



**Interoffice Memorandum**

**DATE:** October 29, 2020

**TO:** Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners

**FROM:** Jon V. Weiss, P.E., Director  
Planning, Environmental and Development  
Services Department *JVW.*

**CONTACT PERSON:** **Eric Raasch, DRC Chairman**  
**Development Review Committee** *ERR*  
**Planning Division**  
**(407) 836-5523**

**SUBJECT:** November 17, 2020 – Public Hearing  
Jim Hall, Hall Development Services, Inc.  
Eastwood Planned Development  
Case # CDR-19-06-188 / District 4

The Eastwood Planned Development (PD) is generally located north and south of Golfway Boulevard, and east of S. Alafaya Trail. The existing PD development program allows for 2,320 residential dwelling units and 100,000 square feet of retail commercial uses.

To date, 2,016 single-family residential lots have been platted and developed within the Eastwood PD. Through this PD substantial change, the applicant is seeking to create Phase 3 of the PD; to change the designation of the lands within the proposed Phase 3 from golf course, clubhouse, and practice range, to single-family; to add access arrows to the proposed Phase 3 area; and to assign the 304 residential units remaining within the PD to the proposed Phase 3 area.

On July 8, 2020, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was held on February 3, 2020, at Timber Creek High School and was attended by approximately 1,000 area residents. The result of that meeting was negative with residents expressing numerous concerns which are summarized on page 3 of the staff report.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Eastwood Planned Development / Land Use Plan (PD/LUP) dated “July 6, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

Attachments  
JVW/EPR/nt

**CASE # CDR-19-06-188**

Commission District: #4

**GENERAL INFORMATION**

<b>APPLICANT</b>	Jim Hall, Hall Development Services, Inc.
<b>OWNER</b>	Eastwood Golf Club LLC & Bengel Corp.
<b>PROJECT NAME</b>	Eastwood Planned Development
<b>PARCEL ID NUMBER(S)</b>	35-22-31-1993-04-001, 35-22-31-1993-05-000, 36-22-31-0000-00-029, 35-22-31-1993-00-007 (portion of)
<b>TRACT SIZE</b>	1,199.77 gross acres (overall PD) 72.50 gross acres (affected parcels only)
<b>LOCATION</b>	Generally north and south of Golfway Boulevard, east of S. Alafaya Trail.
<b>REQUEST</b>	A PD substantial change to create Phase 3 of the PD; to change the designation of the lands within the proposed Phase 3 from golf course, clubhouse, and practice range, to single-family; to add access arrows to the proposed Phase 3 area; and to assign the 304 residential units remaining within the PD to the proposed Phase 3 area.
<b>PUBLIC NOTIFICATION</b>	A notification area extending beyond one thousand five hundred (1,500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three thousand twenty-eight (3,028) notices were mailed to those property owners in the notification buffer area. A community meeting was held on February 3, 2020, at Timber Creek High School, and is summarized on page 3 of this report.

**IMPACT ANALYSIS**

**Special Information**

The Eastwood (FKA Deer Run South) PD was originally approved on November 24, 1986. The PD covered 644 acres and included entitlements for single-family residential, multi-family residential, and commercial uses, as well as a golf course. Following an expansion to the PD in 1993, the current entitlement program includes 2,320 residential dwelling units and 100,000 square feet of retail commercial uses.

To date, 2,016 single-family residential lots have been platted and developed within the Eastwood PD. Through this PD substantial change, the applicant is seeking to create Phase 3 of the PD; to change the designation of the lands within the proposed Phase 3

from golf course, clubhouse, and practice range, to single-family; to add access arrows to the proposed Phase 3 area; and to assign the 304 residential units remaining with the PD to the proposed Phase 3 area.

**Land Use Compatibility**

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

**Comprehensive Plan (CP) Consistency**

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Density Residential (LDR). The Eastwood PD was approved in 1986 and includes a mixture of single-family, multi-family, and commercial uses. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

**Overlay Ordinance**

The subject property is not located within an Overlay District.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Environmental**

This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations may apply per Orange County Code Chapter 15 Article XI. The applicant may submit a request in writing to the Orange County Environmental Protection Division (EPD), Environmental Permitting Section, for a determination of applicability of these regulations per Section 15-440.

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

This project site has a prior land use that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions.

**Transportation Concurrency**

This development is vested from transportation concurrency under vested rights certificate 92-344. A copy of this certificate is required with application for a building permit.

**Community Meeting Summary**

A community meeting was held on February 3, 2020, at Timber Creek High School and was attended by approximately 1,000 area residents. The result of that meeting was negative with residents expressing numerous concerns. Issues identified at the community meeting include: school capacity; safety concerns due to not enough deputies available to monitor the area; that the PD was originally approved in 1986 and the standards being used by the County are old; disagreement on whether remaining PD entitlements should still be valid if approved in 1993; concerns about access points and increased traffic flow onto Golfway Boulevard, and concerns about existing failing road conditions; flooding issues with proposed development in the 100 year floodplain; maintenance and upkeep problems with the golf course if it's closed; CC&R's are not being honored; concerns about the provision and maintenance of open space and recreation facilities; impacts to wildlife/environmental impacts; and pedestrian safety due to high traffic.

**Schools**

OCPS issued School Capacity Determination approval letter #OC-19-060 which indicates that Orange County has determined that all 304 proposed single-family units are vested from Capacity Enhancement as a result of an approved Land Use Plan dated July 29, 1993, and a subsequent zoning verification letter dated August 6, 2013. This Capacity Determination expires on February 22, 2021. This request must be approved by the BCC prior to this expiration.

**Parks and Recreation**

Orange County Parks and Recreation staff reviewed the Change Determination Request but did not identify any issues or concerns.

**Specific Project Expenditure Report and Relationship Disclosure Forms**

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

**ACTION REQUESTED**

**Development Review Committee (DRC) Recommendation – (July 8, 2020)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Eastwood Planned Development / Land Use Plan (PD/LUP), dated "July 6, 2020", subject to the following conditions:**

1. Development shall conform to the Eastwood Planned Development (PD) dated "Received July 6, 2020," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any

applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received July 6, 2020," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
  
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
  
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
  
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing

facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
7. 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).
8. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
9. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
10. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
11. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
12. 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. The MUP must be approved prior to Construction Plan approval.



13. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
14. Outside sales, storage, and display shall be prohibited.
15. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
16. County's approval of this Planned Development, or amendment thereto, shall not be construed as a warrant by the County that the applicant has all necessary property rights, and/or riparian rights, as applicable, to develop the subject property consistent with the County's approval, and does not constitute permission to interfere with another property owner's property rights and/or riparian rights, as applicable, and, accordingly, the County's approval is based on the developer having the property rights, and/or riparian rights, as applicable, to develop the subject property consistent with such approval.
17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 7, 1997 shall apply:
  - a. Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board approved the request by Thomas Warlick, Eastwood Planned Development (formerly Deer Run South Planned Development), to change Board of County Commissioners' Condition 4 as recorded in the minutes of April 13, 1987, page 304, which states that the required roadway improvements are to be completed prior to reaching 777 lots; which constitutes a substantial change to the development on the above-described property; further, approved the Developer's Agreement; and further, made a finding of consistency with the Comprehensive Policy Plan.
18. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 1, 1997 shall apply:
  - a. Dual access to the site shall be provided (one access onto Woodbury Road and one access onto Woodbury Pines Circle).
19. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 8, 1993 shall apply:
  - a. All conservation areas must be owned and maintained by the homeowners' association with development rights dedicated to Orange County.
  - b. Access to Parcels 12A and 12B shall be separate subject to county engineer's approval.
  - c. Parcel 10, designated for commercial use and located at the intersection of Alafaya Trail and Golfway Boulevard, will be reduced in size from 14.65



acres to 10 acres. The allowable commercial square footage for this parcel will be reduced from 150,282 square feet to 100,000 square feet.

- d. Parcel 12B shall be designated for single-family use, rather than for multi-use, 4.65 acres will be added to Parcel 12B to create a single-family parcel that is 12.2 acres with a total maximum of 66 single family dwelling units. Lots in this parcel shall be no less than 50 feet in width and will be developed in a manner similar to the Stonebridge Subdivision.
- e. Provide a 90 foot setback along the north property line for Parcel 12A (park site) for all active recreation areas, i.e., volleyball court, tennis courts, baseball field, tot lots, etc. Lighting of the facilities to accommodate nighttime use of the active recreation facility shall not be permitted.
- f. Provide a three to four-foot berm along the north property line of Parcel 12A. The berm shall be heavily landscaped as approved by the Planning Department. The landscaping shall include a minimum of four live oak trees each with a minimum four-inch caliper measured three foot from the surface per each abutting lot along the north boundary of the park and a continuous minimum four-foot hedge at the time of planting along the northern boundary.
- g. To eliminate standing water between the berm and the lots on the north line of Parcel 12A, regrading of the berm is required to provide positive flow to discharge stormwater as approved by the County engineer.
- h. Hedges, a minimum of six feet in height at the time of planting, shall be provided along the rear of the racquetball courts wall (Parcel 12A).

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (October 7, 1997)**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried by all members present voting AYE by vice vote, the Board approved the request to change Board of County Commissioners' Condition 4 as recorded in the minutes of April 13, 1987, page 304, which states that the required road improvements are to be completed prior to reaching 777 lots.

CDR-19-06-188



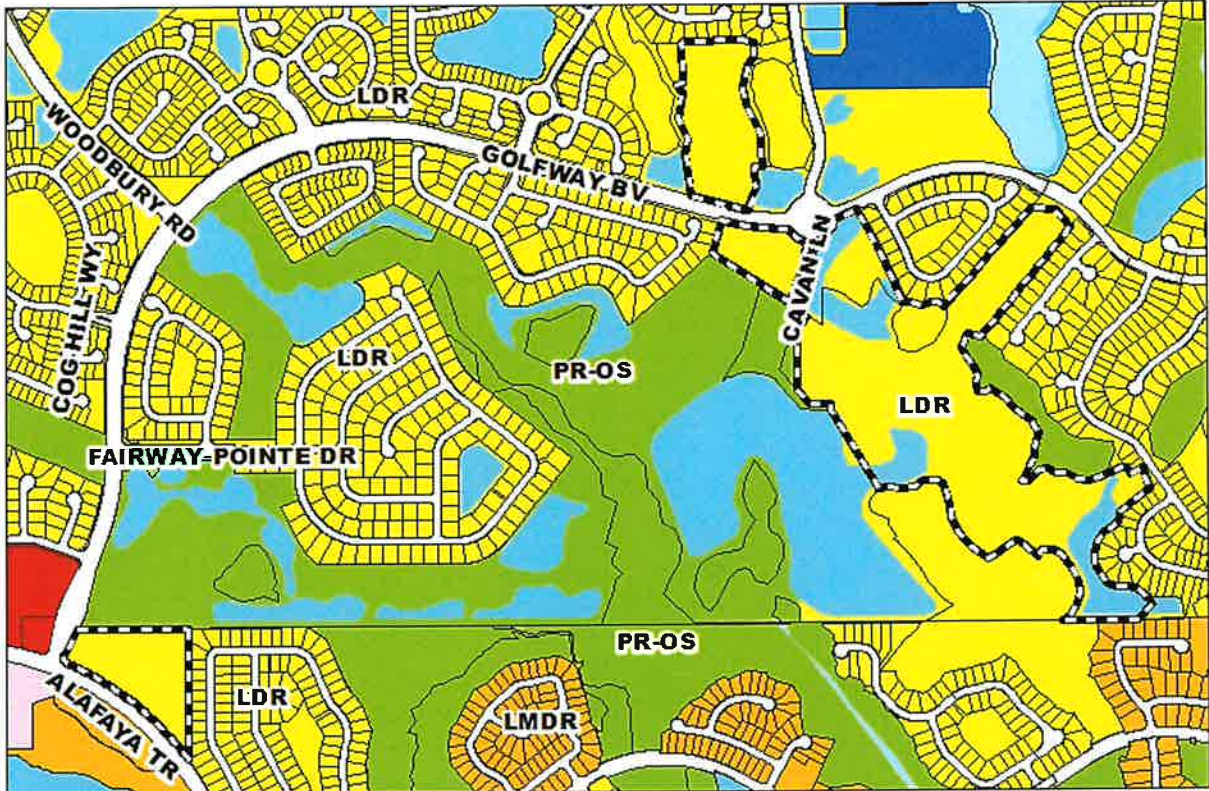
 Subject Property



1 inch = 1,000 feet



CDR-19-06-188



Subject Property

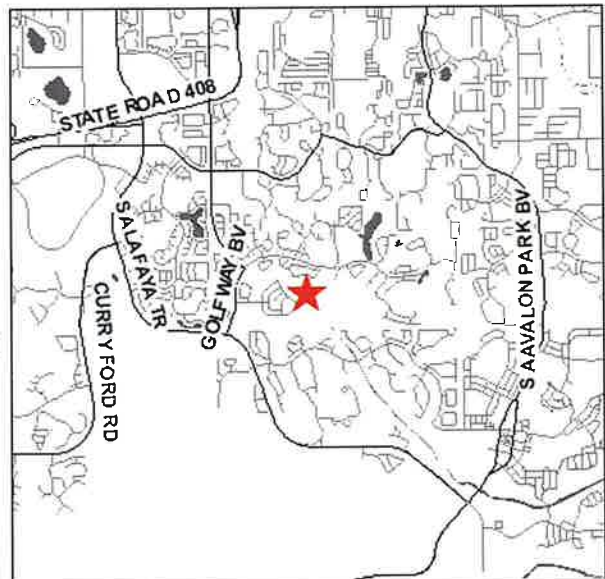


Subject Property

**Future Land Use Map**

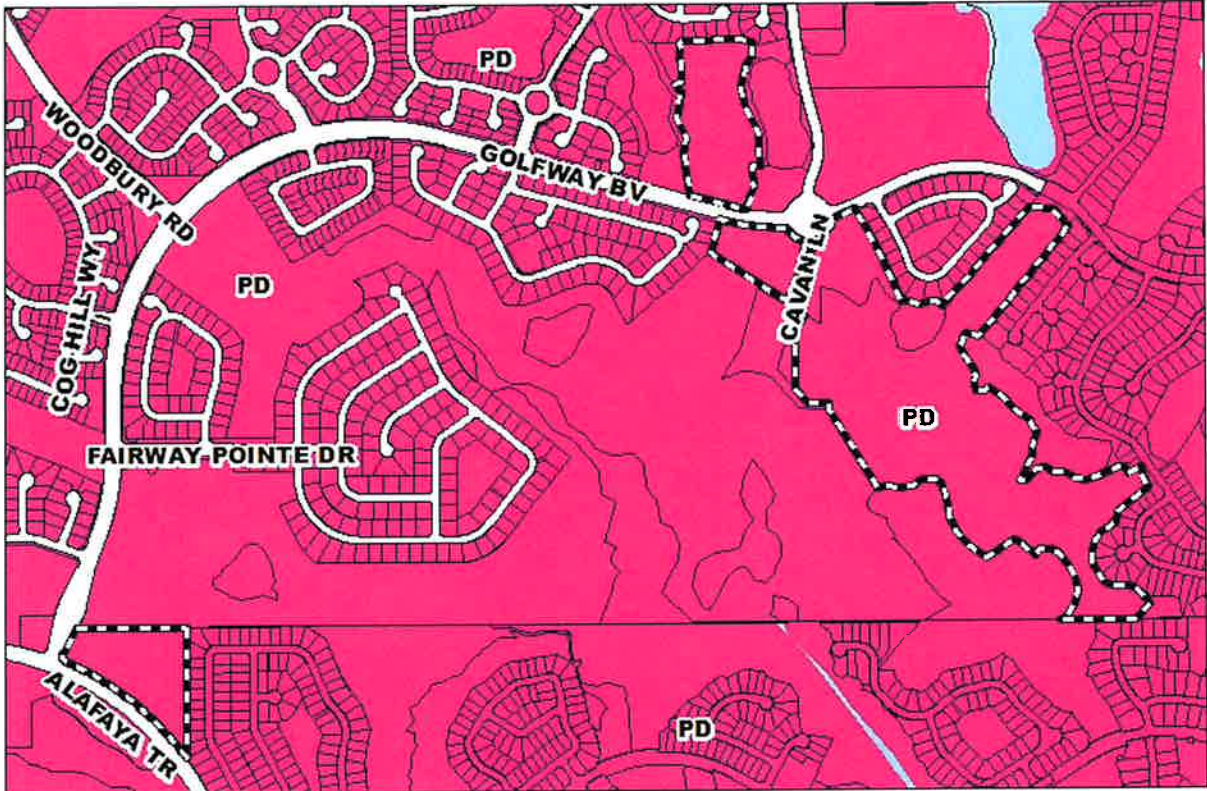
FLUM: Low Density Residential (LDR)  
 APPLICANT: Jim Hall, Hall Development Services, Inc.  
 LOCATION: Generally north and south of Golfway Boulevard, east of S. Alafaya Trail.  
 TRACT SIZE: 1,199.77 gross acres (overall PD)  
 72.50 gross acres (affected parcels only)  
 DISTRICT: # 4  
 S/T/R: 35/22/31 & 36/22/31

1 inch = 975 feet





CDR-19-06-188

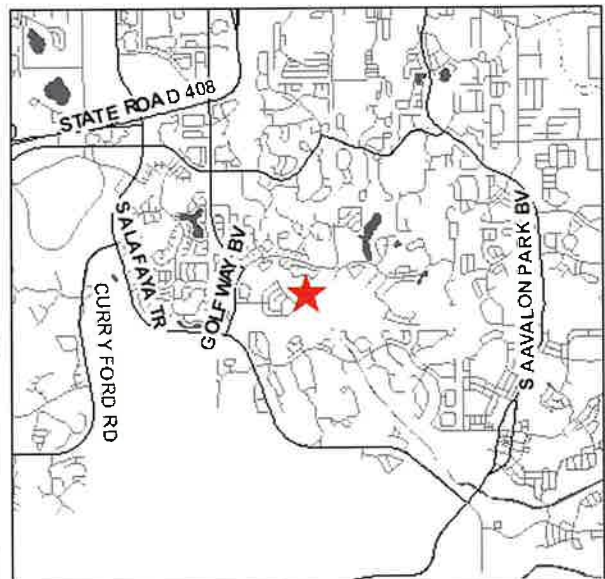


 Subject Property



 Subject Property

Zoning Map	
ZONING:	PD (Planned Development District)
APPLICANT:	Jim Hall, Hall Development Services, Inc.
LOCATION:	Generally north and south of Golfway Boulevard, east of S. Alafaya Trail.
TRACT SIZE:	1,199.77 gross acres (overall PD) 72.50 gross acres (affected parcels only)
DISTRICT:	# 4
S/T/R:	35/22/31 & 36/22/31
1 inch = 975 feet	



# Eastwood PD / LUP (Cover Sheet)

## Land Use Plan

Issued for Orange County  
 Date Issued July 15, 2019  
 Latest Issued JULY 07, 2020

**Applicant:**  
 Jim Hall, AICP, BIA  
 Hall Development Services, Inc.  
 1302 Osprey Avenue  
 Orlando, Florida  
 32803

**Owner:**  
 Eastwood Golf Club LLC  
 542 Harvest Ln  
 Mechanicsburg, PA  
 17055-4487

**Legal:**  
 Hal Kantor, Esquire  
 Lowndes Drososick Doster Kantor and  
 Reed  
 215 N Eola Drive  
 Orlando, FL  
 32801

### SHEET INDEX

SHEET #	TITLE
01	COVER SHEET
02	EXISTING CONDITIONS NOTES & WAIVERS; LAND USE PLAN
03	REVISED 07.20.1993 LAND USE PLAN
04	REVISED 01.06.1994 LAND USE PLAN
05	PARKS MASTER PLAN
06	CONDITIONS OF APPROVAL
07	LAND TITLE SURVEY
08	LAND TITLE SURVEY
09	LAND TITLE SURVEY
10	LAND TITLE SURVEY
11	LAND TITLE SURVEY
12	LAND TITLE SURVEY
13	LAND TITLE SURVEY
14	LAND TITLE SURVEY
15	LAND TITLE SURVEY

## EASTWOOD PD Orange County, FL

CDR-19-06-188  
 Parcel ID: 35-22-31-1993-00-007; 35-22-31-1993-04-001;  
 35-22-31-1993-05-000; 36-22-31-0000-00-029

**LEGAL DESCRIPTION:**  
 All of Section 35, Township 22 South, Range 31 East, Orange County, Florida, less the East 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 35  
 Together with  
 That part of the WES 1,468.00 feet of the Northwest 1/4 of Section 2, Township 22 South, Range 31 East, Orange County, Florida, Lying North of the right-of-way for Allaliga Trail Extension as recorded in Official Records Book 3411, Page 1102 of Public Records of Orange County, Florida.  
 Together with  
 All of Section 36, Township 22 South, Range 31 East, Orange County, Florida, less the Northeast 1/4 of the Northwest 1/4, and less the Northwest 1/4 of the Northeast 1/4, both of said Section 36  
 Site Acreage: 1195.77 Acres

**REQUEST:**  
 To utilize existing single family entitlements on land designated LDR within the PD



LOCATION MAP

**Hall Development Services Inc.**  
 1302 Osprey Avenue Orlando, FL 32803  
 Ph: (407) 257-9235  
 www.hallsi.com  
 Planning, Real Estate, and Entitlement Strategies

**LIBRA**  
 CONSULTANTS  
 P.O. Box 57385, Orlando, FL 32857-0385  
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 By: BCC Office at 10:34 am, Jul 06, 2020





# Notification Map

\\ocsysgmdepthBusiness Systems\Board Administrations\SUBSTANTIAL CHANGE\2020\DRC\Eastwood PD-LUP\_CDR-19-05-144\CDR-19-0

