

**COMMUNITY, ENVIRONMENTAL & DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION PUBLIC HEARING REPORT
October 3, 2017**

This packet contains the following public hearings to be heard by the Board of County Commissioners on Tuesday, October 3, 2017.

<u>Name of Request</u>	<u>Case Number</u>	<u>Type of Hearing</u>
Marc Stehli, Poulos & Bennett, LLC, for New Independence Planned Development – Unified Neighborhood Plan (PD – UNP) / New Independence Preliminary Subdivision Plan (PSP) District 1	PSP-17-02-058	Preliminary Subdivision Plan



Interoffice Memorandum

DATE: September 8, 2017

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

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

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

SUBJECT: October 3, 2017 – Public Hearing
Marc Stehli, Poulos & Bennett, LLC
New Independence Planned Development (PD) / New
Independence Preliminary Subdivision Plan (PSP)
Case # PSP-17-02-058 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 9, 2017 to recommend approval of the New Independence PD / New Independence Preliminary Subdivision Plan to subdivide 61.45 gross acres in order to construct 285 single-family attached and detached residential dwelling units.

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 New Independence Planned Development (PD) / New Independence Preliminary Subdivision Plan (PSP) dated "Received August 14, 2017", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/JS/lme
Attachments

CASE # PSP-17-02-058

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 9, 2017 to recommend approval of the New Independence PD / New Independence Preliminary Subdivision Plan to subdivide 61.45 gross acres in order to construct 285 single-family attached and detached residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: North of New Independence Parkway / West of S. R. 429
- B. Parcel ID: 17-23-27-0000-00-013; 20-23-27-0000-00-009;
20-23-27-0000-00-017; 20-23-27-0000-00-018;
20-23-27-0000-00-001 (a portion of)
- C. Total Acres: 61.45 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Whispering Oaks ES Capacity: 767 / Enrolled: 937
Sunridge MS Capacity: 1,215 / Enrolled: 1,309
West Orange HS Capacity: 3,276 / Enrolled: 4,340
- G. School Population: 110
- H. Parks: Summerport Park – 2.7 Miles
- I. Proposed Use: 285 Single-Family Attached & Detached Residential Dwelling Units
- J. Site Data: Maximum Building Height:
45' (3-stories)
- Minimum Living Area:
Attached: 1,000 Square Feet
Detached: 1,200 Square Feet
- Building Setbacks:
Attached:
10' Front
14' Rear
5' Side

10' Side Street

Detached:
10' Front
20' Rear
5' Side
10' Side Street

K. Fire Station: 34 – 4000 Winter Garden Vineland Road

L. Transportation: New Independence Parkway: A Town Center West Road Term Sheet for the development of Corporate Neighborhood 3 of Town Center Village in Horizon West was approved by the Board of County Commissioners on August 25, 2015. The Term Sheet is intended to memorialize a framework by which each landowner in Town Center West would enter into individual road network agreements to insure adequate roadway infrastructure would be funded and constructed on a timely basis. Each Road Network Agreement will include a fair share transportation analysis to determine each owner's fair share contribution to the road network serving Town Center West. Vested trips to be provided based on the fair share contribution. Each Preliminary Subdivision Plan / Development Plan (PSP/DP) submittal will require a trip generation analysis to be submitted. Owners shall receive 100% road impact fee credits for the fair share payment made along with \$22,500 per acre for the conveyance of right-of-way. The amount of road impact fee credits awarded shall not exceed the average countywide road construction cost.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V) with the Town Center Special Planning Area designation of Urban Residential. The project is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development) (New Independence PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the New Independence PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; New Independence Preliminary Subdivision Plan dated "Received August 14, 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 August 14, 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.

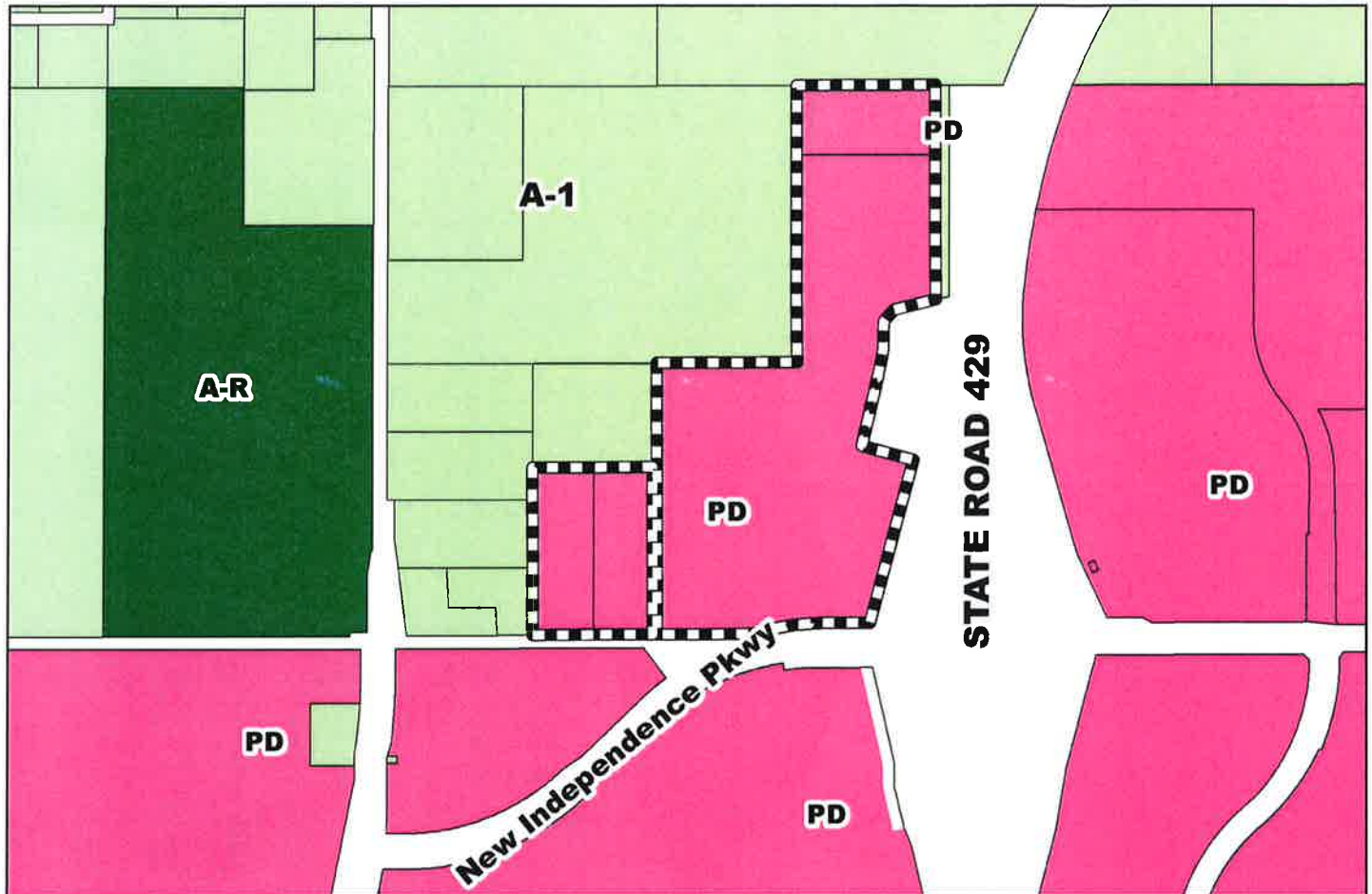
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements 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. 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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 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.
13. 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).

14. 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.
15. 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.
16. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and / or tenants of this development, through an appropriate mechanism, including, but not limited to, a conspicuous note on the plat and / or a recorded restrictive covenant, as applicable, that neither potable wells nor irrigation wells using local groundwater will be allowed on site.
17. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
18. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, coordinate with OCU to obtain information on the mounding produced by the RIBS, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.
19. 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 water meters located adjacent to public road right-of-way and maintain their individual wastewater services which extend to their homes from public cleanout located adjacent to public road right-of-way. The privately-owned water, wastewater, and reclaimed water services for the Lots numbered 57 to 64, 95 to 101, and 122 to 128 on the PSP extend to these units through HOA-owned Tracts OS-13, OS-14, and OS-15.

The owners of these lots shall be granted access to HOA-owned tracts for the purpose of maintaining their water, wastewater and reclaimed water services.

20. Short term/transient rental is prohibited. Length of stay shall be for 180 days or greater.
21. Unless otherwise waived, ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
22. The park tracts located within this PSP shall be constructed prior to plat approval.
23. The alley access on McKinney Road at the western property line shall be a one-way north bound street.



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Marc Stehli,
Poulos & Bennet, LLC

LOCATION: North of New Independence Parkway /
West of S.R. 429

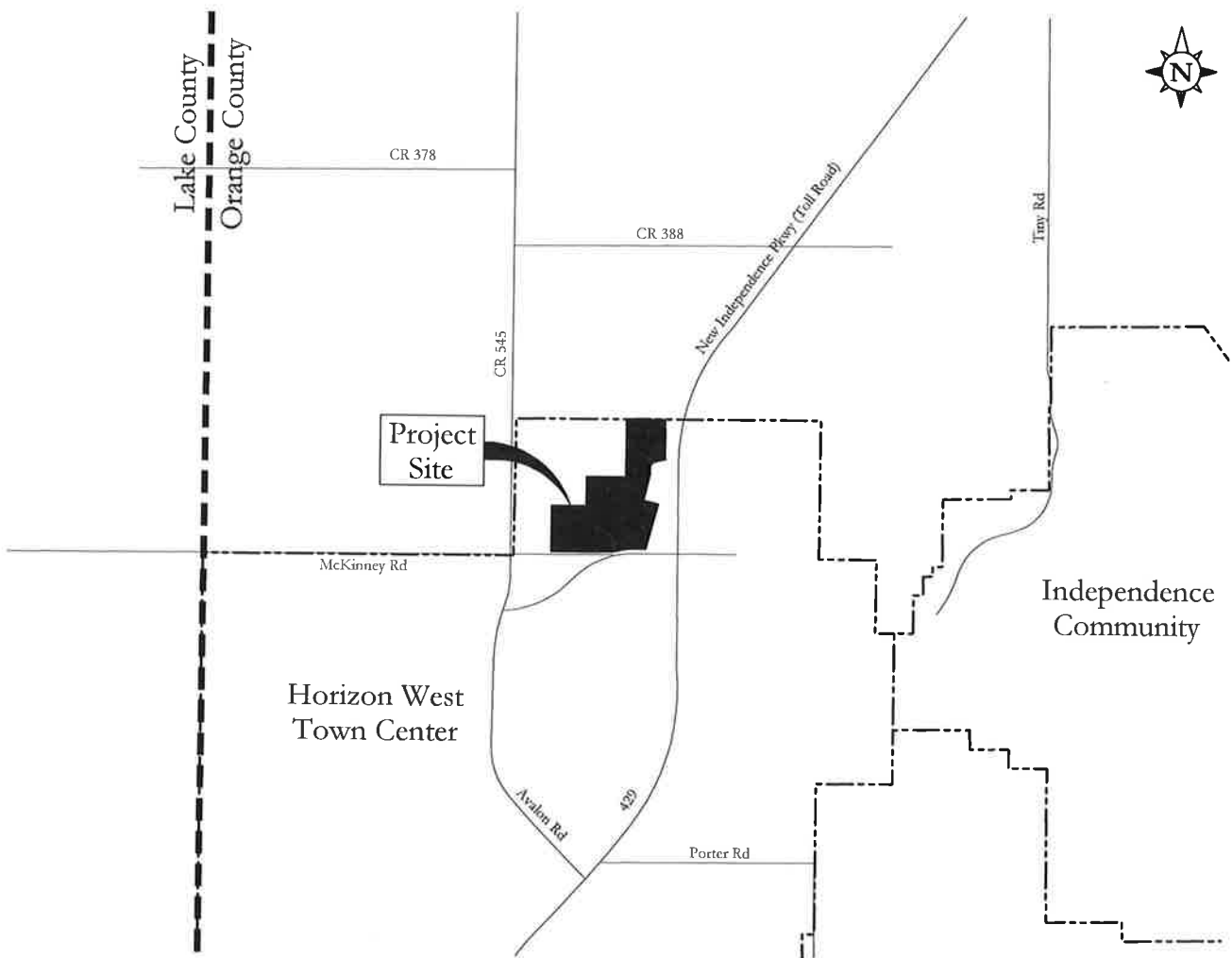
TRACT SIZE: 61.45 gross acre

DISTRICT: # 1

S/T/R: 20/23/27

1 inch = 833 feet





Location Map

New Independence

POULOS & BENNETT

August, 2017
P & B Job No.: 16-191

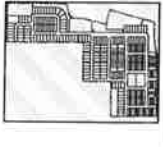
2602 E. Livingston St.
Orlando, Florida 32803-407-487-2594

www.poulosandbennett.com
Certificate of Authorization No. 28567



SCALE IN FEET

Exhibit A



Conclusions

DATE	DESCRIPTION	AMOUNT	BALANCE
1/1/2017	OPENING BALANCE	100.00	100.00
2/1/2017	PAYROLL	50.00	50.00
3/1/2017	RENT	25.00	25.00
4/1/2017	UTILITIES	15.00	10.00
5/1/2017	SALES	30.00	40.00
6/1/2017	PAYROLL	50.00	0.00
7/1/2017	RENT	25.00	0.00
8/1/2017	UTILITIES	15.00	0.00
9/1/2017	SALES	30.00	30.00
10/1/2017	PAYROLL	50.00	0.00
11/1/2017	RENT	25.00	0.00
12/1/2017	UTILITIES	15.00	0.00
1/1/2018	SALES	30.00	30.00
2/1/2018	PAYROLL	50.00	0.00
3/1/2018	RENT	25.00	0.00
4/1/2018	UTILITIES	15.00	0.00
5/1/2018	SALES	30.00	30.00
6/1/2018	PAYROLL	50.00	0.00
7/1/2018	RENT	25.00	0.00
8/1/2018	UTILITIES	15.00	0.00
9/1/2018	SALES	30.00	30.00
10/1/2018	PAYROLL	50.00	0.00
11/1/2018	RENT	25.00	0.00
12/1/2018	UTILITIES	15.00	0.00
1/1/2019	SALES	30.00	30.00
2/1/2019	PAYROLL	50.00	0.00
3/1/2019	RENT	25.00	0.00
4/1/2019	UTILITIES	15.00	0.00
5/1/2019	SALES	30.00	30.00
6/1/2019	PAYROLL	50.00	0.00
7/1/2019	RENT	25.00	0.00
8/1/2019	UTILITIES	15.00	0.00
9/1/2019	SALES	30.00	30.00
10/1/2019	PAYROLL	50.00	0.00
11/1/2019	RENT	25.00	0.00
12/1/2019	UTILITIES	15.00	0.00
1/1/2020	SALES	30.00	30.00
2/1/2020	PAYROLL	50.00	0.00
3/1/2020	RENT	25.00	0.00
4/1/2020	UTILITIES	15.00	0.00
5/1/2020	SALES	30.00	30.00
6/1/2020	PAYROLL	50.00	0.00
7/1/2020	RENT	25.00	0.00
8/1/2020	UTILITIES	15.00	0.00
9/1/2020	SALES	30.00	30.00
10/1/2020	PAYROLL	50.00	0.00
11/1/2020	RENT	25.00	0.00
12/1/2020	UTILITIES	15.00	0.00
1/1/2021	SALES	30.00	30.00
2/1/2021	PAYROLL	50.00	0.00
3/1/2021	RENT	25.00	0.00
4/1/2021	UTILITIES	15.00	0.00
5/1/2021	SALES	30.00	30.00
6/1/2021	PAYROLL	50.00	0.00
7/1/2021	RENT	25.00	0.00
8/1/2021	UTILITIES	15.00	0.00
9/1/2021	SALES	30.00	30.00
10/1/2021	PAYROLL	50.00	0.00
11/1/2021	RENT	25.00	0.00
12/1/2021	UTILITIES	15.00	0.00
1/1/2022	SALES	30.00	30.00
2/1/2022	PAYROLL	50.00	0.00
3/1/2022	RENT	25.00	0.00
4/1/2022	UTILITIES	15.00	0.00
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11/1/2022	RENT	25.00	0.00
12/1/2022	UTILITIES	15.00	0.00
1/1/2023	SALES	30.00	30.00
2/1/2023	PAYROLL	50.00	0.00
3/1/2023	RENT	25.00	0.00
4/1/2023	UTILITIES	15.00	0.00
5/1/2023	SALES	30.00	30.00
6/1/2023	PAYROLL	50.00	0.00
7/1/2023	RENT	25.00	0.00
8/1/2023	UTILITIES	15.00	0.00

Project Name
**NEW
INDEPENDENCE
PSP-17-02-058**

Orange County, FL
Site Plan

£4.00

DATE August 14, 2017

750100

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Eng. Bus. No. 24567

