



Interoffice Memorandum

DATE: June 3, 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 *gmm*
Planning Division
(407) 836-5523

SUBJECT: June 22, 2021 – Public Hearing
Applicant: Eric Warren, Poulos & Bennett, LLC
Karr Planned Development / Osprey Ranch Preliminary Subdivision
Plan
Case # PSP-20-03-089 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of June 9, 2021, to approve the Karr Planned Development (PD) / Osprey Ranch Preliminary Subdivision Plan (PSP) to subdivide 80.08 acres, generally located north of Hartzog Road and east of Avalon Road, in order to construct 285 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 Karr PD / Osprey Ranch PSP dated "Received April 27, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

JVW/EPR/lme
Attachments

CASE # PSP-20-03-089

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of June 9, 2021, to approve the Karr Planned Development (PD) / Osprey Ranch Preliminary Subdivision Plan (PSP) to subdivide 80.08 acres, generally located north of Hartzog Road / east of Avalon Road, in order to construct 285 single-family attached and detached residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: North of Hartzog Road / East of Avalon Road
- B. Parcel ID: 29-24-27-0000-00-002
- C. Total Acres: 80.08 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Water Springs ES - Enrolled: 1,012 / Capacity: 791
Bridgewater MS - Enrolled: 1,836 / Capacity: 1,039
Windermere HS - Enrolled: 3,930 / Capacity: 2,753
- G. School Population: 117
- H. Parks: Deputy Scott Pine Community Park – 9.5 Miles
- I. Proposed Use: 285 Single-Family Attached and Detached Residential Dwelling Units
- J. Site Data: **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 Porch
4' Side
10' Side Street
20' Rear
50' NHWE

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 Porch
0' Side
7' Side (end units)
10' Side Street
14' Rear
50' NHWE

Neighborhood Center District:

Maximum Building Height: 45' (3-stories)
Maximum Commercial Area: 10,000 Square Feet
Minimum Lot Width: 25'
Building Setbacks:
10' Front
0' Side
10' Rear
6' Side Street

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.

The Hartzog Road Right-of-Way Agreement was approved by the BCC on 6/3/2008 and recorded at OR Book/Page 9712/4850. This agreement follows two prior agreements and realigns Hartzog Road through the Developer's properties to CR 545 Avalon Road north of the previously contemplated alignment. Under the terms of the agreement, the Developers will dedicate Right-of-Way for the re-aligned Hartzog Road and design the roadway for a four-lane roadway then construct the first two lanes of the roadway. Road impact fee credits will be provided for the design and construction of the portion of the road beyond the first two lanes. The owners shall also receive a certain number of vested trips for participation in the roadway agreement. Currently the design is complete, however no Right-of-Way has been dedicated and construction has not started.

The Supplemental Road Agreement to Hartzog Road Right-of-Way Agreement was approved by the BCC on 11/12/2019 and recorded at OR Doc # 20190732203. The Supplemental Road Agreement adds a provision to allow for reimbursement of transportation impact fees paid under protest to address a disparity in the timing between the payment of impact fees for development and road construction whereby impact fee credits would be earned. Upon the refund of impact fees, the value of any transportation impact credit account shall be equally reduced.

Avalon Road is located within the project's impact area and has multiple failing segments. Mitigation has been addressed via the terms of the Village I Roadway Agreement.

3. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Village, indicating that the subject property is within the Horizon West Special Planning Area (SPA). The subject property is designated as Townhome District, Apartment District, and Neighborhood Center District on the Village I SPA map. The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (Karr PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Karr PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Osprey Ranch Preliminary Subdivision Plan dated "Received April 27, 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 April 27, 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. Owners shall comply with all terms of the Hartzog Road Right-of-Way Agreement approved by the Board of County Commissioners on June 3, 2008, as recorded in Orange County Official Records at OR Book/Page 9712/4850, as may be amended, and with all terms of the Village I Road Network Agreement approved by the Board of County Commissioners on January 28, 2020, as recorded in Orange County Official Records under document number 20200109451, as may be amended. Road Right-of-Way for Flamingo Crossings Boulevard A.K.A. Hartzog Road Realignment shall

be dedicated by Deed consistent with the Hartzog Road Right-of-Way Agreement.

7. 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).
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. 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. 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.
11. 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.
12. 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.

13. 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.
14. 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.
15. A 5-year interim Master Utility Plan (MUP) for Village I must be approved prior to Construction Plan approval within this PD.
16. 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. The privately-owned water and reclaimed water 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 and reclaimed water services.
17. Where public gravity main will be located within alleyways (except Alley Tracts C and D), 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.
18. Where public gravity main will be located within Alley Tracts C and D, the distance from structure to structure shall be a minimum of 60 feet.
19. 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.

20. 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.
21. With the exception of Pond Tract D-1 which shall be owned and maintained by the HOA, 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.
22. 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.
23. 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.
24. An offsite drainage easement, either temporary until platted or by APF agreement, over the remainder of Tract D-1 shall be dedicated to Orange

County and recorded in the public records prior to construction plan approval.

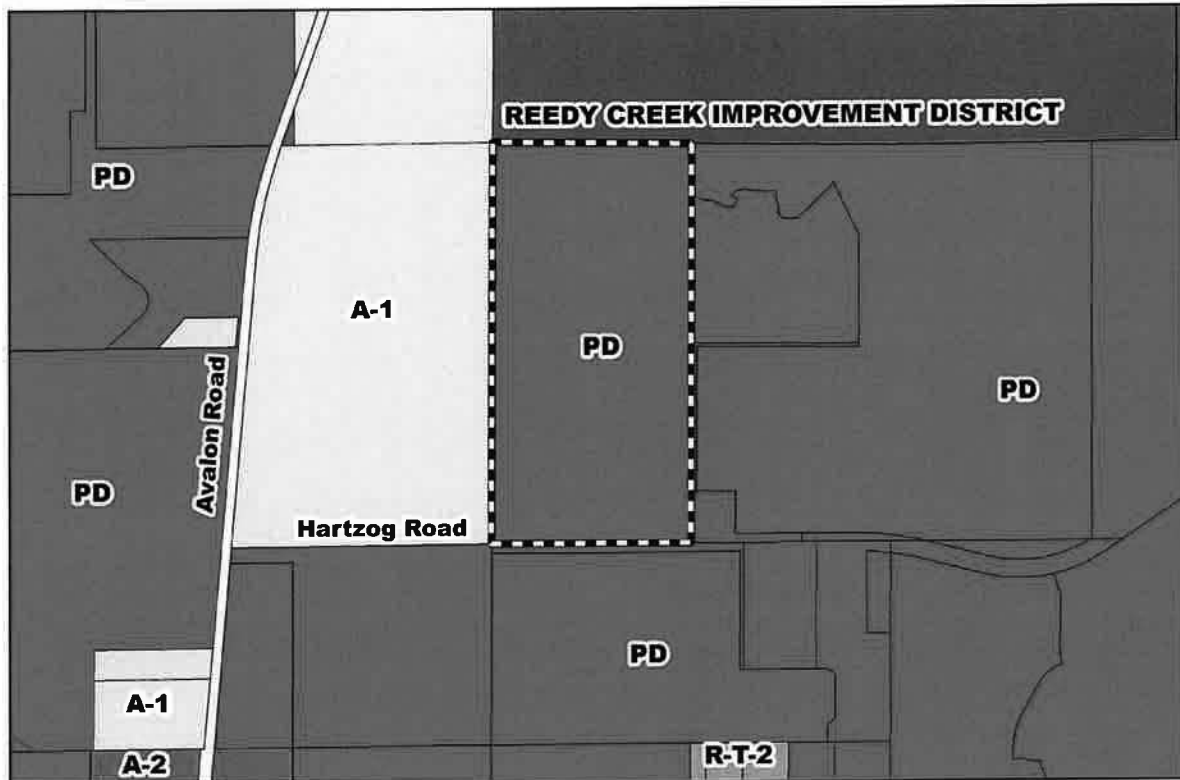
25. The APF street right-of-way shall be dedicated to Orange County and recorded in the public records prior to plat recordation.
26. Right-of-Way for Hartzog Road (FKA Flamingo Crossings Blvd) shall be dedicated to Orange County and recorded in the public records prior to plat recordation.
27. A mandatory 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.
28. The APF deficit shall be satisfied prior to platting.
29. Short term / transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
30. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
31. 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.
32. 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 as part of 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.
33. Any lot with a side yard facing an open space tract, park or recreation area shall be visually treated as a corner lot with an abutting side street. The tract, park or recreation area 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.
34. 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 of County Commissioners Approval.

35. Lots that face a mew, open space tract, or alley that do not have access to a public right-of-way shall be addressed off an alley and the addressing of the home shall be placed on both sides of the structure.

Zoning Map

PSP-20-03-089



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Eric Warren, Poulos & Bennett, LLC

LOCATION: North of Hartzog Road / East of Avalon Road

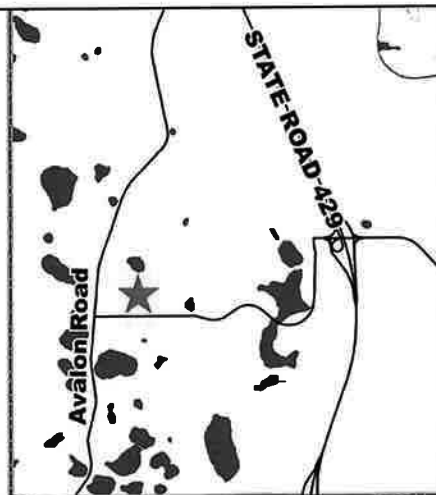
TRACT SIZE: 80.08 gross acres

DISTRICT: # 1

S/T/R: 29/24/27

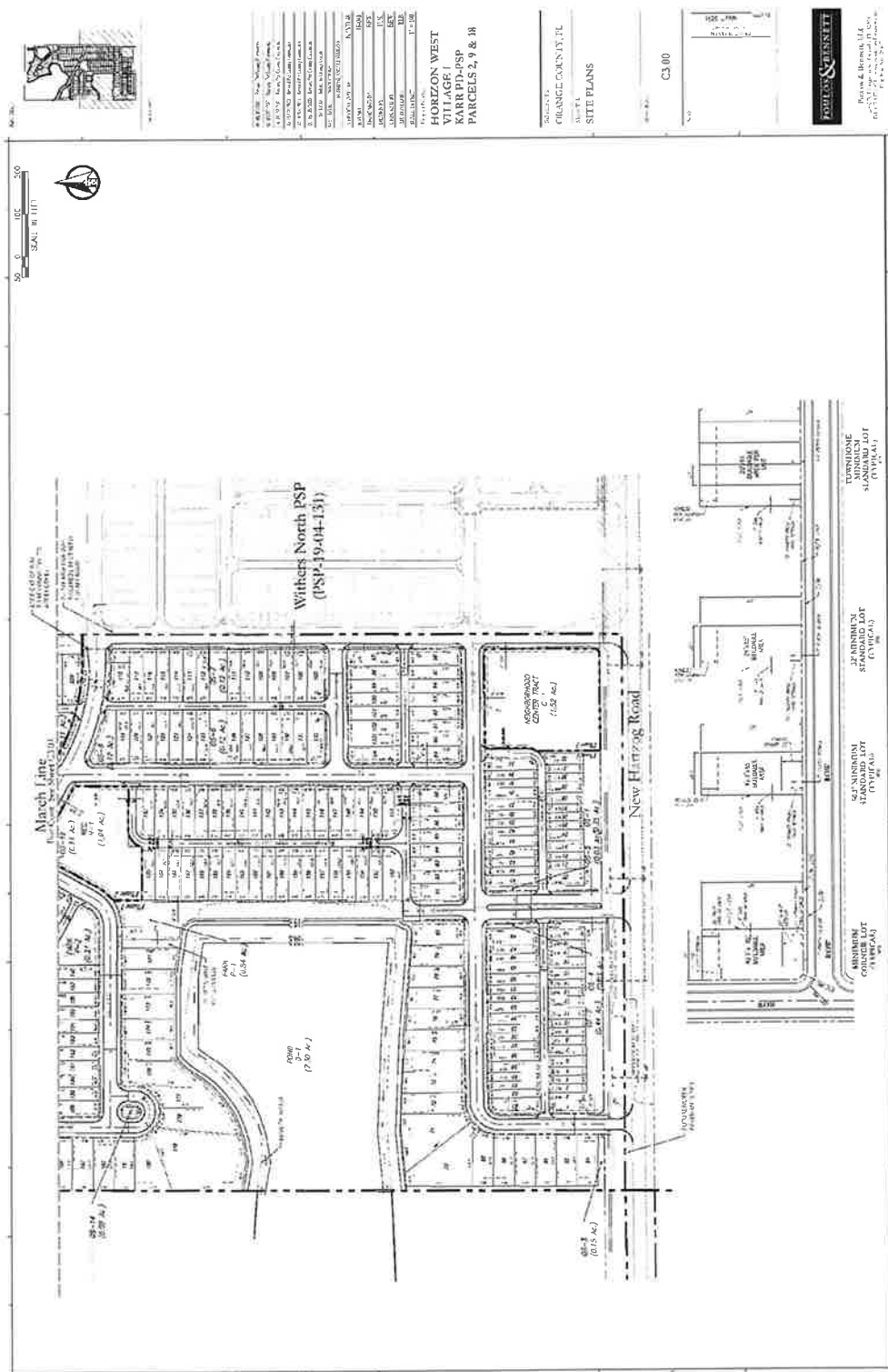
1 inch = 1,000 feet

ORANGE COUNTY / LAKE COUNTY LINE



12

Site Plan Sheet





Notification Map

