




**Interoffice Memorandum**

DATE: June 13, 2019

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

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

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

SUBJECT: July 2, 2019 – Public Hearing  
Applicant: Jeff A. Sedloff, June Engineering Consultants, Inc.  
Orange Lake Country Club Planned Development / Orange Lake –  
Village NW1 Preliminary Subdivision Plan  
Case # PSP-18-05-159

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 8, 2019, to approve the Orange Lake Country Club Planned Development / Orange Lake – NW1 Preliminary Subdivision Plan (PSP) to subdivide 198.02 acres in order to construct 422 age-restricted single-family residential dwelling units.

This project is a gated community and will comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.

The required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PSP may be found in the Planning Division for further reference.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the Orange Lake Country Club Planned Development / Orange Lake – Village NW1 Preliminary Subdivision Plan dated "Received May 10, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/EPR/lme  
Attachments

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**CASE # PSP-18-05-159**

Commission District # 1

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 8, 2019, to approve the Orange Lake Country Club Planned Development (PD) / Orange Lake – NW1 Preliminary Subdivision Plan (PSP) to subdivide 198.02 acres in order to construct 422 age-restricted single-family residential dwelling units.

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**2. PROJECT ANALYSIS**

- A. Location: West of SR 429 / North of Hartzog Road
- B. Parcel IDs: 29-24-27-0000-00-005, 29-24-27-0000-00-006 (a portion of)
- C. Total Acres: 198.02
- D. Water Supply: Orange County Utilities / Toho Water Authority
- E. Sewer System: Orange County Utilities / Toho Water Authority
- F. Schools: Keene's Crossing ES - Capacity: 812 / Enrolled: 1,583  
Bridgewater MS - Capacity: 1,040 / Enrolled: 2,678  
Windermere HS - Capacity: 2,753 / Enrolled: 3,374
- G. School Population: 322
- H. Parks: Dr. Phillips – 12.1 Miles
- I. Proposed Uses: 422 Age-Restricted Single-Family Residential Dwelling Units
- J. Site Data: Single-Family Attached:  
Maximum Building Height: 55' (4-stories)  
Minimum Living Area: 1,000 Square Feet  
Building Setbacks:
  - 20' Front
  - 15' Front Porch
  - 0' Side
  - 5' Side (end units)
  - 15' Rear
  - 10' Side Corner

Single-Family Detached:

Maximum Building Height: 45' (3-stories)

Minimum Living Area: 1,200 Square Feet

Building Setbacks:

20' Front

15' Front Porch

5' Side

20' Rear

10' Side Corner

50' NHWE

40' New Hartzog Road

25' PD Perimeter

K. Fire Station: 32 – 14932 East Orange Lake Boulevard

L. Transportation: Concurrency Vested Rights Certificate (CVRC# 92-151) is on file for this project.

The Hartzog Road Right-of-Way Agreement was approved by the BCC on 6/3/2008 and recorded at OR Book/Page 9712/4850. This agreement follows two prior agreements and realigns Hartzog Road through the Developer's properties to CR 545 / Avalon Road north of the previously contemplated alignment. Under the terms of the agreement, the Developers will dedicate Right-of-Way for the re-aligned Hartzog Road and design the roadway for a four-lane roadway then construct the first two lanes of the roadway. Road impact fee credits will be provided for the design and construction of the portion of the road beyond the first two lanes. The owners shall also receive a certain number of vested trips for participation in the roadway agreement. Currently the design is complete, however no Right-of-Way has been dedicated and construction has not started.

### **3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) designation of Growth Center-Planned Development-Commercial/Medium Density Residential (GC-PD-C/MDR), and is therefore consistent with the FLUM designation.

### **4. ZONING**

PD (Planned Development District) (Orange Lake Country Club PD)

**5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Orange Lake Country Club Planned Development Orange County Board of County Commissioners (BCC) approvals; Orange Lake - Village NW1 Preliminary Subdivision Plan dated "Received May 10, 2019," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received May 10, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record

affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The project shall comply with the terms and conditions of that certain Hartzog Road Right-of-Way Agreement recorded at Official Records Book/Page 9712/4850, Public Records of Orange County, Florida, as may be amended.
7. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
8. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
9. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.

10. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
11. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
12. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
13. Prior to issuance of any Certificate of Completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
14. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved and up-to-date MUP for the PD, or shall include an update to the PD MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
15. This development shall connect to existing OCU central utilities for water, wastewater and reclaimed water located west of this PD. Initial phases of development may be approved connecting to the existing temporary interconnects subject to a Developer/Property Owner's agreement addressing the future connection to the OCU central utilities including financial assurances

that are acceptable to the County. The agreement, if required by the County, shall be approved prior to construction plan approval.

16. The territorial agreement between Orange County and Toho Water Authority must be amended and approved by the BCC prior to construction plan approval for lots within the Toho Water Authority Service Area.
17. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater within any 12-month period.
18. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 Tourist Commercial standards of the Orange County Code.
19. Unless otherwise specified to the County's satisfaction in the PSP, a Development Plan, in conformance with the requirements of Section 34-131(b) (20), including the appropriate group type, is required for the park / recreation tract(s) within this Preliminary Subdivision Plan (PSP), or phase thereof, as appropriate. Regardless of whether the park / recreation tract is included in the PSP or approved via a separate Development Plan, the park / recreation area tract(s) shall be constructed as part of the subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located.
20. New streets which are an extension of or in alignment with existing streets shall bear the same name as that borne by such existing streets.
21. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
22. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
23. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.

24. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
  
25. The western most gated access on Hartzog Road shall be an exit only access and will serve as an emergency access for the subdivision.





 Subject Parcels



 Subject Property

### Zoning Map

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

**APPLICANT:** Jeff A. Sedloff, June Engineering Consultants, Inc.

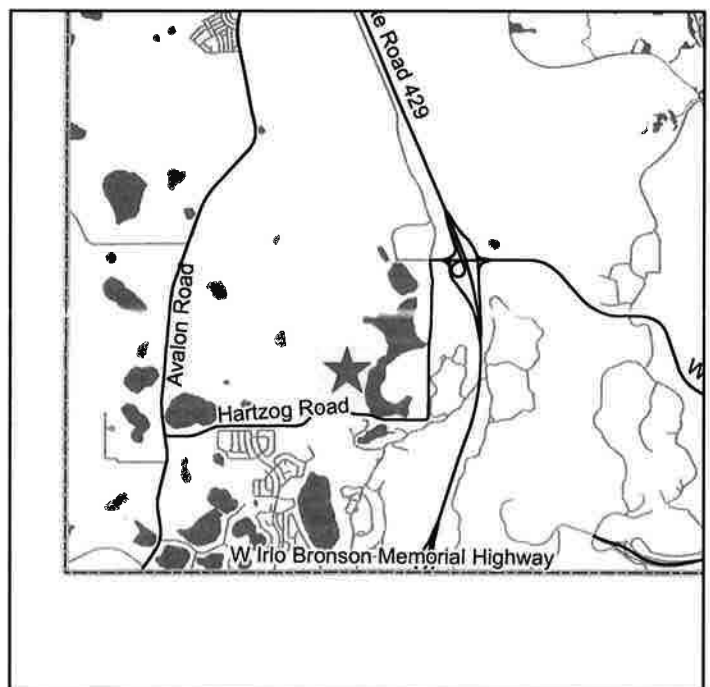
**LOCATION:** North of Hartzog Road / West of SR 429

**TRACT SIZE:** 198.02

**DISTRICT:** 1

**S/T/R:** 29/24/27

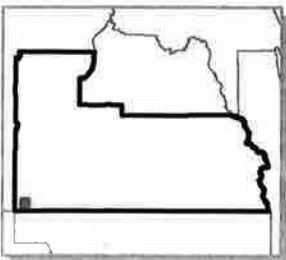
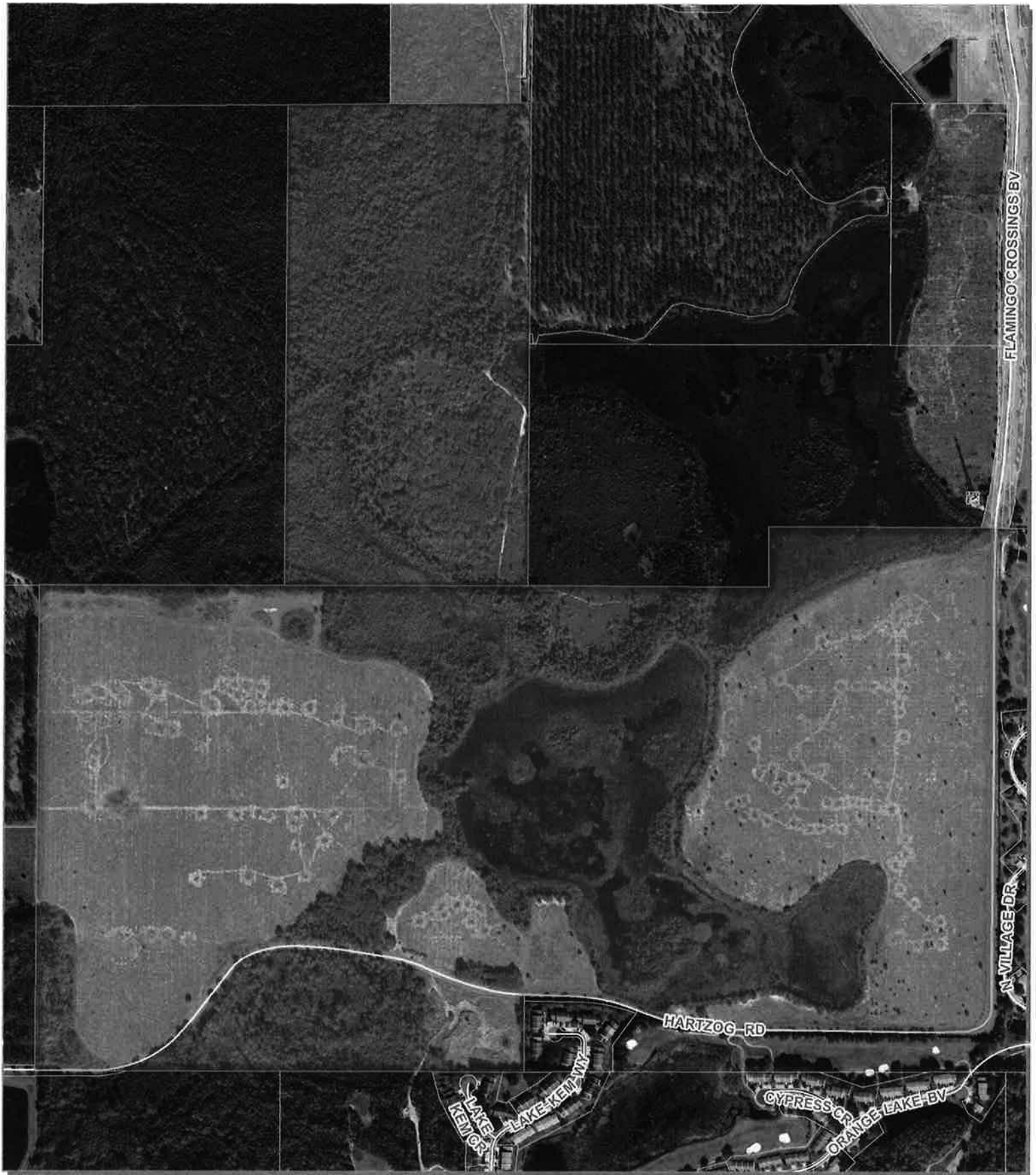
1 inch = 1,667 feet











# Orange Lake Country Club PD Orange Lake – Village NW1 PSP



Parcels		Subject Property	Jurisdiction		Hydrology
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1 : 8,400  
1 in : 700 ft