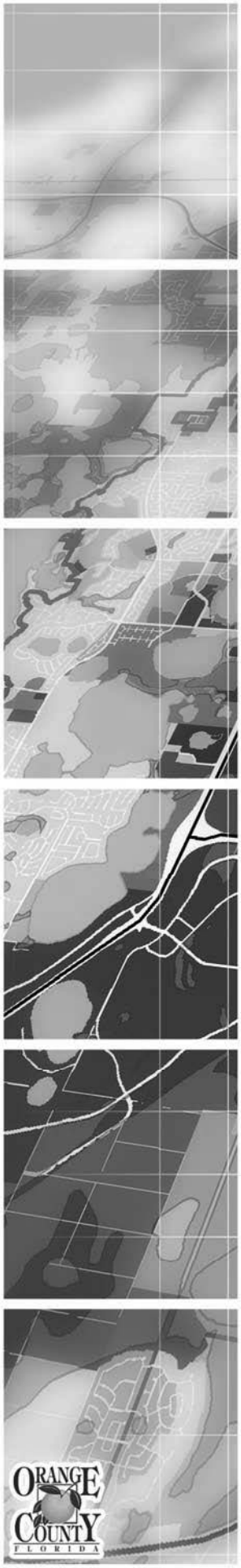

# ORANGE COUNTY

PLANNING DIVISION

# 2019-1-B-FLUE-2 Village I Minimum Density and Road Agreement Timing Policies

## BOARD OF COUNTY COMMISSIONERS

**MARCH 12, 2019**
**TRANSMITTAL PUBLIC HEARING**

**PREPARED BY:**
ORANGE COUNTY PLANNING, ENVIRONMENTAL AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION

ORANGE COUNTY GOVERNMENT
FLORIDA

DATE: March 12, 2019

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners (BCC)

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

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

SUBJECT: 2019-1-B-FLUE-2 Regular Cycle Out-of-Cycle Staff-Initiated Comprehensive Plan Amendment (Village I Minimum Density and Road Agreement Timing Policies)
March 12, 2019 - Board of County Commissioners Transmittal Public Hearing

The 2019-1 Regular Cycle Out-of-Cycle Staff-Initiated Comprehensive Plan Amendment (Village I Minimum Density and Road Agreement Timing Policies) was considered by the Local Planning Agency (LPA) at a transmittal public hearing held on February 21, 2019, after being rescheduled from the January 17 LPA meeting due to quorum concerns. The amendment involves Comprehensive Plan Policy changes to reduce the required minimum density and to clarify the timing of road agreements for Horizon West Village I Special Planning Area. The amendment affects District 1 and has now been scheduled for a transmittal public hearing before the Board on March 12, 2019. The report is also available online in the "AMENDMENT CYCLES" section of: www.ocfl.net/PlanningDevelopment/ComprehensivePlanning.

Following the Board transmittal public hearing, the proposed amendment will be transmitted to the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Staff expects to receive comments from DEO and/or the other State agencies in April 2019. Pursuant to 163.3184, Florida Statutes, proposed amendments must be adopted within 180 days of receipt of the comment letter. Adoption hearings for this amendment are tentatively scheduled before the LPA on April 18, 2019 and the Board in May 2019, along with the balance of the 2019-1 cycle amendments.

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: 2019-1 Regular Cycle Out-of-Cycle Comprehensive Plan Amendment BCC Transmittal Binder (Village I Minimum Density and Road Agreement Timing Policies)

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

PLANNING DIVISION
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# 2019 FIRST REGULAR CYCLE OUT-OF-CYCLE AMENDMENT VILLAGE I MINIMUM DENSITY AND ROAD AGREEMENT TIMING POLICIES

## AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS TRANSMITTAL BOOK

## INTRODUCTION

This is the Board of County Commissioners (BCC) transmittal public hearing book for the proposed Out-of-Cycle 2019 First Regular Cycle Amendment (2019-1) (Village I Minimum Density and Road Agreement Timing Policies) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). This amendment was heard by the Local Planning Agency (LPA) during a transmittal public hearing held on February 21, 2019, after being rescheduled from the January 17 LPA meeting due to quorum concerns, and will go before the Board of County Commissioners (BCC) for a transmittal public hearing on March 12, 2019.

The 2019-1 Out-of-Cycle Amendment entails one staff-initiated text amendment. Since this is the transmittal stage for this amendment, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendment and provide comments, which are expected in April 2019. Adoption public hearings are tentatively scheduled for the LPA on April 18, 2019 and the BCC in May 2019, along with the balance of the 2019-1 cycle amendments.

Once the Out-of-Cycle Amendment is adopted by the BCC, it will become effective 31 days after DEO notifies the County that the plan amendment package is complete, provided no challenges are brought forth for the amendment. If adopted per the expected schedule, this amendment is expected to become effective in June 2019.

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

# 2019-1-B-FLUE-2 Out of Cycle State Expedited Review Comprehensive Plan Amendment

## 2019-1-B-FLUE-2 Out of Cycle Comprehensive Plan Amendment
## Staff Initiated Comprehensive Plan Map and Text Amendment

| Amendment Number | Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP) | Project Planner | Staff Rec | LPA Rec |
|---|---|---|---|---|
| **2019-1-B-FLUE-2** | **Text amendment to reduce required minimum density and clarify the timing of road agreements for Horizon West Village I Special Planning Area** | **Nik Thalmueller** | **Transmit** | **Transmit (6-0)** |
| **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; GC-Growth Center; V-Village; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; RRE-Rural Residential Enclaves; SR-State Road; AC-Acres | | | |

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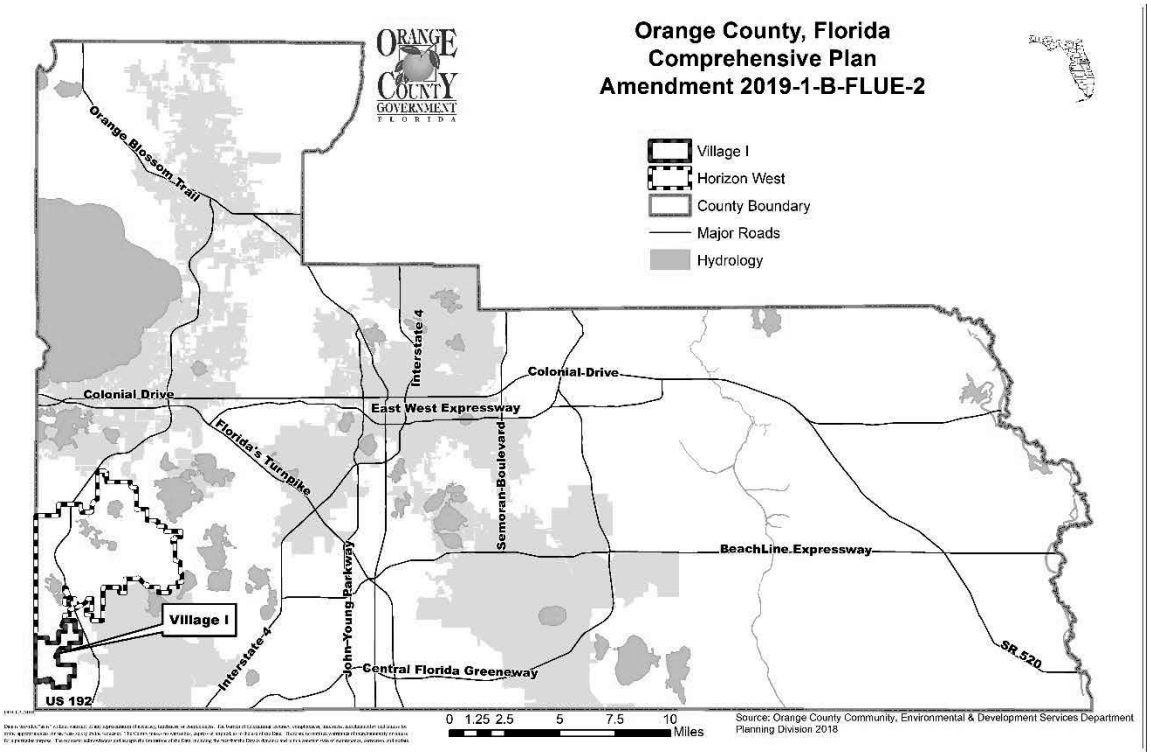


| The following meetings and hearings have been held for this proposal: | | |
|---|---|---|
| **Report/Public Hearing** | | **Outcome** |
| ✓ | Staff Report | Recommend Transmittal |
| | LPA Transmittal | February 21, 2019 |
| | BCC Transmittal | March 12, 2019 |
| | State Agency Comments | March/April 2019 |
| | LPA Adoption | April 18, 2019 |
| | BCC Adoption | May 7, 2019 |
| | | |

| Project/Legal Notice Information |
|---|
| **Title:** Amendment 2019-1-B-FLUE-2 |
| **Division:** Planning |
| **Request**: Text amendments to amend Future Land Use Element Policy FLU4.1.4, and FLU4.3.1 to reduce the required minimum density and clarify the timing of road agreements for Horizon West Village I Special Planning area. |
| **Revision: FLU4.1.4, FLU4.3.10** |

## Staff Recommendation

Make a finding of consistency with the Comprehensive Plan, determine that Amendment 2019-1-B-FLUE-2 is in compliance, and **TRANSMIT** amendment **2019-1-B-FLUE-2.**

## A. Background

In June of 1995, the Orange County Board of County Commissioners adopted framework policies for the Horizon West planning area as a Sector Plan into the Comprehensive Plan. Following the adoption of the framework policies, Specific Area (Village) Plans were adopted between 1997 and 2008. Adopted in 1998, Section 163.3245 F.S. required Specific Area Plan (SAP) policies to be adopted into local Comprehensive Plans. However, in 2011, House Bill No. 7207 altered the status of Sector Plans and required that associated SAPs not be included in Comprehensive Plans. In 2016, Orange County restructured the Horizon West policies of the Comprehensive Plan to remove the Specific Area Plan (SAP) maps and related policies applicable to individual villages that addressed item such as specific development standards for each land use district. The previously approved SAP map, which served as a regulatory document, was replaced with the Horizon West Special Planning Area (SPA) Land Use Map, which is a reference document of how land use districts are distributed. The effect of this change is that any modifications to the conceptual SPA land use districts are now processed through the Planned Development review process. However, certain framework policies that apply generally to the SPAs were retained in the Comprehensive Plan.

The purpose of this amendment is to revise two framework policies that relate to the Horizon West Village I Special Planning Area. The first revision included in this amendment is a reduction in the minimum net density for Village I, and the second is a clarification of the timing of road agreements for Village I.

**Village I Minimum Density Reduction**

The model for the Horizon West Villages were a set of neighborhoods focused around a neighborhood center. Each neighborhood center generally includes a school, commercial area, and neighborhood park. Each village was originally designed to provide a compact, integrated development pattern and a population density for each neighborhood that can support the neighborhood schools. In order to ensure an adequate population density to support the school system, **Future Land Use Element Policy FLU4.1.4** identifies the minimum net residential densities for each village. The four Villages and the Town Center have a minimum density of between four (4) and five (5) dwelling units per acre. Village I, which was approved later in 2008, was originally intended to provide higher residential densities to support workforce housing opportunities and a diverse mix of land uses and was assigned a minimum density of seven (7) dwelling units per acre.

Village I encompasses 2,224 gross acres and is bisected by Avalon Road (C.R 545). It is generally located between the Orange/Lake County line and the Western Beltway (S.R 429). Within the Village I boundary, there are approximately 1,073.20 developable acres and 799.53 net developable acres. Net density refers to the total number of units divided by the net developable area. The net developable land area is defined as developable land area less the following: upland greenbelts and land for Adequate Public Facilities (APFs) identified in FLU4.2.2 and/or APF Agreement; then less public open space as required by FLU4.6.8 and estimated stormwater areas. The currently approved conceptual land use map for Village I, as identified on the Horizon West Special Planning Area Land Use Map shows an average net density for

Village I is 7.36 dwelling units per acre. This includes 5,608 residential dwelling units, consisting of 2,219 single-family and 3,389 multi-family units, and 426,000 square feet of non-residential development.

In order to allow flexibility to respond to changing market conditions and development trends and to provide more diversity in lot sizes and the land use mix, FLU4.1.4 allows for revisions to the minimum density for each Village through a Comprehensive Plan Amendment. The Orange County Planning Division received a request from the majority of landowners in Village I to reduce the minimum required density for Village I to allow for development that reflects current market conditions and trends.

Staff reviewed several residential development approvals in the vicinity of Village I. The Planning Division has determined that reducing the density requirement for Village I from seven (7) dwelling units per acre to five (5) dwelling units per acre will provide increased flexibility for new development to respond to market interests, and that combined with recently approved adjacent developments, will still satisfactorily create a population density that will support the desired area schools. The Orange County Public Schools Facilities Planning Division has also reviewed the proposed reduction of residential densities and is also in support of the proposed density reduction.

**Village I Road Agreements**

Future Land Use Element FLU4.3.10 describes the approval requirements for road network agreements in the Horizon West Village I Special Planning Area. FLU4.3.10 requires development of the Village's Phase I to be consistent with Table 7.5 of the Village I Specific Area Plan, and that new development beyond November 17, 2015 (the date of original policy adoption) must have an approved Road Network Agreement (RNA) in place. Such RNAs must be determined to be financially feasible by the County and comply with a Global Road Network Term Sheet for Village I. The Term Sheet summarizes expected road improvement needs for village related development that private landowners will participate in.

The policy also requires that adequate public facilities must be demonstrated to be available or planned to be available in a financially feasible manner in Orange County's Capital Improvements Element. This latter requirement will remain unchanged by the proposed amendment.

Any project that applied for a Planned Development prior to November 17, 2015 is exempted from the need for a Road Network Agreement provided that it received a qualifying construction permit as a result of that application. The proposed amendment will better define the point in development where a Road Network Agreement is required, and make it consistent with similar timing for Horizon West Special Planning Area Villages F, H, and the Town Center, as defined in FLU4.3.9. There had previously been some confusion as to whether a request to rezone property could be interpreted as "development" and trigger the need for a RNA. The changes will specify that RNAs will be not be required as a result of rezoning requests or approvals and are otherwise intended to resolve any inconsistencies between the policy and the recently accepted Village I Term Sheet.

The Village I Term Sheet was accepted by the BCC on November 13, 2018. The proposed policy amendment would require that the Village I Road Network Agreement (RNA) must be signed by the owners of a majority of the undeveloped acreage in Village I, as well as approved by the BCC. Projects that received a Capacity Enhancement Letter prior to November 13, 2018 can continue with their

authorized development, but will have to join the RNA before a future Preliminary Subdivision Plan (PSP) or Development Plan (DP) can be approved. All of the parties to the RNA will have to approve any such change to the agreement. If the agreement is not amended to include a new development project, then the project would have the option to move forward only if it complies with the County's concurrency management system, potentially including the need for a proportionate share agreement.

## Policy Amendments

**Following are the policy changes proposed by this amendment. The proposed revisions are shown in ~~*strikethrough*~~*/underline* format. Staff recommends adoption of this amendment.**

**FLU4.1.4** Each Village shall demonstrate consistency with Policies FLU4.1.1, FLU4.1.2 and FLU4.1.3 by providing a compact, integrated development pattern with neighborhood centers generally located within a 1/2-mile walking distance of the residences, and by establishing a population density for each neighborhood that can support the neighborhood school. Modifications to these minimum densities may be approved subject to a Comprehensive Plan Amendment. Such amendments, however, shall not reduce the minimum density of any Village below four (4) dwelling units per net developable acre. Amendments may be based on, but not limited to, the following:

- To provide more diversity in lot sizes and the land use mix;
- To recognize existing geographic features or environmentally sensitive areas;
- To provide additional buffering to preexisting development;
- To make use of updated student generation rates; and
- To provide for enhanced environmental corridors.

The use of TDRs (transfers of development rights) shall be evaluated for impacts to the neighborhood schools as a part of the development review process. Notwithstanding any density reduction, development shall continue to adhere to the General Village Principles outlined in FLU4.1.1.

The minimum densities approved for each Village (Lakeside, Bridgewater, Village H, Village F, Village I and the Town Center) are as noted in the following table:

| Village | Minimum Overall Density per Net Developable Area | Notes |
|---|---|---|
| *** | | |
| Village I | ~~7.0~~ 5.0 DU/Ac | The identified net density is needed to maintain the Village design principles outlined in Policy FLU4.1.1 and aids in the preservation of environmentally sensitive areas. |
| *** | | |

**FLU4.3.10** Prior to commencing development beyond Phase I per Table 7.5 of the document entitled Village I Specific Area Plan (the "SAP"), Village I developers/owners will assess the projected cumulative transportation impacts of Village I and demonstrate that any significant and adverse impacts, including impacts outside Orange County's jurisdiction, will be mitigated. The SAP will be amended to reflect any improvements needed to serve the approved Future Land Uses. Development beyond County approval of zoning, rezoning, and zoning amendment requests ~~of Phase I consistent with Table 7.5 of the Village I Specific Area Plan, adopted by the Board of County Commissioners on June 10, 2008, may not continue beyond November 17, 2015, the anticipated adoption date of this amended FLU4.3.10, without a~~ shall be subject to, and may not proceed without, a Board of County Commissioners approved global r~~R~~oad n~~N~~etwork a~~A~~greement (the "Road Network Agreement")in place that is determined to be financially feasible by the County and that substantially complies with a ~~Global Road Network~~ t~~T~~erm s~~S~~heet for Village I and unless adequate public facilities are demonstrated to be available or planned to be available in a financially feasible manner in Orange County's Capital Improvements Element, consistent with Section 163.3164(38), F.S.

The Road Network Agreement, which must substantially conform with the Horizon West Village I Term Sheet reviewed and accepted by the BCC on November 13, 2018, must be signed by the owners of a majority of the undeveloped acreage in Village I and approved by the BCC prior to approval of the first preliminary subdivision plan ("PSP") and/or development plan ("DP") in Village I. The foregoing notwithstanding, any project that has ~~submitted a legally and technically sufficient application for a Planned Development prior to November 17, 2015~~, been issued a capacity encumbrance letter ("CEL") prior to November 13, 2018, may proceed with the applicable development in Phase I, pursuant to and in compliance with the terms of such CEL, prior to without entering into such a Road Network Agreement pursuant to a Global Road Network Term Sheet for Village I; provided, however, that such development shall be required to enter into and join the Road Network Agreement prior to approval of any subsequent PSP and/or DP request beyond that applicable to the aforementioned CEL.~~obtain at least one development permit for vertical construction other than a model home (the "Permit") within thirty (30) months from the date of approval of the Planned Development.~~ In the event any such project does not timely obtain a capacity reservation certificate in connection with the CEL, such project shall be subject to the County's concurrency management system, as if the CEL had not been issued.~~obtain a permit within the thirty (30) month timeframe, such project shall then be subject to entering into a Road Network Agreement pursuant to a Global Road Network Term Sheet for Village I. If a Global~~ If a development project is proposed after the Road Network Agreement ~~Term Sheet for Village I~~ has been finalized, ~~such that the development cannot participate,~~ then such proposed development shall be subject to the County's

concurrency management system (and, potentially, entering into a proportionate share agreement), unless all of the signatories of the Road Network Agreement agree to amend such Road Network Agreement in order to add such development to the Agreement.

## Clean Version

(assumes all proposed changes are adopted)

**FLU4.3.10** Prior to commencing development beyond Phase I per Table 7.5 of the document entitled Village I Specific Area Plan (the "SAP"), Village I developers/owners will assess the projected cumulative transportation impacts of Village I and demonstrate that any significant and adverse impacts, including impacts outside Orange County's jurisdiction, will be mitigated. The SAP will be amended to reflect any improvements needed to serve the approved Future Land Uses. Development beyond County approval of zoning, rezoning, and zoning amendment requests shall be subject to, and may not proceed without, a Board of County Commissioners approved global road network agreement (the "Road Network Agreement") in place that is determined to be financially feasible by the County and that substantially complies with a term sheet for Village I and unless adequate public facilities are demonstrated to be available or planned to be available in a financially feasible manner in Orange County's Capital Improvements Element, consistent with Section 163.3164(38), F.S.

The Road Network Agreement, which must substantially conform with the Horizon West Village I Term Sheet reviewed and accepted by the BCC on November 13, 2018, must be signed by the owners of a majority of the undeveloped acreage in Village I and approved by the BCC prior to approval of the first preliminary subdivision plan ("PSP") and/or development plan ("DP") in Village I. The foregoing notwithstanding, any project that has been issued a capacity encumbrance letter ("CEL") prior to November 13, 2018, may proceed with the applicable development in Phase I, pursuant to and in compliance with the terms of such CEL, prior to entering into such a Road Network Agreement; provided, however, that such development shall be required to enter into and join the Road Network Agreement prior to approval of any subsequent PSP and/or DP request beyond that applicable to the aforementioned CEL. In the event any such project does not timely obtain a capacity reservation certificate in connection with the CEL, such project shall be subject to the County's concurrency management system, as if the CEL had not been issued. If a development project is proposed after the Road Network Agreement has been finalized, then such proposed development shall be subject to the County's concurrency management system (and, potentially, entering into a proportionate share agreement), unless all of the signatories of the Road Network Agreement

agree to amend such Road Network Agreement in order to add such subsequent development to the Agreement.