




Interoffice Memorandum

DATE: March 10, 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: April 5, 2022 – Public Hearing
Applicant: Adam Smith, VHB, Inc.
Eagle Creek Planned Development / Parcel O Preliminary
Subdivision Plan
Case # PSP-21-09-277 / District 4

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 26, 2022, to approve the Eagle Creek Planned Development (PD) / Parcel O Preliminary Subdivision Plan (PSP) to subdivide 5.73 acres, generally located north of Clapp Simms Duda Road and east of Narcoossee Road, in order to construct 17 single-family residential dwelling units, along with a modification to Golf Course Hole 5.

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 PSP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve Eagle Creek PD / Parcel O PSP dated "Received November 24, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

JVW/JK/lme
Attachments

CASE # PSP-21-09-277

Commission District # 4

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 26, 2022, to approve the Eagle Creek Planned Development (PD) / Parcel O Preliminary Subdivision Plan (PSP) to subdivide 5.73 acres, generally located north of Clapp Simms Duda Road and east of Narcoossee Road, in order to construct 17 single-family residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: North of Clapp Simms Duda Road / East of Narcoossee Road
- B. Parcel ID: 29-24-31-2210-00-001
- C. Total Acres: 5.73 gross acres
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: Eagle Creek ES - Enrollment: 792 / Capacity: 786
Lake Nona MS - Enrollment: 1,586 / Capacity: 1,240
Lake Nona HS - Enrollment: 3,902 / Capacity: 2,807
- G. School Population: 8
- H. Parks: Split Oak Forest – 4 Miles
- I. Proposed Use: 17 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35'
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width: 20'
Building Setbacks:
Attached: (1 Lot)
5' Front
0' Side
20' Rear
15' Side Street
Detached: (16 Lots)
20' Front
5' Side
20' Rear
15' Side Street

K. Fire Station: 76 – 11351 South Narcoossee Road

L. Transportation: Based on the Concurrency Management database (CMS) dated September 10, 2021, there are multiple failing roadway segments within the project's impact area along Narcoossee Road, from Osceola County Line to Central Florida Greenway (2 segments). This information is dated and subject to change.

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal 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 Preliminary Subdivision 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.

Eagle Creek DRI is vested for 31,379 daily trips and 3,051 pm peak hour trips under the Narcoossee Road Right-of-Way Agreement. The current/updated development under the DRI cannot exceed the original vested trips granted under TCA-196 Vesting Determination Letter. Please contact Transportation Planning at 407-836-7893 to further discuss.

M. EPD
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).

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development (PD). The subject property is designated PD (Planned Development District) on the zoning map, which is consistent with the FLUM designation.

4. ZONING

PD (Planned Development District) (Eagle Creek PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Eagle Creek PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Parcel O Preliminary Subdivision Plan dated "Received November 24, 2021," 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 BCC, or by action of the BCC. 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 November 24, 2021," 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 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. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal 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 Preliminary Subdivision 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.
7. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.

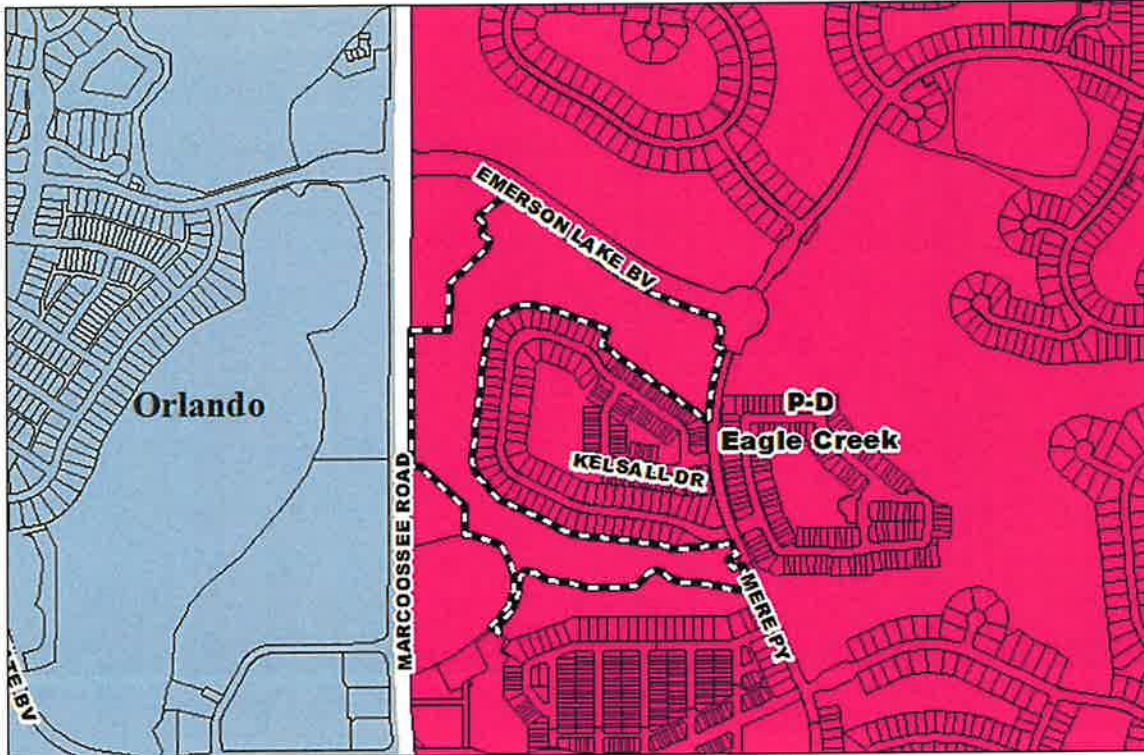
8. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
9. Unless otherwise specified to the County's satisfaction in the PSP, a Development Plan, in conformance with the requirements of Section 34-131(b) (20), including the appropriate group type, is required for the park / recreation tract(s) within this Preliminary Subdivision Plan (PSP), or phase thereof, as appropriate. Regardless of whether the park / recreation tract is included in the PSP or approved via a separate Development Plan, the park / recreation area tract(s) shall be constructed in conjunction with the subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located.
10. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
11. All fencing abutting Tract OS-2, between Lots 10 and 11, shall be limited to 50 percent opaque, such as aluminum picket or similar, up to 6 feet tall, or opaque up to 4 feet tall.
12. 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.
13. 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.
14. 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.
15. A Master Utility Plan (MUP) for the PSP 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.

16. 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.
17. This project shall be a private community and the infrastructure, other than public utilities, shall be privately owned and maintained. Residential development shall comply with the requirements of Article VIII, Sections 34-280, 34-290, and 34-291, of the Orange County Code, as they may be amended from time to time.
18. 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.

Zoning Map

PSP-21-09-277



 Subject Property



 Subject Property

Zoning Map

ZONING: P-D (Planned Development)
(Eagle Creek Land Use Plan)

APPLICANT: Adam Smith, VHB, INC.

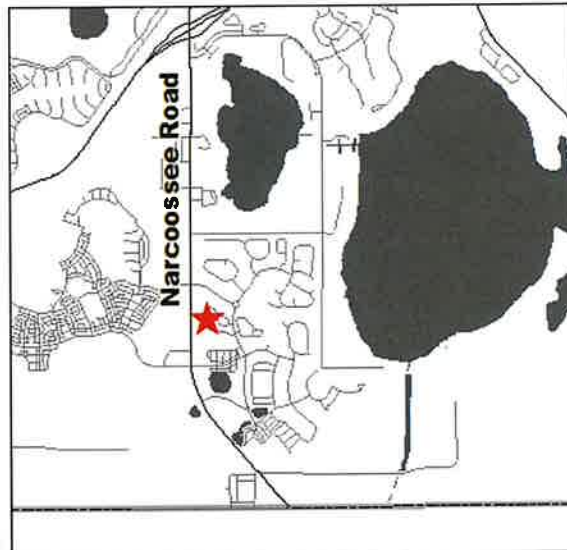
LOCATION: North of Clapp Simms Duda Road
East of Narcoossee Road

TRACT SIZE: 5.73 gross acres

DISTRICT: # 4

ST/R: 29-24-31

1 inch = 800 feet



Site Plan Sheet



MATCH LEGEND

- OPEN SPACE
- GOLF TRACT
- FUTURE GOLF IMPROVEMENTS

TRACT NAME	AREA (SQ. FT.)	AREA (ACRES)	PERCENT OF TOTAL TRACT AREA
RECREATION TRACT	1,100	0.025	0.25
OPEN SPACE	1,100	0.025	0.25
GOLF TRACT	4,115	0.094	100.00
TOTAL	4,315	0.100	100.00



Eagle Creek P.D.

Parcel O

Orange County, Florida

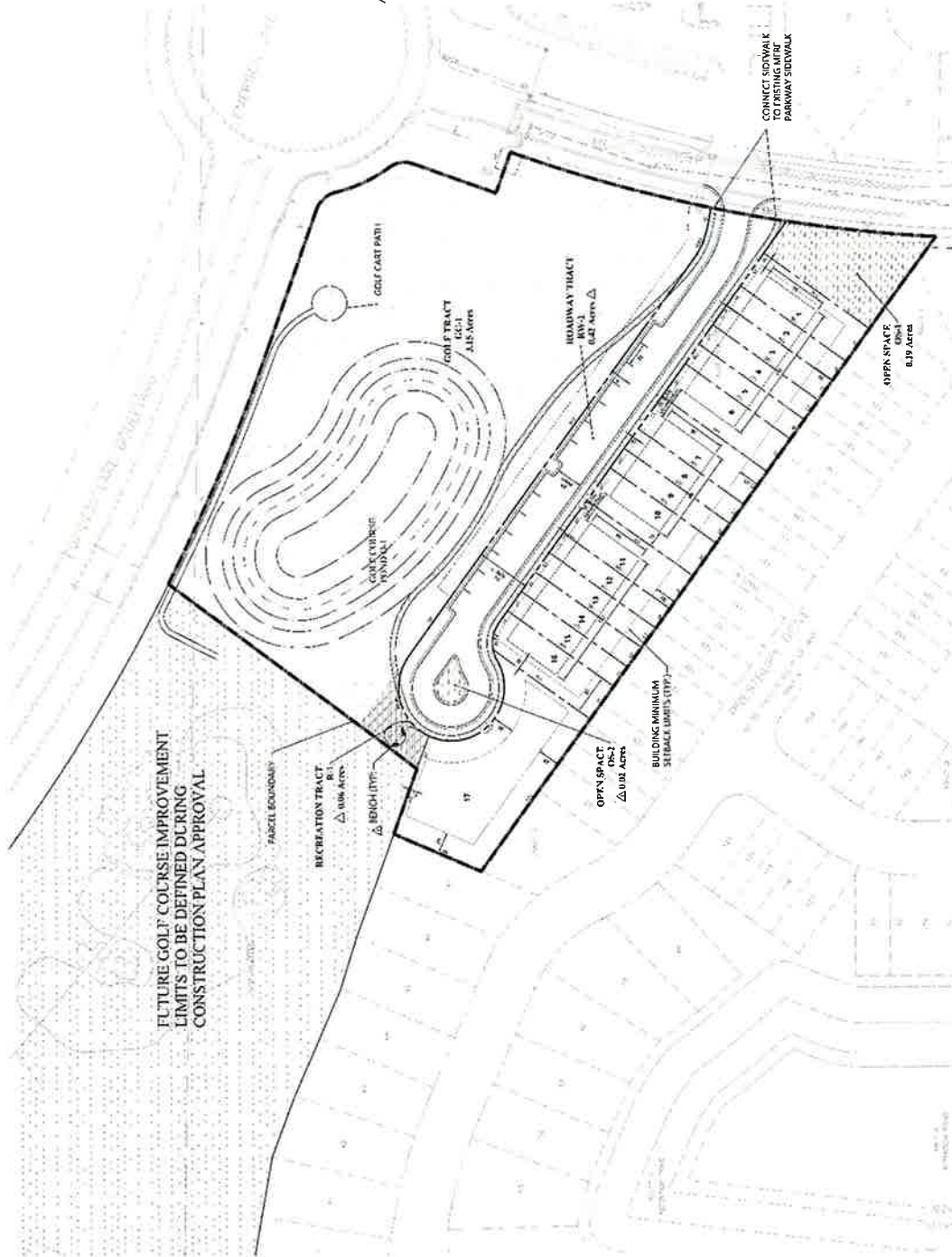
NO.	DATE	DESCRIPTION	BY
1	10/20/2011	PRELIM	...
2	11/14/2011	REVISED	...
3	11/14/2011	REVISED	...

DATE: 1/11/2022
 PROJECT: ...
 SHEET: ...



C3.0

Prepared by: ...
 Date: 1/11/2022



Site Data & Notes Sheet



NOTES:

- 1. THE ENTIRE SITE IS TO BE DEVELOPED WITH AN ANCHOR TENANT CENTER.
- 2. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH ALL APPLICABLE ORDINANCES, CODES, AND REGULATIONS.
- 3. ALL DEVELOPMENT SHALL BE DESIGNED TO PROVIDE SUFFICIENT PARKING FOR ALL DEVELOPMENT.
- 4. ALL DEVELOPMENT SHALL BE DESIGNED TO PROVIDE SUFFICIENT GREEN SPACE AND OPEN SPACE.
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SITE DATA:

- 1. ZONING DISTRICT: ...
- 2. PARCEL NUMBER: ...
- 3. TRACT NUMBER: ...
- 4. SECTION: ...
- 5. TOWNSHIP: ...
- 6. COUNTY: ...
- 7. STATE: ...
- 8. AREA: ...
- 9. ADJACENT PROPERTIES: ...
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MINIMUM BUILDING SETBACKS:

TYPE	MINIMUM SETBACK	NOTES
FRONT	10'-0"	...
REAR	10'-0"	...
SIDE	5'-0"	...
ADJACENT	5'-0"	...
STREET	10'-0"	...

OPENS SPACE REQUIREMENTS:

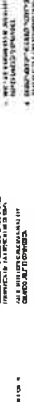
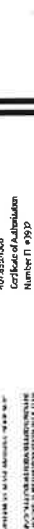
LAND USE	REQUIRED	AVAILABLE	DEFICIT
TOTAL	10.0%	10.0%	0.0%
PERMITTED	10.0%	10.0%	0.0%
REQUIRED	10.0%	10.0%	0.0%

REQUIRED SERVICES:

SERVICE	REQUIREMENT	PROVIDED	DEFICIT
Water
Sewer
Stormwater
Electric
Gas
Telephone
Cable
Internet

EXISTING SERVICES:

SERVICE	LOCATION	DEPTH	DIAMETER
Water
Sewer
Stormwater
Electric
Gas
Telephone
Cable
Internet



Orange County Florida

Eagle Creek P.D. Parcel 0

Map of Orange County Florida

Site Data

Vertical Datum: NAVD83

C4.0

Prepared by: [Name]

Date: [Date]

NOTES:

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- 2. PARCEL NUMBER: ...
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- 5. TOWNSHIP: ...
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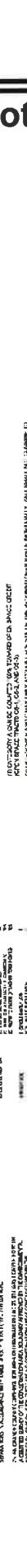
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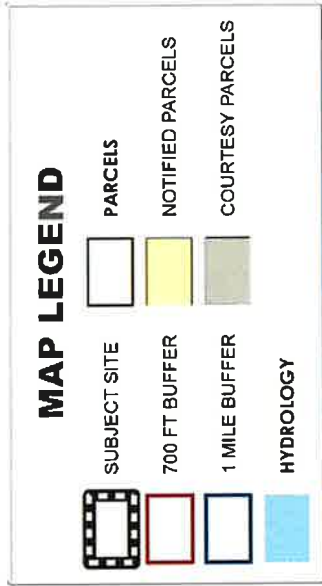
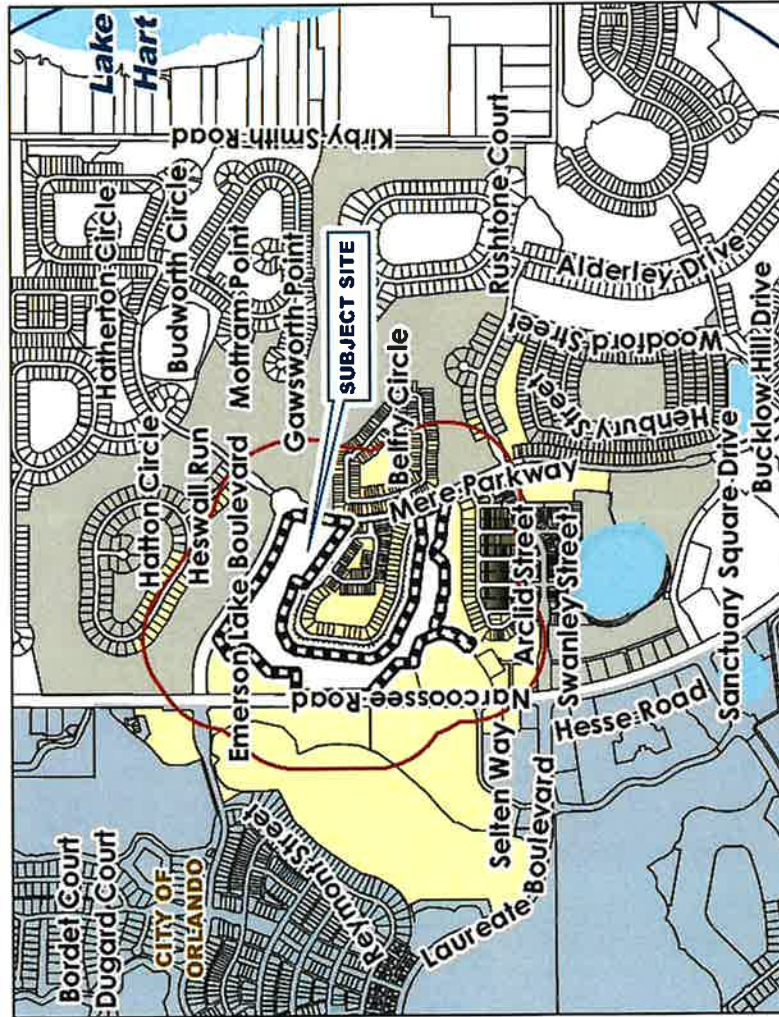


Notification Map

S:\Business Systems\Board Administrations\SUBSTANTIAL CHANGE\2022\DRCEagle Creek PD Pci O_PSP-21-09-277\Eagle Creek PD Pci O

Public Notification Map

Eagle Creek PD Pci O_PSP-21-09-277



BUFFER DISTANCE: 700
 # OF NOTICES: 1,082

