

CASE # PSP-16-05-173

Commission District # 1

1. REQUEST

The Springhill PD contains 551.77 gross acres, was originally approved on April 9, 2013, and is located within the Village H Special Planning Area of Horizon West in southwest Orange County. Through this request, the applicant is seeking approval of a Preliminary Subdivision Plan (PSP) in order to subdivide 24.95 acres (PD Parcel 45 / Village Home District) for 88 single-family attached residential dwelling units. As outlined in the staff report, the applicant is also seeking approval of nine (9) waivers from Orange County Code to address alternative access, alley, and perimeter wall standards; and to allow the project to be gated under Code Sections 34-280, 34-290, and 34-291.

In justification of their request to establish a gated community, the applicant provided a written statement to demonstrate special conditions and circumstances that warranted the request; to highlight other Horizon West projects where gated status was approved; and to indicate that the unique physical conditions of the subject property were not the result of applicant actions. A copy of the applicant's justification statement has been attached to the staff report.

Pursuant to Article VIII, Division I, Section 34-280(b)(1) of Orange County Code, gated communities in Horizon West are specifically prohibited. For this reason, the Development Review Committee (DRC) recommended denial of the PSP on November 16, 2016.

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

1. A waiver from Orange County Code Section 34-152(c) to allow lots 1-53 to front a mew, park open space, etc. in lieu of the 20 foot access to be a dedicated public street. Legal access to these lots will be through an ingress/egress easement and/or alley tract.
2. A waiver from Orange County Code Sections 38-1382(h)(4) and 38-1384(i)(3) to allow blocks with townhome lots less than fifty (50) feet in width, to have rear vehicular access from a public right-of-way when the block and lots are designed to front an open space or mews as described in Section 38-1382(h)(6); in lieu of the requirement that any block containing any lots with a width of fifty (50) feet or less be accessed from a rear alley easement.
3. A waiver from Orange County Code Section 1387.1(a)(12) to allow lots 54-88 to be accessed from right-of-way. These lots will face the mew and have rear access from the right-of-way.
4. A waiver from Orange County Code Section 34-209 to allow a 36" high masonry wall with 36" high picket metal fence on top in lieu of a 6' high masonry wall adjacent to Avalon Road.

5. A waiver from Orange County Code Section 38-1382(h)(4) to allow alley tracts in lieu of easements.
6. A waiver from Orange County Code Section 38-1384(G) (2) to allow alley tracts in lieu of easements.
7. A waiver from Orange County Code Section 38-1384(i) to allow alley tracts in lieu of easements.
8. A waiver from Orange County Code Section 38-1388(e) (6) to allow alley tracts in lieu of easements.
9. A waiver from Section 34-280(b) (1) of the Orange County Land Development Code ("LDC") to allow a gated community on property designated as Village Planned Development in the Orange County Comprehensive Policy Plan ("CPP").

2. PROJECT ANALYSIS

- A. Location: South of Seidel Road / East of Avalon Road
- B. Parcel ID: 17-24-27-0000-00-008
- C. Total Acres: 24.95
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Keene's Crossing ES - Capacity: 859 / Enrollment: 893
Bridgewater MS - Capacity: 1,176 / Enrollment: 1,559
West Orange HS - Capacity: 3,276 / Enrollment: 4,161
- G. School Population: 116
- H. Parks: Independence Park – 8 Miles
- I. Proposed Use: 88 Single-Family Attached Residential Dwelling Units
- J. Lot Dimension: Maximum Building Height: 55' (2-stories)
Minimum Living Area: 1,000 Square Feet
Building Setbacks:
- | | |
|----------------------|----------------|
| <i>Front:</i> | <i>15'</i> |
| <i>Porch:</i> | <i>10'</i> |
| <i>Rear Primary:</i> | <i>14'</i> |
| <i>Rear Garage:</i> | <i>9'</i> |
| <i>Side:</i> | <i>0' / 7'</i> |

NHWE: 50'
Side Street: 10'

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

L. Transportation: Avalon Road (CR 545): A Village H Horizon West Road Network Agreement for C.R. 545 among Orange County and "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. Finally, a trip assignment letter was provided by applicant and reviewed by staff.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V) within the Village H SAP of Horizon West. The proposed use is consistent with the Comprehensive Plan; however, gated communities are specifically prohibited by Orange County Code Section 34-280(b)(1).

4. ZONING

PD (Planned Development District) (Springhill PD)

5. REQUESTED ACTION:

On November 16, 2016 the Development Review Committee (DRC) recommended that the Board of County Commissioners (BCC) make finding of inconsistency with the Comprehensive Plan (CP) and **DENY** the Springhill PD / Horizon West Village H Parcel 45 Preliminary Subdivision Plan dated "Received October 26, 2016".

However, should the BCC make a finding of consistency with the Comprehensive Plan (CP) and **APPROVE** the Springhill Planned Development (PD) / Horizon West Village H Parcel 45 Preliminary Subdivision Plan (PSP) dated "Received October 26, 2016", the following conditions of approval are provided:

1. Development shall conform to the Springhill PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Horizon West Village H Parcel 45 Preliminary Subdivision Plan dated "Received October 26, 2016," 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 October 26, 2016," 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 the Village H Horizon West Road Network Agreement for C.R. 545 recorded at OR Book/Page 10525/6172.
7. 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.
8. 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. 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.

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. The owner/applicant has an affirmative obligation to expressly notify homeowners, through the appropriate mechanism, including a recorded restrictive covenant (CC&R), of the following: Homeowners own and maintain their individual water services which extend to their homes from public water meters located adjacent to public road right-of-way. The privately-owned water services for the Lots numbered 1 to 53 on the PSP extend to these units through HOA-owned park tracts. The owners of these lots shall be granted access to HOA-owned tracts for the purpose of maintaining their water services.
11. Where any public gravity main(s) will be located within in alleyways, the distance from garage to garage shall be a minimum of 38 feet. To meet this requirement, the rear setback for Lots labeled 1 to 53 on the PSP shall be a minimum of 9 feet from the property line (19 feet from centerline of the alley) based on the alley configuration shown in the PSP.
12. 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 parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.

13. 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.
14. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.
15. 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.
16. 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.
17. 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.
18. 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.
19. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
20. A Development Plan for the Recreation Tract and Public Open Space tracts shall be approved and constructed prior to plat approval.
21. A waiver from Orange County Code Section 34-152(c) is granted to allow lots 1-53 to front a mew, park open space, etc. in lieu of the 20 foot access to be a dedicated public street. Legal access to these lots will be through an ingress/egress easement and/or alley tract.

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