



Interoffice Memorandum

DATE: June 24, 2020

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

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

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

Eric P. Raasch,
Jr., AICP

Digitally signed by Eric P. Raasch, Jr., AICP
Date: 2020.06.24 21:00:06
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SUBJECT: July 7, 2020 – Public Hearing
Applicant: Eric Warren, Poulos & Bennett, LLC
Village F Master Planned Development / Horizon West Village F
Parcels S-4, S-23, S-24, S-26 & S-27 (Seidel East) Preliminary
Subdivision Plan
Case # CDR-19-10-353 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 13, 2020, to approve a substantial change to the Village F Master Planned Development (PD) / Horizon West Village F – Parcels S-4, S-23, S-24, S-26 and S-27 (Seidel East) Preliminary Subdivision Plan (PSP) to add Parcel S-4 consisting of three single-family residential dwelling units.

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

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve the Village F Master PD / Horizon West Village F Parcels S-4, S-23, S-24 S-26 & S-27 PSP dated "Received May 22, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/EPR/lme
Attachments

CASE # CDR-19-10-353

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 13, 2020, to approve a substantial change to the Village F Master Planned Development (PD) / Horizon West Village F – Parcels S-4, S-23, S-24, S-26 and S-27 (Seidel East) Preliminary Subdivision Plan (PSP) to add Parcel S-4 consisting of three (3) single-family residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: North of Seidel Road / East of S.R. 429
- B. Parcel ID: 04-24-27-0000-00-001
- C. Total Acres: 191.27 gross acres (overall PSP) /
1.95 gross acres (affected Parcel)
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Castleview ES – Enrolled: 713 / Capacity: 791
Horizon West MS – Enrolled: 1,243 / Capacity: 1,194
Windermere HS – Enrolled: 3,933 / Capacity: 2,753
- G. School Population: 160
- H. Parks: Deputy Scott Pine Community Park – 3.8 Miles
- I. Proposed Use: 370 Single-Family Attached & Detached Residential
Dwelling Units (Total PSP)
- J. Site Data: Maximum Building Height: 45' (3-stories)
Minimum Living Area: 1,500 Square Feet
Building Setbacks:
20' Front
10' Front Porch
5' Side
10' Side Street
25' Rear
50' NHWE
- K. Fire Station: 44 – 16990 Porter Road

L. Transportation: The Village F Horizon West Road Network Agreement provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of Seidel Road to four lanes in three 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.

3. COMPREHENSIVE PLAN

The subject property has a Future Land Use Map (FLUM) designation of Village, and is more specifically within Village F of the Horizon West Special Planning Area. The zoning is PD. The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (Village F Master PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Village F Master Planned Development (PD) Orange County Board of County Commissioners (BCC) approvals; Horizon West Village F - Parcels S-4, S-23, S-24, S-26 and S-27 (Seidel East) Preliminary Subdivision Plan dated "Received May 22, 2020," 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 22, 2020," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the

applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site

easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. As proof of satisfaction of the project's transportation concurrency obligations, the project must comply with that certain Village F Road Network Agreement recorded at O.R. Book 10591, Page 5123, Public Records of Orange County, Florida. The developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to plat approval. In addition, any Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
7. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
8. A replat of PSP Lot 269 (Platted Lot 354 - Phase 4) is required, in order to remove the temporary turnaround easement, prior to or concurrent with the platting of Phase 7.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 22, 2014, shall apply:
 - a. Road and drainage systems, including any 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.
 - b. 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.
 - c. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood elevation, if none exists, shall be submitted to the Development Engineering Division for review and approval.

- d. 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 the Orange County Comptroller's 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.
- e. Prior to 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 vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
- f. To demonstrate concurrency entitlements have been met for this project, no later than submittal of the development Plan, the developer must provide a valid Assignment of Vested Trips signed by Orange County. In addition, the Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
- g. 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 construction plans, 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. The County Engineer shall establish the amount of the letter of creditor cash escrow.
- h. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 of the orange County Code prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.
- i. Prior to performing any 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 by the developer.

- j. No activity will be permitted on the site that may disturb, influence, or interfere with: areas of soil or groundwater contamination, any remediation activities, or the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through FDEP and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
- k. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby notified that this site shall be required to comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
- l. The covenants, conditions, and restrictions (CC&Rs) shall contain notification to potential purchasers, builders, or tenants of this development of the proximity of the Bay Lake Construction and Demolition Debris Landfill that is located one mile to the east from the site's boundary.
- m. 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 an Addendum to the Village F / H MUP supporting interim transmission system configurations. The MUP(s) must be approved prior to construction plan approval.
- n. A Utilities Developer Agreement related to the oversizing of the water main to be located on Seidel Road will be required. The Agreement must be approved by the BCC prior to construction plan approval. The terms of the agreement will be determined based on the existing SAP-level MUP and/or the PSP-level MUP.
- o. 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 simultaneously with the plat, shall include a provision incorporating, verbatim, the following requirements:
 - 1) 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.

- 2) 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 any 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 percent (50%) of the front façade of any house consist of an unobstructed block wall or garage door.
- 3) At least fifty percent (50%) 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.
- 4) Flat roofs shall be prohibited.
- 5) Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be no higher than three feet, six inches (3'6") and limited to decorative wrought iron or wood picket style.

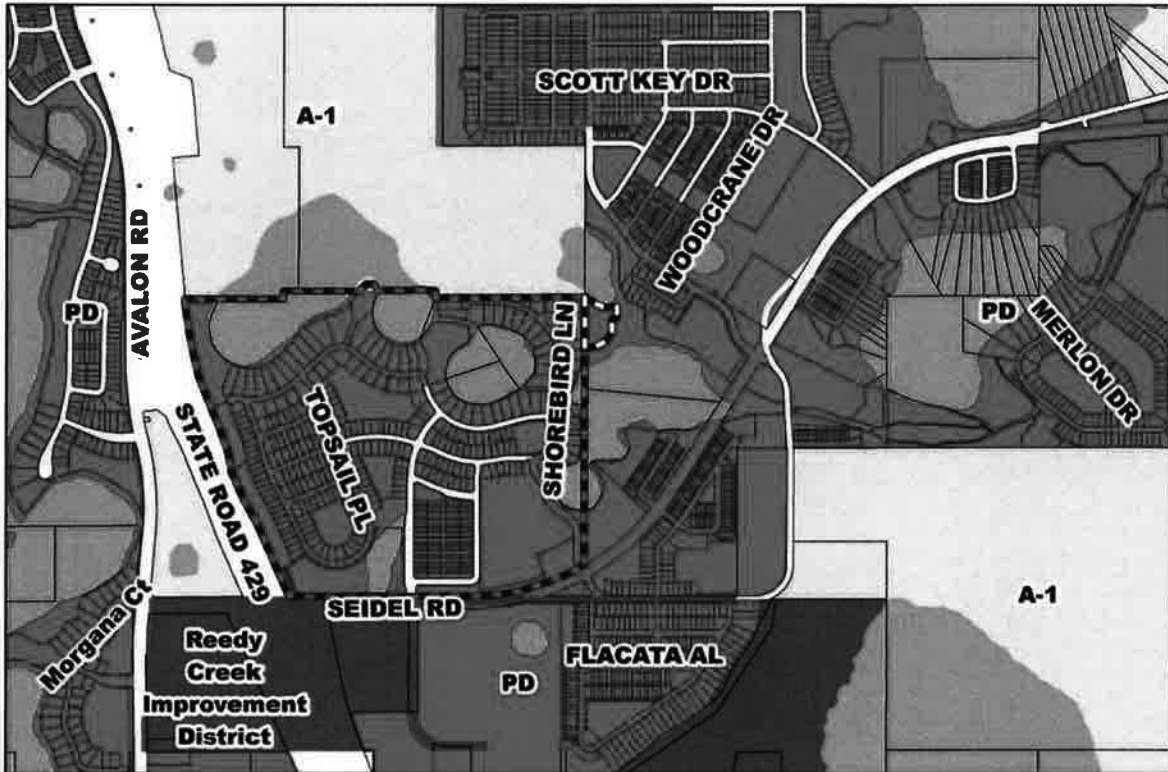
These provisions incorporating the above- referenced requirements shall not be amended, removed, or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion. Furthermore, the homeowners' association and any person owning property in the development shall have the right to enforce these requirements in the event they are violated.

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.

- p. Parks will be open to the general public. The CC&Rs shall state that these parks are open to the public and that a change that would prohibit public access will require BCC approval.
- q. Signage shall comply with Ch. 31.5.
- r. Prior to issuance of a certificate of completion for the project, a separate development plan for the parks/recreation tract shall be submitted, permitted, and constructed.
- s. A waiver from Section 34-152(c) is granted to allow lots to front a mew, open space, bike trail or park, etc. Legal access to these lots will be through alley ingress/ egress easement shown on the plat, in lieu of 20-foot wide fee simple access to an Orange County maintained paved roadway, as required by code.

Zoning Map

CDR-19-10-353

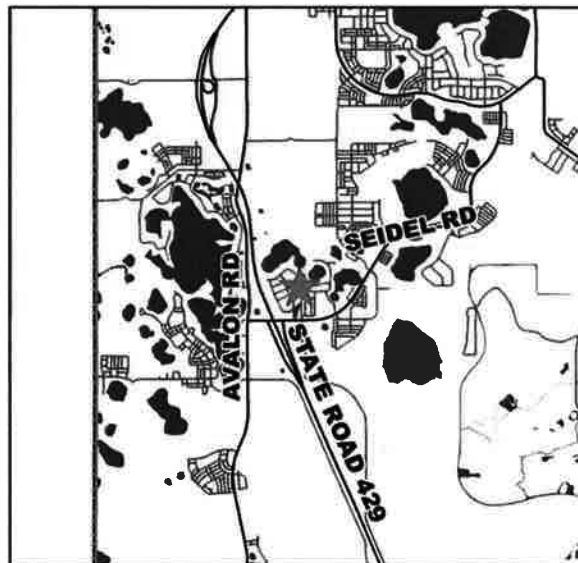


-  Subject Parcel
-  Overall PSP



★ Subject Property

Zoning Map	
ZONING:	PD (Planned Development District)
APPLICANT:	Eric Warren, Poulos & Bennett, LLC
LOCATION:	North of Seidel Road / East of S.R. 429
TRACT SIZE:	191.27 gross acres (overall PSP) / 1.95 gross acres (affected Parcel)
DISTRICT:	1
S/T/R:	04/24/27



Site Data & Notes Sheet

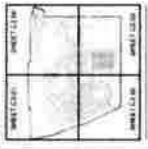
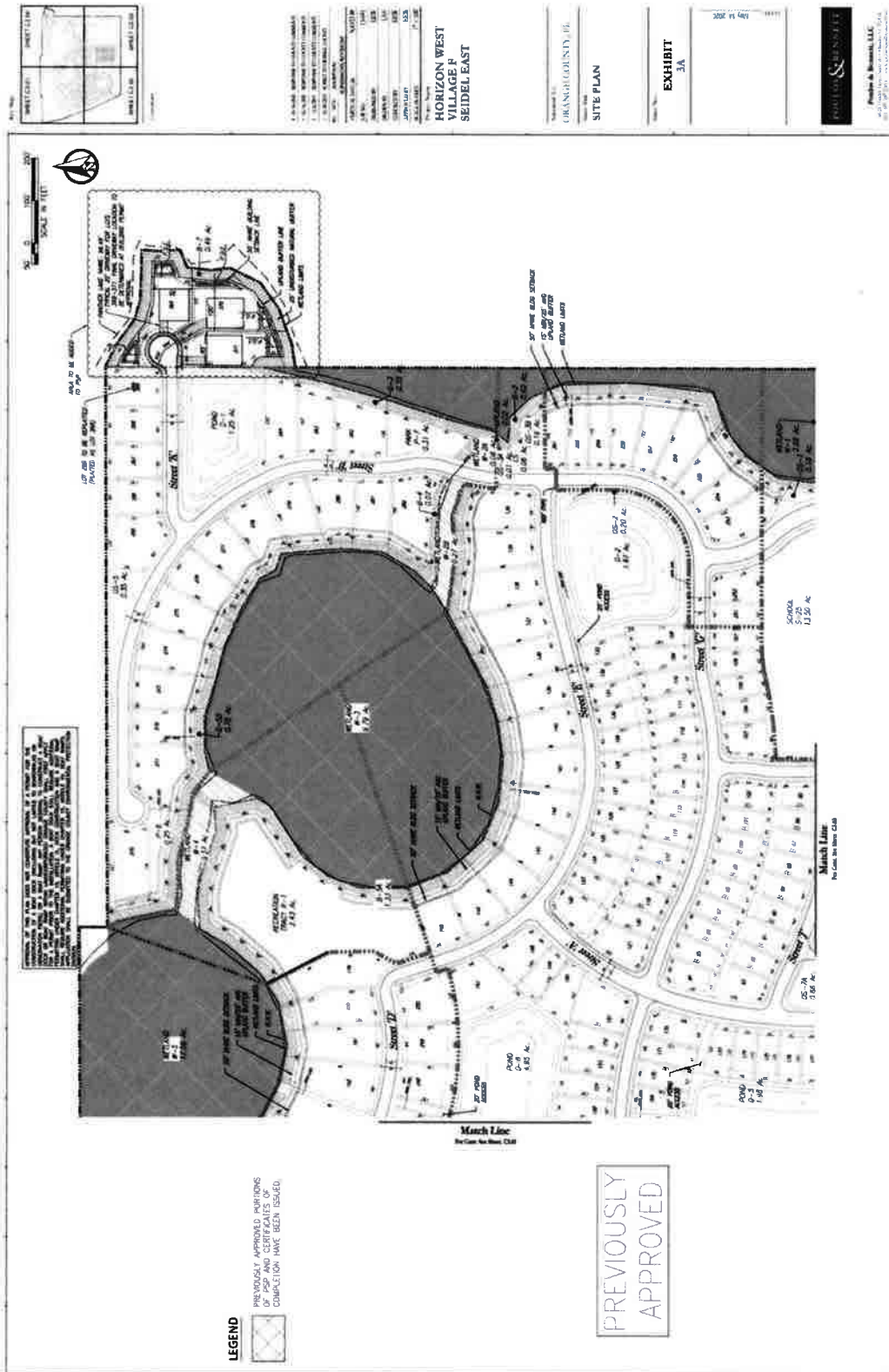
DEVELOPMENT INFORMATION		SITE / LOT DATA			
GENERAL		5-24	5-26	5-27	5-4
		TOWNSHIP DISTRICT	VILLAGE HOME DISTRICT	ESTATE DISTRICT	ESTATE DISTRICT
ZONING	PD				
TOTAL NUMBER OF UNITS (OVERALL PD)	3,462	84	207	76	3
TOTAL NUMBER OF UNITS (PD PARCELS WITHIN THIS PSP)	370	55 (4 STORIES)	45 (3 STORIES)	45 (3 STORIES)	45 (3 STORIES)
PROPOSED UNITS FOR THIS PSP	370	N/A	4,000 SF (2,880 SF (3))	10,000 SF (6,000 SF (10))	10,000 SF (6,000 SF)
TOTAL GROSS ACRES	191.27	N/A	4,000 SF	6,000 SF	6,000 SF
TOTAL WETLAND IMPACTS	36.43	10'	35' (2' (5))	35' (50' (10))	35' (50')
TOTAL WETLAND REMAINING	4.70	20'	51'	51'	51'
TOTAL LAKE/WATER BODY	0.00	100'	110' (90' (5))	110'	110'
GREENBELT AREA	8.87	100'	110'	110'	110'
UPLAND BUFFERS	5.26	100'	110'	110'	110'
TOTAL DEVELOPABLE ACRES	154.28	1,000 SF (1)	1,000 SF (1)	1,500 SF (1)	1,500 SF (1)
TOTAL DRAINAGE TRACT PROVIDED	20.12	75% (2)	65% (2)	65% (2)	65% (2)
REQUIRED PUBLIC PARK (7.5%)	11.46	15'	15' (3)	20' (15' (10))	20' (15' (3))
APF RIGHT-OF-WAY PROVIDED	1.52	10'	10'	10'	10'
NET DEVELOPABLE ACRES	121.18	14' (4)	20' (4)	25' (4)	25' (4)
NET DENSITY	3.05	0.77	5'	5'	5'
		10'	10'	10'	10'
		50'	50'	50'	50'
		N/A	2'	5' (2' (7))	5' (2' (7))

1. LIVING AREA IS DEFINED AS THE AREA THAT IS HEATED AND COOLED.
2. THE AREA OF THE FRONT PORCH IS NOT INCLUDED IN THE CALCULATION OF LOT COVERAGE.
3. FRONT LOADED GARAGE DOORS SHALL BE RECESSED A MINIMUM OF 10 FEET BEHIND THE NEAREST ADJACENT PLANE OF THE PRIMARY STRUCTURE. HOWEVER, WHEN A PORCH IN FRONT OF THE FORWARD-MOST PLANE OF THE STRUCTURE, WHICH MEETS THE MINIMUM STANDARDS OF SECTION 39-1394 (6) IS PROVIDED, THE GARAGE DOOR SETBACK BEHIND THE NEAREST ADJACENT PLANE OF THE PRIMARY STRUCTURE MAY BE DECREASED TO 7 FEET. IN NO CASE SHALL FRONT LOADED GARAGE DOORS BE SETBACK LESS THAN 20 FEET FROM THE FRONT PROPERTY LINE.
4. GARAGES WITH DIRECT ACCESS FROM AN ALLEY SHALL BE SET BACK A MINIMUM OF 9 FEET FROM THE EDGE OF PAVEMENT OR SHALL PROVIDE AN ADDITIONAL OFF-STREET PARKING SPACE. WHEN AN ADDITIONAL OFF-STREET PARKING SPACE IS ADDED THE GARAGE CAN BE SET BACK (3) FEET FROM THE EDGE OF EASEMENT.
5. REFER TO PD WAIVERS TO ALLOW RELEASD SETBACKS AND DEVELOPMENT STANDARDS FOR A 32' X 90' PRODUCT.
6. N 16 IS STORMWATER WITH (0) UNITS.
7. DRIVEWAYS SHALL BE SET BACK 5 FEET FROM THE PROPERTY LINE IN THE FRONT .10 FEET OF THE RIGHT-OF-WAY, OTHER WISE 2 FEET FROM THE SIDE PROPERTY LINE.
8. TOWNHOMES CONSTRUCTED WITHIN THE GARDEN HOME DISTRICT SHALL COMPLY WITH THE TOWNHOME DISTRICT STANDARDS.
9. PARCELS 5-23 IS SUBJECT TO DEVELOPMENT PLAN REVIEW AND APPROVAL AND MUST MEET THE REQUIREMENTS OF THE VILLAGE F PD AND THE VILLAGE CODE.
10. REFER TO PD WAIVERS FOR PARCEL 5-27

Note: Acreages are approximate until conservation area impact permit is issued.

Site Data & Notes Sheet
Seidel East CDR-19-10-353
 POULOS & BENNETT
 www.poulosandbennett.com
 407-441-2800
 1000 W. BOYD BLVD., SUITE 100, BOYD, FL 32009

Site Plan Sheet



NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY SITE PLAN	11/14/19	...
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HORIZON WEST
 VILLAGE F
 SEIDEL EAST

ORANGE COUNTY, FL
 SITE PLAN

EXHIBIT
 3A

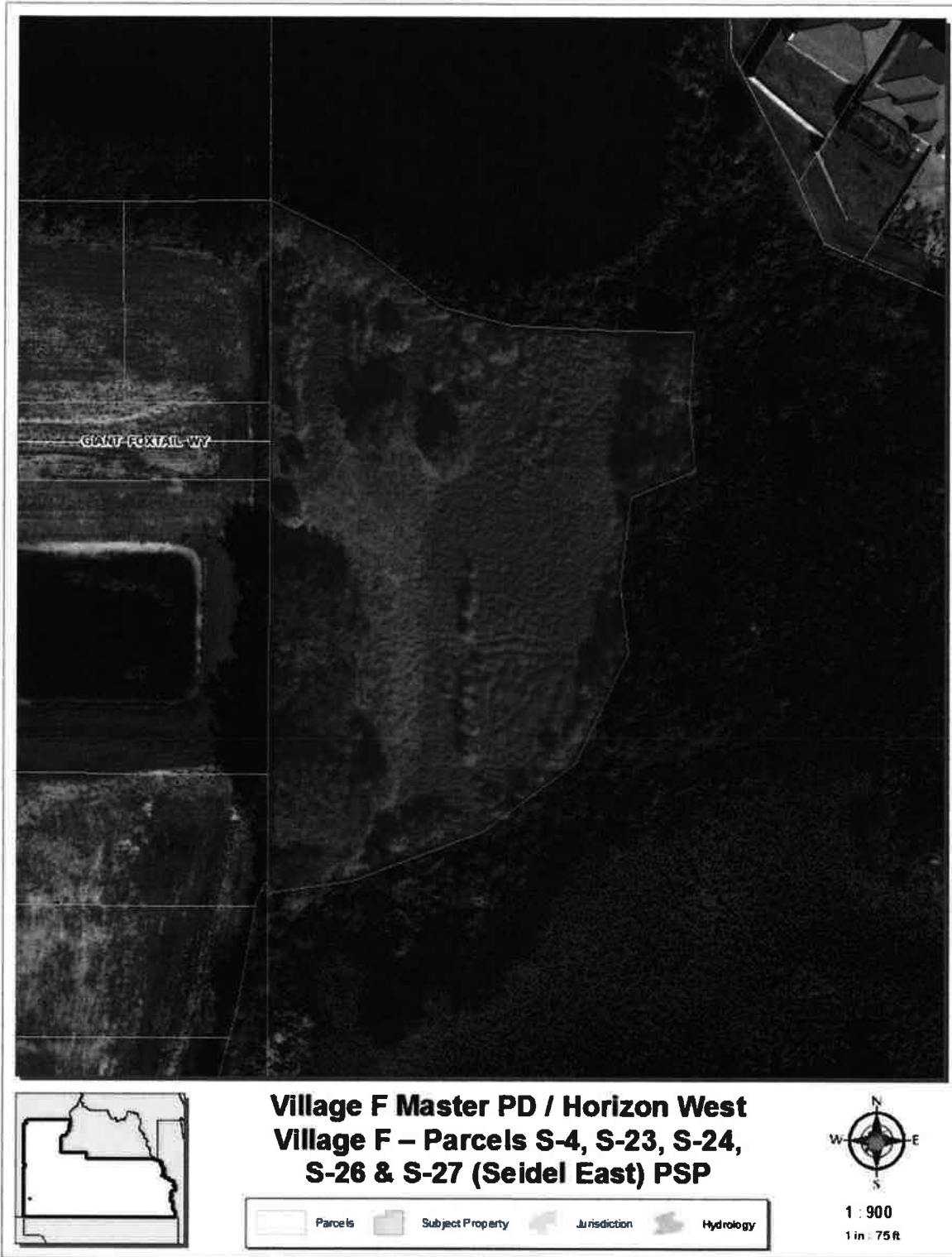


PREVIOUSLY
 APPROVED

LEGEND
 PREVIOUSLY APPROVED INDICATIONS
 OF PSP AND CERTIFICATES OF
 COMPLETION HAVE BEEN ISSUED.

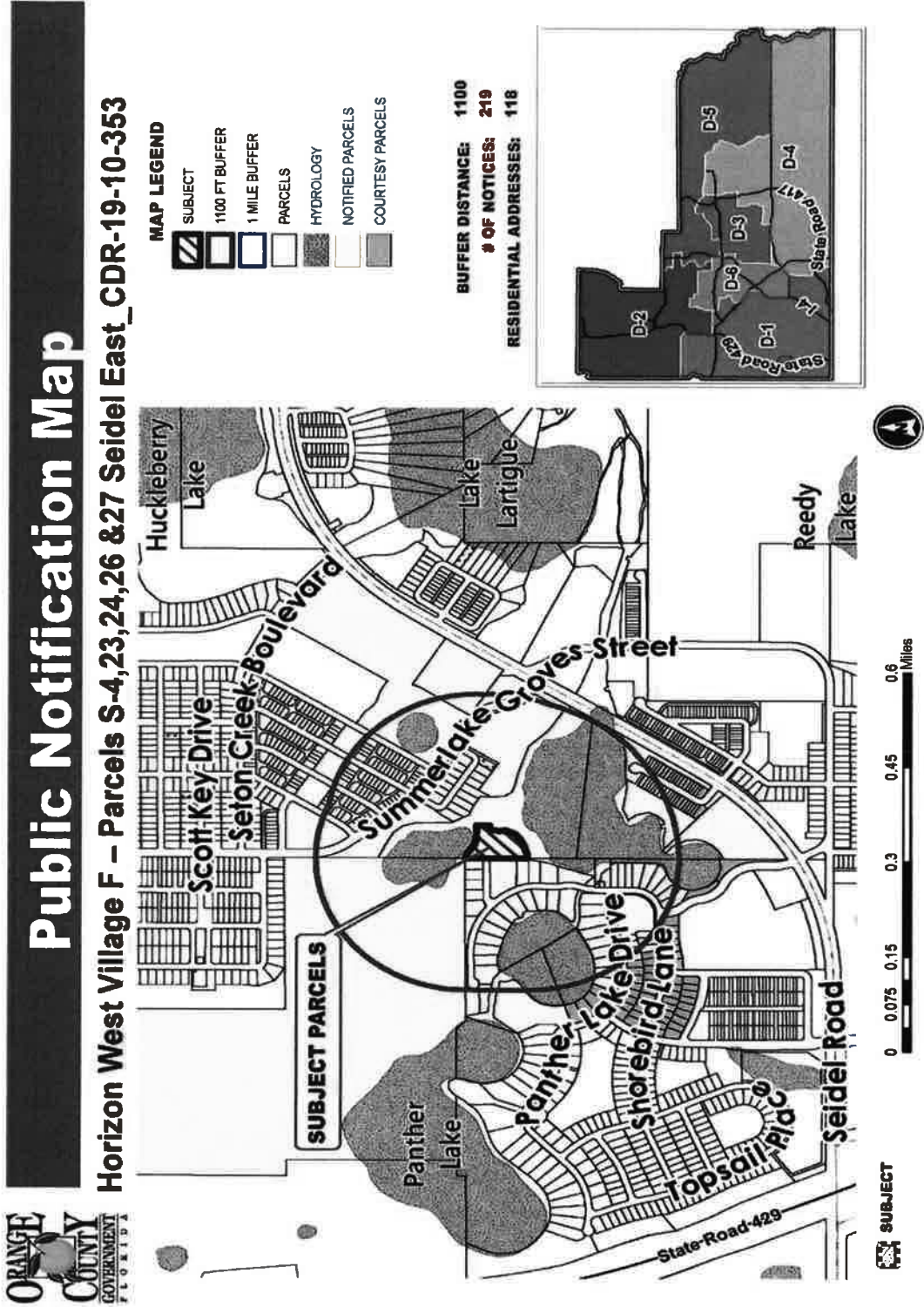
Match Line
 See Case No. 2019-00000

Aerial



Notification Map

locnasgmdphtBusiness SystemsBoard Administration5_SUBSTANTIAL CHANGE\2020\RCHorizon West Village F - Parcels S-4, S-23, S



Public Notification Map

Horizon West Village F – Parcels S-4,23,24,26 &27 Seidel East_CDR-19-10-353

