



**DEVELOPMENT REVIEW COMMITTEE
MEETING AGENDA
Public Works Building
4200 S. John Young Parkway
Wednesday, July 24, 2013**

8:30

REVIEW OF MEETING MINUTES - JULY 10, 2013

REVIEW OF PUBLIC HEARING REPORTS/STAFF DISCUSSIONS

8:35

CONSENT AGENDA – DEVELOPMENT PLAN APPROVALS

**STILLWATER CROSSINGS & CENTER BRIDGE PD /
SUMMERPORT PARCEL CB-8 - TRACTS P-1 & CV-1 DP**

Plan Date Stamped "Received June 28, 2013 "

DISTRICT 1

**GOLDENROD CENTER PD / GOLDENROD CENTER PSP / LOT 5 -
O'REILLY AUTO PARTS ORLANDO #2 DP**

Plan Date Stamped "Received July 12, 2013 "

DISTRICT 3

NEW PROJECTS

8:40

DP-13-05-123- DISTRICT 1

**WEST ORANGE RELIEF HIGH SCHOOL SPECIAL EXCEPTION SITE
PLAN**

Developer:	School Board of Orange County Florida
Applicant:	Marchena and Graham, P.A.
Acres:	66.40
Usage:	School 329,094 Sq. ft.
Water:	Orange County
Sewer:	Orange County
Parcel ID#:	14-23-27-0000-00-013
Location:	East of Ficquette Road / North of Winter Garden Vineland Road



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DP-13-06-153- DISTRICT 4

**FLORIDA MALL PD / FLORIDA MALL TOWN CENTER
ADDITION/MODIFICATION - AMERICAN GIRL & ZARA ADDITION DP**

Developer: Simon Property Group
Applicant: VHB
Acres: 1.40
Usage: Commercial 44,214 Sq. ft.
Water: OUC
Sewer: Orange County
Parcel ID#: 34-23-29-8610-00-060
Location: East of South Orange Blossom Trail
/ South of Sand Lake Road

9:45

DP-13-06-151- DISTRICT 5

**THE SHOPPES OF UNION PARK PD / SHOPPES OF UNION PARK MASS
GRADING DP**

Developer: Landmark Properties, Inc.
Applicant: Kimley-Horn and Associates, Inc.
Acres: 2.76
Usage: Mass Grading
Water: Orange County
Sewer: Orange County
Parcel ID#: 16-22-31-0000-00-047,
16-22-31-0000-00-046
Location: North of East Colonial Drive / East
of Rouse Road



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**DP-13-06-148- DISTRICT 4
YATES PD / PARCEL 2 / TRACT P-1 PHASE 1B CLUBHOUSE DP**

Developer: Beazer Homes
Applicant: Poulos & Bennett, LLC
Acres: 1.54
Usage: Clubhouse 1,941 Square Feet
Water: OUC
Sewer: Orange County
Parcel ID#: 20-24-30-0000-00-005
Location: East of Boggy Creek Road / South of Wetherbee Road

10:15

**LUP-13-06-147- DISTRICT 1
ZANZIBAR PROPERTY LAND USE PLAN**

Developer: Zanzibar Properties LLC
Applicant: Miller Legg
Acres: 254.325
Usage: 485 Single-family units
Water: Orange County
Sewer: Orange County
Parcel ID#: 31-23-27-0000-00-004
Location: North of Old YMCA Road / West of Western Beltway



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PSP-13-06-166- DISTRICT 1
WINDERMERE LANDING PD / WINDERMERE LANDING PSP

Developer: Meritage Homes of Florida, Inc.
Applicant: VHB
Acres: 39.3
Usage: 100 single-family units
Water: Orange County
Sewer: Orange County
Parcel ID#: 30-23-28-0000-00-011
Location: South of Chase Road / East of CR
535

11:00

DP-13-06-168- DISTRICT 1
WEST LAKE HANCOCK ESTATES PD / WEST LAKE HANCOCK ESTATES
/ THE AMENITY CENTER AT LAKE HANCOCK ESTATES DP

Developer: Taylor Morrison of Florida, Inc.
Applicant: Evans Engineering, Inc.
Acres: 3.96
Usage: Guesthouse 3,867 sq. ft. Pavilion
1,584 sq. ft.
Water: Orange County
Sewer: Orange County
Parcel ID#: 28-23-27-0000-00-001
Location: North of Porter Road / West of Lake
Hancock



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PROJECTS PREVIOUSLY REVIEWED

1:00

CDR-13-06-163- DISTRICT 1

Village F Master PD

Applicant: Dewberry / Bowyer-Singleton
Parcel ID#: 33-23-27-0000-00-006,
05-24-27-0000-00-001,
08-24-27-0000-00-013,
33-23-27-0000-00-017,
33-23-27-0000-00-018
Sponsoring Division: Planning
Request: Request to modify the land use plan to
Parcels N-21, N-22, N-23A, N-23B, N-24,
N-25A, N-25B, N-26A, N-26, S-1 & S-2
only.

CDR-13-06-164- DISTRICT 3

Econ Landing PD

Applicant: Daly Design Group
Parcel ID#: 06-23-31-0000-00-048,
06-23-31-0000-00-015
Sponsoring Division: Planning
Request: Request to allow townhomes in lieu of
multi-family.

CDR-13-07-178- DISTRICT 3

Chickasaw Oaks Phase 4 PSP

Applicant: Mr. Mark Kinchla
Parcel ID#: 13-23-30-0000-00-023
Sponsoring Division: Development Engineering Division
Request: Request to allow a driveway and utility
access thru the attached 30' ingress /
egress easement.



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CDR-13-07-179- DISTRICT 1

VOA Nerbonne PD

Applicant: Kimley-Horn and Associates, Inc.
Parcel ID#: 23-24-28-5844-00-060,
23-24-28-5844-00-570,
23-24-28-2901-01-001,
23-24-28-5844-00-571,
23-24-28-5844-00-090,
23-24-28-2901-08-001
Sponsoring Division: Planning
Request: Request to add Multi-Family use.

PSP-13-03-061- DISTRICT 6

**UNIVERSAL BOULEVARD PD (A.K.A. U.S.I. SOUTH CAMPUS PD) / OEP
EAST PARCEL PRELIMINARY SUBDIVISION PLAN**

Applicant: Kimley-Horn and Associates, Inc.
Parcel ID#: 06-24-29-0000-00-022,
06-24-29-0000-00-023,
06-24-29-0000-00-030
Sponsoring Division: EPD
Request: Request to modify a condition of approval.

DP-13-04-088- DISTRICT 6

**UNIVERSAL BOULEVARD PD / OEP - EAST PARCEL / THE COURTNEY
AT UNIVERSAL BOULEVARD DP**

Applicant: Kimley-Horn and Associates, Inc.
Parcel ID#: 06-24-29-0000-00-022,
06-24-29-0000-00-023,
06-24-29-0000-00-030
Sponsoring Division: EPD
Request: Request to modify a condition of approval.



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CDR-13-07-182- DISTRICT 1

Orangewood Neighborhood-2 PD (Parcel 11)

Applicant: VHB
Parcel ID#: 18-24-29-0000-00-003,
13-24-28-1877-00-001,
24-24-28-0000-00-031,
13-24-28-7781-99-999
Sponsoring Division: Planning
Request: Request to convert Parcel 11, golf course to allow a mix of residential, tourist commercial, hotel, office and timeshare consistent with the FLUM.

2:00

CDR-13-04-106- DISTRICT 1

ORANGEWOOD PD (WAWA)

Applicant: KIMLEY-HORN ASSOCIATES
Parcel ID#: 13-24-28-6283-00-061,
13-24-28-6283-00-063
Sponsoring Division: DRC Chairman
Request: Discussion on Master Sign Plan

PSP-13-04-087- DISTRICT 1

**LAKE REAMS NEIGHBORHOOD CENTER PD / PEACHTREE ESTATES
(PARCEL 18) PSP**

Applicant: G L SUMMITT ENGINEERING, INC.
Parcel ID#: 35-23-27-5432-00-001
Sponsoring Division: DRC Office
Request: Continued from May 8, 2013 DRC meeting in order for the substantial change to the PD obtain approval from BCC (July 16, 2013).



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CDR-13-07-184- DISTRICT 1

Parkside PD / Tract 1 PSP

Applicant: VHB
Parcel ID#: 10-24-28-0000-00-048,
10-24-28-0000-00-050,
10-24-28-0000-00-051,
10-24-28-0000-00-049
Sponsoring Division: Development Engineering
Request: Request to establish the setbacks for the
recreation site development plan.

CDR-13-07-185- DISTRICT 3

SOCARRAS PD / PALM CASUAL DP

Applicant: PALM CASUAL FURNITURE
PRODUCTS INC
Parcel ID#: 22-22-31-8469-00-040,
22-22-31-8469-00-030
Sponsoring Division: Development Engineering
Request: Request to modify DRC Condition of
Approval #8, which states, "Prior to
issuance of any vertical building permits,
the plat shall be approved on the BCC
Consent Agenda".



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DISCUSSION ITEMS

PRI-13-07-177- DISTRICT 3

Yucatan Cove PSP

Applicant: Excel Engineering Consultants, LLC
Parcel ID#: 27-22-30-0000-00-110,
27-22-30-0000-00-120,
27-22-30-0000-00-119
Sponsoring Division: Development Engineering
Request: Request discussion to determine if there are any changes that would impact the development of the property as previously approved.

DISC-13-07-011- DISTRICT 2

Sweetwater Golf & Country Club PD / Golf Villas Ventia del Mar PSP

Applicant: CPH Engineers
Parcel ID#: 36-20-28-8466-00-004
Sponsoring Division: Development Engineering
Request: Request a 1-year extension to the PSP

DISC-13-07-012- DISTRICT 2

Sweetwater Golf & Country Club PD / Golf Villas Venetian del Mar / Parcel 3 DP

Applicant: CPH Engineers
Parcel ID#: 36-20-28-8466-00-004,
36-20-28-8466-00-005
Sponsoring Division: Development Engineering
Request: Request a 1-year extension to the DP.



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PRI-13-07-186- DISTRICT 5

Dean Road II Property

Applicant:	Suntec Builders
Parcel ID#:	17-22-31-0000-00-019
Sponsoring Division:	DRC Office
Request:	Pre-application meeting to discuss a rezoning to R-2 for multi unit residential.

Note: Additions, deletions and time changes may occur prior to the meeting.

Appeals of DRC Decisions: Pursuant to Section 34-29, any person aggrieved by a decision of DRC relative to Chapter 34 of the Orange County Code (“Subdivision Regulations”) may appeal such decision to the Board of County Commissioners by submitting a letter to the chairman of DRC within 30 days after DRC’s approval of the minutes memorializing such decision.

Pursuant to Section 38-1203 (3)d., any person aggrieved by the decision of the DRC to approve or deny a development plan for a Planned Development (PD) may appeal such decision by filing a notice of appeal with (submitting a letter to) the chairman of the DRC within 15 days after DRC’s approval of the minutes memorializing the approval of the Development Plan on the DRC Consent Agenda.

Notice to the Public: Please note that DRC meetings are not public hearings. However, DRC is a “Sunshine” committee, and, as such, DRC meetings are open to the public, and minutes are taken and kept as part of the public record.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than 2 business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5500.



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DATE: 24-JUL-2013
PLAN NUMBER: DP-13-05-123
PLAN NAME: West Orange Relief High School Special Exception Site Plan
COMMISSION DISTRICT: 1

1. PROJECT ANALYSIS

- A. Location: East of Ficquette Road / North of Winter Garden Vineland Road
- B. Parcel ID: 14-23-27-0000-00-013
- C. Total Acres: 66.40
- D. Water Supply: Orange County
- E. Sewer System: Orange County
- F. Schools: N/A
- G. School Pop: N/A
- H. Parks: N/A
- I. Proposed Uses: School 329,094 Sq. ft.
- J. Site Data: Max Bldg. Ht.: 50'
Bldg. Setbacks:
50' Rear
10' Side
35' Front from property line
55' from centerline for structures
50' from centerline for parking areas
- K. Fire Station: 34 - 4000 Winter Garden Vineland Road

2. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Rural Settlement 1/1 (RS 1/1). The plan is inconsistent with the Comprehensive Plan, specifically objective FLU6.2, policy FLU6.2.5, policy 6.2.12 (in part), objective FLU8.2 and policy FLU8.2.1.

3. ZONING:

R-CE; The CP Future Land Use is Rural Settlement 1/1. Per Section 38-1751 (1), a high school requires a Special Exception. The Special Exception is scheduled for the September 6, 2013 BZA. Therefore, the applicant is on notice that the plan must meet final approval by the date of notice (August 13, 2013). Per Section 38-78, "The zoning manager shall have the authority and discretion to require an application for a special exception or a variance to be reviewed by the development review committee prior to review by the BZA to properly assess and address its impacts and to make a recommendation and recommend conditions (if any). In making such a determination, the zoning manager shall consider relevant factors, including the size of the project, land use intensity, land use density, traffic impacts, and school impacts".



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On September 18, 2008, the Planning and Zoning Commission (P&ZC) made a finding of inconsistency with the Comprehensive Policy Plan (CPP), and that the zoning is incompatible with the surrounding area citing 2008 CP FLU policies 2.1.8 and 3.2.25, "P&ZC stated that the proposed school is neither consistent with the Comprehensive Policy Plan nor compatible with the development pattern of the surrounding area. They further noted that it is an institutional use that would serve a student population beyond the boundaries of the West Windermere Rural Settlement and would likely serve as the catalyst for additional residential and commercial development, thus negatively affecting the Rural Settlement". On November 11, 2008 and January 27, 2009, the BCC, upon the OCSB request, continued this item until January 27, 2009 and March 24, 2009. The Orange County School Board withdrew the rezoning request on February 24, 2009.

4. COMMENTS:

- 1. Revised Plan

The required setback for RCE are as follows: Front (Winter Garden Road (major collector)) = 35' from property line or 55' from centerline for structures and 50' from centerline for parking areas, Side = 10', and rear = 50'. Note these setbacks on the plan (both required and proposed). Additionally, depict the centerline setback and demonstrate that the buildings/parking is meeting the centerline setbacks.(Z)
- 2. Revised Plan

Provide a photometric plan, landscape plan and architectural elevations.(P)
- 3. Revised Plan

Conservation Area Permits - Wetlands are present on site. Provide Elizabeth Johnson, Environmental Programs Administrator of the Orange County Environmental Protection Division (EPD), a copy of the documents being submitted to either the Water Management District or Florida Department of Environmental Protection as part of the Environmental Resource Permitting process.(EPD)
- 4. Revised Plan

Vicinity Map - add a vicinity map to indicator local water bodies and other natural features. Chapter 38 Zoning, Article VIII P-D Planned Development District, Division 1 Generally, Section 38-1206 Development Plan.(EPD)
- 5. Revised Plan

Vegetation - The plan shall clearly indicate the generalized vegetation based upon the Florida Land Use, Cover and Forms Classification System (FLUCFCS) or the Natural Community Types as developed by the Florida Natural Areas Inventory. Reference Orange County Code 38-1205(2) for LUP or 38-1206(6)m for DP.(EPD)



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6. Revised Plan Contact Mark Dreibelbis of the Orange County Zoning Division at (407) 836-2803 with any questions pertaining to Ch. 24 Landscape requirements or Ch. 15 Tree Survey/Mitigation Plan requirements.
- Landscape Review:
- Revised plan: Per Sec 38-1755: A continuous 30" in height hedge shall be planted in the 7' wide landscape buffer between interior vehicular use areas and the R-O-W.
- Tree Survey:
- Information - No tree survey is required: the existing orange grove(Z)
-
7. Revised Plan Topography - The plan shall clearly indicate the existing topography at one-foot contours based upon the county datum. Reference Orange County Code 38-1205(2) for LUP or 38-1206(6)a for DP.(EPD)
-
8. Revised Plan Soils Onsite - The plan shall clearly indicate on-site soil types and soil contours based upon the USDA Soil Conservation Service classification system. Reference Orange County Code 38-1205(2) for LUP or 38-1206(6) 1 for DP. (EPD)
-
9. Revised Plan Soils Report - This property may be the location of petroleum spills, agricultural related contamination, and fertilizer, pesticide or herbicide spillage. If an Environmental Site Assessment (ESA) has been conducted on this site, then provide a copy to the Orange County Environmental Protection Division, Attention: John Geiger. If the site is determined to have soil or groundwater contamination, then the applicant must provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels.(EPD)
-
10. Revised Plan A traffic operational analysis is required for the circulation and stacking at the drop-off/pick-up location.(TP)



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11. Revised Plan A summary of all changes shall be provided on a comment response letter with the revised plans.(P)
12. Disc/Revised Plan The maximum building height per Section 38-1755 (2) (c) "Thirty-five (35) feet for high school buildings within one hundred (100) feet of residential zoned property, and fifty (50) feet for all other buildings in high schools excluding auditorium stage fly lofts". Buildings 4-6 are exceeding the maximum allowed building height. If 56' is proposed a variance will need to be advertised.(Z)
13. Discussion Request discussion regarding projected traffic counts on C.R. 535 and any traffic counts conducted to date. Discuss the need for a traffic signal.(DE)
14. Discussion Request discussion regarding on-site traffic movements and on-site traffic storage.(DE)
15. Discussion Zoning's position is that submitting a Special Exception Application instead of going through the rezoning process doesn't make this site any more consistent with the CP FLU or compatible with the surrounding area. Subject to Section 38-43 and Section 30-43 of this code, in reviewing any request for a special exception, the following criteria have not been met as required by Section 38-78 (1)-(3) and (5) (based upon P &ZC denial on September 18, 2008):
1. (1)-The use shall be consistent with the comprehensive policy plan;
 2. (2)-The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development;
 3. (3)-The use shall not act as a detrimental intrusion into a surrounding area;
 4. (5)- The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.(Z)



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16. Information

This application proposes a 329,094 square foot high school for 2,776 students (plus future expansion area), and outdoor areas that consist of: softball field, baseball field, practice field, basketball courts, tennis courts, track and field, and band practice area. The hours of operation are proposed to be Monday-Sunday 7 a.m. till 10 p.m.(Z)

17. Information

The plan is inconsistent with the Comprehensive Plan, specifically objective FLU6.2, policy FLU6.2.5, policy 6.2.12 (in part), objective FLU8.2 and policy FLU8.2.1.

Objective FLU6.2 - RURAL SETTLEMENTS. Rural Settlements provide for rural residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the CP was adopted in 1991. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the Rural Service Area, while providing for rural communities.

The subject property is located within the West Windermere Rural Settlement and has a Future Land Use Map (FLUM) designation of Rural Settlement 1/1 (R/S 1/1). Per Objective FLU6.2, Rural Settlements are intended to provide for a rural residential lifestyle. The externalities associated with a high school, including but not limited to noise, light and traffic are inconsistent with a rural residential lifestyle.

Policy FLU6.2.5 - The permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculations shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C).

Although the character surrounding the West Windermere Rural Settlement is more urban in nature, the intensity of the proposed high school use is inconsistent with large-lot residential character within the exiting Rural Settlement boundary.



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Policy FLU6.2.12 (in part) - Any proposed use within a Rural Settlement intended for the new construction of a structure(s) with a Gross Buildable Area of 50,000 SF (on a cumulative basis) or more or projected to have a weekly trip rate of 10,000 total trips may be considered inappropriate for a Rural Settlement if the following conditions exist:

- The proposed use is located in a Rural Settlement that has maintained a rural and historic character, consistent with the intent of Rural Settlements.
- It is determined that the proposed use(s) by size, massing and traffic, will unduly impact the historic and rural character of the Rural Settlement;
- The use, as determined by a market study, is primarily intended for those whose daily life activities do not occur within the Rural Settlement.
- It is not demonstrated that other potential sites were evaluated as being suitable.

The proposed (348,066 square foot) high school will exceed 50,000 square feet of gross buildable area. The high school will most likely serve residential areas well beyond the boundaries of the existing West Windermere Rural Settlement.(P)

18. Information

CP Information Comment Continued:

Objective FLU8.2 COMPATIBILITY. Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses.

The proposed high school is directly adjacent to large single family lots to the east. Per Objective FLU8.2, compatibility is the fundamental consideration in all land use and zoning decisions. The proposed use would be incompatible with adjacent large-lot single family residential properties to the east and west (Lake Cawood Estates).



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Policy FLU8.2.1 - Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

The proposed high school is incompatible with the adjacent large-lot single-family residential properties to the east and west (Lake Cawood Estates).(P)

- 19. Information The property's Future Land Use Map (FLUM) designation is Rural Settlement 1/1 (RS 1/1) and the property's zoning designation is R-CE (Country Estate District). The property is located within the West Windermere Rural Settlement.(P)

- 20. Information The project is located within District #1. The applicant is proposing a special exception to permit a 329,094 square foot relief high school and associated infrastructure on 66.4 gross acres. (P)

- 21. Information Irrigation Wells - Two irrigation wells are present on site. Any existing wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) and the appropriate Water Management District. (EPD)

- 22. Information Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping. (EPD)

- 23. Information Wildlife - If any species listed by State or Federal wildlife agencies as Threatened, Endangered, or of Special Concern are present on the property, then submit copies of all applicable permits and/or correspondence from the appropriate agencies to the Orange County EPD.(EPD)



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24. Information The one parcel ID number, 14-23-27-0000-00-013, listed on Sheet C100 is correct.(DE)
25. Information Left turn lanes into the project will be required at both access driveways.(DE)
26. Information The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.(UD)
27. Information There are no wastewater mains located directly adjacent to this site. Approximately one-half mile of wastewater main extension will be required.(UD)
28. Information This PD is within the recommended response distance of 2.5 miles in the Fire Rescue Element of the Orange County Comprehensive Plan as it is located 1.30 miles to Station 34 - 4000 Winter Garden Vineland Road. (FR)
29. Information The plans submitted and reviewed by the Office of the Fire Marshal does not provide enough information for a complete review regarding fire department requirements.(FR)
30. Information During construction, when combustibles are brought on to the site, access roads and a suitable temporary or permanent supply of water acceptable to the fire department shall be provided and maintained Chapter 16, NFPA 1 2009 Edition (FFPC 2010 Edition).(FR)
31. Information Plan dated received June 28, 2013 is approved.(PK)
32. Information No right-of-way is required for Winter Garden Vineland Road from this project.(PWE)



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- 33. Information Due to the dual left turns at northernmost access signal plans shall be required for parent drop-off loop access at construction phase(TE)

- 34. Information There are no failing roadways within the project influence area.(TP)

- 35. Information/Cond In 2008 the DRC had processed a proposed Land Use Plan to rezone this property (68.39 acres) to PD for a High School use with the following Conditions of Approval; 1. Sports lighting of the stadium shall be prohibited; 2. A six-foot masonry wall shall be required along the east and north property lines, except along the conservation area. (Z)

RECOMMENDATION:

The recommendation shall be determined. In the event the DRC recommends approval of this project, the following Conditions of Approval shall apply:

- 1. Development shall conform to the West Orange Relief High School Special Exception Site Plan dated "Received * ", and to the following conditions of approval. 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 and 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 site plan and the actual site plan dated "Received * ", the condition of approval shall control to the extent of such conflict or inconsistency.

* DATE OF APPROVED PLAN TO BE DETERMINED UPON APPROVAL OF A REVISED PLAN

- 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 at the public hearing where this development was approved, 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. 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 or approved.



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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. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
5. Prior to earthwork or construction, 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.
6. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5.
7. A six-foot masonry wall shall be required along the east and north property lines, except along the conservation area.
8. Sports lighting of the stadium shall be prohibited
9. Neither potable wells nor irrigation wells using local groundwater will be allowed on site.
10. The Orange County Public Schools recognizes the prior use of this property as a citrus grove.

CONCLUSION:

After review/discussion of the above listed findings, the following action was taken:



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DATE: 24-JUL-2013
PLAN NUMBER: DP-13-06-153
PLAN NAME: Florida Mall PD / Florida Mall Town Center Addition/Modification - American Girl & ZARA Addition DP

COMMISSION DISTRICT: 4

1. PROJECT ANALYSIS

- A. Location: East of South Orange Blossom Trail / South of Sand Lake Road
- B. Parcel ID: 34-23-29-8610-00-060
- C. Total Acres: 1.40
- D. Water Supply: OUC
- E. Sewer System: Orange County
- F. Schools: N/A
- G. School Pop: N/A
- H. Parks: N/A
- I. Proposed Uses: Commercial 44,214 Sq. ft.
- J. Site Data: Max Bldg. Ht.: 150'
Bldg. Setbacks:
40' South OBT
40' Sand Lake Road
30' Florida Mall Avenue
25' other public roads
0' interior property lines
25' PD perimeter
- K. Fire Station: 53 - 1270 W. La Quinta Drive

2. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Commercial (C) also consistent with Florida Mall PD LUP. The request is consistent with the Comprehensive Plan.

3. ZONING:

PD (1975)

4. COMMENTS:



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1. Revised Plan A summary of all changes shall be provided on a comment response letter with the revised plans.(P)

2. Revised Plan Contact Mark Stevenson of the Orange County Zoning Division at (407) 836-2818 with any questions pertaining to Ch. 24 Landscape requirements or Ch. 15 Tree Survey/Mitigation plan requirements for plans dated received 04/29/2013.

Chapter 15, Arbor Ordinance Comments:

Information - Plan provides compliance.

Chapter 24, Landscaping, Buffering and Open Space:

Revised Plan - Please provide compliance with Section 24-4(d) Building perimeter for both building primary facades. Show building entrances on the landscape plans for both buildings. (Z)

3. Revised Plan Soils Onsite - Soil type 3 (Basinger fine sand) in sheet C201 Existing Conditions Soils Map is incorrect. Replace it with 37 (St. Johns fine sand).(EPD)

4. Revised Plan Remove wastewater demands from Sheet C300.(UD)

5. Revised Plan Replace Sheet EL-1 (elevations) with the set that was provided as a separate document.(P)

6. Revised Plan Per Sec. 9-649(b)(1), the maximum height for parking lot light fixtures shall be thirty (30) feet. The maximum height within the nonvehicular pedestrian area shall be fifteen (15) feet. (P)

7. Revised Plan Indicate what the existing square footage of the mall is on the plan and what the proposed square footage will be with the expansion. (Z)



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8. Revised Plan Refer to Sheet C400: Remove proposed construction details (i.e. main diameters, material, invert elevations, easement dimensions).(UD)
9. Disc/Revised Plan Is new lighting proposed with this plan, or do the fixtures exist on site? If new lighting is proposed, provide manufacturer's lighting cut sheets for each proposed fixture. Ensure that fixtures are consistent with Sec. 9-649. If new lighting is proposed, provide photometric calculations for the areas surrounding each of the new fixtures, including the proposed fixtures on the north side of the site.(P)
10. Disc/Revised Plan Why has the required building base landscaping been omitted on the Zara property?(P)
11. Disc/Revised Plan The proposed expansion is proposed within an existing green space area. The existing open space shown as 27%, does that account for the proposed expansion area?(Z)
12. Discussion Sand Lake Road (Florida Mall): The Florida Mall DRI Transportation Proportionate Share Development Agreement between Orange County and Florida Mall Associates, Ltd. was approved by the BCC on June 19, 2001 and recorded at OR Book/Page 6301/4303.. Under the terms of the agreement as part of the Development Order for the Florida Mall DRI the Developer agrees to pay a proportionate share payment of \$882,943.00. However since the cost of constructing the improvement is much higher, Orange County agrees to reimburse the Developer, Florida Mall Associates, Ltd., for the design and construction cost exceeding the fair share payment amount. Developer will undertake the construction pursuant to a Construction Agreement with FDOT in which construction will commence within one year of the effective date of the Development Agreement and be completed within twenty-four (24) months after commencement. The proportionate share payment amount shall be held in escrow or letter of credit to be available for road construction costs. It is contemplated that FDOT will reimburse Orange County for the road improvement costs exceeding the proportionate share payment amount. If the actual cost of building the road improvement exceeds \$3,250,000 then the proportionate Share amount can be revised upwards, but in no event may it exceed \$1,310,000. Sand Lake Road (Florida Mall): FDOT approved a Joinder and Agreement to Accept Proportionate Share Agreement on 6/19/2001 ratifying the terms of the Florida Mall DRI Transportation Proportionate Fair Share Development Agreement between Orange County and Florida Mall Associates, Ltd. Approved by the BCC on June 19, 2001.



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This Joinder Agreement was not recorded. Sand Lake Road (Florida Mall):

A Joint Participation Agreement between the State of Florida Department of Transportation and Orange County was approved by the BCC on June 18, 2002 and was not recorded. Under the terms of the Joint Participation Agreement FDOT agrees to reimburse Orange County a sum of \$710,000 for construction work performed on the Sand Lake Road Improvement Project. FDOT agrees to reimburse Orange County up to a maximum of \$710,000.00 based on actual amounts expended by Orange County for completion of the construction which must be performed to FDOT standards. In addition, Orange County agrees to install automatic railroad grade crossing traffic control devices at the State Road 482/Sand Lake Road Crossing. In the event that the improvement project is not completed then FDOT will only reimburse Orange County for those amounts incurred for actual work performed based on invoices provided. Sand Lake Road (Florida Mall): A Locally Funded Reimbursement Agreement between the State of Florida, Department of Transportation and Orange County was approved by the BCC on 6/15/2004 and was not recorded. Under the terms of the agreement FDOT has allocated \$2,500,000 in its FY 2008/2009 budget for reimbursement to Orange County for expenditures associated with improvements to Sand Lake Road in the area of the Florida Mall. The County is to advance funding and then be reimbursed by FDOT for expenditures made. Construction of Sand Lake Road (State Road 482) from the East End of the bridge over Florida's Turnpike to Orange Blossom Trail (US 441/State Road 500) widening the road from four lanes to six lanes known as the Sand Lake Road Improvement project is contemplated. This agreement incorporates the terms of several prior agreements including the Joint Participation Agreement Between the State of Florida Department of Transportation and Orange County approved by the BCC on June 18, 2002 and the Florida Mall DRI Transportation Proportionate Share Development Agreement between Orange County and Florida Mall Associates, Ltd. approved by the BCC on June 19, 2001 and a Construction Permit Agreement between FDOT and Orange County to allow construction work for the Sand Lake Road Improvement Project to be performed by the Developer, Fl(TP)

- 13. Information Full fire review to be conducted at submittal of new building plans. (FR)

- 14. Information Plan dated received June 24, 2013 is approved.(PK)

- 15. Information No right-of-way is required for Florida Mall Avenue from this project.(PWE)



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16. Information Fire hydrants shall have a clearance of 7 6 in front of and to the sides with a 4 clearance to the rear (Section 18.3.4 NFPA 1, 2009 Edition (FFPC 2010 Edition).(FR)
17. Information During construction, when combustibles are brought on to the site, access roads and a suitable temporary or permanent supply of water acceptable to the fire department shall be provided and maintained Chapter 16, NFPA 1 2009 Edition (FFPC 2010 Edition).(FR)
18. Information This PD is within the recommended response distance of 2.5 miles in the Fire Rescue Element of the Orange County Comprehensive Plan as it is located 1.03 miles to Station 53 - 1270 W. LaQuinta Drive. (FR)
19. Information The size, location and points of connection for wastewater mains shall be finalized at time of construction plan review. (UD)
20. Information The Developer shall obtain wastewater service from Orange County Utilities. (UD)
21. Information The property's Future Land Use Map (FLUM) designation is Commercial (C) and the property's zoning designation is PD (Planned Development District) (Florida Mall PD). (P)
22. Information The project is located within District #4. The applicant is proposing to construct a 44,214 square foot commercial addition to the existing Florida Mall on 1.4 acres. This project is proposed to be constructed in one (1) phase.(P)
23. Information Solid Waste - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information. (EPD)



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24. Information Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping. (EPD)
25. Information Access to the site is internal to the Florida Mall.(DE)
26. Information There are currently no failing roadways within the project area of influence.(TP)
27. Information The applicant has submitted all the required forms according to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. (DRC)
28. Information The one parcel ID number, 34-23-29-8610-00-060, listed on the coversheet is correct.(DE)
29. Information/Cond This project is within the boundary of the DRI and is required to meet the terms and conditions of the Development Order. A valid copy of the Vested Rights Certificate (CVRC#06-029) will be required prior to approval of building permits.(TP)
30. Information/Cond This project will increase the impervious area of the Florida Mall. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master stormwater plan for this Planned Development.(DE)



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RECOMMENDATION:

The recommendation shall be determined. In the event the DRC recommends approval of this project, the following Conditions of Approval shall apply:

1. Development shall conform to the Florida Mall Planned Development; Orange County Board of County Commissioners (BCC) approvals; Florida Mall Town Center Addition Preliminary Subdivision Plan; BCC approvals; Modification - American Girl & Zara Addition Development Plan dated "Received *;" and to the following conditions of approval. 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 and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

* DATE OF APPROVED PLAN TO BE DETERMINED UPON APPROVAL OF A REVISED PLAN

2. 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.
3. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master stormwater plan for this Planned Development.
4. 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 certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development 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.
5. Prior to earthwork or construction, 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.
6. Outdoor sales, storage and display shall be prohibited.



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CONCLUSION:

After review/discussion of the above listed findings, the following action was taken:



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DATE: 24-JUL-2013
PLAN NUMBER: DP-13-06-151
PLAN NAME: The Shoppes of Union Park PD / Shoppes of Union Park Mass Grading DP
COMMISSION DISTRICT: 5

1. PROJECT ANALYSIS

- A. Location: North of East Colonial Drive / East of Rouse Road
- B. Parcel ID: 16-22-31-0000-00-047, 16-22-31-0000-00-046
- C. Total Acres: 2.76
- D. Water Supply: Orange County
- E. Sewer System: Orange County
- F. Schools: N/A
- G. School Pop: N/A
- H. Parks: N/A
- I. Proposed Uses: Mass Grading
- J. Site Data: N/A
- K. Fire Station: 83 - 11950 Lake Underhill Road

2. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Planned Development - Commercial (PD-C) and Commercial (C). The request is consistent with the Comprehensive Plan.

3. ZONING:

PD

4. COMMENTS:

- 1. Revised Plan Contact Mark Dreibelbis of the Orange County Zoning Division at (407) 836-2803 with any questions pertaining to Ch. 24 Landscape Requirements or Ch. 15 Tree Survey/Mitigation plan requirements.



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Tree Survey Review:

Revised Plan - Reviewer cannot verify inches removed, or saved - provide a clear representation of existing tree inches, tree inches removed and tree inches saved. Follow DRC Plan Review, Tree Ordinance and Landscape Requirements comments: B, M and V to complete the tree survey.(Z)

2. Revised Plan

Add a note stating that if the contractor is going to discharge groundwater from dewatering operations into the County's MS-4 system, they shall obtain an FDEP permit for Discharge of Produced Groundwater from Non-contaminated Sites. Copies of the permit NOI and required test results shall be submitted to Dan Homblette, Orange County Environmental Protection Division (407-836-1490) and Orange County Public Works Development Engineering Permitting Section. A Right-of-way Utilization permit for dewatering may also be required.(DE)

3. Revised Plan

Waste Disposal - Add a note: Any waste material found on site during clearing and grading shall be properly disposed of according to the solid waste and hazardous waste regulations.(EPD)

4. Revised Plan

Provide a dust abatement plan including a 6-foot high screen fence along the west property line. (DE)

5. Revised Plan

Site Stabilization - Modify sheet MG1.0 Storm Drainage System note 5 to also reference that stabilization shall comply with the State of Florida NPDES permit requirements and the State Best Management Practices.(EPD)

6. Revised Plan

A summary of all changes shall be provided on a comment response letter with the revised plans.(P)

7. Revised Plan

Conservation Encroachment - The County Environmental Protection Division will not approve this plan until document is provided for the conservation area impacts. Contact Mr. Neal Thomas 407-836-1451.(EPD)



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8. Revised Plan Provide berms and/or swales to capture stormwater runoff from the slopes along the property lines and contain it on site. Show the berms and/or swales on the cross sections.(DE)
9. Disc/Revised Plan Are you placing fill within the existing 100 year flood plain? If so, provide compensating storage.(DE)
10. Disc/Revised Plan Are there any wetlands / conservation areas on the site? If so, show the wetland / conservation areas delineations on the plans. Provide copy of the approved CAD from Orange County EPD.(DE)
11. Information The property's Future Land Use Map (FLUM) designation is Planned Development - Commercial (PD-C) and Commercial (C). The property's zoning designation is PD (Planned Development District) (Shoppes of Union Park PD).(P)
12. Information The project is located within District #5. The applicant is proposing to mass grade the 2.76 acre subject property.(P)
13. Information Erosion Prevention - Open drainage facilities shall be protected from erosion as indicated in Orange County Code Chapter 34, Article VII Stormwater Management, Division 2 General Design Criteria, Section 34-250 Open Drainage Facilities, 34-250(g) Erosion Protection.(EPD)
14. Information Wildlife - If any species listed by State or Federal wildlife agencies as Threatened, Endangered, or of Special Concern are present on the property, then prior to any earthwork or construction plan approval, submit copies of all applicable permits and/or correspondence from the appropriate agencies to the Orange County EPD.(EPD)
15. Information Econ River Ordinance - This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply. Reference Chapter 15 Article XI. (EPD)



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16. Information Conservation Area Permits - There is a small Class III wetland on site. Orange County Conservation Area Determination CAD-12-02-003 and Impact Permit CAI-12-10-021 were completed for the Retreat at Orlando that also included the area within the boundaries of this PD. This plan shall comply with all related permit conditions of approval, including but not limited to mitigation area preservation, enhancement and monitoring, and recording of the conservation easement.(EPD)
17. Information No agreements relating to this project/parcel.(TP)
18. Information The applicant has submitted all the required forms according to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. (DRC)
19. Information The two parcel ID numbers, 16-22-31-0000-00-046 and -047, listed on the coversheet are correct.(DE)
20. Information No right-of-way is required for E. Colonial Drive (S.R. 50) from this project.(PWE)
21. Information Plan dated received June 28, 2013 is approved.(PK)
22. Information At the time of site development, the Developer shall obtain water and wastewater service from Orange County Utilities.(UD)
23. Information This PD is not within the recommended response distance of 2.5 miles in the Fire Rescue Element of the Orange County Comprehensive Plan as it is located 2.70 miles to Station 83 - 11950 Lake Underhill Road. (FR)
24. Information The plans submitted and reviewed by the Office of the Fire Marshal does not provide enough information for a complete review regarding fire department requirements.(FR)



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25. Information During construction, when combustibles are brought on to the site, access roads and a suitable temporary or permanent supply of water acceptable to the fire department shall be provided and maintained Chapter 16, NFPA 1 2009 Edition (FFPC 2010 Edition).(FR)
26. Information/Cond There is currently one failing roadway segment within the project area of influence. Alafaya Trail from Colonial Drive to Lake Underhill Road. A valid Capacity Encumbrance letter shall be obtained prior to building permit approval.(TP)
27. Information/Cond 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 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.(DE)
28. Information/Cond Prior to the start of mass grading site work, a letter of credit or cash escrow shall be submitted to the County to guarantee the required site stabilization and maintenance of all disturbed areas. Submit an Engineer's cost estimate to establish and maintain a dense stand of grass over the minimum 70% coverage of the disturbed land area.(DE)

RECOMMENDATION:

The recommendation shall be determined. In the event the DRC recommends approval of this project, the following Conditions of Approval shall apply:



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1. Development shall conform to the Shoppes of Union Park Planned Development; Orange County Board of County Commissioners (BCC) approvals; Shoppes of Union Park Mass Grading Development Plan dated "Received *;" and to the following conditions of approval. 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 and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

* DATE OF APPROVED PLAN TO BE DETERMINED UPON APPROVAL OF A REVISED PLAN

2. 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.
3. 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 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.
4. Prior to the start of mass grading site work, a letter of credit or cash escrow shall be submitted to the County to guarantee the required site stabilization and maintenance of all disturbed areas. Submit an Engineer's cost estimate to establish and maintain a dense stand of grass over the minimum 70% coverage of the disturbed land area.
5. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal. Nothing in this condition and nothing in the decision to approve this development 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
6. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.



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7. Prior to earthwork or construction, 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.

CONCLUSION:

After review/discussion of the above listed findings, the following action was taken:



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DATE: 24-JUL-2013
PLAN NUMBER: DP-13-06-148
PLAN NAME: YATES PD / PARCEL 2 / TRACT P-1 PHASE 1B CLUBHOUSE DP
COMMISSION DISTRICT: 4

1. PROJECT ANALYSIS

- A. Location: East of Boggy Creek Road / South of Wetherbee Road
- B. Parcel ID: 20-24-30-0000-00-005
- C. Total Acres: 1.54
- D. Water Supply: OUC
- E. Sewer System: Orange County
- F. Schools: N/A
- G. School Pop: N/A
- H. Parks: N/A
- I. Proposed Uses: Clubhouse 1,941 Square Feet
- J. Site Data: Max Bldg Ht: 35' (1-Story)
Bldg Setbacks:
20' Front
5' Side
20' Rear
- K. Fire Station: 55 - 801 Greenway Professional Court

2. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Low Medium Density Residential (LMDR). The request is consistent with the Comprehensive Plan. Please list all the uses for the clubhouse.

3. ZONING:

P-D

4. COMMENTS:

- 1. Revised Plan The one parcel ID number listed on the coversheet is incorrect. The correct parcel ID number is 20-24-30-0000-00-011. Please correct the coversheet and anywhere else the ID number is listed.(DE)



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2. Revised Plan Plan shall state that site will be owned and maintained by HOA/POA.(PK)

3. Revised Plan Refer to Sheet C3.00: Revise "Reclaim Water Ownership/Maintenance" from "Public" to "Private".(UD)

4. Revised Plan Contact Joanne Lavner with any questions pertaining to the Landscape Arbor review @ (407) 836-2903:

Landscape Review:

Comply with item "AA" (a) and (b) found on the DRC Tree Ordinance and Landscape Requirements Plan Review Checklist (Z)

5. Revised Plan Per Sec. 9-649, a complete photometric plan including manufacturer's cut sheets is required. Provide photometric calculations for the entire site. Ensure fixtures are consistent with Sec. 9-649.(P)

6. Revised Plan A summary of all changes shall be provided on a comment response letter with the revised plans.(P)

7. Revised Plan Typical Section - Add a typical section to indicate the transition from the development area to the wetland. Show the buffer, swale and wetland on the typical section and add a note to clarify that no grading will be performed in the buffer or wetland.(EPD)

8. Revised Plan Conservation Area Signs- On all applicable plan sheets or with an applicable note, indicate that conservation areas shall be clearly marked with permanent signs stating: "Conservation Area - No dumping, land-clearing, or other disturbance to soils or vegetation permitted beyond this point." These signs shall be located on 50-foot centers in common areas on the landward edge of the buffer (not in the buffer). Provide a typical sign showing the dimensions of the sign at 12 by 12 inches minimum and at least 24 inches above grade. (EPD)



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9. Revised Plan CAI Permit Label - The non-jurisdictional wetland W-6 associated with the Class III impact label shown on sheet C2.00 Master Site Plan is missing. Either show the wetland or remove the label.(EPD)
10. Revised Plan CAD Labels - On all applicable revised plan sheets, label the wetlands with the identification number, classification and acreage, to match the approved PSP and conservation area permits.(EPD)
11. Revised Plan Conservation Area Permits - There is a Class II wetland (W-3) adjacent on the north boundary of this project site, as shown. Add a note on sheet C3.00 Site Plan and Site Data stating that: "Orange County Conservation Area Determination (CAD) 03-032 and Impact Permit (CAIP) 03-047 were completed for the PD. This plan shall comply with all related permit conditions of approval." The impact permit is valid through November 24, 2013.(EPD)
12. Revised Plan Parcel ID - This project area appears to be located in Parcel ID 20-24-30-0000-00-011 (not in parcel 005) according to the Orange County Property Appraiser's map. This may be the result of a recent lot split.(EPD)
13. Disc/Revised Plan Is this the DP for the Tot Lot also? Or is the Tot Lot a separate phase? Revise plan per discussion. (Sheet C4.00)(DE)
14. Information The applicant has submitted all the required forms according to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. (DRC)
15. Information Wetherbee Road (Phase II): The Wetherbee Road Phase II Right-of-Way Dedication Agreement between Orange County and Sun Trust Bank, As Trustee was approved by the BCC on 1/28/2003 and recorded at OR Book/Page 6810/1756. The Agreement provides for Right-of-Way, Design and Construction of a four-lane Wetherbee Road with a grass median approximately 22-feet in width within a 100-foot Right-of-Way including five-foot sidewalks and four-foot bicycle lanes on either side and fill slope easements accommodating a 45 m/p/h/ design speed from the eastern edge of the Phase I project for an approximate distance of 8,600 linear feet to the eastern boundary of the Sun Trust Property.



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Sun Trust agrees to dedicate the Right-of-Way and drainage easements necessary at no cost to the County. This property was conveyed by deed to Orange County on February 13, 2007. Sun Trust will design and permit Phase II of Wetherbee Road. Sun Trust will receive vesting for the Wetherbee Road Network. Orange County will construct the roadway. Currently the design has been completed and the construction bid process opened. Construction on Phase II was completed in July 2009.(TP)

- 16. Information No right-of-way is required for E. Wetherbee Road from this project.(PWE)

- 17. Information The project is located within District #4. The applicant is proposing to construct a recreational amenity to include a 1,941.6 square foot clubhouse on 3.98 gross acres. This project is proposed to be constructed in one phase.(P)

- 18. Information Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping. (EPD)

- 19. Information Full fire review of club house to be conducted upon submittal of new building plans.(FR)

- 20. Information During construction, when combustibles are brought on to the site, access roads and a suitable temporary or permanent supply of water acceptable to the fire department shall be provided and maintained Chapter 16, NFPA 1 2009 Edition (FFPC 2010 Edition).(FR)

- 21. Information This PD is not within the recommended response distance of 2.5 miles in the Fire Rescue Element of the Orange County Comprehensive Plan as it is located 3.24 miles to Station 55 - 801 Greenway Professional Court. (FR)



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- 22. Information Must obtain a Pool permit from FDOH. 407-521-2630(HD)

- 23. Information The size, location and points of connection for wastewater and reclaimed water mains shall be finalized at time of construction plan review.(UD)

- 24. Information The Developer shall obtain wastewater and reclaimed water service from Orange County Utilities.(UD)

- 25. Information The property's Future Land Use Map (FLUM) designation is Low Medium Density Residential (LMDR) and the property's zoning designation is PD (Planned Development District) (Yates PD). (P)

- 26. Information Reviewed plan dated received June 28, 2013.(PK)

- 27. Information/Cond There is a failing roadway within the project influence area, However, there is a valid capacity encumbrance letter is on file for this project CEL# 12-099.(TP)

- 28. Information/Cond This clubhouse is located in the middle of Yates Parcel 2 Phase 1A-1. The construction of Phase 1A-1 shall be substantially complete prior to the CO to support access to the new clubhouse.(DE)

RECOMMENDATION:

The recommendation shall be determined. In the event the DRC recommends approval of this project, the following Conditions of Approval shall apply:



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1. Development shall conform to the Yates Planned Development; Orange County Board of County Commissioners (BCC) approvals; Parcel 2 Preliminary Subdivision Plan; BCC approvals; Tract P-1 Phase 1B Clubhouse Development Plan dated "Received *;" and to the following conditions of approval. 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 and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

* DATE OF APPROVED PLAN TO BE DETERMINED UPON APPROVAL OF A REVISED PLAN

2. 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.
3. Prior to issuance of the Certificate of Completion for this project, the offsite roadway, drainage and utility improvements in the Preliminary Subdivision Plan must be substantially complete.
4. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.
5. Prior to earthwork or construction, 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.
6. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with an approved Master Utility Plan for the PD.
7. 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 platting. Nothing in this condition, and nothing in the decision to approve this 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.



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CONCLUSION:

After review/discussion of the above listed findings, the following action was taken:



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DATE: 24-JUL-2013
PLAN NUMBER: LUP-13-06-147
PLAN NAME: Zanzibar Property Land Use Plan
COMMISSION DISTRICT: 1

1. PROJECT ANALYSIS

- A. Location: North of Old YMCA Road / West of Western Beltway
- B. Parcel ID: 31-23-27-0000-00-004
- C. Total Acres: 254.325
- D. Water Supply: Orange County
- E. Sewer System: Orange County
- F. Schools: Keene's Crossing ES Cap. 859 Enr.825
Bridgewater MS Cap. 1,176 Enr. 1,095
West Orange HS Cap. 3,272 Enr. 3,472
- G. School Pop: 182
- H. Parks: Summer Port - 7.4 miles
- I. Proposed Uses: 485 Single-family units
- J. Site Data: Estate Rural District (? units)
Max. Bldg. Ht.: 45' (3-stories)
Min. Living Area: 1,500 sq. ft.
Bldg. Setbacks:
35' front
25' for front porch
10' side
10' side street
50' rear
50' NHWE
Garden Homes Single-Family District (? - units)
Max. Bldg. Ht.: 45' (3-stories)
Min. Living Area: 1,200 sq. ft.
Bldg. Setbacks:
15' front
10' front porch
5' side
10' side street
20' rear
50' NHWE
Townhome District: (? - units)
Max. Bldg. Ht.: 55' (4-stories)
Min. Living Area: 1,000 sq. ft.



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Bldg. Setbacks:

- 15' front
- 10' front porch
- 0' side
- 7' end units
- 10' side street
- 14' rear
- 50' NHWE

K. Fire Station: 32 - 14932 E. Orange Lake Blvd.

2. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Village (V) (Horizon West Village H). The property includes Estate Rural District, Garden Home Single Family District and Townhome District SAP designations. The request is consistent with the Comprehensive Plan.

3. ZONING:

A-1; PD proposed

4. COMMENTS:

- 1. Revised Plan Plan shall state that parks, recreation areas and multiuse trails shall be owned and maintained by the HOA.(PK)

- 2. Revised Plan Revise the site data table to merge tracts 1A and 1B (acreage and units) to demonstrate consistency with density requirements (as allowed by the pending TDR ordinance). This will eliminate the need for the proposed waiver from Sec. 38-1385.6(a)(1).(P)

- 3. Revised Plan Boat Dock - Add a note: "Approval of this plan does not constitute approval of a permit for the construction of a boat dock (including boardwalks over or through wetlands and other features that impact wetlands). Any person desiring to construct a boat dock within this county (including boardwalks, bike trails or observation piers in wetlands or wetland buffer areas) shall first apply for a permit prior to installation." Application shall be made to the Orange County Environmental Protection Division. Call 407-836-1400. [Code 15-341]. (EPD)



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4. Revised Plan Change the affected development standards to be consistent with the waiver requests and add an asterisk after the development standard directing the reader to the waiver request. (Z)

5. Revised Plan Add the driveway setback requirements for each district within the Development Standards. (Z)

6. Revised Plan Depict the NHWE(s).(Z)

7. Revised Plan Trail Access - Remove all trail access arrows through wetlands as approval would require permitting. A note can be added that the applicant intends to seek approval of a trail system. The applicant can begin a conservation area impact or boat dock construction (boardwalk) permitting process at any time.(EPD)

8. Revised Plan A summary of all changes shall be provided on a comment response letter with the revised plans.(P)

9. Revised Plan Conservation areas - Remove the reference to a Shannon Survey acreage. Only indicate the acreages from the approved Conservation Area Determination. Adjust all plan sheets that reference acreages other than those already approved.(EPD)

10. Revised Plan The location of the middle access driveway off Old YMCA Road shall be aligned with the Waterleigh PD access location across the street. (Sheet 6)(DE)

11. Revised Plan Parcel Labels - Relabel the upland island parcel 1C as different from parcel 1C that will be used for housing.(EPD)

12. Disc/Revised Plan What Agricultural activities/uses exist today on the property? These uses can continue until re-development but, once re-zoned to PD new proposed agricultural uses will not be permitted. (Z)



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13. Disc/Revised Plan

The following waivers have been requested on the plan:

a. A waiver is requested from Section 38-1384(f)(1) requiring each block face contain at least two (2) distinct lot sizes (excluding end units); to allow each block all with more than five (5) lots or without alleys to contain one (1) distinct lot size.

b. A waiver is requested within the Estate Rural District (1A) from Section 38-1385.6(b)(2) to allow a minimum lot size of 21,780 (square feet 1/2 acre) in lieu of 43,560 s.f. (1 acre) .

1. The code allows up to 1 dwelling unit and the SAP minimum is .8.

2. How will this allow for increased buffering; no new green space is being created, just more lots/density?

c. A waiver is requested within the Estate Rural District (1B) from Section 38-1385.6(a)(1) to allow for an average net density of three (3) dwelling units per acre in lieu of an average net density of less than one (1) dwelling unit per acre.

d. A waiver is requested within the Estate Rural District (1B) from Section 38-1385.6(b)(2) to allow for an a minimum lot size of 14,520 sq. ft. (1/3 acre) in lieu of 43.560 sf. (1 acre).

e. A waiver is requested within the Garden Home Single Family District Section 38-1385.7(b)(2) to reduce the minimum average lot size to 5,500 sf. for lots greater than 40 feet and 4,800 sf for lots 40 feet wide in lieu of a minimum average lot size of 6,000 square feet.

1. A waiver has not been requested for a minimum lot size of less than 40'; remove "or less" from the end of this waiver.(Z)

14. Disc/Revised Plan

Regarding *Note on the bottom of sheet 8; the 10% requirement found within Section 38-1234 is not required for the single-family detached lots; only 7.5%. The Townhome distinct has a 30% open space requirement and this is in addition to the 7.5%. Thus, the applicant will need to request a waiver from this if a townhome product is proposed. (Z)

15. Disc/Revised Plan

Old YMCA is not currently listed as a Major Road. Is a road reclassification proposed? The setback from the 429 is 75' per the PD code standards. (Z)



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16. Discussion A portion of 1D shown as townhomes (east side of APF Town Center row) is designated as GHSF on the SAP. (Z)
17. Discussion What use is proposed for the non-contiguous portion of tract 1C?(P)
18. Discussion What is the status of the APF agreement and school agreement?(P)
19. Information Reviewed plan dated received June 28, 2013.(PK)
20. Information The Office of the Fire Marshal recognizes Town Center Connector Road as required fire department access and recommends ¿no parking¿ signage be installed on one-side of the street as parking has been accommodated on the other side. (FR)
21. Information During construction, when combustibles are brought on to the site, access roads and a suitable temporary or permanent supply of water acceptable to the fire department shall be provided and maintained Chapter 16, NFPA 1 2009 Edition (FFPC 2010 Edition).(FR)
22. Information The plans submitted and reviewed by the Office of the Fire Marshal does not provide enough information for a complete review regarding fire department requirements.(FR)
23. Information This PD is not within the recommended response distance of 2.5 miles in the Fire Rescue Element of the Orange County Comprehensive Plan as it is located 6.93 miles to Station 32 - 14932 E. Orange Lake Blvd. (FR)
24. Information Prior to approval of each PSP within the Town Center, the Developer shall submit to Conserv II and OCU a preliminary plan identifying any impacts from the proposed development to Conserv II facilities and easements. (UD)



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25. Information This property is located within Village H of Horizon West and shall comply with the New Village Code with the exception of any waivers explicitly granted by the BCC. (Z)
26. Information The property's Future Land Use Map (FLUM) designation is Village (V) (Horizon West Village H). The property includes Estate Rural District, Garden Home Single Family District and Townhome District SAP designations. The property's zoning designation is A-1 (Citrus Rural District). (P)
27. Information The project is located within District #1. The applicant is proposing to rezone the 254.33-acre (gross) subject property from A-1 (Citrus Rural District) to PD (Planned Development District) (Zanzibar PD). The proposed development program includes 325 detached single-family residential dwelling units and 160 attached townhomes.(P)
28. Information Landfill Proximity - The 545 Landfill and West Orange Environmental solid waste management facilities are located adjacent to the northeast of the land use plan boundary. Any PSP/DP that include lands within one mile of existing solid waste management facilities will require CC&Rs to contain proximity notification.(EPD)
29. Information Soils Report - This property may be the location of petroleum spills, agricultural related contamination, and fertilizer, pesticide or herbicide spillage. Prior to PSP/DP approval, EPD will require a completed Phase I Environmental Site Assessment (ESA). If this site is determined to have soil or groundwater contamination, then the applicant must provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels. Depending upon the Phase I ESA results, sampling of soils and/or groundwater may also be required prior to platting, site disturbance or approval of mass grading or construction plans.(EPD)



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30. Information Habitat Survey - Prior to PSP/DP approval, EPD will require a survey of wildlife or plants listed as threatened, endangered, or species of special concern, and copies of any relevant correspondence with the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).(EPD)
31. Information Conservation Features - When a PSP/DP is submitted, label and identify the following information on all applicable plan sheets: 25-foot average / 15-foot minimum conservation area buffer, or any other features proposed to prevent secondary impacts, conservation easements or tracts that include the conservation areas and buffers, conservation area protection signs, and pollution abatement swales within pollution abatement easements upland of wetlands and buffers on surface waters.(EPD)
32. Information NHWE - The Normal High Water Elevation (NHWE) of Lake Needham was established at 102 feet NGVD 29 in the Lake Index of Orange County. When a PSP/DP is submitted, clearly label and indicate the NHWE contour of the lake on all applicable plan sheets, in addition to wetland and setback lines.(EPD)
33. Information CAD Complete - There are Class I and Class III wetlands and surface waters on site amounting to approximately 84 acres. An Orange County Conservation Area Determination (CAD) 07-113 was completed for the Zanzibar Properties with a certified survey of the conservation area boundary approved on May 1, 2008. This determination is valid until October 2, 2014.(EPD)
34. Information The Stormwater note listed under the Site Data is acceptable. (Sheet 6)(DE)
35. Information The legal description and sketch are acceptable. (Sheet 11, Survey)(DE)
36. Information There are no failing roadways within the project influence area.(TP)



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37. Information The applicant has submitted all the required forms according to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. (DRC)
38. Information The one parcel ID number, 31-23-27-0000-00-004, listed on the coversheet is correct.(DE)
39. Information Avalon Road (CR 545): A Village H Horizon West Road Network Agreement for C.R. 545 among Orange County and D.R. Horton, Inc. ("DRHI"); Avalon Properties, Ltd. ("Avalon"); Horizon West Properties ("HWP"); HAP, Inc. ("HAP"); Titan Western Beltway, LLC ("Titan"); Hanover Hickory Nut, LLC, ("Hanover"); Zanzibar Properties, LLC ("Zanzibar"); and Seidel West I, LLC ("Seidel"). DRHI, Avalon, HWP, HAP, Titan, Hanover, Zanzibar, and Seidel are collectively referred to herein as "Signatory Owners" was approved by the Board of County Commissioners on 2/12/2013 and recorded at OR Book/Page 10525/6172. The Village H Horizon West Road Network Agreement provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of C.R. 545 to four lanes in four phases according to specific trip allocations and performance thresholds. Concurrency Vesting shall be provided pursuant to Table 1 based on achieved thresholds of the road improvements. Conveyance shall be by general warranty deed at no cost to the County prior to each phase of roadway construction. The Signatory Owners will receive Road Impact Fee Credits in Road Impact Fee Zone 4 for the lesser of (a) 95% of the actual, reasonable unreimbursed sums incurred by Signatory Owners for permitting, design, mitigation, inspection and construction expense exclusive of enhanced landscaping and street lighting or (b) 60% of the countywide average total cost of road construction per lane mile. This agreement was negotiated based on the approved Horizon West Global Road Term Sheet.(TP)
40. Information/Cond To demonstrate concurrency entitlements have been met for this project the developer must provide an assignment of vested trips letter signed by Orange County prior to obtaining building permits.(TP)
41. Information/Cond CEA #05-030 T3 applies to this project.(OCPS)



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RECOMMENDATION:

The recommendation shall be determined. In the event the DRC recommends approval of this project, the following Conditions of Approval shall apply:

1. Development shall conform to the Zanzibar Property PD Land Use Plan dated "Received *," and shall comply with all applicable federal, state and county laws, ordinances and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities and intensities described in such Land Use Plan, subject to those uses, densities and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state and county laws, ordinance and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities or intensities. In the event of a conflict or inconsistency between a condition of approval of this zoning and the land use plan dated "Received *," the condition of approval shall control to the extent of such conflict or inconsistency.

*** DATE OF APPROVED PLAN TO BE DETERMINED UPON APPROVAL OF A REVISED PLAN**

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 at the public hearing where this development was approved, 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. 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 or 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.



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4. The following Education Condition of Approval shall apply:
 - a) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of 08/16/2006, and as amended on 4/29/2008, 6/24/2008, and 3/19/2013.
 - b) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 0 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - c) Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - d) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
5. 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 platting. Nothing in this condition, and nothing in the decision to approve this land use 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.
6. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
7. The covenants, conditions, and restrictions (CC&Rs) shall contain notification to potential purchasers, builders or tenants of this development of the proximity of the West Orange & 545 solid waste disposal facilities that are located northeast of this site on the eastern side of the Western Beltway (S.R. 429).



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8. The covenants, conditions, and restrictions (CC&Rs) shall include notification to the homebuyers and HOA/POA that neither potable wells nor irrigation wells using local groundwater will be allowed on site.
9. The covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification of the prior use of this property as a citrus grove.
10. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
11. A Master Utility Plan (MUP) consistent with Village H MUP shall be submitted to Orange County Utilities prior to approval of the first PSP/DP. The MUP must be approved prior to Construction Plan approval.
12. Payment of 500 ERUs (wastewater) and 500 ERCs (water) are due prior to construction plan approval for the first construction plan set within Village H unless previously satisfied by another Village H Parcel. Alternatively, property owners may elect to enter into an agreement with Orange County to construct, with the first set of construction plans, the utility improvements beyond what is required by the Village H Master Utility Plan.
13. A five acre APF for a water facility and a one acre APF for wastewater facility within Village H shall be identified prior to the approval of the first PSP within Village H and the 5 acre APF Parcel dedicated to the County prior to approval of the first construction plan set within Village H.
14. Prior to construction plan approval, all property owners within Village H, 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 H requirements. Property owners may elect to use alternative financing in lieu of the private proportionate cost share agreement, provided master utilities sized for Village requirements are constructed.
15. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and 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 Village H Master Utilities Plan (MUP).
16. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:



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- a. The same front façade for single family residential units may not be repeated more than five (5) times within one (1) block length for both sides of any street, and shall be separated by at least two (2) units with different facades.

- b. House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed (40) feet in length, except for wings or "L's", which are setback from the façade. In no case shall more than fifty (50) percent of the front façade of the house consist of an unobstructed block wall or garage door.

- c. At least fifty (50) percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of seven (7) feet in depth and cover a minimum ten (10) feet in width or one third (1/3) of the front façade, whichever is greater.

- d. Flat roofs shall be prohibited.

- e. Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be no higher than three (3) feet, six (6) inches and limited to decorative wrought iron or wood picket style.

- f. The provisions of the CC&R's incorporating the above referenced requirements shall not be amended, removed or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&R's shall contain a statement to that effect. Furthermore, the CC&R's shall provide that the homeowner's association and any person owning the property in the development have the right to enforce these requirements in the event they are violated.

- g. Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.

CONCLUSION:

After review/discussion of the above listed findings, the following action was taken:



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DATE: 24-JUL-2013
PLAN NUMBER: PSP-13-06-166
PLAN NAME: Windermere Landing PD / Windermere Landing PSP
COMMISSION DISTRICT: 1

1. PROJECT ANALYSIS

- A. Location: South of Chase Road / East of CR 535
- B. Parcel ID: 30-23-28-0000-00-011
- C. Total Acres: 39.3
- D. Water Supply: Orange County
- E. Sewer System: Orange County
- F. Schools: Sunset Park ES Cap. 838 Enr. 1051
Bridgewater MS Cap. 1176 Enr. 1095
West Orange HS Cap. 3272 Enr. 3472
- G. School Pop: 39
- H. Parks: R. D. Keene - 1.3 miles
- I. Proposed Uses: 100 single-family units
- J. Site Data: Max. Bldg. Ht.: 45' (3-stories)
Min. Living Area: 1,200 sq. ft.
Bldg. Setbacks:
15' front
10' front porch
5' side
10' side street
20' rear
50' lakefront
- K. Fire Station: Station 35 - 7435 Winter Garden Vineland Road

2. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Village (V) (Horizon West Lakeside Village) (Estate Home District). The request is consistent with the Comprehensive Plan.

3. ZONING:

RCE; PD proposed

4. COMMENTS:



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1. Revised Plan Submit a Master Utility Plan (MUP) per LUP condition.(UD)

2. Revised Plan CAD Required - Prior to plan approval, the Orange County Environmental Protection Division (EPD) will require a completed Conservation Area Determination (CAD), or a Binding Determination of Exemption (BDE) from the requirements of Chapter 15, Article X Wetland Conservation Areas. If a prior determination exists, or if historical documents are located, then submit a copy with the revised plan. Otherwise, do not submit a revised plan until the CAD or BDE is completed.(EPD)

3. Revised Plan Remove the 10% open space requirement; the 7.5% Public Open Space is required. Additionally, include within the Park Note that indicates, "parks shall be open to the public" that this shall be included within the CC& R's and that to change them would require Board of County Commission action. (Z)

4. Revised Plan Provide the lot dimension of each lot and demonstrate that the minimum average lot size that the applicant has requested as a waiver is being met. (Z)

5. Revised Plan Sheet C-5: Show the existing wastewater gravity main downstream of the connection point. Revise the connection point to eliminate the change in flow direction exceeding 90 degrees.(UD)

6. Revised Plan Revise the estimated net developable acreage consistent with the pending PD/LUP. Ensure consistency with the pending APF and TDR agreements.(P)

7. Revised Plan Sheet C-3 and C-5: Revise the ownership of the 30-foot strip of land to be owned by Orange County and maintained by the HOA. Revise Sheet C5 and add a description of ownership and maintenance to the "Ownership/Maintenance" notes on Sheet C-3. Show 5-ft utility easements on both sides of the 30-ft tract. Additional variance requirements for placement of the gravity main outside of right-of-way to be determined at the time of construction plan review. Please coordinate with OCU prior to construction plan submittal.(UD)



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8. Revised Plan A summary of all changes shall be provided on a comment response letter with the revised plans.(P)

9. Revised Plan Clearly show and label the 20-foot wide fee simple access to each pond. (Sheet C-5)(DE)

10. Revised Plan Label the 10-foot wide tract along the western perimeter as "Landscape and Wall Tract". (Sheet C-4)(DE)

11. Revised Plan On Sheet 3 under the Ownership & Maintenance table under Stormwater Tracts, change the "Developer's Agreement" to "Use Agreement". (Sheet C-3)(DE)

12. Revised Plan The proposed wall along Chase Road is creating a spike strip behind the lots. Move the wall to the edge of the lots rear lot line. (Z)

13. Revised Plan The Rear setback for garages that are accessed from an alley is 9' from the edge of pavement. (Z)

14. Revised Plan The Driveway setback in not completely accurate, correct this setback to be consistent with the language found in Section 38-1385.5 (b)(10). (Z)

15. Revised Plan Provide a Block Chart to demonstrate that the average block size is being met/not exceeded. (Z)

16. Revised Plan The secondary entrance sign off the north-south road shall be located in a separate tract from the pond, owned and maintained by the HOA. (Sheet L-0)(DE)

17. Revised Plan Include within the Ownership Maintenance Table that the parks are open to the general public. (Z)



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18. Revised Plan Habitat Survey - Prior to plan approval, the Orange County EPD will require a habitat survey to identify any wildlife or plants listed as threatened, endangered, or species of special concern found on site or determined to use the site. If any of these species are found, then prior to earthwork or construction plan approval, a management plan and proper permits shall be approved by the appropriate regulatory agency (U.S. Fish and Wildlife Service and/or the Florida Fish & Wildlife Conservation Commission) and submitted to EPD. Reference Orange County Comprehensive Policy Plan, Policy 1.7.2. (EPD)
19. Revised Plan/Cond Site Assessment - This property may be the location of petroleum spills, agricultural related contamination, and fertilizer, pesticide or herbicide spillage. Prior to approval of this plan submit a completed Phase I Environmental Site Assessment (ESA), to the Orange County Environmental Protection Division, Attention: John Geiger. If this site is determined to have soil or groundwater contamination, then the applicant must provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels. Depending upon the Phase I results, sampling of soils and/or groundwater may also be required.(EPD)
20. Disc/Revised Plan Both parks have called out "Active Recreation Area" in the middle of them. Is this area stabilized or just grass/open space? If these areas are not given specific designations and stabilized for a 'court/field' then it will only count as open space. (Z)
21. Disc/Revised Plan Request discussion regarding the entrance road off Chase Road. Why is the one lane 21 feet wide? Revise plan per discussion. (Sheet C-6)(DE)
22. Disc/Revised Plan A public 8-inch force main and 6-inch water main are shown running through the southern lots. Show an existing or proposed minimum 15-ft utility easement over the mains. Will a wall be located in this area? (UD)



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23. Disc/Revised Plan Request discussion regarding the connection to the Harvest Bible Chapel of Orlando off the new north-south road that is shown on this plan. Revise plan per discussion. (Sheet C-5)(DE)
24. Disc/Revised Plan Request discussion of the 6-foot high wall or fence called out along the east and south perimeters. Does this wall or fence need to be located in a tract? Revise plan per discussion. (Sheet L-0)(DE)
25. Disc/Revised Plan Request discussion regarding the wall and cul-de-sac that encroaches into the subject property at the south perimeter. The adjacent owner is also under obligation to relocate a drainage pipe through this area. Revise plan per discussion. (Survey sheet and Sheet C-5)(DE)
26. Disc/Revised Plan Request discussion regarding connection to the drainage pipe on the adjacent property to serve as an outfall location for all ponds from this development. This pipe was designed as a bypass pipe for drainage from Chase Road. We do not think it was designed to accept the flows from this project. Clearly show and label the size of this pipe. Revise plan per discussion.(DE)
27. Discussion Does this property abut an AFP trail?(Z)
28. Discussion The Parks include a 5' wide sidewalk though them. It would seem necessary that these were wider to be a functioning active recreation trail. (Z)
29. Information Fire flows and hydrant information shown on the plans shall be coordinated with Orange County Fire Rescue.(UD)
30. Information The size, location and points of connection for water, wastewater, and reclaimed water mains shall be finalized at time of construction plan review. (UD)
31. Information The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.(UD)



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32. Information Arbor Review: a. Per the tree survey, this site contains only (2) protected trees. Their removal will be mitigated by street tree planting. Landscape Review: a. The landscape plan is code-compliant.(Z)
33. Information At the time of this review the proposed LUP or proposed waivers have not been approved by the BCC. (Z)
34. Information The property's Future Land Use Map (FLUM) designation is Village (V) (Horizon West Lakeside Village - Estate Home District) and the property's zoning designation is R-CE (Country Estate District). The Windermere Landing PD has not yet been scheduled for a public hearing before the Board of County Commissioners.(P)
35. Information The project is located within District #1. The applicant is proposing subdivide the 39.3-acre (gross) subject property to allow for the construction of 100 detached single-family residential dwelling units.(P)
36. Information Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping.(EPD)
37. Information No Clearing - No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area without first obtaining permission from the Orange County EPD. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers. (EPD)



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38. Information The County has confirmed that 33 feet wide existing right-of-way does exist just west of this development and that an additional 17 feet of right-of-way is sufficient for the new north-south roadway. (Sheet C-4)(DE)
39. Information The legal description and sketch provided on the survey sheet are acceptable.(DE)
40. Information The applicant has submitted all the required forms according to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. (DRC)
41. Information The one parcel ID number, 30-23-28-0000-00-011, listed on the coversheet is correct.(DE)
42. Information No right-of-way is required for Chase Road of Overstreet Road from this project.(PWE)
43. Information Plan dated received June 28, 2013 is approved.(PK)
44. Information The Office of the Fire Marshal recognizes the typical 50' ROW as required fire department access and recommends no parking signage be installed on both sides of the street as no provision for on-street has been provided. (FR)
45. Information This PD is within the recommended response distance of 2.5 miles in the Fire Rescue Element of the Orange County Comprehensive Plan as it is located 0.67 miles to Station 35 - 7435 Winter Garden Vineland Rd. (FR)
46. Information During construction, when combustibles are brought on to the site, access roads and a suitable temporary or permanent supply of water acceptable to the fire department shall be provided and maintained Chapter 16, NFPA 1 2009 Edition (FFPC 2010 Edition).(FR)



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47. Information/Cond School capacity is required for this project. OCPS is waiting for developer to provide documentation on a school capacity credit transfer.(OCPS)
48. Information/Cond This project impacts Chase Road and will be subject to the terms and conditions of the Chase Road mitigation agreement. Based on the Concurrency Management System database, there is a failing roadway segment within the project impact area Winter Garden Vineland from Sunset Drive to Reams Road is failing and there is no available capacity to be encumbered. A traffic study was submitted for this project and is currently being reviewed by Transportation Planning staff. In addition, the applicant will be required to submit the Assignment/Transfer of trips from the Chase Mitigation Study to the County Engineer for approval.(TP)
49. Information/Cond Signage shall comply with Ch. 31.5.(Z)
50. Keep/Outstanding Issue At the time of this review, the Windermere Landing PD/LUP has not been approved by the Board of County Commissioners.(P)

RECOMMENDATION:

The recommendation shall be determined. In the event the DRC recommends approval of this project, the following Conditions of Approval shall apply:

1. Development shall conform to the Windermere Landing Planned Development; Orange County Board of County Commissioners (BCC) approvals; Windermere Landing Preliminary Subdivision Plan dated "Received *," and to the following conditions of approval. 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 and 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 actual preliminary subdivision plan dated "Received *," the condition of approval shall control to the extent of such conflict or inconsistency.

* DATE OF APPROVED PLAN TO BE DETERMINED UPON APPROVAL OF A REVISED PLAN



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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 at the public hearing where this development was approved, 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. 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 or 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. 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 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.
5. Prior to construction plan approval, certification with supporting calculations shall be submitted which demonstrates that the existing off-site drainage pipe has the capacity to accommodate the overflow from this development.
6. Prior to construction plan approval, documentation shall be provided that this project has the legal right to tie into off-site drainage system that will serve as the outfall for this development.
7. The north-south road adjacent to this project shall be constructed with the infrastructure of this project.
8. Roads and drainage system, including the retention ponds, will be owned and maintained by Orange County with an MSBU established for stormwater system functionality. Routine maintenance, including mowing above and beyond the frequency provided by the County, shall be the responsibility of the Home Owners' Association.



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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 Section 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 Department. 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. The project contains ___ unvested units that are subject to the County's school capacity policy (a/k/a the Martinez Doctrine.) The developer has contracted with ___ to acquire school rights/credits established under the Capacity Enhancement Agreement by and between ___ and the School Board dated _____ (CEA # ____). The number of school rights/credits equals or exceeds the number of Unvested Units. The County shall not record a plat for any of the unvested units until it receives notice from Orange County Public Schools that the developer has closed on the acquisition of the school credits from _____. The Developer shall comply with all provisions of the Capacity Enhancement Agreement. Upon the County's receipt of written notice from OCPS that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any unvested units. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement shall indemnify and hold the County harmless from any third party claims, suits or actions arising as a result of the cessation of the County's issuance of residential building permits resulting from such notification from OCPS. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of Developer's rights. Orange County shall be held harmless by the Developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the Developer and OCPS over any interpretation or provision of the Capacity Enhancement Agreement. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

11. An approved capacity encumbrance letter (CEL) is required prior to construction plan submittal. A capacity reservation certificate is also required prior to platting. 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.



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12. Prior to earthwork or construction, 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.
13. The covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification of the prior use of this property as a citrus grove/agricultural use as documented in a Phase I Environmental Site Assessment.
14. If the Environmental Site Assessment indicates site contamination of soil, groundwater, surface water, or if the Florida Department of Environmental Protection (FDEP) is currently conducting contamination remediation, then the covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that portions of this property have been identified with soil, groundwater, or surface water contamination.
15. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
16. The covenants, conditions, and restrictions (CC&Rs) shall include notification to the homebuyers and HOA/POA that neither potable wells nor irrigation wells using local groundwater will be allowed on site.
17. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with an approved Master Utility Plan for the PD.
18. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
 - a. The same front façade for single family residential units may not be repeated more than five (5) times within one (1) block length for both sides of any street, and shall be separated by at least two (2) units with different facades.
 - b. House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed (40) feet in length, except for wings or "L's", which are setback from the façade. In no case shall more than fifty (50) percent of the front façade of the house consist of an unobstructed block wall or garage door.



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c. At least fifty (50) percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of seven (7) feet in depth and cover a minimum ten (10) feet in width or one third (1/3) of the front façade, whichever is greater.

d. Flat roofs shall be prohibited.

e. Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be no higher than three (3) feet, six (6) inches and limited to decorative wrought iron or wood picket style.

f. The provisions of the CC&R's incorporating the above referenced requirements shall not be amended, removed or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&R's shall contain a statement to that effect. Furthermore, the CC&R's shall provide that the homeowner's association and any person owning the property in the development have the right to enforce these requirements in the event they are violated.

g. Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.

19. Signage shall comply with Ch. 31.5.

CONCLUSION:

After review/discussion of the above listed findings, the following action was taken:



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DATE: 24-JUL-2013
PLAN NUMBER: DP-13-06-168
PLAN NAME: West Lake Hancock Estates PD / West Lake Hancock Estates / The Amenity Center at Lake Hancock Estates DP

COMMISSION DISTRICT: 1

1. PROJECT ANALYSIS

- A. Location: North of Porter Road / West of Lake Hancock
- B. Parcel ID: 28-23-27-0000-00-001
- C. Total Acres: 3.96
- D. Water Supply: Orange County
- E. Sewer System: Orange County
- F. Schools: N/A
- G. School Pop: N/A
- H. Parks: West Beach - 8.2 miles
- I. Proposed Uses: Guesthouse 3,867 sq. ft. Pavilion 1,584 sq. ft.
- J. Site Data: Max. Bldg. Ht.: 45' (3-stories)
Bldg. Setbacks:
20'
- K. Fire Station: 34 - 4000 Winter Garden Vineland Road

2. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Village (V) (Horizon West Village of Bridgewater - Garden Home District). The request is consistent with the Comprehensive Plan.

3. ZONING:

PD

4. COMMENTS:

- 1. Revised Plan Include the following within the Title on the Title Page, " West Lake Hancock Estates PD/ West Lake Hancock Estates PSP Tract X and Y Amenity Center at Lake Hancock Estates DP."(Z)
- 2. Revised Plan Plan shall state that the site will be owned and maintained by HOA/POA.(PK)



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3. Revised Plan A summary of all changes shall be provided on a comment response letter with the revised plans.(P)

4. Revised Plan Contact Mark Stevenson of the Orange County Zoning Division at (407) 836-2818 with any questions pertaining to Ch. 24 Landscape requirements or Ch. 15 Tree Survey/Mitigation plan requirements for plans dated received 06/27/2013.

Chapter 15, Arbor Ordinance Comments:

Information - No Arbor Ordinance requirement as the property consists of planted pine and exempt from mitigation.

Chapter 24, Landscaping, Buffering and Open Space:

Revised Plan - Please provide the following:

- a) 24-3(9)a. Landscape plan submittal requirements; Provide proposed plant material complete specifications.
- b) 24-4(a)(1)a. Vehicular use areas; Provide a landscape strip a minimum of seven (7) feet in width wherever an interior vehicular use area is proposed within seventy-five (75) feet of the road ROW.
- c) 24-4(a)(1)c. Vehicular use areas; Provide a contiguous hedge (woody ornamental) for all areas within seventy-five (75) feet of the road ROW.
- d) 24-4(a)(3)e. Interior landscaping; Provide a landscaped island at the southwestern most end of the westernmost row of parking. Include curbing and the required canopy tree and groundcover planting. e) 24-5(a)(3) Bufferyards; Provide a continuous Type 'C' Buffer along the easternmost property limits of the proposed recreational area.(Z)

5. Revised Plan Per Sec. 9-649(b)(1), the maximum light fixture height within non-vehicular pedestrian areas shall be fifteen (15) feet. Reduce the height of the three northernmost fixtures downward to fifteen (15) feet.(P)



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6. Revised Plan The multi-purpose field shown within Tract X requires being an improved surface rather than just grass, otherwise it is just open space. (Z)

7. Revised Plan There appears to be both 8-foot wide and 5-foot wide sidewalk adjacent to the clubhouse. Clearly show and label the areas for 8-foot wide sidewalk and 5-foot wide. (Sheet 3)(DE)

8. Revised Plan Soils Onsite - Correct the Onsite Soil Classifications note on sheet 3 Site Plan. The descriptions correspond to soil types 4 and 5, instead of 5 and 6.(EPD)

9. Disc/Revised Plan This plan proposes a "Guest House". What is this? If just a clubhouse, then re-name it as such. If a proposal is to allow for residents guest to stay, then this is not a recreation use nor had the PD or PSP indicated this use. Tract W is indicated on the PSP as a Group B (swimming pools, spas). Please list all other uses proposed for this facility. (P)(Z)

10. Disc/Revised Plan Floodlight cut sheets have been provided, but these fixtures do not appear on the lighting plan. What is the proposed location of these fixtures? What is creating the light around the pool?(P)

11. Discussion Item/Cond This amenity center is in Phase 2 of the West Lake Hancock Estates. Phase 2 (12-S-087) is under construction. Will the roadways and utilities be in place soon to support this clubhouse?(DE)

12. Information During construction, when combustibles are brought on to the site, access roads and a suitable temporary or permanent supply of water acceptable to the fire department shall be provided and maintained Chapter 16, NFPA 1 2009 Edition (FFPC 2010 Edition).(FR)

13. Information Reviewed plan dated received June 28, 2013.(PK)

14. Information Must obtain a Pool permit from FDOH. 407-521-2630(HD)



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15. Information The plan submitted and reviewed by the Office of the Fire Marshal does not provide enough information for a complete review regarding fire department requirements. Full fire review of pavilion to be considered upon submittal of new building plans.(FR)
16. Information This PD is not within the recommended response distance of 2.5 miles in the Fire Rescue Element of the Orange County Comprehensive Plan as it is located 6.45 miles to Station 34 - 4000 Winter Garden Vineland Road. (FR)
17. Information The size, location and points of connection for water, wastewater, and reclaimed water mains shall be finalized at time of construction plan review. (UD)
18. Information The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities. (UD)
19. Information The property's Future Land Use Map (FLUM) designation is Village (V) (Horizon West Village of Bridgewater - Garden Home District). The property's zoning designation is PD (Planned Development District) (West Lake Hancock Estates PD). (P)
20. Information The project is located within District #1. The applicant is proposing to construct an amenity center on a 3.96 acre tract within the West Lake Hancock Estates PD. The project is proposed to be constructed in one (1) phase.(P)
21. Information Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into the neighboring lake, wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping. (EPD)



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22. Information Gopher Tortoise Permit - The Florida Fish and Wildlife Conservation Commission issued Permit Number GTC-12-00069 on June 19, 2012 for the mass grading that has been completed.(EPD)
23. Information Conservation Area Permits - Orange County Conservation Area Determination CAD-11-08-036 and Impact Permit CAI-12-02-004 were completed that include the PD. This plan shall comply with all related permit conditions of approval. The project area has been mass graded.(EPD)
24. Information APF Roads: (West Lake Hancock Estates): An APF Agreement has been approved by the Roadway Agreement Committee for the West Lake Hancock Estates PD. The Developer, SLF IV/BOYD HORIZON WEST JV, LLC agrees to provide 10.12 acres in the form of a non-exclusive easement by plat for a park to be maintained by the Owner. The remaining deficit of 10.67 acres shall be satisfied through the use of APF credits acquired from other owners. The APF Agreement was approved by the Board of County Commissioners on 6/5/2012 and recorded at ORBook/Page 10391/1627.(TP)
25. Information The applicant has submitted all the required forms according to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. (DRC)
26. Information The one parcel ID number, 28-23-27-0000-00-001, listed on the coversheet is correct.(DE)
27. Information/Cond There is currently a failing road within the project area of influence on Ficquette Road, However, a capacity encumbrance letter is on file CEL#11-159. (TP)

RECOMMENDATION:

The recommendation shall be determined. In the event the DRC recommends approval of this project, the following Conditions of Approval shall apply:



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1. Development shall conform to the West Lake Hancock Estates Planned Development; Orange County Board of County Commissioners (BCC) approvals; West Lake Hancock Estates Preliminary Subdivision Plan; BCC approvals; The Amenity Center at Lake Hancock Estates Development Plan dated "Received *;" and to the following conditions of approval. 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 and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

* DATE OF APPROVED PLAN TO BE DETERMINED UPON APPROVAL OF A REVISED PLAN

2. 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.
3. Prior to issuance of the Certificate of Completion for this project, the offsite roadway, drainage and utility improvements in the Preliminary Subdivision Plan must be substantially complete.
4. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal. Nothing in this condition and nothing in the decision to approve this development 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
5. Prior to earthwork or construction, 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.

CONCLUSION:

After review/discussion of the above listed findings, the following action was taken: