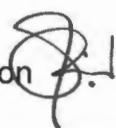




Interoffice Memorandum

April 18, 2023

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

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

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

SUBJECT: 2022-2 Regular Cycle Comprehensive Plan
Amendments 2022-2-A-1-2 and 2022-2-B-FLUE-2 and
Concurrent Rezoning Request# LUP-22-06-199 (Village at Avalon PD/LUP)
Board of County Commissioners (BCC) Adoption Public Hearings

Please find the attached staff report and associated back-up material for the 2022-2 Regular Cycle Privately-Initiated Map Amendment 2022-2-A-1-2, associated staff-initiated text amendment 2022-2-B-FLUE-2, associated ordinance, and associated Land Use Plan rezoning scheduled for a BCC adoption public hearing on May 2, 2023. These amendments and rezoning request were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing on February 16, 2023, and were continued by the BCC from March 21, 2023 to May 2, 2023.

The subject property is located on the west side of Avalon Road within the U.S. 192 Growth Center, south of Grove Blossom Way. The request is to change the Future Land Use Map designation from Village (V) to Growth Center – Planned Development – Commercial / Medium Density Residential (GC-PD-C/MDR) and to rezone from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct up to 296 multi-family units and 87,120 square feet of commercial uses. The request includes five waivers from Orange County Code for building height and parking.

The amendments and rezoning request were heard by the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) at the transmittal public hearing on June 16, 2022, and by the BCC at a transmittal public hearing on July 12, 2022. These amendments were reviewed by the Florida Department of Economic Opportunity (DEO), as well as other state and regional agencies. On August 26, 2022, DEO issued a comment letter, which did not contain any concerns about the amendments undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. On March 9, 2023, staff requested an extension of this deadline to August 21, 2023. The Regular Cycle Amendments undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete.

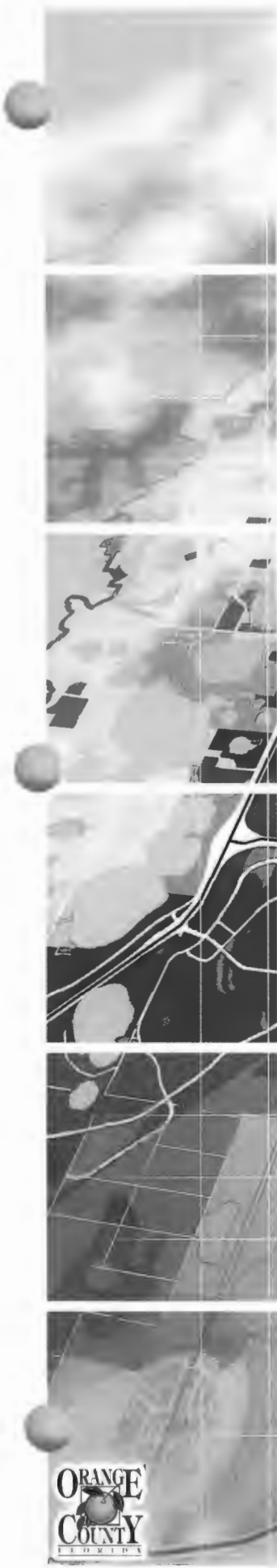
Therefore, these amendments are expected to become effective in June 2023, provided no challenges are brought forth for any of the amendments.

A community meeting was held for the request on May 12, 2022, with one resident in attendance who raised no objections or questions on the proposed requests.

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 Jason Sorensen, AICP, Chief Planner, Planning Division, at (407) 836-5602 or Jason.Sorensen@ocfl.net.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and recommend Adoption of Amendments 2022-2-A-1-2 and 20-22-2-B-FLUE-2 and the associated ordinance, and Approval of rezoning case LUP-22-06-199, Village at Avalon Planned Development / Land Use Plan (PD/LUP) dated “Received December 20, 2022”, subject to the twenty (20) conditions listed in the staff report, including five requested waivers from Orange County Code.
District 1**

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



ORANGE COUNTY

PLANNING DIVISION

2022-2

AMENDMENT

2022-2-A-1-2

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

MAY 2, 2023

ADOPTION PUBLIC HEARING

PREPARED BY:

ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



Amendment Number	Consistent Relating or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Corridor	Future Land Use Map Designation FROM	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec.	LPA Rec.
District 1													
2022-2-A-1-2 (Platmap at Review)	LUP-22-65-189 (Platmap at Review PDLUP)	FBS Investors Group LP	E. Rebecca Wilcox, Landmark, Director, Director, Senior A. Reed, P.A.	21-26-27-0222-05; 01301-001710/01301-001720/022202	1438B, 1439A, 1439B, 1439C, 1439D, 1439E, 1440A, 1441F, and 1442B Section Range, generally located east of Section Road and south of Brown Shoppers Way, west of the Grange County-Lake County line.	Village (V)	Gravel Center Planned Development/ Community/Business District/ Revised/Ord. PG-PG-038(01)	A-1 (Rural Rural District)	PQ (Planned Development) District (Platmap at Review PDLUP)	23.107 gross ac./77.119 net developable ac.	Jennifer Dubois	Adopt & Approve, subject to twenty (20) conditions	Adopt & Approve, subject to twenty (20) conditions
2022-3 Regular Cycle Comprehensive Plan Amendments													
Staff Initiated Comprehensive Plan Text Amendment													
Amendment Number	Sponsor	Description of Proposed Changes to the 2015-2035 Comprehensive Plan (CP)	Project Planner	Staff Rec.	LPA Rec.								
2022-3-B-PLM-1 (PLM.1.1)	Planning Division	Text amendment to Future Land Use Element Policy PLUM.1.1 establishing the maximum densities and intensities for proposed Planned Developments within Grange County associated with Amendment 2022-2-A-1-2	Jennifer Dubois	Adopt	Adopt (7-6)								

[illegible]

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REGULAR CYCLE AMENDMENTS Tab 2

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

1.	2022-2-A-1-2 Village at Avalon	Village (V) to Growth Center-Planned Development-Commercial/ Medium Density Residential (GC-PD-C/MDR)	1
	-and-		
	2022-2-B-FLUE-2 PD Density and Intensity	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2022-2-A-1-2	
	-and-		
	Rezoning Case LUP-22-06-199	A-1 (Citrus Rural District) to PD (Planned Development District) (Village at Avalon PD/LUP).	

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2022 SECOND REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN ADOPTION PUBLIC HEARINGS

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing staff report for the Second Regular Cycle Amendments 2022-2-A-1-2 and 2022-2-B-FLUE-2 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearings for these amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on February 16, 2023, and will go before the BCC for adoption public hearings on May 2, 2023. These amendments were continued by the BCC from March 21, 2023 to May 2, 2023.

The 2022-2 Regular Cycle Amendments scheduled for BCC consideration on May 2 were heard by the PZC/LPA at transmittal public hearings on June 16, 2022, and by the BCC at transmittal public hearings on July 12, 2022.

Please note the following modifications to this report:

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

The 2022-2 Regular Cycle – State-Expedited Review Amendments scheduled for consideration on May 2 include one privately-initiated Future Land Use Map Amendment located in District 1 with a concurrent rezoning request and one associated staff-initiated text amendment. The proposed Future Land Use Map Amendment entails a change to the Future Land Use Map for a property greater than ten acres in size. The staff-initiated amendment involves changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

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 26, 2022, DEO issued a comment letter, which did not contain any concerns about the amendments undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. On March 9, 2023, staff requested an extension of this deadline to August 21, 2023. 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 June 2023, provided no challenges are brought forth for any of the amendments.

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



Applicant/Owner:

M. Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A./ PRS Investors Group LLP

Location: 14300, 14316, 14320, 14324, 14328, 14332, 14454, 14472, and 14500 Avalon Road; generally located west of Avalon Road, south of Grove Blossom Way, and east of the Orange County-Lake County line.

Existing Use: Two single-family homes and undeveloped land

Parcel ID Numbers:

31-24-27-0000-00-013/014/017/018/019/024/031/032/037

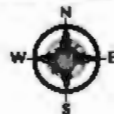
Tract Size: 22.20 gross acres/ 17.12 net developable acres

The following meetings and hearings have been held:			Project Information	
Report/Public Hearing	Outcome		Request: Village (V) to Growth Center-Planned Development-Commercial/Medium Density Residential (GC-PD-C/MDR) and Staff-Initiated Text Amendment to incorporate the proposed development program into Future Land Use Element Policy FLU8.1.4	
✓ A virtual community meeting was held May 12, 2022.	Positive, with one member of the public in attendance.		Proposed Development Program: Up to 296 multi-family dwelling units and up to 87,120 square feet of C-1 (Retail Commercial District) uses.	
✓ Staff Report	Recommend Transmittal		Public Facilities and Services: Please see the Public Facilities & Services Appendix for analysis of each facility.	
✓ LPA Transmittal June 16, 2022	Recommend Transmittal (5-0)		Transportation: On March 1, 2023, the Roadway Agreement Committee (RAC) recommended approval of the Right-of-Way and Proportionate Share Agreement for Village at Avalon (RAG-23-01-005), subject to final review. BCC approval of the agreement shall be required prior to initial DP approval.	
✓ BCC Transmittal July 12, 2022	Transmit (7-0)		Environmental: Conservation Area Determination CAD-22-02-043, issued May 2, 2022, identified 5.019 acres of Class I and 0.06 acre of Class III conservation areas.	
✓ State Agency Comments August 26, 2022	Staff received no objections. FWC provided technical assistance comments regarding state-listed species and habitat.		Utilities: The subject property is located within Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas.	
✓ LPA Adoption February 16, 2023	Recommend Adoption and Approval, subject to twenty (20) conditions (7-0)		Schools: School Capacity Determination OC-22-036, dated August 11, 2022, was valid until December 10, 2022, but was extended by Executive Order to May 9, 2024. OC-22-036 states that capacity is available at the elementary, middle, and high schools that would currently serve the project.	
BCC Adoption May 2, 2023 (continued from March 21, 2023)			Concurrent Rezoning: LUP-22-06-199 Rezone from A-1 (Citrus Rural District) to PD (Planned Development District) and request five (5) waivers from Orange County Code related to building height and parking. On January 25, 2023, the DRC issued a recommendation of approval, subject to twenty (20) conditions.	

2022-2-A-1-2/LUP-22-06-199



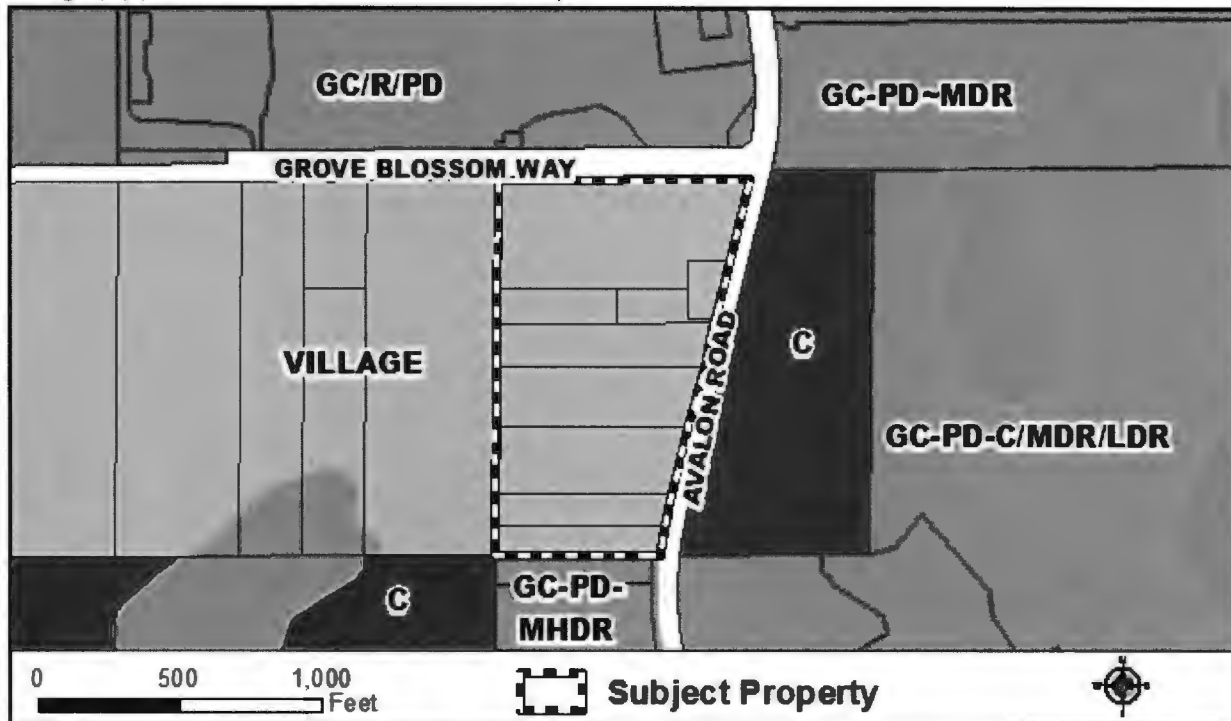
 Subject Property



1 inch = 600 feet

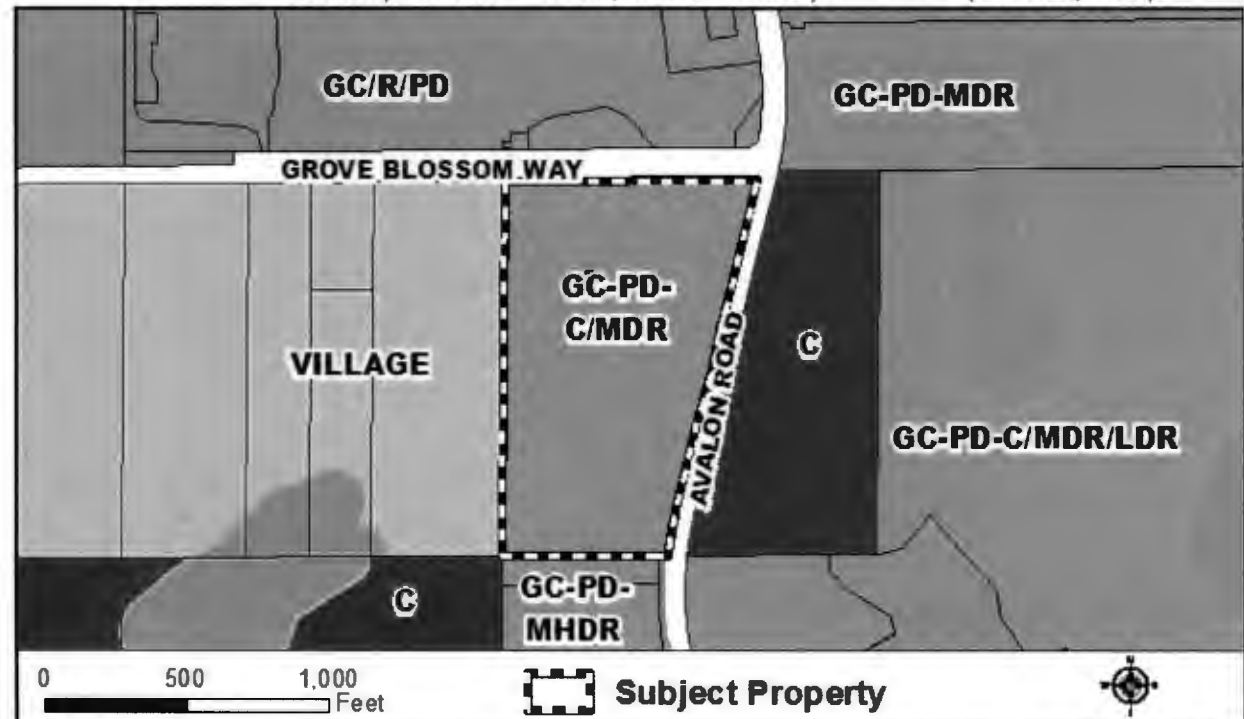
FUTURE LAND USE - CURRENT

Village (V) (within the U.S. 192 Growth Center)



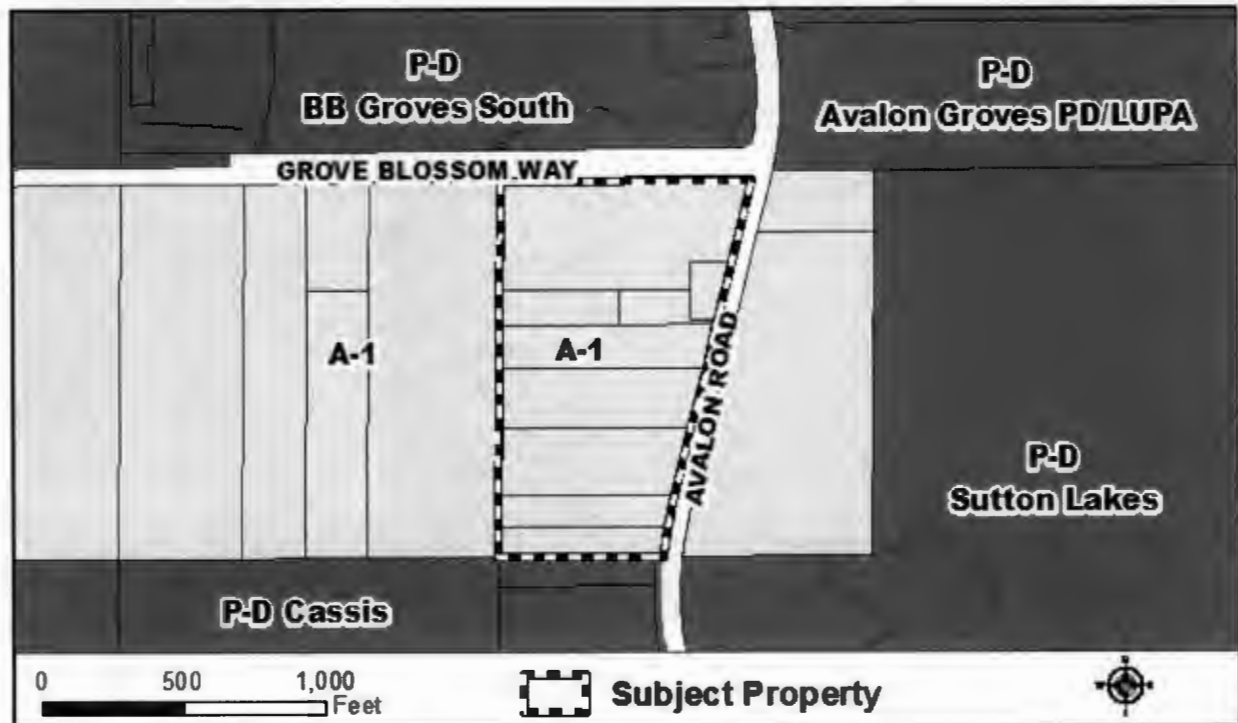
FUTURE LAND USE – PROPOSED

Growth Center-Planned Development-Commercial/Medium Density Residential (GC-PD-C/MDR)



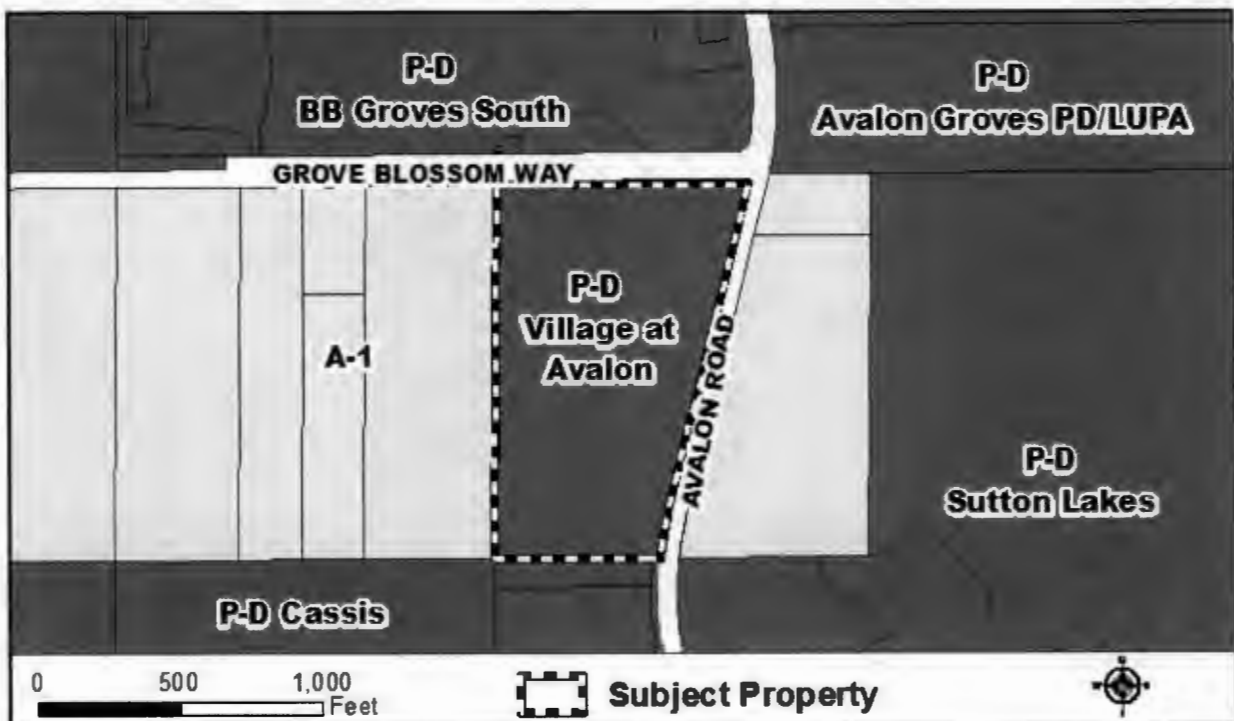
ZONING - CURRENT

A-1 (Citrus Rural District)



ZONING - PROPOSED

PD (Planned Development District) (Village at Avalon PD/LUP)



STAFF RECOMMENDATIONS

1. **FUTURE LAND USE MAP AMENDMENT 2022-2-A-1-2:** Make a finding of consistency with the Comprehensive Plan (See Future Land Use Element Objectives FLU2.2 and FLU8.2, Housing Element Objective H1.1, Conservation Element Objective C1.4, and Future Land Use Element Policies FLU1.1.1, FLU1.1.2, FLU1.1.2.A, FLU1.1.4.F, FLU7.4.4, FLU7.4.5, FLU7.4.6, and FLU8.2.1), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2022-2-A-1-2, Village (V) to Growth-Center-Planned Development-Commercial/Medium Density Residential (GC-PD-C/MDR).
2. **FUTURE LAND USE TEXT AMENDMENT 2022-2-B-FLUE-2:** Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2022-2-B-FLUE-2 to include the development program for Amendment 2022-2-A-1-2 in Future Land Use Element Policy FLU8.1.4.
3. **REZONING LUP-22-06-199 (February 16, 2023, PZC Recommendation):** Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of Rezoning Case LUP-22-06-199, Village at Avalon Planned Development/Land Use Plan (PD/LUP) dated "Received December 20, 2022", subject to the following twenty (20) conditions, including five (5) requested waivers from Orange County Code:
 1. Development shall conform to the Village at Avalon Land Use Plan (LUP) dated "Received December 20, 2022" and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received December 20, 2022" the condition of approval shall control to the extent of such conflict or inconsistency.
 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the

plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Unless a Conservation Area Impact (CAI) Permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
7. 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).
8. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.

9. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
10. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
11. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan, with a tree removal and mitigation plan, have been approved by Orange County.
12. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
13. The justification of a signal at the intersection of Grove Blossom Way and Avalon Road shall be examined prior to DP approval. If justified, the cost shall be reviewed as part of any Proportionate Share Agreement negotiations.
14. Prior to any filling within the 100-year flood zone, the applicant must obtain the required permit(s) and approval(s) from the Orange County Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code.
15. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFEs) have been identified must perform a study to establish the BFE prior to construction plan review. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
16. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development

process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

17. Within multi-family developments, short term rental shall be prohibited. Length of stay shall be for 180 consecutive days or greater.
18. Non-residential length of stay shall not exceed 179 consecutive days.
19. The multi-family building shall be pulled up to the 25-foot building setback along Grove Blossom Way, and no parking shall be located between the building and Grove Blossom Way. In addition, the facades of the buildings adjacent to the right-of-way shall be architecturally treated as primary facades.
20. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1258(a) to allow a maximum height of five (5) stories and sixty-five (65) feet in height for multi-family buildings within one hundred (100) feet of single-family zoned property, in lieu of a maximum height of one (1) story for multi-family residential buildings located within one hundred (100) feet of single-family zoned property.
 - b. A waiver from Section 38-1258(b) to allow buildings to be five (5) stories and sixty-five (65) feet in height, in lieu of varying in building height with a maximum of fifty (50) percent of buildings being three (3) stories (not to exceed forty (40) feet) in height, with the remaining buildings being one (1) story or two (2) stories in height, when located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property.
 - c. A waiver from Section 38-1258(c) to allow a building height of sixty-five (65) feet and five (5) stories, in lieu of not exceeding three (3) stories (40 feet) in height, when located within one hundred and fifty (150) feet of single-family zoned property.
 - d. A waiver from Section 38-1258(d) to allow a building height of sixty-five (65) feet and five (5) stories in lieu of forty (40) feet and three (3) stories.
 - e. A waiver from Section 38-1476 to allow a parking ratio of 1.43 spaces per efficiency unit or 1 bedroom and 1.90 spaces per apartment unit of two (2) or three (3) bedrooms in lieu of 1.5 spaces per efficiency unit or one-bedroom and 2.0 spaces per two- or three-bedroom units.

ANALYSIS

1. Background and Development Program

The applicant is requesting to change the Future Land Use Map (FLUM) designation of the 22.20-acre subject property from Village (V), a classification unique to the Horizon West planning area in southwest Orange County, to Growth Center-Planned Development-Commercial/Medium Density Residential (GC-PD-C/MDR), and to change the zoning of the property from A-1 (Citrus Rural District) to PD (Planned Development District) (Village at Avalon PD). The site is located southwest of the intersection of Avalon Road and Grove Blossom Way, approximately one-half mile north of the U.S. 192 tourist commercial corridor and is comprised of nine individual parcels—two single-family residential homesites and seven presently-undeveloped properties. The site consists of 17.12 upland acres, 5.019 acres of Class I wetlands, and 0.06 acre of Class III wetlands, established via Conservation Area Determination CAD-22-02-043, issued by the Orange County Environmental Protection Division (EPD) on May 2, 2022.

The applicant's request is to develop up to 87,120 square feet of C-1 (Retail Commercial District) uses and up to 296 multi-family dwelling units. The site's wetland acreage is proposed to remain undisturbed. Staff notes that 342 multi-family units were requested during the preceding transmittal public hearing stage. However, following discussions with staff, the applicant has lowered the proposed unit count to 296, with no change to the 87,120 square feet of commercial space considered during the transmittal hearings.

The subject property received its Village FLUM designation through its inclusion in the Horizon West Study Area in 1995. The site, however, does not lie within any of the six Special Planning Areas (Villages) that have been adopted to date, nor is it contiguous to the nearest Special Planning Area, Village I, located roughly one-half mile to the north. Rather, the property is wholly situated within the U.S. 192 Growth Center boundary. Inclusion in the Growth Center would allow for the development of the site at a density and intensity above its current maximum permitted density of one dwelling unit per ten acres—the cap imposed on Village-designated properties located outside a Special Planning Area.

As illustrated on the aerial map, the subject property is located in an area characterized by a mix of resort development; existing and planned residential communities featuring a variety of housing types, including multi-family units, townhomes, single-family detached homes, and manufactured homes; and approved commercial uses that will provide goods and services to both visitors and the surrounding residential population. Two short-term rental resorts, The Grove Resort & Waterpark and the Palisades Condominiums, lie directly north of the site. Both developments are part of the BB Groves South PD and have corresponding Growth Center/Resort/Planned Development (GC/R/PD) FLUM designations. The Registry on Grass Lake PD, with an adopted FLUM designation of Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR), is situated immediately south of the subject property and is approved for the development of a 360-unit multi-family community. As shown in the site visit photo, site clearing is currently underway.

A 250-unit multi-family development—the Sutton Grande PD—is proposed for the undeveloped 13.83-acre parcel directly opposite the subject site, east of Avalon Road. Requested FLUM Amendment 2023-1-A-1-2—a desired land use change from Commercial (C) to Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR)—is proceeding through the 2023-1 Regular Cycle.

The 139.88-acre Sutton Lakes PD is also located east of the subject property and borders the proposed Sutton Grande site to the east and south. The undeveloped PD currently has an approved development program of up to 700 attached and detached residential units and 20,000 square feet of C-1 (Retail Commercial District) uses, consistent with its adopted FLUM designation of Growth Center-Planned Development-Commercial/Medium Density Residential/Low Density Residential (GC-PD-C/MDR/LDR). While no change to this designation is contemplated, the Sutton Lakes PD is presently the subject of a requested 2023-1 Regular Cycle privately-initiated text amendment, Amendment 2023-1-P-FLUE-1, to amend Future Land Use Element Policy FLU8.1.4 to add multi-family residential as a permitted use and establish a new development cap of 253 single-family attached and detached units, 304 multi-family units, and 20,000 square feet of C-1 uses. As with the Sutton Grande proposal, the Sutton Lakes application is currently in the BCC transmittal hearing stage. If the BCC transmits this petition to the state, staff anticipates that Change Determination Request CDR-22-04-119, revising the PD's entitlement mix and amending its Conditions of Approval, will be heard concurrently during the BCC adoption hearing.

Additionally, the Avalon Groves PD, situated immediately north of the Sutton Lakes and proposed Sutton Grande sites, is entitled for the construction of up to 600 multi-family units, in accordance with its adopted Growth Center-Planned Development-Medium Density Residential (GC-PD-MDR) FLUM classification. The construction of the 300-unit Prose Avalon Pointe multi-family development is nearing completion on the north portion of the PD, with site clearing for the 300-unit Prose Horizon West apartment community in progress on the south portion of the PD.

It is staff's belief that this requested FLUM Amendment and the developer's intent to construct a 296-unit multi-family community and 87,120 square feet of commercial space are consistent with the mixed-use development trend of the area.

As mandated by **Future Land Use Element Policy FLU7.4.6**, all new development within a Growth Center must apply for a PD (Planned Development District) zoning classification to specifically identify densities, intensities, and mix of land uses. Accordingly, the applicant is petitioning to rezone the subject property from A-1 (Citrus Rural District) to PD (Planned Development District) to create the Village at Avalon PD and establish design and development standards for the mixed-use project. On January 25, 2023, the Orange County Development Review Committee (DRC) recommended approval of Rezoning Case LUP-22-06-199, subject to twenty (20) Conditions of Approval, including five (5) requested waivers from Orange County Code, and subject to the submittal and approval of a revised plan. The revised plan, incorporating the modified maximum development program of 296 multi-family units and 87,120 square feet of C-1 uses, was submitted and approved on January 30, 2023. Case LUP-22-06-199 is now moving forward for concurrent consideration with this proposed FLUM amendment.

2. Future Land Use Map Amendment Analysis

Consistency

The requested FLUM amendment appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

As stated previously, the subject property is located in an area characterized by a mix of resort development, existing and planned residential communities featuring a variety of housing types, and approved commercial uses that will provide goods and services to both visitors and the surrounding residential population.

As established in **Future Land Use Element Policy FLU1.1.4.F**, Growth Centers are a future land use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements typically provide, at a minimum, that the County will not incur initial capital costs for utilities. The subject property is located within Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas. OCU has communicated that a 24-inch potable water main, a 16-inch forcemain, and a 12-inch reclaimed water main are in place within the right-of-way of abutting Grove Blossom Way. OCU notes that water, wastewater, and reclaimed water demands and connection points will be addressed as the mixed-use project proceeds through the Development Review Committee (DRC) review and construction permitting processes. OCU adds that no plant improvements are needed to maintain level of service (LOS) standards. Connection points and transmission system capacity will be evaluated at the time of Master Utility Plan review and permitting or at the request of the applicant.

Staff finds the proposed Growth Center-Planned Development-Commercial/Medium Density Residential designation and associated mixed-use development program consistent with **Future Land Use Element Policy FLU1.1.1**, which mandates that 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. Staff views the 22.197-acre subject property as an underutilized parcel that provides an opportunity for infill development on the site's 17.118 upland acres that would likely benefit both area residents and tourists, while simultaneously ensuring the protection of the onsite wetlands, consistent with **Conservation Element Objective C1.4**, which establishes that Orange County shall protect identified wetland areas and existing native wildlife (flora and fauna) habitats.

In accordance with **Future Land Use Element Policy FLU1.1.2.A**, the applicant has established the maximum desired development program for the residential component of the project, proposing up to 296 multi-family units under the "urban-scale" Medium Density Residential future land use designation, which allows single- and multi-family residential development at a maximum density of 20 dwelling units per net acre. The proposal to construct up to 296 multi-family units is consistent with **Housing Element Objective H1.1**, which states that Orange County will support private sector housing production capacity sufficient to meet current and anticipated housing needs. It is staff's belief that the proposed multi-family component of the mixed-use project would contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Future Land Use Element Policy FLU1.1.1**.

Staff notes that the provision of affordable housing options in this area of the County is crucial and would help further the goals of Orange County's Housing for All 10-Year Action Plan, which aims to preserve and create 30,300 affordable and attainable housing units by 2030. It is staff's belief that the requested FLUM Amendment and associated residential development program are consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents.

Staff further finds the proposed project consistent with **Future Land Use Element Objective OBJ FLU2.2**, which establishes that Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community. With respect to the project's commercial element, it is staff's belief that the incorporation of a well-designed commercial center

featuring up to 87,120 square feet of C-1 uses on four acres at the corner of Avalon Road and Grove Blossom Way would complement neighboring residential and resort development and could alleviate the need to travel south to the heavily-commercial US 192 corridor for goods and services. Staff notes that the commercial and residential design and development standards for the project will be established through the PD rezoning process and refined during the DP review stage.

Staff notes that in addition to submitting their amendment application package, the applicant team has engaged in discussions with the District 1 Commissioner's Office on such topics as affordable housing, the creation of a walkable and bikeable mixed-use community, protection of the natural environment, and support for future transit in the vicinity of the subject site, if applicable. As outlined in an April 29, 2022, email message to the District 1 Commissioner's Office, the applicant team has specifically discussed the following matters:

- Wetland Preservation: The prospective developer is proposing no impacts to the 5.019-acre Class I wetland delineated through CAD-22-02-043, which also extends offsite to the west. The prospective developer intends to preserve this area as a visual amenity for their residents.
- Tree Preservation: The applicant team has communicated that all trees in the wetland area will be preserved (unless exotic, thereby requiring removal). The prospective developer intends to save the trees near the wetlands as part of a trail system around the wetland and to build around any significant stands of trees.
- Eight-Foot Sidewalks: The development team has proposed the provision of a sidewalk trail eight feet in width around the wetland preserve to create a pleasant walking and biking trail for their residents.
- 80%-120% Area Median Income (AMI): Based on the lower density nature of the development, the applicant team has stated that their development costs will lead them to be able to have rents that are affordable within the 80%-120% AMI range. The prospective developer has asserted that they are not requesting any money from the state or County to accomplish this nor are they seeking any impact fee waivers related to affordable housing, as they are not proposing a formal deed restriction or condition of approval. Instead, they have noted that it is a market-driven outcome based on the floor plans and type of building product they intend to offer.
- Integration of Commercial with Residential: The prospective developer intends to provide pedestrian and vehicular connectivity to the four-acre commercial site they are setting aside on the hard corner of Avalon Road and Grove Blossom Way to ensure a walkable community. The prospective developer further plans to provide pedestrian access to all of the onsite amenities.
- Support for Future Transit: The prospective developer intends to provide a bus shelter and dedicated land or easement for the shelter if requested or applicable, based on current or future planned bus routes.
- Parking Variance and EV Charging Stations: The development team intends to request a parking variance to lower the parking count to approximately 1.7 spaces per unit and will be providing at least 12 electric vehicle (EV) charging stations at parking spaces and garages.

Staff emphasizes that the discussions that have occurred to date are preliminary and stresses that restrictions or conditions may not be placed on a Future Land Use Map Amendment, as established

in Future Land Use Element Policy FLU8.2.1. Rather, each item will be addressed as the project moves forward through the PD rezoning and Development Plan (DP) stages. To date, the applicant and staff are addressing the following topics via the PD rezoning process: wetland preservation, tree preservation, integration of commercial with residential, and the parking variance request. Staff expects that in addition to further discussion of these topics, the remaining matters of eight-foot sidewalks, affordable housing, support for future transit, and EV charging stations will be addressed during the subsequent DP phase.

COMMUNITY MEETING

A virtual community meeting was held for this proposed amendment on May 12, 2022. 703 notices were mailed, but only one member of the public attended the meeting. The meeting participant raised no questions or voiced any objections to the proposed mixed-use project.

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 2022-2-B-FLUE-2. If adopted, the maximum development program for Amendment 2022-2-A-1-2 will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2022-2-A-1-2</u> <u>Village at Avalon</u>	<u>Growth Center-Planned Development-Commercial/Medium Density Residential (GC-PD-C/MDR)</u>	<u>Residential: Up to 296 multi-family dwelling units</u> <u>Commercial: Up to 87,120 square feet of C-1 (Retail Commercial District) uses</u>	<u>2023-</u>

COMPATIBILITY

The requested FLUM amendment and associated development program appear to be **compatible** with the development trend of the surrounding area. **Future Land Use Element Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development pattern and development trends in the area. The nature of the proposed mixed-use project is consistent with its location within the U.S. 192 Growth Center, characterized by a mix of resort development, existing and planned residential communities featuring a variety of housing types, and approved commercial uses that will provide goods and services to both visitors and the surrounding residential population.

It is staff's belief that the proposed mixed-use project would contribute to the County's larger goals of promoting compact urban form consistent with the County's Growth Center Policies, providing for a range of living options, efficiently using existing and planned infrastructure, reducing trip lengths,

and encouraging accessibility via multiple modes of transportation. Staff, therefore, recommends transmittal of this requested amendment.

STATE AGENCY COMMENTS

In its comment letter issued August 26, 2022, the Florida Department of Economic Opportunity (DEO) informed the County that it had completed its review of the proposed amendment—included in the amendment package with the DEO-assigned reference number 22-04-ESR—and stated that it had no comments on the request. Other state reviewing agencies also provided comments to the County. The August 17, 2022, comments from the Florida Department of Agriculture and Consumer Services (FDACS), the August 24, 2022, input from the Florida Department of Environmental Protection (FDEP), and the August 26, 2022, response from the Florida Fish and Wildlife Conservation Commission (FWC) expressed no objections to the proposed amendment and did not identify any adverse impacts related to the request. The FWC provided technical assistance comments pertaining to impacts to state-listed species and their habitat and recommended early planning and coordination meetings with their agency if impacts to state-listed species and their habitat are expected.

PUBLIC FACILITIES AND SERVICES

Environmental: The Orange County Environmental Protection Division (EPD) has reviewed the proposed amendment application and has provided the following analysis:

EPD Review Summary:

- The applicant's Conservation Area Determination, CAD-22-02-043, identified 5.019 acres of Class I and 0.06 acres of Class III conservation areas within the project boundary.
- The current estimated net developable acreage is 17.118 acres.
- Any wetland encroachments will require submittal of an application for a Conservation Area Impact (CAI) Permit.

FLUM Amendment Comments:

1. Conservation Area Determination - Orange County Conservation Area Determination CAD-22-02-043 was completed, with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on May 2, 2022. CAD-22-02-043 identified 5.019 acres of Class I and 0.06 acres of Class III conservation areas within the project boundary, resulting in 17.118 acres of uplands.
2. Conservation Area Impacts - Any wetland encroachments will require submittal of an application for a Conservation Area Impact (CAI) Permit to EPD as outlined in Chapter 15, Article X, Wetland Conservation Areas.
3. Habitat Permit Compliance - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible for determining the presence of these concerns and verifying and obtaining, if necessary, any required habitat permitting by the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

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

Additional Comments:

1. Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2-inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads, and the affected storm drainage system shall be protected. This may require periodic street sweeping. *Reference Orange County Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).*
2. Demolition - Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to EPD. For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. *Reference Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Section 108 Notification procedure and requirements, Subsection A(1).*
3. Solid Waste Disposal - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.
4. Existing Septic and Well - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District about the system permit application, modification, or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. *Reference Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.*

Transportation: The applicant is requesting to change the 22.20-acre subject property from Village (V) to Growth Center-Planned Development-Commercial/Medium Density Residential (GC-PD-C/MDR) to develop a mixed-use project with up to 296 multi-family dwelling units, a reduction from the originally-requested 342, and 87,120 square feet of commercial space on four (4) acres. This transportation analysis is based on the initially-proposed 342 multi-family units. Analysis of the project trips from the current future land use designation versus the proposed classification indicates

that the proposed development will result in an increase in the number of p.m. peak trips and, therefore, impact area roadways. Based on the Concurrency Management System (CMS) database, several roadways within the project's impact area are not operating at acceptable levels of service, and capacity is not available to be encumbered.

Transportation Planning notes that the site is located along a constrained/backlogged facility or multimodal corridor.

Based on trip generation estimates from the 11th Edition of the Institute of Transportation Engineers *Trip Generation Handbook*, the allowable development based on the currently-approved future land use designation will generate 14 p.m. peak hour trips. Development of the desired mix of uses in accordance with the requested GC-PD-C/MDR future land use classification will generate 387 p.m. peak hour trips, resulting in a net increase of 373 p.m. peak hour trips.

The subject property is located on the west side of Avalon Road just south of Grove Blossom Way. Based on the Concurrency Management System (CMS) database dated May 24, 2022, several roadway segments currently operate at Level of Service F, and capacity is not available to be encumbered. Other roadway segments within the project's impact area operate at acceptable levels of service. This information is dated and is subject to change.

The existing roadway network analysis revealed the following roadway segments are operating below their adopted LOS standard:

- Avalon Road from U.S. 192 to Hartzog Road
- Avalon Road from Hartzog Road to Western Way
- Avalon Road from Western Way to Flamingo Crossings Boulevard
- U.S. 192 from the Lake County Line to the Osceola County Line.

Based on YR 2025, the following roadway segments are operating below their adopted LOS standard:

- Avalon Road from U.S. 192 to Hartzog Road
- Avalon Road from Hartzog Road to Western Way
- Avalon Road from Western Way to Flamingo Crossings Boulevard
- U.S. 192 from the Lake County Line to the Osceola County Line.

Based on YR 2040, the following roadway segments are operating below their adopted LOS standard:

- Avalon Road from U.S. 192 to Hartzog Road
- Avalon Road from Hartzog Road to Western Way
- Avalon Road from Western Way to Flamingo Crossings Boulevard
- Hartzog Road from Avalon Road to Western Way
- U.S. 192 from the Lake County Line to the Osceola County Line.

Per Transportation Planning, there are planned and programmed roadway improvements for C.R. 545 (Avalon Road) associated with a Roadway Conceptual Analysis (RCA) Study for the widening of C.R. 545 (Avalon Road) from U.S. 192 to Hartzog Road. The purpose of the study is to assess and recommend roadway improvements anticipated to improve safety and traffic flow in the area. The study considers the social and environmental impacts of adding travel lanes and other features such as, but not limited to, drainage conveyance and treatment improvements, proposed multi-purpose paths, raised medians, lighting, landscaping, and intersection improvements. Project length is

approximately 1.6 miles. The roadway conceptual analysis is approximately 51% complete at the time of this report (May 2022). This information is dated and subject to change. Transportation Planning adds that 30 feet of right-of-way is needed for C. R. 545 South.

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

A right-of-way agreement and a proportionate share agreement are required to address the impacts of the project. On March 1, 2023, the Roadway Agreement Committee (RAC) discussed the proposed Right-of-Way and Proportionate Share Agreement for Village at Avalon, RAG-23-01-005, entailing the conveyance of 30 feet of right-of-way for the above-discussed improvements to Avalon Road and establishing the terms of the owner's proportionate share payment and receipt of impact fee credits. The RAC recommended approval of the agreement, subject to final review of the changes/corrections discussed at the meeting. Per the RAC, the finalized agreement must be approved by the Board of County Commissioners prior to County approval of the initial Development Plan (DP) for the proposed 296 multi-family residential units.

Utilities: The subject property lies within Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas. Per OCU, there is a 24-inch potable water main within the right-of-way of Grove Blossom Way. With respect to wastewater, a 16-inch forcemain is in place within the Grove Blossom Way right-of-way. Reclaimed water is also available, with a 12-inch reclaimed water main within the Grove Blossom Way right-of-way. OCU notes that water, wastewater, and reclaimed water demands and connection points will be addressed as the mixed-use project proceeds through the Development Review Committee (DRC) review and construction permitting processes. OCU adds that no plant improvements are needed to maintain level of service (LOS) standards. This evaluation pertains solely to water and wastewater treatment plants. Connection points and transmission system capacity will be evaluated at the time of Master Utility Plan review and permitting or at the request of the applicant.

Orange County Public Schools: Orange County Public Schools (OCPS) issued a Formal School Capacity Determination, OC-22-036, dated August 11, 2022, in which they established that capacity is available at the elementary, middle, and high schools that would currently serve the project. This determination was valid until December 10, 2022, and was extended by Hurricane Ian and Subtropical Storm Nicole Executive Orders issued by Governor DeSantis, together with notice from the developer to OCPS via the applicant, to May 9, 2024.

The extension of the Formal School Capacity Determination was requested on December 8, 2022, pursuant to Section 52.363(1)(a), Florida Statutes, which provides that in the event the Governor declares a state of emergency, the declaration tolls the period remaining under a permit or development order for the duration of the declaration and extends the permit or development order for an additional six-month period. The extension is for a total of 12 months and 164 days from December 10, 2022, to May 9, 2024, and takes effect upon the developer providing notice of the extension to OCPS. OCPS confirmed receipt and approval of the extension request on January 30, 2023.

3. PD/LUP REZONING ANALYSIS

Overview

The applicant is seeking to rezone the subject parcels from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct 296 multi-family residential dwelling units and up to 87,120 square feet of C-1 (Retail Commercial District) uses. In addition, five (5) waivers from Orange County Code are requested.

Land Use Compatibility

The proposed development program is compatible with existing development in the area and would not adversely impact any adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	☐	☒	
Joint Planning Area (JPA)	☐	☒	
Overlay District Ordinance	☐	☒	
Airport Noise Zone	☐	☒	
Code Enforcement	☐	☒	

Comprehensive Plan (CP) Consistency

The rezoning request is consistent with the following CP provisions:

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.

FLU7.4.6 Within a Growth Center, all new development must apply for Planned Development zoning, in order to specifically identify densities, intensities and mixture of land use.

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

FLU8.2.1 Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on

property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.6 Zoning development approvals shall have conditions attached, when appropriate, to ensure the enforcement of the Future Land Use designations.

FLU8.2.11 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 as its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

Site Data

Existing Use	Undeveloped land
Adjacent Zoning	N: PD (Planned Development District) (BB Groves South PD) E: A-1 (Citrus Rural District) (1957) W: A-1 (Citrus Rural District) (1957) S: PD (Planned Development District) (Registry on Grass Lake PD)
Adjacent Land Uses	N: Undeveloped Land E: Undeveloped Land W: Undeveloped Land S: Future Registry on Grass Lake multi-family community (site clearing in progress)

Applicable PD Development Standards

PD Perimeter Setback:	25 feet
Wetland Buffer:	25 feet

MF Residential Standards

Lot standards

Maximum Building Height:	5 stories/65 feet (waiver requested)
Minimum Lot Size:	N/A
Minimum Living Area:	500 square feet
Minimum Open Space:	25 percent
Maximum Building Coverage:	30 percent
Maximum Lot Coverage:	N/A
Maximum FAR:	N/A
Minimum Building Separation:	Consistent with 38-1258(j)

Paving setbacks

Side:	7 feet
Rear:	7 feet

Minimum Building Setback from Street ROW:

Major Collector:	35 feet
All Other ROW:	20 feet

General Setbacks

Side:	N/A
Rear:	N/A
Adjacent to residential:	N/A

Commercial Standards

Lot standards

Maximum Building Height:	50 feet (35 feet when within 100 feet of any residential development)
Minimum Lot Size:	N/A
Minimum Living Area:	500 square feet
Minimum Open Space:	20 percent
Maximum Lot Coverage:	70 percent
Maximum Building Coverage:	N/A
Maximum FAR:	0.5
Minimum Building Separation:	Consistent with 38-1258(j)

Paving setbacks

Side:	7.5 feet
Rear:	5 feet

Minimum Building Setback from Street ROW:

Major Collector:	30 feet
All Other ROW:	30 feet

General Setbacks

Side:	10 feet
Rear:	10 feet
Adjacent to residential:	25 feet

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

4. POLICY REFERENCES

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

OBJ FLU8.2 – COMPATIBILITY. Compatibility will continue to be the fundamental consideration in all

land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses.

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

OBJ C1.4 – Orange County shall protect identified wetland areas and existing native wildlife (flora and fauna) habitats.

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

FLU1.1.2 – The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development.

Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities.

The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.

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

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single family to small lot single-family development.	0 to 4 du/ac
Low-Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac
Medium-High Density Residential (MHDR)	Recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood serving amenities within a reasonable pedestrian walkshed.	0 to 35 du/ac
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac
(Amended 8/92, Ord. 92-24, Policy 1.1.11-r; Amended 11/17, Ord. 2017-19)		

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

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

FLU7.4.5 – Development in Growth Centers shall only occur when someone other than Orange County incurs the initial capital cost of the required urban facilities and the incremental cost of the required urban services. Consistent with applicable law, paybacks shall be implemented with respect to future users benefiting from the supplied facilities and services; but such paybacks shall not be from Orange County except as a conduit.

The provision of service by Orange County may be permitted when all of the following criteria are met:

- A. The connection point(s) to Orange County facilities exists within two (2) miles (as measured along existing road right-of-way) of the proposed "affordable housing development";
- B. Capacity is available at the time of the requested Growth Center amendment;
- C. Extension of services and facilities and reservation of capacity is at the expense of someone other than Orange County. (Added 8/92, Ord. 92-24; Amended 10/11, Ord. 2011-08, Policy 1.2.4)

FLU7.4.6 – Within a Growth Center, all new development must apply for Planned Development zoning, in order to specifically identify densities, intensities and mixture of land use.

Additionally, all new development and substantial redevelopment in portions of Growth Centers located within the Wekiva Study Area shall adhere to the development standards adopted to implement the Wekiva Parkway and Protection Act, Ch. 369, Part III, FS.

Such standards shall include, but are not limited to one or more of the following:

- (1) Additional stormwater treatment and retention (maintenance of water quality and recharge);
- (2) Enhanced wastewater treatment;
- (3) Limitations of certain allowed uses within the most vulnerable portions of the Study Area;
- (4) Subdivision standards;
- (5) Open space requirements;

- (6) "Smart growth" roadway design standards;
- (7) Parking lot design standards,
- (8) Upland habitat protection, and
- (9) Such other measures as required to protect ground and surface water in the Wekiva Study Area.

(Added 11/95, Ord. 95-35, Ord. 2007-20, Policy 1.2.5)

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.

ACTION REQUESTED

Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) Recommendation – (February 16, 2023)

Make a finding of **consistency** with the Comprehensive Plan and recommend **ADOPTION** of Amendments 2022-2-A-1-2 and 2022-2-B-FLUE-2 and **APPROVAL** of Rezoning Case LUP-22-06-199, Village at Avalon Planned Development/Land Use Plan (PD/LUP) dated "Received December 20, 2022", subject to the twenty (20) conditions listed in the staff report, including five (5) requested waivers from Orange County Code.

PLANNING AND ZONING COMMISSION (PZC)/LOCAL PLANNING AGENCY (LPA) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC/LPA with the recommendation that they make a finding of **consistency** with the Comprehensive Plan and recommend **ADOPTION** of Amendments 2022-2-A-1-2 and 2022-2-B-FLUE-2 and **APPROVAL** of Rezoning Case LUP-22-06-199, Village at Avalon Planned Development/Land Use Plan (PD/LUP), subject to the twenty (20) conditions in the staff report, including five (5) requested waivers from Orange County Code. The applicant, Rebecca Wilson, was present and agreed with the staff recommendation.

There were no speakers for public comment. In response to questions posed by the PZC/LPA Commissioners, Ms. Wilson clarified that the dedication of right-of way is required for the proposed improvements to Avalon Road, and a Right-of-Way and Proportionate Share Agreement is currently undergoing review by the Roadway Agreement Committee (RAC). Ms. Wilson informed the LPA that per Orange County Public Schools (OCPS), capacity will be available at the elementary, middle, and high schools expected to serve the requested 296 multi-family units. She further verified that no impacts to or alteration of the 5.019-acre Class I wetland—part of a larger system that extends offsite—are proposed. However, a Conservation Area Impact (CAI) Permit may be requested at a later date for the isolated 0.06-acre Class III wetland on the commercial tract, adjacent to Grove Blossom Way.

Commissioner Spears questioned the reduction of the residential development program from 342 multi-family units to 296. Ms. Wilson explained that based on the County's current method of calculating maximum density and intensity, the subject property does not possess sufficient upland acreage to accommodate 342 multi-family units and 87,120 square feet of commercial space, thus prompting the reduction in residential units to 296.

A motion was made by Commissioner Boers and seconded by Commissioner Spears to recommend to the Board of County Commissioners **ADOPTION** of Amendments 2022-2-A-1-2 and 2022-2-B-FLUE-2 and **APPROVAL** of Rezoning Case LUP-22-06-199, Village at Avalon Planned Development/Land Use Plan (PD/LUP) dated "Received December 20, 2022", subject to the twenty (20) conditions listed in the staff report, including five (5) requested waivers from Orange County Code. The motion carried on a 7-0 vote.

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

Site Visit Photos

Subject Site	Subject Site
	
Subject Site	Subject Site
	
South of Subject Site	West of Subject Site
	

Site Visit Photos

North of Subject Site



North of Subject Site



East of Subject Site

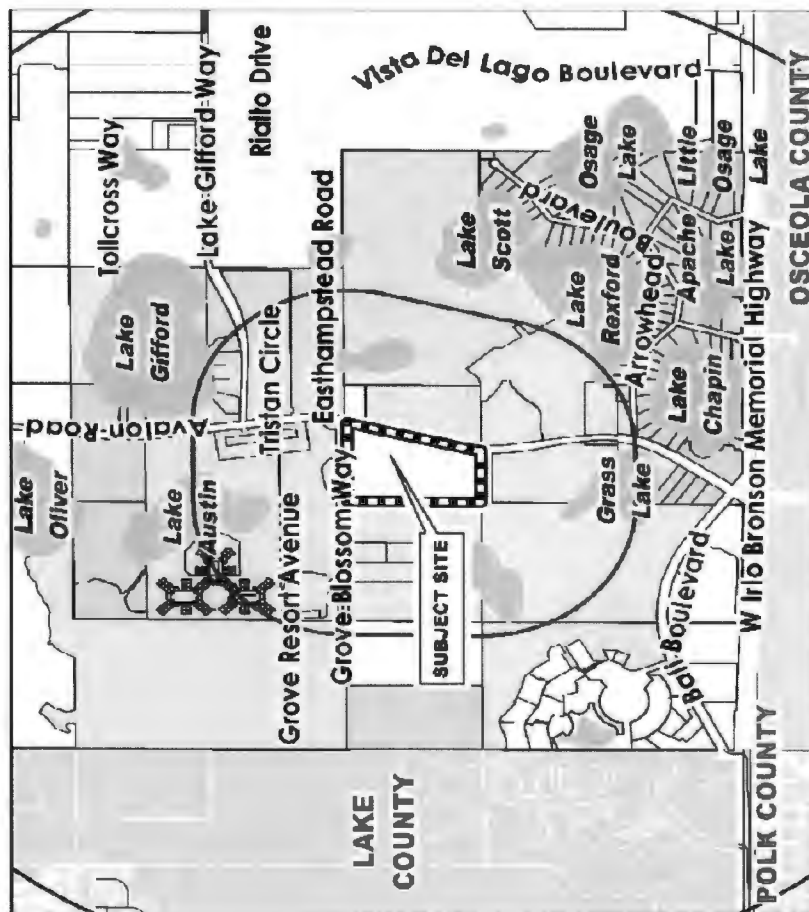


East of Subject Site



Public Notification Map

2022-2-A-1-2 (Village at Avalon)



MAP LEGEND

-  SUBJECT SITE
-  1500 FT BUFFER
-  1 MILE BUFFER
-  PARCELS
-  NOTIFIED PARCELS
-  COURTESY PARCELS
-  HYDROLOGY

BUFFER DISTANCE:	1500
# OF NOTICES:	703



RECEIVED
PLANNING DEPARTMENT
JAN 10 2022

VILLAGE AT AVALON PD LAND USE PLAN LUP-22-06-199 ORANGE COUNTY, FLORIDA DECEMBER 18, 2022

PARCEL #'s 31-24-27-0000-06-013

- 31-24-27-0000-06-013
- 31-24-27-0000-06-014
- 31-24-27-0000-06-017
- 31-24-27-0000-06-018
- 31-24-27-0000-06-019
- 31-24-27-0000-06-020
- 31-24-27-0000-06-021
- 31-24-27-0000-06-022
- 31-24-27-0000-06-023

SITE

VICINITY MAP

PROJECT TEAM

ADVISORY COMMITTEE
 Mr. [Name] - [Title]
 Mr. [Name] - [Title]
 Mr. [Name] - [Title]
 Mr. [Name] - [Title]
 Mr. [Name] - [Title]

CONSULTANTS
 Mr. [Name] - [Title]
 Mr. [Name] - [Title]
 Mr. [Name] - [Title]
 Mr. [Name] - [Title]
 Mr. [Name] - [Title]

Kimley-Horn

EQUAL DESCRIPTION

1. PROJECT DESCRIPTION
 The project is a proposed development of a new residential community consisting of approximately 100 single-family detached homes. The development is located on a 100-acre tract in the unincorporated area of Orange County, Florida. The project is being developed by [Developer Name].

2. PROJECT LOCATION
 The project is located on a 100-acre tract in the unincorporated area of Orange County, Florida. The tract is bounded by [Street Name] to the north, [Street Name] to the south, [Street Name] to the east, and [Street Name] to the west.

3. PROJECT PURPOSE
 The purpose of the project is to provide a new residential community for the residents of Orange County, Florida. The project is being developed to meet the growing demand for single-family detached homes in the area.

4. PROJECT SCOPE
 The scope of the project includes the design and construction of approximately 100 single-family detached homes, a parking lot, a playground, and a community center. The project also includes the installation of a water supply system and a sewerage system.

5. PROJECT BENEFITS
 The project will provide a new residential community for the residents of Orange County, Florida. The project will also provide a new playground and a community center for the residents of the area. The project will also provide a new water supply system and a sewerage system for the area.

6. PROJECT RISKS
 The project may face some risks, including the risk of delays in the construction process, the risk of cost overruns, and the risk of environmental impacts. However, the project team has identified these risks and has developed strategies to mitigate them.

7. PROJECT CONCLUSION
 The project is a proposed development of a new residential community consisting of approximately 100 single-family detached homes. The development is located on a 100-acre tract in the unincorporated area of Orange County, Florida. The project is being developed by [Developer Name].

NOTES

1. The project is a proposed development of a new residential community consisting of approximately 100 single-family detached homes.
2. The project is located on a 100-acre tract in the unincorporated area of Orange County, Florida.
3. The project is being developed by [Developer Name].
4. The purpose of the project is to provide a new residential community for the residents of Orange County, Florida.
5. The scope of the project includes the design and construction of approximately 100 single-family detached homes, a parking lot, a playground, and a community center.
6. The project may face some risks, including the risk of delays in the construction process, the risk of cost overruns, and the risk of environmental impacts.
7. The project team has identified these risks and has developed strategies to mitigate them.

SHEET NUMBER	COVER SHEET
LUP-22-06-199-01	
LUP-22-06-199-02	
LUP-22-06-199-03	
LUP-22-06-199-04	
LUP-22-06-199-05	

APPENDIX A

1. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.
2. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.
3. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.
4. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.
5. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.

6. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.
7. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.
8. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.
9. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.
10. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.

11. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.
12. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.
13. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.
14. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.
15. A. AVALON PD LAND USE PLAN (LUP) IS REQUESTED TO ALLOW A MAXIMUM HEIGHT OF TWO (2) STORES, 20 FEET (20') MAXIMUM HEIGHT FOR MULTIFAMILY BUILDINGS WITH ONE (1) STORY FOR MULTIFAMILY RESIDENTIAL BUILDINGS LOCATED IN THIS ONE-HUNDRED (100) FEET OR MORE WIDE CORRIDOR.

[illegible]

ORDINANCE NO. 2023-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2022 CALENDAR YEAR (SECOND 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 May 2, 2023, the Board of County Commissioners held a public hearing on the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to adopt them.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to Part II of Chapter 163, Florida Statutes.

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

attached hereto and incorporated herein.

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

* * *

[Amendment 2022-2-B-FLUE-2:]

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

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
* * *	* * *	* * *	* * *
<u>2022-2-A-1-2</u> <u>Village at</u> <u>Avalon</u>	<u>Growth Center-Planned</u> <u>Development-</u> <u>Commercial/Medium</u> <u>Density Residential</u> <u>(GC-PD-C/MDR)</u>	<u>Residential: Up to 296 multi-</u> <u>family dwelling units</u> <u>Commercial: Up to 87,120</u> <u>square feet of C-1 (Retail</u> <u>Commercial District) uses</u>	<u>2023-</u>

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

* * *

Section 5. Effective Dates for Ordinance and Amendments.

- (a) This ordinance shall become effective as provided by general law.
- (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment adopted under this ordinance becomes effective until 31 days after the DEO notifies the County that the plan amendment package is complete. However, if an amendment is timely challenged,

the amendment shall not become effective until the DEO or the Administration Commission issues a final order determining the challenged amendment to be in compliance.

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

ADOPTED THIS 2nd DAY OF MAY, 2023.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

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

By: _____
Deputy Clerk

APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately-Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2022-2-A-1-2	Village (V)	Growth Center-Planned Development- Commercial/Medium Density Residential (GC-PD-C/MDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		



M. REBECCA WILSON

rebecca.wilson@lowndes-law.com
215 North Eola Drive, Orlando, Florida 32801-2028
T: 407-418-6250 | F: 407-843-4444
MAIN NUMBER: 407-843-4600



December 8, 2022

Mr. Christopher Mills, AICP
OCPS Planning and Real Estate
6501 Magic Way
Building 200
Orlando, FL 32809

Re: Extension of Formal School Capacity Determination Capacity Letter OC-22-036/Village at Avalon (the "Determination")

Dear Christopher:

Please accept this letter requesting an extension of school capacity in the above referenced capacity letter OC-22-036. Governor DeSantis declared a State of Emergency on September 23, 2022, due to threat posed by Hurricane Ian (the "Ian EO") under Executive Order Number 22-218/219. On November 7, 2022, Governor DeSantis also issued Executive Order No. 22-253, which declared a State of Emergency due to the threat posed by Subtropical Storm Nicole (the "Nicole EO"). And on November 21, 2022 the Governor further extended Executive Order 22-218/219 through EO-22-268, adding sixty (60) days to the Ian EO State of Emergency

Section 252.363(1)(a), Florida Statutes, provides that in the event the Governor declares a state of emergency, the declaration tolls the period remaining under a permit or development order for the duration of the declaration, and extends the permit or development order for an additional six-month period. Therefore, in accordance with Section 252.363(1)(a), the Developer, by and through its undersigned attorney, hereby gives notice of the extension of the above referenced CEL by a total of twelve (12) months and one hundred four (164) days from December 10, 2022 to May 9, 2024. This extension is effective on the date of this letter.

Please place this letter in the project's file for the above-referenced CEL and provide written confirmation of receipt of same to the address provided above. Thank you for your assistance.

Sincerely,



M. Rebecca Wilson

MRW/lak





Orange County Public Schools

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

FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER - REVISED

August 11, 2022

VIA E-MAIL: REBECCA.WILSON@LOWNDES-LAW.COM

Rebecca Wilson
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
215 N. Eola Drive
Orlando, FL 32801

Application: OC-22-036

This letter serves as the official determination by Orange County Public Schools that school capacity for the following development is **AVAILABLE**:

Type of Development Application	☒ FLUM ☐ Rezoning ☐ Amendment or Extension		
Development Application #:	2022-2-A-1-2		
Project Name:	Village at Avalon		
OCPS Completed Application Date:	May 31, 2022		
Parcel #(s):	31-24-27-0000-00-013; -014; -017; -018; -019; -024; -031; -032; -037		
Requested New Units (#):	SF: 0	MF: 324	TH: 0
Vested Unit(s):	SF: 0	MF: 18	TH: 0
Total Project Units:	342		
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**.

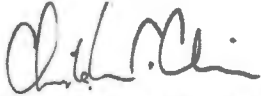
This determination expires on **December 10, 2022**. OCPS is not required to extend the expiration date of this determination letter. In the event this project does not possess Development Application approval from Orange County by the expiration date, but still intends to move forward in the development 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 the Orange County's adopted Comprehensive Plan, and the Orange County Charter and Code.

Please contact me at (407) 317-3700 ext. 2022391 or e-mail me at christopher.mills@ocps.net with any questions.

Sincerely,



Christopher Mills, AICP
Senior Administrator, Facilities Planning

Attachments – Attachment A: Detailed Capacity Analysis

CC: Sue Watson, Orange County (via e-mail)
Jason Sorensen, Orange County (via e-mail)
Jennifer DuBois, Orange County (via e-mail)
Thomas Moore, OCPS (via e-mail)
Project File

Attachment A



School Capacity Determination

User ID CCM August 11, 2022 14:59:22

Project ID:

CEA – OC – 22 – 036

Valid Until: December 10, 2022

Project Name:		VILLAGE AT AVALON		
Unvested Units	Single Family Units:	0	Single Family Units:	0
	Multi Family Units:	324	Multi Family Units:	18
	Multi Family High Rise Units:	0	Multi Family High Rise Units:	0
	Town Homes Units:	0	Town Homes Units:	0
	Mobile Home Units:	0	Mobile Home Units:	0
		Vested Units		

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA:	HH		
	School:	WATER SPRING ES	WATER SPRING MS	HORIZON HS
	Analysis of Existing Conditions			
	School Capacity (2021-2022)	837	706	1,950
	Enrollment (2021-2022)	1,147	483	1,131
	Utilization (2021-2022)	137.0%	68.0%	68.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	0	223	819
	Analysis of Reserved Capacity			
	School Level	Elementary	Middle	
	Encumbered Capacity	671	67	90
	Reserved Capacity	29	0	0
	Adjusted Utilization	220.7%	77.9%	62.6%
	Adjusted Available Seats	0	156	729
	Analysis of Proposed Development			
	Students Generated	45.684	21.060	25.920
	Adjusted Utilization	226.1%	80.9%	63.9%
	AVAILABLE/NOT AVAILABLE	NOT AVAILABLE *	AVAILABLE	AVAILABLE
	Number of Seats to Mitigate	45.684	0.000	0.000

WATER SPRING ES	*AVAILABLE - SCHEDULED FOR RELIEF AUGUST 2022
WATER SPRING MS	TEMPORARY CAPACITY UNTIL 2023 (SHARES CAMPUS WITH HORIZON HS)
HORIZON HS	TEMPORARY CAPACITY UNTIL 2023 (CAMPUS SHARED WITH WATER SPRING MS)



Environmental Protection Division

**CONSERVATION AREA
DETERMINATION**

Determination No: CAD-22-02-043

Date Issued: May 2, 2022

Date Expires: May 2, 2027

Activity Location:

Avalon Road, Winter Garden, FL 34787

Parcel ID Nos.: 31-24-27-0000-00-031, 31-24-27-0000-00-014, 31-24-27-0000-00-037, 31-24-27-0000-00-013, 31-24-27-0000-00-024, 31-24-27-0000-00-017, 31-24-27-0000-00-018, 31-24-27-0000-00-032, 31-24-27-0000-00-019

Parcel Description: See attached

Orange County Commission District: 1

Permittee / Authorized Entity:

PRS Investors Group, LLP

c/o Robert Gaherty

Aventon Holdings II, LLC

Email: bgaherty@aventoncompanies.com

The Environmental Protection Division (EPD) has received your certified survey received on April 20, 2022, which accurately depicts the approved limits of the jurisdictional surface waters and/or wetlands (conservation areas) on the referenced property. This Determination is binding for a period of five years.

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

The conservation area(s), as delineated in the field have been classified as follows:

Wetland Identification Number	Class	FLUCCS ¹ / Remarks
W-1 ²	I	641 Freshwater Marshes & 630 Wetland Forested Mixed / Larger than 40 acres
W-2	III	617 Mixed Wetland Hardwoods / Isolated; Less than five acres

¹Florida Land Use, Cover and Forms Classification System (FLUCCS) Handbook, Florida Department of Transportation, January 1999 (Third Edition)

²W-1 extends offsite

Approved, subject to the following conditions:

1. The enclosed survey accurately depicts the limits of the jurisdictional surface waters/wetlands on the referenced property, as confirmed by EPD during the site inspection. This determination letter, along with the approved survey, constitutes final approval of the CAD.
2. The limits of wetlands and surface waters delineated on the approved survey are only binding for a period of five years from the date of CAD issuance provided physical conditions on the property do not change so as to alter the boundaries of surface waters or wetlands during that period. The limitations of this condition cannot be modified to allow for a longer duration without a complete reassessment of the limits of surface waters and wetlands occurring on the project. Changes in surface waters or wetland boundaries resulting from work authorized by a permit pursuant to Chapter 15, Article X, Section 15-376, will not be considered as altering the boundary for the purposes of this condition.
3. Please be advised that this permit does not grant approval to clear trees and vegetation in uplands. A site work, building, or tree mitigation permit is required in order to remove any trees or vegetation. A building permit limits clearing to the building pad including permanent power, driveway, on site disposal systems, and 15 feet around the building pad, per Orange County Code, Section 15-304. Contact 407-836-5807 for questions regarding additional clearing.
4. This CAD does not provide relief from other local, state, or federal policies, which regulate activity on the subject property. If this determination conflicts with those of any other Agency, Department, or Division, the applicant must rectify the conflict or comply with the most stringent conditions.
5. No construction, clearing, alteration, filling or grading is allowed within the limits of the conservation area unless approved by the County.
6. The property owner/permittee is also responsible for addressing any adverse secondary impacts to surface waters, wetlands, or conservation areas that may occur as a result of the development of the site.
7. The County may revoke this CAD upon finding that the applicant has submitted inaccurate information to the County regarding the delineation of surface waters or wetlands on the project site.
8. This CAD supersedes any existing determinations made on this parcel.

9. An upland buffer of a minimum of 25 feet is recommended for all Class I, II, and III wetland systems unless scientific data dictate a larger or smaller buffer based on wetland function or local conditions.

If you should have any questions concerning this permit, please contact Nicole Salvatico at 407-836-1494 or Nicole.Salvatico@ocfl.net.

Project Manager:



Nicole Salvatico, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:

 for

David D. Jones, P.E., CEP, Environmental Protection Officer

NS/NTM/DJ/gfdjr:

Attachment: Approved Survey

c: PRS Investors Group LLP, 15137 Innis Lake Road, Caledon East, Ontario, L7C-3A1
Joel Thomson, Thomson Environmental Consulting, LLC, joel@thomsonenv.com
Lisa Prather, South Florida Water Management District, lprather@sfwmd.gov
Conservation Planning Services, FWC, conservationplanningservices@MyFWC.com
Rocco Campanale, Orange County Property Appraiser's Office, rcampanale@ocpafl.org

Property Descriptions

31-24-27-0000-00-031

BEG 210 FT S OF NW COR OF SW1/4 OF NE1/4 RUN S 195 FT E 678.07 FT N 95 FT E TO RD R/W ST RD 545 TH NELY 102.4 FT W 907.87 FT TO POB & N 210 FT OF SW1/4 OF NE1/4 W OF RD IN SEC 31-24-27 (LESS N 30 FT) ALL IN SEC 31-24-27

31-24-27-0000-00-014

S 200 FT OF N 510 FT OF E1/2 OF SW 1/4 OF NE1/4 LYING W OF ST RD #545 IN SEC 31-24-27

31-24-27-0000-00-037

THAT PART OF SW1/4 OF NE1/4 LYING W OF RD (LESS N 525 FT & LESS S 647 FT) IN SEC 31-24-27 2804/1338 & OR B&P 6025/3371, ON 06-13-00, INST CT

31-24-27-0000-00-013

N 207 FT OF S 647 FT OF SW 1/4 OF NE 1/4 W OF STATE RD IN SEC 31-24-27

31-24-27-0000-00-024

N 230 FT OF S 440 FT OF SW1/4 OF NE1/4 W OF ST RD & THAT PT OF S 440 FT OF E1/2 OF SW1/4 OF NE1/4 LYING W OF ST RD # 545 IN SEC 31-24-27 OR 987/349 OR B&P 4468/1923, ON 06-30-92, INST QM

31-24-27-0000-00-017

S 210 FT OF W1/2 OF SW1/4 OF NE1/4 SEC 31-24-27 (LESS S 100 FT THEREOF) 2722/942 OR B&P 4875/2205, ON 03-31-95, INST QC

31-24-27-0000-00-018

S 100 FT OF W1/2 OF SW1/4 OF NE1/4 ON W SIDE OF SR 545 IN SEC 31-24-27 OR B&P 4468/1923, ON 06-30-92, INST QM

31-24-27-0000-00-032

BEG 405 FT S & 423 FT E OF NW COR OF SW1/4 OF NE1/4 RUN S 120 FT E 250 FT N 120 FT W 250 FT TO POB & S 15 FT OF N 525 FT OF E1/2 OF SW1/4 OF NE1/4 W OF ST RD 545 IN SEC 31-24-27 3334/1103

31-24-27-0000-00-019

BEG 405 FT S OF NW COR OF SW1/4 OF NE1/4 RUN E 423 FT S 120 FT W 423 FT N 120 FT TO POB IN SEC 31-24-27 OR B&P 4757/4152, ON 06-15-94, INST PR

