

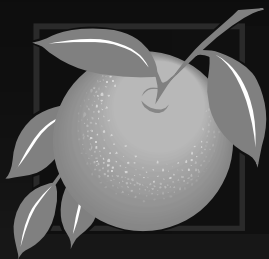


***Board of County Commissioners***

***2012-2 Regular Cycle***

***Adoption Public Hearing***

***November 13, 2012***



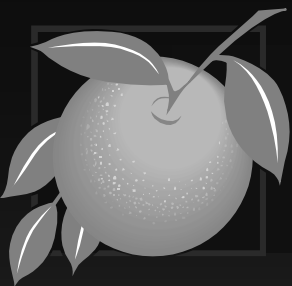
# Today's Amendments

- **2012-2 Regular Cycle**
  - **Privately-Initiated Future Land Use Map Amendment with Concurrent Rezoning**
  - **Staff-Initiated Future Land Use Map and Text Amendments**



# Today's Amendments

- **2012-2 Regular Cycle**
  - **Privately-Initiated Future Land Use Map Amendment with Concurrent Rezoning**
  - Staff-Initiated Future Land Use Map and Text Amendments



# **Board of County Commissioners**

## ***2012-2 Regular Cycle Privately Initiated Amendment***

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**Amendment: 2012-2-A-5-1**

**Agent: Thomas R. Sullivan  
Lowndes, Drosdick, Doster, Kantor, & Reed, P.A.**

**Owner: A and V Property Group Inc. Yen Ming Tr. and  
Ludwig Goetz Jr.**

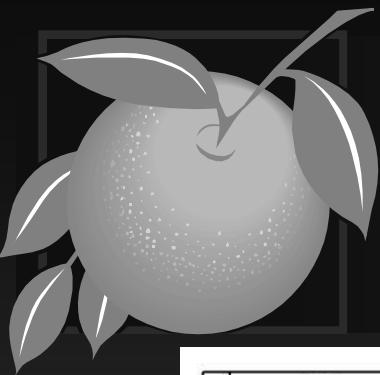
**From: Planned Development-Commercial (PD-C);  
Commercial (C); and  
Low Medium Density Residential (LMDR)**

**To: Planned Development-Medium Density Residential  
(PD-MDR) (Student Housing)**

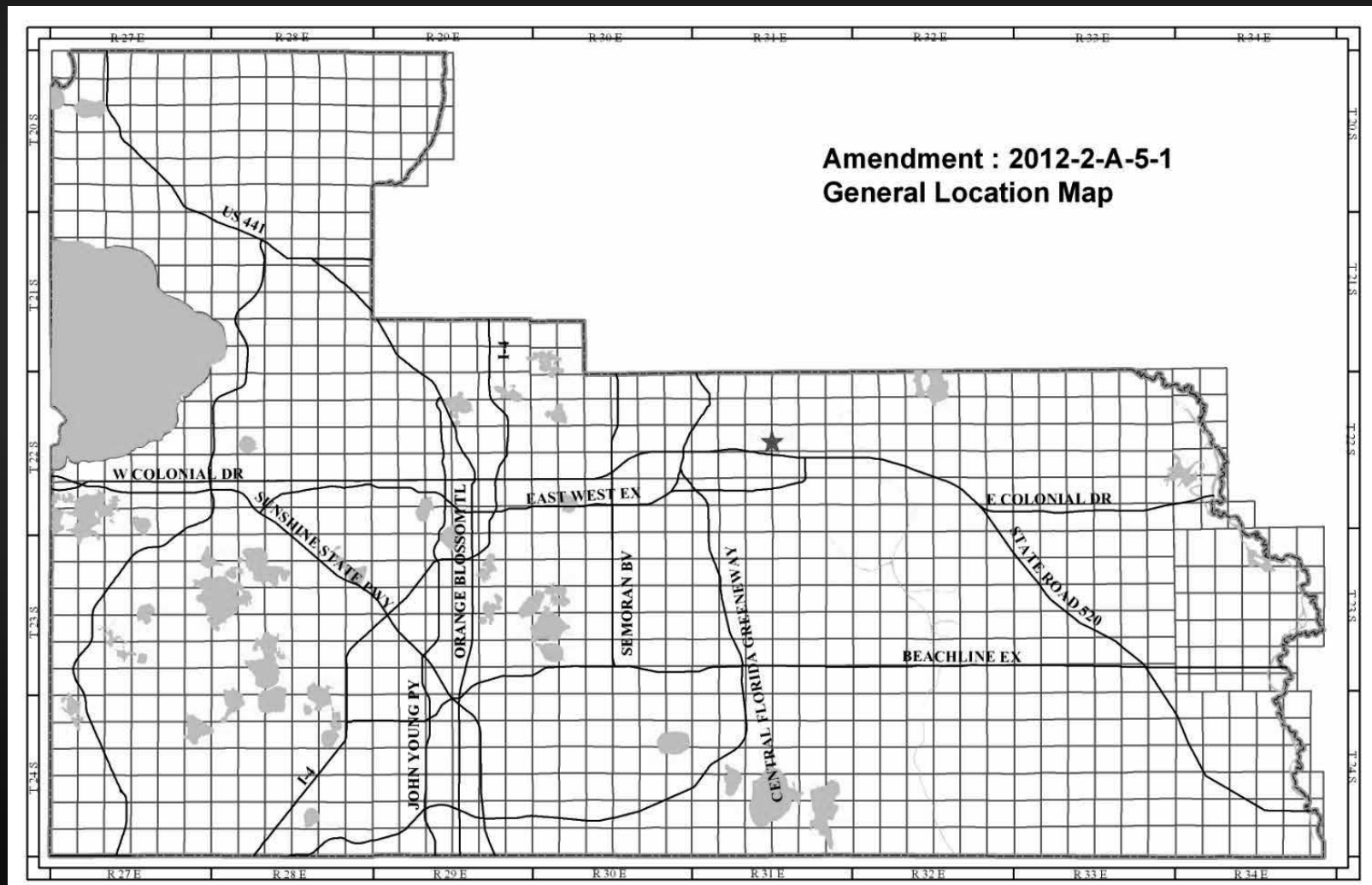
**Acreage: 46.2 gross / 36 net**

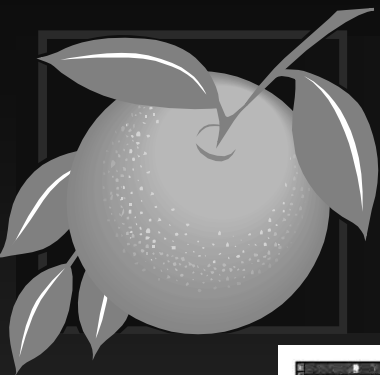
**Proposed use: 906 student housing beds**

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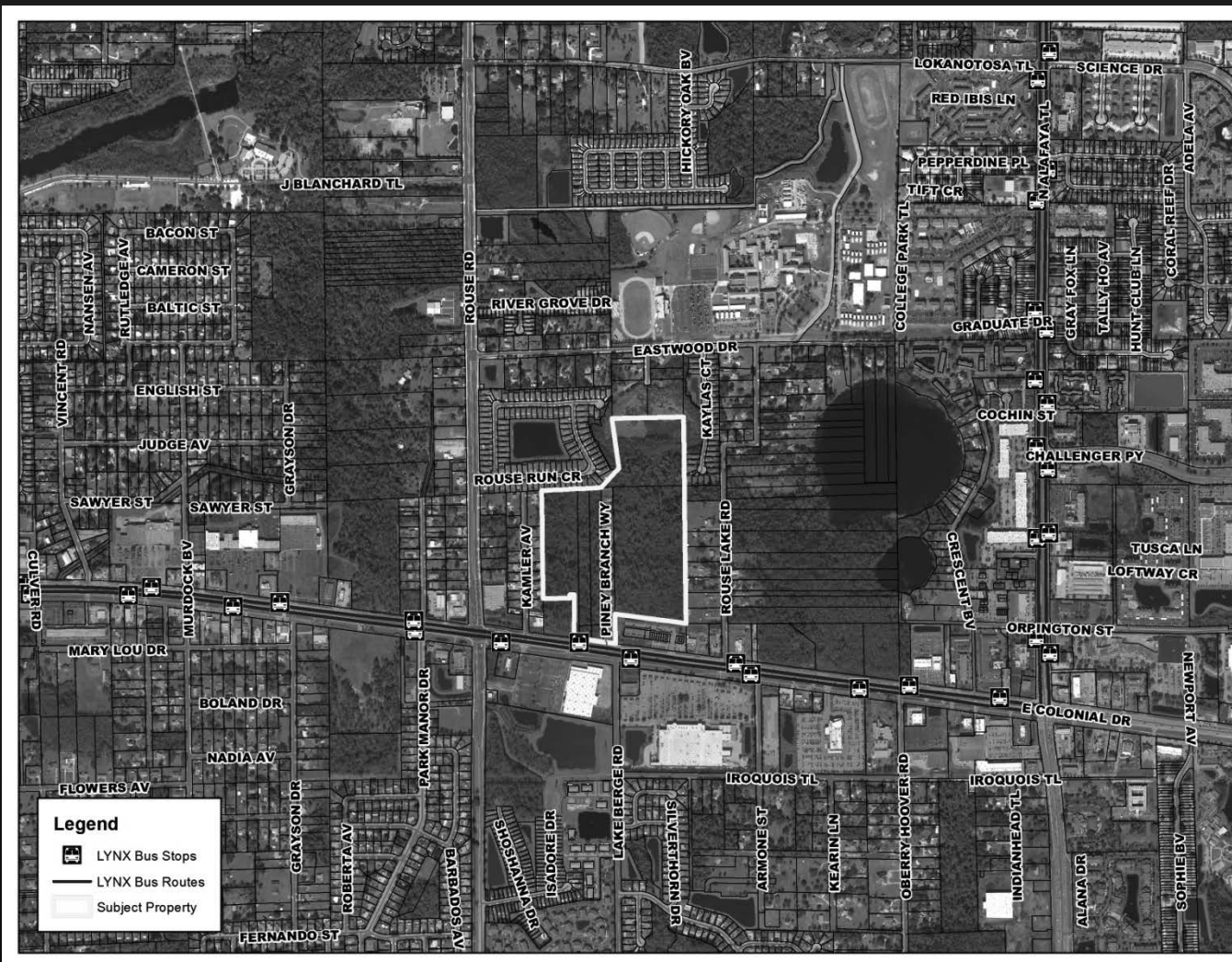
# 2012-2-A-5-1 & LUP-11-12-288 Location

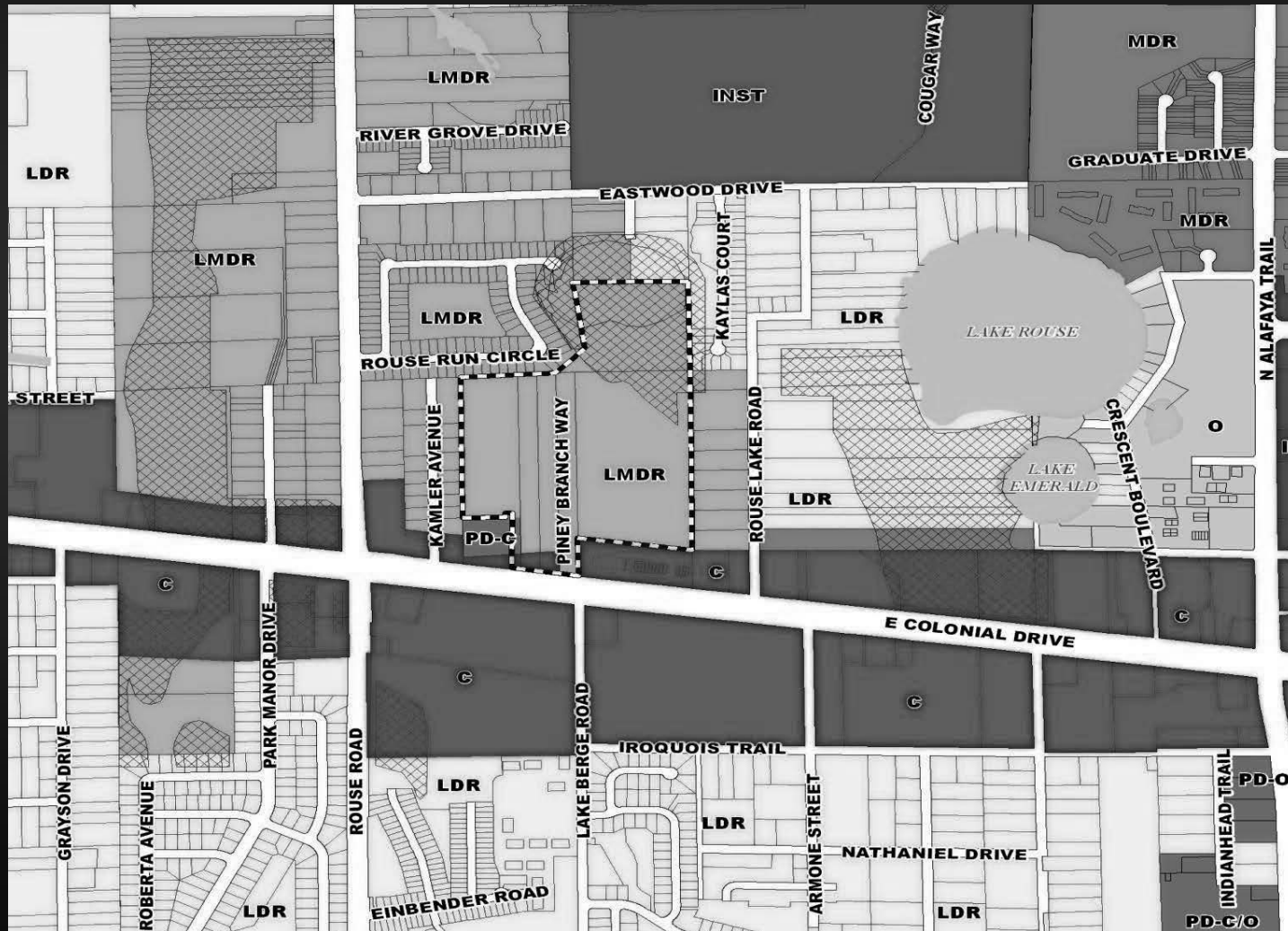


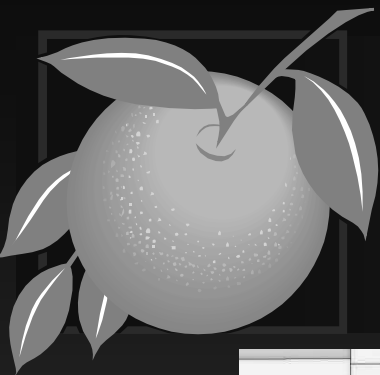


# 2012-2-A-5-1 & LUP-11-12-288

## Aerial





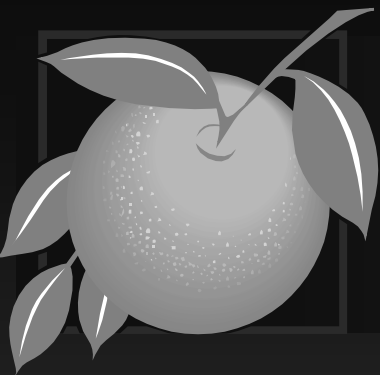


# 2012-2-A-5-1 & LUP-11-12-288 Zoning







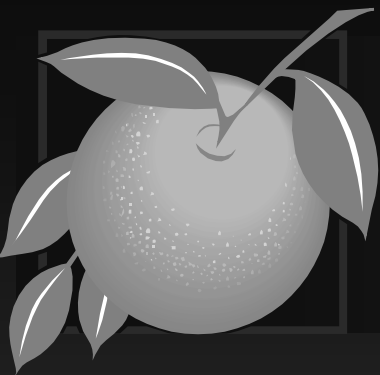


# **2012-2-A-5-1 & LUP-11-12-288**

## **Analysis and Recommendations**

### **Comprehensive Plan consistency**

- **Policy FLU1.1.5 – Encourage infill development to:**
  - **Promote compact urban form**
  - **Efficiently use land and infrastructure in the Urban Service Area**
- **Policy FLU1.4.1 – Promote a diverse mix of uses and housing types**
- **Goal H1 – Facilitate provision of adequate housing supply with a broad range of types and price levels**

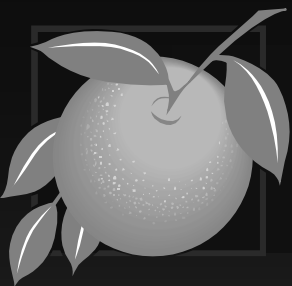


# **2012-2-A-5-1 & LUP-11-12-288 Analysis and Recommendations**

**Staff Recommendation: Adopt**

**LPA Recommendation: Adopt**

- **Make a finding of consistency with the Comprehensive Plan**
  - **Goals FLU2 and H1**
  - **Objectives FLU2.1, FLU8.2, and H1.1**
  - **Policies FLU1.1.5, FLU1.4.1, FLU8.2.1, FLU8.2.2, and FLU8.2.11**
- **Determine that the amendment is in compliance; and**
- **Adopt Amendment 2012-2-A-5-1 [PD-C, C, and LMDR to PD-MDR (Student Housing)].**



# **Board of County Commissioners**

## ***Rezoning***

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**Case:** LUP-11-12-288

**Agent:** Thomas Sullivan, Esq.

**Owners:** A and V Property Group, Inc.; Ludwig Goetz, Jr.; Yen Ming Trust

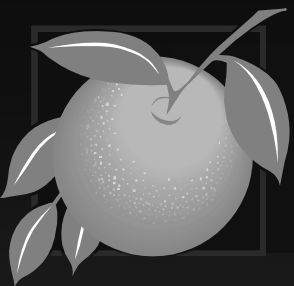
**From:** PD (Planned Development) and R-T (Mobile Home Subdivision District)

**To:** PD (Planned Development)

**Proposed use:** 906 Student Housing Beds

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# **Land Use Plan – LUP-11-12-288**

## **DRC Recommendation**

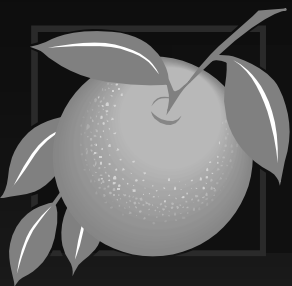
**Make a finding of consistency with the Comprehensive Plan and approve the PD zoning subject to 13 conditions.**



# Land Use Plan - LUP-11-12-288

## DRC Conditions of Approval

1. Development shall conform to the PD Land Use Plan dated "Received September 18, 2012," and shall comply with all applicable federal, state and county laws, ordinances and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities and intensities described in such Land Use Plan, subject to those uses, densities and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state and county laws, ordinance and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities or intensities. In the event of a conflict or inconsistency between a condition of approval of this zoning and the land use plan dated "Received September 18, 2012," the condition of approval shall control to the extent of such conflict or inconsistency.



# **Land Use Plan - LUP-11-12-288**

## **DRC Conditions of Approval (cont.)**

- 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 at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.**
- 3. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.**

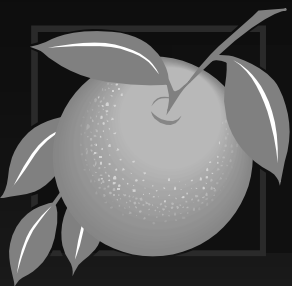




# **Land Use Plan - LUP-11-12-288**

## **DRC Conditions of Approval (cont.)**

- 4. No school-aged children shall be generated as a result of any development from The Retreat at Orlando Land Use Plan.**
- 5. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.**
- 6. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.**
- 7. The Developer shall obtain water and wastewater service from Orange County Utilities.**
- 8. Student Housing Development Plans require approval through the Board of County Commissioners.**



# **Land Use Plan - LUP-11-12-288**

## **DRC Conditions of Approval (cont.)**

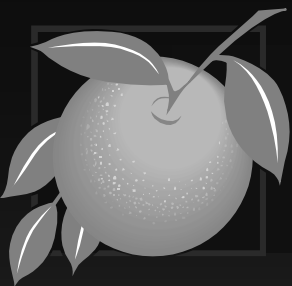
- 9. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan, with a tree removal and mitigation plan have been approved by Orange County.**
- 10. The Rouse Run PD and The Shoppes of Union Park PD shall accompany this proposed PD to the Board of County Commissioners.**
- 11. The following eight (8) waivers are requested:**
  - a. A waiver from Section 38-1254(2) is requested to allow a minimum of a twenty-five (25) foot setback from Colonial Drive (arterial roadway) in lieu of the required fifty (50) foot setback.**
  - b. A waiver from Section 38-1258(f) is requested to allow a eight (8) foot composite screening system in lieu of a six-foot high masonry, brick, or block wall whenever a student housing development is located adjacent to single-family residential and to eliminate the wall requirement adjacent to single-family residential within the conservation/wetland area.**
  - c. A waiver from Section 38-1258(j) is requested to allow a minimum separation of ten (10) feet where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of thirty (30) feet for two-story buildings, and forty (40) feet for buildings three (3) stories.**



# Land Use Plan - LUP-11-12-288

## DRC Conditions of Approval (cont.)

11. The following eight (8) waivers are requested:
  - d. A waiver from Section 38-1259(b) is requested to allow student housing buildings to be located seventy-five (75) feet from single-family residential located along the north, east and west boundary lines in lieu of the required student-housing to single-family separation of four hundred (400) feet.
  - e. A waiver from Section 38-1259(c) is requested to allow 906 bedrooms in lieu of the maximum 750 permitted.
  - f. A waiver from Section 38-1259(h) is requested to allow a maximum building height of three (3) stories, fifty (50) feet in lieu of three (3) stories, forty (40) feet.
  - g. A waiver from Section 38-1259(g) to allow one unit to equal 3.427 bedrooms instead of 2 bedrooms.
  - h. A waiver from Section 38-1259(f) and 38-1476 is requested to allow parking spaces for student housing at a ratio of one (1) space per bedroom in lieu of 1.25 spaces per bedroom.
12. Structures within three hundred (300) feet of the eastern property boundary line shall be limited to two (2) stories in height.



# **Land Use Plan - LUP-11-12-288**

## **DRC Conditions of Approval (cont.)**

- 13. Developer shall coordinate with Orange County and FDOT to identify pedestrian safety enhancements (crosswalks/reflectors); which may result in the establishment of an escrow account to fund investments. The developer will work with Orange County and Lynx regarding the potential for a bus shelter in front of or near the development.**



# **Land Use Plan - LUP-11-12-288**

## **Action Requested**

**Find the request consistent with the Comprehensive Plan and approve the The Retreat at Orlando PD Land Use Plan dated “Received September 18, 2012,” subject to thirteen (13) conditions as stated in the staff report.**



# Today's Amendments

- **2012-2 Regular Cycle**
  - Privately-Initiated Future Land Use Map Amendment with Concurrent Rezoning
  - **Staff-Initiated Future Land Use Map and Text Amendments**



# **Board of County Commissioners**

***2012-2 Regular Cycle Staff Initiated Amendment***

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**Amendment: 2012-2-B-FLUM-1**

**Request: Map amendment removing Future  
Land Use designations for parcels  
annexed by incorporated  
jurisdictions within the County**

**District: Countywide**

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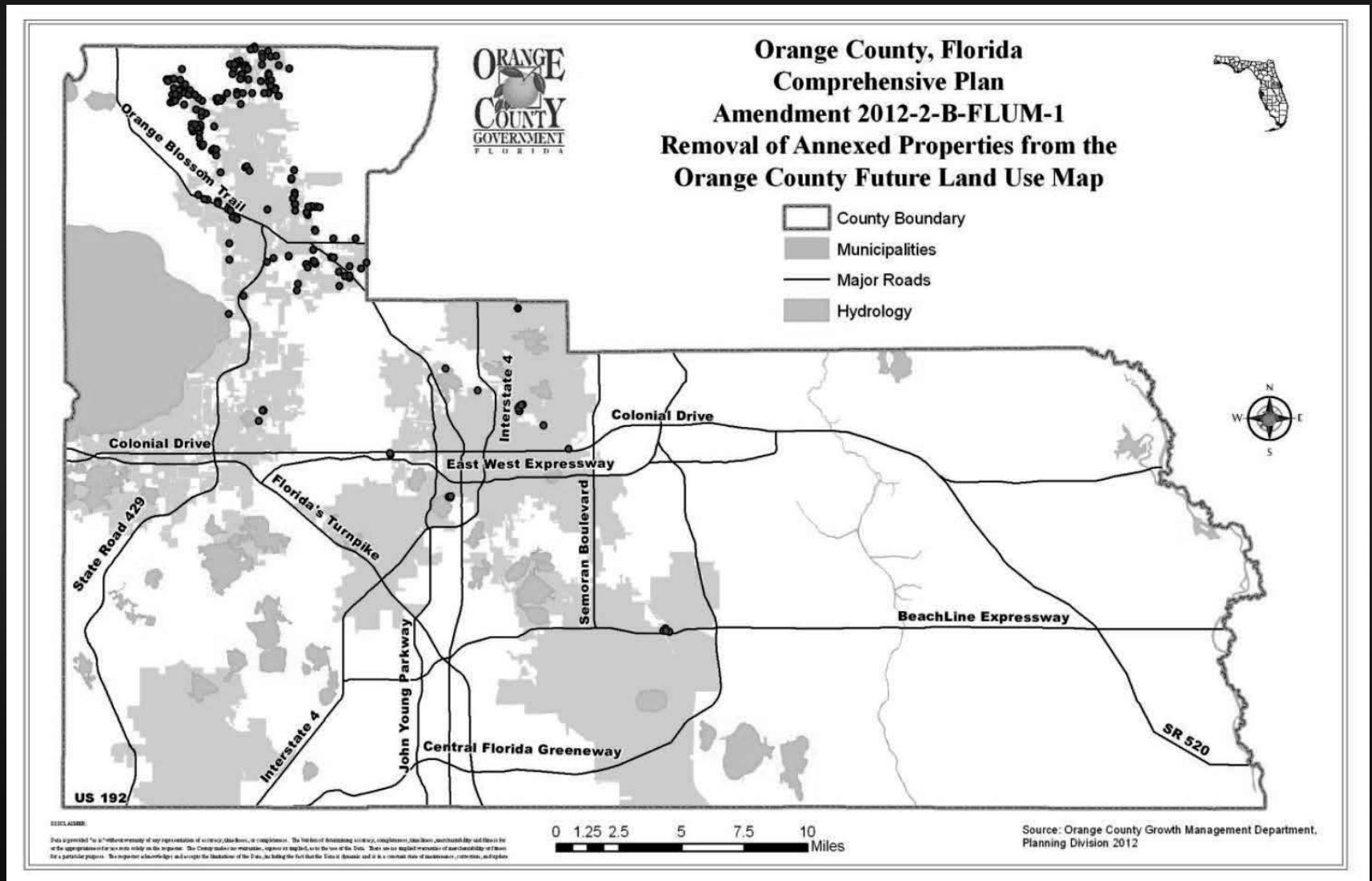
**Staff Recommendation: Adopt**

**LPA Recommendation: Adopt**



# Board of County Commissioners

## 2012-2 Regular Cycle Staff Initiated Amendment







# **Board of County Commissioners**

***2012-2 Regular Cycle Staff Initiated Amendment***

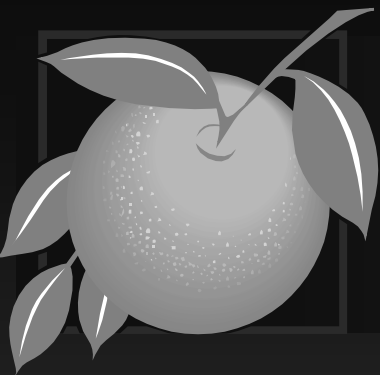
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**Amendment: 2012-2-B-FLUE-1**

**Request: Amendment to Policy FLU8.1.4  
establishing maximum densities  
and intensities for proposed  
Planned Developments**

**District: Countywide**

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# 2012-2-B-FLUE-1

## Policy FLU8.1.4

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

| Amendment Number   | FLUM Designation  | Maximum Intensity and Density   | Ordinance Number |
|--|---|---------------------------------|------------------|
| <u>2012-2-A-5-1</u><br><u>The Retreat</u><br><u>at Orlando</u> | <u>Planned</u><br><u>Development-</u><br><u>Medium Density</u><br><u>Residential (PD-MDR)</u><br><u>(Student Housing)</u> | <u>906 student housing beds</u> | <u>2012-</u>     |

**Staff Recommendation:** Adopt

**LPA Recommendation:** Adopt



# **Board of County Commissioners**

***2012-2 Regular Cycle Staff Initiated Amendment***

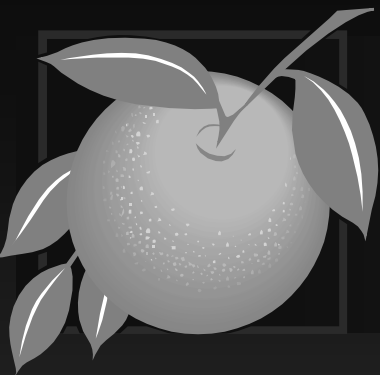
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**Amendment: 2012-2-B-FLUE-2**

**Request: Amendments to Future Land Use  
Element policies related to Horizon  
West – update of policies affected by  
County adoption of Horizon West  
Global Road Term Sheet, as well  
updates to reflect implementation  
measures**

**District: 1**

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# **2012-2-B-FLUE-2**

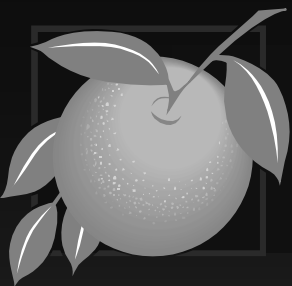
## **Analysis**

### **Policy amendments reflect:**

- **BCC adoption of the Horizon West Global Road Agreement**
- **Requirements for additional Village-specific roadway network agreements**
- **Roadway construction and other implementation measures**

**Staff Recommendation:     Adopt**

**LPA Recommendation:     Adopt**



# **Board of County Commissioners**

***2012-2 Regular Cycle Staff Initiated Amendment***

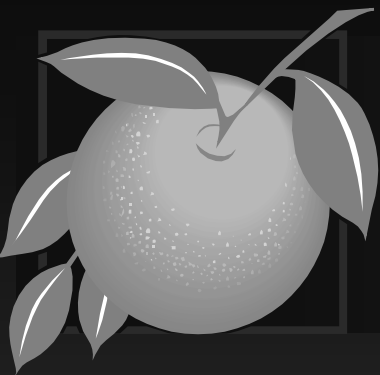
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**Amendment: 2012-2-B-FLUE-3**

**Request: Amendments to Future Land Use  
Element policies related to Horizon  
West Village H – policy updates for  
APF requirements and  
transportation agreements**

**District: 1**

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# **2012-2-B-FLUE-3**

## **Analysis**

### **Policy amendments address:**

- **Requirements for Village H roadway improvements and capacity credits**
- **Requirements for planning, design, and funding of master utilities**
- **Timing of agreements for conveying Adequate Public Facilities lands**
- **Transferring density within the Village**



# **2012-2-B-FLUE-3**

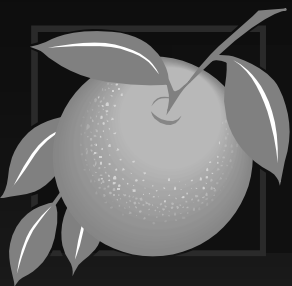
## **Analysis**

**Page 48, Policy FLU4.15.11**

**FLU4.15.11 Roads.** All development within Village H shall be subject to the provisions of the Concurrency Management System, Ord. 91-27, as amended, unless a separate agreement has been ~~is~~ entered into with the County to establish an alternative method for offsetting Village H road impacts, such as a proportionate fair share agreement or other form of mitigation agreement.

**Staff Recommendation:      Adopt**

**LPA Recommendation:      Adopt**



# **Board of County Commissioners**

***2012-2 Regular Cycle Staff Initiated Amendment***

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**Amendment: 2012-2-B-NE-1**

**Request: Amendments to Neighborhood  
Element adding Goal N6, Objective  
N6.1, and policies N6.1.1 – N6.1.6,  
which address neighborhood  
business corridors**

**District: Countywide**

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# **2012-2-B-NE-1**

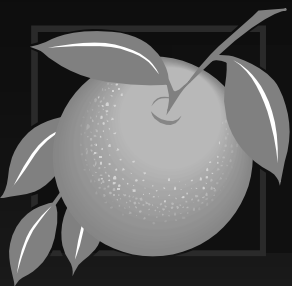
## **Analysis**

### **Strategies to improve neighborhood business corridors**

- **Designate target areas**
- **Work with area businesses**
- **Identify and implement business incentives**
- **Market County's grant programs**

**Staff Recommendation:     Adopt**

**LPA Recommendation:     Adopt**



# **Board of County Commissioners**

***2012-2 Regular Cycle Staff Initiated Amendment***

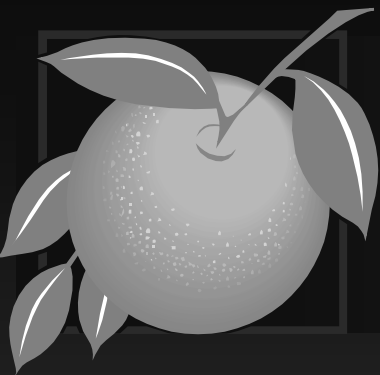
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**Amendment: 2012-2-B-CP-1**

**Request: Amendments to the Transportation  
Element updating Multi-Modal  
Transportation District (MMTD)  
policies**

**District: 4**

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# **2012-2-B-CP-1**

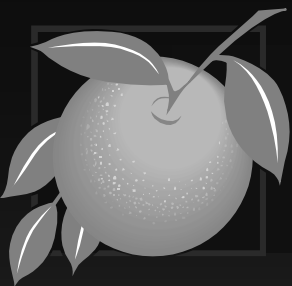
## **Analysis**

### **Policy amendments:**

- **Revise Transportation Element policies to correspond to updated Future Land Use Element (FLUE) policies**
- **Reflect discussions with Innovation Way property owner representatives as the County works to develop the Innovation Way Land Development Code**

**Staff Recommendation:     Adopt**

**LPA Recommendation:     Adopt**



# **Board of County Commissioners**

***2012-2 Regular Cycle Staff Initiated Amendment***

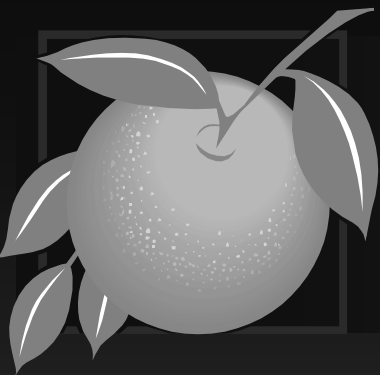
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**Amendment: 2012-2-B-CP-2**

**Request: Amendments to the Future Land Use and Transportation Elements to clarify transportation analysis requirements for Mixed Use Activity Centers**

**District: Countywide**

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# **2012-2-B-CP-2**

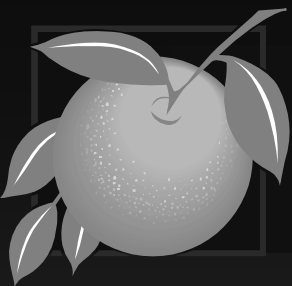
## **Analysis**

### **Policy amendments:**

- **Clarify the relationship between Mixed Use Development Activity Center (MXDAC) policies in the Future Land Use and Transportation elements**
- **Clarify requirements for transportation studies and analyses**

**Staff Recommendation:      Adopt**

**LPA Recommendation:      Adopt**



# **Board of County Commissioners**

***2012-2 Regular Cycle Staff Initiated Amendment***

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**Amendment: 2012-2-B-CP-3**

**Request: Amendments to the  
Intergovernmental Coordination  
Element to reflect current  
transportation-related County  
coordination activities**

**District: Countywide**

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# **2012-2-B-CP-3**

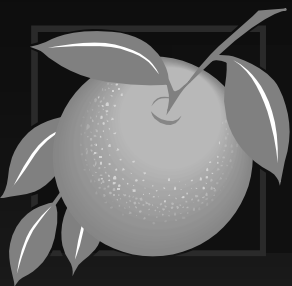
## **Analysis**

### **Policy amendments:**

- **Clarify that all municipalities within Orange County are included in transportation planning and coordination efforts**
- **Clarify coordination requirements for all types of rail systems, existing and planned**
- **Better reflect current levels of regional transportation planning and coordination**

**Staff Recommendation:     Adopt**

**LPA Recommendation:     Adopt**



# **Board of County Commissioners**

***2012-2 Regular Cycle Staff Initiated Amendment***

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**Amendment: 2012-2-B-TRAN-1**

**Request: Amendments to the Transportation  
Element for *Projects That Promote  
Public Transportation*, as well as  
*Alternative Mobility Areas (AMAs)***

**District: Countywide**

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**POSTPONED**





# **Board of County Commissioners**

***2012-2 Regular Cycle Staff Initiated Amendment***

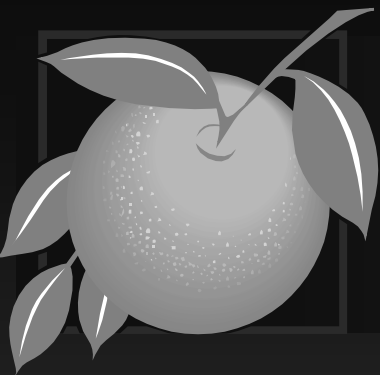
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**Amendment: 2012-2-B-TRAN-2**

**Request: Amendments to the Transportation Element updating the Long Range Transportation Plan (LRTP) map and policies**

**District: Countywide**

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# **2012-2-B-TRAN-2**

## **Analysis**

### **Amendments:**

- **Update the LRTP to reflect completed roads, name changes, and other updates**
- **Reflect current practices in LRTP implementation**
- **Clarify the County's Capital Improvements Program prioritization criteria**
- **Support integrated land use/transportation planning**

**Staff Recommendation:     Adopt**

**LPA Recommendation:     Adopt**



# Action Requested

## Ordinance

**Make of finding of consistency with the Comprehensive Plan, determine that the amendments are in compliance, and adopt an Ordinance – consistent with today's actions – approving the proposed Future Land Use Map Amendments and Text Amendments.**



***Board of County Commissioners***

***2012-2 Regular Cycle***

***Adoption Public Hearing***

***November 13, 2012***