



**Interoffice Memorandum**

**DATE:** June 9, 2021

**TO:** Mayor Jerry L. Demings  
-AND-  
County Commissioners

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

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

**SUBJECT:** June 22, 2021 – Public Hearing  
Applicant: Neel Shivcharran, Galleon Consulting Group, LLC  
Old Cheney Townhomes Planned Development / Old Cheney  
Townhomes Preliminary Subdivision Plan  
Case # PSP-20-08-232 / District 5

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of April 14, 2021, to approve the Old Cheney Townhomes Planned Development (PD) / Old Cheney Townhomes Preliminary Subdivision Plan (PSP), to subdivide 1.14 acres in order to construct 10 single-family attached residential dwelling units. This case was continued from the June 8, 2021, Board meeting.

In addition, a waiver from Orange County Code Section 34-152(c) is requested to allow the lots to be accessed from an external street in lieu of an internal subdivision street.

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 Old Cheney Townhomes PD / Old Cheney Townhomes PSP dated "Received March 3, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

JVW/EPR/lme  
Attachments

**CASE # PSP-20-08-232**

Commission District # 5

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of April 14, 2021, to approve the Old Cheney Townhomes Planned Development (PD) / Old Cheney Townhomes Preliminary Subdivision Plan (PSP), to subdivide 1.14 acres in order to construct 10 single-family attached residential dwelling units.

In addition, a waiver from Orange County Code Section 34-152(c) is requested to allow the lots to be accessed from an external street in lieu of an internal subdivision street.

**2. PROJECT ANALYSIS**

- A. Location: North of Old Cheney Highway / East of Turrisi Boulevard
- B. Parcel ID: 21-22-30-0000-00-011
- C. Total Acres: 1.14 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Baldwin Park ES – Enrolled: 755 / Capacity: 796  
Glenridge MS – Enrolled: 1,166 / Capacity: 1,175  
Winter Park HS – Enrolled: 3,233 / Capacity: 3,656
- G. School Population: 4
- H. Parks: Millennium Park – 0.5 Miles
- I. Proposed Use: 10 Single-Family Attached Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35'  
Minimum Living Area: 1,750 Square Feet  
Minimum Lot Width: 20'  
Building Setbacks:  
20' Front  
5' Side  
20' Rear
- K. Fire Station: 66 – 966 North Semoran Boulevard
- L. Transportation: This project is located in the Alternative Mobility Area (AMA).

There are failing roadway segments within the project's impact area along both Colonial Drive and Semoran Boulevard.

### **3. COMPREHENSIVE PLAN**

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

### **4. ZONING**

PD (Planned Development District) (Old Cheney Townhomes PD)

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

Approval subject to the following conditions:

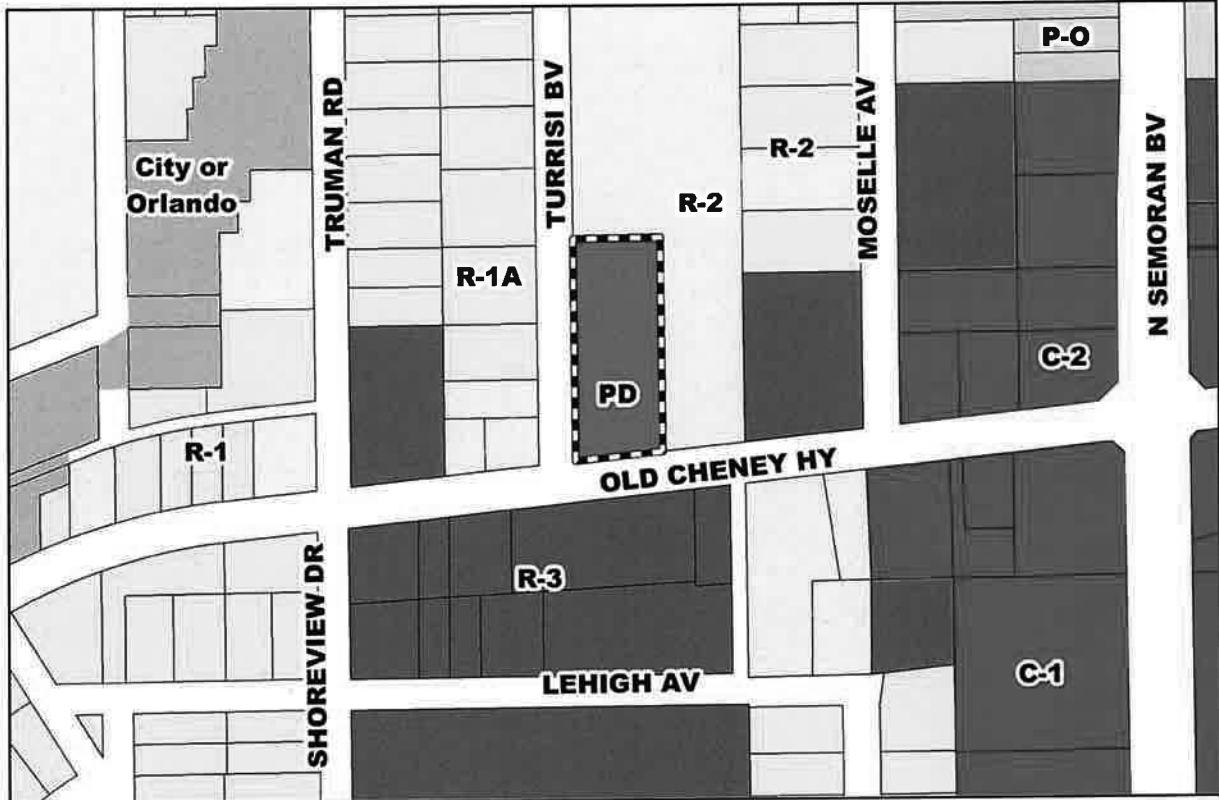
1. Development shall conform to the Old Cheney Townhomes Planned Development; Orange County Board of County Commissioners (BCC) approvals; Old Cheney Townhomes Preliminary Subdivision Plan dated "Received March 3, 2021," and to the conditions of approval listed below. Development based upon this approval 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 March 3, 2021," 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, or any other development order, 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. 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.
7. 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).

8. 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. Construction plans within this PD shall be consistent with an approved and up-to-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 MUP and updates must be approved prior to Construction Plan approval.
9. The Conditions, Covenants, and Restrictions (CC&Rs) for this project shall notify homeowners of the following: There shall be no permanent structures, including, but not limited to, walls, sheds, or pools, within the drainage along the rear of all lots, nor within the access easement on Lots 4 and 5.
10. A use agreement will be recorded prior to issuance of the Right-of-Way permit, between the owners of the commercial tract and the County for maintenance of the parking spots within Turrisi Boulevard right-of-way.
11. 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.
12. 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.
13. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
14. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
15. Prior to construction plan approval, the three parking spaces encroaching upon Old Cheney Highway right-of-way shall be relocated within lot 11.
16. A waiver from Orange County Code Section 34-152(c) is granted to allow the lots to be accessed from an external street in lieu of an internal subdivision street.

## Zoning Map

PSP-20-08-232



 Subject Property



 Subject Property

**Zoning Map**

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

**APPLICANT:** Neel Shivcharran, Galleon Consulting Group, LLC

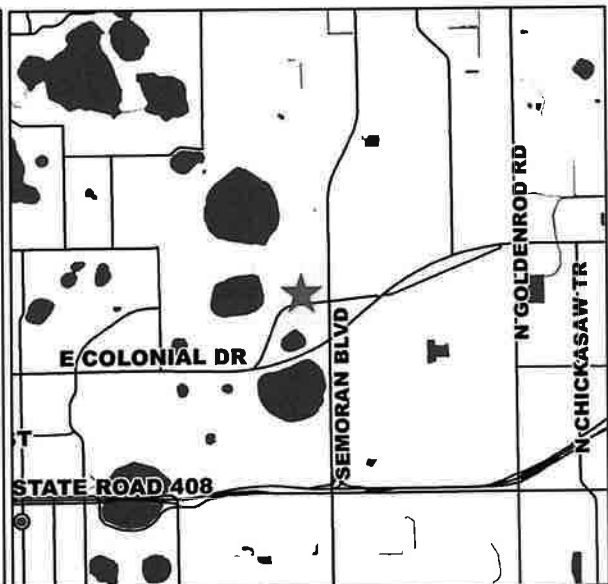
**LOCATION:** North of Old Cheney Highway / East of Turrisi Boulevard

**TRACT SIZE:** 1.14 acres

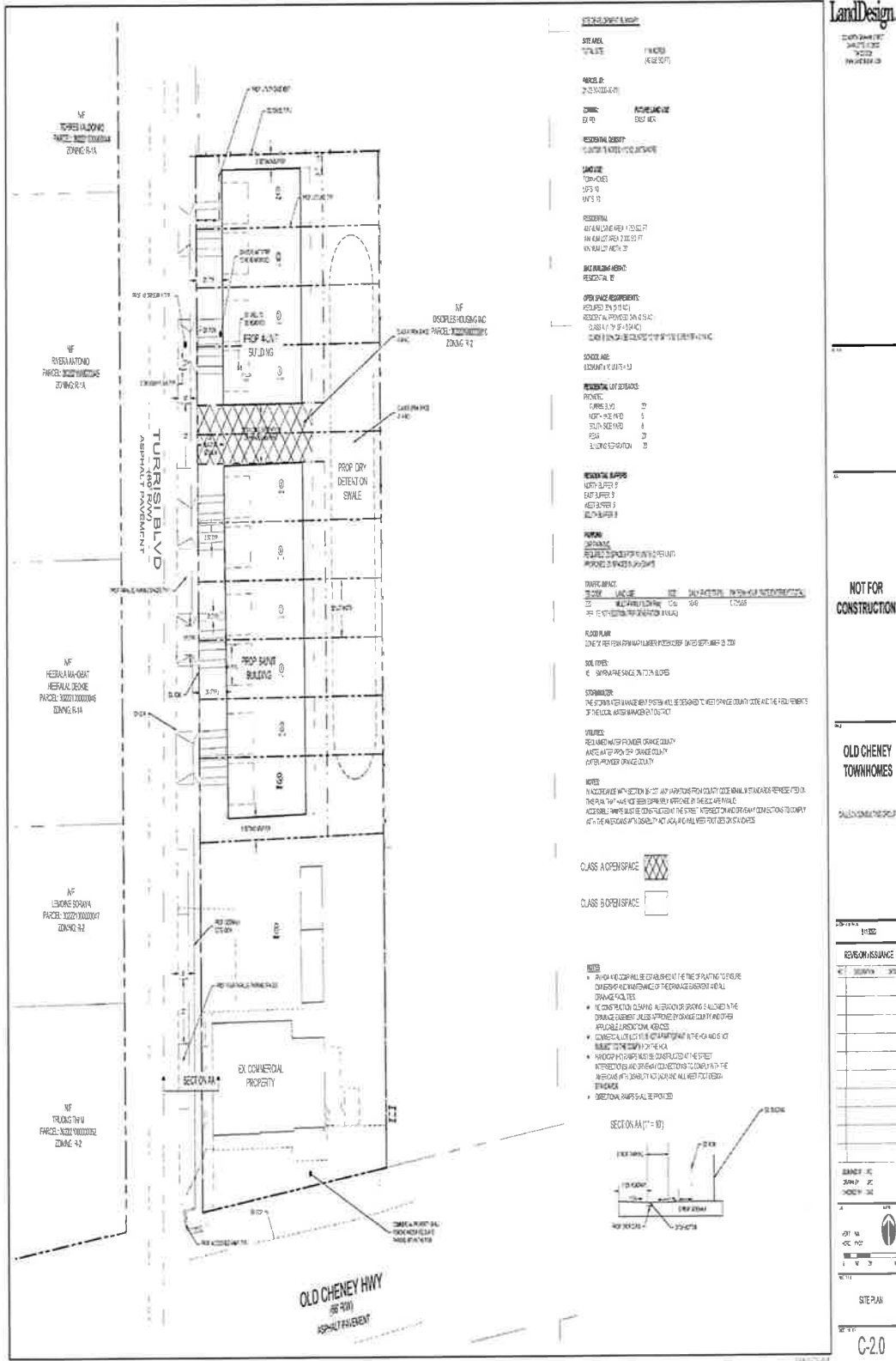
**DISTRICT:** # 5

**S/T/R:** 21/22/30

1 inch = 250 feet



## Site Data & Notes Sheet & Site Plan Sheet



LandDesign

NOT FOR CONSTRUCTION

OLD CHENEY TOWNHOMES

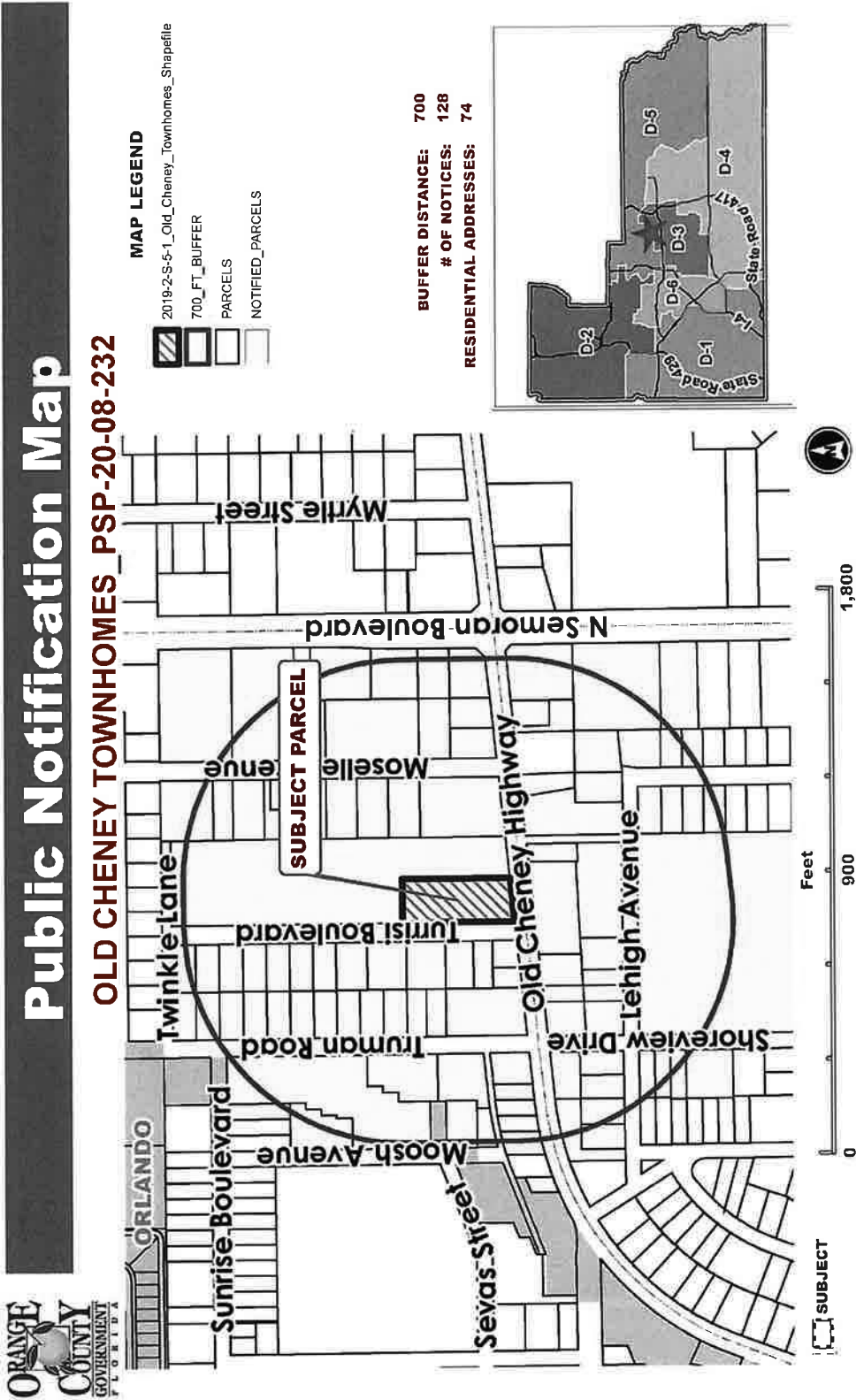
REVISION/ISSUANCE

DATE: 06/18/21  
 DRAWN BY: JAC  
 CHECKED BY: JAC

SITE PLAN

C-2.0

# Notification Map



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## Public Notification Map

**OLD CHENEY TOWNHOMES PSP-20-08-232**

