



**Interoffice Memorandum**

May 1, 2023

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

A handwritten signature in black ink, appearing to be "TB", written over the "County Commissioners" text.

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: May 23, 2023 – Public Hearing  
Applicant: Scott Gentry, Kelly, Collins & Gentry, Inc.  
Silverleaf Planned Development – Regulating Plan / Silverleaf  
South Tract A Subdivision Preliminary Subdivision Plan  
Case # PSP-22-04-124 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 8, 2023, to approve the Silverleaf Planned Development – Regulating Plan (PD - RP) / Silverleaf South Tract A Subdivision Preliminary Subdivision Plan (PSP) to subdivide 53.61 acres, generally located north of Schofield Road and west of Avalon Road, in order to construct 293 single-family 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 Silverleaf PD - RP / Silverleaf South Tract A Subdivision PSP dated "Received March 30, 2023", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

TB/JK/lme  
Attachments

**CASE # PSP-22-04-124**

Commission District # 1

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 8, 2023, to approve the Silverleaf Planned Development – Regulating Plan (PD - RP) / Silverleaf South Tract A Subdivision Preliminary Subdivision Plan (PSP) to subdivide 53.61 acres, generally located north of Schofield Road and west of Avalon Road, in order to construct 293 single-family residential dwelling units.

**2. PROJECT ANALYSIS**

- A. Location: North of Schofield Road / West of Avalon Road
- B. Parcel ID: 30-23-27-2699-00-001
- C. Total Acres: 53.61 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Hamlin ES – Enrollment: 584 / Capacity: 791  
Hamlin MS - Enrollment: 741 / Capacity: 1,227  
Horizon HS - Enrollment: 2,023 / Capacity: 1,950
- G. School Population: 97
- H. Parks: Horizon West Regional Park – 3 Miles
- I. Proposed Use: 293 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: (8-stories)  
Minimum Living Area: 1,200 Square Feet  
Building Setbacks:  
5' to 25' Front  
0' to 10' Side  
5' Rear  
0' Side Street
- K. Fire Station: 44 – 16990 Porter Road
- L. Transportation: Based on the Concurrency Management (CMS) database dated 4/05/2022, there are multiple failing segments along Avalon Road from Old YMCA Road to New Independence

Parkway (3 segments). This information is dated and subject to change.

M. EPD                      This site was included in an Orange County Conservation Area Determination CAD-19-10-151 approved by the Environmental Protection Division (EPD) on January 27, 2020. No wetlands were located within the subject project boundary.

**3. COMPREHENSIVE PLAN**

The Silverleaf PD is located in the Horizon West Special Planning Area and has an underlying Future Land Use Map (FLUM) designation of Village-Horizon West (V) on the Future Land Use Map. It is located in the Horizon West Town Center. The property affected by this proposed change is located in Corporate Campus Mixed Use (CCM) land use district and is designated as T-4 (Edge Zone) in the Silverleaf Regulating Plan. The T-4 Edge Zone allows a wide variety and mix of housing types in close proximity to workplaces including apartment, condominiums, townhomes, small lot houses, duplexes, triplexes, quadruplexes, live/work units and workplaces like offices, office-flex, and light industrial uses.

**4. ZONING**

PD (Planned Development District) (Silverleaf PD)

**5. REQUESTED ACTION:**

Approval subject to the following conditions:

1.            Development shall conform to the Silverleaf Planned Development - Regulating Plan; Orange County Board of County Commissioners (BCC) approvals; Silverleaf South Tract A Subdivision Preliminary Subdivision Plan dated "Received March 30, 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 March 30, 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. 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.
8. 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.
9. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and ponds have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
10. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
11. Roads and drainage system(s), but not including any offsite 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. Under no circumstance shall any residential HOA be obligated to pay for maintenance of any such stormwater tract that lies outside the limits of their respective preliminary subdivision plan where they are already subject to a MSBU assessment.
12. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance, including leasing, fuel, and energy

costs for this project, of street lighting inventory within the PSP on publicly owned and maintained streets, with the exception of those street lighting fixtures, poles, and luminaries in the public right of way that shall be installed and maintained by the POA (the "POA Lighting"). 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, with the exception of the POA Lighting, 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 other than the POA Lighting. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via one or more, as appropriate, "Letter(s) 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.

13. 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.
14. Associated offsite infrastructure including, but not limited to, roadway improvements, public utilities, and the installation and operation of the traffic signal, which may be temporary or permanent, at the intersection of Porter Road and Avalon Road (CR-545) must be permitted as a separate E-Permit and be completed as evidenced by a Certificate of Completion prior to the first Certificate of Occupancy for the first phase.
15. 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.
16. 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.

17. The culs-de-sac reflected on Streets C and D and the connection reflected on Street I on the plan dated "Received March 30, 2023" (collectively, the "Connections") are to be constructed as temporary until such time as permanent connections can be made to Valencia Parkway. Such Connections shall be constructed by the developer at no cost to the County or the HOA prior to platting of Phase 2A.
18. The project shall comply with the terms and conditions of that certain Town Center West (Silverleaf) Road Network Agreement C.R. 545/Avalon Road and New Independence Parkway approved on September 1, 2020, and recorded at Document #20200467436 Public Records of Orange County, Florida, as may be amended.
19. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County/Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, coordinate with OCU to obtain information on the mounding produced by the RIBs, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.
20. 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 PD shall be consistent with an approved and up-to-date Silverleaf Regulating Plan and 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.
21. 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 property line, based on the utility configuration shown in the PSP.
22. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
23. 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



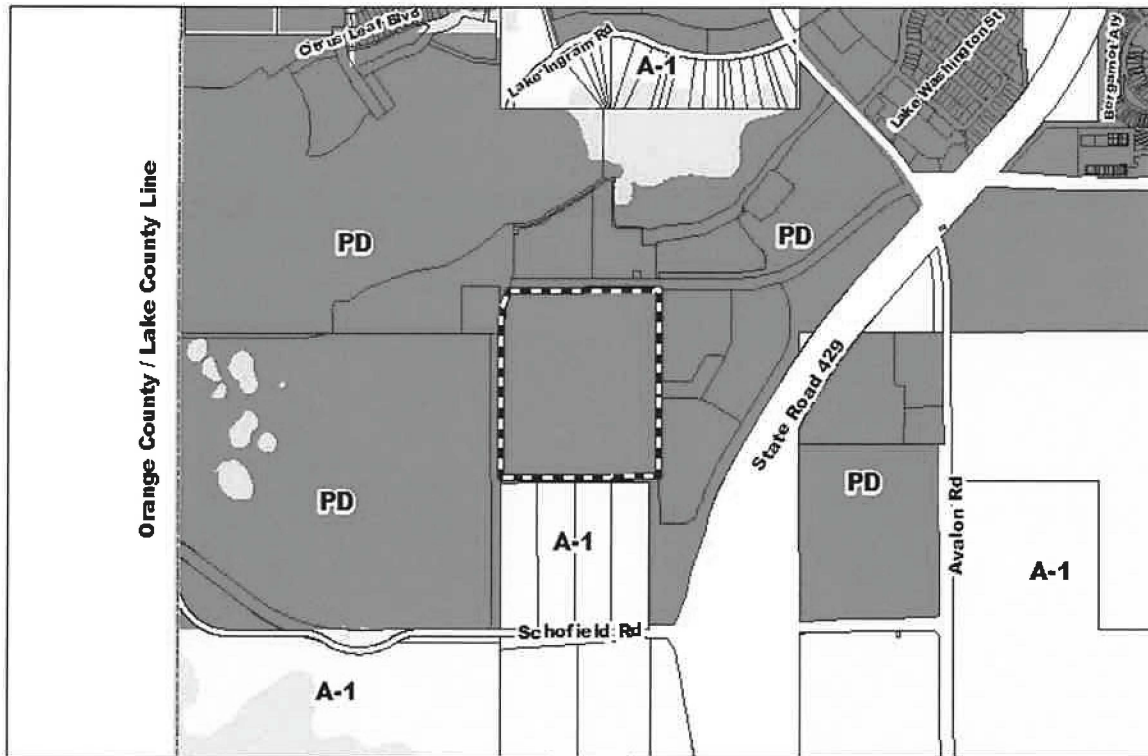
subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located.

24. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
25. Valencia Parkway from the southern terminus shown in "Silverleaf PD - RP / Silverleaf Phase 3 (Tract FD-1) PSP-21-08-254" south to Schofield Road must be submitted as an E-Permit, and a Certificate of Completion issued prior to platting any residential lots in Phase 2A.
26. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
27. 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, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat 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.



## Zoning Map

PSP-22-04-124



Subject Property

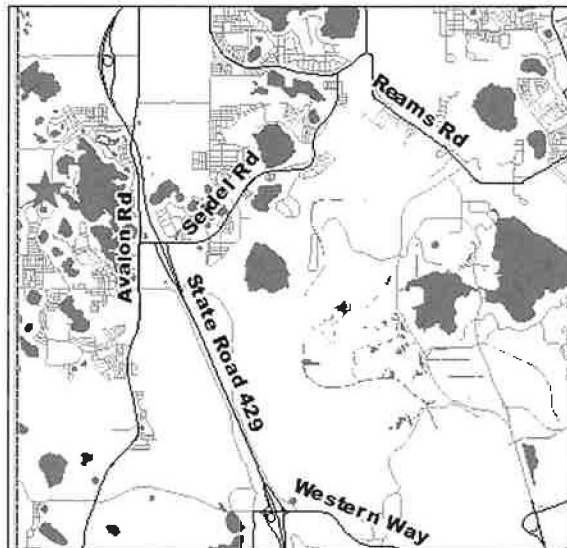


Subject Property

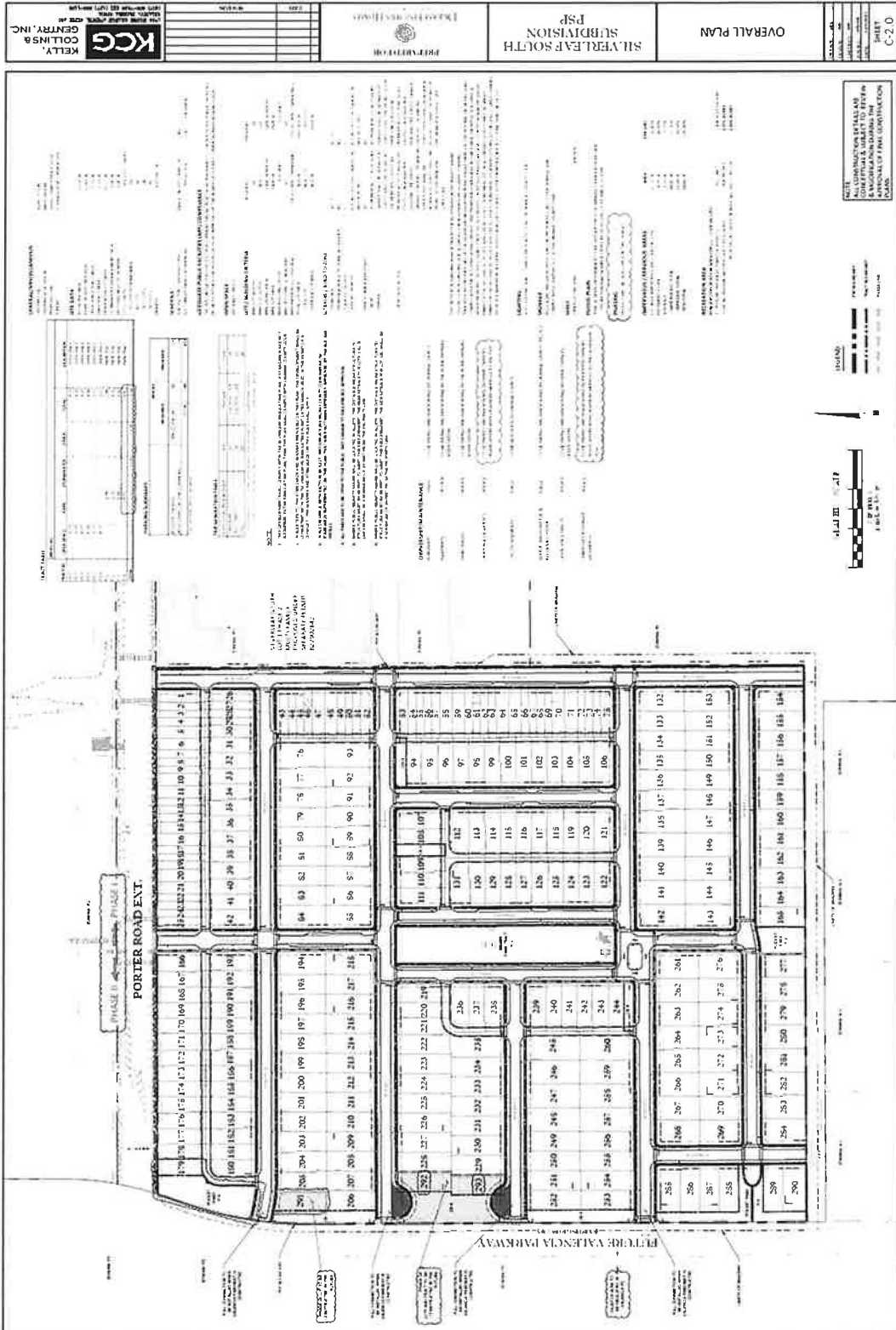
### Zoning Map

ZONING: PD (Planned Development)  
 APPLICANT: Scott Gentry, Kelly, Collins, and Gentry, Inc.  
 LOCATION: North of Schofield Road /  
 West of Avalon Road  
 TRACT SIZE: 53.61 gross acres  
 DISTRICT: # 1  
 S/T/R: 30/23/27

1 inch = 1,300 feet



# Site Plan Sheet

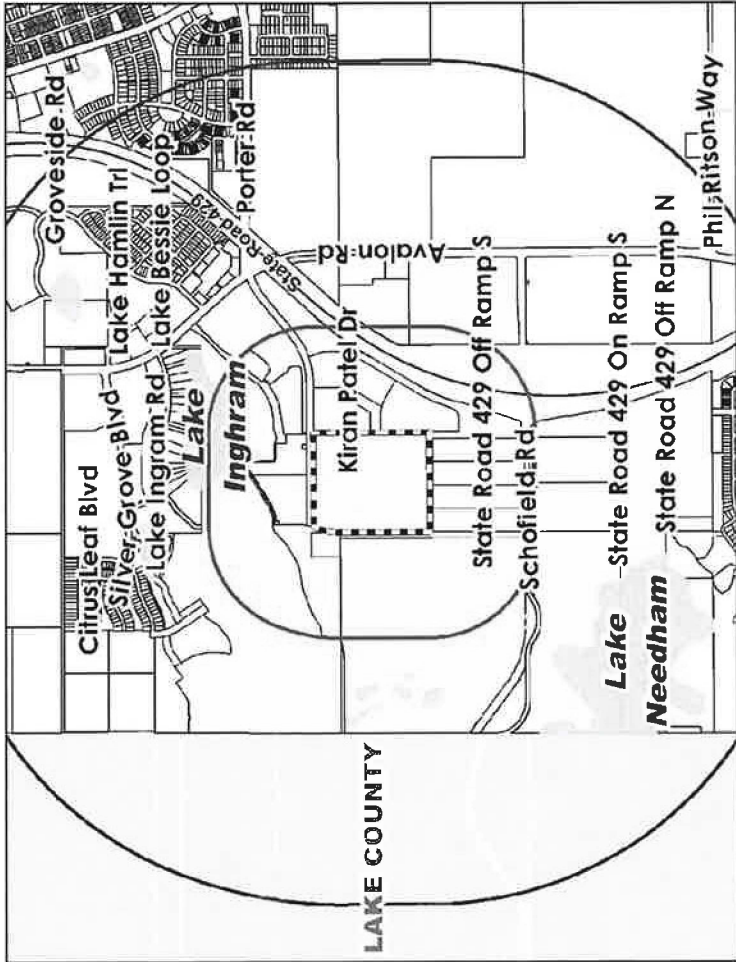


# Notification Map









## Public Notification Map

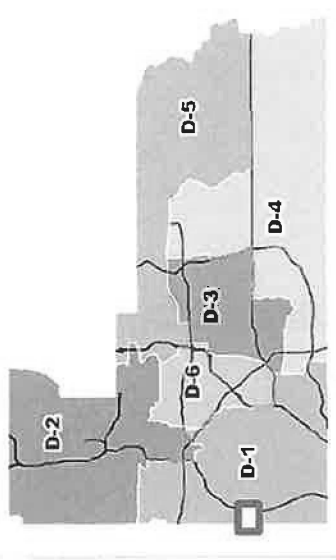
Silverleaf PD Silverleaf South Tract A PSP-22-04-124



### MAP LEGEND

-  SUBJECT\_SITE
-  PARCELS
-  1500 FT BUFFER
-  NOTIFIED\_PARCELS
-  1 MILE BUFFER
-  HYDROLOGY

BUFFER DISTANCE: 1500  
 # OF NOTICES: 227



S:\Business Systems\Board Administration\5\_SUBSTANTIAL\_CHANGE\2023\Silverleaf PD Silverleaf South Tract A\_PSP-22-04-124\PSP-22-04-1