



Interoffice Memorandum

DATE: December 2, 2021

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

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

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

SUBJECT: December 14, 2021 – Public Hearing
Applicant: Eric Warren, Poulos & Bennett, LLC
Serenade at Ovation Planned Development / Parcel 18 & a portion
of Parcel 19 Preliminary Subdivision Plan
Case # PSP-21-01-011 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 22, 2021, to approve the Serenade at Ovation Planned Development (PD) / Parcel 18 and a portion of Parcel 19 Preliminary Subdivision Plan (PSP) to subdivide 118.95 gross acres, generally located south of Flemings Road and west of Avalon Road, in order to construct 227 single-family attached and detached residential dwelling units.

In addition, the following waivers from Orange County Code are requested:

- a. A waiver from Orange County Code Section 38-1387.1.(a)(10), to allow fourteen (14) feet of building separation for townhomes in lieu of twenty (20) feet.
- b. A waiver from Orange County Code Section 38-1384.(b)(4)a. to provide a public pedestrian and open space tract as a block between block A and G, and between C and F in lieu of a right-of-way.
- c. A waiver from Orange County Code Section 38-1384(i)(4) for lots 69-72 and lot 219 as shown on PSP plan dated "Received October 26, 2021" to allow for vehicular access to the street from a garage set back ten (10) feet from the adjacent front plane of the primary structure in lieu of an alley or garage setback behind the primary structure.

The required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PSP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve the Serenade at Ovation PD / Parcel 18 and a portion of Parcel 19 PSP dated “Received October 26, 2021”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/EPR/lme
Attachments

CASE # PSP-21-01-011

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of September 22, 2021, to approve the Serenade at Ovation Planned Development (PD) / Parcel 18 and a portion of Parcel 19 Preliminary Subdivision Plan (PSP) to subdivide 118.95 gross acres, generally located south of Flemings Road and west of Avalon Road, in order to construct 227 single-family attached and detached residential dwelling units.

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- b. A waiver from Orange County Code Section 38-1384.(b)(4)a. to provide a public pedestrian and open space tract as a block between block A and G, and between C and F in lieu of a right-of-way.
- c. A waiver from Orange County Code Section 38-1384(i)(4) for lots 69-72 and lot 219 as shown on PSP plan dated "Received October 26, 2021," to allow for vehicular access to the street from a garage set back ten (10) feet from the adjacent front plane of the primary structure in lieu of an alley or garage setback behind the primary structure.

2. PROJECT ANALYSIS

- | | |
|-----------------------|--|
| A. Location: | South of Flemings Road / West of Avalon Road |
| B. Parcel ID: | 30-24-27-0000-00-031 |
| C. Total Acres: | 118.95 gross acres |
| D. Water Supply: | Orange County Utilities |
| E. Sewer System: | Orange County Utilities |
| F. Schools: | Water Spring ES – Enrolled: 1,190 / Capacity: 791
Water Spring MS – Enrolled: 488 / Capacity: 706
Horizon HS – Enrolled: 1,335 / Capacity: 1,950 |
| G. School Population: | 132 |
| H. Parks: | Horizon West Regional Park – 9 Miles |

- I. Proposed Use: 227 Single-Family Attached & Detached Residential Dwelling Units
- J. Site Data: **Single-Family Attached:**
Maximum Building Height: 50' (4-stories)
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width: 16'
Building Setbacks:
15' Front
10' Front
0' Side
7' Side (end unit)
14' Rear
10' Side Street
50' NHWE
- Single-Family Detached:**
Maximum Building Height: 45' (3-stories)
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width: 32'
Building Setbacks:
15' Front
7' Front
4' Side
20' Rear
10' Side Street
50' NHWE
- K. Fire Station: 32 – 14932 East Orange Lake Boulevard
- L. Transportation: The Board of County Commissioners approved of the Village I Horizon West Road Network Agreement C.R. 545 Avalon Road and Flemings Road ("Agreement") on January 28, 2020, as recorded in Orange County records document number 20200109451 by and among Shutts & Bowen, LLP; Spring Grove, LLC; BB Groves, LLC; Withers, LLC; Columnar Partnership Holding I, LLC; KRPC Hartzog, LLC; SP Commercial Investors, LLC; Thomas J. Karr, Jr. and Tami G. Karr; Donald R. Allen, Jr. and Patricia A. Allen; Titan-Liberty Lake Underhill Joint Venture; Village I 545, LLC; Spring Grove Properties, LLC; Cantero Holdings, LLC; Cantero Holdings, LLC (Series 3); Cantero Holdings, LLC (Series 4); Lake Dennis, LLC; M/I Homes of Orlando, LLC; KHOV Winding Bay II, LLC and Orange County which provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of four-laning of C.R. 545 (Avalon Road) from Schofield Road to

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

There is an ongoing Preliminary Design Study for C.R. 545 (Avalon Road) and Flemings Road Preliminary Design Study (Village I PDS). The limits of the study include C.R. 545 from Water Springs Boulevard to South of New Hartzog Road and Flemings Road from east of 545 to the west County line. The purpose of this study is to assess and recommend roadway improvements to meet future travel demand needs on these two roadways. The study considers the social and environmental impacts of adding travel lanes and other features such as, but are not limited to, drainage, a multi-use path and sidewalk, raised medians, lighting, and intersection improvements. The study began in 2020.

Assignment of Vested Trips will be required from the Village Escrow Agent for the single-family units within the development. Applicant to submit a Horizon West Plat Verification Form to the Concurrency Management Office in order to verify Transportation Entitlements under the Village I Road Network Agreement and a copy of the assignment of vested trips.

NOTE: Spring Grove, LLC holds partial transportation capacity entitlements for 44 single-family units under CEL-19- 03-022. CEL expires on August 28, 2021. Encumbered transportation capacity must be reserved (aka prepay transportation reservation fees) by the CEL expiration date or prior to platting.

Based on the Concurrency Management database (CMS) dated January 29, 2021, there are multiple failing roadway segments within the project's impact area. Three segments on Avalon Road, from U.S. 192 to Flamingo Crossings Boulevard, are failing.

3. COMPREHENSIVE PLAN

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 (SPA). Further, the subject property is designated as Garden Home Mixed Use District and Village Home District on the approved Village I SPA map. The subject property is designated PD (Planned Development) on the Zoning Map, which is consistent with the FLUM Designation.

4. ZONING

PD (Planned Development District) (Serenade at Ovation PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Serenade at Ovation Planned Development; Orange County Board of County Commissioners (BCC) approvals; Parcel 18 & a portion of Parcel 19 Preliminary Subdivision Plan dated "Received October 26, 2021," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received October 26, 2021," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of)

development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer/Applicant acknowledges and understands that any such changes are solely the Developer's/Applicant's obligation and responsibility to disclose and resolve, and that the Developer's/Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner/Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner/Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Construction entrance for this development shall be from C.R. 545 through Parcel 19B.
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 Construction

Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.

8. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
9. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
10. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
11. The lot grading plan for 32-foot wide single-family detached lots (and similar narrow lots) shall include design features to ensure positive drainage from the side yard to the front roadway or rear alley. These design features may include, (a) A/C units on same side of homes so that A/C units are not located adjacent to each other, (b) A/C units on same side placed at high elevation point of side yard so that drainage flows away from the A/C units to the front roadway and rear alley, (c) A/C units located behind the home when garage is detached from the home with courtyard, (d) other lot grading plan approved by the County Engineer.
12. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the

pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.

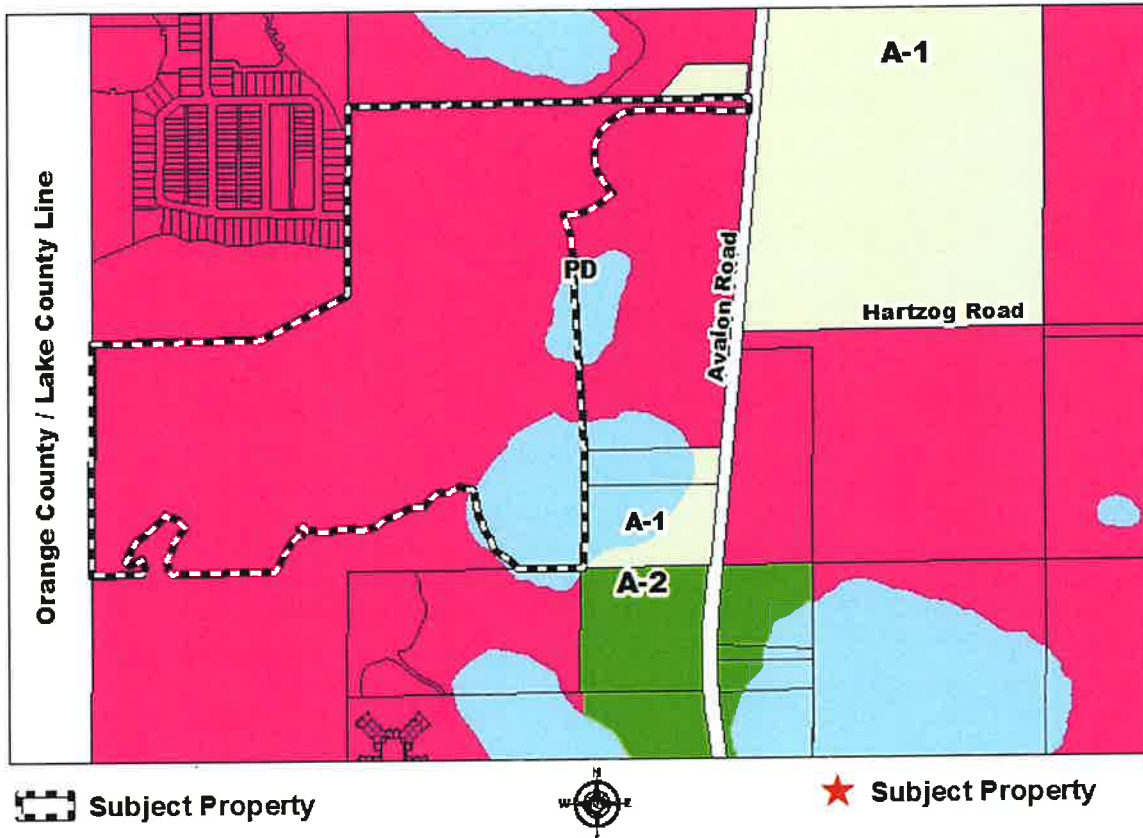
13. The project shall comply with the terms and conditions of that certain Village I Road Network Agreement approved on January 28, 2020 and recorded at Document Number 20200109451 Public Records of Orange County, Florida, as may be amended.
14. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
15. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
16. 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).
17. 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.
18. 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.

19. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
20. 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.
21. A 5-year interim Master Utility Plan (MUP) for Village I must be approved prior to Construction Plan approval within this PD.
22. The plat and the Conditions, Covenants, and Restrictions (CC&Rs) for this project shall notify homeowners of the following: Homeowners own and maintain their individual water and reclaimed water services which extend to their homes from public water and reclaimed water meters located adjacent to public road right-of-way and/or public utility easements. The owners of the affected lots shall be granted access to HOA-owned tracts for the purpose of maintaining their water and reclaimed water services.
23. Where public gravity main will be located within alleyways, the distance from structure to structure shall be a minimum of 38 feet. To meet this requirement, the Rear Setbacks for affected lots on the PSP shall be a minimum of 19 feet from the centerline of the alley, based on the utility configuration shown in the PSP.
24. A Master Utility Plan (MUP) for the PSP, including hydraulically dependent development, shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PSP shall be consistent with approved and up-to-date Master Utility Plans (MUPs) for the PSP and Village I. MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUPs and updates must be approved prior to Construction Plan approval.
25. The HOA Covenants and Restrictions shall state that the public open space tracts and those amenities within the open space tracts are open to the public and that a change that would prohibited public access will require Orange County Board approval.
26. Lots that face a mew, open space tract or alley that do not have access to a public right-of-way shall be addressed of an alley and the addressing of the home shall be placed on both sides of the structure.

27. Unless otherwise specified to the County's satisfaction in the PSP, a Development Plan, in conformance with the requirements of Section 34-131(b) (20), including the appropriate group type, is required for the park / recreation tract(s) within this Preliminary Subdivision Plan (PSP), or phase thereof, as appropriate. Regardless of whether the park / recreation tract is included in the PSP or approved via a separate Development Plan, the park / recreation area tract(s) shall be constructed in conjunction with the subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located.
28. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
29. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
30. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
31. A side yard of Lots 7, 75, 119, 120, 149, 150, 223, and 224, as depicted on the preliminary subdivision plan abuts a park or open space tract. As such, the associated side façade architecture shall be visually treated as a corner lot with an abutting side street. The park tract facing facades shall repeat the architectural trim and finishes which are provided on the front façade - including windows, window surrounds, shutters, muntins, eave brackets, expression line, and decorative veneer.
32. The following waivers from Orange County Code are granted:
 - a. A waiver from Orange County Code Section 38-1387.1.(a)(10), to allow fourteen (14) feet of building separation for townhomes in lieu of twenty (20) feet.
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Zoning Map

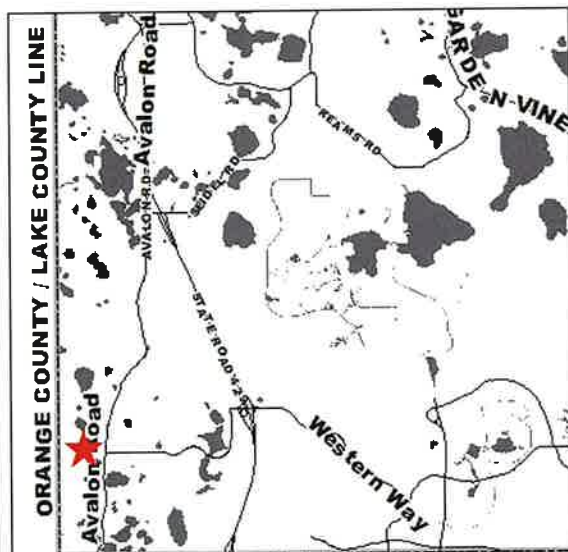
PSP-21-01-011



Zoning Map

ZONING: P-D (Planned Development)
APPLICANT: Eric Warren, Poulos & Bennett, LLC
LOCATION: South of Flemings Road
West of Avalon Road
TRACT SIZE: 1118.95 gross acres
DISTRICT: # 1
S/T/R: 30/24/27

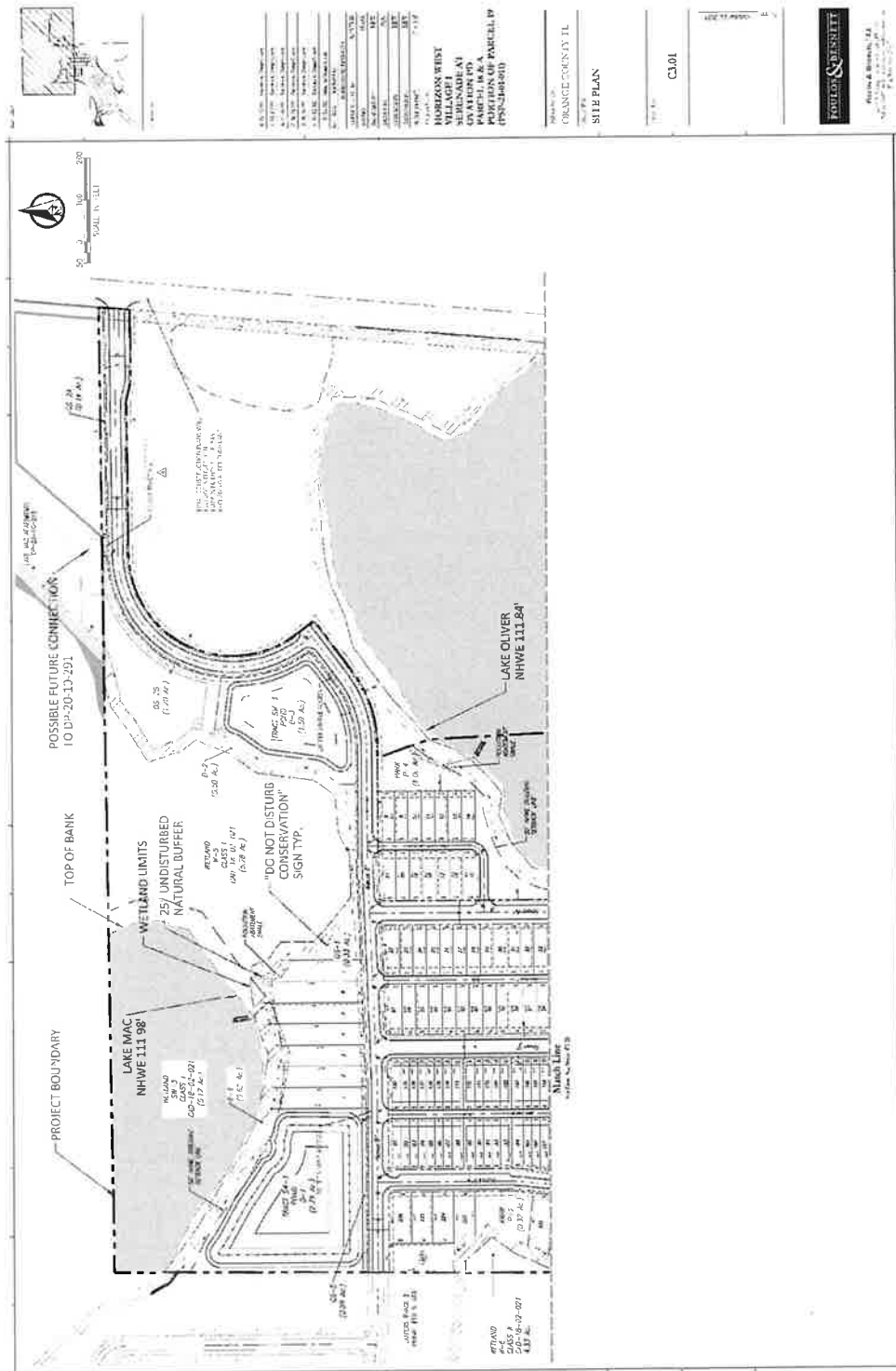
1 inch = 833 feet



11



Site Plan Sheet

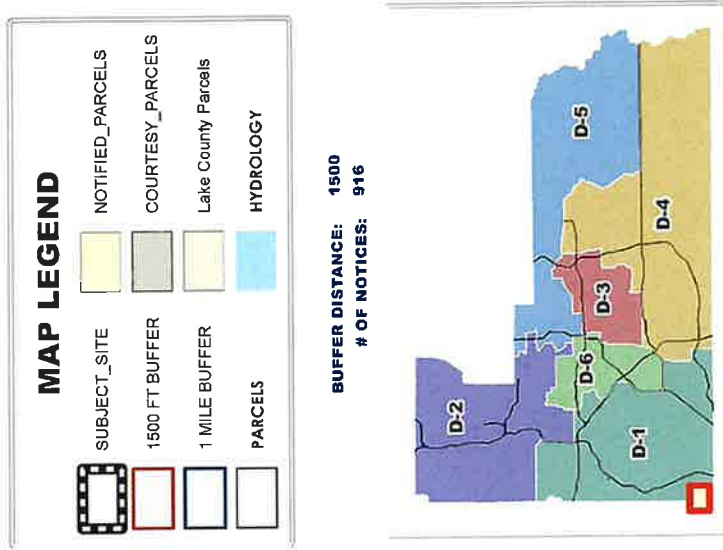
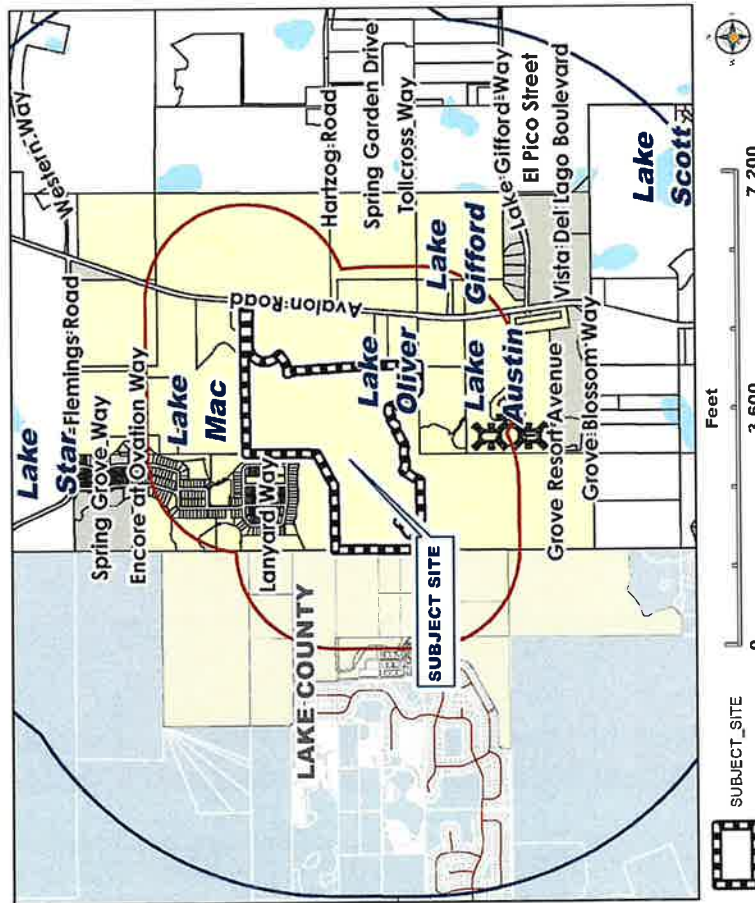


Notification Map



Public Notification Map

Serenade at Ovation PD Parcel 18 & a portion of Parcel 19_PSP-21-01-011



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