



## Interoffice Memorandum

DATE: September 30, 2021

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

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

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

SUBJECT: October 12, 2021 – Public Hearing  
Applicant: Carlos A. Rivero, Café Construction & Development, Inc.  
Yucatan Gardens Preliminary Subdivision Plan  
Case # PSP-21-03-079 / District 3

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 11, 2021, to approve the Yucatan Gardens Preliminary Subdivision Plan (PSP) to subdivide 13.72 acres in order to construct 52 single-family 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 and approve the Yucatan Gardens PSP dated "Received August 17, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 3**

JVW/EPR/ijh  
Attachments

**CASE # PSP-21-03-079**

Commission District # 3

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 11, 2021, to approve the Yucatan Gardens Preliminary Subdivision Plan (PSP) to subdivide 13.72 acres in order to construct 52 single-family residential dwelling units.

**2. PROJECT ANALYSIS**

- A. Location: North of Yucatan Drive / West of Forsyth Road
- B. Parcels: 27-22-30-0000-00-110, 27-22-30-0000-00-120,  
27-22-30-0000-00-119
- C. Total Acres: 13.72
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: City of Orlando
- F. Schools: Azalea Park ES - Enrolled: 443 / Capacity: 599  
Roberto Clemente MS - Enrolled: 1,020 / Capacity: 1,403  
Colonial HS - Enrolled: 3,173 / Capacity: 3,799
- G. School Population: 22
- H. Parks: Yucatan Park – 0.1 Miles
- I. Proposed Use: 52 Single-Family Residential Dwelling Units
- J. Lot Dimension: Maximum Building Height: 35'  
Minimum Living Area: 1,000 square feet  
Minimum Lot Width: 4,500 square feet  
Building Setbacks:  
20' Front  
5' Side  
15' Rear  
15' Side Corner
- K. Fire Station: Station 66 – 966 North Semoran Boulevard
- L. Transportation: There are multiple failing roadway segments within the project's impact area. A traffic study and a proportionate share agreement may be required. 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 the decision to approve this 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.

### **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 R-L-D (Residential Low Density) on the Zoning Map, which is consistent with the FLUM Designation.

### **4. ZONING**

R-L-D (Residential Low Density)

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

Approval subject to the following conditions:

1. Development shall conform to the Yucatan Gardens Preliminary Subdivision Plan dated "Received August 17, 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 August 17, 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. 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.

7. The offsite Drainage Easement across the OUC parcel shall be dedicated to Orange County and recorded in the public records prior to construction plan approval.
8. 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.
9. 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.
10. 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.
11. 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.
12. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code

Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.

13. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, and/or tenants of this development, through an appropriate mechanism, which may include a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that this site is located within the boundary of a Formerly Used Defense Site (FUDS) known as the Orlando Range & Chemical Yard (ORCY).
14. 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.
15. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
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. 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.
18. 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

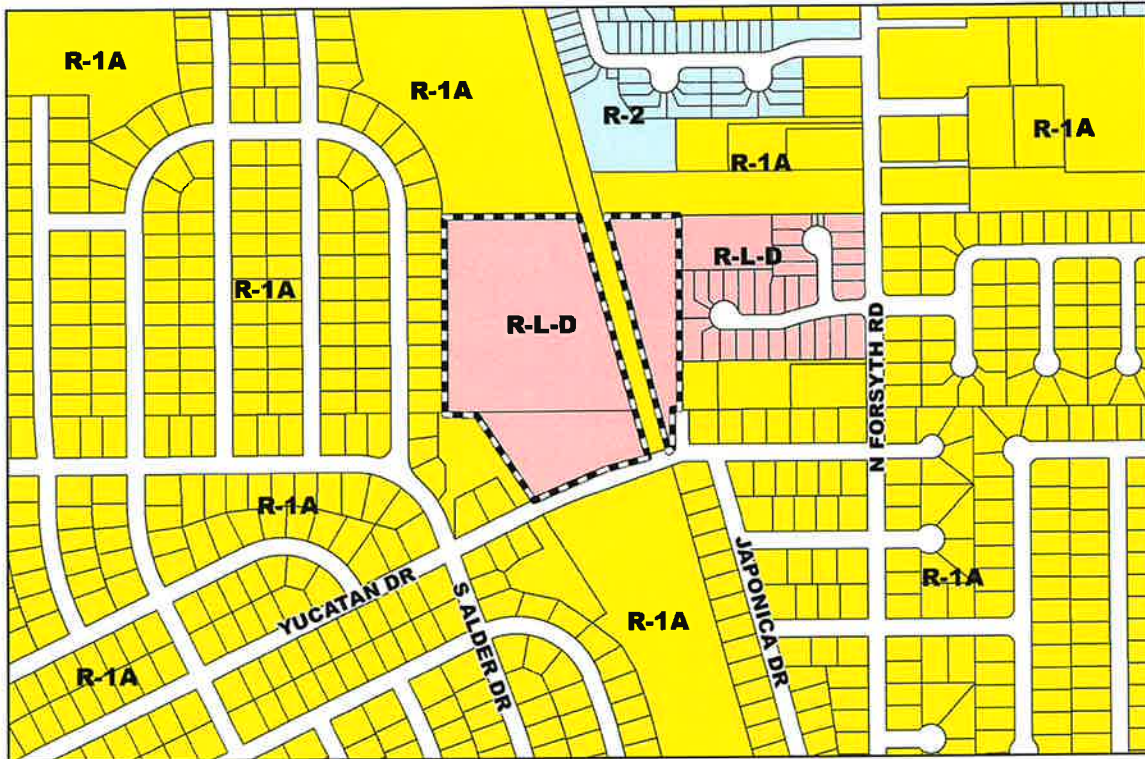
to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.

19. 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).
20. 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 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.
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. All other signage shall comply with Chapter 31.5 of the Orange County Code.
23. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
24. Prior to construction plan approval, the LOMR/CLOMR shall be approved by stormwater management division.
25. Prior to Certificate of Completion, the owner/applicant shall construct Eady Road to County Standards.
26. A waiver from Orange County Code Section 34-152(c) is granted to allow access to Tracts C & D via the external street known as Eady Road in lieu of access to an internal paved street.



## Zoning Map

PSP-21-03-079



Subject Property



Subject Property

### Zoning Map

ZONING: R-L-D

APPLICANT: Carlos A. Rivero, Cafe Construction & Development, Inc.

LOCATION: North of Yucatan Drive and west of Forsyth Road

TRACT SIZE: 13.72 gross acres

DISTRICT: # 3

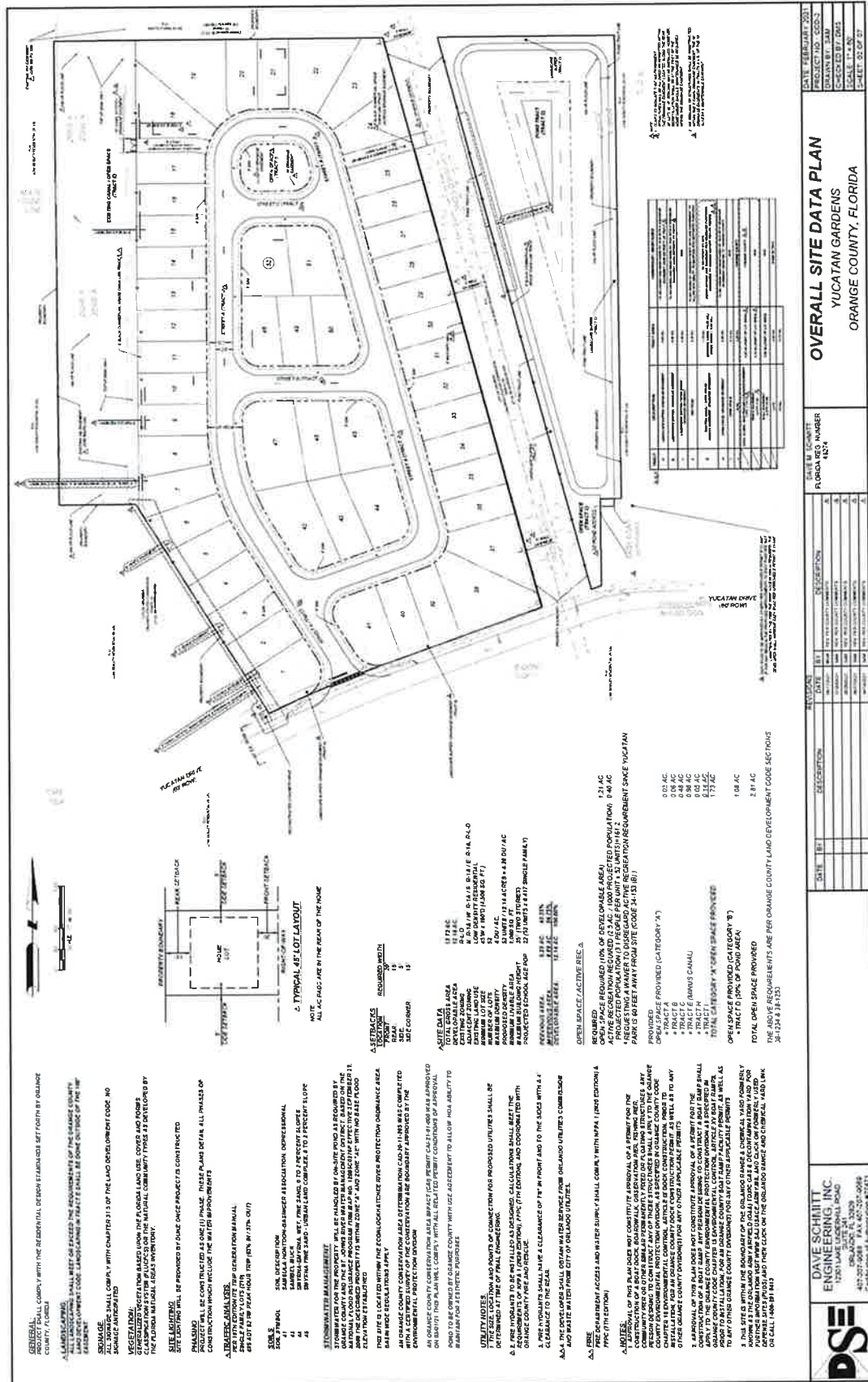
S/T/R: 27/22/30

1 inch = 500 feet





## Site Data, Notes & Site Plan Sheet



## Notification Map

