

GENERAL INFORMATION

APPLICANT	James G. Willard, Shutts and Bowen, LLP
OWNER	Dewitt Enterprises
PROJECT NAME	Lake Ingram Planned Development (PD)
HEARING TYPE	Planned Development / Land Use Plan (PD / LUP)
REQUEST	A-1 (Citrus Rural District) to PD (Planned Development District) <i>A request to rezone 27.96 acres from A-1 to PD in order to recognize the relocation of a previously planned Adequate Public Facilities (APF) Elementary School (13.51-acre tract) and to establish a 14.45-acre Corporate Campus Mixed Use tract (portion of Town Center Parcel CCM-11). This request is also associated with a proposed APF Agreement.</i>
LOCATION	Generally located west of Avalon Road, north of Lake Ingram Road
PARCEL ID NUMBER	19-23-27-5840-11-010
TRACT SIZE	27.96 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,500 feet [<i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i>]. Fifty-eight (58) notices were mailed to those property owners in the mailing area. A community meeting was held on September 26, 2016 as summarized in the report below.
PROPOSED USE	13.51-acre Adequate Public Facilities (APF) Elementary School and 14.45-acre Corporate Campus Mixed Use (CCMU) District

STAFF RECOMMENDATION

Development Review Committee – (May 10, 2017)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Lake Ingram Planned Development / Land Use Plan (PD/LUP), dated “Received May 10, 2017”, subject to the following conditions:

1. Development shall conform to the Lake Ingram 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. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
7. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a state application and approved permit, to be provided to Orange County. Approval of this plan does not authorize any direct or indirect conservation area impacts.
8. 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).
9. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
10. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP) for the Village. MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
11. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village. Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Town Center Master Utility Plan (MUP).
12. Prior to construction plan approval, all property owners within the Town Center

Village, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.

13. Owner / Developer shall comply with the terms of an Adequate Public Facilities Agreement entered into simultaneously with County approval of this PD / LUP Rezoning request (LUP-16-05-176).

IMPACT ANALYSIS

Land Use Compatibility

Through this request, the applicant is requesting to rezone 27.96 acres from A-1 to PD in order to recognize the relocation of a previously planned Adequate Public Facilities (APF) Elementary School (13.51-acre tract) and to established a 14.45-acre Corporate Campus Mixed Use tract (portion of Town Center Parcel CCM-11). At this time, however, a specific development program for the CCM tract has not been proposed. Finally, the applicant has placed all required stormwater areas needed to support the proposed 13.5-acre school site within the adjacent CCM tract of the PD. Staff has determined that the proposed development program, including the APF school relocation, is compatible with the surrounding area.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V), indicating that it is within the Horizon West Special Planning Area. More specifically, the subject property is located within the Horizon West Town Center and is designated Corporate Campus Mixed Use (CCM) on the Horizon West Special Planning Area map. The CCM designation allows for a mix of detached single-family and attached housing, office, hotel, limited warehouse and associated light industrial uses, and civic, open space and recreation uses. If this request is approved, the configuration of the Town Center land use districts depicted on the Horizon West Special Planning Area map would be administratively amended to reflect the relocated APF Elementary School.

The proposed use is consistent with the underlying Village FLUM designation and applicable CP provisions, which include (but are not limited to) the following goals, objectives and policies:

GOAL FLU4 (Horizon West) states that it is Orange County's goal to ensure sustainable, quality development in Southwest Orange County to allow a transition from rural to urban uses while protecting environmental quality.

OBJ FLU4.1 states that Orange County shall use a Village Land Use Classification to realize the long range planning vision for West Orange County created through the Horizon West planning process. The Village land use classification has been designed to address the need to overcome the problems associated with and provide a meaningful alternative to the leap-frog pattern of sprawl now occurring in western Orange and eastern Lake County; create a better jobs/housing balance between the

large concentration of employment in the tourism industry and the surrounding land uses; create a land use pattern that will reduce reliance on the automobile by allowing a greater variety of land uses closer to work and home; and, replace piecemeal planning that reacts to development on a project by project basis with a long range vision that uses the Village as the building block to allow the transition of this portion of Orange County from rural to urban use through a specific planning process that uses a creative design approach to address regional, environmental, transportation, and housing issues.

FLU4.1.1 outlines the following general village principles in Horizon West:

- A. Planning for the Village shall be in the form of complete and integrated neighborhoods containing housing, shops, workplaces, schools, parks and civic facilities essential to the daily life of the Village residents.
- B. Village size shall be designed so that housing is generally within a 1.2 mile radius of the Village Center (shops, services and other activities). This radius may be relaxed where natural or community facilities and services interrupt the design.
- C. A Village shall contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
- D. Wherever possible, as many activities as possible shall be located within an easy walking distance of an existing or designated transit stop.
- E. The Village and each neighborhood shall have a center focus that combines commercial, civic, cultural and recreational uses. Higher density residential development should be encouraged in proximity to these centers, with the highest density/attached housing encouraged in proximity to the Village Center.
- F. The Village shall contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design.
- G. Each Village shall have a well-defined edge, such as greenbelts or wildlife corridors permanently protected from development.
- H. Local and collector streets, pedestrian paths and bike paths shall contribute to a system of fully connected and interesting routes from individual neighborhoods to the Village Center and to other villages. Their design should encourage pedestrian and bicycle use by being spatially defined by buildings, trees, and lighting; and by discouraging high speed traffic.
- I. Wherever possible, the natural terrain, drainage and vegetation of the area shall be preserved with superior examples contained within parks or greenbelts.
- J. The Village Center shall be designed to encourage and accommodate linkage with the regional transit system.

FLU4.7.7(B) states that any development within the boundary of Town Center shall

comply with the purpose and intent of each district. The Corporate Campus Mixed-Use districts should have a mix of attached and detached housing, office, hotel, limited warehouse and associated light industrial uses, and civic, open space, and recreation uses. Limited support retail uses may be allowed as: ancillary uses within buildings where the primary use is office or residential; or as freestanding uses on one or more sites specifically identified as appropriate for such uses as part of the applicable Unified Neighborhood Plan/Planned Development. The Town Center Development Code shall include provisions to address the following aspects of support retail uses permitted by location: compatibility with adjoining uses; location of sites relative to Framework or Urban Collector streets; scale and types of uses; and, standards that would control the number of freestanding support retail uses that may be permitted by location. Within Corporate Campus Mixed-Use districts, office uses will dominate, and the residential development will be of a higher density than Urban Residential districts.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that 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.

Community Meeting Summary

A community meeting was held on September 26, 2016. Fifteen (15) residents were in attendance and expressed concerns with vehicular access from Lake Ingram Road, increased traffic, and drainage.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: A-1 (Citrus Rural District) (1957) E: A-1 (Citrus Rural District) (1957) W: A-1 (Citrus Rural District) (1957) S: A-1 (Citrus Rural District) (1957)
Adjacent Land Uses	N: Undeveloped Land / Citrus Groves E: Undeveloped Land / Citrus Groves W: Citrus Groves / Single Family Residential S: Single Family Residential

APPLICABLE PD DEVELOPMENT STANDARDS

Development shall comply with all standards found in Chapter 38.1390.56(c) of the Town Center Code.

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone 27.96 acres from A-1 to PD in order to recognize the relocation of a previously planned Adequate Public Facilities (APF) elementary school site within the Horizon West Town Center. The existing elementary school location is generally along the south/southwest side of Lake Ingram. If this request is approved, the configuration of Town Center land use districts depicted on the Horizon West Special Planning Area Map would be updated administratively to reflect the proposed APF Elementary School, along with re-designating the existing APF Elementary School site as Corporate Campus Mixed-Use (CCM).

Comprehensive Plan (CP) Amendment

Policy FLU4.1.9 states that these types of changes and adjustments to the land use designations within a Village are processed as Planned Development (PD) rezonings, Land Use Plan Amendments (LUPA), or Change Determination Requests (CDR), and no longer require CP amendments. However, if this request is approved, the configuration of the Town Center land use districts depicted on the Horizon West Special Planning Area map would be administratively amended to reflect the relocated APF Elementary School.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Environmental

Habitat Permit Compliance - Development of the subject property shall comply with all state and federal regulations regarding endangered, threatened, or species of special concern. The applicant is responsible to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

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.

Transportation / Concurrency

At the time of the subsequent Development Plan (DP) submittal, pedestrian connectivity will be required between the school site and adjacent public sidewalks and rights-of-way.

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 / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Water / Wastewater / Reclaim

Water:	<u>Existing service or provider</u> Orange County
Wastewater:	Orange County
Reclaimed:	Orange County

Schools

This request will not result in an increase in the school age population.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the request and did not express any comments or concerns.

Code Enforcement

No code enforcement, special magistrate or lot cleaning issues on the subject property have been identified.

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.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (June 15, 2017)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Lake Ingram Planned Development / Land Use Plan (PD/LUP), dated “Received May 10, 2017”, subject to the following conditions:

1. Development shall conform to the Lake Ingram 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. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
7. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a state application and approved permit, to be provided to Orange County. Approval of this plan does not authorize any direct or indirect conservation area impacts.
8. 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).
9. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
10. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP) for the Village. MUP updates shall be

submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.

11. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village. Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Town Center Master Utility Plan (MUP).
12. Prior to construction plan approval, all property owners within the Town Center Village, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
13. Owner / Developer shall comply with the terms of an Adequate Public Facilities Agreement entered into simultaneously with County approval of this PD / LUP Rezoning request (LUP-16-05-176).
14. No school-related vehicular ingress and egress points shall be located along Lake Ingram Road.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested PD (Planned Development District) zoning, subject to thirteen (13) conditions.

Staff indicated that fifty-eight (58) notices were sent to an area extending beyond 1,500 feet from the subject property, with zero (0) responses in favor and two (2) in opposition received. The applicant, Jim Willard, was present and agreed with the staff recommendation.

Discussion ensued regarding the proposed southern access point along Lake Ingram Road. District 1 PZC commissioner Jimmy Dunn expressed concern with the impact that future school traffic would have on the residents living along the south side of Lake Ingram Road. Commissioner Dunn also asked the applicant if they would oppose a new condition that prohibited vehicular school access along Lake Ingram, for which the applicant indicated they would not. Furthermore, OCPS representatives were present and indicated to staff that the relocation of the southern access point to the north side of the site could occur with the understanding that the future east-west road would need to be extended to the second access point. Staff also clarified that any future request to assign a development program to the CCM tract would require a substantial change to the PD.

Ultimately, a motion was made by Commissioner Dunn to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the Lake Ingram Planned Development / Land Use Plan (PD/LUP) dated "Received May 10, 2017", subject to the thirteen (13) conditions listed in the staff report as well as an additional condition to preclude any school-related ingress and egress points along Lake Ingram Road. Commissioner Melwani seconded the motion, which was then carried on an 8-0 vote.

Motion / Second

James Dunn / Yog Melwani

Voting in Favor

James Dunn, Yog Melwani, Paul Wean, JaJa Wade, Tina Demostene, William Gusler, Gordon Spears, and Pat DiVecchio

Absent

Jose Cantero