



Interoffice Memorandum

DATE: April 28, 2020

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

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

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

Eric P. Raasch,
Jr., AICP

Digitally signed by Eric
P. Raasch, Jr., AICP
Date: 2020.05.01
09:01:47 -04'00'

SUBJECT: May 19, 2020 – Public Hearing
Applicant: Anthony DeSimone, Lennar Homes, LLC
Foothills of Mount Dora Planned Development / Stoneybrook Hills
at U.S. 441 Preliminary Subdivision Plan
Case # CDR-20-03-100 / District 2

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of April 22, 2020, to approve a substantial change to the Foothills of Mount Dora Planned Development (PD) / Stoneybrook Hills at U.S. 441 Preliminary Subdivision Plan (PSP) to reinstate the temporary sales trailer shown on the existing Preliminary Subdivision Plan for a period of two years.

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 and approve the Foothills of Mount Dora PD / Stoneybrook Hills at U.S. 441 PSP dated "Received February 22, 2005", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2

JVW/EPR/lme
Attachments

CASE # CDR-20-03-100

Commission District # 2

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of April 22, 2020, to approve a substantial change to the Foothills of Mount Dora Planned Development (PD) / Stoneybrook Hills at U.S. 441 Preliminary Subdivision Plan (PSP) to reinstate the temporary sales trailer shown on the existing Preliminary Subdivision Plan for a period of two (2) years.

2. PROJECT ANALYSIS

- A. Location: North of Stoneybrook Hills Parkway / East of North Orange Blossom Trail
- B. Parcel ID: 04-20-27-8437-21-000
- C. Total Acres: 277.77 acres (overall PSP)
5.71 acres (affected parcel)
- D. Water Supply: City of Mount Dora
- E. Sewer System: City of Mount Dora
- F. Schools: Zellwood ES – Enrolled: 619 / Capacity: 569
Wolf Lake MS – Enrolled: 1,476 / Capacity: 1,090
Apopka HS – Enrolled: 3,387 / Capacity: 3,230
- G. School Population: 107
- H. Park: East Tangerine Park - 1 Mile
- I. Proposed Use: 263 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35' (2-stories)
Building Setbacks:
25' Front
25' Rear
10' Side
- K. Fire Station: 20 – 3200 North Washington Street
- L. Transportation: Transportation Planning staff reviewed the request and did not identify any issues or concerns.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Density Residential (LDR). The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (Foothills of Mount Dora PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Tiedke (aka Foothills of Mt. Dora) PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Stoneybrook Hills at U.S. 441 Preliminary Subdivision Plan dated "Received February 22, 2005," 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 February 22, 2005," 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

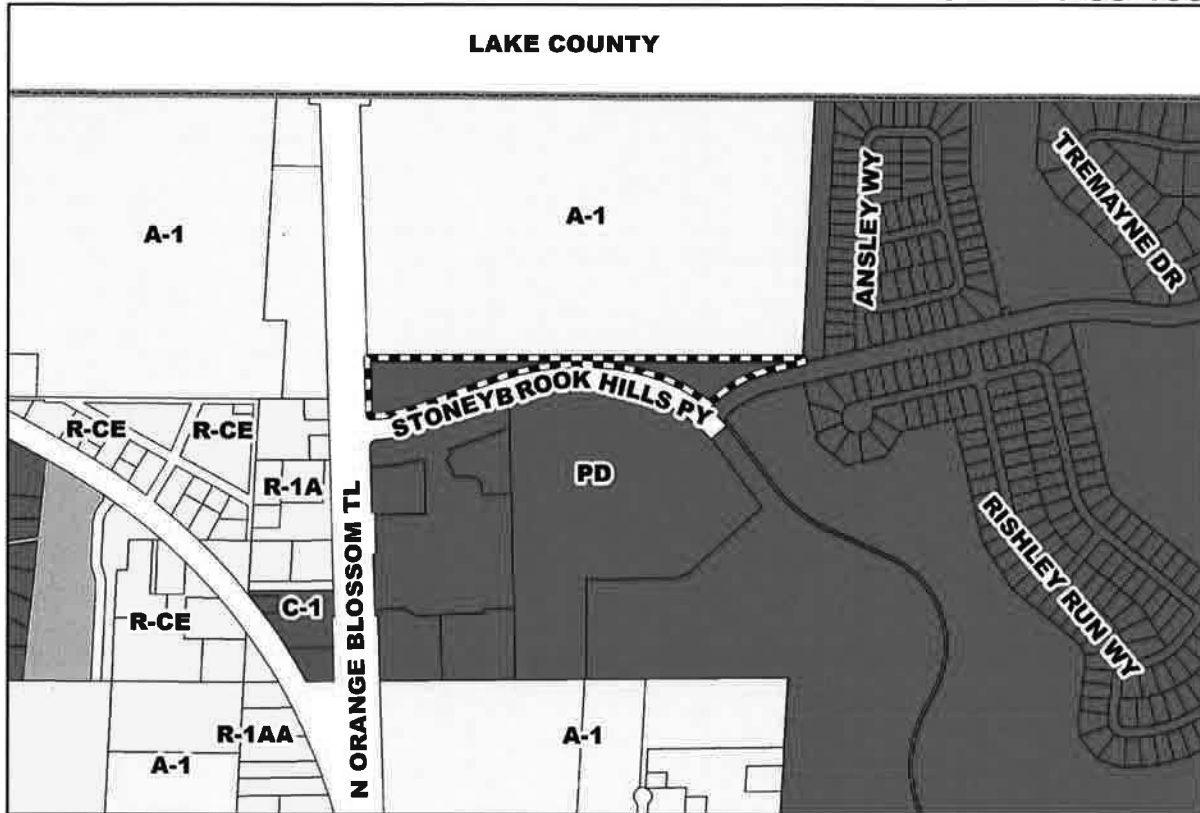
any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant 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. The temporary sales trailer as shown on the existing PSP shall be allowed to remain onsite until May 1, 2022. Any extension of time beyond that date will require submittal and approval of a development plan through the DRC.
7. 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
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 18, 2003, shall apply:

- a. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood elevation shall be submitted to the Development Engineering Division for review and approval.
- b. Billboards and pole signs shall be prohibited.
- c. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection Notice of Intent for stormwater discharge from construction activities to the Orange County Environmental Protection Division.
- d. Development rights to all open space tracts shall be dedicated to Orange County.

Zoning Map

CDR-20-03-100



Subject Property

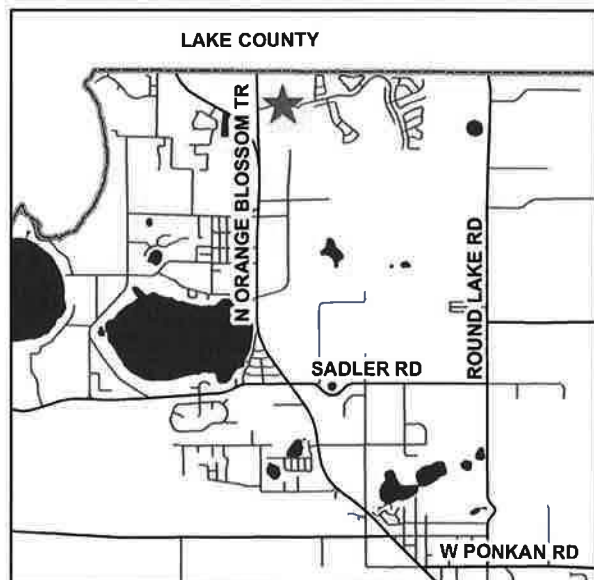


Subject Property

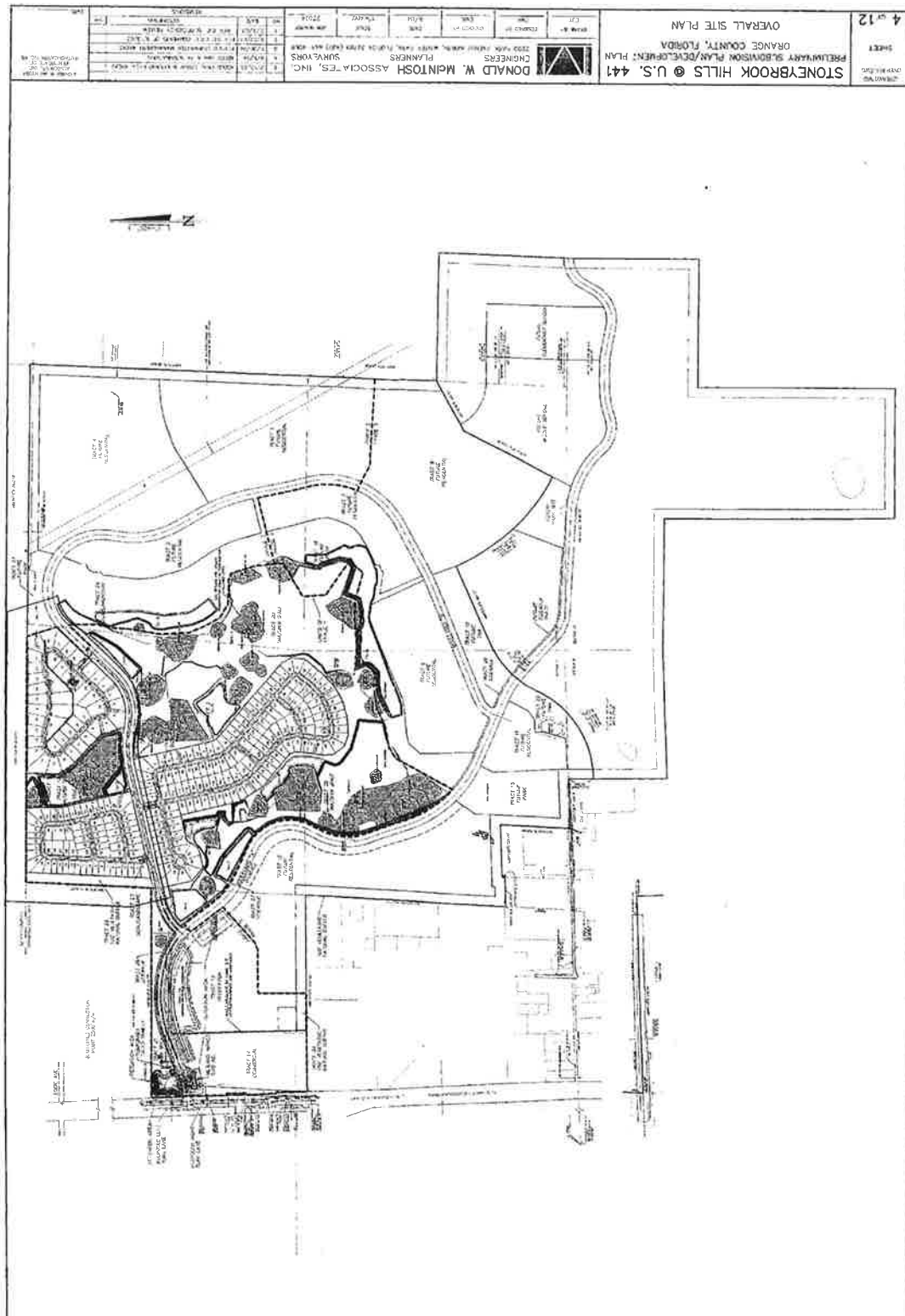
Zoning Map

ZONING: PD (Planned Development District)
APPLICANT: Anthony DeSimone, Lennar Homes
LOCATION: North of Stoneybrook Hills Parkway / East of N. Orange Blossom Trail.
TRACT SIZE: 277.77 acres (overall PSP)
 5.71 acres (affected parcel)
DISTRICT: # 2
S/T/R: 04/20/27

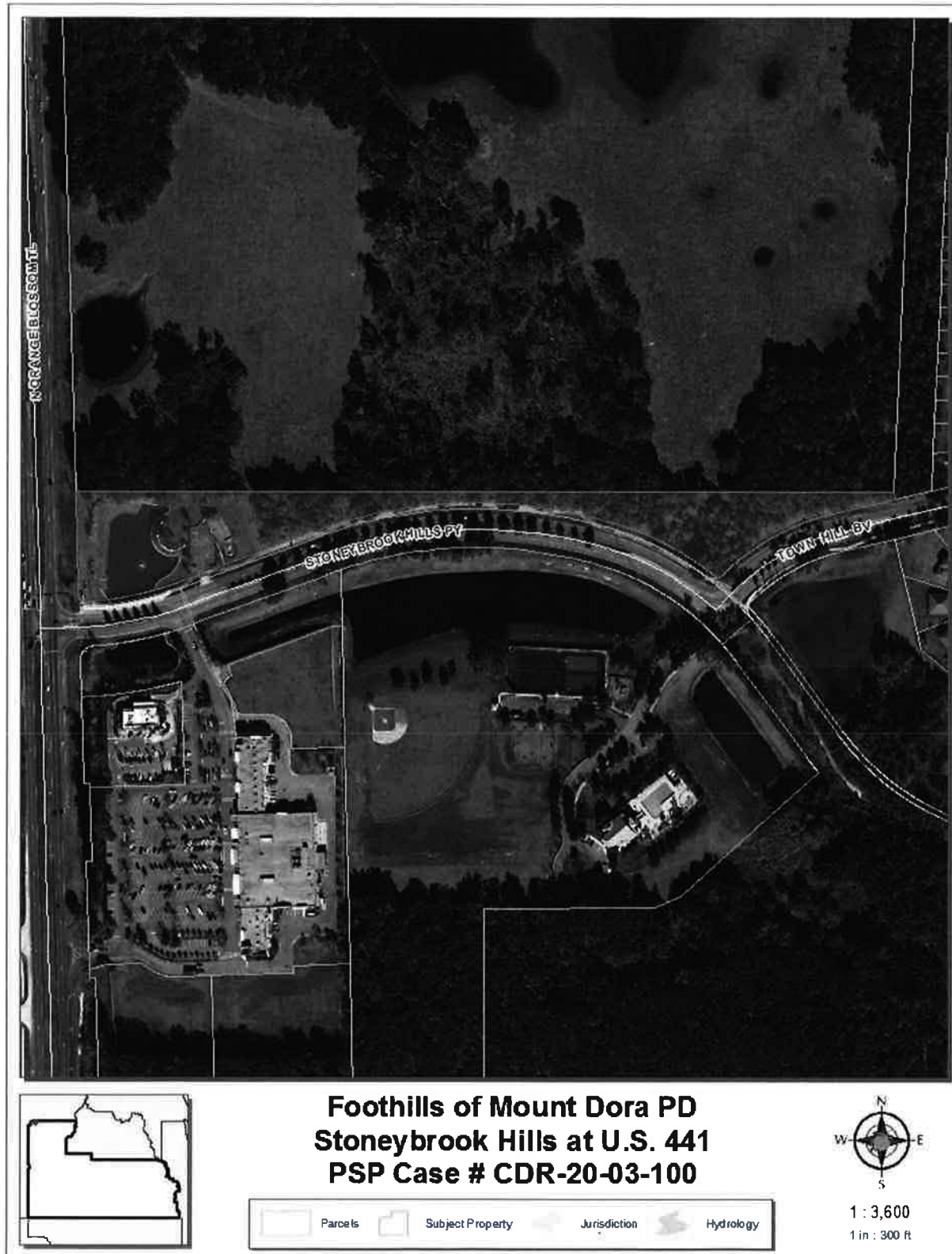
1 inch = 750 feet



Site Data & Notes Sheet & Site Plan Sheet



Aerial



Notification Map

