



Orange County Government

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

Decision Letter

Board of County Commissioners

Tuesday, March 10, 2020

2:00 PM

County Commission Chambers

20-220

Rezoning

Kathy Hattaway, Poulos & Bennett, LLC, Horizon West - Village I - Serenade at Ovation Planned Development, Case # LUP-18-10-354; District 1

Consideration: A request to rezone 155.4 gross acres from A-1 (Citrus Rural District), A-2 (Farmland Rural District), and PD (Planned Development District) to PD (Planned Development District) and transfer 1.44 acres from the Spring Grove - Jaffers PD into this PD for a total of 156.84 acres, in order to construct 291 attached and detached residential 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; pursuant to Orange County Code, Chapter 30.

Location: District 1; property generally located south of Flemings Road / west of Avalon Road; Orange County, Florida (legal property description on file in Planning Division)

Modify Condition of Approval #6:

6. 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.

Modify Condition of Approval #7:

7. 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.

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 Moore, 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) to construct 291 attached and detached residential dwelling units, subject to the conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report, as amended; further, modify Conditions of Approval #6 and #7; further, delete Condition of Approval #21.f.; and further, approve the Adequate Public Facilities Agreement for Horizon West Village I Serenade at Ovation PD by and between Spring Grove LLC, BB Groves LLC, and Orange County. The motion carried by the following vote:

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



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

for Justicia Vaupol
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.

cas