





**Interoffice Memorandum**

**DATE:** April 22, 2021

**TO:** Mayor Jerry L. Demings  
-AND-  
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:** May 11, 2021 – Public Hearing  
Applicant: Adam Smith, VHB, Inc.  
Village F Master Planned Development / Parcels N-1, N-4, N-5, N-6, N-7, N-17, N-18, N-19 & N-20 Preliminary Subdivision Plan  
Case # CDR-20-07-210 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of March 10, 2021, to approve a substantial change to the Village F Master Planned Development (PD) / Parcels N-1, N-4, N-5, N-6, N-7, N-17, N-18, N-19 and N-20 Preliminary Subdivision Plan (PSP) to revise the layout of Phase 4.

In addition, a waiver from Orange County Code Section 34-152(c) is requested to allow lots to front a mew, park, open space, etc. in lieu of the 20-foot access to a dedicated paved street.

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 / Parcels N-1, N-4, N-5, N-6, N-7, N-17, N-18, N-19 and N-20 PSP dated "Received March 22, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/EPR/lme  
Attachments

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**CASE # CDR-20-07-210**

Commission District # 1

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of March 10, 2021, to approve a substantial change to the Village F Master Planned Development (PD) / Parcels N-1, N-4, N-5, N-6, N-7, N-17, N-18, N-19 and N-20 Preliminary Subdivision Plan (PSP) to revise the layout of Phase 4.

In addition, a waiver from Orange County Code Section 34-152(c) is requested to allow lots to front a meadow, park, open space, etc. in lieu of the 20-foot access to a dedicated paved street.

**2. PROJECT ANALYSIS**

- A. Location: South of Summerlake Park Boulevard / West of Seidel Road
- B. Parcel ID: 33-23-27-0000-00-025
- C. Total Acres: 70.28
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Independence ES – Capacity: 859 / Enrollment: 1,308  
Bridgewater MS – Capacity: 1,176 / Enrollment: 2,609  
Windermere HS – Capacity: 2,776 / Enrollment: 3,360
- G. School Population: 65
- H. Parks: Deputy Scott Pine Community Park – 1.5 Miles
- I. Proposed Use: 221 Single-Family Residential Dwelling Units
- J. Lot Dimension: Garden Home District (N-6 & N-19):  
Maximum Building Height: 45' (3-stories)  
Minimum Living Area: 1,200 Square Feet  
Building Setbacks:  
15' Front  
7' Porch  
20' Rear  
4' Side  
10' Corner / Side Street

Village Home District (N-1, N-4 & N-7):

**Attached:**

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

**Detached:**

Maximum Building Height: 45' (3-stories)  
Minimum Living Area: 1,000 Square Feet  
Building Setbacks:  
15' Front  
7' Porch  
20' Rear  
4' Side  
10' Corner / Side Street

Townhome District (N-5 & N-18):

**Detached:**

Maximum Building Height: 45' (3-stories)  
Minimum Living Area: 1,000 Square Feet  
Building Setbacks:  
15' Front  
7' Porch  
20' Rear  
4' Side  
10' Corner / Side Street

**Attached:**

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

Estate District (N-20):

Maximum Building Height: 45' (3-stories)  
Minimum Living Area: 1,500 Square Feet  
Building Setbacks:  
20' Front  
10' Porch  
25' Rear  
5' Side  
10' Corner / Side Street

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 an underlying Future Land Use Map (FLUM) designation of Village, indicating that it is within the Horizon West Special Planning Area. The subject property is within Village F and it is designated Village Home, Garden Home, Townhome and Estate District on the Village F Special Planning Area map. The subject property is designated PD (Planned Development) on the Zoning Map, which is consistent with the FLUM Designation.

### **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 PD; Orange County Board of County Commissioners (BCC) approvals; Parcels N-1, N-4, N-5, N-6, N-7, N-17, N-18, N-19 & N-20 Preliminary Subdivision Plan dated "Received March 22, 2021," 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 March 22, 2021," 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. 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 services which extend to their homes from public water meters located adjacent to public road right-of-way and/or public utility easements. The owners of the affected lots shall be granted access to HOA-owned tracts for the purpose of maintaining their water services.
  
7. 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.
  
8. Where public gravity main will be located within alleyways, the distance from structure to structure shall be a minimum of 38 feet. To meet this requirement, the Rear Setbacks for affected lots on the PSP shall be a minimum of 19 feet from the centerline of the alley, based on the utility configuration shown in the PSP.

9. New streets which are an extension of or in alignment with existing streets shall bear the same name as that borne by such existing streets.
10. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
11. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
12. Unless otherwise specified to the County's satisfaction in the PSP, a Development Plan, in conformance with the requirements of Section 34-131(b) (20), including the appropriate group type, is required for the park / recreation tract(s) within this Preliminary Subdivision Plan (PSP), or phase thereof, as appropriate. Regardless of whether the park / recreation tract is included in the PSP or approved via a separate Development Plan, the park / recreation area tract(s) shall be constructed in conjunction with the subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located.
13. Prior to plat pre-sufficiency meeting, the various properties shall be aggregated/reconfigured and deeds recorded in the public records of Orange County so as to not create divided interest in any lot or tract.
14. A waiver from Orange County Code Section 34-152(c) is granted, to allow lots to front a mew, park, open space, etc. in lieu of the 20-foot access to a dedicated paved street.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 22, 2018, shall apply:
  - a. 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.
  - b. 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.
  - c. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of the initial construction plans submittal.

- 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 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.
- e. 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, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
- f. 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.
- g. 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 (EPD) 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.
- h. 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

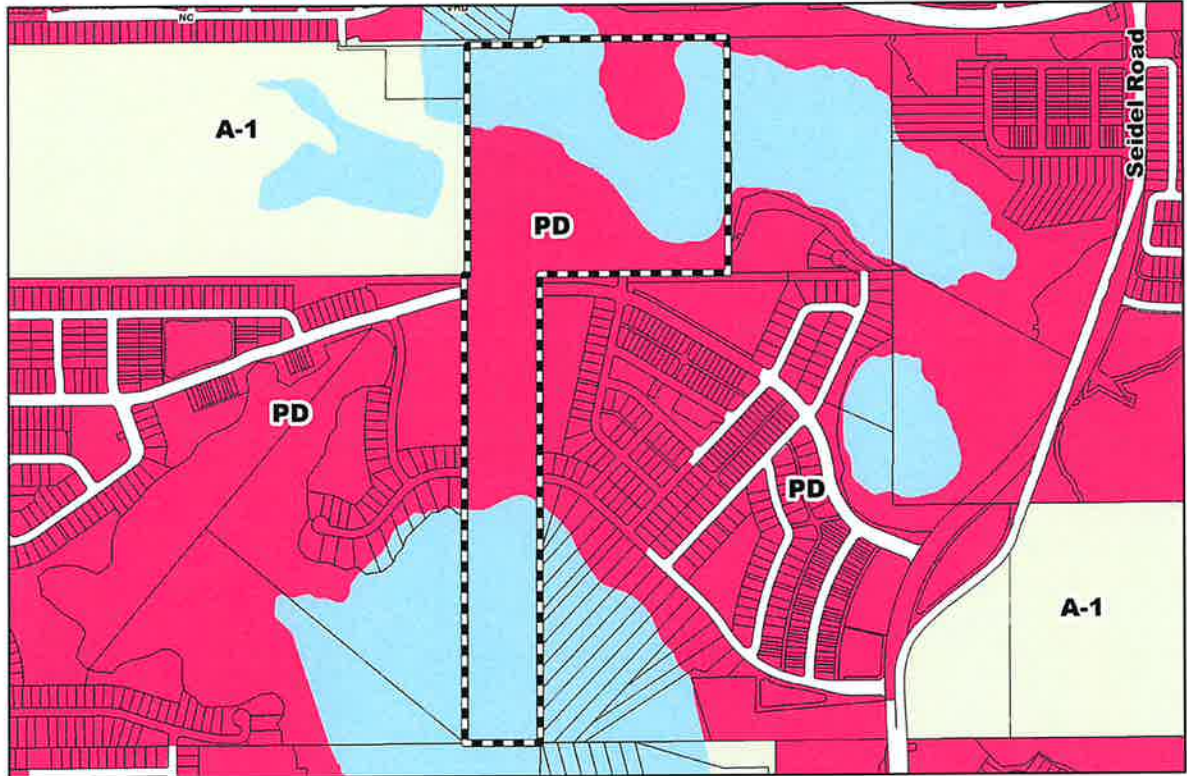


seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow 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.

- i. Prior to commencement of any earth work 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. 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.
- k. 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).
- l. 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.
- m. 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.
- n. Developer / Owner must enter into a Use Agreement with the county for maintenance of all landscaping within the retention ponds and landscaping.

# Zoning Map

CDR-20-07-210



 Subject Property



 Subject Property

**Zoning Map**

ZONING: PD (Planned Development District)

APPLICANT: Adam Smith, VHB, Inc.

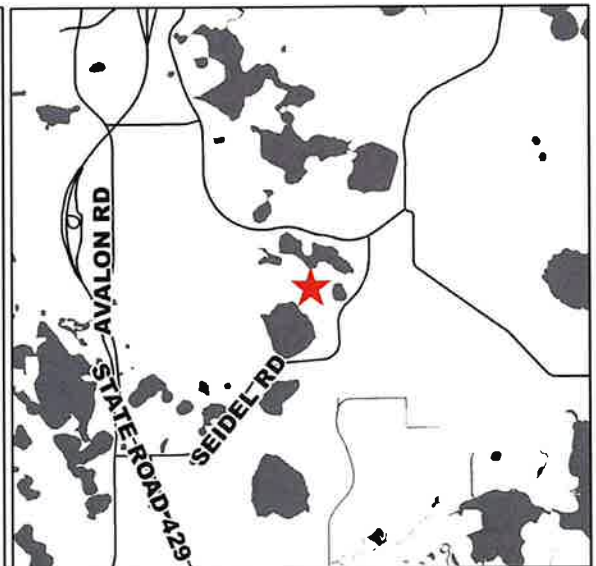
LOCATION: South of Summerlake Park Boulevard / West of Seidel Road

TRACT SIZE: 70.28 acres

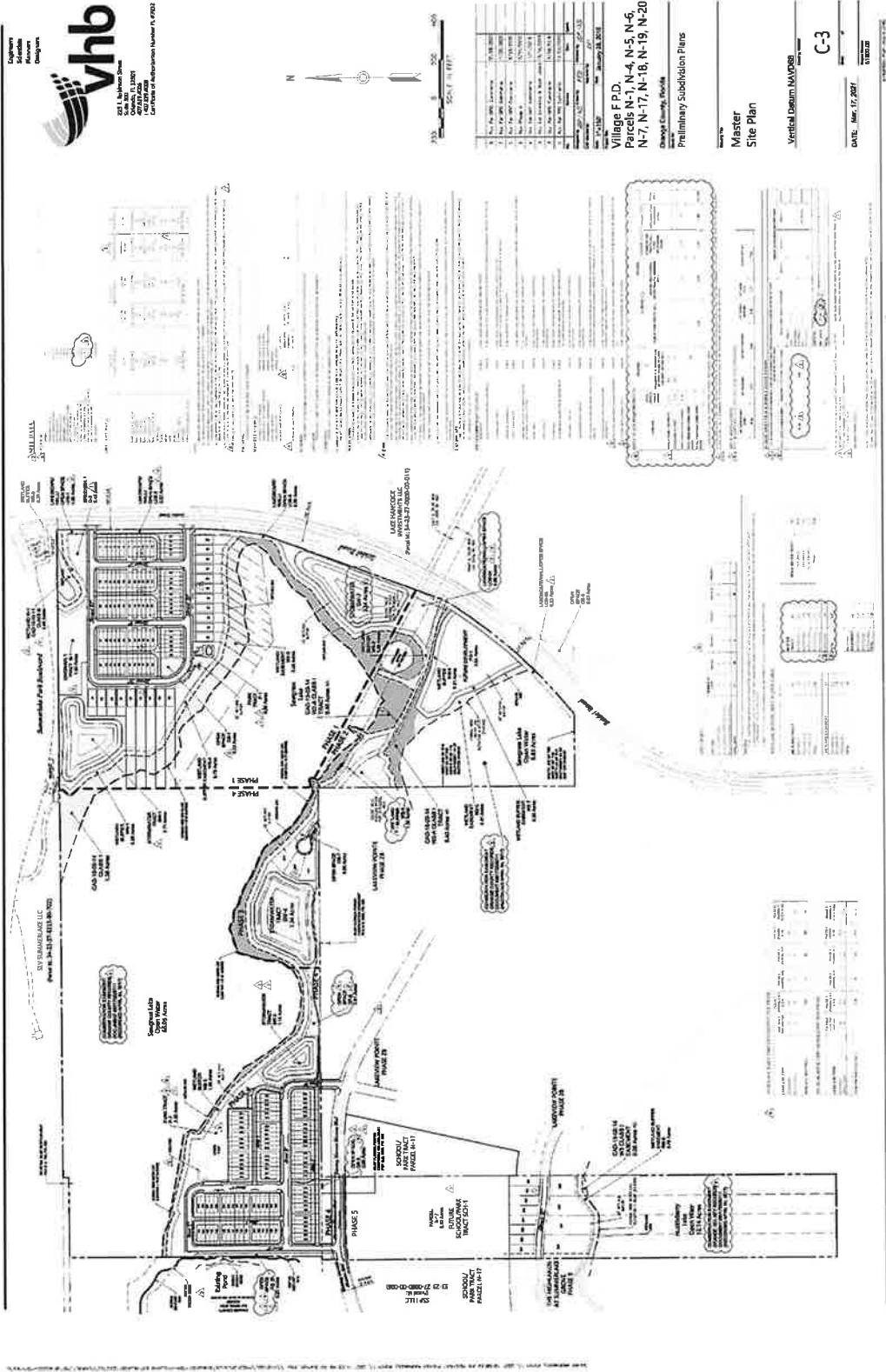
DISTRICT: # 1

S/T/R: 33/23/27

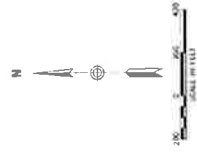
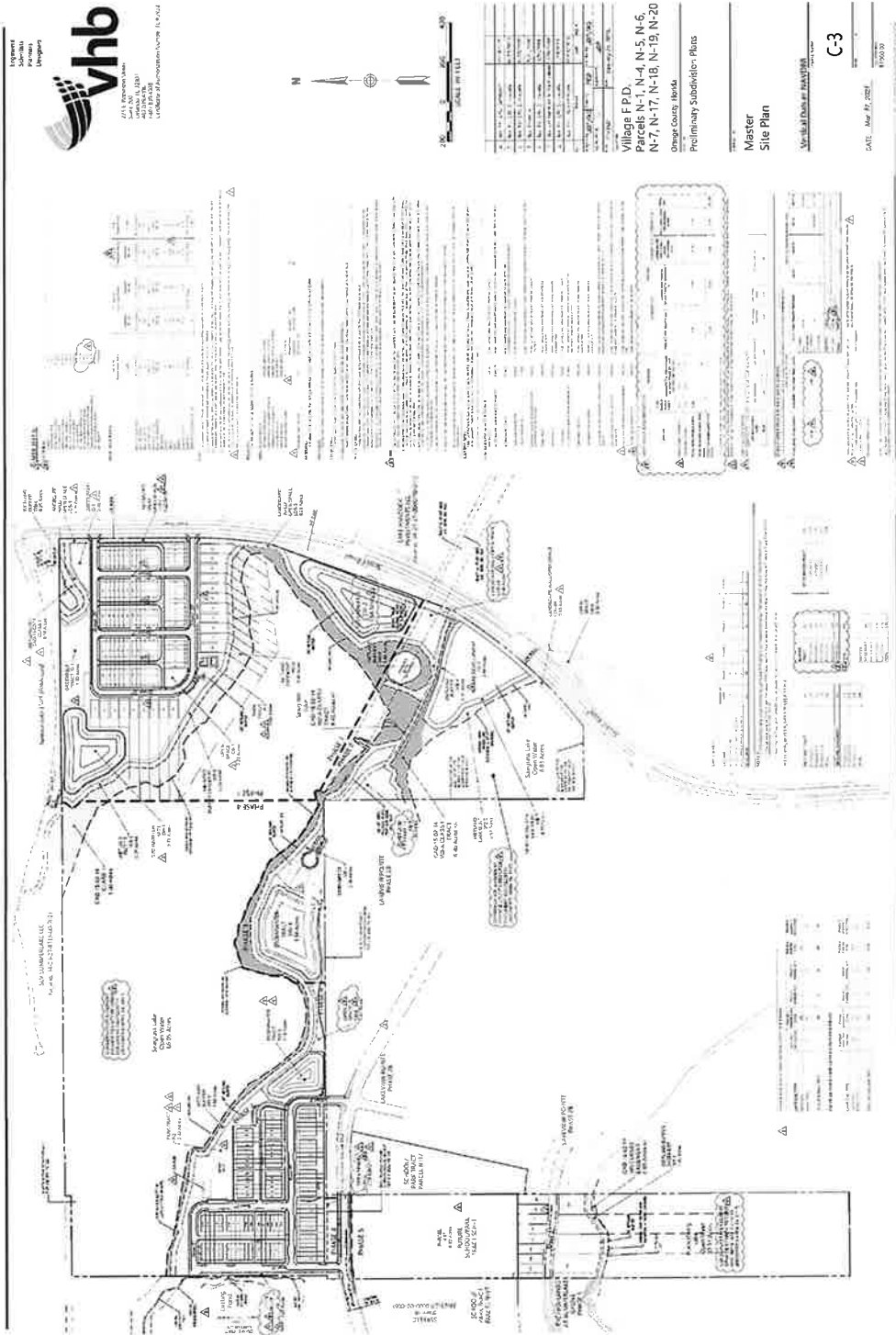
1 inch = 850 feet



Site Data & Notes Sheet



Site Plan Sheet



Parcel No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
N-1	10,000	10,000	10,000	10,000	10,000
N-4	10,000	10,000	10,000	10,000	10,000
N-5	10,000	10,000	10,000	10,000	10,000
N-6	10,000	10,000	10,000	10,000	10,000
N-7	10,000	10,000	10,000	10,000	10,000
N-17	10,000	10,000	10,000	10,000	10,000
N-18	10,000	10,000	10,000	10,000	10,000
N-19	10,000	10,000	10,000	10,000	10,000
N-20	10,000	10,000	10,000	10,000	10,000

Village FPD,  
 Parcels N-1, N-4, N-5, N-6,  
 N-7, N-17, N-18, N-19, N-20  
 Orange County, Florida  
 Preliminary Subdivision Plans

Master  
 Site Plan

Vertical Datum: NAVD83

C-3

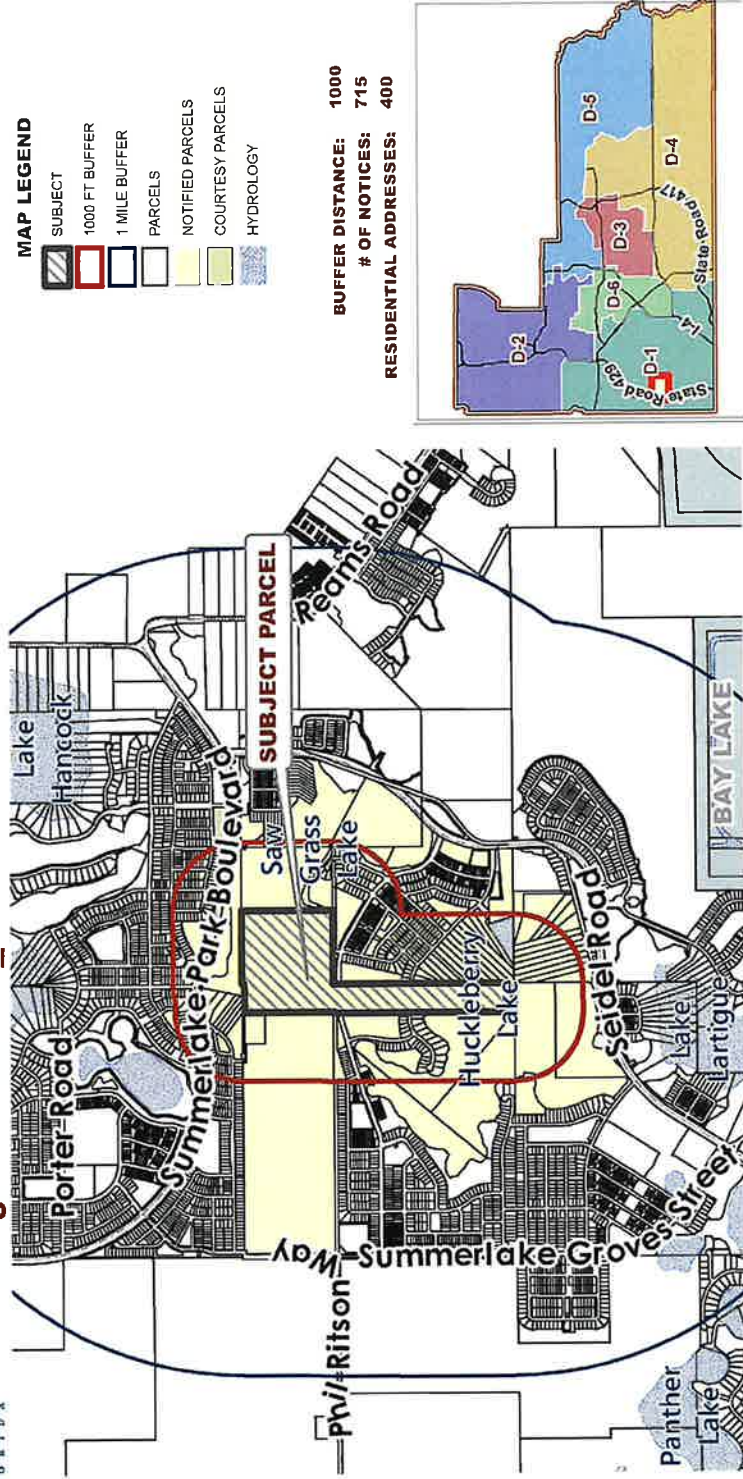
DATE: Mar 17, 2021  
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# Notification Map

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## Public Notification Map

Village F Master PD\_CDR-20-07-210



**MAP LEGEND**

- SUBJECT
- 1000 FT BUFFER
- 1 MILE BUFFER
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS
- HYDROLOGY

**BUFFER DISTANCE: 1000**  
**# OF NOTICES: 715**  
**RESIDENTIAL ADDRESSES: 400**

