




Interoffice Memorandum

DATE: June 24, 2019

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

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

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

SUBJECT: July 16, 2019 – Public Hearing
Applicant: Adam Smith, VHB, Inc.
Eagle Creek Planned Development / Village I Preliminary
Subdivision Plan
Case # PSP-16-02-063

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 22, 2019, to approve the Eagle Creek Planned Development (PD / Village I Preliminary Subdivision Plan (PSP) to subdivide 234.24 acres in order to construct 294 single-family residential dwelling units.

This project is a gated community and will comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.

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 the Eagle Creek PD / Village I PSP dated "Received May 28, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

JVW/EPR/lme
Attachments

CASE # PSP-16-02-063

Commission District # 4

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 22, 2019, to approve the Eagle Creek Planned Development (PD) / Village I Preliminary Subdivision Plan (PSP) to subdivide 234.24 acres in order to construct 294 single-family residential dwelling units.

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2. PROJECT ANALYSIS

- A. Location: North of Clapp Simms Duda Road / East of Narcoossee Road
- B. Parcel ID: 29-24-31-0000-00-002 (a portion of)
- C. Total Acres: 234.24 gross acres
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: Eagle Creek ES Capacity: 786 / Enrolled: 1,048
Lake Nona MS Capacity: 1,235 / Enrolled: 1,494
Lake Nona HS Capacity: 2,807 / Enrolled: 3,247
- G. School Population: 97
- H. Parks: Moss Park – 8.2 Miles
- I. Proposed Use: 294 Single-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 35'
Minimum Living Area: 1,300 Square Feet
Building Setbacks:
20' Front
20' Rear
15' Side Street
- K. Fire Station: 76 – 11351 Narcoossee Road
- L. Transportation: Narcoossee Road (Eagle Creek Right-of-Way Agreement):
A Right-of-Way Agreement between Eagle Creek and Orange County was approved by the Board of County

Commissioners on 12/11/2001 and recorded at OR Book/Page 6422/3372. Under the terms of the agreement Eagle Creek agreed to convey 15 feet of Right-of-Way for Narcoossee Road for a total of 3.543 acres at no cost to the County and no impact fee credits. The warranty deed for conveyance of the 15 feet of Right-of-Way for 3.543 acres was approved by the BCC on 4/2/2002 and recorded at OR Book/Page 6495/2755. Eagle Creek also entered into a Development Order which was approved by the BCC on 12/11/2001 and recorded at OR Book/Page 6422/3334 and a First Amendment to the Development Order which was approved by the BCC on 10/28/2003 and recorded at OR Book/Page 7205/3477.

Narcoossee Road (TRIP Agreement) Condensed Comment: The Narcoossee Road TRIP Agreement is a Tri-Party Agreement between Orange County, the City of Orlando, and a group of eight (8) developers, was approved by the Board of County Commissioners on October 10, 2006. This agreement was not recorded. A Commitment for \$5,700,000 in TRIP Funding matching funds was acquired from FDOT. The Developers donated the Right-of-Way and easements for the 6-laning of Narcoossee Road from just south of the 417 to the Orange County-Osceola County Line. The Developers provided funding for all of the Design and Construction Costs and received Road Impact Fee Credits in the amount of contribution towards design and construction from Orange County and the City of Orlando. Construction of the 6-lane facility has been completed.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development-Low Density Residential/Low-Medium Density Residential /Medium Density Residential/Commercial/Institutional/Parks and Recreation/Open Space/Conservation (PD-LDR/LMDR/MDR/C/INST/PR/OS/CONS). The subject property is located within the area designated as "Future Residential" on the PD/LUP and approved for up to 878 single family residential units. This request is consistent with the Comprehensive Plan.

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; Village I Preliminary Subdivision Plan dated "Received May 28, 2019," 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 May 28, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.
2. Development shall conform to the Eagle Creek PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Village I Preliminary Subdivision Plan dated "Received *," 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 *," the condition of approval shall control to the extent of such conflict or inconsistency.
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 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

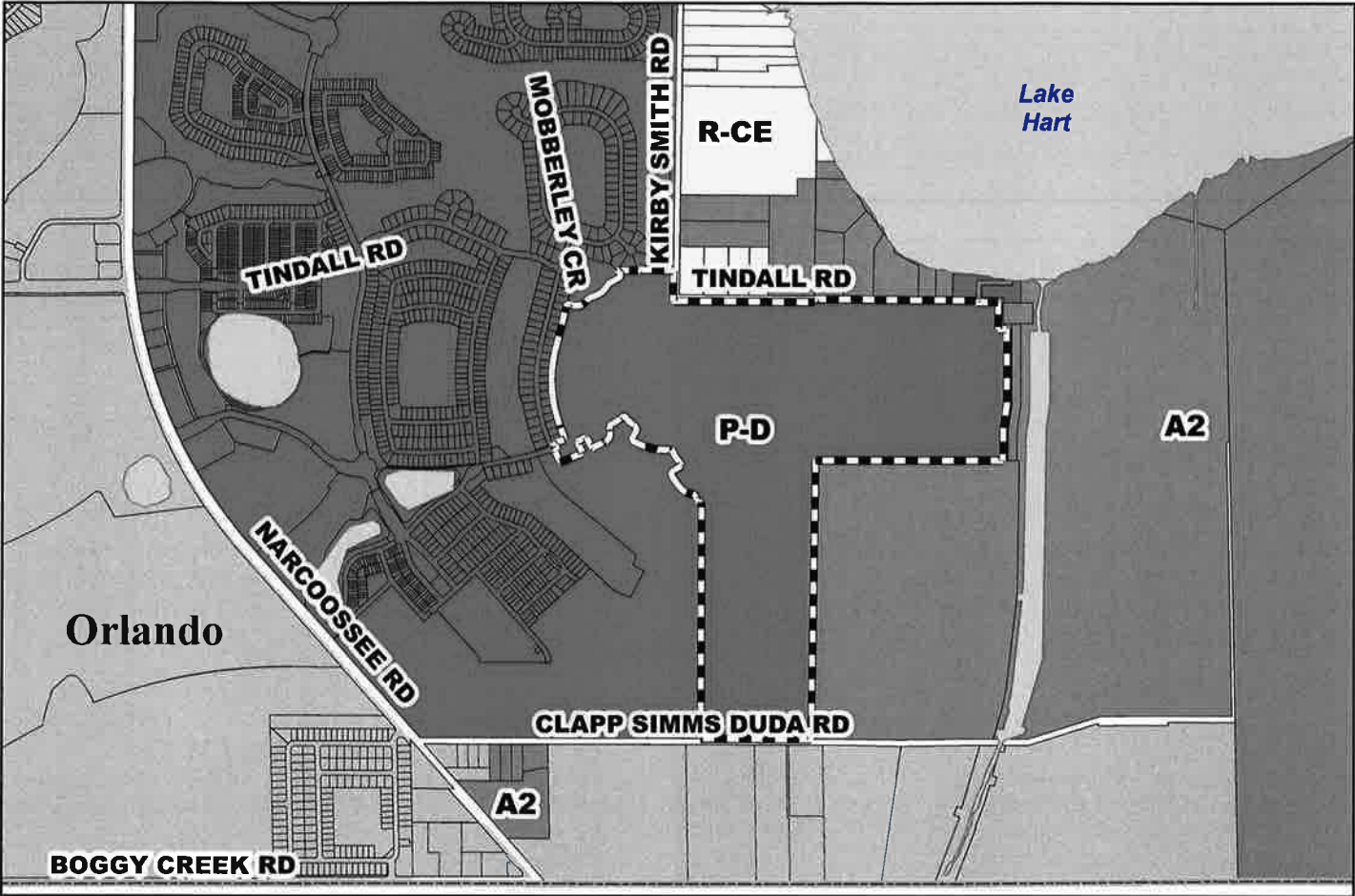
resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

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 land use plan / 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. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
8. Construction plans within this PSP 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.
9. This property lies within Airport Noise Zone "E" and is subject to the Airport Noise Zoning Ordinance. All plats associated with the property shall note in twelve (12) -point font type the following: "The properties delineated on this plat are subject to aircraft noise that may be objectionable."
10. 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.

11. 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.
12. 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.
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 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).
15. 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.
16. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.

17. If fire department access cannot be reached within 50' of an exterior door, an approved automatic fire sprinkler system shall be required in accordance with NFPA 1- Chapter 18 (FFPC 6th edition).



 Subject Property



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Adam Smith, VHB, Inc.

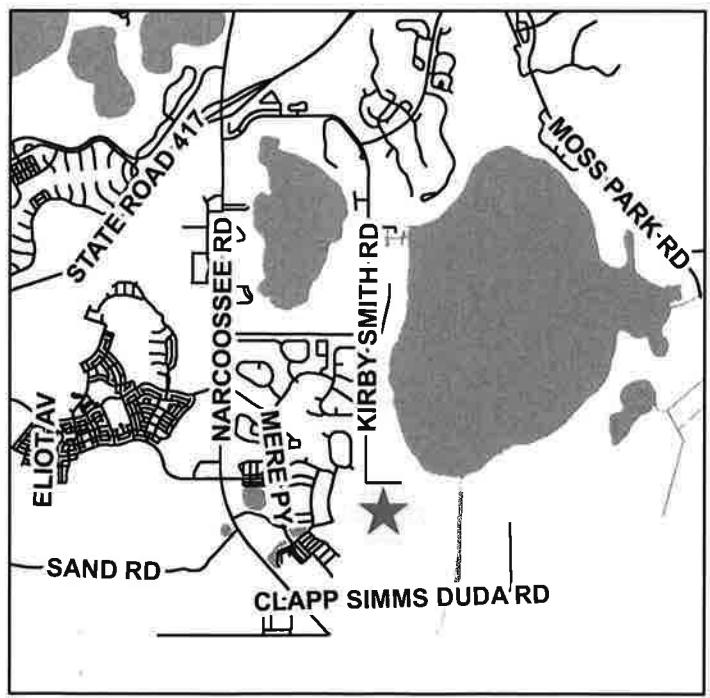
LOCATION: North of Clapp Simms Duda Road / East of Narcoossee Road

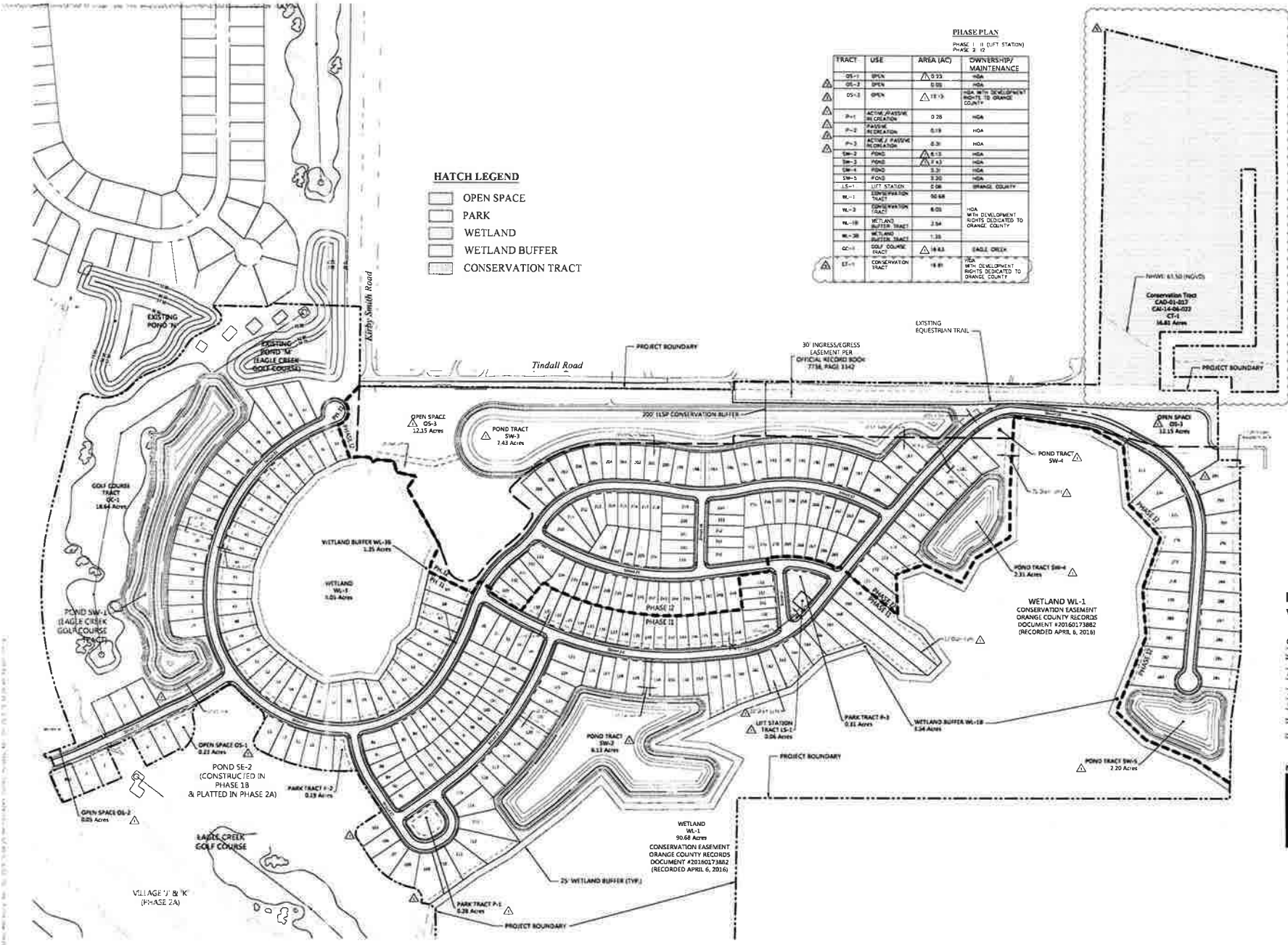
TRACT SIZE: 234.24 gross acres

DISTRICT: 4

S/T/R: 29/24/31

1 inch = 1,667 feet





HATCH LEGEND

- [Hatched Box] OPEN SPACE
- [Hatched Box] PARK
- [Hatched Box] WETLAND
- [Hatched Box] WETLAND BUFFER
- [Hatched Box] CONSERVATION TRACT

PHASE PLAN
PHASE 1 II (LIFT STATION)
PHASE 2 II

TRACT	USE	AREA (AC)	DIVERSITY/MAINTENANCE
OS-1	OPEN	0.53	HDA
OS-2	OPEN	0.05	HDA
OS-3	OPEN	12.35	HDA WITH DEVELOPMENT RIGHTS DEDICATED TO ORANGE COUNTY
P-1	ACTIV. /PASSIVE RECREATION	0.20	HDA
P-2	ACTIV. /PASSIVE RECREATION	0.19	HDA
P-3	ACTIV. /PASSIVE RECREATION	0.31	HDA
SW-1	POND	8.13	HDA
SW-2	POND	7.43	HDA
SW-3	POND	7.43	HDA
SW-4	POND	2.33	HDA
SW-5	POND	2.20	HDA
LS-1	LIFT STATION	0.08	ORANGE COUNTY
WL-1	WETLAND BUFFER TRACT	90.68	ORANGE COUNTY
WL-2	WETLAND BUFFER TRACT	8.02	HDA
WL-1B	WETLAND BUFFER TRACT	2.34	HDA WITH DEVELOPMENT RIGHTS DEDICATED TO ORANGE COUNTY
WL-3B	WETLAND BUFFER TRACT	1.33	HDA
CC-1B	GOLF COURSE TRACT	18.83	EAGLE CREEK
ES-1	CONSERVATION TRACT	18.81	HDA WITH DEVELOPMENT RIGHTS DEDICATED TO ORANGE COUNTY

vhb.com
235 E. Robinson Street
Suite 300
Orlando, FL 32801
407.839.4006
Certificate of Authorization
Number FL #3932

Eagle Creek P.D. Village I
Orange County, Florida

NO.	REVISION	DATE	BY
1	Rev per County Comments	12/27/18	
2	Rev per County Comments	1/22/19	
3	Rev per County Comments	3/27/19	
4	Rev per County Comments	3/27/19	
5	Rev per County Comments	3/27/19	

Prepared by: PER
Checked by: AS/RAB
Date: July 27, 2019

Not Approved for Construction
Overall Site Plan
Vertical Datum NGVD29

C4.0



Eagle Creek PD / Village I PSP Case # PSP-16-02-063



1 : 13,200
1 in : 1,100 ft