Interoffice Memorandum



DATE:

January 8, 2020

TO:

Mayor Jerry L. Demings

-AND-

Board of County Commissioners

FROM:

Jon V. Weiss, P.E., Directon

Planning, Environmental and Development

Services Department

CONTACT PERSON:

Eric Raasch, DRC Chairman

Development Review Committee

ee

Planning Division (407) 836-5523

SUBJECT:

January 28, 2020 - Public Hearing

Applicant: Luke Classon, Appian Engineering, LLC

Rouse Road Subdivision Planned Development / Waverly Walk

Preliminary Subdivision Plan

Case # PSP-19-04-144

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 4, 2019, to approve the Rouse Road Subdivision Planned Development (PD) / Waverly Walk Preliminary Subdivision Plan (PSP) to subdivide 12.92 acres in order to construct 41 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 Rouse Road Subdivision PD / Waverly Walk PSP dated "Received December 4, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5

JVW/EPR/Ime Attachments

CASE # PSP-19-04-144

Commission District # 5

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 4, 2019, to approve the Rouse Road Subdivision Planned Development (PD) / Waverly Walk Preliminary Subdivision Plan (PSP) to subdivide 12.92 acres in order to construct 41 single-family detached residential dwelling units.

2. PROJECT ANALYSIS

A. Location:

South of University Boulevard / East of Rouse Road

B. Parcel ID:

09-22-31-0000-00-013

C. Total Acres:

12.92 gross acres

D. Water Supply:

Orange County Utilities

E. Sewer System:

Orange County Utilities

F. Schools:

Riverdale ES Capacity: 554 / Enrolled: 624 Corner Lake MS Capacity: 1,096 / Enrolled: 929 University HS Capacity: 2,590 / Enrolled: 2,742

G. School Population: 17

H. Parks:

Blanchard Park - 0.5 Miles

I. Proposed Use:

41 Single-Family Detached Residential Dwelling Units

J. Site Data:

Maximum Building Height: 35' (2-stories)
Minimum Living Area: 1,600 Square Feet

Building Setbacks:

20' Front

13' Front Porch 5' Side Yard 20' Rear

55' Northern Property Line 15' Corner Side Yard

K. Fire Station:

67 - 10679 University Boulevard

L. Transportation:

Based on the Capacity Management System dated May 22, 2019, University Boulevard from Dean Road to Rouse Road is operating at a failing level of service, and no capacity is

available to be encumbered. A proportionate share agreement (RAG-19-09-040) has been scheduled for the January 15, 2020 Road Agreement Committee meeting to address this deficiency.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Density Residential (LDR). The subject property is designated PD (Planned Development District) on the Zoning Map, which is consistent with the FLUM Designation.

4. ZONING

PD (Planned Development District) (Rouse Road Subdivision PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

- Development shall conform to the Rouse Road Subdivision Planned Development (PD); Orange County Board of County Commissioners (BCC) approvals; Waverly Walk Preliminary Subdivision Plan dated "Received December 4, 2019," 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 December 4, 2019," 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. 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.
- 8. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading permit plans or review of construction plans if a Phase II Environmental Site Assessment acceptable to EPD and the Florida Department of Environmental Protection (FDEP) finds any contaminants exceeding applicable state standards, the applicant shall submit a copy of a FDEP site clean-up plan approval and a copy of a FDEP statement that the clean-up has been completed. This shall be provided to Orange County Environmental Protection Division and Development Engineering Division by submittal of either an FDEP No Further Action letter or Site Rehabilitation Completion Order (SRCO) with or without conditions or controls, or documentation of specific permissions from FDEP.
- 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 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.
- 11. If the Environmental Site Assessment indicates site contamination of soil, groundwater, surface water, or if the FDEP is conducting contamination remediation, then the applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, shall include notification that portions of this property have been identified with soil and groundwater contamination.
- 12. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that neither potable wells nor irrigation wells using local groundwater will be allowed on site.
- Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of

the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

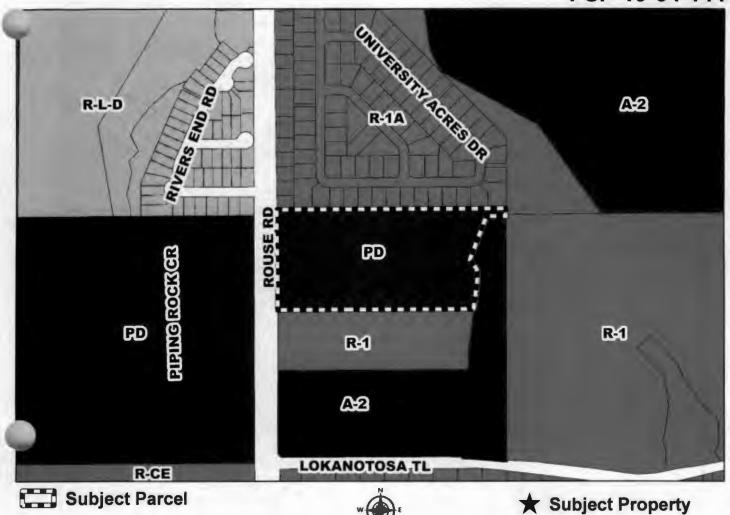
- 14. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the 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.
- 15. 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.
- 16. 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.
- 17. The existing home heating oil tank identified in the Phase I Environmental Site Assessment shall be removed with proper disposal of residual fuel and abandonment / disposal of the storage tank. The tank should be removed prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading permit plans or review of construction plans. The applicant shall notify EPD after the removal of the heating oil tank has taken place and provide documentation to EPD of the activities and findings including, but not limited to, leaks, tank fractures, soil staining or contamination.
- 18. Construction plans within this PD shall be consistent with an approved and upto-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.

- 19. 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.
- 20. In order to comply with the intent of Section 177.091(18), F.S., lot numbers at plat must be consecutive and consistent with the PSP. Failure to meet this requirement may require a change to the PSP and may delay approval of the plat.
- 21. 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.
- 22. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- 23. 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.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.

- 28. There shall be no permanent structures, including but not limited to walls, sheds, or pools, within the 40' wide drainage easement along the rear of Tract E, and Lots 3 through 20, inclusive. Fences shall be allowed in accordance with conditions of approval 30 and 31.
- 29. Unless otherwise approved by the fire department, access cannot be reached within 50 feet of an exterior door to the interior of the building, an approved automatic fire sprinkler system shall be required, allowing an increase to 150 feet.
- 30. Owners of Lots 3 through 20, inclusive, have the right to permit and install a six-foot PVC or vinyl fence along their side property lines, provided that each side lot fence is constructed with a 15' wide double swing gate adjacent to the northern property boundary to allow for access and maintenance of the 40' wide Orange County Drainage Easement. Fences within the 40' rear drainage easement shall be limited to side and rear property lines.
- 31. The developer shall install a 15' wide decorative aluminum double swing gate along the Rouse Road right-of-way adjacent to the north property boundary and 25' of a six-foot decorative aluminum fence with columns along the Rouse Road right-of-way from the gate to the masonry wall. Landscaping shall be provided in front of the decorative aluminum fence.
- 32. Conditions of approval 28, 30, and 31 shall be included in a note on the plat and in the Covenants, Conditions, and Restrictions (CC&Rs).

PSP-19-04-144



Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Luke Classon, Appian Engineering, LLC

LOCATION: South of University Boulevard / East of

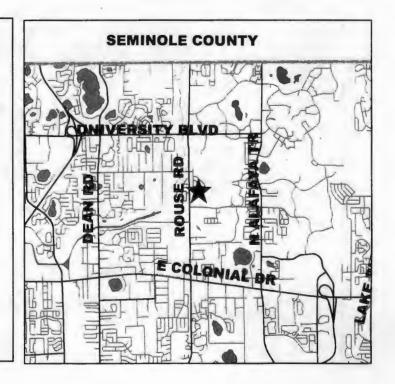
Rouse Road

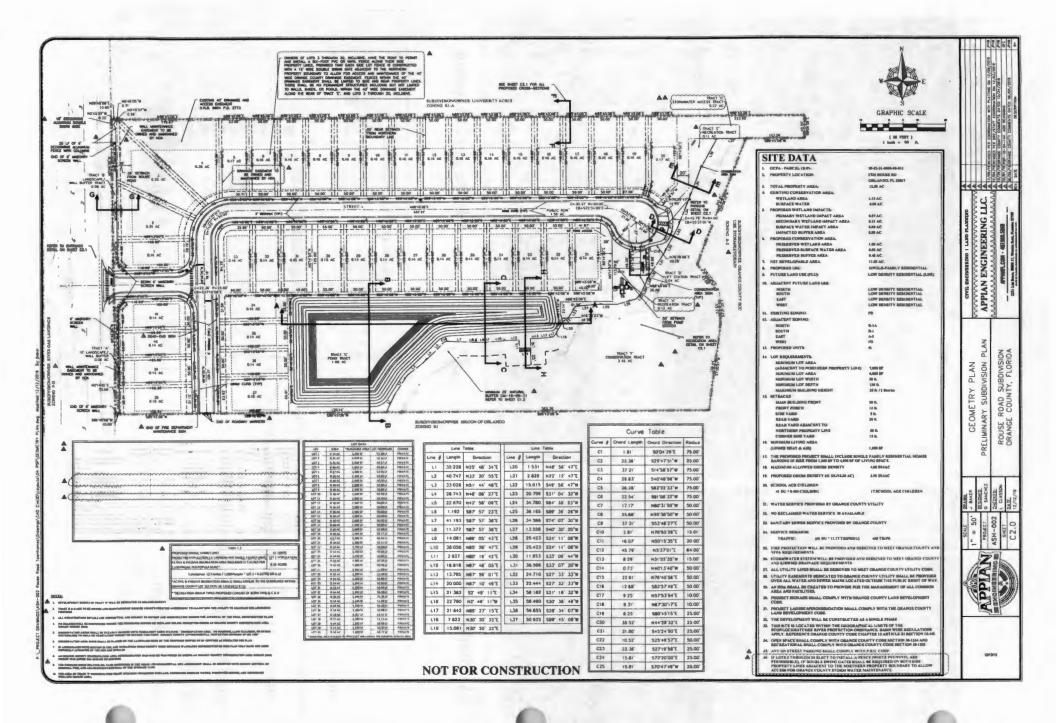
TRACT SIZE: 12.92 gross acres

DISTRICT: 5

S/T/R:

09/22/31









Rouse Road Subdivision PD / Waverly Walk PSP Case #PSP-19-04-144



1:2,400 1 in: 200 ft