




Interoffice Memorandum

DATE: July 18, 2022

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

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

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

SUBJECT: July 26, 2022 – Public Hearing
Lance Bennett, Poulos and Bennett
Lake Dennis Planned Development
Case # LUP-21-10-325 / District 1
(Related to APF-22-02-052 – Consent Item)

The Lake Dennis Planned Development (PD) is generally located west of Avalon Road (C.R. 545) on the border with Lake County in Horizon West Village I. The applicant is seeking to rezone 45.17 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 95 single-family detached dwelling units.

The applicant is also requesting five waivers from Orange County Code to allow a decrease in minimum access width, allow alleys as private easements, allow garage access to be set back from an alley tract, allow detached garages without access to a rear alley tract to have reduced side and rear setbacks, and to permit vehicular access to garages and other off-street parking from a rear alley tract. This request is associated with an Adequate Public Facilities Agreement (APF) to transfer 2.58 APF credits from the Withers PD to cover the APF deficit.

On June 16, 2022, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was not required for this application.

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 Lake Dennis Planned Development / Land Use Plan (PD/LUP) dated “Received April 28, 2022”, subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1

Attachments
JWW/NT/JHS

GENERAL INFORMATION

APPLICANT Lance Bennett, Poulos and Bennett, LLC
OWNER Holly Equine, LLC
PROJECT NAME Lake Dennis Land Use Plan
HEARING TYPE Planned Development / Land Use Plan (PD / LUP)
REQUEST **A-2** (Farmland Rural District) **to**
PD (Planned Development District)

A request to rezone one (1) parcel containing 45.17 gross acres from A-2 to PD, in order to construct 95 detached dwelling units. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 34-152(c) is requested, for Parcel 23, 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.

Applicant Justification: *Orange County Code Section 38-1382(h)(6) provides for the incorporation of mews in project design where residential units have only rear access. Legal access to these lots will be through an ingress/egress tract shown on the plat.*

2. A waiver from Section 38-1382(h)(4) is requested, to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement.

Applicant Justification: *The alleys are to be owned and maintained by the Home Owners Association. Placing them in a fee simple tract without underlying individual ownership allows for a clearer separation of ownership and maintenance responsibilities.*

3. A waiver from Section 38-1384(g)(1) is requested to allow garage access to be setback from an alley tract in lieu of an easement.

Applicant Justification: *The alleys are to be owned and maintained by the Home Owners Association. Placing them in a fee simple tract without underlying individual ownership allows for a clearer separation of ownership and maintenance responsibilities.*

4. A waiver from Section 38-1384(g)(2) is requested 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.

Applicant Justification: *The alleys are to be owned and maintained by the Home Owners Association. Placing them in a fee simple tract without underlying individual ownership allows for a clearer separation of ownership and maintenance responsibilities.*

5. A waiver from Section 38-1384(i)(2) is requested, for Parcel 23, to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.

Applicant Justification: *The alleys are to be owned and maintained by the Home Owners Association. Placing them in a fee simple tract without underlying individual ownership allows for a clearer separation of ownership and maintenance responsibilities.*

LOCATION	Generally located northwest of Lake Star Road, to the north and west of Horizon West – Village I – Cross PD, and south of the Waterleigh PD.
PARCEL ID NUMBER	18-24-27-0000-00-002
TRACT SIZE	45.17 gross acres 18.69 net developable acres

PUBLIC NOTIFICATION The notification area for this public hearing was 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Thirteen (13) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.

PROPOSED USE 95 Single-Family Detached Dwelling Units

STAFF RECOMMENDATION

Development Review Committee – (April 27, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Lake Dennis Planned Development / Land Use Plan (PD/LUP), dated “Received April 28, 2022”, subject to the following conditions:

1. Development shall conform to the Lake Dennis Land Use Plan (LUP) dated "Received April 28, 2022," 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 April 28, 2022," 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, 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 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 Lake Fact Sheet for Lake Walker must be submitted to Orange County Stormwater for review prior to PSP/DP plan approval and must be published prior to the first plat associated with this PD.
7. 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.

8. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
9. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
10. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
11. 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).
12. The project shall comply with the terms and conditions of that certain Village I Horizon West Road Network Agreement (C.R. 545, a/k/a Avalon Road, and Flemings Road) approved on January 28, 2020, and recorded at Document Number 20200109451 in the Public Records of Orange County, Florida, as may be amended.
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. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
15. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
16. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved and up-to-date MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.

17. 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.
18. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
19. Prior to construction plan approval, all property owners within the Village I, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
20. A 5-year interim Master Utility Plan (MUP) for Village I must be approved prior to Construction Plan approval within this PD.
21. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
22. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
23. A geotechnical report for the round area denoted as W-2 shall be provided with the Preliminary Subdivision Plan submittal.
24. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 34-152(c) is requested, for Parcel 23, 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.
 - b. A waiver from Section 38-1382(h)(4) is requested, to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement.
 - c. A waiver from Section 38-1384(g)(1) is requested to allow garage access to be setback from an alley tract in lieu of an easement.

- d. A waiver from Section 38-1384(g)(2) is requested 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.

- e. A waiver from Section 38-1384(i)(2) is requested, for Parcel 23, to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.

IMPACT ANALYSIS

Overview

The applicant is seeking to rezone the subject parcels from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 95 single-family detached dwelling units. The request also includes five (5) waivers from County Code to allow a decrease in minimum access width, permitting alleys as private easements, permitting garage access to be setback from an alley tract, allowing detached garages without access to a rear alley tract to be permitted reduced side and rear setbacks, and to permit vehicular access to garages and other off-street parking from a rear alley tract.

The subject property is 18.66 net developable acres and the Garden Home Mixed Use District requires a density of four (4) dwelling units per net developable acre. Therefore, the required residential yield is 74 dwelling units. The applicant is proposing to use 21 Transfer of Development Rights (TDR) credits for an internal transfer within the PD, increasing the development program to the proposed 95 dwelling units. The TDR agreement was approved by staff and recorded.

There are 2.57 acres of Adequate Public Facilities (APF) lands required with this application. No APF lands are being dedicated within this PD, leaving a -2.57 acre APF deficit. To cover this deficit, 2.57 acres of APF credits are being transferred to this PD from the Wither PD. The APF Agreement (APF-22-02-052) is running concurrently to the BCC with this request.

Land Use Compatibility

The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V), indicating that it is within the Horizon West Special Planning Area. More specifically, the subject property is located within Horizon West Village I and is currently proposed as Garden Home Mixed Use on the Village I Special Planning Area map, which allows for a required density of four (4) dwelling units per net developable acre.

The proposed use is consistent with the underlying Village FLUM designation and applicable CP provisions, which include (but are not limited to) the following goals, objectives and policies:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

GOAL FLU4 (Horizon West) states that it is Orange County's goal to ensure sustainable, quality development in Southwest Orange County to allow a transition from rural to urban uses while protecting environmental quality.

OBJ FLU4.1 states that Orange County shall use a Village Land Use Classification to realize the long range planning vision for West Orange County created through the Horizon West planning process. The Village land use classification has been designed to address the need to overcome the problems associated with and provide a meaningful alternative to the leap-frog pattern of sprawl now occurring in western Orange and eastern Lake County; create a better jobs/housing balance between the large concentration of employment in the tourism industry and the surrounding land uses; create a land use pattern that will reduce reliance on the automobile by allowing a greater variety of land uses closer to work and home; and, replace piecemeal planning that reacts to development on a project by project basis with a long range vision that uses the Village as the building block to allow the transition of this portion of Orange County from rural to urban use through a specific planning process that uses a creative design approach to address regional, environmental, transportation, and housing issues.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.

FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

Community Meeting Summary

A community meeting was not required for this application.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: PD (Planned Development District) (2013)
	E: PD (Planned Development District) (2020)
	W: Lake County
	S: PD (Planned Development District) (2013)
Adjacent Land Uses	N: Vacant Parcel
	E: Vacant Parcel
	W: Vacant Parcel
	S: Vacant Parcel

APPLICABLE PD DEVELOPMENT STANDARDS

Unless expressly waived by the Board of County Commissioners, development shall comply with all standards found in Section 38-1385.8. (Garden Home Mixed Use District) of the Village Planned Development Code.

SPECIAL INFORMATION

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.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Environmental

An Orange County Conservation Area Determination, CAD-21-10-231, was issued on March 10, 2022.

No Clearing - No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a wetland impact permit approved by the county and obtaining other applicable jurisdictional agency permits. Reference Orange County code 15-376.

Habitat- 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).

Transportation / Concurrency

The Board of County Commissioners approved of the Village I Horizon West Road Network Agreement C.R. 545 Avalon Road and Flemings Road ("Agreement") on January 28, 2020. Concurrency Vesting shall be provided based on achieved thresholds of construction of the road improvements. Conveyance shall be by general warranty deed (either in fee simple for road right-of-way or perpetual easement for shared use stormwater ponds), upon completion and approval by County of the DE&P for any segments of Improvements. The Owner will receive Road Impact Fee Credits in Road Impact Fee Zone 4 for right-of-way conveyances. In addition, the owners will require cash reimbursement for right-of-way beyond the original 70-foot APF right-of-way anticipated for Flemings Road. An appraisal was performed to determine the fair market value for the cash reimbursement. The Agreement anticipates a cost contribution in the amount of \$31,707,134.00 as identified on Exhibit A-3 within the Agreement. The proposed improvements to C.R. 545 (Avalon Road) and Flemings Road will provide an equivalent value of infrastructure to Orange County.

Based on the Concurrency Management database (CMS) dated 11/1/2021, there is a failing roadway segment within the project's impact area along Avalon Road, from US 192 to Hartzog Road. This information is dated and subject to change.

Trips shall be obtained through the Village I Road Network Agreement Escrow Agent prior to plat approval.

Existing/Valid transportation capacity entitlements not found. Assignment of Vested Trips will be required from the Village Escrow Agent. Applicant to submit a Horizon West Plat Verification Form to the Concurrency Management Office in order to verify Transportation Entitlements under the Village I Road Network Agreement and a copy of the assignment of vested trips. Please Be Aware: if development is not entitled to vested trips then transportation capacity must be encumbered via a Capacity Encumbrance Letter (CEL) Application. INFORMATION: This development will require School Concurrency via a Capacity Encumbrance Letter (CEL) Application. Additional Information: Encumbered school and transportation capacity must be reserved (aka prepay school and transportation reservation fees) by the CEL expiration date or prior to platting.

Water / Wastewater / Reclaim

Water:	<u>Existing service or provider</u> Orange County Utilities
Wastewater:	Orange County Utilities
Reclaimed:	Orange County Utilities

Schools

Orange County Public Schools (OCPS) reviewed this request and determined there is capacity available for the development.

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.

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested PD (Planned Development District) zoning, subject to twenty-four (24) conditions.

Staff indicated that thirteen (13) notices were sent to an area extending beyond 1,500 feet from the subject property, with zero (0) responses in favor and zero (0) in opposition received. The applicant was present and agreed with the staff recommendation.

A motion was made by Commissioner Trevor Sorbo to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the Lake Dennis Planned Development / Land Use Plan (PD/LUP) dated "Received April 28, 2022", subject to the twenty-four (24) conditions listed in the staff report. Commissioner Wiggins seconded the motion, which was then carried on a 4-0 vote, with Commissioner Abdallah abstaining due to a conflict of interest.

Motion / Second	<i>Trevor Sorbo / George Wiggins</i>
Voting in Favor	<i>Trevor Sorbo, George Wiggins, Evelyn Cardenas, and Gordon Spears</i>
Voting in Opposition	<i>None</i>
Absent	<i>Jaja Wade, Eddie Fernandez, Nelson Pena, Walter Pavon</i>
Abstaining	<i>Mohammed Abdallah</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (June 16, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Lake Dennis Planned Development / Land Use Plan (PD/LUP), dated "Received April 28, 2022", subject to the following conditions:

1. Development shall conform to the Lake Dennis Land Use Plan (LUP) dated "Received April 28, 2022," 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 April 28, 2022," 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, 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 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 Lake Fact Sheet for Lake Walker must be submitted to Orange County Stormwater for review prior to PSP/DP plan approval and must be published prior to the first plat associated with this PD.
7. 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.
8. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
9. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.

10. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
11. 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).
12. The project shall comply with the terms and conditions of that certain Village I Horizon West Road Network Agreement (C.R. 545, a/k/a Avalon Road, and Flemings Road) approved on January 28, 2020, and recorded at Document Number 20200109451 in the Public Records of Orange County, Florida, as may be amended.
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. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
15. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
16. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved and up-to-date MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
17. 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.
18. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).

19. Prior to construction plan approval, all property owners within the Village I, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
20. A 5-year interim Master Utility Plan (MUP) for Village I must be approved prior to Construction Plan approval within this PD.
21. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
22. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
23. A geotechnical report for the round area denoted as W-2 shall be provided with the Preliminary Subdivision Plan submittal.
24. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 34-152(c) is requested, for Parcel 23, 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.
 - b. A waiver from Section 38-1382(h)(4) is requested, to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement.
 - c. A waiver from Section 38-1384(g)(1) is requested to allow garage access to be setback from an alley tract in lieu of an easement.
 - d. A waiver from Section 38-1384(g)(2) is requested 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.

- e. A waiver from Section 38-1384(i)(2) is requested, for Parcel 23, to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.

LUP-21-10-325



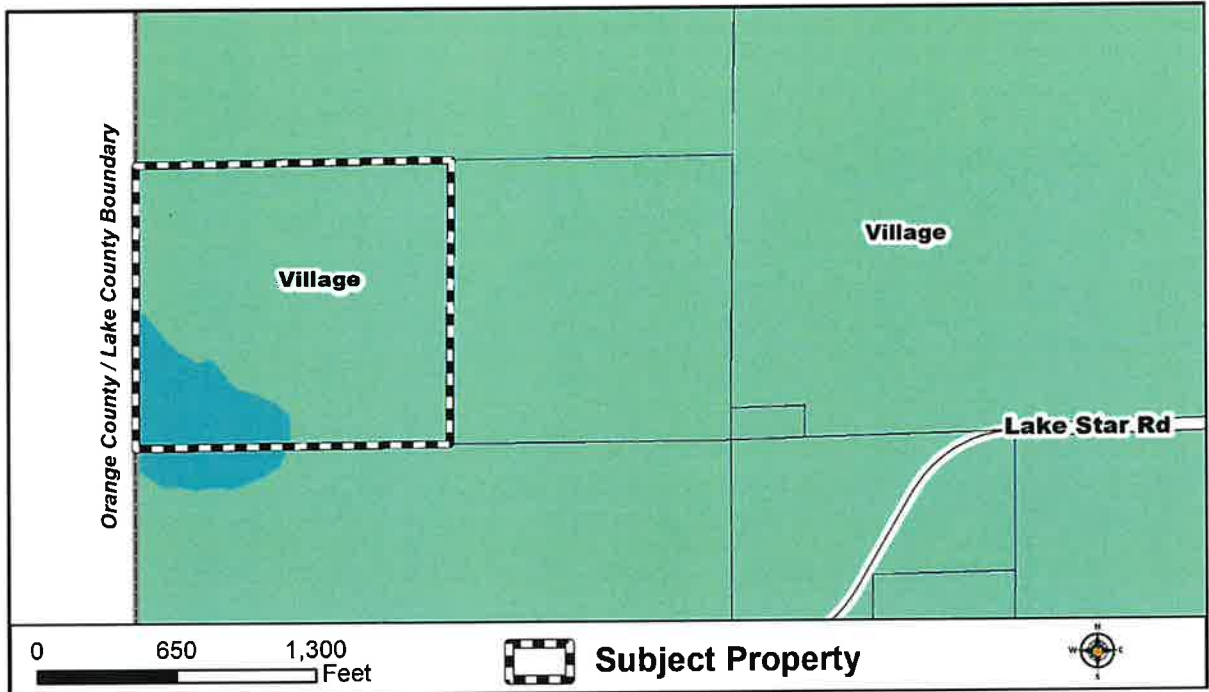
 Subject Property



1 inch = 800 feet

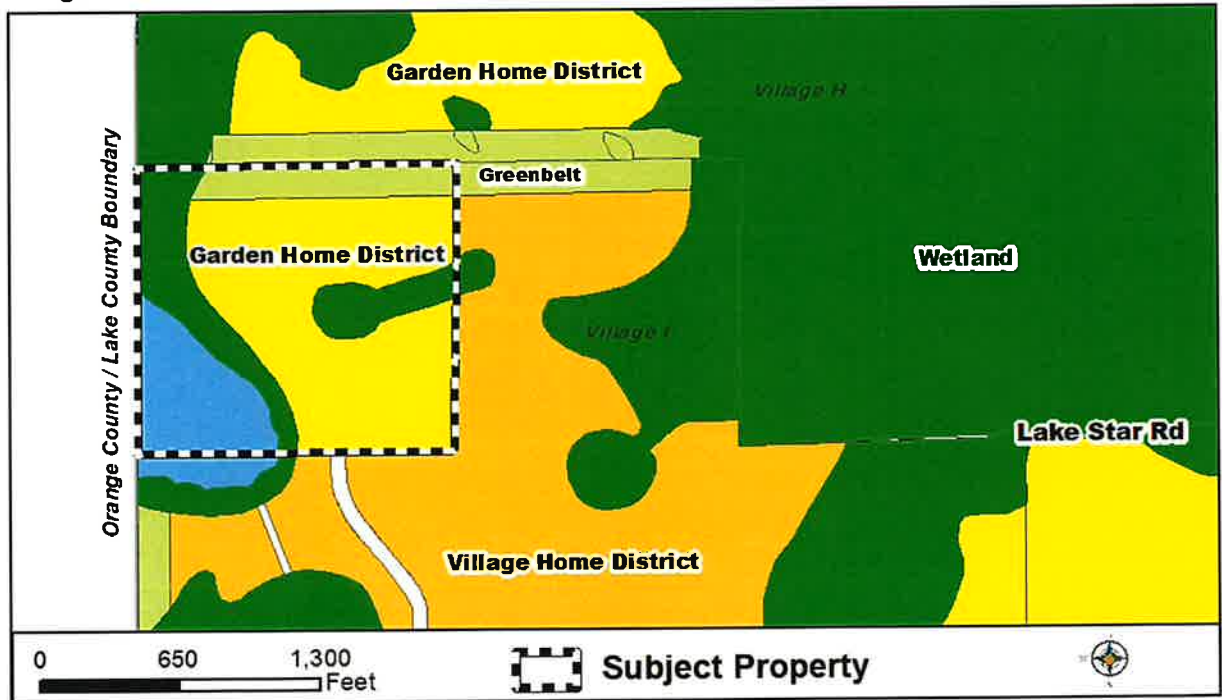
FUTURE LAND USE - CURRENT

Village

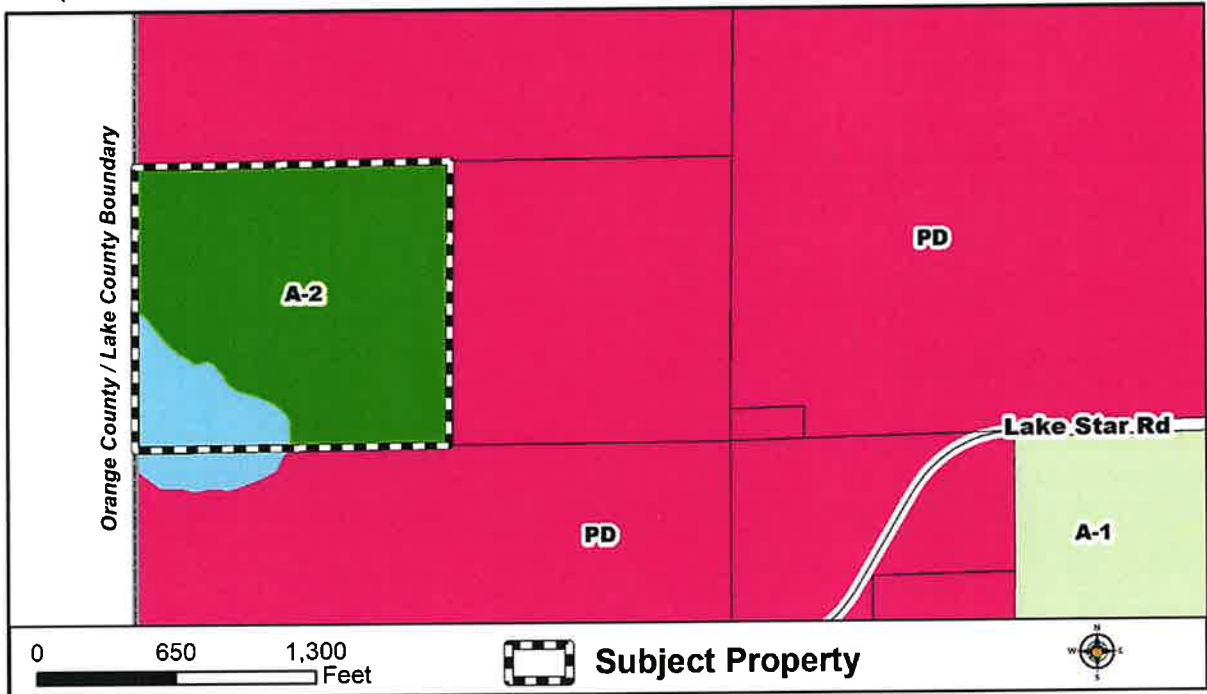


HORIZON WEST SPECIAL PLANNING AREA MAP

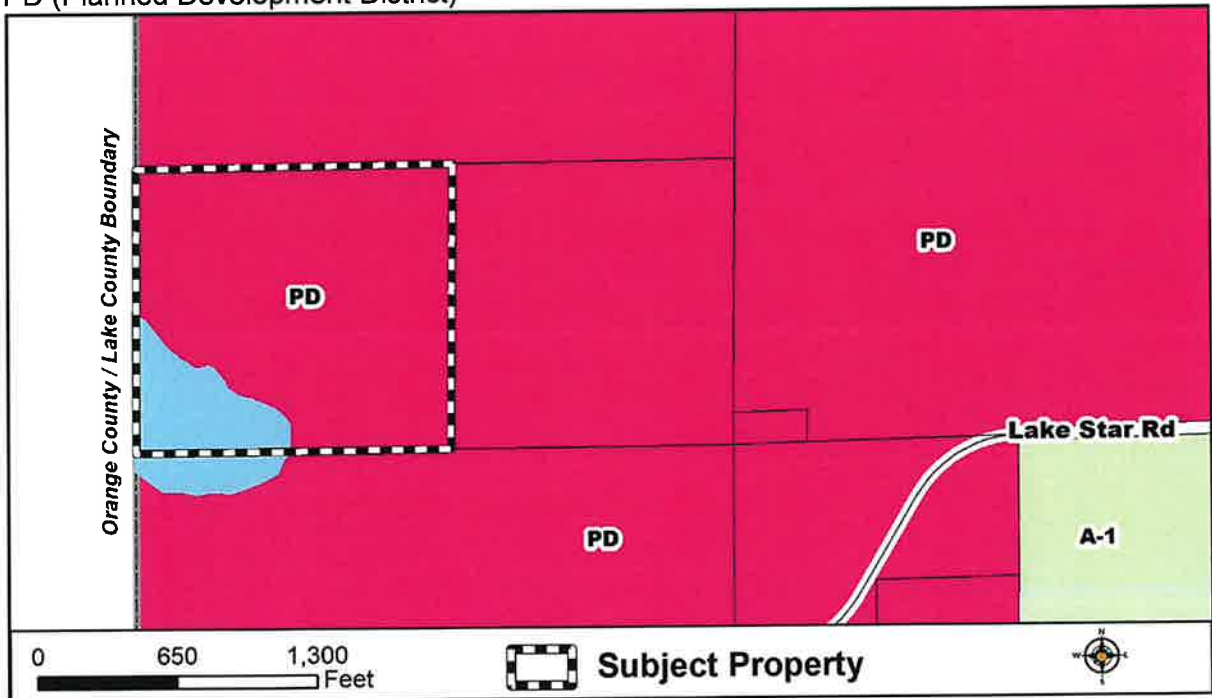
Village I - Garden Home District



ZONING – CURRENT
A-2 (Farmland Rural District)



ZONING – PROPOSED
PD (Planned Development District)



Lake Dennis PD / LUP (Cover Sheet)

Planned Development Land Use Plan
 for
Horizon West - Village I
Lake Dennis PD LUP-21-10-325
 Orange County, FL

Parcel Id. No.:
 18-24-27-0000-00-002

Legal Description:
 The Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4)
 of Section 18, Township 29 S, Range 27 E, East, Orange County,
 containing 40.17 acres, more or less.

Sheet Id.	Sheet Title	Subm. / Rev.
C100	Existing Conditions	1
C210	Land Use Plan	1
C210	Land Use Table	1
C310	API & TDR	1
C310	API & TDR	1

Allegations:
 ALTA/NSPS Land Title Survey

Item	Description
1	11/02/2021 Submittal to Orange County
2	12/20/2021 Re-submit to Orange County
3	01/22/2022 Re-submit to Orange County
4	08/07/2022 Re-submit to Orange County
5	08/23/2022 Re-submit to Orange County

Agent:
 Poulos & Bennett, LLC
 2692 E. Livingston St.
 Orlando, FL 32803
 407.487.2594

Owner/Applicant:
 Holly Equine, LLC
 3879 Maple Ave #200
 Dallas, Texas 75209



Vicinity Map
 7/26/2022

Engineering:
 Bio-Tech Consulting, Inc.
 2006 East South St
 Orlando, FL 32803
 407.894.2692

City Engineer:
 Poulos & Bennett, LLC
 2692 East Livingston St.
 Orlando, FL 32803
 407.487.2594

Surveyor:
 Gunnung Bellum & Associates
 1274 E. Williams Street
 Orlando, FL 32803
 407.941.6525

Graphic Artist/Engineer:
 Poulos & Bennett, LLC
 2692 East Livingston St.
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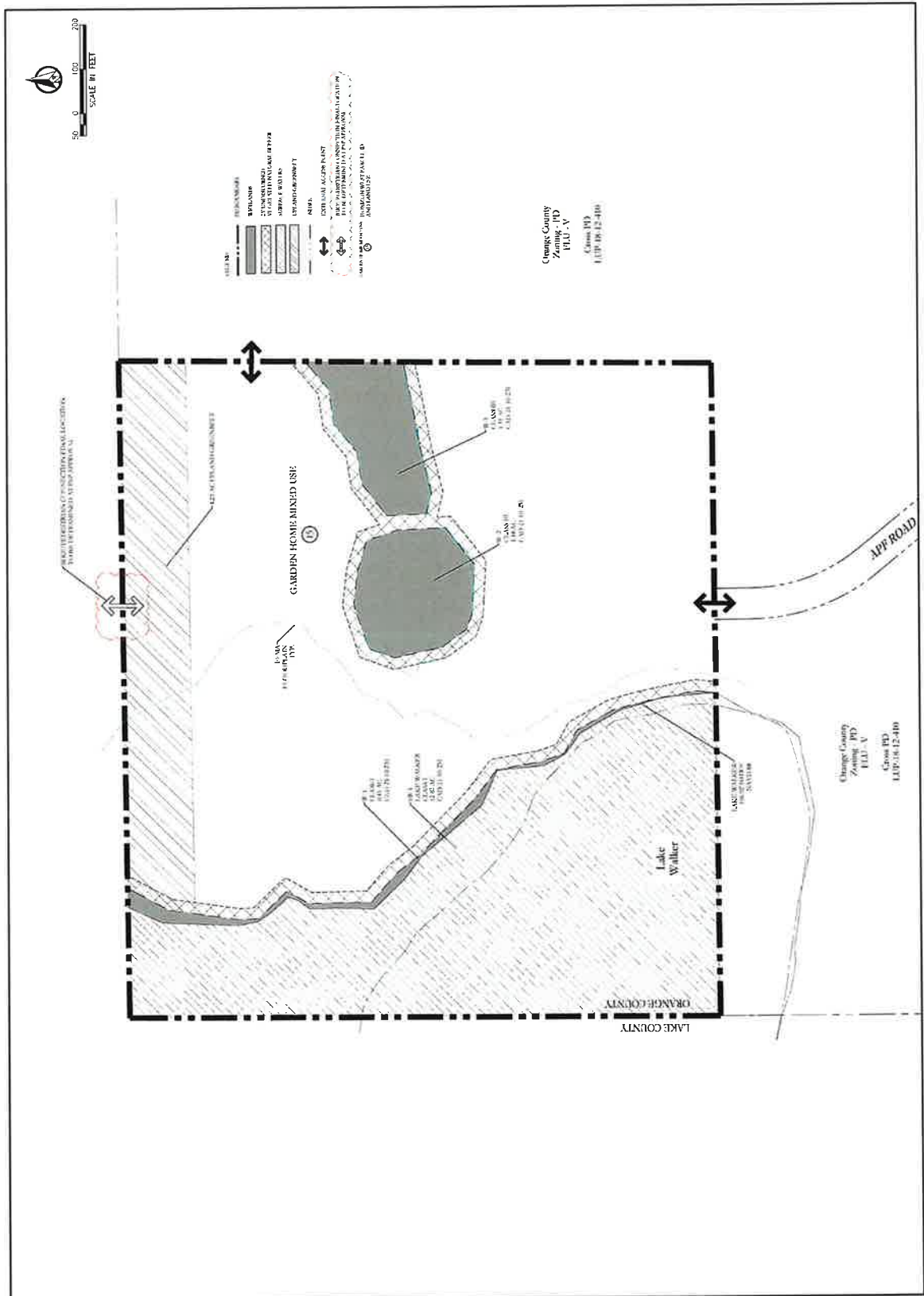
REVISIONS

No.	Description	Date
1	Initial Submittal	11/02/2021
2	Response to comments	12/20/2021
3	Response to comments	01/22/2022
4	Response to comments	08/07/2022
5	Response to comments	08/23/2022

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RECEIVED
 BY: SFC SMC at 2:09 pm - Apr 21, 2022

Lake Dennis PD / LUP



Notification Map

