

ORANGE COUNTY

PLANNING DIVISION

2019-2-S-2-2

ADOPTION AMENDMENT

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

NOVEMBER 10, 2020
TRANSMITTAL PUBLIC HEARING

PREPARED BY:
ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION





Interoffice Memorandum

November 10, 2020

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

FROM: Alberto A. Vargas, M.Arch., Manager, Planning Division 

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

SUBJECT: Adoption Public Hearings – 2019-2 Session II Continued Small-Scale Development Amendment

The 2019-2 Session II Continued **Small-Scale Development** Amendment is scheduled for a BCC adoption public hearing on November 10, 2020. This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing held on October 17, 2019, and was cancelled at the May 5, 2020, BCC meeting to be rescheduled at a later date. The staff report for the November 10 hearing, including back-up material, has been provided under separate cover. The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See:

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

The 2019-2 Session II Continued Small-Scale Development Amendment scheduled for consideration on November 10 is a privately-initiated Future Land Use Map Amendment located in District 2. If the BCC adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for the amendment.

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

AAV/sw

Enc: 2019-2 Session II Continued Small-Scale Development Amendment – BCC Adoption Staff Report

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

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2019-2 Session II Continued Small Scale Development Comprehensive Plan Amendment

Privately Initiated Future Land Use Map Amendment

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Parcel 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	Rezoner	Staff Rec	LPA Rec
District 2														
<u>2019-2-S-2-2</u> <u>Artisan at Forest Summit</u>	N/A	Deborah Postell	Mario Golden	28-21-29-0000-00-043	7856 Forest City Rd.; Generally located north of Riverside Park Rd., east of Hillcrest Ter., south of Pembroke Dr., and west of Forest City Rd.	Medium Density Residential (MDR)	Medium-High Density Residential (MHDR)	N/A	N/A	4.20 gross ac./3.51 net developable ac.	Alyssa Henriquez	N/A	Adopt	Adopt (9-0)

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; INST-Institutional; CONS- Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; R-Rural/Agricultural; RS-Rural Settlement; RS 1/5-Rural Settlement 1/5; RS 1/2-Rural Settlement 1/2; RS 1/1-Rural Settlement 1/1; GC-Growth Center; USA-Urban Service Area; WB-Water Body; ACMU-Activity Center Mixed Use; EDU-Educational; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; TRAN-Transportation; LUP-Land Use Plan; RZ-Rezoning; A-1-Citrus Rural District; A-2-Farmiland Rural District; R-T-Mobile Home Park District; R-CE-Country Estate District; R-1A-Single-Family Dwelling District; R-1-Single-Family Dwelling District; R-3-Multiple-Family Dwelling District; R-2-Residential District; R-T-2-Combination Mobile Home and Single-Family Dwelling District; P-O-Professional Office District; C-1-Retail Commercial District; C-2-General Commercial District; C-3-Wholesale Commercial District; I-1/I-5-Light Industrial District; PD-Planned Development District; RZ-Rezoning; LUP-Land Use Plan; CDR-Change Determination Request; SR-State Road; AC-Acres

2019-2 SESSION II CONTINUED SMALL-SCALE DEVELOPMENT

AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption staff report for the proposed Continued Second Small-Scale Development Amendment (2019-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing held on October 17, 2019, and was cancelled at the May 5, 2020, BCC meeting to be rescheduled at a later date. The new BC adoption public hearing for this amendment is scheduled for November 10, 2020.

Please note the following modifications to this report:

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

The 2019-2 Session II Continued Small-Scale Development Amendment scheduled for consideration on November 10 is a privately-initiated Future Land Use Map Amendment located in District 2. If the BCC adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for the amendment.

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

Agent/Owner:
Mario Golden/Deborah Postell

Location:
7856 Forest City Rd.;
Generally located north of Riverside Park Rd., east of Hillcrest Ter., south of Pembroke Dr., and west of Forest City Rd.

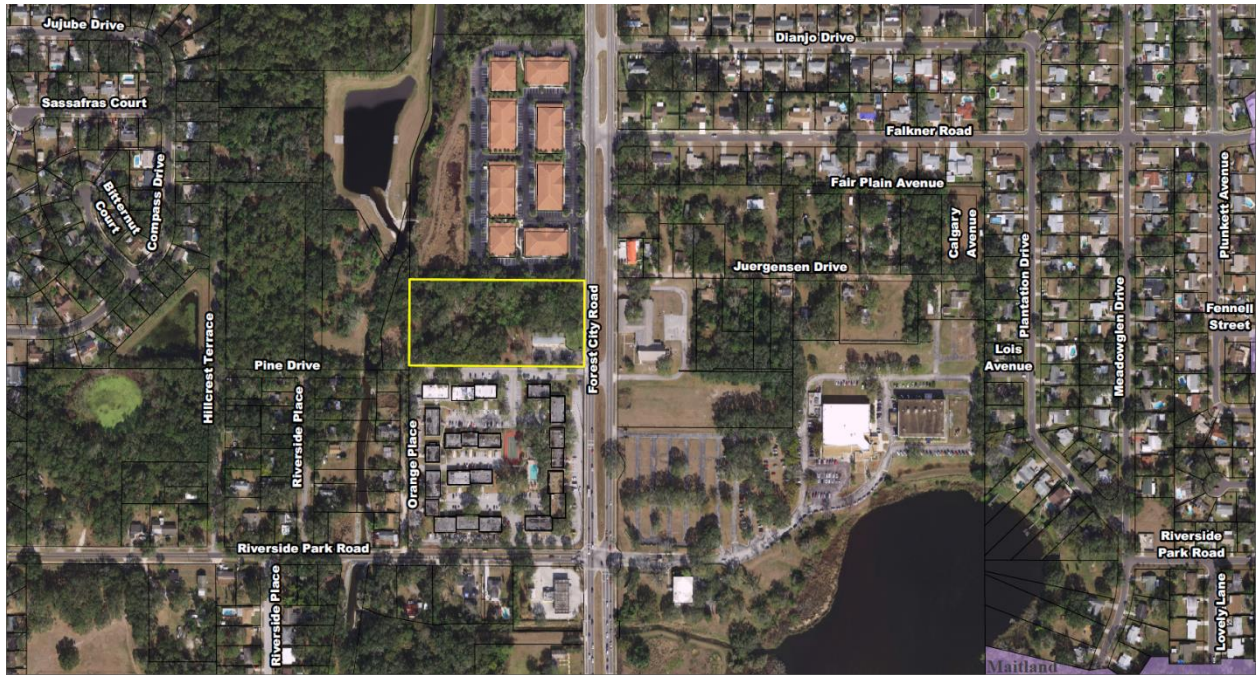
Existing Use:
Private school

Parcel ID Number(s):
28-21-29-0000-00-043

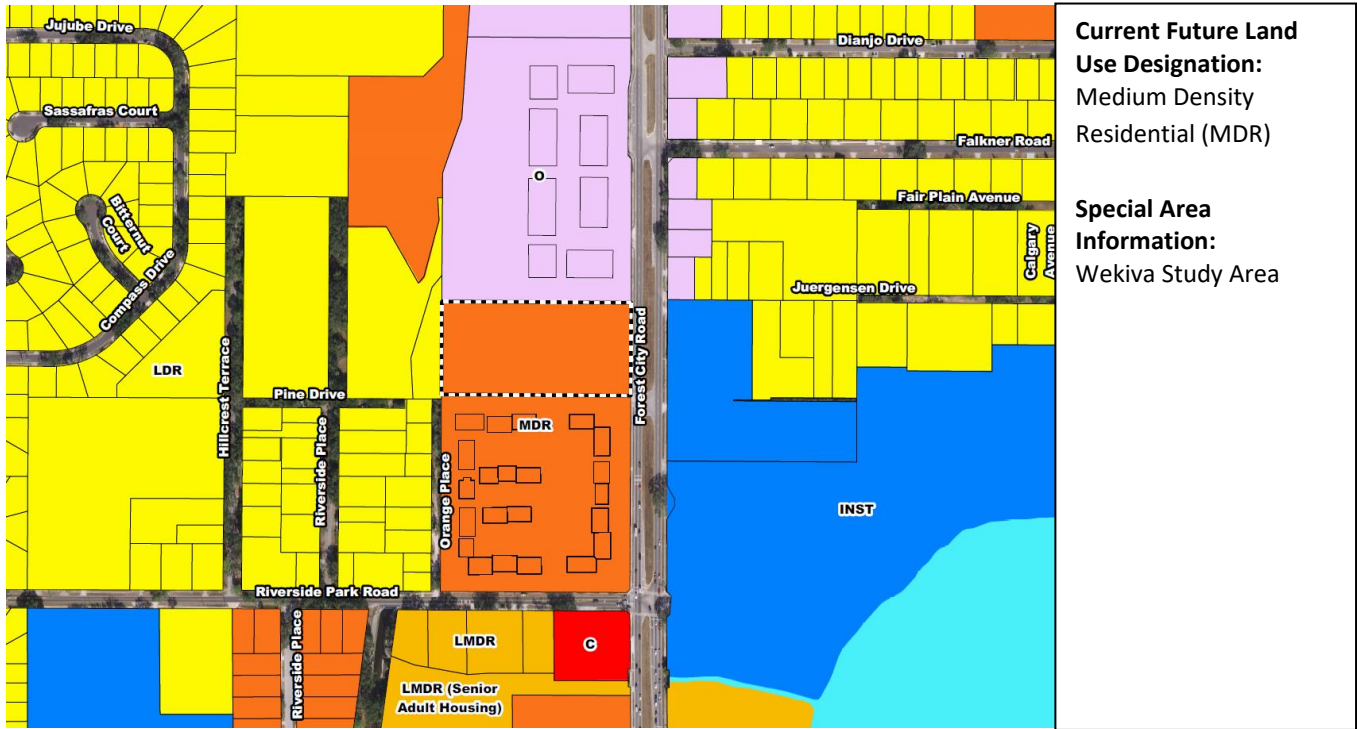
Tract Size:
4.20 gross acres/3.51 developable acres

The following meetings/hearings have been held for this proposal:		Project Information	
Report/Public Hearing	Outcome		
✓	Community Meeting held August 28, 2019, with 19 members of the public in attendance.	Neutral	
✓	Staff Report	Recommend Adoption	
✓	LPA Adoption PZC Rezoning Hearing	October 17, 2019 Recommend Adoption (9-0)	
	BCC Adoption BCC Rezoning Hearing	November 10, 2020	
		<p>Future Land Use Map Amendment Request: Medium Density Residential (MDR) to Medium-High Density Residential (MHDR)</p> <p>Proposed Development Program: Up to 147 122 multi-family dwelling units</p> <p>Public Facilities and Services: Please see Public Facilities Analysis Appendix for specific analysis on each public facility.</p> <p>Environmental: Conservation Area Determination application CAD-20-02-043 was submitted for this project and identified 0.35 acres of wetlands.</p> <p>Transportation: The proposed use will generate 83 pm peak hour trips resulting in a net increase of 71 pm peak hour trips.</p>	

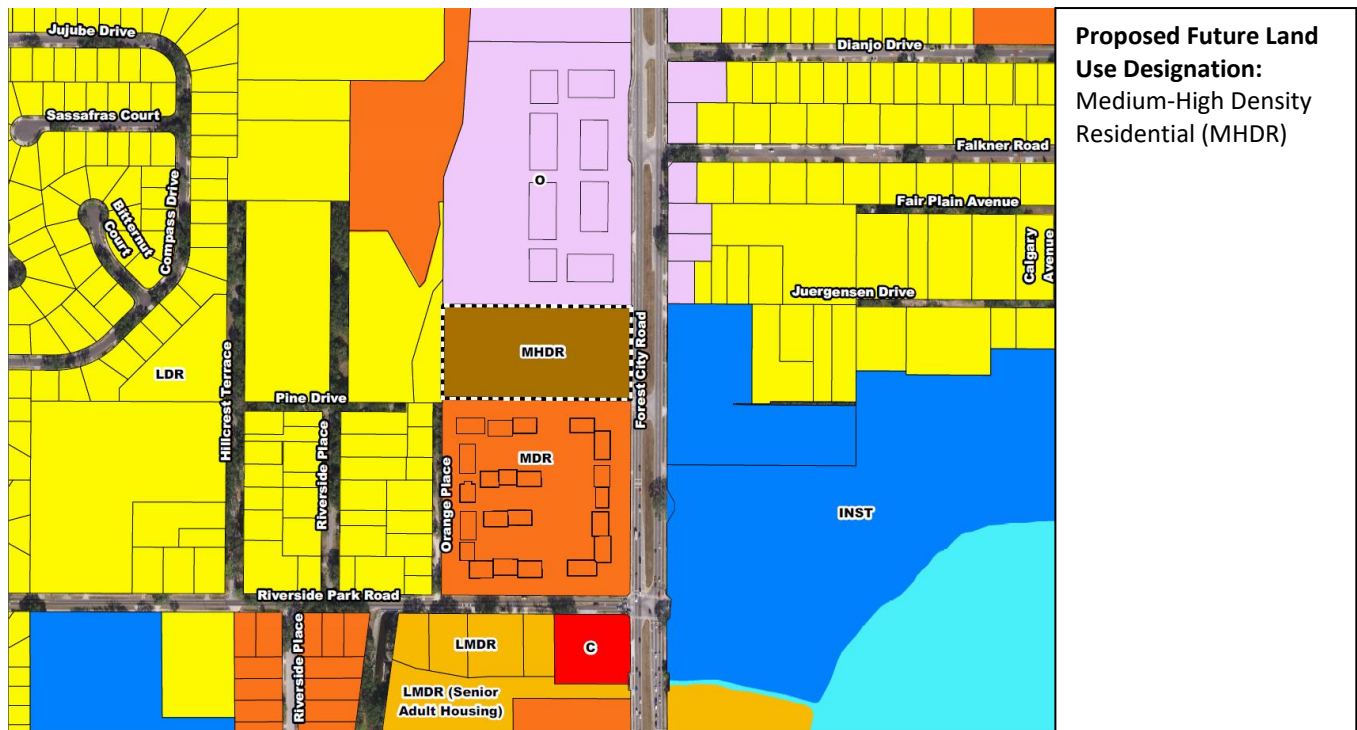
SITE AERIAL



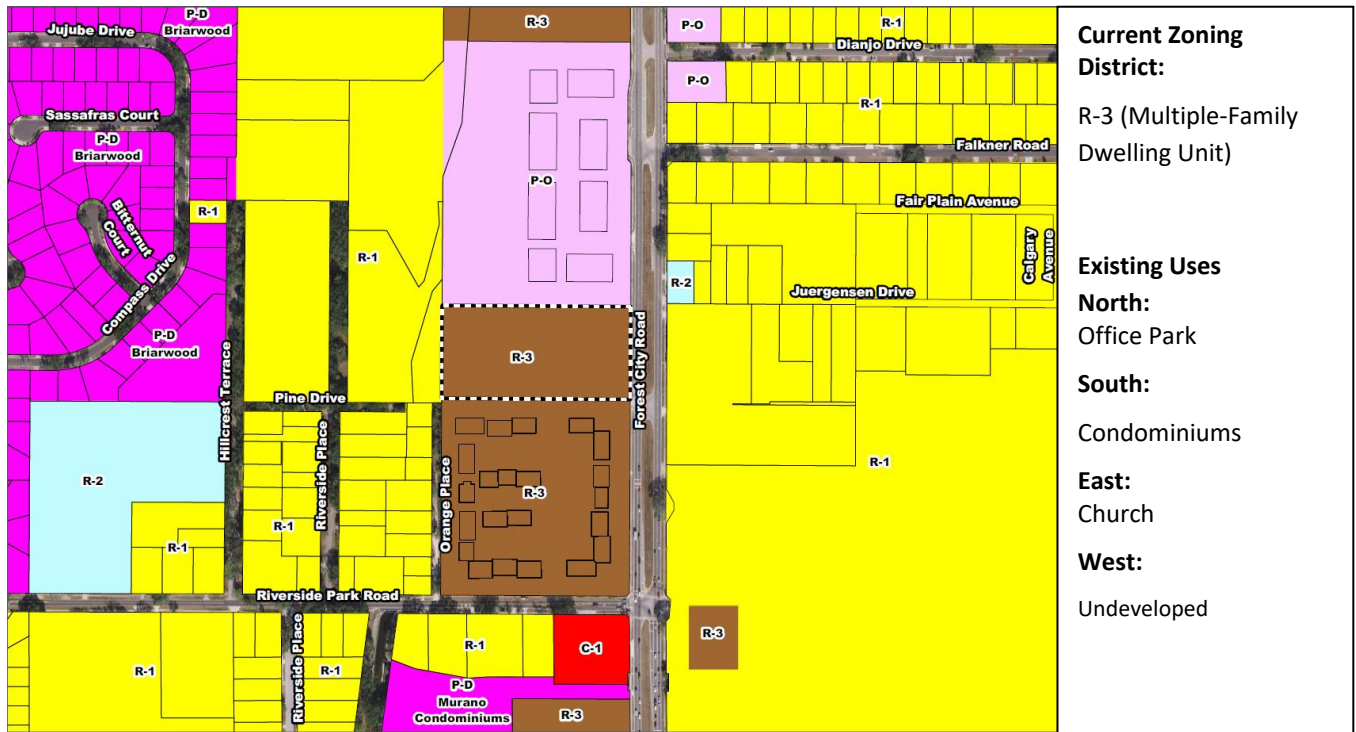
FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



ZONING - CURRENT



Current Zoning District:
 R-3 (Multiple-Family Dwelling Unit)

Existing Uses
North:
 Office Park
South:
 Condominiums
East:
 Church
West:
 Undeveloped

Staff Recommendations

Make a finding of **consistency** with the Comprehensive Plan (see FLU 1, FLU 1.1, FLU 1.1.1, FLU 1.1.2B, FLU 1.2, FLU 1.4.2, FLU 8.2.1, FLU 8.2.11, H1, H1.1, H1.3.11, H1.3.15, C1, OS 1.3.1, OS 1.3.6), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2019-2-S-2-2, Medium Density Residential (MDR) to Medium-High Density Residential (MHDR).

Analysis

1. Background Development Program

The applicant, Mario Golden, has requested to change the Future Land Use Map (FLUM) designation of the 4.20-acre subject parcel from Medium Density Residential (MDR) to Medium-High Density Residential (MHDR). The property has been zoned R-3 (Multiple-Family Dwelling District) since 1973. The site is bordered by an office park to the north, Forest City Road to the east, 176 condominiums to the south, and vacant undeveloped land to the west.

The subject property is currently developed with a private school, Ingram's Academy. The applicant is proposing to build up to 147 122 affordable multi-family units. If adopted, the requested Medium-High Density Residential (MHDR) allows for the development of up to 35 dwelling units per acre, or up to 147 122 dwelling units on the subject property. The total number of units that may be developed on the subject site is dependent on the developable acreage determined by the Conservation Area Determination (CAD), which is currently being processed by the Orange County Environmental Protection Division. The applicant has submitted an application to certify the proposed project as a certified affordable housing development through the Orange County Housing and Community Development Division.

The community meeting was held on August 28, 2019 at Riverside Elementary School. The community meeting for this proposed amendment was held in conjunction with the community meeting for another proposed future land use map amendment, 2019-2-S-2-1 (Empire Tire). Around 20 area residents were in attendance. An overview of the future land use and zoning of the subject parcel, an overview of the planning process, and the request were presented. The applicant, Mr. Mario Golden explained that the applicant team intended to develop the site with up to 147 affordable multi-family units. Residents had questions about the environmental impacts of the proposed project on the Wekiva River, which is in close proximity to the subject site. Other questions were asked about the square footage and pricing of the proposed units. Concerns about the traffic on Forest City Road were raised, as well as the potential noise that up to 147 units could produce. Several residents were in support of the project, but were concerned that the property could be sold and not well-maintained in the future. The applicant stated that the property would be family-owned and managed for the foreseeable future.

2. Future Land Use Map Amendment Analysis

Consistency

Future Land Use Element Goal **FLU1**, **OBJ FLU1.1**, and **Policies FLU1.1.1** describe Orange County's urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area (USA). As required by **FLU 1.1**, the proposed amendment is within the Urban Service Area, and the proposed FLUM designation of Medium-High Density Residential for the development of up to 147 122 multi-family units 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**. The Medium-High Density Residential Land Use designation, as described in **Policy FLU1.1.2 B**, is

intended to recognize a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood serving amenities within a reasonable pedestrian walkshed. The Medium-High Density Residential Land Use designation recognizes a density of up to 35 dwelling units per acre (35 du/ac). The proposed project is surrounded by a 176-unit condominium complex (Medium Density Residential FLU designation) to the south, and an office complex (Office FLU designation) to the north. The proposed Medium-High Density Residential future land use designation could serve as a transitional residential use from the office complex to the north to the condominium complex to the south. The proposed development is in close proximity of several Lynx bus stops along both Forest City Road and Riverside Park Road, thus is supported by public transit within a reasonable pedestrian walkshed.

Additionally, the proposed future land use map amendment is consistent with the existing zoning of R-3 (Multiple-Family Dwelling District).

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

The proposed Future Land Use Map Amendment upholds Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its current and future residents. The applicant's intent to develop up to 147 122 multi-family units is also applicable to **Housing Element Goal H1** and **Objective H1.1**, which states 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. The applicant has applied to certify the proposed project as a certified affordable housing project through the Orange County Housing and Community Development Division. The applicant's affordable housing certification application has indicated that 35% of units would be leased at \leq 50% of the Metropolitan Statistical Area (MSA) Median Income, 15% of units at \leq 60% MSA Median Income, and 50% of units would be leased at market rate rents. Pending action on the future land use map amendment, the affordable housing certification could provide valuable affordable housing units, thus addressing Central Florida's growing affordable housing crisis.

Housing Element Objective H 1.3.11 and **H 1.3.15** state Orange County shall encourage the development of affordable housing projects in the Urban Service area, and that affordable housing is allowed within all residential zoning categories. The subject site is located within the Urban Service Area, and currently has residential zoning and future land use designations.

Conservation Goal C1 states that Orange County shall conserve, protect, and enhance the County's natural resources, specifying that lands located within the Wekiva Study Area shall be considered a high priority for protection, and all development shall meet the requirements of the Wekiva River Protection Act and the Wekiva Parkway and Protection Act. The subject site is within the Wekiva Study Area. Additionally, the proposed project is a residential land use within the urban service area, thus must dedicate 35% or more of the subject parcel towards the minimum open space requirement set forth by **Open Space Policy OS 1.3.6**. **OS 1.3.6** additionally states that any sensitive resource elements shall be permanently protected.

Open Space Policy OS1.3.1 states that any proposed amendment to the Comprehensive Plan that proposes an increase in density or intensity of land use greater than that allowed under the Future Land Use Map shall ensure protection of identified sensitive resources. The total number of residential units that may be built on the site is dependent on the net developable acreage, which is

determined by the results of the Conservation Area Determination (CAD). The CAD is utilized to delineate wetlands and other sensitive environmental areas on the subject site, thus the proposed project must avoid development in these areas and ensure protection of the identified areas of the parcel.

Compatibility

Policy FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trends in the area. The development trend in this area is Medium Density Residential (MDR), Office (O), and Low Density Residential (LDR). The proposed land use for the subject parcel is Medium-High Density Residential (MHDR), which is compatible with the densities prescribed by the Medium Density Residential (MDR) designation to the south, and the Office (O) designation to the north. **Policy FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. The proposed future land use designation of Medium-High Density Residential (MHDR) for the subject property is not identical to the existing future land use designations surrounding it, but is compatible with the sizeable office park to the north, and the 176-unit condominium complex to the south. **Policy FLU1.4.2** states, Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods. The proposed land use change is compatible with the existing 176-unit condominium complex to the south, and would serve the existing neighborhood by providing a certified affordable housing option.

Division Comments: Environmental, Public Facilities and Services

Schools

Orange County Public Schools Formal Capacity Determination OC-19-054, which was revised as of September 28, 2020, determined that school capacity is not available at Lockhart Middle School. Unless otherwise vested, the Development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.

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:

	Riverside ES	Lockhart MS	Wekiva HS
Jurisdiction Analysis	N/A	Orange County - 79.9%, Maitland - 10.6%, Orlando - 5.8%, Eatonville - 6.1%	N/A

Given the above analysis, this project meets 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.

See attached letter from OCPS dated September 28, 2020, for the full analysis.

Environmental Protection Division

Wetlands may be located on site that extend offsite and have hydrological connection to the Little Wekiva River. Conservation Area Determination application CAD-19-07-095 was submitted for this project. The CAD needs to be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD), in accordance with Orange County Code Chapter 15, Article X Wetland Conservation Areas. Approval of this request does not authorize any direct or indirect conservation area impacts.

Until wetland permitting is complete, the developable acreage is uncertain. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The buildable area is the net developable acreage less protective buffer areas required to prevent adverse secondary impacts and less the required stream/canal front berm and swale (unless drainage is designed to flow away from the stream/canal). The applicant is advised not to make financial decisions based upon development within the wetland or the upland protective buffer areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

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

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations apply. Regulations include, but are not limited to: septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed, and aquifer vulnerability. These requirements may reduce the total net developable acreage. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH. The Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiva Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Conservation Area Determination application CAD-20-02-043 was submitted for this project and identified 0.35 acres of Class III wetlands.

Transportation Planning Division

The applicant is requesting a land use change for 4.20 acres from Low Density Residential to Medium-High Density Residential for development of 147 multifamily dwelling units.

- The subject property is located within the County's Alternative Mobility Area, but not along a backlogged/constrained facility.
- Planned/programmed improvements include All American Boulevard from Clarcona-Ocoee Rd to Kennedy Blvd. The project will consist of the construction of a new 4-lane roadway. Pedestrian safety will also be improved with the addition of sidewalks and bike lanes. Estimated completion is June 2022.
- The allowable development based on the approved future land use will generate 12 pm peak hour trips.
- **The proposed use will generate 83 pm peak hour trips resulting in a net increase of 71 pm peak hour trips.**
- Alternative transportation modes within this area include County maintained sidewalks along Riverside Park Road, Riverside Place, and Falkner Road. State maintained sidewalks exist along Forest City Road. Lynx serves the area with links #9 Winter Park/Rosemont and #23 Winter Park/Spring Village. There are (9) nine bus stops (0 sheltered) within the project area.
- **There are no signed bicycle routes/lanes within the project impact area.**

Final permitting of any development on this site will be subject to further review and approval by Transportation Planning.

3. Policy References

GOAL FLU1 - URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County.

OBJ FLU1.1 - Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

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

FLU1.1.2 B. - The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single family to small lot single-family development.	0 to 4 du/ac
Low Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac
Medium-High Density Residential (MHDR)	Recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood serving amenities within a reasonable pedestrian walkshed.	0 to 35 du/ac
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac
(Amended 8/92, Ord. 92-24, Policy 1.1.11-r; Amended 11/17, Ord. 2017-19)		

OBJ FLU1.2 - URBAN SERVICE AREA (USA) CONCEPT; USA SIZE AND MONITORING. Orange County shall use the Urban Service Area concept 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.

FLU1.4.2 - Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

FLU 8.2.1 - 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.

H1.3.11 - Affordable housing is allowed within all residential zoning categories.

H1.3.15 - Orange County shall encourage the development of affordable housing projects in the Urban Service Area, Activity Centers, Rural Settlements consistent with Future Land Use Policy 2.1.10, by establishing and continuing to seek innovative incentives such as incentives to include density bonuses and transfer of development rights.

GOAL C1 - Orange County shall conserve, protect, and enhance the County's natural resources including air, surface water, groundwater, vegetative communities, wildlife listed as threatened, endangered, or species of special concern, soils, floodplains, recharge areas, wetlands, and energy resources to ensure that these resources are preserved for the benefit of present and future generations. Lands located within the Wekiva Study Area shall be considered high priority for protection. All development shall meet the requirements of the Wekiva River Protection Act and the Wekiva Parkway and Protection Act.

Open Space Element

OS1.3.1 - In addition to development or redevelopment of properties located within the Wekiva Study Area as specified in Future Land Use Element policies FLU6.6.8, FLU6.6.10 and FLU6.6.12, any proposed amendment to the Comprehensive Plan that proposes an increase in density or intensity of land use greater than that allowed for under the existing Future Land Use Map shall ensure protection of identified sensitive resources, including recharge areas, sensitive uplands, wetlands, Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub.

OS1.3.6 - Residential land uses in the Urban Service Area (not in a Rural Settlement).

Within the Urban Service Area in the Wekiva Study Area, any sensitive resource elements shall be permanently protected. Minimum open space shall be provided as follows:

- i. development with an overall size less than or equal to 100 acres – open space shall be 35% or greater;
- ii. development with an overall size greater than 100 acres – open space shall be 50% or greater.

Site Visit Photos

Subject Site – Private School



North – Undeveloped

South – Church



West – Condominiums

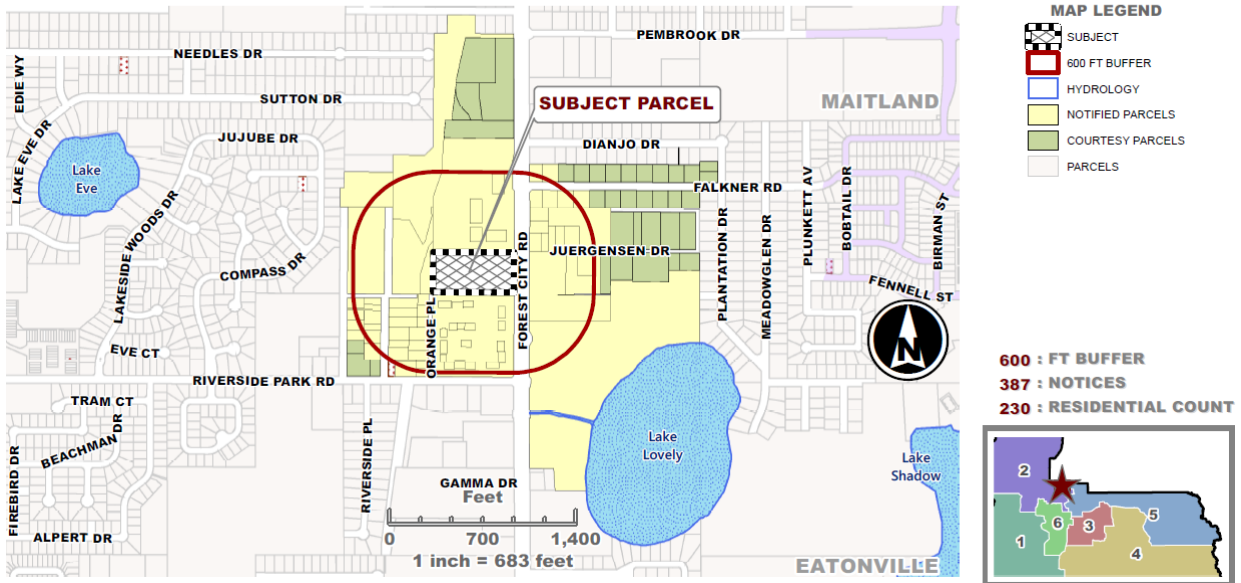
East – Office Park

PUBLIC NOTIFICATION MAP



Public Notification Map

2019-2-S-2-2_Artisan at Forest Summit



Notification Area

600 feet plus neighborhood and homeowners’ association within a one-mile radius of the subject site.

387 notices sent



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

**FORMAL SCHOOL CAPACITY DETERMINATION
 CAPACITY LETTER - REVISION**

September 28, 2020

VIA E-MAIL: DPOSTELLENTERPRISES@GMAIL.COM

Deborah Postell
 Ingram's Land Development & Acquisition LLC
 7856 Forest City Road
 Orlando, FL 32810

Application: OC-19-054 Artisan at Forest Summit

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 type="checkbox"/> FLUM
	<input type="checkbox"/> Rezoning
	<input checked="" type="checkbox"/> Amendment or Extension
Development Application #:	2019-2-S-2-2
Project Name:	Artisan at Forest Summit
OCPS Completed Application Date:	July 11, 2019
Parcel #(s):	28-21-29-0000-00-043
Requested New Units (#):	SF: 0 MF: 52 TH: 0
Vested Unit(s):	SF: 0 MF: 70 TH: 0
Total Project Units:	122
School Board District:	# 6 & 7

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:

	Riverside ES	Lockhart MS	Wekiva HS
Jurisdictional Analysis	N/A	Orange County - 79.9%, Maitland - 10.6%, Orlando - 5.8%, Eatonville - 6.1%	N/A

"The Orange County School Board is an equal opportunity agency."

Given the above analysis, this project meets 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 November 30, 2020. OCPS is not required to extend the expiration date of this determination letter. 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. 2022139 or e-mail me at steven.thorp@ocps.net with any questions.

Sincerely,



Steven Thorp, AICP
Sr. Administrator, Facilities Planning

VJ/st

Attachments – Attachment A: Detailed Capacity Analysis

CC: Sue Watson, Orange County (via e-mail)
Alyssa Henriquez, Orange County (via e-mail)
Sara Blanchard, City of Maitland (via e-mail)
Thomas Moore, OCPS (via e-mail)
Project File

"The Orange County School Board is an equal opportunity agency."

Attachment A



School Capacity Determination

User ID #: 109591 April 22, 2020 15:24:26

Project ID: CEA – OC – 19 – 054 Valid Until: November 30, 2020

Project Name:		ARTISAN AT FOREST SUMMIT		
Unvested Units	Single Family Units:	0	Single Family Units:	0
	Multi Family Units:	52	Multi Family Units:	70
	Town Homes Units:	0	Town Homes Units:	0
		Vested Units		

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA:	T		
	School:	RIVERSIDE ES	LOCKHART MS	WEKIVA HS
	<i>Analysis of Existing Conditions</i>			
	School Capacity (2019-2020)	837	804	2,797
	Enrollment (2019-2020)	518	921	2,089
	Utilization (2019-2020)	62.0%	115.0%	75.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	403	0	708
	<i>Analysis of Reserved Capacity</i>			
	School Level	Elementary	Middle	
	Encumbered Capacity	0	3	169
	Reserved Capacity	0	39	118
	Adjusted Utilization	61.9%	119.8%	85.0%
	Adjusted Available Seats	403	0	421
<i>Analysis of Proposed Development</i>				
Students Generated	7.748	3.276	3.640	
Adjusted Utilization	62.8%	120.2%	85.1%	
PASS/FAIL	PASS	FAIL	PASS	
Number of Seats to Mitigate	0.000	3.276	0.000	

RIVERSIDE ES	
LOCKHART MS	
WEKIVA HS	

ORDINANCE NO. 2020-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “2010-2030 COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

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; and

c. On November 10, 2020, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to adopt it.

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

29 **Section 3. Amendment to Future Land Use Map.** The Comprehensive Plan is hereby
30 amended by amending the Future Land Use Map designation as described at **Appendix “A,”**
31 attached hereto and incorporated herein.

32 **Section 4. Effective Dates for Ordinance and Amendment.**

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

34 (b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small scale development
35 amendment adopted in this ordinance may not become effective until 31 days after adoption.
36 However, if an amendment is challenged within 30 days after adoption, the amendment that is
37 challenged may not become effective until the Department of Economic Opportunity or the
38 Administration Commission issues a final order determining that the adopted amendment is in
39 compliance.

40 (c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning
41 changes approved by the Board are contingent upon the related Comprehensive Plan amendment
42 becoming effective. Aside from any such concurrent zoning changes, no development orders,
43 development permits, or land uses dependent on this amendment may be issued or commence
44 before the amendment has become effective.

45 ADOPTED THIS 10th DAY OF NOVEMBER, 2020.

46

47

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

48

49

50

51

52

By: _____

53

Jerry L. Demings

54

Orange County Mayor

55

56 ATTEST: Phil Diamond, CPA, County Comptroller

57 As Clerk to the Board of County Commissioners

58

59

60

61 By: _____

62 Deputy Clerk

63
64
65
66
67

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:
2019-2-S-2-2	Medium Density Residential (MDR)	Medium-High Density Residential (MHDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

68



Community Meeting Memorandum

DATE: October 9, 2019
TO: Greg Golgowski, Chief Planner, Planning Division
FROM: Alyssa Henriquez, Planner II
SUBJECT: Amendment 2019-2-S-2-2 – Community Meeting Notes
C: Project file

Location of Project: 7856 Forest City Rd.; Generally located north of Riverside Park Rd., east of Hillcrest Ter., south of Pembroke Dr., and west of Forest City Rd.

Meeting Date and Location: August 28, 2019, Riverside Elementary School

Attendance:

District Commissioner	Christine Moore, Commissioner and Daniel Vanegas, Aide
Orange County staff	Alyssa Henriquez and Jennifer DuBois, Planning Division
Applicant team	Mario Golden
Property owner	Deborah Postell
Residents	388 notices sent; two residents in attendance

Overview of Project:

The applicant's request is to amend the Future Land Use designation of the 4.20-acre subject property, presently the site of a private school, from **Medium Density Residential (MDR)** to **Medium-High Density Residential (MHDR)**. The proposed request is to develop up to 147 multi-family affordable dwelling units.

Meeting Summary:

The community meeting was held on August 28, 2019 at Riverside Elementary School. The community meeting for this proposed amendment was held in conjunction with the community meeting for another proposed future land use map amendment, 2019-2-S-2-1 (Empire Tire). Around 20 area residents were in attendance. An overview of the future land use and zoning of the subject parcel, an overview of the planning process, and the request were presented. The applicant, Mr. Mario Golden explained that the applicant team intended to develop the site with up to 147 affordable multi-family units. Residents had questions about the environmental impacts of the proposed project on the Wekiva River, which is in close proximity to the subject site. Other questions were asked about the square footage and pricing of the proposed units. Concerns about the traffic on Forest City Road were raised, as well as the potential noise that up to 147 units could produce. Several residents were in support of the project, but were concerned that the property could be sold and not well-maintained in the future. The applicant stated that the property would be family-owned and managed for the foreseeable future.

The meeting adjourned at 6:45 pm. The overall tone of the meeting was **NEUTRAL**.