

**Applicant/Owner:**

Jennifer J. Stickler, P.E., Kimley-Horn and Associates, Inc. / Ruth S. Hubbard 2011 Irrevocable Family Trust, L. Evans Hubbard Trust, Linda S. Hubbard Trust, Michael Evans Hubbard Trust, 2012 Hubbard Family Trust, Leonard Evans Hubbard, and Linda S. Hubbard

**Location:** 8997, 9000, 9001, and 9100 Hubbard Place; generally located west of Hubbard Place and Lady Bet Drive, east of Lake Tibet Butler

**Existing Use:** Three single-family homes and orange grove

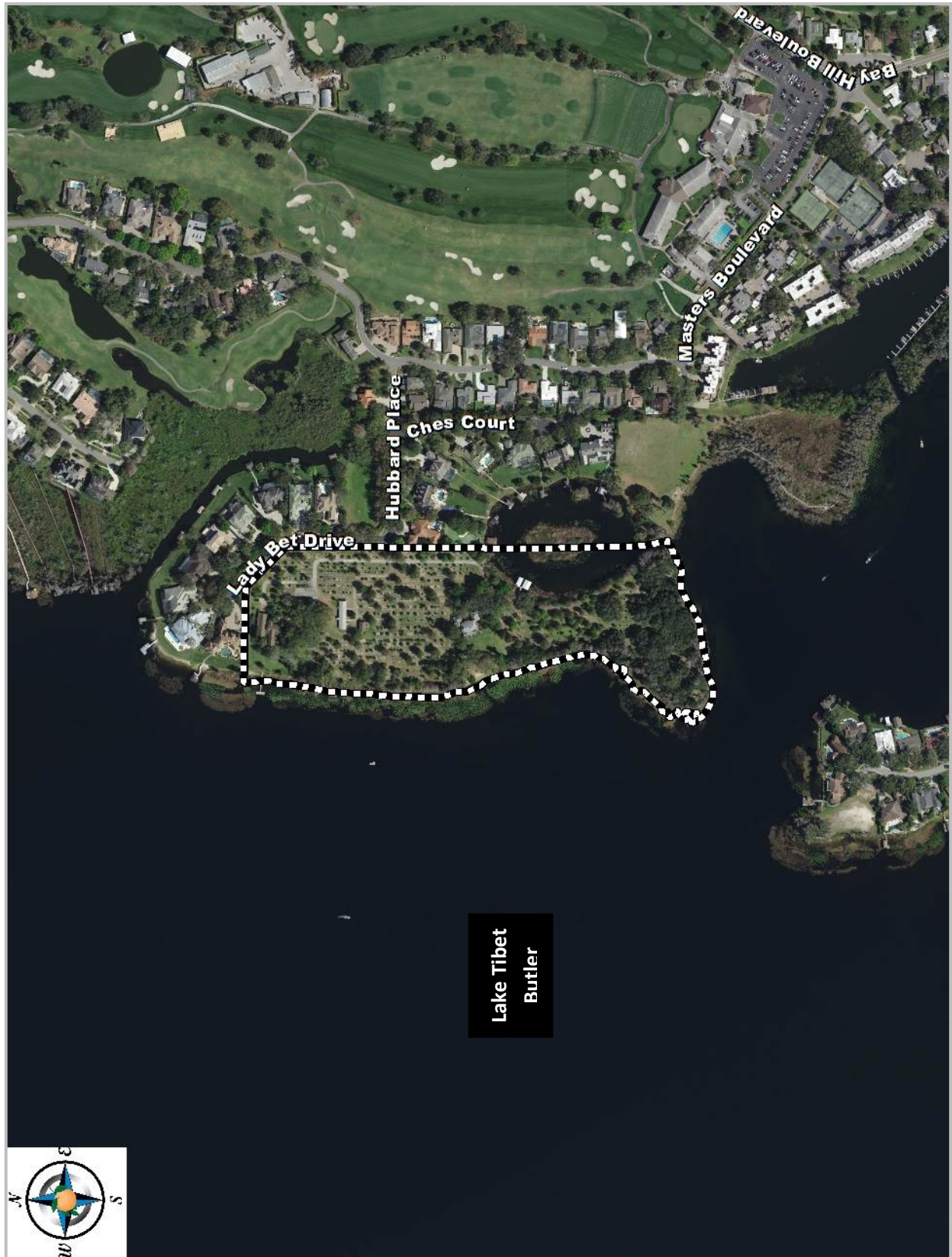
**Parcel ID Numbers:**

28-23-28-0000-00-002/019/ 020/022

**Tract Size:** 16.59 gross/13.79 net developable acres

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Request: Rural/Agricultural (R) to Low Density Residential (LDR) and Urban Service Area (USA) expansion	
✓	Community meeting held November 29, 2017, with eleven (11) members of the public in attendance.	Positive	Proposed Development Program: Residential subdivision featuring up to thirteen (13) single-family homes	
✓	Staff Report	Recommend Transmittal	<b>Public Facilities and Services:</b> Please see the Public Facilities & Services Appendix for specific analyses of each public facility. <b>Environmental:</b> Class I wetlands and surface waters are located onsite, including a portion of Lake Tibet Butler. Conservation Area Determination #CAD-17-06-082 is in progress. <b>Transportation:</b> There is one failing roadway segment (Apopka-Vineland Road from Wallace Road to Palm Lake Drive) within the project's impact area. A traffic study will be required prior to the issuance of a Capacity Encumbrance Letter and building permits. <b>Schools:</b> The developer shall be required to enter into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools (OCPS).	
✓	LPA Transmittal December 21, 2017	Recommend Transmittal (9-0)		
	BCC Transmittal	January 23, 2018		
	State Agency Comments	Early March 2018		
	LPA Adoption	April 19, 2018	<b>Concurrent Rezoning:</b> LUP-17-12-373 – R-1AA (Single-Family Dwelling District) to PD (Planned Development District) (Hubbard Place PD/LUP) The associated PD Land Use Plan (LUP) is proceeding through DRC review and is expected to be considered in conjunction with the requested amendment during the adoption public hearing stage.	
	BCC Adoption	June. 2018		

## SITE AERIAL



## FUTURE LAND USE – CURRENT



**Current Future Land Use:**  
Rural/Agricultural (R)

### Special Area Information

- Overlay District: The subject property is located within the Dr. Phillips Urban Preservation District.
- Rural Settlement: N/A
- JPA: N/A
- Airport Noise Zone: N/A
- Urban Service Area: —
- Other: The subject property is located on Lake Tibet Butler, part of the Butler Chain of Lakes and designated Outstanding Florida Waters.

## FUTURE LAND USE – PROPOSED

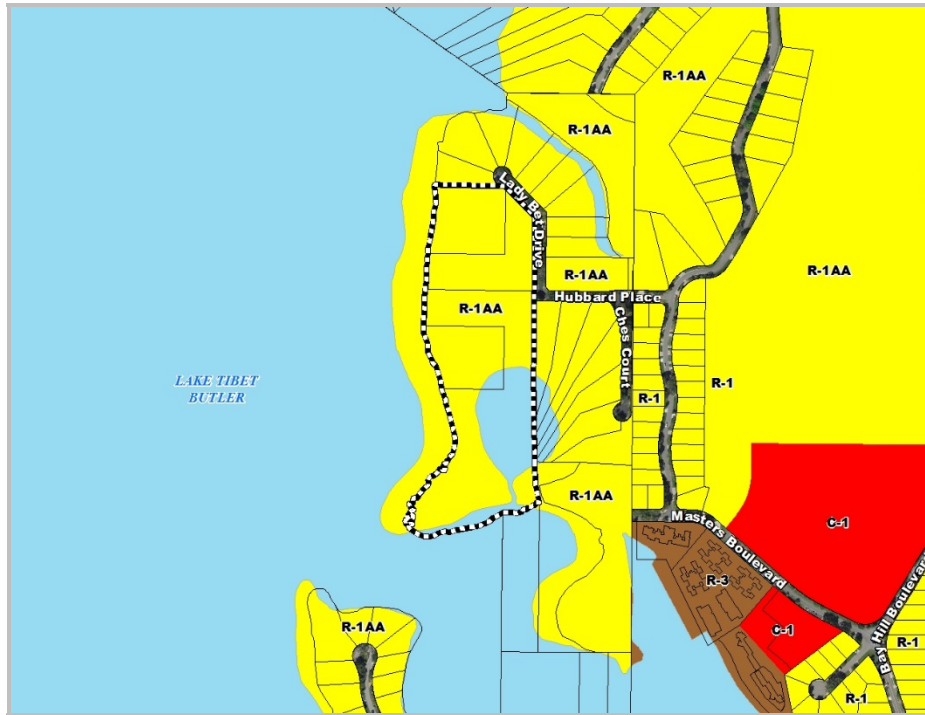


**Proposed Future Land Use:**

Low Density Residential (LDR) and Urban Service Area (USA) Expansion

- Urban Service Area —

## ZONING - CURRENT



### Current Zoning District:

R-1AA (Single-Family Dwelling District)

### Existing Uses:

North: Single-family homes

South: Lake Tibet Butler

East: Single-family homes

West: Lake Tibet Butler

## Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU1.3, and FLU8.2, and Policies FLU1.1.1, FLU1.3.1(A) and (C), FLU1.3.2, FLU6.4.14, FLU6.4.16, and FLU8.2.1; and Housing Element Goal H1 and Objective H1.1), determine that the amendment is in compliance, and **TRANSMIT** Amendment 2018-1-A-1-1, Rural/Agricultural (R) to Low Density Residential (LDR) and Urban Service Area (USA) Expansion.

## Analysis

### 1. Background and Development Program

The applicant, Jennifer Stickler, is seeking to change the Future Land Use Map (FLUM) designation of the 16.59-acre subject property from Rural/Agricultural (R) to Low Density Residential (LDR), with a corresponding Urban Service Area (USA) expansion. The parcel—comprised of approximately 13.79 upland acres and 2.8 acres of surface water and wetlands, is presently the site of three single-family homes and an orange grove. The applicant is requesting the LDR designation to allow for the redevelopment of the property for a residential subdivision featuring up to thirteen (13) single-family homes and a recreation/open space tract with a community dock.

As shown on the aerial photograph, the subject parcel is bounded to the west and south by Lake Tibet Butler, part of the Butler Chain of Lakes, designated Outstanding Florida Waters (OFW) by the Florida Department of Environmental Protection (FDEP). The property is situated in an area characterized by single-family residential development and lies within close proximity to the Bay Hill Golf Club & Lodge.

At the November 29, 2017, community meeting held for this request, the applicant and the prospective developer, Chuck Whittall of Unicorp National Developments, Inc., stated that the project is expected to consist of eight (8) lakefront lots and one (1) lot with frontage on the canal on the southeast side of the property. Each of these waterfront lots will have a minimum lot area of one (1) acre, consistent with **Future Land Use Element Policy FLU6.4.14**, which mandates that all new residential developments shall provide for a minimum lot size of at least one (1) acre for all lots fronting on any lake within the Butler Chain. As presented at the meeting, there will be four (4) additional interior lots, each with a minimum lot area of one-half (1/2) acre.

Since October 10, 1960, the subject site has possessed the R-1AA (Single-Family Dwelling District) zoning classification—a category that is inconsistent with its current Rural/Agricultural future land use designation, which permits residential development at a minimum net density of one (1) dwelling unit per ten (10) acres. At this time, the applicant wishes to bring the future land use designation of the property into conformance with its residential zoning classification and attain the same LDR future land use designation—which allows development at a maximum net density of four (4) dwelling units per acre—as neighboring residential properties to the north and east. As the site lies within the County's Rural Service Area (RSA), a concurrent expansion of the County's USA boundary will be needed to allow an LDR classification.

### 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 an urbanized area characterized by single-family residential and golf course development. The site also lies in close proximity to several major employers, including Walt Disney World, the Orlando Health Dr. P. Phillips Hospital, Universal Orlando, Sea World, Lockheed Martin, and the Orange County Convention Center. As discussed above, the applicant is seeking the LDR future land use designation to allow for the development of a 13-unit residential subdivision.

The requested FLUM Amendment and associated residential development program are consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. The prospective developer's intent to construct up to 13 single-family homes 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. It is staff's belief that the proposed single-family community will contribute to 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**.

As noted above, the subject parcel is bounded to the west and south by Lake Tibet Butler, part of the Butler Chain of Lakes. In addition to the project's aforementioned consistency with **Future Land Use Element Policy FLU6.4.14**, which mandates that all new residential developments shall provide for a minimum lot size of at least one (1) acre for all lots fronting on any lake within the Butler Chain, the request is compatible with **Future Land Use Element Policy FLU6.4.16**, which states that all rezonings within the Urban Service Area with frontage on the Butler Chain of Lakes shall be restricted to residential with accessory recreational uses. Non-residential zonings shall be prohibited. As also noted above, the portion of the Butler Chain of Lakes adjacent to the property has been designated as Outstanding Florida Waters by the Florida Department of Environmental Protection (FDEP). Staff expects that any concerns that FDEP may have regarding the project's compliance with the standards of this designation will be raised during the state review of the proposal, should the application be approved for transmittal.

The applicant has submitted an application (Case LUP-17-12-373) to rezone the property from R-1AA to PD (Planned Development District) to create the Hubbard Place PD, featuring only the proposed 13 single-family homesites and an open space/recreation tract with a community dock. The associated PD Land Use Plan (LUP), establishing design and development standards for the project, is currently proceeding through the Orange County Development Review Committee (DRC) review process. Staff anticipates that if the proposed FLUM Amendment and USA Expansion are transmitted to the Florida Department of Economic Opportunity (DEO), the PD rezoning will be considered concurrently with the two requests during the subsequent adoption public hearing stage.

Staff further finds this request 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 notes that if approved, the residential project will use infrastructure that is already in place. Per Orange County Utilities (OCU), potable water will be supplied by the Orlando Utilities Commission (OUC), and central sewer service will be provided by OCU, with no facility improvements necessary to maintain level of service standards. Moreover, the project will use the existing transportation network, which serves pedestrians and bicyclists, as well as automobile

drivers. The neighborhood is proposed to have gate controlled access to the present road network at the western terminus of Hubbard Place, which is within the Bay Hill neighborhood; also gated. Sidewalks are in place throughout the surrounding neighborhood to help provide for the safety of pedestrians and bicyclists. In addition, the property is located in the immediate vicinity of two major collector roads, Apopka-Vineland Road and Sand Lake Road, which provide direct connection to Interstate-4.

### Urban Service Area Expansion

The corresponding Urban Service Area (USA) expansion request, encompassing the entirety of the 16.59-acre subject property, appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

**Future Land Use Element Objective OBJ FLU1.3** and its associated policies outline the process by which proposed expansions of the USA shall be evaluated. **Future Land Use Element Policy FLU1.3.1** calls for a comprehensive review to ensure that proposed amendments would allow for the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent land development. **Future Land Use Element Policy FLU1.3.2** provides additional procedural steps and criteria required for consideration of USA expansion requests.

It is staff's position that the proposed USA expansion does not encourage the proliferation of urban sprawl, as required per **Policies FLU1.3.1** and **FLU1.3.2**. As mandated by **Policy FLU1.3.2(f)**, the total linear footage of the perimeter of the property to be added to the USA shall be at least 25 percent contiguous (excluding wetlands and surface water) to the existing USA boundary, as shown on the County's Future Land Use Map. As illustrated on the current future land use map included in this report, the majority of the subject property is surrounded by surface water. Of the site's approximately 1,250 linear feet along dry land, roughly 920 are adjacent to the present USA boundary, yielding a contiguity figure of 73.6 percent.

As previously discussed, the development pattern of the immediate area within the current USA boundary is characterized by suburban single-family residential and golf course development. As such, adoption of this proposed amendment and the subsequent development of a 13-unit single-family residential subdivision would allow for a continuation of the present development trend without creating an enclave or pocket of land within the RSA, as further required by **Policy FLU1.3.2(f)**.

Furthermore, the sprawl indicators outlined in **Policy FLU1.3.1(A)** address the efficient use, availability, and cost of providing infrastructure and services. Staff has determined that the location and proposed intensity of development coincide with the availability of infrastructure and services and do not constitute an inefficient extension. Potable water will be supplied by the Orlando Utilities Commission (OUC), while sanitary sewer service will be provided by Orange County Utilities (OCU). A six-inch OUC potable water main and an eight-inch OCU gravity sewer main are located immediately east of the site on Hubbard Place, which will allow for the efficient provision of utility service. Moreover, as mentioned earlier, the project will connect to the existing road network at the present terminus of Hubbard Place, and a system of interconnected sidewalks is in place throughout the surrounding residential community.

In addition, Orange County Fire Station 31 is located approximately 1.6 miles from the subject property, with an estimated emergency response time of six minutes, per the Orange County Fire Rescue Department. The Orange County Sheriff's Department has also informed staff that the proposed development of 13 single-family homes would result in the need for 0.02 new sworn and 0.01 civilian personnel. Staff notes, though, that the elementary school (Dr. Phillips Elementary),

middle school (Southwest Middle), and high school (Dr. Phillips High) that would currently serve the project are operating over capacity. Per Orange County Public Schools (OCPS), developer will be required to enter into a Capacity Enhancement Agreement (CEA) with the Orange County School Board.

Staff has further concluded that the requested amendment is consistent with the requirements in **Policies FLU1.3.1** and **FLU1.3.2** that call for proposed development to protect and conserve natural lands and resources. As discussed previously, Lake Tibet Butler, part of the Butler Chain of Lakes, is designated as Outstanding Florida Waters (OFW) by the Florida Department of Environmental Protection (FDEP) per Rule 62-302.700 of the Florida Administrative Code (F.A.C.). The project must comply with all applicable regulations to prevent the degradation of water quality. In addition, Lake Tibet Butler has an established Municipal Service Taxing Unit (MSTU) for the purpose of funding lake management services. Per the Orange County Environmental Protection Division (EPD), this project shall be required to participate. As noted above, the proposed subdivision is being designed in accordance with the County's Comprehensive Plan policies pertaining to development on the Butler Chain.

Finally, **Future Land Use Element Policy FLU1.3.1(C)** requires the County to consider additional factors when evaluating development proposals for inclusion within the Urban Service Area. Consistent with the components of this policy, staff has previously discussed how the proposed development program would contribute to the achievement of the urban goals and strategies of the Comprehensive Plan.

**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 2018-1-B-FLUE-1.

Amendment Number	Name	Acreage	Ordinance
<u>2018-1-A-1-1</u>	<u>Hubbard Place</u>	<u>16.59</u>	<u>2018-</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 trend of the area. As discussed earlier, the subject property is located in an urbanized area characterized by single-family residential and golf course development. In addition, it is situated in close proximity to several major employers and regional transportation corridors, adding to its suitability for residential development. It is staff's belief that the proposed single-family residential project would contribute to the County's larger goals of promoting infill within the Urban Service Area, providing for a range of living options, efficiently using existing infrastructure, and reducing trip lengths. Staff therefore, recommends transmittal of this requested amendment.

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

#### **Environmental Protection Division**

The Environmental Protection Division (EPD) has noted that Class I wetlands and surface waters are located onsite, including a portion of Lake Tibet Butler. Conservation Area Determination application #CAD-17-06-082 was submitted for this project and is in progress. The CAD must be completed with a certified wetland boundary survey approved by EPD prior to approval of this request, in accordance with Orange County Code Chapter 15, Article X, Wetland Conservation Areas.

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 (BCC).

Approval of this request does not grant permission for the construction or alteration of boat ramps, docks, boardwalks, observation piers, lakeshore 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 EPD prior to commencement of such activities.

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 if 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 EPD. Please reference Comprehensive Plan Policy FLU1.1.2 C.

The Normal High Water Elevation (NHWE) of Lake Tibet Butler was established at 98.52 feet NAVD 88 in the Lake Index of Orange County. The developer shall clearly label and indicate the NHWE contour of the lake on all development plans or permit applications, in addition to any wetland, floodplain, and setback lines.

All development is required to pretreat stormwater 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.

Lake Tibet Butler (in the Butler Chain of Lakes) is designated as Outstanding Florida Waters (OFW) by the Florida Department of Environmental Protection (FDEP) per Rule 62-302.700 of the Florida Administrative Code (F.A.C.). No degradation of water quality is to be permitted, other than that allowed in 62-4.242 F.A.C., notwithstanding any other FDEP rules that allow water quality lowering.

Lake Tibet Butler has an established Municipal Service Taxing Unit (MSTU) for the purpose of funding lake management services. This project shall be required to participate.

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).

Prior to commencement of any earthwork or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

Prior to demolition or construction activities associated with existing structures, please provide EPD with a Notice of Asbestos Renovation or Demolition form. For more information or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.

Any existing septic tanks or wells (potable or irrigation water supply wells) onsite shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Please contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.

The subject properties had a prior agricultural land use that may have resulted in soil or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. 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 the Florida Department of Environmental Protection (FDEP) Regulation 62-777, Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to EPD and the Development Engineering (DE) Division. If an Environmental Site Assessment (ESA) has been completed for this project, please submit a copy to EPD.

#### **Transportation Planning Division**

Based on the current Rural/Agricultural (R) future land use designation of the subject property, the maximum allowable development of four (4) single-family homes would generate five (5) new p.m. peak hour trips. The thirteen (13) single-family homes proposed under the Low Density Residential (LDR) future land use designation will generate fourteen (14) p.m. peak hour trips, resulting in a net increase of nine (9) p.m. peak hour trips.

Per the Transportation Planning Division, the subject site is not located within the County's Alternative Mobility Area (AMA) or along a backlogged/constrained facility or multimodal corridor.

The trip generation of the proposed project does not exceed one (1) percent of the maximum volume at the adopted Level of Service on the affected transportation facilities. However, based on the Concurrency Management System database dated November 27, 2017, there is one failing roadway segment within a one-mile radius of this project. Apopka-Vineland Road from Wallace Road to Palm Lake Drive currently has no available capacity and is operating at Level of Service F. As a result, a traffic study will be required prior to issuance of an approved Capacity Encumbrance Letter and building permits. This information is dated and is subject to change.

Analysis of the short-term or interim Year 2022 conditions indicates deficient roadway conditions on both Apopka-Vineland Road from Sand Lake Road to Palm Lake Drive and Wallace Road from Apopka-Vineland Road to Dr. Phillips Boulevard.

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 lies within the Orlando Utilities Commission's potable water service area and Orange County Utilities' (OCU's) wastewater and reclaimed water service areas. Per OCU, there is an 8-inch gravity sewer main on Hubbard Place, and they presently have sufficient plant capacity to serve the project. Reclaimed water, however, is currently unavailable in the vicinity of the site.

#### Orange County Public Schools

Per Orange County Public Schools (OCPS), the elementary school (Dr. Phillips Elementary), middle school (Southwest Middle), and high school (Dr. Phillips High) that would currently serve the project are operating over capacity. Per OCPS, the developer will be required to enter into a Capacity Enhancement Agreement (CEA) with the Orange County School Board.

Staff notes that to ensure compliance with Orange County Comprehensive Plan Policy FLU8.7.11, a copy of the fully-executed agreement must be submitted to the Planning Division no later than two weeks prior to the adoption public hearing before the Board of County Commissioners.

### 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 FLU1.3 – APPLICATION FOR URBAN SERVICE AREA EXPANSION.** No new expansions to the Urban Service Area boundary, except for those planned for Horizon West and the Innovation Way Overlay (Scenario 5), shall be permitted unless supported by data and analysis demonstrating consistency with Objectives FLU1.2 and FLU1.3 and associated policies. Orange County shall use the following process to evaluate Urban Service Area expansions, and as a means for achieving its goals with respect to accommodating growth within the USA and implementing the Comprehensive Plan.

**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.

**FLU1.3.1 –** All amendments to the Urban Service Area shall include a comprehensive review to ensure the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent development.

**FLU1.3.1(A) –** Per Section 163.3177(6)(a)(9)(a), Florida Statutes, amendments to the Comprehensive Plan, including Urban Service Area expansion requests, shall discourage urban sprawl. The primary indicators used to evaluate whether a plan or plan amendment encourages the proliferation of urban sprawl are listed below.

1. Promotes, allows, or designates substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need;

2. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development;
3. Promotes, allows, or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments;
4. Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems;
5. Fails to adequately protect adjacent agricultural areas and activities, including active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils;
6. Fails to maximize use of existing public facilities and services;
7. Fails to maximize use of future public facilities and services;
8. Allows for land use patterns or timing that disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government;
9. Fails to provide a clear separation between rural and urban uses;
10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities;
11. Fails to encourage a functional mix of uses;
12. Results in poor accessibility among linked or related land uses;
13. Results in the loss of significant amounts of functional open space.

**FLU1.3.1(C)** – In addition to the sprawl criteria outlined in FLU1.3.1A and FLU1.3.1B, the County shall consider the following factors when evaluating development proposals for inclusion within the Urban Service Area:

1. The extent to which the proposed development contributes to the urban strategies and urban form identified in the CP;
2. Whether the proposal will consist of a Traditional Neighborhood Development (TND), sector plan, or mixed use planned development that uses traditional neighborhood development, including minimum residential densities, school-centered design, diversity of housing types, and price ranges that reduce vehicle dependency, protect natural environmental features, and create a sense of community and place through urban design principles and the arrangement of land uses;
3. The supply of vacant land within the Urban Service Area, the rate of building permit approvals as compared to the absorption of committed and pending land use inventory supply, and the timing and need for development with respect to the current building inventory and supply approved to date;
4. Whether the project demonstrates the ability to meet Orange County's adopted Level of Service (LOS) standards as required by the Concurrency Management provisions of Article

- XII, Sec. 30-500 of the Orange County Code. Adequate public facilities and services to support the development shall include, but not be limited to, roads, water and sewer facilities, solid waste, recreational lands, stormwater, and schools;
5. Whether the proposal can be deemed to have a prevailing public benefit such as:
    - a. establishment of a new major employer or relocation or expansion of an existing major employer, where such establishment, relocation or expansion is endorsed and/or sponsored by the State of Florida, or
    - b. consistent with Activity Center provisions as identified in the Future Land Use, Urban Design, or Economic elements;
  6. The extent to which the proposal furthers workforce housing and the transit readiness of the County;
  7. Compatibility with the targeted urban densities/intensities provided for in FLU1.1.4 and provision of the following:
    - a. a sustainable development program allowing for a balanced mix of residential/non-residential uses;
    - b. appropriate timing of development complementing and coinciding with surrounding developments allowing for adequate provision of infrastructure and services;
    - c. jobs to housing balance; and,
    - d. adequate assessment of the environmental impacts of the project as well as how the site integrates with the surrounding built environment at the time of the application.

**FLU1.3.2** – An application to expand the Urban Service Area shall be approved only when the application is found to be consistent with the Comprehensive Plan and complies with the following procedural steps and additional criteria, with the exception of those planned for Horizon West and the Innovation Way Overlay (Scenario 5).

- a. The applicant demonstrates that the proposed development is needed to satisfy acreage demands of the projected population and land use needs identified in the CP and will not detract from the CP's urban strategies of infill, mixed use and transit oriented development.
- b. The provision of infrastructure/services to the proposed development shall be a logical and fiscally prudent extension of existing lines, and shall not deplete capacity allocated or reserved for vacant, vested developable land within the Urban Service Area.
- c. The application shall detail existing and planned availability of services and facilities, how these services and facilities will be funded and an accounting for the development potential of vacant land within the Urban Service Area. Services and facilities shall include, but not limited to, potable water provision, wastewater disposal, law enforcement, fire protection/emergency medical service, road capacity, transit service, stormwater management, parks and open space, solid waste disposal, libraries and health care and schools. The identified funding strategies must be consistent with the County's CIP and CIE processes.
- d. To ensure new development can be accommodated, an applicant wishing to request a USA expansion must submit a Small Area Study, whose methodology is based on professionally accepted standards. This Small Area Study must demonstrate the growth-

related impacts as it relates to concurrency requirements and the fiscal sustainability of a project over its lifetime. Such information must be submitted as part of a Large Scale or Small Scale Future Land Use Map amendment application process to request an expansion to the USA. For any Urban Service Area expansion or phased large-scale Future Land Use amendment, the County may require the applicant to demonstrate the capacity to provide the necessary infrastructure over the entire build-out period. The developer shall pay the full cost of initial services and facility expansion, unless excess uncommitted infrastructure/service capacity exists.

- e. To discourage urban sprawl, the travel distance between proposed residential development and identified employment centers shall not exceed a ten miles/twenty minute travel distance standard as referenced in Section 73C-40.048(2)(r), Florida Administrative Code (the Adequate Housing Uniform Standard Rule); or the project will include a mix of uses that allows a jobs/housing balance keeping with planning standards, which typically recommends a 1.5:1 jobs to housing balance.
- f. The total linear footage of the perimeter of the property to be added to the USA shall be at least 25% contiguous (excluding wetlands and surface water) to the existing USA boundary as shown on the County's Future Land Use Map. The perimeter of the property shall be measured as a percentage of the total linear footage of the perimeter of the property proposed for inclusion as compared to the perimeter of the parcel that is contiguous. To discourage urban sprawl and reduce enclaves, the proposed development shall not extend into the Rural Service Area in a ribbon like manner or create enclaves or pockets of Rural Service Area.

If the property is contiguous but the contiguity is less than 25%, the following additional criteria must be met:

- The subject property shall not leave intervening parcels of developable property between the subject property and the Urban Service Area;
- The proposed development shall meet the minimum required site and building placemaking design standards for Mixed-Use Development Activity Centers, consistent with Policy FLU3.2.6; (Amended 10/10, Ord. 2010-13).
- The subject property is located within five miles of a regional employment center containing no less than 5,000 existing employees;
- The proposed development shall meet the design requirements for a Multimodal Transportation District (MMTD) as outlined in FDOT's *Multimodal Transportation Districts and Areawide Quality of Service Handbook*, and the property owner/developer agrees to be included within a proposed MMTD boundary if and when the County proposes an MMTD;
- The application demonstrates that the proposed development will not adversely affect the County's ability to provide public safety services. This shall include a demonstration that adequate police and fire protection facilities are available (consistent with Policies FR1.2.2 and FR1.2.3), that adequate fire flows are or will be available, and that reflex time for fire and EMS response will be consistent with Policy FR1.2.1;
- The application contributes to the County's desired urban form strategies and urban

form, consistent with Policy FLU1.3.1C(1); and

- The application meets all other requirements addressed in Policies FLU1.3.1A, FLU1.3.1B, and FLU1.3.1C.
- g. In addition, an application for a USA expansion may be required to include a Listed Species survey. If Listed Species are identified, the application must include information as to whether there have been adequate provisions to protect those species.
- h. The application for a USA expansion should include a commitment to nationally recognized Green Building standards, water and energy conservation measures and as well as to meet other sustainability criteria. Sustainability criteria can include, but are not limited to, the mix and balance of uses, the timing of development (with respect to the Capital Improvements Program (CIP)), the jobs to housing balance, the environmental impacts of the project, as well as how the site integrates with the surrounding built environment at the time of the application.

**FLU6.4.14** – All new residential developments shall provide for a minimum lot size of at least one (1) acre for all lots fronting on any lake within the Butler Chain. This shall not include any existing manmade waterbodies connected to the Butler Chain. This development must be consistent with the future land use designation, FLU1.2.7 or FLU6.1.9, or have vested rights.

**FLU6.4.16** – All rezonings within the Urban Service Area with frontage on the Butler Chain of Lakes shall be restricted to residential only with accessory recreational uses. Nonresidential zonings shall be prohibited.

**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



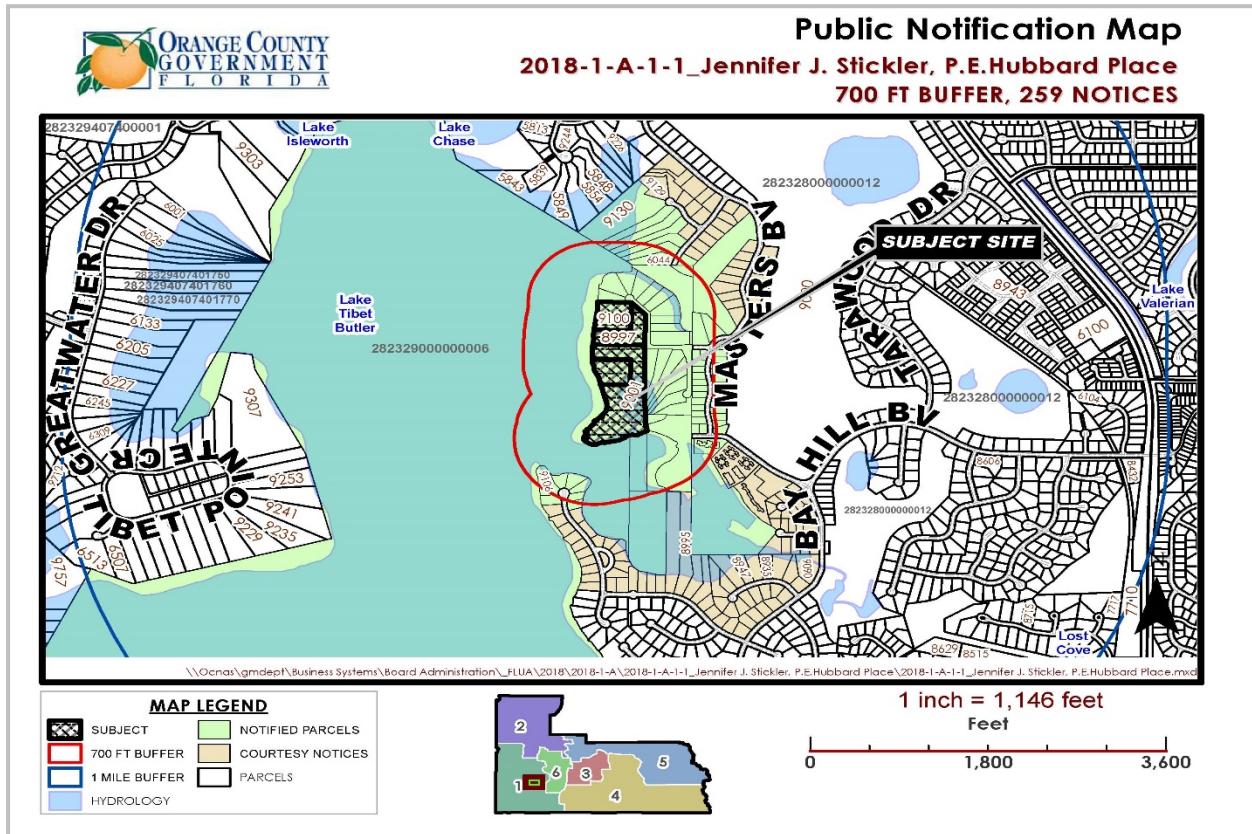
West of Subject Site



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

259 notices sent

