



Interoffice Memorandum

November 14, 2023

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

FROM: Andres Salcedo, P.E., Acting Director
Planning, Environmental, and Development Services
Department 

CONTACT PERSON: Alberto A. Vargas, MArch., Manager, Planning Division

SUBJECT: November 14, 2023, Adoption Public Hearing – Small-Scale Future Land Use Map Amendment Request and Concurrent Planned Development Rezoning Request
Applicant: Jim Hall, Hall Development Services, Inc.
SS-23-01-096 and LUP-22-08-267 (Cascades at Marden PD);
District 2

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 November 14, 2023.

The subject property is located south of Ocoee Apopka Road and east of Marden Road. The request is to change the Future Land Use Map designation from Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR) and rezone the property from R-2 (Residential District) and R-3 Restricted (Multiple-Family Dwelling District) to PD (Planned Development District) (Cascades at Marden Planned Development / Land Use Plan (PD/LUP)). The applicant is proposing to construct 214 single-family attached residential dwelling units and 362 multi-family residential dwelling units with 20% of those units being affordable (72 units).

A community meeting was held March 16, 2023, with twenty residents in attendance. There was a mixture of support and opposition to the requests. Residents expressed concerns about the multi-family and townhome project's compatibility with surrounding established neighborhoods, affordability, traffic congestion, and the need for infrastructure improvements on Ocoee Apopka Road. All attendees expressed opposition regarding a proposed pedestrian walkway between the subject property and the adjacent neighborhood on W. 17th Street.

The adoption public hearing for Small-Scale Development Amendment SS-23-01-096 and Rezoning LUP-22-08-267 was conducted before the Planning and Zoning Commission / Local Planning Agency on August 17, 2023, and was postponed to September 21, 2023, where the requests were unanimously recommended for adoption and approval after discussion involving traffic impacts, proposed improvements to Marden Road, and building height.

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 the 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 Density Residential (MDR) Future Land Use Map designation, approve the associated ordinance, and approve the rezoning request, LUP-22-08-267, Cascades at Marden Planned Development/Land Use Plan (PD/LUP) dated “Received June 28, 2023”, subject to the 22 conditions of approval listed in the staff report including six waivers from Orange County Code.
District 2**

AS/JHS/sw

c: Jon V. Weiss, P.E., Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Senior 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

CASE # SS-23-01-096
LUP-22-08-267

Commission District: 2

GENERAL INFORMATION

APPLICANT	Jim Hall, Hall Development Services, Inc.
OWNER	Marden Properties, Inc.
HEARING TYPE	Small-Scale Future Land Use Map Amendment and Land Use Plan / Planned Development Rezoning
PROJECT NAME	Cascades at Marden Land Use Plan
FLUM REQUEST	Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR)
ZONING REQUEST	R-2 (Residential District) and R-3 Restricted (Multiple-Family Dwelling District) to PD (Planned Development District)

A request to rezone 40.5 acres from R-2 & R-3 Restricted to PD in order to construct 214 single-family attached residential dwelling units and 362 multi-family residential with 20% of the apartments being affordable (72 units).

The request also includes six (6) waivers from Orange County Code:

1. A waiver from Section 38-1258(a) for multi-family buildings located 95 ft from single-family zoned property at a height of 55 ft, 5 stories, in lieu of multi-family buildings located within 100 feet of single-family zoned property restricted to a single story in height.

Applicant Justification: *The townhome building is within the community and this waiver does not affect residences outside the PD.*

2. A waiver from Section 38-1258(b) for multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to be a maximum of 55 ft, 5 stories, in lieu of varying building heights with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.

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Applicant Justification: *The apartments are internal to the site and the project design is to be a single community. The restriction is not in keeping with the community theme.*

3. A waiver from Section 38-1258(c) for multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property to be a maximum of 55 ft, 5 stories, in lieu of three (3) stories, (forty (40) feet) in height.

Applicant Justification: *The apartments are internal to the site and the project design is to be a single community. The restriction is not in keeping with the community theme.*

4. A waiver from Section 38-1258(d) to allow multi-family buildings fifty-five (55) feet in height in lieu of three (3) stories or forty (40) feet for multi-family buildings.

Applicant Justification: *Due to the lower elevation of the subject property to adjacent lands the proposed height will be perceived as lower and the inclusion of affordable housing units.*

5. A waiver from Section 38-1258(f) is requested to not install a wall between the proposed apartments and townhomes in lieu of constructing a six-foot-high masonry, brick or block wall wherever a multi-family development is located to single-family zoned property.

Applicant Justification: *The apartments are internal to the site and the project design is to be a single community which is not in keeping with the community theme.*

6. A waiver from Section 38-1258(j) to allow a multifamily building separation of 25' in lieu of the graduated building separation with windows and other openings.

Applicant Justification: *The buildings are all within the community surrounded by town homes to create a neighborhood separated from existing residents and will meet the FL Building Code.*

LOCATION

Marden Rd; generally located south of Ocoee Apopka Road and east of Marden Road

PARCEL ID NUMBER

16-21-28-0000-00-022

TRACT SIZE	40.53 gross acre (36.87 net acres; 3.63 acres of wetlands)
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,300 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred and seventy four (374) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A community meeting was held on March 16, 2023, and is summarized further in this report.
PROPOSED USE	The applicant is proposing to construct 214 single-family attached residential dwelling units and 362 multi-family residential with 20% of the apartments being affordable (72 units).

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Medium Density Residential (MDR) Future Land Use.

Rezoning

Development Review Committee – (July 12, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Cascades at Marden Planned Development / Land Use Plan (PD/LUP), dated “Received June 28, 2023”, subject to the following conditions:

1. Development shall conform to the Cascades at Marden Land Use Plan (LUP) dated " Received June 28, 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 June 28, 2023," the condition of approval shall control to the extent of such conflict or inconsistency.

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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.

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Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. 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.
7. 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.
8. 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 and Wildlife Conservation Commission (FWC).
9. 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.
10. 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 properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") 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.
11. Development shall connect to the City of Apopka central water and wastewater service.
12. 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.
13. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.

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14. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
15. A mandatory pre-application/sufficiency review meeting for any Preliminary Subdivision Plan (PSP) shall be required prior to Development Review Committee (DRC) submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the PSP to the DRC Office.
16. 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.
17. 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.
18. 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, as may be amended.
19. Any additional right-of-way required for Marden Road must be provided, at no cost to the applicable local government, prior to or concurrently with platting.
20. A sight distance and traffic operational analysis, including but not limited to intersection improvements, the addition of traffic control devices, and pedestrian accommodations, will need to be performed for each access location along Marden Road and at the Marden Road and Ocoee-Apopka Intersection. The operational analysis must be submitted as part of any subsequent Development Plan / Preliminary Subdivision Plan (DP / PSP) application and accepted by Orange County prior to approval of the DP / PSP.
21. Applicant has committed to set aside a minimum of twenty percent (20%) of the multi-family residential units within this project as affordable housing to be rented to households at or below eighty percent (80%) of the area median income; such commitment shall be documented in an agreement satisfactory to the county which shall be executed and recorded prior to approval of any plat for the multifamily portion of this project.
22. The following waivers from Orange County Code are granted:

- a. A waiver from Section 38-1258(a) to allow multi-family buildings located ninety-five (95) feet from single-family zoned property at a height of fifty-five (55) feet, five (5) stories, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property restricted to a single story in height.
- b. A waiver from Section 38-1258(b) to allow multi-family buildings located between one hundred plus (100+) feet to one hundred fifty (150) feet of single-family zoned property to be a maximum of fifty-five (55) feet, five (5) stories in height, in lieu of varying building heights with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.
- c. A waiver from Section 38-1258(c) to allow multi-family buildings located within one hundred fifty (150) feet of single-family zoned property to be a maximum of fifty-five (55) feet, five (5) stories in height, in lieu of three (3) stories, forty (40) feet in height.
- d. A waiver from Section 38-1258(d) to allow multi-family buildings fifty-five (55) feet, five (5) stories in height in lieu of three (3) stories or forty (40) feet for multi-family buildings.
- e. A waiver from the Section 38-1258(f) requirement to install a wall between the proposed apartments and townhomes in lieu of constructing a six (6) foot high masonry, brick, or block wall wherever a multi-family development is located adjacent to single-family zoned property.
- f. A waiver from Section 38-1258(j) to allow a multifamily building separation of twenty-five (25) feet in lieu of the graduated building separation with windows and other openings.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Future Land Use Map (FLUM) Amendment to change the Future Land Use of the 40.53 gross acre (36.87 net acres) subject property from Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR). Additionally, the applicant is requesting a concurrent rezoning from R-2 (Residential District) & R-3 Restricted (Multiple-Family Dwelling District) to PD (Planned Development District).

The subject property is undeveloped and located on the east side of Marden Road, south of W. Ella J. Gilmore Street. The subject property was previously used as a burrow pit, resulting in vary elevations throughout the property. Surrounding uses include single-family residences to the north and east, multi-family dwellings owned by the City of Orlando Housing Authority to the south, and multi-family dwellings to the west. The multi-family development to the southwest of the subject property has a density of 15 dwelling units per acre, compared to the proposed 15.6 dwelling units per acre for the subject property.

The applicant is proposing to construct 214 single-family attached residential dwelling units (townhomes) and 362 multi-family residential with 20% of the apartments being affordable (72 units). In addition, there are six waivers from Orange County Code being requested to allow an increase of building heights for the multi-family buildings, reduction in the separation from single-family zoned property and the proposed development, reduction of building separation between multi-family and singlefamily buildings, and not installing a wall between proposed apartments and townhomes.

This property is partly zoned R-3 with restrictions (rezoned in 1985); the restrictions include a maximum development of up to 10 dwelling units per acre. This property was previously used as a burrow pit, resulting in different elevations throughout the property. Surrounding uses include single-family residences to the north and east, multi-family dwellings owned by the City of Orlando Housing Authority to the south, and multi-family dwellings to the west.

This proposed project is adjacent to single-family residential development and the applicant is requesting a waiver to increase height of multi-family buildings; however, the waiver justification cites that the apartments are internal to the project and the site has a lower elevation than the surrounding development.

The subject property consists of 40.53 gross acres and qualifies to be processed as a small scale amendment. Generally, only parcels of 10 acres or less qualify as small scale amendments. The County amended its policy to allow certain properties of 50 acres or less to be processed as small scale amendments under the eligibility criteria adopted by the County. The eligibility criteria allows those properties of up to 50 acres which include a significant number of County certified affordable housing units at a location that scores high on the County Access and Opportunity Model or are in areas targeted for development based on existing or planned direct access to transit, services and employment to be processed as small scale amendments.

As previously mentioned, 20% of the multifamily units (72 units) will be affordable. Condition 21 of the LUP requires 20% of the multifamily units to be rented to households at or below eighty percent (80%) of the area median income and requires this commitment to be documented in an agreement prior to approval of any plat for the multifamily portion of the development.

An August 25, 2022 letter from the Orange County Housing and Community Development Division awarded a Preliminary Affordable Housing Certification to the Cascades at Marden proposed development which authorizes expedited regulatory review of the project. The application to the County's Affordable Housing Program was for at least 20 percent of the rental units (70 units) to be set-aside as affordable to households at or below 80% of the area median income. Since the date of the Preliminary Certification, the number of rental units was increased from 350 to 362 requiring a minimum of 72 units to be set aside as affordable.

Existing FLUM Development Program

The subject property has R-3 and R-2 zoning, with the portion of the property zoned R-3 being inconsistent with the LMDR Future Land Use Map designation. The

development program for the current FLUM designation would allow for up to 368 dwelling units.

Proposed FLUM Development Program

The proposed PD zoning with the Future Land Use Map designation of MDR will allow a maximum of 736 dwelling units; however, the rezoning request was initiall for 616 dwelling units which was further reduced by the DRC approved LUP that now would allow the applicant to construct to construct 214 single-family attached residential dwelling units and 362 multi-family residential with 20% of the apartments being affordable (72 units) for a total of 576 units.

Land Use Compatibility

The proposed development program is compatible with existing development in the area and would not adversely impact any adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JPA – City of Apopka See comments below
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

City of Apopka

City of Apopka Comments:

The City of Apopka objected to the comprehensive plan amendment as originally presented due to the following:

- The density and units are in excess of development in the area;
- The apartment height of 75 feet;
- No transportation impact fees for the area including Marden Road and traffic signals;
- Only one access point for over 500 units (City would require two which is the minimum for public safety);
- City of Apopka water, sewer, reuse and roadway systems are all needed for this project and the current density and height limits should be consistent with the area;
- Orange County has been unwilling to enter into an annexation agreement or require the developer to annex (see above all City utilities and roadways) due to “enclave” to the south.

Orange County Staff Response to City of Apopka Comments:

The DRC approved LUP made several changes to the approved plan in response to objections including the following:

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- The density and the total number of units in the DRC approved LUP was reduced from 616 to 576 units. Although, the FLUM designation of MDR would have allowed a maximum of 736 dwelling units.
- The height was restricted to not to exceed 40 feet for the townhomes and 5 stories or 55 feet for the apartments. The apartments are interior to the development and due to the changes in elevation, the apartments interior to the development will be located in the lowest elevations of the site.
- Regarding area roadways, the County will continue to coordinate with the City on traffic improvements to area roadways and the LUP provides for two full access points to Marden Road and one pedestrian access to 17th Street.
- Finally, annexation of the property would create an enclave south of the property which is inconsistent with annexation provisions in state law. Additionally, under the City of Apopka/Orange County Water, Wastewater, and Reclaimed Water Territorial Agreement, the City agrees that the City shall not require annexation of property as a condition of providing water, wastewater and reclaimed water services.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR) which allows for up to ten (10) dwellings per acre. The proposed PD zoning district and development program is inconsistent with the Low-Medium Density Residential FLUM designation. However, through concurrent FLUM amendment # SS-23-01-096, the applicant is seeking to change the FLUM designation to Medium Density Residential (MDR). Additionally, the request is consistent with the following CP provisions:

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.

FLU1.4.21 Orange County will encourage the use of vacant land within the Urban Service Area for redevelopment to improve existing conditions on-site.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

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.

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FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

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.

SITE DATA

Existing Use Undeveloped Land

Adjacent	FLUM	Zoning
North	Low-Medium Density Residential (LMDR) (1991)	R-2 (Residential District) (1957)
South	Low-Medium Density Residential (LMDR) (1991)	R-2 (Residential District) (1957)
East	Low Density Residential (LDR) (1991)	R-3 (Multiple-Family Dwelling District) (1957)
West	City of Apopka	City of Apopka

Adjacent Land Uses N: Single Family Residential
 E: Single Family Residential
 W: Multi-family Residential
 S: Multi-family Residential owned by the City of Orlando Housing Authority

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback 25 feet

Maximum Building Height: 55 feet apartments; 35 feet townhomes
 Minimum Living Area: 500 Square Feet apartments; 850 Square Feet townhomes

Minimum Building Setbacks

Front Setback: 20 feet
 Rear Setback: 20 feet
 Side Setback: 10 feet; *30 feet if adjacent to single-family district

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See comments below
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See comments below
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sheriff's Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Neighborhoods	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This property lies within the South Apopka Safe Neighborhood.

Community Meeting Summary

A community meeting was held at the John H. Bridges Community Center on March 16, 2023. A total of twenty (20) residents attended and a mixture of support and opposition was expressed about the applications. Concerns from residents about the proposed multi-family and townhome project included compatibility with surrounding established neighborhoods, affordability, traffic congestion, and the need for infrastructure improvements on Ocoee Apopka Road. All attendees expressed opposition regarding a proposed pedestrian walkway between the subject property and the adjacent neighborhood on W. 17th Street.

Environmental

An Orange County Conservation Area Determination CAD-21-11-268 was issued November 28, 2022 and expires on November 28, 2027.

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 Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to wetlandpermitting@ocfl.net. Reference OC Code Chapter 15, Article X Wetland Conservation Areas.

Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Wekiva Study Area - This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply, but are not limited to: septic tank criteria, open space,

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stormwater treatment and conservation, and increased buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiwa River Protection.

Wekiwa Priority Focus Area - This site is located within the Wekiwa Priority Focus Area. If a septic system is required, the Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires advanced treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiwa Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP. Contact the Florida Department of Health (FDOH) for details of advanced septic treatment system requirements.

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).

Per discussion with the Environmental Programs Administrator, the proposed wetland impacts will be addressed at the DP review stage. Conservation Area Impact (CAI) permit application CAI-23-04-017 was submitted on 4/10/23 for proposed wetland impacts. The CAI permit must be complete or nearly complete and the mitigation is agreed upon with EPD staff prior to PSP/DP approval. No conservation area or buffer encroachments shall be permitted, unless an impact permit is approved by Orange County EPD consistent with OC Code Chapter 15, Article X Wetland Conservation Areas.

Transportation Planning

AMENDMENT SS-23-01-096 (Cascades at Marden) PROJECT SPECIFICS

Parcel ID:	16-21-28-0000-00-022
Location:	0 Marden Road
Acreage:	~40.53
Request FLUM:	From: Low-Medium Density Residential (LMDR)
Request Zoning:	To: Medium Density Residential (MDR) From: R-2 (Residential District) and R-3 (Multiple-Family Dwelling District) To: Planned Development (PD)
Existing Development:	Undeveloped Land
Development Permitted Under Current FLUM:	405 Residential Units
Proposed Density/Intensity:	616 residential units (400 apartments (20% affordable, 80% normal market rate) and 216 townhomes)

Trip Generation (ITE 11th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use: 405 Residential Units	178	100%	178
Proposed Use: 581 mid-rise multi-family units	227	100%	227
affordable apartments	68	100%	68
Totals	117		117

Net New Trips (Proposed Development less Allowable Development): 117

Future Roadway Network

Road Agreements: No

Planned and Programmed Roadway Improvements: No

Right of Way Requirements: No

Summary

The applicant is requesting to change ~40.53 acres from Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR) and rezone from R-2 and R-3 to PD to construct 616 residential units.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed 616 residential units will result in an increase in the number of 117 pm peak trips and therefore will impact the area roadways.

Roadway Capacity Analysis

A Traffic Study was submitted with the case for review and comment. The subject property is located adjacent to Marden Road. Based on existing conditions, there are currently no deficient segments within the project's impact area. This information is dated and subject to change.

Based on the project trip distribution, 55% will be travelling NB on Marden Road out of the development.

There are no deficient segments within the short-term year (2025) that are projected to operate at Level of Service "F" as a result of the background traffic and committed trips.

The horizon year (2040) showed that under the proposed FLUM designation, the following segments are projected to operate at Level of Service "F":

- Ocoee-Apopka Road from Binion Road to Harmon Road

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.

Utilities

Small Scale Amendment # SS-23-01-096
Rezoning # LUP-22-08-267
Orange County Planning Division
BCC Hearing Date: November 14, 2023

Water: City of Apopka

Wastewater/Reclaimed: City of Apopka – This project will be required to connect to sewer for wastewater disposal.

Schools

The Orange County Schools capacity determination letter was provided on June 20, 2023 for OC-23-040 Cascades at Marden project. Orange County Public Schools states that school capacity for this development is not available. The elementary school (Wheatley) has an adjusted utilization rate of 106.1% and if this project is approved, the adjusted utilization rate would increase to 116.2%. The middle school (Wolf Lake) has an adjusted utilization rate of 141.6% and if this project is approved, the adjusted utilization rate would increase to 143.8%. The high school (Apopka) has an adjusted utilization rate of 129.0% and if this project is approved, the adjusted utilization rate would increase to 130.1%.

This determination letter expires December 17, 2023.

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 – August 17, 2023

Postpone to a future PZC hearing.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS –
August 17, 2023

The proposed plan amendment and rezoning was initially presented to the Local Planning Agency/Planning and Zoning Commission on August 17, 2023.

At the August 17, 2023, the PZC public hearing staff introduced objections raised by the Orlando Housing Authority just prior to the public hearing, and objections from residents of the Lake Opal subdivision and surrounding area of South Apopka, as well as summarized objections from the City of Apopka and how they were addressed. A petition from the Lake Opal subdivision with 123 signatures was presented objecting to the proposed pedestrian walkway connecting the development to 17 Street.

The applicant agreed with the staff report and recommendations, presented a summary of compatibility measures incorporated in the development proposal, pedestrian connection, and reviewed their land use plan with the commitment to build 72 affordable units. In summary, the applicant presented that the development provides a transition of townhomes on the edge and apartments interior to the site at lower elevations, that applicant feels is compatible with the density and height of surrounding uses and provides much needed affordable housing. The number of affordable housing units was based on the request from the County to provide a minimum of 20% certified units.

Two residents spoke in opposition to the development expressing concern with traffic congestion of area roads including Marden and Apopka Vineland, affordability of units (only 72), the pedestrian connection to 17th St, and concerns with the amount of development and height of 5 stories which is not compatible with surrounding neighborhood.

The PZC expressed concerns with the lack of a vehicular/cross access, school capacity impacts, intensity of the development which is more dense than surrounding development and acknowledges the impacts to area roadways. A pedestrian connection is included in the LUP. At Marden Rd there will be left and right turn lanes and a condition is included in the LUP for the applicant to provide any needed right-of-way.

The PZC suggested the applicant work with the neighbors, Orlando Housing Authority and work with the City of Apopka on the scale and density of development, and access and traffic concerns. The applicant requested a postponement in order to address the LPA/PZC concerns and coordinate with the City of Apopka, the City of Orlando Housing Authority and area residents regarding their issues of concern.

ACTION REQUESTED

**Local Planning Agency (LPA) / Planning and Zoning Commission (PZC)
Recommendation – September 21, 2023**

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Medium Density Residential (MDR) Future Land Use.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Cascades at Marden Planned Development / Land Use Plan (PD/LUP), dated “Received June 28, 2023”, subject to twenty-two (22) conditions.

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS –
September 21, 2023**

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Medium Density Residential (MDR) Future Land Use designation and recommend APPROVAL of the associated Cascades at Marden Planned Development / Land Use Plan rezoning. The applicant was present and agreed with the staff's recommendations. The applicant provided an overview of the traffic generation for the project, spoke to the compatibility of the project, and confirmed that they are providing 20% of the units as certified affordable housing. The applicant also stated that they met with the City of Apopka to explain the development program, the building height, and the reason why they cannot annex which is due to the enclave that would be created to the south. One resident was present to speak in opposition of the request stating concerns for traffic

After discussion regarding traffic, improvements proposed for Marden Road, and building height, a motion was made by Commissioner Boers and seconded by Commissioner Pavon to recommend ADOPTION of the requested Medium Density Residential (MDR) Future Land Use Map designation and APPROVAL of the Cascades at Marden Planned Development / Land Use Plan (PD/LUP), dated “Received June 28, 2023”, subject to twenty-two (22) conditions including six (6) waivers from Orange County Code. The motion carried on a 7-0 vote.

Motion / Second	<i>George Wiggins / Eddie Fernandez</i>
Voting in Favor	<i>George Wiggins, Eddie Fernandez, Evelyn Cardenas, Walter Pavon, Nelson Pena, Gordon Spears and David Boers</i>
Voting in Opposition	<i>None</i>
Absent	<i>Camille Evans and Michael Arrington</i>


SS-23-01-096/LUP-22-08-267



 Subject Property

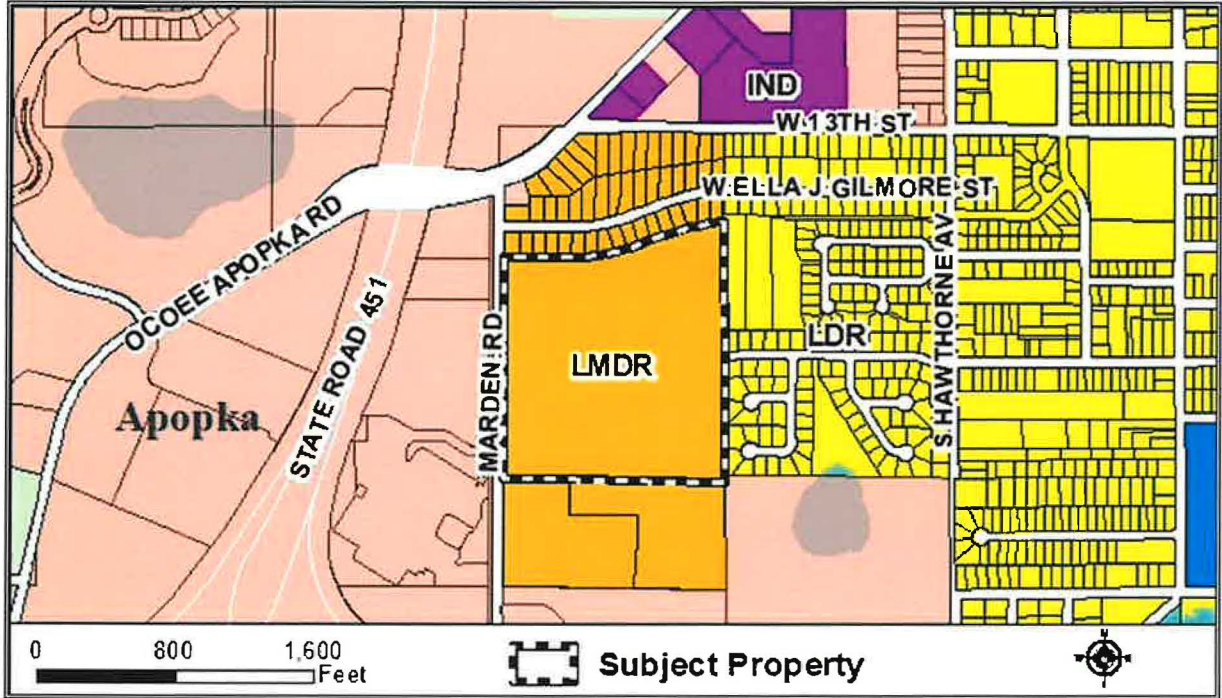


0 400 800 Feet



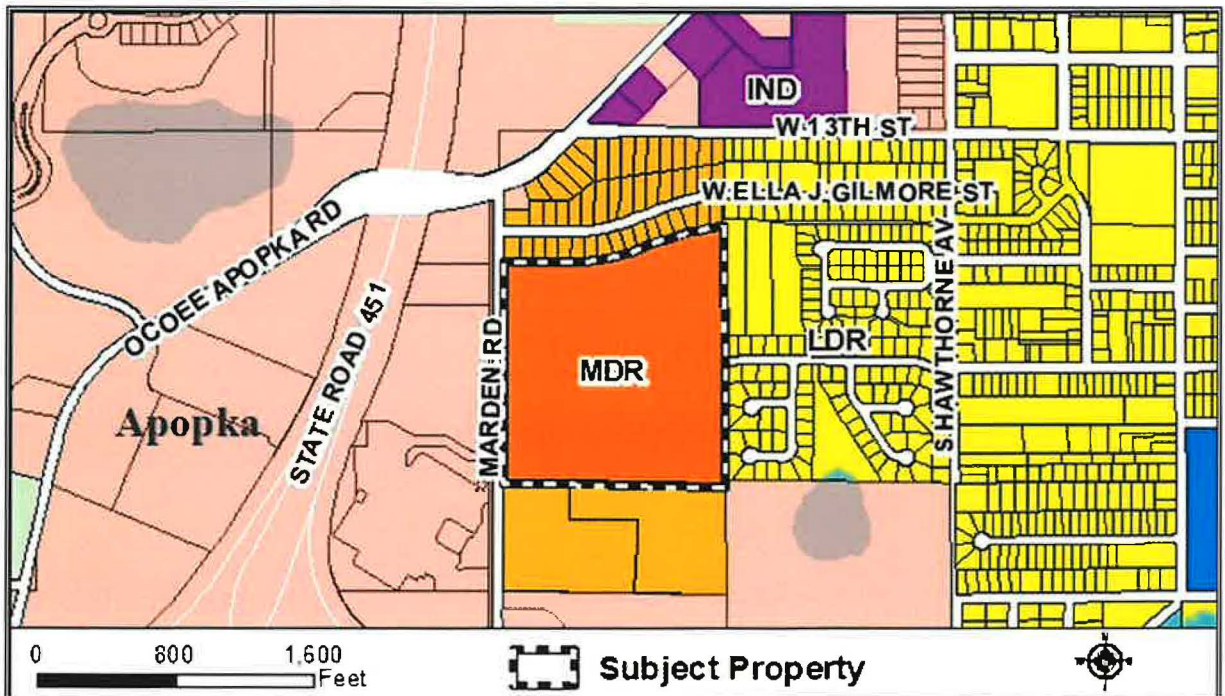
FUTURE LAND USE - CURRENT

Low-Medium Density Residential (LMDR)



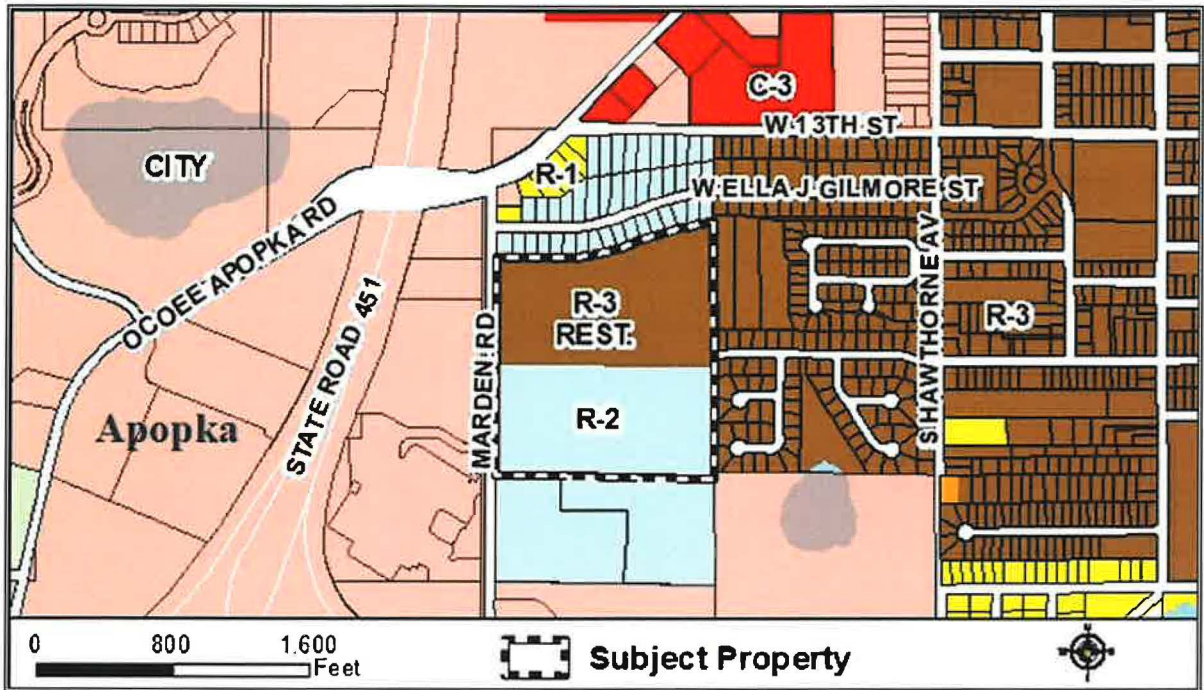
FUTURE LAND USE - PROPOSED

Medium Density Residential (MDR)



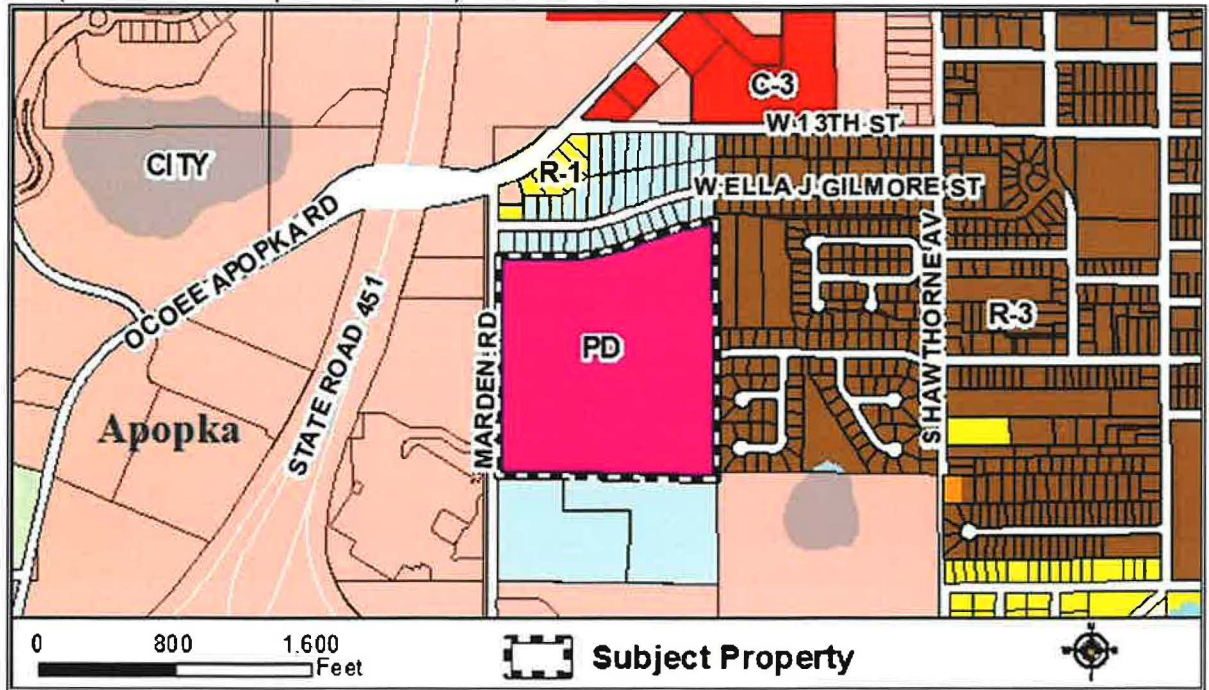
ZONING – CURRENT

R-2 (Residential District) and R-3 Restricted (Multiple-Family Dwelling District)



ZONING – PROPOSED

PD (Planned Development District)



Cascades at Marden PD / LUP (Cover Sheet)

Cascades at Marden

Orange County, FL

Parcel ID: 16-21-28-0000-00-022

310 feet, along with a large tree canopy reduction and a new street, respect the existing zoning and allow for additional multi-family units.

A request from Code Sec. 218.15(1)(c) by an applicant to amend the zoning map to allow for multi-family units to be located on a parcel zoned as a single-family residential. The applicant is requesting a rezoning of the parcel to allow for multi-family units to be located on the parcel.

Other request: A request from Code Sec. 218.15(1)(c) by an applicant to amend the zoning map to allow for multi-family units to be located on a parcel zoned as a single-family residential. The applicant is requesting a rezoning of the parcel to allow for multi-family units to be located on the parcel.

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RECEIVED
 by DMC on 6/27 Jun 26, 2023



Prior Park, LLC, St. James, Barbados
 P.O. Box 20615
 Ft. Lauderdale, FL 33309
 www.geoorbis.com



LUP 22-08-267

Date Issued: 06/08/2022

Latest Issue: 07/14/2023



OWNERS:
 Cascades at Marden Holdings LLC
 7659 Majorca Pl.
 Orlando, FL
 32819-5521

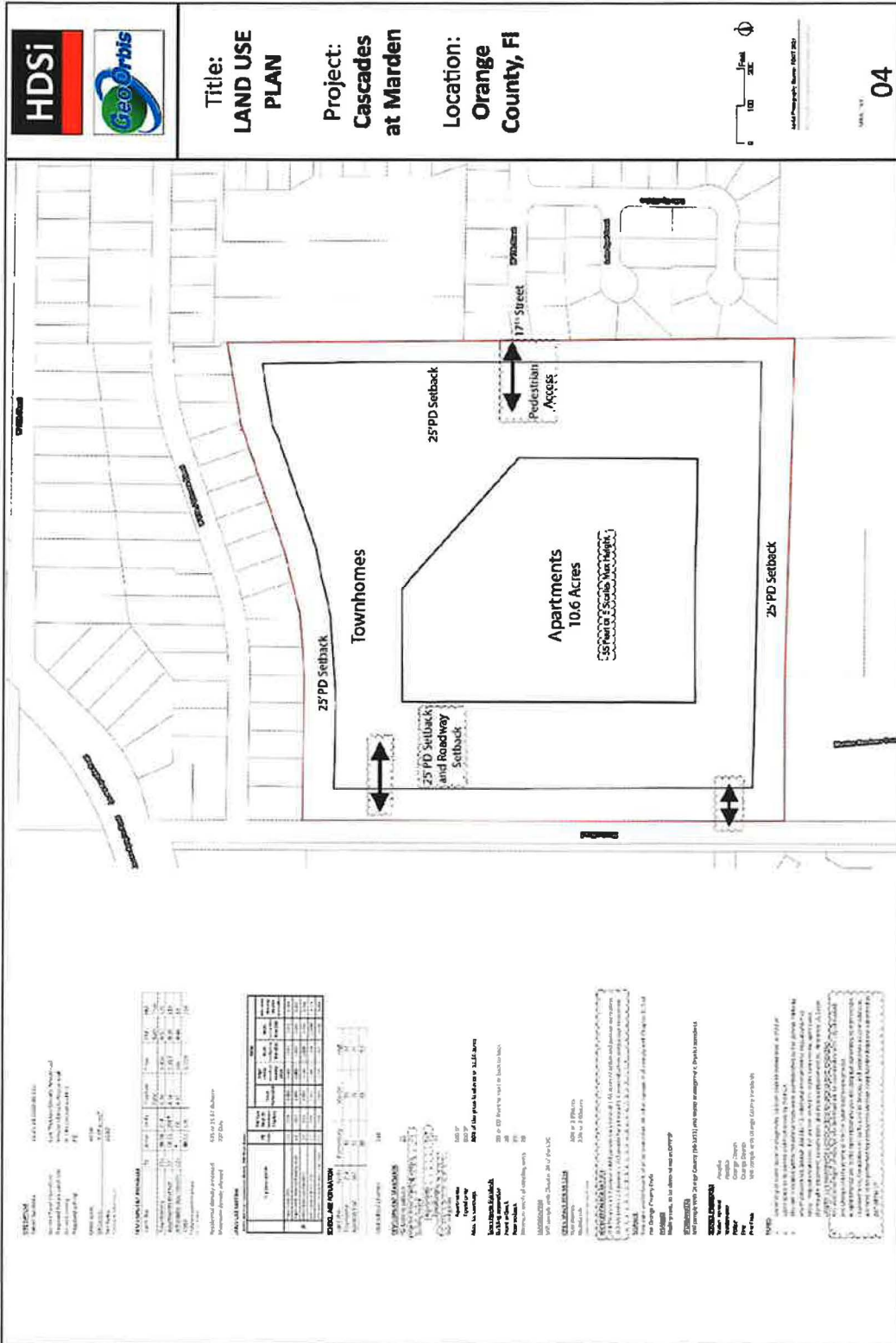
Planner:
 Jim Hall, BIA, URP
 Halpisi
 1302 Osprey Ave
 Orlando, FL 32803

Engineer:
 Shridhar S. Rao, M.S. PE
 Landsmart Consultants, LLC
 130 South Main Street
 Winter Garden, Florida
 34787

Sheet Index:
 Page 1: Cover
 Page 2 & 3: Environmental Conditions
 Page 4: LUP
 Page 5: CAD-21-11-268 all Class III
 Page 6: Boundary and Topo Survey

Hall Development Services Inc.
 1302 Osprey Avenue Orlando, FL 32803
 Ph: (407) 257-9233
 Planning, Real Estate, and Entitlement Strategies
 www.hdsi.com

Cascades at Marden PD / LUP



Title:
LAND USE PLAN

Project:
Cascades at Marden

Location:
Orange County, Fl

Scale: 1" = 100'

North Arrow

0 100 200 Feet

Map Date: 11/14/23

04

PREPARED BY:
 HDSi
 17171 E. Highway 171
 Suite 100
 Maitland, FL 32751
 Phone: 407.882.1111
 Fax: 407.882.1112
 Website: www.hdsi.com

PROPERTY INFORMATION

Item	Value
Lot Area	10.6
Lot Area (sq. ft.)	460,800
Lot Area (acres)	10.6
Front Setback	25'
Side Setback	25'
Rear Setback	25'
Height	35'
Area	10,600
Volume	371,000

EXHIBIT INFORMATION

Exhibit	Description
1	Site Plan
2	Site Map
3	Site Photographs
4	Site Survey
5	Site Analysis
6	Site Description
7	Site History
8	Site Zoning
9	Site Regulations
10	Site Comments

NOTES:

1. All setbacks are measured from the exterior face of the building.
2. All setbacks are measured from the exterior face of the building.
3. All setbacks are measured from the exterior face of the building.
4. All setbacks are measured from the exterior face of the building.
5. All setbacks are measured from the exterior face of the building.
6. All setbacks are measured from the exterior face of the building.
7. All setbacks are measured from the exterior face of the building.
8. All setbacks are measured from the exterior face of the building.
9. All setbacks are measured from the exterior face of the building.
10. All setbacks are measured from the exterior face of the building.

DISCLAIMER:

This site plan is prepared for the use of the applicant and is not to be used for any other purpose without the written consent of HDSi. HDSi is not responsible for any errors or omissions in this site plan. The applicant is responsible for the accuracy of the information provided to HDSi. HDSi is not responsible for any changes to this site plan after it has been prepared.

CONTACT INFORMATION:

HDSi
 17171 E. Highway 171
 Suite 100
 Maitland, FL 32751
 Phone: 407.882.1111
 Fax: 407.882.1112
 Website: www.hdsi.com

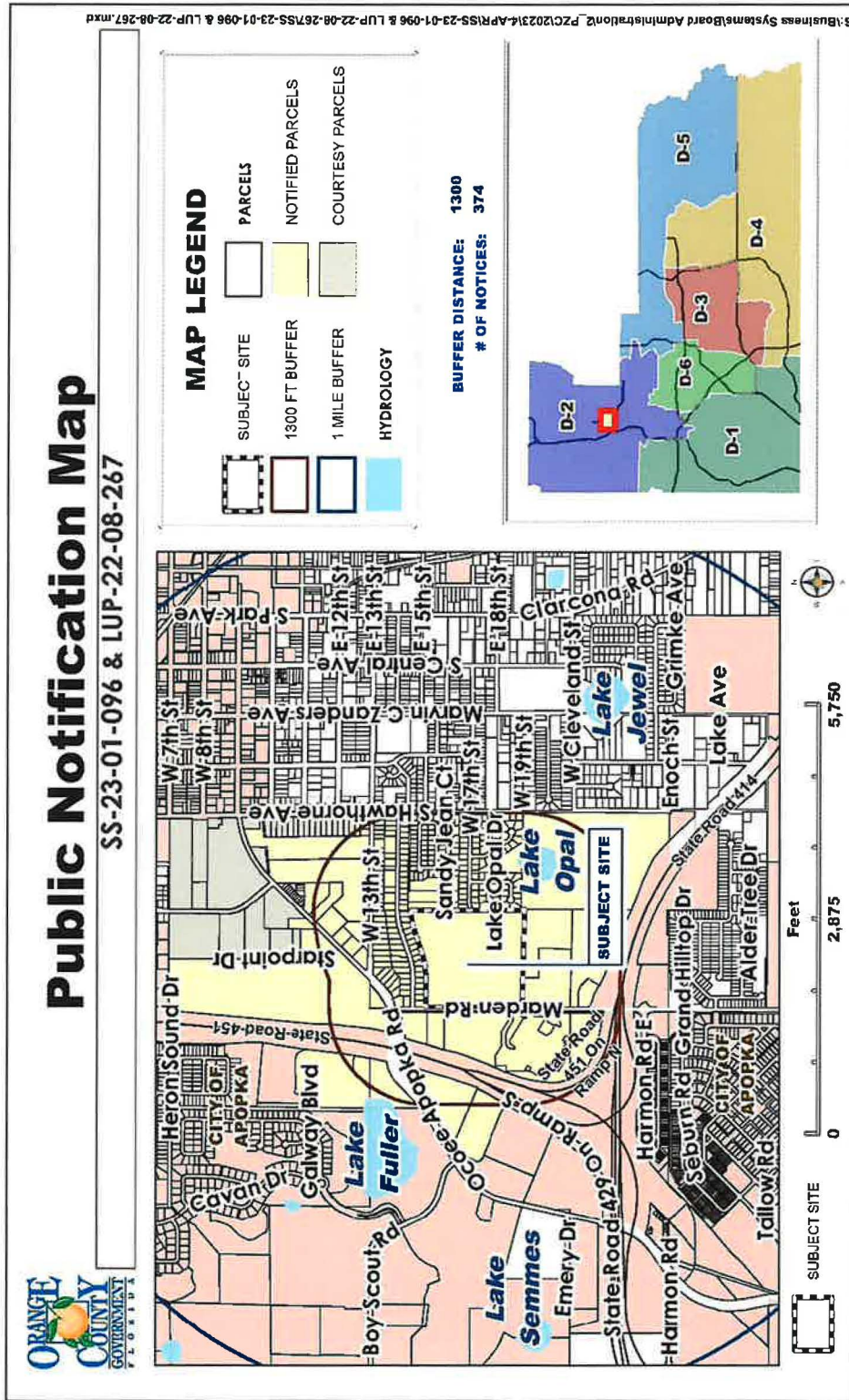
APPROVALS:

Prepared by: [Name]
 Checked by: [Name]
 Approved by: [Name]
 Date: 11/14/23

REVISIONS:

Rev.	Description
1	Initial Site Plan
2	Revised Setbacks
3	Final Site Plan

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 November 14, 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,”**

attached hereto and incorporated herein.

* * *

Section 4. Effective Dates for Ordinance and Amendment.

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

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

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

ADOPTED THIS 14TH DAY OF NOVEMBER, 2023.

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

<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-23-01-096	Low-Medium Density Residential (LMDR)	Medium Density Residential (MDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		