



Interoffice Memorandum

January 28, 2020

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 Hearing – 2019-2 Session I Continued Regular Cycle Comprehensive Plan Amendment and Concurrent Rezoning Request

The 2019-2 Session I Continued Regular Cycle Comprehensive Plan Amendment 2019-2-A-4-3 (fka 2019-1-A-4-2) and concurrent Rezoning Case LUP-18-12-413 (Alafaya Apartments PD/LUP) are scheduled for a BCC adoption public hearing on January 28, 2020. The amendment and concurrent rezoning case were continued by the BCC at the January 14, 2020 public hearing. The amendment and concurrent rezoning case were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption hearing on October 17, 2019. The report is available under the Amendment Cycle section of the County's Comprehensive Planning webpage. Please see:

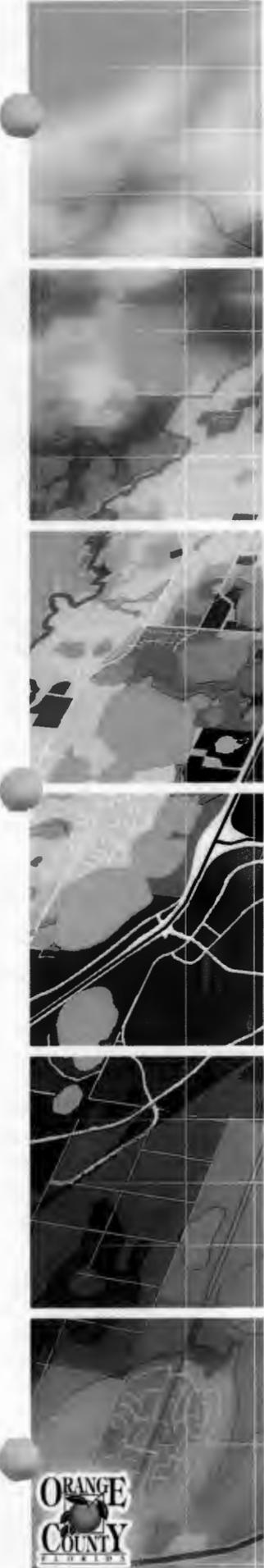
<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>.

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.

AAV/sgw

Enc: 2019-2 Session I Continued Regular Cycle Amendment – BCC Adoption Binder

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



ORANGE COUNTY

PLANNING DIVISION

2019-2 REGULAR CYCLE AMENDMENT

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

**January 28, 2020
ADOPTION PUBLIC HEARING**

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

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION





DATE: January 28, 2020
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 Hearing – 2019-2 Session I Continued Regular
Cycle Comprehensive Plan Amendment and Concurrent Rezoning
Request

Please find the attached staff report and associated back-up materials for proposed 2019-2 Session I Continued Regular Cycle Comprehensive Plan Amendment 2019-2-A-4-3 (fka 2019-1-A-4-2) and concurrent Rezoning Case LUP-18-12-413 (Alafaya Apartments PD/LUP) that was continued by the BCC from January 14, 2020 to January 28, 2020. The adoption public hearings for the 2019-2 Session I Regular Cycle Amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on October 17, 2019, and before the Board of County Commissioners (BCC) on November 12, 2019.

Amendment Summary

The 2019-2 Session I Continued Regular Cycle Comprehensive Plan Amendment scheduled for consideration on January 28 is a privately-initiated Future Land Use Map Amendment located in District 4, with a concurrent rezoning request. 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 – State-Expedited Review Amendment was reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On September 20, 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

PLANNING DIVISION
Alberto A. Vargas, MArch, Planning Manager
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amendment package is complete. This amendment is expected to become effective in March 2020, provided no challenges are brought forth for it.

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.

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	-and-		
	Rezoning LUP-18-12-413	PD (Planned Development District) (Stoneybrook PD) to PD (Planned Development District) (Alafaya Apartments PD) Also requested are four (4) waivers from Orange County Code: 1) A waiver from Section 38-1258(j) to allow a minimum building separation of twenty (20) feet, in lieu of a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for buildings three (3) stories; 2) A waiver from Section 38-1251(b) to allow the maximum coverage of all buildings to not exceed 50% of the gross land area, in lieu of the maximum coverage of all buildings not exceeding 30% of the gross land area; 3) A waiver from Section 38-1254(2)(c) to allow the setback from Arterial street rights-of-way to be twenty-five (25) feet, in lieu of fifty (50) feet; and 4) A waiver from Section 38-1258(d) to allow a maximum building height of forty-five (45) feet, three (3) stories, in lieu of forty (40) feet.	

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**2019-2 Regular Cycle State Expedited Review Comprehensive Plan Amendments
Privately-Initiated Future Land Use Map Amendments**

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec	BCC Rec
District 1														
2019-2-A-1-1 (Avalon Groves)	LUPA-18-12-405	Hartzog Road Property, LLC/ Westport Capital Partners	David Evans, Evans Engineering, Inc.	31-24-27-0000-00-016/039/040/044	Generally located on the east side of Avalon Rd., south of Hartzog Rd., north of Arrowhead Blvd., and west of Vista Del Lago Blvd.	Growth Center-Planned Development- Commercial/Low-Medium Density Residential (GC-PD-C/LMDR) and Growth Center-Planned Development- Low-Medium Density Residential (GC-PD-LMDR)	Growth Center-Planned Development- Commercial/Medium Density Residential (GC-PD-C/MDR)	PD (Planned Development District) (Island Reef PD and Groves of West Orange PD)	PD (Planned Development District) (Avalon Groves PD)	37.83 gross ac./36.36 net developable ac.	Sue Watson	Adopt	Adopt and Approve, subject to 15 conditions (7-0)	Adopt and Approve, subject to 14 conditions (7-0)
2019-2-A-1-2 (Lake Bona Vista Springs)	PD/LUP rezoning expected	Hojasaki, LLC; Roy Samra, Marlene Samra, and Robert Lapierre; Bailestero Investments, LLC	Miranda Fitzgerald, Loyndes Grosdick, Doster, Kambay & Reed, P.A.	21-24-25-0044-00-020; 21-24-25-0008-00-015/016/021	12311, 12323, and 12325 Winter Garden Vineland Rd., Generally located north of Winter Garden Vineland Rd., west of S. Apopka Vineland Rd.	Rural/Agricultural (R) and Medium Density Residential (MDR)	Commercial (C) and Urban Service Area (USA) Expansion; Rural/Agricultural/Conservation (R/CONS); and Medium Density Residential/Conservation (MDR/CONS)	R-CE (Country Estate District)	PD (Planned Development District)	84.77 gross ac.	Jennifer DuBois			
District 4														
2019-2-A-4-1 (Meadow Woods Golf TOD)	Expected	El Shaddai Christian Church	David Reid	24-24-29-0000-00-012; -026	13001 Landstar Blvd	Parks and Recreation- GC	Urban Center (UC)-35 du/ac + 2.5 FAR Urban Neighborhood (UN)- 23 du/ac+1.5 FAR	PD (Planned Development District)	PD (Planned Development District)	170.52 gross ac.	Maria Cahill			
2019-2-A-4-2 (12400 E. Colonial Dr)	Expected	Chuck Hollow, Inc. et al	Tom Sullivan, Gray Robinson, P.A.	23-22-31-0000-00-012/013	12400 and 12464 E. Colonial Dr.; Generally located north of Waterford Wood Cir., east of Woodbury Rd., south of E. Colonial Dr., and west of SR 408	Commercial (C)	Planned Development-Medium-High Density Residential (PD-MHDR)	C-1 (Retail Commercial District)	PD (Planned Development District)	10.08 gross ac./2.71 net developable ac.	Misty Mills	Adopt	Adopt (6-0)	Adopt (6-1)
2019-2-A-4-3 (aka 2019-1-A-4-2) (Alafaya Apartments)	LUP-18-12-413	SBEGC, LLC	Jim Hall, Hall Development Services, Inc.	01-23-31-0000-00-001 (portion of)	2800 Northampton Ave.; Generally located north of S. Alafaya Trl., west of Northampton Ave., south of Stoneybrook Blvd.	Parks and Recreation/Open Space (PR/OS)	Medium Density Residential (MDR)	PD (Planned Development District) (Stoneybrook PD)	PD (Planned Development District) (Alafaya Apartments PD)	14.50 gross ac./12.5 net developable ac.	Maria Cahill	Adopt	Adopt (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; MHDR-Medium-High Density Residential; HDR-High Density Residential; PD-Planned Development; EDU-Educational; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; R-Rural/Agricultural; RS-Rural Settlement; ACMU-Activity Center Mixed Use; RCID-Reedy Creek Improvement District; GC-Growth Center; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; TRAN-Transportation Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; SR-State Road; AC-Acres

**2019-2 Regular Cycle State Expedited Review Comprehensive Plan Amendments
Staff-Initiated Future Land Use Map and Text Amendments**

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec	BCC Rec
2019-2-B-FLUE-1	Planning Division	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	Misty	Adopt	Adopt (9-0)	Adopt (7-0)
2019-2-B-FLUE-2	Planning Division	Text amendment to Future Land Use Element Policy FLU11.4 regarding allocation of additional lands to the Urban Service Area (USA)	Jenny	Adopt	Adopt (9-0)	Adopt (7-0)
2019-2-B-FLUE-3	Planning Division	Text amendment to Future Land Use Element addressing Accessory Dwelling Units (ADUs) not to be counted as density	Alyssa	Adopt	Adopt (9-0)	Adopt (6-0)
2019-2-B-FLUE-4	Planning Division	Text amendment to Future Land Use Element regarding Assisted Living Facilities (ALFs)	Alyssa and Nik	Adopt	Adopt (9-0)	Adopt (7-0)
2019-2-B-FLUM-1	Planning Division	Map Amendment removing Future Land Use Map designations for parcels previously annexed by incorporated jurisdictions within Orange County	Misty	Adopt	Adopt (9-0)	Adopt (7-0)
2019-2-B-FLUM-2 (fka 2019-2-A-6-1)	Planning Division	Map Amendment to the Future Land Use Map to change the designation for a Green PLACE property from Rural/Agricultural (R) to Preservation (PRES)	Alyssa	Adopt	Adopt (9-0)	Adopt (7-0)

ABBREVIATIONS INDEX:

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2019-2 REGULAR CYCLE

AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK SESSION I CONTINUED

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing book for the continued first session of the proposed Second Regular Cycle Amendments (2019-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP) continued by the BCC from January 14, 2020 to January 28, 2020. The Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) adoption public hearings were held on October 17, 2019.

Please note the following modifications to this report:

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

The 2019-2 Session I Continued Regular Cycle – State Expedited Review Amendment scheduled for consideration on January 28 include one privately-initiated Future Land Use Map Amendment located in District 4, with a concurrent rezoning request. 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 – State-Expedited Review Amendment was reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On September 20, 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 March 2020, provided no challenges are brought forth for the amendment.

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			family dwelling units will be considered with the proposed FLUM Amendment.
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AERIAL PHOTOGRAPH



The boundaries of the recorded conservation easements are shown within the red-shaded site, above.

FUTURE LAND USE - CURRENT



Current Future Land Use Designation:
Parks and Recreation/Open Space (PR/OS)

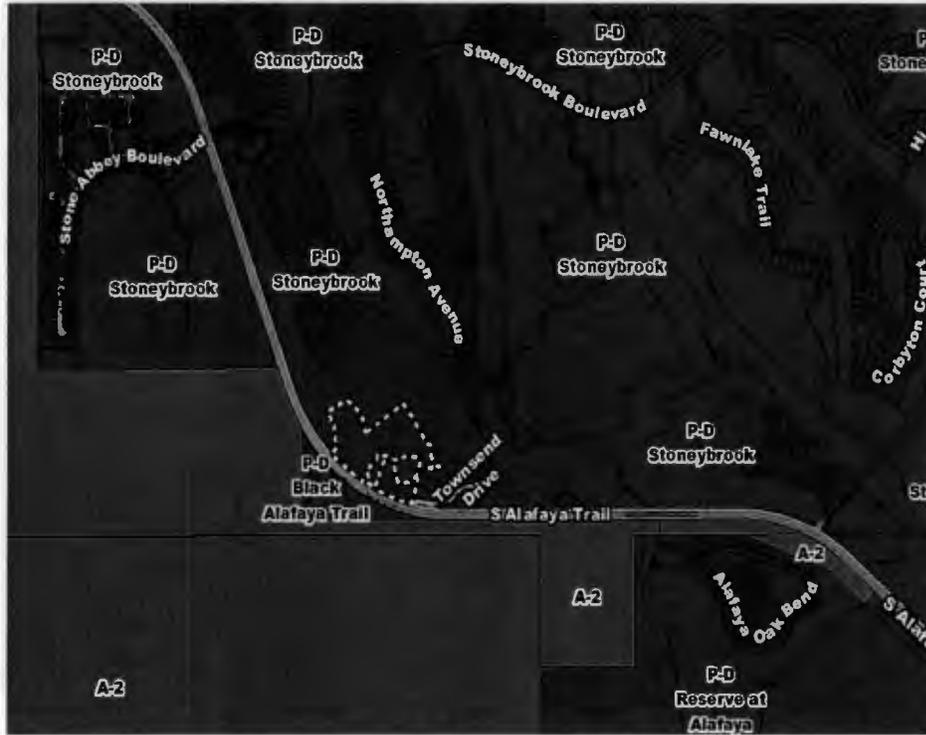
Special Area Information
Econlockhatchee River Protection Area

FUTURE LAND USE - PROPOSED



Proposed Future Land Use Designation:
Medium Density Residential (MDR)

ZONING - CURRENT



Current Zoning District:
 PD (Planned Development District) (Stoneybrook PD)

Existing Uses:
 North:
 Golf course, pond, and single-family subdivision
 South:
 Vacant
 East:
 Fire station and clubhouse
 West:
 Alafaya Village-retail commercial uses/Lifesong Methodist Church

The boundaries of the recorded conservation easements are shown.

ZONING - PROPOSED



Proposed Zoning District:
 PD (Planned Development District) (Alafaya Apartments PD)

The boundaries of the recorded conservation easements are shown.

Staff Recommendations

1. **Future Land Use Map Amendment 2019-2-A-4-3 (fka 2019-1-A-4-2):** Make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objectives FLU1.1, FLU2.2 and FLU8.2, and Policies FLU1.1.1, FLU1.1.2.A, FLU1.1.2.B, FLU1.4.1, FLU1.4.2, FLU2.3.1, FLU2.3.2, FLU2.3.7, FLU8.1.1, FLU8.2.1, FLU8.2.6, FLU8.2.10, and FLU8.2.11), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-2-A-4-3 (fka 2019-1-A-4-2), Parks and Recreation/Open Space (PR/OS) to Medium Density Residential (MDR).
2. **Rezoning Case LUP-18-12-413** (October 9, 2019, DRC Recommendation): Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the Alafaya Apartments Planned Development / Land Use Plan (PD/LUP), dated "Received October 14, 2019", subject to the following conditions:
 1. Development shall conform to the Alafaya Apartments Land Use Plan (LUP) dated "Received October 14, 2019" and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received October 14, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.
 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit

from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of September 10, 2019.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the zero (0) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.

- d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

7. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
8. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
9. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
10. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
11. The Orange County Landfill is located approximately one mile to the southwest. The applicant/owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through the appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, of the proximity of solid waste management facilities.
12. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.

13. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the PD.
14. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
15. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
16. Short-term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
17. Prior to platting, the developer shall provide documentation to the satisfaction of the County Engineer evidencing the shared maintenance responsibility between SBEGC, LLC and the developer for the shared pond.
18. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1258(j) to allow a minimum building separation of twenty (20) feet, in lieu of a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for buildings three (3) stories.
 - b. A waiver from Section 38-1251(b) to allow the maximum coverage of all buildings to not exceed 50% of the gross land area, in lieu of the maximum coverage of all buildings not exceeding 30% of the gross land area.
 - c. A waiver from Section 38-1254(2)(c) to allow the setback from Arterial street rights-of-way to be twenty-five (25) feet, in lieu of fifty (50) feet.
 - d. A waiver from Section 38-1258(d) to allow a maximum building height of forty-five (45) feet, three (3) stories, in lieu of forty (40) feet.

Analysis

1. Background and Development Program

The subject parcel is located within the Urban Service Area on S. Alafaya Trail, at the intersection with Townsend Drive. The parcel is adjacent to Fire Station #85 and across Alafaya Trail from the Lifesong United Methodist Church and Alafaya Village. The site is owned by SBEGC LLC, of Mechanicsburg, Pennsylvania. According to documents submitted with the application, the proposed developer is Eden Multifamily of Coconut Grove, Florida. The application states that Eden's management team has developed more than 25,000 apartments and is managing 17,000 units today.

The parcel is part of the Stoneybrook Golf & Country Club Planned Development (PD) Land Use Plan (LUP) (fka the Les Springs PD), initially entitled by US Homes Corp in the late 1990s. The

Stoneybrook PD/LUP project area encompasses approximately 1,143 acres. The Stoneybrook development program includes 2,360 dwelling units, 38,000 square feet of professional office (P-O) uses, 75,400 square feet of neighborhood commercial (C-1) uses, a 174-acre golf course, and a 3.1-acre clubhouse. The development program also includes 381.9 acres of wetlands, waterbodies, buffers, and parks. The golf course was designated open space/recreation on the LUP. The wetland buffers were also designated open space on the LUP. The golf course is an 18-hole course and is owned by the same company that owns the adjacent Eastwood Golf Course.

The plan amendment proposes to change the Future Land Use Map (FLUM) designation of the subject property, comprised of 14.5 gross acres and 12.5 net acres, from Parks and Recreation/Open Space (PR/OS) to Medium Density Residential (MDR) to allow for the development of up to 250 multi-family dwelling units. The County's adopted FLUM designates the subject property as Parks and Recreation/Open Space, which corresponds to the approved uses within the Stoneybrook PD, including a portion of Hole #9, the driving range practice area, and the golf maintenance yard of the Stoneybrook Golf Course. According to the application for the plan amendment, the Stoneybrook golf maintenance yard is redundant, as the Eastwood golf maintenance yard, located just north of Stoneybrook with golf access, is proposed to serve both golf courses.

If adopted, the requested MDR FLUM designation will allow up to 20 dwelling units per net acre. Approximately two of the site's 14.5 total acres are wetlands recorded as conservation easements. (Their location is shown on the aerial map and current zoning map.) The proposed residential development will access Alafaya Trail directly and will not have any connections into the Stoneybrook community.

The 14.5-acre property is the subject of two related Development Review Committee (DRC) applications that have completed the DRC review process. On October 9, 2019, the DRC approved a non-substantial change to the current Stoneybrook PD Land Use Plan (LUP), Case CDR-18-12-401, to remove the 14.5 acres in question from the Stoneybrook PD and reconfigure the PD boundary. On October 9, 2019, the DRC also recommended approval of Rezoning Case LUP-18-12-413, subject to the eighteen (18) conditions listed in this staff report, to allow for the creation of the 14.5-acre Alafaya Apartments PD, featuring up to 250 multi-family dwelling units. This rezoning petition will be considered in conjunction with the requested Future Land Use Map Amendment during the BCC adoption public hearing.

Statutes codified in Section 163.3184 – *Process for adopting of comprehensive plan or plan amendment* – establish the requirements for the review and adoption of comprehensive plan amendments. Orange County processes Future Land Use Map Amendments twice a year for both small-scale (requests involving ten acres or less) and large-scale amendments (requests involving more than ten acres). Section 163.3184(11)(b) requires two advertised public hearings on the amendment: one at the *transmittal stage* and the second at the *adoption stage*. At the first public hearing, the County will vote to transmit the requested Future Land Use Map amendment to the State of Florida Department of Economic Opportunity for State review. State reviewing agencies then return comments to the County staff. Following the review period, the amendment moves into the second part of the amendment process, the adoption stage. It is during the adoption hearings that the County will vote to either adopt or deny the request.

The County is divided into two major service areas, the *Urban Service Area (USA)* and the *Rural Service Area (RSA)*. The USA boundary is used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development. **Future Land Use Element Policy FLU1.2.2** states that urban development during the 2030 planning period will occur only in the USA.

A community meeting for the proposed Future Land Use Amendment was held Wednesday, January 9, 2019. Over 350 residents attended the community meeting. Most had concerns associated with how the proposed development would affect the existing homeowners in the Stoneybrook community. Many stated that the proposed development will reduce property values, create more school overcrowding and traffic congestion, increase flooding in the area, and have insufficient buffering from their homes. Since the community meeting, the applicant team has had several meetings with the Stoneybrook East Homeowners Association and with homeowners who live in the cul-de-sac (Windsorgate) closest to the proposed development. Several agreements were made with the HOA, including understandings that the multi-family activity will be within a gated community with no vehicular access to Stoneybrook and no chain link fencing; landscaping will feature Florida Friendly Landscaping adjacent to the closest existing homes; and pledged cooperation with homeowners to refine landscape plans through the Development Plan (DP) process, which shall include the provision of canopy and understory trees to block the view of the proposed multi-family buildings from the homes on Windsorgate.

2. Project Analysis

Consistency

The requested Future Land Use Map amendment appears to be consistent with the applicable Comprehensive Plan Goals, Objectives, and Policies, which are specifically discussed in the paragraphs below.

Future Land Use Element Goal FLU1, Objective FLU1.1, and Policies FLU1.1.1, FLU1.1.2.A, and FLU1.1.2.B describe Orange County's urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area (USA).

The Medium Density Residential (MDR) future land use designation is intended to recognize urban-style multi-family residential densities within the USA at densities of up to twenty (20) dwelling units per acre (du/ac). The petitioned site is located within the USA. The proposed Future Land Use Map (FLUM) designation would be in keeping with the development pattern of residential in the vicinity of the property. Residential land uses in the vicinity include single-family and multi-family communities at various densities, including Low Density Residential (LDR) (up to 4 du/ac); Low-Medium Density Residential (LMDR) (up to 10 du/ac); and MDR (up to 20 du/ac). The MDR future land use designation to the northwest is the Whispering Palm development, which includes 308 multi-family units. LMDR to the north and LDR to the northeast are part of Stoneybrook, LMDR is part of Knightsbridge at Stoneybrook, and MDR to the east is part of Stoneybrook along Broadhaven Boulevard and S. Alafaya Trail.

Policy FLU2.3.7 states that access management controls—including joint driveways, frontage roads and cross-access agreements—shall be applied to all development proposals. The applicant states that access can be provided off of S. Alafaya Trail and to Townsend Drive.

Policy FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trends in the area. The development trend in this area is residential and Parks and Recreation/Open Space. The proposed plan amendment would allow MDR consistent with the residential trend of the area. The remaining Parks and Recreation/Open Space-designated golf course acreage would provide a buffer between the LDR-, LMDR-, and MDR-classified residential developments to the north and east.

Objective FLU1.2 requires Orange County to use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. The USA shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development. The proposed development is within the USA.

Policy FLU1.4.1 mandates that Orange County shall promote a range of living environments and employment opportunities to achieve a stable and diversified population and community. The S. Alafaya Trail corridor is primarily made up of single-family homes and some multi-family housing. Additional multi-family development will expand the housing opportunities in the surrounding community.

Policy FLU1.4.2 Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods. The location of the site, fronting Alafaya Trail, is suitable for the MDR future land use designation. If the project is approved, the golf course will provide a physical separation between the multi-family community and the single-family homes to the north. All access is proposed from Alafaya Trail and Townsend Drive. Residential development under the MDR classification will provide an alternative living environment for the area.

Policy FLU2.3.1 The design function of roads shall be maintained by coordinating land use, Level of Service standards, and the functional classification of roads. Alafaya Trail is an arterial roadway. The revised traffic study is under review to determine whether adequate transportation capacity is available to support the development.

Policy FLU2.3.2 The Future Land Use Map shall reflect a correlation between densities and intensities of development and capacity of the transportation system. Alafaya Trail is an arterial roadway. The revised traffic study is under review in order to determine whether adequate transportation capacity is available to support the development.

Policy FLU2.3.7 Access management controls, including, but not limited to, joint driveways, frontage Roads, and cross-access agreements along collector and arterial roadways, shall be applied to all development and redevelopment proposals consistent with the Land Development Code. There is an existing median break on Alafaya Trail, an arterial roadway, as well as secondary access from Townsend Drive.

Objective 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 polices shall guide regulatory decisions that involve differing land uses.

Policy 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. The PD rezoning application, Case LUP-18-12-413, will accompany this requested Future Land Use Map amendment to the adoption hearings to establish the development standards necessary to further ensure compatibility with existing single-family residential homes and neighboring non-residential development.

Policy FLU8.2.6 Zoning development approvals shall have conditions attached, when appropriate, to ensure the enforcement of the Future Land Use designations. As stated above, the PD rezoning application will accompany this proposed Future Land Use Map Amendment to the adoption hearings, with eighteen (18) Conditions of Approval recommended to ensure compatibility with existing single-family residential homes and neighboring non-residential development.

Policy 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

The associated Alafaya Apartments PD Land Use Plan and Conditions of Approval address the issue of land use compatibility, not only with nearby single-family residential development, but also with existing non-residential uses, including the surrounding golf course and neighboring child day care facility, religious institution, and commercial establishments. If this project is approved, land use compatibility will be addressed in greater detail during the subsequent Development Plan (DP) stage.

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, 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 Comprehensive Plan. The Comprehensive Plan shall specifically allow for such a balance of considerations to occur.

The proposed MDR designation is not identical to adjacent future land use designations. However, the current residential development pattern in the vicinity of the subject property, the site location, the golf course buffer between the proposed multi-family development and single-family homes, the sole provision of access via Alafaya Trail and Townsend Drive, as well as the lack of direct access to the Stoneybrook residential community, are considerations that support staff's finding of land use compatibility.

Compatibility

As described above, the Comprehensive Plan policies support the finding of compatibility and are consistent with the request for an MDR designation.

State Comments: Florida Fish and Wildlife Conservation Commission (FWC)

The golf course within the Stoneybrook Golf & Country Club may contain habitat suitable for state- and federally protected listed species, including gopher tortoises and Florida sandhill cranes. To better identify potential impacts, FWC recommends that species-specific surveys be conducted prior to any clearing or construction. Species-specific surveys are time-sensitive and are best conducted by wildlife biologists with recent documented experience for that species. The golf course may provide foraging habitat for the Florida sandhill crane, and the lakes that have freshwater emergent grasses on or near the property may provide potential nesting habitat for this species. FWC staff recommends that surveys for nesting Florida sandhill cranes be conducted prior to construction activities and during the December through August breeding season. Additional information and guidance, including species-specific survey protocols approved by US Fish and Wildlife Survey (USFWS) and FWC, is provided in the FWC comments.

Division Comments: Environmental, Public Facilities, and Services

Environmental: Two Class III wetlands are located onsite, amounting to two (2) acres. A pond was built in the upland portion of the property. The project site was included in Orange County Conservation Area Determination CAD 89-050 and Impact Permit CAI 93-043, completed for the Stoneybrook PD. This request shall comply with all related permit conditions of approval. A Conservation Easement was recorded in favor of the St. Johns Water Management Districts in Official Records Book 5226, Pages 2076-2118.

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. Please reference the Comprehensive Plan, Future Land Use Element, Policy FLU1.1.2 C.

This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply. Please reference the Orange County Code, Chapter 15, Article XI, Section 15-442. The basin-wide regulations include, but are not limited to, wetlands and protective buffers, wildlife habitat, stormwater, and landscaping with native plant species.

This project site has a golf course land use that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide, or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading, or construction plans, the applicant shall provide documentation to ensure compliance with the Florida

Department of Environmental Protection (FDEP) Regulation 62-777, Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions.

The Orange County Landfill is located approximately one (1) mile to the southwest. The applicant/owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through the appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, of the proximity of solid waste management facilities. This notification is required, since the County shall not support the siting of developments at urban residential densities that would be adversely impacted by existing solid waste management activities. Please reference the Orange County Comprehensive Plan, Solid Waste Element, Policy SW1.7.4.

All development is required to pretreat stormwater 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.

Transportation:

PROJECT SPECIFICS

Parcel ID: 01-23-31-0000-00-001 (portion of)
 Location: 2900 Northampton Ave.; Generally located north of S. Alafaya Trail, east of Northampton Avenue, south of Stoneybrook Boulevard.
 Acreage Gross: 14.50 acres
 Request FLUM: From: Parks and Recreation/Open Space (PR/OS)
 To: Medium Density Residential (MDR)
 Request Zoning: From: PD (Planned Development District) (Stoneybrook PD)
 To: PD (Planned Development District) (Alafaya Apartments PD)
 Existing Development Yield: Golf course and maintenance
 Development Permitted Under Current FLUM: N/A
 Proposed Density/Intensity: 250 multi-family dwelling units

Trip Generation (ITE 10th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Maximum use of current FLUM:	N/A	N/A	N/A
Existing Use: Golf course and maintenance	6	100%	6
Proposed Use: 250 multi-family dwelling units	133	100%	133
Net New Trips (Proposed Development less Allowable Development): 133-6=127			

Future Roadway Network

Road Agreements: None

Planned and Programmed Roadway Improvements: Woodbury Road (Lake Underhill to SR 50) is planned to be widened to four lanes in the 10-year plan Long-Term Transportation Concurrency Management System (LTTCMS). The Roadway Conceptual Analysis for Woodbury Road is slated to begin in 2019 and be completed by 2020. Improvements to Lake Underhill Road (Econlockhatchee Trail to Rouse Road) have been identified in the 10-year plan, as well. Right-of-way acquisition is slated to be completed by 2020. Funding for improvements to Lake Underhill Road is through the INVEST Funds.

Right of Way Requirements: Right-of-way is needed for Woodbury Road and Lake Underhill Road. Right-of-way specifics have not been identified at this time.

Summary

The applicant is requesting a land use change and rezoning change for 14.5 acres from Parks and Recreation/Open Space to Medium Density Residential and approval to develop up to 250 multi-family dwelling units.

- The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility. However, the subject property is located along the Alafaya Trail multimodal corridor (Seminole County Line to Innovation Way), as designated by Transportation Element Policy T2.2.9 and will be subject to the design standards established by Transportation Element Policy T2.2.4.
- Woodbury Road (Lake Underhill to SR 50) is planned to be widened to four lanes in the 10-year plan. The Roadway Conceptual Analysis for Woodbury Road is slated to begin in 2019 and be completed by 2020. Improvements to Lake Underhill Road (Econlockhatchee Trail to Rouse Road) have been identified in the 10-year plan, as well. Right-of-way acquisition is slated to be completed by 2020. Funding for improvements to Lake Underhill Road is through the INVEST Funds.
- The allowable development based on the approved future land use will generate 6 pm peak hour trips.
- The proposed use will generate 133 pm peak hour trips, resulting in a net increase of 127 pm peak hour trips.
- The subject property is located adjacent to Alafaya Trail, a four-lane minor arterial from Lake Underhill Road to Avalon Park Boulevard and two lanes from Avalon Park Boulevard to the Curtis Stanton Energy Center. Based on existing conditions, this facility currently has one deficient roadway segment from Lake Underhill Road to Curry Ford Road within the project's impact area. This information is dated and subject to change.
- Based on the project trip distribution, 73% will be travelling north on Alafaya Trail, while 27% will be projected to travel south.
- The short-term analysis Year 2023 revealed that Lake Underhill Road from Alafaya Trail to Woodbury Road is projected to be deficient.

- The long-term analysis Year 2040 revealed that Alafaya Trail from Lake Underhill Road to Golfway Boulevard, as well as Lake Underhill Road from Alafaya Trail to Woodbury Road, are projected to be deficient.
- 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 to mitigate any transportation deficiencies.

Schools: The applicant submitted application OC-18-054 to Orange County Public Schools (OCPS) to determine whether adequate school capacity is available to support the proposed development. The OCPS Department of Facilities Planning determined that school capacity is not available at Timber Creek High School to support the development of 250 new multi-family residential units.

Capacity Enhancement Agreement (CEA) OC-18-054 was approved by the Orange County School Board on September 10, 2019.

Sheriff's Office: The project is within the Sheriff's Office Patrol Sector Two, located in eastern Orange County, which is the County's largest sector geographically. Additional staffing needs are required to meet the level of service standard for the development.

Policy References

- GOAL FLU1** URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County.
- OBJ FLU1.1** Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.
- 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.
- FLU1.1.2A.** The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.
- FLU1.1.2B.** The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single family to small lot single-family development.	0 to 4 du/ac
Low-Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac
Medium-High Density Residential (MHDR)	Recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood serving amenities within a reasonable pedestrian walk shed.	0 to 35 du/ac
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac

C. Density and Floor Area Ratio (FAR) calculation is determined by dividing the total number of units/square footage by the net developable land area. The net developable land area for density and FAR calculation (intensity) is defined as the gross land area, excluding surface waters and certain conservation areas from the land area calculations. In order to include new 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 permit from the Orange County Environmental Protection Division.

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.

FLU2.3.1 The design function of roads shall be maintained by coordinating land use, Level of Service standards, and the functional classification of roads.

FLU2.3.2 The Future Land Use Map shall reflect a correlation between densities and intensities of development and capacity of the transportation system.

FLU2.3.7 Access management controls, including but not limited to joint driveways, frontage roads and cross-access agreements along collector and arterial roadways, shall be applied to all development and redevelopment proposals consistent with the Land Development Code.

FLU8.1.1(a) The following zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location,

availability and capacity of services and facilities; market demand and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). Orange County's **Zoning and Future Land Use Correlation** is referenced herein as follows:

Zoning and Future Land Use Correlation		
FLUM Designation	Density/Intensity	Zoning Districts
Urban Residential		
Low Density Residential (LDR)	(0 to 4 du/ac)	R-CE* R-1, R-2**, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T-1, R-T-2, R-L-D, PD, U-V * R-CE is not available as a rezoning request in USA.
Low-Medium Density Residential (LMDR)	(0 to 10 du/ac) + workforce housing bonus	R-1, R-1A, R-2, R-T, R-T-1, PD, U-V
Medium Density Residential (MDR)	(0 to 20 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V
Medium-High Density Residential (MHDR)	(0 to 35 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V
High Density Residential (HDR)	(0 to 50 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V
***	***	***

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 polices shall guide regulatory decisions that involve differing land uses.

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 places on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.6 Zoning development approvals shall have conditions attached, when appropriate, to ensure the enforcement of the Future Land Use designations.

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.

FLU8.7.11 If the Orange County School Board determines that a Capacity Enhancement Agreement (CEA) is required, the applicant must deliver to the Planning Division, a copy of a fully executed CEA at least two weeks prior to the BCC adoption public hearing for the respective large scale or small scale Future Land Use Map amendment. If a CEA is required, but the applicant is receiving an assignment or transfer of school capacity credits in lieu of executing a CEA, a copy of the executed transfer or assignment document must be delivered to the Planning Division at least two weeks prior to the BCC adoption public hearing. If the applicant has negotiated a postponement agreement with the Orange County School Board, delaying the CEA to the rezoning stage, a copy of the executed postponement agreement must be delivered to the Planning Division at least two weeks prior to the adoption public hearing.

If the applicant does not deliver a copy of a fully-executed CEA, transfer document, assignment document, or postponement agreement at least two weeks prior to the BCC adoption public hearing, the Future Land Use Map amendment application may be continued to the next Future Land Use Map amendment cycle. If the application is continued to the next cycle, the applicant is still required to submit the necessary documents to the Planning Division at least two weeks prior to the scheduled BCC adoption public hearing for that Future Land Use Map amendment cycle.

Any Future Land Use Map amendment application continued under this policy is subject to the refund policy in effect at that time.

SW1.7.4 New developments of urban residential densities shall be subject to the Zoning Code, as amended, and the Solid Waste Management Ordinance, as amended, pertaining to site requirements that are designed to promote compatible uses near landfills. The County shall not support the siting of developments at urban residential densities that would be adversely impacted by existing solid waste management activities.

Site Visit Photographs

Subject Site



North



East



South



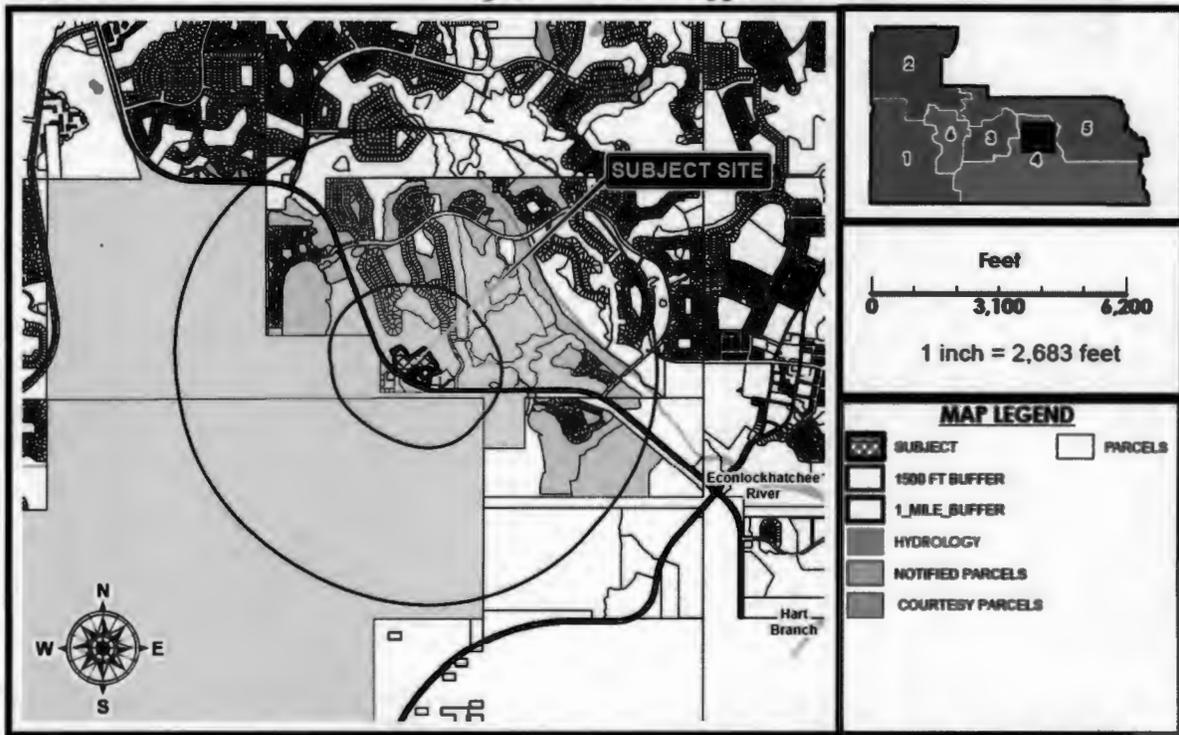
West





Public Notification Map

2019-1-A-4-2 Alafaya Apartments
1500 FT BUFFER, 956 NOTICES



Notification Area:

1,500 feet buffer, plus property owners within approximately one mile
956 notices sent

**Orange County Planning Division
Maria Cahill, AICP, Project Planner
Steven Thorp, AICP, Project Planner**

**BCC Adoption Staff Report
Amendment 2019-2-A-4-3 (fka 2019-1-A-4-2)
Rezoning Case LUP-18-12-413**

ORDINANCE NO. 2020-_____

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 AN AMENDMENT PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2019 CALENDAR YEAR (SECOND 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 July 18, 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 August 6, 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

30 e. On September 20, 2019, the Florida Department of Economic Opportunity
31 (“DEO”) issued a letter to the County relating to the DEO’s review of the proposed amendment to
32 the Comprehensive Plan, as described in this ordinance; and

33 f. On October 17, 2019, the LPA held a public hearing at which it reviewed and made
34 recommendations regarding the adoption of the proposed amendment to the Comprehensive Plan,
35 as described in this ordinance; and

36 g. On November 12, 2019, the Board opened a public hearing on the adoption of the
37 proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to
38 continue the hearing on the adoption to January 14, 2020; and

39 h. On January 14, 2020, the Board re-opened the public hearing on the adoption of
40 the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided
41 to continue the hearing on the adoption again to January 28, 2020; and

42 i. On January 28, 2020, the Board held a public hearing on the adoption of the
43 proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to
44 adopt it.

45 **Section 2. Authority.** This ordinance is adopted in compliance with and pursuant to
46 Part II of Chapter 163, Florida Statutes.

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

50 **Section 4. Effective Dates for Ordinance and Amendments.**

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

52 (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, the plan amendment
53 adopted under this ordinance does not become effective until 31 days after the DEO notifies the
54 County that the plan amendment package is complete. However, if the amendment is timely
55 challenged, the amendment shall not become effective until the DEO or the Administration
56 Commission issues a final order determining the challenged amendment to be in compliance.

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

59

60 ADOPTED THIS 28th DAY OF JANUARY, 2020.

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62 **ORANGE COUNTY, FLORIDA**
63 By: Board of County Commissioners

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

By: _____
Jerry L. Demings
Orange County Mayor

By: _____
Deputy Clerk

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APPENDIX "A"
FUTURE LAND USE MAP AMENDMENT

Appendix A*		
<i>Privately-Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2019-2-A-4-3 (fka 2019-1-A-4-2)	Parks and Recreation/Open Space (PR/OS)	Medium Density Residential (MDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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Community Meeting Memorandum

DATE: January 11, 2019
TO: Gregory Golgowski, Chief Planner
FROM: Maria Cahill, Planner
SUBJECT: Amendment 2019-1-A-4-2 (Alafaya Apartments) – Community Meeting Notes
C: Project file

Location of Project: Portion of Parcel ID 01-23-31-0000-00-001; 2900 Northampton Ave., generally located north of S. Alafaya Trail, west of Northampton Avenue, south of Stoneybrook Boulevard.

Meeting Date and Location: Wednesday, January 9, 2019 at Avalon Elementary School 13500 Tanja King Boulevard, Orlando, Florida.

Attendance:

District Commissioner	<i>Mercedes Fonseca, District Commissioner Aide</i>
Orange County staff	<i>Maria Cahill (Comprehensive Plan Case Planner), Steven Thorpe (Rezoning Case Planner), Karen McGuire and Greg Golgowski, Planning Division Mirna Barq, Transportation Planning Division, Francisco Villar, Public Works Development Engineering, and John Geiger, Environmental Planning Division</i>
Applicant team	<i>Jim Hall, Hall Development Services, Inc.; Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A. and Jay Jacobson, Eden Multifamily LLC</i>
Residents	<i>293 signed in plus est. 50 additional</i>

Overview of Project:

The proposal is to change the Future Land Use Map designation of the 14.5-acre subject property from **Parks and Recreation/ Open Space (PR/OS)** to **Medium Density Residential /Conservation (MDR/CONS)**. The subject property includes a portion of the Stoneybrook golf course located on Hole #9, the driving range and maintenance yard. The request to amend the Future Land Use Map, if approved, would allow for the development of up to 250 multi-family dwelling units.

Meeting Summary:

The case planner, **Maria Cahill**, opened the meeting and introduced **Mercedes Fonseca**, District Commissioner Aide, who thanked the community for participating in the meeting on behalf of District 4 Commissioner Maribel Gomez Cordero who could not be present due to a medical emergency.

Maria Cahill presented a summary of the request and reviewed the amendment and rezoning process. The applicant has proposed to remove the 14.5 (2 acre wetland, net buildable 12.5) acres located at the ninth hole driving range, from the entire 160 acre golf course which is located and serves the Stoneybrook Planned Development. The applicant is proposing to build 250 apartments on the site. She explained that there would be additional opportunities for public input during the transmittal and adoption processes of the comprehensive plan, as well as during the rezoning at the LPA and BCC adoption.

After Maria Cahill presented **Rebecca Wilson**, of Lowndes Law Firm, the attorney for the applicant, provided additional details for the project. She added that this site was chosen for apartments particularly because of its adjacency and access to Alafaya Trail. She stated that an agreement was being worked out with the current owner, SBEGC, of the golf course and the Stoneybrook Home Owners Association to upgrade the facility, which according to residents has been in a protracted state of decline since the new owner had taken over about 7 years ago. She further explained that if any residents reside in homes located across the golf course from the proposed new development she would be happy to discuss buffering concerns with them.

Jay Jacobson, one of the principals of Eden Multi-family, based out of Coral Gables and the intended developer of the project, opened with a statement that golf courses are closing all over the country because there are having trouble servicing debt. Golf is not as popular as a sport as it once had been resulting in declining revenues. Golf courses all over are being redeveloped. He sighted his experience with this phenomenon in Miami-Dade and Broward counties in south Florida.

Jay Jacobson stated 6-point responsibilities the current owner is willing undertake to improve the current course conditions:

1. Pay off all debt
2. Build new golf car/maintenance building next to clubhouse
3. Change golf hole number 9 to a par three. New par for course will be 71
4. Renovation of all greens to new champion G-12 Bermuda grass greens.
5. Purchase new fleet of golf course Maintenance Equipment.
6. Renovation of clubhouse (paint interior and exterior, carpet, cosmetic enhancement)
Bring facility up to PGA gold standard.

Timeline: After answering questions, he said that the timeline might take a year for the adoption of the new land use and zoning. He said it would be an additional 4 months to close and 16 months after that to complete construction.

Question and Answer Session:

Overall most residents had many questions regarding the development including the impact on the Stoneybrook community, their property values, buffering, impact on schools, traffic. Most were opposed to multi-family in the area.

Several stated the development is inconsistent with the Stoneybrook declaration of covenants.

Residents were concerned that the project was a tax credit/low income housing project. Mr. Jacobson said that it was not and they would not be taking subsidies from the government, nor section 8 vouchers. The project would be luxury apartments with rents ranging from \$1400 to \$2100. He added that his company has extensive experience with construction of luxury multi-family dwellings.

When someone else asked how many stories, the buildings would be he responded they would be maximum 3-stories. With a mix of 1-, 2- and 3- bedroom units.

Three graphic images were presented including an illustrative site plan, the site plan showing distances from surrounding residential, and the site plan views from surrounding residential (see attached images)

Several peoples expressed their concerns that the value of homes will go down. Many stated they purchases their homes and paid premium to be on the golf course. Someone said that what everyone living in Stoneybrook wanted was the status quo. They do not want higher densities. An eruption of cheers was heard from community residents.

Mr. Jacobson refuted this belief citing numerous studies, such as the Harvard Housing Report. He said that luxury apartments could raise the value of surrounding properties.

Another person asked if it "Will the apartments block our view?" People who live closest will be 500' away. There will also be extensive landscape buffering.

Don Bishop a long time resident, and an active golfer, mentioned that the course had been vibrant in 2004 but that it has been in steady decline since it was taken over by John Caporaletti, the authorized representative for the owners, SBEGC LLC.

Someone else mentioned that Seminole County has an ordinance whereby if a golf course is closed the owner is still responsible for its maintenance.

Someone else asked if there would be a new driving range to replace the one that will be developed.

Mr. Jacobson said he was unaware of the course owners plans in this regard.

Mr. Bishop stated that if whole 9 is being removed for development what will happen in the future to hole 4 or 11. Also what assurance do they have that it will be indeed be improved?

He asked that if proceeds are going to be used to pay off the debt, how much will be left over to make improvements? It is inappropriate to use the golf course as a bargaining chip and

further asked what assurances would be in place that the owner of the golf course would make it better. It would set a precedent for future rezoning of golf course property in Eastwood and Stoneybrook. If the golf course were to close, it would negatively affect the community and their property values.

Several commented that single family brings in more tax revenue and what was needed was more single family homes. Ms. Wilson responded that in fact single family individuals are able to claim homestead whereas multifamily rental units are not able to homestead. She very briefly discussed the various methods for appraising multifamily rentals.

Other concerns expressed included the daycare in close proximity to apartments as well as concern with the County who promised a regional park at the site of the Alafaya Reserves Apartments that was later moved to another location where current residents cannot access.

Traffic: Other people expressed concerns about traffic and congestion during morning and afternoon rush hour. They pointed out it took many years for the County to improve Alafaya Trail.

Jim Hall for the applicant stated that there will be more traffic on Alafaya Trail and that the LOS on the roadway will meet the County standards. **Mirna Barg**, the county Traffic Engineer commented that currently the surrounding roadways are at an acceptable level of service, although they may appear congested during peak hours. The new trips that will be added from the project will not create failing levels of service.

Schools: Residents were concerned about overcrowding in schools. Ms. Wilson explained that only the high school is overcrowded and that the number of seats that a new development would be required to pay mitigation for is not provided by the applicant but instead is provided by the School Board.

Flooding: Some were concerned that additional development and construction of Alafaya Trail has created flooding problems and that this development would exacerbate flooding in the area.

Jason Russo, who used to be the Aide of the previous District 4 Commissioner Jennifer Thompson when Eastwood tried to convert part of its golf course, said that people need to get organized contact their current County Commissioners and LPA members and express their concerns. He pointed out that the Eastwood Community Meeting was the largest in the County's history.

The meeting adjourned at 7:30 p.m. The overall tone of the meeting was **NEGATIVE**.

Alafaya Apartments

ILLUSTRATIVE SITE PLAN



PROPERTY: 225 DU'S
PARCELS: 400 SP @ 175 SPOU



SCALE 1" = 50'

 EDEN
MULTIFAMILY

 MSA
ARCHITECTS

SP-1

Alataya Apartments

SITE PLAN VIEWS FROM SURROUNDING RESIDENTIAL STUDY



1 SITE SECTION

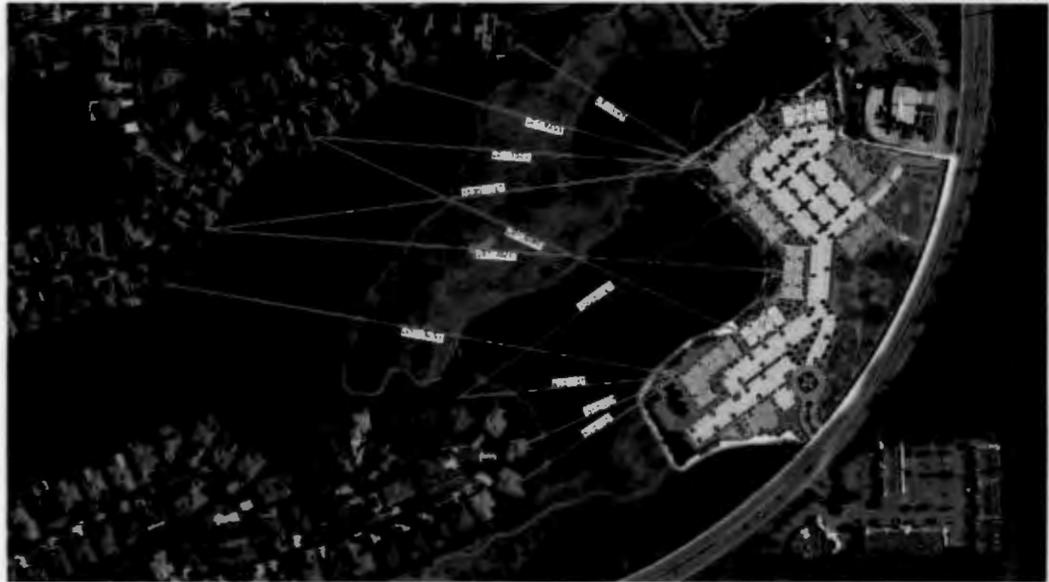


MASSING STUDY



Alafaya Apartments

SITE PLAN DISTANCE FROM SURROUNDING RESIDENTIAL



SP-3