



Interoffice Memorandum

DATE: December 8, 2022

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

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

CONTACT PERSON: **Joe Kunkel, P.E., DRC Chairman**
Development Review Committee
Public Works Department
(407) 836-7971

SUBJECT: January 10, 2023 – Public Hearing
Applicant: Adam Smith, VHB, Inc.
Waterleigh Planned Development / Phase 5 Preliminary Subdivision
Plan
Case # PSP-19-11-378 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's meeting of August 24, 2022, to approve the Waterleigh Planned Development (PD) / Phase 5 Preliminary Subdivision Plan (PSP) to subdivide 172.28 acres, generally located west of the County Road 545 and Flamingo Crossing Boulevard intersection, to construct 19 single-family residential dwelling units and 15 future development tracts and infrastructure.

In addition, a waiver from Orange County Code Section 38-1384 (i)(4) is requested to allow lots greater than 50' in width that front neighborhood squares and parks (lots 1-4, 7-9) to be front loaded in lieu of having access from a rear alley or from a rear-yard garage.

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 / Phase 5 PSP dated "Received October 11, 2022", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/JK/lme
Attachments

CASE # PSP-19-11-378
Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee’s meeting of August 24, 2022, to approve the Waterleigh Planned Development (PD) / Phase 5 Preliminary Subdivision Plan (PSP) to subdivide 172.28 acres, generally located west of the County Road 545 and Flamingo Crossing Boulevard intersection, to construct 19 single-family residential dwelling units and 15 future development tracts and infrastructure.

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2. PROJECT ANALYSIS

- A. Location: Intersection of County Road 545 & Flamingo Crossing Boulevard
- B. Parcel ID: 07-24-27-0000-00-003
- C. Total Acres: 172.28 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Water Spring ES – Enrolled: 1,064 / Capacity: 791
Bridgewater MS – Enrolled: 1,210 / Capacity: 1,028
Windermere HS – Enrolled: 3,082 / Capacity: 2,753
- G. School Population: 174
- H. Parks: Horizon West Regional Park – 8 Miles
- I. Proposed Use: 9 Single-Family Residential Dwelling Units
15 Future Tracts & Infrastructure
- J. Site Data: Village Home District:
Single-Family:
Maximum Building Height: 45' (3-stories)
Minimum Living Area: 1,000 Square Feet
Building Setbacks:
15' Front
20' Rear

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

K. Fire Station: 44 – 16990 Porter Road

L. EPD: An Orange County Conservation Area Determination CAD# 06-041 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 12/5/2006. The CAD was issued three extensions and has a new expirations date of 11/14/2023. A total of 67.5 acres of Class I and III wetlands were identified within this PSP boundary.

An Orange County Conservation Area Impact (CAI) permit CAI-19-08-046-MM2 was approved on March 31, 2022. The permit authorizes 0.09 acre of Class I and 1.51 acres of Class III direct wetland impacts as well as 0.24 acre of secondary impacts associated with stormwater outfall structures within the upland buffer. This permit modification supersedes and replaces CAI-19-08-046 and CAI-19-08-046-MM. This plan will comply with all related permit conditions of approval.

Motorized boats, jet skis, or other motorized watercraft (of any kind) are prohibited within the wetlands/surface waters of Waterleigh Phase 5.

The lakefront lots within Waterleigh Phase 5 do not have riparian rights on surface waters within Phase 5 and will have to obtain an access easement from the Homeowners Association (HOA) in order to apply for any boat dock, boardwalk, observation pier, fishing pier, community pier or

other similar permanently fixed or floating structures. Docks with motorized watercraft mooring are prohibited.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

M. 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. 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.

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 zoning is PD, within the Waterleigh PD. The request appears to be consistent with the comprehensive plan.

4. ZONING

P-D (Planned Development District) (Waterleigh PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Waterleigh PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Phase 5 Preliminary Subdivision Plan dated "Received October 11, 2022," 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 October 11, 2022," 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 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. 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.
8. 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.

9. 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.
10. 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.
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. 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.
13. 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.
14. Motorized boats, jet skis, or other motorized watercraft (of any kind) are prohibited within the wetlands/surface waters of Waterleigh Phase 5. The Plat for Waterleigh Phase 5 shall contain a conspicuous note specifying such prohibition and the covenants, conditions, and restrictions (CC&Rs) shall contain a provision notifying homeowners of such prohibition.

15. 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.
16. 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 to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
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 lakefront lots within Waterleigh Phase 5 do not have riparian rights on surface waters within Phase 5 and will have to obtain an access easement from the Homeowners Association (HOA) in order to apply for any boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Docks with motorized watercraft mooring are prohibited.
18. 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.
19. 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).
20. If fire department access cannot be reached within 50 ft. of an exterior door to the interior of the building, an approved automatic fire sprinkler system shall be required, allowing an increase to 150 ft.

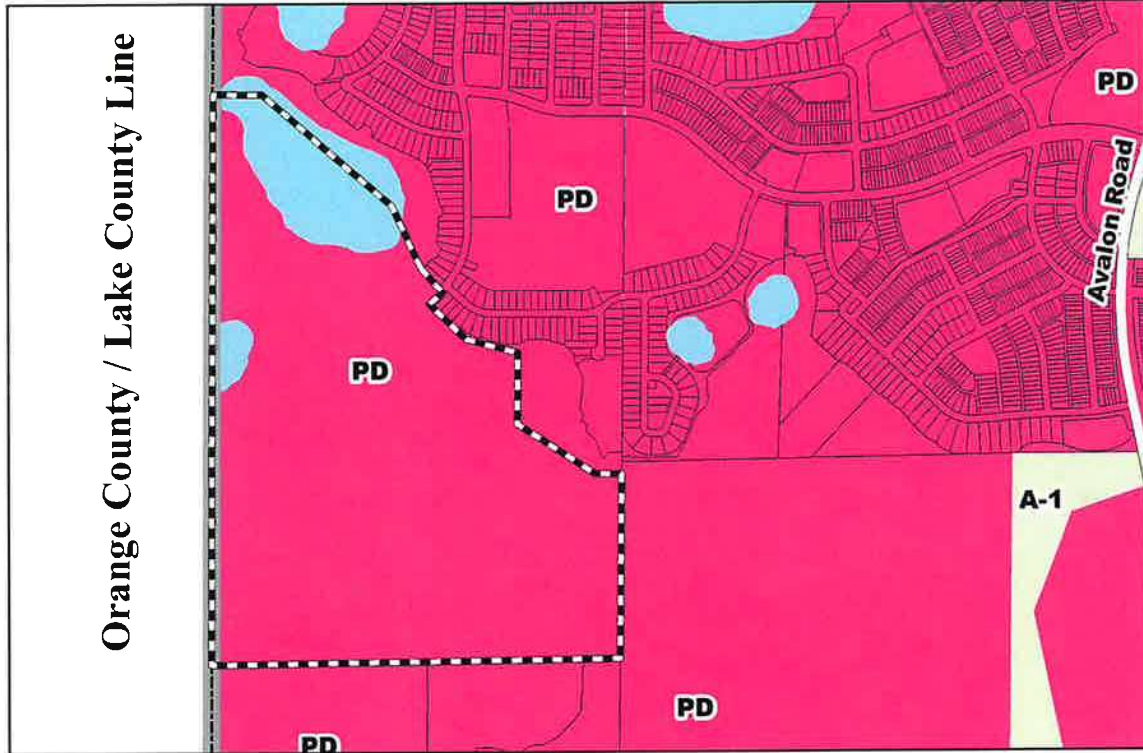
21. A Master Utility Plan (MUP) for the PSP shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PSP shall be consistent with an approved and up-to-date Master Utility Plans (MUPs) for the PSP and the PD. MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates 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 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.
23. 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 Side and 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.
24. Lots that face a mew, open space tract or alley that do not have access to a public right-of-way shall be addressed off an alley and the addressing of the home shall be placed on the front and rear of the structure.
25. 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.
26. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
27. In order to comply with the intent of Section 177.091(18), F.S., lot numbers at plat must be consecutive and consistent with the PSP. Failure to meet this requirement may require a change to the PSP and may delay approval of the plat.
28. Short term/transient rental is prohibited; length of stay shall be for 180 consecutive days or greater.
29. Tree protection must be installed, photographed, and documented prior to issuance of mass grading permit.
30. A Lot Grading plan for all Future Development Tracts must be submitted with the infrastructure construction plans.
31. Floor Plans and Architectural elevations (drawn to scale) of all sides of all proposed detached single-family structures shall be submitted to Planning for review and approval a minimum of 90 days prior to submission of permits. One

(1) complete set of architectural elevations (e.g. four (4) façades) shall be submitted for each unique structure or model.

32. The project shall comply with the terms and conditions of that certain Village H Road Network Agreement approved on February 12, 2013 and recorded at OR Book / Page 10525 / 6172, Public Records of Orange County, Florida, as may be amended.
33. Houses on lot numbers 3-9 shall be required to have a front porch that complies with the requirements of Section 38-1384(d), and the width of any garage shall not exceed 50% of the front façade.
34. A waiver from Orange County Code Section 38-1384 (i)(4) is granted to allow lots greater than 50' in width that front neighborhood squares and parks (lots 3-9) to be front loaded in lieu of having access from a rear alley or from a rear-yard garage.

Zoning Map

PSP-19-11-378



 Subject Property



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Adam Smith, VHB Inc.

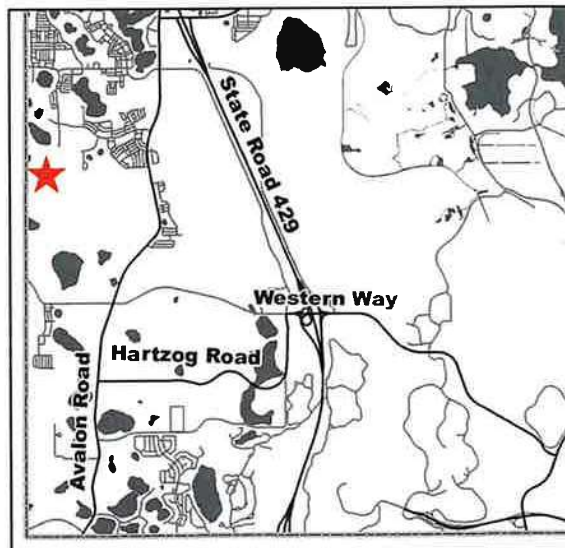
LOCATION: North of Western Way / West of Avalon Road

TRACT SIZE: 172.28 acres

DISTRICT: # 1

S/T/R: 07/24/27

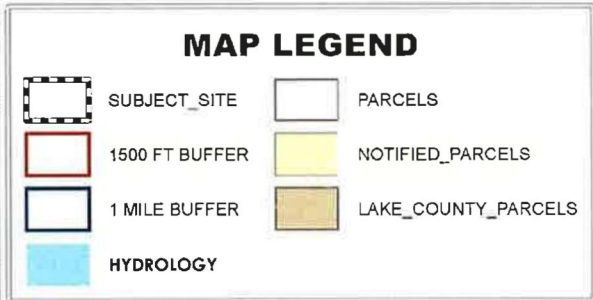
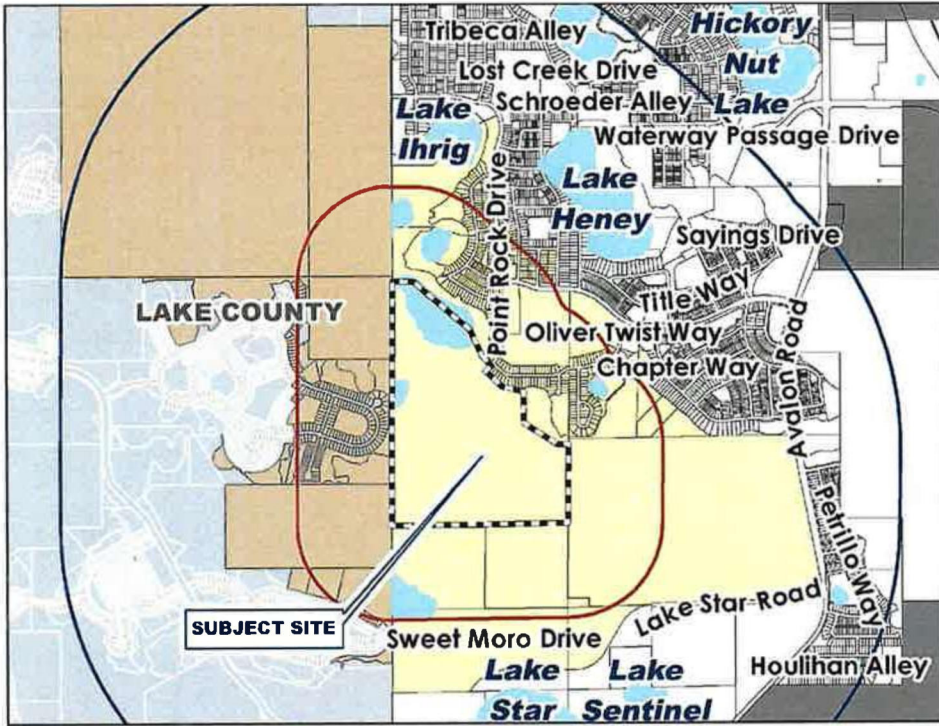
1 inch = 1,000 feet



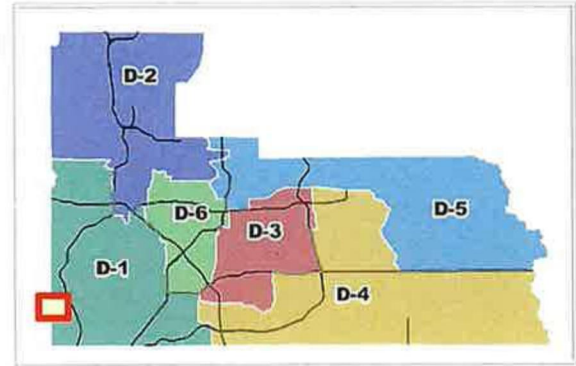


Public Notification Map

Waterleigh PD Phase 5_PSP-19-11-378



BUFFER DISTANCE: 1500
OF NOTICES: 156



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Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: January 10, 2023

