



## Interoffice Memorandum

DATE: October 1, 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 30, 2018 – Public Hearing  
Applicant: Eric Warren, Poulos & Bennett, LLC  
Spring Grove – Jaffers Planned Development / Village I – Phase 1  
& 2 – Parcel W-16 & a portion of W-17 Preliminary Subdivision Plan  
Case # PSP-17-12-370 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 11, 2018, to approve the Spring Grove - Jaffers Planned Development (PD) / Village I – Phase 1 & 2 – Parcel W-16 & a portion of W-17 Preliminary Subdivision Plan (PSP) to subdivide 71.33 acres in order to construct 139 single-family detached residential dwelling units.

The request also includes six waivers from Orange County Code.

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 Spring Grove - Jaffers Planned Development / Village I – Phase 1 & 2 – Parcel W-16 & a portion of W-17 Preliminary Subdivision Plan dated "Received August 20, 2018", subject to the conditions listed under the DRC Recommendation in the Staff Report.  
District 1

JVW/EPR/lme  
Attachments

**CASE # PSP-17-12-370**

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 the Spring Grove - Jaffers Planned Development (PD) / Village I – Phase 1 & 2 – Parcel W-16 & a portion of W-17 Preliminary Subdivision Plan (PSP) to subdivide 71.33 acres in order to construct 139 single-family detached residential dwelling units.

In addition, the following six waivers from Orange County Code are requested:

1. A waiver from Section 34-152(c) to allow lots to front a mew, park, open space, etc., instead of a County roadway. Legal access to these lots will be through an ingress / egress alley easement or tract shown on the plat, in lieu of 20 feet fee simple as required by code.
2. A waiver from Section 38-1382(h)(4) to allow alleys to be designed as a tract, in lieu of the requirement that they shall be designed as a private easement.
3. A waiver from Section 38-1384(g)(1) to allow garage access to be setback from an alley tract, in lieu of an easement.
4. A waiver from Section 38-1384(g)(2) to allow the reference to pertain to an alley tract, in lieu of an easement.
5. A waiver from Section 38-1384(i)(2) to allow vehicular access to garages or other off-street parking to be from a rear alley tract, in lieu of an easement.
6. A waiver from Section Sec. 38-1384(i)(4) to allow front loaded lots to face a neighborhood square or park, in lieu of the requirement that all lots greater than fifty (50) feet in width that face neighborhood squares and parks shall provide vehicular access from a rear alley or from a front driveway where the garages are located at or beyond the rear wall of the primary structure. This waiver is limited to a single park/recreation area within PSP-17-12-370 for lots 81-85.

## **2. PROJECT ANALYSIS**

- |                  |  |
|------------------|--|
| A. Location:     | South of Flemings Road / West of Avalon Road |
| B. Parcel ID:    | 19-24-27-0000-00-003 (a portion of)          |
| C. Total Acres:  | 71.33  |
| D. Water Supply: | Orange County Utilities                      |

- E. Sewer System: Orange County Utilities
- F. Schools: Whispering Oaks ES – Capacity: 767 / Enrollment: 986  
Keene’s Crossing ES – Capacity: 859 / Enrollment: 1,260  
Bridgewater MS – Capacity: 1,176 / Enrollment: 2,256  
Windermere HS – Capacity: 2,776 / Enrollment: 2,186
- G. School Population: 133
- H. Parks: South Beach Park – 11.8 Miles
- I. Proposed Use: 139 Single-Family Detached Residential Dwelling Units
- J. Site Data: Village Home District:  
Maximum Building Height: 45' (2-stories)  
Minimum Lot Width: 32'  
Minimum Lot Depth: 120'  
Minimum Living Area: 1,000 Square Feet  
Building Setbacks:  
15' Front  
7' Porch  
20' Rear  
4' Side  
10' Side Street  
50' NHWE  
2' Driveways Side Lot
- Garden Home District:  
Maximum Building Height: 45' (2-stories)  
Minimum Lot Width: 32'  
Minimum Lot Depth: 120'  
Minimum Living Area: 1,200 Square Feet  
Building Setbacks:  
15' Front  
7' Porch  
20' Rear  
4' Side  
10' Side Street  
50' NHWE  
2' Driveways Side Lot
- K. Fire Station: 32 – 14932 East Orange Lake Boulevard
- L. Transportation: The Village I - West Neighborhood Spring Grove - Jaffers Adequate Public Facilities Agreement was approved on July 20, 2016 and recorded at #20160429794. The owner is required to convey approximately 0.37 acres of APF right-of-

way for Fleming Road and 2.0 acres for a water facility. Approximately 7.85 acres of APF lands were required, which creates a deficit of 7.48 acres.

### **3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) designation of Village and Water Body, identified as West Neighborhood Parcels 16 and 17, and located within Village I with Specific Area Plan (SAP) designations of VH (Village Home District) and GHMU (Garden Home Mixed Use). The proposal is consistent with the Comprehensive Plan.

### **4. ZONING**

PD (Planned Development District) (Spring Grove - Jaffers PD)

### **5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Spring Grove - Jaffers Planned Development; Orange County Board of County Commissioners (BCC) approvals; Village I - Phase 1 & 2 - Parcel W-16 & a portion of W-17 Preliminary Subdivision Plan dated "Received August 20, 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 20, 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 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.

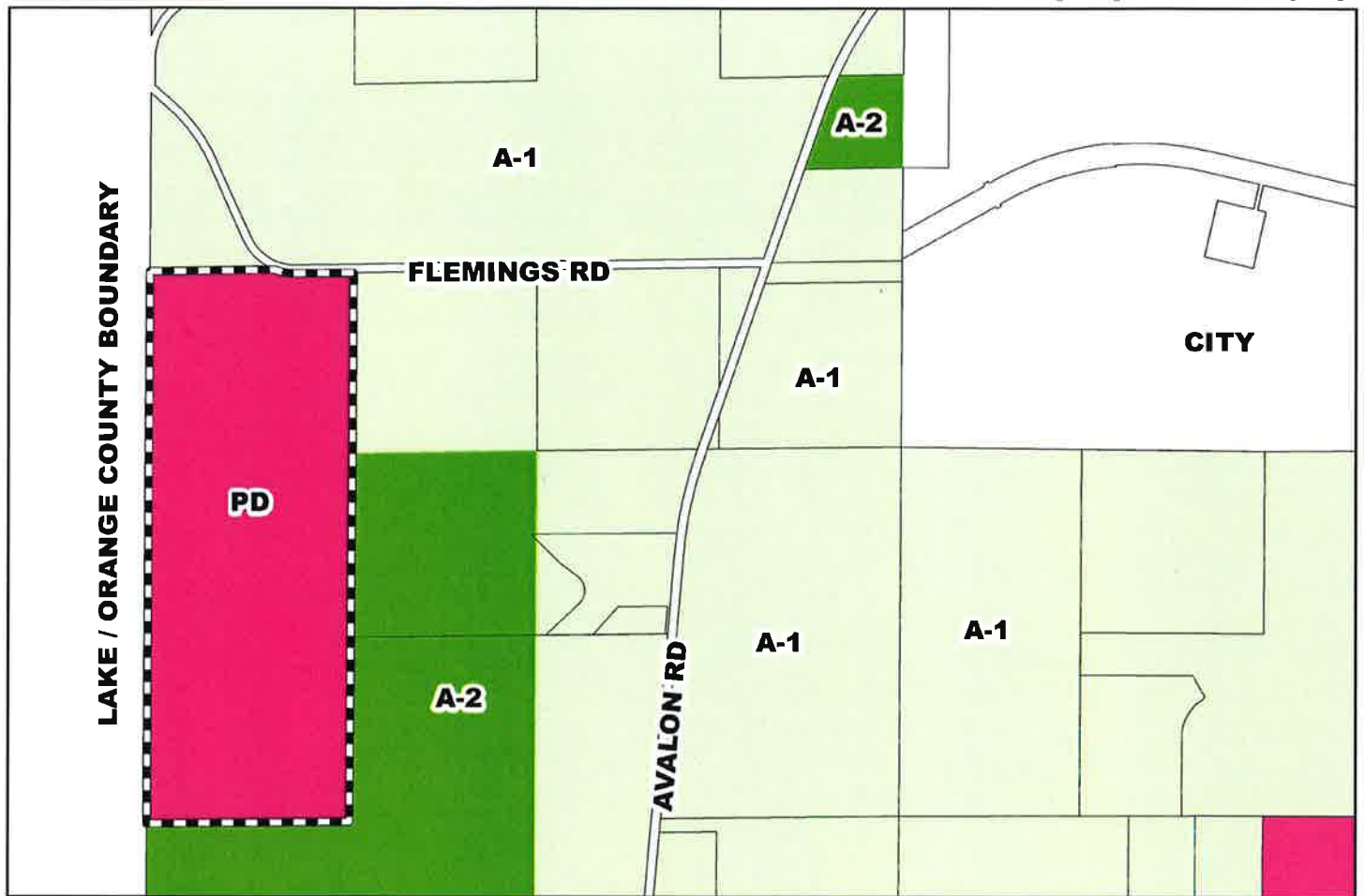
7. The project shall comply with the terms and conditions of that certain Village I Spring Grove PD ROW APF recorded at Official Records Document #20160390723, Public Records of Orange County, Florida, as may be amended.
8. Prior to or concurrently with the County's approval of the plat, documentation 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.
9. 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).
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. 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.

13. 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.
14. 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.
15. The plat and the Conditions, Covenants, and Restrictions (CC&Rs) for this project shall notify homeowners of the following: Owners of affected lots shall be granted access to HOA-owned tracts for the purpose of owning and maintaining 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.
16. Due to the presence of a public wastewater gravity main located in the alleyways, the Side Setback for affected lots shall be a minimum of 19 feet, from the centerline of the alley.
17. Due to the presence of a public wastewater gravity main located in the alleyways, the Rear Setback for affected lots shall be a minimum of 19 feet, from the centerline of the alley.
18. 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 and up-to-date 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.
19. New streets which are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
20. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.

21. A Development Plan, in conformance with the CH. 34-131(20) Group type provided with the PSP is required for the park / recreation tract(s) within this Preliminary Subdivision Plan (PSP). 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. Temporary addressing must be provided for permits and the C of C must be issued prior to approval and recording of a plat. All required inspections shall be complete and approved prior to issuance of a Certificate of Occupancy or Certificate of Completion, as applicable.
22. 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.
23. Dimensioned floor plans and exterior architectural elevations [which depict one example of each available detached single-family home floor plan] for this Preliminary Subdivision Plan shall be submitted to the Orange County Planning Division for architectural review and approval, at least 30 calendar days prior to submitting for any model home building permits.
24. 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.
25. 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.
26. 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.

27. 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.
28. Prior to issuance of a Certificate of Completion for infrastructure of any future phases beyond the 139 lots in phases I and II, Flemings Road shall be improved to Orange County standards.
29. The following waivers from Orange County Code are granted:
  - a. A waiver from Section 34-152(c) to allow lots to front a new, park, open space, etc., instead of a County roadway. Legal access to these lots will be through an ingress / egress alley easement or tract shown on the plat, in lieu of 20 feet fee simple as required by code.
  - b. A waiver from Section 38-1382(h)(4) to allow alleys to be designed as a tract, in lieu of the requirement that they shall be designed as a private easement.
  - c. A waiver from Section 38-1384(g)(1) to allow garage access to be setback from an alley tract, in lieu of an easement.
  - d. A waiver from Section 38-1384(g)(2) to allow the reference to pertain to an alley tract, in lieu of an easement.
  - e. A waiver from Section 38-1384(i)(2) to allow vehicular access to garages or other off-street parking to be from a rear alley tract, in lieu of an easement.
  - f. A waiver from Section Sec. 38-1384(i)(4) to allow front loaded lots to face a neighborhood square or park, in lieu of the requirement that all lots greater than fifty (50) feet in width that face neighborhood squares and parks shall provide vehicular access from a rear alley or from a front driveway where the garages are located at or beyond the rear wall of the primary structure. This waiver is limited to a single park/recreation area within PSP-17-12-370 for lots 81-85.



Subject Parcel



Subject Property

## Zoning Map

**ZONING:** PD (Planned Development District)

**APPLICANT:** Eric Warren, Poulos & Bennett, LLC

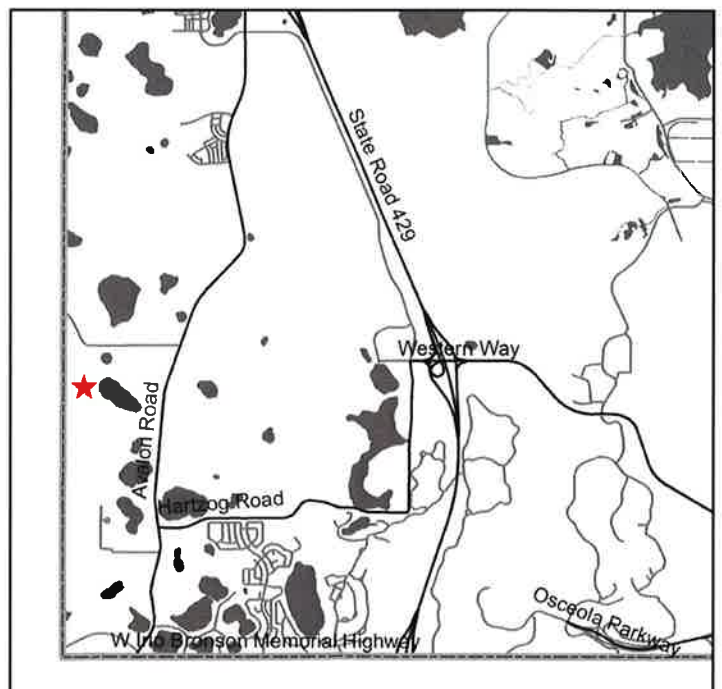
**LOCATION:** South of Flemings Road / West of Avalon Road

**TRACT SIZE:** 71.33

**DISTRICT:** 1

**S/T/R:** 19/24/27

1 inch = 1,250 feet



## DEVELOPMENT INFORMATION

GENERAL		PD
ZONING	TOTAL NUMBER OF UNITS (OVERALL PD)	308
	TOTAL NUMBER OF UNITS (PD PARCELS WITHIN THIS PSP)	139
	PROPOSED UNITS FOR THIS PSP	139
	PROPOSED UNITS IN PHASE 1	22
	PROPOSED UNITS IN PHASE 2	117
	TOTAL ACRES PD	133.39
	TOTAL GROSS ACRES (PHASE 1 & 2)	71.33
	TOTAL WETLAND ACRES	26.23
	TOTAL SURFACE WATER ACRES	0.18
	TOTAL WETLAND IMPACTS	0.00
	TOTAL SURFACE WATER IMPACTS	0.09
	TOTAL CONSERVATION REMAINING	26.32
	GREENBELT TRACTS	0.00
	UPLAND BUFFERS	2.37
	TOTAL DEVELOPABLE ACRES	42.64
	TOTAL DRAINAGE TRACT PROVIDED	12.34
	APF RIGHT-OF-WAY PROVIDED	0.37
	TOTAL DEVELOPABLE ACRES LESS APF ROW PROVIDED	42.27
	REQUIRED PUBLIC PARK (7.5%)	3.17
	NET DEVELOPABLE ACRES	26.76
	NET DENSITY	5.19

NOTE: ACREAGES REPORTED IN THIS PSP ARE PRELIMINARY AND SUBJECT TO CHANGE WITH REVIEW AND APPROVAL OF FINAL CONSTRUCTION PLANS AND FINAL PLAT.

## SITE / LOT DATA

PARCEL	16 VILLAGE HOME DISTRICT	17 GARDEN HOME DISTRICT
NUMBER OF PROPOSED PD UNITS	86	178
NUMBER OF PROPOSED PSP UNITS	86	53
MAX BUILDING HEIGHT	45' (2 STORIES)	45' (2 STORIES)
MIN LOT AVERAGE SIZE (REQUIRED)	2800 SF	3200 SF
MIN LOT AVERAGE SIZE (PROVIDED)	3680 SF	6000 SF
MIN LOT WIDTH (ALLOWED)	32'	32'
MIN LOT WIDTH (PROVIDED)	32'	50.1'
MIN LOT DEPTH (ALLOWED)	110'	110'
MIN LOT DEPTH (PROVIDED)	115'	120'
MIN LOT DEPTH W/ALLEY (ALLOWED)	90'	90'
MIN LOT DEPTH W/ALLEY (PROVIDED)	115'	115'
MIN LIVING AREA	1,000 SF (1)	1,200 SF (1)
MAX LOT COVERAGE	65% (2)	65% (2)

## SETBACKS (feet)

FRONT PRIMARY	15' (3)	15' (3)
FRONT PORCH	7'	7'
REAR PRIMARY	20' (4)	20' (4)
SIDE	4' (5) (6)	4' (6)
SIDE STREET	10'	10'
LAKEFRONT FROM NHWE	50'	50'
DRIVEWAYS SIDE LOT LINE	2'	2'

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 PAVEMENT OR SHALL PROVIDE AN ADDITIONAL OFF-STREET PARKING SPACE. WHEN AN ADDITIONAL OFF-STREET PARKING SPACE IS ADDED THE GARAGE CAN BE SET BACK 3 FEET FROM THE ALLEY TRACT. FOR LOTS 1 THROUGH 19, THE REAR SETBACK SHALL BE A MINIMUM OF 9 FEET FROM THE LOT LINE.
5. SIDE SETBACK FOR LOT 20 SHALL BE 9 FEET FROM THE ALLEY TRACT.
6. SIDE SETBACK IS SUBJECT TO AN EASEMENT CONSISTENT WITH THE REQUIREMENT IN CODE.
7. FINAL ACREAGES ARE SUBJECT TO CHANGE AT FINAL ENGINEERING AND FINAL PLAT.
8. LOTS 70, 81, AND 112 ARE INCLUDED IN PARCEL 16. LOTS 71, 80, 89, AND 113 ARE INCLUDED IN PARCEL 17.

## Site Data & Note Sheet

# Jaffers Phase 1 & 2 PSP

**POULOS & BENNETT**

2602 E. Livingston St.  
Orlando, Florida 32803-407487.2594

August 29, 2018  
P & B Job No.: 16-016

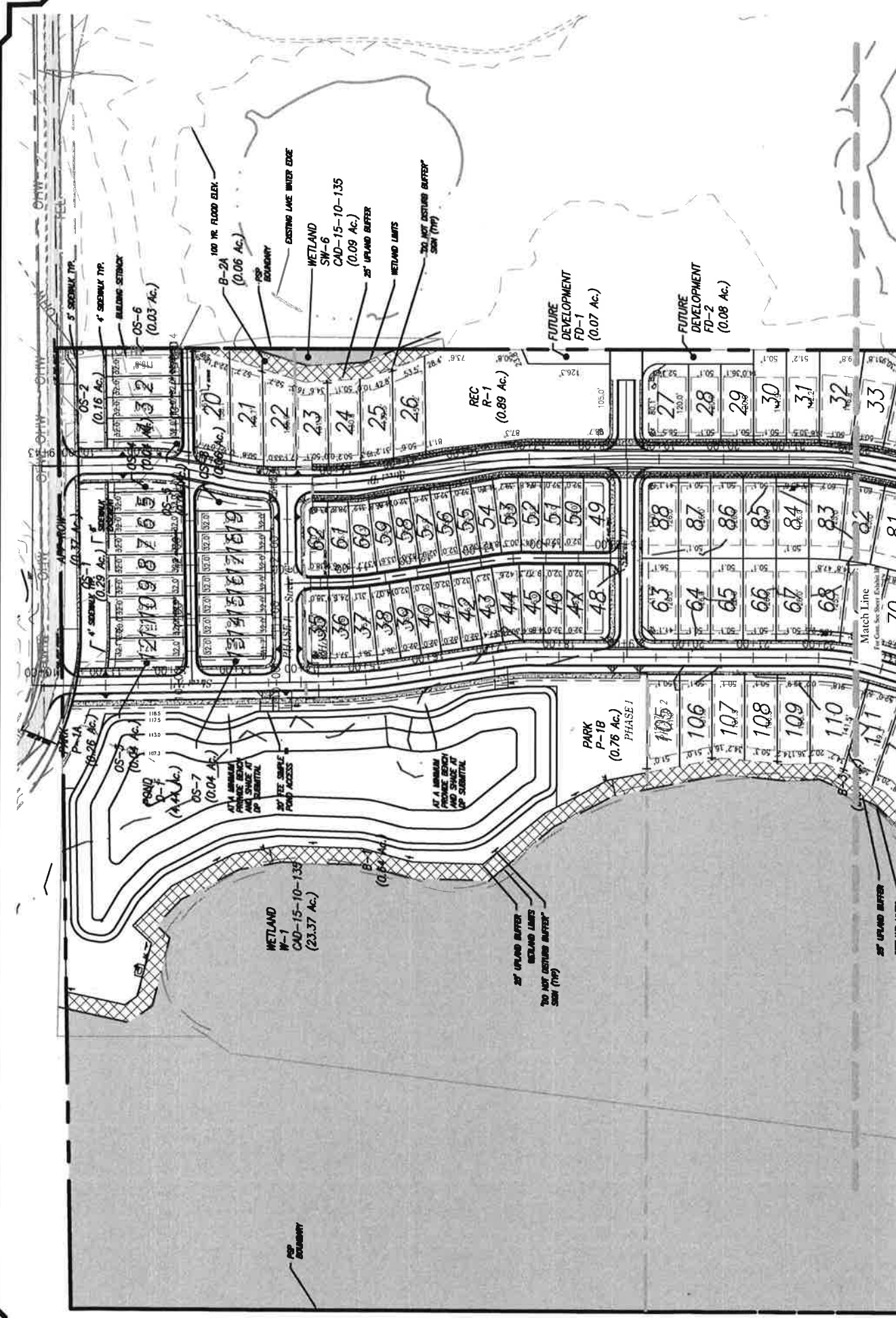
www.poulosandbennett.com  
Certificate of Authorization No. 28567



Site Plan

# Jaffers Phase 1 & 2 PSP

**POULOS & BENNETT**







**Spring Grove - Jaffers PD / Village  
I – Phase 1 & 2 – Parcel  
W-16 & a portion of W-17 PSP**

Parcels



Subject Property

Jurisdiction



Hydrology



1 : 6,000  
1 in : 500 ft