Board of County Commissioners

Public Hearings

November 17, 2020



Lake Roberts Reserve Planned Development / Land Use Plan

Case: LUP-19-10-347

Project Name: Lake Roberts Reserve PD

Applicant: Geoffrey L. Summitt, P.E., G.L. Summitt Engineering, Inc.

District: 1

Acreage: 78.53 gross acres

41.40 net developable acres (*subject to CAI-19-12-069)

Location: Generally located west of Windermere Road, north of Mckinnon Road, and south of

Stoneybrook West Parkway

Request: To rezone from A-1 (Citrus Rural District) to PD (Planned Development District) in order

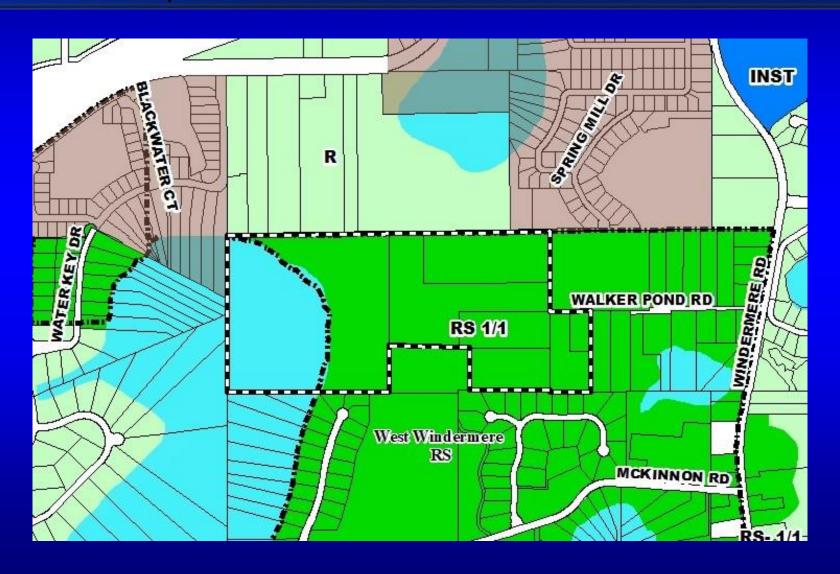
to construct up to forty-one (41) single-family detached dwelling units. No waivers are

associated with this request.



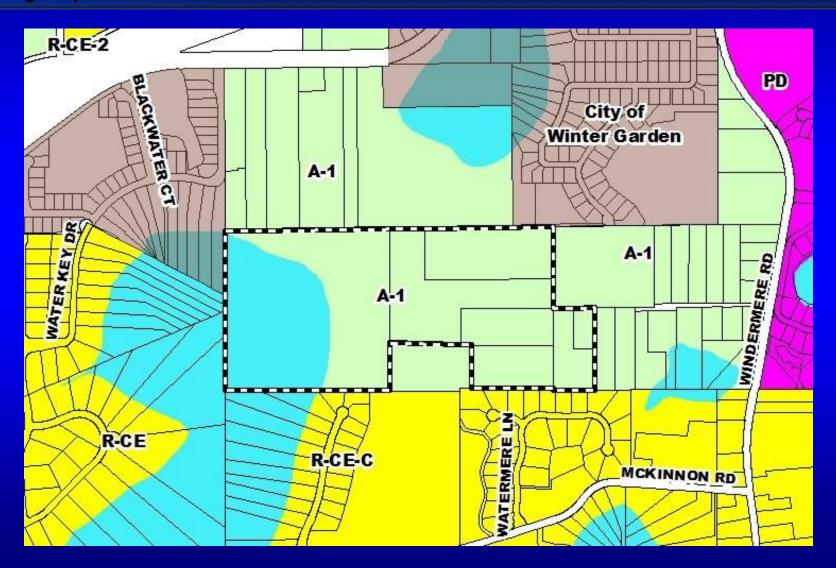
Lake Roberts Reserve Planned Development / Land Use Plan

Future Land Use Map





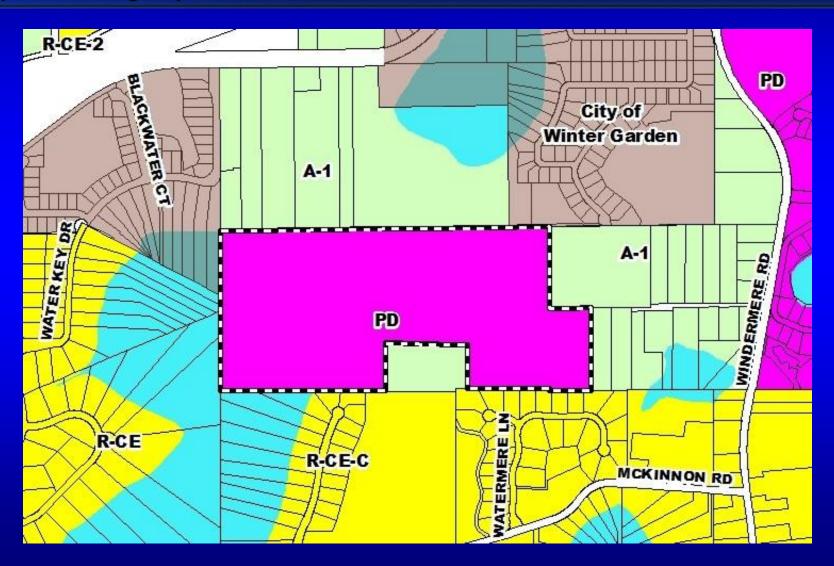
Lake Roberts Reserve Planned Development / Land Use Plan Zoning Map





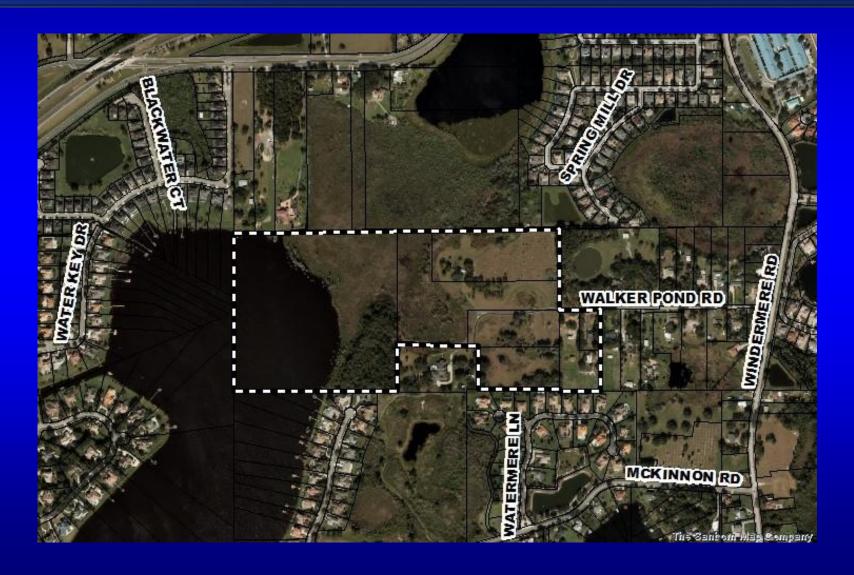
Lake Roberts Reserve Planned Development / Land Use Plan

Proposed Zoning Map



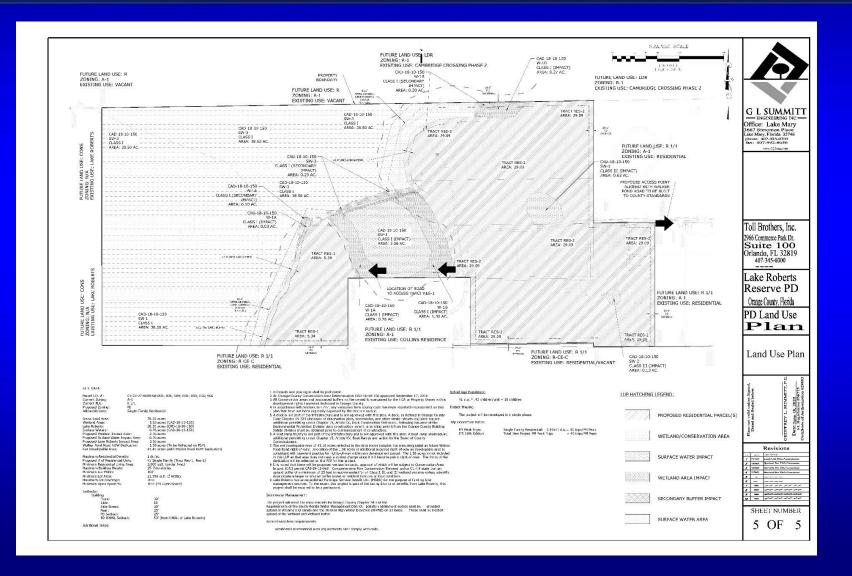


Lake Roberts Reserve Planned Development / Land Use Plan Aerial Map





Lake Roberts Reserve Planned Development / Land Use Plan Overall Land Use Plan





Action Requested

Make a finding of consistency with the Comprehensive Plan (CP) and approve the Lake Roberts Reserve Planned Development / Land Use Plan (PD/LUP) dated "Received July 28, 2020", subject to the conditions listed under the PZC Recommendation in the Staff Report.

District 1

Board of County Commissioners

Conservation Area Impact Permit Application

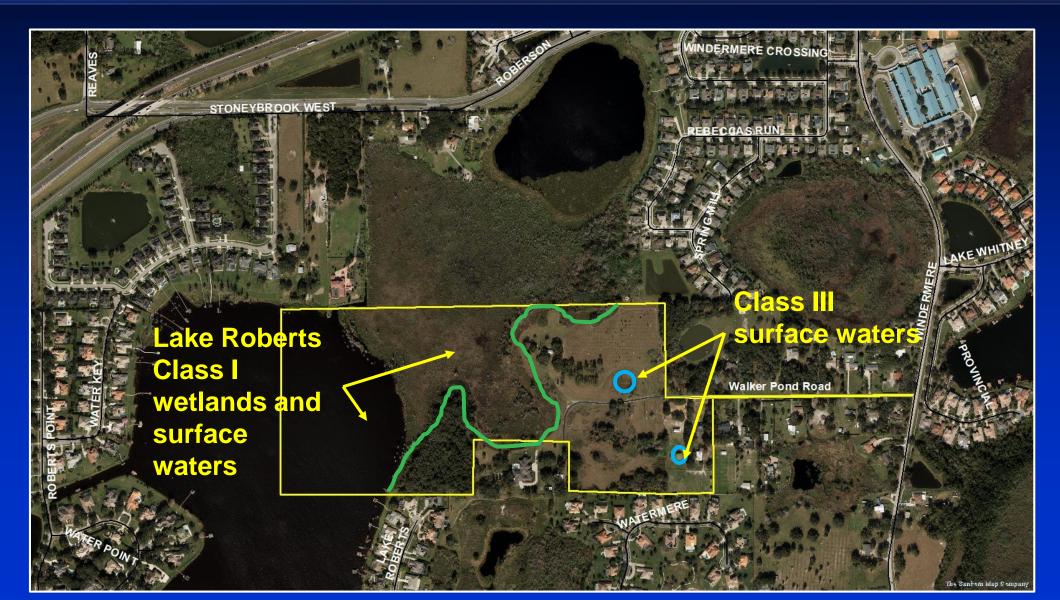
CAI-19-12-069

Applicant: American Orange County Investments 40, LLC

November 17, 2020



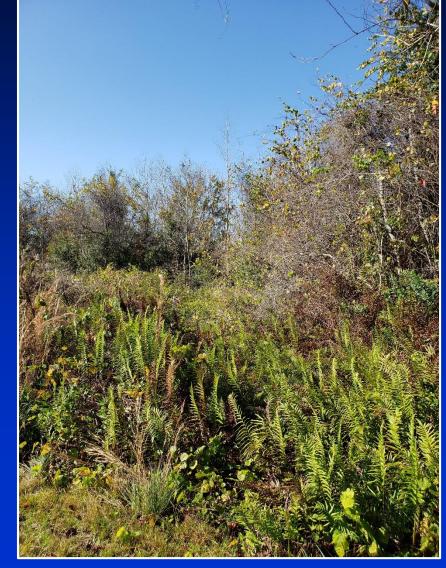
Conservation Areas





Class I Wetland and Surface Water - Existing Conditions







Class III Surface Waters - Existing Conditions

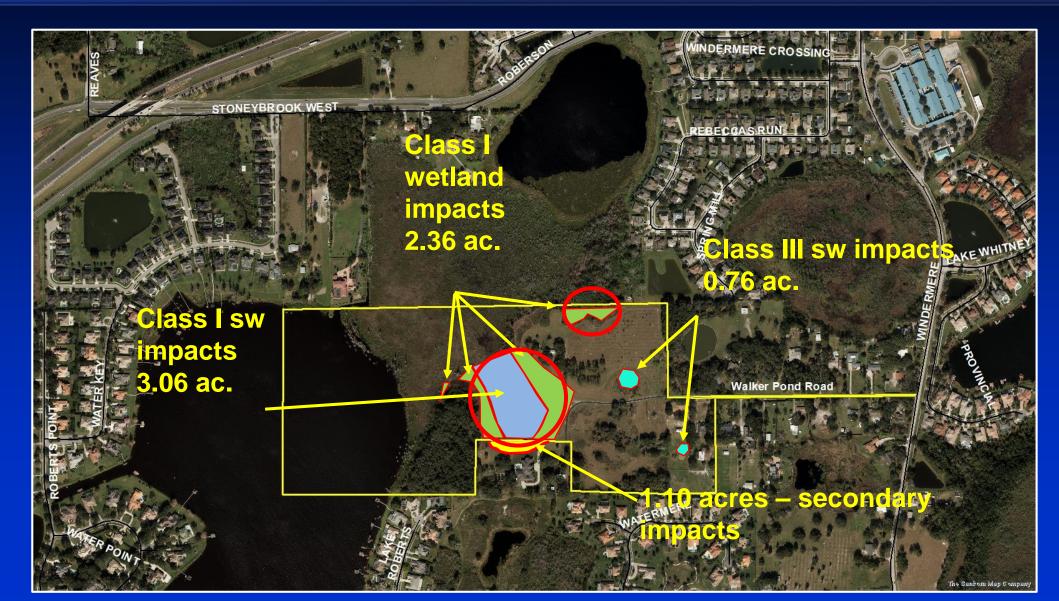
SW-1 SW-2







Proposed Impacts





- An environmental assessment and survey for listed/imperiled species was conducted. No listed/imperiled species were found.
- The project is not located within the primary protection zone of any bald eagle nest. The closest bald eagle nest is approximately one mile away.



Mitigation Proposal

- Mitigation Proposal:
 - Preserve and donate
 52.98 acres of wetlands
 to Orange County's
 Green PLACE Program
 - Preserve 55.15 acres of wetlands abutting Lake
 Harris in Lake County





Mitigation Proposal

Lake
Harris
Parcel

Black
Lake
Parcels



Project Site



Mitigation Proposal – Black Lake Parcels

Black Lake Parcels

Orange County BCC





Black Lake Parcels – Existing Conditions





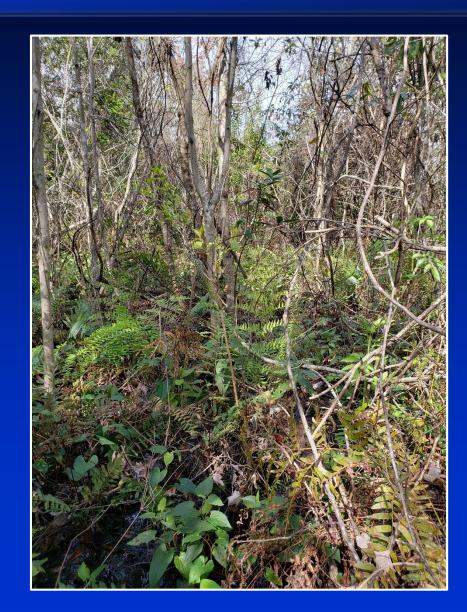


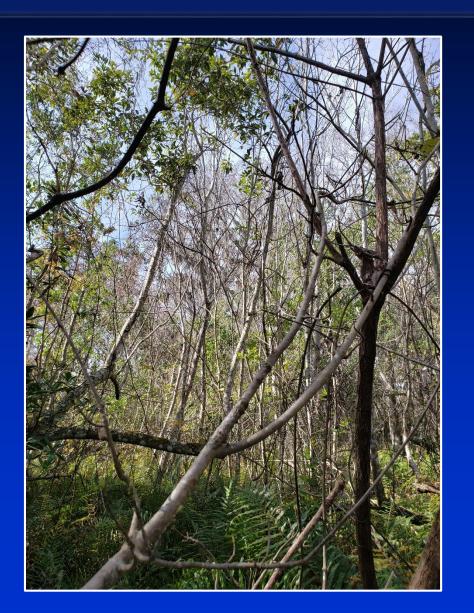
Mitigation Proposal – Lake Harris Parcel





Lake Harris Parcels – Existing Conditions







■ The applicant will also:

- Plant the littoral zone of the 4.01-acre attenuation/compensating storage pond with appropriate native species which will provide wildlife and open water habitat.
- Implement a management and monitoring plan for the Lake Harris mitigation parcel and the planted attenuation/compensating storage pond.
- Implement nutrient reduction Best Management Practices to ensure that there will no adverse impacts to Lake Roberts.
- Connect the proposed development to sanitary and providing stub-outs for the existing homeowners along Walker Pond Road.
- Upgrade Walker Pond Road to County standards, including water quality treatment.
- Provide a solution to the flooding problem on Walker Pond Road and McKinnon Road.
- Ensure that the lakefront lots will participate in the Lake Roberts Municipal Service Benefit Unit.



Chapter 15, Article X:

- Sec. 15-362(5) states: Where wetlands serve a significant and productive environmental function . . . any alteration or development affecting such lands should be so designed and regulated so as to minimize or eliminate any impact upon the beneficial environmental productivity of such lands, consistent with the development rights of property owners.
- Sec. 15-396(3)(a) states: The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. The protection, preservation and continuing viability of Class I conservation areas shall be the prime objective of the basis for review of all proposed alterations, modifications, or removal of these areas. When encroachment, alteration or removal of Class I conservation areas is permitted, habitat compensation or mitigation as a condition of development approval shall be required.
- Section 15-396(3)(c) (Mitigation for Class III conservation areas shall be allowed in all cases).

Review Analysis

To address Sec. 15-362(5):

- The original request has been reduced from 8.21 to 6.18 acres.
- The applicant eliminated one residential lot and shortened the depths of others to reduce wetland impacts.
- The internal road to the lakefront lots was reconfigured to minimize bifurcation of the wetland system.

To address Sec. 15-396(3)(a):

- based on the documents and justifications provided by the applicant, there are no other feasible or practical alternatives exist that will permit a reasonable use of the land.
- the mitigation plan provides for the protection, preservation and continuing viability of Class I conservation areas.



■ Pursuant to Orange County Code, Chapter 15, Article X, EPD staff has evaluated the proposed Conservation Area Impact permit application and required documents in accordance with Chapter 15, Article X, and has made a finding that the request is consistent with Sections 15-362(5), 15-396(3)(a) and (c).



- Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of the Conservation Area Impact Permit No. CAI-19-12-069 for the Lake Roberts Reserve, subject to the conditions listed in the staff report.
- Make a finding of consistency with the Comprehensive Plan (CP) and approve the Lake Roberts Reserve Planned Development / Land Use Plan (PD/LUP) dated "Received July 28, 2020", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1



RZ-19-10-044 – Stephen Allen Planning and Zoning Commission (PZC) Board-Called Hearing

Case: RZ-19-10-044

Applicant: Stephen Allen, Civil Corp Engineering, Inc.

District: 3

Location: 5177 Hoffner Ave; or generally located on the west side of Petroff Avenue, 230 feet

north of Hoffner Avenue

Acreage: 3.90 gross acre

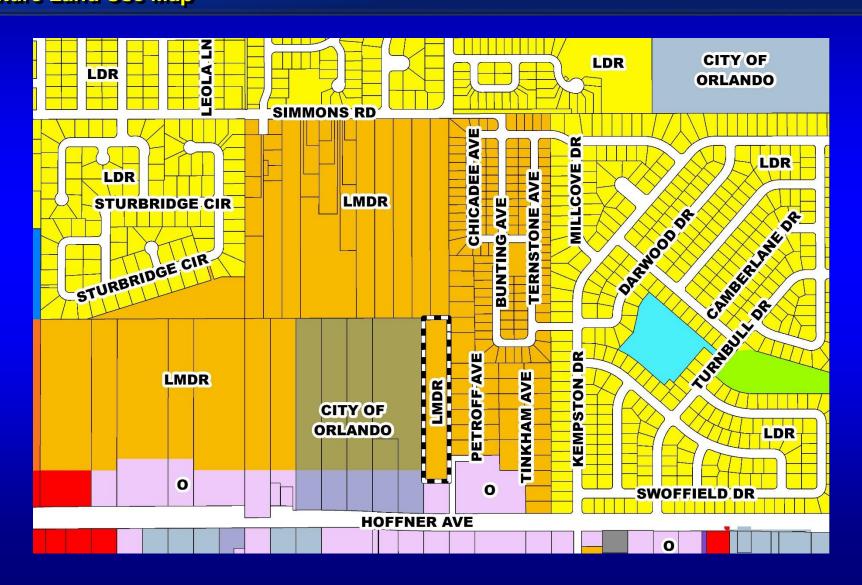
From: R-2 (Residential District) (Restricted)

To: R-2 (Residential District)

Proposed Use: Thirty-eight (38) single-family attached residential dwelling units

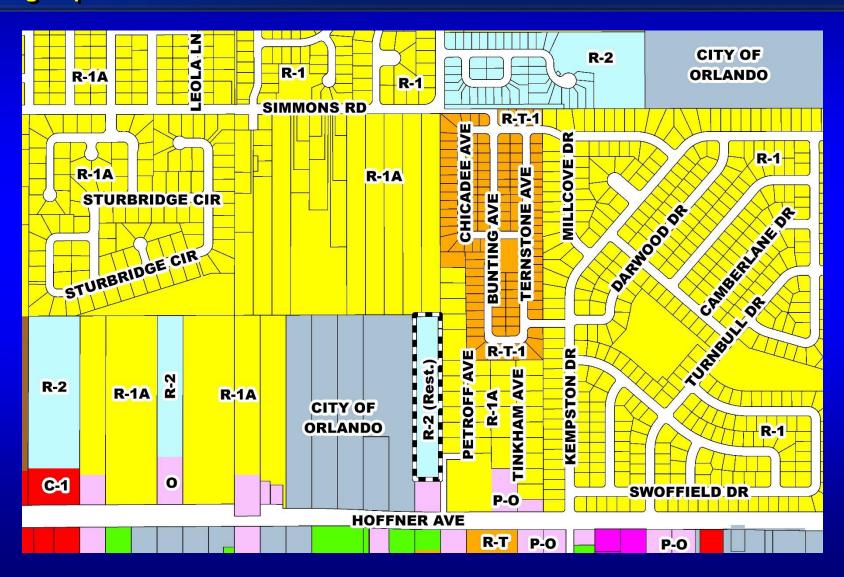


RZ-19-10-044 — Stephen Allen Planning and Zoning Commission (PZC) Board-Called Hearing Future Land Use Map





RZ-19-10-044 — Stephen Allen Planning and Zoning Commission (PZC) Board-Called Hearing Zoning Map



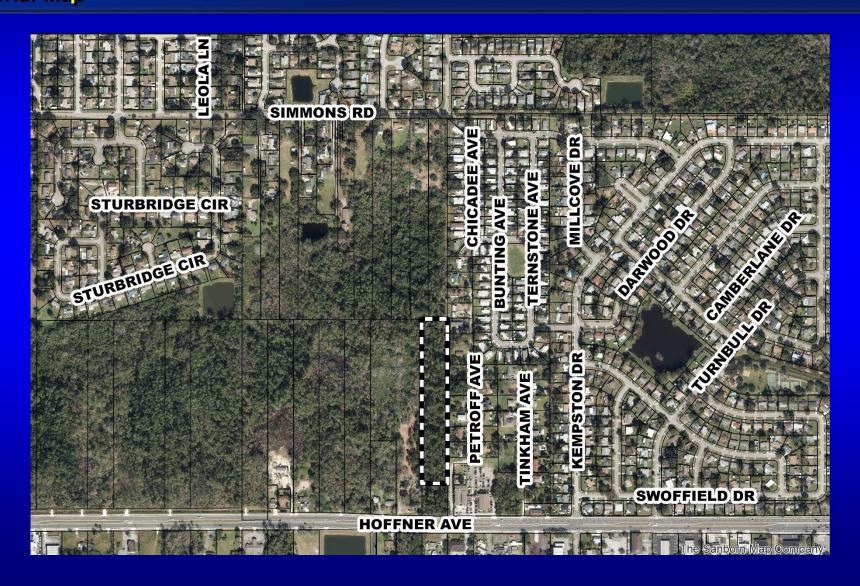


RZ-19-10-044 – Stephen Allen Planning and Zoning Commission (PZC) Board-Called Hearing Proposed Zoning Map





RZ-19-10-044 — Stephen Allen Planning and Zoning Commission (PZC) Board-Called Hearing Aerial Map





New Restriction

The owner / applicant shall provide a fifteen-foot wide undisturbed natural buffer along the eastern property line, adjacent to the existing single-family residential units. This natural buffer may be supplemented and enhanced with additional plantings in areas where no natural landscaping exists.



Action Requested

Make a finding of consistency with the Comprehensive Plan and approve the requested R-2 (Residential District) zoning, subject to the new restriction as presented.

District 3



Cross PD / Parcels 4, 13, and 14 Preliminary Subdivision Plan

Case: PSP-20-03-087

Project Name: Cross PD / Parcels 4, 13, and 14 PSP

Applicant: Eric Warren, Poulos & Bennett, LLC

District: 1

Acreage: 186.90 gross acres (overall PD)

Location: Generally located north of Hartzog Road and west of Avalon Road

Request: To subdivide 186.90 acres in order to construct 385 single-family attached and

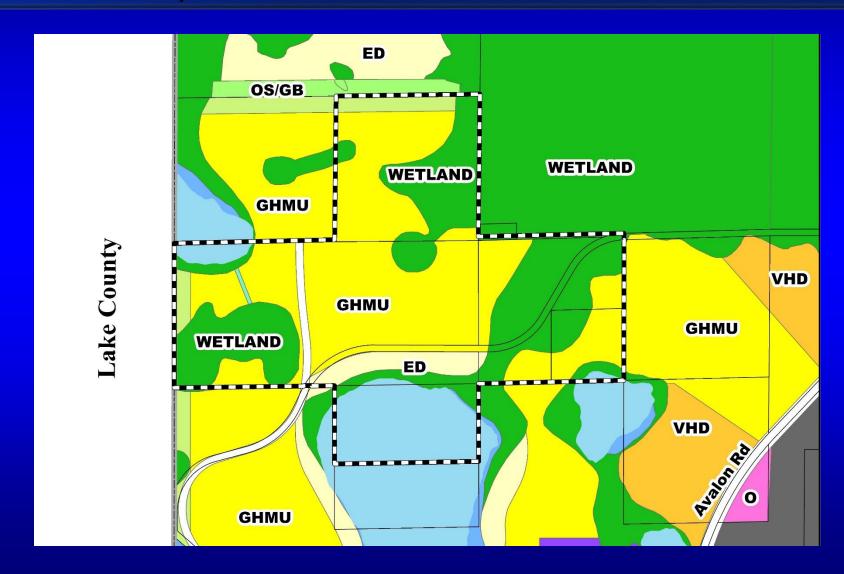
detached residential dwelling units and associated parks and open space. Additionally, two (2) waivers from Orange County Code related to building separation and block

measurement are associated with this request.



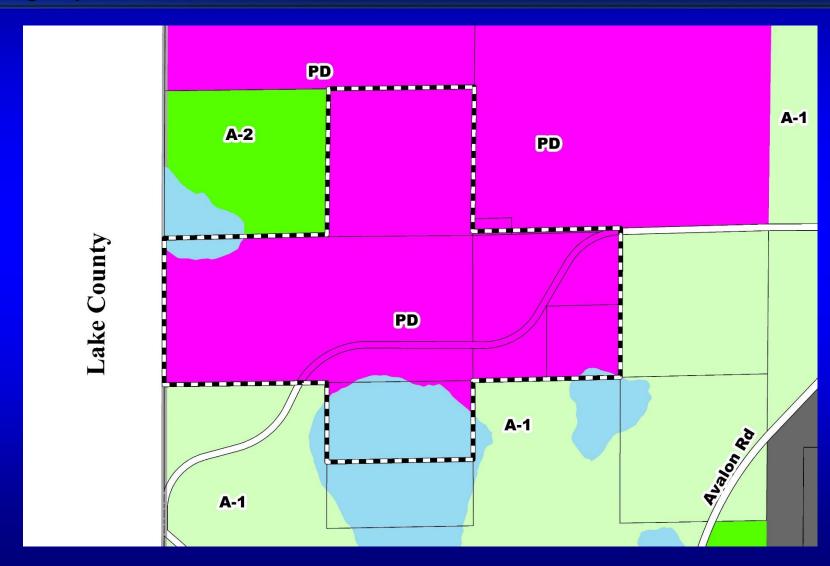
Cross PD / Parcels 4, 13, and 14 Preliminary Subdivision Plan

Future Land Use Map





Cross PD / Parcels 4, 13, and 14 Preliminary Subdivision Plan Zoning Map





Cross PD / Parcels 4, 13, and 14 Preliminary Subdivision Plan Aerial Map





Cross PD / Parcels 4, 13, and 14 Preliminary Subdivision Plan Overall Preliminary Subdivision Plan





Replacement Condition #18

18. Prior to holding a Pre-Construction Conference for any PSP infrastructure improvements, the Lake Star Road Right of Way shall be vacated. No construction activities are permitted until the Petition to Vacate for Lake Star Road has been recorded.



Modification to Condition #25

25. The declaration of covenants, conditions, and restrictions shall contain a statement notifying buyers that the retention pond adjacent to lots 51 through 59, as depicted in the preliminary subdivision plan dated "Received September 23, 2020", was constructed above a known depressional area for which a hydrogeological study to confirm soil stability may or may not have been was conducted.



Action Requested

Make a finding of consistency with the Comprehensive Plan and approve the Cross PD / Parcels 4, 13, & 14 dated "Received September 23, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report, with the changes to conditions #18 and #25 as presented.

District 1



Eastwood Planned Development / Land Use Plan

CDR-19-06-188 Case:

Project Name: Eastwood PD

Applicant: Jim Hall, Hall Development Services, Inc.

District: 4

Acreage: 1,199.77 gross acres (overall PD)

72.50 gross acres (affected parcels only)

Location: Generally located north and south of Golfway Boulevard and east of S. Alafaya Trail.

To create Phase 3 of the PD; to change the designation of the lands within the Request:

proposed Phase 3 from golf course, clubhouse, and practice range to single-family; to add access arrows to the proposed Phase 3 area; and to assign the 304 residential units remaining within the PD to the proposed Phase 3 area. No waivers are associated

with this request.



Eastwood Planned Development / Land Use Plan Future Land Use Map





Eastwood Planned Development / Land Use Plan Zoning Map



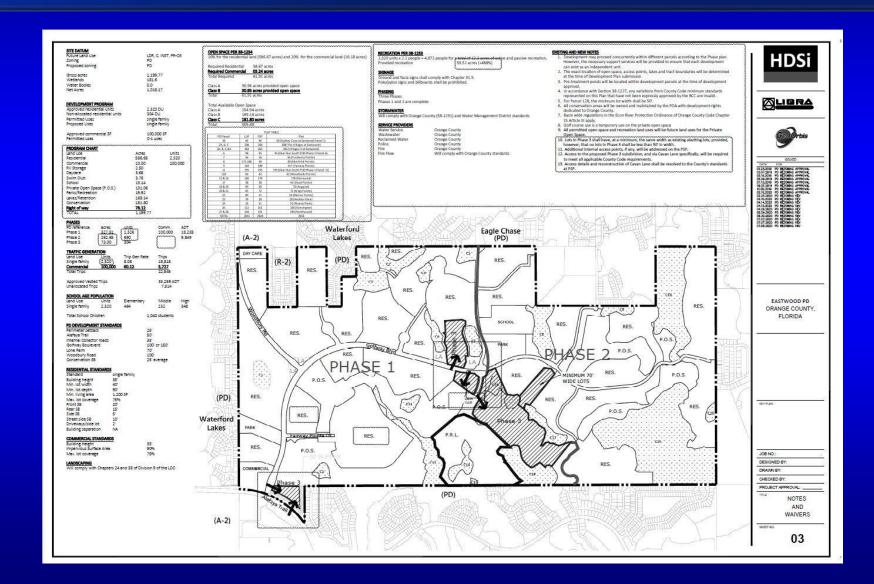


Eastwood Planned Development / Land Use Plan Aerial Map





Eastwood Planned Development / Land Use Plan Overall Land Use Plan





Action Requested

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Eastwood Planned Development / Land Use Plan (PD/LUP) dated "July 6, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report.

District 4



Orangewood N-9 Planned Development / Land Use Plan

Case: CDR-19-10-338

Project Name: Orangewood N-9 PD

Applicant: Bryan F. Borland, WP South Acquisitions, LLC

District: 4

Acreage: 170.80 gross acres (overall PD)

12.40 gross acres (affected parcels only)

Location: Generally located north of Taft-Vineland Road, south of SR 528, east of S. John Young

Parkway, and west of U.S. 441

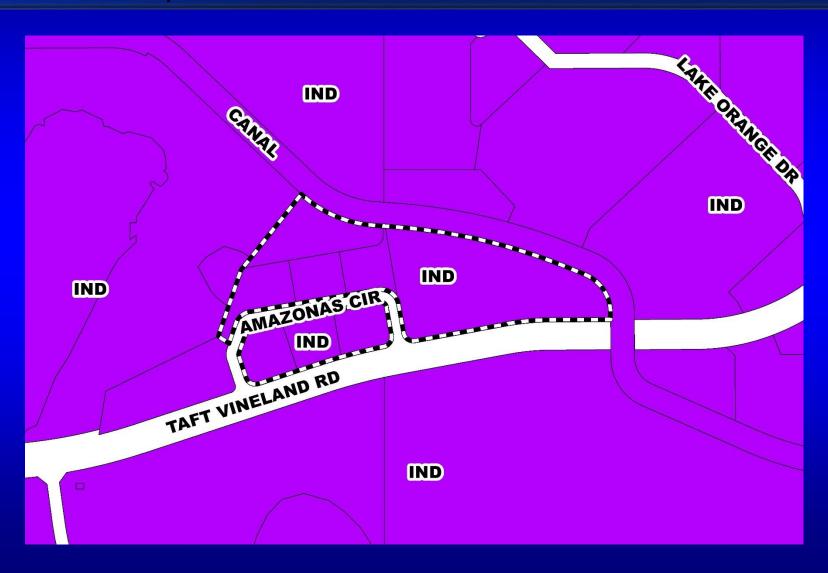
Request: To create parcels 1A, 1B, and 1C and convert 404,454 square feet of industrial uses to

346 multi-family dwelling units on parcel 1B. One (1) waiver from Orange County Code to allow for building heights of fifty (50) feet and four (4) stories, in lieu of thirty-five

(35) feet and three (3) stories is associated with this request.

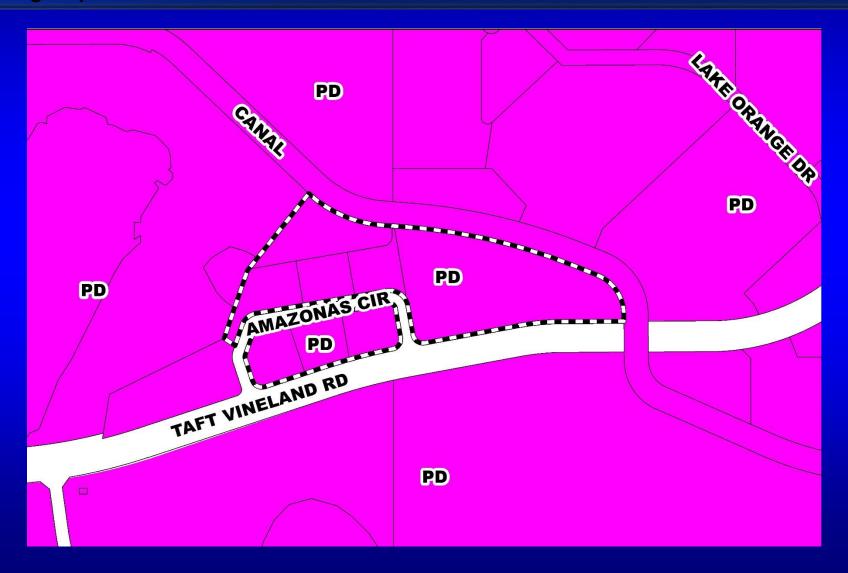


Orangewood N-9 Planned Development / Land Use Plan Future Land Use Map





Orangewood N-9 Planned Development / Land Use Plan Zoning Map



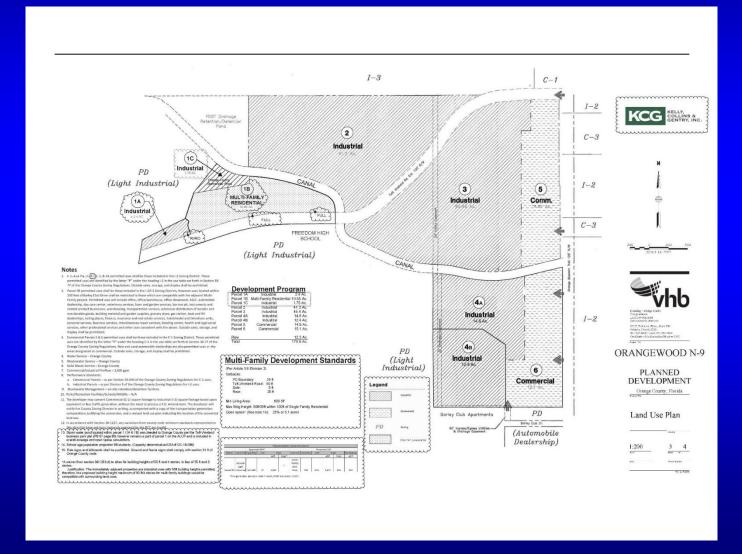


Orangewood N-9 Planned Development / Land Use Plan Aerial Map





Orangewood N-9 Planned Development / Land Use Plan Overall Land Use Plan





Orangewood N-9 Planned Development / Land Use Plan

School Capacity Determination (Issued by OCPS on November 12, 2019)

School Level	Elementary	Middle	High
Adjusted Available Seats	0	0	0
Students Generated	51.554	21.798	24.220
Seats to Mitigate	51.554	21.798	24.220

Note: Elementary has relief in 2020 and High has relief in 2021, so only Middle fails under current request.



History – Board Direction

- June 3, 2020 BCC work session on school capacity, capacity enhancement agreements (CEAs), and HB 7103
- July 7, 2020 BCC discussion item on school capacity, CEAs, and HB 7103. Board directed staff to proceed with Comprehensive Plan amendment and Chapter 30 ordinance abatement.
- Chapter 30 Ordinance Abatement adopted September 1, 2020
- Amendment 2020-2-C-PSFE-1 adopted September 22, 2020, effective November 13, 2020



Ordinance Abatement

• Sec. 30-740. Scope; abatement.

This article shall be effective throughout the unincorporated area of Orange County, and within each municipality in Orange County as provided by Section 704 B.2. of the Orange County Charter; provided, however, that from September 8, 2020, to March 8, 2021, or until such time as this section is further amended by the Board, whichever is later, this article shall only apply to those projects for which a legally sufficient application for a Capacity Enhancement Agreement was submitted prior to July 1, 2019.

(Adopted September 1, 2020)



Comprehensive Plan PS6.3.1 - prior

2008 – Comprehensive Plan – Public School Facilities Element
 PS6.3.1 - Orange County shall not approve a developer-initiated
 Comprehensive Plan amendment or rezoning that would increase
 residential density on property that is not otherwise vested until
 such time as OCPS has determined whether sufficient capacity will
 exist concurrently with the development or a capacity enhancement
 agreement is executed that provides for the needed capacity to
 accommodate the proposed development.



Comprehensive Plan PS6.3.1 - current

Comprehensive Plan - Public School Facilities Element

PS6.3.1 - When reviewing a developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density, Orange County shall seek input from OCPS as to whether sufficient school capacity will exist concurrent with the development. If OCPS indicates there is insufficient capacity in the affected schools, *Orange County may take into consideration the severity of the overcrowding and the timing of the availability of the needed capacity to accommodate the proposed development when deciding whether to approve or deny the requested Comprehensive Plan amendment or rezoning.*

(Adopted September 22, 2020; effective November 13, 2020)



Action Requested

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Orangewood N-9 Planned Development / Land Use Plan (PD/LUP) dated "Received March 19, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report, with the removal of DRC-recommended condition #6 (Capacity Enhancement Agreement placeholder).

District 4