

CASE # PSP-18-10-339

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 11, 2019 to approve the Waterleigh Planned Development (PD) / Phase 4 Preliminary Subdivision Plan (PSP) to subdivide 234.4 acres in order to construct 421 single-family detached units and 167 single-family attached units for a total of 588 dwelling units.

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

1. A waiver from Section 34-152(c), to allow lots to front a meadow, park, open space, etc. in lieu of the 20 foot access to a dedicated public paved street.
2. A waiver from Section 38-1384 (i)(4), to allow lots greater than 50' in width that front neighborhood squares and parks to be front loaded in lieu of access from a rear alley or from a rear-yard garage.
3. A waiver from Section 38-1384 (i)(3), to allow lots greater than 50' in width that front APF Schools and Parks to be front loaded in lieu of access from a rear alley or from a rear-yard garage.

2. PROJECT ANALYSIS

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| A. Location: | West of Avalon Road / North of West Irlo Bronson Memorial Highway (U.S. 192) |
| B. Parcel ID: | 07-24-27-0000-00-003 |
| C. Total Acres: | 234.4 |
| D. Water Supply: | Orange County Utilities |
| E. Sewer System: | Orange County Utilities |
| F. Schools: | Water Spring ES: Capacity 837 / Enrollment 930
Bridgewater MS: Capacity 1,176 / Enrollment 1,840
Windermere HS: Capacity 2,753 / Enrollment 3,961 |
| G. School Population: | 225 |
| H. Parks: | Horizon West Regional Park – 7 Miles |
| I. Proposed Use: | 421 Detached Single-Family Residential Dwelling Units
167 Attached Single-Family Residential Dwelling Units |

J. Site Data:

Village Home District (Parcel 30):

Maximum Building Height: 45' (3-stories)
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width; 40'
Building Setbacks:
15' Front
20' Rear
5' Side
10' Side Street
10' Porch
2' Driveways Side Lot Line
50' NHWE

Garden Home Mixed Use (Parcels 25, 27, 31):

Detached:

Maximum Building Height: 45' (3-stories)
Minimum Living Area: 1,200 Square Feet
Minimum Lot Width; 40'
Building Setbacks:
15' Front
20' Rear
5' Side
10' Porch
10' Side Street
2' Driveways Side Lot Line
50' NHWE

Attached:

Maximum Building Height: 55' (4-stories)
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width; 22'
Building Setbacks:
15' Front
14' Rear
0' / 7' Side
10' Porch
10' Side Street
2' Driveways Side Lot Line
50' NHWE

Townhome District (Parcel 26):

Detached:

Maximum Building Height: 45' (3-stories)
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width: 40'
Building Setbacks:
15' Front
20' Rear
5' Side
10' Porch

10' Side Street
2' Driveways Side Lot Line
50' NHWE
Attached:
Maximum Building Height: 55 (4-stories)
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width: 22'
Building Setbacks:
15' Front
14' Rear
0' / 7' Side
10' Porch
10' Side Street
2' Driveways Side Lot Line
50' NHWE

K. Fire Station: 32- 14932 East Orange Lake Boulevard

L. Transportation: A Village H Horizon West Road Network Agreement for C.R. 545 among Orange County and D.R. Horton, Inc. ("DRHI"); Avalon Properties, Ltd. ("Avalon"); Horizon West Properties ("HWP"); HAP, Inc. ("HAP"); Titan Western Beltway, LLC ("Titan"); Hanover Hickory Nut, LLC, ("Hanover"); Zanzibar Properties, LLC ("Zanzibar"); and Seidel West I, LLC ("Seidel"). DRHI, Avalon, HWP, HAP, Titan, Hanover, Zanzibar, and Seidel, collectively referred to herein as "Signatory Owners", was approved by the Board of County Commissioners on 2/12/2013 and recorded at OR Book/Page 10525/6172. The Village H Horizon West Road Network Agreement provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of C.R. 545 to four lanes in four phases according to specific trip allocations and performance thresholds. Concurrency vesting shall be provided pursuant to Table 1 based on achieved thresholds of the road improvements. Conveyance shall be by general warranty deed at no cost to the County prior to each phase of roadway construction. The Signatory Owners will receive Road Impact Fee Credits in Road Impact Fee Zone 4 for the lesser of (a) 95% of the actual, reasonable unreimbursed sums incurred by Signatory Owners for permitting, design, mitigation, inspection and construction expense exclusive of enhanced landscaping and street lighting or (b) 60% of the countywide average total cost of road construction per lane mile. This agreement was negotiated based on the approved Horizon West Global Road Term Sheet.

As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village H Road Network Agreement recorded at O.R. Book 10525, Page 6172, Public Records of Orange County, Florida, the developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan/Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.

3. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Village indicating the property is in Horizon West. More specifically the property is within Village H of Horizon West. The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development) (Waterleigh PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Waterleigh Planned Development (PD); Orange County Board of County Commissioners (BCC) approvals; Phase 4 Preliminary Subdivision Plan dated "Received September 20, 2019," 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 September 20, 2019," 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 if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The project shall comply with the terms and conditions of that certain Village H Horizon West Road Network Agreement approved on 2/12/2013 and recorded

at Official Records Book 10525, page 6172, Public Records of Orange County, Florida, as may be amended.

7. As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village H Road Network Agreement recorded at O.R. Book 10525, Page 6172, Public Records of Orange County, Florida, the developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan/Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
8. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
9. 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.
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. 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.
12. 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.

13. Motorized boats, jet skis, or other motorized watercraft (of any kind) are prohibited within the wetlands/surface waters of Waterleigh Phase 4. The plat for Waterleigh Phase 4 shall contain a conspicuous note specifying such prohibition and the covenants, conditions, and restrictions (CC&Rs) shall contain a provision notifying homeowners of such prohibition.
14. 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.
15. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent development outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved and up-to-date MUPs for the PD and Village, or shall include updates to the PD and Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
16. Construction plans within this PSP 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 updated MUP must be approved prior to construction plan approval.
17. Construction plans for residential and commercial development within this PD, submitted after January 31, 2020, shall not be approved until the APF Utility tract(s) (water and wastewater) and 50-foot access & utility easement are conveyed to Orange County Utilities.
18. Where public gravity main will be located within in 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.
19. 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 and reclaimed water services which extend to their homes from public meters located adjacent to public road right-of-way. The privately-owned water and reclaimed water services for affected lots on the PSP extend to these units through HOA-owned park tracts. The owners of

- these lots shall be granted access to the HOA-owned tracts for the purpose of maintaining their water and reclaimed water services.
20. New streets which are an extension of or in alignment with existing streets shall bear the same name as that borne by such existing streets.
 21. Lots that face a mew, open space tract or alley that do not have access to a public right-of-way shall be addressed from an alley and the addressing of the home shall be placed on both side of the structure.
 22. 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.
 23. 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, if not provided by the Homeowners' Association, shall be the responsibility of 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 mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal and concurrent with construction plan submittal. 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.
 26. 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 Section 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 Department. 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.

27. 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 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.
28. In order to comply with the intent of Section 177.091(18), F.S., lot numbers at plat must be consecutive and consistent with the PSP. Failure to meet this requirement may require a change to the PSP and may delay approval of the plat.
29. Houses on lot numbers 303 – 318 shall be required to have a front porch that complies with the requirements of Section 38-1384(d), and the width of any garage shall not exceed 50% of the front façade.
30. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the lakefront lots within Waterleigh Phase 4 do not have riparian rights on Lake Heney or Lake Ihrig. Lot owners on Lake Heney and Lake Ihrig will have to obtain an access easement from the Homeowners Association (HOA) in order to apply for any boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Docks with motorized watercraft mooring are prohibited.
31. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 34-152(c), to allow lots to front a mew, park, open space, etc. in lieu of the 20 foot access to a dedicated public paved street.
 - b. A waiver from Section 38-1384 (i)(4), to allow lots greater than 50' in width that front neighborhood squares and parks to be front loaded in lieu of access from a rear alley or from a rear-yard garage.
 - c. A waiver from Section 38-1384 (i)(3), to allow lots greater than 50' in width that front APF Schools and Parks to be front loaded in lieu of access from a rear alley or from a rear-yard garage.