





## 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: Scott Gentry, Kelly, Collins & Gentry, Inc.  
Silverleaf Planned Development – Regulating Plan / Silverleaf  
South Infrastructure Preliminary Subdivision Plan / Mass Grading  
Development Plan  
Case # PSP-21-06-192 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 8, 2021, to approve the Silverleaf Planned Development - Regulating Plan (PD-RP) / Silverleaf South Infrastructure Preliminary Subdivision Plan (PSP) / Mass Grading Development Plan (DP) to subdivide 217.71 gross acres, generally located north of Schofield Road and west of Avalon Road, in order to construct master infrastructure, three lots and one future development tract.

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 South Infrastructure PSP / Mass Grading DP dated "Received September 21, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/EPR/ijh  
Attachments

**CASE # PSP-21-06-192**

Commission District # 1

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 8, 2021, to approve the Silverleaf Planned Development - Regulating Plan (PD-RP) / Silverleaf South Infrastructure Preliminary Subdivision Plan / Mass Grading Development Plan to subdivide 217.71 gross acres, generally located north of Schofield Road and west of Avalon Road, in order to construct master infrastructure, three lots and one future development tract.

**2. PROJECT ANALYSIS**

- A. Location: North of Schofield Road / West of Avalon Road
- B. Parcel ID: 30-23-27-0000-00-020; 30-23-27-0000-00-021
- C. Total Acres: 217.71 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: Horizon West Regional Park – 2.4 Miles
- I. Proposed Use: 3 Lots  
1 Future Development Tract
- J. Site Data: **T4 Edge Transect Zone:**  
Maximum Building Height: 8-stories  
Minimum Living Area: 1,500 Square Feet  
Minimum Lot Width: 16'  
Building Setbacks:  
5'-25' Front  
0'-10' Side  
5' Rear  
**T5 Center Transect Zone:**  
Maximum Building Height: 12-stories  
Minimum Living Area: 1,500 Square Feet  
Minimum Lot Width: 16'  
Building Setbacks:  
5'-15' Front  
0'-10' Side  
5' Rear

K. Fire Station: 44 – 16990 Porter Road

L. Transportation: The project shall comply with the terms and conditions of that certain Town Center West (Silverleaf) Road Network Agreement approved on September 1, 2020 and recorded as Document Number 20200467436, Public Records of Orange County, Florida, as may be amended.

### **3. COMPREHENSIVE PLAN**

The property's Future Land Use Map (FLUM) designation is Village and its zoning is Planned Development (PD). The property is currently designated as T4 Edge Transect Zone and T5 Center Transect Zone on the approved Silverleaf Regulating Plan. This request is consistent with the Comprehensive Plan.

### **4. ZONING**

PD (Planned Development District) (Silverleaf PD-RP)

### **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 South Infrastructure Preliminary Subdivision Plan; BCC approvals; Mass Grading Development Plan dated "Received September 21, 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 21, 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 / development 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 mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal. 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.
8. Prior to plat recordation for any phase of this Preliminary Subdivision Plan, the various properties shall be reconfigured and deeds recorded in the public records of Orange County so as to not create divided interest in any lot, tract, and/or parcel prior to plat pre-sufficiency.
9. A Master Declaration of Covenants, Conditions, and Restrictions (Master CC&R's), shall be recorded simultaneously with the first plat to encumber, at a minimum, any property within the Preliminary Subdivision Plan (PSP), providing for, but not limited to, drainage easements, utility easements, wall easements, trails, as well as any other shared facilities located within the PSP and/or within the common areas thereof.
10. Unless otherwise allowed by County Code, the property shall be platted prior to the issuance of any vertical building permits.
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. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
13. 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.

14. 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.
15. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An Owner / operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
16. 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.
17. 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).
18. 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.
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 in conjunction with the subdivision infrastructure and

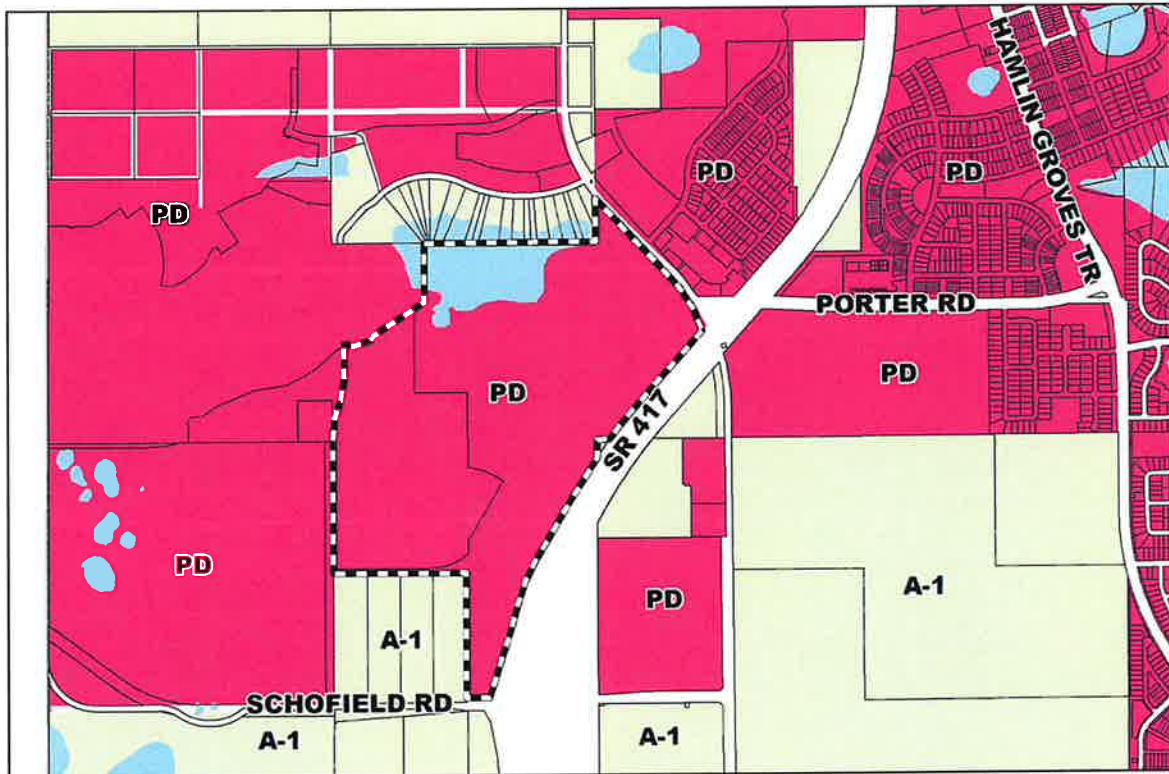
- completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located.
20. Unless otherwise approved by the County, new streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
  21. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
  22. For any residential development, roads and drainage system(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.
  23. 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.
  24. A Property Owners' Association (POA) governing the entire PSP shall be wholly responsible for all street lighting for Porter Road.
  25. 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.
  26. A Master Utility Plan (MUP) for the PSP 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 Silverleaf Regulating Plan and 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.
  27. With respect to the second median break west of Avalon Road on the Porter Road Extension, as identified on the Silverleaf South Infrastructure PSP & Mass Grading DP dated "Received September 9, 2021," (PSP-21-06-192) (the "Silverleaf South PSP"), such intersection may initially be constructed as an all-way Stop control. Thereafter, should County determine that actual traffic volumes at such intersection exceed acceptable operational standards, and

upon completion of a signalization warrant study, Developer agrees, at no cost to County, but subject to County approvals, to privately design and construct all required signal improvements for such intersection (the "Signal Improvements") at Developer's expense. This funding and construction obligation shall be assumed by the Hamlin at Silverleaf Property Owners Association Inc., a Florida not for profit corporation (the "Association") having assessment power over all land within the PSP, which obligation shall be evidenced by a recorded amendment to the existing Master Declaration of Easements, Covenants and Restrictions of the Association and shall specifically inure to the benefit of County with the right of specific enforcement, in addition to any other remedies available to County, without the necessity of joinder by County. Such amendment shall be in form and substance satisfactory to County and recorded in the Public Records of Orange County, Florida, prior to or simultaneously with the plat. The foregoing notwithstanding, prior to the issuance of a certificate of completion for the infrastructure provided for in the Silverleaf South PSP, Developer shall enter into a Traffic Signal Funding Agreement with County documenting the foregoing terms for the funding and construction of the Signal Improvements.



## Zoning Map

PSP-21-06-192



 Subject Property



 Subject Property

### Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Scott Gentry, KCG, Inc.

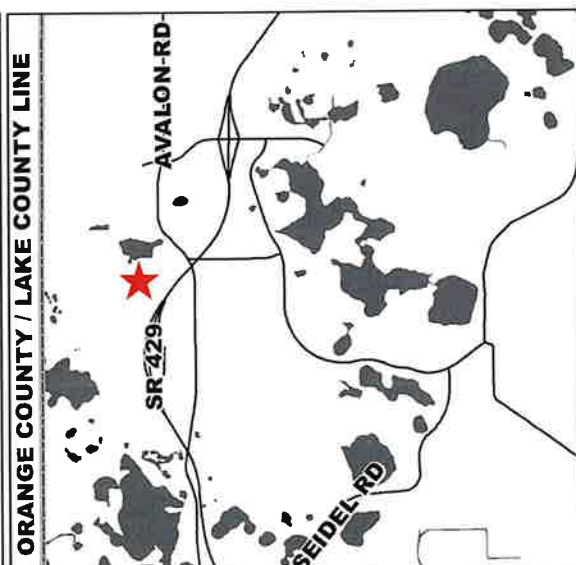
LOCATION: North of Schofield Road /  
 West of Avalon Road

TRACT SIZE: 217.71 gross acres

DISTRICT: # 1

S/T/R: 30/23/27

1 inch = 1,500 feet





Notification Map

