



Interoffice Memorandum

DATE: March 28, 2018

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 Smoger, Chairman**
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: April 10, 2018 – Public Hearing
Julie C. Salvo, Orange County Public Schools
Lake Reams Neighborhood Center Planned Development
Case # CDR-17-10-312
(Related to Access Easement – Consent agenda)

The Lake Reams Neighborhood Center Planned Development (PD) is generally located east of Taborfield Avenue and south of Thatcher Avenue. The existing PD development program allows for a 6.5 acre park tract, 13.5 acre Adequate Public Facilities (APF) Elementary School site, 20,000 square feet of commercial uses, and nine residential dwelling units.

Through this PD substantial change, the applicant is seeking to add a full access point off of Thatcher Avenue which will allow for OCPs bus access through the future County park site to the school site. An access easement between Orange County and Orange County Public Schools is proposed and will be considered along with this request by the Board of County Commissioners. This easement was considered and approved by the Orange County School Board on January 23, 2018.

On February 14, 2018, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. As summarized in the staff report, a community meeting was held on January 29, 2018 at Bay Lake Elementary School.

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 PD/LUP 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 substantial change to the Lake Reams Neighborhood Center Planned Development / Land Use Plan (PD/LUP) dated “Received January 12, 2018”, subject to the conditions listed under the DRC Recommendation in the Staff Report.
District 1

Attachments

CASE # CDR-17-10-312

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Julie C. Salvo, Orange County Public Schools
OWNER	School Board of Orange County and Orange County BCC
PROJECT NAME	Lake Reams Neighborhood Center Planned Development (PD)
PARCEL ID NUMBERS	06-24-28-0000-00-014 and 06-24-28-0000-00-016
TRACT SIZE	27.5 gross acres (<i>overall PD</i>) 20.0 gross acres (<i>affected parcels only</i>)
LOCATION	Taborfield Avenue; or generally east of Taborfield Avenue and south of Thatcher Avenue
REQUEST	A PD substantial change to add a full access point off of Thatcher Avenue which will allow for OCPS bus access through the County park site (in conjunction with an access easement) to the school site. No waivers are associated with this request.
PUBLIC NOTIFICATION	A notification area extending beyond five hundred (500) feet was used for this application [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Five hundred twenty-one (521) notices were mailed to those property owners in the notification buffer area. A community meeting was held on January 29, 2018 by Orange County Public Schools at Bay Lake Elementary School as summarized in this report below.

IMPACT ANALYSIS

Special Information

The Lake Reams Neighborhood Center Planned Development (PD) is located within the Lakeside Village Special Planning Area (SPA) of Horizon West, contains 27.5 gross acres, and was originally approved by the Board of County Commissioners (BCC) in 2001. This PD is approved for a 6.5 acre park tract, 13.5 acre APF Elementary School site, 20,000 square feet of commercial uses, and nine (9) residential dwelling units.

Through this PD Change Determination Request (CDR), the applicant is seeking to add a full access point off of Thatcher Avenue which will allow for OCPS bus access through the County park site to the school site. An access easement between Orange County and Orange County Public Schools is proposed and will be considered along with this request by the Board of County Commissioners. This easement was considered and approved by the Orange County School Board on January 23, 2018.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The subject property has underlying Future Land Use Map (FLUM) designation of Village (V); however, as reflected on the Lakeside Village Special Planning Area (SPA) map, the subject parcels are designated for an APF school site and an APF park site. The proposed PD Change Determination Request (CDR) is consistent with the underlying FLUM / SPA designation and all other applicable CP provisions.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Environmental Protection Division (EPD) staff has reviewed the proposed request, but did not identify any issues or concerns.

Transportation / Concurrency

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 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.

Community Meeting Summary

A community meeting was not held by Orange County, but three (3) community meetings were held by Orange County Public Schools on September 9, 2017, October 25, 2017, and January 29, 2018 regarding the design of the proposed elementary school, which includes the access proposed with this request. At the January 29, 2018 community meeting, there was discussion primarily regarding the bus access, of which there were those for and against it, and the redesign of the site stormwater system.

Schools

Orange County Public Schools (OCPS) staff reviewed the request, but did not identify any issues or concerns.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the request, but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (February 14, 2018)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Lake Reams Neighborhood Center Planned Development / Land Use Plan (PD/LUP) dated "Received January 12, 2018", subject to the following conditions:

1. Development shall conform to the Lake Reams Neighborhood Center PD Land Use Plan (LUP) dated "Received January 12, 2018," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received January 12, 2018," 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 land use 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. 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.
7. Prior to construction plan approval, all property owners within Lakeside Village, excluding public entities, shall be required to sign an agreement between the parties, addressing their proportionate share of funds for the costs of the offsite and onsite master utilities, sized to the Village (SAP) build-out requirements. Property owners may elect to use alternative financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.

8. The Developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
9. 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.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 8, 2003 shall apply:
 - a. The developer shall obtain water, wastewater, and reclaim water services from Orange County subject to County rate resolutions and ordinances.
 - b. Prior to construction plan approval, master stormwater management, water, and wastewater plans, including preliminary calculations, shall be approved prior to approval of construction plans.
 - c. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing Covenants, Conditions, and Restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
 - 1) The same front façade for single-family residential units may not be repeated more than 5 times within 1 block length for both sides of any street, and shall be separated by at least 2 units with different facades.
 - 2) House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed 40 feet in length, except for wings or "L"s which are setback from the façade. In no case shall more than 50 percent of the front façade of a house consist of an unobstructed block wall or garage door.
 - 3) At least 50 percent of all single-family residential units shall have a front porch. A front porch shall be minimum of 7 feet in depth and cover a minimum 10 feet in width or 1/3 of the front façade, whichever is greater.
 - 4) Flat roofs shall be prohibited.
 - 5) Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be located within 3 feet of the sidewalk to define the separation of public and private spaces. Such fences shall be no higher than 3 feet 6 inches and limited to decorative wrought iron or wood picket style.

The provisions of the CC&Rs incorporating the above referenced requirements shall not be amended, removed, or superseded without the prior approval of the BCC, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect.

Furthermore, the CC&Rs shall provide that the homeowner's association and any person owning property in the development have the right to enforce these requirements in the event they are violated.

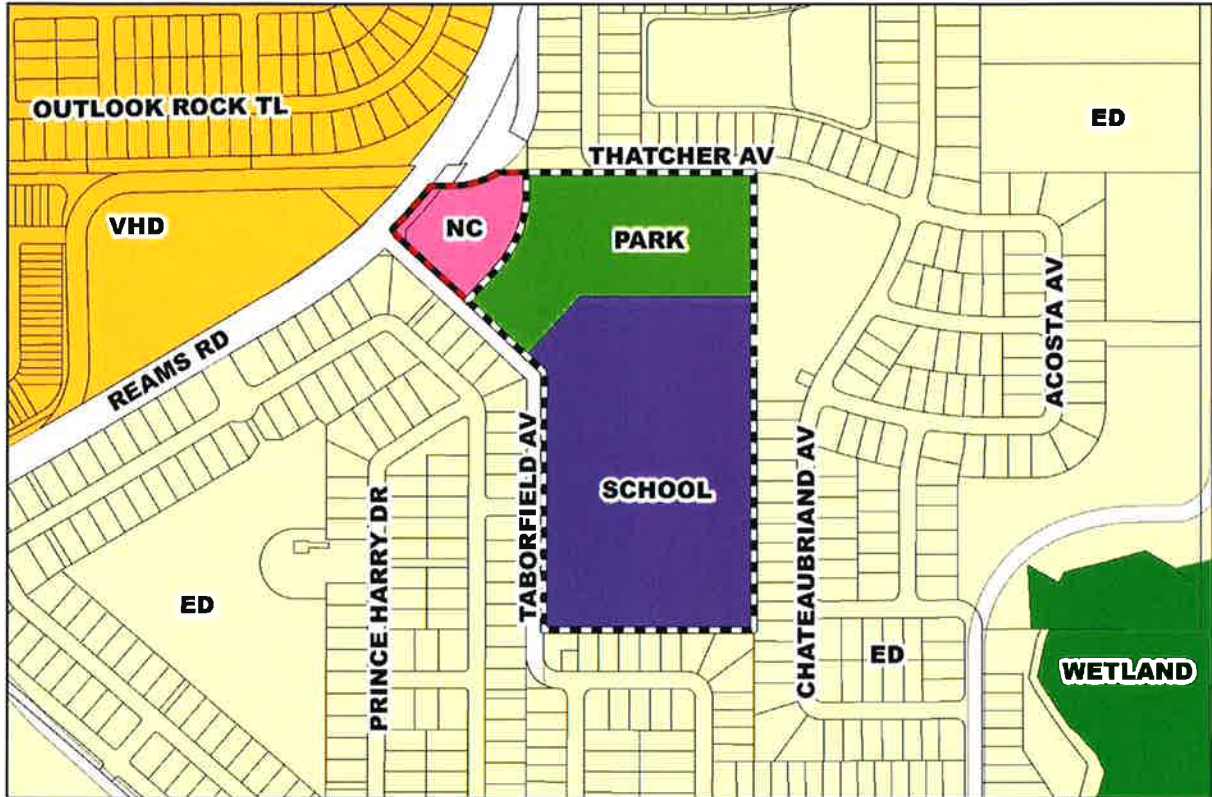
Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces Orange County ordinances and regulations.

- d. Billboards, pole signs, and outdoor storage are prohibited.
- e. Liquor stores and video arcades are prohibited in the neighborhood commercial portion.
- f. The Orange County School Boards shall be included in the master property owners' association and shall pay their pro rata share of retention pond maintenance costs.
- g. The owner of the neighborhood commercial parcel shall be responsible for paying the School Board's proportionate share of the costs of maintaining the shared off-site retention pond. This responsibility shall be recorded in the public records and shall run with title to the commercial property. This allocation of responsibility shall also be taken into account by the County if in the future it forms an MSTU for the maintenance of the pond.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (July 8, 2003)

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried by all Board members, the substantial change request to reconfigure the commercial site, reducing the elementary school site from 15 to 13.5 acres, increasing the park site from 5 to 6.5 acres, adding an estate home parcel for 9 homes and reducing some right-of-way was approved.

CDR-17-10-312



Subject Parcel

Existing PD



★ Subject Property

Future Land Use Map

FLUM: Village (V), Lakeside Village Special Planning Area (SPA), School and Park Districts

APPLICANT: Julie C. Salvo,
Orange County Public Schools

LOCATION: Taborfield Avenue; or generally east of Taborfield Avenue and south of Thatcher Avenue

TRACT SIZE: 27.50 gross acres (overall PD)
20.00 gross acres (affected parcel only)

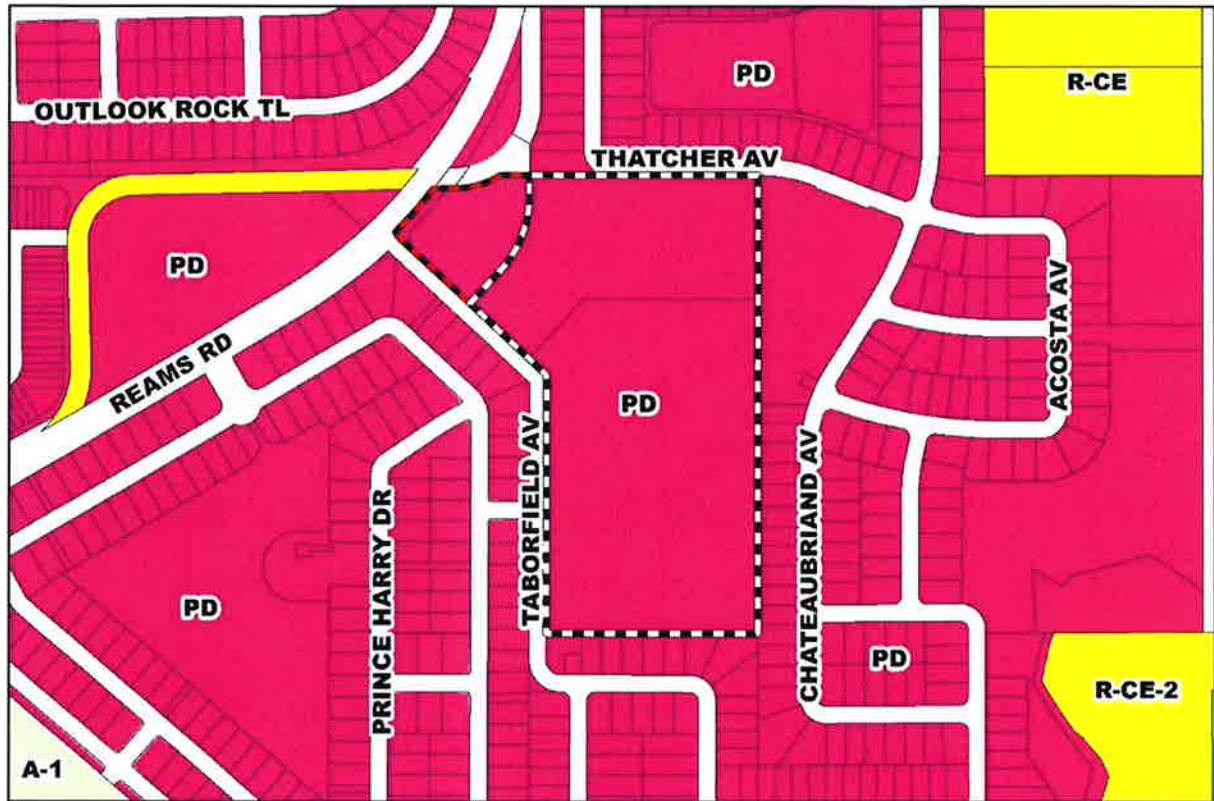
DISTRICT: # 1

S/T/R: 06/24/28

1 inch = 450 feet



CDR-17-10-312



Subject Parcel
Existing PD



★ Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Julie C. Salvo,
Orange County Public Schools

LOCATION: Taborfield Avenue; or generally east of
Taborfield Avenue and south of Thatcher
Avenue

TRACT SIZE: 27.50 gross acres (overall PD)
20.00 gross acres (affected parcel only)

DISTRICT: # 1

S/T/R: 06/24/28

1 inch = 450 feet



Lake Reams Neighborhood Center PD / LUP (Cover Sheet)

RECEIVED

By DRC OFFICE at 8:37 am, Jan 12, 2018

Lake Reams Neighborhood Center Planned Development Land Plan *Lakeside Village*

A Residential Neighborhood in West Orange County, Florida
CDR-17-10-312

Submitted: October 19, 2017
2nd Submittal: January 11, 2018

PROJECT TEAM

Developer:
Black Amber Developments, Inc.
148 S. Court Avenue
Orlando, Florida 32801
(407) 645-9988
Bryan Black
Bryan Allen

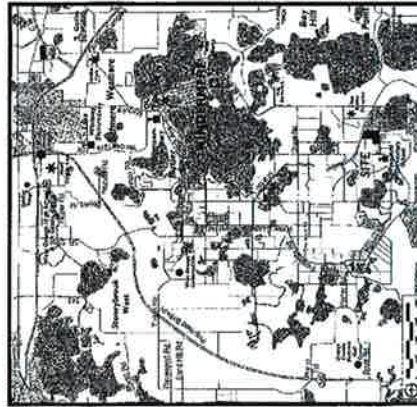
Community Planner:
Crabtree, Johnson, Kordich, Asch, &
Associates, Inc.
33 East Pine Street
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(407) 941-6032
Jodi Kordich

Civil Engineer:
Rover-Sturges & Associates, Inc.
570 South Magadale Street
Orlando, Florida 32801
(407) 941-5120
Mark Jacobson

Surveyor:
Carter Surveying
1420 East Robinson Street
Orlando, Florida 32801
(407) 397-1443
Jim Robinson

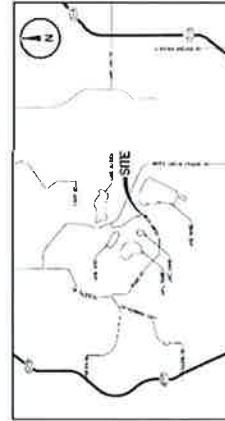
Legal Counsel:
Ammann, Senneff & Milawski Attorneys
At Law
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Peggy Senneff

LOCATION MAP



CONTENTS

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Soils	PD 3
Generalized Vegetation	PD 4
Land Use Plan	PD.5
Site Data, Performance Standards & Legal Description	PD 6
Lake Reams Neighborhood PD Land Use Plan Attachment 1	



VICINITY MAP

Parcel ID#

01-24-27-0000-00-021

Note: Revision to Sheet 5, Parcel ID #06-24-28-0000-00-014 and 06-24-28-0000-00-016

Lake Reams Neighborhood Center PD / LUP



GLATTING
JACKSON
KERCHER
ANGLIN
LOPEZ
RINEHART

33 First Pine Street
Orlando, FL 32801
P: 407 843 6552
F: 407 839 1789

LAKE REAMS
NEIGHBORHOOD
CENTER
PLANNED DEVELOPMENT
LEEDS
WILLIAM
HUTCHINSON / WILSON & ASSOCIATES
PARKWAY, NO. 1000
PARKS, 1000

LAND USE PLAN

PROJECT NO.	158
DESIGNED BY	J.P.
DRAWN BY	A.P.
CHECKED BY	J.S.
DATE	June 1, 1950
REVISED	
DATE	June 26, 1951
BY	J.P.
DATE	January 14, 1952
BY	
DATE	April 15, 1955

BCC Conditions of Approval

Disseminated shall conform to the LGR dated "Revised April 14, 2001," and to the following conditions of approval: "Development shall conform to the applicable local codes with all other applicable federal, state and county codes, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable local, ordinance and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BOCC) or by action of the BOCC."

- [illegible]

A-2

WALT DISNEY WORLD
PROPERTIES
(NO ZONING DESIGNATION)

DP/LUP Amendment Plan 11-30-15

Notification Map

