



**Applicant/Owner:** Jim Hall, VHB, Inc. / WPFF Majorca Land Investor, LLC

**Location:** Generally located on the west side of Majorca Place, west of Turkey Lake Road, north of W. Sand Lake Road, south of Toscana Boulevard, and east of Dr. Phillips Boulevard.

**Existing Use:** Undeveloped land

**Parcel ID Numbers:**

**FLUM Amendment:** 26-23-28-5411-00-030/031 (portions of)

**Substantial Change:** 26-23-28-5411-00-010/020/030/031

**Tract Size:**

**FLUM Amendment:** 6.5 gross/net developable acres

**Substantial Change:** 26.81 gross acres/9.2 net developable acres

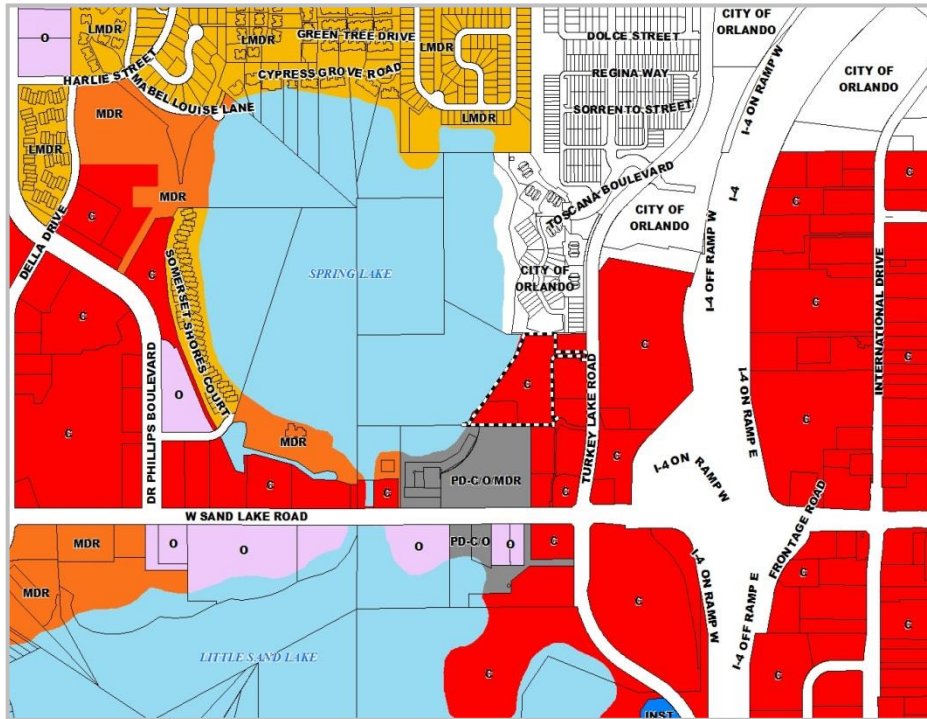
The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing	Outcome		Request: Commercial (C) to High Density Residential (HDR)	
✓ A community meeting was held September 13, 2016, with 43 residents in attendance.	Negative - Attendees voiced concerns about traffic, compatibility with neighboring residential development, access management, and safety.		Proposed Development Program: Up to 325 multi-family dwelling units	
✓ Staff Report	Recommend Adoption		Concurrent PD-LUP Substantial Change: Case CDR-16-08-297 A proposed substantial change to the currently-approved Majorca Planned Development/Land Use Plan (PD/LUP), incorporating the requested residential development program, will be considered in conjunction with the Future Land Use Map Amendment application.	
✓ LPA Adoption September 15, 2016	Recommend Denial (4-2)		Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility.	
BCC Adoption	October 4, 2016		Transportation: Per the Transportation Planning Division, there are multiple failing roadway segments within the proposed project's impact area. However, development of the site under the requested HDR designation will result in a net reduction in p.m. peak hour trips and will not adversely impact the area's transportation network.	
PD-LUP Substantial Change	October 4, 2016		Environmental: There is a Class I wetland and a portion of Spring Lake within the overall Majorca PD boundary. Orange County Conservation Area Determination CAD 01-034 was completed in 2002 for the Majorca PD and does not expire.	
			Schools: Capacity Enhancement Agreement (CEA) application #OC-15-004-A1 will be considered by the Orange County School Board on September 27, 2016.	

## SITE AERIAL





## FUTURE LAND USE



**Current Future Land Use:**  
Commercial (C)

### Special Area Information

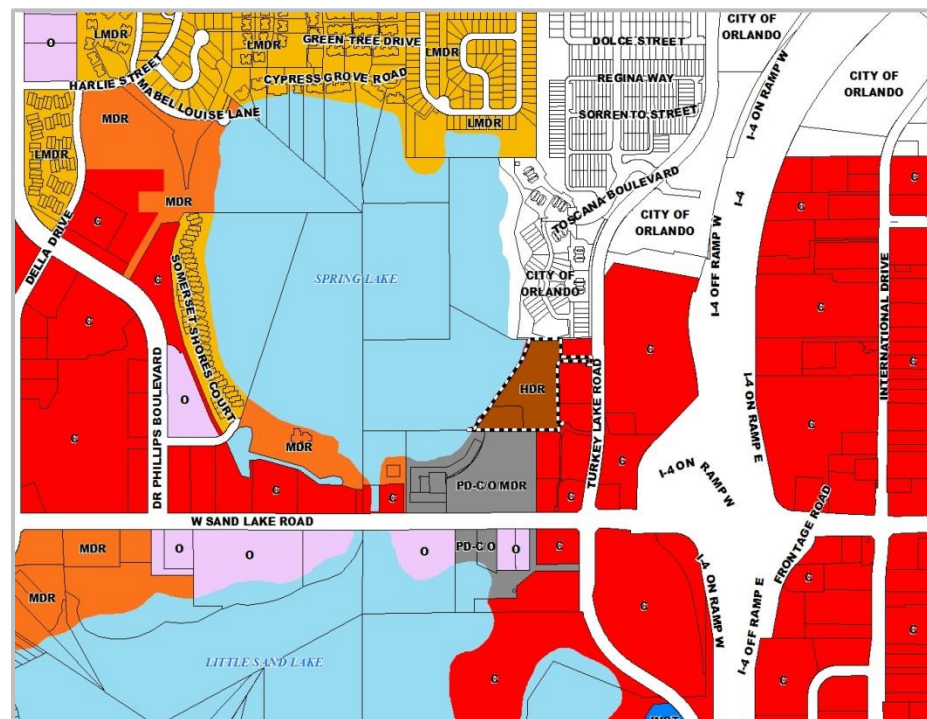
Overlay District: The site is located within the Dr. Phillips Urban Preservation District.

JPA: N/A

Rural Settlement: N/A

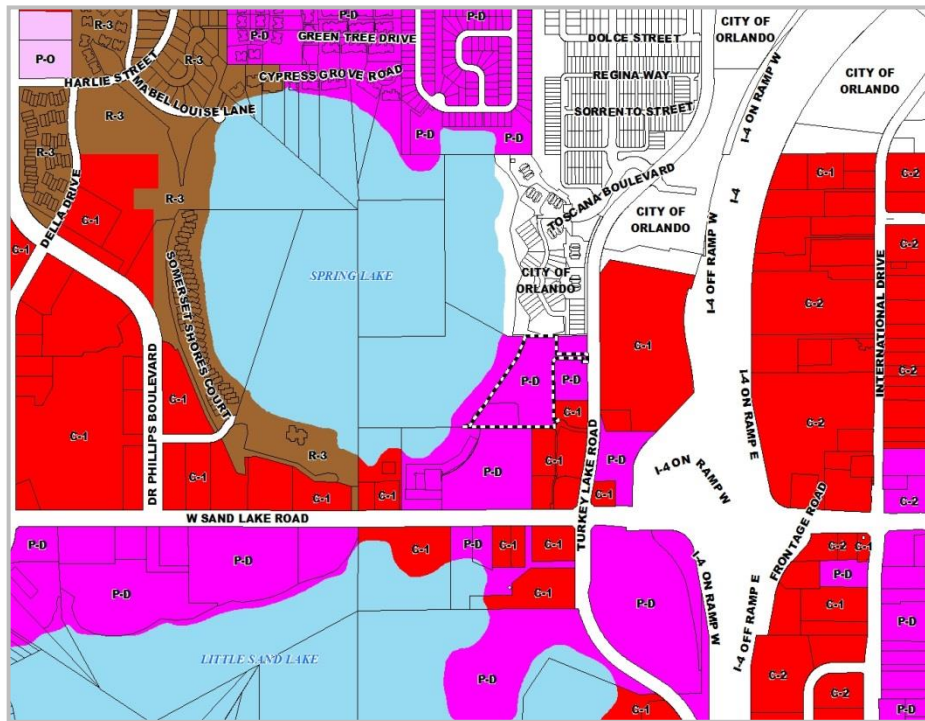
Airport Noise Zone: N/A

## FUTURE LAND USE – PROPOSED



**Proposed Future Land Use:**  
High Density Residential (HDR)

## ZONING



**Zoning:** PD (Planned Development District)  
(Majorca PD)

**Existing Uses:**

N: Toscana (townhome and condominium community)

S: Rialto (commercial and office complex), The Rialto Apartments, and My Neighborhood Storage Center

E: Dewey's Indoor Golf and Sports Grill, Sweetwater Car Wash, and Tire Kingdom

W: Spring Lake

## Staff Recommendations

If the requested Future Land Use Map Amendment is adopted, the Board will then need to take action on the proposed substantial change to the Planned Development/Land Use Plan (PD/LUP). These items shall be addressed as two separate motions.

1. **FUTURE LAND USE MAP AMENDMENT:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.1 and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU8.2.1, and FLU8.2.2; and Housing Element Goal H1 and Objective H1.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2016-2-C-1-1, Commercial (C) to High Density Residential (HDR).
2. **SUBSTANTIAL CHANGE TO THE PD/LUP** (September 7, 2016, DRC Recommendation): Make a finding of **consistency** with the Comprehensive Plan and **APPROVE** the Majorca Planned Development/Land Use Plan (PD/LUP) substantial change (Case CDR-16-08-297), subject to the following fifteen (15) conditions:
  1. Development shall conform to the Majorca Planned Development/Land Use Plan (PD/LUP) dated "Received August 29, 2016," 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 August 29, 2016," 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 at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
  3. 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 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. 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.
  7. Pole signs and new billboards shall be prohibited. Fascia signs shall comply with Chapter 31.5 of the Orange County Code, and ground signage shall comply with the Master Sign Plan.
  8. Outside sales, storage, and display shall be prohibited.
  9. Short-term/transient rental is prohibited within the multi-family portion of this PD. Length of stay shall be for 180 days or greater.
  10. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) 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 CEL or a CRC.

11. The following Education Condition of Approval shall apply:

- a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of September 27, 2016.
- b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 0 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
- c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
- d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
- e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

12. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater systems have been designed to support all development within the PD.

13. The following waivers from Orange County Code Section 38-1258 are granted for, and applicable to, Parcel I.D. Numbers 26-23-28-5411-00-030 and 26-23-28-5411-00-031 only:

- a. A waiver from Section 38-1258(a) to allow a maximum height of 85 feet and 5 stories for multi-family buildings located within 25 feet of single-family residential, in lieu of a maximum height of a single story, for multi-family buildings located within 100 feet of single-family zoned property.
- b. A waiver from Section 38-1258(b) to allow a maximum height of 85 feet and 5 stories for 100% of the multi-family buildings located between 100 feet and 150 feet from single-family zoned property; in lieu of varying multi-family building heights, with a maximum of 50% of the buildings being a maximum of 3 stories



- and 40 feet and the remaining buildings being 1 or 2 stories when located between 100 feet and 150 feet from single-family zoned property.
- c. A waiver from Section 38-1258(c) to allow a maximum height of 85 feet and 5 stories for multi-family buildings located within 150 feet of single-family zoned property, in lieu of a maximum building height of 3 stories and 40 feet for multi-family buildings located within 150 feet of single-family zoned property.
  - d. A waiver from Section 38-1258(d) to allow a maximum multi-family building height of 85 feet and 5 stories, in lieu of a maximum multi-family building height of 40 feet and 3 stories.
  - e. A waiver from Section 38-1258(e) to allow paved areas for multi-family development to be located 7 feet from any single-family zoned property, in lieu of 25 feet.
  - f. A waiver from Section 38-1258(f) to eliminate the requirement to construct a six-foot high masonry, brick, or block wall when multi-family development is located adjacent to any single-family zoned property.
14. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated August 23, 2011, shall apply:
- a. The following waivers from Chapter 31.5 are approved:
    - 1. A waiver from Section 31.5-67(b) is granted to allow for a height of fifteen (15) feet in lieu of twelve (12) feet for the on-site multi-tenant ground sign.
    - 2. A waiver from Section 31.5-67(e) is granted to allow more than one (1) ground sign per parcel.
    - 3. A waiver from Section 31.5-67(f) is granted to allow two (2) ground signs on a parcel with a right-of-way frontage less than four hundred (400) linear feet.
    - 4. A waiver from Section 31.5-67(h) is granted to allow for a maximum copy area of any ground sign to be one hundred fifty (150) feet in lieu of one hundred twenty (120) feet.
15. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated August 19, 2008, shall apply:
- a. The Developer shall obtain reclaimed water and wastewater service from Orange County Utilities.
  - b. Buildings on the site shall not exceed eighty-five (85) feet in height. No outdoor recreation shall take place on the lake or on the lake side. The only exterior lights permitted on the lake side shall be security lights.
  - c. Lakeside landscaping shall include evergreens planted 30 feet on center, plus two understory trees for each evergreen.



## Analysis

### 1. Background and Development Program

The applicant, Jim Hall, is seeking to change the Future Land Use Map (FLUM) designation of the 6.5-acre subject property, presently vacant, from Commercial (C) to High Density Residential (HDR). The property—consisting entirely of upland acreage—is a portion of the 26.81-acre Majorca PD. Approved on August 19, 2008, and amended on August 23, 2011, the Majorca PD is currently entitled for the development of up to 50,000 square feet of retail space and 33,360 square feet of professional office uses. To date, the 18,416-square-foot Dewey's Indoor Golf and Sports Grill and the 7,620-square-foot Tire Kingdom have been constructed within the PD boundary, in accordance with the approved PD Land Use Plan (LUP) and the present Commercial FLUM classification.

At this time, the applicant is proposing to change the FLUM designation of the Majorca PD's 6.5 undeveloped upland acres to HDR to allow for the development of up to 325 multi-family dwelling units. It is the applicant's intent to retain the Commercial classification on the PD's 2.7 developed acres. The Majorca PD was last considered during the 2015-2 Regular Cycle as Amendment 2015-2-A-1-3, entailing the same requested change from Commercial to HDR and the identical desired development program of 325 multi-family units on the PD's remaining upland acreage. On July 28, 2015, the Board of County Commissioners (BCC) transmitted Amendment 2015-2-A-1-3 to the Florida Department of Economic Opportunity (DEO). The request subsequently returned for an adoption public hearing before the Local Planning Agency (LPA), which recommended adoption on December 17, 2015, but was withdrawn by the applicant prior to its scheduled January 26, 2016, adoption hearing before the BCC, along with the associated proposed substantial change to the Majorca PD Land Use Plan (Case CDR-15-07-205).

Staff notes that in addition to the Majorca PD's 6.5 undeveloped upland acres, the previous subject site encompassed 17.61 acres of wetlands and submerged land within Spring Lake. Although this undevelopable land still lies within the Majorca PD boundary, it has been eliminated from the HDR request, thus classifying the present application as a proposed small-scale amendment, as the property in question is now less than ten acres in size.

As stated in the new application package, the multi-family project is expected to consist of two buildings five stories/85 feet in height, which will include structured parking. The prospective developer, Wood Partners, anticipates that the apartments will be similar in appearance to their 200-unit Rialto Apartments complex located immediately south of the subject site within the mixed-use Rialto PD, with the same architect responsible for their design and the same management team slated to handle their day-to-day operation. If approved, the proposed project will maintain at least a 50-foot setback from Spring Lake and will share access with the Rialto Apartments, with vehicular connectivity to both Turkey Lake Road and Sand Lake Road achievable via an internal roadway linking the two developments.

The subject property lies just north of the intersection of two minor arterial roadways, Turkey Lake Road and W. Sand Lake Road, and is situated in a densely developed area characterized by a mix of commercial, office, and residential uses and a variety of housing types, including single-family detached homes, townhomes, condominiums, and apartments. In addition to its adjacency to the above-mentioned commercial establishments within the Majorca PD boundary—both fronting Turkey Lake Road—and the Rialto Apartments, the site is bounded to the south by the Rialto commercial/office complex and a self-storage center and to the east by a car wash business. The Toscana residential community, located within the Orlando city limits, borders the property to the

north and features a combination of condominiums (also five stories in height and integrating structured parking) and townhomes.

In association with this requested amendment, a proposed substantial change to the currently-approved Majorca Planned Development/Land Use Plan (Case CDR-16-08-297) to incorporate the desired residential development program and revise the PD's current Conditions of Approval will be considered during the October 4, 2016, adoption public hearing before the Board of County Commissioners (BCC). On September 7, 2016, the Orange County Development Review Committee (DRC) voted to recommend approval of the substantial change application, encompassing the entirety of the 26.81-acre PD, subject to the fifteen (15) conditions listed in this staff report.

## 2. Project Analysis

### Consistency

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

The subject property is located within the County's Urban Service Area (USA) Boundary and is situated in a highly urbanized area characterized by a mix of commercial, office, and residential activity. As discussed above, the applicant is seeking the HDR FLUM designation to allow for the development of the 325-unit multi-family project on a vacant infill site within the Majorca PD. Staff finds this proposal consistent with **Future Land Use Element Goal FLU2**, which states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options. In the same vein, the request is consistent with **Future Land Use Element Objective FLU2.1**, which establishes that Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

Staff further finds this request consistent with **Future Land Use Element Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. Staff notes that, if approved, the residential project will use infrastructure that is already in place. Per Orange County Utilities (OCU), potable water service will be provided by the Orlando Utilities Commission, while central sewer and reclaimed water service will be furnished by OCU, with no facility improvements necessary to maintain level of service standards. Moreover, the project would use the existing transportation network, which serves transit riders and pedestrians, as well as automobile drivers. A LYNX bus stop is located on Turkey Lake Road, at the entrance to the Majorca PD, and sidewalks are currently in place along Turkey Lake Road and W. Sand Lake Road to help provide for the safety of pedestrians.

As noted previously, the subject property is situated in an area characterized by a variety of housing types, including single-family detached homes, townhomes, condominiums, and apartments. The proposed FLUM Amendment and associated residential development program are consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. The prospective developer's intent to construct up to 325 multi-family 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, **Future Land Use Element 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 multi-family community will 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**.

### **Compatibility**

The requested 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 earlier, the subject property is located in a densely developed area characterized by a mix of commercial, office, and residential activity and a variety of housing types. In addition, it is situated in close proximity to several major employers—including the Orlando Health Dr. P. Phillips Hospital, Walt Disney World, Universal Orlando, Sea World, Lockheed Martin, and the Orange County Convention Center—adding to its suitability for residential development. 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 infrastructure, reducing trip lengths, and encouraging accessibility via multiple modes of transportation. Staff, therefore, recommends adoption of this requested amendment.

### **Public Facilities and Services**

**Environmental.** The Environmental Protection Division (EPD) has informed staff that there is a Class I wetland and a portion of Spring Lake within the Majorca PD boundary. Orange County Conservation Area Determination CAD 01-034 was completed in 2002 for the Majorca PD and included the subject property. This determination does not expire.

The Normal High Water Elevation (NHWE) of Spring Lake was established at 98.7 feet NGVD 29 (97.71 feet NAVD 88) in the Lake Index of Orange County. The applicant shall clearly label and indicate the NHWE of the lake on all development plans or permit applications, in addition to any wetland and setback lines.

No construction, clearing, filling, alteration, or grading is allowed within or immediately adjacent to a conservation area without first obtaining permission from EPD. Please reference Chapter 15, Article X, Section 15-376 of the Orange County Code. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

The removal, alteration, or encroachment within a Class I Conservation Area shall only be allowed in cases where no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners.

The developer is responsible for addressing any adverse impacts, including secondary impacts, to surface waters, wetlands, or conservation areas that may occur as a result of development of the site. Preventive measures include, but are not limited to, a 25-foot average undisturbed upland buffer along the wetland boundary, signage, pollution abatement swales, split rail fencing, retaining walls, or native plantings adjacent to the wetlands. The applicant has been directed to identify and



label the measures employed to prevent adverse conservation area impacts on all development plans and permit applications.

Development of the subject property shall comply with all state and federal regulations regarding wildlife or 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 (FWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

**Transportation.** Under the subject property's present Commercial future land use designation, approximately 849,420 square feet of commercial space could potentially be developed. The applicant is now requesting approval to develop a multi-family project featuring up to 325 multi-family dwelling units. Using trip generation calculations from the 9<sup>th</sup> Edition of ITE's *Trip Generation Handbook*, the Orange County Transportation Planning Division has determined that the currently-approved use would generate 2,034 new p.m. peak hour trips, while the proposed uses will generate 196 new p.m. peak hour trips—resulting in a net decrease of 1,838 p.m. peak hour trips.

The Transportation Planning Division's analysis of existing conditions revealed that there are several deficient roadway segments within the project's impact area. Sand Lake Road from International Drive to Kirkman Road, Turkey Lake Road from Sand Lake Commons Boulevard to Sand Lake Road, Wallace Road from Dr. Phillips Boulevard to Turkey Lake Road, and Universal Boulevard from Sand Lake Road to Pointe Plaza Avenue are currently operating below the adopted level of service. Planned or programmed roadway improvements within the project's impact area are as follows:

- SR 482/Sand Lake Road - Planned state roadway improvement to widen Sand Lake Road from west of Turkey Lake Road to west of John Young Parkway to six lanes. Construction is to be determined.
- International Drive – Planned roadway improvement to widen International Drive from Sand Lake Road to Kirkman Road to six lanes by 2030.

The short-term (Year 2020) analysis indicates that the currently-deficient segments will continue to operate below the adopted level of service with or without the proposed amendment. The long-term (Year 2030) analysis shows the same roadway deficiencies, including International Drive from Sand Lake Road to Kirkman Road and Sand Lake Road from Turkey Lake Road to International Drive.

In summary, roadway deficiencies are projected for the short-term and long-term scenarios with and without the proposed amendment. In addition, trip generation estimates of the proposed Future Land Use Map Amendment versus the currently-approved future land use designation result in a reduction of trips. Therefore, the requested amendment will not adversely impact the area's transportation facilities.

Final permitting of any development on this site will be subject to further 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 fair share payment to mitigate any transportation deficiencies. 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 and/or as a text amendment to the Comprehensive Plan.

**Utilities.** The subject site lies within the Orlando Utilities Commission's potable water service area. Per Orange County Utilities (OCU), County wastewater service is available, as 8-inch and 12-inch gravity mains are in place in the Turkey Lake Road right-of-way, and 24-inch force mains are located

in the Sand Lake Road right-of-way. In addition, the property is situated within the County's reclaimed water service area, with a 30-inch reclaimed water main in place in the Sand Lake Road right-of-way. Per OCU, no improvements to County facilities to maintain current level of service (LOS) standards are needed at this time.

**Schools.** Per Orange County Public Schools (OCPS), the middle school (Southwest Middle) and high school (Dr. Phillips High) that would currently serve the project are operating over capacity. The applicant has applied for a Capacity Enhancement Agreement (#OC-15-004-A1), scheduled for consideration by the Orange County School Board on September 27, 2016.

### 3. Substantial Change Impact Analysis

**Special Information.** The Majorca PD was originally approved on August 19, 2008, and a Master Sign Plan was approved in 2011. The existing PD development program consists of 50,000 square feet of retail commercial and 33,360 square feet of office uses.

Through this Planned Development/Land Use Plan (PD/LUP) Substantial Change, the applicant is seeking to add 325 multi-family residential dwelling units to the development program.

**Land Use Compatibility.** The proposed PD/LUP Substantial Change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

**Comprehensive Plan (CP) Consistency.** The affected parcels currently have an underlying Future Land Use Map (FLUM) designation of Commercial (C), and the proposed PD Change Determination Request (CDR) is inconsistent with this FLUM designation. However, the applicant has submitted a Future Land Use Map (FLUM) Amendment application (Amendment 2016-2-C-1-1) to change the future land use designation of the 6.5-acre subject site to High Density Residential (HDR). If Amendment 2016-2-C-1-1 is adopted, the PD Change Determination Request would be consistent with the new FLUM designation. The Board of County Commissioners Adoption public hearing for the FLUM Amendment is scheduled for October 4, 2016.

**Community Meeting Summary.** Community meetings were held during the 2015-2 Regular Cycle on April 30 (29 attendees), June 23 (17 attendees), October 1 (63 attendees), and November 9, 2015 (22 attendees), for this project (PD/LUP Substantial Change Case CDR-15-07-205) and its related FLUM Amendment (Amendment 2015-2-A-1-3). During those meetings, participants voiced concerns about traffic and congestion on area roadways, compatibility with neighboring residential development, access management, and safety. A community meeting concerning this present Change Determination Request and associated FLUM Amendment application was held on Tuesday, September 13, 2016, at Southwest Middle School. Attendees expressed the same concerns about traffic, compatibility with neighboring residential development, access management, and safety, as well as the site's potential annexation into the City of Orlando.

**Overlay District Ordinance.** The subject property is not located within an Overlay District.

**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.

**Environmental.** There is a Class I wetland and a portion of Spring Lake located on this site. Orange County Conservation Area Determination CAD 01-034 was completed for this property with a certified survey of the conservation area boundary approved on July 17, 2002. This determination does not expire. The removal, alteration, or encroachment within a Class I Conservation Area shall only be allowed in cases where no other feasible or practical alternatives exist, impacts are

unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined by the Orange County Board of County Commissioners.

Development of the subject property shall comply with all state and federal regulations regarding wildlife or 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).

**Transportation/Concurrency.** Based on the Concurrency Management System database dated August 8, 2015, there are multiple failing roadway segments within a one-mile radius of this project. This information is dated and is subject to change. A traffic study and an approved Concurrency Encumbrance Letter (CEL) will be required prior to building permit issuance/construction plan submittal.

**Parks and Recreation.** Orange County Parks and Recreation staff reviewed the request but did not identify any issues or concerns.

**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

**GOAL FLU2 – URBAN STRATEGIES.** Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

**OBJ FLU2.1 INFILL.** Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

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

**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.

**FLU1.1.5 – Orange County** shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County's desired urban framework. Infill is defined as development consistent with the *Infill Master Plan* (2008).

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

**FLU8.2.2– Continuous stretches** of similar housing types and density of units shall be avoided. A



diverse mix of uses and housing types shall be promoted.

**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.

## **Majorca PD/LUP – Cover Sheet**


# Land Use Plan

Issued for	PD Zoning Approval
Date Issued	May 31, 2011
Latest Issue	August 18, 2016

## Majorca PD

Parcel ID: 26-23-28-5411-00-031\* 26-23-28-5411-00-020  
26-23-28-5411-00-030\* 26-23-28-5411-00-010  
(\*affected parcels)

Orange County, Florida



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Orlando, FL 32801  
Tel: 407-839-4006  
Fax: 407-839-4008  
Certificate of Authorization Number FL 0002

**Developer**  
VHB Development  
114 NE 1st Avenue  
Delray Beach, FL 33444  
Tel: 561-962-4993 • Fax: 561-693-0095


**Applicant**  
VHB  
225 E. Robinson Street, Suite 300  
Orlando, FL 32801  
Tel: 407-839-4006 • Fax: 407-839-4008

**Sheet Index**

Number	Drawing Title	Latest Issue
C000	Cover Sheet	8/18/2016
C001	Existing Condition	8/18/2016
C002	Land Use Plan	8/18/2016
C003	Master Sign Plan	8/18/2016
C004	Previous Conditions of Approval	8/18/2016

**Reference Drawings**

Number	Drawing Title	Latest Issue
SV 1 - 3	Legal Description & Boundary Survey	7/14/2015



Site Location Map

**RECEIVED**

By The Development Review Committee (DRC) Office at 2:18 pm, Aug 29, 2016

VHB Project No. 0197000  
Issued for: Orange County



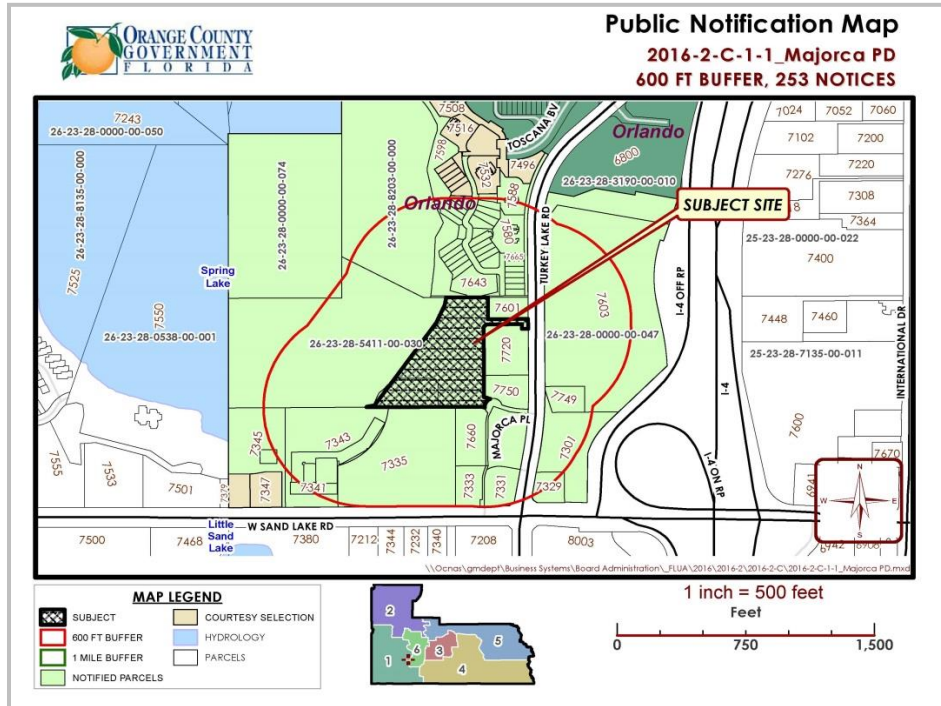
## **Majorca PD/LUP – Land Use Plan**



**Site Visit Photos**

Subject Site	
	
North of Subject Site	South of Subject Site
	
West of Subject Site	East of Subject Site
	

## PUBLIC NOTIFICATION



**Notification Area:**  
600 feet plus  
neighborhood and  
homeowners'  
associations within a  
one-mile radius of the  
subject site

253 notices sent