




Interoffice Memorandum

August 9, 2022

TO: Mayor Jerry L. Demings
-AND-
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: 2022-1 Regular Cycle Comprehensive Plan
Amendments 2022-1-A-4-1 and 2022-1-B-FLUE-1 and Concurrent Substantial Change
Request# CDR-21-04-131 (Reserve at Alafaya PD/LUP)
Board of County Commissioners (BCC) Adoption Public Hearings

The 2022-1 Regular Cycle Comprehensive Plan Amendments 2022-1-A-4-1 and 2022-1-B-FLUE-1 are scheduled for a BCC adoption public hearing on August 9, 2022. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing on April 21, 2022.

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 2022-1 Regular Cycle State-Expedited Amendments scheduled for consideration on August 9 include one privately-initiated Future Land Use Map Amendment located in District 4 with a concurrent substantial change request and one associated staff-initiated text amendment. The proposed Future Land Use Map amendment entails a change to the Future Land Use Map for a property greater than ten acres in size. The staff-initiated amendment involves changes to the Goals, Objectives and/or Policies of the Comprehensive Plan.

In summary, the action items addressed by this memo for August 9 are:

- Amendment 2022-1-A-4-1 (Reserve at Alafaya)
- Amendment 2022-1-B-FLUE-1 (Policy FLU8.1.4)
- Substantial Change Request CDR-21-04-131 (Reserve at Alafaya PD/LUP).

In conjunction with these three action items, the BCC will also consider an adopting Ordinance for Amendment 2022-1-A-4-1 and Amendment 2022-1-B-FLUE-1.

The 2022-1 Regular Cycle State-Expedited Review Amendments were heard by the PZC/LPA at transmittal public hearings on January 20, 2022, and by the BCC at transmittal public hearings on February 8, 2022. These amendments were reviewed by the Florida Department of Economic Opportunity (DEO), as well as other state and regional agencies. On March 25, 2022, DEO issued a comment letter, which did not contain any concerns about the amendments 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. Therefore, these amendments are expected to become effective in September 2022, 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 Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.

2022-1 Regular Cycle Amendments 2022-1-A-4-1 and 2022-1-B-FLUE-1 and
Concurrent Substantial Change Request# CDR-21-04-131
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AAV/sw

Enc: 2022-1 Regular Cycle Amendments 2022-1-A-4-1 and 2022-1-B-FLUE-1 BCC Adoption Staff Report and
Concurrent Substantial Change Request# CDR-21-04-131

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



ORANGE COUNTY

PLANNING DIVISION

2022-1 REGULAR CYCLE AMENDMENTS

**2022-1-A-4-1 &
2022-1-B-FLUE-1 &**

SUBSTANTIAL CHANGE REQUEST CDR-21-04-131

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

**AUGUST 9, 2022
ADOPTION PUBLIC HEARING**

PREPARED BY:
ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



2022 FIRST REGULAR CYCLE AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN ADOPTION PUBLIC HEARINGS

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing staff report for the First Regular Cycle Amendments 2022-1-A-4-1 and 2022-1-B-FLUE-1 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearings for these amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on April 21, 2022. These amendments are scheduled for adoption public hearings before the BCC on August 9, 2022.

The 2022-1 Regular Cycle Amendments scheduled for BCC consideration on August 9 were heard by the PZC/LPA at transmittal public hearings on January 20, 2022, and by the BCC at transmittal public hearings on February 8, 2022.

Please note the following modifications to this report:

KEY TO HIGHLIGHTED CHANGES	
Highlight	When changes made
Pink	Following the LPA adoption public hearings (by staff)

The 2022-1 Regular Cycle – State-Expedited Review Amendments scheduled for consideration on August 9 include one privately-initiated Future Land Use Map Amendment located in District 4 with a concurrent substantial change request and one associated staff-initiated text amendment. The proposed Future Land Use Map Amendment entails a change to the Future Land Use Map for a property greater than ten acres in size. The staff-initiated amendment entails changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The Regular Cycle State-Expedited Review Amendments were reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On March 25, 2022, DEO issued a comment letter, which did not contain any concerns about the amendments 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 September 2022, 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 Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.

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Privately-Initiated Regular Cycle Future Land Use Map (FLUM) Amendment, Associated Staff-Initiated Text Amendment, and Concurrent Substantial Change Request

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2022-1-B-FLUE-1 PD Density and Intensity	
Substantial Change CDR-21-04-131	

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		<p>multi-family buildings located within 20 feet of single-family zoned property within Tract 4, in lieu of varying building height with a maximum of 50% of the buildings being three-stories (not to exceed 40 feet) in height with the remaining buildings being one story or two stories in height located between 100+ feet to 150 feet of single-family zoned property;</p> <p>3) A waiver from Section 38-1258(c) to allow for a maximum building height of 60 feet for multi-family buildings located within 20 feet of single-family zoned property within Tract 4, in lieu of three stories, 40 feet in height located within 150 feet of single-family zoned property;</p> <p>4) A waiver from Section 38-1258(d) to allow for a maximum building height of 60 feet (4 stories) for multi-family buildings on Tract 4 and Tract 9, in lieu of 3-stories or 40 feet;</p> <p>5) A waiver from Section 38-1258(j) to allow for a minimum building separation of 20 feet between all multi-family buildings on Tract 4 with no increase in proportion to additional structural height, in lieu of 30 feet for two-story buildings, and 40 feet for buildings three-stories, and separation increases in proportion to additional structural height;</p> <p><u>Waivers 6 through 9 are for detached single-family dwellings on Tract 1, 2, 3 and 5:</u></p> <p>6) A waiver from Section 38-1501 to allow a minimum lot size of 4,200 square feet for a detached, rear loaded, single-family dwelling, in lieu of 4,500 square feet;</p> <p>7) A waiver from Section 38-1501 to allow a minimum lot width of 40 feet for a detached, rear loaded, single-family dwelling, in lieu of 45 feet;</p> <p>8) A waiver from Section 38-1501 to allow for a minimum front yard setback of 15 feet for a detached, rear loaded, single-family dwelling, in lieu of 20 feet;</p>	
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		<p>9) A waiver from Section 38-1501 to allow a minimum side street setback of 10 feet for a detached, rear loaded, single-family dwelling, in lieu of 15 feet;</p> <p><u>Waiver 10 and 11 are for townhome buildings on Tracts 1, 2, 3, 4 and 5:</u></p> <p>10) A waiver from Section 38.79(20)(j) to allow for a minimum distance of 40 feet between buildings, front to front or rear to rear, in lieu of 60 feet;</p> <p>11) A waiver from Section 38.1501 to allow a minimum side street setback of 10 feet for townhome buildings, in lieu of 15 feet; and</p> <p><u>Waiver 12 is for all tracts:</u></p> <p>12) A waiver from Section 30-248(b)(2)(P) to allow a full access intersection separation of 660+/- feet along Alafaya Trail, in lieu of 1/2-mile, or 2,640 feet.</p>	
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2022-1 Bonding Cycle State Examined Review Comprehensive Plan Amendments

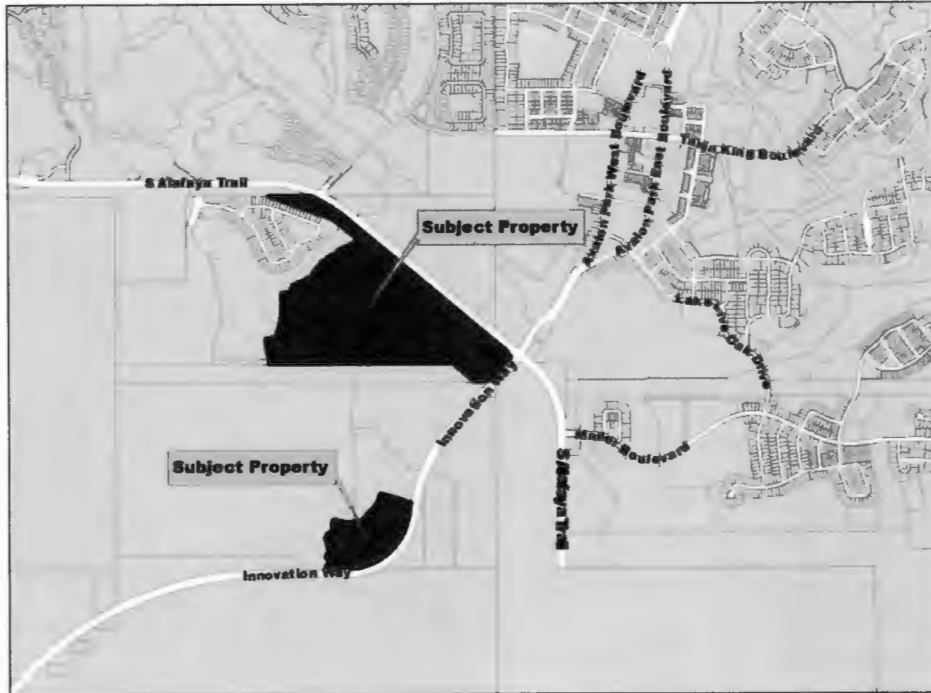
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2022-1 Reader Cycle Comprehensive Plan Amendment

Amendment Number	Sponsor	Description of Proposed Changes to the 510-5500 Comprehensive Plan (CP)	Project Sponsor	Staff Role	LPA Role
5100-5-0-PLN-4 (PLN-L4)	Funding Station	Text amended to Pattern Land Use District Policy PLN-L4 establishing the minimum densities and setbacks for proposed Planned Developments within Orange County associated with Amendment 5100-5-0-4	San Antonio	Adopt	Adopt (P-6)

MANUSCRIPT NUMBER

[illegible]



Applicant/Owner: Jonathan Huels for CJD Property Hold CO, LLC; Alafaya TH Tract 4, LLC; Alafaya COM Tract 7, LLC; and Alafaya TH Tract 9, LLC

Location: 3100 S. Alafaya Trl.; Generally located south of S. Alafaya Trl., north and west of Innovation Wy.

Existing Use: Undeveloped

Parcel ID Numbers:

12-23-31-0000-00-006/011/012/013; PD/LUP Substantial Change also includes Parcels 12-23-31-0000-00-001/005/006/007/008/010/011/012/013/014/017/12-23-31-1917-00-008/12-23-31-1918-01-000/12-23-31-1919-01-000

Tract Size: 114.17 gross acres (FLUM Amendment); 70 gross acres (PD/LUP Substantial Change)

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

Report/Public Hearing	Outcome
✓ Community Meeting (1,982 notices sent; 19 residents in attendance)	December 1, 2021 Positive
✓ Staff Report	Recommend Transmittal
✓ LPA Transmittal January 20, 2022	Recommend Transmittal (8-0)
✓ BCC Transmittal February 8, 2022	Transmit (7-0)
✓ State Agency Comments	March 25, 2022
✓ LPA Adoption April 21, 2022	Recommend Adoption (7-0)
BCC Adoption	August 9, 2022

Project Information

Request: Mixed-Use Tract: Planned Development-Commercial/Low-Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/PR/OS), Planned Development-Commercial (PD-C), Commercial (C), and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR/OS) **Multi-Family Tract:** Planned Development-Low-Medium Density Residential/Medium Density Residential (PD-LMDR/MDR) and Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR)

Proposed Development Program: Mixed-Use Tract: 200,000 sq. ft. of Commercial, 50,000 sq. ft. of Office, 597 Multi-Family units, 100 Townhome units, 20-acre Park, and 3-acre Recreation Trail; **Multi-Family Tract:** up to 350 Multi-Family units

Division Comments:

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

Transportation: The proposed use will generate 1,337 p.m. peak hour trips, resulting in an increase of 108 p.m. peak hour trips.

Parks and Recreation: The Reserve at Alafaya Development has a Developer's Agreement for a 20-acre community park and for locating a portion of the Avalon Trail.

Schools: Per School Capacity Determination OC-21-048, the new units requested have obtained prior approvals and are currently reserved in OCPS' capacity database. OCPS will not require the requested new units to be processed for capacity review.

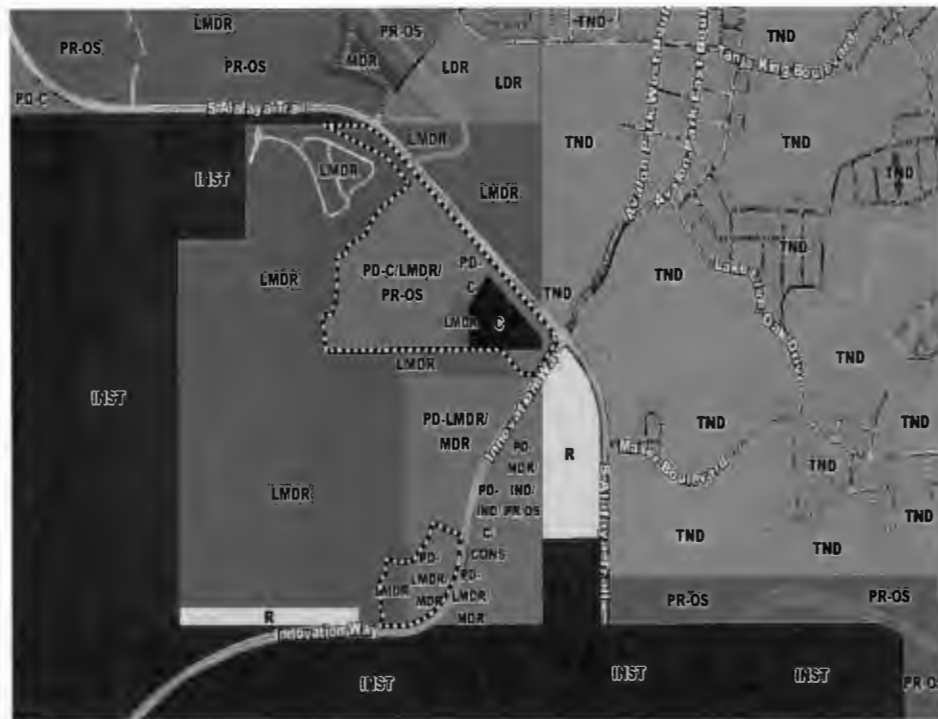
Concurrent PD/LUP Substantial Change:

On August 9, 2022, the BCC will consider a proposed substantial change to the currently-approved Reserve at Alafaya PD Land Use Plan (CDR-21-04-131) in conjunction with the requested Future Land Use Map Amendments.

AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use Designation:

Mixed-Use Tract: Planned Development-Commercial/Low-Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/PR/OS), Planned Development-Commercial (PD-C), Commercial (C), Low-Medium Density Residential (LMDR)

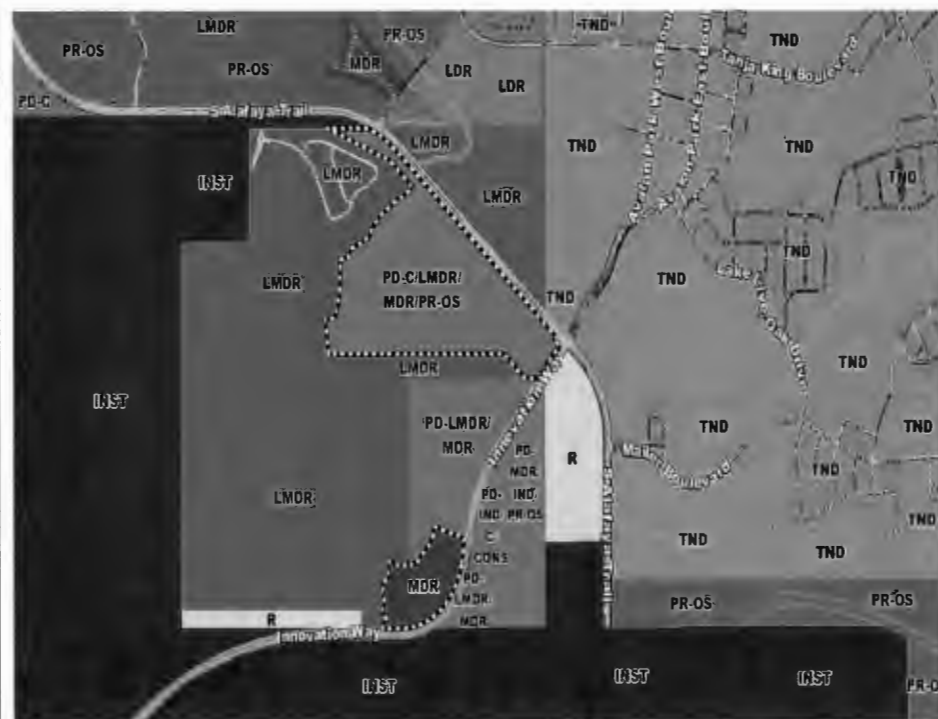
Multi-Family Tract: Planned Development-Low-Medium Density Residential/Medium Density Residential (PD-LMDR/MDR) and Low-Medium Density Residential (LMDR)

Special Area Information: N/A

JPA: N/A

Rural Settlement: N/A

FUTURE LAND USE - PROPOSED

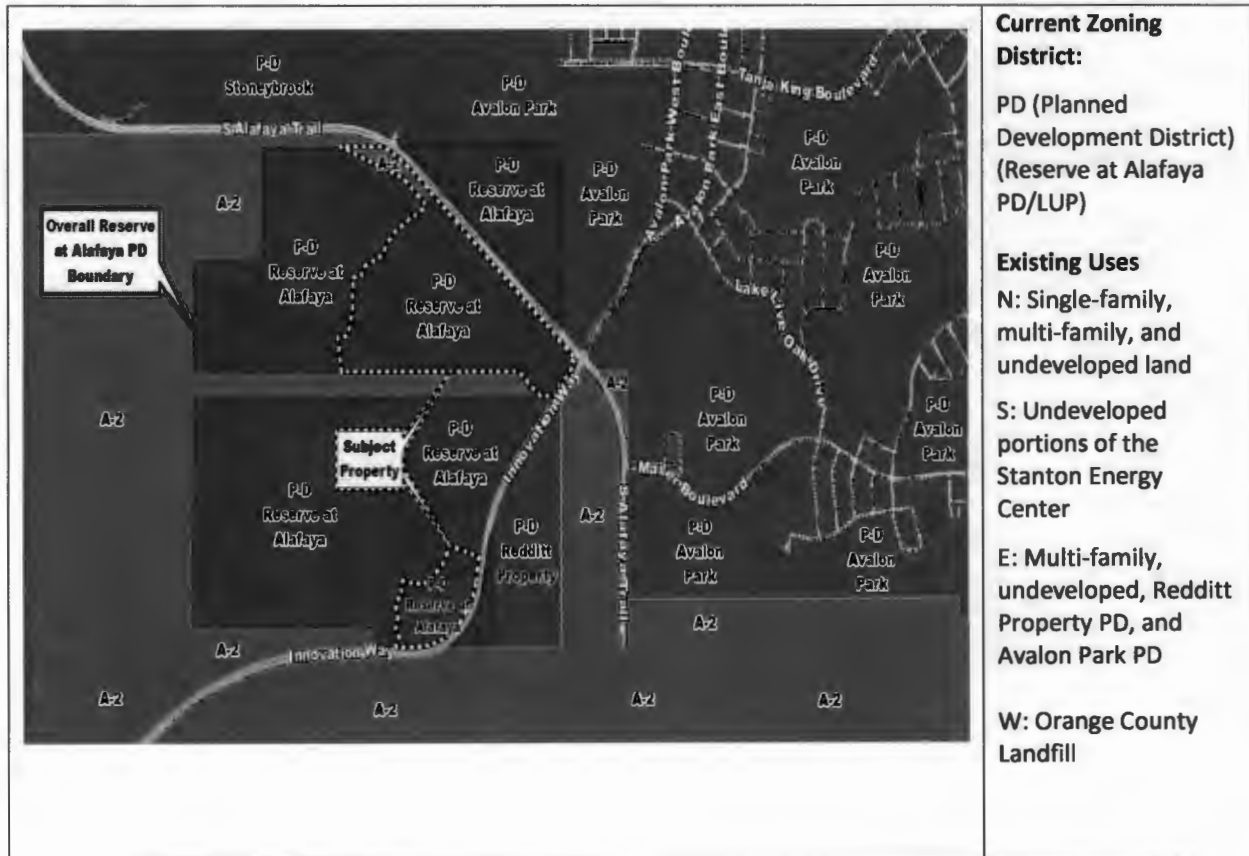


Proposed Future Land Use Designation:

Mixed-Use Tract: Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR/OS) and

Multi-Family Tract: Medium Density Residential (MDR)

ZONING – CURRENT



Staff Recommendations

1. **FUTURE LAND USE MAP AMENDMENT 2022-1-A-4-1:** 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, FLU1.1.2.A, FLU1.4.4, FLU8.1.4, FLU8.2.1, and FLU8.2.2; Housing Element Goal H1 and Objective H1.1; and Conservation Element Objective C1.4), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2022-1-A-4-1, **Mixed-Use Tract:** Planned Development-Commercial/Low-Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/PR/OS), Planned Development-Commercial (PD-C), Commercial (C), and Low-Medium Density Residential (LMDR) **to** Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR/OS) **Multi-Family Tract:** Planned Development-Low-Medium Density Residential/Medium Density Residential (PD-LMDR/MDR) and Low-Medium Density Residential (LMDR) **to** Medium Density Residential (MDR).
2. **FUTURE LAND USE ELEMENT TEXT AMENDMENT 2022-1-B-FLUE-1:** Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2022-1-B-FLUE-1 to include the development program for Amendment 2022-1-A-4-1 in Future Land Use Element Policy FLU8.1.4.
3. **CHANGE DETERMINATION REVIEW REQUEST: CDR-21-04-131**

(June 22, 2022 DRC Recommendation): Make a finding of consistency with the Comprehensive Plan and **APPROVE** the Reserve at Alafaya Planned Development/Land Use Plan (PD/LUP), dated "Received June 24, 2022", subject to the following twenty-four (24) conditions:

1. Development shall conform to the Reserve at Alafaya Planned Development Land Use Plan (LUP) dated "Received June 24, 2022," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received June 24, 2022," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could

have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The applicant / owner has an affirmative obligation to expressly notify potential purchasers and / or tenants, through the appropriate mechanism, including a conspicuous

note on the plat and on the Conditions, Covenants, and Restrictions (CC&Rs) for this project, that this development is adjacent to a regional wastewater treatment plant and the Orange County Landfill.

7. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
8. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
9. 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.
10. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
11. Any access to Innovation Way from the single-family homes proposed on the southern portion of the Planned Development must be via fee-simple access. Additionally, adequate right-of-way must be conveyed to Orange County prior to construction plan approval for the phase in which the right-of-way is located.
12. Prior to construction plan approval for the first phase of development on Tract 4, the developer shall convey to the County a 20-acre park consistent with the terms and conditions of that certain Community Park Developer's Agreement approved by the Board of County Commissioners on December 16, 2008, and recorded at Doc#20080773886, public records of Orange County, Florida, as may be amended (the "Agreement"), as well as a non-exclusive access easement to access the park ("Access Easement") from Alafaya Trail to the park boundary (the "Access Easement Area"). Other than parks impact credits which may be provided pursuant to the Agreement, such conveyances shall be at no cost to the county. As part of the Access Easement, County may require, and the developer shall grant a temporary construction easement to allow County to construct a temporary access road to the park within the Access Easement Area.
13. Prior to the first certificate of occupancy for phase 1 of the Tract 4 development, developer shall construct the access road to the park within the Access Easement Area.

Thereafter, the developer, or its successors and assigns, shall maintain such access road in perpetuity. The construction and maintenance of the access road shall be at no cost to the county. During construction of the access road, the County may require, and the developer shall grant, a temporary access easement over the access road; such easement, in its final configuration, shall be permanent upon platting of the access road.

14. Outside sales, storage, and display shall be prohibited.
15. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
16. The façade of any attached or detached single-family dwelling facing a side street shall repeat the architectural trim and finishes which are provided on the front façade, including windows, window surrounds, shutters, muntins, eave brackets, expression line, and decorative veneer.
17. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
18. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1258(a) to allow for a maximum building height of 60 feet (4 stories) for multi-family buildings located within 20 feet of single-family zoned property on Tract 4, in lieu of single story in height located within 100 feet of single-family zoned property.
 - b. A waiver from Section 38-1258(b) to allow for a maximum building height of 60 feet (4 stories) for all multi-family buildings located within 20 feet of single family zoned property within Tract 4, in lieu of varying building height with a maximum of 50% of the buildings being three-stories (not to exceed 40 feet) in height with the remaining buildings being one story or two stories in height located between 100+ feet to 150 feet of single-family zoned property.
 - c. A waiver from Section 38-1258(c) to allow for a maximum building height of 60 feet (4 stories) for multi-family buildings located within 20 feet of single-family zoned property within Tract 4, in lieu of three stories, 40 feet in height located within 150 feet of single-family zoned property.
 - d. A waiver from Section 38-1258(d) to allow for a maximum building height of 60 feet (4 stories) for multi-family buildings on Tracts 4 and 9, in lieu of 3-stories or 40 feet.
 - e. A waiver from Section 38-1258(j) to allow for a minimum building separation of 20 feet between all multi-family buildings on Tract 4 with no increase in proportion to additional structural height, in lieu of 30 feet for two-story

PD/LUP Substantial Change CDR-21-04-131

buildings, and 40 feet for buildings three-stories, and separation increases in proportion to additional structural height.

19. The following waivers from Orange County Code are granted for PD Tracts 1, 2, 3, and 5:

- a. A waiver from Section 38-1501 to allow a minimum lot size of 4,200 square feet for a detached, rear loaded, single-family dwelling, in lieu of 4,500 square feet.
- b. A waiver from Section 38-1501 to allow a minimum lot width of 40 feet for a detached, rear loaded, single-family dwelling, in lieu of 45 feet.
- c. A waiver from Section 38-1501 to allow for a minimum front yard setback of 15 feet for a detached, rear loaded, single-family dwelling, in lieu of 20 feet.
- d. A waiver from Section 38-1501 to allow a minimum side street setback of 10 feet for a detached, rear loaded, single-family dwelling, in lieu of 15 feet.

20. The following waivers from Orange County Code are granted for Townhome buildings on PD Tracts 1, 2, 3, 4, and 5:

- a. A waiver from Section 38.79(20)(j) to allow for a minimum distance of 40 feet between buildings, front to front or rear to rear, in lieu of 60 feet.
- b. A waiver from Section 38.1501 to allow a minimum side street setback of 10 feet for townhome buildings, in lieu of 15 feet.

21. The following waiver from Orange County Code is granted:

- a. A waiver from Section 30-248(b)(2)(P) to allow a full access intersection separation of 660+/- feet along Alafaya Trail, in lieu of 1/2-mile, or 2,640 feet, for all access.

22. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 16, 2008 shall apply:

- a. ~~Development shall conform to the Reserve at Alafaya (a.k.a. Morgran) PD Land Use Plan dated "Received November 7, 2008," 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, ordinance 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 of this zoning and the land use plan dated "Received November 7, 2008," the condition of approval shall control to the extent of such conflict or inconsistency.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #1

- b. ~~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 at the public hearing where this development was approved, 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. 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 or approved.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #2

- c. All acreages regarding 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.
- d. Tree removal/earthwork shall not occur on any particular site unless and until construction plans for a Preliminary Subdivision and/or Development Plan for any particular site, with a tree removal and mitigation plan, have been approved by Orange County.
- e. ~~Outdoor sales and storage shall be prohibited.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #14

- f. ~~Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #15

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g. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

~~h. No construction plans shall be approved for those parcels under Orlando Utilities Commission ownership until such time documentation is provided to demonstrate the land swap has occurred.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NESSESSARY

~~i. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved master stormwater and utility plans for this Planned Development.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #7

~~j. The First Amendment to the Road Network Agreement (involving Pond 2) is approved.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NESSESSARY

~~k. The Second Amendment to the Road Network Agreement (involving Pond 1) is approved.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NESSESSARY

~~l. The Community Park Developer's Agreement is approved.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NESSESSARY

~~m. Development shall substantially comply with the design standards submitted on the PD Land Use Plan dated "Received November 7, 2008".~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #1

n. In order to allow tandem retail development, a waiver from Section 38-1272(3) of the Orange County Code is granted to allow 0-foot internal side setbacks in the commercial tract in lieu of the minimum 10-foot requirement.

o. Due to the fact that no single-family residential is proposed and/or existing within 100 feet of commercial, a waiver from Section 38-1272(5) of the Orange County Code is granted to allow a maximum commercial building height of 50 feet within 100 feet of residential, and to allow 75 feet for unairconditioned turrets, spires, towers, or other vertical architectural features in lieu of the maximum 35-foot requirement.

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- ~~p. In order to allow for hip/gable roofs to enhance the attractiveness of the buildings and to provide visual interest from the perspective of the pedestrian, a waiver from Section 38-1258(d) of the Orange County Code is granted to allow a maximum height of 50 feet / 3 stories for multi-family development, in lieu of the maximum 40 feet / 3 stories allowed.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #18d

- q. A waiver from Section 38-1427(d)(3)(a) of the Orange County Code is granted to allow a communication tower separation of 1,940 feet in lieu of the minimum 2,500-foot separation requirement.
- r. A waiver from Section 38-1476 of the Orange County Code is granted to allow one parking space per 250 square feet within Tract 4 and 7, in lieu of the one parking space per 200 square feet requirement. Excess parking shall not exceed 110 percent above the minimum requirement.
- s. There shall be full interconnectivity within the project.
- ~~t. The full access points are approved subject to a traffic study submitted at the preliminary subdivision plan/development plan.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NECESSARY

- u. The gross leasable area one business may be up to 75,000 square feet with the remainder of businesses within the project not to exceed 45,000 square feet.
- ~~v. No commercial development shall occur within the project until January 1, 2011 or until completion of the widening of Alafaya Trail from Innovation Way to Curry Ford Road, whichever comes first.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NECESSARY

- w. Any signalization for this project shall be warranted and the developer shall pay for all costs associated with any signalization.
- ~~x. Development shall be limited as follows:
-300,000 square feet of gross leasable square footage of Retail
-50,000 square feet of gross leasable square footage of Office
-A maximum of 950 Multi-family units
-A maximum of 400 Single-family units~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NECESSARY

23. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 10, 2004 shall apply:

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- a. ~~Development shall conform to the LUP, dated "Received March 18, 2004"; and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #1

- b. ~~The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County.~~

~~The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #1

- c. ~~Prior to construction plan approval, a developer's agreement or Right-of-Way Utilization Permit shall be approved for access to Tract 1 and Tract 5 across Orange County property.~~
- d. ~~Pole signs and billboards shall be prohibited. Ground and fascia signage shall comply with Chapter 31.5.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #15

- e. ~~Outdoor storage and display shall be prohibited.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #14

- f. ~~The project shall comply with Lighting Ordinance 2003-08.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NECESSARY

- g. ~~The project shall comply with the Commercial Design Standards Ordinance.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NECESSARY

- ~~h. A waiver is granted to permit zero feet side setbacks in the commercial tract to allow tandem retail development.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #22n

- ~~i. The developer shall obtain water, reclaimed water, and wastewater service from Orange County subject to Orange County rate resolutions and ordinances. Master water, wastewater, reclaimed water, and stormwater plans, including preliminary calculations shall be required to be submitted for review and approval prior to submittal of construction plans.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #8

- ~~j. Unless a Conservation Area Permit is approved by the Orange County BCC prior to construction plan approval, no conservation area encroachments shall be permitted.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #17

- ~~k. The average lot width shall be 55 feet. The maximum number of 50-foot wide lots shall be 200.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #19b

- ~~l. Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of October 14, 2003.~~

Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Public Education Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the zero residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Public Education Agreement. The developer and its successor or assign under the Public Education Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

Developer, or its successor or assign under the Public Education Agreement, agrees that it shall not claim in any future litigation that the County's

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enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights.

Orange County shall be held harmless by the developer and its assigns under the Public Education Agreement in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Public Education Agreement.

- m. ~~The public hearings for the PSP and the Orange County Conservation Impact Permit shall be scheduled simultaneously with the BCC.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NESSESSARY

- n. ~~The right-of-way for the realignment of the Alafaya Trail Extension shall be conveyed as directed in the "Alafaya Trail Right of Way Agreement," approved by the BCC on May 22, 2001, and recorded in the Official Record Book 6273, Page 2406.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NESSESSARY

24. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 28, 2003 shall apply:

- a. ~~Development shall conform to The Reserve at Alafaya aka Morgran Development Land Use Plan (LUP), dated "Received October 21, 2003"; and the to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action of the Board of County Commissioners (BCC), or by action of the BCC.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #1

- b. ~~The uses, densities, intensities, and all of the condition of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the county. The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the county, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the county shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated and approved by both parties.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #1

- c. ~~Master water, wastewater, and reclaimed water and stormwater plans including preliminary calculations shall be required to be submitted for review and approval prior to submittal of construction plans.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #7

- d. ~~Outdoor storage and display shall be prohibited.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #14

- e. ~~The project shall comply with the Commercial Design Standards Ordinance. In conjunction with the first Preliminary Subdivision Plan/Development Plan, Standard Design Guidelines for Commercial, Townhomes, and Multi-family shall be approved by Orange County.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NESSESSARY

- f. ~~The project shall comply with the Lighting Ordinance 2003-08.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NESSESSARY

- g. ~~Pole signs and billboards are prohibited. Ground, fascia, and subdivision signs shall comply with Chapter 31.5.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #15

- h. ~~A waiver is granted to permit zero feet side setbacks in the commercial tract to allow tandem retail development.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #22n

- i. ~~Prior to construction plan approval, a developer's agreement shall be approved for access to Tract 1 and Tract 6 across Orange County Property.~~

6/22/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #23c

- j. The following Education Condition of Approval shall apply:

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- Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of April 29, 2003.

- Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Public Education Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 9 residential units allowed under the zoning except prior to the approval of the PD zoning. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Public Education Agreement. The developer and its successor or assign under the Public Education Agreement shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- Developer, or its successor or assign under the Public Education Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's proper rights.

- Orange County shall be held harmless by the developer and its assigns under the Public Education Agreement in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Public Education Agreement.

~~k. Approve and authorize execution of the Morgran Planned Development Settlement Agreement.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NESSESSARY

~~l. Development for Tract 7 is not approved until the Comprehensive Policy Plan Amendment is effective.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NESSESSARY

~~m. The bike trail is currently proposed across an existing electrical power transmission easement upon which are located several power transmission lines and structures. The designation of the easement as recreation is not intended to alter the uses allowed by the easement and the uses as provided for in the easement will continue. The exact location of the bike trail may be shifted or changed to the north of the easement if agreed to by the landowner to the north.~~

6/22/2022: THE PRECEDING CONDITION IS NO LONGER NESSESSARY

Analysis

1. Background and Development Program

The applicant, Jonathan Huels, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., has requested to change the Future Land Use Map (FLUM) designation of two tracts within the Reserve at Alafaya PD (a.k.a. the Morgran PD), the Mixed-Use Tract and the Multi-Family Tract. Together, the two undeveloped tracts contain a total of 114.17 acres and are the subject property of this FLUM Amendment application.

The Mixed-Use Tract consists of approximately 95.6 acres, and is located south of S. Alafaya Trail and West of Innovation Way. Currently, it has FLUM designations of Planned Development-Commercial/ Low-Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/PR/OS), Planned Development-Commercial (PD-C), Commercial (C), and Low-Medium Density Residential (LMDR). The applicant is requesting to change the FLUM designation to Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR/OS). The Mixed-Use Tract is comprised of Parcels 12-23-31-0000-00-006, 12-23-31-0000-00-011, and 12-23-31-0000-00-012. They are all zoned PD, except a portion of Parcel 12-23-31-0000-006 is also zoned A-2 (Farmland Rural District). The LMDR FLUM designation allows for a maximum density of 10 dwelling units per acre, whereas the MDR FLUM designation allows for a maximum density of twenty dwelling units per acre.

On December 16, 2008, the BCC approved a Future Land Use Map (FLUM) Amendment, Amendment 2008-1-A-4-4, with an approved development program of 237,400 square feet of commercial uses, 250 multi-family dwelling units, a 6,000 square-foot clubhouse, and a 26-acre park for the portion of the Mixed-Use Tract with the FLUM designation of PD-C/LMDR/PR/OS. The portions of the Mixed-Use Tract with the PD-C, C, and LMDR FLUM designations do not have a specific development program established in the Comprehensive Plan. The maximum development program permitted under these FLUM designations, when combined, is 993,168 square feet of commercial uses (15.20 acres X 1.50 FAR (Floor Area Ratio) and 30 residential units [(3.04 acres X 10 dwelling units/acre (LMDR))]. The total maximum development program for the Mixed-Use Tract under the current FLUM designations is 1,230,568 square feet of commercial uses, 50,000 square feet of office uses, 280 multi-family dwelling units, a 6,000 square-foot clubhouse, a 20-acre park, and a 3-acre recreation trail.

The Multi-Family Tract consists of approximately 18.57 acres, and it is located south of the Mixed-Use Tract and west and north of Innovation Way. Currently, it has FLUM designations of Planned Development-Low-Medium Density Residential/Medium Density Residential (PD-LMDR/MDR) and Low-Medium Density Residential (LMDR). The applicant is requesting to change the future land use designation to Medium Density Residential (MDR). The Multi-Family Tract is comprised of Parcel 12-23-31-0000-00-013 and it is also zoned PD.

The Multi-Family Tract does not have a specific development program established in the Comprehensive Plan. The maximum development program permitted with the PD-LMDR/MDR and LMDR FLUM designations is 319 dwelling units [(5.3 acres x 10 dwelling units per acre (PD-LMDR) and 13.3 acres X 20 dwelling units per acre (PD-MDR))].

The subject property, which includes the Mixed-Use Tract and the Multi-Family Tract, is part of the larger 512.70-acre Reserve at Alafaya PD which was originally approved by the Board of County Commissioners (BCC) on October 28, 2003 as the Morgran PD. On December 16, 2008, the BCC approved Rezoning Case #RZ-08-06-036 that ran concurrently with FLUMA 2008-1-A-4-4. The applicant at that time requested to

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rezone 512.70 acres from A-2 (Farmland Rural District), PD (Redditt Property PD) (2001), and PD (Morgran PD) (2003) to PD (Planned Development District) (Reserve at Alafaya PD, a.k.a. Morgran PD). The approved development program at that time was for 300,000 square feet of commercial uses, 50,000 square feet of office uses, 950 multi-family dwelling units, 400 single-family dwelling units, a cell tower, and a 25.39-acre park and recreation trail (to be dedicated to Orange County). On December 17, 2014, the Development Review Committee (DRC) approved a Change Determination Request (CDR-14-10-297) to add an open space tract and for multiple phasing with each phase standing on its own infrastructure. The PD is currently entitled for 300,000 square feet of commercial uses, 50,000 square feet of office uses, 950 multi-family dwelling units, 400 single-family dwelling units, a cell tower, a 20-acre park and a 3-acre recreation trail. To date, 803 multi-family dwelling units and 100 single-family dwelling units have been developed within the PD.

With this proposed amendment application, the applicant is now proposing to unify the FLUM designations of the Mixed-Use Tract as Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR/OS). The applicant stated at the community meeting held on December 1, 2021 that he is proposing to convert approximately 100,000 square feet of commercial uses to residential uses through the use of a trip conversion matrix. The proposed development program for the Mixed-Use Tract will now be 200,000 square feet of commercial uses, 50,000 square feet of office uses, 597 multi-family units, 100 townhome units, a 20-acre park and a 3-acre trail. The applicant stated that the new FLUM designation and development program would allow for the Mixed-Use Tract to be developed into a broad mix of uses.

For the Multi-Family Tract, the applicant also seeks to unify the FLUM designations from Planned Development-Low-Medium Density Residential/Medium Density Residential (PD-LMDR/MDR) and Low-Medium Density Residential (LMDR) to Medium Density Residential. As stated earlier, the MDR FLUM designation allows for a maximum density of twenty (20) dwelling units per acre. The proposed development program for the Multi-Family Tract would be for up to 350 multi-family dwelling units. The applicant is proposing a density of 18.8 dwelling units per acre ($350 \text{ dwelling units} / 18.57 \text{ acres} = 18.8 \text{ du/ac.}$), which is less than the maximum 20 dwelling units per acre permitted under the MDR FLUM designation.

Table 1 Existing and Proposed Development Mixed-Use Tract

Mixed-Use Tract – 95.6 acres		
Parcels: 12-23-31-0000-00-006; -011; -012		
	Existing Future Land Use	Proposed Future Land Use
Future Land Use	Planned Development-Commercial/Low-Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/PR/OS), Planned Development-Commercial (PD-C), Commercial (C), and Low-Medium Density Residential (LMDR)	Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR/OS)

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Zoning	PD (Planned Development Land Use Plan Reserve at Alafaya) A-2 (Farmland Rural District)	PD (Planned Development Land Use Plan Reserve at Alafaya) A-2 (Farmland Rural District)
Development Program	1,230,568 sq. ft. commercial	200,000 sq. ft. commercial
	50,000 sq. ft. office	50,000 sq. ft. office
	280 multi-family units	597 multi-family units
	N/A	100 townhomes
	6,000 sq. ft. clubhouse	N/A
	20-acre park	20-acre park
	3-acre recreation trail	3-acre recreation trail

Table 2 Existing and Proposed Development Multi-Family Tract

Multi-Family Tract – 18.57 acres		
Parcel: 12-23-31-0000-00-013		
	Existing Future Land Use	Proposed Future Land Use
Future Land Use	Planned Development-Low-Medium Density Residential/ Medium Density Residential (PD-LMDR/MDR), and Low-Medium Density Residential (LMDR)	Medium Density Residential (MDR)
Zoning	PD (Planned Development Land Use Plan Reserve at Alafaya)	PD (Planned Development Land Use Plan Reserve at Alafaya)
Development Program	319 dwelling units	350 multi-family dwelling units (density 18.8 units per acre)

Community Meeting

A community meeting was held for this proposed amendment on December 1, 2021, with 19 residents in attendance. The applicant, Mr. Jonathan Huels, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., presented a PowerPoint Presentation and gave an overview of the proposed project. Mr. Huels stated that the development is branded as East and he stated that four developments have been approved, developed, and built within the PD – three (3) multi-family apartment complexes totaling 803 multi-family dwelling units and one 100-lot single-family subdivision. Mr. Huels stated that the proposed development will be high end with living areas and common spaces, very nice amenities, and real art will be located throughout the proposed development. Mr. Huels told the residents in attendance that they want to convert approximately 100,000 square feet of commercial uses to residential uses through the use of a trip conversion matrix to allow for an additional 800 multi-family dwelling units and 100 townhome units. He stated that the proposed development will be a main street type of development with a neighborhood feel and the commercial uses would be neighborhood-serving. Mr. Huels stated that the housing market and commercial retail market have changed since the last application was approved so that the development is proposing less retail square footage.

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Mr. Huels stated that the 20-acre park site will be conveyed to the County as a public park in conjunction with the first phase of the development of the Mixed-Use Tract. He stated that Orlando Utilities Commission (OUC) owned an easement along S. Alafaya Trail that prevented access to the park site but now access to the park site can be provided. He stated that the actual program for the park site has not been decided. Mr. Cedric Moffett, Planner III, Orange County Parks and Recreation Division, stated that the park site will be a community park and the visioning process of what uses will be provided will be done at a later date.

Also, Mr. Huels stated that Morgran funded a large portion of the Alafaya Trail extension (\$4 million dollars) and they also dedicated stormwater ponds and right-of-way for Innovation Way. He also stated that school capacity has been reserved and school impact fees have been paid. Mr. Huels summed up the request by stating that no additional entitlements are being requested; they are requesting to convert some of the commercial uses into residential uses. He stated there will not be any additional impacts to schools or roads over what has been mitigated and paid for.

Some of the questions and concerns the citizens had for the proposed amendment were for the increase in traffic, access management, affordable housing, park size and uses, and excessive parking, and Mr. Huels addressed them all.

In association with this requested amendment, the applicant has submitted a proposed substantial change to the currently-approved Reserve at Alafaya PD Land Use Plan (CDR-21-04-131) to update the development program to increase the multi-family units from 950 to 1,750 and add 100 townhomes through a conversion from 100,000 square feet of commercial uses; combine Tracts 4A and 4B into a single Tract 4; revise access points; allow for 40' wide single-family lots and reduce lot size to 4,200 square feet; revise the layout for the Park Tract and decrease the Park acres; and request to remove Condition of Approval #24 from December 16, 2008 which provided the development program maximums. Also requested are twelve (12) waivers from Orange County Code. On June 22, 2022, the Orange County Development Review Committee (DRC) recommended approval of the amended PD Land Use Plan, subject to the twenty-four (24) conditions listed in this staff report. Case CDR-21-04-131 will be considered by the BCC in conjunction with the proposed FLUM Amendment during the August 9, 2022, adoption public hearing. Per the applicant's Justification Statement, the proposed CDR will seek to finalize the location of the park, add vehicular access points, and increase the overall residential development program of the project to be consistent with the underlying FLUM designations.

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, which are specifically discussed in the paragraphs below.

As stated above, the applicant with this proposed amendment, is seeking to develop up to 200,000 square feet of commercial uses, 50,000 square feet of office uses, 1,750 multi-family dwelling units, 100 townhome units, 400 single-family dwelling units, a cell tower, a 20-acre park and a 3-acre recreation trail on the overall Reserve at Alafaya PD. The PD is currently entitled for 300,000 square feet of commercial uses, 50,000 square feet of office uses, 950 multi-family dwelling units, 400 single-family dwelling units, a cell tower, a 20-acre park and a 3-acre recreation trail. With the requested FLUM Amendment, the applicant is proposing to convert approximately 100,000 square feet of commercial uses to residential uses through the use of a trip conversion matrix to increase the multi-family units

from 950 units to 1,750 units and to add 100 townhome units. The subject property is comprised of two tracts within the Reserve at Alafaya PD, the Mixed-Use Tract and the Multi-Family Tract. The applicant is requesting to change the FLUM designations of the Mixed-Use Tract from Planned Development-Commercial/Low-Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/PR/OS), Planned Development-Commercial (PD-C), Commercial (C), and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR/OS). The proposed development program for the Mixed-Use Tract will be 200,000 square feet of commercial uses, 50,000 square feet of office uses, 597 multi-family dwelling units, 100 townhome units, 20-acre park, and a 3-acre trail. For the Multi-Family Tract, the applicant is proposing to change the FLUM designations from Planned Development-Low-Medium Density Residential/Medium Density Residential (PD-LMDR/MDR) and Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR). The proposed development program for the Multi-Family Tract is for up to 350 multi-family dwelling units.

The subject property is located in an area characterized by commercial, industrial, institutional, and residential land uses. The Reserve at Alafaya PD currently has three approved and developed multi-family apartment complexes. The Reserve at Alafaya Apartments is developed with 264 apartment units and is located across the street on S. Alafaya Trail, north of the Mixed-Use Tract. Eight at East Apartments is developed with 264 apartments and Hudson at East Apartments is developed with 275 apartments. Both apartment complexes are located on the west side of Innovation Way, south of the Mixed-Use Tract and immediately north of the Multi-Family Tract. The PD also has an approved, 100-lot detached single-family subdivision, East-Tract 5, Plat Book 92/Page 55, also known as, Rosedale Subdivision. It is located on S. Alafaya Trail, immediately west of the Mixed-Use Tract. As mentioned previously, the Reserve at Alafaya PD is currently approved for 300,000 square feet of commercial uses, 50,000 square feet of office uses, 950 multi-family dwelling units, 400 single-family dwelling units, a cell tower, a 20-acre park and a 3-acre recreation trail. To date, 803 multi-family dwelling units and 100 single-family dwelling units have been developed within the PD.

The Redditt Property PD is located on Innovation Way, east of the subject site. On May 21, 2019, the BCC approved FLUM Amendment 2019-1-A-4-1 to change the FLUM designation of the 33.85-acre site from 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). The approved development program for the amendment is for 350 multi-family dwelling units, 284,000 square feet of industrial uses, and parks and recreation/open space uses. Also, the Avalon Park PD is located east of the subject site, across the street on S. Alafaya Trail. The Avalon Park PD development program is approved for a mixture of land uses: single-family attached and detached dwelling units, multi-family dwelling units, commercial, light industrial, office, hotel, vocational technical, schools, and church use. The Avalon Park PD has a FLUM designation of Traditional Neighborhood Development (TND).

Institutional uses are located south and west of the subject property. The Orange County Landfill is located west of the subject site and has an Institutional (INST) FLUM designation. The Orlando Utilities Commission Curtis Stanton Energy Plant is located across the street on Innovation Way, south of the subject south. It also has an INST FLUM designation. Both properties are zoned A-2.

In accordance with **Policy FLU1.1.2.A**, the applicant has specified the maximum desired development program for the residential portion of the project, proposing a mix of 597 multi-family dwelling units and 100 townhome units for the Mixed-Use Tract and up to 350 multi-family dwelling units for the Multi-

Family Tract. The proposed LMDR FLUM designation allows for residential development at a maximum density of ten (10) dwelling units per acre, and the MDR FLUM designation allows for residential development at a maximum density of twenty (20) dwelling units per acre. The applicant is also proposing up to 200,000 square feet of commercial uses, 50,000 square feet of office uses, a 20-acre park, and a 3-acre recreation trail for the Mixed-Use Tract. The applicant stated at the community meeting that the commercial uses would be neighborhood-serving uses.

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. 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 proposed commercial element, the existing approved 200,000 square feet of commercial uses, and the existing approved 50,000 square feet of office uses would be allowed under the current PD-C and C FLUM designations for the Mixed-Use Tract. It is staff's belief that well-designed neighborhood serving retail establishments incorporated into the project would complement the neighboring residential development and could reduce the travel distance to purchase goods and services.

In regard to the 20-acre park and the 3-acre recreation trail, the applicant has stated that the park site will be conveyed to the County as a public park in conjunction with the first phase of the development of the Mixed-Use Tract. Mr. Huels stated at the community meeting held for this proposed amendment that OUC owned an easement along S. Alafaya Trail that prevented access to the park site and now access to the park can be provided. Mr. Cedric Moffett, Planner III, Orange County Parks and Recreation Division, stated that the park site will be a community park and the visioning process of what uses will be provided will be done at a later date. There is both a recorded Community Park Developer's Agreement, recorded in Orange County's OR Book 9807 PG 9252, and a recorded Recreation Trail Developer's Agreement, recorded in Orange County's OR BK 08969 PG 2161.

To ensure that the existing residential neighborhoods are not adversely impacted by the commercial uses, **Policy FLU1.4.4** states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided. The applicant is proposing to develop the commercial and office uses and the apartments along S. Alafaya Trail and along Innovation Way. 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 substantial change process.

The subject property is located in an area characterized by a variety of housing types—conventional single-family subdivision developments—Rosedale Subdivision, a 100-unit detached single-family subdivision, existing multi-family apartment complexes (Reserve at Alafaya, Eight at East, and Hudson at East), as well as the mixed uses located in the Avalon Park PD that include single-family attached and detached units, multi-family units, commercial, office, light industrial, schools, and church uses. The Avalon Park PD is located east of the subject site. The Redditt Property PD is approved for 350 multi-family units and 284,000 square feet of industrial uses. It is also located east of the subject site. With the proposal to develop 597 multi-family dwelling units and 100 townhome units in the Mixed-Use Tract and

the proposal to build up to 350 multi-family units in the Multi-Family Tract, 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 proposed residential units will provide needed housing for those employees that work at nearby 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 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**.

Conservation-related OBJ C1.4 and its supporting policies call for the protection of wetlands and existing native wildlife (flora and fauna). Per the Orange County Environmental Protection Division (EPD), an Orange County Conservation Area Determination (CAD) #99-097 has been completed that included this property. The applicant shall comply with all permit conditions of approval. Also, per EPD, listed are the Conservation Area Impact (CAI) permits associated with this request that have been issued. The expiration dates have been extended until 2030. CAI# 06-030 proposed impacts to 1.85 acres of Class III wetlands, preservation includes 146.84 acres of on-site wetlands, associated buffers, and additional uplands. CAI# 08-029 proposed impacts to 0.55-acre of Class III wetlands, preservation of 0.84-acre of onsite wetlands (located to the east of Innovation way) and 0.41-acre of upland buffers. CAI# 09-033, replacement for CAI# 05-042 and 05-043, mitigation includes preservation of remaining on-site wetlands and uplands on Tracts 1,2,3 and 5. The applicant shall comply with all permit conditions of approval.

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. The subject property is located in an area characterized by existing or proposed residential developments, including single-family and multi-family, proposed commercial, office, and industrial uses, and institutional uses. As mentioned previously, the subject property is located within the Reserve at Alafaya PD, which is currently entitled for 300,000 square feet of commercial uses, 50,000 square feet of office uses, 950 multi-family dwelling units, 400 single-family dwelling units, a 20-acre park, a 3-acre recreation trail, and a cell tower. As stated above, the Redditt Property PD, located east of the subject property, is approved for 350 multi-family units and 284,000 square feet of industrial uses, and it has a FLUM designation of PD-MDR/IND/PR/OS. The Avalon Park PD's, also located east of the subject property, development program is approved for a variety of land uses: single-family attached and detached dwelling units, multi-family dwelling units, commercial, light industrial, office, hotel, vocational technical, schools, and church use. The Avalon Park PD has a FLUM designation of Traditional Neighborhood Development (TND).

It is staff's belief that the proposed Mixed-Use Tract and the Multi-Family Tract are compatible with the existing mix of existing and proposed single-family residential, including attached and detached, multi-family residential developments, and proposed commercial, office, and industrial uses.

2. Staff-Initiated Text Amendment 2022-1-B-FLUE-1

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) and Lake Pickett (LP) FLUM designations adopted since January 1, 2007. The development program for the Mixed-Use Tract, for which the PD FLUM designation is requested, is proposed for incorporation into **Policy FLU8.1.4** via a corresponding staff-initiated text amendment, Amendment 2022-1-B-FLUE-1. Presently, the approved development program for the Mixed-Use Tract allows for 237,400 square feet of commercial, 250 multi-family units, a 6,000 square-foot clubhouse, and a 26-acre park. The new development program for the Mixed-Use Tract will consist of 200,000 square feet of commercial, 50,000 square feet of office, 597 multi-family units, 100 townhome units, a 20-acre park, and a 3-acre recreation trail. The maximum FLU8.1.4 development program for Amendment 2022-1-A-4-1, if adopted, would be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
2008-1-A-4-4 Morgan	Planned Development-Commercial/Low-Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/PR/OS)	237,400 sq. ft. commercial 250 m/f units 6,000 sq. ft. clubhouse 26 acre park	2008-21
<u>2022-1-A-4-1</u> <u>Reserve at Alafaya</u>	<u>Mixed-Use Tract: Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR/OS)</u>	<u>Mixed-Use Tract: 200,000 sq. ft. of Commercial, 50,000 sq. ft. of Office, 597 Multi-Family Units, 100 Townhome Units, 20-acre Park, and 3-acre Recreation Trail</u>	<u>2022-</u>

Staff notes that although the proposed development program for the Multi-Family Tract will not be added to Policy FLU8.1.4—as the applicant is requesting the MDR, rather than the PD FLUM designation—the Multi-Family Tract’s development program of up to 350 multi-family units will be incorporated into the amended Reserve at Alafaya PD Land Use Plan during the adoption public hearing stage.

Division Comments: Environmental, Public Facilities, and Services

Environmental: Conservation Area Determination - Orange County Conservation Area Determination (CAD) #99-097 has been completed that included this property. The applicant shall comply with all permit conditions of approval.

Conservation Area Impact Permits - Listed are the Conservation Area Impact (CAI) Permits associated with this request that have been issued. The expiration dates have been extended until 2030. CAI# 06-030 proposed impacts to 1.85 Class III wetlands, preservation includes 146.84 acres of onsite wetlands, associated buffers, and additional uplands. CAI# 08-029 proposed impacts to 0.55-acre Class III wetlands, preservation of 0.84-acre of onsite wetlands (located to the east of Innovation Way) and 0.41-acre of upland buffers. CAI# 09-033, replacement for CAI# 05-042 and 05-043, mitigation includes preservation

of remaining onsite wetlands and uplands on Tracts 1, 2, 3, and 5. The applicant shall comply with all permit conditions of approval.

Required Permits - The wetlands located within and just outside of the Orlando Utilities Commission easement have been delineated and included in the updated approved surveys for CAD #99-097. The wetland acreages included in the new surveys include 0.602-acre of Class I wetlands and 1.896 acres of Class II wetlands. These conservation areas are not included in the onsite recorded Conservation Easement (Reference DOC #20160435593) and currently does not have an issued CAI. If there are impacts proposed for these wetlands, apply for a CAI permit to address conservation area encroachments and adverse secondary impacts as soon as possible to the Orange County Environmental Protection Division, as outlined in Orange County Chapter 15, Article X Wetland Conservation Areas.

Comprehensive Plan Policy - FLU1.1.2 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.

No Clearing - No construction, clearing, filling, alteration, or grading is allowed in a conservation tract or conservation easement (includes the conservation area and the wetland setback/buffer) unless approved by the County and other applicable jurisdictional agencies.

Econ River Protection - Basin-wide regulations may apply; reference the Econlockhatchee River Protection Ordinance Chapter 15, Article XI.

Habitat - Development of the subject property shall comply with all state and federal regulations regarding endangered, threatened, or species of special concern. Prior to any preliminary subdivision plan or development plan approvals, Orange County will require a habitat survey to identify any wildlife or plants listed as threatened, endangered, or species of special concern found on site or determined to use the site.

NPDES - Prior to earth work or construction, 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.

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 plan be addressed on a multi-agency basis.

Schools: Per School Capacity Determination OC-21-048, issued October 22, 2021, the application is approved based on the addition of 560 new multi-family and 90 new townhome residential units within

the proposed Reserve at Alafaya PD. As the new units requested have obtained prior approvals and are currently reserved in their capacity database, OCPs will not require the requested new units to be processed for capacity review. This determination expires on September 29, 2022.

Utilities: The subject property is located in Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas. Per OCU, there is a 24-inch water main located within the right-of-way of Alafaya Trail and a 16-inch water main located within the right-of-way of Innovation Way, a 36-inch forcemain located within the right-of-way of Alafaya Trail and an 8-inch forcemain located within the right-of-way of Innovation Way, and a 30-inch reclaimed water main located within the right-of-way of Alafaya Trail and the right-of-way of Innovation Way.

Parks and Recreation: The Reserve at Alafaya Development has a Developer's Agreement for a 20-acre community park and for running a portion of the Avalon Trail. Per Parks and Recreation Division, need to ensure that the agreement is fulfilled in a timely manner as per the terms of the agreement.

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 the Mixed-Use Tract - 300,000 sq. ft. Commercial, 50,000 sq. ft. Office, 950 Multi-Family Dwelling Units, 400 Single-Family Dwelling Units, 6,000 sq. ft. Clubhouse, 20-acre Park, and 3-acre Recreation Trail, and Tract 9 - 319 Multi-Family Dwelling Units based on the current future land use designation of Planned Development-Commercial/Low-Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/PR/OS), Planned Development-Commercial (PD-C), Commercial (C), Low-Medium Density Residential (LMDR), Planned Development-Low-Medium Density Residential/Medium Density Residential (PD-LMDR/MDR), and Low-Medium Density Residential (LMDR) would generate approximately 1,229 new p.m. peak hour trips, while the proposal to develop up to 200,000 sq. ft. Commercial, 50,000 sq. ft. Office, 1,750 Multi-Family Units, 100 Townhome Units, 400 Single-Family Units, 20-acre Park and 3-acre Recreation Trail under the Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR/OS) and Medium Density Residential (MDR) future land use designation will generate 1,337 new p.m. peak hour trips, resulting in an increase of 108 p.m. peak hour trips.

Future Roadway Network:

Road Agreements: None

Planned and Programmed Roadway Improvements: None

Right of Way Requirements: None

Summary

The applicant is requesting a land use change for the 114.17-acre subject property from Planned Development-Commercial/Low-Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/PR/OS), Planned Development-Commercial (PD-C), Commercial (C), Low-Medium Density Residential (LMDR), Planned Development-Low-Medium Density Residential/Medium Density Residential (PD-LMDR/MDR), and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR/OS) and Medium Density Residential (MDR) to increase the number of Multi-Family Dwelling Units from 950 to 1,750 and add 100 Townhome Units and modify the existing PD to incorporate the changes.

Analysis of the project trips from the currently approved under the existing future land use versus the proposed use indicates that the proposed development will result in an increase in the number of p.m. peak trips and therefore will impact the area roadways. However, based on the Concurrency Management System Database, several roadways within the project impact area operate at acceptable levels of service and capacity is available to be encumbered.

The subject property is not located within the County's Alternative Mobility Area.

The subject property is not located along a backlogged/constrained facility. The property is within two multimodal corridors: Alafaya Trail and Innovation Way Multi-Modal Corridors. Alafaya Trail, from the Seminole County line to Innovation Way, is designated as a multi-modal corridor per Orange County Transportation Element Policy T2.2.9. The policy supports the development of multi-modal transportation corridors to increase the viability of walking, biking, and transit along these corridors. Transportation improvements shall focus on operational enhancements, intersection improvements that provide for safe movement of pedestrians and bicyclists, high-visibility pavement markings and refuge islands for pedestrians, multi-use paths, landscaping, bicycle facilities, increased transit service and bus shelters, and facilities and design that support transit-oriented development. Development within these corridors shall be subject to the site design standards in Policy T2.2.4, as determined by a transportation impact study. Innovation Way, from Alafaya Trail to S.R. 528 is designated as a multi-modal corridor per Orange County Transportation Element Policy T2.2.9. The policy supports the development of multi-modal transportation corridors to increase the viability of walking, biking, and transit along these corridors. Transportation improvements shall focus on operational enhancements, intersection improvements that provide for safe movement of pedestrians and bicyclists, high-visibility pavement markings and refuge islands for pedestrians, multi-use paths, landscaping, bicycle facilities, increased transit service and bus shelters, and facilities and design that support transit-oriented development. Development within these corridors shall be subject to the site design standards in Policy T2.2.4, as determined by a transportation impact study.

The allowable development based on the approved future land use will generate 1,229 p.m. peak hour trips.

The proposed use will generate 1,337 p.m. peak hour trips resulting in a net increase of 108 p.m. peak hour trips.

The subject property is located at 3100 S. Alafaya Trail; Generally located south of S. Alafaya Trail, north and west of Innovation Way. Based on the Concurrency Management System (CMS) database dated 12/06/2021, zero (0) roadways currently operate at Level of Service F, and capacity is available to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.

An analysis of existing conditions reveals that all roadway segments within the study area are currently operating at adequate LOS.

A traffic study will be required at time of concurrency.

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.

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.

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.

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 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.

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.

FLU1.4.4 – 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.

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 (Rosedale)



South – Undeveloped (Stanton Energy Center)



East – Avalon Park PD



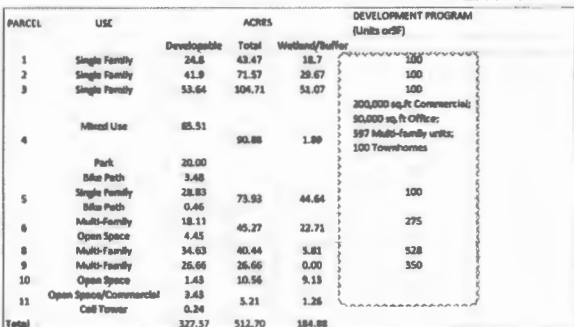
West – Orange County Landfill



Notification Area:

1,500 feet, plus homeowners' associations within a one-mile radius of the subject site

1,982 notices sent



NOTES:
(1) SINGLE FAMILY RESIDENTIAL, TOWNHOMES, MULTI-FAMILY RESIDENTIAL, COMMERCIAL, OFFICE, AND RECREATION USES ARE PERMITTED IN THE MIXED USE AREA OF PARCEL 4.
(2) FORMER PARCEL 7 IS NOW PART OF PARCEL 4. TRACTS 4A AND 4B HAVE BEEN CONSOLIDATED INTO TRACT 4.
(3) FORMER PARCEL 9 HAS BEEN DIVIDED INTO TWO PARCELS, PARCEL 9 (NORTH OF INNOVATION WAY) AND PARCEL 11 (SOUTH OF INNOVATION WAY).

Doc. Jan 24, 2022

* THE ACCESS PLAN SHOWN IS CONCEPTUAL AND SUBJECT TO CHANGE. THE MINIMUM SEPARATION DISTANCE BETWEEN EACH ACCESS POINT SHALL BE 660 FEET. THE SHIELDING LOCATION AND NUMBER OF ACCESS POINTS WILL BE FIXED AT SPRD.

ORDINANCE NO. 2022-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE
PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING
THE ORANGE COUNTY COMPREHENSIVE PLAN,
COMMONLY KNOWN AS THE "2010-2030
COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING
AMENDMENTS PURSUANT TO SECTION 163.3184(3),
FLORIDA STATUTES, FOR THE 2022 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 August 9, 2022, the Board of County Commissioners held a public hearing on
the adoption of the proposed amendments to the Comprehensive Plan, 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.

Section 3. Amendment to Future Land Use Map. The Comprehensive Plan is hereby
amended by amending the Future Land Use Map designations as described at **Appendix "A,"**

attached hereto and incorporated herein.

Section 4. Amendment to the Text of the Future Land Use Element. The Comprehensive Plan is hereby further amended by amending the text of the Future Land Use Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the amendment number and editorial notes, and shall not be codified.)

* * *

[Amendment 2022-1-B-FLUE-1:]

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
* * *	* * *	* * *	* * *
2008-1-A-4-4 Morgan	Planned Development-Commercial/Low-Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/PR/OS)	237,400 sq. ft. commercial 250 m/f units 6,000 sq. ft. clubhouse 26-acre park	2008-21
* * *	* * *	* * *	* * *
<u>2022-1-A-4-1</u> <u>Reserve at</u> <u>Alafaya</u>	<u>Mixed-Use Tract: Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR/OS)</u>	<u>Mixed-Use Tract: 200,000 sq. ft. of Commercial, 50,000 sq. ft. of Office, 597 Multi-Family Units, 100 Townhome Units, 20-acre Park, and 3-acre Recreation Trail</u>	<u>2022-</u>

Such policy allows for a one-time cumulative density or intensity differential of 5% based on ADT within said development program

* * *

Section 5. Effective Dates for Ordinance and Amendments.

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

(b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment adopted under this ordinance becomes effective until 31 days after the DEO notifies the County that the plan amendment package is complete. However, if an amendment is timely challenged, the amendment shall not become effective until the DEO or the Administration Commission issues a final order determining the challenged amendment to be in compliance.

(c) No development orders, development permits, or land uses dependent on either of these amendments may be issued or commence before the amendments have become effective.

ADOPTED THIS 9th DAY OF AUGUST, 2022.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk to the Board of County Commissioners

By: _____
Deputy Clerk

APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

Appendix A*		
<i>Privately-Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2022-1-A-4-1	<p>Mixed-Use Tract: Planned Development-Commercial/Low-Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/PR/OS), Planned Development-Commercial (PD-C), Commercial (C), and Low-Medium Density Residential (LMDR)</p> <p>Multi-Family Tract: Planned Development-Low-Medium Density Residential/Medium Density Residential (PD-LMDR/MDR) and Low-Medium Density Residential (LMDR)</p>	<p>Mixed-Use Tract: Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR/OS)</p> <p>Multi-Family Tract: Medium Density Residential (MDR)</p>
<p>*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.</p>		



Community Meeting Memorandum

DATE: December 2, 2021
TO: Alberto A. Vargas, MArch., Planning Manager
FROM: Sue Watson, Planner
SUBJECT: Amendment 2022-1-A-4-1 Community Meeting Synopsis
C: Project File

Location of Project: 3100 S. Alafaya Trl; Generally located south of S. Alafaya Trl., north and west of Innovation Wy.

Meeting Date and Location: Wednesday, December 1, 2021 at 6:00 PM at Legacy Middle School, 11398 Lake Underhill Road, Orlando, FL 32825

Attendance:

District Commissioner	District 4 Commissioner Maribel Gomez Cordero
Orange County Staff	Sue Watson, Gregory Gologowski, Jennifer DuBois, Planning Division Amanda Hallenbeck, Senior Environmental Specialist, Environmental Protection Division Cedric Moffett, Planner III, Parks and Recreation Division
Applicant/ Owner	Jonathan Huels, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., Erika Hughes, VHB, Inc., and six persons from the applicant's team
Residents	1982 notices sent; 19 residents in attendance

Overview of Project: The applicant, Jonathan Huels, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., is requesting to change the Future Land Use Map (FLUM) designation of the 114.17-acre subject property that consists of two tracts within the overall Reserve at Alafaya PD. Mixed-Use Tract (95.6 acres): Planned Development-Commercial/Low-Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/PR-OS), Planned Development-Commercial (PD-C), Commercial (C) and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR-OS), and the Multi-family Tract (18.57 acres): Planned Development-Low-Medium Density Residential/Medium Density Residential (PD-LMDR/MDR) and Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR) to allow the applicant to modify the existing Reserve at Alafaya PD entitlements of 300,000 sq. ft. of commercial uses, 50,000 sq. ft. of office uses, 950 multi-family units, 400 single-family dwelling units, a 20-acre park site, a 3-acre recreation trail, and a cell tower by adding an additional 800 multi-family units and 100 townhome units.

Meeting Summary: Planner Sue Watson opened the meeting at 6:12 PM and introduced District 4 Commissioner Maribel Gomez Cordero, Gregory Gologowski, Chief Planner, and Jennifer DuBois, Senior Planner, Orange County Planning Division, Amanda Hallenbeck, Senior Environmental Specialist, Environmental Protection Division, and Cedric Moffett, Planner III, Parks and Recreation Division and the applicant and his team, Jonathan Huels, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., and Erika Hughes, VHB, Inc. Commissioner Gomez Cordero welcomed and thanked the residents for attending the meeting. Ms. Watson provided an overview of the project and informed those in attendance that

the applicant is seeking to change the future land use designation of the subject site: Mixed-Use Tract: from Planned Development-Commercial/Low-Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/PR-OS), Planned Development-Commercial (PD-C), Commercial (C) and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR-OS), and the Multi-family Tract: from Planned Development-Low-Medium Density Residential/Medium Density Residential (PD-LMDR/MDR) and Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR) to allow the applicant to be able to add an additional 800 multi-family units and 100 townhome units to the overall Reserve at Alafaya PD. The existing PD is currently entitled for 300,000 sq. ft. of commercial uses, 50,000 sq. ft. of office uses, 950 multi-family units, 400 single-family dwelling units, a 20-acre park site, a 3-acre recreation trail, and a cell tower.

Staff summarized the Large-Scale FLUMA process and the schedule for the LPA and BCC public hearings. Ms. Watson asked the citizens if they had any questions. There were no questions and staff turned the meeting over to the applicant, Mr. Huels.

Mr. Huels stated he was representing the owner, Morgran Company, who has owned the property since the 1980s. He presented a PowerPoint presentation for the proposed amendment application. The development is branded as East and he stated that the original Planned Development (PD) was approved in 2003 as a mixed-use project, and a PD Amendment was approved in 2008. He told the residents that four developments have been approved and developed within the PD, three multi-family apartment complexes, the Reserve at Alafaya (264 units), Eight at East (264 units), and Hudson at East (275 units), and one 100-lot single-family subdivision, Rosedale Subdivision. Mr. Huels stated the proposed development will be high end with living areas and common spaces with very nice amenities and will have real art located throughout the development. Mr. Huels stated the existing PD is currently entitled for 400 SF units, 950 MF units, 350,000 square feet of commercial and office uses, 20-acre park, and a 3-acre recreational trail. Mr. Huels asked "what are we changing?" He stated that they want to convert approximately 100,000 square feet of commercial and office uses to residential to allow for an additional 800 MF units and 100 townhome units. Mr. Huels stated that the proposed development will be a main street type of development with a neighborhood feel and the commercial uses would be neighborhood serving. Mr. Huels told the residents that the housing market and commercial retail market have changed since the last application was approved and the development is proposing to have less retail square footage.

Park Site: Mr. Huels stated the 20-acre park site will be conveyed to the County as a public park in conjunction with the first phase of the development of the Mixed-Use Tract. He stated that Orlando Utilities Commission (OUC) owned an easement along S. Alafaya Trail that prevented access to the park site and now access to the park site can be provided. Mr. Huels stated that the actual program for the park has not been decided. Mr. Cedric Moffett, Planner III, Orange County Parks and Recreation Division stated that the park site will be a community park and the visioning process of what uses will be provided will be done at a later date. One citizen stated that she would like more park space.

Transportation: Mr. Huels stated that Morgran funded a large portion of the Alafaya Trail extension (\$4 million dollars) and they also dedicated stormwater ponds and right-of-way for Innovation Way. He stated no additional entitlements are being sought - they will use a conversion matrix to convert approximately 100,000 square feet of commercial uses into residential. Concurrency Management Mitigation was paid to the County to reserve capacity for the buildout of the project.

Schools: Mr. Huels stated that school capacity has been reserved and school impact fees have been paid.

Mr. Huels summed up the request by stating that no additional entitlements are being requested. They are requesting to convert some of the commercial uses into residential uses. There will not be any additional impacts to schools or roads over what has been mitigated and paid for.

Mr. Huels asked if there were any questions.

What is the relationship between Morgran and Jones Homes? Mr. Huels responded that Jones Homes is the builder within the Rosedale Subdivision.

What is the level of profitability? Who is reaping the benefits? Mr. Huels stated that the development is a private enterprise. The citizen stated that the developer could build bigger homes on bigger lots rather than build 800 MF units. He stated there will be more traffic, congestion, and more pollution.

Is the access along Alafaya Trail only for the OUC access? Mr. Huels stated the strip is 140 feet wide and OUC retained restrictive rights: Front 70' – access/landscaping; back 70' – parking. He stated that OUC doesn't want to have any structures in the easement.

Eric Grimmer, Yes In My Back Yard (YIMBY), stated he was a resident of Avalon Park and he supports the residential. He stated Orlando is the fifth largest most expensive place to live and the County needs dense/infill housing in order to have more affordable housing. He stated he is offering preliminary support of the project. He also stated we need to expand public transit to the Avalon Park area and we need the ability to get to the area without using cars. Mr. Grimmer stated the people working in retail will have to drive to this place to work. He asked if there were any plans for affordable units in the development. Mr. Huels responded not at this time but they will continue to look at this as the project evolves. If there is a partnership to be made, they will consider it. Mr. Huels stated the rents are not at the top of the market but hopefully rent prices will go down.

In 2003, 400 SFRs were approved. How many acres were there? Mr. Huels stated that the yellow pods (residential areas shown on PowerPoint Presentation) were originally approved and the wetlands are being preserved in perpetuity. The east side was always MF. He stated they are blending acreages and uses where residential uses will be next to commercial uses. He also stated that Class I wetlands are extremely hard to impact and the wetlands are already in a conservation easement. Ms. Amanda Hallenbeck, Senior Environmental Specialist, EPD, stated that there are large wetlands on the site and there are historical and new permits related to this project.

A resident of the Rosedale Subdivision asked if there will be turn lanes along Alafaya Trail. Mr. Huels stated the access points vary. Some will be right in/right out only and some will be full access.

A resident asked if Mr. Huels was requesting any parking waivers in order to keep the project walkable because there are extremes in parking. Mr. Huels stated that a parking study is needed to justify parking waivers and he did not know because the project has not been designed yet; it is early in the process.

There were no more questions and Mr. Huels turned the meeting back over to Ms. Watson. Mr. Gologowski recapped the citizens concerns and questions: increase in traffic, access management, affordable housing, park size and uses, and excessive parking concerns. Ms. Watson thanked everyone again for attending the community meeting and provided contact information for the Mayor and the County Commissioners.

Commissioner Gomez Cordero stated there is need for parks and housing and she will meet with Mr. Huels to discuss the proposed amendment further. She stated the park was promised years ago and she thanked the residents for attending the meeting. She also provided her contact information.

The meeting was adjourned at 7:20 P.M. The overall tone of the meeting was **POSITIVE**.



6501 Magic Way · Building 200 · Orlando, Florida 32809 · (407) 317-3700 · www.ocps.net

FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER - REVISED

October 22, 2021

VIA E-MAIL: JONATHAN.HUELS@LOWNDES-LAW.COM

Jonathan Huels, Esq.
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
215 N. Eola Drive
Orlando, FL 32801

ACTION: RECOMMENDATION FOR APPROVAL for Application OC-21-048

Type of Development Application	<input checked="" type="checkbox"/> FLUM <input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Amendment or Extension
Development Application #:	2022-1-A-4-1 / CDR-21-04-131
Project Name:	Reserve at Alafaya
OCPS Completed Application Date:	September 24, 2021
Parcel #(s):	12-23-31-0000-00-006, 12-23-31-0000-00-011, 12-23-31-0000-00-012, 12-23-31-0000-00-013
Requested New Units (#):	SF: 0 MF: 560 TH: 90
Vested Unit(s):	SF: 400 MF: 1,190 TH: 10
Total Project Units:	2,250
School Board District:	# 2

Upon review of the above-named application for School Capacity Determination, the Department of Facilities Planning of Orange County Public Schools finds the application is approved based on the addition of 560 new multi-family and 90 new townhome residential units within the proposed Reserve at Alafaya PD.

The project is currently subject to an approved, active Public Education Agreement (#03-008) between OCPS and the Morgan Company, Inc, which considered and mitigated for 600 single-family units and 1,000 multi-family units (with the ability to convert 300 single-family units to multi-family units) on the property. Following the PEA, and requested by the project applicant, Orange County issued School Concurrency Vested Rights Certificate (SCVRC) #15-002. This SCVRC was issued based on common law vesting pursuant to the active PEA and other existing SCVRC's, as well as entitlement conversions that occurred. As of the date of this letter, the vested residential units under SCVRC #15-002 are 400 SF, 1,190 MF, and 10 townhome units. The PEA and SCVRC do not expire.

Of the remaining Project units that were not vested under PEA #03-008 and SCVRC #15-002, School Capacity Reservation Certificate (SCRC) SCRC-15-065 was issued by Orange County for 560 multi-family units and 90 townhomes. This SCRC was requested in conjunction with the previous Project request to add these units into the PD in 2015. While the zoning request was ultimately not approved, the Project received

an approval for the SCRC. Additionally, the applicant has paid school capacity reservation fees for these units. The SCRC is set to expire on April 11, 2026.

As the new units requested have obtained prior approvals and are currently reserved in our capacity database, OCPS will not require the requested new units to be processed for capacity review.

This determination expires on September 29, 2022. In the event this project does not obtain a local government approval by the expiration date or does not receive an extension to this determination, the applicant must resubmit the School Capacity Determination application and fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), or if Orange County makes a new determination on the number of vested units, a new School Capacity Determination will be required.

While the Project has obtained Concurrency vesting in part and has also received a School Concurrency Reservation Certificate for the remaining, un-vested entitlements, the Applicant may be required to submit for concurrency review if any aspect of the entitlements change contrary to its Concurrency approvals. This concurrency review, if necessary, may require entering into a Concurrency Mitigation Agreement. Please contact Orange County Government to discuss School Concurrency requirements further.

This determination is governed by the First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency, the provisions of the municipality's adopted Comprehensive Plan, and the Orange County Charter.

Please contact me at (407) 317-3700 ext. 2022139 or e-mail me at steven.thorp@ocps.net with any questions.

Sincerely,



Steven Thorp, AICP
Sr. Administrator, Facilities Planning

Attachments: Proposed Development Profile submitted by Orange County on September 22, 2021
SCRC-15-065 extension approval dated January 10, 2020

CC: Sue Watson, Orange County (via e-mail)
James Hartsfield, Orange County (via email)
Thomas Moore, OCPS (via e-mail)
Project File

AMENDMENT 2022-1-A-4-1 (Reserve at Alafaya)

PROJECT SPECIFICS

Parcel ID: 12-23-31-0000-00-006/011/012/013

Location: 3100 S. Alafaya Trail; Generally located south of S. Alafaya Trail, north and west of Innovation Way

Acreage: 114.17 gross acres

Request FLUM: From: Planned Development-Commercial/Low-Medium Density Residential/Parks and Recreation/Open Space (PD-C/LMDR/PR-OS), Planned Development-Commercial (PD-C), Commercial (C), Low-Medium Density Residential (LMDR), Planned Development-Low-Medium Density Residential/Medium Density Residential (PD-LMDR/MDR), and Low-Medium Density Residential (LMDR)

Request Zoning: To: Planned Development-Commercial/Low-Medium Density Residential/Medium Density Residential/ Parks and Recreation/Open Space (PD-C/LMDR/MDR/PR-OS) and Medium Density Residential (MDR)
From: PD (Planned Development District) (Reserve at Alafaya PD)
To: PD (Planned Development District) (Reserve at Alafaya PD)

Existing Development: Undeveloped - OVERALL RESERVE AT ALAFAYA PD: Developed - 803 Multi-Family Units and 100 Single-Family Homes

Development Permitted Under Current FLUM: FLUM AMENDMENT: 1,230,560 sq. ft. Commercial, 250 MF Dwelling Units, 6,000 sq. ft. Clubhouse, 20-acre Park and 3-acre Recreational Trail,
OVERALL RESERVE AT ALAFAYA (CURRENT ENTITLED LUP): Mixed Use Tract: 300,000 sq. ft. Commercial, 50,000 sq. ft. Office, 950 Multi-Family Units, 400 Single Family Units, 6,000 sq. ft. Clubhouse, 20-acre Park, 3-acre Recreational Trail,
TRACT 9, (MF Tract): 319 Dwelling Units MF

Proposed Density/Intensity: FLUM AMENDMENT: 200,000 sq. ft. Commercial, 50,000 sq. ft. Office, 1750 Multi-Family Units, 100 Townhome Units, 400 Single-Family Units, 20-acre Park and 3-acre Recreational Trail

Trip Generation (ITE 10th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use: 2014 Approved LUP: 400 SFDU, 950 MFDU, 300 KSF Commercial and 50 KSF Office + total 23 acres of PR/OS for a park and trail	1,561		1,229
Proposed Use: 1750 MFDU, New 100 Townhomes, Reduce Commercial by 200KSF maintain the 23-acre park/trail	1,588		1,337
Net New Trips (Proposed Development less Allowable Development): 108			

Future Roadway Network

Road Agreements: None

Planned and Programmed Roadway Improvements: None

Right of Way Requirements: None

Summary

The applicant is requesting to change ~114.17 acres to change the PD LMDR, PD MDR and PD Commercial to increase the number of MFDU from 950 to 1750 and add 100 Townhomes and modify the existing PD to incorporate the changes.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will result in an **increase** in the number of pm peak trips and therefore **will impact** the area roadways. However, based on the Concurrency Management System Database, several roadways within the project impact area **operate** at acceptable levels of service and capacity is **available** to be encumbered.

- The subject property is not located within the County's Alternative Mobility Area.

- The subject property is not located along a backlogged/constrained facility. The property is within two multimodal corridors; Alafaya Trail and Innovation Way Multi Modal Corridors. Alafaya Trail, from the Seminole County line to Innovation Way, is designated as a multi-modal corridor per Orange County Transportation Element Policy T2.2.9. The policy supports the development of multimodal transportation corridors to increase the viability of walking, biking, and transit along these corridors. Transportation improvements shall focus on operational enhancements, intersection improvements that provide for safe movement of pedestrians and bicyclists, high-visibility pavement markings and refuge islands for pedestrians, multiuse paths, landscaping, bicycle facilities, increased transit service and bus shelters, and facilities and design that support transit-oriented development. Development within these corridors shall be subject to the site design standards in Policy T2.2.4, as determined by a transportation impact study. Innovation Way, from Alafaya Trail to SR 528 is designated as a multi-modal corridor per Orange County Transportation Element Policy T2.2.9. The policy supports the development of multimodal transportation corridors to increase the viability of walking, biking, and transit along these corridors. Transportation improvements shall focus on operational enhancements, intersection improvements that provide for safe movement of pedestrians and bicyclists, high-visibility pavement markings and refuge islands for pedestrians, multiuse paths, landscaping, bicycle facilities, increased transit service and bus shelters, and facilities and design that support transit-oriented development. Development within these corridors shall be subject to the site design standards in Policy T2.2.4, as determined by a transportation impact study.
- The allowable development based on the approved future land use will generate **1,229** pm peak hour trips.
- The proposed use will generate **1,337** pm peak hour trips resulting in a net increase of **108** pm peak hour trips.
- The subject property is located at 3100 S. Alafaya Trail; Generally located south of S. Alafaya Trail, north and west of Innovation Wy. Based on the Concurrency Management System (CMS) database dated 12/06/2021, zero (0) roadways currently operate at Level of Service F, and capacity is available to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.
- An analysis of existing conditions reveals that all roadway segments within the study area are currently **operating** at adequate LOS.
- A traffic study will be required at time of concurrency.
- 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.

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.