

Applicant/Owner: Glen Pawlowski / Geraldine & Raymond Aldridge; Ergin Emercan

Location: 7685 & 7753 Conroy Windermere Rd.; Generally located north of Conroy Windermere Rd., south of San Remo Pl., west of S. Hiawassee Rd., and east of Winderlakes Dr.

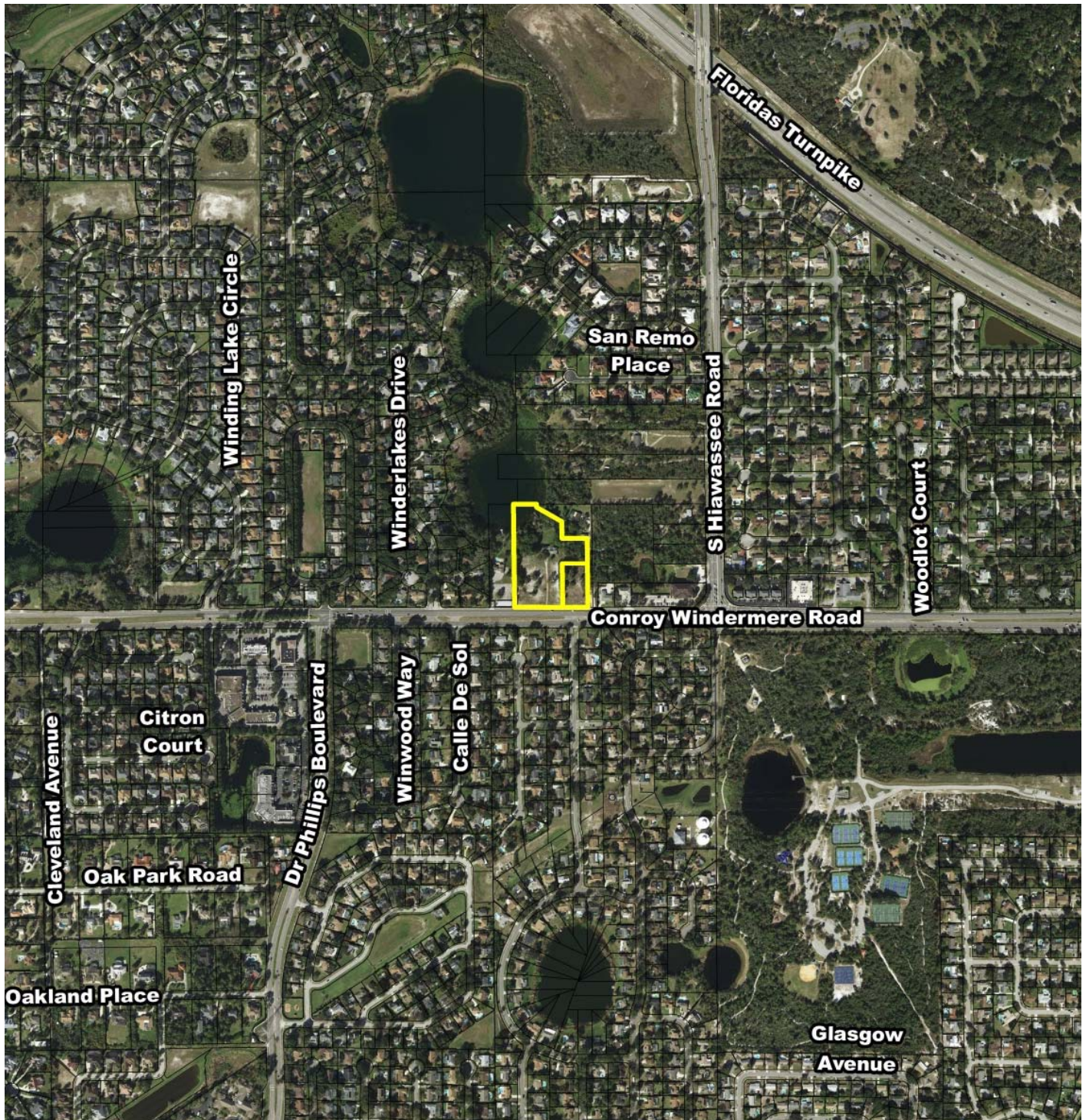
Existing Use: One (1) single-family residential dwelling unit and undeveloped land

Parcel ID Numbers: 11-23-28-0000-00-041/044

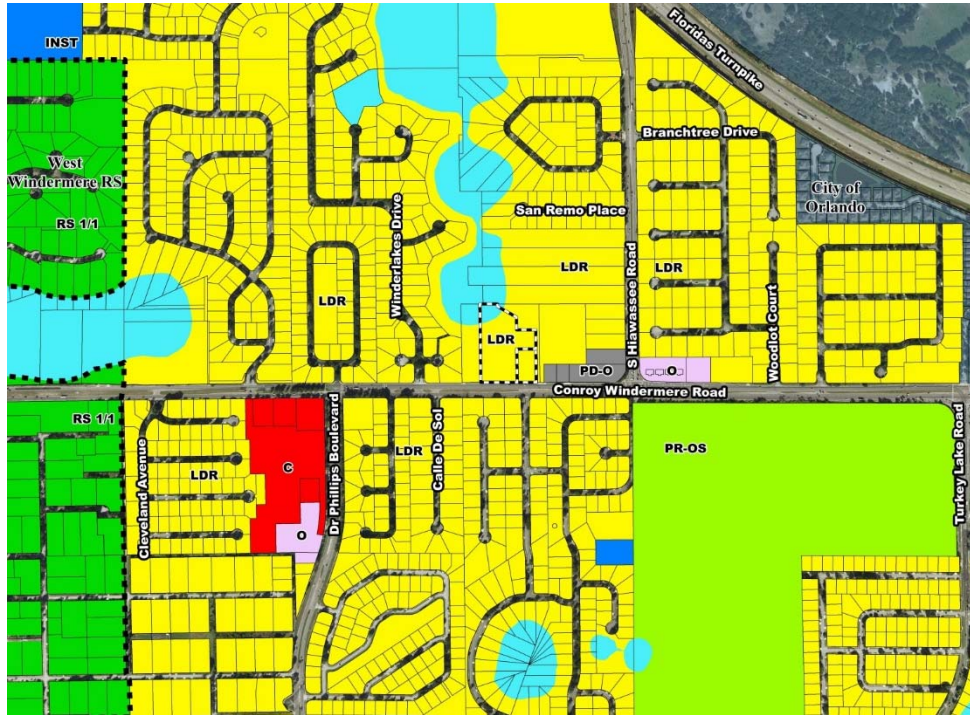
Tract Size: 5.42 gross acres/4.76 developable acres

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	<p>Request: Low Density Residential (LDR) to Planned Development-Commercial (PD-C)</p> <p>Proposed Development Program: 46,000 sq. ft. assisted living facility with 64 beds</p> <p>Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.</p> <p>Environmental: Wetlands and surface waters are located on site that are connected to Phillips Ponds South. Orange County Conservation Area Determination application CAD-17-08-106 was submitted for this project and it is in progress.</p> <p>Transportation: The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor. The proposed 64-bed assisted living facility use will generate 19 pm peak hour trips resulting in a net reduction of 5 pm peak hour trips.</p>	
✓	Community Meeting held October 11, 2017, with 19 members of the public in attendance.	Neutral		
✓	Staff Report	Recommend Adoption		
✓	LPA Adoption	Recommend Adoption (7-2)		
	BCC Adoption	November 14, 2017		

AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use Designation:

Low Density Residential (LDR)

Special Area Information:

N/A

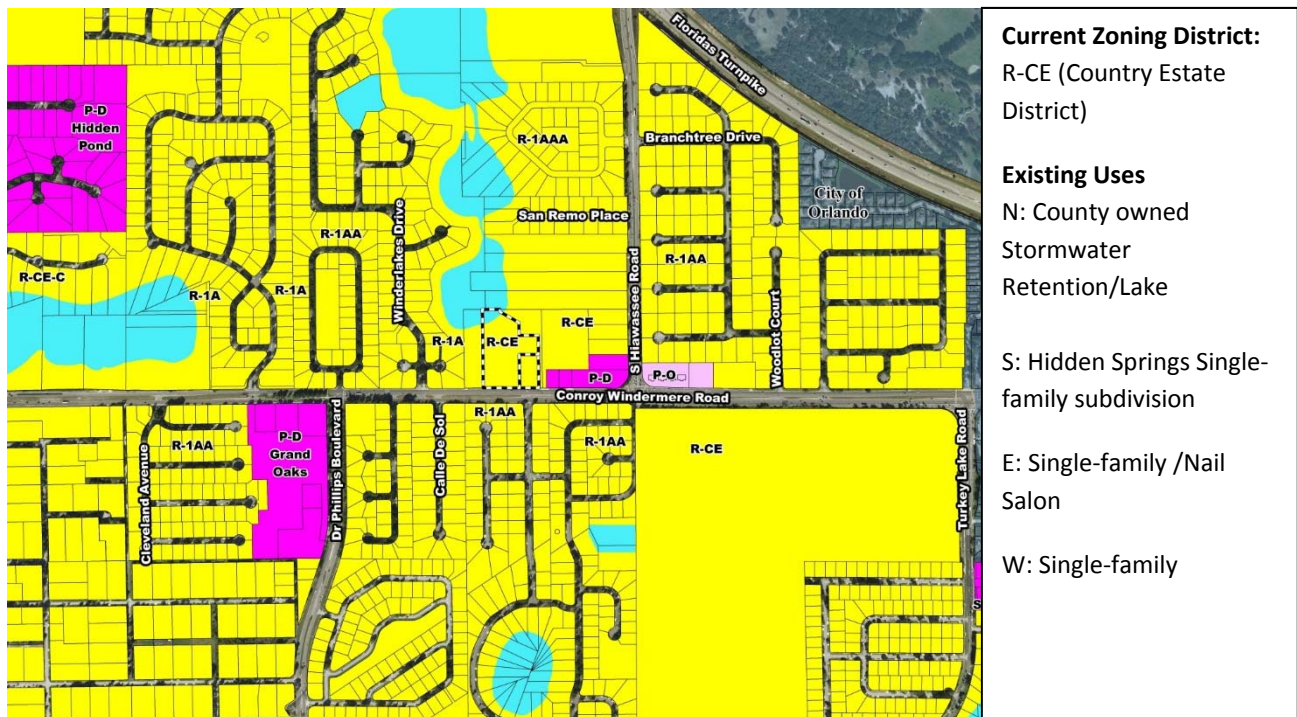
FUTURE LAND USE - PROPOSED



Proposed Future Land Use Designation:

Planned Development-Commercial (PD-C)

ZONING - CURRENT



Staff Recommendations

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Objective OBJ2.1 and Policies FLU1.1.5, FLU 1.4.1, FLU1.4.2, FLU1.4.4, FLU1.4.13, FLU8.1.4, FLU8.2.1, FLU8.2.10, FLU8.2.11; and Neighborhood Element Objective OBJ N1.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2017-2-S-1-4, Low Density Residential (LDR) to Planned Development-Commercial (PD-C).

Analysis

1. Background Development Program

The applicant, Glen Pawlowski with CERTUS DRP Owner LLC, has requested to change the Future Land Use designation of the subject property from Low Density Residential (LDR) to Planned Development-Commercial (PD-C). The requested PD-C designation would allow for the development of an approximately 46,000 square foot assisted living facility with sixty-four (64) beds. Additionally, the applicant has submitted a rezoning application to rezone the subject property from R-CE (Country Estate District) to PD (Planned Development District) (Case #LUP-17-08-247). Though this request is currently under review, it will not have Development Review Committee (DRC) approval in time to be heard concurrently with this FLUM amendment.

The subject site, located north of Conroy Windermere Rd., south of San Remo Pl., west of S. Hiawassee Rd., and east of Winderlakes Dr. consists of two parcels totalling 5.42 gross acres, 4.76 of which are upland developable acres. There is currently one single-family residence on the property. Single-family residences are located to the west and northeast of the subject site, as well as across Conroy Windermere Road to the south, with the northern edge of the property bordered by a small lake. The property located immediately east of the two (2) flag lot driveways has a Planned Development – Office / Low Density Residential (PD-O/LDR) Future Land Use Map designation and was zoned PD (Planned Development) 1998. This property contains a 2,400 square foot hair and nail salon that operates out of a converted single-family residential unit. The property located on the northwest corner of the intersection of Conroy Windermere Road and Hiawassee Road, the Watson Center PD, includes a 18,527 square foot office structure (Watson Realty) and a 3,061 square foot dermatologist's office.

In 2012, County staff recommended denial of an application to change designations of a portion of the subject site, parcel 11-23-28-0000-00-044 (Case # 2012-2-S-1-3/ LUP-12-07-134), to allow for the development of a 6,000 sq. ft. professional or medical office building. Staff determined that the commercial character of the proposed office use was incompatible with the surrounding residential development trend. The applicant requested a continuance and eventually withdrew the amendment prior to the first public hearing.

A community meeting was held on October 11th, 2017 at Palm Lake Elementary School, in which nineteen (19) community residents were in attendance. At the community meeting the applicant team explained that the proposed development is a 64 bed senior assisted living facility that will specialize in memory care and will house patients with dementia and Alzheimer's. The residents in attendance were concerned about drainage, sewage, and traffic flow issues and were satisfied with the applicant's explanation of how those issues would be addressed.

2. Project Analysis

Consistency

The requested FLUM amendment and concurrent rezoning request appear to be consistent with the applicable Goals, Objectives, and Policies of the Orange County Comprehensive Plan.

The requested amendment is consistent with **Future Land Use Element Policy FLU1.4.1**, which states that the County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community. Although the Orange County Code of Ordinances identifies Assisted Living Facilities as commercial uses, they do provide a living environment for their residents. The primary residential development trend in the area consists of single-family detached units. Staff finds that the proposed use will increase the range of living environments by allowing aging members of the local population in need of constant care to easily transition into the Assisted Living Facility without having to move out of their community and away from their friends and family.

Future Land Use Element Policy FLU1.4.4 requires new commercial developments be designed and located in a way that does not disrupt established residential areas. The residential scale and character of the architectural design for the proposed assisted living facility will allow the development to blend into the surrounding residential area. In turn, the low traffic generation of the use will avoid disrupting the existing neighborhoods because it will not exacerbate the existing traffic issues in the area.

Moreover, **Future Land Use Element Objective OBJ2.1** and **Policy FLU1.1.5** call for the County to encourage infill development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area (USA). While parcel 11-23-28-0000-00-041 is currently developed with one single-family home on 4.5 acres, parcel 11-23-28-0000-00-044 has been vacant since 2005. Staff finds that the subject property is consistent with this criteria established in OBJ2.1 that identifies relatively small, vacant and underutilized parcels within the County's established core areas of the USA as targeted for infill development.

The requested amendment is also consistent with **Future Land Use Element Policy FLU1.4.13**, which states that health care facilities shall be located along major roads and transit routes to promote accessibility. The subject property of the proposed Assisted Living Facility, which is classified by the County as a health service, is located immediately adjacent to Conroy Windermere Road, which is classified as a six-lane minor arterial roadway.

Future Land Use Element Policy FLU8.1.4 lists the development program for Planned Development (PD) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a staff-initiated text amendment (Amendment 2017-2-S-FLUE-1). The maximum development program for Amendment 2017-2-S-1-4, if adopted, would be as follows: a 46,000 square foot assisted living facility with sixty-four (64) beds.

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
<u>2017-2-S-1-4</u> <u>CERTUS Senior</u> <u>Living</u>	<u>PD-Commercial</u>	<u>46,000 square foot assisted living</u> <u>facility with sixty-four (64) beds</u>	<u>2017-</u>

Compatibility

The proposed Future Land Use Map (FLUM) Amendment appears to be Compatible with the development trends in the surrounding area.

Neighborhood Element Objective N1.1 and **Future Land Use Element Policy FLU1.4.2**, maintain that Orange County shall ensure that future land use changes are compatible with, do not adversely impact, and serve existing or proposed neighborhoods. Although the subject site abuts lots that are designated Low Density Residential (LDR), the proposed assisted living facility use is residential in

nature, and is not an intense use that would exacerbate traffic congestion or disrupt the residential areas.

To ensure the anticipated commercial development on the subject property site does not disrupt the existing residential neighborhoods, new development will be subject to the design standards outlined within **Future Land Use Element Policy FLU8.2.10**, which requires proposed commercial and office uses within residential areas to be subject to performance standards including, but not limited to, building height restrictions, compatible architectural design, floor area ratio limitations, lighting and location requirements, landscaping and buffering requirements, and parking design. These will be addressed during the PD Rezoning review process.

Further, **Future Land Use Policies FLU1.4.2** and **FLU8.2.1** require land use changes to be compatible with the existing character and evolving development trends in the area. Additionally, as established in **Future Land Use Element Policy FLU8.2.11**, compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, including physical integration of a project and its function in the broader community, as well as its contribution toward Comprehensive Plan Goals and Objectives.

Future Land Use Element Policy FLU8.2.10 requires office and commercial uses within residential neighborhoods to be subject to strict performance standards. The proposed Assisted Living Facility use will provide compatibility to the adjacent residential uses by adherence to performance standards outlined in **Policy FLU 8.2.10**. These standards, which will be specified during the Planned Development rezoning process will include, limiting the building height to a single-story, limiting the allowable building floor to area ratio (FAR) to 0.25, providing the required landscape buffering to adjacent residential uses, and architectural design elements and materials that will complement the adjacent residential uses.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division. Wetlands and surface waters are located on site that are connected to Phillips Ponds South. Orange County Conservation Area Determination application CAD-17-08-106 was submitted for this project and it is in progress. The CAD must be completed with an approved certified wetland boundary survey prior to any permit or development approvals. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers. The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters, wetlands, or conservation areas that may occur as a result of development of the site. Protective measures include but are not limited to a 25-foot average undisturbed upland buffer along the wetland boundary, signage, pollution abatement swales, split rail fence, retaining wall or native plantings adjacent to the wetlands. All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Development of the subject property 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 to determine the presence of listed species and obtain any required habitat permits

from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). The threatened / endangered species inventory letter dated May 9, 2017 stated that no listed species were observed on site.

Approval of this request does not grant permission for the construction or alteration of a boat dock, boardwalk, observation pier, fishing pier, lakeshore vegetation removal, or seawall on the lake. Any person desiring these types of structures or to perform shoreline alterations shall first apply for a permit from the Orange County Environmental Protection Division prior to commencement of such activities. Prior to commencement of any earth work 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 Planning Division. The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor. It is located adjacent to Conroy Windermere Road, a 6 lane minor arterial from Dr. Phillips Boulevard to Kirkman Road, which is currently operating at level of service C. Based on the concurrency management system database dated 09-05-17, there is one failing roadway segment within a one-mile radius of this project. Turkey Lake Road from Vineland Road to Conroy Road currently has no available capacity and is operating at level of service F. This information is dated and is subject to change. Analysis of the short term or interim Year 2022 conditions indicates that Turkey Lake Road will continue to be deficient within the project area. All other roadways within the project area will continue operate at acceptable levels of service.

Based on the approved future land use of the subject property, the current allowable development of 19 single-family dwelling units will generate 24 pm peak hour trips. The proposed 64-bed assisted living facility use will generate 19 pm peak hour trips resulting in a net reduction of 5 pm peak hour trips. Although the proposed use results in a reduction in pm peak hour trips, a traffic study will be required to determine the impacts of the project trips on the deficient segment of Turkey Lake Road. This study will be required prior to issuance of an approved capacity encumbrance letter and building permit.

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

3. Policy References

OBJ FLU 2.1 INFILL. Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

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

FLU1.4.1 Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

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

FLU1.4.4 The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.

FLU1.4.13 Primary government offices, colleges, universities, and health care facilities shall be located within Activity Centers or along major roads and transit routes to promote accessibility.

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

FLU8.2.10 To ensure land use compatibility with nearby residential zoned areas and protection of the residential character of those areas, office and commercial uses within residential neighborhoods shall be subject to strict performance standards, including but not limited to the following:

- A. Building height restrictions;
- B. Requirements for architectural design compatible with the residential units nearby;
- C. Floor area ratio (FAR) limitations;
- D. Lighting type and location requirements;
- E. Tree protection and landscaping requirements including those for infill development; and
- F. Parking design.

FLU8.2.11 Compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader

community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

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

Site Visit Photos

Subject Site



West – Single Family



East – Salon/Medical Office



East – Flag Lot Driveway



South – Single Family Subdivision



PUBLIC NOTIFICATION MAP

