Interoffice Memorandum



September 13, 2022

TO:

Mayor Jerry L. Demings

-AND-

County Commissioners (BCC)

FROM:

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

THROUGH:

Jon V. Weiss, P.E., Director

Planning, Environmental, and Development Services Department

SUBJECT:

2022-1 Regular Cycle Comprehensive Plan Amendment

2022-1-A-1-1 and Concurrent Rezoning Request# LUP-21-11-353 (Villages at Westwood

PD/LUP)

Board of County Commissioners (BCC) Adoption Public Hearings

2022-1 Regular Cycle Comprehensive Plan Amendment 2022-1-A-1-1 is scheduled for a BCC adoption public hearing on September 13, 2022. The amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing on August 18, 2022.

The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See: http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx.

The 2022-1 Regular Cycle State-Expedited Amendment scheduled for consideration on September 13 includes one privately-initiated Future Land Use Map Amendment located in District 1 with a concurrent rezoning request for a property greater than ten acres in size.

In summary, the action items addressed by this memo for September 13 are:

- Amendment 2022-1-A-1-1 (Villages at Westwood)
- Concurrent Rezoning Request LUP-21-11-353 (Villages at Westwood PD/LUP).

In conjunction with these two action items, the BCC will also consider adopting an Ordinance for Amendment 2022-1-A-1-1.

The 2022-1 Regular Cycle State-Expedited Review Amendment was heard by the PZC/LPA at a transmittal public hearing on January 20, 2022, and by the BCC at a transmittal public hearing on February 8, 2022. The amendment has been reviewed by the Florida Department of Economic Opportunity (DEO), as well as other state and regional agencies. On March 25, 2022, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. The amendment is expected to become effective in October 2022, provided no challenges are brought forth for it.

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

2022-1 Regular Cycle Amendment 2022-1-A-1-1 and Concurrent Rezoning Request# LUP-21-11-353 BCC Adoption Public Hearings September 13, 2022 Page 2

AAV/sw

Enc: 2022-1 Regular Cycle Amendment 2022-1-A-1-1 and Concurrent Rezoning Request# LUP-21-11-353 – BCC Adoption Staff Report

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



ORANGE COUNTY

PLANNING DIVISION

2022-1 REGULAR CYCLE AMENDMENT 2022-1-A-1-1 REZONING

REZONING LUP-21-11-353





BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 13, 2022 ADOPTION PUBLIC HEARING





PREPARED BY:

ORANGE COUNTY PLANNING, ENVIRONMENTAL AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION

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

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing staff report for the First Regular Cycle Amendment 2022-1-A-1-1 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearing for the amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on August 18, 2022. The amendment is scheduled for an adoption public hearing before the BCC on September 13, 2022.

The 2022-1 Regular Cycle Amendment scheduled for BCC consideration on September 13 was heard by the PZC/LPA at a transmittal public hearing on January 20, 2022, and by the BCC at a transmittal public hearing on February 8, 2022.

Please note the following modifications to this report:

KEY TO HIS	GHLIGHTED CHANGES
Highlight	When changes made
Light Blue	Following the DEO transmittal public hearing (by staff)

The 2022-1 Regular Cycle – State-Expedited Review Amendment scheduled for consideration on September 13 includes one privately-initiated Future Land Use Map Amendment located in District 1 with a concurrent rezoning request. 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 Regular Cycle State-Expedited Review Amendment has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On March 25, 2022, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. The amendment is expected to become effective in October 2022, provided no challenges are brought forth for it.

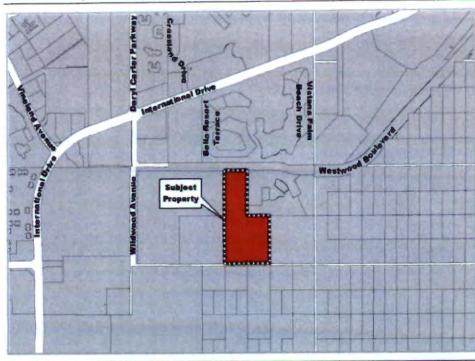
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-and-	
Rezoning LUP-21-11-353	R-CE (Country Estate District) to PD (Planned Development District) (Villages at Westwood PD/LUP). Also requested are three (3) waivers from Orange County Code:
	 A waiver from Section 38-1300 to allow a maximum building height of sixty (60) feet in height for buildings located no closer than seventy-five (75) feet from the single-family residential zoned property to the east and west in lieu of a maximum building height of thirty-five (35) feet in height within one hundred (100) feet of single- family residential;
	 A waiver from Section 38-1476(a) to allow 1.65 spaces per unit in lieu of the required 2 spaces per unit for each dwelling unit that are two (2) and three (3) bedrooms for apartments of three (3) dwelling units or more; and
	A waiver from Section 38-1476(a) to allow 1.4 spaces per unit in lieu of the required 1.5 spaces for each dwelling unit that are efficiencies and one-bedrooms for

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Applicant/Owner:

M. Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A. / Rita J. Friedman

Location: Generally located south of International Drive S and the planned Westwood Boulevard extension, east of Wildwood Avenue, and west of Vistana Palm Beach Drive.

Existing Use: Undeveloped

land

Parcel ID Number: 23-24-28-5844-00-680

Tract Size: 14.43 gross / 12.86 net developable acres

Report/Public Hearing		ublic Hearing Outcome	
1	Community meeting held December 2, 2021, with four attendees.	Positive	
1	Staff Report	Recommend Transmittal	
1	LPA Transmittal January 20, 2022	Recommend Transmittal (8-0)	
1	BCC Transmittal February 8, 2022	Transmit (7-0)	
1	State Agency Comments March 25, 2022	The DEO comment letter contained no objections to the requested amendment	
1	LPA Adoption August 18, 2022	Recommend Adoption and Approval, subject to 19 conditions (6-0)	
	BCC Adoption	September 13, 2022	

Project Information

Request: Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR)

Proposed Development Program: Multi-family residential community featuring up to 350 dwelling units

Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility.

Environmental: Conservation Area Determination CAD 91-026 delineated 1.57 acres of onsite Class III wetlands. Conservation Area Impact Permit CAI-22-02-008, authorizing impacts to the 1.57 acres of Class III wetlands and compensating for 0.28 acre of offsite secondary wetland impacts, was issued July 5, 2022.

Transportation: Safe and adequate access shall be required from the intersection of International Drive and Wildwood Avenue, south to Westwood Boulevard, and then east along Westwood Boulevard to the entrance to the subject property.

Schools: Per School Capacity Determination OC-21-044, dated November 15, 2021, capacity is not available at Freedom Middle School. The mitigation of 18.750 seats will be required.

Concurrent Rezoning: Case LUP-21-11-353

A proposed rezoning from R-CE (Country Estate District) to PO (Planned Development District) (Villages at Westwood PD/LUP) will be considered in conjunction with the requested Future Land Use Map Amendment during the adoption public hearings.

BCC Adoption Staff Report Amendment 2022-1-A-1-1 Rezoning Case LUP-21-11-353

AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use: Activity Center Mixed Use (ACMU)

Special Area Information

Activity Center: International Drive Activity Center

Overlay District: Tourist Commercial Signage District

Rural Settlement: N/A

JPA: N/A

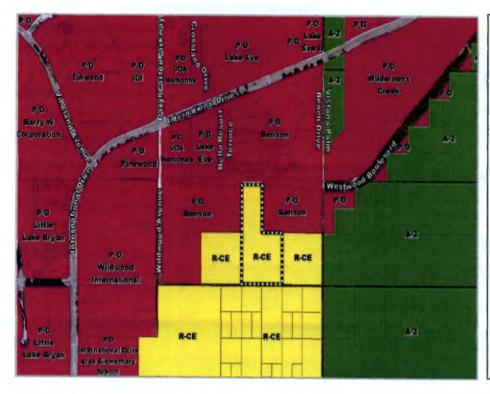
Airport Noise Zone: N/A

FUTURE LAND USE - AS PROPOSED



Proposed Future Land Use: Activity Center Residential (ACR)

ZONING - CURRENT



Current Zoning District:

R-CE (Country Estate District)

Existing Uses:

North: Sheraton Vistana Villages Orlando

South: Undeveloped land

(Shingle Creek

Management Area and Duke Energy property)

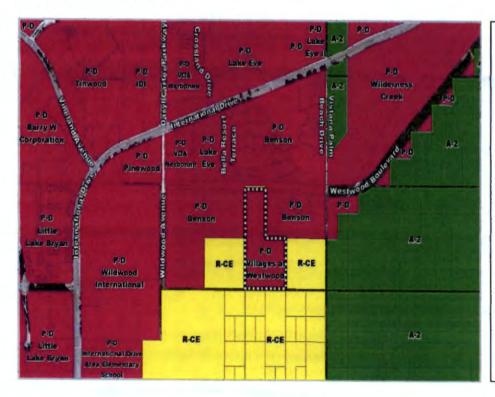
East: Sheraton Vistana Villages Orlando and undeveloped land (Duke

West: Future Davis Vistana Apartments site (approved 400-unit multi-

family community) and undeveloped land

Energy property)

ZONING - PROPOSED



Proposed Zoning District:

PD (Planned Development District) (Villages at Westwood PD/LUP)

Staff Recommendations

If the requested Comprehensive Plan amendment is adopted, the Board will then need to take action on the proposed rezoning. These items need to be addressed as two separate motions by the Board. Below are the staff recommendations for each of these items.

- COMPREHENSIVE PLAN AMENDMENT: Make a finding of consistency with the Comprehensive Plan
 (see International Drive Activity Center Element Goal ID3 and Policies ID4.1.1; Housing Element Goal
 H1 and Objective H1.1; and Future Land Use Element Objectives FLU2.2 and FLU8.2 and Policies
 FLU1.1.2.A, FLU1.1.4.D, and FLU8.2.1), determine that the amendment is in compliance, and
 recommend ADOPTION of Amendment 2022-1-A-1-1, Activity Center Mixed Use (ACMU) to Activity
 Center Residential (ACR).
- REZONING (August 18, 2022, PZC Recommendation): Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of Rezoning Case LUP-21-11-353, Villages at Westwood Planned Development/Land Use Plan (PD/LUP) dated "Received July 23, 2022", subject to the following nineteen (19) conditions:
 - 1. Development shall conform to the Villages at Westwood Land Use Plan (LUP) dated "Received July 23, 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 July 23, 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.
 - 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. Prior to DP approval or the recording of the first plat associated with this Planned Development, whichever occurs first, the applicant shall submit a traffic study which analyzes the associated infrastructure including, but not limited to, connecting roadways such as Westwood Boulevard, public utilities, intersection improvements, right, left, and thru lanes, and traffic signal upgrade (if so warranted) at the intersection of Daryl Carter Parkway and International Drive.
- 7. 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.
- 8. 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.
- 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).

- 10. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- 11. This site is located in close proximity to the Shingle Creek Management Area managed by the South Florida Water Management District. The applicant/owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the adjacent land use includes publicly managed property. The notice shall indicate that the adjacent property will require the use of resource management practices that may result in periodic temporary conditions that may limit outdoor activities. These practices will include, but not be limited to, ecological burning, pesticide and herbicide usage, exotic plant and animal removal, usage of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.
- 12. Unless the property is otherwise vested or exempt, 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 approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use 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.
- 13. 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.
- 14. The proposed development is adjacent to the existing and permitted Orange County Western Effluent Disposal site (WEDS). The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent WEDS when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, provide calculations and documentation certifying that the design complies with this condition.
- 15. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities, subject to County rate resolutions and ordinances.
- 16. 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.
- Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5
 Tourist Commercial.
- Short-term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
- 19. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1300 to allow a maximum building height of sixty (60) feet in height for buildings located no closer than seventy-five (75) feet from the single-family residential

zoned property to the east and west in lieu of a maximum building height of thirty-five (35) feet in height within one hundred (100) feet of single-family residential.

- b. A waiver from Section 38-1476(a) to allow 1.65 spaces per unit in lieu of the required 2 spaces per unit for each dwelling unit that are two (2) and three (3) bedrooms for apartments of three (3) dwelling units or more.
- c. A waiver from Section 38-1476(a) to allow 1.4 spaces per unit in lieu of the required 1.5 spaces for each dwelling unit that are efficiencies and one-bedrooms for apartments of three (3) dwelling units or more.

Analysis

1. Background and Development Program

The applicant, Rebecca Wilson, is seeking to change the Future Land Use Map (FLUM) designation of the 14.43-acre subject parcel, presently undeveloped, from Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR). The property—consisting of 12.86 upland acres and 1.57 acres of Class III wetlands—is located in the International Drive Activity Center, to which its present ACMU and requested ACR future land use designations correspond. The site's current ACMU designation is intended to provide for a combination of tourist-related development and supporting residential activity. However, as established in Future Land Use Element Policy FLU1.1.4.D of the Orange County Comprehensive Plan, no more than 30 percent of an ACMU-classified site may be developed for residential purposes. As the prospective developer, Hanover Land Company, LLC, desires to utilize the entire 14.43-acre property for the construction of a multi-family community featuring up to 350 dwelling units, the applicant is thus proposing this change in land use to ACR.

As depicted on the aerial map, the subject property is located just south of a stretch of the International Drive tourist commercial corridor characterized by resort development (including the Sheraton Vistana Villages Orlando resort bordering the site to the north and east), vacation condominium communities, and supporting commercial activity. Interspersed with these tourist-oriented uses are multi-family residential complexes, including the future 400-unit Davis Vistana Apartments development directly west of the subject property, approved by the Orange County Development Review Committee on October 6, 2021 (DP-21-02-048). If ultimately approved, the proposed 350-unit multi-family community, presently known as Villages at Westwood, will provide an additional housing opportunity for residents of Orange County, particularly those employed by the numerous theme parks (including nearby Sea World, Discovery Cove, and Walt Disney World), resorts, hotels, tourist attractions, shopping areas, and restaurants in the surrounding area.

Currently, the subject property is bounded to the north by the unimproved Westwood Boulevard/Wildwood Avenue right-of-way, with a width of 100 feet, which the prospective developer and the developer of the neighboring Davis Vistana Apartments complex must improve to County standards, in accordance with their respective development approvals. In their analysis of this proposed amendment, the Orange County Transportation Planning Division emphasizes that safe and adequate access will be required from the intersection of International Drive and Wildwood Avenue, south to Westwood Boulevard, and then east along Westwood Boulevard to the entrance of the subject property. This will require, at a minimum, a two-lane road built to County specifications. If the developer chooses to build a four-lane road to County standards, the developer will need to go before the Roadway Agreement Committee (RAC) with a construction agreement. Transportation Planning adds that if the four-lane option is chosen, additional right-of-way will be needed along Wildwood Avenue.

As discussed above, 1.57 acres of Class III wetlands are present on the subject property, as delineated via Orange County Conservation Area Determination CAD 91-26, issued March 11, 1992, with no expiration date. The prospective developer requested approval to alter these wetlands via the submittal of a Conservation Area Impact (CAI) Permit application to the Orange County Environmental Protection Division (EPD). On July 5, 2022, EPD issued CAI Permit CAI-22-02-008, authorizing impacts to the 1.57 acres of onsite Class III wetlands to allow for the construction of the proposed multi-family residential buildings, associated infrastructure, and a stormwater pond. The permit also compensates for 0.28 acre of offsite secondary wetland impacts. As established in the permit, mitigation will include the purchase of 0.95 credit from the Hatchineha Ranch Mitigation Bank. CAI-22-02-008 expires July 5, 2027.

In addition, EPD has informed staff that the subject site is located in close proximity to the Shingle Creek Management Area, managed by the South Florida Water Management District, including abutting property to the south. The applicant/owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the adjacent land use includes publicly-managed property. The notice shall indicate that the adjacent property will require the use of resource management practices that may result in periodic temporary conditions that may limit outdoor activities. These practices will include, but are not limited to, ecological burning, pesticide and herbicide usage, exotic plant and animal removal, usage of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.

Finally, Future Land Use Element Policy FLU1.1.4.D mandates that a Planned Development (PD) zoning classification shall be required for all new development on ACR-designated land. Accordingly, the applicant is petitioning to rezone the subject property from R-CE (Country Estate District) to PD (Planned Development District) to create the Villages at Westwood PD and establish design and development standards for the project. This rezoning application, Case LUP-21-11-353, has undergone review by the Orange County Technical Review Group (TRG) and Development Review Committee (DRC). On June 22, 2022, the DRC recommended approval of Case LUP-21-11-353, subject to nineteen (19) conditions, including three (3) requested waivers from Orange County Code. The proposed rezoning will be considered in conjunction with the requested FLUM Amendment during the adoption public hearings before the Planning and Zoning Commission/Local Planning Agency (PZC/LPA) and Board of County Commissioners (BCC).

DEO Comment Letter

In its March 25, 2022, comment letter, the Florida Department of Economic Opportunity (DEO) informed the County that it had reviewed the proposed Future Land Use Map Amendment and identified no comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review. In addition to this statement, DEO provided a technical assistance comment consistent with Section 163.3168(3), F.S. DEO emphasized that the technical assistance comment will not form the basis of a challenge. Rather, it is offered either as a suggestion that can strengthen the County's Comprehensive Plan to foster a vibrant, healthy community or is technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. The technical assistance comment reads as follows:

 The Department strongly encourages Orange County to coordinate with the South Florida Water Management District, St. Johns River Water Management District, and Southwest Florida Water Management District on all matters pertaining to regional water supply, water

BCC Adoption Staff Report Amendment 2022-1-A-1-1 Rezoning Case LUP-21-11-353

conservation, water supply planning, and water use permitting.

Community Meeting

A community meeting for this proposed FLUM Amendment and associated PD/LUP rezoning petition was held on December 2, 2021, at Sand Lake Elementary School. Four members of the public attended the meeting. Staff provided an overview of the requested amendment and rezoning, noting the scheduled dates of the transmittal and adoption public hearings. McGregor Love of Lowndes, Drosdick, Doster, Kantor and Reid, representing the applicant team, provided details about the proposed multi-family project, noting that it is expected to feature a mix of one-, two-, and three-bedroom apartments and townhome-style units. The height of each building would be limited to four stories.

Mr. Love informed the area residents in attendance that under the current ACMU future land use designation, approximately 1.8 million square feet of tourist commercial development could occur on the subject site. With respect to concerns about traffic and congestion on area roads, utilization of the property for a multi-family community with a maximum unit count of 350 would result in an approximately 90 percent reduction in vehicle trips. In response to a meeting participant, he stated that the current access management plan calls for the improvement of the Westwood Boulevard right-of-way from Wildwood Avenue east to the subject property, with the road to be constructed to County standards. Mr. Love added that further improvements to the unpaved right-of-way may be made in the future, eventually connecting to the existing Westwood Boulevard, but emphasized that such improvements are not associated with this request. The attendees voiced no objections to the proposed multi-family development, and the tone of the meeting was **POSITIVE**.

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 discussed above, the subject property is located within the International Drive Activity Center, an area characterized by intense tourist-oriented development. The site lies just south of a stretch of International Drive characterized by resort development, vacation condominium communities, and supporting commercial uses, with existing and planned multi-family complexes integrated into this non-residential activity. As stated in Future Land Use Element Policy FLU1.1.4.D, the requested ACR future land use designation is intended to provide for residential development in proximity to employment areas to minimize travel distances between uses. Staff finds this proposed amendment consistent with International Drive Activity Center Element Goal ID3, which establishes that it is Orange County's goal to facilitate the development of residential communities in proximity to employment areas of the activity center in order to minimize workers' travel distances and times.

In accordance with Future Land Use Element Policy FLU1.1.2.A, the applicant has specified the maximum desired development program for the residential project, proposing up to 350 multi-family dwelling units under the "urban-scale" ACR future land use designation, which allows residential development at a minimum density of twelve (12) dwelling units per net acre and a maximum density of thirty (30) units per net acre. Staff finds the proposed amendment consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. The applicant's intent to develop a multi-family residential community is consistent with Housing Element GOAL H1 and Objective H1.1, which state that the County will

promote and assist in the provision of an ample housing supply, with a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. It is staff's belief that the project, if approved, would provide an additional housing option for employees of the numerous tourist-oriented businesses in the larger surrounding area.

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 planning 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. Staff notes that if approved, the project will use infrastructure that is either already in place or planned for construction. Per Orange County Utilities (OCU), the property lies within its potable water, wastewater, and reclaimed water service areas. OCU has informed staff that it presently has sufficient plant capacity to serve the proposed development. In addition, the multi-family community would use the existing and planned transportation network, which serves pedestrians, transit riders, and automobile drivers. A LYNX bus stop is located on International Drive to the north of the property, at the entrance to the Sheraton Vistana Villages Orlando resort, and sidewalks are in place along both sides of International Drive and along one side of the improved segment of Wildwood Avenue to help ensure pedestrian safety. As noted previously, access to the subject property will be achieved via the improvement of the Westwood Boulevard right-of-way, in accordance with County standards, from Wildwood Avenue east to the site entrance. Lastly, staff finds this request consistent with International Drive Activity Center Element Policy ID4.1.1, which mandates that approval of development within the International Drive Activity Center shall be conditioned upon the availability of adequate services and facilities, as measured by the adopted level of service standards of the Comprehensive Plan.

Compatibility

The proposed FLUM amendment appears to be compatible with the development trend of the surrounding area. Future Land Use Element Objective FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while Policy FLU8.2.1 requires land use changes to be compatible with the existing development pattern and development trends in the area. As discussed above, the subject property is located in the International Drive Activity Center, an area characterized by intense tourism-related development, including theme parks, resorts, hotels, tourist attractions, shopping areas, and restaurants. The property's proximity to this activity makes it well-suited for the development of housing for employees of these tourist-oriented establishments.

It is staff's belief that the proposed multi-family project would contribute to the County's larger goals of promoting infill and compact urban form within the Urban Service Area, providing for a range of living options, efficiently using existing and planned infrastructure, and reducing trip lengths. Staff, therefore, recommends transmittal of this requested amendment.

Division Comments: Environmental, Public Facilities, and Services

Environmental. The Environmental Protection Division (EPD) has reviewed the proposed amendment and provided the following comments:

Conservation Area Determination - The project site was included in a completed Orange County Conservation Area Determination, CAD 91-026, with a certified wetland boundary survey approved

Orange County Planning Division Jennifer DuBois, Project Planner Adriana Trujillo-Villa, Project Planner

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by EPD on March 11, 1992. This historic CAD has no expiration. The project site contains 1.57 acres of Class III wetlands.

Conservation Area Impacts - Any proposed 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 of the Orange County Code.

Staff Note: On July 5, 2022, EPD issued CAI Permit CAI-22-02-008, authorizing impacts to the 1.57 acres of onsite Class III wetlands to allow for the construction of the proposed multi-family residential buildings, associated infrastructure, and a stormwater pond. The permit also compensates for 0.28 acre of offsite secondary wetland impacts. As established in the permit, mitigation will include the purchase of 0.95 credit from the Hatchineha Ranch Mitigation Bank. CAI-22-02-008 expires July 5, 2027.

Acreage Approximation - All acreages that assume wetland and/or wetland buffer encroachment are considered approximations until finalized by a CAI Permit. Every application for development activity affecting wetlands is subject to Orange County Code Chapter 15, Environmental Control, and shall be reviewed to determine the functional significance, scarcity, replaceability, vulnerability, and productivity of the habitat on the lands to be considered in both their pre- and post-development condition. The applicants are advised not to make financial decisions based upon a presumption of approved conservation encroachment by development within the wetland or the upland protective buffer areas. Any plan showing development in a wetland or protective upland buffer area without Orange County and other jurisdictional government agency wetland permits is speculative and may not be approved.

Natural Features – Per Orange County Code Chapter 38, Zoning, Article VIII, PD Planned Development District, Division 2, General Site Development Standards, Section 38-1228, the natural topography, soils, and vegetation should be preserved and utilized, where possible, through the careful location and design of all elements (circulation ways, buildings, open space, drainage facilities, etc.). Designation and use of conservation areas must be consistent with adopted growth management policy.

Clearing Limitation - No construction, clearing, filling, alteration, or grading is allowed within or immediately adjacent to a conservation area (wetland or wetland buffer) without first obtaining a wetland impact permit approved by the County and obtaining other applicable jurisdictional agency permits.

Erosion Control - Use caution to prevent off-site erosion during construction along the boundary of the property into adjacent wetlands, buffers, surface waters, and open drainage facilities. Construction will require Best Management Practices (BMPs) for erosion control. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection (FDEP) National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI). A copy of the NPDES NOI, the issued NPDES permit, and the Stormwater Pollution Prevention Plan (SWPPP) shall be kept onsite and available for inspection at any time.

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

Tree Protection - Any trees not within protected wetlands or wetland buffers shall be protected in compliance with Orange County Code Chapter 15, Environmental Control, Article VIII, Tree Protection and Removal, as administered by the Zoning Division.

Proximity to Managed Public Lands - This site is located in close proximity to the Shingle Creek Management Area, managed by the South Florida Water Management District. The applicant/owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the adjacent land use includes publicly-managed property. The notice shall indicate that the adjacent property will require the use of resource management practices that may result in periodic temporary conditions that may limit outdoor activities. These practices will include, but are not limited to, ecological burning, pesticide and herbicide usage, exotic plant and animal removal, usage of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.

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

Transportation. The Transportation Planning Division has reviewed the requested amendment and has provided the following analysis:

The applicant is requesting to change the future land use designation of ~14.45 acres from ACMU to ACR and to rezone the property from R-CE to PD to develop up to 350 multi-family dwelling units. Analysis of the projected trips based on the existing and proposed land use scenarios indicates that the proposed development will result in a decrease in the number of pm peak trips and, therefore, will not impact the area roadways. However, based on the Concurrency Management System Database, several roadways within the project's impact area do not operate at acceptable levels of service, and capacity is not available to be encumbered.

Land Use Scenario	PM Peak Hour Trips	% New Trips	New PM Peak Hour Trips
Existing Use: Up to 1,888,326 square feet of tourist commercial development	7,195	83%	5,972
Proposed Use: Up to 350 multi- family dwelling units	154	100%	154

Future Roadway Network

Road Agreements: None

Planned and Programmed Roadway Improvements: None. A Development Plan—DP-21-02-048, Benson PD/Davis Vistana Apartments DP—was approved for a property (Parcel 23-24-28-5844-00-691) that is contiguous to and west of the subject property.

Note: Safe and adequate access will be required from the intersection of International Drive and Wildwood Avenue, south to Westwood Boulevard, and then east along Westwood Boulevard to the entrance of the subject property. This will require a two-lane road built to County standards. If the developer chooses to build a four-lane road to County standards, the developer will need to go to the Roadway Agreement Committee with a construction agreement. If the four-lane option is chosen, additional right-of-way will be needed along Wildwood Avenue.

Right-of-Way Requirements: Please note there is an International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian, and utility easement.

Summary

- The subject property is not located within the County's Alternative Mobility Area (AMA).
- The subject property is not located along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved ACMU future land use designation will generate 5,972 pm peak hour trips.
- Development of the proposed use under the requested ACR future land use classification will generate 154 pm peak hour trips, resulting in a net decrease of 5,818 pm peak hour trips.
- The subject property is located south of International Drive S, east of Wildwood Avenue, and
 west of Vistana Palm Beach Drive. Based on the Concurrency Management System (CMS)
 database dated December 2, 2021, two roadways currently operate at Level of Service F, and
 capacity is not available to be encumbered. All other roadway segments within the project's
 impact area operate at acceptable levels of service. This information is dated and is subject
 to change.
- An analysis of existing conditions reveals that all roadway segments within the study area are currently not operating at adequate LOS.
- Analysis of projected conditions 2025 (2026) base conditions indicates that the segment on Vineland Avenue from Winter Garden-Vineland Road to Little Lake Bryan Parkway is projected to be deficient due to background traffic growth. The proposed FLUM Amendment is not considered significant on the deficient roadway segment.
- This development will undergo further evaluation and will be required to mitigate capacity deficiencies on the transportation network in accordance with the requirements of the Orange County Concurrency Management System.

Final permitting of any development on this site will be subject to review and approval under 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.

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Utilities. The subject site 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 International Drive right-of-way. With respect to wastewater, a 30-inch forcemain is in place within the International Drive right-of-way. Reclaimed water is also available from OCU, with 24-inch and 12-inch reclaimed water mains within the International Drive right-of-way.

Schools. Per School Capacity Determination OC-21-044, issued November 16, 2021, capacity is currently available at the elementary school (Sunshine Elementary) and high school (Lake Buena Vista High) that would currently serve the proposed multi-family project. However, capacity is presently not available at the middle school that would serve the development, Freedom Middle. As stated in the School Capacity Determination, the mitigation of 18.750 seats will be required. Staff notes, though, that this determination expired May 14, 2022.

3. Rezoning Request Analysis

SITE DATA

Existing Use Undeveloped land

Adjacent Zoning N: PD (Planned Development District – Benson PD) (1997)

E: PD, R-CE (Planned Development District, Country Estate District)

(1997, 1968)

W: R-CE, PD (Country Estate District, Planned Development District)

(1968, 1997)

S: R-CE (Country Estate District) (1968)

Adjacent Land Uses N: Sheraton Vistana Villages Orlando

E: Sheraton Vistana Villages Orlando and undeveloped land (Duke

Energy property)

W: Future Davis Vistana Apartments site (approved 400-unit multi-

family community) and undeveloped land

S: Undeveloped land (Shingle Creek Management Area and Duke

Energy property)

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback: 25 feet

Maximum Building Height: 60 feet

Minimum Living Area: 350 square feet (under HVAC)

Minimum Building Setbacks

September 13, 2022

Front Setback: 40 feet
Rear Setback: 15 feet
Side Setback: 15 feet

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SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone 14.43 acres from R-CE (Country Estate District) to PD (Planned Development District) in order to construct 348 multi-family residential dwelling units. This proposed project has a concurrent Future Land Use Map Amendment petition, Amendment 2022-1-A-1-1, from Activity Center Mixed Use (AMCU) to Activity Center Residential (ACR). In addition, three waivers from Orange County Code are requested to increase building height, to reduce parking ratio to allow 1.65 spaces for each dwelling unit that are two (2) And three (3) bedrooms, and to allow 1.5 spaces for each dwelling unit that are efficiencies and one (1) bedrooms.

Future Land Use Map (FLUM) Amendment

The subject property has an underlying Future Land Use Map (FLUM) designation of ACMU, a category intended to provide for a combination of tourist-related development and supporting residential activity. As stated above, this proposed project has a concurrent Future Land Use Map Amendment application, Amendment 2022-1-A-1-1, a requested change from ACMU to ACR. The proposed FLUM amendment appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. The requested PD zoning classification and residential development program are consistent with the desired ACR FLUM designation.

Activity Center

The subject property is located in the International Drive Activity Center.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is located within the Tourist Commercial Signage Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

On July 5, 2022, the Orange County Environmental Protection Division issued Conservation Area Impact Permit CAI-22-02-008. This permit authorizes impacts to the 14.43-acre subject property's 1.57 acres of Class III wetlands to allow for the construction of the proposed multi-family residential buildings, associated infrastructure, and a stormwater pond. The permit also compensates for 0.28 acre of offsite secondary wetland impacts. As established in the permit, mitigation will include the purchase of 0.95 credit from the Hatchineha Ranch Mitigation Bank. CAI-22-02-008 expires July 5, 2027.

Transportation Planning

A parking waiver was requested, and a parking study was submitted and reviewed. Staff has agreed to support the waiver request for no fewer than 1.65 spaces, in lieu of 2.0 spaces, for two (2) and three (3) bedroom units and no fewer than 1.4 spaces, in lieu of 1.5 spaces, for efficiency and one (1) bedroom units.

Orange County Planning Division Jennifer DuBois, Project Planner Adriana Trujillo-Villa, Project Planner

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Water/Wastewater/Reclaimed Water

Existing service or provider

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaimed Water: Orange County Utilities

Schools

Per School Capacity Determination OC-21-044, issued November 16, 2021, capacity is currently available at the elementary school (Sunshine Elementary) and high school (Lake Buena Vista High) that would currently serve the proposed multi-family project. However, capacity is presently not available at the middle school that would serve the development, Freedom Middle. As stated in the School Capacity Determination, the mitigation of 18.750 seats will be required. This determination expires May 14, 2022.

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

International Drive Element

GOAL ID3 – Residential development in proximity to employment areas of the International Drive Activity Center shall be facilitated in order to minimize travel distance and time between the uses.

ID4.1.1 – Approval of development within the Activity Center shall be conditioned upon the availability of adequate services and facilities as measured by the adopted level of service standards of the Comprehensive Plan.

Housing Element

GOAL H1 – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

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

Future Land Use Element

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

OBJ FLU8.2 – COMPATIBILITY. Compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU1.1.2.A – The Future Land Use Map shall reflect the most appropriate densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West

Village and Innovation Way Overlay, 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.

FLU1.1.4

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

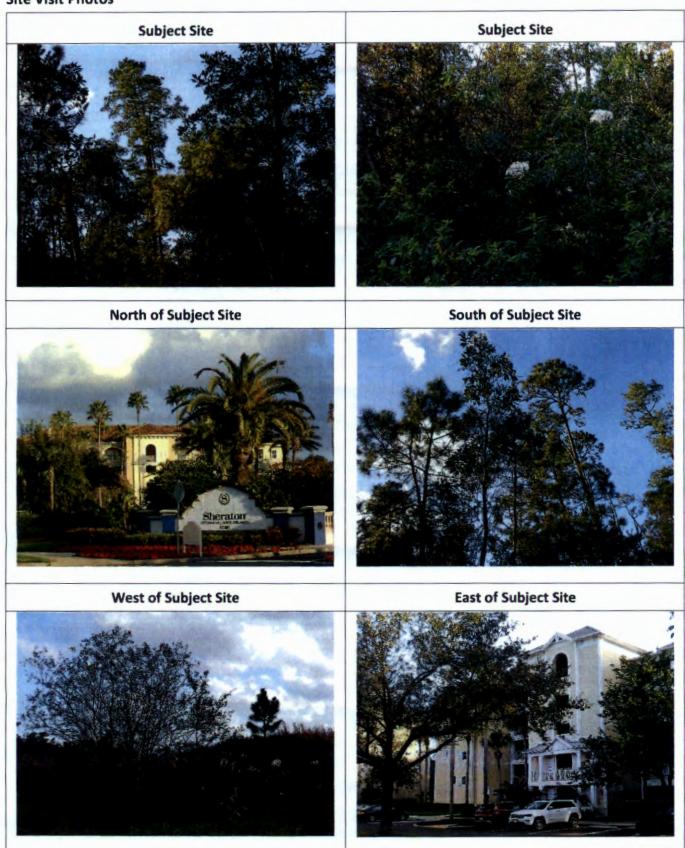
FLUM Designation	General Description	Density/Intensity		
I – Drive – Refer to International Drive Activity Center Element				
Activity Center Residential (ACR)	As described in the I-Drive element, ACR facilitates residential development in proximity to employment areas to minimize travel distances between uses. Intended to promote workforce housing for tourist-oriented employment. Establishes 50,000 square feet of non-residential neighborhood support per development. A PD is required.	Minimum 12 DU/AC, up to 30 DU/AC Non-residential 10,000 SF per 125 units with a maximum of 50,000 square feet total of non-residential per development*		
Activity Center Mixed Use (ACMU)	As described in the I-Drive element, ACMU is a mixture of tourist-related development and supportive residential activity. No more than 30% of a site designated ACMU shall be for residential purposes. A PD is required.	Non-residential FAR 3.0* Hotel/motel lodging 60 rooms/acre (see note) Minimum 12 DU/AC up to 30 DU/AC with a maximum of 30% of the site in residential use (see note)		

^{*} The maximum FAR or square footage does not include floor area within a parking structure associated with the parking requirements for the principal use.

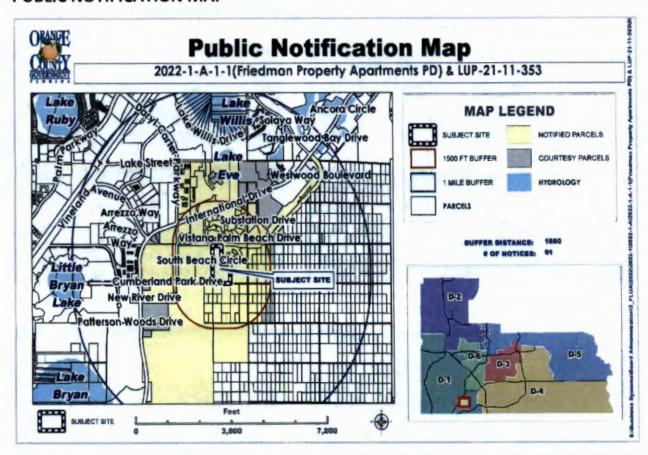
Note: More than 60 hotel/motel rooms per acre or more than 30 DU/AC may be permitted if it can be demonstrated: an increase in traffic impact on the adjoining road network does not occur; and, the developable land area required for the residential portion of the development does not exceed a maximum of 30 percent of the total developable land area of the subject property.

FLU8.2.1 – Land use changes shall be required to be compatible with the existing development and development trends 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.

Site Visit Photos



PUBLIC NOTIFICATION MAP

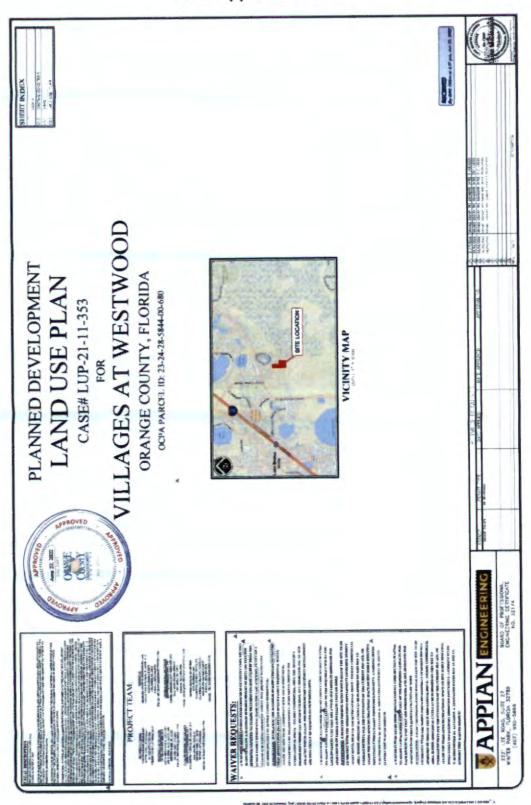


Notification Area

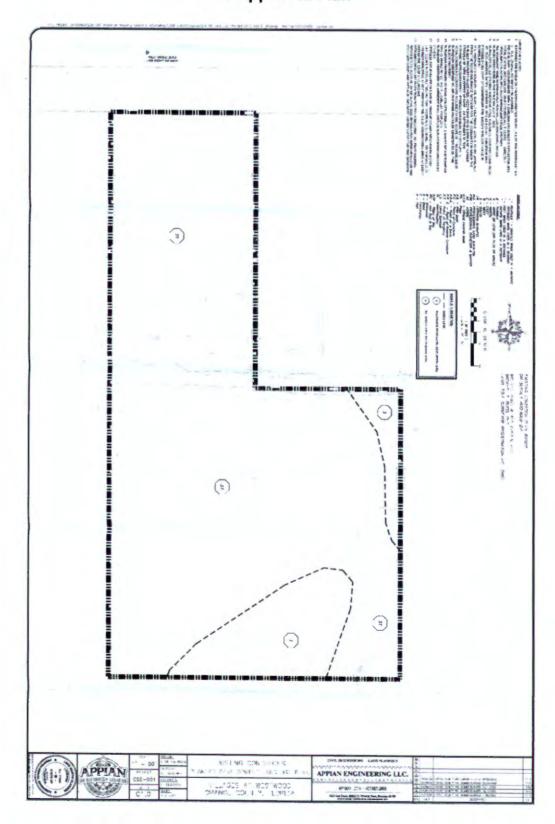
1,500 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site

61 notices sent

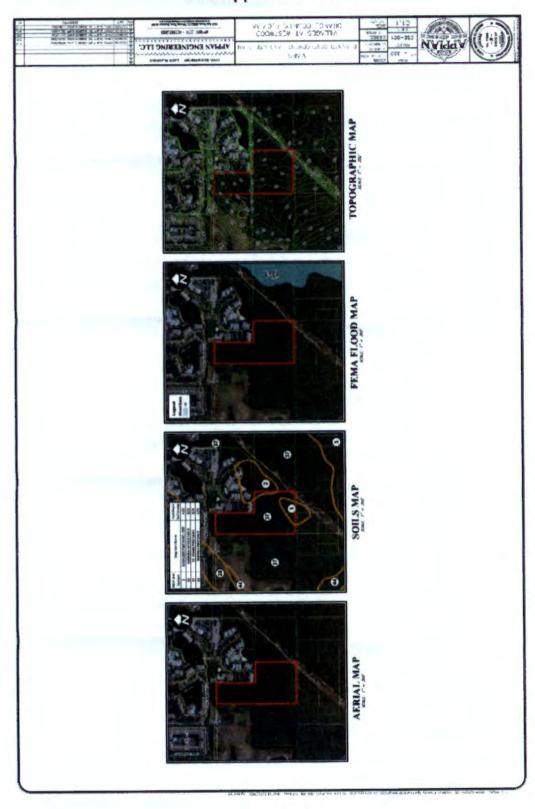
Villages at Westwood PD Land Use Plan DRC-Approved Plan



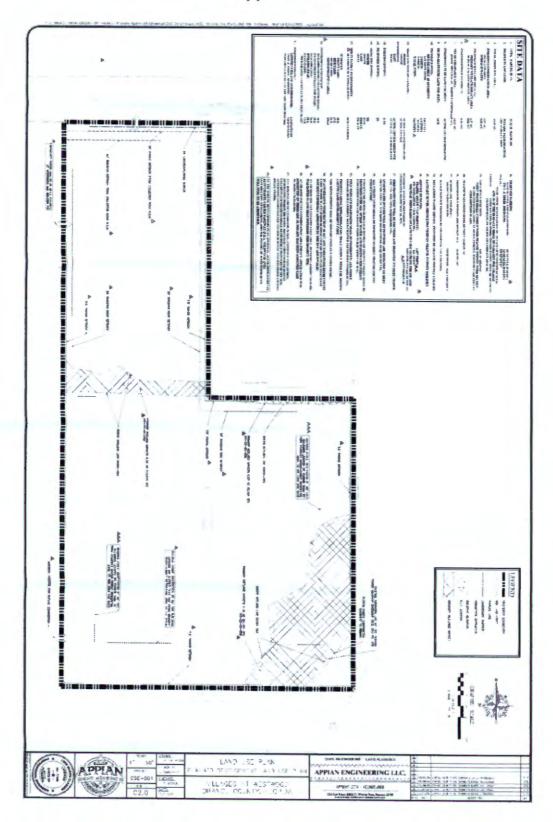
Villages at Westwood PD Land Use Plan DRC-Approved Plan



Villages at Westwood PD Land Use Plan DRC-Approved Plan



Villages at Westwood PD Land Use Plan DRC-Approved Plan



1	DD 4 ET
2	DRAFT
3	08-31-22
4	ORDINANCE NO. 2022
5	AN CORPUS NOT BERTHING TO COMPREHENCIVE
6	AN ORDINANCE PERTAINING TO COMPREHENSIVE
7	PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN,
8	
9	COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING
10	AN AMENDMENT PURSUANT TO SECTION 163.3184(3),
11	FLORIDA STATUTES, FOR THE 2022 CALENDAR YEAR
12	(FIRST CYCLE); AND PROVIDING AN EFFECTIVE DATE.
13	(FIRST CICLE); AND PROVIDING AN EFFECTIVE DATE.
14 15	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
16	ORANGE COUNTY:
17	Section 1. Legislative Findings, Purpose, and Intent.
18	a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for
19	a local government in the State of Florida to adopt a comprehensive plan and amendments to a
20	comprehensive plan;
21	b. Orange County has complied with the applicable procedures and requirements of
22	Part II of Chapter 163, Florida Statutes, for amending Orange County's 2010-2030 Comprehensive
23	Plan;
24	c. On September 13, 2022, the Board of County Commissioners held a public hearing
25	on the adoption of the proposed amendment to the Comprehensive Plan, as described in this
26	ordinance, and decided to adopt it.
27	Section 2. Authority. This ordinance is adopted in compliance with and pursuant to
28	Part II of Chapter 163, Florida Statutes.
29	Section 3. Amendment to Future Land Use Map. The Comprehensive Plan is hereby
30	amended by amending the Future Land Use Map designation as described at Appendix "A,"

31	attached hereto and incorporated herein.
32	* * *
33 34	Section 4. Effective Dates for Ordinance and Amendment.
34	Section 4. Effective Dates for Ordinance and Amendment.
35	(a) This ordinance shall become effective as provided by general law.
36	(b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment
37	adopted under this ordinance becomes effective until 31 days after the DEO notifies the County
38	that the plan amendment package is complete. However, if an amendment is timely challenged,
39	the amendment shall not become effective until the DEO or the Administration Commission issues
40	a final order determining the challenged amendment to be in compliance.
41	(c) No development orders, development permits, or land uses dependent on this
42	amendment may be issued or commence before the amendment has become effective.
43	
44	
45	ADOPTED THIS 13th DAY OF SEPTEMBER, 2022.
46	
47	ORANGE COUNTY, FLORIDA
48	By: Board of County Commissioners
49	
50	
51	
52	Ву:
53	Jerry L. Demings
54	Orange County Mayor
55	ATTECOT DI II DI
56	ATTEST: Phil Diamond, CPA, County Comptroller
57 58	As Clerk to the Board of County Commissioners
59	
60	
61	By:
62	Denuty Clerk

APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

	Appendix A* Privately-Initiated Future Land Use Map An	nendment
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO
2022-1-A-1-1	Activity Center Mixed Use (ACMU)	Activity Center Residential (ACR)



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT

Permit No: CAI-22-02-008

Date Issued: July 5, 2022

Date Expires: July 5, 2027

A Permit Authorizing:

Impacts to 1.57 acres of Class III wetlands associated with the construction of multi-family apartment buildings and associated infrastructure and stormwater pond. This permit also compensates for 0.28 acre of offsite secondary wetland impacts. Mitigation will include the purchase of 0.95 credit from the Hatchineha Ranch Mitigation Bank.

Environmental Protection Division (EPD) staff has evaluated the proposed activity and has made a finding that the request is consistent with Orange County Code, Chapter 15, Article X, Conservation Ordinance and is subject to the Permit Conditions provided on the following pages:

Activity Location:

Vistana Palm Beach Dr., Orlando, FL 32821

Parcel ID No.: 23-24-28-5844-00-680

Related CAD No.: CAD 91-026

Related Permit No.: LUP-21-11-353
Orange County Commission District: 1

Permittee / Authorized Entity:

Brandon Hueber C4 Westwood Owner, LLC c/o Daniel Gough Bio-Tech Consulting, Inc.

E-mail: danny@bio-techconsulting.com

Approval of this permit is subject to the following conditions:

Specific Conditions:

- 1. This permit shall become final and effective upon expiration of a 15-calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
- The operational phase of this permit is effective upon the completion of the construction phase and continues in perpetuity.
- 3. The wetland impacts must be completed in accordance with the site plan ('Wetland Impact Exhibit') prepared by Appian Engineering LLC., submitted by Bio-Tech Consulting, Inc., and received by EPD on April 28, 2022. Construction shall be completed within five years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to EPD prior to the expiration date.
- 4. Prior to initiating any construction within the wetlands to be impacted or approval of construction or mass grading plans, EPD shall receive documentation from the Hatchineha Ranch Mitigation Bank indicating that the purchase of 0.95 state UMAM mitigation credit has been completed.
- 5. In the event that the permittee does not successfully complete the transaction to obtain the requisite 0.95 credit from the Hatchineha Ranch Mitigation Bank, the permittee shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.
- Prior to any future construction plan approval, the permittee must obtain the appropriate zoning and land
 use approval. Additionally, prior to any future construction plan approval, the permittee must obtain
 proper authorization for road access to the project area.
- 7. Prior to any filling within the 100-year flood zone a Flood Plain Permit may be required from the Orange County Stormwater Management Division authorizing the fill.
- 8. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
- 9. For projects which disturb one acre or more of land, or which are less than one acre but are part of a larger common plan of development of sale that is greater than one acre, coverage under a National Pollutant Discharge Elimination System (NPDES) Construction Generic Permit (CGP) is required. Prior to the start of land disturbing activities, which includes demolition, earthwork and/or construction, the operator shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit to the Florida Department of Environmental Protection (FDEP) a Notice of Intent (NOI) to obtain coverage under the NPDES CGP pursuant to the requirements of 62-621.300(4)(a) Florida Administrative Code (F.A.C.). As the Operator of the MS4, a copy of the NOI shall also be submitted to the Orange County NPDES

Environmental Program Supervisor prior to the start of activities. Copies of the SWPPP, NOI, and FDEP Acknowledgement Letter are to be kept on the project site and made available upon request. Upon completion of all land disturbing activities and after final stabilization of the site is complete, the developer/contractor shall submit to FDEP a Notice of Termination (NOT) to end their coverage under the CGP and provide a copy of the NOT to the Operator(s) of the MS4. A copy of the CGP, NOI and additional information can be found on the FDEP website: http://dep.state.fl.us/water/stormwater/npdes/construction3.htm.

- 10. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530, and 62-4.242 Florida Administrative Code (FAC). Best Management Practices (BMPs), as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed and maintained at all locations where there is the possibility of transferring sediment, turbidity, or other pollutants, into wetlands and/or surfaces waters due to the permitted activities. BMPs are performance based, if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittee shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or surface waters. Turbidity discharging from a site must not exceed 29 NTU over background for Class III waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters (OFW). A copy of the Designer and Reviewer Manual can be found at the following website: https://www.flrules.org/Gateway/reference.asp?No=Ref-04227.
- 11. Discharge of groundwater from dewatering operations requires approval from FDEP and the applicable Water Management District. The operator/contractor shall obtain and FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of 62-621.300(2)(a) and 62-620 F.A.C. and Florida Statutes Chapter 403. Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.
- 12. All excess lumber, scrap wood, trash, garbage, and similar construction materials shall be removed from the preservation areas and/or surface water(s) immediately.

General Conditions

- 13. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
- 14. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.

- 15. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
- 16. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
- 17. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
- 18. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee(s), or convey any rights or privileges other than those specified in the permit and Chapter 15, Article X of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee(s) shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
- 19. The permittee is hereby advised that Section 253.77 Florida Statutes (FS), states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
- 20. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
- 21. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
- 22. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.

- 23. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to ensure conformity with the plans and specifications approved by the permit.
- 24. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
- 25. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
- 26. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
- 27. Pursuant to Section 125.022 FS, 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 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 FS, the applicant shall obtain all other applicable state or federal permits before commencement of development.

If you should have any questions concerning this permit, please contact Hayden Denton at 407-836-1433 or Hayden.Denton@ocfl.net.

Project Manager:

Hayoler & Dento

Hayden Denton, Environmental Specialist II

Authorized for the Orange County Environmental Protection Division by:

Elyabeth R. Johnson for

David D. Jones, Environmental Protection Officer

HD/NT/TMH/ERJ/DJ: gfdjr

Enclosure(s): Construction Notice Approved Site Plans

c: Brandon Hueber, C4 Westwood Owner, LLC, Permittee, bhueber@csere.com Rita Friedman, Property Owner, 35 Clearwater Drive, Willingboro, NJ 08046 Lisa Prather, South Florida Water Management District, lprather@sfwmd.gov Conservation Planning Services, FWC, conservationplanningservices@MyFWC.com Alyse Tristram@ocfl.net



Construction Notice

□ BEGINNING OF CONSTRUCTION
 □ COMPLETION OF CONSTRUCTION

Mail to:

Orange County Environmental Protection Division

3165 McCrory Place, Suite 200

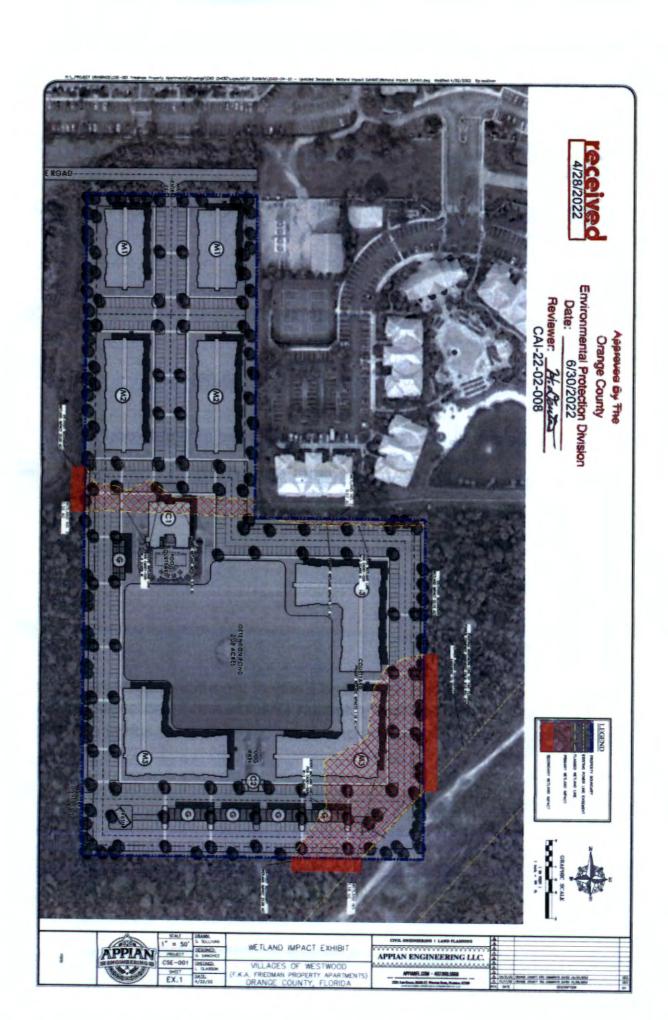
Permit Number and Name: CAI-22-02-008, Villages at Westwood

Orlando, FL 32803

or Fax to: 407-836-1499

or E-Mail to: Hayden.Denton@ocfl.net

Permit Type: Conservation Area Impact Permit (CAI)
Approximate Starting Date:
Approximate Completion Date:
Remarks or any additional information:
I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will begin or have completed the actual construction of the work described in the permit.
Signature of Permittee:
Printed name of Permittee:
Date:



Project #: 24646



TECHNICAL MEMORANDUM

Westwood-Rita Comp Plan Analysis

Date:

September 22, 2021

To:

Mr. Ken Churchill

Crosland Southeast

250 S. Park Ave, Suite 360 Winter Park, Florida 32789

From:

Stephanie Shealey, P.E.

INTRODUCTION

The Westwood-Rita project is proposed a 280-unit multi-family development, located south of International Drive near Daryl Carter Parkway as shown in Figure 1. Per the Orange County Comprehensive plan, the property currently has an adopted Future Land Use (FLU) of Activity Center Mixed Use (ACMU). It is proposed to amend the Comprehensive Plan to change the property to the Activity Center Residential (ACR) FLU to facilitate the proposed development. To evaluate the proposed FLU map amendment's potential impact on the committed roadway network, the maximum trip generation potential for the adopted and proposed FLUs were compared.

Figure 1 - Project Location



TRIP GENERATION

Table 1.1.4D from the Orange County Comprehensive Plan (as shown below) provides the maximum density/intensity allowed under both the ACR and ACMU land uses.

FLUM Designation	General Description	Density/Intensity
Activity Center Residential (ACR)	As described in the I-Drive element, ACR facilitates residential development in proximity to employment areas to minimize travel distances between uses. Intended to promote workforce housing for tourist-oriented employment. Establishes 50,000 square feet of non-residential neighborhood support per development. A PD zoning district is required.	minimum 12 DU/AC up to 30 DU/AC, Non-residential 10,000 SF per 125 units with a maximum of 50,000 square feet total of non- residential per development*
Activity Center Mixed Use (ACMU)	As described in the I-Drive element, ACMU is a mixture of tourist-related development and supportive residential activity. No more than 30% of a site designated ACMU shall be for residential purposes. A PD is required.	Non-residential FAR 3.04 Hotel/motel lodging 60 rooms/acre (see note) Minimum 12 du/ac up to 30 DU/AC with a maximum of 30% of the site in residential use (see note)

^{*} The maximum FAR or square footage does not include floor area within a parking structure associated with the parking requirements for the principal use.

Note: More than 60 hotel/motel rooms per acre or more than 30 DU/AC may be permitted if it can be demonstrated: an increase in traffic impact on the adjoining road network does not occur; and, the developable land area required for the residential portion of the development does not exceed a maximum of 30 percent of the total developable land area of the subject property.

The proposed project site is 14.445 acres. For the adopted Activity Center Mixed Use FLU, although there is an option for 30% of the site to be residential, the highest development potential in terms of trips is considering the entire site at a 3.0 FAR for commercial uses (for a total of 1,888,673 square feet of commercial land use). For the proposed Activity Center Residential FLU, the highest development potential is assuming 30 DU/AC (for a total of 433 multi-family dwelling units) and 10,000 square feet of commercial per 125 units (for a total of 35,000 square feet of commercial). The trip generation was done using the ITE Trip Generation Manual, 10th Edition. As shown in **Table 1**, the proposed FLU map amendment will reduce the trip generation potential for the project site by approximately 90 percent.

Table 1 - Potential Trip Generation

Land Use Type	ITE	Intensity		Daily Trips	AM Peak-Hour Trip			PM Peak-Hour Trip		
	Code				In	Out	Total	In	Out	Total
ACMU - Existing										
Commercial	820	1,888	KSF	44,325	1,100	674	1,774	2,294	2,485	4,779
ACR - Proposed	(4 =)									
Multifamily Housing (Mid-Rise)	221	433	DU	2,358	37	107	144	110	71	181
Commercial	820	35	KSF	2,924	20	13	33	119	129	248
Total				5,282	57	120	177	229	200	429
Change in Potential Trip Generation				-39,043	-1,043	-554	-1,597	-2,065	-2,285	-4,350

CONCLUSION

The maximum development potential of the proposed ACR future land use produces fewer trips than the maximum development potential of the current ACMU future land use. Therefore, the proposed FLU map amendment will result in lower potential traffic volumes on the surrounding roadway network than the adopted FLU.

Kittelson & Associates, Inc. Orlando, Florida