




Interoffice Memorandum

June 15, 2023

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

FROM: Timothy L. Boldig, Interim Director 
Planning, Environmental and Development
Services Department

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

SUBJECT: July 11, 2023 – Public Hearing
Applicant: Brooks Sticker, Kimley-Horn & Associates, Inc.
Townhomes at Westwood Planned Development / 43 West
Townhomes Preliminary Subdivision Plan
Case # PSP-21-06-178 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 24, 2023, to approve the Townhomes at Westwood Planned Development (PD) / 43 West Townhomes Preliminary Subdivision Plan (PSP) to subdivide 8.88 acres, generally located south of Westwood Boulevard and west of International Drive, to construct 31 single-family attached residential dwelling units.

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 Townhomes at Westwood PD / 43 West Townhomes PSP dated "Received May 5, 2023", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

TB/JK/lme
Attachments

CASE # PSP-21-06-178

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 24, 2023, to approve the Townhomes at Westwood Planned Development (PD) / 43 West Townhomes Preliminary Subdivision Plan (PSP) to subdivide 8.88 acres, generally located south of Westwood Boulevard and west of International Drive, to construct 31 single-family attached residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: South of Westwood Boulevard / West of International Drive
- B. Parcel ID: 14-24-28-4800-00-370, 14-24-28-4800-00-360
- C. Total Acres: 8.88 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Sunshine ES – Enrollment: 1,017 / Capacity: 791
Freedom MS - Enrollment: 1,189 / Capacity: 1,157
Lake Buena Vista HS - Enrollment: 1,721 / Capacity: 2,756
- G. School Population: 14
- H. Parks: Dr. P. Phillips Community Park – 4.3 Miles
- I. Proposed Use: 31 Single-Family Attached Residential Dwelling Units
- J. Site Data: Maximum Building Height: 30' (2-stories)
Minimum Lot Width: 20'
Building Setbacks:
40' Front
30' Side
50' Rear
50' NHWE
- K. Fire Station: 54 – 6500 West Central Florida Parkway

L. Transportation: This development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. This development will require School Concurrency via a Capacity Encumbrance Letter (CEL) Application. Encumbered school and transportation capacity must be reserved (aka prepay school and transportation reservation fees) by the CEL expiration date or prior to platting.

Based on the Concurrency Management database (CMS) dated July 2, 2021, there is a failing roadway segment within the project's impact area along Turkey Lake Road, from the Central Florida Greenway to Sand Lake Commons Boulevard. This information is dated and subject to change.

M. EPD An Orange County Conservation Area Determination CAD-18-11-180 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on May 9th, 2019.

Community and private boat ramps and docks shall be prohibited.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development - Medium Density Residential (PD-MDR). The subject property is designated PD (Planned Development) on the Zoning Map, which is consistent with the current and requested FLUM Designation.

4. ZONING

PD (Planned Development District) (Townhomes at Westwood PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Townhomes at Westwood PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; 43 West Townhomes Preliminary Subdivision Plan dated "Received May 5, 2023," 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 May 5, 2023," 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. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas shown on the plans shall be conveyed concurrently at time of platting.
8. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
9. 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).
10. 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.

11. 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.
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. Community and private boat ramps and docks shall be prohibited.
14. 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.
15. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
16. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
17. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
18. All fencing abutting the open spaces between Lots 9 and 10 and between Lots 25 and 26 shall be limited to 50 percent opaque, such as aluminum picket or similar, up to 6 feet tall, or opaque up to 4 feet tall. All fencing abutting all other open space tracts shall also be limited to 50 percent opaque, such as aluminum picket or similar, up to 6 feet tall, or opaque up to 4 feet tall.
19. A Master Utility Plan (MUP) for the PD 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 PD 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 MUP and updates must be approved prior to Construction Plan approval.

20. 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.
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. 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.
23. 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.
24. 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.
25. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review.

Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.

26. If it is anticipated that retaining wall(s) will be designed and constructed, it shall be noted on the preliminary subdivision plan, and the following provision must be incorporated into the Declaration of Covenants, Conditions, and Restrictions (CC&Rs):

For the proposed retaining wall(s), the CC&Rs shall reflect all lots served by such retaining wall and a reserve fund for maintenance, repair, and capital replacement of the retaining wall shall be established and funded with the creation of the HOA; removal of this section from the CC&Rs is prohibited unless approved by the Orange County Board of County Commissioners. Coincident with platting, the developer shall record in the public records the CC&Rs governing the lots and addressing the HOA responsibilities for the annual maintenance and any necessary repairs of the retaining wall. The CC&Rs shall require the establishment and maintenance of two HOA accounts for:

- a. Annual routine maintenance of the retaining wall, including an engineer's report to be submitted to the HOA on a three year cycle.
- b. Capital-repair/replacement of the retaining wall based on a 50-year life cycle.

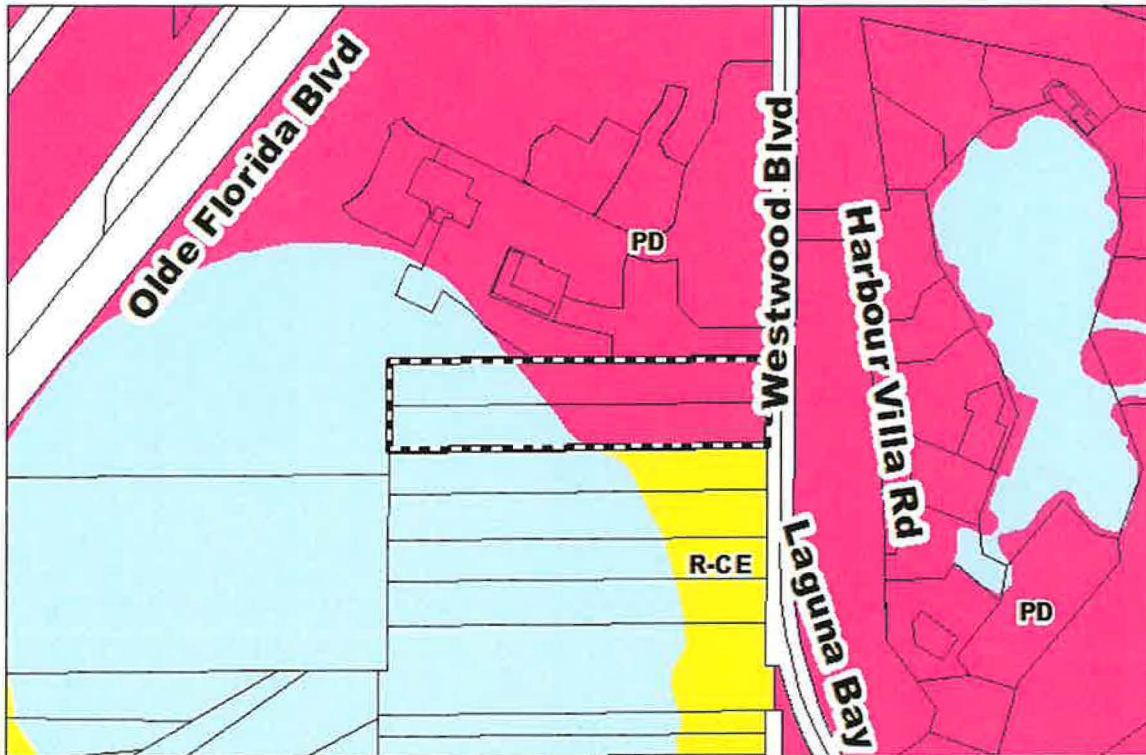
Initial funding of the accounts shall be approved by County Engineer, or their designee, and on the basis of a professional engineer's estimate for the above referenced accounts.

If the subdivision construction plans depict and provide for retaining wall(s) without being noted on the preliminary subdivision plan, it shall constitute a substantial change requiring a public hearing.

27. A Right-of-way use agreement will be required for the retaining wall easement that encumbers the berm of the stormwater pond tract; along with a retaining wall & pond maintenance, repair, and replacement plan that will be required to be submitted and approved by Orange County Stormwater prior to site construction plan approval.

Zoning Map

PSP-23-02-067

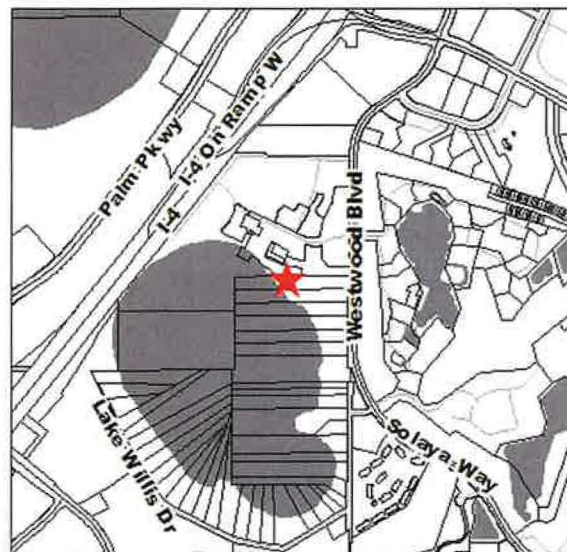


Subject Property



Subject Property

Zoning Map	
ZONING:	PD (Planned Development)
APPLICANT:	Brooks Stickler, Kimley-Horn & Associates Inc.
LOCATION:	South of Westwood Boulevard / West of International Drive
TRACT SIZE:	8.88 acres
DISTRICT:	# 1
ST/R:	14/24/28
1 inch = 500 feet	




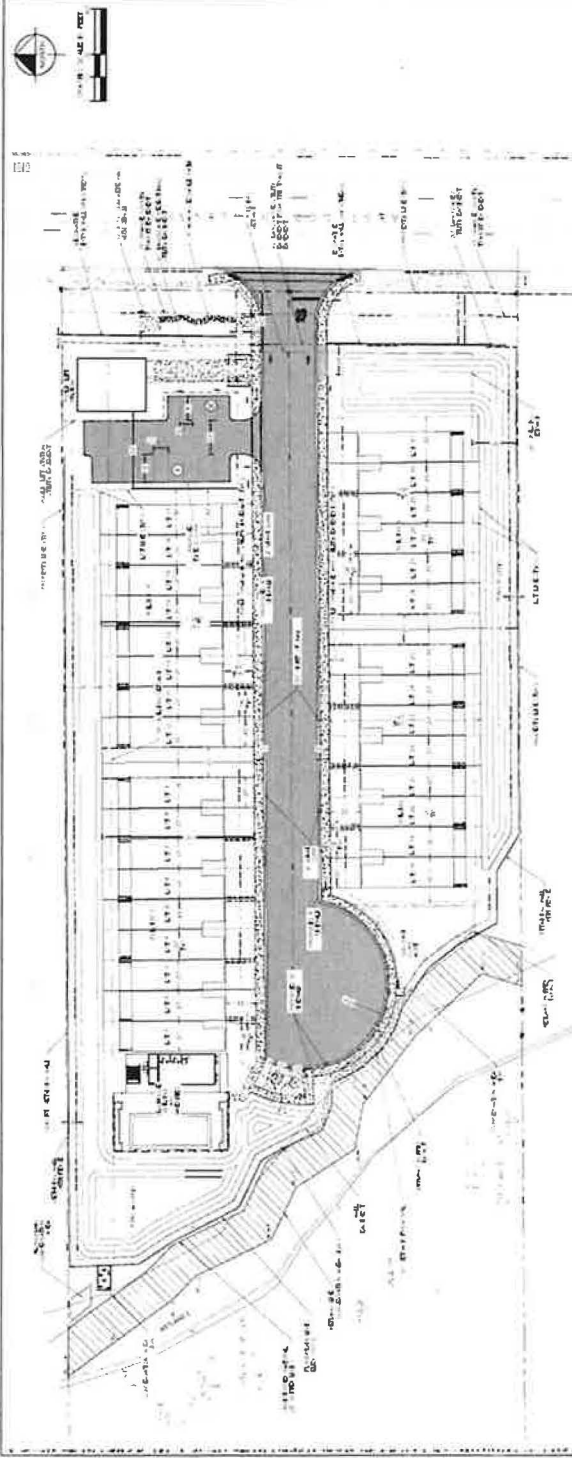
Site Plan Sheet

WESTWOOD TOWNHOMES

PS4.0

SITE PLAN





GENERAL NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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LEGEND:

- 1. 1" = 1' (SCALE)
- 2. 1" = 1' (SCALE)
- 3. 1" = 1' (SCALE)
- 4. 1" = 1' (SCALE)
- 5. 1" = 1' (SCALE)
- 6. 1" = 1' (SCALE)
- 7. 1" = 1' (SCALE)
- 8. 1" = 1' (SCALE)
- 9. 1" = 1' (SCALE)
- 10. 1" = 1' (SCALE)



Public Notification Map

Townhomes at Westwood PD 43 West Townhomes_PSP-21-06-178



SUBJECT_SITE

0







Feet

2,150

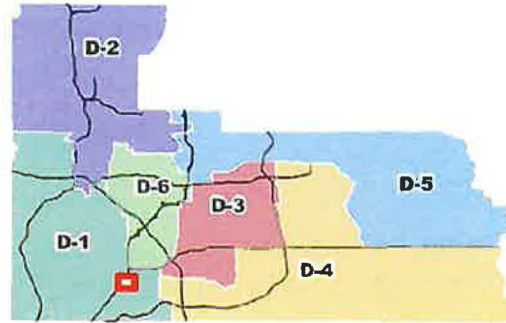
4,300



MAP LEGEND

-  SUBJECT_SITE
-  900 FT BUFFER
-  HYDROLOGY
-  PARCELS
-  NOTIFIED_PARCELS
-  COURTESY PARCELS

BUFFER DISTANCE: 900
OF NOTICES: 61



S:\Business Systems\Board Administration\5_SUBSTANTIAL_CHANGE\2023\Townhomes at Westwood PD 43 West Townhomes_PSP-21-06-17

Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: July 11, 2023