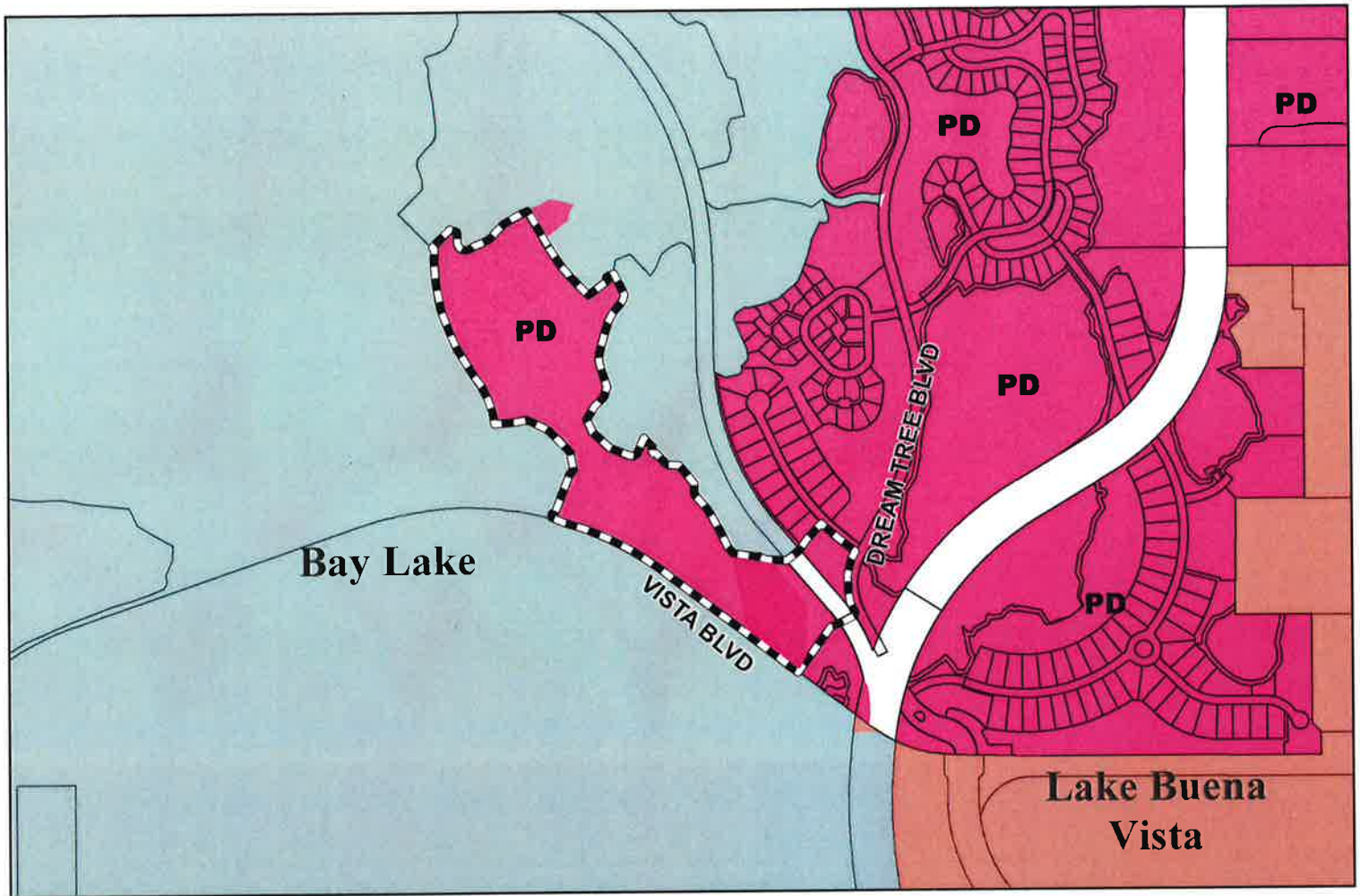
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, 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. 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. 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.
9. 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.
10. 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.
11. 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.

12. New streets which are an extension of or in alignment with existing streets shall bear the same name as that borne by such existing streets.
13. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
14. This project shall 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.
15. The CC&Rs shall notify homeowners that solid waste collection by Orange County from the alleyways adjacent to Lots 45 & 46 will not be possible because the alleyway configuration does not provide adequate width to accommodate Orange County solid waste collection vehicles.
16. A waiver from Orange County Code Section 34-267(h) for Phase 5 (Parcels I and K) only, is granted to allow a stormwater collection system to connect to the retention outfall system in lieu of separation between both systems.





Subject Property



Subject Property

## Zoning

**ZONING:** PD (Planned Development District)  
(Northeast Resort Parcel PD)

**APPLICANT:** Kathy Hattaway,  
Poulos & Bennett, LLC

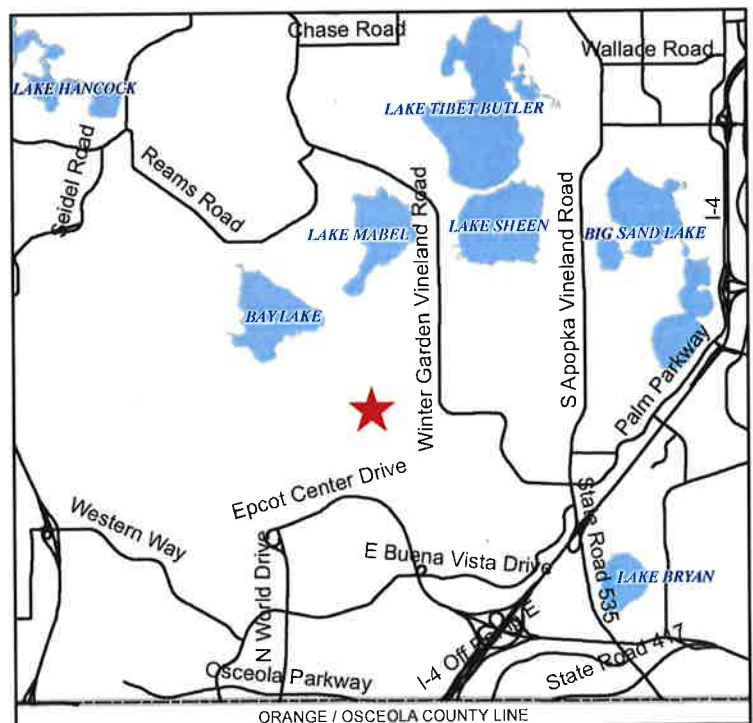
**LOCATION:** North of Vista Way, east of  
Disney's Fort Wilderness

**TRACT SIZE:** 39.86 acres

**DISTRICT:** #1

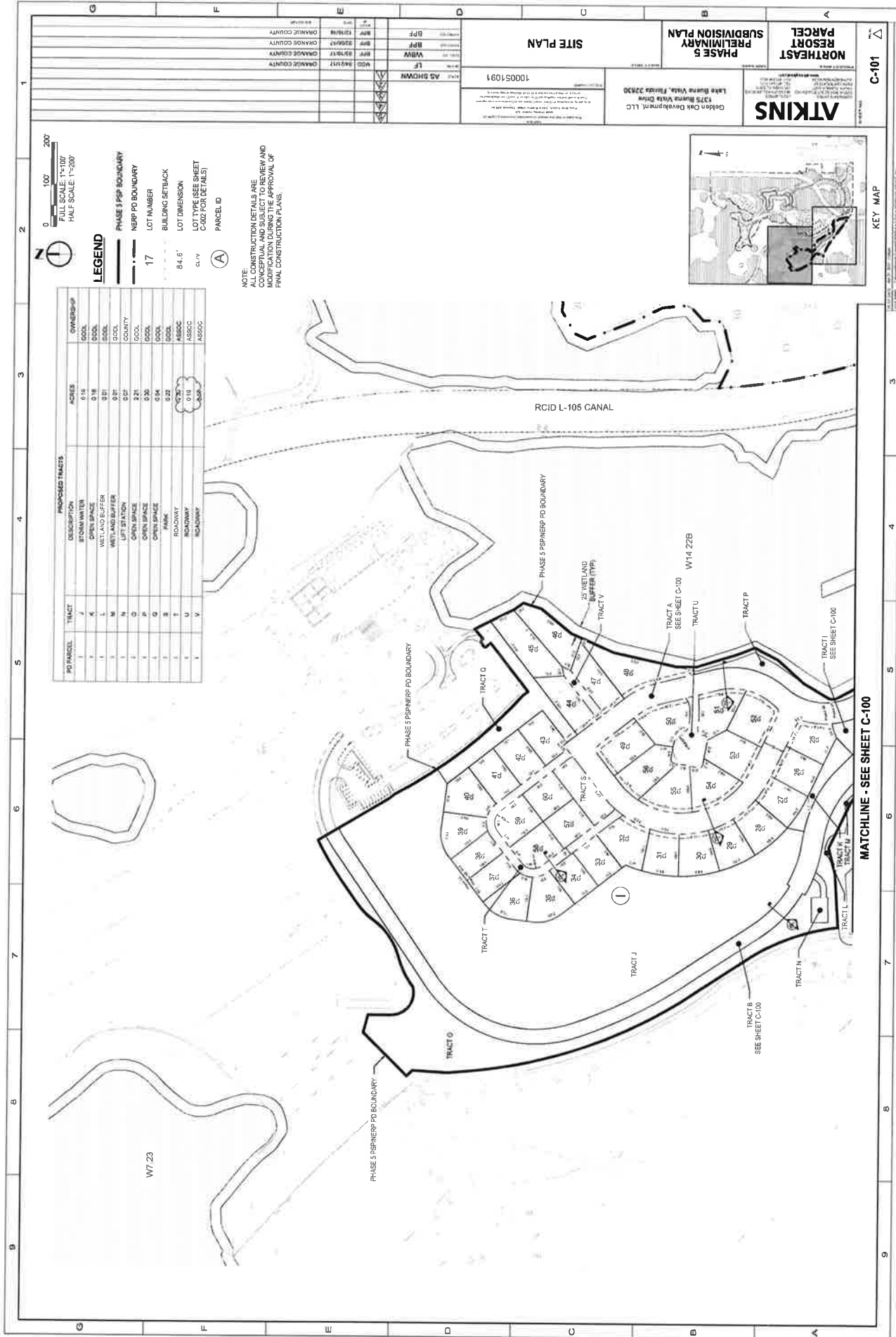
**S/T/R:** 18/24/28

1 inch = 1,000 feet







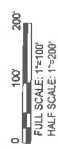


PROPOSED TRACTS		
TRACT	DESCRIPTION	ACRES
A	STONY WATER	0.18
B	OPEN SPACE	0.18
C	WETLAND BUFFER	0.21
D	WETLAND BUFFER	0.21
E	WETLAND BUFFER	0.21
F	WETLAND BUFFER	0.21
G	WETLAND BUFFER	0.21
H	WETLAND BUFFER	0.21
I	WETLAND BUFFER	0.21
J	WETLAND BUFFER	0.21
K	WETLAND BUFFER	0.21
L	WETLAND BUFFER	0.21
M	WETLAND BUFFER	0.21
N	WETLAND BUFFER	0.21
O	WETLAND BUFFER	0.21
P	WETLAND BUFFER	0.21
Q	WETLAND BUFFER	0.21
R	WETLAND BUFFER	0.21
S	WETLAND BUFFER	0.21
T	WETLAND BUFFER	0.21
U	WETLAND BUFFER	0.21
V	WETLAND BUFFER	0.21

LEGEND

- PHASE 3 PSPBNDRY
- NEP PD BOUNDARY
- LOT NUMBER
- BUILDING SETBACK
- LOT DIMENSION
- LOT TYPE (SEE SHEET C-102 FOR DETAILS)
- PARCEL ID

NOTE: ALL CONSTRUCTION DETAILS ARE CONCEPTUAL AND SUBJECT TO REVIEW AND MODIFICATION DURING THE APPROVAL OF FINAL CONSTRUCTION PLANS.



**ATKINS**  
NORTHEAST  
RESORT  
PARCEL  
SUBDIVISION PLAN  
1375 Burns Vista Drive  
Lake Buena Vista, Florida 32830  
Golden Oak Development, LLC

**PHASE 5  
PRELIMINARY**

**SITE PLAN**

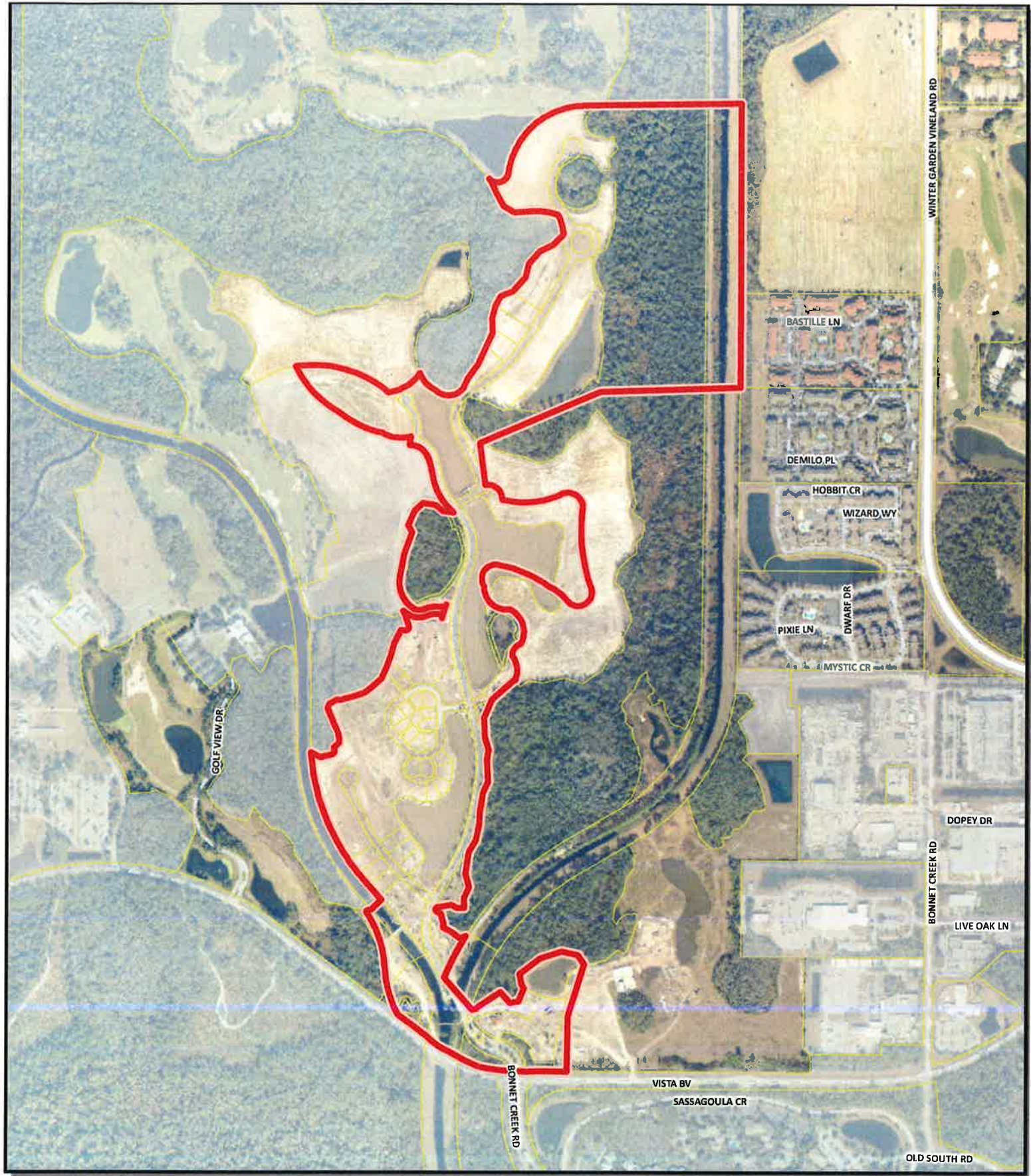
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**C-101**

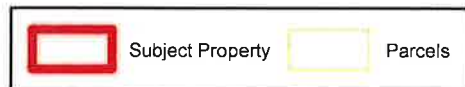
**KEY MAP**

MATCHLINE - SEE SHEET C-100





## NORTHEAST RESORT PARCEL NERP PD Phase I PSP - Substantial Change



0 450 900  
Feet  
1 in = 900 ft