

ORANGE COUNTY

PLANNING DIVISION

2023-1 REGULAR

CYCLE

AMENDMENTS

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

DATE: June 8, 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: 2023-1 Regular Cycle Comprehensive Plan
Amendments 2023-1-A-4-3 and 2023-1-B-FLUE-5 (Cedar Crossing)
Board of County Commissioners (BCC) Adoption Public Hearings

2023-1 Regular Cycle Comprehensive Plan Amendments 2023-1-A-4-3 and 2023-1-B-FLUE-5 are scheduled for a BCC adoption public hearing on June 20, 2023. The amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing on May 18, 2023, and recommended to be adopted.

The subject property is 14902 E Colonial Drive; generally located south of E Colonial Drive, north of Old Cheney Highway, and east of N Avalon Park Boulevard. The request is to change the Future Land Use Map designation from Rural/Agricultural (R) to Commercial (C) and Urban Service Area (USA) Expansion.

A community meeting was held for the request on January 12, 2023, with three residents in attendance. None of the residents voiced objections to the proposed amendments.

The amendments were reviewed by the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Pursuant to 163.3184, Florida Statutes, the proposed amendments must be adopted within 180 days of receipt 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, the 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 amendment 2023-1-A-4-3, Commercial (C) Future Land Use map designation, adopt the Urban Service Area expansion request amendment 2023-1-B-FLUE-5, and approve the associated ordinance.
District 5**

AAV/jhs/sw

Enc: 2023-1 Regular Cycle Amendments 2023-1-A-4-3 and 2023-1-B-FLUE-5
BCC Adoption Staff Report

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

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	-and-	
	2023-1-B-FLUE-5 USA Expansion	Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA), associated with Amendment 2023-1-A-4-3

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Privately Initiated Future Land Use Map Amendment

ABBREVIATIONS INDEX:

ABBREVIATIONS: IND-Industrial; C-Commercial; O-Office; L-Low Density Residential; LMDR-Low Medium Density Residential; MDR-Medium Density Residential; NDR-High Density Residential; PD-Planned Development; EDU-Educational; CONS-Welland/Conservation; PROPS-Parks/Recreation/Open Space; OS-Open Space; RRA-Rural/Agricultural; RS-Rural Settlement; RS 11/1-Rural Settlement 11; RS 12/2-Rural Settlement 12; RSD 21/1-Rural Settlement Low Density; GC-Growth Center; LP-Lake Pickett; PD-Planned Development; USA-Bureau Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLU-Future Land Use Element; TRAN-Transportation Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; A-2-Farmstead Rural District; R-CE-Country Estate District; RCE-5 Service Country Estate Residential District; PD-Planned Development District; PD-PL-Planned Development-Regulating Plan; PD-RS-Planned Development Residential District; SR-SR State District; AC-Access

2023 FIRST REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN ADOPTION PUBLIC HEARINGS

INTRODUCTION

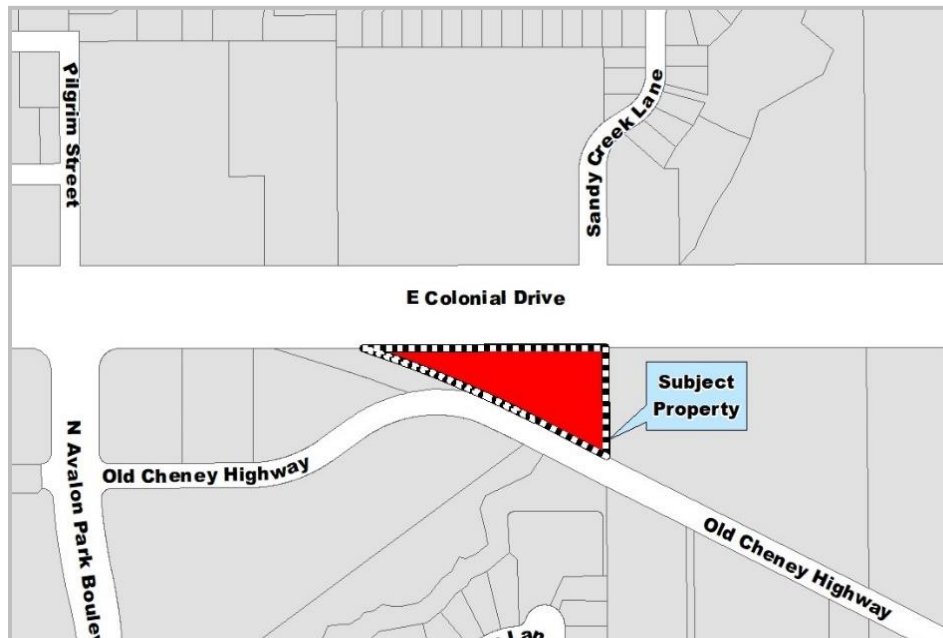
This is the Board of County Commissioners (BCC) adoption public hearing staff report for the First Regular Cycle Amendments 2023-1-A-4-3 and 2023-1-B-FLUE-5 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearings for these amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on May 18, 2023. These amendments are scheduled for adoption public hearings before the BCC on June 20, 2023.

The 2023-1 Regular Cycle Amendments scheduled for BCC consideration on June 20 were heard by the PZC/LPA at transmittal public hearings on January 19, 2023, and by the BCC at transmittal public hearings on February 21, 2023.

The 2023-1 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 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 text 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 April 14, 2023, 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. 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:

Tara Tedrow and McGregor Love, Lowndes, Drosdick, Doster, Kantor & Reed, P.A./ Cedar Crossing Enterprises, Inc.

Location: 14902 E Colonial Drive; generally located south of E Colonial Drive, north of Old Cheney Highway, and east of N Avalon Park Boulevard.

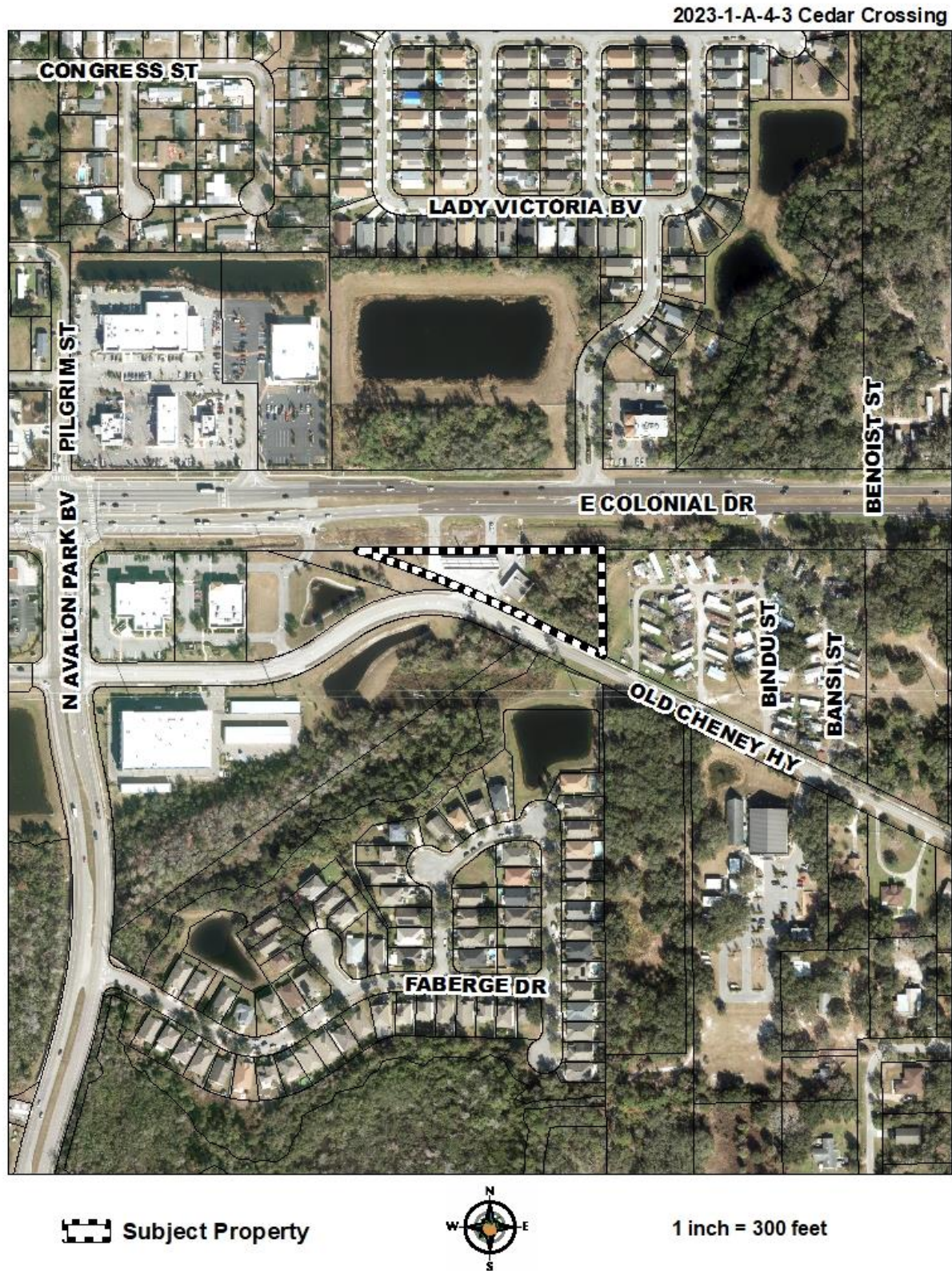
Existing Use: Closed Circle K gas station/convenience store and billboard

Parcel ID Number:

24-22-31-0000-00-027

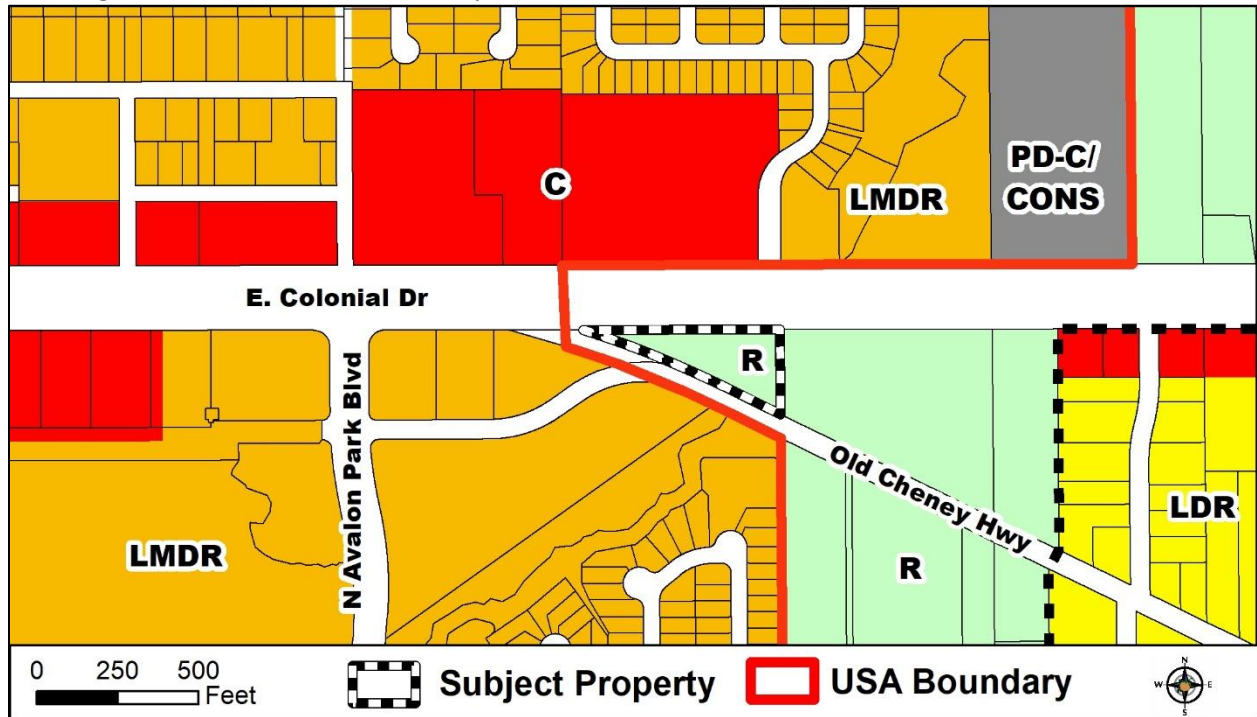
Tract Size: 1.68 gross acres/ 0.92 net developable acre

The following meetings and hearings have been held:			Project Information	
Report/Public Hearing		Outcome	Request: Rural/Agricultural (R) to Commercial (C) and Urban Service Area (USA) Expansion	
✓	The community meeting for this application was held in the East River High School media center on January 12, 2023, at 6:00 p.m.	Three members of the public attended the meeting and expressed no opposition to the proposed amendment.	Proposed Development Program: Those uses permitted in the C-1 (Retail Commercial) zoning district. In addition, the existing billboard is proposed to remain on the property.	
✓	Staff Report	Recommend Transmittal	Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analysis of each public facility.	
✓	LPA Transmittal January 19, 2023	Recommend Transmittal (5-0)	Environmental: Conservation Area Determination CAD-22-03-064 was issued August 12, 2022, and expires August 12, 2027. No impacts to the site's 0.09 acre of Class I surface water and 0.67 acre of Class I wetlands are proposed.	
✓	BCC Transmittal February 21, 2023	Transmit (7-0)	Utilities: The subject property is located within Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas. Connection to OCU's potable water and wastewater systems will be required, with connection points to be assessed during Final Engineering/Construction Plan permitting. Reclaimed water, however, is unavailable at this time.	
✓	State Agency Comments April 14, 2023	Staff received no comments on the proposed amendment.	Schools: Not applicable to this request.	
✓	LPA Adoption May 18, 2023	Recommend Adoption (8-0)	Concurrent PD/LUP Rezoning: A rezoning is not required for this property, as the existing zoning is C-1 (Retail Commercial District).	
	BCC Adoption	June 20, 2023		



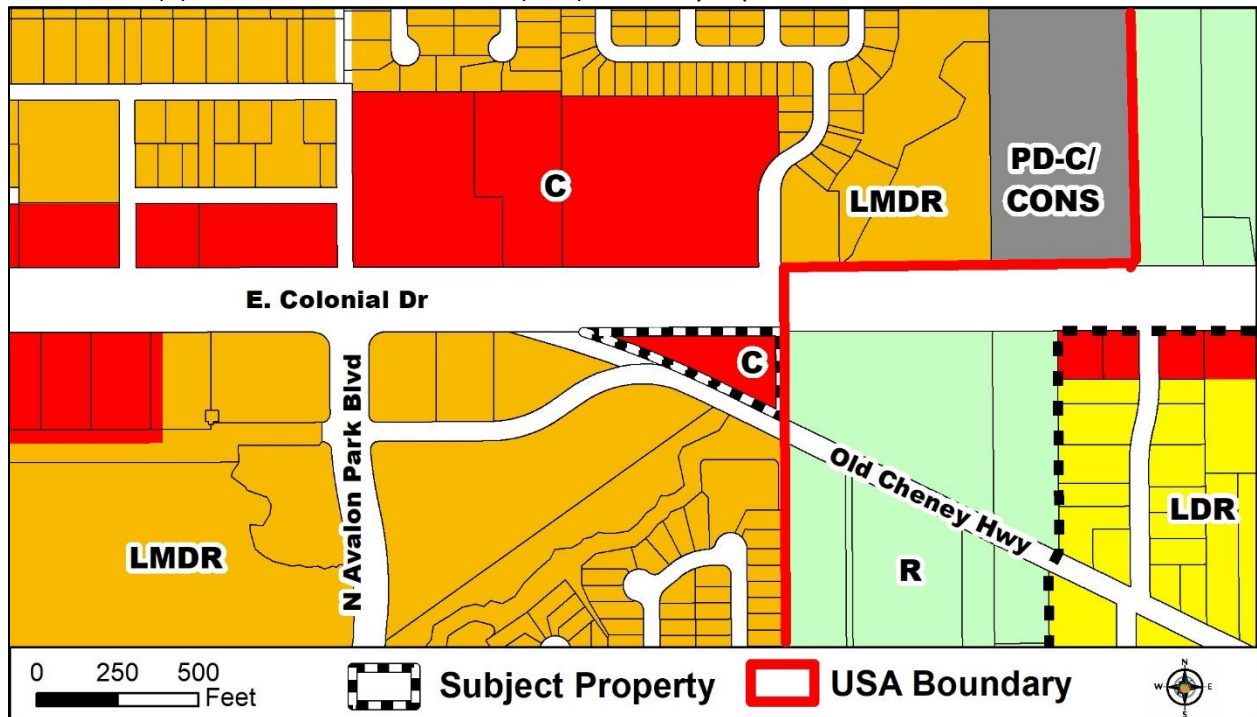
FUTURE LAND USE - CURRENT

Rural/Agricultural (R), within the County's Rural Service Area (RSA)



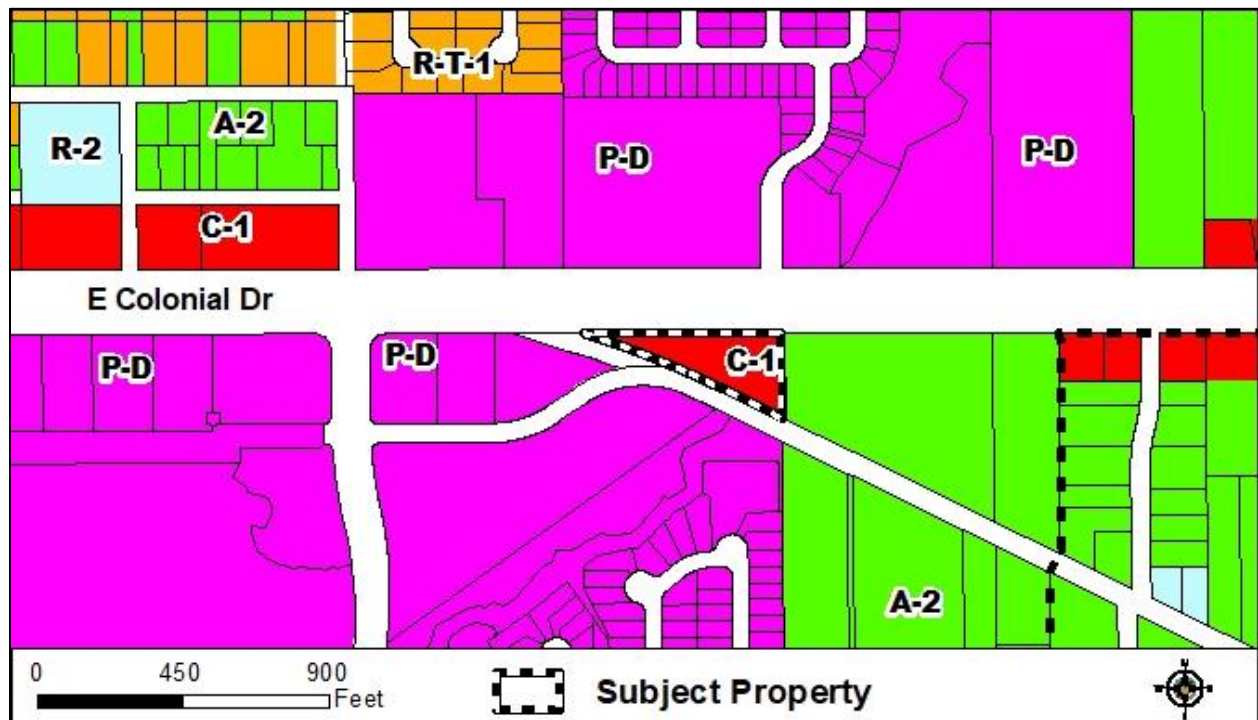
FUTURE LAND USE – PROPOSED

Commercial (C) and an Urban Service Area (USA) Boundary expansion



ZONING - CURRENT

C-1 (Retail Commercial District)



STAFF RECOMMENDATIONS

1. **FUTURE LAND USE MAP AMENDMENT 2023-1-A-4-3:** Make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU1.1, FLU1.3, and FLU8.2, and Policies FLU1.1.5, FLU1.3.1, FLU1.3.2, FLU1.4.2, FLU1.4.4, and FLU8.2.1; Neighborhood Element Objective N1.1; and Conservation Element Objective C1.4), determine that the amendment is in compliance, and **ADOPT** Amendment 2023-1-A-4-3, Rural/Agricultural (R) to Commercial (C) and Urban Service Area (USA) Expansion.
2. **FUTURE LAND USE TEXT AMENDMENT 2023-1-B-FLUE-5:** Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance, and **ADOPT** Amendment 2023-1-B-FLUE-5, to include in the Urban Service Area (USA) the subject property of Amendment 2023-1-A-4-3, expanding the USA boundary by 1.68 acres.

ANALYSIS

1. Background and Development Program

The applicant is requesting to change the Future Land Use Map (FLUM) designation of the 1.68-acre subject property, the site of a closed gas station/convenience store and a billboard, from Rural/Agricultural (R) to Commercial (C), with a corresponding expansion of the County's Urban Service Area (USA) boundary. Approval of the two applications would allow for the repurposing of the site for a use permitted under its C-1 (Retail Commercial District) zoning classification by eliminating the inconsistency between the parcel's Rural/Agricultural future land use designation and its commercial zoning and use history. As communicated by the applicants, the billboard, owned by Clear Channel Outdoor, is expected to remain on the premises.

The subject site is comprised of 0.92 acre of uplands, 0.67 acre of Class I wetlands (through which a tributary of the Econlockhatchee River flows), and 0.09 acre of surface water. The parcel is situated between E. Colonial Drive to the north and Old Cheney Highway to the south. The property has possessed the C-1 zoning classification since July 19, 1965, when it was rezoned from A-2 (Farmland Rural District). However, the 1980 Orange County Growth Management Policy, adopted May 20, 1980, assigned the commercially-zoned property to the Rural Service Area and designated it Rural Residential, with a maximum density of one dwelling unit per two gross acres, and Conservation on the Future Land Use Policy Guide Map. Despite the resulting inconsistency between the site's zoning and future land use designations, a Lil Champ convenience store with two pump islands and a freestanding canopy was constructed in 1985 in accordance with Building Permit #88189. Per the Orange County Tax Collector's Business Tax Receipt records, the site was continuously used for the operation of a gas station and convenience store until 2019. Following the closure of the gas station and store, which last operated as a Circle K, Building Permit #B19916451 was issued for the removal of two underground storage tanks, piping, and dispenser sumps and the backfilling of the excavated areas to grade with native soil. The Certificate of Completion was issued November 26, 2019, and the gas station and convenience store were officially declared "out of business" by the Tax Collector's Office on October 16, 2020, as stated on Business Tax Receipt #0036597.

Although the gas station and convenience store had been in operation for six years at the time of the July 1, 1991, adoption of the Orange County Comprehensive Plan, the subject property nevertheless remained within the Rural Service Area and received its present Rural/Agricultural future land use

designation, thereby perpetuating the inconsistency issue. At this time, the applicants are seeking to eliminate the zoning/future land use inconsistency to allow for the repurposing of the site for a use consistent with its C-1 zoning classification—which provides for neighborhood-serving commercial and office activity—and the development trend of the surrounding area, characterized by a mix of suburban single-family residential development, manufactured home communities, and commercial activity along E Colonial Drive, rather than agricultural uses and large rural homesites.

As illustrated on the aerial photo, the former convenience store, canopy, and billboard are concentrated on the site's 0.92 upland acres on the west portion of the property, while the 0.09 acre of surface water and the 0.67 acre of forested wetlands, which extend offsite and are proposed to remain undisturbed, are present on the east portion. The current Future Land Use Map shows the parcel's adjacency to the Urban Service Area boundary, in which the neighboring properties to the north, south, and west are located. The Sandy Creek single-family residential subdivision and a Florida Department of Transportation (FDOT) stormwater retention pond lie directly opposite the subject property, north of E Colonial Drive. The site is bounded to the south by the Waterford Trails single-family residential subdivision and forested wetlands. Small commercial establishments fronting E Colonial Drive, the Avalon Park Self-Storage facility on the south side of Old Cheney Highway, and a stormwater retention pond are situated west of the parcel. As depicted on the current Future Land Use Map and aerial photo, the Rural/Agricultural-designated Big Oaks Mobile Home Park, within the Rural Service Area, borders the subject property to the east, with the wetland system and Econlockhatchee River tributary serving as a natural buffer between the two sites.

Staff notes that if the proposed Future Land Use Map Amendment and Urban Service Area expansion are approved, up to 60,112 square feet of commercial space could potentially be developed on the subject property's 0.92 acre of developable land, in accordance with the requested Commercial designation's 1.50 Floor Area Ratio (FAR) cap. However, that amount of gross leasable area is highly unlikely, given the parcel's geometry and environmental constraints and the C-1 zoning district's site development standards.

COMMUNITY MEETING

A community meeting was held on Thursday, January 12, 2023, at East River High School, with three (3) members of the public in attendance. The meeting participants expressed no opposition to the requested Future Land Use Map Amendment and Urban Service Area expansion.

Staff and McGregor Love of the applicant team provided an overview of the two petitions. Mr. Love confirmed that no tenant has been secured to date and that any new development on the site will likely be similar in size to the closed gas station/convenience store. In addition, he verified that no alteration of or impacts to the onsite Class I wetlands are proposed. In response to a meeting attendee, staff clarified that the two underground fuel storage tanks have been removed and that the remediation of the site has been completed.

2. Amendment Analysis

CONSISTENCY

The requested FLUM amendment and the associated petition to expand the Urban Service Area boundary by 1.68 acres appear to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

The applicants are seeking approval of the Commercial future land use designation to eliminate the inconsistency between the 1.68-acre subject property's Rural/Agricultural future land use designation and its C-1 zoning classification, which necessitates the inclusion of the site in the County's Urban Service Area. As stated in **Future Land Use Element Objective FLU1.1**, the Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development. As discussed previously, the site is contiguous to the Urban Service Area boundary and is bounded to the north, south, and west by land within the Urban Service Area developed at urban densities and intensities. Per Orange County Utilities (OCU), the parcel lies within its potable water, wastewater, and reclaimed water service areas. While reclaimed water is presently unavailable in the vicinity of the site, OCU has informed staff that development on the property will be required to connect to its potable water and wastewater systems, with connection points to be assessed during Final Engineering/Construction Plan permitting. Moreover, a new commercial or office establishment would use the existing and planned transportation network, which serves pedestrians, bicyclists, and transit riders, as well as automobile drivers.

Staff also finds this proposal consistent with **Future Land Use Element Goal FLU2**, which states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options. In the same vein, staff finds the request consistent with **Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. Approval of the requested amendment and Urban Service Area expansion would resolve the zoning/future land use inconsistency issue and would allow for the repurposing of the site for a new commercial and/or office use that could benefit the surrounding area.

Staff further finds the two applications consistent with **Conservation Element Objective C1.4**, which states that Orange County shall protect identified wetland areas and existing native wildlife (flora and fauna) habitats. As discussed above, Orange County Conservation Area Determination CAD-22-03-064, issued August 12, 2022, established the presence of 0.09 acre of Class I surface water and 0.67 acre of Class I wetlands on the east portion of the subject parcel. As shown on the aerial photo, the wetlands and surface water are part of a large system that extends beyond the boundary of the site. In the justification statement included in the application package, the applicants note that the proposed amendment does not fail to protect or conserve these natural resources. If approved, any new development or redevelopment will be concentrated on the site's 0.92 upland acres on the west portion of the property, with the wetlands and surface water remaining undisturbed.

Additionally, staff finds the two petitions consistent with **Future Land Use Element Policy FLU1.4.4**, which states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided, and **Neighborhood Element Objective N1.1**, which establishes that Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods. While the subject property is bounded by the Waterford Trails single-family residential neighborhood to the south and by the Big Oaks Mobile Home Park to the east, development activity on this site will not encroach into either community. As shown on the aerial photo, the existing structures on the site are oriented toward E Colonial Drive—similar to neighboring businesses to the north and west, with the forested wetland system serving as a natural buffer between the subject parcel and the Big Oaks Mobile Home Park to the east and the Waterford Trails subdivision to the south.

Lastly, staff finds the proposal consistent with **Future Land Use Element Policy FLU1.4.2**, which mandates that Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods. The repurposing of the former gas station and convenience store for a use permitted in the C-1 zoning district would allow for the provision of additional shopping, dining, and personal service options to meet the daily needs of the surrounding residential population and help alleviate their need to travel outside their neighborhoods for goods and services. Additionally, it could serve as a catalyst for new development or redevelopment on other suitable vacant or underutilized properties in the area.

STAFF-INITIATED TEXT AMENDMENT 2023-1-B-FLUE-5

Urban Service Area Expansion

Section 163.3177(6)(a).9, Florida Statutes, requires that the future land use element shall discourage the proliferation of urban sprawl. This section contains indicators to evaluate a request for the expansion of an Urban Service Area, contained in Section 163.3177(6)(a).9.a(I)-(XIII). These requirements are reflected in **Future Land Use Element Objective FLU1.3**. This objective states that no new expansions to the Urban Service Area boundary shall be permitted unless supported by data and analysis demonstrating consistency with the Objectives FLU1.2 and FLU1.3 and associated policies.

The Urban Service Area (USA) expansion request associated with the proposed Future Land Use Map Amendment encompasses the entire 1.68-acre subject property. **Future Land Use Element Objective OBJ FLU1.3** and its associated policies outline the process by which proposed expansions of the Urban Service Area shall be evaluated. **Future Land Use Element Policy FLU1.3.1** calls for a comprehensive review to ensure that proposed amendments would allow for the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent land development. **Future Land Use Element Policy FLU1.3.2** provides additional procedural steps and criteria required for consideration of Urban Service Area expansion requests.

It is staff's position that the proposed Urban Service Area expansion does not encourage the proliferation of urban sprawl, as required per **Policies FLU1.3.1** and **FLU1.3.2**. As mandated by **Policy FLU1.3.2(f)**, the total linear footage of the perimeter of the property to be added to the Urban Service Area shall be at least 25 percent contiguous (excluding wetlands and surface water) to the existing Urban Service Area boundary, as shown on the County's Future Land Use Map. Conservation Area Determination CAD-22-03-064 identified 0.67 acre of Class I wetlands and 0.09 acre of Class I surface water. The perimeter of the triangular subject property measures 1,535.29 linear feet. Based on the survey submitted for CAD-22-03-064, roughly 910 linear feet are adjacent to the present USA boundary and outside the delineated wetlands and surface water body, yielding a contiguity figure of 59.27 percent.

As previously discussed, the development pattern of the surrounding area within the current Urban Service Area boundary is characterized by a mix of suburban single-family residential development, manufactured home communities, and commercial activity along the E Colonial Drive corridor. As such, adoption of this proposed amendment and the subsequent repurposing of the former gas station/convenience store site for a use permitted under its C-1 zoning classification would allow for a continuation of the present development trend without creating an enclave or pocket of land within the Rural Service Area (RSA), as further required by **Policy FLU1.3.2(f)**.

Furthermore, the sprawl indicators outlined in **Policy FLU1.3.1(A)** address the efficient use, availability, and cost of providing infrastructure and services. Staff has determined that the location and proposed intensity of development coincide with the availability of infrastructure and services and do not constitute an inefficient extension. While reclaimed water service is presently unavailable, potable water and wastewater service will be provided by Orange County Utilities, with specific connection points to be assessed during Final Engineering/Construction Plan permitting. Moreover, a new commercial and/or office establishment would use the existing and planned transportation network, which serves pedestrians, bicyclists, and transit riders, as well as automobile drivers. The property is situated between E Colonial Drive to the north and Old Cheney Highway to the south, with access to both roads achievable via paved driveways. With respect to E Colonial Drive, FDOT 's planned widening of a 2.434-mile stretch of SR 50 (Colonial Drive) from east of Avalon Park Boulevard to Chuluota Road (CR 419) near Bithlo is currently in the design phase. FDOT is undertaking this project, entailing the widening of the road from four to six lanes to increase roadway capacity and enhance safety. Safer accommodations for bicyclists and pedestrians, drainage upgrades, and enhanced lighting are among the other expected improvements. As this is a non-residential request, it will have no impact on Orange County public schools, parks, or recreational facilities.

Staff further concludes that the requested Urban Service Area expansion is consistent with the requirements in **Policies FLU1.3.1** and **FLU1.3.2** that call for proposed development to protect and conserve natural lands and resources. As noted earlier, no alteration of or impacts to the subject property's 0.67 acre of Class I wetlands and 0.09 acre of Class I surface water are proposed. Any new development or redevelopment will be concentrated on the site's 0.92 upland acres on the west portion of the property, with the wetlands and surface water on the east portion remaining undisturbed.

Finally, **Future Land Use Element Policy FLU1.3.1(C)** requires the County to consider additional factors when evaluating development proposals for inclusion within the Urban Service Area. Consistent with the components of this policy, staff has previously discussed how the proposed repurposing of the site would contribute to the achievement of the urban goals and strategies of the Comprehensive Plan.

The Urban Service Area expansion request associated with proposed Future Land Use Map Amendment 2023-1-A-4-3 (Cedar Crossing) appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. As such, if approved, the expansion acreage will be recorded in Future Land Use Element Policy FLU1.2.4 as follows:

FLU1.2.4 The County will continue to monitor the Urban Service Area allocation. Through this process, the following applicants have satisfied these requirements and are recognized as expansions to the Urban Service Area.

Amendment Number	Name	Size (Acres)	Ordinance Number

<u>2023-1-A-4-3</u>	<u>Cedar Crossing</u>	<u>1.68</u>	<u>2023-</u>

COMPATIBILITY

The proposed Future Land Use Map Amendment appears to be **compatible** with the development pattern of the surrounding area.

Future Land Use Element Objective FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development and development trend in the area. The subject parcel's present Rural/Agricultural future land use designation is intended to promote the long-term viability of agricultural uses as an economic asset while allowing single-family residential development on large lots at a minimum net density of one (1) dwelling unit per ten (10) acres. The property, however, has a 34-year history of commercial use and is located in an area characterized by a mix of suburban single-family residential development, manufactured home communities, and commercial activity along the E Colonial Drive corridor, rather than agricultural uses and large rural homesites.

At this time, the applicants are seeking approval of the Commercial future land use designation to eliminate the inconsistency between the subject property's Rural/Agricultural future land use designation and its C-1 zoning classification and allow for the resumption of the site for commercial use, which necessitates the inclusion of the 1.68-acre site in the Urban Service Area. Approval of the requested Future Land Use Map Amendment and Urban Service Area expansion would allow for the repurposing of the former gas station/convenience store site for a use consistent with its C-1 zoning classification and its history of commercial use. It is staff's belief that the reuse of the property for commercial and/or office purposes would benefit the surrounding residential population, as well as employees and customers of the various businesses and offices in the neighboring area. Furthermore, the project would contribute to the County's larger goals of promoting infill and compact urban form within the Urban Service Area, efficiently using existing infrastructure, reducing trip lengths, and encouraging accessibility via multiple modes of transportation. Staff, therefore, recommends adoption of this requested amendment and Urban Service Area expansion petition.

DIVISION COMMENTS: ENVIRONMENTAL, PUBLIC FACILITIES, AND SERVICES

Environmental

The Orange County Environmental Protection Division (EPD) has reviewed the proposed amendment application and has provided the following analysis:

EPD Review Summary:

- An Orange County Conservation Area Determination, CAD-22-03-064, was completed, with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on August 12, 2022. The CAD identified 0.09 acre of Class I surface water and 0.67 acre of Class I wetlands.
- Any wetland encroachments will require submittal of an application for a Conservation Area Impact (CAI) Permit to the Orange County Environmental Protection Division, as outlined in Chapter 15, Article X Wetland Conservation Areas.
- 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 for determining the presence of these concerns and verifying and obtaining, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

FLUM Amendment Comments:

1. CAD Complete – Orange County Conservation Area Determination, CAD-22-03-064, was completed, with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on August 12, 2022. The CAD identified 0.09 acre of Class I surface water and 0.67 acre of Class I wetlands.
2. Class I Impacts – The removal, alteration or encroachment within a Class I Conservation Area shall only be allowed in cases where no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners. *Reference OC Code Chapter 15, Article X Wetland Conservation Areas, Division 1 Generally, Section 364 Definitions, Subsection A.*
3. No Clearing – No construction, clearing, filling, alteration, or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) Permit approved by the County and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to wetlandpermitting@ocfl.net. *Reference OC Code Chapter 15, Article X Wetland Conservation Areas.*
4. Econ River Ordinance – This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. *Reference Orange County Code Chapter 15 Article XI.*
5. 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 for determining the presence of these concerns and verifying and obtaining, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
6. 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, 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.

Additional EPD Comments:

1. Econ Buffer – Depict a 50-foot buffer located landward of the wetland line that shall retain natural vegetation. Label it "Undisturbed Vegetated Natural Buffer" and designate it with cross-

hatching specified in a legend on the plan. In the Econlockhatchee River Protection Ordinance area, all Class I and II wetlands must have an average 50-foot buffer (minimum 25-foot in limited locations, but the average must be achieved) or apply for a wetland impact permit. *Reference OC Code Chapter 15, Article XI Econlockhatchee River Protection, Sec. 15-442(f).*

2. 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. Recycling of materials is encouraged, if applicable. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.
3. Demolition – Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. *Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Sec. 108 Notification procedure and requirements, Subsection A(1).*
4. Petroleum Tanks – If this site has had, or currently has, any existing above ground or underground fuel storage tanks then the site shall comply with the Florida Department of Environmental Protection (FDEP) regulations: *Chapter 62-761, F.A.C. Petroleum Storage Systems (USTs), Chapter 62-762, F.A.C. Petroleum Storage Systems (ASTs), Chapter 62-770, F.A.C. Petroleum Contamination Site Cleanup Criteria, and Chapter 62-777, F.A.C. Contaminant Cleanup Target Levels.* Comply with all notification requirements as specified within *Chapter 62-761, F.A.C.*, Contact the Orange County Environmental Protection Division (EPD) Storage Tank Compliance at 407-836-1400.

Transportation

The Transportation Planning Division has reviewed the proposed amendment and has provided the following analysis:

Project Specifics

Parcel ID:	24-22-31-0000-00-027
Location:	14902 E Colonial Drive
Acreage:	~1.68 gross/0.92 net developable acres
Requested FLUM:	From: Rural/Agricultural (R)) To: Commercial (C) and Urban Service Area (USA) Expansion (for consistency with existing C-1 (Retail Commercial District) zoning)
Requested Zoning:	Maintain C-1 zoning classification
Existing Development:	Vacant – Previous 4,278 GSF Retail Convenience Store (2022 OCPA Aerial Shows Structure)
Development Permitted Under Current FLUM:	1 DU per 10 acres
Proposed	TBD

Density/Intensity:

Trip Generation (ITE 11th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use:	147	23%	34
Proposed Use:	34	92%	31

Net New Trips (Proposed Development less Allowable Development): -3 PM Peak Trips (reduction)

Future Roadway Network

Road Agreements: There are no agreements for this property. However, the GROW agreement will impact roadway improvements within the project's impact area.

Planned and Programmed Roadway Improvements: Improvements are proposed for E Colonial Drive, Chuluota Road, and Woodbury Road.

Right-of-Way Requirements: To be determined.

Summary

- The subject property is not located along a backlogged/constrained facility or multimodal corridor.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed use will result in a decrease in the number of pm peak trips and therefore will not impact the area roadways.

Roadway Capacity Analysis

A traffic study was not submitted with the case for review and comment. The subject property is located adjacent to E Colonial Drive. Based on existing conditions, E Colonial Drive currently has several deficient roadway segments within the project's impact area. This information is dated January 2023 and is subject to change. The following segments are operating over capacity:

- E Colonial Drive from Woodbury Road to Chuluota Road;
- Chuluota Road from East Colonial Drive to Lake Pickett Road;
- Woodbury Road from Lake Underhill Drive to Colonial Drive.

Based on the analysis, the study roadway segments are projected to fail prior to the addition of project trips as a result of existing deficiencies on the roadways above. The FLU change will not cause any additional deficiencies within the project's impact area. The project will not add any trips onto the failing roadway segments.

Final permitting of any development on this site will be subject to review and approval under the capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment to mitigate any transportation deficiencies. 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 Plan.

Utilities:

The subject property lies within Orange County Utilities' potable water, wastewater, and reclaimed water service areas. Development of the site shall comply with Orange County Code, Chapter 37.

- Potable Water: Development within this property will be required to connect to Orange County Utilities' water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.
- Wastewater: Development within this property will be required to connect to Orange County Utilities' wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.
- Reclaimed Water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Therefore, connection is not required.

Orange County Public Schools:

The requested amendment will have no impact on schools.

3. Policy References

GOAL FLU2	URBAN STRATEGIES. Orange County will encourage urban strategies such as, but not limited to, infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.
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.
OBJ FLU1.3	APPLICATION FOR URBAN SERVICE AREA EXPANSION. No new expansions to the Urban Service Area boundary, except for those planned for Horizon West and the Innovation Way Overlay (Scenario 5), shall be permitted unless supported by data and analysis demonstrating consistency with Objectives FLU1.2 and FLU1.3 and associated policies. Orange County shall use the following process to evaluate Urban Service Area expansions, and as a means for achieving its goals with respect to accommodating growth within the USA and implementing the Comprehensive Plan.
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 policies shall guide regulatory decisions that involve differing land uses.
OBJ C1.4	Orange County shall protect identified wetland areas and existing native wildlife (flora and fauna) habitats.

OBJ N.1.1	Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods.
FLU1.1.5	Orange County shall encourage mixed-use development, infill development, and transit-oriented development to promote compact urban form and the efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County's desired urban framework.
FLU1.4.2	Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
FLU1.4.4	The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.
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.

LOCAL PLANNING AGENCY (LPA) ADOPTION PUBLIC HEARING SUMMARY

Local Planning Agency (LPA) Recommendation – (May 18, 2023)

Make a finding of consistency with the Comprehensive Plan, determine the amendments are in compliance, and recommend **ADOPTION** of Amendments 2023-1-A-4-3 and 2023-1-B-FLUE-5.

LOCAL PLANNING AGENCY (LPA) ADOPTION PUBLIC HEARING SYNOPSIS

The staff report was presented to the LPA with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend adoption of the two requested amendments, Amendments 2023-1-A-4-3 and 2023-1-B-FLUE-5. The applicant, McGregor Love, was present and agreed with the staff recommendation.

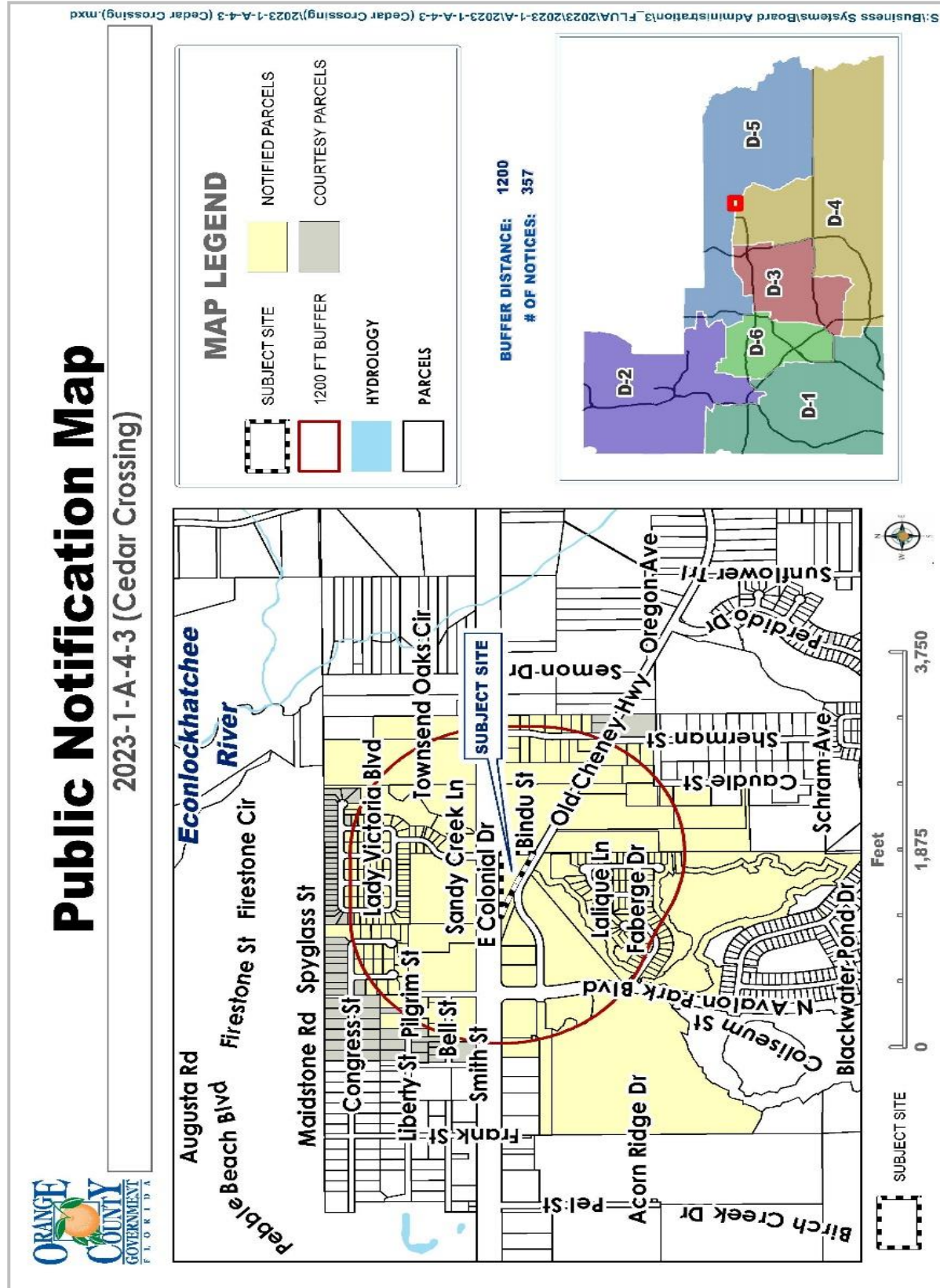
There were no speakers for public comment. After a brief discussion regarding access and wetlands, a motion was made by Commissioner Pavon and seconded by Commissioner Evans to recommend adoption of proposed Amendments 2023-1-A-4-3 and 2023-1-B-FLUE-5 to the Board of County Commissioners. The motion carried on an 8-0 vote.

Motion / Second	<i>Walter Pavon / Camille Evans</i>
Voting in Favor	<i>Walter Pavon, Camille Evans, George Wiggins, Gordon Spears, Eddie Fernandez, Nelson Pena, David Boers, and Evelyn Cardenas</i>
Voting in Opposition	<i>None</i>
Absent	<i>Michael Arrington</i>

Site Visit Photos

Subject Site	Subject Site
	
North of Subject Site	East of Subject Site
	
South of Subject Site	West of Subject Site
	

NOTIFICATION MAP



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 2023 CALENDAR YEAR
(FIRST 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,”**

attached hereto and incorporated herein.

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

* * *

[Amendment 2023-1-B-FLUE-5:]

FLU1.2.4 The County will continue to monitor the Urban Service Area allocation. Through this process, the following applicants have satisfied these requirements and are recognized as expansions to the Urban Service Area.

* * *

Amendment Number	Name	Acreage	Ordinance Number
* * *	* * *	* * *	* * *
<u>2023-1-A-4-3</u>	<u>Cedar Crossing</u>	<u>1.68</u>	<u>2023-</u>

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

* * *

Section 5. Effective Dates for Ordinance and Amendments.

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

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

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

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

ADOPTED THIS 20th DAY OF JUNE, 2023.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

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

By: _____
Deputy Clerk

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:
2023-1-A-4-3	Rural/Agricultural (R)	Commercial (C) and Urban Service Area (USA) Expansion
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		



Orange County Public Schools

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

FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER

December 14, 2022

VIA E-MAIL: HAL.KANTOR@LOWNDES-LAW.COM

Hal Kantor
Lowndes Law Firm
215 N. Eola Dr.
Orlando, FL 32801

Application OC-22-096 (Stoneybrook Enclave)

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 #:	2023-1-A-4-2
Project Name:	Stoneybrook Enclave
OCPS Completed Application Date:	November 18 th , 2022
Parcel #(s):	01-23-31-0000-00-001
Requested New Units (#):	SF: 125 MF: TH:
Vested Unit(s):	SF: MF: TH:
Total Project Units:	125
School Board District:	# 2

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:

	Stone Lakes ES	Avalon MS	Timber 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 June 4th, 2023. 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. 2022391 or e-mail me at christopher.mills@ocps.net with any questions.

Sincerely,



Christopher Mills, AICP
Senior Administrator, Facilities Planning

SC/cm

Attachments – Attachment A: Detailed Capacity Analysis

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

Attachment A



School Capacity Determination

User ID CCM December 6, 2022 10:56:01

Project ID: CEA – OC –22 –096

Valid Until: June 4, 2023

Project Name:		STONEBROOK ENCLAVE			
Unvested Units	Single Family Units:	125	Vested Units	Single Family Units:	0
	Multi Family Units:	0		Multi Family Units:	0
	Multi Family High Rise Units:	0		Multi Family High Rise Units:	0
	Town Homes Units:	0		Town Homes Units:	0
	Mobile Home Units:	0		Mobile Home Units:	0

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA:	N		
	School:	STONE LAKES ES	AVALON MS	TIMBER CREEK HS
	Analysis of Existing Conditions			
	School Capacity (2021-2022)	828	1,071	2,738
	Enrollment (2021-2022)	624	911	3,570
	Utilization (2021-2022)	77.0%	90.0%	128.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	287	160	0
	Analysis of Reserved Capacity			
	School Level	Elementary	Middle	
	Encumbered Capacity	0	0	0
	Reserved Capacity	0	0	0
	Adjusted Utilization	75.4%	85.1%	130.4%
	Adjusted Available Seats	287	160	0
	Analysis of Proposed Development			
	Students Generated	22.250	11.750	16.625
	Adjusted Utilization	78.0%	86.2%	131.0%
	AVAILABLE/NOT AVAILABLE	AVAILABLE	AVAILABLE	NOT AVAILABLE
	Number of Seats to Mitigate	0.000	0.000	16.625

STONE LAKES ES	
AVALON MS	
TIMBER CREEK HS	

AMENDMENT 2023-1-A-4-2 (Stoneybrook Enclave)

PROJECT SPECIFICS

Parcel ID:	01-23-31-0000-00-001 (portion of)
Location:	2900 Northampton Avenue
Acreage:	~40.12
Request FLUM:	From: Park Recreation Open Space (PR/OS) To: Low Density Residential (LDR)
Request Zoning:	From: Planned Development (PD) To: Planned Development (PD)
Existing Development:	Golf Course
Development Permitted Under Current FLUM:	Golf Course
Proposed Density/Intensity:	125 Single-Family Residences

Trip Generation (ITE 11th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use: Golf Course	0	100%	0
Proposed Use: 125 Single-Family Residences	123	100%	123
Totals:	123		123

Net New Trips (Proposed Development less Allowable Development): 123

Future Roadway Network

Road Agreements: No

Planned and Programmed Roadway Improvements: No

Right of Way Requirements: No

Summary

The applicant is requesting to change ~40.12 acres from Park Recreation Open Space (PR/OS) to Low Density Residential (LDR) and rezone from PD to PD, to allow for the construction of single-family residences.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed single-family residences will result in an increase in the number of 123 pm peak trips and therefore will impact the area roadways. 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.

Roadway Capacity Analysis

A Traffic Study was submitted with the case for review and comment. The subject property is located adjacent to Alafaya Trail. Based on existing conditions, there are currently no deficient roadway segments within the project's impact area. This information is dated and subject to change.

Based on the project trip distribution, 53% will be travelling NB on Alafaya Trail out of the development.

There are no deficient segments in the short-term year (2025) that are projected to operate at Level of Service "F" as a result of the background traffic and committed trips.

The horizon year (2040) showed that under the proposed FLUM designation, the following segments are projected to operate at Level of Service "F":

- Alafaya Trail from Curry Ford Road to Golfway Blvd.
- Alafaya Trail from Golfway Blvd. to Avalon Park Blvd.
- Woodbury Road from Golfway Blvd. to Lake Underhill Road

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.

Orange County EPD Comments to the Local Planning Agency for the
2023-1 Regular Cycle Comprehensive Plan Amendments
November 30, 2022

Plan Amendment Number	2023-1-A-4-2
Project Name	Stoneybrook Enclave
Requested Change	FLU from Park Recreation/Open Space (PR/OS) to Low Density Residential (LDR)
Parcels	01-23-31-0000-00-001 (portion of)
General Location	2900 Northampton Ave; generally located north of S. Alafaya Trail, east of Northampton Avenue, south of Cheval Strett, and west of Broadhaven Boulevard
Proposed Development	125 single-family residences
Area	40.12 gross acres
Agent	Hall Development Services (Jim Hall)
Owner	SBEGC LLC
District	4
Comments Prepared by	Mary-Parker Scruggs, MaryParker.Scruggs@ocfl.net , 407-836-1537

EPD Review Summary:

- An Orange County Conservation Area Determination CAD 89-050 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 12/07/1993. This CAD does not expire. The CAD identifies wetlands on site.
- Any 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.
- 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).

FLUM Amendment Comments:

1. Historic CAD – An Orange County Conservation Area Determination CAD 89-050 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 12/07/1993. This CAD does not expire. The CAD identifies Class I wetlands.

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2. Conservation Easement – There is a recorded St. Johns River Water Management District Conservation Easement on site. Reference Official Record Book 5226, Page 2076.
3. Class I Wetland Impacts – The removal, alteration or encroachment within a Class I Conservation Area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners. *Reference OC Code Chapter 15, Article X Wetland Conservation Areas, Division 1 Generally, Section 364 Definitions, Subsection A.*
4. Conservation Area Impacts – In addition to any state or federal wetland permitting requirements, the applicant shall satisfy Orange County's wetland permitting requirements. Any wetland encroachments will require submittal of an application for a Conservation Impact Permit to the Orange County Environmental Protection Division. *Reference OC Code Chapter 15, Article X Wetland Conservation Areas.*
5. No Clearing – No construction, clearing, filling, alteration, or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to wetlandpermitting@ocfl.net. *Reference OC Code Chapter 15, Article X Wetland Conservation Areas.*
6. Golf Cart Path Location – The current aerials show that the golf cart path location is inconsistent with the existing CAD 89-050, the legal description provided by the applicant, and the Orange County Property Appraiser website. Provide an accurate survey of the current site conditions.
7. Landfill Proximity – The Orange County Landfill is located approximately 120 ft to the south of the parcel. This site may be adversely impacted by existing solid waste management activities. *Reference Orange County Comprehensive Plan, Solid Waste Element, Policy SW1.7.4.*
8. Econ River Ordinance – This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. *Reference Orange County Code Chapter 15 Article XI.*
9. 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

Orange County EPD Comments to the Local Planning Agency for the
2023-1 Regular Cycle Comprehensive Plan Amendments
November 30, 2022

required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

10. 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.

Additional EPD Comments:

1. 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).*
2. Site Assessment – This property was formerly used as a golf course. This site may be the location of petroleum spills, agricultural related contamination, and fertilizer, pesticide, or herbicide spillage. If a Phase I Environmental Site Assessment (ESA) has been conducted on this site, then submit a copy with the revised plan package.
3. Wetland Crossing – The design shall include provisions for wildlife connectivity across or under roadways that traverse wetland systems and associated buffers. Road and pedestrian crossings of the wetland, floodplains and environmentally sensitive corridors shall be minimized and be designed to allow for unimpeded passage of wildlife.