



ORANGE COUNTY

PLANNING DIVISION

20231-A-4-2

Stoneybrook AMENDMENT

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

AUGUST 8, 2023
ADOPTION PUBLIC HEARING

PREPARED BY:
ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

DATE: July 28, 2023

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

THROUGH: Andres Salcedo, P.E., Acting Director 
Planning, Environmental, and Development Services Department

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

SUBJECT: 2023-1 Regular Cycle Comprehensive Plan
Amendment 2023-1-A-4-2 (Stoneybrook Enclave) and Concurrent
Substantial Change Request# CDR-23-01-023 (Stoneybrook PD/LUP)
Board of County Commissioners (Board) Adoption Public Hearing

2023-1 Regular Cycle Comprehensive Plan Amendment 2023-1-A-4-2 and Concurrent Substantial Change Request CDR-23-01-023 are scheduled for the Board adoption public hearing on August 8, 2023. The amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at the adoption public hearing on May 18, 2023, and recommended to be adopted. The amendment was continued from the June 20, 2023, Board hearing.

The subject property is located at 2900 Northampton Ave; generally located north of S. Alafaya Trail, east of Northampton Avenue, south of Cheval Street, and west of Broadhaven Boulevard. The request is to change the Future Land Use Map designation from Parks and Recreation/Open Space (PR/OS) to Low Density Residential (LDR).

A community meeting was held for the request on December 14, 2022, with 60 residents in attendance with concerns for stormwater management in the neighboring Eastwood neighborhood. Residents also requested additional details about the development and how the golf course would be redesigned to accommodate 125 residences.

The amendment was 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 amendment must be adopted within 180 days of receipt of the comment letter. The Regular Cycle Amendment 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 amendment is expected to become effective in September 2023, provided no challenges are brought forth for the amendment.

2023-1 Regular Cycle Amendment 2023-1-A-4-2 and Concurrent Substantial Change
Request# CDR-23-01-023
Board Adoption Public Hearings
August 8, 2023
Page 2

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-4-2, Low Density Residential (LDR) Future Land Use map designation, approve the associated ordinance, and approve the PD substantial change request, CDR-23-01-023, Stoneybrook Planned Development/Land Use Plan (PD/LUP) dated "Received May 5, 2023" subject to nineteen (19) conditions in the staff report.
District 4**

AAV/jhs/mdm

Enc: 2023-1 Regular Cycle Amendment 2023-1-A-4-2 and Concurrent Substantial Change Request# CDR-23-01-023
Board 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
Andres Salcedo, P.E., Acting Director
Jason Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division
Read File

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

INTRODUCTION

This is the Board of County Commissioners (Board) adoption public hearing staff report for the First Regular Cycle Amendment 2023-1-A-4-2 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearing for the amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on May 18, 2023. The amendment is scheduled for an adoption public hearing before the Board on August 8, 2023.

The 2023-1 Regular Cycle Amendment scheduled for Board consideration on August 8 was heard by the PZC/LPA at a transmittal public hearing on January 19, 2023, and by the Board at a transmittal public hearing on February 21, 2023.

Please note the following modifications to this report:

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

The 2023-1 Regular Cycle – State-Expedited Review Amendment scheduled for consideration on August 8 includes one privately-initiated Future Land Use Map Amendment located in District 4 with an associated substantial change request. 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 Regular Cycle State-Expedited Review Amendment has been 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 amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. The amendment is expected to become effective in September 2023, 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 Jason Sorensen, AICP, Chief Planner, at (407) 836-5602 or Jason.Sorensen@ocfl.net.

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	-and-		
	Substantial Change CDR-23-01-023	A substantial change request to the previously approved Stoneybrook Planned Development (PD) / Land Use Plan (LUP) to convert a portion of a golf course (40.13 gross acres) to residential in order to construct 125 single-family residential dwelling units on new Tract 27.	

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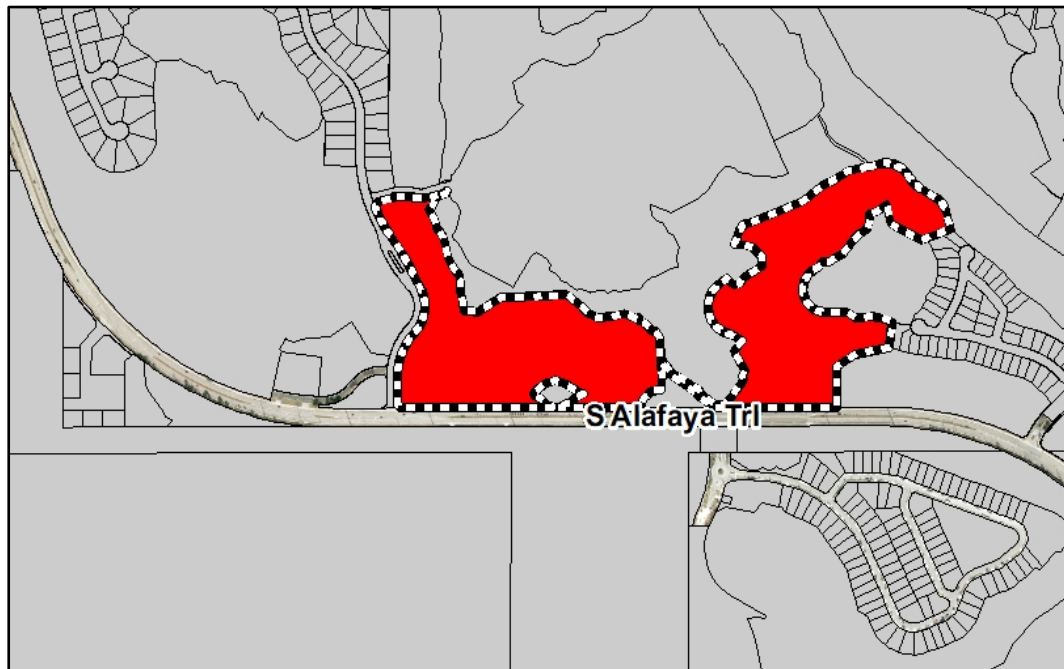
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**2023-1 Regular Cycle State-Expedited Review Comprehensive Plan Amendment
Privately-Initiated Future Land Use Map Amendment**

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	BCC Commission District	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
2023-1-A-4-2 Stoneybrook Enclave	CDR-23-01-023	SBEGC LLC	Jim Hall, Hall Development Services, Inc.	01-23-31-0000-00-001 (portion of)	2900 Northampton Ave.; generally located north of S. Alafaya Trl, east of Northampton Ave., south of Cheval St., and west of Broadhaven Blvd.	4 - Maribel Gomez Cordero	Parks and Recreation/Open Space (PRIOS)	Low Density Residential (LDR)	PD (Planned Development District)	PD (Planned Development District)(Stoneybrook PD)	40.13 gross ac.	Chris DeManche	Adopt	Adopt (8-0)

ABBREVIATIONS INDEX:

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; HDR-High Density Residential; PD-Planned Development; EDU-Educational; CONS-Wetland/Conservation; PRIOS-Parks/Recreation/Open Space; OS-Open Space; R-Rural/Agricultural; RS-Rural Settlement; RS 1/1-Rural Settlement 1/1; RS 1/2-Rural Settlement 1/2; RSLD 2/1-Rural Settlement Low Density; GC-Growth Center; LP-Lake Pickett; PD-Planned Development; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; TRAN-Transportation Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; A-2-Farmland Rural District; R-CE-Country Estate District; RCE-S-Rural Country Estate Residential District; PD-Planned Development District; PD-RP-Planned Development-Regulating Plan; PD-RS-Planned Development-Rural Settlement; CDR-Change Determination Request; SR-State Road; AC-Acres



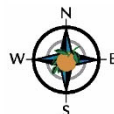
Applicant/Owner: Jim Hall, HDSi
Location: 2900 Northampton Ave; generally located north of S. Alafaya Trail, east of Northampton Avenue, south of Cheval Street, and west of Broadhaven Boulevard.
Existing Use: Golf course
Parcel ID Number: A portion of 01-23-31-0000-00-001
Tract Size: 40.13 gross acres

The following meetings and hearings have been held:		Project Information	
Report/Public Hearing	Outcome	Request:	Proposed Development Program:
✓	Community Meeting December 14, 2022	Parks and Recreation/Open Space (PR/OS) to Low Density Residential (LDR)	Up to 125 single-family detached residences.
✓	Staff Report	Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.	
✓	LPA Transmittal January 19, 2023	Environmental: 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.	
✓	BCC Transmittal February 21, 2023	Transportation: The allowable development based on the approved future land use will generate an increase of 123 pm peak hourtrips.	
✓	State Agency Comments	Utilities The subject site is located in the Orange County Utilities potable water, wastewater and reclaimed water service areas.	
✓	LPA Adoption May 18, 2023	Concurrent PD Substantial Change: Case CDR-23-01-023 A PD substantial change request to change the designation from golf course to single-family residential was recommended for approval by the Development Review Committee on April 26, 2023, subject to 19 conditions of approval.	
	Board Adoption June 20, 2023 Continued	August 8, 2023	

2023-1-A-4-2



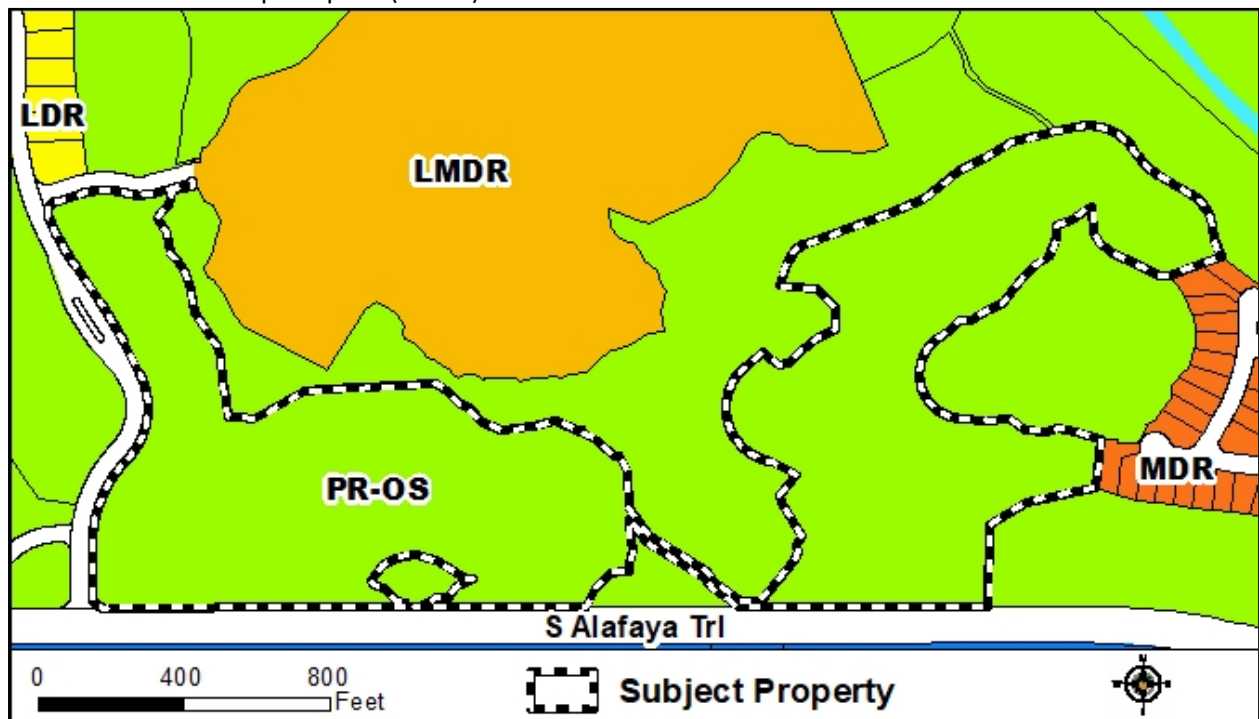
 Subject Property



0 500 1,000
Feet

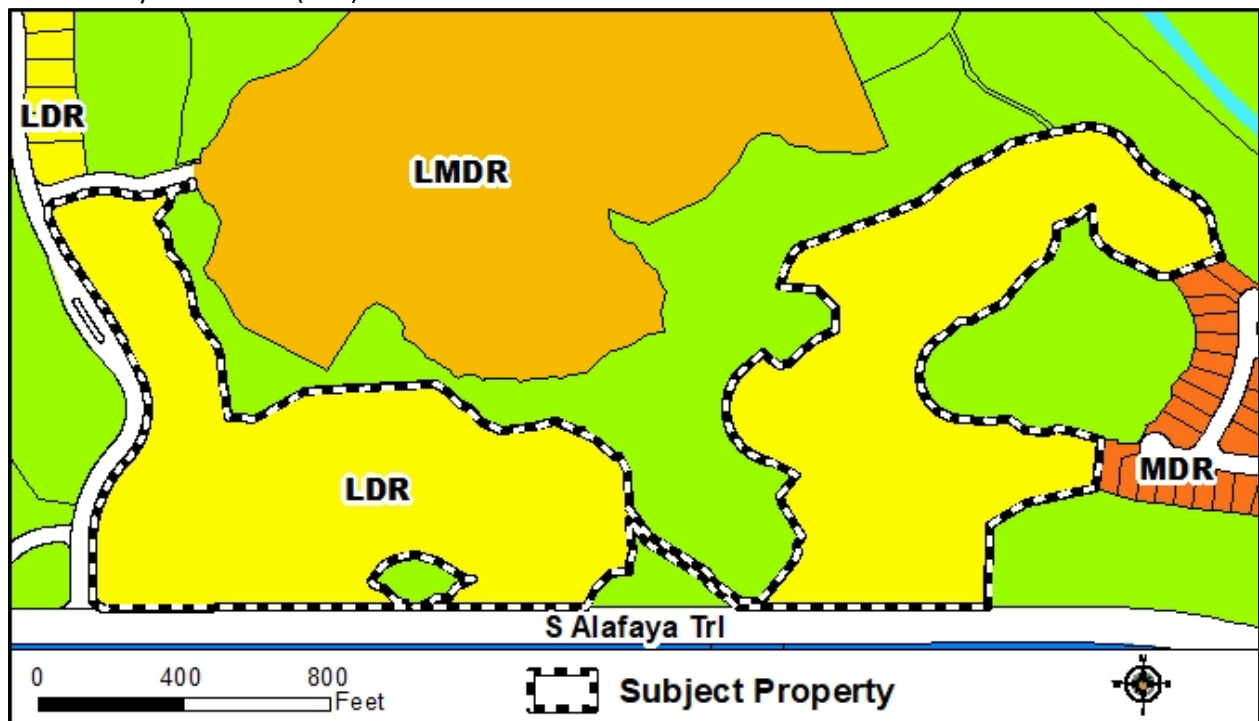
FUTURE LAND USE - CURRENT

Public Recreation – Open Space (PR-OS)



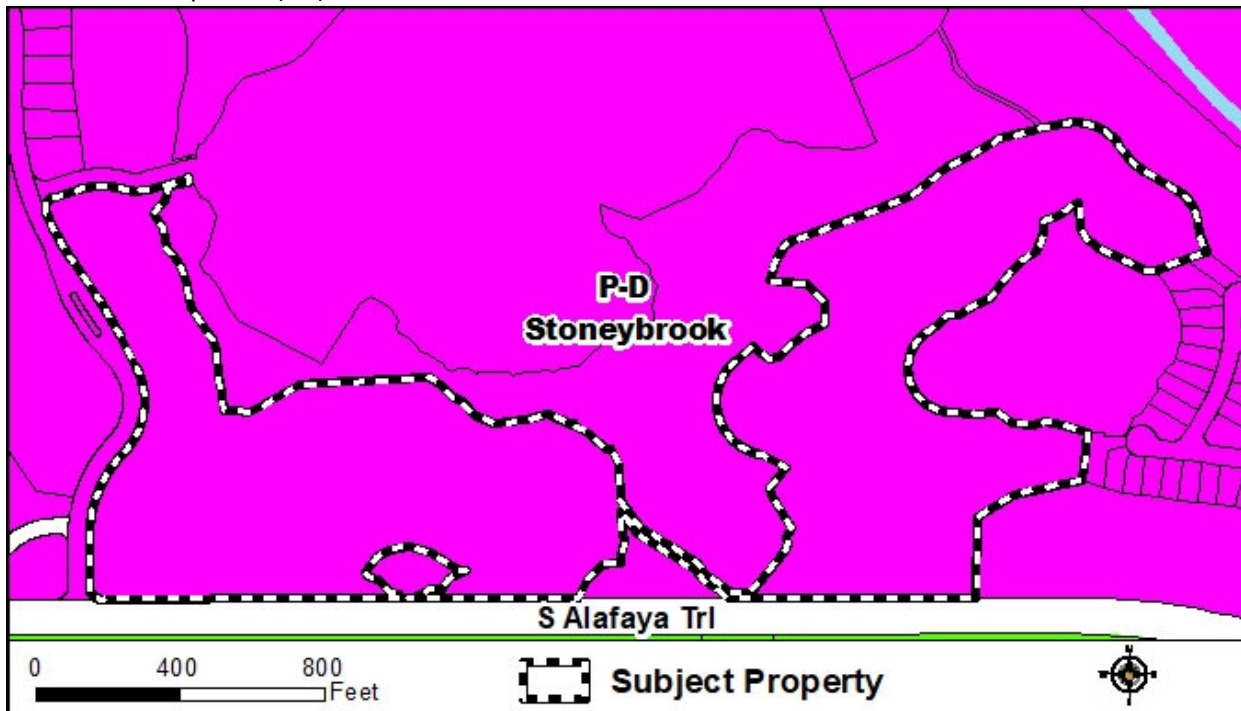
FUTURE LAND USE - PROPOSED

Low Density Residential (LDR)



ZONING – CURRENT

Planned Development (PD)



Staff Recommendation

1. **Future Land Use Map Amendment 2023-1-A-4-2:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU1 and Objectives FLU1.1, FLU1.2, FLU1.4, FLU8.2 and policies FLU1.1.1, FLU1.4.1, FLU1.4.2, FLUE8.2.1, FLU8.2.11; and Housing Element Goal H1 and Objective H1.1), determine that the proposed amendment is in compliance, and **ADOPT** Amendment 2023-1-A-4-2, Parks and Recreation/Open Space (PR/OS) to Low Density Residential (LDR).
2. **PD Substantial Change Review Request: CDR-23-01-023**
(April 26, 2023, DRC Recommendation): Make a finding of consistency with the Comprehensive Plan and **APPROVE** the Stoneybrook Planned Development/Land Use Plan (PD/LUP), dated "Received May 5, 2023", subject to the following nineteen (19) conditions:
 1. Development shall conform to the Stoneybrook Planned Development dated "Received May 5, 2023," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received May 5, 2023," the condition of approval shall control to the extent of such conflict or inconsistency.
 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for

- issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
 5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
 6. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
 7. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review and approval. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
 8. Any Preliminary Subdivision Plan associated with this Land Use Plan Amendment shall require the maintenance of any private infrastructure in accordance with Section 34-280, 34-290, and 34-291, Orange County Code, as may be amended from time to time.
 9. Prior to any site construction plan approval and any filling within the 100-year flood zone, the applicant must obtain the required permit(s) and approval(s) from the Orange County Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code.

Review and approval of compensating storage calculations must accompany the above permit as provided for in Chapter 19-107.

10. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
11. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
12. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).
13. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and nonresidential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
14. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
15. Short term/transient rental is prohibited in single-family districts. Length of stay shall be for 180 consecutive days or greater.
16. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, Dated February 1, 1994, shall apply:
 - a. Final construction plans will not be approved until it has been demonstrated that the wet season water table is a minimum of twelve inches (12") below the bottom of the base of

- the road system, i.e., the stormwater management system construction plans cannot be approved until actual logs of the water table elevation are submitted through a wet season which shows water table at a minimum of twelve inches (12") below the bottom of the base of road system.
- b. Development shall comply with the conservation area survey dated, "Received August 6, 1991". The survey for the additional 80 acres not covered by the August 6, 1991, survey shall be submitted with the plat.
 - c. Prior to any development plan submittal, a mitigation plan for conservation area encroachment shall be submitted and approved by Orange County.
 - d. Prior to construction plan approval, the developer shall agree to use reclaimed water for golf course, landscape and green area irrigation.
 - e. The project shall construct the following recreational facilities: a golf course and an active park – prior to platting of the 650th residential unit; and a passive park – prior to platting of the 2,000th residential unit.
18. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 10, 1996, shall apply:
- a. Provide a 50-foot right-of-way to the east property line that aligns with the Avalon Planned Development access located approximately 900 feet from the south property line of the Stoneybrook Planned Development.
19. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 24, 1999, shall apply:
- a. Fire station site (Parcel 24B) shall be dedicated to Orange County at no cost.
 - b. Parcel 22 shall be restricted to Retail Commercial District (C-1) uses only.
 - c. Parcel 24 shall be restricted to Retail Commercial District (C-1) uses only with no freestanding liquor sales, gas stations drive-through restaurants or mini warehouses.
 - d. Parcel 20A shall be dedicated to Orange County for park and recreation services at no cost to Orange County after fill dirt removal.

Analysis

Background & Development Program

The applicant, Jim Hall, HDSi, has requested to change the Future Land Use Map (FLUM) designation of the subject property from Parks and Recreation/Open Space (PR/OS) to Low Density Residential (LDR). The applicant is proposing the construction of 125 single-family residences on a portion of the Stoneybrook East golf course. The portion of the golf course impacted by the proposed development would be redesigned and rebuilt.

In conjunction with the proposed amendment, the applicant applied for a concurrent substantial change to the current StoneyBrook Planned Development/Land Use Plan (PD/LUP), Case CDR-23-01-023, to convert a portion of the PD currently operating as a golf course (40.13 acres) to residential in order to construct 125 single-family residential dwelling units on a newly created Tract 27. On April 26, 2023, the Orange County Development Review Committee (DRC) issued a recommendation to APPROVE the land use plan amendment, subject to the nineteen (19) conditions listed above.

The subject property is located within the Stoneybrook PD, originally approved on February 1, 1994. The subject property is comprised of 40.13 gross acres, representing a portion of the 174 acre Stoneybrook East golf course. The subject property is generally located north of S. Alafaya Trail, east of Northampton Avenue, south of Cheval Street, and west of Broadhaven Boulevard.. The subject property is adjacent to multi-family residences and conservation areas to the north, single-family detached residences and vacant parcels to the south, a portion of Stoneybrook East golf course and single-family detached residences to the east, and the Stoneybrook East golf course clubhouse and a childcare center to the west.

Conservation Area Determination

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units/square footage by the net developable land area. The net developable land area for density and FAR calculation (intensity) is defined as the gross land area, excluding surface waters and certain conservation areas from the land area calculations. 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 on the entire parcel. However, as confirmed by EPD, wetlands are not located on the 40.13-acre portion of the site that is subject to the proposed future land use map amendment.

Community Meeting

A community meeting was held on Wednesday, December 14, 2022, at Avalon Middle School. A total of 60 residents attended and the overall tone of the meeting was neutral with some expressions of support from Homeowner Association (HOA) members present, and an interest in seeing more specific plans as they are developed. Questions regarding the process followed including what was the notification process for the community meeting and how will residents be informed of future plan changes. Concerns were raised about stormwater management in the neighboring Eastwood neighborhood by an Eastwood resident with a caution expressed for stormwater and floodplain impacts to be given careful consideration with the current proposal. The applicant's agent, Jim Hall, provided an overview of the applicant's intended uses for the property, to convert it from a golf course to residential, in order to allow for up to 125 single family residences. The portion of the golf course impacted will be redesigned and rebuilt, and will be provided with a cart path around the new residential areas to assure connectivity within the course. The primary purpose for the land use change was to raise money to support the Stoneybrook course operation and maintenance. An agreement between the applicant and the Stoney Brook Homeowners Association had been reached which addresses the golf course conversion.

Future Land Use Map Amendment Analysis

Consistency

The requested FLUM amendment appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. The subject property is located within the County's Urban Service

Area (USA) boundary and is located in an area characterized by single-family and multi-family residences within the Stoneybrook PD. As mentioned above, the applicant is requesting the LDR FLUM designation, which allows up to 4 dwelling units per acre. The applicant is proposing up to 125 single-family residences.

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

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

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

Also applicable is **Future Land Use Element Policy FLU1.4.1**, which states Orange County shall promote a range of living environments and employment opportunities, and shall ensure that land use changes are compatible with and serve existing neighborhoods. Staff recognizes the critical need in Orange County for housing diversity to meet current and future growth trends

Also applicable is **Housing Element Goal H1 and Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs.

Compatibility

The proposed Future Land Use Map amendment appears to be compatible with existing development of the surrounding area and would support private sector housing production to meet current and anticipated housing needs.

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

The proposed may be found consistent with **Future Land Use Element Policy FLU8.2.11**, which states compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well as its contribution toward the Goals and Objectives in the Comprehensive Plan. The Comprehensive Plan shall specifically allow for such a balance of considerations to occur. The proposed change to the LDR FLUM designation would not adversely impact existing neighborhoods.

Public Facilities and Services

Environmental

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.

Conservation Easement: There is a recorded St. Johns River Water Management District Conservation Easement on site. Reference Official Record Book 5226, Page 2076.

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.

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.

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.

Golf Cart Path Location: The current aeriels 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.

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.

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.

Habitat Permit Compliance: Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Jurisdictional Coordination: This environmental review only addresses Orange County environmental regulatory code, however, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, and the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one of the other agencies could deny the request

even if the County approves it, or they may have other natural resource protective requirements. Therefore, it is imperative that this proposed request be addressed on a multi-agency basis.

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).

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.

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.

Transportation

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 40.13 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 125 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.

Schools

The applicant submitted a formal school capacity determination to OCPS (OC-22-096). Capacity is not available for the proposed 125 single-family dwelling units. Capacity is currently available for students at Stone Lakes Elementary School and Avalon Middle School. Timber Creek High School is currently overcapacity with the proposed development resulting in a total of 16 seats to mitigate. The high school has an existing adjusted utilization rate of 130.4% and if this project is approved, the adjusted utilization rate would increase to 131.0%. This determination expires July 29, 2025.

Utilities

This property is within Orange County Utilities Water, Wastewater and Reclaimed Water Service Areas. In accordance 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: Development within this property will be required to connect to Orange County Utilities reclaimed water system. The connection points will be assessed during Final Engineering / Construction Plan permitting.

Zoning Analysis

IMPACT ANALYSIS

Overview

The Stoneybrook PD was originally approved on February 1, 1994, as the Les Springs PD. Today the PD currently permits 2,360 dwelling units and 157,800 square feet of office, mini storage, and commercial uses along with 18,000 square feet of daycare uses.

Through the PD Change Determination Request (CDR), the applicant is seeking to convert a portion of the PD currently operating as a golf course (40.13 gross acres), to residential in order to construct 125 single-family residential dwelling units. The affected portion of this request was previously approved as part of Tract 20; the proposed development will be on a newly created tract, identified as Tract 27. The applicant has indicated that the remainder of the golf course will remain in operation and will be reconfigured. No waiver is associated with the request.

Land Use Compatibility

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

3. Policy References

Future Land Use Element

- GOAL FLU1** **URBAN FRAMEWORK.** Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County.
- OBJ FLU1.1** Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development. The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.
- FLU1.1.1** Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.
- OBJ FLU1.2** **URBAN SERVICE AREA (USA); USA SIZE AND MONITORING.** Orange County shall use the Urban Service Area as an effective fiscal and land use technique for managing growth. The Urban Service Area shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development.
- OBJ FLU1.4** The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 Comprehensive Plan.

- FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- FLU1.4.2** Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- OBJ FLU8.2** COMPATIBILITY. Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses. **FLU8.2.1** Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.
- FLU8.2.1** Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.
- FLU8.2.11** Compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

Housing Element

- Goal H1** Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.
- OBJ H1.1** The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

ACTION REQUESTED

Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) Recommendation –
(May 18, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend **ADOPTION** of Amendment 2023-1-A-4-2, Parks and Recreation / Open Space (PR/OS) to Low Density Residential (LDR).

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

The staff report was presented to the PZC/LPA with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend **ADOPTION** of Amendment 2023-1-A-4-2. The applicant, Hal Kantor, was present and agreed with the staff recommendation. Mr. Kantor provided a brief presentation about the application request.

There were no speakers for public comment. Commissioner Pena asked about the layout for the proposed 125 single-family dwellings. Mr. Kantor explained that the exact layout of the dwellings has not been determined but changes will be made to a portion of the course to accommodate.

A motion was made by Commissioner Pavon and seconded by Commissioner Spears to recommend to the Board of County Commissioners **ADOPTION** of Amendment 2023-1-A-4-2. The motion was carried on a 7-0 vote.

Motion / Second	Walter Pavon / Gordon Spears
Voting in Favor	David Boers, George Wiggins, Eddie Fernandez, Gordon Spears, Walter Pavon, Camille Marie Evans, Nelson Pena
Voting in Opposition	None
Absent	Michael Arrington

BOARD OF COUNTY COMMISSIONERS (Board) OUTCOME

Board of County Commissioners (Board) Decision – (June 20, 2023)

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Scott, to continue to public hearing until August 8, 2023, for Board decision only; and further, with the condition of having a community meeting to discuss the drainage issues.

BOARD OF COUNTY COMMISSIONERS (Board) ADOPTION PUBLIC HEARING SYNOPSIS June 20, 2023

The staff report was presented to the Board with the recommendation that they make a finding of consistency with the Comprehensive Plan and adopt the requested amendment, Amendment 2023-1-A-4-2, the implementing Ordinance and the Substantial Change CDR-23-01-023. The applicant, Hal Kantor presented information to the Board and agreed with the staff recommendation.

There were twenty-five (25) speakers for public comment. Five (5) speakers spoke in opposition to the requested amendment. The concerns stated included a potential increase in traffic along Alafaya Trail,

the current use of the golf course for stormwater management, flooding in the area, along with the loss of open space. There were eighteen (18) speakers spoke in support of the requested amendment. Reasons for support included the conversion of a portion of the golf course into single-family housing would allow the remaining portion golf course to be remain an 18-hole course.

Members of the Board asked questions including, if an 18-hole golf course would remain, if the stormwater ponds would be filled, if the promise to retain open space is articulated in any agreements. There were also questions related to stormwater and flooding in the area.

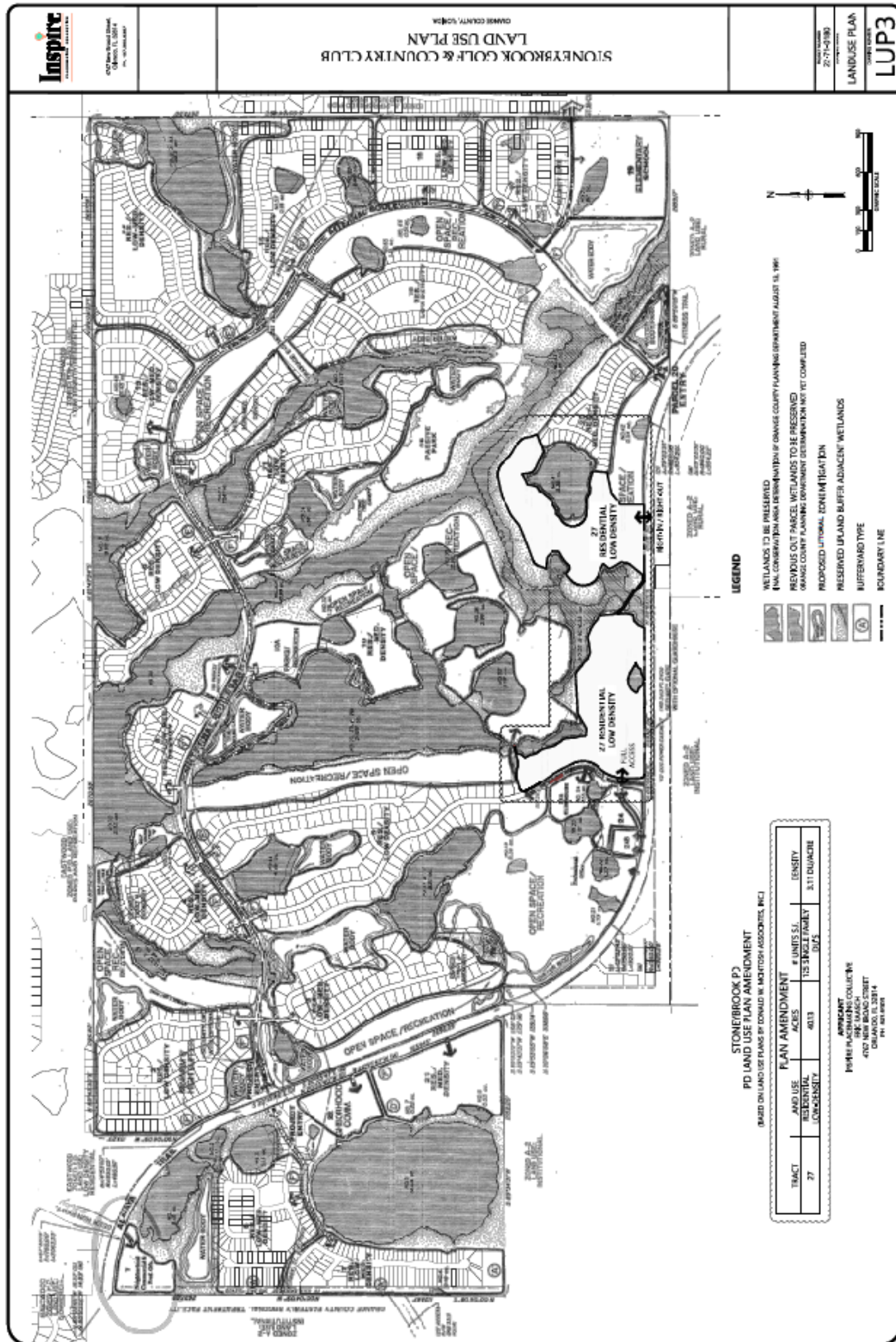
Discussion regarding the agreement between the Stoneybrook HOA and the golf course development arose. The County attorney stated that the rezoning request could contain a condition of approval that the agreement be recorded, and a copy of that agreement be provided to the County.

Commissioner Cordero expressed concern over stormwater in the Eastwood Subdivision. She requested that staff hold an information meeting with residents to address these concerns.

A motion was made by Commissioner Gomez Cordero and seconded by Commissioner Scott to continue the Amendment 2023-1-A-4-2 and the associated Ordinance to August 8, 2023, for Board decision only. The motion carried on a 6-1 vote.

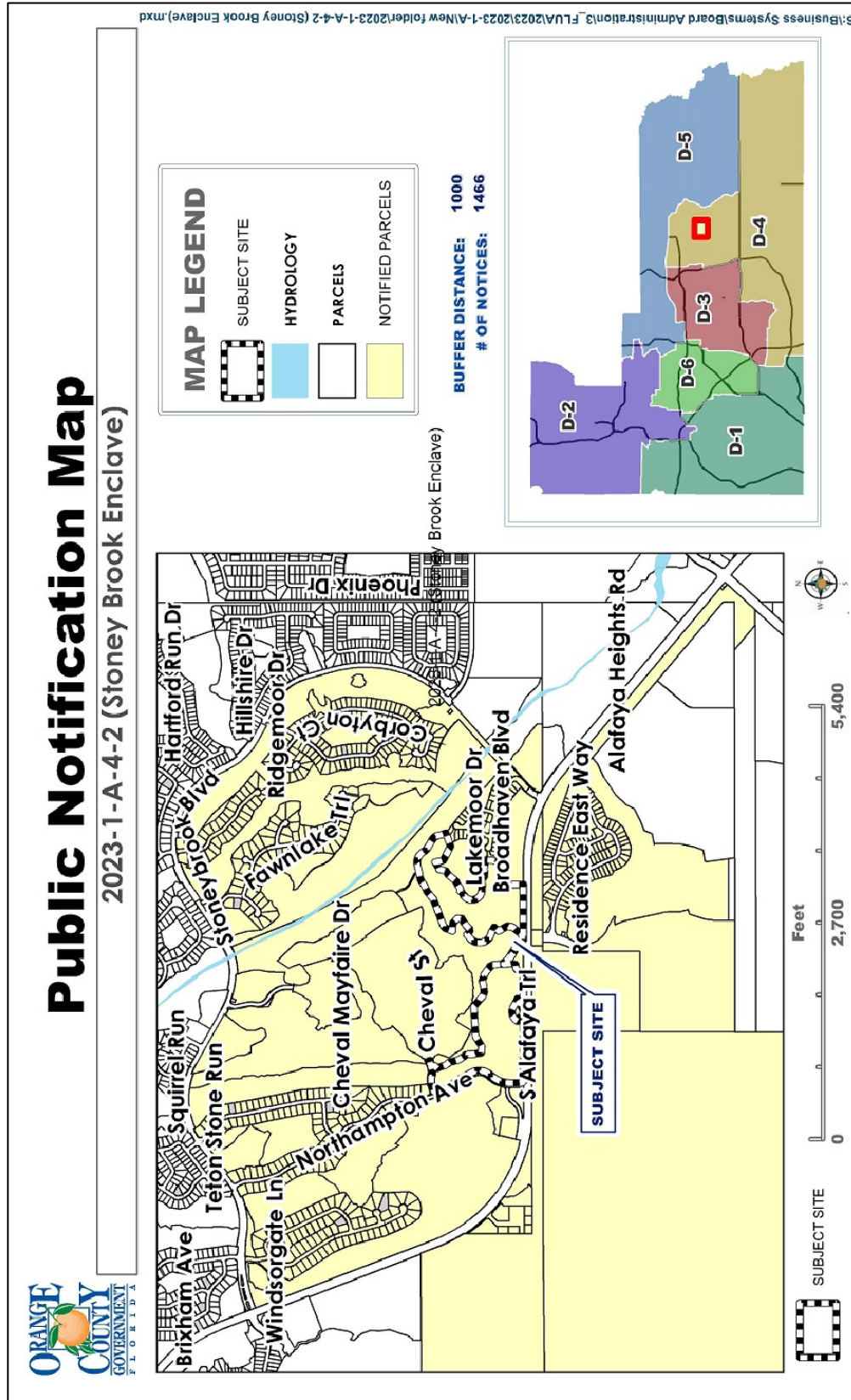
Motion / Second	<i>Commissioner Maribel Gomez Cordero / Commissioner Michael Scott</i>
Voting in Favor	<i>Mayor Jerry Demings, Commissioner Nicole Wilson, Commissioner Mayra Uribe, Commissioner Maribel Gomez Cordero, Commissioner Emily Bonilla, and Commissioner Michael Scott</i>
Voting in Opposition	<i>Commissioner Christine Moore</i>
Absent	<i>None</i>

Stoneybrook PD / LUP



Subject Site	Subject Site
	
North of Subject Site	South of Subject Site
	
East 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 AN AMENDMENT PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2023 CALENDAR YEAR (FIRST CYCLE); 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;

c. On August 8, 2023, 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.

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

31 attached hereto and incorporated herein.

32 * * *

33
34 ***Section 4. Effective Dates for Ordinance and Amendment.***

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

36 (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment
37 adopted under this ordinance becomes effective until 31 days after the DEO notifies the County
38 that the plan amendment package is complete. However, if an amendment is timely challenged,
39 the amendment shall not become effective until the DEO or the Administration Commission issues
40 a final order determining the challenged amendment to be in compliance.

41 (c) No development orders, development permits, or land uses dependent on this
42 amendment may be issued or commence before the amendment has become effective.

43

44

45 ADOPTED THIS 8TH DAY OF AUGUST, 2023.

46

47 **ORANGE COUNTY, FLORIDA**
48 By: Board of County Commissioners

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:
2023-1-A-4-2	Parks and Recreation/Open Space (PR/OS)	Low Density Residential (LDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

68



Interoffice Memorandum

Date: January 6, 2023

To: Alberto A. Vargas, MArch, Manager
Orange County Planning Division

From: Lindy A. Wolfe, P.E., LEED AP, Manager
Utilities Engineering Division

**Subject: Facilities Analysis and Capacity Report
2023-1 Regular Cycle Comprehensive Plan Amendments**

Orange County Utilities (OCU) staff reviewed the proposed development programs as submitted by the Planning Division and have concluded improvements to the County's water and wastewater treatment plants are not required to provide an adequate level of service consistent with the Comprehensive Plan's Potable Water, Wastewater and Reclaimed Water Element for those properties within OCU's service area. The Comprehensive Plan includes a 10-Year Water Supply Facilities Work Plan addressing the needs of our service area. Supporting documentation is provided in the attached Potable Water and Wastewater Facilities Analysis table.

As of today OCU has sufficient plant capacity to serve the subject amendments. This capacity is available to projects within OCU's service area and will be reserved upon payment of capital charges in accordance with County resolutions and ordinances. Transmission system capacity will be evaluated at the time of Master Utility Plan review and permitting, or at the request of the applicant.

OCU's groundwater allocation is regulated by its consumptive use permits (CUP). OCU is working toward alternative water supply (AWS) sources and agreements with third party water providers to meet the future water demands within our service area. While OCU cannot guarantee capacity to any project beyond its permitted capacity, we will continue to pursue the extension of the CUP and the incorporation of AWS and other water resources sufficient to provide service capacity to projects within the service area.

If you need additional information, please contact me or Laura Tatro at 407-254-9913.

cc: Andres Salcedo, P.E., Deputy Director, Utilities Department
Laura Tatro, P.E., Chief Engineer, Utilities Engineering Division
Alexander Castro, P.E., Senior Engineer, Utilities Engineering Division
Gregory Gologowski, Chief Planner, Planning Division
Christopher DeManche, MPA, Planner III, Planning Division
File: 37586; 2023-1 Regular Cycle

Potable Water and Wastewater Facilities Analysis for 2023-1 Regular Cycle Comprehensive Policy Plan Amendments

Amendment Number	Parcel ID	Service Type and Provider	Main Size and General Location	Proposed Land Use	Maximum Density, Dwelling Units	Maximum Density, Hotel Rooms	Maximum Density Non-residential SF	PW Demand (MGD)	WW Demand (MGD)	Available PW Capacity (MGD)	Available WW Capacity (MGD)	Reclaimed Water Required for Irrigation	OCU Service Area
2023-1-A-1-1 Sutton Lakes	31-24-27-0000-00-010; 31-24-27-0000-00-009; 31-24-27-0000-00-045; 31-24-27-0000-00-038; 31-24-27-0306-04-011	PW: Toho Water Authority WW: Toho Water Authority RW: Orange County Utilities	PW: Contact Toho Water Authority WW: Contact Toho Water Authority RW: Not Available	Growth Center-Planned Development-Commercial/Medium Density Residential/Low Density Residential (GC-PD-C/MDR/LDR)	557	0	20,000	N/A	N/A	N/A	N/A	N/A	N/A
2023-1-A-1-2 Sutton Grande	31-24-27-0000-00-012	PW: Toho Water Authority WW: Toho Water Authority RW: Orange County Utilities	PW: Contact Toho Water Authority WW: Contact Toho Water Authority RW: Not Available	Medium-High Density Residential (MHDR)	250	0	0	N/A	N/A	N/A	N/A	N/A	N/A
2023-1-A-1-3 Gissy Multifamily	34-24-28-0000-00-021	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 24-inch watermain within World Center Dr right-of-way WW: 20-inch forcemain within World Center Dr right-of-way RW: 12-inch and 24-inch reclaimed watermain within World Center Dr right-of-way	Planned Development - Commercial/High Density Residential (PD-C/HDR)	2,888	200	200,000	0.840	0.687	0.840	0.687	Yes	South
2023-1-A-1-4 Poinciana Multifamily	35-24-28-0000-00-008	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 12-inch water main within Poinciana Blvd right-of-way WW: TBD* RW: 8-inch reclaimed water main within Poinciana Blvd right-of-way	Activity Center Residential (ACR)	792	0	0	0.218	0.178	0.218	0.178	Yes	South
2023-1-A-2-1 6409 N OBT	04-20-27-0000-00-021	PW: Florida Governmental Utilities Authority WW: City of Mount Dora RW: Orange County Utilities	PW: Contact FGUA WW: Contact City of Mount Dora RW: Not Available	Growth Center - Low-Medium Density Residential (GC-LMDR) **Joining the NW Growth Center with this application**	75	0	0	N/A	N/A	N/A	N/A	No	N/A
2023-1-A-2-2 Special Hearts Farm	19-20-27-3752-00-093	PW: City of Apopka WW: City of Apopka RW: City of Apopka	PW: Contact City of Apopka WW: Contact City of Apopka RW: Contact City of Apopka	Institutional (INST)	Not Specified	Not Specified	Not Specified	N/A	N/A	N/A	N/A	N/A	N/A
2023-1-A-3-1 Dean Road Multifamily	19-22-31-0000-00-023; 19-22-31-0000-00-024; 19-22-31-0000-00-070 (portion east of Little Econlockhatchee River)	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 20-inch water main within Dean Rd right-of-way WW: TBD* RW: Not Available	Planned Development-Medium Density Residential/Conservation (PD-MDR/CONS)	420	0	0	0.116	0.095	0.116	0.095	No	East
2023-1-A-3-2 Econ Trail Multifamily	19-22-31-0000-00-070 (portion west of Little Econlockhatchee River)	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 24-inch water main within N Econlockhatchee Tr right-of-way WW: TBD* RW: Not Available	Planned Development - Medium Density Residential/Conservation (PD-MDR/CONS)	180	0	0	0.050	0.041	0.050	0.041	No	East
2023-1-A-4-1 Simpson Road Multifamily	33-24-30-0000-00-014; 33-24-30-0000-00-033; 33-24-30-0000-00-032; 33-24-30-0000-00-031	PW: Orlando Utilities Commission WW: Orange County Utilities RW: Orange County Utilities	PW: Contact Orlando Utilities Commission WW: TBD* RW: Not Available	Planned Development - Medium-High Density Residential (PD-MHDR)	360	0	0	N/A	0.081	N/A	0.081	No	South
2023-1-A-4-2 Stoneybrook Enclave	01-23-31-0000-00-001 (portion of)	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: TBD* WW: TBD* RW: TBD*	Low Density Residential (LDR)	125	0	0	0.034	0.028	0.034	0.028	TBD	East
2023-1-A-4-3 Cedar Crossing	24-22-31-0000-00-027	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 24-inch water main within Old Cheney Hwy right-of-way WW: 16-inch force main within Old Cheney Hwy right-of-way RW: Not Available	Commercial Urban Service Area Boundary Expansion	0	0	68,113	0.006	0.005	0.006	0.005	No	East

NOTES:

No plant improvements are needed to maintain LOS standards. This evaluation pertains solely to water and wastewater treatment plants. Connection points and transmission system capacity will be evaluated at the time of Master Utility Plan review and permitting, or at the request of the applicant.

* 2023-1-A-3-1, 2023-1-A-1-4, 2023-1-A-3-2, 2023-A-4-1, 2023-1-A-4-2: Water, Wastewater, and Reclaimed Water (as applicable) demands and connection points will be addressed as the project proceeds through the DRC and construction permitting processes.

Abbreviations: PW - Potable Water; WW - Wastewater; RW - Reclaimed Water; WM - Water Main; FM - Force Main; GM - Gravity Main; MUP - Master Utility Plan; TBD - To be determined as the project progresses through Development Review Committee, MUP and permitting reviews

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.



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,

A handwritten signature in blue ink, appearing to read "Christopher Mills".

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
	Multi Family Units:	0	
	Multi Family High Rise Units:	0	
	Town Homes Units:	0	
	Mobile Home Units:	0	
	Single Family Units:	0	
	Multi Family Units:	0	
	Multi Family High Rise Units:	0	
	Town Homes Units:	0	
	Mobile Home Units:	0	

	School Level	Elementary	Middle	High	
	CSA:	N			
	School:	STONE LAKES ES	AVALON MS	TIMBER CREEK HS	
	Analysis of Existing Conditions				
Capacity Enhancement	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	

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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

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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.