

Interoffice Memorandum

DATE: January 8, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A



FROM: Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department

CONTACT: Nicolas Thalmueller, AICP, DRC Chairman

PHONE: (407) 836-5523

DIVISION: Planning Division

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan and approve the Sutton Lakes Planned Development (PD) / Sutton Lakes Preliminary Subdivision Plan (PSP) dated "Received October 31, 2024", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1. (Development Review Committee)

PROJECT: Sutton Lakes PD / Sutton Lakes PSP (PSP-23-05-174). (Associated with Right of Way and Transportation Impact Fee Agreement Sutton Lakes PD Avalon Road – Consent Item)

PURPOSE: The 139.14 gross-acre Sutton Lakes PD was originally approved on March 7, 1995, and is located within the U.S. 192 Growth Center, generally east of Avalon Road, south of Lake Gifford Way, and north of Arrowhead Boulevard. The currently approved PD allows for 304 multi-family units, 253 single-family units, and 20,000 square feet of retail commercial uses.

Through this request, the applicant is seeking to subdivide the entire PD for 210 single family residential units, of which 61 will be attached and 149 detached. The single-family residential portion area comprises 122.04 acres, 5.74 acres of Right-Of-Way dedication, and the remaining 11.36 acres set aside as a future development tract for the multi-family development.

This PSP received a recommendation of approval from the Development Review Committee (DRC) on October 23, 2024.

BUDGET: N/A

CASE # PSP-23-05-174

Commission District # 1

1. GENERAL INFORMATION

Applicant:	Randy Gonzalez, Kimley-Horn & Associates, Inc.
Owner:	Westgate Resorts, LTD
Project Name:	Sutton Lakes Planned Development (PD) / Sutton Lakes Preliminary Subdivision Plan (PSP)
Hearing Type:	Preliminary Subdivision Plan (PSP)
Request:	To subdivide 139.14 acres to construct 210 attached and detached) single family residential lots and associated tracts, as well as a future development tract.

2. PROJECT INFORMATION

A. Overview:	<p>The 139.14 gross-acre Sutton Lakes PD was originally approved on March 7, 1995, and is located within the U.S. 192 Growth Center, generally east of Avalon Road, south of Lake Gifford Way, and north of Arrowhead Boulevard. The currently approved PD allows for 304 multi-family units, 253 single-family units, and 20,000 square feet of retail commercial uses.</p> <p>Through this request, the applicant is seeking to subdivide the entire PD for 210 single family residential units, of which 61 will be attached and 149 detached. The single-family residential portion area comprises 122.04 acres, and there is also a 11.36 acre future development tract for the multi-family uses. Development Plan Case DP-24-07-172 is currently under review for that area.</p>
B. Location:	East of Avalon Road / South of Hartzog Road / North of Arrowhead Boulevard
C. Parcel ID(s):	31-24-27-0000-00-010, 31-24-27-0000-00-009, 31-24-27-0000-00-045, 31-24-27-0306-04-011, 31-24-27-0000-00-038

D. Total Acres:	139.14 acres
E. Water Supply:	Toho Water Authority
F. Sewer System:	Toho Water Authority
G. Schools:	Water Spring Elementary School Enrollment: 1,025 / Capacity: 725 Water Spring Middle School Enrollment: 1,074 / Capacity: 1,238 Horizon High School Enrollment: 2,688 / Capacity: 2,627
H. School Population:	Total students generated: 93 students In the Orange County Public Schools "Formal School Capacity Determination Capacity Letter" (OC-22-083) dated December 8, 2022, it was found that school capacity for this development is <u>AVAILABLE</u> . This capacity letter expires May 8, 2025.
I. Parks:	Horizon West Regional Park - 9.5 Miles
J. Proposed Use:	210 Single-Family Residential Dwelling Units
K. Site Data:	Maximum Building Height: Attached: 4-Story / 55' Detached: 3-Story / 45' Lakefront: 2-Story / 35' Minimum Living Area: Attached: 1,000 sf Detached: 1,000 sf. Lakefront: 1,000 sf Minimum Lot Width: Attached: 16 ft. Detached: 32 ft. Lakefront: 32 ft. Building Setbacks Front: Attached: 15 ft. Detached: 15 ft. Lakefront: 15 ft. Building Setbacks Rear: Attached: 14 ft. Detached: 20 ft. Lakefront: 20 ft.

Building Setbacks Side:

Attached: 0 ft.

Detached: 4 ft.

Lakefront: 4 ft.

Building Setbacks Side Street:

Attached: 10 ft.

Detached: 10 ft.

Lakefront: 10 ft.

L. Fire Station:

Fire station 32 – 14932 E Orange Lake Blvd.

M. Public Notification:

The notification area for this public hearing extended beyond 500 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. One thousand eight hundred and eighty-seven (1,887) notices were mailed to those property owners in the mailing area.

N. Community Meeting Summary:

A community meeting was not required for this case.

O. Transportation:

Existing/Valid transportation capacity entitlements not found. This development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. IMPORTANT NOTE: This development is located near failing roadway(s) within Orange County. This deficiency requires a Transportation Capacity Analysis submitted with the CEL Application Submittal Package. Please refer to the Submittal Requirements on the CEL Application for further information. The owner will have the option to remedy the deficiencies by entering into a Proportionate Share Agreement with Orange County (OC Code: Chapter 30, Sections 30-620 thru 30-624). Please contact the Concurrency Management Office at 407-836-6110 for more information.

Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at

a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

Based on the Concurrency Management database (CMS) dated 03/18/2023, there are multiple failing roadway segments within the project's impact area. Avalon Rd, from US 192 to Western Way (2 segment(s)) and US 192 / SR 530, from Lake County Line to Osceola County Line (1 segment(s)), are failing. This information is dated and subject to change.

P. Environmental Protection Division:

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a wetland impact permit approved by the county and obtaining other applicable jurisdictional agency permits.

Use caution to prevent erosion during construction along the boundary of the property, into surface waters, wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch

rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping.

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).

This environmental review only addresses Orange County environmental regulatory code, however, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, and the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one of the other agencies could deny the request even if the County approves it. It is imperative that this proposed plan be addressed on a multi-agency basis. The permittee must comply with the most stringent requirements.

Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400 or AsbestosInquiriesOrangeCounty@ocfl.net.

Q. Comprehensive Plan:

The subject property has an underlying Future Land Use Map (FLUM) designation of Growth Center-Planned Development-Commercial / Medium Density Residential / Low Density

Residential (GC-PD-C/MDR/LDR) and is currently zoned Planned Development (PD) which is consistent with the FLUM designation.

R. Zoning:

PD (Planned Development)

3. REQUESTED ACTION:

Development Review Committee (DRC) Recommendation – (October 23, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Sutton Lakes PD / Sutton Lakes PSP dated "Received October 23, 2024", subject to the following conditions:

1. Development shall conform to the Sutton Lakes PD Land Use Plan; Board approvals; Sutton Lakes Preliminary Subdivision Plan dated "Received October 31, 2024," 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 Board, or by action of the Board. 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 31, 2024," 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 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, as may be amended, 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. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. 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 and Wildlife Conservation Commission (FWC).

8. No watercraft of any type may be launched or operated from or used in connection with this property.
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 Orange County Environmental Protection Division National Pollutant Discharge Elimination System (NPDES) Supervisor at NPDES@ocfl.net for details.
11. Unless a Natural Resource Impact Permit (NRIP) is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland and Surface Water Protection", prior to Construction Plan approval, no wetland, surface water or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect wetland and surface water impacts.
12. 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 Supervisor at NPDES@ocfl.net. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
13. No buildings of any type shall be permitted within 125 feet of the normal high water elevation of Lake Rexford and Lake Scott.
14. No boat docks are permitted on Lake Rexford or Lake Scott.
15. "No Parking" signs shall be installed within the development, per the approved plan, prior to the county issued certificate of completion for the infrastructure.
16. Compensation in the treatment pond is not allowed. In compliance with Section 19 of the Orange County Code, the property owner/engineer must provide a series of FEMA Letter of Map Changes (LOMC). For development within the 1% annual chance flood (100-year flood) floodplain without an established Base Flood Elevations (BFE), depicted as Zone A, the owner/engineer must perform a study to establish the BFE and obtain a FEMA LOMR (Letter of Map Revision) prior to

site construction plan submittal. For modifications to a determined BFE (Zone AE), floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a FEMA Conditional Letter of Map Revision (CLOMR) must be obtained prior to site construction plan approval; a subsequent FEMA Letter of Map Revision (LOMR) reflecting final construction will be required. Said FEMA LOMR approval must be obtained by the owner/engineer and must be submitted to the Floodplain Administrator prior to the release of the Certificate of Occupancy and/or Certificate of Completion. Compensation Storage for all projects within the 1% annual chance flood (100-year flood) floodplain shall be provide on a "cup for cup" basis in accordance with Chapter 19-107(1).

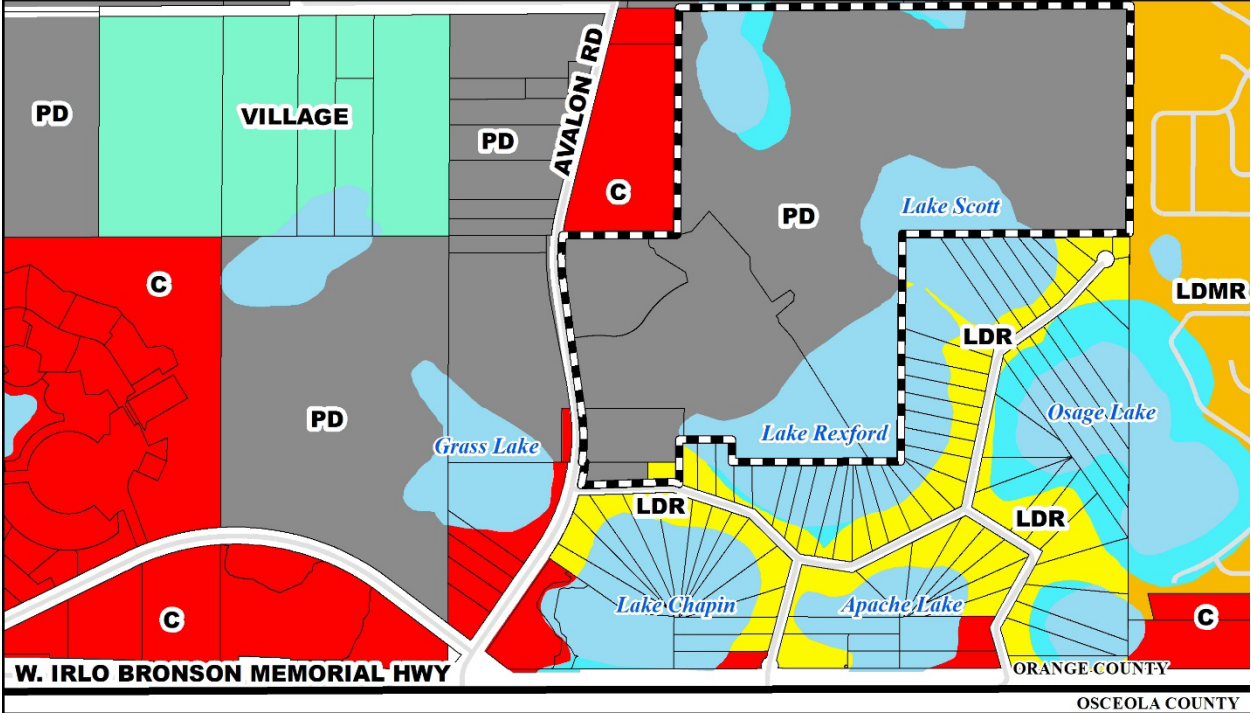
17. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
18. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
19. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
20. Any discrepancies related to the Legal Description must be resolved to the satisfaction of the County Surveyor prior to platting. Section Breakdown worksheets may be required prior to the plat pre-sufficiency review meeting.
21. Prior to approval of the first construction plan associated with this PSP, a master drainage plan consistent with Orange County Code 34-229 must be submitted and approved as a separate E-Plan.
22. Prior to approval of any plans that require filling within the 100-year flood zone, such as Site Construction Plans or Mass Grading Excavation/Fill permit or the like, the applicant must obtain the required permit(s) and approval(s) from the Orange County Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code, as may be amended from time to time.

23. 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.
24. 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
25. 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.
26. 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.
27. Associated offsite infrastructure including, but not limited to, connecting roadways, roadway improvements, and public utilities, must be submitted as an E-Plan along with the required surety per Chapter 21-202 and 21-208, and be issued a Certificate of Completion prior to platting.
28. 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.
29. Authorization from Toho Water Authority allowing connection to the utility system is required prior to site plan construction approval.

30. A southbound left turn lane on Avalon Road (as shown on sheet PSP2.1) must be constructed to meet FDM 212 standard, with 100 feet queue minimum. This will be an E-Plan and must be completed and accepted by the County prior to Certificate of Completion (CoC).
31. 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.
32. This project shall be required to convey Right-of-Way for Avalon Road (C.R. 545), including any necessary stormwater ponds and / or drainage easements to support additional future right-of-way. Such conveyance(s) shall be documented in an agreement negotiated with the County's Road Agreement Committee (RAC) and must be approved by the Board of County Commissioners prior to approval of the first PSP or DP for this PD. The date of valuation for any transportation impact fee credits awarded based on such conveyance(s) shall be the day before the date of County approval of the land use plan that contains the required right-of-way, stormwater ponds, and / or drainage easements for this project, in accordance with Section 23-95(b)(2)b.1., Orange County Code, as may be amended.

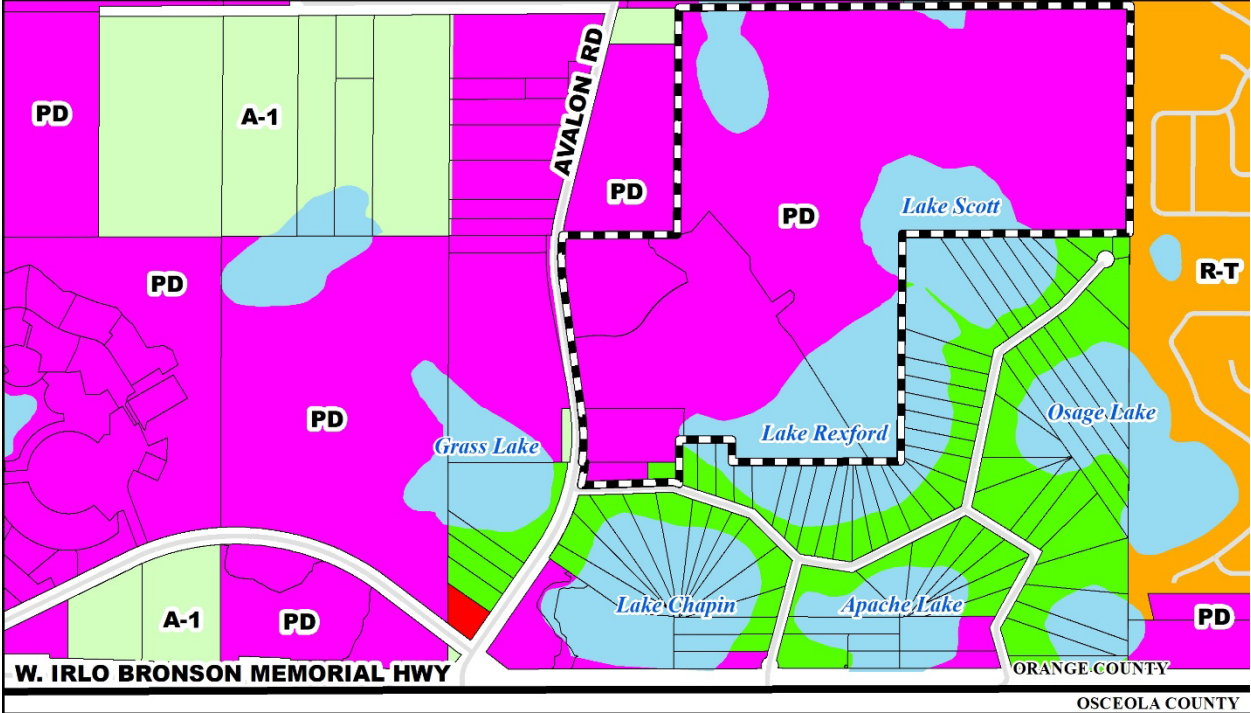
FUTURE LAND USE

Planned Development (PD)



ZONING

PD (Planned Development District)



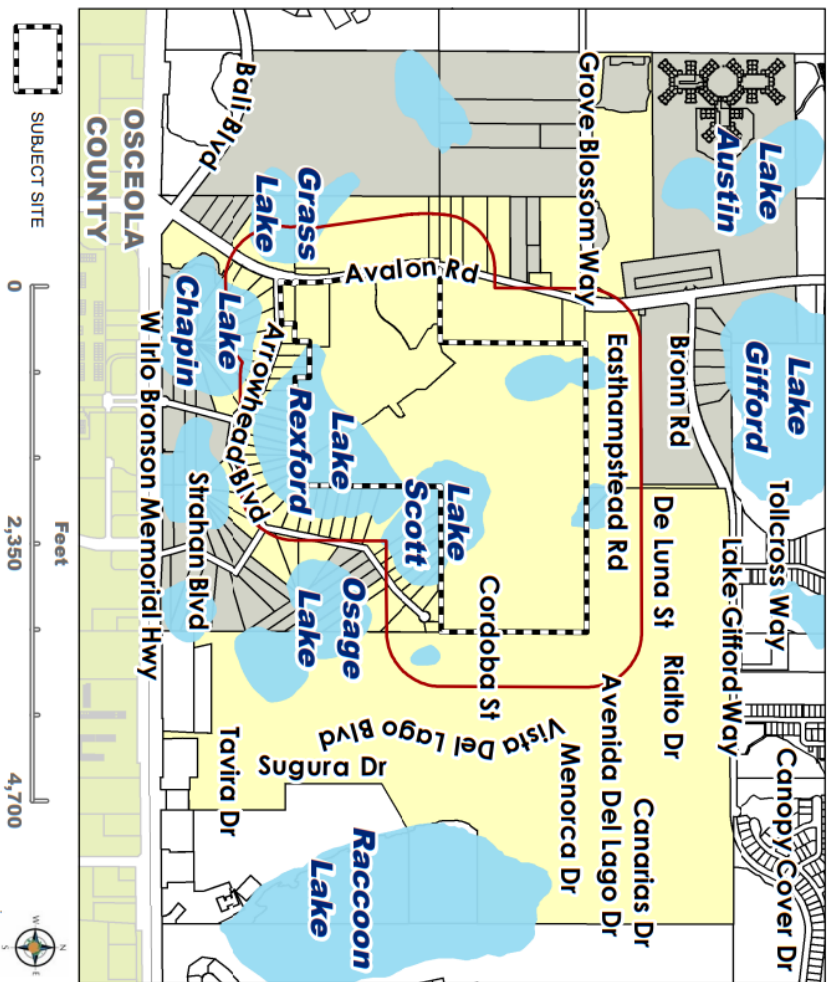


Notification Map



Public Notification Map

PSP-23-05-174



MAP LEGEND

SUBJECT SITE

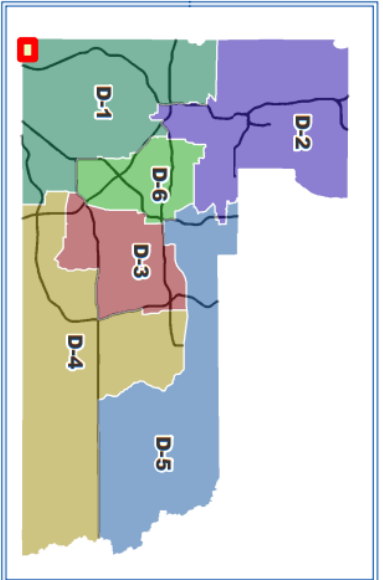
NOTIFIED PARCELS

500FT BUFFER

HYDROLOGY

COURTESY PARCELS

PARCELS



BUFFER DISTANCE: 500
 # OF NOTICES: 1887