

**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 30, 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: 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) – Substantial Change – Case # CDR-17-05-138

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 10, 2017, to recommend denial of a substantial change to the North of Albert's Planned Development (PD) – Westside Village Home District Preliminary Subdivision Plan (PSP) / Development Plan (DP) to revise the October 6, 2015, BCC condition of approval # 17, to allow for platting and vertical building permits prior to completion of the park / recreation area.

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

ACTION REQUESTED: Make finding of inconsistency with the Comprehensive Plan (CP) and deny the substantial change to the North of Albert's Planned Development (PD) – Westside Village Home District Preliminary Subdivision Plan (PSP) / Development Plan (DP) to modify condition of approval # 17 as listed under the DRC Recommendation in the Staff Report. District

Case # CDR-17-05-138

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 recommend denial of a substantial change to the North of Albert's Planned Development (PD) / Westside Village Home District Preliminary Subdivision Plan (PSP) / Development Plan (DP) to revise the October 6, 2015, Board of County Commissioners' (BCC) condition of approval #17, to allow for platting and vertical building permits prior to completion of the park / recreation area.

The North of Albert's PD / Westside Village Home District PSP was originally approved by the BCC on October 6, 2015. At the recommendation of the DRC, the BCC imposed condition of approval #17, related to the timing of the construction of the required recreation area. This condition currently reads as follows:

17. A Development Plan for any Park / Recreation Area shall be approved by the DRC and installed in conjunction with the associated plat.

DRC's intent in recommending the condition was to ensure that the recreation area required by Section 38-1253 of Orange County Code would be constructed with the infrastructure for the project. DRC recommended the condition because the applicant elected to do a separate DP for the recreation area rather than show the detail on the original PSP. The applicant submitted the DP for the amenity center on March 4, 2016 and it was approved by DRC on May 25, 2016.

The applicant has since commenced construction on the recreation area, but has stated that construction is not expected to be completed until August of 2017. As such, the applicant has requested to replace the language in existing condition #17 with the following language:

17. Construction of the park / recreation area shall commence prior to recording of the associated plat; however, no more than thirty (30) building permits (not including model home permits) shall be issued prior to completion of the construction of the park / recreation area.

2. PROJECT ANALYSIS

- | | |
|-----------------|--|
| A. Location: | North of Lakeside Village Lane / West of Winter Garden Vineland Road |
| B. Parcel ID: | 25-23-27-0000-00-004; 25-23-27-5839-05-000 |
| C. Total Acres: | 33.45 (gross) |

D. Water Supply:	Orange County Utilities
E. Sewer System:	Orange County Utilities
F. Schools:	Sunset Park ES: Capacity 838, Enrollment 1,244 Bridgewater MS: Capacity 1,176, Enrollment 1,374 West Orange HS: Capacity 3,276, Enrollment 3,836
G. School Population:	65
H. Parks:	35 - 7435 Winter Garden Vineland Rd
I. Proposed Use:	151 Single-Family Dwelling Units
J. Site Data:	Maximum Building Height: 45' (3-stories) Minimum Living Area: 1,000 Square Feet Building Setbacks: 15' Front 20' Rear 4' Side 10' Side Street 9' Garage (in alley)
K. Fire Station:	35 - 7435 Winter Garden Vineland Road
L. Transportation:	The North of Albert's Transportation Agreement was approved by the BCC on August 4, 2015 and is recorded at OR Book 10964 / Page 6364.

3. COMPREHENSIVE PLAN

The subject property has underlying Future Land Use Map (FLUM) designation of V (Village) and the property is designated as Village Home District on the adopted Horizon West Lakeside Village plan.

4. ZONING

PD (Planned Development) (North of Albert's PD)

5. REQUESTED ACTION:

Denial of a substantial change to the North of Albert's Planned Development (PD) – Westside Village Home District Preliminary Subdivision Plan (PSP) / Development Plan (DP) to revise the October 6, 2015, BCC condition of approval # 17, to allow for platting and vertical building permits prior to completion of the park / recreation area.

However, if the Board of County Commissioners (BCC) chooses to approve the request, said request should be subject to the following conditions:

1. Development shall conform to the North of Albert's PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Westside Village Home District Preliminary Subdivision Plan dated "Received September 1, 2015," 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 September 1, 2015," 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 at the public hearing where this development was approved, 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. 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 or 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. A waiver from Section 34-152(c) is granted, to allow lots 103 - 107 to front a meadow, park, open space, etc. instead of a County roadway. Legal access to these lots will be through an ingress / egress easement shown on the plat, in lieu of 20 feet fee simple as required by Orange County Code.
5. 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.

6. 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.
7. 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.
8. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
9. All home designs / types proposed for this PSP shall be submitted to the County for setback & architectural review a minimum of 90 days prior to model home requests and / or permitting.
10. 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.
11. Prior to commencement of any earth work or construction, 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.

12. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
13. 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.
14. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division (EPD) of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
15. Construction plans within this PSP 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. The plat and the Conditions, Covenants, and Restrictions (CC&Rs) for this project shall notify homeowners of the following: Homeowners own and maintain their individual water and reclaimed water services which extend to their homes from public meters located adjacent to public road right-of-way. The privately-owned water services for Lots 104 to 107 extend to these units through the HOA green space, Tract OS-8, fronting these homes. Therefore the owners of Lots 104 to 107 shall be granted access to Tract OS-8 for the purpose of maintaining their services.
17. Construction of the park / recreation area shall commence prior to recording of the associated plat; however, no more than thirty (30) building permits (not including model home permits) shall be issued prior to completion of the construction of the park / recreation area.

18. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
19. 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 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.
20. Development shall comply with the North of Albert's Road Agreement for roads A, B and C, as approved by the Orange County Board of County Commissioners on August 4, 2015.



DANIEL T. O'KEEFE
PARTNER
Shutts & Bowen LLP
300 South Orange Avenue
Suite 1000
Orlando, Florida 32801
Member Florida Bar
DIRECT (407) 835-6956
FAX (407) 849-7256
EMAIL dokeefe@shutts.com

May 16, 2017

VIA EMAIL

Mr. Eric Raasch, AICP
Assistant Planning Administrator
Orange County Planning Division
Orange County Community, Environmental and
Development Services Department
201 S. Rosalind Avenue, 2nd Floor
Orlando, FL 32801

Re: CDR-17-05-138/North of Alberts PD/Westside Village Home District PSP

Dear Eric:

On May 10, 2017, the Orange County Development Review Committee ("DRC") voted to recommend denial of the above change determine request to revise PSP condition of approval number 17. Please let this letter serve as applicant's request to appeal DRC's recommendation of denial to the Orange County Board of County Commissioners at the next available meeting.

Please let me know if you have any questions about the above request.

Sincerely,

SHUTTS & BOWEN LLP

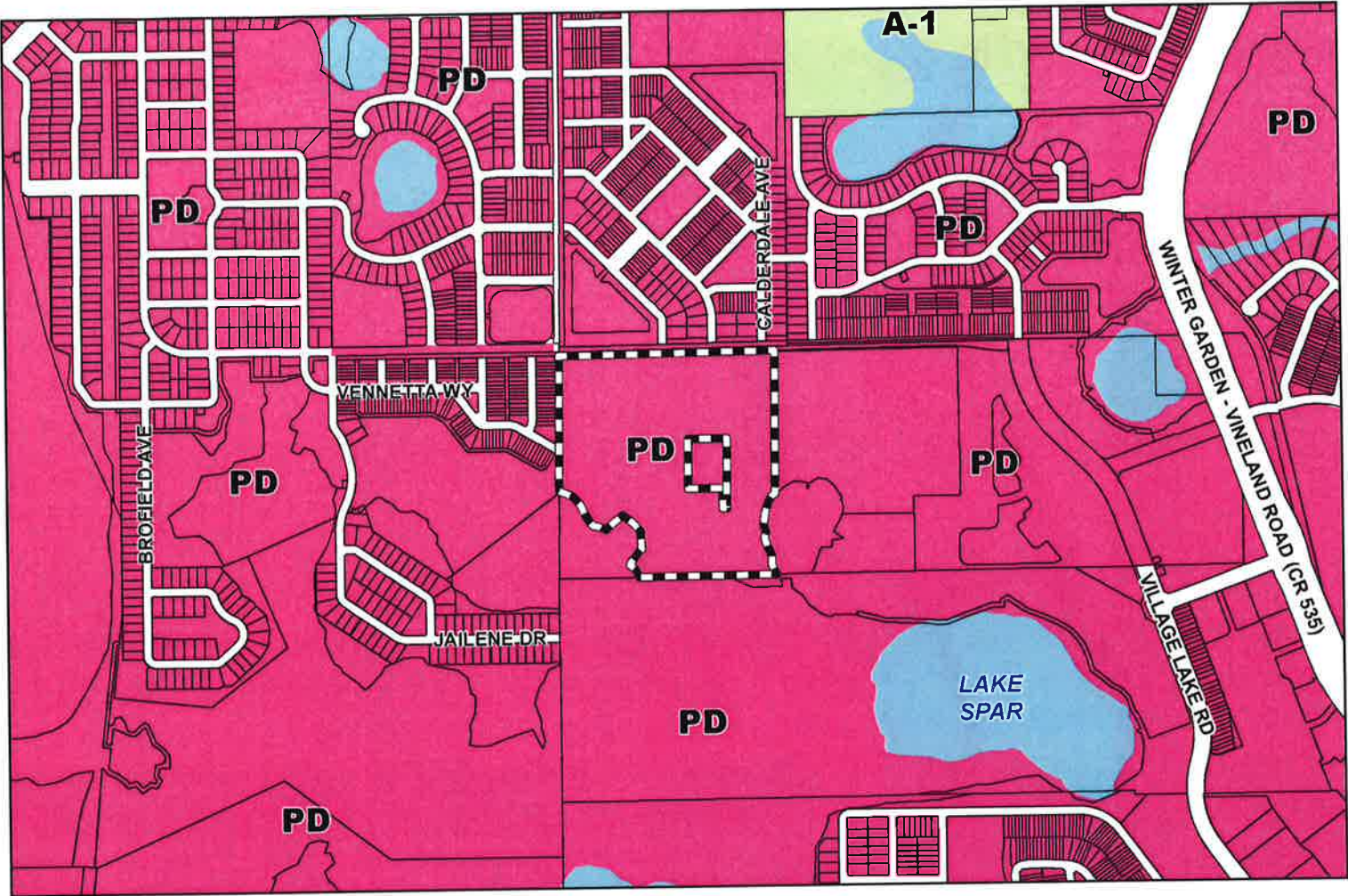
/s/ Daniel T. O'Keefe

Daniel T. O'Keefe

SIGNED IN ABSENCE
TO AVOID DELAY
TEB

cc: Mr. Denver Marlow, P.E. (via email)

ORLDOCS 15409111 | 33700.0015



Subject Property



Subject Property

Zoning

ZONING: PD (Planned Development District)
(North of Albert's PD)

APPLICANT: Daniel T. O'Keefe,
Shutts & Bowen, LLP

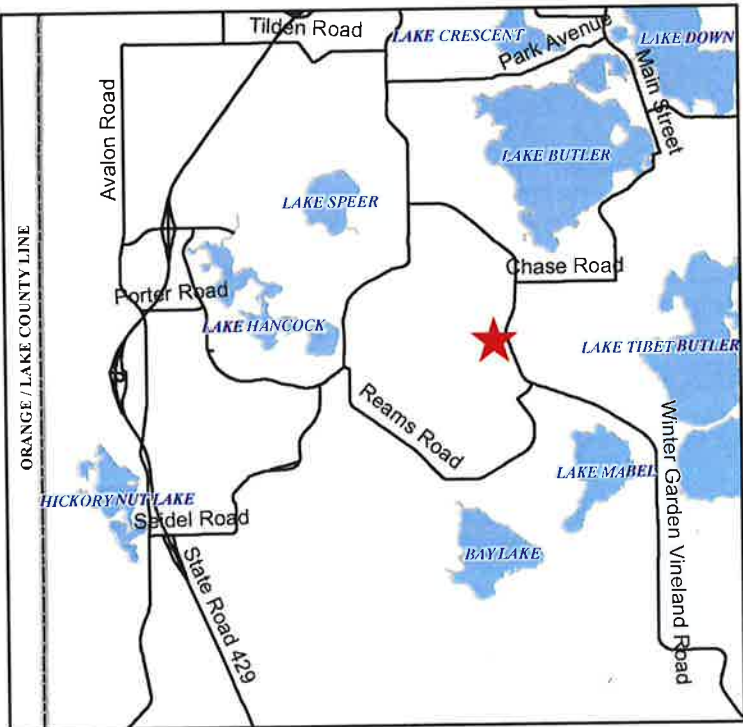
LOCATION: West of Winter Garden Vineland Road /
north of Lakeside Village Lane

TRACT SIZE: 33.45 acres

DISTRICT: #1

S/T/R: 25/23/27

1 inch = 1,000 feet





Chase Road

SITE

WINTER GARDEN HIGHLAND ROAD

Winter Garden

Lake Reams

Drawing name: K:\ORL_Civil\149551003-Westside of Horizons West\CAAD\EXHIBITS\MAP-EXHIBITS-WESTSIDE_SF.dwg LOCATION Sep 01, 2015 4:44pm by: jennifer.stickler

SCALE AS NOTED
DESIGNED BY JJS
DRAWN BY SHS
CHECKED BY JJS

Kimley»Horn

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3660 MAGUIRE BOULEVARD, SUITE 200, ORLANDO, FL 32803
PHONE: 407-896-1511 FAX: 407-894-4791
WWW.KIMLEY-HORN.COM CA 00000698

DATE
06/19/2015
PROJECT NO.
149851003

**WESTSIDE VILLAGE HOME
DISTRICT PSP/DP
LOCATION MAP**

DESIGN ENGINEER:
FLORIDA P.E. LICENSE NUMBER:
DATE:

SHEET NUMBER
EX-1

SITE DATA:

TOTAL AREA: 33.45 ACRES
EXISTING ZONING: A1
FUTURE LAND USE: VILLAGE
PROPOSED USE: SINGLE-FAMILY RESIDENTIAL
MAXIMUM BUILDING HEIGHT: 45 FT (3 STORIES)
MAXIMUM DENSITY: 6 UNITS PER ACRE
MINIMUM LIVING AREA: 1,000 S.F.
MINIMUM LOT WIDTH: 32'
MINIMUM LOT DEPTH: 110' OR 90' WITH ALLEY
MAXIMUM LOT COVERAGE: 65% (THE AREA OF THE FRONT PORCH IS
NOT INCLUDED IN THE CALCULATION OF LOT COVERAGE)

TRIP GENERATION:

Quantity	Units	Land Use	Daily Trip Generation	PM Peak Hour		
				Total	In	Out
151	DU	Single-Family Detached Housing	1,534	152	96	56

GROSS DENSITY CALCULATION:

GROSS LAND AREA: 33.45 ACRES
ESTIMATED APF C ROW STORMWATER AREA: 0.13 ACRES
ESTIMATED DEVELOPABLE ACRES: 33.32 ACRES

ESTIMATED STORMWATER AREA: 5.65 ACRES
PUBLIC OPEN SPACE TRACTS: 2.62 ACRES
NET DEVELOPABLE ACRES: 25.05 ACRES

TOTAL DWELLING UNITS: 151 UNITS

151 DWELLING UNITS / 25.05 ACRES = 6.03 DU/ACRE



**North of Albert's PD -
Westside Village Home District PSP/DP**

