



Interoffice Memorandum

DATE: December 5, 2022

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

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

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

SUBJECT: Adoption Public Hearing – December 13, 2022, Small-Scale Future Land Use Map Amendment and Concurrent Change Determination Request  
Applicant: M. Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.  
SS-22-08-073 and CDR-22-07-246

A handwritten signature in black ink, appearing to read "Jon V. Weiss", written over the "THROUGH:" line of the memorandum.

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment and Concurrent Change Determination Request** scheduled for a Board adoption public hearing on December 13, 2022. The subject property is located at 14445 State Road 535, generally located east of State Road 535, north of World Center Drive, and south of Lake Bryan Beach Boulevard. The request is to change the Future Land Use Map designation from Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR).

The request also involves a PD substantial change to the Paradise Hotel Planned Development / Land Use Plan (LUP). The existing PD development program allows for up to 280 hotel rooms. Through the PD substantial change, the applicant is requesting to change the use from hotel to multi-family residential in order to construct 177 multi-family residential dwelling units in three buildings and provide associated infrastructure. Also requested are four waivers from Orange County Code. On November 16, 2022, the Development Review Committee (DRC) recommended approval of the PD substantial change request, subject to eighteen conditions.

A virtual community meeting was scheduled for Tuesday, September 6, 2022, but was not held due to technical issues. However, no members of the public registered for or attempted to join the meeting.

The adoption public hearing for Small-Scale Development Amendment SS-22-08-073 and was conducted before the Planning and Zoning Commission / Local Planning Agency on November 17, 2022, where the request was 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.

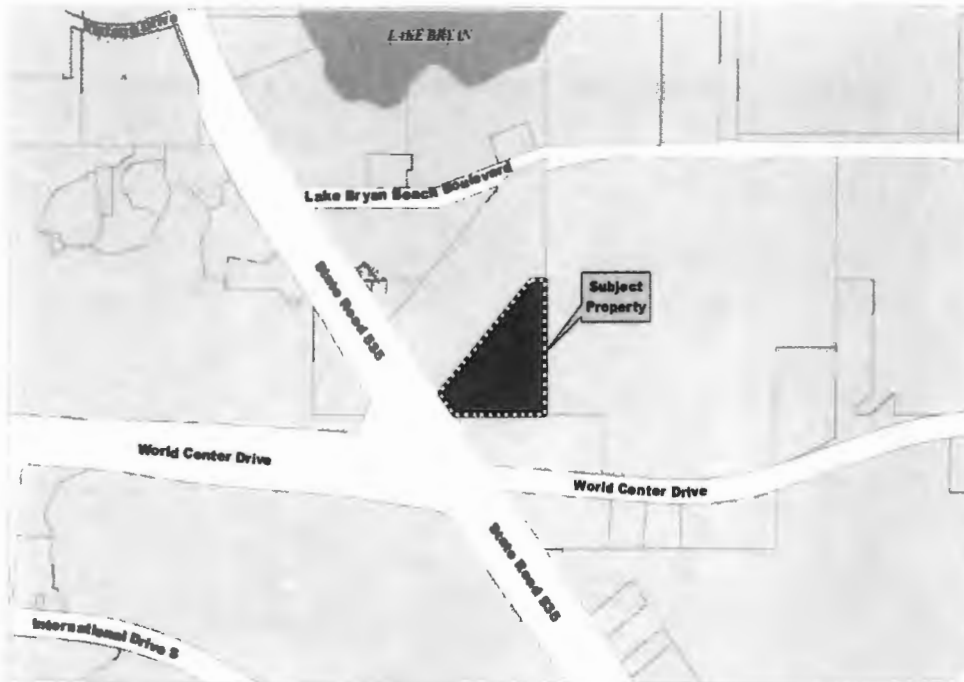
Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at 407-836-5802 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net), or Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at 407-836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and ADOPT the requested Activity Center Residential (ACR) Future Land Use Map designation, APPROVE the associated ordinance, and APPROVE of the requested Change Determination Request.  
District 1**

JVW/AAV/sw

**Attachments**

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



**Applicant/Owner:**  
 M. Rebecca Wilson,  
 Lowndes, Drosdick, Doster,  
 Kantor & Reed, P.A. / ZES  
 International LLC

**Location:** 14445 State Road  
 535; generally located east  
 of State Road 535, north of  
 World Center Drive, and  
 south of Lake Bryan Beach  
 Boulevard.

**Existing Use:** Undeveloped  
 land

**Parcel ID Number:**  
 34-24-28-0000-00-025

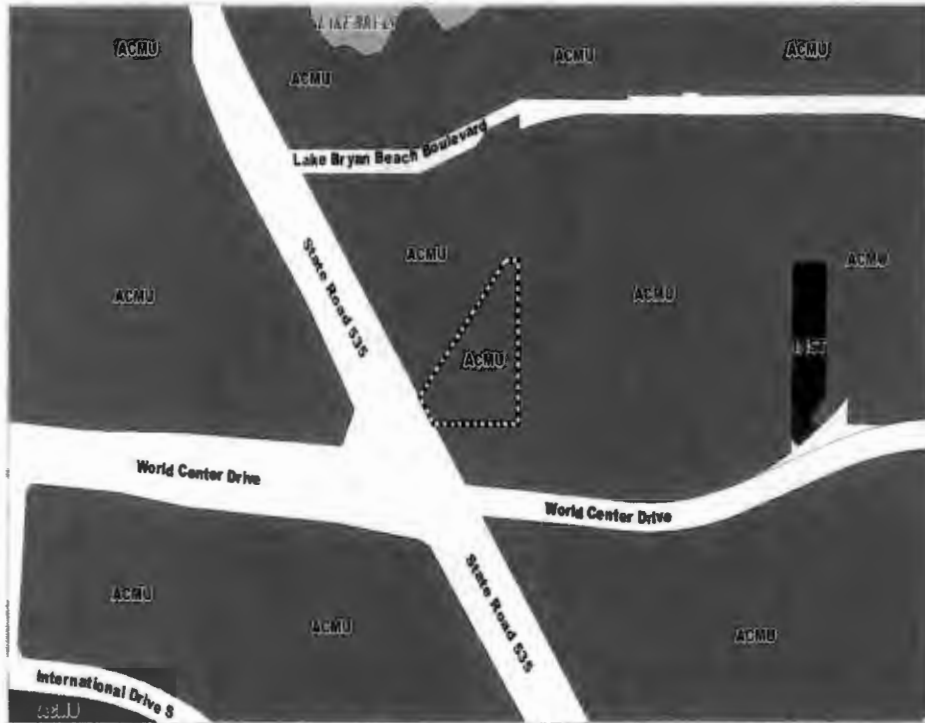
**Tract Size:** 5.93 gross/net  
 developable acres

The following meetings and hearings have been held:		Project Information	
Report/Public Hearing	Outcome		
✓ A virtual community meeting was scheduled for October 6, 2022.	The community meeting was not held due to technical issues. However, no members of the public registered for or attempted to join the meeting.	<b>Request:</b> Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR)	
✓ Staff Report	Recommend adoption of the proposed amendment	<b>Proposed Development Program:</b> Multi-family residential community with up to 177 dwelling units	
✓ LPA Adoption Hearing November 17, 2022	Recommend adoption (7-0)	<b>PD/LUP Change Determination Request: CDR-22-07-246</b> A proposed substantial change to the current Paradise Hotel PD Land Use Plan will be considered in conjunction with the requested FLUM Amendment at the BCC adoption hearing.	
BCC Adoption Hearing	December 13, 2022	<p><b>Public Facilities and Services:</b> Please see the Public Facilities &amp; Services Appendix for specific analyses of each facility.</p> <p><b>Transportation:</b> The proposed development is expected to result in a decrease in pm peak trips. There is a required 15-foot transit easement and a 20-foot landscape, utility, pedestrian, and Development Engineering easement, for a total of 35 feet. The transit easement is required to be a separate easement located adjacent to the right-of-way.</p> <p><b>Utilities:</b> The subject property is located within Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas.</p> <p><b>Schools:</b> Per School Capacity Determination OC-22-055, issued August 8, 2022, capacity is currently unavailable at the elementary and middle schools, Sunshine Elementary and Freedom Middle, expected to serve the project.</p>	

**SITE AERIAL**



**FUTURE LAND USE – CURRENT**



**Current Future Land Use:**  
Activity Center Mixed Use (ACMU)

**Special Area Information**

Activity Center:  
International Drive  
Activity Center

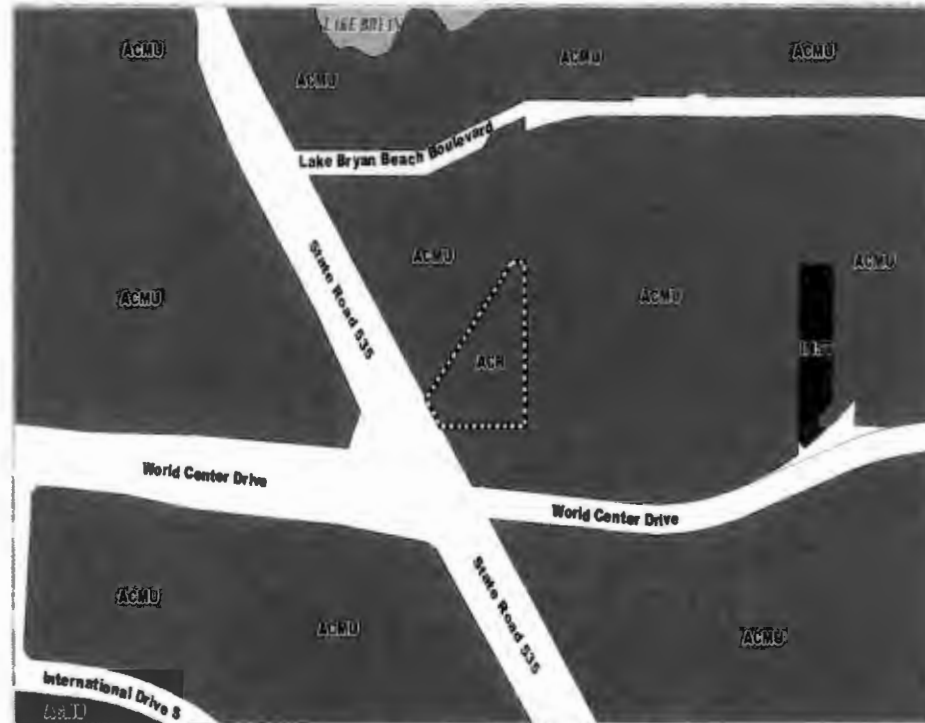
Overlay District: Tourist Commercial Signage District

Rural Settlement: N/A

JPA: N/A

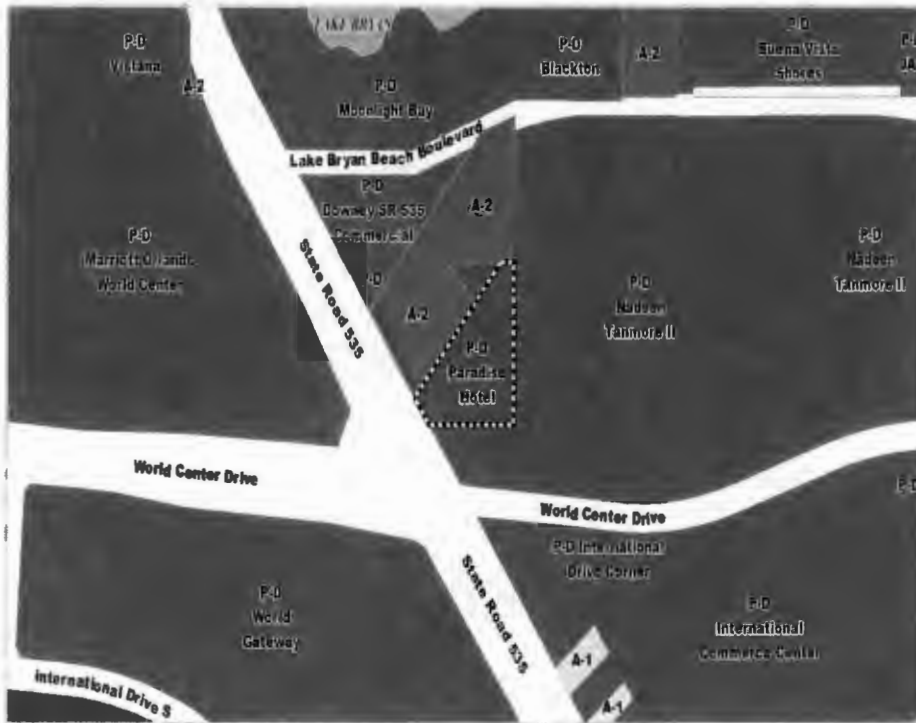
Airport Noise Zone: N/A

**FUTURE LAND USE – AS PROPOSED**



**Proposed Future Land Use:**  
Activity Center Residential (ACR)

**ZONING – CURRENT**



**Zoning:** PD (Planned Development District) (Paradise Hotel PD)

**Existing Uses:**

- N: Duke Energy substation
- S: Buena Vista Suites Hotel
- E: Caribe Royale Orlando Resort
- W: State Road 535 and undeveloped land

## Staff Recommendations

**FUTURE LAND USE MAP AMENDMENT:** Make a finding of **consistency** with the Comprehensive Plan (see International Drive Activity Center Element Goal ID3 and Policies ID4.1.1; Housing Element Goal H1 and Objective H1.1; and Future Land Use Element Goal FLU2, Objectives FLU2.2 and FLU8.2, and Policies FLU1.1.2.A, FLU1.1.4.D, and FLU8.2.1), determine that the proposed amendment is in compliance, and **ADOPT** Amendment SS-22-08-073, Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR).

**CHANGE DETERMINATION REQUEST (CDR-22-07-246)** (November 16, 2022, DRC Recommendation): Make a finding of consistency with the Comprehensive Plan and **APPROVE** the Paradise Hotel Planned Development/Land Use Plan (PD/LUP), dated "Received October 14, 2022", subject to the following eighteen (18) conditions:

1. Development shall conform to the Paradise Hotel Planned Development / Land Use Plan (PD / LUP) dated "Received October 14, 2022," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received October 14, 2022," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a

permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. A 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.
7. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian, and utility easement needed for future roadway improvements. The easement areas required shall be shown on the plan as a revised plan and conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.
8. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.



9. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
10. 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.
11. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5—Tourist Commercial.
12. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development (including hydraulically dependent development) within the PD.
13. 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).
14. A waiver from Orange County Code Section 38-1258(j) is granted to allow no increase in building separation in lieu of proportional increase due to increased structural height and allow minimum setbacks between buildings to be twenty feet (20') in lieu of increase to reflect additional structural height.
15. A waiver from Orange County Code Section 38-1272 (a)(1) is granted to allow seventy-five (75) percent impervious coverage in lieu of a maximum impervious coverage of seventy (70) percent of the net land area.
16. A waiver from Orange County Code Section 38-1300 is granted to allow seventy-five (75) feet maximum building height in lieu of sixty (60) feet, but thirty-five (35) feet within one hundred (100) feet of single-family residential.
17. A waiver from Orange County Code Section 38-1476 (A) is granted to allow a six percent reduction for multi-family parking at a ratio of 1.41 spaces for efficiencies and one-bedroom units and 1.88 spaces for two (2) and three (3) bedroom units, in lieu of 1.5 spaces for efficiencies and one-bedroom units and 2 spaces for two (2) and three (3) bedroom units.
18. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 7, 1992, shall apply:
  - a. ~~Development shall conform to the Paradise Hotel Land Use Plan dated, "Received September 16, 1991," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state and county laws, ordinances, and regulations which are incorporated herein by reference, except to the extent they are expressly waived or modified by these conditions or by action of Orange County.~~  
  
**11/16/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #1.**

- b. ~~Prior to any development plan submittal, a wildlife survey shall be submitted to the Planning Department for review and approval. If any protected species are found on site, then the developer shall comply with any regulations in the Land Development Code regarding protected species.~~

**11/16/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #13.**

- c. ~~The Developer shall obtain wastewater and water service from Orange County, subject to the County Rate Resolutions and Ordinances. No construction plans will be approved until capacity has been obtained.~~

**11/16/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #8.**

- d. ~~Prior to construction plan approval, the developer shall agree to utilize reclaimed water for landscaping and green area irrigation.~~

**11/16/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #8.**

- e. ~~Building heights over sixty feet (60') shall increase setbacks in accordance with Article IX, Section 38-1.06(b).~~

**11/16/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #16.**

- f. To the extent required to comply with consistency provisions of the Growth Management Act, the following additional conditions shall be added to the conditions of approval:

- 1) Uses limited to that stated in Policy 1.1.3 of the International Drive Activity Center Plan. Furthermore, Policy 1.1.6 of the International Drive Activity Center Plan dealing with prohibited uses shall apply to development approvals.

- 2) ~~The following densities shall apply:~~

~~—Commercial uses limited to a maximum of .34 FAR.~~

~~—Increased density/intensity may be allowed if it can be demonstrated an increase in traffic impacts on the adjoining road network does not occur.~~

**11/16/2022: THE PRECEDING CONDITION IS NO LONGER APPLICABLE.**

- 3) ~~If the housing linkage program is in place prior to Development Plan approval, development of nonresidential development, shall be conditioned upon the development of residential units within the area designated as Activity Center Residential on the Future Land Use Map.~~

**11/16/2022: THE PRECEDING CONDITION IS NO LONGER APPLICABLE.**

- 4) The development Guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to building permit submittal including, but not limited to, lighting standards, sign regulations, open space regulations, trip reduction program, access management controls, transit access design standards, building orientation, and location of parking lots.
- 5) ~~The property owner shall be required to participate in a property owner's association upon its creation.~~

**11/16/2022: THE PRECEDING CONDITION IS NO LONGER APPLICABLE.**

- 6) Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County Engineer to be technically unfeasible.
- 7) ~~The property owner understands and concedes that the property is located within the International Drive Activity Center as adopted by the Orange County comprehensive Plan, and as such, development on the property shall be subject to:~~
  - a) ~~A funding mechanism such as, but not limited to, an MSTU(s) and/or MSBU(s), for financing underground utilities and lighting along major roads, including International Drive;~~
  - b) ~~A funding mechanism such as, but not limited to, an HSTU(s) and/or HSBU(s), for financing maintenance of landscaping of public right-of-way, including International Drive;~~
  - c) ~~Participation in a mass transit utility district or some other mechanism established to fund the acquisition, construction, and operation of the transportation system.~~

**11/16/2022: THE PRECEDING CONDITION IS COVERED BY THE COMPREHENSIVE PLAN.**

- g. ~~A twenty-foot (20') wide pedestrian/landscape/utility easement and a fifteen-foot (15') wide transit easement (for a total of 35 feet) along State Road 535 (with the transit easement closest to State Road 535), shall be included in the Development Plan.~~

**11/16/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #7.**

- h. The Development Plan shall provide for interconnection of adjacent developments either by cross-access easement or public right-of-way.
- i. Electrical distribution lines shall be underground.
- j. ~~Participation in a shuttle service connecting area attractions, major transportation centers and on-site development shall be required.~~

**11/16/2022: THE PRECEDING CONDITION IS NO LONGER APPLICABLE.**

- k. Development permits shall be subject to Orange County Concurrency Management Requirements.
- l. ~~Prior to Development Plan submittal, a Conservation Area determination shall be completed. Development rights for any Conservation Area shall be dedicated to Orange County.~~

**11/16/2022: THE PRECEDING CONDITION IS NO LONGER APPLICABLE.**

## Analysis

### 1. Background and Development Program

The applicant, Rebecca Wilson, is seeking to change the Future Land Use Map (FLUM) designation of the 5.93-acre subject property, presently undeveloped, from Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR). The site—consisting solely of upland acreage—comprises the entire Paradise Hotel PD. Approved on January 7, 1992, by the Orange County Board of County Commissioners, the PD is currently entitled for the development of up to 280 hotel rooms. Despite its entitlements and its location in the tourist-oriented International Drive Activity Center, the property has remained vacant for the past three decades.

At this time, the applicant is requesting the ACR future land use designation to allow for the development of a multi-family residential community with up to 177 units and supporting infrastructure. The site lies in the immediate vicinity of Central Florida’s largest employer, Walt Disney World, and numerous resorts, hotels, tourist attractions, shopping areas, and restaurants. The property’s proximity to this activity—both in Orange County and neighboring Osceola County to the south—make it ideally situated for the development of housing for employees of these tourist-oriented establishments. The subject parcel’s current ACMU future land use designation is intended to provide for a combination of tourist-related development and supporting residential activity. However, as established in **Future Land Use Element Policy FLU1.1.4.D** of the Orange County Comprehensive Plan, no more than 30 percent of an ACMU-classified site may be utilized for residential purposes. The applicant is thus proposing the change in land use to ACR to allow the development of the entire 5.93-acre property for the multi-family residential project.

As depicted on the aerial map, the subject property is located east of the State Road 535 tourist commercial corridor. The site is bounded to the east by the Caribe Royale Orlando Resort and to the south by the Buena Vista Suites Hotel. A large Duke Energy electrical substation borders the site to the north. Staff views the undeveloped property as an infill parcel within the County’s Urban Service Area (USA). If approved, the development of the site for the proposed 177-unit multi-family community will provide an additional housing opportunity for residents of Orange County, particularly those employed in the tourism sector, and would be consistent with **Future Land Use Element Goal FLU2**, which states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options.

In conjunction with this proposed amendment, the applicant is requesting a substantial change to the currently-approved Paradise Hotel PD Land Use Plan (Case CDR-22-07-246) to establish the desired residential development program and revise the PD’s present Conditions of Approval. The application

has undergone review by the Orange County Technical Review Group (TRG) and Development Review Committee (DRC). On November 16, 2022, the DRC recommended approval of Case CDR-22-07-246, subject to eighteen (18) conditions, including four (4) requested waivers from Orange County Code. The substantial change petition will be considered concurrently with the proposed FLUM Amendment during the December 13 BCC adoption hearing.

### Community Meeting

In lieu of an in-person community meeting, a virtual community meeting was scheduled for October 6, 2022. Notices were mailed to the 26 property owners within a 1,500-foot radius of the subject property. Due to technical difficulties, the meeting was not held. However, no members of the public registered for or attempted to join the online event.

## 2. Future Land Use Map Amendment Analysis

### Consistency

The requested FLUM amendment appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

As discussed above, the subject property is located within the International Drive Activity Center, an area characterized by intense tourist-oriented development. The site lies in close proximity to Walt Disney World and is located in the immediate vicinity of numerous resorts, hotels, tourist attractions, shopping areas, and restaurants, both in Orange County and adjacent Osceola County. As stated in **Future Land Use Element Policy FLU1.1.4.D**, the requested ACR future land use designation is intended to provide for residential development in proximity to employment areas to minimize travel distances between uses. Staff finds this proposed amendment consistent with **International Drive Activity Center Element Goal ID3**, which establishes that it is Orange County's goal to facilitate the development of residential communities in proximity to employment areas of the activity center in order to minimize workers' travel distances and times.

In accordance with **Future Land Use Element Policy FLU1.1.2.A**, the applicant has specified the maximum desired development program for the residential project, proposing up to 177 multi-family dwelling units under the "urban-scale" ACR future land use designation, which allows residential development at a minimum density of twelve (12) dwelling units per net acre and a maximum density of thirty (30) units per net acre. Staff finds the proposed amendment consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. The applicant's intent to develop a multi-family residential community is consistent with **Housing Element GOAL H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, with a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. It is staff's belief that the project, if approved, would provide an additional housing option for employees of the numerous tourist-oriented businesses in the larger surrounding area.

Staff notes that the provision of affordable housing options in this area of the County is crucial and would help further the goals of Orange County's Housing for All 10-Year Action Plan, which aims to preserve and create 30,300 affordable and attainable housing units by 2030. It is staff's belief that the requested FLUM Amendment and associated residential development program are consistent

with Orange County’s commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents.

Staff further finds the proposed project consistent with **Future Land Use Element Objective OBJ FLU2.2**, which establishes that Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its comprehensive planning and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community. Staff notes that if approved, the project will use infrastructure that is either already in place or planned for construction. Per Orange County Utilities (OCU), the property lies within its potable water, wastewater, and reclaimed water service areas. OCU has communicated that the specific connection points will be determined during the Final Engineering/Construction Plan permitting stage. In addition, the multi-family community would use the existing and planned transportation network, which serves pedestrians, transit riders, and automobile drivers. Lastly, staff finds this request consistent with **International Drive Activity Center Element Policy ID4.1.1**, which mandates that approval of development within the International Drive Activity Center shall be conditioned upon the availability of adequate services and facilities, as measured by the adopted level of service standards of the Comprehensive Plan.

### **Compatibility**

The proposed Future Land Use Map Amendment appears to be **compatible** with the development pattern of the surrounding area.

The proposed FLUM amendment appears to be **compatible** with the development trend of the surrounding area. **Future Land Use Element Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development pattern and development trends in the area. As discussed above, the subject property is located in the International Drive Activity Center, an area characterized by intense tourism-related development, including theme parks, resorts, hotels, tourist attractions, shopping areas, and restaurants. The property’s proximity to this activity makes it well-suited for the development of housing for employees of these tourist-oriented establishments.

It is staff’s belief that the proposed multi-family project would contribute to the County’s larger goals of promoting infill and compact urban form within the Urban Service Area, providing for a range of living options, efficiently using existing and planned infrastructure, and reducing trip lengths. Staff, therefore, recommends adoption of this requested amendment.

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

***Environmental Protection Division:*** The Orange County Environmental Protection Division (EPD) has reviewed this application and has the following comments:

Solid Waste Disposal - 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. Recycling of materials is encouraged, if applicable. Please call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Proximity to Potential Noise Concern - Portions of this site are immediately adjacent to a Florida Power electrical substation that may produce noise levels above the normal neighborhood ambient sound. Construction of residential units should consider housing construction techniques and design features to minimize interior noise to the residents.

**Transportation Planning Division:**

**Planning Division note:** In their review of the proposed amendment, the Transportation Planning Division analyzed the maximum amount of commercial development that could potentially occur in conjunction with 177 multi-family residential units under the requested Activity Center Residential (ACR) FLUM designation (14,160 square feet). However, this proposed FLUM Amendment currently does not have a commercial element, and it is not analyzed elsewhere in this staff report.

**Transportation Planning Comments:**

The applicant is requesting to change the FLUM designation of the 5.93-acre subject property from Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR) and to amend the Paradise Hotel PD to allow up to 177 multi-family units and 14,160 square feet of commercial uses.

Analysis of the project trips under the currently-approved ACMU future land use designation versus the proposed ACR designation indicates that the proposed multi-family and commercial will result in a decrease of 14 pm peak trips, and there will be no impact on the roadways within the project's impact area.

**Road Agreements:** There are presently no road agreements associated with this project.

**Planned and Programmed Roadway Improvements:** This parcel is proximate to State Road 535. The Florida Department of Transportation (FDOT) is currently conducting a PD&E Study in this area. Please contact David Graeber, P.E., FDOT Project Manager, at 386-943-5392 to determine if this will impact the project.

**Right of Way Requirements:** Right-of-way is not needed. There is a required 15-foot transit easement and a 20-foot landscape, utility, pedestrian, and Development Engineering easement, for a total of 35 feet. The transit easement is required to be a separate easement located adjacent to the right-of-way.

**Roadway Capacity Analysis:**

A traffic Study was not submitted with the case for review and comment. The subject property is located adjacent to State Road 535. Based on existing conditions, State Road 535 currently has one deficient roadway segment within the project's impact area. State Road 535 (Kissimmee Vineland Road) from the Osceola County Line to S.R. 536 is currently operating at Level of Service "F". This information is dated and subject to change.

Final permitting of any development on this site will be subject to review and approval under the capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment 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 Plan.

**Utilities Engineering Division:** This property is within Orange County Utilities' (OCU's) Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37, development within this property shall be required to connect to OCU's potable water,

wastewater, and reclaimed water systems. The connection points will be assessed during Final Engineering/Construction Plan permitting.

**Orange County Public Schools:** Per School Capacity Determination OC-22-55, issued August 8, 2022, capacity is currently available at the high school (Lake Buena Vista High) that would serve the proposed multi-family project. However, capacity is presently not available at the elementary school (Sunshine Elementary) and middle school (Freedom Middle) that would serve the development. As stated in the School Capacity Determination, the mitigation of 25.803 seats will be required at the elementary school level, and the mitigation of 11.895 seats will be required at the middle school level. This determination expires January 31, 2023.

### 3. Change Determination Request (CDR) Analysis

#### Impact Analysis

##### **Overview**

The Paradise Hotel Planned Development (PD) was originally approved in January 1992. The PD has existing land use entitlements for 280 hotel rooms.

Through this PD Change Determination Request (CDR), the applicant is seeking to change the use from hotel to multi-family residential to allow for the construction of 177 multi-family residential dwelling units in three buildings with associated infrastructure. In addition, four (4) waivers from Orange County Code are requested for a reduction of minimum setbacks (separation of buildings), an increase in maximum impervious area, an increase in maximum building height, and a reduction in required parking.

##### **Land Use Compatibility**

The PD Change Determination Request would not adversely impact any adjacent properties.

##### **Comprehensive Plan (CP) Amendment**

This Change Determination Request is associated with proposed Small-Scale Future Land Use Map Amendment SS-22-08-073. The applicant is petitioning to change the Future Land Use Map (FLUM) designation of the 5.93-acre subject property, located in the International Drive Activity Center, from Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR). The Change Determination Request would be consistent with the Comprehensive Plan if this FLUM Amendment is approved.

##### **Community Meeting Summary**

A community meeting was not required for this application.

##### **Rural Settlement**

The subject property is not located within a Rural Settlement.

##### **Joint Planning Area (JPA)**

The subject property is not located within a JPA.

##### **Overlay District Ordinance**

The subject property is located in the Tourist Commercial Signage District. Signage for new development must comply with the requirements of Section 31.5, Division 2 of the Orange County Code.



**Environmental**

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

**Transportation Planning**

This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas required shall be shown on the plan as a revised plan and conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval. (See proposed Condition of Approval #7.)

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this Land Use Plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

**Schools**

School Capacity Determination OC-22-055 noted that school capacity was not available at the elementary and middle school levels. This determination expires on January 31, 2023.

**Parks**

Orange County Parks and Recreation staff reviewed the Change Determination Request and did not identify any issues or concerns.

**Specific Project Expenditure Report and Relationship Disclosure Forms**

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

**4. Policy References**

**International Drive Element**

**GOAL ID3** – Residential development in proximity to employment areas of the International Drive Activity Center shall be facilitated in order to minimize travel distance and time between the uses.

**ID4.1.1** – Approval of development within the Activity Center shall be conditioned upon the availability of adequate services and facilities as measured by the adopted level of service standards of the Comprehensive Plan.

**Housing Element**

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

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

**Future Land Use Element**

**Goal FLU2 – URBAN STRATEGIES.** Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options.

**OBJ FLU2.2 – MIXED-USE.** Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community.

**OBJ FLU8.2 – COMPATIBILITY.** Compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

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

**FLU1.1.4**

**D. INTERNATIONAL DRIVE ACTIVITY CENTER –** The following two Future Land Use designations are located only in the International Drive Activity Center. More information about the ACR and ACMU Future Land Use designations are found in the International Drive Activity Center Element, which is a separate and optional element in the Comprehensive Plan.

<b>FLUM Designation</b>	<b>General Description</b>	<b>Density/Intensity</b>
<b>I – Drive – Refer to International Drive Activity Center Element</b>		
Activity Center Residential (ACR)	As described in the I-Drive element, ACR facilitates residential development in proximity to employment areas to minimize travel distances between uses. Intended to promote workforce housing for tourist-oriented employment. Establishes 50,000 square feet of non-residential neighborhood support per development. A PD is required.	Minimum 12 DU/AC, up to 30 DU/AC Non-residential 10,000 SF per 125 units with a maximum of 50,000 square feet total of non-residential per development*
Activity Center Mixed Use (ACMU)	As described in the I-Drive element, ACMU is a mixture of tourist-related development and supportive residential activity. No more than 30% of a site designated ACMU shall be for residential purposes. A PD is required.	Non-residential FAR 3.0* Hotel/motel lodging 60 rooms/acre (see note) Minimum 12 DU/AC up to 30 DU/AC with a maximum of 30% of the site in residential use (see note)
* The maximum FAR or square footage does not include floor area within a parking structure associated with the parking requirements for the principal use.		
Note: More than 60 hotel/motel rooms per acre or more than 30 DU/AC may be permitted if it can be demonstrated: an increase in traffic impact on the adjoining road network does not occur; and, the developable land area required for the residential portion of the development does not exceed a maximum of 30 percent of the total developable land area of the subject property.		

**FLU8.2.1** – Land use changes shall be required to be compatible with the existing development and development trends 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.

Site Visit Photos – Subject Site



North of Subject Site



South of Subject Site



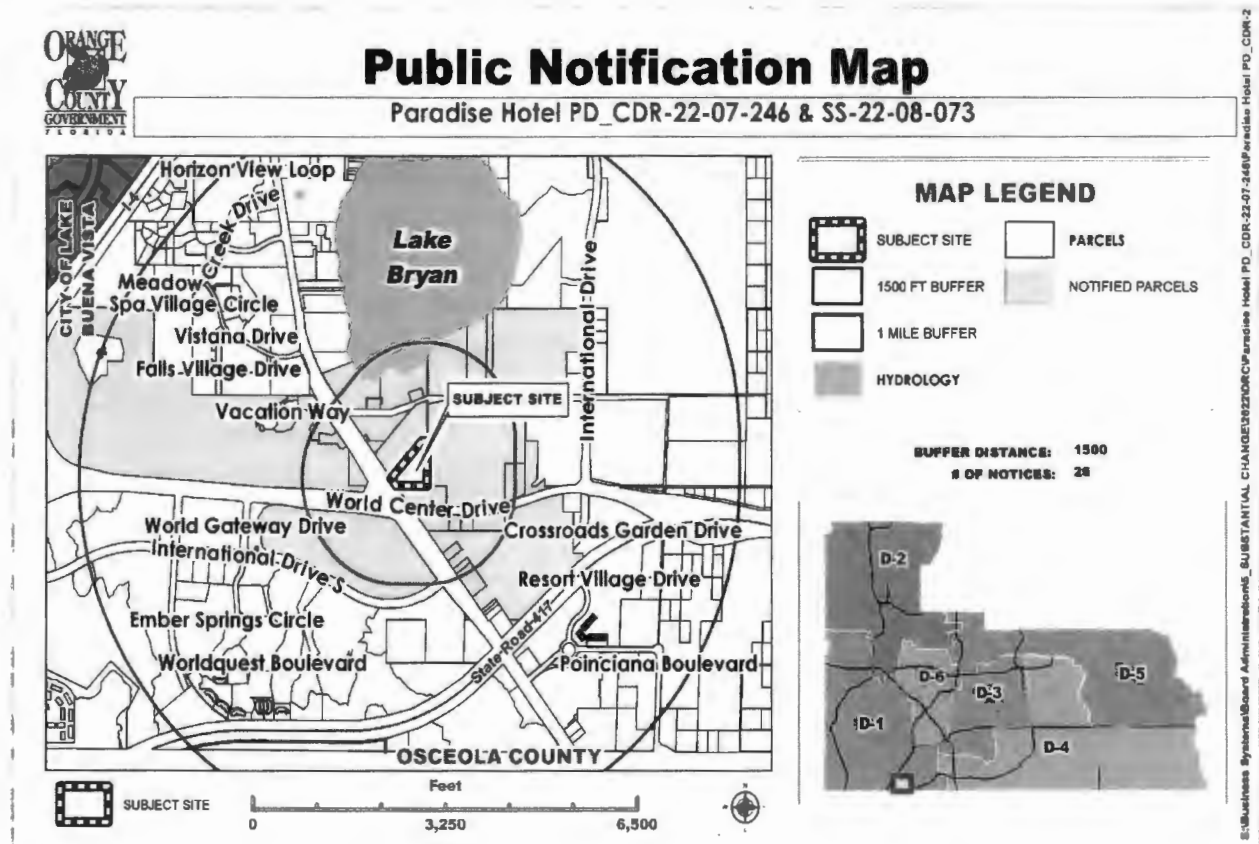
West of Subject Site



East of Subject Site



**PUBLIC NOTIFICATION MAP**



**Notification Area**

- 1,500 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site
- 26 notices sent


Paradise Hotel PD Land Use Plan  
 DRC-Approved Plan

**PARADISE HOTEL PD SHEET INDEX**

- LJP-1 COVER SHEET
- LJP-2 LAND USE PLAN
- LJP-3 CONDITIONS OF APPROVAL
- LJP-4 EXISTING CONDITIONS

## LAND USE PLAN PARADISE HOTEL PD


CDR-22-07-246  
Orange County, Florida  
JULY 18, 2022  
PARCEL ID: 34-24-28-0000-00-025



**PC NARRATIVE**

1. Parcel is being re-zoned to Paradise Hotel PD consistent with Small Scale CPA, to change the land use to a C-100 (Hotel only).
2. The Paradise Hotel PD will comply with the requirements of the proposed subject Land Use Ordinance of PD-100.

**PROJECT LOCATION**



**V. CINITY MAP**

**WAVERS FROM ORANGE COUNTY CODE**

1. A waiver from Orange County Code under 30-120(a) is requested to allow the applicant to maintain the maximum height of the building at 100 feet in the subject parcel.
2. A waiver from Orange County Code under 30-122(a)(2) is requested to allow the applicant to maintain the maximum height of the building at 100 feet in the subject parcel.
3. A waiver from Orange County Code under 30-122(a)(3) is requested to allow the applicant to maintain the maximum height of the building at 100 feet in the subject parcel.
4. A waiver from Orange County Code under 30-122(a)(4) is requested to allow the applicant to maintain the maximum height of the building at 100 feet in the subject parcel.

**LEGAL DESCRIPTION**

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 8,841 ACRES MORE OR LESS

**PROJECT TEAM**

<p><b>OWNER</b></p> <p>PARADISE HOTEL PD, LLC                  10000 W. BOCA RATON BLVD.                  BOCA RATON, FL 33433                  PHONE: (561) 363-1111                  FAX: (561) 363-1111</p>	<p><b>CONSULTING ENGINEER</b></p> <p>KIMLEY-HORN                  10000 W. BOCA RATON BLVD.                  BOCA RATON, FL 33433                  PHONE: (561) 363-1111                  FAX: (561) 363-1111</p>
<p><b>DEVELOPER</b></p> <p>PARADISE HOTEL PD, LLC                  10000 W. BOCA RATON BLVD.                  BOCA RATON, FL 33433                  PHONE: (561) 363-1111                  FAX: (561) 363-1111</p>	<p><b>SUBMITTER</b></p> <p>PARADISE HOTEL PD, LLC                  10000 W. BOCA RATON BLVD.                  BOCA RATON, FL 33433                  PHONE: (561) 363-1111                  FAX: (561) 363-1111</p>

PREPARED BY  
**Kimley»Horn**

2022 SCALE: 1/4" = 1'-0" (AS SHOWN)  
 DATE: JULY 18, 2022  
 DRAWN BY: J. DUBOIS  
 CHECKED BY: D. MCDOWELL  
 APPROVED BY: J. DUBOIS

**RECEIVED**  
 By DRC Office on 8:27 am, Oct 14, 2022

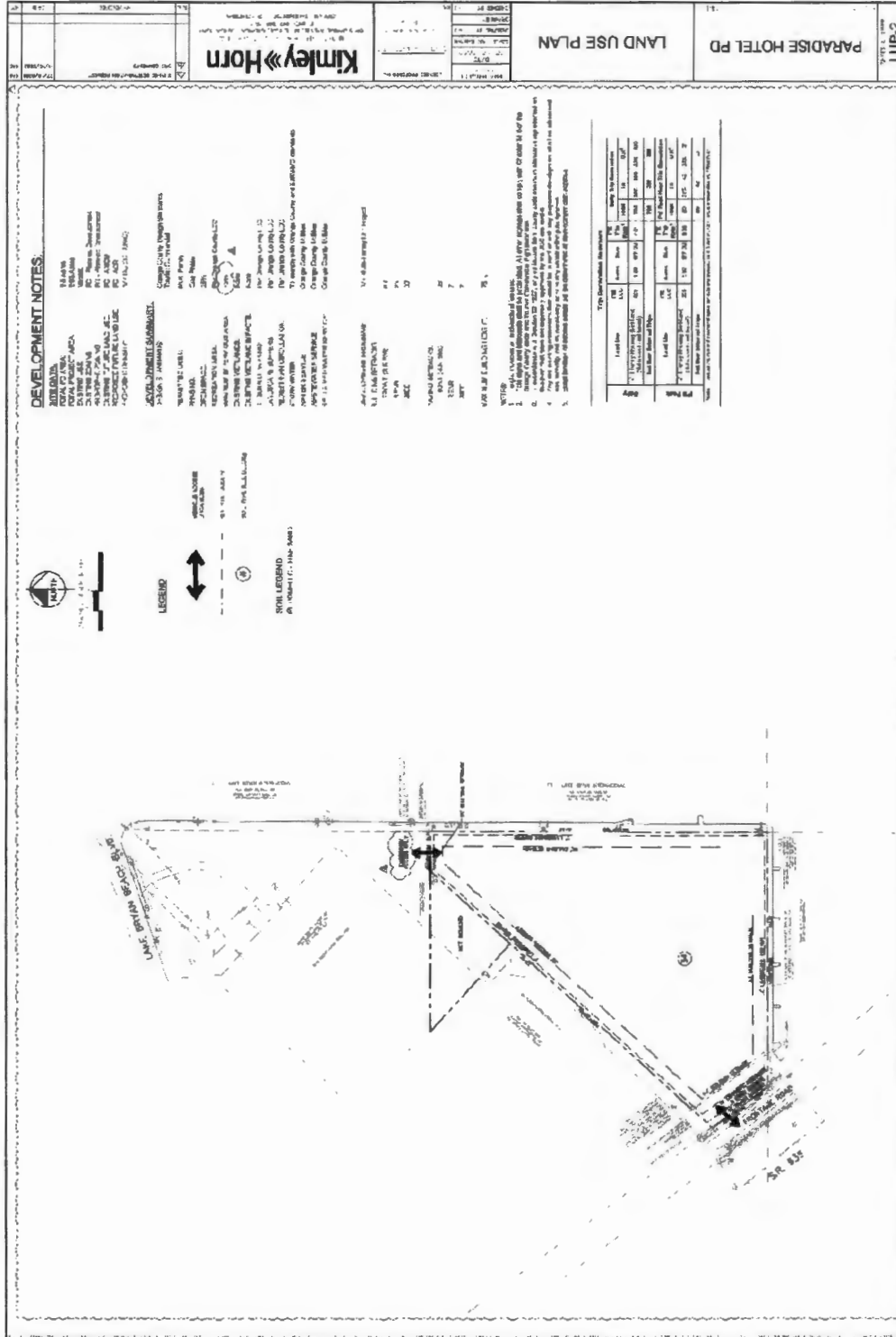
I.L.P.-1

December 13, 2022

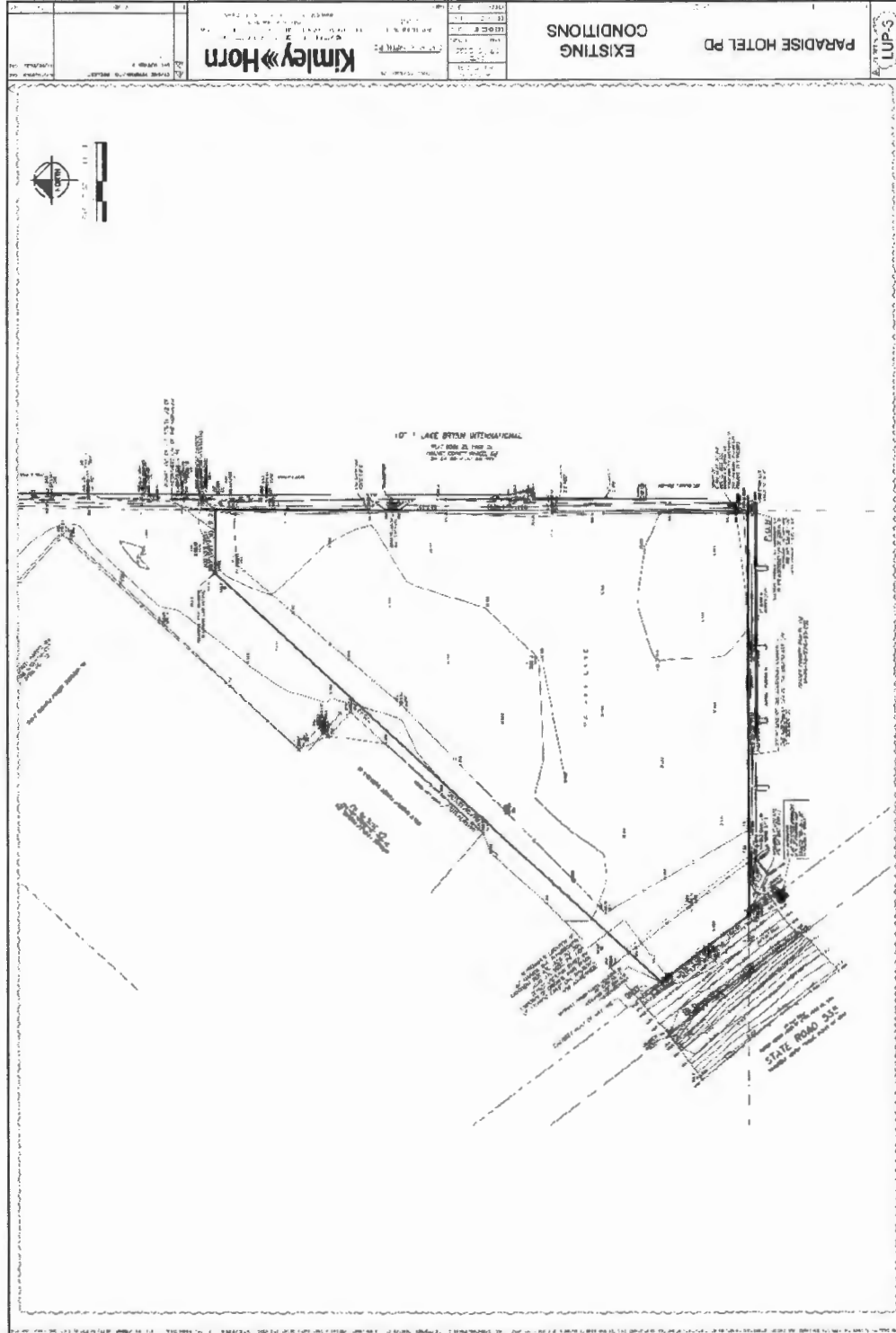
Commission District 1

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**Paradise Hotel PD Land Use Plan  
 DRC-Approved Plan**



Paradise Hotel PD Land Use Plan  
DRC-Approved Plan





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

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING 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 December 13, 2022, 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.

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\* \* \*

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 13th DAY OF DECEMBER, 2022.

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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

64

By: \_\_\_\_\_

65

Deputy Clerk

66  
67  
68  
69  
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## APPENDIX "A"

### FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendment</i>		
<b>Amendment Number</b>	<b>Future Land Use Map Designation FROM:</b>	<b>Future Land Use Map Designation TO:</b>
<b>SS-22-08-073</b>	<b>Activity Center Mixed Use (ACMU)</b>	<b>Activity Center Residential (ACR)</b>
<b>*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.</b>		

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