

# ORANGE COUNTY

PLANNING DIVISION

## 2023-1 REGULAR CYCLE AMENDMENT 2023-1-P-FLUE-1 &

## CHANGE DETERMINATION REQUEST CDR-22-04-119

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY  
COMMISSIONERS

JUNE 18, 2024  
ADOPTION PUBLIC HEARING

PREPARED BY:  
ORANGE COUNTY PLANNING, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION



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	-and-	
	Substantial Change CDR-22-04-119	<p>Substantial Change Request to the previously approved Sutton Lakes PD Land Use Plan to add multi-family as an allowable use; incorporate a trip equivalency matrix and revise the development program from 700 single-family units and 20,000 square feet of retail commercial uses to 253 single-family attached and detached units, 304 multi-family units, and 20,000 square feet of retail commercial uses; and to modify the access locations. The request also includes removing Condition of Approval 16a which restricts building height along the lake to one (1)-story. Also requested are three (3) waivers from Orange County Code:</p> <ol style="list-style-type: none"> <li>1) A waiver from Orange County Code Section 38-1258(a) to allow multi-family buildings to be four (4) stories/fifty-five (55) feet in height when located within one hundred (100) feet of single-family zoned property internal to this PD, in lieu of being restricted to a single story in height;</li> <li>2) A waiver from Orange County Code Section 38-1258(b) to allow multi-family buildings located more than 100 feet from single-family zoned property a maximum height of four (4) stories/fifty-five (55) feet, in lieu of three (3) stories/forty (40) feet; and</li> <li>3) A waiver from Orange County Code Section 38-1258(d) to not require a six (6) foot high masonry, brick, or block wall for multi-family development adjacent to single-family zoned property internal to this PD, in lieu of requiring a six (6) foot high masonry, brick, or block wall.</li> </ol>

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**2023-1 Regular Cycle Comprehensive Plan Amendments**

**Privately-Initiated Comprehensive Plan Text Amendment**

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Parcel ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
District 1													
2023-1-P-FLUE-1 (fka 2023-1-A-1-1) Sutton Lakes	CDR-22-04-119	Westgate Resorts LTD	Jennifer Stickler, P.E. Kimley-Horn & Associates, Inc.		Privately-initiated text amendment to Future Land Use Element Policy FLU8.1.4 amending the maximum density/intensity of the Sutton Lakes PD and, specifically, revising the currently-approved development program to add multi-family residential as a permitted use within the PD.						Jennifer DuBois	Adopt	Adopt (7-0)
<p>ABBREVIATIONS INDEX: PD-Planned Development; CP-Comprehensive Plan; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Poicies; OBJ-Objective; P-Privately-Initiated; SR-State Road; AC-Acres</p>													

# 2023 FIRST REGULAR CYCLE PRIVATELY-INITIATED TEXT AMENDMENT AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN BOARD ADOPTION PUBLIC HEARING

## INTRODUCTION

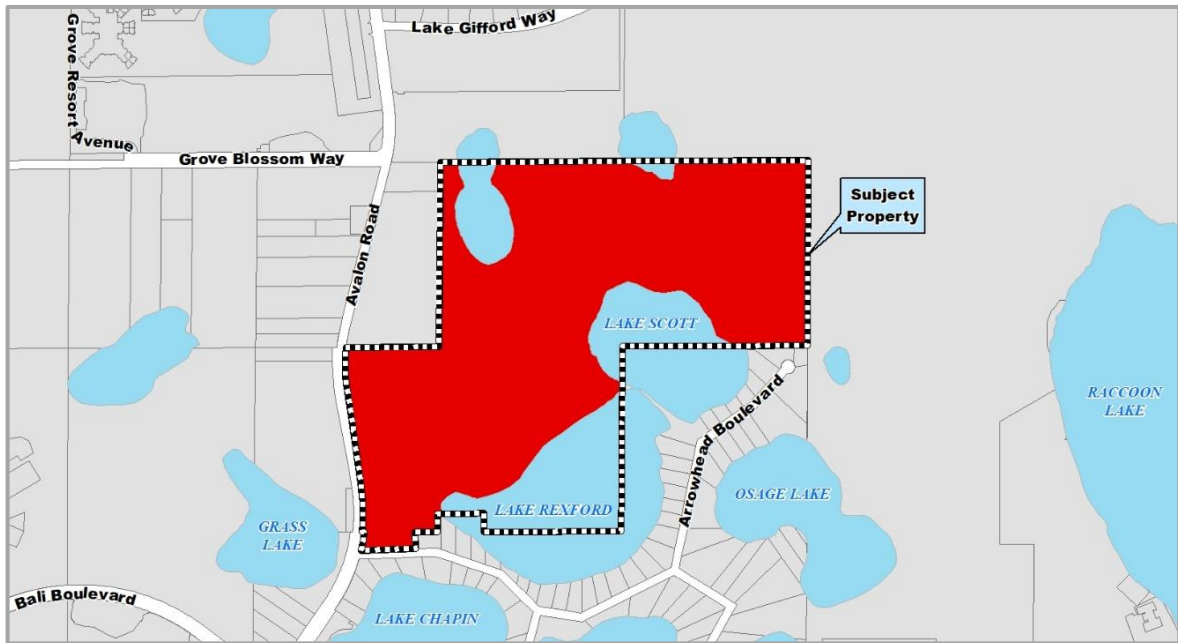
This is the Board of County Commissioners (Board) adoption public hearing staff report for the First Regular Cycle Staff-Initiated Text Amendment 2023-1-P-FLUE-1 to the Comprehensive Plan (CP) and Concurrent PD Substantial Change Request CDR-22-04-119. The adoption public hearing for this amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on April 18, 2024, and will go before the BCC for an adoption public hearing on June 18, 2024.

The 2023-1 Regular Cycle Privately-Initiated Text Amendment scheduled for the Board consideration on June 18, 2024, 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 March 7, 2023.

The 2023-1 **Regular Cycle–State-Expedited** Review Amendment scheduled for consideration on June 18 entails a privately-initiated text amendment located in District 1 with a concurrent substantial request. The text amendment involves changes to Future Land Use Element Policy FLU8.1.4 by amending the maximum density/intensity of the Sutton Lakes PD and, specifically, revising the currently-approved development program to add multi-family residential as a permitted use within the PD.

The 2023-1 **Regular Cycle State-Expedited** Review Amendment was reviewed by the Florida Department of Commerce (Department), as well as other state and regional agencies. On May 26, 2023, the Department 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. On November 20, 2023, an extension to this deadline was given until May 20, 2024. On May 9, 2024, staff requested an extension of this deadline to November 20, 2024, which was granted. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after the Department notifies the County that the plan amendment package is complete. This amendment is expected to become effective in August 2024, 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](mailto:Alberto.Vargas@ocfl.net), or Jason Sorensen, AICP, Chief Planner, at (407) 836-5602 or [Jason.Sorensen@ocfl.net](mailto:Jason.Sorensen@ocfl.net).



The following meetings and hearings have been held:			Project Information			
Report/Public Hearing		Outcome				
✓	Staff Report	Recommend transmittal	<b>Applicant/Owner:</b> Jennifer Stickler, P.E., Kimley-Horn & Associates, Inc./Westgate Resorts, Ltd.			
✓	LPA Transmittal January 19, 2023	Recommend transmittal (6-1)	<b>Location:</b> 14505, 14621, and 14701 Avalon Road; generally located east of Avalon Road, south of Lake Gifford Way, and north of Arrowhead Boulevard.			
✓	BCC Transmittal April 11, 2023 (continued from March 7, 2023)	Transmit (6-0)	<b>Parcel ID Numbers:</b> 31-24-27-0000-00-009/010/038/045 and 31-24-27-0306-04-011			
✓	Agency Comments May 26, 2023	No comments were received.	<b>Existing Use:</b> Undeveloped Sutton Lakes Planned Development (PD)			
✓	LPA Adoption April 18, 2024	Recommend adoption (7-0)	<b>Tract Size:</b> 139.14 gross acres			
	BCC Adoption June 18, 2024		<b>Request:</b> Privately-initiated text amendment to Future Land Use Element Policy FLU8.1.4 amending the maximum density/intensity of the Sutton Lakes PD and, specifically, revising the currently-approved development program to add multi-family residential as a permitted use within the PD.			
			<b>Concurrent PD/LUP Substantial Change: CDR-22-04-119</b>			
			On June 18, 2024, the BCC will consider a proposed substantial change to the currently-approved Sutton Lakes PD Land Use Plan (CDR-22-04-119) in conjunction with the requested privately-initiated text amendment.			
			<b>Revision: Future Land Use Element Policy FLU8.1.4</b>			
				<b>Commercial (s.f.)</b>	<b>Single-Family (units)</b>	<b>Multi-Family (units)</b>
			<b>From:</b>	20,000	700	0
			<b>To:</b>	20,000	253	304



### 2023-1-P-FLUE-1 & CDR-22-04-119



 Subject Property

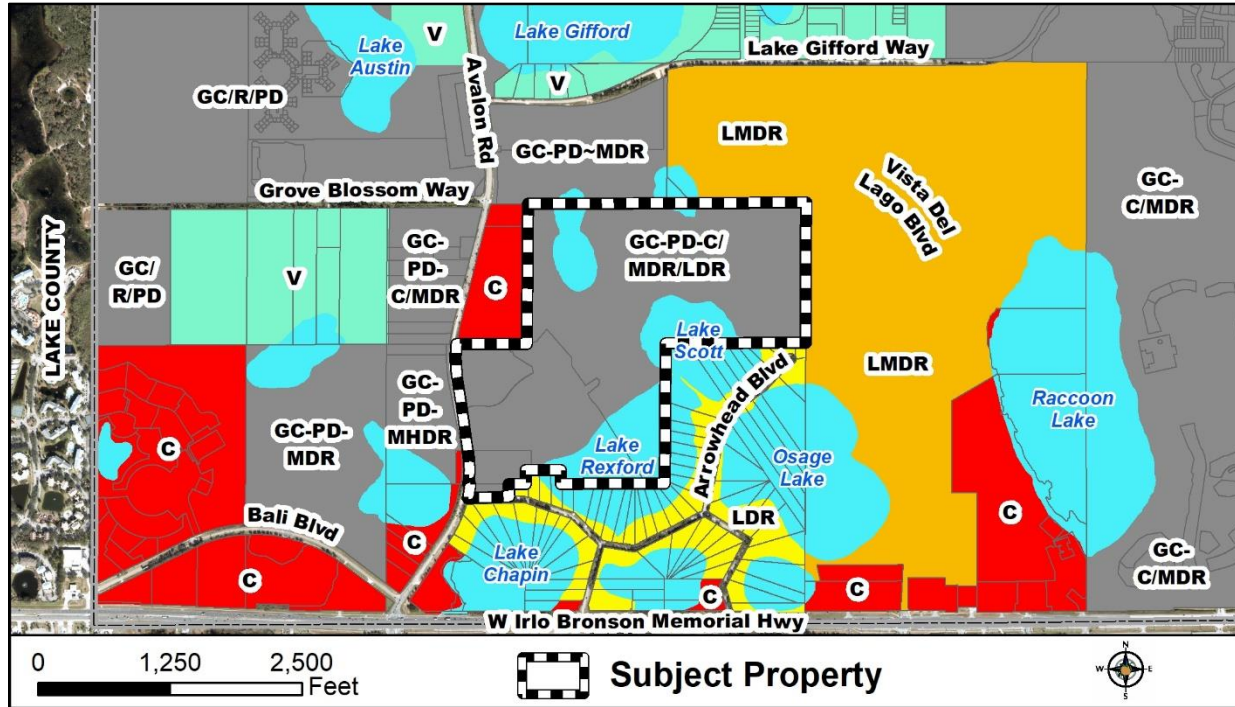


0 600 1,200 Feet



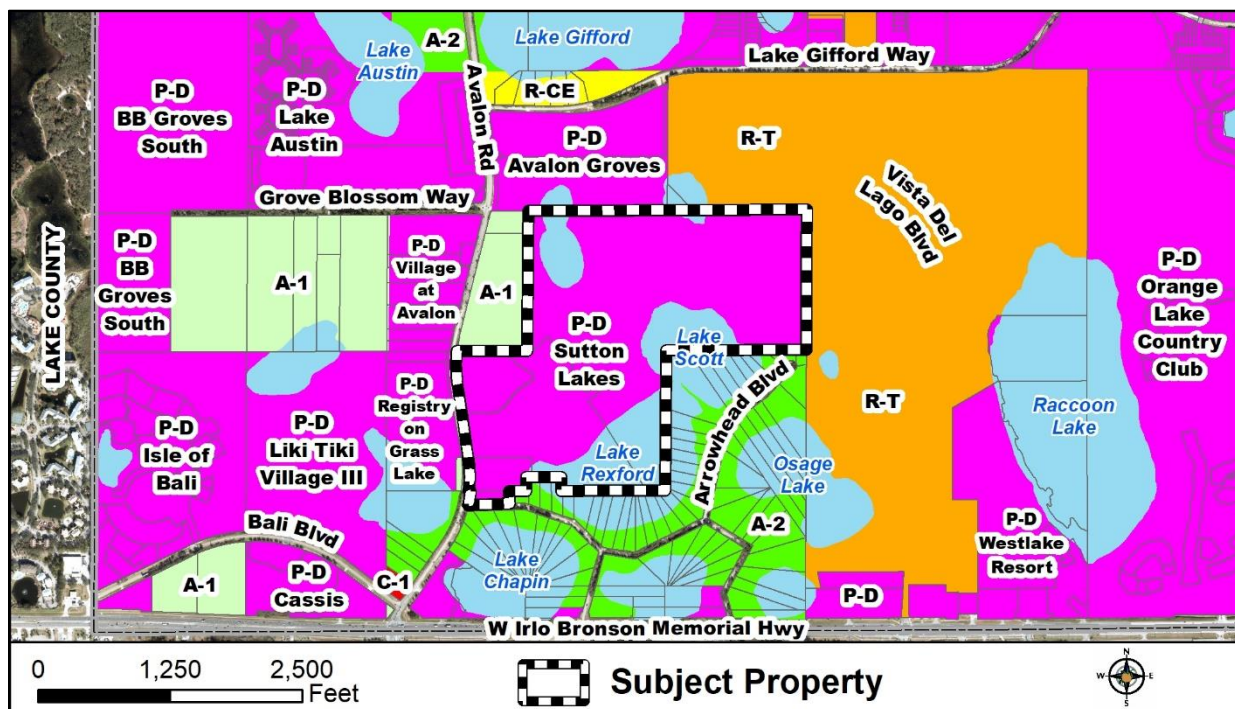
### FUTURE LAND USE – CURRENT

Growth Center-Planned Development-Commercial/Medium Density Residential/Low Density Residential (GC-PD-C/MDR/LDR)



### ZONING – CURRENT

PD (Planned Development District) (Sutton Lakes PD/LUP)





## Staff Recommendations

1. **PRIVATELY-INITIATED TEXT AMENDMENT:** Make a finding of consistency with the Comprehensive Plan (see Housing Element GOAL H1, Housing Element Objective H1.1, Future Land Use Element Objectives FLU2.2 and FLU8.2, Conservation Element Objective C1.4, and Future Land Use Element Policies FLU1.1.1, FLU1.1.2.A, FLU1.1.4.F, FLU7.4.4, FLU8.1.4, FLU8.2.1, and FLU8.2.2), determine that the amendment is in compliance, and **ADOPT** Amendment 2023-1-P-FLUE-1 (fka 2023-1-A-1-1).
  
2. **PD SUBSTANTIAL CHANGE REQUEST (CDR-22-04-119)** (January 24, 2024, DRC Recommendation):  
Make a finding of consistency with the Comprehensive Plan and **APPROVE** the Sutton Lakes Planned Development/Land Use Plan (PD/LUP), dated "Received December 19, 2023", subject to the following twenty-three (23) conditions, including three (3) requested waivers from Orange County Code:
  1. Development shall conform to the Sutton Lakes Planned Development dated "Received December 19, 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 December 19, 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, as may be amended, 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, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. This project shall be required to convey Right-of-Way for Avalon Road (C.R. 545), including any necessary stormwater ponds and/or drainage easements to support additional future Right-of-Way. Such conveyance(s) shall be documented in an agreement negotiated with the County's Road Agreement Committee and must be approved by the Board of County Commissioners prior to approval of the first PSP or DP for this PD. The date of valuation for any transportation impact fee credits awarded based on such conveyance(s) shall be the day before the date of County approval of the land use plan that contains the required Right-of-Way, Stormwater ponds, and/or drainage easements for this project, in accordance with Section 23-95(b)(2)b.1., Orange County Code, as may be amended.
8. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, 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 properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required

to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

9. 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 acceptable to the Floodplain Administrator to establish the BFE prior to construction plan review. 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.
10. Prior to approval of any plans that require filling within the 100-year flood zone, such as Site Construction Plans or Mass Grading Excavation/Fill permit or the like, 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, as may be amended from time to time.
11. Any surface waters identified on USDA Soils map and/or Orange County FLUCS map that are not already named will need to be labeled & named, and NHWE provided to the Orange County Stormwater Division prior to Development Plan and/or Preliminary Subdivision Plan approval. A Lake Fact Sheet will need to be approved by Orange County Stormwater prior to any Certificate of Occupancy within the Planned Development limits.
12. A traffic study must be submitted to, and accepted by, Orange County prior to approval of the first Development Plan and/or Preliminary Subdivision Plan associated with this Planned Development. Should the need for a signal at the intersection of the entrance of this Planned Development and Avalon Road result from the study, it must be submitted as an E-Plan, and shall be installed at no cost to Orange County. There shall be no Certificate of Occupancy for any multi-family or single-family structure until a Certificate of Completion for the signal has been issued.
13. A mandatory pre-application/sufficiency review meeting with the Development Engineering Division for any Preliminary Subdivision Plan (PSP) shall be required prior to Technical Review Group (TRG) submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the PSP to the DRC Office.
14. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
15. Prior to approval of the first construction plan associated with this Planned Development, a master drainage plan consistent with Orange County Code 34-229 as may be amended must be submitted and approved as a separate E-Plan.
16. Concurrently with the first submittal of any phase of site construction plans, a geotechnical investigation of the northern, southern, and western sides of the depressional areas and/or karst

features shall be submitted for a timely review and acceptance by Orange County. No site construction plans shall be approved until the geotechnical investigation has been accepted by Orange County.

17. A Master Property Owners Association "Master POA" shall be formed, and respective Master Declaration "Master CC&R's" shall be recorded in the public records, encompassing all of the lands within the Sutton Land Use Plan concurrent with the first plat associated with this Planned Development. In addition to maintaining any streetscaping, County may require that the Master POA also be responsible for ownership and maintenance of Landscape, Signage, and/or Wall easements, as well as Open Space Tracts, Conservation Tracts, and select Stormwater Tracts; however under no circumstance shall any residential HOA be obligated to pay for maintenance of any such stormwater tract that lies outside the limits of their respective preliminary subdivision plan where they are already subject to a MSBU assessment.
18. Wildlife Crossings located within road rights-of-way must be designed for the appropriate Florida species in accordance with the latest Federal Highway Administration (FHWA) specifications as published in the "Wildlife Crossing Structure Handbook Design and Evaluation in North America" Manual.
19. Authorization from Toho Water Authority is required prior to site construction plan approval.
20. No boat docks are permitted on Lake Rexford or Lake Scott.
21. In compliance with FEMA regulations, property owners or engineers may need to provide a Letter of Map Change (LOMC) for the conditions listed below. 1. Developments in the 1% annual chance flood (100-year flood) floodplain without established Base Flood Elevations (BFE) depicted as Zone A: A Letter of Map Revision (LOMR) should be submitted to FEMA to establish the BFE. Once approved, the FEMA approval LOMR must be included in the construction plan review package. 2. Modifications to Flood Insurance Rate Map (FIRM) depicted as Zone AE: For modifications to base flood elevations, floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a Conditional Letter of Map Revision (CLOMR) should be submitted to FEMA. The FEMA-approved CLOMR should be uploaded to LDMS prior to the construction plan approval. A subsequent Letter of Map Revision (LOMR) reflecting final construction will be required. A documentation hold will be set at the Certificate of Occupancy/Construction Certification for this LOMR. The LOMR application should be submitted to FEMA within 30-days of the project completion. The FEMA approved LOMR must be submitted and uploaded to LDMS to release the documentation hold. 3. Development in the Floodway: A no-rise certification must be submitted to the Stormwater Management Division for review. If a no-rise certification is not applicable, follow the CLOMR and LOMR submission process as outlined in item 2. 4. Compensation Storage: All projects within the 1% annual chance flood (100-year flood) floodplain must provide compensation storage for displaced floodwater. Please refer to Orange County Code Section 19 for more information. If you have any questions, please contact Liuliu Wu at Liuliu.wu@ocfl.net or 407-836-7967.
22. The following waivers from Orange County Code are granted:
  - a. A waiver from Orange County Code Section 38-1258(a) to allow multi-family buildings to be four (4) stories/fifty-five (55) feet in height when located within one hundred (100) feet of single-family zoned property internal to this PD, in lieu of being restricted to a single story in height.



- b. A waiver from Orange County Code Section 38-1258(b) to allow multi-family buildings located more than 100 feet from single-family zoned property a maximum height of four (4) stories/fifty-five (55) feet, in lieu of three (3) stories/forty (40) feet.
  - c. A waiver from Orange County Code Section 38-1258(d) to not require a six (6) foot high masonry, brick, or block wall for multi-family development adjacent to single-family zoned property internal to this PD, in lieu of requiring a six (6) foot high masonry, brick, or block wall.
23. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated March 10, 2015, shall apply:
- a. The following Education Condition of Approval shall apply:
    - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of January 5, 2015. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the zero (0) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
    - 2) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
    - 3) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
    - 4) Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
  - b. 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.
  - c. Excluding designated conservation areas and wetland buffers; berms and swales shall be located adjacent to Scott Lake and Rexford Lake.
  - d. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
  - e. Outside sales, storage, and display shall be prohibited.

- f. Within residential developments, short term rental shall be prohibited. Length of stay shall be for a minimum of 180 consecutive days. Within commercial developments, length of stay shall not exceed 179 consecutive days.
- g. Residential access to County Road 545 shall be via public right-of-way, minimum 50 feet in width.
- h. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 29, 2003 and January 9, 1996, shall apply:
  - 1) No watercraft of any type may be launched or operated from or used in connection with this property.
  - 2) The development shall provide 50-foot-wide setbacks, including a Type B buffer next to Lots 26 and 27 of Arrowhead Lake Subdivision.
  - 3) The development shall provide a 100-foot setback from C.R. 545 centerline.
  - 4) Prior to construction plan approval, a master stormwater management plan shall be submitted to the Development Engineering Division for review and approval.
  - 5) There shall be no vehicular, pedestrian, or other access between Sutton Lakes PD and Arrowhead Boulevard.
  - 6) A new Conservation Area Determination (CAD) shall be performed prior to the first PSP/DP approval and shall be applicable to development within this PD.
  - 7) No buildings of any type shall be permitted within 125 feet of the normal high water elevation of Lake Rexford and Lake Scott.

## A. Background

The applicant, Jennifer Stickler of Kimley-Horn & Associates, Inc., is seeking to amend Future Land Use Element Policy FLU8.1.4—which establishes the maximum densities and intensities for Planned Development (PD) and Lake Pickett (LP) Future Land Use Map designations adopted subsequent to January 1, 2007—to revise the present development program of the Sutton Lakes Planned Development (PD). Specifically, Ms. Stickler is requesting to amend the currently-undeveloped PD’s maximum development program of 700 single-family dwelling units and 20,000 square feet of commercial space to add multi-family residential as a permitted use. If this proposed amendment is adopted, a new development cap of 253 single-family units, 304 multi-family units, and 20,000 square feet of commercial space will be established and added to Policy FLU8.1.4, with the current program simultaneously deleted.

Located within the U.S. 192 Growth Center, the 139.14-acre Sutton Lakes PD was initially approved on January 9, 1996, for the development of 400 attached short-term rental units and was amended on April 29, 2003, to allow for the construction of 800 timeshare and/or short-term rental units and a Village Center with ancillary resort uses. The site, however, was never developed for timeshare resort purposes. On December 16, 2014, the Orange County Board of County Commissioners (BCC) adopted Future Land Use Map Amendment 2014-2-A-1-2, changing the PD’s Growth Center-Commercial (GC-C) and Growth Center-Low Density Residential (GC-LDR) future land use designations to Growth Center-Planned Development-Commercial/Medium Density Residential/Low Density Residential (GC-PD-C/MDR/LDR). The BCC’s concurrent approval of Staff-Initiated Text Amendment 2014-2-B-FLUE-1

established the PD's present maximum development program of 700 single-family dwelling units and 20,000 square feet of commercial uses and incorporated it into Policy FLU8.14. A substantial change to the Sutton Lakes PD Land Use Plan—Case CDR-14-07-182—was subsequently approved by the BCC on March 10, 2015, revising the PD's entitlements and Conditions of Approval in accordance with its amended Future Land Use Map designation and development program. Although the applicant is now requesting to add multi-family residential as an allowable use within the Sutton Lakes PD, no change to its current GC-PD-C/MDR/LDR Future Land Use Map designation is contemplated at this time, as the desired mix of attached and detached single-family homes, multi-family residential units, and commercial activity, with uses restricted to those permitted in the C-1 (Retail Commercial) zoning district, is achievable within the density or intensity limitations of each of its component land use categories. Rather, only the amendment of Policy FLU8.1.4 to establish a new development cap and the approval of a Change Determination Request (CDR) to amend the present Sutton Lakes PD Land Use Plan are required.

In conjunction with this proposed text amendment, the applicant is requesting a substantial change to the current PD Land Use Plan to revise the PD's entitlement mix and amend the Conditions of Approval. This application, Case CDR-22-04-119, has undergone review by the Orange County Technical Review Group (TRG) and Development Review Committee (DRC). On January 24, 2024, the DRC recommended approval of the substantial change petition, subject to the twenty-three (23) Conditions of Approval listed in this staff report, including three requested waivers from Orange County Code.

The Sutton Lakes PD is located in an area of Orange County characterized by a mix of existing and planned residential communities with a variety of housing types, including multi-family units, townhomes, single-family detached homes, and manufactured homes; resort development; and approved and proposed commercial uses that will provide goods and services to both visitors and the surrounding residential population. As shown on the aerial map and site visit photos, the subject property is bounded to the south by the Arrowhead Lakes single-family residential subdivision and to the east by the Vista del Lago manufactured home community. Recognizing the site's proximity to these two established neighborhoods, the applicant proposes the internal concentration of the project's multi-family and commercial components within the PD boundary, adjacent to Avalon Road and away from existing single-family dwellings and manufactured homes. Residential development on the two lakes within the limits of of the PD, Lake Scott and Lake Rexford, would be restricted to single-family detached homes, with a mix of single-family attached and detached dwellings permitted on the site's remaining upland acres. An updated Orange County Conservation Area Determination, CAD-22-08-155, was issued October 3, 2023, by the Orange County Environmental Protection Division (EPD). CAD-22-08-155 established that the subject site is comprised of 80.72 upland acres, 15.49 wetland acres, and 42.93 acres of surface water. On March 8, 2024, EPD issued Conservation Area Impact (CAI) Permit CAI-22-03-022, authorizing 3.55 acres of direct impacts to onsite Class III wetlands for the development of the mixed-use project, including related infrastructure and stormwater ponds. CAI-22-03-022 also compensates for 0.43 acre of secondary impacts to Class II wetlands and 0.295 acre of secondary impacts to Class I surface waters.

The requested addition of multi-family residential as a permitted use in the Sutton Lakes PD is consistent with the development trend of the surrounding area. A 250-unit multi-family development—the Sutton Grande PD—is proposed for the abutting undeveloped 13.56-acre parcel situated between the west boundary of the subject property and Avalon Road (Parcel 31-24-27-0000-00-012). The requested Sutton Grande Future Land Use Map Amendment, Amendment 2023-1-A-1-

2, entails a desired land use change from Commercial (C) to Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR) and is tentatively slated for a June 20, 2024, LPA adoption public hearing. Associated Rezoning Case LUP-22-11-334—a proposed zoning change from A-1 (Citrus Rural District) to PD (Sutton Grande PD/LUP)—will be considered concurrently with requested Amendment 2023-1-A-1-2 at the adoption public hearings before the LPA and BCC. While the Sutton Lakes and Sutton Grande applications are being processed separately, staff anticipates that the two properties will be developed as a unified community with shared infrastructure and common design elements.

The Registry on Grass Lake PD, with an adopted Future Land Use Map designation of Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR), lies directly opposite the subject property, on the west side of Avalon Road, and is approved for the development of a 360-unit multi-family complex. As shown in the site visit photo, construction is presently underway. Additionally, the planned mixed-use Village at Avalon PD, located west of the of the property, southwest of the intersection of Avalon Road and Grove Blossom Way, was the subject of a 2022-2 Regular Cycle Future Land Use Map Amendment, Amendment 2022-2-A-1-2, and an associated PD rezoning request, Case LUP-22-06-199, approved by the BCC on July 25, 2023. The 22.2-acre site now possesses the Growth Center-Planned Development-Commercial/Medium Density Residential (GC-PD-C/MDR) future land use designation and is entitled for the development of up to 296 multi-family dwelling units and 87,120 square feet of C-1 uses.

Furthermore, two short-term rental resorts, The Grove Resort & Waterpark and the Palisades Condominiums, are located directly north of the requested Village at Avalon site, northwest of the intersection of Avalon Road and Grove Blossom Way. As shown on the Future Land Use Map, both developments have corresponding Growth Center/Resort/Planned Development (GC/R/PD) future land use designations.

Lastly, the Avalon Groves PD, situated immediately north of the subject property and the proposed Sutton Grande site, southeast of the intersection of Avalon Road and Lake Gifford Way, is entitled for the development of up to 600 multi-family units, in accordance with its adopted Growth Center-Planned Development-Medium Density Residential (GC-PD-MDR) Future Land Use Map classification. The 300-unit Prose Avalon Pointe multi-family community has been constructed on the north portion of the PD, and the 300-unit Prose Horizon West apartment complex has been developed on the south portion. As stated above, it is staff's belief that this requested text amendment and the developer's intent to construct up to 253 single-family attached and detached units, 304 multi-family units, and 20,000 square feet of C-1 uses are consistent with the mixed-use development trend of the area.

## B. Privately-Initiated Text Amendment

**Future Land Use Element Policy FLU8.1.4** establishes the development programs for Planned Development (PD) and Lake Pickett (LP) Future Land Use Map designations adopted subsequent to January 1, 2007. If adopted, the maximum development program requested by Amendment 2023-1-P-FLUE-1 will replace the currently-approved Sutton Lakes development program adopted by Ordinance No. 2014-30 as follows:



Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
* * *	* * *	* * *	* * *
<u>2014-2-A-1-2</u> <u>Sutton Lakes</u>	<del>Growth Center Planned Development-Commercial/ Medium Density Residential/Low Density Residential (GC-PD-C/MDR/LDR)</del>	<del>Commercial— 20,000 sq. ft. Single-Family— 700 dwelling units</del>	2014-30
* * *	* * *	* * *	* * *
<u>2023-1-P-FLUE-1</u> <u>(fka 2023-1-A-1-1)</u> <u>Sutton Lakes</u>	<u>Growth Center-Planned Development-Commercial/ Medium Density Residential/Low Density Residential (GC-PD-C/MDR/LDR)</u>	<u>Single-Family: Up to 253 dwelling units</u> <u>Multi-Family: Up to 304 dwelling units</u> <u>Commercial: Up to 20,000 square feet</u>	<u>2024-</u>

## C. Analysis

### *Consistency*

The requested text amendment appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. As discussed above, the subject property is located within the U.S. 192 Growth Center. As stated 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 Tohopekaglia (Toho) Water Authority’s potable water and wastewater service areas. Although based in adjacent Osceola County, the Toho Water Authority (TWA) currently has water and sewer infrastructure in place along Avalon Road, with a 24-inch water main located at the west line of the subject property and a 16-inch force main situated approximately 12 feet west of the site. In a letter to the applicant dated December 9, 2021, the TWA’s Engineering Division informed the applicant that the installation of a water service line and the provision of a force main connection will be needed and that the developer shall be required to comply with the TWA’s design and construction standards and specifications, including the execution of a Developer’s Service Agreement, if applicable. Staff notes that the subject property lies within Orange County Utilities’ (OCU’s) reclaimed water service area. However, there are presently no reclaimed water mains in place in the vicinity of the subject property. Therefore, reclaimed water service is considered unavailable.

In accordance with **Policy FLU1.1.2.A**, the applicant has specified the maximum desired development program for the residential component of the project, proposing up to 253 single-family homes (a mix of detached and attached dwellings) and 304 multi-family residential units under the “urban-scale” Medium Density Residential (MDR) and Low Density Residential (LDR) Future Land Use Map

designations, which allow residential development at a maximum net density of twenty (20) dwelling units per acre and four (4) dwelling units per acre, respectively. As established in **Policy FLU7.4.4**, urban intensities—including the planned 20,000 square feet of commercial space—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. Staff emphasizes, though, that 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, as mandated by this policy.

As noted previously, the subject property is located in an area characterized by a mix of existing and planned residential communities with a variety of housing types, including multi-family units, townhomes, single-family detached homes, and manufactured homes; resort development; and approved and proposed commercial uses. The proposed text 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 applicant's intent to develop a mix of 253 single-family detached and attached homes and 304 multi-family dwelling units is consistent with **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. Similarly, **Policy FLU8.2.2** directs that continuous stretches of similar housing types and density of units shall be avoided. It is staff's belief that the proposed project 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**.

Staff further finds the proposed project consistent with **Future Land Use Element Objective OBJ FLU2.2**, which establishes that 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. In addition to adding to the County's housing stock and offering a range of living options, the project is planned to feature 20,000 square feet of neighborhood-serving commercial and/or office uses that would complement surrounding residential and resort development. Staff believes a well-designed commercial center could alleviate the need to travel south to the US 192 tourist commercial corridor for goods and services while avoiding intrusion into and disturbance of neighboring residential communities and resort activity.

**Conservation-related OBJ C1.4** and its supporting policies call for the protection of wetlands and existing native wildlife (flora and fauna). An updated Orange County Conservation Area Determination, CAD-22-08-155, was completed and approved for the project on October 3, 2023, by the Orange County Environmental Protection Division (EPD). The approved CAD identified 80.72 upland acres, 15.49 wetland acres, and 42.93 acres of surface water. On March 8, 2024, EPD issued Conservation Area Impact (CAI) Permit CAI-22-03-022, authorizing 3.55 acres of direct impacts to onsite Class III wetlands for the development of the mixed-use project, including related infrastructure and stormwater ponds. CAI-22-03-022 also compensates for 0.43 acre of secondary impacts to Class II wetlands and 0.295 acre of secondary impacts to Class I surface waters. The mitigation plan includes

the purchase of 1.54 Uniform Mitigation Assessment Method (UMAM) wetland credits from Twin Oaks Mitigation Bank.

### ***Compatibility***

The proposed text amendment to add multi-family as a permitted use within the Sutton Lakes PD appears 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. As discussed above, the subject property is located in an area of Orange County characterized by a mix of existing and planned residential communities with a variety of housing types, including multi-family units, townhomes, single-family detached homes, and manufactured homes; resort development; and approved and proposed commercial uses that will provide goods and services to both visitors and the surrounding residential population.

Staff emphasizes that if this requested text amendment is adopted, care must be taken to ensure that the development of the subject site for a mix of residential and commercial uses will not negatively impact the existing residential communities in the surrounding area, including the abutting Arrowhead Lakes single-family subdivision to the south and the Vista del Lago mobile home community to the east. As stated previously, the applicant proposes the internal concentration of the project's multi-family and commercial components within the PD boundary, adjacent to Avalon Road and away from existing single-family dwellings and manufactured homes. Staff notes that the area designated for multi-family residential development and commercial activity, limited to those uses permitted in the C-1 zoning district, is delineated on the PD Land Use Plan, CDR-22-04-119. On January 24, 2024, the DRC recommended approval of the amended PD Land Use Plan, subject to twenty-three (23) conditions listed in this staff report. Although no restrictions or conditions may be imposed via the text amendment, performance restrictions and/or conditions may be placed on the site through the appropriate subsequent development order to ensure compatibility, as established in **Policy FLU8.2.1**.

As reflected on the PD Land Use Plan, the developer intends to honor commitments presently associated with the Sutton Lakes PD, including the limitation of residential development on Lake Scott and Lake Rexford to single-family detached homes. A mix of single-family attached and detached homes would be permitted on the remaining upland acreage designated for residential use. Further commitments include the prohibition of boat docks on Lake Scott and Lake Rexford, a ban on watercraft—both motorized and non-motorized—on the two lakes, the maintenance of a 125-foot building setback from the lakes' normal high water elevations, and appropriate landscaping and buffering between the subject site and adjacent properties. These compatibility issues will be addressed in greater detail through the concurrent consideration of the requested substantial change to the PD Land Use Plan during the BCC adoption public hearing.

It is staff's belief that the mixed-use project, as proposed, 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 adoption of this requested text amendment.

### ***Change Determination Request (CDR-22-04-119)***

In association with this requested text amendment, the applicant has submitted a proposed substantial change to the currently-approved Sutton Lakes PD Land Use Plan (Case CDR-22-04-119) to add multi-family as an allowable use; incorporate a trip equivalency matrix and revise the development program from 700 single-family units and 20,000 square feet of retail commercial uses to 253 single-family attached and detached units, 304 multi-family units, and 20,000 square feet of retail commercial uses; and to modify the access locations. Three waivers from Orange County Code are being requested to increase the maximum height for multi-family buildings located within one hundred (100) feet of internal single-family zoned property; to increase the maximum height for multi-family buildings located more than one hundred (100) feet from single-family zoned property; and to remove the requirement for a masonry wall between the multi-family and single-family zoned property internal to the project. The request also includes removing previous Condition of Approval 16a which restricts building height along the lake to 1-story. On January 24, 2024, the Orange County Development Review Committee (DRC) recommended approval of the amended PD Land Use Plan, subject to twenty-three (23) conditions listed in this staff report. Case CDR-22-04-119 will be considered by the BCC in conjunction with the proposed text amendment during the June 18, 2024, adoption public hearing.

### ***Community Meeting***

A community meeting for this requested amendment was held on Tuesday, February 28, 2023, at 6:00 p.m. in the Water Spring Elementary School cafeteria. Three members of the public were in attendance and expressed concerns about traffic, congestion, the amount of multi-family development already approved for the surrounding area, and the need for additional school capacity to support the residential component of the project. The meeting participants voiced their belief that supporting transportation infrastructure—including the proposed improvements to Avalon Road—should be in place before additional development occurs. The attendees further emphasized the importance of protecting the lakes, including the cypress trees along the lakefronts. The topic of stormwater management was also discussed, with meeting participants raising concern that the proposed development could cause neighboring roads and properties to flood and could negatively affect the water quality of the lakes.

## ***Public Facilities and Services***

### ***Environmental***

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

#### **EPD Review Summary:**

- A historic Conservation Area Determination, 94-128, was completed for the Sutton Lakes Planned Development in 1995. A total of 56.51 acres of Class I, II, and III wetlands were identified.
- An Orange County Conservation Area Determination application, CAD-22-08-155, was submitted and is in progress.



**Planning Division staff note:** On October 3, 2023, EPD issued Conservation Area Determination CAD-22-08-155. The updated CAD established that the subject site is comprised of 80.72 upland acres, 15.49 wetland acres, and 42.93 acres of surface water. This determination expires October 3, 2028.

- An Orange County Conservation Area Impact (CAI) Permit application, CAI-22-03-022, was submitted and is in progress. The applicant is requesting a total of 6.46 acres of Class II and Class III wetland impacts (4.8 acres of Class II and 1.66 acres of Class III).

**Planning Division staff note:** On March 8, 2024, EPD issued Conservation Area Impact (CAI) Permit CAI-22-03-022, authorizing direct impacts to 3.55 acres of onsite Class III wetlands associated with the construction of a subdivision, including related infrastructure and stormwater ponds. This permit, valid until March 8, 2029, also compensates for 0.43 acre of secondary impacts to Class II wetlands and 0.295 acre of secondary impacts to Class I surface waters. The mitigation plan includes the purchase of 1.54 Uniform Mitigation Assessment Method (UMAM) wetland credits from Twin Oaks Mitigation Bank.

- Portions of Lake Rexford and Lake Scott are within the project boundary.
- Multiple restrictions and design considerations associated with the lakes within the Sutton Lakes PD were previously added as Conditions of Approval.
- Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible for determining the presence of these concerns and verifying and obtaining, if necessary, any required habitat permitting from the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

**FLUM Amendment Comments:**

1. Conservation Area Determination – Orange County Conservation Area Determination (CAD) 94-128 was completed for the Sutton Lakes Planned Development (PD) in 1995. However, at the public hearing on April 29, 2003, the Board of County Commissioners (BCC) approved a substantial change to the PD and added Condition of Approval (COA) #11 stating, "A new Conservation Area Determination Study will be performed prior to the first development plan approval and will be applicable for development on this PD."
2. CAD in Progress – An Orange County Conservation Area Determination application, CAD-22-08-155, was submitted and is in progress. Once the wetland limits have been verified through a site visit, a CAD Classification letter will be sent. The applicant must then submit a letter of agreement to the classification and submit a certified boundary survey showing the limits of the wetlands to complete the CAD.
3. CAI in Progress – A Conservation Area Impact (CAI) Permit application, CAI-22-03-022, was submitted for proposed wetland impacts. This request will be reviewed in its entirety when the CAI permit is complete or nearly complete and the mitigation is agreed upon with EPD staff. No conservation area or buffer encroachments shall be permitted, unless an impact permit is approved by Orange County EPD, consistent with *OC Code Chapter 15, Article X Wetland Conservation Areas*.

4. 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 the Orange County Environmental Protection Division by mail or email to [wetlandpermitting@ocfl.net](mailto:wetlandpermitting@ocfl.net). *Reference OC Code Chapter 15, Article X Wetland Conservation Areas.*
5. Habitat Permit Compliance – Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible for determining the presence of these concerns and verifying and obtaining, if necessary, any required habitat permitting from the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
6. Jurisdictional Coordination – This environmental review only addresses Orange County environmental regulatory code. However, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to, the Army Corps of Engineers, the Florida Department of Environmental Protection, the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS), and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one of the other agencies could deny the request even if the County approves it, or they may have other natural resource protective requirements. Therefore, it is imperative that this proposed request be addressed on a multi-agency basis.

**Additional Comments:**

1. Planned Development Condition #3 – The building height shall be restricted to one (1) story along the lake and shall be constructed to resemble single-family houses as viewed from the lakeshore, per the 2003 BCC Condition of Approval #3.

**Planning Division staff note:** The applicant is requesting to remove this Condition of Approval via Change Determination Review Case CDR-22-04-119.

2. Planned Development Condition #5 – No watercraft of any type may be launched or operated from or used in connection with this property, per the 2003 BCC Condition of Approval #5.
3. Planned Development Condition #12 – No buildings of any type shall be permitted within 125 feet of the normal high water elevation, per the 2003 BCC Condition of Approval #12.
4. Boat Docks – Approval of this request does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
5. Swale Requirement – Pollution abatement swales shall be provided upland of the normal high water elevation (NHWE) on all lakes and wetlands connected to lakes per Orange County Code Section 34-132. Areas that drain away from lakes or wetlands do not require a swale. The

swale shall be labeled on the preliminary subdivision plan and included on the plat in a pollution abatement easement. Reference Orange County Code Chapter 34 Subdivision Regulations, Article IV Specifications for Plans and Plats, Sec. 34-132 (c)(2).

6. 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 Orange County Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

**Transportation**

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

**Trip Generation (ITE 11th Edition)**

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
<b>Existing Use:</b>			
700 single-family units	619	100%	619
20,000 SF of commercial	127	56%	71
<b>Proposed Use:</b>			
98 attached single-family units	63	100%	63
155 detached single-family units	150	100%	150
304 multi-family units	119	100%	150
20,000 SF of commercial	127	56%	71
<b>Totals:</b>	-287		-287
<b>Net New Trips (Proposed Development less Allowable Development): -287</b>			

**Future Roadway Network:**

Road Agreements: A road network agreement is needed for this property.

Planned and Programmed Roadway Improvements:

C.R. 545 (Avalon Road) Roadway Conceptual Analysis: The purpose of the study is to assess and recommend roadway improvements anticipated to improve safety and traffic flow in the area. The study considers the social and environmental impacts of adding travel lanes and other features such as, but not limited to, drainage conveyance and treatment improvements, a proposed multi-purpose path, raised medians, lighting, landscaping, and intersection improvements. Project length is approximately 1.6 miles.

C.R. 545 and Flemings Road Preliminary Design Study: Orange County's Transportation Planning Division has initiated a transportation improvement study for the widening of C.R. 545 to a four-lane divided roadway from Water Spring Boulevard to south of New Hartzog Road (approximate length: 2.6 miles) and Flemings Road from east of C.R. 545 to the west County line (approximately one mile).

Right-of-Way Requirements: Right-of-way for C.R. 545 (Avalon Road) must be dedicated prior to Preliminary Subdivision Plan/Development Plan (PSP/DP) approval per previous BCC Condition of Approval.

**Summary:**

The applicant is requesting to change ~139.14 acres from (GC-PD-C/MDR/LDR) to (GC-PD-C/MDR/LDR) and rezone from PD to PD to allow for the construction of a mixed-use development with single family, multi-family, and commercial elements.

Analysis of the project trips from the currently-approved use versus the proposed use indicates that the proposed mixed-use single-family, multi-family, and commercial development will result in a decrease of 287 pm peak trips and, therefore, will not 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 not submitted with the case for review and comment. The subject property is located adjacent to Avalon Road.

Based on the Concurrency Management System (CMS) database, there are multiple failing roadway segments within the project's impact area. Three segments of Avalon Road from U.S. 192 to Flamingo Crossings Boulevard and one segment of U.S. 192 from the Lake County line to the Osceola County line are failing. This information is dated and subject to change.

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 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**

Per Orange County Utilities (OCU), the subject property is located within the Tohopekaglia (Toho) Water Authority's (TWA's) potable water and wastewater service areas and OCU's reclaimed water service area. In a letter to the applicant dated December 9, 2021, the TWA's Engineering Division stated that the TWA currently has water and sewer infrastructure in place along Avalon Road, with a 24-inch water main located at the west line of the subject property and a 16-inch force main situated approximately 12 feet west of the site. The TWA informed the applicant that the installation of a water service line and the provision of a force main connection will be needed and that the developer shall be required to comply with the TWA's design and construction standards and specifications, including the execution of a Developer's Service Agreement, if applicable.

Although the subject property lies within OCU's reclaimed water service area, there are presently no reclaimed water mains in place in the vicinity of the site. Therefore, reclaimed water service is considered unavailable.

### ***Schools***

Per School Capacity Determination OC-22-083, dated December 8, 2022, capacity is available at the elementary, middle, and high schools that would currently serve the project. This determination is valid until May 8, 2025.

On December 8, 2022, Orange County Public Schools (OCPS) issued Formal School Capacity Determination Letter #OC-22-083. This determination stated that capacity is expected to be available at the elementary, middle, and high schools anticipated to serve the project: Water Spring Elementary School, Water Spring Middle School, and Horizon High School. This determination was previously valid until June 4, 2023, but was extended to May 8, 2025, by Executive Orders 22-253, 22-268, 23-02, 23-21, 23-48, and 23-60 (Hurricanes Ian and Nicole), issued by Governor DeSantis, together with notice from the applicant to OCPS. In their letter to the applicant dated June 8, 2023, OCPS acknowledged the extension of Formal School Capacity Determination Letter #OC-22-083 to the new expiration date.

## **D. Policy References**

**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 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.

**OBJ C1.4** – Orange County shall protect identified wetland areas and existing native wildlife (flora and fauna) habitats by implementing the following policies.

**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** – 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.A** – 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)		

**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.

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



**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.

**FLU8.2.2** – Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

### **LPA ADOPTION Outcome**

**Local Planning Agency (LPA) Recommendation** – (April 18, 2024)

**Make a finding of consistency with the Comprehensive Plan and ADOPT the proposed amendment.**

### **Local Planning Agency (LPA) Public Hearing Synopsis**







The staff report was presented to the PZC with the recommendation that they make a finding that the proposed amendment is consistent with the Comprehensive Plan and recommend ADOPTION. Staff stated there was one response of opposition received from nearby residents and none in-favor.

The prospective developer, Chuck Whittall of Unicorp National Developments, was present and agreed with the staff recommendation.

During public comment, no members of the public were present to speak on the matter. The PZC members briefly discussed the proposed development. A motion was made by Commissioner Boers and seconded by Commissioner Arrington to recommend that the proposed amendment, Amendment 2023-1-P-FLUE-1 (fka 2023-1-A-1-1), be ADOPTED. The motion carried on a 7-0 vote.

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

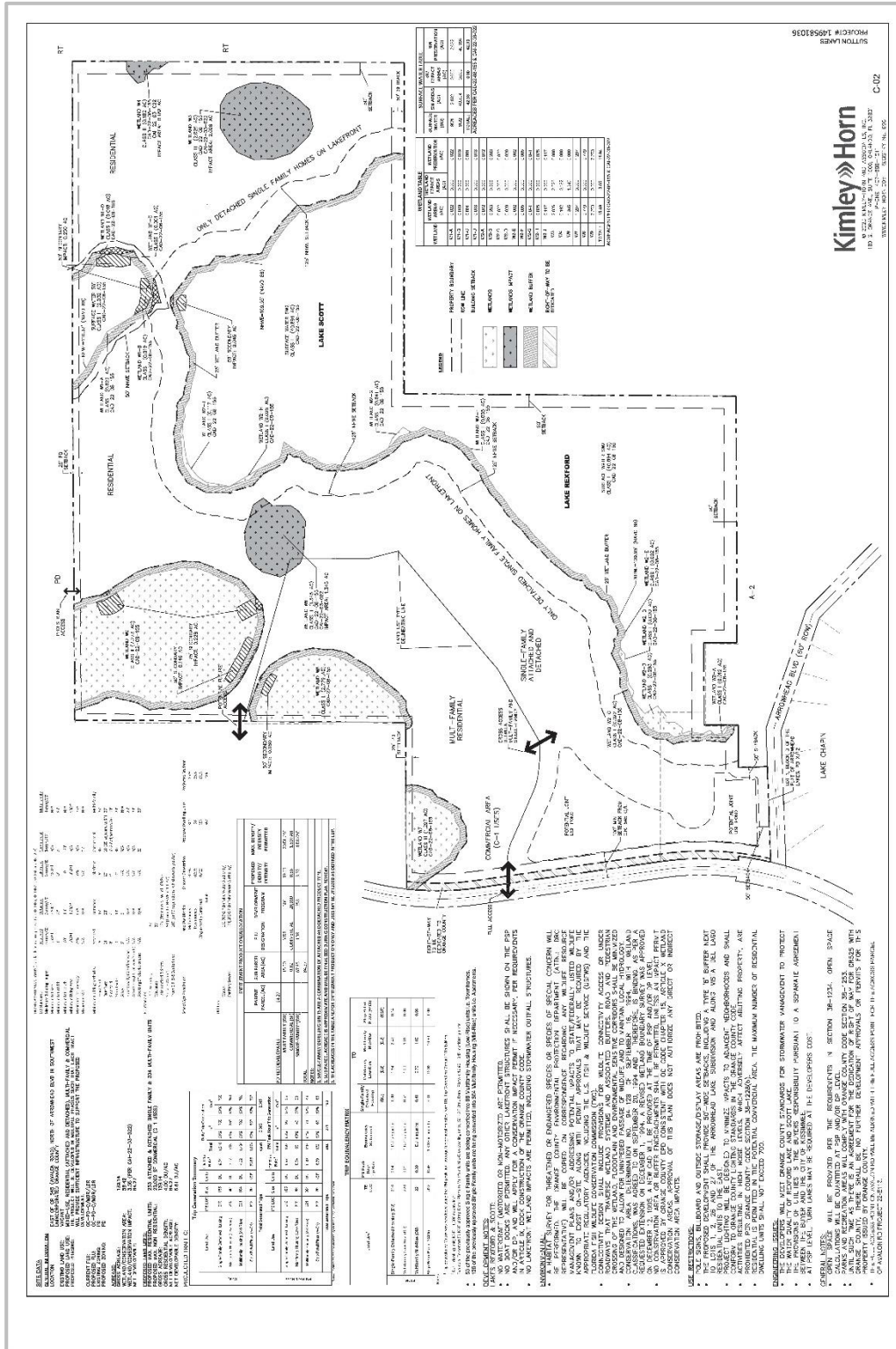
Site Visit Photos

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

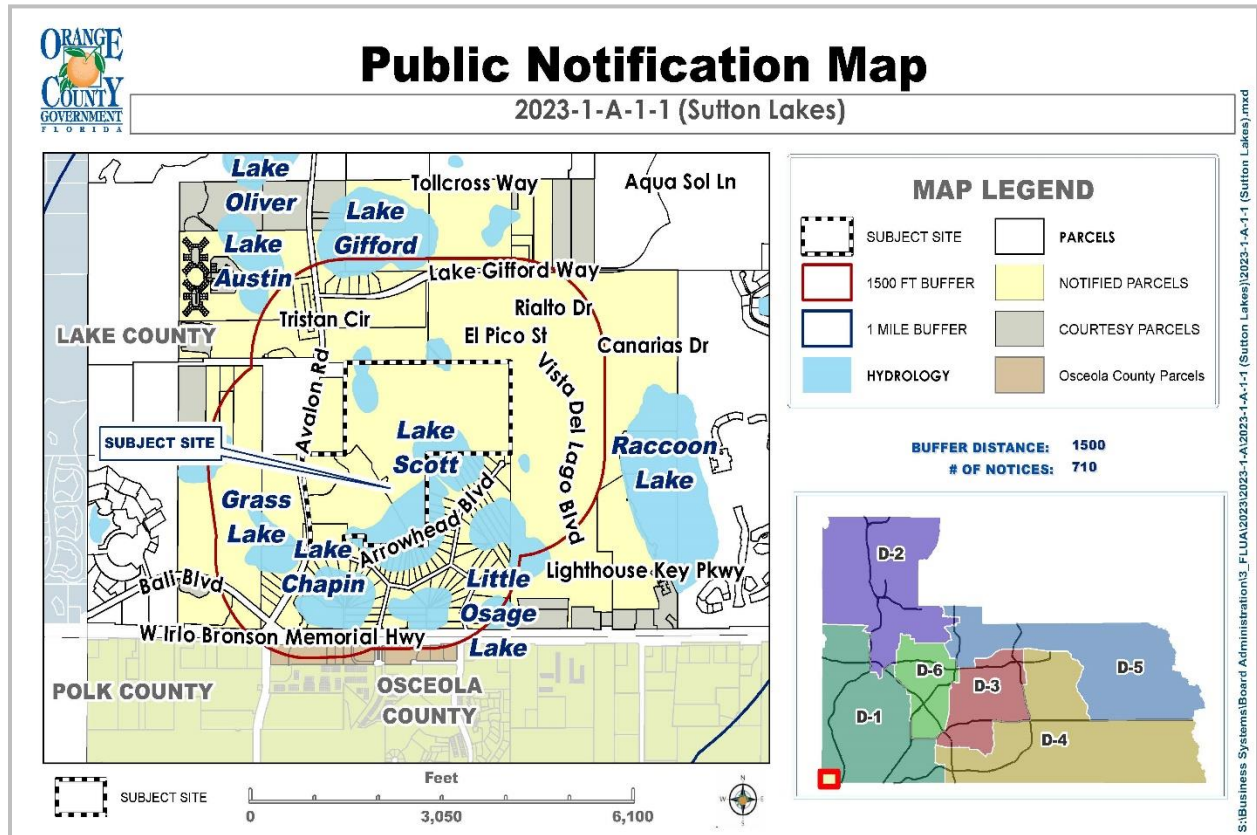




Sutton Lakes PD Land Use Plan  
 DRC-Approved Plan – Land Use Plan



**PUBLIC NOTIFICATION MAP**



**Notification Area**

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

710 notices sent

ORDINANCE NO. 2024-\_\_\_\_\_

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; and

c. On June 18, 2024, 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 Text of the Future Land Use Element.* The Comprehensive Plan is hereby amended by amending the text of the Future Land Use Element to read as follows,



with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the amendment number and editorial notes, and shall not be codified.)

\* \* \*

**[Amendment 2023-1-P-FLUE-1:]**

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

\* \* \*

<b>Amendment Number</b>	<b>Adopted FLUM Designation</b>	<b>Maximum Density/Intensity</b>	<b>Ordinance Number</b>
* * *	* * *	* * *	* * *
<del>2014-2-A-1-2</del> <del>Sutton Lakes</del>	<del>Growth Center Planned Development Commercial/Medium Density Residential/Low Density Residential</del> <del>(GC-PD-C/MDR/LDR)</del>	<del>Commercial—20,000 sq. ft.</del> <del>Single Family—700 dwelling units</del>	2014-30
* * *	* * *	* * *	* * *
<u>2023-1-P-FLUE-1</u> <u>(fka 2023-1-A-1-1)</u> <u>Sutton Lakes</u>	<u>Growth Center-Planned Development-Commercial/Medium Density Residential/Low Density Residential</u> <u>(GC-PD-C/MDR/LDR)</u>	<u>Single-Family: Up to 253 dwelling units</u> <u>Multi-Family: Up to 304 dwelling units</u> <u>Commercial: Up to 20,000 square feet</u>	<u>2024-</u>

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

\* \* \*

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

- (a) This ordinance shall become effective as provided by general law.
- (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment adopted under this ordinance becomes effective until 31 days after the Department of Commerce

(DOC) notifies the County that the plan amendment package is complete. However, if an amendment is timely challenged, the amendment shall not become effective until the DOC or the Administration Commission issues a final order determining the challenged amendment to be in compliance.

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

ADOPTED THIS 18TH DAY OF JUNE, 2024.

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

By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

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

By: \_\_\_\_\_  
Deputy Clerk



## Florida Department of Transportation

RON DESANTIS  
GOVERNOR

719 S. Woodland Boulevard  
DeLand, Florida 32720

JARED W. PERDUE, P.E.  
SECRETARY

June 6nd, 2023

Mr. Jason Sorensen, AICP  
Chief Planner  
Orange County  
Comprehensive Planning Section  
201 South Rosalind Avenue, 2nd Floor  
Post Office box 1393  
Orlando, Florida 32802-1393

Subject: **Orange County Proposed Comprehensive Plan Amendment 23-02ESR**  
Response Type: **No Comments**

Dear Mr. Sorensen,

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) reviewed the amendment package for the Orange County Proposed 23-02ESR.

The proposed comprehensive plan amendment from Orange County contains one FLU map amendments and two text amendment:

### **2023-1-P-FLUE-1 (fka 2023-1-A-1-1) Sutton Lakes**

Text amendment to Future Land Use Element Policy FLU8.1.4 amending the maximum density/intensity of the Sutton Lakes PD and, specifically, revising the currently-approved development program to add multi-family residential as a permitted use within the PD. The total tract size affected is 139.88 gross acres.

### **2023-1-A-1-2 Sutton Grande**

Commercial (C) to Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR). The total tract size is 13.56 gross acres, meaning that this change is classified as a small-scale amendment as it falls under the 50 acres threshold.

### **2023-1-B-FLUE-6 PD Density and Intensity**

Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2023-1-A-1-2.

Pursuant to Section 163.3184(3), any future land use map amendment under 50 acres is considered a small-scale amendment and is thus not required to be reviewed by state agencies. 2023-1-A-1-2 falls underneath this requirement.

The remaining amendments, 2023-1-P-FLUE-1 and 2023-1-B-FLUE-6 are text amendments.

**Results:**

FDOT has reviewed the transmitted amendment for Orange County pursuant to Section 163.3184(3), Florida Statutes. The proposed FLU amendment and text amendments are not anticipated to have significant adverse impacts to transportation resources or facilities of state importance.

We appreciate the opportunity to review the proposed amendment and request that a copy of the adopted amendment be transmitted to the Department.

Thank you for coordinating the review of this proposed amendment with FDOT. If you have any questions, you may contact me at 386-943-5457 or by email at [james.rodriquez@dot.state.fl.us](mailto:james.rodriquez@dot.state.fl.us).

Sincerely,



James Rodriguez  
Systems Planning Coordinator

Cc:

*Kirsten Warren, Orange County  
Alberto Vargas, Orange County  
Renzo Nastasi, Orange County  
Sue Watson, Orange County  
Misty Mills, Orange County  
Tara McCue, ECFRPC*

*D. Ray Eubanks, DEO  
Barbara Powell, DEO  
Ben Naselius, FDOT  
Melissa McKinney, FDOT  
Tiffany Hill, FDOT*



## 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





December 9, 2021

**Toho Request Number: 2905**

The Parcel ID referenced below is within the Tohopekaliga Water Authority (Toho) service area. Please see below for site specific information and enclosure(s) for GIS map.

**Parcel ID & Address: 31-24-27-0000-00-010 / 14505 Avalon Road**

**WATER**

- A water main **is** installed
- A water main **is not** installed; a main extension is required at the customers expense. For information, please contact Ray Biron [rbiron@tohowater.com](mailto:rbiron@tohowater.com)  
***Please do not request a meter at this time as a meter cannot be set until this installation has been completed***
- Toho does not have water infrastructure available near parcel**
- A water service line **has** been installed to the property
- A water service line **is not** installed, please contact [cashiers@tohowater.com](mailto:cashiers@tohowater.com) for invoicing;  
***Please do not request a meter at this time as a meter cannot be set until this installation has been completed***

**SEWER**

- A gravity main **is** installed
- A gravity main **is not** installed, a main extension is required at the customers expense. For information, please contact Ray Biron [rbiron@tohowater.com](mailto:rbiron@tohowater.com)
- A force main **is** installed
- A force main **is not** installed, a main extension is required at the customers expense. For information, please contact Ray Biron [rbiron@tohowater.com](mailto:rbiron@tohowater.com)
- Toho does not have sanitary infrastructure in proximity to parcel at this time**
- A gravity lateral **has** been installed to the property
- A gravity lateral **is not** installed, lateral installation is required at the customers expense. Please submit sketch of proposed lateral to Ray Biron - [rbiron@tohowater.com](mailto:rbiron@tohowater.com) for review and approval.
- A force main connection **needs** to be installed. For information, please contact Ray Biron – [rbiron@tohowater.com](mailto:rbiron@tohowater.com)



**ENGINEERING NOTES:**

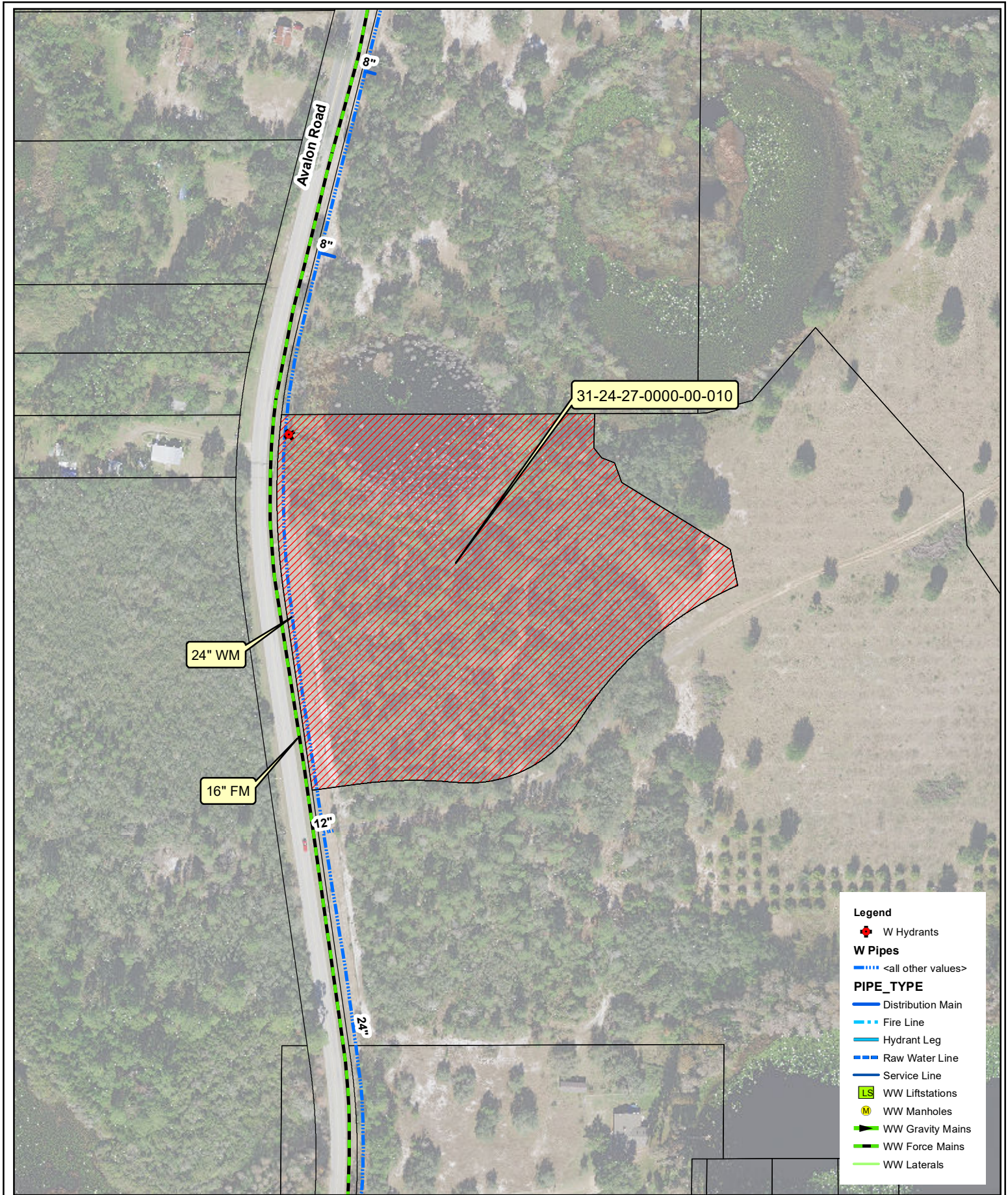
1. Water main installed.
2. Water service line needs to be installed.
3. Service line must be installed on property line.
4. 24" water main at the west property line.
5. Force main installed.
6. Force main connection required.
7. 16" force main approx. 12' west of property.

**FOR YOUR INFORMATION** – A hydraulic analysis may be required to determine capacity. A firm commitment for utility service will be provided based on meeting Toho's requirements for service including but not limited to:

- Please visit the Developers/Contractors tab of [www.tohowater.com](http://www.tohowater.com) for instructions on how to submit civil plans electronically
- Compliance with Toho's design and construction standards and specifications
- Payment of all applicable fees and System Development Charges; *If you have any questions or would like to speak with someone regarding potential fees or System Development Charges, please contact [Cashiers@tohowater.com](mailto:Cashiers@tohowater.com) or 407-944-5000 and they will be happy to assist*
- Execution of a Developer's Service Agreement where applicable
- Service to the site is the customer's responsibility and may require offsite utility improvements performed by a private contractor hired by the customers at the customer's expense.

**Please understand that this is not a commitment from Toho to provide utility service to the property. It is information as to the location of the nearest utilities to the property.**





31-24-27-0000-00-010

24" WM

16" FM

**Legend**

- W Hydrants
- W Pipes**
- <all other values>
- PIPE\_TYPE**
- Distribution Main
- Fire Line
- Hydrant Leg
- Raw Water Line
- Service Line
- WW Liftstations
- WW Manholes
- WW Gravity Mains
- WW Force Mains
- WW Laterals



1 inch = 200 feet

31-24-27-0000-00-010

THE TOHOPEKALIGA WATER AUTHORITY MAKES NO WARRANTIES, GUARANTEES OR REPRESENTATIONS AS TO THE TRUTH, ACCURACY, OR COMPLETENESS OF THE DATA ON THIS MAP. THIS IS NOT A SURVEY PRODUCT AND IS A VISUAL REFERENCE TOOL ONLY. The Tohopekaliga Water Authority makes no warranty, express or implied with respect to its ownership of any rights relating to trademarks and trade names described herein. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION OF THE PAGE HEREOF. Any questions or concerns should be directed to Toho Water Authority, Information Technology (IT) Department at 407-944-5190.

C:\Users\impampouk\Desktop\Feb\_2021 Avail Map.mxd  
9/9/2019 at 11:34:24 AM  
PRODUCED BY: Mike





**AMENDMENT 2023-1-A-1-1 (Sutton Lakes)**

**PROJECT SPECIFICS**

Parcel ID:	31-24-27-0000-00-010/009/045/038/011
Location:	14505/14621 Avalon Road
Acreage:	~139.88 (89.83 net)
Request FLUM:	From: Growth Center – Planned Development –Commercial/Medium Density Residential/Low Density Residential/ (GC-PD-C/MDR/LDR)
Request Zoning:	To: Growth Center – Planned Development –Commercial/Medium Density Residential/Low Density Residential/ (GC-PD-C/MDR/LDR) From: Planned Development (PD) To: Planned Development (PD)
Existing Development:	Undeveloped Land
Development Permitted Under Current FLUM:	700 single family units and 20,000 SF of commercial
Proposed Density/Intensity:	253 single-family (98 attached and 155 detached), 304 multi-family units, and 20,000 SF of commercial

**Trip Generation (ITE 11<sup>th</sup> Edition)**

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use: 700 single family units	619	100%	619
20,000 SF of commercial	127	56%	71
Proposed Use: 98 attached single family	63	100%	63
155 detached single family	150	100%	150
304 multi-family units	119	100%	119
20,000 SF of commercial	127	56%	71
Totals:	-287		-287

Net New Trips (Proposed Development less Allowable Development): -287

**Future Roadway Network**

Road Agreements: A road network agreement is needed for this property.

Planned and Programmed Roadway Improvements: C.R. 545 (Avalon Road) Roadway Conceptual Analysis - The purpose of the study is to assess and recommend roadway improvements anticipated to improve safety and traffic flow in the area. The study considers the social and environmental impacts of adding travel lanes and other features such as, but not limited to, drainage conveyance and treatment improvements, proposed multi-purpose path, raised medians, lighting, landscaping and intersection improvements. Project length is approximately 1.6 miles.

CR 545 and Flemings Rd. Preliminary Design Study - Orange County’s Transportation Planning Division has initiated a transportation improvement study for the widening of C.R. 545 to a four-lane divided roadway from Water Springs Boulevard to South of New Hartzog Road (Approximate Length: 2.6 miles) and Flemings Road from east of 545 to the west County line (Approximately 1 mile).

Right of Way Requirements: Right-of-Way for Avalon Road (C.R. 545) must be dedicated prior to PSP/DP approval per previous BCC Condition of Approval.

## **Summary**

The applicant is requesting to change ~139.88 acres from (GC-PD-C/MDR/LDR) to (GC-PD-C/MDR/LDR) and rezone from PD to PD, to allow for the construction of mixed-use single family, multi-family, and commercial.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed mixed-use single family, multi-family, and commercial will result in a decrease in the number of 287 pm peak trips and therefore will not 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 not submitted with the case for review and comment. The subject property is located adjacent to Avalon Road.

Based on the Concurrency Management (CMS) database, there are multiple failing roadway segments within the project's impact area. Avalon Road from U.S. 192 to Flamingo Crossings Blvd. (3 segments) and U.S. 192 from the Lake County to Osceola County Line (1 segment) are failing. This information is dated and subject to change.

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

June 8, 2023

Jennifer Stickler, PE  
Kimley-Horn  
189 South Orange Avenue, Suite 1000  
Orlando, FL 32801

**Re: Extension of Formal School Capacity Determination Capacity Letter for Westgate Resorts, LTD, Pursuant to Declaration of State of Emergency for Sutton Lakes, OC-22-083**

Dear Jennifer,

The School Board of Orange County, Florida (“School Board”) is in receipt of the correspondence dated May 22, 2023, in regard to the above-referenced matter delivered in accordance with Section 252.363, *Florida Statutes*. After review of your correspondence and the attached executive orders, we hereby acknowledge the extension of the Formal School Capacity Determination Capacity Letter, #OC-22-083, for the project known as Sutton Lakes, in Orange County, in accordance with the following schedule:

<b>Executive Orders</b>	<b>Incident</b>	<b>Date Issued</b>	<b>Expiration Date</b>	<b>Combined Extension Period</b>	<b>Previous Expiration Date</b>	<b>New Expiration Date</b>
22-253, 22-268, 23-02, 23-21, 23-48, 23-60	Hurricanes Ian and Nicole	9/23/2022	5/16/2023	12 months + 338 days	June 4, 2023	May 8, 2025

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

Sincerely,

Christopher C. Mills, AICP  
Senior Administrator – Facilities Planning

xc: Jennifer Dubois  
Sue Watson, Orange County  
Thomas Moore, OCPS





# Orange County Public Schools

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

## FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER

December 8, 2022

**VIA E-MAIL: [JENNIFER.STICKLER@KIMLEY-HORN.COM](mailto:JENNIFER.STICKLER@KIMLEY-HORN.COM)**

Jennifer Stickler, P.E  
189 S. Orange Ave.  
Orlando, FL 32801

### Application OC-22-083 (Sutton Lakes)

This letter serves as the official determination by Orange County Public Schools that school capacity for the following development is **AVAILABLE**:

Type of Development Application	<input checked="" type="checkbox"/> FLUM
	<input checked="" type="checkbox"/> Rezoning
	<input type="checkbox"/> Amendment or Extension
Development Application #:	2023-1-A-1-1
Project Name:	Sutton Lakes
OCPS Completed Application Date:	October 11 <sup>th</sup> , 2022
Parcel #(s):	31-27-24-0306-04-011, 31-27-24-0000-00-009, 31-27-24-0000-00-038, 31-27-24-0000-00-010, 31-27-24-0000-00-045
Requested New Units (#):	SF: MF: TH:
Vested Unit(s):	SF: 155 MF: 98 TH: 304
Total Project Units:	557
School Board District:	# 4

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**.

This determination expires on **June 4<sup>th</sup>, 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: Jennifer Dubois, Orange County (via e-mail)  
Thomas Moore, OCPS (via e-mail)  
Project File

## Attachment A



### School Capacity Determination

User ID: CCM      Date: December 6, 2022      Time: 10:46:59

Project ID: **CEA – OC – 22 – 083**

Valid Until: June 4, 2023

Project Name:		SUTTON LAKES	
<b>Unvested Units</b>	Single Family Units:	155	<b>Vested Units</b>
	Multi Family Units:	304	
	Multi Family High Rise Units:	0	
	Town Homes Units:	98	
	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:	HH			
	School:	WATER SPRING ES	WATER SPRING MS	HORIZON HS	
	<b>Analysis of Existing Conditions</b>				
Capacity Enhancement	School Capacity (2021-2022)	837	706	2,656	
	Enrollment (2021-2022)	1,029	634	2,030	
	Utilization (2021-2022)	137.0%	68.0%	68.0%	
	LOS Standard	110.0%	100.0%	100.0%	
	Available Seats	0	72	626	
		<b>Analysis of Reserved Capacity</b>			
	School Level	Elementary	Middle		
	Encumbered Capacity	563	220	286	
	Reserved Capacity	29	0	0	
	Adjusted Utilization	193.7%	121.0%	87.2%	
Adjusted Available Seats	0	0	340		
	<b>Analysis of Proposed Development</b>				
Students Generated	87.408	42.856	56.009		
Adjusted Utilization	204.1%	127.0%	89.3%		
AVAILABLE/NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE	AVAILABLE		
Number of Seats to Mitigate	87.408	42.856	0.000		

WATER SPRING ES	SCHEDULED FOR RELIEF IN 2024.
WATER SPRING MS	TEMPORARY CAPACITY UNTIL 2023 (SHARES CAMPUS WITH HORIZON HS)
HORIZON HS	TEMPORARY CAPACITY UNTIL 2023 (CAMPUS SHARED WITH WATER SPRING MS)

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2023-1 Regular Cycle Comprehensive Plan Amendments  
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<b>Plan Amendment Number</b>	2023-1-A-1-1
<b>Project Name</b>	Sutton Lakes
<b>Requested Change</b>	Amend the text of policy FLU8.1.4
<b>Parcels</b>	31-24-27-0000-00-010, 31-24-27-0000-00-009, 31-24-27-0000-00-045, 31-24-27-0000-00-038, and 31-24-27-0306-03-011
<b>General Location</b>	14505 and 14621 Avalon Road; generally bounded by Avalon Road to the West, Arrowhead Boulevard to the South, and Hartzog Road to the North
<b>Proposed Development</b>	The proposed change is to allow for 253 single-family (attached and detached), 304 multi-family units, and 20,000 sq. ft. of commercial. The change is the addition of multi-family to the development program.
<b>Area</b>	139.88 gross acres / 83.37 net developable acres / 89.83 net developable acres with proposed wetland impacts (acreages per CAD 94-128) <b>CAD/CAI IN PROGRESS</b>
<b>Agent</b>	Kimley-Horn & Associates, Inc. (Jennifer Stickler)
<b>Owner</b>	Westgate Resorts LTD
<b>District</b>	1
<b>Comments Prepared by</b>	Amanda Hallenbeck, <a href="mailto:Amanda.Hallenbeck@ocfl.net">Amanda.Hallenbeck@ocfl.net</a> , 407-592-8467

**EPD Review Summary:**

- A historic Conservation Area Determination 94-128 was completed for the Sutton Lakes Planned Development in 1995. A total of 56.51 acres of Class I, II, and III wetlands were identified.
- An Orange County Conservation Area Determination application CAD-22-08-155 was submitted and is in progress.
- An Orange County Conservation Area Impact permit application CAI-22-03-022 was submitted and is in progress. The applicant is requesting a total 6.46 acres of Class II and Class III wetland impacts. (4.8 acres Class II and 1.66 acres of Class III)
- Portions of Lake Rexford and Lake Scott are within the project boundary.
- Multiple restrictions and design considerations associated with the lakes within the Sutton Lakes PD were added as Conditions of Approval.
- 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

Orange County EPD Comments to the Local Planning Agency for the  
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the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

**FLUM Amendment Comments:**

1. Conservation Area Determination – An Orange County Conservation Area Determination (CAD) 94-128 was completed for the Sutton Lakes Planned Development (PD) in 1995. However, at the public hearing on April 29, 2003, the Board of County Commissioners (BCC) approved a substantial change to the PD and added Condition of Approval (COA) #11 stating that: "A new Conservation Area Determination Study will be performed prior to the first development plan approval and will be applicable for development on this PD."
2. CAD in Progress – An Orange County Conservation Area Determination CAD-22-08-155 application was submitted and is in progress. Once the wetland limits have been verified through a site visit, a CAD Classification letter will be sent. The applicant must then submit a letter of agreement to the classification and submit a certified boundary survey showing the limits of the wetlands to complete the CAD.
3. CAI in Progress – Conservation Area Impact (CAI) permit application CAI-22-03-022 was submitted for proposed wetland impacts. This request will be reviewed in its entirety when the CAI permit is complete or nearly complete and the mitigation is agreed upon with EPD staff. No conservation area or buffer encroachments shall be permitted, unless an impact permit is approved by Orange County EPD consistent with *OC Code Chapter 15, Article X Wetland Conservation Areas*.
4. 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](mailto:wetlandpermitting@ocfl.net). *Reference OC Code Chapter 15, Article X Wetland Conservation Areas*.
5. Habitat Permit Compliance – Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible 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).
6. Jurisdictional Coordination – This environmental review only addresses Orange County environmental regulatory code, however, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not

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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. Planned Development Condition #3 – The building height shall be restricted to 1 story along the lake and shall be constructed to resemble single-family houses as viewed from the lakeshore, per the 2003 BCC Condition of Approval #3.
2. Planned Development Condition #5 – No watercraft of any type may be launched or operated from or used in connection with this property, per the 2003 BCC Condition of Approval #5.
3. Planned Development Condition #12 – No buildings of any type shall be permitted within 125 feet of the normal high water elevation, per the 2003 BCC Condition of Approval #12.
4. Boat Docks – Approval of this request does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
5. Swale Requirement – Pollution abatement swales shall be provided upland of the normal high water elevation (NHWE) on all lakes and wetlands connected to lakes per Orange County Code Section 34-132. Areas that drain away from lakes or wetlands do not require a swale. The swale shall be labeled on the preliminary subdivision plan and included on the plat in a pollution abatement easement. *Reference OC Code Chapter 34 Subdivision Regulations, Article IV Specifications for Plans and Plats, Sec. 34-132 (c)(2).*
6. 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



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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).*



**Environmental Protection Division**

**CONSERVATION AREA  
DETERMINATION**

**Determination No:** CAD-22-08-155

**Replaces CAD No.:** 94-128

**Date Issued:** October 3, 2023

**Date Expires:** October 3, 2028

**Activity Location:**

14701 Avalon Road, Winter Garden, FL 34787

Parcel ID Nos.: 31-24-27-0000-00-010, 31-24-27-0000-00-009, 31-24-27-0000-00-045, 31-24-27-0000-00-038, AND 31-24-27-0306-04-011

Orange County Commission District: 1

**Permittee / Authorized Entity:**

Westgate Resorts LTD

c/o Stephanie Salvilla

Bio-Tech Consulting, Inc.

E-mail: [stephanie@bio-techconsulting.com](mailto:stephanie@bio-techconsulting.com)

The Environmental Protection Division (EPD) has received your certified survey received on August 9, 2023, which accurately depicts the approved limits of the jurisdictional surface waters and/or wetlands (conservation areas) on the above-referenced property. This Conservation Area Determination (CAD) is binding for a period of five years.

Orange County Environmental Protection Division  
3165 McCrory Place, Suite 200  
Orlando, Florida 32803  
407-836-1400 / Fax: 407-836-1499  
[www.OCEPD.org](http://www.OCEPD.org)

The conservation area(s) have been classified as follows:

Surface Water/ Wetland Identification Number	Class	FLUCCS <sup>1</sup> / Remarks <sup>3</sup>
W1-A <sup>4</sup>	I	640 Vegetated Non-Forested Wetlands / Wetland fringe hydrologically connected to natural surface water
W1-B <sup>4</sup>	I	640 Vegetated Non-Forested Wetlands / Wetland fringe hydrologically connected to natural surface water
W1-C <sup>4</sup>	I	640 Vegetated Non-Forested Wetlands / Wetland fringe hydrologically connected to natural surface water
W1-D <sup>4</sup>	I	640 Vegetated Non-Forested Wetlands / Wetland fringe hydrologically connected to natural surface water
W2-A <sup>4</sup>	I	624 Cypress – Pine – Cabbage Palm / Wetland fringe hydrologically connected to natural surface water (Lake Rexford)
W2-B <sup>4</sup>	I	624 Cypress – Pine – Cabbage Palm / Wetland fringe hydrologically connected to natural surface water (Lake Rexford)
W2-C <sup>4</sup>	I	624 Cypress – Pine – Cabbage Palm / Wetland fringe hydrologically connected to natural surface water (Lake Rexford)
W2-D <sup>4</sup>	I	624 Cypress – Pine – Cabbage Palm / Wetland fringe hydrologically connected to natural surface water (Lake Rexford)
W2-E <sup>4</sup>	I	624 Cypress – Pine – Cabbage Palm / Wetland fringe hydrologically connected to natural surface water (Lake Rexford)
W2-F <sup>4</sup>	I	624 Cypress – Pine – Cabbage Palm / Wetland fringe hydrologically connected to natural surface water (Lake Rexford)
W2-G <sup>4</sup>	I	624 Cypress – Pine – Cabbage Palm / Wetland fringe hydrologically connected to natural surface water (Lake Rexford)
W2-H <sup>4</sup>	I	624 Cypress – Pine – Cabbage Palm / Wetland fringe hydrologically connected to natural surface water (Lake Rexford)
W2-J <sup>4</sup>	I	624 Cypress – Pine – Cabbage Palm / Wetland fringe

		hydrologically connected to natural surface water (Lake Rexford)
W3	III	641 Freshwater Marsh / Isolated wetland less than five acres
W4 <sup>2</sup>	III	640 Vegetated Non-Forested Wetlands / Isolated wetland less than five acres
W6	III	641 Freshwater Marsh / Isolated wetland less than five acres
W7 <sup>2</sup>	III	641 Freshwater Marsh / Isolated wetland less than five acres
W8 <sup>2</sup>	II	641 Freshwater Marsh / Isolated wetland greater than five acres but less than 40 acres
W9 <sup>2</sup>	II	641 Freshwater Marsh / Isolated wetland greater than five acres but less than 40 acres
SW1 <sup>2</sup>	I	524 Lakes less than 10 acres / Natural surface water
SW2 <sup>2</sup>	I	524 Lakes less than 10 acres / Natural surface water (Lake Rexford)

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<sup>1</sup>Florida Land Use, Cover and Forms Classification System (FLUCCS) Handbook, Florida Department of Transportation, January 1999 (Third Edition).

<sup>2</sup>Conservation area extends offsite.

<sup>3</sup>'W5' label and 'W2-I' label were intentionally not used.

<sup>4</sup>EPD issued a Classifications Letter on November 18, 2022 which included wetland labels 'W-1' and 'W-2'. It was determined by the surveyor that only some portions of these wetland areas were located landward of the Normal High-Water Elevation of 109.95 feet NAVD88 of Surface Water 2 (Lake Rexford). Therefore, those portions are called out as individual wetland areas with the above labeling.

Approved, subject to the following conditions:

1. The enclosed survey accurately depicts the limits of the jurisdictional surface waters/wetlands on the referenced property, as confirmed by EPD during the site inspection. This determination letter, along with the approved survey, constitutes final approval of the CAD.
2. The limits of wetlands and surface waters delineated on the approved survey are only binding for a period of five years from the date of CAD issuance provided physical conditions on the property do not change to alter the boundaries of surface waters or wetlands during that period. The limitations of this condition cannot be modified to allow for a longer duration without a complete reassessment of the limits of surface waters and wetlands occurring on the project. Changes in surface waters or wetland boundaries resulting from work authorized by a permit pursuant to Chapter 15, Article X, Section 15-376, will not be considered as altering the boundary for the purposes of this condition.

3. This CAD does not provide relief from other local, state, or federal policies, which regulate activity on the subject property. If this determination conflicts with those of any other Agency, Department, or Division, the applicant must rectify the conflict or comply with the most stringent conditions.
4. No construction, clearing, alteration, filling, or grading is allowed within the limits of the conservation area unless approved by the County.
5. The property owner/permittee(s) is also responsible for addressing any adverse secondary impacts to surface waters, wetlands, or conservation areas that may occur because of the development of the site.
6. The County may revoke this CAD upon finding that the applicant has submitted inaccurate information to the County regarding the delineation of surface waters or wetlands on the project site.
7. This CAD supersedes any existing determinations made on this parcel.
8. Please be advised that per Orange County Code Chapter 15, Article VIII, Section 15-304 (a), no development, land clearing, or other tree cutting, or tree removal shall be permitted without first obtaining a Conservation Area Impact (CAI) permit, tree removal permit and/or building permit with concurrent tree removal approval, unless exempted per section 15-279(a)(9). Contact Orange County Zoning at 407-836-5807 or [Zoning@ocfl.net](mailto:Zoning@ocfl.net) for questions regarding tree and/or vegetation clearing within the designated uplands on this property.
9. An upland buffer of a minimum of 25 feet is recommended for all Class I, II, and III wetland systems unless scientific data dictate a larger or smaller buffer based on wetland function or local conditions.

If you should have any questions concerning this determination, please contact Hayden Denton at 407-836-1433 or [Hayden.Denton@ocfl.net](mailto:Hayden.Denton@ocfl.net).

Project Manager:



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Hayden Denton, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:



for

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Renee H. Parker, LEP, Environmental Protection Officer

HD/K~~CK~~/TMH/ERJ/RHP: gfdjr

Enclosure: Approved Survey

- c: Mark Waltrip, Westgate Resorts LTD, [mark\\_waltrip@wgresorts.com](mailto:mark_waltrip@wgresorts.com)  
Charles Whittall, Unicorp National Developments Inc., [chuck@unicorp.com](mailto:chuck@unicorp.com)  
Lisa Prather, SFWMD, [lprather@sfwmd.gov](mailto:lprather@sfwmd.gov)  
FWC, Conservation Planning Services, [conservationplanningservices@MyFWC.com](mailto:conservationplanningservices@MyFWC.com)  
Rocco Campanale, Orange County Property Appraiser's Office, [rcampanale@ocpafl.org](mailto:rcampanale@ocpafl.org)  
Amanda Hallenbeck, EPD, [Amanda.Hallenbeck@ocfl.net](mailto:Amanda.Hallenbeck@ocfl.net)

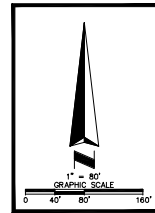




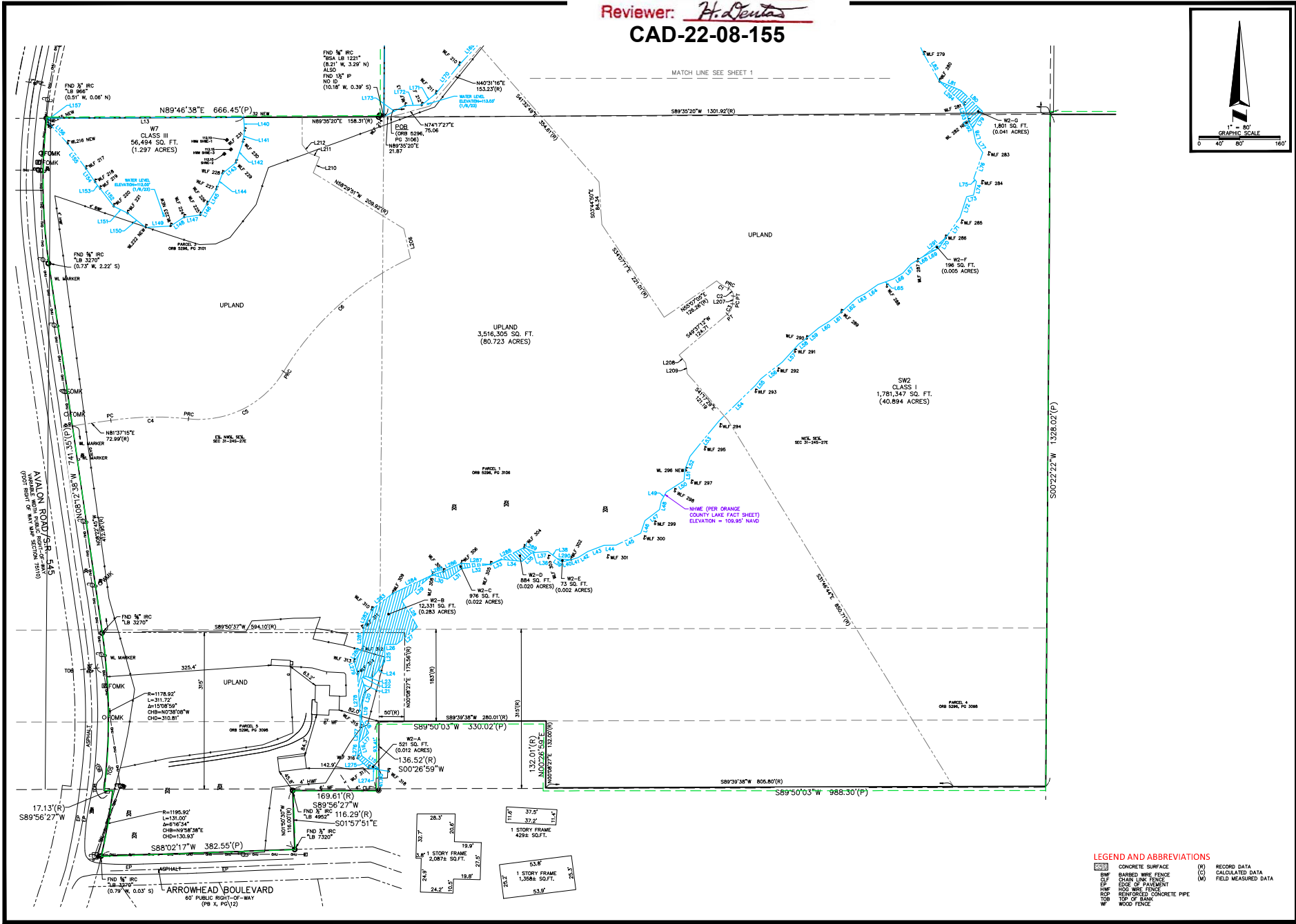
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8/9/2023

Approved By The  
Orange County  
Environmental Protection Division  
Date: **9/20/2023**  
Reviewer: *H. Denton*  
**CAD-22-08-155**

Approval of wetland line only.  
A Conservation Area Impact permit is  
needed prior to any wetland impacts.



SHEET 2  
OF 4



DATE	DESCRIPTION	BY
4/27/23	ISSUED FINAL SHEET	ALS
4/27/23	UPDATED WETLANDS	ALS
3/9/23	CLIENT COMMENTS	ALS
3/9/23	ADJUSTED BOUNDARY	ALS
7/6/23	CLIENT COMMENTS	ALS

BOUNDARY & TOPOGRAPHIC SURVEY OF  
WESTGATE  
14-505, 14621 & 14701 AVALON ROAD  
SECTION 31, TOWNSHIP 24 SOUTH, RANGE 27 EAST  
ORANGE COUNTY  
FOUR CORNERS, FLORIDA



JOB NO.	22020
FIELD DATE	05/02/23
DRAWN BY	ALS
APPROVED BY	
ISSUED FILE #	
ISSUED BY	SUTTON LAKES SURVEYING

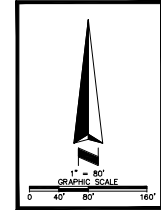
**LEGEND AND ABBREVIATIONS**

	CONCRETE SURFACE	(R)	RECORD DATA
	BARBED WIRE FENCE	(C)	CALCULATED DATA
	CHAIN LINK FENCE	(M)	FIELD MEASURED DATA
	EDGE OF PAVEMENT		
	NON-IRRIGATED FRINGE		
	NON-IRRIGATED CONCRETE PIPE		
	TOP OF BANK		
	WOOD FENCE		

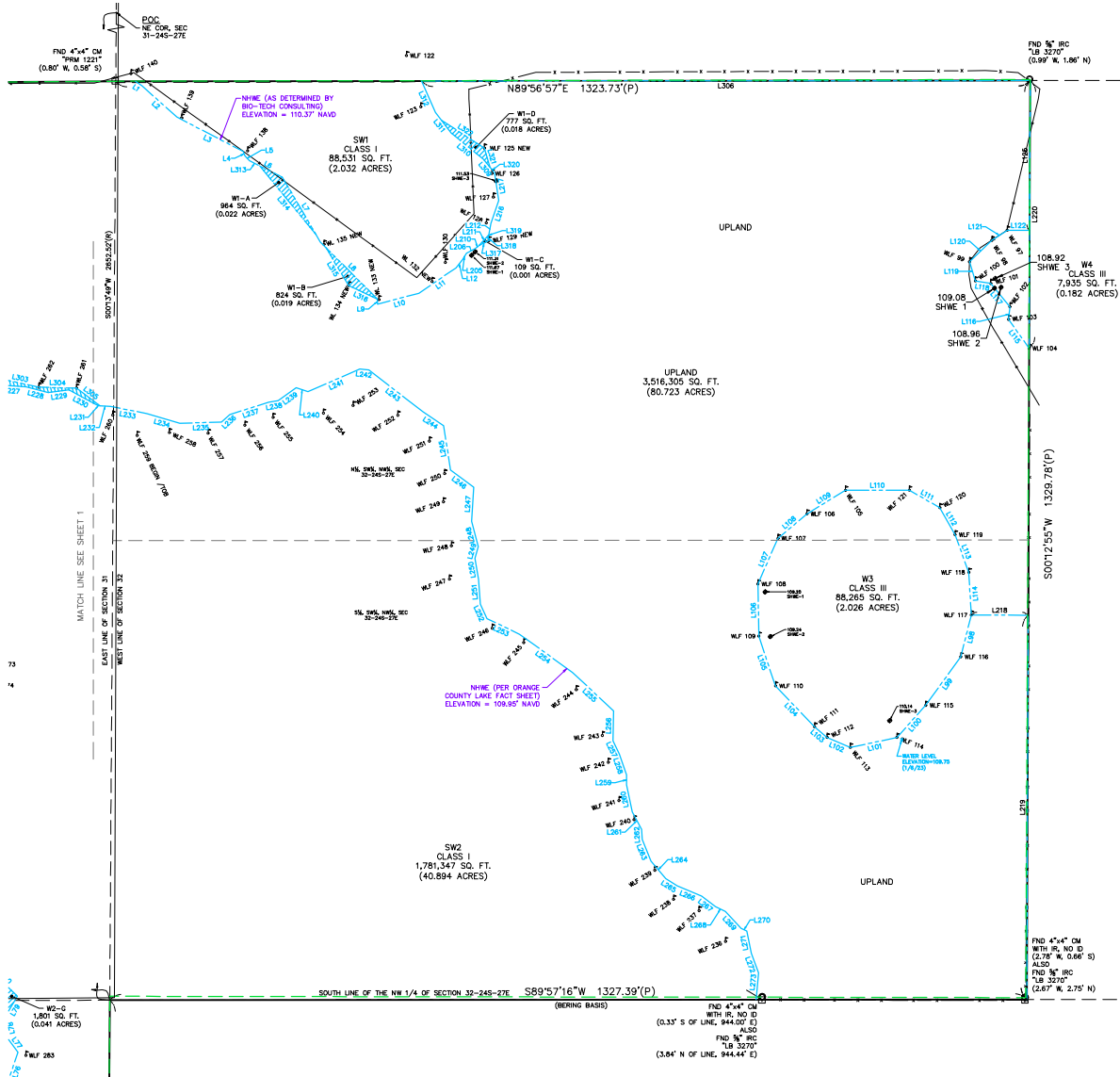
**received**  
8/9/2023

Approved By The  
Orange County  
Environmental Protection Division  
Date: **9/20/2023**  
Reviewer: *H. d. Denton*  
**CAD-22-08-155**

Approval of wetland line only.  
A Conservation Area Impact permit is  
needed prior to any wetland impacts.



SHEET 3  
OF 4



DATE	REVISION	BY	DESCRIPTION
3/21/23	1	AS	ISSUE FOR PERMIT
4/27/23	2	AS	UPDATE WETLANDS
5/9/23	3	AS	CLIENT COMMENTS
5/27/23	4	AS	CLIENT COMMENTS
7/6/23	5	AS	CLIENT COMMENTS

BOUNDARY & TOPOGRAPHIC SURVEY OF  
WESTGATE  
14-505, 14621 & 14701 AVALON ROAD  
SECTION 31, TOWNSHIP 24 SOUTH, RANGE 27 EAST  
ORANGE COUNTY  
FOUR CORNERS, FLORIDA



**LEGEND AND ABBREVIATIONS**

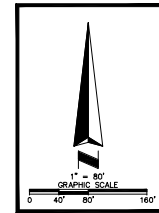
CS	CONCRETE SURFACE	(R)	RECORD DATA
BWF	BARBED WIRE FENCE	(C)	CALCULATED DATA
CL	CHAIN LINK FENCE	(M)	FIELD MEASURED DATA
EP	EDGE OF PAVEMENT		
HW	HOOD WIRE FENCE		
ROP	REINFORCED CONCRETE PIPE		
TS	TOP OF BANK		
WF	WOOD FENCE		

JOB NO.:	XXXX
FIELD DATE:	XX/XX/XX
FIELD BY:	XX
DRAWN BY:	XX
APPROVED BY:	XX
DATE:	XX/XX/XX
PROJECT:	WESTGATE-SUTTON LAKES
DRAWING FILE #	22-08-155-03
PROJECT LEADER	BOB WILSON

**received**  
8/9/2023

Approved By The  
Orange County  
Environmental Protection Division  
Date: 9/20/2023  
Reviewer: H. Denton  
CAD-22-08-155

Approval of wetland line only.  
A Conservation Area Impact permit is  
needed prior to any wetland impacts.



SHEET 4  
OF 4

LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE					
LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH			
L1	N64°10'00"W	11.66'	L28	N89°10'00"E	23.42'	L51	N04°48'04"E	21.54'	L76	N19°00'41"E	64.73'	L101	S77°54'33"W	49.08'	L126	S33°26'12"E	47.73'	L151	N64°04'36"W	30.39'
L2	N48°11'48"W	87.08'	L27	N50°21'44"E	53.85'	L52	N20°00'13"E	28.10'	L77	N36°24'17"W	23.34'	L102	N68°40'30"W	36.36'	L127	S38°28'45"W	45.56'	L152	N37°05'54"W	44.17'
L3	N62°30'10"W	108.24'	L28	N30°59'02"W	60.27'	L53	N38°19'26"E	80.52'	L78	N12°02'37"W	30.41'	L103	N48°34'40"W	23.83'	L128	S01°45'53"W	75.82'	L153	N37°05'51"W	16.46'
L4	N22°29'34"W	7.01'	L29	N48°41'37"E	78.27'	L54	N40°41'33"E	100.37'	L79	N30°31'37"E	37.97'	L104	N43°44'20"W	81.92'	L129	S35°50'55"W	37.78'	L154	N34°08'21"W	32.17'
L5	N43°13'36"W	9.51'	L30	S73°59'52"E	30.95'	L55	N40°09'38"E	17.30'	L80	N46°41'29"W	59.30'	L105	N18°28'56"W	76.02'	L130	S60°43'19"W	48.02'	L155	N36°10'23"W	61.54'
L6	N63°28'22"W	53.39'	L31	N53°03'34"E	34.67'	L56	N52°16'27"E	53.61'	L81	N67°16'31"W	45.93'	L106	N00°57'57"W	75.45'	L131	N86°21'51"W	136.50'	L156	N43°21'11"W	56.77'
L7	N30°18'50"W	108.83'	L32	N61°28'58"E	57.96'	L57	N42°10'03"E	48.42'	L82	N28°53'30"W	62.12'	L107	N23°38'03"E	72.01'	L132	N68°00'12"W	33.33'	L157	N18°59'57"W	8.87'
L8	N45°04'52"W	116.42'	L33	N68°00'52"E	24.92'	L58	N53°40'52"E	13.55'	L83	N25°45'40"W	54.20'	L108	N48°52'39"E	55.06'	L133	N38°19'48"W	32.88'	L158	N77°51'41"E	48.89'
L9	N04°19'54"W	7.46'	L34	S85°28'05"E	39.42'	L59	N50°00'14"E	37.07'	L84	N08°56'13"W	35.54'	L109	N58°33'06"E	65.47'	L134	N33°03'06"W	47.18'	L159	S70°28'31"E	122.33'
L10	S75°14'54"W	61.71'	L35	N48°28'05"E	24.08'	L60	N58°10'02"E	25.52'	L85	N01°41'43"W	16.09'	L110	N89°58'31"E	92.42'	L135	N23°39'54"W	19.37'	L160	S00°19'53"E	55.42'
L11	S55°32'16"W	64.82'	L36	N77°57'37"E	7.92'	L61	N52°39'01"E	28.64'	L86	N10°10'13"W	38.10'	L111	S60°02'52"E	50.67'	L136	N15°54'16"E	71.82'	L161	S33°36'47"E	45.98'
L12	S38°03'34"W	15.00'	L37	N69°28'21"E	25.34'	L62	N46°55'22"E	40.59'	L87	N08°19'58"E	19.25'	L112	S29°34'53"E	44.84'	L137	N36°32'21"E	43.54'	L162	S28°14'52"E	42.87'
L13	N88°16'45"E	388.48'	L38	S55°25'46"E	23.32'	L63	N62°30'51"E	18.37'	L88	N01°19'26"W	36.40'	L113	S20°10'17"E	58.05'	L138	N63°10'11"E	31.57'	L163	S11°59'24"E	82.84'
L14	N00°27'01"E	593.44'	L39	S54°16'35"E	10.46'	L64	N56°19'22"E	31.81'	L89	N17°18'58"E	27.10'	L114	S02°20'22"E	61.89'	L139	N67°15'27"E	24.81'	L164	S07°28'18"W	41.92'
L15	N52°37'21"W	41.78'	L40	N76°49'08"E	18.81'	L65	N89°52'33"E	31.83'	L90	N44°12'02"E	21.36'	L115	N35°27'38"W	51.38'	L140	S03°56'05"E	26.23'	L165	S01°40'24"E	28.87'
L16	N12°45'30"W	26.42'	L41	N74°32'21"E	14.12'	L66	N50°07'02"E	22.77'	L91	N18°14'02"E	36.49'	L116	N26°24'40"E	18.29'	L141	S08°19'21"W	22.37'	L166	S33°02'18"W	52.71'
L17	N44°17'03"E	27.22'	L42	N57°17'57"E	23.12'	L67	N42°28'25"E	24.21'	L92	N47°28'57"E	27.64'	L117	N39°26'09"W	43.66'	L142	S18°48'05"W	43.32'	L167	S32°01'52"W	65.14'
L18	N28°26'31"W	31.01'	L43	N69°34'57"E	34.22'	L68	N83°32'58"E	27.83'	L93	N03°11'58"E	25.96'	L118	N80°38'30"W	22.82'	L143	S11°07'51"W	34.03'	L168	S31°21'28"W	41.18'
L19	N05°26'45"E	33.77'	L44	N88°13'47"E	23.64'	L69	N81°10'17"E	35.83'	L94	N38°06'54"E	58.58'	L119	N18°50'15"W	29.04'	L144	S21°18'33"W	33.78'	L169	S43°29'18"W	75.28'
L20	N11°07'50"E	22.53'	L45	N64°02'06"E	54.34'	L70	N33°19'56"E	23.31'	L95	N77°26'49"W	57.61'	L120	N46°17'39"E	44.88'	L145	S31°25'30"W	34.60'	L170	S39°04'29"W	73.09'
L21	N19°40'13"W	27.49'	L46	N18°43'56"E	26.42'	L71	N34°43'05"E	50.21'	L96	N55°21'11"W	15.99'	L121	N56°38'25"E	26.50'	L146	S32°43'12"W	25.23'	L171	S50°59'01"W	36.23'
L22	N48°18'15"E	6.21'	L47	N53°01'56"E	35.86'	L72	N17°58'05"E	42.25'	L97	N28°46'00"W	86.25'	L122	S88°43'10"E	32.54'	L147	S82°05'23"W	32.29'	L172	S88°21'52"W	32.59'
L23	S77°18'12"E	16.85'	L48	N11°37'48"E	17.03'	L73	N78°08'56"E	13.89'	L98	S14°11'44"W	62.37'	L123	S71°12'22"E	49.32'	L148	S07°10'57"W	31.85'	L173	S82°08'21"W	47.58'
L24	N37°39'31"E	40.35'	L49	N28°42'44"E	20.83'	L74	N12°12'37"E	27.85'	L99	S35°52'40"W	86.55'	L124	S72°35'57"E	69.06'	L149	S86°34'43"W	49.09'	L174	S18°34'14"E	47.52'
L25	N00°01'00"W	34.30'	L50	N57°09'33"E	41.61'	L75	N43°14'45"W	7.42'	L100	S41°52'03"W	62.59'	L125	N00°12'50"E	216.90'	L150	N01°48'31"W	45.53'	L175	S88°44'11"E	11.91'

DATE	REVISION	BY	REASON
4/27/23	ISSUED FOR PERMIT	AS	AS
4/27/23	UPDATED WETLANDS	AS	AS
5/9/23	CLIENT COMMENTS	AS	AS
5/27/23	CLIENT COMMENTS	AS	AS
7/6/23	CLIENT COMMENTS	AS	AS

BOUNDARY & TOPOGRAPHIC SURVEY OF  
WESTGATE  
14-505, 14621 & 14701 AVALON ROAD  
SECTION 31, TOWNSHIP 24 SOUTH, RANGE 27 EAST  
ORANGE COUNTY  
FOUR CORNERS, FLORIDA



JOB NO.: 22070  
FIELD DATE: 05/02/23  
FIELD BY: MC  
DRAWN BY: AS  
APPROVED BY: WESTGATE-SUTTON LAKES  
PROJECT NUMBER: 14-505-14621-14701