



Interoffice Memorandum

DATE: September 14, 2018

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

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

CONTACT PERSON: Eric Raasch, Interim DRC Chairman *EPR*
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: October 2, 2018 – Public Hearing
Applicant: Donn Sharpe, Lennar Homes, LLC
Springhill Planned Development / Springhill Phases 1B-2, 1B-3, 1B-4 & 1B-5 Preliminary Subdivision Plan
Case # CDR-18-06-208

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 11, 2018, to approve a substantial change to the Springhill Planned Development (PD) / Springhill Phases 1B-2, 1B-3, 1B-4 & 1B-5 Preliminary Subdivision Plan (PSP) to grant a waiver from Orange County Code Section 38-1384(g)(2), to allow for a minimum garage setback from the nearest adjacent plane of the primary structure of zero feet in lieu of 10 feet for lots 162, 170 and 171 of the Storey Grove Phase 1B-2 plat only.

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 Springhill Planned Development / Springhill Phases 1B-2, 1B-3, 1B-4 & 1B-5 Preliminary Subdivision Plan dated "Received August 2, 2018", subject to the conditions listed under the DRC Recommendation in the Staff Report.
District 1

JVW/EPR/lme
Attachments

CASE # CDR-18-06-208

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 11, 2018, to approve a substantial change to the Springhill Planned Development (PD) / Springhill Phases 1B-2, 1B-3, 1B-4 & 1B-5 Preliminary Subdivision Plan (PSP) to grant a waiver from Orange County Code Section 38-1384(g)(2), to allow for a minimum garage setback from the nearest adjacent plane of the primary structure of zero feet in lieu of 10 feet for lots 162, 170 and 171 of the Storey Grove Phase 1B-2 plat only.

2. PROJECT ANALYSIS

- A. Location: South of Hickorynut Lake / West of Avalon Road
- B. Parcel ID: 18-24-27-7173-01-620, 18-24-27-7173-01-700,
18-24-27-7173-01-710
- C. Total Acres: 69.59 (overall PSP)
- 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: 95
- H. Parks: Summerport Park – 9.4 Miles
- I. Proposed Use: 220 Single-Family Residential Dwelling Units
- J. Site Data: Parcel 39 (Garden Home)
Maximum Building Height: 45' (3-stories)
Minimum Living Area: 1,200 sq. ft.
Building Setbacks:
 - 15' Front
 - 4' Side
 - 20' Rear
 - 10' Side Street
 - 7' Front Porch
Parcel 40 (Village Home District)
Maximum Building Height: 45' (3-stories)

Minimum Living Area: 1,000 sq. ft.

Building Setbacks:

- 15' Front
- 4' Side
- 20' Rear
- 10' Side Street
- 7' Front Porch

Parcel 42a (Garden Home)

Maximum Building Height: 45' (3-stories)

Minimum Living Area: 1,200 sq. ft.

Building Setbacks:

- 15' Front
- 4' Side
- 20' Rear
- 10' Side Street
- 7' Front Porch

Parcel 44a (Estate)

Maximum Building Height: 45' (3-stories)

Minimum Living Area: 1,500 sq. ft.

Building Setbacks:

- 20' Front
- 5' Side
- 25' Rear
- 10' Side Street
- 10' Front Porch

Townhomes

Maximum Building Height: 55' (4-stories)

Minimum Living Area: 1,000 sq. ft.

Building Setbacks:

- 15' Front
- 4' Side
- 14' Rear
- 10' Side Street
- 7' Front Porch

K. Fire Station: 32 – 14932 East Orange Lake Boulevard

L. Transportation: Avalon Road (CR 545): A Village H Horizon West Road Network Agreement for C.R. 545 among Orange County and Signatory Owners was approved by the Board of County Commissioners 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 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.

Avalon Road (CR 545): First Amendment to Village H Horizon West Road Network Agreement ("Spring Grove") was approved by the BCC on December 16, 2014 and recorded at OR Book/Page 10851/0626. Under the terms of the First Amendment, a portion of the Zanzibar property is removed from the area covered under the Village H Road Network Agreement. This portion lies within the Town Center rather than within Village H and was included in the original Agreement in error.

Avalon Road (CR 545): Village H Road Network Second Amendment was approved by the BCC on January 27, 2105 and recorded at OR Book/Page 10870/7689. Under the terms of the Second Amendment, Performance Threshold 2 and Performance Threshold 3 in Section 6 are amended to revise the timing of the Participating Owners' obligations under the Performance Thresholds as shown in the revised Table 1.

To demonstrate concurrency entitlements have been met for this project the developer must provide an Assignment of Vested Trips document concurrent with or prior to Preliminary Subdivision approval submittal, and obtaining a building permit. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip allocations.

3. COMPREHENSIVE PLAN

The Property's Future Land Use Map (FLUM) Designation Village (V) (Horizon West Village H - Townhome District / Village Home District / Garden Home Mixed Use

District / Estate District) and the property is zoned PD (Planned Development District) (Springhill PD). The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development) (Springhill PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Springhill Planned Development; Orange County Board of County Commissioners (BCC) approvals; Springhill Phases 1B-2, 1B-3, 1B-4, and 1B-5 Preliminary Subdivision Plan dated "Received August 2, 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 August 2, 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 waiver is granted from Orange County Code Section 38-1384(g)(2) to allow for a minimum garage setback from the nearest adjacent plane of the primary structure of zero feet (0') in lieu of ten feet (10') for lots 162, 170, and 171 only.
 7. The plat and the Conditions, Covenats, 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 and reclaimed water meters located adjacent to public road right-of-way and / or public utility easements. The owners of these lots shall be granted access to HOA-owned tracts for the purpose of maintaning their water and reclaimed water services.
 8. Construction plans for residential and commercial development within the Preliminary Subdivision Plan (PSP), submitted after January 31, 2019, shall

not be approved until the APF utility tract(s) (water and wastewater) and 50-foot access & utility easement are conveyed to Orange County Utilities.

9. Where public gravity main will be located within alleyways, the distance from garage to garage shall be a minimum of 38 feet. To meet this requirement, the rear setback for affected lots on the PSP shall be a minimum of 9 feet from the property line (19 feet from centerline of the alley) based on the alley configuration shown in the PSP.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 11, 2017, shall apply:
 - a) 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.
 - b) 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.
 - c) 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.
 - d) 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

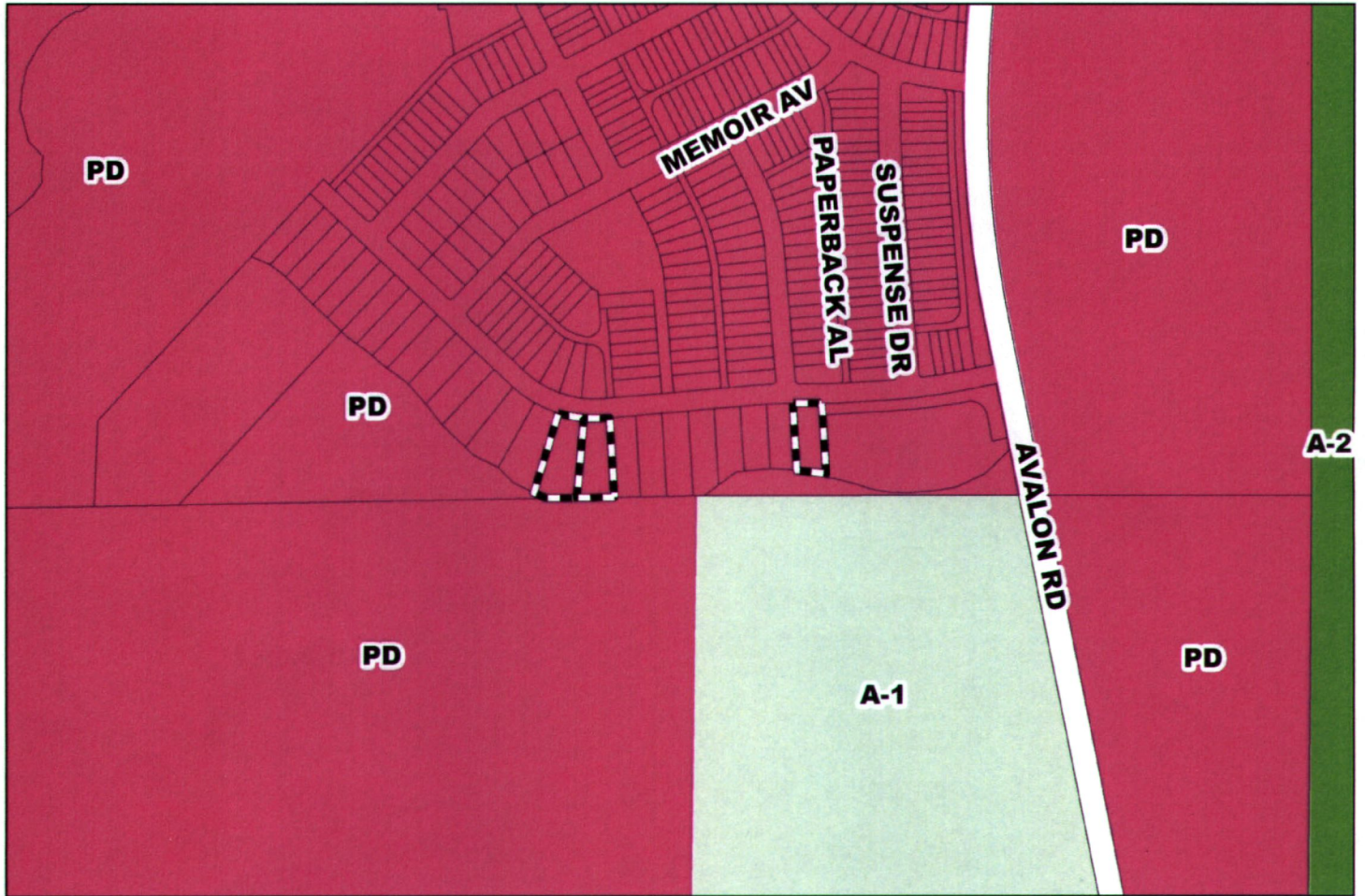
stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.

- e) 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.
- f) As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village H Road Network Agreement recorded at O.R. Book 10525, Page 6172, Public Records of Orange County, Florida, 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.
- g) 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.
- h) 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.
- i) 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.
- j) 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.

- k) 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.
- l) 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.
- m) 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.
- n) Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- o) The lot grading plan for 32'-foot wide lots (and similar narrow lots) shall include design features to ensure positive drainage from the side yard to the front roadway or rear alley. These design features may include:
 - 1. A/C units on same side of homes so that A/C units are not located adjacent to each other;
 - 2. A/C units on same side placed at high elevation point of side yard so that drainage flows away from the A/C units to the front roadway or rear alley;
 - 3. A/C units located behind the home when the garage is detached from the home with courtyard; and/or
 - 4. Other lot grading plan features approved by the County Engineer.
- p) A waiver from Orange County Code Section 34-152(c) is granted to allow lots 191-222 and lots 374-381 to front a mew, park or open space, etc., in lieu of the 20 foot access to a dedicated public paved street. Legal access to these lots will be through an ingress/egress easement and/or alley tract.

- q) A waiver from Orange County Code Section 38-1382(h)(4) is granted to allow alley tracts in lieu of easements.
- r) A waiver from Orange County Code Section 38-1384(g)(2) is granted to allow alley tracts in lieu of easements.
- s) A waiver from Orange County Code Section 38-1384(i) is granted to allow alley tracts in lieu of easements.
- t) A waiver from Orange County Code Section 38-1388(e)(6) is granted to allow alley tracts in lieu of easements.



Subject Parcel



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Donn Sharpe, Lennar Homes, LLC

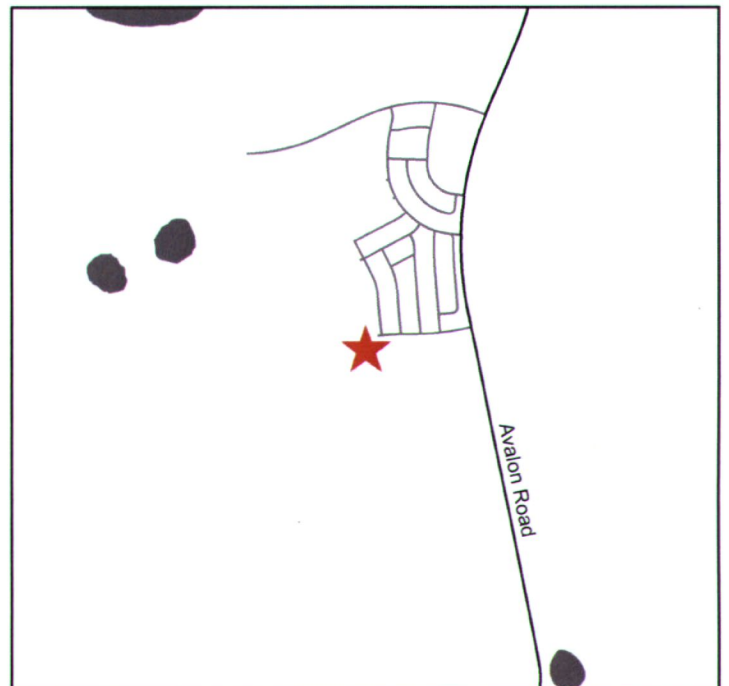
LOCATION: South of Hickorynut Lake / West of Avalon Road

TRACT SIZE: 69.59

DISTRICT: 1

S/T/R: 18/24/27

1 inch = 463 feet



DEVELOPMENT INFORMATION

GENERAL

ZONING	PD
TOTAL NUMBER OF UNITS (OVERALL PD)	1,334
TOTAL NUMBER OF UNITS (PD PARCELS WITHIN THIS PSP)	220
PROPOSED UNITS FOR THIS PSP	220
TOTAL GROSS ACRES	69.20
TOTAL WETLAND ACRES	14.89
TOTAL WETLAND IMPACTS	0.38
TOTAL WETLAND REMAINING	14.51
TOTAL LAKE/WATER BODY	0.00
GREENBELT TRACTS	0.00
UPLAND BUFFERS	1.16
TOTAL DEVELOPABLE ACRES	53.53
TOTAL DRAINAGE TRACT PROVIDED	4.78
REQUIRED PUBLIC PARK (7.5%)	3.98
APF RIGHT-OF-WAY PROVIDED	0.48
NET DEVELOPABLE ACRES	44.29
NET DENSITY	4.97

Note: Acreages are approximate until conservation area impact permit is issued.

SITE / LOT DATA

	PARCEL 39 GARDEN HOME	PARCEL 40 VILLAGE HOME DISTRICT	PARCEL 42a GARDEN HOME	PARCEL 44a ESTATE	TOWNHOMES (9)
PD APPROVED UNITS	194	103	233	18	(9)
PREVIOUS DEVELOPMENT	0	62	43	0	(9)
PROPOSED UNITS	0	41	161	18	(9)
FUTURE DEVELOPMENT	194	0	29	0	
MAX BUILDING HEIGHT	45' (3 STORIES)	45' (3 STORIES)	45' (3 STORIES)	45' (3 STORIES)	55' (4 STORIES)
MAX BUILDING HEIGHT	45' (3 STORIES)	45' (3 STORIES)	45' (3 STORIES)	45' (3 STORIES)	55' (4 STORIES)
MIN. LOT AVERAGE SIZE (REQUIRED)	3,840 SF (5)	3,840 SF (5)	3,840 SF (5)	10,000 SF	1,600
MIN. LOT AVERAGE SIZE (PROVIDED)	3,840 SF	3,840 SF	3,840 SF	10,000 SF	1,600
MIN LOT WIDTH (ALLOWED)	32' (5)	32' (5)	32' (5)	70' (10)	16'
MIN LOT WIDTH (PROVIDED)	32'	32'	32'	70' (10)	16'
MIN LOT DEPTH (ALLOWED)	110'	110'	110'	110'	100'
MIN LOT DEPTH (PROVIDED)	110'	110'	110'	110'	100'
MIN LOT DEPTH W/ALLEY (ALLOWED)	120'	120'	120'	120'	120'/90' (5)
MIN LOT DEPTH W/ALLEY (PROVIDED)	120'	120'	120'	N/A	90'
MIN. LIVING AREA	1,200 SF (1)	1,000 SF (1)	1,200 SF (1)	1,500 SF (1)	1,000 SF (1)
MAX LOT COVERAGE	65% (2)	65% (2)	65% (2)	65% (2)	75% (2)
SETBACKS (feet)					
FRONT PRIMARY	15' (3)	15' (3)	15' (3)	20' (3)	15'
PORCH	7' (5)	7' (5)	7' (5)	10'	7' (5)
REAR PRIMARY	20' (4)	20' (4)	20' (4)	25'	14' (4)
SIDE	4' (5)	4' (5)	4' (5)	5'	4' (5)
SIDE STREET	10'	10'	10'	10'	10'
LAKEFRONT FROM NHWE	50'	50'	50'	50'	50'
DRIVEWAYS SIDE LOT LINE	2'	2'	2'	2'	N/A

1. LIVING AREA IS DEFINED AS THE AREA THAT IS HEATED AND COOLED.
2. THE AREA OF THE FRONT PORCH IS NOT INCLUDED IN THE CALCULATION OF LOT COVERAGE.
3. FRONT LOADED GARAGE DOORS SHALL BE RECESSED A MINIMUM OF 10 FEET BEHIND THE NEAREST ADJACENT PLANE OF THE PRIMARY STRUCTURE. HOWEVER, WHEN A PORCH IN FRONT OF THE FORWARD-MOST PLANE OF THE STRUCTURE, WHICH MEETS THE MINIMUM STANDARDS OF SECTION 38-1384 (d) IS PROVIDED, THE GARAGE DOOR SETBACK BEHIND THE NEAREST ADJACENT PLANE OF THE PRIMARY STRUCTURE MAY BE DECREASED TO 7 FEET. IN NO CASE SHALL FRONT LOADED GARAGE DOORS BE SETBACK LESS THAN 20 FEET FROM THE FRONT PROPERTY LINE.
4. GARAGES WITH DIRECT ACCESS FROM AN ALLEY SHALL BE SET BACK A MINIMUM OF 9 FEET FROM THE EDGE OF THE 20 FOOT ALLEY TRACT.
5. REFER TO PD WAIVERS TO ALLOW REDUCED SETBACKS AND DEVELOPMENT STANDARDS.
6. IF DETACHED UNITS ARE PROPOSED TO BE CONSTRUCTED IN THE TOWNHOME DISTRICTS, THE VILLAGE HOME STANDARDS AND GRANTED WAIVERS SHALL APPLY.
7. THE REQUIRED MINIMUM LOT WIDTH WILL BE REQUIRED TO BE MET AT THE PRIMARY SETBACK IF THERE IS NO PORCH AND AT THE PORCH SETBACK IF THERE IS A PORCH.
8. THE FUTURE DEVELOPMENT OF THIS PSP AS INDICATED ON THE PLAN WILL BE / CAN BE COMPLETED WITH THE UNIT COUNTS / DENSITIES AS SHOWN ON THE LUP.
9. IF TOWNHOMES ARE CONSTRUCTED WITHIN THE GARDEN HOME AND VILLAGE HOME DISTRICTS, THE TOWNHOME STANDARDS AND GRANTED WAIVERS SHALL APPLY.
10. WAIVER FOR 70' LOTS APPROVED WITH CDR-15-10-298
11. Where public gravity mains will be located in alleys, the distance from building to building must be 38-feet. To meet this requirement, the rear setback for lots numbered 216-222 & 374-381 shall be a minimum of 19-feet from the property line.

Site Data & Note Sheet

Spring Hill Phase 1B-2, 1B-3, 1B-4, 1B-5 PSP

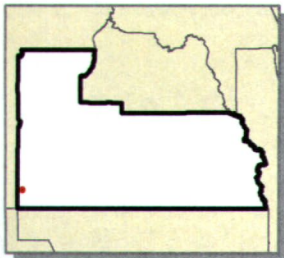
April 17, 2017
P & B Job No.: 12-083

2602 E. Livingston St.
Orlando, Florida 32803-407.487.2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567

Exhibit 2



Springhill PD / Springhill Phases 1B-2, 1B-3, 1B-4 & 1B-5 PSP



1 : 1,200
1 in : 100 ft