




**Interoffice Memorandum**

February 22, 2023

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

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

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

SUBJECT: 2023-1 Regular Cycle Comprehensive Plan  
Amendments 2023-1-A-1-2 and 2023-1-B-FLUE-6  
(Sutton Grande)  
Board of County Commissioners (BCC) Transmittal Public Hearing

2023-1 Regular Cycle Comprehensive Plan Amendments 2023-1-A-1-2 and 2022-2-B-FLUE-6 are scheduled for a BCC transmittal public hearing on March 7, 2023. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 19, 2023, and recommended to be transmitted.

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 2023-1 Regular Cycle Amendments scheduled for consideration on March 7 include a privately-initiated map amendment located in District 1 and an associated staff-initiated text amendment. The privately-initiated map amendment involves a change to the Future Land Use Map (FLUM) for a property over 10 acres in size. The staff-initiated text amendment includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

In summary, the action items addressed by this memo for March 7 are:

- Amendment 2023-1-A-1-2 (Sutton Grande)
- Amendment 2023-1-B-FLUE-6 (Policy FLU8.1.4)

Following the BCC transmittal public hearing, the proposed amendments will be transmitted to the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Staff expects to receive comments from DEO and/or the other State agencies in April 2023. Pursuant to 163.3184, Florida Statutes, the

2023-1 Regular Cycle Amendments 2023-1-A-1-2 and 2023-1-B-FLUE-6  
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March 7, 2023  
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proposed amendments must be adopted within 180 days of receipt of the comment letter. Adoption public hearings are tentatively scheduled for the LPA on April 20, 2023, and the BCC in May 2023.

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

AAV/sw

Enc: 2023-1 Regular Cycle Amendments 2023-1-A-1-2 and 2023-1-B-FLUE-6  
BCC Transmittal Staff Report

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



# **ORANGE COUNTY**

## **PLANNING DIVISION**

# **2023-1 REGULAR CYCLE AMENDMENT**

2010 - 2030 COMPREHENSIVE PLAN

## **BOARD OF COUNTY COMMISSIONERS**

**MARCH 7, 2023  
TRANSMITTAL PUBLIC HEARING**

**PREPARED BY:**  
ORANGE COUNTY PLANNING, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES  
  
PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION



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### Privately Initiated Future Land Use Map Amendment

2023-1 Regular Cycle Comprehensive Plan Amendment[illegible]

# **2023 FIRST REGULAR CYCLE AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN TRANSMITTAL PUBLIC HEARING**

## **INTRODUCTION**

This is the Board of County Commissioners (BCC) transmittal staff report for proposed First Regular Cycle Amendments 2023-1-A-1-2 and 2023-1-B-FLUE-6 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 19, 2023, and are scheduled for a transmittal public hearing before the BCC on March 7, 2023.

The 2023-1 Regular Cycle Amendments include a privately-initiated map amendment located in District 1 and an associated staff-initiated text amendment. Since this is the transmittal stage for these amendments, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendments and provide comments, expected in April 2023. Adoption public hearings are tentatively scheduled before the LPA on April 20, 2023 and before the BCC in May 2023.

Once the Regular Cycle amendments have been adopted by the BCC, they will become effective 31 days after DEO notifies the County that the plan amendment package is complete. These amendments are expected to become effective in June 2023, provided no challenges are brought forth for any of the amendments.

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



**Applicant/Owner:**

Erika Hughes, VHB, Inc./  
Sutton Grande, LLC

**Location:**

14331 Avalon Road; generally located east of Avalon Road, south of Lake Gifford Way, and north of Arrowhead Boulevard

**Existing Use:** Undeveloped land

**Parcel ID Number:**

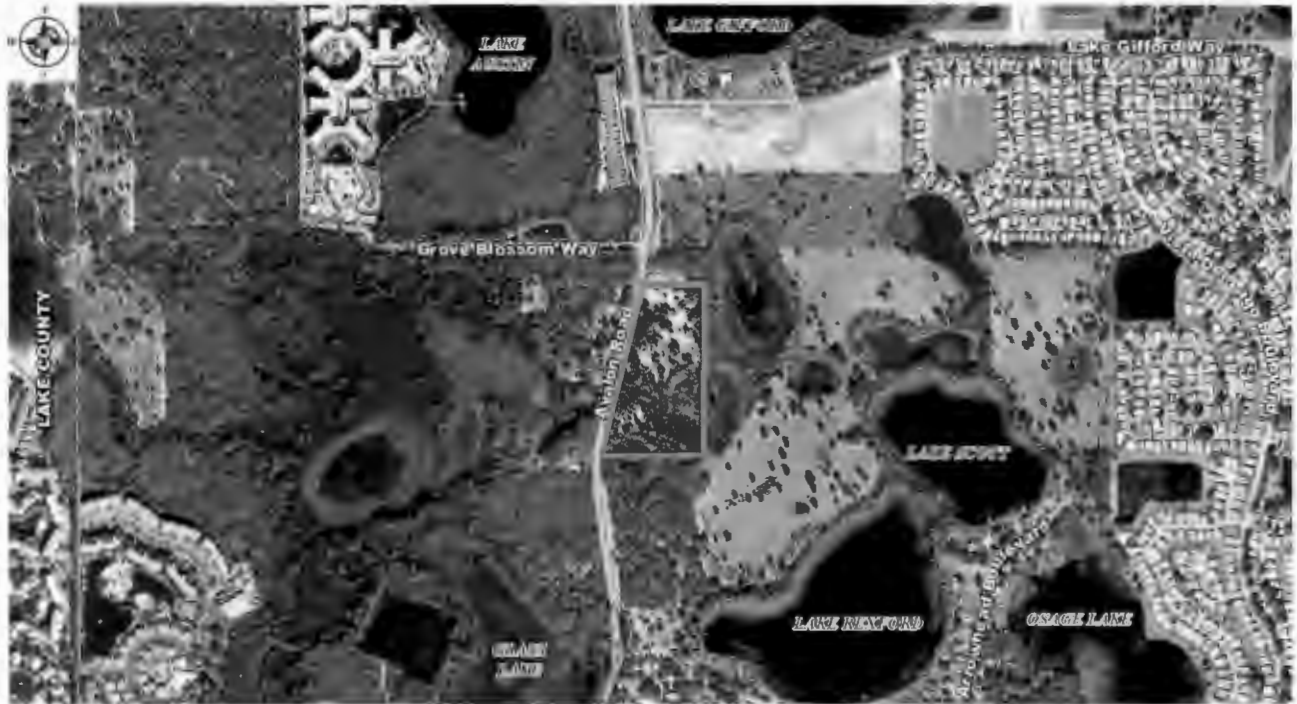
31-24-27-0000-00-012

**Tract Size:**

13.83 gross acres/9.96 net developable acres

The following meetings and hearings have been held:			Project Information	
Report/Public Hearing		Outcome	<b>Request:</b> Commercial (C) to Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR) and Staff-Initiated Text Amendment to incorporate the proposed development program into Future Land Use Element Policy FLU8.1.4	
✓	A community meeting is scheduled for February 28, 2023 at 6:00 p.m. at Water Spring Elementary.		<b>Proposed Development Program:</b> Up to 250 multi-family dwelling units.	
✓	Staff Report	Recommend Transmittal	<b>Public Facilities and Services:</b> Please see the Public Facilities & Services Appendix for specific analysis of each public facility.	
✓	LPA Transmittal January 19, 2023	Recommend Transmittal (7-0)	<b>Environmental:</b> The applicant has submitted a Conservation Area Determination application, CAD-22-12-240, currently undergoing EPD review.	
	BCC Transmittal	March 7, 2023	<b>Transportation:</b> The proposed use will result in a decrease of 1,663 p.m. peak hour trips and therefore will not impact the area roadways.	
	State Agency Comments	March 2023	<b>Utilities:</b> The subject property is located within the Toho Water Authority's potable water, wastewater, and reclaimed water service areas.	
	LPA Adoption	April 20, 2022	<b>Schools:</b> Per School Capacity Determination OC-22-069, dated September 22, 2022, capacity is available. This determination expires March 20, 2023.	
	BCC Adoption	May 2023 (date to be determined)	<b>Concurrent PD/LUP Rezoning:</b> Case LUP-22-11-334 A proposed rezoning from A-1 (Citrus Rural District) to PD (Planned Development District) (Sutton Grande PD/LUP) is proceeding through DRC review and is expected to be considered in conjunction with the requested Future Land Use Map Amendment at the adoption public hearing stage.	

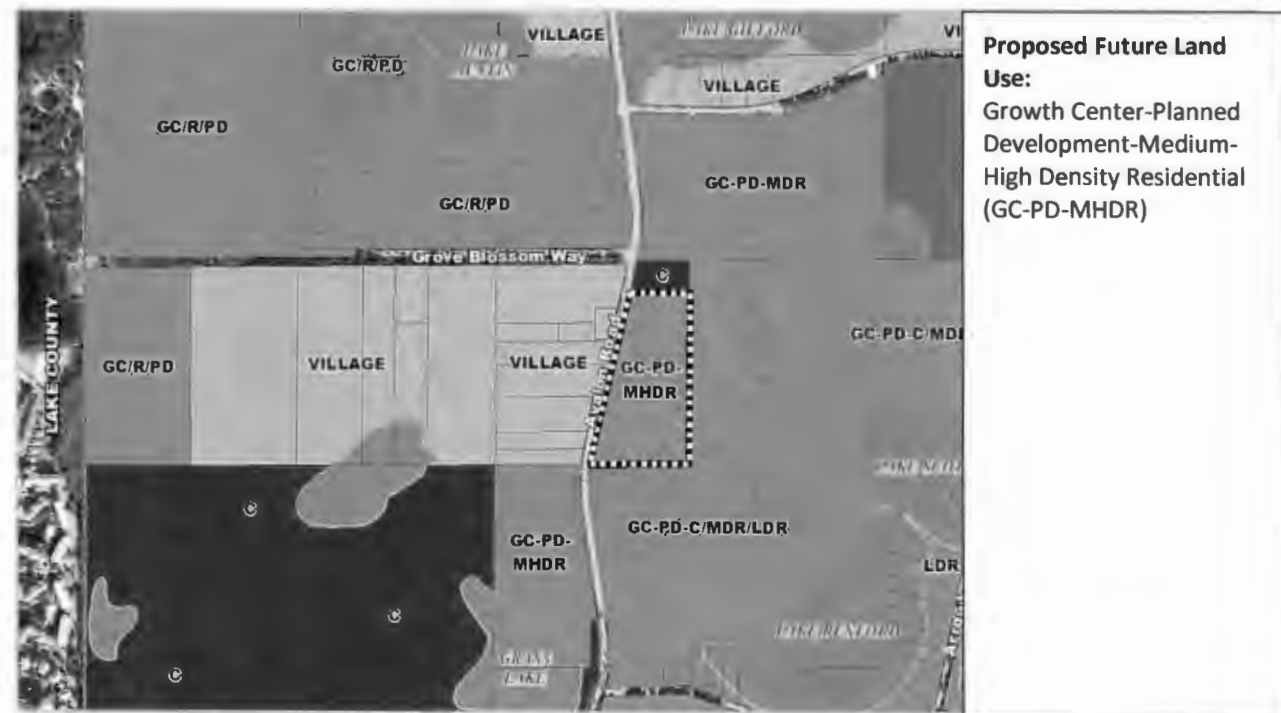
**AERIAL**



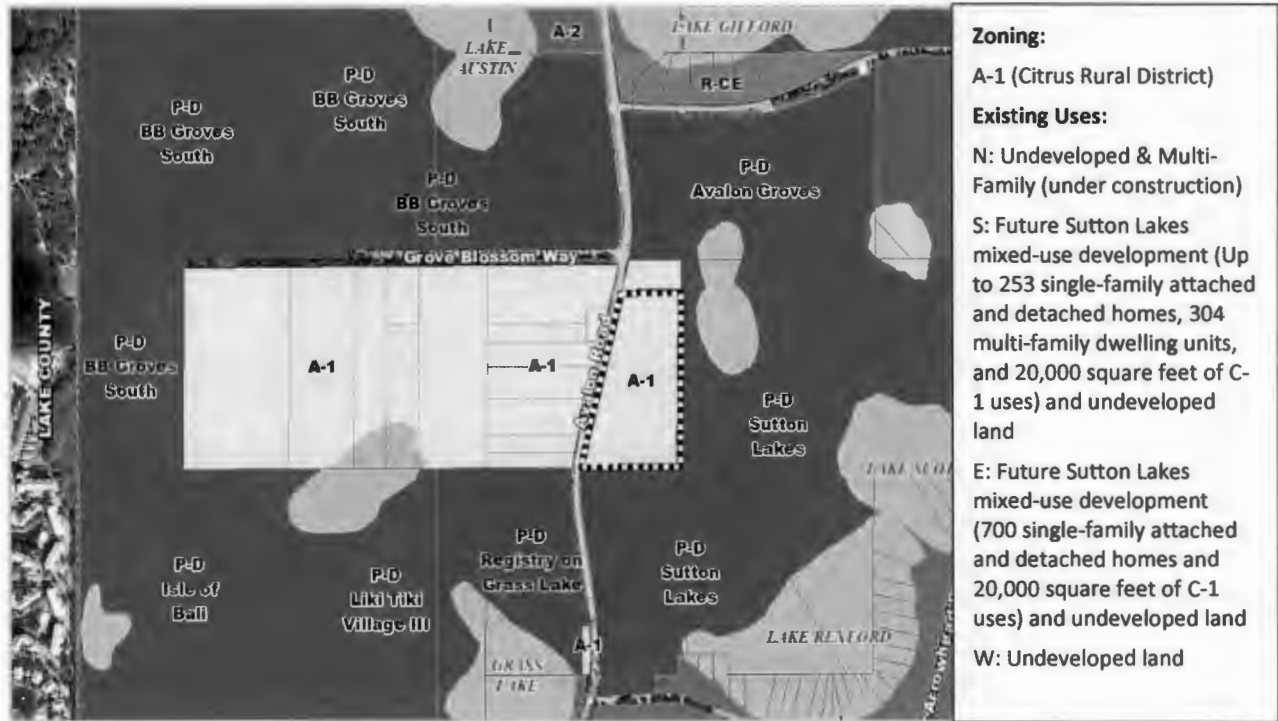
## FUTURE LAND USE - CURRENT



## FUTURE LAND USE – PROPOSED



## ZONING - CURRENT



## Staff Recommendations

1. **FUTURE LAND USE MAP AMENDMENT 2023-1-A-1-2:** Make a finding that the information contained in the application for the proposed amendment is sufficiently complete; that the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Board of County Commissioners that the amendment, 2023-1-A-1-2, be **TRANSMITTED** to the state reviewing agencies.
2. **FUTURE LAND USE TEXT AMENDMENT 2023-1-B-FLUE-6:** Make a finding the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes, and recommend to the Board of County Commissioners that Amendment 2023-1-B-FLUE-6 be **TRANSMITTED** to the state reviewing agencies.

## Analysis

### 1. Background and Development Program

The applicant, Erika Hughes of VHB, Inc., has requested to change the Future Land Use Map (FLUM) designation of the 13.83-acre subject property from Commercial (C) to Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR). The applicant is proposing a development program of up to 250 multi-family dwelling units on the subject site. The Medium-High Density Residential FLUM designation allows for a maximum density of thirty-five (35) dwelling units per acre.

The undeveloped subject property is located on the east side of Avalon Road, south of Lake Gifford Way, and north of Arrowhead Boulevard. Currently, the subject site has a Commercial (C) FLUM designation with a corresponding A-1 (Citrus Rural District) zoning classification. Of the 13.83-gross acres, the applicant projects the total developable acreage to be 9.96 acres which would allow for construction of up to 250 multi-family dwelling units if a Conservation Area Determination (CAD) confirms this and the proposed Future Land Use Map Amendment (FLUMA) is adopted.

The property that immediately borders the subject site to the north has a Commercial (C) FLUM designation and a corresponding A-1 zoning classification, and it is presently undeveloped. Further north are two parcels that currently have apartment units under construction. These parcels are zoned Planned Development District (PD), and both are located within the Avalon Groves PD. These parcels have Growth-Center-Planned Development-Medium Density (GC-PD-MDR) FLUM designations and were recently approved by the Board of County Commissioners (BCC) on May 11, 2021, with an approved development program of up to 600 multi-family dwelling units. Properties totaling 22.197 gross acres/17.118 net developable acres, are located immediately west of the subject site, across the street on Avalon Road, are the subject of a proposed FLUMA, Amendment 2022-2-A-2-2, and associated text amendment, Amendment 2022-2-B-FLUE-2. Both amendments have been transmitted to the Department of Economic Opportunity (DEO), but adoption public hearings have not been scheduled as of today. The proposed development program for these parcels is up to 343 multi-family dwelling units and up to 87,120 square feet of C-1 (Retail Commercial District) uses on four acres, at a maximum floor area ratio (FAR) of 0.5. The Sutton Lakes PD, also subject of a FLUMA in the 2023-1 Regular Cycle, Amendment 2023-1-A-1 and associated text amendment 2023-1-B-FLUE-1, is located east and south of the subject property and has an approved development program of up to 700 attached and detached residential units and 20,000 square feet of C-1 (Retail Commercial

District) uses. This PD—presently undeveloped—has a Growth Center-Planned Development-Commercial/Medium Density Residential/Low Density Residential (GC-PD-C/MDR/LDR) FLUM designation. The applicant for proposed Amendment 2023-1-A-1-1 is requesting to modify the adopted development program to add multi-family uses. The applicant is requesting a development program of 253 single-family attached and detached units, 304 multi-family units, and 20,000 square feet of commercial (C-1 uses).

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

As mandated by **Future Land Use Element Policy FLU7.4.6**, all new development within a Growth Center must apply for a PD (Planned Development District) zoning classification to specifically identify densities, intensities, and mix of land uses. The applicant has submitted PD rezoning application, Case LUP-22-11-334, to rezone the subject property from A-1 to PD (Sutton Grande PD/LUP). This is the transmittal stage of the proposed FLUMA request, so the PD rezoning application will not be considered at this time. Case LUP-22-11-334 is currently proceeding through DRC review and is expected to be considered concurrently with this requested FLUM Amendment during the adoption public hearing stage.

## 2. Project Analysis

### *Consistency*

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

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

As established in **Future Land Use Element Policy FLU1.1.4.F**, Growth Centers are a future land use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements typically provide, at a minimum, that the County will not incur initial capital costs for utilities. The subject property lies within the Tohopekaliga (Toho) Water Authority's potable water, wastewater, and reclaimed water service areas. The developer has to comply with all applicable Toho Water Authority's design and construction standards and enter into the necessary Developer's Service Agreement. Staff finds the proposed Growth Center-Planned Development-Medium-High Density Residential designation and associated mixed-use development program consistent with **Future Land Use Element Policy FLU1.1.1**, which mandates that urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario

5), Growth Centers, and to a limited extent, Rural Settlements. Staff views the 13.83-acre subject property as an underutilized parcel that provides an opportunity for infill development on the site's 9.96 upland acres that would likely benefit both area residents and tourists, while simultaneously ensuring the protection of the onsite wetlands, consistent with **Conservation Element Objective C1.4**, which establishes that Orange County shall protect identified wetland areas and existing native wildlife (flora and fauna) habitats.

In accordance with **Future Land Use Element Policy FLU1.1.2.A**, the applicant has established the maximum desired development program for the residential component of the project, proposing up to 250 multi-family units under the Medium-High Density Residential future land use designation, which allows residential development at a maximum density of 35 dwelling units per net acre. **Policy FLU7.4.4** states that urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources, as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. Also, **Policy FLU7.4.4** states that if services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.

The proposal to construct up to 250 multi-family units is consistent with **Housing Element Objective H1.1**, which states that Orange County will support private sector housing production capacity sufficient to meet current and anticipated housing needs. It is staff's belief that the proposed multi-family project would contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Future Land Use Element Policy FLU1.1.1**.

### Community Meeting

A community meeting is scheduled for February 28<sup>th</sup>, after the publication of this staff report. A summary of the community meeting will be provided at the BCC hearing.

### Staff-Initiated Text Amendment

**Future Land Use Element Policy FLU8.1.4** establishes the development programs for Planned Development (PD) and Lake Pickett (LP) FLUM designations adopted subsequent to January 1, 2007. The development program for this requested amendment is proposed for incorporation into **Policy FLU8.1.4** via a corresponding staff-initiated text amendment, Amendment 2023-1-B-FLUE-6. If adopted, the maximum development program for Amendment 2023-1-A-1-2 will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2023-1-A-1-2</u> <u>Sutton Grande</u>	<u>Growth Center-Planned</u> <u>Development-Medium-High</u> <u>Density Residential (GC-PD-</u> <u>MHDR)</u>	Up to 250 multi-family dwelling units	<u>2023-</u>

### ***Compatibility***

The requested FLUM amendment and associated development program appear to be **compatible** with the development trend of the surrounding area. **Future Land Use Element Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development pattern and development trends in the area. As stated previously, the subject property is located in an area characterized by existing or proposed residential development. It is staff's belief that the proposed multi-family project is compatible with the existing mix of residential/agricultural homesites, conventional single-family subdivision development, short-term vacation rental resorts, timeshare rental resorts, and manufactured home uses within the U.S. 192 Growth Center.

## ***Public Facilities and Services***

### **Environmental**

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

#### **EPD Review Summary:**

- An Orange County Conservation Area Determination (CAD) is required prior to amendment transmittal to determine the developable acreage.
- Any wetland encroachments will require submittal of an application for a Conservation Impact Permit to the Orange County Environmental Protection Division as outlined in Chapter 15, Article X Wetland Conservation Areas.
- Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

#### **FLUM Amendment Comments:**

1. Conservation Area Determination Required – An Orange County Conservation Area Determination (CAD) must be complete as soon as possible to know the developable acreage, Chapter 15, Article X Wetland Conservation Areas. There is no record that a CAD or impact permit application has been received by EPD. Protection of wetlands and wetland buffers with easements or tracts will be determined during the wetland permitting process.
2. Conservation Area Impacts – In addition to any state or federal wetland permitting requirements, the applicant shall satisfy Orange County's wetland permitting requirements. Any wetland encroachments will require submittal of an application for a Conservation Impact Permit to the Orange County Environmental Protection Division. *Reference OC Code Chapter 15, Article X Wetland Conservation Areas.*
3. No Clearing – No construction, clearing, filling, alteration, or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI)

permit approved by the county and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to [wetlandpermitting@ocfl.net](mailto:wetlandpermitting@ocfl.net). *Reference OC Code Chapter 15, Article X Wetland Conservation Areas.*

4. Habitat Permit Compliance – Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
5. Jurisdictional Coordination – This environmental review only addresses Orange County environmental regulatory code, however, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, and the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one of the other agencies could deny the request even if the County approves it, or they may have other natural resource protective requirements. Therefore, it is imperative that this proposed request be addressed on a multi-agency basis.

**Additional Comments:**

1. Erosion Control – Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping. *Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).*
2. Conservation Buffer – A 25-foot undisturbed buffer located upland of the wetland line or Normal High Water Elevation (NHWE) whichever is more landward will be required. If a 25-foot buffer cannot be shown along any portion of the conservation area, contact EPD's Environmental Permitting and Compliance staff at [wetlandpermitting@ocfl.net](mailto:wetlandpermitting@ocfl.net) to discuss how secondary impacts are being addressed. Be advised that a Conservation Area Impact (CAI) permit may be required.
3. Potential Contamination – The subject properties had a prior agricultural land use that may have resulted in soil or groundwater contamination due to spillage of petroleum products, and/or frequent application or spillage of fertilizer, pesticide, or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation FAC 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found

to apply during further investigations, to the Orange County Environmental Protection Division (EPD) and the Development Engineering (DE) Division.

## Transportation

Based on trip generation estimates from the 11th Edition of the Institute of Transportation Engineers Trip Generation Handbook, it was determined that the maximum allowable development of up to 650,786 square feet of commercial uses based on the current future land use designation of Commercial would generate approximately 1,761 new p.m. peak hour trips, while the proposal to develop up to 250 multi-family dwelling units will generate 989 new p.m. peak hour trips, resulting in a decrease of 1,663 p.m. peak hour trips.

### Future Roadway Network

**Road Agreements:** A Roadway Agreement is required prior to any PSP or DP approval.

**Planned and Programmed Roadway Improvements:** C.R. 545 and Flemings Road Preliminary Design Study - Orange County's Transportation Planning Division has initiated a transportation improvement study for the widening of C.R. 545 to a four-lane divided roadway from Water Springs Boulevard to South of New Hartzog Road (Approximate Length: 2.6 miles) and Flemings Road from east of 545 to the west County line (Approximately 1 mile). At the time of this report, the project is 22% overall complete.

**C.R. 545 Roadway Conceptual Analysis** - The purpose of the study is to assess and recommend roadway improvements anticipated to improve safety and traffic flow in the area. The study considers the social and environmental impacts of adding travel lanes and other features such as, but not limited to, drainage conveyance and treatment improvements, proposed multi-purpose path, raised medians, lighting, landscaping and intersection improvements. Project length is approximately 1.6 miles. At the time of this report, the project is 12% overall complete.

### Summary

The applicant is requesting to change ~13.80 acres from Commercial to MHDR and rezone from A-1 to PD, to allow for the construction of multi-family apartments.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed multi-family use will result in a decrease in the number of 1,663 p.m. peak trips and therefore will not impact the area roadways. The development will undergo further evaluation and will be required to mitigate capacity deficiencies on the transportation network in accordance with the requirements of the Orange County Concurrency Management System.

### Roadway Capacity Analysis

A Traffic Study was submitted with the case for review and comment. The subject property is located adjacent to Avalon Road. Based on existing conditions, there are currently no deficient roadway segments within the project's impact area. This information is dated and subject to change. Based on the project trip distribution, 55% will be traveling SB on Avalon Road out of the development.

The segments in the short-term year (2027) that are projected to operate at Level of Service "F" as a result of the background traffic and committed trips are:

- Avalon Road from U.S. 192 to Hartzog Road
- Avalon Road from Hartzog Road to Western Way
- Avalon Road from Western Way to Flamingo Crossings Blvd.

- U.S. 192 from the Lake County Line to the Osceola County Line

The horizon year (2045) showed that under the proposed FLUM designation, the following segments are projected to operate at Level of Service "F":

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

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

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

**Schools.** The applicant has submitted an Application for Capacity Determination & Concurrency Recommendation to Orange County Public Schools (OCPS). OCPS' response is forthcoming.

### 3. Policy References

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Additional stormwater treatment and retention (maintenance of water quality and recharge);
- (2) Enhanced wastewater treatment;
- (3) Limitations of certain allowed uses within the most vulnerable portions of the Study Area;
- (4) Subdivision standards;
- (5) Open space requirements;
- (6) "Smart growth" roadway design standards;
- (7) Parking lot design standards,
- (8) Upland habitat protection, and
- (9) Such other measures as required to protect ground and surface water in the Wekiva Study Area.

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

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

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

**ACTION REQUESTED**

**Local Planning Agency (LPA) Recommendation – (January 19, 2023)**

**Make a finding that the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Board of County Commissioners that Amendments 2023-1-A-1-2 and 2023-1-B-FLUE-6 be TRANSMITTED to the state reviewing agencies.**

**Local Planning Agency (LPA) Public Hearing Synopsis**







The staff report was presented to the PZC with the recommendation that they make a finding that the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes, and that they recommend to the Board of County Commissioners that the amendment, Amendments 2023-1-A-1-2 and 2023-1-B-FLUE-6, be transmitted to the state reviewing agencies.

The prospective developer, Chuck Whittall, was present and agreed with the staff recommendation.

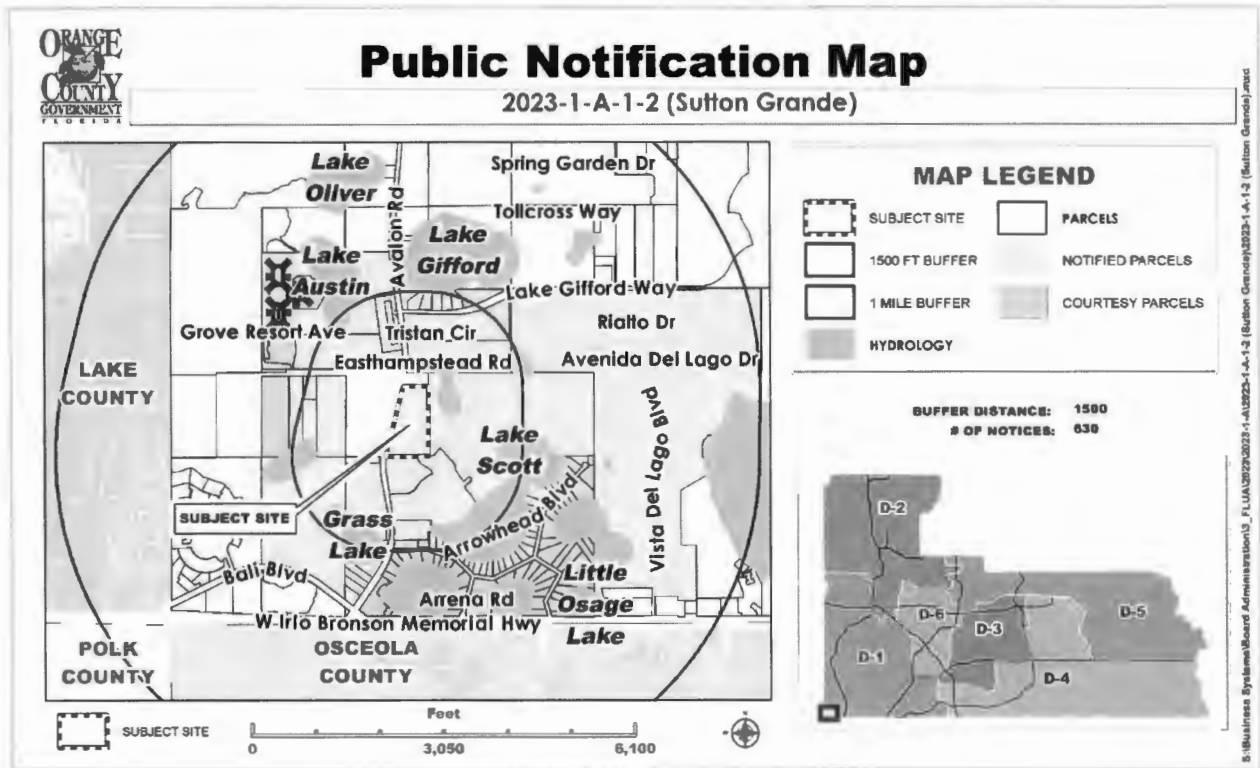
During public comment, no members of the public were present to speak on the matter. After public comment, the PZC members briefly discussed density. A motion was made by Commissioner Boers, and seconded by Commissioner Fernandez to recommend that the proposed amendments, 2023-1-A-1-2 and 2023-1-B-FLUE-6, be transmitted to the state reviewing agencies. The motion was carried on a 7-0 vote.

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

**Site Visit Photos**

<b>Subject Site</b>	<b>Subject Site</b>
	
<b>North of Subject Site</b>	<b>East of Subject Site</b>
	
<b>South of Subject Site</b>	<b>West of Subject Site</b>
	

## PUBLIC NOTIFICATION MAP



### Notification Area

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

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<b>Plan Amendment Number</b>	2023-1-A-1-1
<b>Project Name</b>	Sutton Lakes
<b>Requested Change</b>	Amend the text of policy FLU8.1.4
<b>Parcels</b>	31-24-27-0000-00-010, 31-24-27-0000-00-009, 31-24-27-0000-00-045, 31-24-27-0000-00-038, and 31-24-27-0306-03-011
<b>General Location</b>	14505 and 14621 Avalon Road; generally bounded by Avalon Road to the West, Arrowhead Boulevard to the South, and Hartzog Road to the North
<b>Proposed Development</b>	The proposed change is to allow for 253 single-family (attached and detached), 304 multi-family units, and 20,000 sq. ft. of commercial. The change is the addition of multi-family to the development program.
<b>Area</b>	139.88 gross acres / 83.37 net developable acres / 89.83 net developable acres with proposed wetland impacts (acreages per CAD 94-128) <b>CAD/CAI IN PROGRESS</b>
<b>Agent</b>	Kimley-Horn & Associates, Inc. (Jennifer Stickler)
<b>Owner</b>	Westgate Resorts LTD
<b>District</b>	1
<b>Comments Prepared by</b>	Amanda Hallenbeck, <a href="mailto:Amanda.Hallenbeck@ocfl.net">Amanda.Hallenbeck@ocfl.net</a> , 407-592-8467

**EPD Review Summary:**

- A historic Conservation Area Determination 94-128 was completed for the Sutton Lakes Planned Development in 1995. A total of 56.51 acres of Class I, II, and III wetlands were identified.
- An Orange County Conservation Area Determination application CAD-22-08-155 was submitted and is in progress.
- An Orange County Conservation Area Impact permit application CAI-22-03-022 was submitted and is in progress. The applicant is requesting a total 6.46 acres of Class II and Class III wetland impacts. (4.8 acres Class II and 1.66 acres of Class III)
- Portions of Lake Rexford and Lake Scott are within the project boundary.
- Multiple restrictions and design considerations associated with the lakes within the Sutton Lakes PD were added as Conditions of Approval.
- Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of

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the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

**FLUM Amendment Comments:**

1. Conservation Area Determination – An Orange County Conservation Area Determination (CAD) 94-128 was completed for the Sutton Lakes Planned Development (PD) in 1995. However, at the public hearing on April 29, 2003, the Board of County Commissioners (BCC) approved a substantial change to the PD and added Condition of Approval (COA) #11 stating that: "A new Conservation Area Determination Study will be performed prior to the first development plan approval and will be applicable for development on this PD."
2. CAD in Progress – An Orange County Conservation Area Determination CAD-22-08-155 application was submitted and is in progress. Once the wetland limits have been verified through a site visit, a CAD Classification letter will be sent. The applicant must then submit a letter of agreement to the classification and submit a certified boundary survey showing the limits of the wetlands to complete the CAD.
3. CAI in Progress – Conservation Area Impact (CAI) permit application CAI-22-03-022 was submitted for proposed wetland impacts. This request will be reviewed in its entirety when the CAI permit is complete or nearly complete and the mitigation is agreed upon with EPD staff. No conservation area or buffer encroachments shall be permitted, unless an impact permit is approved by Orange County EPD consistent with *OC Code Chapter 15, Article X Wetland Conservation Areas*.
4. No Clearing – No construction, clearing, filling, alteration, or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to [wetlandpermitting@ocfl.net](mailto:wetlandpermitting@ocfl.net). *Reference OC Code Chapter 15, Article X Wetland Conservation Areas*.
5. Habitat Permit Compliance – Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
6. Jurisdictional Coordination – This environmental review only addresses Orange County environmental regulatory code, however, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not

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limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, and the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one of the other agencies could deny the request even if the County approves it, or they may have other natural resource protective requirements. Therefore, it is imperative that this proposed request be addressed on a multi-agency basis.

**Additional EPD Comments:**

1. Planned Development Condition #3 – The building height shall be restricted to 1 story along the lake and shall be constructed to resemble single-family houses as viewed from the lakeshore, per the 2003 BCC Condition of Approval #3.
2. Planned Development Condition #5 – No watercraft of any type may be launched or operated from or used in connection with this property, per the 2003 BCC Condition of Approval #5.
3. Planned Development Condition #12 – No buildings of any type shall be permitted within 125 feet of the normal high water elevation, per the 2003 BCC Condition of Approval #12.
4. Boat Docks – Approval of this request does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
5. Swale Requirement – Pollution abatement swales shall be provided upland of the normal high water elevation (NHWE) on all lakes and wetlands connected to lakes per Orange County Code Section 34-132. Areas that drain away from lakes or wetlands do not require a swale. The swale shall be labeled on the preliminary subdivision plan and included on the plat in a pollution abatement easement. *Reference OC Code Chapter 34 Subdivision Regulations, Article IV Specifications for Plans and Plats, Sec. 34-132 (c)(2).*
6. Erosion Control – Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2-inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may