



Interoffice Memorandum

DATE: August 31, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

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

CONTACT PERSON: Eric Raasch, DRC Chairman
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: September 14, 2021 – Public Hearing
Applicant: Erika Hughes, VHB, Inc.
Avalon Grove Planned Development
Case # CDR-21-03-091 / District 1

The Avalon Grove Planned Development (PD) is generally located south of Lake Gifford Way and east of Avalon Road. The existing PD development program allows for 300 short-term rental units and 300 multi-family units.

Through this PD substantial change, the applicant is seeking to convert 300 short-term rental units to 300 multi-family units and add a vehicular and a pedestrian access on the southern PD boundary.

On July 14, 2021, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Avalon Grove Planned Development / Land Use Plan (PD/LUP) dated "Received July 1, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachments
JVW/EPR/nsw

CASE # CDR-21-03-091

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Erika Hughes, VHB, Inc.
OWNER	Hartzog Road Property, LLC
PROJECT NAME	Avalon Grove Planned Development
PARCEL ID NUMBER(S)	32-24-27-0000-00-011, 31-24-27-0000-00-016 31-24-27-0000-00-040, 31-24-27-0000-00-039 31-24-27-0000-00-044)
TRACT SIZE	38.51 gross acres
LOCATION	Generally located south of Lake Gifford Way and east of Avalon Road.
REQUEST	A PD substantial change to convert 300 short-term rental units to 300 multi-family units and add a vehicular and a pedestrian access on the southern PD boundary.
PUBLIC NOTIFICATION	A notification area extending beyond eight hundred (800) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four hundred seventy-four (474) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this request.

IMPACT ANALYSIS

Special Information

The Avalon Grove PD was originally approved November 12, 2019 and currently includes an existing development program of 300 short-term rental units and 300 multi-family units.

Through this PD Change Determination Request (CDR), the applicant is seeking to convert 300 short-term rental units to 300 multi-family units and add a vehicular and a pedestrian access on the southern PD boundary.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Growth Center – Planned Development – Medium Density Residential (GC-PD-MDR). The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

This site includes wetlands that extend offsite: A Class II wetland of 1.23 acres, a Class III wetland of 0.41 acre, and a non-jurisdictional wetland of 1.02 acres. Orange County Conservation Area Determination CAD 97-211 was completed for these properties with a certified survey of the conservation area boundary approved on January 15, 1998. This determination is still binding. This information is properly noted on sheet 3.

Transportation / Concurrency

Based on the Concurrency Management database (CMS) dated April 5, 2021, there are multiple failing roadway segments within the project's impact area along Avalon Road, from US 192 to Western Way (two segments). To address these deficiencies, the applicant submitted the Right-of-Way and Proportionate Share Agreement for Avalon Pointe and that agreement was approved by the Board on July 27, 2021.

Community Meeting Summary

A community meeting was not required for this request.

Schools

A formal capacity determination was completed for the associated Comprehensive Plan Amendment (2021-1-A-1-2) for the property. Per OCPS, there is available capacity at the elementary, middle and high school levels to accommodate this project.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the Change Determination Request but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (July 14, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Avalon Grove Planned Development / Land Use Plan (PD/LUP), dated "Received July 1, 2021", subject to the following conditions:

1. Development shall conform to the Avalon Grove PD Land Use Plan dated "Received July 1, 2021," 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 July 1, 2021," 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, or any other development order, 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. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
7. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
8. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
9. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate 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 capacity encumbrance letter or a capacity reservation certificate.

10. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 12, 2019 shall apply:
 - a. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
 - b. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
 - c. 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.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 20, 2015 shall apply:
 - a. A road agreement for the conveyance of right-of-way required for C.R. 545 (Avalon Road) shall be required prior to approval of the Development Plan for this project. The applicant is required to coordinate this process with the Road Agreement Committee.
 - b. Concurrent with PSP/DP review, Hartzog Road shall be evaluated and a core sample taken to verify the base. With construction plans, Hartzog Road shall be improved to Orange County Subdivision Regulation standards.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 20, 2015 shall apply:
 - a. The following Education Condition of Approval shall apply:
 - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement approved by the Orange County School Board on August 11, 2015.
 - 2) 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 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.

- 3) 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.
- 4) 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.

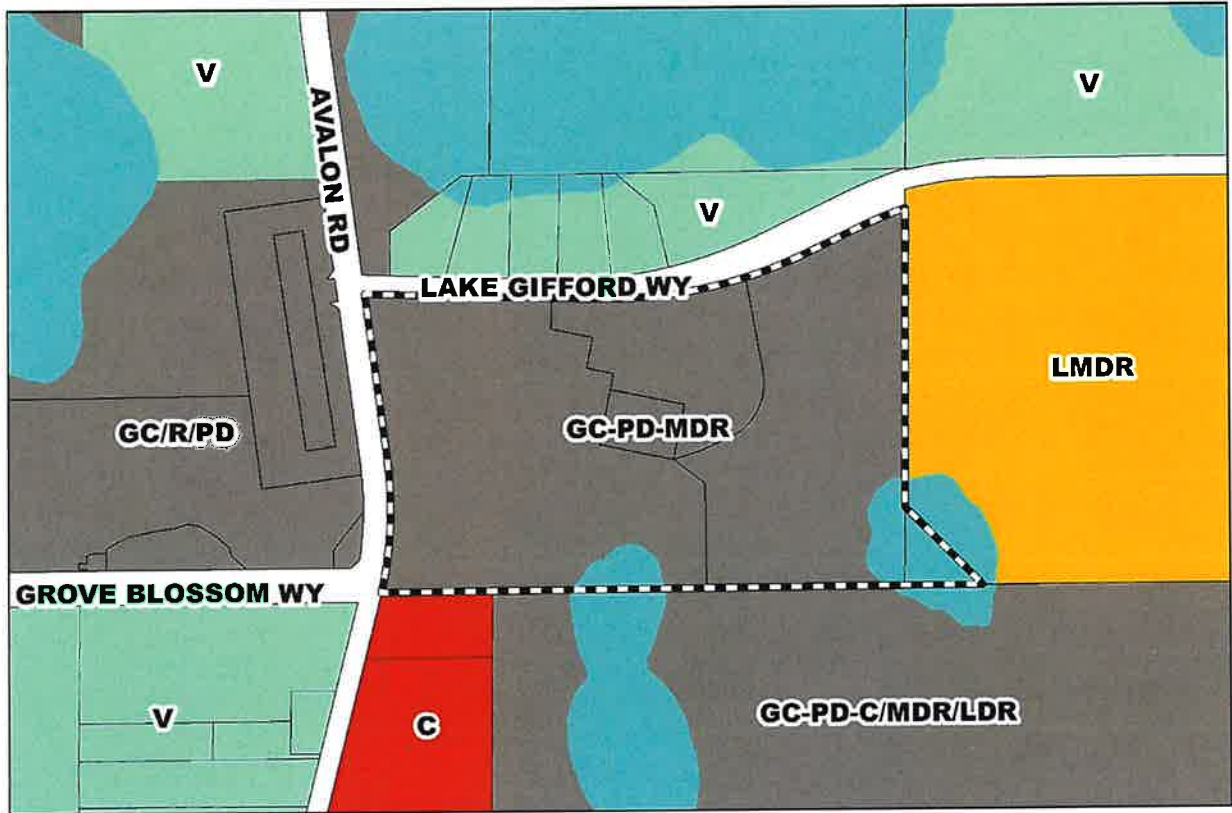
Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

- b. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (November 12, 2019)

Upon a motion by Commissioner VanderLey, seconded by Commissioner Uribe, and carried by all present members voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the Avalon Groves Planned Development/Land Use Plan (PD/LUP), subject to the fourteen (14) conditions listed in the staff report, but with the removal of condition 8 requesting a school Capacity Enhancement Agreement.

CDR-21-03-091



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Growth Center - Planned Development -
Medium Density Residential (GC-PD-MDR)

APPLICANT: Erika Hughes, VHB, Inc

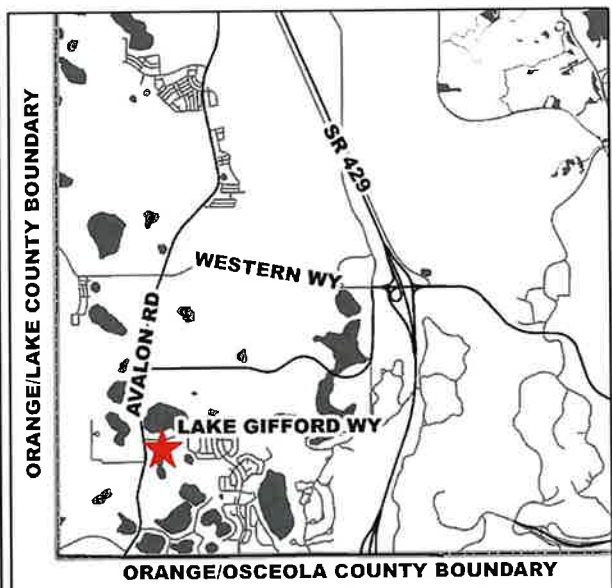
LOCATION: Generally located south of Lake Gifford
Way and east of Avalon Road.

TRACT SIZE: 38.51 gross acres

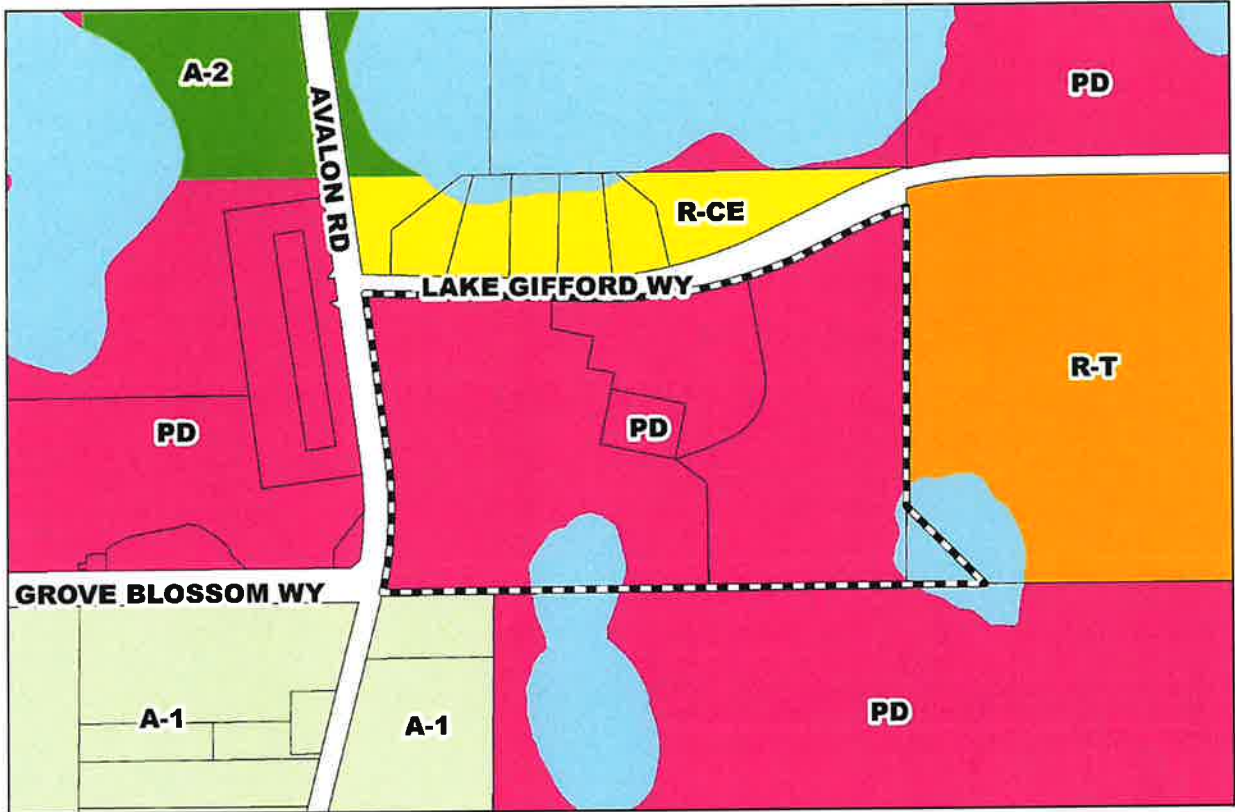
DISTRICT: # 1

S/T/R: 31/24/27

1 inch = 500 feet



CDR-21-03-091



 Subject Property



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Erika Hughes, VHB, Inc

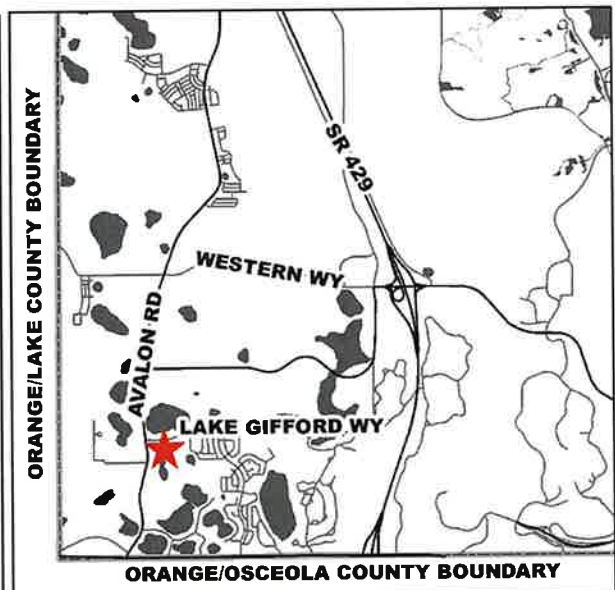
LOCATION: Generally located south of Lake Gifford Way and east of Avalon Road.

TRACT SIZE: 38.51 gross acres

DISTRICT: # 1

S/T/R: 31/24/27

1 inch = 500 feet



Avalon Grove PD / LUP (Cover Sheet)

Land Use Plan

Issued for	Change Determination Application
Date Issued	August 29, 2020
Latest Issue	June 30, 2021

Sheet Index		
Number	Drawing Title	Latest Issue
1	Cover Sheet	6/30/2021
2	Existing Conditions	4/29/2020
3	Land Use Plan	6/29/2021
4	Previous BCC Conditions of Approval	6/29/2021

Reference Drawings		
Number	Drawing Title	Latest Issue
SV-1	Boundary Survey	4/27/2020

AVALON GROVE PD CDR-21-03-091

Avalon Road & Hartzog Road
Orange County, Florida

Parcel ID: 32-24-27-0000-00-011 (not affected)
31-24-27-0000-00-016
31-24-27-0000-00-039
31-24-27-0000-00-040
31-24-27-0000-00-044

Property Owners

Developer
Alliance Residential Company
222 West Corridor Avenue, Suite 115
Winter Park, FL 32789

Applicant/Planner/Engineer
VHB
200 E. Lakeview Street, Suite 300
Orlando, FL 32801
(407) 839-4006 / (407) 839-4008



Site Location Map



VHB
200 E. Lakeview Street, Suite 300
Orlando, FL 32801
(407) 839-4006 / (407) 839-4008

Engineers | Scientists | Planners | Designers

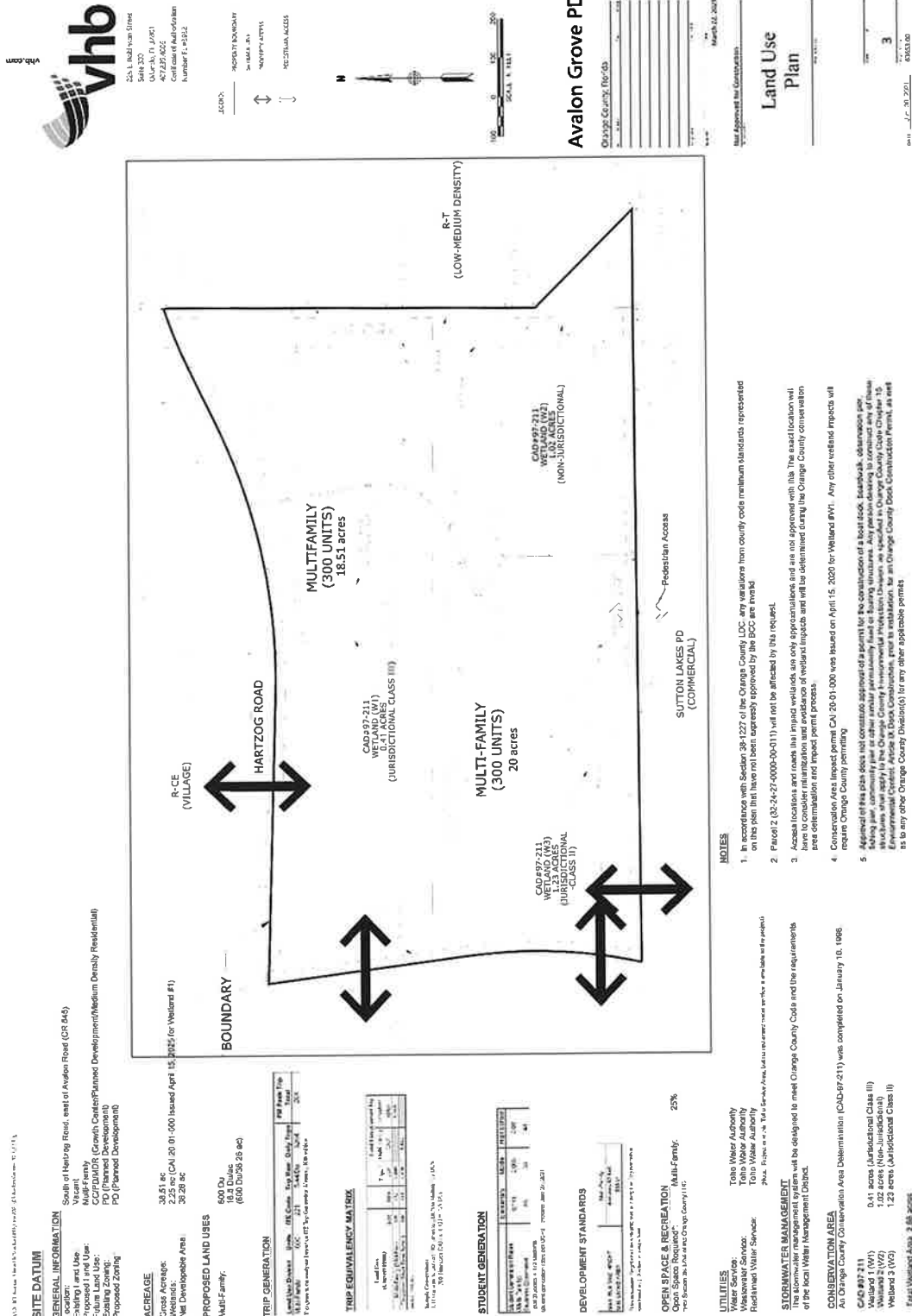
LEGAL DESCRIPTION

The North 1/2 of the Northeast 1/4 of Section 31, Township 24 South, Range 27 East, lying and being in Orange County, Florida.
LESS AND EXCEPT that portion thereof North of the clay road known as Hartzog Road and the paved road known as Avalon Road, State Highway 545;
ALSO LESS AND EXCEPT that portion lying West of State Road 545 as previously conveyed and recorded in Official Record Book 3012, Page 785, Public Records of Orange County, Florida.
Contains 38.51 acres more or less.

DATE RECEIVED: 11/15/21
RECEIVED BY: [Signature]

RECEIVED
By DRC Approved Stamp at 1:44 pm, Jul 01, 2021

Avalon Grove PD / LUP



Notification Map

