



Interoffice Memorandum

DATE: June 24, 2020

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

Eric P. Raasch,
Jr., AICP

Digitally signed by Eric P.
Raasch, Jr., AICP
Date: 2020.06.26 10:41:23
-04'00'

SUBJECT: July 7, 2020– Public Hearing
Kathy Hattaway, Poulos and Bennett, LLC
Horizon West – Village I – Gem Groves Planned Development
Case # LUP-18-10-334 / District 1
(Related to RAG-19-11-050 - Consent Item)

The Horizon West – Village I – Gem Groves Planned Development (PD) is 277.09 acres in size and is generally located north and south of Flemings Road, and west of Avalon Road. Through this request, the applicant is seeking to rezone the subject parcels from A-1 (Citrus Rural District) to PD (Planned Development District) in order to develop 370 multi-family dwelling units, 117 single-family attached dwelling units, 365 single-family detached dwelling units, a 5-acre APF park, an elementary school, 200,000 square feet of commercial space, and a communications tower. The request would also rearrange the conceptual special planning area land use districts and to add seven (7) conditional uses to the Village Center. There are 17 waivers from Orange County Code associated with this request, which address lot access, tracts in lieu of easements, garage setbacks, height and separation requirements between multi-family and single-family development, shared access for multi-family and single-family, timing of school site conveyance, Adequate Public Facility (APF) road access to individual lots, and distance separation between the communication tower and residentially-zoned lands. The requested conditional uses include adult/child day care centers; communication towers; sale of alcohol for on-premises consumption, except as ancillary to a full service restaurant; drive-throughs in conjunction with a permitted use; automobile service stations [with fuel pumps: a maximum of four islands/eight fuel stations] located at the side or rear; auto parts, tire dealers; and free-standing car washes that are enclosed on two sides.

On June 5, 2020, 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 Horizon West – Village I – Gem Groves Planned Development / Land Use Plan (PD/LUP) dated “Received January 21, 2020”, subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1

Attachments
JVW/EPR/nt

GENERAL INFORMATION

APPLICANT Kathy Hattaway, Poulos & Bennett, LLC

OWNER Titan-Liberty Lake Underhill Joint Venture & Village I-545, LLC

PROJECT NAME Horizon West – Village I - Gem Groves Planned Development (PD)

HEARING TYPE Planned Development / Land Use Plan (PD / LUP)

REQUEST A-1 (Citrus Rural District) to PD (Planned Development District)

A request to rezone 277.09 acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to develop 370 multi-family dwelling units, 117 single-family attached dwelling units, 365 single-family detached dwelling units, a 5-acre APF park, an elementary school, 200,000 square feet of commercial space, and a communications tower. The request also includes seven (7) conditional uses to the village center, and includes the following waivers from Orange County Code:

1. A waiver from Orange County Code Section 34-152(c), for Parcels 9; 10; 11; and 12, 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), for Parcels 9; 10; 11; and 12, 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 easement shown on the plat.

2. A waiver from Orange County Code Section 38-1382(h)(4), for Parcels 9; 10; 11; and 12, 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 (HOA). 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 Orange County Code Section 38-1384(g)(1), for Parcels 9; 10; 11; and 12, 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 (HOA). 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 Orange County Code Section 38-1384(g)(2), for Parcels 9; 10; 11; and 12, 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 (HOA). 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 Orange County Code Section 38-1384(i)(2), for Parcels 9; 10; 11; and 12, 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 (HOA). Placing them in a fee simple tract without underlying individual ownership allows for a clearer separation of ownership and maintenance responsibilities.*

Waivers #6 through #14 apply both internally and externally to the Gem Groves PD.

6. A waiver from Orange County Code Section 38-1258(a), for Parcel 22 and 24, to allow multi-family residential buildings located within fifty (50) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height in lieu of the requirement that multi-family buildings within one hundred (100) feet of a single-family zoned property be restricted to a single-story height.

Applicant Justification: *The Village I SPA and Horizon West principles promote compact pedestrian-oriented environments by creating a mixed-use character through the integration of uses. The separation of residential multi-family buildings is contrary to the principles of walkable neighborhoods. Section 38-1258, Orange County Code is intended to provide compatibility between multi-family and single-family developments on a countywide basis. These requirements are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. By allowing taller multi-family buildings, adjacent to single-family zoned property, development will be more consistent and compatible with Village I principles.*

7. A waiver from Orange County Code Section 38-1258(b), for Parcels 22 and 24, to allow multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.

Applicant Justification: *The Village I SPA and Horizon West principles promote compact pedestrian-oriented environments by creating a mixed-use character through the integration of uses. The separation of*

residential multi-family buildings is contrary to the principles of walkable neighborhoods. Section 38-1258, Orange County Code is intended to provide compatibility between multi-family and single-family developments on a countywide basis. These requirements are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. By allowing taller multi-family buildings, adjacent to single-family zoned property, development will be more consistent and compatible with Village I principles.

8. A waiver from Orange County Code Section 38-1258(c), for Parcel 22 and 24, to allow multi-family buildings located within fifty (50) feet of a single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.

Applicant Justification: *The Village I SPA and Horizon West principles promote compact pedestrian-oriented environments by creating a mixed-use character through the integration of uses. The separation of residential multi-family buildings is contrary to the principles of walkable neighborhoods. Section 38-1258, Orange County Code is intended to provide compatibility between multi-family and single-family developments on a countywide basis. These requirements are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. By allowing taller multi-family buildings, adjacent to single-family zoned property, development will be more consistent and compatible with Village I principles.*

9. A waiver from Orange County Code Section 38-1258(d), for Parcels 22 and 24, to allow multi-family buildings constructed up to five-stories and 65 feet in height, in lieu of the restriction that a multi-family development shall be limited to three (3) stories (forty (40) feet) in height.

Applicant Justification: *Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to*

promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. New urbanism is a core design principle in Village I. The height restrictions listed in Code Section 38-1258 are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. By allowing taller multi-family buildings development will be more consistent and compatible with Village I principles.

10. A waiver from Orange County Code Section 38-1258(e), for Parcels 22 and 24, to allow parking and paved areas for multi-family development fifteen (15) feet from single-family zoned property, in lieu of the restriction that a parking and paved areas shall be twenty-five (25) feet from single-family zoned property.

Applicant Justification: *Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. The separation of parking and paved areas is contrary to new urbanism and creating a mix of land uses. New urbanism is a core design principle in Village I. The separation requirements listed in Code Section 38-1258 are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. By allowing parking and paved areas up to fifteen (15) of adjacent to single-family zoned property, development will be more consistent and compatible with Village I principles.*

11. A waiver from Orange County Code Section 38-1258(f), for Parcels 22 and 24, to not require a six (6) foot high masonry, brick, or block wall as part of the multi-family development since it is adjacent to single-family zoned property, in lieu of the a six (6) foot high masonry, brick, or block wall requirement.

Applicant Justification: *Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. The separation of land uses via a six (6) foot high masonry, brick, or block wall is contrary to new urbanism and creating a mix of land uses. New urbanism is a core design principle in Village I. The separation requirements listed in Code Section 38-1258 are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. By not requiring a six (6) foot high masonry, brick, or block wall adjacent to single-family zoned property, development will be more consistent and compatible with Village I principles.*

12. A waiver from Orange County Code Section 38-1258(g), for Parcel 22 and 24, to allow shared access for multi-family and single-family residential and to allow multi-family residential to directly access a right-of-way serving platted single-family residential development, in lieu of the requirement that multi-family development shall not directly access any right-of-way serving platted single-family residential.

Applicant Justification: *Multi-family units will be accessible by an APF roadway. Potential access points are limited, for Parcel 22 and 24, based upon minimum distance separation requirements and required APF roadways. The ability to comply with County Code Section 38-1258(g) is limited and compliance restricts the rational design of the site. Also, Village I planning principles promote compact design and the integration of uses. Adding additional access points, to the PD, to divide single-family and multi-family uses from accessing the same right-of-way is contrary to the intent of Village I. While there are no single-family units proposed within Parcels 22 and 24, this waiver is applicable because a PD application is being processed for an adjacent development that will also access the APF roadways.*

13. A waiver from Orange County Code Section 38-1258(i), for Parcels 22 and 24, to not require fencing as part of the multi-family development simply because it is adjacent to right-of-way that has single family zoned property across the right-of-way, in lieu of the

requirement that multi-family development shall have fencing as part of the development because it is adjacent to right-of-way that has single family zoned property across the right-of-way.

Applicant Justification: Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. Fences are contrary to new urbanism and creating a mix of land uses. New urbanism is a core design principle in Village I. By not requiring fences as a part of multi-family residential, development will be more consistent and compatible with Village I principles as well as allow interconnected design between Parcels 22 and 24 in Village I.

14. A waiver from Orange County Code Section 38-1258(j), for Parcels 22 and 24, to require a minimum separation of twenty (20) feet between buildings, in lieu of the requirement where doors, windows, or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, there shall be a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for building three (3) stories.

Applicant Justification: Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. Large separation between buildings is contrary to new urbanism and creating a mix of land uses. New urbanism is a core design principle in Village I.

15. A waiver from Section 30-714(c) is requested to allow the project to proceed beyond 5% of the approved PD entitlements, which 5% threshold is identified in the APF Agreement as 42 dwelling units (attached or detached); provided, however, that prior to said 5% threshold being reached or exceeded: (A) the future APF Right-of-Way have been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to

the County; (B) the Stormwater Site, as defined in the APF Agreement has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County and; (C) the approximately 5.0 acre APF Park has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County.

Applicant Justification: *The school site cannot be conveyed unless and until the School Board of Orange County requests such conveyance.*

16. A waiver from Orange County Code Section 38-1384(i)(3), for the hatched areas on Parcel 10 on the plan dated "Received January 21, 2020," to allow lots facing the Lake Star APF road access to garages and off-street parking surfaces from the APF road in lieu of the requirement that vehicular access to garages or other off-street parking surfaces on all lots facing the primary side of an APF road shall be provided from a rear alley or easement.

Applicant Justification: *The waiver will allow for the development of lots along the west side of Lake Star and provide an acceptable APF road alignment. Additionally, it will accommodate the grading needed from the wetland buffers of Lake Star to the back of building pads since the ability to provide rear access to lake front lots is limited*

17. A waiver from Section 38-1427(d)(2)(d) to allow a Monopole between 80 feet and 140 feet in height to be within 50' of Vacant Unplatted Residentially-Zoned Lands in lieu of the distance requirement of 400' or 500% of height of tower, whichever is greater.

Applicant Justification: *The proposed communication tower location is within the Village Center where it is sited in an isolated area in the northwestern portion of the Village Center area. Communication towers are necessary in this area to provide service to the significant residential and commercial development that is planned. The Village Center District is an area designated within the Village Code for communication towers, and it is accepted, based on Horizon West design principles, that residential development will be constructed in and adjacent to the Village Center. This waiver specifically addresses the distance to the future multi-family development with the Village Center.*

LOCATION	North and south of Flemings Road / West of C.R. 545 (Avalon Rd.) / West of Lake Star Road
PARCEL ID NUMBERS	19-24-27-0000-00-012, 19-24-27-0000-00-013, 19-24-27-0000-00-014, 19-24-27-0000-00-015, 19-24-27-0000-00-002, 19-24-27-0000-00-021
TRACT SIZE	277.09 gross acres / 201.79 developable acres
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,500 feet [<i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i>]. Eighteen (18) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Three hundred seventy (370) multi-family, one hundred seventeen (117) single-family attached, and three hundred sixty-five (365) single-family detached dwelling units, a 5-acre APF park, an elementary school, 200,000 square feet of commercial space, and a communications tower.

STAFF RECOMMENDATION

Development Review Committee – (March 11, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Horizon West – Village I - Gem Groves Planned Development / Land Use Plan (PD/LUP), dated “January 21, 2020”, subject to the following conditions of approval:

1. Development shall conform to the Horizon West – Village I - Gem Groves Land Use Plan (LUP) dated "Received January 21, 2020," 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 January 21, 2020," 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 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).

- 1)
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.
7. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
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. If applicable, the applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the adjacent northeastern land use includes facilities with operations that may result in periodic temporary conditions that may cause odors, noise disturbance and dust.
10. 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).
11. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
12. 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.

13. 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.
14. 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.
15. 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).
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 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. 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.
18. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
19. 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.
20. Pole signs and billboards shall be prohibited. Ground and fascia signs within the Village Center shall comply with Chapter 31.5 Village PD standards of the Orange County Code. Wall and fascia signs for the Elementary school shall comply with Orange County Code Section 38-1755 (o) of the Orange County Code and all other developments other than the Village Center and the School shall comply with Chapter 31.5 of the Orange County Code.
21. Outside sales, storage, and display shall be prohibited within the Village Center.

22. A 5-year interim Master Utility Plan (MUP) for Village I must be approved prior to Construction Plan approval within this PD.
23. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP) for Village I. MUP updates shall be submitted to Orange County Utilities at least thirty (30) prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
24. Prior to or concurrent with construction plan approval of any PSP / DP along Flemings Road, the road shall be brought up to County rural cross-section standards from the entrance to the site to the APF southern connector road and CR 545, as applicable, including intersection improvements at CR 545 and Flemings Road.
25. Prior to construction plan approval for Parcels 22 or 24, the APF southern connector road rural segment (from APF urban section terminus to CR 545) shall be constructed to County APF urban cross-section standards and drainage from that segment shall be incorporated into the development's stormwater system with a drainage easement dedicated to Orange County.
26. The following waivers from Orange County Code are requested:
 - a. A waiver from Orange County Code Section 34-152(c), for Parcels 9; 10; 11; and 12, 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 Orange County Code Section 38-1382(h)(4), for Parcels 9; 10; 11; and 12, 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 Orange County Code Section 38-1384(g)(1), for Parcels 9; 10; 11; and 12, to allow garage access to be setback from an alley tract in lieu of an easement.
 - d. A waiver from Orange County Code Section 38-1384(g)(2), for Parcels 9; 10; 11; and 12, 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 Orange County Code Section 38-1384(i)(2), for Parcels 9; 10; 11; and 12, to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.

- f. A waiver from Orange County Code Section 38-1258(a), for Parcel 22 and 24, to allow multi-family residential buildings located within fifty (50) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height in lieu of the requirement that multi-family buildings within one hundred (100) feet of a single-family zoned property be restricted to a single-story height.
- g. A waiver from Orange County Code Section 38-1258(b), for Parcels 22 and 24, to allow multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.
- h. A waiver from Orange County Code Section 38-1258(c), for Parcel 22 and 24, to allow multi-family buildings located within fifty (50) feet of a single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.
- i. A waiver from Orange County Code Section 38-1258(d), for Parcels 22 and 24, to allow multi-family buildings constructed up to five-stories and 65 feet in height, in lieu of the restriction that a multi-family development shall be limited to three (3) stories (forty (40) feet) in height.
- j. A waiver from Orange County Code Section 38-1258(e), for Parcels 22 and 24, to allow parking and paved areas for multi-family development fifteen (15) feet from single-family zoned property, in lieu of the restriction that a parking and paved areas shall be twenty-five (25) feet from single-family zoned property.
- k. A waiver from Orange County Code Section 38-1258(f), for Parcels 22 and 24, to not require a six (6) foot high masonry, brick, or block wall as part of the multi-family development since it is adjacent to single-family zoned property, in lieu of the a six (6) foot high masonry, brick, or block wall requirement.
- l. A waiver from Orange County Code Section 38-1258(g), for Parcel 22 and 24, to allow shared access for multi-family and single-family residential and to allow multi-family residential to directly access a right-of-way serving platted single-family residential development, in lieu of the requirement that multi-family development shall not directly access any right-of-way serving platted single-family residential.
- m. A waiver from Orange County Code Section 38-1258(i), for Parcels 22 and 24, to not require fencing as part of the multi-family development simply because it is adjacent to right-of-way that has single family zoned property across the right-of-way, in lieu of the requirement that multi-family

development shall have fencing as part of the development because it is adjacent to right-of-way that has single family zoned property across the right-of-way.

- n. A waiver from Orange County Code Section 38-1258(j), for Parcels 22 and 24, to require a minimum separation of twenty (20) feet between buildings, in lieu of the requirement where doors, windows, or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, there shall be a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for building three (3) stories.
- o. A waiver from Section 30-714(c) is requested to allow the project to proceed beyond 5% of the approved PD entitlements, which 5% threshold is identified in the APF Agreement as 42 dwelling units (attached or detached); provided, however, that prior to said 5% threshold being reached or exceeded: (A) the future APF Right-of-Way have been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County; (B) the Stormwater Site, as defined in the APF Agreement has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County and; (C) the approximately 5.0 acre APF Park has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County.
- p. A waiver from Orange County Code Section 38-1384(i)(3), for the hatched areas on Parcel 10 on the plan dated "Received January 21, 2020," to allow lots facing the Lake Star APF road access to garages and off-street parking surfaces from the APF road in lieu of the requirement that vehicular access to garages or other off-street parking surfaces on all lots facing the primary side of an APF road shall be provided from a rear alley or easement.
- q. A waiver from Section 38-1427(d)(2)(d) to allow a Monopole between 80 feet and 140 feet in height to be within 50' of Vacant Unplatted Residentially-Zoned Lands in lieu of the distance requirement of 400' or 500% of height of tower, whichever is greater.

IMPACT ANALYSIS

Land Use Compatibility

The applicant is seeking to rezone the subject property from A-1 (Citrus Rural District) to PD (Planned Development District) and, in order to construct 370 multi-family dwelling units, 117 single-family attached dwelling units, 356 single-family detached dwelling units, a 5-acre APF park, an elementary school, 200,000 square feet of commercial space, and a communications tower.

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 District, Village Home District, Apartment District, and Village Center District, as well as APF Park and Elementary School. The Garden Home Mixed Use District has a required density of four (4) dwelling units per net developable acre, and a maximum permitted density eight (8) dwelling units per net developable acre with the use of Transfer of Development Rights (TDR) credits. The Village Home District has a required density of six (6) dwelling units per net developable acre, and a maximum permitted density twelve (12) dwelling units per net developable acre with the use of TDR credits. The Apartment District has a required density of sixteen (16) dwelling units per net developable acre, and a maximum permitted density twenty (20) dwelling units per net developable acre with the use of TDR credits. The Village Center District has a required density of five (5) dwelling units per net developable acre. The proposed PD zoning district and development program is consistent with Village (V) FLUM designation and the following CP provisions:

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 request.

SITE DATA

Existing Use	Undeveloped Land / Farm Land
Adjacent Zoning	N: A-1 (Citrus Rural District) (1957) E: A-1 (Citrus Rural District) (1957) A-2 (Farmland Rural District) (1957) W: Lake County S: Planned Development (Lake Mac PD) (2019) Planned Development (Spring Grove-Jaffers PD) (2018)
Adjacent Land Uses	N: Undeveloped Land / Farm Land E: Undeveloped Land / Concrete processing facility W: Undeveloped Land / Farm Land S: Undeveloped Land / Farm Land

APPLICABLE PD DEVELOPMENT STANDARDS

Unless expressly waived by the Board of County Commissioners, development shall comply with all standards found in Section 38-1387 (Garden Home Mixed Use District, Village Home District, Apartment District, and Village Center District) of the Village Planned Development Code.

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone the subject parcels from A-1 (Citrus Rural District) to PD (Planned Development District) in order to develop 370 multi-family dwelling units, 117 single-family attached dwelling units, 365 single-family detached dwelling units, a 5-acre APF park, an elementary school, 200,000 square feet of commercial space, and a communications tower. The request is also to rearrange the conceptual special planning area land use districts, and to add seven (7) conditional uses to the village center. There are seventeen (17) waivers from Orange County Code associated with this request, to address lot access, tracts in lieu of easements, garage setbacks, height and separation requirements between multi-family and single-family development, shared access for multi-family and single-family, timing of school site conveyance, Adequate Public Facility (APF) road access to individual lots, and distance separation between the communication tower and residentially zoned lands. The requested conditional uses include adult/child day care centers; communication towers; sale of alcohol for on-premises consumption, except as ancillary to a full service restaurant; drive-throughs in conjunction with a permitted use; automobile service stations [with fuel pumps: a maximum of four islands/eight fuel stations] located at the side or rear; auto parts, tire dealers; and free-standing car washes that are enclosed on two sides.

Given the 124.06 net developable acres, the required residential density of the Village Center, Village Home, Garden Home Mixed Use, and Apartment Districts, the required residential yield is 728 dwelling units. The applicant is proposing to use 124 Transfer of Development Rights (TDR) credits internally within the proposed PD, increasing the development program to the proposed 852 dwelling units. A TDR agreement for this property has been recorded in Orange County Records to accommodate the transfer.

There are 17.11 acres of Adequate Public Facilities (APF) lands required with this application, with 26.49 acres being dedicated for rights-of-way, stormwater treatment and attenuation for APF land, an Elementary School, and an APF park, which creates an APF surplus of 9.38 acres. An APF agreement (RAG-19-11-050) has been submitted to run concurrent with this request, and was approved by the Roadway Agreement Committee on January 15, 2020.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation of Village (V). The proposed use is consistent with this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

Orange County Conservation Area Determination CAD-18-10-147 was completed for this property with a certified wetland boundary survey approved on May 13th 2019. Orange County Conservation Area Determination CAD-18-09-138 was completed for Lake Star Road with a certified wetland boundary survey approved on August 8th 2019. These determinations are binding for a period of five years.

This project site has a prior land use that may have resulted in petroleum spills, agricultural related contamination (including cattle operations), and fertilizer, pesticide or herbicide spillage. Prior to any preliminary subdivision plan or development plan (PSP/DP) submittal, the Orange County EPD will require a completed Phase I Environmental Site Assessment (ESA). If a site is determined to have soil or groundwater contamination, then the applicant must provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels. Depending upon the Phase I results, sampling of soils and/or groundwater may also be required prior to platting and to approvals of any site disturbance other than for remediation if necessary. Depending upon the findings of the ESAs, then additional conditions of approval including required covenants, conditions, and restrictions (CCRs), will be necessary regarding the contamination status and history of site assessments.

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for any septic systems; and the Water Management District, as well as the DOH, for wells.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (endangered, threatened, or species of special concern.) The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

Transportation / Concurrency

On January 28, 2020, the BCC approved the Horizon West Village I Road Network Agreement which provides for the dedication of right-of-way, completion of design, engineering, permitting, mitigation and construction of four-laning of C.R. 545 (Avalon Road) and Flemings Road.

Water / Wastewater / Reclaim

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

Schools

School Capacity Determination OC-19-065 was approved for the subject property on September 27, 2019, indicating there would be sufficient school capacity at the affected schools to support the development of 844 new single-family, multi-family and townhome residential units. This determination expires on September 18, 2020. The combination of the capacity determination for 844 dwelling units and vesting for 8 dwelling units (by right) yields the proposed development program of 852 dwelling units.

Parks and Recreation

Orange County Parks and Recreation reviewed the request, but did not identify any issues or concerns.

Code Enforcement

There are no outstanding Code Enforcement violations on the subject property.

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 26 conditions. Staff noted that DRC conditions #24 and #25 had been revised since the DRC recommendation, and that new condition #26, the standard Village I concurrency condition, would need to be added.

Staff indicated that 18 notices were sent to an area extending beyond 1,500 feet from the subject property, with zero responses in favor and zero in opposition received. No residents were in attendance to speak on this request.

Following limited discussion, a motion was made by Commissioner Dunn to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the Gem Groves Planned Development / Land Use Plan (PD/LUP) dated "Received January 21, 2020", subject to the 26 conditions listed in the staff report with the revised Conditions 24 and 25, and new Condition 26, for a total of 27 conditions. Commissioner Nazario seconded the motion, which was then carried on an 8-0 vote.

Motion / Second	<i>Jimmy Dunn / Carlos Nazario</i>
Voting in Favor	<i>Jimmy Dunn, Carlos Nazario, Evelyn Cardenas, Eddie Fernandez, Gordon Spears, Diane Velazquez, JaJa Wade and Nelson Pena.</i>
Voting in Opposition	<i>None</i>
Absent	<i>Mohammed Abdallah</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (June 5, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Horizon West – Village I - Gem Groves Planned Development / Land Use Plan (PD/LUP), dated “Received January 21, 2020”, subject to the following conditions:

1. Development shall conform to the Horizon West – Village I - Gem Groves Land Use Plan (LUP) dated "Received January 21, 2020," 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 January 21, 2020," 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 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. 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.
7. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any

streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.

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. If applicable, the applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the adjacent northeastern land use includes facilities with operations that may result in periodic temporary conditions that may cause odors, noise disturbance and dust.
10. 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).
11. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
12. 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.
13. 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.
14. 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.

15. 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).
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 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. 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.
18. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
19. 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.
20. Pole signs and billboards shall be prohibited. Ground and fascia signs within the Village Center shall comply with Chapter 31.5 Village PD standards of the Orange County Code. Wall and fascia signs for the Elementary school shall comply with Orange County Code Section 38-1755 (o) of the Orange County Code and all other developments other than the Village Center and the School shall comply with Chapter 31.5 of the Orange County Code.
21. Outside sales, storage, and display shall be prohibited within the Village Center.
22. A 5-year interim Master Utility Plan (MUP) for Village I must be approved prior to Construction Plan approval within this PD.
23. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP) for Village I. MUP updates shall be submitted to Orange County Utilities at least thirty (30) prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
24. Prior to the issuance of the initial Certificate of Occupancy, temporary or permanent, for any portion of each of Parcel 22 (Village Center) and Parcel 24 (Apartment), the Southern Connector Road, as generally described in that certain Flemings Road Developer's Agreement recorded under Instrument Number 20200166971 in the Public Records of Orange County, Florida, with the identified "rural section" built to County APF standards, must be complete and accepted by County. Additionally, as

a condition precedent to the issuance by County of the initial vertical building permit within the applicable Parcel, in the event the Southern Connector Road has not been completed and accepted by County, the Developer / Applicant shall have (i) obtained from the County approval of the construction plans for the Southern Connector Road, (ii) entered into a construction contract which provides for the completion thereof, in accordance with such approved plans, within eight (8) months from the date of such contract and which provides that the County is a third party beneficiary to such contract, and (iii) provided to the County performance and payment bonding, reasonably acceptable to the County, for the work to be performed under such contract.

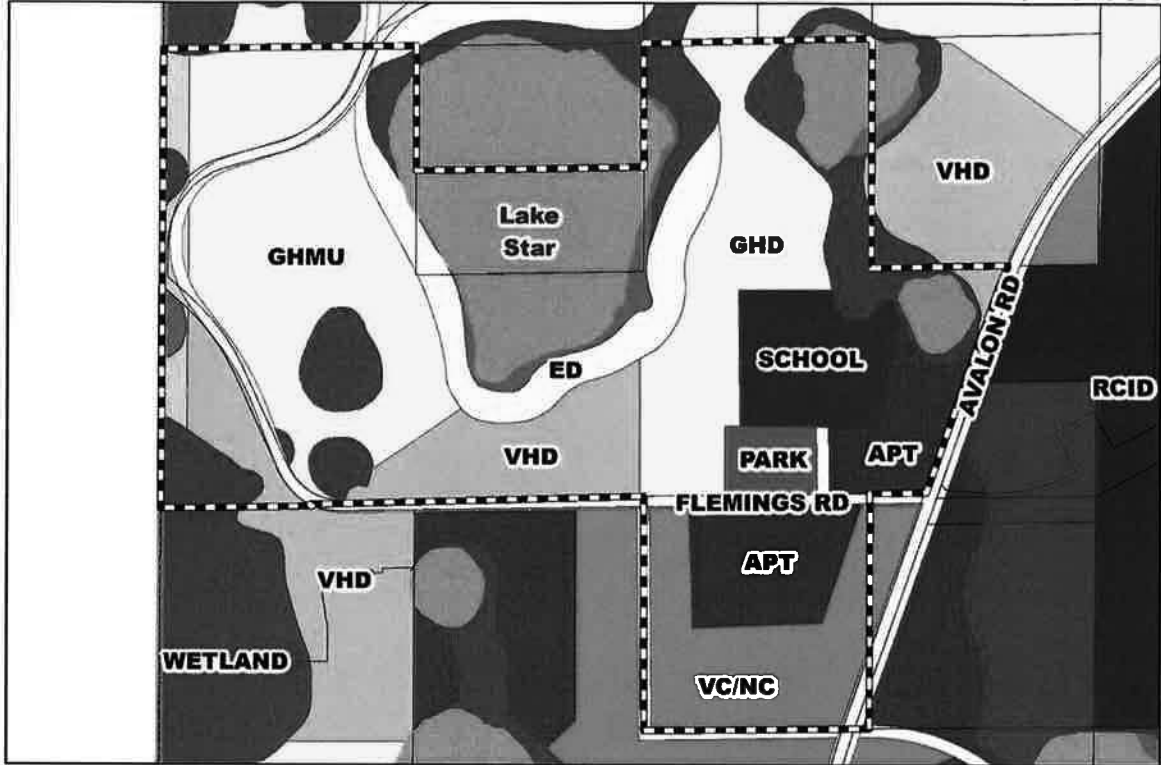
25. Prior to the issuance of a Certificate of Completion for any portion of the Gem Groves PD located north of Flemings Road (all of the Gem Groves PD except for Parcels 22 and 24) one or more of the following roadway improvements shall have been constructed, completed, and accepted by the County in accordance with plans approved by the County, which plans will include provisions for the handling of stormwater associated with such completed roadways: (i) the upgrade (pursuant to Section 6.1(c)) and/or widening (pursuant to Section 2.13) of Flemings Road, in accordance with the Village I Horizon West Road Network Agreement recorded under Instrument Number 2020109451 in the Public Records of Orange County, Florida; OR (ii) the Southern Connector Road, as generally described in that certain Flemings Road Developer's Agreement recorded under Instrument Number 20200166971 in the Public Records of Orange County, Florida, with the identified "rural section" built to County APF standards.
26. 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.
27. The following waivers from Orange County Code are requested:
 - a. A waiver from Orange County Code Section 34-152(c), for Parcels 9; 10; 11; and 12, 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 Orange County Code Section 38-1382(h)(4), for Parcels 9; 10; 11; and 12, 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 Orange County Code Section 38-1384(g)(1), for Parcels 9; 10; 11; and 12, to allow garage access to be setback from an alley tract in lieu of an easement.

- d. A waiver from Orange County Code Section 38-1384(g)(2), for Parcels 9; 10; 11; and 12, 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 Orange County Code Section 38-1384(i)(2), for Parcels 9; 10; 11; and 12, to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.
- f. A waiver from Orange County Code Section 38-1258(a), for Parcel 22 and 24, to allow multi-family residential buildings located within fifty (50) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height in lieu of the requirement that multi-family buildings within one hundred (100) feet of a single-family zoned property be restricted to a single-story height.
- g. A waiver from Orange County Code Section 38-1258(b), for Parcels 22 and 24, to allow multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.
- h. A waiver from Orange County Code Section 38-1258(c), for Parcel 22 and 24, to allow multi-family buildings located within fifty (50) feet of a single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.
- i. A waiver from Orange County Code Section 38-1258(d), for Parcels 22 and 24, to allow multi-family buildings constructed up to five-stories and 65 feet in height, in lieu of the restriction that a multi-family development shall be limited to three (3) stories (forty (40) feet) in height.
- j. A waiver from Orange County Code Section 38-1258(e), for Parcels 22 and 24, to allow parking and paved areas for multi-family development fifteen (15) feet from single-family zoned property, in lieu of the restriction that a parking and paved areas shall be twenty-five (25) feet from single-family zoned property.
- k. A waiver from Orange County Code Section 38-1258(f), for Parcels 22 and 24, to not require a six (6) foot high masonry, brick, or block wall as part of the multi-

family development since it is adjacent to single-family zoned property, in lieu of the a six (6) foot high masonry, brick, or block wall requirement.

- l. A waiver from Orange County Code Section 38-1258(g), for Parcel 22 and 24, to allow shared access for multi-family and single-family residential and to allow multi-family residential to directly access a right-of-way serving platted single-family residential development, in lieu of the requirement that multi-family development shall not directly access any right-of-way serving platted single-family residential.
- m. A waiver from Orange County Code Section 38-1258(i), for Parcels 22 and 24, to not require fencing as part of the multi-family development simply because it is adjacent to right-of-way that has single family zoned property across the right-of-way, in lieu of the requirement that multi-family development shall have fencing as part of the development because it is adjacent to right-of-way that has single family zoned property across the right-of-way.
- n. A waiver from Orange County Code Section 38-1258(j), for Parcels 22 and 24, to require a minimum separation of twenty (20) feet between buildings, in lieu of the requirement where doors, windows, or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, there shall be a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for building three (3) stories.
- o. A waiver from Section 30-714(c) is requested to allow the project to proceed beyond 5% of the approved PD entitlements, which 5% threshold is identified in the APF Agreement as 42 dwelling units (attached or detached); provided, however, that prior to said 5% threshold being reached or exceeded: (A) the future APF Right-of-Way have been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County; (B) the Stormwater Site, as defined in the APF Agreement has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County and; (C) the approximately 5.0 acre APF Park has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County.
- p. A waiver from Orange County Code Section 38-1384(i)(3), for the hatched areas on Parcel 10 on the plan dated "Received January 21, 2020," to allow lots facing the Lake Star APF road access to garages and off-street parking surfaces from the APF road in lieu of the requirement that vehicular access to garages or other off-street parking surfaces on all lots facing the primary side of an APF road shall be provided from a rear alley or easement.
- q. A waiver from Section 38-1427(d)(2)(d) to allow a Monopole between 80 feet and 140 feet in height to be within 50' of Vacant Unplatted Residentially-Zoned Lands in lieu of the distance requirement of 400' or 500% of height of tower, whichever is greater.

LUP-18-10-334



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Village (V), Village I Special Planning Area, Garden Home Mixed Use District, Village Home District, Apartment District, and Village Center District

APPLICANT: Kathy Hattaway, Poulos and Bennett, LLC

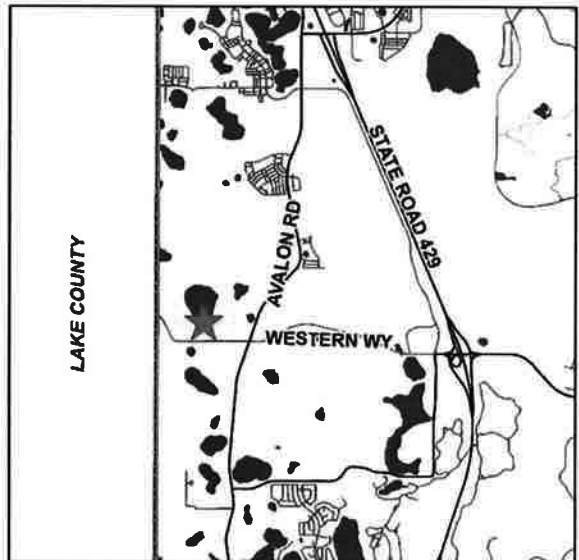
LOCATION: Generally located north and south of Flemings Road / West of C.R. 545 (Avalon Rd.) / West of Lake Star Road

TRACT SIZE: 277.09 gross acres / 201.79 developable acres

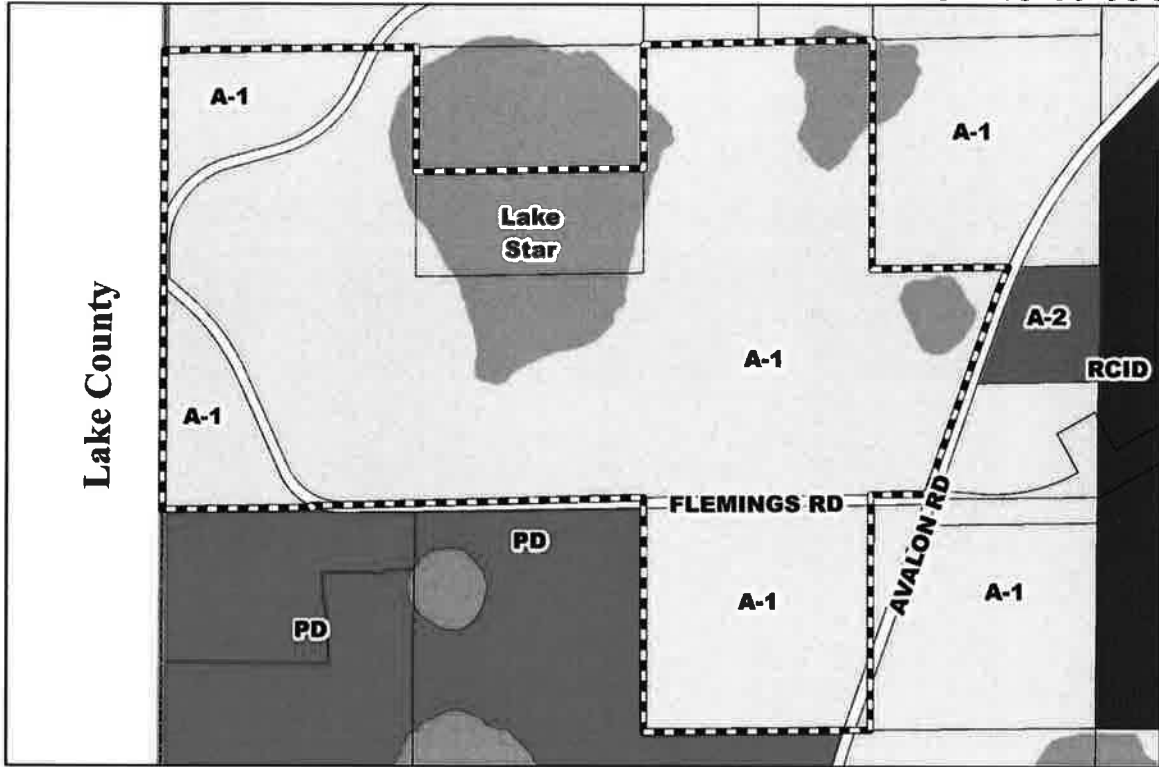
DISTRICT: # 1

S/T/R: 18/24/27, 19/24/27

1 inch = 860 feet



LUP-18-10-334



Subject Property



Subject Property

Zoning Map

ZONING: A-1 (Citrus Rural District) to PD (Planned Development District)

APPLICANT: Kathy Hattaway, Poulos and Bennett, LLC

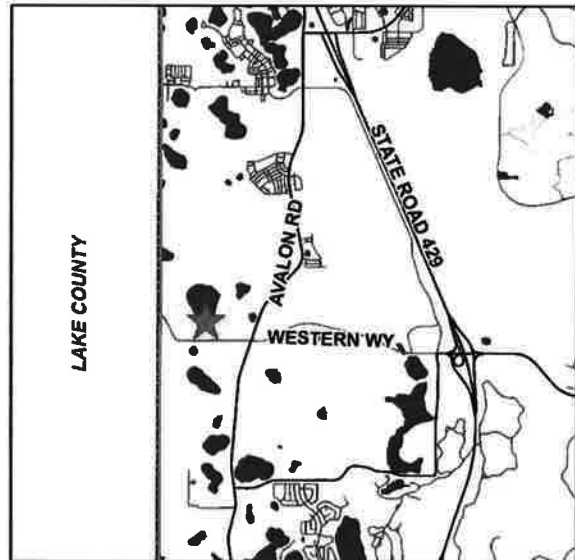
LOCATION: Generally located north and south of Flemings Road / West of C.R. 545 (Avalon Rd.) / West of Lake Star Road

TRACT SIZE: 277.09 gross acres / 201.79 developable acres

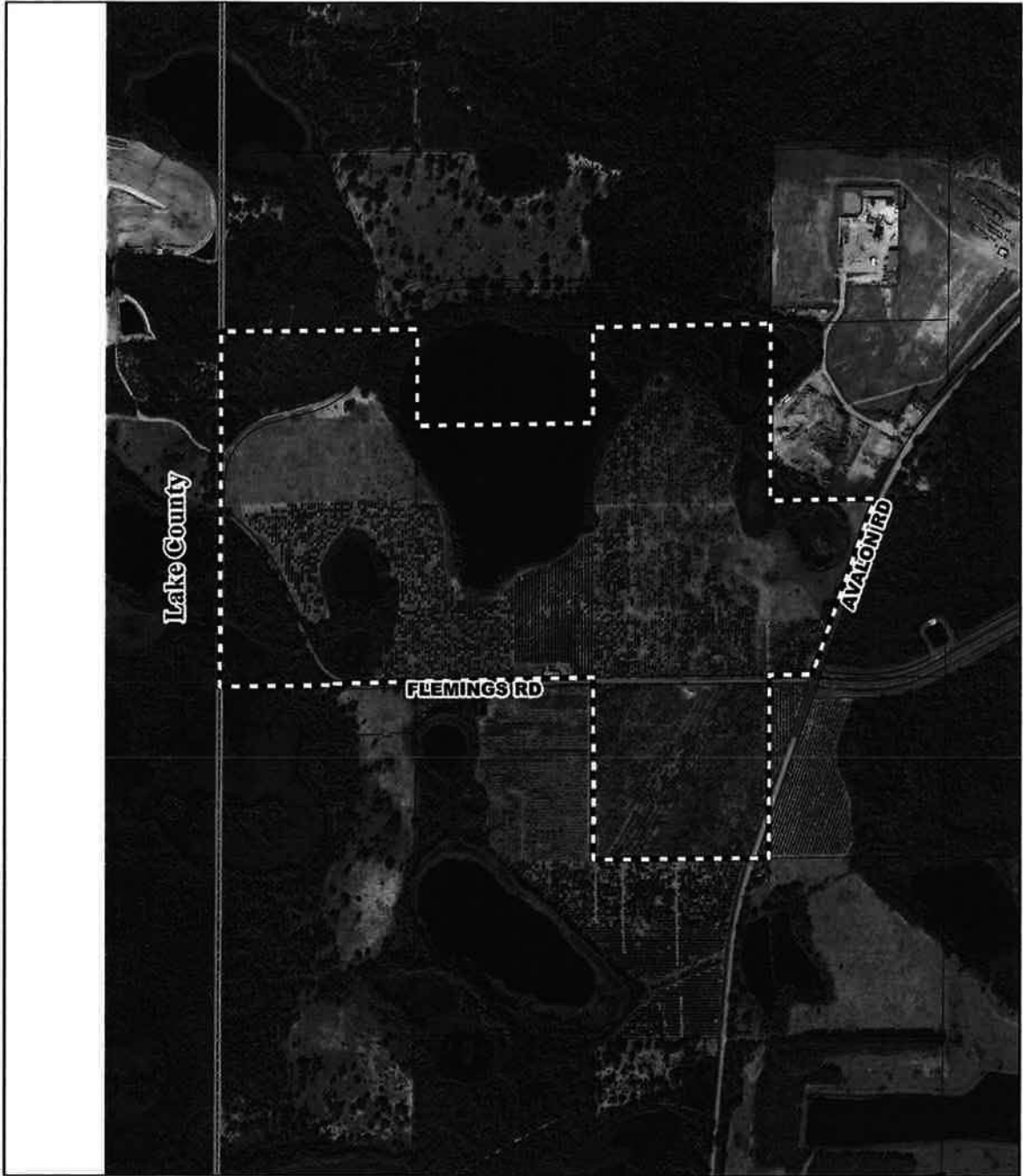
DISTRICT: # 1

S/T/R: 18/24/27, 19/24/27

1 inch = 860 feet



LUP-18-10-334



 Subject Property



1 inch = 975 feet

Horizon West – Village I – Gem Groves PD / LUP (Cover Sheet)

Planned Development/Land Use Plan for **Horizon West - Village I** **Gem Groves PD LUP-18-10-334** Orange County, FL

19-24-27-0000-000-002
 The applicant is requesting a rezoning of the subject property from its current zoning to the proposed rezoning. The rezoning is necessary to allow the applicant to develop the subject property in accordance with the proposed rezoning. The rezoning is necessary to allow the applicant to develop the subject property in accordance with the proposed rezoning. The rezoning is necessary to allow the applicant to develop the subject property in accordance with the proposed rezoning.

Parcel Id. Nos.
 19-24-27-0000-000-002
 19-24-27-0000-000-012
 19-24-27-0000-000-013
 19-24-27-0000-000-014
 19-24-27-0000-000-015
 19-24-27-0000-000-021
Agent:
 Paul & Bennett C/O Kathy Hanaway
 281 Lee Rd, Suite 204
 Winter Park, FL 32789-7208
 407.687.2594

Owner/Applicant:
 Turn-Liberty Lake Underhill Joint Venture 50% Int, Village I-485 LLC 50% Int
 281 Lee Rd, Suite 204
 Winter Park, FL 32789-7208



Consultant:
 Paul & Bennett
 281 Lee Rd, Suite 204
 Winter Park, FL 32789-7208
 407.687.2594

Service:
 Planning & Zoning
 1511 E. Palmetto Ave
 Suite 100
 Winter Park, FL 32789

Parcel Id.	Sheet Title	Submittal
C100	Site Plan	1
C200	Site Plan	2
C210	Site Plan	3
C220	Site Plan	4
C230	Site Plan	5
C240	Site Plan	6
C250	Site Plan	7
C260	Site Plan	8
C270	Site Plan	9
C280	Site Plan	10
C290	Site Plan	11
C300	Site Plan	12
C310	Site Plan	13
C320	Site Plan	14
C330	Site Plan	15
C340	Site Plan	16
C350	Site Plan	17
C360	Site Plan	18
C370	Site Plan	19
C380	Site Plan	20
C390	Site Plan	21
C400	Site Plan	22
C410	Site Plan	23
C420	Site Plan	24
C430	Site Plan	25
C440	Site Plan	26
C450	Site Plan	27
C460	Site Plan	28
C470	Site Plan	29
C480	Site Plan	30
C490	Site Plan	31
C500	Site Plan	32
C510	Site Plan	33
C520	Site Plan	34
C530	Site Plan	35
C540	Site Plan	36
C550	Site Plan	37
C560	Site Plan	38
C570	Site Plan	39
C580	Site Plan	40
C590	Site Plan	41
C600	Site Plan	42
C610	Site Plan	43
C620	Site Plan	44
C630	Site Plan	45
C640	Site Plan	46
C650	Site Plan	47
C660	Site Plan	48
C670	Site Plan	49
C680	Site Plan	50
C690	Site Plan	51
C700	Site Plan	52
C710	Site Plan	53
C720	Site Plan	54
C730	Site Plan	55
C740	Site Plan	56
C750	Site Plan	57
C760	Site Plan	58
C770	Site Plan	59
C780	Site Plan	60
C790	Site Plan	61
C800	Site Plan	62
C810	Site Plan	63
C820	Site Plan	64
C830	Site Plan	65
C840	Site Plan	66
C850	Site Plan	67
C860	Site Plan	68
C870	Site Plan	69
C880	Site Plan	70
C890	Site Plan	71
C900	Site Plan	72
C910	Site Plan	73
C920	Site Plan	74
C930	Site Plan	75
C940	Site Plan	76
C950	Site Plan	77
C960	Site Plan	78
C970	Site Plan	79
C980	Site Plan	80
C990	Site Plan	81
C1000	Site Plan	82

Map:

1. 10/1/2019
2. 10/1/2019
3. 10/1/2019
4. 10/1/2019
5. 10/1/2019

Map:

1. 10/1/2019
2. 10/1/2019
3. 10/1/2019
4. 10/1/2019
5. 10/1/2019

RECEIVED
 By DRC Office at 4:12 pm, Jan 21, 2020

POULOS & BENNETT
 281 Lee Road, Suite 204
 Winter Park, FL 32789-7208
 407.687.2594

Notification Map

