




## Interoffice Memorandum

November 15, 2022

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners (BCC)

FROM: Alberto A. Vargas, MArch., Manager, Planning Division 

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

SUBJECT: 2022-2 Regular Cycle Comprehensive Plan  
Amendments 2022-2-A-1-1 and 2022-2-B-FLUE-1 and Concurrent Substantial Change  
Request# CDR-22-07-234 (Liki Tiki Village III PD/LUP)  
Board of County Commissioners (BCC) Adoption Public Hearings

The 2022-2 Regular Cycle Comprehensive Plan Amendments 2022-2-A-1-1 and 2022-1-B-FLUE-1 are scheduled for a BCC adoption public hearing on November 15, 2022. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing on October 20, 2022.

The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See: <http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>.

The 2022-2 Regular Cycle State-Expedited Amendments scheduled for consideration on November 15 include one privately-initiated Future Land Use Map Amendment located in District 1 with a concurrent substantial change request and one associated staff-initiated text amendment. The proposed Future Land Use Map amendment entails a change to the Future Land Use Map for a property greater than ten acres in size. The staff-initiated amendment involves changes to the Goals, Objectives and/or Policies of the Comprehensive Plan.

In summary, the action items addressed by this memo for November 15 are:

- Amendment 2022-2-A-1-1 (Liki Tiki Village III)
- Amendment 2022-2-B-FLUE-1 (Policy FLU8.1.4)
- Substantial Change Request CDR-22-07-234 (Liki Tiki Village III PD/LUP).

In conjunction with these three action items, the BCC will also consider an adopting Ordinance for Amendment 2022-2-A-1-1 and Amendment 2022-2-B-FLUE-1.

The 2022-2 Regular Cycle State-Expedited Review Amendments were heard by the PZC/LPA at transmittal public hearings on June 16, 2022, and by the BCC at transmittal public hearings on July 12, 2022. These amendments were reviewed by the Florida Department of Economic Opportunity (DEO), as well as other state and regional agencies. On August 26, 2022, DEO issued a comment letter, which did not contain any concerns about the amendments undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. The Regular Cycle Amendments undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. Therefore, these amendments are expected to become effective in December 2022, provided no challenges are brought forth for any of the amendments.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net) or Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

2022-2 Regular Cycle Amendments 2022-2-A-1-1 and 2022-2-B-FLUE-1 and  
Concurrent Substantial Change Request# CDR-22-07-234  
BCC Adoption Public Hearings  
November 15, 2022  
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AAV/sw

Enc: 2022-2 Regular Cycle Amendments 2022-2-A-1-1 and 2022-2-B-FLUE-1 BCC Adoption Staff Report and  
Concurrent Substantial Change Request# CDR-22-07-234

c: Christopher R. Testerman, AICP, Deputy County Administrator  
Joel Prinsell, Deputy County Attorney  
Whitney Evers, Assistant County Attorney  
Roberta Alfonso, Assistant County Attorney  
Gregory Golgowski, AICP, Chief Planner, Planning Division  
Olan D. Hill, AICP, Assistant Manager, Planning Division  
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division  
Read File



**ORANGE COUNTY**

PLANNING DIVISION

**2022-2 REGULAR  
CYCLE AMENDMENTS**

**2022-2-A-1-1 &  
2022-2-B-FLUE-1 &**

**SUBSTANTIAL  
CHANGE REQUEST  
CDR-22-07-234**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY  
COMMISSIONERS**

**NOVEMBER 15, 2022  
ADOPTION PUBLIC HEARING**

**PREPARED BY:**  
ORANGE COUNTY PLANNING, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION



**2022-2 Regular Cycle State Expedited Review Comprehensive Plan Amendments  
Privately Initiated Future Land Use Map Amendment**

Amendment Number	Concurrent Reasoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
District 4													
2022-3-A-1-1 (L&I Tbl Village II)	CDR-22-07-234	Hollywood-Harrison Development, LLC	Dustin Brinkman, KPM Franklin	31-34-37-0000-00-008	17908 Bell Blvd., Generally located north of Bell Blvd., south of Grove Blossom Wy., and west of Aviston Rd.	Commercial (C)	Growth Center-Planned Development-Medium Density Residential (GC-PD-MDR)	PD (Planned Development District) (L&I Tbl Village II PD)	PD (Planned Development District) (L&I Tbl Village II PD)	67.19 gross ac./19.09 net developable ac.	Bue Watson	Adopt	Adopt (7-0)

**2022-2 Regular Cycle Comprehensive Plan Amendments  
Staff Initiated Comprehensive Plan Text Amendment**

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2022-3-B-PLUS-1 (PLUS.1.4)	Planning Division	Text amendment to Future Land Use Element Policy PLUS.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2022-3-A-1-1	Bue Watson	Adopt	Adopt (7-0)

**ABBREVIATIONS INDEX:**

**ABBREVIATIONS INDEX:** IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MHDR-Medium-High Density Residential; HDR-High Density Residential; PD-Planned Development; V-Village; CDBS-Wetland/Conservation; P/OS-Paras/Recreation/Open Space; OS-Open Space; GS-Greenbelt; SPA-Special Planning Area; R-Rural/Agricultural; TS-Timeshare; RS-Rural Settlement; ACBU-Activity Center Mixed Use; ACR-Activity Center Residential; GC-Growth Center; R-Resort; PG-Planned Development; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUS-Future Land Use Element; TRAN-Transportation Element; GOS-Goals, Objectives, and Policies; OBJ-Objective; LUP-Land Use Plan; LUPA-Land Use Plan Amendment; CDR-Change Determination Request; PD-Planned Development District; CDR-Change Determination Request; A-B-Farmstead Rural District; A-1-Citrus Rural District; SR-State Road; AC-Acres

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Amendment			Page
1.	2022-2-A-1-1 Liki Tiki Village III	Commercial (C) to Growth Center-Planned Development-Medium Density Residential (GC-PD-MDR)	1
	-and-		
	2022-2-B-FLUE-1 PD Density and Intensity	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2022-2-A-1-1	
	-and-		
	Substantial Change CDR-22-07-234	A change determination is requested to the previously approved Liki Tiki Village III PD Land Use Plan to change the use on PD Parcel C from Hotel to Multi-Family and modify the commercial use of Parcel B from sales to an amenity / recreational center for the multi-family proposed in Parcel C. Also requested is a waiver from Orange County Code Section 38-1254(2)e for Parcel C only to reduce the minimum required front building setback to ten (10) feet in lieu of the minimum required twenty (20) feet.	

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# 2022 SECOND REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN ADOPTION PUBLIC HEARINGS

## INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing staff report for the Second Regular Cycle Amendments 2022-2-A-1-1 and 2022-2-B-FLUE-1 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearings for these amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on October 20, 2022. These amendments are scheduled for adoption public hearings before the BCC on November 15, 2022.

The 2022-2 Regular Cycle Amendments scheduled for BCC consideration on November 15 were heard by the PZC/LPA at transmittal public hearings on June 16, 2022, and by the BCC at transmittal public hearings on July 12, 2022.

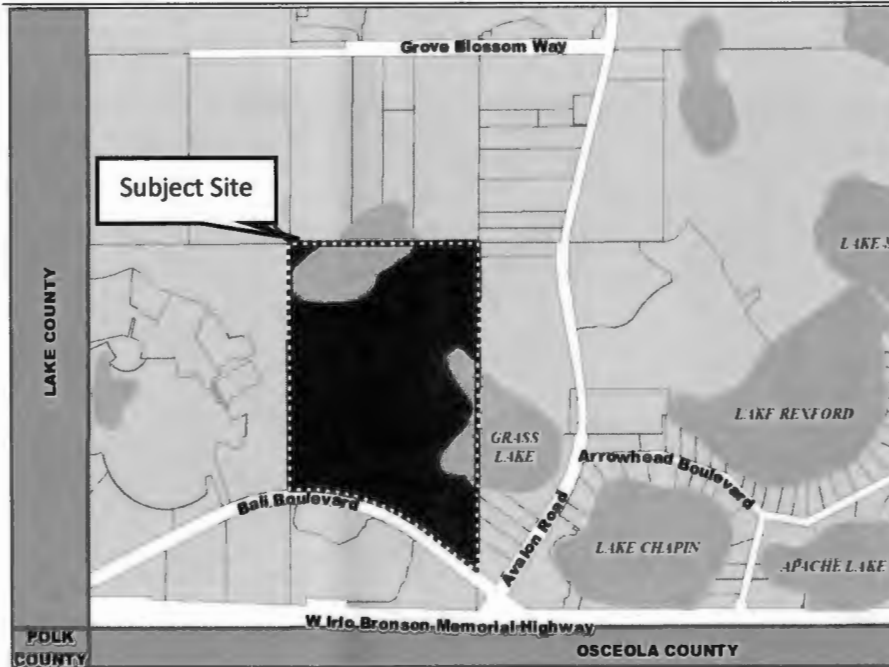
Please note the following modifications to this report:

KEY TO HIGHLIGHTED CHANGES	
Highlight	When changes made
Light Blue	Following the DEO transmittal public hearing (by staff)
Pink	Following the LPA adoption public hearings (by staff)

The 2022-2 Regular Cycle – State-Expedited Review Amendments scheduled for consideration on November 15 include one privately-initiated Future Land Use Map Amendment located in District 1 with a concurrent substantial change request and one associated staff-initiated text amendment. The proposed Future Land Use Map Amendment entails a change to the Future Land Use Map for a property greater than ten acres in size. The staff-initiated amendment involves changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The Regular Cycle State-Expedited Review Amendments were reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On August 26, 2022, DEO issued a comment letter, which did not contain any concerns about the amendments undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. The Regular Cycle Amendments undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. These amendments are expected to become effective in December 2022, provided no challenges are brought forth for any of the amendments.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch., Manager, Planning Division, at (407) 836-5802 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net), or Gregory Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Gologowski@ocfl.net](mailto:Gregory.Gologowski@ocfl.net).



**Applicant/Owner:** Dustin Brinkman, KPM Franklin, for Hollywood-Harrison Development, LLC

**Location:** 17509 Bali Blvd.; Generally located north of Bali Blvd., south of Grove Blossom Wy., and west of Avalon Rd.

**Existing Use:** Parking lot for former vacation sales call center located south of subject property

**Parcel ID Number:** 31-24-27-0000-00-006

**Tract Size:** 57.13 gross ac./19.14 19.09 net developable ac.

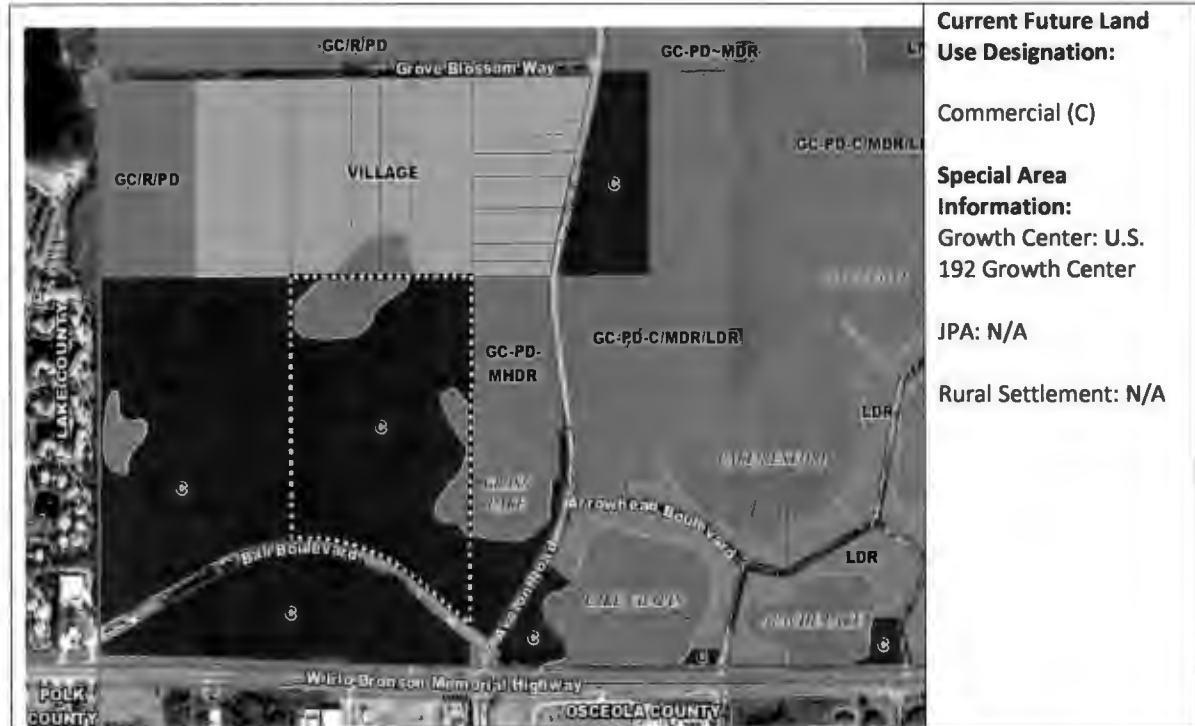
The following meetings and hearings have been held:		Project Information
Report/Public Hearing	Outcome	
✓ A virtual community meeting was held May 12, 2022 (159 notices sent)	No members of the public attended the meeting.	<b>Request:</b> Commercial (C) to Growth Center-Planned Development-Medium Density Residential (GC-PD-MDR)
✓ Staff Report	Recommend Transmittal	<b>Proposed Development Program:</b> Up to 381 multi-family dwelling units.
✓ LPA Transmittal June 16, 2022	Recommend Transmittal (5-0)	<b>Division Comments:</b> <b>Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis on each public facility. <b>Transportation:</b> The proposed use will generate 149 p.m. peak hour trips resulting in a net reduction of 92 p.m. peak hour trips. <b>Environmental:</b> A historic Conservation Area Determination, CAD 93-042, was completed for the project site. Conservation Area Determination, CAI-18-01-006, was issued on June 2, 2020, for 7.83 acres of direct and 3.10 acres of secondary conservation area impacts. <b>Utilities:</b> The subject property is located within the Toho Water Authority's potable water, wastewater, and reclaim service areas. A full commitment for utility service will be provided based on meeting all applicable service requirements. <b>Schools:</b> Per School Capacity Determination OC-22-010, dated April 20, 2022, capacity is available. This determination expires April 14, 2023.
✓ BCC Transmittal July 12, 2022	Transmit (7-0)	<b>Concurrent PD/LUP Substantial Change:</b> CDR-22-07-234
✓ State Agency Comments (Amendment No. 22-04-ESR)	August 26, 2022	On November 15, 2022, the BCC will consider a proposed substantial change to the currently-approved Liki Tiki Village III PD Land Use Plan (CDR-22-07-234) in conjunction with the requested Future Land Use Map Amendments.
✓ LPA Adoption October 20, 2022	Recommend Adoption (7-0)	
BCC Adoption	November 15, 2022	

**AERIAL**





**FUTURE LAND USE - CURRENT**



**Current Future Land Use Designation:**

Commercial (C)

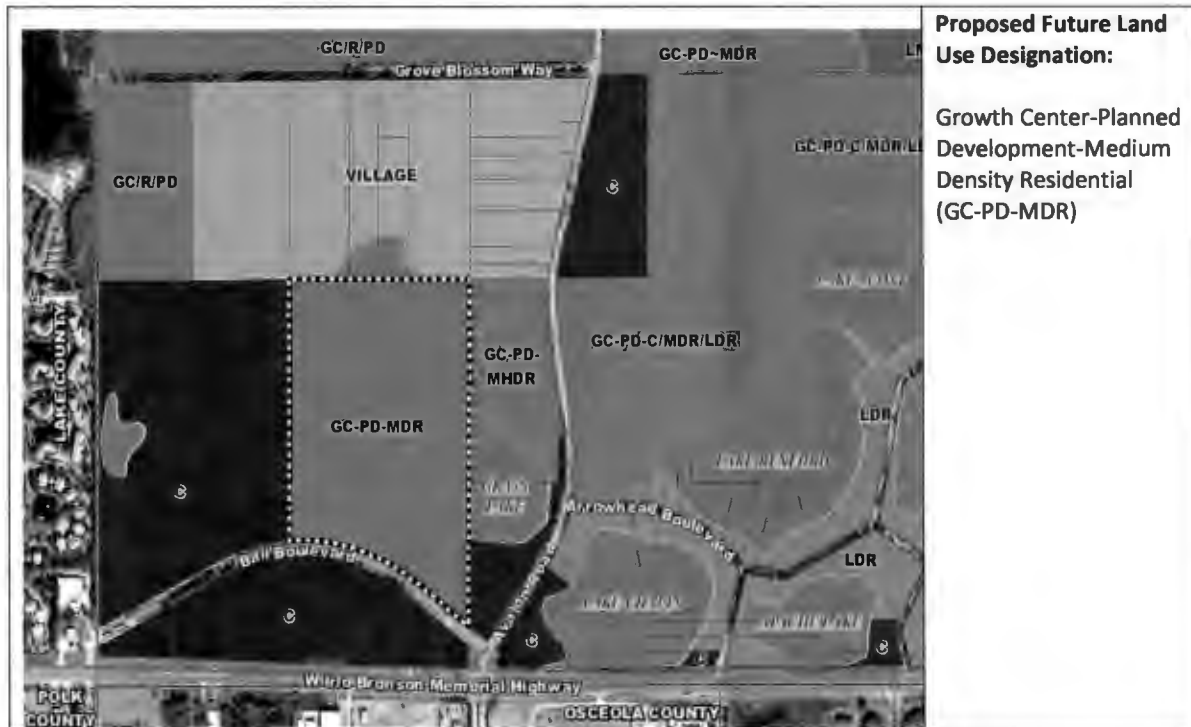
**Special Area Information:**

Growth Center: U.S. 192 Growth Center

JPA: N/A

Rural Settlement: N/A

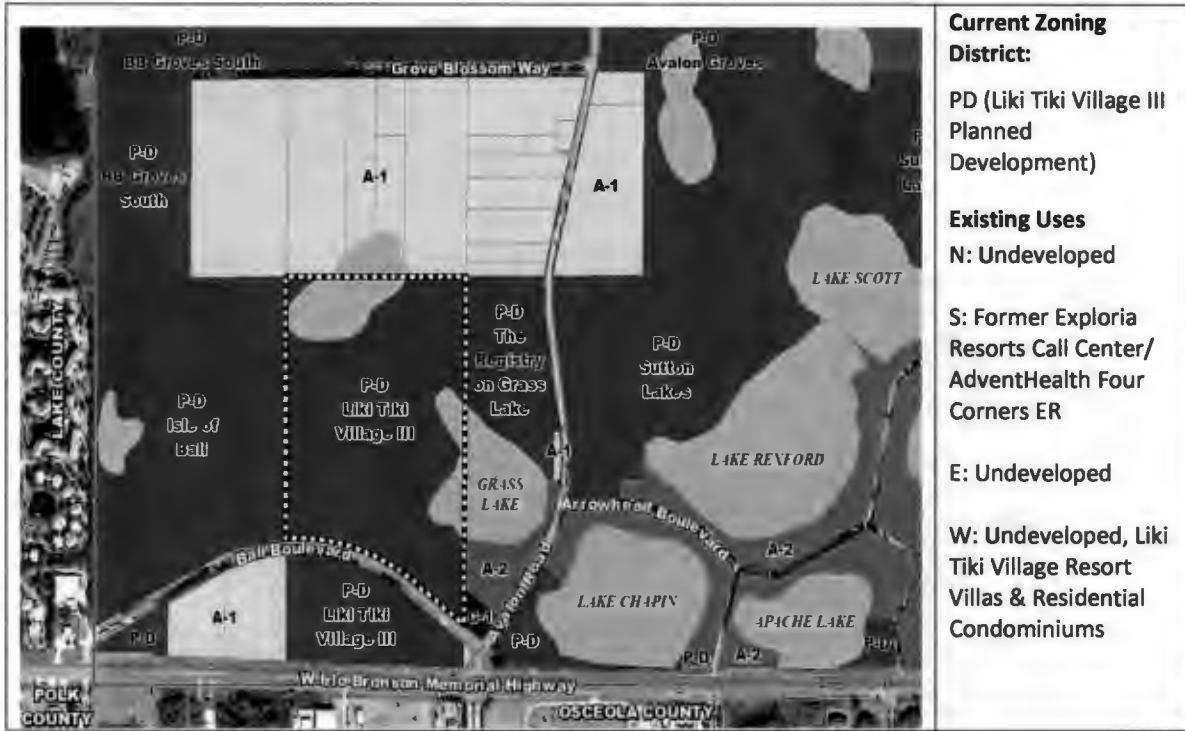
**FUTURE LAND USE - PROPOSED**



**Proposed Future Land Use Designation:**

Growth Center-Planned Development-Medium Density Residential (GC-PD-MDR)

**ZONING – CURRENT**



**Current Zoning District:**  
 PD (Liki Tiki Village III Planned Development)

**Existing Uses**  
 N: Undeveloped  
 S: Former Exploria Resorts Call Center/ AdventHealth Four Corners ER  
 E: Undeveloped  
 W: Undeveloped, Liki Tiki Village Resort Villas & Residential Condominiums

## Staff Recommendations

1. **FUTURE LAND USE MAP AMENDMENT 2022-2-A-1-1:** Make a finding of consistency with the Comprehensive Plan (see Housing Element Goal H1, Housing Element Objective H1.1, Future Land Use Element Objectives FLU8.2 and C1.4, and Policies FLU1.1.1, FLU1.1.2.A, FLU1.1.4.F, FLU7.4.4, FLU8.1.4, FLU8.2.1, and FLU8.2.2), determine that the amendment is in compliance, and **ADOPT** Amendment 2022-2-A-1-1, Commercial (C) to Growth-Center-Planned Development-Medium Density Residential (MDR).
2. **FUTURE LAND USE TEXT AMENDMENT 2022-2-B-FLUE-1:** Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance, and **ADOPT** Amendment 2022-2-B-FLUE-1 to include the development program for Amendment 2022-2-A-1-1 in Future Land Use Element Policy FLU8.1.4.

### 3. **CHANGE DETERMINATION REVIEW REQUEST: CDR-22-07-234**

**(October 19, 2022, DRC Recommendation):** Make a finding of consistency with the Comprehensive Plan and **APPROVE** the Liki Tiki Village III Planned Development/Land Use Plan (PD/LUP), dated "Received October 06, 2022", subject to the following sixteen (16) conditions:

1. Development shall conform to the Liki Tiki Village III (fka Cassis) Planned Development Land Use Plan Amendment dated "Received October 6, 2022," 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 October 6, 2022," 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 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. 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, 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.
  7. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.

8. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
9. Within any residential development, short term rental shall be prohibited. Length of stay shall be for a minimum of 180 consecutive days or greater.
10. Non-residential length of stay shall not exceed 179 consecutive days.
11. A traffic study and operational analysis must be submitted and accepted prior to any subsequent preliminary subdivision and / or development plan approval within this planned development.
12. For Parcel C: The multi-family buildings shall be pulled up to the 10 ft. building setback along Bali Boulevard, and no parking shall be located between the buildings and the right-of-way. In addition, the facades of the buildings pulled up to Bali Boulevard shall be treated as primary facades.
13. A waiver from Orange County Code Section 38-1254(2)e. is granted for Parcel C only to reduce the minimum required front building setback to ten (10) feet in lieu of the minimum required twenty (20) feet.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 20, 2017, shall apply:

***10/19/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #1***

- a. ~~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.~~

***10/19/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #2***

~~b. 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.~~

**10/19/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #3**

~~c. 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.~~

**10/19/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #4**

~~d. 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).~~

**10/19/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #5**

- f. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
- g. 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).
- h. 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.
- i. ~~Length of stay shall not exceed 179 days.~~

**10/19/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #10**

- j. ~~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, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.~~

**10/19/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #6**

- k. The following waivers are granted for PD Parcel C only:
  - 1) A waiver from Section 38-1287(2) to allow a zero foot (0') minimum side setback (from interior property lines) for buildings and pavement, in lieu of a minimum side property line setback of 30 feet.
  - 2) A waiver from Section 38-1287(3) to allow a zero foot (0') minimum rear setback (from interior property lines) for buildings and pavement, in lieu of a minimum rear property line setback of 20 feet.
  - 3) A waiver from Section 38-1287(4) to reduce the paving setback intended to create a buffer between paved areas and property lines along the side lot lines (interior to the PD) to zero feet (0'), in lieu of a minimum 7.5-foot paving setback for side lot lines.
  - 4) A waiver from Section 38-1287(4) to reduce the paving setback intended to create a buffer between paved areas and property lines along Bali

PD/LUP Substantial Change CDR-22-07-234

Boulevard (an arterial roadway) to 10 feet, in lieu of the required 25-foot paving setback from arterial roadways.

- 5) A waiver from Section 34-152(c) to allow access to interior PD lots via an easement, in lieu of the requirement that interior lots have access to a dedicated public street.

15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 15, 2008, shall apply:

- a. In order to lessen wetland impacts, a waiver from Section 38-1287(4) is granted to reduce the required 25-foot pavement setback and allow a 10-foot pavement setback along U.S. 192.
- b. Pole sign and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5.

**10/19/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #7**

16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 28, 1995, shall apply:

- a. Access locations along U.S. 192 and Bali Boulevard and possible intersection improvement requirements will be determined at development plan submittal and review.

## Analysis

### 1. Background and Development Program

The applicant, Dustin Brinkman, KPM Franklin, has requested to change the Future Land Use Map (FLUM) designation of the 57.13-acre subject site from Commercial (C) to Growth Center-Planned Development-Medium Density Residential (GC-PD-MDR). The applicant is proposing a development program of up to 382 multi-family dwelling units on the subject site. The Medium Density Residential (MDR) FLUM designation allows for a maximum density of twenty (20) dwelling units per acre.

The subject parcel is part of the 73.00-acre Liki Tiki Village III PD (f.k.a. Cassis PD) which was originally approved on November 28, 1995, by the Board of County Commissioners (BCC). Currently, the Liki Tiki Village III PD consists of three parcels: Parcels A, B, and C. Parcels A and B are located south of Bali Boulevard and Parcel C is located north of Bali Boulevard. Parcel A is designated and approved for 40,000 square feet of commercial retail uses. It is currently developed with an emergency facility, AdventHealth Four Corners ER. Parcel B is designated and approved for 20,000 square feet of commercial sales and is developed with a vacation sales call center, Exploria Resorts Call Center, which is now closed. Parcel C, the subject parcel, is designated and approved for 500 hotel units. On June 20, 2017, the BCC approved a Substantial Change Request (CDR-17-02-051) to the PD to convert 300 timeshare units into 500 hotel units within PD Parcel C only, and establish/depict alternative setback, buffer, and access standards. Presently, Parcel C is developed with a parking lot that was used for



additional parking for the now-closed vacation sales call center, located across the street on Bali Boulevard, south of the subject site.

The 57.13-acre subject property is located north of Bali Boulevard, south of Grove Blossom Way, west of Avalon Road, and approximately 275 feet north of U.S. 192. On February 9, 2021, the BCC approved the Liki Tiki Village III (a.k.a. Cassis PD)/AD5 Orlando Hotels & Amenity Preliminary Subdivision Plan, Case# PSP-17-12-385, which subdivided Parcel C into three lots and two tracts. Currently, the PSP is approved for three hotels—one hotel on each lot. Also, a recorded Conservation Easement, designated as Tract B on the approved PSP, designates 37.99 acres of the 57.13-acre subject property as conservation area/wetlands, recorded in Orange County's OR Book 5872 PG 3897. The total net developable acreage for the site is ~~19.14~~ 19.09 acres based on Conservation Area Impact Permit, CAI-18-01-006, issued on June 2, 2020. The CAI permit authorizes 7.83 acres (1.53 acres of Class III wetlands and 6.30 acres of Class III surface water waters [borrow pit]) of direct impacts and 3.10 acres (2.73 acres of Class I wetlands and 0.37 acres of Class III wetlands) of secondary impacts. Per Orange County's Environmental Protection Division, Conservation Area Determination CAD-93-042 was completed and approved for the subject site.

As stated above, an emergency facility, AdventHealth Four Corners ER, and the now-closed vacation sales call center, Exploria Resorts Call Center are located directly across the street on Bali Boulevard, south of the subject site. Both developments are part of the Liki Tiki Village III PD, and both have corresponding Commercial FLUM designations. Undeveloped parcels, located on the south side of Grove Blossom Way, abut the subject site to the north. These properties have Village (V) FLUM designations and have corresponding A-1 (Citrus Rural District) zoning classifications.

The Isle of Bali PD, entitled for 688 timeshare units, 15,967 square feet warehouse building, and a restaurant and clubhouse facility, is located on Bali Boulevard, immediately west of the subject site. It has a corresponding Commercial FLUM designation. Currently, the Diamond Bali International Resort Club, a 128-unit commercial resort villa and the Diamond Isle of Bali 2, a 480-unit residential condominium complex are developed on the property.

The Registry on Grass Lake, a proposed 360-unit apartment complex is located on Avalon Road, immediately east of the subject site. The Registry on Grass Lake consists of two parcels and both parcels recently received BCC approvals for Future Land Use Map Amendment (FLUMA) and rezoning changes. On May 21, 2019, the BCC approved FLUMA request 2019-1-A-1-2 for the larger 18.33-acre parcel to change the FLUM designation from GC-C-to GC-PD-MHDR. The proposed development program was for up to 360 multi-family dwelling units. Furthermore, on July 2, 2019, the BCC approved Rezoning Case LUP-18-12-417 to create The Registry on Grass Lake PD with a development program of up to 360 multi-family dwelling units. On December 3, 2019, the BCC approved FLUMA request 2019-2-S-1-1 for the smaller 1.33-acre parcel to change the FLUM designation from GC-C-to GC-PD-MHDR. For this request the applicant was not requesting any entitlement increases, and his proposal was to add the 1.33-acre parcel to the 18.33-acre The Registry on Grass Lake PD in order not to impact the Class I wetlands and to add more uplands for the proposed apartment complex. Rezoning Case LUPA-19-08-262, to change the zoning of the 1.33-acre parcel from A-1 (Citrus Rural District) to PD, and to add the subject parcel to the existing The Registry on Grass Lake PD was approved by the BCC on July 28, 2020. Several undeveloped parcels, also located immediately east of the subject parcel on Avalon Road, have Commercial FLUM designations, and are zoned C-1 (Retail Commercial District) or A-2 (Farmland Rural District).

The Sutton Lakes PD is located across the street on Avalon Boulevard, east of the subject site. It has an approved development program of 700 single-family dwelling units and up to 20,000 square feet of commercial uses. The FLUM designation of the properties is Growth Center-Planned Development-Commercial/Medium Density Residential/Low Density Residential (GC-PD-C/MDR/LDR). Single-family residences located within the Arrowhead Lakes Subdivision are zoned A-2 and designated Low Density Residential (LDR) on the FLUM, are located further east of the subject site on the east side of Avalon Road.

In addition to this proposed FLUMA request, two more proposed FLUMA requests (2022-2-A-1-2 and 2022-2-A-1-3) were received in the 2022-2 Regular Cycle for nearby properties. Both properties are located north of the subject parcel. The first amendment, Amendment 2022-2-A-1-2, is located at the corner of Avalon Road and Grove Blossom Way. The applicant for Amendment 2022-2-A-1-2 is requesting to change the FLUM designation of the 22.197-acre subject property from Village (V) to Growth Center-Planned Development-Commercial/Medium Density Residential (GC-PD-C/MDR) to allow for the construction of up to 342 multi-family dwelling units and four acres of commercial development, with a maximum floor area ratio (FAR) of 0.5 and uses limited to those permitted in the C-1 (Retail Commercial) zoning district. The second amendment, Amendment 2022-2-A-1-3, is located on the south side Grove Blossom Way, approximately 1,350' west of Amendment 2022-2-A-1-2. The applicant for Amendment 2022-2-A-1-3 is requesting to change the FLUM designation of the 21.31-acre subject property from Village (V) to Growth Center-Planned Development-Commercial (GC-PD-C) to allow for a 379-unit resort development featuring short-term rental and/or hotel/condo (timeshare) units with related amenities and ancillary C-1 (Retail Commercial District) uses. However, this proposed amendment will not be heard in this cycle and is being continued to the 2023-1 Regular Cycle.

### Community Meeting

A virtual community meeting was held for this proposed amendment on May 12, 2022. 159 meeting notices were mailed, but no members of the public attended.

In association with this requested amendment, the applicant has submitted a proposed substantial change to the currently-approved Liki Tiki Village III PD Land Use Plan (Case CDR-22-07-234) to change the use on PD Parcel C from Hotel to Multi-Family and modify the commercial use of Parcel B from sales to an amenity / recreational center for the multi-family proposed in Parcel C. Also requested is a waiver from Orange County Code Section 38-1254(2)e for Parcel C only to reduce the minimum required front building setback to ten (10) feet in lieu of the minimum required twenty (20) feet. On October 19, 2022, the Orange County Development Review Committee (DRC) recommended approval of the amended PD Land Use Plan, subject to sixteen (16) conditions listed in this staff report. Case CDR-22-07-234 will be considered by the BCC in conjunction with the proposed FLUM Amendment during the November 15, 2022, adoption public hearing.

## 2. Future Land Use Map Amendment Analysis

### Consistency

The requested FLUM amendment initially appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. The subject property lies within the U.S. 192 Growth Center. Future Land Use Element Policy FLU1.1.4F states that Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide, at a minimum, that the County will not incur initial capital costs for utilities. The subject property lies within the Tohopekaliga Water Authority's (TWA's) potable water, wastewater, and reclaimed water service areas. The TWA is based in adjacent Osceola County, and it

currently has existing water and sewer lines in place along Bali Boulevard to service the subject property. A 12" water main exists on site on the south side of the property, north side of Bali Boulevard and an 8" gravity sanitary sewer main exists on site on the south side of the property, north side of Bali Boulevard. An 8" reclaim main is located approximately 2,240' east of the property, south side of W. Irlo Bronson Highway at Legacy Boulevard. In a letter dated February 13, 2020, the TWA's Engineering Division informed the applicant that the TWA will provide the potable water, irrigation, and sewer service for the proposed project, provided the developer complies with all applicable Toho Water Authority's design and construction standards and enters into the necessary Developer's Service Agreement.

**Policy FLU7.4.4** states that urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources, as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. Also, **Policy FLU7.4.4** states that if services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.

In accordance with **Policy FLU1.1.2.A**, the applicant has specified the maximum desired development program for the project is ~~382~~ 381 multi-family dwelling units under the Medium Density Residential (MDR) FLUM designation, which allows for residential development at a maximum density of twenty (20) dwelling units per acre.

The subject property is located in an area characterized by a mix of commercial, resort development, existing and planned residential communities featuring a variety of housing types – including residential/agricultural homesites, conventional single-family subdivision development (Arrowhead Lakes Subdivision), proposed single-family and multi-family developments, and a manufactured home development (the 925—unit Vista del Lago Manufactured Home Park). As mentioned previously, an emergency facility, AdventHealth Four Corners ER, is located across the street, immediately south of the subject site on Bali Boulevard, as well as the now-closed vacation sales call center, Exploria Resorts Call Center. A Wawa convenience store is located across the street, at the corner of Avalon Road and U.S.192, southeasterly of the subject site. Also, the site is located in the immediate vicinity of short-term vacation rental resorts (The Grove & Spa Resort and Palisades Condominiums), timeshare resorts (Bali International Resort Club and Isle of Bali 2) hotel and tourist commercial retail uses, retail establishments along the U.S. 192 corridor. With the proposal to develop ~~382~~ 381 multi-family dwelling units, the proposed FLUMA is consistent with **Housing Element GOAL H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. The proposed multi-family units will provide needed housing for those employees that work at nearby theme parks, hotels, short-term vacation rental resorts, and tourist-oriented businesses. **Policy FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. **Policy 8.2.2** also states that a diverse mix of residential housing types shall be promoted. The proposed multi-family project will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Policy FLU1.1.1**.

**Conservation-related OBJ C1.4** and its supporting policies call for the protection of wetlands and existing native wildlife (flora and fauna). Per the Orange County Environmental Protection Division (EPD), a historic Conservation Area Determination, CAD 93-042, was completed for the project site, and

historic Conservation Area Impact Permits CAI 98-128, CAI 07-044, and CAI 18-01-006 were approved for this site. CAI-18-01-006 was issued on June 2, 2020, for 7.83 acres (1.53 acres of Class III wetlands and 6.30 acres of Class III surface water waters [borrow pit]) of direct and 3.10 acres (2.73 acres of Class I wetlands and 0.37 acres of Class III wetlands) of secondary conservation area impacts.

### **Compatibility**

The proposed FLUM amendment appears to be **compatible** with the existing development and development trend of the surrounding area. **Future Land Use Element Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development pattern and development trends in the area. The subject property is located in an area characterized by existing or proposed residential developments. As stated above, the subject property is situated in an area characterized by a mix of commercial, resort development, existing and planned residential communities featuring a variety of housing types, individual residential/agricultural homesites, and multi-family. FLUMA 2019-1-A-1-2, The Registry on Grass Lake, a proposed 360-unit apartment complex, located immediately east of the subject property, was approved by the BCC on May 21, 2019. FLUMA 2021-1-A-1-2, Avalon Grove PD, a proposed 600-unit apartment complex, located north of the subject site at the corner of Lake Gifford Way and Avalon Road, was approved by the BCC on May 11, 2021. The Sutton Lakes PD is located across the street on Avalon Boulevard, east of the subject site. It has an approved development program of 700 single-family dwelling units and up to 20,000 square feet of commercial uses. The FLUM designation of the property is GC-PD-C/MDR/LDR. ~~If the proposed amendment is adopted, a Substantial Change to the approved Liki Tiki Village III PD Land Use Plan will be required to allow for the residential units on the subject site.~~ The applicant has submitted a Change Determination Review application, Case CDR-22-07-034, to change the use on PD Parcel C from hotel to multi-family and modify the commercial use of Parcel B from sales to an amenity/recreational center for the multi-family proposed in Parcel C. On October 19, 2022, the Orange County Development Review Committee (DRC) recommended approval of the amended PD Land Use Plan, subject to sixteen (16) conditions listed in this staff report. It is staff's belief that the proposed multi-family project is compatible with the existing mix of residential/agricultural homesites, conventional single-family subdivision development, short-term vacation rental resorts, timeshare rental resorts, proposed single family and multi-family residential developments, and manufactured homes uses within the U.S. 192 Growth Center.

**3. Staff-Initiated Text Amendment 2022-2-B-FLUE-1**

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) and Lake Pickett (LP) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment 2022-2-B-FLUE-1. The maximum development program for Amendment 2022-2-A-1-1, if adopted, would be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2022-2-A-1-1</u> <u>Liki Tiki Village III PD</u>	<u>Growth Center-Planned Development-Medium Density Residential (GC-PD-MDR)</u>	<u>Up to 381 multi-family dwelling units</u>	<u>2022-</u>

***Division Comments: Environmental, Public Facilities, and Services***

**Environmental: EPD Review Summary:**

- EPD discovered acreage discrepancies throughout the Land Use Plan, Preliminary Subdivision Plan and this request. These acreages will require further clarification. The Land Use Plan states the gross acreage is 57.61 gross acres; the PSP states the gross acreage as 57.13 acres, and the FLUMA application states the gross acreage is 57.60 acres. Per Change Determination Review Request, CDR-22-0-07-234, for the Liki Tiki Village III PD/LUP, the gross acreage for Parcel C is 57.13 acres, and the net developable acreage is 19.09 acres.
- A historic Conservation Area Determination, CAD 93-042, was completed for the project site.
- Historic Conservation Area Impact Permits CAI 98-128, CAI 07-044 and CAI-18-01-006 were approved for this project site. CAI-18-01-006 was issued on June 2, 2020, for 7.83 acres of direct and 3.1 acres of secondary conservation area impacts.
- There are existing South Florida Water Management District Conservation Easements located within the project boundaries.

**FLUM Amendment Comments:**

1. Conservation Acreage - The gross/net developable acreages are inconsistent across multiple reviews. With this request provide the updated and most accurate acreages for the conservation easement, uplands, and Orange County jurisdictional wetlands. All acreages identified as conservation areas are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this request does not authorize any direct or indirect conservation area impacts. Per Change Determination Review Request, CDR-22-0-07-234, for the Liki Tiki Village III PD/LUP, the acreage for the Conservation Easement on the south side of Bali Boulevard is 9.28 acres: Conservation Easement, Per OR Book 9387, PG 3804 (9.28 acres per PB 71, PG 105), and the acreage for the Conservation Easement on the north side of Bali Boulevard is 37.99 acres: Conservation Easement, Per OR Book 5872, PG 3897 (37.99 acres). The total acreage for both Conservation Easements is 47.27 acres.

2. Conservation Areas - An Orange County Conservation Area Determination CAD 93-042 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD).
3. Conservation Easement - The conservation areas on this site are recorded as a conservation easement dedicated to South Florida Water Management District, 40.13-acre conservation easement, Official Record Book 5872 Page 3897. Verify the acreage listed in the recorded conservation easement is accurate.
4. Conservation Area Impacts - An Orange County Conservation Area Impact (CAI) permit CAI 98-128, CAI 07-044 and CAI-18-01-006 were approved for this project site. CAI-18-01-006 was issued on June 2, 2020, for 7.83 acres of direct and 3.10 acres of secondary conservation area impacts. This project will comply with all related permit conditions of approval.
5. Habitat Permit Compliance - Development shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).
6. Jurisdictional Coordination - This environmental review only addresses Orange County environmental regulatory code, however, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, and the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS), and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one of the other agencies could deny the request even if the County approves it, or they may have other natural resource protective requirements. Therefore, it is imperative that this proposed request be addressed on a multi-agency basis.

**Additional Comments:**

1. Boat Docks - Approval of this request 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.
2. Swale Requirement - Pollution abatement swales shall be provided upland of the normal high water elevation (NHWE) on all lakes and wetlands connected to lakes per Orange County Code Section 34-132. Areas that drain away from lakes or wetlands do not require a swale. The swale shall be labeled on the preliminary subdivision plan and included on the plat in a pollution abatement easement. *Reference OC Code Chapter 34 Subdivision Regulations, Article IV Specifications for Plans and Plats, Sec. 34-132 (c)(2).*

3. Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2-inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping. *Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).*

**Schools:** Per School Capacity Determination OC-22-010, dated April 20, 2022, capacity is available. This determination expires October 16, 2022. On August 11, 2022, an extension to this deadline was given until April 14, 2023.

**Utilities:** The subject property lies within the Tohopekaliga Water Authority's (TWA's) potable water, wastewater, and reclaimed service areas. Per the TWA's Engineering Division, a hydraulic analysis may be required to determine available capacity. Presently, existing utilities are located in the following general location: a 12" water main is located on site on the south side of the property, north side of Bali Blvd., an 8" gravity sanitary sewer main is located on site south side of the property, north side of Bali Blvd., and an 8" reclaim main is located approximately 2,240' east of the property, south side of W. Irlo Bronson Hwy. at Legacy Blvd. Utility service will be provided, upon the developer entering into the necessary service agreements with the Toho Water Authority.

**Transportation:** Based on trip generation estimates from the 11th Edition of the Institute of Transportation Engineers Trip Generation Handbook, it was determined that the maximum allowable development of a 500-unit hotel based on the current future land use designation of Commercial would generate approximately 241 new p.m. peak hour trips, while the proposal to develop up to 382 designation will generate 149 new p.m. peak hour trips, resulting in a decrease of 92 p.m. peak hour trips.

**Future Roadway Network**

**Road Agreements:** None

**Planned and Programmed Roadway Improvements:**

Planned and Programmed Roadway Improvements: C.R. 545 (Avalon Road) Roadway Conceptual Analysis (RCA) from U.S. 192 to Hartzog Road. The purpose of the study is to assess and recommend roadway improvements anticipated to improve safety and traffic flow in the area. The study considers the social and environmental impacts of adding travel lanes and other features such as, but not limited to, drainage conveyance and treatment improvements, proposed multi- purpose path, raised medians, lighting, landscaping and intersection improvements. Project length is approximately 1.6 miles. This is approximately 51% complete (05/2022). This information is dated and subject to change.

**Right of Way Requirements:** None

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### Summary

The applicant is requesting to change ~57.60 acres from Commercial to GC-PD-MDR and update the Liki Tiki Village III PD (aka Cassis PD) to reflect the proposed change in land use and current development program.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will result in a decrease in the number of pm peak trips and therefore **will not impact** the area roadways. However, based on the Concurrency Management System Database, several roadways within the project impact area **do not operate** at acceptable levels of service and capacity is **not available** to be encumbered.

- The subject property is not located along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 241 p.m. peak hour trips.
- The proposed use will generate 149 p.m. peak hour trips resulting in a net decrease of 92 p.m. peak hourtrips.
- The subject property is located at 17509 Bali Boulevard; Generally located north of Bali Boulevard, south of Grove Blossom Way, and west of Avalon Road. Based on the Concurrency Management System (CMS) database dated 05/02/2022, Avalon Road from U.S. 192 to Western Way and U.S. 192 from Lake County Line to Osceola County Line currently operates at Level of Service F and capacity is **not available** to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.
- Analysis of projected conditions 2025 (2026) base conditions indicates that Avalon Road from U.S. 192 to Western Way (2 segments) and U.S. 192 from Lake County Line to Osceola County Line are projected to be deficient due to background traffic growth. The proposed FLU amendment is not considered significant on the deficient roadway segment.
- Analysis of projected conditions 2040 base conditions indicates that Avalon Road from U.S. 192 to Western Way (2 segments), Hartzog Road from Avalon Road to Western Way, and U.S. 192 from Lake County Line to Osceola County Line are projected to be deficient due to background traffic growth. The proposed FLU amendment is/is not considered significant on the deficient roadway segment.
- The development will undergo further evaluation and will be required to mitigate capacity deficiencies on the transportation network in accordance with the requirements of the Orange County Concurrency Management System.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.



#### 4. Policy References

**GOAL H1** – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

**OBJ H1.1** – The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

**OBJ FLU8.2 – COMPATIBILITY.** Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.

**FLU1.1.1** – Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

**FLU1.1.2.A** – The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.

**FLU1.1.4.F – GROWTH CENTER(S)** – Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide at a minimum that the County will not incur initial capital costs for utilities. Orange County has two Growth Centers – one in the northwest referred to as the Northwest Growth Center and one in the southeast referred to as Growth Center/Resort/PD.

**FLU7.4.4** – Urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. If services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.

**FLU8.1.4** – The following table details the maximum densities and intensities for the Planned Development (PD) Future Land Use designations that have been adopted subsequent to January 1, 2007.

**FLU8.2.1** – Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

**FLU8.2.2**– Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

**OBJ C1.4** - Orange County shall protect identified wetland areas and existing native wildlife (flora and fauna) habitats by implementing the following policies.

Site Visit Photos  
Subject Site



North – Undeveloped



South – Former Exploria Resorts Call Center

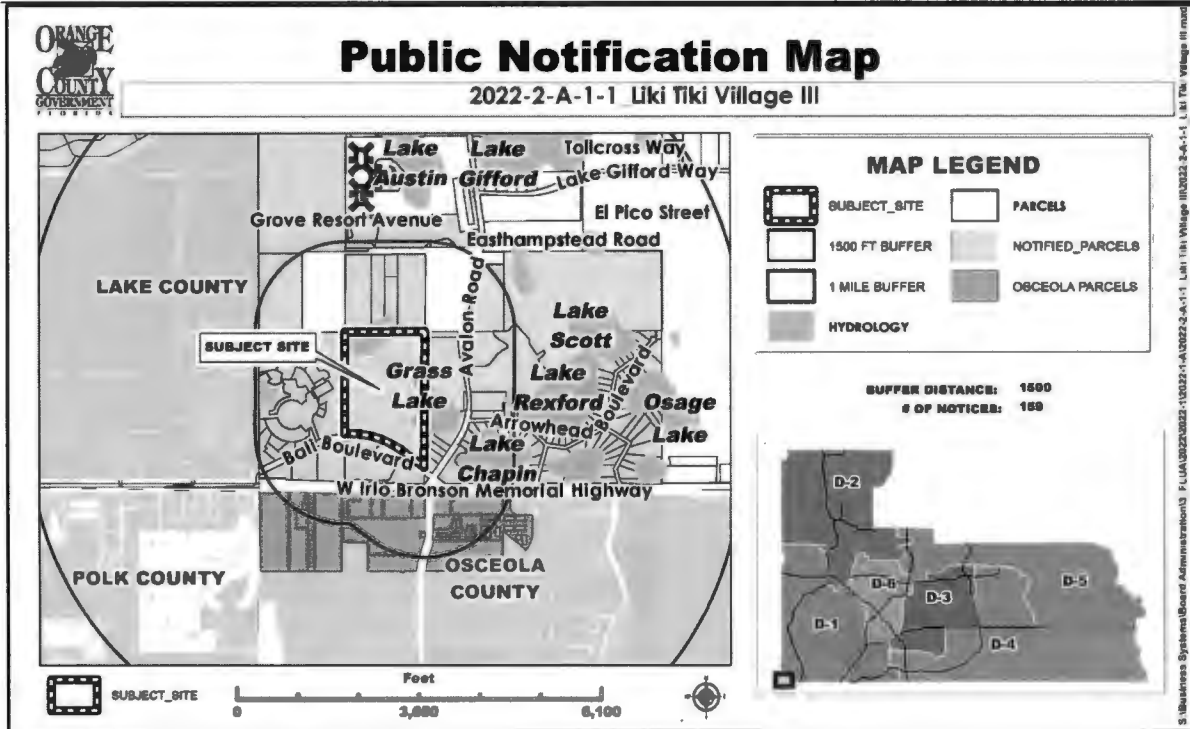


East – Undeveloped

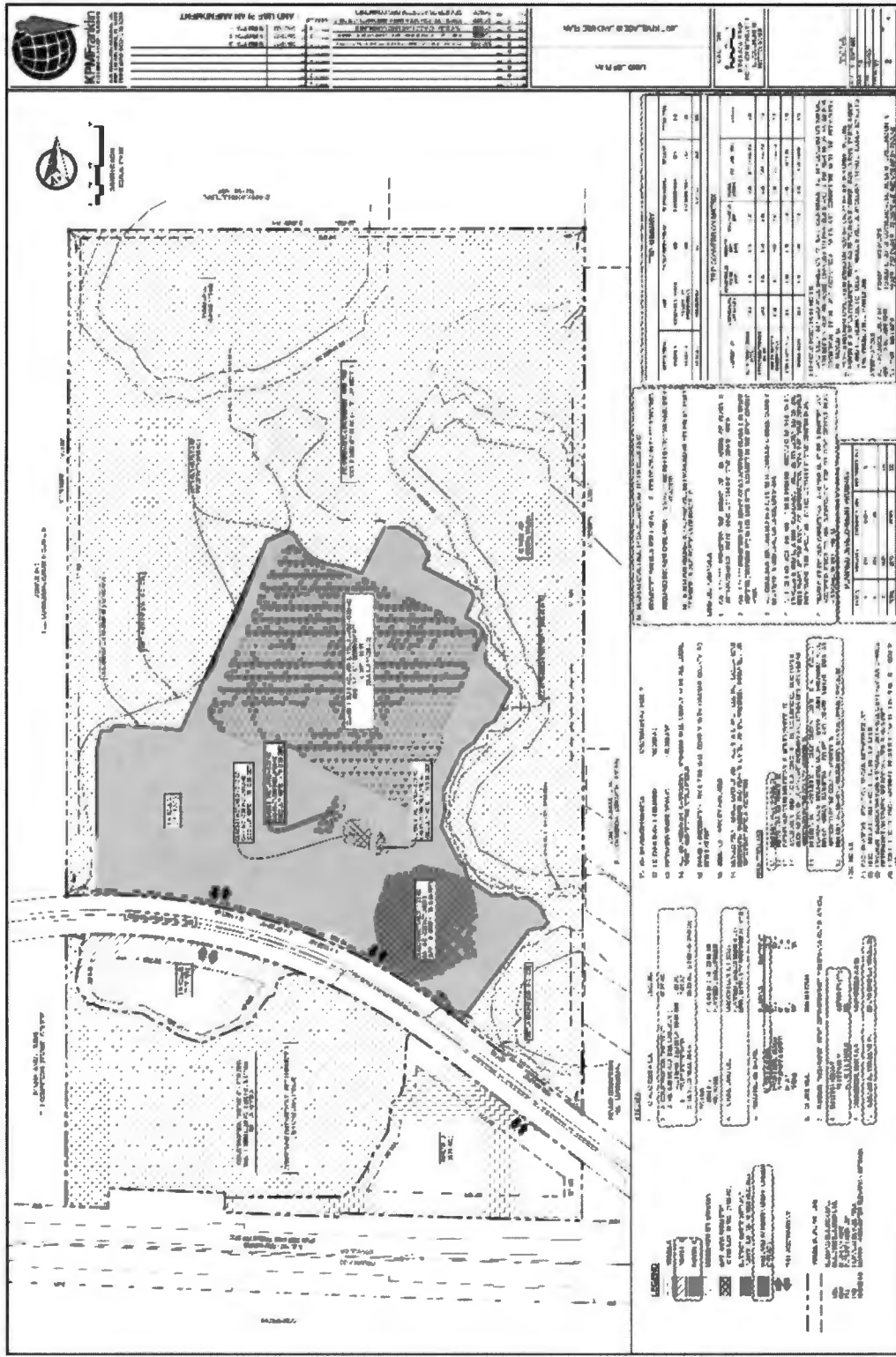


West – Diamond Bali International Resort Club  
and Diamond Isle of Bali 2





**Notification Area:**  
 1,500 feet, plus homeowners' associations within a one-mile radius of the subject site  
 159 notices sent



Conservation Area Impact Permit CAI-18-01-006

81 J 0 8



Figure 1

ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “2010-2030 COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2022 CALENDAR YEAR (SECOND CYCLE); AND PROVIDING EFFECTIVE DATES.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

***Section 1. Legislative Findings, Purpose, and Intent.***

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for a local government in the State of Florida to adopt a comprehensive plan and amendments to a comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of Part II of Chapter 163, Florida Statutes, for amending Orange County’s 2010-2030 Comprehensive Plan;

c. On November 15, 2022, the Board of County Commissioners held a public hearing on the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to adopt them.

***Section 2. Authority.*** This ordinance is adopted in compliance with and pursuant to Part II of Chapter 163, Florida Statutes.

***Section 3. Amendment to Future Land Use Map.*** The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

attached hereto and incorporated herein.

**Section 4. Amendment to the Text of the Future Land Use Element.** The Comprehensive Plan is hereby further amended by amending the text of the Future Land Use Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the amendment number and editorial notes, and shall not be codified.)

\* \* \*

**[Amendment 2022-2-B-FLUE-1:]**

FLU8.1.4 The following table details the maximum densities and intensities for the Planned Development (PD) and Lake Pickett (LP) Future Land Use designations that have been adopted subsequent to January 1, 2007.

<b>Amendment Number</b>	<b>Adopted FLUM Designation</b>	<b>Maximum Density/Intensity</b>	<b>Ordinance Number</b>
* * *	* * *	* * *	* * *
<u>2022-2-A-1-1</u> <u>Liki Tiki</u> <u>Village III PD</u>	<u>Growth Center-Planned</u> <u>Development-Medium</u> <u>Density Residential</u> <u>(GC-PD-MDR)</u>	<u>Up to 381 multi-family</u> <u>dwelling units</u>	<u>2022-</u>

Such policy allows for a one-time cumulative density or intensity differential of 5% based on ADT within said development program.

\* \* \*

**Section 5. Effective Dates for Ordinance and Amendments.**

- (a) This ordinance shall become effective as provided by general law.
- (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment adopted under this ordinance becomes effective until 31 days after the DEO notifies the County that the plan amendment package is complete. However, if an amendment is timely challenged,

the amendment shall not become effective until the DEO or the Administration Commission issues a final order determining the challenged amendment to be in compliance.

(c) No development orders, development permits, or land uses dependent on either of these amendments may be issued or commence before the amendments have become effective.

ADOPTED THIS 15th DAY OF NOVEMBER, 2022.

**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk to the Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk



**APPENDIX "A"**

**FUTURE LAND USE MAP AMENDMENT**

<b>Appendix A*</b>		
<i>Privately-Initiated Future Land Use Map Amendment</i>		
<b>Amendment Number</b>	<b>Future Land Use Map Designation FROM:</b>	<b>Future Land Use Map Designation TO:</b>
<b>2022-2-A-1-1</b>	<b>Commercial (C)</b>	<b>Growth Center-Planned Development-Medium Density Residential (GC-PD-MDR)</b>
<b>*The Future Land Use Map (FLUM) shall not depict the above designations until such time as it becomes effective.</b>		



## Community Meeting Memorandum

**DATE:** May 13, 2022  
**TO:** Alberto A. Vargas, MArch., Planning Manager  
**FROM:** Sue Watson, Planner  
**SUBJECT:** Amendment 2022-2-A-1-1 Virtual Community Meeting Synopsis  
**C:** Project File

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**Location of Project:** 17509 Bali Blvd.; or generally located north of Bali Blvd., south of Grove Blossom Wy., and west of Avalon Rd.

**Meeting Date and Location:** Thursday, May 12, 2022 at 6:00 PM - Virtual Community Meeting using WebEx Event

**Attendance:**

District Commissioner	Hannah Gutner, Commissioner Nicole Wilson's Aide, District 1
Orange County Staff	Sue Watson, Christopher DeManche, Planning Division Amanda Hallenbeck, Environmental Protection Division
Applicant/ Owner	Dustin Brinkman KPM Franklin Benjamin Cohen, owner's representative
Residents	159 notices sent; 0 residents in attendance

**Overview of Project:** The applicant, Dustin Brinkman, KPM Franklin, is requesting to change the Future Land Use Map (FLUM) designation of the 57.60-acre subject property from Commercial (C) to Growth Center-Planned Development-Medium Density Residential (GC-PD-MDR) to allow for the development of up to 382 multi-family dwelling units.

**Meeting Summary:** Planner Christopher DeManche opened the virtual community meeting at 6:05 PM to establish the format of the meeting and he introduced District 1 Commissioner Nicole Wilson's Aide, Hannah Gutner. Ms. Gutner stated that District 1 County Commissioner Nicole Wilson has not signed on to the meeting yet but she intends to sign on later on. Planner Sue Watson introduced Christopher DeManche, Principal Planner, Orange County Planning Division, Amanda Hallenbeck, Senior Environmental Specialist, Environmental Protection Division, and the applicant, Dustin Brinkman, KPM Franklin.

Ms. Watson began the virtual community meeting presentation by stating that Mr. DeManche would serve as the moderator of the virtual community meeting and she discussed the virtual community meeting procedures and process. Ms. Watson provided an overview of the project and informed those in attendance that the applicant is seeking to change the future land use designation of the subject site from Commercial (C) to Growth Center-Planned Development-Medium Density Residential (GC-PD-MDR) to allow for the development of up to 382 multi-family dwelling units on the 57.60-acre subject property. She also discussed what is Future Land Use and Zoning.

Staff summarized the Large-Scale FLUMA process and the schedule for the LPA and BCC public hearings. Ms. Watson also told the residents how they could provide comments or ask questions by accessing the link to the proposed amendment folder on the County's website. Ms. Watson asked if there were any questions. There were no questions and staff turned the meeting over to the applicant, Mr. Brinkman.

Mr. Brinkman stated that the property consists of approximately 56 acres, of which approximately thirty-eight (38) acres are part of a conservation easement and he stated they are not developing within this portion of the subject property. Mr. Brinkman stated approximately 19 acres of the site are developable. He stated there is an existing borrow pit on the site that will be used for a stormwater pond. Mr. Brinkman stated they were requesting the MDR FLUM designation that allows up to twenty (20) dwelling units per acre and they are proposing 382 multi-family dwelling units. He described the surrounding uses adjacent the subject property and he felt that the proposed multi-family project was compatible with those uses. Mr. Brinkman asked if there were any questions.

There were no questions and Mr. Brinkman turned the meeting back over to Ms. Watson. Ms. Gutner provided Commissioner Wilson's contact information again and reiterated that if any residents have any questions or comments about the proposed amendment to contact her. Ms. Watson thanked the residents for their participation. The meeting was adjourned at 6:21 P.M. The overall tone of the meeting was **POSITIVE**.