



Interoffice Memorandum

September 29, 2023

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

FROM: Andres Salcedo, P.E., Acting Director
Planning, Environmental and Development
Services Department

Andres

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

SUBJECT: October 24, 2023 – Public Hearing
Adam Smith, P.E., VHB, Inc.
Selnik Planned Development / Selnik Preliminary Subdivision
Plan
Case # PSP-22-08-272/ District 1

The Selnik Planned Development (PD) / Selnik Preliminary Subdivision Plan (PSP) is located at 5504 Winter Garden Vineland Road, generally northwest of County Road 535 and east of Bridgewater Crossings Boulevard within Horizon West Bridgewater Village. The property is designated Townhome District on the Horizon West Special Planning Area Land Use Map and is zoned PD as the Selnik PD, which is entitled for 110 single-family residential dwelling units. This request is to subdivide the entirety of the 13.95 developable acre PD for 110 single-family residential lots consisting of 93 townhome units and on 20-foot-wide lots, and 17 single-family detached units on 50-foot-wide lots. Condition of approval #13 as part of the PD zoning approval required the preservation of the oak tree located on the property. This subdivision plan was designed around the protection of that tree which is located in open space tract P-1.

Additionally, one waiver is requested from Chapter 34 to allow for utility tract U-1 to have six-foot-wide access to a paved dedicated street in lieu of 20 feet. The waiver is also to allow lots 18-47 and 73-90 to front greenspaces and have access through an alley tract.

On August 30, 2023, the Development Review Committee (DRC) recommended approval of the Selnik Preliminary Subdivision plan, subject to conditions of approval.

Finally, 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 PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the Selnik PSP dated “Received August 2, 2023”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

AS/JK/bs
Attachments

1. GENERAL INFORMATION

Applicant: Adam Smith VHB, Inc.

Owner: Windemere Acquisition Company, LLC

Project Name: Selnik (PD) / Selnik (PSP)

Hearing Type: Preliminary Subdivision Plan (PSP)

Request: This Preliminary Subdivision Plan (PSP) is a request to subdivide 33.69 acres to construct 110 single-family residential dwelling units.

The request also includes the following waiver from Orange County Code:

1. A waiver from Orange County Code Section 34-152(c) is requested to allow for a six (6) foot wide private utility tract (Tract U-1) in lieu of a minimum access width of twenty (20) feet, and for lots 18-47 and 73-80 to front a mew, park, open space, etc., in lieu of the 20-foot access to a dedicated paved street; legal access to lots 18-47 and 73-80 will be through an ingress / egress easement and/or alley tract.

Applicant Justification: Providing lots that front mews and open space provide enhanced neighborhood characteristics consistent with the design goals and objectives in Horizon West. Alternative sufficient access from the alley is provided consistent with Orange County requirements.

2. GENERAL INFORMATION

- A. Overview: The subject property is located northwest of County Road 535 and east of Bridgewater Crossings Boulevard within Horizon West Bridgewater Village. The property is designated Townhome District on the Horizon West Special Planning Area Land Use Map and is zoned PD as the Selnik PD, which is entitled for 110 single-family residential dwelling units. This request is to subdivide the entirety of the 13.95 developable acre PD for 110 single-family residential lots for 93, 16 foot wide townhome units and 17, 50 foot wide single-family detached units. Condition of approval #13 as part of the PD zoning approval required the preservation of the oak tree located on the property. This subdivision plan was designed around the protection of that tree which is located in open space tract P-1.
- B. Location: 5504 Winter Garden Vineland Road, Northwest of County Road 535 / East of Bridgewater Crossings Boulevard
- C. Parcel ID: 14-23-27-0000-00-006
- D. Total Acres: 33.69 gross acres
13.95 net developable acres
- E. Water Supply: Orange County Utilities
- F. Sewer System: Orange County Utilities
- G. Schools: **Keenes Crossing ES**
Enrollment: 1,013 / Capacity: 812
Bridgewater MS
Enrollment: 1,199 / Capacity: 1,028
Windemere HS
Enrollment: 3,155 / Capacity: 3,656
- H. School Population: 42
- I. Parks: Summerport Neighborhood Park – 2 Miles

- J. Proposed Use: 110 Single-Family Residential Dwelling Units
- K. Site Data: **Attached (93 Lots)**
Maximum Building Height: 35'
Minimum Living Area: 1000 SF
Minimum Lot Width: 16'
Building Setbacks: Front 15' Side 0'7'
Rear 14' Side Street 10'
- Detached (17 Lots)**
Maximum Building Height: 35'
Minimum Living Area: 1200 SF
Minimum Lot Width: 50'
Building Setbacks: Front 20' Side 5' Rear 25' Side Street 10'
- L. Fire Station: 34 – 4000 Winter Garden Vineland Road
- M. Public Notification: The notification area for this public hearing extended beyond One thousand (1,000) 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. Twelve hundred seventy-seven (1,277) notices were mailed to those property owners in the mailing area.
- N. Community Meeting Summary: A community meeting was held for this application on November 2, 2022 at Independence Elementary School in Winter Garden. Six residents were in attendance. Concerns included increased traffic, including potential issues with the school (Windermere HS, across Winter Garden Vineland Road); and compatibility with surrounding single-family development, and potential issues with from the school (Windermere HS, across Winter Garden Vineland Road).

O. Transportation:

This property is within the Bridgewater SAP thus does not have an associated Road Network Agreement. The project is subject to concurrency.

Based on the Concurrency Management (CMS) database dated 8/02/2022, there are multiple failing roadway segments within the project's impact area. Ficquette Road from Reams Road to Overstreet Road (1 segment) and Winter Garden Vineland Road from Chase Road to Tilden Road (3 segments) are failing. This information is dated and subject to change.

Existing/Valid transportation capacity entitlements not found. This development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. Please contact the Concurrency Management Office at 407-836-5678 for more information. **IMPORTANT NOTE:** This development is located near failing roadway(s) within Orange County. This deficiency will require you to submit a Transportation Capacity Analysis with your CEL 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).

P. Environmental Protection Division:

An Orange County Conservation Area Determination CAD-15-08-110 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on September 29, 2015 and a time extension granted September 24, 2020.

The CAD identified 13.60 acres of Class I surface waters (Lake Cawood), 1.33 acres of Class I shoreline wetland, 0.01 acre of Class III wetland, and 18.74 acres of upland within the subject property boundaries.

An Orange County Conservation Area Impact (CAI) permit CAI-23-04-016 was approved on May 25, 2023 for impacts to 0.01 acre of Class III wetland. This plan will comply with all related permit conditions of approval.

Community and semi-private boat ramps and boat docks shall be prohibited on tracts OS-1, OS-4, and OS-5.

Q. Comprehensive Plan:

The subject property is designated on the Future Land Use Map (FLUM) as Village. The zoning is currently R-CE (Country Estate District) and is requesting to change to PD (Planned Development). The request appears to be consistent with the comprehensive plan.

R. Zoning:

PD (Planned Development)

3. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Selnik PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Selnik Preliminary Subdivision Plan dated "Received August 2, 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 August 2, 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. 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.
8. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
9. 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.
10. 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).
11. 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.

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. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
14. Community and semi-private boat ramps and boat docks shall be prohibited on tracts OS-1, OS-4, and OS-5; such prohibition shall be reflected on the plat.
15. Pursuant to Article XII, Chapter 30, Orange County Code, 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.
16. 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.
17. A Master Utility Plan (MUP) for the PSP, including hydraulically dependent development, 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 MUP for the PSP. 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.
18. 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.

19. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.

20. 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.

21. Any lot with a side yard facing an open space tract, park or recreation area shall be visually treated as a corner lot with an abutting side street. The tract, park or recreation area facing facades shall repeat the architectural trim and finishes which are provided on the front façade - including windows, window surrounds, shutters, muntins, eave brackets, expression line, and decorative veneer.

22. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.

23. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.

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. 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.

26. 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.

27. Prior to construction plan approval, a Right-of-Way Use Agreement is required for any horizontal infrastructure proposed to be constructed over any Orange County Drainage Easement(s) or Rights-of-Way that encumber the lands within this Planned Development. No vertical permits shall be issued within areas encumbered by a drainage easement.

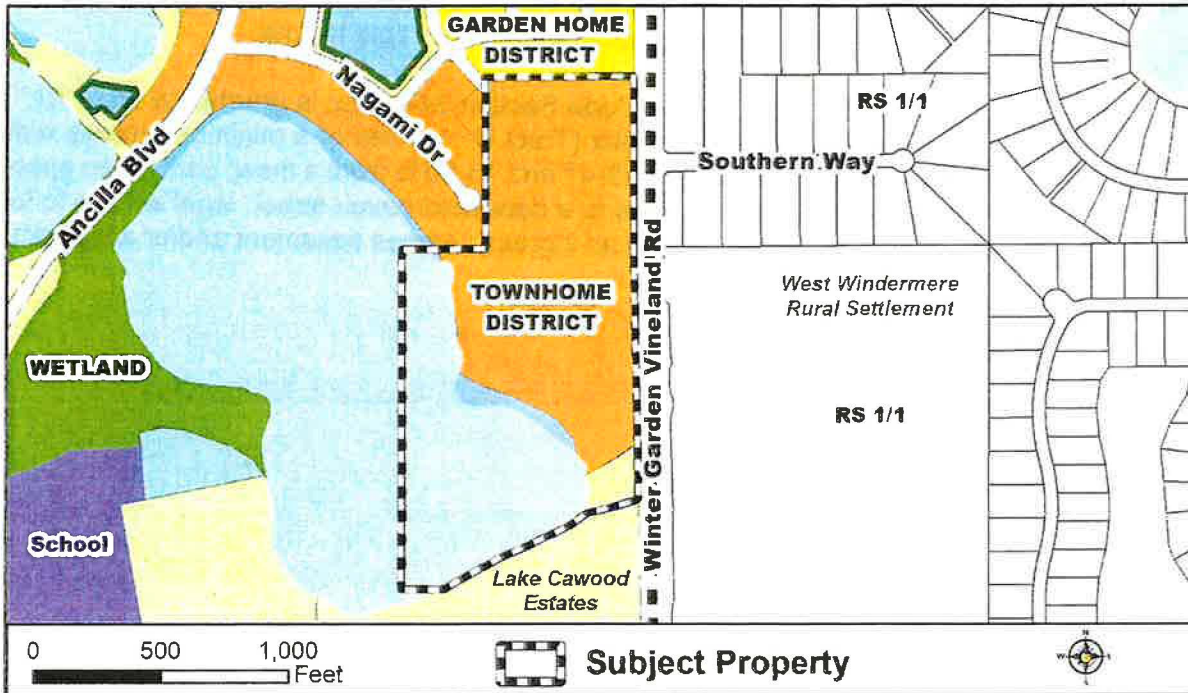
28. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
29. 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.
30. 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.
31. Where public gravity main will be located within tract P-2 as shown on the PSP, the distance from structure to structure shall be a minimum of 38 feet. To meet this requirement, the Side and Front Setbacks for affected lots on the PSP shall be a minimum of 19 feet from the center line of the gravity main, based on the configuration shown in the PSP.
32. A traffic operational analysis for the intersection of Winter Garden Vineland Road and the Windermere High School Entrance / Exit Road including but not limited to intersection improvements, the addition of traffic control devices, and pedestrian accommodations, must be submitted with the subdivision construction plan and accepted by Orange County prior to construction plan approval. Should the need for any improvements result from the study, the proposed improvements must be submitted as an E-plan, and shall be constructed / installed at no cost to Orange County.
33. 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 and approval. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Code Chapter 19, as may be amended from time to time.

34. 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.

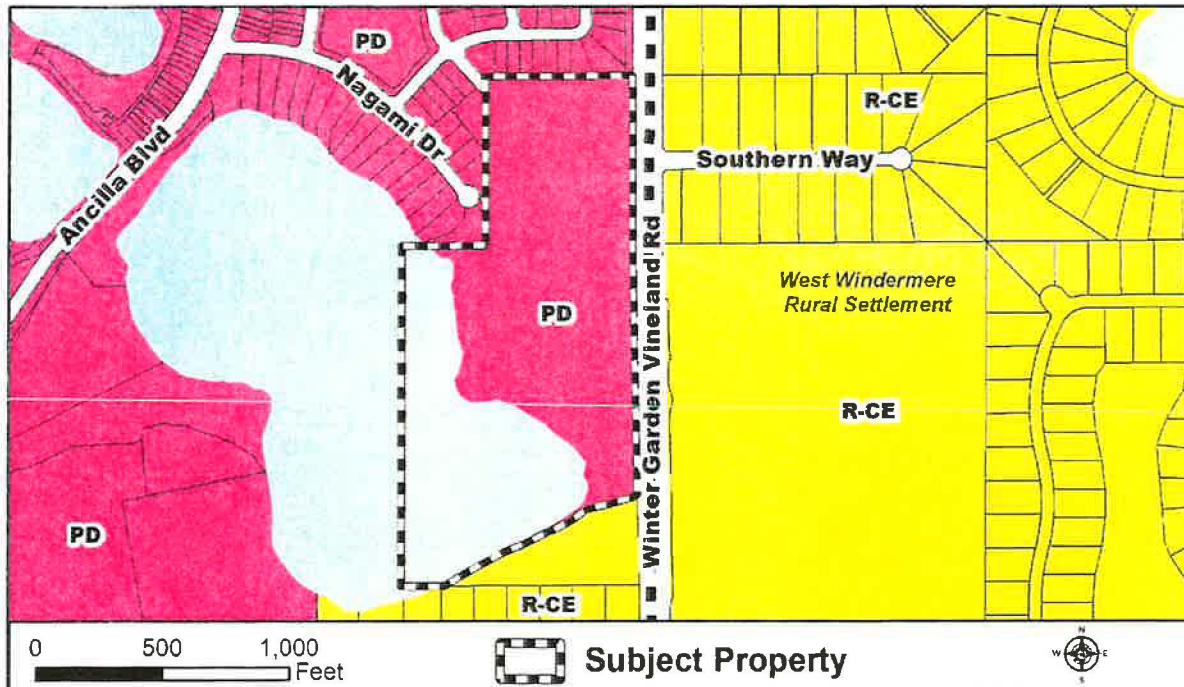
35. A waiver from Orange County Code Section 34-152(c) is granted to allow for: a six (6) foot wide private utility tract (Tract U-1) in lieu of a minimum access width of twenty (20) feet, and for lots 18-47 and 73-80 to front a mew, park, open space, etc., in lieu of the 20-foot access to a dedicated paved street; legal access to lots 18-47 and 73-80 will be through an ingress / egress easement and/or alley tract.

HORIZON WEST SPECIAL PLANNING AREA MAP

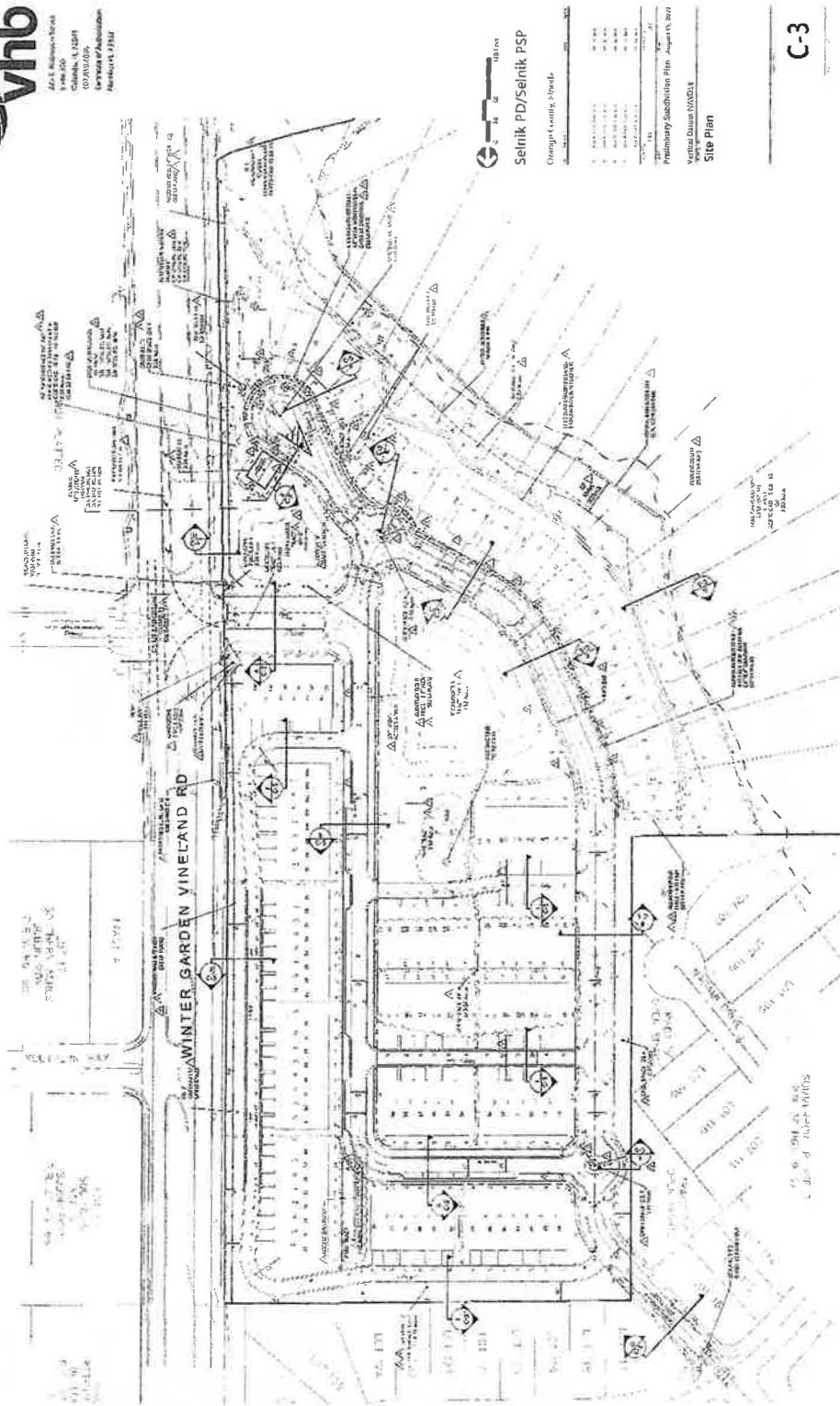
Bridgewater Village - Townhome District



ZONING – PD



Site Plan Sheet



Scale: 1" = 100'-0"

Selirik PD/Selirik PSP
 Change County Shards

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10
1	2	3	4	5	6	7	8	9	10

Preliminary Subdivision Plan August 15, 2021
 Winter Garden Vineyard
 Site Plan

C-3

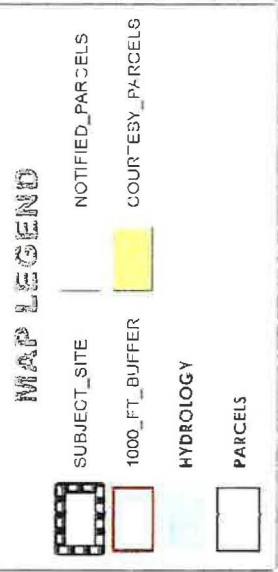
DATE: 11/20/23
 BY: [Signature]

Notification Map

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Public Notification Map

SELNIK PD PSP-22-08-272



RUFFER DISTANCE: 1000
 # OF NOTICES: 1277

