

**COMMUNITY, ENVIRONMENTAL & DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION PUBLIC HEARING REPORT  
OCTOBER 17, 2017**

This packet contains the following public hearings to be heard by the Board of County Commissioners on Tuesday, October 17, 2017.

<u><b>Name of Request</b></u>	<u><b>Case Number</b></u>	<u><b>Type of Hearing</b></u>
Marc Stehli, Poulos & Bennett, LLC, for Hickory Nut Estates PD / Hickory Nut Estates PSP; <b>District 1</b>	PSP-16-06-222	Preliminary Subdivision Plan
Adam Smith, VHB, Inc., for Eagle Creek PD / Villages J and K PSP; <b>District 4</b>	PSP-17-02-048	Preliminary Subdivision Plan



## Interoffice Memorandum

DATE: October 2, 2017

TO: Mayor Teresa Jacobs  
-AND-  
Board of County Commissioners

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

CONTACT PERSON: **John Smogor, Chairman**  
**Development Review Committee**  
**Planning Division**  
**(407) 836-5616**

SUBJECT: October 17, 2017 – Public Hearing  
Adam Smith, VHB, Inc.  
Eagle Creek PD / Villages J and K  
Preliminary Subdivision Plan (PSP)  
Case # PSP-17-02-048 / District 4

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 23, 2017 to recommend approval of the Eagle Creek PD / Villages J and K Preliminary Subdivision Plan to subdivide 198.83 acres in order to construct 607 single-family residential dwelling units (attached and detached).

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

This request also includes the following waiver from Orange County Code:

A waiver from Orange County Code Section 34-15(c) is requested to allow Lots 221-236 to front a new, park open space, etc., in lieu of the 20-foot access to a dedicated public paved street. Legal access to these lots will be through an ingress/egress easement and/or alley tract.

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 (CP) and approve the Eagle Creek Planned Development (PD) / Villages J and K Preliminary Subdivision Plan (PSP) dated “Received August 31, 2017”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

JVW/JS/sfv  
Attachments

**CASE # PSP-17-02-048**

Commission District # 4

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 23, 2017 to recommend approval of the Eagle Creek PD / Villages J and K Preliminary Subdivision Plan to subdivide 198.83 acres in order to construct 607 single-family residential dwelling units (attached and detached).

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**2. PROJECT ANALYSIS**

- A. Location: South of Tyson Road / East of Narcoossee Road
- B. Parcel ID: 29-24-31-0000-00-002 (a portion of)
- C. Total Acres: 198.83 acres (gross)
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: Eagle Creek ES Capacity: 830, Enrollment: 1,135  
Lake Nona MS Capacity: 1,235, Enrollment: 2,063  
Lake Nona HS Capacity: 2,807, Enrollment: 2,744
- G. School Population: 262
- H. Parks: Moss Park - 8.2 Miles
- I. Proposed Use: 607 Single-Family (440 Attached & 167 Detached)  
Residential Dwelling Units
- J. Site Data: Maximum Building Height:  
35' (3-stories)

Minimum Floor Area:

1,300 Square Feet (single family Lot)

Minimum Lot Width:

40' (Detached)

22' (Attached)

Building Setbacks:

Attached:

5' Front

0' Front Porch

20' Rear

0' Interior Side

10' Side Street

20' Garage

0' Accessory Building

Detached:

20' Front

15' Front Porch

20' Rear

5' Interior Side

15' Side Street

20' Garage

5' Accessory Building

K. Fire Station: Station 58 - 2900 Deerfield Blvd.

L. Transportation: This development is approved for 2,364 single family dwelling units, 550 multi-family units, 50,000 square feet of office, 150,000 square feet of retail use, 150 hotel rooms and an 18-hole golf course, clubhouse and support facilities. Total daily trips = 35,551 and PM PK trips = 2,856. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate. Based on the Concurrency database dated March 2, 2017, capacity is available to be encumbered within a one (1) mile radius of this project. This information is dated and subject to change.

### **3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development - Low Density Residential / Low-Medium Density Residential / Medium Density Residential / Commercial / Institutional / Parks and Recreation - Open Space / Conservation (PD-LDR/LMDR / MDR/C/INST/PR-OS/CONS). The request is consistent with the FLUM designation.

### **4. ZONING**

PD (Planned Development) (Eagle Creek PD)

### **5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Eagle Creek PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Villages J and K Preliminary Subdivision Plan dated "Received August 31, 2017," 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 August 31, 2017," 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.

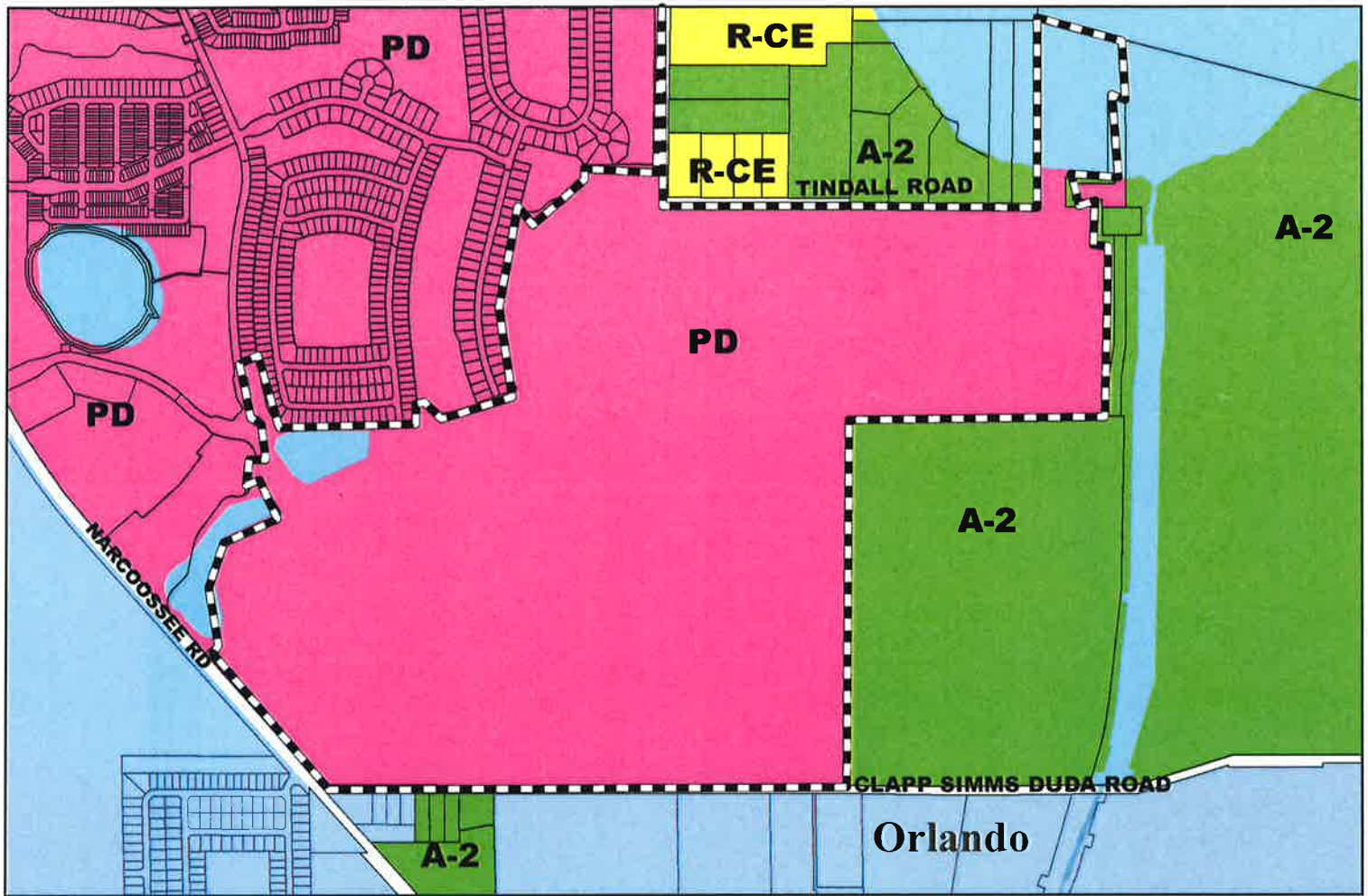
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit 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 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. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
7. 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.

8. 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.
9. 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).
10. 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.
11. This site is located in close proximity to the Eagles Roost and Split Oak Forest public lands. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including, but not limited to, a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the adjacent land use includes publicly managed property. The notice shall indicate that the adjacent property will require the use of resource management practices that may result in periodic temporary conditions that may limit outdoor activities. These practices will include, but will not be limited to, ecological burning, pesticide and herbicide usage, exotic plant and animal removal, usage of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.
12. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
13. Outside sales, storage, and display shall be prohibited.



14. New streets which are an extension of or in alignment with existing streets shall bear the same name as that borne by such existing streets.
15. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
16. 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.
17. 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.
18. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.
19. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
20. The park / recreation tract(s) shown on this Preliminary Subdivision Plan (PSP) shall be constructed as part of the subdivision infrastructure and completed prior to issuance of the Certificate of Completion.
21. Prior to construction plan approval, the developer shall provide documentation for the private drainage easements with the golf course.
22. A waiver is granted from Sec 34-15(c) to allow Lots 221-236 to front a mew, park open space, etc., in lieu of the 20-foot access to a dedicated public paved street. Legal access to these lots will be through an ingress/egress easement and/or alley tract.



Subject Property



Subject Property

## Zoning

**ZONING:** PD (Planned Development District)  
(Eagle Creek PD)

**APPLICANT:** Adam Smith, VHB, Inc.

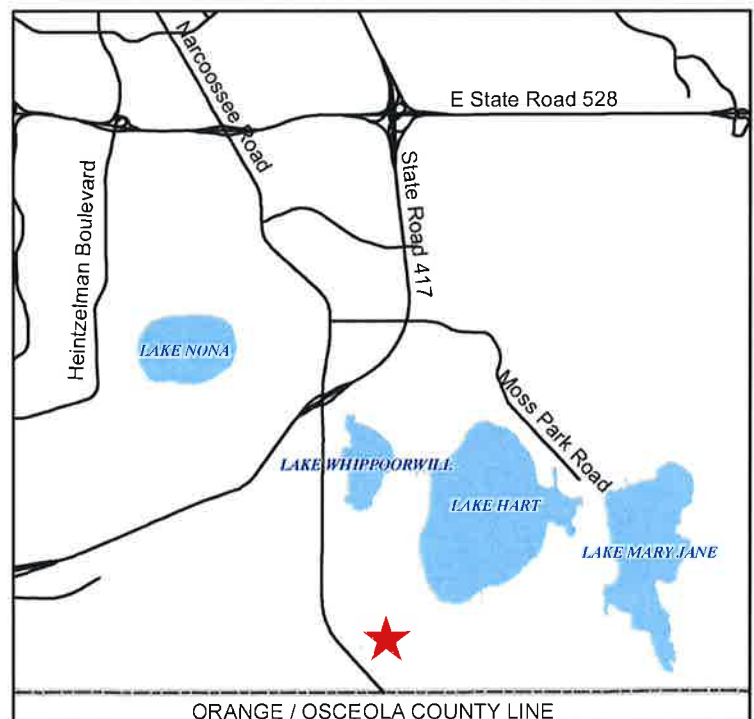
**LOCATION:** South of Tyson Road /  
East of Narcoossee Road

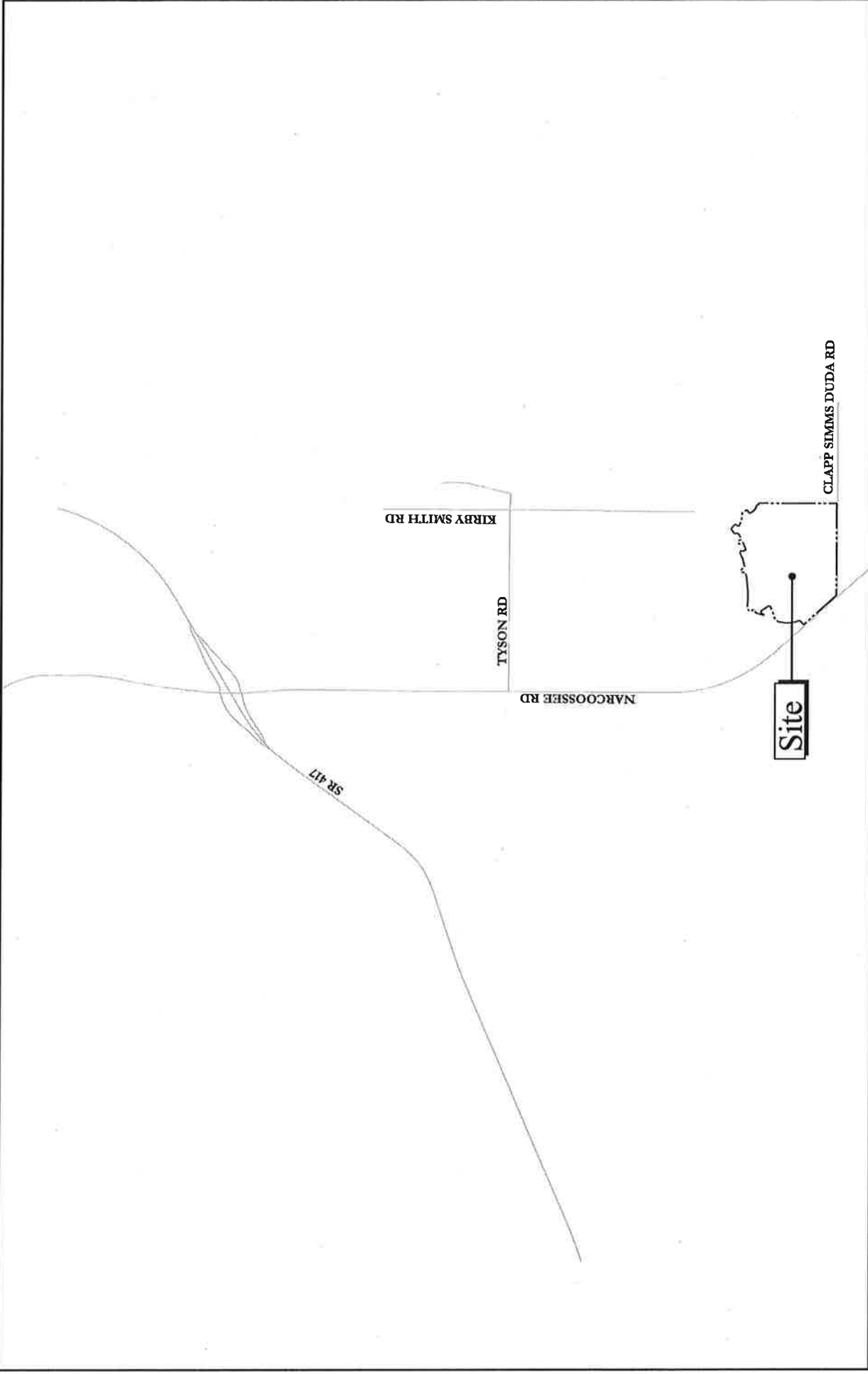
**TRACT SIZE:** 198.89 acres

**DISTRICT:** #4

**S/T/R:** 29/24/31

1 inch = 1,250 feet



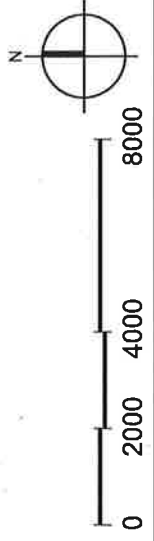


Eagle Creek -Village J & K

Location Map

September 2017

LOC-1







[illegible]

Eagle Creek P.D.  
Village J & K

Orange County, Florida

	Orange County, Florida
1	Rep. Rep County Democrats
2	Rep. Rep County Democrats
3	Rep. Rep County Democrats
4	Rep. Rep County Democrats

Not Approved for Construction

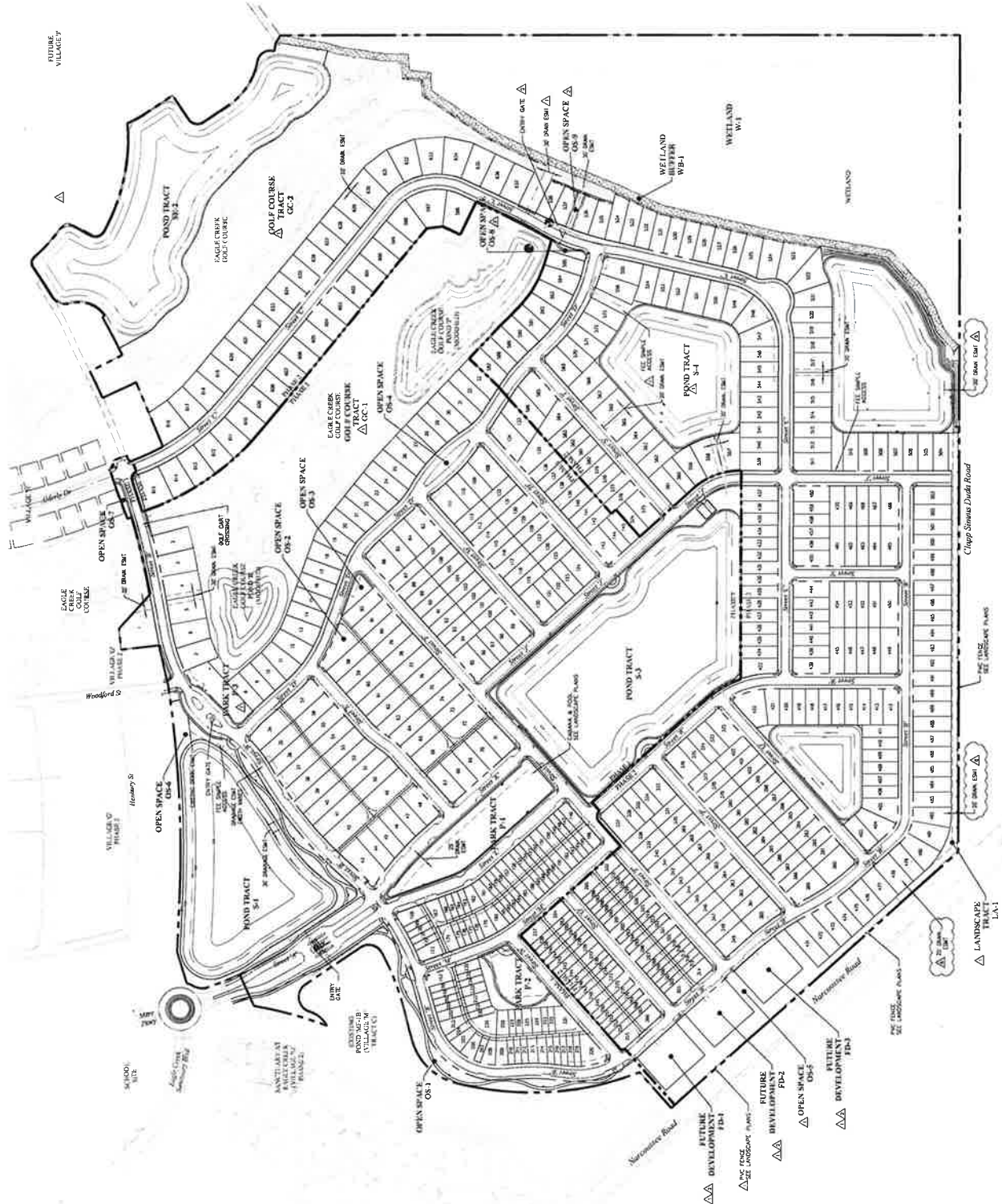
## Overall Site Plan

Vertical Datum NGVD29

C4.0

5

DATE AUG. 30, 2017 6159242







## Eagle Creek PD / Villages J and K PSP



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

