

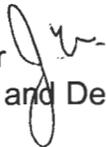


Interoffice Memorandum

AGENDA ITEM

May 10, 2016

TO: Mayor Teresa Jacobs
— AND —
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

CONTACT PERSON: **Alberto A. Vargas, MArch., Manager**
Planning Division
407 836-5354

SUBJECT: May 24, 2016 – Work Session Item
Horizon West Sector Plan

Last fall, an Objections, Recommendations and Comments letter from the Florida Department of Economic Opportunity (DEO) objected to comprehensive plan amendments related to the Horizon West sector planning area of Orange County. The letter noted that the Specific Area Plan (SAP) of sector plans should no longer be included in comprehensive plans and directed the County to remove the SAP maps and related policies from the plan. County staff proposed a responsive action plan to address these concerns, as outlined in the attached November 12, 2015 letter to DEO.

DEO has indicated its support of this action plan, and staff is preparing the necessary policy and future land use map amendments to remove the SAP maps and SAP specific policies from the Comprehensive Plan and readopt them in the County Code. General policies for the Horizon West planning area will remain in the plan. This is seen as an administrative effort and will not change current planning policies or land use entitlements in Horizon West.

Staff will present an overview of this item and the proposed changes to the Horizon West sector plan. Related Comprehensive Plan amendments are scheduled to go to the Planning and Zoning Commission on June 16, 2016.

NO ACTION

BCC Mtg. Date: May 24, 2016

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May 24, 2016 – Work Session Item
Horizon West Sector Plan

This presentation is for informational purposes only.

JWW/AV:gg

Attachment



November 12, 2015

Mr. William B. Killingsworth
Director, Division of Community Development
Florida Department of Economic Opportunity
107 E Madison St
Tallahassee, FL 32399

Re: Response to DEO Review of Proposed Plan Amendments
Amendment No. 15-5SP

Dear Mr. Killingsworth:

The Orange County Planning Division is in receipt of your correspondence dated October 13, 2015. We appreciate the review and comments of the Department of Economic Opportunity (DEO) regarding Orange County's proposed Comprehensive Plan amendments (DEO file No. 15-5SP). Our responses to the Objections raised in your letter are provided below. We would like to assure you that the Orange County Planning Division is committed to working with the DEO to further address concerns related to the Horizon West Sector Plan. We also appreciated the chance to review the letter and our proposed responses via a November 5, 2015 conference call with your staff.

1. **Objection:** The proposed FLUM Amendments impact four different detailed specific area plans (DSAPs) adopted in the comprehensive plan. The text amendments proposed changes to three Future Land Use (FLU) policies FLU4.3.10, FLU4.3.11, and FLU4.3.12 which are guided by Horizon West Sector Plan's Transportation System Objective FLU4.3. The text amendment also references consistency with Section 163.3245, F.S.

The procedure by which Orange County is proposing to amend the DSAPs within the adopted Horizon West Sector Plan is not consistent with Section 163, Florida Statutes. Prior to 2011, Florida Statutes required that DSAPs be adopted within the body of the comprehensive plan. Orange County complied with these requirements by adopting DSAP policies specific for each DSAP implementing the Horizon West Long Term Master Plan.

Since 2011, DSAPs have been required to be adopted by a local Development Order consistent with a sector plan's long term master plan.

Authority: Sections 163.3245 (3)(b),(e), and (11), Florida Statutes

Recommendations: Do not adopt the amendments as proposed. The County should propose amendments to the comprehensive plan to remove the policies and maps that directly apply to each DSAP and readopt the policies in the form of conditions in a Development Order pursuant to the requirements of Section 163.3245(3), (3)(b), (3)(e), and (11), F.S.

Orange County Response

In June of 1995, the Orange County Board of County Commissioners (BCC) adopted *A Village Land Use Classification and Horizon West Study Report* and a new *Village Future Land Use Map* designation for approximately 21,000 acres of usable land. In December of 2000, the County entered into a Sector Plan Agreement with the Florida Department of Community Affairs for Horizon West, making it the first sector plan in Florida to take advantage of the sector plan provisions of Section 163.3245 FS, as adopted in 1998. As DEO notes above, 2011 amendments to this legislation fundamentally changed the status of sector plans and their associated DSAPs as they appear in comprehensive plans. Such changes made a major reorganization of the Horizon West Sector Plan necessary in order to regain consistency with the statutes.

Over the last 15 years, Horizon West has developed under its Village/Specific Area Plan structure to the point that the transportation and community infrastructure is well defined and largely in place, with a substantial percentage of residential and non-residential development within the several villages completed or underway. Given the level of plan implementation that has occurred, it has become apparent that the benefits of sector plan status, which were so important to the initial stages of Horizon West, may no longer be as great. Therefore, Orange County is proposing to remove the designation of Horizon West Sector Plan from the Comprehensive Plan and replace it with the designation of Horizon West Special Planning Area, with associated framework policies. The Villages/Specific Area Plans and any village specific policies will also be removed from the Comprehensive Plan Future Land Use Map Element and Future Land Use Map series and adopted into the Orange County Code of Ordinances, where they will be managed with a process similar to that of Planned Developments.

The proposed procedure for making the outlined changes is summarized as follows:

1. Amend the Comprehensive Plan's Future Land Use Map series to rescind Future Land Use Map 3 "Map 2 Horizon West Specific Area Plan Future Land Use" (FLUM 3).

2. Amend the Future Land Use Map to depict a Horizon West Special Planning Area that encompasses the boundaries of the six named villages and other lands that currently have a *Village* Future land Use designation.
3. Review the Horizon West policies of the Comprehensive Plan (Future Land Use Element GOAL FLU4 and associated Objectives and Policies) to retain framework policies that apply generally to the Special Planning Area and remove those applicable to individual villages.

These three amendment efforts are to occur within the 2016-2 regular cycle, with transmittal hearings by the Local Planning Agency and Board of County Commissioners tentatively scheduled for June and July of 2016, respectively, and adoption hearings tentatively scheduled for October and November of 2016, respectively.

The Village Land Use Plans (Specific Area Plans) and related policies are to be adopted, with possible revisions, into the County Code of Ordinances. Going forward, amendments are to be approved by local development order with a local process similar to a Planned Development review, with the individual village land use maps updated administratively in accordance with those approvals.

4. Orange County will not accept any new Comprehensive Plan amendments in Horizon West while the amendments and code revisions described above are being processed.
5. With DEO's acceptance of this response, it is proposed that Horizon West Comprehensive Plan amendment applications that have been received as of October 13, 2015 shall be allowed to continue to completion. These shall be limited to:

Privately-initiated Future Land Use Map Amendments 2015-2-A-1-2, 2015-2-A-1-4, 2015-2-A-1-7 and staff-initiated text amendment 2015-2-B-FLUE-3, currently scheduled for BCC adoption on November 17, 2015; and

Privately-initiated Future Land Use Map Amendments 2016-1-A-1-1, 2016-1-A-1-2 and 2016-1-A-1-4, tentatively scheduled for BCC adoption in June of 2016.

2. **Objection:** Policy FLU 4.3.10 addresses mitigation for Village I including the timing for future assessments of transportation impacts, extra jurisdictional impacts, and timing of commitment and identification of future transportation mitigation. The changes update statutory references in the policy to Section 163.3245, and 163.3164, F.S., and to remove references to Rule 9J-2, Florida Administrative Code.

The proposed policy requires the DSAP be amended in the future pursuant to Section 163.3184, F.S., to reflect any improvements needed consistent with Section 163.3245 (3)(b) 4, F.S. The policy was not updated to reflect the 2011 changes to Section 163.3245, F.S., that

no longer require the DSAP to be adopted as part of the comprehensive plan. Therefore, there is no need for the language in the policy to require an amendment to the comprehensive plan “pursuant to Section 163.3184, F.S.”

Recommendations: Do not adopt the amendments as proposed. The County should propose amendments to its comprehensive plan to remove the policies and maps that directly apply to each DSAP and readopt the policies in the form of conditions in a Development Order pursuant to the requirements of Section 163.3245(3), (3)(b), (3) (e), and (11) F.S.

Orange County Response

References to Section 163.3184, F.S. have been removed from the proposed amendment. The proposed changes to the amendments of Policy 4.3.10 are highlighted in pink in the attached document.

3. **Objection:** The amendment proposes to amend Policy 4.3.10 to add a “Road Network Agreement” requirement for development of Phase 1 and to not allow development to commence beyond 2015 “unless the necessary improvements are included in the County’s Capital Improvements Element in a “financially feasible manner.... Consistent with Section 163.3245(3)(b)6, and Section 163.3164(38), F.S”. However, Chapter 163 F.S., no longer requires a “financially feasible” capital improvement schedule. Section 163.3245(3)(b)6, F.S. requires public facilities necessary to serve development in the DSAP, including developer contributions in a 5-year Capital Improvements Schedule of the affected local government but does not require the Capital Improvements Schedule to be “financially feasible.”

Authority: Sections 163.3177(3), 163.3245(3), (3)(b), (3)(e), and (11), Florida Statutes

Recommendations: Do not adopt the amendments as proposed. The County should propose amendments to its comprehensive plan to remove the policies and maps that directly apply to each DSAP and readopt the policies in the form of conditions in a Development Order pursuant to the requirements of Section 163.3245(3), (3)(b), (3)(e), and (11), F.S.

Orange County Response

References to Florida Statutes in defining how the term “financially feasible” is to be used have been removed from the proposed amendment. While the Florida Statutes no longer require financial feasibility, it is still a countywide requirement of the Orange County Comprehensive Plan (please see Capital improvement Element Policy CIE1.16, Transportation Element Goal T1, Objective OBJ T1.3, and Policies T1.3.1 and T3.4.1). See proposed changes to the amendments of Policy 4.3.10 which remove references to the Florida Statutes and, instead, reference requirements of the adopted Orange County Comprehensive Plan. These changes are highlighted in pink in the attached document.

4. **Objection:** Policy FLU 4.3.11 addresses extra-jurisdictional transportation impacts for development that would otherwise be subject to the provisions of Section 380.06 F.S., except for the provisions set forth in 163.3245, F.S. The policy continues to make reference to the necessity for a comprehensive plan amendment.

Policy FLU4.3.12 references extra-jurisdictional roadways for development in the Village I Specific Area Plan adopted on June 10, 2008; and proposes to change the Florida Statute reference from Section 163.3245(3)(b)3, F.S. to 163.3245(3)(b)4, and 5 F.S. The policy requires an amendment to the DSAP in the comprehensive plan.

Authority: Sections 163.3245(3), (3)(b), (3)(e), and (11), Florida Statutes

Recommendations: Do not adopt the amendments as proposed. The county should propose amendments to its comprehensive plan to remove the policies and maps that directly apply to each DSAP and readopt the policies in the form of conditions in a Development Order pursuant to the requirements of Section 163.3245(3), (3)(b), (3)(e), and (11), F.S.

Orange County Response

References to the need for a Comprehensive Plan amendment have been removed from the proposed amendment to policy 4.3.11. The proposed changes to the amendments of Policy 4.3.11 are highlighted in pink in the attached document.

I hope that our response and our commitment to future actions will be found satisfactory. Please feel free to contact Greg Gologowski, Chief Planner, Comprehensive Planning Section, at 407-836-5624 or Gregory.Gologowski@ocfl.net if you have any questions or need additional information in regards to the responses provided.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Alberto Vargas'.

Alberto Vargas, MArch
Planning Manager

Enc.

cc: Teresa Jacobs, Mayor, Orange County
Hugh Harling, P.E., Executive Director, East Central Florida Regional Planning Council

B. Policy Amendments

Following are the policy changes proposed by this amendment. The proposed policy changes are shown in underline/strikethrough format. Staff recommends adoption of the amendment.

OBJ FLU4.3 TRANSPORTATION SYSTEM. Within each SAP, there shall be a balanced transportation system that offers, with equal priority, multiple transportation options. This will include local and regional transit options, bicycle and pedestrian ways, and both higher speed thoroughfares and lower speed local roads for automobiles.

FLU4.3.10 **Village I.** Consistent with Sections 163.3245(3)(b)43. and 6., Florida Statutes (F.S.), prior to commencing development beyond Phase I per Table 7.5 of the Village I Specific Area Plan, Village I developers/owners will reassess the projected cumulative transportation impacts of Village I and demonstrate that any significant and adverse impacts, including impacts outside Orange County's jurisdiction, will be mitigated ~~to meet Rule 9J-2, Florida Administrative Code, requirements.~~ The SAP will be amended pursuant to ~~Section 163.3184, F.S.,~~ to reflect any improvements needed in order to be consistent with Section 163.3245(3)(b)4., F.S. Development of Phase I consistent with Table 7.5 of the *Village I Specific Area Plan*, adopted by the Board of County Commissioners on June 10, 2008, may not continue beyond ~~through 2013 upon the effectiveness of the adopted amendment~~ November 17, 2015, the anticipated adoption date of this amended FLU4.3.10, without a Road Network Agreement in place that is determined to be financially feasible by the County and that substantially complies with a Global Road Network Term Sheet for Village I. Development beyond year 2015 in Phase I shall not commence without a Road Network Agreement and unless adequate public facilities are demonstrated to be available or planned to be available in a financially feasible manner in accordance with the Road Network Agreement, the County's 5-Year Schedule of Capital Improvements, and the applicable implementing policies of the in-Orange County's adopted Comprehensive Plan, Capital Improvements Element as these terms are defined in consistent with Sections ~~163.3164(24) and (32)~~ 163.3245(3)(b)6. and Section 163.3164(38), Florida Statutes F.S.

The foregoing notwithstanding, any project that has submitted a legally and technically sufficient application for a Planned Development prior to November 17, 2015, may proceed with development in Phase I without entering into a Road Network Agreement pursuant to a Global Road Network Term Sheet for Village I; provided, however, that such development shall be required to obtain at least one development permit for vertical construction other than a model home (the "Permit") within thirty (30) months from the date of approval of the Planned Development. In the event any such project does not obtain a permit within the thirty (30) month timeframe, such project shall then be subject to entering into a Road Network Agreement pursuant to a Global Road Network Term Sheet for Village I. If a Global Road Network Term Sheet for Village I has been finalized, such that the development cannot participate, then the development shall be subject to the County's concurrency management system (and, potentially, entering into a proportionate share agreement).

FLU4.3.11 In order to account for extra-jurisdictional transportation impacts, for development that otherwise would be subject to the provisions of Section 380.06, F.S., except for the

exemption set forth in Section 163.3245, ~~Florida Statutes~~ F.S., the County may require, in all villages except Village H, in addition to the requirements of Future Land Use Element FLU4.1.8 IV 2.b., monitoring and modeling for transportation facilities impacted by an SAP. In addition, future SAPs shall include ~~as part of their comprehensive amendment~~ a list of candidate roadways for such monitoring and modeling. The County may require mitigation based on the SAP or subsequent monitoring and modeling. Any required monitoring and modeling will be in addition to concurrency requirements otherwise required by the Orange County Code.

- FLU4.3.12 Orange County shall coordinate with Osceola County regarding significant and adverse impacts to extra-jurisdictional roadways related to development in Village I, which summarized in Table 7.5 of the *Village I Specific Area Plan* adopted by the Board of County Commissioners on June 10, 2008. Pursuant to Policy FLU4.3.10~~1~~, a transportation analysis will be performed to identify these impacts within both Orange and Osceola ~~Counties~~. Osceola County will be provided a copy of the analysis by Orange County and will be given 30 days upon receipt to respond with comments. Upon determination by Orange County of the transportation impacts and mitigation for substantial impacts to regional roadways within both jurisdictions, consistent with Sections ~~163.3245(3)(b)34~~ and 5, ~~F.S., Florida Statutes~~, Orange County shall amend the SAP to include the agreed-upon mitigation including the identified improvements, timing of construction, and funding of such improvements. ~~consistent with Rule 9J-2, F.A.C.~~