




Interoffice Memorandum

February 13, 2023

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

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

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

SUBJECT: 2023-1 Regular Cycle Comprehensive Plan  
Amendments 2023-1-A-1-3 and 2023-1-B-FLUE-7  
(Gissy Multifamily)  
Board of County Commissioners (BCC) Transmittal Public Hearing

2023-1 Regular Cycle Comprehensive Plan Amendments 2023-1-A-1-3 and 2022-2-B-FLUE-7 are scheduled for a BCC transmittal public hearing on February 21, 2023. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 19, 2023, and recommended to be transmitted.

The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See:

<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>.

The 2023-1 Regular Cycle Amendments scheduled for consideration on February 21 include a privately-initiated map amendment located in District 1 and an associated staff-initiated text amendment. The privately-initiated map amendment involves a change to the Future Land Use Map (FLUM) for a property over 10 acres in size. The staff-initiated text amendment includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

In summary, the action items addressed by this memo for February 21 are:

- Amendment 2023-1-A-1-3 (Gissy Multifamily)
- Amendment 2023-1-B-FLUE-7 (Policy FLU8.1.4)

Following the BCC transmittal public hearing, the proposed amendments will be transmitted to the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Staff expects to receive comments from DEO and/or the other State agencies in March 2023. Pursuant to 163.3184, Florida Statutes, the

proposed amendments must be adopted within 180 days of receipt of the comment letter. Adoption public hearings are tentatively scheduled for the LPA on April 20, 2023 and the BCC in May 2023.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net) or Jason Sorensen, AICP, Chief Planner at (407) 836-5602 or [Jason.Sorensen@ocfl.net](mailto:Jason.Sorensen@ocfl.net).

AAV/sw

Enc: 2023-1 Regular Cycle Amendments 2023-1-A-1-3 and 2023-1-B-FLUE-7  
BCC Transmittal Staff Report

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



# **ORANGE COUNTY**

## **PLANNING DIVISION**

# **2023-1 REGULAR CYCLE AMENDMENTS**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY  
COMMISSIONERS**

**FEBRUARY 21, 2023  
TRANSMITTAL PUBLIC HEARING**

**PREPARED BY:**

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION



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### Privately Initiated Future Land Use Map Amendment

#### ADMINISTRATIVE POLICY

[illegible]

# **2023 FIRST REGULAR CYCLE AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN TRANSMITTAL PUBLIC HEARING**

## **INTRODUCTION**

This is the Board of County Commissioners (BCC) transmittal staff report for proposed First Regular Cycle Amendments 2023-1-A-1-1 and 2023-1-B-FLUE-7 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 19, 2023, and are scheduled for a transmittal public hearing before the BCC on February 21, 2023.

The 2023-1 Regular Cycle Amendments include a privately-initiated map amendment located in District 1 and an associated staff-initiated text amendment. Since this is the transmittal stage for these amendments, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendments and provide comments, expected in March 2023. Adoption public hearings are tentatively scheduled before the LPA on April 20, 2023 and before the BCC in May 2023.

Once the Regular Cycle amendments have been adopted by the BCC, they 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 June 2023, provided no challenges are brought forth for any of the amendments.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch., Manager, Planning Division, at (407) 836-5802 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net), or Jason Sorensen, AICP, Chief Planner, at (407) 836-5602 or [Jason.Sorensen@ocfl.net](mailto:Jason.Sorensen@ocfl.net).



**Applicant/Owner:**

Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A. /Gissy Holdings I-Drive Property, LLC, David A. Siegel

**Location:** 14185 International Drive; generally located south of International Drive South and World Center Drive, east of SR 535, and north of SR 417.

**Existing Use:** Vacant and Undeveloped

**Parcel ID Numbers:**

34-24-28-0000-00-021

**Tract Size:** 57.84 acres

**The following meetings and hearings have been held for this proposal:**

Report/Public Hearing		Outcome
✓	Community Meeting	Not required
✓	Staff Report	Recommend Transmittal
✓	LPA Transmittal January 19, 2023	Recommend Transmittal (7-0)
	BCC Transmittal	February 21, 2023
	State Agency Comments	March 2023
	LPA Adoption	April 20, 2023
	BCC Adoption	May 2023 (Date TBD)

**Project Information**

**Request:** Activity Center Mixed-Use (ACMU) to Planned Development – Commercial/High Density Residential (PD-C/HDR).

**Proposed Development Program:** Vertically integrated mixed-use development consisting of 200 hotel rooms, 200,000 square feet of commercial retail and 2,888 multifamily residential units.

**Division Comments:**

**Environmental, Public Facilities and Services:** Please see the Public Facilities Analysis Appendix for specific analysis on each public facility.

**Environmental:** Conservation Area Determination, CAD-90-049, issued November 30, 1990, which does not expire. CAD-22-10-201, issued on January 25, 2023, shows an additional 2.865 acres of Class II wetlands.

**Transportation:** The proposed development is expected to result in a decrease of 678 pm peak hour trips and therefore will not impact area roadways. The Roadway Network Agreement provides for dedication of ROW for the six lane International Drive Extension from World Center Drive to SR 535.

**Schools:** Orange County Public Schools Capacity Determination OC-22-091 issued a finding that school capacity is not available at Sunshine Elementary or Freedom Middle.

**Concurrent Rezoning:** CDR-22-11-333 is under review by the Technical Review Group (TRG) and is expected to be adopted concurrent with the FLUM amendment.

2023-1-A-1-3



 Subject Property

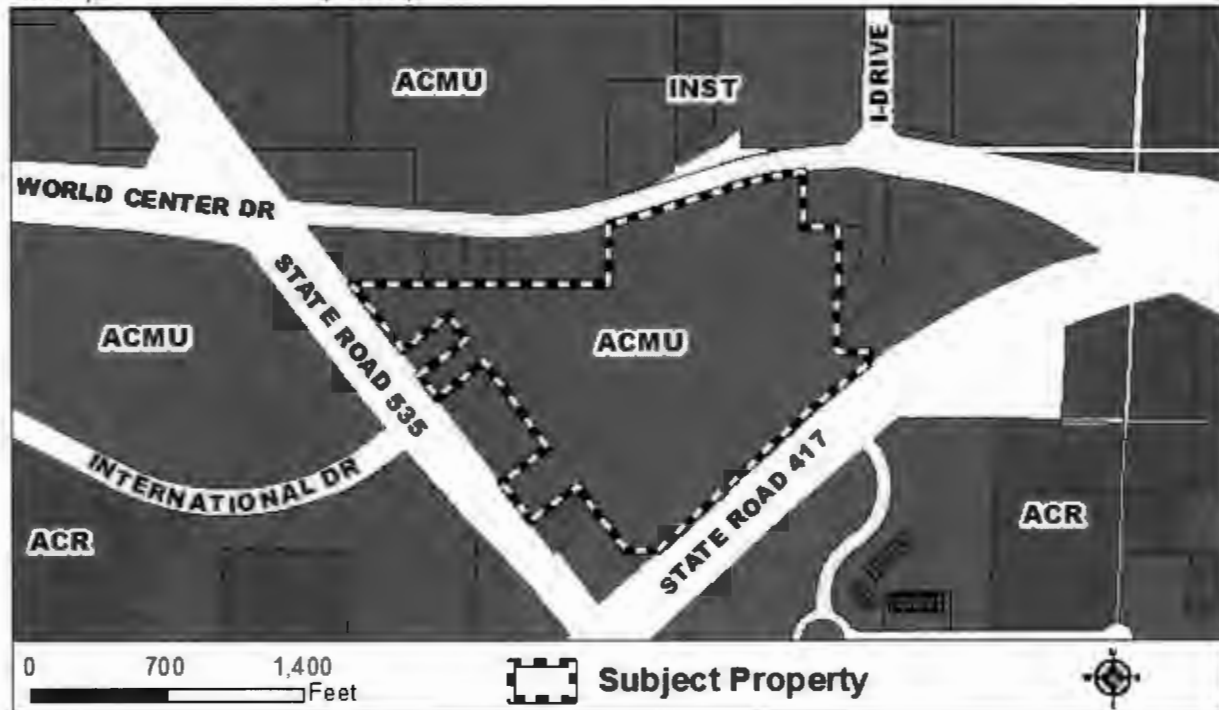


1 inch = 625 feet



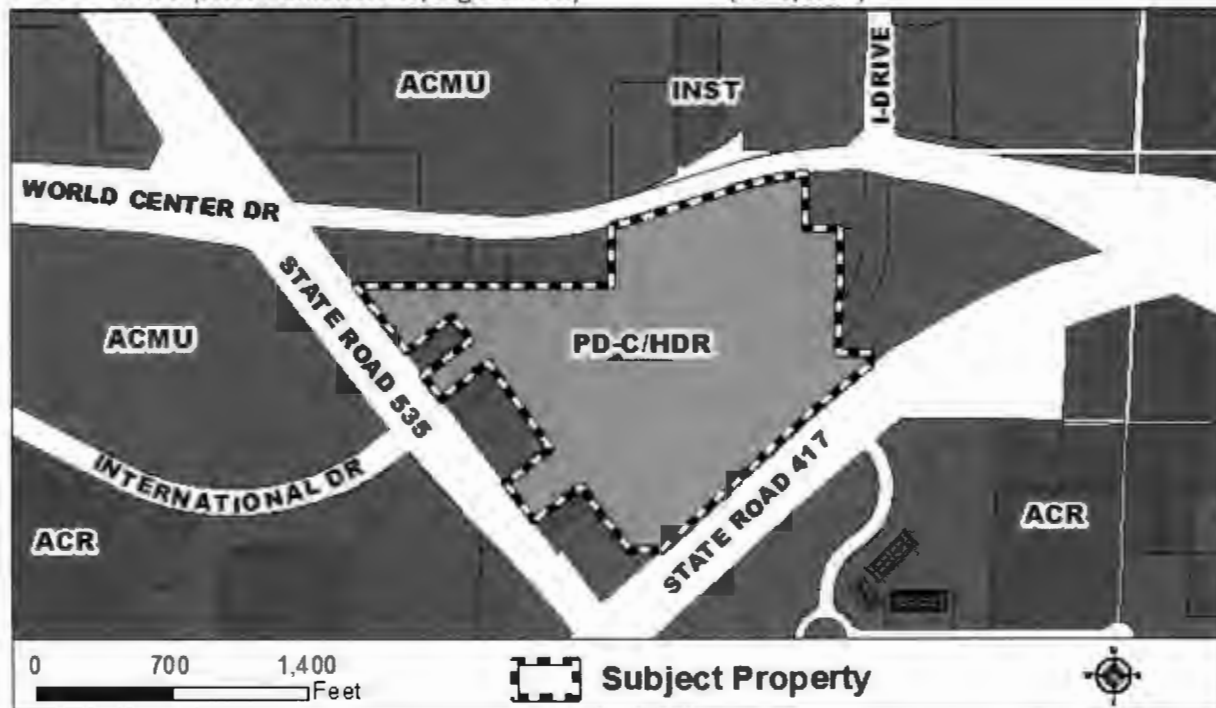
### FUTURE LAND USE - CURRENT

Activity Center Mixed Use (ACMU)



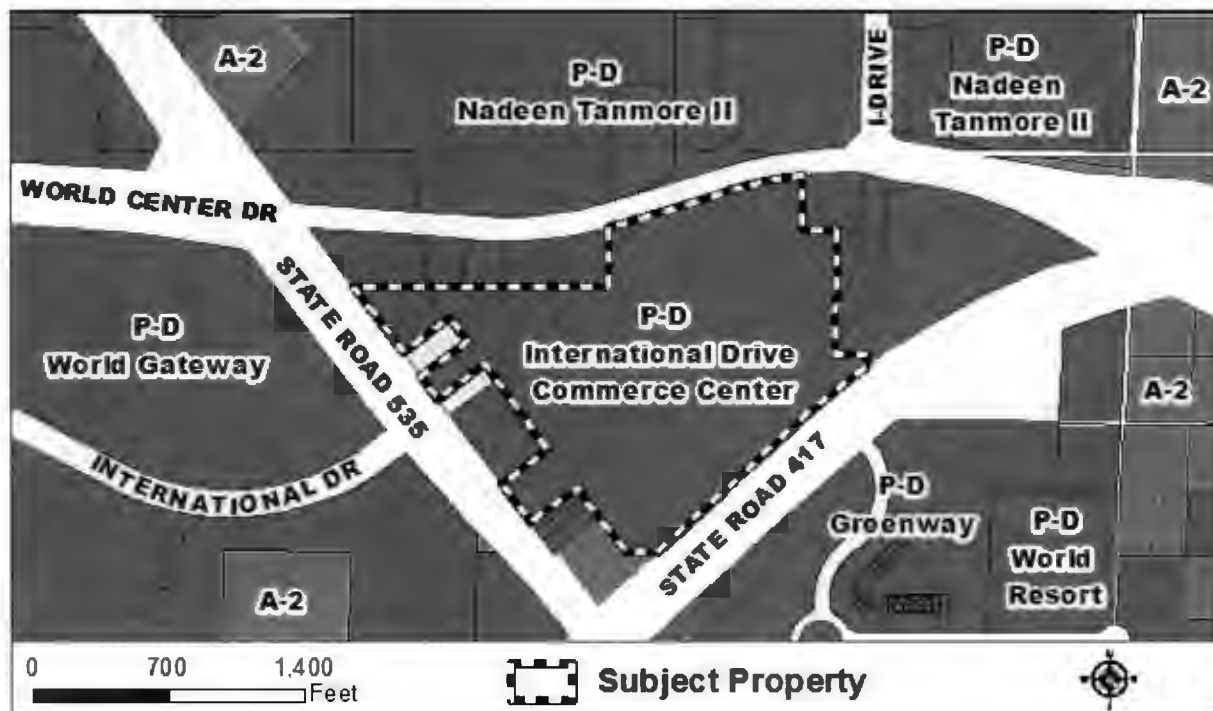
### FUTURE LAND USE - PROPOSED

Planned Development-Commercial/High Density Residential (PD-C/HDR)



## ZONING – CURRENT

P-D (Planned Development District)



## **STAFF RECOMMENDATION**

1. **FUTURE LAND USE MAP AMENDMENT 2023-1-A-1-3:** Make a finding that the information contained in the application for the proposed amendment is sufficiently complete; that the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Local Planning Agency that the amendment, 2023-1-A-1-3, be **TRANSMITTED** to the state reviewing agencies.
2. **FUTURE LAND USE TEXT AMENDMENT 2023-1-B-FLUE-7:** Make a finding the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes, and recommend to the Local Planning Agency that Amendment 2023-1-B-FLUE-7 be **TRANSMITTED** to the state reviewing agencies.

## **LPA RECOMMENDATION**

The Local Planning Agency (LPA) recommends that the Board of County Commission (BCC) **TRANSMIT Future Land Use Map Amendment 2023-1-A-1-3** and its related text amendment **Future Land Use Text Amendment 2023-1-B-FLUE-7**.

## **ANALYSIS**

### **1. Background Development Program**

The applicant is requesting to change the Future Land Use Map (FLUM) designation of the 57.84-acre subject property from Activity Center Mixed Use (ACMU) to Planned Development-Commercial/High Density Residential (PD-C/HDR). The vacant and undeveloped property is comprised of one parcel, Parcel ID 34-24-28-0000-00-021, bounded on all sides by major roadways, including World Trade Center Drive to the north, State Road (S.R.) 535 to the west, and S.R. 417 to the east. The site is bisected by the future right of way for International Drive connecting International Drive North and International Drive South.

The site has a P-D (Planned Development District) zoning which was approved on April 16, 2006, RZ-05-06-071, consistent with the adopted ACMU designation. The International Drive Activity Center Element and the Future Land Use designations of ACMU and Activity Center Residential (ACR) were adopted in the Comprehensive Plan on July 1, 1991. The existing approved International Commerce Center PD Land Use Plan (LUP) for the site includes 500 hotel rooms, 415 timeshare units, and 600,000 square feet (sq. ft.) of commercial.

The applicant is requesting to change the FLUM designation in order to allow multifamily residential housing at residential densities of 50 dwelling units /acres (DU/AC), and commercial intensity of a maximum of 1.5 Floor Area Ratio (FAR). The residential density of the site is currently limited to the current ACMU designation of 30 DU/AC.

The proposed development program will allow the property to be developed as a mixed-use development featuring 200 hotel rooms, 2,888 multi-family units, and 200,000 sq. ft. of commercial retail with direct access to both SR 535 and World Trade Center Drive. Finally, the applicant states that the proposed change is consistent with County’s goal of alleviating its “housing emergency.” The

County has acknowledged the insufficient apartment supply in the county to address the housing demand.

The intent of the applicant is to provide a vertically-integrated mix of uses consisting of 200,000 square feet of commercial uses, 200 hotel rooms, and 2,888 multifamily units. Since this is a Vertical Mixed-Use development intended to include ground level commercial uses and vertically integrated residential uses, the maximums densities and intensities for each use may be applied to the same acreage resulting in the theoretical maximums identified below.

Potential Maximum Amounts of Residential and Commercial Uses

- 57.84 acres \* 50 du/ac = 2,892 Multifamily Units, and
- 57.84 ac \* FAR 1.5 = 3.78 Million Square Feet of Commercial, including hotels

The property is subject to a Roadway Network Agreement that provides for dedication of ROW, design and construction for the six-lane International Drive Extension from World Center Drive to SR 535. The Developer will receive vested rights upon conveyance of Right-of-Way in the amount of 1,039 PM Peak Hour Directional Trips for the International Drive Extension, including the intersections from SR 535 to World Center Drive. The combination of uses will be limited to a development program not exceeding their vested PM Peak Hour Directional Trips for the International Drive Extension impacts.

The traffic study submitted with the proposed development program indicates that the new proposed development program, which converts much of the commercial entitlements to the needed residential multifamily units, will substantially reduce the peak hour trips on area roadways by 678 PM Peak Hour trips.

Density/Intensity is still calculated based on the definition in FLU1.1.2B. The number of units/square footage divided by developable area. In applying the FLU1.1.4B, which allows the PD FLUM Designations to establish specific development programs to allow multiple uses, and also intended to ensure physical integration and design.

In calculating the permitted density and intensity for a property requesting PD FLU, where the proposed development consists of residential and nonresidential uses that are either vertically integrated (nonresidential and residential in one building), or are all in one village center type layout with truly intermingled uses that are not separated out. In this scenario, it is permissible to allow the same area of land to be used to generate both residential and nonresidential entitlements, subject to the vested trips.

A Conservation Area Determination, CAD 90-049, was completed with a certified survey of the conservation area boundary was approved on November 30, 1990, which does not expire. The CAD identified two Class III wetlands totaling 1.1 acres. A Conservation Area Impact permit CAI 05-031 was subsequently issued on December 6, 2005, that has since expired.

A new Conservation Area Determination request, CAD 22-10-201, is under review for portions of the property not covered by the existing CAD. On December 16, 2022, the County's Environmental Protection Division (EPD) issued a conservation wetland classification letter indicating the presence of three Class II wetlands along the boundary of SR 417. A certified survey is needed to complete the CAD and determine the net buildable acre. CAD 22-10-201, issued on January 25, 2023, shows 2.865 of Class II wetlands. The applicant has indicated a desire to update their expired CAI permit.

As previously mentioned, the site is currently vacant and undeveloped and located within the Urban Service Area (USA) and the International Drive Activity Center, a tourist commercial area characterized by hotels and resorts, commercial retail uses, and multifamily, and has several approved Planned Developments that remain undeveloped, including the Nadeen Tanmore II PD to the north; World Gateway PD (FKA Greenway Properties) to the west, Kadmar Plaza PD and Greenway PD to the south. Properties within the International Drive Activity Center are subject to the Tourist Commercial Signage Overlay District.

Existing uses to the **North** include: World Center Drive, CVS, 7-Eleven, Urgent Care Center, and other retail commercial uses; **North of World Trade Center Drive**: Vacant land, Buena Vista Suites, Caribe Royals Orlando Resort, **East**: Car wash and gas station, multifamily residential, International Drive North and future ROW for International Drive; **South**: the SR 417 and vacant land; **West**: Vacant land and International Drive South; and **West**: SR 535, International Drive South, vacant land, commercial retail.

In conjunction with this proposed amendment, the applicant is requesting a substantial change, **CDR-22-11-333**, to the currently approved International Commerce Center PD. The table below provides a comparison of the existing and proposed development of the petitioned site.

*Table 1 Existing and Proposed Development*

	Existing	Proposed
Future Land Use	Activity Center Mixed Use (ACMU)	Planned Development-Commercial/High Density Residential
Zoning	P-D (Planned Development District)	P-D (Planned Development District)
Development Program	500 hotel rooms, 415 timeshare units, and 600,000 sq. ft of commercial	200 hotel rooms, 2,888 multi-family units, and 200,000 sq. ft. of commercial

**Future Land Use Element FLU8.1.2** describes Planned Development Future Land Uses as intended to incorporate a broad mixture of uses under specific design standards. The request for a Planned Development Future Land Use Map designation will also require an amendment to the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4** to establish the proposed development program. Any proposed change to the development program, would require an amendment to the Comprehensive Plan to amend **Future Land Use Element Policy FLU8.1.4** to allow an increase in development intensity or density.

## **COMMUNITY MEETING**

A community meeting for the proposed Future Land Use Amendment was not required.

## **2. Future Land Use Map Amendment Analysis**

### **CONSISTENCY**

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

**Future Land Use Element Goal FLU1, OBJ FLU1.1, and Policies FLU1.1.1, FLU1.1.2A and FLU1.1.2B** describe Orange County's urban planning framework, including the requirement that Urban land uses shall be concentrated within the Urban Service Area.

**Future Land Use Element Policies FLU1.3.1 and FLU1.3.2** ensure the efficient provision of infrastructure, protection of the environment, land use compatibility with adjacent land development, consistency with the Comprehensive Plan and compliance with procedural steps and additional criteria for the expansion of the Urban Service Area boundary, which is provided in greater detail below.

**Future Land Use Element Policy FLU1.1.4B** allows the Planned Development (PD) Future Land Use Designation as an urban option. The PD designation ensures adjacent land use compatibility, allows for multiple uses, and physical integration and design. The PD designation requires establishment of the development program at the Future Land Use Amendment stage, and the adoption of a text amendment to the Comprehensive Plan to specify the maximum intensity and density for a project.

The proposed amendment includes a development program of 200 hotel rooms, 2,888 multi-family units, and 200,000 sq. ft. of commercial, which will be incorporated into Policy FLU8.1.4.

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

In accordance with **Future Land Use Element Policy FLU1.1.2.A**, the applicant has specified the maximum desired development program 200 hotel rooms, 2,888 multi-family units, and 200,000 sq. ft. of commercial. Staff finds the proposed amendment consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and



future residents. The applicant's intent to develop a mixed use multi-family residential community is consistent with **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, with a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs.

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

### **STAFF-INITIATED TEXT AMENDMENT – 2023-1-B-FLUE-7**

**Future Land Use Element Policy FLU8.1.4** establishes the development programs for Planned Development (PD) 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 **2023-1-B-FLUE-7**. If adopted, the maximum development program for Amendment **2023-1-A-1-3** will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2023-1-A-1-3</u> <u>Gissy Mixed-Use</u>	<u>Planned Development-</u> <u>Commercial/High Density</u> <u>Residential (PD-C/HDR)</u>	Vertical Mixed Use of 200 hotel rooms, 200,000 sq. ft of commercial retail, and 2,888 multi-family units	<u>2022-</u>

## **COMPATIBILITY**

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

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

The project would contribute to the County's larger goals of promoting infill and compact urban form within the Urban Service Area, providing for a range of living options, efficiently using existing and planned infrastructure, and reducing trip lengths.

## **DIVISION COMMENTS: ENVIRONMENTAL, PUBLIC FACILITIES, AND SERVICES**

### **Environmental:**

#### **EPD Review Summary:**

- An Orange County Conservation Area Determination CAD 90-049 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 11/30/1990. This CAD does not expire. The CAD identifies two Class III wetlands totaling 1.1 acres within the subject property.
- An Orange County Conservation Area Determination CAD-22-10-201 is under review for the remainder of the subject property not covered by the existing CAD 90-049. Any wetland encroachments will require submittal of an application for a Conservation Impact Permit to the Orange County Environmental Protection Division as outlined in Chapter 15, Article X Wetland Conservation Areas.
- Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

#### **FLUM Amendment Comments:**

1. Historic CAD – An Orange County Conservation Area Determination CAD 90-049 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 11/30/1990. This CAD does not expire. The CAD identifies two Class III wetlands totaling 1.1 acres within the subject property.



2. CAD– An Orange County Conservation Area Determination CAD-22-10-201 was issued on January 25, 2023. Under this new CAD, there are an additional 2.865 acres of Class II wetlands.

3. Expired CAI Permit – An Orange County Conservation Area Impact permit CAI 05-031 was issued 12/6/2005 and expired 12/6/2010.

4. Conservation Area Impacts – In addition to any state or federal wetland permitting requirements, the applicant shall satisfy Orange County's wetland permitting requirements. Any wetland encroachments will require submittal of an application for a Conservation Impact Permit to the Orange County Environmental Protection Division. *Reference OC Code Chapter 15, Article X Wetland Conservation Areas.*

5. No Clearing – No construction, clearing, filling, alteration, or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to wetlandpermitting@ocfl.net. *Reference OC Code Chapter 15, Article X Wetland Conservation Areas.*

6. Access Points and Road Locations – Proposed access locations and future roadway extensions may require wetland impacts. The exact location of access points and roadways will consider minimization and avoidance of wetland impacts and rare habitat and will be determined during the Orange County Conservation Area Determination and Conservation Area Impact permit process.

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

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

**Additional EPD Comments:**

1. Solid Waste Disposal – Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition debris shall be

disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

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

## **Transportation:**

The applicant is requesting to change ~57.84 acres from ACMU to PD-C/HDR and rezone from PD to PD, to allow for the construction of hotel, multi-family, and commercial. Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed hotel, multi-family, and commercial uses will result in a decrease in the number of 678 pm peak trips and therefore will not impact the area roadways. The development will undergo further evaluation and will be required to mitigate capacity deficiencies on the transportation network in accordance with the requirements of the Orange County Concurrency Management System.

### **Roadway Capacity Analysis**

A Traffic Study was submitted with the case for review and comment. The subject property is located adjacent to Kissimmee Vineland Road.

Based on existing conditions, there is currently one (1) deficient roadway segment within the project's impact area. This information is dated and subject to change. The following roadway segment is operating at Level of Service "F": Kissimmee Vineland Road from the Osceola County Line to S.R. 536

The segments in the short-term year (2025) that are projected to operate at Level of Service "F" as a result of the background traffic and committed trips are: Kissimmee Vineland Road from the Osceola County Line to S.R. 536

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

- Kissimmee Vineland Road from the Osceola County Line to S.R. 536
- Kissimmee Vineland Road from S.R. 536 to Interstate 4.

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

#### Future Roadway Network

**Road Agreements:** International Drive Extension: The Road Network Agreement for International Commerce Center International Drive Extension was approved at the BCC on 4/18/2006 and recorded at OR Book/Page 8605/4396. This agreement provides for the dedication of Right-of-Way, design, and construction for the six-lane International Drive Extension from World Center Drive to S.R. 535. The Developer shall receive vested rights upon conveyance of Right-of-Way in the amount of 1,039 PM Peak Hour Directional Trips for the International Drive Extension including the intersections from SR 535 to World Center Drive. The Developer shall receive 62.8% of the design costs and construction costs in the form of Road Impact Fee Credits for creating excess capacity.

**Planned and Programmed Roadway Improvements:** S.R. 535 from Vineland Avenue to S.R. 536 - The purpose of this study is to analyze the corridor within the project limits for potential multimodal improvements. This study is the result of a S.R. 535 Corridor Planning Study completed in 2017 with limits from U.S. 192 to Interstate 4 (I-4) in Orange and Osceola counties. It recommended further analysis to provide for bicycle, pedestrian, and operational improvements between World Center Drive (S.R. 536) and I-4 along the S.R. 535 corridor.

S.R. 535 from S.R. 536 to U.S. 192 - The purpose of this study is to develop and evaluate improvements to S.R. 535 to accommodate future projected traffic demand and improve safety. Several potential highway and intersection improvements will be evaluated. The no-build alternative will also be evaluated. The PD&E Study is being conducted to determine the location and conceptual design of the preferred roadway improvements and the associated social, economic, and environmental effects of the improvements.

International Drive Extension – Road extension from S.R. 536 to S.R. 535.

Poinciana Blvd. Extension – Road extension from International Drive South to the Osceola County Line.

#### **Orange County Public Schools:**

Orange County Public Schools issued a formal capacity determination, OC-22-091, on November 21, 2022. This determination expires on May 17, 2023. Capacity is presently available at Lake Buena Vista High School; however, no capacity is available at Sunshine Elementary or Freedom Middle. Sunshine Elementary is scheduled for relief in 2029 and Freedom Middle is scheduled for relief in 2030.

### **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. (Goal One-r)
- 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. The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development. (Added 12/00, Ord. 00-25-r, Obj. 1.1)

**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, Growth Centers, and to a limited extent, Rural Settlements. (Added 12/00, Ord. 00-24, Policy 1.1.1-r)

**Policy FLU1.1.2** 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 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. (Added 8/93, Ord. 93-19; Amended 12/00, Ord. 00-25, Policy 1.1.10-r)

**Policy FLU1.1.2A.** 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
<b>Urban Residential – Urban Service Area</b>		
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)		

**Policy FLU1.1.4** - In addition to the residential densities listed in FLU1.1.2(A), 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(B). The Future Land Use and Zoning Correlation is found in FLU8.1.1. (Added 8/92, Ord. 92-24 8/93, Ord. 93-19, Policy 1.1.11-r; Amended 6/10, Ord. 10-07; Amended 12/14, Ord. 2014-30; Amended 11/17, Ord. 2017-19)

**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 Activity Center policies. [Amended 07/22, Ord. 2022-16 (2020-2-C-CP-1)]

FLUM Designation	General Description	Density/ Intensity
<b>Urban Mixed Use– Urban Service Area</b>		
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 Goal 5 of the Future Land Use Element.	Must establish development program at Future Land Use amendment stage per FLU8.1.4.
***	***	***

#### Policy FLU1.1.4

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

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

**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 Planned Development land uses are consistent with the cumulative densities or intensities identified on the Future

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Land Use Map. (Policy 3.1.19)

**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.

**Goal FLU2 – URBAN STRATEGIES.** Orange County will encourage urban strategies such as, but not limited to, infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options.

**OBJ FLU2.2 – MIXED-USE.** Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community. (Obj. 3.8-r)

**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.

**Policy FLU8.2.1 –** Future land use changes shall be required to be compatible with the existing development and development trends in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change. (Policy 3.2.25)

### International Drive Element

**GOAL 3 –** Residential development in proximity to employment areas of the International Drive Activity Center shall be facilitated in order to minimize travel distance and time between the uses. (Amended 6/16, Ord. 2016-15)

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

### Housing Element

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

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



**ACTION REQUESTED**

**Local Planning Agency Recommendation – (January 19, 2023)**

Make a finding that the information contained in the application for the proposed amendment has the potential to be found “in compliance” as defined by Section 163.3184(1)(b), Florida Statutes, and recommend to the Board of County Commissioners that Amendments 2023-1-A-1-3 and 2023-1-B-FLUE-7 be TRANSMITTED to the state review agencies.

**LOCAL PLANNING AGENCY (LPA) PUBLIC HEARING SYNOPSIS**

The staff report was presented to the Local Planning Agency (LPA) with the recommendation to transmit the amendments to the state review agencies.

The applicant was present and agreed with the staff recommendations. No members of the public appeared to speak regarding these amendments. Five hundred and twenty-four (524) notices were sent to property owners extending 1,500 feet surrounding the property. Staff received one commentary opposing the amendment.

A motion was made by Commissioner Boers and seconded by Commissioner Fernandez to recommend transmittal of Amendment 2023-1-A-1-3 and Amendment 2023-1-B-FLUE-7. The motion carried 7-0.

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

**Subject Site**



**Site Visit Photos**

**North**



**East**



**South**



**West**





