



Interoffice Memorandum

DATE: October 17, 2018

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

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

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

SUBJECT: November 13, 2018 – Public Hearing
Applicant: Eric Warren, Poulos & Bennett, LLC
Spring Grove – Northeast Planned Development / Horizon West
Village I – Phase 2 – Parcel 26 & a portion of Parcel 27 Preliminary
Subdivision Plan
Case # PSP-18-02-049 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 26, 2018, to approve the Spring Grove - Northeast Planned Development (PD) / Horizon West Village I – Phase 2 – Parcel 26 & a portion of Parcel 27 Preliminary Subdivision Plan (PSP) to subdivide 37.72 acres in order to construct 85 single-family residential dwelling units.

The request also includes five waivers from Orange County Code to allow lots to front a mew, park, open space, etc., and to allow alley tracts in lieu of easements.

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 - Northeast Planned Development / Village I – Phase 2 – Parcel 26 & a portion of Parcel 27 Preliminary Subdivision Plan dated "Received October 1, 2018", subject to the conditions listed under the DRC Recommendation in the Staff Report.**
District 1

JVW/EPR/lme
Attachments

CASE # PSP-18-02-049

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 26, 2018, to approve the Spring Grove - Northeast Planned Development (PD) / Horizon West Village I – Phase 2 – Parcel 26 & a portion of Parcel 27 Preliminary Subdivision Plan (PSP) to subdivide 37.72 acres in order to construct 85 single-family residential dwelling units.

In addition, the following five 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 easement shown on the plat, in lieu of 20 ft. fee simple as required by code.
2. A waiver from Section 38-1382(h)(4) to allow alley tracts, in lieu of easements.
3. A waiver from Section 38-1384(g)(2) to allow alley tracts, in lieu of easements.
4. A waiver from Section 38-1384(i) to allow alley tracts, in lieu of easements.
5. A waiver from Section 38-1388(e)(6) to allow alley tracts, in lieu of easements.

2. PROJECT ANALYSIS

- | | |
|-----------------------|--|
| A. Location: | North of Flemings Road / East of Avalon Road |
| B. Parcel ID: | 17-24-27-0000-00-003 |
| C. Total Acres: | 37.72 |
| D. Water Supply: | Orange County Utilities |
| E. Sewer System: | Orange County Utilities |
| F. Schools: | 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: | 37 |

- H. Parks: Deputy Scott Pine Community Park – 7 Miles
- I. Proposed Use: 85 Single-Family Residential Dwelling Units
- J. Site Data: Village Home District:
Detached:
Maximum Building Height: 45' (3-stories)
Minimum Lot Width: 32'
Minimum Living Area: 1,000 Square Feet
Building Setbacks:
15' Front
7' Front Porch
20' Rear
4' Side
10' Side Street
2' Side Lot Line
Attached:
Maximum Building Height: 55' (4-stories)
Minimum Lot Width: 20'
Minimum Living Area: 1,000 Square Feet
Building Setbacks:
15' Front
10' Front Porch
14' Rear
0' Side
7' Side
10' Side Street
14' Building Separation
- K. Fire Station: 32 – 14932 East Orange Lake Boulevard
- L. Transportation: CR 545 (Avalon Road): An Adequate Public Facilities (APF) Right-of-Way Agreement was approved by the Road Agreement Committee (RAC) on December 9, 2015 for the dedication of right-of-way for Avalon Road. Owner shall convey a total of 2.76 acres of APF right-of-way for Avalon Road along with 25 acres for a Middle School site (which includes 0.52 acres for Road right-of-way adjacent to the school site) and a minimum 2.0 acre utility tract. The dedication of right-of-way shall serve to satisfy the Adequate Public Facilities requirement of approximately 8.39 acres of public facilities lands. An APF surplus of 19.37 acres is available to the Owner to sell/assign within Village I. The Owner will receive \$22,500 per acre for the conveyance of right-of-way for Avalon Road along with School impact fees for the school site and Utility impact fees for the area conveyed for water facilities.

There is an approved Capacity Encumbrance Letter (CEL) on-file for this development. CEL 16-07-048 was approved for 245 single-family dwelling units and expires March 13, 2019.

3. COMPREHENSIVE PLAN

The Future Land Use designation of the subject parcel is Village (V). The PD (Planned Development District) zoning is consistent with this designation.

4. ZONING

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

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Spring Grove - Northeast PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Horizon West Village I Phase 2 - Parcel 26 & a Portion of Parcel 27 Preliminary Subdivision Plan dated "Received October 1, 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 October 1, 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 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.
 7. The project shall comply with the terms and conditions of that certain Adequate Public Facilities Right-of-Way Agreement for Village I Spring Grove - Northeast Planned Development recorded at Official Records document

#20160390723, Public Records of Orange County, Florida, as may be amended.

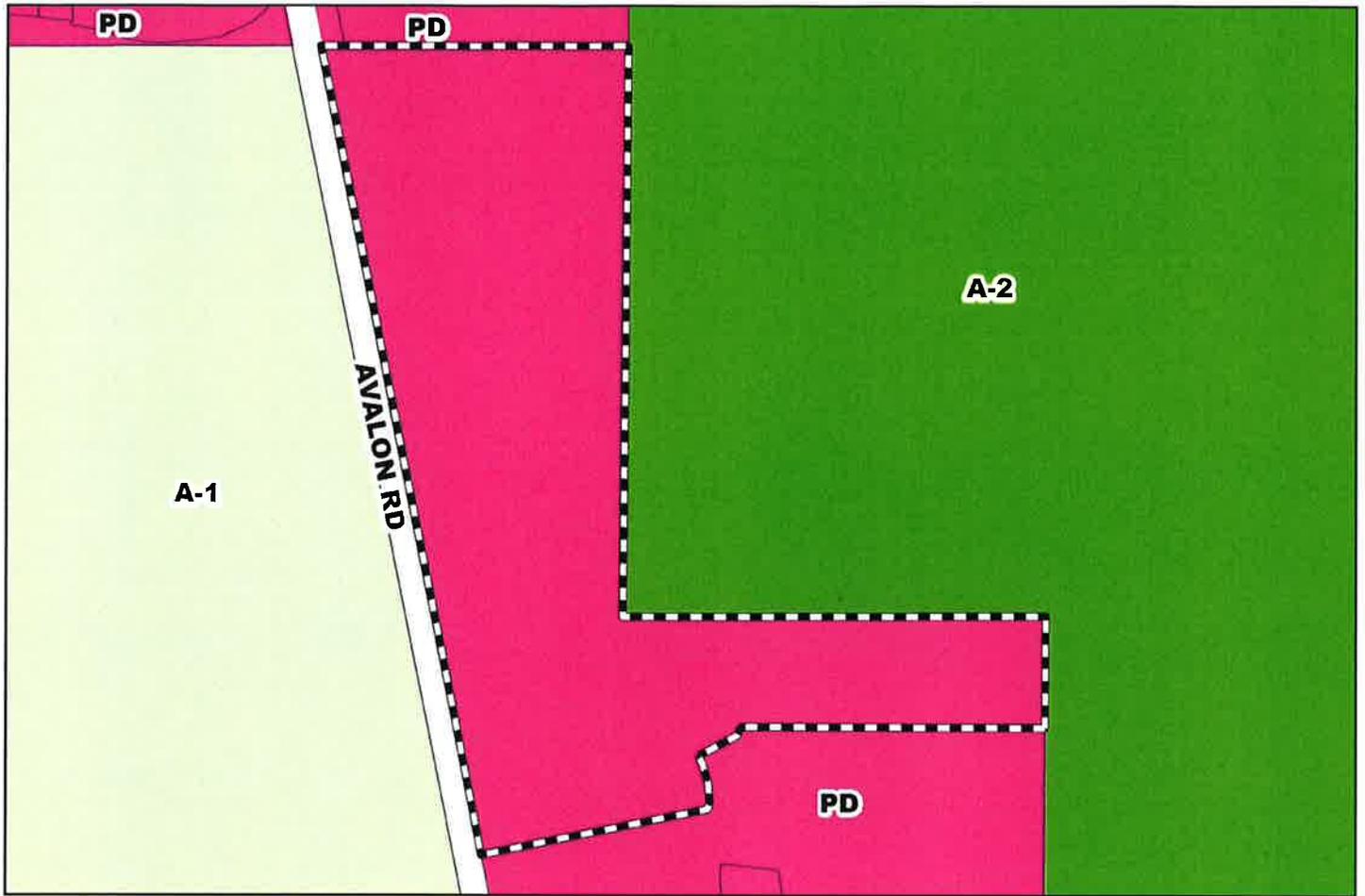
8. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the 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.
9. Dimensioned floor plans and exterior architectural elevations [which depict one example of each available detached single family home floor plan] for this PSP / plat 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.
10. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
11. Prior to construction plan approval, all property owners within the Village I, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
12. A two acre APF tract, that is acceptable to the County, for utility facilities within Village I near Village I's southern boundary shall be identified prior to the approval of the first PSP within Village I and dedicated to the County prior to approval of the first construction plan set within Village I. The tract shall have a minimum width of 150 feet, typical average slope of 5 percent or less over the existing grade, an elevation above the 100-year flood plain, and shall be located outside of wetlands and no more than 1,000 feet from Avalon Road with a 30-foot minimum utility access easement or tract connection to public right-of-way.
13. 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.

14. 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.
15. Due to the presence of a public wastewater gravity main located in the alleyways, the Side and Rear Setbacks for affected lots shall be a minimum of 19 feet from the centerline of the alley.
16. 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.
17. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
18. 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. All required inspections shall be complete and approved prior to issuance of a Certificate of Occupancy.
19. 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.
20. 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.
21. 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.

22. 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.
23. 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.
24. 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).
25. 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.
26. 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.

27. 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.
28. A waiver from Orange County Code Section 34-152(c) is granted 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 easement shown on the plat, in lieu of 20 ft. fee simple as required by code.
29. A waiver from Orange County Code Section 38-1382(h)(4) is granted to allow alley tracts, in lieu of easements.
30. A waiver from Orange County Code Section 38-1384(g)(2) is granted to allow alley tracts, in lieu of easements.
31. A waiver from Orange County Code Section 38-1384(i) is granted to allow alley tracts, in lieu of easements.
32. A waiver from Orange County Code Section 38-1388(e)(6) is granted to allow alley tracts, in lieu of easements.
33. All lots that front a mew, open space, or park, shall be addressed on the alley and the address shall be clearly posted to allow easy access for first responders.



 Subject Parcel

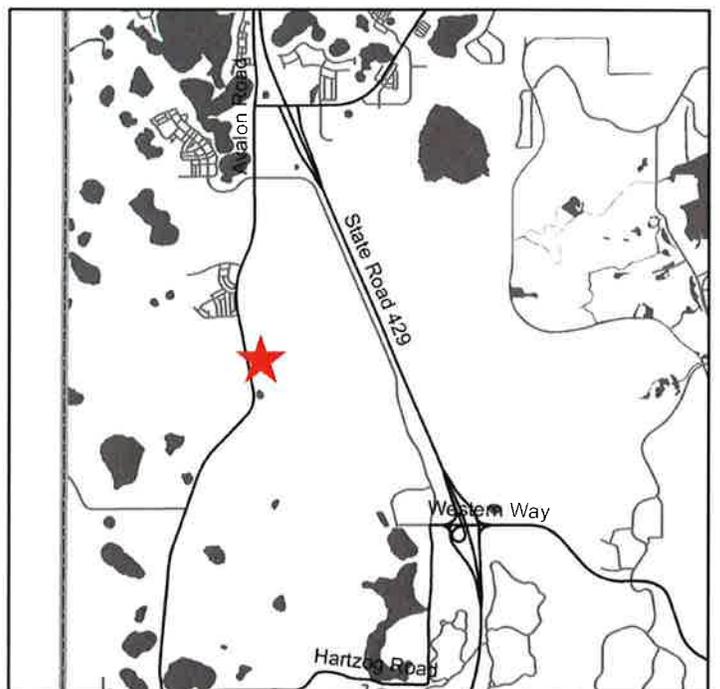


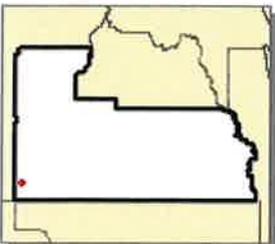
 Subject Property

Zoning Map

ZONING: PD (Planned Development District)
APPLICANT: Eric Warren, Poulos & Bennett, LLC
LOCATION: North of Flemings Road / East of Avalon Road
TRACT SIZE: 37.72
DISTRICT: 1
S/T/R: 17/24/27

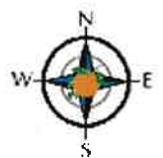
1 inch = 403 feet





**Spring Grove - Northeast PD / Horizon
West Village I – Phase 2 – Parcel
26 & a portion of Parcel 27 PSP**

	Parcels		Subject Property		Jurisdiction		Hydrology
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1 : 3,000
1 in : 250 ft