



**Interoffice Memorandum**

DATE: August 18, 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: 2020.08.18 08:16:26 -04'00'

SUBJECT: September 1, 2020 – Public Hearing  
Heather Isaacs, Poulos and Bennett, LLC  
Silverleaf Planned Development – Regulating Plan  
Case # LUP-19-09-290 / District 1  
(Related to the following consent agenda items:  
RAG-19-08-035: Town Center West (Silverleaf) Road Network Agreement; RAG-20-07-019: Escrow Agreement for Town Center West (Silverleaf) Road Network Agreement, and; APF-19-11-386: Adequate Public Facilities Agreement for Silverleaf – Horizon West Town Center PD/RP

The Silverleaf Planned Development-Regulating Plan (PD-RP) is generally located west of Avalon Road and north of Schofield Road, within the Horizon West – Town Center Special Planning Area. The proposed PD-RP zoning would allow for a transitional land use pattern to ensure compatibility with the surrounding area. The proposed mixed-use development program consists of up to 2,926 dwelling units (a mix of single-family and multi-family), 2,903,286 square feet of non-residential uses (hotel, office, commercial, and light industrial), an elementary school site and a middle school site. The project will also incorporate neighborhood design principles, interconnected open space systems, and streets with a strong pedestrian/bicycle orientation. Additionally, an associated PD-RP structure guide addresses transect development standards, street typologies & cross sections, green infrastructure components, etc.

On May 21, 2020, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was held in conjunction with the related Comprehensive Plan text amendments on September 17, 2019. Forty residents attended that meeting and expressed a positive tone. The text amendments

were subsequently approved by the Board on March 24, 2020. This PD-RP was continued by the Board on August 11, 2020 at the request of the applicant.

Finally, 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 PD-RP 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 Silverleaf Planned Development - Regulating Plan (PD-RP) dated “Received March 5, 2020”, subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1**

Attachments  
JVW/EPR/jhs

**GENERAL INFORMATION**

**APPLICANT** Heather Isaacs, Poulos and Bennett, LLC  
**OWNER** Jen Florida 36, LLC  
**PROJECT NAME** Silverleaf Planned Development – Regulating Plan (PD-RP)  
**HEARING TYPE** Planned Development - Regulating Plan (PD-RP)  
**REQUEST** **A-1** (Citrus Rural District) **and**  
**PD** (Planned Development District – Lake Ingram PD) **to**  
**PD** (Planned Development District; Silverleaf PD - Regulating  
Plan)

*A request to rezone 563 gross (489 developable and 286 net developable) acres from A-1 (Citrus Rural District) and PD (Planned Development District – Lake Ingram PD) to PD for a mixed-use project with a development program consisting of up to 2,926 residential dwelling units (single-family and multi-family) and 2,903,286 square feet of non-residential uses including hotel, commercial, office, and/or light industrial. The project would also feature public schools and parks. An associated PD Regulating Plan (RP) map depicts three (3) Transect Zones, Adequate Public Facility (APF) lands, and distinct neighborhoods. An associated PD-RP structure guide addresses transect development standards, street typologies & cross sections, green infrastructure components, etc.*

**LOCATION** Generally located west of SR 429 and Avalon Road, north of Schofield Road, south of New Independence Parkway, and east of the Orange / Lake County line

**PARCEL ID NUMBERS** 19-23-27-5836-15-010, 19-23-27-5840-12-090,  
19-23-27-5840-11-010, 19-23-27-5836-16-110,  
19-23-27-5836-16-010, 19-23-27-5836-17-010,  
19-23-27-5840-14-010, 19-23-27-5836-15-030,  
19-23-27-5836-15-011, 29-23-27-0000-00-004,  
30-23-27-0000-00-001, 30-23-27-0000-00-010,  
30-23-27-0000-00-004, 30-23-27-0000-00-007,  
30-23-27-0000-00-005, 19-23-27-5840-13-100,  
19-23-27-5840-10-000

**TRACT SIZE** 563 gross acres / 286 net developable acres

**PUBLIC NOTIFICATION** The notification area for this public hearing was 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires

300 feet]. Fifty-four (54) notices were mailed to those property owners in the surrounding area. A community meeting was held on September 17, 2019 in conjunction with the related Comprehensive Plan text amendments. The community meeting is summarized further in this report.

**PROPOSED USE**

2,926 residential dwelling units (single-family and multi-family) and 2,903,286 square feet of non-residential uses

**STAFF RECOMMENDATION**

**Development Review Committee – (February 26, 2020)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Silverleaf Planned Development / Regulating Plan (PD-RP), dated “Received March 5, 2020”, subject to the following conditions:**

1. Development shall conform to the Silverleaf Land Use Plan - Regulating Plan (LUP - RP) dated "Received March 5, 2020," 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, 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. 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 and the land use plan dated "Received March 5, 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

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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 land use plan - regulating 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 Town Center West (Silverleaf) Road Network Agreement (C.R. 545/Avalon Road, and New Independence Parkway) approved concurrently with this Land Use Plan.
7. Boat Docks or Ramps - Approval of this plan does not constitute approval of a permit for the construction of a boat dock (including: boardwalks or observation piers in wetlands or in wetland buffer areas) or a boat ramp. Any person desiring to construct a boat dock or boat ramp within this county shall first apply for a permit prior to the installation. A boat dock shall require additional permitting under Chapter 15, Article IX, Construction of Boat Dock Ordinance and a boat ramp shall require additional permitting under Chapter 15, Article XV, Boat Ramp Facility. If a variance or waiver is requested as part of the Application to Construct a Dock, the request must be approved by the Board of County Commissioners. The Application to construct a Boat

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ramp Facility must be approved by the BCC. Application shall be made to the Orange County Environmental Protection Division.

8. All acreages identified as 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.
9. 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.
10. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby notified 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).
11. An upland buffer of a minimum of 25 feet will be provided for all Class I, II, and III wetland systems unless scientific data dictate a larger or smaller buffer based on wetland function or local conditions. These will be shown as 25-foot buffer located landward of the wetland line that shall retain natural vegetation and labeled as Undisturbed Vegetated Natural Buffer.
12. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, shall include notification of the prior use of this property (where appropriate) as a citrus grove, landscape nursery, or other prior use if that former use had potential for soil or groundwater contamination.
13. Prior to construction plan approval, all property owners within Horizon West Town Center Village (SAP), 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 requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
14. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
15. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD, such MUP shall include supporting calculations showing that the PD-level MUP is consistent with approved and up-to-date MUP for the Horizon West Town Center, or shall include an update to the Horizon West Town Center MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.

16. 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.
17. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, provide calculations and documentation certifying that the design complies with this condition.
18. The Developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Horizon West Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
19. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
20. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable of the proximity of inactive and active Solid Waste Management Facilities within one-mile of this project (to the north) and as close as 0.1 mile to the southeast. All DPs/PSPs within that limit will be required to have a proximity notice condition of approval.
21. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County code.

**IMPACT ANALYSIS**

**Overview**

The subject property is located within the Horizon West – Town Center special planning area. Horizon West is a master-planned area consisting of six (6) villages (Bridgewater, Lakeside, Town Center, Village F, Village H, and Village I) each containing a specific program for uses including residential, non-residential, schools, parks, and associated infrastructure.

The proposed PD-RP (Planned Development-Regulating Plan District) zoning would allow for a transitional land use pattern to ensure compatibility with the surrounding area. The proposed mixed-use development program consists of up to 2,926 dwelling units (a mix of single-family and multi-family) and 2,903,286 square feet of non-residential uses (hotel, office, commercial, and light industrial). The table below lists the various transects, their acreages, and the proposed development program.

Transect	Transect Acres (Developable)	Min. Units	Max. Units	5% Attainable Housing Goal	Max. District Density	Min. Sq. Ft. Non-Res	Max. Sq. Ft. Non-Res
CCM -T3	131	311	505	25	6.5	0	36,000
CCM-T4	285	949	1,756	88	22.6	792,482	2,517,864
CCM-T5	39	460	665	33	26	116,474	349,422
Schools	34	-	-	-	-		-
<b>Total</b>	<b>489</b>	<b>1,720</b>	<b>2,926</b>	<b>146</b>	<b>-</b>	<b>908,956</b>	<b>2,903,286</b>

The project will also incorporate neighborhood design principles, interconnected open space systems, and streets with a strong pedestrian/bicycle orientation.

**Land Use Compatibility**

The proposed development program is consistent with the Horizon West - Town Center policies and Code criteria, is compatible with existing development in the area, and would not adversely impact any adjacent properties.

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V) indicating that the property is within Horizon West. More specifically, the



property is within the Town Center of Horizon West and has designations of Corporate Campus Mixed-Use (CCM), Corporate Neighborhood Center (CNC), and Traditional Town Center (TTC) on the Town Center Special Planning Area map. The proposed Regulating Plan has designations of CCM with various transects identifying various levels of intensities and densities.

The Board approved Comprehensive Plan text amendments (2019-2-C-FLUE-1) on March 24, 2020 to allow applicants to choose to do a Regulating Plan in lieu of adhering to the Horizon West Town Center Code criteria.

The proposed PD-RP zoning district and development program are consistent with the Village FLUM designation and the adopted text amendments (2019-2-C-FLUE-1) to the Comprehensive Plan, therefore a CP amendment is not necessary.

### **SITE DATA**

<b>Existing Use</b>	Undeveloped Land / Farm Land
<b>Adjacent Zoning</b>	N: A-1 (Citrus Rural District) (1957) E: A-1 (Citrus Rural District) (1957) and PD (Hamlin Southwest PD/UNP) (2018) W: Lake County S: A-1 (Citrus Rural District) (1957) and PD (Valencia Community College Planned Development) (2006)
<b>Adjacent Land Uses</b>	N: Undeveloped Land / Farm Land E: Undeveloped Land / Farm Land and SR 429 W: Undeveloped Land / Farm Land S: Undeveloped Land / Farm Land / Single-Family Residential

### **SPECIAL INFORMATION**

#### **Community Meeting Summary**

A community meeting was held in conjunction with the related Comprehensive Plan text amendments on September 17, 2019. Forty (40) residents attended and expressed a positive tone.

#### **Environmental**

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).

An upland buffer of a minimum of 25 feet will be provided for all Class I, II, and III wetland systems unless scientific data dictate a larger or smaller buffer based on wetland function or local conditions. These will be shown as 25-foot buffer located landward of the wetland line that shall retain natural vegetation and labeled as Undisturbed Vegetated Natural Buffer.

Approval of this plan does not constitute approval of a permit for the construction of a boat dock (including: boardwalks or observation piers in wetlands or in wetland buffer areas) or a boat ramp. Any person desiring to construct a boat dock or boat ramp within this county shall first apply for a permit prior to the installation. A boat dock shall require additional permitting under Chapter 15, Article IX, Construction of Boat Dock Ordinance and a boat ramp shall require additional permitting under Chapter 15, Article XV, Boat Ramp Facility. If a variance or waiver is requested as part of the Application to Construct a Dock, the request must be approved by the Board of County Commissioners. The Application to construct a Boat ramp Facility must be approved by the BCC. Application shall be made to the Orange County Environmental Protection Division.

The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable of the proximity of inactive and active Solid Waste Management Facilities within one-mile of this project (to the north) and as close as 0.1 mile to the southeast. All DPs/PSPs within that limit will be required to have a proximity notice condition of approval.

**Transportation / Concurrency**

The associated Town Center West (Silverleaf) Road Network Agreement and Escrow Agreement for Town Center West (Silverleaf) Road Network Agreement have been added to the consent agenda to be pulled for consideration with this rezoning request.

**Water / Wastewater / Reclaim**

	<u>Existing service or provider</u>
Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaimed:	Orange County Utilities

**Schools**

Orange County Public Schools (OCPS) has approved a Capacity Enhancement Agreement (OC-19-064) which expires July 30, 2021.

**State of Florida Notice**

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

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shall obtain all other applicable state or federal permits before commencement of development.

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (May 21, 2020)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Silverleaf Planned Development - Regulating Plan (PD-RP), dated "Received March 5, 2020", subject to twenty-two (22) conditions:**

1. Development shall conform to the Silverleaf Land Use Plan - Regulating Plan (LUP - RP) dated "Received March 5, 2020," 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, 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. 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 and the land use plan dated "Received March 5, 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 land use plan - regulating 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 Town Center West (Silverleaf) Road Network Agreement (C.R. 545/Avalon Road, and New Independence Parkway) approved on \_\_\_\_\_, 2020 and recorded in the Public Records of Orange County, Florida, as may be amended.
7. Boat Docks or Ramps - Approval of this plan does not constitute approval of a permit for the construction of a boat dock (including: boardwalks or observation piers in wetlands or in wetland buffer areas) or a boat ramp. Any person desiring to construct a boat dock or boat ramp within this county shall first apply for a permit prior to the installation. A boat dock shall require additional permitting under Chapter 15, Article IX, Construction of Boat Dock Ordinance and a boat ramp shall require additional permitting under Chapter 15, Article XV, Boat Ramp Facility. If a variance or waiver is requested as part of the Application to Construct a Dock, the

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request must be approved by the Board of County Commissioners. The Application to construct a Boat ramp Facility must be approved by the BCC. Application shall be made to the Orange County Environmental Protection Division.

8. All acreages identified as 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.
9. 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.
10. 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).
11. An upland buffer of a minimum of 25 feet will be provided for all Class I, II, and III wetland systems unless scientific data dictate a larger or smaller buffer based on wetland function or local conditions. These will be shown as 25-foot buffer located landward of the wetland line that shall retain natural vegetation and labeled as Undisturbed Vegetated Natural Buffer.
12. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, shall include notification of the prior use of this property (where appropriate) as a citrus grove, landscape nursery, or other prior use if that former use had potential for soil or groundwater contamination.
13. Prior to construction plan approval, all property owners within Horizon West Town Center Village (SAP), 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 requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
14. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
15. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD, such MUP shall include supporting calculations showing that the PD-level MUP is consistent with approved and up-to-date MUP for the Horizon West Town Center, or shall include an update to the Horizon West Town Center MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.

16. 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.
17. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, provide calculations and documentation certifying that the design complies with this condition.
18. The Developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Horizon West Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
19. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
20. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable of the proximity of inactive and active Solid Waste Management Facilities within one-mile of this project (to the north) and as close as 0.1 mile to the southeast. All DPs/PSPs within that limit will be required to have a proximity notice condition of approval.
21. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County code.
22. The applicant's Right-of-Way Petition to Vacate application must be approved by the Board of County Commissioners concurrently with the Regulating Plan.

### **PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested PD-RP (Planned Development – Regulating Plan) subject to the twenty-one (21) conditions listed in the staff report plus one additional condition regarding the need for the petition to vacate application to proceed simultaneously to the Board with this rezoning request. The applicant was present and agreed with the staff recommendation. There were no members

**Rezoning Staff Report**

**Case # LUP-19-09-290**

**BCC Hearing Date: September 1, 2020**

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of the public present to speak on this request, however a representative from Orange County Public Schools was present to speak in favor of the request.

Staff indicated that fifty-four (54) notices were sent to property owners extending beyond 1,500 feet surrounding the property, and that staff had received one (1) response in opposition to the request citing concerns of traffic, noise, perceived habitat impacts, and loss of natural areas.

After a brief discussion, a motion was made by Commissioner Dunn, and seconded by Commissioner Fernandez to recommend approval of the requested PD (Planned Development District) zoning, subject to twenty-two (22) conditions. The motion carried on an 8-0 vote.

**Motion / Second**

*Jimmy Dunn / Eddie Fernandez*

**Voting in Favor**

*Jimmy Dunn, Eddie Fernandez, Gordon Spears, JaJa Wade, Diane Velazquez, Carlos Nazario, Nelson Pena, and Evelyn Cardenas*

**Voting in Opposition**

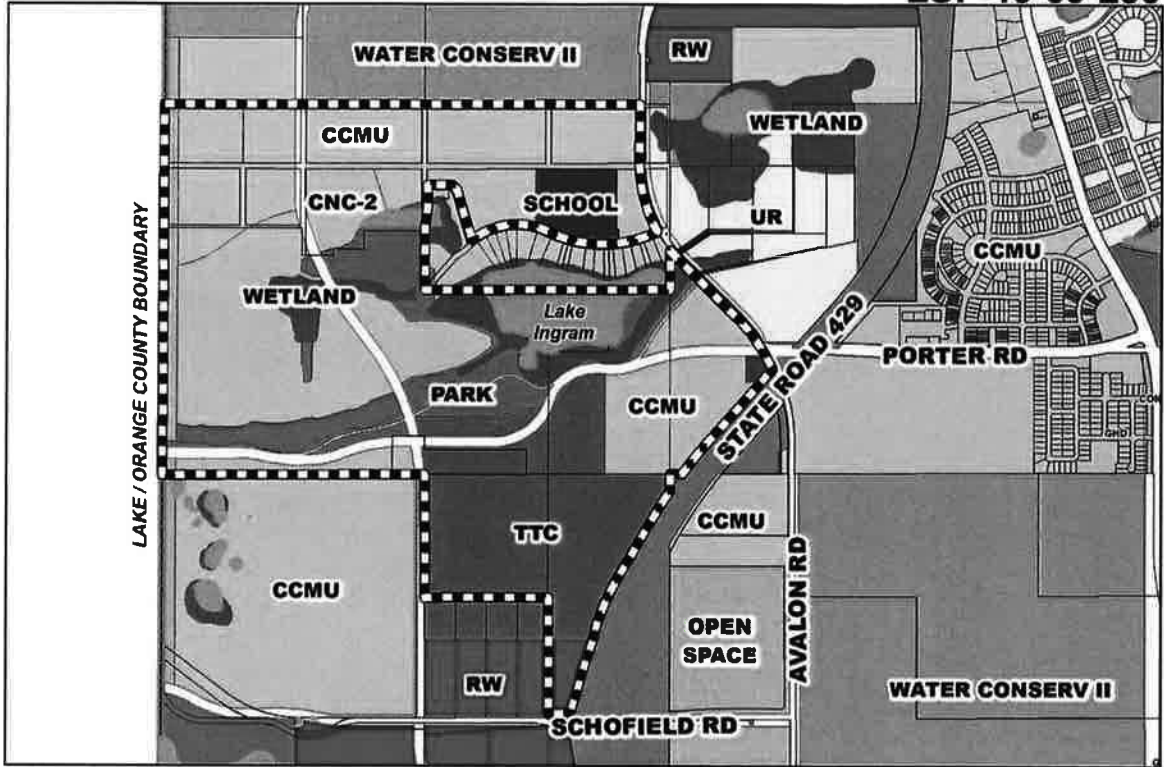
*None*

**Absent**

*None*

*Mohammed Abdallah declared a conflict of interest and recused himself from the vote.*

LUP-19-09-290



Subject Property



Subject Property

**Future Land Use Map**

**FLUM:** Horizon West Village (V), Town Center Special Planning Area:  
 - Corporate Campus Mixed Use (CCMU)  
 - Traditional Town Center (TTC)  
 - Retail / Wholesale (RW)  
 - Corporate Neighborhood Center (CNC)  
 - School, Park, and Wetland

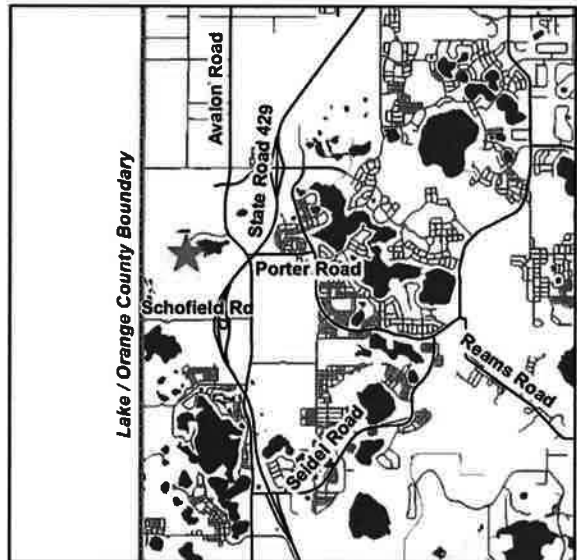
**LOCATION:** Generally located west of SR 429, north of Schofield Road, and south of New Independence Parkway.

**TRACT SIZE:** 563 gross acres

**DISTRICT:** # 1

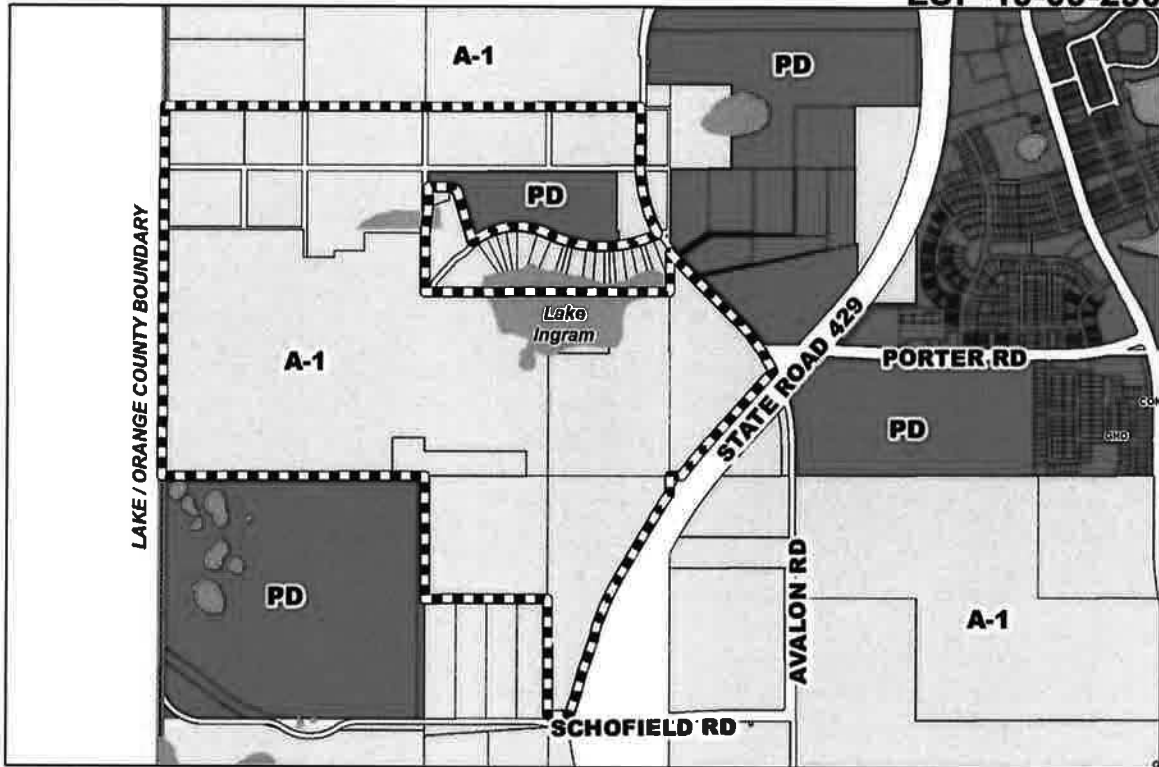
**S/I/R:** 19/23/27 & 30/23/27

1 inch = 1,600 feet





LUP-19-09-290



Subject Property



Subject Property

### Zoning Map

**ZONING:** Citrus Rural District (A-1), and Lake Ingram Planned Development (PD) to Planned Development District (PD)

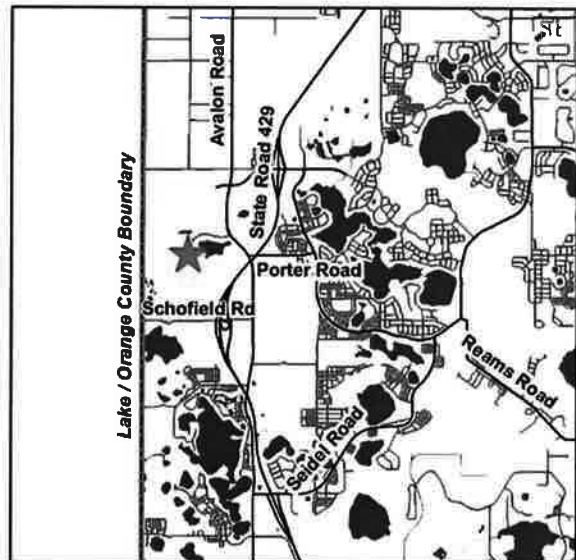
**LOCATION:** Generally located west of SR 429, north of Schofield Road, and south of New Independence Parkway.

**TRACT SIZE:** 563 gross acres

**DISTRICT:** # 1

**S/TIR:** 19/23/27 & 30/23/27

1 inch = 1,600 feet



**LUP-19-09-290**

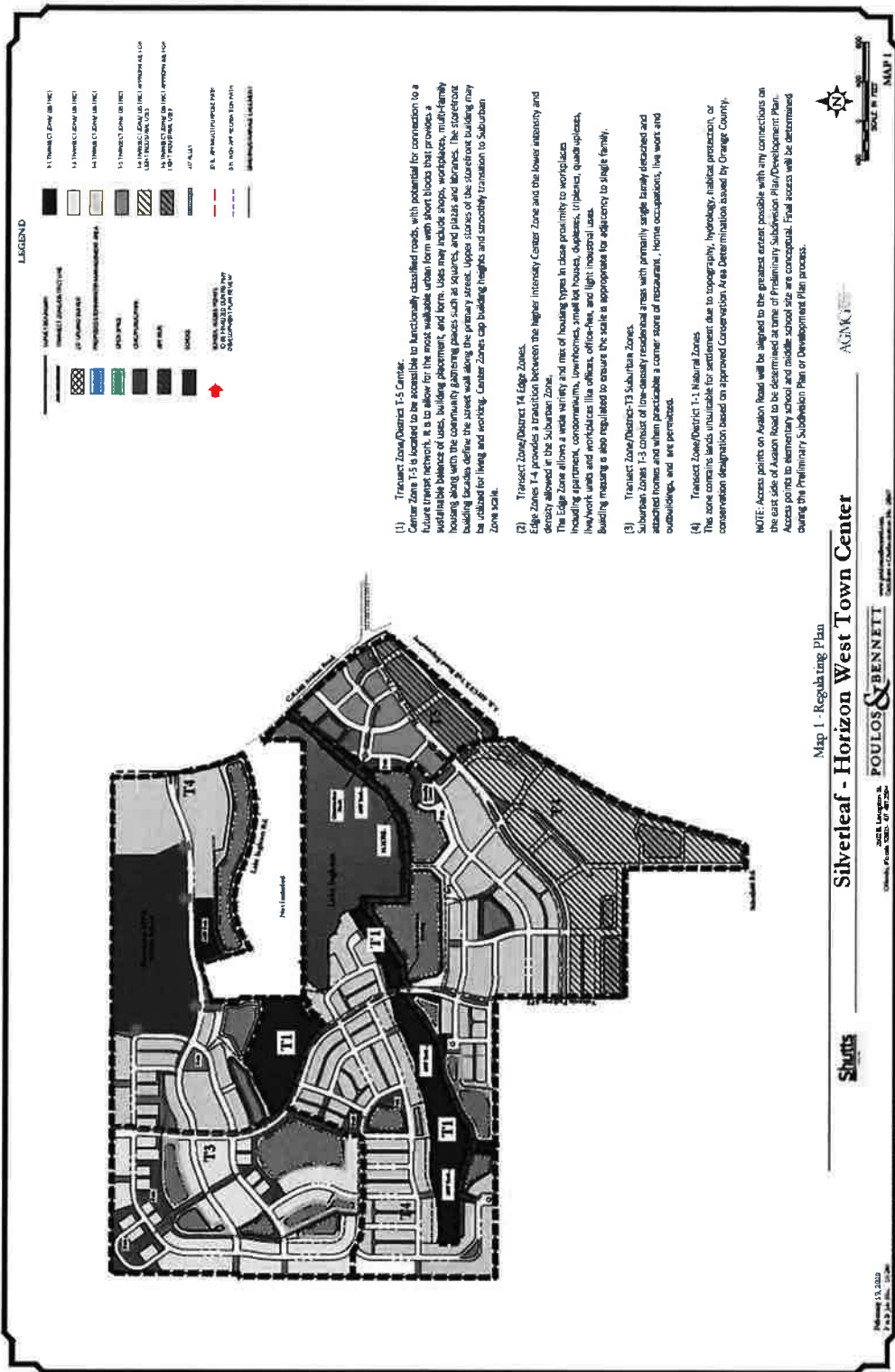


 **Subject Property**



**1 inch = 1,000 feet**

# Silverleaf PD / RP Map



# Notification Map

