



Interoffice Memorandum

DATE: October 28, 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: November 9, 2021 – Public Hearing
Applicant: Eric Warren, Poulos & Bennett, LLC
Gem Groves Planned Development / Gem Groves Preliminary
Subdivision Plan
Case # PSP-20-10-292 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 28, 2021, to approve the Gem Groves Planned Development (PD) / Gem Groves Preliminary Subdivision Plan (PSP) to subdivide 276.87 gross acres, generally located north of Flemings Road and west of Avalon Road, in order to construct 437 single-family attached and detached residential dwelling units.

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 Gem Groves PD / Gem Groves PSP dated "Received September 7, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report.
District 1

JVW/EPR/lme
Attachments

CASE # PSP-20-10-292

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 28, 2021, to approve the Gem Groves Planned Development (PD) / Gem Groves Preliminary Subdivision Plan (PSP) to subdivide 276.87 gross acres, generally located north of Flemings Road and west of Avalon Road, in order to construct 437 single-family attached and detached residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: North of Flemings Road / West of Avalon Road
- B. Parcel ID: 19-24-27-0000-00-002, 19-24-27-0000-00-012,
19-24-27-0000-00-013, 19-24-27-0000-00-014,
19-24-27-0000-00-015, 19-24-27-0000-00-021
- C. Total Acres: 276.87 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Water Spring ES – Enrolled: 1,158 / Capacity: 791
Water Springs MS – Enrolled: 478 / Capacity: 706
Horizon HS – Enrolled: 1,328 / Capacity: 1,950
- G. School Population: 306
- H. Parks: Horizon West Regional Park – 9 Miles
- I. Proposed Use: 437 Single-Family Attached & Detached Residential Dwelling Units
- J. Site Data: **Single-Family Attached (73 units):**
Maximum Building Height: 55' (4-stories)
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width: 16'
Building Setbacks:
15' Front
10' Front Porch
7' Side
10' Side Street
20' Rear

Single-Family Detached (364 units):

Maximum Building Height: 45' (3-stories)

Minimum Living Area:

1,000 Square Feet

1,200 Square Feet (Garden Home Mixed Use)

Minimum Lot Width: 32'

Building Setbacks:

15' Front

7' Front Porch

4' Side

20' Rear

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.

Based on the Concurrency Management Database dated October 27, 2020, there are several failing roadway segments within the project's impact area; Avalon Road from US 192 to Flamingo Crossings Boulevard. This information is dated and subject to change.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V) and is within the Village I Special Planning Area (SPA). Portion of the property are designated as Village Home District and Garden Home Mixed Use District on the Village I SPA map. The current zoning designation is Planned Development (PD). This request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (Gem Groves PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Gem Groves PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Gem Groves Preliminary Subdivision Plan dated "Received September 7, 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 September 7, 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. The applicant shall comply with all terms of the Village I Road Network Agreement approved by the Board of County Commissioners on January 28, 2020 as recorded under document number 20200109451 Public Records of Orange County, Florida, as may be amended.
7. 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.
8. 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.
9. 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.
10. Prior to mass grading, clearing, grubbing, or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
11. 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.
12. 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.

13. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the adjacent northeastern land use includes facilities with operations that may result in periodic temporary conditions that may cause odors, noise disturbance, and dust.
14. A 5-year interim Master Utility Plan (MUP) for Village I must be approved prior to Construction Plan approval within this PD.
15. 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 meters located adjacent to public road right-of-way and their individual wastewater services which extend to their homes from public cleanouts located at the public road right-of-way. The privately-owned water, reclaimed water, and wastewater services for affected lots on the PSP extend to these units through HOA-owned tracts. The owners of these lots shall be granted access to the HOA-owned tracts for the purpose of maintaining their water, reclaimed water, and wastewater services.
16. 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.
17. 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.
18. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
19. 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

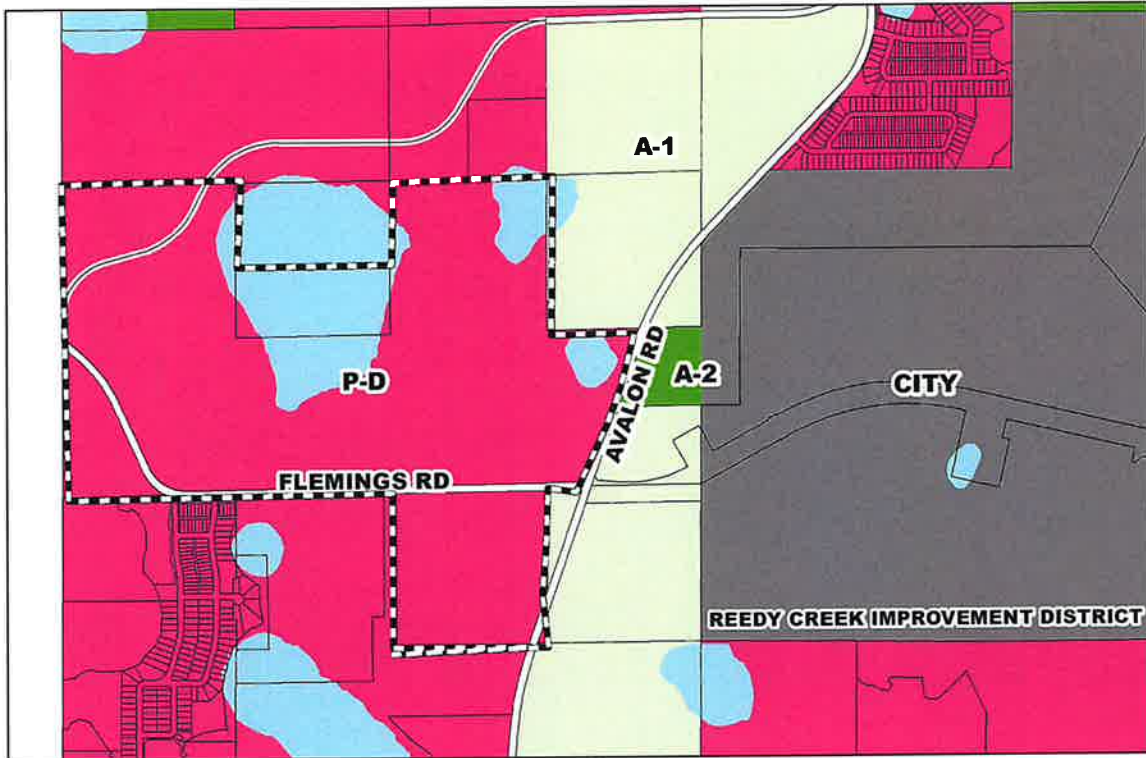
- included in the PSP or approved via a separate Development Plan, the park / recreation area tract(s) shall be constructed in conjunction with the subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located.
20. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
 21. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
 22. 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.
 23. 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.
 24. That portion of existing Flemings Road Right-of-Way within the approved PSP must be vacated and the applicable fee simple Right-of-Way deed(s), and/or easements necessary for the relocated/realigned Flemings Road must be recorded in the public records prior to construction site plan approval for the Phase of the PSP where that portion of Flemings Road is located.
 25. All excavation and fill work onsite must conform to Chapter 16, Orange County Code.
 26. Any lot where the side yard is adjacent to an open space tract, park, or recreation area shall be visually treated as a corner lot with an abutting side street, with that side yard façade repeating 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.

27. Fencing in the rear and side yards abutting an open space tract, park, or recreation area shall be limited to 4' in height, or a minimum of 50% transparent, such as aluminum picket.
28. Lots that face a mew, open space tract, or alley that do not have access to a public right-of-way shall be addressed from an alley and the addressing of the home shall be placed on both sides of the structure.
29. 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.
30. Unless otherwise allowed by County Code, the property located in Parcels 6, 22, and/or 24 as shown on the land use plan dated "Received July 29, 2021" shall be platted prior to the issuance of any vertical building permits.
31. Prior to or concurrent with construction plan approval of any PSP/DP along Flemings Road, the road shall be brought up to County rural cross-section standards from the entrance to the site to the APF southern connector road and CR 545 as applicable, including intersection improvements at CR 545 and Flemings Road.
32. Prior to the issuance of the initial Certificate of Occupancy, temporary or permanent, for any portion of each of Parcel 22 (Village Center) and Parcel 24 (Apartment), the Southern Connector Road, as generally described in that certain Flemings Road Developer's Agreement recorded under Instrument Number 20200166971 in the Public Records of Orange County, Florida, with the identified "rural section" built to County APF standards, must be complete and accepted by County. Additionally, as a condition precedent to the issuance by County of the initial vertical building permit within the applicable Parcel, in the event the Southern Connector Road has not been completed and accepted by County, the Developer / Applicant shall have (i) obtained from the County approval of the construction plans for the Southern Connector Road, (ii) entered into a construction contract which provides for the completion thereof, in accordance with such approved plans, within eight (8) months from the date of such contract and which provides that the County is a third party beneficiary to such contract, and (iii) provided to the County performance and payment bonding, reasonably acceptable to the County, for the work to be performed under such contract.
33. Prior to the issuance of a Certificate of Completion for any portion of the Gem Groves PD located north of Flemings Road (all of the Gem Groves PD except for Parcels 22 and 24) one or more of the following roadway improvements shall have been constructed, completed, and accepted by the County in accordance with plans approved by the County, which plans will include provisions for the handling of stormwater associated with such completed

- roadways: (i) the upgrade (pursuant to Section 6.1(c)) and/or widening (pursuant to Section 2.13) of Flemings Road, in accordance with the Village I Horizon West Road Network Agreement recorded under Instrument Number 2020109451 in the Public Records of Orange County, Florida; OR (ii) the Southern Connector Road, as generally described in that certain Flemings Road Developer's Agreement recorded under Instrument Number 20200166971 in the Public Records of Orange County, Florida, with the identified "rural section" built to County APF standards.
34. In accordance with Chapter 15, Article IX, Orange County Code, boat docks (inclusive of, but not limited to, a dock, boardwalk, observation pier, fishing pier, community pier, or other similar permanently fixed or floating structure) may not be permitted for certain lots on Lake Star that narrow at the shoreline. All portions of any boat dock structure on Lake Star shall meet the minimum side setback requirements, as required in Chapter 15, Article IX, Orange County Code, without request for variance or waiver, and docks may not extend onto submerged lands not owned by the lot owner on which a dock originates. This restriction shall be noted on the plat and included as an express notification in the covenants, conditions, and restrictions (CC&Rs).
35. In the event that the Preliminary Design Study (PDS) alters the current proposed alignment for Flemings Road, the Preliminary Subdivision Plan shall be amended to be consistent with any such change(s).

Zoning Map

PSP-20-10-292



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)
(Gem Groves PD)

APPLICANT: Eric Warren, Poulos & Bennett, LLC

LOCATION: North of Flemings Road,
West of Avalon Road

TRACT SIZE: 276.87 gross acres

DISTRICT: # 1

S/T/R: 19-24-27

1 inch = 1,250 feet





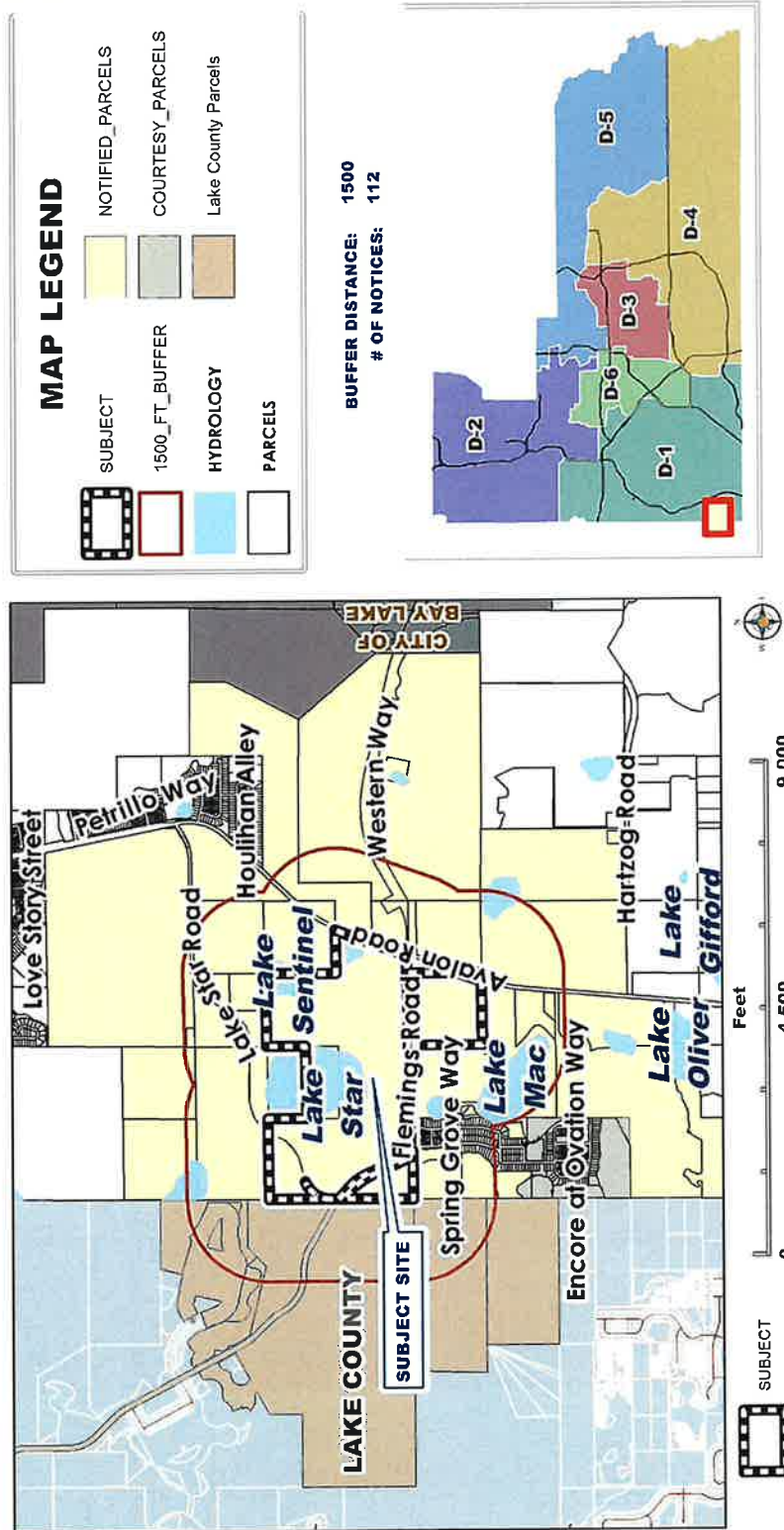
Notification Map

S:\Business Systems\Board Administrators\SUBSTANTIAL CHANGE\2021\DR\G\Gem Groves PD_CDR-20-09-273\CDR-20-09-273 Gem Groves

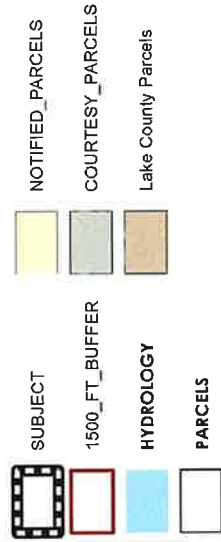


Public Notification Map

Gem Groves PD_PSP-20-10-292



MAP LEGEND



BUFFER DISTANCE: 1500
OF NOTICES: 112

