

CASE # CDR-17-11-346

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 14, 2018, to recommend approval of a substantial change to the North of Albert's Planned Development (PD) – Westside Preliminary Subdivision Plan (PSP) to modify lot lines for Lot 3, Tract A, and Tract F in order to increase the developable land area for a clubhouse and related amenities.

2. PROJECT ANALYSIS

- A. Location: North of Lakeside Village Lane / West of Winter Garden Vineland Road
- B. Parcel ID(s): 25-23-27-5839-00-001 (a portion of),
25-23-27-5839-00-006 (a portion of),
25-23-27-5839-03-000 (a portion of)
- C. Total Acres: 116.80 gross acres
10.31 acres (affected parcels only)
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Sunset Park ES: Capacity 838 / Enrollment 881
Bridgewater MS: Capacity 1,176 / Enrollment 2,256
Windermere HS: Capacity 2,776 / Enrollment 2,186
- G. School Population: 144
- H. Parks: R. D. Keene – 2.6 miles
- I. Proposed Use: Overall Program:
151 Detached Single-Family Residential Dwelling Units
346 Multi-Family Residential Dwelling Units
70,700 Square Feet Retail
- J. Site Data: **Single-Family Detached :**
Maximum Building Height: 45' (3 stories)
Minimum Living Area: 1,000 Square Feet
Building Setbacks:
15'7' (Front Porch) Front
4' Side
10' Side Street
20' Rear

50' Lakefront

Townhome:

Maximum Building Height: 55' (4 stories)
Minimum Living Area: 1,000 Square Feet
Building Setbacks:
15'/10' (Front Porch) Front
0'/7' (End Units) Side
10' Side Street
14' Rear
50' Lakefront

Apartment:

Maximum Building Height: 75' (5 stories)
Minimum Living Area: 500 Square Feet
Building Setbacks:
10' Front
15'/10' (Front Porch) Side
15'/10' (Front Porch) Side Street
20' Rear
50' Lakefront

Village Center:

Maximum FAR: 0.4
Building Setbacks:
10' Front
0' Side
6' Rear
15' Perimeter Exterior Side

Maximum Building Height:

Townhomes: 55' (4 stories)
Multi-Family: 75' (5 stories)
Parking Structures: 60' (5 stories)
Retail / Office / Civic: 50' (3 stories)
Residential over Commercial: 75' (5 stories)

K. Fire Station: 35 – 7435 Winter Garden Vineland Road

L. Transportation: Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be

able to satisfy the requirements for obtaining a CEL or a CRC.

3. COMPREHENSIVE PLAN

The subject property is designated on the Future Land Use Map (FLUM) as Village, indicating it is within the Lakeside Village of Horizon West. The zoning is PD, within the North of Alberts PD. The request is consistent with the comprehensive plan.

4. ZONING

PD (Planned Development) (North of Alberts PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the North of Albert's Planned Development PD); Orange County Board of County Commissioners (BCC) approvals; Westside Preliminary Subdivision Plan dated "Received January 8, 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 8, 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. 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, and include main sizes supporting Village-wide demands.
7. 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.

8. Billboards and pole signs shall be prohibited. Ground and fascia signage on lots 1, 2, and 4 shall comply with the Master Sign Plan. Lots 3, 5, and 6 shall comply with the applicable Orange County Code.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 15, 2015, shall apply:
 - a. 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).
 - b. 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.
 - c. Prior to commencement of any earth work or construction, 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.
 - d. 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.
 - e. 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.

- f. Unless otherwise allowed by County Code, the property shall be platted prior to the issuance of any vertical building permits.
- g. 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.
- h. 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.
- i. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
- j. 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.
- k. 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.

- l. 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.
- m. The Applicant must comply with the requirements of the North of Albert's transportation agreement approved by the BCC on August 4, 2015.
- n. A waiver from Section 34-152 (c) of Orange County Code is granted to allow Tracts B and C within Lot 4 access through a 20' wide private easement in lieu of a twenty (20) foot dedicated public paved street.