



**Interoffice Memorandum**

DATE: October 9, 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: 2020.10.09 15:39:12 -04'00'

SUBJECT: October 27, 2020 – Public Hearing  
Kathy Hattaway, Poulos & Bennett, LLC  
Horizon West – Village I – Karr Planned Development  
Case # LUP-18-11-375 / District 1  
(Related to RAG-19-11-049 - Consent Item)

The Horizon West – Village I – Karr Planned Development (PD) is located generally east of Avalon Road, north of Hartzog Road, and south of Western Way. The applicant is seeking to rezone 134.09 acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct 454 single-family attached and detached dwelling units, 250 multi-family residential dwelling units, and 10,000 square feet of neighborhood commercial uses. The request also includes the permitted use of a Charter school. In addition, 18) waivers are requested from Orange County Code related to residential lot access via tracts or easements; alley design as tracts instead of easements; garage access from alley tracts; increased height for multi-family buildings adjacent to single-family properties; reduced multi-family pavement setbacks and buffering from single-family properties; shared access for single and multi-family residential; reduced multi-family building separation; reduced lot depths; and to allow the development to proceed beyond 5% of the approved PD entitlements prior to the conveyance of APF lands or a fee in lieu of conveyance. The applicant is not proposing to use any Transfer of Development Rights (TDR) credits. A TDR agreement will be required if the available credits are ever transferred. An associated Adequate Public Facilities agreement (RAG-20-03-006) was recommended for approval by the Roadway Agreement Committee and will be considered concurrent with this request.

On June 18, 2020, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was not required for this application.

Subsequent to the Planning & Zoning Commission hearing, and the finalization of the APF agreement through the Roadway Agreement Committee (RAC), the applicant revised the request as follows:

The total number of dwelling units has been reduced from 727 to 704 and, specifically, the development programs in Parcels 2 and 18 of the project. Parcel 2 was reduced from 225 units to 206 units; and Parcel 18 was reduced from 83 units to 79 units. In addition, a slight modification to the parcel line between Parcels 2 and 18 was made which changed the parcels' acreage. The net developable acreage on Parcel 2 was reduced from 32.32 acres to 31.59 acres; and the net developable acreage on Parcel 18 was increased from 4.27 acres to 5.00 acres.

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 – Karr Planned Development / Land Use Plan (PD/LUP) dated “Received April 17, 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** SP Commercial Investors, LLC; Thomas J. Karr, Jr.; Tami G. Karr; Donald R. Allen; and Patricia A. Allen

**PROJECT NAME** Horizon West – Village I – Karr 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 134.09 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct 454 single-family attached and detached dwelling units, 250 multi-family residential dwelling units, and 10,000 square feet of neighborhood commercial uses. The request also includes the permitted use of a Charter school and the following waivers from Orange County Code:

1. A waiver, for Parcels 2, 16, 18, and 23, from Orange County Code Section 34-152(c) to allow lots to front a mews, park, open space, etc. and have access via a tract or easement in lieu of the requirement that each lot shall have a minimum access width of twenty (20) feet to a dedicated public paved street.

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

2. A waiver, for Parcels 2, 16, 18, and 23, from Orange County Code Section 38-1382(h)(4) to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement.
3. A waiver, for Parcels 2, 16, 18, and 23, from Orange County Code Section 38-1384(g)(1) to allow garage access to be setback from an alley tract in lieu of an easement.
4. A waiver, for Parcels 2, 16, 18, and 23, from Orange County Code Section 38-1384(g)(2) to allow detached

garages without access to a rear alley tract, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot in lieu of detached garages without access to a rear alley easement, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot.

5. A waiver, for Parcels 2, 16, 18, and 23 from Orange County Code Section 38-1384(i)(2) to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.

***Applicant Justification for Waivers 2-5:*** *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.*

6. A waiver from Orange County Code Section 38-1258(a), for Parcel 15, to allow multi-family residential buildings twenty (20) feet from single-family zoned property and to be constructed up to five-stories and 75 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. This waiver is both internal and external to the Karr PD.

***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 residential multi-family buildings 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 Specific Area Plan. By allowing taller multi-family buildings development will be more consistent and compatible with Village I principles.*

7. A waiver from Orange County Code Section 38-1258(b), for Parcel 15, to allow multi-family residential buildings twenty (20) feet from single-family zoned property and to be constructed up to five-stories and 75 feet in height in lieu of the requirement that multi-family buildings within one hundred and fifty (150) feet of a single-family zoned property vary in building height. This waiver is both internal and external to the Karr PD.
  
8. A waiver from Orange County Code Section 38-1258(c), for Parcel 15, to allow multi-family buildings twenty (20) feet from a single-family zoned property and to be constructed up to five-stories and 75 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. This waiver is both internal and external to the Karr PD.

***Applicant Justification for Waivers 7 & 8:*** 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 residential multi-family buildings 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 Specific Area Plan. By allowing taller multi-family buildings development will be more consistent and compatible with Village I principles.

9. A waiver from Orange County Code Section 38-1258(d), for Parcel 15, to allow multi-family buildings constructed up to five-stories and 75 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. This waiver is both internal and external to the Karr PD.

***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 Specific Area Plan. By allowing taller multi-family buildings development will be more consistent and compatible with Village I principles. This waiver is both internal and external to the Karr PD.*

10. A waiver from Orange County Code Section 38-1258(e), for Parcel 15, to allow parking and paved areas for multi-family development ten (10) 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. This waiver is both internal and external to the Karr PD.

***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 Specific Area Plan. By allowing parking and paved areas up to ten (10) 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 Parcel 15, 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. This waiver is both internal and external to the Karr PD.

***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 Specific Area Plan. 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 15, 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. This waiver is both internal and external to the Karr PD.

***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 access between multi-family and single family residential is contrary to new urbanism and creating a mix of land uses. New urbanism is a core design principle in Village I. By allowing shared access for multi-family and single-family residential, development will be more consistent and compatible with Village I principles as well as allow interconnected design between Parcels 15, 16, and 23 in Village I.*

13. A waiver from Orange County Code Section 38-1258(i), for Parcel 15, 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. This waiver is both internal and external to the Karr PD.

**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 15, 16, and 23 in Village I.*

14. A waiver from Orange County Code Section 38-1258(j), for Parcel 15, to allow 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. This waiver is both internal and external to the Karr PD.

**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 Orange County Code Section 38-1387.2(a)(8)(b) to allow a ten (10) foot side setback in lieu of the fifteen (15) foot side setback requirement for apartment buildings.

**Applicant Justification:** *Per Code Section 38-1387.2(a)(8)(e) the minimum building separation is twenty (20) feet. Compliance with the Code requirement of a fifteen (15) foot side setback would result in a minimum thirty (30) foot building separation being required. This Waiver is limited to interior side setbacks and does not affect the Side Street setback requirement of fifteen (15) feet.*



16. A waiver from Orange County Code Section 38-1387.1(a)(10) to allow a fourteen (14) foot building separation between townhomes in lieu of twenty (20) feet.

**Applicant Justification:** *Per Code Section 38-1387.1(a)(9), side setbacks for townhomes are seven (7) feet which results in only fourteen (14) feet being required between townhomes. County Code Section 38-1258(j) explains when multi-family development is 3-stories or taller or where doors, windows, or other opening in the wall of a living unit back up to a wall of another building with doors, window, or other openings, a 20-foot separation is needed. Typically, townhomes do not trigger this separation requirement, and as such, 14-feet between buildings has been approved and constructed numerous time in Horizon West. Moreover, a large separation between buildings is contrary to the new urbanism principal of promoting compactness to create urban form consistent with Comprehensive Plan Policy 4.1.1.*

17. A waiver from Orange County Code Section 38-1387.1(a)(3) to allow a 90-foot lot depth in lieu of 100-feet.

**Applicant Justification:** *The required minimum living area of 1,000 square feet is satisfied as well as compliance with the minimum density requirements. Also each townhome will include parking for two vehicles which meets the County Code requirements. This waiver request should be granted because it is consistent with Comprehensive Plan Policy 4.1.1 which states that Horizon West designs should follow new urbanism principals including the promotion of compactness to create an urban form.*

18. A Waiver from Orange County Code Section 30-714(c) to allow development within the Karr PD to proceed beyond five percent (5%) of the project's approved PD entitlements prior to either: (1) the option being exercised and the property being conveyed; or (2) the developer paying the appropriate fee in lieu of conveyance as described in Orange County Code Section 30-714(d).

**Applicant Justification:** *The Karr PD may be developed in phases and, as such the required APF lands may be similarly conveyed in phases. The Karr PD is subject to both the Village I Road Agreement and the Hartzog Road*

*Agreement which respectively address the conveyance of right of way for Avalon Road (CR 545) and Hartzog Road. In recognition of the potentially phasing of development and the Village I Road Agreement and the Hartzog Road Agreement, development within the Karr PD will be permitted to proceed beyond five percent (5%) of the approved PD entitlements, provided the following has occurred:*

*Owner has conveyed the right-of-way for Avalon Road (CR 545) to County or placed a deed for the Avalon Road (CR 545) right-of-way into escrow with the Village Escrow Agent pursuant to the Village I Road Agreement;*

*Owner has conveyed the right-of-way for Hartzog Road to County or placed a deed for the Hartzog Road right-of-way in escrow with the Escrow Agent pursuant to the Hartzog Road Agreement;*

*Owner has conveyed the right-of-way for the internal APF Road to County or placed a deed for the Internal APF Road right-of-way into escrow with County pursuant to an escrow agreement acceptable to the County; and*

*Owner has conveyed the stormwater area serving Avalon Road (CR 545) to the County or placed a deed for such stormwater area into escrow with the Village Escrow Agent pursuant to the Village I Road Agreement.*

<b>LOCATION</b>	Generally east of Avalon Road, north of Hartzog Road, and south of Western Way
<b>PARCEL ID NUMBERS</b>	30-24-27-0000-00-021, 29-24-27-0000-00-002, 30-24-27-0000-00-012
<b>TRACT SIZE</b>	134.09 gross acres / 72.05 net developable acres
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing extended beyond one thousand five hundred (1,500) feet [ <i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i> ]. One hundred forty-four (144) notices were mailed to those property owners in the mailing area. A community meeting was not required for this request.
<b>PROPOSED USE</b>	454 single-family attached and detached dwelling units, 250 multi-family residential dwelling units, and 10,000 square feet of neighborhood commercial uses. The request also includes the permitted use of a Charter school.

**STAFF RECOMMENDATION**

**Development Review Committee – (May 13, 2020)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Horizon West – Village I - Karr Planned Development / Land Use Plan (PD/LUP), dated “Received April 17, 2020”, subject to the following conditions:**

1. Development shall conform to the Horizon West – Village I - Karr Land Use Plan (LUP) dated "Received April 17, 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 April 17, 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. 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.
7. 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.
8. The project shall comply with the terms and conditions of that certain Hartzog Road Right-of-Way Agreement recorded at Official Records Book / Page 9712 / 4850, Public Records of Orange County, Florida, as may be amended.

9. The project shall comply with the terms and conditions of the Village I Horizon West Road Network Agreement approved by the Board of County Commissioners on January 28, 2020 as recorded in Orange County Official Records under the document # 20200109451, Public Records of Orange County, Florida, as may be amended.
10. 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.
11. 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.
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. 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).
14. 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.
15. 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) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
16. 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 Utility Plan (MUP).

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. A 5-year interim Master Utility Plan (MUP) for Village I must be approved prior to Construction Plan approval within this PD.
19. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
20. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved and up-to-date MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
21. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
22. 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.
23. If applicable, the Charter School shall comply with the School Siting Ordinance.
24. The following waivers from Orange County Code are granted:
  - a. A waiver, for Parcels 2, 16, 18, and 23, from Section 34-152(c) to allow lots to front a mew, 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, for Parcels 2, 16, 18, and 23, from Section 38-1382(h)(4) to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement.
  - c. A waiver, for Parcels 2, 16, 18, and 23, from Section 38-1384(g)(1) to allow garage access to be setback from an alley tract in lieu of an easement.
  - d. A waiver, for Parcels 2, 16, 18, and 23, from Section 38-1384(g)(2) to allow detached garages without access to a rear alley tract, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot in lieu of detached garages without access to a rear alley easement, including garages with an accessory dwelling

- unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot.
- e. A waiver, for Parcels 2, 16, 18, and 23 from Section 38-1384(i)(2) to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.
  - f. A waiver from Section 38-1258(a), for Parcel 15, to allow multi-family residential buildings twenty (20) feet from single-family zoned property and to be constructed up to five-stories and 75 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. This waiver is both internal and external to the Karr PD.
  - g. A waiver from Section 38-1258(b), for Parcel 15, to allow multi-family residential buildings twenty (20) feet from single-family zoned property and to be constructed up to five-stories and 75 feet in height in lieu of the requirement that multi-family buildings within one hundred and fifty (150) feet of a single-family zoned property vary in building height. This waiver is both internal and external to the Karr PD.
  - h. A waiver from Section 38-1258(c), for Parcel 15, to allow multi-family buildings twenty (20) feet from a single-family zoned property and to be constructed up to five-stories and 75 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. This waiver is both internal and external to the Karr PD.
  - i. A waiver from Section 38-1258(d), for Parcel 15, to allow multi-family buildings constructed up to five-stories and 75 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. This waiver is both internal and external to the Karr PD.
  - j. A waiver from Section 38-1258(e), for Parcel 15, to allow parking and paved areas for multi-family development ten (10) 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. This waiver is both internal and external to the Karr PD.
  - k. A waiver from Section 38-1258(f), for Parcel 15, 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. This waiver is both internal and external to the Karr PD.
  - l. A waiver from Section 38-1258(g), for Parcel 15, 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. This waiver is both internal and external to the Karr PD.

- m. A waiver from Section 38-1258(i), for Parcel 15, 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. This waiver is both internal and external to the Karr PD.
- n. A waiver from Section 38-1258(j), for Parcel 15, to allow 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. This waiver is both internal and external to the Karr PD.
- o. A waiver from Section 38-1387.2(a)(8)(b) to allow a ten (10) foot side setback in lieu of the fifteen (15) foot side setback requirement for apartment buildings.
- p. A waiver from Section 38-1387.1(a)(10) to allow a fourteen (14) foot building separation between townhomes in lieu of twenty (20) feet.
- q. A waiver from Section 38-1387.1(a)(3) to allow a 90-foot lot depth in lieu of 100-feet.
- r. A waiver from Section 30-714(c) to allow development within the Karr PD to proceed beyond five percent (5%) of the project's approved PD entitlements prior to either: (1) the option being exercised and the property being conveyed; or (2) the developer paying the appropriate fee in lieu of conveyance as described in Orange County Code Section 30-714(d).

## **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) in order to construct 454 single-family attached and detached dwelling units, 250 multi-family residential dwelling units, and 10,000 square feet of neighborhood commercial uses. The request also includes the permitted use of a Charter school.

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 designated Townhome District, Apartment District, and Neighborhood Center District. The Townhome District has a required density of eight (8) dwelling units per net developable acre. The Apartment District has a permitted density of sixteen (16) to eighteen (18) dwelling units per net developable acre. In addition to multi-family uses the Apartment District allows for accessory uses permitted in the R-3 Zoning District, as well as certain structures and uses required to serve educational, religious, utilities, and non-commercial recreational needs if approved by the Board of County Commissioners. The Neighborhood Center allows for C-1 (Retail Commercial District) uses. 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**

<b>Existing Use</b>	Undeveloped Land
<b>Adjacent Zoning</b>	N: A-1 (Citrus Rural District) (1957) Reedy Creek Improvement District
	E: A-1 (Citrus Rural District) (1957) PD (Planned Development District) (Withers PD) (2019)
	W: PD (Planned Development District) (Serenade at Ovation PD) (2020)
	S: A-1 (Citrus Rural District) (1957) PD (Planned Development District) (Withers PD) (2019)
<b>Adjacent Land Uses</b>	N: Undeveloped Land
	E: Undeveloped Land
	W: Undeveloped Land
	S: Lake Gifford

**APPLICABLE PD DEVELOPMENT STANDARDS**

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

**SPECIAL INFORMATION**

**Subject Property Analysis**

The applicant is seeking to rezone 134.09 acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct 454 single-family attached and detached dwelling units, 250 multi-family residential dwelling units, and 10,000 square feet of neighborhood commercial uses. The request also includes the permitted use of a Charter school. In addition, eighteen (18) waivers are requested from Orange County Code related to residential lot access via tracts or easements; alley design as tracts instead of easements; garage access from alley tracts; increased height for multi-family buildings adjacent to single-family properties; reduced multi-family pavement setbacks and buffering from single-family properties; shared access for single and multi-family residential; reduced multi-family building separation; reduced lot depths; and to allow the development to proceed beyond 5% of the approved PD entitlements prior to the conveyance of APF lands or a fee in lieu of conveyance. The applicant is not proposing to use any Transfer of Development Rights (TDR) credits. A TDR agreement will be required if the available credits are ever transferred.

There are 9.94 acres of Adequate Public Facilities (APF) lands required with this application, with 9.33 acres of APF lands being dedicated for rights-of-way, which leaves an APF deficit of 0.61 acres. An APF agreement (RAG-20-03-006) was recommended for approval by the Roadway Agreement Committee and has been scheduled concurrent with this request.

This request has been revised since the Planning & Zoning Commission hearing on June 18, 2020. Subsequent to the Planning & Zoning Commission hearing, and the finalization of the APF agreement through the Roadway Agreement Committee (RAC), the applicant revised the request as follows:

The total number of dwelling units has been reduced from 727 to 704 and, specifically, the development programs in Parcels 2 and 18 of the project. Parcel 2 was reduced from 225 units to 206 units; and Parcel 18 was reduced from 83 units to 79 units. In addition, a slight modification to the parcel line between Parcels 2 and 18 was made which changed the parcels' acreage. The net developable acreage on Parcel 2 was reduced from 32.32 acres to 31.59 acres; and the net developable acreage on Parcel 18 was increased from 4.27 acres to 5.00 acres.

**Comprehensive Plan (CP) Amendment**

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. 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 JPA.

**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**

Wetlands and surface waters are located on this project site, including a portion of Doe Lake. Orange County Conservation Area Determination CAD-18-11-177 was completed for this property with a certified wetland boundary survey approved on May 31 2019. This determination is binding for a period of five years.

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 November 13, 2018 the Board of County Commissioners accepted a Term Sheet for Village I. Per the County's Comprehensive Plan Policy FLU4.3.10, the Roadway Network Agreement, which must substantially conform with the Term Sheet, must be signed by the owners of a majority of the undeveloped acreage in Village I and approved by the BCC prior to approval of the first Preliminary Subdivision Plan and/or Development Plan in Village I, with the exception of any project that has a Capacity Encumbrance Letter issued prior to November 13, 2018. 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. It is anticipated that concurrency will be met through the terms of the Village I Roadway Network Agreement.

**Water / Wastewater / Reclaim**

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

**Schools**

Orange County Public Schools issues a School Capacity Determination Letter (OC-19-103) indicated that there is sufficient capacity and a Capacity Enhancement Agreement (CEA) is not required for this project. This determination expires on January 15, 2021.

**Parks and Recreation**

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

**Specific Project Expenditure Report and Relationship Disclosure Forms**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

**PLANNING AND ZONING COMMISSION (PZC) FINDINGS**

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

Staff indicated that one hundred one (101) notices were sent to an area extending beyond 1,500 feet from the subject property, with zero (0) responses in favor and zero (0) in opposition received. No residents were in attendance to speak on this request.

Following limited discussion, a motion was made by Commissioner Cardenas to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the Horizon West – Village I – Karr Planned Development / Land Use Plan (PD/LUP) dated “Received April 17, 2020”, subject to the twenty four (24) conditions listed in the staff report. Commissioner Nazario seconded the motion, which was then carried on a 4-0 vote.

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

**PZC RECOMMENDED ACTION**

**Planning and Zoning Commission (PZC) Recommendation – (June 18, 2020)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Horizon West – Village I - Karr Planned Development / Land Use Plan (PD/LUP), dated “Received April 17, 2020”, subject to the following conditions:**

1. Development shall conform to the Horizon West – Village I - Karr Land Use Plan (LUP) dated "Received April 17, 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 April 17, 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. 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.
7. 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.
8. The project shall comply with the terms and conditions of that certain Hartzog Road Right-of-Way Agreement recorded at Official Records Book / Page 9712 / 4850, Public Records of Orange County, Florida, as may be amended.
9. The project shall comply with the terms and conditions of the Village I Horizon West Road Network Agreement approved by the Board of County Commissioners on January 28, 2020 as recorded in Orange County Official Records under the document # 20200109451, Public Records of Orange County, Florida, as may be amended.
10. 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.
11. 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.

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. 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).
14. 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.
15. 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) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
16. 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 Utility Plan (MUP).
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. A 5-year interim Master Utility Plan (MUP) for Village I must be approved prior to Construction Plan approval within this PD.
19. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
20. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved and up-to-date MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.



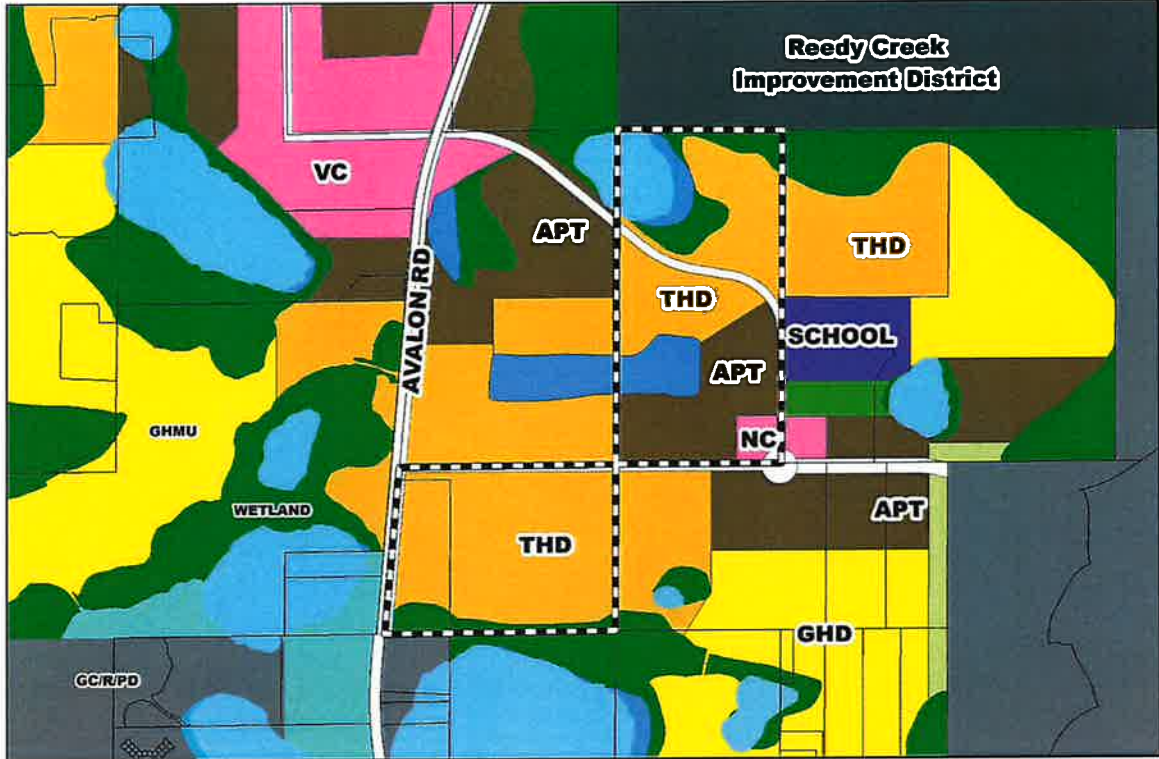
21. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
22. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
23. If applicable, the Charter School shall comply with the School Siting Ordinance.
24. The following waivers from Orange County Code are granted:
  - a. A waiver, for Parcels 2, 16, 18, and 23, from Section 34-152(c) to allow lots to front a meadow, 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, for Parcels 2, 16, 18, and 23, from Section 38-1382(h)(4) to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement.
  - c. A waiver, for Parcels 2, 16, 18, and 23, from Section 38-1384(g)(1) to allow garage access to be setback from an alley tract in lieu of an easement.
  - d. A waiver, for Parcels 2, 16, 18, and 23, from Section 38-1384(g)(2) to allow detached garages without access to a rear alley tract, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot in lieu of detached garages without access to a rear alley easement, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot.
  - e. A waiver, for Parcels 2, 16, 18, and 23 from Section 38-1384(i)(2) to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.
  - f. A waiver from Section 38-1258(a), for Parcel 15, to allow multi-family residential buildings twenty (20) feet from single-family zoned property and to be constructed up to five-stories and 75 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. This waiver is both internal and external to the Karr PD.
  - g. A waiver from Section 38-1258(b), for Parcel 15, to allow multi-family residential buildings twenty (20) feet from single-family zoned property and to be constructed up to five-stories and 75 feet in height in lieu of the requirement that multi-family buildings within one hundred and fifty (150) feet of a single-

family zoned property vary in building height. This waiver is both internal and external to the Karr PD.

- h. A waiver from Section 38-1258(c), for Parcel 15, to allow multi-family buildings twenty (20) feet from a single-family zoned property and to be constructed up to five-stories and 75 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. This waiver is both internal and external to the Karr PD.
- j. A waiver from Section 38-1258(d), for Parcel 15, to allow multi-family buildings constructed up to five-stories and 75 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. This waiver is both internal and external to the Karr PD.
- j. A waiver from Section 38-1258(e), for Parcel 15, to allow parking and paved areas for multi-family development ten (10) 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. This waiver is both internal and external to the Karr PD.
- k. A waiver from Section 38-1258(f), for Parcel 15, 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. This waiver is both internal and external to the Karr PD.
- l. A waiver from Section 38-1258(g), for Parcel 15, 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. This waiver is both internal and external to the Karr PD.
- m. A waiver from Section 38-1258(i), for Parcel 15, 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. This waiver is both internal and external to the Karr PD.
- n. A waiver from Section 38-1258(j), for Parcel 15, to allow 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. This waiver is both internal and external to the Karr PD.

- o. A waiver from Section 38-1387.2(a)(8)(b) to allow a ten (10) foot side setback in lieu of the fifteen (15) foot side setback requirement for apartment buildings.
- p. A waiver from Section 38-1387.1(a)(10) to allow a fourteen (14) foot building separation between townhomes in lieu of twenty (20) feet.
- q. A waiver from Section 38-1387.1(a)(3) to allow a 90-foot lot depth in lieu of 100-feet.
- r. A waiver from Section 30-714(c) to allow development within the Karr PD to proceed beyond five percent (5%) of the project's approved PD entitlements prior to either: (1) the option being exercised and the property being conveyed; or (2) the developer paying the appropriate fee in lieu of conveyance as described in Orange County Code Section 30-714(d).

LUP-18-11-375



 Subject Property

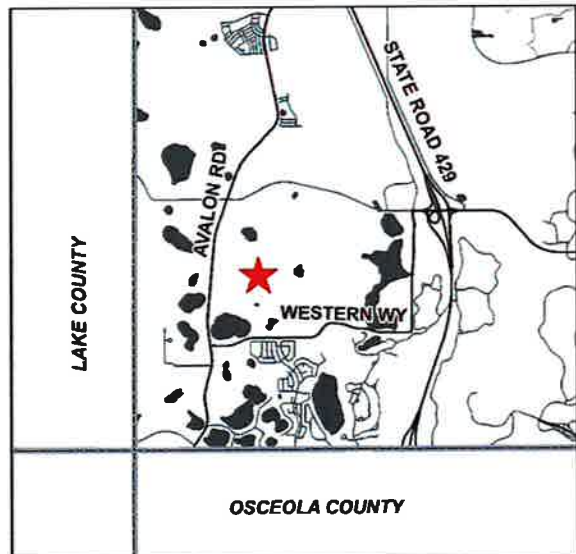


 Subject Property

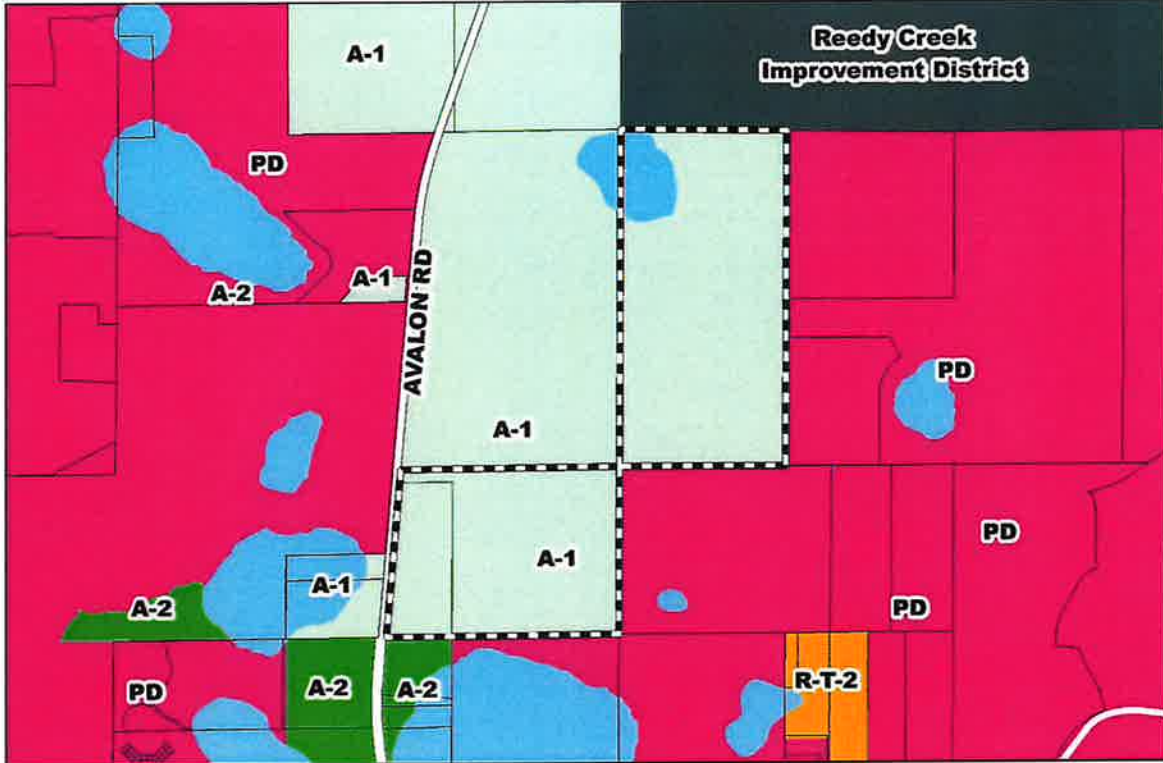
**Future Land Use Map**

**FLUM:** Village (V)  
**APPLICANT:** Kathy Hattaway, Poulos and Bennett, LLC  
**LOCATION:** Generally east of Avalon Road, north of Hartzog Road, and south of Western Way  
**TRACT SIZE:** 134.09 gross acres / 72.05 net developable acres  
**DISTRICT:** # 1  
**S/T/R:** 30/24/27 & 29/24/27

1 inch = 1,175 feet



**LUP-18-11-375**



Subject Property



Subject Property

**Zoning Map**

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

**APPLICANT:** Kathy Hattaway, Poulos and Bennett, LLC

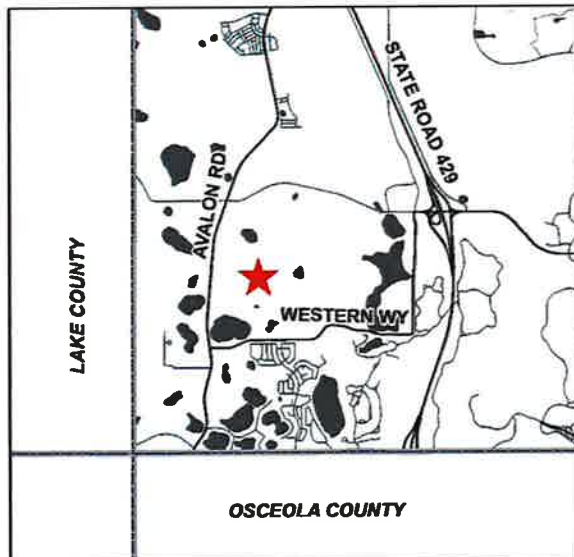
**LOCATION:** Generally east of Avalon Road, north of Hartzog Road, and south of Western Way

**TRACT SIZE:** 134.09 gross acres / 72.05 net developable acres

**DISTRICT:** # 1

**S/T/R:** 30/24/27 & 29/24/27

1 inch = 1,175 feet

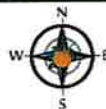




LUP-18-11-375



 Subject Property



1 inch = 1,250 feet

# Horizon West - Village I - Karr PD / LUP (Cover Sheet)

Planned Development/Land Use Plan  
 for  
**Horizon West - Village I**  
**Karr PD LUP-18-11-375**  
 Orange County, FL

Sheet No.	Sheet Title	Sheet No.
1	Planning Guidelines	1
2	Final Site Plan	2
3	Engineering Notes	3
4	Site Plan	4
5	Site Plan	5
6	Site Plan	6
7	Site Plan	7
8	Site Plan	8
9	Site Plan	9
10	Site Plan	10
11	Site Plan	11
12	Site Plan	12
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100	Site Plan	100

Parcel Id. No.:  
 30-24-27-0000-00-021  
 29-24-27-0000-00-002  
 30-24-27-0000-00-012

Owner:  
 SP Commercial Investors, LLC  
 P.O. Box 135  
 Windermere, FL 34786

Owner:  
 Thomas J. Karr Jr. and Tamil G. Karr 80% Int., Donald R. Allen and Patricia A. Allen 80% Int.  
 3085 W. 2nd Ave.  
 Windermere, FL 34786

**LEGAL DESCRIPTION:**  
 THE SOUTH 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 28 NORTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN ON PLAT 11,142, AS RECORDED AS FOLLOWS:  
 PARCEL 1:  
 THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 28 NORTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN ON PLAT 11,142, AS RECORDED AS FOLLOWS:  
 PARCEL 2:  
 THE SOUTH 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 28 NORTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN ON PLAT 11,142, AS RECORDED AS FOLLOWS:  
 PARCEL 3:  
 THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 28 NORTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN ON PLAT 11,142, AS RECORDED AS FOLLOWS:  
 AND THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 28 NORTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN ON PLAT 11,142, AS RECORDED AS FOLLOWS:  
 LESS AN 80% INTEREST IN THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 28 NORTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN ON PLAT 11,142, AS RECORDED AS FOLLOWS:  
 PARCEL 4:  
 THE NORTHWEST 1/4 OF THE SOUTH 1/4 OF SECTION 36, TOWNSHIP 28 NORTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN ON PLAT 11,142, AS RECORDED AS FOLLOWS:  
 LESS THE NORTH 1/2 INTEREST IN THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 28 NORTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN ON PLAT 11,142, AS RECORDED AS FOLLOWS:



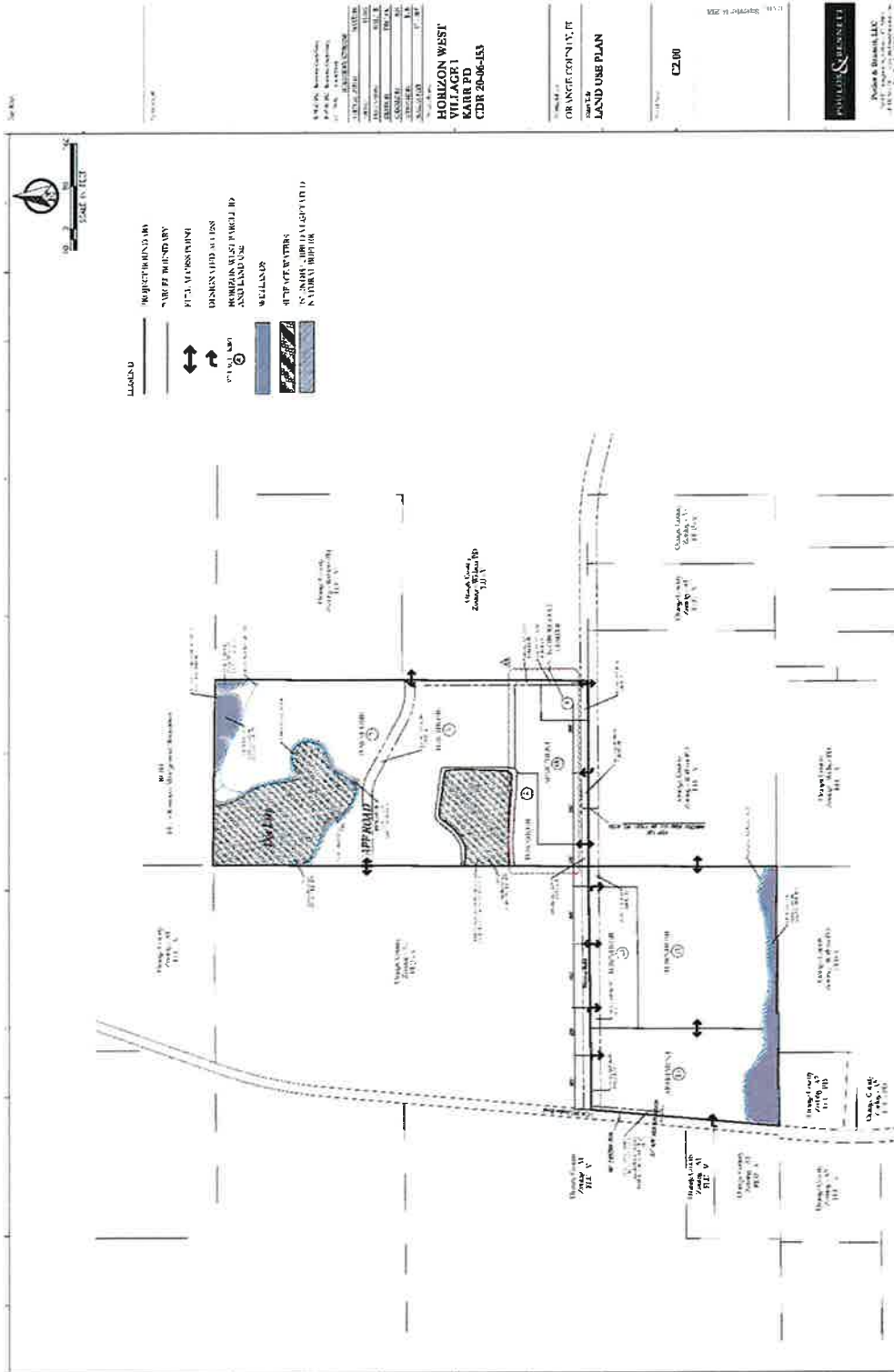
Prepared by:  
 Allen & Company, Inc.  
 4000 W. 2nd Ave.  
 Windermere, FL 34786

Reviewed by:  
 BlueTech Consulting, Inc.  
 4000 W. 2nd Ave.  
 Windermere, FL 34786

**RECEIVED**  
 By DRC Office at 12:24 pm, Apr 17, 2020

**FOTILOS & BENNETT**  
 ENGINEERS & ARCHITECTS  
 1001 W. 1st Street, Suite 100  
 Windermere, FL 34786

# Horizon West - Village I - Karr PD / LUP





## Notification Map

