

**COMMUNITY, ENVIRONMENTAL & DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION PUBLIC HEARING REPORT  
AUGUST 22, 2017**

This packet contains the following public hearings to be heard by the Board of County Commissioners on Tuesday, August 22, 2017.

<b><u>Name of Request</u></b>	<b><u>Case Number</u></b>	<b><u>Type of Hearing</u></b>
<b>Development Review Committee Appeal</b> Appellant: R. Wayne Harrod, The Harrod Group, Inc., River Isle Preliminary Subdivision Plan (PSP); <b>District 5</b>	DRCD-17-06-186	Appeal
David E. Axel, Axel Real Estate, Lake Pickett Cluster Parcels 1, 2, & 3 Preliminary Subdivision Plan (PSP); <b>District 5</b>	PSP-16-08-289	Preliminary Subdivision Plan
James G. Willard, Shutts & Bowen, LLP, Wincey Groves – Hamlin West Planned Development (PD) / Wincey Groves Subdivision Preliminary Subdivision Plan (PSP); <b>District 1</b>	PSP-16-03-102	Preliminary Subdivision Plan
Marc Stehli, Poulos & Bennett, LLC, Hickory Nut Estates Planned Development / Hickory Nut Estates Preliminary Subdivision Plan (PSP) (Continued from March 21, 2017, June 20, 2017 and August 1, 2017); <b>District 1</b>	PSP-16-06-222	Preliminary Subdivision Plan
Timothy Green, Green Consulting Group, Inc., Dora Woods Estates Preliminary Subdivision Plan (PSP) (aka Tangerine Woods and Brooks Meadows); <b>District 2</b>	CDR-15-12-393	Substantial Change



## Interoffice Memorandum

DATE: August 10, 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: August 22, 2017 – Public Hearing  
David E. Axel, Axel Real Estate  
Lake Pickett Cluster Parcels 1, 2, & 3 PSP  
Case # PSP-16-08-289 / District 5

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 24, 2017 to approve the Lake Pickett Cluster Parcels 1, 2, & 3 Preliminary Subdivision Plan (PSP) to subdivide 292.79 acres in order to construct 235 single-family residential dwelling units. This project is subject to the concurrent approval of the Proportionate Share Agreement for Lake Pickett Cluster Parcels 1, 2, & 3 by the Board of County Commissioners on the August 22, 2017 consent agenda, as recommended by the Road Agreement Committee (RAC) on May 17, 2017.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PSP may be found in the Planning Division for further reference.

**ACTION REQUESTED:** Make a finding of consistency with the Comprehensive Plan (CP) and approve the Lake Pickett Cluster Parcels 1, 2, & 3 Preliminary Subdivision Plan (PSP) dated "Received June 21, 2017", subject to the conditions of approval listed under the DRC Recommendation in the Staff Report. District 5

JVW/JS/sfv  
Attachments

**CASE # PSP-16-08-289**

Commission District # 5

## **1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 24, 2017 to approve the Lake Pickett Cluster Parcels 1, 2, & 3 Preliminary Subdivision Plan (PSP) to subdivide 292.79 acres in order to construct 235 single-family residential dwelling units. This project is subject to the concurrent approval of the Proportionate Share Agreement for Lake Pickett Cluster Parcels 1, 2, and 3 by the Board of County Commissioners on August 22, 2017 consent agenda, as recommended by the Road Agreement Committee (RAC) on May 17, 2017.

The Lake Pickett Cluster Plan was initially approved for 325 single-family residential dwelling units on approximately 383 developable acres (0.85 DU / acre) in 1991. In 1997, the BCC approved Ordinance #97-03, which amended the R-CE-C (Country Estate Cluster District) zoning standards by increasing the maximum density from 0.85 DU / acre to 1.0 DU / acre. On December 18, 2014, the Planning and Zoning Commission recommended approval of a request to rezone the Lake Pickett Cluster (from R-CE-C to R-CE-C) to increase the entitlements from 325 single-family dwelling units (0.85 DU / acre) to 383 single-family dwelling units (1.0 DU / acre) subject to three (3) restrictions. The BCC accepted that recommendation on January 13, 2015.

## **2. PROJECT ANALYSIS**

- A. Location: North of Lake Pickett Road / East of Chuluota Road
- B. Parcel ID: 03-22-32-0000-00-004; 03-22-32-0000-00-006  
03-22-32-0000-00-008; 10-22-32-0000-00-003  
03-22-32-0000-00-002; 03-22-32-0000-00-009  
03-22-32-0000-00-010
- C. Total Acres: 292.79 (gross)
- D. Water Supply: Orange County Utilities
- E. Sewer System: Septic
- F. Schools: East Lake ES – Capacity: 756 / Enrollment: 753  
Corner Lake MS – Capacity: 1,215 / Enrollment: 1,276  
East River HS – Capacity: 3,002 / Enrollment: 2,098
- G. School Population: 102
- H. Parks: Bithlo Community Park 2.5 Miles
- I. Proposed Use: 235 Single-Family Residential Dwelling Units

J. Site Data:                   Maximum building height: 35' (2 stories)  
                                  Minimum living area: 1,500 square feet  
                                  Building Setbacks:  
                                      30' front  
                                      10' side street corner  
                                      15' side  
                                      25' rear  
                                      50' lakefront from NHWE

K. Fire Station:               Station 82 - 500 N. Story Partin Road

L. Transportation:           On May 17, 2017, the Orange County Road Agreement Committee (RAC) recommended approval of the Proportionate Share Agreement for Lake Pickett Cluster Parcels 1, 2, & 3. This road agreement will be placed on the August 22, 2017 Board of County Commissioners (BCC) consent agenda, and will be considered concurrent with this PSP.

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 letter. A traffic study will be required prior to obtaining an approved capacity encumbrance letter.

### **3. COMPREHENSIVE PLAN**

The property's Future Land Use Map (FLUM) designation is Rural Settlement 1/1 and is within the Lake Pickett Rural Settlement. The property's zoning is R-CE-C (Country Estate Cluster District), which is consistent with the underlying FLUM designation. This request is consistent with the Comprehensive Plan.

### **4. ZONING**

R-CE-C (Country Estate Cluster District)

**5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Lake Pickett Cluster Parcels 1, 2, & 3 Preliminary Subdivision Plan dated "Received June 21, 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 June 21, 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. 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 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.

10. Provide a rear yard drainage swale for all type "C & B" graded lots abutting the stormwater ponds and a set of inlets and storm sewer pipes to convey the runoff to the ponds, or revise the lots to "Type B Mod" grading which only conveys the rear lot runoff to the back, except as provided for herein. The entire residential structure (house) and side yard runoff shall drain to the front, unless the Applicant demonstrates that the sheet flow from that lot will be less than 2 feet per second by performing a velocity analysis for each lot, signed and sealed by an engineer registered in the state of Florida and such analysis approved by the County, in which part of the residential structure (House) and side yard runoff may drain to the rear. The velocity analysis shall be submitted for County approval with final engineering plans submittal for each phase in accordance with the PSP.
11. The minimum and maximum lot grades for all Type B Mod lot grading shall be 1% and 10% respectively.
12. The CC&Rs shall provide a notice to owners adjacent to any stormwater tract with Type B Mod grading that the property owner shall be responsible for all costs incurred by the County to repair any erosion damage to the County stormwater pond slopes or maintenance berm caused by runoff from their lot. In the event the PSP is subsequently approved as a gated community and the ponds are not County owned, such CC&Rs shall provide that the property owner shall be responsible for all costs that the property owners' association may incur to repair any damage to the stormwater pond slopes or the maintenance berm caused by runoff from the owner's lot.
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, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
14. 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

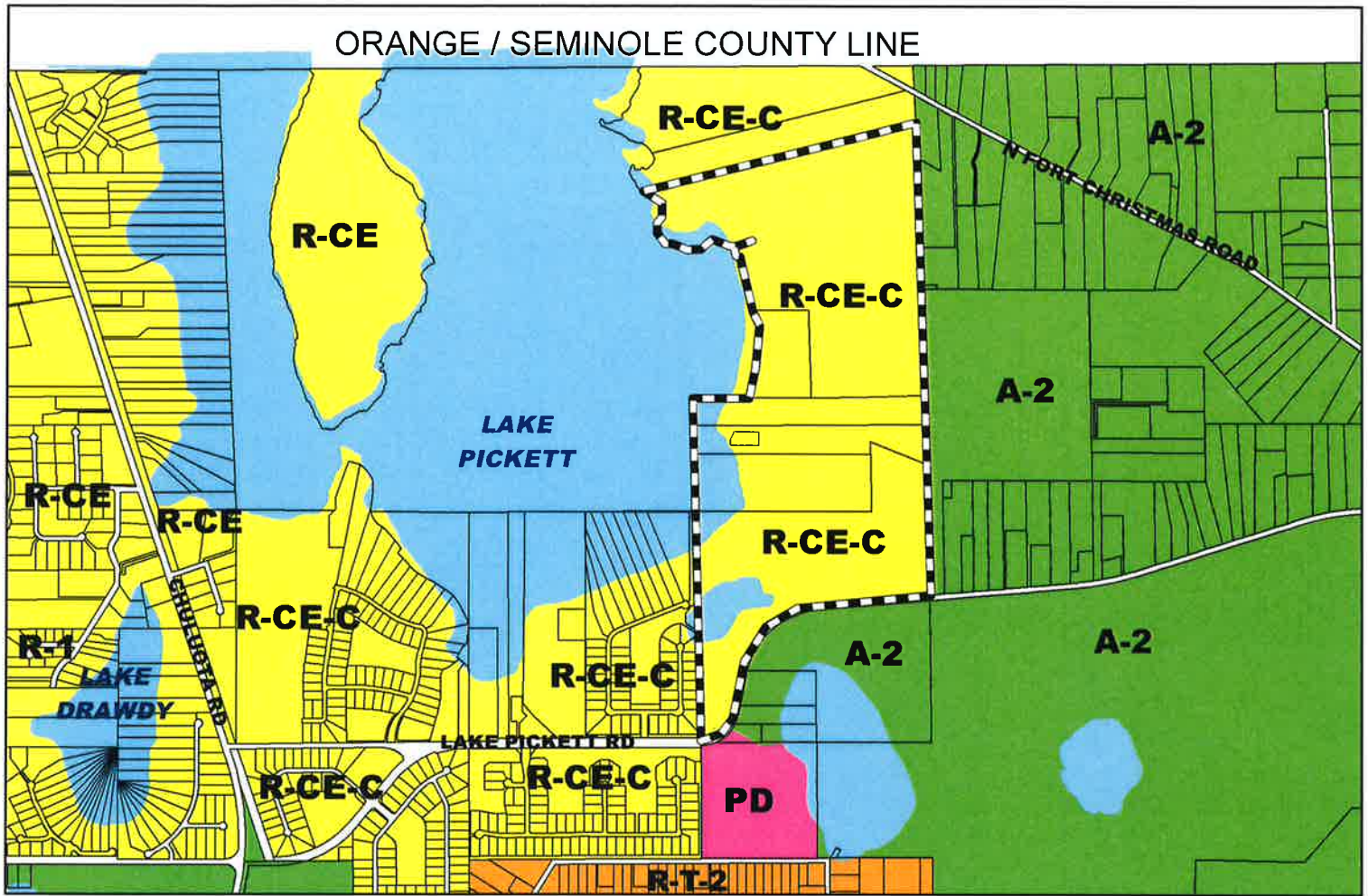
land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

15. The project shall comply with the terms and conditions of the Proportionate Share Agreement for Lake Pickett Cluster Parcels 1, 2 and 3, approved together with the PSP.
16. 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.
17. 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.
18. 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.
19. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply for an Orange County Dock Construction Permit. Application shall be made to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction prior to installation.
20. 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.

21. 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.
22. 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).
23. Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
24. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
25. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
26. The Developer / HOA shall provide access to the lake for water quality sampling and lake management services.
27. A boat ramp is not part of the infrastructure and is not approved with this plan. This plan approves only a location for a ramp should the applicant meet all permitting requirements and receive approval from Orange County. A boat ramp shall require additional permitting under Chapter 15, Article XV Boat Ramps, and action by the Board of County Commissioners.
28. The subdivision shall join into the MSTU / MSBU for Lake Pickett for the purpose of funding lake management services.
29. The developer shall submit a Letter of Commitment to participate in the Lake Pickett MSTU with the preliminary plat.
30. Individual on-site sewage disposal systems shall be located in the front yards of the lakefront lots in order to increase the separation distance between Lake Pickett and the proposed system.
31. Length of stay shall be for 180 days or greater. Short term/transient rental shall be prohibited.



Subject Property



Subject Property

## Zoning

ZONING: R-CE-C (Country Estate Cluster District)

APPLICANT: David E. Axel  
Axel Real Estate

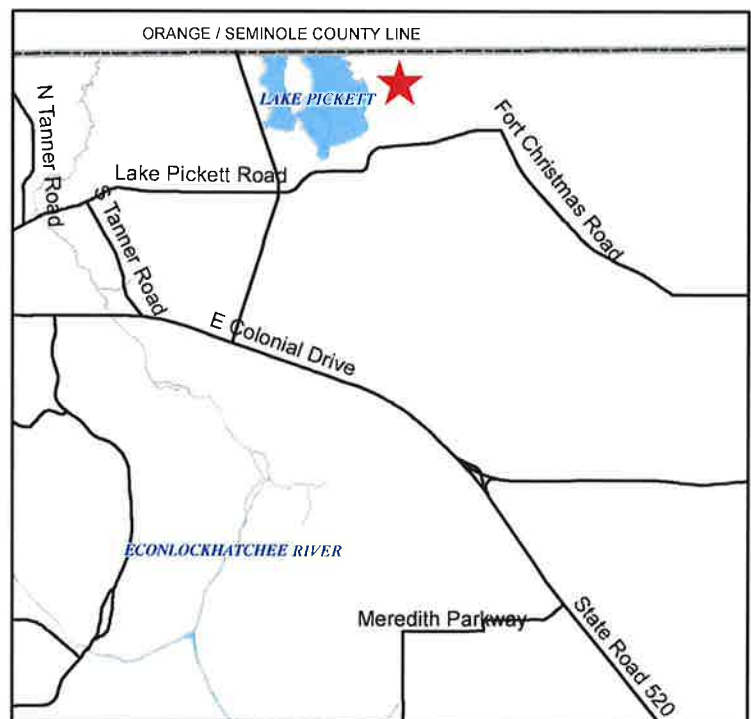
LOCATION: East of Chuluota Road /  
North of Old Lake Pickett Road

TRACT SIZE: 292.78 acres

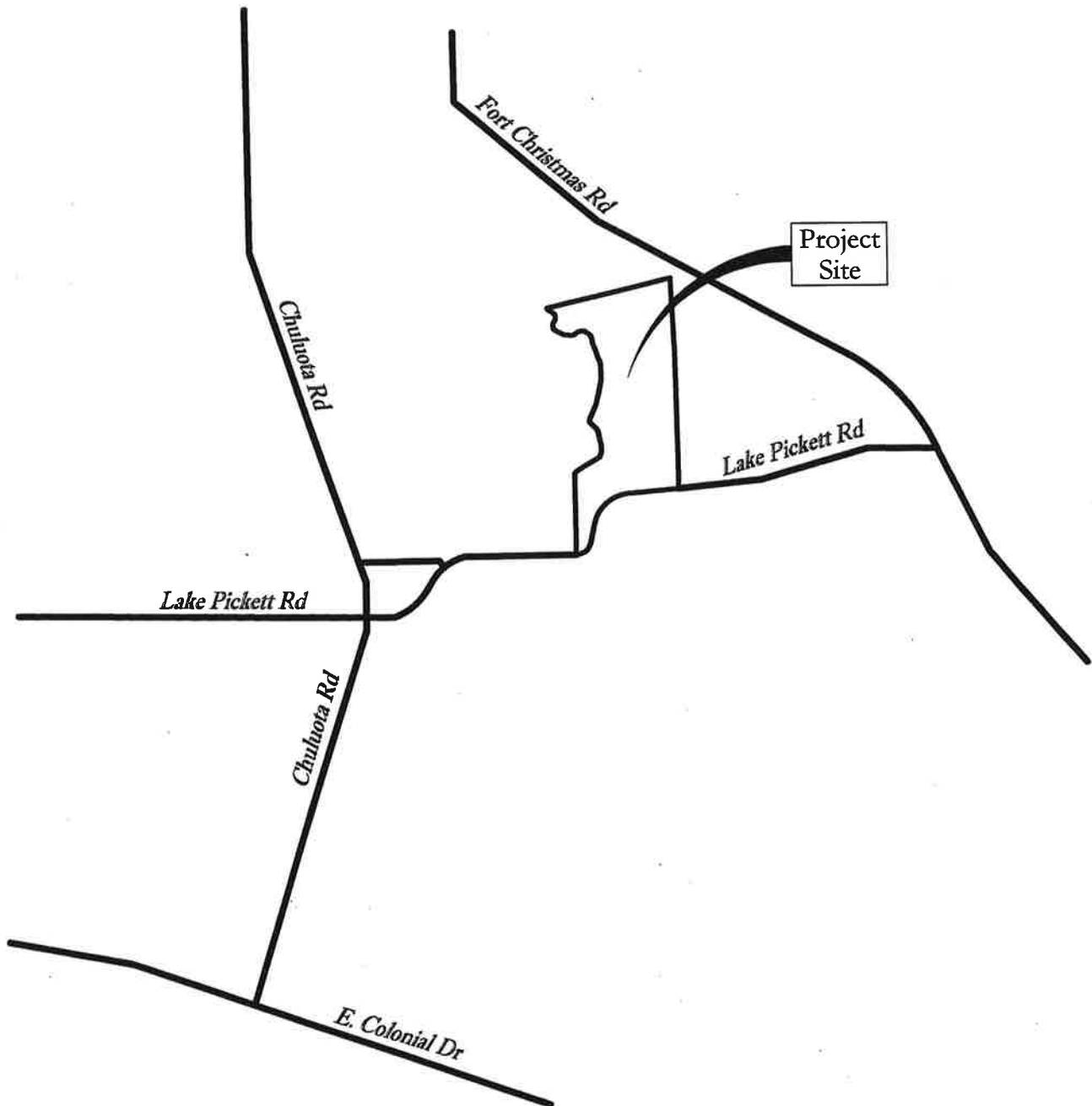
DISTRICT: #5

S/T/R: 10/22/32, 03/22/32

1 inch = 2,000 feet



PSP-16-08-289



Location Map

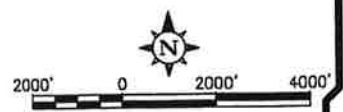
**Lake Pickett Parcel 1-3 PSP**

**POULOS & BENNETT**

May 15, 2017  
P & B Job No.: 14-022

2602 E. Livingston St.  
Odando, Florida 32803-407.467.2594

www.poulosandbennett.com  
Certificate of Authorization No. 28567



SCALE IN FEET

**Exhibit 1**

Z:\2014\14-022 SHAW AVE, LAKE PICKETT, PARCEL 1-3\DWG\DWG & FIGS\ANNEX\14-022 EAST PARCELS LOCATION.GDG

**Project Name**  
**LAKE PICKETT**  
**CLUSTER**  
**PARCELS 1-3**

PSP-16-08-289

Subsequent To

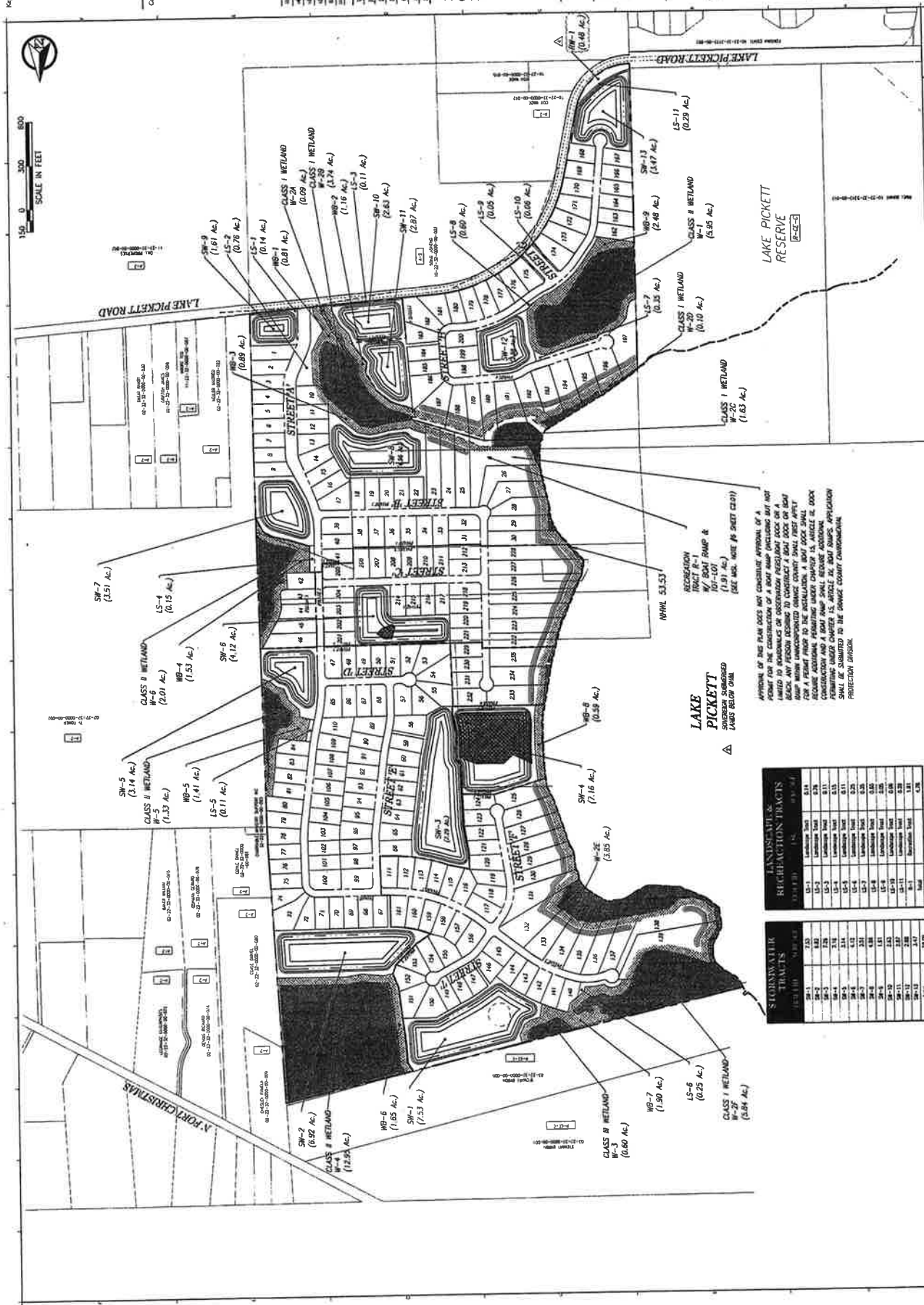
**Shore Tule**  
**MASTER SITE**  
**PLAN**

C2.00

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LENNER & SCINDLER

**Poulos & Bennett, LLC**  
3403 E. Livingston, Orlando, FL 32803  
Tel: 407.687.2314 [www.poulosbennett.com](http://www.poulosbennett.com)  
Fax: 407.687.2343



LANDSCAPE & RECREATION TRACTS		1980	
U-1	Landscape Tract	0.14	
U-2	Landscape Tract	0.29	
U-3	Landscape Tract	0.11	
U-4	Landscape Tract	0.15	
U-5	Landscape Tract	0.11	
U-6	Landscape Tract	0.20	
U-7	Landscape Tract	0.20	
U-8	Landscape Tract	0.60	
U-9	Landscape Tract	0.09	
U-10	Landscape Tract	0.09	
U-11	Landscape Tract	0.20	
R-1	Recreation Tract	1.81	
	Total	4.38	

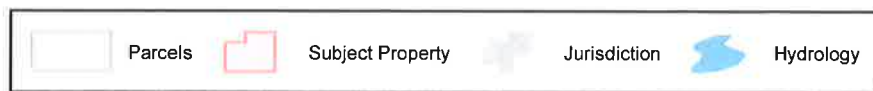
STORMWATER TRACTS		PER 100	PER AC
28-1	7.53		
28-2	8.82		
28-3	7.78		
28-4	7.18		
28-5	7.14		
28-6	7.12		
28-7	7.51		
28-8	8.88		
28-9	1.81		
28-10	2.62		
28-11	2.87		
28-12	2.88		
28-13	3.47		
28-14	3.97		

APPROVAL OF THIS PLAN DOES NOT CONSTITUTE APPROVAL OF A PERMIT FOR THE CONSTRUCTION OF A BOAT RAMP (INCLUDING BUT NOT LIMITED TO RAMPODS OR GOSSEZIMAN RAMPS) DOCK OR A BREAKAWAY. ANY PERSON DESIRING TO CONSTRUCT A BOAT DOCK OR BOAT RAMP MUST OBTAIN A PERMIT FROM THE DOWNE COUNTY SHIP LIFT AND BOAT RAMP COMMISSION. ANY PERSON DESIRING TO CONSTRUCT A BOAT DOCK OR BOAT RAMP WITHIN UNZONED OPEN SPACE COUNTY SHALL FIRST APPLY FOR A PERMIT PRIOR TO THE INSTALLATION. A BOAT DOCK SHALL REQUIRE ADDITIONAL PERMITTING UNDER CHAPTER 15, ARTICLE 2. DOCK CONSTRUCTION AND A BOAT RAMP SHALL REQUIRE ADDITIONAL PERMITTING UNDER CHAPTER 15, ARTICLE 2B. BOAT RAMPS APPLICATION SHALL BE SUBMITTED TO THE DOWNE COUNTY ENVIRONMENTAL PROTECTION DIVISION.





## Lake Pickett Cluster Parcels 1, 2, & 3 PSP



1 : 9,600  
1 in : 800 ft