



Interoffice Memorandum

DATE: September 21, 2018

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

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

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

SUBJECT: October 16, 2018 – Public Hearing
Applicant: Claude L. Cassagnol, GTC Engineering Corporation
Plunk Property Planned Development /
Plunk Property Preliminary Subdivision Plan
Case # PSP-18-01-023 / District 3

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 22, 2018 to approve the Plunk Property Planned Development (PD) / Plunk Property Preliminary Subdivision Plan (PSP) to subdivide 17.20 acres in order to construct 51 single-family detached residential dwelling units.

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 Plunk Property Planned Development / Plunk Property Preliminary Subdivision Plan dated "Received August 24, 2018", subject to the conditions listed under the DRC Recommendation in the Staff Report.
District 3

Attachments
JVW/EPR/lme

CASE # PSP-18-01-023

Commission District # 3

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 22, 2018 to approve the Plunk Property Planned Development (PD) / Plunk Property Preliminary Subdivision Plan (PSP) to subdivide 17.20 acres in order to construct 51 single-family detached residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: North of Berry Dease Road / West of Dean Road
- B. Parcel ID: 32-22-31-0000-00-021
- C. Total Acres: 17.20
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Cypress Springs ES Capacity: 832 / Enrolled: 753
Legacy MS Capacity: 1,137 / Enrolled: 902
University HS Capacity: 2,674 / Enrolled: 2,932
- G. School Population: 21
- H. Parks: Young Pine Park – 2.4 Miles
- I. Proposed Use: 51 Single-Family Detached Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35'
Minimum Living Area: 1,100 Square Feet
Building Setbacks:
 - 20' Front
 - 5' Side
 - 25' Major Road
 - 20' Rear
 - 15' Side Street
 - 25' PD Perimeter
 - 50' NHWE
- K. Fire Station: 81 – 901 South Econlockhatchee Trail
- L. Transportation: Based on the concurrency management system database dated 02-02-18 there are three failing roadway segments within a one mile radius of this project. Dean Road from Curry Ford Road to Lake Underhill Road and Lake Underhill Road from Madeira Avenue to Dean Road and Dean Road to Rouse Road are

currently operating at level of service F. This information is dated and is subject to change. A traffic study will be required prior to obtaining an approved capacity encumbrance letter and building permit. Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies.

3. COMPREHENSIVE PLAN

This project has a Future Land Use designation of Low Medium Density Residential (LMDR). This project is consistent with the CP.

4. ZONING

PD (Planned Development) (Plunk Property PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Plunk Property PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Plunk Property Preliminary Subdivision Plan dated "Received August 24, 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 24, 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. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to obtaining a building permit 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.
7. Right-of-Way for Dean Road shall be conveyed at no cost to the County prior to or concurrently with the plat.
8. 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).

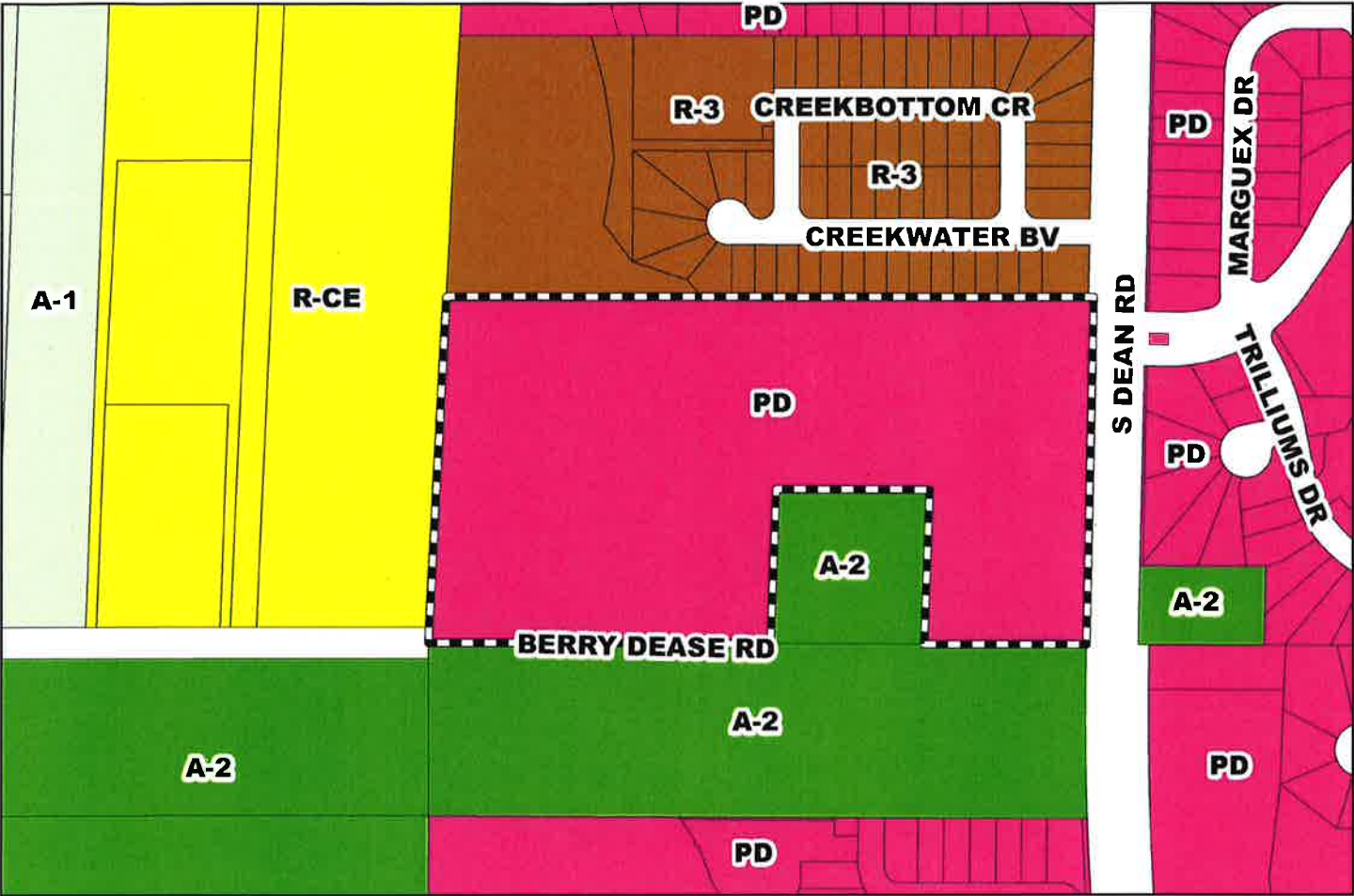
9. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
10. 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.
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 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.
13. Simultaneous with the recording of the subdivision plat, the developer shall record in the public records of Orange County, Florida, a declaration of covenants, conditions and restrictions, the terms of which shall include a conspicuous requirement that each initial purchaser of a residential lot in the subdivision for the personal or family uses of the purchaser must be given a copy of the declaration at or prior to the time the sales contract is executed by the purchaser, together with a disclosure statement to be executed by the purchaser stating as follows:

"I acknowledge, understand, and accept that I am purchasing a lot or home in a subdivision that, on the date of its approval by the Board of County Commissioners on October 16, 2018, is located north of an animal slaughtering and meat processing facility, and is bordered by active agricultural uses. I also acknowledge, understand, and accept that noises, odors, and aesthetic objections may be associated with those uses."

"In addition to the declaration requirement described above, the developer shall incorporate the following statement into each deed initially conveying title to a lot: INSERT DATE and PAGE "The property being conveyed is part of the (name of future subdivision) Subdivision, which is located adjacent to agricultural land and a slaughterhouse/meat processing facility."

14. 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.
15. All proposed vertical structures shall be located a minimum of 20 feet from the centerline of the existing 24-inch forcemain.
16. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
17. 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.
18. Short term/transient rental is prohibited. Length of stay shall be for 180 days or greater.
19. Unless otherwise specified to the County's satisfaction in the PSP, a Development Plan, in conformance with the requirements of Section 34-131(b) (20), including the appropriate group type, is required for the park / recreation tract(s) within this Preliminary Subdivision Plan (PSP), or phase thereof, as appropriate. Regardless of whether the park / recreation tract is included in the PSP or approved via a separate Development Plan, the park / recreation area tract(s) shall be constructed as part of the subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located. Temporary addressing must be provided for permits and the C of C must be issued prior to approval and recording of a plat.
20. 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.
21. 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.
22. 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.
23. 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.



Subject Parcel



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Claude L. Cassagnol, GTC Engineering Corporation

LOCATION: North of Berry Dease Road / West of Dean Road

TRACT SIZE: 17.20

DISTRICT: 3

S/T/R: 32/22/31

1 inch = 333 feet



SITE DATA TABLE

Parcel ID	32-22-31-0000-00-021
Existing Zoning	PD
Total Land Area	17.20 Ac.
Wetland Area	6.67 Ac.
RHPZ Buffer Area	0.42 Ac.
Net Developable	10.11 Ac.
Proposed Impervious Area	3.92 Ac.
Proposed Land Use	Single Family Homes
Proposed Density	4.84 du/acre (net developable)
Proposed Units	51
Minimum Living Area	1100 SF (under A/C and heat)
Maximum Building Height	35' (Two-story)
Open Space Required (10%)	1.72 Ac.
Open Space Provided (Allowed)	2.18 Ac.
School Age Population	21 (51 x 0.404 sac)
Average Daily Trips	510 (51 X 10)
Water and Sewer	Orange County
Parcel Building Setbacks	
Dean Road	30'
Little Econlockhatchee River	50'
Conservation Area Setback	25' From Wetland Line
Lot Building Setbacks	
Front	20'
Rear	20'
Side	5'
Corner	15'
PD Boundary Adj. to Residential	25'
Typical Lot Size	40' X 110'
Minimum Lot Width	40'
Minimum Net Lot Area	4400 SF.
CAD Permit#	16-03-022

***GTC Engineering
Corporation***

98 South Semoran Boulevard
Orlando, FL 32807
407-380-0402

**Plunk Property
Orange County, Florida**

Site Data Table

Vehicle Description	Mileage
A vehicle from Slice 39-1501 was granted to allow 47' width and minimum .4402 acreage to be used by the City of Eugene as part of the City's fire station #8 family detached lot. An easement of 67'-0"-0" approved by the BCC on March 2nd, 2018.	0
A vehicle from Section 36-124(2)(c) was granted to allow a newly 240' foot building setback from the future Ocean Ridge improvement. In lieu of a three-five (.35) mile per hour speed limit reduction along the future Ocean Ridge roadway, as part of SR# 917-0212 approval by the Board on March 2nd, 2018.	0
Mileage Discretion: A vehicle from Oregon County Council Section 34-145(1) is to be allowed access to Tract L via Tract G in lieu of providing a 20' access to the planned picnic paved street. Judicial/Litigation: Both tracts are owned and maintained by the HOA.	0 0

SURVEY AND BOUNDARY DATA BASED ON INFORMATION PROVIDED BY
AMERICAN SURVEYING AND MAPPING INC. (PHONE: 407-426-7979).

[illegible]

15	Feldspar fine sand
34	Pomellite fine sand
44	Syncline fine sand
54	Zircon fine sand

[illegible]

GENERAL LEGEND

	Exiting Contour
	Proposed Right-of-Way
	Proposed Storm with Inlet
	Proposed Sanitary Sewer and Manhole
	Proposed Forcemain
	Proposed Water with Fire Hydrant
	Wetland Line
	100 Year Flood Line
	Soil Boundary



Plunk Property PD / Plunk Property PSP



1 : 2,400
1 in : 200 ft

Parcels



Subject Property

Jurisdiction



Hydrology