



Interoffice Memorandum

DATE: September 18, 2018

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

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

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

SUBJECT: October 16, 2018 – Public Hearing
Adam Smith, VHB, Inc.
Eagle Creek Planned Development
Case # CDR-17-10-325 / District 4

The Eagle Creek Planned Development (PD) is generally located east of Narcoossee Road, south of Tyson Road, and north of Clapp Simms Duda Road. The existing PD development program allows for 2,618 single-family residential units, 550 multi-family residential units, 150,000 square feet of retail commercial uses, 50,000 square feet of office uses, and 150 hotel rooms.

Through this PD substantial change, the applicant is seeking to relocate 150 hotel room entitlements assigned to Parcel O-1 to Parcel M-1, assign Parcel O-1 to the "Residential" entitlement program, reallocate commercial and office entitlements between Parcel M and N based the approved entitlement program, expand the area of Parcel DC, modify location of internal multi-tenant signs within Parcel N, as well as extend the temporary sales trailer use. No change to the existing overall development program is proposed.

Additionally, two waivers are being requested to allow a minimum distance between buildings, rear to rear, of 40 feet in lieu of 60 feet within Parcels J & K and allow an interior side setback of zero feet for commercial parcels in lieu of ten feet as required by code.

On August 22, 2018, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

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 substantial change to the Eagle Creek Planned Development / Land Use Plan (PD/LUP) dated “Received July 24, 2018”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

Attachments
JVW/EPR/stt

CASE # CDR-17-10-325

Commission District: # 4

GENERAL INFORMATION

APPLICANT Adam Smith, VHB, Inc.

OWNER Eagle Creek Development Corporation

PROJECT NAME Eagle Creek Planned Development (PD)

PARCEL ID NUMBER(S) 29-24-31-0000-00-002, 29-24-31-2210-00-001,
29-24-31-2248-04-001, and 32-24-31-2203-11-000

TRACT SIZE 1,236.20 gross acres (overall PD)
439.77 gross acres (affected parcel only)

LOCATION Generally located east of Narcoossee Road, south of Tyson Road, and north of Clapp Simms Duda Road

REQUEST This request is a Change Determination Request (CDR) to relocate 150 hotel room entitlements assigned to Parcel O-1 to Parcel M-1, assign Parcel O-1 to the "Residential" entitlement program, reallocate commercial and office entitlements between Parcel M and N based the approved entitlement program, expand the area of Parcel DC, modify location of internal multi-tenant signs within Parcel N, as well as extend the temporary sales trailer use.

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

1. A waiver from Section 38-79(20)(j) is requested within Parcels J & K to allow a minimum distance separation between buildings, rear to rear of 40 feet, in lieu of 60 feet.

Applicant Justification: This waiver is requested in order to provide a diversity of product within the development. These waivers are consistent with previously approved waivers.

2. A waiver from Section 38-1272(a)(3) is requested to allow an interior side setback of zero (0) feet for commercial parcels in lieu of ten (10) feet as required by code.

Applicant Justification: The PD was approved with a 0' side setback in the development standards, but, a waiver was never officially granted. At the time that the PD was approved, the requirements for requesting a waiver for a PD was not as well

established. This waiver is intended to memorialize the historical approval of the development standard listed in the PD.

PUBLIC NOTIFICATION A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seven hundred eighty-nine (789) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

IMPACT ANALYSIS

Special Information

The Eagle Creek PD contains approximately 1,236 gross acres, was originally approved on December 11, 2001, and is generally located on the east side of Narcoossee Road, south of Tyson Road, west of Kirby Smith Road, and north of Clapp Simms Duda Road. The PD has existing development entitlements for 2,618 single-family residential units, 550 multi-family residential units, 150,000 square feet of retail commercial uses, 50,000 square feet of office uses, and 150 hotel rooms.

Through this PD Change Determination Request (CDR), the applicant is seeking to relocate 150 hotel room entitlements assigned to Parcel O-1 to Parcel M-1, assign Parcel O-1 to the "Residential" entitlement program, reallocate commercial and office entitlements between Parcel M and N based the approved entitlement program, expand the area of Parcel DC, modify location of internal multi-tenant signs within Parcel N, as well as extend the temporary sales trailer use by an additional two years. No change to the existing overall development program is proposed.

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

1. A waiver from Section 38-79(20)(j) is requested within Parcels J & K to allow a minimum distance between buildings, rear to rear, of 40 feet in lieu of 60 feet.
2. A waiver from Section 38-1272(a)(3) is requested to allow an interior side setback of zero (0) feet for commercial parcels in lieu of ten (10) feet as required by code.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

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/CON). The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Overlay Ordinance

The subject property is not located within an Overlay District.

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.

Environmental

Environmental Protection Division (EPD) staff has reviewed the proposed request, but did not identify any issues or concerns.

Transportation Concurrency

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) 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.

Community Meeting Summary

A community meeting was not required for this request.

Schools

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the Change Determination 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

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (August 22, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Eagle Creek Planned Development / Land Use Plan (PD/LUP), dated "Received July 24, 2018", subject to the following conditions:

1. Development shall conform to the Eagle Creek PD Land Use Plan (LUP) dated "Received July 24, 2018," 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 July 24, 2018," 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 waiver from Section 38-79(20)(j) is granted within Parcels J & K to allow a minimum distance between buildings, rear to rear, of 40 feet in lieu of 60 feet.
7. A waiver from Section 38-1272(a)(3) is granted to allow an interior side setback of zero (0) feet for commercial parcels, in lieu of ten (10) feet as required by code.
8. The sales trailer shall be used exclusively for sales of Eagle Creek property and be located on the clubhouse site only. Any change of use or location of the trailer shall be subject to review for approval by the DRC and BCC.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 26, 2016, shall apply:
 - a. A waiver from Orange County Code Section 38-79(20)(k) is granted to allow single-family attached structures to have a 5-foot side setback between structures, in lieu of a 10-foot side setback (with a 20-foot building separation); and a four (4) foot side setback, in lieu of a ten (10) foot side setback for Village L Phase 3 only.
 - b. A waiver from Orange County Code Section 38-1254(2) is granted to allow a 5-foot street front setback and a 10-foot street side setback for single-family attached lots and a 10-foot street front and street side setback for multi-family units, in lieu of the required 20 feet; and a seven (7) foot street side setback for single-family attached lots, in lieu of the twenty (20) foot rights-of-way setback for Village L Phase 3 only.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 25, 2015, shall apply:
 - a. A copy of the vested rights certificate for this project shall be presented prior to construction plan submittal.
 - b. 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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development 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.
 - c. 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.

- d. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- e. Outside sales, storage, and display shall be prohibited.
- f. Prior to approval of any PSP related to the Eagle Creek Southern Master Plan Area, the portion(s) of the underlying land of the north/south equestrian trail corridor, owned by Eagle Creek and GCB Associates, shall be conveyed (fee simple) to Orange County, in accordance with the Orange County Administrative Regulations. Orange County further reserves the right to refuse acceptance of either parcel at any time, for any reason. The conveyance of the land must comply with County Administrative Regulations and be at no cost to the County. A donation agreement shall accompany the property donation to ensure the rights and responsibilities of all parties, in perpetuity.
- g. The plant material to be used in the landscape program of common areas shall be comprised of native and Florida Friendly drought tolerant selections. Plant materials shall be selected and maintained using the SFWMD Xeriscape Plant Guide, or other similar resource, to the maximum extent practicable to document this compliance.
- h. Where surface runoff from the developed lots or the golf course is expected to be received directly to the lands of the upland/wetland corridor, an environmental berm and swale will be provided upland of the conservation/wetland buffer area. The conservation area impact permit for that area will document the specifications as required for standard stormwater design. Some design considerations for exceptions are detailed in the conservation area impact permit. The berm and swale will be included on the plat as a pollution abatement easement distinct from the conservation easement/tract.
- i. The Tindall Road multi-use buffer area is adjacent to the southern right-of-way of Tindall Road and includes the areas east and west of that right-of-way that serves as the boundary to the Rural Settlement Area of this modification and shall be preserved as detailed in the Conservation Area Impact permit and the ELSP.

This multi-use buffer shall: accommodate a portion of the equestrian trail, preserve habitat for the Florida sandhill crane nesting and foraging and inclusion of the Sherman's Fox Squirrel habitat and the oak hammock adjacent to wetland #3, preserve separation through landscape/visual buffering from the Rural Settlement Area (RSA), allow passive recreation only, and provide drainage. The buffer area will continue this design along the areas east and west of the Tindall Road right-of-way but serving to separate Eagle Creek from the RSA and achieve the environmental goals of the original Development Order and the ELSP.

- j. 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.

- k. 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).
- l. The applicant shall comply with Orange County Code Chapter 15, "Environmental Control," Article XVIII, "Environmental Land Stewardship," known as the Environmental Land Stewardship Program (ELSP). The current request is a substantial change to the PD-LUP and is therefore subject to this article (see Section 15-824, "Applicability and exemptions") and shall follow Section 15-825, "Processing of development applications."
- m. In order to minimize impacts to the roadway network, parcels within the project shall, subject to environmental constraints, be interconnected to the maximum extent feasible as determined by Orange County. The project will generally be connected to existing neighborhoods and will tie into local streets, where feasible and as deemed appropriate by Orange County. The Developer shall cooperate with any city or county supported efforts to continue roadways from or through the project with other roadway facilities that are hereafter endorsed by Orange County or Osceola County.
- n. The Developer shall provide park and ride spaces on site or, alternatively, it may purchase and construct off site spaces for use as a rideshare lot to lessen the overall impacts on regional roadways. Spaces for at least 100 vehicles shall be provided and may be shared with parking for commercial land uses. The park and ride spaces shall be proximate to the bus transit stops when established. Park and ride spaces shall be aggregated into groupings of not less than twenty (20) spaces per designated park and ride area, which shall be indicated with appropriate signage. The Developer shall coordinate with Orange County, the Florida Department of Transportation (FDOT), and LYNX to accomplish these requirements at the time of site development.
- o. Eagle Creek Development Corporation shall allow Orange County Public Schools to install the necessary crosswalk, signage, and striping with the completion of the Eagle Creek Elementary School.
- p. A waiver from Orange County Code Section 38-1258(a) is granted to allow a maximum multi-family building height of 3 stories / 50 feet for all buildings within twenty-five (25) feet to one-hundred (100) feet of single family zoned property, in lieu of maximum multi-family building height of one (1) story when within one-hundred (100) feet of single-family zoned property, for areas designated as Future Residential only.
- q. A waiver from Orange County Code Section 38-1258(b) is granted to allow a maximum multi-family building height of 3 stories / 50 feet for all buildings within

one-hundred (100) to one-hundred fifty (150) feet of single family zoned property, in lieu of the requirement that multi-family buildings located within one-hundred (100) and one-hundred fifty (150) feet of single family zoned property vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories [not to exceed forty (40) feet] in height with the remaining buildings being one (1) story or two (2) stories in height, for areas designated as Future Residential only.

- r. A waiver from Orange County Code Section 38-1258(d) is granted to allow a maximum multi-family building height (including all architectural features) of 3 stories / 50 feet when the multi-family is located above commercial buildings only, in lieu of a maximum multi-family building height of three (3) stories or forty (40) feet, for areas designated as Future Residential only.
 - s. A waiver from Section 38-1501 is granted to allow a minimum lot width of thirty-two (32) feet, in lieu of forty-five (45) feet; and a minimum side yard setback of four (4) feet, in lieu of five (5) feet for the thirty-two (32) foot wide lots only, for areas designated as Future Residential only. Air conditioning units shall not be allowed within the 4' side yard setback.
 - t. The following waivers from certain provisions of Orange County Code Section 31.5-67 (Ground Signs) are granted:
 - 1) Waivers from Sections 31.5-67(e) and (f) to allow a maximum number of two (2) ground signs on a "tract" with a "private right-of-way" frontage in excess of four hundred (400) linear feet within Lots 2B and 3B only, in lieu of the requirement for a maximum number of one (1) ground sign per parcel, and two (2) ground signs on a "parcel" with a right-of-way frontage in excess of four hundred (400) linear feet; and
 - 2) A waiver from Section 31.5-67(j) to allow multi-tenant ground signs to be erected within a median along Parcel N only, in lieu the requirement that a ground sign shall not be erected on unimproved property.
 - u. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
 - v. 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.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 8, 2013, December 3, 2002, and December 11, 2001, shall apply:

- a. The additional access driveway into the PD at Village M shall be aligned with the existing median opening and existing left turn lane at Narcoossee Road. The PSP or DP for Village M shall verify this alignment.
- b. The Developer shall obtain wastewater and reclaimed water service from Orange County Utilities.
- c. Prior to the platting of Village L PSP, an agreement shall be executed providing for an adequate outfall from Eagle Creek to Lake Hart.
- d. A waiver from Orange County Code Section 38-1254(1) is granted to allow a minimum twenty (20) foot setback from all boundaries of the PD for one-story and two-story residential units within PD Parcel "M" only, in lieu of a minimum twenty-five (25) foot setback.
- e. A waiver from Orange County Code Section 38-1254(2) is granted to allow a minimum twenty (20) foot setback from an arterial street (Narcoossee Road) within PD Parcel "M" only, in lieu of a minimum fifty (50) foot setback.
- f. A waiver from Orange County Code Section 38-1258(b) is granted to allow a maximum building height, including all architectural features, of three (3) stories and fifty (50) feet for buildings located between one-hundred (100) feet and one-hundred fifty (150) feet from single family zoned property within PD Parcel "M" only, in lieu of requiring that the buildings vary in height with a maximum of fifty percent (50%) of the buildings being three (3) stories, not exceeding forty (40) feet in height and the remaining buildings being one (1) story and two (2) stories in height.
- g. A waiver from Orange County Code Section 38-1258(c) is granted to allow a maximum building height, including architectural features, of three (3) stories and fifty (50) feet for buildings located one-hundred (100) feet or greater from single-family zoned property within PD Parcel "M" only, in lieu of three (3) stories or forty (40) feet in height for buildings located within one-hundred and fifty (150) feet of single family zoned property.
- h. A waiver from Orange County Code Section 38-1258(d) is granted to allow a maximum building height, including architectural features, of three (3) stories and fifty (50) feet within PD Parcel "M" only, in lieu of three (3) stories and thirty-five feet.
- i. A waiver from Orange County Code Section 38-1272(3) is granted to allow a twenty (20) foot setback along the perimeter of a PD that is adjacent to an arterial road for office buildings within PD Parcel "M" only, in lieu of a minimum setback for general commercial development of forty (40) feet along the perimeter of a PD that is adjacent to an arterial road.
- j. A waiver from Section 38-79(20)(j) is granted to allow a minimum distance between buildings (rear-to-rear) of forty (40) feet with PD Parcel "L" only, in lieu of sixty (60) feet.

12. All previous applicable BCC Conditions of Approval, dated November 23, 2010, shall apply:
- a. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
 - b. A waiver from Orange County Code Section 38-1254(l) is granted to allow single-family height of 35 feet and three (3) stories in lieu of 35 feet and two (2) stories.
 - c. A waiver from Orange County Code Section 38-1258(a) & (b) is granted to allow multi-family buildings of three (3) stories and 40 feet within 25 feet of single-family in lieu of the required 100-foot / 150-foot building setback requirement.
 - d. A waiver from Orange County Code Section 38-1258(d) is granted to allow multi-family buildings in Parcel M to be 45 feet in height (and to allow architectural features up to 65 feet in height) in lieu of 40 feet when the residential uses are located on top of commercial uses.
 - e. A waiver from Orange County Code Section 38-1258(e) is granted to allow parking and other paved areas 5 feet from single-family zoned property in lieu of the required 25 feet.
 - f. A waiver from Orange County Code Section 38-1258(f) is granted to eliminate the 6-foot wall requirement between single-family and multi-family development.
 - g. A waiver from Orange County Code Section 38-1258(i) is granted to eliminate the fence requirement along the right-of-way when single-family is located across a right-of-way.
 - h. A waiver from Orange County Code Section 38-1258(j) is granted to allow a 20-foot building separation between 3-story height multi-family buildings in lieu of the required 40 feet.
 - i. A waiver from Orange County Code Section 38-1272(a)(3) is granted to allow commercial / office and mixed use buildings to have a 15-foot setback from non-major right-of-ways in lieu of the required 30 feet.
 - j. A waiver from Orange County Code Section 38-1272(a)(5) is granted to allow architectural features, such as corner towers, on commercial buildings to extend to a maximum height of 65 feet (3-stories) in order to achieve design flexibility in the mixed use Village Center area.
 - k. A waiver from Orange County Code Section 38-1501 is granted to allow a front porch setback of 15 feet for detached single-family and zero (0) feet for attached single-family in lieu of the required 20 feet.

- l. A waiver from Orange County Code Section 38-1501 is granted to allow front building setbacks for attached single-family to be 5 feet in lieu of 20 feet.
 - m. A waiver from Orange County Code Section 38-1501 is granted to allow townhouses to have a second story porch balcony setback of zero (0) feet in lieu of 20 feet.
 - n. No development is permitted that will cause the cumulative external peak hour trips to exceed 1,805 until the mitigation required for Phase 2A is complete or agreed by binding agreement.
 - o. No development is permitted that will cause the cumulative external peak hour trips to exceed 2,166 until the mitigation required for Phase 2B is complete or agreed by binding agreement and until the M&M Study required for Phase 3 is completed.
- 13. All applicable previously-approved Conditions of Approval, including those dated December 16, 2008, shall apply:
 - a. Architectural Review Committee. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing Covenants, Conditions, and Restrictions (CC&Rs) for the property being platted. Orange County Attorney's Office shall review and approve the proposed CC&Rs. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision for an Architectural Review Committee and incorporating the design requirements found on the LUP and the Eagle Creek Design Guidelines Booklet and all its appendices as amended and incorporated into the revised Land Use Plan.
 - The provision of the CC&Rs incorporating the above-referenced requirements shall not be amended, removed, or superseded without the prior approval of the BCC, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect.
 - Furthermore, the CC&Rs shall provide that the homeowners' association and any person owning property in the development have the right to enforce these requirements in the event they are violated.
 - Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.
 - b. 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. In addition to complying with those minimum requirements, the declaration of covenants, conditions and restrictions required to be recorded simultaneous with the recording of the plat shall include terms requiring the establishment and maintenance of a fifth HOA account for the cost of storm debris removal from the

subdivision infrastructure, consistent with the terms relating to the other four HOA accounts set forth in Section 34-290(8)a-d; and with respect to such fifth HOA account, the declaration shall provide requirements, restrictions, terms, conditions, and limitations consistent with the terms relating to the other four HOA accounts set forth in Section 34-291. Furthermore, prior to turning over control of the infrastructure to the HOA, the developer shall pre-fund this fifth HOA account in an amount sufficient to cover the estimated cost of debris removal for a single hurricane, which amount shall be approved by the County Engineer.

- c. Prior to construction plan approval, master water, stormwater, reclaimed water, and wastewater plans, including preliminary calculations, shall be approved.
- d. The "Compatibility Plan," dated "Received December 4, 2002," and the clarifications introduced at the December 11, 2001, public hearing is approved by the BCC. (Note: The Compatibility Plan has been updated and integrated into the Land Use Plan dated "Received October 22, 2012.")

14. All applicable previously-approved Conditions of Approval, including those dated December 3, 2002, shall apply:

- a. No residential development may occur until:
 - i. Eagle Creek Development Corporation shall comply with all the provisions of the Memorandum of Agreement (MOA) and the Comprehensive Agreement by the School Board of Orange County, Florida, and the Eagle Creek Development Corporation.
 - ii. Upon the County's receipt of written notice from Orange County Public Schools (OCPS) that the Eagle Creek Development Corporation is in default or breach of the MOA and/or the Comprehensive Agreement, the County shall immediately cease issuing building permits for any residential development in Eagle Creek DRI/PD. The County shall again begin issuing building permits upon OCPS written notice to the County that Eagle Creek Development Corporation is no longer in breach or default of the MOA and/or the Comprehensive Agreement. The Eagle Creek developer, or its successors or assigns under the MOA, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the actions of ceasing the County's issuance of residential building permits.
 - iii. Eagle Creek Development Corporation, or its successors or assign under the MOA and the Comprehensive Agreement, agrees that it shall not and is estopped from claiming in any future litigation that the County's enforcement of any of these conditions of approval to the Eagle Creek Planned Development are illegal, improper, unconstitutional, or a violation of Eagle Creek Development Corporation's property rights.
 - iv. The Eagle Creek developer shall not apply for more than 104 residential building permits until the Eagle Creek developer posts the capital contribution security with Orange County Public Schools in accordance with the MOA.

- v. Orange County shall be held harmless by the Eagle Creek developer or its successors or assign under the MOA and the Comprehensive Agreement, and the OCPS in any dispute between Eagle Creek developer and OCPS over any interpretation or provision of the MOA.

15. All applicable previously-approved Conditions of Approval, including those dated December 11, 2001, shall apply:

- a. Approval and execution of the right-of-way agreement between Eagle Creek Development Corporation and Orange, County, Florida.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (September 13, 2016)

Upon a motion by Commissioner Thompson, seconded by Commissioner Clarke, and carried by all members present, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Jim Hall, VHB, Inc., Eagle Creek Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-05-185, to redesignate one existing commercial tract on the PD/LUP as a residential sales center, while further limiting the types of commercial uses permitted within a separate commercial tract to uses that are "complimentary to an adjacent school" (i.e. day care, learning center, etc.). No changes to existing development entitlements are proposed; which constitutes a substantial change to the development on the described property; subject to the conditions listed in the staff report.

CDR-17-10-325



 Subject Property
 PD Boundary

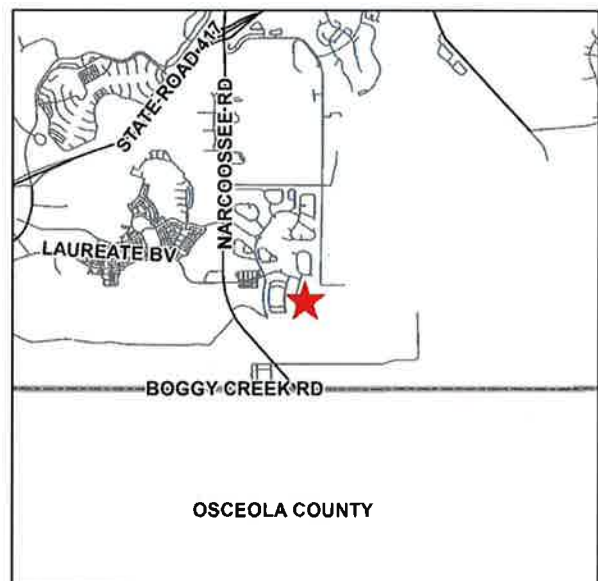


 Subject Property

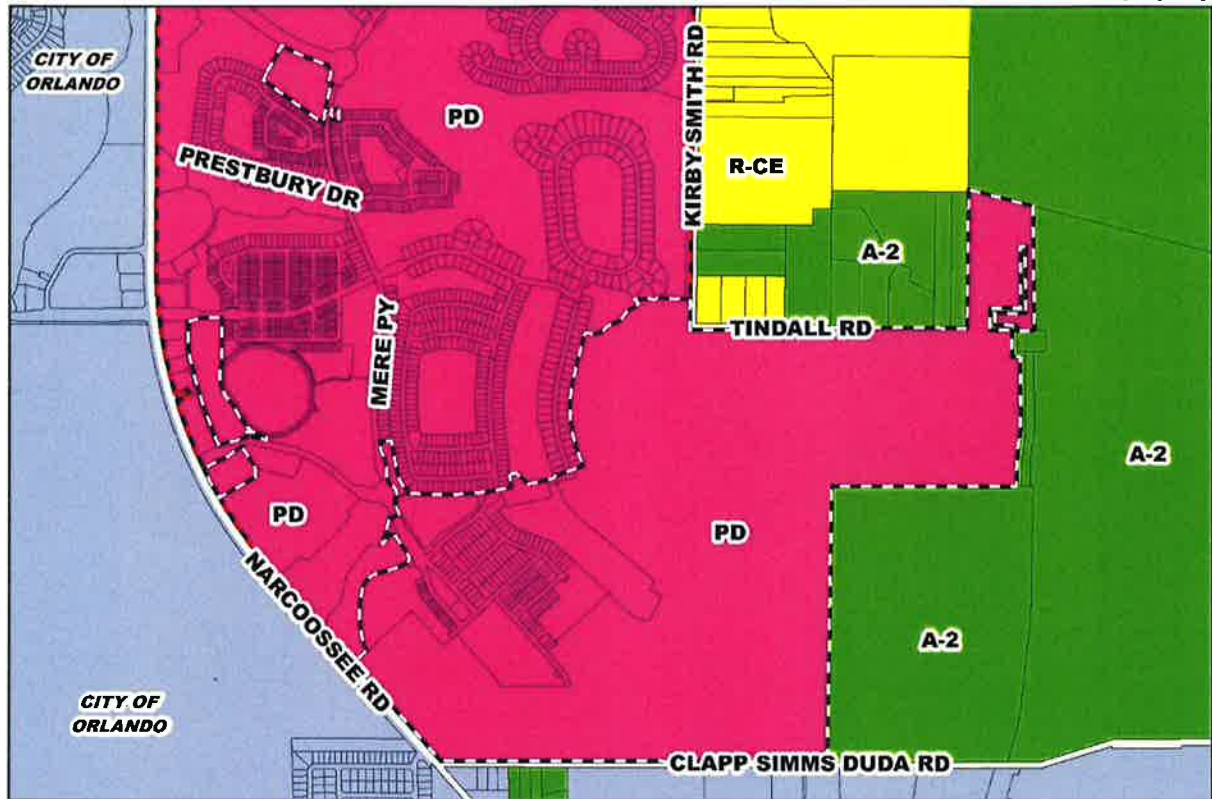
Future Land Use Map

FLUM: Planned Development (PD)
APPLICANT: Adam Smith, VHB, Inc.
LOCATION: Generally located east of Narcoossee Road, south of Tyson Road, and north of Clapp Simms Duda Road
TRACT SIZE: 1,236.20 gross acres (overall PD)
 439.77 gross acres (affected parcels)
DISTRICT: # 4
S/T/R: 29/24/31, 32/24/31

1 inch = 1,500 feet



CDR-17-10-325



 Subject Property
 PD Boundary



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Adam Smith, VHB, Inc.

LOCATION: Generally located east of Narcoossee Road, south of Tyson Road, and north of Clapp Simms Duda Road

TRACT SIZE: 1,236.20 gross acres (overall PD)
 439.77 gross acres (affected parcels)

DISTRICT: # 4

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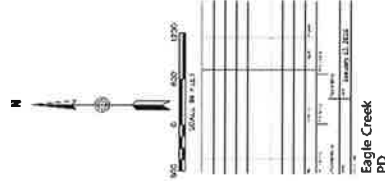
1 inch = 1,500 feet



Eagle Creek PD / LUP



- LEGEND**
- Commercial
 - Hotel
 - School
 - Temporary
 - Sales Trailer



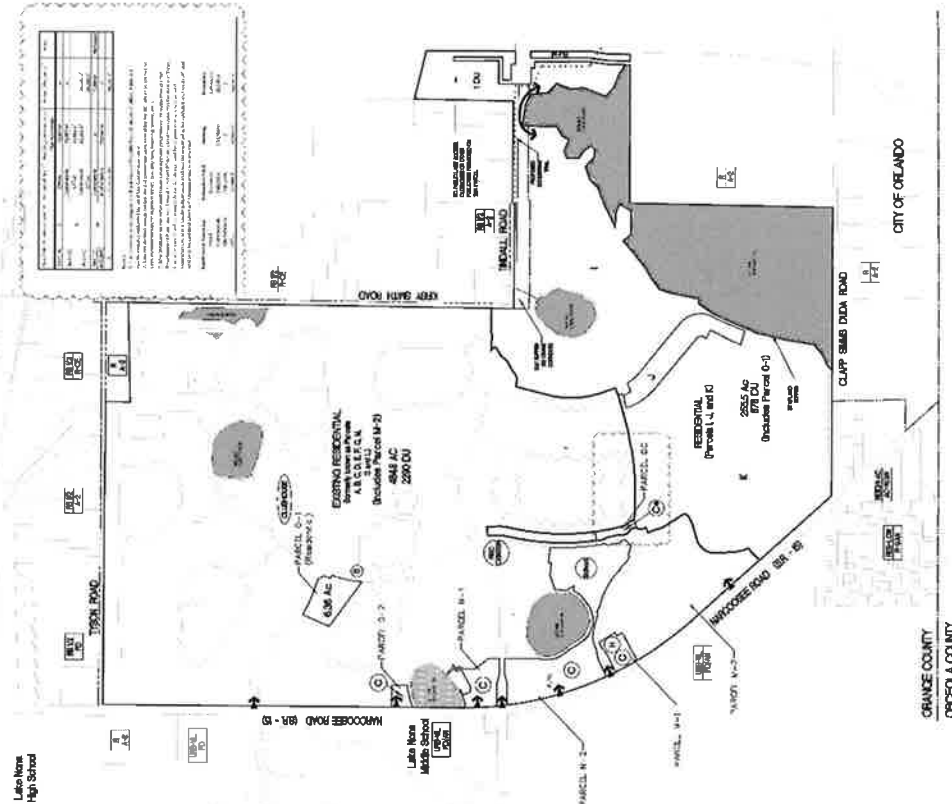
Eagle Creek
PD

Orange County, Florida

Amended
Land Use Plan

C-3

APR 23, 2018
REVISED
11/15/2017



SITE SUMMARY

GENERAL INFORMATION

Project Name: Eagle Creek PD / LUP

Project Location: Lake Nona, Orange County, Florida

Project Owner: Eagle Creek PD

Project Manager: [Name]

Project Engineer: [Name]

Project Designer: [Name]

Project Surveyor: [Name]

Project Planner: [Name]

Project Architect: [Name]

Project Contractor: [Name]

Project Consultant: [Name]

Project Advisor: [Name]

Project Reviewer: [Name]

Project Approver: [Name]

Project Date: 11/15/2017

Project Revision: 1

DEVELOPMENT INFORMATION

Site Area: 1,270.1 acres

Site Area (Acres): 1,270.1

Site Area (Square Feet): 87,448,000

Site Area (Square Meters): 22,000,000

Site Area (Square Miles): 0.49

Site Area (Square Kilometers): 1.27

Site Area (Square Hectares): 313.8

Site Area (Square Yards): 37,000,000

Site Area (Square Feet): 87,448,000

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Site Area (Square Hectares): 313.8

Site Area (Square Yards): 37,000,000

Category	Sub-Category	Value
TOTAL DEVELOPMENT	Residential	1,270.1
	Commercial	0.0
	Industrial	0.0
	Public Use	0.0
TOTAL EXISTING	Residential	0.0
	Commercial	0.0
	Industrial	0.0
	Public Use	0.0

OPEN SPACE RECOMMENDATION

Open space recommendations will be provided at 10% of the total site area.

Open space will be provided in the form of parks, trails, and other recreational facilities.

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	Industrial	0.0
	Public Use	0.0
TOTAL EXISTING	Residential	0.0
	Commercial	0.0
	Industrial	0.0
	Public Use	0.0

UNITS AND SPACES

Units and spaces will be provided in the form of parks, trails, and other recreational facilities.

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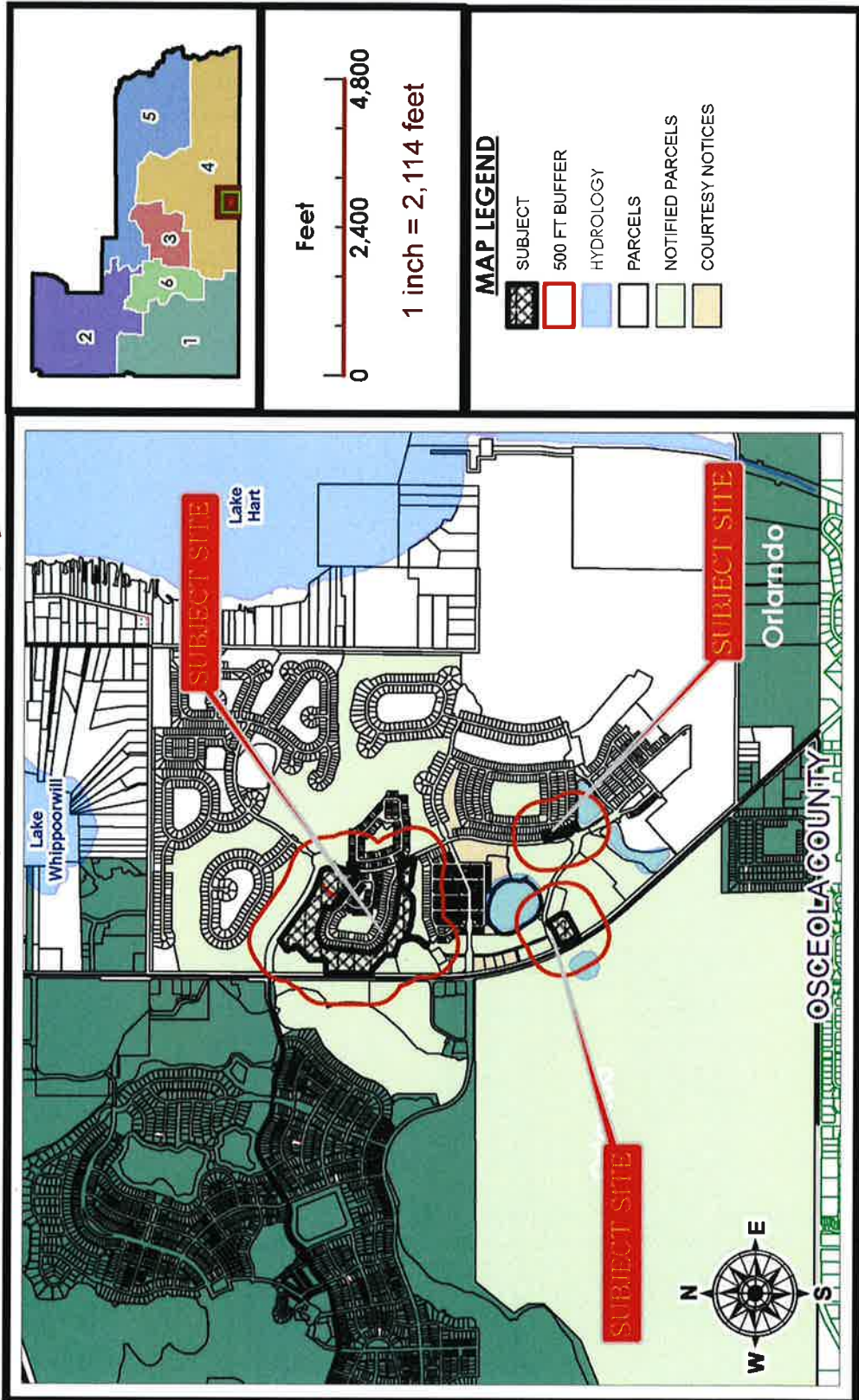
Units and spaces will be provided in the form of parks, trails, and other recreational facilities.



Public Notification Map

Eagle Creek PD_CDR-17-10-325
 500 FT BUFFER, 789 NOTICES

Notification Map



\\Ocnat\gmdept\Business Systems\Board Administration\SUBSTANTIAL CHANGE\2018\PLANNING\Eagle Creek PD_CDR-17-10-325\Eagle Creek PD_CDR-17-10-325.mxd