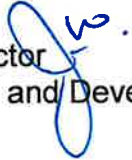





Interoffice Memorandum

DATE: September 30, 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: October 12, 2021 – Public Hearing
Applicant: James G. Willard; Shutts & Bowen, LLP
Silverleaf Planned Development – Regulating Plan
Case # CDR-21-06-193 / District 1

The Silverleaf Planned Development Regulating Plan (PD-RP) is located north of Schofield Road, west of Avalon Road and State Road 429, and east of the Orange County / Lake County Line, within the Horizon West – Town Center Special Planning Area. The existing PD development program allows for up to 2,926 dwelling units (a mix of single-family and multi-family), 2,903,286 square feet of non-residential uses (hotel, office, commercial, and light industrial), an elementary school site, a middle school site, and various Adequate Public Facilities lands.

Through this PD substantial change, the applicant is seeking to amend the Regulating Plan to provide for alternative cross sections, realign the Horizon Boulevard / Porter Road extension, modify the local road network, modify the open space and stormwater management areas in T-4 and T-5 districts, and provide text edits to clarify single family detached and parking standards.

On August 11, 2021, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

Finally, 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 PD/LUP 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 substantial change to the Silverleaf Planned Development - Regulating Plan (PD-RP) dated “Received September 24, 2021”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

Attachments
JVW/EPR/jsh

CASE # CDR-21-06-193

Commission District: # 1

GENERAL INFORMATION

APPLICANT	James G. Willard; Shutts & Bowen, LLP
OWNERS	Jen Florida 36 LLC; Vdpf Hamlin LLC; Meritage Homes of Florida, Inc.; Hamlin Partners at Silverleaf LLC
PROJECT NAME	Silverleaf Planned Development - Regulating Plan
PARCEL ID NUMBER(S)	19-23-27-5836-16-110, 19-23-27-5836-15-030 19-23-27-5836-16-010, 19-23-27-5836-15-011 30-23-27-0000-00-001, 30-23-27-0000-00-004 30-23-27-0000-00-019, 30-23-27-0000-00-020 30-23-27-0000-00-021
TRACT SIZE	563 gross acres (overall PD)
LOCATION	North of Schofield Road, west of Avalon Road, east of the Orange County/Lake County Line
REQUEST	A PD substantial change to amend the Regulating Plan to provide for alternative cross sections, realign the Horizon Boulevard / Porter Road extension, modify the local road network, modify the open space and stormwater management areas in T-4 and T-5 districts, and provide text edits to clarify single family detached and parking standards.
PUBLIC NOTIFICATION	A notification area extending beyond one thousand five hundred (1500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Sixty-eight (68) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

IMPACT ANALYSIS

Special Information

The Silverleaf PD/RP was originally approved September 1, 2020 and is located within the Horizon West – Town Center Special Planning Area. The approved development program consists of up to 2,926 dwelling units (a mix of single-family and multi-family), and 2,903,286 square feet of non-residential uses (hotel, office, commercial, and light industrial). The Regulating Plan also incorporates neighborhood design principles, interconnected open space systems, and streets with a strong pedestrian/bicycle orientation.

Through this PD substantial change, the applicant is seeking to amend the Regulating Plan to provide for alternative cross sections, realign the Horizon Boulevard / Porter

Road extension, modify the local road network, modify the open space and stormwater management areas in T-4 and T-5 districts, and provide text edits to clarify single family detached and parking standards. The amended plan makes changes to Tables SB 1, SB 2, and SB 3, the Table of Contents, Table S4, Table PL2, Section 4 (J) (5), Section 10 H, and the map series.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

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. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Environmental Protection Division (EPD) staff has reviewed the request, but did not identify any issues or concerns.

Transportation Planning

Transportation Planning staff reviewed the request, but did not identify any issues or concerns.

Community Meeting Summary

A community meeting was not required for this request.

Schools

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

Parks and Recreation

Parks and Recreation staff has reviewed the request, but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (August 11, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Silverleaf Planned Development / Regulating Plan (PD/LUP), dated "September 24, 2021", subject to the following conditions:

1. Development shall conform to the Silverleaf Planned Development - Regulating Plan dated "Received September 24, 2021," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received September 24, 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 an 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 land use 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 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.
7. A Master Property Owners Association ("Master POA") shall be formed encompassing all of the lands within the Silverleaf Regulating Plan. In addition to maintaining the streetscape pursuant to Section 9D of the Regulating Plan, County may require that the Master POA also be responsible for ownership and maintenance of Landscape, Signage, and/or Wall easements, as well as Open Space Tracts, Conservation Tracts, and select Stormwater Tracts; however, under no circumstance shall any residential HOA be obligated to pay for maintenance of any such stormwater tract that lies outside the limits of their respective preliminary subdivision plan where they are already subject to a MSBU assessment.
8. The full median openings and intersection improvements for the Porter Road Extension shall be determined after a Traffic Study and an Operational Traffic Analysis have been submitted and approved by Orange County.

9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 1, 2020 shall apply:
- a. Approval of this plan does not constitute approval of a permit for the construction of a boat dock (including: boardwalks or observation piers in wetlands or in wetland buffer areas) or a boat ramp. Any person desiring to construct a boat dock or boat ramp within this county shall first apply for a permit prior to the installation. A boat dock shall require additional permitting under Chapter 15, Article IX, Construction of Boat Dock Ordinance and a boat ramp shall require additional permitting under Chapter 15, Article XV, Boat Ramp Facility. If a variance or waiver is requested as part of the Application to Construct a Dock, the request must be approved by the Board of County Commissioners. The Application to construct a Boat ramp Facility must be approved by the BCC. Application shall be made to the Orange County Environmental Protection Division.
 - b. 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.
 - c. 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.
 - d. 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).
 - e. An upland buffer of a minimum of 25 feet will be provided for all Class I, II, and III wetland systems unless scientific data dictate a larger or smaller buffer based on wetland function or local conditions. These will be shown as 25-foot buffer located landward of the wetland line that shall retain natural vegetation and labeled as Undisturbed Vegetated Natural Buffer.
 - f. 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.

- g. Prior to construction plan approval, all property owners within Horizon West Town Center Village (SAP), excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
- h. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
- i. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD, such MUP shall include supporting calculations showing that the PD-level MUP is consistent with approved and up-to date MUP for the Horizon West Town Center, or shall include an update to the Horizon West Town Center MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
- j. 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 updated MUP must be approved prior to construction plan approval.
- k. 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.
- l. The Developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Horizon West Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
- m. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.

- n. 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 of the proximity of inactive and active Solid Waste Management Facilities within one-mile of this project (to the north) and as close as 0.1 mile to the southeast. All DPs/PSPs within that limit will be required to have a proximity notice condition of approval.
- o. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County code.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (September 1, 2020)

Upon a motion by Commissioner VanderLey, seconded by Commissioner Siplin, and carried by a vote of 6-0, the Board made a finding of consistency with the Comprehensive Plan; and approved the rezoning request to rezone 563 gross (489 developable and 286 net developable) acres from A-1 (Citrus Rural District) and PD (Planned Development District - Lake Ingram PD) to PD for a mixed-use project with a development program consisting of up to 2,926 residential dwelling units (single-family and multi-family) and 2,903,286 square feet of non-residential uses including hotel, commercial, office, and/or light industrial; subject to the eighteen (18) conditions of approval.

CDR-21-06-193

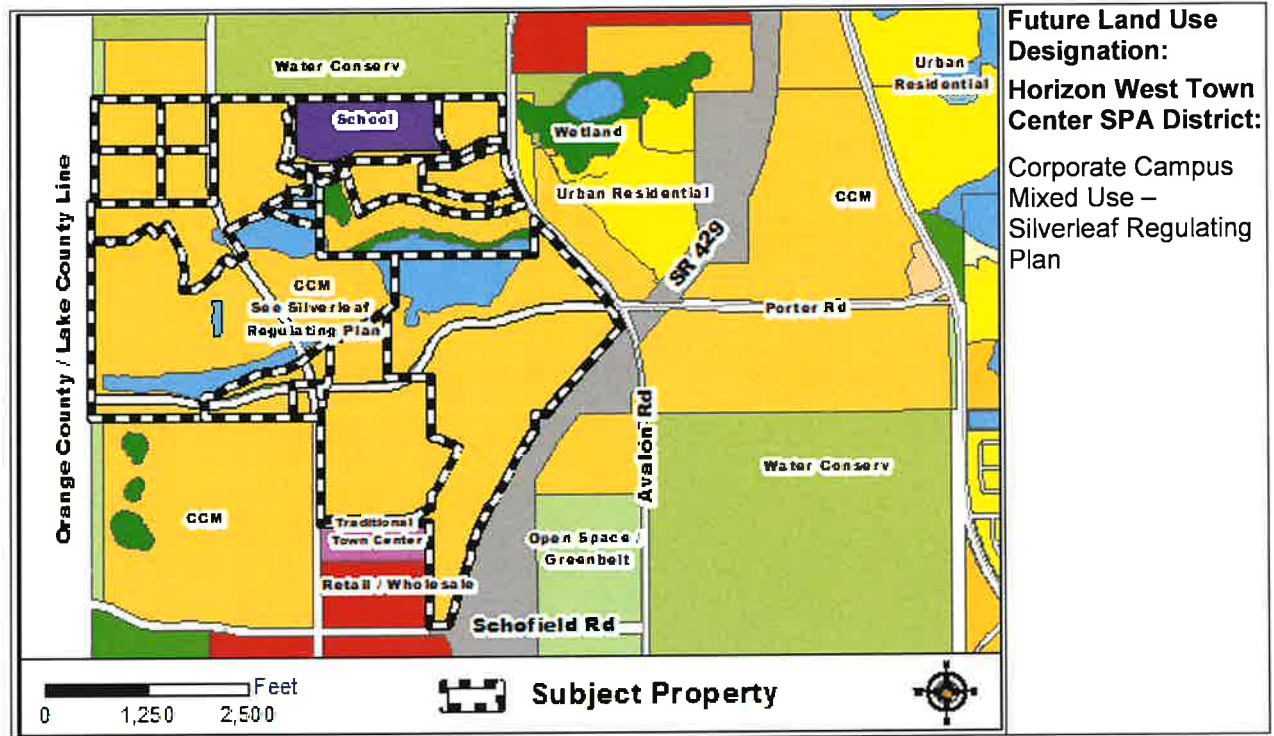


 Subject Property

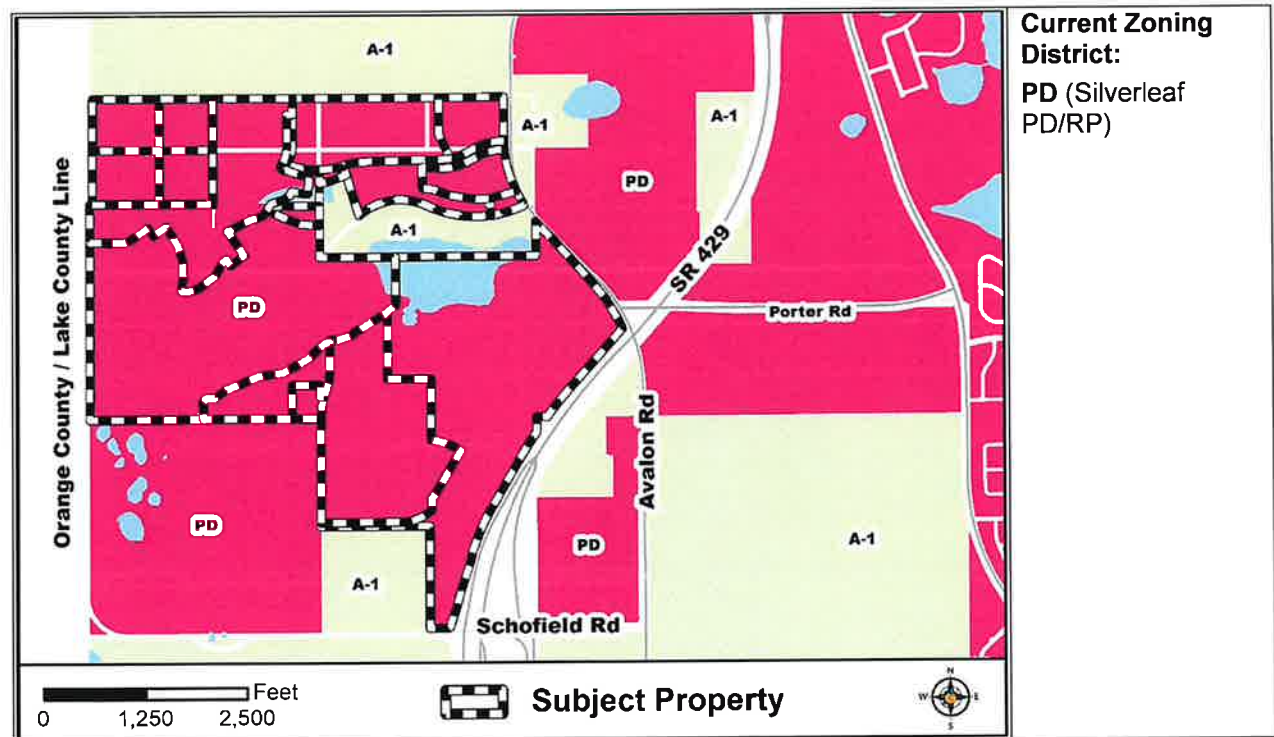


1 inch = 1,000 feet

FUTURE LAND USE



ZONING



Silverleaf PD / RP (Cover Sheet)

RECEIVED

By DRC Approved Stamp at 11:22 am, Sep 24, 2021

Silverleaf PD Regulating Plan

BCC Approved September 1, 2020

CDR-21-06-193

Revised August 31, 2021

AGMCP

POULOS & BENNETT

Shutts

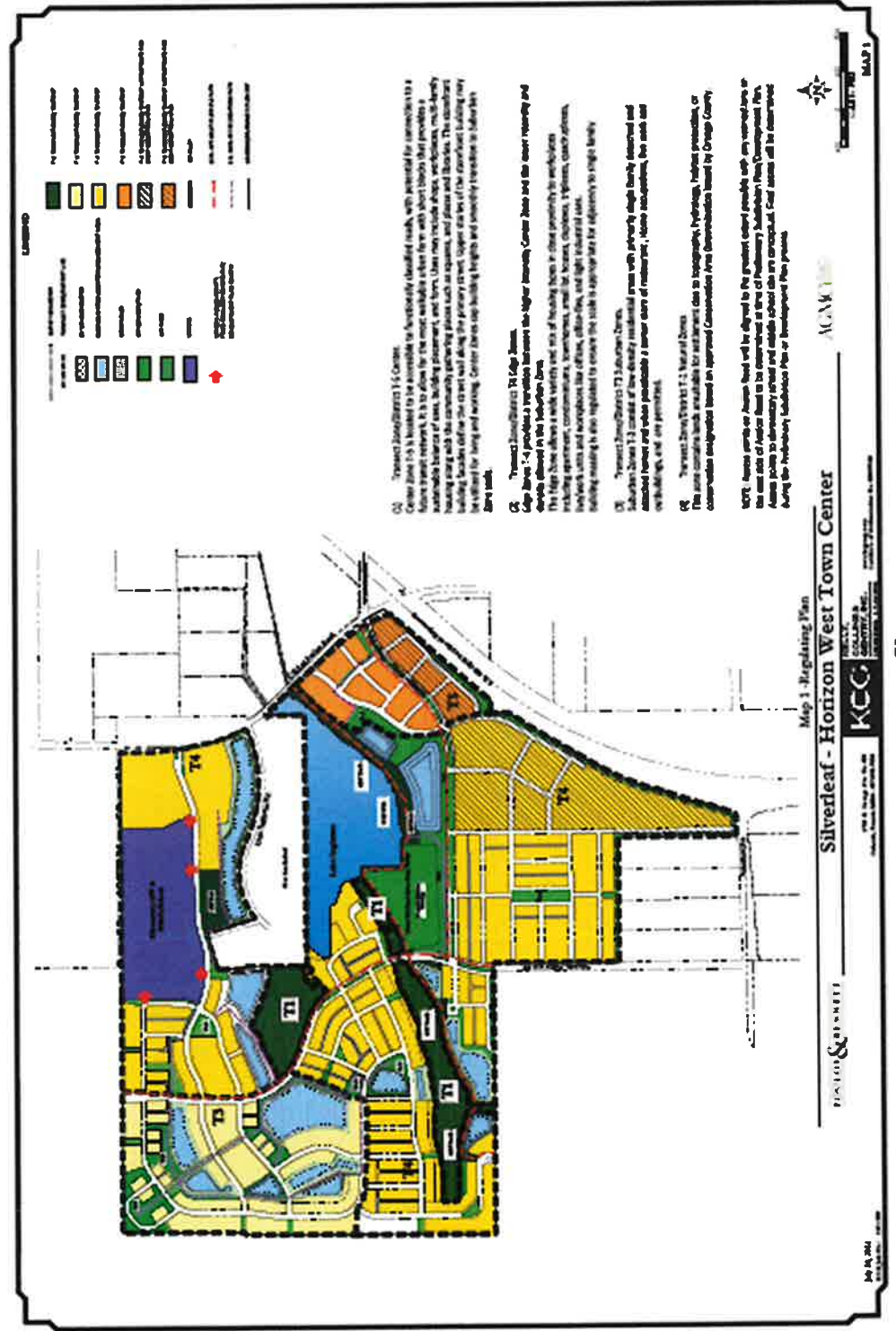
KCG

Silverleaf PD / RP

Section 12: Regulating Plan Maps

SILVERLEAF PD REGULATING PLAN

SECTION 12 – REGULATING PLAN MAPS



Notification Map

