



Interoffice Memorandum

DATE: August 6, 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: Adoption Public Hearings – 2019-1 Continued Regular Cycle
Comprehensive Plan Amendment

Please find attached the staff report and associated back-up materials for the proposed 2019-1 Continued Regular Cycle Comprehensive Plan Amendment. The adoption public hearing for this amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on April 18, 2019. This amendment was continued at the request of the applicant and is scheduled for an adoption public hearing before the Board of County Commissioners (BCC) on August 6, 2019.

The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See:

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

Amendment Summary

The **2019-1 Continued Regular Cycle – State-Expedited Review** Amendment scheduled for consideration on August 6 includes one privately-initiated Future Land Use Map Amendment located in District 6. The proposed Future Land Use Map Amendment entails a change to the Future Land Use Map for a property greater than ten acres in size.

This Regular Cycle amendment was considered earlier by the LPA and BCC at transmittal hearings on January 17, 2019, and February 12, 2019, respectively. This amendment has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On April 11, 2019, DEO issued a comment letter, which did not contain any objections to the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. If adopted, this amendment is expected

to become effective in September 2019, provided no challenges are brought forth for the amendment.

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

AAV/sw

Enc: 2019-1 Continued Regular Cycle Amendment (2019-1-A-6-1-The Seasons) –
BCC Adoption Binder

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

ORANGE COUNTY
PLANNING DIVISION

**2019-1 REGULAR
CYCLE
AMENDMENT
2019-1-A-6-1**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

**AUGUST 6, 2019
ADOPTION PUBLIC HEARING**

PREPARED BY:
ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



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2019 CONTINUED FIRST REGULAR CYCLE AMENDMENT

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 proposed Continued First Regular Cycle Amendment (2019-1) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearing for this amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on April 18, 2019. This amendment was continued at the request of the applicant.

The continued Regular Cycle Amendment scheduled for BCC consideration on August 6 was heard by the PZA/LPA at a transmittal public hearing on January 17, 2019, and by the BCC at a transmittal public hearing on February 12, 2019.

Please note the following modifications to this report:

KEY TO HIGHLIGHTED CHANGES	
Highlight	When changes made
Pink	Following the LPA adoption public hearing (by staff)

The 2019-1 Regular Cycle State-Expedited Review amendment scheduled for consideration on August 6 includes one privately-initiated Future Land Use Map Amendment located in District 6. The proposed Future Land Use Map Amendment entails a change to the Future Land Use Map for a property greater than ten acres in size.

The Regular Cycle – State-Expedited Review Amendment has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On April 11, 2019, DEO issued a comment letter, which did not contain any concerns about the requested amendment. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in September 2019, provided no challenges are filed for the amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Gologowski@ocfl.net.



Applicant/Owner: Erika Hughes, VHB, Inc., for Central Florida Investments, Inc.

Location: 5736 S. Texas Ave.; Generally located on the west side of S. Texas Ave., south of Wakulla Wy., east of S. John Young Pkwy., and north of W. Oak Ridge Rd.

Existing Use: Multi-family dwelling units

Parcel ID Numbers:
21-23-29-5361-00-170/171/172

Tract Size: 19.40 gross acres

+The following meetings and hearings have been held for this proposal:

Report/Public Hearing	Outcome
✓ Community Meeting (340 notices sent; 3 people in attendance)	October 17, 2018 Positive
✓ Staff Report	Recommend Transmittal
✓ LPA Transmittal January 17, 2019	Recommend Transmittal (7-0)
✓ BCC Transmittal February 12, 2019	Transmit (7-0)
✓ State Agency Comments April 11, 2019	No comments were received for this requested amendment
✓ LPA Adoption April 18, 2019	Recommend Adoption (7-0)
BCC Adoption	August 6, 2019

Project Information

Request: Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR)

Proposed Development Program: Up to 358 multi-family dwelling units

Division Comments:

Environmental, Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis on each public facility.

Environmental: Per the Orange County Environmental Protection Division (EPD), a Conservation Area Determination (CAD) must be completed before the amendment can be considered for adoption.

Transportation: The subject property is located within the County's Alternative Mobility Area. The proposed amendment will result in an increase of 85 p.m. peak hour trips.

Schools: Capacity Enhancement Agreement (CEA) #OC-18-041 was approved by the Orange County School Board on May 28, 2019.

Concurrent Rezoning: LUP-17-04-135 – R-3 (Multiple-Family Dwelling District) to PD (Planned Development District)(Westgate Seasons Planned Development)

The associated PD Land Use Plan (LUP) is proceeding through the Orange County Development Review Committee (DRC) review process.

AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use Designation:

Low-Medium Density Residential (LMDR)

Special Area Information:

JPA: N/A

Rural Settlement: N/A

Overlay District: N/A

AMA District:
Alternative Mobility Area

Airport Noise Zone:
N/A

FUTURE LAND USE - PROPOSED



Proposed Future Land Use Designation:

Medium Density Residential (MDR)

This is an aerial photograph of a residential area. A grid of streets is visible, with several lots outlined. A large, irregularly shaped lot is highlighted in the center, surrounded by other lots and buildings. The lot is labeled with 'A-1' and 'A-2'. The surrounding area includes various other lots, some with buildings, and a large body of water in the bottom right corner.

West: Single-family dwellings

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 Goal FLU2, Future Land Use Element Objectives FLU2.1 and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU1.4.1, and FLU8.2.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-1-A-6-1, Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR).

Analysis

1. Background Development Program

The applicant, Erika Hughes, VHB, has requested to change the Future Land Use Map (FLUM) designation of the 19.40-acre site from Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR). The subject site was rezoned from R-1A (Single-Family Dwelling District) to R-3 (Multiple-Family Dwelling District) on June 24, 1980 and received approval for the development of 248 condominium units in 1982. On March 24, 1998, the property owner received approval from the Florida Department of Business & Professional Regulation (DBPR) to operate a timeshare development, The Seasons, on the property. Between 1983 and 1990, forty-four (44) timeshare units were constructed on approximately five (5) acres of the subject site. On January 1, 2016, the timeshare development's license expired, and the partially-developed site is currently being used for multi-family use.

This request was originally scheduled for consideration during the 2017-1 Regular Cycle as Amendment 2017-1-A-6-1. At the November 10, 2016, community meeting held for the proposed amendment, the applicant stated that The Seasons timeshare resort was not successful because of its location. Therefore, the property owner is seeking to redevelop the subject property to allow for up to 358 multi-family units that will be market rate three-story garden-style apartments. The MDR Future Land Use Map designation allows for a maximum density of twenty dwelling units per acre. While Amendment 2017-1-A-6-1 was transmitted to the Florida Department of Economic Opportunity (DEO), the applicant withdrew the request prior to the May 18, 2017, Local Planning Agency (LPA) adoption public hearing to allow for the resolution of outstanding school capacity issues with Orange County Public Schools (OCPS).

The subject property is located at the northwest corner of S. Texas Avenue and Wakulla Way, approximately 650 feet north of W. Oak Ridge Road, an urban collector roadway, with approximately 650 feet of frontage on S. Texas Avenue. S. Texas Avenue is also an urban collector roadway. The subject site is situated in a densely developed area characterized by a mix of industrial, commercial, institutional, and residential uses and a variety of housing types, including single-family detached homes, condominiums, and apartments. Single-family residences, located north and west of the site, are zoned R-1A and possess Low Density Residential (LDR) Future Land Use Map designations. Two parcels to the south, one retail commercial shopping center currently under construction (Oakridge Commercial Retail Complex) and one developed (Apache Plaza) are zoned C-1 (Retail Commercial District) and have corresponding Commercial Future Land Use Map designations. Royal Palm Apartments-West, a 192-unit apartment complex is also located immediately to the south and possesses a MDR Future Land Use Map designation and corresponding R-3 zoning classification. Another 160-unit apartment complex, Casienna Apartments, is located across the street on S. Texas Avenue, east of the subject property. The Florida Conference Association of Seventh Day Adventist Church is also located across the street on S. Texas Avenue, east of the subject site. Both properties possess MDR Future Land Use Map designations and are zoned R-3. Two more apartment developments, Royal Palm Apartments-East, a 96-unit apartment complex, and Enclave at Lake Ellenor Apartments, a 296-unit apartment complex, are located southeasterly of the site on W. Oak Ridge Road. Both properties have MDR Future Land Use Map

designations and are zoned R-3. Chateau De Ville, consisting of two residential condominium developments containing 56 units each, is located southwesterly of the site on W. Oak Ridge Road. Each of these developments has a MDR Future Land Use Map designation and is zoned R-3. Orlando Central Park, an industrial park that encompasses a variety of uses—including warehousing, manufacturing, and offices—is located approximately 700 feet south of the subject property.

2. Future Land Use Map Amendment Analysis

Consistency

The requested FLUM amendment initially appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. The subject property is located within the County's Urban Service Area (USA) Boundary and is situated in an urbanized area characterized by a mix of industrial, commercial, institutional, and residential uses. As mentioned above, the applicant is seeking the MDR Future Land Use Map designation to allow for the redevelopment of the 19.40-acre infill site to construct up to 358 multi-family units. It should be noted that regulated wetlands are believed to be present on the site and may reduce the amount of developable acreage and the proposed unit count.

Staff consulted **Future Land Use Element Goal FLU2**, which states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options. Also applicable is **Future Land Use Element Objective FLU2.1**, which establishes that 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. **Future Land Use Element Policy FLU1.1.5**, encourages 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. As noted previously, The Seasons is surrounded by residential, industrial, commercial, and institutional activity and is considered to be an infill development. The proposed Future Land Use Map Amendment and associated residential development program seems to further Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. The applicant's intent to develop up to 358 multi-family dwelling units is also applicable to **Housing Element Goal H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. It is staff's belief that the proposed project will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Policy FLU1.1.1**. Further, **Future Land Use Element Policy FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

Compatibility

The proposed FLUM amendment initially appears to be **compatible** with the existing development and development trend of the surrounding area. **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 pattern and development trends in the area. As stated above, the subject property is located in an urbanized area characterized by a mix of residential, industrial, commercial, and institutional uses. It is staff's belief that the proposed project can be compatible with the existing mix of single-family residences and multi-

family dwelling units. There are several existing apartment complexes located east and south of the subject property that already possess the MDR Future Land Use Map designation.

If the requested FLUM amendment is adopted, provisions must be taken to ensure that any future development of the subject site for multi-family residential use will not adversely impact the existing single-family residential communities in the surrounding area. Although no restrictions or conditions may be imposed during the FLUM amendment stage, performance restrictions and/or conditions may be placed on the property through the appropriate subsequent development order to ensure compatibility, as established in **Policy FLU8.2.1**. As stated previously, this request was originally scheduled during the 2017-1 Regular Cycle as Amendment 2017-1-A-6-1. At the November 10, 2016, community meeting held during that review, the residents in attendance had concerns that access to the proposed development would be achievable via Wakulla Way and that the drainage ditch located alongside Wakulla Way would be filled in. The residents requested that a six-foot high masonry wall and a landscape buffer be placed along the north and west property lines of the subject site where it abuts single-family residences, and they asked that no access be granted onto Wakulla Way. The applicant stated that he would be submitting a rezoning application to run concurrently with the FLUM Amendment request so that he could address the residents' concerns. Rezoning application LUP-17-04-135 has been submitted and is proceeding through the Development Review Committee (DRC) review process. The applicant agreed to their requests, including the construction of the masonry wall along the north and west property lines, the provision of a landscape buffer, and the retention of an existing natural treed buffer. He also stated there will be no access onto Wakulla Way; rather, access will be provided on S. Texas Avenue. Additionally, he told the residents that the developer will not be filling in the drainage ditch along Wakulla Way.

At the October 17, 2018, community meeting held for the currently proposed amendment, three residents were in attendance, and the current applicant agreed to honor the same commitments that were made to the citizens by the previous applicant: construction of a masonry wall along the north property and west property lines, the provision of a landscape buffer, the retention of an existing natural treed buffer, and no access onto Wakulla Way. The applicant stated that these conditions would be stated on the Westgate Seasons Planned Development (PD)/Land Use Plan (LUP) (LUP-17-04-135). Approval of the FLUM Amendment request from LMDR to MDR would be compatible with the existing development pattern and uses in the area.

Division Comments: Environmental, Public Facilities, and Services

Environmental: The project site is partially developed but wetlands and surface waters are located on site, including a portion of the Wakulla Canal on the north boundary. An Orange County Conservation Area Determination (CAD) must be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) to determine net developable area prior to submitting subdivision, development plans or permit applications. Reference Orange County Code Chapter 15, Article X Wetland Conservation Areas.

Until wetland permitting is complete, the net developable acreage is only an approximation. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The buildable area is the net developable acreage less protective buffer areas required to prevent adverse secondary impacts. 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 such areas without

Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD. Reference Comprehensive Plan Policy FLU1.1.2 C.

A portion of the project site is vacant and vegetated. Development shall comply with all state and federal regulations regarding wildlife or 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).

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

This site is located adjacent to existing residential neighborhoods, therefore dust control during all site preparation and construction will be necessary. Fugitive dust emissions shall not be allowed from any activity including: vehicular movement, transportation of materials, construction, alteration, loading, unloading, storing or handling, without taking reasonable precautions to prevent such emissions. Reasonable precautions include application of water, dust suppressants, and other measures defined in Orange County Code Chapter 15, Environmental Control, Article III, Air Quality Control, Division 2 Rules, Section 15-89.1, Air Pollution prohibited.

This site is adjacent to existing residential neighborhoods, therefore noise control during all site preparation and construction will be necessary. Construction noise is limited by Orange County Code Chapter 15, Environmental Control, Article V Noise Pollution Control, Section 15-185, Exemptions allows for construction or demolition activities between 7:00 a.m. and 10:00 p.m. Any construction after 10:00 p.m. and prior to 7:00 a.m. needs to comply with the requirements of the ordinance. In addition, dewatering pumps shall be shielded from exposure to the adjacent residential units and located as far away as possible to minimize adverse noise level impacts.

Schools: On May 28, 2019, the Orange County School Board approved the Capacity Enhancement Agreement (CEA) associated with this requested amendment, #OC-18-041.

Transportation. Based on trip generation estimates from the 10th Edition of the Institute of Transportation Engineers Trip Generation Handbook, it was determined that the maximum allowable development of 179 multi-family dwelling units based on the current future land use designation of Low-Medium Density Residential would generate approximately 99 new p.m. peak hour trips, while the proposal to develop up to 358 multi-family dwelling units under the Medium Density Residential future land use designation will generate 184 new p.m. peak hour trips, resulting in an increase of 85 p.m. peak hour trips.

Future Roadway Network

Road Agreements: None

Planned and Programmed Roadway Improvements:

Texas Avenue - There are two (2) programmed roadway improvements to widen Texas Avenue to four (4) lanes. The segment from Oakridge Road to S. of Americana Boulevard is currently in the design phase and a construction schedule is yet to be determined. The segment from Americana Boulevard to S. of Holden Road is in design and construction is scheduled for August 2019.

Right of Way Requirements:

Right-of-Way acquisition for the widening of Texas Avenue is to be determined.

Summary

The applicant is requesting a land use change and rezoning change for 17.70 developable from Low-Medium Density Residential to Medium Density Residential approval to develop up to 358 multi-family dwelling units. This project is located in the Alternative Mobility Area and is exempt from transportation concurrency. The applicant submitted a mobility analysis in support of the proposed change.

The subject property is located within the County's Alternative Mobility Area, near the intersection of Texas Avenue, a two-lane collector road from Oakridge Road to Americana Boulevard and Wakulla Way, a local roadway. Based on the Concurrency Management System database, all roadways within the project impact area operates at an acceptable Level of Service and there are no capacity deficiencies. This information is dated and subject to change.

The allowable development based on the approved future land use will generate 99 p.m. peak hour trips.

The proposed use will generate 184 p.m. peak hour trips resulting in a net increase of 85 p.m. peak hour trips.

Analysis of short-term conditions (5-Year) shows that all of the roadways within the study area are projected to operate within the acceptable Level of Service capacity. For long term conditions, however, deficiencies occur on John Young Parkway between Oakridge Road and Americana Boulevard. This deficiency occurs before the project trips area added, therefore, this is a background deficiency that will be present with or without the proposed land use change. All other roadways within the study area are projected to operate within the acceptable Level of Service capacity standards in both the daily and PM peak hour conditions.

A review of alternative transportation modes in the area indicates transit service availability within a quarter-mile of this parcel. There are seven fixed routes serving the project area. The bus stops along Oak Ridge Road closest to the project site are equipped with concrete landing pads, benches, and/or shelters.

The area is also well served by public sidewalks and the proposed development will connect to the existing sidewalks along Texas Avenue.

There are dedicated bike lanes available along John Young Parkway and Conroy Road but not along the roadways adjacent to the site.

The applicant submitted a traffic study in support of this proposed change, however, the trip generation calculations were based on development densities that are not consistent with the densities approved by the Planning Division. The trip generation data should be updated and a revised study submitted. Final permitting of any development on this site will be subject to review and approval by the County's Development Review Committee. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

Policy References

GOAL H1 – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

OBJ H1.1 – The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

Goal FLU2 - URBAN STRATEGIES. Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

OBJ FLU2.1 - 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.

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.

FLU1.1.1 – Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

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.

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.

Site Visit Photos

Subject Site



North – Single-Family Residential



South – Retail Commercial Under Construction



East – Casienna Apartments



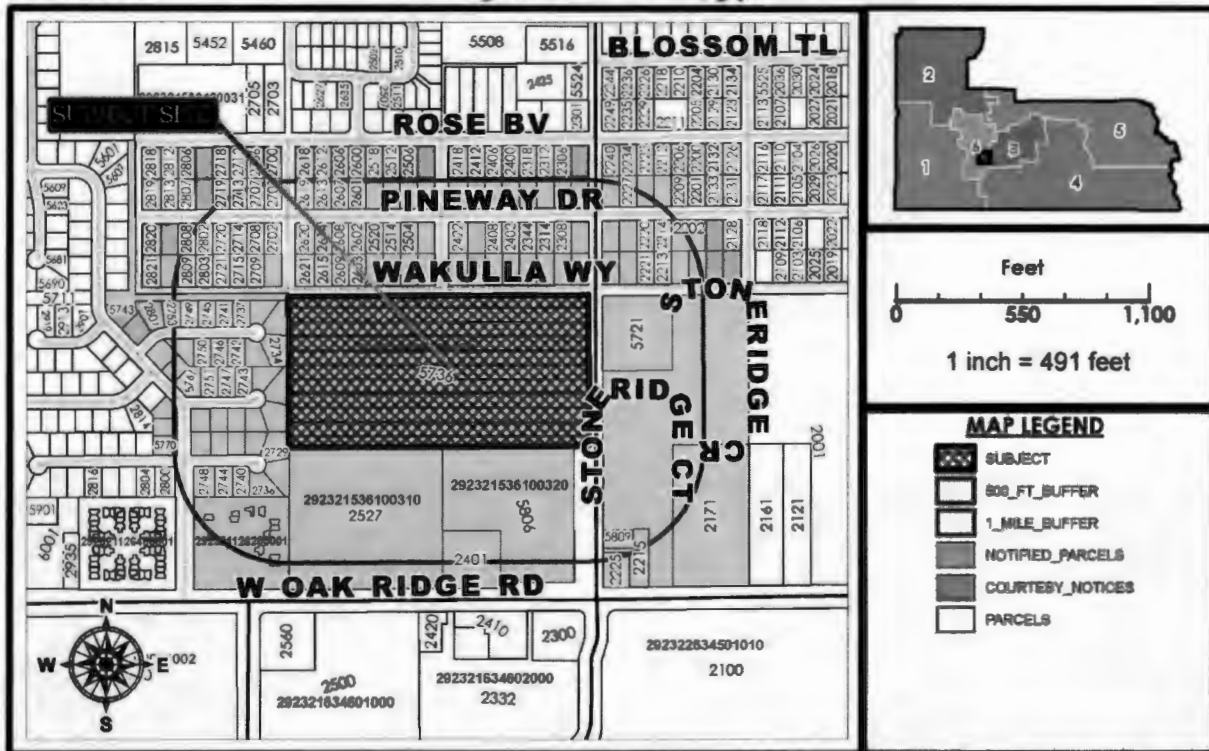
West – Single-Family Residential





Public Notification Map

2019-1-A-6-1 The Seasons
500 FT BUFFER, 340 NOTICES



Notification Area:

500 ft. plus homeowner associations within a one mile radius of the subject site

316 notices sent

ORDINANCE NO. 2019-_____

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
AMENDMENTS PURSUANT TO SECTION 163.3184(3),
FLORIDA STATUTES, FOR THE 2019 CALENDAR YEAR
(FIRST CYCLE); 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 January 17, 2019, the Orange County Local Planning Agency ("LPA") held a
public hearing on the transmittal of the proposed amendment to the Comprehensive Plan, as
described in this ordinance; and

d. On February 12, 2019, the Orange County Board of County Commissioners
("Board") held a public hearing on the transmittal of the proposed amendment to the
Comprehensive Plan, as described in this ordinance; and

e. On April 11, 2019, the Florida Department of Economic Opportunity (“DEO”) issued a letter to the County relating to the DEO’s review of the proposed amendment to the Comprehensive Plan, as described in this ordinance; and

f. On April 18, 2019, the LPA held a public hearing at which it reviewed and made recommendations regarding the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance; and

g. On August 6, 2019, the Board held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to adopt it.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to Part II of 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. Effective Dates for Ordinance and Amendments.

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

(b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment adopted under this ordinance becomes effective until 31 days after the DEO notifies the County that the plan amendment package is complete. However, if an amendment is timely challenged, the amendment shall not become effective until the DEO or the Administration Commission issues a final order determining the challenged amendment to be in compliance.

(c) No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

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ADOPTED THIS 6th DAY OF AUGUST, 2019.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
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:
2019-1-A-6-1	Low-Medium Density Residential (LMDR)	Medium Density Residential (MDR)
*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.		



Community Meeting Memorandum

DATE: October 18, 2018
TO: Alberto A. Vargas, MArch., Planning Manager
FROM: Sue Watson, Planner
SUBJECT: Amendment 2018-1-A-6-1 (The Seasons) Community Meeting Synopsis
C: Project File

Location of Project: Generally located on the west side of S. Texas Avenue, south of Wakulla Way, east of S. John Young Parkway, and north of W. Oak Ridge Road

Meeting Date and Location: Wednesday, October 17, 2016 at 6:00 PM at Westridge Middle School, 3800 W. Oak Ridge Road, Orlando, FL 32809

Attendance:

District Commissioner	District 6 Commissioner Victoria Siplin Vanessa Lewis, Commissioner's Aide, District 6
Orange County Staff	Sue Watson and Jennifer DuBois, Planning Division Colin Kidd, Engineer III, Development Engineering Division
Applicant	Erika Hughes, VHB, Inc. Bryon Smith, Westgate Resorts
Residents	340 notices sent; 3 residents in attendance

Overview of Project: The applicant, Erika Hughes, VHB, is requesting to change the Future Land Use Map (FLUM) designation of the 19.40-acre subject property from Low-Medium Density Residential to Medium Density Residential (MDR). The applicant proposes a development program of up to 358 multi-family dwelling units. The subject site has forty-four (44) existing multi-family units.

Meeting Summary: Planner Sue Watson opened the meeting at 6:05 PM and introduced District 6 Commissioner Victoria Siplin and her aide, Ms. Vanessa Lewis, Jennifer DuBois, Senior Planner, Orange County Planning Division, Colin Kidd, Engineer III, Orange County Development Engineering Division, and the applicant, Ms. Erika Hughes, VHB. Ms. Watson provided an overview of the project and informed those in attendance that the applicant is seeking to change the future land use designation of the subject site from Low-Medium Density Residential to Medium Density Residential (MDR). Staff informed the residents in attendance that the proposed FLUMA was submitted in the 2017-1 Regular Cycle (2017-1-A-6-1). The applicant had to withdraw the FLUMA application due to not being able to obtain a Capacity Enhancement Agreement (CEA) from the Orange County School Board in a timely manner before the BCC adoption public hearing. Ms. Watson informed the residents that the applicant is requesting the same FLUMA request as in 2017. Ms. Watson stated that at the November 10, 2016, community meeting that was held for

the proposed FLUMA the applicant agreed to the following: 1) installation of a six (6) foot high masonry wall along the north and west property lines and install landscaping; 2) No access onto Wakulla Way; the access will be on Texas Avenue; and 3) not to fill in the ditch along Wakulla Way. Staff summarized the Future Land Use Map Amendment process and the schedule for the LPA and BCC public hearings. Ms. Watson asked the citizens if they had any questions. There were none and she turned the meeting over to the applicant.

Ms. Hughes gave an overview of her proposal. She informed the citizens that the existing site was formerly a timeshare resort that was not successful and her proposal is to construct up to 358 multi-family apartment units. Ms. Hughes stated she would like to change the Future Land Use Map (FLUM) designation of the property from LMDR to MDR. Ms. Hughes also stated that a rezoning application (LUP-17-04-135) is in for submittal as well to change the zoning of the property from R-3 (Multiple-Family Dwelling District) to PD (Planned Development District) and the rezoning would run concurrently with the FLUMA request. She informed the residents that she will honor the same commitments that were made to the citizens by the previous applicant: construction of a masonry wall along the north property and west property lines, the provision of a landscape buffer, the retention of an existing natural treed buffer, and no access onto Wakulla Way. The applicant stated that these conditions would be stated on the Westgate Seasons Planned Development (PD)/Land Use Plan (LUP) (LUP-17-04-135). Staff and the applicant then responded to the residents' questions.

Commissioner Siplin thanked everyone in attendance for coming. The meeting adjourned at approximately 6:35 PM. The overall tone of the meeting was **POSITIVE**.

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

March 14, 2019

RECEIVED

MAR 18 2019

Planning Divisio.

Mr. Alberto A. Vargas, MArch, Manager
Orange County Planning Division
201 South Rosalind Avenue, 2nd Floor
Post Office Box 1393
Orlando, Florida 32802-1393

Dear Mr. Vargas, MArch:

Thank you for submitting Orange County's proposed comprehensive plan amendments submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **Orange County 19-04ESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the Department's Comment Letter no later than **April 13, 2019**.

If you have any questions please contact Anita Franklin, Plan Processor at (850) 717-8486 or Kelly Corvin, whom will be overseeing the review of the amendments, at (850) 717-8503.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/af

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
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Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

MEMORANDUM

TO: Florida Department of Environmental Protection
Florida Department of Education
Florida Department of State
Florida Department of Transportation District 5
East Central Florida Regional Planning Council
St Johns River Water Management
South Florida Water Management District
Florida Fish and Wildlife Conservation Commission
Florida Department of Agriculture and Consumer Services

DATE: March 14, 2019

SUBJECT: COMMENTS FOR PROPOSED EXPEDITED STATE REVIEW PLAN AMENDMENT

LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #: ORANGE CO 19-04ESR

STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER: Kelly Corvin/(850)717-8503

The referenced proposed comprehensive plan amendment is being reviewed pursuant the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes. Please review the proposed documents for consistency with applicable provisions of Chapter 163, Florida Statutes.

Please note that your comments must be sent directly to and received by the above referenced local government within 30 days of receipt of the proposed amendment package. A copy of any comments shall be sent directly to the local government and to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: DCPexternalagencycomments@deo.myflorida.com

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment directly to your agency. See attached transmittal letter. Be sure to contact the local government if you have not received the amendment. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.

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February 26, 2019

Mr. Ray Eubanks, Plan Processing Administrator
Florida Department of Economic Opportunity (DEO)
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399

MAR 14 2019
Div. of Economic Development
Dept. Economic Opportunity

Re: Orange County Transmittal of the 2019-1 Regular Cycle State-Expedited Review Comprehensive Plan Amendments

Dear Mr. Eubanks:

The Orange County Board of County Commissioners (BCC) is pleased to transmit to the Florida Department of Economic Opportunity (DEO) this 2019-1 transmittal packet, which consists of Regular Cycle – State-Expedited Review amendments to the Orange County 2010-2030 Comprehensive Plan. This is the first amendment package of the calendar year 2019 and therefore is referred to as 2019-1 for Orange County filing purposes. Transmittal public hearings for these amendments were held on January 17, 2019, and February 12, 2019, before the Local Planning Agency (LPA) and BCC, respectively. One paper and two electronic copies (CD) of the proposed amendments are enclosed.

Regular Cycle Amendments

Per 163.3184(3), Florida Statutes, please note the following:

The Regular Cycle – State-Expedited Review amendments included ten privately-initiated Future Land Use Map amendments and one staff-initiated text amendment. All of the proposed amendments were on a regular agenda.

Privately-Initiated Map Amendments

- | | |
|--------------|--|
| 2019-1-A-1-2 | Robert Reese for 18 Avalon Road, LLC
Growth Center-Commercial (GC-C) to Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR) |
| 2019-1-A-1-3 | Erika Hughes, VHB, for Pulte Home Corp.
Planned Development-Low-Medium Density Residential (PD-LMDR) to Planned Development-Commercial/Low-Medium Density Residential (PD-C/LMDR) |
| 2019-1-A-1-4 | Daniel T. O'Keefe, Esquire, Shutts & Bowen LLP, for Sunterra Corp. and Diamond Resorts Cypress Pointe III Development, LLC
Activity Center Mixed Use (ACMU) to Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR) |
| 2019-1-A-1-6 | David Evans, Evans Engineering, Inc., for Hartzog Road Property, LLC/Westport Capital Partners |

Department of Transportation, District Five

Heather S. Garcia, Planning & Corridor
Development Manager

East Central Florida Regional Planning Council

Andrew Landis, Regional Planner

St. Johns River Water Management District

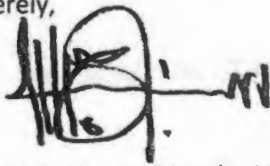
Steven Fitzgibbons, Intergovernmental Planner

South Florida Water Management District

Terry Manning, AICP, Policy and Planning Analyst

We look forward to working with DEO staff during your review of the amendment packet. If you have any questions, please contact Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at 407.836.5624 or via email at Gregory.Golgowski@ocfl.net.

Sincerely,



Alberto A. Vargas, MArch., Manager
Orange County Planning Division

AAV/GG/tlp

enc: 2019-1 Regular Cycle State-Expedited Review Amendments DEO Transmittal Binder

c w/enclosures: Chris Testerman, AICP, Assistant County Administrator
Jon V. Weiss, P.E., Director, Community, Environmental, and Development Services Dept.
Joel Prinsell, Deputy County Attorney
Roberta Alfonso, Assistant County Attorney
Gregory Golgowski, Chief Planner, Planning Division
Sue Watson, Planner II, Planning Division

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

April 11, 2019

The Honorable Jerry L. Demings
Mayor, Orange County
201 South Rosalind Avenue, 5th Floor
Orlando, Florida 32801

Dear Mayor Demings:

The Department of Economic Opportunity ("Department") has reviewed the Orange County proposed comprehensive plan amendment (Amendment No. 19-04ESR), received on March 14, 2019, pursuant to the expedited state review process in Section 163.3184(2)(3), Florida Statutes (F.S.). We have identified no comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review.

We are, however, providing a technical assistance comment consistent with Section 163.3168(3), F.S. The technical assistance comment will not form the basis of a challenge. It is offered either as a suggestion which can strengthen the County's comprehensive plan in order to foster a vibrant, healthy community or is technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. The technical assistance comment is:

Amendment 2019-1-A-4-1 (Innovation Pointe) proposes to expand Industrial use and introduce Residential land use to a site that is currently designated *Planned Development-Industrial/Commercial/Conservation*. The County should consider whether allowing Residential use within an Industrial Use Planned Development is internally consistent with Future Land Use Policy 1.4.16. This policy states in part that potentially incompatible land use designations such as residential and neighborhood commercial, shall not be established adjacent to Industrial land use designations.

Further, the subject site is located adjacent to an electrical power generation plant, high voltage electric transmission lines and within close proximity of the Orange County landfill. Power generation and landfills are long-term costly municipal investments which cannot be relocated without great expense and appropriate sites. Therefore, the County should consider establishing an even higher degree of protection for *Institutional* uses. In anticipation of continued urbanization, the County may want to contemplate policies that protect *Institutional* uses from encroachment of incompatible land uses such as *Residential*. DEO staff is available to provide technical assistance to support comprehensive planning.

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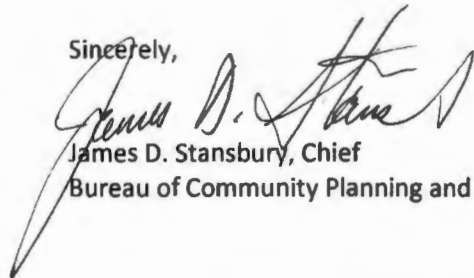
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The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Jennie Leigh Copps, Planning Analyst, by telephone at (850) 717-8534 or by email at jennie.copps@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/ jlc

Enclosure(s): Procedures for Adoption

cc: Alberto A. Vargas, MArch., Manager, Orange County Planning Division

Hugh W. Harling, Jr., P.E., Executive Director, East Central Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, in **color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.