



Interoffice Memorandum

DATE: November 16, 2021

TO: Mayor Jerry L. Demings
-AND-
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: November 30, 2021 – Public Hearing
Applicant: Scott Gentry, Kelly, Collins & Gentry, Inc.
Silverleaf Planned Development – Regulating Plan / Silverleaf
Phase 1 – Silverleaf North – Parcel A Preliminary Subdivision Plan
Case # PSP-21-03-069 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 22, 2021, to approve the Silverleaf Planned Development - Regulating Plan (PD-RP) / Silverleaf Phase 1 – Silverleaf North – Parcel A Preliminary Subdivision Plan (PSP) to subdivide 11.45 acres, generally located north of Lake Ingram Road and west of Avalon Road, in order to construct 96 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 the Silverleaf PD - RP / Silverleaf Phase 1 – Silverleaf North – Parcel A PSP dated “Received September 27, 2021”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/EPR/lme
Attachments

CASE # PSP-21-03-069

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 22, 2021, to approve the Silverleaf Planned Development - Regulating Plan (PD-RP) / Silverleaf Phase 1 – Silverleaf North – Parcel A Preliminary Subdivision Plan (PSP) to subdivide 11.45 acres, generally located north of Lake Ingram Road and west of Avalon Road, in order to construct 96 single-family residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: North of Lake Ingram Road / West of Avalon Road
- B. Parcel ID: 19-23-27-5840-13-101
- C. Total Acres: 11.45 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Water Spring ES – Enrolled: 1,190 / Capacity: 791
Bridgewater MS – Enrolled: 1,702 / Capacity: 1,040
Horizon HS – Enrolled: 1,335 / Capacity: 1,950
- G. School Population: 32
- H. Parks: Horizon West Regional Park – 2 Miles
- I. Proposed Use: 96 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 3 Stories
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width: 20'
Building Setbacks:
10' Front
10' Side
20' Side (Between Buildings)
30' Rear
- K. Fire Station: 44 – 16990 Porter Road

L. Transportation: Town Center West (Silverleaf) Road Network Agreement for C.R. 545/Avalon Road and New Independence Parkway ("Agreement") by and between Orange County and Jen Florida 36, LLC, was approved by the Board of County Commissioners on September 1, 2020, and recorded as document number 20200467436. The Road Network Agreement provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of four-laning of C.R. 545/Avalon Road from McKinney Road to Schofield Road and four-laning of New Independence Parkway from C.R. 545/Avalon Road west to the Lake County line. Concurrency Vesting shall be provided pursuant to Section 8 of the Agreement based on achieved thresholds of construction of the road improvements. Conveyance of right-of-way shall be by general warranty deed (either in fee simple for road right-of-way or perpetual easement for shared use stormwater ponds). The Owner will receive Road Impact Fee Credits in Road Impact Fee Zone 4 in the amount of \$22,500 per acre.

Based on the Concurrency Management database (CMS) dated March 11, 2021, there are multiple failing roadway segments within the project's impact area along Avalon Road, from Porter Road to Tilden Road (3 segments).

Existing/Valid transportation capacity entitlements not found. Assignment of Vested Trips will be required from the Village Escrow Agent prior to PSP approval in accordance with the Town Center West (Silverleaf) Road Network Agreement. This development will require School Concurrency via a Capacity Encumbrance Letter (CEL) Application. Encumbered school capacity must be reserved (aka prepay school reservation fees) by the CEL expiration date or prior to platting. Please contact the Concurrency Management Office at 407-836-5617 for more information.

The road right-of-way conveyance for this parcel shall be consistent with the CR 545 Town Center Study.

3. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Village, specifically Horizon West Town Center SAP. This property is subject to the Silverleaf Regulating Plan. This request is consistent with the Comprehensive Plan.

4. ZONING

The subject property is zoned PD (Planned Development District) (Silverleaf PD) and is within Silverleaf Regulating Plan Transect Zone T-4 Edge District. The request is consistent with the underlying zoning designation.

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 – Phase 1 - Silverleaf North - Parcel A Preliminary Subdivision Plan dated "Received September 27, 2021," 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 27, 2021," 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. 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.
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. 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.

9. 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.
10. Prior to platting, construction of the drainage facilities as part of Engineering Plan 21-E-002 must be substantially complete and the necessary easements (temporary and/or platted) recorded in the public records.
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. 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.
13. 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.

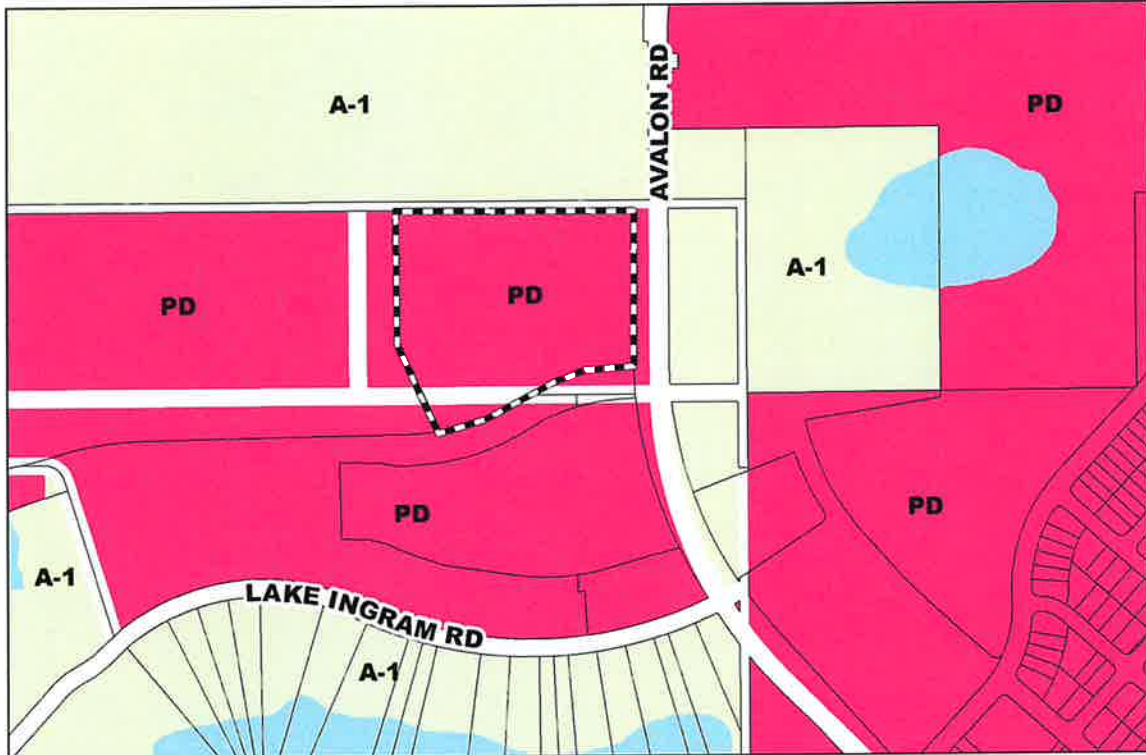
14. Prior to mass grading, clearing, grubbing, or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
15. The applicant/owner has an affirmative 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, shall include notification of the prior use of this property (where appropriate) as a citrus grove, landscape nursery, or other prior use if that former use had potential for soil or groundwater contamination.
16. 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.
17. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water 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, provide calculations and documentation certifying that the design complies with this condition.
18. A Master Utility Plan (MUP) for the PSP, including hydraulically dependent development, shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PSP shall be consistent with approved and up-to-date Master Utility Plans (MUPs) for the PSP and the Silverleaf Regulating Plan. MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUPs and updates must be approved prior to Construction Plan approval.
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 services which extend to their homes from public meters located adjacent to public road right-of-way and their individual water services which extend to their homes from public cleanouts located at the public road right-of-way. The privately-owned water services for affected lots on the PSP extend to these units through HOA-owned tracts. The owners of these lots shall be granted access to the HOA-owned tracts for the purpose of maintaining their water services.

20. The plat and the Conditions, Covenants, and Restrictions (CC&Rs) for this project shall describe the presence of a regional reclaimed water storage and pumping facility adjacent to the northern boundary of this PD which utilizes large pumps and generators.
21. End units shall be visually treated as a corner lot with an abutting side street. The side facades shall repeat the architectural trim and finishes which are provided on the front façade - including windows, window surrounds, shutters, muntins, eave brackets, expression line, and decorative veneer.
22. 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. 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.
24. Lots that face a mew, open space tract, or alley that do not have access to a public right-of-way shall be addressed of an alley and the addressing of the home shall be placed on both sides of the structure.
25. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
26. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
27. 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.
28. A side yard of Lots 96 and 53, as depicted on the preliminary subdivision plan, abuts Park tract P-1. As such, the associated side yard fencing shall be treated as a corner lot with an abutting side street. The subject side yard facing the park tract shall be limited to 4' in height if opaque, or up to 6' in height if 50% or more is transparent such as aluminum picket or similar.

29. Prior to re-plat of this PSP, a Master Property Owners Association (Master POA) shall be established ensuring the maintenance of Pond Tract SW-1 within Silverleaf PD – RP / Phase 1 (PSP-19-12-416); alternatively, said pond tract may be dedicated to Orange County, in fee simple, at the time of platting.

Zoning Map

PSP-21-03-069



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Scott Gentry, Kelly, Collins & Gentry, Inc.

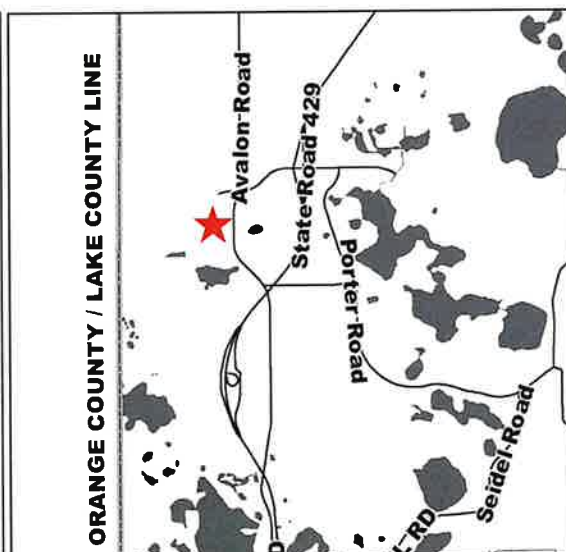
LOCATION: North of Lake Ingram Road /
West of Avalon Road

TRACT SIZE: 11.45 gross acres

DISTRICT: # 1

S/T/R: 19/23/27

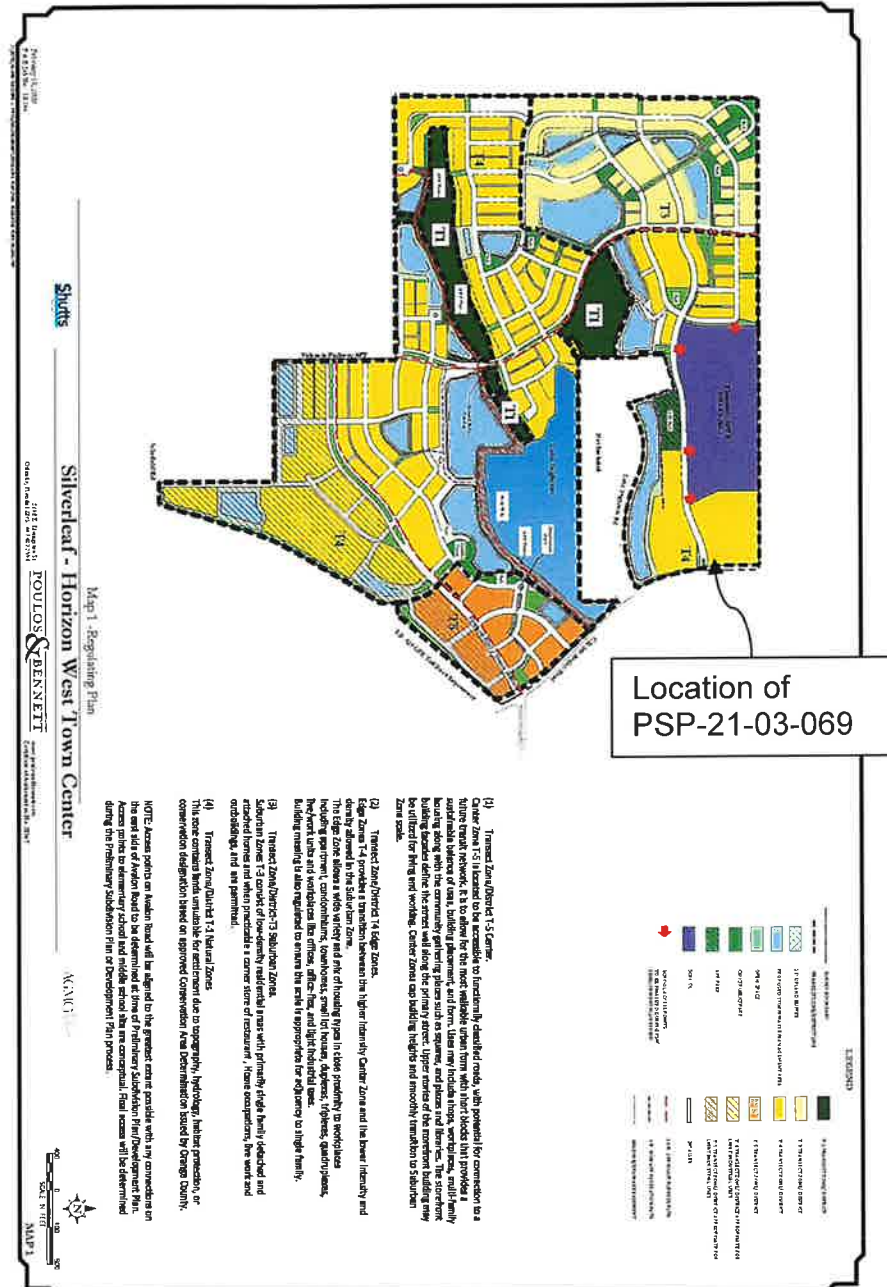
1 inch = 500 feet



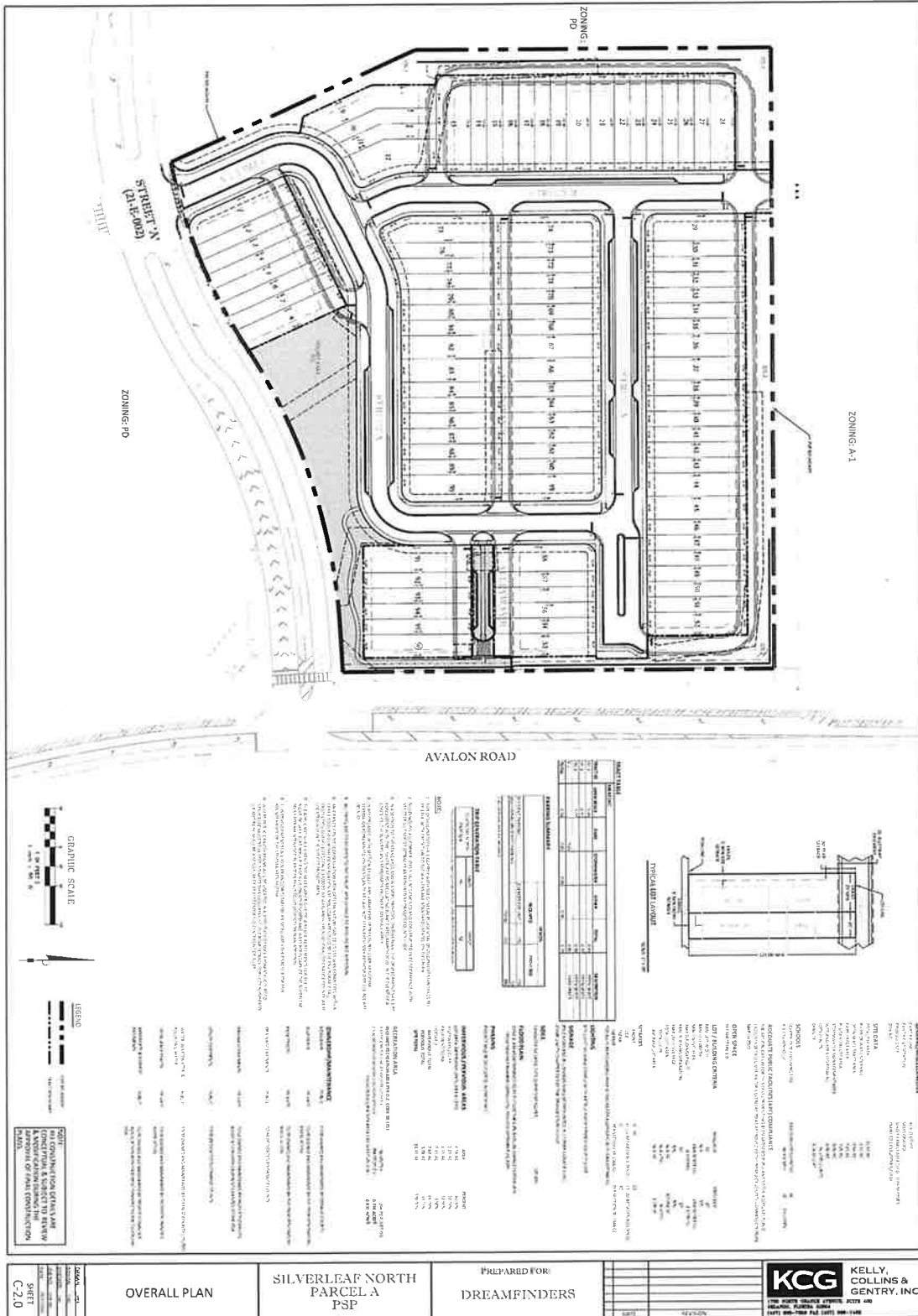
Regulating Plan

SILVERLEAF PD REGULATING PLAN

Section 12: Regulating Plan Maps



Site Data & Site Plan Sheet

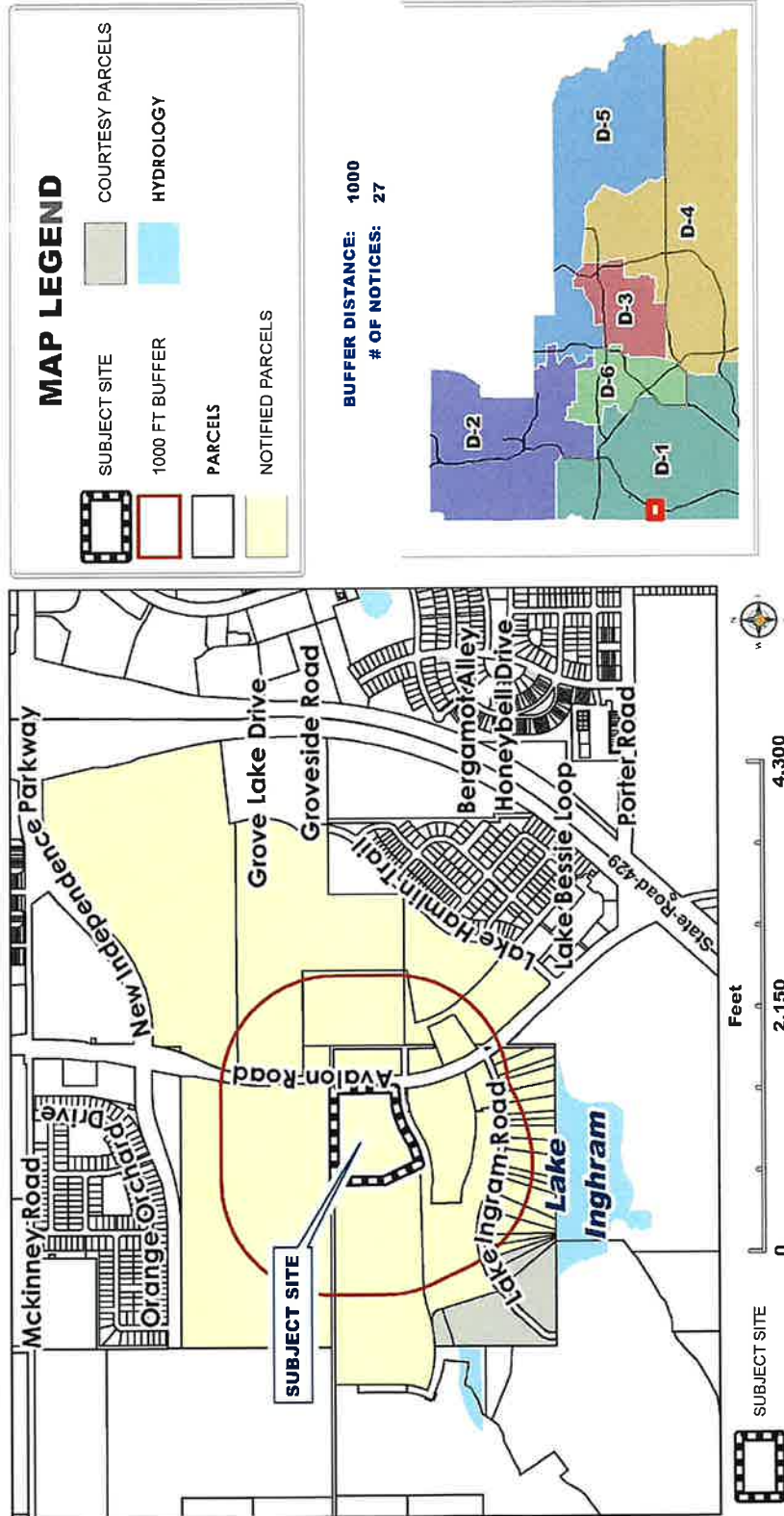


Notification Map



Public Notification Map

Silverleaf Ph1_Silverleaf North_PSP-21-03-069



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