



## Interoffice Memorandum

DATE: June 19, 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: July 11, 2017 – Public Hearing  
Christina Baxter, Poulos & Bennett, LLC  
Moss Park Planned Development (PD) / Moss Park Parcels N2 & O  
Preliminary Subdivision Plan (PSP)  
Case # PSP-16-10-357 / District 4

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of April 26, 2017, to approve a Preliminary Subdivision Plan (PSP) to subdivide 96.74 acres in order to allow for the construction of 178 single-family detached residential units.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, 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 to 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 Moss Park Planned Development (PD) / Moss Park Parcels N2 & O Preliminary Subdivision (PSP) Plan dated "Received May 12, 2017", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

JVW/JS/sfv  
Attachments

**CASE # PSP-16-10-357**

Commission District # 4

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of April 26, 2017, to approve a Preliminary Subdivision Plan (PSP) to subdivide 96.74 acres in order to allow for the construction of 178 single-family detached residential units.

**2. PROJECT ANALYSIS**

- A. Location: South of Wewahootee Road / East John Wycliffe Boulevard
- B. Parcel ID: 10-24-31-0000-00-012; 10-24-31-0000-00-001  
11-24-31-5270-06-003; 11-24-31-5270-06-002  
11-24-31-5270-06-001; 11-24-31-5270-15-033  
11-24-31-5272-16-003
- C. Total Acres: 96.74 (gross)
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Moss Park ES – Capacity: 842 / Enrollment: 812  
Lake Nona MS – Capacity: 1,235 / Enrollment: 1,802  
Lake Nona HS – Capacity: 2,807 / Enrollment: 2,532
- G. School Population: 77
- H. Parks: Moss Park – 2.3 Miles
- I. Proposed Uses: 178 Single-Family Detached Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35' (2-stories)  
Minimum Living Area: 1,000 sq. ft.  
Building Setbacks:  
15' Front (w/alley) / 20' (w/o alley)  
4' Side  
20' Rear  
10' Side Street  
10' Front Porch
- K. Fire Station: 77 – 11501 Moss Park Road

**L. Transportation**

Innovation Way (Moss Park DRI): The Moss Park Transportation and Proportionate Share Agreement ("Agreement") among Orange County and Lake Hart Partners, LTD, Lake Hart Partners II, LTD, Crittenden Fruit Company, Inc., Campus Crusade for Christ, Inc., and Wycliffe Bible Translators, Inc. (collectively, "Owners") for the dedication of right-of-way, design and future construction of the Innovation Way Transportation Corridor and the payment of Proportionate Share funds was approved by the Board of County Commissioners on August 28, 2012. The Agreement provides that the Owners Proportionate Share Contribution amount is \$1,383,000.00. This amount is to be paid in three equal installment payments with the first payment made when the Phase II Project exceeds a trip generation of 12,279 external average daily trips, then the second payment due twelve months thereafter, and the third payment due 24 months after the first payment. The Owners agree to dedicate the Right-of-Way and Easements needed for the Innovation Way Transportation Corridor with the County responsible for the eminent domain of Right-of-Way from the Beazer parcel. Orange County Utilities will fund up to \$500,000 for the Design, Engineering and Permitting to be reimbursed through an MSBU to be set up on Parcel N. The Owners will complete the Design, Engineering and Permitting of Sections 1, 2, and 3 of the Innovation Way Transportation Corridor as biddable plans according to the attached Scope of Services. Lake Hart Partners II, LTD has the right but not the obligation to construct the transportation improvements for road impact fee credits.

Innovation Way (Moss Park DRI): First Amendment to the Moss Park Transportation and Proportionate Share Agreement approve 10/14/2014 and recorded at 10822/4520 amends the Transportation and Proportionate Share Agreement originally approved by the Board of County Commissioners on August 28, 2012 and recorded at OR Book/Page 10434/1466. Under the terms of the First Amendment, the segmentation of the proposed Innovation Way South Transportation Corridor is shifted to include the addition of approximately 365 lineal feet of Segment 4 to the original east end of Segment 3 as shown on the revised Exhibit B. Exhibit C is replaced to show the revised typical cross-section arising from the annexation of the Innovation Place DRI into the City of Orlando. The First Amendment also provides that Lennar will complete the design work to 60% as provided for in the original Agreement and submit plans within 180 days from the Effective Date of this First

Amendment. Lennar will also have the option to complete design, permitting and construction of Segment 3 as an "E" project and complete construction within five (5) years. Road Impact Fee Credits would be available to Lennar should they elect to construct a 4-lane roadway rather than a 2-lane roadway for Segment 3 in the amount of the incremental cost of the additional two lanes not to exceed a cap of \$1,300,000.00. Wetland Mitigation terms are redefined between Orange County Utilities and LHP II in the First Amendment.

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 has an underlying Future Land Use Map (FLUM) designation of PD - IND/INST/O/C/LDR/LMDR/MDR/CONS (Planned Development - Industrial / Institutional / Office / Commercial / Low Density Residential / Low-Medium Density Residential / Medium Density Residential / Conservation). The subject property is designated PD (Planned Development District) on the zoning map, which is consistent with the FLUM designation.

### **4. ZONING**

PD (Planned Development District) (Moss Park)

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

Approval subject to the following conditions:

1. Development shall conform to the Moss Park PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Moss Park Parcels N2 & O Preliminary Subdivision Plan dated "Received May 12, 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 May 12, 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 project shall comply with the terms and conditions of that certain First Amendment to the Moss Park Transportation and Proportionate Share Agreement recorded at Official Records Book/Page 10822/4520, Public Records of Orange County, Florida, as may be amended.
7. Signage shall comply with Chapter 31.5 of the Orange County Code.
8. Length of stay shall be for 180 days or greater. Short term/transient rental shall be prohibited.
9. Simultaneously with the recording of the plat, the developer shall record in the public records of Orange County, Florida, a the declaration of covenants, conditions, and restrictions governing Parcel "N", the terms shall include a conspicuous requirement that each purchaser of a residential lot in the subdivision for the personal or family uses of the purchaser(s) must be give a copy of the declaration at or prior to the time the sales contract is executed by the purchaser(s), together with a disclosure statement to be executed by the purchaser(s) stating as follows: "I/We acknowledge, understand, and accept that I / we am / are purchasing a lot of home in a subdivision that, on the dates of its approval by the Board of County Commissioners on June 3, 2014, is located west of a fuse and explosive element manufacturing and testing facility located at 13336 Wewahootee Road, the Orange County Shooting Range located at 14500 Wewahootee Road, and the Central Florida Rifle Pistol Club located at 14646 Wewahootee Road. I / We acknowledge, understand, and accept that noises, odors, vibrations, and aesthetic objections may be associated with those uses."
10. 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.
11. 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

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pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.

12. 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.
13. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, if not provided by the Homeowners' Association, shall be the responsibility of the County.
14. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
15. 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.
16. 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.
17. 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.

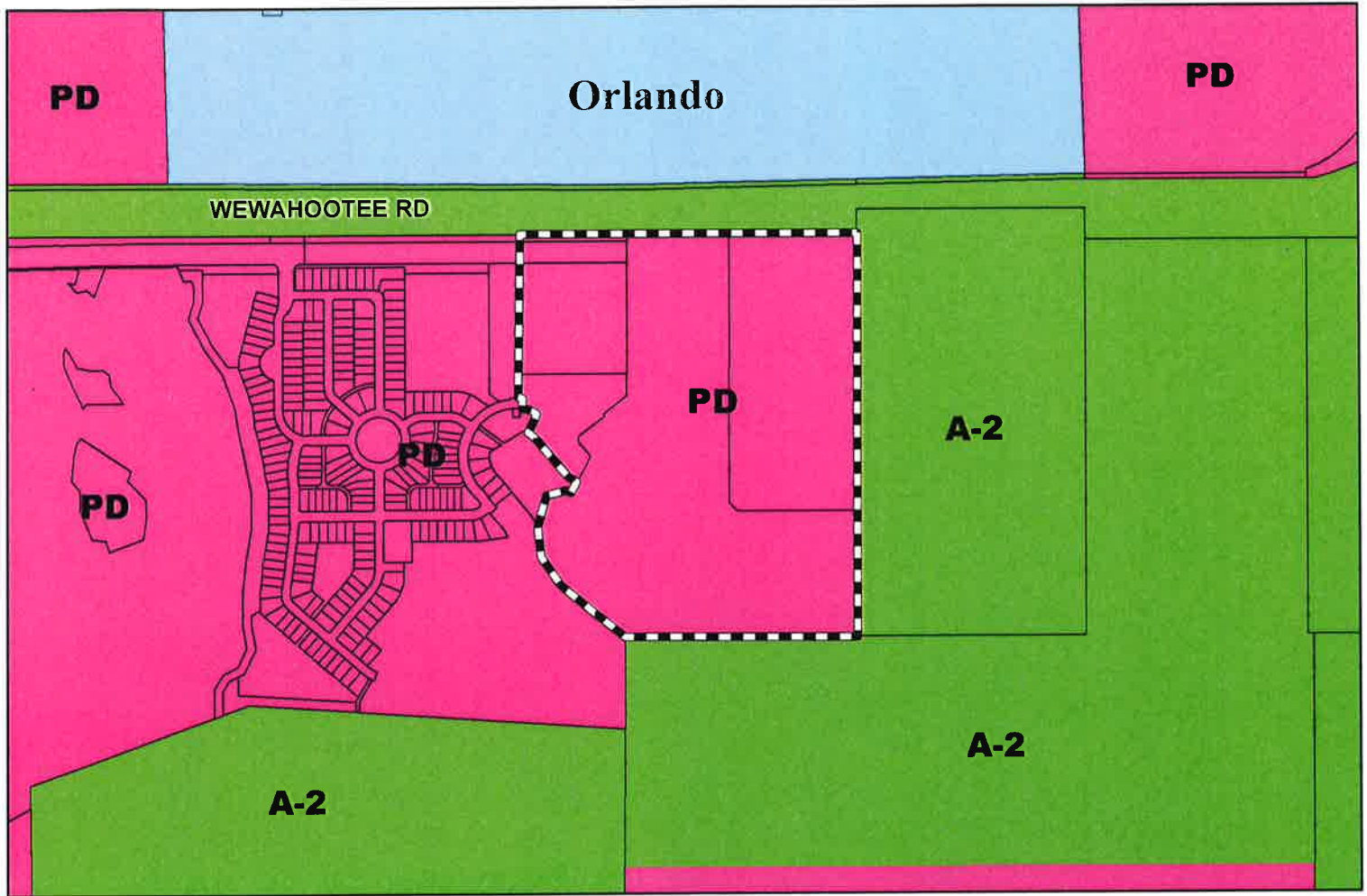


18. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to 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.
19. 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.
20. 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).
21. 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.
22. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
23. Prior to approval of the Preliminary Subdivision Plan (PSP) for Parcel N2 by the Orange County Board of County Commissioners (BCC), two conservation easements shall be prepared, determined acceptable by Orange County staff, fully executed by the property owner(s), delivered to Orange County Real Estate Management Division, and ready for BCC approval. The two conservation easements shall be prepared consistent with Section 704.06, Florida Statutes (2016) and shall convey all development rights on the respective parcels to Orange County, for the upland/wetland preserves in Parcels "M" and "O", as depicted in Exhibit "D" of the Third Amendment to the First Amended and Restated Development Order for the Moss Park Development of Regional Impact, recorded in ORB 10827, P2044. The areas to be preserved in Parcel "M"



and "O" shall consist of 3.12 acres, and 20.14 acres, respectively, together with any easement(s) that may be necessary to provide legal access to these conservation easement areas.

24. The County shall issue no more than 89 building permits for the Moss Park PD / Moss Park parcels N2 & O PSP until such time as the right turn lane from John Wycliffe Boulevard onto Moss Park Road (as required by Condition # 11 on the Moss Park PD) has begun construction.
25. 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.



**Subject Property**



**Subject Property**

## Zoning

**ZONING:** PD (Planned Development District)  
(Moss Park PD)

**APPLICANT:** Poulos & Bennett, LLC

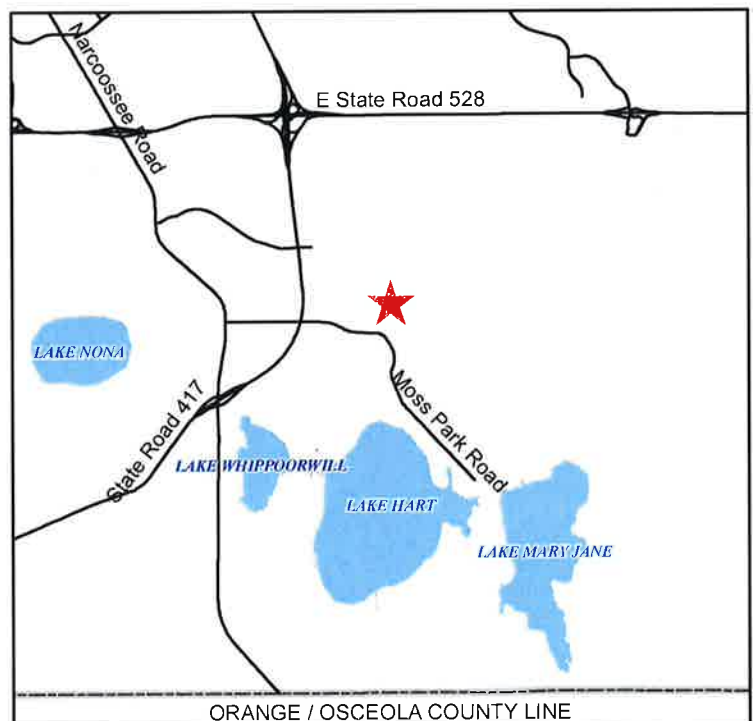
**LOCATION:** South of Wewahootee Road /  
East of John Wycliffe Boulevard

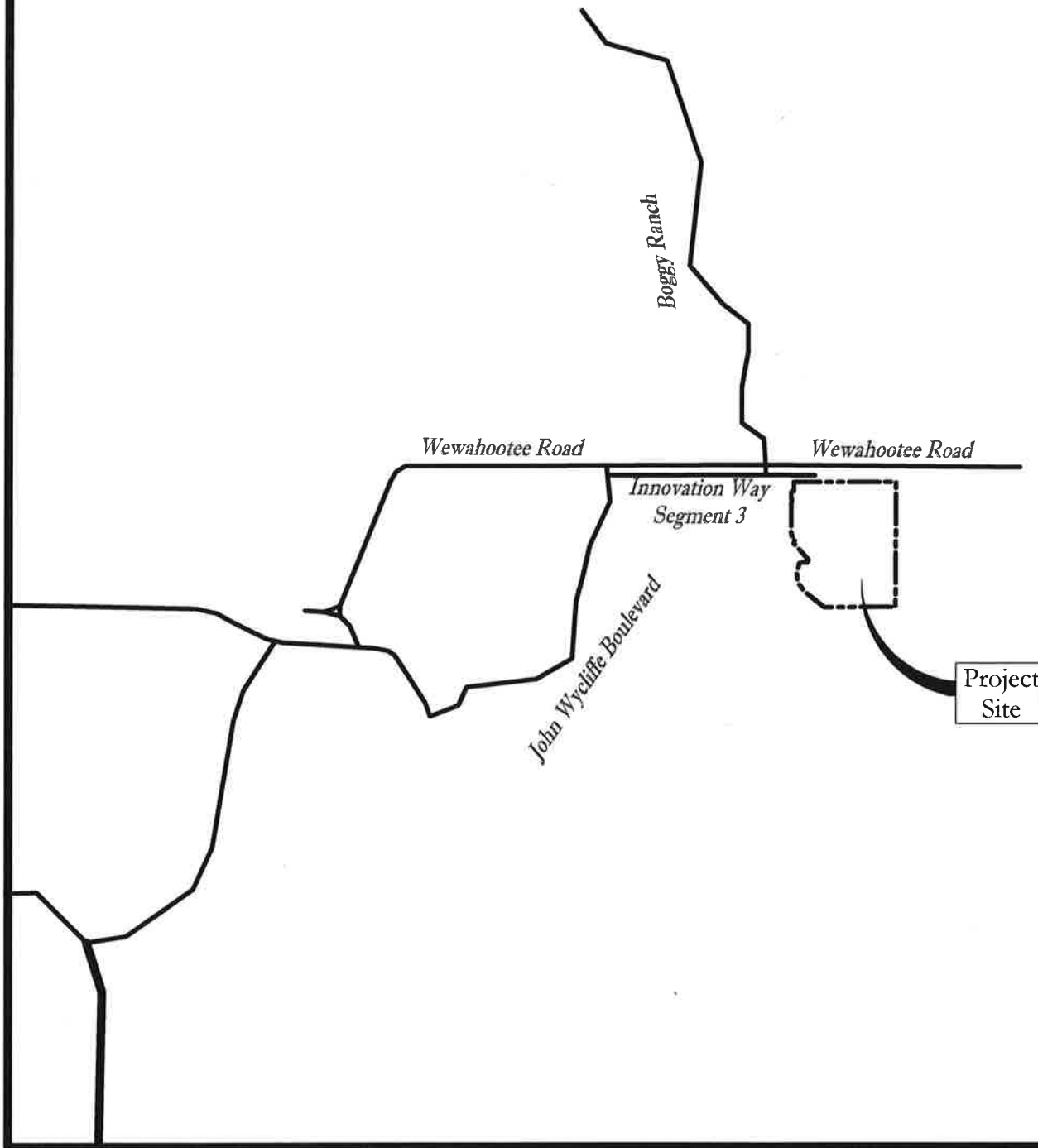
**TRACT SIZE:** 96.74 acres

**DISTRICT:** #4

**S/T/R:** 11/24/31; 10/24/31

**1 inch = 1,000 feet**





Location Map

# **Moss Park Parcel N2&O**

March 3, 2017  
P & B Job No.: 43-001

2602 E. Livingston St.  
Orlando, Florida 32803-4074R7.2594

**POULOS & BENNETT**

[www.poulosandbennett.com](http://www.poulosandbennett.com)  
Certificate of Authorization No. 28567



SCALE IN FEET

**Exhibit 1**



10

|                       |                        |
|-----------------------|------------------------|
| Public Water Service  | Orange County, 10-Year |
| Business Service      | Orange County, 10-Year |
| Business Service      | Orange County, 10-Year |
| Electric Service      | Orange County, 10-Year |
| Fire Protection       | Orange County, 10-Year |
| School Age Population | Orange County, 10-Year |

## PSP - 16-10-357

## MASTER SITE PLAN & SITE DATA

C2.00

1047

FOULOS &amp; GINNNETT

**Peabo & Benner, LLC**  
2605 E Livingston St., Orlando, FL 32803  
Tel: 407-487-2904 [www.peabobenner.com](http://www.peabobenner.com)  
Eng. Bua. 114-28507



| CONSTRUCTION ESTIMATE |                         |           |
|-----------------------|-------------------------|-----------|
| ITEM NO.              | DESCRIPTION             | EST. COST |
| 1                     | Excavation and backfill | 21.79     |
| 2                     | Foundation              | 18.00     |
| 3                     | Roofing                 | 41.11     |
| 4                     | Interior finish         | 10.00     |
| 5                     | Exterior finish         | 10.00     |
| 6                     | Landscaping             | 10.00     |
| 7                     | Utilities               | 10.00     |
| 8                     | Permits and fees        | 10.00     |
| 9                     | Contingency             | 10.00     |
| 10                    | Subtotal                | 100.00    |
| 11                    | Tax and insurance       | 10.00     |
| 12                    | Profit                  | 10.00     |
| 13                    | Total                   | 120.00    |





**Moss Park PD /  
Moss Park Parcels N2 & O PSP**

