




Interoffice Memorandum

DATE: June 8, 2023

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

THROUGH: Tim Boldig, Interim Director
Planning, Environmental, and Development Services Department

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

SUBJECT: Adoption Public Hearing –June 20, 2023, Small-Scale Future Land Use Map Amendment and Concurrent Planned Development Rezoning Request
Applicant: Rick Baldocchi, AVCON, Inc.
SS-23-04-124 and LUP-22-10-318 (The Alton PD)

Please find the attached staff report and associated back-up material for the Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request scheduled for a Board adoption public hearing on June 20, 2023.

The subject property is located at 4893 South Orange Blossom Trail; generally located on the east side of South Orange Blossom Trail, south of Redman Street, and north of Americana Boulevard. The request is to change the Future Land Use Map designation from Medium Density Residential (MDR) to Medium-High Density Residential (MHDR) and rezone the property from R-3 (Multiple-Family Dwelling District) to PD (Planned Development District) (The Alton Planned Development/Land Use Plan). The applicant is proposing to construct up to 266 multi-family dwelling units and requesting one waiver from Orange County Code regarding building height.

A community meeting was held March 1, 2023, with two residents in attendance. Residents expressed concerns related to traffic impacts on Orange Blossom Trail and compatibility with nearby residential uses.

The adoption public hearing for Small-Scale Development Amendment SS-23-01-124 and Rezoning LUP-22-10-318 was conducted before the Planning and Zoning Commission / Local Planning Agency on May 18, 2023, where the requests were recommended for approval.

If the Board adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for this amendment.

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, or Jason Sorensen, AICP, Chief Planner, at 407-836-5602 or Jason.Sorensen@ocfl.net.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and ADOPT the Medium-High Density Residential (MHDR) Future Land Use Map designation, APPROVE the associated ordinance, and APPROVE The Alton Planned Development/Land Use Plan (PD/LUP) dated “Received March 2, 2023” subject to the twenty-three (23) conditions of approval listed in the staff report including one (1) waiver from Orange County Code.
District 3**

TB/JHS/mm

c: Jon V. Weiss, P.E., Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division

**Small-Scale Amendment and Rezoning Staff Report
Orange County Planning Division
BCC Adoption Public Hearing: June 20, 2023**

**Case # SS-23-01-124
& LUP-22-10-318**
Commission District: #3

GENERAL INFORMATION

APPLICANT	Rick Baldocchi, AVCON, Inc.
OWNER	Rez Sec Land, LLC
HEARING TYPE	Local Planning Agency/Planning and Zoning Commission
FLUM REQUEST	MDR (Medium Density Residential) to MHDR (Medium-High Density Residential)
ZONING REQUEST	R-3 (Multiple-Family Dwellingl District) to PD (Planned Development District)

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

1. A waiver from Orange County Code Section 38-1258(d) is granted to allow a building height of 55-feet / 4-stories in lieu of 40-feet / 3-stories.

Applicant Justification: A) the site is located on S. Orange Blossom Trail, an area in need of multi-family housing. This project fills some of that need. B) Orange Blossom Trail is a highly urbanized environment and can accommodate taller structures without impacting adjacent properties and is compatible with the character. C) The site is located on a lake that comprises a significant portion of the property leaving less area to develop. D) The site contains some wetland areas that further restricts the area to develop. E) Lake Bumby is an impaired water body that requires additional stormwater treatment and is located in the Shingle Creek basin which limits discharge. Additional stormwater requirements which further reduces the area available for development. F) The increase in height will allow four story building which will make full use of the property and allow for a pitched roof which is more architecturally pleasing, similar to Durham Place across the lake.

PROJECT NAME	The Alton Planned Development (PD)
LOCATION	4893 S. Orange Blossom Trail; generally located east side of S. Orange Blossom Trail, south of Redman Street and north of Americana Boulevard.

Small Scale Amendment SS-23-01-124
Rezoning LUP-22-10-318
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PARCEL ID NUMBERS	15-23-29-0000-00-030 and 15-23-29-0000-00-078
TRACT SIZE	9.62 gross acres (7.61 net acres)
PUBLIC NOTIFICATION	The notification area for this public hearing was extended to 1,300 feet [The minimum notice area for plan amendments is 500 feet, and Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet for the rezoning]. Three hundred and thirteen (313) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A community meeting was held on March 1, 2023, and is summarized further in this report.
PROPOSED USE	266 Multi-Family Units

STAFF RECOMMENDATION

Future Land Use Map Amendment SS-23-01-124

Make a finding of consistency with the Comprehensive Plan and determine that the amendment is in compliance, and recommend ADOPTION of the requested Medium-High Density Residential (MHDR) Future Land Use Map designation.

Rezoning

Development Review Committee – (April 12, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of The Alton Planned Development / Land Use Plan (PD/LUP), dated “Received March 2, 2023”, subject to the following twenty-two (22) conditions of approval, including one (1) waiver from Orange County Code:

2. Development shall conform to The Alton Planned Development Land Use Plan Amendment dated “Received March 2, 2023” 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 March 2, 2023”, the condition of approval shall control to the extent of such conflict or inconsistency.

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3. 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.
4. 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.
5. 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.
6. 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).

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7. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
8. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review and approval. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
9. Prior to any site construction plan approval and any filling within the 100-year flood zone, the applicant must obtain the required permit(s) and approval(s) from the Orange County Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code. Review and approval of compensating storage calculations must accompany the above permit as provided for in Chapter 19-107.
10. Lake Bumby has an established Municipal Service Taxing Unit (MSTU) as part of the Lake Jessamine taxing district for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Bumby, this project shall be required to be a participant.
11. 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.
12. 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.
13. 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.
14. 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.

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15. Lake Bumby is designated an impaired water body, therefore, any portions of the project that will discharge into the surface water shall comply with the Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code.
16. 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.
17. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
18. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater systems have been designed to support all development within the PD.
19. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
20. 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.
21. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County code.
22. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
23. A waiver from Orange County Code Section 38-1258(d) is granted to allow a building height of 55-feet / 4-stories in lieu of 40-feet / 3-stories.

SUBJECT PROPERTY ANALYSIS

Background Development Program

The applicant, Rick V. Baldochhi, AVCON, Inc. has requested to change the Future Land Use Map (FLUM) designation from Medium Density Residential (MDR) to Medium-High Density Residential (MHDR) and change the zoning from R-3 (Multiple-Family Dwelling District) to P-D (Planned Development District) in order to construct 266 multi-family residential dwelling units. In addition, a waiver is requested to allow a maximum building height of 55 feet in lieu of 40 feet.

The subject site recently amended the Future Land Use map designation from Commercial (C) to Medium Density Residential (MDR), Case #SS-21-10-072, and the zoning from R-1A (Single-Family Dwelling District) to R-3 (Multiple-Family Dwelling District), Case #RZ-22-03-018. The current MDR Future Land Use map designation allows up to 152 multi-family dwellings.

The 9.62 gross acre (7.61 net buildable acres) parcel is currently undeveloped. The subject site is surrounded to the north by retail commercial and an undeveloped property within the City of Edgewood, to the east by retail and general commercial uses, to the south by general commercial uses including auto repair/auto sales and a multifamily apartment complex to the east.

The requested MHDR future land use designation and PD zoning would allow for the consideration of up to 35 dwelling units per acre (35 du/ac), or up to 266 multifamily dwelling units on the 7.61 net buildable acres of the subject site, an increase of 114 units from the currently approved MDR future land use designation.

Existing FLUM

Today the subject property has a Future Land Use Designation (FLUM) of Medium Density Residential (MDR) which allows up to 20 dwelling units per acres. Based on the net buildable acres of the parcel (7.61 acres), the subject property is entitled to 152 multi-family dwelling units.

Proposed FLUM

The proposed Medium-High Density Residential (MHDR) FLUM designation and LUP zoning will allow the applicant to construct up to 266 multi-family dwelling units, an increase of 114 units.

Land Use Compatibility

The Medium-High Density Residential (MHDR) Future Land Use and P-D zoning would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Orange Blossom Trail Overlay District

Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No cases found

Comprehensive Plan (CP) Consistency

Future Land Use Element Goal **FLU1**, **OBJ FLU1.1**, and **Policies FLU1.1.1** describe Orange County’s urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area (USA). As required by **FLU 1.1**, the proposed amendment is within the Urban Service Area, and the proposed FLUM designation of Medium-High Density Residential (MHDR) for the development of up to 35 dwelling units per acre 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**.

The Medium-High Density Residential (MHDR) Future Land Use designation is intended to recognize medium to high-density residential development within the USA, including multi-family residential development within the USA at densities of up to thirty-five (35) dwelling units per acre (du/ac). **Objective FLU1.2** requires Orange County to use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. The USA shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development. The subject parcel is located within the USA.

The proposed Future Land Use Map Amendment upholds Orange County’s commitment to ensuring that sufficient land is available to meet the identified housing needs of its current and future residents. The applicant’s intent to develop up to 266 multi-family dwelling units is also applicable to **Housing Element Goal H1** and **Objective H1.1**, which states 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. Allowing multi-family residences would add variety and diversity to the existing single-family housing stock in the surrounding area, and complement the existing multifamily development to the east.

Staff recommends that the proposed project will contribute to the mix of available housing options in an area of the County and is appropriate for urban uses, as set forth in **Policy FLU1.1.1**. Further, **Future Land Use Element Policy FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

Compatibility

Policy FLU1.4.2 states that Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods. There is an existing multifamily apartment complex east of the subject site. The proposed project would serve as a transitional use from the commercial to the north, west, and south and the medium density residential to the east, and would be transitional use to the abutting commercial north, west and south.

Policy FLU 1.4.21 states that Orange County shall encourage the use of vacant land within the Urban Service Area for redevelopment to improve existing conditions on-site.

Future Land Use Element Objective OBJ FLU2.1 calls for the County to encourage infill development on relatively small vacant and underutilized parcels within the Urban Service

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Area. The subject parcel is ideal for infill development. The subject site is additionally adjacent to commercial uses and in close proximity to transit services along Orange Blossom Trail, thus making it ideal for an infill housing project.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with 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.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

FLU8.2.6 states that Zoning development approvals shall have conditions attached, when appropriate, to ensure the enforcement of the Future Land Use designations. The proposed development for the subject property is not identical to the existing developments in the surrounding area, but is compatible with the adjacent multi-family residential development directly to the east, and the commercial uses to the west, north and south. Therefore, staff recommends adoption of this requested amendment.

SITE DATA

Existing Use

Vacant Residential

Adjacent	FLUM	Zoning
North	Commercial (C) and City of Edgewood	C-1 (Retail Commercial District) (1971) and City and Edgewood
East	Medium Density Residential (MDR)	C-1 (Retail Commercial District) (1971) R-3 (Multiple-Family Dwelling District (1971)
West	Commercial (C)	C-2 (General Commercial District) (1971)
South	Medium Density Residential (MDR)	C-2 (General Commercial District) (1957) R-1 (Singl Family Dwelling District) (1964)

Adjacent Land Uses

- N: Retail Commercial/ Undeveloped Land
- E: Multifamily Residences
- W: Retail Commercial
- S: Auto Repair/Car Sales

APPLICABLE PD DEVELOPMENT STANDARDS

Minimum PD Perimeter Setback: 25 feet

Residential Standards

- Minimum Open Space: 25%
- Maximum Building Height: 55 feet / 4 stories*
- Maximum Impervious Area: 70%
- Minimum Living Area: 500 sq. feet

Minimum Building Setbacks

- From Orange Blossom Trail: 50 feet
- From NHWE: 50 feet

Minimum Open Space

- Residential 25%

**Waiver requested.*

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See comments below table.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See comments below table.
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>School capacity determination OC-22-105 was issued for this property on January 11, 2023, showing capacity is available at the elementary school level, however there is no available capacity at the middle and high schools. The middle school (Memorial) currently has an adjusted utilization rate of 101.3% and if this project is approved, the adjusted utilization rate would increase to 101.9%. The high school (Oak Ridge) currently has an adjusted utilization rate of 109.8%, and if this project is approved, the adjusted utilization rate would increase to 110.2%.</p> <p>Unless otherwise vested, the development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement. Unless otherwise vested, the Development is required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.</p>

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Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No Comments
Fire Rescue/ Sherrifs Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No Comments

Environmental Protection Comments:

CAD Complete - An Orange County Conservation Area Determination CAD-21-06-148 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on November 5th, 2021. The CAD identifies a 0.088 acre Class III wetland, 0.014 acres of Class I wetlands, and 1.917 acres of a Class I surface water (Lake Bumby).

No Clearing - No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a wetland impact permit approved by the county and obtaining other applicable jurisdictional agency permits. Per Orange County Code Chapter 15, Article X Wetland Conservation Areas, Division 2, Section 376 Applicability; Scope

Boat Docks or Ramps - Any person desiring to construct a boat dock or boat ramp (including: boardwalks or observation piers in wetlands or in wetland buffer areas) shall first apply for a permit prior to the installation. A boat dock shall require additional permitting under Chapter 15, Article IX, Construction of Boat Dock Ordinance and a boat ramp shall require additional permitting under Chapter 15, Article XV, Boat Ramps and either permit requires action by the Board of County Commissioners.

Lake Bumby is designated an impaired water body, therefore, any portions of the project that will discharge into the surface water shall comply with the Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code (see condition #14, 15).

Therefore, the Environmental Protection Division will not support any variance requests affecting the water quality of Lake Bumby or wetlands connected to the lake without some extra protective measures by the applicant. These may include: a high efficiency septic system, shoreline plant enhancement, wetland buffer and a pollution abatement swale easement.

MSTU - Lake Bumby has an established Municipal Service Taxing Unit (MSTU) as part of the Lake Jessamine taxing district for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Bumby, this project shall be required to be a participant (see condition #9).

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 as indicated in 34-250(g). This may require periodic street sweeping.

Solid Waste - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. The applicant should call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Transportation Comments:

A Traffic Study was submitted with the case for review and comment. The subject property is generally bounded by S. Orange Blossom Trail to the west, Redman Street to the north, Pickerel Circle to the south, and Oak Terrace Drive to the east. Based on existing conditions, Holden Avenue from Orange Blossom Trail to Orange Avenue currently operates below the adopted level of service within the project impact area. This information is dated and subject to change.

The short term (Year 2030) as well as the long term (Year 2040) analysis under the proposed FLU designation showed that the following roadway segments are projected to operate at an adverse level of service due to background traffic:

- Orange Blossom Trail - Oak Ridge Road to Interstate 4
- Holden Avenue - Orange Blossom Trail to Orange Avenue

Based on the analysis, the study roadway segments are projected to fail prior to the addition of project trips as a result of background or committed traffic. The FLU change will not cause any additional deficiencies within the project impact area. The project will be adding a maximum of 12 trips on the failing roadway segment of Orange Blossom Trail from Americana Blvd to Holden Ave which is considered de-minimis consuming less than 3% of the roadway's capacity (0.4%).

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.

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.

Community Meeting Summary

A community meeting was held for small-scale amendment application SS-23-01-124 and this item at Palmetto Elementary School on March 1, 2023. Two (2) residents were in attendance who had a neutral response to the request. The residents expressed concerns related to traffic impacts on Orange Blossom Trail and compatibility with nearby residential uses.

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Utilities

Water:	Orlando Utilities Commission
Wastewater:	Orange County Utilities
Reclaimed Water:	Orange County Utilities

Detailed Utility Information:

This property is within Orlando Utilities Commission's water service area.

This property is within Orange County Utilities Wastewater Service Area. In accordance with Orange County Code, Chapter 37:

Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

This property is within Orange County Utilities Reclaimed Water Service Area. There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

State of Florida Notice

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.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

**Local Planning Agency (LPA) / Planning and Zoning Commission (PZC) Recommendation
– (May 18, 2023)**

The Local Planning Agency/Planning and Zoning Commission found the amendment consistent with the comprehensive plan, and recommended ADOPTION of Amendment SS-23-01-124, Medium Density Residential to Medium-High Density Residential, and APPROVAL of Rezoning LUP-22-10-318, The Alton Planned Development / Land Use Plan (PD/LUP), dated “Received March 2, 2023”, subject to the twenty-three (23) conditions listed in the staff report.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

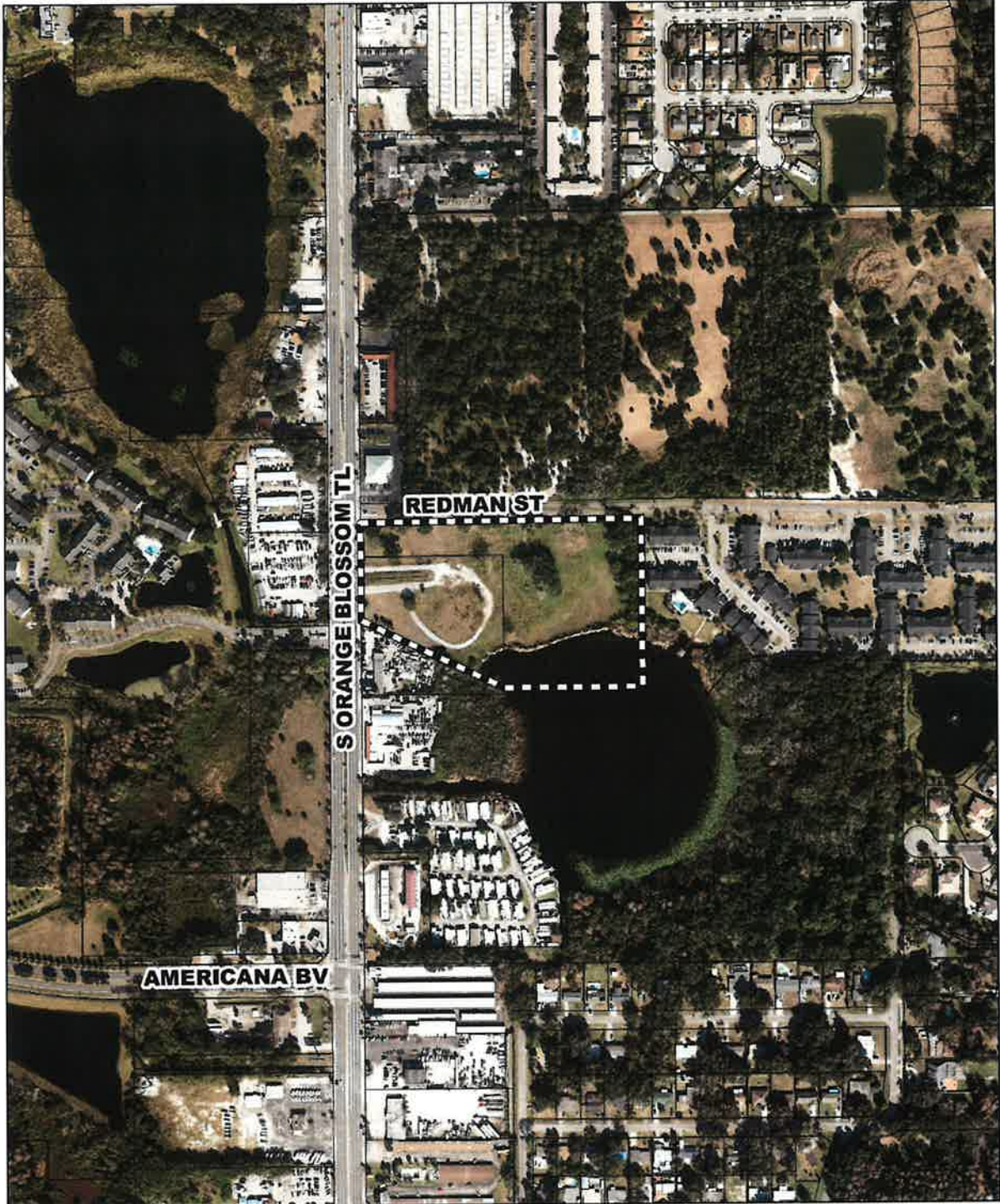
The LPA Adoption staff report was presented to the Local Planning Agency/Planning and Zoning Commission on May 18, 2023, with a finding of consistency with the comprehensive plan, and a recommendation to adopt the plan amendment and recommend approval of the rezoning request. The applicant was present and agreed with staff recommendations. No members of the public appeared to speak regarding the amendment and rezoning request, however, staff received a call from a nearby resident in opposition to the request based on traffic concerns, flooding from Lake Bumby, and compatibility with single-family residential.

There was some discussion regarding the height waiver and wetlands to which the applicant responded that the density requested is based on no impacts to the wetlands, and at this time they are not seeking Conservation Area Impact permits. Any request to impact Class 1 wetlands would need Board approval.

A motion was made by Commissioner Eddie Fernandez and seconded by Commissioner Spears to recommend ADOPTION of the requested Medium-High Density Residential, and APPROVAL of the requested PD (Planned Development) zoning subject to twenty-three conditions listed in the staff report. The motion carried 8-0.

Motion / Second	Eddie Fernandez / Gordon Spears
Voting in Favor	Nelson Pena, David Boers, George Wiggins, Eddie Fernandez, Waltor Pavon, Gordon Spears, Evelyn Cardenas, and Camille Evans
Absent	Michael Arrington

SS-23-01-124/LUP-22-10-318

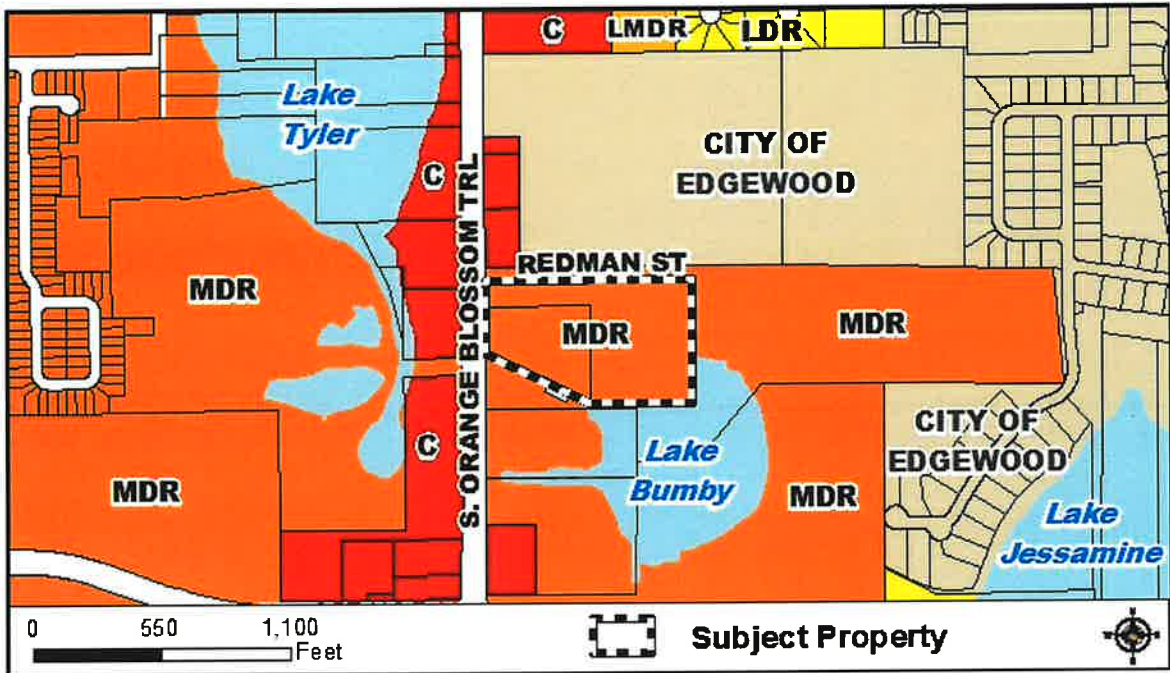


 **Subject Property**

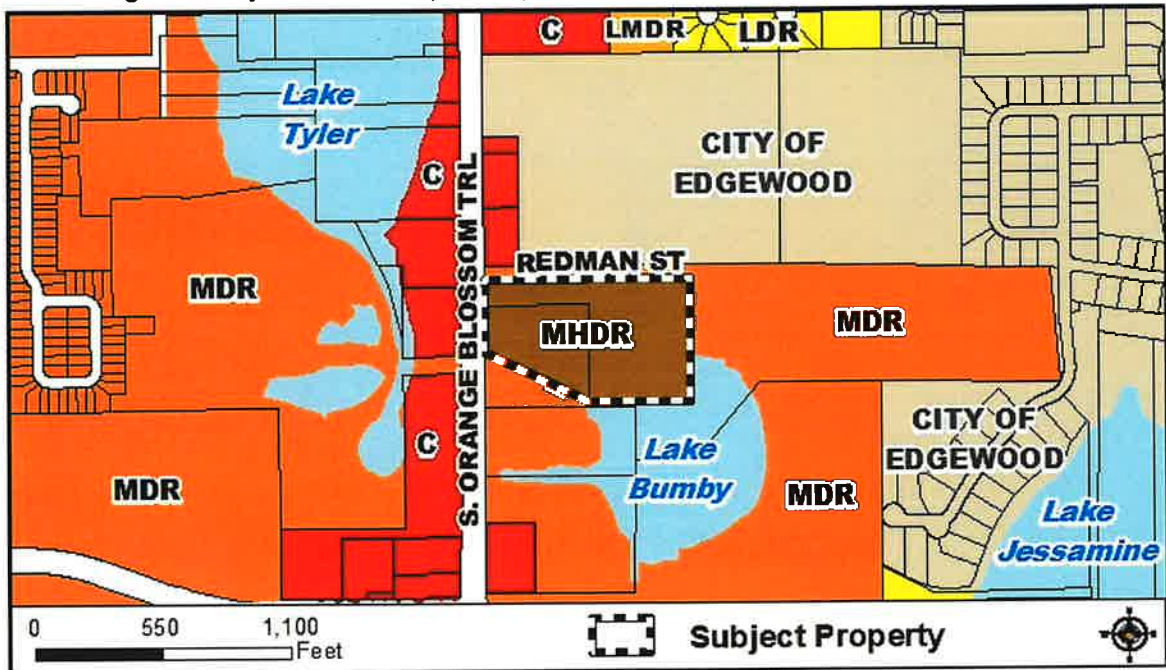


0 250 500
Feet

FUTURE LAND USE - CURRENT
Medium Density Residential (MDR)

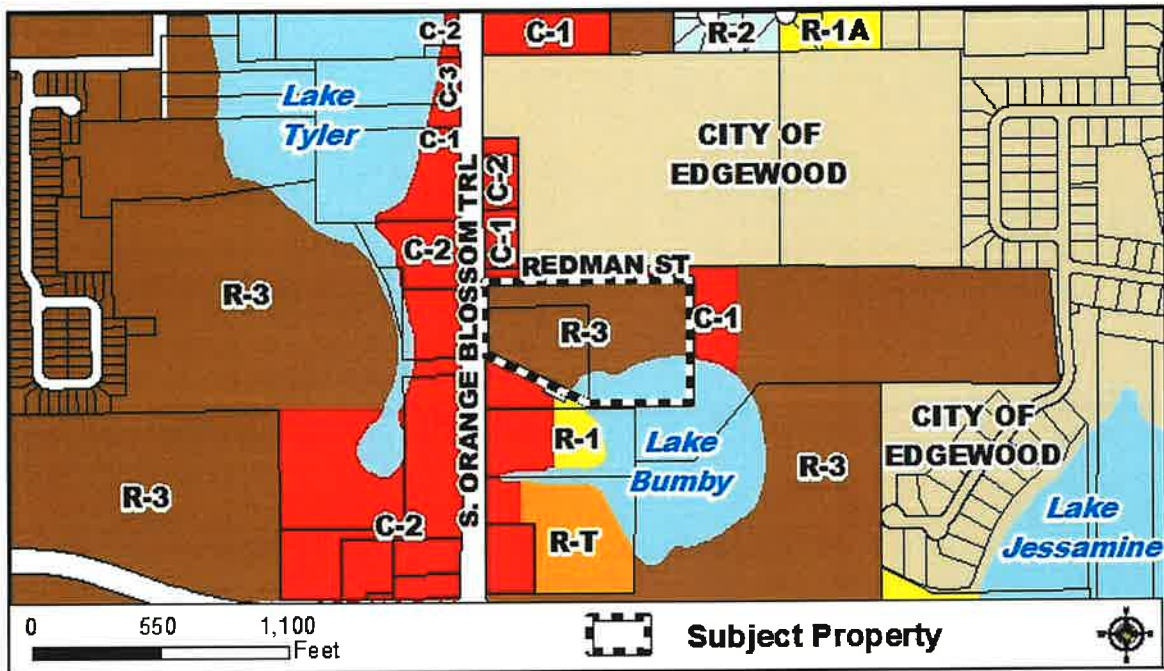


FUTURE LAND USE - PROPOSED
Medium-High Density Residential (MHDR)



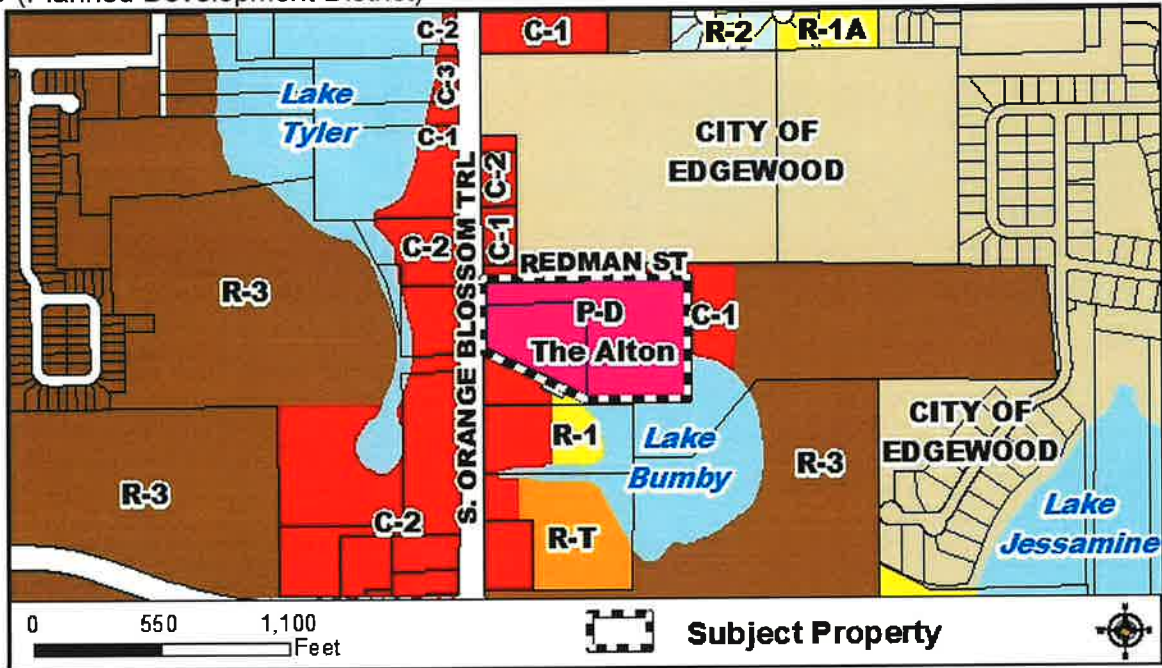
ZONING – CURRENT

R-3 (Multiple-Family Dwelling District)



ZONING - PROPOSED

PD (Planned Development District)





THE ALTON PD LAND USE PLAN

LUP-22-10-318

RECEIVED
By DRC Office at 3:55 pm, Mar 02, 2023

PARCEL ID# 15-23-29-0000-00-030, 15-23-29-0000-00-078

ORANGE COUNTY, FLORIDA
OCTOBER 12, 2022

LEGAL DESCRIPTION

PARCEL 1:

BEGINNING AT A POINT 60 FEET EAST OF A POINT 1778 FEET SOUTH OF THE NORTHWEST CORNER OF SOUTHEAST 1/4 OF NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, THENCE RUN NORTH 289 FEET; THENCE EAST 427 FEET; THENCE SOUTH 418 FEET; THENCE NORTHWESTERLY TO THE POINT OF BEGINNING, LESS ANY PORTION THEREOF LYING WITHIN EXISTING RIGHT OF WAY FOR STATE ROAD 880 AND LESS THAT PORTION TAKEN FOR STORM SEWER EASEMENT BY WAY OF THE ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 489, PAGE 2773.

PARCEL 2:

BEING A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND A PORTION OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE EAST 1/4 CORNER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, RUN THENCE NORTH 89°14'14" EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 15, A DISTANCE OF 483.7 FEET; THENCE NORTH 81°07'14" WEST A DISTANCE OF 141.15 FEET; THENCE SOUTH 87°27'22" WEST A DISTANCE OF 288.52 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 17 AND 22; THENCE SOUTH 87°04'58" WEST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 80 FEET FOR A POINT OF BEGINNING; RUN THENCE NORTH 87°27'22" EAST A DISTANCE OF 890 FEET; THENCE SOUTH 87°04'58" WEST A DISTANCE OF 229.48 FEET; THENCE NORTH 81°07'14" WEST A DISTANCE OF 437.89 FEET; THENCE NORTH 87°04'58" EAST A DISTANCE OF 418 FEET; THENCE NORTH 89°32'43" WEST A DISTANCE OF 452 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 17 AND 22; THENCE NORTH 87°04'58" EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 187.89 FEET TO THE POINT OF BEGINNING.

8.82 ACRES ±.

LOCATION MAP:



AVCON, INC.
ENGINEERS & PLANNERS
11770 W. BOYD AVE., SUITE 200, BOYD AVE. OFFICE
ORLANDO, FL 32837
(407) 297-1122
www.avcon.com

INDEX OF DRAWINGS

SHEET NUMBER	SHEET TITLE
C-000	COVER SHEET
C-001	EXISTING CONDITIONS PLAN
C-002	LAND USE PLAN
C-400	AERIAL, USGS, TOPO & FLOOD PLANS

AVCON PROJECT NO.	2022.0090.48
DATE	10-12-2022

REVISIONS

NO.	DATE	DESCRIPTION
1	02.10.23	TRG COMMENTS

REQUESTED WAIVERS

A WAIVER IS REQUESTED FROM ORANGE COUNTY CODE SECTION 38-1258(G) TO ALLOW A BUILDING HEIGHT OF 55 FT., FOUR STORIES, IN LIEU OF 40 FT./3 STORIES.

JUSTIFICATION

- THE SITE IS LOCATED ON SOUTH ORANGE BLOSSOM TRAIL, AN AREA IN NEED OF MULTI-FAMILY HOUSING THIS PROJECT FILLS SOME OF THAT NEED.
- ORANGE BLOSSOM TRAIL IS A HIGHLY URBANIZED ENVIRONMENT AND CAN ACCOMMODATE TALLER STRUCTURES WITHOUT IMPACTING ADJACENT PROPERTIES AND IS COMPATIBLE WITH THE CHARACTER.
- THE SITE IS LOCATED ON A LAKE THAT COMPRISES A SIGNIFICANT PORTION OF THE PROPERTY LEAVING LESS AREA TO DEVELOP.
- THE SITE CONTAINS SOME WETLAND AREAS THAT FURTHER RESTRICTS THE AREA TO DEVELOP.
- LAKE BUNBY IS AN IMPAIRED WATER BODY THAT REQUIRES ADDITIONAL STORMWATER TREATMENT AND IS LOCATED IN THE SHINGLE CREEK BASIN WHICH LIMITS DISCHARGE ADDITIONAL STORMWATER REQUIREMENTS WHICH FURTHER REDUCES THE AREA AVAILABLE FOR DEVELOPMENT.
- THE INCREASE IN HEIGHT WILL ALLOW FOUR STORY BUILDING WHICH WILL MAKE FULL USE OF THE PROPERTY AND ALLOW FOR A PITCHED ROOF WHICH IS MORE ARCHITECTURALLY PLEASING, SIMILAR TO DURHAM PLACE ACROSS THE LAKE.

UTILITY PROVIDERS

WATER

ORLANDO UTILITIES COMMISSION
6000 PENNING AVE
ORLANDO, FL 32822

SEWER/WASTE WATER

ORANGE COUNTY UTILITIES
6160 CURRY FORD RD
ORLANDO, FL 32825

PROJECT TEAM:

OWNERS

REZ 816 LAND, LLC
1000 BISHOPWELL PLAZA #1104
MIAMI, FL 33131

APPLICANT

REZ 816 LAND, LLC
1000 BISHOPWELL PLAZA #1104
MIAMI, FL 33131

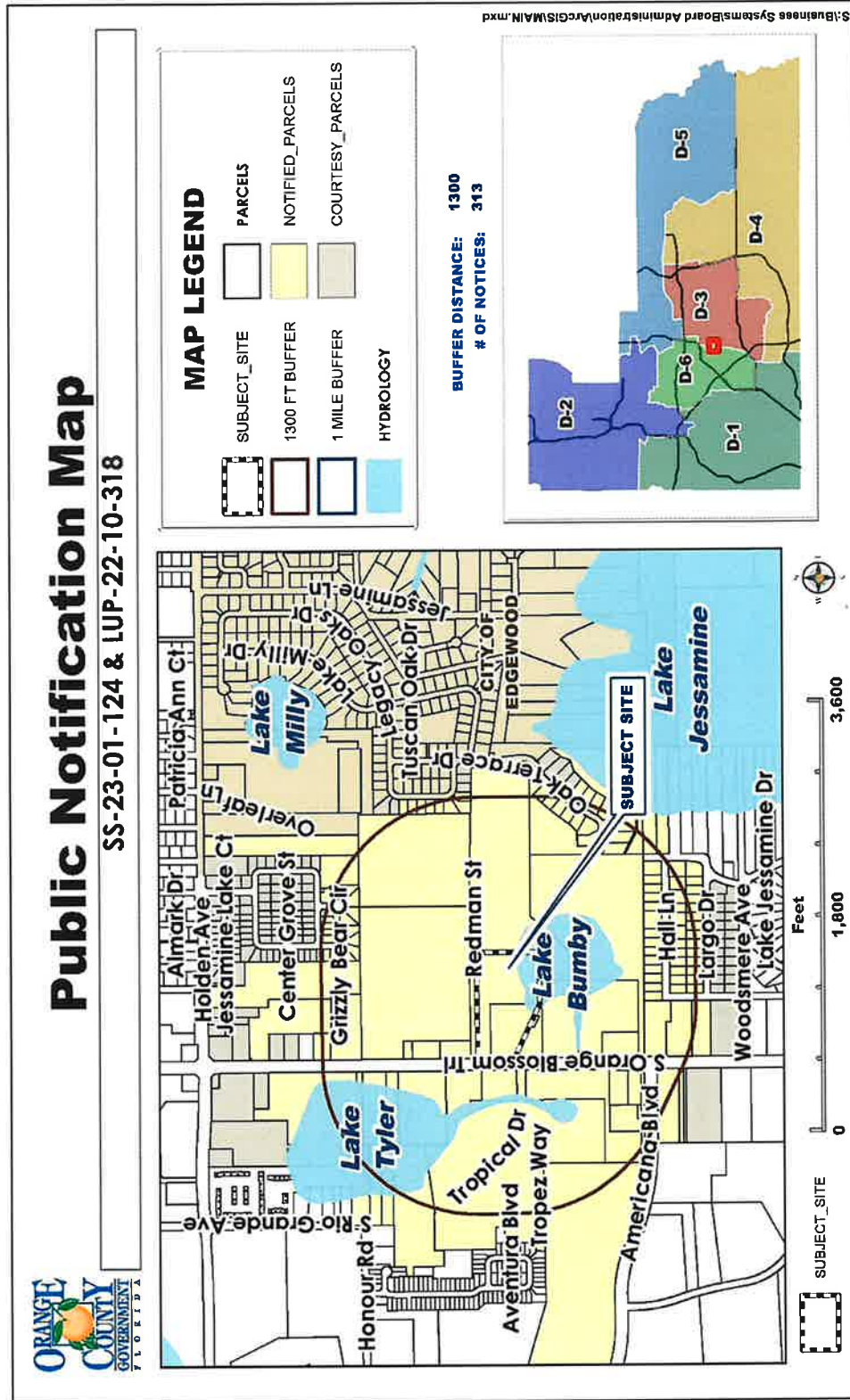
CIVIL ENGINEER/APPLICANT

AVCON, INC.
866 EAST BISHOPWELL STREET, SUITE 200
ORLANDO, FL 32822
(407) 899-1122

SURVEYOR

AMERICAN LAYOUT & LAND SURVEYING
822 N.W. 33, SUITE 7
FREDERICKS, FL 32738
(844) 767-0296

Notification Map



ORDINANCE NO. 2023-_____

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 A SMALL SCALE DEVELOPMENT AMENDMENT PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

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 June 20, 2023, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to adopt it.

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,”**

31 attached hereto and incorporated herein.

32 * * *

33 ***Section 4. Effective Dates for Ordinance and Amendment.***

34 (a) This ordinance shall become effective as provided by general law.

35 (b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small scale development
36 amendment adopted in this ordinance may not become effective until 31 days after adoption.
37 However, if an amendment is challenged within 30 days after adoption, the amendment that is
38 challenged may not become effective until the Department of Economic Opportunity or the
39 Administration Commission issues a final order determining that the adopted amendment is in
40 compliance.

41 (c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning
42 changes approved by the Board are contingent upon the related Comprehensive Plan amendment
43 becoming effective. Aside from any such concurrent zoning changes, no development orders,
44 development permits, or land uses dependent on this amendment may be issued or commence
45 before the amendment has become effective.

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48 ADOPTED THIS 20TH DAY OF JUNE, 2023.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

58
59 ATTEST: Phil Diamond, CPA, County Comptroller
60 As Clerk to the Board of County Commissioners

61
62
63
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65

By: _____
Deputy Clerk

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67
68
69
70

APPENDIX "A"
FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-23-01-124	Medium Density Residential (MDR)	Medium-High Density Residential (MHDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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