



Interoffice Memorandum

DATE: July 22, 2019

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

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental and Development
Services Department

CONTACT PERSON: Eric Raasch, DRC Chairman
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: August 20, 2019 – Public Hearing
Applicant: Adam Smith, VHB, Inc.
Waterleigh Planned Development / Waterleigh Phase 3 Preliminary
Subdivision Plan
Case # CDR-19-06-227

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 10, 2019 to approve a substantial change to the Waterleigh Planned Development (PD) / Waterleigh Phase 3 Preliminary Subdivision Plan (PSP) to modify the August 21, 2018, Board Condition of Approval #19, by removing the portion which mandates the requirement for temporary addressing to be provided for permits and the Certificate of Completion to be issued prior to approval and recording of the plat, and the requirement of all required inspections to be complete and approved prior to issuance of a Certificate of Occupancy.

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 (CP) and approve the Waterleigh PD / Phase 3 PSP dated "Received May 30, 2018", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/EPR/lme
Attachments

CASE # CDR-19-06-227

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 10, 2019 to approve a substantial change to the Waterleigh Planned Development (PD) / Waterleigh Phase 3 Preliminary Subdivision Plan (PSP) to modify the August 21, 2018, BCC Condition of Approval #19, by removing the portion which mandates the requirement for temporary addressing to be provided for permits and the Certificate of Completion to be issued prior to approval and recording of the plat, and the requirement of all required inspections to be complete and approved prior to issuance of a Certificate of Occupancy.

2. PROJECT ANALYSIS

- A. Location: West of Avalon Road / South of Old YMCA Road
- B. Parcel ID: 07-24-27-0000-00-003
- C. Total Acres: 355.02
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Keene's Crossing ES: Capacity 859 / Enrollment 1,260
Bridgewater MS: Capacity 1,176 / Enrollment 2,256
Windermere HS: Capacity 2,776 / Enrollment 2,186
- G. School Population: 290
- H. Parks: Horizons West Regional Park – 7 Miles
- I. Proposed Use: 709 Single-Family Attached & Detached Residential Dwelling Units
- J. Site Data: **Townhomes Neighborhood Center:**
Maximum Building Height: 45' (3-stories)
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width; 25'
Building Setbacks:
10' Front
14' Rear
0' / 7' Side
5' Porch
50' NHWE

Garden Home Mixed Use:

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
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:

Approve the request to remove a portion of the August 21, 2018, BCC Condition of Approval #19, as presented below:

1. Development shall conform to the Waterleigh PD; Orange County Board of County Commissioners (BCC) approvals; Waterleigh Phase 3 Preliminary Subdivision Plan dated "Received May 30, 2018," 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 30, 2018," 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. 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.

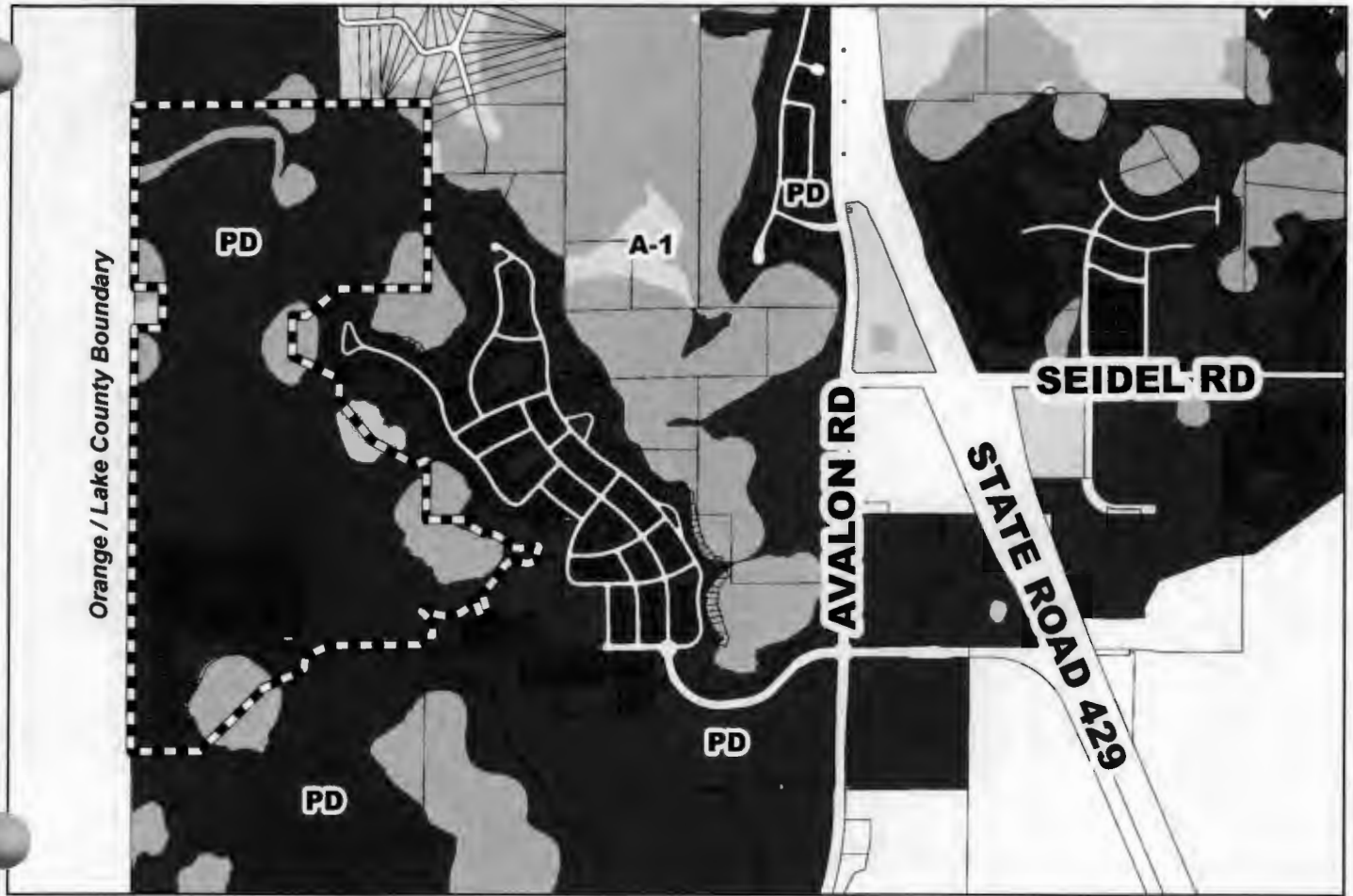
8. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange 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.
9. 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.
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. 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).
13. 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.

14. Construction plans for residential and commercial development within this PD, submitted after January 31, 2019, 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.
15. 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 centerline of the alleyway, based on the utility configuration shown in the PSP.
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 and reclaimed water services which extend to their homes from public water and reclaimed water meters located adjacent to public road right-of-way and/or public utility easements. The owners of these lots shall be granted access to HOA-owned tracts for the purpose of maintaining their water and reclaimed water services.
17. Construction plans within this PSP shall be consistent with approved and up-to-date Master Utility Plans (MUPs) for the PSP and the Village. The PSP-level MUP shall include all hydraulically dependent parcels outside the PSP boundaries. Initial submittal and updates to the PSP-level and Village MUPs shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal and must be approved prior to construction plan approval.
18. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Village Center standards of Section 38-1389(d)(5) with the exception of waivers explicitly granted by the Board. Approval of this PSP does not include approval for any signage depicted on this plan.
19. 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 as part of 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. ~~Temporary addressing must be provided for permits and the C of C must be issued prior to approval and recording of a plat. All required inspections shall be complete and approved prior to issuance of a Certificate of Occupancy.~~

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. 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.
22. 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.
23. 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.
24. 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.
25. The mass grading for the future school site and future park site shall be permitted and completed prior to the issuance of a Certificate of Completion for the first sub-phase of Phase 3 of the PSP. No vertical permits shall be issued for any lots abutting the APF school and APF park sites until mass grading has been completed and addresses offsite drainage.

26. Documentation approving removal of the Conserv II turnout facility shall be provided prior to construction plan approval.
27. A waiver from Orange County Code Section 34-152(c) is granted to allow lots to front a mew (park, open space, or similar space), in lieu of the 20' access to a dedicated public paved street. Legal access to these lots shall be through an ingress/egress easement and/or alley tract.
28. A waiver from Orange County Code Section 38-1384 (i)(4) is granted to allow lots greater than 50' in width that face neighborhood squares and park to be front loaded in lieu of access from a rear alley or from a rear-yard garage.
29. Motorized boats, jet skis, or other motorized watercraft (of any kind) are prohibited within the wetland / surface waters of Waterleigh Phase 3. The plat for Waterleigh Phase 3 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.



 Subject Parcels



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Adam Smith, VHB, Inc.

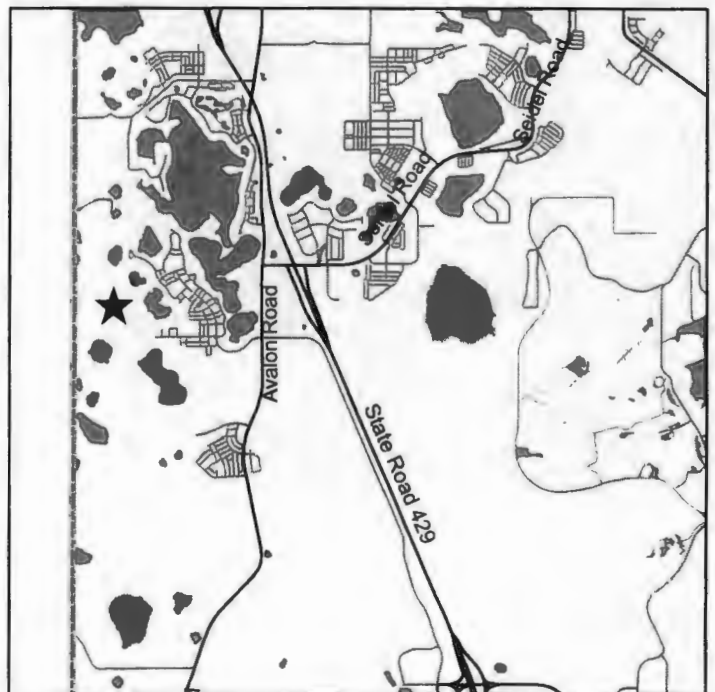
LOCATION: South of Old YMCA Road /
West of Avalon Road

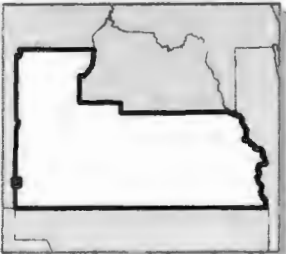
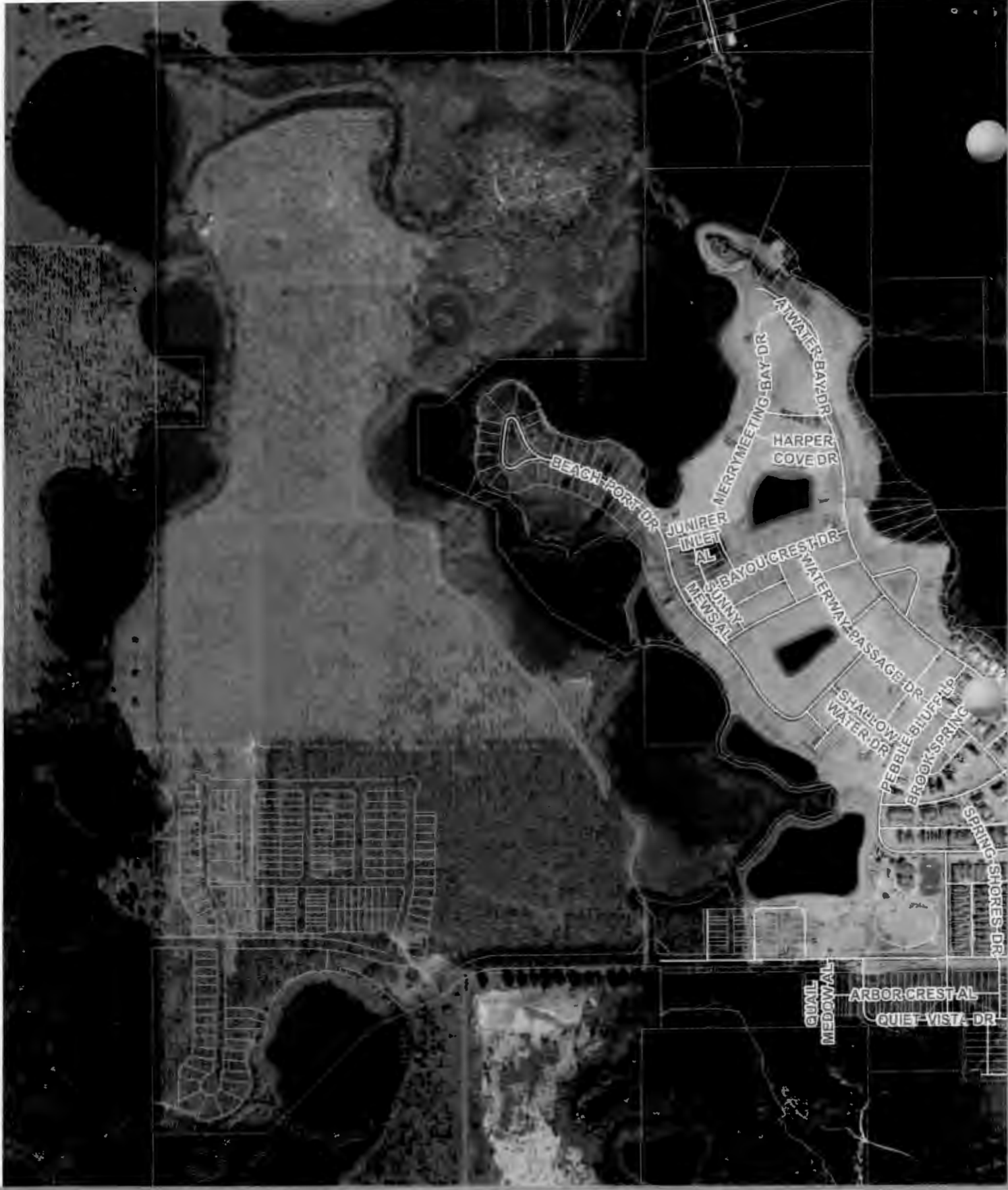
TRACT SIZE: 355.02

DISTRICT: 1

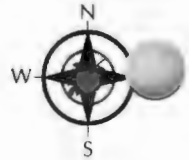
S/T/R: 07/24/27

1 inch = 1,667 feet





Waterleigh PD / Waterleigh Phase 3 PSP CDR-19-06-227



Parcels		Subject Property		Jurisdiction		Hydrology	
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1 : 8,990
1 in : 749 ft