



Interoffice Memorandum

July 19, 2024

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

FROM: Tanya Wilson, AICP, 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: August 13, 2024 – Public Hearing
Applicant(s): Abdul Alkadry, Harris Civil Engineers, LLC
Project Name: Windermere Springs Planned Development (PD) /
Windermere Springs Townhomes Preliminary Subdivision Plan
(PSP)
Project No.: PSP-21-12-374 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 8, 2024, to approve the Windermere Springs Planned Development / Windermere Springs Townhomes Preliminary Subdivision Plan. The project is located northeast of Reams Road and southeast of Summerlake Park Boulevard, in Horizon West Lakeside Village. The subject property is designated on the Horizon West Special Planning Area Land Use Map and existing PD as Village Home District and is entitled for 21 single-family attached residential dwelling units. This request is to subdivide 4.95 gross acres to construct 21 single-family townhomes.

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 documents and the plans may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve Windermere Springs (PD) / Windermere Springs Townhomes PSP (PSP-21-12-374) dated "Received June 11, 2024", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

TW/JCK/rb
Attachments

CASE # PSP-21-12-374
Commission District # 1

1. GENERAL INFORMATION

Applicant: Abdul Alkadry, Harris Civil Engineers, LLC

Owner: Reams Road Windemere Developments, LLC

Project Name: Windemere Springs Planned Development (PD) / Windemere Springs Townhomes Preliminary Subdivision Plan (PSP)

Hearing Type: Preliminary Subdivision Plan (PSP)

Request: To subdivide 4.95 gross acres to construct 21 single-family attached residential dwelling units.

2. PROJECT INFORMATION

A. Overview: The subject property is located generally north of Reams Road, slightly west of Greenbank Boulevard, within the Windemere Springs PD (Planned Development). The subject property is designated on the Horizon West Special Planning Area Land Use Map and existing PD as Village Home District and entitled for 21 single-family attached residential dwelling units. This request is to construct 21 single-family townhomes.

B. Location: Northeast of Reams Road / Southeast of Summerlake Park Blvd

C. Parcel ID(s): 35-23-27-0000-00-003

D. Total Acres: 3.28 net developable acres / 4.95 gross acres

E. Water Supply: Orange County Utilities

F. Sewer System: Orange County Utilities

G. Schools: **Bay Lake ES**
Enrollment: 712 / Capacity: 791
Horizon West MS
Enrollment: 1,374 / Capacity: 1,199
Windemere HS
Enrollment: 3,137 / Capacity: 2,753

- H. School Population: 8
- I. Parks: Deputy Scott Pine Community Park - 1.8 Miles
- J. Proposed Use: 21 Single – Family Attached Residential Dwelling Units (DU)
- K. Site Data: Maximum Building Height: 35 feet
Minimum Living Area: 1,560 square feet / DU
Minimum Lot Width: 20 feet
Building Setbacks:
 - Front – 15 feet
 - Side – 0 feet for at least 1 property line 7 feet for end units
 - Side street – 10 feet
 - Rear – 14 feet
 - Lakefront – 50 feet from the Normal High Water Elevation (NHWE)
- L. Fire Station: Fire station 35 - 7435 Winter Garden Vineland Road
- M. Public Notification: The notification area for this public hearing extended beyond 900 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. Four hundred (400) notices were mailed to those property owners in the mailing area.
- N. Community Meeting Summary: A community meeting was not required for this case.
- O. Transportation: The project has satisfied the Adequate Public Facilities (APF) deficit as shown in the “Assignment of Adequate Public Facilities Acreage Credits” approved on May 22, 2018 and recorded under Doc# 20180321554 Public Records of Orange County, Florida, as may be amended.

(Right-of-Way Conveyance and Adequate Public Facilities Agreement Windermere Springs PD (Reams Road)). On May 22, 2018 the Board of County Commissioners approved the Right-of-Way Conveyance and Adequate

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: August 13, 2024

Public Facilities Agreement ("Agreement") between Windermere Springs LLC ("Owner") and Orange County for the dedication of right-of-way for Reams Road.

Based on the Concurrency Management database (CMS) dated 12/9/2021, there is a failing roadway segment within the project's impact area along Reams Road, from Floridian Place to Taborfield Avenue. This information is dated and subject to change.

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

Summerlake Park Road to Taborfield Avenue - Reams Road will be widened from two to four lanes, from Taborfield Road to Summerlake Park Boulevard. Pedestrian safety features, roadway lighting, and median landscaping will be included with the project. At the time of this report, it is estimated that the project is in the design phase and approximately 60% complete with the overall completion at 32%. It is anticipated that construction of the project will begin October 1, 2024* and end October 1, 2026*. *All dates are estimates 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). INFORMATION: This development will require School Concurrency via a Capacity Encumbrance Letter (CEL) Application. Additional Information: Encumbered school and transportation capacity must be reserved (aka prepay school and transportation reservation fees) by the CEL expiration date or prior to platting.

P. Environmental Protection Division:

A Conservation Area Determination (CAD-22-07-143) was issued November 11, 2022, showing that there are 1.67 acres of Class I wetlands on site. No impacts to the wetland or associated buffer are proposed.

Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping.

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a wetland impact permit approved by the county and obtaining other applicable jurisdictional agency permits. Reference Orange County Code 15-376.

Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers,

herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations.

Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD).

Q. Comprehensive Plan:

The subject property has an underlying Future Land Use designation of Village and a zoning of PD. The FLU and zoning are consistent and a rezoning or FLU amendment is not required.

R. Zoning:

PD (Planned Development)

3. REQUESTED ACTION:

Development Review Committee (DRC) Recommendation – (May 8, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Windermere Springs Planned Development (PD) / Windermere Springs Townhomes Preliminary Subdivision Plan (PSP) dated "Received June 11, 2024", subject to the following conditions:

1. Development shall conform to the Windermere Springs PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Windermere Springs Townhomes Preliminary Subdivision Plan dated "Received June 11, 2024," 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 June 11, 2024," 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, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.

7. 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.
8. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
9. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).
10. 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.
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. 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.

13. Prior to approval of the plat, the APF deficit of 0.347 acres shall be satisfied pursuant to the existing Adequate Public Facility (APF) Agreement, recorded at DOC# 20180321544, and in coordination with Orange County Transportation Planning and Planning Divisions
14. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
15. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
16. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
17. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
18. 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.
19. 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.
20. 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.
21. 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.

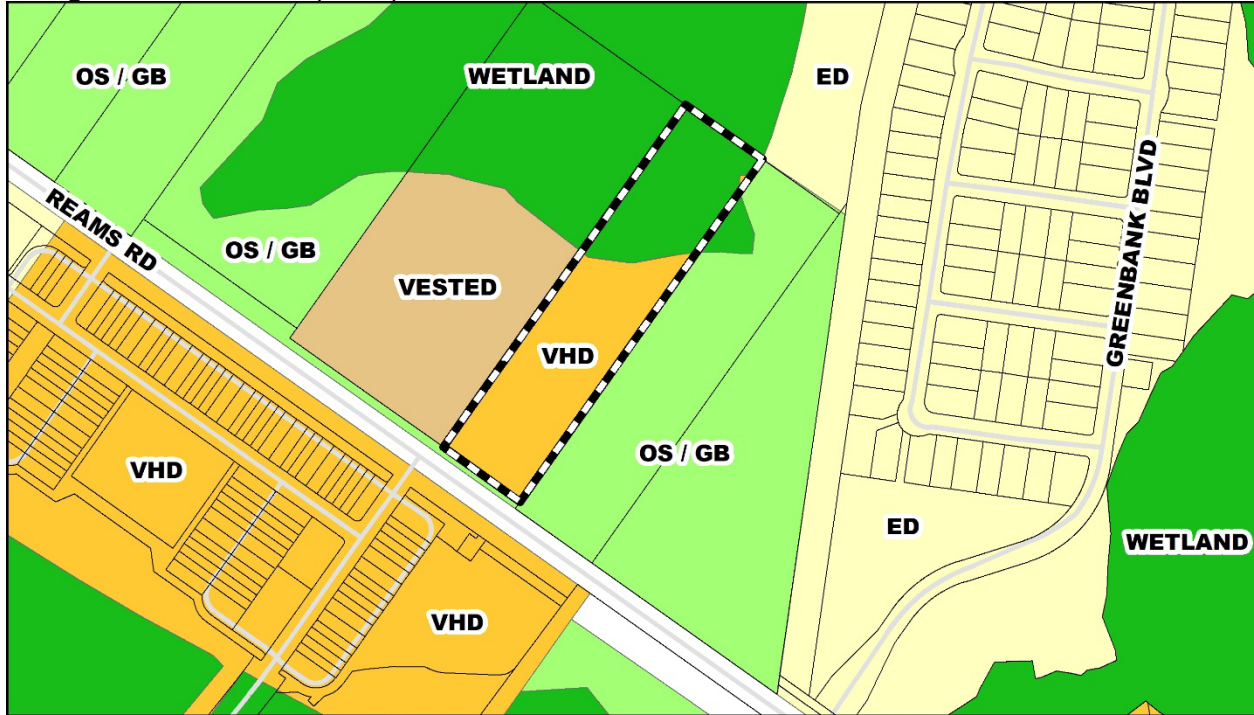
22. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
23. If it is anticipated that retaining wall(s) will be designed and constructed, it shall be noted on the preliminary subdivision plan, and the following provision must be incorporated into the Declaration of Covenants, Conditions, and Restrictions (CC&Rs): For the proposed retaining wall(s), the CC&Rs shall reflect all lots served by such retaining wall and a reserve fund for maintenance, repair, and capital replacement of the retaining wall shall be established and funded with the creation of the HOA; removal of this section from the CC&Rs is prohibited unless approved by the Orange County Board of County Commissioners. Coincident with platting, the developer shall record in the public records the CC&Rs governing the lots and addressing the HOA responsibilities for the annual maintenance and any necessary repairs of the retaining wall. The CC&Rs shall require the establishment and maintenance of two HOA accounts for: 1.) Annual routine maintenance of the retaining wall, including an engineers report to be submitted to the HOA on a three year cycle. 2.) Capital-repair/replacement of the retaining wall based on a 50-year life cycle. Initial funding of the accounts shall be approved by County Engineer, or their designee, and on the basis of a professional engineer's estimate for the above referenced accounts. If the subdivision construction plans depict and provide for retaining wall(s) without being noted on the preliminary subdivision plan, it shall constitute a substantial change requiring a public hearing.
24. Prior to construction plan submission, the grading plan and cross-sections along Reams Road shall align with the anticipated road expansion elevation. On-site grades and features will be coordinated with current and future Reams Road elevations in an engineering manner at no cost to Orange County. These plans will be submitted to the PW-Engineering Division for review and acceptance.
25. Prior to construction plan approval, all conflicts between the development and Reams Road project must be addressed to the County's satisfaction. Developer shall coordinate with the Public Works Engineering Division during the construction plan review phase.

26. In compliance with Chapter 19, property owner/engineer may be required to provide a series of FEMA Letter of Map Change (LOMC). For development within the 1% annual chance flood (100-year flood) floodplain without established Base Flood Elevations (BFE), depicted as Zone A, the owner/engineer shall perform a study to establish the BFE and submit a LOMR application to obtain FEMA approval prior to construction plan review and approval. For modifications to determined BFE (Zone AE), floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a Conditional Letter of Map Revision (CLOMR) shall be submitted by the owner/engineer to FEMA for approval prior the construction plan approval. A subsequent Letter of Map Revision (LOMR) reflecting final construction will be required. The LOMR application shall be submitted to FEMA by the owner/engineer within 30-days of the project completion for FEMA approval to release the CO/CC. Compensation Storage for all projects within the 1% annual chance flood (100-year flood) floodplain shall be provide on a “cup for cup” basis in accordance with Chapter 19-107 (1).

27. 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.

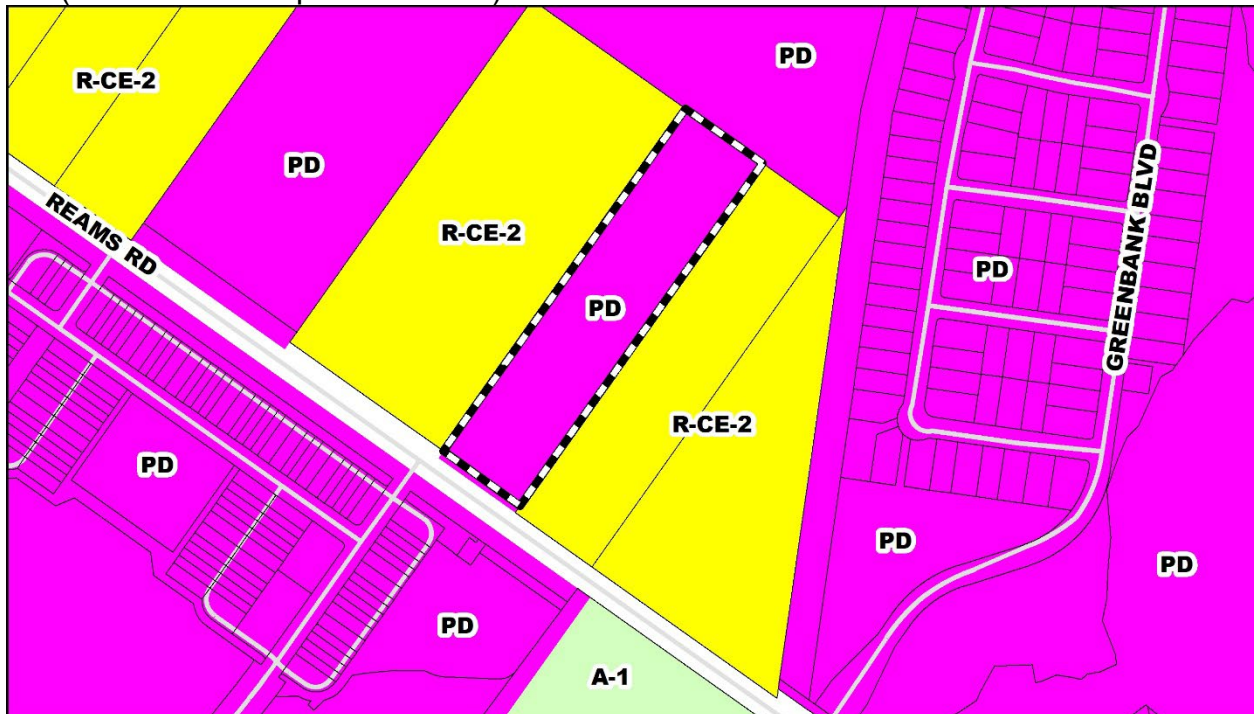
FUTURE LAND USE

Village Home District (VHD)



ZONING

PD (Planned Development District)



Site Plan Sheet

HARRIS
 ARCHITECTURAL FIRM, LLC
 1222 S. HIGHLAND AVE.
 ORANGE, FLORIDA 32811
 PHONE: 407.281.1777
 FAX: 407.281.1766
 WWW.HARRISARCHITECTURALFIRM.COM

This form has been digitally signed
 by the user and is intended to be
 used as evidence of the user's
 intent to sign the document. The
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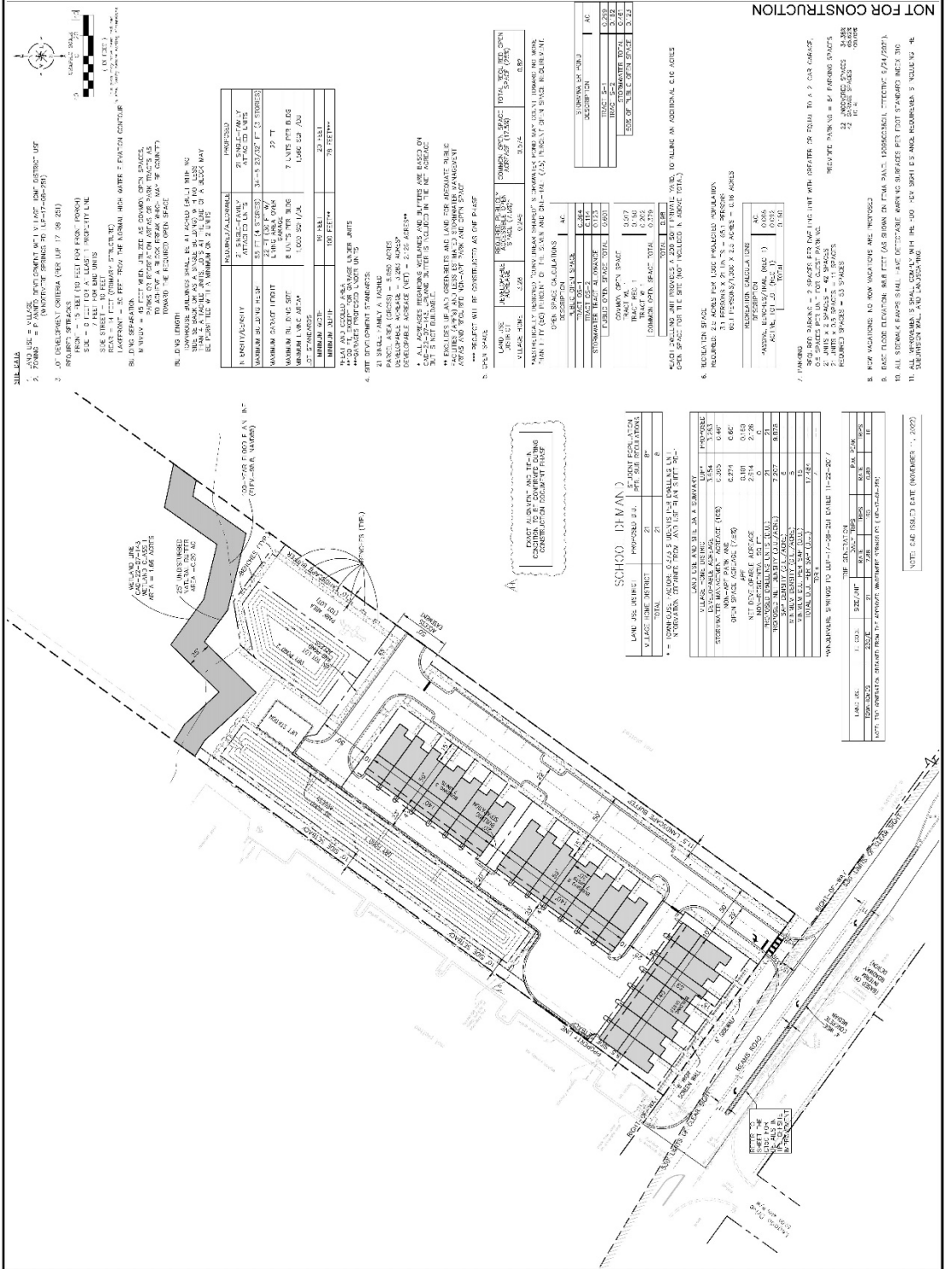
**WINDERMERE SPRINGS
 TOWNHOME SUBDIVISION
 PLAN (PSP)**
 13651 Reams Road
 Windermere, Florida 34786

Revisions

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| 1 | REVISED TO REFLECT CHANGES TO THE SITE PLAN |
| 2 | REVISED TO REFLECT CHANGES TO THE SITE PLAN |
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CONCEPT PLAN
 Scale: As Shown
 Date: 02/28/2024
 Design: JMB
 Checked: JMB
 Project No.: 07303000

C100
 HIGHLAND AVE
 CONCEPT



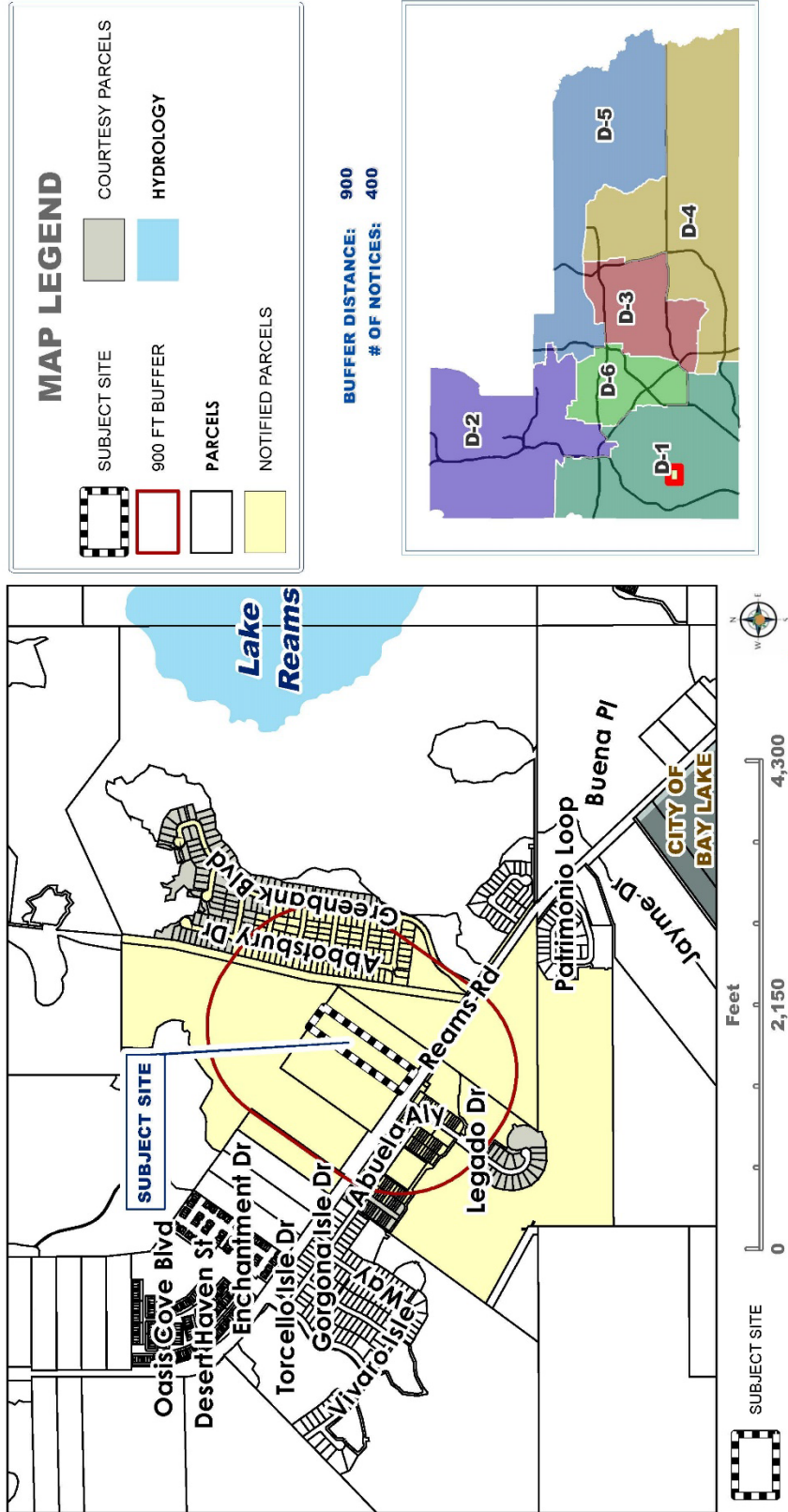
Notification Map

S:\Business Systems\Board Administrators\SUBSTANTIAL CHANGE\2024\Windermere Springs Townhomes PSP-21-12-374\PSP-21-12-374.m



Public Notification Map

Windermere Springs Townhomes PSP-21-12-374



MAP LEGEND

- SUBJECT SITE
- 900 FT BUFFER
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS
- HYDROLOGY

BUFFER DISTANCE: 900
 # OF NOTICES: 400

