





Interoffice Memorandum

DATE: July 22, 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: August 20, 2019 – Public Hearing
Applicant: Adam Smith, VHB, Inc.
Waterleigh Planned Development / Waterleigh Village Center
Parcel 13 Preliminary Subdivision Plan
Case # PSP-18-09-302

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of June 26, 2019, to approve the Waterleigh Planned Development (PD) / Waterleigh Village Center Parcel 13 Preliminary Subdivision Plan (PSP) to subdivide 38.37 acres in order to create six lots (1, 2A, 2B, 2C, 2D, 2E) with infrastructure, and a pond tract (P-1), in order to allow future development of 351 multi-family residential dwelling units, 105,000 square feet of commercial, and 79,453 square feet of office uses within the Village Center District.

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 Waterleigh PD / Waterleigh Village Center Parcel 13 PSP dated "Received June 28, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report.
District 1**

JVW/EPR/lme
Attachments

CASE # PSP-18-09-302

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of June 26, 2019, to approve the Waterleigh Planned Development (PD) / Waterleigh Village Center Parcel 13 Preliminary Subdivision Plan (PSP) to subdivide 38.37 acres in order to create six lots (1, 2A, 2B, 2C, 2D, 2E) with infrastructure, and a pond tract (P-1), in order to allow future development of 351 multi-family residential dwelling units, 105,000 square feet of commercial, and 79,453 square feet of office uses within the Village Center District.

2. PROJECT ANALYSIS

- A. Location: South of Waterway Passage Drive / West of Avalon Road
- B. Parcel ID: 07-24-27-0000-00-003
- C. Total Acres: 38.37 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Keene's Crossing ES Capacity: 859 / Enrolled: 1,464
Bridgewater MS Capacity: 1,176 / Enrolled: 2,609
Windermere HS Capacity: 2,776 / Enrolled: 3,360
- G. School Population: 108
- H. Parks: Horizon West Regional Park – 5 Miles
- I. Proposed Use: 6 Lots
- J. Site Data: **Office / Commercial:**
Maximum Building Height: 50' (3-stories)
Building Setbacks:
10' Front
10' Side
10' Side Street
10' Rear
35' (C.R. 545)
50' NHWE
Multi-Family:
Maximum Building Height: 75' (5-stories)
Minimum Living Area: 500 Square Feet

Building Setbacks:

- 10' Front
- 10' Front Porch
- 15' Side
- 15' Side Street
- 20' Rear
- 35' (C.R. 545)
- 50' NHWE

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

L. Transportation: A Village H Horizon West Road Network Agreement for C.R. 545 among Orange County and D.R. Horton, Inc. (“DRHI”); Avalon Properties, Ltd. (“Avalon”); Horizon West Properties (“HWP”); HAP, Inc. (“HAP”); Titan Western Beltway, LLC (“Titan”); Hanover Hickory Nut, LLC, (“Hanover”); Zanzibar Properties, LLC (“Zanzibar”); and Seidel West I, LLC (“Seidel”). DRHI, Avalon, HWP, HAP, Titan, Hanover, Zanzibar, and Seidel are collectively referred to herein as “Signatory Owners” was approved by the Board of County Commissioners on 2/12/2013 and recorded at OR Book/Page 10525/6172. The Village H Horizon West Road Network Agreement provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of C.R. 545 to four lanes in four phases according to specific trip allocations and performance thresholds. Concurrency vesting shall be provided pursuant to Table 1 based on achieved thresholds of the road improvements. Conveyance shall be by general warranty deed at no cost to the County prior to each phase of roadway construction. The Signatory Owners will receive Road Impact Fee Credits in Road Impact Fee Zone 4 for the lesser of (a) 95% of the actual, reasonable unreimbursed sums incurred by Signatory Owners for permitting, design, mitigation, inspection and construction expense exclusive of enhanced landscaping and street lighting or (b) 60% of the countywide average total cost of road construction per lane mile. This agreement was negotiated based on the approved Horizon West Global Road Term Sheet.

There are three amendments to this agreement. Under the first amendment approved by the Board of County Commissioners on December 16, 2014 and recorded at OR Book/Page 10851/0626, a portion of the Zanzibar property is removed from the area covered under the Village H Road Network Agreement. This portion lies within the Town Center rather than within Village H and was included in the original Agreement in error.

A Second Amendment was approved by the Board of County Commissioners on January 27, 2015 and recorded at OR Book/Page 10870/7689. Under the terms of the Second Amendment, Performance Threshold 2 and Performance Threshold 3 in Section 6, are amended to revise the timing of the Participating Owners' obligations under the Performance Thresholds as shown in the revised Table 1.

A Third Amendment was approved by the Board of County Commissioners on November 28, 2017 and recorded at Document # 20170656057. Under the terms of the Third Amendment, Performance Threshold 3 in Section 6, is amended, to revise the timing of the Participating Owners' obligations under the Performance Thresholds as shown in the revised Table 1 and split into Phase 3A and Phase 3B.

3. COMPREHENSIVE PLAN

The subject property is designated on the Future Land Use Map (FLUM) as Village, indicating that it is within Village H of Horizon West. The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (Waterleigh PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Waterleigh Planned Development (PD); Orange County Board of County Commissioners (BCC) approvals; Waterleigh Village Center Parcel 13 Preliminary Subdivision Plan dated "Received June 28, 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 June 28, 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. 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.
4. 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.
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. 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.
7. The project shall comply with the terms and conditions of that certain Village H Horizon West Road Network Agreement approved on 2/12/2013 and recorded at Official Records Book 10525, page 6172, Public Records of Orange County, Florida, as may be amended. A valid Assignment of Vested Trips document together with a confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan/Development Plan submittal is required. 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.
8. 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. A valid Assignment of Vested Trips document together with a confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan/Development Plan submittal is required. 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.
9. 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.
10. 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.

11. 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).
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. 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 development 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 MUPs for the PD and Village, or shall include updates to the PD and Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
14. Construction plans within this PSP 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.
15. Construction plans for residential and commercial development within this PD, submitted after January 31, 2020, shall not be approved until the APF Utility tract(s) (water and wastewater) and 50-foot access & utility easement are conveyed to Orange County Utilities.
16. The conveyed APF Utility tract(s) (water and wastewater) and minimum 50-foot access & utility easement or tract connection to public right-of-way, that are acceptable to the County, shall have a typical average slope of 5 percent or less over the existing grade, an elevation above the 100-year flood plain, and shall be located outside of wetlands. A developer-built offsite master stormwater system shall be designed and constructed to serve the APF Utility tract(s) and 50-foot access & utility easement.
17. The Utility tract(s) (water and wastewater) identified in this PD shall be dedicated to the County in accordance with the Waterleigh PD APF Agreement approved by BCC, as may be amended. The actual location of the APF Utility tract(s) shall be identified with the PSP or DP.
18. Outside sales, storage, and display shall be prohibited.

19. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 Village Center standards of the Orange County Code.
20. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal and concurrent with construction plan submittal. 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.
21. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
22. 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.



 Subject Parcel



★ Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Adam Smith, VHB, Inc.

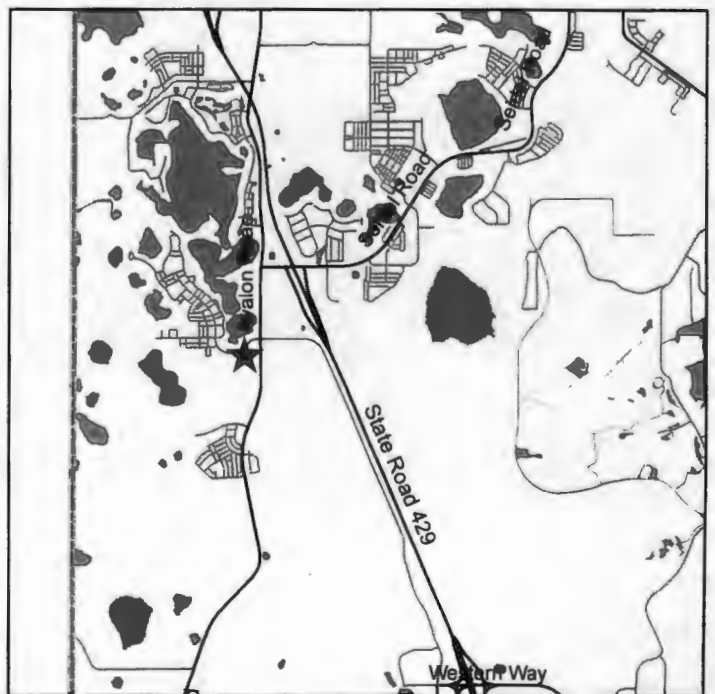
LOCATION: South of Waterway Passage Drive /
West of Avalon Road

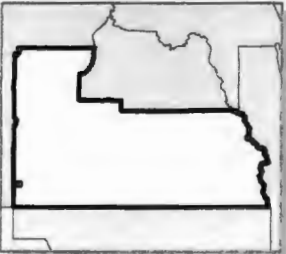
TRACT SIZE: 38.37

DISTRICT: 1

S/T/R: 07/24/27

1 inch = 1,667 feet





**Waterleigh PD - Waterleigh
Village Center Parcel 13
PSP Case # PSP-18-09-302**



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|---------|--|------------------|--|--------------|--|-----------|--|
| Parcels | | Subject Property | | Jurisdiction | | Hydrology | |
|---------|--|------------------|--|--------------|--|-----------|--|

1 : 2,995
1 in : 250 ft