

ORANGE COUNTY

PLANNING DIVISION

2022-2

AMENDMENT

2022-2-A-4-1

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

JUNE 20, 2023

ADOPTION PUBLIC HEARING

PREPARED BY:

ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

May 30, 2023

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

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

THROUGH: Tim Boldig, Interim Director
Planning, Environmental, and Development Services Department

SUBJECT: 2022-2 Regular Cycle Comprehensive Plan
Amendments 2022-2-A-4-1 and 2022-2-B-FLUE-4 and
Concurrent PD Substantial Change Request# CDR-22-10-306 (Tupperware
Heights PD/LUP)
Board of County Commissioners (BCC) Adoption Public Hearings

2022-2 Regular Cycle Comprehensive Plan Amendments 2022-2-A-4-1 and 2022-2-B-FLUE-4 and concurrent PD substantial change request, CDR-22-10-306, are scheduled for a BCC adoption public hearing on June 20, 2023. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing on October 20, 2022.

The subject property is located east of South Orange Blossom Trail, west of Florida's Turnpike, and north of the Orange County/Osceola County line. The request is to change the Future Land Use Map designation from Planned Development – Medium Density Residential/Commercial/Office (PD-MDR/C/O) (Senior Adult Housing) to Planned Development – Medium High Density Residential/Commercial/Office (PD-MHDR/C/O) in order to construct up to 1,354 multi-family units and 263,480 square feet of commercial, request five waivers related to setbacks, and remove the multi-family age restriction.

A community meeting was held on May 18, 2022, with 25 residents in attendance with interest on future upgrades to surrounding roadways to accommodate future development and impacts to local school capacity.

The 2022-2 Regular Cycle State-Expedited Amendment scheduled for consideration on June 20 includes one privately-initiated Future Land Use Map Amendment located in District 4, a staff-initiated text amendment, and a concurrent substantial change request greater than ten acres in size.

The 2022-2 Regular Cycle State-Expedited Review Amendments were heard by the PZC/LPA at transmittal public hearing on June 16, 2023, and by the BCC at transmittal public hearing on July 12, 2022. These amendments were reviewed by the Florida Department of Economic

Opportunity (DEO), as well as other state and regional agencies. On August 26, 2022, DEO issued a comment letter, which did not contain any concerns about the amendments undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. The Regular Cycle Amendments undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. Therefore, these amendments are expected to become effective in July, 2023, provided no challenges are brought forth for any of the amendments.

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 Jason Sorensen, AICP, Chief Planner, at (407) 836-5602 or Jason.Sorensen@ocfl.net.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and adopt the Planned Development – Medium-High Density Residential / Commercial / Office (PD-MHDR/C/O) Future Land Use map designation, approved the associated text amendment, approve the associated ordinance, and approve the PD substantial change subject to twenty-two conditions of approval as listed under the DRC Recommendation in the staff report.
District 4**

AAV/jhs/jmd

Enc: 2022-2 Regular Cycle Amendments 2022-2-A-4-1 and 2022-2-B-FLUE-4 BCC Adoption Staff Report and Concurrent PD Substantial Change Request# CDR-22-10-306

c: Jon V. Weiss, P.E., Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division
Read File

TABLE OF CONTENTS

INTRODUCTION..... Tab 1

REGULAR CYCLE AMENDMENTS Tab 2

Privately-Initiated Regular Cycle Future Land Use Map (FLUM) Amendment, Associated Staff-Initiated Test Amendment, and Concurrent Substantial Change Request

| | Amendment | | Page |
|----|---|--|------|
| 1. | 2022-2-A-4-1 Tupperware Heights | Planned Development-Medium Density Residential/Commercial/Office (PD-MDR/C/O) (Senior Adult Housing) to Planned Development-Medium-High Density Residential Commercial/Office (PD-MHDR/C/O) | 1 |
| | -and- | | |
| | 2022-2-B-FLUE-4 PD Density and Intensity | Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County associated with Amendment 2022-2-A-4-1 | |
| | -and- | | |
| | Substantial Change CDR-22-10-306 | <p>A substantial change request to the previously approved Tupperware Heights Planned Development (PD) / Land Use Plan (LUP) to add up to 1,354 multi-family residential units as a permitted use, remove the age restricted designation for existing residential entitlements (200 units), and adjust the permitted intensities for commercial and office uses to allow up to 263,480 square feet of office and commercial uses.</p> <p>Also requested are five (5) waivers from Orange County Code:</p> <ol style="list-style-type: none"> 1) A waiver from Section 38-1254(2)c to allow the residential setback from Orange Blossom Trail to be 25 feet in lieu of 50 feet from an arterial street; 2) A waiver from Section 38-1272(a)(3) to allow the commercial setback from Orange Blossom Trail to be 25 feet in lieu of 40 feet from an arterial street; 3) A waiver from Section 38-1254(2)c to allow the residential setback from Orange Avenue to be 15 feet in lieu of 50 feet for from an arterial street; 4) A waiver from Section 38-1272(a)(3) to allow the commercial setback from Orange Avenue to be 15 feet in lieu of 40 feet from an arterial street; and | |

TABLE OF CONTENTS

| | | | |
|--|--|---|--|
| | | 5) A waiver from Section 38-1272(a)(3) to allow the commercial setback from Mary Louis Lane to be 25 feet in lieu of 30 feet from a collector street. | |
|--|--|---|--|

***Ordinance*.....Tab 3**

***State Agencies Comments/ORC*Tab 4**

***Facilities Analyses*.....Tab 5**

***Transportation Analysis*.....Tab 6**

***Environmental Analysis*Tab 7**

**2022.2 State Expedited Review Comprehensive Plan Amendments
Privately-Initiated Future Land Use Map Amendments**

| Amendment Number | Concurrent Reasoning 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 |
|--------------------------------------|--|-----------------------------|------------------|---|---|---|---|--|--|--|-----------------|-----------|---------|
| District 4 | | | | | | | | | | | | | |
| 2022.2.4.4-1 (Tupperware Heights) | Expected | OC-B II Property Owner, LLC | Abdul Alkady, PE | 34-24-29-8729-01-00; 34-24-29-8729-02-00; 34-24-29-8729-03-00; 34-24-29-8729-20-01; 34-24-29-8729-20-01; 34-24-29-8729-20-02; and 34-24-29-8729-20-03 | Generally located east of S. Orange Blossom Trl., west of Florida's Turnpike, and north of the Orange County/Deecee County line | Planned Development-Medium Density Residential/Commercial/Office (PD-MDR/CO)/Senior Adult Housing (PD-MHR/CO) | Planned Development-Medium High Density Residential/Commercial/Office (PD-MHR/CO) | PD (Planned Development District)(Tupperware Heights PD) | PD (Planned Development District)(Tupperware Heights PD) | 203.22 gross ac. 85.74 net developable ac. | Chris DeMatteis | Adopt | Adopt |

ABBREVIATIONS INDEX:

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMR-Low-Medium Density Residential; MDR-Medium Density Residential; MHR-Medium-High Density Residential; HDR-High Density Residential; PD-Planned Development; EDU-Educational; CONG-Wildland/Conservation; PRCO-Perforated/Open Space; OS-Open Space; RA-Rural/Agricultural; RS-Rural Settlement; ACMD-Activity Center Mixed Use; GC-Growth Center V Village; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUD-Future Land Use Element; TRAN-Transportation Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; LUP-Land Use Plan; CDR-Change Determination Request; SR-State Road; AC-Across

**2022-2 Regular Cycle Comprehensive Plan Amendments
Staff-Initiated Map and Text Amendments**

| Amendment Number | Sponsor | Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP) | Project Planner | Staff Rec | LPA Rec |
|----------------------------|-------------------|---|-----------------|-----------|---------|
| 2022-2-B-FLUE-4 (FLUE 1-4) | Planning Division | Text amendment to Future Land Use Element Policy FLUE 1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2022-2-A-1 | Chris DeRancho | Adopt | Adopt |

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; PROS-Park/Recreation/Open Space; OS-Open Space; RA-Rural/Agricultural; RS-Rural Settlement; ACMA-Activity Center Mixed Use; GC-Growth Center; V-Village; PD-Planned Development; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUMF-Future Land Use Map; FLUE-Future Land Use Element; TRAN-Transportation Element; COPF-Goals, Objectives, and Policies; OSJ-Objective; LUP-Land Use Plan; CDR-Change Determination Request; OR-Other Rural; AC-Artes

2022 SECOND REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN ADOPTION PUBLIC HEARINGS

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing staff report for the Second Regular Cycle Amendments 2022-2-A-4-1 and 2022-2-B-FLUE-4 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearings for these amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on October 20, 2022. These amendments are scheduled for adoption public hearings before the BCC on June 20, 2023.

The 2022-2 Regular Cycle Amendments scheduled for BCC consideration on June 20 were heard by the PZC/LPA at transmittal public hearings on June 16, 2022, and by the BCC at transmittal public hearings on July 12, 2022.

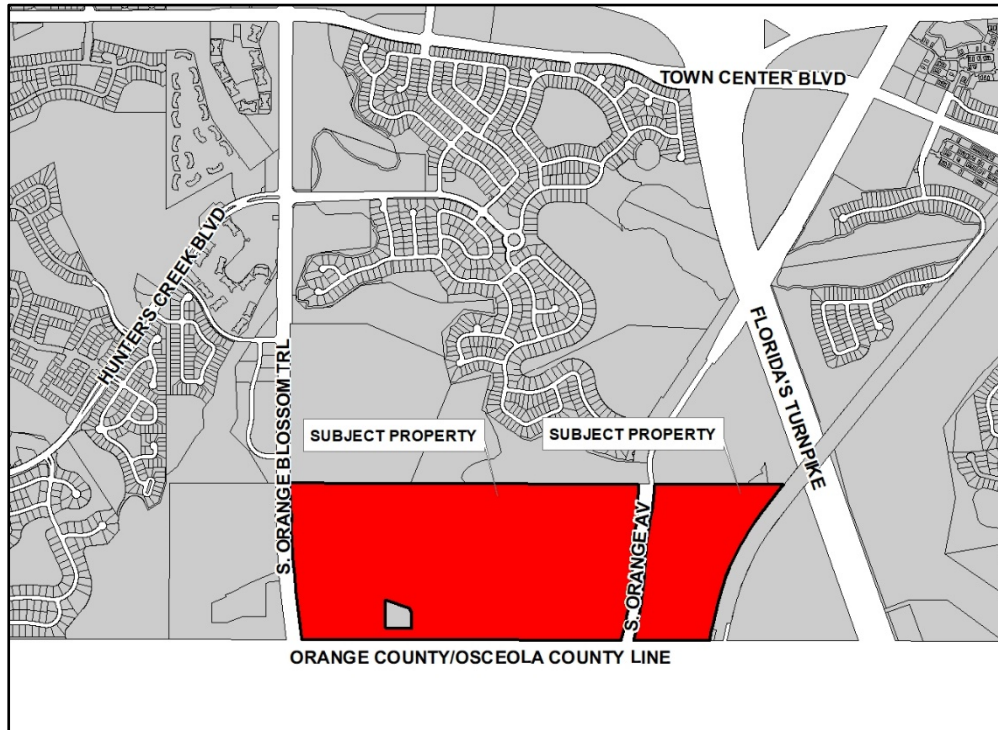
Please note the following modifications to this report:

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

The 2022-2 Regular Cycle – State-Expedited Review Amendments scheduled for consideration on June 20 include one privately-initiated Future Land Use Map Amendment located in District 4 with a concurrent substantial change request and one associated staff-initiated text amendment. The proposed Future Land Use Map Amendment entails a change to the Future Land Use Map for a property greater than ten acres in size. The staff-initiated amendment involves changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The Regular Cycle State-Expedited Review Amendments were reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On August 26, 2022, DEO issued a comment letter, which did not contain any concerns about the amendments undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. On February 28, 2023, staff requested an extension of this deadline to August 15, 2023. The Regular Cycle Amendments undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. These amendments are expected to become effective in July 2023, provided no challenges are brought forth for any of the amendments.

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 Jason Sorensen, AICP, Chief Planner, at (407) 836-5602 or Jason.Sorensen@ocfl.net.



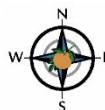
Applicant/Owner: Abdul Alkadry, Harris Civil Engineers, LLC; OC-IB II Property Owner LLC
Location: Generally located east of South Orange Blossom Trail, west of Florida's Turnpike, and north of the Orange County/Osceola County line.
Existing Use: Vacant parcels
Parcel ID Numbers: 34-24-29-8729-01-000; 34-24-29-8729-02-000; 34-24-29-8729-03-000; 34-24-29-8729-20-001; 34-24-29-8729-00-002; 34-24-29-8729-00-001; and 34-24-29-8729-00-003
Tract Size: 203.22 gross acres (65.73 net acres)

| The following meetings and hearings have been held: | | Project Information |
|---|---|---|
| Report/Public Hearing | Outcome | |
| ✓ Community Meeting May, 18, 2022 | 25 residents attended and the overall tone of the meeting was neutral | Request: Planned Development – Medium Density Residential/Commercial/Office (PD-MDR/C/O) (Senior Adult Housing) to Planned Development – Medium-High Density Residential/Commercial/Office (PD-MHDR/C/O) |
| ✓ Staff Report | Recommend Transmittal | Proposed Development Program: Up to 1,354 dwelling units and 263,480 square feet of commercial and office uses. |
| ✓ LPA Transmittal June 16, 2022 | Recommend Transmittal (5-0) | Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. Environmental: This site is included in an Orange County Conservation Area Determination, CAD-12-11-033. |
| ✓ BCC Transmittal July 12, 2022 | Transmit (6-1) | Transportation: The allowable development based on the approved future land use will generate 2,713 pm peak hour trips. Utilities The subject site is located in the Orange County Utilities potable water, wastewater and reclaimed water service areas. |
| ✓ State Agency Comments | No comments were received. | |
| ✓ LPA Adoption October 20, 2022 | Recommend Adoption (7-0) | Concurrent Rezoning: A PD substantial change, Case # CDR-22-10-306, is requested in conjunction with the FLUM request, to request five (5) waivers related to setbacks and change the development program from 200 age-restricted multi-family units and 966,975 square feet of commercial and office uses to 1,354 dwelling units (non-age restricted), and a total of 263,480 square feet of office/commercial uses. |
| BCC Adoption | June 20, 2023 | |

2022-2-A-4-1/CDR-22-10-306



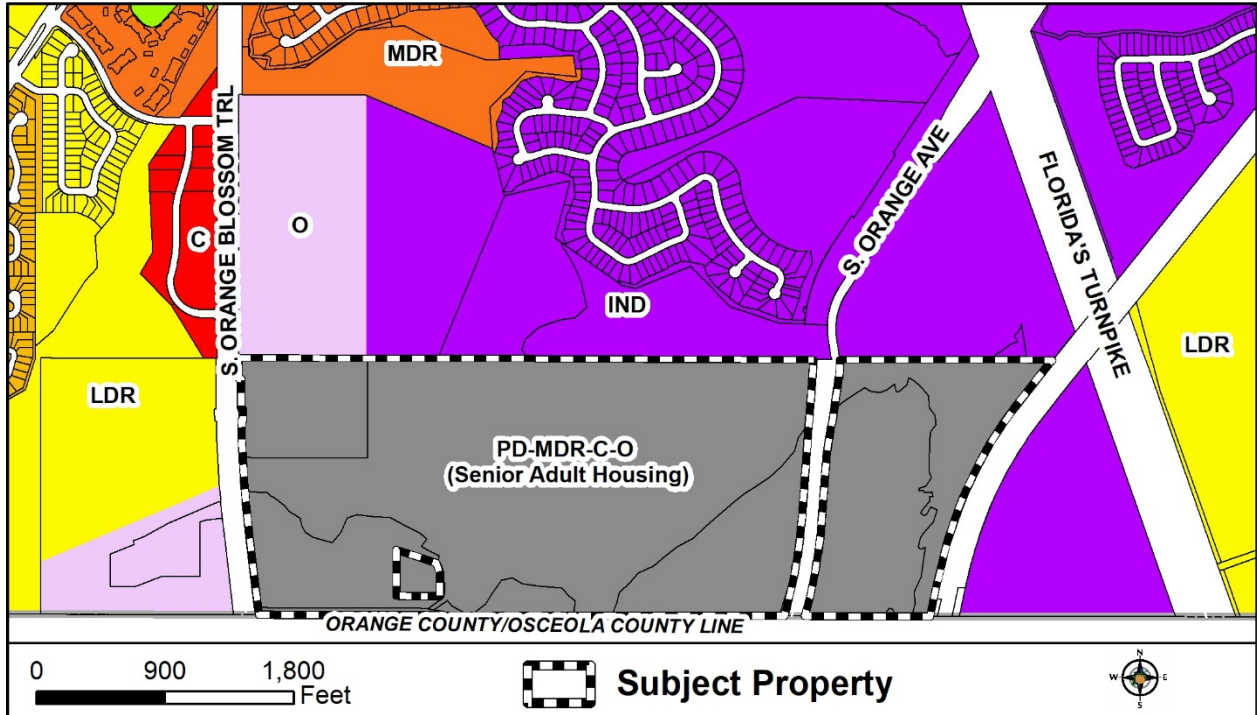
 Subject Property



0 800 1,600
Feet

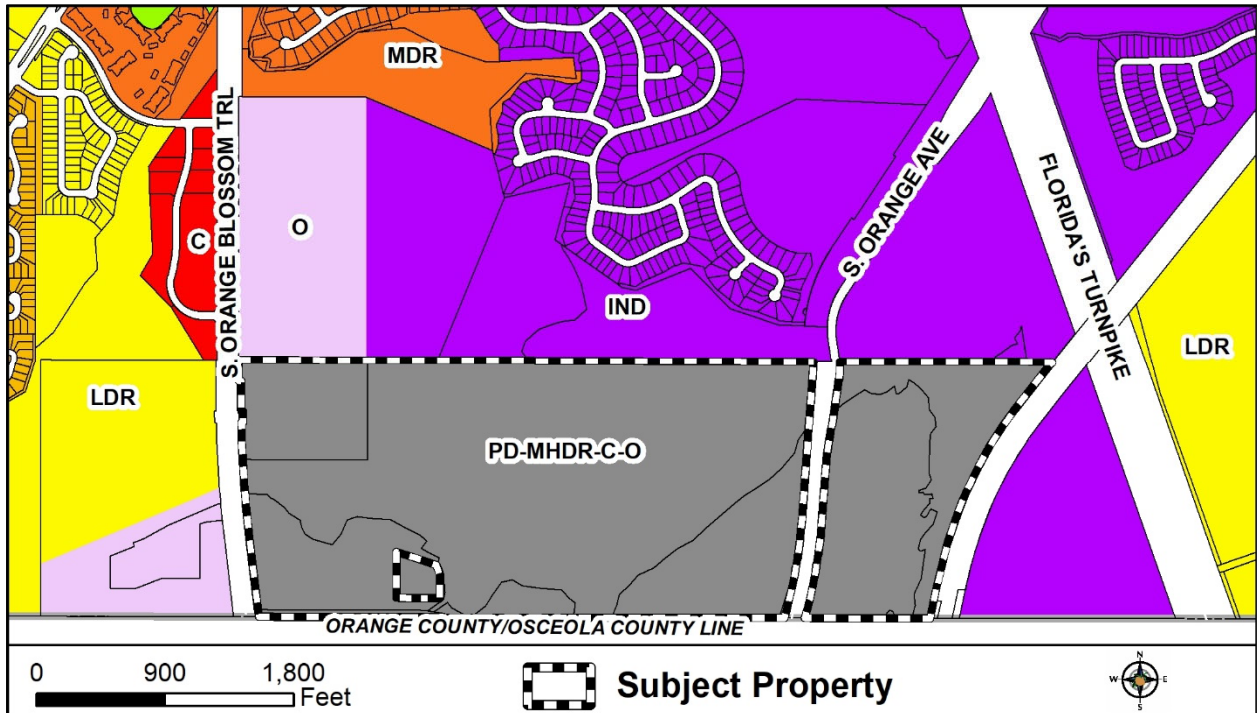
FUTURE LAND USE - CURRENT

Planned Development – Medium Density Residential/Commercial/Office (PD-MDR/C/O)
(Senior Adult Housing)



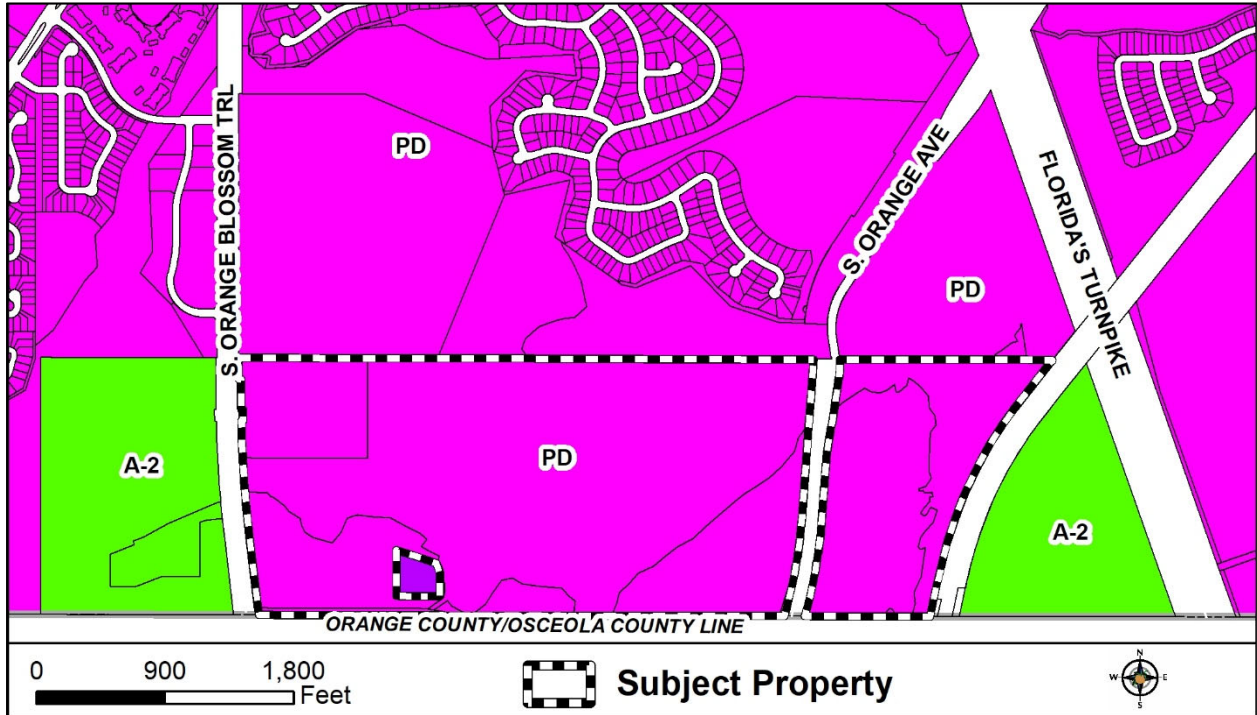
FUTURE LAND USE - PROPOSED

Planned Development – Medium-High Density Residential/Commercial/Office (PD-MHDR/C/O)



ZONING - CURRENT/PROPOSED

PD (Planned Development District)



Staff Recommendation

1. **Future Land Use Map Amendment 2022-2-A-4-1:** Make a finding of consistency with the Comprehensive Plan (See Future Land Use Element Goal FLU1, Objectives FLU1.1, FLU1.2, FLU1.4 and FLU8.2, Policies FLU1.1.1, FLU1.4.1, FLU1.4.2, FLU8.2.1 and FLU8.211, Housing Element Goal H1 and Objective H1.1), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2022-2-A-4-1, Planned Development – Medium Density Residential/Commercial/Office (PD-MDR/C/O) (Senior Adult Housing) to Planned Development – Medium-High Density Residential/Commercial/Office (PD-MHDR/C/O).
2. **Future Land Use Text Amendment 2022-2-B-FLUE-4:** Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and recommend **ADOPTION** of Amendment 2022-2-A-4-1.
3. **DRC Recommendation - PD Substantial Change Request: CDR-22-10-306**
(May 10, 2023 DRC Recommendation): Make a finding of consistency with the Comprehensive Plan and APPROVE the Tupperware Heights Planned Development/Land Use Plan (PD/LUP), dated “Received March 10, 2023”, subject to the following twenty-two (22) conditions:
 1. Development shall conform to the Tupperware Heights Planned Development / Land Use Plan (PD / LUP) dated "Received March 10, 2023" 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 March 10, 2023," 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. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
 7. 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.

8. 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.
9. Should the applicant wish to be considered for an exemption from Transportation Concurrency based on the updated development program, an updated Transit Oriented Design study (based on the ITE Trip Manual, 11th Edition) will be required prior to approval of the initial PSP.
10. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
11. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
12. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
13. 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.
14. Non-residential length of stay shall not exceed 179 consecutive days.
15. Outside sales, storage, and display shall be prohibited.
16. Within any multi-family residential development, short term rental shall be prohibited. Length of stay shall be for a minimum of 180 consecutive days or greater.

17. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
18. To the greatest extent possible, buildings shall be pulled up to the minimum building setback lines along the rights-of-way. The facades of the buildings pulled up to the right-of-way shall be architecturally treated as primary facades and shall have direct pedestrian connection to the right-of-way.
19. No parking shall be located between, or closer to the right-of-way than, the proposed building setback and the adjacent right-of-way.
20. The following waivers are granted from Orange County Code:
 - a. A waiver from Orange County Code Section 38-1254(2)c to allow the residential setback from Orange Blossom Trail to be 25 feet in lieu of 50 feet from an arterial street.
 - b. A waiver from Orange County Code Section 38-1272(a)(3) to allow the commercial setback from Orange Blossom Trail to be 25 feet in lieu of 40 feet from an arterial street.
 - c. A waiver from Orange County Code Section 38-1254(2)c to allow the residential setback from Orange Avenue to be 15 feet in lieu of 50 feet for from an arterial street.
 - d. A waiver from Orange County Code Section 38-1272(a)(3) to allow the commercial setback from Orange Avenue to be 15 feet in lieu of 40 feet from an arterial street.
 - e. A waiver from Orange County Code Section 38-1272(a)(3) to allow the commercial setback from Mary Louis Lane to be 25 feet in lieu of 30 feet from a collector street.
21. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 16, 2012, shall apply:
 - a. Prior to approval of a PSP (Preliminary Subdivision Plan) or DP (Development Plan) within this PD, an updated Master Utility Plan (MUP) shall be submitted for review. The updated MUP must be approved prior to Construction Plan approval.
 - b. A waiver is granted from Section 38-1272(a)(5) to allow for a maximum commercial building height of eighty-five (85) feet, in lieu of fifty (50) feet in height or thirty-five (35) feet in height when within one hundred (100) feet of any residential.
 - c. Tract 3 and Tract 4 shall promote public transportation and shall comply with Orange County Transportation Element Objective T2.8 and its' attendant policies. Future PSP's and DP's within Tracts 3 and 4 shall comply with Policies T2.8.1 – T2.8.10.
22. All previously applicable BCC (Board of County Commissioners) Conditions of Approval dated July 31, 2007 shall apply:

- a. In order to provide 35 percent open space, not counting conservation areas, a waiver from Section 38-1258(d) is granted to allow a maximum building height of 85 feet in lieu of 40 feet for multi-family structures.

Analysis

Background & Development Program

The applicant, Abdul Alkadry, Harris Civil Engineers, LLC., has requested to change the Future Land Use Map (FLUM) designation of the subject property from Planned Development – Medium Density Residential/Commercial/Office (PD-MDR/C/O) (Senior Adult Housing) to Planned Development – Medium-High Density Residential/Commercial/Office (PD-MHDR/C/O). The proposed FLUM designation would permit a mixed use project comprised of residential densities of up to thirty-five (35) dwelling units per acre, along with commercial and office uses with a Floor Area Ratio (FAR) of 1.50 and 1.25, respectively.

In conjunction with this proposed amendment, the applicant has applied for a concurrent PD substantial change to the current Tupperware Heights PD Land Use Plan (LUP), Case # CDR-22-10-306, to convert 200 age-restricted multi-family units and 966,975 square feet of commercial and office uses to 1,354 dwelling units, and a total of 263,480 square feet of office/commercial uses across three lots as shown below. The applicant is also proposing the removal of the existing Senior Adult Housing restriction. Five (5) waivers from Orange County Code related to residential and commercial setbacks are associated with this request. On May 10, 2023, the Orange County Development Review Committee issued a recommendation to approve the requested LUP amendment, subject to the twenty-two (22) conditions listed above.

| | Current | Proposed |
|--------------------------------------|----------------------------|--------------|
| Lot 1 | | |
| Commercial | 199,710 s.f. | 96,480 s.f. |
| Multi-Family | 0 units | 250 units |
| Lot 2 | | |
| Commercial | 415,975 s.f. | 167,000 s.f. |
| Multi-Family | 0 units | 320 units |
| Lot 3 | | |
| Commercial | 351,289 s.f. | 0 s.f. |
| Multi-Family (Age Restricted) | 200 units | 0 units |
| Multi-Family | 0 units | 784 units |
| TOTAL | | |
| Commercial | 966,975 s.f. | 263,480 s.f. |
| Multi-Family | 200 units (age restricted) | 1,354 units |

The 202.44 gross acres (60.89 net acres) subject property is comprised of seven (7) parcels representing the Tupperware Heights PD. The subject property is generally located east of South Orange Blossom Trail, west of Florida’s Turnpike, and north of the Orange County/Osceola County

line. The subject property is adjacent to single-family residences to the north, the Tupperware Global Headquarters to the south, unimproved parcels to east, and unimproved parcels and an electrical transmission site to the west.

The subject property is currently undeveloped with the proposed development program limited to only three of the seven parcels comprising the Tupperware Heights PD (see map below). The remaining four (4) parcels of the Tupperware Heights PD comprise the Mill Slough Wetland, conservation areas and upland areas.



The subject property underwent a review for a previous FLUM amendment application, 2006-1-A-4-2, which changed the FLUM designation from Industrial (I) to Planned Development-Medium Density Residential/Commercial/Office (PD-MDR/C/O) (Senior Adult Housing). The Tupperware Heights PD was established through rezoning application RZ-06-05-063, changing the zoning classification of the subject property from I-1/I-5 (Industrial District - Light) to PD (Planned Development District).

Conservation Area Determination

Density and Floor Area Ratio (FAR) calculations are 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. Orange County Conservation Area Determination CAD-12-11-033, was completed with a certified survey of the conservation area boundary approved on April 19, 2013, in accordance with Orange County Code Chapter 15, Article X, Wetland Conservation Areas.

The Conservation Area Determination has identified a total 202.44 gross acres encompassing the subject property, including two Class I wetlands identified as W-27 and W-33 (outside of the proposed

project parcels), and one Class III surface water identified as D-1 (0.649 acres within the boundaries of parcel 34-24-29-8729-01-000), resulting in approximately 60.89 acres net developable acres.

Community Meeting

A community meeting was held on Wednesday, May 18, 2022, at the Hunter's Creek Elementary School. A total of 25 residents attended and the overall tone of the meeting was neutral. Questions and concerns were raised over the impact of future development on local roads, potential noise disturbances from commercial uses on surrounding residential areas, the protection of wetland areas and wildlife, and the overall impacts of additional residences on local school capacity. A total of 898 community meeting notices were mailed to surrounding property owners within 1,200 feet of the subject property.

Future Land Use Map Amendment Analysis

Consistency

The requested FLUM amendment appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. The subject property is located within the County's Urban Service Area (USA) Boundary and is located in an area characterized by commercial and office uses, and a variety of housing types ranging from multi-family to single-family detached dwellings. As mentioned above, the applicant is requesting the MHDR Future Land Use Map designation to increase the density on the subject property from up to 20 dwelling units per acre to up to 35 dwelling units per acre. The applicant also requests the removal of the Senior Adult Housing restriction. The applicant is also proposing up to a total of 263,480 square feet of non-residential uses.

Future Land Use Element Goal FLU1, OBJ FLU1.1, and Policy FLU1.1.1 describe Orange County's urban planning framework, including the requirement that urban uses shall be concentrated within the Urban Service Area. As required by **OBJ FLU 1.1**, the proposed amendment is located within the Urban Service Area, and the proposed FLUM designation of MHDR will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Policy FLU1.1.1**.

Applicable to this request is **Future Land Use Element Objective FLU1.2**, which states Orange County shall use the Urban Service Area concept as an effective fiscal and land use technique for managing growth.

Also applicable is **Future Land Use Element OBJ FLU1.4**, which sets forth location and development criteria used to guide the distribution, extent, and location of urban land uses, and encourages compatibility with existing neighborhoods as well as the goals of the 2030 Comprehensive Plan.

Also applicable is **Future Land Use Element Policy FLU1.4.1**, which states Orange County shall promote a range of living environments and employment opportunities, and shall ensure that land use changes are compatible with and serve existing neighborhoods.

Also applicable is **Future Land Use Element Policy FLU8.2.2**, which states that continuous stretches of similar housing types and density of units shall be avoided. The addition of multi-family housing comprised of 1,354 dwelling units will further diversity housing options to current and future residents in Orange County.

Also applicable is **Housing Element Goal H1 and Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and

price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs.

Staff-Initiated Text Amendment

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) and Lake Pickett (LP) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment 2022-2-B-FLUE-4. The maximum development program for Amendment 2022-2-A-4-1 will be as follows:

| Amendment Number | Adopted FLUM Designation | Maximum Density/ Intensity | Ordinance Number |
|--|--|--|------------------|
| <u>2022-2-A-4-1 Tupperware Heights</u> | <u>Planned Development – Medium-High Density Residential/Commercial/Office (PD-MHDR/C/O)</u> | <u>Up to 1,354 multi-family dwelling units</u> <u>Up to 263,480 square feet of non-residential uses</u> | <u>2023-</u> |

Compatibility

The proposed Future Land Use Map amendment appears to be compatible with existing development of the surrounding area and would support private sector housing production to meet current and anticipated housing needs, and would provide a mix of non-residential uses to support existing and future residential development.

Future Land Use Element Policy FLU1.4.2, states Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods, while **Neighborhood Element Objective N1.1**, states Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods.

The proposed mixed use project may be found consistent with **Future Land Use Element Policy FLU8.2.11**, which states 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 as its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur. The proposed change to the PD-MHDR/C/O FLUM designation would not adversely impact existing neighborhoods.

Staff recognizes the critical need in Orange County for housing diversity to meet current and future growth trends and finds the proposed PD-MHDR/C/O designation potentially compatible for the surrounding community and consistent with **Future Land Use Element Policy FLU1.4.1**, which states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

Environmental

This site is included in an Orange County Conservation Area Determination (CAD), CAD-12-11-033. The CAD identified 0.649 acres of Class III wetlands within parcel 34-24-29-8729-01-000. The current

estimated net developable acreage is 60.89 acres. Any wetland encroachments will require submittal of an application for a Conservation Impact Permit.

Conservation: An Orange County Conservation Area Determination CAD-12-11-033 was issued April 19, 2013, with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD). The CAD includes two Class I wetlands identified as W-27 and W-33 (outside of the proposed project parcels), and one Class III surface water identified as D-1 (0.649 acres within the boundaries of parcel 34-24-29-8729-01-000). A permit time extension was granted for an expiration date of April 19, 2023. A wetland reclassification was granted September 4, 2020 to adjust the classification of a portion of one of the Class I wetlands (W-27) to a Class III wetland. Conservation area on this site is recorded in South Florida Water Management District (SWFMD) conservation easement per O.R.B. 5938, PG. 3483.

1. **Conservation Area Impacts:** An Orange County Conservation Area Impact (CAI) permit #06-042 was approved on June 28, 2006 for 0.068 acres of Class III wetland impacts and 0.032 acres of secondary impacts associated with the construction of the South Orange Avenue roadway. This project will comply with all related permit conditions of approval. Any further wetland encroachments will require submittal of an application for a Conservation Impact Permit to the Orange County Environmental Protection Division as outlined in Chapter 15, Article X Wetland Conservation Areas.
2. **Habitat Permit Compliance:** Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Jurisdictional Coordination: This environmental review only addresses Orange County environmental regulatory code, however, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, and the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one of the other agencies could deny the request even if the County approves it, or they may have other natural resource protective requirements. Therefore, it is imperative that this proposed request be addressed on a multi-agency basis.

Solid Waste Disposal: Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Erosion Control: Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks

from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping. *Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).*

Transportation

Trip Generation (ITE 11th Edition)

| Land Use Scenario | PM Pk. Hr. Trips | % New Trips | New PM Pk. Hr. Trips |
|--|---------------------|----------------|-------------------------|
| Existing Use: 966,975 sq. ft of Commercial (C-1 uses), 200 MF units(Senior Adult Housing) *Delineated on approved LUP. FLUM approval predates FLU8.1.4 requirement for Development Programs with PD FLUM designations. | 3,288 | 81% | 2,663 |
| | 50 | 100% | 50 |
| Proposed Use: 1,354 MFDU and 263,480 SF Commercial | 232 | 100% | 232 |
| | (CTR) 216 | 100% | 216 |
| | (NCTR) 896 | 71% | 636 |

Net New Trips (Proposed Development less Allowable Development): -1,629

Future Roadway Network

Road Agreements: Transportation Impact Fee Credit Agreement for the Tupperware Heights PD - Orange Avenue was approved on 3/7/2017 and Recorded at 20170129426 by and between Deerfield Land Corporation and Orange County for a Roadway Conceptual Analysis to be completed for Transportation Impact Fee Credits. The RCA will study 0.61 miles of Orange Avenue from the Osceola County Line to the Turnpike Bridge and recommend future roadway improvements needed. The cost of the RCA work is anticipated to be \$255,280 plus \$24,150 in reimbursable expenses. Upon County’s review and approval of the Study Final Report, the Transportation Impact Fee Credit Account shall be established for Deerfield Land Corporation. On March 20, 2018 the BCC approved a First Amendment to Transportation Impact Fee Credit Agreement ("First Amendment") for Tupperware Heights PD by and between Deerfield Land Corporation and Orange County to amend the terms of the Transportation Impact Fee Credit Agreement approved by the Board of County Commissioners on March 7, 2017 and recorded at Document #20170129428. The First Amendment provides for the adjustment of the completion date for the Roadway Conceptual Analysis from March 1, 2018 to September 1, 2018. The Roadway Agreement Committee approved the First Amendment on February 7, 2018. On January 15, 2019 the Board of County Commissioners approved a Second Amendment to Transportation Impact Fee Credit Agreement for Tupperware Heights PD ("Second Amendment") recorded as Document #20190042142 by and between Deerfield Land Corporation and Orange County to amend the terms of the Transportation Impact Fee Credit Agreement approved by the Board of County Commissioners on March 7, 2017 and recorded at Document #20170129428 as amended. The Second Amendment provides for the adjustment of the completion date for the Roadway Conceptual Analysis from September 1, 2018 to August 31, 2019, and the addition of a Joint Pond Provision to allow the option for a joint-use pond, if County approves.

On September 24, 2019 the BCC approved a Third Amendment to Transportation Impact Fee Credit Agreement for Tupperware Heights PD ("Third Amendment"). The Agreement is recorded as

Document # 20190615771 by and between Deerfield Land Corporation and Orange County to amend the terms of the Transportation Impact Fee Credit Agreement approved by the Board of County Commissioners on March 7, 2017 and recorded at Document #20170129428 as amended. The Third Amendment provides for the adjustment of the completion date for the Roadway Conceptual Analysis from August 31, 2019 to August 31, 2020. In addition, Section 2(b) of the agreement has been amended to provide for a total reimbursement of \$77,550 in newsletter and newspaper advertisement costs. TCA-195 was credited \$227,831.14 on March 5, 2021.

Planned and Programmed Roadway Improvements: Orange Avenue - Orange – Osceola County line to Florida’s Turnpike (approximately 0.61 miles). Orange Avenue will be widened from two to four lanes. The widening will include the addition of bicycle and pedestrian facilities, roadway lighting, and a closed drainage system with stormwater treatment ponds. The project is approximately 15% complete (5/2022). This information is dated and subject to change.

Right of Way Requirements: None

Summary

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will result in a decrease in the number of pm peak trips and therefore will not impact the area roadways. However, based on the Concurrency Management System Database, several roadways within the project impact area do not operate at acceptable levels of service and capacity is not available to be encumbered.

- The subject property is not located along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 2,713 pm peak hour trips.
- The proposed use will generate 1,084 pm peak hour trips resulting in a net decrease of 1,629 pm peak hour trips.
- The subject property is located north of the Osceola County Line between OBT and Orange Avenue. Based on the Concurrency Management System (CMS) database dated 5/02/2022, one (1) roadway currently operates at Level of Service F and capacity is not available to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.
- An analysis of existing conditions reveals that all roadway segments within the study area, except one (1) are currently operating at adequate LOS.
- The development will undergo further evaluation and will be required to mitigate capacity deficiencies on the transportation network in accordance with the requirements of the Orange County Concurrency Management System.

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 in order to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County’s Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

Schools

The applicant submitted a formal school capacity determination (OC-22-018) to Orange County Public Schools (OCPS). Capacity is not available for the proposed 1,354 dwelling units. Currently, Endeavor Elementary School and Meadow Woods Middle School are under capacity, while Cypress Creek High School is currently over capacity with a total of 107 seats to mitigate. The high school currently operates at an adjusted utilization of 128.6% while and if this project is approved, the adjusted utilization rate would increase to 130.2%. This determination expires May 12, 2025.

Utilities

The subject site is located in the Orange County Utilities potable water, wastewater and reclaimed water service areas.

IMPACT ANALYSIS

Overview

The Tupperware Heights Planned Development (PD) was originally approved in July 2007.

The overall PD has existing land use entitlements for 200 age-restricted multi-family units and 966,975 square feet of commercial and office uses.

Through this PD substantial change, the applicant is seeking to modify the PD to add up to 1,354 multifamily residential units as a permitted use, remove the age restricted designation for existing residential entitlements (200 units), and adjust the permitted intensities for commercial and office uses to allow up to 263,480 sq. ft. of office and commercial uses. In addition, five (5) waivers are requested for building setbacks from the adjacent rights-of-way of Orange Blossom Trail, Orange Avenue, and Mary Louis Lane.

Land Use Compatibility

The PD substantial change request would not adversely impact any adjacent properties.

Site Analysis

| | Yes | No | Information |
|----------------------------|--------------------------|-------------------------------------|-------------|
| Rural Settlement | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Joint Planning Area (JPA) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Overlay District Ordinance | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Airport Noise Zone | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Code Enforcement | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

SITE DATA

APPLICABLE PD DEVELOPMENT STANDARDS

Multifamily/Commercial/Office - Lot 1

Maximum Building Height

| | |
|--------------------|-------|
| Commercial | 85 ft |
| Multifamily/Office | 85 ft |

Setbacks

| | |
|----------------------|-------|
| Orange Blossom Trail | 25 ft |
| Mary Louis Lane | 25 ft |
| Sides and Rear | 10 ft |
| Wetland Limits | 25 ft |
| FDOT Easement Buffer | 15 ft |

Multifamily/Commercial - Lot 2

Maximum Building Height

| | |
|-------------|-------|
| Commercial | 85 ft |
| Multifamily | 85 ft |

Setbacks

| | |
|-----------------|-------|
| Orange Avenue | 15 ft |
| Mary Louis Lane | 25 ft |
| Sides and Rear | 10 ft |
| Wetlands | 25 ft |
| PD Perimeter | 25 ft |

Multifamily- Lot 3

Maximum Building Height

| | |
|-------------|-------|
| Multifamily | 85 ft |
|-------------|-------|

Setbacks

| | |
|----------------|--------|
| Orange Avenue | 15 ft |
| Railroad ROW | 120 ft |
| Wetland Limits | 25 ft |

SPECIAL INFORMATION

Environmental

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. 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

Transportation / Concurrency

Should the applicant wish to be considered for an exemption from Transportation Concurrency based the updated development program, an updated Transit Oriented Design study (based on the ITE Trip Manual, 11th Edition) will be required prior to the PSP approval.

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.

Water / Wastewater / Reclaimed Water

Existing service or provider

| | |
|-------------|-------------------------|
| Water: | Orange County Utilities |
| Wastewater: | Orange County Utilities |
| Reclaimed: | Orange County Utilities |

Parks

Orange County Parks and Recreation staff reviewed the PD substantial change but did not identify any issues or concerns.

3. Policy References

Future Land Use Element

- 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. 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.
- OBJ FLU1.2** **URBAN SERVICE AREA (USA); USA SIZE AND MONITORING.** Orange County shall use the Urban Service Area as an effective fiscal and land use technique for managing growth. The Urban Service Area shall be used to identify the area where

Orange County has the primary responsibility for providing infrastructure and services to support urban development.

OBJ FLU1.4 The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 Comprehensive Plan.

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.

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 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.

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.

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.

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

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

ACTION REQUESTED

Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) Recommendation –
(October 20, 2022)

Make a finding of **consistency** with the Comprehensive Plan and recommend **ADOPTION** of Amendments 2022-2-A-4-1 and 2022-2-B-FLUE-4, Planned Development – Medium Density Residential/Commercial/Office (PD-MDR/C/O) (Senior Adult Housing) to Planned Development – Medium-High Density Residential/Commercial/Office (PD-MHDR/C/O).

PLANNING AND ZONING COMMISSION (PZC)/LOCAL PLANNING AGENCY (LPA) PUBLIC HEARING SYNOPSIS

The staff report was presented to the Local Planning Agency (LPA) with the recommendation to ADOPT the amendments. The applicant, Abdul Alkadry, was present and agreed with the staff recommendations.

There were no speakers for public comment. Commissioner Spears asked about the type of residential and commercial uses that would be developed and about the status of the FDOT stormwater pond. The applicant stated the development would include multi-family dwelling units and a mix of commercial and office uses. The applicant confirmed the FDOT stormwater pond is permanent and not part of the parcels included with the application. Commissioner Spears asked whether the development will include sidewalks and a connection to the Tupperware SunRail station. The applicant confirmed the site will provide sidewalks and link up with existing sidewalks to provide access to the SunRail station. Commissioner Sorbo asked about the protection of existing wetlands adjacent to the subject property. The applicant confirmed that the majority of the wetlands are Class I wetlands and will be protected.

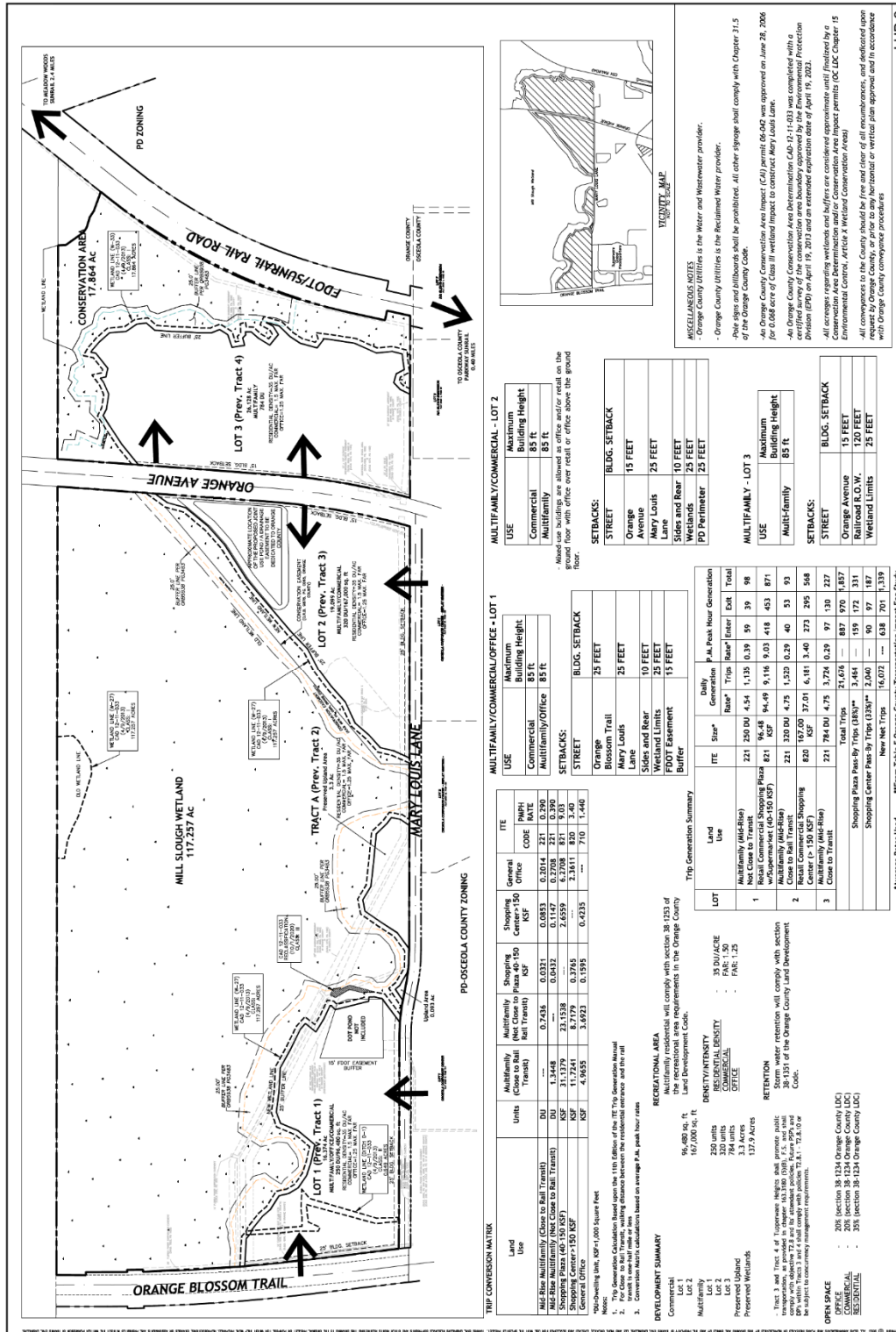
A motion was made by Commissioner Pena and seconded by Commissioner Spears to recommend adoption of Amendment 2022-2-A-4-1 and Amendment 2022-2-B-FLUE-4. The motion carried 7-0.

| | |
|-----------------------------|---|
| Motion / Second | Nelson Pena / Gordon Spears |
| Voting in Favor | Nelson Pena, Gordon Spears, Trevor Sorbo, Jaja Wade, George Wiggins, Evelyn Cardenas, Mohammed Abdallah |
| Voting in Opposition | None |
| Absent | Eddie Fernandez, Walter Pavon |

Site Visit Photos

| | |
|---|--|
| <p>Subject Site</p> | <p>Subject Site</p> |
|  |  |
| <p>North of Subject Site</p> | <p>South of Subject Site</p> |
|  |  |
| <p>East of Subject Site</p> | <p>West of Subject Site</p> |
|  |  |

Tupperware Heights PD (Land Use Plan)



ORDINANCE NO. 2023-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “2010-2030 COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2022 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 June 20, 2023, the Board of County Commissioners held a public hearing on the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to adopt them.

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

Section 3. Amendment to Future Land Use Map. The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

31 attached hereto and incorporated herein.

32 **Section 4. Amendment to the Text of the Future Land Use Element.** The
33 Comprehensive Plan is hereby further amended by amending the text of the Future Land Use
34 Element to read as follows, with underlines showing new numbers and words, and strike-throughs
35 indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the
36 amendment number and editorial notes, and shall not be codified.)

37 * * *

38 **[Amendment 2022-2-B-FLUE-4:]**

39 FLU8.1.4 The following table details the maximum densities and intensities for the
40 Planned Development (PD) and Lake Pickett (LP) Future Land Use
41 designations that have been adopted subsequent to January 1, 2007.

42

| Amendment Number | Adopted FLUM Designation | Maximum Density/Intensity | Ordinance Number |
|--|--|--|-------------------------|
| * * * | * * * | * * * | * * * |
| <u>2022-2-A-4-1 Tupperware Heights</u> | <u>Planned Development-Medium-High Density Residential/Commercial/Office (PD-MHDR/C/O)</u> | <u>Up to 1,354 multi-family dwelling units</u> <u>Up to 263,480 square feet of non-residential uses</u> | <u>2023-</u> |

43 Such policy allows for a one-time cumulative density or intensity differential of 5% based on
44 ADT within said development program.

45 * * *

47 **Section 5. Effective Dates for Ordinance and Amendments.**

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

49 (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment
50 adopted under this ordinance becomes effective until 31 days after the DEO notifies the County
51 that the plan amendment package is complete. However, if an amendment is timely challenged,

52 the amendment shall not become effective until the DEO or the Administration Commission issues
53 a final order determining the challenged amendment to be in compliance.

54 (c) No development orders, development permits, or land uses dependent on either of
55 these amendments may be issued or commence before the amendments have become effective.

56

57

58 ADOPTED THIS 20th DAY OF JUNE, 2023.

59

60

ORANGE COUNTY, FLORIDA

61

By: Board of County Commissioners

62

63

64

65

By: _____

66

Jerry L. Demings

67

Orange County Mayor

68

69 ATTEST: Phil Diamond, CPA, County Comptroller

70 As Clerk to the Board of County Commissioners

71

72

73

74

By: _____

75

Deputy Clerk

76

77

78

79

80
81
82
83
84

APPENDIX “A”
FUTURE LAND USE MAP AMENDMENT

| <i>Appendix A*</i> | | |
|--|---|--|
| <i>Privately-Initiated Future Land Use Map Amendment</i> | | |
| Amendment Number | Future Land Use Map Designation FROM: | Future Land Use Map Designation TO: |
| 2022-2-A-4-1 | Planned Development-Medium Density Residential/Commercial/Office (PD-MDR/C/O) (Senior Adult Housing) | Planned Development-Medium-High Density Residential/Commercial/Office (PD-MHDR/C/O) |
| *The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective. | | |

85



Orange County Public Schools

6501 Magic Way · Building 200 · Orlando, Florida 32809 · (407) 317-3700 · www.ocps.net

FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER – REVISED - EXTENSION

September 20, 2022

VIA E-MAIL: ABDULA@HARRISCIVILENGINEERS.COM

Abdul Alkadry
Harris Civil Engineers, LLC
1200 Hillcrest Street, Suite 200
Orlando, FL 32803

Application: OC-22-018 Tupperware Heights

This letter serves as the official certification by Orange County Public Schools that school capacity for the following development is **NOT AVAILABLE**:

| | |
|----------------------------------|---|
| Type of Development Application | <input checked="" type="checkbox"/> FLUM |
| | <input type="checkbox"/> Rezoning |
| | <input type="checkbox"/> Amendment or Extension |
| Development Application #: | TBD |
| Project Name: | Tupperware Heights |
| OCPS Completed Application Date: | March 3, 2022 |
| Parcel #(s): | 34-24-29-8729-01-000; -02-000; -03-000 |
| Requested New Units (#): | SF: 0 MF: 1,354 TH: 0 |
| Vested Unit(s): | SF: 0 MF: 0 TH: 0 |
| Total Project Units: | 1,354 |
| School Board District: | # 3 |

In accordance with Section 10 of the First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency (“Interlocal Agreement”), a detailed Capacity Analysis is provided in **Attachment A**.

In accordance with Section 704(B) of the Orange County Charter and Section 30-742 of the Orange County Code, an analysis of significantly affected local governments impacted by the proposed development can be found below:

| | | | |
|-------------------------|---------------------------|-----------------|------------------|
| | Endeavor ES & Oakshire ES | Meadow Woods MS | Cypress Creek HS |
| Jurisdictional Analysis | N/A | N/A | N/A |

Given the above analysis, this project does not meet the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with the identified significantly affected

local government(s). Additional information on the joint approval process can be obtained from Orange County

This determination expires on March 17, 2023. In the event this project does not possess Development Application approval from Orange County by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), a new determination will be required.

Unless otherwise vested, the Development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.

This determination is governed by the Interlocal Agreement, the provisions of Orange County's adopted Comprehensive Plan, and the Orange County Charter and Code.

Please contact me at (407) 317-3700 ext. 2022391 or e-mail me at christopher.mills@ocps.net with any questions.

Sincerely,



Christopher C. Mills, AICP
Senior Administrator, Facilities Planning

Attachments – Attachment A: Detailed Capacity Analysis

CC: Sue Watson, Orange County (via e-mail)
Thomas Moore, OCPS (via e-mail)
Project File



School Capacity Determination

User ID CCM September 20, 2022

Project ID: CEA – OC – 22 – 018 A Valid Until: March 17, 2023

| Project Name: | | TUPPERWARE HEIGHTS | |
|-----------------------|-------------------------------|---------------------------|---------------------|
| Unvested Units | Single Family Units: | 0 | Vested Units |
| | Multi Family Units: | 784 | |
| | Multi Family High Rise Units: | 0 | |
| | Town Homes Units: | 0 | |
| | Mobile Home Units: | 0 | |
| | Single Family Units: | 0 | |
| | Multi Family Units: | 0 | |
| | Multi Family High Rise Units: | 0 | |
| | Town Homes Units: | 0 | |
| | Mobile Home Units: | 0 | |

| Capacity Enhancement | School Level | Elementary | Middle | High |
|---|--|-------------|-----------------|------------------|
| | CSA: | UU | | |
| | School: | OAKSHIRE ES | MEADOW WOODS MS | CYPRESS CREEK HS |
| | Analysis of Existing Conditions | | | |
| | School Capacity (2021-2022) | 752 | 1,040 | 2,762 |
| | Enrollment (2021-2022) | 490 | 931 | 3,285 |
| | Utilization (2021-2022) | 65.0% | 90.0% | 119.0% |
| | LOS Standard | 110.0% | 100.0% | 100.0% |
| | Available Seats | 337 | 109 | 0 |
| | Analysis of Reserved Capacity | | | |
| | School Level | Elementary | Middle | |
| | Encumbered Capacity | 0 | 0 | 168 |
| | Reserved Capacity | 0 | 0 | 42 |
| | Adjusted Utilization | 65.2% | 89.5% | 126.5% |
| | Adjusted Available Seats | 337 | 109 | 0 |
| Analysis of Proposed Development | | | | |
| Students Generated | 110.544 | 50.960 | 62.720 | |
| Adjusted Utilization | 79.9% | 94.4% | 128.8% | |
| AVAILABLE/NOT AVAILABLE | AVAILABLE | AVAILABLE | NOT AVAILABLE | |
| Number of Seats to Mitigate | 0.000 | 0.000 | 62.720 | |

| | |
|------------------|--|
| OAKSHIRE ES | |
| MEADOW WOODS MS | |
| CYPRESS CREEK HS | |



6501 Magic Way · Building 200 · Orlando, Florida 32809 · (407) 317-3700 · www.ocps.net

May 1, 2023

Abdul Alkadry
Harris Civil Engineers, LLC
1200 Hillcrest Street
Orlando, FL 32803

Re: Extension of Formal School Capacity Determination Capacity Letter – Revised – Extension for OC-IB II Property Owner, LLC, Pursuant to Declaration of State of Emergency for Tupperware Heights, OC-22-018

Dear Abdul,

The School Board of Orange County, Florida (“School Board”) is in receipt of the correspondence dated April 27, 2023, in regard to the above-referenced matter delivered in accordance with Section 252.363, *Florida Statutes*. After review of your correspondence and the attached executive orders, we hereby acknowledge the extension of the Formal School Capacity Determination Capacity Letter, #OC-22-018, for the project known as Tupperware Heights, in Orange County, in accordance with the following schedule:

| Executive Orders | Incident | Date Issued | Expiration Date | Combined Extension Period | Previous Expiration Date | New Expiration Date |
|--|---------------------------|--------------------|------------------------|----------------------------------|---------------------------------|----------------------------|
| 22-218, 22-219, 22-253, 22-268, 23-02, 23-21, 23-48, 23-60 | Hurricanes Ian and Nicole | 9/23/2022 | 5/16/2023 | 12 months + 420 days | March 17, 2023 | May 12, 2025 |

Thank you for your attention in this matter. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Christopher C. Mills, AICP
Senior Administrator – Facilities Planning

xc: Sue Watson, Orange County
Thomas Moore, OCPS



Environmental Protection Division

CONSERVATION AREA DETERMINATION TIME EXTENSION

Determination No: CAD-12-11-033

Date Issued: April 19, 2013

Original Expiration: April 19, 2018

New Expiration Date: April 19, 2023

History: EPD issued CAD-12-11-033 on April 19, 2013. The project has not been started yet. On January 8, 2018 EPD received a request for permit time extension. The site conditions are the same and no changes to the wetland delineation are proposed. This permit time extension request is approved, subject to the conditions listed on the following page(s):

Activity Location:

14601 S Orange Blossom Trail, Orlando, Florida, 32837
Parcel ID: 34-24-29-0000-00-004
Orange County Commission District: 4

Permittee / Authorized Entity:

Tom Roehlk
c/o Elaine A. Imbruglia
Modica & Associates
302 Mohawk Road
Clermont, Florida 34715
E-mail: eca@modica.cc

The Environmental Protection Division (EPD) has received your certified survey dated "Received April 4, 2013", which delineates the extent of the approved Orange County conservation area on the referenced property.

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

The conservation area(s), as delineated in the field have been classified as follows:

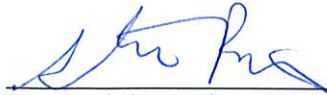
| Wetland Identification Number | Class | Remarks |
|-------------------------------|-------|--|
| W-27 | I | 621; Cypress; Are large isolated uninterrupted wetlands forty (40) acres or larger |
| W-33 | I | 621; Cypress; Are large isolated uninterrupted wetlands forty (40) acres or larger |
| D-1 | III | 513; Ditches; This ditch connects to a Class I wetland greater than forty (40) acres in size |

Approved, subject to the following conditions:

1. This survey accurately depicts the jurisdictional wetland boundary agreed upon by EPD during a site inspection conducted on May 29, 2012.
2. The limits of wetlands and surface waters delineated on the approved survey are only binding for a period of five years from the date of the CAD issuance provided physical conditions on the property do not change so as to alter the boundaries of surface waters or wetlands during that period. The limitations of this condition cannot be modified to allow for a longer duration without a complete reassessment of the limits of surface waters and wetlands occurring on the project.
3. The County may revoke this Determination upon finding that the applicant has submitted inaccurate information to the County regarding the delineation of surface waters or wetlands on the project site.
4. This CAD does not provide relief from other local, state, or federal policies, which regulate activity on the subject property. If this determination conflicts with those of any other Agency, Department or Division, the applicant must comply with the most stringent conditions.
5. No construction, clearing, alteration, filling or grading is allowed within the limits of the conservation area unless approved by EPD. The permittee is also responsible for addressing any adverse secondary impacts to surface waters, wetlands, or conservation areas that may occur as a result of the development of the site.
6. This CAD supersedes any previous Conservation Area Determinations made on this parcel
7. If any species listed by State or Federal wildlife agencies as Threatened, Endangered, or of Special Concern are present on your property, then prior to any development, all applicable permits and/or correspondence from the appropriate agencies must be submitted to EPD.

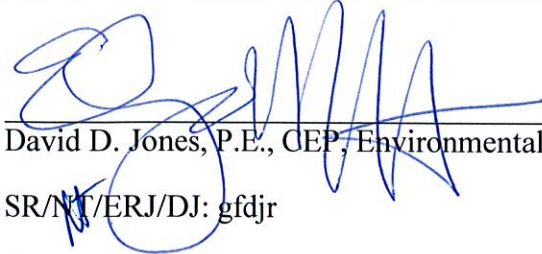
If you should have any questions concerning this review, please contact Steve Rich at (407) 836-1448 or steve.rich@ocfl.net.

Project Manager:



Steve Rich, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:



David D. Jones, P.E., CEP, Environmental Protection Officer

SR/NT/ERJ/DJ: gfdjr

Attachment: Approved Survey

C: Marc Ady, SFWMD – mady@sfwmd.gov
Rocco Campanale, Orange County Property Appraiser's Office, rcampanale@ocpafl.org
Matthew Kalus, Orange County Public Works – matthew.kalus@ocfl.net
Tom Roehlk, Deerfield Land Corporation – tomroehlk@tupperware.com

