

# ORANGE COUNTY

PLANNING DIVISION

## 2021-1 TAB D4

## AMENDMENT

## 2021-1-A-1-1

2010 - 2030 COMPREHENSIVE PLAN

### BOARD OF COUNTY COMMISSIONERS

FEBRUARY 9, 2021  
TRANSMITTAL PUBLIC HEARING

**PREPARED BY:**  
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

February 9, 2021

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

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

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

SUBJECT: 2021-1 Regular Cycle Comprehensive Plan  
Amendments 2021-1-A-1-1 and 2021-1-B-FLUE-1 (Waterstar Orlando)  
Board of County Commissioners (BCC) Transmittal Public Hearing

2021-1 Regular Cycle Comprehensive Plan Amendments 2021-1-A-1-1 and 2021-1-B-FLUE-1 are scheduled for a BCC transmittal public hearing on February 9, 2021. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 21, 2021.

The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See:

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

The above-referenced 2021-1 Regular Cycle Amendments scheduled for consideration on February 9 include a privately-initiated Future Land Use Map Amendment located in District 1 and one associated staff-initiated text amendment. The privately-initiated map amendment involves a change to the Future Land Use Map (FLUM) for a property over 10 acres in size. The staff-initiated text amendment entails changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

Following the BCC transmittal public hearing, the proposed amendments will be transmitted to the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Staff expects to receive comments from DEO and/or the other State agencies in March 2021. Pursuant to 163.3184, Florida Statutes, the proposed amendments must be adopted within 180 days of receipt of the comment letter. The adoption hearings are tentatively scheduled before the LPA on April 15, 2021, and before the BCC on May 11, 2021.

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](mailto:Alberto.Vargas@ocfl.net) or Greg

2021-1 Regular Cycle Amendments 2021-1-A-1-1 and 2021-1-B-FLUE-1  
BCC Transmittal Public Hearings  
February 9, 2021  
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Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or  
[Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

AAV/sw

Enc: 2021-1 Regular Cycle Amendments 2021-1-A-1-1 and 2021-1-B-FLUE-1 BCC  
Transmittal Staff Report

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

# **2021 FIRST REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN TRANSMITTAL PUBLIC HEARING**

## **INTRODUCTION**

This is the Board of County Commissioners (BCC) transmittal staff report for the First Regular Cycle Amendments 2021-1-A-1-1 and 2021-1-B-FLUE-1 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). These amendments were heard by the Local Planning Agency (LPA) during a transmittal public hearing held on January 21, 2021, and will go to the Board of County Commissioners (BCC) for a transmittal public hearing on February 9, 2021.

The above-referenced 2021-1 Regular Cycle Amendments include a privately-initiated map amendment located in District 1 and one staff-initiated text amendment. Since this is the transmittal stage for these amendments, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendments and provide comments, expected in March 2021. Adoption public hearings are tentatively scheduled before the LPA on April 15, 2021 and the BCC on May 11, 2021.

Once the Regular Cycle amendments have been adopted by the BCC, they 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 June 2021, 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](mailto:Alberto.Vargas@ocfl.net), or Gregory Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Gologowski@ocfl.net](mailto:Gregory.Gologowski@ocfl.net).

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**2021-1 Regular Cycle State Expedited Review Comprehensive Plan Amendments  
Privately Initiated Future Land Use Map Amendment**

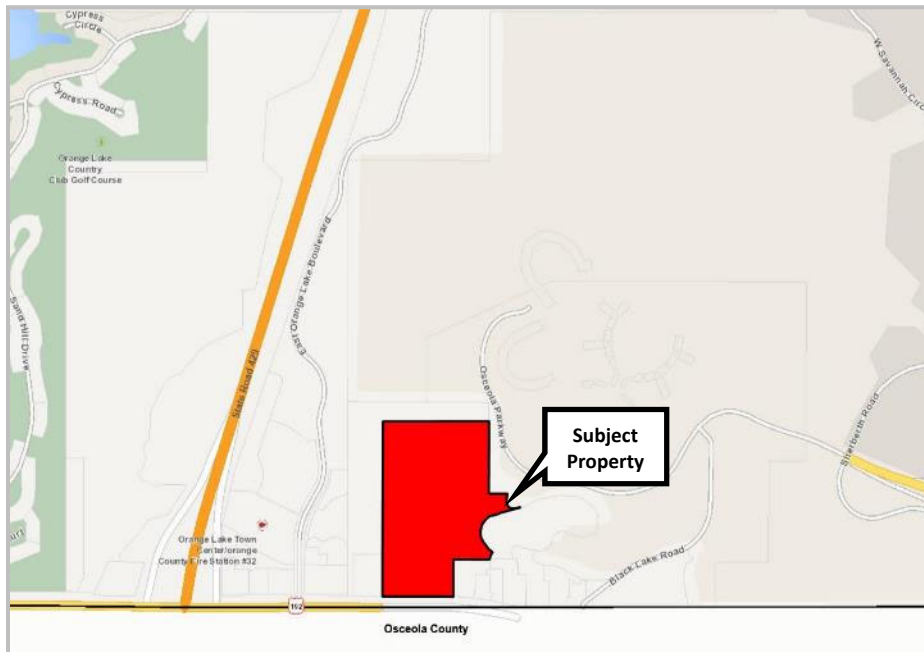
Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
District 1													
2021-1-A-1-1 (Waterstar Orlando)	CDR application expected	Ryan Stahl, Waterstar Orlando, LLC	Jonathan A. Martin, Kimley-Horn and Associates, Inc.	33-24-27-0000-00- 006/010/011/012/024/025 34-24-27-1000-01-001	7991 W. Irio Bronson Memorial Hwy.; Generally located north of W. Irio Bronson Memorial Hwy., east of E. Orange Lake Blvd., and west of Black Lake Rd.	Commercial (C)	Growth Center-Planned Development-Commercial/Medium-High Density Residential (GC-PD-C/MHDR)	PD (Planned Development District) (Waterstar Orlando PD/LUP)	PD (Planned Development District) (Waterstar Orlando PD/LUP)	33.64 gross ac.	Jennifer DuBois	Transmit	Transmit (6-0)

**2021-1 Regular Cycle Comprehensive Plan Amendments  
Staff Initiated Comprehensive Plan Text Amendment**

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2021-1-B-FLUE-1 (FLU8.1.4)	Planning Division	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County associated with Amendment 2021-1-A-1-1	Jennifer DuBois	Transmit	Transmit (6-0)

**ABBREVIATIONS INDEX:**

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MHDR-Medium-High Density Residential; HDR-High Density Residential; PD-Planned Development; V-Village; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; GB-Greenbelt; SPA-Special Planning Area; R-Rural/Agricultural; TS-Timshare; RS-Rural Settlement; ACMU-Activity Center Mixed Use; ACR-Activity Center Residential; GC-Growth Center; R-Resort; 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; LUP-Land Use Plan; LUPA-Land Use Plan Amendment; CDR- Change Determination Request; PD-Planned Development District; A-2- Farmland Rural District; A-1-Citrus Rural District; SR-State Road; AC-Acres



**Applicant/Owner:** Jonathan A. Martin, Kimley-Horn and Associates, Inc./Ryan Stahl, Waterstar Orlando, LLC

**Location:** 7991 W. Irlo Bronson Memorial Highway; Generally located north of W. Irlo Bronson Memorial Highway, east of E. Orange Lake Boulevard, and west of Black Lake Road.

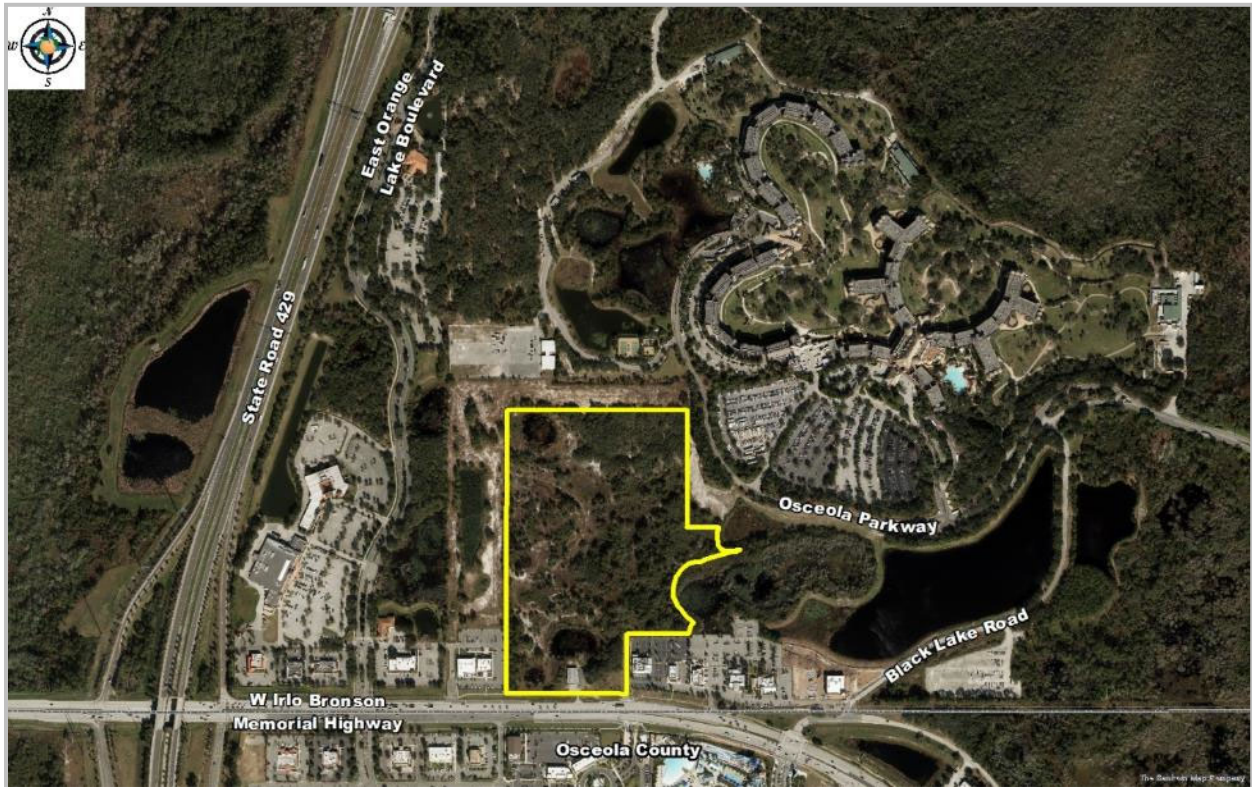
**Existing Use:** Undeveloped land

**Parcel ID Numbers:** 33-24-27-0000-00-006/010/011/012/024/025 and 34-24-27-1000-01-001

**Tract Size:** 33.64 gross/net developable acres

The following meetings and hearings have been held:		Project Information
Report/Public Hearing	Outcome	
✓ A virtual community meeting was held on January 19, 2021.	No members of the public were in attendance.	<b>Request:</b> Commercial (C) to Growth Center-Planned Development-Commercial/Medium-High Density Residential (GC-PD-C/MHDR) and Staff-Initiated Text Amendment to incorporate the proposed development program into Policy FLU8.1.4
✓ Staff Report	Recommend Transmittal	<b>Proposed Development Program:</b> Up to 250,000 square feet of commercial uses, 250 hotel rooms, and 1,178 multi-family residential units.
✓ LPA Transmittal January 21, 2021	Recommend Transmittal (6-0)	<b>Public Facilities and Services:</b> Please see the Public Facilities & Services Appendix for specific analysis of each public facility.
BCC Transmittal	February 9, 2021	<b>Environmental:</b> Conservation Area Determination CAD-19-05-176 was issued August 6, 2019, and expires August 6, 2024. Conservation Area Impact Permit CAI-19-08-047, authorizing impacts to 4.1 acres of onsite Class III wetlands and .20 acre of offsite Class III wetlands, was issued February 12, 2020, and expires February 12, 2025.
State Agency Comments	March 2021	<b>Utilities:</b> The subject property is located within the Toho Water Authority's utility service area.
LPA Adoption	April 15, 2021	<b>Schools:</b> The developer shall be required to submit an updated Application for Determination of School Capacity and School Concurrency to Orange County Public Schools.
BCC Adoption	May 11, 2021	<b>Concurrent PD/LUP Substantial Change:</b> If this requested amendment is transmitted to the Florida Department of Economic Opportunity, staff expects that a Change Determination Review (CDR) application to amend the currently-approved Waterstar Orlando PD Land Use Plan will be considered concurrently with the Future Land Use Map Amendment during the BCC adoption public hearing.
BCC PD/LUP Substantial Change Hearing	May 11, 2021	

**AERIAL**





**FUTURE LAND USE - CURRENT**



**Current Future Land Use:**  
Commercial (C)

**Special Area Information**

Growth Center: U.S. 192  
Growth Center

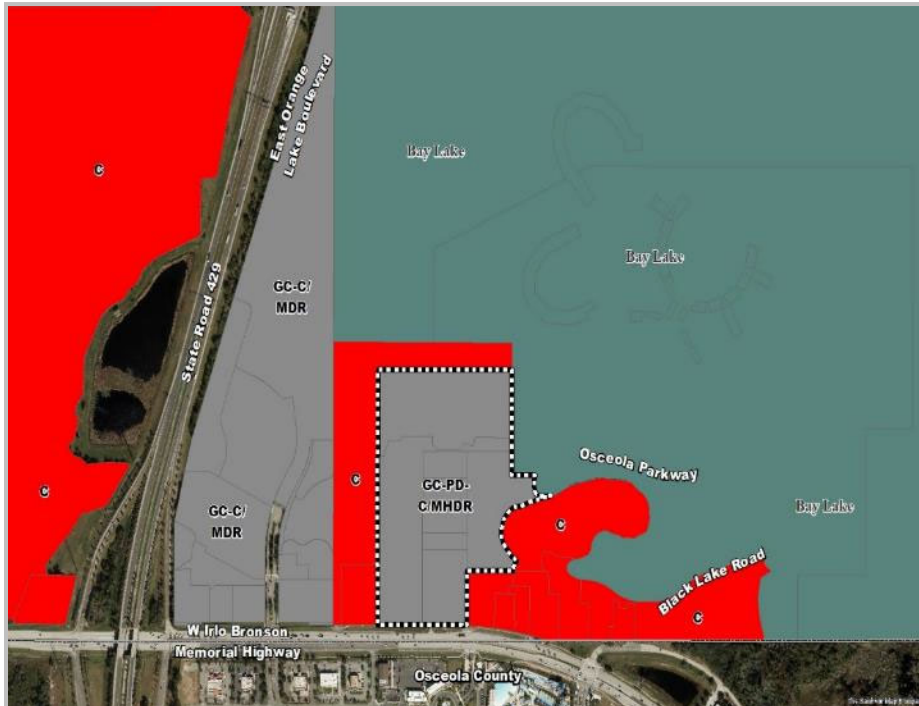
JPA: N/A

Rural Settlement: N/A

Overlay District: N/A

Airport Noise Zone: N/A

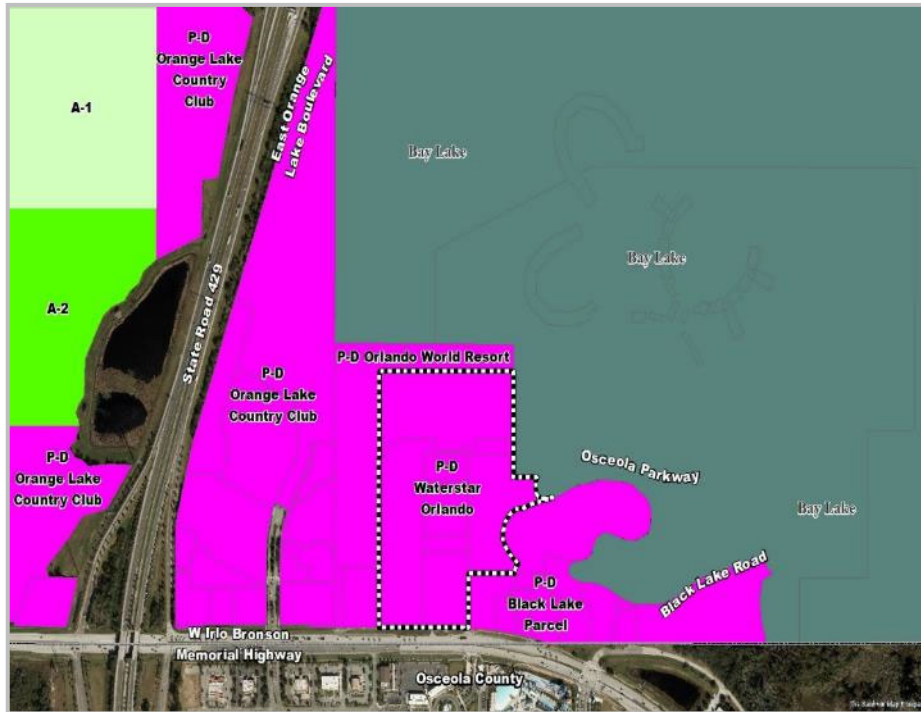
**FUTURE LAND USE – PROPOSED**



**Proposed Future Land Use:**

Growth Center-Planned  
Development-  
Commercial/Medium-  
High Density Residential  
(GC-PD-C/MHDR)

**ZONING - CURRENT**



**Zoning:**

PD (Planned Development District) (Waterstar Orlando PD/LUP)

**Existing Uses:**

N: Undeveloped land and Disney's Animal Kingdom Lodge (RCID/City of Bay Lake)

S: Commercial development (Osceola County)

E: Commercial development and wetlands (Orange County) and Disney's Animal Kingdom Lodge (RCID/City of Bay Lake)

W: Commercial development and undeveloped land

## Staff Recommendations

1. **FUTURE LAND USE MAP AMENDMENT 2021-1-A-1-1:** Make a finding that the information contained in the application for the proposed amendment is sufficiently complete; that the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Local Planning Agency that the amendment, 2021-1-A-1-1, be **TRANSMITTED** to the state reviewing agencies.
2. **FUTURE LAND USE TEXT AMENDMENT 2021-1-B-FLUE-1:** Make a finding the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes, and recommend to the Local Planning Agency that Amendment 2021-1-B-FLUE-1 be **TRANSMITTED** to the state reviewing agencies.

## Analysis

### 1. Background and Development Program

The applicant, Jonathan Martin of Kimley-Horn and Associates, Inc., is requesting to change the Future Land Use Map (FLUM) designation of the 33.64-acre subject property, comprising the entire Waterstar Orlando Planned Development (PD), from Commercial (C) to Growth Center-Planned Development-Commercial/Medium-High Density Residential (GC-PD-C/MHDR). Consisting of seven individual parcels and encompassing 29.54 upland acres and 4.10 acres of Class III wetlands, the PD is presently approved for the development of a mixed-use project featuring up to 250,000 square feet of commercial uses, 250 hotel rooms, and 320 multi-family residential units. The applicant is now seeking to modify the PD’s current entitlements to allow for the development of up to 250,000 square feet of commercial uses, 250 hotel rooms, and 1,178 multi-family residential units, with the flexibility to establish the desired mix of residential and non-residential uses through the use of a Trip Equivalency Matrix.

Situated within the U.S. 192 Growth Center, the Waterstar Orlando PD was approved on August 21, 2020, via the Orange County Board of County Commissioners’ (BCC’s) approval of Rezoning Case LUP-19-04-119. Although the construction of residential units is typically not permitted on a site with an underlying Commercial future land use designation, the residential component of the PD was nonetheless approved, based on the assertion that Orange County Comprehensive Plan Policy FLU8.1.10 allows residential development to be considered within non-residential PDs, subject to meeting an established set of standards. Specifically, the policy reads as follows:

- FLU8.1.10 Ancillary residential development may be considered in a non-residential Planned Development without a comprehensive plan amendment, provided all the standards listed below are met.
- A. The residential component shall be limited to a maximum of thirty percent (30%) of the total Planned Development acreage; and,
  - B. The overall residential development shall be a minimum of 10 units per acre and a maximum of 50 units per acre (unless located within an activity center, where the activity center maximum density shall apply); and,
  - C. The residential component shall be integrated into and compatible with the nonresidential land use by location and/or design; and,
  - D. The PD Plan change shall be processed as required in the Zoning Regulations.

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Prior to the BCC's approval of the PD rezoning, the Orange County Environmental Protection Division (EPD) issued Conservation Area Impact Permit CAI-19-08-047. This permit, granted February 12, 2020, with an expiration date of February 12, 2025, authorized the alteration of the site's 4.10 acres of Class III wetlands, in addition to .20 acre of offsite wetland impacts, with the purchase of 2.62 acres of mitigation credits required. The issuance of this Conservation Area Impact Permit provided for the utilization of the site's entire 33.64 acres for the mixed-use development. The limitation of the project's multi-family residential component to 30 percent of the PD's total acreage at a density of 32 dwelling units per net acre—between the minimum of 10 dwelling units per acre and the maximum of 50 dwelling units per acre, as specified in Policy FLU.8.1.10(B)—yielded the unit count of 320, with the apartments relegated to the north 10.09 acres of the property, as established on the PD Land Use Plan (LUP).

At this time, the applicant is seeking additional flexibility for the future development of the project, specifically in regard to its residential component. Although the Parcel A – Multi-Family Development Plan, DP-20-02-043, entailing the construction of 320 multi-family units on the site's north 10.08 acres, received Orange County Development Review Committee (DRC) approval on November 4, 2020, he is now—through the submittal of this amendment application—requesting the option to develop the site's 33.64 acres solely for multi-family residential use. The applicant is requesting to add the Medium-High Density Residential (MHDR) future land use designation to the site's present Commercial classification, which would remove the 30 percent cap on residential development and allow for the construction of up to 1,178 multi-family units in accordance with the MHDR category's maximum allowable density of 35 dwelling units per net acre.

In addition to requesting the MHDR designation, the applicant is seeking to retain the PD's non-residential entitlements of 250,000 square feet of commercial uses and 250 hotel rooms. To achieve this goal, the applicant has applied for this change in land use to Growth Center-Planned Development-Commercial/Medium-High Density Residential (GC-PD-C/MHDR). Adoption of this proposed Future Land Use Map Amendment will also involve a corresponding text amendment, Amendment 2021-1-B-FLUE-1, to incorporate the maximum development program of up to 250,000 square feet of commercial uses, 250 hotel rooms, and 1,178 multi-family residential units into Future Land Use Element Policy FLU8.1.4, which establishes the maximum densities and intensities for properties with the PD future land use designation. If granted, it will provide the developer the flexibility to establish the PD's mix of residential and non-residential uses via the utilization of a Trip Equivalency Matrix included on the PD Land Use Plan.

In conjunction with this requested Future Land Use Map Amendment and associated text amendment, the submittal and approval of a Change Determination Review (CDR) application to amend the currently-approved Waterstar Orlando PD Land Use Plan (LUP) will be required to update the maximum development program and revise the design and development standards for the project. If the proposed Future Land Use Map Amendment and text amendment are transmitted to the Florida Department of Economic Opportunity (DEO), staff anticipates that a PD/LUP substantial change petition will be considered concurrently with the two amendments during the BCC adoption hearing.

### **Community Meeting**

In lieu of a traditional in-person community meeting, a virtual community meeting was held for the proposed amendment on January 19, 2021. 31 meeting notices were mailed to those property owners within a 1,500-foot radius of the subject site, but no members of the public attended.

## 2. Project Analysis

### Consistency

The requested FLUM amendment appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

As noted above, the Waterstar Orlando PD is located within the County's U.S. 192 Growth Center, along a stretch of U.S. 192 characterized by intense tourist-oriented development, including Disney's Animal Kingdom Lodge directly north and east of the site, within the City of Bay Lake, and the Animal Kingdom park roughly 1.5 miles to the east. An employee entrance to the Animal Kingdom Lodge and Park is also located within a mile of the site. In addition to its proximity to Walt Disney World, Central Florida's largest employer, the subject property lies in the immediate vicinity of numerous resorts, hotels, tourist attractions, shopping areas, and restaurants. The property's adjacency to this activity—both in Orange County along the north side of U.S. 192 and in Osceola County on the south side of the highway—make it ideally situated for the development of housing for employees of these tourist-oriented establishments, as well as for commercial or hotel use.

As established in **Future Land Use Element Policy FLU1.1.4.F**, Growth Centers are a future land use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide, at a minimum, that the County will not incur initial capital costs for utilities. The subject property lies within the Tohopekaliga (Toho) Water Authority's potable water, wastewater, and reclaimed water service areas. The Toho Water Authority is based in adjacent Osceola County, and it presently has utility infrastructure in place to serve the proposed development, as discussed in the Utilities section of the divisional comments included in this report. In a letter dated May 1, 2019, the Toho Water Authority's Engineering Division informed the applicant that the Toho Water Authority will provide the potable water, sanitary sewer, and irrigation service for the proposed project, provided the developer complies with all applicable Toho Water Authority design and construction standards and enters into the necessary Developer's Service Agreement.

Staff finds the proposed Growth Center-Planned Development-Commercial/Medium-High Density Residential designation and associated mixed-use development program consistent with **Future Land Use Element Policy FLU1.1.1**, which mandates that 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. Given the availability of utilities, accessibility to LYNX bus service via stops located roughly 250 feet east and west of the property's primary entrance point on U.S. 192, and easy access to regional transportation corridors (including State Road 429 to the west of the site and Interstate-4 and Osceola Parkway to the east), this requested designation is likewise consistent with **Future Land Use Element Policy FLU7.4.4**, which states that urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan.

In accordance with **Future Land Use Element Policy FLU1.1.2.A**, the applicant has established the maximum desired development program for the residential component of the project, proposing up to 1,178 multi-family units under the "urban-scale" Medium-High Density Residential future land use designation, which allows single- and multi-family residential development at a maximum density of 35 dwelling units per net acre. The Medium-High Density Residential land use designation, as described in **Policy FLU1.1.2.B**, is intended to recognize a transition in density between highly

urbanized areas and medium density residential development that support public transit and neighborhood-serving amenities within a reasonable pedestrian walkshed.

With respect to the provision of housing, staff is supportive of the applicant’s request to potentially develop more than 30 percent of the Waterstar Orlando PD for residential purposes, given the property’s proximity to major employers and regional transportation corridors, the availability of public transit, and the presence of utility infrastructure. While staff is likewise comfortable with the applicant’s proposal to retain the PD’s commercial and hotel entitlements, there is a need for affordable housing in this area of the County. The multi-family component of the project would provide an additional housing option for employees of the parks, hotels, restaurants, and retail establishments that abound along the U.S. 192 corridor. As the applicant states in the justification statement included in the application package, “The property proposes commercial and residential components which will support the growth of the tourism industry in Orange County. Commercial retail and restaurant lots within the property along with proximity to the Bay Lake area and Disney parks are the leading factors of this growth. The residential portion of the property would provide an affordable housing option for employees of the parks.” Staff notes that the provision of affordable housing options in this area of the County is crucial and will help further the goals of Orange County’s Housing for All 10-Year Action Plan, which aims to preserve and create 30,300 affordable and attainable housing units by 2030. It is staff’s belief that the requested FLUM Amendment and associated residential development program are consistent with Orange County’s commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. The proposal to construct up to 1,178 multi-family units is consistent with **Housing Element Objective H1.1**, which states that Orange County will support private sector housing production capacity sufficient to meet current and anticipated housing needs. It is staff’s belief that the proposed multi-family component of the mixed-use project would contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Future Land Use Element Policy FLU1.1.1**.

**Staff-Initiated Text Amendment**

**Future Land Use Element Policy FLU8.1.4** establishes the development programs for Planned Development (PD) and Lake Pickett (LP) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment 2021-1-B-FLUE-1. If adopted, the maximum development program for Amendment 2020-1-A-1-1 will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2021-1-A-1-1</u> <u>Waterstar Orlando</u>	<u>Growth Center-Planned Development-Commercial/Medium-High Density Residential (GC-PD-C/MHDR)</u>	<u>Commercial: Up to 250,000 square feet</u> <u>Hotel: Up to 250 rooms</u> <u>Residential: Up to 1,178 multi-family dwelling units</u>	<u>2021-</u>

## Compatibility

The requested FLUM amendment and associated development program appear to be **compatible** with the development trend 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 pattern and development trends in the area. The nature of the proposed mixed-use project is consistent with its location within the U.S. 192 Growth Center, characterized by intense tourist-oriented commercial activity but in need of additional residential opportunities—particularly affordable housing options—for employees of the parks, hotels, restaurants, and retail establishments that line the U.S. 192 corridor.

It is staff's belief that the proposed mixed-use project would contribute to the County's larger goals of promoting compact urban form consistent with the County's Growth Center Policies, providing for a range of living options, efficiently using existing and planned infrastructure, reducing trip lengths, and encouraging accessibility via multiple modes of transportation. Staff, therefore, recommends transmittal of this requested amendment.

## Public Facilities and Services

**Environmental.** The Orange County Environmental Protection Division (EPD) has informed staff that Class III wetlands totaling 4.10 acres are located onsite. The subject properties were included in Orange County Conservation Area Determination CAD-19-05-076 and CAD-19-06-087, completed in August 2019. Conservation Area Impact Permit CAI-19-08-047 was approved on February 12, 2020, to remove the wetlands onsite and a 0.2-acre portion offsite. This request shall comply with all relevant permit conditions of approval.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (endangered, threatened, or species of special concern). The applicant is responsible for determining the presence of imperiled species and obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). Gopher tortoises were identified onsite during the site environmental assessment conducted for wetland permitting.

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

**Transportation.** The applicant is requesting to change the 33.64-acre subject property from Commercial (C) to Growth Center-Planned Development-Commercial/Medium-High Density Residential (GC-PD-C/MHDR) and amend the currently-approved Waterstar Orlando PD Land Use Plan to increase the maximum number of multi-family dwelling units from 320 to 1,178, while retaining the flexibility to develop up to 250,000 square feet of commercial space and 250 hotel rooms. Analysis of the project trips from the currently-approved future land use designation versus the proposed classification indicates that the proposed development will result in an increase in the number of p.m. peak trips and, therefore, impact area roadways. Based on the Concurrency Management System (CMS) database, several roadways within the project's impact area are not operating at acceptable levels of service due to committed trips.

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The subject property is not located within the County's Alternative Mobility Area (AMA). Transportation Planning notes that the site is located along a constrained/backlogged multimodal corridor (US 192).

Based on trip generation estimates from the 10th Edition of the Institute of Transportation Engineers *Trip Generation Handbook*, the allowable development based on the currently-approved future land use designation and PD Land Use Plan will generate 1,361 p.m. peak hour trips. Development of the desired amended mix of uses in accordance with the requested GC-PD-C/MHDR future land use classification will generate 1,738 p.m. peak hour trips, resulting in a net increase of 377 p.m. peak hour trips.

The subject property is located adjacent to US 192, a six-lane divided roadway. Based on the CMS database dated August 24, 2020, this roadway currently operates at Level of Service (LOS) F, and capacity is not available to be encumbered. All other roadway segments within the project's impact area also operate at LOS F. This information is dated and is subject to change.

Based on the CMS database dated August 24, 2020, the following roadway segments are operating below the adopted level of service standard within the project's impact area:

1. Hartzog Road from Avalon Road to Western Way
2. Avalon Road from Western Way to US 192.

Transportation Planning notes that there are recorded developers' roadway agreements for Avalon Road and Hartzog Road. However, there are no planned and programmed roadway improvements at this time.

Background traffic was developed based on the 5% annual growth rate based on historical AADT within the project's impact area. Committed trips were used if they exceed background traffic volumes developed with annual growth rates to account for growth in the area.

Analysis of short-term (2025) conditions indicates that the following roadway segments within the project's impact area will continue to operate below their adopted levels of service with and without the proposed development:

- US 192 / SR 530 – from the Lake County Line to the Osceola County Line (daily and p.m.)
- Avalon Road – from US 192 to Hartzog Road (daily and p.m.)
- Avalon Road – from Hartzog Road to Flamingo Crossings Boulevard (daily).

Analysis of long-term analysis year (2040) conditions indicates that the same deficiencies will continue on the currently-deficient roadway segments, and the proposed project will impact the failing segments. Additionally, the following roadway segments are projected to operate below the adopted Level of Service standards:

- US 192 / SR 530 – from the Lake County Line to the Osceola County Line (daily and p.m.)
- Western Beltway – from the Osceola County Line to Western Way (daily and p.m.)
- Avalon Road – from US 192 to Hartzog Road (daily and p.m.)
- Avalon Road – from Hartzog Road to Flamingo Crossings Boulevard (daily and p.m.).

The deficiencies on these roadway segments will occur with and without the addition of the proposed project trips.



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 the Tohopekaliga (Toho) Water Authority's potable water, wastewater, and reclaimed water service areas. Per the Toho Water Authority's May 1, 2019, letter to the applicant, the following utilities exist in the following general locations:

- 12" water main on the site at the south property line of Parcel 34-24-27-1000-01-000
- 6" reclaim main on the site at the south property line of Parcel 34-24-27-1000-01-000
- 8" gravity sanitary sewer main on the site at the south property line of Parcel 34-24-27-1000-01-000
- 6" reclaim main approximately 18 feet south of Parcels 33-24-27-0000-00-006 and 33-24-27-0000-00-010, on the north side of W. Irlo Bronson Memorial Highway
- 16" water main approximately 38 feet south of Parcels 33-24-27-0000-00-006 and 33-24-27-0000-00-010, on the north side of W. Irlo Bronson Memorial Highway.

The Toho Water Authority cautions, however, that this information should not be used for design or construction without field verification. As stated in the letter, a firm commitment for utility service will be provided upon meeting the Toho Water Authority's requirements for service including, but not limited to, compliance with its design and construction standards, specifications, and details; payment of applicable fees and System Development Charges; and execution of a Developer's Service Agreement.

**Schools.** Per Orange County Public Schools (OCPS), the elementary school (Independence Elementary), middle school (Bridgewater Middle), and high school (Windermere High) that would serve the project are presently operating over capacity. However, in their January 29, 2020, Revised Capacity Enhancement Approval Letter, OCPS issued a recommendation of approval for School Capacity Determination Application OC-19-066, as the three schools are slated for relief by 2022. Independence Elementary is scheduled for relief in 2022 (89-E-W-4), Bridgewater Middle is scheduled for relief in 2022 (132-M-W-4), and Windermere High is scheduled for relief in 2021 (113-H-W-4).

Staff notes, though, that the applicant's Capacity Enhancement Approval Letter was based on the previously-approved residential development program of 320 multi-family units associated with Rezoning Case LUP-19-04-119. Furthermore, the applicant's School Capacity Determination expired September 11, 2020. Therefore, the applicant shall be required to submit a new Application for Determination of School Capacity and School Concurrency to OCPS based on the new maximum requested residential development program of 1,178 multi-family units and provide staff with a copy of the updated determination.

### 3. Policy References

**OBJ FLU2.2** – Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development

include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community.

**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.

**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.

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

**FLU1.1.2.A –** The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.

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

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



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**FLU1.1.4.F – GROWTH CENTER(S)** – Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide at a minimum that the County will not incur initial capital costs for utilities. Orange County has two Growth Centers – one in the northwest referred to as the Northwest Growth Center and one in the southeast referred to as Growth Center/Resort/PD.

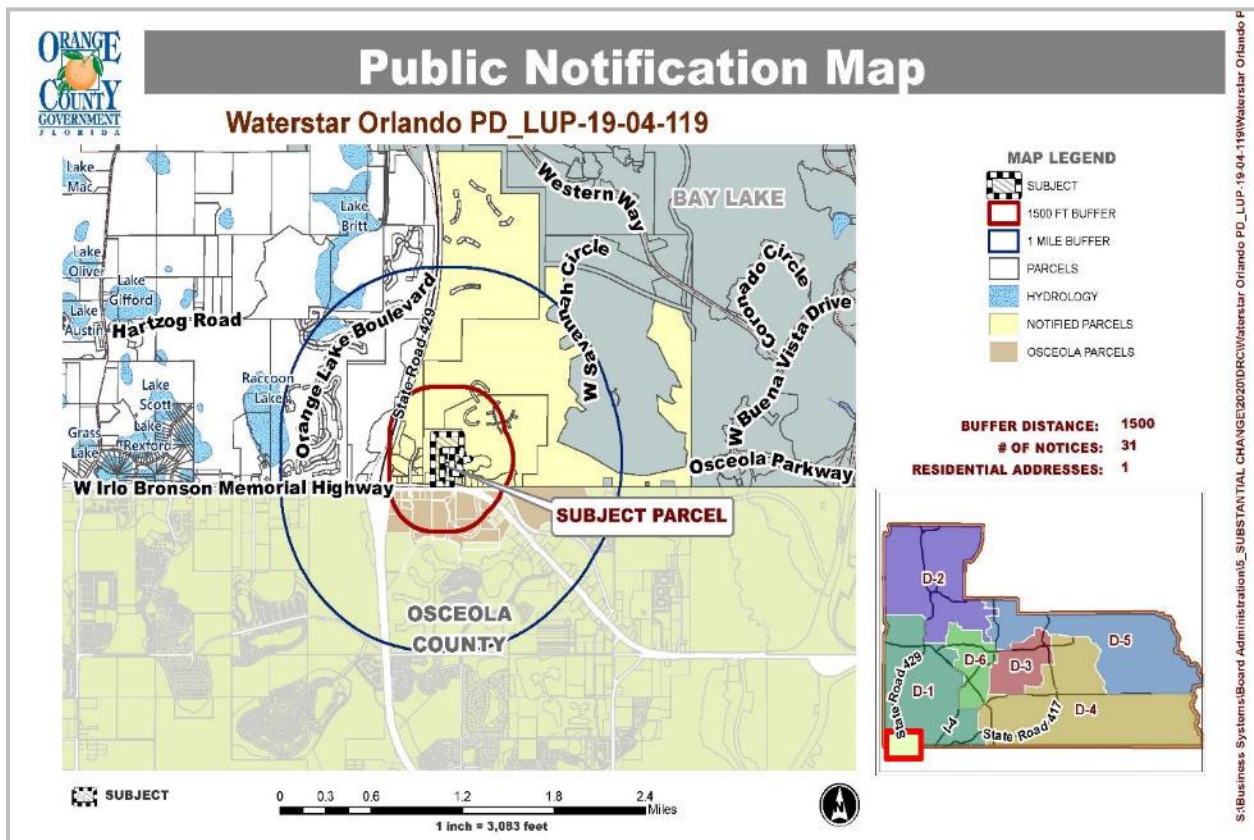
**FLU7.4.4** – Urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. If services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.

**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.

Site Visit Photos

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

### PUBLIC NOTIFICATION MAP



#### Notification Area

- 1,500 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site
- 31 notices sent





## Community Meeting Memorandum

**DATE:** January 28, 2021  
**TO:** Alberto A. Vargas, MArch., Planning Manager  
**FROM:** Jennifer DuBois, Planner  
**SUBJECT:** Amendment 2021-1-A-1-1 (Waterstar Orlando) Virtual Community Meeting Synopsis  
**C:** Project File

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**Location of Project:** 7991 W. Irlo Bronson Memorial Highway; Generally located north of W. Irlo Bronson Memorial Highway, east of E. Orange Lake Boulevard, and west of Black Lake Road.

**Meeting Date and Location:** Tuesday, January 19, 2021 at 6:30 PM - Virtual Community Meeting using WebEx Event

**Attendance:**

District Commissioner	District 1 Commissioner Nicole Wilson Anh Volmer, Commissioner's Aide, District 1
Orange County Staff	Jennifer DuBois, Sue Watson, Greg Golgowski, and Nik Thalmueller, Planning Division Amanda Hallenbeck, Environmental Protection Division
Applicant/Owner	Jonathan Martin and Kelly Starkey, Kimley-Horn and Associates, Inc. / Ryan Stahl, Amy McCook, and Kirsten Davis, Equinox Development
Residents	31 notices mailed; no residents in attendance

**Overview of Project:** The applicant, Jonathan Martin of Kimley-Horn and Associates, Inc., is requesting to change the Future Land Use Map (FLUM) designation of the 33.64-acre subject property, comprising the entire Waterstar Orlando Planned Development (PD), from Commercial (C) to Growth Center-Planned Development-Commercial/Medium-High Density Residential (GC-PD-C/MHDR). Consisting of seven individual parcels, the PD is presently approved for the development of a mixed-use project featuring up to 250,000 square feet of commercial uses, 250 hotel rooms, and 320 multi-family residential units. The applicant is now seeking to modify the PD's current entitlements to allow for the development of up to 250,000 square feet of commercial uses, 250 hotel rooms, and 1,178 multi-family residential units, with the flexibility to establish the desired mix of residential and non-residential uses through the use of a Trip Equivalency Matrix.

**Meeting Summary:** Planner Jennifer DuBois opened the virtual community meeting at 6:30 PM and introduced District 1 Commissioner Nicole Wilson, District 1 Commissioner's Aide Anh Volmer, the County staff members in attendance, and the representatives of the applicant and development teams.

Commissioner Wilson welcomed everyone and thanked any property owners opting to view the recorded virtual community meeting at a later date. She provided her email address and encouraged any viewer with questions or comments to contact her.

Ms. DuBois began the virtual community meeting presentation by explaining that Mr. Golgowski would serve as the meeting moderator and reviewed the virtual community meeting guidelines. She provided an overview of the proposed mixed-use project and informed viewers of the upcoming public hearing dates, emphasizing that this community meeting is only the first step in the amendment process.

Ms. DuBois stated that subject site, located within the U.S. 192 Growth Center, comprises the entire Waterstar Orlando PD, currently entitled for the development of up to 250,000 square feet of commercial uses, 250 hotel rooms, and 320 multi-family residential units. She explained that the property's present Commercial future land use designation and the currently-approved Waterstar Orlando PD Land Use Plan limit the residential component of the mixed-use development to 30 percent of the PD's 33.64 net developable acres, yielding 320 multi-family dwelling units restricted to the north 10.09 acres of the PD. The applicant is proposing to add the Medium-High Density Residential future land use designation to the Commercial classification, which would remove the 30 percent cap on residential development and allow for the construction of up to 1,178 multi-family units on the overall site, in accordance with the MHDR category's maximum allowable density of 35 dwelling units per net acre. In addition to requesting the MHDR designation, the applicant is seeking to retain the PD's non-residential entitlements of 250,000 square feet of commercial uses and 250 hotel rooms and is asking for the flexibility to establish the specific mix of residential and non-residential uses through the use of a Trip Equivalency Matrix. Ms. DuBois added that if this proposed amendment is transmitted to the Florida Department of Economic Opportunity, staff expects that a Change Determination Review application to amend the current PD Land Use Plan will be considered concurrently with the amendment during the BCC adoption hearing. She then turned the meeting over to the applicant, Jonathan Martin.

Mr. Martin and the property owner, Mr. Ryan Stahl, noted that the subject property is located along a stretch of U.S. 192 characterized by intense tourist-oriented development, including Disney's Animal Kingdom Lodge directly north and east of the site. Mr. Stahl stated that while the north portion of the property is slated for multi-family residential construction, his firm anticipates developing the site's U.S. 192 frontage for retail and/or restaurant uses similar to those that line both sides of the highway. He explained that while they had originally envisioned developing the middle portion of the property for commercial and/or hotel use, they are now considering utilizing that acreage for residential purposes. Mr. Stahl asserted that there is a need for housing, particularly affordable housing, for the employees of the parks, hotels, restaurants, and retail establishments that abound along the U.S. 192 corridor. The provision of additional housing in this area would provide more of these individuals the opportunity to live near their place of employment, shortening their daily commute. Mr. Martin noted that the Toho Water Authority will be providing water, sewer, and reclaimed water service to the site and that the property lies in the immediate vicinity of shopping, dining, and personal service establishments to meet the daily needs of the residential population. Mr. Stahl stated, though, that given the current state of the market, his firm wishes to retain its non-residential entitlements, which are equally appropriate for the area. Mr. Golgowski remarked that he would like the applicant and



development teams to settle on a specific development program within the next few months, which will be subsequently incorporated into their amended PD Land Use Plan via the Change Determination Review process.

Although no members of the public attended the virtual community meeting, the event was recorded and has been made available for any interested party to view online and provide written feedback. Mr. Golgowski provided Commissioner Wilson's contact information, as well as that of Mayor Demings and the other five County Commissioners, and encouraged viewers to contact them or Ms. DuBois with any questions or concerns. Mr. Golgowski, Ms. DuBois, and Commissioner Wilson again thanked the public for viewing the presentation. The meeting was adjourned at 7:00 PM. The overall tone was **POSITIVE**.