



ORANGE COUNTY
PLANNING DIVISION

**2019-1 REGULAR
& SMALL SCALE
CYCLE
AMENDMENTS**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

**MAY 21, 2019
ADOPTION PUBLIC HEARING**

PREPARED BY:
ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION





DATE: May 21, 2019
TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners (BCC)
FROM: Alberto A. Vargas, MArch., Manager
Planning Division
THROUGH: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development Services Department
SUBJECT: Adoption Public Hearings – 2019-1 Regular Cycle and Small-Scale Development Comprehensive Plan Amendments and, Where Applicable, Concurrent Rezoning Requests

Please find the attached binder containing the staff reports and associated back-up materials for the proposed 2019-1 Regular Cycle and Small-Scale Development Comprehensive Plan Amendments. The adoption public hearings for the amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on April 18, 2019, and are scheduled before the Board of County Commissioners (BCC) on May 21, 2019. Future Land Use Map Amendment 2019-1-S-5-6, formerly known as 2018-2-S-5-1, was heard by the PZC/LPA on October 18, 2018, during the 2018-2 Cycle but was continued at the request of the applicant. Twenty-four amendments to the Comprehensive Plan will be considered at the May 21 meeting.

Amendment Summary

The **2019-1 Regular Cycle – State-Expedited Review** amendments scheduled for consideration on May 21 include eight privately-initiated Future Land Use Map Amendments located in Districts 1, 4, and 5, one of which (2019-1-A-5-1) involves a concurrent rezoning request, and two staff-initiated Future Land Use Map and/or text amendments. Each of the proposed Future Land Use Map Amendments entails a change to the Future Land Use Map for properties more than ten acres in size. The text amendments may include changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The **Regular Cycle – State-Expedited Review** Amendments have been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On April 11, 2019, DEO issued a comment letter, which did not contain any objections to the amendments undergoing the State-Expedited Review process. However, DEO provided technical assistance comments for proposed Amendment 2019-1-A-4-1 pertaining to the location of residential uses in proximity to industrial, power generation, and landfill sites. Also, on April 8, 2019, DEO issued a comment letter for Amendment 2019-1-B-FLUE-2 that did not contain any objections to the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. The Regular Cycle Amendments undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is

complete. These amendments are expected to become effective in July 2019, provided no challenges are brought forth for any of the amendments.

The Small-Scale Development Amendments slated for public hearing on May 21 include twelve privately-initiated Future Land Use Map Amendments (located in Districts 2, 3, 4, and 5), one of which (2019-1-S-5-6, formerly known as 2018-2-S-5-2) features a concurrent rezoning request. In addition, two staff-initiated text amendments will be considered. If the BCC adopts the proposed amendments, the Small-Scale Development Amendments will become effective 31 days after the public hearing, provided no challenges are brought forth for any of the amendments.

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

AAV/jmd

Enc: 2019-1 Regular Cycle and Small-Scale Development Amendments – BCC Adoption Binder

c: Christopher R. Testerman, AICP, Assistant County Administrator
Joel Prinsell, Deputy County Attorney
Roberta Alfonso, Assistant County Attorney
Whitney Evers, Assistant County Attorney
Gregory Gologowski, AICP, Chief Planner, Planning Division
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Read File

2019 FIRST REGULAR CYCLE AND SMALL-SCALE DEVELOPMENT

AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing book for the proposed First Regular Cycle and Small-Scale Development Amendments (2019-1) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearings for the amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on April 18, 2019, and are scheduled before the Board of County Commissioners (BCC) on May 21, 2019. Future Land Use Map Amendment 2019-1-S-5-6, formerly known as 2018-2-S-5-1, was heard by the PZC/LPA on October 18, 2018, during the 2018-2 Cycle but was continued at the request of the applicant.

Nine of the Regular Cycle Amendments scheduled for BCC consideration on May 21 were heard by the PZC/LPA at transmittal public hearings on January 17, 2019, and by the BCC at transmittal public hearings on February 12, 2019. Staff-Initiated Future Land Use Map Amendment 2019-1-B-FLUE-2 was heard by the PZC/LPA at a transmittal public hearing on February 21, 2019, and by the BCC at a transmittal public hearing on March 12, 2019. Fourteen Small-Scale Development Amendments are also slated for public hearings before the BCC on May 21.

Please note the following modifications to this report:

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

The 2019-1 Regular Cycle – State-Expedited Review amendments scheduled for consideration on May 21 include eight privately-initiated Future Land Use Map Amendments located in Districts 1, 4, and 5, one of which (2019-1-A-5-1) involves a concurrent rezoning request, and two staff-initiated Future Land Use Map and/or text amendments. Each of the proposed Future Land Use Map Amendments entails a change to the Future Land Use Map for properties more than ten acres in size. The text amendments may include changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The Regular Cycle – State-Expedited Review Amendments have been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On April 11, 2019, DEO issued a comment letter, which did not contain any objections to the amendments undergoing the State-Expedited Review process. However, DEO provided technical assistance comments for proposed Amendment 2019-1-A-4-1 pertaining to the location of residential uses in proximity to industrial,

power generation, and landfill sites. Also, on April 8, 2019, DEO issued a comment letter for Amendment 2019-1-B-FLUE-2 that did not contain any objections to the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. The Regular Cycle Amendments undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. If adopted, these amendments are expected to become effective in July 2019, provided no challenges are brought forth for any of the amendments.

The Small-Scale Development Amendments slated for public hearing on May 21 include twelve privately-initiated Future Land Use Map Amendments (located in Districts 2, 3, 4, and 5), one of which (2019-1-S-5-6, formerly known as 2018-2-S-5-1) features a concurrent rezoning request. In addition, two staff-initiated text amendments will be considered. If the BCC adopts the proposed amendments, the Small-Scale Development Amendments will become effective 31 days after the public hearing, provided no challenges are brought forth for any of the amendments.

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

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**2019-1 Regular Cycle State Expedited Review Comprehensive Plan Amendments
Privately Initiated Future Land Use Map and Text Amendments**

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
District 1													
2019-1-A-1-2 (The Registry on Grass Lake)	LUP-18-12-417	18 Avalon Road, LLC	Robert Reese	31-24-27-0000-00-020	14544 Avalon Rd.; Generally located on the west side of Avalon Rd., north of Arrowhead Blvd., east of the Orange/Lake County Line, and south of Grove Blossom Wy.	Growth Center-Commercial (GC-C)	Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR)	A-1 (Citrus Rural District)	PD (Planned Development District) (The Registry on Grass Lake PD)	18.33 gross ac./11.44 net developable ac.	Sue Watson	Adopt	Adopt (8-0)
2019-1-A-1-3 (Ruby Lake PD)	CDR Pending	Adventist Health System/Sunbelt, Inc. and Pulte Home Corp.	Adam Smith, VHB, Inc.	14-24-28-1242-69-241 (portion of); 15-24-28-6505-00-010/020/030/040/050/060/070/080/090/100/110/120/130/140/150/160/170/180/190/200; 15-24-28-6505-01-001; 15-24-28-6505-15-001; 15-24-28-6505-19-001; 15-24-28-6505-23-001; 15-24-28-7774-00-020 (portion of); 15-24-28-7774-00-025	Generally located west of Palm Pkwy., east of Lemon Lake Blvd., and south of Fenton St. and the proposed Daryl Carter Pkwy. Extension	Planned Development-Low-Medium Density Residential (PD-LMDR)	Planned Development-Commercial/Low-Medium Density Residential (PD-C/LMDR)	PD (Planned Development District) (Ruby Lake PD/LUP)	PD (Planned Development District) (Ruby Lake PD/LUP)	16.72 gross/net developable ac.	Jenny DuBois	Adopt	Adopt (8-0)
2019-1-A-1-4 (Bering I)	LUPA-18-12-393	Diamond Resorts Cypress Pointe III Development, LLC	Daniel T. O'Keefe, Esquire, Shutts & Bowen LLP	15-24-28-6211-17-010 (portion of), 15-24-28-6211-14-010/130, 15-24-28-6211-15-010/131, 15-24-28-6211-16-010/130/150, 15-24-28-6211-17-131, 15-24-28-6211-24-010/090/131, 15-24-28-6211-25-010/130, 15-24-28-6211-98-010/090/130, and 15-24-28-6211-99-010/130/170	Generally located east of Ruby Lake Rd., north of Lake Street, and south of Lemon Lake Blvd.	Activity Center Mixed Use (ACMU)	Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR)	R-CE (Country Estate District) and PD (Planned Development District (Sunterra Resorts PD/LUP)	PD (Planned Development District (Sunterra Resorts PD/LUP)	17.67 gross/net developable ac.	Jenny DuBois	Adopt	Adopt (8-0)
2019-1-A-1-5 (DI PD)	CDR Pending	Vitru Florida, Inc.	Jonathan Huels	23-24-28-5844-00-230/240	Generally located north of International Dr., east of Vineland Ave., south of Lake St., and west of Daryl Carter Pkwy.	Activity Center Mixed-Use (ACMU)	Activity Center Residential (ACR)	PD (Planned Development District - DI PD)	PD (Planned Development District - DI PD)	20.14 gross ac.	Alyssa Henriquez		
2019-1-A-1-6 (Avalon Groves)	LUPA-18-12-405	Hartzog Road Property, LLC/ Westport Capital Partners	David Evans, Evans Engineering, Inc.	31-24-27-0000-00-016/039/040/044	Generally located on the east side of Avalon Rd., south of Hartzog Rd., north of Arrowhead Blvd., and west of Vista Del Lago Blvd.	Growth Center/Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR) and Growth Center/Planned Development-Low Medium Density Residential (GC-PD-LMDR)	Growth Center-Planned Development-Commercial (GC-PD-C)	PD (Planned Development District) (Island Reef PD) and (Groves of West Orange PD)	PD (Planned Development District) (Avalon Groves PD)	37.83 gross ac./36.36 net developable ac.	Sue Watson		

ABBREVIATIONS INDEX:

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MHDR-Medium-High Density Residential; HDR-High Density Residential; PD-Planned Development; EDU-Educational; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; R-Rural/Agricultural; RS-Rural Settlement; ACMU-Activity Center Mixed Use; RCID-Reedy Creek Improvement District; GC-Growth Center; PD-Planned Development; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; TRAN-Transportation Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; SR-State Road; AC-Acres

**2019-1 Regular Cycle State Expedited Review Comprehensive Plan Amendments
Privately Initiated Future Land Use Map and Text Amendments**

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
District 4													
<u>2019-1-A-4-1</u> (Innovation Pointe)	CDR Pending	Dustin Lucas	Thomas Sullivan	12-23-31-0000-00-002	Generally located south of the intersection of S. Alafaya Trl. and S. Avalon Park Blvd., and east of Innovation Wy.	Planned Development-Industrial/Commercial/Conservation (PD-IND/C/CONS)	Planned Development-Medium Density Residential/Industrial/Parks and Recreation/Open Space (PD-MDR/IND/PR/OS)	PD (Planned Development District) (Redditt Property)	PD (Planned Development District)	33.85 gross ac.	Maria Cahill	Do not Adopt	Do not Adopt (8-0)
<u>2019-1-A-4-2</u> (Alafaya Apartments)	PD Rezoning Pending	SBE/GC, LLC	Jim Hall, Hall Development Services, Inc.	91-23-31-0008-00-001 (portion of)	2900 Northampton Ave.; Generally located north of S. Alafaya Trl., east of Northampton Ave., south of Stonybrook Blvd.	Parks and Recreation/Open Space (PR/OS)	Medium Density Residential (MDR) and Conservation (CONS)	PD (Planned Development District) (Stoneybrook)	PD (Planned Development District)	14.50 gross ac.	Maria Cahill		
<u>2019-1-A-4-3</u> (Boggy Creek Crossings)	CDR-18-12-412	Boggy Creek Retail Development, LLC	Erkia Hughes, VHB, Inc.	33-24-30-0000-00-015	5757 Simpson Rd.; Generally located north of Simpson Rd., west of Boggy Creek Rd., south of Lake Nona Blvd., and east of Ward Rd.	Planned Development-Commercial (PD-C)	Planned Development-Commercial/Medium Density Residential (PD-C/MDR)	PD (Planned Development District) (Boggy Creek Crossing)	PD (Planned Development District) (Boggy Creek Crossing)	16.76 gross ac.	Misty Mills	Adopt	Adopt (8-0)
District 5													
<u>2019-1-A-5-1</u> (12151 E Colonial Dr)	LUP-19-01-001	Marolyn Cowart Russell, Trustee, and Park Square UCF, LLC	Thomas R. Sullivan, Gray Robinson, P.A.	22-22-31-9461-00-010/011; 22-22-31-0000-00-091 (portion of)	12151 E. Colonial Dr.; Generally located north of E. Colonial Dr., east of N. Alafaya Trl., south of Orpington St., and west of Woodbury Rd.	Commercial (C)	Planned Development-Commercial/Medium Density Residential (Student Housing) (PD-C/MDR) (Student Housing)	C-1 (Retail Commercial District) and C-2 (General Commercial District)	PD (Planned Development District) (Burlington PD)	12.28 gross ac.	Misty Mills	Adopt & Approve, subject to 15 conditions	Adopt & Approve, subject to 15 conditions (8-0)
<u>2019-1-A-5-2</u> (Colonial Drive Mixed Use)	PD Rezoning Pending	The Wise Partnership	Chris Dougherty, S&ME, Inc.	22-22-30-0000-000-001	6575 E. Colonial Dr.; Generally located north of E. Colonial Dr., west of N. Forsyth Rd., south of Hanging Moss Rd., and east of Commerce Blvd.	Commercial (C)	Medium-High Density Residential (MHDR)	C-3 (Wholesale Commercial District)	PD (Planned Development District)	10.09 gross ac.	Misty Mills	Adopt	Adopt (8-0)
<u>2019-1-A-5-3</u> (Silver City Properties Student Housing)	CDR Pending	Silver City Properties, LTD.	Geoff Rogers, Silver City Properties, Ltd.	03-22-30-0000-00-029	3714 N. Forsyth Rd.; Generally located north of University Blvd., east of N. Semoran Blvd., south of Aloma Ave., and west of N. Forsyth Rd.	Commercial (C)	Planned Development-Commercial/High Density Residential (Student Housing)(PD-C/HDR)(Student Housing)	PD (Planned Development District)	PD (Planned Development District)	13.14 gross ac.	Misty Mills	Adopt	Adopt (7-0)
District 6													
<u>2019-1-A-6-1</u> (The Seasons)	LUP-17-04-136	Central Florida Investments, Inc.	Erika Hughes, VHB, Inc.	21-23-29-5361-00-170/171/172	5736 S. Texas Ave.; Generally located on the west side of S. Texas Ave., south of Wakulla Wy., east of S. John Young Pkwy., and north of W. Oak Ridge Rd.	Low-Medium Density Residential (LMDR)	Medium Density Residential (MDR)	R-3 (Multiple-Family Dwelling District)	PD (Planned Development District) (Westgate Seasons PD)	19.40 gross ac./net 17.90 developable ac.	Sue Watson	Adopt	Adopt (7-0)

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**2019-1 Regular Cycle Comprehensive Plan Amendments
Staff Initiated Comprehensive Plan Map and Text Amendments**

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2019-1-B-FLUE-1	Planning Division	Text amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	Jennifer DuBois	Adopt	Adopt (8-0)
2019-1-B-FLUE-2	Planning Division	Text amendment to reduce required minimum density and clarify the timing of road agreements for Horizon West Village I Special Planning Area	Nicolas Thalmueller	Adopt	Do not Adopt FLU4.1.4 & Adopt FLU 4.3.1 (5-0)
2019-1-B-FLUM-1	Planning Division	Map amendment removing Future Land Use Map designations for parcels previously annexed by incorporated jurisdictions within Orange County	Misty Mjols		
2019-1-B-CP-1	Planning Division	Text and map amendments to the International Drive Element, Future Land Use Element, and Future Land Use Map Series to create the new Future Land Use Map (FLUM) designation of Regional Center; amend the existing FLUM designations within the International Drive District to Regional Center; permit residential development within the International Drive District Regional Center by right, and correlate the International Drive District Regional Center with the adopted International Drive District Code standards	Timothy Maslow		

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**2019-1 Small Scale Development Comprehensive Plan Amendments
Privately Initiated Future Land Use Map and Text Amendments**

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Rezoner	Staff Rec	LPA Rec
District 1														
2019-1-S-1-1 (Avalon Subdivision)	N/A	VP Real Estate, Inc.	Rebecca Wilson	06-23-27-4284-03-620	3104 Avalon Rd.; Generally located north and west of Avalon Rd., east of Sanctuary Ln., and south of Marsh Rd.	Rural Settlement 1/2 (RS 1/2)	Rural Settlement 1/1 (RS 1/1)	N/A	N/A	9.08 gross ac.	Jenny DuBois	N/A	Do Not Adopt	
2019-1-S-1-2 (Orlando Health Medical Pavilion)	RZ-19-04-064	Dr. Phillips, Inc.	Rebecca Wilson	26-23-28-0000-00-050 (portion of)	7243 Delia Dr.; Generally located north of W. Sand Lake Rd., east of Spring Lake, south of Orange Wallace Rd., and west of Turkey Lake Rd.	Medium Density Residential (MDR)	Commercial (C)	R-3 (Multiple Family Dwelling District)	C-1 (Retail Commercial District)	2.71 gross ac.	Jenny DuBois			
District 2														
2019-1-S-2-1 (Clareona Retail)	N/A	George Dillon	Renneth Patterson design solutions, inc.	15-21-28-1364-00-850	1171 Clareona Rd.; Generally located on the east side of Clareona Rd., north of E. 13th St., west of Old Apopka Rd., and south of Short St.	Low Density Residential (LDR)	Commercial (C)	N/A	N/A	0.46 gross ac.	Sue Watson	N/A		
2019-1-S-2-2 (Wheatley Adult Learning Center)	N/A	School Board of Orange County Florida	Julie Salvo	16-21-28-6044-03-090	1410 S. Central Ave.; Generally located north of W. 18th St., east of Marvin C. Zanders Ave., south of W. 17th St., and west of S. Central Ave.	Low Density Residential (LDR)	Medium Density Residential (MDR)	N/A	N/A	0.22 gross ac.	Alyssa Henriquez	N/A	Adopt	Adopt (8-0)
District 3														
2019-1-S-3-1 (Trident Office)	N/A	Trident Real Estate Investments, LLC	Jordan Theis	08-23-30-8940-02-080	4414 Massachusetts St.; Generally located north of Anderson Rd., east of Conway Rd., south of Lake Margaret Dr., and west of Hurd Ave.	Low Density Residential (LDR)	Office (O)	N/A	N/A	0.49 gross ac.	Misty Mills	N/A	Adopt	Adopt (8-0)
2019-1-S-3-2 (Carse Property)	N/A	Carse Limited Partnership 1	Harlan Hanson, Harlan Hanson, Inc.	06-23-30-1432-02-010/030/041	1700 S. Bumby Ave.; Generally located on the west side of S. Bumby Ave., south of Henderson Dr., east of Cloverlawn Dr., and north of Carlton Dr.	Commercial (C) and Low-Medium Density Residential (LMDR)	Planned Development-Commercial/ Medium Density Residential (PD-C/MDR)	N/A	N/A	1.74 gross ac.	Sue Watson	N/A	Adopt	Adopt (8-0)
District 4														
2019-1-S-4-1 (Eagle Lake)	LUP-18-06-216	Eagle Global Holding, Inc.	Stephen Allen, P.E.	20-24-31-9302-00-011	Generally located east of Narcoossee Rd., north of Nemours Pkwy., and south of Vickrey Pl.	Rural Settlement 1/2 (RS 1/2)	Planned Development-Commercial/Office (PD-C/O) and Urban Service Area (USA) Expansion	A-2 (Farmland Rural District)	PD (Planned Development District) (Eagle Lake PD)	3.15 gross ac.	Jenny DuBois	Nik Thalmueller	Adopt	Adopt (7-1)
2019-1-S-4-2 (Bonnemaison Property)	N/A	Francisco J. Bonnemaison, Trustee	Erika Hughes, VHB, Inc.	33-24-30-0000-00-035	14646 Boggy Creek Rd.; Generally located north of Simpson Rd., east of Boggy Creek Rd., south of Lake Nona Blvd., and west of Ward Rd.	Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR)	Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR)	N/A	N/A	8.50 gross ac.	Misty Mills	N/A	Adopt	Adopt (8-0)

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**2019-1 Small Scale Development Comprehensive Plan Amendments
Privately Initiated Future Land Use Map and Text Amendments**

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Rezoner	Staff Rec	LPA Rec
District 5														
2019-1-S-5-1 (The Treadways)	N/A	Duc Pham, Lan Pham, and Van Pham	N/A	15-22-31-5748-09-090	2020 Crescent Blvd.; Generally located north of Orpington St., east of Rouse Lake Rd., south of Graduate Dr., and west of Crescent Blvd.	Office (O)	Low Density Residential (LDR)	N/A	N/A	2.02 gross ac./ 0.75 net developable ac.	Misty Mills	N/A	Adopt	Adopt (8-0)
2019-1-S-5-2 (Flower Shop)	N/A	John W. Doyle and Marjorie H. Doyle	Drew Shofner, BluRock Commercial Real Estate, LLC	17-22-31-7400-00-160 (portion of)	10116 Union Park Dr; Generally located on the south side of Union Park Dr., east of N. Dean Rd., north of E. Colonial Dr., and west of Royal Vista Ct.	Low-Medium Density Residential (LMDR)	Commercial (C)	N/A	N/A	0.23 gross ac.	Sue Watson	N/A	Adopt	Adopt (8-0)
2019-1-S-5-3 (Express Carwash)	N/A	Baldwin Park Professional Plaza, LLC	Robert Paymayesh	16-22-30-0000-00-011	1850 N. Semoran Blvd.; Generally located north of Old Cheney Hwy., west of N. Semoran Blvd., south of Baldwin Park St., and east of Truman Rd.	Office (O)	Planned Development-Commercial (PD-C)	N/A	N/A	1.58 gross ac./ 1.35 net developable ac.	Maria Cahill	N/A	Adopt	Adopt (8-0)
2019-1-S-5-4 (Semoran Vista)	LUP-18-12-392	Semoran Vista, Inc.	Steven Shea	15-22-30-5024-01-260	1427 N. Semoran Blvd.; Generally located north of Old Cheney Hwy., east of N. Semoran Blvd., south of Cornelia Ave., and west of Myrtle St.	Office (O)	Planned Development-Commercial (PD-C)	P-O (Professional Office)	PD (Planned Development District) (Semoran Vista PD)	3.45 gross ac.	Maria Cahill	Nik Thalmueller	Adopt	Adopt (8-0)
2019-1-S-5-5 (Rouse Road Townhomes FKA Rouse Road Apartments)	LUP-18-11-386	Florida Housing Affordability, Inc.	Bryan Potts, P.E.	16-22-31-8972-00-080	2460 Rouse Rd.; Generally located north of E. Colonial Dr., east of N. Dean Rd., south of J. Blanchard Trl., and west of Rouse Rd.	Low Density Residential (LDR)	Low-Medium Density Residential (LMDR)	R-1 (Single-Family Dwelling District)	PD (Planned Development District) (Rouse Road Townhomes PD)	4.994 gross ac.	Alyssa Henriquez	Nik Thalmueller	Adopt	Adopt (8-0)
2019-1-S-5-6 (fka 2018-2-S-5-1) (Colonial Tanner Neighborhood Center)	RZ-18-10-036	Michelle Rivero Family Trust, Carlos A. Rivero, Trustee, and Carlos A. Rivero	Carlos A. Rivero	19-22-32-7876-03-050/060	15932 and 15816 E. Colonial Dr.; Generally located north of Old Cheney Hwy., east of S. Tanner Rd., south of E. Colonial Dr., and west of Parry Ln.	Rural Settlement 1/1 (RS 1/1)	Commercial (C) Rural Settlement (RS)	C-1 (Retail Commercial District) and A-2 (Farmland Rural District)	C-1 (Retail Commercial District)	2.45 gross ac.	Alyssa Henriquez	Nik Thalmueller	Deny	Do not Adopt & Do not Approve rezoning (8-0) LPA Adoption Hearing held on 10/18/18 Case#2018-2-S-5-1
2019-1-S-5-7 Lotafun Avenue	N/A	Meridian Rentals, LLC	Ryan Courech	02-22-29-4068-02-030	2650 Lotafun Ave.; Generally located south of Lotafun Ave., east of N. Wymore Rd., and north of Euston Rd.	Office (O)	Low Density Residential (LDR)	N/A	N/A	0.10 gross ac.	Jenny DuBois	N/A	Adopt	Adopt (8-0)

District 6														
2019-1-S-6-1 (Michigan St Project)	Rezoning Expected	Bryan Alencar, Mifer Group, LLC, Gugabetsi, Inc., and Steven McMin	Geoff Bacon	03-23-29-0180-52-040/211/231/232	1006 26th St.; 1013 W. Michigan St.; 2608 S. Westmoreland Dr., and 2612 S. Westmoreland Dr.; Generally located north of W. Michigan St., east of S. Westmoreland Dr., south of 26th St., and west of Woods St.	Neighborhood Activity Center (NAC); Low-Medium Density Residential (LMDR)	Neighborhood Center (NC)	C-2 (General Commercial District) and R-2 (Residential District)	NC (Neighborhood Center)	0.79 gross ac.	Alyssa Henriquez			
2019-1-S-6-2 (Colonial Gardens)	LUP-18-07-234	Colonial Gardens, LLC	Lee Upshaw	19-22-29-0000-00-061	4919 W. Colonial Dr.; Generally located north of W. Colonial Dr., east of N. Pine Hills Rd., south of Deauville Dr., and west of BMX Ln.	Commercial (C)	High Density Residential (HDR)	C-1 (Retail Commercial District) and R-1A (Single Family Dwelling District)	PD (Planned Development District) (Colonial Gardens PD)	4.64 gross ac.	Maria Cahill	Nik Thalmueller	Do Not Adopt & Do Not Approve	

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**2019-1 Small Scale Development Comprehensive Plan Amendments
Staff Initiated Comprehensive Plan Map and Text Amendments**

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Rezoner	Staff Rec	LPA Rec
2019-1-S-FLUE-1	Planning Division	Text amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	Misty Mills	N/A	Adopt	Adopt (8-0)
2019-1-S-FLUE-2	Planning Division	Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA)	Jennifer DuBois	N/A	Adopt	Adopt (6-1)

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Applicant/Owner: Robert Reese for 18 Avalon Road, LLC

Location: 14544 Avalon Road; Generally located on the west side of Avalon Rd., north of Arrowhead Blvd., east of the Orange/Lake County Line, and south of Grove Blossom Way.

Existing Use: Undeveloped

Parcel ID Numbers:
31-24-27-0000-00-020

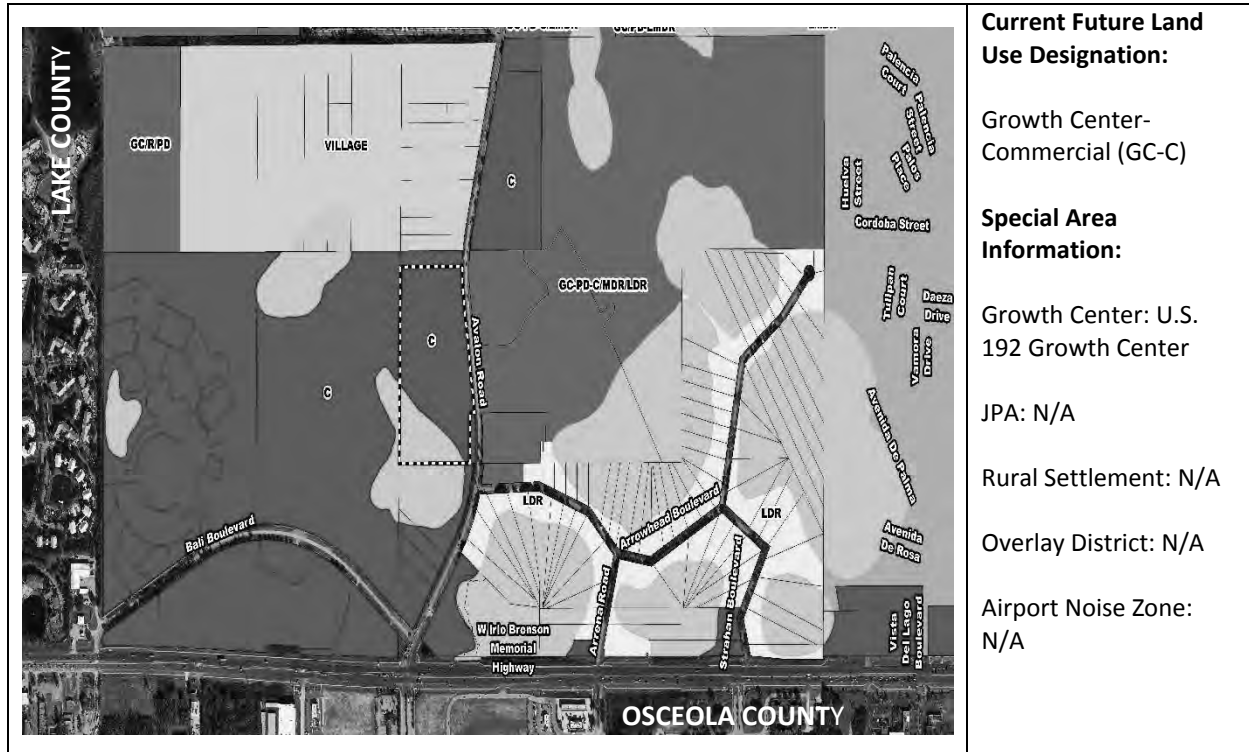
Tract Size: 18.33 gross acres/11.44 net developable acres

+The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing	Outcome			
✓ Community Meeting October 8, 2018	(105 notices sent; 8 people in attendance) Negative		Request: Growth Center-Commercial (GC-C) to Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR)	
✓ Staff Report	Recommend Transmittal		Proposed Development Program: Up to 395 360 multi-family dwelling units	
✓ LPA Transmittal January 17, 2019	Recommend Transmittal (7-0)		Division Comments: Environmental, Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis on each public facility. Environmental: CAD-18-08-127 was completed January 31, 2019.	
✓ BCC Transmittal February 12, 2019	Transmit (7-0)		Transportation: The proposed use will generate 166 pm peak hour trips resulting in a net reduction of 1766 pm peak hour trips.	
✓ State Agency Comments April 11, 2019	Comments received from Florida Fish and Wildlife Conservation Commission		Schools: Capacity Enhancement Agreement (CEA) #OC-18-040 was approved by the Orange County School Board on April 23, 2019.	
✓ LPA Adoption April 18, 2019	Recommend Adoption (8-0)			
	BCC Adoption	May 21, 2019	Concurrent Rezoning: LUP-18-12-417 – A-1 (Citrus Rural District) to PD (Planned Development District) (The Registry on Grass Lake Planned Development) The associated PD Land Use Plan (LUP) is proceeding through the Orange County Development Review Committee (DRC) review process.	

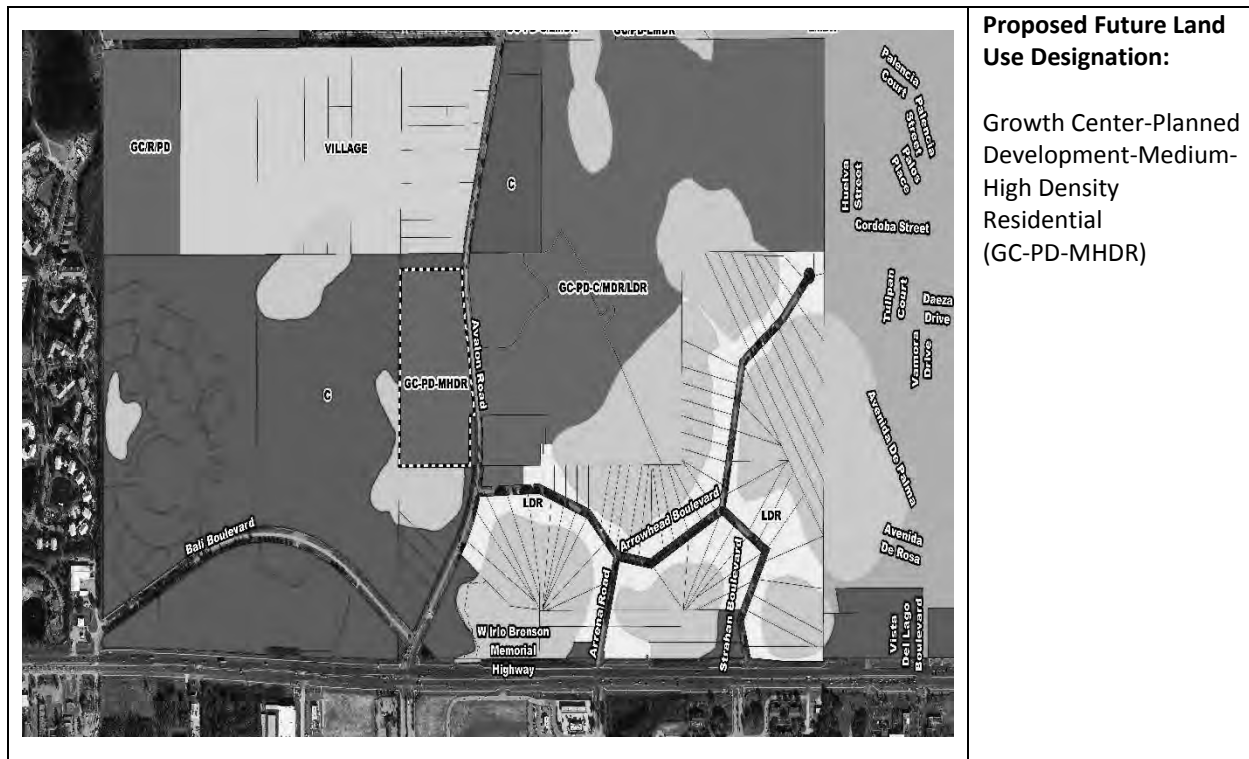
SITE AERIAL



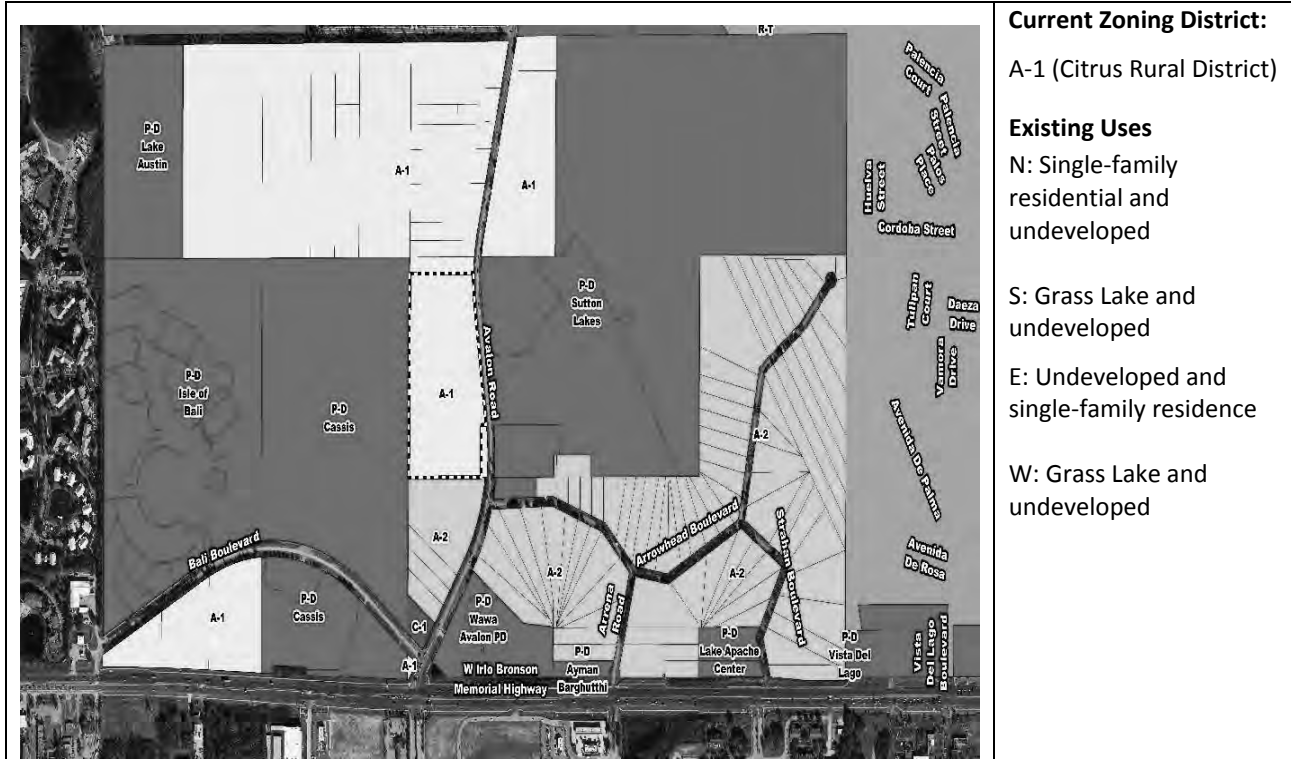
FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



ZONING - CURRENT



Current Zoning District:
 A-1 (Citrus Rural District)

Existing Uses
 N: Single-family residential and undeveloped
 S: Grass Lake and undeveloped
 E: Undeveloped and single-family residence
 W: Grass Lake and undeveloped

Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Housing Element Goal H1, Housing Element Objective H1.1, Future Land Use Element Objectives FLU8.2 and C1.4, and Policies FLU1.1.1, FLU1.1.2.A, FLU1.1.4.F, FLU7.4.4, FLU8.1.4, FLU8.2.1, and FLU8.2.2), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-1-A-1-2, Growth Center-Commercial (GC-C) to Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR).

Analysis

1. Background Development Program

The applicant, Robert Reese, has requested to change the Future Land Use Map (FLUM) designation of the 18.33-acre site from Growth Center-Commercial (GC-C) to Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR). The applicant is proposing a development program of up to ~~395~~ 360 multi-family dwelling units on the subject site. The applicant's intent is to develop a multi-family rental apartment housing project. The lease terms will not be short-term rentals, but will have longer term rental agreements of twelve (12) months or longer.

The undeveloped subject property is located on the west side of Avalon Road, approximately 0.3 miles north of U.S. 192, with approximately 900 feet of frontage on Avalon Road. Of the 18.33 gross acres, a portion of the site consists of 3.473 acres of Class I wetlands, and another portion, 3.414 acres, is part of the Grass Lake water body, as established via Conservation Area Determination (CAD) 18-08-127, completed January 31, 2019. The Medium-High Density Residential (MHDR) FLUM designation allows up to thirty-five (35) dwelling units per net acre. As determined through CAD-18-08-127, the site contains 11.44 upland acres, which would allow for the development of the requested 360 multi-family dwelling units.

Abutting properties to the north include residential/agricultural home sites zoned A-1 (Citrus Rural District) and undeveloped land. The property that immediately borders the subject site to the north has a corresponding Commercial (C) FLUM designation and the properties north of this parcel have Village (V) Future Land Use Map designations. Further north are the Grove Resort & Spa and the Palisades Condominiums. Both are short-term rental resorts that are located within the Lake Austin Planned Development (PD) and have corresponding Growth Center/Resort/Planned Development (GC/R/PD) FLUM designations. Grass Lake and undeveloped properties zoned A-2 (Farmland Rural District) and designated Commercial on the FLUM borders the subject property to the south. A Heart of Florida Hospital Free Standing Emergency Department Building, currently under construction, and an existing Wawa Convenience Store are located further south of the subject site at the corner of Avalon Road and U.S. 192. Both properties are zoned PD and have corresponding Commercial FLUM designations. The Cassis PD, located immediately west of the subject site, has an approved development program which allows for a mix of hotel and tourist commercial retail uses, and is designated Commercial. The Isle of Bali PD, is located further west of the subject site and is approved for timeshare units, and it has a corresponding Commercial FLUM designation. The Sutton Lakes PD is located directly across the street on Avalon Road, east of the subject site. It has an approved development program of 700 single-family dwelling units and up to 20,000 square feet of commercial uses. The FLUM designation of the properties is Growth Center-Planned Development-Commercial/Medium Density Residential/Low Density Residential (GC-PD-C/MDR/LDR). Single-family residences located within the Arrowhead Lakes Subdivision are zoned A-2 and designated Low Density Residential (LDR) on the FLUM, are located southeasterly of the subject site.

A community meeting was held for this proposed amendment on October 8, 2018. Eight residents were in attendance and the main concerns were traffic and access. The residents also had concerns about the wetlands on the subject property. The applicant informed the residents in attendance that he will submit a rezoning application to change the zoning classification of the property from A-1 to PD to run concurrently with the FLUMA application in order to address their concerns about traffic and access. The Registry on Grass Lake Planned Development (PD)/Land Use Plan (LUP), LUP-18-12-417, has been submitted and is proceeding through the Development Review Committee (DRC) review process. Mr. Reese addressed the wetland concerns by stating that he is not seeking to impact them. As a matter of fact, Mr. Reese stated that he is willing to reduce the number of units in order to not encroach onto the wetlands and to adhere to the twenty-five (25) foot undisturbed upland buffer along the flagged wetlands.

2. Future Land Use Map Amendment Analysis

Consistency

The requested FLUM amendment initially appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. The subject property lies within the U.S. 192 Growth Center. **Future Land Use Element Policy FLU1.1.4F** states that Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide at a minimum that the County will not incur initial capital costs for utilities. The subject property lies within the Tohopekaliga (Toho) Water Authority's potable water, wastewater, and reclaimed water service areas. The Toho Water Authority is based in adjacent Osceola County and it currently has existing water lines in place along Avalon Road and existing sewer lines in place along Bali Boulevard to service the subject property. In a letter dated August 14, 2017, the Toho Water Authority's Engineering Division informed the applicant that the Toho Water Authority will provide the potable water, irrigation, and sewer service for the proposed project, provided the developer complies with all applicable Toho Water Authority's design and construction standards and enters into the necessary Developer's Service Agreement.

In accordance with **Policy FLU1.1.2.A**, the applicant has specified the maximum desired development program for the project is ~~395~~ 360 multi-family dwelling units under the Medium-High Density Residential (MHDR) FLUM designation, which allows for residential development at a maximum density of thirty-five (35) dwelling units per acre. **Policy FLU7.4.4** states that urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources, as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. Also, **Policy FLU7.4.4** states that if services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.

The subject property is located in an area characterized by a variety of housing types—including residential/agricultural home sites, conventional single-family subdivision developments (Hartzog Subdivision and Arrowhead Lakes Subdivision), and a manufactured home development (the 925-unit Vista del Lago Manufactured Home Park). Also, the site is located in the immediate vicinity of short-term vacation rental resorts (The Grove & Spa Resort and Palisades Condominiums), timeshare resorts (Bali International Resort Club and Isle of Bali 2), hotel and tourist commercial retail uses, and retail establishments along the U.S. 192 corridor. With the proposal to develop ~~395~~ 360 multi-family dwelling units, the proposed FLUM amendment is consistent with **Housing Element GOAL H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply,

within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. The applicant stated in the application submittal package that the proposed multi-family units will provide needed entry level housing for those employees that work at nearby theme parks, hotels, short-term vacation rental resorts, and tourist-oriented businesses. **Policy FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. **Policy 8.2.2** also states that a diverse mix of residential housing types shall be promoted. The proposed multi-family project will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Policy FLU1.1.1**.

Conservation-related OBJ C1.4 and its supporting policies call for the protection of wetlands and existing native wildlife (flora and fauna). Staff notes that a Conservation Area Determination, CAD-18-08-127, was completed January 31, 2019, establishing the presence of 6.89 acres of Class I wetlands and 11.44 acres of uplands on the subject site.

The County adopted **Policy FLU8.1.4** to specify the maximum development potential for each PD Future Land Use Map Amendment. The development program for this amendment is added to **Policy FLU8.1.4** as a staff-initiated text amendment. The maximum development program for Amendment 2019-1-A-1-2, if adopted as currently proposed, would be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
2019-1-A-1-2 <u>The Registry on Grass Lake</u>	Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR)	Up to 395 360 multi-family dwelling units	2019-

Compatibility

The proposed FLUM amendment appears to be **compatible** with the existing development and development trend of the surrounding area. **Future Land Use Element Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development pattern and development trends in the area. As stated previously, the subject property is located in an area characterized by existing or proposed residential development. It is staff’s belief that the proposed multi-family project is compatible with the existing mix of residential/agricultural homesites, conventional single-family subdivision development, short-term vacation rental resorts, timeshare rental resorts, and manufactured home uses within the U.S. 192 Growth Center.

Division Comments: Environmental, Public Facilities, and Services

Environmental: Class I wetlands and a portion of Grass Lake are located on site. Orange County Conservation Area Determination application CAD-18-08-127 was submitted for this property. The CAD must be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) prior to approval of this amendment request, consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas. Staff notes that CAD-18-08-127 was completed January 31, 2019, with an expiration date of January 31, 2024. Per CAD-18-08-127, the site is comprised of 6.89 acres of Class I wetlands, 3.41 of which lie within Grass Lake, and 11.44 upland acres.

Until wetland permitting is complete, the net developable acreage is only an approximation. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The buildable area is the net developable acreage less protective buffer areas required to prevent adverse secondary impacts. The applicant is advised not to make financial decisions based upon development within the wetland or the upland protective buffer areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD. Reference Comprehensive Plan Policy FLU1.1.2 C.

The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

The Normal High Water Elevation (NHWE) of Grass Lake was established at 111.45 feet NAVD 88. Clearly label and indicate the NHWE contour of the lake on all plans or permit applications, in addition to any wetland, floodplain and setback lines.

Approval of this request does not grant permission for the construction or alteration of boat ramps, docks, observation piers, lake shore vegetation, or seawalls on the lake. Any person desiring these types of structures or to perform shoreline alterations shall first apply for a permit from the Orange County EPD prior to commencement of such activities.

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). The ecological assessment of December 21, 2017 reported the presence of gopher tortoises on site.

The FWC analysis of the subject property found that it is located near, within, or adjacent to:

- One or more wood stork (*Mycteria americana*, Federally Threatened [FT]) nesting core foraging areas (CFA). The CFA consists of a 13-mile radius around the nesting colony.
- U.S. Fish and Wildlife Service (USFWS) Consultation Area for:
 - o Audubon's crested caracara (*Polyborus plancus audubonii*, FT)
 - o Everglade snail kite (*Rostrhamus sociabilis plumbeus*, Federally Endangered)

- o Florida scrub-jay (*Aphelocoma coerulescens*, FT)
- o Sand skink (*Neoseps reynoldsi*, FT)
- Potential habitat for state and federally listed species:
 - o Little blue heron (*Egretta caerulea*, ST)
 - o Eastern indigo snake (*Drymarchon corais couperi*, FT)
- Potential habitat for the Florida black bear (*Ursus americanus floridanus* - Central Bear Management Unit)
- Federal Species: The site may also contain habitat suitable for the federally listed species identified above.

The FWC provided comments and recommendations on how to address the wildlife surveys, gopher tortoises, Florida Black Bear, and federal species concerns.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Schools: On April 23, 2019, the School Board approved the CEA associated with this requested amendment, #OC-18-040.

Transportation: Based on trip generation estimates from the 10th Edition of the Institute of Transportation Engineers Trip Generation Handbook, it was determined that the maximum allowable development of 738,342 square feet of commercial uses based on the current future land use designation of Growth Center-Commercial would generate approximately 1,932 new p.m. peak hour trips, while the proposal to develop up to ~~395~~ 360 multi-family dwelling units under the Growth Center-Planned Development-Medium-High Density Residential future land use designation will generate 166 new p.m. peak hour trips, resulting in a decrease of 1,766 p.m. peak hour trips from the approved, but as yet unbuilt land use maximum.

Future Roadway Network

Road Agreements: None

Planned and Programmed Roadway Improvements: There is a planned roadway improvement to widen Avalon Road (CR 545) from the Orange County Line to Flamingo Crossings Boulevard to four (4) lanes. This project is included in the County's ten-year roadway program.

Right of Way Requirements: Right-of-way is required for the widening of Avalon Road from the Orange County Line to Flamingo Crossings Boulevard.

Summary

The applicant is requesting a land use and rezoning change for 11.30 net developable acres from Commercial to Medium-High Density Residential, and request approval to develop ~~395~~ 360 multi-family dwelling units. The proposed multi-family development will generate 166 p.m. peak hour trips which represents a net reduction in the number of p.m. peak hour trips within the project impact area.

The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor.

The allowable development based on the approved future land use will generate 1,932 p.m. peak hour trips.

The proposed use will generate 166 p.m. peak hour trips resulting in a net reduction of 1,766 p.m. peak hour trips.

The subject property is located adjacent to Avalon Road, a two-lane collector road from U.S. 192 to Seidel Road within the project impact area. Based on the Concurrency Management System database dated January 7, 2019, all segments within the study area are currently operating within the adopted maximum service volumes and there are no deficiencies.

Based on the project trip distribution patterns in the area, Avalon Road is projected to accommodate approximately 100% of the project trips with 80% of the trips assigned to the south, and 20% to the northeast.

Background daily traffic for the short-term (2020) horizon was developed for each segment by reviewing the output from three growth methods and extracting the maximum volume within a 5% annual growth rate cap.

Analysis of the short-term Year 2020 conditions indicates a deficient segment along Avalon Road from the project's entrance at 14544 Avalon Road to Hartzog Road, however, this deficiency is based on existing and background traffic volumes.

Analysis of the long-term Year 2030 conditions also indicates deficiencies on Hartzog Road/Flamingo Crossings Boulevard from Avalon Road to Western Way and U.S. 192 from the Lake County Line to the Osceola County Line.

Although the analysis of short-term and long-term conditions indicates deficient Level of Service conditions on roadways within the project impact area, these impacts are the result of background and build-out conditions in the area.

The trip generation calculations for this proposed future land use change will result in an overall trip reduction of the maximum trip generation potential when compared to the maximum allowable intensity of the existing future land use and therefore the impacts to the area roadways will not cause projected deficiencies.

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.

3. Policy References

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

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

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

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

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

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

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

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

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

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

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

Site Visit Photos

Subject Site



North – Single-Family Residential



South – Grass Lake and Undeveloped



East – Undeveloped and Single-Family Residential



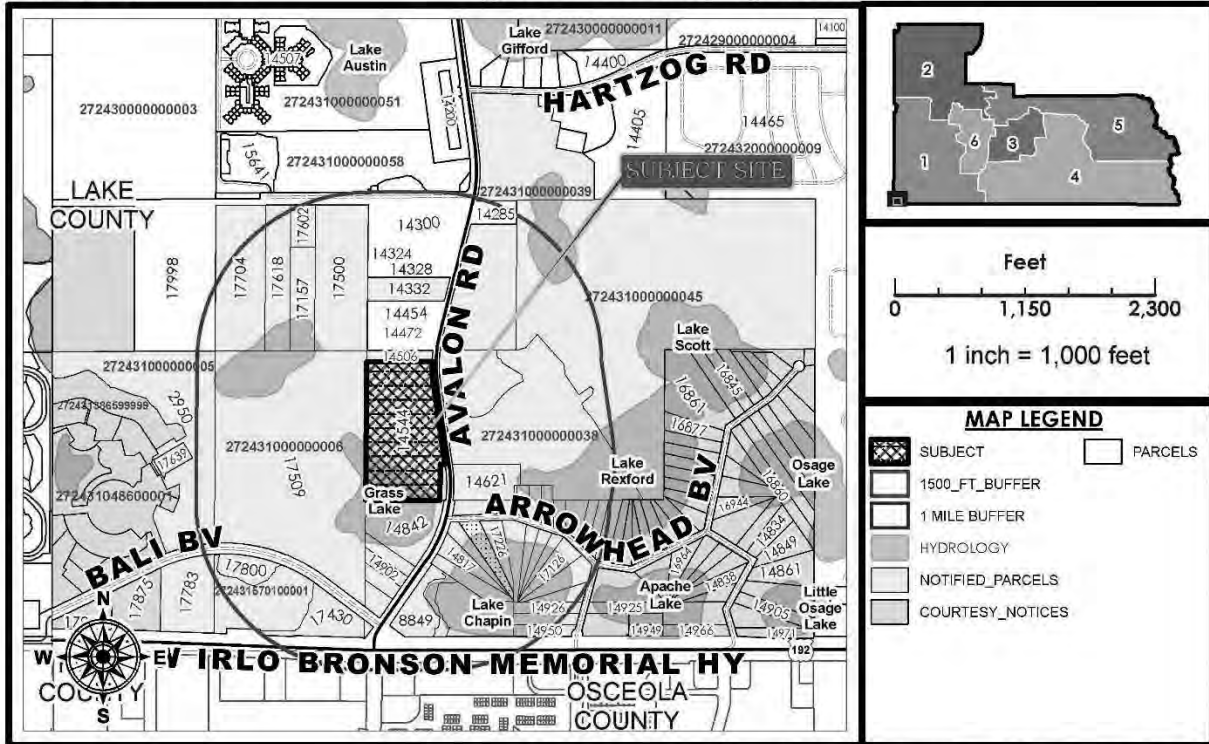
West – Grass Lake and Undeveloped





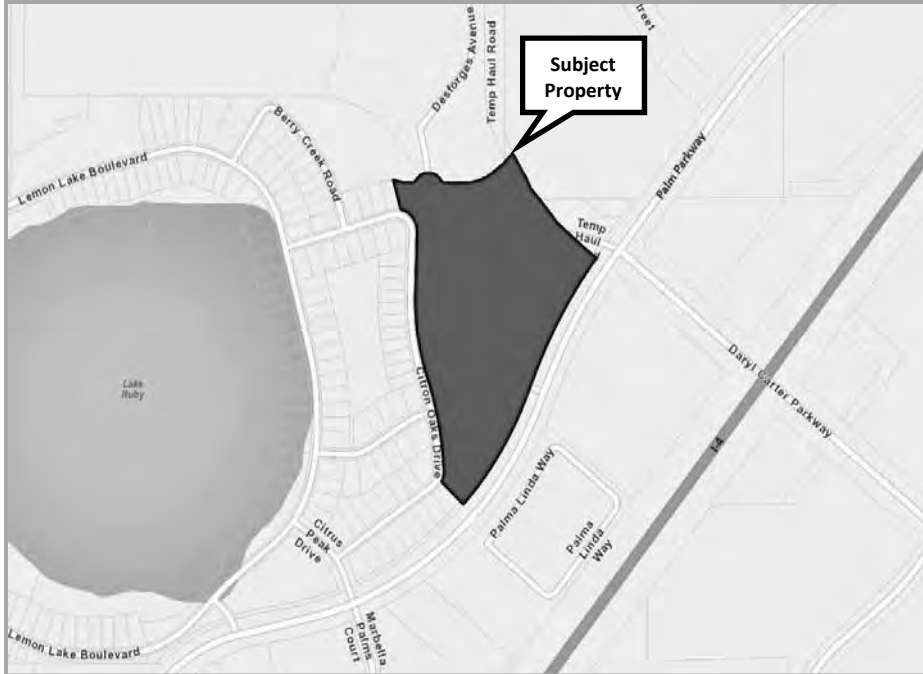
Public Notification Map

2019-1-A-1-2 Avalon Park
 1500 FT BUFFER, 105 NOTICES



\\Ocnar\gmd\ep\Business Systems\Board Administration_FLUA\2019\2019-1\2019-1-A\2019-1-S-1-2_Avalon Park\2019-1-A-1-2_Avalon Park.mxd

Notification Area:
 1,500 ft. plus homeowner associations within a one mile radius of the subject site
 105 notices sent



Applicant/Owner: Adam Smith, VHB / Adventist Health System/Sunbelt, Inc. and Pulte Home Corp.

Location: Generally located west of Palm Parkway, east of Lemon Lake Boulevard, and south of Fenton Street and the proposed Daryl Carter Parkway Extension

Existing Use: Overlook at Ruby Lake townhome community (under construction) and undeveloped land

Parcel ID Numbers: 14-24-28-1242-69-241 (portion of); 15-24-28-6505-00-010/020/030/040/050/060/ 070/080/090/100/110/120/130/140/150/160/170/180/190/200; 15-24-28-6505-01-001; 15-24-28-6505-15-001; 15-24-28-6505-19-001; 15-24-28-6505-23-001; 15-24-28-7774-00-020 (portion of); 15-24-28-7774-00-025

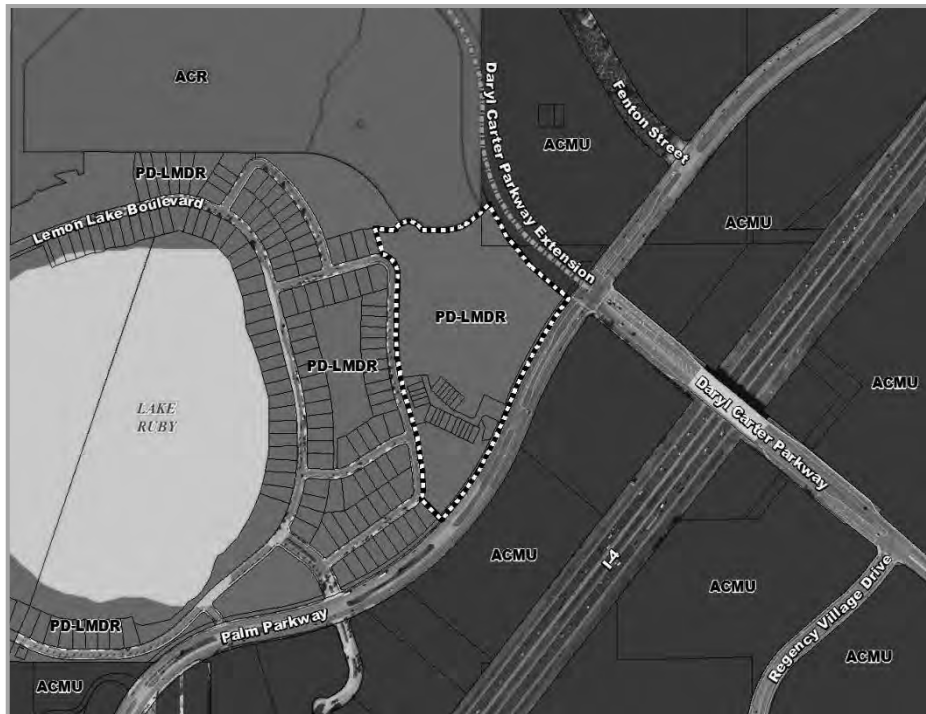
Tract Size: 16.72 gross/net acres

The following meetings and hearings have been held:		Project Information	
Report/Public Hearing	Outcome	Request:	Proposed Development Program:
✓ Community meeting held October 23, 2018, with 30 residents in attendance	Negative – Attendees voiced concern about compatibility with residential development, the rights of the current Overlook at Ruby Lake townhome owners, traffic, and crime.	Planned Development—Low-Medium Density Residential (PD-LMDR) to Planned Development—Commercial/ Low-Medium Density Residential (PD-C/LMDR)	Residential: Up to 20 townhome units Non-residential: Up to 200,000 square feet, to include an off-site (freestanding) emergency department and commercial and office uses permitted in the C-1 (Retail Commercial) zoning district
✓ Staff Report	Recommend Transmittal	Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility. Transportation: Design of the four-lane Daryl Carter Parkway Extension is slated for completion in July 2018. Construction is scheduled to commence in April 2019, with completion expected in April 2021. Per Transportation Planning, an updated traffic study may be required. Schools: Capacity Enhancement Agreement (CEA) #OC-14-025 is applicable to the residential portion of this project. Environmental: The project site is cleared and partially developed. The developer shall comply with all related environmental permits conditions of approval.	Concurrent PD/LUP Substantial Change: Case CDR-19-02-075 A substantial change to the currently-approved Ruby Lake Planned Development Land Use Plan (PD/LUP) to incorporate the proposed mixed-use development program, Case CDR-19-02-075, is proceeding through the Development Review Committee (DRC) review process and will be considered by the BCC at a future date.
✓ LPA Transmittal January 17, 2019	Recommend Transmittal (7-0)		
✓ BCC Transmittal February 12, 2019	Transmit (7-0)		
✓ State Agency Comments April 1, 2019	No comments were received for this requested amendment.		
✓ LPA Adoption April 18, 2019	Recommend Adoption (8-0)		
BCC Adoption	May 21, 2019		

SITE AERIAL



FUTURE LAND USE – CURRENT



Current Future Land Use:
Planned Development—
Low-Medium Density
Residential (PD-LMDR)

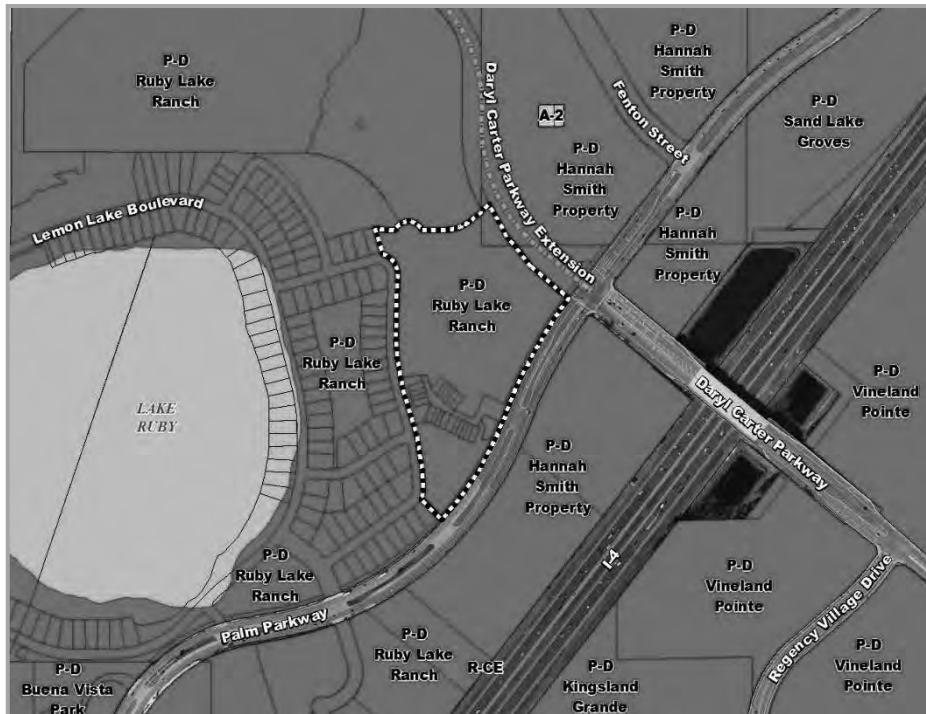
Special Area Information
Overlay District: The
subject property is
located within the Dr.
Phillips Urban
Preservation District and
the Buena Vista North
Overlay District.
Rural Settlement: N/A
JPA: N/A
Airport Noise Zone: N/A

FUTURE LAND USE – PROPOSED



Proposed Future Land Use:
Planned Development—
Commercial/Low-Medium
Density Residential (PD-
C/LMDR)

ZONING - CURRENT



Current Zoning District:
PD (Planned Development District) (Ruby Lake PD/LUP)

Existing Uses:
North: Parc Soleil (Hilton Grand Vacations Club resort)
South: Ruby Lake (single-family residential subdivision)
East: Undeveloped land (site of proposed O-Town West entertainment/restaurant/retail/hotel/residential complex)
West: Ruby Lake (single-family residential subdivision)

Staff Recommendation

Future Land Use Map Amendment 2019-1-A-1-3: Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.2, and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU1.4.1, FLU1.4.4, FLU8.2.1, and FLU8.2.2; and Housing Element Goal H1 and Objective H1.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-1-A-1-3, Planned Development—Low-Medium Density Residential (PD-LMDR) to Planned Development—Commercial/Low-Medium Density Residential (PD-C/LMDR).

Analysis

1. Background and Development Program

The applicant, Adam Smith, is seeking to change the Future Land Use Map (FLUM) designation of the 16.72-acre subject property, a portion of the 244.68-acre Ruby Lake Planned Development (PD), from Planned Development—Low-Medium Density Residential (PD-LMDR) to Planned Development—Commercial/Low-Medium Density Residential (PD-C/LMDR). As established on the current Ruby Lake PD Land Use Plan (LUP), the property, identified on the LUP as Lot 3B, is entitled for the development of up to 156 townhomes. To date, one 20-unit townhome plat, Overlook at Ruby Lake (Plat Book 67, Page 42), has been recorded.

At the time of submittal in August 2018, this amendment application entailed a proposed development program of up to 156 townhomes and/or 200,000 square feet of non-residential development on the 16.72-acre site, then solely owned by Pulte Home Corp., with the mix of uses to be limited by a trip generation cap of 8,864 daily trips. However, on December 21, 2018, the north 11.63 acres were conveyed to Adventist Health System/Sunbelt, Inc. via a general warranty deed recorded on December 27, 2018 (Doc #20180745882). On January 9, 2019, the applicant submitted a revised application package reflecting Adventist Health System/Sunbelt, Inc.'s status as the second owner of record and proposing a new mixed-use development program—with the trip generation cap removed—of 20 townhome units and up to 200,000 square feet of non-residential activity, to include an off-site (freestanding) emergency department and commercial and office uses permitted in the C-1 (Retail Commercial) zoning district. It is Pulte Homes' intent to retain control of the 5.09-acre Overlook at Ruby Lake subdivision, in which five units have been completed to date, with another four under construction. Adventist Health System/Sunbelt, Inc. proposes to develop a freestanding Advent Health emergency department as the centerpiece of its 11.63-acre project, to be complemented by commercial and office space.

Initially approved on June 3, 1975, as the Ruby Lake Ranch PD, the Ruby Lake PD was last amended by the Orange County Development Review Committee (DRC) on March 28, 2018, as a non-substantial change to the LUP (Case CDR-17-12-392). As stated in the application package, the Ruby Lake PD is vested for 45,217 daily trips under Concurrency Vested Rights Certificate (CVRC) #98-104. The present LUP, dated "Received February 12, 2018", states that there are 15,310 daily trips remaining. If approved, the proposed 200,000 square feet of non-residential development will utilize these vested trips, with the precise number to be determined through the DRC review process.

Staff notes that while the townhome component of this application is consistent with the current LMDR FLUM classification, which permits residential development at a maximum density of ten (10) dwelling units per net acre, the requested non-residential uses are not. The applicant is thus seeking to add the Commercial FLUM designation, with a maximum floor area ratio (FAR) of 1.5, to allow a mix of uses and reflect changing conditions in the surrounding area, most significantly those relating to the regional transportation network.

The subject property is situated at the intersection of Palm Parkway and the proposed Palm Parkway to Apopka-Vineland Connector Road (formerly Fenton Street, now known as the Daryl Carter Parkway Extension). As depicted on the aerial photograph, the 1.6-mile four-lane divided urban roadway, to be constructed through a public-private partnership, will provide additional capacity and a new connection between S. Apopka-Vineland Road and Palm Parkway. The project includes widening along S. Apopka-Vineland Road and Palm Parkway for the intersection turn lanes and features bicycle lanes, signalization improvements, and landscaping. Eight-foot-wide sidewalks will be constructed along some sections of the roadway, with the majority to be added by individual developers at a later date, in accordance with the Palm Parkway to Apopka-Vineland Connector Road Agreement, as amended. Construction of the Daryl Carter Parkway Extension is scheduled to commence in April 2019, with completion expected in April 2021. The subject property also lies in the immediate vicinity of the planned I-4/Daryl Carter Parkway diverging diamond Interchange, an element of the Florida Department of Transportation's (FDOT's) "I-4 Beyond the Ultimate" project. However, no definitive timeline for its construction has been established to date. It is the applicant's assertion that these improvements to the transportation network will change the character of the surrounding area, making the proposed mix of land uses appropriate.

The subject property also lies within the Buena Vista North Overlay District and is, therefore, subject to the development standards set forth in Article VII, Division 9, Buena Vista North District Standards, of the Orange County Code. Of note, Sec. 38-1391.1(a) requires projects developed in the Buena Vista North Overlay District, but outside of an activity center land use classification, to develop under the PD zoning classification and establish an architectural design concept or set of design guidelines as part of the planned development process. The architectural design concept (for a single building) or design guidelines (for a multiple-building complex) shall address, at a minimum, the massing of buildings, primary and secondary facades, finish materials, colors, roof forms, and signs.

In conjunction with this proposed amendment, the applicant is seeking a substantial change to the currently-approved Ruby Lake Planned Development Land Use Plan (PD/LUP) to incorporate the proposed mixed-use development program. This request, Case CDR-19-02-075, is currently undergoing DRC review and will be considered by the Board of County Commissioners (BCC) at a future date.

Community Meeting

A community meeting was held for this proposed amendment on October 23, 2018, with 30 area residents in attendance. Meeting attendees expressed frustration about traffic and congestion on area roadways and voiced concern about the status of the Overlook at Ruby Lake townhome development, particularly with respect to alleged representations made by Pulte Homes regarding community amenities and pedestrian access. Attendees also noted that there has been a considerable increase in crime in the area.

Staff notes that the originally-requested development program was the topic of discussion. A second community meeting to discuss the updated application may be necessary at a future date.

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.

The subject site lies within the County's Urban Service Area boundary and is located in an area characterized by a mix of tourist-oriented commercial activity—including the abutting Parc Soleil timeshare/short-term rental resort to the north (a Hilton Grand Vacations Club property)—and existing and planned residential development featuring a variety of housing types, including conventional single-family homes, townhomes, and apartments. The site is bounded to the west and south by the 237-unit Ruby Lake single-family residential subdivision (also a Pulte Homes development), presently under construction. The property is currently bordered to the east by vacant land within the Hannah Smith PD. However, this undeveloped acreage is proposed for an intense mixed-use project, O-Town West, featuring an entertainment complex, boardwalk, restaurants, retail establishments, townhomes, and multi-family units. Staff notes that this site is presently the subject of a requested Future Land Use Map Amendment, Amendment 2018-2-A-1-6, and an associated proposed substantial change to the currently-approved Hannah Smith PD/LUP. The Board of County Commissioners (BCC) is expected to consider the two applications concurrently in February 2019.

It is staff's belief that the proposed amendment and associated mixed-use development program are consistent with **Future Land Use Element Goal FLU2**, which establishes 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. Staff further finds this request consistent with **Future Land Use Element Objective OBJ FLU2.2**, which states 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. Likewise, this proposal is consistent with **Future Land Use Element Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. Staff notes that if approved, the residential project will use infrastructure that is already in place. Per Orange County Utilities (OCU), potable water, sewer, and reclaimed water service will be provided by OCU, with no facility improvements necessary to maintain level of service standards. Moreover, the project would use the existing transportation network, which serves transit riders and pedestrians, as well as automobile drivers. A LYNX bus stop is located on Palm Parkway, near the entrance to the Overlook at Ruby Lake townhome community, and sidewalks are currently in place along Palm Parkway and throughout the neighboring Ruby Lake subdivision to help ensure the safety of pedestrians. Once constructed, the Daryl Carter Parkway Extension will feature both sidewalks and bicycle lanes to further provide for safe alternative transportation.

As noted above, the subject property is situated in an area characterized by existing and planned residential development featuring a variety of housing types. The proposed FLUM Amendment and associated residential development program—entailing the buildout of the Overlook at Ruby Lake townhome subdivision—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. The residential component of the project is consistent with **Housing Element GOAL H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. Similarly, **Future Land Use Element Policy FLU8.2.2** directs that continuous stretches of similar housing types and density of units shall be avoided. It is staff's belief that the completion of the Overlook at Ruby Lake

development will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Future Land Use Element Policy FLU1.1.1**.

With respect to the project’s non-residential element, it is staff’s belief that the proposed 200,000 square feet of commercial and office space would expand and complement the mix of services and goods available to both the local and tourist populations. Most notably, the development of a freestanding Advent Health emergency department would introduce a use unique to this area of the County, offering specialized emergency room care to residents and visitors, with the ability to transport individuals requiring further treatment to local hospitals via ambulance.

As depicted on the attached maps, the 11.63 acres proposed for non-residential activity possess frontage on Palm Parkway and the future Daryl Carter Parkway Extension. Primary access to the non-residential portion of the project will be achievable via the two major roadways to avoid intrusion into the Overlook at Ruby Lake townhome community and neighboring Ruby Lake single-family residential subdivision, thus providing for consistency with **Policy FLU1.4.4**, which states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided. Staff further notes that if this requested amendment is adopted, the development standards for both the residential and non-residential elements of this project will be defined via the concurrent amendment of the Ruby Lake PD Land Use Plan, including limiting non-residential uses to those incorporated into **Future Land Use Element Policy FLU8.1.4** through associated staff-initiated text amendment 2019-1-B-FLUE-1, discussed below, and ensuring compliance with the regulations of the Buena Vista North Overlay District, as stipulated in Section 38-1391.1(a) of the Orange County Code.

Staff-Initiated Text Amendment

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment 2019-1-B-FLUE-1. The maximum development program for Amendment 2019-1-A-1-3, if adopted, will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2019-1-A-1-3</u> <u>Ruby Lake</u>	<u>Planned Development-Commercial/Low-Medium Density Residential (PD-C/LMDR)</u>	<u>Up to 20 townhome units and up to 200,000 square feet of non-residential uses, to include an off-site (freestanding) emergency department and commercial and offices uses permitted in the C-1 (Retail Commercial) zoning district</u>	<u>2019-</u>

Compatibility

The requested 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 earlier, the subject property is located in an area characterized by a mix of tourist-oriented commercial activity and existing and planned residential development featuring a variety of housing types.

As noted above, the construction of the Daryl Carter Parkway Extension and FDOT's future development of the I-4/Daryl Carter Parkway diverging diamond Interchange will likely transform this area of the County, enabling staff to support the requested commercial and office elements of this application, particularly the desired freestanding emergency department. It is staff's belief that the mix of residential and non-residential uses proposed for the subject property will help further the County's objective of providing a range of living environments and employment opportunities to achieve a stable and diversified population and community, as established in **Future Land Use Element Policy FLU1.4.1**.

Staff feels the proposed mixed-use 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 infrastructure, reducing trip lengths, and encouraging accessibility via multiple modes of transportation. Staff, therefore, recommends adoption of this requested amendment.

Division Comments: Environmental, Public Facilities, and Services

Environmental Protection Division. The project site is cleared and partially developed. The developer shall comply with all related environmental permits conditions of approval.

Transportation Planning Division. The Ruby Lake PD is vested for 45,217 daily trips under Concurrency Vested Rights Certificate (CVRC) #98-104. The present LUP, dated "Received February 12, 2018", states that there are 15,310 daily trips remaining. If approved, the proposed 200,000 square feet of non-residential development will likely utilize these vested trips, with the precise number to be determined through the DRC review process. Per Transportation Planning, the submittal and approval of a traffic study may still be required.

- **Future Roadway Network:**

- Road Agreements:**

- Fenton Street:** The Palm Parkway to Apopka-Vineland Connector Road Agreement was approved by the BCC on December 6, 2005, and recorded in OR Book 8387 Page 3416 of the Public Records of Orange County. The agreement is between three Developers (BVC Partners I, LLC; Kerina, Inc.; and Sand Lake Investments, LTD) and Orange County for the realignment of Fenton Street from Apopka-Vineland Road to Palm Parkway. The Developers will provide right-of-way for the road project and pay for the design, engineering, permitting and mitigation costs. Orange County will be responsible for constructing the four-lane roadway within its 10-year Capital Improvement Program.

- **Planned and Programmed Roadway Improvements:**

- Wildwood Extension (Daryl Carter Boulevard):** There are two programmed roadway improvements to construct a new four-lane roadway from International Drive to Lake Street and from Lake Street to Palm Parkway. The segment from I-Drive to Lake Street is currently in the design phase, and right-of-way acquisition is currently underway for the segment from Lake Street to Palm Parkway. A construction schedule for these projects has not yet been determined.

Fenton Street (Daryl Carter Parkway Extension): There is a programmed roadway improvement to construct a connector road from Palm Parkway to Apopka-Vineland Road. The segment from Apopka-Vineland Road to Hilton Driveway is currently in design, and construction is scheduled to begin in April 2019. The segment from Hilton Driveway to Palm Parkway is under construction and is scheduled to be completed in March 2019.

- **Right-of-Way Requirements:** None

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. The subject property is located in Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas, and OCU presently has sufficient plant capacity to serve the project. Per OCU, there is a 24-inch potable water main, a 20-inch force main, and a 12-inch reclaimed water main within the Palm Parkway right-of-way.

Orange County Public Schools. Per Orange County Public Schools (OCPS), Capacity Enhancement Agreement (CEA) #OC-14-025 is applicable to the residential portion of this project.

3. Policy References

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 – 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 will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses.

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

FLU1.1.5 – Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County's desired urban framework. Infill is defined as development consistent with the *Infill Master Plan* (2008).

FLU1.4.1 – Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

FLU1.4.4 – The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.







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

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

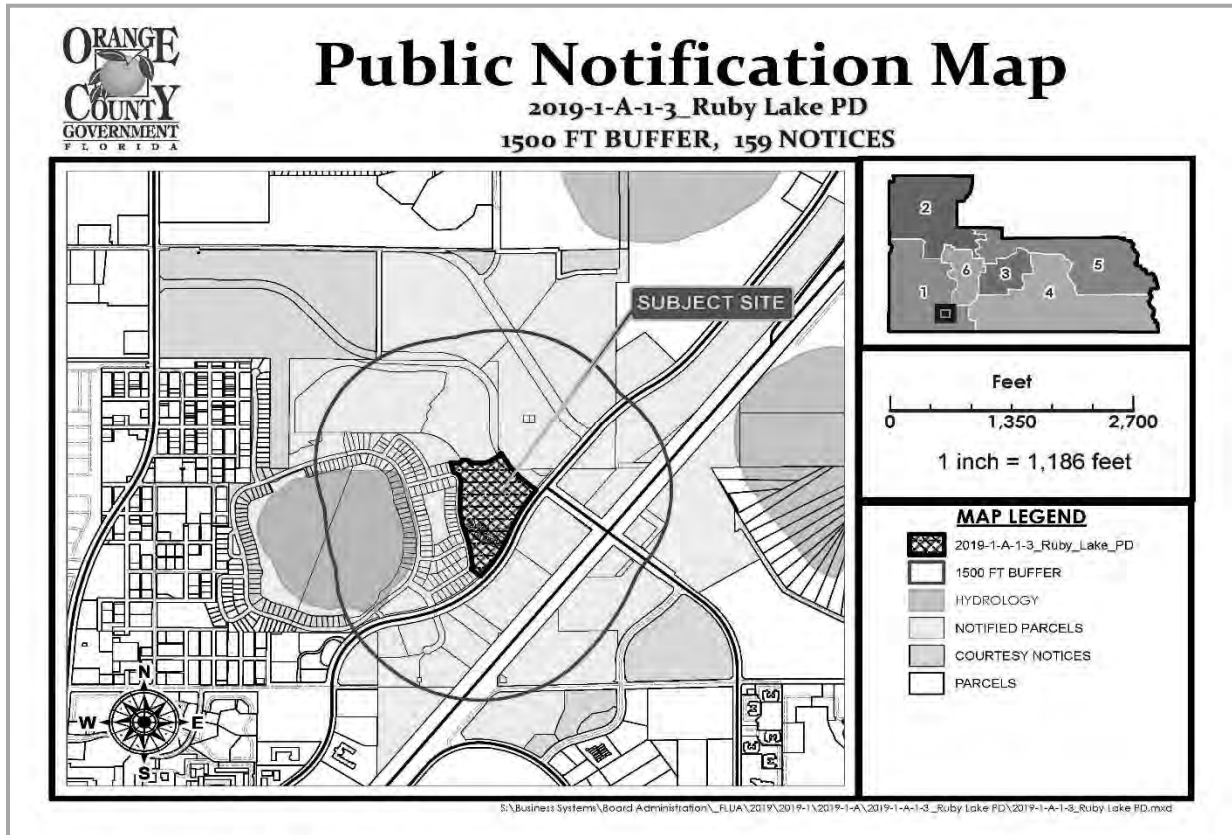
GOAL H1 – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

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.

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

159 notices sent



Applicant/Owner:
Daniel T. O’Keefe, Shutts & Bowen
LLP / Diamond Resorts Cypress
Pointe III Development, LLC

Location:
Generally located north of Lake
Street, east of Ruby Lake Road, and
south of Lemon Lake Boulevard.

Existing Use:
Undeveloped land

Parcel ID Numbers:
15-24-28-6211-17-010 (portion of),
15-24-28-6211-14-010/130, 15-24-
28-6211-15-010/131, 15-24-28-
6211-16-010/130/150, 15-24-28-
6211-17-131, 15-24-28-6211-24-
010/090/131, 15-24-28-6211-25-
010/130, 15-24-28-6211-98-
010/090/130, and 15-24-28-6211-
99-010/130/170

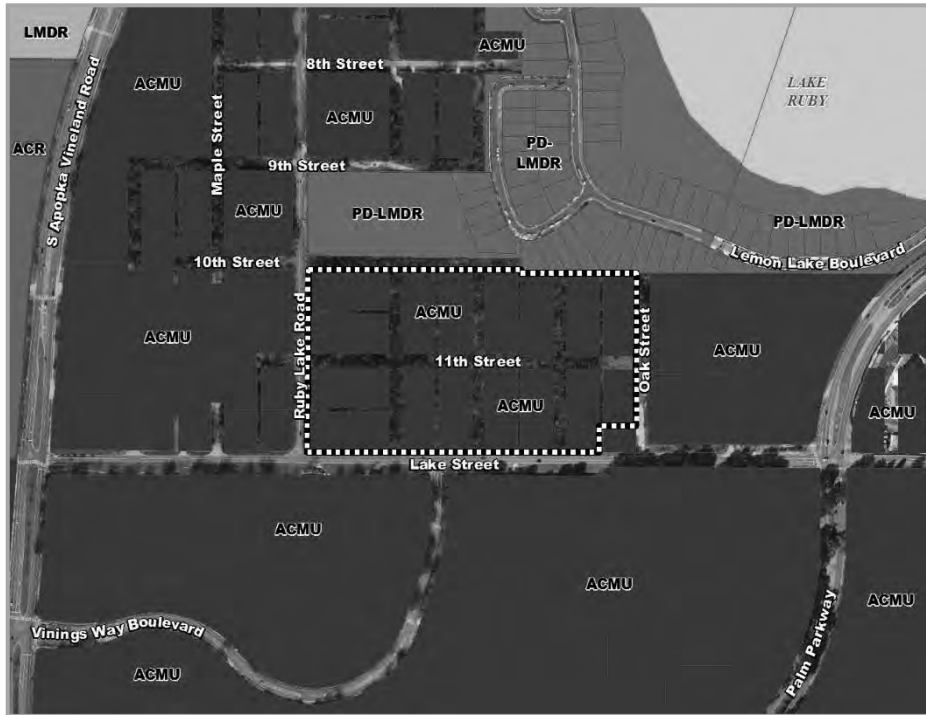
Tract Size:
17.74 gross/net developable acres

The following meetings and hearings have been held:			Project Information	
Report/Public Hearing	Outcome		Request:	Proposed Development Program:
✓	Community meeting held October 9, 2018, with 23 residents in attendance	Negative – Attendees expressed concern about compatibility with neighboring single-family residential development, traffic and congestion on area roads, and a potential increase in crime.	Activity Center Mixed Use (ACMU) to Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR)	Up to 400 multi-family dwelling units and 15,000 square feet of C-1 (Retail Commercial District) uses
✓	Staff Report	Recommend Transmittal	Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility. Transportation: The proposed mixed-use project is expected to generate up to 3,567 average daily trips, of which 1,136 are vested from concurrency per the 2008 Agreement Regarding Transfer and Use of Vested Trips for the Sunterra Resorts PD, recorded in Official Records Book 9733, Page 3777.	Schools: Capacity Enhancement Agreement (CEA) #OC-18-060 was approved by the Orange County School Board on April 23, 2019.
✓	LPA Transmittal January 17, 2019	Recommend Transmittal (7-0)		
✓	BCC Transmittal February 12, 2019	Transmit (7-0)		
✓	State Agency Comments April 1, 2019	No comments were received for this requested amendment.	Concurrent Rezoning: A Land Use Plan Amendment rezoning application (Case LUPA-18-12-393) is proceeding through the Orange County Development Review Committee (DRC) review process. The applicant is requesting to add a 0.325-acre parcel, presently zoned R-CE (Country Estate District), to the 17.42-acre Sunterra Resorts PD and revise the PD’s current development program of 420 timeshare units and 30,000 square feet of commercial uses.	
✓	LPA Adoption April 18, 2019	Recommend Adoption (8-0)		
	BCC Adoption	May 21, 2019		

SITE AERIAL



FUTURE LAND USE – CURRENT



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

Special Area Information

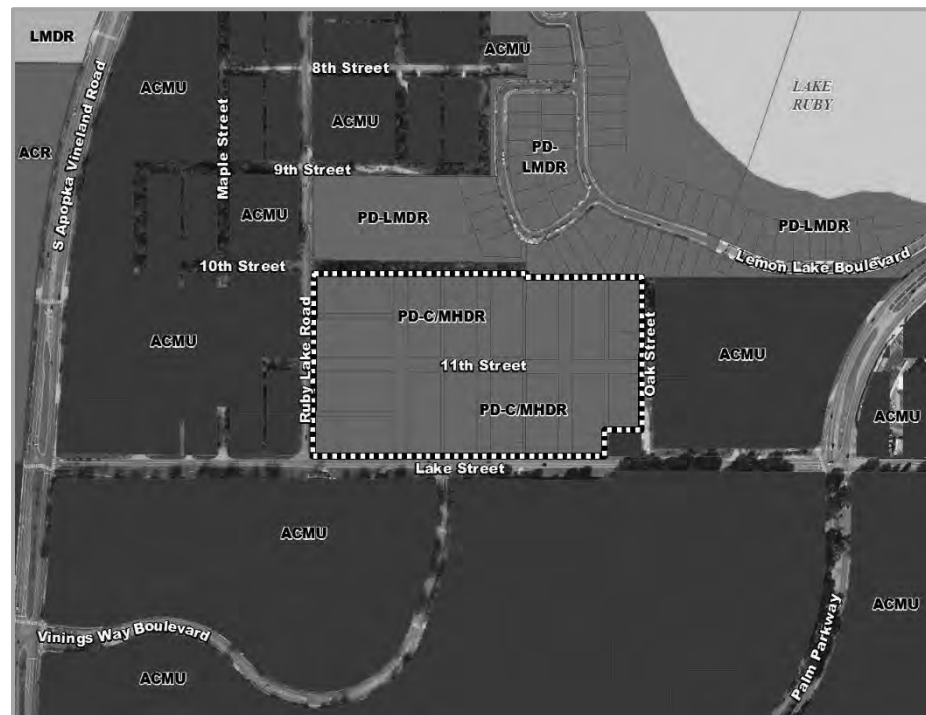
Overlay District: The subject property is located within the Dr. Phillips Urban Preservation District and the Buena Vista North Overlay District.

Rural Settlement: N/A

JPA: N/A

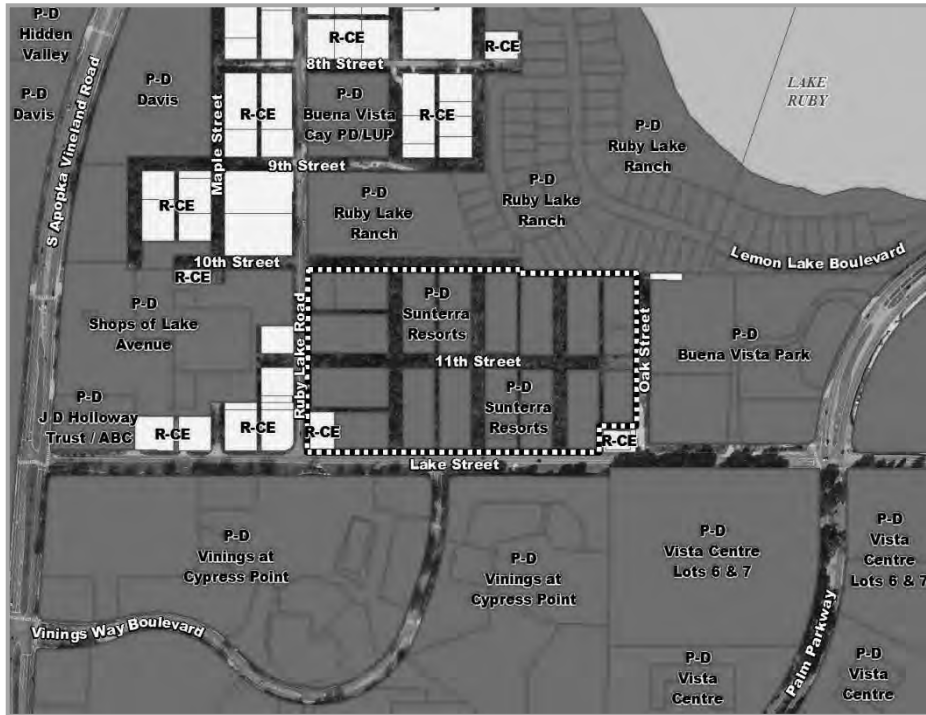
Airport Noise Zone: N/A

FUTURE LAND USE – PROPOSED



Proposed Future Land Use:
 Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR)

ZONING - CURRENT



Current Zoning District:

R-CE (Country Estate District) and PD (Planned Development District) (Sunterra Resorts PD/LUP)

Existing Uses:

North: Ruby Lake (single-family residential subdivision)
South: Orange County lift station and Cypress Pointe Resort
East: Undeveloped land
West: Shoppes of Lake Avenue, single-family home, and undeveloped land

ZONING – PROPOSED



Proposed Zoning District:

PD (Planned Development District) (Sunterra Resorts PD/LUP)

Staff Recommendation

Future Land Use Map Amendment 2019-1-A-1-4: Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.2, and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU1.4.4, FLU8.2.1, and FLU8.2.2; and Housing Element Goal H1 and Objective H1.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-1-A-1-4, Activity Center Mixed Use (ACMU) to Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR).

Analysis

1. Background and Development Program

The applicant, Daniel O’Keefe, is seeking to change the Future Land Use Map (FLUM) designation of the 17.74-acre subject property, presently undeveloped, from Activity Center Mixed Use (ACMU) to Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR). The property—consisting of entirely of upland acreage—is comprised of the 17.42-acre Sunterra Resorts Planned Development (PD) and a single 0.325-acre parcel with an R-CE (Country Estate District) zoning classification.

Initially approved on April 20, 1999 (Case Z-99-027), the Sunterra Resorts PD was last amended by the Orange County Development Review Committee (DRC) on June 25, 2008, as a non-substantial change to the PD Land Use Plan (LUP). Per the current LUP, dated “Received June 26, 2008”, the Sunterra Resorts PD is presently entitled for up to 420 timeshare units and 30,000 square feet of commercial space. Although the Orange County Development Review Committee (DRC) approved the Sunterra Resorts PD-Timeshare Resort Development Plan (DP) on April 27, 2000—allowing for the construction of 372 timeshare units and ancillary amenities—the site was never developed for timeshare resort purposes. The applicant is now proposing to add the 0.325-acre, R-CE-zoned property (Parcel 15-24-28-6211-99-130) to the Sunterra Resorts PD, consisting of nineteen (19) individual parcels, and establish a new development program of up to 400 multi-family dwelling units and 15,000 square feet of C-1 (Retail Commercial District) uses.

Located in the Lake Buena Vista area and the International Drive Activity Center, the subject 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 makes 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. As established in the Orange County Comprehensive Plan, however, no more than 30 percent of an ACMU-classified site may be utilized for residential purposes. The applicant is thus requesting the change in land use to PD-C/MHDR to allow the development of a multi-family residential community on the bulk of the property’s 17.74 acres, with the remainder proposed for commercial use.

Adoption of the requested amendment would effectively remove the subject site from the International Drive Activity Center, and the mixed-use project would no longer be required to adhere to the various development standards established in the International Drive Activity Center Element of the Comprehensive Plan, including those pertaining to lighting, signage, landscaping, and open space. However, the property will remain within the Buena Vista North Overlay District and will, therefore, be subject to the development standards set forth in Article VII, Division 9, Buena Vista North District Standards, of the Orange County Code. Of note, Sec. 38-1391.1(a) requires projects developed in the Buena Vista North Overlay District, but outside of an activity center land

use classification, to develop under the PD zoning classification and establish an architectural design concept or set of design guidelines as part of the planned development process. The architectural design concept (for a single building) or design guidelines (for a multiple-building complex) shall address, at a minimum, the massing of buildings, primary and secondary facades, finish materials, colors, roof forms, and signs.

In conjunction with this requested amendment, the applicant has submitted a Land Use Plan Amendment rezoning application (Case LUPA-18-12-393) to incorporate R-CE-zoned Parcel 15-24-28-6211-99-130 into the Sunterra Resorts PD and establish the desired mixed-use development program. Case LUPA-18-12-393 is proceeding through the DRC review process and will be considered concurrently with the proposed FLUM Amendment during the adoption public hearing stage.

Community Meeting

A community meeting was held for this proposed amendment on October 9, 2018, with 23 area residents in attendance. The majority of attendees expressed their objection to the request, voicing frustration about the traffic and congestion on area roadways. Area residents communicated their skepticism that the proposed road improvements in the vicinity of the subject site—including the proposed widening of Lake Street (currently in the right-of-way acquisition stage) and the construction of the Daryl Carter Parkway Extension and the I-4/Daryl Carter Parkway interchange—will alleviate the current traffic problem. Several attendees stated that the planned road improvements should first be completed and evaluated prior to the consideration of new commercial and residential development.

With respect to traffic impacts, the development team emphasized that approximately one-third of the trips the proposed mixed-use project is expected to generate are vested from concurrency per the 2008 Agreement Regarding Transfer and Use of Vested Trips for the Sunterra Resorts PD. However, the additional anticipated trips shall be subject to concurrency, and the developer will be required to mitigate for any impacts to the area transportation network. The developer would have the option to enter into a Proportionate Share Agreement with the County or make the improvements themselves.

While the meeting attendees did not appear to object to the commercial component of the proposed project, they voiced their concern about the requested 400 multi-family units, asserting that more apartments are not needed in their community. They further expressed worry that the development of additional multi-family units could result in an increase in crime in the neighborhood.

The tone of the meeting was negative.

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.

The subject property is located in Lake Buena Vista, an area characterized by a mix of tourist-oriented commercial activity—including the abutting Cypress Pointe timeshare/short-term rental resort to the south—and existing and planned residential development featuring a variety of housing types, including conventional single-family homes, apartments, townhomes, and manufactured homes. The site is bounded to the north by the Ruby Lake single-family residential

subdivision, a Pulte Homes development presently under construction, and to the west by individual single-family home sites and the Shoppes at Lake Avenue, a shopping center anchored by a Winn-Dixie supermarket. The property is bordered to the east by the presently-undeveloped Buena Vista Park PD, entitled for hotel/resort/timeshare, commercial, and office land uses. As discussed above, the subject site also lies in close proximity to Central Florida's largest employer, Walt Disney World, and numerous resorts, hotels, tourist attractions, shopping areas, and restaurants, making it ideally-suited for the development of housing for employees of these tourist-oriented establishments, as well as for complementary commercial and office space.

The applicant is seeking the MHDR FLUM designation, with a maximum permitted density of thirty-five (35) dwelling units per net acre, for the residential component of the project to allow for the development of the 400-unit multi-family community and is requesting the Commercial FLUM classification for the proposed 15,000 square feet of commercial space, with uses limited to those permitted within the C-1 (Retail Commercial) zoning district, the least intense of the County's commercial categories. If approved, the mixed-use project will be developed on a vacant infill site within the County's Urban Service Area. Staff finds this proposal 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.

Staff further finds this request consistent with **Future Land Use Element Objective OBJ FLU2.2**, which states 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. Likewise, this proposal is consistent with **Future Land Use Element Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. Staff notes that if approved, the mixed-use project will use infrastructure that is already in place. Per Orange County Utilities (OCU), potable water, sewer, and reclaimed water service will be provided by OCU, with no facility improvements necessary to maintain level of service standards. Moreover, the project would use the existing transportation network, which serves transit riders and pedestrians, as well as automobile drivers. Several LYNX bus stops are located on Lake Street and S. Apopka-Vineland Road, in close proximity to the subject property, including one immediately opposite the site, adjacent to the Cypress Pointe Resort. In addition, sidewalks are currently in place along the south side of Lake Street and nearby S. Apopka-Vineland Road and Palm Parkway to help provide for the safety of pedestrians.

As noted previously, the subject property is situated in an area characterized by existing and planned residential development featuring a variety of housing types, including conventional single-family homes, apartments, townhomes, and manufactured homes. The proposed 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. The prospective developer's intent to construct up to 400 multi-family units is consistent with **Housing Element GOAL H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. Similarly, **Future Land Use Element Policy FLU8.2.2** directs

that continuous stretches of similar housing types and density of units shall be avoided. It is staff’s belief that the proposed multi-family community will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Future Land Use Element Policy FLU1.1.1**.

With respect to the project’s commercial element, it is staff’s belief that the proposed 15,000 square feet of commercial space would expand and complement the mix of goods and services available to residents of the apartments and the surrounding neighborhood and the tourist population. As depicted on the PD Land Use Plan associated with Rezoning Case LUPA-18-12-393, currently undergoing DRC review, the commercial component of the expanded Sunterra Resorts PD will be located at the intersection of Lake Street and Ruby Lake Road to avoid intrusion into the multi-family community and neighboring single-family residential development to the north, thus providing for consistency with **Policy FLU1.4.4**, which states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided. Staff further notes that if this requested amendment is adopted, the development standards for both the residential and non-residential elements of this project will be defined via the concurrent amendment of the Sunterra Resorts PD Land Use Plan, including limiting commercial uses to those permitted within the C-1 zoning district and ensuring compliance with the regulations of the Buena Vista North Overlay District, as stipulated in Section 38-1391.1(a) of the Orange County Code.

Staff-Initiated Text Amendment

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment 2019-1-B-FLUE-1. The maximum development program for Amendment 2019-1-A-1-4, if adopted, will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2019-1-A-1-4</u> <u>Bering I</u>	Planned Development-Commercial/ Medium-High Density Residential (PD-C/MHDR)	<u>Up to 400 multi-family dwelling units and 15,000 square feet of C-1 (Retail Commercial District) uses</u>	<u>2019-</u>

Compatibility

The requested 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 earlier, the subject property is located in an area characterized by a mix of intense tourist-oriented commercial activity and existing and planned residential development

featuring a variety of housing types. The site's proximity to Central Florida's largest employer, Walt Disney World, and numerous resorts, hotels, attractions, shopping areas, and restaurants makes it particularly well-suited for the development of housing for employees of these tourist-oriented establishments.

It is staff's belief that the proposed mixed-use 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 infrastructure, reducing trip lengths, and encouraging accessibility via multiple modes of transportation. Staff, therefore, recommends adoption of this requested amendment.

Division Comments: Environmental, Public Facilities, and Services

Environmental Protection Division. Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible for determining the presence of listed species and obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

All development is required to pretreat stormwater runoff for pollution abatement purposes, per the Orange County Code, Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Transportation Planning Division. The proposed mixed-use project is expected to generate up to 3,567 average daily trips, of which 1,136 are vested from concurrency per the 2008 Agreement Regarding Transfer and Use of Vested Trips for the Sunterra Resorts PD, recorded in Official Records Book 9733, Page 3777.

The Transportation Planning Division has provided the following information:

- **Future Roadway Network:**

Road Agreements: None

- **Planned and Programmed Roadway Improvements:**

Lake Street: There is a planned partnership project to widen Lake Street to four lanes from Apopka-Vineland Road to Palm Parkway. This project is included in the County's 2030 Long Range Transportation Plan, but a schedule for construction is yet to be determined.

- **Right-of-Way Requirements:** Right-of-way for the planned improvement to Lake Street is yet to be determined.

The applicant is requesting a land use change for 17.74 acres from Activity Center Mixed Use (ACMU) to Planned Development—Commercial/Medium-High Density Residential (PD-C/MHDR) and is seeking approval to develop up to 400 multi-family dwelling units and 15,000 square feet of commercial uses. The proposed development will generate 277 p.m. peak hour trips, which represents a reduction of the maximum trip generation potential when compared to the allowable intensity of the existing future land use. Therefore, the impacts to area roadways are not anticipated to cause deficiencies.

The subject property is not located within the County's Alternative Mobility Area (AMA) or along a backlogged/constrained facility or multimodal corridor.

The allowable development based on the approved ACMU future land use designation would generate 364 p.m. peak hour trips. The development of the proposed mix of uses under the requested PD-C/MHDR future land use classification would generate 277 p.m. peak hour trips, resulting in a net decrease of 87 p.m. peak hour trips.

The subject property is located adjacent to Lake Street, a two-lane local roadway from Apopka-Vineland Road to Palm Parkway. Based on the Concurrency Management System database dated January 7, 2019, there are no failing roadway segments within the project's impact area. This information, however, is dated and is subject to change.

Based on the information provided in the justification statement for the proposed amendment, the applicant indicated that the subject parcels are vested from transportation concurrency under a 2008 vesting agreement for 1,136 trips. However, additional documentation must be provided to ascertain this vesting information.

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. The subject property is located in Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas, and OCU presently has sufficient plant capacity to serve the project. Per OCU, there is a 24-inch potable water main, a 20-inch force main, and a 20-inch reclaimed water main within the Lake Street right-of-way.

Orange County Public Schools. Per Orange County Public Schools (OCPS), the middle school (Southwest Middle) and high school (Dr. Phillips High) that would currently serve the project are operating over capacity, thus requiring the developer to enter into a Capacity Enhancement Agreement (CEA) with the Orange County School Board. On April 23, 2019, the School Board approved the CEA associated with this requested amendment, #OC-18-060.

3. Policy References

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 – 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 will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses.

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

FLU1.1.5 – Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County’s desired urban framework. Infill is defined as development consistent with the *Infill Master Plan (2008)*.

FLU1.4.4 – The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.







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

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

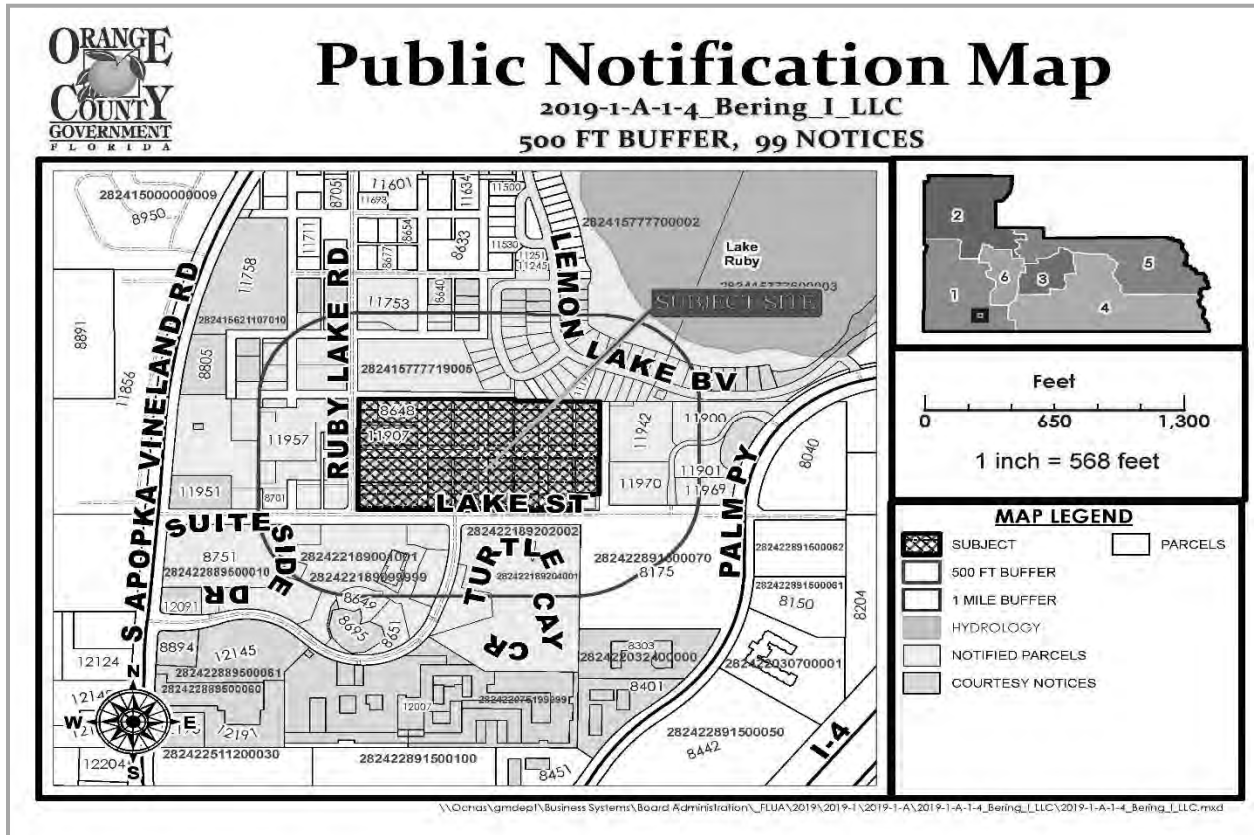
GOAL H1 – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

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.

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

500 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site

99 notices sent



Applicant:
 Thomas R. Sullivan, Gray Robinson, P.A.

Location: Generally located south of the intersection of S. Alafaya Trail and S. Avalon Park Boulevard, and east of Innovation Way

Existing Use: Vacant

Parcel ID Numbers:
 12-23-31-0000-00-002

Tract Size:
 33.85 gross acres

The following meetings and hearings have been held for this proposal:		Project Information	
Report/Public Hearing	Outcome		
✓	Community Meeting is scheduled for January 16, 2019. See public notification map for notice area	Attended by 7 area residents. The result was overall negative.	
✓	Staff Report	Recommend Transmittal	
✓	LPA Transmittal	Recommend Transmittal (7-0)	
✓	BCC Transmittal February 12, 2019	Transmit (7-0)	
✓	State Agency Comments	April 11, 2019	
✓	LPA Adoption April 18, 2019	Recommend Denial (8-0)	
	BCC Adoption	May 21, 2019	
		<p>Request: Planned Development-Industrial/Commercial/Conservation (PD-IND/C/CONS) to Planned Development-Medium Density Residential/Industrial/Parks and Recreation/Open Space (PD-MDR/IND/PR/OS)</p> <p>Proposed Development Program: 350 multi-family dwelling units, 284,000 square feet of industrial, and parks and recreation/open space.</p> <p>Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis on each public facility.</p> <p>Environmental: This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. The property had two ponds that were filled with Type 2 material (clean debris). The property was then used as a yard trash recycling facility. The EPD would be able to support residential use of this site upon removal of the buried waste, and post removal sampling of the site indicates compliance with applicable state standards.</p> <p>Transportation: The deficient level of service conditions of area roadways are the result of background and buildout conditions in the area.</p> <p>Schools: The proposed amendment requires a Capacity Enhancement Agreement (CEA). The CEA was heard at the April 9, 2019 Orange County School Board meeting.</p> <p>Concurrent Rezoning: A Change Determination Request (CDR), CDR-10-03-098 – Redditt Property PD/Land Use Plan is currently under review.</p>	

SITE AERIAL



FUTURE LAND USE



Current Future Land Use Designation:
 Planned Development-Industrial/Commercial/Conservation (PD-I/C/CONS)

Special Area Information

Econlockhatchee River Protection Area

FUTURE LAND USE – AS PROPOSED



Proposed Future Land Use Designation:

Planned Development-Medium Density Residential/Industrial/Parks and Recreation/Open Space (PD-MDR/IND/PR/OS)

ZONING - CURRENT



Existing Uses
N: The Reserve at Alafaya PD
S: A-2 (OUC – Curtis Stanton Energy Plant)
E: A-2 (OUC – Stanton Energy Plant Transmission Lines)
W: Vacant (P-D Redditt and The Reserve at Alafaya PD)

Staff Recommendation

Make a finding of **inconsistency** with the Comprehensive Plan (see Future Land Use Element Objectives 1.1 and 8.1 and Policies FLU1.4.21, FLU1.4.16, FLU8.2.1 and SW1.7.4), determine that the amendment is not in compliance, and recommend **DENIAL** of Amendment, 2019-1-A-4-1, **Planned Development-Industrial/Commercial/Conservation (PD-IND/C/CONS)** to **Planned Development-Medium Density Residential/Industrial/Parks and Recreation/Open Space (PD-MDR/IND/PR/OS)**.

Analysis

1. Background and Development Program

The subject property is located in the Redditt PD, which was approved in 2001 and initially consisted of 120 acres. At that time, the Redditt PD-Land Use Plan permitted C-1 and I-1/I-5 uses. The development program approved at that time included over 600,000 square feet of industrial uses and 60,000 square feet of commercial uses.

Subsequent to the 2001 approval, a portion of the Redditt Planned Development-Land Use Plan (PD-LUP) was sold to the Morgran Company. This portion is now part of the Morgran Company's Reserve at Alafaya PD. To reflect this change to the property, the Redditt PD-LUP was amended in 2004. The approved 2004 PD-LUP amendment allowed the remaining 46.4 acres in the Redditt PD to be developed with 327,725 square feet of industrial uses, which is consistent with the current Future Land Use Map (FLUM) designation of Planned Development-Industrial/Commercial/Conservation (PD-IND/C/CONS). A non-substantial change to the Redditt PD-LUP was approved on March 5, 2007, to amend the permitted uses in the Declaration of Restrictive Covenant dated May 7, 2003, consistent with I-1/I-5 uses. The permitted industrial uses were further limited pursuant to this Declaration of Restrictive Covenant to the following uses: self-storage/mini-warehouse; boat/recreational vehicle outdoor storage; wholesale nursery operation; and golf driving range/batting cages.

In 2015, a comprehensive plan amendment, was transmitted to change the future land use to Planned Development-Low Density Residential (PD-LDR) to allow for 146 single family homes. Amendment 2015-1-A-4-3 was subsequently withdrawn prior to adoption. At that time, concerns were raised about traffic and the location of homes near the OUC Stanton Energy Plant.

In 2016, a portion of the 46.4 acre parcel (12.55 acres) was sold to Mr. Bouik Koshmer. A development plan was approved for this portion to develop an 80,347 square foot self-storage facility. The Redditt PD/Surelock Self Storage Development Plan (DP-16-08-269) was approved on November 29, 2017. At that time, the proposal included a portion of the larger tract in order to accommodate the drainage pond. A Change Determination Review request, CDR 18-10-338, was approved on March 27, 2019 subject to a revised Development Plan. The revised Development Plan was approved on consent agenda at the April 10, 2019 DRC meeting. The change would remove the portion of the subject parcel and retain the drainage entirely on the 12.55 acres parcel owned by Mr. Koshmer.

Neither the current FLUM designation nor the current PD-LUP rezoning allow for residential uses. As such, the applicant is requesting to change the FLUM designation to **Planned Development-Medium Density Residential/Industrial/Parks and Recreation/Open Space (PD-MDR/IND/PR/OS)**. The development program would allow 350 multi-family dwelling units on 17.5 acres; increase the PD's remaining 247,378 square feet of industrial entitlements by 36,622 square feet for a total of 284,000 square feet on 4.35 acres; and provide for parks and recreation amenities and open space

on the remaining 12 acres for a total of 33.85 acres. CDR-19-03-098 – Redditt Property PD/Land Use Plan is currently under sufficiency review.

A former cattle vat is located on the property, as well as two former borrow pits that were filled with construction debris and landscaping waste. The applicant has obtained Phase 1 and Phase 2 Environmental Site Assessments for the property to determine the extent and type of contamination. The applicant is completing a remediation plan to clean-up the subject property to the level required for residential development. Subsequent to the FLUM Amendment transmittal, the applicant submitted an application to amend the current Redditt PD-LUP to update the development program to increase the industrial entitlements, to permit multi-family residential uses, and provide for park and recreational amenities and to designate the existing pond on site as open space.

Statutes codified in Section 163.3184 – *Process for adopting of comprehensive plan or plan amendment*, establish the requirements for the review and adoption of comprehensive plan amendments. Orange County processes Future Land Use Map Amendments twice a year for both small scale (a request involving ten acres or less) and large scale amendments (a request involving more than ten acres. Section 163.3184(11)(b) requires two advertised public hearings on the amendment, one at the *transmittal stage* and the second at the *adoption stage*. At the first public hearing, the County will vote to transmit the requested future land use map amendment to the State of Florida Department of Economic Opportunity for State review. State reviewing agencies then return comments to the County Staff. Following the review period, the amendment moves into the second part of the amendment process, the adoption stage. It is during the adoption hearings the County will vote to either adopt or deny the request.

2. Project Analysis

Consistency

The requested FLUM amendment presents compatibility and environmental concerns with the applicable Comprehensive Plan goals, objectives, and policies, which are specifically discussed in the paragraphs below. There are three fundamental compatibility issues associated with the proposed plan amendment. The first is the intermingling of residential and industrial uses on the subject property. The second is that when considering a land use change, the County shall ensure a sufficient supply of industrial land is retained. The final issue is avoiding the siting of residential uses that would be adversely impacted by existing high-value public facility assets, such as the Stanton Energy facility and solid waste management facilities. These issues are discussed in greater detail in the paragraphs below.

Per Future Land Use Element Objective **OBJ FLU1.1** growth and development should be directed to the Urban Service Area (USA). **OBJ FLU1.1** designates the USA as the area for which Orange County will provide infrastructure and services. The subject property is located within the USA and is located less than one mile from the Avalon Park development. The site is currently vacant and consistent with Policy **FLU1.4.21**, future development of the site has the potential to improve on-site conditions. As previously noted, the applicant plans to address the existing environmental issues on the subject property prior to the development of the site. The removal or remediation of the environmental contaminants would be an improvement to the current on-site conditions. As indicated in the environmental review comments, the Florida Department of Environmental Protection (FDEP) has extended the Limited Scope Remedial Action Plan Approval (LSRAP) originally dated September 22, 2016 to January 1, 2019.

The Florida Department of Environmental Protection reviewed the January 29, 2019 request for a time extension for initiation of the LSRAP. An extension until March 29, 2019 was granted for the initiation of the LSRAP. A completion report is due by July 31, 2019.

The current Future Land Use Map designation of Planned Development-Industrial/Commercial/Conservation (PD-IND/C/CONS) contemplates industrial uses on the property. Policy **FLU1.4.16** speaks to industrial future land use designations and the changes to a residential designation. The policy states that potentially incompatible land use designations, such as residential, shall not be established adjacent to existing industrial designations. **FLU1.4.16** further notes that proposed changes of industrial FLUM to a residential or commercial FLUM shall be evaluated in the context of potential impacts to the long-term viability of surrounding industrial uses. The subject site is within two miles of International Corporate Park (ICP), which is currently approved for approximately 2.9 million square feet of industrial uses consisting primarily of warehousing, distribution and manufacturing land uses. Although, the proposed amendment would not significantly impact the viability of industrial uses in the area, the proposed development program would continue and increase industrial uses and add incompatible residential uses on the property.

Community Meeting. A Community Meeting was held on January 16, 2019, and attended by seven area residents. The overall result was negative. Major concerns include the impacts to overcrowded schools, deficient transportation facilities and traffic congestion in the area, and routine flooding associated with road building and development trends. Additional concerns were raised regarding a recent class action lawsuit against the Orlando Utilities Commission (OUC) claiming that emissions from coal burning-related activities were causing cancer among area residents. The OUC Stanton Power Plant is a Title V facility permitted out of the Tallahassee Division of Air Resources Management Office, Florida Department of Environmental Protection (FDEP). Orange County is not a party to the lawsuit, and any questions regarding the lawsuit should be directed to OUC and the FDEP.

Compatibility

Policy **FLU8.2.1** states that land use changes shall be required to be compatible with the existing development and development trend in the area. The applicant is proposing to develop up to 350 multi-family dwelling units, in addition to retaining industrial uses on-site. The subject property is located on the southside of Innovation Way to the south and east of The Reserve at Alafaya PD which is approved for 300,000 square feet of commercial, 50,000 square feet of office, 950 multi-family units, and 400 single-family units. The Innovation Way corridor serves as the transition and buffer between the residential and commercial uses and the OUC Stanton Energy Plant that borders the subject property to the south and the east.

Although the subject property is proximate to residential uses located north of Innovation Way, the adjacency of the site to OUC and its primary electric transmission corridor and the Orange County landfill presents concerns related to compatibility. The Stanton Energy Plant and Solid Waste facility are high valued public facilities that require protection from incompatible uses such as residential. **Policy SW1.7.4** directs the County to not support the siting of developments at urban residential densities that would be adversely impacted existing solid waste activities.

The Planned Development (PD) zoning process is an implementing tool available for ensuring compatibility, and promoting the public health, safety and welfare of land development (see **OBJ FLU8.1**). The property is currently zoned PD, and the applicant has submitted an application to

change the existing Redditt PD-LUP to allow for the multi-family dwelling and industrial uses. While conditions cannot be placed on the Future Land Use Map change, conditions may be placed on the Redditt PD-LUP to ensure compatibility. The conditions and restrictions implemented through the PD zoning can be placed on the amendment to the Redditt PD-LUP. As noted in Policy **FLU8.2.11**, the design attributes of a project, its urban form, and the physical integration of a project may be considered in determining compatibility, and the PD zoning serves as a tool to implement the site standards, buffering, placement, and other such requirements that further enable compatibility.

Subsequent to the transmittal of the plan amendment, the Applicant and Owner met with staff to discuss the issues associated with the plan amendment, the Applicant understands that the CDR-19-03-098 will not be considered for approval until after the BCC plan amendment adoption hearing on May 21, 2019. The Applicant has indicated a willingness to work with staff through the CDR process to replace the list of prohibited uses with a list of permitted uses that are compatible with the proposed residential uses, they understand that all required remediation work will be completed to State and County residential standards prior to residential construction, and an approximate 100 foot buffer will be provided between the multifamily and the industrial uses on the subject property.

State and Regional Review Agency Comments

Technical assistance comments, but no objections, were received for the plan amendment from the Florida Department of Economic Opportunity (DEO) dated April 11, 2019 – see *State Agencies' Comments* appendix. According to the DEO letter, ..."The technical assistance comment will not form a basis of a challenge. It is offered either as a suggestion which can strengthen the County's comprehensive plan....or is technical in nature and designed to ensure consistency with the Community Planning Act..." The DEO asks the County to "consider whether allowing Residential use within an Industrial Use Planned Development is internally consistent with Future Land Use Policy 1.4.16." The letter also suggests that the County should consider a higher degree of protection of Institutional uses such as the power plant, high voltage transmission lines, and Orange County landfill and policies that protect institutional uses from encroachment of incompatible land uses such as residential, in anticipation of continued urbanization.

Division Comments

Environmental: EPD stated in their review that they would be able to support the residential use of this site upon removal of the buried waste, and provided that post waste removal sampling indicates verification of the site compliance with applicable state standards. However, note that EPD cannot support residential construction until removal of the waste and cleanup is documented since the previous sampling results indicate that soil contaminants are present in excess of residential Soil Cleanup Target Levels (SCTL's) and groundwater contaminants are present above Groundwater Cleanup Target Levels (GCTL's).

This project site was included in Orange County Conservation Area Determination CAD-15-07-083 and Impact Permit CAI-15-12-041 that were completed for the PD. This request will need to comply with all related permit conditions of approval.

Orange County Mass Grading Permit 17-MG-0112 was approved with numerous conditions. All mass grading, excavation and fill activities will need to comply with these permit conditions of approval.

The property is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply (Orange County Code Chapter 15 Article XI Section 15-442). The basin-wide regulations include, but are not limited to, wetlands and protective buffers, habitat

preservation and wildlife management, stormwater management, and landscaping with native plant species.

Development of the subject property will need to 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 imperiled species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

The property had two ponds that were filled with Type 2 waste material (clean debris). The property was subsequently used as a yard trash recycling facility. The landfill activities in the two borrow pits occurred approximately between 1992 and 2002.

The project site is located within the Orange County Board of County Commissioners' resolution approved on December 1, 2015, regarding designating certain land as the Gene: ROCC Redeveloping Orange County Communities and as a Brownfield Area for the purpose of environmental remediation, rehabilitation and economic development pursuant to Section 376.80(2)(c), Florida Statutes. The site has a FDEP Executed Brownfield Site Rehabilitation Agreement (BRSA) dated December 15, 2015 with identification numbers of the Brownfield Area as BF481501000 and the Brownfield Site as BF481501001. That document identifies the person responsible for the brownfield site rehabilitation as Dustin Lucas and the JEL Land Development, LLC and also outlines the duties. The Florida Department of Environmental Protection (FDEP) has extended the Limited Scope Remedial Action Plan Approval (LSRAP) originally dated September 22, 2016 to January 1, 2019. An extension of the initiation of the LSRAP was granted until March 29, 2019, and a completion report is due by July 31, 2019. However, those dates will need to be revised depending upon the continuing plan review and approval process. The applicant should continue communication with the FDEP for future extensions and agreement on an eventual completion date. The applicant should request another extension as soon as possible. The FDEP active cleanup site facility identification is COM_332944.

No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the FDEP and such approval has been provided to the Orange County EPD. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant will need to provide documentation to assure compliance with all applicable standards, including but not limited to, the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and other contaminant cleanup target levels found to apply during further investigations to the Orange County Environmental Protection and Development Engineering Divisions. Exceptions to the site disturbance limitations would be activity related to the removal of the buried waste and/or other activity to remediate soil or groundwater contamination in exceedance of any jurisdictional standards.

The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a

conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, of the prior use of this property for cattle grazing and a cattle vat, and that Type 2 clean debris waste material was buried on portions of this site and that portions of the site were later used as a yard trash recycling facility.

The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable of the proximity of the Orange County solid waste disposal facility boundary that is located 1 mile to the west southwest and 1.5 miles to the active portion of that disposal facility.

The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable of the proximity of the Curtis Stanton Energy Plant boundary that is located 0.5 miles south of this site.

Where contamination has been documented, the covenants, conditions, and restrictions (CC&Rs) and lease agreements, or as appropriate, a recorded restrictive covenant on the property and a note on the plat shall include notification that the property has been identified with soil and groundwater contamination and shall state the status of the resulting remediation.

Approval of this request does not substitute for the geotechnical analysis or other technical studies that any owner or builder should conduct prior to vertical construction on sites that have buried material, or have had buried material removed, that could affect the construction techniques required.

All development on this site shall comply with the guidelines established in the most recent edition of, "Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida" published by the Florida Department of Environmental Protection. In the event of inclement weather during operating hours, the applicant shall secure all waste within the site boundaries and haul vehicles with industrial rated tarps or other similar protective measure to contain waste to prevent fly-away litter deposits onto neighboring properties and roadways.

A Phase I Environmental Site Assessment of November 2002 by Universal Engineering Sciences (UES) indicated that a cattle vat was located in the NW corner of the site near the former house. It is believed to have been in use until 1961. A soil boring and monitoring well were installed by UES in the suspect area to obtain samples. For the portion of the site where the cattle vat was located, neither the soil nor groundwater samples contained exceedances of state standards. The concern of a former cattle vat on the site was raised at a prior community meeting November 12, 2014.

Neither installation nor operation of potable or irrigation water supply wells using local groundwater will be allowed on site. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that neither potable wells nor irrigation wells using local groundwater will be allowed on site. All site work will be required to preserve any existing monitoring wells as may be required in coordination with the FDEP.

Prior to any dewatering activities occurring on site, the applicant will need to obtain approval of the dewatering plans from the local Water Management District and the FDEP, and will provide the supporting documentation of approval to the Orange County EPD.

Discharged stormwater runoff from proposed activities will not be allowed to degrade receiving surface water bodies below the minimum conditions established by state water quality standards (F.A.C. 17-302 and 17-40.420) per Orange County code 30-520(5)e.

The applicant is responsible to comply with any state or federal regulations regarding proximity of residential or commercial/industrial uses to high voltage electrical transmission lines that exist adjacent on the eastern boundary. There is also an electrical substation about 700 feet to the southeast of the property. The applicant should provide documentation in coordination with the Stanton Energy facility that applicable state standards are being met.

This review only addresses Orange County environmental regulations. The project will also need to obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one of the other agencies could deny the request even if the County approves it, or they may have other natural resource protective requirements. Therefore, it is imperative that the proposed plans be addressed on a multi-agency basis.

Public Facilities and Services

Schools: The Department of Facilities Planning of Orange County Public Schools determined that adequate school capacity is not available at University High School to support the development of 350 new residential units. Therefore, this project requires a Capacity Enhancement Agreement (CEA) to determine whether the project can be approved for mitigation. The CEA must be in place prior to adoption of the plan amendment. Per **Future Land Use Policy FLU8.7.11**, no later than two weeks before the adoption hearing, the applicant must obtain a Capacity Enhancement Agreement for mitigation and deliver to the Planning Division a copy of a fully executed Mitigation Agreement with the Orange County School Board. The CEA was approved at the April 9, 2019 Orange County School Board meeting.

Transportation:

Future Roadway Network:

Road Agreements: Yes- Completed

Planned and Programmed Roadway Improvements: None

Right of Way Requirements: None

Summary: The applicant is requesting a land use change and rezoning change for 33.85 acres from Planned Development-Industrial to Planned Development-Medium Density Residential/Industrial and approval to develop 350 multi-family residential units and 284,229 SF of industrial uses.

- The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 47 pm peak hour trips.

- The proposed use will generate 201 pm peak hour trips resulting in a net increase of 154 pm peak hour trips.
- The subject property is located adjacent to Innovation Way, a 4 lane minor arterial from Avalon Park Blvd. to the Beachline. Based on the concurrency management system database dated 01-07-19, all segments within the study area are currently operating within the adopted maximum service volumes and there are no deficiencies within the project impact area.
- Based on the project trip distribution patterns in the area, Innovation Way is projected to accommodate approximately 100% of the project trips with 91% of the trips assigned to the north, and 9% to the south. Of the 91 % trips northbound, 65% of the project trips is projected to use Alafaya Trail and 22% Avalon Park Blvd.
- Background Daily traffic for the Short-Term (2020) horizon was developed for each segment by reviewing the output from three growth methods and extracting the maximum volume within a 5% annual growth rate cap.
- Analysis of short term conditions (Year 2020) indicates a deficient segment along Avalon Road from the Avalon Park Boulevard to Alafaya Trail. However, this deficiency is based on existing and background traffic volumes.
- Analysis of long term conditions (Year 2030) also indicates deficiencies on Alafaya Trail from Curry Ford Road to Avalon Park Boulevard and Avalon Park Boulevard to Alafaya Trail.
- Although the analysis of short term and long term conditions indicates deficient level of service conditions on roadways within the project impact area, these impacts are the result of background and build-out conditions in the area.
- 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 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. The subject property is located in Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas, and OCU presently has sufficient plant capacity to serve the project. Per OCU, there is a 16-inch potable water main within the Innovation Way right-of-way, an 8-inch force main within the Innovation Way right-of-way and 36-inch force main within the Alafaya Trail right-of-way, and a 16-inch and 30-inch reclaimed water mains within the Innovation Way right-of-way.

Sheriff's Office: The project is within the Sheriff's Office Patrol Sector Two, located in eastern Orange County that is the County's largest sector geographically. The Sheriff's Office has indicated that additional staffing needs are required to support the standard level of service to the development.

3. Policy References

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

FLU1.4.16 The Future Land Use Map shall reflect appropriate locations for industrial use. Potentially incompatible land use designations, such as residential or neighborhood commercial, shall not be established adjacent to industrial land use designations. Proposed land use changes from industrial to residential or commercial shall be evaluated in the context of potential impacts to long-term viability of surrounding industrial uses and of freight transportation corridors included in the National Highway Freight Network or identified in state and regional freight plans, such as the Florida Department of Transportation's Freight Mobility and Trade Plan and the MetroPlan Orlando Regional Freight Study. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand, freight movement and efficiency, and corresponding needs for job creation and economic development

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.

OBJ FLU8.1 Orange County's Land Development Code, Zoning and Planned Development process will continue to be implementing tools for ensuring compatible, and integrated land development that promotes the public health, safety, and welfare in Orange County.

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

FLU8.2.11 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.

FLU8.7.11 If the Orange County School Board determines that a Capacity Enhancement Agreement (CEA) is required, the applicant must deliver to the Planning Division, a copy of a fully executed CEA at least two weeks prior to the BCC adoption public hearing for the respective large scale or small scale Future Land Use Map amendment. If a CEA is required, but the applicant is receiving an assignment or transfer of school capacity credits in lieu of executing a CEA, a copy of the executed transfer or assignment document must be delivered to the Planning Division at least two weeks prior to the BCC adoption public hearing. If the applicant has negotiated a postponement agreement with the Orange County School Board, delaying the CEA to the rezoning stage, a copy of the executed postponement agreement must be delivered to the Planning Division at least two weeks prior to the adoption public hearing. If the applicant does not deliver a copy of a fully-executed CEA, transfer document, assignment document, or postponement agreement at least two weeks prior to the BCC adoption public hearing, the Future Land Use Map amendment application may be continued to the next Future Land Use Map amendment cycle. If the application is continued to the next cycle, the applicant is still required to submit the necessary documents to the Planning Division at least two weeks prior to the scheduled BCC adoption public hearing for that Future Land Use Map amendment cycle. Any Future Land Use Map amendment application continued under this policy is subject to the refund policy in effect at that time.

SW1.7.4 New developments of urban residential densities shall be subject to the Zoning Code, as amended, and the Solid Waste Management Ordinance, as amended pertaining to site requirements that are designed to promote compatible uses near landfills. The County shall not

support the siting of developments at urban residential densities that would be adversely impacted by existing solid waste management activities.

Site Photos



Subject Site



Subject Site



North



South



East



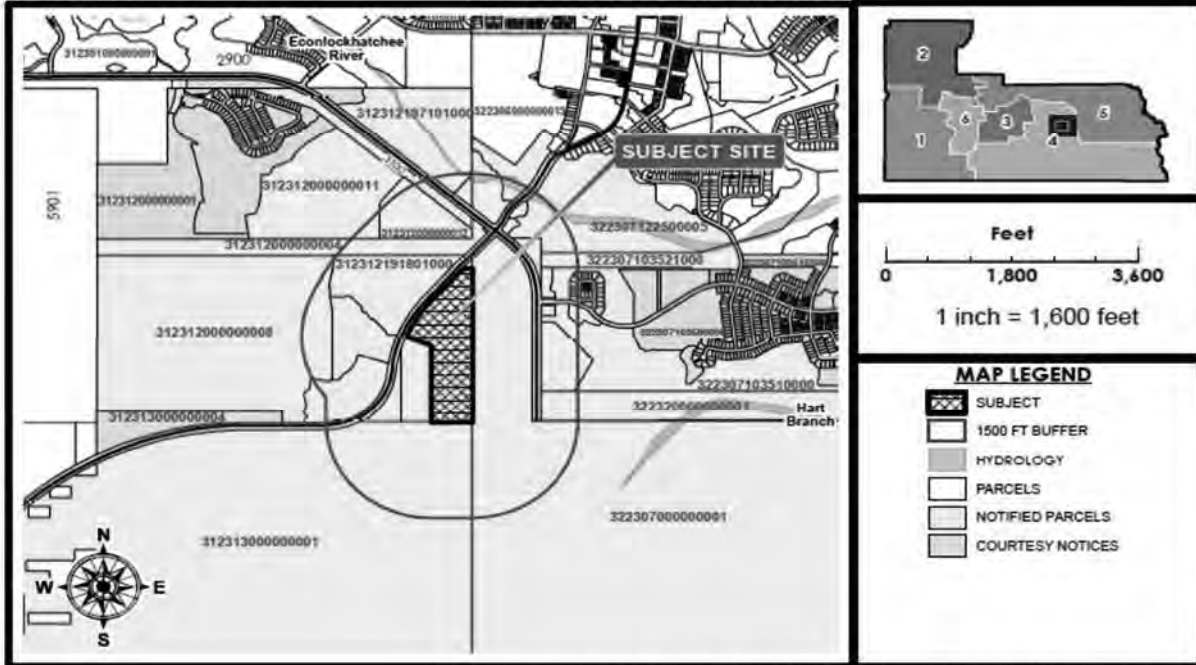
West

PUBLIC NOTIFICATION MAP



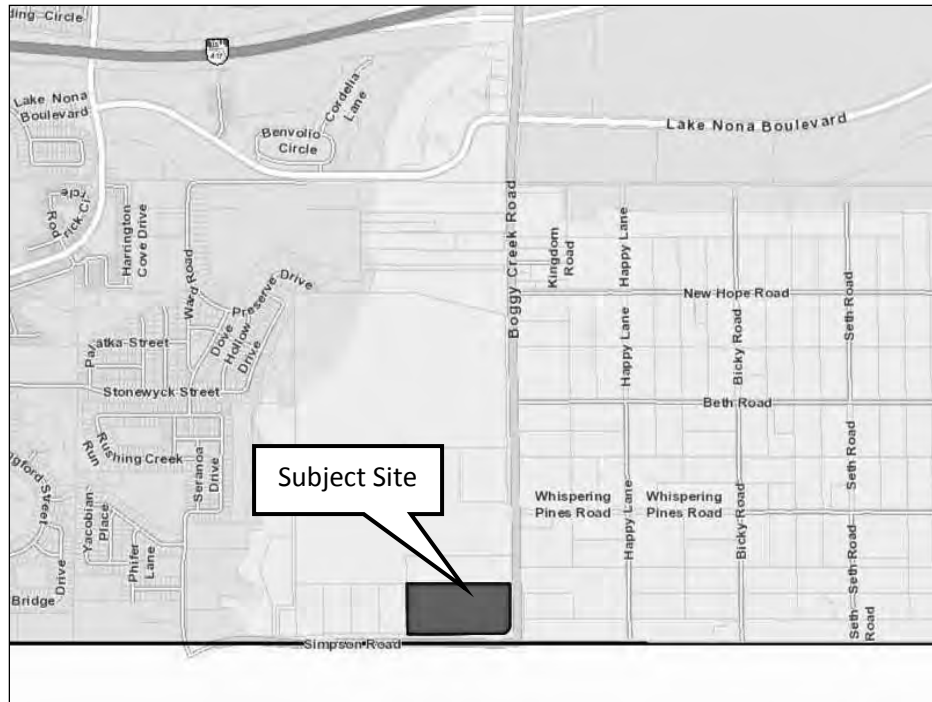
Public Notification Map

2019-1-A-4-1 Innovation Pointe
1500 FT BUFFER, 357 NOTICES



Notification Area:

1,500 ft. plus homeowner associations within a one mile radius of the subject site
357 notices sent



Applicant/Owner:

Erika Hughes, VHB/Boggy Creek Retail Development, LLC

Location: 5757 Simpson Road

Generally located north of Simpson Road, east of Ward Road, south of Lake Nona Boulevard, and west of Boggy Creek Road

Existing Use: Undeveloped

Parcel ID Numbers:

33-24-30-0000-00-015

Tract Size: 16.76 gross acres

+The following meetings and hearings have been held for this proposal:		Project Information	
Report/Public Hearing	Outcome	<p>Request: Planned Development -Commercial (PD-C) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR)</p> <p>Proposed Development Program: Up to 45,750 square feet of retail commercial uses and up to 336 multi-family residences</p> <p>Division Comments: Environmental, Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. Environmental: CAD-14-02-007 and CAI-15-11-037 were completed to remove a 0.07-acre Class III Wetland. Gopher tortoises are located on the site. Transportation: Based on staff's review, the impacts from the proposed future land use compared to the existing future land use will not cause projected deficiencies to the area roadways. There is a programmed roadway improvement to widen Boggy Creek Road to four lanes from the Osceola County Line to SR417. Construction is scheduled for June 2019. Schools: A Capacity Enhancement Agreement (CEA) was approved by OCPS on February 12, 2019. Concurrent PD/LUP Substantial Change: A proposed substantial change to the currently-approved Boggy Creek Crossings PD Land Use Plan (Case CDR-18-12-412) is proceeding through DRC review and is expected to be considered concurrently with the requested FLUM Amendment during the BCC adoption public hearing stage.</p>	
✓	Community Meeting		October 29, 2018 Neutral
✓	Staff Report		Recommend Transmittal
✓	LPA Transmittal January 17, 2019		Recommend Transmittal (7-0)
✓	BCC Transmittal February 12, 2019		Transmit (7-0)
✓	State Agency Comments		April 11, 2019
✓	LPA Adoption April 18, 2019		Recommend Adoption (8-0)
	BCC Adoption		May 21, 2019

SITE AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use Designation:

Planned Development – Commercial (PD-C)

— -Urban Service Area Boundary

FUTURE LAND USE - PROPOSED

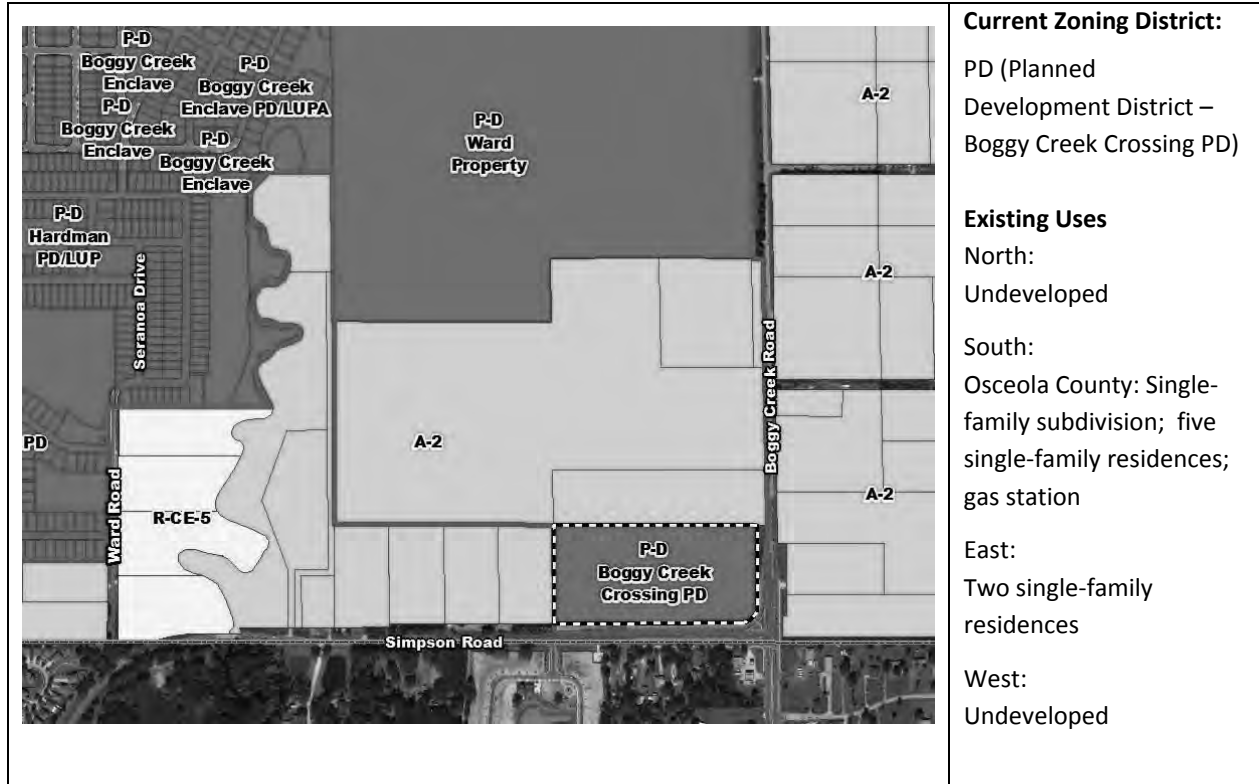


Proposed Future Land Use Designation:

Planned Development – Commercial/Medium Density Residential (PD-C/MDR)

— -Urban Service Area Boundary

ZONING - CURRENT



Current Zoning District:

PD (Planned Development District – Bogy Creek Crossing PD)

Existing Uses

North:
 Undeveloped

South:
 Osceola County: Single-family subdivision; five single-family residences; gas station

East:
 Two single-family residences

West:
 Undeveloped

Staff Recommendation

Make a finding of consistency with the Comprehensive Plan (see Future Land Use Polices. Goal FLU1, OBJ FLU1.1, Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.4(A), FLU1.1.4(B), OBJFLU1.4, Policies FLU1.4.1, FLU1.4.2, FLU1.4.4, FLU8.1.2, FLU8.1.4, FLU8.2.1, FLU8.2.10, FLU8.2.11), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2019-1-A-4-3, amending the Future Land Use from Planned Development-Commercial (PD-C) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR).

Analysis

1. Background and Development Program

The applicant, Erika Hughes, representing Boggy Creek Retail Development, LLC, has submitted an application to change the Future Land Use Map (FLUM) designation of the subject property from Planned Development Commercial (PD-C) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR). The petitioned site, presently undeveloped, consists of 16.76 gross acres. If adopted, the requested future land use designation would permit up to 336 multi-family dwelling units and up to 45,750 square feet of commercial uses, with the combined development program to be limited by a trip generation cap of 5,362 average daily trips, as established in the applicant's approved traffic study. The property is zoned PD (Planned Development District) and is known as the Boggy Creek Crossings PD, with an approved development program of up to 170,000 square feet of commercial uses. In conjunction with this proposed FLUM Amendment, the applicant has requested a substantial change to the current Boggy Creek Crossings PD Land Use Plan (LUP) to add residential development as a permitted use within the PD and to establish the desired mixed-use development program. This proposed substantial change, Case CDR-18-12-412, is proceeding through the Orange County Development Review Committee (DRC) review process and is expected to be considered concurrently with the requested FLUM Amendment during the adoption public hearing before the Board of County Commissioners (BCC).

On June 26, 2007, the BCC approved FLUM Amendment **2007-1-A-4-1**, which changed the future land use designation of the subject property from Rural/Agricultural (R) to Planned Development-Commercial (PD-C) with a concurrent Urban Service Area (USA) Expansion. The subject property is located west of Boggy Creek Road and north of Simpson Road, adjacent to the Osceola County line, with approximately 1,158 feet of frontage on Simpson Road and approximately 491 feet of frontage along Boggy Creek Road. Boggy Creek Road is a two-lane roadway that transitions at the northernmost point of the subject site to four lanes with a median. The northbound lane is one lane, and the southbound lanes consist of two through lanes and a right turn only lane. At the intersection, there is a left turn lane and two right turn lanes that merge at Simpson Road. Simpson Road is a two-lane road that transitions at the western point of the subject site to two westbound lanes and two eastbound lanes with a median. The eastbound lanes are left or right turn only lanes at the signalized intersection.

Although development in the area is presently rural in character, abutting properties to the north of the subject site have approved future land use designations of Planned Development-Industrial/Commercial/Office/Medium Density Residential (PD-IND/C/O/MDR) and a maximum development program of 820,000 sq. ft. of airport and medical support uses, 250 hotel rooms, 450 multi-family dwelling units, 300 single-family dwelling units, 100,000 square feet of commercial uses, and 275,000 square feet of office space. Uses to the east of the site include single-family residences on lots that range from 4.2 to 13 acres in size with future land use designations of Rural/Agricultural

(R). These uses are separated from the subject site by Boggy Creek Road. Abutting properties to the south are located in Osceola County. Development includes a single-family residential subdivision with lots that are approximately 6,500 square feet. Adjacent to this are five (5) single-family residential lots that are approximately one acre in size. There is a Circle K located at the intersection of Boggy Creek and Simpson Roads. The property to the west has future land use designation of Rural/Agricultural (R). The 4.5-acre site is undeveloped.

The request is to amend the Future Land Use Map (FLUM) designation from Planned Development Commercial (PD-C) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR). The request, if approved, would allow for the consideration of up to 336 multi-family dwelling units and up to 45,750 square feet of retail development, subject to the constraint of the trip generation cap of 5,362 average daily trips. The proposal, if approved, would allow for a mixture of commercial and residential uses. A land use equivalency matrix would be adopted as part of the Boggy Creek Crossings Land Use Plan. Table 1, below, provides a comparison of the existing and proposed development of the subject site.

Table 1 Existing and Proposed Development

	<i>Existing</i>	<i>Proposed</i>
<i>Service Area</i>	Urban Service Area (USA)	Urban Service Area (USA)
<i>Future Land Use</i>	Planned Development-Commercial (PD-C)	Planned Development-Commercial/Medium Density Residential (PD-C/MDR)
<i>Zoning</i>	Planned Development District	Planned Development District
<i>Density</i>	None	20 dwelling units per net acre
<i>Intensity</i>	0.23 FAR	0.06 FAR

Future Land Use Element FLU8.1.2 describes the Planned Development (PD) Future Land Uses as intended to incorporate a broad mix of uses under specific design standards, provided the Planned Development land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map. The proposal would amend the existing Planned Development future land use designation to incorporate residential and commercial development on the 16.76-acre site.

The request will require an amendment to the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4**. This request is under a separate staff report, 2019-1-B-FLUE-1.

The applicant is requesting to:

- 1) Amend the Future Land Use Map
- 2) Amend the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4**, being reviewed as 2019-1-B-FLUE-1.

A community meeting for the proposed Future Land Use Amendment was held Wednesday, October 29, 2018. There were three (3) residents in attendance. The primary concern of those in attendance was the existing and potential increase in traffic in the immediate area, along with drainage concerns.

Existing Planned Development

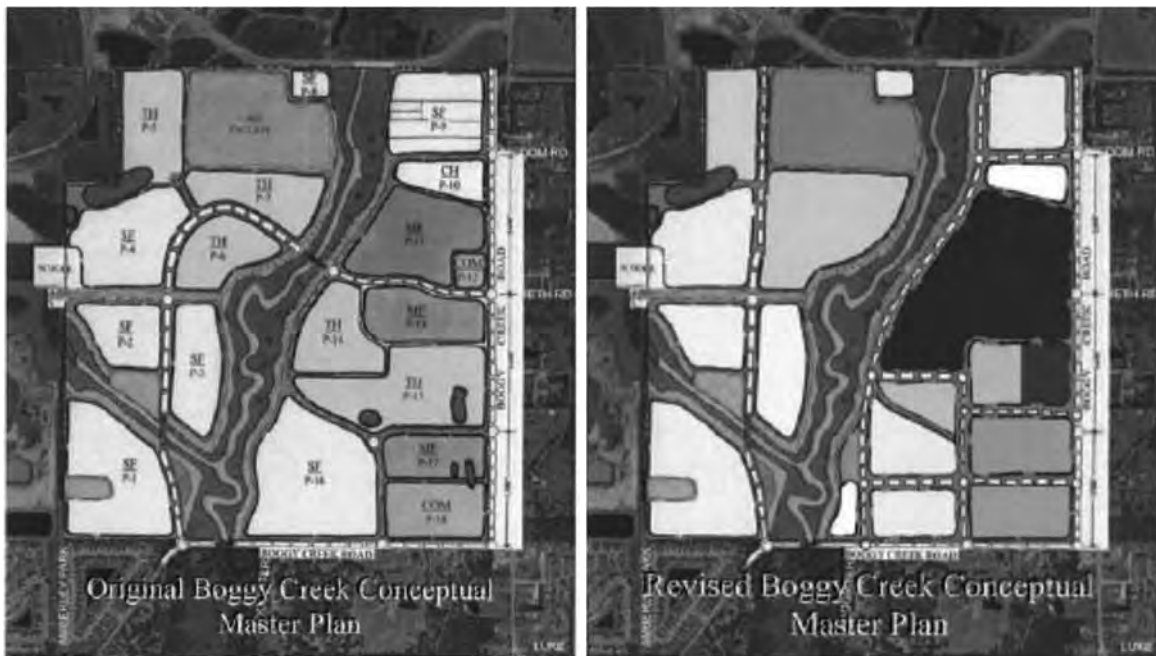
If the proposed amendments are adopted, the approval of PD/LUP Substantial Change Case CDR-18-12-412 will be required to incorporate the revised development program into the Boggy Creek Crossings PD Land Use Plan and establish design and development standards for the mixed-use project. Previously, the Boggy Creek Crossings LUP appeared before the Development Review Committee (DRC) on October 31, 2007, for the consideration of up to 170,000 square feet of C-1 (Retail Commercial District) uses on a total of 19.6 acres. The request was continued upon the resolution of right-of-way issues, including a roadway agreement. The request was considered by the DRC as Case LUP-13-02-036 and was continued for decision only upon resolution of a road agreement. Subsequent to the August 28, 2013, DRC meeting, a right-of-way conveyance agreement was completed. As such, the property owner dedicated 2.84 acres to Osceola County. The Board of County Commissioners (BCC) approved Case LUP-13-02-036 during their May 13, 2014, meeting, subject to 13 conditions.

Boggy Creek Area Amendment History

The subject site is located within the Boggy Creek Area. To better understand the current request and the overall development pattern in the area, previous amendments are detailed below. The current request involves one (1) parcel with a total of 16.76 acres labeled on Map 1 (following page) as Parcel “B”.

2005 Boggy Creek Enclave Study

Boggy Creek Conceptual Master Plan (Not Adopted)



The Boggy Creek Enclave Study was used as the justification statement prepared for Amendment 2005-2-A-4-2. The applicant’s position was that the Urban Service Area should be expanded to include all the parcels within the Boggy Creek Enclave (BCE) (a total of 1,272 acres) and a new future land use designation created specific to this area (Boggy Creek Neighborhood District), shown above. The study describes the BCE as rural land completely surrounded by existing and proposed urban development, including the Orlando International Airport. The study proposed policies and a

Conceptual Master Plan (CMP). Any proposed future development would be required to seek PD (Planned Development District) zoning in conformance with the policies and CMP.

The Board of County Commissioners ***did not*** adopt the proposed future land use designation, nor did it adopt the proposed policies that would have included a provision that lands in the BCE west of Boggy Creek Road would be subject to a Conceptual Master Plan as approved by the Orange County Board of County Commissioners. Instead, the Board of County Commissioners adopted PD future land uses and expanded the Urban Service Area for only two (2) parcels within the Boggy Creek Enclave. Therefore, the Boggy Creek Enclave Study and the accompanying Conceptual Master Plan/Boggy Creek Assemblage Master Plan are historic reference documents only and are not officially adopted documents.

Map 1 Boggy Creek Area Future Land Use Map Amendments

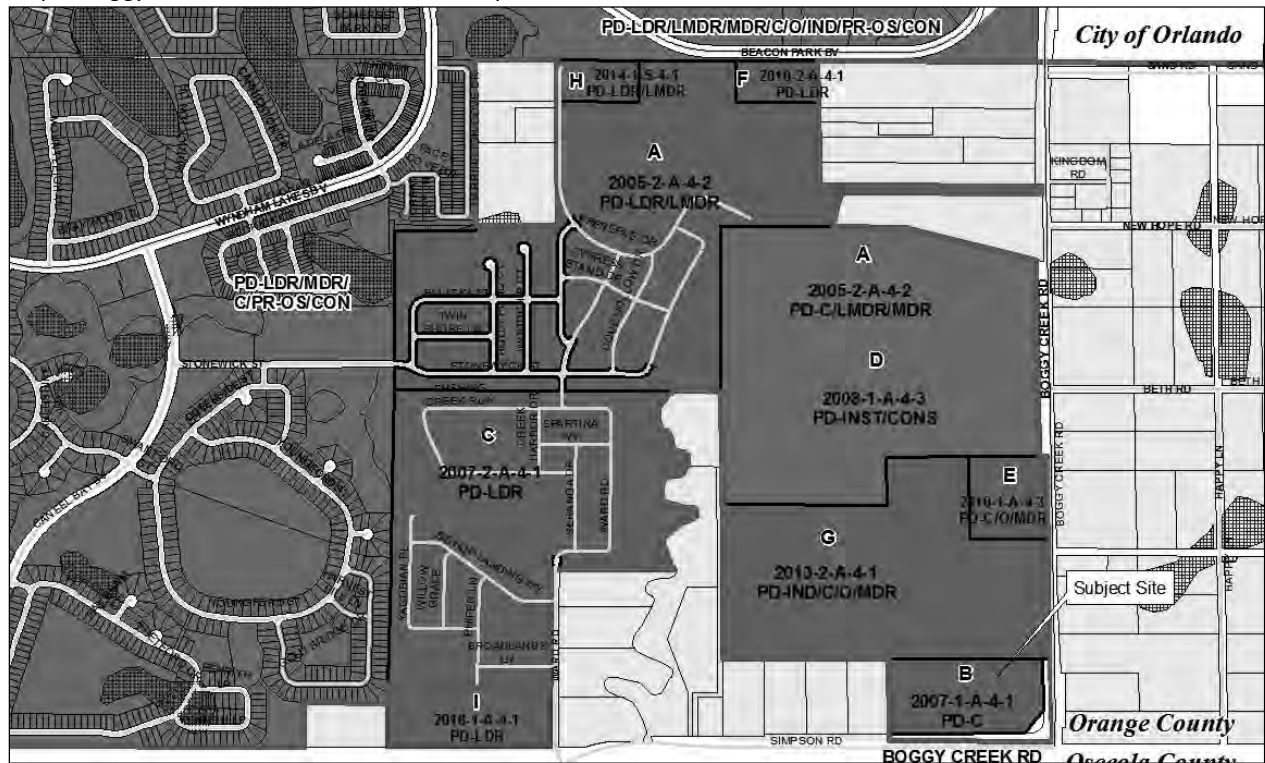


Table 2 Previous Amendments in the Boggy Creek Area

Map Letter	FLUM Amendment	Parcel 33-24-30-0000-00	From/To	Gross Acreage	PD Rezoning
A	2005-2-A-4-2	-021 -005	R to PD-C/LMDR/MDR R to PD-LDR/LMDR	116.84 135.11	Ward Property Boggy Creek Enclave
B	2007-1-A-4-1	-015	R to PD-C	19.58	Boggy Creek Crossings
C	2007-2-A-4-1	-010 -044 -034 -011 -009	R to PD-LDR	100.22	Hardman Bishop
D	2008-1-A-4-3	-021	PD-C/LMDR/MDR to PD-INST/CONS	116.84	Ward Property
E	2010-1-A-4-3	-035	LMDR to PD-C/O/MDR	8.5	A-2 Zoning
F	2010-2-A-4-1	-039	R to PD-LDR	5.0	Ginn Property
G	2013-2-A-4-1	-036 -038	R to PD-IND/C/O/MDR	75.32	A-2 Zoning
H	2014-1-S-4-1	-012	R to PD-LDR/LMDR	5.0	Boggy Creek Enclave
I	2018-1-A-4-1	-023 -046	R to PD-LDR	14.8	Bishop Landing
Total Acres				597.2	

Summary of Previous Boggy Creek Area Amendments

A. Amendment 2005-2-A-4-2 (Boggy Creek Enclave):

- Changed the Future Land Use of two (2) parcels and expanded the Urban Service Area Boundary:

Parcels	From	To	Acreage	Uses
33-24-30-0000-00-021	R	PD-C/LMDR/MDR & USA expansion*	116.84	1,051 units
33-24-30-0000-00-005	R	PD-LDR/LMDR & USA expansion	135.11	470 units

- Amendment 2005-2-A-4-2 had requested a FLUM amendment for 622 acres west of Boggy Creek Road and an Urban Service Area expansion for 1,272 acres east and west of Boggy Creek Road. These areas were ultimately not included.
- Canin Associates prepared a justification statement also called the “Boggy Creek Enclave Study” to support Amendment 2005-2-A-4-2. The justification statement included a USA Expansion Study that indicated a need for 12,167 more acres of residential Urban Service Area land.
- The “Boggy Creek Enclave Study” included a conceptual master plan (also called the Boggy Creek Assemblage Master Plan), showing primarily residential uses with neighborhood-serving commercial uses.
- Proposed that the “Western Enclave” portion of the amendment would be subject to a Conceptual Master Plan as approved by the Board of County Commissioners.
- The Board of County Commissioners approved a Planned Development rezoning in August 2007, known as the “Ward Property PD” for Parcel 33-24-30-0000-00-021 – Development Program: 184 townhouses, 865 multifamily units, and 36,000 square feet of commercial.
- Amended Parcel 33-24-30-0000-00-021 to PD-INST/CONS with Amendment 2008-1-A-4-3; see below Letter D for greater detail.

B. Amendment 2007-1-A-4-1 (Boggy Creek Retail): Involves current subject property

- Changed the Future Land Use of one (1) parcel and expanded the Urban Service Area Boundary:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-015	R	PD-C & USA expansion	19.58	170,000 sq. ft. commercial

- Staff recommended approval based on consistency with the conceptual land use plan for the Boggy Creek Enclave Area.
- Staff recommended the non-contiguous Urban Service Area expansion based on the parcel (identified as P-18 on the Boggy Creek Enclave Study conceptual map) being part of an overall plan to include the general area in the Urban Service Area boundary – this being accomplished on a parcel-by-parcel basis and eventually all parcels within the approved study area will be within the Urban Service Area.
- Adoption of Amendment 2007-1-A-4-1 created a gap in the Urban Service Area boundary.

C. Amendment 2007-2-A-4-1

- Changed the Future Land Use of five (5) parcels and expanded the Urban Service Area (USA) Boundary:

Parcels	From	To	Acreage	Uses
33-24-30-0000-00-010 33-24-30-0000-00-044 33-24-30-0000-00-034 33-24-30-0000-00-011 33-24-30-0000-00-009	R	PD-LDR/USA	100.22	Residential- 100 acres at 4 dwelling units per acre and a maximum development program of 400 units.

- Staff analysis indicated the proposed land use designation would allow land uses that were compatible with the existing development or trends in the area.
- Staff recommended approval based on consistency with the conceptual land use plan for the Boggy Creek Enclave Area.
- Two approved Planned Development rezonings, Hardman (LUP-13-06-159) and Bishop (LUP-13-10-264).
- *This Future Land Use Amendment abuts the subject site along the north property line.*

D. Amendment 2008-1-A-4-3 (Boggy Creek Road aka Ward Property):

- Changed Future Land Use of one (1) parcel:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-021	PD-C/LMDR/MDR	PD-INST/CONS	116.84	1,000,000 sq. ft. hospital and internalized or physically connected support uses; 450 multifamily dwelling units; 250 hotel rooms; 100,000 sq. ft. retail; 299,000 sq. ft. office; heliport; cell tower and related facilities

- Staff analysis indicated the proposed land use designation would allow land uses that are compatible with the existing development or trends in the area.
- Property owner dedicated right-of-way 60 feet in width as part of Boggy Creek Road widening.

E. Amendment 2010-1-A-4-3 (Bonnemaison):

- Changed Future Land Use of one (1) parcel:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-035	LMDR	PD-C/O/MDR	9.54	50,000 sq. ft. commercial; 100,000 sq. ft. office; and 86 dwelling units

- Staff recommended approval based on compatibility with trends in the area, noting the proposed mix of uses could be complimentary to the medical center allowed to the north (Ward Property, Amendment 2008-1-A-4-3).

- Staff analysis noted the potential for an activity center if the mix of uses on this site, the proposed medical center to the north, and other adjoining parcels within the Boggy Creek Enclave Study area are well designed and coordinated (through a well-connected internal roadway network).
- The applicant’s justification statement notes that with the adoption of the hospital use with Amendment 2008-1-A-4-3 (Ward Property), the original “Boggy Creek Master Plan” no longer had the balance of land uses as initially intended; and, the request was more consistent with a major hospital use, to provide complimentary land uses to a hospital and meet market demand for employment centers in the area.
- The applicant included a revised “Boggy Creek Assemblage Master Plan” in the justification statement to reflect the Ward Property hospital site and the subject property, noting, “At some point, it is appropriate to undertake a re-examination of the Boggy Creek Master Plan. The rapid surrounding employment growth, the Airport entry road and future hospital are significant new trends which substantially change the base assumptions of the original Boggy Creek Master Plan.”
- Zoning has not been changed from A-2 (Farmland Rural District) to PD to reflect the PD-C/O/MDR future land use designation.

F. Amendment 2010-2-A-4-1

- Changed Future Land Use of one (1) parcel:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-039	R	PD-LDR	5	Stormwater management pond

- Proposed stormwater management pond for the residential planned development to the north of the subject site.
- A Land Use Plan Amendment (LUPA-13-05-112) was approved, rezoning the property to Planned Development (PD) and incorporating it into the existing Ginn Property Planned Development.

G. Amendment 2013-2-A-4-1

- Changed Future Land Use of two (2) parcels:

Parcels	From	To	Acreage	Uses
33-24-30-0000-00-036 33-24-30-0000-00-038	R	PD-IND/C/O/MDR	75.32	820,000 sq. ft. of airport and medical support uses; 250 hotel rooms; 450 multi-family dwelling units; 300 single-family dwelling units; 100,000 sq. ft. of commercial; and 275,000 sq. ft. of office

- Staff recommended approval based on compatibility with trends in the area, noting the proposed mix of uses could be complimentary to the medical center allowed to the north and that the amendment allows for the transition of a rural enclave to urban land uses consistent with previous amendments in the surrounding area.
- Staff recommended a phased development program limited by the number of trips available on Boggy Creek Road after the facility is widened to four lanes.

- Staff recommended that Phase Two of the development program be linked to the **completion of a small area study**. This study would update the Boggy Creek Enclave Study and focus on land use and transportation issues.
 - The small area study would update the Boggy Creek Enclave Study and focus on land use and transportation issues.

H. Amendment 2014-1-S-4-1

- Changed Future Land Use of one (1) parcel:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-012	R	PD-LDR/LMDR	5	Adding property to the Boggy Creek Enclave PD for stormwater and single-family residential use. PD was originally approved for 470 residential units, later amended to 400 units.

- The justification for the proposed amendment was to add the 5-acre parcel to the existing, adjacent Boggy Creek Enclave Planned Development and incorporate it into the site.
- The subject site was part of a rural enclave created by previous Urban Service Area Boundary expansions.
- The Preliminary Subdivision Plan is approved for 296 units. This proposal does not exceed the number of units approved through the PD zoning.

I. Amendment 2018-1-A-4-1

- Proposed Amendment to the Future Land Use of two (2) parcels:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-023 33-24-30-0000-00-046	R	PD-LDR	14.8	Residential – 53 single-family dwelling units – Bishop Landing, Phase III – part of the Bishop PD

- The justification for the proposed amendment was to add the 14.8-acre parcel to the adjacent Bishop PD and incorporate it into the 46.47-acre site.
- The subject site was part of a Rural Service Area enclave created by previous Urban Service Area Boundary expansions.
- Amendment 2018-1-A-4-1 was adopted by the BCC December 18, 2018. On January 15, 2019, the BCC approved associated Rezoning Case LUPA-18-01-025, expanding the Bishop PD to encompass 61.27 gross acres and adding 53 single-family detached dwelling units to the existing development program, thus increasing the PD’s entitlements to 167 dwelling units.

2. Future Land Use Map Amendment Analysis

Pertinent Policies

The following Comprehensive Plan Goals, Objectives, and Policies appear to be most pertinent to the review of this amendment and are specifically discussed in the paragraphs below.

Future Land Use Element Goal FLU1, OBJ FLU1.1, and Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.4(A), and FLU1.1.4(B) describe Orange County's urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area. The Medium Density Residential (MDR) future land use designation is intended for urban-style multi-family residential densities within the Urban Service Area with a density of up to twenty (20) dwelling units per net acre. The Commercial future land use designation includes neighborhood- and community-scale commercial and office development that serves neighborhood or community needs. An urban mixed-use development program may be achieved through the adoption of the Planned Development (PD) future land use designation, which ensures adjacent land use compatibility and physical integration and design. This proposal would be in keeping with the intent of the Planned Development designation by adding a multi-family residential component on the petitioned site, consistent with the diverse land uses previously approved for neighboring properties.

Future Land Use Objective FLU1.4 and Policies FLU1.4.1 and FLU1.4.2 contain location and development criteria that must be used to guide the distribution, extent, and location of urban land uses, and encourage the compatibility with existing neighborhoods. Policy FLU1.4.1 states that Orange County shall promote a range of living environments and employment opportunities to achieve a stable and diversified population and community, and FLU1.4.2 ensures that land use changes are compatible with and serve existing neighborhoods. The proposed Future Land Use Map Amendment, which would incorporate residential development into the existing commercial land use designation, would meet intent of the aforementioned policies by promoting a range of living environment and employment opportunities. The immediate surrounding development is diverse in that it consists of Planned Developments to the north and west and residential development that is rural in nature to the east.

Future Land Use Element Policy FLU1.4.4 mandates that primary access to single-family residential development through a multi-family development shall be avoided. The proposed incorporation of commercial and multi-family on the subject site meets the requirement of this policy.

Future Land Use Element Policy FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trends in the area. The development trend in this area anticipates a change from rural uses to urban uses, as reflected and allowed for by previous Comprehensive Plan Amendments beginning with the 2005 Boggy Creek Enclave Study.

In a larger context, the property is near the south access to Orlando International Airport and is located approximately two miles from Lake Nona/Medical City. Lake Nona/Medical City has created a significant employment center for this area of the County and is now home to Nemours Children's Hospital, Veterans Administration Hospital, UCF Medical School, Sanford Burnham Prebys Medical Discovery Institute, and other health-related businesses.

Future Land Use Element Policy FLU8.2.10 ensures land use compatibility with residential-zoned areas and protection of the residential character of those areas through performance standards. These standards may be incorporated as conditions of approval as part of the Planned Development Substantial Change request.

Finally, **Future Land Use Element Policy 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. The proposed Future Land Use Map Amendment request, if approved, would reduce the approved commercial entitlements on the petitioned site from 170,000 square feet to 45,750 square feet and incorporate 336 multi-family dwelling units. The subject site is located in an area that is slowly transitioning from rural to urban. The request would provide additional housing and commercial opportunities in an area that is primarily single-family residential today, but which—as detailed previously—is approved for the future development of a wide variety of residential, commercial, office, industrial, and institutional uses.

Future Land Use Element Policy FLU8.1.4 lists the development program for Planned Development (PD) Future Land Use Map designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into **Policy FLU8.1.4** via a staff-initiated text amendment (Amendment 2019-1-B-FLUE-1). The maximum development program for Amendment 2019-1-A-4-3, if adopted, would be set at 45,750 square feet of retail commercial uses and up to 336 multi-family dwelling units, with the combined development program to be limited by a trip generation cap of 5,362 average daily trips, as established in the applicant’s approved traffic study.

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
<u>2019-1-A-4-3</u> <u>Boggy Creek Crossings</u>	<u>PD-Commercial/Medium Density Residential (PD-C/MDR)</u>	<u>Up to 45,750 square feet of retail commercial uses and up to 336 multi-family dwelling units</u> <u>The combined development program is limited by a maximum of 5,362 ADT (Average Daily Trips), as established in the approved traffic study.</u>	<u>2019-</u>

Compatibility

The subject site is part of what is currently a rural enclave surrounded by urbanizing development to the north and south. As detailed above, previous Future Land Use Map Amendments and Planned Developments have been approved for properties surrounding the site. Of special note is the approved Planned Development immediately north of the subject site, with an adopted development program of 820,000 square feet of airport and medical support uses, 250 hotel rooms, 450 multi-family dwelling units, 300 single-family dwelling units, 100,000 square feet of commercial space, and 275,000 square feet of office activity.

The development trend in the area is to allow for a transition from rural to urban land uses, and this proposal is consistent with this trend. The requested amendment would allow land uses that are

compatible with the diverse mix of residential, commercial, office, industrial, and institutional land uses approved for neighboring properties. The proposal to amend the existing Planned Development future land use designation to allow Medium Density Residential (MDR) in addition to the existing Commercial (C) future land use provides for a compatible mix of uses on the subject site. The proposal is consistent with existing and planned development along Ward Road, Narcoossee Road, and within the Lake Nona community. Staff notes, though, that the existing rural development to the east and west of the subject site consists of single-family residential development on larger parcels ranging from one to thirteen (1-13) acres in size. Although conditions may not be placed on the FLUM Amendment, compatibility with these abutting properties will be addressed via the PD/LUP Substantial Change and Development Plan review processes through the imposition of performance standards including, but not limited to, building height limitations, architectural design, lighting restrictions, landscaping and buffering requirements, and parking design.

Division Comments: Environmental, Public Facilities, and Services

Environmental: Orange County Conservation Area Determination CAD-14-02-007 and Impact Permit CAI-15-11-037 were completed to remove a small Class III wetland on site (0.07 acres). This request shall comply with all related permit conditions of approval. Contact the Environmental Protection Division (EPD) to request a time extension prior to the permit expiration date.

Gopher tortoises have been located on this site. Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible for determining the presence of listed species and obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Fire Rescue: The distance of the petitioned site from the nearest fire station is 5.8 miles. The emergency response time is 11 minutes. Orange County Fire Rescue Department has indicated that the proposed location for this development project currently exists in an area that is beyond five (5) miles from the closest fire station. The insurance industry gauges fire loss risk based, in-part, on this criterion for calculating Insurance Premiums related to fire-loss risk. Potential buyers/renters in this development have the potential for higher than expected insurance premium rates associated with this higher potential risk. Fire Rescue has the following comment on the petitioned site:

The site in question is currently categorized as Rural-High population density, which has a travel time standard of 9 minutes for the arrival of the first responding unit. As you noted, this is already below the 11 minute estimation. As the surrounding area continues to develop, we will likely reclassify the area to Urban-Low or Urban-High, which have first unit arrival standards of 7 and 5 minutes, respectively. Fire Rescue already owns a parcel in that area for building a new fire station. However, that station is a long term development, and not currently part of a capital improvement plan.

Schools: There is not sufficient capacity at Wyndham Lakes Elementary and Cypress Creek High School for this project. A Capacity Enhancement Agreement (CEA) is required. (See Future Land Use Element Policy FLU8.7.11.)

Transportation:

Future Roadway Network.

Road Agreements: None

Planned and Programmed Roadway Improvements: Boggy Creek Road – There is a programmed roadway improvement to widen Boggy Creek Road to 4 lanes from the Osceola County Line to SR417. Construction is scheduled for June 2019.

Right of Way Requirements: None

Summary: The subject property is not located within the County’s Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor. The allowable development based on the approved future land use will generate 539 pm peak hour trips. The proposed use will generate 312 pm peak hour trips resulting in a net decrease of 227 pm peak hour trips.

The subject property is located adjacent to Boggy Creek Road, 4 lane minor arterial from the Osceola County Line to the Central Florida Greenway. Based on the County’s concurrency management system database dated 01-09-19, the segment is operating near capacity with less than 50 trips available to be encumbered. This information is dated and subject to change.

A traffic study was provided in support of the proposed land use amendment however, the trip generation calculations were incorrect and a revised study is requested. Based on staff’s review, the trip generation calculations for this proposed future land use change will result in an overall trip reduction of the maximum trip generation potential when compared to the maximum allowable intensity of the existing future land use and therefore the impacts to the area roadways will not cause projected deficiencies.

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.

3. Policy References

GOAL FLU1 URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

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

Policy FLU1.1.2(A) The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay

(Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.

Policy FLU1.1.2(B)The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac

Policy FLU1.1.4(A) OTHER URBAN RELATED OPTIONS – The following are non-residential Future Land Use designations that are predominantly found in the Urban Service Area. These may also be located within Rural Settlements on a limited basis. (See specific policies within OBJ FLU6.2.) Also, Institutional and Educational designations may be located within the Rural Service Area on a limited basis as may be expressly allowed by other goals, objectives and/or policies in this Comprehensive Plan. (Amended 11/17, Ord. 2017-19)

FLUM Designation	General Description	Density/Intensity
Urban Non-Residential – Predominantly urban in use		
Commercial (C)	Commercial uses include neighborhood and commercial scale commercial and office development that serves neighborhood or community or village needs. Examples include neighborhood center, community center and village commercial.	1.50 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code

Policy FLU1.1.4.B - In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1.

B. URBAN MIXED USE OPTIONS – The following Future Land Use designations allow for a mix of uses. Per a settlement agreement with the State Department of Community Affairs, Orange County’s Planned Development Future Land Use designation now requires an adopted text amendment to specify the maximum intensity and density of a project. See Policy FLU8.1.4. Mixed-Use Corridors are a staff initiated option intended to complement the County’s Alternative Mobility Areas and Activity Center policies.

FLUM Designation	General Description	Density/ Intensity
Urban Mixed Use– Urban Service Area		
Planned Development (PD)	The PD designation ensures that adjacent land use compatibility and physical integration and design. Development program established at Future Land Use approval may be single or multiple use. See FLU8.1.4. Innovation Way is another large planning area similar in some respects to the planning process for Horizon West. Developments within the Innovation Way Overlay (Scenario 5) are processed as Planned Developments. Innovation Way is being implemented through the policies found in Chapter 4.	Must establish development program at Future Land Use amendment stage per FLU8.1.4.

OBJ FLU1.4 The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP

Policy FLU1.4.1 Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

Policy FLU1.4.2 Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

Policy FLU1.4.4 The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.

Policy FLU8.1.2 Planned Developments (PDs) intended to incorporate a broad mixture of uses under specific design standards shall be allowed, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map.

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

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

Policy FLU8.2.10 To ensure land use compatibility with nearby residential zoned areas and protection of the residential character of those areas, office and commercial uses within residential neighborhoods shall be subject to strict performance standards, including but not

limited to the following:

- A. Building height restrictions;
- B. Requirements for architectural design compatible with the residential units nearby;
- C. Floor area ratio (FAR) limitations;
- D. Lighting type and location requirements;
- E. Tree protection and landscaping requirements including those for infill development; and
- F. Parking design

Policy FLU8.2.11 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.

Site Visit Photos

Subject Site



North

East



South (Osceola County)

South (Osceola County)



South (Osceola County)



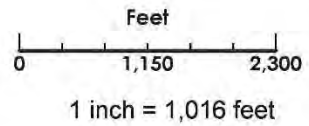
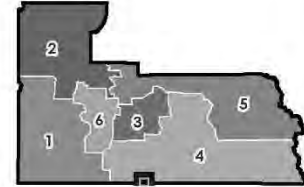
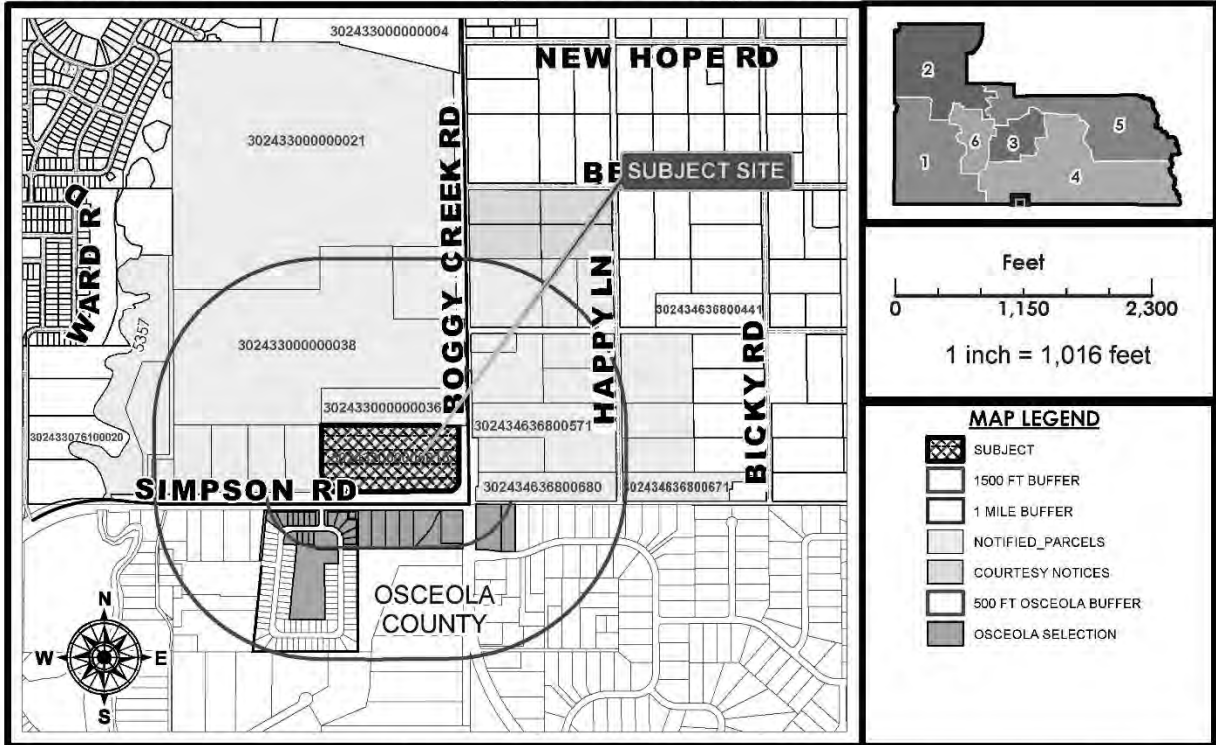
West





Public Notification Map

2019-1-A-4-3 Boggy Creek Crossings
 1500 FT BUFFER, 58 NOTICES

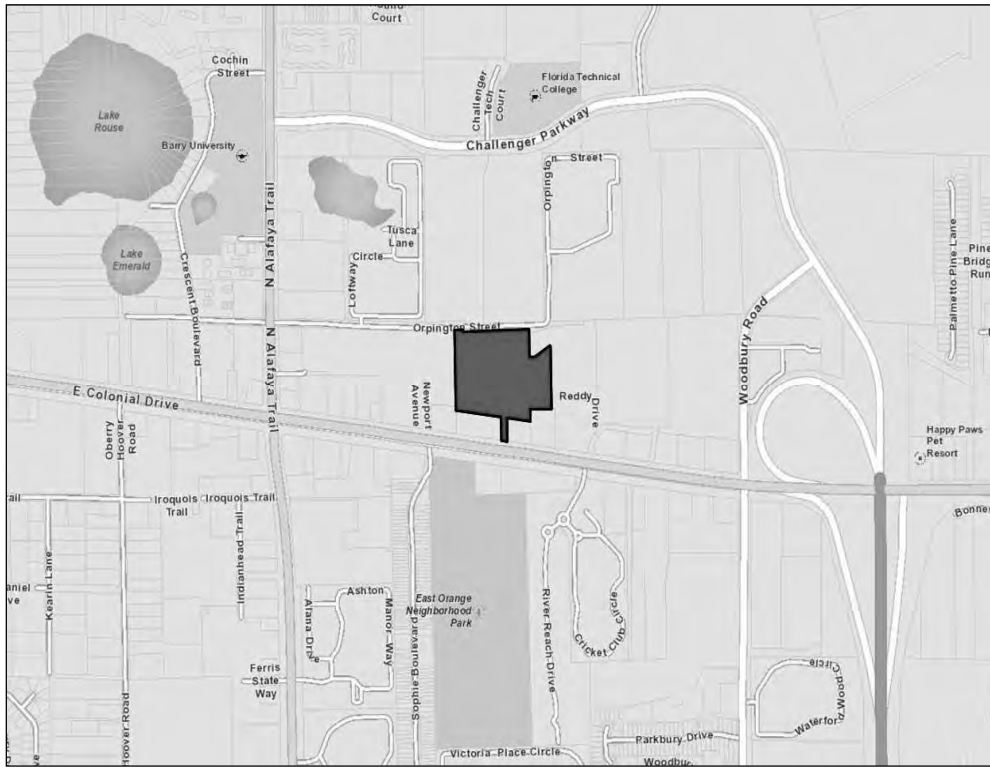


MAP LEGEND

	SUBJECT
	1500 FT BUFFER
	1 MILE BUFFER
	NOTIFIED_PARCELS
	COURTESY NOTICES
	500 FT OSCEOLA BUFFER
	OSCEOLA SELECTION

S:\Business Systems\Board Administration\FLUA\2019\2019-1\2019-1-A\2019-1-A-4-3_Boggy Creek Crossings\2019-1-A-4-3_Boggy Creek Crossings.mxd

Notification Area:
 1,500' buffer
 58 notices sent



Applicant/Owner:
 Thomas R. Sullivan, Gray
 Robinson, P.A. / Marolyn
 Cowart Russell, Trustee
 and Park Square UCF, LLC

Location: 12151 E Colonial
 Drive; generally located
 north of E Colonial Drive,
 east of N Alafaya Trail,
 south of Orpington Street,
 and west of Woodbury
 Road.

Existing Use: Retail
 commercial and
 undeveloped land

Parcel ID Numbers:
 22-22-31-9461-00-010/011
 and 22-22-31-0000-00-091
 (portion of)

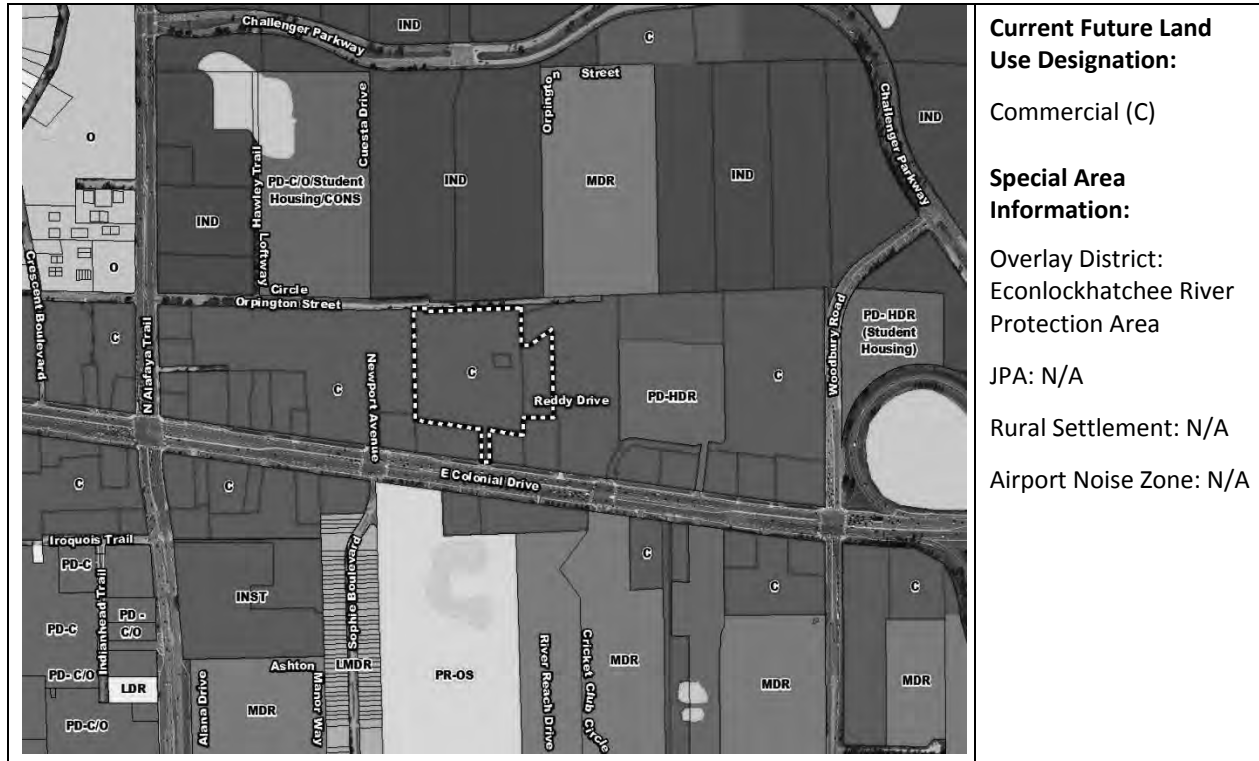
Tract Size: 12.28 gross/net
 developable acres

+The following meetings and hearings have been held for this proposal:		Project Information
Report/Public Hearing	Outcome	
✓	Community Meeting	Request: Commercial (C) to Planned Development-Commercial/Medium Density Residential (Student Housing) (PD-C/MDR) (Student Housing)
✓	Staff Report	Proposed Development Program: Up to 650 student housing bedrooms (162 units) or up to 802,375 square feet of commercial development
✓	LPA Transmittal January 17, 2019	Division Comments: Environmental, Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. Environmental: The subject site is located within the limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply. Transportation: The submittal of a revised traffic study is required. Schools: As this application entails the proposed development of student housing, the applicant shall not be required to enter into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools (OCPS).
✓	BCC Transmittal February 12, 2019	Concurrent Rezoning: LUP-19-01-001 C-1 (Retail Commercial District) to PD (Planned Development District) (Burlington PD/LUP)
✓	State Agency Comments	
✓	LPA Adoption April 18, 2019	
	BCC Adoption	

SITE AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use Designation:
 Commercial (C)

Special Area Information:
 Overlay District:
 Econlockhatchee River Protection Area
 JPA: N/A
 Rural Settlement: N/A
 Airport Noise Zone: N/A

FUTURE LAND USE - PROPOSED



Proposed Future Land Use Designation:
 Planned Development-Commercial/Medium Density Residential (Student Housing) (PD-C/MDR) (Student Housing)

Staff Recommendation

1. **Future Land Use Map Amendment 2019-1-A-5-1:** Make a finding of consistency with the Comprehensive Plan (see Future Land Use Polices. Goal FLU1, OBJ FLU1.1, Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.2(F)(1)(2), FLU1.1.4(A), FLU1.1.4(B), OBJ FLU2.1, OBJ FLU1.4, Policies FLU1.4.1, FLU1.4.2, FLU8.1.2, FLU8.1.4, FLU8.2.1), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2019-1-A-5-1, amending the Future Land Use from Commercial (C) to Planned Development-Commercial/Medium Density Residential (Student Housing) (PD-C/MDR) (Student Housing).
2. **Rezoning Request LUP-19-01-001:** (March 26, 2019 DRC Recommendation, April 18, 2019 Planning and Zoning Commission Recommendation) Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the Burlington Planned Development / Land Use Plan (PD/LUP), dated "Received March 29, 2019", subject to the following conditions:
 1. Development shall conform to the Burlington Land Use Plan (LUP) dated "Received March 29, 2019," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received March 29, 2019," 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. 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 / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
7. 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.
8. 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.

9. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
10. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
11. 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.
12. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
13. In accordance with Orange County Code Section 38-1259 (a), a student housing development plan shall require approval through a public hearing before the Board of County Commissioners. Prior to the public hearing, a community meeting shall be held.
14. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1258(f) to allow a six (6) foot composite screening or precast concrete wall system, in lieu of a six-foot high masonry, brick, or block wall whenever a student housing development is located adjacent to right-of-way.
 - b. A waiver from Section 38-1259(g) to allow a maximum density rate of 1 bedroom shall count at one-quarter dwelling unit (1 bedroom = $\frac{1}{4}$ dwelling unit), in lieu of the required 1 bedroom – $\frac{1}{2}$ dwelling unit.
 - c. A waiver from Section 38-1259(h) to allow the student housing buildings to be a maximum of three (3) stories fifty (50) feet and the student housing parking garage a maximum height of five (5) stories sixty (60) feet, in lieu of three (3) stories forty (40) feet.
15. Orange County recognizes that Parcel 22-22-31-9461-00-012 on Orpington Street cannot be developed independently and any variance requests will not be supported by staff.

Analysis

1. Background and Development Program

The applicant, Thomas Sullivan, representing Marolyn Cowart Russell, Trustee and Park Square UCF, LLC, has submitted an application to change the Future Land Use Map (FLUM) designation of the 12.28-acre subject property from Commercial (C) to Planned Development-Commercial/Medium Density Residential (Student Housing) (PD-C/MDR) (Student Housing). The requested future land use designation, if adopted, would permit the development of a student housing project featuring up to 162 student housing units (up to 650 bedrooms) or, alternatively, up to 802,375 square feet of commercial uses.

The petitioned site consists of three individual parcels. The west 10.19 acres, comprised of Parcels 22-31-9461-00-010 and 22-22-31-9461-00-011, are currently zoned C-1 (Retail Commercial District) and are presently the site of a Burlington Coat Factory. The undeveloped east 2.09 acres, a portion of the 11.43-acre Parcel 22-22-31-0000-00-091, have a zoning classification of C-2 (General Commercial District). In conjunction with this proposed FLUM Amendment, the applicant has submitted an application to rezone the subject property from C-1 (Retail Commercial District) and C-2 (General Commercial District) to PD (Planned Development District) (Burlington Planned Development in order to construct a 650 bed, 162 unit student housing project.

The subject property is located north of East Colonial Drive and south of Orpington Street. East Colonial Drive is a six-lane roadway with a median. The site has access from East Colonial Drive from a right-in/right-out entrance at Darrell Drive and from a signalized intersection at Sophie Boulevard. Orpington Street is a two-lane street with one access point to the property. Orpington Street intersects with North Alafaya Trail to the west and Woodbury Road to the east. Access to the East-West Expressway is approximately half a mile from the petitioned site.

The petitioned site, with an intended use of student housing, is located approximately three (3) miles from the University of Central Florida (UCF). Access to UCF by car could be achieved along North Alafaya Trail or from Challenger Parkway, to Ingenuity Drive, to Discovery Drive. There is a bicycle lane on North Alafaya Trail and a sidewalk which connects to UCF. There is a LYNX bus stop at North Alafaya Trail and Orpington Street which has a stop at UCF.

Development in the area is suburban in character. Commercial uses are concentrated along East Colonial Drive and at its intersection with North Alafaya Trail. The commercial uses along East Colonial Drive are automobile-oriented, with large parking lots fronting the major street and buildings set back along the rear of the property. There are outparcels at the sites which include drive-through restaurants and sit-down chain restaurants. Uses to the north of the subject site include two apartment complexes, The Lofts and Orion on Orpington, and an office park. The site that is improved with The Lofts has a future land use designation of Planned Development-Commercial/Office/Student Housing/Conservation (PD-C/O/SH/CONS). The office park is situated on property with a future land use of Industrial (IND), while the Orion on Orpington apartment complex has a future land use of Medium Density Residential (MDR).

Uses to the east of the site include a vacant parcel—the 9.34 acres of Parcel 22-22-31-0000-00-091 not included in this application—with Commercial (C) future land use. Orange County has issued permits for improvements to this site which include a commercial retail building with a hotel outparcel and two restaurant outparcels. East of this site is an apartment complex, EOS Apartments, with a future land use of Planned Development-High Density Residential (PD-HDR) and commercial uses, including a grocery.

Properties to the south of the petitioned site are commercial uses, including fast-food drive through restaurants and a putt-putt golf course. South of East Colonial Drive are public facility uses that include the Alafaya Branch Library and the East Orange Park, along with commercial uses, such as fast-food restaurants and a carwash. The properties to the west have a future land use designation of Commercial (C) and include a strip commercial development with outparcels.

As one radiates out from the subject property, there are multi-family uses, commercial uses along the major roads, and single-family subdivisions. A major shopping center, Waterford Lakes Town Center, is located approximately 1.5 miles from the subject site and includes restaurants, retail commercial, and a movie theater.

The request is to amend the Future Land Use Map (FLUM) designation from Commercial (C) to Planned Development-Commercial/Medium Density Residential (Student Housing) (PD-C/MDR) (Student Housing). The request, if approved, would allow for the consideration of up to 162 student housing units consisting of up to 650 bedrooms or up to 802,375 square feet of commercial development. Table 1, below, provides a comparison of the existing and proposed development of the subject site.

Table 3 Existing and Proposed Development

	<i>Existing</i>	<i>Proposed</i>
<i>Service Area</i>	Urban Service Area (USA)	Urban Service Area (USA)
<i>Future Land Use</i>	Commercial (C)	Planned Development-Commercial/Medium Density Residential (Student Housing) (PD-C/MDR (Student Housing)
<i>Zoning</i>	C-1 (Retail Commercial District) and C-2 (General Commercial District)	PD (Planned Development District) (Burlington PD/LUP)
<i>Density</i>	None	13.2 dwelling units per acre
<i>Intensity</i>	3.0 FAR	1.5 FAR

A staff-initiated text amendment to Future Land Use Element Policy **FLU1.1.4(A)** decreased the Commercial Floor Area Ratio (FAR) from 3.0 to 1.5 (Amendment 2017-2-B-FLUE-4, approved by the Board of County Commissioners on November 14, 2017). Any changes to the Future Land Use Map would require a prospective developer of a commercial project to adhere to the current FAR cap.

Future Land Use Element FLU8.1.2 describes the Planned Development (PD) Future Land Uses as intended to incorporate a broad mix of uses under specific design standards, provided the Planned Development land uses are consistent with the cumulative densities identified on the Future Land Use Map. This proposal, if adopted, would amend the existing Commercial future land use designation to Planned Development to enable residential (student housing) or commercial development on the 12.28-acre site. Although the applicant has communicated to staff that the intended use of the site is that of student housing, for which the property is ideally suited given its proximity to UCF and the availability of alternative transportation to the campus, the present owners would retain the ability to utilize the land for commercial purposes, which is likewise consistent with the development pattern of the surrounding area.

The request will require an amendment to the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4**. This request is under a separate staff report, Staff-Initiated Text Amendment 2019-1-B-FLUE-1.

The applicant is requesting to:

- 1) Amend the Future Land Use Map
- 2) Amend the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4**, being reviewed as Amendment 2019-1-B-FLUE-1.

A community meeting for the proposed Future Land Use Amendment was held Wednesday, November 14, 2018. There were no residents in attendance.

2. Future Land Use Map Amendment Analysis

Pertinent Policies

The following Comprehensive Plan Goals, Objectives, and Policies appear to be most pertinent to the review of this amendment and are specifically discussed in the paragraphs below.

Future Land Use Element Goal FLU1, OBJ FLU1.1, and Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.4(A), and FLU1.1.4(B) describe Orange County's urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area. The Medium Density Residential (MDR) future land use designation is intended for urban-style multi-family residential densities within the Urban Service Area with a density of up to twenty (20) dwelling units per net acre. The Commercial future land use designation includes neighborhood- and community-scale commercial and office development that serves neighborhood or community needs. An urban mixed-use development program may be achieved through the adoption of the Planned Development (PD) future land use designation, which ensures adjacent land use compatibility and physical integration and design. The proposal is in keeping with the intent of the Planned Development (PD) future land use designation.

Future Land Use Element Policy FLU1.1.2(F)(1)(2) addresses student housing. Student housing is permitted only on property with a future land use designation of Medium Density Residential, Medium-High Density Residential, High Density Residential, or Planned Development. The proposal meets this requirement by requesting Medium Density Residential. Student housing density is based on the number of bedrooms, with four (4) bedrooms equal to one (1) multi-family units. The applicant's request is for a total of 650 bedrooms or 162 student housing units, which meets the density ratio of 4:1.

Staff notes that any conversion of student housing to unrestricted housing shall require a Comprehensive Plan amendment and the approval of a substantial change to the Planned Development-Land Use Plan by the Board of County Commissioners at a public hearing.

Future Land Use Objective OBJ FLU2.1 Infill requires Orange County to promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area. The subject site is an underutilized parcel within the County's core area. Incentives, however, are not currently included in the Land Development Code.

Future Land Use Policy FLU1.1.5 encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. Development of the subject property for either student housing or commercial use would fulfill these policy requirements, as it would constitute urban infill and utilize utility and transportation infrastructure that is already in place. Per Orange County Utilities (OCU), potable water and wastewater lines are in place on East Colonial Drive and Orpington Street, and OCU has sufficient plant capacity to serve the site. In addition, a variety of alternative transportation options are available, as the property is located adjacent to a LYNX bus route with a stop at the UCF campus, and an on-street bike path runs along North Alafaya Trail.

Future Land Use Objective FLU1.4 and Polices FLU1.4.1 and FLU1.4.2 contain location and development criteria that must be used to guide the distribution, extent, and location of urban land uses, and encourage the compatibility with existing neighborhoods. **Policy FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities to achieve a stable and diversified population and community, and **FLU1.4.2** ensures that land use changes are compatible with and serve existing neighborhoods. The proposed Future Land Use Map Amendment, which would incorporate residential development into the existing commercial land use designation, would meet the aforementioned policies by allowing for the construction of additional housing for the student population. The immediate surrounding development is diverse in that it consists of multi-family housing and commercial uses.

Future Land Use Element Policy FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trends in the area. The subject site is located in an area of suburban development that includes multi-family, student housing, and commercial land uses. The proposed student housing and commercial land uses are similar to the existing development in the area.

Future Land Use Element Policy FLU8.1.4 lists the development program for Planned Development (PD) Future Land Use Map designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into **Policy FLU8.1.4** via a staff-initiated text amendment (Amendment 2019-1-B-FLUE-1). The maximum development program for Amendment 2019-1-A-5-1, if adopted, would be established for a student housing project featuring up to 162 student housing units (up to 650 bedrooms) or, alternatively, up to 802,375 square feet of commercial uses.

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2019-1-A-5-1</u> <u>12151 E Colonial Drive</u>	<u>Planned Development-Commercial/Medium Density Residential (Student Housing) (PD-C/MDR (Student Housing)</u>	<u>Up to 162 student housing units (up to 650 bedrooms) or up to 802,375 square feet of commercial uses</u>	<u>2019-</u>

Compatibility

The subject site is located in a portion of Orange County that is characterized as auto-dependent suburban development, although alternative transportation options are available. Commercial uses are concentrated along East Colonial Drive and at the intersection of North Alafaya Trail along with apartment complexes. Existing Future Land Use Map designations include Planned Development-Commercial/Office/Student Housing/Conservation (PD-C/O/SH/CONS), Medium Density Residential (MDR), Commercial (C), and Planned Development-High Density Residential (PD-HDR).

The development trend in the area is a mix of commercial and residential land uses. The proposed amendment of the Future Land Use Map from Commercial (C) to Planned Development-Commercial/Medium Density Residential (MDR) (Student Housing) (PD-C/MDR) (Student Housing) would allow land uses that are compatible with other permitted uses in the area. As discussed previously, approval of this requested designation would allow for the development of a student housing community on the site, an ideal use of the property given its proximity to the UCF campus

and the availability of infrastructure. Alternatively, it would enable the present owners to retain the ability to utilize the land for commercial purposes, which is likewise consistent with the development pattern of the surrounding area.

Division Comments: Environmental, Public Facilities, and Services

Environmental: The site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply. Please Reference the Orange County Code Chapter 15, Article XI, Section 15-442. The basin-wide regulations include, but are not limited to, wetlands and protective buffers, wildlife habitat, stormwater, and landscaping with native plant species.

Utilities. The subject property is located in Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas, and OCU presently has sufficient plant capacity to serve the project. Per OCU, there is a 12-inch potable water main within the Orpington Street right-of-way and a 24-inch potable water main within the right-of-way of E. Colonial Drive. With respect to sewer service, a 4-inch force main is in place within the Orpington Street right-of-way, and a 30-inch force main lies within the right-of-way of E. Colonial Drive. Reclaimed water service, however, is presently unavailable in the vicinity of the subject site.

Transportation. The Transportation Planning Division has requested a revised traffic study. The applicant is presently coordinating with Transportation Planning to address their outstanding issues.

3. Analysis – Rezoning

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone the subject parcels from C-1 (Retail Commercial District) and C-2 (General Commercial District) to PD (Planned Development District) in order to construct a 162-unit / 650-bed student housing project. The applicant is also seeking three (3) waivers from Orange County Code to allow the student housing buildings to be a maximum of three (3) stories fifty (50) feet and the student housing parking garage a maximum height of five (5) stories sixty (60) feet in lieu of three (3) stories forty (40) feet; to allow four bedrooms to equal one dwelling unit; and to allow a composite screening or precast concrete wall system in lieu of a masonry, brick, or block wall adjacent to right-of-way.

Comprehensive Plan (CP) Amendment

The subject property has an underlying Future Land Use Map (FLUM) designation of Commercial (C), but an amendment of the FLUM to Planned Development-Commercial/Medium Density Residential (Student Housing) (PD-C/MDR) (Student Housing), with a proposed development program of up to 162 student housing units (up to 650 bedrooms) or up to 802,375 square feet of commercial development is proceeding to PZC and BCC hearings prior to or concurrently with this rezoning. The proposed PD zoning district and development program is consistent with the proposed FLUM designation.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JAP)

The subject property is not located within a Joint Planning Area.

Overlay District Ordinance

The subject property is located with the Econlockhatchee River Protection Area Overlay District.

Environmental

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

Undeveloped parcel 22-22-31-0000-00-091 was included in Orange County Conservation Area Determination (CAD) CAD 02-038 and Conservation Impact Permit (CAI) CAI 09-024. The CAD is still binding but the impact permit expired. A new CAI permit application will be required for any wetland or buffer impacts.

Transportation/Concurrency

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 / preliminary subdivision 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.

Based on the concurrency management system database dated January 24, 2019, the following roadway segments are operating at level of service F and are deficient - East Colonial Drive from Woodbury Road the Lake Pickett Road, and Woodbury Road from Waterford Lakes Parkway. This information is dated and subject to change. An approved Capacity Encumbrance Letter (CEL) will be required prior to obtaining a building permit.

Water/Wastewater/Reclaim

	<u>Existing service or provider</u>	
Water:	Orange County Utilities	A 12-inch potable water main is located within the Orpington Street right-of-way and a 24-inch potable water main is located within the right-of-way of E. Colonial Drive.
Wastewater:	Orange County Utilities	A 4-inch force main is in place within the Orpington Street right-of-way, and a 30-inch force main is located within the right-of-way of E. Colonial Drive.
Reclaimed Water:	Orange County Utilities	Not Currently Available

Schools

Orange County Public Schools (OCPS) staff has reviewed the request but did not identify any issues or concerns.

Code Enforcement

There are no active Code Enforcement violations on the subject property.

4. Policy References

GOAL FLU1 URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

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

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

Policy FLU1.1.2(B) The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac

Policy FLU1.1.2(F)(1)(2) Student housing may be permitted only on property with a future land use designation of Medium Density Residential, Medium-High Density Residential, High Density Residential, or Planned Development (in which medium or high density student housing is included as a single use or part of a mix of uses). A Planned Development zoning classification shall be required for all student housing projects.

- (1) Student housing density shall be calculated based on the number of bedrooms, with four (4) bedrooms equal to one (1) multi-family unit. An alternative density calculation may be permitted upon the approval of the Board of County Commissioners, provided the developer has committed to a mobility plan to be implemented with the development of the student housing project, has demonstrated a need for the additional units, and/or has proposed a redevelopment project located within the area extending one (1) mile east and one (1) mile west of the Alafaya Trail corridor, between McCulloch Road and State Road 408.
- (2) Any conversion of student housing to unrestricted housing shall require a Comprehensive Plan amendment and/or the approval of a substantial change to the Planned Development-Land Use Plan (PD-LUP) by the Board of County

Commissioners at a public hearing. If the Comprehensive Plan amendment and/or substantial change is approved, school impact fees in effect at the time shall be paid, and the project shall comply with any school capacity regulations in effect at that time.

Policy FLU1.1.4(A) OTHER URBAN RELATED OPTIONS – The following are non-residential Future Land Use designations that are predominantly found in the Urban Service Area. These may also be located within Rural Settlements on a limited basis. (See specific policies within OBJ FLU6.2.) Also, Institutional and Educational designations may be located within the Rural Service Area on a limited basis as may be expressly allowed by other goals, objectives and/or policies in this Comprehensive Plan.

FLUM Designation	General Description	Density/Intensity
Urban Non-Residential – Predominantly urban in use		
Commercial (C)	Commercial uses include neighborhood and commercial scale commercial and office development that serves neighborhood or community or village needs. Examples include neighborhood center, community center and village commercial.	1.50 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code

Policy FLU1.1.4.B - In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1.

B. URBAN MIXED USE OPTIONS – The following Future Land Use designations allow for a mix of uses. Per a settlement agreement with the State Department of Community Affairs, Orange County’s Planned Development Future Land Use designation now requires an adopted text amendment to specify the maximum intensity and density of a project. See Policy FLU8.1.4. Mixed-Use Corridors are a staff initiated option intended to complement the County’s Alternative Mobility Areas and Activity Center policies.

FLUM Designation	General Description	Density/ Intensity
Urban Mixed Use– Urban Service Area		
Planned Development (PD)	The PD designation ensures that adjacent land use compatibility and physical integration and design. Development program established at Future Land Use approval may be single or multiple use. See FLU8.1.4. Innovation Way is another large planning area similar in some respects to the planning process for Horizon West. Developments within the Innovation Way Overlay (Scenario 5) are processed as Planned Developments. Innovation Way is being implemented through the policies found in Chapter 4.	Must establish development program at Future Land Use amendment stage per FLU8.1.4.

OBJ FLU2.1 **INFILL** Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County’s established core areas in the Urban Service Area.

OBJ FLU1.4 The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP

Policy FLU1.4.1 Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

Policy FLU1.4.2 Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

Policy FLU8.1.2 Planned Developments (PDs) intended to incorporate a broad mixture of uses under specific design standards shall be allowed, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map.

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

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

Site Visit Photos

Subject Site



North



East

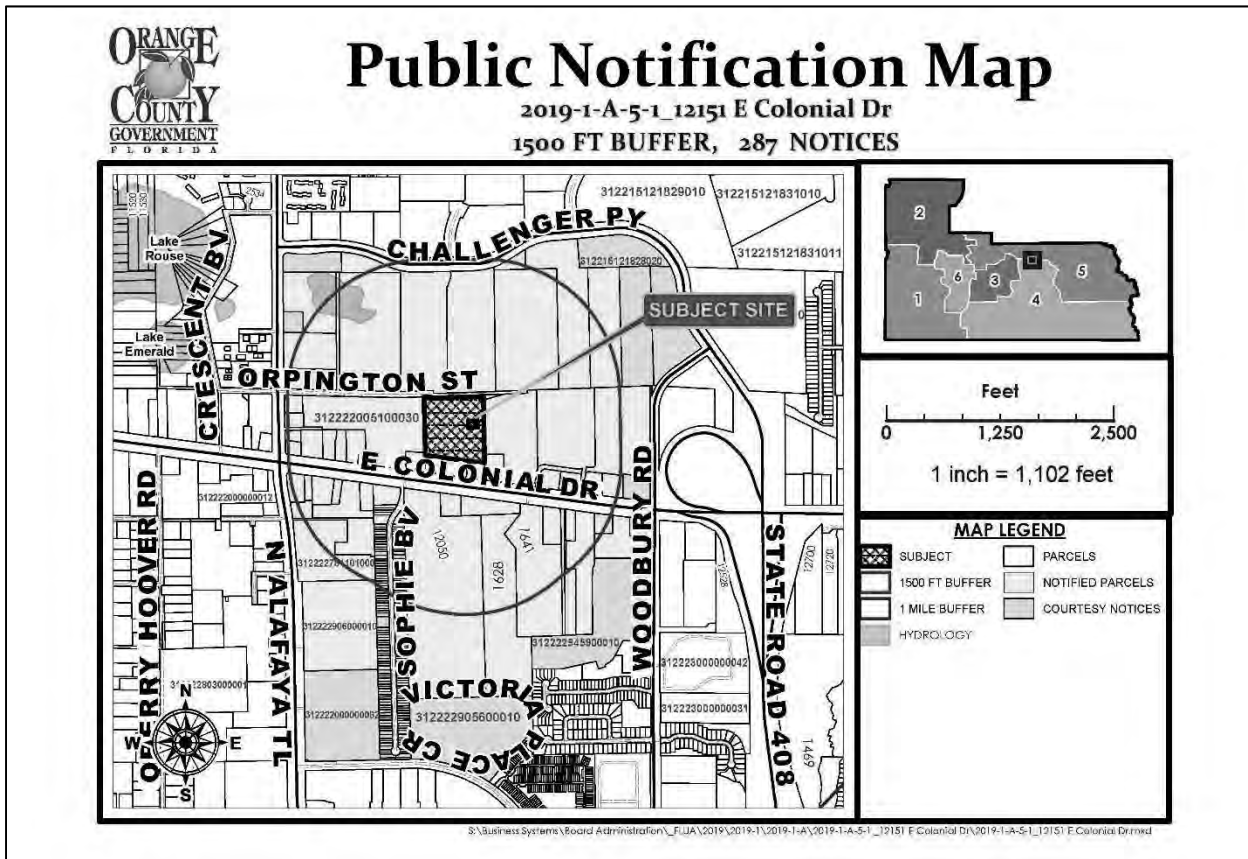


South



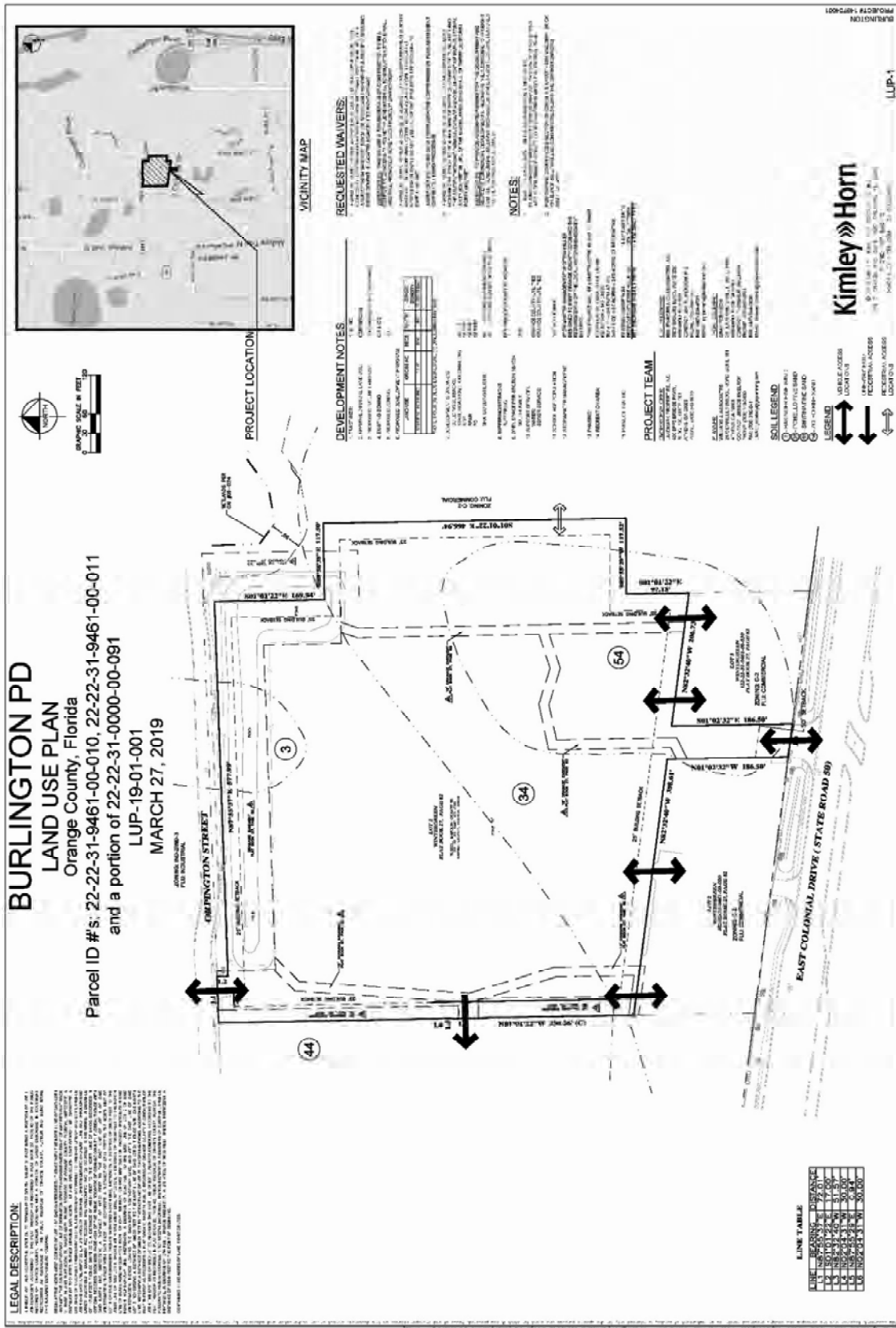
West





Notification Area:
 1,500-foot buffer
 287 notices sent

Burlington PD/LUP





Applicant/Owner:
Chris Dougherty, S&ME, Inc./
The Wise Partnership

Location: 6575 East Colonial Drive
Generally located north of Colonial Drive, west of North Forsyth Road, south of Hanging Moss Road, and east of Commerce Boulevard

Existing Use: Undeveloped

Parcel ID Numbers:
22-22-30-0000-00-001

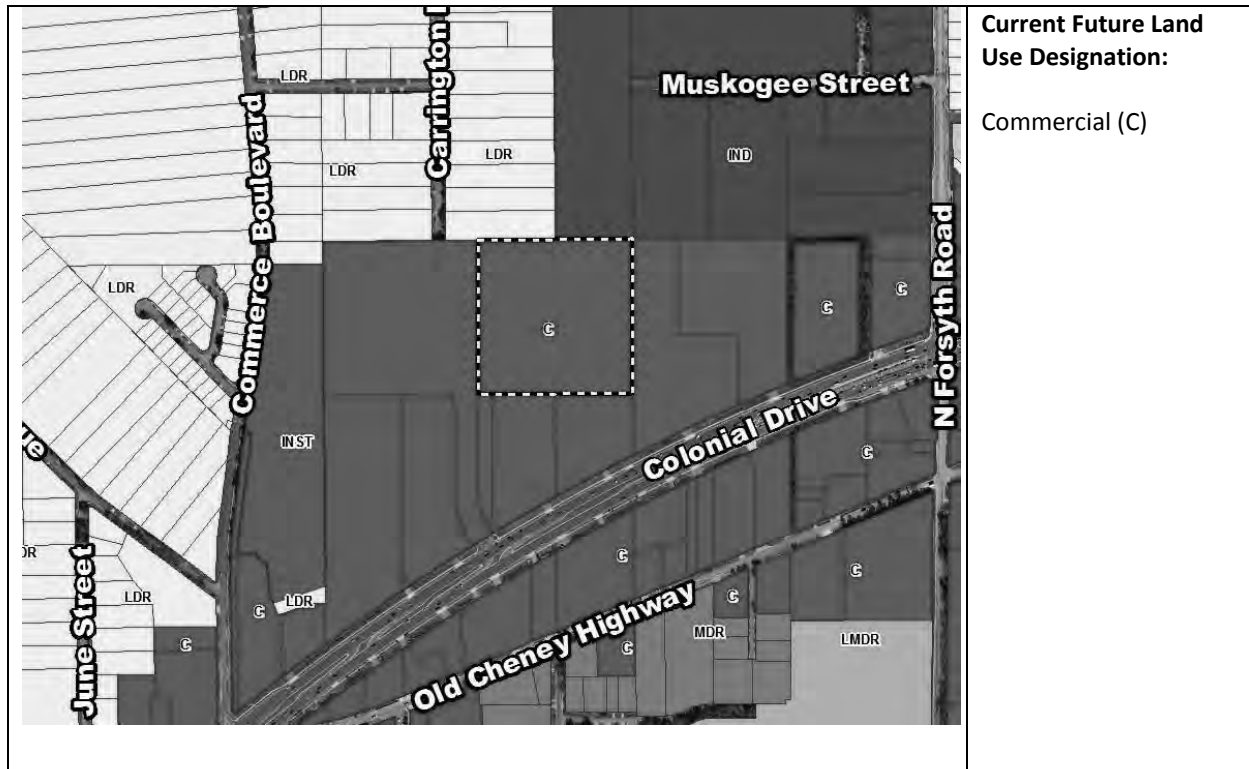
Tract Size: 10.09 gross acres

+The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing	Outcome			
✓	Community Meeting	October 22, 2019 Mixed	Request: Commercial (C) to Medium-High Density Residential (MHDR)	
✓	Staff Report	Recommend Transmittal	Proposed Development Program: Up to 350 multi-family residences.	
✓	LPA Transmittal January 17, 2019	Recommend Transmittal (7-0)	Division Comments:	
✓	BCC Transmittal February 12, 2019	Transmit (6-0)	Environmental, Public Facilities and Services: Please see Public Facilities Analysis Appendix for specific analysis on each public facility.	
✓	State Agency Comments	April 11, 2109	Environmental: Must meet all regulations that are applicable to the site.	
✓	LPA Adoption April 18, 2019	Recommend Adoption (8-0)	Transportation: The subject property is located within the Alternative Mobility Area and is therefore exempt from transportation concurrency.	
	BCC Adoption	May 21, 2019	Schools: The developer will be required to enter into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools (OCPS). CEA was approved at the April 23, 2019 OCPS school board meeting (OC-18-045), See FLU8.7.11	
			Concurrent Rezoning: Rezoning application LUP-19-03-088 submitted	

SITE AERIAL



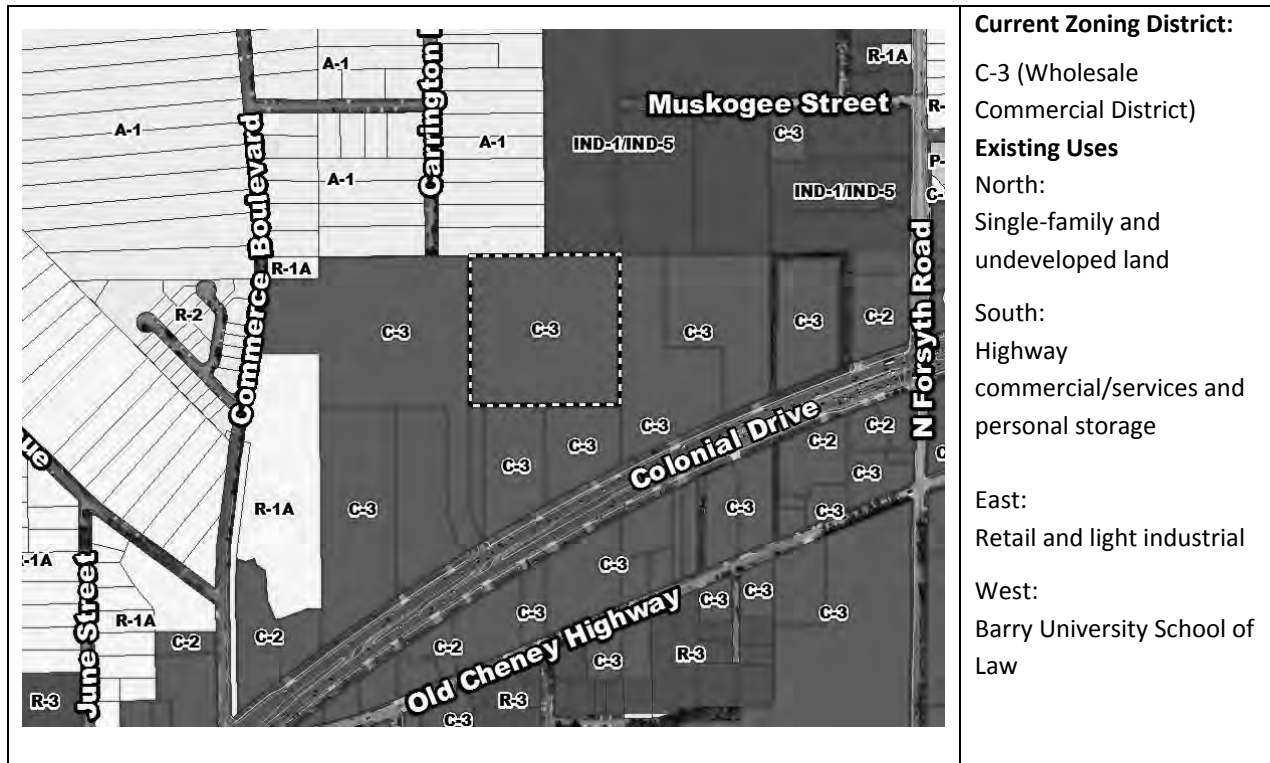
FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



ZONING - CURRENT



Current Zoning District:
 C-3 (Wholesale Commercial District)

Existing Uses

North:
 Single-family and undeveloped land

South:
 Highway commercial/services and personal storage

East:
 Retail and light industrial

West:
 Barry University School of Law

Staff Recommendation

Future Land Use Map Amendment 2019-1-A-5-2: Make a finding of consistency with the Comprehensive Plan (see Future Land Use Polices. Goal FLU1, OBJ FLU1.1, Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.4(A), OBJ FLU2.1, OBJ FLU1.4, Policies FLU1.4.1, FLU1.4.2, FLU1.4.16, FLU8.1.2, FLU8.7.11), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2019-1-A-5-2, amending the Future Land Use from Commercial (C) to Medium-High Density Residential (MHDR).

Analysis

1. Background and Development Program

The applicant, Chris Dougherty, representing The Wise Partnership, submitted an application with a request to change the Future Land Use Map (FLUM) designation from Commercial (C) to Medium-High Density Residential (MHDR). The petitioned site consists of 10.09 gross acres. The requested future land use designation would permit up to 350 multi-family dwelling units. The zoning on the property is C-3 (Wholesale Commercial District). The applicant will submit a Planned Development rezoning application which would go before the Development Review Committee for review and recommendation. The Planned Development rezoning would provide additional development detail and review by additional County divisions. The site is undeveloped.

The abutting property to the southeast of the petitioned site is in common ownership with the petitioned site. This parcel is not subject to a future land use map amendment. Access to the subject site could be gained through this parcel that is currently developed with a commercial building.

The subject property is located north of East Colonial Drive and west of Forsyth Road. East Colonial Drive is a six-lane roadway with a median. There is a signalized intersection at Forsyth Road, approximately 0.30 miles from the site and at Semoran Boulevard, approximately 1 mile west of the subject site. Forsyth Road is a two lane street with a left turn lane in the center. Forsyth Road does not provide access to the site.

There are two (2) LYNX routes near the site, LYNX 29 – East Colonial Drive/Goldenrod Road and LYNX 104 East Colonial Drive/UCF. LYNX 29 begins and ends at the Central Station in Downtown Orlando, travels east on Colonial Drive to Semoran Boulevard to Forsyth Road then west on Aloma Avenue and then south on Goldenrod and west on Colonial Drive. LYNX 104 begins at the Central Station and travels Robinson Street, to Colonial Drive to Alafaya Trail with a SuperStop at the University of Central Florida.

The petitioned site, with a proposed use of multi-family residences, is located north of East Colonial Drive, generally between Semoran Boulevard and North Forsyth Road. The petitioned site is east of the Barry University School of Law. Development in the area is suburban in nature. This is exemplified by the automobile oriented commercial uses along East Colonial Drive with single-family residences radiating outward. Commercial uses are concentrated along East Colonial Drive and at intersections of Semoran Boulevard and Forsyth Road. The commercial uses along East Colonial Drive include convenience stores with gas pumps, auto repair, self-storage, used auto sales, auto parts sales, and a big-box home improvement store.

Uses to the north of the subject site include single-family residences and a vacant parcel. The single-family residences are situated on parcels approximately one acre in size with a future land use of

Low Density Residential (LDR). Abutting the single-family residences, to the east is a vacant parcel with a future land use of Industrial (IND).

Uses to the east of the site include a commercial development with Commercial (C) future land use. The tenants in this include a pawn shop and a video store. Based on staff observation, many of the tenant spaces are vacant. Properties to the south of the petitioned site are commercial uses, including self-storage and a commercial building. This parcel is in common ownership with the subject site. South of East Colonial Drive are commercial uses with used automobile sales. Those properties south of the subject site have a future land use of Commercial (C). The properties to the west of the subject site are improved with Barry University. These parcels have a future land use designation of Commercial (C).

The request is to amend the Future Land Use Map (FLUM) designation from Commercial (C) to Medium-High Density Residential (MHDR). The request, if approved, would allow for the consideration of up to 350 multi-family dwelling units. Table 1, below, provides a comparison of the existing and proposed development of the subject site.

Table 4 Existing and Proposed Development

	<i>Existing</i>	<i>Proposed</i>
<i>Service Area</i>	Urban Service Area (USA)	Urban Service Area (USA)
<i>Future Land Use</i>	Commercial (C)	Medium-High Density Residential (MHDR)
<i>Zoning</i>	C-3 (Wholesale Commercial District)	PD (Planned Development)
<i>Density</i>	None	35 dwelling units per acre
<i>Intensity</i>	3.0 FAR (1,318,953 sq. ft. commercial development)	None

Future Land Use Element FLU8.1.2 describes the Planned Development (PD) Future Land Uses as intended to incorporate a broad mixture of uses under specific design standards provided the Planned Development land uses are consistent with the cumulative densities identified on the Future Land Use Map. The proposal would amend the existing Planned Development future land use to incorporate residential (student housing) and commercial development on the 10.093 acre site.

The request will require an amendment to the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4**. This request is under a separate staff report, 2019-1-B-FLUE-1.

The applicant is requesting to:

- 3) Amend the Future Land Use Map
- 4) Amend the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4** being reviewed as 2019-1-B-FLUE-1.

A community meeting for the proposed Future Land Use Amendment was held Wednesday, October 22, 2018. There were nineteen (19) residents in attendance. The primary concern of those in attendance was an increase in traffic along Colonial Drive along with the multi-family complex adjacent to single-family residences.

2. Future Land Use Map Amendment Analysis

Pertinent Policies

The following Comprehensive Plan goals, objectives, and policies appear to be most pertinent to the review of this amendment and are specifically discussed in the paragraphs below.

Future Land Use Element Goal FLU1, OBJ FLU1.1, and Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.4(A), and FLU1.1.4(B) describe Orange County's urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area. The Medium-High Density Residential (MHDR) future land use designation recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood servicing amenities within a reasonable pedestrian walkshed. This recognizes a density of up to 35 dwelling units an acre. The subject site is located along East Colonial Drive, located near commercial uses, and two (2) LYNX routes. The proposed number of dwelling units is 350, which maximizes the development potential of the Medium-High Density Residential future land use designation.

The existing future land use of Commercial (C) includes neighborhood and commercial scale commercial and office development that serves neighborhood or community or village needs. The zoning designation of C-3 (Wholesale Commercial District) is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

Future Land Use Objective OBJ FLU2.1 requires Orange County to promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area. The subject site is a vacant parcel within the County's core area. The proposal to amend the future land use map to allow for multi-family residential use is consistent with this policy.

Future Land Use Policy FLU1.1.5 encourages mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The location of the subject site is adjacent to commercial uses and transit routes.

Future Land Use Objective FLU1.4 and Polices FLU1.4.1 and FLU1.4.2 contain location and development criteria that must be used to guide the distribution, extent, and location of urban land uses, and encourage the compatibility with existing neighborhoods. Policy FLU1.4.1 states that Orange County shall promote a range of living environments and employment opportunities to achieve a stable and diversified population and community and FLU1.4.2 ensures that land use changes are compatible with and serve existing neighborhoods. The proposed future land use map amendment, which is multi-family residential development, would meet the aforementioned policies by promoting a range of living environments in an area that consists of single-family, commercial, and industrial land uses.

Future Land Use Element Policy FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trends in the area. The subject site is located in an area that includes, residential, commercial, and light industrial land uses. The proposed multi-family residential development could serve as a transition between the existing residential area and the commercial uses in the area.

Compatibility

The subject site is located in a portion of Orange County that is characterized as suburban development. Commercial uses are concentrated along East Colonial Drive. Existing future land use map designations near the subject site include Low Density Residential (LDR), Industrial (IND), and Commercial (C).

The development trend in the area is a mix of commercial and residential land uses. The proposed amendment would allow land uses that are compatible with other permitted uses in the area. The proposal to amend the future land use map from Commercial (C) to Medium-High Density Residential (MHDR) would provide a less intense use on the subject site than is currently permitted. Additionally, the multi-family development would be adjacent to single-family uses, a college, and commercial uses, with a potential for direct pedestrian access to the college campus.

The single-family residential uses to the north of the subject site abut property:

- To the south (subject site) with a Commercial (C) future land use and C-3 (Wholesale Commercial District) zoning.
- To the east with an Industrial (IND) future land use and IND-1/IND-5 (Industrial District Light District) zoning.

The proposal to amend the future land use map from Commercial (C) to Medium-High Density Residential (MHDR) is less intense in nature than the existing permitted future land use and zoning district. As noted above, the C-3 (Wholesale Commercial District) is not intended to be located near residential districts. Section 38-876, Intent and purpose, states that the district must be located away from residential districts because it allows uses that are not compatible with residential districts.

A portion of the subject site abuts a parcel with a future land use of Industrial (IND). **Future Land Use Element Policy FLU1.4.16** addresses the appropriate locations for industrial uses. Residential or neighborhood commercial are seen as potentially incompatible land use designations and shall not be established adjacent to industrial land use designations. The I-1/1-5 (Industrial District) intent is to provide areas for light manufacturing and industry that will provide low intensity industrial development which will have minimal impact on the surrounding areas, to establish and maintain standards which will protect adjacent residential and commercial developments, and to allow industrial uses where proximity to residential or commercial districts makes it desirable to limit the manner and extent of industrial operations.

This area surrounding the petitioned site, generally bounded by North Semoran Boulevard, Hanging Moss Road, North Forsyth Road, and East Colonial Drive displays a mix of residential, commercial, industrial and institutional uses. There are examples of existing residential and industrial uses adjacent to each other.

The staff used data from the Orange County Property Appraiser to determine the types of uses within a one mile radius of the subject site, shown in Figure 1 below. There are 2,648 parcels within the buffer. Staff found residential uses are the most prominent in the area, making up 76% of the uses. Following residential uses, vacant uses make up 7.5% of the uses, and commercial 3.5%. As shown in Figure 1, these uses within the buffer are varied and range from single-family residences on one-acre parcels, Orange County Public School bus parking site, vehicle repair, and big-box stores.



Figure 1 - 1 Mile Buffer

Policy FLU8.2.1 states land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change. The applicant intends to submit a Planned Development rezoning application which would include conditions of approval to ensure compatibility.

Division Comments: Environmental, Public Facilities, and Services

Environmental: Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish and Wildlife Conservation Commission (FWC).

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Transportation:

Future Roadway Network:

Road Agreements: None

Planned and Programmed Roadway Improvements: None

Right of Way Requirements: None

Summary: The subject property is located within the County's **Alternative Mobility Area** and is therefore exempt from transportation concurrency. The allowable development based on the approved future land use will generate 1777 pm peak hour trips. The proposed use will generate 149 pm peak hour trips resulting in a net decrease of 1628 pm peak hour trips.

Based on the LYNX System map, transit service is available with a quarter mile walk distance along East Colonial Drive along which Links 29 and 104 operate. There are currently no sidewalks around the subject parcel. There are no signed bicycle routes within the project impact area.

Final permitting of any development on this site will be subject to review and approval by the county's development review committee. 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.

Schools. There is inadequate capacity at the Glenridge Middle School. The developer will be required to enter into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools (OCPS). (See Policy FLU8.7.11.) As of April 9, 2019, a draft agreement was provided to the applicant by OCPS, with a School Board meeting date tentatively set for April 23, 2019. On April 23, 2019, the School Board approved the CEA associated with this requested amendment, #OC-18-045.

3. Policy References

GOAL FLU1 URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

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

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

Policy FLU1.1.2(B) The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Medium-High Density Residential (MHDR)	Recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood serving amenities within a reasonable pedestrian walkshed.	0 to 35 du/ac

Policy FLU1.1.4(A) OTHER URBAN RELATED OPTIONS – The following are non-residential Future Land Use designations that are predominantly found in the Urban Service Area. These may also be located within Rural Settlements on a limited basis. (See specific policies within OBJ FLU6.2.) Also, Institutional and Educational designations may be located within the Rural Service Area on a limited basis as may be expressly allowed by other goals, objectives and/or policies in this Comprehensive Plan.

FLUM Designation	General Description	Density/Intensity
Urban Non-Residential – Predominantly urban in use		
Commercial (C)	Commercial uses include neighborhood and commercial scale commercial and office development that serves neighborhood or community or village needs. Examples include neighborhood center, community center and village commercial.	1.50 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code

OBJ FLU2.1 **INFILL** Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County’s established core areas in the Urban Service Area.

OBJ FLU1.4 The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP

Policy FLU1.4.1 Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

Policy FLU1.4.2 Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

Policy FLU1.4.16 The Future Land Use Map shall reflect appropriate locations for industrial use. Potentially incompatible land use designations, such as residential or neighborhood commercial, shall not be established adjacent to industrial land use designations. Proposed land use changes from industrial to residential or commercial shall be evaluated in the context of potential impacts to long-term viability of surrounding industrial uses and of freight transportation corridors included in the National Highway Freight Network or identified in state and regional freight plans, such as the Florida Department of Transportation’s *Freight Mobility and Trade Plan* and the MetroPlan Orlando *Regional Freight Study*. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand, freight movement and efficiency, and corresponding needs for job creation and economic development.

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

Policy FLU8.7.11 If the Orange County School Board determines that a Capacity Enhancement Agreement (CEA) is required, the applicant must deliver to the Planning Division, a copy

of a fully executed CEA at least two weeks prior to the BCC adoption public hearing for the respective large scale or small scale Future Land Use Map amendment. If a CEA is required, but the applicant is receiving an assignment or transfer of school capacity credits in lieu of executing a CEA, a copy of the executed transfer or assignment document must be delivered to the Planning Division at least two weeks prior to the BCC adoption public hearing. If the applicant has negotiated a postponement agreement with the Orange County School Board, delaying the CEA to the rezoning stage, a copy of the executed postponement agreement must be delivered to the Planning Division at least two weeks prior to the adoption public hearing.

If the applicant does not deliver a copy of a fully-executed CEA, transfer document, assignment document, or postponement agreement at least two weeks prior to the BCC adoption public hearing, the Future Land Use Map amendment application may be continued to the next Future Land Use Map amendment cycle. If the application is continued to the next cycle, the applicant is still required to submit the necessary documents to the Planning Division at least two weeks prior to the scheduled BCC adoption public hearing for that Future Land Use Map amendment cycle.

Any Future Land Use Map amendment application continued under this policy is subject to the refund policy in effect at that time.

Site Visit Photos

Subject Site



North of Subject Site



South of Subject Site



West of Subject Site



East of Subject Site

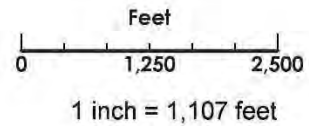
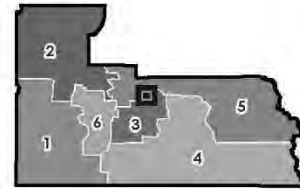
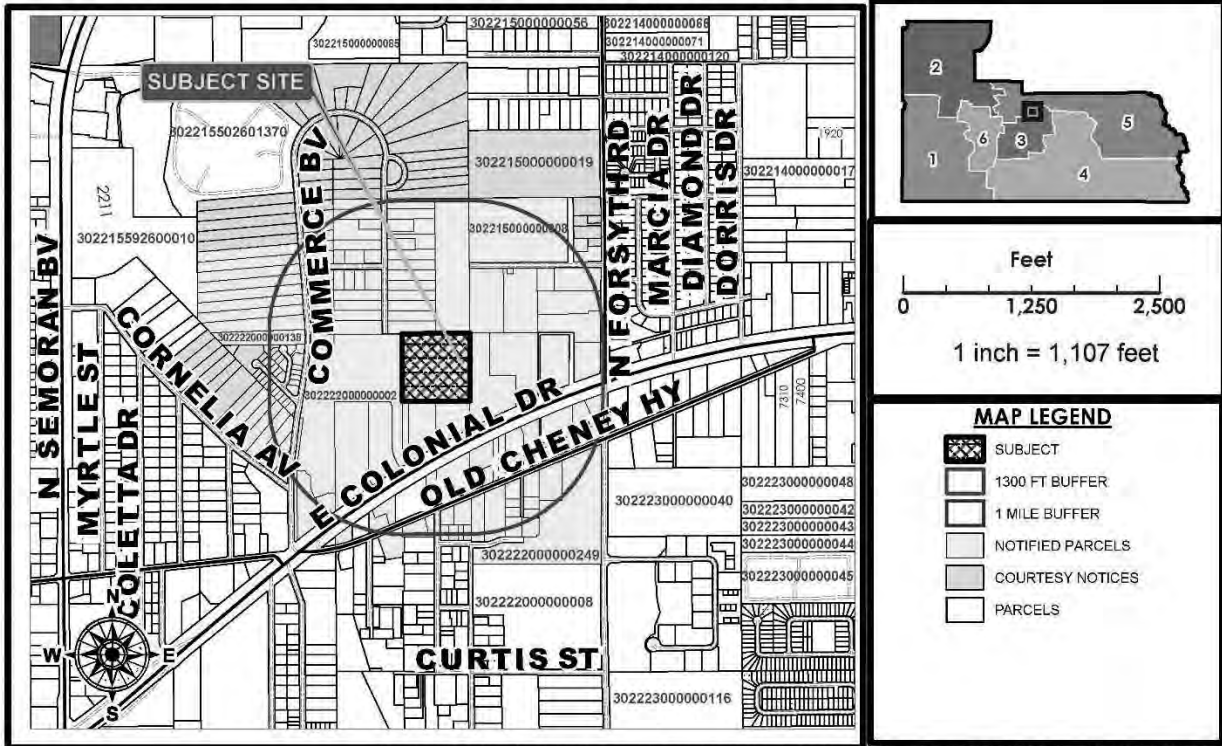




Public Notification Map

2019-1-A-5-2 Colonial Drive Mixed-Use

1300 FT BUFFER, 241 NOTICES



MAP LEGEND

- SUBJECT
- 1300 FT BUFFER
- 1 MILE BUFFER
- NOTIFIED PARCELS
- COURTESY NOTICES
- PARCELS

Notification Area:

1,300' buffer

241 notices sent



Applicant/Owner:
Geoff Rogers, Silver City Properties, Ltd.

Location: 3714 North Forsyth Road. Generally located on the north side of University Boulevard, east of North Semoran Boulevard, south of Aloma Avenue and west of North Forsyth Road.

Existing Use: Undeveloped

Parcel ID Number:
03-22-30-0000-00-029

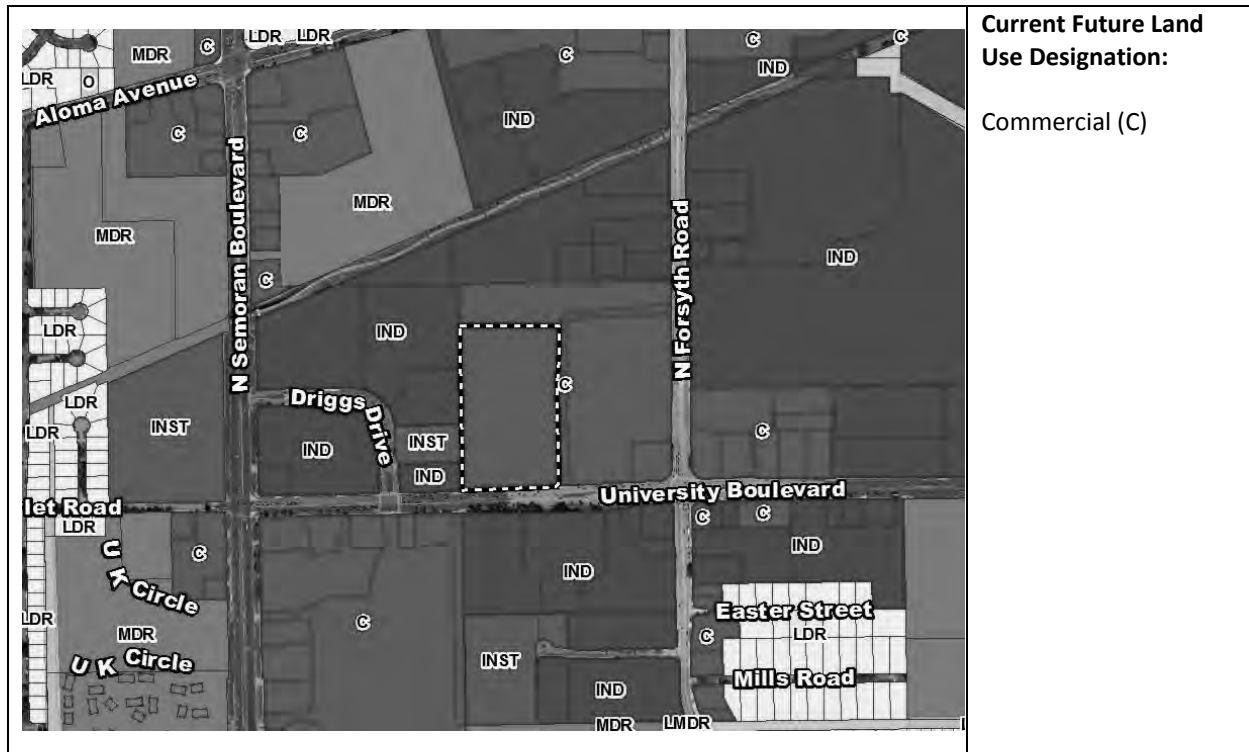
Tract Size: 13.14 gross acres

+The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Request: Commercial (C) to Planned Development-Commercial/ High Density Residential (Student Housing) (PD-C/HDR) (Student Housing)	
✓	Community Meeting	November 7, 2018	Proposed Development Program: Up to 30,000 square feet of commercial uses and up to 2,400 student housing bedrooms (600 student housing units)	
✓	Staff Report	Recommend Transmittal	Division Comments:	
✓	LPA Transmittal January 17, 2019	Recommend Transmittal (6-0)	Environmental, Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.	
✓	BCC Transmittal February 12, 2019	Transmit (6-0)	Environmental: There is existing contamination on the site. Please provide additional site analysis. The applicant should submit a Phase I and/or Phase II Environmental Site Assessment as soon as possible.	
✓	State Agency Comments	April 11, 2019	Transportation: The allowable development based on the current Commercial FLUM designation will generate 2,161 pm peak hour trips. The proposed mixed-use project will generate 704 pm peak hour trips, resulting in a net decrease of 1,457 pm peak hour trips. A revised traffic analysis is requested, however, to formalize the desired development program with the Transportation Planning Division.	
✓	LPA Adoption April 18, 2019	Recommend Adoption (7-0)	Concurrent Change Determination Review (CDR) Request:	
	BCC Adoption	May 21, 2019	The concurrent consideration of a CDR application to incorporate the proposed mixed-use development program into the currently-approved Silver City Properties Planned Development Land Use Plan (PD/LUP) is expected during the adoption public hearing stage.	

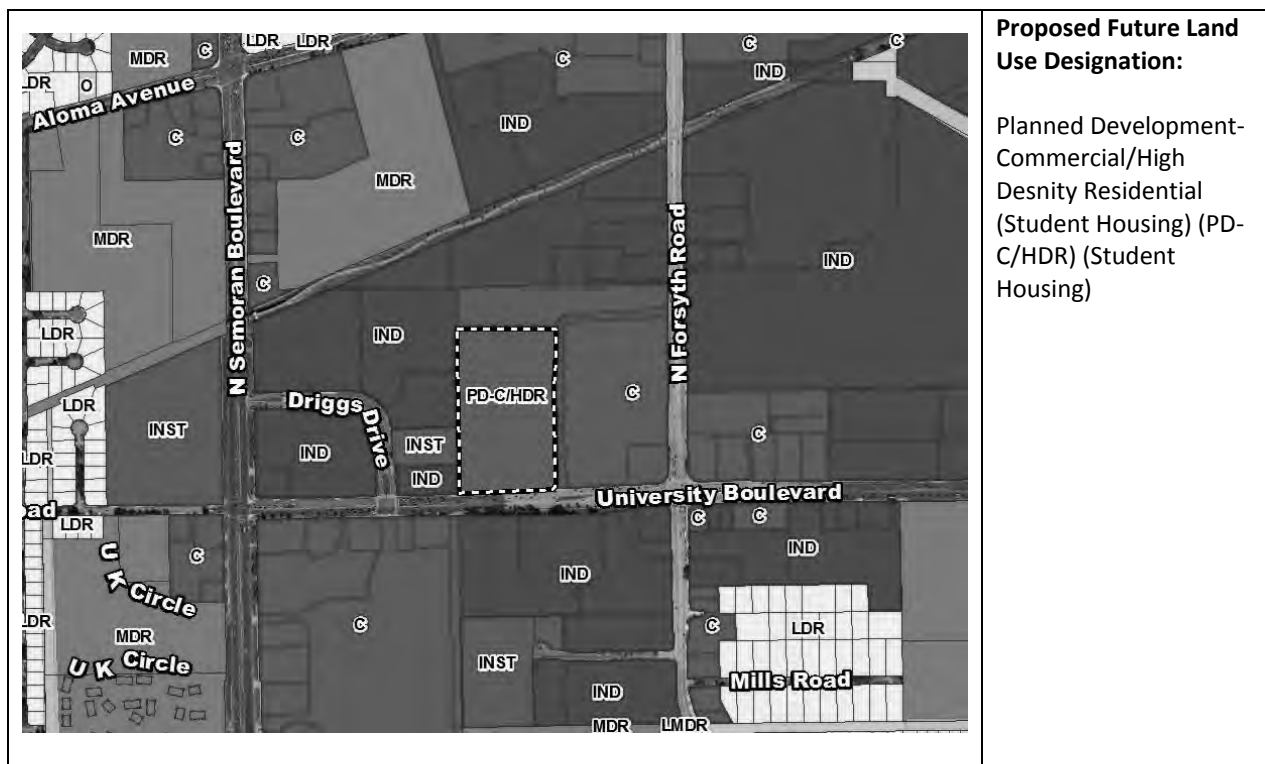
AERIAL



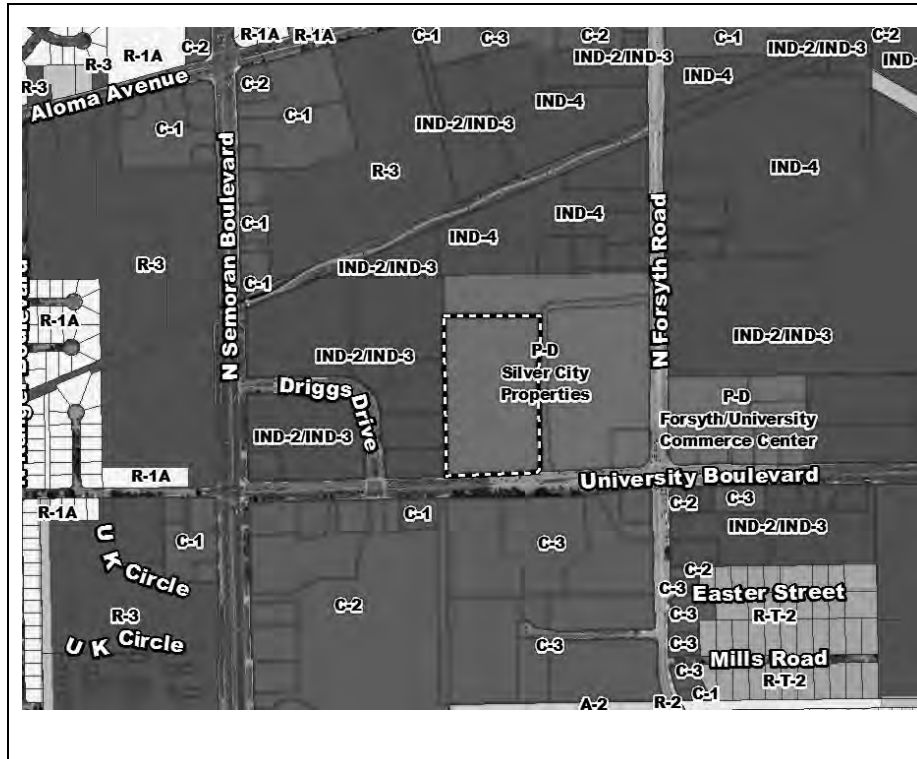
FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



ZONING - CURRENT



Current Zoning District:

PD (Planned
 Development District
 Silver City Properties
 PD/LUP)

Existing Uses

North: Stormwater pond

South:
 Full Sail University

East:
 Costco

West:
 Bank, post office, office

Staff Recommendation

Future Land Use Map Amendment 2019-1-A-5-3: Make a finding of consistency with the Comprehensive Plan (see Future Land Use Polices. Goal FLU1, OBJ FLU1.1, Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.2(F)(1)(2), FLU1.1.4(A), FLU1.1.4(B), OBJ FLU2.1, OBJ FLU1.4, Policies FLU1.4.1, FLU1.4.2, FLU8.1.2, FLU8.1.4, FLU8.2.1), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2019-1-A-5-3, amending the Future Land Use from Commercial (C) to Planned Development-Commercial/High Density Residential (Student Housing) (PD-C/HDR) (Student Housing).

Analysis

1. Background Development Program

The applicant, Geoff Rogers, representing Silver City Properties, Ltd., has submitted an application to change the Future Land Use Map (FLUM) designation from Commercial (C) to Planned Development-Commercial/High Density Residential (Student Housing) (PD-C/HDR) (Student Housing). The petitioned site consists of 13.14 gross acres. The requested future land use designation, if approved, would allow for the development of a mixed-use project featuring up to 2,400 bedrooms (a maximum of 600 units) for student housing and 30,000 square feet of commercial uses. The zoning on the property is PD (Planned Development) (Silver City Properties PD/LUP). The applicant will submit a Change Determination Review (CDR) request which will go before the Orange County Development Review Committee (DRC) for review and recommendation to the Board of County Commissioners (BCC). The Planned Development zoning provides additional development detail and review by multiple County divisions. The site is presently undeveloped.

The subject property is located north of University Boulevard and west of North Forsyth Road. University Boulevard is a six-lane roadway with a median. There is one existing median cut that allows a left turn into a driveway that provides access the subject site. North Forsyth Road is a two-lane road with two access points to the site: one right-in/right-out, and the access point to the north is right-in with left or right turn from the site onto North Forsyth. North Forsyth Road has a turn lane until approximately 830 feet before the intersection with University Boulevard, where a concrete median separates north and southbound traffic.

The petitioned site is north of Full Sail University. The proximity of the proposed student housing to Full Sail allows for the option to walk to campus and the applicant has stated his intent to construct a pedestrian overpass at University Boulevard to allow a safe, direct connection. The Cady Way Trail is located approximately 600 feet north of the subject site. No direct connection to the trail is proposed. There is a LYNX bus stop located south of the subject property that provides a direct route to the University of Central Florida, Winter Park Hospital, the Colonial Plaza Superstop, and the downtown Orlando LYNX Central Station.

Development in the area is suburban in character, with institutional, commercial, and industrial uses surrounding the subject site. Uses to the north of the subject site are industrial, including sheet metal works, concrete mixing, and steel fabrication. These uses are separated from the petitioned site by an existing stormwater pond. The future land use on these parcels is Industrial (IND).

Uses to the east of the site are commercial. These uses include Costco, a Costco Gas Station, and Chick-fil-A. These uses are approved as part of the Silver City Properties Planned Development and have a future land use of Commercial (C). Uses east of Forsyth Road include a Sears Outlet which has an Industrial (IND) future land use classification. Uses at the northeast intersection of North

Forsyth Road and University Boulevard include self-storage, convenience stores, and fast food restaurants. The future land use on these parcels is Commercial (C).

Full Sail University is located south of the petitioned site, and the parcels have a future land use of Industrial (IND). Southwest of the site, the properties have a future land use of Commercial (C) and are improved with restaurants and uses related to Full Sail University.

The properties to the west have a future land use designation of Industrial (IND) and include a bank, an office building, and two automobile dealerships. The United States Post Office has a future land use of Institutional (INST).

As one travels out from the subject property, there are multi-family uses, commercial activity, and industrial development along the major roads. The nearest single-family subdivision is approximately 0.35 miles southeast of the subject site and has a future land use of Low Density Residential (LDR).

The request is to amend the Future Land Use Map (FLUM) designation from Commercial (C) to Planned Development-Commercial/High Density Residential (Student Housing) (PD-C/HDR) (Student Housing). The request, if approved, would allow for the construction of a student housing community comprised of up to 2,400 bedrooms. Density calculations are based on four bedrooms equating to one student housing unit, thereby resulting in 600 units. In addition, the mixed-use designation would allow for up to 30,000 square feet of commercial development. Table 1, below, provides a comparison of the existing and proposed development of the subject site.

Table 5 Existing and Proposed Development

	<i>Existing</i>	<i>Proposed</i>
<i>Service Area</i>	Urban Service Area (USA)	Urban Service Area (USA)
<i>Future Land Use</i>	Commercial (C)	Planned Development-Commercial/High Density Residential (Student Housing) (PD-C/HDR (Student Housing)
<i>Zoning</i>	PD (Planned Development District)	PD (Planned Development District)
<i>Density</i>	None	45.6 dwelling units per acre
<i>Intensity</i>	3.0 FAR (1,717,135 sq. ft.)	1.5 FAR (858,567 sq. ft.) (The limitation to 30,000 square feet is proposed.)

A staff-initiated Comprehensive Plan Amendment to Future Land Use Element **FLU1.1.4(A)** decreased the Commercial Floor Area Ratio (FAR) from 3.0 to 1.5 (Amendment 2017-2-B-FLUE-4) and was approved by the Board of County Commissioners on November 14, 2017). Any changes to the Future Land Use Map entailing commercial development would require the applicant to adhere to the current FAR cap.

Future Land Use Element FLU8.1.2 describes the Planned Development (PD) Future Land Use category as intended to incorporate a broad mix of uses under specific design standards, provided the Planned Development land uses are consistent with the cumulative densities identified on the Future Land Use Map. The proposal would amend the existing Commercial future land use designation of the 13.14-acre to allow a mix of residential (student housing) and complementary commercial development immediately north of the Full Sail campus.

The request will require an amendment to the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4**. This request is under a separate staff report, Amendment 2019-1-B-FLUE-1.

The applicant is requesting to:

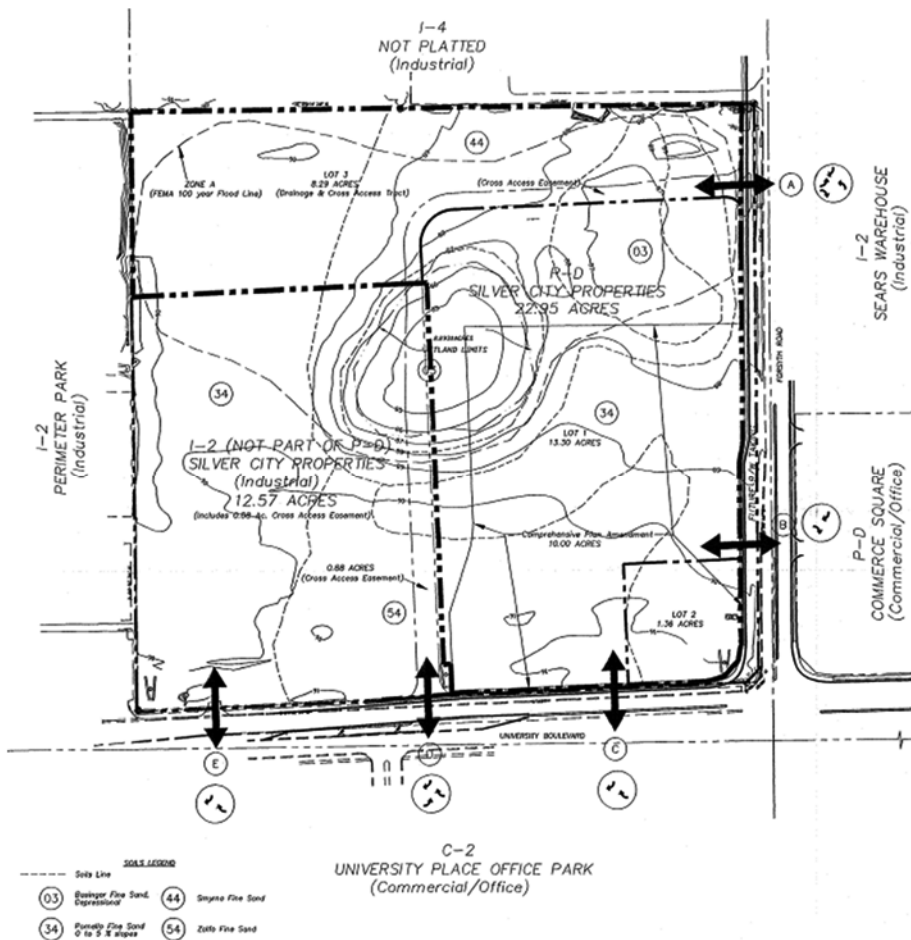
- 1) Amend the Future Land Use Map
- 2) Amend the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4**, being reviewed as Staff-Initiated Text Amendment 2019-1-B-FLUE-1.

A community meeting for the proposed Future Land Use Amendment was held Thursday, November 7, 2018. There were seventeen (17) residents in attendance, with concerns focused on the additional traffic that could be generated by the proposed change.

Planned Development Zoning – Silver City Properties PD

Case Z-98-099 was a request to rezone from Industrial District (I-2) to Planned Development District (PD) on the portion of the site at the intersection of University Boulevard and North Forsyth Road that is currently developed with a Costco. According to the staff report dated August 13, 1998, and December 1, 1998, the future land use designation of the parcel was Industrial (IND). The applicant requested an amendment of the Future Land Use Map to Commercial (C). The PD Land Use Plan (LUP) approved commercial uses (wholesale/retail with tire sales and installation and gas pumps on Lot 1, commercial uses consistent with C-1 uses on Lot 2, and drainage and access on Lot 3. The

subject site was not included on the original LUP.



Case Z-99-077 was a request to rezone from Industrial (I-2) and Planned Development (PD) to Planned Development (PD). This petition included the subject property. The request was approved by the Board of County Commissioners on March 7, 2000. The property was excluded from the original Silver City Properties PD to allow two existing billboards along University Boulevard to remain. At the time of the PD approval, Condition #2 required the two existing billboards along University Boulevard to be removed in accordance with a developer's agreement. The agreement allowed the continued operation of the billboards on the property, but only for a term of ten (10) years from the date of recording of the Agreement. The LUP approved a maximum gross floor area of 305,000 square feet of commercial uses conforming to C-1 criteria.

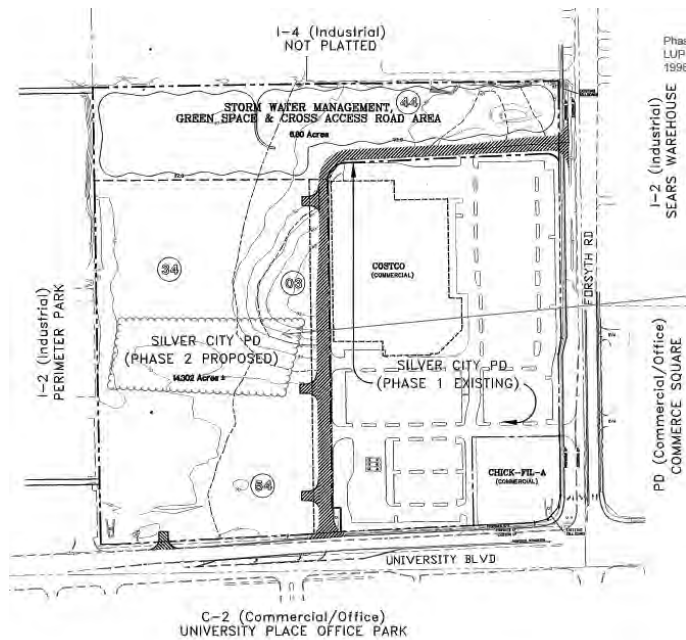


Figure 3 1999 Silver City Properties Land Use Plan Z-99-077

CDR-15-08-242 was a substantial change request to amend the Silver City Properties PD by reducing the number of billboards within the project. The proposal was to reduce the number of billboards from five to three and to permit the three remaining billboards to incorporate multi-messaging technology. The billboard shown on the LUP as BB1 is located on the subject property. Condition #7 allowed the continued operation for a maximum of twenty-five (25) years. The substantial change was approved by the Board of County Commissioners at the January 5, 2016, public hearing.



Note: Once the two proposed billboards are removed, the remaining billboards will meet the standards of Ch 31.5-126 (J) and Chapter 31.5 (Z). Billboards to be removed.

Figure 3 Silver City Properties CDR-15-08-242

2. Future Land Use Map Amendment Analysis

Pertinent Policies

The following Comprehensive Plan Goals, Objectives, and Policies appear to be most pertinent to the review of this amendment and are specifically discussed in the paragraphs below.

Future Land Use Element Goal FLU1, OBJ FLU1.1, and Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.4(A), and FLU1.1.4(B) describe Orange County's urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area. The High Density Residential (HDR) future land use designation is intended for urban-style multi-family residential densities within the Urban Service Area with a density of up to fifty (50) dwelling units per net acre. The Commercial future land use designation includes neighborhood- and community-scale commercial and office development that serves neighborhood or community needs. An urban mixed-use development program may be achieved through the adoption of the Planned Development (PD) future land use designation, which ensures adjacent land use compatibility and physical integration and design. The proposal is in keeping with the intent of the Planned Development (PD) future land use designation.

Future Land Use Element Policy FLU1.1.2(F)(1)(2) addresses student housing. Student housing is permitted only on property with a future land use designation of Medium Density Residential, Medium-High Density Residential, High Density Residential, or Planned Development. The proposal meets this requirement by requesting High Density Residential. Student housing density is based on the number of bedrooms, with four (4) bedrooms equal to one (1) student housing unit. The applicant's request is for a total of 2,400 bedrooms or 600 dwelling units, which meets the density ratio of 4:1.

Staff notes that any conversion of student housing to unrestricted housing shall require a Comprehensive Plan amendment and the approval of a substantial change to the Planned Development-Land Use Plan by the Board of County Commissioners at a public hearing.

Future Land Use Objective OBJ FLU2.1 requires Orange County to promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area. The subject site is an underutilized parcel within the County's core area. Incentives, however, are presently not established in the Land Development Code.

Future Land Use Policy FLU1.1.5 encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The proposed project meets these policy requirements, as it entails the development of a student housing community with complementary commercial uses. Additionally, the urban infill development will utilize utility and transportation infrastructure already in place. The site is located adjacent to a LYNX bus route, and the Cady Way bike path is located north of the subject property. In addition to this existing transportation infrastructure, the applicant informed the Local Planning Agency (LPA) during the January 17, 2019, transmittal public hearing that the construction of a pedestrian bridge over University Boulevard to help further ensure the safety of pedestrians and bicyclists is currently in the conceptual stage.

Future Land Use Objective FLU1.4 and Polices FLU1.4.1 and FLU1.4.2 contain location and development criteria that must be used to guide the distribution, extent, and location of urban land uses, and encourage the compatibility with existing neighborhoods. Policy **FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities to

achieve a stable and diversified population and community, and **FLU1.4.2** mandates that land use changes shall be compatible with and serve existing neighborhoods. The proposed Future Land Use Map Amendment, which would incorporate residential development into the existing commercial land use designation, would meet the aforementioned policies by promoting a range of living environments for the student population. The immediate surrounding development is diverse in that it consists of a university, a variety of commercial establishments, and industrial uses.

Future Land Use Element Policy FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trends in the area. The subject site is located in an area of suburban development that features a mix of institutional, commercial, and industrial land uses. The proposed student housing and commercial land uses are in harmony with the existing development in the area.

Future Land Use Element Policy FLU8.1.4 lists the development program for Planned Development (PD) Future Land Use Map designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into **Policy FLU8.1.4** via a staff-initiated text amendment (Amendment 2019-1-B-FLUE-1). The maximum development program for Amendment 2019-1-A-5-3, if adopted, would be incorporated into Policy FLU8.1.4 as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
2019-1-A-5-3 <u>Silver City Properties Student Housing</u>	Planned Development- <u>Commercial/High Density Residential (Student Housing) (PD-C/HDR (Student Housing)</u>	<u>Up to 2,400 student housing bedrooms (600 student housing units) and up to 30,000 square feet of commercial uses</u>	<u>2019-</u>

Compatibility

The subject site is located in a portion of Orange County that is characterized by auto-dependent suburban development, although the site is served by LYNX and lies in close proximity to the Cady Way Trail. Commercial uses are predominant in the area, with an industrial use located north of the subject property and Full Sail University located immediately south of the site. Existing future land use map designations include Industrial (IND), Commercial (C), and Institutional (INST).

The proposed amendment would allow a mixed-use student housing/commercial project compatible with other permitted uses in the area, specifically Full Sail University. Staff, therefore, supports the proposal to amend the Future Land Use Map from Commercial (C) to Planned Development-Commercial/High Density Residential (Student Housing) (PD-C/HDR) (Student Housing).

Division Comments: Environmental, Public Facilities, and Services

Environmental: Due to existing contamination on this site, student housing may not be a compatible use. Additional site analysis is needed prior to EPD support of this request.

The subject area was included in the Orange County Conservation Area Determination CAD 97-103 and Impact Permit 99-045 completed for the Silver City Properties PD. This request shall comply with all related permit conditions of approval. A Class III wetland of 2.29 acres was removed during construction of the adjacent Costco.

The subject parcel is vacant and vegetated. Development shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible for determining the presence of listed species and obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

The site is located within an area of groundwater contamination delineated by the Florida Department of Environmental Protection (FDEP, various contaminants). No activity will be permitted on the site that may disturb, influence or interfere with: areas of soil or groundwater contamination, any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through FDEP and such approval has been provided to the Orange County EPD. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in Section 376.308, F.S.

This property may be the location of petroleum spills, agricultural or industrial related contamination, and fertilizer, pesticide or herbicide spillage or residue. As it will be needed prior to site development or platting, please submit a completed Phase I Environmental Site Assessment (ESA) as soon as possible to avoid future delays to the Orange County Development Engineering Division (ATTN: Platting Office) and to the Environmental Protection Division (Attention: Development Review Committee Representative). Depending upon the results of the Phase I analysis, either limited soil and groundwater sampling will be required, or a full Phase II ESA will be required, in which case the Phase II shall also be submitted to the FDEP Central District office. Per Comprehensive Plan Policy C1.5.7, Orange County shall require development in/on or near contaminated soils to properly address the contamination prior to any approvals allowing disturbance of the contaminated soils with land clearing, mass grading, and/or construction.

Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading, or construction plans, the applicant shall provide documentation to ensure compliance with FDEP Regulation 62-777, Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection Division (EPD) and the Development Engineering (DE) Division. This shall be provided to the Environmental Protection and Development Engineering Divisions by submittal of either an FDEP No Further Action letter or Site Rehabilitation Completion Order (SRCO), with or without conditions or controls, or documentation of specific permissions from FDEP.

If the Environmental Site Assessment indicates site contamination of soil, groundwater, or surface water, or if the FDEP is currently conducting contamination remediation, then the covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that portions of this property have been identified with soil, groundwater, or surface water contamination.

Any waste material found on site during clearing and grading shall be properly disposed of according to the solid waste and hazardous waste regulations.

Depending upon the contamination site review, there may be a need to prohibit the operation and installation of potable and irrigation water wells.

Transportation. The Transportation Planning Division has informed staff that the subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor.

The allowable development based on the approved Commercial future land use designation will generate 2,161 pm peak hour trips. The proposed development of up to 2,400 beds for student housing and up to 300,000 square of commercial space under the requested Planned Development-Commercial/High Density Residential (Student Housing) classification would generate 704 pm peak hour trips, resulting in a net decrease of 1,457 pm peak hour trips.

The subject property is located east of Semoran Boulevard, a six-lane principal arterial, and is adjacent to Scarlett Road, a two-lane local roadway. There is a programmed roadway improvement to construct a new four-lane road, Richard Crotty Parkway, from Semoran Boulevard to Dean Road. The segment from Semoran Boulevard to Goldenrod Road is currently in the design phase, and construction is scheduled for October 2019. The segments from Goldenrod Road to Harrell Road and Harrell Road to Dean Road are in the design stage, but a construction schedule has not been determined to date.

Based on the Concurrency Management System database dated January 7, 2019, there are two failing roadways within the project's impact area. Aloma Avenue is currently operating below the adopted level of service standard from Lakemont Avenue to Semoran Boulevard and from Semoran Boulevard to Tangerine Avenue. This information is dated, however, and is subject to change. Analysis of the short-term (Interim Year 2023) and long-term (Horizon Year 2030) conditions indicates that these capacity deficiencies will continue to occur on Aloma Avenue from Lakemont Avenue to the Seminole County Line in the short term. In the long term, Semoran Boulevard from Hanging Moss Road to University Boulevard to Aloma Avenue will operate at Level of Service F.

The trip generation calculations for this proposed future land use change will result in an overall trip reduction of the maximum trip generation potential when compared to the maximum allowable intensity of the existing future land use. Therefore, the impacts to the area roadways will not cause projected deficiencies.

The applicant submitted a traffic analysis in support of the proposed amendment. However, an FAR of 3.0 was used to calculate the development intensity for the commercial component of the project. The Planning Division amended the commercial density to a maximum FAR of 1.5, which was adopted in November 2017. The applicant's proposed FAR, though, is 0.61. The applicant shall revise the traffic analysis accordingly. In addition, the applicant used ITE land use code 222 for apartments to calculate the trip generation for the student housing. The ITE 10th Edition has a land use code for student housing, which should be used to calculate the daily and pm peak hour trip generation. Although the Transportation Planning Division based their analysis on the intended student housing concept, the revised traffic study shall incorporate the corrected trip generation data.

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 and/or as a text amendment to the Comprehensive Plan.

Utilities. The subject property is located within the City of Winter Park's potable water, wastewater, and reclaimed water service areas.

3. Policy References

GOAL FLU1 URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

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

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

Policy FLU1.1.2(B) The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac

Policy FLU1.1.2(F)(1)(2) Student housing may be permitted only on property with a future land use designation of Medium Density Residential, Medium-High Density Residential, High Density Residential, or Planned Development (in which medium or high density student housing is included as a single use or part of a mix of uses). A Planned Development zoning classification shall be required for all student housing projects.

- (1) Student housing density shall be calculated based on the number of bedrooms, with four (4) bedrooms equal to one (1) multi-family unit. An alternative density calculation may be permitted upon the approval of the Board of County Commissioners, provided the developer has committed to a mobility plan to be implemented with the development of the student housing project, has demonstrated a need for the additional units, and/or has proposed a redevelopment project located within the area extending one (1) mile east and one (1) mile west of the Alafaya Trail corridor, between McCulloch Road and State Road 408.
- (2) Any conversion of student housing to unrestricted housing shall require a Comprehensive Plan amendment and/or the approval of a substantial change to the Planned Development-Land Use Plan (PD-LUP) by the Board of County Commissioners at a public hearing. If the Comprehensive Plan amendment

and/or substantial change is approved, school impact fees in effect at the time shall be paid, and the project shall comply with any school capacity regulations in effect at that time.

Policy FLU1.1.4(A) OTHER URBAN RELATED OPTIONS – The following are non-residential Future Land Use designations that are predominantly found in the Urban Service Area. These may also be located within Rural Settlements on a limited basis. (See specific policies within OBJ FLU6.2.) Also, Institutional and Educational designations may be located within the Rural Service Area on a limited basis as may be expressly allowed by other goals, objectives and/or policies in this Comprehensive Plan.

FLUM Designation	General Description	Density/Intensity
Urban Non-Residential – Predominantly urban in use		
Commercial (C)	Commercial uses include neighborhood and commercial scale commercial and office development that serves neighborhood or community or village needs. Examples include neighborhood center, community center and village commercial.	1.50 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code

Policy FLU1.1.4.B - In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1.

B. URBAN MIXED USE OPTIONS – The following Future Land Use designations allow for a mix of uses. Per a settlement agreement with the State Department of Community Affairs, Orange County’s Planned Development Future Land Use designation now requires an adopted text amendment to specify the maximum intensity and density of a project. See Policy FLU8.1.4. Mixed-Use Corridors are a staff initiated option intended to complement the County’s Alternative Mobility Areas and Activity Center policies.

FLUM Designation	General Description	Density/ Intensity
Urban Mixed Use– Urban Service Area		
Planned Development (PD)	The PD designation ensures that adjacent land use compatibility and physical integration and design. Development program established at Future Land Use approval may be single or multiple use. See FLU8.1.4. Innovation Way is another large	Must establish development program at Future Land Use amendment stage per FLU8.1.4.

	<p>planning area similar in some respects to the planning process for Horizon West. Developments within the Innovation Way Overlay (Scenario 5) are processed as Planned Developments. Innovation Way is being implemented through the policies found in Chapter 4.</p>	
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- OBJ FLU2.1** **INFILL** Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County’s established core areas in the Urban Service Area.

- OBJ FLU1.4** The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP

- Policy FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

- Policy FLU1.4.2** Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

- Policy FLU8.1.2** Planned Developments (PDs) intended to incorporate a broad mixture of uses under specific design standards shall be allowed, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map.

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

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

Subject Site



Site Visit Photos

North



South



East



West

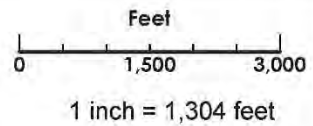
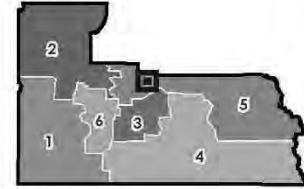
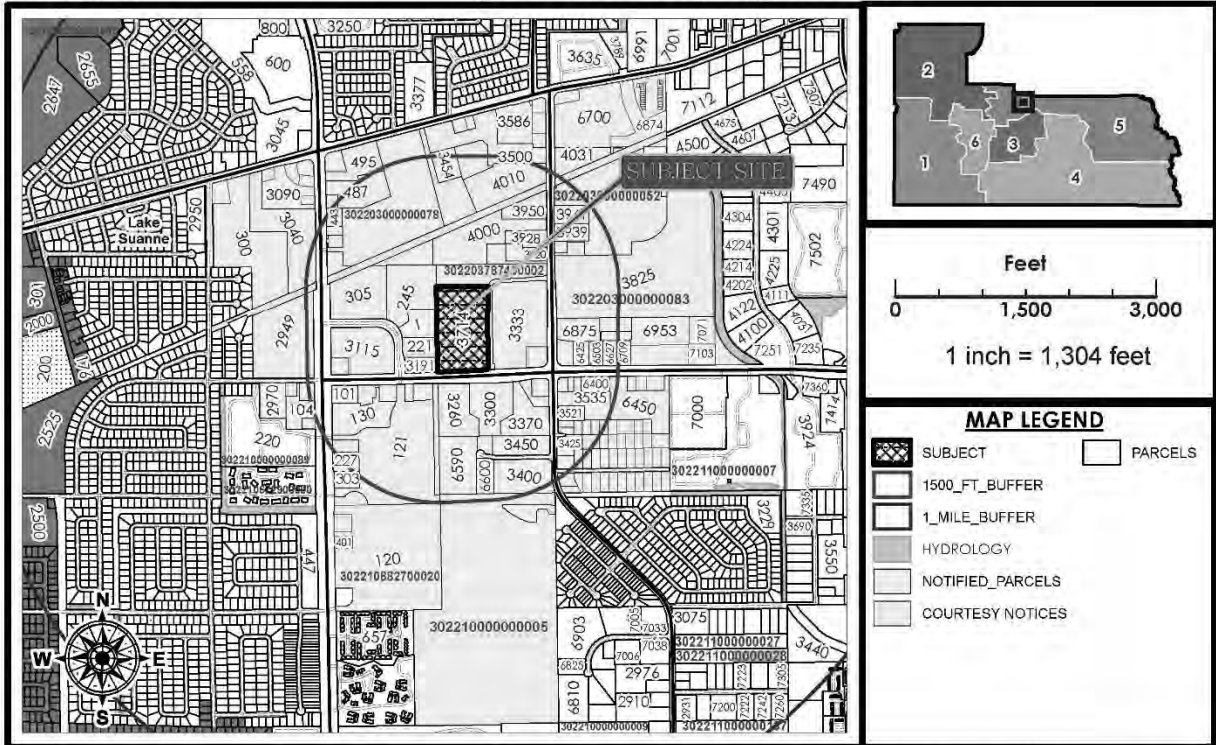




Public Notification Map

2019-1-A-5-3_Silver City Properties

1500 FT BUFFER, 183 NOTICES



MAP LEGEND

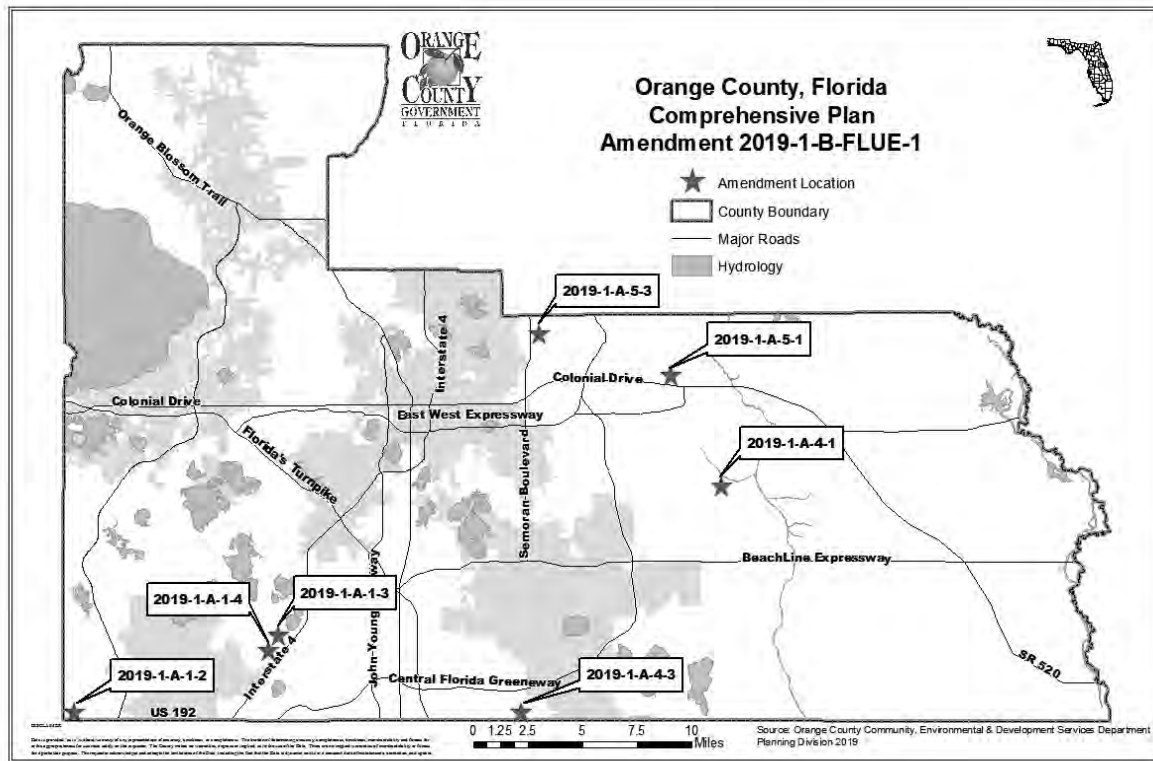
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- NOTIFIED_PARCELS
- COURTESY NOTICES
- PARCELS

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Notification Area:

1,500-foot buffer

183 notices sent



The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information
Report/Public Hearing	Outcome		Title: Amendment 2019-1-B-FLUE-1
✓	Staff Report		Division: Planning
✓	LPA Transmittal January 17, 2019	Recommend Transmittal (7-0)	Request: Amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County
✓	BCC Transmittal February 12, 2019	Transmit (7-0)	
✓	Agency Comments April 11, 2019	No comments were received.	
✓	LPA Adoption April 18, 2019	Recommend Adoption (8-0)	
	BCC Adoption	May 21, 2019	
			Revision: FLU8.1.4

Staff Recommendation

This request involves seven privately-initiated Future Land Use Map Amendments (Amendments 2019-1-A-1-2, 2019-1-A-1-3, 2019-1-A-1-4, 2019-1-A-4-1, 2019-1-A-4-3, 2019-1-A-5-1, and 2019-1-A-5-3). Staff and the Local Planning Agency (LPA) recommend that the Board of County Commissioners (Board) make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and **ADOPT** Amendment 2019-1-B-FLUE-1 to include the development programs for

Amendments 2019-1-A-1-2, 2019-1-A-1-3, 2019-1-A-1-4, 2019-1-A-4-3, 2019-1-A-5-1, and 2019-1-A-5-3 in Future Land Use Element Policy FLU8.1.4.

Staff and the LPA recommend denial of including Amendment 2019-1-A-4-1 in Policy FLU8.1.4. However, should the Board adopt the proposed PD future land use designation for the Amendment 2019-1-A-4-1 subject property, the development program for this project will be incorporated into Policy FLU8.1.4.

A. Background

The Orange County Comprehensive Plan (CP) allows for a Future Land Use designation of Planned Development. While other Future Land Use designations define the maximum dwelling units per acre for residential land uses or the maximum floor area ratio (FAR) for non-residential land uses, this is not the case for the Planned Development (PD) designation. Policy FLU8.1.3 establishes the basis for PD designations such that “specific land use designations...may be approved on a site-specific basis”. Furthermore, “such specific land use designation shall be established by a comprehensive plan amendment that identifies the specific land use type and density/intensity.” Each comprehensive plan amendment involving a PD Future Land Use designation involves two amendments, the first to the Future Land Use Map and the second to Policy FLU8.1.4. The latter serves to record the amendment and the associated density/intensity established on a site-specific basis. Any change to the uses and/or density and intensity of approved uses for a PD Future Land Use designation requires an amendment of FLU8.1.4.

Staff and the LPA recommend that the Board adopt Amendments 2019-1-A-1-2, 2019-1-A-1-3, 2019-1-A-1-4, 2019-1-A-4-3, 2019-1-A-5-1, and 2019-1-A-5-3. Therefore, as a supporting text amendment, staff recommends adoption of this amendment to Policy FLU8.1.4 to reflect the development programs for these amendments. Staff notes that the language for Amendment 2019-1-A-1-3 (Ruby Lake) supplements the development program previously adopted for Amendment 2016-1-A-1-5 (Ruby Lake), and Amendment 2019-1-A-4-3 (Boggy Creek Crossings) replaces the development program adopted for Amendment 2007-1-A-4-1, which predated the creation of Policy FLU8.1.4. For elaboration on the development program for each amendment, please refer to the respective staff report for the amendment.

B. Policy Amendments

Following are the policy changes proposed by this amendment. The proposed changes are shown in underline/~~strikethrough~~ format. Staff recommends transmittal of the amendment.

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

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number

<u>2019-1-A-1-2</u> <u>The Registry on Grass Lake</u>	<u>Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR)</u>	<u>Up to 395 360 multi-family dwelling units</u>	<u>2019-</u>
<u>2019-1-A-1-3</u> <u>Ruby Lake</u>	<u>Planned Development-Commercial/Low-Medium Density Residential (PD-C/LMDR)</u>	<u>Up to 20 townhome units and up to 200,000 square feet of non-residential uses, to include an off-site (freestanding) emergency department and commercial and offices uses permitted in the C-1 (Retail Commercial) zoning district</u>	<u>2019-</u>
<u>2019-1-A-1-4</u> <u>Bering I</u>	<u>Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR)</u>	<u>Up to 400 multi-family dwelling units and 15,000 square feet of C-1 (Retail Commercial District) uses</u>	<u>2019-</u>
<u>2019-1-A-4-3</u> <u>Boggy Creek Crossings</u>	<u>Planned Development-Commercial/Medium Density Residential (PD-C/MDR)</u>	<u>Up to 45,750 square feet of retail commercial uses and up to 336 multi-family dwelling units</u> <u>The combined development program is limited by a maximum of 5,362 ADT (Average Daily Trips), as established in the approved traffic study.</u>	<u>2019-</u>

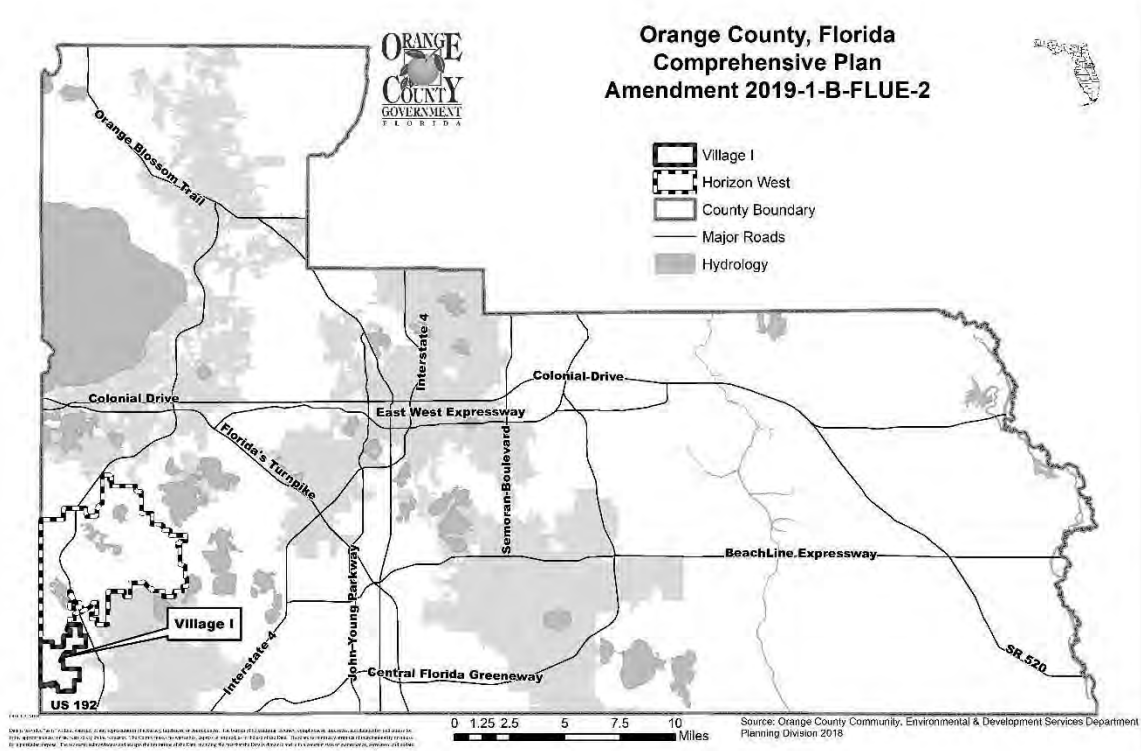
<u>2019-1-A-5-1</u> <u>12151 E Colonial Drive</u>	<u>Planned Development-Commercial/Medium Density Residential (Student Housing) (PD-C/MDR (Student Housing)</u>	<u>Up to 162 student housing units (up to 650 bedrooms) or up to 802,375 square feet of commercial uses</u>	<u>2019-</u>
<u>2019-1-A-5-3</u> <u>Silver City Properties Student Housing</u>	<u>Planned Development-Commercial/High Density Residential (Student Housing) (PD-C/HDR) (Student Housing)</u>	<u>Up to 2,400 student housing bedrooms (600 student housing units) and up to 30,000 square feet of commercial uses</u>	<u>2019-</u>

Staff and the LPA recommend denial of privately-initiated Future Land Use Map Amendment 2019-1-A-4-1 (Innovation Pointe). However, should the Board adopt this amendment, the associated development program will be noted in the Policy FLU8.1.4 table, as shown below in underline/~~strikethrough~~ format.

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

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number

<u>2019-1-A-4-1</u> <u>Innovation Pointe</u>	<u>Planned Development- Medium Density Residential/Industrial/Parks and Recreation/Open Space (PD-MDR/IND/PR/OS)</u>	<u>350 multi-family dwelling units, 284,000 sq. ft. of industrial, and parks and recreation/open space</u>	<u>2019-</u>



The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing	Outcome		Title: Amendment 2019-1-B-FLUE-2	
✓	Staff Report	Recommend Transmittal	Division: Planning	
✓	LPA Transmittal February 21, 2019	Recommend Transmittal (6-0)	Request: Text amendments to amend Future Land Use Element Policy FLU4.1.4, and FLU4.3.1 to reduce the required minimum density and clarify the timing of road agreements for Horizon West Village I Special Planning area.	
✓	BCC Transmittal March 12, 2019	Transmit (7-0)		
✓	State Agency Comments April 8, 2019	No Comments		
✓	LPA Adoption April 18, 2019	Recommend Adoption of changes to FLU 4.3.1 and Denial of FLU4.1.4 (5-0)		
	BCC Adoption	May 21, 2019	Revision: FLU4.1.4, FLU4.3.10	

Staff Recommendation

Staff makes a finding of consistency with the Comprehensive Plan, determine that Amendment 2019-1-B-FLUE-2 is in compliance, and **ADOPT** amendment **2019-1-B-FLUE-2**.

Local Planning Agency Recommendation (April 18, 2019)

The LPA recommended **DENIAL** of the amendment to Future Land Use Element Policy **FLU4.1.4** and **ADOPTION** of the amendment to Future Land Use Element Policy **FLU4.3.1**. LPA comments leading up to the recommendation of denial included concerns that lowering the minimum density for Village I would run counter to efforts to address the County's affordable housing shortage and had the potential to increase area sprawl.

A. Background

In June of 1995, the Orange County Board of County Commissioners adopted framework policies for the Horizon West planning area as a Sector Plan into the Comprehensive Plan. Following the adoption of the framework policies, Specific Area (Village) Plans were adopted between 1997 and 2008. Adopted in 1998, Section 163.3245 F.S. required Specific Area Plan (SAP) policies to be adopted into local Comprehensive Plans. However, in 2011, House Bill No. 7207 altered the status of Sector Plans and required that associated SAPs not be included in Comprehensive Plans. In 2016, Orange County restructured the Horizon West policies of the Comprehensive Plan to remove the Specific Area Plan (SAP) maps and related policies applicable to individual villages that addressed item such as specific development standards for each land use district. The previously approved SAP map, which served as a regulatory document, was replaced with the Horizon West Special Planning Area (SPA) Land Use Map, which is a reference document of how land use districts are distributed. The effect of this change is that any modifications to the conceptual SPA land use districts are now processed through the Planned Development review process. However, certain framework policies that apply generally to the SPAs were retained in the Comprehensive Plan.

The purpose of this amendment is to revise two framework policies that relate to the Horizon West Village I Special Planning Area. The first revision included in this amendment is a reduction in the minimum net density for Village I, and the second is a clarification of the timing of road agreements for Village I.

Village I Minimum Density Reduction

The model for the Horizon West Villages were a set of neighborhoods focused around a neighborhood center. Each neighborhood center generally includes a school, commercial area, and neighborhood park. Each village was originally designed to provide a compact, integrated development pattern and a population density for each neighborhood that can support the neighborhood schools. In order to ensure an adequate population density to support the school system, **Future Land Use Element Policy FLU4.1.4** identifies the minimum net residential densities for each village. The four Villages and the Town Center have a minimum density of between four (4) and five (5) dwelling units per acre. Village I, which was approved later in 2008, was originally intended to provide higher residential densities to

support workforce housing opportunities and a diverse mix of land uses and was assigned a minimum density of seven (7) dwelling units per acre.

Village I encompasses 2,224 gross acres and is bisected by Avalon Road (C.R 545). It is generally located between the Orange/Lake County line and the Western Beltway (S.R 429). Within the Village I boundary, there are approximately 1,073.20 developable acres and 799.53 net developable acres. Net density refers to the total number of units divided by the net developable area. The net developable land area is defined as developable land area less the following: upland greenbelts and land for Adequate Public Facilities (APFs) identified in FLU4.2.2 and/or APF Agreement; then less public open space as required by FLU4.6.8 and estimated stormwater areas. The currently approved conceptual land use map for Village I, as identified on the Horizon West Special Planning Area Land Use Map shows an average net density for Village I is 7.36 dwelling units per acre. This includes 5,608 residential dwelling units, consisting of 2,219 single-family and 3,389 multi-family units, and 426,000 square feet of non-residential development.

In order to allow flexibility to respond to changing market conditions and development trends and to provide more diversity in lot sizes and the land use mix, FLU4.1.4 allows for revisions to the minimum density for each Village through a Comprehensive Plan Amendment. The Orange County Planning Division received a request from the majority of landowners in Village I to reduce the minimum required density for Village I to allow for development that reflects current market conditions and trends.

Staff reviewed several residential development approvals in the vicinity of Village I. The Planning Division has determined that reducing the density requirement for Village I from seven (7) dwelling units per acre to five (5) dwelling units per acre will provide increased flexibility for new development to respond to market interests, and that combined with recently approved adjacent developments, will still satisfactorily create a population density that will support the desired area schools. The Orange County Public Schools Facilities Planning Division has also reviewed the proposed reduction of residential densities and is also in support of the proposed density reduction.

Village I Road Agreements

Future Land Use Element FLU4.3.10 describes the approval requirements for road network agreements in the Horizon West Village I Special Planning Area. FLU4.3.10 requires development of the Village's Phase I to be consistent with Table 7.5 of the Village I Specific Area Plan, and that new development beyond November 17, 2015 (the date of original policy adoption) must have an approved Road Network Agreement (RNA) in place. Such RNAs must be determined to be financially feasible by the County and comply with a Global Road Network Term Sheet for Village I. The Term Sheet summarizes expected road improvement needs for village related development that private landowners will participate in.

The policy also requires that adequate public facilities must be demonstrated to be available or planned to be available in a financially feasible manner in Orange County's Capital Improvements Element. This latter requirement will remain unchanged by the proposed amendment.

Any project that applied for a Planned Development prior to November 17, 2015 is exempted from the need for a Road Network Agreement provided that it received a qualifying construction permit as a result of that application. The proposed amendment will better define the point in development where a Road Network Agreement is required, and make it consistent with similar timing for Horizon West

Special Planning Area Villages F, H, and the Town Center, as defined in FLU4.3.9. There had previously been some confusion as to whether a request to rezone property could be interpreted as “development” and trigger the need for a RNA. The changes will specify that RNAs will be not be required as a result of rezoning requests or approvals and are otherwise intended to resolve any inconsistencies between the policy and the recently accepted Village I Term Sheet.

The Village I Term Sheet was accepted by the BCC on November 13, 2018. The proposed policy amendment would require that the Village I Road Network Agreement (RNA) must be signed by the owners of a majority of the undeveloped acreage in Village I, as well as approved by the BCC. Projects that received a Capacity Enhancement Letter prior to November 13, 2018 can continue with their authorized development, but will have to join the RNA before a future Preliminary Subdivision Plan (PSP) or Development Plan (DP) can be approved. All of the parties to the RNA will have to approve any such change to the agreement. If the agreement is not amended to include a new development project, then the project would have the option to move forward only if it complies with the County’s concurrency management system, potentially including the need for a proportionate share agreement.

Policy Amendments

Following are the policy changes proposed by this amendment. The proposed revisions are shown in ~~strikethrough~~/underline format. Staff recommends adoption of this amendment.

FLU4.1.4 Each Village shall demonstrate consistency with Policies FLU4.1.1, FLU4.1.2 and FLU4.1.3 by providing a compact, integrated development pattern with neighborhood centers generally located within a 1/2-mile walking distance of the residences, and by establishing a population density for each neighborhood that can support the neighborhood school. Modifications to these minimum densities may be approved subject to a Comprehensive Plan Amendment. Such amendments, however, shall not reduce the minimum density of any Village below four (4) dwelling units per net developable acre. Amendments may be based on, but not limited to, the following:

- To provide more diversity in lot sizes and the land use mix;
- To recognize existing geographic features or environmentally sensitive areas;
- To provide additional buffering to preexisting development;
- To make use of updated student generation rates; and
- To provide for enhanced environmental corridors.

The use of TDRs (transfers of development rights) shall be evaluated for impacts to the neighborhood schools as a part of the development review process.

Notwithstanding any density reduction, development shall continue to adhere to the General Village Principles outlined in FLU4.1.1.

The minimum densities approved for each Village (Lakeside, Bridgewater, Village H, Village F, Village I and the Town Center) are as noted in the following table:

Village	Minimum Overall Density per Net Developable Area Acre	Notes

Village I	7- 0 5.0 DU/Ac	The identified net density is needed to maintain the Village design principles outlined in Policy FLU4.1.1 and aids in the preservation of environmentally sensitive areas.

FLU4.3.10

Village I. Prior to commencing development beyond Phase I per Table 7.5 of the document entitled *Village I Specific Area Plan (the "SAP")*, Village I developers/owners will assess the projected cumulative transportation impacts of Village I and demonstrate that any significant and adverse impacts, including impacts outside Orange County’s jurisdiction, will be mitigated. The SAP will be amended to reflect any improvements needed to serve the approved Future Land Uses. Development beyond County approval of zoning, rezoning, and zoning amendment requests of Phase I consistent with Table 7.5 of the Village I Specific Area Plan, adopted by the Board of County Commissioners on June 10, 2008, may not continue beyond November 17, 2015, the anticipated adoption date of this amended FLU4.3.10, without a shall be subject to, and may not proceed without, a Board of County Commissioners-approved global Road Network Agreement (the "Road Network Agreement") in place that is determined to be financially feasible by the County and that substantially complies with a Global Road Network Term Sheet for Village I and unless adequate public facilities are demonstrated to be available or planned to be available in a financially feasible manner in Orange County’s Capital Improvements Element, consistent with Section 163.3164(38), F.S. Chapter 163, Florida Statutes.

The Road Network Agreement, which must substantially conform with the Horizon West Village I Term Sheet reviewed and accepted by the BCC on November 13, 2018, must be signed by the owners of a majority of the undeveloped acreage in Village I and approved by the BCC prior to approval of the first preliminary subdivision plan ("PSP") and/or development plan ("DP") in Village I. The foregoing notwithstanding, any project that has submitted a legally and technically sufficient application for a Planned Development prior to November 17, 2015, been issued a capacity encumbrance letter ("CEL") prior to November 13, 2018, may proceed with the applicable development in Phase I, pursuant to and in compliance with the terms of such CEL, prior to without entering into such a Road Network Agreement pursuant to a Global Road Network Term Sheet for Village I; provided, however,

that such development shall be required to enter into and join the Road Network Agreement prior to approval of any subsequent PSP and/or DP request beyond that applicable to the aforementioned CEL. ~~obtain at least one development permit for vertical construction other than a model home (the "Permit") within thirty (30) months from the date of approval of the Planned Development.~~ In the event any such project does not timely obtain a capacity reservation certificate in connection with the CEL, such project shall be subject to the County's concurrency management system, as if the CEL had not been issued. ~~obtain a permit within the thirty (30) month timeframe, such project shall then be subject to entering into a Road Network Agreement pursuant to a Global Road Network Term Sheet for Village I.~~ ~~Global~~ If a development project is proposed after the Road Network Agreement Term Sheet for Village I has been finalized, such that the development cannot participate, then such proposed the development shall be subject to the County's concurrency management system (and, potentially, entering into a proportionate share agreement), unless all of the signatories of the Road Network Agreement agree to amend such Road Network Agreement in order to add such development to the Agreement.

Clean Version

(assumes all proposed changes are adopted)

FLU4.3.10 **Village I.** Prior to commencing development beyond Phase I per Table 7.5 of the document entitled *Village I Specific Area Plan* (the “SAP”), Village I developers/owners will assess the projected cumulative transportation impacts of Village I and demonstrate that any significant and adverse impacts, including impacts outside Orange County’s jurisdiction, will be mitigated. The SAP will be amended to reflect any improvements needed to serve the approved Future Land Uses. Development beyond County approval of zoning, rezoning, and zoning amendment requests shall be subject to, and may not proceed without, a Board of County Commissioners-approved global road network agreement (the “Road Network Agreement”) in place that is determined to be financially feasible by the County and that substantially complies with a term sheet for Village I and unless adequate public facilities are demonstrated to be available or planned to be available in a financially feasible manner in Orange County’s Capital Improvements Element, consistent with Chapter 163, Florida Statutes.

The Road Network Agreement, which must substantially conform with the Horizon West Village I Term Sheet reviewed and accepted by the BCC on November 13, 2018, must be signed by the owners of a majority of the undeveloped acreage in Village I and approved by the BCC prior to approval of the first preliminary subdivision plan (“PSP”) and/or development plan (“DP”) in Village I. The foregoing notwithstanding, any project that has been issued a capacity encumbrance letter (“CEL”) prior to November 13, 2018, may proceed with the applicable development in Phase I, pursuant to and in compliance with the terms of such CEL, prior to entering into such a Road Network Agreement pursuant to a Global Road Network Term Sheet for Village I; provided, however, that such development shall be required to enter into and join the Road Network Agreement prior to approval of any subsequent PSP and/or DP request beyond that applicable to the aforementioned CEL. In the event any such project does not timely obtain a capacity reservation certificate in connection with the CEL, such project shall be subject to the County’s concurrency management system, as if the CEL had not been issued. If a development project is proposed after the Road Network Agreement has been finalized, then such proposed development shall be subject to the County’s concurrency management system (and, potentially, entering into a proportionate share agreement), unless all of the signatories of the Road Network Agreement agree to amend such Road Network Agreement in order to add such subsequent development to the Agreement.

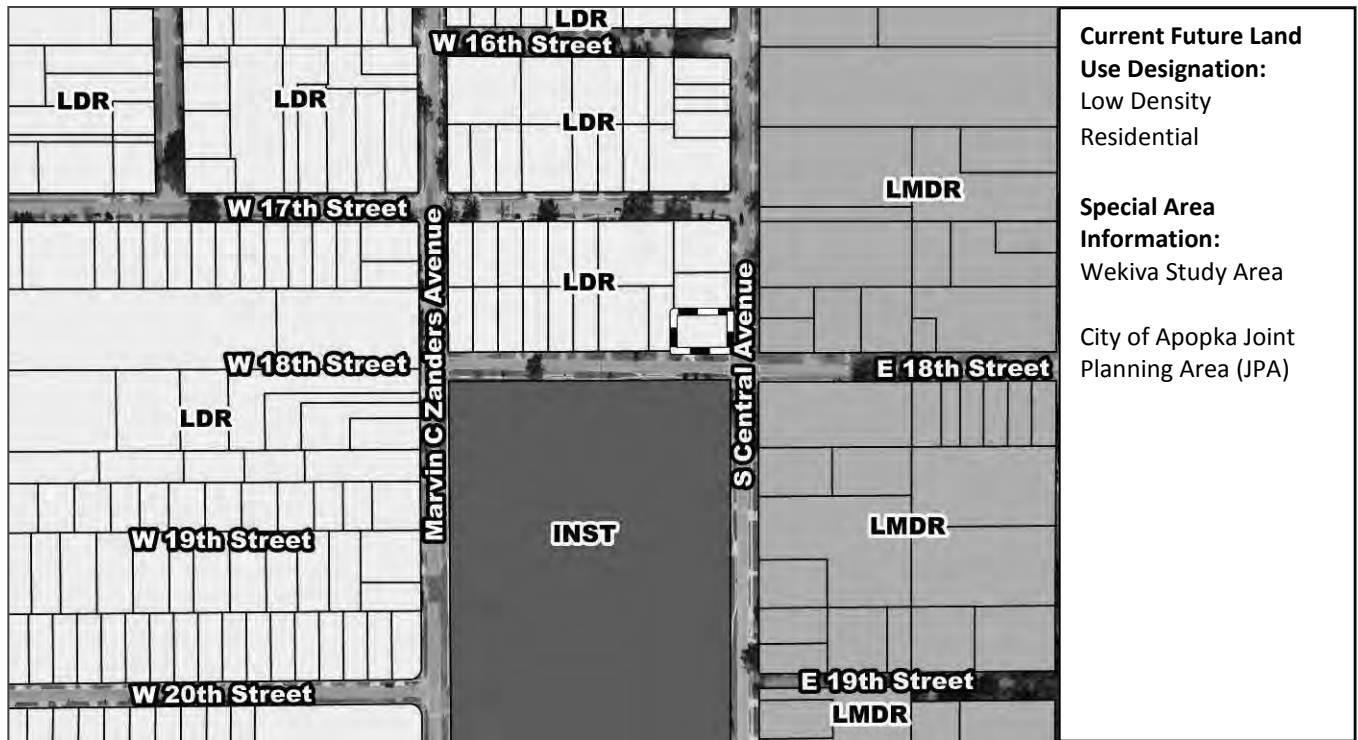


The following meetings/hearings have been held for this proposal:		Project Information	
Report/Public Hearing	Outcome		
✓	Community Meeting held January 31, 2019, with 2 members of the public in attendance.	Neutral	
✓	Staff Report	Recommend Adoption	
✓	LPA Adoption April 18, 2019	Recommend Adoption (8-0)	
	BCC Adoption May 21, 2019		
		<p>Future Land Use Map Amendment Request: Low Density Residential (LDR) to Medium Density Residential (MDR)</p> <p>Proposed Development Program: Orange County Public Schools Adult Learning Center</p> <p>Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis on each public facility.</p> <p>Environmental: This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S.</p> <p>Transportation: The proposed use will generate 5 new pm peak hour trips resulting in net increase of 4 pm peak hour trips.</p>	

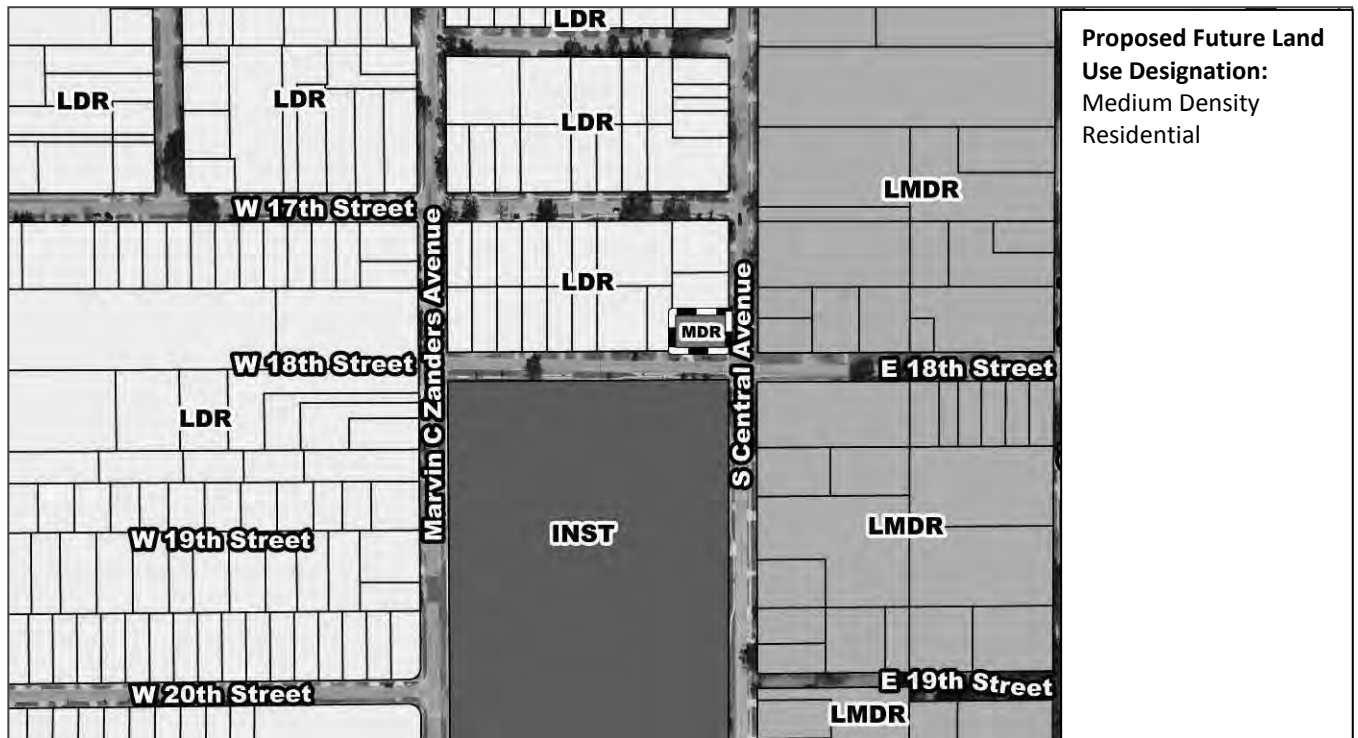
SITE AERIAL



FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



ZONING - CURRENT



Staff Recommendations

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element FLU1.1, FLU 1.1.5, FLU1.4.2, FLU1.4.4, FLU2.1, FLU8.2, FLU8.2.1, FLU8.2.11, FLU8.2.11; Neighborhood Element N1.1; Public Schools Facilities Element PS2.1, PS2.1.1, PS2.1.2, PS2.2, PS2.2.7), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2019-1-S-2-2, Low Density Residential (LDR) to Medium Density Residential (MDR).

Analysis

1. Background Development Program

The applicant, Julie Salvo of Orange County Public Schools, has requested to change the Future Land Use Map (FLUM) designation of the 0.218-acre subject parcel from Low Density Residential (LDR) to Medium Density Residential (MDR). The site is bordered by single family residences to the north, east, west, and Wheatley Elementary School to the south. The property has been zoned R-3 (Multiple Family Dwelling District) since October 7, 1957, and it is currently a vacant lot. The R-3 zoning is inconsistent with the property's LDR FLUM designation. The applicant seeks to resolve the inconsistency and change the FLUM designation to correlate with the current R-3 zoning classification.

The subject parcel is currently undeveloped, and the applicant is proposing to build an Orange County Public Schools Adult Learning Center with a community center component. Vocational schools are permitted in the R-3 zoning district by Special Exception. If adopted, the requested Medium Density Residential (MDR) Future Land Use allows the development of up to 20 dwelling units per acre, or up to 4.36 dwelling units on the subject property. With approval of the FLUM amendment of Medium Density Residential (MDR), which will then be consistent with the current zoning of R-3, the applicant plans to apply for a Special Exception.

The community meeting was held on January 31, 2019 at Lakeville Elementary School. Two area residents were in attendance. An overview of the future land use and zoning of the subject parcel, an overview of the planning process, and the request were presented. The applicant, Ms. Julie Salvo, explained that the developer intended to develop the site with an adult learning center, which would be open to adults older than 18 years old. She indicated the building would most likely be two stories, with off-site parking at Wheatley Elementary School.

2 residents were in attendance. One resident asked if OCPS had plans to expand the proposed school. Ms. Salvo explained that the building would be built in phases- the first phase would be the first story, which would house two classrooms. If needed, the school would expand vertically to the second story, which would provide more classroom space. A comment was made about the poor lighting of the streets around the proposed school, and was followed by a question about how the proposed project would be accessed. Ms. Salvo explained that the property would be accessed off of 18th Street. One resident had questions about what kind of impact the proposed school would have on property values in the surrounding area. Ms. Salvo said that there are no formal studies on the impact of schools on property values, but the proposed project would most likely be a positive impact on the community. Questions were also asked about whether a needs assessment had been completed in the community that indicated whether the proposed project was needed, and what would happen if the school was not successful.

2. Future Land Use Map Amendment Analysis

Consistency

The requested FLUM amendment appears to be consistent with the applicable Comprehensive Plan Goals, Objectives, and Policies, which are specifically discussed in the paragraphs below.

FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development. The subject site is located within the Urban Service Area.

Future Land Use Element Policy FLU1.4.4 requires that new commercial developments be designed and located in a way that does not disrupt established residential areas. The use of an adult learning school has been determined to fall within the same classification as uses such as job counseling, job training, skill training workshops, and vocational rehabilitation agencies. The aforementioned uses are considered as Special Exceptions in the R-3 zoning district, and permitted outright in the professional office, commercial, and industrial zoning districts. Thus, it appears the proposed use of an adult learning center is quasi-commercial in nature. The low student capacity (24 students) of the proposed adult learning center is expected to be compatible with, and not disturb the surrounding established residential area. The applicant has also expressed that the proposed adult learning center will have a community center component, which may serve as a positive addition to the neighborhood.

Similarly, **Neighborhood Element Objective N1.1** and **Future Land Use Element Policy FLU1.4.2**, maintain that Orange County shall ensure that future land use changes are compatible with, do not adversely impact, and serve existing or proposed neighborhoods. The low intensity use of the proposed adult learning center will not exacerbate traffic congestion, or disrupt the surrounding residential area.

Future Land Use Objective FLU 2.1 and **Policy FLU1.1.5** call for the County to encourage infill development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area (USA). The subject parcel is currently vacant, and staff finds that the subject property is consistent with the targeted infill development criteria in **FLU 2.1** (relatively small, vacant, and underutilized within the County's established areas of the USA).

The use of an adult learning center at the subject site is consistent with several objectives and policies of the Public Schools Facilities Element. Public Schools Objectives **PS 2.1** and **PS 2.2**, which call for the enhancement of community and neighborhood design through effective school facility design and joint use of educational facilities. The applicant has stated that the proposed adult learning center will utilize the existing parking lot of Wheatley Elementary School, which is located across the street. The applicant has indicated that Orange County Public Schools (OCPS) is anticipating the proposed development to be a maximum height of two stories. The applicant has also indicated that through obtaining the Special Exception through the Board of Zoning Adjustment, the unique needs of the project will be consistent with the existing R-3 zoning designation on the property.

Compatibility

According to **Future Land Use Element Objective FLU8.2**, compatibility will continue to be the fundamental consideration in all land use and zoning decisions. The following policies have been determined to guide the recommendation for the proposed future land use map amendment:

Future Land Use Element Policy FLU8.2.1 requires that land use changes be compatible with the existing development and development trend in the area, and states that performance restrictions and/or conditions may be placed on the property to ensure compatibility. The proposed OCPS Adult Learning Center is located directly north of an existing OCPS facility, Wheatley Elementary School. Along with being compatible with the existing OCPS education facility, the proposed project will be compatible with the existing single family residential developments in the surrounding area.

Future Land Use Element Policy FLU8.2.11 states compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. The use of an adult learning center is not identical to the largely-residential land use designations of the surrounding properties to the north, east, and west, but the low-intensity and low-traffic generating nature of the proposed development would complement and be compatible with the surrounding uses. Similarly, **FLU 8.2.2** requires continuous stretches of similar housing types and densities to be avoided, and calls for a diverse mix of uses and housing types. The proposed project will introduce a diverse use to the predominantly neighborhood with homogeneous housing types.

Public School Element Policy PS2.1.1 encourages the location of parks, recreation and community facilities in new and existing communities in conjunction with school sites. **Public School Element Policy PS2.1.2** calls for Orange County Public Schools and Orange County to work jointly to co-locate public facilities (including but not limited to: parks, libraries, and community centers) with public schools. The applicant has indicated that proposed project will include a community center element, and will utilize the parking lot of Wheatley Elementary School to the south. Additionally, **Public School Element Policy PS2.2.7** guides the County to support the School Board in locating appropriate school services, including night classes and adult education, in alternative locations.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations may apply. The applicant is advised to review related legislation to assure compliance and to plan for financial impacts. Regulations include, but are not limited to: septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed, and aquifer vulnerability. These requirements may reduce the total net developable acreage. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Transportation Planning Division

The applicant is requesting to change 0.22 acres from Low Density Residential (LDR) to Medium Density Residential (MDR) and approval to develop a 2,575 square feet adult education center.

- The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 1 pm peak hour trip.
- The proposed use will generate 5 new pm peak hour trips resulting in a net increase of 4 pm peak hour trips.
- The subject property is located adjacent to S. Central Avenue which is a 2 lane local roadway and not functionally classified.
- Based on the concurrency management system database dated 03-01-2019, there are no failing roadways within a one mile radius of this project. This information is dated and subject to change.
- The proposed use will generate 4 pm peak hour trips which is considered de minimis and will not impact the area roadways.
- 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. 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.

3. Policy References

FLU1.1- Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

FLU1.1.5- Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County's desired urban framework. Infill is defined as development consistent with the Infill Master Plan (2008).

FLU1.4.2- Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

FLU1.4.4- The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided. (Added 12/00, Ord. 00-25, Policy 3.2.12-r).

FLU2.1- Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area. (Obj. 3.3-r)

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

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

FLU8.2.2- Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted. (Policy 3.1.1)

FLU8.2.11- 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.

GOAL N1- Maintain the residential character of neighborhoods through land use regulations.

N1.1- Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods.

OBJ PS2.1- Enhance community/neighborhood design through the joint use of educational facilities.

PS2.1.1- Encourage the location of parks, recreation and community facilities in new and existing communities in conjunction with school sites.

PS2.1.2- Where feasible, Orange County Public Schools (OCPS) and Orange County shall work jointly to co-locate public facilities such as parks, libraries, and community centers with public schools. Where such co-location occurs, both entities shall establish an ongoing management relationship via

written agreement that permits the school's use of the public facilities and the public's use of school facilities for community meetings and sports activities. (Added 06/08, Ord. 8/11)

OBJ PS2.2- Enhance community/neighborhood design through effective school facility design and siting standards.

PS2.2.7- Support the School Board in locating appropriate school services, such as administrative offices, night classes and adult education, in alternative locations, such as but not limited to commercial plazas, shopping malls and community centers.

Site Visit Photos

Subject Site – Vacant Lot



North – Single Family Residential



South – Wheatley Elementary School



West – Single Family Residential



East – Single Family Residential



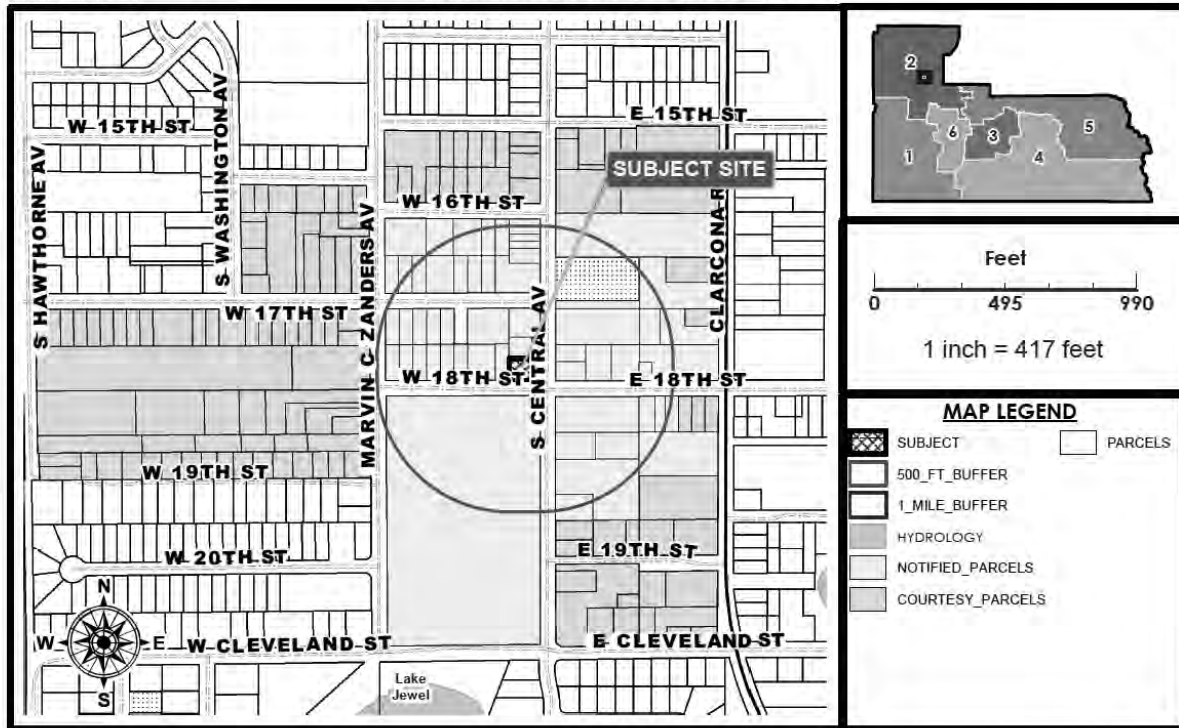
Public Notification Map



Public Notification Map

2019-1-S-2-2_ Wheatley Adult Learning Center

500 FT BUFFER, 224 NOTICES



S:\Business Systems\Board Administration\ArcGIS\MAIN.mxd

Notification Area

500 feet plus neighborhood and homeowners' association within a one-mile radius of the subject site.

224 notices sent



Applicant/Owner:
Jordan Theis/Trident Real Estate Investments, LLC

Location:
4414 Massachusetts Street;
Generally located north of Anderson Rd., east of Conway Rd., South of Lake Margaret Dr., and west of Hurd Ave

Existing Use:
Vacant, Single-Family Residence

Parcel ID Number(s):
08-23-30-8940-02-080

Tract Size:
0.49 Gross Acres

The following meetings/hearings have been held for this proposal:		Outcome	Project Information
Report/Public Hearing			Future Land Use Map Amendment Request: From Low Density Residential (LDR) to Office (O)
✓	Community Meeting held February 4, 2019, with 0 members of the public in attendance.	Nil – no members of the public were in attendance	Proposed Development Program: 1.25 FAR allows up to 10,672 sq. ft. of office development – The request is to convert the 1,344 sq. ft. single-family residence into an office Public Facilities and Services: Please see Public Facilities Analysis Appendix for specific analysis on each public facility. Environmental: No issues at this time. Transportation: The proposed use will result in a net increase of 12 pm peak hour trips. The subject property is located within the Alternative Mobility Area (AMA).
✓	Staff Report	Recommend Adoption	
✓	LPA Adoption April 18, 2019	Recommend Adoption (8-0)	
	BCC Adoption	May 21, 2019	

SITE AERIAL



FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



ZONING - CURRENT



Current Zoning District:
 P-O
 (Professional Office District)

Existing Uses
 North:
 Retention Pond
 South:
 Professional Office
 East:
 Single-Family Residence
 West:
 Professional Office

Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Policies (FLU1.1.4(A), OBJ FLU1.4, FLU1.4.1, FLU1.4.2, FLU2.3.6, FLU8.1.1, OBJ FLU8.2, FLU8.2.1, FLU8.2.5.1, FLU8.2.5.2), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2019-1-S-3-1, Low Density Residential (LDR) to Office (O).

Analysis

1. Background Development Program

The applicant, Jordan Theis, requests to change the Future Land Use Map (FLUM) designation of the subject property from Low Density Residential (LDR) to Office (O) on the 21,182 square foot subject property. The requested designation would allow for the consideration of office uses including professional offices and office park-style development with a maximum floor area ratio (FAR) of 1.25 or up to 26,477 square feet of office development. The subject property is zoned P-O (Professional Office District). The future land use designation and zoning district are inconstant as per the Zoning and Future Land Use Correlation table contained in Future Land Use Element Policy **FLU8.1.1**.

The petitioned property is improved with a one thousand three hundred forty-four square foot (1,344 sq. ft.) single-family residence. According to the Orange County Property Appraiser the building was constructed in 1920. The applicant is requesting to amend the future land use map to remedy the inconsistent zoning and future land use designations to allow the applicant to convert the existing 1,344 square foot, single-family residence into an office with the proposed use being a property management office.

The subject site is located east of Conway Road, north of Anderson Road, west of Hurd Avenue and south of Massachusetts Street. Conway Road (State Road 15) is a four-lane road. There is a left-turn lane at the signalized intersection to the north at Lake Margaret Drive and south at Anderson Road. Conway Road has a sidewalk along both sides of the roadway. Massachusetts Street is a two-lane road with no curb and gutter or sidewalks.

LYNX route 51 runs from the LYNX Central Station, the Colonial Plaza SuperStop, to Orlando International Airport. This route has an inbound stop at the intersection of Conway Road and Massachusetts Street.

The petitioned site is located within the Conway Road/Hoffner Avenue Corridor Overlay District. The Overlay District has the purpose of promoting and facilitating an enhanced corridor along designated segments with certain zoning prohibitions and restrictions to ensure compatibility of land uses within and outside the district, especially as between areas within and outside of municipal boundaries. It generally runs north from Curry Ford Road south to State Road 528 (the Beeline Expressway).

The area is characterized by small-scale commercial and office activity fronting Conway Road, such as convenience stores with gas pumps, auto parts store, salons, daycares, and restaurants. The office uses include medical and dentist offices, real estate offices, and financial offices. Commercial development is located at major intersections along Conway Road, one located half a mile north of the petitioned site on the south-east side Conway Road and East Michigan Street. Conway Middle School is located a half a mile south of the petitioned site on Anderson Road. There are three churches near the site. Residential uses in the area are often accessed from Conway Road via a single entrance and lack connectivity to other residential subdivisions or other uses in the area. The area immediately surrounding the petitioned site is within unincorporated Orange County.

However, property east of Conway Road and north of Lake Margaret Drive is located within the City of Orlando. These residential uses include multi-family and single-family residences.

The property abutting the site along the west is a converted single-family residence that is currently used as an office, to the north is a stormwater retention pond, with a future land use of Commercial (C) and a zoning of C-1 (Retail Commercial District) and P-O (Professional Office District). The property to the east of the subject property is single-family residence and has a future land use of Low Density Residential (LDR) and is zoned R-1A (Single-Family Dwelling District). The property to the south is a two-story office building with a future land use of Office (O) and is zoned P-O (Professional Office). The petitioned property is improved with a vacant single-family residence.

Orange County adopted its Growth Management Plan in May 20, 1980. This document and maps were adopted as the Comprehensive Plan in 1990. The Future Land Use Map that was part of the 1980 Growth Management Plan was subsequently adopted as the 1990 Future Land Use Map. The adopted maps designate the subject site as Low Density Residential (LDR). The property has retained the existing zoning of P-O (Professional Office District).

A community meeting was held for this request on February 4, 2019. No members of the public attended.

2. Future Land Use Map Amendment Analysis

Consistency

The requested Future Land Use Map (FLUM) amendment appears to be consistent with the applicable Comprehensive Plan goals, objectives, and policies, which are specifically discussed in the paragraphs below.

FLU1.1.4(A) notes that office uses can be considered as a transitional use between two different types of land uses or land use intensities. As noted above, the subject property is situated between offices to the west and south and a single-family residence to the east. The property is zoned P-O (Professional Office District).

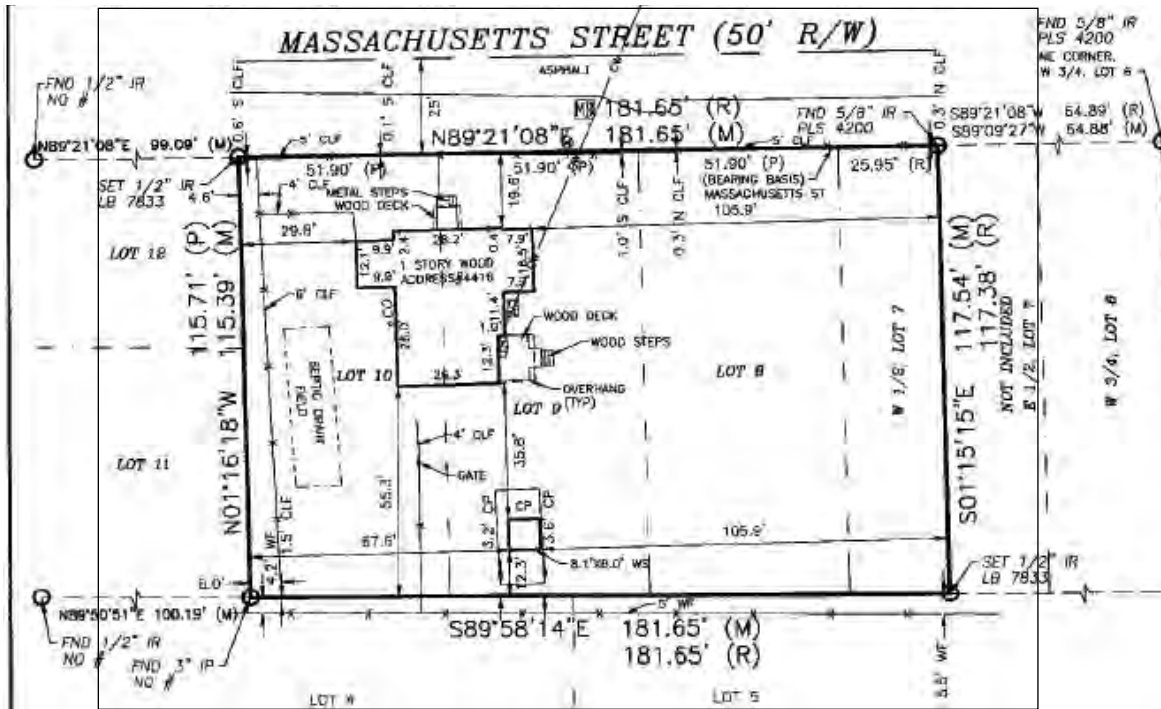
The subject property is inconsistent with the Zoning and Future Land Use Correlation Table found in **FLU8.1.1**. The existing zoning, P-O (Professional Office District), correlates with Office (O) and Commercial (C) future land uses. The existing future land use, Low Density Residential (LDR), correlates with the R-1 (Single-Family Dwelling District), R-1A (Single-Family Dwelling District), R-2 (Residential District), R-T (Mobile Home Park District), R-T-1 (Mobile Home Subdivision District), PD (Planned Development), and U-V (Urban Village District) zoning districts. The applicant is seeking to remedy this inconsistency.

Future Land Use Element Objective **OBJ FLU1.4** contains policies that contain development criteria to use to guide the distribution, extent, and location of urban land uses, and encourages compatibility with existing neighborhoods. The policies require the county to promote a range of employment opportunities and to ensure that land use changes are compatible with and serve existing neighborhoods (**FLU1.4.1** and **FLU1.4.2**).

Future Land Use Element **FLU2.3.6** outlines criteria to consider when evaluating the conversion of a residential use to a non-residential use. It is outlined below with staff analysis provided in italics. The subject property can be considered under this policy because it is a proposed conversion from an existing single-family residence into an office use.

1. There has been a significant change in area land use character;
 - *As explained above, the County introduced future land use in 1980 under the Growth*

- Management Plan and subsequently adopted the future land use map in 1990. The future land use on the subject property has been in place since 1980. At this time the Conway area provided a rural like setting with a prevalence of citrus groves and the introduction of suburban housing subdivisions. Conway Road, at that time, was a two-lane roadway. Over time, this area has developed into an urban landscape and blends into the City of Orlando.*
2. The adjacent road satisfies one or more of the following: is a major street, as identified in the Land Development Code; provides access to an existing mix of residential and non-residential uses; or will support a compatible mix of uses based on existing conditions;
 - *The adjacent road, Conway Road, a minor arterial roadway, provides access to an existing mix of residential and non-residential uses, and supports a compatible mix of uses based on existing conditions. Conway Road has existing multi-family housing, single-family housing, and commercial uses. Commercial nodes are found at major intersections.*
 3. The site satisfies one or more of the following: is adjacent to commercial or office uses that are consistent with the Comprehensive Plan and Land Development Code; adjoins an intersection of two streets; or adjoins wetlands, stormwater facilities or other features that serve to buffer the use from adjacent residential uses;
 - *The site satisfies one of the criteria; it is adjacent to office uses on two sides that are consistent with the Comprehensive Plan. The property does not adjoin an intersection of two streets or wetlands or other features that serve to buffer the use from adjacent residential uses. However, it is important to note that the underlying zoning district P-O (Professional Office District) predates the future land use designation. Additionally, office uses are considered a transition between commercial and residential uses.*
 4. Sufficient land area is available to support the land use intensity increase, such as the need for parking, stormwater retention, on-site maneuvering, and meeting minimum site and building standards of the requested zoning district;
 - *The existing lot meets the required minimum lot area requirement of ten thousand square feet (10,000 sq. ft.) and minimum lot width requirement of eight-five feet (85'). The existing residence appears to be situated on the parcel to provide the required off-street parking, as shown in the copy of the survey below.*



5. The converted use shall be compatible with adjacent land use;
 - *The subject site is adjacent to offices to the west and south. A single-family residence is located east of the residence. A stormwater pond is located to the north across Massachusetts St. Office uses are considered transitional uses.*
6. The conversion would provide a commercial or office use that has the potential to serve the neighborhood in which it is located;
 - *The conversion would provide an office use that would be used as a property management office.*
7. Outside traffic resulting from the converted use would not adversely affect the residential neighborhood;
 - *Although there is currently no non-residential use directly accessing Massachusetts St., the proposed increase of 12 PM peak hour trips, with a portion of them expected to be directed to Conway Rd and away from the residential neighborhood, is not judged to be significant.*
8. All other applicable policies detailed for non-residential use shall be met; and
 - *It is the responsibility of the owner of the property to ensure that all other applicable policies are met, including the Conway Road Zoning Overlay.*
9. A mix of uses shall be encouraged. Office use, in a residential scale and character, may be considered to be a transitional use between commercial and residential uses.
 - *The applicant is proposing to amend the future land use map from Low Density Residential (LDR) to Office (O) to allow for the conversion of an existing single-family residence to an office. The existing zoning is P-O (Professional Office District).*

Compatibility

Future Land Use Element Objective **OBJ FLU8.2** requires compatibility to continue to be the fundamental consideration in all land use and zoning decisions. This objective contains polices that are used to guide regulatory decisions that involve differing land uses. One such policy is **FLU8.2.1**

which states that land use changes shall be required to be compatible with the existing development and development trends in the area. As discussed above, the subject property is located between existing office uses and residential uses. The proposed request is considered compatible with the existing land uses.

The majority of the uses in the area are residential. Multi-family apartment complexes front Conway Road within unincorporated Orange County and the City of Orlando. Single-family uses are located off Conway Road, typically to the east or west of a roadway-fronting parcel having an Office (O) or Commercial (C) future land use. The single-family uses are accessed through an entrance from Conway Road and lack connectivity to other residential subdivisions or other uses in the area. Additionally, there are three churches near the site located east of Conway Road surrounded by single-family residences.

As noted above, small-scale commercial and office activity front Conway Road such as convenience stores with gas pumps, auto parts store, salons, daycares, and restaurants. Office uses include medical and dentist offices, real estate offices, and financial offices. Strip commercial development is located at major intersections, one located half a mile north of the petitioned site at the south-east intersection of Conway Road and East Michigan Street. There are two public schools near the site, Conway Elementary School, which is a quarter a mile west and Conway Middle School, on Anderson Road a half mile south of the petitioned site.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division

No issues at this time. The applicant proposes to use the existing structure.

Transportation Planning Division

Trip Generation (ITE 10th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Maximum use of current FLUM: up to 1 DU	1	100%	1
Existing Use: Undeveloped (based on aerial)	-	-	-
Proposed Use: Up to 10,672 SF of office development	14	92%	13
Net New Trips (Proposed Development less Allowable Development): 13-1=12 PM Pk. Hr. Trips			

Future Roadway Network

Road Agreements:	None
Planned and Programmed Roadway Improvements:	None
Right of Way Requirements:	None

Summary

The applicant is requesting to change 0.49 acres from Low Density Residential (LDR) to Office (O).

- The subject property is located within the County’s Alternative Mobility Area, but not along a backlogged/constrained facility or multimodal corridor.

- The allowable development based on the currently approved future land use will generate 1 pm peak hour trip.
- **The proposed use will generate 13 new pm peak hour trips resulting in net increase of 12 pm peak hour trips.**
- The subject property is located adjacent to Conway Road, a 4-lane minor arterial. This facility currently does not have any deficient roadway segments within the project’s impact area.
- This project is located within the Orange County Alternative Mobility Area. The following is a list of alternative modes within the project area: There are existing State maintained sidewalks along Conway Road from Kildaire Avenue to Mizell Street. LYNX bus link #51-Conway/Orlando International Airport; #3-Lake Margaret. There are (13) thirteen bus stops (4 sheltered) within the project area.
- There are no signed bicycle routes/lanes within the project impact area.
- Final permitting of any development on this site will be subject to further review and approval by Transportation Planning.

3. Policy References

FLU1.1.4 In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1.

A. OTHER URBAN RELATED OPTIONS – The following are non-residential Future Land Use designations that are predominantly found in the Urban Service Area. These may also be located within Rural Settlements on a limited basis. (See specific policies within OBJ FLU6.2.) Also, Institutional and Educational designations may be located within the Rural Service Area on a limited basis as may be expressly allowed by other goals, objectives and/or policies in this Comprehensive Plan.

FLUM Designation	General Description	Density/Intensity
Urban Non-Residential – Predominantly urban in use		
Office (O)	Office uses include professional office and office park-style development. Office uses can be considered as a transitional use between two different types of land use or land use intensities.	1.25 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code

- FLU2.3.6** The County shall consider the following criteria when evaluating, on a case-by-case basis, whether conversion of residential use to non-residential use may be permitted:
1. There has been a significant change in area land use character;
 2. The adjacent road satisfies one or more of the following: is a major street, as identified in the Land Development Code; provides access to an existing mix of residential and non-residential uses; or will support a compatible mix of uses based on existing conditions;
 3. The site satisfies one or more of the following: is adjacent to commercial or office uses that are consistent with the Comprehensive Plan and Land Development Code; adjoins an intersection of two streets; or adjoins wetlands, stormwater facilities or other features that serve to buffer the use from adjacent residential uses;
 4. Sufficient land area is available to support the land use intensity increase, such as the need for parking, stormwater retention, on-site maneuvering, and meeting minimum site and building standards of the requested zoning district;
 5. The converted use shall be compatible with adjacent land use;
 6. The conversion would provide a commercial or office use that has the potential to serve the neighborhood in which it is located;
 7. Outside traffic resulting from the converted use would not adversely affect the residential neighborhood;
 8. All other applicable policies detailed for non-residential use shall be met; and
 9. A mix of uses shall be encouraged. Office use, in a residential scale and character, may be considered to be a transitional use between commercial and residential uses.
- OBJ FLU1.4** The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP.
- FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- FLU1.4.2** Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- FLU8.1.1** (a) The following 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. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). Orange County's **Zoning and Future Land Use Correlation** is referenced herein as follows:

Zoning and Future Land Use Correlation		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>
Urban Residential		
Low Density Residential (LDR)	(0 to 4 du/ac)	R-CE* R-1, R-2**, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T-1, R-T-2, R-L-D, PD, U-V *R-CE is not available as a rezoning request in the USA.
Low-Medium Density Residential (LMDR)	(0 to 10 du/ac) + workforce housing bonus	R-1, R-1A, R-2, R-T, R-T-1, PD, U-V
Medium Density Residential (MDR)	(0 to 20 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V
Medium-High Density Residential (MHDR)	(0 to 35 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V
High Density Residential (HDR)	(0 to 50 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V
Urban and/or Non-Residential		
Office (O)	1.25 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased by County policy or code	P-O, PD

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

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

FLU8.2.5.1 A rezoning may not be required for properties with inconsistent zoning and Future Land Use Map (FLUM) designations under the following circumstances:

- A. For non-residential uses when the proposed use is permitted in the existing zoning district, and the same use is permitted in each of the zoning districts that are consistent with the adopted FLUM designation; or
- B. For non-residential and residential uses when the proposed use is permitted in the existing zoning district, but the use would require a special exception if the property is rezoned to be consistent with the adopted FLUM designation. In this case, however, the same use must be permitted or allowed by special exception in each of the zoning districts that are consistent with the adopted FLUM designation.

Any development of such properties shall meet the minimum site and building requirements of the existing zoning district. Subsequent requests for expansions and changes in the permitted uses on the property must conform to this policy. Requests not conforming to this policy shall be subject to a rezoning, special exception, or FLUM amendment. (Added 6/12, Ord. 2012-14; Amended 6/14, Ord. 2014-12)

FLU8.2.5.2 If a proposed use is subject to a special exception and has inconsistent zoning and future land use map (FLUM) designations, a rezoning may not be required before applying for a special exception, provided each of the following criteria is met:

- A. The proposed use is permitted only through the special exception process; and
- B. The zoning district required to correct the inconsistency between the FLUM and zoning designations also requires a special exception for the same use.

Any development of such properties shall meet the minimum site and building requirements of the existing zoning district. Subsequent requests for expansions and changes in the permitted uses on the property must conform to this policy. Requests not conforming to this policy shall be subject to a rezoning, special exception, or FLUM amendment. (Added 6/12, Ord. 2012-14)

Site Visit Photos

Subject Site



North



East



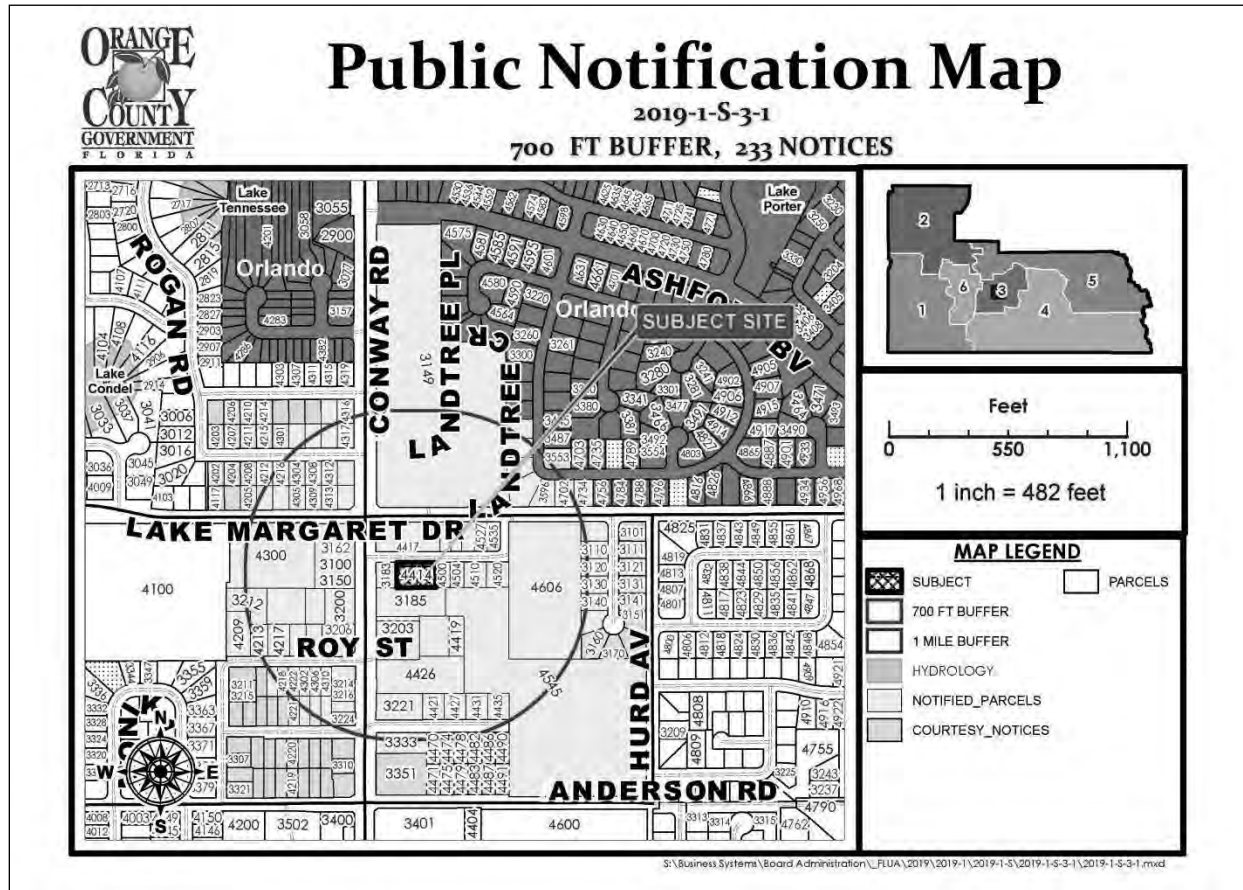
South



West



PUBLIC NOTIFICATION MAP



Notification Area

700 ft. plus homeowner associations within a 1 mile radius of the subject site

233 notices sent

SITE AERIAL



FUTURE LAND USE - CURRENT



FUTURE LAND USE - AS PROPOSED



ZONING - CURRENT



Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Housing Element Goal H1, Housing Element H1.1, Future Land Use Element Goal FLU2, Objectives FLU2.1, FLU2.2, and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU8.1.4, FLU8.2.1, FLU8.2.2, and FLU8.2.10), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-1-S-3-2, Commercial (C) and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR).

Analysis

1. Background Development Program

The applicant, Harlan Hanson, has requested to change the Future Land Use Map (FLUM) designation of the 1.74-acre subject property from Commercial (C) and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR). The applicant is proposing to develop up to either 34 multi-family townhome units on the entire site or develop a mix of 28 multi-family townhome units on the western portion of the site and six (6) live-work units on the eastern portion of the site adjacent to Bumby Avenue. The live-work units will consist of up to 7,500 square feet of commercial and professional office uses on the first floor and multi-family residential units on the second floor. The maximum proposed development program would consist of 34 multi-family townhome units and up to 7,500 square feet of commercial uses. The MDR future land use designation allows for a maximum of twenty (20) dwelling units per acre.

The subject property consists of three contiguous parcels. The eastern 200 feet of the site is zoned C-1 (Retail Commercial District) and has a corresponding Commercial Future Land Use Map (FLUM) designation. Presently, a 12,700-square-foot warehouse building is located on this portion of the site and has been used as a gas station and convenience store (Citgo Food Mart), office, and warehouse for 53 years. The western 200 feet of the site is zoned R-1A (Single-Family Dwelling District) and possesses a LMDR FLUM designation and is currently vacant. The LMDR future land use designation allows for a maximum of ten (10) dwelling units per acre.

In July 2018, the property owner obtained a building permit (B18013851) to remove the canopy, island dispensers, the underground storage tank system, including all dispensers, product lines, storage tank and all secondary containment components, vent pipes, and conduits. Subsequently, the underground storage tanks were removed from the property. A Limited Closure Report for Underground Storage Tanks (USTs) regarding the removal of the underground storage tank system was provided to the Orange County Environmental Protection Division (EPD) on August 29, 2018. On January 7, 2019, the Florida Department of Environmental Protection Division (FDEP) issued a letter to the property owner stating that Division staff completed the review of the Limited Closure Report for Underground Storage Tanks (USTs). The letter stated that the report appears to meet the requirements of Chapter 62-761, Florida Administrative Code (FAC), and that no further assessment is necessary at this time. If any contamination is found on the property, the applicant acknowledges approval from the FDEP is required before any development can occur.

The subject site is located at the intersection of S. Bumby Avenue and Henderson Drive. It is situated in a densely developed area characterized by a mix of commercial, office, and residential uses and a variety of housing types, including single-family detached homes, quadplexes, duplexes, and apartments. An automotive repair shop (Orlando Auto Doctor) and plumbing business (Emerald Plumbing), are located across the street on Henderson Drive, abut the site directly to the north. Both properties are zoned C-1 and are designated Commercial. An office building (Abruzzo Sun Investments, LLC), located immediately south of the subject property, is zoned C-1 and possesses a

Commercial FLUM designation. Office and commercial uses—including convenience stores, warehousing, auto repair, and a car wash—are located approximately 400 feet north of the subject property along Curry Ford Road. Single-family homes, located north, south, east, and west of the property, are zoned R-1A and R-2 (Residential District) and possess LMDR FLUM designations. A five-unit multi-family apartment complex is also located immediately south and possesses a LMDR FLUM designation and a corresponding R-3 (Multiple-Family Dwelling District) zoning classification. Several duplexes are located south and west of the subject property. Each of these duplexes has a LMDR FLUM designation and are zoned R-2 except for the duplex located at the corner of Cloverlawn Avenue and Henderson Drive. It is zoned R-1A. Quadplexes are located across the street on Henderson Drive, north of the subject property, and have a LMDR FLUM designation and a corresponding R-2 zoning classification.

A community meeting was held for this proposed amendment on January 24, 2019, with twenty-three (23) residents in attendance. Mr. Hanson stated that it is the owner's intent to obtain approval for either 37 multi-family townhome dwelling units on the entire site or approval for a mix of 31 townhomes on the western portion of the site and 6 live-work units on the eastern portion of the site with up to 7,500 square feet of commercial uses. Mr. Hanson provided a diagram that showed four different development proposals for the subject property: 37 townhome units, 31 townhome units and 6 live-work units with 7,500 square feet of commercial uses, 22,500 square feet of office/retail uses and 9 residential units, and the existing 12,700 square-foot commercial building used for warehouse, convenience store, gas station with canopy and pump dispensers and 9 residential units. Some residents voiced their concerns with the proposal to construct 37 multi-family townhome dwelling units on the site. Some of their concerns were the number of dwelling units, what the proposed townhome structures would look like, traffic, access, compatibility, and property values.

Mr. Hanson stated the property owner will not be the developer but their intent is to sell the property to a developer who would build an aesthetically-pleasing development and commit to preserving as much vegetation as possible. He also stated that the property owner has a couple of developers interested in the property and the owner had hoped to have a developer under contract before the first public hearing. Mr. Hanson displayed photographs of three existing townhome projects in the local area for the residents to see potential concepts of the final product. The proposed structures could be three stories, and the live-work units would have commercial and office uses on the first floor and residential on the second floor. The live-work units would be located adjacent to Bumby Avenue and the townhomes would be located adjacent to the residentially zoned properties. As far as the residents' traffic concerns, Mr. Hanson told the residents that both preferred development proposals would generate less traffic impacts than the currently allowed uses. A few residents did not have any concerns with the proposed development. They stated that the subject property is going to be redeveloped sometime in the future and the proposal for the live-work units and the townhomes are a good transition between the commercial along Bumby Avenue and the surrounding single-family homes. In addition, they stated if the proposed development was designed appropriately it could complement the neighborhood. If this amendment is approved, the property would have to be rezoned to PD (Planned Development District) to be consistent with its PD-C/MDR FLUM designation.

Subsequent to the community meeting, the applicant submitted a survey for the subject property which indicated that the site contains less acreage due to the County's taking of property for right-of-way for Bumby Avenue. Thus, a maximum of thirty-four (34) dwelling units will be allowed if the proposed amendment is approved.

Project Analysis

Consistency

The proposed FLUM amendment appears to be **consistent** with the applicable Comprehensive Plan Goals, Objectives, and Policies. The subject property is located in an area characterized by a mix of commercial, office, and residential uses and a variety of housing types, including single-family detached homes, quadplexes, duplexes, and apartments. As previously mentioned, the applicant is seeking the PD-C/MDR future land use designation to allow for the redevelopment of the 1.74-acre site for a 34-unit multi-family townhome project on the entire site or a mix of 28 multi-family townhome units on the western portion of the site and 6 live-work units on the eastern portion of the site on an infill site within the County's Urban Service Area (USA) Boundary. Staff finds this proposal 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. This proposed amendment is also consistent with **Future Land Use Element Objective FLU2.1**, which establishes that Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area (USA). Staff further finds this request consistent with **Future Land Use Element Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area.

As stated above, the subject property is located in an area characterized by a variety of housing types—including single-family detached homes, quadplexes, duplexes, and apartments. With the proposal to develop 34 multi-family townhome dwelling units or a mix of 28 townhome units and 6 live-work units, the proposed FLUM amendment is consistent with **Housing Element GOAL H1 and Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. **Policy FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. The proposed amendment will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Policy FLU1.1.1**.

The proposed project is 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 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. In regards to the project's commercial element, staff emphasizes that the proposed 7,500 square feet of commercial retail/office uses would be allowed under the current Commercial future land use map designation on the eastern portion of the site. It is staff's belief that well-designed neighborhood serving retail/office establishments incorporated into the project would complement the neighboring residential development and could reduce the travel distance to purchase goods and services. To ensure that the existing residential neighborhoods are not adversely impacted by the retail uses, **Policy FLU1.4.4** states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided. It is the applicant's intent to locate the commercial uses along Bumby Avenue. Staff notes that if this requested amendment is adopted,

the development standards for both the commercial and residential elements of this project will be determined during the PD rezoning process.

The County adopted **Policy FLU8.1.4** to specify the maximum development potential for each PD Future Land Use Map Amendment. The development program for this amendment is added to **Policy FLU8.1.4** as a staff-initiated text amendment. The maximum development program for Amendment 2019-1-S-3-2, if adopted, would be as follows.

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2019-1-S-3-2</u> <u>Carse Property</u>	<u>Planned Development-</u> <u>Commercial-Medium</u> <u>Density Residential</u> <u>(PD-C/MDR)</u>	<u>Up to 7,500 square feet of</u> <u>commercial uses and up to</u> <u>34 multi-family dwelling</u> <u>units</u>	<u>2019-</u>

Compatibility

The proposed FLUM amendment appears to be **compatible** with the existing development and development trend of the surrounding area. **Future Land Use Element Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development pattern and development trends in the area. As previously mentioned, the subject property is located in an area characterized by a mix of commercial, office, and residential uses and a variety of housing types, including single-family detached homes, quadplexes, duplexes, and apartments.

If the requested FLUM amendment is adopted, provisions must be taken to ensure that any future development of the subject site for a mix of residential and commercial/office uses will not adversely impact the existing single-family homes in the surrounding area. Although no restrictions or conditions may be imposed during the FLUM amendment stage, performance restrictions and/or conditions may be placed on the site through the appropriate subsequent development order to ensure compatibility, as established in **Policy FLU8.2.1**. **Policy FLU8.2.10** states that commercial and office uses in residential areas shall be subject to performance standards including, but not limited to, building height restrictions, compatible architectural designs, floor area ratio limitations, lighting and location requirements, landscaping and buffering requirements, and parking design to ensure land use compatibility. The applicant informed the residents in attendance at the community meeting that the proposed live-work units with 7,500 square feet of commercial development will be oriented along Bumby Avenue and that the proposed commercial uses will be restricted to those neighborhood serving uses permitted within the C-1 zoning district. These compatibility issues, along with the delineation of the proposed Commercial and MDR areas within the PD boundary will be addressed in greater detail during the rezoning stage of the project. Staff, therefore, recommends adoption of this requested amendment.

Division Comments: Environmental, Public Facilities and Services

Environmental. The Carse Oil/Citgo Food Mart at 1700 S. Bumby Avenue is a location of ongoing petroleum contamination remediation. No activity will be permitted on the site that may disturb, influence or interfere with: areas of soil or groundwater contamination, any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division (EPD) of Orange County. An owner/operator

who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S. For more information contact the FDEP concerning Facility No. 48-8628047.

Utilities. Per Orange County Utilities (OCU), the subject property lies within the Orlando Utilities Commission's (OUC) potable water service area and the City of Orlando's wastewater and reclaimed water service areas.

Schools: Per School Capacity Determination OC-19-032, issued March 19, 2019, there is presently sufficient capacity at the affected schools to support the proposed development. No Capacity Enhancement Agreement (CEA) will be required at this time. This determination expires September 15, 2019. Per Orange County Public Schools (OCPS), in the event this project does not receive Future Land Use Map Amendment approval by the expiration date, the applicant shall resubmit the application and application fee for reevaluation by OCPS. In addition, should the scope of the project change (e.g., modification of the proposed unit count and/or unit type), a new determination shall be required.

Transportation. Based on trip generation estimates from the 10th Edition of the Institute of Transportation Engineers *Trip Generation Handbook*, it was determined that the maximum allowable development of up to 60,900 square feet of commercial uses and up to nine (9) residential dwelling units based on the current future land use designations of Commercial (C) and Low-Medium Density Residential (LMDR) would generate approximately 242 p.m. peak hour trips, while the proposal to develop up to 7,500 square feet of commercial uses and up to 34 multi-family dwelling units under the requested Planned Development-Commercial/Medium Density Residential (PD-C/MDR) future land use designation would generate 64 p.m. peak hour trips resulting in a net decrease of 178 new p.m. peak hour trips.

The subject property is located within the County's Alternative Mobility Area, but not along a backlogged/constrained facility or multimodal corridor.

The allowable development based on the approved future land use will generate 242 p.m. peak hour trips.

The proposed use will generate 64 p.m. peak hour trips resulting in a net decrease of 178 p.m. peak hour trips.

The subject property is located adjacent to Bumby Avenue, a two-lane collector roadway which based on the Concurrency Management System database dated January 03, 2019, currently operates at an acceptable level of service. There are no deficient roadway segments within the project's impact area.

This project is located within the Orange County Alternative Mobility Area. The following is a list of alternative modes within the project area: There are existing County maintained sidewalks along S. Bumby Avenue from E. Kaley Street to Raehn Street and along E. Kaley Street from Waldo Street to Peel Avenue. Lynx bus link #15 – Curry ford Road/Valencia Community College East Campus. There are four (4) bus stops within the project area.

There are no signed bicycle routes/lanes within the project impact area.

Final permitting of any development on this site will be subject to further review and approval by Transportation Planning.

Policy References

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 FLU2.1 – INFILL. Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County’s established core areas in the Urban Service Area.

OBJ FLU2.2 – 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 will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses.

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

FLU1.1.5 – Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County’s desired urban framework. Infill is defined as development consistent with the *Infill Master Plan* (2008).

FLU1.4.4 – The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.

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

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

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

FLU8.2.10 – To ensure land use compatibility with nearby residential-zoned areas and protection of the residential character of those areas, office and commercial uses within residential neighborhoods shall be subject to strict performance standards, including but not limited to the following:

- A. Building height restrictions;
- B. Requirements for architectural design compatible with the residential units nearby;

- C. Floor area ratio (FAR) limitations;
- D. Lighting type and location requirements;
- E. Tree protection and landscaping requirements including those for infill development; and
- F. Parking design.

GOAL H1 – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range 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.

Site Visit Photos

Subject Site from Bumby Avenue



North



South



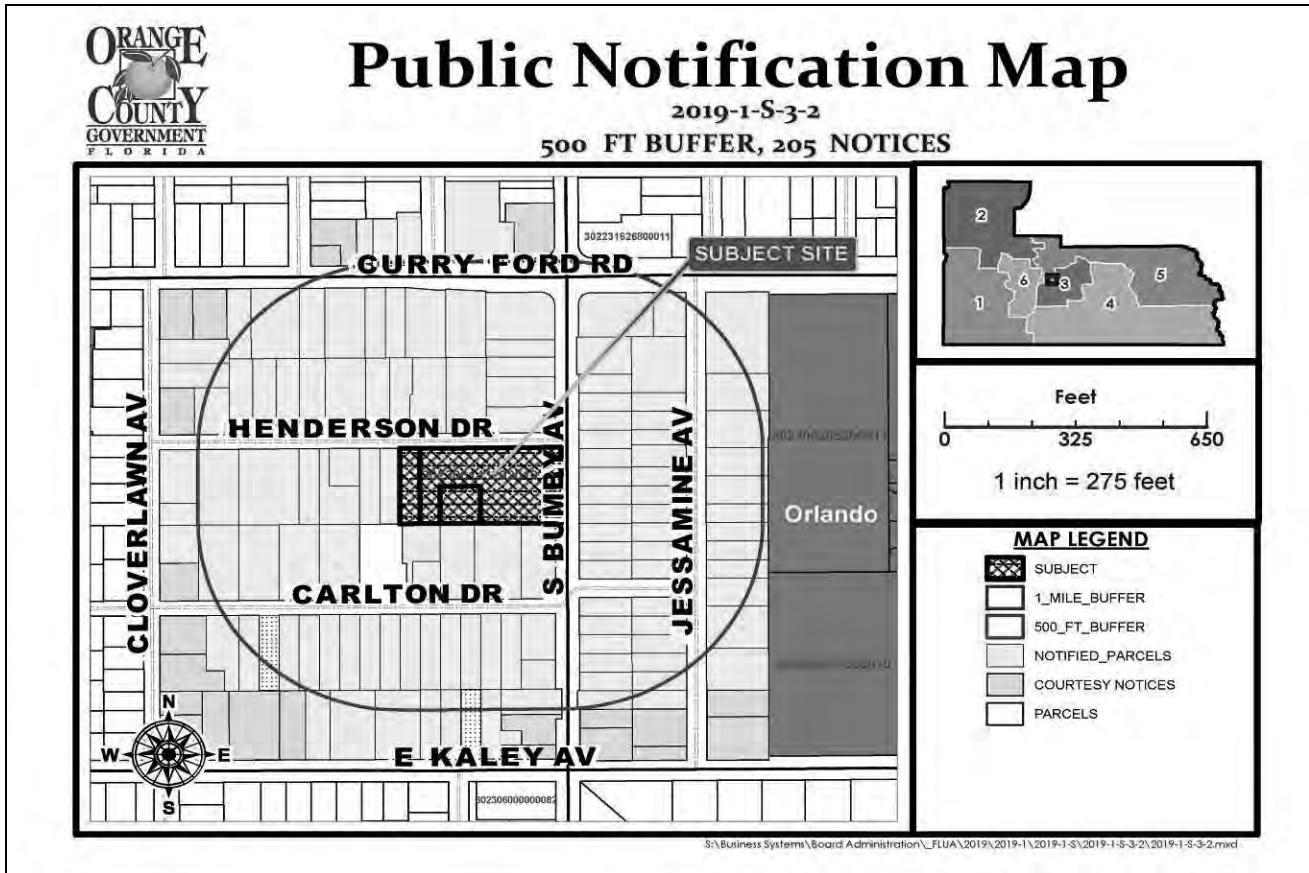
East



West



PUBLIC NOTIFICATION MAP



Notification Area

500 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site

205 notices sent



Applicant/Owner:
Stephen Allen, P.E.,
CivilCorp Engineering, Inc. /
Eagle Global Holding, Inc.

Location:
Generally located east of
Narcossee Road, north of
Nemours Parkway, and
south of Vickrey Place.

Existing Use:
Undeveloped land

Parcel ID Number:
20-24-31-9302-00-011

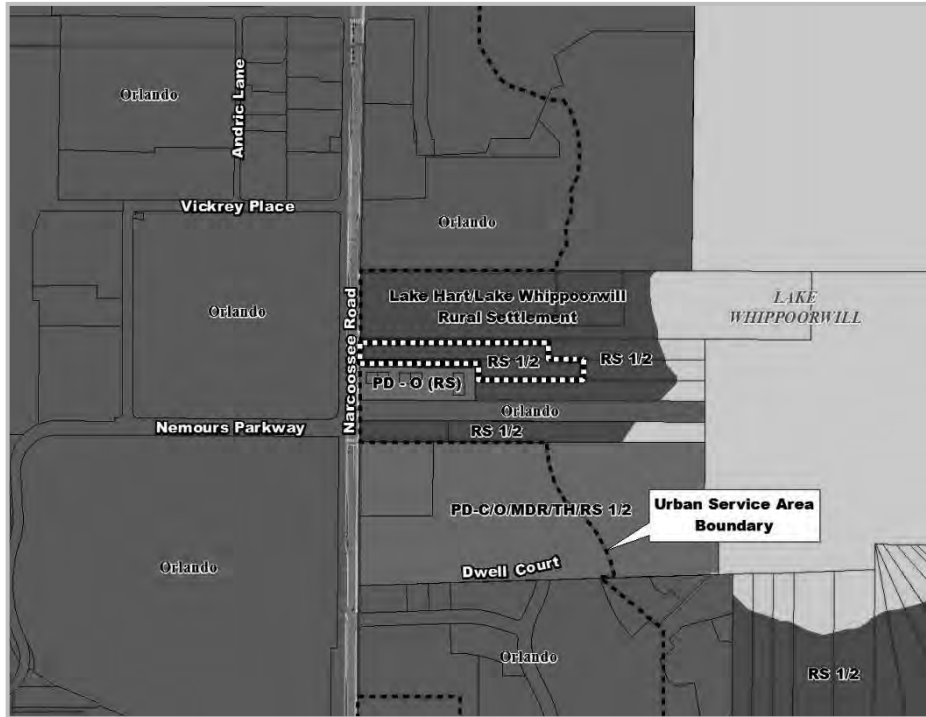
Tract Size:
3.15 gross/net developable
acres

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome		
✓	A community meeting was held February 7, 2019, with two (2) residents in attendance.	Negative - The attendees expressed concern about compatibility with the adjacent office development to the south, connectivity with neighboring parcels, and required parking.	Request: Rural Settlement 1/2 (RS 1/2) to Planned Development-Commercial/Office (PD-C/O) and Urban Service Area (USA) expansion	
✓	Staff Report	Recommend Adoption	Proposed Development Program: Frontage Zone: Up to 22,717 square feet of commercial and/or office development Transition Zone: Up to 25,156 square feet of office uses	
✓	LPA Adoption Hearing April 19, 2019	Recommend Adoption (7-1)	Concurrent Rezoning: LUP-18-06-216 – A-2 (Farmland Rural District) to PD (Planned Development District) (Eagle Lake PD/LUP) The associated PD Land Use Plan (LUP) is proceeding through DRC review and is expected to be considered at a future date.	
	BCC Adoption Hearing	May 21, 2019	Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility. Environmental: Per Conservation Area Determination #CAD-19-01-007, there are no wetlands or surface water within the subject property boundary. Transportation: Per the Transportation Planning Division, development of up to 22,717 square feet of commercial uses and 25,156 square feet of office space under the requested PD-C/O FLUM designation is expected to result in an increase of 128 new p.m. peak hour trips. Based on this number of net new p.m. peak hour trips, a traffic study will be required.	

SITE AERIAL



FUTURE LAND USE – CURRENT



Current Future Land Use:
 Rural Settlement 1/2 (RS 1/2)

Special Area Information
 Rural Settlement: Lake Hart/Lake Whippoorwill Rural Settlement

Overlay District: The site is located within the Narcossee Road Corridor Study Area Overlay District.

JPA: N/A

Airport Noise Zone: N/A

FUTURE LAND USE – AS PROPOSED



Proposed Future Land Use:
 Planned Development-Commercial/Office (PD-C/O) and Urban Service Area (USA) expansion

ZONING – CURRENT



Zoning: A-2 (Farmland Rural District)

Existing Uses:

- N: Central Florida Children’s Home
- S: Lake Nona Medical and Dental Properties Professional Center and single-family home
- E: Residential homesite with one single-family home, two manufactured homes, and various accessory structures and undeveloped land
- W: Valencia College – Lake Nona Campus

ZONING – AS PROPOSED



Proposed Zoning: PD (Planned Development District) (Eagle Lake PD/LUP)

Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Objectives FLU6.2 and FLU6.3 and Policies FLU6.2.14, FLU6.3.2, FLU6.3.2.1, FLU6.3.2.2, FLU6.3.2.4, FLU6.3.3, FLU6.3.4, FLU6.3.4.1, and FLU8.2.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-1-S-4-1, Rural Settlement 1/2 (RS 1/2) to Planned Development-Commercial/Office (PD-C/O) and Urban Service Area (USA) expansion.

Analysis

1. Background and Development Program

The applicant, Stephen Allen, is requesting to change the Future Land Use Map (FLUM) designation of the 3.15-acre subject parcel, located within the Lake Hart/Lake Whippoorwill Rural Settlement and the County's Rural Service Area (RSA), from Rural Settlement 1/2 (RS 1/2) to Planned Development-Commercial/Office (PD-C/O). In conjunction with this proposed amendment, the applicant is seeking a corresponding Urban Service Area (USA) expansion and removal from the Lake Hart/Lake Whippoorwill Rural Settlement boundary. In addition, the applicant has applied for a rezoning of the property from A-2 (Farmland Rural District) to PD (Planned Development District) to create the Eagle Lake PD, featuring a mix of commercial and office uses. This request, Rezoning Case LUP-18-06-216, is currently undergoing review by the Orange County Development Review Committee (DRC).

The property, Parcel 20-24-31-9302-00-011, owned by Eagle Global Holding, Inc., is presently undeveloped and consists entirely of upland acreage. As depicted on the aerial photograph, the site lies east of Narcoossee Road, a six-lane major collector roadway. Two A-2-zoned parcels adjacent to Lake Whippoorwill, both designated RS 1/2, abut the subject property to the east. The north parcel is currently the site of a single-family home, two manufactured homes, and various outbuildings, while the south parcel is undeveloped. Access to these two properties, jointly owned by the Dianne Rydell Life Estate and Michelle Wood, is achieved via a long shared driveway that connects to Narcoossee Road. The Central Florida Children's Home, a residential facility that cares for abandoned, neglected, and abused children between the ages of three and eighteen, borders the subject site to the north and likewise possesses the RS 1/2 future FLUM designation and A-2 zoning classification. The property is bounded to the south by the Lake Nona Medical and Dental Properties Professional Center, an office condominium complex designated Planned Development-Office (Rural Settlement) (PD-O) (RS) on the Future Land Use Map, with an associated PD zoning classification (Lake Nona Dental Specialist PD). Additionally, an A-2-zoned single-family lakefront homesite within the Rural Settlement lies south of the subject parcel. Lastly, Valencia College's Lake Nona Campus, located within the Orlando city limits, is situated immediately opposite the site, on the west side of Narcoossee Road.

Narcoossee Road generally functions as a boundary between the City of Orlando on the west side and unincorporated Orange County on the east side. The Lake Hart/Lake Whippoorwill Rural Settlement is located on the east side of the roadway, with an established rural character and a development pattern of large-lot residential and low-intensity agricultural and institutional activity. Over time, properties on the west side of the roadway have been developed in an urban fashion following their annexation into the City of Orlando, resulting in significant development pressure for the unincorporated parcels, particularly those within the Rural Settlement. In 2009, Orange County adopted Comprehensive Plan policies consistent with the Narcoossee Road-Lake Hart/Lake Whippoorwill Rural Settlement Study, establishing guidelines for the development of property along

the east side of Narcoossee Road. These guidelines reflected the activity in the City of Orlando to the west and provided for a downward transition in the density and intensity of land uses from Narcoossee Road east to Lake Whippoorwill to protect the integrity of the Rural Settlement and the quality of the lake. The policies were further refined in 2015 and the City of Orlando and Orange County entered into an interlocal agreement, the Interlocal Agreement for a Joint Planning Area Between the City of Orlando and Orange County, regarding development along Narcoossee Road. It is within this agreement—approved by the BCC on September 22, 2015—that general planning principles and specific development and site design standards for the Narcoossee Road corridor are established. The subject parcel lies within the Narcoossee Road-Lake Hart/Lake Whippoorwill Rural Settlement Study Area and is therefore subject to the guiding policies and terms of the interlocal agreement.

As noted above, the applicant is proposing a project featuring a mix of commercial and office uses that will take a “step-down” approach to development, as stipulated in the guiding policies. If approved, up to 22,717 square feet of commercial and/or office uses would be constructed on the 1.49 acres of the subject property possessing frontage on Narcoossee Road (the frontage zone). As established in **Future Land Use Element Policy FLU6.3.2.4(B)**, uses would be limited to those permitted in the C-1 (Retail Commercial) and P-O (Professional Office) zoning districts. The remaining 1.66 acres (the transition zone) would be utilized for up to 25,156 square feet of office uses, restricted to those allowed in the P-O zoning district, and would provide for the necessary downward transition in intensity from the activity in the frontage zone and the two neighboring A-2-zoned lakefront parcels within the Lake Hart/Lake Whippoorwill Rural Settlement boundary.

Subdivision Determination (Lot Split) Application #LS-18-02-010

The petitioned site, Parcel 20-24-31-9302-00-011, owned by Eagle Global Holding, Inc., is presently the subject of Subdivision Determination (Lot Split) application #LS-18-02-010. This application is undergoing review by the Orange County Zoning Division to formally establish the parcel boundary and combine the two abutting lakefront properties to the east—Parcels 20-24-31-0000-00-016 and 20-24-31-9302-00-013, jointly owned by the Dianne Rydell Life Estate and Michelle Wood—into a single residential homesite. Although the application’s pending status does not prevent this requested FLUM Amendment and corresponding USA expansion from moving forward, as restrictions or conditions may not be placed on a Future Land Use Map Amendment, it is an outstanding issue for the associated Eagle Lake PD rezoning petition (Case LUP-18-06-216) due to unresolved Code Enforcement issues on Parcel 20-24-31-0000-00-016. On May 10, 2018, the owners were cited for the presence of an unpermitted manufactured home, recreational vehicle, and accessory structures on the property, as well as for the outdoor storage of trash, junk, and debris (Incident 512178). Although the owners secured the Zoning Division’s approval for the onsite storage of the recreational vehicle on March 26, 2019 (Case Z19002508) and obtained a permit for the construction of a boat dock on March 7, 2019 (Permit B19002338), both the Zoning and Code Enforcement Divisions have communicated that the site’s remaining issues have not been resolved to date. This information has been relayed to the applicant by the Planning Division’s Comprehensive Planning section and the Technical Review Group (TRG), both verbally and in the written comments provided by the TRG in their review of the Eagle Lake PD Land Use Plan (LUP).

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 Orange County Comprehensive Plan.

The subject parcel lies within the Narcoossee Road-Lake Hart/Lake Whippoorwill Rural Settlement Study Area and is therefore subject to the guiding Comprehensive Plan policies pertaining to development along the east side of Narcoossee Road and the terms of the 2015 Interlocal Agreement for a Joint Planning Area Between the City of Orlando and Orange County regarding development along Narcoossee Road. As stated previously, the applicant is proposing a project featuring a mix of commercial and office uses that will take a “step-down” approach to development, as stipulated in **Future Land Use Element Policy FLU6.3.2**, which requires a downward transition in the density and intensity of land uses from Narcoossee Road east to Lake Whippoorwill to protect the integrity of the Rural Settlement and the quality of the lake, pursuant to the Narcoossee Road-Lake Hart/Lake Whippoorwill Rural Settlement Study.

The associated Eagle Lake PD Land Use Plan (LUP), currently proceeding through DRC review, clearly depicts three development zones for the site, consistent with **Future Land Use Element Policy FLU6.3.2.1**. The frontage zone (identified as Zone 1 on the LUP) encompasses the 1.49 acres possessing frontage on Narcoossee Road. If approved, the frontage zone would be entitled for the construction of up to 22,717 square feet of commercial and/or office uses, the maximum permitted under the floor area ratio (FAR) cap of 0.35, with uses restricted to those permitted in the C-1 and P-O zoning districts. As shown on the LUP, the required north-south cross-access easement will be located within this zone. The remaining 1.66 acres of the subject property (the transition zone, identified as Zone 2 on the LUP) would be utilized for up to 25,156 square feet of office uses, limited to those allowed in the P-O zoning district, and would provide for the necessary downward transition in intensity from the activity in the frontage zone and the two neighboring A-2-zoned lakefront parcels within the Lake Hart/Lake Whippoorwill Rural Settlement. Although they are not proposed for inclusion in the project boundary, the two properties are nevertheless shown on the LUP to illustrate that the intent of the guiding policies will be met.

As the project will employ proper transitional treatments, staff further finds this requested amendment consistent with **Future Land Use Element Objective FLU6.3**, which states that Orange County shall protect and preserve certain existing Rural Settlements and their established neighborhoods, which by their particular location may be impacted by adjacent urban uses. As established in **Future Land Use Element Objective FLU6.2**, Rural Settlements are intended to provide for a rural residential lifestyle and allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. The applicant recognizes that the subject property is surrounded by rural residential and institutional development, and—as noted on the LUP—has committed to adhering to the design and development standards set forth in **Future Land Use Element Policies FLU6.3.2 through FLU6.3.4.1**, including those pertaining to building height, FAR limitations, architectural design, lighting, signage, access management, physical buffering, and environmental protection. The specific site design elements will be addressed during the PD rezoning hearings.

Pursuant to **Policy FLU6.3.2**, this application is required to be processed as a Planned Development (PD) future land use request to help ensure the project’s compatibility with the Lake Hart/Lake Whippoorwill Rural Settlement. If this proposed amendment is adopted, the amendment of **Future Land Use Element Policy FLU8.1.4** will be necessary to establish the maximum development program for the subject property. The maximum development program for Amendment 2019-1-S-4-1, if approved, will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2019-1-S-4-1</u> <u>Eagle Lake</u>	<u>Planned Development-Commercial/Office (PD-C/O) and Urban Service Area (USA) expansion</u>	<u>Frontage Zone: Up to 22,717 square feet of commercial and/or office uses</u> <u>Transition Zone: Up to 25,156 square feet of office uses</u>	<u>2019-</u>

Urban Service Area Expansion

The corresponding Urban Service Area (USA) expansion request, encompassing the entirety of the 3.15-acre subject property, appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

As specified in **Future Land Use Element Policy FLU6.3.2.1**, upon adoption by the Board of County Commissioners, a property which is granted a future land use change to Planned Development (PD) pursuant to Policy FLU6.3.2 will be included in the Urban Service Area (with the exception of the portion of the PD that retains a Rural Settlement designation pursuant to Policies FLU6.3.2 and FLU6.3.2.2, which will remain in the Rural Settlement). As part of the application submittal, the applicant must demonstrate that the request is consistent with Orange County’s goals for the Narcoossee Road corridor. As discussed above, it is staff’s position that the proposed mixed-use project is consistent with this policy.

Future Land Use Element Policy FLU1.2.4 lists all USA expansions approved since October 15, 2002. The requested USA expansion is proposed for incorporation into **Policy FLU1.2.4** as follows, via concurrent Staff-Initiated Text Amendment 2019-1-S-FLUE-2.

Amendment Number	Name	Acreage	Ordinance
<u>2019-1-S-4-1</u>	<u>Eagle Lake</u>	<u>3.15</u>	<u>2019-</u>

Compatibility

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

Future Land Use Element Policy FLU8.2.1 establishes that land use changes shall be required to be compatible with the existing development and development trend in the area. The development trend along the Narcoossee Road corridor is mixed-use, with commercial, office, residential, and institutional uses located on both the east and west sides of the road. Thus, the proposed project, featuring a mix of commercial and office uses, is compatible with both existing and planned development along Narcoossee Road. However, as adoption of this requested amendment will result in the removal of the subject property from the Lake Hart/Lake Whippoorwill Rural Settlement, the protection of the integrity of the Rural Settlement and the quality of the lake is critical. As specified in **Future Land Use Element Policy FLU6.2.14**, the future land use, density, and intensity of development adjacent to a Rural Settlement shall not negatively impact the character of

the Rural Settlement and that density on adjacent parcels shall be reviewed in the context of its compatibility with the Rural Settlement. If approved, the mixed-use project will transition downward in intensity of land uses from Narcoossee Road east to Lake Whippoorwill to protect the character of the Rural Settlement and the quality of the lake. In summation, the proposed PD-C/O future land use designation and associated development program are consistent with the Comprehensive Plan policies specifically developed for the Narcoossee Road–Lake Hart/Lake Whippoorwill Rural Settlement Study Area and the terms of the 2015 Interlocal Agreement for a Joint Planning Area Between the City of Orlando and Orange County regarding development along Narcoossee Road. Staff, therefore, recommends approval of this application.

Division Comments:

Environmental Protection Division: Per Conservation Area Determination #CAD-19-01-007, issued February 11, 2019, there are no wetlands or surface water within the 3.15-acre subject property boundary.

Lake Whippoorwill has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from the lake, this project shall be required to be a participant.

Development of the subject property shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible for determining the presence of listed species and obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification, or abandonment. In addition, please refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal, as well as the FDOH.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Please refer to the Orange County Code, Sections 30-277 and 30-278.

Transportation Planning Division: The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor. The site is situated adjacent to Narcoossee Road, a six-lane collector roadway. Based on the Concurrency Management System database dated January 3, 2019, this facility is operating at an acceptable level of service, and there are no capacity-deficient roadway segments within the project's impact area.

Under the current Rural Settlement 1/2 (RS 1/2) future land use designation of the subject property, the maximum allowable development of two single-family dwelling units would generate two new p.m. peak hour trips. The proposed development of up to 22,717 square feet of commercial space and 25,156 square feet of office uses under the requested Planned Development-Commercial/Office (PD-C/O) future land use classification is projected to generate 130 new p.m. peak hour trips, resulting in a net increase of 128 new p.m. peak hour trips. Based on the number of net new p.m. peak hour trips generated for the maximum allowable use, a traffic study will be required.

The project's trip distribution and assignment assumes direct access onto Narcoossee Road. However, the applicant is advised to consult with the County's Development Engineering Division to

determine if this is feasible. Depending on the outcome, revisions to the traffic analysis will be required.

Analysis of short-term (5-year) conditions indicates that acceptable Levels of Service will continue to prevail on the impacted roadway segments, except for Narcoossee Road from the Osceola County Line to Tyson Road and from Tyson Road to the Central Florida Greenway. These segments are projected to operate at/below the adopted Level of Service standard. The deficiencies in the short-term analysis will occur with or without the addition of the proposed project trips.

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 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 Plan.

Utilities Engineering Division: The subject site lies within the Orlando Utilities Commission's (OUC's) potable water service area. Per Orange County Utilities (OCU), County wastewater service is available, as a 16-inch force main is located within the Narcoossee Road right-of-way. In addition, the property is situated within the County's reclaimed water service area, with a 24-inch reclaimed water main in place within the Narcoossee Road right-of-way. Per OCU, no improvements to County facilities to maintain current level of service (LOS) standards are needed at this time.

3. Policy References

OBJ FLU6.2 – RURAL SETTLEMENTS. Rural Settlements provide for a rural residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the CP was adopted in 1991. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the Rural Service Area, while providing for rural communities.

OBJ FLU6.3 – Orange County shall protect and preserve certain existing Rural Settlements and their established neighborhoods, which by their particular location may be impacted by adjacent urban uses. This objective shall be made measurable by implementing the following policies.

FLU6.2.14 – The future land use, density and intensity of development adjacent to a Rural Settlement shall not negatively impact the character of the Rural Settlement. Density on adjacent parcels shall be reviewed in the context of its compatibility with the Rural Settlement. Additional compatibility may be provided using buffering or the clustering of units with dedicated open space, consistent with Future Land Use FLU6.2.6. Adjacent development shall be designed to produce minimal impact on local roads within the Rural Settlement.

FLU6.3.2 – On November 18, 2008, the Narcoossee Road-Lake Hart/Lake Whipoorwill Rural Settlement Study was presented to the Board of County Commissioners. The study's intent was to provide sound planning guidelines along the east side of Narcoossee Road in keeping with development occurring in the City of Orlando to the west, and to transition the intensity of land uses from Narcoossee Road east to the Rural Settlement in order to protect the Rural Settlement and Lake Whipoorwill. Policies FLU6.3.2 through FLU6.3.4.2 shall apply only to properties with direct frontage on the east side of Narcoossee Road between Kirby Smith Road and Tyson Road in the Lake Hart/Lake Whipoorwill Rural Settlement. Nothing in these policies shall be construed to convey entitlements of development rights.

To address the specific and unique issues affecting the Lake Hart/ Lake Whippoorwill Rural Settlement, applications for development approval for property fronting on Narcoossee Road in the Lake Hart/Lake Whippoorwill Rural Settlement shall be processed as Planned Developments (at both the Comprehensive Plan Amendment and the rezoning stage) to ensure compatibility with the Rural Settlement.

FLU6.3.2.1 – Upon adoption by the Board of County Commissioners, a property which is granted a future land use change to Planned Development (PD) pursuant to Policy FLU6.3.2 will be included in the Urban Service Area (with the exception of the portion of the PD that retains a Rural Settlement designation pursuant to Policies FLU6.3.2 and FLU6.3.2.2, which will remain in the Rural Settlement). As part of the application submittal, the applicant must demonstrate that the request is consistent with Orange County’s goals for the Narcoossee Road corridor and must identify three development zones: a ‘frontage zone’ which abuts Narcoossee Road; a ‘rural settlement zone’ adjacent to Lake Whippoorwill; and a ‘transition zone’ which is the remaining area between the ‘frontage zone’, and the ‘rural settlement zone’.

FLU6.3.2.2 – Compatibility requirements shall address transitional uses, appropriate mass and scale of structures, architectural features, increased buffers, and other performance standards deemed appropriate during review by the Development Review Committee. Proposed future land use changes that include commercial uses also shall be consistent with the requirements of FLU1.4.3 through FLU1.4.15. To provide transition between development occurring on Narcoossee Road and the land adjacent to the lake that will remain in the Rural Settlement, development standards shall be incorporated into the land development code to address the following:

- A. **Building Height Transition.** Building heights and density and intensity of land uses within this Study Area shall transition downward from west to east, with the highest structures and highest density and intensity fronting Narcoossee Road, and development on the eastern boundary of the Study Area remaining compatible with the Rural Settlement, consistent with Policy FLU6.2.14.
- B. **Cross Access.** To minimize ingress and egress onto Narcoossee Road from the Study Area, and/or to provide access to properties remaining within the Rural Settlement, development within the Study Area shall construct an accessway. The accessway shall generally be oriented north and south and located at the junction of the ‘transition zone’ and the ‘rural settlement zone’. It shall accommodate vehicular and pedestrian traffic and, when functionally feasible, on-street parking. The accessway will also be included within a cross-access easement to adjacent developments, consistent with approved land use plans. Additionally, shared parking may be approved by Orange County on a case-by-case basis.
- C. **Access Management.** Any access to Tyson Road or Kirby Smith Road shall be designed to discourage trips heading east into the Rural Settlement.
- D. **Physical Buffering.** Development on the eastern boundary of the Study Area must remain compatible with the Rural Settlement. A buffer averaging 300 feet from the normal high water elevation of Lake Whippoorwill shall be retained and included in the ‘rural settlement zone’; and in no case shall such buffer be less than 200 feet. Within this buffer, a minimum of 100 feet shall remain undeveloped. This area may be planted with native species, and invasive species shall be removed as a condition of any future development order. The western boundary of the ‘rural settlement zone’ shall generally align with the approved Rural Settlement boundary of the adjacent Planned Developments within the Study Area (if any), consistent with the approved land use plans. This land may be utilized for: single-family detached housing at a maximum

density of one (1) dwelling unit per two (2) acres of developable land; passive open space incorporating walks or trails; or conservation through protective covenants running with the land. Along with this transitional use, buffers between Study Area development and adjacent Rural Settlement properties shall be similar to those required in the Code between residential and non-residential uses.

- E. Management and Protection of Rural Settlement Lands and Resources. Those portions of the Study Area that will be preserved as part of the Lake Hart / Lake Whippoorwill Rural Settlement shall be protected and managed to preserve the natural resources and vegetation that provide wildlife habitat and a visual buffer between urban and rural land uses. All Planned Development-Land Use Plans shall incorporate natural resource inventories and land management practices designed to:
1. Maintain, and supplement, where possible, the height and opacity of existing tree canopy and understory vegetation;
 2. Remove or manage invasive vegetation; and
 3. Reduce the direct flow and increase the quality of stormwater to Lake Whippoorwill.
- F. Stormwater Management. Stormwater retention and detention facilities designed to serve urban development may be permitted in the 'rural settlement zone', provided that all design standards for stormwater management facilities are met and such facilities are not located closer than 100 feet from the normal high water elevation of Lake Whippoorwill. However, a secondary system, such as a bioswale, may be allowed within that 100 feet in order to prevent overland stormwater flow from discharging into Lake Whippoorwill. In addition, the use of one or more Low Impact Development (LID) techniques approved by the County shall be strongly encouraged for all urban development within the Study Area. The purpose of utilizing Low Impact Development stormwater design techniques is to reduce pollutants entering Lake Whippoorwill by: capturing those pollutants close to the source; utilizing existing natural features and resources as stormwater filtering systems; and ensuring that stormwater retention and detention facilities are integrated into the overall project plan and designed, constructed, and maintained as project amenities.

FLU6.3.2.4 – Allowable uses as part of the Planned Development shall be as follows:

- A. Office. P-O (Professional Office District) uses for offices including, but not limited to, doctor's offices, attorney's offices, real estate offices, mortgage and finance offices and tax consultant services;
- B. Commercial. Limited C-1 (Retail Commercial District) uses for neighborhood commercial and community-scale commercial and office development, such as small neighborhood-serving retail, eating and drinking places, and personal services.

Professional office (P-O) and retail commercial (C-1) uses may be allowed subject to the following:

1. The maximum intensity (Floor Area Ratio) for any site where professional office and/or retail commercial may be allowed shall be limited to 0.35;
2. Retail commercial uses shall be restricted to sites within the 'frontage zone' that have direct access (one of the approaches to the intersection is either internal to the subject property or abuts the subject property) to: an existing signalized intersection with

Narcoossee Road; or direct access to an intersection that is consistent with minimum spacing standards for signalized intersections;

3. Retail commercial uses shall be limited to the amount of square feet of non-residential use consistent with a neighborhood center, as defined through Comprehensive Plan Policy FLU1.4.6 (per intersection).
4. Strip commercial shall be prohibited;
5. Professional office uses shall be permitted to locate anywhere within a Planned Development outside of the 'rural settlement zone' and may be developed in conjunction with retail commercial uses; however, office uses will not count toward the square footage limitation identified in Policy FLU1.4.6; and
6. The size and shape of sites where professional office/retail commercial uses may be allowed shall be compact and oriented to a signalized intersection.

C. Residential. Residential uses shall be permitted consistent with the following criteria:

1. The maximum density within the 'frontage zone' and 'transition zone' shall be limited to that permitted under the Low-Medium Density Residential (LMDR) future land use designation. The maximum density within the 'frontage zone' may be increased to the Medium Density Residential (MDR) when the 'transition zone' is used as a sending area and the units are transferred out of the 'transition zone' to the 'frontage zone' using the conversion matrix identified in the corresponding overlay district. Once the units are transferred out of the 'transition zone', that area can only be used for stormwater, parking, or open space.
2. The total number of dwellings that would be permitted under the Medium Density Residential (MDR) and Low-Medium Density Residential (LMDR) future land use designations may be developed as single-family detached, attached or multi-family housing types, subject to the limitations described below.
 - a. Multi-family three stories or higher shall be restricted to the 'frontage zone'.
 - b. Where residential dwellings are planned in the 'transition zone' to abut lands remaining within the 'rural settlement zone', single-family detached or attached dwellings are permitted. The number of attached units within a single building shall be limited, and buildings shall generally be oriented toward the 'rural settlement zone'. In addition, attached dwelling buildings shall be spaced in a manner compatible with the spacing of residential dwellings within the Rural Settlement.

FLU6.3.3 – Development of property in the Lake Hart/Lake Whippoorwill Rural Settlement consistent with Policy FLU6.3.2 and/or existing or planned central utility services on or near Narcoossee Road or in the Lake Hart Planned Development shall not be the sole justification to allow increased land use intensity. Future adjacent uses with greater density or intensity shall be designed to produce minimal impact on local roads within the Lake Hart/Lake Whippoorwill Rural Settlement.







FLU6.3.4 – New development fronting on Lakes Hart or Whippoorwill shall take into consideration existing tree canopy and wetland areas in project design. The County may apply reasonable performance standards to address impacts of building height and lighting on adjacent development and on view corridors from the lake. The County also may require connectivity of recreational facilities, such as equestrian and multi-use trails, between the properties included in the Study Area

and development north and south of the study area. Orange County shall impose restrictions on the use of watercraft and access to lakes. Restrictions on lake access are not intended to apply to the development of a single-family home on a lot of record in the Rural Settlement, so long as applicable Land Development Code and State standards are met.

FLU6.3.4.1 – The County will establish a community identification signage program for the Narcoossee Road – Lake Hart/Lake Whippoorwill Rural Settlement Study Area that will recognize the physical boundaries of the area and will be used for identification of landmarks and historically significant features. The signage program shall be adopted by ordinance and shall apply to properties within the Study Area Boundary, as identified in Policy FLU6.3.2.

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

Site Visit Photos

Subject Site	
	
North of Subject Site	South of Subject Site
	
West of Subject Site	East of Subject Site
	

PUBLIC NOTIFICATION MAP



Applicant/Owner:
Erika Hughes, VHB./
Francisco Bonnemaion

Location: 14646 Boggy Creek Road
Generally located north of Simpson Road, east of Ward Road, south of Lake Nona Boulevard, and west of Boggy Creek Road

Existing Use: Single-Family Residence

Parcel ID Numbers:
33-24-30-0000-00-035

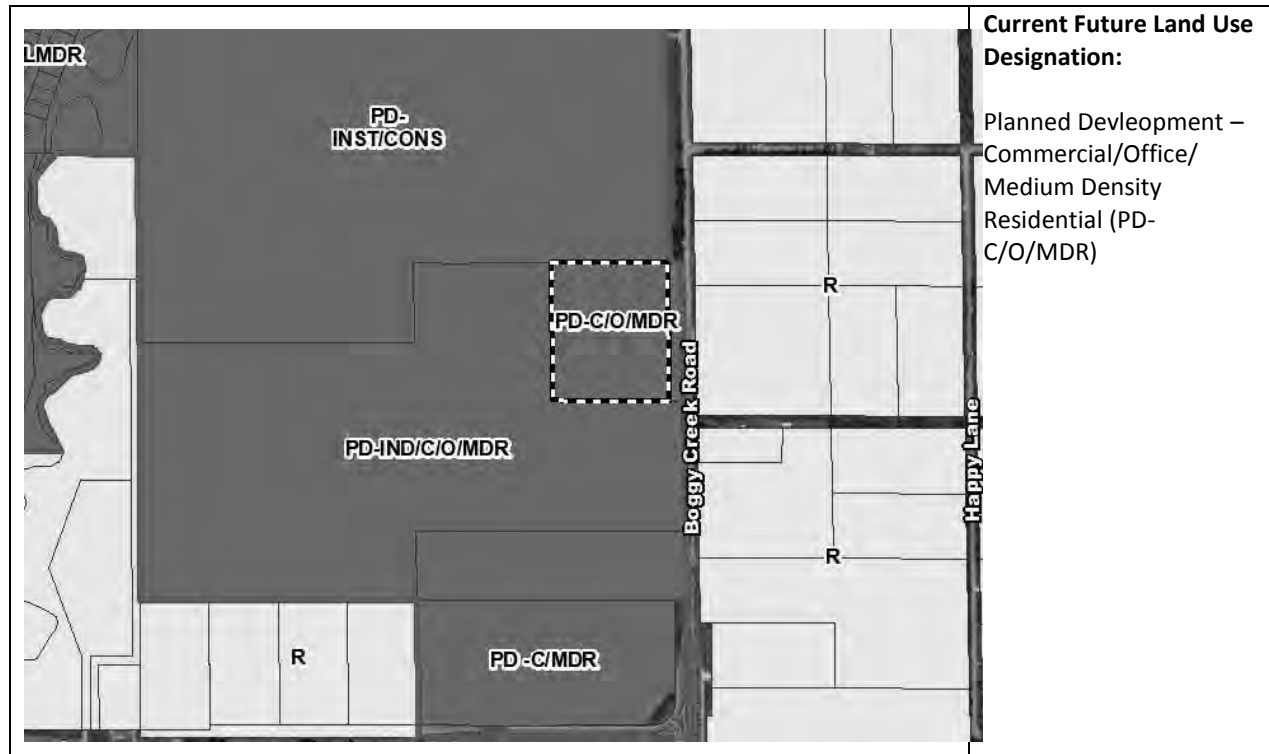
Tract Size: 8.5 gross acres
7.5 net acres

+The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing	Outcome			
✓	Community Meeting	February 13, 2019 Traffic Concerns	<p>Request: Planned Development –Commercial/Office/Medium Density Residential (PD-C/O/MDR) to Planned Development-Commercial/Office/Medium- Density Residential (PD-C/O/MDR)</p> <p>Proposed Development Program: Up to 50,000 square feet of retail commercial uses, up to 100,000 sq. ft. office space, and up to 170 multi-family residences</p> <p>Division Comments: Environmental, Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis on each public facility. Environmental: Class III wetland on the site. CAD-07-128 was completed in 2007 and expired in 2012. Transportation: Capacity is available and all roadway segments are operating above the adopted level-of-service standard within the project impact area. Schools: Property subject to CEA 06-023-03, if school capacity credit assignment is executed. School Board approved a postponement agreement April 23, 2019.</p>	
✓	Staff Report	Recommend Adoption		
✓	LPA Adoption April 18, 2019	Recommend Adoption (8-0)		
	BCC Adoption	May 21, 2019		
			<p>Rezoning: Rezoning application has not been submitted at the time of the staff report.</p>	

AERIAL



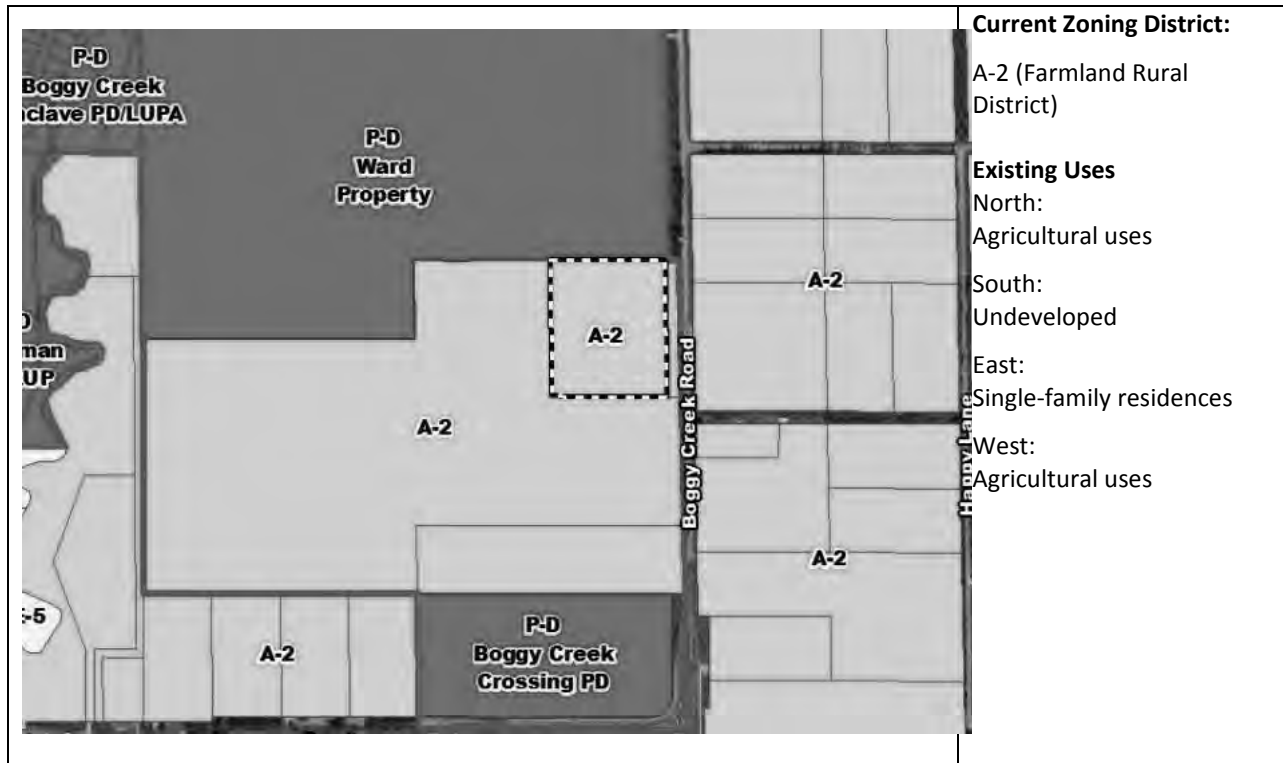
FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



ZONING - CURRENT



Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Policies (Goal FLU1, OBJ FLU1.1, FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), OBJ FLU1.4, FLU1.4.1, FLU1.4.2, FLU2.2.17, FLU2.3.7, FLU8.1.2, FLU8.1.3, FLU8.1.4, FLU8.2.1, FLU8.2.2, FLU8.2.10, FLU8.2.11), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2019-1-S-4-2, amending Future Land Use Element Policy FLU8.1.4 to revise the development program of the Bonnemaision PD currently designated Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR) to read as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
<u>2019-1-S-4-2 Bonnemaision</u>	Planned Development- Commercial/Office/ Medium Density Residential (PD-C/O/MDR)	Commercial – Up to 50,000 square feet Office – Up to 100,000 square feet Residential – Up to 170 multi-family dwelling units The combined development program is limited by a maximum of 3,323 daily trips as established in the approved traffic study.	<u>2019-</u>

Analysis

1. Background Development Program

The applicant, Erika Hughes of VHB, Inc., representing Francisco J Bonnemaision, is seeking to amend the adopted development program on the Bonnemaision Planned Development which has a Future Land Use Map (FLUM) designation of Planned Development-Commercial/Medium Density Residential (PD-C/O/MDR). The 8.5 gross acre, 7.5 developable acre, site is improved with a single-family residence.

Future land use map amendments requesting the Planned Development future land use designation must include maximum densities and intensities for the development scenario that are adopted as part of the Comprehensive Plan under Future Land Use Element **FLU8.1.4**. The approved development program allows up to 50,000 square feet of commercial uses, 100,000 square feet of office uses, and 86 dwelling units. The applicant is requesting to increase the residential uses to 176 dwelling units, an increase of 84 dwelling units. This is the maximum number of dwelling units permitted by the Medium Density Residential (MDR) land use designation of twenty (20) dwelling units an acre. The commercial and office entitlements would remain unchanged, 50,000 square feet of commercial uses, 100,000 square feet of office uses. The existing future land use map designation, Planned Development -Commercial/Office/Medium Density Residential (PD-C/O/MDR), will remain the same.

The proposal requires a zoning change from A-2 (Farmland Rural District) to PD (Planned Development District) for the future land use and zoning to be consistent and to allow the proposed uses. The approved density and intensities represent the maximum development potential; the actual development may be lower depending on site constraints, an approved Conservation Area Impact, or other issues, which will be addressed at the PD (Planned Development) rezoning stage.

In 2006, the site was brought into the Urban Service Area (USA) with a designation of Low Medium Density Residential (LMDR). The site is part of the Boggy Creek Enclave Study and was subject to a Comprehensive Plan amendment in 2005 (**2005-2-A-4-2**). The study involved an area located west of Boggy Creek and north of the Osceola County line that included 622 acres). At that time, the request was consistent with the Enclave Study Conceptual Master Plan (See Figure 1 under the Existing Planned Developments heading). This rural area is surrounded by urban uses on three sides. The Boggy Creek and Ginn DRIs are located to the west and north respectively, and to the south are existing residential subdivisions in Osceola County. To the east are large residential lots that are five acres in size.

The Board of County Commissioners approved Future Land Use Map Amendment **2010-1-A-4-3** at the June 22, 2010, hearing. This amendment approved the change from Low Medium Density Residential (LMDR) to the existing future land use Planned Development-Commercial/Office /Medium Density Residential (PD-C/O/MDR).

Comprehensive Plan amendment **2010-1-B-FLUE-2** adopted the development program through an amendment to Future Land Use Element Policy FLU8.1.4. **Future Land Use Element Policy FLU8.1.4** lists the development program for Planned Development (PD) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 through staff initiated text amendment **2019-1-S-FLUE-1**. The maximum development program for Amendment 2019-1-S-4-2, if adopted, would be as follows:

<p>2010-1-A-4-3 <u>2019-1-S-4-2</u> <u>Bonnemaison</u></p>	<p>Planned Development- Commercial/Office/Medium Density Residential (PD-C/O/MDR)</p>	<p>50,000 square feet commercial 100,000 square feet office 86 dwelling units</p> <p><u>Commercial – Up to 50,000 square feet Office – Up to 100,000 square feet Residential – Up to 170 multi-family dwelling units</u></p> <p><u>The combined development program is limited by a maximum of 3,323 daily trips as established in the approved traffic study.</u></p>	<p><u>2019-</u></p>
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The subject property is located west of Boggy Creek Road and south of Simpson Road, near the Osceola County line, with approximately two hundred (200') feet of frontage on Boggy Creek Road. Boggy Creek Road is a two-lane roadway that transitions at the northern most point of the subject site to four lanes with a median. The northbound lane is one lane and the southbound lanes consist of two through lanes and a right turn only lane. At the intersection there is a left turn lane and two

right turn lanes that merge at Simpson Road. Simpson Road is a two lane road that transitions at the western point of the subject site to two westbound lanes and two eastbound lanes with a median. The eastbound lanes are left or right turn only lanes at the signalized intersection.

Development in the area is rural in character. Abutting properties to the north of the subject site have future land use designations of Planned Development-Institutional/Conservation (PD-INST/CONS) and PD (Planned Development – Ward). The maximum development program adopted as part of the future and use consists of 1,000,000 sq. ft. hospital and internalized or physically connected support uses; 450 multifamily dwelling units; 250 hotel rooms; 100,000 sq. ft. retail; 299,000 sq. ft. office; heliport; cell tower and related facilities.

Uses to the east of the site include single-family residences on lots that range from 4.2 to 13 acres in size with future land use designations of Rural/Agricultural (R). These uses are separated from the subject site by Boggy Creek Road. The property located south and west of the petitioned site has a future land use of Planned Development-Industrial/Commercial/Office/Medium Density Residential with an approved development plan consisting of 820,000 sq. ft. of airport and medical support uses; 250 hotel rooms; 450 multi-family dwelling units; 300 single-family dwelling units; 100,000 sq. ft. commercial; and 275,000 sq. ft. of office uses. The zoning is under review for a PD (Planned Development District-Tyson Ranch) zoning, LUP-18-02-056 If approved the development program would permit 350 multi-family dwelling units, 330 single-family residences, 187,389 sq.ft. commercial and office uses, and 250 hotel rooms.

The proposed mix of uses on the subject site could be complimentary to the proposed uses to the north. If the mix of uses on the surrounding sites are well designed and coordinated, they could potentially create an activity center where people can live and work, thus reducing the need for additional automobile trips on Boggy Creek Road The previous amendment, 2010-1-A-4-3, states:

The applicant will be required to work with the County to ensure that a well connected internal roadway network is developed linking the subject site to the medical center to the north, as well as other adjoining parcels within the Boggy Creek Enclave Study area. This may require cross access easements and developers agreements with the County. Furthermore, the applicant has entered into a binding agreement with the County regarding potential roadway impacts.

A community meeting for the proposed Future Land Use Amendment was held Wednesday, February 13, 2019. There were five (5) residents in attendance. The primary concern of those in attendance was existing and potential increase of traffic in the immediate area along with drainage concerns.

Conservation Area Determination

As stated in **Future Land Use Element Policy FLU 1.1.2(C)** density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. The net developable land area is defined as the gross land area, less surface waters and wetland areas. The net developable area is determined by a Conservation Area Determination (CAD) which determines the classification and approximate extent of surface waters/wetlands on property. A Conservation Area Determination, CAD07-128, was completed in 2007. This delineated Class III wetlands and surface waters amounting to approximately one acre. This determination expired in 2012.

In order to include Class I, II, and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved

Conservation Area Impact (CAI) permit from the Orange County Environmental Protection Division (EPD) as per Future Land Use Element Policy FLU1.1.2(C). As of March 27, 2019, the applicant had not applied for a Conservation Area Impact permit.

Assuming the applicant applies for and the CAI is approved for impacting all on-site wetlands, then the following outcome would apply:

- Mitigation is determined through Orange County Environmental Protection Division.
- The wetlands are counted as part of the net developable area. The requested Medium Density Residential future land use category with a density of 20 dwelling units an acre allows the proposed 170 multi-family dwelling units. (8.5 total parcel acres x 20 dwelling units = 170).

If the CAI is denied the following outcome would apply:

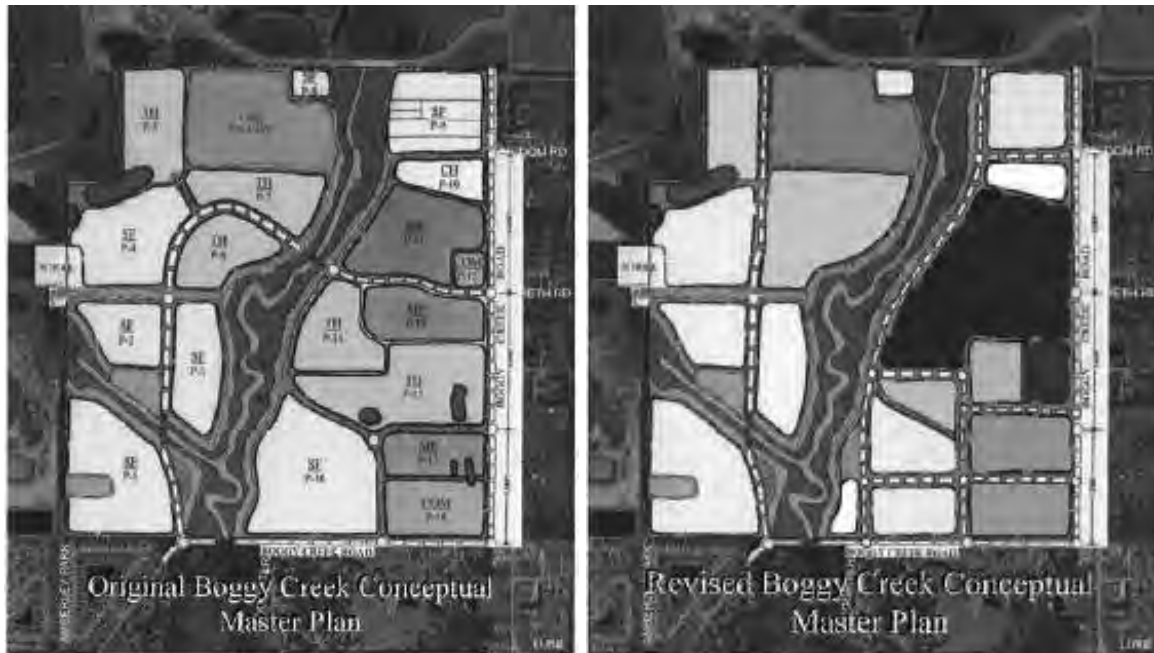
- The wetlands are excluded from the net developable area, reducing the developable acreage from 8.5 to 7.5.
- The maximum number of dwelling units permitted under the requested Medium Density Residential future land use category becomes 150 (7.5 acres x 20 dwelling units=150).
- The applicant has the option to change the requested future land use category to Medium High Density Residential to allow up to 35 dwelling units an acre to achieve the desired number of dwelling units.

The future land use category of Planned Development requires a development plan to be adopted as part of the amendment. The approved density and intensities represent the maximum development potential on the subject site. Should the request move forward to approve up to 170 dwelling units on the subject site and the CAI is denied, the number of permitted dwelling units would be limited to 150 units. Staff recommends adopting a Planned Development residential development program of up to 20 dwelling units per net acre. This would provide a range of up to 150 units at 7.5 developable acres to up to 170 units at 8.5 developable acres. This would allow the applicant the maximum development potential based on the outcome of the CAI determining the net developable acreage of the property.

Boggy Creek Area Amendment History

The subject site is located within the Boggy Creek Area. To provide a comprehensive understanding of the overall development pattern in the area, previous amendments are detailed below. The subject property is shown on Map 1 as Letter "E".

2005 Boggy Creek Enclave Study Boggy Creek Conceptual Master Plan (Not Adopted)



The Boggy Creek Enclave Study was used as the justification statement prepared for Amendment 2005-2-A-4-2. The applicant’s position was that the Urban Service Area should be expanded to include all the parcels within the Boggy Creek Enclave (BCE) (a total of 1,272 acres) and a new future land use designation be created specific to this area (Boggy Creek Neighborhood District), shown above. The study describes the BCE as rural land completely surrounded by existing and proposed urban development including the Orlando International Airport. The study proposed policies and a Conceptual Master Plan (CMP). Any proposed future development would be required to seek PD (Planned Development) zoning in conformance with the policies and CMP.

The Board of County Commissioners **did not** adopt the proposed future land use designation, nor did it adopt the proposed policies that would have included a provision that lands in the BCE west of Boggy Creek Road would be subject to a Conceptual Master Plan as approved by the Orange County Board of County Commissioners. Instead, the Board of County Commissioners adopted PD future land uses and expanded the Urban Service Area for only two (2) parcels within the Boggy Creek Enclave. Therefore, the Boggy Creek Enclave Study and the accompanying Conceptual Master Plan/Boggy Creek Assemblage Master Plan are historic reference documents only, and are not officially adopted documents.

Table 1 Previous Amendments in the Boggy Creek Area

Map Letter	FLUM Amendment	Parcel 33-24-30-0000-00	From/To	Gross Acreage	PD Rezoning
A	2005-2-A-4-2	-021 -005	R to PD-C/LMDR/MDR R to PD-LDR/LMDR	116.84 135.11	Ward Property Boggy Creek Enclave
B	2007-1-A-4-1	-015	R to PD-C	19.58	Boggy Creek Crossing
C	2007-2-A-4-1	-010 -044 -034 -011 -009	R to PD-LDR	100.22	Hardman Bishop
D	2008-1-A-4-3	-021	PD-C/LMDR/MDR to PD- INST/CONS	116.84	Ward Property
E	2010-1-A-4-3	-035	LMDR to PD-C/O/MDR	8.5	A-2 Zoning
F	2010-2-A-4-1	-039	R to PD-LDR	5.0	Ginn Property
G	2013-2-A-4-1	-036 -038	R to PD-IND/C/O/MDR	75.32	A-2 Zoning
H	2014-1-S-4-1	-012	R to PD-LDR/LMDR	5.0	Boggy Creek Enclave
I	2018-1-A-4-1	-023 -046	R to PD-LDR	14.8	Bishop Landing
Total Acres				597.2	

Summary of Previous Boggy Creek Area Amendments

A. Amendment 2005-2-A-4-2 (Boggy Creek Enclave):

- Changed the Future Land Use of two (2) parcels and expanded the Urban Service Area Boundary:

Parcels	From	To	Acreage	Uses
33-24-30-0000-00-021	R	PD-C/LMDR/MDR & USA expansion*	116.84	1,051 units
33-24-30-0000-00-005	R	PD-LDR/LMDR & USA expansion	135.11	470 units

- Amendment 2005-2-A-4-2 had requested FLUM amendment for 622 acres west of Boggy Creek Road and Urban Service Area expansion for 1,272 acres east and west of Boggy Creek Road. These areas were ultimately not included.
- Canin Associates prepared a justification statement also being called the “Boggy Creek Enclave Study” to support Amendment 2005-2-A-4-2. The justification statement included a USA Expansion Study that indicated a need for 12,167 more acres of residential Urban Service Area land.
- The “Boggy Creek Enclave Study” includes a conceptual master plan (also called the Boggy Creek Assemblage Master Plan), showing primarily residential uses with neighborhood serving commercial uses.
- Proposed that the “Western Enclave” portion of the amendment would be subject to a Conceptual Master Plan as approved by the Board of County Commissioners.
- The Board of County Commissioners approved a Planned Development rezoning in August 2007, known as the “Ward Property PD” for Parcel 33-24-30-0000-00-021 – Development Program: 184 townhouses, 865 multifamily units and 36,000 sq. ft. of commercial.
- Amended Parcel 33-24-30-0000-00-021 to PD-INST/CONS with Amendment 2008-1-A-4-3, see below Letter D for greater detail.

B. Amendment 2007-1-A-4-1 (Boggy Creek Retail):

- Changed the Future Land Use of one (1) parcel and expanded the Urban Service Area Boundary:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-015	R	PD-C & USA expansion	19.58	170,000 sq. ft. commercial

- Staff recommended approval based on consistency with the conceptual land use plan for the Boggy Creek Enclave Area.
- Staff recommended the non-contiguous Urban Service Area expansion based on the parcel (identified as P-18 on the Boggy Creek Enclave Study conceptual map) being part of an overall plan to include the general area in the Urban Service Area boundary – this being accomplished on a parcel-by-parcel basis and eventually all parcels within the approved study area will be within the Urban Service Area.
- Adoption of Amendment 2007-1-A-4-1 created a gap in the Urban Service Area boundary.
- This request is being amended under Future Land Use Map Amendment 2019-1-A-4-3. The request is to amend the future land use from Planned Development-Commercial (PD-C) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR) to permit up to 45,750 square feet of retail commercial use and up to 336 multi-family residences.
- Change determination request CDR-18-12-412.

C. Amendment 2007-2-A-4-1

- Changed the Future Land Use of five (5) parcels and expanded the Urban Service Area (USA) Boundary:

Parcels	From	To	Acreage	Uses
33-24-30-0000-00-010 33-24-30-0000-00-044 33-24-30-0000-00-034 33-24-30-0000-00-011 33-24-30-0000-00-009	R	PD-LDR/USA	100.22	Residential- 100 acres at 4 dwelling units per acre and a maximum development program of 400 units.

- Staff analysis indicated the proposed land use designation would allow land uses that were compatible with the existing development or trends in the area.
- Staff recommended approval based on consistency with the conceptual land use plan for the Boggy Creek Enclave Area.
- Two approved Planned Development rezonings, Hardman (LUP-13-06-159) and Bishops (LUP-13-10-264).
- *This Future Land Use Amendment is abuts the subject site along the north property line.*

D. Amendment 2008-1-A-4-3 (Boggy Creek Road aka Ward Property):

- Changed Future Land Use of one (1) parcel:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-021	PD-C/LMDR/MDR	PD-INST/CONS	116.84	1,000,000 sq. ft. hospital and internalized or physically connected support uses; 450 multifamily dwelling units; 250 hotel rooms; 100,000 sq. ft. retail; 299,000 sq. ft. office; heliport; cell tower and related facilities

- Staff analysis indicated the proposed land use designation would allow land uses that are compatible with the existing development or trends in the area.
- Property owner dedicated 60 ft. wide right-of-way as part of Boggy Creek Road widening.

E. Amendment 2010-1-A-4-3 (Bonnemaison): SUBJECT SITE

- Changed Future Land Use of one (1) parcel:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-035	LMDR	PD-C/O/MDR	9.54* 8.5	50,000 sq. ft. commercial; 100,000 sq. ft. office; and 86 dwelling units

- At the time of the request the parcel was 9.54 acres. One acre was given to the County for future roadway improvements along Boggy Creek Road.
- Staff recommended approval based on compatibility with trends in the area, noting the proposed mix of uses could be complimentary to the medical center allowed for to the north (Ward Property, Amendment 2008-1-A-4-3).
- Staff analysis noted the potential for an activity center if the mix of uses on this site, the proposed medical center to the north, and other adjoining parcels within the Boggy Creek Enclave Study area are well designed and coordinated (through a well-connected internal roadway network).
- The applicant’s justification statement notes that with the adoption of the hospital use with Amendment 2008-1-A-4-3 (Ward Property), the original “Boggy Creek Master Plan” no longer had the balance of land uses as initially intended; and, the request was more consistent with a major hospital use, to provide complimentary land uses to a hospital and meet market demand for employment centers in the area.
- The applicant included a revised “Boggy Creek Assemblage Master Plan” in the justification statement to reflect the Ward Property hospital site and the subject property, noting, “At some point, it is appropriate to undertake a re-examination of the Boggy Creek Master Plan. The rapid surrounding employment growth, the Airport entry road and future hospital are significant new trends which substantially change the base assumptions of the original Boggy Creek Master Plan.”

- Zoning has not been changed from A-2 (Farmland Rural) to a PD Land Use Plan Amendment to reflect the PD-INST/CONS future land use designation.

F. Amendment 2010-2-A-4-1

- Changed Future Land Use of one (1) parcel:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-039	R	PD-LDR	5	Stormwater management pond

- Proposed stormwater management pond for the residential planned development to the north of the subject site.
- A Land Use Plan Amendment was approved LUPA-13-05-112 rezoning the property to Planned Development (PD) and incorporating it into the existing Ginn Property Planned Development.

G. Amendment 2013-2-A-4-1

- Changed Future Land Use of two (2) parcels:

Parcels	From	To	Acreage	Uses
33-24-30-0000-00-036 33-24-30-0000-00-038	R	PD-IND/C/O/MDR	75.32	820,000 sq. ft. of airport and medical support uses; 250 hotel rooms; 450 multi-family dwelling units; 300 single-family dwelling units; 100,000 sq. ft. commercial; and 275,000 sq. ft. of office

- Staff recommended approval based on compatibility with trends in the area, noting the proposed mix of uses could be complimentary to the medical center allowed for to the north and that the amendment allows for the transition of a rural enclave to urban land uses consistent with previous amendments in the surrounding area..
- Staff recommended a phased development program limited by the number of trips available on Boggy Creek Road after the facility is widened to 4 lanes.
- Staff recommended Phase Two of the development program be linked to the **completion of a small area study**. This study would update the Boggy Creek Enclave Study and focus on land use and transportation issues.
 - The Small area study would update the Boggy Creek Enclave Study and focus on land use and transportation issues.
- Land Use Plan Rezoning LUP-18-02-056, if approved, would permit up to 350 multi-family dwelling units, 330 single-family residences, 187,389 sq. ft. commercial and office uses, and 250 hotel rooms.

H. Amendment 2014-1-S-4-1

- Changed Future Land Use of one (1) parcel:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-012	R	PD-LDR/LMDR	5	Adding property to the Boggy Creek Enclave PD for stormwater and single-family residential use. PD was originally approved for 470 residential units, later amended to 400 units.

- The justification for the proposed amendment was to add the 5 acre parcel to the existing, adjacent Boggy Creek Enclave Planned Development and incorporate it into the site.
- The subject site was part of a rural enclave created by previous Urban Service Area Boundary expansions.
- The Preliminary Subdivision Plan is approved for 296 units. This proposal does not exceed the number of units approved through the PD zoning.

I. Amendment 2018-1-A-4-1

- Proposed Amendment to the Future Land Use of two (2) parcels:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-023 33-24-30-0000-00-046	R	PD-LDR	14.8	Residential – 52 single-family dwelling units – Bishop Landing, Phase III – part of the Bishop Landing PD

- The justification for the proposed amendment was to add the 5 acre parcel to the existing, adjacent Boggy Creek Enclave Planned Development and incorporate it into the site.
- The subject site was part of a rural enclave created by previous Urban Service Area Boundary expansions.
- The Preliminary Subdivision Plan is approved for 296 units. This proposal does not exceed the number of units approved through the PD zoning.

2. Amendment Analysis

The following Comprehensive Plan goals, objectives, and policies appear to be most pertinent to the review of this amendment and are specifically discussed in the paragraphs below.

During their review of Future Land Use Map Amendment 2010-1-A-4-3, it was staff’s position that the request was consistent with **Future Land Use Element Policy FLU2.2.17** which recognizes that throughout the planning horizon, the County shall provide policy and program mechanisms that further the principles of sustainability, including limiting urban sprawl, protecting wildlife and environmentally sensitive natural areas, promoting efficient use of land and water, and creating an environment conducive to quality building and promoting sustainable economic development. Staff did not elaborate.

Staff further found the application consistent with **Future Land Use Element Policy FLU2.3.7**, which states that Access management controls, including but not limited to joint driveways, frontage roads

and cross-access agreements along collector and arterial roadways, shall be applied to all development and redevelopment proposals consistent with the Land Development Code.

Staff found the proposed amendment consistent with **Future Land Use Element Policies FLU8.1.2, FLU8.1.3, and FLU8.1.4**, which address Planned Developments (PDs). Planned Developments are intended to incorporate a broad mixture of uses under specific design standards, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map. Additionally these policies address showing the designation on the Future Land Use Map and adopt the site specific development plan.

Finally, the staff report lists the compatibility requirements of **Future Land Use Element Policies FLU8.2.1, FLU8.2.2, and FLU8.2.11**.

Staff further finds the current request consistent with **Future Land Use Element Policy FLU8.1.6**, which states that a proposed change to an approved Planned Development (PD) that would increase the land use intensity within the PD without a corresponding decrease in some other portion of the PD and result in greater off-site impacts shall be reviewed to determine consistency with the Comprehensive Plan and whether a plan amendment is necessary. As noted previously, the currently-approved maximum 50,000 square feet of commercial uses, 100,000 square feet of office uses would remain the same. While the amount of residential units would increase from residential 86 units to 176 dwelling units, an increase of 84 dwelling units, the applicant's traffic study shows that the revised development program would generate 399 additional daily trips and an increase of one PL peak hour trip in comparison to the currently approved land use. The combined development program would still be permitted under the Planned Development-Commercial/Office/Medium Density Residential future land use designation, rendering a Future Land Use Map Amendment unnecessary, and would not exceed the approved trip generation cap.

In considering the current request staff finds **Future Land Use Element Goal FLU1, OBJ FLU1.1, and Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.4(A), and FLU1.1.4(B)** describe Orange County's urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area. The Medium Density Residential (MDR) future land use designation is intended for urban-style multi-family residential densities within the Urban Service Area with a density of up to twenty (20) dwelling units per acre. The Commercial future land use designation includes neighborhood and commercial scale commercial and office development that serves neighborhood or community needs. Urban mixed use options allow for a mix of uses. This is achieved through the Planned Development (PD) future land use designation which ensures that adjacent land use compatibility and physical integration and design. The proposal to amend the existing Planned Development designation would be in keeping with the intent of the Planned Development designation which allows for a mix of uses by including a residential component on the petitioned site. The increased number of residential units could create a support for the office and commercial uses.

Future Land Use Objective FLU1.4 and Polices FLU1.4.1 and FLU1.4.2 contain location and development criteria that must be used to guide the distribution, extent, and location of urban land uses, and encourage the compatibility with existing neighborhoods. Policy **FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities to achieve a stable and diversified population and community. **FLU1.4.2** ensures that land use changes are compatible with and serve existing neighborhoods. The existing development program, which incorporates residential development into the existing commercial land use designation, meets the

aforementioned policies by promoting a range of living environment and employment opportunities. The proposal to increase the number of dwelling units could support the office and commercial uses that are a part of the overall development program.

Future Land Use Element Policy FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trends in the area. The development trend in this area anticipates a change from rural uses to urban uses, as reflected and allowed for by previous Comprehensive Plan Amendments beginning with the 2005 Boggy Creek Enclave Study. This was recognized in the 2010 request. The applicant is seeking to increase the number of dwelling units from 86 to up to 170 units.

In a larger context, the property is near the south access to Orlando International Airport, and approximately 2 miles from Lake Nona/Medical City. Lake Nona/Medical City has created a significant employment center for this area of the County, home to Nemours Children Hospital, Veterans Administration Hospital, UCF Medical School, Sanford Burnham Prebys Medical Discovery Institute and other medical related businesses.

Future Land Use Element Policy FLU8.2.10 ensures land use compatibility with residential zoned areas and protection of the residential character of those areas through performance standards. These standards may be incorporated as conditions of approval as part the Planned Development zoning Change Determination Request.

Finally, **Future Land Use Element Policy 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. The proposed future land use map amendment request, if approved, would increase the residential units from 86 to 170 while the commercial and office entitlements would remain unchanged. The subject site is located in an area that is transitioning from rural to suburban character. The request would provide housing and commercial uses in an area with development that is primarily single-family residential.

Future Land Use Element Policy FLU8.1.4 lists the development program for Planned Development (PD) Future Land Use Map designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into **Policy FLU8.1.4** through a staff-initiated text amendment (Amendment 2019-1-S-FLUE-1), as discussed above.

Compatibility

The subject site is part of what is currently a rural enclave surrounded by urbanizing development to the north and south. As detailed above, previous Future Land Use Map Amendments and Planned Developments have been approved surrounding the site. Of special note is the approved planned development to the immediate north of the subject site, with an adopted development program of 820,000 sq. ft. of airport and medical support uses; 250 hotel rooms; 450 multi-family dwelling units; 300 single-family dwelling units; 100,000 sq. ft. commercial; and 275,000 sq. ft. of office.

The development trend in the area is to allow for a transition from rural to urban land uses, and this proposal is consistent with this trend. The proposed amendment would allow land uses that are compatible with other permitted uses in the area, such as residential and commercial uses. The proposal to amend the existing Planned Development future land use designation to allow Medium Density Residential (MDR) in addition to the existing Commercial (C) future land use provides a mixture of uses on the subject site. The proposal is consistent with the existing suburban style

development along Ward Road, Narcoossee Road, and within the Lake Nona neighborhood. The existing rural development to the east and west of the subject site consists of single-family residential development on larger parcels of approximately one to thirteen (1-13) acres in size.

Division Comments: Environmental, Public Facilities, and Services

Environmental:

Orange County Conservation Area Determination CAD 07-128 that was completed in 2007 delineated Class III wetlands and surface waters on site amounting to approximately one acre. This determination expired on 2012. A new CAD application will need to be completed prior to submitting subdivision, development plans or construction permit applications.

Until wetland permitting is complete, the net developable acreage is only an approximation. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The applicant is advised not to make financial decisions based upon development within the wetland or protective upland setback areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD. Reference Comprehensive Plan Policy FLU1.1.2 C.

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278

Fire Rescue:

The distance of the petitioned site from the nearest fire station is 4.9 miles. The emergency response time is estimated to be seven (7) minutes.

Schools:

Upon execution of school capacity credit assignment, property will be subject to CEA 06-023-03. If assignment is not executed, project will be required to enter into a CEA with OCPS. On April 23, 2019, the School Board approved Bonnemaision CEA Postponement agreement, #OC-19-036.

Transportation.

PROJECT SPECIFICS

Parcel ID:	33-24-30-0000-00-035
Location:	14646 Boggy Creek Road; Generally located north of Simpson Rd., east of Boggy Creek Rd., south of Lake Nona Blvd., and west of Ward Rd.
Acreage:	8.5
Request FLUM:	From: Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR)
Request Zoning:	To: Planned Development-Commercial/ Medium Density Residential (PD-C/O/MDR) From: A-2 (Farmland Rural District) To: PD (Planned Development District)
Existing Development:	Single-Family Residence
Development Permitted Under Current FLUM:	50,000 SF commercial uses, 100,000 SF office uses and 86 dwelling units
Proposed Density/Intensity:	50,000 SF commercial uses, 100,000 SF office uses and 170 dwelling units

Trip Generation (ITE 10th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Maximum use of current FLUM:			
50,000 SF commercial uses	325	56%	182
100,000 SF office uses	114	92%	105
and 86 DU	<u>38</u>	100%	<u>38</u>
	477		325
Existing Use: SFR	-	-	-
Proposed Use:			
50,000 SF commercial uses	325	56%	182
100,000 SF office uses	114	92%	105
and 170 DU	<u>74</u>	100%	<u>74</u>
	513		361
Net New Trips (Proposed Development less Allowable Development): 361 – 325 = 36 PM Pk. Hr. Trips			

Future Roadway Network

Road Agreements:	None
Planned and Programmed Roadway Improvements:	Boggy Creek Road is programmed to be widened to 4 lanes from the County line to SR 417 with Invest funds. Construction is estimated to be completed by 2021.
Right of Way Requirements:	No ROW is needed as adequate ROW is available for the programmed improvement.

Summary

The applicant is requesting to change 8.5 acres from Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR) to Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR) and PD to PD and approval to increase the number of DUs from 86 to 170 – an increase of 84 DUs.

- The subject property is not located within the County’s Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 325 new pm peak hour trips.
- **The proposed use will generate 361 new pm peak hour trips resulting in an increase of 36 new pm peak hour trips.**
- The subject property is located adjacent to Boggy Creek Road, a 4-lane minor arterial. This facility currently does not have any deficient roadway segments within the project’s impact area.
- The project trip distribution and assignment assumes direct access onto Boggy Creek Road, however, the applicant is advised to consult with the County’s Development Engineering Division to determine if this is feasible.
- Based on the concurrency management system database dated 01/03/2019, all the roadway segments are operating above the adopted level of service standard within the project impact area. This information is dated and subject to change.
- **Analysis of short term (5 year) conditions indicates that acceptable Levels of Service will continue to prevail on the impacted roadway segments except for Boggy Creek Road from the Central Florida Greenway to Osceola County Line which is projected to operate at/below the adopted Level of Service standard. This deficiency will occur with and without the addition of the proposed project trips.**
- 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.

3. Policy References

GOAL FLU1 URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

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

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

Policy FLU1.1.2(B) The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac

Policy FLU1.1.4(A) OTHER URBAN RELATED OPTIONS – The following are non-residential Future Land Use designations that are predominantly found in the Urban Service Area. These may also be located within Rural Settlements on a limited basis. (See specific policies within OBJ FLU6.2.) Also, Institutional and Educational designations may be located within the Rural Service Area on a limited basis as may be expressly allowed by other goals, objectives and/or policies in this Comprehensive Plan.

FLUM Designation	General Description	Density/Intensity
Urban Non-Residential – Predominantly urban in use		

FLUM Designation	General Description	Density/Intensity
Urban Non-Residential – Predominantly urban in use		
Commercial (C)	Commercial uses include neighborhood and commercial scale commercial and office development that serves neighborhood or community or village needs. Examples include neighborhood center, community center and village commercial.	1.50 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code

Policy FLU1.1.4.(B) - In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1.

B. URBAN MIXED USE OPTIONS – The following Future Land Use designations allow for a mix of uses. Per a settlement agreement with the State Department of Community Affairs, Orange County’s Planned Development Future Land Use designation now requires an adopted text amendment to specify the maximum intensity and density of a project. See Policy FLU8.1.4. Mixed-Use Corridors are a staff initiated option intended to complement the County’s Alternative Mobility Areas and Activity Center policies.

FLUM Designation	General Description	Density/ Intensity
Urban Mixed Use– Urban Service Area		
Planned Development (PD)	The PD designation ensures that adjacent land use compatibility and physical integration and design. Development program established at Future Land Use approval may be single or multiple use. See FLU8.1.4. Innovation Way is another large planning area similar in some respects to the planning process for Horizon West. Developments within the Innovation Way Overlay (Scenario 5) are processed as Planned Developments. Innovation Way is being implemented through the policies found in Chapter 4.	Must establish development program at Future Land Use amendment stage per FLU8.1.4.

- OBJ FLU1.4** The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP
- Policy FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- Policy FLU1.4.2** Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- Policy FLU2.2.17** Throughout the planning horizon, the County shall provide policy and program mechanisms that further the principles of sustainability, including limiting urban sprawl, protecting wildlife and environmentally sensitive natural areas, promoting efficient use of land and water, and creating an environment conducive to quality building and promoting sustainable economic development.
- Policy FLU2.3.7** Access management controls, including but not limited to joint driveways, frontage roads and cross-access agreements along collector and arterial roadways, shall be applied to all development and redevelopment proposals consistent with the Land Development Code.
- Policy FLU8.1.2** Planned Developments (PDs) intended to incorporate a broad mixture of uses under specific design standards shall be allowed, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map.
- Policy FLU8.1.3** As part of Orange County's Future Land Use correlation, specific land use designations (e.g., hotel and/or restaurants) may be approved on a site-specific basis. Such designation shall be conditioned on the development proposal being reviewed under the PD Zoning District. PD review shall ensure adjacent land use compatibility and efficient physical integration with existing infrastructure. Such specific land use designation shall be established by a comprehensive plan amendment that identifies the specific land use type and density/intensity. The Future Land Use designation shown on the Future Land Use Map shall indicate the approved use and the PD designation. A use other than that approved shall require a comprehensive plan amendment. This policy shall apply only to parcels located in the Urban Service Area (USA), Rural Settlements and Growth Centers, excluding the International Drive Activity Center.
- Policy FLU8.1.4** The following table details the maximum densities and intensities for the Planned Development (PD) Future Land Use designations that have been adopted subsequent to January 1, 2007.
- Policy FLU8.2.1** Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.
- Policy FLU8.2.2** Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

Policy FLU8.2.10 To ensure land use compatibility with nearby residential zoned areas and protection of the residential character of those areas, office and commercial uses within residential neighborhoods shall be subject to strict performance standards, including but not limited to the following:

- A. Building height restrictions;
- B. Requirements for architectural design compatible with the residential units nearby;
- C. Floor area ratio (FAR) limitations;
- D. Lighting type and location requirements;
- E. Tree protection and landscaping requirements including those for infill development; and
- F. Parking design

Policy FLU8.2.11 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.

Site Visit Photos

Subject Site



North

East



South

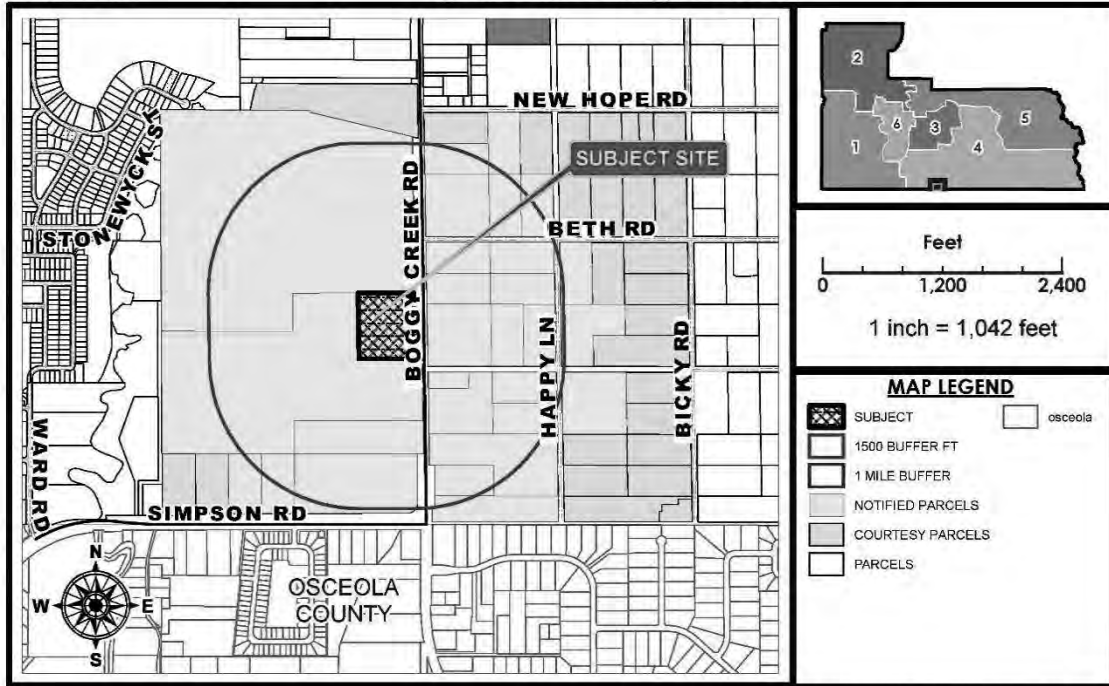
West





Public Notification Map

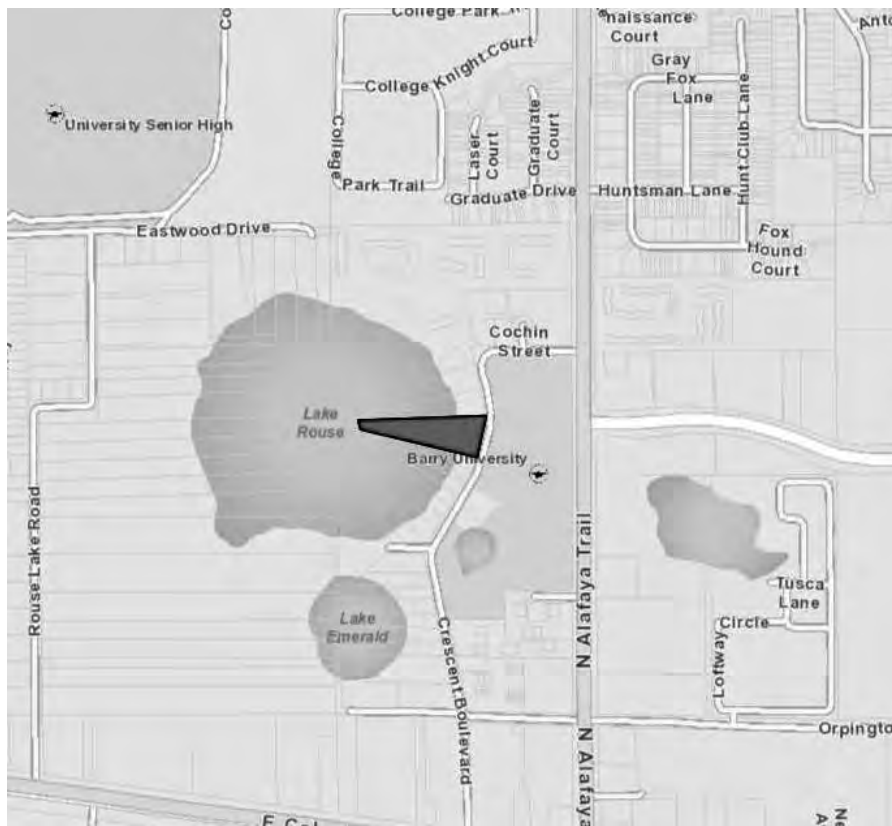
2019-1-S-4-2
1500 FT BUFFER, 57 NOTICES



Notification Area:

1,500' buffer

57 notices sent



Applicant/Owner:

Duc Pham, Lan Pham, and Van Pham

Location:

2020 Crescent Boulevard;
Generally located north of Orpington Street, east of Rouse Lake Road, south of Graduate Drive, and west of Crescent Boulevard

Existing Use:

Single-Family Residence

Parcel ID Number(s):

15-22-31-5748-09-090

Tract Size:

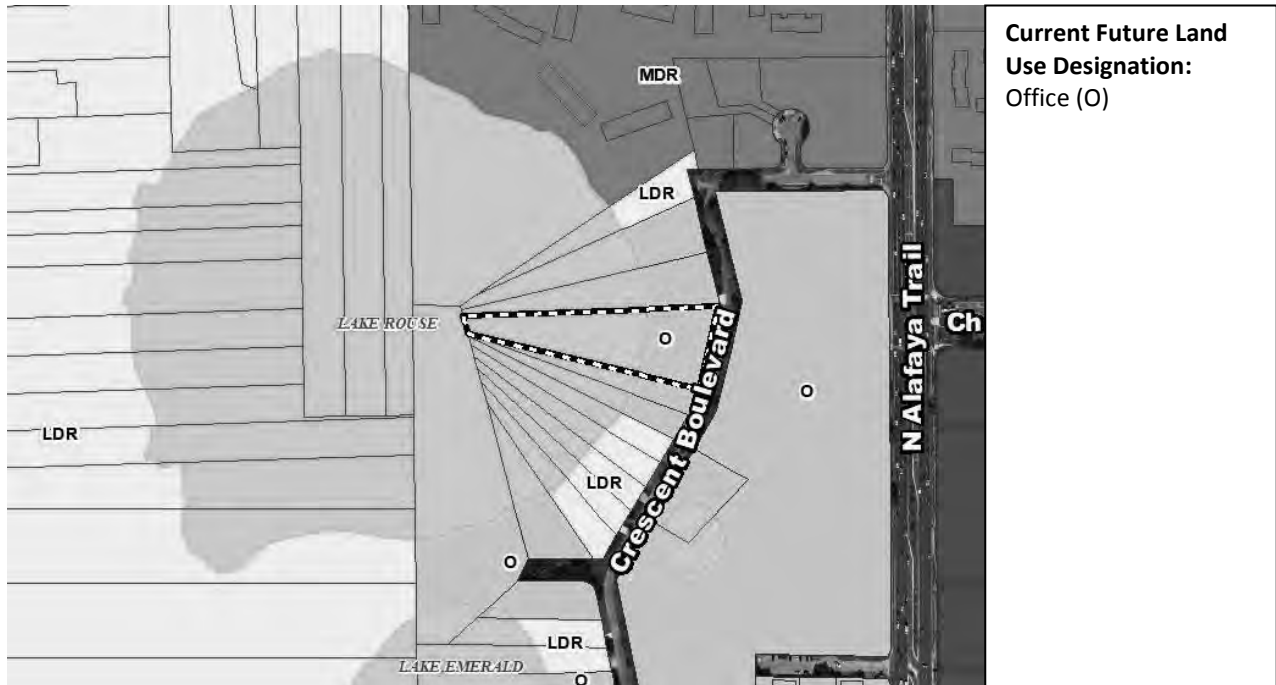
2.02 Gross Acres
0.75 net developable acres

The following meetings/hearings have been held for this proposal:		Outcome	Project Information	
Report/Public Hearing			Future Land Use Map Amendment Request:	
✓	Community Meeting held February 6, 2019, with no members of the public in attendance.	Nil – no members of the public were in attendance	From Office (O) to Low Density Residential (LDR)	<p>Proposed Development Program: Density of 4 dwelling units net developable acre allows up to 3 parcels – The request is to split the parcel to create 2 parcels and construct a single-family residence</p> <p>Public Facilities and Services: Please see Public Facilities Analysis Appendix for specific analysis on each public facility.</p> <p>Environmental: Class I wetlands and surface waters are located on site, including a portion of Lake Rouse. Orange County Conservation Area Determination application CAD-18-11-175 must be approved prior to the approval of this request.</p> <p>Transportation: 3 pm peak hour trips, resulting in a decrease of 42 pm peak hour trips.</p> <p>Schools: Impacts are de minimis.</p>
✓	Staff Report	Recommend Adoption		
✓	LPA Adoption April 18, 2019	Recommend Adoption (8-0)		
	BCC Adoption	May 21, 2019		

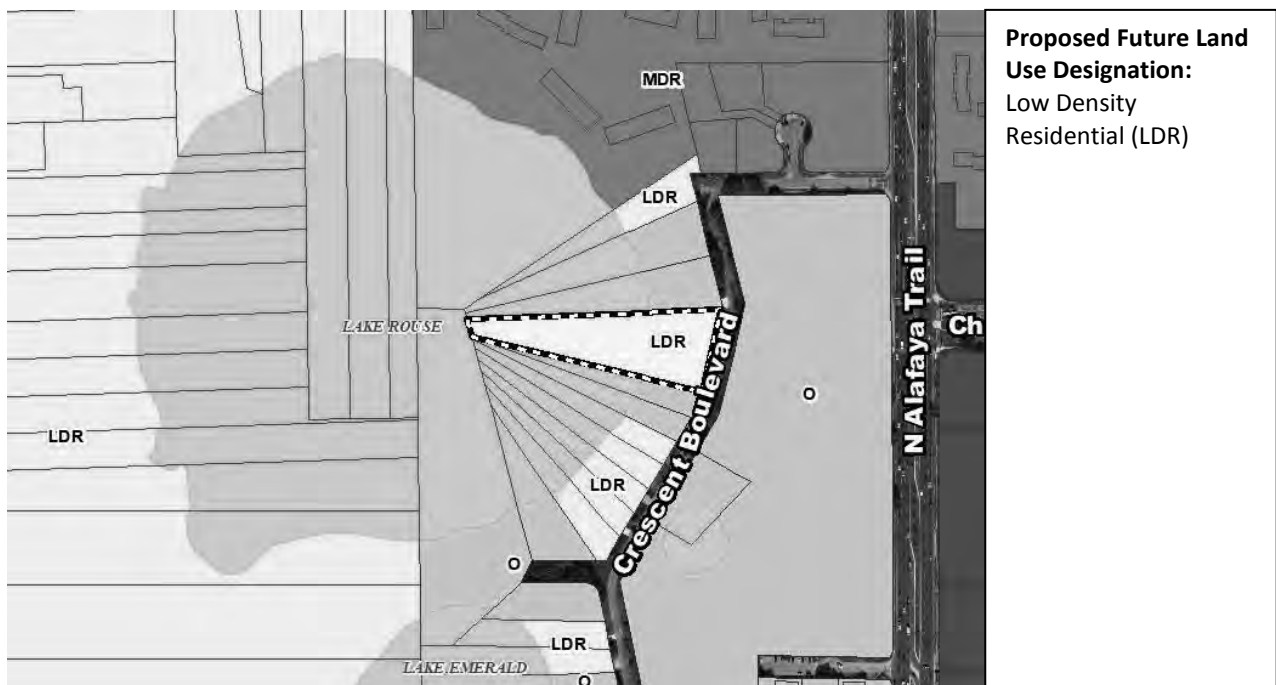
SITE AERIAL



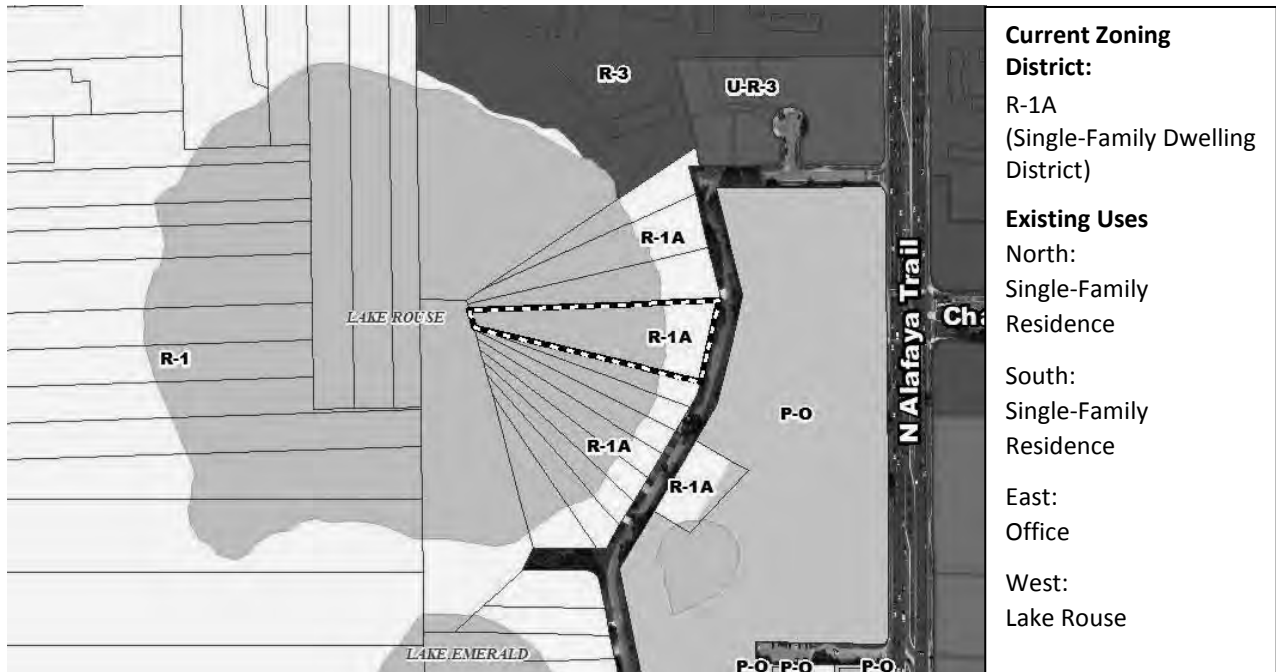
FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



ZONING - CURRENT



Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Policies (FLU1.1.2(B), FLU1.1.2(C), FLU8.1.1, OBJ FLU8.2, FLU8.2.1, FLU8.2.5.1, FLU8.2.5.2), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2019-1-S-5-1, Office (O) to Low Density Residential (LDR).

Analysis

1. Background Development Program

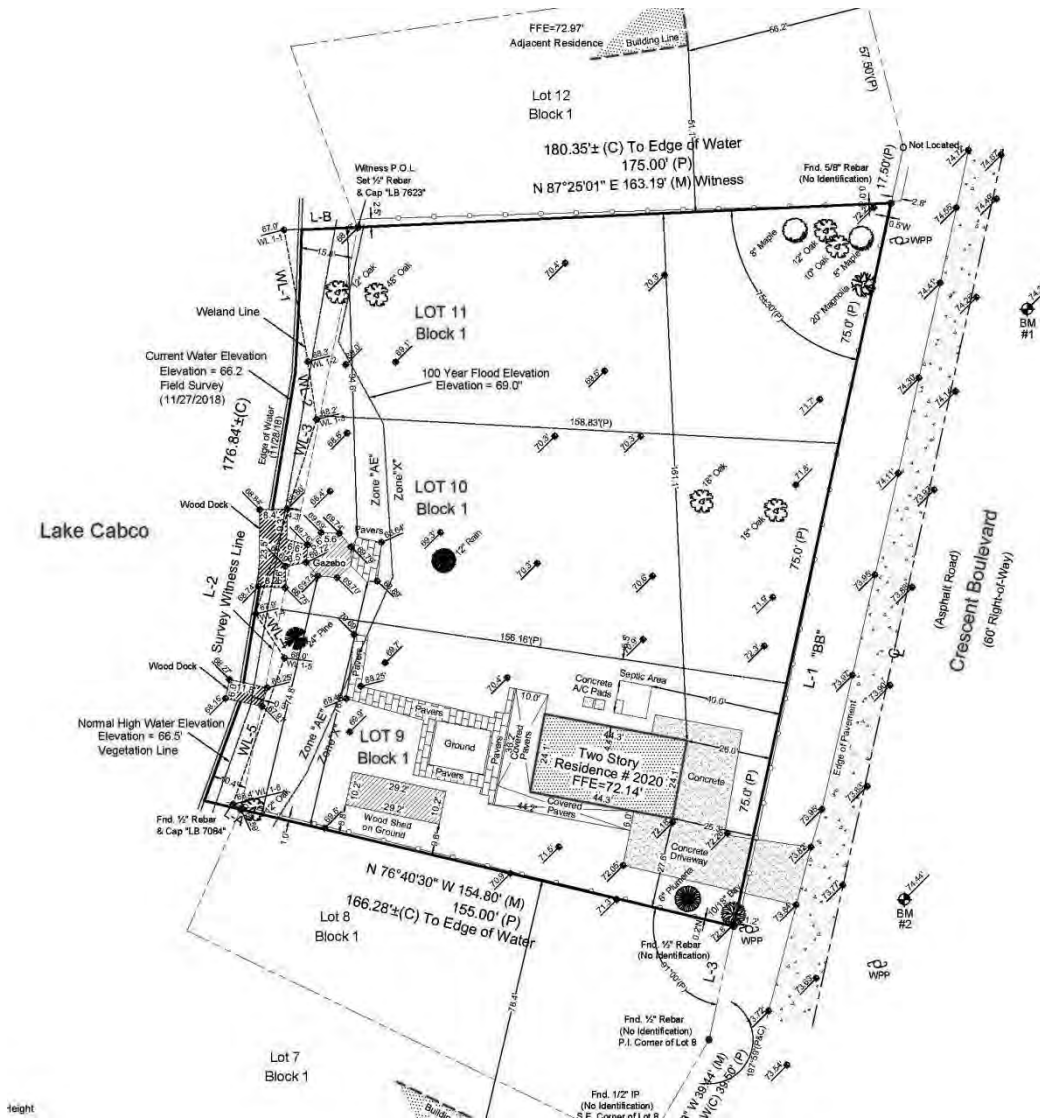
The applicants, Duc Pham, Lan Pham, and Van Pham, request to change the Future Land Use Map (FLUM) designation of the 2.02 gross acre 0.75 net acre subject property from Office (O) to Low Density Residential (LDR). The requested designation allows for the consideration of up to four (4) dwelling units an acre or up to three (3) dwelling units on the subject site. The applicant proposes to subdivide the property into two parcels to construct an additional single-family residence. The subject property is zoned R-1A (Single-Family Dwelling District). The future land use designation and zoning district are inconstant as per the Zoning and Future Land Use Correlation table contained in Future Land Use Element Policy **FLU8.1.1**.

The petitioned parcel consists of three lots improved with an approximately two thousand square foot (2,000 sq. ft.) single-family residence existing. According to the Orange County Property Appraiser the residence was constructed in 1987. The applicant is requesting to amend the future land use map to remedy the inconsistent zoning and future land use designations to allow the applicant to create two parcels to construct an additional single-family residence. The future land use map amendment must be approved prior to the proposed lot split being processed and approved. The applicant is working with the zoning division on the lot split process. The illustration on the following page is the survey of the petitioned property with three existing lots and the single-family residence.

The subject site is located north of Orpington Street, east of Rouse Lake Road, south of Graduate Drive and west of Crescent Boulevard. Crescent Boulevard, an unmarked two-lane road without curbs and gutters, provides access to the site from Orpington Street or North Alafaya Trail. North Alafaya Trail is located east of the petitioned site along with the terminus of Challenger Parkway. East Colonial Drive is located south of the subject site.

The properties abutting the site along the north and south are single-family residences with a future land use designation of Office (O) and a zoning of R-1A (Single-Family Dwelling District). The property to the east of the subject property is an office park and has a future land use of Office (O) and zoning of P-O (Professional Office District). There is a single-family residence southeast of the site fronting Crescent Boulevard that is framed on three (3) sides by this office park. Rouse Lake is located west of the site.

The area is characterized by residential uses, including single-family and condominiums. Small-scale commercial and office activity are located along North Alafaya Trail along with multi-family apartment complexes. Commercial uses are also located along East Colonial Drive. The commercial uses in the area include convenience stores with gas pumps, hotels, self-storage, and restaurants. The office uses include medical, real estate, and educational offices.



Orange County adopted the Growth Management Plan May 20, 1980. This document and maps were adopted as the Comprehensive Plan in 1990. The Future Land Use Map that was part of the 1980 Growth Management Plan was subsequently adopted as the 1990 Future Land Use Map. The adopted maps designate the subject site as Office (O) and this carried into the 1990 adopted future land use map. The property has retained the existing zoning of R-1A (Single-Family Dwelling District).

Staff used the construction date information found on the Orange County Property Appraiser site to find when the residences along Crescent Boulevard were constructed. The reason was to decide if the Office (O) future land use, assigned to the properties in 1980 and adopted in 1990, reflected the conditions at the time it was assigned. There are twenty-three (23) parcels fronting Crescent Boulevard with R-1A (Single-Family Dwelling District) zoning. The parcels range in size from a half acre (0.55) to one and a quarter (1.3) acres in size. Single-family residences are on eighteen (18) parcels, twelve (12) were constructed before 1980 while six (6) were constructed after 1980. The remaining five (5) parcels are vacant.

The zoning on the twenty-three parcels, as mentioned above, is R-1A (Single-Family Dwelling District). The future land use on twelve (12) parcels is Office (O) and Low Density Residential (LDR) on eleven (11). Those properties with the LDR future land use designation were amended by property owners under one amendment in 2005, Future Land Use Map Amendment 2005-2-S-5-2.

A community meeting was held for this request on February 6, 2019, no members of the public were in attendance.

2. Future Land Use Map Amendment Analysis

Consistency

The requested Future Land Use Map (FLUM) amendment appears to be consistent with the applicable Comprehensive Plan goals, objectives, and policies, which are specifically discussed in the paragraphs below.

The Future Land Use Element contains the future land use categories along with the permitted densities or intensities. Residential uses have corresponding densities that set a maximum number of dwelling units that are allowed per net developable acre, as per Future Land Use Element Policy **FLU1.1.2(B)**. The requested Low Density Residential future land use has a density of up to 4 dwelling units per acre. The applicant is requesting this future land use designation which is consistent with the underlying zoning district of R-1A (Single-Family Dwelling District).

The subject property is inconsistent with the Zoning and Future Land Use Correlation Table found in **FLU8.1.1**. The existing zoning R-1A (Single-Family Dwelling District), correlates with the proposed Low Density Residential (LDR) future land use designation but not with the existing Office (O) future land use. The applicant is seeking to remedy this inconsistency in order to create another parcel for the purpose of constructing a single-family residence. The future land use designation provides the allowed residential density which is required as part of the lot split.

The Future Land Use Element does not provide criteria or relief to properties with inconsistent future land use and zoning. Future Land Use Element polices **FLU8.2.5.1** and **FLU8.2.5.2** do not require properties to be rezoned if the future land use and zoning are inconsistent and they met pre-defined criteria. However, the zoning of the property is consistent with the proposed use so the policies are not applicable to the petitioned site.

Class I wetlands and surface waters are located on site, including a portion of Lake Rouse. As per **FLU1.1.2(C)**, density calculations are determined by dividing the total number of units by the net developable area. The net developable area is defined as the gross land area, excluding surface waters and certain conservation areas, from the land area calculations.

As per the Environmental Protection Division, Conservation Area Determination (CAD) application **CAD-18-11-175** was submitted for this project and is under review. The CAD must be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) prior to adoption of the future land use map amendment. Reference Orange County Code Chapter 15, Article X Wetland Conservation Areas, for additional information regarding this requirement.

Compatibility

Future Land Use Element Objective **OBJ FLU8.2** requires compatibility to continue to be the fundamental consideration in all land use and zoning decisions. This objective contains polices that are used to guide regulatory decisions that involve differing land uses. One such policy is **FLU8.2.1** which states that land use changes shall be required to be compatible with the existing development and development trends in the area. As discussed above, the subject property is

located adjacent to existing residential uses. The proposed request is considered compatible with the existing land uses.

The existing future land use of Office (O) would require a zoning change to P-O (Professional Office District) for any office uses to be allowed on the petitioned site. While the future land use is Office (O) the adjacent uses are single-family residences and an office use would not be compatible. The existing zoning of R-1A (Single-Family Dwelling District) is inconsistent with the future land use. The petitioned site currently cannot be split to allow for the construction of an additional single-family residence, which would be compatible with the existing development pattern in the area.

As noted above, the area is characterized by residential uses, including single-family and condominiums. Small-scale commercial and office activity are located along North Alafaya Trail along with multi-family apartment complexes. Commercial uses are also located along East Colonial Drive. The commercial uses in the area include such as convenience stores with gas pumps, hotels, self-storage, and restaurants. The office uses include medical, real estate, and educational offices.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division

Class I wetlands and surface waters are located on site, including a portion of Lake Rouse. Orange County Conservation Area Determination application CAD-18-11-175 was submitted for this project and it is in progress. The CAD must be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) prior to approval of this request. Reference Orange County Code Chapter 15, Article X Wetland Conservation Areas.

Until wetland permitting is complete, the net developable acreage is only an approximation. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The applicant is advised not to make financial decisions based upon development within the wetland or protective upland setback areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD. Reference Comprehensive Plan Policy FLU1.1.2 C. Impacts to Class I conservation areas require approval from the Board of County Commissioners.

The Normal High Water Elevation (NHWE) of Lake Rouse was established at 66.85 feet NAVD 88. Clearly label and indicate the NHWE contour of the lake on all plans or permit applications, in addition to wetland, floodplain and setback lines.

Approval of this land use change request does not grant permission for the construction or alteration of boat ramps, docks, observation piers, lake shore vegetation, or seawalls on the lake. Any person desiring these types of structures or to perform shoreline alterations shall first apply for a permit from the Orange County EPD prior to commencement of such activities.

This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations may apply per Orange County Code Chapter 15, Article XI Section 15-442. Basin regulations include, but are not limited to, 50 foot wetland buffers, wildlife habitat preservation, and landscaping with native plant species. Contact the Orange County Environmental

Protection Division (EPD), Environmental Permitting Section, for a determination of applicability of these regulations per Section 15-440.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Pollution abatement swales shall be provided upland of streams, canals, lakes and wetlands connected to lakes per Orange County Code Section 34-132(c)(2) if drainage is not diverted to treatment.

Transportation Planning Division

Trip Generation (ITE 10th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Maximum use of current FLUM: up to 40,837 sq. ft. office uses	49	92%	45
Existing Use: Single-family residence	-	-	-
Proposed Use: 2 single-family residences	3	100%	3
Net New Trips (Proposed Development less Allowable Development):	3 – 45 = - 42 PM Pk. Hr. Trips (decrease)		

Future Roadway Network

Road Agreements:	None
Planned and Programmed Roadway Improvements:	None
Right of Way Requirements:	None

Summary

The applicant is requesting to change 2.02 acres from Office (O) to Low Density Residential (LDR) and approval to develop a total of 2 dwelling units.

- The subject property is not located within the County’s Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 45 pm peak hour trips.
- **The proposed use will generate 3 pm peak hour trips resulting in a decrease of 42 pm peak hour trips.**
- Based on the concurrency management system database dated 01/03/2019, there are no deficient roadway segments within the project impact area and all roadway segments are operating above the adopted level of service standard. This information is dated and subject to change.
- The subject property is located to the west of N Alafaya Trail, a 6-lane minor arterial which is also operating above the adopted level of service.

- The project trip distribution and assignment assumes direct access onto Crescent Boulevard, however, the applicant is advised to consult with the County's Development Engineering Division to determine if this is feasible.
- **Analysis of short term (5 year) conditions indicates that acceptable Levels of Service will continue to prevail on the roadway segments within the project impact area except for Alafaya Trail from University Boulevard to Science Drive and from Science Drive to Colonial Drive, and Lokanotosa Trail from Lake Underhill Road to Colonial Drive. These segments are projected to operate at/below the adopted Level of Service standard. Any deficiencies in the short-term will occur with and without the addition of the proposed project trips.**
- 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.

3. Policy References

- FLU1.1.2** A. The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.
- B. The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single family to small lot single family development.	0 to 4 du/ac
Low Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac
Medium-High Density Residential (MHDR)	Recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood serving amenities within a reasonable pedestrian walkshed.	0 to 35 du/ac
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac
(Amended 8/92, Ord. 92-24, Policy 1.1.11-r; Amended 11/17, Ord. 2017-19)		

- C. Density and Floor Area Ratio (FAR) calculation is determined by dividing the total number of units/square footage by the net developable land area. The net developable land area for density and FAR calculation (intensity) is defined as the gross land area, excluding surface waters and certain conservation areas from the land area calculations. In order to include new Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact permit from the Orange County Environmental Protection Division.

- FLU8.1.1** (a) The following 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. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). Orange County’s **Zoning and Future Land Use Correlation** is referenced herein as follows:

Zoning and Future Land Use Correlation		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>
Urban Residential		
Low Density Residential (LDR)	(0 to 4 du/ac)	R-CE* R-1, R-2**, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T-1, R-T-2, R-L-D, PD, U-V *R-CE is not available as a rezoning request in the USA.
Low-Medium Density Residential (LMDR)	(0 to 10 du/ac) + workforce housing bonus	R-1, R-1A, R-2, R-T, R-T-1, PD, U-V

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

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

FLU8.2.5.1 A rezoning may not be required for properties with inconsistent zoning and Future Land Use Map (FLUM) designations under the following circumstances:

- A. For non-residential uses when the proposed use is permitted in the existing zoning district, and the same use is permitted in each of the zoning districts that are consistent with the adopted FLUM designation; or
- B. For non-residential and residential uses when the proposed use is permitted in the existing zoning district, but the use would require a special exception if the property is rezoned to be consistent with the adopted FLUM designation. In this case, however, the same use must be permitted or allowed by special exception in each of the zoning districts that are consistent with the adopted FLUM designation.

Any development of such properties shall meet the minimum site and building requirements of the existing zoning district. Subsequent requests for expansions and changes in the permitted uses on the property must conform to this policy. Requests not conforming to this policy shall be subject to a rezoning, special exception, or FLUM amendment.

FLU8.2.5.2 If a proposed use is subject to a special exception and has inconsistent zoning and future land use map (FLUM) designations, a rezoning may not be required before applying for a special exception, provided each of the following criteria is met:

- A. The proposed use is permitted only through the special exception process; and
- B. The zoning district required to correct the inconsistency between the FLUM and zoning designations also requires a special exception for the same use.

Any development of such properties shall meet the minimum site and building requirements of the existing zoning district. Subsequent requests for expansions and changes in the permitted uses on the property must conform to this policy. Requests not conforming to this policy shall be subject to a rezoning, special exception, or FLUM amendment.

Site Visit Photos

Subject Site



North



East



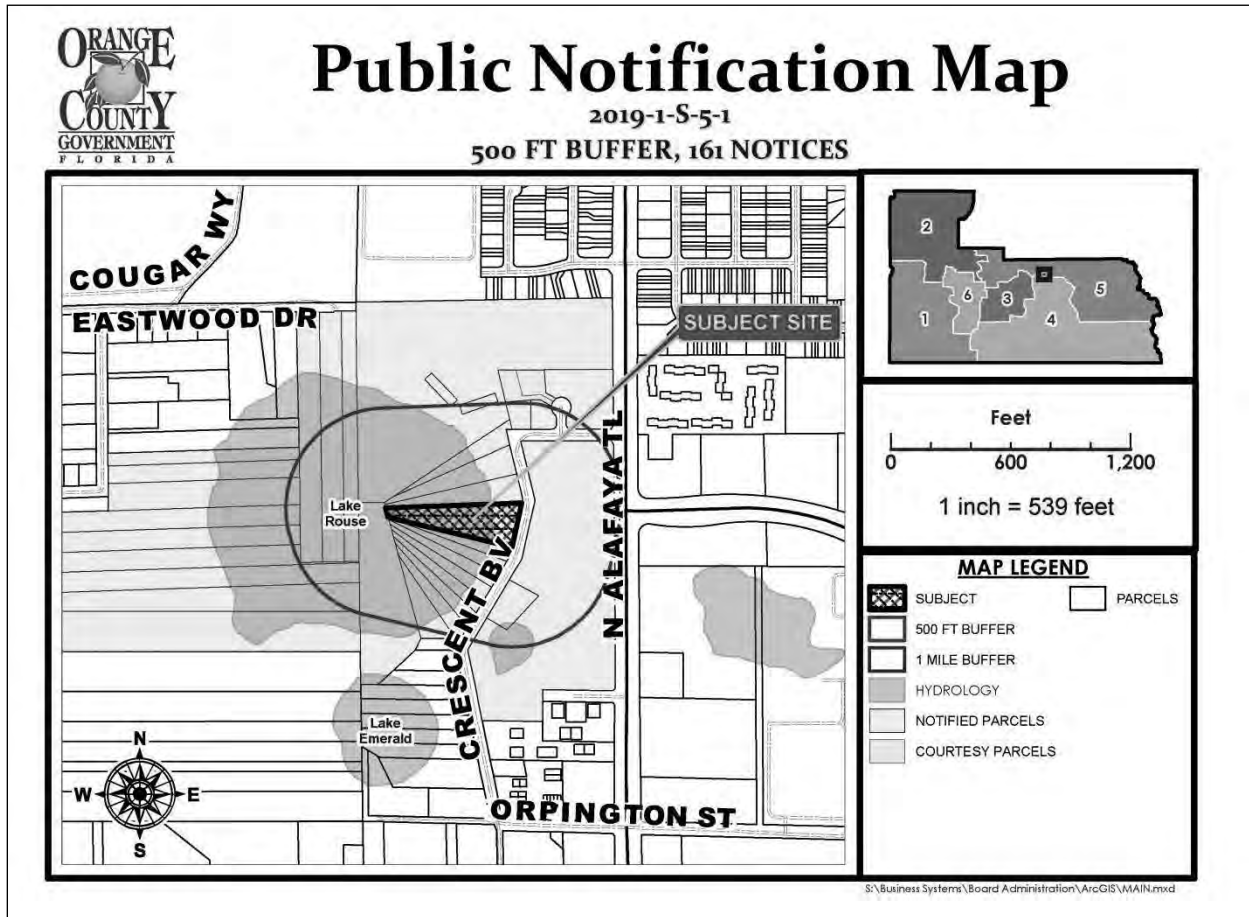
South



West



PUBLIC NOTIFICATION MAP



Notification Area

500 ft. plus homeowner associations within a 1 mile radius of the subject site

161 notices sent



Applicant/Owner:
Drew Shofner, BluRock Commercial Real Estate, LLC/John W. and Marjorie H. Doyle

Location:
10116 Union Park Drive; Generally located on the south side of Union Park Dr., east of N. Dean Rd., north of E. Colonial Dr., and west of Royal Vista Ct.

Existing Use:
Single-family residence and parking lot

Parcel ID Number:
17-22-31-7400-00-160 (portion of)

Tract Size:
0.23 gross acre

The following meetings and hearings have been held for this proposal:		Project Information	
Report/Public Hearing	Outcome	Request: Low-Medium Density Residential (LMDR) to Commercial (C)	
✓ Community Meeting January 22, 2019 (160 notices sent; 1 person in attendance)	Positive	Proposed Development Program: To continue to use the subject portion of the property for parking in conjunction with the existing retail flower shop located immediately south of the subject property.	
✓ Staff Report	Recommend Adoption	Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. Environmental: The Orange County Environmental Protection Division has no issues at this time.	
✓ LPA Adoption April 18, 2019	Recommend Adoption (8-0)	Transportation: The subject property is not located within the Alternative Mobility Area (AMA) or along a backlogged/constrained facility or multimodal corridor.	
BCC Adoption	May 21, 2019	Concurrent Rezoning: No	

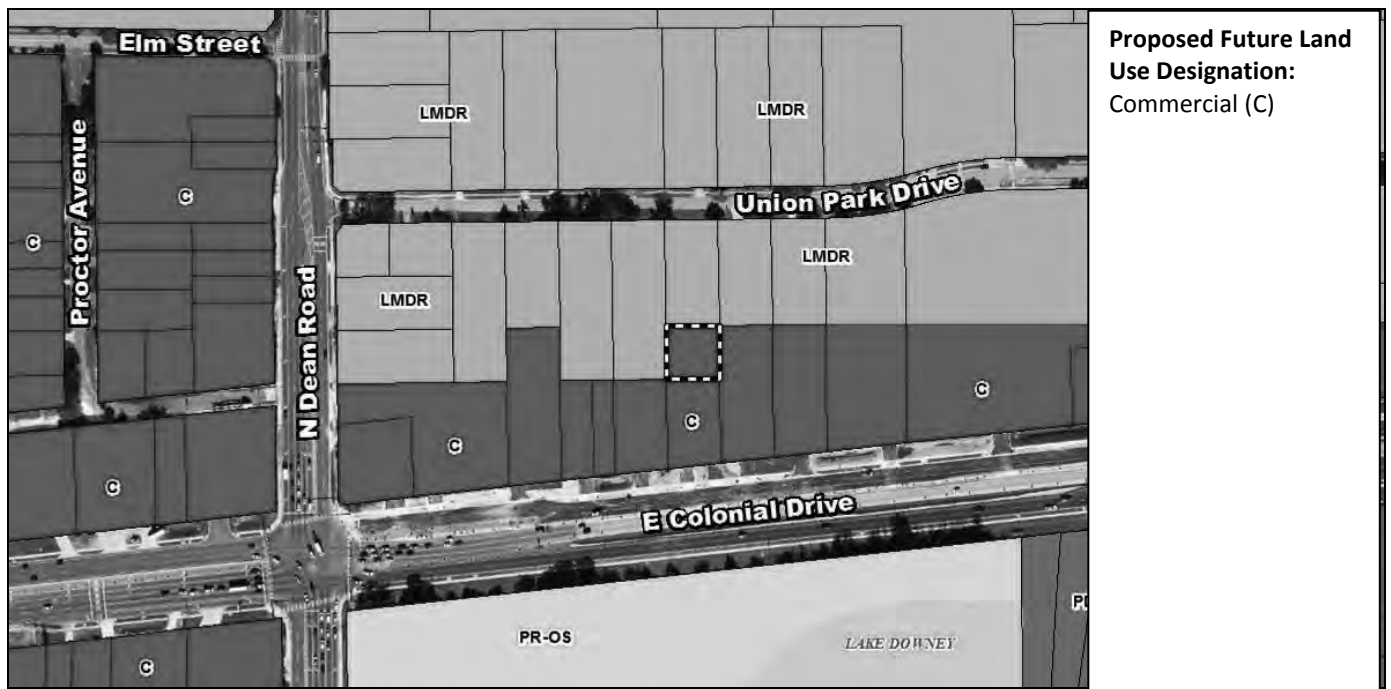
SITE AERIAL



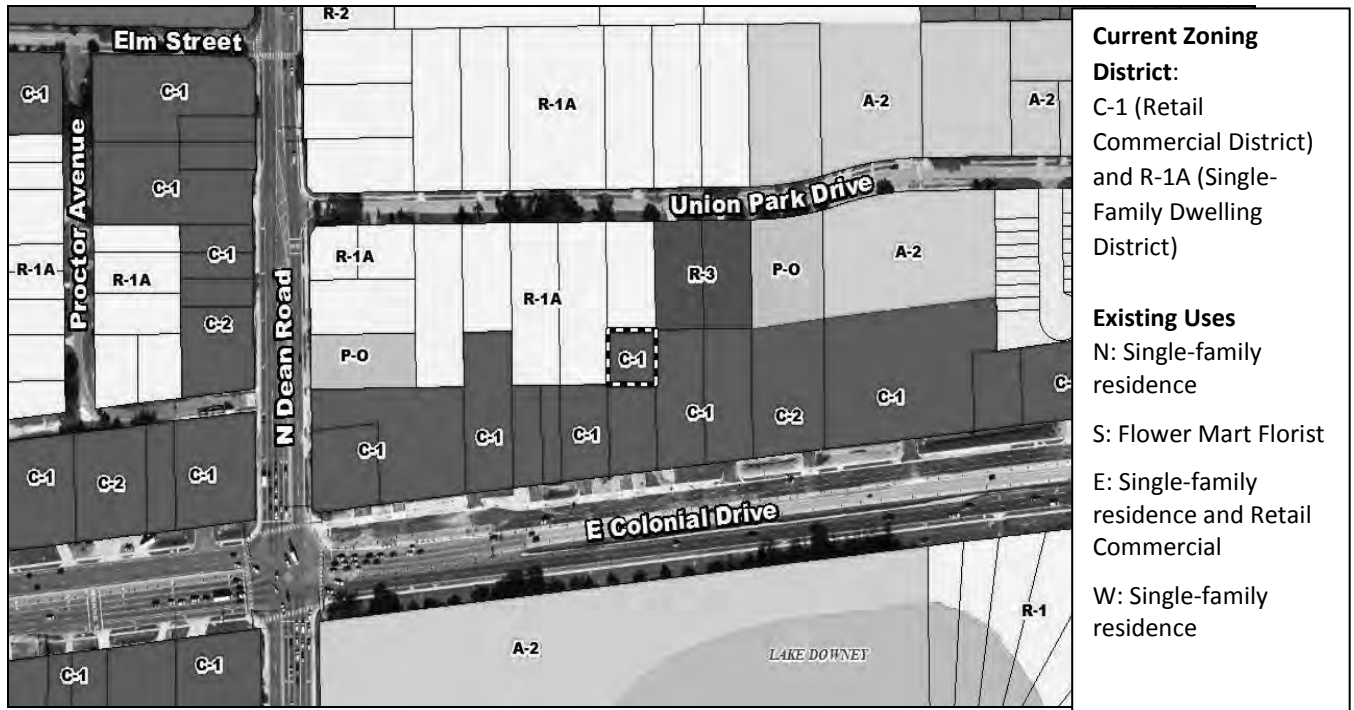
FUTURE LAND USE - CURRENT



FUTURE LAND USE - AS PROPOSED



ZONING - CURRENT



Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Objective FLU8.2, and Policies FLU1.1.5, FLU1.4.4, FLU1.4.6, and FLU8.2.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-1-S-5-2, Low-Medium Density Residential (LMDR) to Commercial (C).

Analysis

1. Background Development Program

The applicant, Drew Shofner, has requested to change the Future Land Use Map (FLUM) designation of the 0.23-acre subject property from Low-Medium Density Residential (LMDR) to Commercial (C). The site is a portion of the 0.69-acre parent Parcel 17-22-31-7400-00-160, which has served as a parking lot for the property owner's existing Flower Mart Fashions and Flowers retail shop located directly south on E. Colonial Drive on Parcel 17-22-31-7400-00-210. The entire parent parcel currently has a Future Land Use designation of LMDR. The north 200 feet—fronting Union Park Drive—has a R-1A (Single-Family Dwelling District) zoning designation and the remaining south 100 feet, the subject property, has a C-1 (Retail Commercial District) zoning designation. Currently, a 1,841-square-foot single-family home and parking lot occupy the parent parcel site. Both properties, Parcel 17-22-31-7400-00-160 and Parcel 17-22-31-0000-00-210 are owned by property owners, John W. and Marjorie H. Doyle.

Recently, Ms. Doyle attempted to sell her commercially-zoned properties that encompass both the retail shop and the parking lot. However, she discovered there was an inconsistency between the subject property's C-1 zoning classification and its LMDR FLUM designation.

The subject property's C-1 zoning classification was established on September 19, 1983, when it was administratively rezoned by the Board of County Commissioners (BCC) from an A-2 (Farmland Rural District) zoning classification. It was administratively rezoned to provide more depth and land area to the existing commercially-zoned lots fronting on State Road 50 and to allow for development under the C-1 zoning classification. As stated above, the subject property's C-1 zoning designation is inconsistent with its current LMDR future land use designation. Therefore, the applicant is requesting the Commercial future land use designation to resolve the inconsistency issue and bring the FLUM designation of the subject property into conformance with its C-1 zoning classification. If the requested amendment is approved, it is the owner's intent to apply for a lot split on parent Parcel 17-22-31-7400-160 to separate the subject property's C-1-zoned portion of the parcel and then combine it with Parcel 17-22-31-7400-00-210 to create a unified C-1-zoned parcel that will encompass both the retail shop and parking lot. Afterwards, Ms. Doyle will be able to complete the sale of her commercially-zoned property.

The subject property, which lies approximately 160 feet north of the State Road 50 commercial corridor, is bounded to the east and south by retail shops and an automotive service center. Single-family homes abut the property to the north (owned by the property owner) and to the west.

A community meeting was held for this proposed amendment on January 22, 2019, with one resident in attendance who had no objections to the proposed amendment.

Project Analysis

Consistency

The proposed FLUM amendment appears to be **consistent** with the applicable Comprehensive Plan Goals, Objectives, and Policies. The requested amendment is consistent with **Future Land Use Element Policy FLU1.4.6**, which states that with respect to new development and redevelopment, the County is seeking more integrated forms of commercial and non-residential development, including vertical mixed-use design and complementary land uses in close proximity to one another, in its desired development pattern for the County's Urban Service Area (USA). As discussed previously, this request involves a C-1-zoned site in the USA, containing a parking lot adjacent to commercial development along E. Colonial Drive. If approved, the proposed FLUM change to Commercial will enable the applicant to resolve the property's zoning/future land use inconsistency issue and will allow for its continued use as a parking lot for the adjacent retail shop.

This application is also consistent with **Policy FLU1.1.5**, which states that Orange County shall encourage mixed use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the USA. The subject property is located in an area characterized by a mix of commercial and residential uses. It is the property owner's intent to apply for a lot split on parent Parcel 17-22-31-7400-00-160 to separate the subject property's C-1-zoned portion of the parcel and then combine it with Parcel 17-22-31-7400-00-210 to create a unified C-1-zoned parcel that will encompass both the retail shop and parking lot. Afterwards, the sale of the property can be completed and allow the future property owner to use the unified site for a retail establishment and parking lot.

In addition, the proposed Future Land Use Map Amendment is consistent with **Policy FLU1.4.4**, which mandates that the disruption of residential areas by poorly located and designed commercial activities shall be avoided. As mentioned above, the commercially-zoned parking lot has coexisted with the adjacent single-family homes for many years when the the subject property was administratively rezoned to C-1 in 1983 by the BCC. The continued use of the property for commercial purposes would not be out of character for the neighborhood.

Compatibility

Future Land Use Objective FLU8.2 states that **compatibility** will continue to be the fundamental consideration in all land use and zoning decisions. **Policy FLU8.2.1** requires land use changes to be compatible with the existing development and development trend in the area. As stated previously, the subject property is located in an area characterized by a mix of commercial and residential uses. The parking lot, located on a portion of parent Parcel 17-22-31-7400-00-160, has coexisted with the adjacent single-family homes for approximately 36 years since it was administratively rezoned from A-2 to C-1 by the BCC in 1983 for the purpose of allowing more depth and land area to the existing commercially-zoned lots fronting on State Road 50. This Future Land Use Map Amendment (FLUMA) request is not a change in use, but is rather intended to bring the FLUM designation of the subject property into conformance with its C-1 zoning classification. Staff emphasizes that the continued use of the property for commercial activity will not be out of character for the area. The parking lot provides needed parking for customers and employees of the retail shop located on Parcel 17-22-31-7400-00-210, located immediately south of the subject parcel. As mentioned above, it is the property owner's intent to apply for a lot split on parent Parcel 17-22-31-7400-00-160 to separate the subject property's C-1-zoned portion of the parcel and then combine it with Parcel 17-22-31-7400-00-210 to create a unified C-1-zoned parcel that will encompass both the retail shop and parking lot if the proposed amendment is approved.

Division Comments: Environmental, Public Facilities and Services

Environmental. The Environmental Protection Division (EPD) has no issues at this time. The subject area is an existing parking lot.

Utilities. The subject property is located within Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas. Per OCU, there is a 16-inch potable water main within the E. Colonial Drive right-of-way and Dean Road right-of-way and an 8-inch gravity sewer main approximately 400 feet east of the subject property. Currently, there are no reclaimed water mains in the vicinity of the site.

Transportation. Based on trip generation estimates from the 10th Edition of the Institute of Transportation Engineers *Trip Generation Handbook*, it was determined that the maximum allowable development of up to six (6) residential dwelling units based on the current future land use designation of Low-Medium Density Residential (LMDR) would generate approximately 5 p.m. peak hour trips, while the proposal to use the property as a parking lot to accommodate the existing flower shop located adjacent to the property under the requested Commercial (C) future land use designation would generate 0 p.m. peak hour trips resulting in a net decrease of 5 new p.m. peak hour trips.

Summary

The applicant is requesting to change 0.23 acres from Low-Medium Density Residential (LMDR) to Commercial (C) and approval to use the property as a parking lot to accommodate the existing flower shop located adjacent to the property.

The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor.

The allowable development based on the approved future land use will generate 5 p.m. peak hour trips.

The proposed use will generate 0 new p.m. peak hour trips resulting in a reduction of 5 p.m. peak hour trips to the area roadways.

The subject property is located adjacent to Union Park Drive, a two-lane roadway just east of Dean Road, a four-lane minor arterial. This facility currently does not have any deficient roadway segments within the project's impact area.

Based on the Concurrency Management System database dated January 03, 2019, all the roadway segments are operating above the adopted level of service standard within the project impact area. This information is dated and subject to change.

Analysis of short-term conditions (5-Year) indicates that the acceptable Levels of Service will continue to prevail on the roadway segments within the project impact area and no deficiencies are projected.

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 Plan.

Policy References

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

FLU1.1.5 – Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County’s desired urban framework. Infill is defined as development consistent with the *Infill Master Plan (2008)*.

FLU1.4.4 – The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.

FLU1.4.6 – The following guidelines illustrate different types of commercial and retail development consistent with the Orange County Comprehensive Plan. It is the goal of the 2030 CP to increase densities and intensities in the Urban Service Area in order to accommodate projected growth. The Commercial floor area ratio (FAR) shall be 1.50 unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code (See FLU1.1.4A, FLU2.2.4 – FLU2.2.7, and FLU3.2.1 – FLU3.2.13). The basis for increasing densities and intensities is the finding that productive use of vacant land within the Urban Service Area is critical to the County’s future urban form. Therefore, with respect to new development and redevelopment, the County is seeking more integrated forms of commercial and non-residential development, including vertical mixed use design and complementary land uses in close proximity to one another, in its desired development pattern for the County’s Urban Service Area. The following criteria are intended to serve as guidance for commercial-related future land use amendment requests within the Urban Service Area. Consistent with FLU1.4.5, Orange County may require a market study for Commercial and Office future land use requests. A mix of two or more uses will be encouraged where appropriate.

Neighborhood Centers and Neighborhood Activity Nodes – Neighborhood center commercial is intended to serve the needs of nearby residents, employees, visitors and businesses (within two to three miles).

Village Centers – Village Center commercial is intended to more centrally serve the needs of residents, employees, visitors and businesses within a community of neighborhoods (within three to five miles).

Lifestyle Centers – Lifestyle Centers are open-air shopping centers with a mix of national retailers and local boutiques and housing choices. These locations emphasize convenience and a mix of uses and choices.

Wholesale/Retail – Also may be referred to as Big Box retail or Power Centers. Big Box retail, as defined by County Ordinance 2007-1, is described as a retail wholesale commercial establishment (store) with more than seventy-five thousand (75,000) square feet of gross floor area, which may include a home improvement center or a membership warehouse club. The gross floor area of such a store includes outdoor storage areas and any outdoor area providing services. (Ord. 2007-1)

	<i>Size</i>	<i>Gross Leasable Area</i>	<i>FAR</i>
Neighborhood Center	4 acres	20,000-40,000 SF	See applicable County policy or code
Community Center	10 acres	100-300,000 SF	See applicable County policy or code
Village Center	20 acres	200-400,000 SF	See applicable County policy or code

	<i>Size</i>	<i>Gross Leasable Area</i>	<i>FAR</i>
Lifestyle Centers	25 acres	400,000 SF	See applicable County policy or code
Wholesale/Retail Centers	See Ordinance 2007-1, Big Box Ordinance		
All commercial should have safe, adequate and appropriate access per FLU1.4.8.			

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

Site Visit Photos

Subject Site



North



South



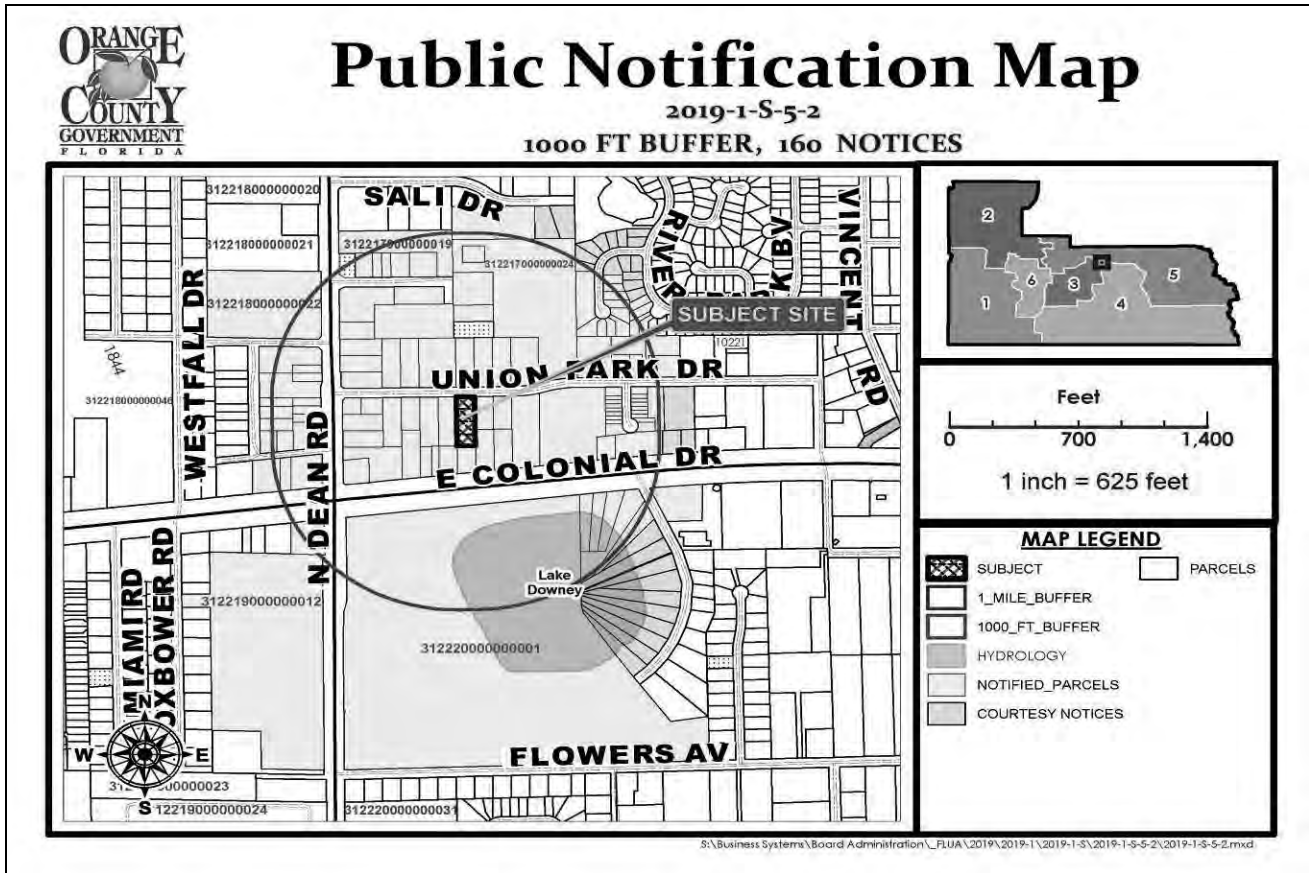
East



West



PUBLIC NOTIFICATION MAP



Notification Area

1,000 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site

160 notices sent



Applicant/Owner: Robert Paymayesh, PE Group, LLC / Shahriar Ekbatani, Baldwin Park Professional Plaza, LLC

Location: 1850 North Semoran Boulevard; Generally located north of Old Cheney Hwy, west of Semoran Blvd., south of Baldwin Park St., and east of Truman Rd.

Existing Use: Undeveloped

Parcel ID Number:
 16-22-30-0000-00-011

Tract Size: 1.58 gross acres/1.35 developable acres

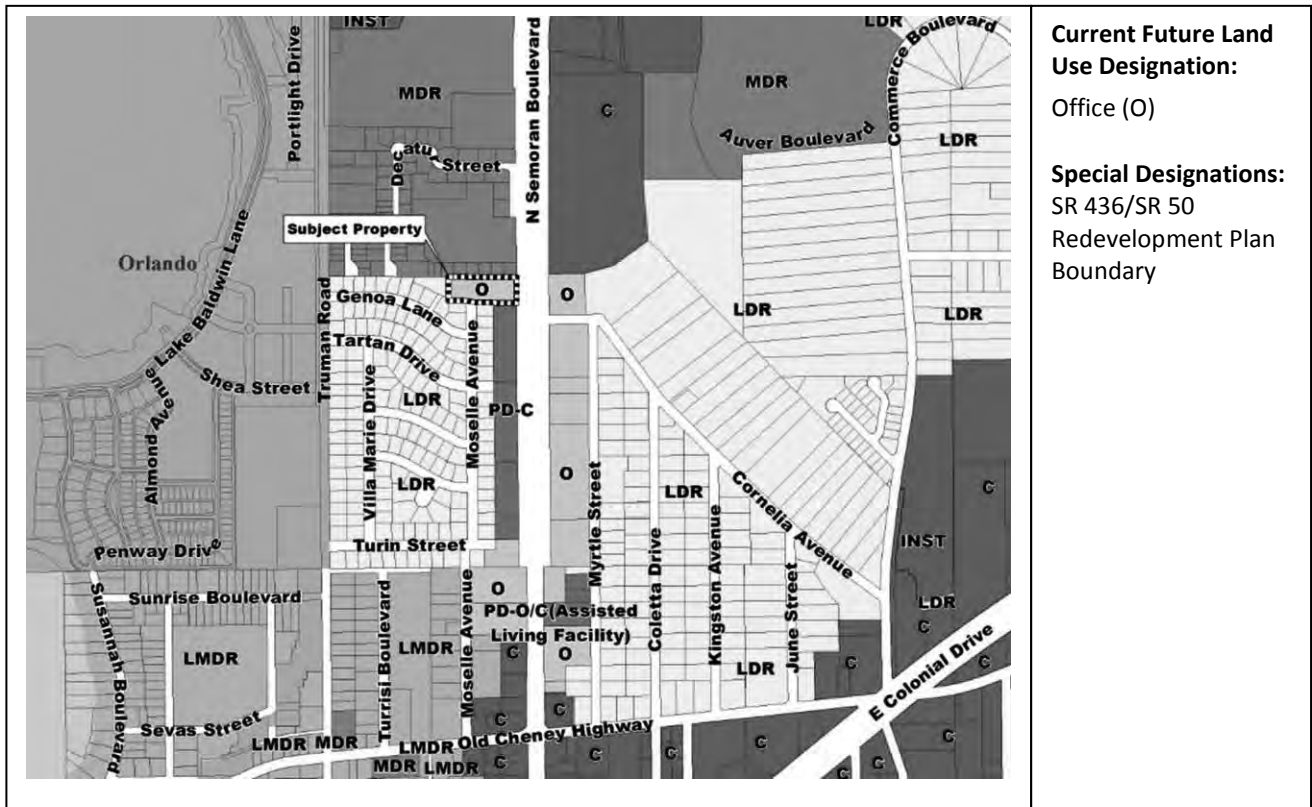
The following meetings and hearings have been held for this proposal:	
Report/Public Hearing	Outcome
✓ Community Meeting held February 28, 2019; 13 attendees. See public notification map for notice area	Neutral
✓ Staff Report	Recommend Adoption
✓ LPA Adoption April 1, 2019	Recommend Adoption (8-0)
BCC Adoption	May 21, 2019
BCC Adoption Rezoning	TBD

Project Information
Request: From: Office (O) to Planned Development-Commercial (PD-C)
Rezoning: LUP-19-03-090 currently under review
Proposed Development Program: The proposed development program will allow a 6,000 square foot Express Carwash and 5,000 square feet of additional commercial uses
Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis on each public facility.
Environmental: Class III wetlands and surface waters are located on site. CAD 18-11-182 is in progress.
Transportation: Site is within the Alternative Mobility Area (AMA) and a mobility analysis was provided.

AERIAL



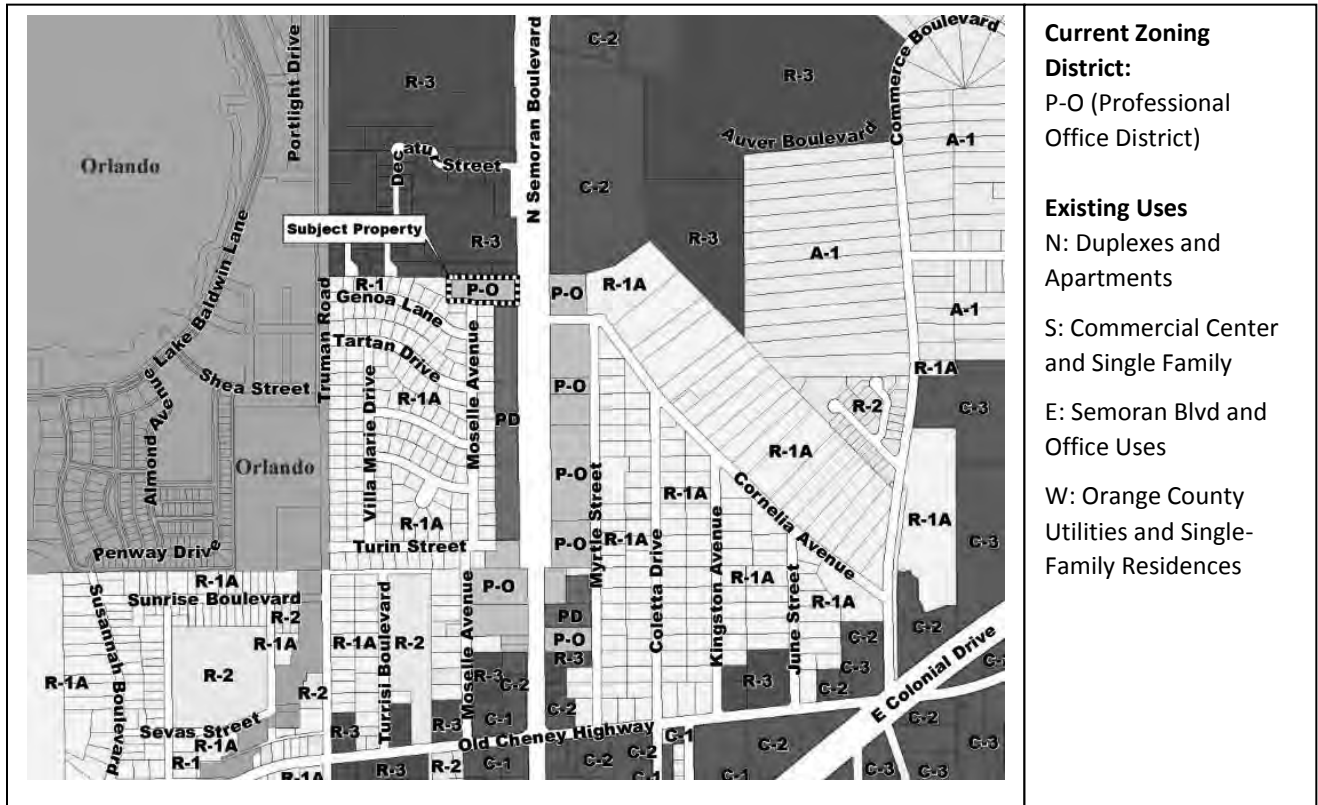
FUTURE LAND USE - CURRENT



FUTURE LAND USE - AS PROPOSED



ZONING – CURRENT



Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Objectives FLU1.1, FLU2.1, and FLU8.2 and Policies FLU1.4.1, FLU1.4.2, FLU1.4.4, FLU 2.4.1, FLU 2.4.2, FLU8.1.4, FLU8.2.1, FLU8.2.6, FLU8.2.10, and FLU8.2.11), determine that the amendment is in compliance, and recommend **Adoption** of Amendment 2019-1-S-5-3, **Office (O)** to **Planned Development-Commercial (PD-C)**.

Analysis

1. Background Development Program

The applicant, Shahriar Ekbatani, Baldwin Park Professional Plaza, LLC, has requested to change the Future Land Use Map (FLUM) designation on the 1.58 gross (1.35 developable) acres site from **Office (O)** to **Planned Development-Commercial (PD-C)**. The **Office (O)** future land use permits an FAR of 1.25 or up to 73,507 square feet of office uses. The County's Official Zoning Map depicts the site as **P-O (Professional Office District)**, which allows for professional office uses.

A rezoning application for **PD (Planned Development District)**, LUP-19-03-090, is currently under review; however, the application was not submitted in time for concurrent approval. The applicant is proposing to develop a 6,000 square foot carwash plus 5,000 square feet of additional commercial uses. The petitioned parcel is currently undeveloped.

The site is located on Semoran Boulevard and is generally north of Old Cheney Highway, west of Truman Road, and south of Baldwin Park Street in an area characterized by a mix of office, commercial, and residential uses. The site is immediately north of the recently constructed Semoran Square Plaza commercial center. North and west of the subject property are residential properties while to the east is Semoran Boulevard and office uses. Orange County has utilities immediately west. The request is to develop a carwash with an orientation toward Semoran Boulevard.

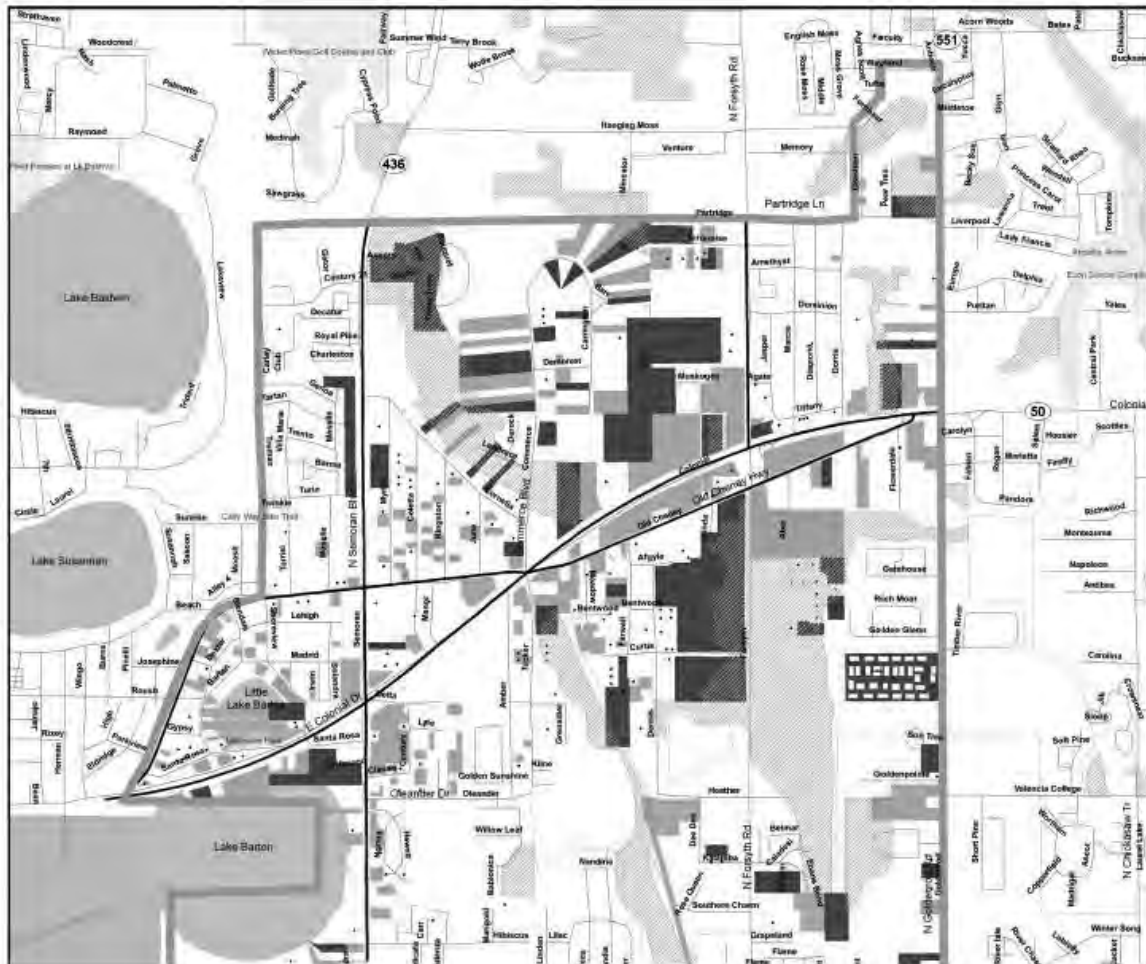
The site is owned by Baldwin Park Professional Plaza LLC since December of 2006. The applicant states that the proposed use is influenced by the recent construction of the Semoran Square Plaza commercial center. In the application, the applicant has indicated that current market rents and vacancy rates do not justify building a new office building at this location, and that the owner has tried to sell this land with office zoning for the last 10 years to no avail. The owner had considered building an office for his own company; however, he was able to buy an existing building significantly cheaper than to build a new building on this site.

Over the years, the owner indicated that he had been approached by several carwash developers who have shown interest. After doing the market research showing that a properly designed carwash would be successful at this location, the owner has decided to apply for the use and build a carwash with an experienced operating partner. Finally, the applicant has indicated that there are no car wash facilities in the area to serve the area residents, and the proposed facility will provide this needed convenience.

This infill parcel has been identified for future commercial development in Orange County's Infill Master Plan (Map 2 Vacant Non-Residential) and State Road (SR) 436/SR 50 Area Redevelopment Plan (Figure 4.1 Development Opportunities). The SR 436/SR 50 Area Redevelopment Plan recommended that infill areas along Semoran provide a mixture of land uses and allow for integration of commercial and offices uses adjacent to residential uses. The redevelopment plan further recommended retail uses that support the neighborhoods within areas of redevelopment and infill.

SR 436/SR 50 Area Redevelopment Plan

Figure 4.1 - Development Opportunities



Community Meeting

The applicant had originally proposed to also construct a small park onsite to buffer the residents and provide for a neighborhood amenity. However, during the Community Meeting several residents expressed concern with the ability to access the residential neighborhoods from the site. They recommended a wall be built along the petitioner’s site perimeter to restrict access to the surrounding residential areas from the commercial area and carwash. The applicant has since refined his development program to remove the park and add an additional 5,000 square feet of commercial.

The potential additional commercial uses were not discussed at the Community Meeting.

The applicant has submitted the PD rezoning application and has agreed to address the neighborhood concerns through the PD rezoning for the subject property. The PD rezoning will allow

development standards to be established to provide buffer measures to ensure compatibility with the adjacent residential parcels. Additional restrictions should be considered during the PD rezoning process to limit the types of commercial uses that may be allowed onsite. The types of uses that may be incompatible with the surrounding residential areas include liquor stores, convenience stores and gas stations.

In addition, the County has adopted Sec. 38-1083 Prohibited Land Uses in the SR 436/SR 50 Corridor Overlay Zoning District. While this property is just outside the boundary of the district, the County should evaluate whether some of these land uses, such as tattoo shops, pawnshops, bail bond agencies, flea markets and the like, should be prohibited through the PD rezoning.

2. Project Analysis

Consistency

The requested FLUM Amendment appears to be consistent with the applicable goals, objectives, and policies of the Comprehensive Plan.

Objective FLU1.1 establishes urban densities and intensities to direct development to the Urban Service Area of the County. The Urban Service Area is the area for which the County is responsible for providing infrastructure and services to support urban development. The subject property is located in the Urban Service Area and is served by a full array of urban services.

The site is located within an area characterized by office, commercial and residential uses. The proposed FLUM Amendment to change the site from Office (O) to Planned Development-Commercial (PD-C) will allow the carwash and commercial uses. This request does not seek a FAR of 1.5 which could potentially allow up to 88,209 square feet of commercial uses, but rather the specific development program of a 6,000 square foot Express Carwash and 5,000 square feet of additional commercial uses will be codified in **FLU Policy 8.1.4**. This policy allows the County to limit the FAR allowed onsite and establish the specific development program for PD land use designations.

The development program for this amendment is recommended to be added to **Policy FLU8.1.4** as a staff-initiated text amendment. The maximum development program for Amendment 2019-1-S-5-3, if adopted, would be as follows.

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2019-1-S-5-3 Express Carwash at Baldwin Park</u>	<u>Planned Development-Commercial (PD-C)</u>	<u>Up to 6,000 square foot carwash and up to 5,000 square feet of additional commercial uses</u>	<u>2019-</u>

FLU Policy 1.4.2 requires the County to ensure that land use changes are compatible with and serve existing neighborhoods. While **FLU Policy 1.4.1** promotes a range of living environments and employment opportunities in order to achieve a stable and diversified community. **FLU Policy 1.4.4** requires avoiding the disruption of residential areas by poorly located and designed commercial activities. Primary access to single-family residential developments through a multi-family developments are to be avoided.

This request is for a PD future land use designation in order to provide development standards which will provide compatibility measures to the existing residential uses to the west of the subject property. Additionally, the subject property has direct access to Semoran Boulevard. According to the application, the current street stub into the residential neighborhood will not be used for vehicles.

FLU Policy 1.4.10 discourages strip commercial land use patterns and encourages a mix of land use, or requires incorporating a buffer into the development's design. This section of Semoran has developed as a commercial corridor. The construction of Semoran Square Plaza was the last significant vacant land on this portion of Semoran Boulevard. The subject property is a relatively small vacant and underutilized parcel. At just over 1.5 acres, the subject property does not offer the possibilities for a mixture of land uses. The applicant has indicated that the most appropriate solution for the subject property is to allow commercial uses, including the carwash, which is consistent and compatible with Semoran Boulevard while providing development standards which enhance compatibility to the residential area to the west and north.

FLU Objective 2.1 encourages the County to promote and encourage infill development of relatively small and underutilized parcels within the County's established Urban Service Area. **FLU Policy 2.4.1** and **FLU Policy 2.4.2** accepted the SR 436/SR 50 Area Redevelopment Plan and indicated the plan would provide a framework for land use and urban design in the Study Area. Further, **FLU Policy 2.4.3** directs land use decisions to reinforce community preservation and enhancement and promote new social, recreational and business opportunities. **FLU Policy 2.4.4** directs the use of urban design standards for development and redevelopment in the Study Area to recognize and reinforce the unique aesthetics and cultural quality of the community, and **FLU Policy 2.4.5** requires new development and redevelopment to promote connectivity to existing development through pedestrian connections, cross-access easements, and enhanced transit stops, where feasible.

This request is to provide an infill opportunity in a manner that is consistent with policies and the context of Semoran Boulevard for a relatively small, vacant parcel. By adopting PD development standards that include vehicle access only from Semoran Boulevard, the proposed development will also meet compatibility standards. The proposed change in land use appears to be compatible with the recommendations of the SR 436/SR 50 redevelopment plan that recommends infill area to incorporate retail commercial uses that support the neighborhoods within areas of redevelopment and infill. To ensure consistency with the policies of the comprehensive plan, the urban design, pedestrian connections, cross access as well as limitations on the types of commercial uses should be incorporated as part of the PD rezoning request.

Compatibility

FLU Objective 8.2 states that compatibility will be the fundamental consideration in all land use and zoning decisions. According to **Policy FLU8.2.1**, land use changes shall be compatible with existing development and the development trend in the area. This policy allows performance restrictions and/or conditions to be placed on property through the appropriate development order to ensure compatibility. **Policy FLU8.2.6** provides for zoning approvals to have conditions attached, where appropriate, to enforce FLUM designations.

Policy FLU8.2.10 establishes that office and commercial uses within residential neighborhoods are to be subject to strict performance standards, such as height restrictions, FAR limitations, lighting and location requirements, landscaping (buffer) and parking design to ensure land use compatibility with nearby residential areas. Further, **Policy FLU8.2.11** states compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it and other factors may be

considered, such as design attributes, urban form, physical integration, and the project's function in the broader community.

The subject site is located in an urbanized area characterized by office, commercial and residential uses. The applicant has stated that the PD rezoning will contain the restrictions and conditions to ensure compatibility. Further the PD-Commercial land use will place limitations on the FAR permitted onsite, and this requirement will be enforced through the PD rezoning.

The proposed amendment from Office designation to PD-C, with a specific development program that limits the FAR for the subject property, appears to be consistent with the comprehensive plan policies. This request provides an infill opportunity in a manner that is consistent with policies and the context of Semoran Boulevard for a relatively small, vacant parcel. By adopting the PD rezoning, development standards, which includes vehicle access only from Semoran Boulevard, the proposed development will also meet compatibility standards.

Therefore, this comprehensive plan amendment request is appears to be consistent with the comprehensive plan and appropriate restrictions can be placed on the PD rezoning to ensure compatibility with the residential neighborhoods.

3. Public Facilities and Services Analysis

Environmental Protection Division

Class III wetlands and surface waters are located on site. Orange County Conservation Area Determination application CAD-18-11-182 was submitted for this project and it is progress. The CAD must be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) prior to approval of this request. Reference Orange County Code Chapter 15, Article X Wetland Conservation Areas.

Until wetland permitting is complete, the net developable acreage is only an approximation. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The applicant is advised not to make financial decisions based upon development within the wetland or protective upland setback areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD. Reference Comprehensive Plan **Policy FLU1.1.2 C**.

Development of the subject properties will need to comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

All development will be required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Transportation Planning Division

The subject property is located within the County's Alternative Mobility Area and a mobility analysis was required.

The subject property is not along a backlogged/constrained facility or multimodal corridor. The allowable development based on the approved future land use will generate 91 pm peak hour trips. While, the proposed use will generate 37 pm peak hour trips resulting in a decrease of 54 PM peak hour trips. The subject property is located adjacent to Semoran Boulevard, a 6-lane principal arterial. This facility currently does not have any deficient roadway segments within the project's impact area.

As this project is located within the Orange County Alternative Mobility Area, it is exempt from transportation concurrency. The following is a list of alternative modes within the project area:

- There are existing State maintained sidewalks along N. Semoran from Old Cheney Hwy to Hanging Moss Road.
- LYNX bus link #436S FernPark/Orlando International Airport; #29 E. Colonial Dr. /Goldenrod. There are (3) bus stops within the project area.
- There are no signed bicycle routes within the project area.

In conclusion, final permitting of any development on this site will be subject to further review and approval by Transportation Planning, and the applicant may be required to include site level mobility enhancements on the development plan for this project.

Public Facilities

The site is located in the Orange County Utilities (OCU) East Service Area and within the County's Urban Service Area. The site has a 12-inch potable watermain onsite and within the Semoran Boulevard right-of-way. Wastewater is available onsite and a 6-inch forcemain is located within the Semoran right-of-way. Reclaimed water is not currently available to the site.

Orange County Fire Station #66 is located less than a mile of the petitioned site and the response time is approximately 1 minute.

4. Policy References

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

FLU1.1.2 C. Density and Floor Area Ratio (FAR) calculation is determined by dividing the total FLU-2 number of units/square footage by the net developable land area. The net developable land area for density and FAR calculation (intensity) is defined as the gross land area, excluding surface waters and certain conservation areas from the land area calculations. In order to include new Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact permit from the Orange County Environmental Protection Division.

OBJ FLU1.4 The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP.

- FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- FLU1.4.2** Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- FLU1.4.4** The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.
- FLU1.4.10** Strip commercial land uses shall be defined as commercial uses adjacent to roadways that are located outside the reasonable zone of influence of the intersection to which they relate. They are characterized by individual curb and median cuts and lack visual landscaped buffers. Strip commercial land use patterns shall be avoided by requiring a transition of land uses, encouraging a mix of land uses, or requiring incorporation of a buffer into the development's design. Strip commercial land uses do not include outparcels in shopping centers, malls, or similar developments where access is provided internally from the shopping center/mall or similar development, or via a system of shared or common driveways. More compact, clustered pedestrian and transit-friendly development options shall be encouraged.
- 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.
- OBJ FLU2.1** **INFILL. Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.**
- FLU2.4.1** The State Road 436/SR 50 Area Redevelopment Plan, as accepted by the Orange County Board of County Commissioners on February 24, 2009, shall provide a framework for land use and urban design in the defined Study Area.
- FLU2.4.2** The "Area Redevelopment Final Report dated February 2009" is herein adopted by reference into the Future Land Use Element of the Orange County Comprehensive Plan to serve as a guided framework for land use and urban design within the defined area of SR436/ SR50.
- FLU2.4.3** Land use decisions in the State Road 436/SR 50 Area Redevelopment Plan Study Area shall reinforce community preservation and enhancement and promote new social, recreational and business opportunities.
- FLU2.4.4** Urban design standards for development and redevelopment in the State Road 436/ SR 50 Area Redevelopment Plan Study Area shall continue to recognize and reinforce the unique aesthetic and cultural quality of the community.
- FLU2.4.5** New development and redevelopment in the State Road 436/50 Area Redevelopment Plan Study Area shall promote connectivity to existing development

through pedestrian connections, cross-access easements, and enhanced transit stops, where possible.

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

- OBJ FLU8.2** **COMPATIBILITY. Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.**
- FLU8.2.1** Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.
- FLU8.2.6** Zoning development approvals shall have conditions attached, when appropriate, to ensure the enforcement of the Future Land Use designations.
- FLU8.2.10** To ensure land use compatibility with nearby residential zoned areas and protection of the residential character of those areas, office and commercial uses within residential neighborhoods shall be subject to strict performance standards, including but not limited to the following:
- A. Building height restrictions;
 - B. Requirements for architectural design compatible with the residential units nearby;
 - C. Floor area ratio (FAR) limitations;
 - D. Lighting type and location requirements;
 - E. Tree protection and landscaping requirements including those for infill development; and
 - F. Parking design.
- FLU8.2.11** 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.

Site Visit Photos
Subject Site



West – BCC Property (County Utilities)



West – Single Family



East – Office and Commercial



North – Townhomes & Multi-Family

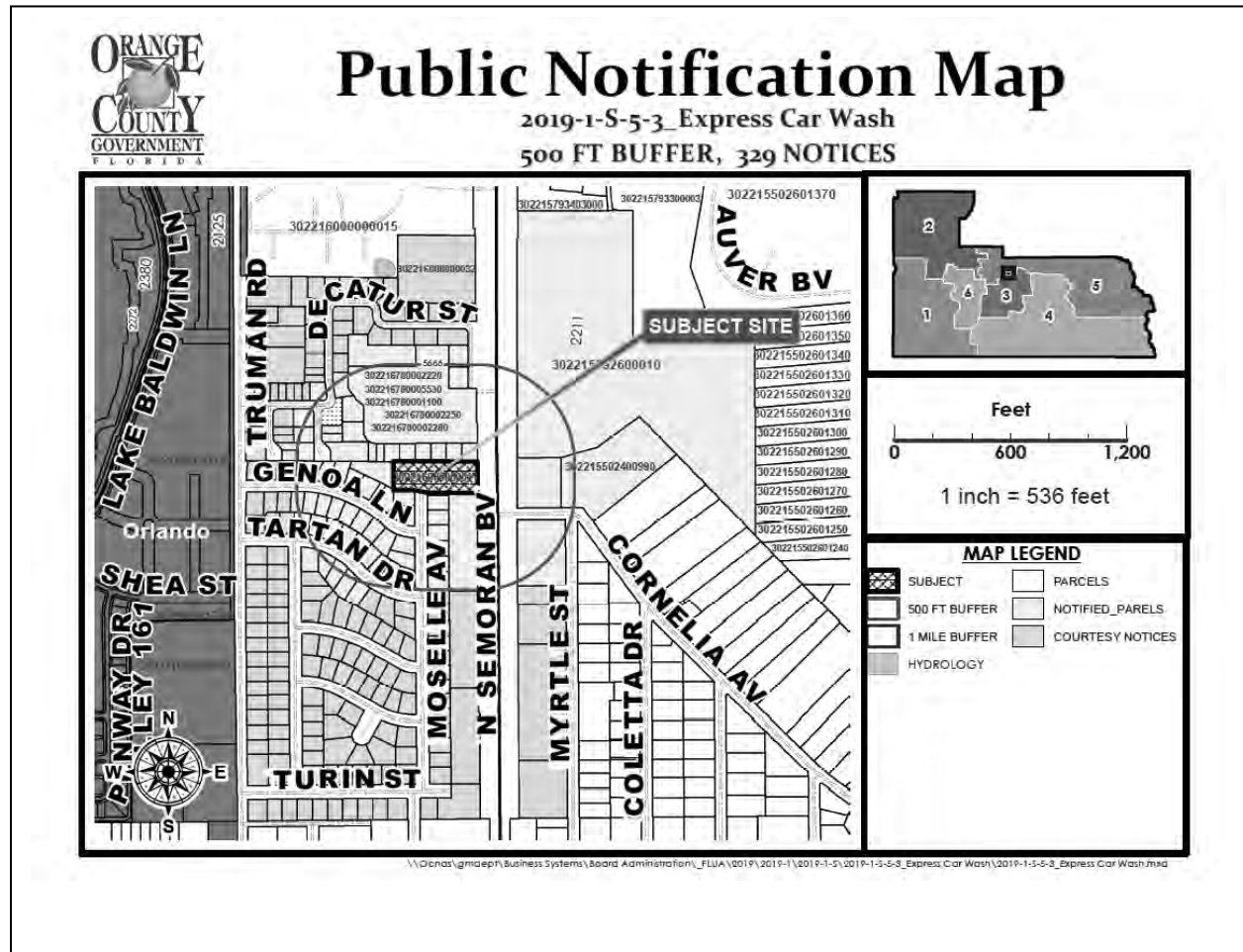


South – Semoran Square Plaza



South – Single Family

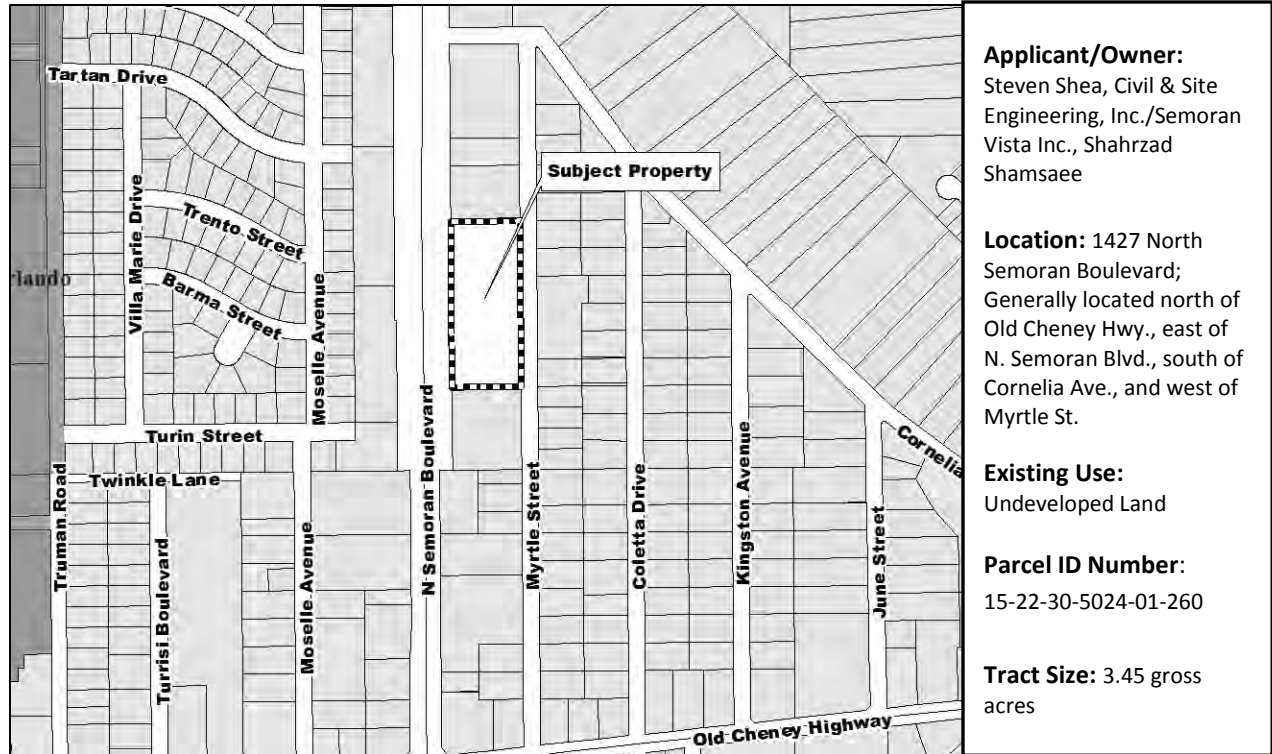




Notification Area

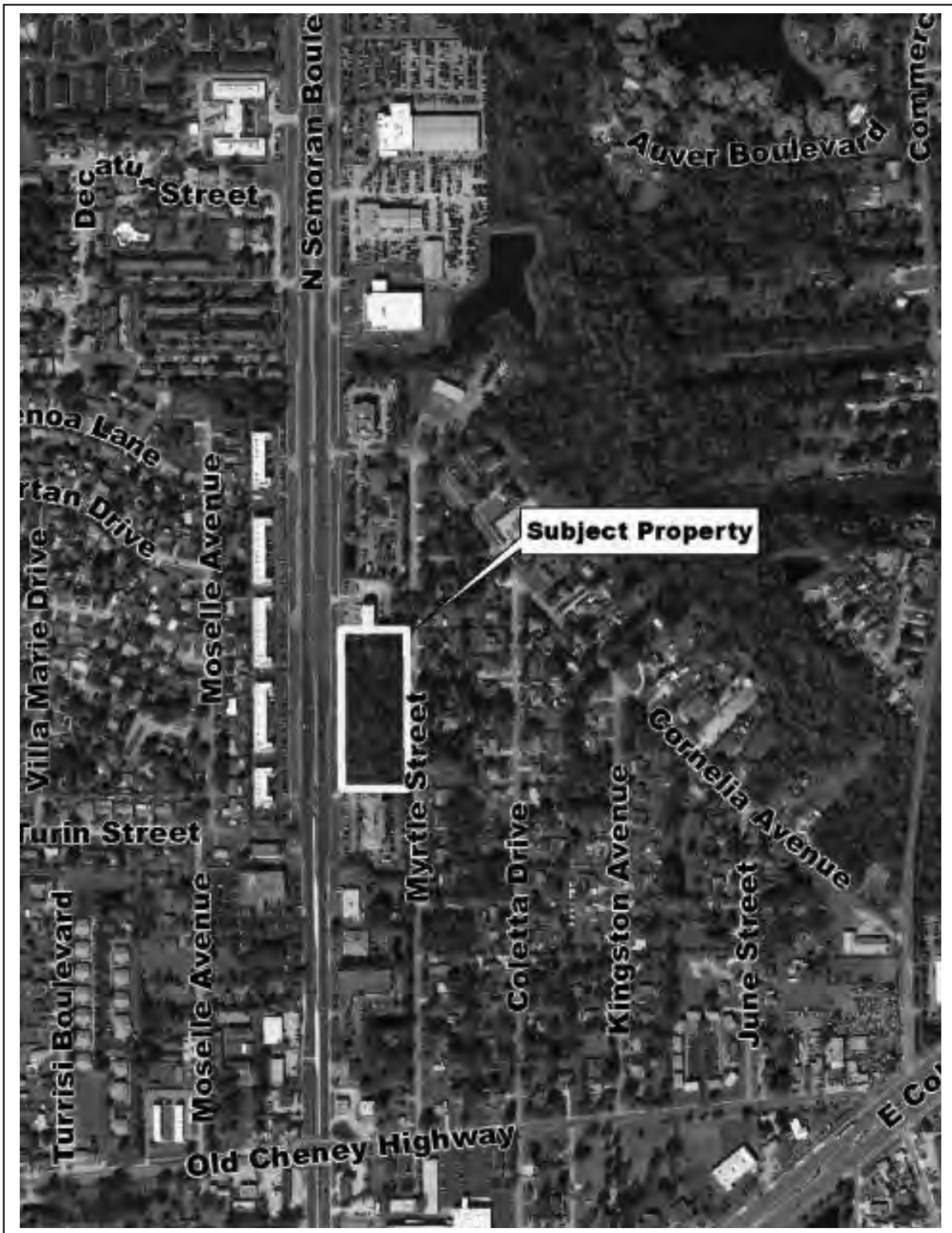
500 ft. plus homeowner associations within a one (1) mile radius of the subject site

329 notices sent

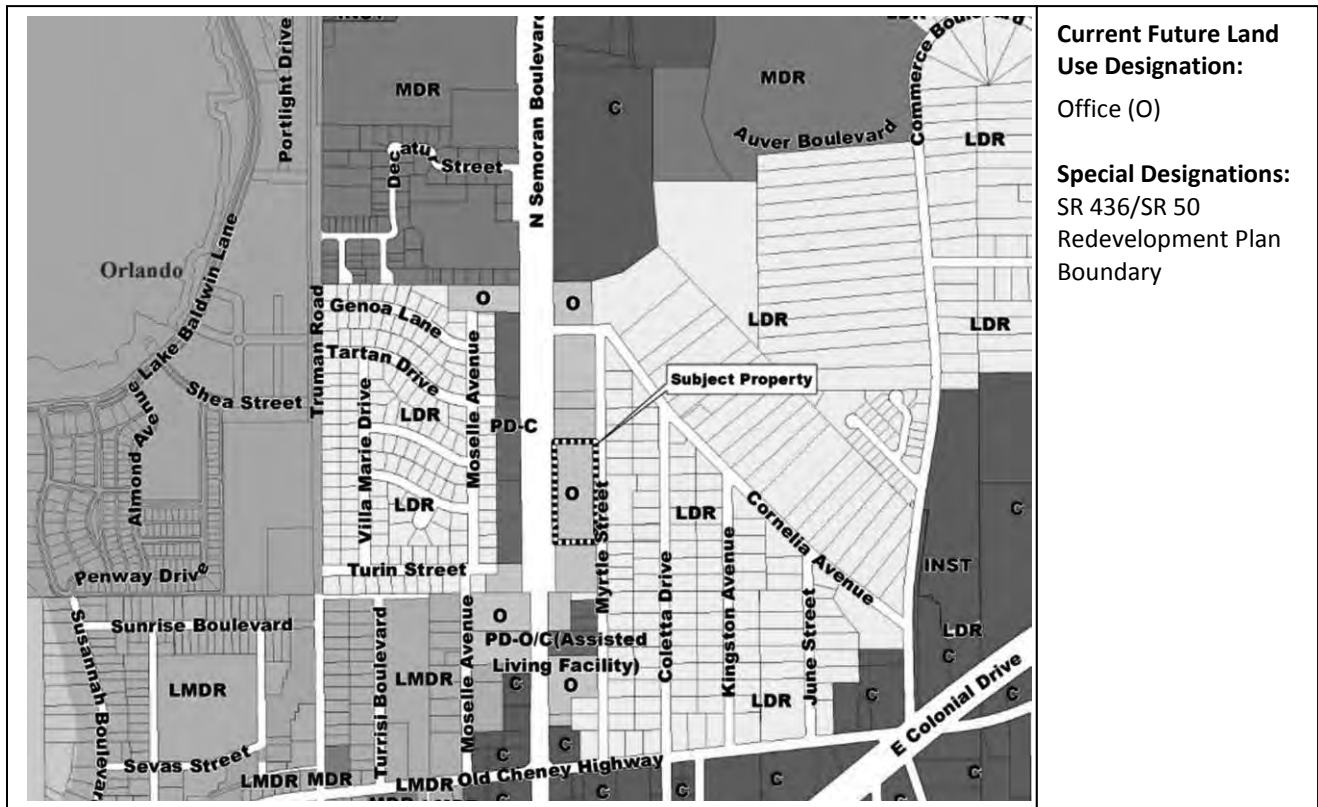


The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Request:	
✓	Community Meeting held February 28, 2019; 12 attendees. See public notification map for notice area	Neutral	From: Office (O) to Planned Development-Commercial (PD-C)	Rezoning: LUP-18-12-392 currently under review
✓	Staff Report	Recommend Adoption	Proposed Development Program: The proposed development program will allow up to 45,000 square feet of retail commercial uses and office uses.	
✓	LPA Adoption April 18, 2019	Recommend Adoption (8-0)		
	BCC Adoption	May 21, 2019	Public Facilities and Services: Please see Public Facilities Analysis Appendix for specific analysis on each public facility. Environmental: The site includes 0.6 acre Class III wetland. CAD 07-108 and CAI 08-040 were previously approved but have expired. A new application, CAD 18-09-140, is in progress. Transportation: The site is within the Alternative Mobility Area (AMA) and a mobility analysis was provided.	
	BCC Adoption Rezoning	TBD		

AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use Designation:

Office (O)

Special Designations:

SR 436/SR 50
 Redevelopment Plan
 Boundary

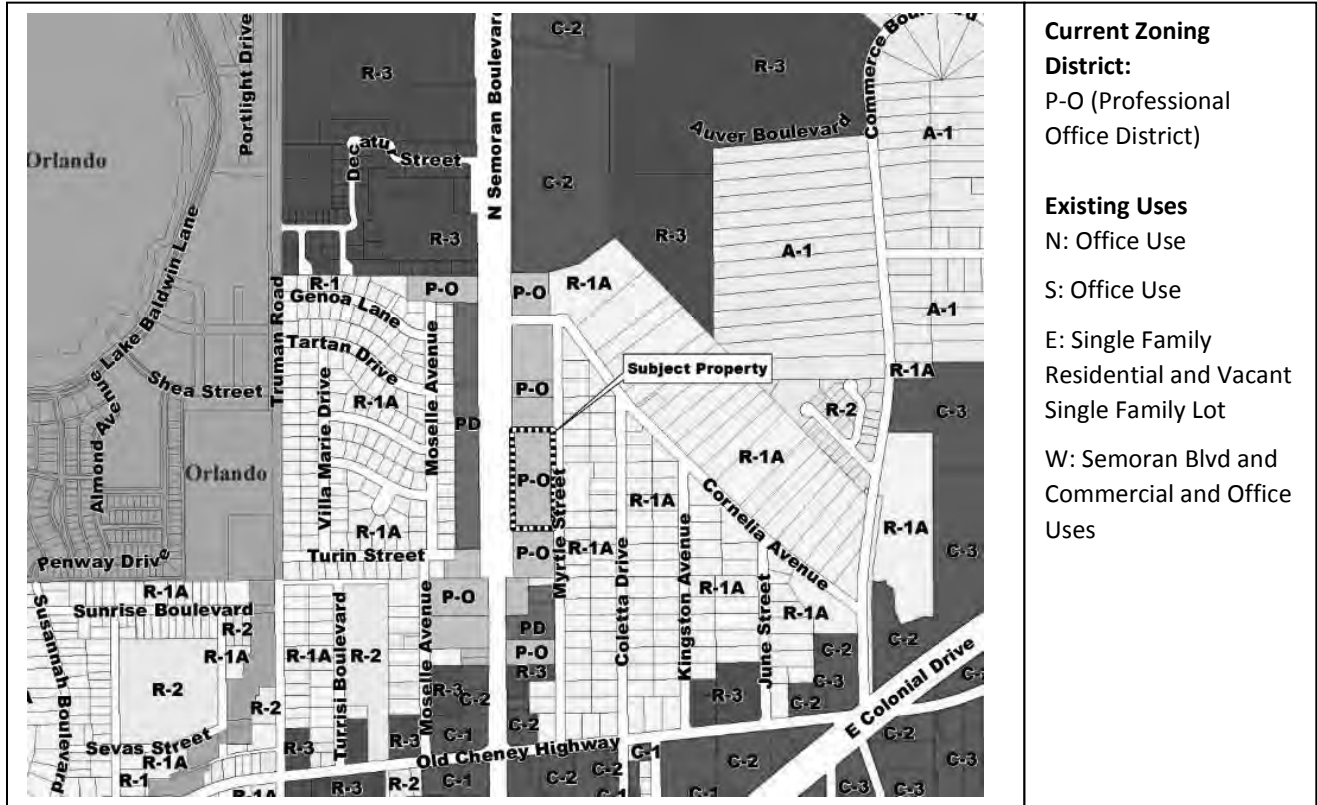
FUTURE LAND USE - AS PROPOSED



Proposed Future Land Use Designation:

Planned Development-
 Commercial (PD-C)

ZONING – CURRENT



Current Zoning District:
 P-O (Professional Office District)

Existing Uses
 N: Office Use
 S: Office Use
 E: Single Family Residential and Vacant Single Family Lot
 W: Semoran Blvd and Commercial and Office Uses

Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Objectives FLU1.1, FLU2.1, and FLU8.2 and Policies FLU1.4.1, FLU1.4.2, FLU1.4.4, FLU2.4.1, FLU2.4.2, FLU8.1.4, FLU8.2.1, FLU8.2.6, FLU8.2.10, and FLU8.2.11), determine that the amendment is in compliance, and recommend **Adoption** of Amendment 2019-1-S-5-4, **Office (O)** to **Planned Development-Commercial (PD-C)**.

Analysis

1. Background Development Program

The applicant, Steven Shea, representing Semoran Vista, Inc., has requested to change the Future Land Use Map (FLUM) designation on a 3.45 gross acre site from **Office (O)** to **Planned Development-Commercial (PD-C)**. The **Office (O)** future land use permits a FAR of 1.25 or up to 187,853 square feet of office uses. The **PD-C** land use designation will allow commercial and office uses. The County's Official Zoning Map depicts the site as **P-O (Professional Office District)**, which allows for professional office uses.

A rezoning application for **PD (Planned Development District)**, LUP-18-12-392, is currently under review; however, the PD rezoning application has not been completed in time for the Development Review Committee (DRC) recommendation and to allow for concurrent approval with the plan amendment.

The proposed future land use change to PD-C would allow up to 225,423 square feet of commercial uses (FAR 1.5). However, based on the surrounding uses and the character of the area, the applicant is proposing to develop up to 45,000 square feet of retail commercial uses and office uses. The subject parcel is currently undeveloped.

The site is located on east side of N. Semoran Boulevard and is generally north of Old Cheney Highway, west of Myrtle Street, and south of Cornelia Avenue in an area characterized by professional office and residential uses. The west side of N. Semoran Boulevard has commercial and office uses. East of the subject property are single family residential properties.

This infill parcel has been identified for future commercial development in Orange County's Infill Master Plan (Map 2 Vacant Non-Residential) and State Road (SR) 436/SR 50 Area Redevelopment Plan (Figure 4.1 Development Opportunities). The SR 436/SR 50 Area Redevelopment Plan recommended that infill areas along Semoran provide a mixture of land uses and allow for integration of commercial and offices uses adjacent to residential uses. The redevelopment plan further recommended retail uses that support the neighborhoods within areas of redevelopment and infill.

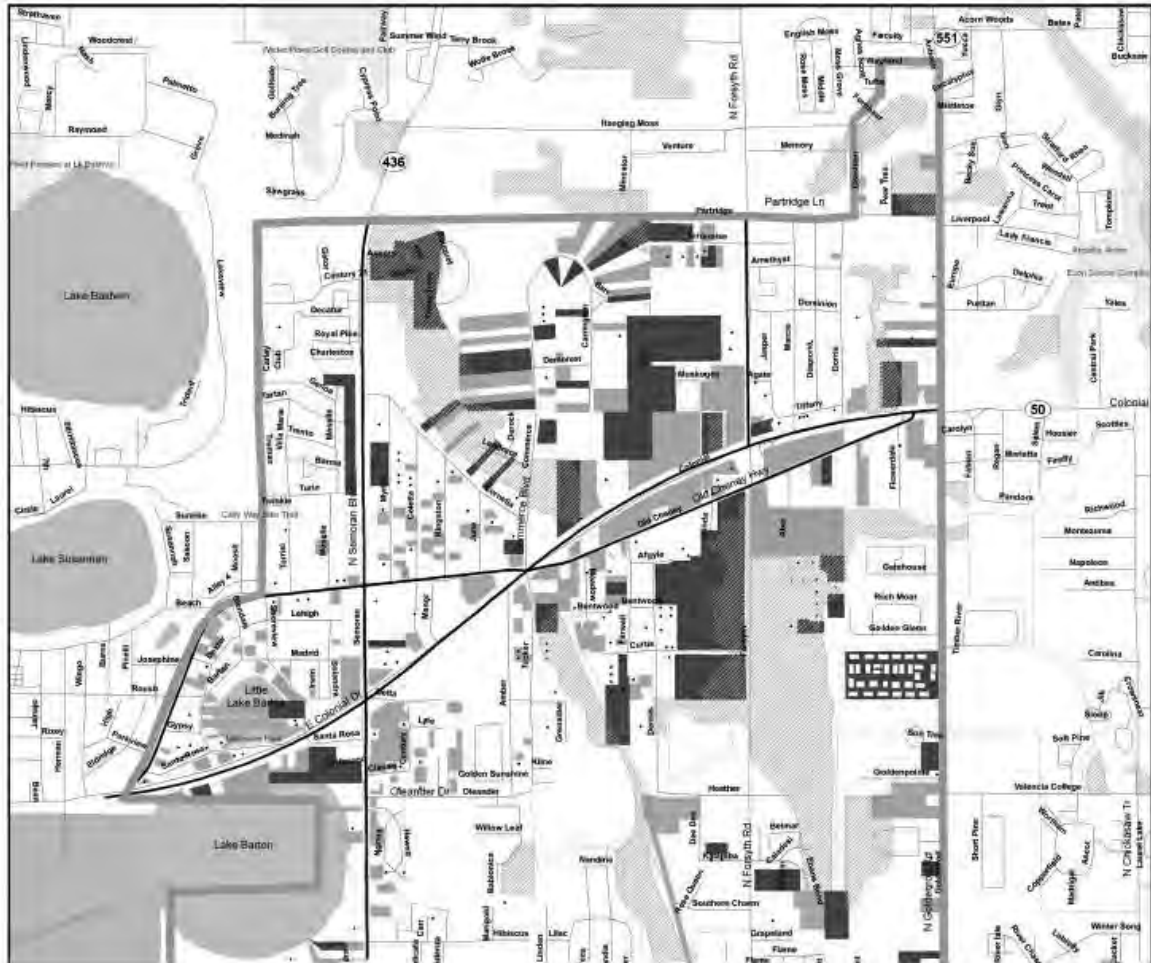
The application notes that the proposed change in use will help meet the needs of the neighboring communities as expressed in the redevelopment plan. They also note that there is minimal near term need for office development in this area and an excess of professional office space continues in this area. The report had identified this area as stagnant due to the presence of vacant office space. An example they cite, is the existing professional office development directly south and adjacent to the parcel which has vacancies that are representative of the lack of demand for professional office space in the area.

They noted that the redevelopment plan identified infill parcels appropriate for neighborhood convenience uses in close proximity to households such as food, beverages, personal services and other types of merchandise or services close to home. Specifically, the application states that

“residents indicated they would like to see more and better restaurants, local family business, and community gathering places in their area.”

SR 436/SR 50 Area Redevelopment Plan

Figure 4.1 - Development Opportunities



Community Meeting

There are a number of issues of concern that were discussed at the community meeting associated with the vacant parcel including homeless persons living in the area. The application also indicated that the property owner had been notified numerous times by area residents concerning illegal dumping and homeless persons staying on the parcel. As a result, the owner has been mowing and clearing the underbrush regularly in an effort to make the area more visible to local traffic, to reduce the number of homeless in the area, and to ensure the parcel stays reasonably clear of debris and illegal dumping. Residents also raised concerns regarding the types of commercial uses that could be allowed on the property. Since the date of the Community Meeting, staff has received email correspondence from one of the area residents that attended the Community Meeting. The email included a list of uses under the Orange County Code and rezoning that he does not want to see on

the subject property such as gas stations, night clubs, bars, liquor sales, tobacco and smoke shops, sports clubs etc. While no conditions may be placed in the comprehensive plan amendment, this issue may be addressed through the PD rezoning.

In addition, the County has adopted Sec. 38-1083 Prohibited Land Uses in the SR 436/SR 50 Corridor Overlay Zoning District. While this property is just outside the boundary of the district, the County should evaluate whether some of these land uses, such as tattoo shops, pawnshops, bail bond agencies, flea markets and the like, should be prohibited through the PD rezoning.

2. Project Analysis

Consistency

The requested FLUM Amendment appears to be consistent with the applicable goals, objectives, and policies of the Comprehensive Plan.

Objective FLU1.1 establishes urban densities and intensities to direct development to the Urban Service Area of the County. The Urban Service Area is the area for which the County is responsible for providing infrastructure and services to support urban development. The subject property is located in the Urban Service Area and is served by a full array of urban services.

The proposed FLUM Amendment to change the site from Office (O) to Planned Development-Commerical (PD-C) will allow commercial and office uses. This request does not seek a FAR of 1.5 which could potentially allow up to 225,423 square feet of commercial uses, rather the specific development program will be codified in **FLU Policy 8.1.4**. This policy allows the County to limit the FAR allowed onsite and establish the specific development program for PD land use designations. This request is for a PD future land use designation will allow the specific development program to be incorporated into the comprehensive plan.

The development program for this amendment is recommended to be added to **Policy FLU8.1.4** as a staff-initiated text amendment. The maximum development program for Amendment 2019-1-S-5-4, if adopted, would be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2019-1-S-5-4 Semoran Vista Property</u>	<u>Planned Development-Commercial (PD-C)</u>	<u>Up to 45,000 square feet of retail commercial uses and office uses</u>	<u>2019-</u>

Objective FLU1.4 establishes criteria to guide the location of urban land use and encourage the compatibility with existing neighborhoods. **FLU Policy 1.4.2** requires the County to ensure that land use changes are compatible with and serve existing neighborhoods. While **FLU Policy 1.4.1** promotes a range of living environments and employment opportunities in order to achieve a stable and diversified community, **FLU Policy 1.4.4** requires avoiding the disruption of residential areas by poorly located and designed commercial activities. Primary access to single-family residential development through a multi-family development are to be avoided. **FLU Policy 1.4.10** discourages strip commercial land use patterns and encourages a mix of land use, or requires incorporating a buffer into the development’s design.

To ensure sufficient buffers and screening to the adjacent residential area, the applicant is proposing a PD rezoning and has agreed to no driveway connections to Myrtle Street and a completely opaque six (6) foot high screen fence between the subject property and the adjacent residentially zoned properties.

FLU Objective 2.1 encourages the County to promote and encourage infill development of relatively small and underutilized parcels within the County's established Urban Service Area. **FLU1.4.21** encourages the use of vacant land within the Urban Service Area for redevelopment to improve existing conditions on site.

FLU Policy 2.4.1 and **FLU Policy 2.4.2** accepted the SR 436/SR 50 Area Redevelopment Plan and indicated the plan would provide a framework for land use and urban design in the Study Area. Further, **FLU Policy 2.4.3** directs land use decisions to reinforce community preservation and enhancement and promote new social, recreational and business opportunities. **FLU Policy 2.4.4** directs the use of urban design standards for development and redevelopment in the Study Area to recognize and reinforce the unique aesthetics and cultural quality of the community, and **FLU Policy 2.4.5** requires new development and redevelopment to promote connectivity to existing development through pedestrian connections, cross-access easements, and enhanced transit stops, where feasible.

This request is to provide an infill opportunity in a manner which is consistent with policies and the context of Semoran Boulevard. By adopting PD development standards which includes vehicle access only from Semoran Boulevard, the proposed development will also meet compatibility standards. The proposed change in land use appears to be compatible with the recommendations of the SR 436/SR 50 redevelopment plan that recommends infill area to incorporate retail commercial uses that support the neighborhoods within areas of redevelopment and infill. To ensure consistency with the policies of the comprehensive plan, the urban design, pedestrian connections, cross access should be incorporated as part of the PD rezoning request.

Compatibility

FLU Objective 8.2 states that compatibility will be the fundamental consideration in all land use and zoning decisions. According to **Policy FLU8.2.1**, land use changes shall be compatible with existing development and the development trend in the area. This policy allows performance restrictions and/or conditions to be placed on property through the appropriate development order to ensure compatibility. **Policy FLU8.2.6** provides for zoning approvals to have conditions attached, where appropriate, to enforce FLUM designations.

Policy FLU8.2.10 establishes that office and commercial uses within residential neighborhoods are to be subject to strict performance standards, such as height restrictions, FAR limitations, lighting and location requirements, landscaping (buffer) and parking design to ensure land use compatibility with nearby residential areas. Further, **Policy FLU8.2.11** states compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it and other factors may be considered, such as design attributes, urban form, physical integration, and the project's function in the broader community.

The subject parcel is located in an area characterized by a mix commercial, professional office and residential. The site is bordered to the north by professional office currently zoned P-O (Professional Office) and is bounded to the west by Semoran Boulevard (SR 436). The west side of Semoran includes a mixture of commercial and office uses. Professional office abuts the property to the south, and Myrtle Street right of way is located to the east of the subject parcel. Single family residential uses occur to the east of the Myrtle Street right of way.

The applicant has stated that the PD rezoning will contain the restrictions and conditions to ensure compatibility. Further the PD-Commercial land use will place limitations on the FAR permitted onsite, and this requirement will be enforced through the PD rezoning.

The proposed amendment from Office designation to PD-C, with a specific development program that limits the FAR for the subject property, appears to be consistent with the comprehensive plan policies. This request provides an infill opportunity in a manner which is consistent with policies and the context of Semoran Boulevard. By adopting the PD rezoning, development standards, which includes vehicle access only from Semoran Boulevard, the proposed development will also meet compatibility standards.

Therefore, this comprehensive plan amendment request is appears to be consistent with the comprehensive plan and appropriate restrictions can be placed on the PD rezoning to ensure compatibility with the residential neighborhoods.

3. Public Facilities and Services Analysis

Environmental Protection Division

A Class III wetland of approximately 0.6 acre is located on site. Orange County Conservation Area Determination CAD 07-108 and Impact Permit CAI 08-040 were previously approved for this property but these permits have expired. A new wetland delineation application CAD-18-09-140 was submitted for this project and is in progress. The new CAD and CAI permit must be completed prior to submitting subdivision, development plan or construction permit applications, or to include the wetland as developable area in any calculations. Reference Orange County Code Chapter 15, Article X Wetland Conservation Areas.

Until wetland permitting is complete, the net developable acreage is only an approximation. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD. Reference Comprehensive Plan Policy **FLU1.1.2 C**.

Development of the subject properties will need to comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

All development will be required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Transportation Planning Division

The subject property is located within the County's Alternative Mobility Area and a mobility analysis was required. The subject property is not along a backlogged/constrained facility or multimodal corridor.

The allowable development based on the approved future land use will generate 190 pm peak hour trips. The proposed use will generate 169 pm peak hour trips resulting in a decrease of 21 pm peak hour trips. The subject property is located adjacent to Semoran Boulevard, a 6-lane principal arterial. This facility currently does not have any deficient roadway segments within the project's impact area.

As this project is located within the Orange County Alternative Mobility Area, it is exempt from transportation concurrency. The following is a list of alternative modes within the project area:

- There are existing State maintained sidewalks along S. Semoran Boulevard from Old Cheney Hwy to Baldwin Park Street.
- LYNX bus link #436S FernPark/Orlando International Airport; #29 E. Colonial Dr. /Goldenrod. There are (5) bus stops (1 Sheltered) within the project area.
- There are no signed bicycle routes within the project area.

In conclusion, final permitting of any development on this site will be subject to further review and approval by Transportation Planning, and the applicant may be required to include site level mobility enhancements on the development plan for this project.

Public Facilities

The site is located in the Orange County Utilities (OCU) East Service Area and the Orlando Utilities Commission service area. The site is also within the County's Urban Service Area. The site has an 8-inch and 12-inch potable water main within the Semoran Vista right-of-way. A 4-inch force main is located within the Semoran Boulevard right-of-way approximately 300 feet south of the property. Reclaimed water is not currently available to the site.

Orange County Fire Station #66 is located about half a mile of the petitioned site and the response time is approximately 1 minute.

4. Policy References

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

FLU1.1.2 C. Density and Floor Area Ratio (FAR) calculation is determined by dividing the total FLU-2 number of units/square footage by the net developable land area. The net developable land area for density and FAR calculation (intensity) is defined as the gross land area, excluding surface waters and certain conservation areas from the land area calculations. In order to include new Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact permit from the Orange County Environmental Protection Division.

- OBJ FLU1.4** **The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP.**
- FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- FLU1.4.2** Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- FLU1.4.4** The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.
- FLU1.4.10** Strip commercial land uses shall be defined as commercial uses adjacent to roadways that are located outside the reasonable zone of influence of the intersection to which they relate. They are characterized by individual curb and median cuts and lack visual landscaped buffers. Strip commercial land use patterns shall be avoided by requiring a transition of land uses, encouraging a mix of land uses, or requiring incorporation of a buffer into the development's design. Strip commercial land uses do not include outparcels in shopping centers, malls, or similar developments where access is provided internally from the shopping center/mall or similar development, or via a system of shared or common driveways. More compact, clustered pedestrian and transit-friendly development options shall be encouraged.
- 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.
- OBJ FLU2.1** **INFILL. Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.**
- FLU2.4.1** The State Road 436/SR 50 Area Redevelopment Plan, as accepted by the Orange County Board of County Commissioners on February 24, 2009, shall provide a framework for land use and urban design in the defined Study Area.
- FLU2.4.2** The "Area Redevelopment Final Report dated February 2009" is herein adopted by reference into the Future Land Use Element of the Orange County Comprehensive Plan to serve as a guided framework for land use and urban design within the defined area of SR436/ SR50.
- FLU2.4.3** Land use decisions in the State Road 436/SR 50 Area Redevelopment Plan Study Area shall reinforce community preservation and enhancement and promote new social, recreational and business opportunities.
- FLU2.4.4** Urban design standards for development and redevelopment in the State Road 436/ SR 50 Area Redevelopment Plan Study Area shall continue to recognize and reinforce

the unique aesthetic and cultural quality of the community.

FLU2.4.5 New development and redevelopment in the State Road 436/50 Area Redevelopment Plan Study Area shall promote connectivity to existing development through pedestrian connections, cross-access easements, and enhanced transit stops, where possible.

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

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

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

FLU8.2.6 Zoning development approvals shall have conditions attached, when appropriate, to ensure the enforcement of the Future Land Use designations.

FLU8.2.10 To ensure land use compatibility with nearby residential zoned areas and protection of the residential character of those areas, office and commercial uses within residential neighborhoods shall be subject to strict performance standards, including but not limited to the following:
A. Building height restrictions;
B. Requirements for architectural design compatible with the residential units nearby;
C. Floor area ratio (FAR) limitations;
D. Lighting type and location requirements;
E. Tree protection and landscaping requirements including those for infill development;
And F. Parking design.

FLU8.2.11 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.

Site Visit Photos
Subject Site



Site



Site



North – Offices



East – Single Family

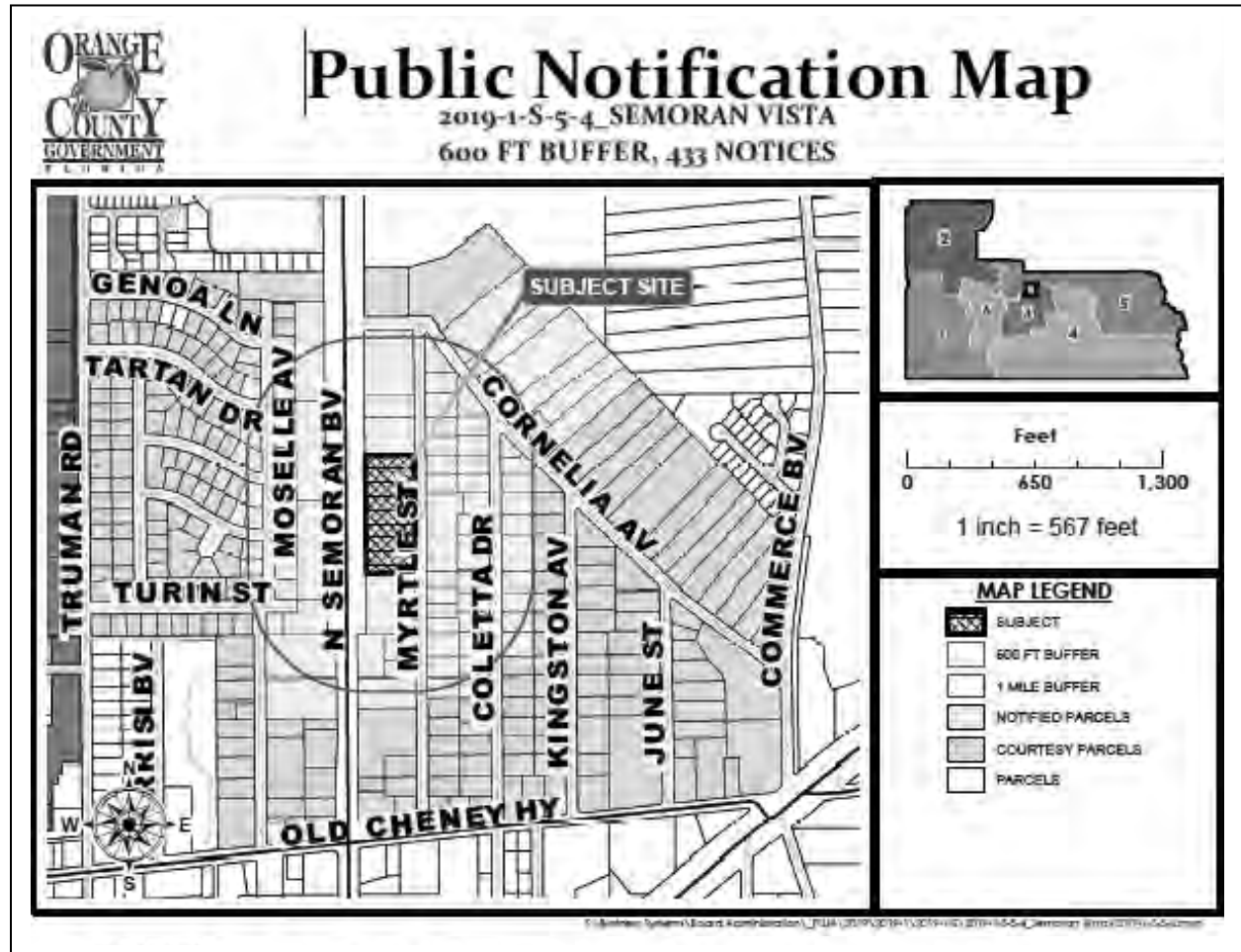


South – Office



West – Commercial





Notification Area

600 ft. plus homeowner associations within a one (1) mile radius of the subject site

433 notices sent



The following meetings/hearings have been held for this proposal:			Project Information
Report/Public Hearing		Outcome	
✓	Community Meeting held February 6, 2019,	Negative	Future Land Use Map Amendment Request: Low Density Residential (LDR) to Low-Medium Density Residential (LMDR)
✓	Staff Report	Recommend Adoption	Proposed Development Program: 54 single-family homes (townhomes)
✓	LPA Adoption April 18, 2019	Recommend Adoption (8-0)	Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis on each public facility.
	BCC Adoption May 21, 2019		Environmental: Orange County Conservation Area Determination CAD 08-032 delineated a Class I wetland of 1.6 acres and a Class III ditch of 0.015 acre on this site that extend offsite and are connected to the Little Econ River. A new wetland delineation application will need to be completed prior to submitting subdivision, development plan or construction permit applications.
			Transportation: The allowable development based on the approved future land use will generate 36 pm peak hour trips. The proposed use will generate 31 pm peak hour trips resulting in a decrease of 8 pm peak hour trips.

SITE AERIAL



FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



ZONING - CURRENT



ZONING – PROPOSED



Staff Recommendations

Make a finding of **consistency** with the Comprehensive Plan (see FLU 1, FLU 1.1, FLU 1.1.1, FLU 1.2, FLU 1.4.1, FLU 1.4.2, FLU 2.3.1, FLU 8.2.1, FLU 8.2.11, H1, H1.1, T2.6.3, R1, UD 5.2), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2019-1-S-5-5, Low Density Residential (LDR) to Low-Medium Density Residential (LMDR).

Analysis

1. Background Development Program

The applicant, Bryan Potts, has requested to change the Future Land Use Map (FLUM) designation of the 4.99-acre subject parcel from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR). The property has been zoned R-1 (Single-Family Dwelling District) since 2009, and the applicant has additionally requested to rezone the property from R-1 to P-D (Planned Development). After receiving negative feedback for a previous request at the community meeting on February 5, 2019, the applicant revised the request to its current form. The original request included two parcels: the current subject parcel, and the adjacent parcel to the south (parcel 31-22-16-8972-00-090). The original request was to change the future land use designation from Low Density Residential (LDR) and Low-Medium Density Residential (LMDR) to Planned Development-Medium Density Residential (PD-MDR), for the development of up to 70 multi-family dwelling units.

The subject property is currently undeveloped, and the applicant is proposing to build 54 townhomes.

A community meeting was held for the proposed amendment on February 5, 2019. Twenty-three (23) area residents were in attendance and expressed a negative tone to the original request to change the future land use designation to PD-MDR. One of the greatest concerns of residents in attendance was the compatibility of the proposed multi-family development with the surrounding low-density single-family surroundings, and that the proposed multi-family development would set a precedent for the future. Concerns over multi-family developments included the potential for increased crime, noise, and traffic. Residents in attendance raised questions about how the proposed project would be accessed and questions about drainage.

Notices of public hearing dates were mailed to residents who attended the community meeting, as well as those within the original community meeting notice buffer. The notices of public hearing dates also included the updated future land use designation request and development program.

2. Future Land Use Map Amendment Analysis

Consistency

Future Land Use Element Goal **FLU1**, **OBJ FLU1.1**, and **Policies FLU1.1.1** describe Orange County's urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area (USA). As consistent with **FLU 1.1**, the proposed amendment is within the Urban Service Area, and the proposed FLUM designation of Low-Medium Density Residential for the development of up to 54 townhomes will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in Policy **FLU1.1.1**. The Low-Medium Density Residential (LMDR) Future Land Use designation is intended to recognize urban-style multifamily residential densities within the USA at densities of up to ten (10) dwelling units per acre (du/ac). **Objective FLU1.2** requires Orange County to use the Urban Service Area concept as an

effective fiscal and land use technique for managing growth. The USA is used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development. The petitioned site is located within the USA.

The proposed Future Land Use Map Amendment upholds Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its current and future residents. The applicant's intent to develop up to 54 townhomes is also applicable to **Housing Element Goal H1** and **Objective H1.1**, which states that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. Townhomes would add variety and diversity to the existing single-family housing stock in the surrounding area. Offering a new housing type would increase housing supply, and provide for a new type and diversity in price levels. It is staff's belief that the proposed project will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Policy FLU1.1.1**. Further, **Future Land Use Element Policy FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community. Townhomes would provide for diversity in the range of living environments in the immediate surrounding area, and would promote a diversified population and community.

The subject site is located in close proximity to Blanchard Park, a public park that is owned and maintained by Orange County. Having this access is consistent with **Recreation Element Goal R1**, which calls on the County to provide residents of unincorporated Orange County with sufficient park land and recreation facilities to satisfy their health, safety, and welfare needs. Further, **Urban Design Element Objective UD 5.2** states that the County shall ensure parks, open space and recreation facilities are efficiently and adequately provided, and the design for which shall be integrated into the overall community fabric and effectively maintained for access by all residents of Orange County. The close proximity of the proposed project to Blanchard Park allows efficient access to the park. The site is also adjacent to the Little Econ Greenway trail, providing alternative transportation access to University High School, Union Park Middle School, and other area parks and employment centers. **Transportation Element Policy T2.6.3** encourages public access for the entire community to all parks, recreation areas, conservation areas, natural areas, lakes and general open space from a public roadway, sidewalk, or trail. The proposed project would be able to easily access both Blanchard Park and the Little Econ Greenway trail via sidewalks on Rouse Road.

Compatibility

Policy FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trends in the area. The development trend in this area is Low-Medium Density Residential (LMDR), Parks and Recreation and Open Space (PR-OS), and Low Density Residential (LDR). LMDR is the prevailing future land use designation south of Blanchard Park along Rouse Road, and LDR is the prevailing designation north of the Park along Rouse Road. The subject parcel is the only parcel due south of Blanchard Park with a designation of LDR. Changing the future land use designation of the subject parcel to LMDR would thus make it consistent with other parcels south of the Park along Rouse Road. The Parks and Recreation and Open Space designation of Blanchard Park could serve as a transitional buffer between the LDR future land use designation residential developments to the north and the LMDR designations to the south.

Policy FLU1.4.2 Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods. The location of the site fronting Rouse Road is compatible with the existing LMDR future land use designations to the south and east of the subject property. All access is proposed from Rouse Road. **Policy FLU2.3.1** The design function of roads shall be maintained by coordinating land use, Level of Service standards, and the functional classification of roads. The subject property is proposed to be accessed by Rouse Road, a 4-lane collector roadway which is operating at an acceptable level of service, as of January 2019. There are also no deficient roadway segments within the project impact area.

Policy 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. The proposed development for the subject property is not identical to the existing developments in the surrounding area, but is consistent with the future land use designations adjacent to the south. **Policy FLU8.2.11** also notes that other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of the project and the proposal's contribution to the goals and objectives of the Comprehensive Plan. The applicant's request involves the use of a site within the Urban Service Area, which is consistent with the overall goal of the Comprehensive Plan to direct development to the Urban Service Area. Therefore, staff recommends adoption of this requested amendment.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division

Orange County Conservation Area Determination CAD 08-032 delineated a Class I wetland of 1.6 acres and a Class III ditch of 0.015 acre on this site that extend offsite and are connected to the Little Econ River. This determination expired in 2013. A new wetland delineation application will need to be completed prior to submitting subdivision, development plan or construction permit applications.

Until wetland permitting is complete, the net developable acreage is only an approximation. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The applicant is advised not to make financial decisions based upon development within the wetland or protective upland setback areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD. Reference Comprehensive Plan Policy FLU1.1.2 C. Impacts to Class I conservation areas require approval from the Board of County Commissioners.

This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply. Reference Orange County Code Chapter 15 Article XI Section 15-442. The basin-wide regulations include, but are not limited to, 50 foot wetland buffers, wildlife habitat, stormwater management, and landscaping with native plant species.

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is

responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Transportation Planning Division

The applicant is requesting to change 8.58 acres from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR) and R-1 (Single-Family Dwelling District) to PD (Planned Development District) approval to develop 54 townhouse units.

The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor. The allowable development based on the approved future land use will generate 36 pm peak hour trips. The proposed use will generate 31 pm peak hour trips resulting in a decrease of 8 pm peak hour trips.

The subject property is located adjacent to Rouse Road, a 4-lane collector roadway which, based on the concurrency management system database dated 01/03/2019, is operating at an acceptable level of service. There are also no deficient roadway segments within the project impact area. This information is dated and subject to change.

The project trip distribution and assignment assumes direct access onto Rouse Road, however, the applicant is advised to consult with the County's Development Engineering Division to determine if this is feasible.

Analysis of short term (5 year) conditions indicates that the same Levels of Service will continue to prevail on the roadway segments within the project impact area, except for the segment of Lokanotosa Trail from Rouse Road to Alafaya Trail which is projected to operate at/below the adopted Level of Service standard. The deficiency in the short-term analysis will occur with and without the addition of the proposed project trips.

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.

3. Policy References

Future Land Use Element

Goal FLU1 - URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County.

OBJ FLU1.1 - Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

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

OBJ FLU 1.2 - URBAN SERVICE AREA (USA) CONCEPT; USA SIZE AND MONITORING. Orange County shall use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. The Urban Service Area shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development.

Policy FLU1.4.1 - Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

Policy FLU1.4.2 - Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

Policy FLU2.3.1 - The design function of roads shall be maintained by coordinating land use, Level of Service standards, and the functional classification of roads.

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

FLU8.2.11 - 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.

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 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.

Transportation Element

T2.6.3 - Access to Parks, Recreation and Open Space. Where permitted and to advance connectivity and to allow access for the entire community, public access shall be provided to all parks, recreation areas, conservation areas, natural areas, lakes and general open space from a public roadway, sidewalk, or trail. The public roadway, sidewalk, or trail shall be located between private property, including homes, and the park, recreation area, conservation area, natural area, lake, or general open space.

Recreation Element

GOAL R1 - Orange County shall strive to provide the residents of unincorporated Orange County with sufficient park land and recreation facilities to satisfy their health, safety and welfare needs.

Urban Design Element

OBJ UD5.2- The County should ensure that parks, open space and recreation facilities are efficiently and adequately provided, the design for which shall be integrated into the overall community fabric and effectively maintained for access by all the residents of Orange County.

Site Visit Photos

Subject Site – Undeveloped



North – Undeveloped/Blanchard Park



South – Single Family Residential/Undeveloped



West – Undeveloped



East – Pond



Little Econ Greenway trail at Rouse Rd/J. Blanchard Trail, looking toward the site



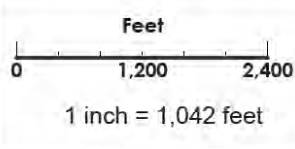
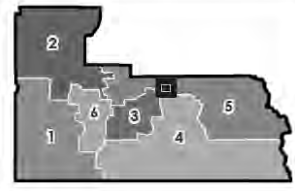
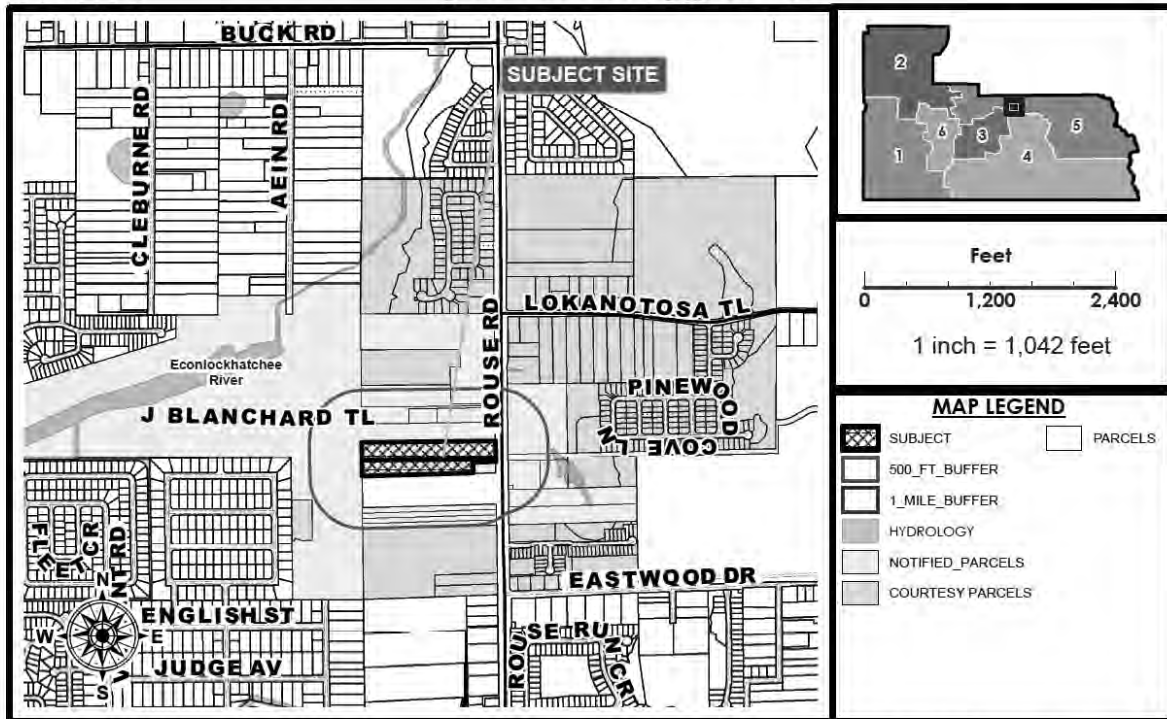
PUBLIC NOTIFICATION MAP



Public Notification Map

2019-1-S-5-5_Rouse Road Apartments

500 FT BUFFER, 549 NOTICES



MAP LEGEND

	SUBJECT		PARCELS
	500_FT_BUFFER		
	1_MILE_BUFFER		
	HYDROLOGY		
	NOTIFIED_PARCELS		
	COURTESY_PARCELS		

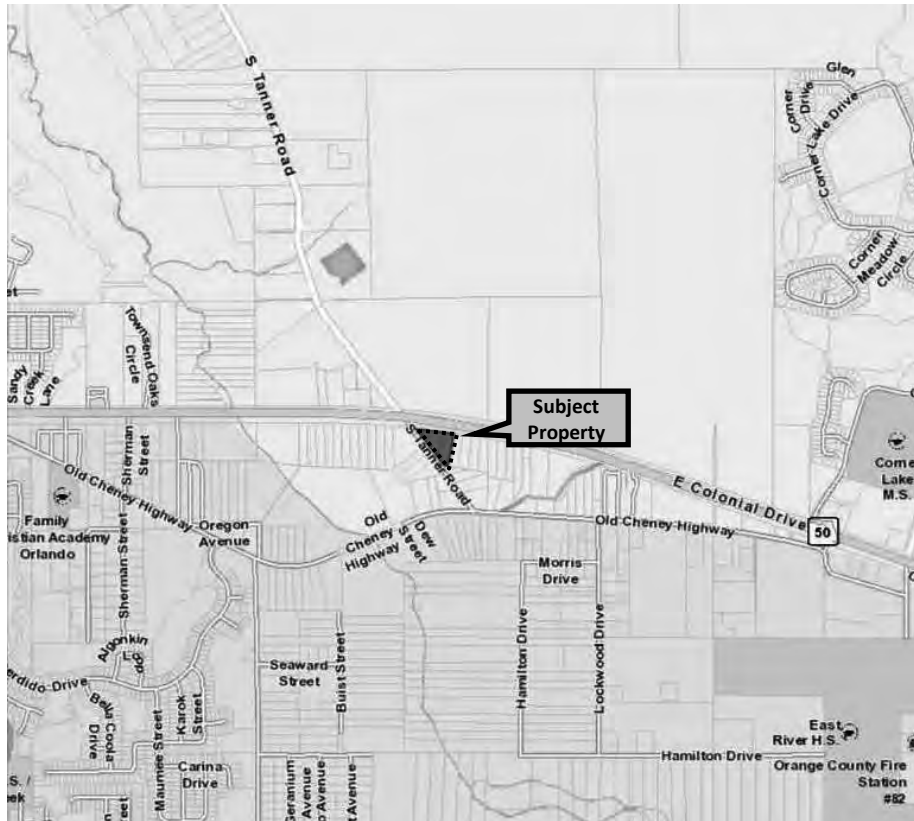
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Notification Area

500+ feet plus neighborhood and homeowners' association within a one-mile radius of the subject site.

549 notices sent

SITE AERIAL



Applicant/Owner:
 Michelle Rivero Family Trust,
 Carlos A Rivero, Trustee

Location:
 15932 and 15816 E. Colonial Dr.; Generally located north of Old Cheney Hwy., east of S. Tanner Rd., south of E. Colonial Dr., and west of Parry Ln.

Existing Use:
 Undeveloped Land

Parcel ID Number(s):
 19-22-32-7876-03-050 and
 19-22-32-7876-03-060

Tract Size:
 2.45 gross acres

The following meetings/hearings have been held for this proposal:		Project Information
Report/Public Hearing	Outcome	
✓	Community Meeting held January 30, 2019, with 28 members of the public in attendance.	<p>Future Land Use Map Amendment Request: Rural Settlement 1/1 (RS 1/1) to Commercial (C)</p> <p>Rezoning: RZ-18-10-036 C-1 (Retail Commercial District) and A-2 (Farmland Rural District) to C-1 (Retail Commercial District)</p> <p>Proposed Development Program: Up to 16,045 square feet of retail commercial uses (neighborhood retail, services, and restaurants).</p> <p>Public Facilities and Services: Please see Public Facilities Analysis Appendix for specific analysis on each public facility.</p> <p>Environmental: This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance.</p> <p>Transportation: The proposed use will generate 78 new pm peak hour trips resulting in an increase of 76 new pm peak hour trips.</p>
✓	Staff Report	
✓	LPA Adoption PZC Rezoning Hearing Heard previously during 2018-2 cycle on October 18, 2018.	
	BCC Adoption BCC Rezoning Hearing May 21, 2019	

SITE AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use Designation:
Rural Settlement 1/1 (RS 1/1)

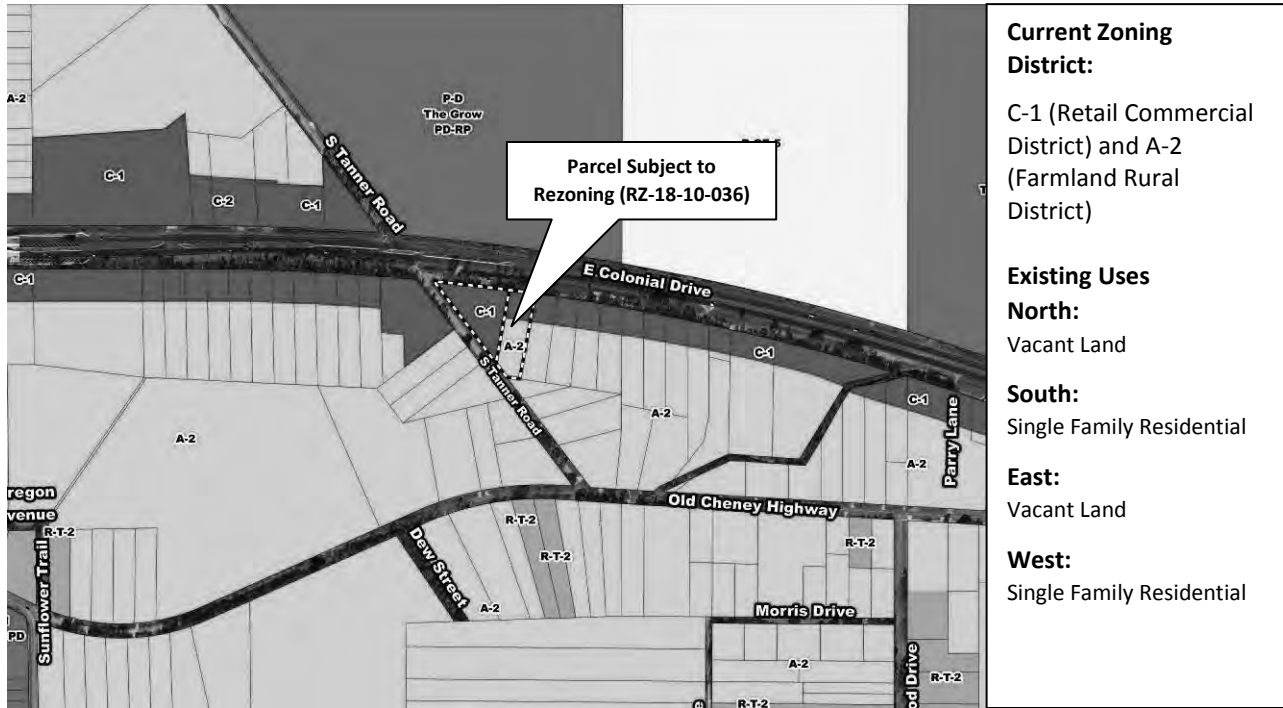
Special Area Information:
Sunflower Trail Rural Settlement

FUTURE LAND USE - AS PROPOSED

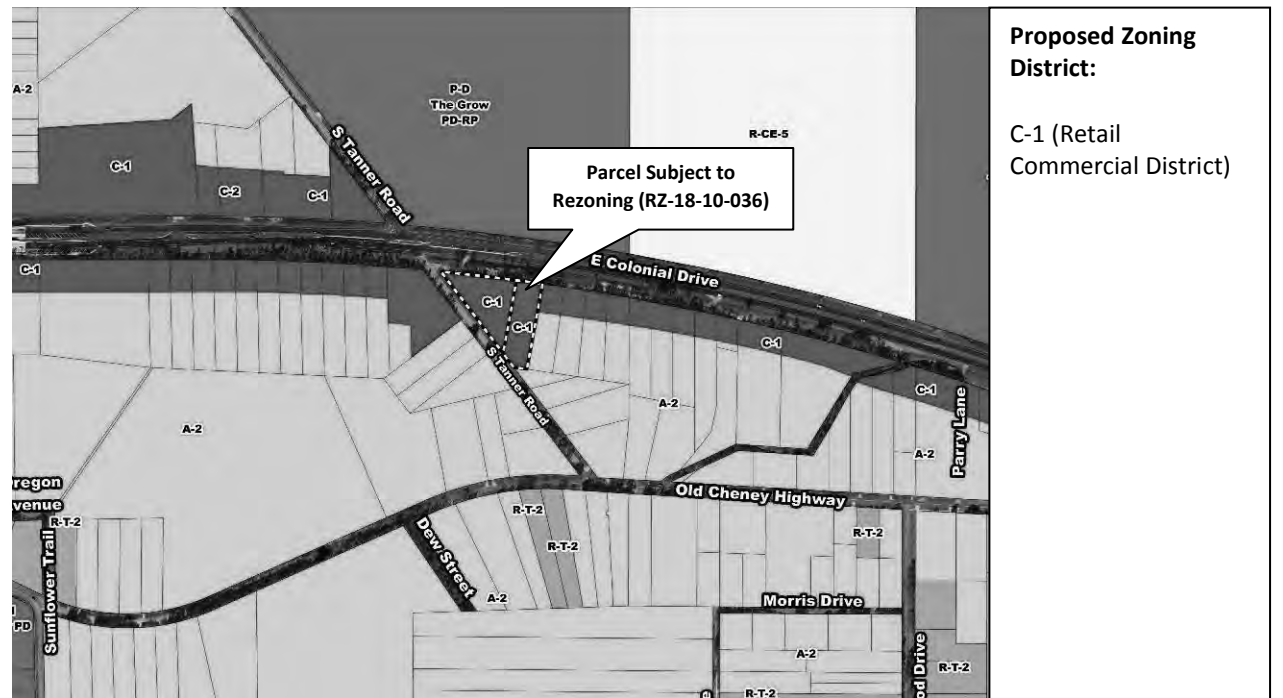


Proposed Future Land Use Designation:
Commercial (C)

ZONING - CURRENT



ZONING – AS PROPOSED



Staff Recommendations

Staff does not recommend adoption of the amendment. However, if the requested Comprehensive Plan amendment is adopted, the Board would then need to take action on the requested rezoning. These items need to be addressed as two separate motions by the Board. Below are the staff recommendations for each of these items.

1. **FUTURE LAND USE MAP AMENDMENT:** Make a finding of **inconsistency** with the Comprehensive Plan (see Future Land Use Objectives and Policies FLU 1.1, FLU 1.1.1, FLU 1.4.2, FLU 2.1, FLU 6.2, FLU 6.2.9, FLU 6.2.9, FLU 6.2.10, FLU 8.2, FLU 8.2.1, FLU 8.2.11, and Neighborhood Element Objective OBJ N1.1), determine that the amendment is not in compliance, and **DENY** Amendment 2018-2-S-5-1, Rural Settlement 1/1 (RS 1/1) to Commercial (C).
2. **REZONING REQUEST:** Make a finding of **inconsistency** with the Comprehensive Plan and **DENY** Rezoning Case RZ-18-10-036, C-1 (Retail Commercial District) and A-2 (Farmland Rural District) to C-1 (Retail Commercial District).
 - a. **ALTERNATIVE REZONING RECOMMENDATION:** Should the Board of County Commissioners **ADOPT** Amendment 2019-1-S-5-6 (fka 2018-2-S-5-1), and should the Board make a finding of consistency with the Comprehensive Plan and recommend approval of RZ-18-10-036, staff recommends the Board of County Commissioners subject the rezoning to the following four (4) restrictions:

Restrictions:

1. New billboards and pole signs shall be prohibited;
2. A Type "C" buffer shall be used to separate neighborhood commercial (C-1) uses from all residential areas, unless a variance to this restriction and buffer is approved by the Board of Zoning Adjustment (BZA). This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years;
3. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-1 uses; and
4. Gas stations and convenience stores with pump Islands for dispensation of motor fuel shall be prohibited

Analysis

1. Background Development Program

The applicant, Carlos Rivero, has requested to change the Future Land Use Map (FLUM) designation from Rural Settlement 1/1 (RS 1/1) to Commercial (C). In conjunction with the FLUM Amendment, the applicant has applied for a rezoning (RZ-18-10-036) of only the easternmost parcel (parcel 19-22-32-7876-03-050) from C-1 (Retail Commercial District) and A-2 (Farmland Rural District) to C-1 (Retail Commercial District). This case was originally part of the 2018-2 small scale cycle (formerly known as 2018-2-S-5-1) and was given a recommendation of denial at the Local Planning Agency (LPA) adoption public hearing on October 18, 2018. After the LPA adoption public hearing, the applicant requested to continue the case to the current 2019-1 small scale cycle. No changes to the proposal have been made that would warrant a second review by the LPA.

The subject site is located on the south side of E. Colonial Dr., north of Old Cheney Hwy., east of S. Tanner Rd., and west of Parry Ln. The subject site is bordered to the north (across E. Colonial Dr.), west, and east by vacant, undeveloped land. The site is additionally bordered by single-family residential homes to the south.

The requested Commercial (C) FLUM designation would allow for consideration of neighborhood and community-scale commercial and office development with a maximum floor area ratio (FAR) of 0.15, or specifically up to 16,045 sq. ft. of retail commercial uses on the subject property. The applicant is limited in their developable area because the subject property is located within the Sunflower Trail Rural Settlement, and as per **Future Land Use Policy FLU6.2.9**, the maximum permitted FAR for C-1 zoning uses is 0.15. At the time of submittal of this FLUM Amendment application and rezoning request, the applicant has not indicated a specific use or proposed development program for the subject property.

The first community meeting for the proposed amendment was held on September 4, 2018 at Corner Lake Middle School, which was attended by twenty-one (21) members of the community. At the community meeting, the applicant Carlos Rivero presented the proposal to develop a neighborhood center (including neighborhood retail, services, and restaurants), and explained that he has no specific tenant or use in mind, but wanted to start the process to make the future land use in line with the zoning. Of the residents who attended the community meeting, the main topics of concern included the dangerous roadway and traffic conditions at the intersection of Tanner Rd. and E. Colonial Dr. (State Road 50), as well as concerns about the compatibility of commercial uses at the subject site. Many residents were concerned that the addition of commercial traffic from the subject site would exacerbate already dangerous conditions at the intersection of Tanner Rd. and E. Colonial Dr. Several residents were concerned about the intensity of uses that would be allowed on the property, including specific concerns over gas stations, convenience stores, and car sales.

The proposed amendment was heard at the Local Planning Agency adoption public hearing on October 18, 2019, where it was given a recommendation of denial. After the LPA adoption public hearing, the applicant requested to continue the case to the 2019-1 small scale cycle.

The second community meeting for the proposed amendment was held on January 30, 2019 at Columbia Elementary School, which was attended by twenty-eight (28) members of the community. At the community meeting, residents were informed that the case was continued from the 2018-2 Small Scale Cycle after the LPA hearing, where the proposed amendment received a recommendation of denial, and that the case would not be heard again before the Local Planning

Agency unless substantial changes were made to the application. The applicant, Carlos Rivero, re-stated the request to change the future land use and zoning designations to allow for the development of a neighborhood center, which would include neighborhood retail, services, and restaurants. Many residents who were present at the meeting had also attended the first community meeting in September 2018. Many of the concerns of residents were the same as those from the first community meeting- concerns about the traffic and safety on State Road 50, incompatibility of a commercial development within the rural settlement, and the possibility of the request setting a precedent for future commercial development in the rural settlement.

2. Future Land Use Map Amendment Analysis

Consistency

Future Land Use Element Objective OBJ FLU1.1 and **Policy FLU1.1.1** hold that urban uses, including commercial development, shall be concentrated within the Urban Service Area (USA), except in areas with special requirements for urban style development such as Horizon west, Innovation way, Growth Centers, and Rural Settlements. The subject property is located outside of the USA but is located within the Sunflower Trail Rural Settlement. Development of the subject property does not qualify as infill development. **Future Land Use Element Objective OBJ FLU2.1** and the 2008 Orange County Infill Master Plan call for the County to encourage infill development on relatively small vacant and underutilized parcels within the Urban Service Area. Therefore, consistency considerations are guided by the Rural Settlement guidelines included in the Comprehensive Plan.

Future Land Use Element Objective OBJ FLU6.2 and its associated policies guide development within rural settlements, which are intended to recognize and preserve existing development patterns, as well as to provide for rural communities. **Policy FLU6.2.9** notes that neighborhood commercial and office uses that will support existing residential uses are permitted within rural settlements on parcels designated on the Future Land Use Map. These uses must be limited to a scale and intensity that is compatible with the existing development pattern in the rural settlement. While **Policy FLU6.2.9** cites C-1 zoning uses as permitted, it further clarifies that appropriate rural settlement commercial uses are those similar to “Corner stores, professional services that utilize existing structures, and small scale personal services permitted within agricultural zoning”. **Policy FLU6.2.10** further restricts appropriate rural settlement commercial uses by requiring that the use be located to serve the residents of the rural area and not primarily to attract "pass-by" trips, and that the use be intended to serve the immediate population.

These policies are intended to allow the County to permit some commercial development necessary to support the existing Rural Settlement communities located outside of the USA, but also to ensure that only certain uses that will benefit the neighborhood residents will be allowed. Beyond adhering to the limited commercial intensity permitted within a Rural Settlement, the applicant has not provided a more specific development program for staff to review. At the community meetings on September 4, 2018 and January 30, 2019, the applicant stated that he does not have a specific tenant in mind for the subject property. The uncertainty of how the proposed development would be compatible with the surrounding area and development trends is the primary reason staff cannot recommend adoption of the proposed amendment.

Compatibility

The proposed Future Land Use Map (FLUM) Amendment and rezoning request appear to be incompatible with the development trends in the surrounding area, existing character, and evolving development trends in the area. As identified in **Future Land Use Element Objective OBJ FLU 8.2**, compatibility is the fundamental consideration in all land use and zoning decisions made by the County. While **Future Land Use Element Policy FLU 8.2.11** states that compatibility does not mean a use that is identical to those uses that surround it, it does require consideration of the physical integration of a project and its function in the broader community, as well as its contribution toward Comprehensive Plan Goals and Objectives. In addition, **Future Land Use Element Policy FLU 8.2.1** requires land use changes to be compatible with the existing development and development trend in the area. **Neighborhood Element Objective N 1.1** and **Future Land Use Element Policy FLU 1.4.2** further maintain that Orange County shall ensure that Future Land Use changes are compatible with, do not adversely impact, and serve existing or proposed neighborhoods. As previously noted, the applicant has not identified a proposed use for the property and thus staff does not have enough information to adequately assess whether the resulting commercial use would be on a scale that is compatible with the existing Rural Settlement community.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division

No conservation area is located onsite. Orange County Conservation Area Determination CAD-18-06-090 was completed on June 12, 2018 for these properties. This determination is binding for a period of 5 years.

This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply. Reference Orange County Code Chapter 15 Article XI Section 15-442. The basin-wide regulations include, but are not limited to, wetlands and protective buffers, wildlife habitat, stormwater, and landscaping with native plant species.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for requirements of Individual On-Site Sewage Disposal as well as the FDOH.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Transportation Planning Division

The applicant is requesting to change 2.45 acres from Rural Settlement 1/1 (RS 1/1) (Residential) to Commercial (C) Rural Settlement (RS) and C-1 (Retail Commercial District) and A-2 (Farmland Rural District) to C-1 (Retail Commercial District) and approval to develop 16,045 SF of commercial uses.

- The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 2 pm peak hour trips.
- The proposed use will generate 78 new pm peak hour trips resulting in an increase of 76 new pm peak hour trips.
- The subject property is located adjacent to S. Tanner Road, a 2-lane roadway and east colonial drive, a 4-lane principal arterial. This facility currently has six (6) deficient roadway segments within the project's impact area.
- Based on the concurrency management system database dated 01/03/2019 , the following roadway segments are operating below the adopted level of service standard within the project impact area:
 1. Colonial Drive, from Woodbury Road to Lake Pickett Road
 2. Econlockhatchee Trail, from Lake Underhill Road to Valencia College Lane
 3. Lake Underhill Road, from Dean Road to Rouse Road
 4. University Boulevard, from Dean Road to Rouse Road
 5. University Boulevard, from Rouse Road to Alafaya Trail
 6. Woodbury Road, from Waterford Lakes Parkway to Colonial Drive

This information is dated and subject to change.

- Analysis of short term (5 year) conditions indicates that the same deficiencies will continue with and without the addition of the proposed project trips.
- The project trip distribution and assignment assumes direct access onto S. Tanner Road and on Colonial Drive, however, the applicant is advised to consult with the County's Development Engineering Division to determine if this is feasible. Depending on the outcome, revisions to the traffic analysis will be required.
- Based on the number of net new PM peak hour trips generated for the maximum allowable use, a traffic study will be required prior to obtaining an approved capacity encumbrance letter and building permit.
- 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.

3. Rezoning Request Analysis

SITE DATA

Adjacent Zoning	N:	Planned Development (The Grow PD-RP) (2016)
	E:	C-1 (Retail Commercial District) (1957) A-2 (Farmland Rural District) (1957)
	W:	C-1 (Retail Commercial District) (1957) A-2 (Farmland Rural District) (1957)
	S:	A-2 (Farmland Rural District) (1957)
	Adjacent Land Uses	N:
	E:	Undeveloped Land
	W:	Undeveloped Land, Single-Family Residence
	S:	Single-Family Residence

APPLICABLE C-1 (Retail Commercial District) DEVELOPMENT STANDARDS

Minimum Lot Area:	6,000 sq. ft.
Minimum Lot Width:	80 ft. (on major streets, see Article XV) 60 ft. (on all other streets)
Maximum Building Height:	50 ft. (35 ft. within 100 ft. of all residential districts)
Minimum Floor Area:	500 sq. ft.

Minimum Building Setbacks

Front:	25 feet
Rear:	20 feet
Side:	0 feet (15 ft. when abutting residential districts)
Side (Street):	15 feet

PERMITTED USES

The intent and purpose of this C-1 retail commercial district are as follows: this district is composed of lands and structures used primarily for the furnishing of selected commodities and services at retail. This district is encouraged:

- (1) At intersections of collectors and/or arterials;
- (2) Where it will not direct commercial traffic through residential districts;
- (3) Where adequate public facilities and services are available, as defined in the comprehensive policy plan;
- (4) Where compatible with adjacent areas or where buffers can be provided to ensure compatibility; and

(5) To a limited extent in rural settlements throughout the county to meet the needs of an identified community, or in growth centers as defined in the comprehensive policy plan.

Specific uses shall be identified by the letter “P” in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Rural Settlement

The subject property is located within the Sunflower Trail Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an overlay district.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>	
Water:	Orange County Utilities	A 24-inch water main is located within the E. Colonial Drive right-of-way.
Wastewater:	Orange County Utilities	A 12-inch force main is located within the E. Colonial Drive right-of-way.
Reclaim Water:	Orange County Utilities	Not currently available.

*This site is outside the Urban Service Area and water and wastewater mains are located in the vicinity of the site. If the Urban Service Area boundary is expanded to encompass this site, or if the extension of water and wastewater mains outside the Urban Service Area to serve this site is already compatible with Policies PW1.4.3, PW1.5.2, and the equivalent wastewater policies, water and wastewater demands and connection points to existing OCU transmission systems will be addressed as the project proceeds through the DRC and construction permitting process.

Schools

Orange County Pubic Schools (OCPS) did not comment on this case as it does not involve an increase in residential units or density.

Parks and Recreation

Orange County Parks and Recreation did not comment on this case as it does not involve an increase in residential units or density.

Code Enforcement

No code enforcement, special magistrate or lot cleaning issues on the subject property have been identified.

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.

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.

4. Policy References

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

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

FLU1.4.2 Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

OBJ FLU2.1 INFILL. Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area. (Obj. 3.3-r)

OBJ FLU6.2 RURAL SETTLEMENTS. Rural Settlements provide for a rural residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the CP was adopted in 1991. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the Rural Service Area, while providing for rural communities.

FLU6.2.9 Neighborhood commercial and office uses shall be allowed in Rural Settlements in areas designated for such on the Future Land Use Map. Only those commercial and office uses that will support existing residential uses, i.e., neighborhood commercial, shall be permitted in Rural Settlements. The scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement. Corner stores, professional services that utilize existing structures, small scale personal services permitted within agricultural zoning are the type of non-residential uses consistent with Rural Settlements. Limited C-1 zoning uses and FARs up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character.

FLU6.2.10 Neighborhood commercial uses in Rural Settlements shall be developed according to the following criteria:

- A. These uses shall be located to serve the residents of the rural area and not primarily to attract "passby" trips; and,
- B. These uses shall contain retail and personal services intended to serve the immediate population.

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

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

FLU8.2.11 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.

OBJ N1.1 Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods.

Site Visit Photos

Subject Site – Undeveloped Land



North – Undeveloped Land



South – Single Family Residence



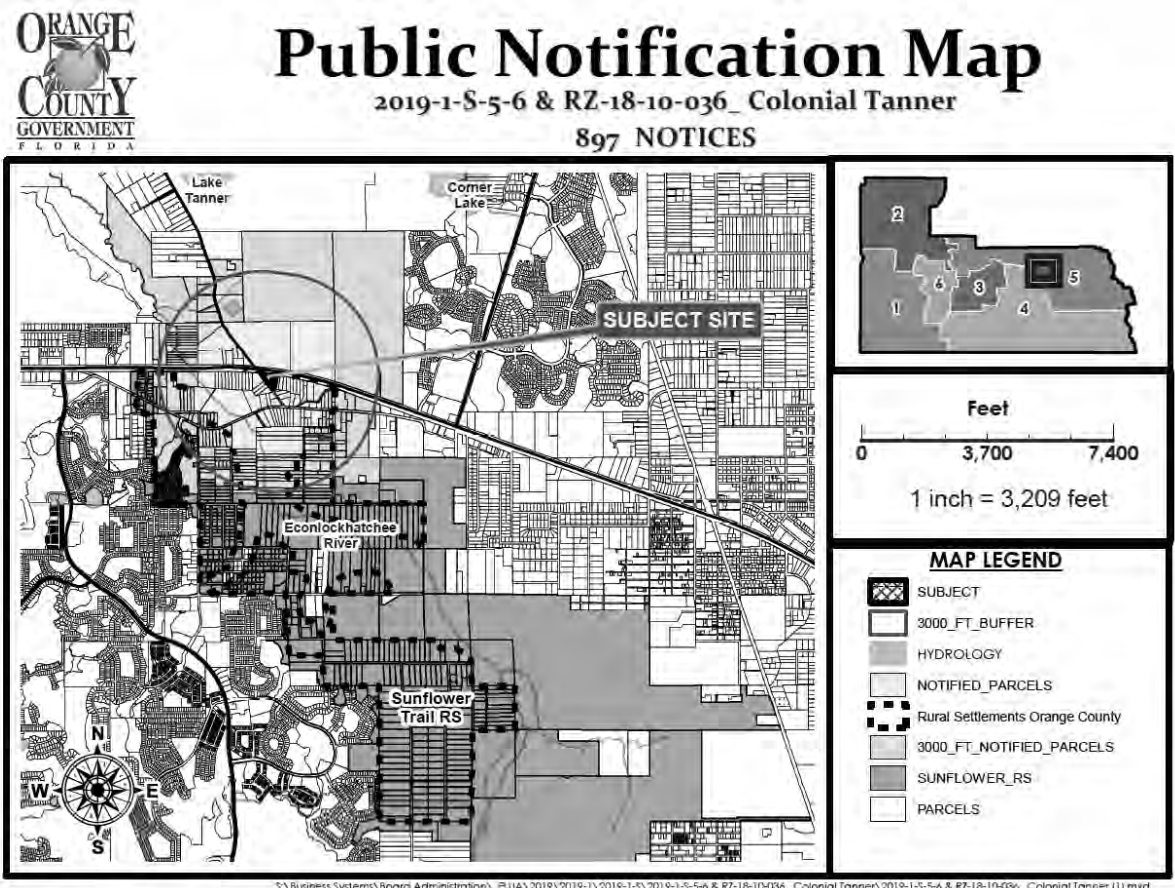
West – Undeveloped Land



East – Undeveloped Land



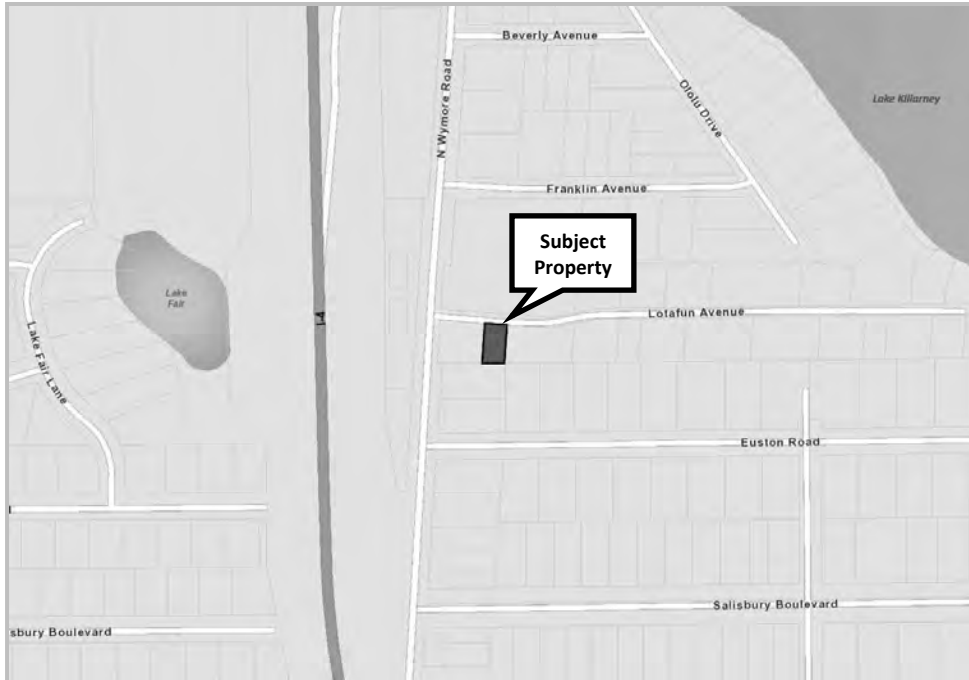
PUBLIC NOTIFICATION MAP



Notification Area

3000 ft buffer + Sunflower Trail Rural Settlement

897 notices sent



Applicant/Owner:
Ryan Courech / Meridian Rentals, LLC

Location:
2650 Lotafun Avenue;
Generally located south of Lotafun Avenue, east of N. Wymore Road, and north of Euston Road

Existing Use:
Undeveloped land (former single-family residential homesite)

Parcel ID Number:
02-22-29-4068-02-030

Tract Size:
0.10 gross/net developable acre

The following meetings and hearings have been held for this proposal:		Project Information	
Report/Public Hearing	Outcome	Request: Office (O) to Low Density Residential (LDR)	
✓ A community meeting was held April 1, 2019, with three (3) members of the public in attendance.	Positive	Proposed Development Program: One (1) single-family dwelling unit (replacement of a single-family home damaged by fire in December 2011 and demolished in February 2012)	
✓ Staff Report	Recommend Adoption	Concurrent Rezoning: N/A	
✓ LPA Adoption Hearing April 18, 2019	Recommend Adoption (8-0)	Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility.	
BCC Adoption Hearing	May 21, 2019	Transportation: The subject property is located within the County's Alternative Mobility Area (AMA). Per the Orange County Transportation Planning Division, the project's impact is considered de minimis, and no further transportation analysis is required.	
		Utilities: The subject property is located within the City of Winter Park's potable water, wastewater, and reclaimed water service areas.	
		Schools: The construction of one single-family home will have a de minimis impact on area public schools.	

SITE AERIAL



FUTURE LAND USE



Current Future Land Use:
Office (O)

Special Area Information
Overlay District: N/A
JPA: N/A
Rural Settlement: N/A
Airport Noise Zone: N/A

FUTURE LAND USE – PROPOSED



Proposed Future Land Use:
Low Density Residential (LDR)

ZONING



Zoning: R-1A (Single-Family Dwelling District)

Existing Uses:

- N: Park Avenue Plastic Surgery & Spa
- S: Main Law Firm
- E: Single-family residence
- W: Key Investment Group

Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.1 and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, and FLU8.2.1; and Housing Element Goal H1 and Objective H1.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-1-S-5-7, Office (O) to Low Density Residential (LDR).

Analysis

1. Background and Development Program

The applicant, Ryan Courech, is seeking to change the Future Land Use Map (FLUM) designation of the 0.10-acre subject property, presently vacant, from Office (O) to Low Density Residential (LDR). The parcel was formerly the site of a single-family home, built in 1920, that was damaged by fire in December 2011 and subsequently demolished in February 2012. If this request is approved, it is the applicant's intent to construct a new single-family home on the property.

The subject site is a platted lot (Lot 3, Block B) in the Justamere Camp Replat subdivision, recorded in Book H, Page 73 of the Public Records of Orange County on May 11, 1923. Since the inception of zoning in the County on October 6, 1957, the parcel has possessed the R-1A (Single-Family Dwelling District) zoning classification—a category that is inconsistent with its current Office future land use designation, assigned via the July 1, 1991, adoption of the Orange County Comprehensive Plan. At this time, the applicant wishes to bring the future land use designation of the property into conformance with its R-1A zoning classification to allow for the continued use of the site for residential purposes.

Although the subject parcel lies approximately 100 feet east of the heavily-traveled Wymore Road corridor, characterized by office and commercial activity, it is situated within an established residential neighborhood, as depicted on the aerial photograph. It is staff's belief that the redevelopment of the site for one single-family home would prove compatible with the surrounding residential community.

2. Project Analysis

Consistency

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

As discussed above, the 0.10-acre subject parcel was previously the site of a single-family home and is recognized as a platted lot with an R-1A zoning classification that predates the July 1, 1991, adoption of the Comprehensive Plan. The property is located on a local road, Lotafun Avenue, within an established neighborhood characterized by single-family residential development. The applicant is seeking the LDR future land use designation to allow for the construction of a new single-family dwelling on an infill site within the County's Urban Service Area (USA) Boundary. Staff finds this proposal 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. This request is also consistent with **Future Land Use Element Objective FLU2.1**, which establishes that Orange County shall promote and encourage infill development through incentives identified in the

Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

Staff further finds the proposed amendment consistent with **Future Land Use Element Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. If approved, the single-family home will use infrastructure that is already in place. Per Orange County Utilities (OCU), the subject property lies within the City of Winter Park's potable water, wastewater, and reclaimed water service areas. Furthermore, the home will utilize the existing area transportation network. Staff notes that the subject property is located in the immediate vicinity of three major collector roads: N. Wymore Road, Fairbanks Avenue, and Lee Road, which provide direct connectivity to Interstate-4. Moreover, the redevelopment of the site for one single-family residence will have a de minimis impact on the public elementary, middle, and high schools for which it is zoned, rendering the applicant's entrance into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools (OCPS) unnecessary.

As mentioned, the subject property is located in an established single-family residential neighborhood. The proposed FLUM Amendment and the applicant's intent to construct a new single-family home on the site 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. The request is further consistent with **Housing Element GOAL H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. It is staff's belief that the proposed residential project will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Future Land Use Element Policy FLU1.1.1**.

Compatibility

The requested 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 previously, the subject property is located in an established single-family residential neighborhood. The applicant's intent to redevelop the 0.10-acre infill parcel—formerly the site of a home damaged by fire in 2011 and demolished in 2012—for one new single-family dwelling will help ensure that the character of the neighborhood is maintained. It is staff's belief that the proposed 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 infrastructure, and reducing trip lengths. Staff, therefore, recommends adoption of this requested amendment.

Division Comments: Environmental, Public Facilities and Services

Environmental. The Environmental Protection Division (EPD) notes that the subject property is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application,

modification, or abandonment. Please refer to the Orange County Code, Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal, as well as the FDOH.

Transportation. The subject property is located adjacent to Lotafun Avenue, a two-lane local road within the Alternative Mobility Area (AMA) and is exempt from transportation concurrency.

Based on trip generation estimates from the 9th Edition of the Institute of Transportation Engineers *Trip Generation Handbook*, it was determined that development under the current Office future land use designation would generate approximately six (6) p.m. peak hour trips, while the one (1) single-family dwelling unit permitted under the requested LDR future land use designation would generate one (1) new p.m. peak hour trip, resulting in a net decrease of five (5) trips in the p.m. peak period.

Based on the LYNX Transit System Map, transit service is available within a half-mile walking distance along Lee Road, where Link #443 operates and serves the Winter Park/Pine Hills neighborhoods. There are no bicycle routes within the project's impact area, and the sidewalks are incomplete. However, this proposed development is considered de minimis, and no further transportation analysis is required.

Utilities. The subject site lies within the City of Winter Park's potable water, wastewater, and reclaimed water service areas.

Schools. Per Orange County Public Schools (OCPS), the construction of one single-family home will have a de minimis impact on area public schools.. No Capacity Enhancement Agreement (CEA) will be required.

3. Policy References

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 FLU2.1 – INFILL. Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

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

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

FLU1.1.5 – Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County's desired urban framework. Infill is defined as development consistent with the *Infill Master Plan (2008)*.






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

conditions shall be placed on a Future Land Use Map change.

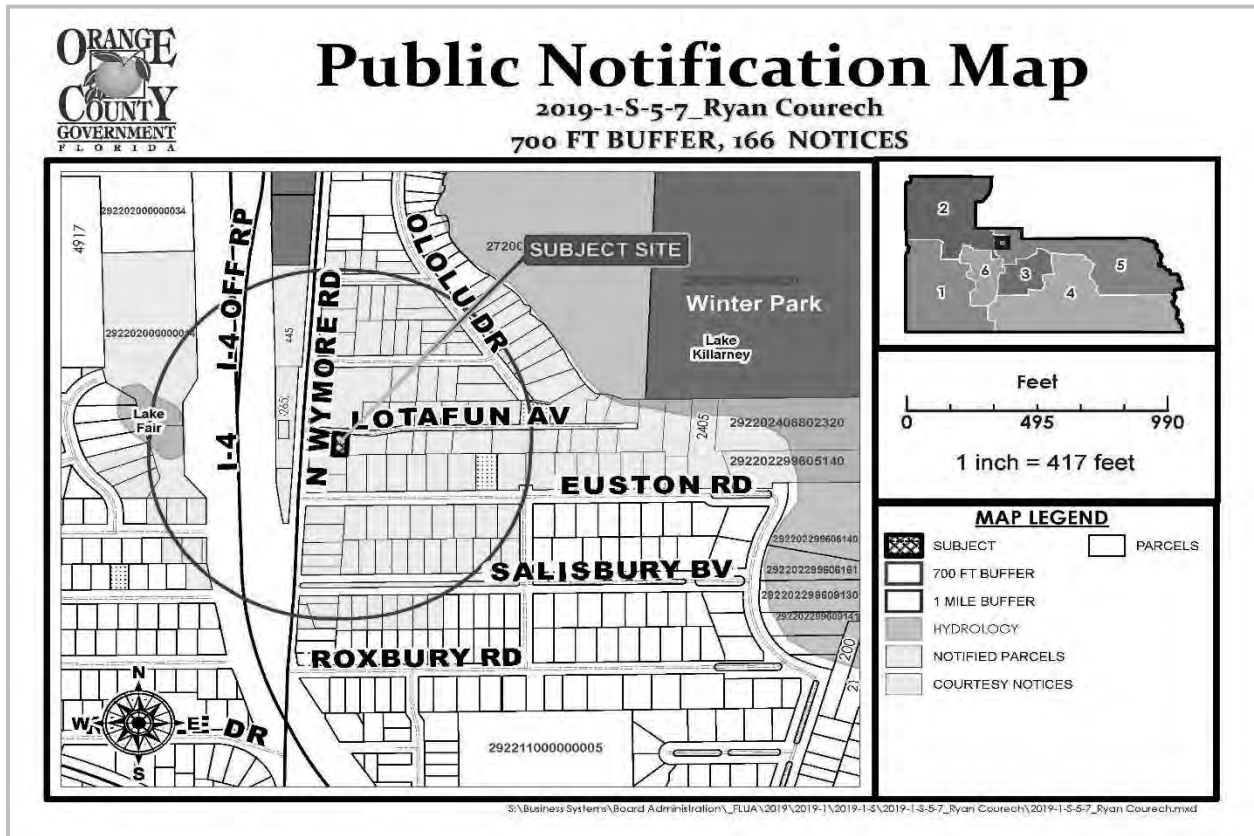
GOAL H1 – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

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.

Site Visit Photos

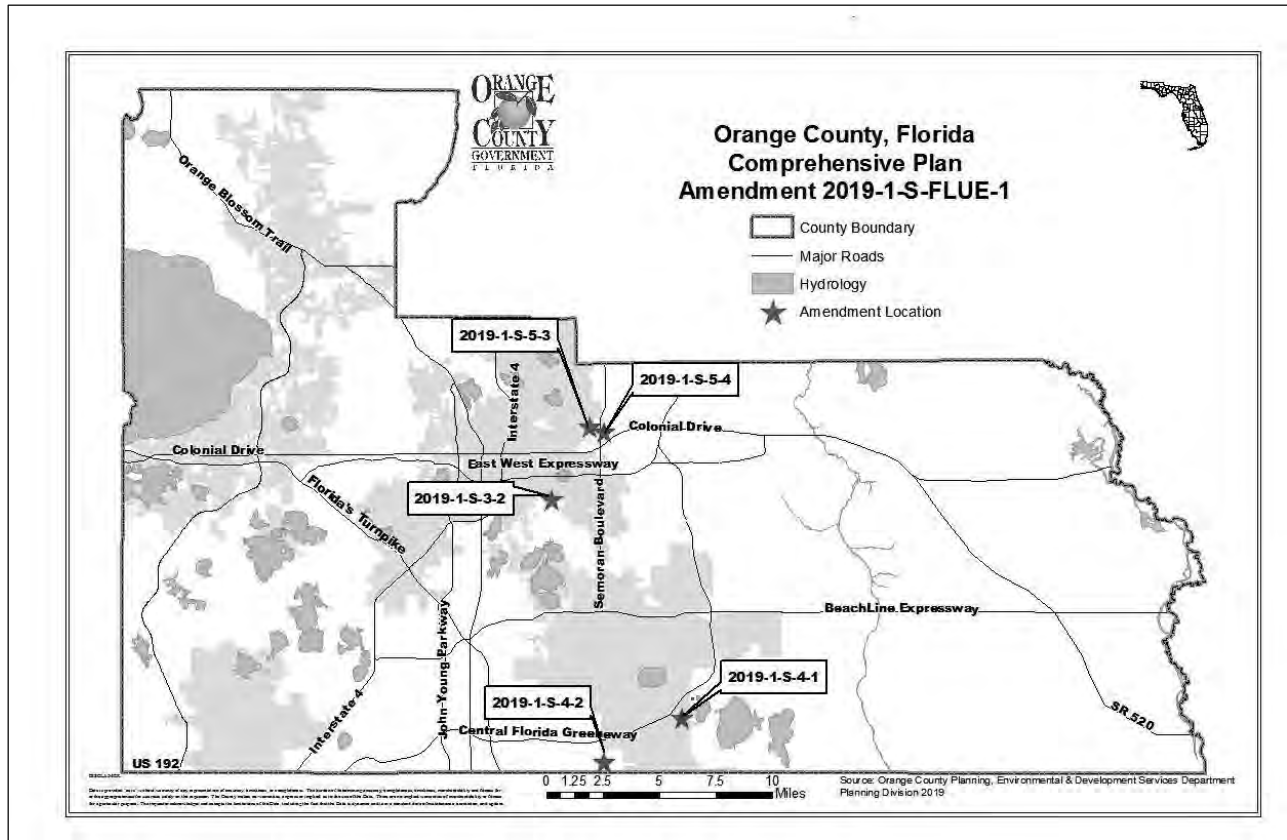
Subject Site	
	
North of Subject Site	South of Subject Site
	
West of Subject Site	East of Subject Site
	

PUBLIC NOTIFICATION MAP



Notification Area

- 700 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site
- 166 notices sent



The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing	Outcome		Title: Amendment 2019-1-S-FLUE-1	
✓	Staff Report	Recommend Adoption	Division: Planning	
✓	LPA Adoption April 18, 2019	Recommend Adoption (7-0)	Request: Amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	
	BCC Adoption	May 21, 2019	Revision: FLU8.1.4	

Staff Recommendation

Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and recommend **ADOPTION** of Amendment 2019-1-S-FLUE-1 to include the development programs for Amendments 2019-1-S-3-2, 2019-1-S-4-1, 2019-1-S-4-2, 2019-1-S-5-3, and 2019-1-S-5-4 in Future Land Use Element Policy FLU8.1.4.

A. Background

The Orange County Comprehensive Plan (CP) allows for a Future Land Use designation of Planned Development. While other Future Land Use designations define the maximum dwelling units per acre for residential land uses or the maximum floor area ratio (FAR) for non-residential land uses, this is not the case for the Planned Development (PD) designation. Policy FLU8.1.3 establishes the basis for PD designations such that “specific land use designations...may be approved on a site-specific basis”. Furthermore, “such specific land use designation shall be established by a comprehensive plan amendment that identifies the specific land use type and density/intensity”. Each comprehensive plan amendment involving a PD Future Land Use designation involves two amendments, the first to the Future Land Use Map and the second to Policy FLU8.1.4. The latter serves to record the amendment and the associated density/intensity established on a site-specific basis. Any change to the uses and/or density and intensity of approved uses for a PD Future Land Use designation requires an amendment of FLU8.1.4.

Staff is recommending the Local Planning Agency make a finding of **CONSISTENCY** with the Comprehensive Plan and recommend **ADOPTION** of Amendments 2019-1-S-3-2, 2019-1-S-4-1, 2019-1-S-4-2, 2019-1-S-5-3, and 2019-1-S-5-4; therefore, the development programs for these amendments would be added to Policy FLU8.1.4. For specific references of consistency with the Comprehensive Plan, please refer to the staff report for each amendment.

B. Policy Amendments

Following are the policy changes proposed by this amendment. The proposed changes are shown in underline/~~strikethrough~~ format. Staff recommends adoption of the amendment.

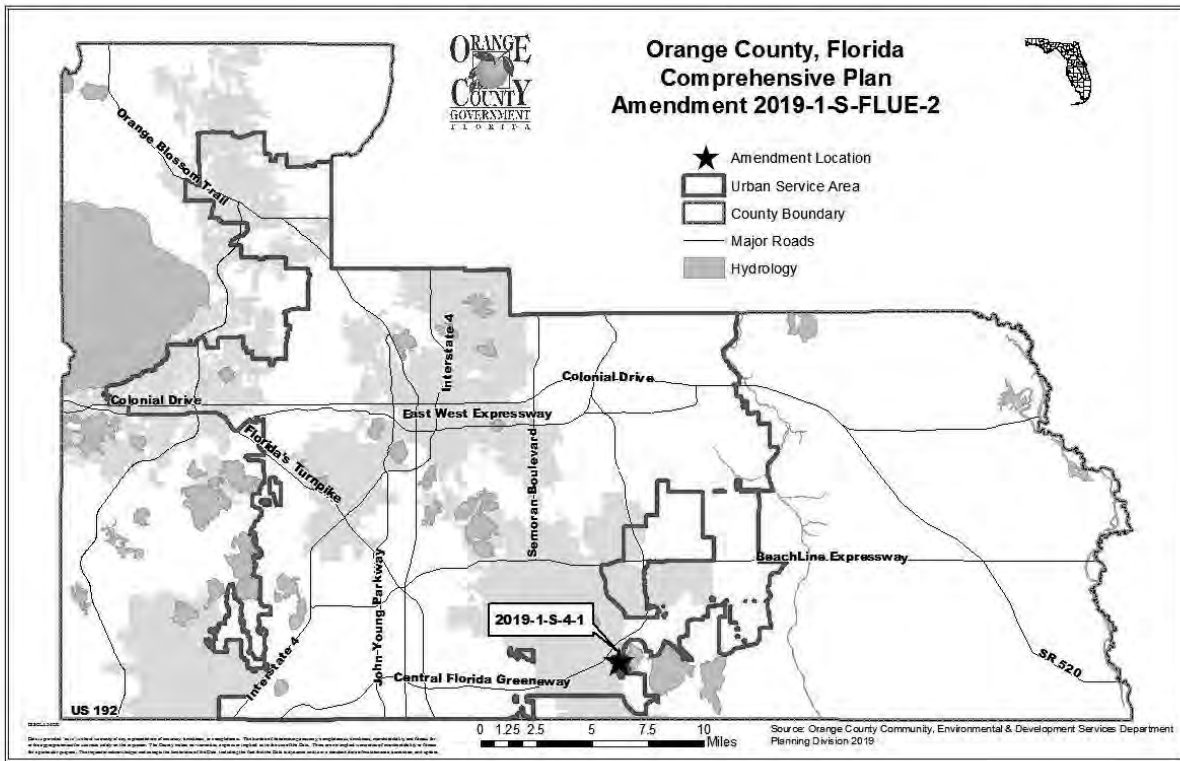
FLU8.1.4 The following table details the maximum densities and intensities for the Planned Development (PD) and Lake Pickett (LP) Future Land Use designations that have been adopted subsequent to January 1, 2007.

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number

2010-1-A-4-3 Bonnemaison	Planned Development- Commercial/Office/Medium Density Residential (PD-C/O/MDR)	50,000 square feet commercial 100,000 square feet office 86 dwelling units	2010-07

<u>2019-1-S-3-2 Carse Property</u>	<u>Planned Development- Commercial/Medium Density Residential (PD-C/MDR)</u>	<u>Up to 7,500 square feet of commercial uses and up to 34 multi-family dwelling units</u>	<u>2019-</u>

<p><u>2019-1-S-4-1</u> <u>Eagle Lake</u></p>	<p><u>Planned Development-Commercial/Office (PD-C/O) and Urban Service Area (USA) expansion</u></p>	<p><u>Frontage zone: Up to 22,717 square feet of commercial and/or office uses</u> <u>Transition zone: Up to 25,156 square feet of office uses</u></p>	<p><u>2019-</u></p>
<p><u>2019-1-S-4-2</u> <u>Bonnemaison</u></p>	<p><u>Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR)</u></p>	<p><u>Commercial – Up to 50,000 square feet</u> <u>Office – Up to 100,000 square feet</u> <u>Residential – Up to 170 multi-family dwelling units</u></p> <p><u>The combined development program is limited by a maximum of 3,323 daily trips as established in the approved traffic study.</u> <u>The combined development program is limited by a maximum of 3,323 daily trips as established in the approved traffic study.</u></p>	<p><u>2019-</u></p>
<p><u>2019-1-S-5-3</u> <u>Express Carwash</u></p>	<p><u>Planned Development-Commercial (PD-C)</u></p>	<p><u>Up to 6,000-square-foot carwash and 5,000 square feet of additional commercial uses</u></p>	<p><u>2019-</u></p>
<p><u>2019-1-S-5-4</u> <u>Semoran Vista</u></p>	<p><u>Planned Development-Commercial (PD-C)</u></p>	<p><u>Up to 45,000 square feet of retail commercial and office uses</u></p>	<p><u>2019-</u></p>



The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing	Outcome		Title: Amendment 2019-1-S-FLUE-2	
✓	Staff Report	Recommend Adoption	Division: Planning	
✓	LPA Adoption April 18, 2019	Recommend Adoption (6-1)		
	BCC Adoption	May 21, 2019	Revision: (FLU1.2.4)	

Staff Recommendation

Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and **ADOPT** Amendment 2019-1-S-FLUE-2, amending Future Land Use Element Policy FLU1.2.4 to include in the Urban Service Area (USA) the subject property of Amendment 2019-1-S-4-1, expanding the USA boundary by 3.15 acres.

A. Explanation

The proposed amendments would increase the Urban Service Area’s size by 3.15 acres. Staff is recommending that the Local Planning Agency make a finding of consistency with the Comprehensive Plan and recommend adoption of Amendment 2019-1-S-FLUE-2.

Applications to expand the Urban Service Area (USA), as specified in Policy FLU1.2.4, may be considered by the Board of County Commissioners (BCC) through amendments to the

Comprehensive Plan, when demonstrating consistency with **Future Land Use Element Objectives OBJFLU1.2** and **OBJFLU1.3**, if applicants demonstrate that the request is consistent with Orange County’s goals for future development. The request to expand the USA has demonstrated consistency with the County’s goals for managing development over the next planning period.

The application to expand the Urban Service Area is discussed herein:

Amendment 2019-1-S-4-1 Eagle Lake

The subject property associated with Amendment 2019-1-S-4-1 proposed for inclusion within the USA is generally located east of Narcoossee Road, north of Nemours Parkway and south of Vickrey Place, and consists of a single parcel with an area of 3.15 gross acres.

The proposed Planned Development-Commercial/Office (PD-C/O) Future Land Use designation and Urban Service Area (USA) Expansion would allow land uses that are compatible with the existing development pattern and trend of the surrounding area. The subject parcel lies within the Narcoossee Road-Lake Hart/Lake Whippoorwill Rural Settlement Study Area and is therefore subject to the guiding Comprehensive Plan policies pertaining to development along the east side of Narcoossee Road and the terms of the Interlocal Agreement for a Joint Planning Area Between the City of Orlando and Orange County, regarding development along Narcoossee Road, approved by the BCC on September 22, 2015.

Please refer to the staff report for Amendment 2019-1-S-4-1 for specific policy consistency references.

B. Policy Amendments

Following are the policy changes proposed by this Future Land Use Map Amendment. The requested amendment is shown in underlined/strikethrough format. Staff recommends adoption of the amendment.

Future Land Use Element Policies

FLU1.2.4 The County will continue to monitor the Urban Service Area allocation. Through this process, the following applicants have satisfied these requirements and are recognized as expansions to the Urban Service Area.

Amendment Number	Name	Size (acres)	Ordinance Number
***	***	***	***
<u>2019-1-S-4-1</u>	<u>Eagle Lake</u>	<u>3.15</u>	<u>2019-</u>

ORDINANCE NO. 2019-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “2010-2030 COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2019 CALENDAR YEAR (FIRST CYCLE); AND PROVIDING EFFECTIVE DATES.

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

Section 1. Legislative Findings, Purpose, and Intent.

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

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

c. On January 17, 2019, the Orange County Local Planning Agency (“LPA”) held a public hearing on the transmittal of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

d. On February 12, 2019, the Orange County Board of County Commissioners (“Board”) held a public hearing on the transmittal of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

31 e. On April 11, 2019, the Florida Department of Economic Opportunity (“DEO”)
32 issued a letter to the County relating to the DEO’s review of the proposed amendments to the
33 Comprehensive Plan, as described in this ordinance; and

34 f. On April 18, 2019, the LPA held a public hearing at which it reviewed and made
35 recommendations regarding the adoption of the proposed amendments to the Comprehensive
36 Plan, as described in this ordinance; and

37 g. On May 21, 2019, the Board held a public hearing on the adoption of the
38 proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to
39 adopt them.

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

42 **Section 3. Amendments to Future Land Use Map.** The Comprehensive Plan is
43 hereby amended by amending the Future Land Use Map designations as described at **Appendix**
44 **“A,”** attached hereto and incorporated herein.

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

50 * * *

51 **[Amendment 2019-1-B-FLUE-1:]**

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

55

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
* * *	* * *	* * *	* * *
<u>2019-1-A-1-2 The Registry on Grass Lake</u>	<u>Growth Center-Planned Development-Medium- High Density Residential (GC-PD- MHDR)</u>	<u>Up to 360 multi-family dwelling units</u>	<u>2019- [insert ordinance number]</u>
<u>2019-1-A-1-3 Ruby Lake</u>	<u>Planned Development- Commercial/Low- Medium Density Residential (PD- C/LMDR)</u>	<u>Up to 20 townhome units and up to 200,000 square feet of non-residential uses, to include an off-site (freestanding) emergency department and commercial and offices uses permitted in the C-1 (Retail Commercial) zoning district</u>	<u>2019- [insert ordinance number]</u>
<u>2019-1-A-1-4 Bering I</u>	<u>Planned Development- Commercial/ Medium- High Density Residential (PD- C/MHDR)</u>	<u>Up to 400 multi-family dwelling units and 15,000 square feet of C-1 (Retail Commercial District) uses</u>	<u>2019- [insert ordinance number]</u>
<u>2019-1-A-4-1 Innovation Pointe</u>	<u>Planned Development- Medium Density Residential/Industrial/ Parks and Recreation/ Open Space (PD- MDR/IND/PR/OS)</u>	<u>350 multi-family dwelling units, 284,000 sq. ft. of industrial, and parks and recreation/open space</u>	<u>2019- [insert ordinance number]</u>
<u>2019-1-A-4-3 Boggy Creek Crossings</u>	<u>Planned Development- Commercial/Medium Density Residential (PD-C/MDR)</u>	<u>Up to 45,750 square feet of retail commercial uses and up to 336 multi-family dwelling units</u> <u>The combined development program is limited by a maximum of 5,362 ADT (Average Daily Trips), as established in the approved traffic study.</u>	<u>2019- [insert ordinance number]</u>

<u>2019-1-A-5-1</u> <u>12151 E Colonial</u> <u>Drive</u>	<u>Planned Development-</u> <u>Commercial/Medium</u> <u>Density Residential</u> <u>(Student Housing)</u> <u>(PD-C/MDR (Student</u> <u>Housing)</u>	<u>Up to 162 student housing</u> <u>units (up to 650 bedrooms) or</u> <u>up to 802,375 square feet of</u> <u>commercial uses</u>	<u>2019-</u> <u>[insert</u> <u>ordinance</u> <u>number]</u>
<u>2019-1-A-5-3</u> <u>Silver City</u> <u>Properties Student</u> <u>Housing</u>	<u>Planned Development-</u> <u>Commercial/High</u> <u>Density Residential</u> <u>(Student Housing)</u> <u>(PD-C/HDR) (Student</u> <u>Housing)</u>	<u>Up to 2,400 student housing</u> <u>bedrooms (600 student housing</u> <u>units) and up to 30,000 square</u> <u>feet of commercial uses</u>	<u>2019-</u> <u>[insert</u> <u>ordinance</u> <u>number]</u>

56 Such policy allows for a one-time cumulative density or intensity differential of 5% based on
57 ADT within said development program.
58

59 * * *
60

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

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

63 (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan
64 amendment adopted under this ordinance becomes effective until 31 days after the DEO notifies
65 the County that the plan amendment package is complete. However, if an amendment is timely
66 challenged, the amendment shall not become effective until the DEO or the Administration
67 Commission issues a final order determining the challenged amendment to be in compliance.

68 (c) No development orders, development permits, or land uses dependent on any of
69 these amendments may be issued or commence before the amendments have become effective.
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ADOPTED THIS 21st DAY OF MAY, 2019.

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

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APPENDIX “A”
FUTURE LAND USE MAP AMENDMENTS

Appendix A*		
<i>Privately Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2019-1-A-1-2	Growth Center-Commercial (GC-C)	Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR)
2019-1-A-1-3	Planned Development-Low-Medium Density Residential (PD-LMDR)	Planned Development-Commercial/Low-Medium Density Residential (PD-C/LMDR)
2019-1-A-1-4	Activity Center Mixed Use (ACMU)	Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR)
2019-1-A-4-1	Planned Development-Industrial/Commercial/Conservation (PD-IND/C/CONS)	Planned Development-Medium Density Residential/Industrial/Parks and Recreation/Open Space (PD-MDR/IND/PR/OS)
2019-1-A-4-3	Planned Development-Commercial (PD-C)	Planned Development-Commercial/Medium Density Residential (PD-C/MDR)
2019-1-A-5-1	Commercial (C)	Planned Development-Commercial/Medium Density Residential (Student Housing) (PD-C/MDR) (Student Housing)
2019-1-A-5-2	Commercial (C)	Medium-High Density Residential (MHDR)
2019-1-A-5-3	Commercial (C)	Planned Development-Commercial/High Density Residential (Student Housing) (PD-C/HDR) (Student Housing)
*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.		

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ORDINANCE NO. 2019-_____

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 SMALL SCALE DEVELOPMENT AMENDMENTS AND RELATED TEXT AMENDMENTS PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND PROVIDING EFFECTIVE DATES.

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

Section 1. Legislative Findings, Purpose, and Intent.

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

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

c. On April 18, 2019, the Orange County Local Planning Agency (“LPA”) held a public hearing at which it reviewed and made recommendations regarding the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

d. On May 21, 2019, the Board held a public hearing on the adoption of the proposed amendments, as described in this ordinance, and decided to adopt them.

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

<u>2019-1-S-4-2</u> <u>Bonnemaision</u>	<u>Planned Development- Commercial/Office/ Medium Density Residential (PD-C/O/MDR)</u>	<u>Commercial – Up to 50,000 square feet</u> <u>Office – Up to 100,000 square feet</u> <u>Residential – Up to 170 multi-family dwelling units</u> <u>The combined development program is limited by a maximum of 3,323 daily trips as established in the approved traffic study.</u>	<u>2019-</u> <u>[insert ordinance number]</u>
<u>2019-1-S-5-3</u> <u>Express Carwash</u>	<u>Planned Development- Commercial (PD-C)</u>	<u>Up to 6,000-square-foot carwash and 5,000 square feet of additional commercial uses</u>	<u>2019-</u> <u>[insert ordinance number]</u>
<u>2019-1-S-5-4</u> <u>Semorán Vista</u>	<u>Planned Development- Commercial (PD-C)</u>	<u>Up to 45,000 square feet of retail commercial and office uses</u>	<u>2019-</u> <u>[insert ordinance number]</u>

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

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50 **[Amendment 2019-1-S-FLUE-2:]**

51 FLU1.2.4 The County will continue to monitor the Urban Service Area allocation. Through
52 this process, the following applicants have satisfied these requirements and are
53 recognized as expansions to the Urban Service Area.
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Amendment Number	Name	Size (acres)	Ordinance Number
* * *	* * *	* * *	* * *
<u>2019-1-S-4-1</u>	<u>Eagle Lake</u>	<u>3.15</u>	<u>2019-</u> <u>[insert ordinance number]</u>

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APPENDIX “A”
FUTURE LAND USE MAP AMENDMENTS

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2019-1-S-2-2	Low Density Residential (LDR)	Medium Density Residential (MDR)
2019-1-S-3-1	Low Density Residential (LDR)	Office (O)
2019-1-S-3-2	Commercial (C) and Low-Medium Density Residential (LMDR)	Planned Development-Commercial/Medium Density Residential (PD-C/MDR)
2019-1-S-4-1	Rural Settlement 1/2 (RS 1/2)	Planned Development-Commercial/Office (PD-C/O) and Urban Service Area (USA) expansion
2019-1-S-4-2	Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR)	Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR)
2019-1-S-5-1	Office (O)	Low Density Residential (LDR)
2019-1-S-5-2	Low-Medium Density Residential (LMDR)	Commercial (C)
2019-1-S-5-3	Office (O)	Planned Development-Commercial (PD-C)
2019-1-S-5-4	Office (O)	Planned Development-Commercial (PD-C)
2019-1-S-5-5	Low Density Residential (LDR)	Low-Medium Density Residential (LMDR)
2019-1-S-5-6 (fka 2018-2-S-5-1)	Rural Settlement 1/1 (RS 1/1)	Commercial (C)
2019-1-S-5-7	Office (O)	Low Density Residential (LDR)
*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.		

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ORDINANCE NO. 2019-_____

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

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

Section 1. Legislative Findings, Purpose, and Intent.

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

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

c. On February 21, 2019, the Orange County Local Planning Agency (“LPA”) held a public hearing on the transmittal of the proposed amendment to the Comprehensive Plan, as described in this ordinance; and

d. On March 12, 2019, the Orange County Board of County Commissioners (“Board”) held a public hearing on the transmittal of the proposed amendment to the Comprehensive Plan, as described in this ordinance; and

30 e. On April 8, 2019, the Florida Department of Economic Opportunity (“DEO”)
31 issued a letter to the County relating to the DEO’s review of the proposed amendment to the
32 Comprehensive Plan, as described in this ordinance; and

33 f. On April 18, 2019, the LPA held a public hearing at which it reviewed and made
34 recommendations regarding the adoption of the proposed amendment to the Comprehensive
35 Plan, as described in this ordinance; and

36 g. On May 21, 2019, the Board held a public hearing on the adoption of the
37 proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to
38 adopt it.

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

41 **Section 3. Amendments to the Text of the Future Land Use Element.** The
42 Comprehensive Plan is hereby amended by amending the text of the Future Land Use Element to
43 read as follows, with underlines showing new numbers and words, and strike-throughs indicating
44 repealed numbers and words. (Words, numbers, and letters within brackets identify the
45 amendment number and editorial notes, and shall not be codified.)

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49 **[Amendment 2019-1-B-FLUE-2:]**
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51 **FLU4.1.4** Each Village shall demonstrate consistency with Policies FLU4.1.1, FLU4.1.2
52 and FLU4.1.3 by providing a compact, integrated development pattern with
53 neighborhood centers generally located within a 1/2-mile walking distance of
54 the residences, and by establishing a population density for each
55 neighborhood that can support the neighborhood school. Modifications to
56 these minimum densities may be approved subject to a Comprehensive Plan
57 Amendment. Such amendments, however, shall not reduce the minimum
58 density of any Village below four (4) dwelling units per net developable acre.
59 Amendments may be based on, but not limited to, the following:

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- To provide more diversity in lot sizes and the land use mix;
- To recognize existing geographic features or environmentally sensitive areas;
- To provide additional buffering to preexisting development;
- To make use of updated student generation rates; and
- To provide for enhanced environmental corridors.

The use of TDRs (transfers of development rights) shall be evaluated for impacts to the neighborhood schools as a part of the development review process. Notwithstanding any density reduction, development shall continue to adhere to the General Village Principles outlined in FLU4.1.1.

The minimum densities approved for each Village (Lakeside, Bridgewater, Village H, Village F, Village I and the Town Center) are as noted in the following table:

Village	Minimum Overall Density per Net Developable Area Acre	Notes

Village I	7.0 5.0 DU/Ac	The identified net density is needed to maintain the Village design principles outlined in Policy FLU4.1.1 and aids in the preservation of environmentally sensitive areas.

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FLU4.3.10

Village I. Prior to commencing development beyond Phase I per Table 7.5 of the document entitled *Village I Specific Area Plan* (the “SAP”), Village I developers/owners will assess the projected cumulative transportation impacts of Village I and demonstrate that any significant and adverse impacts, including impacts outside Orange County’s jurisdiction, will be mitigated. The SAP will be amended to reflect any improvements needed to serve the approved Future Land Uses. Development beyond County approval of zoning, rezoning, and zoning amendment requests of Phase I consistent with Table 7.5 of the Village I Specific Area Plan, adopted by the Board of County Commissioners on June 10, 2008, may not continue beyond November 17, 2015, the anticipated adoption date of this amended FLU4.3.10, without a shall be subject to, and may not proceed without, a Board of County Commissioners-approved global rRoad nNetwork aAgreement (the “Road Network Agreement”) in place that is determined to be financially feasible by the County and that substantially complies with a ~~Global Road Network tTerm sSheet~~ for Village I and unless adequate public facilities are demonstrated to be available or planned to be available in a financially feasible manner in Orange County’s Capital Improvements Element,

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95 consistent with ~~Section 163.3164(38)~~, F.S. Chapter 163, Florida Statutes.

96 The Road Network Agreement, which must substantially conform with the
97 Horizon West Village I Term Sheet reviewed and accepted by the BCC on
98 November 13, 2018, must be signed by the owners of a majority of the
99 undeveloped acreage in Village I and approved by the BCC prior to approval
100 of the first preliminary subdivision plan (“PSP”) and/or development plan
101 (“DP”) in Village I. The foregoing notwithstanding, any project that has
102 submitted a legally and technically sufficient application for a Planned
103 Development prior to November 17, 2015, been issued a capacity
104 encumbrance letter (“CEL”) prior to November 13, 2018, may proceed with
105 the applicable development in Phase I, pursuant to and in compliance with the
106 terms of such CEL, prior to ~~without~~ entering into such a Road Network
107 Agreement pursuant to a Global Road Network Term Sheet for Village I;
108 provided, however, that such development shall be required to enter into and
109 join the Road Network Agreement prior to approval of any subsequent PSP
110 and/or DP request beyond that applicable to the aforementioned CEL. ~~obtain~~
111 at least one development permit for vertical construction other than a model
112 home (the “Permit”) within thirty (30) months from the date of approval of the
113 Planned Development. In the event any such project does not timely obtain a
114 capacity reservation certificate in connection with the CEL, such project shall
115 be subject to the County’s concurrency management system, as if the CEL
116 had not been issued. ~~obtain a permit within the thirty (30) month timeframe,~~
117 such project shall then be subject to entering into a Road Network Agreement
118 pursuant to a Global Road Network Term Sheet for Village I. ~~If a~~ Global If a
119 development project is proposed after the Road Network Agreement Term
120 Sheet for Village I has been finalized, such that the development cannot
121 participate, then such proposed the development shall be subject to the
122 County’s concurrency management system (and, potentially, entering into a
123 proportionate share agreement), unless all of the signatories of the Road
124 Network Agreement agree to amend such Road Network Agreement in order
125 to add such development to the Agreement.

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

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

131 (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan
132 amendment adopted under this ordinance becomes effective until 31 days after the DEO notifies
133 the County that the plan amendment package is complete. However, if an amendment is timely

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

136 (c) No development orders, development permits, or land uses dependent on this
137 amendment may be issued or commence before the amendment has become effective.

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140 ADOPTED THIS 21st DAY OF MAY, 2019.

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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