

ORANGE COUNTY

PLANNING DIVISION

2017-1-S-FLUE-3

Epoch Vista Oaks Text Amendment

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

AUGUST 1, 2017

ADOPTION PUBLIC HEARING

PREPARED BY:

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION





Interoffice Memorandum

August 1, 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: August 1, 2017, Adoption Public Hearings (2017-1 Staff-Initiated Small-Scale Development Text Amendment 2017-1-S-FLUE-3 and 2017-1 Small-Scale Development Ordinance – Epoch Vista Oaks PD/LUP)

The 2017-1 Small-Scale Development Comprehensive Plan Amendment scheduled for consideration on August 1, 2017, Amendment 2017-1-S-FLUE-3, is a staff-initiated text amendment related to Privately-Initiated Small-Scale Development Amendment 2017-1-S-1-4 and concurrent Rezoning Case LUP-17-02-060 (Epoch Vista Oaks PD/LUP), adopted by the BCC on July 18, 2017. In conjunction with the adoption of Amendment 2017-1-S-1-4 and Rezoning Case LUP-17-02-060, the BCC will also consider adoption of the associated 2017-1 Small-Scale Development Ordinance.

A binder containing the staff report and associated backup material for the proposed text amendment and a copy of the draft ordinance has been provided under separate cover. The materials are also available under the **Amendment Cycle** section of the County's Comprehensive Planning webpage:

<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>

If the BCC adopts the proposed text amendment, it will become effective 31 days after the public hearing. This amendment is expected to become effective in September 2017, provided no challenges are brought forth for the request.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch., Manager, Planning Division, at (407) 836-5354 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 Staff-Initiated Small-Scale Development Text Amendment and 2017-1 Small-Scale Development Ordinance

c: Christopher R. Testerman, AICP, Assistant County Administrator
Joel Prinsell, Deputy County Attorney
Roberta Alfonso, Assistant County Attorney
Whitney Evers, Assistant County Attorney
John Smogor, Planning Administrator, Planning Division
Gregory Golgowski, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Read File

2017 FIRST SMALL-SCALE DEVELOPMENT

AMENDMENT 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 2017-1 Small-Scale Development Comprehensive Plan Amendment scheduled for consideration on August 1, 2017. This request, Amendment 2017-1-S-FLUE-3, is a staff-initiated text amendment related to Privately-Initiated Small-Scale Development Amendment 2017-1-S-1-4 and concurrent Rezoning Case LUP-17-02-060 (Epoch Vista Oaks PD/LUP), adopted by the BCC on July 18, 2017. In conjunction with the adoption of Amendment 2017-1-S-1-4 and Rezoning Case LUP-17-02-060, the BCC will also consider adoption of the associated 2017-1 Small-Scale Development Ordinance.

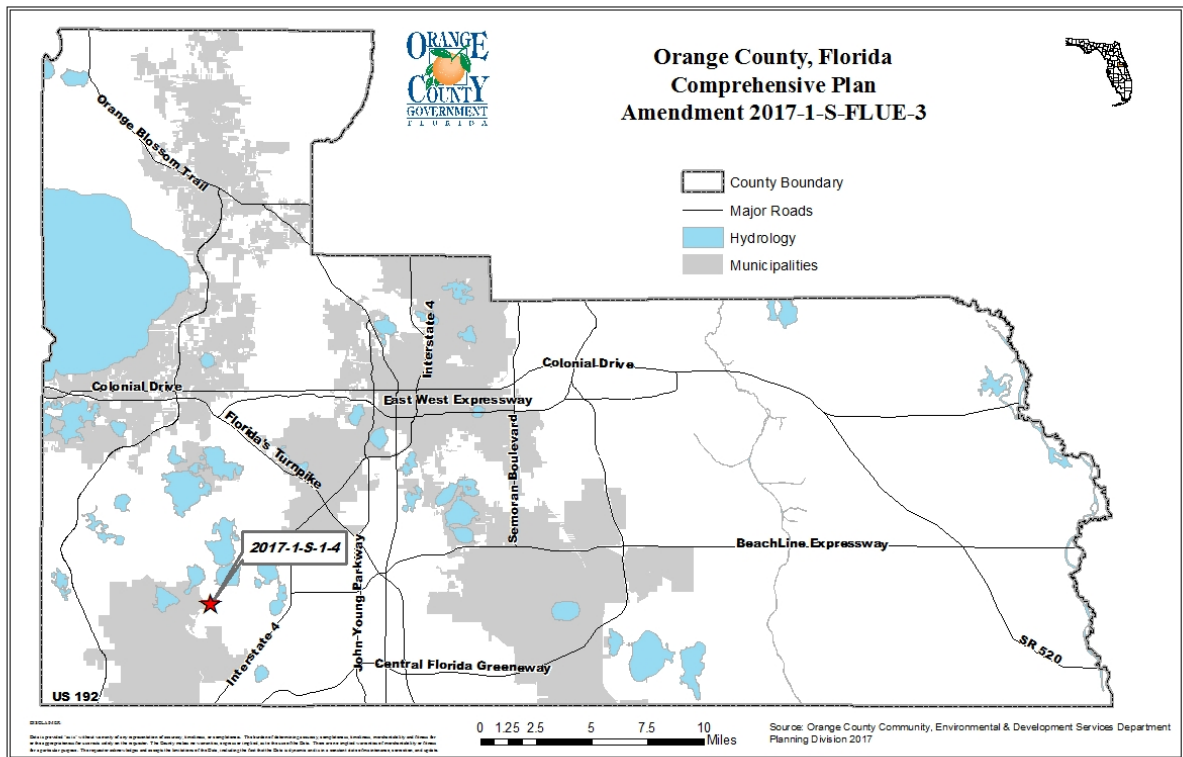
If the BCC adopts the proposed text amendment, it will become effective 31 days after the public hearing. This amendment is expected to become effective in September 2017, provided no challenges are brought forth for the request.

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2017-1 Small-Scale Development Comprehensive Plan Amendments Staff-Initiated Comprehensive Plan Text Amendments					
Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner		
2017-1-S-FLUE-3	Planning Division	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	Jennifer DuBois	Deny original proposal; Adopt modified proposal	Deny original proposal (9-0)

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; PR/OS-Parks/Recreation/Open Space; OS-Open Space; R-Rural / Agricultural; RS-Rural Settlement; RS 1/5-Rural Settlement 1/5; 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



The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing		Outcome	Title: Amendment 2017-1-S-FLUE-3	
✓	Staff Report	Recommend Denial of the original proposal; Recommend Adoption of the modified proposal	Division: Planning	
✓	LPA Adoption May 18, 2017	Recommend Denial of the original proposal (9-0)	Request: Amendment to the Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	
	BCC Adoption	August 1, 2017	Revision: FLU8.1.4	

Staff Recommendation

This amendment is associated with a privately-initiated Future Land Use Map Amendment, Amendment 2017-1-S-1-4, continued by the Board of County Commissioners (“Board”) during the June 6, 2017, adoption public hearing to July 18, 2017. This amendment, as originally proposed by the applicant, entailed a requested change from Commercial (C) and Low Density Residential (LDR) to Planned Development-High Density Residential (PD-HDR) to allow for the development of up to 251 multi-family dwelling units on the 9.10-acre subject parcel shown on the above location map. However, prior to the July 18, 2017, adoption public hearing, the applicant modified the application to request a change in future land use from Low Density Residential (LDR) to Medium Density Residential (MDR) to allow for the development of up to 105 multi-family dwelling units on 7.28 of the 9.10 acres and from Commercial (C) to Planned Development-High Density Residential (PD-HDR) to allow for the development of up to 80

multi-family dwelling units on the remaining 1.82 acres. Staff and LPA recommended denial of the original application. However, the Board adopted the modified proposal for Amendment 2017-1-S-1-4, thus necessitating the adoption of this related staff-initiated text amendment. Staff recommends that the Board make a finding of **consistency** with the Comprehensive Plan, determine that the plan amendment is **in compliance**, and **ADOPT** Amendment 2017-1-S-FLUE-3 to include the development program for the PD-HDR component of Amendment 2017-1-S-1-4 in Future Land Use Element Policy FLU8.1.4.

A. Background

The Orange County Comprehensive Plan (CP) allows for a Future Land Use designation of Planned Development. While other Future Land Use designations define the maximum dwelling units per acre for residential land uses or the maximum floor area ratio (FAR) for non-residential land uses, this is not the case for the Planned Development (PD) designation. Policy FLU8.1.3 establishes the basis for PD designations such that “specific land use designations...may be approved on a site-specific basis.” Furthermore, “such specific land use designation shall be established by a comprehensive plan amendment that identifies the specific land use type and density/intensity.” Each comprehensive plan amendment involving a PD Future Land Use designation involves two amendments, the first to the Future Land Use Map and the second to Policy FLU8.1.4. The latter serves to record the amendment and the associated density/intensity established on a site-specific basis. Any change to the uses and/or density and intensity of approved uses for a PD Future Land Use designation requires an amendment of FLU8.1.4.

As the Board has now adopted Amendment 2017-1-S-1-4, as modified by the applicant, staff recommends that it make a finding of consistency with the Comprehensive Plan and adopt the associated Amendment 2017-1-S-FLUE-3.

B. Policy Amendments

Should the Board adopt this text amendment, consistent with their July 18, 2017, adoption of Future Land Use Map Amendment 2017-1-S-1-4, the approval will be noted in the Policy FLU8.1.4 table, as shown below in ~~underline/strikethrough~~.

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

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</u> <u>Density Residential (PD-HDR)</u>	<u>Up to 80 multi-family dwelling</u> <u>units</u>	<u>2017-</u> <u>[insert</u> <u>ordinance</u> <u>number]</u>

ORDINANCE NO. 2017-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE
PLANNING IN ORANGE COUNTY, FLORIDA;
AMENDING THE ORANGE COUNTY COMPREHENSIVE
PLAN, COMMONLY KNOWN AS THE “2010-2030
COMPREHENSIVE PLAN,” AS AMENDED, BY
ADOPTING SMALL SCALE DEVELOPMENT
AMENDMENTS AND RELATED TEXT AMENDMENTS
PURSUANT TO SECTION 163.3187, FLORIDA STATUTES;
AND PROVIDING EFFECTIVE DATES.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ORANGE COUNTY:

Section 1. Legislative Findings, Purpose, and Intent.

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for
a local government in the State of Florida to adopt a comprehensive plan and amendments to a
comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of
Part II of Chapter 163, Florida Statutes, for amending Orange County’s 2010-2030
Comprehensive Plan;

c. On May 18, 2017, the Orange County Local Planning Agency (“LPA”) held a
public hearing on the adoption of the proposed amendments to the Comprehensive Plan as
described in this ordinance; and

d. On June 6, 2017, the Orange County Board of County Commissioners (“Board”)
opened a public hearing on the adoption of the proposed amendments as described in this
ordinance, and decided to continue the hearing on the adoption to July 18, 2017; and

e. On July 18, 2017, the Board held a public hearing on the adoption of the proposed small scale development amendment 2017-1-S-1-4, as described in this ordinance, and decided to adopt it.

f. On August 1, 2017, the Board held a public hearing on the adoption of the related text amendment 2017-1-S-FLUE-3 as described in this ordinance, and decided to adopt it.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to Chapter 163, Florida Statutes.

Section 3. Amendments to Future Land Use Map. The Comprehensive Plan is hereby amended by amending the Future Land Use Map designations as described at **Appendix “A,”** attached hereto and incorporated herein.

Section 4. Amendments to the Text of the Future Land Use Element. The Comprehensive Plan is hereby further amended by amending the text of the Future Land Use Element to read as follows, with underlines showing new numbers and words, and strikeouts indicating repealed numbers and words:

* * *

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

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-</u> <u>High Density Residential</u> <u>(PD-HDR)</u>	<u>Up to 80 multi-family dwelling</u> <u>units</u>	<u>2017-</u>

Such policy allows for a one-time cumulative density or intensity differential of 5% based on ADT within said development program.

* * *

Section 5. *Effective Dates for Ordinance and Amendments.*

(a) This ordinance shall become effective as provided by general law.

(b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small scale development amendments adopted in this ordinance may not become effective until 31 days after adoption. However, if an amendment is challenged within 30 days after adoption, the amendment that is challenged may not become effective until the Department of Economic Opportunity or the Administration Commission issues a final order determining that the adopted amendment is in compliance.

(c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning changes approved by the Board are contingent upon the related Comprehensive Plan amendment becoming effective. Aside from any such concurrent zoning changes, no development orders, development permits, or land uses dependent on any of these amendments may be issued or commence before the amendments have become effective.

ADOPTED THIS 1st DAY OF AUGUST, 2017.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk to the Board of County Commissioners

By: _____
Deputy Clerk

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APPENDIX “A”
FUTURE LAND USE MAP AMENDMENTS

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2017-1-S-1-4	Commercial (C) and Low Density Residential (LDR)	Planned Development – High Density Residential (PD-HDR) and Medium Density Residential (MDR)
*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.		

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