



Interoffice Memorandum

DATE: November 1, 2017

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

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

CONTACT PERSON: **John Smogor, Chairman**
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: November 28, 2017 – Public Hearing
Christopher Wrenn
Waterleigh Planned Development / Phase 2D Parcel 24
(portion of) and APF Road (portion of) Preliminary Subdivision Plan
Case # PSP-16-11-388 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 20, 2017 to recommend approval of the Waterleigh Planned Development / Phase 2D Parcel 24 (portion of) and APF Road (portion of) Preliminary Subdivision Plan to subdivide 31.0 acres in order to construct one hundred five (105) single-family residential dwelling units.

This request also includes the following waiver from Orange County Code:

A waiver from Orange County Code Section 34-152(c) is requested to allow Lots 362-421, 444-454, and 461-466 to front a mew. Legal access to these lots shall be through a platted ingress / egress easement in lieu of 20 feet fee simple as required by code.

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.

November 28, 2017 – Public Hearing

Christopher Wrenn, D.R. Horton, Inc.

Waterleigh PD/ Phased 2D Parcel 24 (portion of) and APF Road (portion of) PSP - Case # PSP-16-11-388 /
District 1

Page 2 of 2

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the Waterleigh Planned Development / Phase 2D Parcel 24 (portion of) and APF Road (portion of) Preliminary Subdivision Plan dated “Received September 27, 2017”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/JS/sfv
Attachments

CASE # PSP-16-11-388

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 20, 2017 to recommend approval of the Waterleigh Planned Development / Phase 2D Parcel 24 (portion of) and APF Road (portion of) Preliminary Subdivision Plan to subdivide 31.0 acres in order to construct one hundred five (105) single-family residential dwelling units.

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2. PROJECT ANALYSIS

- A. Location: West of Avalon Road / South of Old YMCA Road
- B. Parcel ID: 07-24-27-0000-00-003 (a portion of)
- C. Total Acres: 31.0 (gross)
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Keene's Crossing ES: Capacity 859, Enrollment 1,002
Bridgewater MS: Capacity 1,176, Enrollment 1,826
West Orange HS: Capacity 3,276, Enrollment 4,340
- G. School Population: 39
- H. Parks: Moss Park - 8.2 Miles
- I. Proposed Use: 105 Single-Family Residential Dwelling Units
- J. Site Data: Townhome District: (Parcel 24)

Townhomes (attached)

Maximum Building Height: 55' (4-stories)
Minimum Living Area: 1,000 Square Feet
Building Setbacks:
15' Front
0' / 7' Side

14' Rear
10' Side Street / Corner / APF Road
10' Porch
50' NHWE

Single Family (detached)

Maximum Building Height: 45' (3-stories)

Minimum Living Area: 1,200 Square Feet

Building Setbacks:

15' Front
5' Side
20' Rear
10' Side Street / Corner / APF Road
10' Porch
50' NHWE

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

L. Transportation: 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.

There is an approved trip assignment letter on file for this development.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Village within Horizon West Village H. The subject property is designated as a Townhome District on the approved Special Planning Area Land Use Map. The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development) (Waterleigh PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Waterleigh PD; Orange County Board of County Commissioners (BCC) approvals; Phase 2D Parcel 24 (Portion of) and APF Road (Portion of) Preliminary Subdivision Plan dated "Received September 27, 2017," 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 September 27, 2017," 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 stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.

7. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, if not provided by the Homeowners' Association, shall be the responsibility of the County.

8. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the

Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

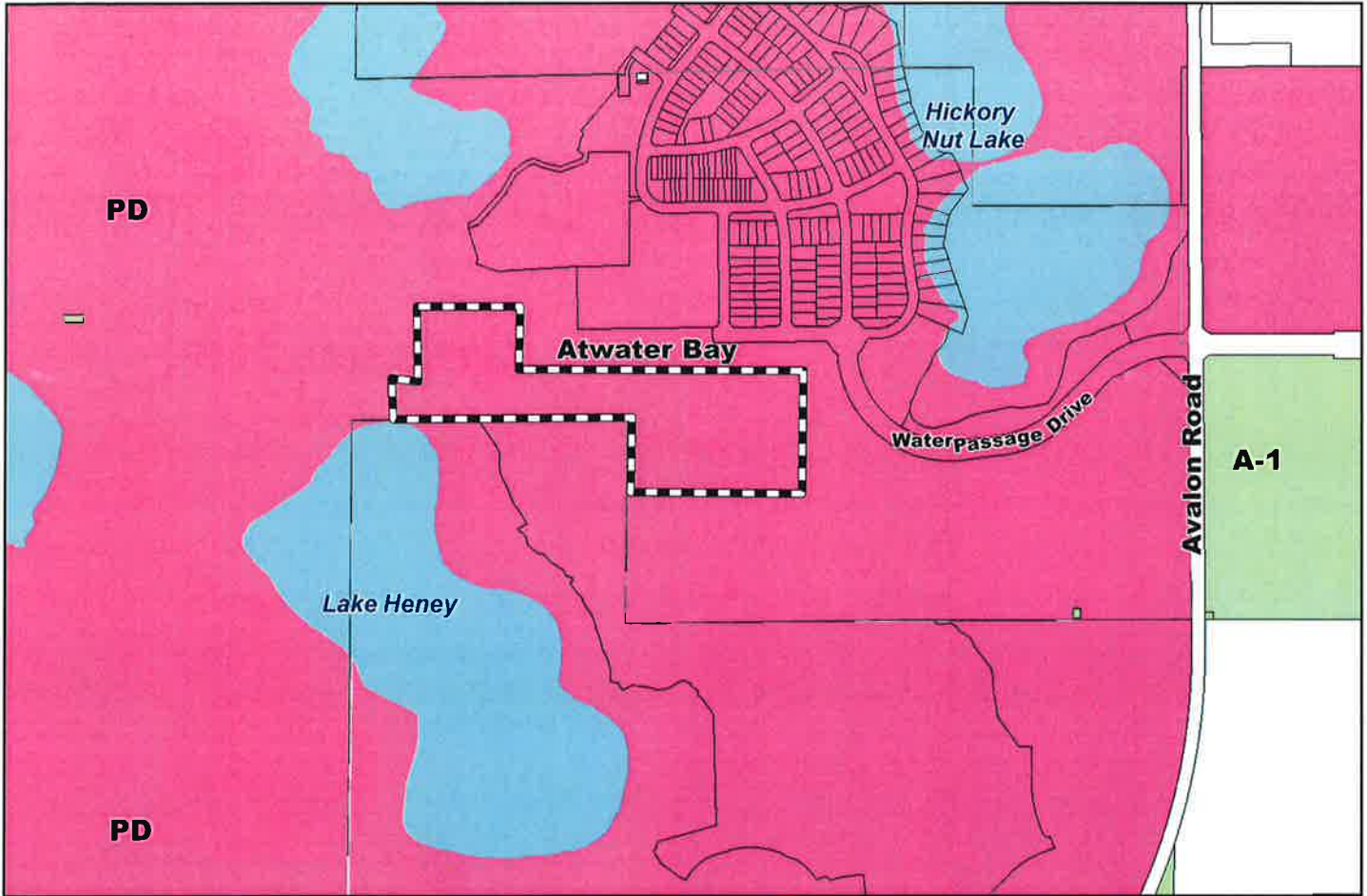
9. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
10. The project shall comply with the terms and conditions of that certain Village H Road Network Agreement recorded at Official Records Book/Page 10525/6172, Public Records of Orange County, Florida, as may be amended.
11. 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.
12. As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village H Road Network Agreement recorded at O.R. Book 10525, Page 6172, 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 Preliminary Subdivision Plan/Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
13. 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.
14. 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 for an Orange County Dock Construction Permit. Application shall be made to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction prior to installation.

15. 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.
16. 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).
17. 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, that the Orange County Environmental Protection Division will review dock permits on an individual basis. In no instance shall a dock permit be issued for any lot that is not platted to the Normal High Water Elevation (NHWE).
18. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (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.
19. 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.
20. 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.

21. 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 MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
22. The plat and the Conditions, Covenants, and Restrictions (CC&Rs) for this project shall notify homeowners of the following: Homeowners own and maintain their individual water and reclaimed water services which extend to their homes from public water meters located adjacent to public road right-of-way. The privately-owned water and reclaimed water services for the Lots number 378-401, 408-421, 444-454, and 461-466 and the privately-owned water services for the Lots numbered 362-377 and 402-407 on the PSP extend to these units through HOA-owned tracts. The owners of these lots shall be granted access to HOA-owned tracts for the purpose of maintaining their water and reclaimed water services.
23. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
24. Short term/transient rental is prohibited. Length of stay shall be for 180 days or greater.
25. All home designs/types proposed for this PSP shall be submitted to the County for setback & architectural review a minimum of 90 days prior to model home requests and/or permitting.
26. A waiver from Orange County Code Section 34-152(c) is granted to allow Lots 362-421, 444-454, and 461-466 to front a mew. Legal access to these lots shall be through a platted ingress / egress easement in lieu of 20 feet fee simple as required by code.



Subject Property



Subject Property

Zoning

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

APPLICANT: Adam Smith
VHB, Inc.

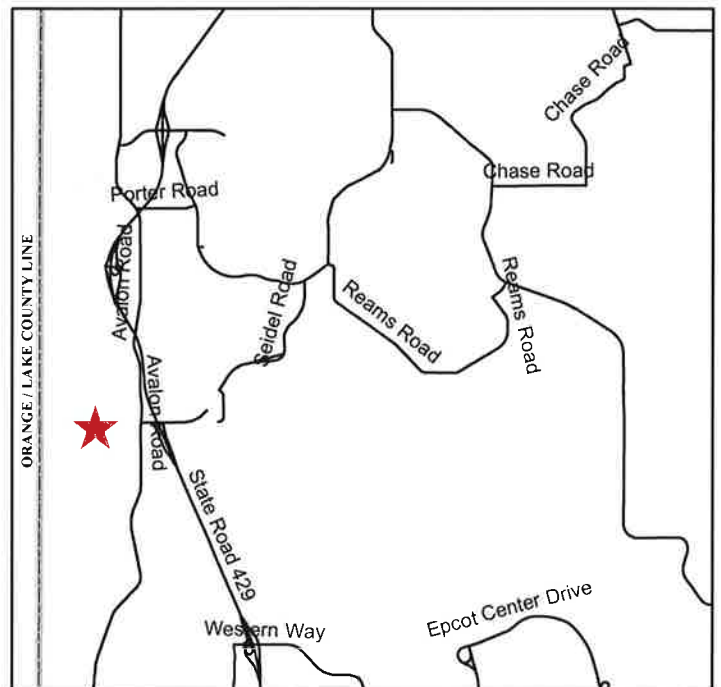
LOCATION: South of Old YMCA Road /
West of Avalon Road (CR 545)

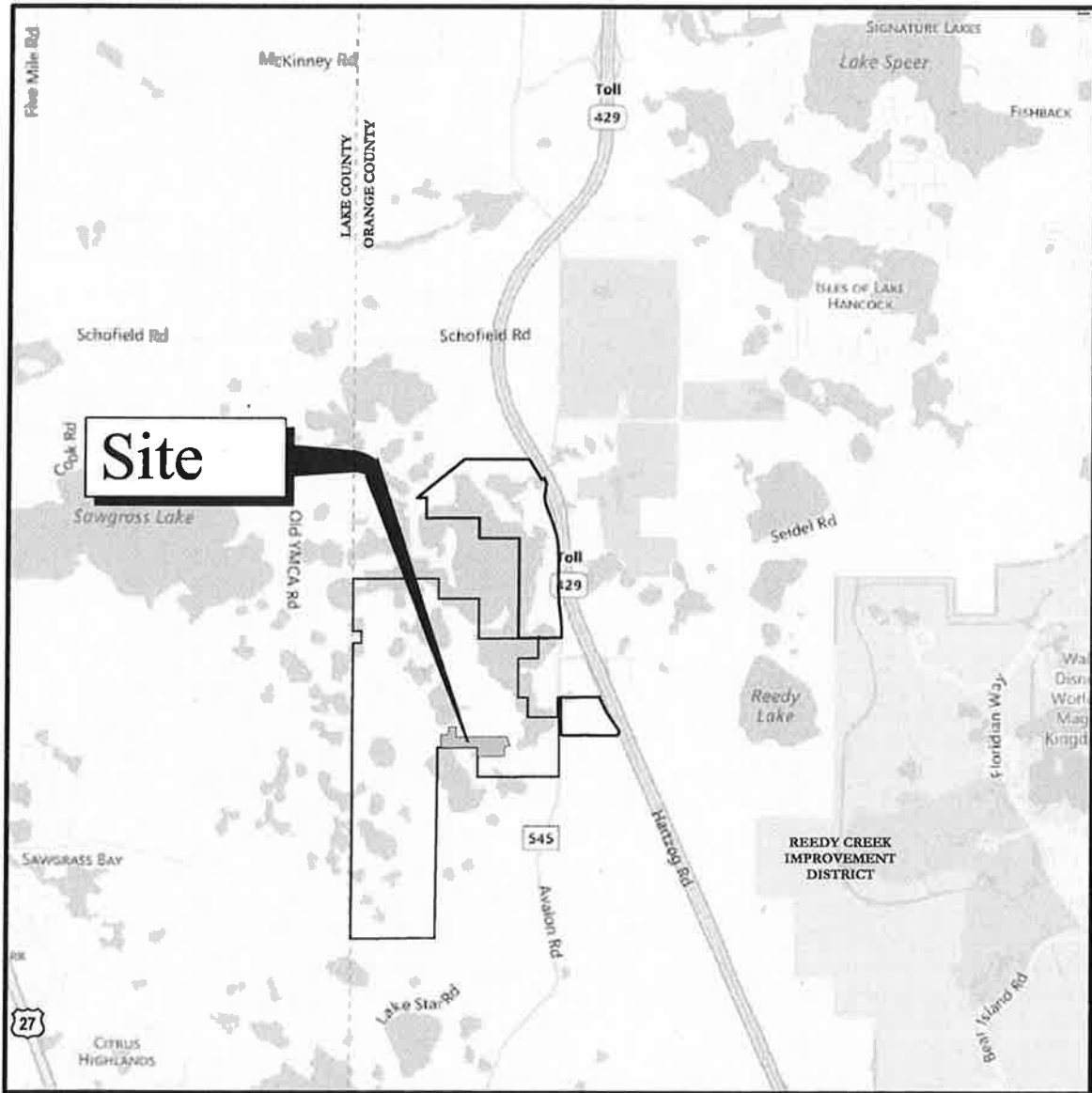
TRACT SIZE: 31.0 acres

DISTRICT: #1

S/T/R: 07/24/27

1 inch = 833 feet



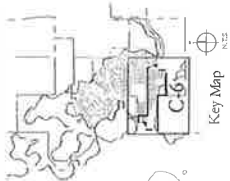


Site Location Map





Vacuum Hygienic Bionics, Inc.
 225 E. Robinson Street, Suite 200
 Fort Lauderdale, FL 33304
 954.573.8600 • FAX 954.573.8608
 Certificate of Authorization Number PL #9932



SCALE IN FEET
 0 100 200

NO.	DATE	DESCRIPTION	BY	CHECKED
1	07/17/2017	PRELIMINARY	...	...
2	08/17/2017	...	...	...
3	07/17/2017	...	...	...
4	07/17/2017	...	...	...
5	07/17/2017	...	...	...
6	07/17/2017	...	...	...
7	07/17/2017	...	...	...
8	07/17/2017	...	...	...
9	07/17/2017	...	...	...
10	07/17/2017	...	...	...

(Village H) of Horizon West
 Waterfleigh Phase 2D
 Parcel 24 (Portion of)
 & APF Road (Portion of)
 Orange County, Florida

Preliminary Subdivision Plan

Drawn (SAND 58)

Site Plan

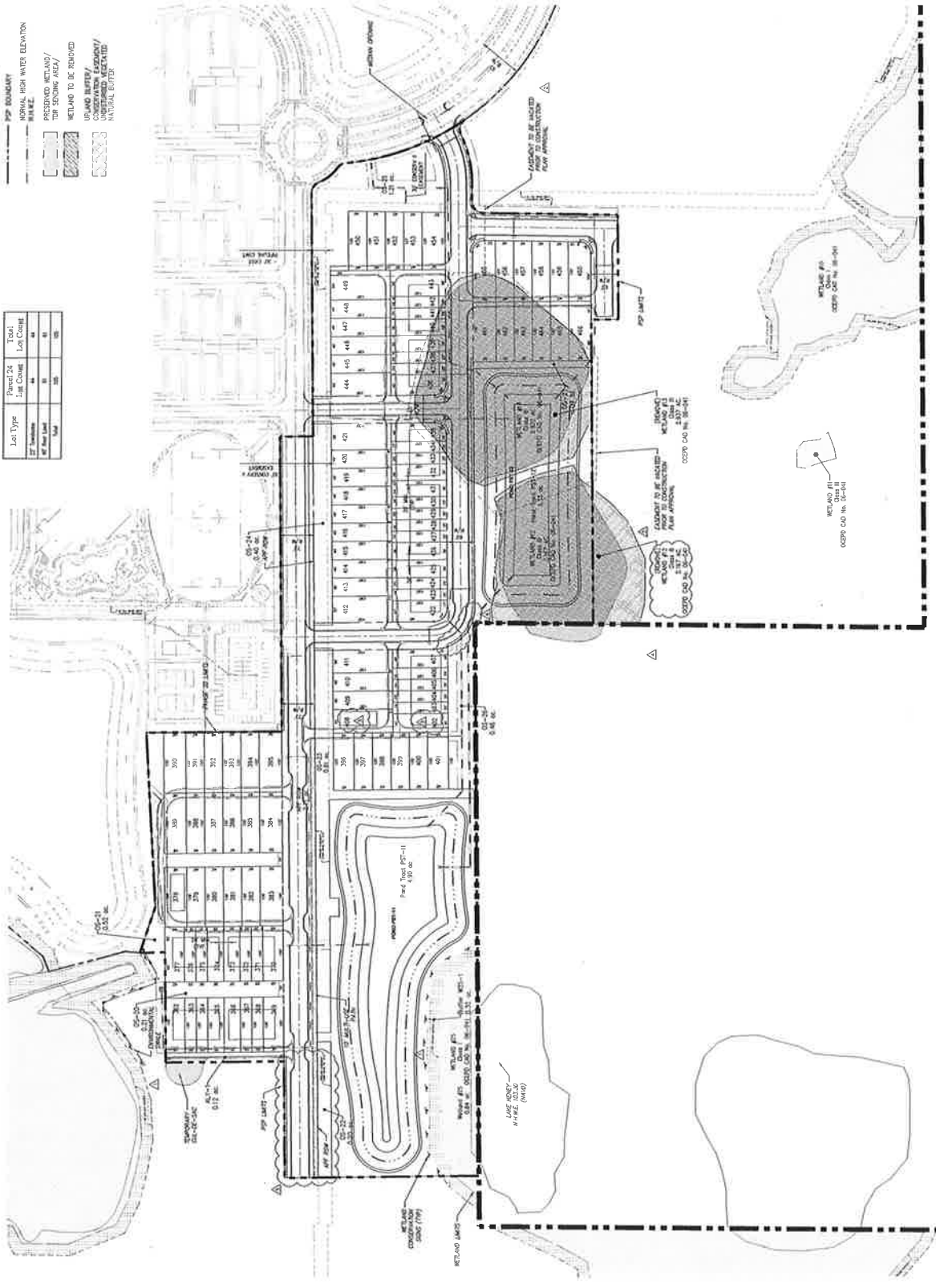
C-6

6/10/13

Lot Chart

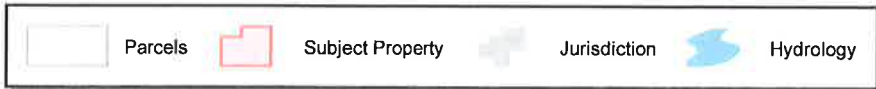
Lot Type	Block 251 Lot Count	Total Lot Count
27' Single-Lot	14	14
40' Area Lot	11	11
Other	105	105

- Legend**
- PPF BOUNDARY
 - NORMAL HIGH WATER ELEVATION
 - WETLAND
 - PROPOSED WETLAND/TURF SAVING AREA
 - WETLAND TO BE REWETED
 - USDA BUREAU OF CONSERVATION EXAGGERATED/UNDESIGNED REWETED/ARTIFICIAL CREEK





**Waterleigh PD / Phase 2D Parcel
24 (portion of) and
APF Road (portion of) PSP**



1 : 16,800
1 in : 1,400 ft