

CASE # CDR-17-01-010

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 9, 2018 to approve a substantial change to the Zanzibar Property Planned Development (PD) / Zanzibar Property Phases 1 – 4 Preliminary Subdivision Plan (PSP) and Tract P-2 Development Plan (DP), to add 248 single-family residential dwelling units in Phases 2, 3, and 4, in addition to the approved 213 units in Phase 1 for a total of 461 units overall, and a 4.17 acre amenity tract P-2.

2. PROJECT ANALYSIS

- A. Location: North of Old YMCA Road / West of County Road 545
- B. Parcel ID: 31-23-27-0000-00-004, 31-23-27-0000-00-012
- C. Total Acres: 209.41
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Keene's Crossing ES Capacity: 859 / Enrollment: 1,002
Bridgewater MS Capacity: 1,176 / Enrollment: 1,826
West Orange HS Capacity: 3,276 / Enrollment: 4,340
- G. School Population: 167
- H. Parks: Summerport Park - 7.4 Miles
- I. Proposed Uses: 461 Single-Family Residential Dwelling Units
4.17 acre Amenity Park Tract P-2
- J. Site Data: **Estate Rural District (Parcel 1B):**
Maximum Building Height: 45' (3-Stories)
Minimum Living Area: 1,500 Square Feet
Building Setbacks:
20' Front
25' Rear
10' Side
10' Porch
10' Corner / Side Street / APF Road
50' NHWE

Garden Home Single Family District (Parcel 1C):

Maximum Building Height: 45' (3-Stories)

Minimum Living Area: 1,200 Square Feet

Building Setbacks:

15' Front

20' Rear

5' Side

10' Porch

10' Corner / Side Street / APF Road

50' NHWE

Townhome District (Parcel 1D) Attached:

Maximum Building Height: 55' (4-Stories)

Minimum Living Area: 1,000 Square Feet

Building Setbacks:

15' Front

14' Rear

0' / 7' Side

10' Porch

10' Corner / Side Street / APF Road

50' NHWE

Townhome District (Parcel 1D) Detached:

Maximum Building Height: 45' (3-Stories)

Minimum Living Area: 1,000 Square Feet

Building Setbacks:

15' Front

20' Rear

5' Side

10' Side Street

50' NHWE

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

L. Transportation: Avalon Road (CR 545): A Village H Horizon West Road Network Agreement for C.R. 545 among Orange County and D.R. Horton, Inc.; Avalon Properties, Ltd.; Horizon West Properties; HAP, Inc.; Titan Western Beltway, LLC; Hanover Hickory Nut, LLC; Zanzibar Properties, LLC and Seidel West I, LLC was approved by the BCC on 2/12/2013 and recorded at OR Book/Page 10525/6172. The Agreement provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of C.R. 545 to four lanes in four phases according to specific trip allocations and performance thresholds. Concurrency Vesting shall be provided pursuant to Table 1 based on achieved thresholds of

the road improvements. Conveyance shall be by general warranty deed at no cost to the County prior to each phase of roadway construction. The Signatory Owners will receive Road Impact Fee Credits in Road Impact Fee Zone 4 for the lesser of (a) 95% of the actual, reasonable unreimbursed sums incurred by Signatory Owners for permitting, design, mitigation, inspection and construction expense exclusive of enhanced landscaping and street lighting or (b) 60% of the countywide average total cost of road construction per lane mile. This agreement was negotiated based on the approved Horizon West Global Road Term Sheet.

3. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Village (V) (Horizon West Village H). The property includes Estate Rural District, Garden Home Single Family District and Townhome District Special Planning Area designations. The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Zanzibar Property PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Zanzibar Property PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Phases 1- 4 Preliminary Subdivision Plan and Tract P-2 Development Plan dated "Received October 23, 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 October 23, 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. 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.
7. 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 to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
8. 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.
9. 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.
10. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the West Orange & 545 solid waste disposal facilities are located adjacent to the northeast of the project boundary.
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. 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.
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. 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.
15. 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.
16. The developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan/Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 20, 2017, shall apply:

- a. The project shall comply with the terms and conditions of that certain Village H Horizon West Road Network Agreement for C.R. 545 recorded at Official Records Book/Page 10525/6172, Public Records of Orange County, Florida, as may be amended.
 - b. A waiver from Orange County Code Section 38-1253(c) is granted to allow on-street parking in lieu of off-street parking for Tract P-1.
18. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated June 14, 2016 shall apply:
- a. 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.
 - b. 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.
 - c. 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.
 - d. 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.

- e. Prior to Certificate of Completion for the first phase of the subdivision, reconstruction of Old YMCA Road shall be substantially complete and open to traffic. Full depth reconstruction of Old YMCA Road shall be required.
- f. All home designs/types proposed for this PSP shall be submitted to the County for setback & architectural review a minimum of 90 days prior to model home requests and/or permitting.
- g. A waiver from section 34-152(c) is granted to allow lots to front a mew. Legal access to these lots shall be through a platted ingress/egress easement in lieu of 20 feet fee simple as required by code.
- h. A waiver from Sec. 38-1384(g)(1) is granted to allow townhome units on ends of buildings to utilize three (3) foot setback from alley easement with an additional "on-street" parking space provided in lieu of an "off-street" space.