

**FISHBACK DOMINICK**

**ATTORNEYS AT LAW**

**1947 LEE ROAD**

**WINTER PARK, FLORIDA 32789-1834**

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HILLARY G. GRIFFITH

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ERIC B. JONTZ

JEFFRY R. JONTZ

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KATHERINE RUIZ

BENJAMIN W. SCHAFER

MICHAEL D. TEMPKINS

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\* FLORIDA BAR BOARD CERTIFIED IN  
CITY, COUNTY AND LOCAL GOVERNMENT

March 4, 2026

**(VIA EMAIL)**

Orange County Board of County Commissioners

Jerry L. Demings, Orange County Mayor - mayor@ocfl.net

Commissioner Nicole Wilson (District 1) - district1@ocfl.net

Commissioner Christine Moore (District 2) - district2@ocfl.net

Commissioner Mayra Uribe (District 3) - district3@ocfl.net

Commissioner Maribel Gomez Cordero (District 4) - district4@ocfl.net

Commissioner Kelly Martinez Semrad (District 5) - district5@ocfl.net

Commissioner Michael "Mike" Scott (District 6) - district6@ocfl.net

**RE: Request to Deny - Eagle Creek PD/Parcel O-1 PSP (PSP-25-08-192)  
Orange County Tax Parcel Id # 29-24-31-2210-00-001**

Dear Honorable Mayor and County Commissioners:

My law firm and I have the pleasure of representing the Homeowners Association of Eagle Creek, Inc. (the "Association"). The Association is the master homeowners' association for 2,438 residential properties within the Eagle Creek development. This correspondence is submitted on behalf of the Association.

At your March 10, 2026 board meeting you will be considering for approval Eagle Creek Development Corp.'s application for Preliminary Subdivision Plan Case# PSP-25-08-192 ("PSP"). *The Association is opposed to and requests that the Board of County Commissioners deny the PSP.* The Association's opposition to the PSP is based on multiple reasons; however, the

purpose of this correspondence is to focus on a significant matter involving master developer Eagle Creek Development Corp.'s violation of Orange County's Gated Community Ordinance as set forth in Chapter 34, Article VIII, Orange County Code.

The Eagle Creek development is a gated community with private roads, private stormwater management system and other private community subdivision infrastructure improvements. The applicant of the PSP is the master developer of the Eagle Creek development and the declarant under the Association's governing declaration of covenants. Eagle Creek Development Corp. recorded the original declaration of covenants in 2004 and had control over the Association's Board of Directors for approximately twenty-two (22) years before turnover to the residents occurred. Eagle Creek Development Corp. was and is required to comply with the Orange County's Gated Community Ordinance codified at Sections 34-280, 34-290 and 34-291 of the Orange County Code in order to obtain any and all subdivision approvals, including preliminary subdivision plans and final plats for each phase of development.

As Section 34-280(c), Orange County Code explains, the development of a gated community is "allowed as a privilege, not a right" and the Gated Community Ordinance "acts as a contract among the developer, the HOA..., and Orange County." Part of the contract that the master developer strikes with Orange County and the HOA for the privilege of developing a gated community is the requirement under the Gated Community Ordinance for the master developer to: (i) make a developer's contribution to the five required HOA reserve accounts equal to one year's worth of assessments [section 34-291(c)(6)]; and (ii) ensure the assessment of all lots (including developer-owned lots) and funding of the HOA reserve accounts each year during its control of the HOA Board of Directors [section 34-291(c)(7)]. With respect to assessments, Gated Community Ordinance requires that the HOA impose and collect assessments against all platted lots, including those owned by the developer, "without exception".

Eagle Creek Development Corp. failed to comply with the Gated Community Ordinance reserve account funding requirements of Section 34-291(c)(6) & (c)(7). The master developer never made the developer's contribution to the five required HOA reserve accounts. Further, the master developer artificially suppressed lot assessments and reserve account funding during its 22-year control of the Association. **Based on preliminary feedback from an ongoing audit, the Association believes that Eagle Creek Development Corp owes the Association well-over over \$5 million related to these violations.** This shortfall is an unreasonable financial burden on the residents of the community.

The "routine infrastructure maintenance account" required by the Gated Community Ordinance may only be accessed by the master developer with written consent of the Board of Directors of the HOA, and only for scheduled maintenance and for unscheduled repair of the streets and other gated community infrastructure. The Association's financial records include several instances in which monies were spent from this account prior to turnover without board approval and outside the limited purposes authorized by the Ordinance, constituting a direct violation of Section 34-291.

Further, Eagle Creek Development Corp. violated Section 34-290(h)(7) of the Gated Community Ordinance by not turning over control of the Association's Board of Directors to

resident control at the point in time when 90% of the certificate of occupancies for platted lots occurred in February 2023. Instead, the master developer waited until March 28, 2024 to turnover Association Board of Director control to the residents. This delay in turnover directly resulted in continued artificially suppressed assessment funding of the required reserved accounts, as the master developer continued to pay assessments at a reduced developer-controlled rate rather than the full funding structure required upon turnover.

**The PSP should be denied since the master developer/applicant is in violation of the Orange County's Gated Communities Ordinance and Section 34-7(a), County Code gives the County the authority to deny the PSP based on such violation.** Section 34-7(a), Orange County Code labeled "Compliance" provides that: "Within the jurisdiction of this chapter [same chapter 34 as Gated Communities Ordinance], no subdivision shall be made, platted, or recorded, nor shall any building permit be issued, unless such subdivision meets all the requirements of this chapter and has been approved in accordance with the requirements as herein provided." The PSP is a further subdivision request within the same gated community, which shall not be issued due to the master developer's violation of multiple sections of chapter 34, Orange County Code.

It is imperative that the Board of County Commissioners protect its gated community residents by enforcing the Gated Community Ordinance to ensure proper funding of the Association's reserve accounts prior to turnover. The Association urges you to stand up to developers taking advantage of their control of HOAs to shift financial burdens of deficient funding of reserve accounts onto homeowners after HOA turnover. A master developer should not be allowed to continue to enrich itself through further subdivisions when violations of the Gated Community Ordinance have not been remedied. Please vote to deny the PSP.

Sincerely,

*/s/ Daniel Langley*  
Daniel W. Langley

cc: Homeowners Association of Eagle Creek, Inc.  
County Commission Board Clerk (ClerkofBCC@occompt.com)  
Byron Brooks, County Administrator (Byron.Brooks@ocfl.net)  
Jeffrey Newton, County Attorney (Jeffrey.Newton@ocfl.net)  
Orange County Zoning Division (BZA@ocfl.net)

7. 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 PSP 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.
8. This project shall be a gated community subject to and governed by Article VIII, Chapter 34, as it may be amended from time to time (the "Gated Communities Ordinance") and the infrastructure, other than public utilities, shall be privately owned and maintained. The developer, as that term is defined by the Gated Communities Ordinance, including its successors and assigns, shall fully comply with the Gated Communities Ordinance. To that end, the developer acknowledges and agrees that, pursuant to the Gated Communities Ordinance, a gated community is a privilege and not a right, and, as such, approval of this project as a gated community by the Board constitutes a contract between the developer and the Board, the consideration for which is the developer's understanding and acknowledgment that the developer shall create and maintain the reserve accounts as set forth in, and in accordance with, the Gated Communities Ordinance, including, notwithstanding Section 720.303(6)(i), Florida Statutes, the requirement that the developer make the initial contributions under Section 34-291(c)(6) of the Gated Communities Ordinance to help ensure the financial ability of its successors and assigns to maintain the infrastructure after the turnover of the infrastructure. Furthermore, prior to or concurrent with submittal of the plat, the developer shall enter into an agreement with the County and recorded in the public records confirming its obligations under the Gated Communities Ordinance.
9. 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.
10. This project shall be a private community and the infrastructure, other than public utilities, shall be privately owned and maintained. Residential development shall comply with the requirements of Article VIII, Sections 34-280, 34-290, and 34-291, of the Orange County Code, as they may be amended from time to time.
11. 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.

12. Prior to platting, all drainage easements and ponds within the Parcel O-1 Preliminary Subdivision Plan that accept stormwater from the network of streets and not already dedicated to Orange County for emergency purposes, must record such drainage easement(s) in the public records of Orange County.
13. 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.
14. 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 Orange County Environmental Protection Division National Pollutant Discharge Elimination System (NPDES) Supervisor at NPDES@ocfl.net for details.
15. 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 Supervisor at NPDES@ocfl.net. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
16. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
17. 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.
18. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
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. "No Parking" signage shall be installed within the development, per the approved plan, prior to the county issued certificate of completion for the infrastructure.
  
21. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, 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.
  
22. A waiver from Orange County Code Section 34-152(c) is granted to allow the 20 ft. frontage for SW-1 to be along Emerson Lake Boulevard, in lieu of the required access from an internal subdivision street (Street A).

**FUTURE LAND USE**

Planned Development – Low Density Residential / Low Medium Density Residential / Medium Density Residential / Commercial/ Institutional / Parks and Recreation – Open Space / Conservation (PD-LDR/LMDR/MDR/C/INST/PR-OS/CON)



**ZONING**

PD (Planned Development District)



Eagle Creek PD / Parcel O-1 PSP (Cover Sheet)

RECEIVED  
 07/20/25 11:00 AM  
 07/20/25 04:36:38 PM



No.	Drawing Title	DATE
1	Site Plan	07/20/25
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6	Site Plan	07/20/25
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**Applicant/Developer:**  
 Contact: Scott Scarns  
 Eagle Creek Development Corporation  
 283 Canas Road Blvd, Ste 250  
 Suite 150  
 Altamonte Springs, FL 32701  
 P: (407) 834-9580  
 F: (407) 834-4923

No.	Drawing Title	DATE
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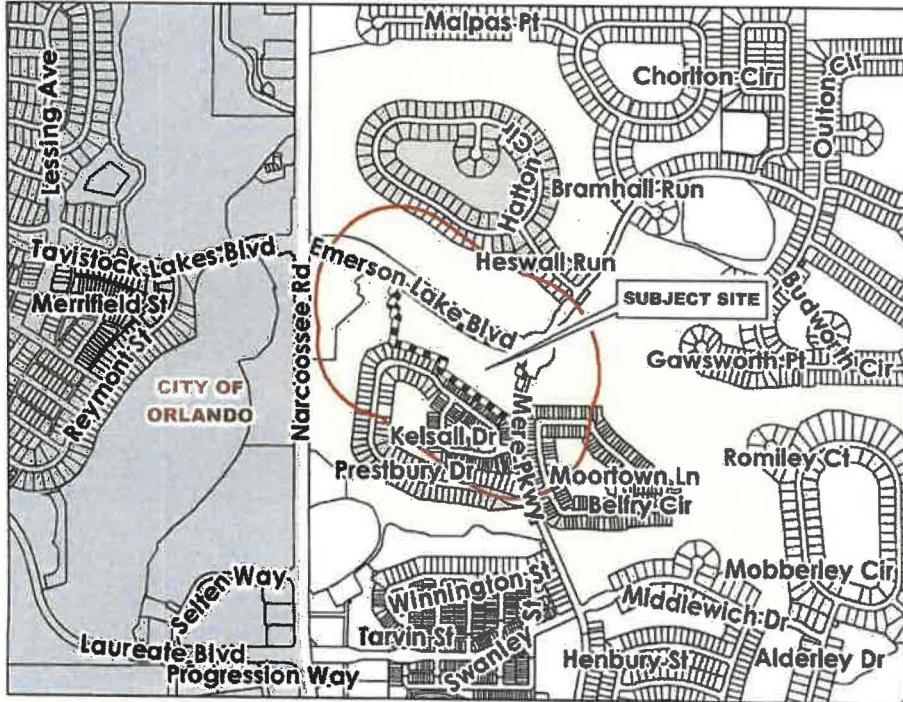
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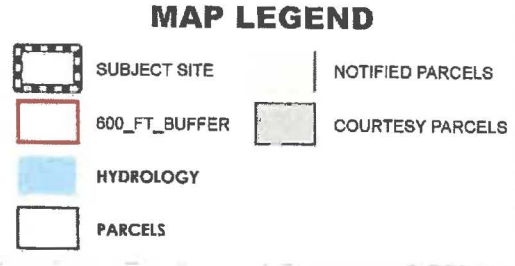


# Public Notification Map

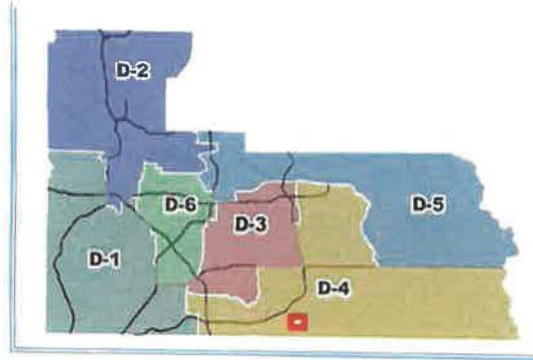
Eagle Creek PD\_Parcel O-1 PSP\_PSP-25-08-192



SUBJECT SITE



**BUFFER DISTANCE: 600**  
**# OF NOTICES: 502**



S:\Business Systems\Board Administration\5 SUBSTANTIAL CHANGE\2025\DR\CE\Eagle Creek PD Parcel O-1 PSP\_PSP-25-08-192\Eagle Creek

## Notification Map

**DRC Staff Report**  
**Orange County DRC Office**  
**BCC Hearing Date: April 7, 2026**

**ORANGE COUNTY  
NOTICE OF PUBLIC HEARING**

The Orange County Board of County Commissioners will conduct a public hearing on **January 27, 2026**, at **2 p.m.**, or as soon thereafter as possible, in the County Commission Chambers, First Floor, County Administration Center, 201 South Rosalind Avenue, Orlando, Florida. You are invited to attend and be heard regarding:

**Applicant:** John Prowell, VHB, Inc., Eagle Creek Planned Development / Parcel O-1 Preliminary Subdivision Plan, Case # PSP-25-08-192

**Consideration:** Eagle Creek Planned Development / Parcel O-1 Preliminary Subdivision Plan, Case # PSP-25-08-192, submitted in accordance with Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89; This Preliminary Subdivision Plan (PSP) is a request to subdivide Parcel O-1 into 17 single-family lots, and to modify Golf Course Hole 5 by adding a dry retention pond. The applicant is also requesting the following waiver from Orange County Code: A waiver from Orange County Code Section 34-152(c) is requested to allow the 20 ft. frontage for SW-1 to be along Emerson Lake Boulevard, in lieu of the required access from an internal subdivision street (Street A).

**Location:** District 4; property generally located South of Tyson Road / East of Narcoossee Road; Orange County, Florida (legal property description on file in Planning Division)

You may obtain a copy of the legal property description by calling the Orange County Planning Division, 407-836-5600; or pick one up at 201 South Rosalind Avenue, Second Floor; Orlando, Florida.

**IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, CONTACT THE ORANGE COUNTY PLANNING DIVISION, 407-836-5600 Email: [planning@ocfl.net](mailto:planning@ocfl.net)**

**PARA MÁS INFORMACIÓN REFERENTE A ESTA VISTA PÚBLICA, FAVOR DE COMUNICARSE CON LA DIVISIÓN DE PLANIFICACIÓN (PLANNING DIVISION) AL NÚMERO 407-836-8181.**

**If you wish to appeal any decision made by the Board of County Commissioners at this meeting you will need a record of the proceedings. You should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.**

**If you require special accommodations under the Americans with Disabilities Act of 1990, please call 407-836-5631 no later than two business days prior to the hearing for assistance. Si usted requiere ayuda especial bajo la ley de Estadounidenses con Discapacidades de 1990, por favor llame al 407-836-3111.**

Phil Diamond, County Comptroller  
As Clerk of the Board of County Commissioners  
Orange County, Florida

Publish: **January 11, 2026**; the Orlando Sentinel Orange Extra  
Certify: Eagle Creek PD / Parcel O-1 PSP

mf/th/re

c: District 4 Commissioner's Office [email]  
County Attorney's Office, BCC [Danny Randolph email]  
Jon Weiss, Deputy County Administrator, BCC [email]  
Alberto Vargas, Planning Division, BCC [email]  
Jason Sorensen, Planning Division, BCC [email]  
Nicolas Thalmueller, Planning Division, BCC [email]  
Lisette Egipciaco, Planning Division, BCC [email]  
Michael Rosso, Planning Division, BCC [email]  
Misty Mills, Planning Division, BCC [email]  
Sonali Cannon, Planning Division, BCC [email]  
Adriana Trujillo Villa, Planning Division, BCC [email]  
Cheryl Gillespie, Agenda Development, BCC [email]  
Mike Seif, Orange TV, BCC [email]

## ORANGE COUNTY NOTICE OF PUBLIC HEARING

Dear Property Owner:

The Orange County Board of County Commissioners will conduct a public hearing on **January 27, 2026, at 2 p.m.**, or as soon thereafter as possible, in the County Commission Chambers, First Floor, County Administration Center, 201 South Rosalind Avenue, Orlando, Florida. You are invited to attend and be heard regarding:

**Applicant:** John Prowell, VHB, Inc., Eagle Creek Planned Development / Parcel O-1 Preliminary Subdivision Plan, Case # PSP-25-08-192

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**Location:** District 4; property generally located South of Tyson Road / East of Narcoossee Road; Orange County, Florida (legal property description on file in Planning Division-see map on reverse side)

**If you have any questions regarding this notice, contact the Orange County Planning Division, 407-836-5600 Email: [planning@ocfl.net](mailto:planning@ocfl.net)**

**Para más información referente a esta vista pública, favor de comunicarse con la División de Planificación (Planning Division) al número 407-836-8181.**

You may obtain a copy of the legal property description by calling the Orange County Planning Division, 407-836-5600; or pick one up at 201 South Rosalind Avenue, Second Floor; Orlando, Florida.

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Phil Diamond, County Comptroller  
As Clerk of the Board of County Commissioners; Orange County, Florida

mf/th/re

January 15, 2025

c: Applicant/Abutters

Published Daily in  
Orange, Seminole, Lake, Osceola & Volusia Counties, Florida

**Sold To:**

Clerk County Commission-Orange - CU00123736  
201 S. Rosalind Avenue, 4th Floor  
Orlando, FL 32801-3527

**Bill To:**

Clerk County Commission-Orange - CU00123736  
201 S. Rosalind Avenue, 4th Floor  
Orlando, FL 32801-3527

**State Of Florida  
County Of Orange**

Before the undersigned authority personally appeared  
Rose Williams, who on oath says that he or she is a duly authorized representative of the ORLANDO SENTINEL, a DAILY newspaper published in ORANGE County, Florida; that the attached copy of advertisement, being a Legal Notice in:

The matter of 11150-Public Hearing Notice, Certify: Eagle Creek PD / Parcel O-1 PSP Was published in said newspaper by print in the issues of, or by publication on the newspaper's website, if authorized on Jan 11, 2026.

Affiant further says that the newspaper complies with all legal requirements for publication in Chapter 50, Florida Statutes.



**Rose Williams**

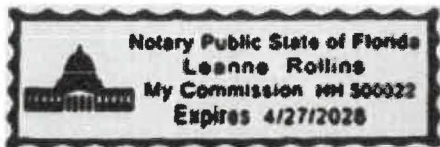
Signature of Affiant

Name of Affiant

Sworn to and subscribed before me on this 12 day of January, 2026,  
by above Affiant, who is personally known to me (X) or who has produced identification ( ).



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped

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**PARA MÁS INFORMACIÓN REFERENTE A ESTA VISTA PÚBLICA, FAVOR DE COMUNICARSE CON LA DIVISIÓN DE PLANIFICACIÓN (PLANNING DIVISION) AL NÚMERO 407-836-8181.**

If you wish to appeal any decision made by the Board of County Commissioners at this meeting you will need a record of the proceedings. You should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you require special accommodations under the Americans with Disabilities Act of 1990, please call 407-836-5631 no later than two business days prior to the hearing for assistance. Si usted requiere ayuda especial bajo la ley de Estadounidenses con Discapacidades de 1990, por favor llame al 407-836-3111.

Phil Diamond, County Comptroller  
As Clerk of the  
Board of County Commissioners  
Orange County, Florida

ORG7916232

1/1/2026

7916232

**CASE # PSP-25-08-192**  
Commission District # 4

**1. GENERAL INFORMATION**

Applicant: John Prowell, VHB

Owner: Eagle Creek Development Corp.

Project Name: Eagle Creek Planned Development (PD) / Parcel O-1 Preliminary Subdivision Plan (PSP)

Hearing Type: Preliminary Subdivision Plan (PSP)

Request: To subdivide Parcel O-1 into 17 single-family lots, and to modify Golf Course Hole 5 by adding a dry retention pond.

The applicant is also requesting the following waiver from Code:

A waiver from Orange County Code Section 34-152(c) is requested to allow the 20 ft. frontage for SW-1 to be along Emerson Lake Boulevard, in lieu of the required access from an internal subdivision street (Street A).

***Applicant Justification:*** *There is an existing curb cut that is used for golf cart access and current maintenance operations. Emerson Lake Blvd is owned and maintained by the same HOA entity that is to receive a dedicated drainage easement over SW-1.*

**2. PROJECT INFORMATION**

A. Overview: The subject property is zoned PD (Planned Development District) within the Eagle Creek PD and is identified as Parcel O-1 per the most recent LUP (CDR-23-06-204). Parcel O-1 is located in the South Residential portion of the Eagle Creek PD, which includes Parcels I, J, K, and O-1. All of the South Residential parcels are collectively entitled to 915 dwelling units. Parcels I, J, and K combined have been approved for 735 dwelling units, leaving a remainder of 180 dwelling units. This request

is consistent with the approved development program.

Through this PSP the applicant is requesting to subdivide Parcel O-1 (5.73 developable acres) within the Eagle Creek PD into 17 single-family lots, and to modify Golf Course Hole 5 by adding a dry retention pond. The applicant is also requesting a waiver from Orange County Code Sec. 34-152(c) to allow the 20-foot frontage for Tract SW-1 to be along Emerson Lake Boulevard instead of the internal subdivision street (Street A).

- B. Location: South of Tyson Road / East of Narcoossee Road / West of Kirby Smith Road / North of Eagle Creek Sanctuary Boulevard
- C. Parcel ID(s): 29-24-31-2210-00-001 (a portion of)
- D. Total Acres: 10.64 gross acres
- E. Water Supply: Orlando Utilities Commission
- F. Sewer System: Orange County Utilities
- G. Schools: **Eagle Creek ES**  
Enrollment: 832 / Capacity: 832  
**Luminary MS**  
Enrollment: 896 / Capacity: 1,250  
**Lake Nona HS**  
Enrollment: 2,475 / Capacity: 2,807
- H. School Population: 7.33
- I. Parks: Bomberos Field Park – 5.6 Miles
- J. Proposed Use: 17 Single-Family Residential Dwelling Units
- K. Site Data: Maximum Building Height: 35 feet (2 stories)  
Minimum Living Area: 1,300 square feet  
Minimum Lot Width: 32 feet  
Building Setbacks:  
Front: 20 feet  
Rear: 20 feet / 25 feet adjacent to conservation corridors  
Street Side: 15 feet  
Interior Side: 4 feet  
Garage: 20 feet

- L. Fire Station: Fire Station 76 – 11351 Narcoossee Road
- M. Public Notification: The notification area for this public hearing extended beyond 600 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. Five hundred and two (502) notices were mailed to those property owners in the mailing area.
- N. Community Meeting Summary: A community meeting was not required for this request.
- O. Transportation: The proposed project will generate less than 50 PM Peak trips; therefore, an operational analysis is not required.
- Based on the Concurrency Management database (CMS) dated 9/5/2025, there are multiple failing roadway segments within the project's impact area along Narcoossee Road, from Osceola County Line to Central Florida Greenway (2 segments). This information is dated and subject to change.
- Existing/Valid transportation capacity entitlements not found. Development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. Should this project be located near failing roadways then a traffic study will be required with the CEL application. If you believe this development qualifies for vested rights, please submit a Vested Rights Verification Package, along with all supporting documentation, to the Concurrency Management Office for review by the Concurrency Attorney.
- Based on the recently approved Standard Procedures Manual for Specific Transportation Analysis Methodology Plan (STAMP), published February 27, 2024 (Sec.30-562-2 of the Code of Ordinances), an operational traffic analysis study (intersection analysis) will be required at DP level for proposed developments projected to generate 50 or more net PM peak hour vehicle trips (not including pass-by and internal capture). The

operational traffic study will be based on the most updated STAMP.

**P. Environmental Protection Division:**

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Use caution to prevent erosion during construction along the boundary of the property, into surface waters, wetlands and upland 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. This may require periodic street sweeping. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

**Q. Comprehensive Plan:**

The subject property has a Future Land Use Map (FLUM) designation of Planned Development – Low Density Residential / Low Medium Density Residential / Medium Density Residential / Commercial/ Institutional / Parks and Recreation – Open Space / Conservation (PD-LDR/LMDR/MDR/C/INST/PR-OS/CON) and is currently zoned Planned Development (PD) which is consistent with the FLUM designation. The request is consistent with the comprehensive plan.

**R. Zoning:**

PD (Planned Development)

**3. REQUESTED ACTION:**

**Development Review Committee (DRC) Recommendation – (December 3, 2025)**

**Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Eagle Creek PD / Parcel O-1 PSP dated "Received December 4, 2025", subject to the following conditions:**

1. Development shall conform to the Eagle Creek PD Land Use Plan; Board approvals; Parcel O Preliminary Subdivision Plan dated "Received December 4, 2025," 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 Board, or by action of the Board. 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 December 4, 2025," 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 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, as may be amended, 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. 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 PSP 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.
8. This project shall be a gated community subject to and governed by Article VIII, Chapter 34, as it may be amended from time to time (the "Gated Communities Ordinance") and the infrastructure, other than public utilities, shall be privately owned and maintained. The developer, as that term is defined by the Gated Communities Ordinance, including its successors and assigns, shall fully comply with the Gated Communities Ordinance. To that end, the developer acknowledges and agrees that, pursuant to the Gated Communities Ordinance, a gated community is a privilege and not a right, and, as such, approval of this project as

a gated community by the Board constitutes a contract between the developer and the Board, the consideration for which is the developer's understanding and acknowledgment that the developer shall create and maintain the reserve accounts as set forth in, and in accordance with, the Gated Communities Ordinance, including, notwithstanding Section 720.303(6)(i), Florida Statutes, the requirement that the developer make the initial contributions under Section 34-291(c)(6) of the Gated Communities Ordinance to help ensure the financial ability of its successors and assigns to maintain the infrastructure after the turnover of the infrastructure. Furthermore, prior to or concurrent with submittal of the plat, the developer shall enter into an agreement with the County and recorded in the public records confirming its obligations under the Gated Communities Ordinance.

9. 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.
10. This project shall be a private community and the infrastructure, other than public utilities, shall be privately owned and maintained. Residential development shall comply with the requirements of Article VIII, Sections 34-280, 34-290, and 34-291, of the Orange County Code, as they may be amended from time to time.
11. 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.
12. Prior to platting, all drainage easements and ponds within the Parcel O-1 Preliminary Subdivision Plan that accept stormwater from the network of streets and not already dedicated to Orange County for emergency purposes, must record such drainage easement(s) in the public records of Orange County.
13. 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.

**DRC Staff Report  
Orange County Planning Division  
BCC Hearing Date: January 27, 2026**

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14. 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 Orange County Environmental Protection Division National Pollutant Discharge Elimination System (NPDES) Supervisor at NPDES@ocfl.net for details.
15. 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 Supervisor at NPDES@ocfl.net. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
16. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
17. 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.
18. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
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. "No Parking" signage shall be installed within the development, per the approved plan, prior to the county issued certificate of completion for the infrastructure.
21. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, 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.

22. A waiver from Orange County Code Section 34-152(c) is granted to allow the 20 ft. frontage for SW-1 to be along Emerson Lake Boulevard, in lieu of the required access from an internal subdivision street (Street A).

**FUTURE LAND USE**

Planned Development – Low Density Residential / Low Medium Density Residential / Medium Density Residential / Commercial/ Institutional / Parks and Recreation – Open Space / Conservation (PD-LDR/LMDR/MDR/C/INST/PR-OS/CON)



**ZONING**

PD (Planned Development District)



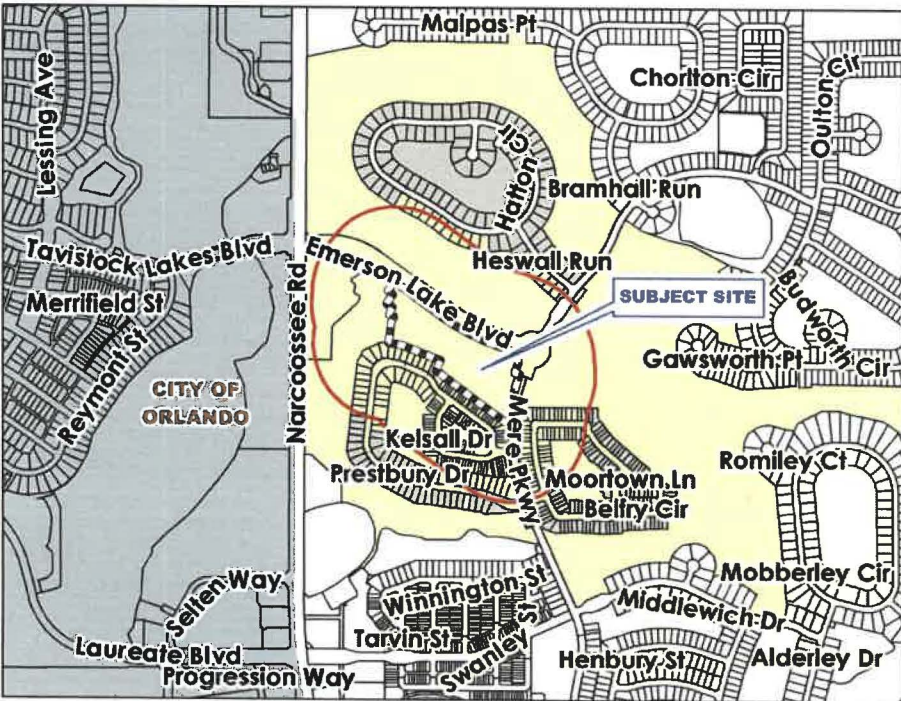




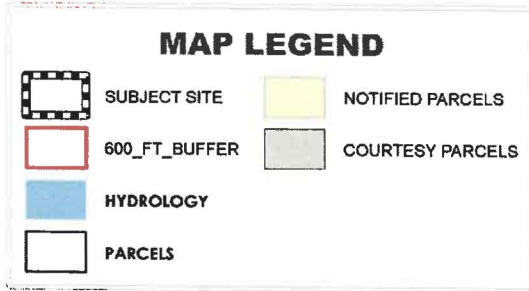


# Public Notification Map

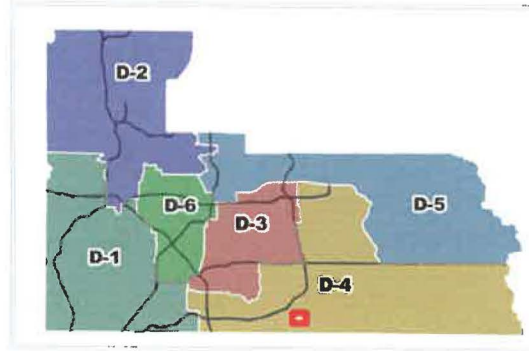
Eagle Creek PD\_Parcel O-1 PSP\_PSP-25-08-192



SUBJECT SITE



BUFFER DISTANCE: 600  
# OF NOTICES: 502



S:\Business Systems\Board Administration\5\_SUBSTANTIAL\_CHANGE\2025\DRCEagle Creek PD Parcel O-1 PSP\_PSP-25-08-192\Eagle Creek

## Notification Map

DRC Staff Report  
Orange County Planning Division  
BCC Hearing Date: January 27, 2026

**Interoffice Memorandum**

**DATE:** December 16, 2025

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** N/A

**FROM:** Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department



**CONTACT:** Nicolas Thalmueller, AICP, DRC Chairman

**PHONE:** (407) 836-5523

**DIVISION:** Development Review Committee

**ACTION REQUESTED:**

Make a finding of consistency with the Comprehensive Plan and approve Eagle Creek Planned Development (PD) / Parcel O-1 Preliminary Subdivision Plan (PSP) received December 4, 2025, subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report. District 4.

**PROJECT:** Eagle Creek PD / Parcel O-1 PSP (PSP-25-08-192)

**PURPOSE:** The subject property is located south of Tyson Road, east of Narcoossee Road, west of Kirby Smith Road, and north of Eagle Creek Sanctuary Boulevard. The subject property is zoned PD (Planned Development District) within the Eagle Creek PD and is identified as Parcel O-1 per the most recent LUP (CDR-23-06-204). Parcel O-1 is located in the South Residential portion of the Eagle Creek PD, which includes Parcels I, J, K, and O-1. All of the South Residential parcels are collectively entitled to 915 dwelling units. Parcels I, J, and K combined have been approved for 735 dwelling units, leaving a remainder of 180 dwelling units. This request is consistent with the approved development program.

Through this PSP the applicant is seeking to subdivide Parcel O-1 (5.73 developable acres) within the Eagle Creek PD into 17 single-family lots, and to modify Golf Course Hole 5 by adding a dry retention pond. The applicant is also requesting a waiver from Orange County Code Sec. 34-152(c) to allow the 20-foot frontage for Tract SW-1 to be along Emerson Lake Boulevard instead of the internal subdivision street (Street A).

**BUDGET:** N/A

**Interoffice Memorandum**

**DATE:** February 4, 2026

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** N/A

**FROM:** Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department



**CONTACT:** Nicolas Thalmueller, AICP, DRC Chairman

**PHONE:** (407) 836-5523

**DIVISION:** Development Review Committee

**ACTION REQUESTED:**

Make a finding of consistency with the Comprehensive Plan and approve Eagle Creek Planned Development (PD) / Parcel O-1 Preliminary Subdivision Plan (PSP) received December 4, 2025, subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report. District 4.

**PROJECT:** Eagle Creek PD / Parcel O-1 PSP (PSP-25-08-192)

**PURPOSE:** *This item was continued from the January 27, 2026 BCC hearing to allow for a community meeting, which has been scheduled for February 17, 2026. A summary of the meeting will be presented at the BCC Hearing.* The subject property is located south of Tyson Road, east of Narcoossee Road, west of Kirby Smith Road, and north of Eagle Creek Sanctuary Boulevard. The subject property is zoned PD (Planned Development District) within the Eagle Creek PD and is identified as Parcel O-1 per the most recent LUP (CDR-23-06-204). Parcel O-1 is located in the South Residential portion of the Eagle Creek PD, which includes Parcels I, J, K, and O-1. All of the South Residential parcels are collectively entitled to 915 dwelling units. Parcels I, J, and K combined have been approved for 735 dwelling units, leaving a remainder of 180 dwelling units. This request is consistent with the approved development program.

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**BUDGET:** N/A

**CASE # PSP-25-08-192**

Commission District # 4

**1. GENERAL INFORMATION**

Applicant: John Prowell, VHB

Owner: Eagle Creek Development Corp.

Project Name: Eagle Creek Planned Development (PD) /  
Parcel O-1 Preliminary Subdivision Plan  
(PSP)

Hearing Type: Preliminary Subdivision Plan (PSP)

Request: ***This case was continued from the January 27, 2026 BCC Public Hearing in order to allow for a Community Meeting to be held.***

To subdivide Parcel O-1 into 17 single-family lots, and to modify Golf Course Hole 5 by adding a dry retention pond.

The applicant is also requesting the following waiver from Code:

A waiver from Orange County Code Section 34-152(c) is requested to allow the 20 ft. frontage for SW-1 to be along Emerson Lake Boulevard, in lieu of the required access from an internal subdivision street (Street A).

***Applicant Justification:*** *There is an existing curb cut that is used for golf cart access and current maintenance operations. Emerson Lake Blvd is owned and maintained by the same HOA entity that is to receive a dedicated drainage easement over SW-1.*

**2. PROJECT INFORMATION**

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Minimum Lot Width: 32 feet  
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- M. Public Notification: The notification area for this public hearing extended beyond 600 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. Five hundred and two (502) notices were mailed to those property owners in the mailing area.
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- O. Transportation: The proposed project will generate less than 50 PM Peak trips; therefore, an operational analysis is not required.
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designation. The request is consistent with the comprehensive plan.

R. Zoning:

PD (Planned Development)

### 3. REQUESTED ACTION:

#### **Development Review Committee (DRC) Recommendation – (December 3, 2025)**

**Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Eagle Creek PD / Parcel O-1 PSP dated "Received December 4, 2025", subject to the following conditions:**

1. Development shall conform to the Eagle Creek PD Land Use Plan; Board approvals; Parcel O Preliminary Subdivision Plan dated "Received December 4, 2025," 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 Board, or by action of the Board. 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 December 4, 2025," 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 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, as may be amended, 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. 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 PSP 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.
8. This project shall be a gated community subject to and governed by Article VIII, Chapter 34, as it may be amended from time to time (the "Gated Communities

Ordinance") and the infrastructure, other than public utilities, shall be privately owned and maintained. The developer, as that term is defined by the Gated Communities Ordinance, including its successors and assigns, shall fully comply with the Gated Communities Ordinance. To that end, the developer acknowledges and agrees that, pursuant to the Gated Communities Ordinance, a gated community is a privilege and not a right, and, as such, approval of this project as a gated community by the Board constitutes a contract between the developer and the Board, the consideration for which is the developer's understanding and acknowledgment that the developer shall create and maintain the reserve accounts as set forth in, and in accordance with, the Gated Communities Ordinance, including, notwithstanding Section 720.303(6)(i), Florida Statutes, the requirement that the developer make the initial contributions under Section 34-291(c)(6) of the Gated Communities Ordinance to help ensure the financial ability of its successors and assigns to maintain the infrastructure after the turnover of the infrastructure. Furthermore, prior to or concurrent with submittal of the plat, the developer shall enter into an agreement with the County and recorded in the public records confirming its obligations under the Gated Communities Ordinance.

9. 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.
10. This project shall be a private community and the infrastructure, other than public utilities, shall be privately owned and maintained. Residential development shall comply with the requirements of Article VIII, Sections 34-280, 34-290, and 34-291, of the Orange County Code, as they may be amended from time to time.
11. 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.
12. Prior to platting, all drainage easements and ponds within the Parcel O-1 Preliminary Subdivision Plan that accept stormwater from the network of streets and not already dedicated to Orange County for emergency purposes, must record such drainage easement(s) in the public records of Orange County.
13. 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.

14. 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 Orange County Environmental Protection Division National Pollutant Discharge Elimination System (NPDES) Supervisor at NPDES@ocfl.net for details.
15. 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 Supervisor at NPDES@ocfl.net. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
16. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
17. 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.
18. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
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. "No Parking" signage shall be installed within the development, per the approved plan, prior to the county issued certificate of completion for the infrastructure.
21. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, 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.

22. A waiver from Orange County Code Section 34-152(c) is granted to allow the 20 ft. frontage for SW-1 to be along Emerson Lake Boulevard, in lieu of the required access from an internal subdivision street (Street A).

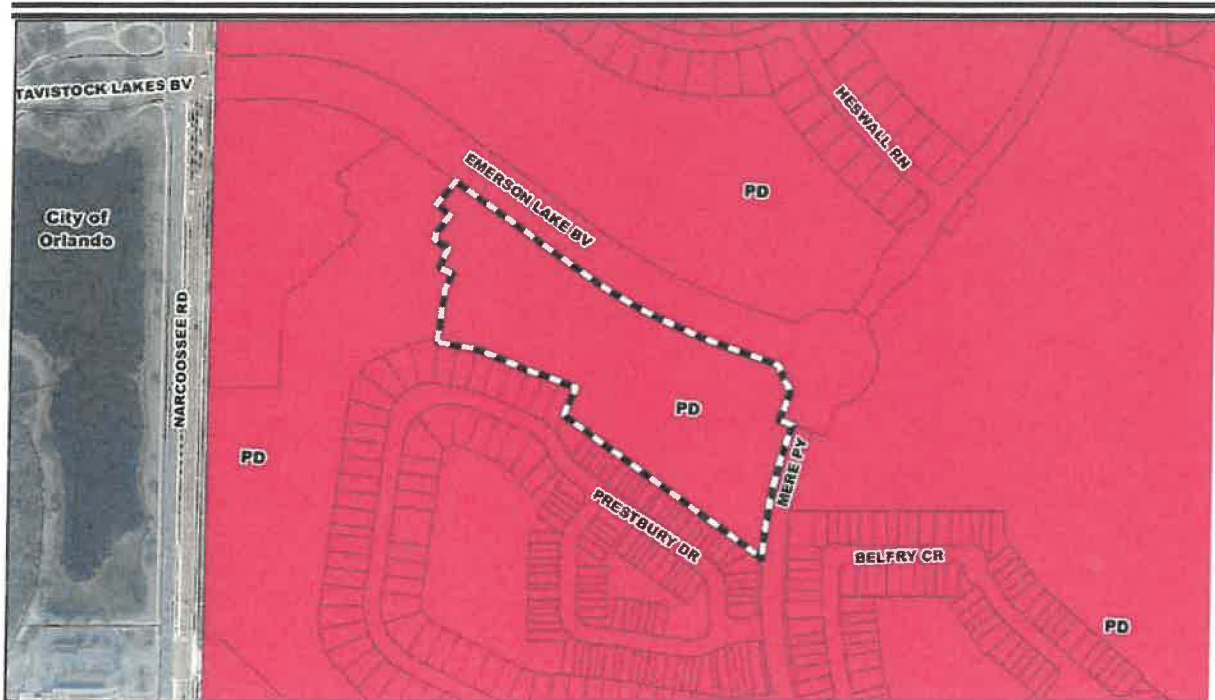
**FUTURE LAND USE**

Planned Development – Low Density Residential / Low Medium Density Residential / Medium Density Residential / Commercial/ Institutional / Parks and Recreation – Open Space / Conservation (PD-LDR/LMDR/MDR/C/INST/PR-OS/CON)



**ZONING**

PD (Planned Development District)



**Eagle Creek PD / Parcel O-1 PSP (Cover Sheet)**

RECEIVED  
 BY DRC on 3/10/2026 10:04 AM



**Preliminary Subdivision Plan**

Board (City of Orange County Approval)  
 Case No. 2025-0005  
 Issue Date: December 2025

**Eagle Creek PD / Parcel O-1 PSP**  
 Orange County, Florida  
 Parcel ID: 29-24-31-2210-00-001  
 PSP-25-08-192

Applicant/Developer:  
 Contact: Scott Stearns  
 Eagle Creek Development Corporation  
 10000  
 Suite 250  
 Altamonte Springs, FL 32701  
 P: 407-834-9580  
 F: (407) 834-4023

Sheet No.	Drawing Title	Sheet No.
1	Site Plan	1
2	Site Plan	2
3	Site Plan	3
4	Site Plan	4
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 Inland Engineering  
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 P: 407-834-9580  
 F: (407) 834-4023

**SUPPLEMENTAL**  
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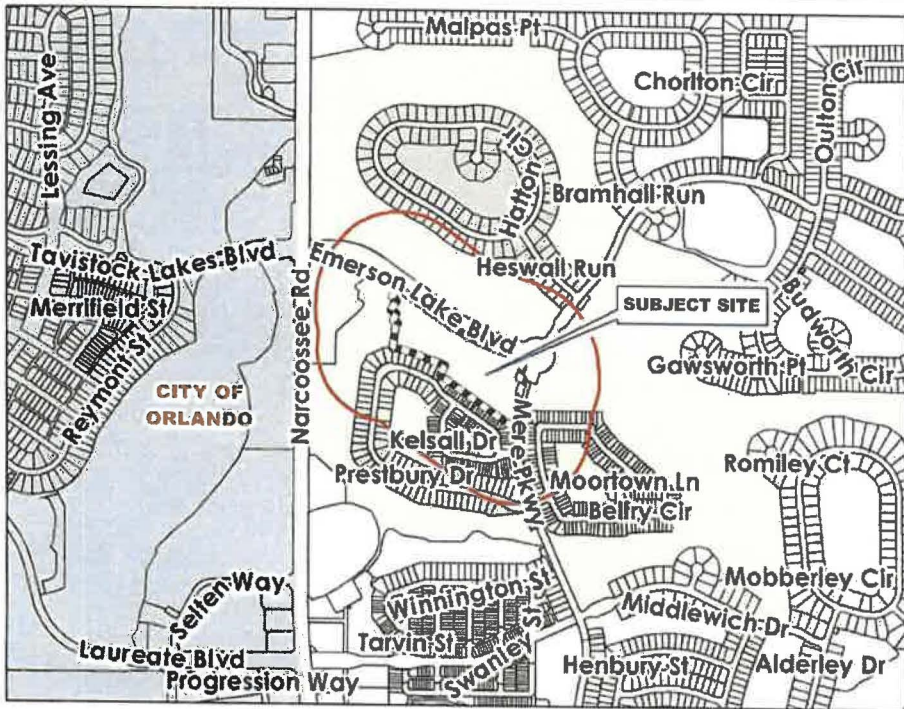
Site Plan Sheet





# Public Notification Map

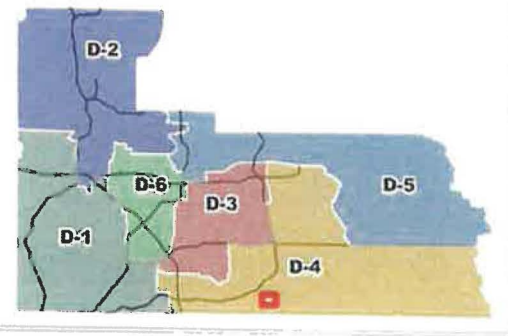
Eagle Creek PD\_Parcel O-1 PSP\_PSP-25-08-192



### MAP LEGEND

	SUBJECT SITE		NOTIFIED PARCELS
	600_FT_BUFFER		COURTESY PARCELS
	HYDROLOGY		PARCELS

**BUFFER DISTANCE: 600**  
**# OF NOTICES: 502**



S:\Business Systems\Board Administration\SUBSTANTIAL CHANGE\2025\DRCE\Eagle Creek PD Parcel O-1 PSP\_PSP-25-08-192\Eagle Creek

**DRC Staff Report**  
**Orange County DRC Office**  
**BCC Hearing Date: March 10, 2026**

**Interoffice Memorandum**

**DATE:** March 11, 2026

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** N/A

**FROM:** Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department



**CONTACT:** Nicolas Thalmueller, AICP, DRC Chairman

**PHONE:** (407) 836-5523

**DIVISION:** Development Review Committee

**ACTION REQUESTED:**

Make a finding of consistency with the Comprehensive Plan and approve Eagle Creek Planned Development (PD) / Parcel O-1 Preliminary Subdivision Plan (PSP) received December 4, 2025, subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report. District 4.

**PROJECT:** Eagle Creek PD / Parcel O-1 PSP (PSP-25-08-192)

**PURPOSE:** *This item was continued from the March 10, 2026 BCC Public Hearing at the request of the District 4 Commissioner.* The subject property is located south of Tyson Road, east of Narcoossee Road, west of Kirby Smith Road, and north of Eagle Creek Sanctuary Boulevard. The subject property is zoned PD (Planned Development District) within the Eagle Creek PD and is identified as Parcel O-1 per the most recent LUP (CDR-23-06-204). Parcel O-1 is located in the South Residential portion of the Eagle Creek PD, which includes Parcels I, J, K, and O-1. All of the South Residential parcels are collectively entitled to 915 dwelling units. Parcels I, J, and K combined have been approved for 735 dwelling units, leaving a remainder of 180 dwelling units. This request is consistent with the approved development program.

Through this PSP the applicant is seeking to subdivide Parcel O-1 (5.73 developable acres) within the Eagle Creek PD into 17 single-family lots, and to modify Golf Course Hole 5 by adding a dry retention pond. The applicant is also requesting a waiver from Orange County Code Sec. 34-152(c) to allow the 20-foot frontage for Tract SW-1 to be along Emerson Lake Boulevard instead of the internal subdivision street (Street A).

**BUDGET:** N/A

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**CASE # PSP-25-08-192**

Commission District # 4

**1. GENERAL INFORMATION**

Applicant: John Prowell, VHB

Owner: Eagle Creek Development Corp.

Project Name: Eagle Creek Planned Development (PD) / Parcel O-1 Preliminary Subdivision Plan (PSP)

Hearing Type: Preliminary Subdivision Plan (PSP)

Request: ***This case was continued from the March 10, 2026 BCC Public Hearing at the request of the District 4 Commissioner.***

To subdivide Parcel O-1 into 17 single-family lots, and to modify Golf Course Hole 5 by adding a dry retention pond.

The applicant is also requesting the following waiver from Code:

A waiver from Orange County Code Section 34-152(c) is requested to allow the 20 ft. frontage for SW-1 to be along Emerson Lake Boulevard, in lieu of the required access from an internal subdivision street (Street A).

***Applicant Justification:*** *There is an existing curb cut that is used for golf cart access and current maintenance operations. Emerson Lake Blvd is owned and maintained by the same HOA entity that is to receive a dedicated drainage easement over SW-1.*

**2. PROJECT INFORMATION**

A. Overview: The subject property is zoned PD (Planned Development District) within the Eagle Creek PD and is identified as Parcel O-1 per the most recent LUP (CDR-23-06-204). Parcel O-1 is located in the South Residential portion of the Eagle Creek PD, which includes Parcels I, J, K, and O-1. All of the South Residential parcels are collectively entitled to 915 dwelling

units. Parcels I, J, and K combined have been approved for 735 dwelling units, leaving a remainder of 180 dwelling units. This request is consistent with the approved development program.

Through this PSP the applicant is requesting to subdivide Parcel O-1 (5.73 developable acres) within the Eagle Creek PD into 17 single-family lots, and to modify Golf Course Hole 5 by adding a dry retention pond. The applicant is also requesting a waiver from Orange County Code Sec. 34-152(c) to allow the 20-foot frontage for Tract SW-1 to be along Emerson Lake Boulevard instead of the internal subdivision street (Street A).

- B. Location:** South of Tyson Road / East of Narcoossee Road / West of Kirby Smith Road / North of Eagle Creek Sanctuary Boulevard
- C. Parcel ID(s):** 29-24-31-2210-00-001 (a portion of)
- D. Total Acres:** 10.64 gross acres
- E. Water Supply:** Orlando Utilities Commission
- F. Sewer System:** Orange County Utilities
- G. Schools:**  
**Eagle Creek ES**  
Enrollment: 832 / Capacity: 832  
**Luminary MS**  
Enrollment: 896 / Capacity: 1,250  
**Lake Nona HS**  
Enrollment: 2,475 / Capacity: 2,807
- H. School Population:** 7.33
- I. Parks:** Bomberos Field Park – 5.6 Miles
- J. Proposed Use:** 17 Single-Family Residential Dwelling Units
- K. Site Data:**  
Maximum Building Height: 35 feet (2 stories)  
Minimum Living Area: 1,300 square feet  
Minimum Lot Width: 32 feet  
Building Setbacks:  
Front: 20 feet  
Rear: 20 feet / 25 feet adjacent to conservation corridors  
Street Side: 15 feet

Interior Side: 4 feet  
Garage: 20 feet

- L. Fire Station: Fire Station 76 – 11351 Narcoossee Road
- M. Public Notification: The notification area for this public hearing extended beyond 600 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. Five hundred and two (502) notices were mailed to those property owners in the mailing area.
- N. Community Meeting Summary: A community meeting was held on February 17, 2026 at Eagle Creek Elementary. There were approximately 122 residents in attendance. The meeting began with County staff presenting the DRC process and an overview of the project. The applicant then gave a presentation of the project. Residents expressed concerns regarding traffic, stormwater, decreased property values, strain on HOA infrastructure, confusion regarding requested waiver, and the possibility that approval would be precedent-setting for future golf course redevelopment.
- O. Transportation: The proposed project will generate less than 50 PM Peak trips; therefore, an operational analysis is not required.
- Based on the Concurrency Management database (CMS) dated 9/5/2025, there are multiple failing roadway segments within the project's impact area along Narcoossee Road, from Osceola County Line to Central Florida Greenway (2 segments). This information is dated and subject to change.
- Existing/Valid transportation capacity entitlements not found. Development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. Should this project be located near failing roadways then a traffic study will be required with the CEL application. If you believe this development qualifies for vested rights, please submit a Vested Rights Verification Package, along with all supporting documentation, to the

Concurrency Management Office for review by the Concurrency Attorney.

Based on the recently approved Standard Procedures Manual for Specific Transportation Analysis Methodology Plan (STAMP), published February 27, 2024 (Sec.30-562-2 of the Code of Ordinances), an operational traffic analysis study (intersection analysis) will be required at DP level for proposed developments projected to generate 50 or more net PM peak hour vehicle trips (not including pass-by and internal capture). The operational traffic study will be based on the most updated STAMP.

**P. Environmental Protection Division:**

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Use caution to prevent erosion during construction along the boundary of the property, into surface waters, wetlands and upland 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. This may require periodic street sweeping. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

- Q. Comprehensive Plan: The subject property has a Future Land Use Map (FLUM) designation of Planned Development – Low Density Residential / Low Medium Density Residential / Medium Density Residential / Commercial/ Institutional / Parks and Recreation – Open Space / Conservation (PD-LDR/LMDR/MDR/C/INST/PR-OS/CON) and is currently zoned Planned Development (PD) which is consistent with the FLUM designation. The request is consistent with the comprehensive plan.
- R. Zoning: PD (Planned Development)

### 3. REQUESTED ACTION:

#### Development Review Committee (DRC) Recommendation – (December 3, 2025)

**Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Eagle Creek PD / Parcel O-1 PSP dated "Received December 4, 2025", subject to the following conditions:**

1. Development shall conform to the Eagle Creek PD Land Use Plan; Board approvals; Parcel O Preliminary Subdivision Plan dated "Received December 4, 2025," 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 Board, or by action of the Board. 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 December 4, 2025," 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 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, as may be amended, 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.

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## Sec. 34-7. Compliance.

- (a) *General.* Within the jurisdiction of this chapter, no subdivision shall be made, platted, or recorded, nor shall any building permit be issued, unless such subdivision meets all the requirements of this chapter and has been approved in accordance with the requirements as herein provided. The board of county commissioners or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to insure compliance with the provisions of this chapter, including injunctive relief to enjoin and restrain any person violating the provisions of this chapter, and any rules and regulations adopted under this chapter, and the court shall, upon proof of violation of this chapter have the duty to forthwith issue such temporary and permanent injunctions as are necessary to prevent the violation of this chapter.
- (b) *Required improvements.* No subdivision occupancy shall be allowed until all of the improvements have been completed as required by this chapter.
- (c) *Erection of buildings.* No building shall be erected on a lot or parcel of land subject to this chapter nor shall any building permit be issued therefor unless one (1) of the following conditions exists:
  - (1) Such lot or parcel is within a subdivision for which a plat has been recorded (except for a building authorized prior to platting under section 30-83(b)), and the required improvements have been installed and accepted by the board of county commissioners. Buildings may be erected concurrently with the construction of the required improvements subject to compliance with section 34-133(d). No certificate of occupancy shall be issued until all the required improvements have been completed and duly certified to the board of county commissioners; or
  - (2) A variance has been granted pursuant to section 34-27.
- (d) The provisions of section 34-7(c) shall not apply to the erection of agricultural buildings.
- (e) *Violation.* Any person who shall sell any lot, or lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main or drainage structure without having first complied with provisions of this chapter, or otherwise violates this chapter, shall be punished as provided in section 1-9 of the County Code. Each day that the violation continues shall constitute a separate violation.

(Ord. No. 91-29, § 2(Exh. A), 12-10-91; Ord. No. 94-4, § 1(Exh. A), 2-8-94; Ord. No. 2000-14, § 1, 6-27-00; Ord. No. 2009-05, § 3, 2-24-09)

# EAGLE CREEK HOLE 4 OFFICE PARK

SHEET 3 OF 7  
(14001-206)

PLAT BOOK

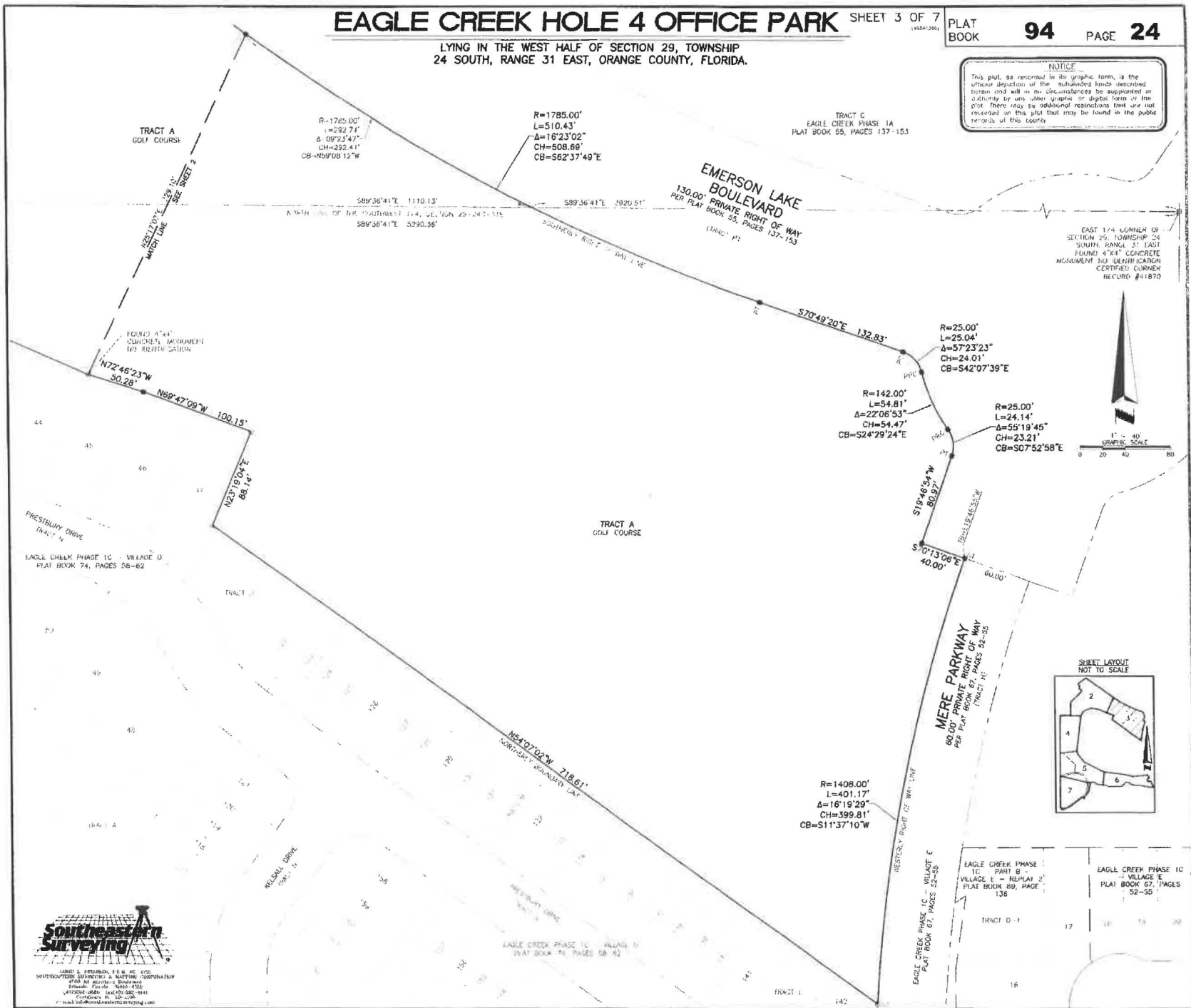
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PAGE 24

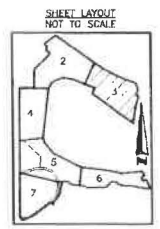
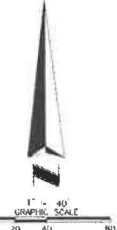
LYING IN THE WEST HALF OF SECTION 29, TOWNSHIP 24 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA.

**NOTICE**

This plat, as recorded in its graphic form, is the chosen depiction of the subdivided lands described herein and will in no circumstances be supplanting in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.



EAST 1/4 CORNER OF SECTION 29, TOWNSHIP 24 SOUTH, RANGE 31 EAST FOUND 4"x4" CONCRETE MONUMENT NO IDENTIFICATION CERTIFIED GURNEK RECORD #41890



**Southeastern Surveying**

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**Sec. 34-69. Public hearing scheduling.**

- (a) After the DRC reviews the preliminary subdivision plan and makes a recommendation, the chairman of the DRC shall promptly request a public hearing before the board of county commissioners. The public hearing shall be advertised by the clerk of the board of county commissioners and shall be conducted as provided in chapter 30, article III of the County Code. In addition, at least ten (10) days prior to the date of public hearing before the board of county commissioners, the developer shall cause a poster or posters, furnished by the zoning or planning division, to be placed in a conspicuous and easily visible location on the property which is subject to the public hearing. The preliminary subdivision plan, supporting data, and a report from the DRC shall be submitted by the chairman of the DRC to the board of county commissioners at the hearing.
- (b) If the plan is recommended for denial by the DRC, the applicant may request in writing, within fifteen (15) days, to the chairman of the DRC that the DRC recommendation not be forwarded to the board of county commissioners for review. The applicant, at his option, may withdraw the application or redesign and resubmit the application to the DRC for further review.

(Ord. No. 91-29, § 2(Exh. A), 12-10-91; Ord. No. 94-4, § 1(Exh. A), 2-8-94; Ord. No. 2000-14, § 1, 6-27-00)