

ORANGE COUNTY

PLANNING DIVISION

2017-1-S-1-4 Epoch Vista Oaks Small Scale Amendment

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

**JULY 18, 2017
ADOPTION PUBLIC HEARING**


PREPARED BY:
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



DATE: July 18, 2017

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners (BCC)

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

THROUGH: Jon V. Weiss, P.E., Director
Community, Environmental, and Development Services Department

SUBJECT: 2017-1 Small-Scale Development Comprehensive Plan Amendment
Adoption Public Hearings (Continued from June 6, 2017)

Please find attached a binder containing the staff reports and associated backup material for the 2017-1 Small-Scale Development Comprehensive Plan Amendments continued by the Board of County Commissioners (BCC) during the June 6, 2017, adoption public hearing to July 18, 2017. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing held on May 18, 2017.

The continued 2017-1 Small-Scale Development Comprehensive Plan Amendments include one privately-initiated Future Land Use Map Amendment (located in District 1) with a concurrent rezoning request.

If adopted, the implementing ordinance for this amendment and its related amendment to Policy FLU8.1.4 will be heard at the Board of County Commissioners (BCC) Hearing on August 1, 2017.

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 Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, Planning Division, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.

AAV/sgw

Enc: 2017-1 Small-Scale Development Amendment Continued Item BCC Adoption Binder

c: Christopher R. Testerman, AICP, Assistant County Administrator
Jon V. Weiss, P.E., Director, Community, Environmental, and Development Services Department
John Smogor, Planning Administrator, Planning Division
Gregory Golgowski, AICP, Chief Planner, Planning Division

PLANNING DIVISION
ALBERTO A. VARGAS, MArch., *Planning Manager*
201 South Rosalind Avenue, 2nd Floor ■ Reply To: Post Office Box 1393 ■ Orlando FL 32802-1393
Telephone 407-836-5600 ■ FAX 407-836-5862 ■ orangecountyfl.net

TABLE OF CONTENTS

Introduction.....Tab 1

Small-Scale Development Amendment.....Tab 2

Privately-Initiated Small-Scale Development Future Land Use Map (FLUM) Amendment and Concurrent Rezoning Request

Amendment			Page
1.	2017-1-S-1-4 Epoch Vista Oaks	Commercial (C) and Low Density Residential (LDR) to Planned Development-High Density Residential (PD-HDR)	1
	-and-		
	Rezoning Case LUP-17-02-060 (Epoch Vista Oaks PD/LUP)	R-CE (Country Estate District) and PD (Planned Development District) (Perrihouse I PD/LUP) to PD (Planned Development District) (Epoch Vista Oaks PD/LUP)	

Community Meeting Summary.....Tab 5

2017-1 Small-Scale Development Comprehensive Plan Amendments

Privately Initiated Future Land Use Map Amendment

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Desig. FROM:	Zoning Map Designation TO:	Gross Acres	Project Planner	Staff Rec	LPA Rec
District 1													
2017-1-S-1-4	LUP-17-02-060	PerriHouse Development, LLC.; Marie D. Grabinski; Robert A. and La Tanya M. Wilson; 10324 Vista Oaks Court, LLC; 10334 Vista Oaks Court, LLC; and Scott W. and Kenneth E. Rhodes	Justin R. Sand, Epoch Properties, Inc.	Amendment: 08-24-28-8912-00-001/010/020/050/070/071 Rezoning: 08-24-28-8912-00-001/010/020/050/060/070/071/080	10275 Winter Garden-Vineland Rd. and 10324, 10330, 10336, 10417, and 10450 Vista Oaks Ct.; Generally located east of Winter Garden-Vineland Rd., north of Perrihouse Acres Ln. and south of Lake Sheen Reserve Blvd.	Low Density Residential (LDR) and Commercial (C)	Planned Development-High Density Residential (PD-HDR)	R-CE (Country Estate District) and PD (Planned Development District) (Perrihouse Planned Development)	PD (Planned Development District) (Epoch Vista Oaks)	Amendment: 9.82 gross ac. Rezoning: 14.01 gross ac.	Jennifer DuBois	Do Not Adopt	Do Not Adopt & Do Not Approve Rezoning (9-0)
2017-1 Small-Scale Development Comprehensive Plan Amendments													

ABBREVIATIONS INDEX:

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; HDR-High Density Residential; PD-Planned Development; CONS-Wetland/Conservation; PROS-Parks/Recreation/Open Space; OS-Open Space; R-Rural / Agricultural; RS-Rural Settlement; RS 1/8-Rural Settlement 1/8; RS 1/2-Rural Settlement 1/2; RS 1/1-Rural Settlement 1/1; GC-Growth Center; USA-Urban Service Area; WB-Water Body; ACMU-Activity Center Mixed Use; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; TRAN-Transportation; LUP-Land Use Plan; RZ-Rezoning; A-1-Citrus Rural District; A-2-Farmland Rural District; R-T-Mobile Home Park District; R-CE-Country Estate District; R-1-Single-Family Dwelling District; P-O-Professional Office District; C-1-Retail Commercial District; C-2-General Commercial District; PD-Planned Development District; CDR-Change Determination Request; SR-State Road; AC-Acres

2017 FIRST SMALL-SCALE DEVELOPMENT

AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK

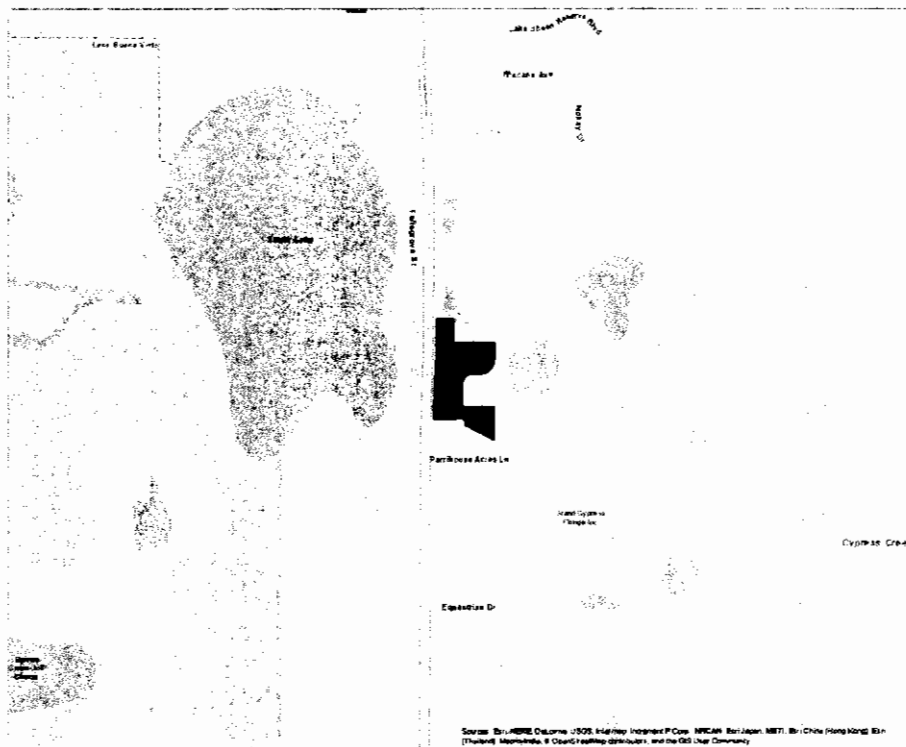
INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing book for the First Small-Scale Development Amendments (2017-1) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP) continued by the BCC from June 6, 2017, to July 18, 2017. The Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) adoption public hearing was held on May 18, 2017.

The continued 2017-1 Small-Scale Development Comprehensive Plan Amendments include one privately-initiated Future Land Use Map Amendment (located in District 1) with a concurrent rezoning request and one staff-initiated text amendment.

If adopted, the implementing ordinance for this amendment and its related amendment to Policy FLU8.1.4 will be heard on August 1, 2017 at the Board of County Commissioners Hearing (BCC).

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 Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, Planning Division, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.



Applicant/Owner: Justin R. Sand, Epoch Properties, Inc./ PerriHouse Development, LLC ; Maria D. Grabinski; Robert A. and La Tanya M. Wilson; 10324 Vista Oaks Court, LLC; 10334 Vista Oaks Court, LLC; and Scott W. and Kenneth E. Rhodes

Location: Generally described as located on the east and west sides of Vista Oaks Court, east of Winter Garden-Vineland Road and north of Perrihouse Acres Lane.

Existing Use: PerriHouse Bed and Breakfast Inn, two single-family dwellings, unmaintained stormwater pond, and undeveloped land

Parcel ID Numbers:

FLUM Amendment: 08-24-28-8912-00-001/010/020/050/070/071

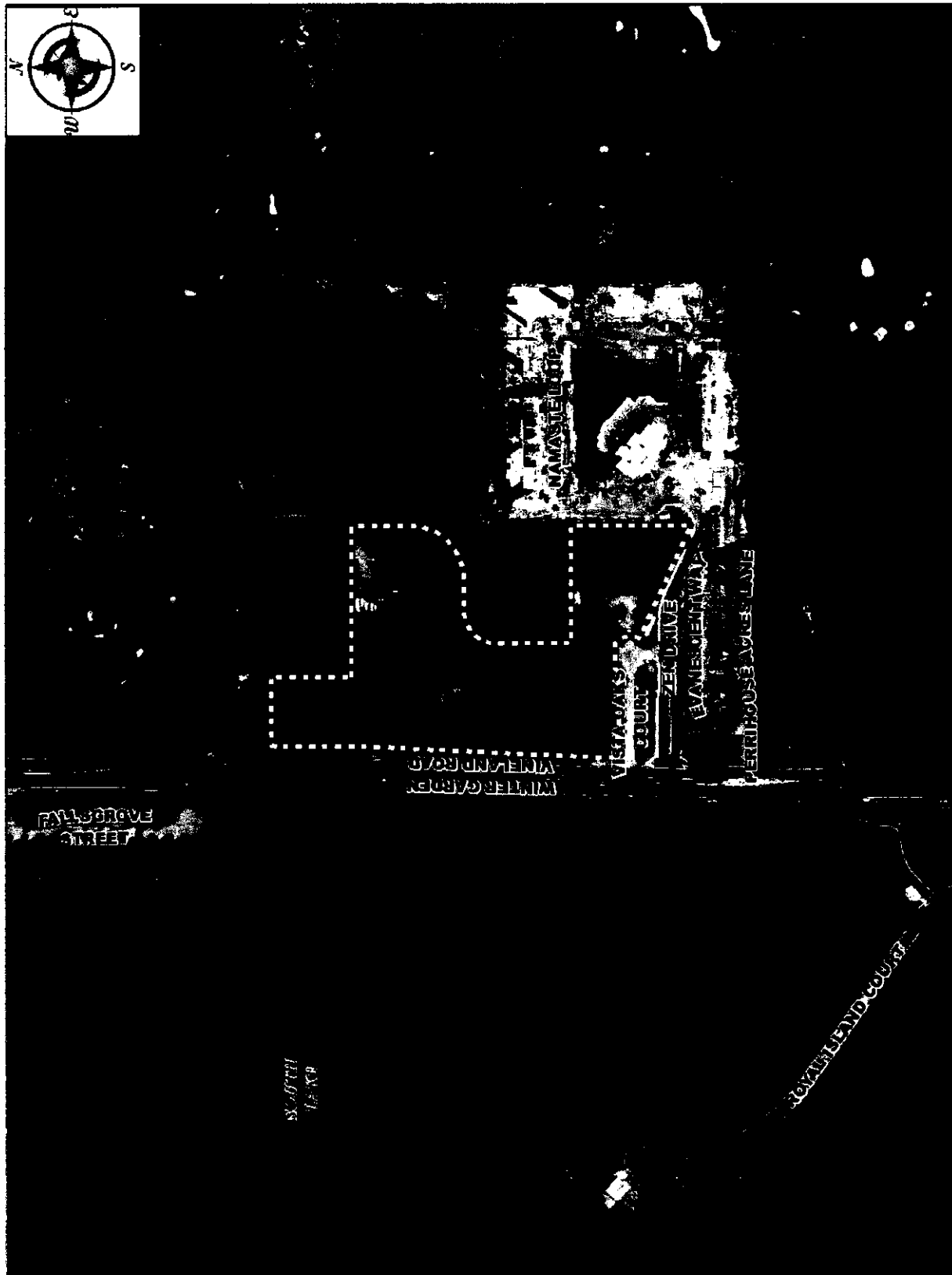
Rezoning: 08-24-28-8912-00-001/010/020/050/060/070/071/080

Tract Size: FLUM Amendment: 9.82 gross acres / 7.71 net developable acres; Rezoning: 14.01 gross acres / 11.77 net developable acres

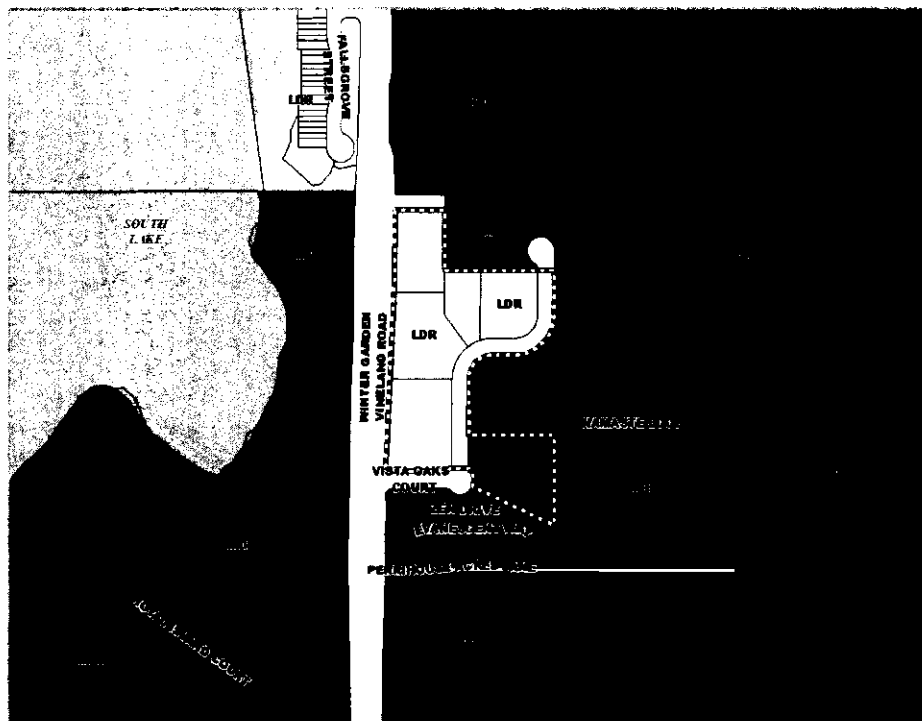
Report/Public Hearing		Outcome
✓	Community meeting held February 8, 2017, with 12 members of the public in attendance.	Mixed –Attendees expressed concern about the density and approval precedent of the proposed project, traffic, access management, and safety.
✓	Staff Report	Recommend Denial of Planned Development-High Density Residential (PD-HDR); Recommend Adoption of Medium Density Residential (MDR)
✓	LPA Adoption May 18, 2017	Recommend Denial of PD-HDR and Rezoning Case LUP-17-02-060 (9-0)

<p>Request: Commercial (C) and Low Density Residential (LDR) to Planned Development-High Density Residential (PD-HDR)</p> <p>Proposed Development Program:</p> <p>Future Land Use Map Amendment: Up to 251 multi-family dwelling units</p> <p>PD/LUP Rezoning: Up to 340 multi-family dwelling units (Two parcels currently designated Medium Density Residential are not included in the requested amendment, but are incorporated into the PD/LUP rezoning application.)</p> <p>Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility.</p> <p>Transportation: Winter Garden-Vineland Road from Buena Vista Drive to Perrihouse Acres Lane currently operates at Level of Service F, with zero capacity available.</p> <p>Environmental: There is a Class I wetland area onsite. Conservation Area Determination CAD-17-03-028 and Conservation Area Impact Permit CAI-17-05-016 are in progress.</p> <p>Schools: Capacity is presently available at the elementary, middle, and high schools that would serve the project. Therefore, a Capacity Enhancement Agreement (CEA) will not be required.</p> <p>Concurrent Rezoning: Case LUP-17-02-060</p> <p>R-CE (Country Estate District) and PD (Planned Development District) (PerriHouse I PD/LUP) to PD (Planned Development District) (Epoch Vista Oaks PD/LUP)</p>
--

SITE AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use:
 Commercial (C) and Low
 Density Residential (LDR)

Special Area Information

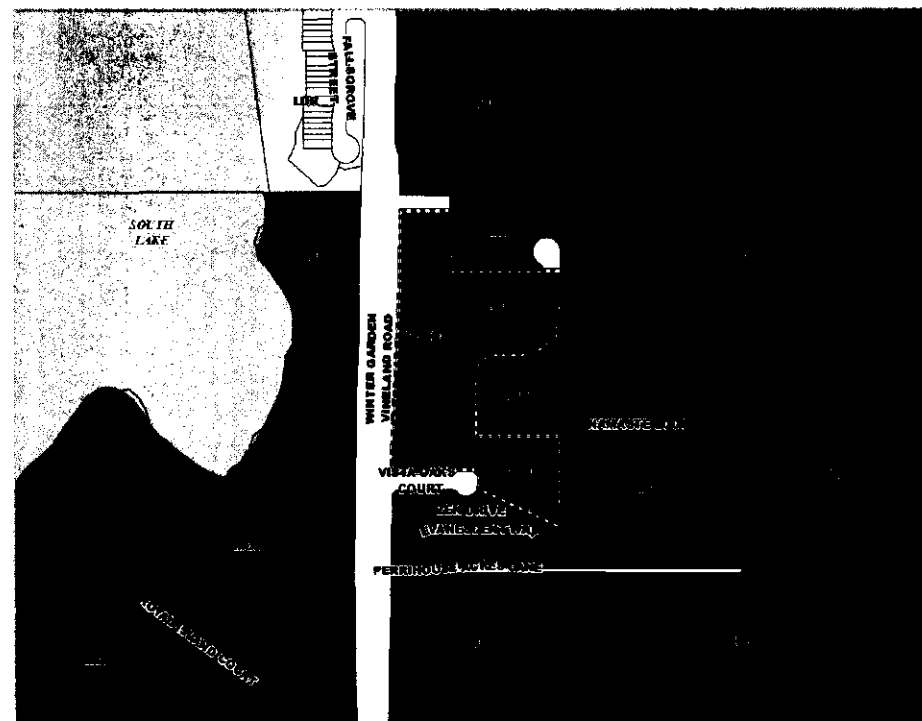
Overlay District: N/A

JPA: N/A

Rural Settlement: N/A

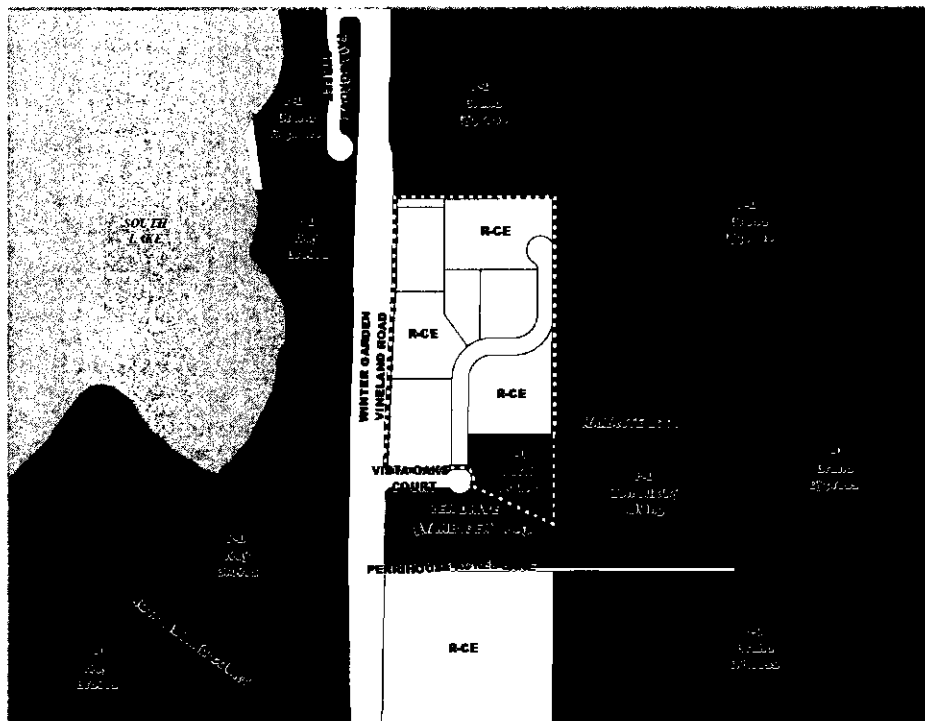
Airport Noise Zone: N/A

FUTURE LAND USE – PROPOSED



**Proposed Future Land
 Use:**
 Planned Development-
 High Density Residential
 (PD-HDR)

ZONING - CURRENT



Zoning:

PD (Planned Development District) (PerriHouse I PD/LUP) and R-CE (Country Estate District)

Existing Uses:

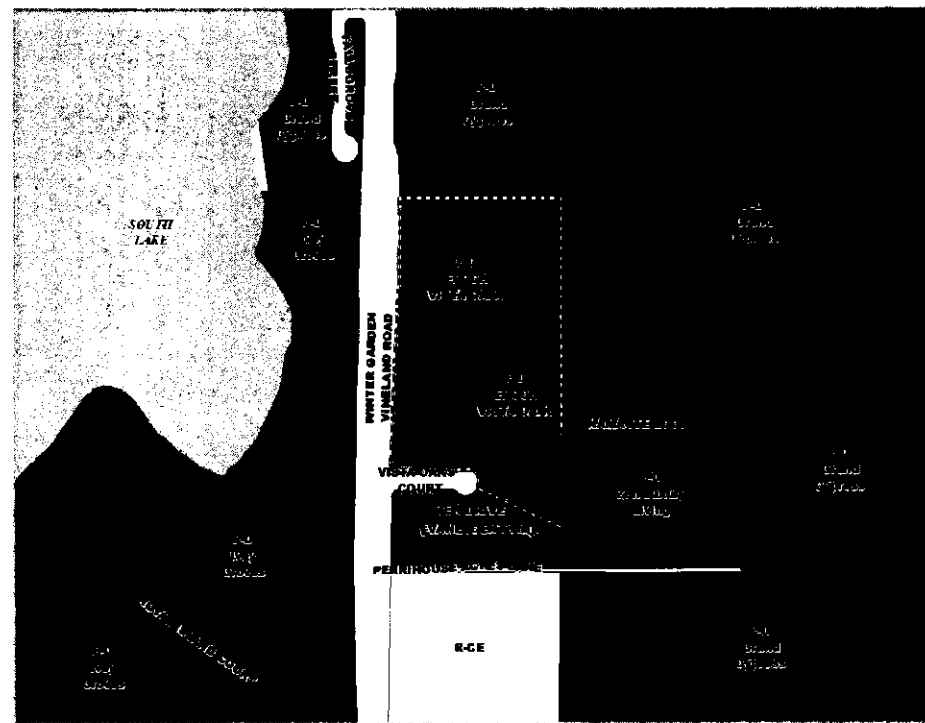
N: Grand Cypress Resort golf course

S: Zen Luxury Living (multi-family development)

E: Grand Cypress Resort and Zen Luxury Living

W: Royal Cypress Preserve (single-family residential subdivision)

ZONING – PROPOSED



Proposed Zoning:

PD (Planned Development District) (Epoch Vista Oaks PD/LUP)

Staff Recommendations

1. FUTURE LAND USE MAP AMENDMENT (CURRENT APPLICATION)

Make a finding of **inconsistency** with the Comprehensive Plan (see Future Land Use Element Objective FLU8.2 and Policies FLU1.1.2(B), FLU1.4.2 and FLU8.2.1; Neighborhood Element Objective N1.1; and Urban Design Element Objective UD3.1), determine that the amendment is not in compliance, and recommend **DENIAL** of Amendment 2017-1-S-1-4, Commercial (C) and Low Density Residential (LDR) to Planned Development-High Density Residential (PD-HDR).

2. FUTURE LAND USE MAP AMENDMENT (ALTERNATIVE STAFF RECOMMENDATION)

Make a finding of **consistency** with the Comprehensive Plan (see Housing Element Goal H1, Housing Element Objective H1.1, Future Land Use Element Objectives FLU2.2 and FLU8.2, and Policies FLU1.1.1, FLU1.1.2.A, FLU1.4.4, FLU8.2.1, FLU8.2.2, and FLU8.2.10), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2017-1-S-1-4, Commercial (C) and Low Density Residential (LDR) to Medium Density Residential (MDR).

3. PD/LUP REZONING

(May 10, 2017, DRC Recommendation): Make a finding of **inconsistency** with the Comprehensive Plan and recommend **DENIAL** of Case LUP-17-02-060, Epoch Vista Oaks Planned Development/Land Use Plan (PD/LUP), notwithstanding that any future action by the Planning & Zoning Commission (PZC) and/or Board of County Commissioners (BCC) to approve the PD/LUP be subject to the concurrent approval of the related Future Land Use Map (FLUM) Amendment, Petition to Vacate, Conservation Area Impact (CAI) Permit, the following Conditions of Approval, and potentially a revised plan.

4. PD/LUP REZONING (ALTERNATIVE RECOMMENDATION)

Should the Board of County Commissioners (BCC) find the proposed Future Land Use Map Amendment, either as currently requested by the applicant or in accordance with staff's alternative recommendation, consistent with the Comprehensive Plan, staff recommends that it **APPROVE** the Epoch Vista Oaks Planned Development/Land Use Plan (PD/LUP), dated "Received May 10, 2017", subject to the following eighteen (18) conditions, as recommended by the DRC on May 10, 2017, subject to the concurrent approval of the related Future Land Use Map (FLUM) Amendment, Petition to Vacate, Conservation Area Impact (CAI) Permit, and a revised plan.

1. Development shall conform to the Epoch Vista Oaks Planned Development/Land Use Plan (PD/LUP) dated "Received May 10, 2017," 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 May 10, 2017," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development.

In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

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. 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.
 7. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and/or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and/or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
 8. Prior to the approval of the Development Plan, the Developer shall conduct a traffic signal warrant analysis at the intersection of CR 535 and Zen Drive based on projected traffic and submit to Orange County Traffic Engineering Division for review. If the signal is warranted, the signal would be constructed and funded by the Developer prior to the first Certificate of Occupancy. If installed, the signal will be put on flashing mode until such time as the actual traffic from the development meets the projected warrant.
 9. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 10. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 11. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
 12. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed water, wastewater, and reclaimed water systems have been designed to support all development within the PD.
 13. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities, subject to County rate resolutions and ordinances.
 14. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan, with a tree removal and mitigation plan, have been approved by Orange County.
 15. Short-term /transient rental is prohibited. Length of stay shall be for 180 days or greater.

16. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
17. A right turn lane on CR 535 into Zen Drive shall be provided by the developer, at no cost to the County, contemporaneously with construction plan approval.
18. The following waivers from Orange County Code addressing alternative multi-family building height standards are granted:
 - a. A waiver from Section 38-1258(b) to allow a maximum multi-family building height of four (4) stories and sixty-five (65) feet when located between one hundred (100) feet, and one hundred fifty (150) feet of single-family zoned property; in lieu of varying multi-family building heights with a maximum of fifty (50) percent of the buildings being three (3) stories (forty feet) in height, with the remaining buildings being one (1) or two (2) stories in height;
 - b. A waiver from Section 38-1258(c) to allow a maximum multi-family building height of four (4) stories and sixty-five (65) feet when the multi-family buildings are located within one hundred fifty (150) feet of single-family zoned residential properties, in lieu of a maximum multi-family building height of three (3) stories and forty (40) feet;
 - c. A waiver from Section 38-1258(d) to allow a maximum multi-family building height of four (4) stories and sixty-five (65) feet height, in lieu of a maximum multi-family building height of three (3) stories and forty (40) feet.

Analysis

1. Background and Development Program

The applicant, Justin Sand of Epoch Properties, Inc., is seeking to change the Future Land Use Map (FLUM) designation of the 9.82-acre subject property—comprised of approximately 7.71 acres of uplands and 2.11 acres of wetland area—from Commercial (C) and Low Density Residential (LDR) to Planned Development-High Density Residential (PD-HDR) to allow for the development of a multi-family residential community featuring up to 340 units. As illustrated on the preceding Future Land Use Map, the site consists of five individual parcels and an unmaintained stormwater retention pond within the Vista Oaks subdivision, as recorded in Plat Book 9, Page 17 of the Public Records of Orange County. In addition, approximately 1.49 acres of Vista Oaks Court (formerly Centurion Court) are included in this requested amendment, as the applicant has submitted a petition to vacate this improved public right-of-way (PTV-17-03-014) to allow for its incorporation into the project boundary. The applicant is further proposing to vacate a 40-foot unimproved, unnamed right-of-way at the northwest corner of the subject site to allow construction of a private, secondary access point for the project, if approval is ultimately granted.

At present, the ten-room PerriHouse Bed and Breakfast Inn is situated on the 1.73-acre Commercial-designated parcel, which comprises the entirety of the PerriHouse I PD, currently entitled for the development of a 25-room country inn with the accessory uses of a banquet hall, dining room, restaurant, and spa, with an area limitation of 50,000 square feet imposed. The LDR-classified portion of the site—totaling 6.39 acres—consists of four single-family lots, of which two have been developed to date, and the stormwater retention pond. Staff notes that while the County has access and maintenance rights to the 1.26-acre stormwater pond, it is presently owned by two individuals, Scott and Kenneth Rhodes. The applicant is in the process of securing ownership of the

pond, which has never been maintained by the County and has reverted to a forested wetland over time, to allow for its inclusion in their project.

As noted above, the applicant is proposing to develop a 340-unit multi-family residential development and is therefore requesting the PD-HDR designation to attain this unit count. It is the applicant's intent to combine the subject property with two additional parcels within the Vista Oaks subdivision totaling 4.34 acres, both already possessing the Medium Density Residential (MDR) future land use designation with a maximum allowable density of twenty (20) dwelling units per net developable acre. In conjunction with the requested Future Land Use Map Amendment, the applicant has submitted PD (Planned Development District) rezoning application LUP-17-02-060 to create the 14.01-acre Epoch Vista Oaks PD. Per the associated PD Land Use Plan, establishing the development program and design and development standards for the multi-family development, the proposed density and unit count for the project are as follows:

FLUM Designation	Developable Acres	Proposed Density (du/ac)	Number of Units
MDR	4.45	20.00	89
PD-HDR	8.76	28.65	251
Total	13.21	25.74	340

Staff emphasizes that in addition to requiring approval of their vacation petition from the Board of County Commissioners (BCC) and securing ownership of the stormwater retention pond, achievement of the desired development program would necessitate the mitigation of a portion of the 2.24 acres of Class I wetlands that are present on the combined 14.01 acres, delineated via Conservation Area Determination CAD-17-03-028, currently waiting finalization. Although the applicant has submitted a Conservation Area Impact Permit application (CAI-17-05-016) to impact 1.44 wetland acres, no approvals have been granted and the inclusion of this acreage in the PD Land Use Plan is considered speculative at this point.

Lastly, although staff does not support this application as proposed, if the PD-HDR future land use designation should be adopted for the 9.82-acre subject site the updated development program would be included as follows into Future Land Use Element Policy FLU8.1.4.

FLU8.1.4

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
<u>2017-1-S-1-4</u> <u>Epoch Vista Oaks</u>	<u>Planned Development – High Density Residential (PD-HDR)</u>	<u>Up to 251 multi-family dwelling units</u>	<u>2017-xx</u>

Project Analysis

Consistency

Staff concludes that the proposed FLUM amendment and associated rezoning petition is **inconsistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. As shown on the aerial photograph and Future Land Use Map included in this report, the subject parcel

is located along a section of Winter Garden-Vineland Road characterized by low-intensity resort development (the Grand Cypress Resort, which abuts the site to the north and east) and residential activity corresponding to the LDR and MDR future land use designations. The property is bounded to the south and east by the MDR-classified Zen Luxury Living PD, within which a 258-unit apartment community with a density of 19.62 dwelling units per acre has been constructed. Similarly, the MDR-designated Royal Cypress Preserve subdivision—with a unit count of 206 single-family detached homes and a project density of 3.46 dwelling units per acre—lies immediately opposite the site, on the west side of Winter Garden-Vineland Road. Lastly, the 54-unit Grandview Isles townhome community, also located on the west side of Winter Garden-Vineland Road, northwest of the subject property, has been developed in accordance with its LDR future land use designation.

Staff acknowledges that an HDR-designated Planned Development, Chatham Village—in which the ParcVue, Alexandria at Lake Buena Vista, Mystic Pointe, and Abaco Key apartment communities are located—is situated approximately one-half mile southwest of the subject site, on the west side of Winter-Garden-Vineland Road. While this property is classified as HDR, this designation was achieved via the August 11, 1992, adoption of Future Land Use Map Amendment II.A.2 (Galera Investment), which expanded the Urban Service Area to incorporate the 70-acre subject site and entailed a future land use change from Rural/Agricultural (1 dwelling unit per 10 acres) to High Density Residential (up to 20 dwelling units per acre)—equivalent to the present MDR density cap—to allow for the development of a County-certified affordable housing project. The associated Chatham Village PD Land Use Plan, dated “Received July 18, 1991”, was approved for the development of up to 1,400 apartments at a maximum gross density of 18 dwelling units per acre. (Staff notes that the PD is comprised of 80 gross acres, 10 of which are classified as Conservation Area and were excluded from Amendment II.A.2.) On January 14, 1993, the Orange County Development Review Committee (DRC) voted to recommend approval of a non-substantial change to the PD—confirmed by the BCC on February 2, 1993—to increase its maximum permitted density to 20 dwelling units per acre to bring the project into conformance with the adopted future land use designation. Collectively, the 336-unit ParcVue, 336-unit Alexandria at Lake Buena Vista, 264-unit Mystic Pointe, and 372-unit Abaco Key complexes—with a total of 1,308 units—have been developed within the confines of the 20-unit-per-acre density limitation. It is staff’s belief that the Chatham Village PD effectively constitutes MDR development and that it should not be used to justify the approval of additional HDR amendment requests—even with a PD modifier—in this part of Orange County.

As stated in **Future Land Use Element Policy FLU1.1.2(B)**, the HDR future land use designation recognizes high-intensity urban-style development. The area surrounding the subject parcel, though, is unquestionably suburban in nature. Staff finds the proposed amendment, as currently requested, inconsistent with **Urban Design Element Objective UD3.1**, which establishes that infill and redevelopment projects should take into consideration the preexisting residential “fabric” of the immediate and surrounding neighborhoods and ensure that such projects are compatible with their surrounding uses. While staff recognizes that the surrounding area is characterized by a variety of housing types—including single-family detached homes, townhomes, and apartments—all were developed under the less intense LDR and MDR (or MDR-equivalent) future land use designations.

Staff further finds the proposed PD-HDR future land use designation inconsistent with **Neighborhood Element Objective N1.1**, which states that Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed

neighborhoods. In the same vein, **Future Land Use Element Policy FLU1.4.2** mandates that Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods. While staff does not contend that an additional multi-family community is unsuitable for this area, staff feels that the adoption of the requested PD-HDR future land use designation and the subsequent development of a 340-unit multi-family community—regardless of whether adequate infrastructure is in place—would neither prove compatible with nor serve the surrounding residential communities or the neighboring Grand Cypress Resort. Rather, it is staff's belief that the adoption of the inconsistent urban PD-HDR designation for a site in a suburban neighborhood would set a precedent for the approval of similar requests from owners of nearby vacant or underutilized parcels, potentially resulting in the degradation of the character of the area.

While staff cannot support the applicant's PD-HDR proposal, staff believes the modification of the application to an MDR request—the same as that possessed by the adjacent Zen Luxury Living complex—would not be inappropriate for this area of the County and would provide the identical opportunity to develop a sizeable multi-family residential community with associated amenities. Although the applicant team is still proceeding with the PD-HDR petition, they communicated at the May 10, 2017, DRC meeting that they could potentially develop a residential community featuring up to 266 multi-family units under the MDR density cap of 20 dwelling units per net acre, provided they are able to secure ownership of the retention pond and receive approval of their petition to vacate the 1.49 acres of Vista Oaks Court right-of-way. In addition, the attainment of a Conservation Area Impact Permit would still be necessary to achieve that unit count, which would be comparable that of Zen Luxury Living, with 258 apartments. The MDR density would be in keeping with existing and planned development in the neighboring area. Therefore, staff offers an alternative recommendation of adoption of the MDR future land use designation and approval of the PD/LUP rezoning application, subject to the eighteen DRC-recommended conditions listed previously and the submittal and approval of a revised Land Use Plan reflecting the less intense future land use classification.

Compatibility

The proposed FLUM amendment and associated rezoning application appear to be **incompatible** with the development pattern of the surrounding community. **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 and development in the area. As discussed previously, the subject property is located along a section of Winter Garden-Vineland Road which, despite its status as a four-lane minor arterial roadway, is characterized by low-intensity resort development and residential activity on parcels possessing the LDR and MDR (or MDR-equivalent) future land use designations. It is staff's opinion that the unification of the eight individual parcels that comprise the subject site—together with any vacated Vista Oaks Court right-of-way—under the MDR classification to allow for the utilization of the site for a multi-family residential development at a maximum density of 20 dwelling units per net developable acre would be consistent with land use designations in the surrounding area. However, adoption of the amendment, as currently requested, would result in the introduction of true HDR future land use into the neighborhood, which staff feels is too intense in such a setting. It is staff's belief that the construction of an apartment complex featuring up to 340 units under the PD-HDR classification would likely prove intrusive to, rather than complement, neighboring residential and resort uses. Furthermore, adoption of the desired land use change would set a precedent for the approval of similar requests from owners of nearby vacant or

underutilized parcels, thus paving the way for the erosion of the character of the area.

Winter Garden-Vineland Road is also recognized as the sole transportation linkage between the more densely developed Horizon West and Lake Buena Vista areas. The Transportation Planning Division has confirmed that portions of this roadway are policy-constrained, so that the ability to add capacity in the future is severely limited. Beginning a trend of increasing density along this road, which a conversion to the County's most dense residential classification would enable, would not constitute sound long-range land use planning for this corridor.

Further, the site is within the Sand Lake Elementary attendance zone, a roughly 5.5 mile trip, and the nearest commercial services are in the Lakeside Village center about 4 miles away. HDR land use, defined as urban-style development, is typically located closer to such support.

Staff therefore recommends denial of the presently-requested PD-HDR amendment application and corresponding rezoning petition but, as discussed above, proffers an alternative recommendation of approval of the less-intense but more suitable MDR future land use classification and a corresponding recommendation to approve the PD/LUP rezoning, subject to the alternative eighteen (18) DRC-recommended conditions and the submittal and approval of a revised plan reflecting the density reduction.

Division Comments: Environmental, Public Facilities and Services

Environmental. The Orange County Environmental Protection Division (EPD) has informed staff that there are wetlands on the northern parcels. Staff notes that Orange County Conservation Area Determination CAD-17-03-028 is currently in progress. The delineation of the 2.24 acres of onsite wetlands has been completed and the CAD is awaiting finalization.

EPD notes that some of the onsite wetlands are Class I wetlands. Conservation areas determined to be Class I wetlands may only incur impacts where development may be shown to represent an overriding public benefit, as determined before the Orange County Board of County Commissioners.

Until wetland permitting is complete, the net developable acreage is only an approximation. Actual acreages will be determined via the Conservation Area Determination and Impact Permit processes. The net developable acreage is the gross acreage less the wetlands and surface waters. The buildable area is the net developable acreage less the protective buffer areas, if required to prevent adverse secondary impacts to wetlands and surface waters. The applicant is advised not to make financial decisions based upon development within the wetland or the upland protective buffer areas. Any plan showing development in a wetland or protective upland buffer area without Orange County and other jurisdictional governmental agency permits is speculative and may not be approved.

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

Development of the subject properties shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible for determining the presence of listed species and obtaining any required habitat

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

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Please contact the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497) for any septic systems, and the Water Management District, as well as the FDOH, for wells.

Prior to demolition or construction activities associated with existing structures, please provide the Orange County EPD with a Notice of Asbestos Renovation or Demolition form. For more information or to determine if an exemption applies, please contact Omar Horta at 407-836-1525.

Prior to commencement of any earthwork or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection (FDEP) by the developer.

Transportation. Based on the Concurrency Management System database dated January 24, 2017, there is one failing roadway segment within the project's impact area. Winter Garden-Vineland Road from Buena Vista Drive to Perrihouse Acres Lane currently operates at level of service F, with zero capacity available.

In the short term or by Year 2022, this segment and the adjacent segment of Perrihouse Acres Lane to Sunset Boulevard are both projected to be deficient. Trips from the proposed development will impact these deficient segments. Therefore, a traffic study will be required when the application for a Capacity Encumbrance Letter is submitted.

Final permitting of any development on this site will be subject to review and approval under the capacity constraints of the County's Transportation Concurrency Management System. If significant and adverse impacts are identified, the applicant will be required to mitigate deficiencies and coordinate a proportionate share agreement with the County's Road Agreement Committee prior to obtaining an approved Capacity Encumbrance Letter and building permit. Furthermore, to ensure that there are no revisions to the proposed development beyond the analyzed use, this land use change will be noted on the County's Future Land Use Map and the Comprehensive Plan.

Utilities. Orange County Utilities (OCU) has informed staff that the subject property is located within its potable water, wastewater, and reclaimed water service areas. A 24-inch potable water main, a 16-inch wastewater main, and a 12-inch reclaimed water main are currently in place along Winter Garden-Vineland Road. 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), capacity is presently available at the elementary, middle, and high schools that would serve the project. Therefore, a Capacity Enhancement Agreement (CEA) will not be required. The applicant has received a recommendation of approval from OCPS (OC-16-038).

2. 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.

FLU1.1.2 B. 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
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac

FLU1.4.2 – Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

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.

OBJ N1.1 – Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods.

OBJ UD3.1 – Infill and redevelopment projects should take into consideration the pre-existing residential “fabric” of the immediate and surrounding neighborhoods and ensure that such projects are compatible with their surrounding uses.

3. Rezoning – Land Use Plan Amendment Analysis

GENERAL INFORMATION

APPLICANT	Justin R. Sand, Epoch Properties, Inc.
OWNER	PerriHouse Development, LLC ; Maria D. Grabinski; Robert A. and La Tanya M. Wilson; 10324 Vista Oaks Court, LLC; 10334 Vista Oaks Court, LLC; and Scott W. and Kenneth E. Rhodes
PROJECT NAME	Epoch Vista Oaks Planned Development (PD)

REQUEST

PD (Planned Development District) and R-CE (Country Estate District) to PD (Planned Development District)

A request to rezone 14.01 gross acres from PD and R-CE to PD, in order to construct up to 340 multi-family residential dwelling units. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1258(b) to allow a maximum multi-family building height of four (4) stories and sixty-five (65) feet when located between one hundred (100) feet, and one hundred fifty (150) feet of single-family zoned property; in lieu of varying multi-family building heights with a maximum of fifty (50) percent of the buildings being three (3) stories (forty feet) in height, with the remaining buildings being one (1) or two (2) stories in height;
2. A waiver from Section 38-1258(c) to allow a maximum multi-family building height of four (4) stories and sixty-five (65) feet when the multi-family buildings are located within one hundred fifty (150) feet of single-family zoned residential properties, in lieu of a maximum multi-family building height of three (3) stories and forty (40) feet; and
3. A waiver from Section 38-1258(d) to allow a maximum multi-family building height of four (4) stories and sixty-five (65) feet height, in lieu of a maximum multi-family building height of three (3) stories and forty (40) feet.

Applicant Justification: *The proposed project property limits are approximately 130 feet from the adjacent residential PD boundaries located on the west side of CR 535. However, these tract areas are designated as conservation tracts and do not allow residential uses within them. The proposed project buildings are over two hundred fifty (25) feet from any single-family lot. Additionally, the property to the south and east has been approved and constructed as multi-family apartments with a height of sixty (60) feet and four (4) stories.*

LOCATION

Generally located north of Vista Oaks Court and east of Winter Garden-Vineland Road

PARCEL ID NUMBERS

08-24-28-8912-00-080, 08-24-28-8911-00-001,
08-24-28-8912-00-060, 08-24-28-8912-00-070,
08-24-28-8912-00-071, 08-24-28-8912-00-010,
08-24-28-8912-00-020, and 08-24-28-8912-00-050

TRACT SIZE

14.01 gross acres

PROPOSED USE

Up to 340 multi-family residential dwelling units

SITE DATA

Existing Use	Undeveloped Land / Conservation / Bed and Breakfast / Residential
Adjacent Zoning	N: P-D (Planned Development District) (1986) E: P-D (Planned Development District) (1986) W: P-D (Planned Development District) (2013) S: P-D (Planned Development District) (2014)
Adjacent Land Uses	N: Golf Course (Grand Cypress PD) E: Golf Course (Grand Cypress PD) W: Undeveloped Land / Single-Family Residential (Ivey Groves PD) S: Multi-Family Residential (Zen Luxury Living PD)

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback:	25 feet
Maximum Building Height:	65 feet (<i>per requested waivers</i>)
Minimum Living Area:	600 square feet (under HVAC)

Minimum Building Setbacks

North Setback:	25 feet
East Setback:	25 feet
CR 535 Setback:	50 feet
Zen Drive Setback:	25 feet

SPECIAL INFORMATION

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an overlay district.




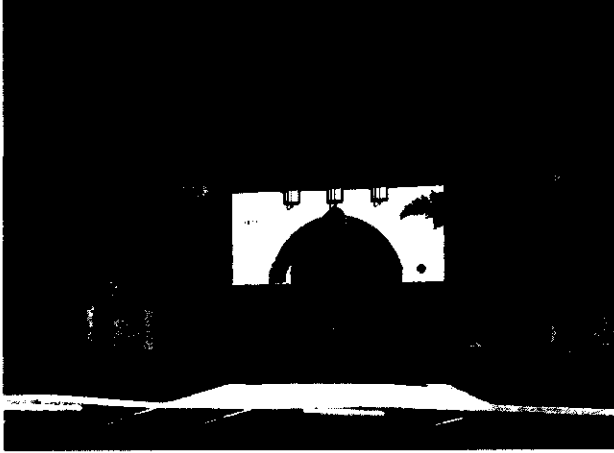


Water / Wastewater / Reclaim

Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaim:	Orange County Utilities

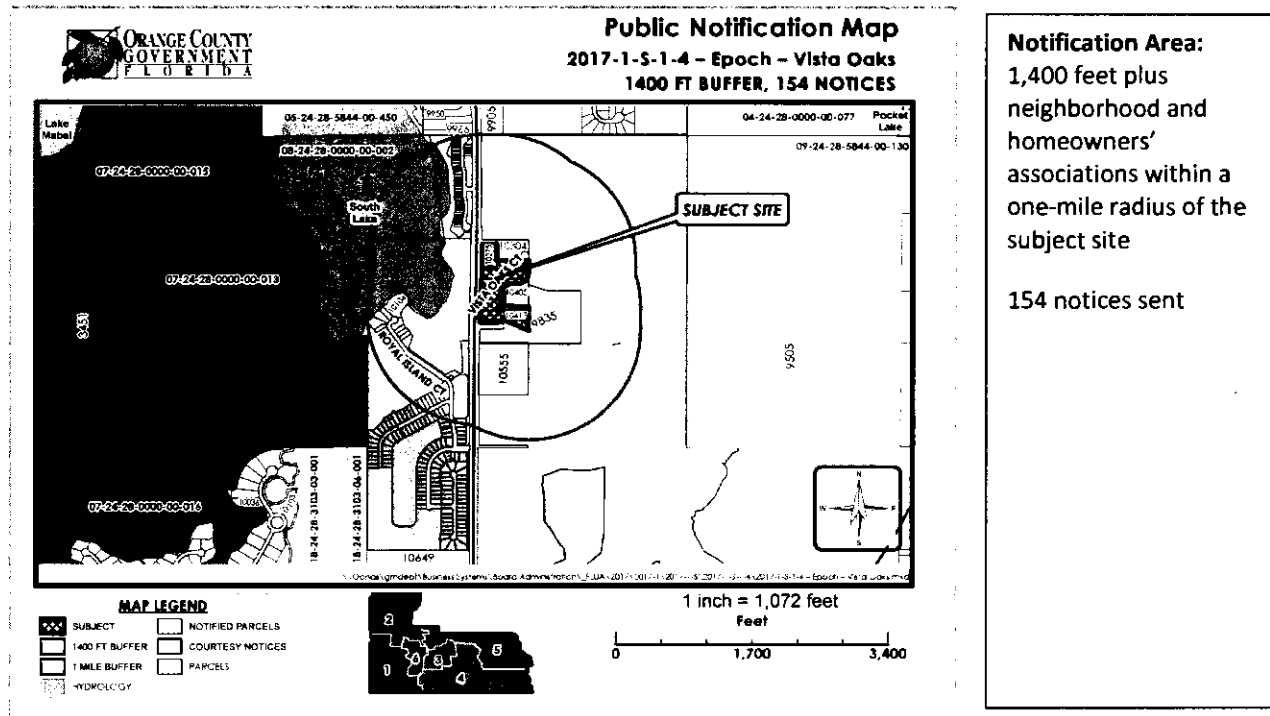
Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

Site Visit Photos

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

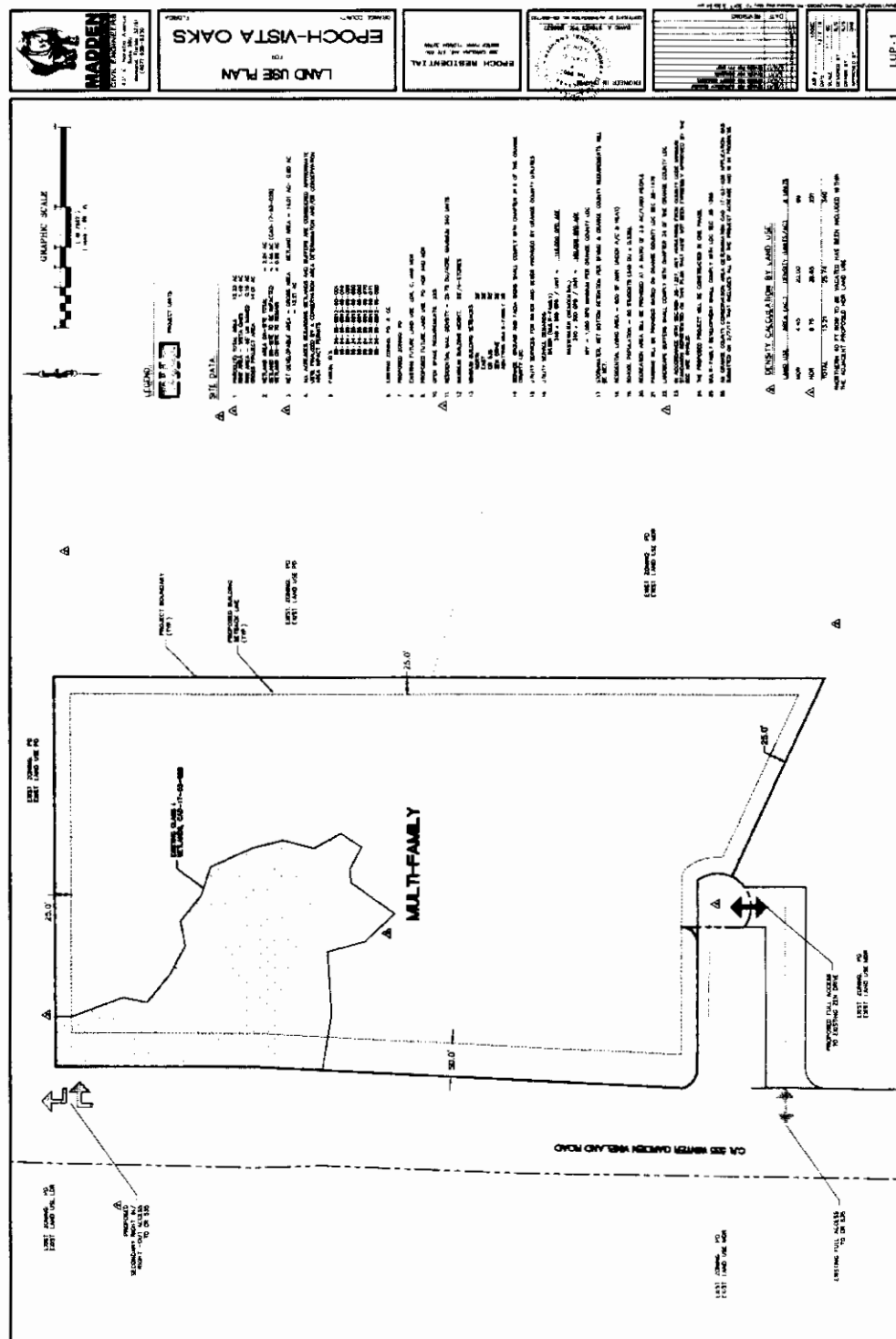
PUBLIC NOTIFICATION



483

Page | 19

Epoch Vista Oaks PD Land Use Plan





Community Meeting Memorandum

DATE: March 10, 2017

TO: Alberto A. Vargas, MArch., Planning Manager

FROM: Jennifer DuBois, Senior Planner

SUBJECT: Amendment 2017-1-S-1-4 (Justin R. Sand, Epoch Properties, Inc., for PerriHouse Development, LLC ; Maria D. Grabinski; Robert A. and La Tanya M. Wilson; 10324 Vista Oaks Court, LLC; 10334 Vista Oaks Court, LLC; and Scott W. and Kenneth E. Rhodes) – Community Meeting Synopsis

C: Project File

Location of Project: Generally described as located on the east and west sides of Vista Oaks Court, east of Winter Garden-Vineland Road and north of Perrihouse Acres Lane.

Meeting Date and Location: Wednesday, February 8, 2017, at 6:00 PM at Bridgewater Middle School, 5600 Tiny Road, Winter Garden, FL 34787

Attendance:

Commissioner's Aide	District 1 Commissioner's Aide Diana Dethlefs
PZC/LPA Commissioner	District 1 Commissioner Jimmy Dunn
Orange County Staff	Greg Gologowski, Eric Raasch, Jennifer DuBois, and Jason Sorensen, Planning Division; Diana Almodovar, Development Engineering Division
Applicant Team	Justin Sand, Epoch Properties, Inc., and Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
Residents	154 notices sent; 12 residents in attendance

Overview of Project: The applicant, Justin Sand of Epoch Properties, Inc., is seeking to change the Future Land Use Map (FLUM) designation of the 9.82-acre subject property—consisting of approximately 7.71 acres of uplands and 2.11 acres of wetland area—from Commercial (C) and Low Density Residential (LDR) to Planned Development-High Density Residential (PD-HDR) to allow for the development of up to 270 multi-family dwelling units. The site consists of five individual parcels and an unmaintained stormwater retention pond within the Vista Oaks subdivision, recorded in Plat Book 9, Page 17 of the Public Records of Orange County. The ten-room PerriHouse Bed and Breakfast Inn occupies the 1.73-acre Commercial-designated parcel. This parcel comprises the entirety of the PerriHouse I PD and is currently entitled for the development of a 25-room country inn with the accessory uses of a banquet hall, dining room, restaurant, and spa, with an area limitation of 50,000 square feet imposed. The LDR-classified portion of the site consists of four single-family lots, of which two have been developed to date, and the stormwater retention pond. In addition, the vacation of approximately 1.49 acres of

Vista Oaks Court (formerly Centurion Court) is anticipated to allow for its incorporation into the project boundary.

It is the applicant's intent to unify the 9.82-acre subject property with two additional parcels within the Vista Oaks subdivision totaling 4.34 acres, both already possessing the Medium Density Residential (MDR) future land use designation, with a maximum allowable density of twenty (20) dwelling units per net developable acre. The applicant is further proposing to vacate a 40-foot unimproved, unnamed right-of-way at the northwest corner of the subject site to allow construction of a private, secondary access point for the project. In conjunction with the requested Future Land Use Map Amendment, the applicant plans to submit a PD (Planned Development District) rezoning application to create the Epoch Vista Oaks PD to allow for the development of up to 350 multi-family dwelling units on the combined acreage.

Meeting Summary: Senior Planner Jennifer DuBois opened the meeting at 6:00 p.m. and provided an overview of the proposed Future Land Use Map Amendment and the public hearing process. She informed the meeting attendees of the upcoming April 20, 2017, Local Planning Agency (LPA) and June 6, 2017, Board of County Commissioners (BCC) adoption public hearing dates. Ms. DuBois explained that in conjunction with the requested Future Land Use Map Amendment, the applicant intends to file a PD (Planned Development District) rezoning application to create the new Epoch Vista Oaks PD, featuring up to 350 multi-family dwelling units on 14.16 acres. She clarified that 270 units are associated with the Planned Development-High Density Residential (PD-HDR) Future Land Use Map Amendment application involving the 9.82-acre subject site, while the remaining 80 units would be derived from two additional Medium Density Residential (MDR)-designated lots with an area of 4.34 acres—not included in the requested amendment—that already possess sufficient density to meet the applicant's needs. Ms. DuBois asked the citizens if they had any questions. As none were raised, she turned the meeting over to the applicant team.

The applicant's attorney, Rebecca Wilson, also presented an overview of the proposed project, noting that the applicant is proposing to develop the site solely for multi-family residential purposes. Ms. Wilson emphasized that the commercial entitlements currently associated with the subject site—a 25-room country inn with related amenities—would be eliminated if the proposed amendment and associated PD rezoning request are ultimately approved. She added that the property is ideally situated for residential development, given its proximity to Walt Disney World and other employers.

Ms. Wilson stated that the subject property is located in the immediate vicinity of other multi-family communities, including the neighboring 258-unit Zen Luxury Living complex to the east, developed in accordance with its MDR future land use designation and associated maximum density of 20 dwelling units per acre. She noted that the proposed change to PD-HDR and the corresponding unit count of 270 apartments would entail a slightly higher residential density of 27 dwelling units per acre. In response to a meeting participant, Ms. Wilson verified that the two MDR properties proposed for inclusion in the Epoch Vista Oaks PD would retain that designation and that the construction of 350 multi-family units would result in an overall project density of 25 dwelling units per acre on the combined 14.16 acres. In answer to another attendee, she stated that the maximum building height has not yet been established, but that it would be similar to that of Zen Luxury Living.

Meeting participants voiced concern about traffic and safety on area roadways, particularly on Winter Garden-Vineland Road. Area residents asserted that speeding is a serious problem on Winter Garden-Vineland Road, with drivers frequently exceeding the 55 mph posted speed limit. Access management was also a significant concern to neighboring property owners, who questioned whether the residents of the proposed 350 units and those of Zen Luxury Living's 258 units could safely enter and exit their respective communities via Zen Drive, which the two projects would share. Development Engineering Manager Diana Almodovar stated that although right-of-way on Winter Garden-Vineland Road is limited, there appears to be sufficient room for the construction of a right turn lane on Winter-Garden-Vineland into Zen Drive. The requirement for such a turn lane could be incorporated into the PD's Conditions of Approval, with the combined unit count serving as justification. In regard to secondary access, Ms. DuBois stated that for safety reasons, staff supports the utilization of the 40-foot unnamed right-of-way at the northwest corner of the subject property as a second point of ingress and egress for the proposed Epoch Vista Oaks PD.

Several area residents voiced their belief that there is need for a traffic signal at the intersection of Winter Garden-Vineland Road and Zen Drive. Ms. Wilson informed the meeting attendees that the installation of a traffic signal would cost the developer approximately \$250,000. She added that if the project is approved, the developer would conduct a traffic signal warrant analysis and submit it to the County for review. If the signal is warranted, the developer would assume responsibility for its construction. Ms. Wilson further noted that Winter Garden-Vineland Road has adequate capacity to accommodate the proposed 350-unit multi-family community.

A meeting participant expressed concern about aging utility infrastructure on Winter Garden-Vineland Road, particularly sewer lines, which have reportedly experienced breakdowns in the past. Ms. Almodovar and District 1 PZC/LPA Commissioner Jimmy Dunn urged the residents in attendance to contact Orange County Utilities about these issues so they can be properly addressed.

With respect to school capacity, Ms. Wilson confirmed that capacity presently exists at the three public schools that would serve the project: Sand Lake Elementary, Southwest Middle, and Dr. Phillips High. Per Orange County Schools (OCPS), the developer would not be required to enter into a Capacity Enhancement Agreement (CEA) with the School Board.

Several meeting attendees, including members of Zen Luxury Living's management team, questioned whether the approval of the HDR future land use designation, even with the PD modifier and a density cap of 27 dwelling units per acre, would be appropriate for the area, which is characterized by resort activity (the neighboring Grand Cypress Resort) and residential development under the Low Density Residential (LDR) and MDR future land use designations. Some participants stated that while they have no opposition to the development of the site for multi-family purposes, the introduction of the urban HDR classification—with a maximum allowable density of 50 dwelling units per net acre—into a suburban area would set a precedent for the submittal and potential approval of other HDR applications and could gradually result in the erosion of the character of the area. Commissioner Dunn stated that the issue of compatibility is significant in this case. The members of Zen Luxury Living's management team asserted that while they would support a change to the same MDR future land use

designation their complex possesses, they oppose the current PD-HDR request, believing that it is too intense.

Ms. DuBois and Ms. Almodovar provided the contact information for the Mayor and District Commissioners and encouraged the meeting participants to contact them with any questions or concerns. Ms. DuBois also furnished her contact information.

Ms. DuBois and Commissioner Dunn thanked the meeting attendees for their participation.

The meeting concluded at 7:30 p.m. The tone of the meeting was **MIXED**.