



# Orange County Government

Orange County  
Administration Center  
201 S Rosalind Ave.  
Orlando, FL 32802-1393

## Decision Letter

### Board of County Commissioners

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Tuesday, March 10, 2020

2:00 PM

County Commission Chambers

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20-222

Rezoning

Kathy Hattaway, Poulos & Bennett, LLC, Horizon West - Village I - Cross  
Planned Development, Case # LUP-18-12-410; District 1

**Consideration:** A request to rezone 186.90 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct 385 attached and detached single-family dwelling units. In addition, the applicant has requested the following waivers from Orange County Code: 1. A waiver from Section 34-152(c) to allow lots to front a mews, park, open space, etc. and have access via a tract or easement, in lieu of the requirement that each lot shall have a minimum access width of twenty (20) feet to a dedicated public paved street. 2. A waiver from Section 38-1382(h)(4) to allow alleys to be designed as a tract, in lieu of the requirement that they shall be designed as a private easement. 3. A waiver from Section 38-1384(g)(1) to allow garage access to be setback from an alley tract, in lieu of an easement. 4. A waiver from Section 38-1384(g)(2) to allow detached garages without access to a rear alley tract, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot, in lieu of detached garages without access to a rear alley easement, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot. 5. A waiver from Section 38-1384(i)(2) to allow vehicular access to garages or other off-street parking to be from a rear alley tract, in lieu of an easement. 6. A waiver from Orange County Code Section 30-551 to allow the project to obtain a CEL upon the project becoming subject to the Village I Road Network Agreement, provided that all other requirements for obtaining a CEL have been met by the applicant. The foregoing is in lieu of allowing the project to obtain a CEL prior to the issuance of trips for the project under the Village I Road Network Agreement. 7. A waiver from Orange County Code Section 38-1384(i)(3), to allow lots on the western side of the north/south APF road to access garages and off-street parking surfaces from the APF road, in lieu of the requirement that vehicular access to garages and off-street parking surfaces on all lots facing the primary side of an APF road shall be provided from a rear alley or easement; pursuant to Orange County Code, Chapter 30.

**Location:** District 1; property generally located north of Flemings Rd. / south of Water Spring Blvd. / east of Lake County Line / west of Avalon Rd.; Orange County, Florida (legal property description on file in Planning Division)

Modify Condition of Approval #6:

6. Pursuant to the BCC's acceptance of the Village I Term Sheet on November 13, 2018, this project shall comply with the terms and conditions of the Village I Road Network Agreement recorded at Doc# 20200109451, Public Records of Orange County, Florida, as may be amended from time to time.

New Condition of Approval #21:

21. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter in accordance with Section 12.1 of the Village I Road Network Agreement recorded at Doc# 20200109451, Public Records of Orange County, Florida, as may be amended from time to time, and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

Renumber existing Condition of Approval #21 to Condition of Approval #22.

Delete Condition of Approval #21.f.:

~~21.f. A waiver from Orange County Code Section 30-551 to allow the project to obtain a CEL upon the project becoming subject to the Village I Road Network Agreement, provided that all other requirements for obtaining a CEL have been met by the applicant. The foregoing is in lieu of allowing the project to obtain a CEL prior to the issuance of trips for the project under the Village I Road Network Agreement.~~

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, approve the rezoning request from A-1 (Citrus Rural District) and A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 385 attached and detached single-family dwelling units, subject to the conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report, as amended; further, modify Condition of Approval #6; further, approve new Condition of Approval #21; further, delete Condition of Approval #21.f.; and further, approve the Adequate Public Facilities Agreement for Horizon West Village I - Cross PD by and between Spring Grove LLC and Orange County. The motion carried by the following vote:

**Aye:** 7 – Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commission Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin



THE FOREGOING DECISION HAS BEEN  
FILED WITH ME THIS 17TH DAY OF MARCH  
2020.

for Jessica Vaughn  
DEPUTY CLERK  
BOARD OF COUNTY COMMISSIONERS  
ORANGE COUNTY, FLORIDA

*Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.*

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