




Interoffice Memorandum

November 10, 2020

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

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

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

SUBJECT: Adoption Public Hearing – 2020-1 Regular Cycle Comprehensive Plan Amendments and Where Applicable, Concurrent Substantial Change Request

The 2020-1 **Regular Cycle** Comprehensive Plan Amendments are scheduled for BCC adoption public hearings on November 10, 2020. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at adoption hearings on June 18, 2020. The reports are also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See:

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

The 2020-1 **Regular Cycle – State-Expedited** Review Amendments scheduled for consideration on November 10 include two privately-initiated Future Land Use Map Amendments located in Districts 1 and 4, one of which (2020-1-A-1-1) has a concurrent substantial change request, and one staff-initiated text amendment. Each of the proposed Future Land Use Map Amendments entails a change to the Future Land Use Map for properties greater than ten acres in size. The text amendment includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2020-1 **Regular Cycle-State-Expedited** Review Amendments were heard by the PZC/LPA at transmittal public hearings on January 16, 2020, and by the BCC at transmittal public hearings on February 11, 2020. These amendments were reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On August 3, 2020, 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 December 2020, provided no challenges are brought forth for any of the amendments.

2020-1 Amendment Cycle – BCC Adoption Public Hearing

November 10, 2020

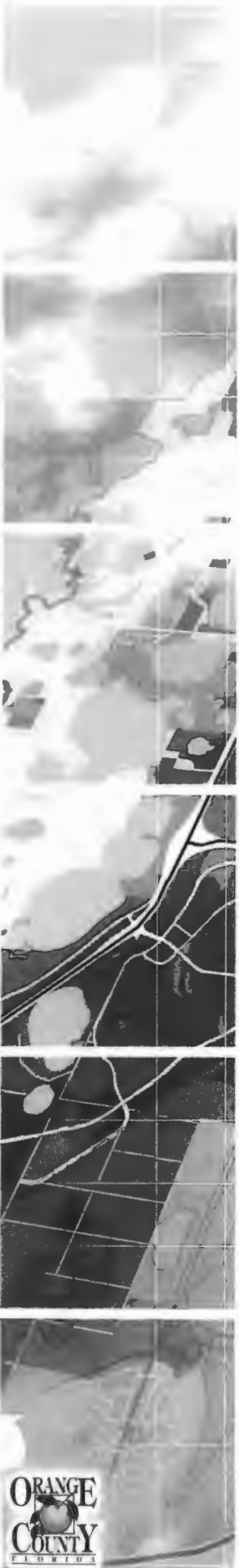
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Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624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

AAV/sw

Enc: 2020-1 Regular Cycle Amendments – BCC Adoption Staff Reports

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



ORANGE COUNTY
PLANNING DIVISION
**2020-1 REGULAR
CYCLE AMENDMENT**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

**NOVEMBER 10, 2020
ADOPTION PUBLIC HEARING**

PREPARED BY:
ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



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2020 FIRST REGULAR CYCLE

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

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing staff reports for the proposed First Regular Cycle Amendments to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearing for these amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on June 18, 2020, and are scheduled before the Board of County Commissioners (BCC) on November 10, 2020.

The 2020-1 Regular Cycle Amendments scheduled for BCC consideration on November 10 were heard by the PZC/LPA at transmittal public hearings on January 16, 2020, and by the BCC at transmittal public hearings on February 11, 2020.

Please note the following modifications to this report:

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

The 2020-1 Regular Cycle – State-Expedited Review Amendments scheduled for consideration on October 13 include two privately-initiated Future Land Use Map Amendments located in Districts 1 and 4, one of which (2020-1-A-1-1) has a concurrent substantial change request, and one staff-initiated text amendment. Each of the proposed Future Land Use Map Amendments entails a change to the Future Land Use Map for properties greater than ten acres in size. The text amendment includes 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 August 3, 2020, 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 December 2020, provided no challenges are brought forth for any of the amendments.

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

Items
Item

Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
Establishing the maximum densities and intensities for proposed Planned Developments within Orange County	Jennifer DuBois	Adopt	Adopt (7-0)

LD-Low Density Residential; MDR-Medium Density Residential; HDR-High Density Residential; PD-Planned Development; EDU-Educational; CONS-Wetland/Conservation; PR/OS-
Professional Office/Service; RM-Medium Density Residential; RCID-Reedy Creek Improvement District; GC-Growth Center; PD-Planned Development; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-
Floodplain Management Policies; OBJ-Objective; SR-State Road; AC-Acres

AERIAL



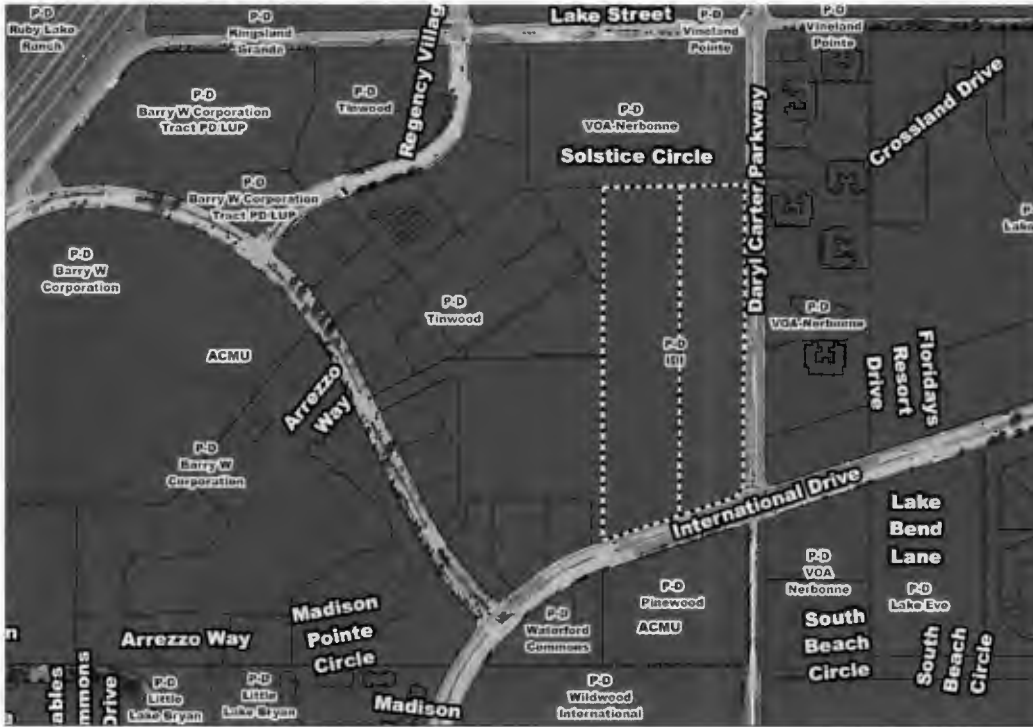
FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



ZONING - CURRENT



Current Zoning District: PD (Planned Development District) (IDI Orange PD)

Existing Uses:

- North:** Multi-family residential
- South:** Undeveloped land
- East:** Timeshare resort
- West:** Retail commercial

Staff Recommendations

If the requested Future Land Use Map Amendment is approved, the Board will then take action on the requested PD/LUP substantial change. These items must be addressed as two separate motions by the Board.

1. FUTURE LAND USE MAP AMENDMENT: Make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU1, Objective FLU1.1, and Policies FLU1.1.1, FLU1.1.4 D, FLU8.1.4, FLU8.2.1, and FLU8.2.2; Housing Element Goal H1 and Objective H1.1; and International Drive Element Goal ID 3), determine that the amendment is in compliance, and **ADOPT** Amendment 2020-1-A-1-1, Activity Center Mixed Use (ACMU) to Planned Development-Activity Center Residential (PD-ACR).

2. CHANGE DETERMINATION REVIEW REQUEST: CDR-19-10-356 (September 9, 2020 DRC Recommendation): Make a finding of consistency with the Comprehensive Plan and **APPROVE** the IDI Orange Planned Development/Land Use Plan (PD/LUP), dated "Received August 27, 2020", subject to the following fifteen (15) conditions:

1. Development shall conform to the IDI Orange Inc. Planned Development (PD) dated "Received August 27, 2020," 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 August 27, 2020," 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 project shall dedicate the required perpetual drainage easement for pond 802A prior to or concurrently with recording of the plat.
7. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
8. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
9. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas required shall be shown on all plans and shall be conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.
10. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the PD.

11. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
12. Prior to any Development Plan or Preliminary Subdivision Plan approval, a temporary drainage easement over the stormwater pond supporting Darryl Carter Parkway (Wildwood Road Network) shall be dedicated to Orange County.
13. The following waivers from Orange County Code are granted.
 - a. A waiver from Section 38-1251(b) to allow a maximum building coverage of all buildings up to thirty-five percent (35%), in lieu of thirty percent (30%).
 - b. A waiver from Section 38-1254 (1) to allow no increase in the twenty-five foot (25') PD boundary building setback for structures in excess of two (2) stories, in lieu of increase to reflect additional structural height.
 - c. A waiver from Section 38-1258 (d) to allow all multi-family building heights to be four (4) stories and sixty (60) feet, in lieu of three (3) stories and forty (40) feet.
 - d. A waiver from Section 38-1258(j) is to allow a twenty foot (20') building separation in, lieu of proportional increase due to increased structural height.
 - e. A waiver from Section 38-1476(a) to allow for multi-family parking at a ratio of one and six-tenths (1.6) spaces per multi-family unit regardless of bedroom count, in lieu of one and one-half (1.5) spaces for efficiencies and one-bedroom units and two (2) spaces for two (2) and three (3) bedroom units.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 10, 2008 shall apply:
 - a. Billboards and pole signs shall be prohibited.
15. All previous applicable BCC Conditions of Approval dated July 30, 1996, shall apply:
 - a. To the extent required to comply with the consistency provisions of the Growth Management Act, the following additional conditions shall be added to the conditions of approval:
 - i. Land uses shall be those stated in Policy 1.1.3 of the International Drive Activity Center Plan. Furthermore, Policy 1.1.6 of the International Drive Activity Center Plan dealing with prohibited uses shall apply to development approvals.
 - ii. If the housing linkage program is in place prior to development plan approval, development of the nonresidential development shall be conditioned upon the development of residential units within the area designated as Activity Center Residential on the Future Land Use Map.
 - iii. The Development Guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to building permit submittal, including but not limited to lighting standards, sign regulations, open space regulations, trip reduction programs, access management controls, transit access design standards, building orientation and location of parking lots.
 - iv. The property owners shall be required to participate in a property owners' association upon its creation.

- v. Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County Engineer to be technically unfeasible.
 - vi. Twenty-foot (20-foot) wide pedestrian landscape/utility easement plus a 15-foot (fifteen-foot) wide transit easement along International Drive for a total of 35 feet (with transit easement along International Drive) shall be included in the development plan.
 - vii. The development plan shall provide for interconnection of adjacent developments either by cross-access easement or public right-of-way.
 - viii. Electrical distribution lines shall be underground.
 - ix. Participation in a shuttle service connecting area attractions, major transportation centers, and on-site development shall be required.
- b. A minimum of 30 percent open space shall be provided.
 - c. This project shall be limited to 885 peak hour trips.

Analysis

1. Background and Development Program

The applicant, Jeff Robbins of Related Development, LLC, has requested to change the Future Land Use Map (FLUM) designation of the two subject parcels, totaling 20.14 acres, from Activity Center Mixed Use (ACMU) to Planned Development-Activity Center Residential (PD-ACR). The site is located north of International Drive, east of Vineland Avenue, south of Lake Street, and west of Daryl Carter Parkway. The subject site is currently undeveloped.

The subject currently has a FLUM designation of Activity Center Mixed Use (ACMU), which is intended to provide for a combination of tourist-oriented development and supporting residential activity. The Orange County Comprehensive Plan stipulates that no more than 30 percent of a site designated ACMU shall be utilized for residential purposes. The subject site is within the IDI Orange Planned Development (PD) and currently has entitlements for 12,500 square feet of restaurant uses, 480 timeshare units, and 225 hotel rooms.

The request is to amend the FLUM designation from Activity Center Mixed Use (ACMU) to Planned Development-Activity Center Residential (PD-ACR). The applicant is seeking the PD-ACR FLUM designation to allow for the development of up to 420 multi-family dwelling units. In conjunction with this proposed amendment, the applicant has applied for a concurrent substantial change to the current IDI Orange PD Land Use Plan (LUP), Case CDR-19-10-356, to revise the PD's current entitlements and establish design and development standards for the project. On September 9, 2020, the Orange County Development Review Committee issued a recommendation to approve the requested LUP amendment, subject to the fifteen (15) conditions listed above.

The abutting properties to the north and east of the subject site have a future land use designation of Activity Center Mixed Use (ACMU), and a zoning classification of Planned Development. The Planned Development is known as VOA-Nerbonne and has existing development entitlements consisting of commercial uses, hotel rooms, timeshares, and multi-family residential units. The abutting property to the west of the subject site has a future land use designation of Activity Center Mixed Use (ACMU) and a zoning classification of Planned Development. The Planned Development is known as Tinwood and has existing development entitlements that allow for hotel and retail commercial uses. The

property to the south of the subject site has a future land use designation of Activity Center Mixed Use (ACMU) and a zoning classification of Planned Development. The Planned Development is known as Pinewood and has existing development entitlements that allow for commercial, hotel/motel, office, and timeshare uses.

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

A community meeting was held for this proposed amendment on November 5, 2020. Three (3) area residents were in attendance and expressed a neutral tone to the request. No questions were asked, and no concerns or comments were raised.

Table 1 Existing and Proposed Development

	Existing	Proposed
Future Land Use	Activity Center Mixed Use (ACMU)	Planned Development-Activity Center Residential (PD-ACR)
Zoning	Planned Development	Planned Development
Density/Intensity	Hotel/motel lodging – up to 60 rooms/acre; Up to 30 DU/AC with a maximum of 30% of the site in residential use	Up to 30 DU/AC, minimum 12 DU/AC; Non-residential 10,000 SF per 125 units, with a maximum of 50,000 square feet total of non-residential per development

2. Future Land Use Map Amendment Analysis

Consistency

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

Future Land Use Element Goal FLU1, Objective FLU1.1, and Policy FLU1.1.1 describe Orange County’s urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area. As required by **OBJ FLU1.1**, the proposed amendment is within the Urban Service Area, and the proposed FLUM designation of Planned Development-Activity Center Residential 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**.

Future Land Use Element Policy FLU1.1.4 D lists criteria for the International Drive Activity Center. The proposed FLUM designation of Activity Center Residential (ACR) is described in **FLU1.1.4 D**, which

is intended to promote workforce housing for tourist-oriented employment and to minimize travel distances between uses. The ACR FLUM designation calls for up to 30 du/acre and allows for 10,000 square feet of non-residential uses per 125 units, with a maximum of 50,000 square feet of non-residential per development.

The proposed FLUM amendment is consistent with **Housing Element GOAL H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. **Policy FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. The addition of 420 multi-family dwelling units will provide housing in an area that predominantly has a FLUM designation of Activity Center Mixed Use.

Neighborhood Element Objective **OBJ N1.1** states that Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing neighborhoods. The proposed amendment is compatible with the existing development pattern of multi-family residential and commercial in the surrounding area.

Policy FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trends in the area. The addition of multi-family dwelling units in the International Drive Activity Center would be compatible with existing tourist-related development and supporting residential activity.

International Drive Element Goal 3 states that Orange County shall facilitate residential development in proximity to employment areas of the Activity Center in order to minimize travel distance and time between the uses. The subject property is located in close proximity to major employers in the area, including Walt Disney World, Sea World, hotels, resorts, and the Orlando Vineland Premium Outlets mall. The proposed amendment will allow for a mix of housing options near the large employers in the Activity Center, thereby shortening commuting times for workers.

Staff-Initiated Text Amendment

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) and Lake Pickett (LP) FLUM designations adopted subsequent to January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment 2020-1-B-FLUE-1. The maximum development program for Amendment 2020-1-A-1-1, if adopted, will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2020-1-A-1-1</u> IDI PD	<u>Planned Development-Activity Center Residential (PD-ACR)</u>	<u>Up to 420 multi-family dwelling units</u>	<u>2020-</u>

Compatibility

The petitioned site is located in a portion of Orange County characterized by tourist-related activity. As previously mentioned, the subject property is situated in close proximity to tourist destinations that are also major employers. Walt Disney World, Sea World, and the Orlando Vineland Premium

Outlets mall lie in the general vicinity of the site, along with supporting resorts, hotels, and restaurants. Existing Future Land Use Map designations include Activity Center Mixed Use, Activity Center Residential, Commercial, and High Density Residential.

The development trend in the area is a mix of commercial and residential land uses. The proposed amendment would allow land uses that are compatible with other permitted uses in the area. The proposal to amend the Future Land Use Map from Activity Center Mixed Use (ACMU) to Planned Development-Activity Center Residential (PD-ACR) would provide residential units that would support the surrounding commercial uses. The proposal is consistent with the existing development along International Drive and Daryl Carter Parkway.

Division Comments: Environmental, Public Facilities, and Services

Environmental: Class III wetlands are located onsite. A Conservation Area Determination, CAD-19-10-162, establishing the presence of 1.484 acres of Class III wetlands, was issued February 28, 2020. This determination expires February 28, 2025.

The net developable area is the gross parcel area less the wetlands and surface waters areas. Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II, and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD. Please refer to Comprehensive Plan Policy FLU1.1.2 C. Conservation Area Impact Permit CAI-20-01-010 was issued July 16, 2020, to permit impacts to 0.93 acre of Class III wetlands, with an expiration date of July 16, 2025. Mitigation comprises the purchase of 0.50 State Uniform Mitigation Assessment Method (UMAM) forested mitigation bank credits at the Shingle Creek Mitigation Bank.

Conservation Area Determination CAD 06-219 and Impact Permit CAI 07-024 were approved in 2007 to delineate and remove a 0.5-acre wetland located on the southeastern corner stormwater pond site.

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

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

Schools: Orange County Public Schools Formal School Capacity Determination OC-19-069, revised June 29, 2020, determined that school capacity is not available at Tangelo Park Elementary School, Freedom Middle School, and Freedom High School. Tangelo Park Elementary is scheduled for relief in 2020, and Freedom High is scheduled for relief in 2021. Unless otherwise vested, the Development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.

In accordance with Section 10 of the First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency ("Interlocal Agreement"), a detailed Capacity Analysis is provided in Attachment A.

In accordance with Section 704(B) of the Orange County Charter and Section 30-742 of the Orange County Code, an analysis of significantly affected local governments impacted by the proposed development can be found below:

	Tangelo Park ES	Freedom MS	Freedom HS
Jurisdiction Analysis	N/A	Orange County- 100%	N/A

Given the above analysis, this project meets the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with the identified significantly affected local government(s). Additional information on the joint approval process can be obtained from Orange County.

Please see the attached letter from OCPS dated June 29, 2020, for the full analysis.

Transportation: As directed by the Transportation Planning Division, the applicant submitted a revised transportation analysis, dated December 17, 2019. Per Transportation Planning, the developer is subject to the terms of the Wildwood Area Road Network Agreement. Transportation Planning is missing a required pond per the Agreement that was never conveyed. In their review of the associated substantial change to the IDI Orange PD Land Use Plan, Case CDR-19-10-356, Transportation Planning comments, “A Drainage Easement for pond 802A is required as part of the Wildwood Area Road Network Agreement. This perpetual easement shall be dedicated to Orange County prior to this LUP/CDR approval.” As noted previously, Case CDR-19-10-356 is currently proceeding through the Orange County Development Review Committee (DRC) review process and is expected to be considered by the Board of County Commissioners (BCC) at a future date.

The subject property is not located within the County’s Alternative Mobility Area (AMA) or along a backlogged/constrained facility. There are currently no planned and programmed roadway improvements within the project’s impact area, and there are no right-of-way requirements associated with the proposed project at this time.

The applicant is requesting a Future Land Use Map Amendment from ACMU to PD-ACR to allow for the construction of up to 420 multi-family dwelling units. Although they recognize that fewer residential units are proposed, Transportation Planning notes that development in accordance with the ACR category’s maximum allowable density of 30 dwelling units per net acre would yield 559 multi-family dwelling units. Per Transportation Planning, development of the currently-approved 12,500 square feet of restaurant uses, 480 timeshare units, and 225 hotel rooms under the site’s present ACMU designation will generate 436 p.m. peak hour trips. Development of the maximum 559 multi-family dwelling units permitted under the ACR designation would generate 246 p.m. peak hour trips, resulting in a net decrease of 190 pm peak hour trips.

The subject property is located adjacent to International Drive. Based on existing conditions, this facility currently has no deficient roadway segments within the project’s impact area. This information is dated, however, and is subject to change.

Based on the project’s expected trip distribution, 38% of trips will be travelling southbound on I-Drive, while 22% are projected to travel northbound. The estimated remaining trips are 31% southbound on Daryl Carter Parkway and 16% southbound on Vineland Avenue.

The short-term analysis (Year 2020) revealed that Vineland Avenue, from SR 535/Winter Garden-Vineland Road to Little Lake Bryan Parkway, is projected to be deficient. However, the expected deficiencies are based on existing and background traffic volumes and are not due to the addition of the proposed project’s trips. **Transportation Planning has informed the applicant that the submittal**

of an analysis based on a short-term (Year 2025) horizon is required. Upon receipt, Transportation Planning will prepare an addendum to their draft report.

The long term analysis (Year 2030) likewise revealed that Vineland Avenue, from SR 535/Winter Garden-Vineland Road to Little Lake Bryan Parkway, is projected to be deficient. Transportation Planning has requested a long-term (Year 2040) analysis for the preparation of an addendum to their initial report.

Lastly, final permitting of any development on this site will be subject to review and approval under the capacity constraints of the County’s Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment to mitigate any transportation deficiencies.

3. Zoning Analysis

IMPACT ANALYSIS

Overview

The IDI Orange PD was originally approved July 30, 1996, and currently includes entitlements for 12,500 square feet of restaurant uses, 480 of midrise timeshare units, and 225 hotel rooms.

Through this PD Change Determination Review (CDR) request, the applicant is seeking to convert the 12,500 square feet of restaurant uses, 480 of midrise timeshare units, and 225 hotel rooms to 420 mid-rise multi-family dwelling units. Additionally, five (5) waivers are requested, related to maximum building coverage, building setbacks, building height, building separation, and parking.

Land Use Compatibility

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

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The subject property is located within the Tourist Commercial Signage Overlay District.
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

SITE DATA

APPLICABLE PD DEVELOPMENT STANDARDS

Residential

PD Perimeter Setback 25 feet

Maximum Building Height: 60 feet (4-stories)

Minimum Building Setbacks

East (Daryl Carter Parkway): 40 feet
West: 25 feet
North: 25 feet
South (International Drive): 50 feet

SPECIAL INFORMATION

Environmental

Conservation Area Impact Permit CAI-20-01-010 was issued July 16, 2020.

Transportation / Concurrency

The Wildwood Area Road Network Agreement was approved by the BCC on August 27, 2002, and recorded at OR Book 6618 Page 2575. The agreement provides for a planned partnership improvement to construct four (4) lanes from International Drive to Palm Parkway, crossing over Interstate 4. The Wildwood Area Road Network Agreement requires the conveyance of Right-of-Way for the Wildwood Area Network of Roads and the construction of a bridge to extend over Interstate 4 to provide access to Palm Parkway. The Developers are eligible to receive Road Impact Fee Credits for the portions of road constructed. However no credits will be provided until such time as all of the Design plans and Right-of-Way have been provided. Construction has been completed, and one drainage easement is still outstanding.

IDI Orange Planned Development VR#08-029 is on file for this project.

Water / Wastewater / Reclaimed Water

Existing service or provider

Water: Orange County Utilities
Wastewater: Orange County Utilities
Reclaimed: Orange County Utilities

Schools

The applicant has submitted Capacity Determination OC-19-069 with Orange County Public Schools (OCPS), which was returned showing insufficient capacity at Freedom Middle School, which is currently enrolled at 111 percent capacity. This request has received capacity due to planned relief schools for Tangelo Park Elementary School (2020) and Freedom High School (2021). The OCPS Capacity Determination can be found on Page 21 of this staff report.

4. Policy References

Future Land Use Element

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

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

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

FLU1.1.4 D. INTERNATIONAL DRIVE ACTIVITY CENTER – The following two Future Land Use designations are located only within the International Drive Activity Center. More information about the ACR and ACMU Future Land Use designations are found in the International Drive Activity Center Element, which is a separate and optional element in the Comprehensive Plan.

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

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.

International Drive Element

GOAL ID 3 – It is Orange County's goal to facilitate the development of residential development in proximity to employment areas of the Activity Center in order to minimize travel distance and time between the uses.

Housing Element

GOAL H1 – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range residents have the opportunity to purchase or rent standard housing.

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

Subject Site



North

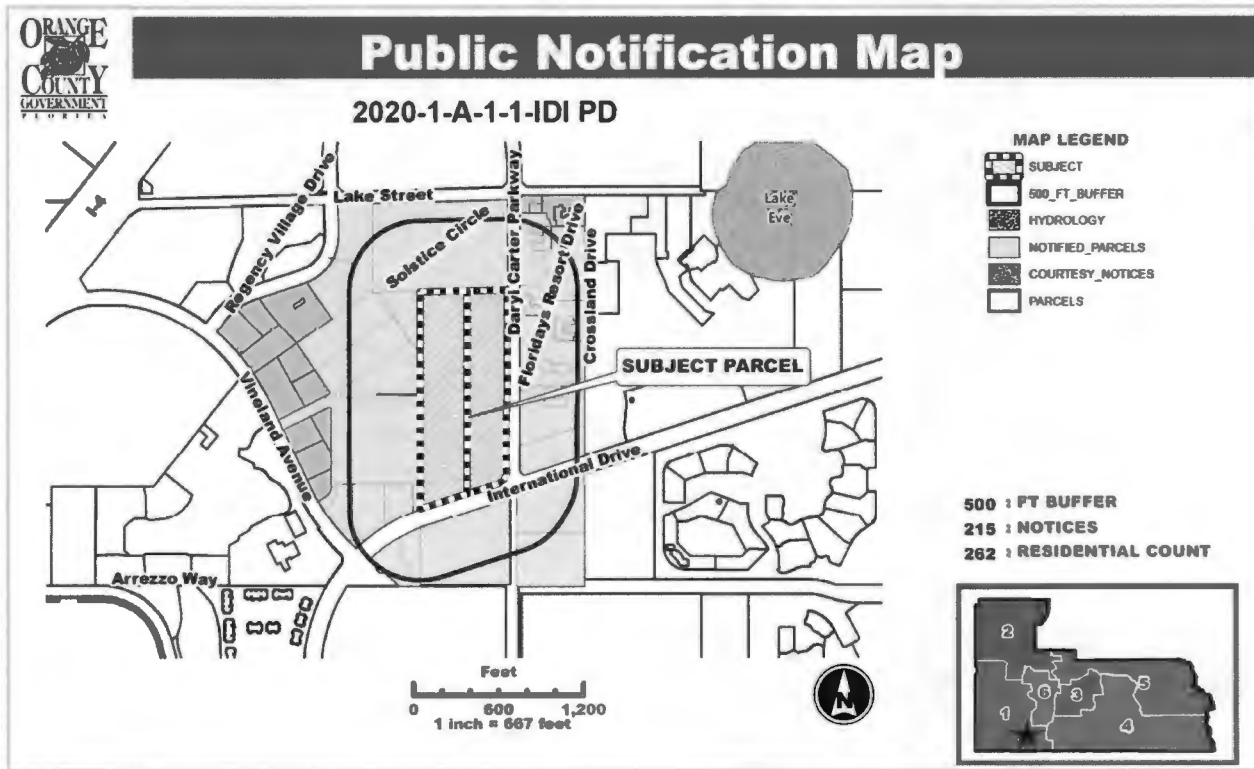
East



South

West

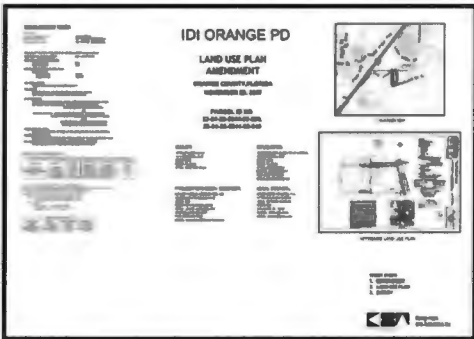




Notification Area:

500-foot buffer, plus community and neighborhood organizations within a one-mile radius of the site
 215 notices sent

IDI Orange PD Land Use Plan – Cover Sheet



APPROVED LAND USE PLAN

PROPOSED WAIVERS REQUEST

1. A waiver from Orange County Code section 20-1004 (1) is requested to allow a maximum building coverage of 80% (80%) up to fifty-five percent (55%) in lieu of fifty percent (50%).
 Justification: This property is surrounded by unimproved lots. No base- or underutilization effects will occur if the neighboring properties or general public as a result of this waiver.
2. A waiver from Orange County Code section 20-1004 (1) to allow an increase in the height-to-foot (H/F) PD secondary building setbacks for structures in excess of four (4) stories in lieu of increase in without additional structural height.
 Justification: This property is surrounded by unimproved lots. No base- or underutilization effects will occur if the neighboring properties or general public as a result of this waiver.
3. A waiver from Orange County Code section 20-1004 (6) is requested to allow all multi-family building heights to be four (4) stories and only (8) feet in lieu of three (3) stories and four (4) feet.
 Justification: This property is surrounded by unimproved lots. No base- or underutilization effects will occur if the neighboring properties or general public as a result of this waiver.
4. A waiver from Orange County Code section 20-1004 (6) is requested to allow 3P building expansion in lieu of pre-approved structural plan to commercial structural height.
 Justification: This property is surrounded by unimproved lots. No base- or underutilization effects will occur if the neighboring properties or general public as a result of this waiver.
5. A waiver is requested from Orange County Code section 20-1476 (A) to allow for multi-family parking at a ratio of one and one-half (1.5) spaces per multi-family unit regardless of bedroom count, in lieu of one and one-half (1.5) spaces for attached and one-bedroom units and two (2) spaces for two (2) and three (3) bedroom units.
 Justification: This property is surrounded by unimproved lots. The nature of the development along with the growing trend of reduced vehicle ownership in the market created requires a reduced parking requirement.

LAND USE PLAN AMENDMENT
IDI ORANGE PD
 CDR-19-10-356
 Orange County, Florida
 AUGUST 26, 2020

PARCEL ID'S:
 23-24-28-5844-00-230 & 23-24-28-5844-00-240



LOCATION MAP

PROJECT TEAM

- | | | |
|--|--|---|
| <p>OWNER:
 VERM FLORIDA, INC
 300 BRIDGEWATER BOULEVARD, SUITE 1700
 MIAMI, FL 33156
 CONTACT : SANDY TURNER
 PHONE: (305) 574-4400
 EMAIL: sandy.turner@vermfl.com</p> | <p>CONSULTING ENGINEER:
 KIMLEY-HORN AND ASSOCIATES, INC.
 100 S. ORANGE AVENUE, SUITE 1000
 ORLANDO, FL 32801
 CONTACT: JONATHAN A. MARTIN, P.E.
 PHONE: (407) 500-0111
 FAX: (407) 504-4771
 EMAIL: jonathan.martin@kimley-horn.com</p> | <p>LEGAL COUNSEL:
 GRAY-COBBSON
 301 EAST PINE STREET, SUITE 1400
 ORLANDO, FL 32801
 CONTACT: THOMAS GULLAMAN
 PHONE: (407) 264-6800
 FAX: (407) 264-6800
 EMAIL: thomas.gullaman@gray-cobson.com</p> |
| <p>DEVELOPER:
 JOE DANIEL GARDNER, LLC
 216 S. BRIDGEWATER BOULEVARD
 MIAMI, FL 33156
 CONTACT : JONATHAN JOHNSON
 PHONE: (407) 574-2200
 EMAIL: jonathan.johnson@jdgardner.com</p> | <p>SURVEYOR:
 PSC SURVEYING & MAPPING, LLC
 2100 ALABAMA TRAIL, SUITE 200
 CHICAGO, FL 32805
 CONTACT : GREGORY A. WENTZ, P.S.M.
 PHONE: (407) 643-4887
 EMAIL: greg@pscsm.com</p> | |

Kimley»Horn

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 www.kimley-horn.com CA 00000000



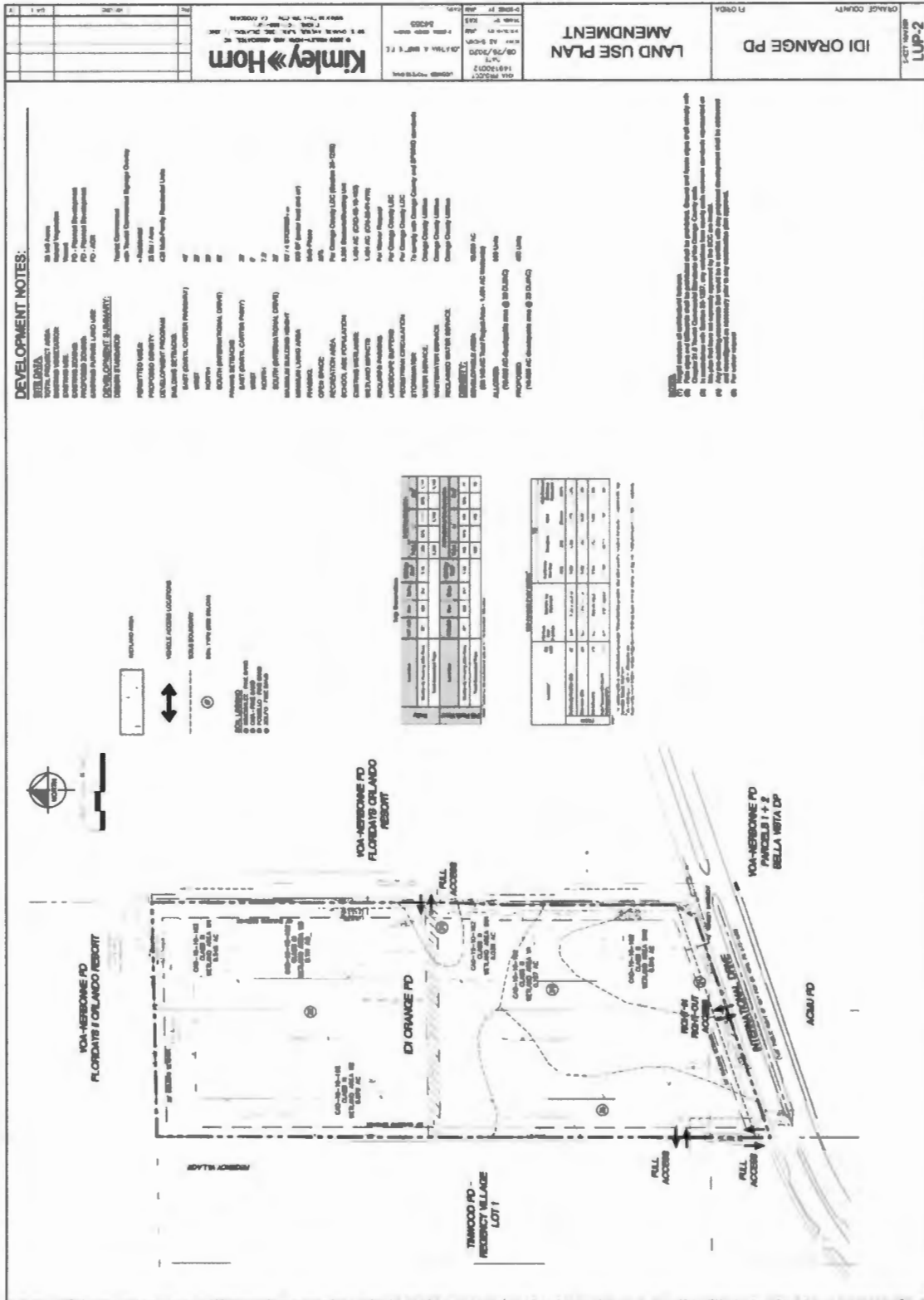
- SHEET INDEX
 LUP-1 COVER SHEET
 LUP-2 LAND USE PLAN
 LUP-3 CONDITIONS OF APPROVAL
 LUP-4 SURVEY

LEGAL DESCRIPTION

Lots 24, 25, 41, 42, 43, 44, 45, and 46, of HOLLAND LAND COMPANY SUBDIVISION, known as HOLLAND TRACT, 2000' according to the Plat thereof on file in the Office of the County Commissioner in and for Orange County, Florida, as recorded in Public Book 12, Page 25, and Florida Public Trust, 1994 and 1995 in Orange County, Florida.

TRACTS 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 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2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673,

IDI Orange PD Land Use Plan – Land Use Plan





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

**FORMAL SCHOOL CAPACITY DETERMINATION
 CAPACITY LETTER**

June 29, 2020

VIA E-MAIL: THOMAS.SULLIVAN@GRAY-ROBINSON.COM

Thomas R. Sullivan
 Gray Robinson, P.A.
 301 E. Pine Street
 Suite 1400
 Orlando, FL 32801

Application OC-19-069 (IDI PD)

This letter serves as the official certification by Orange County Public Schools that school capacity for the following development is **NOT AVAILABLE**:

Type of Development Application	<input type="checkbox"/> FLUM
	<input type="checkbox"/> Rezoning
	<input checked="" type="checkbox"/> Amendment or Extension
Development Application #:	2020-1-A-1-1
Project Name:	IDI PD
OCPS Completed Application Date:	October 23, 2019
Parcel #(s):	23-24-28-5844-00-230; -240
Requested New Units (#):	SF: 0 MF: 420 TH: 0
Vested Unit(s):	SF: 0 MF: 0 TH: 0
Total Project Units:	420
School Board District:	# 4

In accordance with Section 10 of the First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency ("Interlocal Agreement"), a detailed Capacity Analysis is provided in **Attachment A**.

In accordance with Section 704(B) of the Orange County Charter and Section 30-742 of the Orange County Code, an analysis of significantly affected local governments impacted by the proposed development can be found below:

	Tangelo Park ES	Freedom MS	Freedom HS
Jurisdictional Analysis	N/A	Orange County – 100%	N/A

Given the above analysis, this project does not meet the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with the identified significantly affected local government(s). Additional information on the joint approval process can be obtained from Orange County.

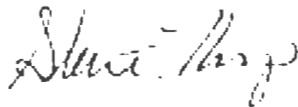
This determination expires on November 20, 2020. OCPS is not required to extend the expiration date of this determination letter. In the event this project does not possess Development Application approval from Orange County by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application 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), a new determination will be required.

Unless otherwise vested, the Development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.

This determination is governed by the Interlocal Agreement, the provisions of Orange County's adopted Comprehensive Plan, and the Orange County Charter and Code.

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

STT

Attachments – Attachment A: Detailed Capacity Analysis

CC: Sue Watson, Orange County (via e-mail)
Alyssa Henriquez, Orange County (via e-mail)
Thomas Moore, OCPS (via e-mail)
Project File

Attachment A



Facilities Planning
 Orange County Public Schools

School Capacity Determination

User ID# 108891 December 2, 2019 18:21:47

Project ID

CEA - OC - 19 - 009

Valid Until November 28, 2020

Project Name		IDI PD	
Unvested Units	Single Family Units	0	Vested Units
	Mult Family Units	420	
	Town Homes Units	0	
	Single Family Units	0	
	Mult Family Units	0	
	Town Homes Units	0	

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA	00		
	School	TANGELO PARK ES	FREEDOM MS	FREEDOM HS
	Analysis of Existing Conditions			
	School Capacity (2019-2020)	884	1,114	2,871
	Enrollment (2019-2020)	625	1,241	3,847
	Utilization (2019-2020)	94.0%	111.0%	144.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	105	0	0
	Analysis of Reserved Capacity			
School Level	Elementary	Middle		
Encumbered Capacity	228	47	124	
Reserved Capacity	0	0	22	
Adjusted Utilization	128.2%	115.6%	149.5%	
Adjusted Available Seats	0	0	0	
Analysis of Proposed Development				
Students Generated	62,580	26,480	29,400	
Adjusted Utilization	137.6%	118.0%	160.6%	
PASS/FAIL	FAIL*	FAIL	FAIL*	
Number of Seats to Mitigate	62,580	26,480	29,400	

TANGELO PARK ES	*PASS - SCHEDULED FOR RELIEF IN 2020
FREEDOM MS	
FREEDOM HS	*PASS - SCHEDULED FOR RELIEF IN 2021



Applicant/Owner:
Jonathan P. Huels /
Adventist Health
System/Sunbelt, Inc.

Location: 14314 Bogy Creek
Road
Generally located north of
Simpson Road, east of Ward
Road, south of Lake Nona
Boulevard, and west of
Bogy Creek Road

Existing Use: Undeveloped
land

Parcel ID Number:
33-24-30-0000-00-021

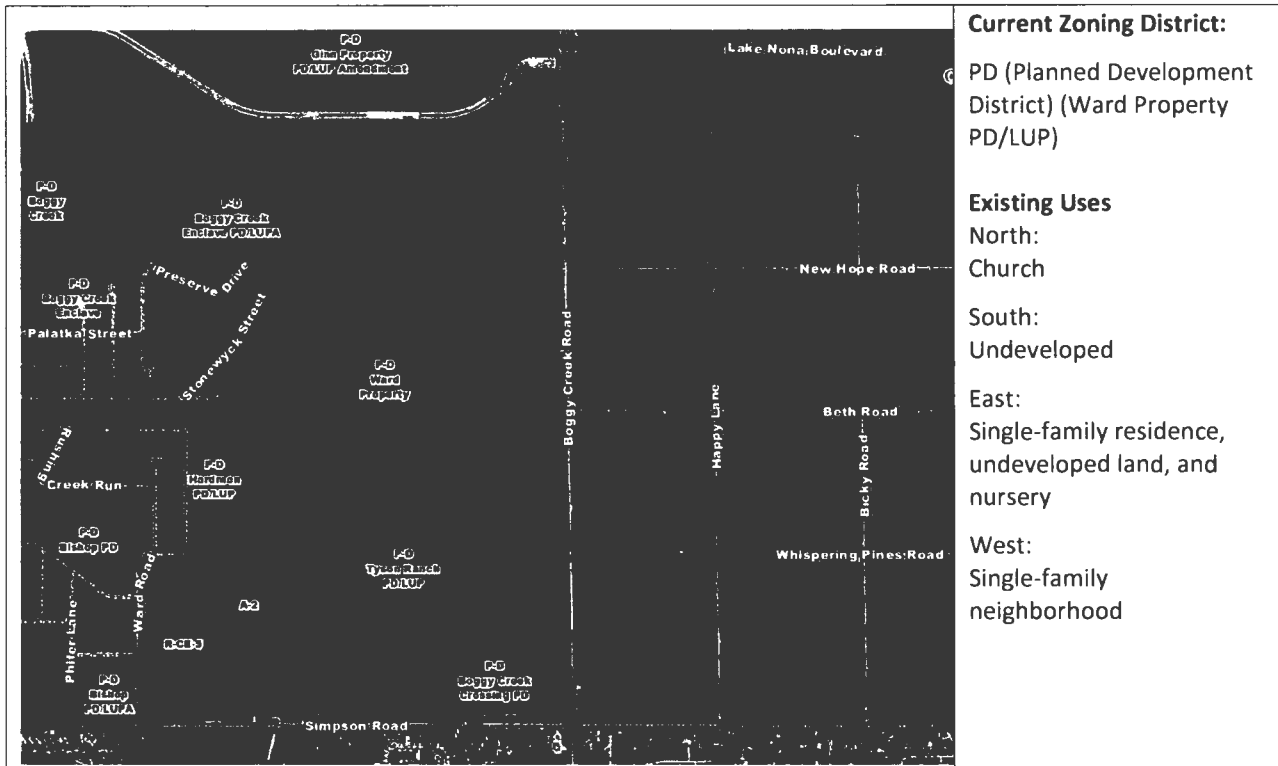
Tract Size: 114 gross acres/
~94 net developable acres

+The following meetings and hearings have been held for this proposal:				Project Information	
Report/Public Hearing		Outcome			
✓	Community Meeting January 21, 2020	Neutral		Request: Planned Development – Institutional/Conservation (PD-INST/CONS) to Planned Development-Commercial/Office/Medium Density Residential/Conservation (PD-C/O/MDR/CONS)	
✓	Staff Report	Recommend Transmittal		Proposed Development Program: Up to 150,000 sq. ft. of retail commercial uses, 150,000 sq. ft. of office uses, 762 multi-family residential units, 188 townhome units, 29-unit (58-bed) age-restricted assisted living facility, and 22.8 acres of conservation land	
✓	LPA Transmittal January 16, 2020	Recommend Transmittal (5-0)		Division Comments:	
✓	BCC Transmittal February 11, 2020	Transmit (5-0)		Environmental, Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.	
✓	State Agency Comments	March 2020		Environmental: CAD-19-12-201 is under review. CAD 05-231a delineated 19.62 acres of Class I and Class III wetland and surface waters on site, including a portion of Bogy Creek. This determination expired in 2013. However, the expired CAD can be used for this Comprehensive Plan amendment application.	
✓	LPA Adoption June 18, 2020	Recommend Adoption (6-0)		Transportation: The proposed project is expected to generate 1,883 p.m. peak hour trips, resulting in a net decrease of 593 p.m. peak hour trips. This request is also subject to the terms of the Bogy Creek Road – Ward Property Network Agreement.	
	BCC Adoption	November 10, 2020		Schools: Existing CEA approved for 950 dwelling units	
				Concurrent Rezoning: Change Determination Review Request CDR-20-08-238 is proceeding through DRC review.	

AERIAL



ZONING - CURRENT



Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU 1 and Future Land Use Element Objectives FLU1.1, FLU1.4, and Policies FLU1.1.1, 1.1.2(A), FLU1.1.2(B), FLU1.1.4(A), FLU1.1.2(B), FLU1.4.1, FLU1.4.2, FLU2.2.17, FLU2.3.7, FLU8.1.2, FLU8.1.3, FLU8.1.4, FLU8.2.1, FLU8.2.2, FLU8.2.10, and FLU8.2.11), determine that the amendment is in compliance, and **ADOPT** Amendment 2020-1-A-4-1, Planned Development-Institutional/Conservation (PD-INST/CONS) to Planned Development-Commercial/Office/Medium Density Residential/Conservation (PD-C/O/MDR/CONS).

Analysis

1. Background and Development Program

The applicant, Jonathan Huels, representing Adventist Health System/Sunbelt, Inc., seeks to amend the adopted future land use designation and development program on the Ward Property/West Nona Planned Development. The subject site consists of 114 acres located at 14314 Boggy Creek Road. The existing Future Land Use Map (FLUM) designation is Planned Development-Institutional/Conservation (PD-INST/CONS). The requested FLUM designation is Planned Development-Commercial/Office/Medium Density Residential/Conservation (PD-C/O/MDR/CONS)¹. The subject site is undeveloped and is used as a pasture.

Future Land Use Map amendments requesting the Planned Development future land use designation must include maximum densities and intensities for the development scenario that are adopted as part of the Comprehensive Plan under Future Land Use Element Policy **FLU8.1.4**. The approved development program allows up to 1,000,000 sq. ft. of hospital or support uses, 450 multi-family residential units, 250 hotel rooms, 100,000 sq. ft. of commercial retail uses, 299,000 sq. ft. of office uses, a heliport, and a cell tower/related facilities.

The site is part of the Boggy Creek Enclave Study and was subject to a Comprehensive Plan amendment in 2005 (**2005-2-A-4-2**). The study involved an area located west of Boggy Creek and north of the Osceola County line that included 622 acres. At that time, the request was consistent with the Enclave Study Conceptual Master Plan (See Figure 1 under the Existing Planned Developments heading). The petitioned site was brought into the Urban Service Area (USA) with a designation of Planned Development – Commercial/Medium Density Residential/Low-Medium Density Residential (PD-C/MDR/LMDR).

The Ward Property Land Use Plan was approved by the Board of County Commissioners August 21, 2007. The land use plan is approved for 184 townhomes on 23 acres, 865 multi-family dwelling units on 65.1 acres, and 36,000 square feet of commercial uses on 4.0 acres. (The FAR at the time of approval was 3.0.)

The Board of County Commissioners approved Future Land Use Map Amendment **2008-1-A-4-3** at the June 10, 2008, hearing. This amendment approved the change from Planned Development – Commercial/Medium Density Residential/Low-Medium Density Residential (PD-C/MDR/LMDR) to Planned Development-Institutional/Conservation (PD-INST/CONS).

¹ The request presented to the LPA and the BCC for the transmittal hearings and the LPA for the adoption hearing was Planned Development-Commercial/Office/Medium Density Residential/Low-Medium Density Residential/Conservation (PD-C/O/MDR/LMDR/CONS). Following the LPA adoption hearing, the applicant amended the request, reducing the number of proposed dwelling units from 1,500 units to 979 units (including 29 age-restricted assisted living units) and removing the proposed 200 single-family dwelling units. With the removal of the single-family dwelling units, the Low-Medium Density Residential designation is not needed.

The applicant is requesting to amend the future land use designation to Planned Development-Commercial/Office/Medium Density Residential/Conservation (PD-C/O/MDR/CONS). Following the transmittal hearings before the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) and the adoption hearing before the LPA, the residential development program was revised. The original request was as follows: 150,000 sq. ft. of retail commercial uses, 150,000 sq. ft. of office uses, 900 multi-family residential units, 200 townhome units, 200 single-family dwelling units, and a 200-unit assisted living facility. The request is revised as follows: the commercial/office count remains unchanged (150,000 sq. ft. of retail commercial uses and 150,000 sq. ft. of office uses), with the residential component proposed to consist of 762 multi-family residential units, 188 townhome units, and a 29-unit (58-bed) age-restricted assisted living facility. Of the total units listed, the age-restricted assisted living facility is not subject to school concurrency.

The following are two tables compare the approved development to the proposed development. Table 1 compares the existing future land use development program to the proposed development program. Table 2 compares the approved land use plan development program (PD zoning) and the proposed Future Land Use Map Amendment development program.

Table 1 Existing and Proposed Development

	Existing Future Land Use	Proposed Future Land Use
Service Area	Urban Service Area (USA)	Urban Service Area (USA)
Future Land Use	Planned Development-Institutional/Conservation (PD-INST/CONS)	Planned Development-Commercial/Office/Medium Density Residential/Conservation (PD-C/O/MDR/CONS)
Zoning	PD (Planned Development District) (Ward Property)	PD (Planned Development District) (Ward Property)
Development Program	1,000,000 sq. ft. of hospital or support uses	N/A
	100,000 sq. ft. of retail commercial uses	150,000 sq. ft. of retail commercial uses
	299,000 sq. ft. of office uses	150,000 sq. ft. of office uses
	250-room hotel	N/A
	450 multi-family units	762 multi-family units
	Helicopter and cell tower-related facilities	N/A
	N/A	188 townhomes
	N/A	29-unit (58-bed) age-restricted assisted living facility
	22.8 acres of conservation land	22.8 acres of conservation land

Table 2 Existing PD Zoning Land Use Plan and Proposed Future Land Use

	Ward Property PD Land Use Plan	Proposed Future Land Use
Commercial	4.0 acres 3.0 FAR 36,000 sq. ft. gross floor area	7.4 acres between commercial and office 1.5 FAR 150,000 sq. ft.
Office	N/A	1.25 FAR 150,000 sq. ft. office uses
Multi-Family	65.1 acres	31.7 acres

	865 dwelling units 16 units per acre	20 du/acre 762 multi-family units
Townhomes	23.0 acres 184 units 8 units per acre	17.4 acres 10 du/acre 188 townhomes
ALF	N/A	3.6 acres 29-unit (58-bed) age-restricted assisted living facility
Conservation	22.8 acres	22.8 acres

Future Land Use Element FLU8.1.2 describes the Planned Development (PD) Future Land Use as intended to incorporate a broad mix of uses under specific design standards provided the Planned Development land uses are consistent with the cumulative densities identified on the Future Land Use Map. The request will require an amendment to the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4**.

The subject property is located west of Boggy Creek Road and south of Simpson Road, near the Osceola County line. Boggy Creek Road is a two-lane roadway that transitions at the northernmost point of the subject site to four lanes with a median. The northbound lane is one lane, and the southbound lanes consist of two through lanes and a right turn only lane. At the intersection, there is a left turn lane and two right turn lanes that merge at Simpson Road. Simpson Road is a two-lane road that transitions at the western point of the subject site to two westbound lanes and two eastbound lanes with a median. The eastbound lanes are left or right turn only lanes at the signalized intersection.

Development in the area is historically rural in character, but is transitioning to suburban on the west side of Boggy Creek Road, consistent with the 2005 Boggy Creek Enclave Study and recent land use changes granted in accordance with the study. Abutting properties to the north of the subject site have a future land use designation of Rural/Agricultural (R). The site is developed with a church. Uses to the east of the site include single-family residences on lots that range from 4.2 to 13 acres in size with future land use designations of Rural/Agricultural (R). These uses are separated from the subject site by Boggy Creek Road. The properties located south of the petitioned site have a future land use of Planned Development-Industrial/Commercial/Office/Medium Density Residential (PD-IND/C/O/MDR) and Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR). The property to the west of the petitioned site is part of the Wyndham Lakes Planned Development and has a future land use of Planned Development-Low Density Residential/Medium Density Residential (PD-LDR/MDR).

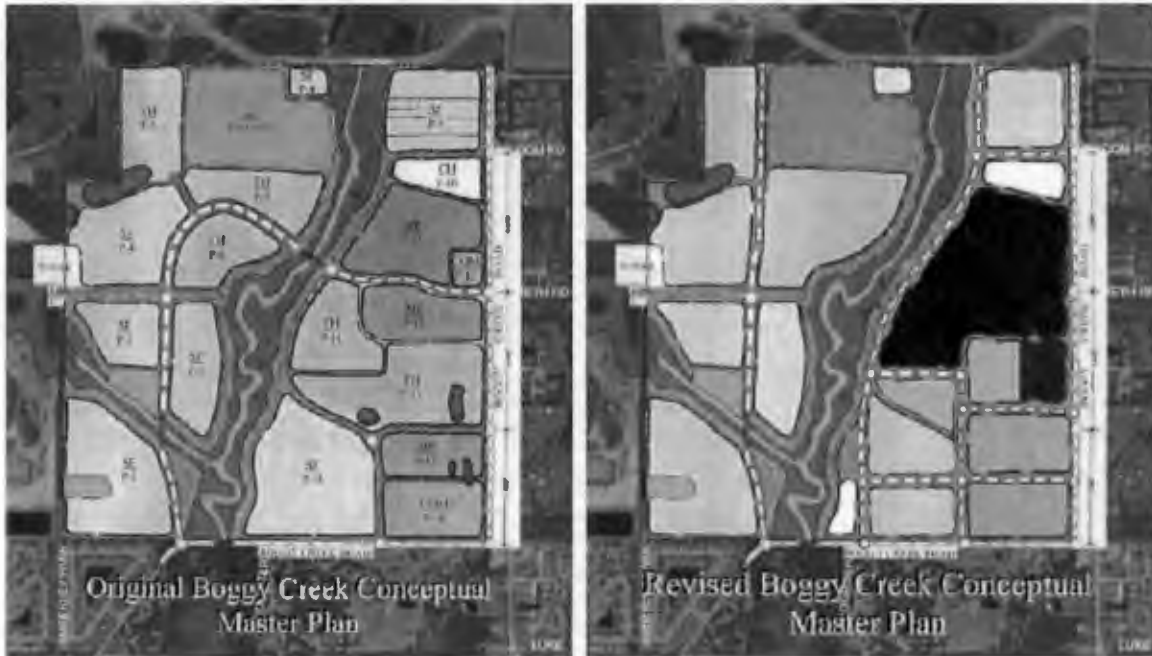
The proposed mix of uses on the subject site could be complimentary to the proposed uses to the south, which are part of the Boggy Creek Study Area. If the mix of uses on the surrounding sites are well-designed and coordinated, they could potentially create an activity center where people can live and work, thus reducing the need for additional automobile trips on Boggy Creek Road.

A community meeting was held Tuesday, January 21, 2020. The residents in attendance had questions about the project's proposed mix of land uses. They also raised questions about access to the site from Boggy Creek Road. The tone of the meeting was neutral.

Boggy Creek Area Amendment History

The subject site is located within the Boggy Creek Area. To provide a comprehensive understanding of the overall development pattern in the area, previous amendments are detailed below. The subject property is shown on Map 1 as Letter “D”.

**2005 Boggy Creek Enclave Study
Boggy Creek Conceptual Master Plan (Not Adopted)**



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

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

Map 1 Boggy Creek Area Future Land Use Map Amendments



Table 2 Previous Amendments in the Boggy Creek Area

Map Letter	FLUM Amendment	Parcel 33-24-30-0000-00	From/To	Gross Acreage	PD Rezoning
A	2005-2-A-4-2	-021 -005	R to PD-C/LMDR/MDR R to PD-LDR/LMDR	116.84 135.11	Ward Property Boggy Creek Enclave
B	2007-1-A-4-1 2019-1-A-4-3	-015	R to PD-C to PD-C/MDR	19.58	Boggy Creek Crossing
C	2007-2-A-4-1	-010 -044 -034 -011 -009	R to PD-LDR	100.22	Hardman Bishop
D	2008-1-A-4-3	-021	PD-C/LMDR/MDR to PD-INST/CONS	116.84	Ward Property
E	2010-1-A-4-3 2019-1-A-4-2	-035	LMDR to PD-C/O/MDR to PD-C/O/MDR	8.5	A-2 Zoning
F	2010-2-A-4-1	-039	R to PD-LDR	5.0	Ginn Property
G	2013-2-A-4-1	-036 -038	R to PD-IND/C/O/MDR	75.32	A-2 Zoning
H	2014-1-S-4-1	-012	R to PD-LDR/LMDR	5.0	Boggy Creek Enclave
I	2018-1-A-4-1	-023 -046	R to PD-LDR	14.8	Bishop Landing
Total Acres				597.21	

Summary of Previous Boggy Creek Area Amendments

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

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

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

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

B. Amendment 2007-1-A-4-1 (Boggy Creek Retail):

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

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

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

- **Amendment 2019-1-A-4-3 (Boggy Creek Retail):**
- Amended the future land use from Planned Development-Commercial (PD-C) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR). It was approved by the Board of County Commissioners June 4, 2019.

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-015	PD-C	PD-C/MDR	16.76	45,750 sq. ft. retail commercial and up to 336 multi-family residences

- Associated Change Determination Request CDR-18-12-412.

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

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

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

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

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

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

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

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

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

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

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-035	LMDR	PD-C/O/MDR	9.54* 8.5	50,000 sq. ft. commercial; 100,000 sq. ft. office; and 86 dwelling units

- At the time of the request the parcel was 9.54 acres, 1.04 acres was given to the County for future roadway improvements along Boggy Creek Road.
- Staff recommended approval based on compatibility with trends in the area, noting the proposed mix of uses could be complimentary to the medical center allowed for to the north (Ward Property, Amendment 2008-1-A-4-3).
- Staff analysis noted the potential for an activity center if the mix of uses on this site, the proposed medical center to the north, and other adjoining parcels within the Boggy Creek Enclave Study area are well designed and coordinated (through a well-connected internal roadway network).
- The applicant’s justification statement notes that with the adoption of the hospital use with Amendment 2008-1-A-4-3 (Ward Property), the original “Boggy Creek Master Plan” no longer had the balance of land uses as initially intended; and, the request was more consistent with a major hospital use, to provide complimentary land uses to a hospital and meet market demand for employment centers in the area.
- The applicant included a revised “Boggy Creek Assemblage Master Plan” in the justification statement to reflect the Ward Property hospital site and the subject property, noting, “At some point, it is appropriate to undertake a re-examination of the Boggy Creek Master Plan. The rapid surrounding employment growth, the Airport entry road and future hospital are significant new trends which substantially change the base assumptions of the original Boggy Creek Master Plan.”
- Zoning has not been changed from A-2 (Farmland Rural) to a PD Land Use Plan Amendment to reflect the PD-INST/CONS future land use designation.
- **Amendment 2019-1-A-4-2**
- Amended the future land use entitlements on the property. The future land use map designations were retained.

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-035	LMDR	PD-C/O/MDR	7.5	50,000 sq. ft. commercial; 100,000 sq. ft. office; and 170 dwelling units

- The amendment was approved by the Board of County Commissioners June 4, 2019.

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

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

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

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

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

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

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

- Staff recommended approval based on compatibility with trends in the area, noting the proposed mix of uses could be complimentary to the medical center allowed for to the north and that the amendment allows for the transition of a rural enclave to urban land uses consistent with previous amendments in the surrounding area..
- Staff recommended a phased development program limited by the number of trips available on Boggy Creek Road after the facility is widened to 4 lanes.
- Staff recommended Phase Two of the development program be linked to the **completion of a small area study**. This study would update the Boggy Creek Enclave Study and focus on land use and transportation issues.
 - The Small area study would update the Boggy Creek Enclave Study and focus on land use and transportation issues.
- Land Use Plan Rezoning LUP-18-02-056, if approved, would permit up to 350 multi-family dwelling units, 330 single-family residences, 187,389 sq. ft. commercial and office uses, and 250 hotel rooms.

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

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

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

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

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

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

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-023 33-24-30-0000-00-046	R	PD-LDR	14.8	Residential – 52 single-family dwelling units – Bishop Landing, Phase III – part of the Bishop Landing PD

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

2. Amendment Analysis

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

Staff finds the proposed amendment is consistent with **Future Land Use Element Policies FLU8.1.2, FLU8.1.3, and FLU8.1.4**, which address Planned Developments (PDs). Planned Developments are intended to incorporate a broad mixture of uses under specific design standards, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map. Additionally these policies address showing the designation on the Future Land Use Map and adopt the site specific development plan.

In considering the current request staff finds, **Future Land Use Element Goal FLU1, OBJ FLU1.1, and Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.4(A), and FLU1.1.4(B)** describe Orange County’s urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area. The **Medium Density Residential (MDR)** future land use designation is

intended for urban-style multi-family residential densities within the Urban Service Area with a density of up to twenty (20) dwelling units per net acre. The **Office (O)** future land use designation includes professional office and office park-style development with a 1.25 FAR. The **Commercial (C)** future land use designation includes neighborhood- and community-scale commercial and office development that serves neighborhood or community needs. Urban mixed-use options allow for a mix of uses with a 1.50 FAR. This is achieved through the Planned Development (PD) future land use designation, which ensures adjacent land use compatibility and physical integration and design. The proposal to amend the existing Planned Development designation would be in keeping with the intent of the Planned Development designation which allows for a mix of uses by including a residential component on the petitioned site. The increased number of residential units could create a support for the office and commercial uses.

Future Land Use Objective FLU1.4 and Polices FLU1.4.1 and FLU1.4.2 contain location and development criteria that must be used to guide the distribution, extent, and location of urban land uses, and encourage the compatibility with existing neighborhoods. Policy **FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities to achieve a stable and diversified population and community. **FLU1.4.2** ensures that land use changes are compatible with and serve existing neighborhoods. The existing development program, which incorporates residential development into the existing commercial land use designation, meets the aforementioned policies by promoting a range of living environment and employment opportunities. The proposal provides a balance of residential units to support the office and commercial uses that are a part of the overall development program.

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

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

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

Finally, **Future Land Use Element Policy FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community. The subject site is located in an area that is transitioning from a rural to a suburban character. The request would provide housing, office, and commercial uses in an area with development that is primarily single-family residential.

Future Land Use Element Policy FLU8.1.4 lists the development program for Planned Development (PD) and Lake Pickett (LP) Future Land Use Map designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into **Policy FLU8.1.4** via a staff-initiated text amendment (Amendment 2020-1-B-FLUE-1). The maximum development program for Amendment 2020-1-A-4-1 would be as listed:.

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
2008-1-A-4-3 Boggy Creek Road	PD Institutional/ Conservation	1,000,000 square feet of hospital and internalized or physically connected support uses; 450 dwelling units of multi-family residential; 250 rooms of hotel; 100,000 square feet of retail; 299,000 square feet of office; heliport; cell tower and related facilities. A maximum of 1,399,000 square feet of hospital, hospital support, office and retail uses; 450 dwelling units of multi-family uses and 250 hotel rooms or their equivalent shall be allowed without a further amendment to the CP. Land uses may be converted from one use to another based on equivalent trips, provided that the revised development program continues to comply with adopted County standards and does not exceed any development of regional impact threshold.	2008-09

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
<u>2020-1-A-4-1</u> <u>West Nona</u>	<u>Planned Development- Commercial/Office/ Medium Density Residential/ Conservation (PD-C/O/ MDR/CONS)</u>	<u>762 multi-family residential units</u> <u>188 townhome units</u> <u>29-unit (58-bed) age-restricted assisted living facility</u> <u>150,000 sq. ft. of retail commercial uses</u> <u>150,000 sq. ft. of office uses</u> <u>Uses may be converted from one use to another based on a trip conversion matrix, provided that the total unit count for non-age- restricted residential development does not exceed 950.</u> <u>22.8 acres of conservation</u>	<u>2020-</u>

Compatibility

The subject site is part of the Boggy Creek Enclave. As detailed above, previous Future Land Use Map Amendments and Planned Developments have been approved surrounding the site. The approved future land use on the subject site is 1,000,000 square feet of hospital and internalized or physically connected support uses; 450 dwelling units of multi-family residential; 250 rooms of hotel; 100,000 square feet of retail; 299,000 square feet of office; a heliport; and a cell tower and related facilities. The proposed amendment removes the proposed hospital, hotel, and cell tower; increases the commercial square footage; decreases the office square footage; proposes an amended residential component; and provides for the protection of conservation land. As stated above, the applicant is now requesting 762 multi-family residential units, 188 townhome units, a 29-unit (58-bed) age-restricted assisted living facility, 150,000 sq. ft. of retail commercial uses, 150,000 sq. ft. of office uses, and 22.8 acres of conservation land.

The development trend in the area is to allow for a transition from rural to suburban land uses, and this proposal is consistent with this trend. The proposed amendment would allow land uses that are compatible with other permitted uses in the area, such as residential and commercial uses. The proposal is consistent with the existing suburban-style development along Ward Road, Narcoossee Road, and within the Lake Nona community. The existing rural development to the east and west of the subject site consists of single-family residential development on larger parcels of approximately one to thirteen (1-13) acres in size.

Division Comments: Environmental, Public Facilities, and Services

Environmental:

The subject property was previously reviewed as the Ward Property PD. Orange County Conservation Area Determination CAD 05-231a delineated 19.62 acres of Class I and Class III wetland and surface waters onsite, including a portion of Boggy Creek. This determination expired in 2013. The expired CAD can be used for a comprehensive plan or planned development amendment application, but a new

CAD application will need to be completed, with a certified wetland boundary survey approved by the Environmental Protection Division (EPD), prior to approval of a Preliminary Subdivision Plan, Development Plan or permit application, in accordance with Orange County Code Chapter 15, Article X, Wetland Conservation Areas. CAD-19-12-201 application was submitted for this project and is in progress.

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

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

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

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

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

This project site has a prior agricultural land use that may have resulted in soil and/or groundwater contamination due to a cattle vat, spillage of petroleum products, fertilizer, pesticide, or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading, or construction plans, the applicant shall provide documentation to ensure compliance with the Florida Department of Environmental Protection (FDEP) Regulation 62-777, Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions. If an Environmental Site Assessment (ESA) has been completed, please submit a copy with this application.

Fire Rescue:

The distance from the petitioned site from the nearest fire station is 4.6 miles. Fire Rescue owns property for planned Fire Station 78, although no capital funding has been dedicated to this project. If this station were operational, the response for the West Nona site would improve to 2.4 miles.

Schools:

The capacity determination provided by Orange County Public Schools notes that Wyndham Lakes Elementary School, South Creek Middle School, and Cypress Creek High School do not have available capacity. The site should not be subject to new analysis. Capacity Enhancement Agreement (CEA) 05-

032 approved 950 residential units on the property, subject to relief of Cypress Creek High School occurring prior to the issuance of building permits for any non-vested units. Per the most recently adopted 10-year Capital Improvements Program (CIP), relief is set to occur in 2029. CEA 06-023-05 subsequently allowed 400 of the 950 residential units under CEA 05-032 to be built on the property at any time. The remaining 550 units are subject to the relief of Cypress Creek High School.

Transportation.

Note: The Transportation Planning Division’s analysis was based on the applicant’s originally-requested development program presented at the LPA and BCC transmittal and LPA adoption hearings and the transportation facilities analysis submitted in the initial application package.

Trip Generation (ITE 10th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Maximum use of current FLUM:	2165	87%	1883
Existing Use: Undeveloped			
Proposed Use: 900 multi-family residential units	1648	78%	1290
200 townhome units			
200 single-family residential units			
200-bed assisted living facility			
150,000 sq. ft. of retail commercial uses			
150,000 sq. ft. of office uses			

Net New Trips (Proposed Development less Allowable Development): 1290-1883=-593

Future Roadway Network

Road Agreements: Boggy Creek Road – Ward Property Impact Fee Agreement. Right-of-way is needed from this property. Please contact Damian Czapka for further information.

Planned and Programmed Roadway Improvements: Boggy Creek Road South. Completion estimated in 2022.

Right of Way Requirements: None

Summary

The applicant is requesting a land use change and rezoning change for 114 acres from PD-INST/CONS to PD-C/O/LMDR/MDR/CONS approval to develop 900 multi-family residential units, 200 townhome units, 200 single-family residential units, a 200-bed assisted living facility, 150,000 sq. ft. of retail commercial uses, and 150,000 sq. ft. of office uses.

- The subject property is not located within the County's Alternative Mobility Area (AMA) or along a backlogged/constrained facility.
- Proposed improvements: Boggy Creek Road South will be widened from a two-lane roadway to a four-lane roadway from the Orange/Osceola County line to SR 417. The widening will include sidewalks, bicycle lanes, roadway lighting, and median landscaping. Constriction is anticipated to begin in 2020, and completion is anticipated in 2022.
- The allowable development based on the approved future land use will generate 1883 new pm peak hour trips.

- The proposed use will generate 1290 new pm peak hour trips, resulting in a net decrease of 593 pm peak hour trips.
- The subject property is located adjacent to Boggy Creek Road. Based on existing conditions, this facility currently has a deficient roadway segment within the project impact area. Boggy Creek Road, from Simpson Road to Access Road is failing. This information is dated and subject to change.
- Based on the project trip distribution, 57% will be travelling on Boggy Creek Road from Simpson Road to the project entrance, while 43% will be projected to travel from the project entrance to SR 417.
- The short term analysis year 2023 revealed that Boggy Creek Road from Simpson Road to Access Road/Jeff Fuqua Road is projected to be deficient due to background traffic.
- The long term analysis year 2040 revealed that Boggy Creek Road from Simpson Road to Access Road/Jeff Fuqua Road is projected to be deficient before the project traffic is added; therefore, the background deficiency will be present with or without the proposed land use change.
- Final permitting of any development on this site will be subject to review and approval under capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment to mitigate any transportation deficiencies.

3. Policy References

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

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

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

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

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

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		

FLUM Designation	General Description	Density
Low-Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac

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

FLUM Designation	General Description	Density/Intensity
Urban Non-Residential – Predominantly urban in use		
Office (O)	Office uses include professional office and office park-style development. Office uses can be considered as a transitional use between two different types of land use or land use intensities.	1.25 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code
Commercial (C)	Commercial uses include neighborhood and commercial scale commercial and office development that serves neighborhood or community or village needs. Examples include neighborhood center, community center and village commercial.	1.50 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code

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

B. URBAN MIXED USE OPTIONS – The following Future Land Use designations allow for a mix of uses. Per a settlement agreement with the State Department of Community Affairs, Orange County’s Planned Development Future Land Use designation now requires an

adopted text amendment to specify the maximum intensity and density of a project. See Policy FLU8.1.4. Mixed-Use Corridors are a staff initiated option intended to complement the County’s Alternative Mobility Areas and Activity Center policies.

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

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

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

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

Policy FLU2.2.17 Throughout the planning horizon, the County shall provide policy and program mechanisms that further the principles of sustainability, including limiting urban sprawl, protecting wildlife and environmentally sensitive natural areas, promoting efficient use of land and water, and creating an environment conducive to quality building and promoting sustainable economic development.

Policy FLU2.3.7 Access management controls, including but not limited to joint driveways, frontage roads and cross-access agreements along collector and arterial roadways, shall be applied to all development and redevelopment proposals consistent with the Land Development Code.

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

Policy FLU8.1.3 As part of Orange County’s Future Land Use correlation, specific land use designations (e.g., hotel and/or restaurants) may be approved on a site-specific basis. Such designation shall be conditioned on the development proposal being reviewed under the PD Zoning District.

PD review shall ensure adjacent land use compatibility and efficient physical integration with existing infrastructure. Such specific land use designation shall be established by a comprehensive plan amendment that identifies the specific land use type and density/intensity. The Future Land Use designation shown on the Future Land Use Map shall indicate the approved use and the PD designation. A use other than that approved shall require a comprehensive plan amendment. This policy shall apply only to parcels located in the Urban Service Area (USA), Rural Settlements and Growth Centers, excluding the International Drive Activity Center.

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

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

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

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

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

Policy FLU8.2.11 Compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

Site Visit Photos

Subject Site



North - Church



East -Single-Family Residence



East-Undeveloped



East-Nursery



South – Undeveloped



West – Single-Family Residences

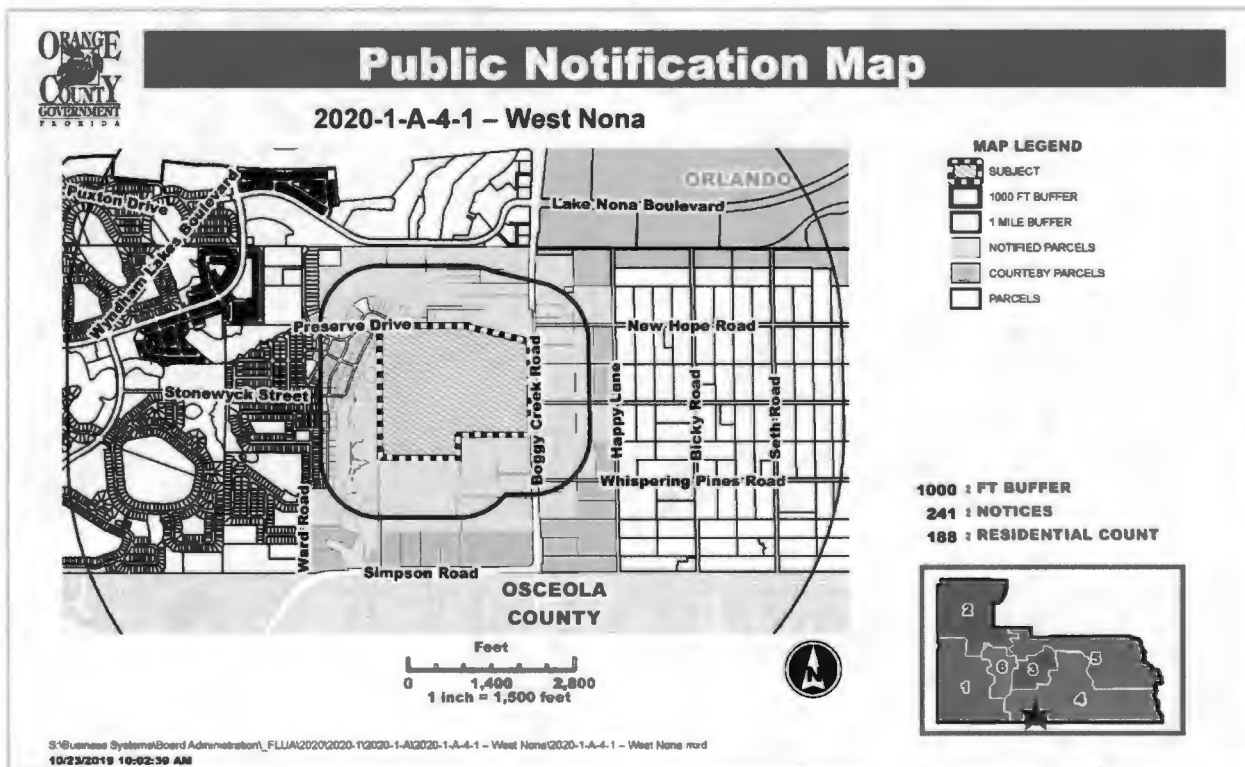


West – Tot Lot



West - Undeveloped

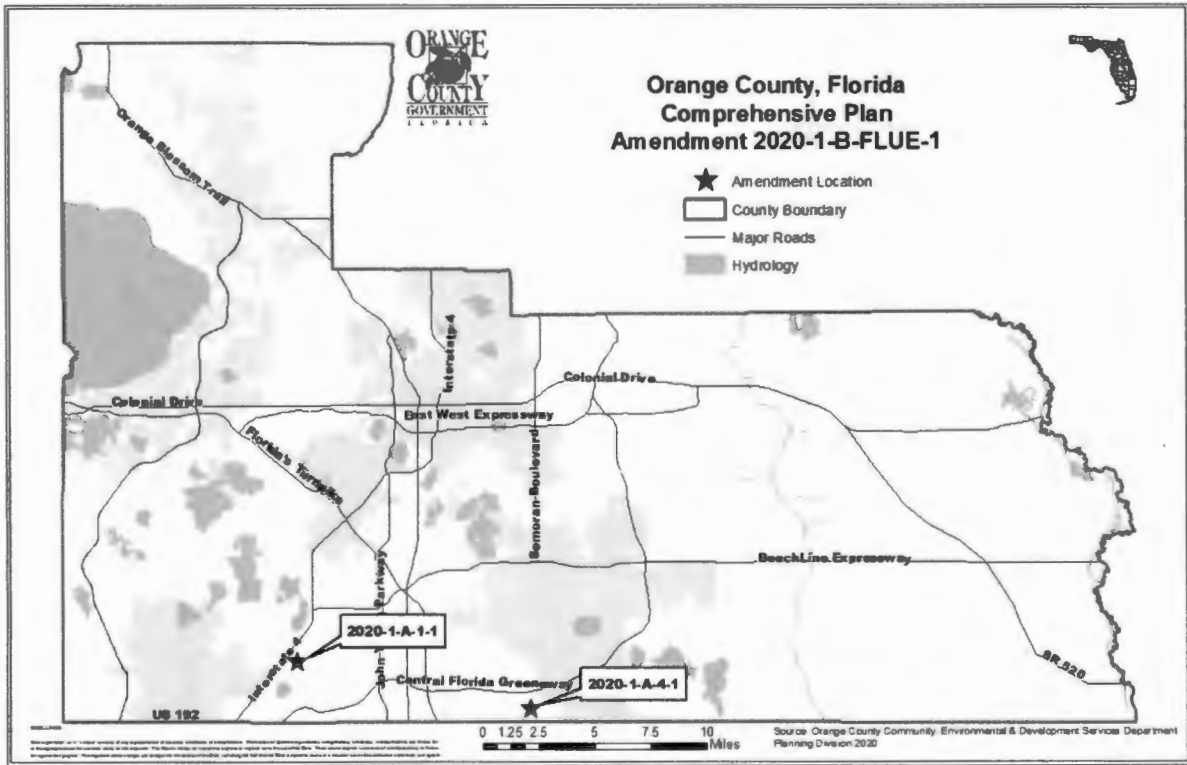




Notification Area:

1,000-foot buffer, plus community and neighborhood organizations within a one-mile radius

241 notices sent



The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing		Outcome	Title:	Amendment 2020-1-B-FLUE-1
✓	Staff Report	Recommend Transmittal	Division:	Planning
✓	LPA Transmittal January 16, 2020	Recommend Transmittal (5-0)	Request:	Amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County
✓	BCC Transmittal February 11, 2020	Transmit (5-0)	Revision:	FLU8.1.4
✓	State Agency Comments	March 2020		
✓	LPA Adoption June 18, 2020	Recommend Adoption		
	BCC Adoption	November 10, 2020		

Staff Recommendation

Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and recommend **ADOPTION** of Amendment 2020-1-B-FLUE-1 to include the development programs for Amendments 2020-1-A-1-1 and 2020-1-A-4-1 in Future Land Use Element Policy FLU8.1.4.

A. Background

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

Staff has received two applications for the 2020-1 Regular Cycle requesting the PD Future Land Use designation: proposed Amendment 2020-1-A-1-1 (IDI PD) and 2020-1-A-4-1 (West Nona). If adopted, the proposed mixed-use development program for Amendment 2020-1-A-4-1 will replace the previously-approved development program for Amendment 2008-1-A-4-3 (Boggy Creek Road), adopted by the Board of County Commissioners (BCC) June 10, 2008 (Ordinance No. 2008-09). Approval of Amendment 2020-1-A-4-1 will necessitate the removal of the Amendment 2008-1-A-4-3 development program from the table in Policy FLU8.1.4 establishing the maximum densities and intensities for the Planned Development (PD) and Lake Pickett (LP) designations adopted subsequent to January 1, 2007.

Staff is recommending the Local Planning Agency make a finding of **CONSISTENCY** with the Comprehensive Plan and recommend **ADOPTION** of Amendments 2020-1-A-1-1 and 2020-1-A-4-1; therefore, the development programs for these amendments would be added to Policy FLU8.1.4. For specific references of consistency with the Comprehensive Plan, please refer to the staff report for each amendment.

B. Policy Amendments

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

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

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
2008-1-A-4-3 Boggy Creek Road	PD-Institutional/ Conservation	1,000,000 square feet of hospital and internalized or physically connected support uses; 450 dwelling units of multi-family residential; 250 rooms of hotel; 100,000 square feet of retail; 299,000 square feet of office; heliport; cell tower and related facilities. A maximum of 1,399,000 square feet of hospital, hospital support, office and retail uses; 450 dwelling units of multi-family uses and 250 hotel rooms or their equivalent shall be allowed without a further amendment to the CP. Land uses may be converted from one use to another based on equivalent trips, provided that the revised development program continues to comply with adopted County standards and does not exceed any development of regional impact threshold.	2008-09

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2020-1-A-1-1</u> <u>IDI PD</u>	<u>Planned Development –</u> <u>Activity Center Residential</u> <u>(PD-ACR)</u>	<u>Up to 420 multi-family dwelling units</u>	<u>2020-</u>
<u>2020-1-A-4-1</u> <u>West Nona</u>	<u>Planned Development-</u> <u>Commercial/Office/Medium</u> <u>Density Residential/</u> <u>Conservation</u> <u>(PD-C/O/MDR/CONS)</u>	<u>762 multi-family residential units</u> <u>188 townhome units</u> <u>29-unit (58-bed) age-restricted assisted living facility</u> <u>150,000 sq. ft. of retail commercial uses</u> <u>150,000 sq. ft. of office uses</u> <u>Uses may be converted from one use to another based on a trip conversion matrix, provided that the total unit count for non-age-restricted residential development does not exceed 950.</u> <u>22.8 acres of conservation</u>	<u>2020-</u>



Community Meeting Memorandum

DATE: December 4, 2019
TO: Gregory Golgowski, Chief Planner, Comprehensive Planning
FROM: Alyssa Henriquez, Planner
SUBJECT: Amendment 2020-1-A-1-1 (IDI PD) - Community Meeting Notes
C: Project File

Location of Project: Generally located north of International Dr., east of Vineland Ave., south of Lake St., and west of Daryl Carter Pkwy.

Property Identification: 23-24-28-5844-00-240 and 23-24-28-5844-00-230

Meeting Date and Location: November 5, 2019 at Sand Lake Elementary School

Attendance:

Planning Division staff: Alyssa Henriquez, Case Planner
Nate Wicke, Planner

Applicant: Tom Sullivan

Residents: 3 residents in attendance;
215 notices sent

Overview of Project:

The proposed plan is to change the Future Land Use designation of the two (2) parcels, totaling 20.84 acres, from Activity Center Mixed-Use (ACMU) to Planned Development-Activity Center Residential (PD-ACR). The applicant is requesting to change the future land use designation for the development of up to 420 multi-family dwelling units.

Meeting Summary:

Alyssa Henriquez opened the meeting at 6:15 p.m. and provided an overview of the proposed Future Land Use Map Amendment and the public hearing process, noting the upcoming transmittal public hearings before the Local Planning Agency (LPA) on January 16, 2020, and the Board of County Commissioners (BCC) on February 11, 2020. Ms. Henriquez then noted the upcoming adoption public hearings before the LPA on April 16, 2020 and the BCC on a date to be announced in May 2020.

The applicant, Mr. Tom Sullivan, gave a brief description of the project and asked the residents

in attendance if they had any questions. There were no questions or comments from the residents in attendance.

The meeting for the IDI PD Future Land Use Map Amendment concluded at 6:25 pm. The overall tone of the community meeting was **neutral**.

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

August 3, 2020

The Honorable Jerry L. Demings
Mayor, Orange County
201 South Rosalind Avenue, 5th Floor
Orlando, Florida 32801

Dear Mayor Demings:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Orange County (Amendment No. 20-03ESR) received on July 24, 2020. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

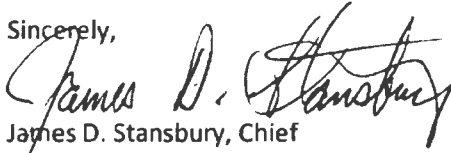
Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

The Honorable Jerry L. Demings, Mayor
August 3, 2020
Page 2 of 2

If you have any questions concerning this review, please contact Kelly D. Corvin, Regional Planning Administrator, by telephone at (850) 717-8503 or by email at kelly.corvin@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/kdc

Enclosure(s): Procedures for Adoption

cc: Alberto A. Vargas, MArch., Manager, Orange County Planning Division
Hugh W. Harling, Jr., P.E., Executive Director, East Central Florida Regional Planning Council

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

ORDINANCE NO. 2020-_____

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 2020 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 November 10, 2020, 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.

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
* * *	* * *	* * *	* * *
2008-1-A-4-3 Boggy Creek Road	PD-Institutional/ Conservation	1,000,000 square feet of hospital and internalized or physically connected support uses; 450 dwelling units of multi-family residential; 250 rooms of hotel; 100,000 square feet of retail; 299,000 square feet of office; heliport; cell tower and related facilities. A maximum of 1,399,000 square feet of hospital, hospital support, office and retail uses; 450 dwelling units of multi-family uses and 250 hotel rooms or their equivalent shall be allowed without a further amendment to the CP. Land uses may be converted from one use to another based on equivalent trips, provided that the revised development program continues to comply with adopted County standards and does not exceed any development of regional impact threshold.	2008-09
* * *	* * *	* * *	* * *
<u>2020-1-A-1-1 IDI PD</u>	<u>Planned Development- Activity Center Residential (PD-ACR)</u>	<u>Up to 420 multi-family dwelling units</u>	<u>2020-[insert ordinance number]</u>

<u>2020-1-A-4-1</u> <u>West Nona</u>	<u>Planned</u> <u>Development-</u> <u>Commercial/Office/</u> <u>Medium Density</u> <u>Residential/</u> <u>Conservation</u> <u>(PD-C/O/MDR/</u> <u>CONS)</u>	<u>762 multi-family residential units</u> <u>188 townhome units</u> <u>29-unit (58-bed) age-restricted assisted</u> <u>living facility</u> <u>150,000 sq. ft. of retail commercial</u> <u>uses</u> <u>150,000 sq. ft. of office uses</u> <u>Uses may be converted from one use to</u> <u>another based on a trip conversion</u> <u>matrix, provided that the total unit</u> <u>count for non-age-restricted residential</u> <u>development does not exceed 950.</u> <u>22.8 acres of conservation</u>	<u>2020-</u> <u>[insert</u> <u>ordinance</u> <u>number]</u>
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43 Such policy allows for a one-time cumulative density or intensity differential of 5% based on
44 ADT within said development program

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48 ***Section 5. Effective Dates for Ordinance and Amendments.***

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

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

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

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ADOPTED THIS 10th DAY OF NOVEMBER, 2020.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

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

By: _____
Deputy Clerk

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APPENDIX "A"
FUTURE LAND USE MAP AMENDMENTS

Appendix A*		
<i>Privately-Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2020-1-A-1-1	Activity Center Mixed Use (ACMU)	Planned Development-Activity Center Residential (PD-ACR)
2020-1-A-4-1	Planned Development-Institutional/Conservation (PD-INST/CONS)	Planned Development-Commercial/Office/Medium Density Residential/Conservation (PD-C/O/MDR/CONS)
*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.		

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