



Interoffice Memorandum

December 10, 2024

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

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

CONTACT PERSON: Joseph C. Kunkel, P.E., DRC Chairman
Development Review Committee
Public Works Department
(407) 836-7971

SUBJECT: January 7, 2025 – Public Hearing
Applicant(s): Tim VanWormer, Poulos & Bennett, LLC
Project Name: Oasis Reserve Preliminary Subdivision Plan (PSP)
Project No.: CDR-24-09-231 / District 3

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of November 20, 2024, to approve an amendment to the Oasis Reserve Preliminary Subdivision Plan (PSP). The subject property consists of 14.59 gross acres in size and is generally located south of Curry Ford Road and west of Econlockhatchee Trail. The Change Determination Request (CDR) seeks to remove the October 25, 2022, Board Condition of Approval #27 requiring two lots to be removed, to be consistent with the understanding that the developer has already reduced the project by 2 lots (from 58 to 56) to provide additional greenspace.

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 documents and the plans may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the amendment to the Oasis Reserve Preliminary Subdivision Plan (PSP) (CDR-24-09-231) dated "Received December 2, 2024", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 3

TW/JCK/rb

Attachments

CASE # CDR-24-09-231
Commission District # 3

1. GENERAL INFORMATION

Applicant:	Poulos & Bennett, LLC
Owner:	KB Home Orlando, LLC
Project Name:	Oasis Reserve Preliminary Subdivision Plan (PSP)
Hearing Type:	Preliminary Subdivision Plan (PSP)
Request:	To remove the October 25, 2022 Board Condition of Approval #27 requiring two lots to be removed for additional greenspace.

2. PROJECT INFORMATION

A. Overview:	<p>The Oasis Reserve Preliminary Subdivision Plan (PSP) is generally located south of Curry Ford Road and west of Econlockhatchee Trail. In 2018, a PSP was submitted requesting to subdivide the property for 58 single-family lots. That application was ultimately withdrawn. In 2021, a new PSP application (Case PSP-21-10-314) was submitted which reduced the proposed lots from 58 to 56 and provided increased greenspace. Case PSP-21-10-314 was approved on October 25, 2022, to subdivide the 14.59 acres for 56 single-family lots and associated tracts. At the October 25, 2022, Board hearing, new Condition #27 was added by the Board. This condition requires the reduction of two lots for increased greenspace.</p> <p>Through this request, the applicant is proposing to remove the October 25, 2022, Board Condition of Approval #27 to be consistent with the understanding that the developer has already reduced the project by 2 lots (from 58 to 56) for the additional green space.</p>
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DRC Staff Report
Orange County Planning Division
BCC Hearing Date: January 7, 2025

B. Location:	South of Curry Ford Road / West of Econlockhatchee Trail
C. Parcel ID(s):	12-23-30-0000-00-011, 12-23-30-0000-00-012, 12-23-30-0000-00-010
D. Total Acres:	14.59 gross acres
E. Water Supply:	Orange County Utilities
F. Sewer System:	Orange County Utilities
G. Schools:	Hidden Oaks ES Enrollment: 407 / Capacity: 547 Liberty MS Enrollment: 860 / Capacity: 1,499 Colonial HS Enrollment: 3,249 / Capacity: 3,788
H. School Population:	23
I. Parks:	South Econ Community Park - 1.2 Miles
J. Proposed Use:	56 Single-Family Detached Residential Dwelling Units
K. Site Data:	Maximum Building Height: 35' Minimum Living Area: 1,000 square feet Minimum Lot Width: 50' Building Setbacks: Front – 20' Side – 5' Side Street – 10' Rear – 20'
L. Fire Station:	Fire station 81 - 901 S. Econlockhatchee Trail
M. Public Notification:	The notification area for this public hearing extended beyond 1,200 feet. Chapter 40-40(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. Four hundred and ninety-six (496) notices were mailed to those property owners in the mailing area.
N. Community Meeting Summary:	A community meeting was not required for this case.

- O. Transportation: This CDR Request to adjust Board conditions does not trigger a Capacity Encumbrance Letter (CEL) application.
- 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.
- P. Environmental Protection Division: Environmental Protection Division (EPD) staff has reviewed the proposed request but did not identify any issues or concerns.
- Q. Comprehensive Plan: The subject property has a Future Land Use (FLUM) designation of Low Density Residential (LDR) and is currently zoned Single-family Dwelling District (R-1) which is consistent with the FLUM designation. The request is consistent with the comprehensive plan.
- R. Zoning: R-1 (Single-Family Dwelling District)

3. REQUESTED ACTION:

Development Review Committee (DRC) Recommendation – (November 20, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Oasis Reserve Preliminary Subdivision Plan (PSP) dated "Received December 2, 2024", subject to the following conditions:

1. Development shall conform to the Oasis Reserve Preliminary Subdivision Plan dated "Received December 2, 2024," 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 2, 2024," 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. Unless a Natural Resource Impact Permit (NRIP) is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland and Surface Water Protection", prior to Construction Plan approval, no wetland, surface water or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect wetland and surface water impacts.
8. All acreages identified as wetlands, surface waters and upland buffers are considered approximate until finalized by a Wetland Determination (WD) and/or a Natural Resource Impact Permit (NRIP). Approval of this plan does not authorize any direct or indirect wetland/surface water impacts.

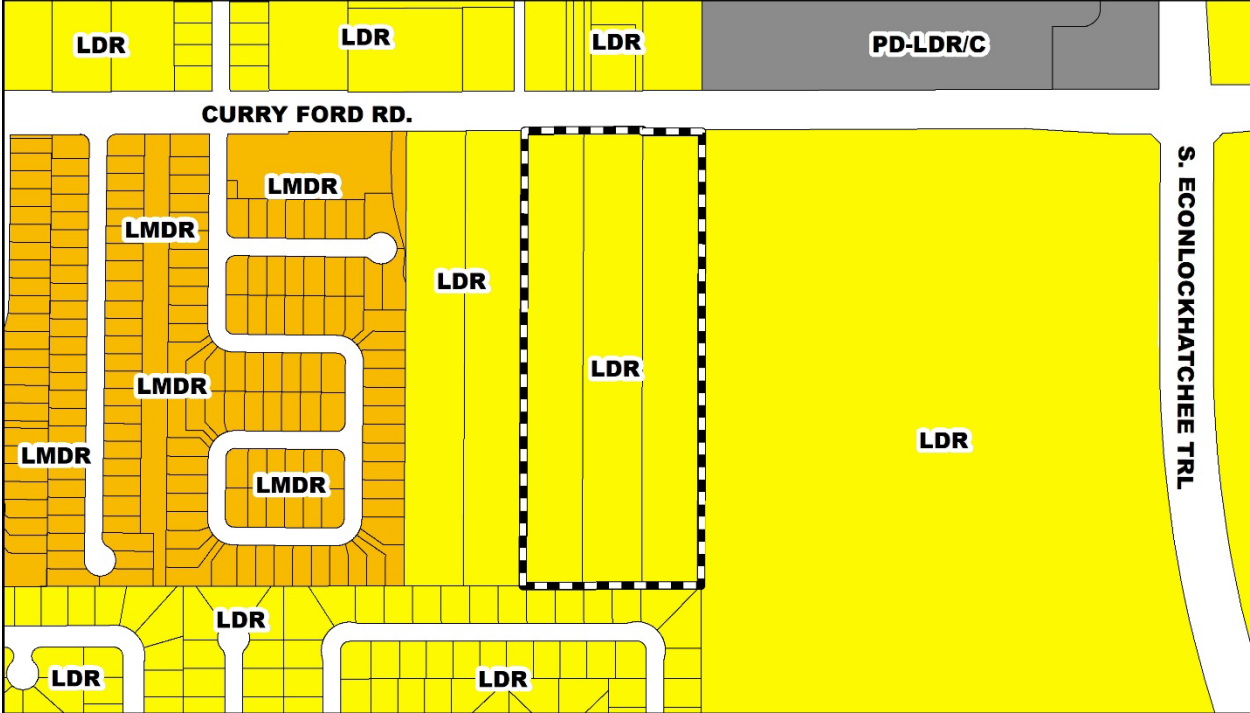
9. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition 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.
10. 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.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 25, 2022, shall apply:
 1. 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.
 2. 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.
 3. 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.

4. 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).
5. "No Parking" signs shall be installed along one side of the subdivision streets prior to issuance by County of a certificate of completion for the infrastructure.
6. New streets which are an extension of or in alignment with existing streets shall bear the same name as that borne by such existing streets.
7. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
8. 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.
9. 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.
10. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
11. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

12. 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.
13. Owner(s) of Lots 17, 18, 29, 30, 31, 32, 33, 34, and 43, as depicted on the initially approved Oasis Reserve Preliminary Subdivision Plan, dated July 12, 2022 shall not be permitted to install any structure, including but not limited to masonry walls, sheds, pools, pool decks or pool enclosures, or landscaping within the Drainage Easement located on said Lots. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this condition, and through a conspicuous note in the Declaration of Covenants, Conditions, and Restrictions (CC&R's) that a Drainage Easement encumbers said Lots.
14. Conveyance of the offsite Drainage Easement from Orange County Utilities to Orange County Public Works must occur prior to construction plan approval. It shall be the responsibility of the Engineer of Record to coordinate this effort as part of the construction plan approval process.
15. The applicant / owner has an affirmative obligation to expressly notify potential purchasers and / or tenants, through the appropriate mechanism, including a conspicuous note on the plat and on the Conditions, Covenants, and Restrictions (CC&Rs) for this project, that this development is adjacent to a regional water treatment plant, and that noises, odors and aesthetic objections may be associated with the function of this facility.
16. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
17. A Master Utility Plan (MUP) for the PD 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 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. ~~The updated removal of the two lots for the increased green space.~~
THIS CONDITION IS PROPOSED TO BE REMOVED

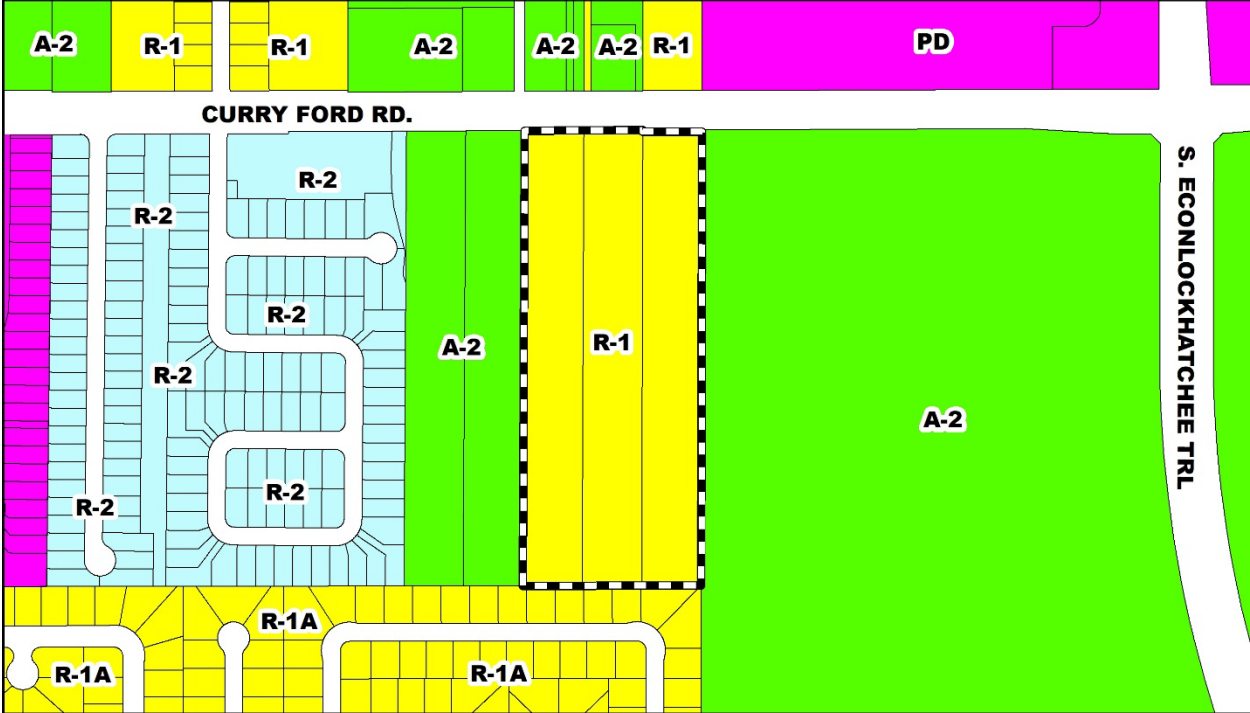
FUTURE LAND USE

Low Density Residential (LDR)

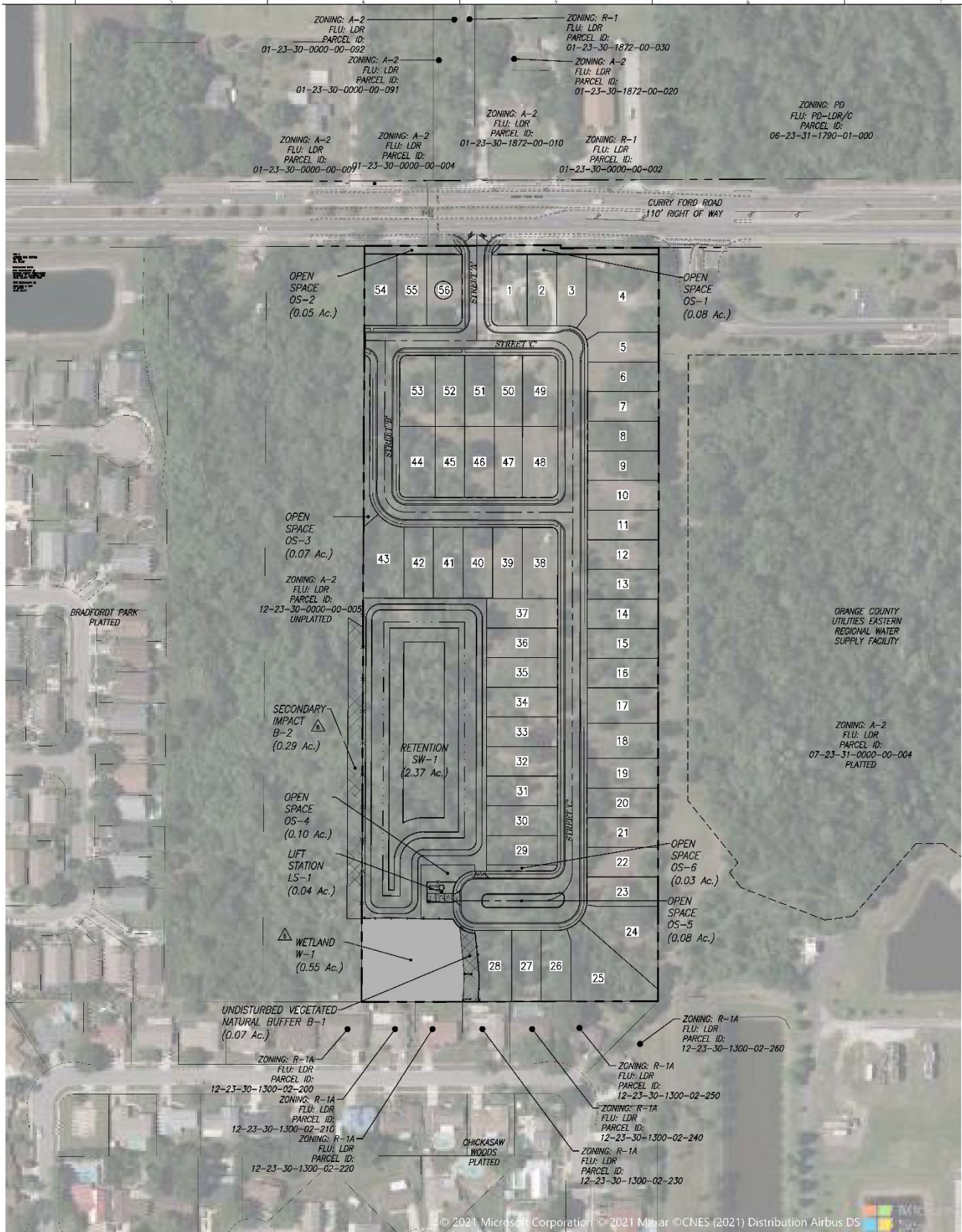


ZONING

R-1 (Single-Family Dwelling District)



Site Plan Sheet



Notification Map

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Public Notification Map

CDR-24-09-231

