Interoffice Memorandum



DATE:

March 26, 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 Smogor/Chairman

Development Review Committee

Planning Division (407) 836-5616

SUBJECT:

April 10, 2018 - Public Hearing

Applicant: Marc Stehli, Poulos & Bennett, LLC

Moss Park North Planned Development /

Moss Park Preserve Preliminary Subdivision Plan /

Development Plan Case # PSP-17-06-181

(Related to Case #CAI-17-03-008)

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 20, 2017 to approve the Moss Park North Planned Development (PD) / Moss Park Preserve Preliminary Subdivision Plan / Development Plan (PSP/DP) to subdivide 107.78 acres into four parcels with 262 multi-family residential dwelling units on Parcel A, and a recreation tract on Tract C-4.

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. This project is related to Conservation Area Impact #CAI-17-03-008.

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan (CP) and approve the Moss Park North Planned Development / Moss Park Preserve Preliminary Subdivision Plan / Development Plan dated "Received January 22, 2018", subject to the conditions listed under the DRC

Recommendation in the Staff Report.

District 4

JVW/JS/Ime Attachments

CASE # PSP-17-06-181

Commission District # 4

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 20, 2017 to approve the Moss Park North Planned Development (PD) / Moss Park Preserve Preliminary Subdivision Plan / Development Plan (PSP/DP) to subdivide 107.78 acres into four parcels with 262 multi-family residential dwelling units on Parcel A, and a recreation tract on Tract C-4. This project is related to Conservation Area Impact #CAI-17-03-008.

2. PROJECT ANALYSIS

A. Location:

North of Moss Park Road / East of State Road 417

B. Parcel ID:

09-24-31-0000-00-003, 09-24-31-0000-00-011

C. Total Acres:

107.78

D. Water Supply:

Orange County Utilities

E. Sewer System:

Orange County Utilities

F. Schools:

Moss Park ES: Capacity 842 / Enrollment 843 Lake Nona MS: Capacity 1,235 / Enrollment 1,802 Lake Nona HS: Capacity 2,807 / Enrollment 2,744

G. School Population: 166

H. Parks:

Moss Park - 3.1 miles

I. Proposed Use:

262 Multi-Family (Parcel A) Recreation Tract (Tract C-4)

J. Site Data:

Maximum Building Height: 55'

Minimum Living Area: 500 Square Feet

Building Setbacks:

25' Front 10' Side 25' Rear

K. Fire Station:

77- 11501 Moss Park Road

L. Transportation:

Based on the concurrency management system database dated 06-21-17, capacity is available to be encumbered within a one-mile radius of this project. This information is

dated and is subject to change.

An approved capacity encumbrance letter is required prior to obtaining building permit.

Innovation Way (Gary Randall-Amended & Restated Rightof-Way Agreement): An Amended and Restated Innovation Way South Right-of-Way Agreement (Gary T. Randall, Trustee) was approved by the BCC on 10/14/2014 and recorded at 10822/4560. Under the terms of the Amended and Restated Agreement, Lennar shall design, mitigate, permit and construct the Randall IWSS Improvements. Randall agrees to convey the right-of-way and a temporary construction easement needed for the road improvements to be completed by Lennar. Moss Park shall execute and deliver to the County a Permanent Drainage Easement for the relocated pond. Lennar shall receive road impact fee credits for the actual cost of construction of the Randall IWSS road improvements as defined in Subsection 7(a) up to a cap of \$2,300,000. Construction is underway and expected to be completed in the Summer of 2018.

3. COMPREHENSIVE PLAN

The subject property is designated on the Future Land Use Map (FLUM) as Planned Development Medium Density Residential, Office, and Conservation. The zoning is PD, within the Moss Park North PD which allows for 272 multi-family residential units in addition to 216 single family residential units and office uses. The request appears to be consistent with the comprehensive plan.

4. ZONING

PD (Planned Development) (Moss Park North PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Moss Park North PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Moss Park Preserve Preliminary Subdivision Plan dated "Received January 22, 2018," 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 January 22, 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 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. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal and concurrent with construction plan submittal. 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.
- 7. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
- 8. <u>Unless otherwise allowed by County Code, the property shall be platted prior to the issuance of any vertical building permits.</u>
- 9. Prior to any certificate of occupancy for Phase 1, a certificate of completion for Street A shall be issued.
- 10. 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.
- 11. The project shall comply with the terms and conditions of that certain Amended and Restated Innovation Way South Right-of-Way Agreement (Gary T. Randall, Trustee) approved on 10/14/2014 and recorded at Official Records Book/Page 10822/4560, Public Records of Orange County, Florida, as may be amended.

- 12. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
- 13. <u>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.</u>
- 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. 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.
- 16. 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.
- 17. The developer shall comply with the Environmental Land Stewardship Agreement entered into with Orange County on June 7, 2017.
- 18. A Master Utility Plan (MUP) for the PD 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.
- 19. New streets which are an extension of or in alignment with existing streets shall bear the same name as that borne by such existing streets.

- Short term/transient rental shall be prohibited. Length of stay shall be for 180 days or greater.
- 21. The allowed uses within Parcel D will be limited to Professional Office (P-O) uses and private kindergarten.
- 22. Outside sales, storage, and display shall be prohibited.
- 23. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- 24. 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.
- 25. Construction plans for Street 'A' Phase 1 must be approved prior to or concurrently with the construction plans for Parcel A multi-family.
- 26. An MSBU for stormwater shall be established at the time of platting for Parcel A multi-family to allow for on-site drainage to utilize Pond Tract C-2. The amount of the MSBU shall be approved by Public Works Stormwater Division.

PSP-17-06-181



Zoning

ZONING:

Subject Property

PD (Planned Development District)

(Moss Park North PD)

APPLICANT:

Poulos & Bennett, LLC

LOCATION:

North of Moss Park Road /

East of SR 417

TRACT SIZE: 107.78 gross acres (entire PSP)

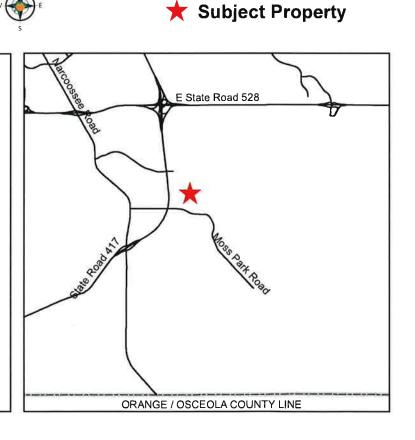
DISTRICT:

#4

S/T/R:

09/24/31

1 inch = 833 feet



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THIS PLAN IS PROVIDED FOR INFORMATION PURPOSES ONLY AND HAS BEEN APPROVED BY ORANGE COUNTY BCC ON JUNE 6, 2017 CASE # LUP-16-12-432

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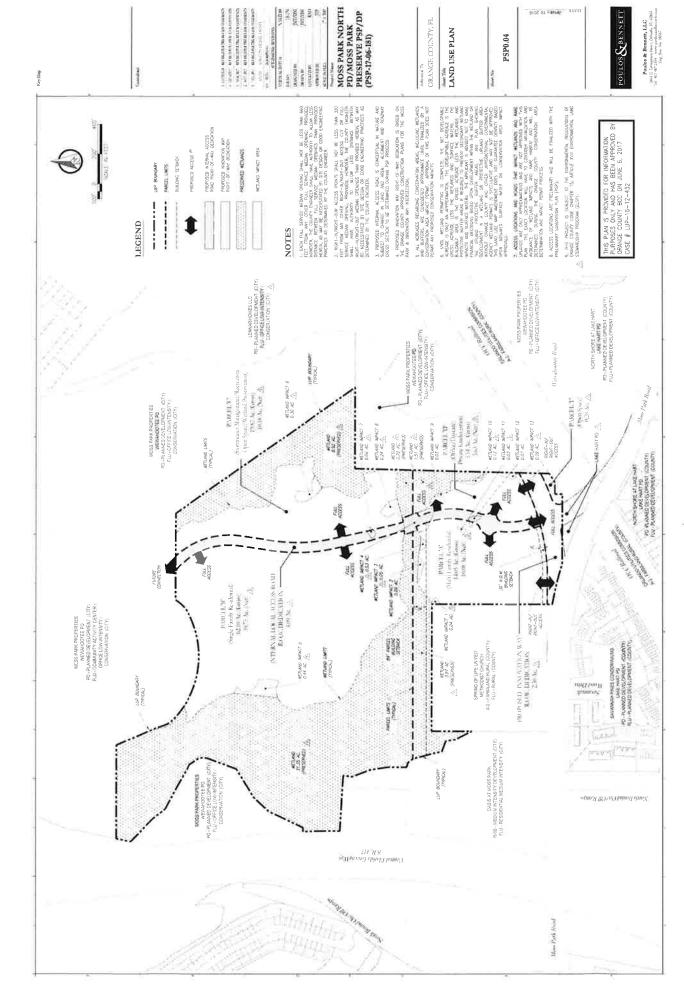
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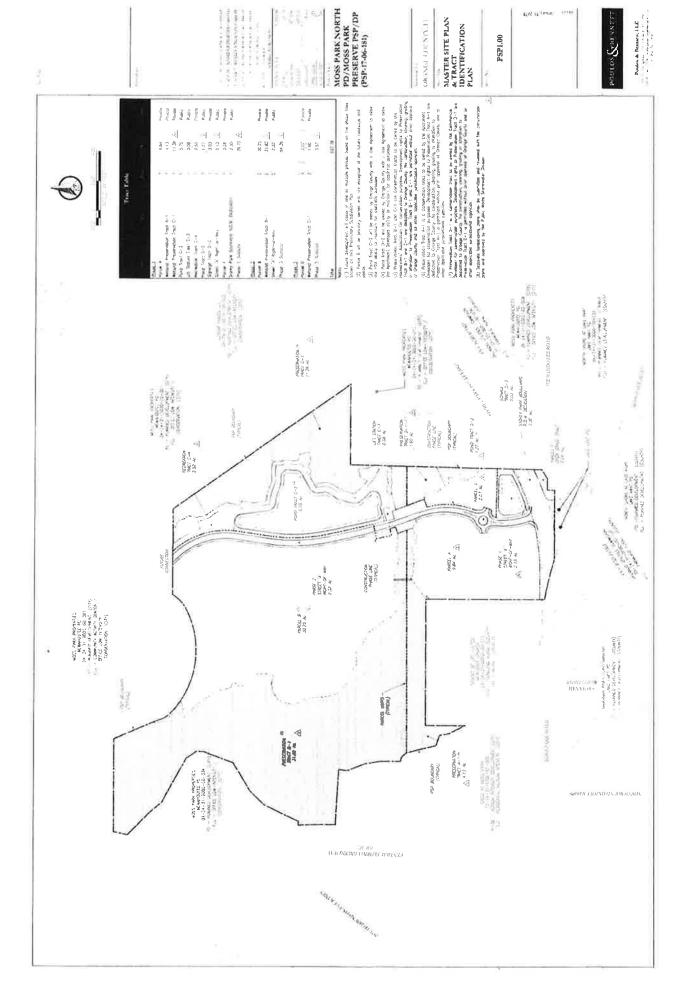
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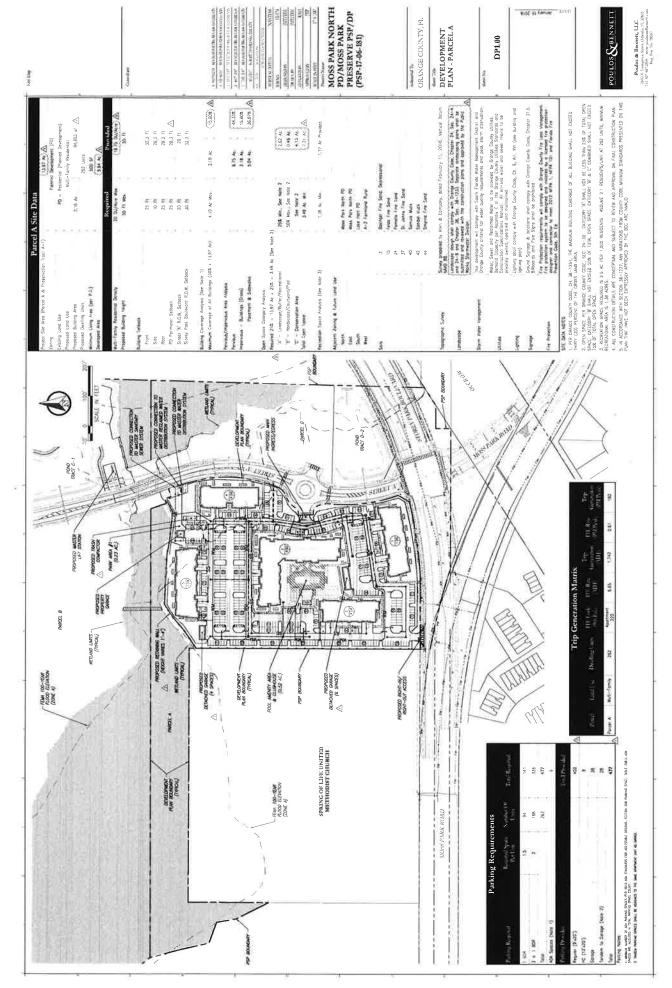
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Moss Park North PD / Moss Park Preserve PSP/DP



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