




Interoffice Memorandum

February 22, 2023

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

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

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

SUBJECT: 2023-1 Regular Cycle Comprehensive Plan Amendment
2023-1-P-FLUE-1 (Sutton Lakes)
Board of County Commissioners (BCC) Transmittal Public Hearing

2023-1 Regular Cycle Privately-Initiated Text Amendment 2023-1-P-FLUE-1 is scheduled for a BCC transmittal public hearing on March 7, 2023. This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 19, 2023.

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>.

Proposed Amendment 2023-1-P-FLUE-1 is a privately-initiated text amendment. This amendment includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

In summary, the action item addressed by this memo for March 7 is:

- Amendment 2023-1-P-FLUE-1 (Future Land Use Element Policy FLU8.1.4).

Following the BCC transmittal public hearing, the proposed amendment 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 proposed amendment must be adopted within 180 days of receipt of the comment letter. The adoption hearings are tentatively scheduled before the LPA on April 20, 2023, and before 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, or Jason Sorensen, AICP, Chief Planner, Planning Division, at (407) 836-5602 or Jason.Sorensen@ocfl.net.

AAV/sgw

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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



2023 FIRST REGULAR CYCLE PRIVATELY-INITIATED TEXT AMENDMENT

AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS TRANSMITTAL BOOK

INTRODUCTION

This is the Board of County Commissioners (BCC) transmittal staff report for the First Regular Cycle Amendment 2023-1-P-FLUE-1 to the Comprehensive Plan (CP). This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 19, 2023.

Proposed Amendment 2023-1-P-FLUE-1 is a privately-initiated text amendment. Since this is the transmittal stage for this amendment, 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 amendment 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 amendment has been adopted by the BCC, it will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in June 2023, 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 Alberto.Vargas@ocfl.net, or Jason Sorensen, AICP, Chief Planner, at (407) 836-5602 or Jason.Sorensen@ocfl.net.

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The following meetings and hearings have been held for this request:		
Report/Public Hearing		Outcome
✓	Staff Report	Recommend transmittal
✓	LPA Transmittal January 19, 2023	Recommend transmittal (6-1)
	BCC Transmittal March 7, 2023	
	Agency Comments March 2023	
	LPA Adoption April 20, 2023	
	BCC Adoption May 2023 (date to be determined)	

Project Information
Applicant/Owner: Jennifer Stickler, P.E., Kimley-Horn & Associates, Inc./Westgate Resorts LTD
Location: 14505, 14621, and 14701 Avalon Road; generally located east of Avalon Road, south of Lake Gifford Way, and north of Arrowhead Boulevard.
Parcel ID Numbers: 31-24-27-0000-00-009/010/038/045 and 31-24-27-0306-04-011
Existing Use: Undeveloped Sutton Lakes Planned Development (PD)
Tract Size: 139.88 gross acres
Request: Privately-initiated text amendment to Future Land Use Element Policy FLU8.1.4 amending the maximum density/intensity of the Sutton Lakes PD and, specifically, revising the currently-approved development program to add multi-family residential as a permitted use within the PD.
Revision: Future Land Use Element Policy FLU8.1.4 From: Sutton Lakes: Up to 20,000 square feet of commercial uses and 700 single-family dwelling units To: Sutton Lakes: Up to 253 single-family dwelling units, 304 multi-family dwelling units, and 20,000 square feet of commercial uses

Staff Recommendation

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 Amendment 2023-1-P-FLUE-1 (fka 2023-1-A-1-1) be **TRANSMITTED** to the state reviewing agencies.

AERIAL



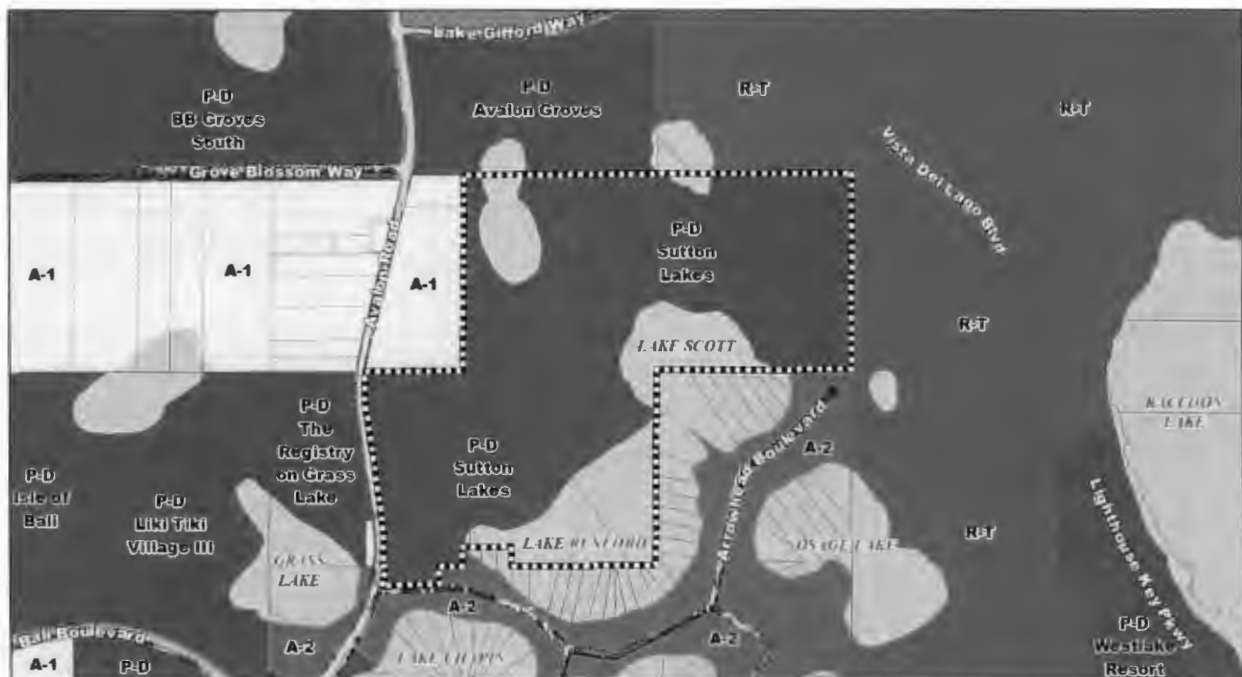
FUTURE LAND USE – CURRENT

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



ZONING – CURRENT

PD (Planned Development District) (Sutton Lakes PD/LUP)



A. Background

The applicant, Jennifer Stickler of Kimley-Horn & Associates, Inc., is seeking to amend Future Land Use Element Policy FLU8.1.4—which establishes the maximum densities and intensities for Planned Development (PD) and Lake Pickett (LP) Future Land Use Map designations adopted subsequent to January 1, 2007—to revise the present development program of the Sutton Lakes Planned Development (PD). Specifically, Ms. Stickler is requesting to amend the currently undeveloped PD's maximum development program of 700 single-family dwelling units and 20,000 square feet of commercial space to add multi-family residential as a permitted use. If this proposed amendment is adopted, a new development cap of 253 single-family units, 304 multi-family units, and 20,000 square feet of commercial space will be established and added to Policy FLU8.1.4, with the current program simultaneously deleted.

Located within the U.S. 192 Growth Center, the 139.88-acre Sutton Lakes PD was initially approved on January 9, 1996, for the development of 400 attached short-term rental units and was amended on April 29, 2003, to allow for the construction of 800 timeshare and/or short-term rental units and a Village Center with ancillary resort uses. The site, however, was never developed for timeshare resort purposes. On December 16, 2014, the Orange County Board of County Commissioners (BCC) adopted Future Land Use Map Amendment 2014-2-A-1-2, changing the PD's Growth Center-Commercial (GC-C) and Growth Center-Low Density Residential (GC-LDR) future land use designations to Growth Center-Planned Development-Commercial/Medium Density Residential/Low Density Residential (GC-PD-C/MDR/LDR). The BCC's concurrent approval of Staff-Initiated Text Amendment 2014-2-B-FLUE-1 established the PD's present maximum development program of 700 single-family dwelling units and 20,000 square feet of commercial uses and incorporated it into Policy FLU8.14. A substantial change to the Sutton Lakes PD Land Use Plan—Case CDR-14-07-182—was subsequently approved by the BCC on March 10, 2015, revising the PD's entitlements and Conditions of Approval in accordance with its amended Future Land Use Map designation and development program. Although the applicant is now requesting to add multi-family residential as an allowable use within the Sutton Lakes PD, no change to its current GC-PD-C/MDR/LDR Future Land Use Map designation is contemplated at this time, as the desired mix of attached and detached single-family homes, multi-family residential units, and commercial activity, with uses restricted to those permitted in the C-1 (Retail Commercial) zoning district, is achievable within the density or intensity limitations of each of its component land use categories. Rather, only the amendment of Policy FLU8.1.4 to establish a new development cap and the approval of a Change Determination Request (CDR) to amend the present Sutton Lakes PD Land Use Plan are required.

The Sutton Lakes PD—comprised of approximately 89.83 upland acres and 50.05 acres of wetlands and surface water—is located in an area of Orange County characterized by a mix of existing and planned residential communities featuring a variety of housing types, including multi-family units, townhomes, single-family detached homes, and manufactured homes; resort development; and approved and proposed commercial uses that will provide goods and services to both visitors and the surrounding residential population. As shown on the aerial map and site visit photos, the subject property is bounded to the south by the Arrowhead Lakes single-family residential subdivision and to the east by the Vista del Lago manufactured home community. Recognizing the site's proximity to these two established neighborhoods, the applicant proposes the internal concentration of the project's multi-family and commercial components within the PD boundary, adjacent to Avalon Road and away from existing single-family dwellings and manufactured homes. Residential development on the two lakes within the limits of the PD, Lake Scott and Lake Rexford, would be restricted to

single-family detached homes, with a mix of single-family attached and detached dwellings permitted on the site's remaining upland acres. Staff notes that an updated Orange County Conservation Area Determination, CAD-22-08-155, is currently in progress to definitively establish the PD's net developable acreage and the sizes and classifications of its onsite wetlands and surface water bodies.

The requested addition of multi-family residential as a permitted use in the Sutton Lakes PD is consistent with the development pattern of the surrounding area. The Registry on Grass Lake PD, with an adopted Future Land Use Map designation of Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR), lies directly opposite the subject property, on the west side of Avalon Road, and is approved for the development of a 360-unit multi-family community. As shown in the site visit photo, site clearing is presently underway. A 250-unit multi-family development—the Sutton Grande PD—is proposed for the undeveloped 13.83-acre parcel situated between the west boundary of the subject property and Avalon Road. The requested Sutton Grande Future Land Use Map Amendment, Amendment 2023-1-A-1-2, is also proceeding through the 2023-1 Regular Cycle and entails a desired land use change from Commercial (C) to Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR).

Additionally, the proposed mixed-use Village at Avalon PD, located west of the of the property, southwest of the intersection of Avalon Road and Grove Blossom Way, is presently the subject of a 2022-2 Regular Cycle Future Land Use Map Amendment, Amendment 2022-2-A-1-2, and an associated Planned Development (PD) rezoning request, Case LUP-22-06-199. The applicant is seeking to change the future land use designation of the 22.2-acre site from Village (V) to Growth Center-Planned Development-Commercial/Medium Density Residential (GC-PD-C/MDR) and to rezone from A-1 (Citrus Rural District) to PD to allow for the development of up to 296 multi-family dwelling units and 87,120 square feet of C-1 uses.

Furthermore, two short-term rental resorts, The Grove Resort & Waterpark and the Palisades Condominiums, are located directly north of the requested Village at Avalon site, northwest of the intersection of Avalon Road and Grove Blossom Way. As shown on the Future Land Use Map, both developments have corresponding Growth Center/Resort/Planned Development (GC/R/PD) future land use designations.

Lastly, the Avalon Groves PD, situated immediately north of the subject property and the proposed Sutton Grande site, southeast of the intersection of Avalon Road and Lake Gifford Way, is entitled for the construction of up to 600 multi-family units, in accordance with its adopted Growth Center-Planned Development-Medium Density Residential (GC-PD-MDR) Future Land Use Map classification. The construction of the 300-unit Prose Avalon Pointe multi-family development is nearing completion on the north portion of the PD, with site clearing for the 300-unit Prose Horizon West apartment community in progress on the south portion of the PD.

It is staff's belief that this requested text amendment and the developer's intent to construct up to 253 single-family attached and detached units, 304 multi-family units, and 20,000 square feet of C-1 uses are consistent with the mixed-use development trend of the area.

In conjunction with this requested text amendment, a proposed substantial change to the current Sutton Lakes PD Land Use Plan, Case CDR-22-04-119, to revise the PD's entitlement mix and amend its present Conditions of Approval, is proceeding through the DRC review process and is dependent upon the outcome of this petition. The applicant recognizes staff's expectation that if this requested text amendment is transmitted to the Florida Department of Economic Opportunity (DEO), the two applications will be considered concurrently at the BCC adoption public hearing.

B. Privately-Initiated Text Amendment

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) and Lake Pickett (LP) Future Land Use Map designations adopted subsequent to January 1, 2007. If adopted, the maximum development program requested by Amendment 2023-1-P-FLUE-1 will replace the currently-approved Sutton Lakes development program adopted by Ordinance No. 2014-30 as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
* * *	* * *	* * *	* * *
<u>2014-2-A-1-2</u> <u>Sutton Lakes</u>	Growth Center-Planned Development-Commercial/ Medium Density Residential/Low Density Residential (GC-PD-C/MDR/LDR)	Commercial—20,000 sq. ft. Single-Family—700 dwelling units	2014-30
* * *	* * *	* * *	* * *
<u>2023-1-P-FLUE-1</u> <u>(fka 2023-1-A-1-1)</u> <u>Sutton Lakes</u>	<u>Growth Center-Planned Development-Commercial/ Medium Density Residential/Low Density Residential (GC-PD-C/MDR/LDR)</u>	<u>Single-Family: Up to 253 dwelling units</u> <u>Multi-Family: Up to 304 dwelling units</u> <u>Commercial: Up to 20,000 square feet</u>	<u>2023-</u>

C. Analysis

Consistency

The requested text 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 U.S. 192 Growth Center. As stated 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 provide at a minimum that the County will not incur initial capital costs for utilities. The subject property lies within the Tohopekaglia (Toho) Water Authority's potable water and wastewater service areas. Although based in adjacent Osceola County, the Toho Water Authority (TWA) currently has water and sewer infrastructure in place along Avalon Road, with a 24-inch water main located at the west line of the subject property and a 16-inch force main situated approximately 12 feet west of the site. In a letter to the applicant dated December 9, 2021, the TWA's Engineering Division informed the applicant that the installation of a water service line and the provision of a force main connection will be needed and that the developer shall be required to comply with the TWA's design and construction standards and specifications, including the execution of a Developer's Service Agreement, if applicable. Staff notes that the subject property lies within Orange County Utilities'

(OCU's) reclaimed water service area. However, there are presently no reclaimed water mains in place in the vicinity of the subject property. Therefore, reclaimed water service is considered unavailable.

In accordance with **Policy FLU1.1.2.A**, the applicant has specified the maximum desired development program for the residential component of the project, proposing up to 253 single-family homes (a mix of detached and attached dwellings) and 304 multi-family residential units under the "urban-scale" Medium Density Residential (MDR) and Low Density Residential (LDR) Future Land Use Map designations, which allow residential development at a maximum net density of twenty (20) dwelling units per acre and four (4) dwelling units per acre, respectively. As established in **Policy FLU7.4.4**, urban intensities—including the planned 20,000 square feet of commercial space—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. Staff emphasizes, though, 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, as mandated by this policy.

As stated previously, the subject property is located in an area characterized by a mix of existing and planned residential communities featuring a variety of housing types, including multi-family units, townhomes, single-family detached homes, and manufactured homes; resort development; and approved and proposed commercial uses that will provide goods and services to both visitors and the surrounding residential population. The proposed text amendment and associated residential development program are consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. The applicant's intent to develop a mix of 253 single-family detached and attached homes and 304 multi-family dwelling units is consistent with **Housing Element GOAL H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. Similarly, **Policy FLU8.2.2** directs that continuous stretches of similar housing types and density of units shall be avoided. It is staff's belief that the proposed project will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Policy FLU1.1.1**.

Staff further finds the proposed project consistent with **Future Land Use Element Objective OBJ FLU2.2**, which establishes that Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community. In addition to adding to the County's housing stock and offering a range of living options, the project is planned to feature 20,000 square feet of neighborhood-serving commercial and/or office uses that would complement surrounding residential and resort development. Staff believes a well-designed commercial center could alleviate the need to travel south to the US 192 tourist commercial corridor for goods and services while avoiding intrusion into and disturbance of neighboring residential communities and resort activity.

Compatibility

The proposed text amendment to add multi-family as a permitted use within the Sutton Lakes PD

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 an area of Orange County characterized by a mix of existing and planned residential communities featuring a variety of housing types, including multi-family units, townhomes, single-family detached homes, and manufactured homes; resort development; and approved and proposed commercial uses that will provide goods and services to both visitors and the surrounding residential population.

Staff emphasizes that if this requested text amendment is adopted, care must be taken to ensure that the development of the subject site for a mix of residential and commercial uses will not negatively impact the existing residential communities in the surrounding area, including the abutting Arrowhead Lakes single-family subdivision to the south and the Vista del Lago mobile home community to the east. As stated previously, the applicant proposes the internal concentration of the project's multi-family and commercial components within the PD boundary, adjacent to Avalon Road and away from existing single-family dwellings and manufactured homes. Staff notes that the area designated for multi-family residential development and commercial activity, limited to those uses permitted in the C-1 zoning district, is delineated on the PD Land Use Plan currently undergoing DRC review. Although no restrictions or conditions may be imposed via the text amendment, performance restrictions and/or conditions may be placed on the site through the appropriate subsequent development order to ensure compatibility, as established in **Policy FLU8.2.1**.

As reflected on the draft PD Land Use Plan, the developer intends to honor commitments presently associated with the Sutton Lakes PD, including the limitation of residential development on Lake Scott and Lake Rexford to single-family detached homes. A mix of single-family attached and detached homes would be permitted on the remaining upland acreage designated for residential use. Further commitments include the prohibition of boat docks on Lake Scott and Lake Rexford, a ban on watercraft—both motorized and non-motorized—on the two lakes, the maintenance of a 125-foot building setback from the lakes' normal high water elevations, and appropriate landscaping and buffering between the subject site and adjacent properties. These compatibility issues will be addressed in greater detail through the concurrent consideration of the requested substantial change to the PD Land Use Plan during the BCC adoption public hearing.

It is staff's belief that the mixed-use project, as proposed, would contribute to the County's larger goals of promoting compact urban form consistent with the County's Growth Center Policies, providing for a range of living options, efficiently using existing and planned infrastructure, reducing trip lengths, and encouraging accessibility via multiple modes of transportation. Staff, therefore, recommends transmittal of this requested text amendment.

Community Meeting

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

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:

- 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 (CAI) Permit application, CAI-22-03-022, was submitted and is in progress. The applicant is requesting a total of 6.46 acres of Class II and Class III wetland impacts (4.8 acres of 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 for determining the presence of these concerns and verifying and obtaining, if necessary, any required habitat permitting from the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

FLUM Amendment Comments:

1. Conservation Area Determination – 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, "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 application, CAD-22-08-155, 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 – A 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 the Orange County Environmental Protection Division by mail or email to 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 for determining the presence of these concerns and verifying and obtaining, if necessary, any required habitat permitting from 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 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 request be addressed on a multi-agency basis.

Additional Comments:

1. Planned Development Condition #3 – The building height shall be restricted to one (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 Orange County 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 require periodic street sweeping. Reference Orange County Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

Transportation

The Orange County Transportation Planning Division has reviewed the proposed text amendment and has provided the following analysis:

Trip Generation (ITE 11th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use:			
700 single-family units	619	100%	619
20,000 SF of commercial	127	56%	71
Proposed Use:			
98 attached single-family units	63	100%	63
155 detached single-family units	150	100%	150
304 multi-family units	119	100%	150
20,000 SF of commercial	127	56%	71
Totals:	-287		-287
Net New Trips (Proposed Development less Allowable Development): -287			

Future Roadway Network:

Road Agreements: A road network agreement is needed for this property.

Planned and Programmed Roadway Improvements: C.R. 545 (Avalon Road) 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.

CR 545 and Flemings Rd. 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).

Right of Way Requirements: Right-of-Way for Avalon Road (C.R. 545) must be dedicated prior to PSP/DP approval per previous BCC Condition of Approval.

Summary

The applicant is requesting to change ~139.88 acres from (GC-PD-C/MDR/LDR) to (GC-PD-C/MDR/LDR) and rezone from PD to PD, to allow for the construction of mixed-use single family, multi-family, and commercial.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed mixed-use single family, multi-family, and commercial will result in a decrease in the number of 287 pm 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 not submitted with the case for review and comment. The subject property is located adjacent to Avalon Road.

Based on the Concurrency Management System (CMS) database, there are multiple failing roadway segments within the project's impact area. Three segments of Avalon Road from U.S. 192 to Flamingo Crossings Boulevard and one segment of U.S. 192 from the Lake County line to the Osceola County line (1 segment) are failing. This information is dated and subject to change.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment 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

Per Orange County Utilities (OCU), the subject property is located within the Tohopekaglia (Toho) Water Authority's (TWA's) potable water and wastewater service areas and OCU's reclaimed water service area. In a letter to the applicant dated December 9, 2021, the TWA's Engineering Division stated that the TWA currently has water and sewer infrastructure in place along Avalon Road, with a 24-inch water main located at the west line of the subject property and a 16-inch force main situated approximately 12 feet west of the site. The TWA informed the applicant that the installation of a water service line and the provision of a force main connection will be needed and that the developer shall be required to comply with the TWA's design and construction standards and specifications, including the execution of a Developer's Service Agreement, if applicable.

Although the subject property lies within OCU's reclaimed water service area, there are presently no reclaimed water mains in place in the vicinity of the site. Therefore, reclaimed water service is considered unavailable.

Schools

Per School Capacity Determination OC-22-083, dated December 8, 2022, capacity is available at the elementary, middle, and high schools that would currently serve the project. This determination is valid until June 4, 2023.

D. Policy References

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

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

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

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

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

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

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

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

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

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single family to small lot single-family development.	0 to 4 du/ac
Low Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac

FLUM Designation	General Description	Density
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)

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 Amendment 2023-1-P-FLUE-1 (fka 2023-1-A-1-1) be TRANSMITTED to the state reviewing agencies.

Local Planning Agency (LPA) Public Hearing Synopsis

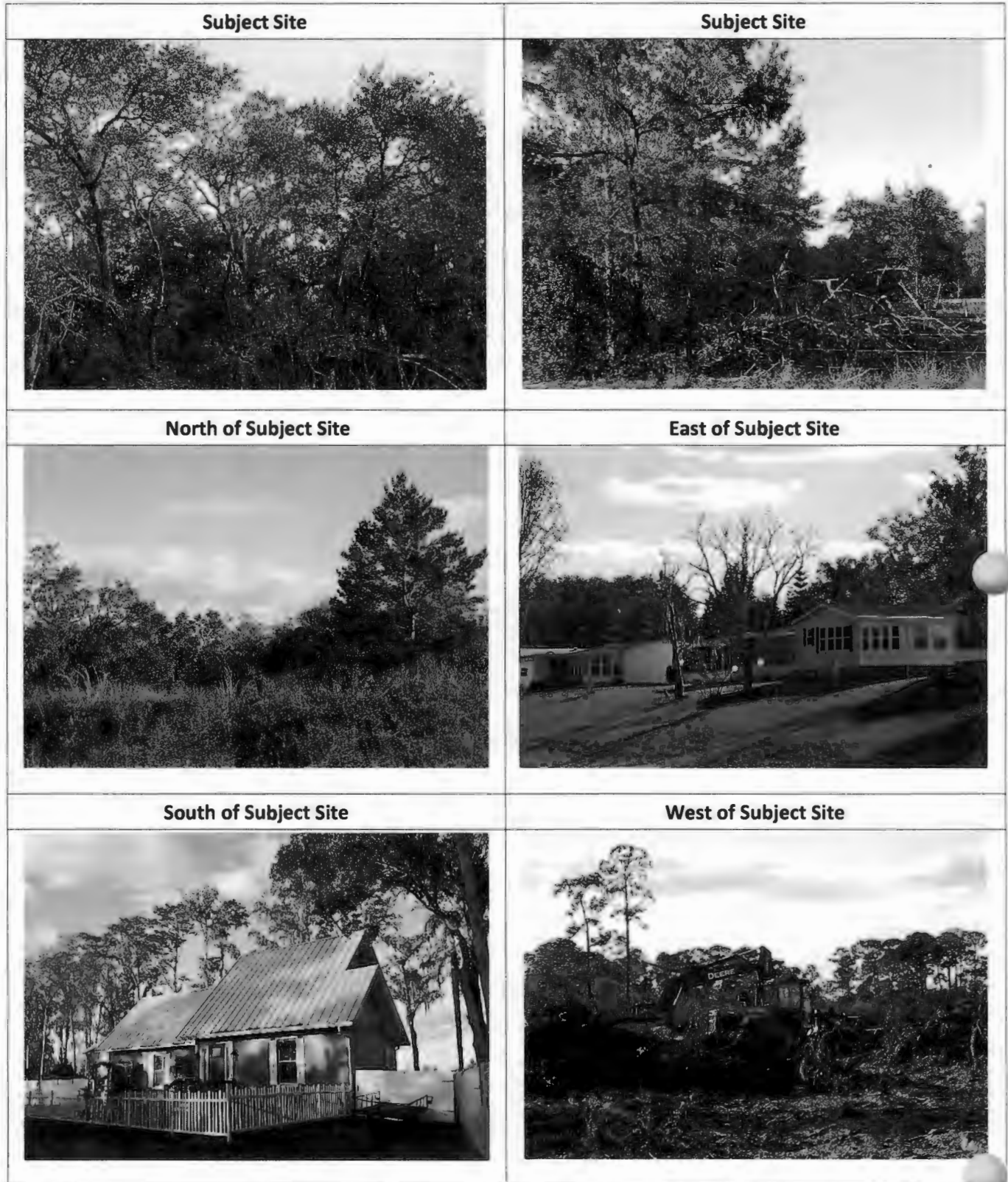
The staff report was presented to the PZC with the recommendation that they make a finding that the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes, and that they recommend to the Board of County Commissioners that the amendment, Amendment 2023-1-P-FLUE-1 (fka 2023-1-A-1-1), 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 school capacity and surrounding wetland areas. A motion was made by Commissioner Boers and seconded by Commissioner Wade to recommend that the proposed amendment, Amendment 2023-1-P-FLUE-1 (fka 2023-1-A-1-1), be transmitted to the state reviewing agencies. The motion was carried on a 6-1 vote.

Motion / Second	<i>David Boers / Jaja Wade</i>
Voting in Favor	<i>George Wiggins, Jaja Wade, Walter Pavon, Eddie Fernandez, David Boers, and Evelyn Cardenas</i>
Voting in Opposition	<i>Gordon Spears</i>
Absent	<i>Nelson Pena and Michael Arrington</i>

Site Visit Photos



PUBLIC NOTIFICATION MAP

