

**ORANGE COUNTY**  
PLANNING DIVISION  
**2020-2 REGULAR  
CYCLE  
AMENDMENTS**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY  
COMMISSIONERS**

**SEPTEMBER 1, 2020  
TRANSMITTAL PUBLIC HEARING**

**PREPARED BY:**  
ORANGE COUNTY PLANNING, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES  
  
PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION






**Interoffice Memorandum**

September 1, 2020

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

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

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

SUBJECT: 2020-2 Regular Cycle Comprehensive Plan Amendments  
Board of County Commissioners (BCC) Transmittal Public Hearing

Amendment 2020-2-A-5-1 Regular Cycle Comprehensive Plan Amendment is scheduled for a BCC transmittal public hearing on September 1, 2020. This amendment was heard by the Local Planning Agency (LPA) at a transmittal public hearing held on August 20, 2020.

The report is also available online at

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

The 2020-2 Regular Cycle Amendments originally scheduled for BCC transmittal public hearings on September 1, 2020 included three privately-initiated map amendments located in Districts 2 and 5. However, Amendment 2020-2-A-2-1 was not able to be heard by the LPA and was rescheduled for a LPA transmittal public hearing on September 17, 2020. Amendment 2020-2-A-5-2 was withdrawn by the applicant. Also, three staff-initiated text amendments, Amendment 2020-2-B-FLUE-1, 2020-2-B-FLUE-2 and 2020-2-B-CP-4, were not able to be heard by the LPA on August 20, 2020 and were rescheduled for transmittal public hearings on September 17, 2020. The privately-initiated map amendment involves a change to the Future Land Use Map (FLUM) for a property over 10 acres in size. Amendments 2020-2-A-2-1, 2020-2-B-FLUE-1, 2020-2-B-FLUE-2, and 2020-2-B-CP-4 will be scheduled for BCC transmittal public hearings on October 13, 2020.

Following the BCC transmittal public hearing, the proposed amendment will be transmitted to the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Staff expects to receive comments from DEO and/or the other State agencies in November 2020. Pursuant to 163.3184, Florida Statutes, the proposed amendment must be adopted within 180 days of receipt of the comment letter. The adoption hearings are tentatively scheduled for the LPA on December 17, 2020 and the BCC on January 12, 2021.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch., Manager, Planning Division, at (407) 836-5802 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net), or Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, Planning Division, at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

AAV/sgw

Enc: 2020-2 Regular Cycle Amendments BCC Transmittal Staff Report  
c: Christopher R. Testerman, AICP, Assistant County Administrator  
Joel Prinsell, Deputy County Attorney  
Erin Hartigan, Assistant County Attorney  
Roberta Alfonso, Assistant County Attorney  
Whitney Evers, Assistant County Attorney  
Gregory Golgowski, Chief Planner, Planning Division  
Olan D. Hill, AICP, Assistant Manager, Planning Division  
Eric P. Raasch, AICP, Planning Administrator, Planning Division  
Read file

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**2020-2 Regular Cycle State Expedited Review Comprehensive Plan Amendments  
Privately Initiated Future Land Use Map and Text Amendments**

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
<b>District 1</b>													
2020-2-A-1-2 (aka 2019-2-A-1-2 and 2020-1-A-1-2) (Lake Buena Vista Springs)	PD/LUP rezoning pending	Hojoaki, LLC; Roy Samra, Maura Samra and Robert Lapierre; Ballester Investments, LLC	Miranda Fitzgerald, Lowndes, Drosdick, Dobson, Kantor & Reed, P.A.	21-24-28-5844-00-024; 21-24-28-0000-00-015/016/021	12311, 12325, and 12329 Winter Garden Vineyard Rd.; Generally located north of Winter Garden Vineyard Rd., west of S Apopka/Vineyard Rd.	Rural/Agricultural (R) and Medium Density Residential (MDR)	Commercial (C) and Urban Service Area (USA) Expansion; Rural/Agricultural/Conservation (R/CONS); and Medium Density Residential/Conservation (MDR/CONS)	R-CE (Country Estate District)	PD (Planned Development District) (Lake Buena Vista Springs, PD/LUP)	84.77 gross ac./0.031 net ac.	Jennifer DuBois		
<b>District 2</b>													
2020-2-A-2-1 Bailey's Community	PD/LUP rezoning pending	Bailey's Real Estate, LLP	Momtar Barq, P.E.; Terra-Max Engineering, Inc.	34-21-28-0000-00-064/090/097/100/108/110	800 Clarcona/Ocoee Rd. and 5950 and 5954 Giham Rd.; Generally located north of Clarcona/Ocoee Rd., west of Giham Rd., and east of N. Apopka/Vineyard Rd.	Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5)	Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)	A-1 (Citrus Rural District) and A-2 (Farmland Rural District)	PD (Planned Development District)	43.36 gross/net developable acres	Jennifer DuBois	Do Not Transmit	
2020-2-A-2-2 Sadler Road Estates													
<b>District 4</b>													
2020-2-A-4-1 Fieldstream Village	The submittal of a CDR application is pending.	Bent Tree Holdings, LLC	Jason W. Searl, Esq.; GrayRobinson, P.A.	29-22-31-0000-00-032/050 and 31-0000-00-034	Generally located north of Lake Underhill Rd., south of SR 405, west of Fieldstream North Blvd., and east of N. Dean Rd.	Planned Development-Office/Commercial/Institutional/Industrial/Conservation (PD-O/C/INST/IND/CONS)	Planned Development-Commercial/Office/High Density Residential/Parks and Recreation/Open Space/Conservation (PD-C/OHDR/PROS/CONS)	PD (Planned Development District) (Fieldstream PD/LUP)	PD (Planned Development District) (Fieldstream PD/LUP)	65.76 gross acres/net developable acres unknown - CAD needed	Jennifer DuBois		
2020-2-A-4-2 Wicker Property	Expected	Juanita V. Wicker Trust Perry and Mary F. Wicker Trust	Jonathan Huels, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	33-24-30-0000-00-018/019/040/053	14050, 14114, and 14122 Boggy Creek Rd.; Generally located on the west side of Boggy Creek Rd., south of Lake Nona Blvd., east of Ward Rd., and north of New Hope Rd.	Rural/Agricultural (R)	Planned Development-Commercial/Office/Medium Density Residential (PD-C/OHDR/CONS) and USA Expansion	A-2 (Farmland Rural District)	PD (Planned Development District)	29.94 gross ac./?? net developable ac. (NEED CAD Submittal)	Chris DeManche		
<b>District 5</b>													
2020-2-A-5-1 J&S Apartments	Expected	J and S Industrial Holdings, LLC	James G. Willard, Shutts & Bowen, LLP	15-22-30-0000-00-020/085	6730 Hanging Moss Rd. and 2308 Mercator Dr.; Generally located on the south side of Hanging Moss Rd., east of N. Semoran Blvd., north of Commerce Blvd., and west of Mercator Dr.	Industrial (IND)	Medium Density Residential (MDR)	I-2/I-3 (General Industrial District)	R-3 (Multiple-Family Dwelling District)	18.15 gross ac./17.51 net developable ac.	Sue Watson	Transmit	Transmit (6-0)
2020-2-A-5-2 Quadrangle	The submittal of a CDR application is pending.	TAG Land Orlando, LLC	Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	04-22-31-7250-00-010/013/014	Generally located west of Quadrangle Blvd., north of Corporate Blvd., and south of Riverton Dr.	Office (O)	Medium Density Residential (MDR) (Student Housing)	PD (Planned Development District) (Quadrangle PD/LUP)	PD (Planned Development District) (Quadrangle PD/LUP)	11.2 gross/net developable acres	Jennifer DuBois	Do not Transmit	

**ABBREVIATIONS INDEX:**

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MDHR-Medium High Density Residential; HDR-High Density Residential; PD-Planned Development; INST-Institutional; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; R-Rural/Agricultural; RS-Rural Settlement; RS 1/5-Rural Settlement 1/5; RS 1/2-Rural Settlement 1/2; RS 1/1-Rural Settlement 1/1; GC-Growth Center; USA-Urban Service Area; WB-Water Body; ACMU-Activity Center Mixed Use; EDU-Educational; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; TRAN-Transportation; ALF-Assisted Living Facility; A-1-Citrus Rural District; A-2-Farmland Rural District; R-T-Mobile Home Park District; R-CE-Country Estate District; R-1A-Single-Family Dwelling District; R-1-Single-Family Dwelling District; R-3-Multiple-Family Dwelling District; R-2-Residential District; R-T-2-Combination Mobile Home and Single-Family Dwelling District; P-O-Professional Office District; C-1-Retail Commercial District; C-2-General Commercial District; C-3-Wholesale Commercial District; I-1/I-5-Light Industrial District; I-2/I-3-General Industrial District; PD-Planned Development District; RZ-Rezoning; LUP-Land Use Plan; CDR-Change Determination Request; SR-State Road; AC-Acres

**2020-2 Regular Cycle Comprehensive Plan Amendments  
Staff Initiated Comprehensive Plan Map and Text Amendments**

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2020-2-B-FLUE-1	Planning Division	Text amendment to Future Land Use Element Policy FLUE-1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	Jenny DuBois	Do not Transmit	2020
2020-2-B-FLUE-2	Planning Division	Text amendment to Future Land Use Element Policy FLUE-8.6 regarding the acceptance of an application for an amendment to the Orange County Comprehensive Plan for a particular property within a two (2)-year period subsequent to a decision of the Board of County Commissioners to not transmit or not adopt a Comprehensive Plan amendment involving substantially the same property.	Jenny DuBois	2020	2020
2020-2-B-CP-4	Planning Division	Comprehensive Plan Administrative Clean-up to the Aquifer Recharge Element, Stormwater Element, Potable, Waste, and Reclaimed Water Element, and Solid Waste Element	Misty Mills	Transport	2020

**ABBREVIATIONS INDEX:**

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MDHR-Medium High Density Residential; HDR-High Density Residential; PD-Planned Development; INST-Institutional; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; R-Rural/Agricultural; RS-Rural Settlement; RS 1/5-Rural Settlement 1/5; RS 1/2-Rural Settlement 1/2; RS 1/1-Rural Settlement 1/1; GC-Growth Center; USA-Urban Service Area; WB-Water Body; ACMU-Activity Center Mixed Use; EDU-Educational; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; TRAN-Transportation; ALF-Assisted Living Facility; A-1-Citrus Rural District; A-2-Farmland Rural District; R-T-Mobile Home Park District; R-CE-Country Estate District; R-1A-Single-Family Dwelling District; R-1-Single-Family Dwelling District; R-3-Multiple-Family Dwelling District; R-2-Residential District; R-T-2-Combination Mobile Home and Single-Family Dwelling District; P-O-Professional Office District; C-1-Retail Commercial District; C-2-General Commercial District; C-3-Wholesale Commercial District; I-1/I-5-Light Industrial District; I-2/I-3-General Industrial District; PD-Planned Development District; RZ-Rezoning; LUP-Land Use Plan; CDR-Change Determination Request; SR-State Road; AC-Acres

# 2020 SECOND REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN TRANSMITTAL PUBLIC HEARING

## INTRODUCTION

This is the Board of County Commissioners (BCC) transmittal public hearing book for the Second Regular Cycle Amendments (2020-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). Amendment 2020-2-A-5-1 was heard by the Local Planning Agency (LPA) during a transmittal public hearing held on August 20, 2020 and will go to the Board of County Commissioners (BCC) for a transmittal public hearing on September 1, 2020.

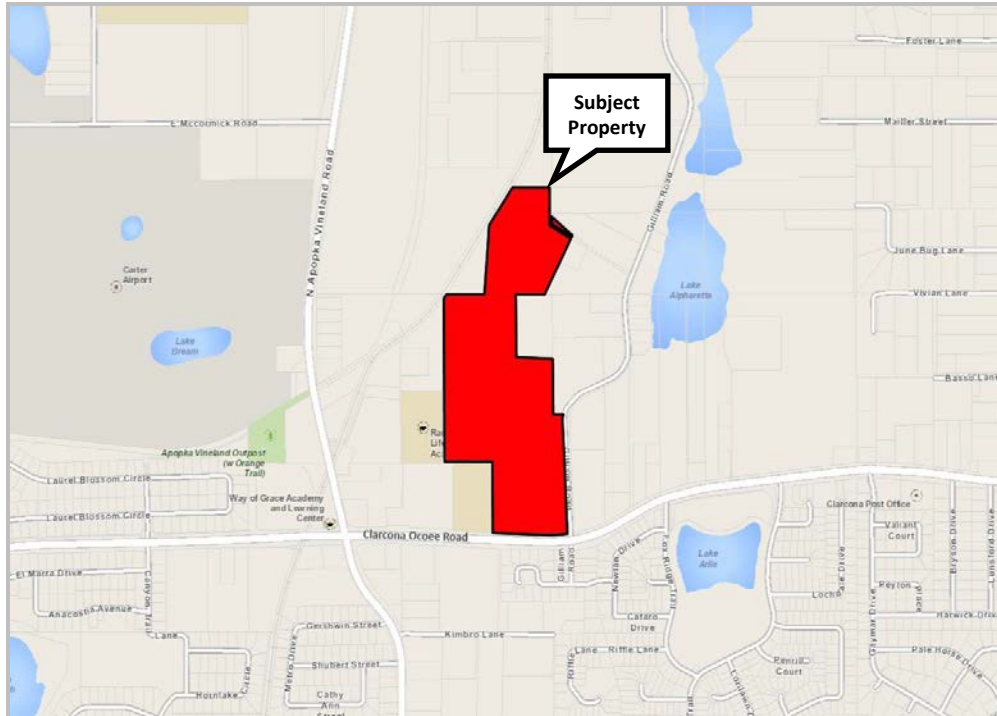
Please note the following modifications to this report:

KEY TO HIGHLIGHTED CHANGES	
Highlight	When changes made
Grey	Following the LPA transmittal public hearing (by staff)

The 2020-2 Regular Cycle Amendments originally scheduled for BCC transmittal public hearings on September 1, 2020 included three privately-initiated map amendments located in Districts 2 and 5. However, Amendment 2020-2-A-2-1 was not able to be heard by the LPA and was rescheduled for a LPA transmittal public hearing on September 17, 2020. Amendment 2020-2-A-5-2 was withdrawn by the applicant. Also, three staff-initiated text amendments, Amendment 2020-2-B-FLUE-1, 2020-2-B-FLUE-2, and 2020-2-B-CP-4, were not able to be heard by the LPA on August 20, 2020 and were rescheduled for transmittal public hearings on September 17, 2020. Since this is the transmittal stage for these amendments, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendments and provide comments, which are expected in November 2020. Amendments 2020-2-A-2-1, 2020-2-B-FLUE-1, 2020-2-B-FLUE-2, and 2020-2-B-CP-4 will be scheduled for BCC transmittal public hearings on October 13, 2020. Adoption public hearings are tentatively scheduled for the LPA on December 17, 2020 and the BCC on January 12, 2021.

Once the Regular Cycle amendments have been adopted by the BCC, the amendment will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in February 2021, so long as 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 Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).



**Applicant/Owner:** Momtaz Barq, P.E., Terra-Max Engineering, Inc., for Bailey's Real Estate, LLP

**Location:** Generally located north of Clarcona-Ocoee Road, west of Gilliam Road, and east of N. Apopka-Vineland Road.

**Existing Use:** Golden Gate Equestrian, single-family residence, and manufactured home

**Parcel ID Numbers:** 34-21-28-0000-00-064/090/097/100/108/110/114

**Tract Size:** 47.94 gross/net acres

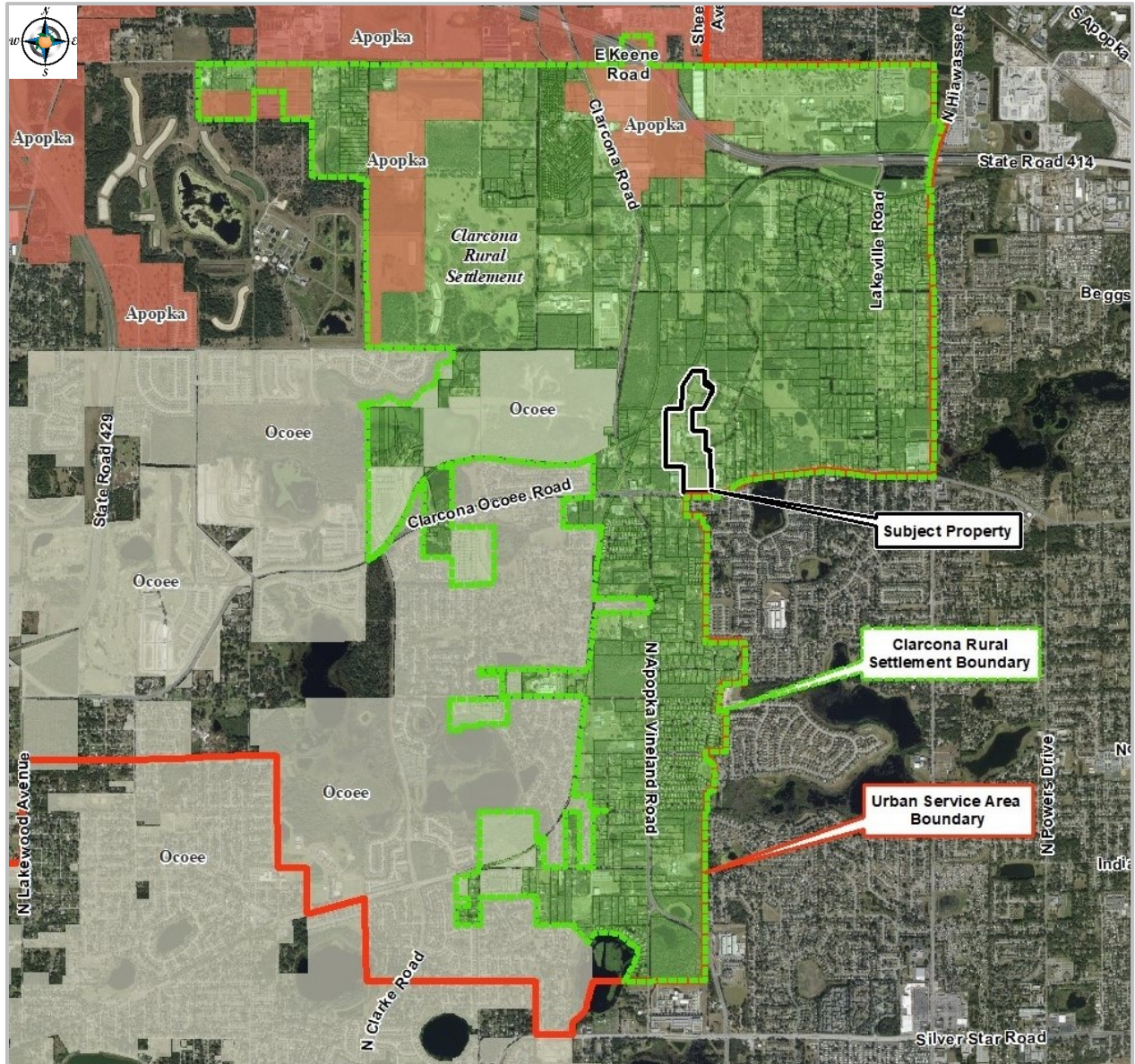
The following meetings and hearings have been held		Project Information
Report/Public Hearing	Outcome	
<p>✓</p> <p>A virtual community meeting was held August 6, 2020, with 49 members of the public in attendance.</p>	<p><b>Negative</b> - Participants expressed concern about protection of the character of the Rural Settlement, the scale of the project, traffic on area roads, and potential environmental impacts.</p>	<p><b>Request:</b> Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5) to Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)</p> <p><b>Proposed Development Program:</b> Adult care community with a maximum development program of a 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities</p> <p><b>Concurrent Rezoning:</b> A rezoning to PD (Planned Development District) will be required. If this proposed amendment is transmitted, staff anticipates that a concurrent PD rezoning request will be considered during the adoption public hearing stage.</p>
<p>✓</p> <p>Staff Report</p>	<p>Do Not Transmit</p>	<p><b>Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.</p>
<p>✓</p> <p>LPA Transmittal August 20, 2020</p>	<p>Continued to September 17, 2020</p>	<p><b>Environmental:</b> The subject property is located within the Wekiva Study Area, in which special area regulations apply. The site also has a history of agricultural use that may have resulted in soil and/or groundwater contamination.</p>
<p>BCC Transmittal</p>	<p>October 13, 2020</p>	<p><b>Transportation:</b> Per the Transportation Planning Division, the proposed adult care community will generate 178 p.m. peak hour trips, resulting in a net increase of 160 p.m. peak hour trips. There are currently four deficient roadway segments within the project's impact area.</p>
<p>State Agency Comments</p>	<p>November 2020</p>	<p><b>Utilities:</b> The subject property is located within Orange County Utilities' (OCU's) water and wastewater service areas. Reclaimed water, however, is currently unavailable in the vicinity of the site. <b>Schools:</b> The applicant must apply for a formal school capacity determination. The developer may be required to enter into a Capacity Enhancement Agreement (CEA) with the School Board.</p>
<p>LPA Adoption</p>	<p>December 17, 2020</p>	
<p>BCC Adoption</p>	<p>January 12, 2020</p>	

**SITE AERIAL**



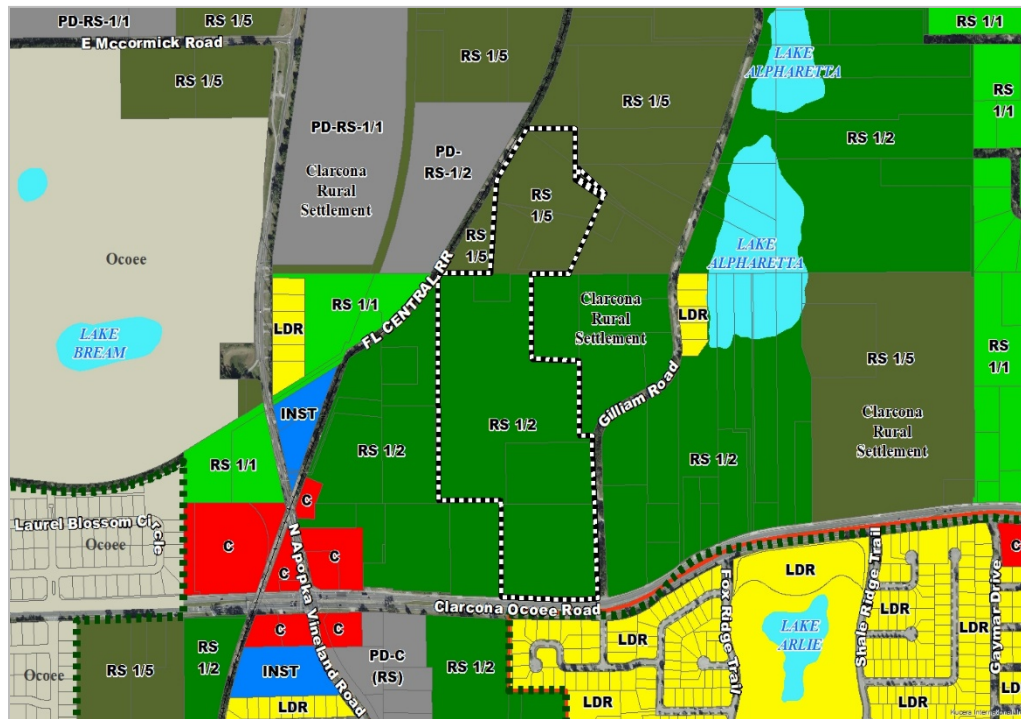


### CLARCONA RURAL SETTLEMENT MAP





**FUTURE LAND USE - CURRENT**



**Current Future Land Use Designation**  
 Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5)

**Special Area Information**  
 Rural Settlement: Clarcona Rural Settlement

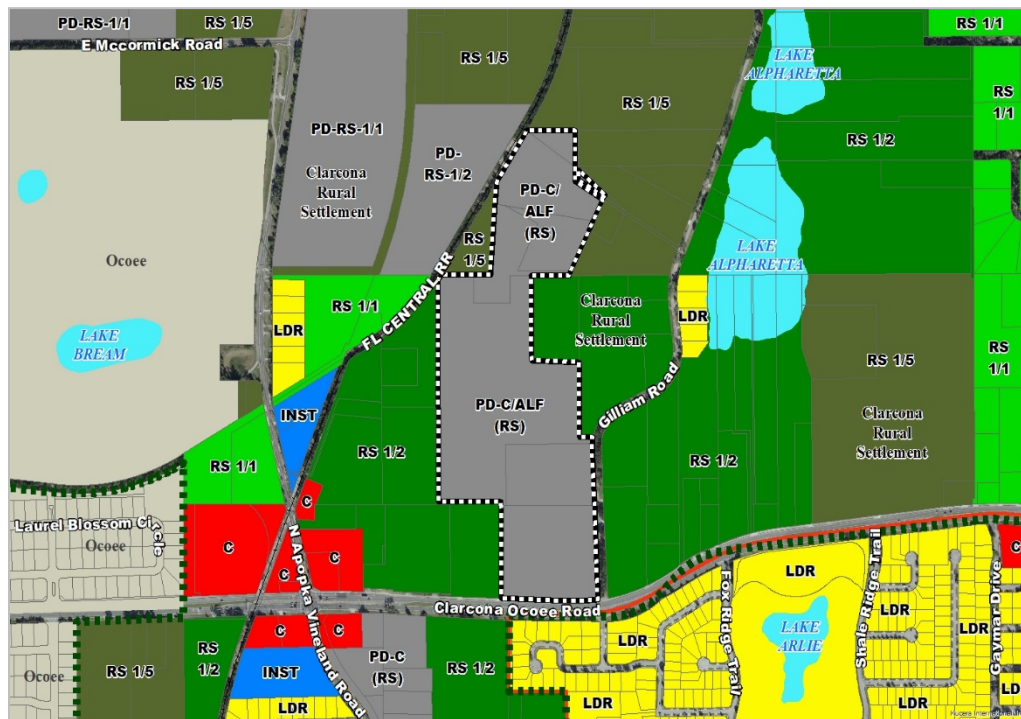
Wekiva Study Area

JPA: N/A

Overlay District: N/A

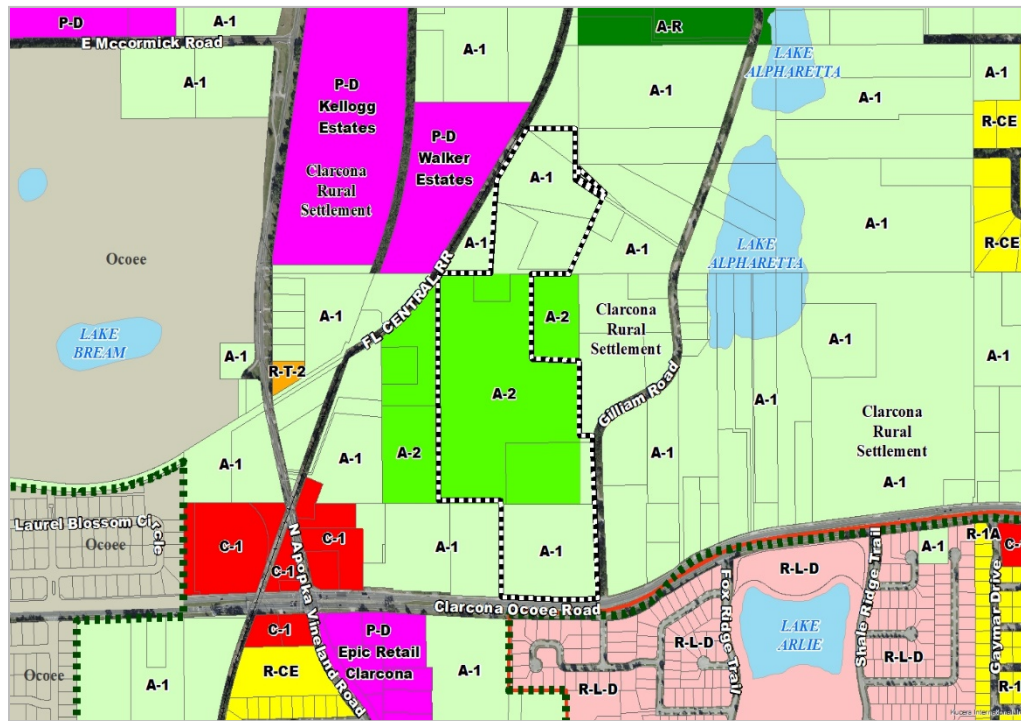
Airport Noise Zone: N/A

**FUTURE LAND USE - PROPOSED**



**Proposed Future Land Use Designation**  
 Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)

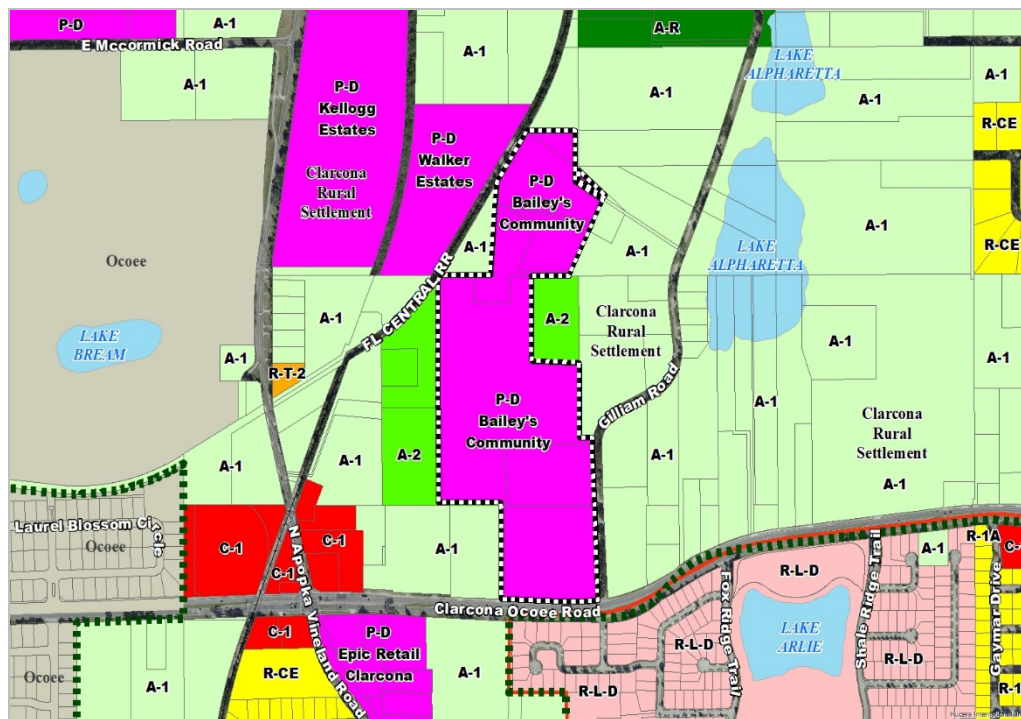
**ZONING – CURRENT**



**Current Zoning:**  
 A-1 (Citrus Rural District) and A-2 (Farmland Rural District)

**Existing Uses**  
**N:** Single-family homes and Koinonia Ministries of Central Florida  
**S:** Robinson Hills (single-family residential subdivision) and Canine Companions for Independence  
**E:** Freedom Fellowship Church and single-family homes  
**W:** Radiant Life Assembly of God, Radiant Life Academy (pre-K – 8 school), single-family homes, and Florida Central Railroad tracks

**ZONING – PROPOSED**



**Proposed Zoning:**  
 PD (Planned Development District) (Bailey's Community PD/LUP)





## Staff Recommendation

Make a finding that the information contained in the application for the proposed amendment is not sufficiently complete; that the proposed amendment does not have the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Board of County Commissioners that Amendment 2020-2-A-2-1 **NOT BE TRANSMITTED** to the reviewing agencies.

## Analysis

### 1. Background & Development Program

The applicant, Momtaz Barq, is requesting to change the Future Land Use Map (FLUM) designation of the 47.94-acre subject property—located within the Clarcona Rural Settlement, the County’s Rural Service Area, and the Wekiva Study Area—from Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5) to Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS). The property, comprised of seven individual parcels, is presently the site of Golden Gate Equestrian, a facility specializing in riding lessons and horse training, boarding, quarantining, and sales. A single-family residence and a manufactured home are also located on the premises.

As illustrated on the Future Land Use Map, the south 35.64 acres of the site possess the Rural Settlement 1/2 future land use designation, with a maximum permitted density of one dwelling unit per two net acres. The remaining north 12.30 acres are classified as Rural Settlement 1/5, with a maximum allowable density of one dwelling unit per five net acres. The applicant is seeking the Planned Development-Commercial/Assisted Living Facility (Rural Settlement) future land use designation for the combined 47.94 acres to allow for the development of an adult care community featuring a three-story, 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities.

As shown on the area map, the subject property is situated in the center of the Clarcona Rural Settlement, a community characterized by a mix of large-lot residential development, agricultural activity, and institutional and recreational uses. While the property fronts Clarcona-Ocoee Road, a four-lane collector, and lies within Orange County Utilities’ (OCU’s) potable water and wastewater service areas, it is surrounded by land uses typical of a Rural Settlement that has largely maintained its integrity over the years, despite relatively recent annexation activity by the City of Ocoee and the City of Apopka (neither of which are contiguous to the site). The property is bordered to the north by individual single-family homesites, several with ancillary agricultural uses, and a small church, Koinonia Ministries of Central Florida. Freedom Fellowship Church and single-family homesites abut the property to the east. Radiant Life Assembly of God and its affiliated school, Radiant Life Academy, additional single-family homes, and the Florida Central Railroad tracks lie to the west of the site, and Canine Companions for Independence’s Southeast Region Training Center is located south of the property. In addition to the Canine Companions for Independence facility, the subject site is bounded to the south by Robinson Hills, a single-family residential subdivision outside the Clarcona Rural Settlement, within the County’s Urban Service Area. Staff notes that this development possesses a future land use designation of Low Density Residential (LDR), with a maximum allowable density of up to four dwelling units per acre. This category is permitted only within the County’s Urban Service Area, pursuant to **Future Land Use Element Policy FLU1.1.2(B)**, rather than the Rural Service Area, in which the subject property lies.

Staff believes the site’s current equestrian and residential uses are compatible with the history and development pattern of the surrounding Rural Settlement but views the proposed 250-bed assisted living facility, 66,000-square-foot adult independent living facility, 50 adult independent living cottages, and 12,320-square-foot community clubhouse as urban in character. While senior living facilities are essential to the attainment of a healthy mix of housing opportunities in the County, the mixed-use adult care community proposed in this amendment application is not consistent with the character and scale of development in the Clarcona Rural Settlement or the Rural Service Area. Rather, it would be better suited to a site within the Urban Service Area boundary.

**Staff-Initiated Text Amendment**

**Future Land Use Element Policy FLU8.1.4** establishes the development programs for Planned Development (PD) and Lake Pickett (LP) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment 2020-2-B-FLUE-1. While staff recommends that this requested amendment, Amendment 2020-2-A-2-1, not be transmitted to the reviewing agencies, the maximum development program for this amendment, if ultimately adopted by the Board of County Commissioners, will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2020-2-A-2-1</u> Bailey’s Community	<u>Planned Development- Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)</u>	<u>Adult care community: 250-bed assisted living facility, 66,000-square-foot adult independent living facility, 50 adult independent living cottages, 12,320- square-foot community clubhouse, and equestrian amenities</u>	<u>2020-</u>

**2. Project Analysis**

**Consistency**

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

In the justification statement submitted with the application, the applicant writes:

Orange County has long recognized and is actively seeking to balance the reality of growth and development pressures in the area with the desire to protect the Rural Settlement and provide a workable transition from these higher intensity uses.

As these development pressures continue to increase, the properties along the north and south side of the 4-laned Clarcona Ocoee Road cannot, realistically, retain a rural settlement character. Instead, the most logical and appropriate solution to the inevitable growth in the area is to allow these properties to be developed in a way

which seeks to provide optimal buffering, protection, and transition into the Rural Settlement.

Staff disagrees with the above statement. As discussed previously, the subject property is situated in the center of the Clarcona Rural Settlement, an area characterized by a mix of low-intensity residential development, agricultural activity, and recreational and institutional uses. **Future Land Use Element Goal FLU6** directs the County to conserve rural assets and values, including Rural Settlements. **Objective FLU6.2** supports the conservation of rural assets and values within Rural Settlements by recognizing and preserving existing development patterns and providing for a rural residential lifestyle. Staff notes that the Clarcona Rural Settlement is among a group of five Rural Settlements designated in the Comprehensive Plan for heightened preservation efforts. **Future Land Use Element Policy FLU6.2.2** mandates that every effort shall be made to preserve the existing character of the Clarcona Rural Settlement as part of Orange County's heritage and historic preservation. Staff believes that the adoption of the requested Planned Development-Commercial/Assisted Living Facility (Rural Settlement) land use designation and the subsequent development of the proposed adult care community on the subject site would not be in keeping with the character and history of the Rural Settlement. Rather, as noted earlier, it would introduce a mix of uses of an urban scale and intensity into the heart of the Rural Settlement.

Land use restrictions and limitations on the scale and intensity of non-residential development are among the tools utilized by the County to preserve a community's character and history. Staff finds this requested amendment inconsistent with **Open Space Element Policy OS1.3.6**, which establishes that new non-residential uses permitted in the Wekiva Study Area within the Rural Service Area generally shall be limited to neighborhood and community commercial uses including small offices, institutional uses, agricultural uses, public parks, and public conservation lands. Land uses existing prior to adoption of this policy shall be recognized and allowed to develop according to the appropriate Land Development Code in place at the time of development permitting. Comprehensive Plan map amendments may allow neighborhood or community commercial uses only at intersections of collector or arterial roadways, and such uses shall be restricted to neighborhood and low-intensity community commercial uses. Such commercial uses shall not be considered to be an impetus for increased residential densities in proximity to those commercial uses. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. To minimize impervious surfaces, shared parking shall be required to the greatest extent practicable between adjacent non-residential uses.

Lastly, staff finds the proposed amendment inconsistent with **Future Land Use Element Policy FLU6.2.12**, which states that any proposed use within a Rural Settlement intended for the new construction of a structure with a gross buildable area of 50,000 square feet (on a cumulative basis) or more or projected to have a weekly trip rate of 10,000 total trips may be considered inappropriate for a Rural Settlement if the following conditions exist:

- The proposed use is located in a Rural Settlement that has maintained a rural and historic character, consistent with the intent of Rural Settlements.
- It is determined that the proposed use(s) by size, massing and traffic, will unduly impact the historic and rural character of the Rural Settlement;
- The use, as determined by a market study, is primarily intended for those whose daily life activities do not occur within the Rural Settlement.
- It is not demonstrated that other potential sites were evaluated as being suitable.

As discussed above, proposed project—comprised of a three-story, 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities, will far exceed the gross buildable area cap of 50,000 square feet, which staff believes would unduly impact the historic and rural character of the Clarcona Rural Settlement. Staff notes that the project analysis included in the amendment application package was conducted solely for the subject property. It does not appear that any alternative sites were evaluated for potential suitability for the development of the desired adult care community.

### ***Compatibility***

The requested Future Land Use Map Amendment appears to be **incompatible** with the development pattern of the surrounding area. **Future Land Use Element Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development and development trend in the area. Staff further finds the proposed amendment inconsistent with **Future Land Use Element Policy FLU6.2.5**, which establishes that the permitted densities and intensities of land uses within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses.

As discussed previously, staff does not support the redevelopment of the 47.94-acre site for the proposed adult care community. The requested project, featuring a 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, and a 12,320-square-foot community clubhouse is not comparable in density and character to existing development within the Clarcona Rural Settlement. Despite the applicant's intent to preserve approximately 40 percent of the site as open space, thus exceeding the minimum 25 percent Wekiva Study Area open space requirement, and providing equestrian amenities, walking paths, and gardens, the project would ultimately result in an abrupt and inappropriate increase in intensity between the neighboring Rural Settlement 1/5-, Rural Settlement 1/2-, and Rural Settlement 1/1-classified parcels to the north, south, east, and west.

It is staff's belief that adoption of the requested Future Land Use Map Amendment and the subsequent approval of a PD rezoning application would result in the creation of a residential community that, while suitable for a site within the County's Urban Service Area, could ultimately erode the character of the tranquil Rural Settlement. Staff, therefore, recommends denial of this amendment application.

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

**Environmental.** This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply. These requirements may further reduce the total net developable acreage. Regulations include, but are not limited to, septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed, and aquifer vulnerability. In addition to the state regulations, local policies are established in the Orange County Comprehensive Plan, including Objective FLU6.6, Wekiva, and the related policies.

The Florida Springs and Aquifer Protection Act, §373.801, et. seq. F.S. (the "Act") requires Onsite Sewage Treatment and Disposal Systems ("OSTDS") capable of enhanced treatment of nitrogen loads in the Wekiwa Spring and Rock Springs Basin Management Action Plan ("BMAP") dated June

2018, as may be amended. Per this requirement, lots of less than one acre in size within the Priority Focus Area, as defined in the Act, must comply with the OSTDS Remediation Plan within the BMAP. Lots shall meet the requirements of the Act or of Article XVII (Individual On-Site Sewage Disposal) of Chapter 37 of the Orange County Code, whichever is more stringent. Any person desiring to construct a new septic system, or to modify or repair an existing system, shall apply for a permit to the Florida Department of Health. (Note: Per Orange County Utilities, there are existing water and wastewater mains within the Clarcona-Ocoee right-of-way and the applicant would be allowed to connect.)

This project site has a prior agricultural land use that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions. An environmental site assessment (ESA) is not required at this time, but if an ESA has been completed for this site, please submit a copy with the application.

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as imperiled (endangered, threatened, or species of special concern.) The applicant is responsible to determine the presence of imperiled species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).

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

**Transportation.** The Transportation Planning Division has informed staff that development of the site for 19 single-family homes under its current Rural Settlement 1/2 and Rural Settlement 1/5 future land use designations would generate 18 p.m. peak hour trips, while the proposed development of a 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities under the requested Planned Development-Commercial/Assisted Living Facility (Rural Settlement) designation would generate 178 new p.m. peak hour trips, resulting in a net increase of 160 p.m. peak hour trips.

- Per Transportation Planning, the subject property is not located within the County's Alternative Mobility Area (AMA) or along a backlogged/constrained facility. The subject property is adjacent to Clarcona-Ocoee Road. Based on existing conditions, this facility currently has four (4) deficient roadway segments within the project's impact area. This information is dated and subject to change. The following segments are operating above their Maximum Service Volume (MSV):
  - Apopka-Vineland Rd from A.D. Mimis Road to Clarcona-Ocoee Road;
  - Clarcona Road from Gilliam Road to Keene Road;
  - Clarke Road from A.D. Mimis Road to Clarcona-Ocoee Road;
  - N. Apopka-Vineland Road from Clarcona-Ocoee Road to Gilliam Road.

- Based on the project's trip distribution, 60% will be travelling eastbound on Clarcona-Ocoee Road, while 40% will be projected to travel westbound.
- The short-term analysis (Year 2025) revealed that no additional roadway segments are projected to operate above their MSV. The four (4) deficient segments mentioned above will still be over capacity.
- The long-term analysis (Year 2030) revealed that no additional roadway segments are projected to operate above their MSV. The four (4) deficient segments mentioned above will still be over capacity.

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

**Utilities.** The subject site is located in the Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas. Per OCU, there is a 24" water main and a 36" forcemain within the right-of-way of Clarcona-Ocoee Road. Reclaimed water, however, is presently unavailable in the vicinity of the subject site. OCU currently has sufficient plant capacity to serve the amendment.

### 3. Policy References

**GOAL FLU6 PROTECTION OF RURAL LAND RESOURCES AND OTHER ASSETS.** The County will manage land uses within the Rural Service Area, including agricultural lands, environmental land including the Wekiva Area, historic resources and Rural Settlements, so as to conserve these assets and their values.

**OBJ FLU6.2 RURAL SETTLEMENTS.** Rural Settlements provide for a rural residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the CP was adopted in 1991. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the Rural Service Area, while providing for rural communities.

**FLU6.2.2** – Every effort shall be made to preserve the existing character of the Tangerine, Clarcona, Christmas, Zellwood, and Gotha Rural Settlements as part of Orange County's heritage and historic preservation. Rural Settlements may be designated as Preservation Districts for the purposes of municipal annexation pursuant to the Orange County Charter, Article V.

**FLU6.2.5** – The permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C).

**FLU6.2.12** – Any proposed use within a Rural Settlement intended for the new construction of a structure with a Gross Buildable Area of 50,000 square feet (on a cumulative basis) or more or projected to have a weekly trip rate of 10,000 total trips may be considered inappropriate for a Rural Settlement if the following conditions exist:

- The proposed use is located in a Rural Settlement that has maintained a rural and historic character, consistent with the intent of Rural Settlements.

- It is determined that the proposed use(s) by size, massing and traffic, will unduly impact the historic and rural character of the Rural Settlement;
- The use, as determined by a market study, is primarily intended for those whose daily life activities do not occur within the Rural Settlement.
- It is not demonstrated that other potential sites were evaluated as being suitable. (Amended 11/17, Ord. 2017-19)

**FLU6.6.8** – Land uses within the Rural Service Area portion of the Wekiva Study Area shall be limited to very low and low intensity uses to the greatest extent possible. Existing land uses are recognized but density and intensity shall not be increased through a future land use change unless there is substantial evidence that the change will satisfy a demonstrated need in the community or area.

Any petitioner for a future land use map amendment must submit documentation substantiating that a particular need exists in the community or area in which the change is being proposed. This documentation shall clearly identify the particular need and clearly describe how the proposed change is anticipated to satisfy that need.

Evidence and documentation indicating need and indicating that the proposed development would satisfy that need must be submitted from a third party objective source. In preparing such documentation, the petitioner shall keep in mind that market demand does not necessarily constitute need.

The following evaluation factors shall be used to determine consistency with this policy. To ensure environmental protection, projects shall identify whether a site is located in an environmentally sensitive area and whether locations in areas of lower vulnerability or areas that already allow the proposed land use are not available within a reasonable distance.

Applicants must demonstrate that the proposed land use is compatible with existing land uses and community character and is the least intensive to meet the demonstrated need. Additionally, the project will be evaluated based upon whether community or economic benefits are derived from the proposed land use at that location, as well as whether the proposed use benefits the environment (such as projects that will be designed and constructed using conservation design and green principles).

Residential projects shall demonstrate the need for additional residential development using analytical tools such as population projections and availability of existing or already approved vacant lots and/or units. Additional considerations will include housing affordability and impacts on public services and facilities.

Non-residential and mixed-use projects shall demonstrate that the proposed land use will not generate hazardous materials and waste. Additionally, factors such as support for forestry, agriculture, fishing and natural resource-based outdoor recreation industries, as well as dependence on site-specific natural resources will be evaluated for the proposed land use.

**OBJ FLU8.2 COMPATIBILITY.** Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.

**FLU8.2.1** – Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.



**OS1.3.6** – For that portion of the Wekiva Study Area located within the Joint Planning Area of the City of Apopka, Orange County shall require compliance with minimum open space and density requirements described by the Joint Planning Area Agreement (JPA) with the City of Apopka adopted on October 26, 2004. If a discrepancy exists between the City of Apopka and Orange County in terms of requirements, the most stringent shall apply. The County shall adopt Land Development Regulations by January 1, 2007 for these areas to provide for a pattern of development that protects most effective recharge areas, karst features, and sensitive natural habitats. (Amended 6/10, Ord. 10-07)

All areas shown as High Recharge Areas identified in the Data and Analysis of this element on Map 4 (aka Figure WSA-3) shall be recognizable by the presence of Type “A” Hydrologic Soil Group identifying the most effective recharge areas. (Amended 6/10, Ord. 10-07)

During the site planning process, a soil analysis shall be performed by a qualified professional to determine the location of most effective recharge areas, considered Type “A” Hydrologic soils described by the NRCS Soil Survey maps. (Amended 6/10, Ord. 10-07).

To maximize open space and preserve the natural environment, all development shall conform to the following requirements.

An acceptable alternative plan to a configuration in which the required percentage of open space is located on site is a plan that ensures that the required percentage of open space is permanently preserved through the transfer of density credits, development rights, or property purchases (such off-site transfers shall be limited to property located within the Wekiva Springshed), and such open space shall be permanently protected through conservation easements or similar binding mechanisms. (Added 10/10, Ord. 2010-13)

The following text describes areas of Orange County that contain special criteria for open space. For these following areas, all open space shall be permanently protected and unless otherwise noted, the clustering of open space is required.

**Residential land uses in the Rural Service Area.**

Within all areas designated as Rural/Agricultural, the following standards shall apply:

- i. Development with densities less than or equal to one unit per ten acres (1du/10ac) – open space shall be 50% or greater.

**Residential land uses in existing Rural Settlements.**

Within all areas in the Wekiva Study Area designated as Rural Settlement, minimum lot size shall be determined by the availability of water and sewer services. Within any such development, any sensitive resource elements shall be permanently protected. The following standards shall apply:

- i. development with densities less than or equal to one unit per acre (1du/ac) – open space shall equal 50% or greater;
- ii. development with densities greater than one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall be 60% or greater;
- iii. development with densities greater than one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 70% or greater.

**Residential land uses in Rural Settlements expansions.**

For any Rural Settlement expansions in the Wekiva Study Area, minimum lot size shall be determined by the availability of water and sewer services. Within any such development, any sensitive resource elements shall be permanently protected. The following standards shall apply:

- i. development with densities less than or equal to one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall equal 60% or greater;
- ii. development with densities less than or equal to one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 70% or greater;
- iii. development with densities greater than one unit per acre (1du/ac) in a development with an overall size less than or equal to 100 acres – open space shall be 70% or greater;
- iv. development with densities greater than one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 80% or greater.

**Residential land uses in Growth Centers.**

Within Growth Centers in the Wekiva Study Area, any sensitive resource elements shall be permanently protected. Minimum open space shall be provided as follows.

- i. development with densities of less than or equal to one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall be 40% or greater;
- ii. development with densities of less than or equal to one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 50% or greater;
- iii. development with densities greater than one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall be 60% or greater.
- iv. development with densities greater than one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 70% or greater. (Amended 6/10, Ord. 10-07)

**Residential land uses in the Urban Service Area (not in a Rural Settlement).**

Within the Urban Service Area in the Wekiva Study Area, any sensitive resource elements shall be permanently protected. Minimum open space shall be provided as follows:

- i. development with an overall size less than or equal to 100 acres – open space shall be 35% or greater;
- ii. development with an overall size greater than 100 acres – open space shall be 50% or greater.

**Vertical mixed-use in the Urban Service Area and Growth Center.**

Vertical mixed-use (non-residential and residential land uses) within the Urban Service Area and Growth Centers in the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. To minimize impervious surfaces, shared parking shall be required to the greatest extent practicable between adjacent non-residential uses. (Added 6/10, Ord. 10-07)

**Non-residential land uses in the Rural Service Area.**

New non-residential uses permitted in the Wekiva Study Area within the Rural Service Area generally shall be limited to neighborhood and community commercial uses including small offices, institutional uses, agricultural uses, public parks and public conservation lands. Land uses existing prior to adoption of this policy shall be recognized and allowed to develop according to the appropriate Land Development Code in place at the time of development permitting.


Comprehensive plan map amendments may allow neighborhood or community commercial uses only at intersections of collector or arterial roadways, and such uses shall be restricted to neighborhood and low-intensity community commercial uses. Such commercial uses shall not be considered to be an impetus for increased residential densities in proximity to those commercial uses. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. To minimize impervious surfaces, shared parking shall be required to the greatest extent practicable between adjacent non-residential uses. (Amended 6/10, Ord. 10-07)

**Non-residential land uses in the Urban Service Area.**

New non-residential uses permitted in the Wekiva Study Area within the Urban Service Area shall be consistent with Goals, Objectives and Policies of the Comprehensive Plan and specifically with the Policies FLU1.4.3 through FLU1.4.25. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. (Added 6/10, Ord. 10-07; Amended 10/10, Ord. 2010-13)

Non-residential sites too small to accommodate the above requirements – generally existing lots of record – may apply for a waiver from some or all of these open space requirements, provided that competent and sufficient evidence is provided documenting that fulfilling these requirements either is not physically possible or would constitute an undue hardship rendering the property unusable under the land use designation in effect on July 1, 2006. (Added 12/07, Ord. 07-20, Policy 1.3.6-r; Amended 10-09, Ord. 2009-28)

Site Visit Photos

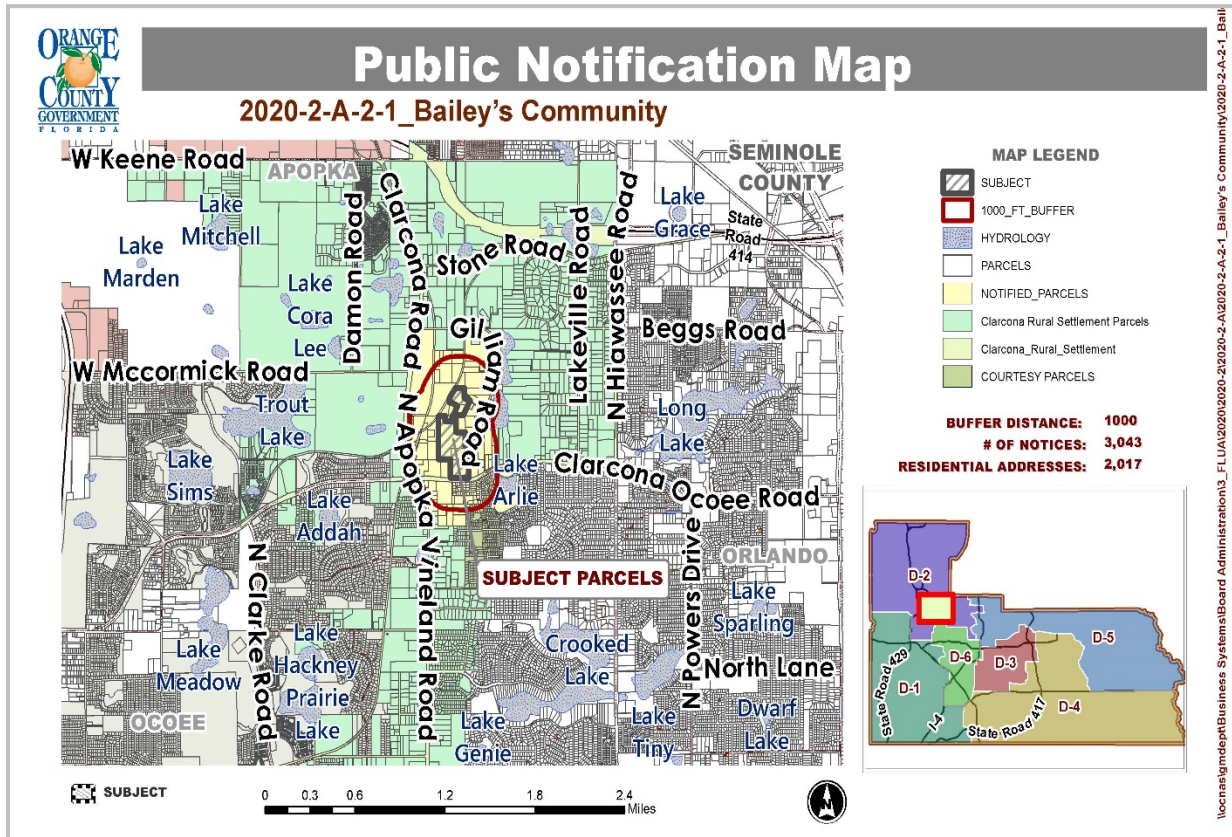
<p>Subject Site</p>	<p>Subject Site</p>
	
<p>Subject Site</p>	<p>Subject Site</p>
	
<p>North of Subject Site</p>	<p>North of Subject Site</p>
	



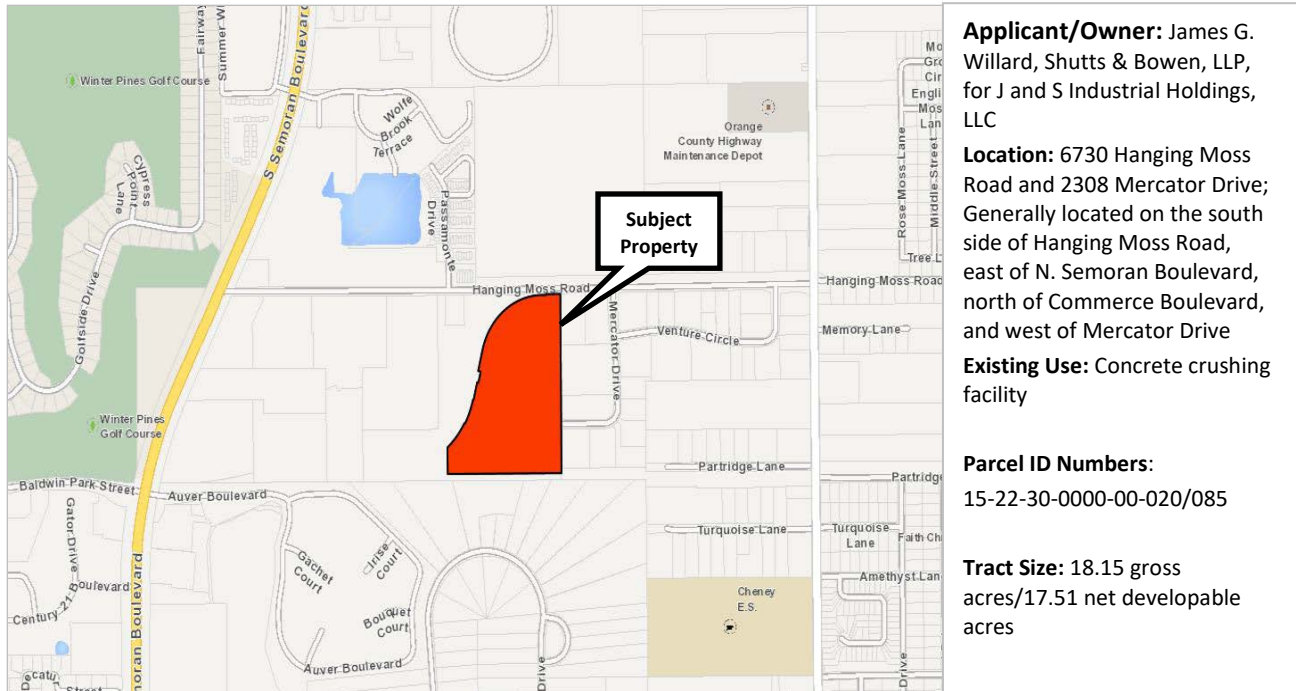
<p>South of Subject Site</p>	<p>South of Subject Site</p>
	
<p>East of Subject Site</p>	<p>West of Subject Site</p>
	
<p>West of Subject Site</p>	<p>West of Subject Site</p>
	



**PUBLIC NOTIFICATION MAP**







**Applicant/Owner:** James G. Willard, Shutts & Bowen, LLP, for J and S Industrial Holdings, LLC

**Location:** 6730 Hanging Moss Road and 2308 Mercator Drive; Generally located on the south side of Hanging Moss Road, east of N. Semoran Boulevard, north of Commerce Boulevard, and west of Mercator Drive

**Existing Use:** Concrete crushing facility

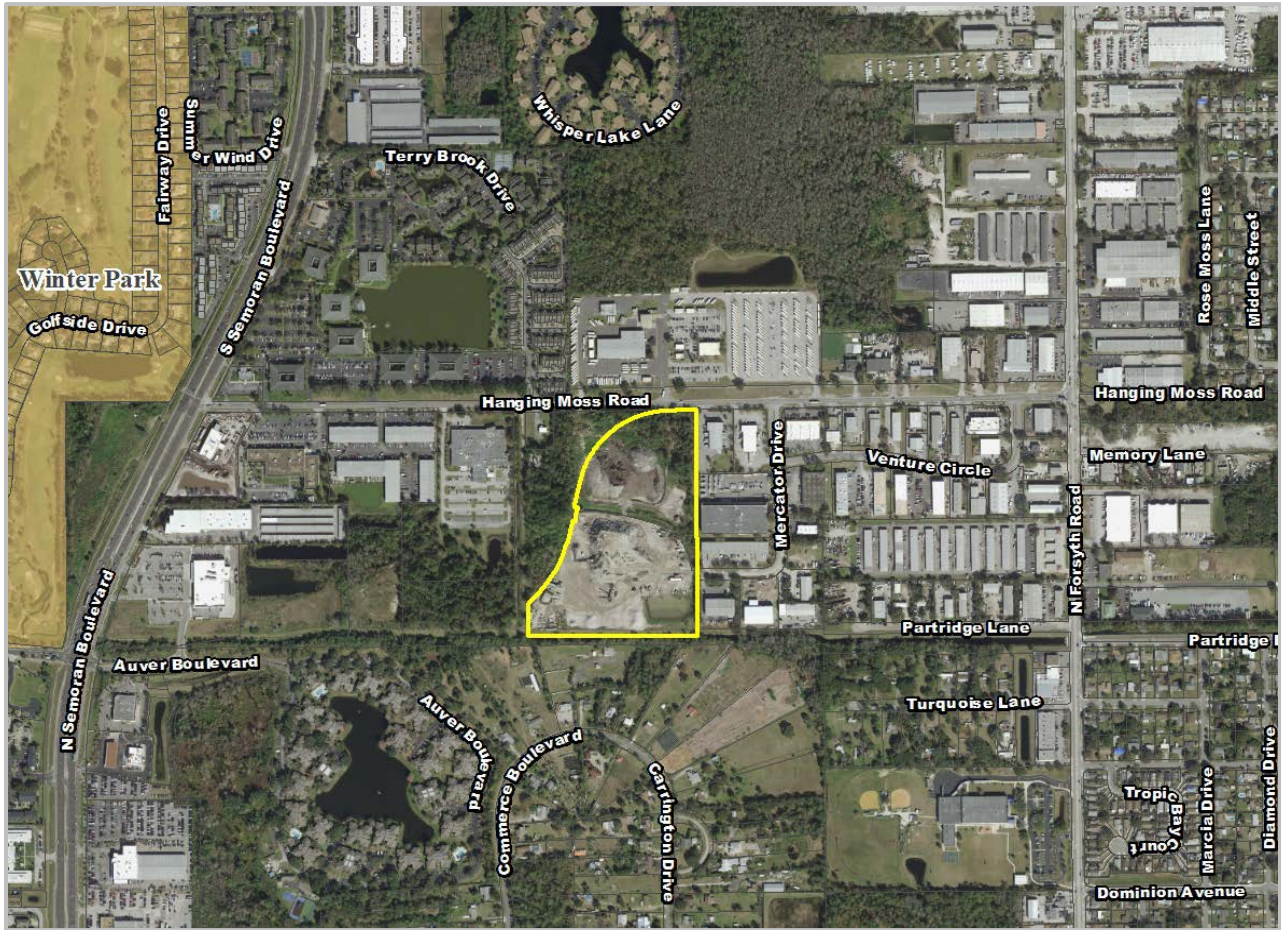
**Parcel ID Numbers:**  
15-22-30-0000-00-020/085

**Tract Size:** 18.15 gross acres/17.51 net developable acres

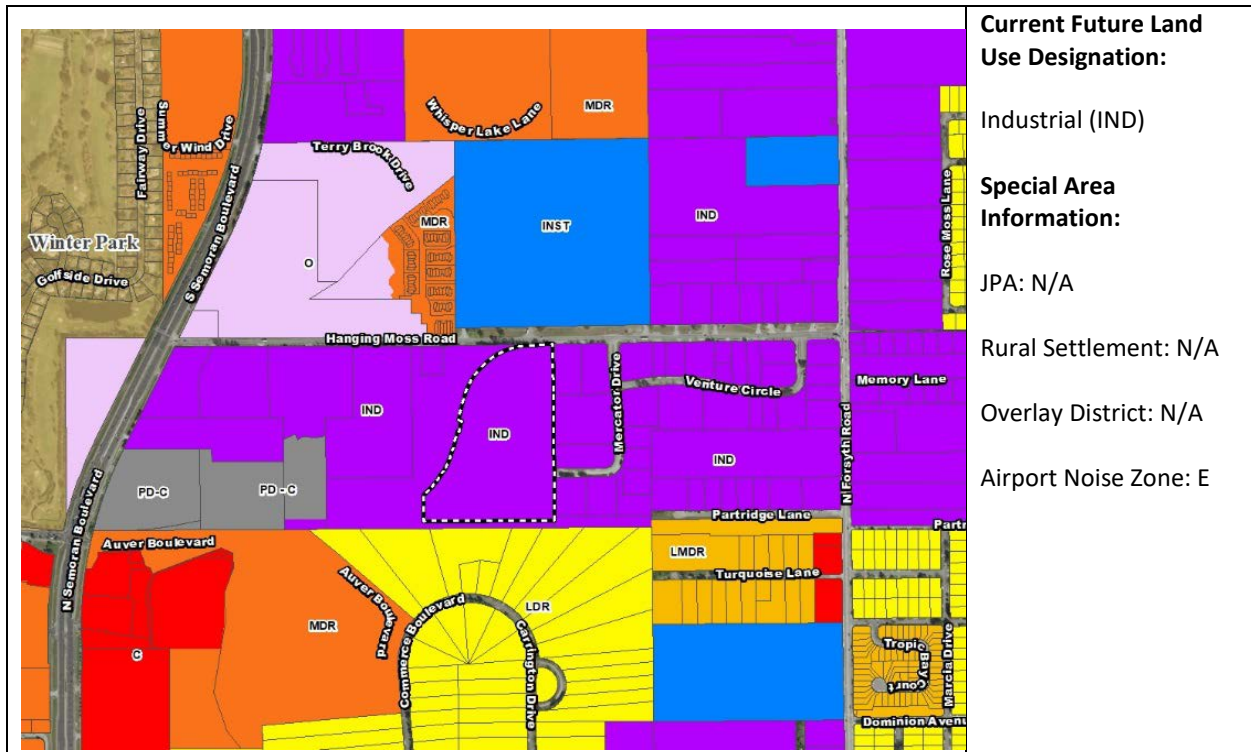
The following meetings and hearings have been held for this proposal:		Project Information
<b>Report/Public Hearing</b>	<b>Outcome</b>	<b>Request:</b> Industrial (IND) to Medium Density Residential (MDR)
✓ Virtual Community Meeting (341 notices sent; 2 people in attendance)	July 16, 2020 Positive	<b>Proposed Development Program:</b> Up to 348 multi-family dwelling units.
✓ Staff Report	Recommend Transmittal	
✓ LPA Transmittal August 20, 2020	Recommend Transmittal (6-0)	<b>Division Comments:</b> <b>Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. <b>Transportation:</b> The proposed use will generate 153 p.m. peak hour trips resulting in a net reduction of 444 p.m. peak hour trips. Richard Crotty Parkway from Semoran Boulevard to Goldenrod will be a new four-lane roadway with construction anticipated to begin February 2021 and end February 2024. <b>Environmental:</b> Conservation Area Determination CAD-02-005 identified streams and ditches. The CAD has no expiration date, but the wetland survey needs to be updated to obtain the acreages needed for planned impacts and to verify that it accurately shows wetlands. <b>Schools:</b> The School Board of Orange County declares that the impact of the 2019 HB 7103 on the CEA program makes it impossible to mitigate the impacts of school overcrowding from new development that would cause or exacerbate school overcrowding where the needed capacity will not be available within three (3) years.
BCC Transmittal	September 1, 2020	
State Agency Comments	November 2020	
LPA Adoption	December 17, 2020	
BCC Adoption	January 12, 2020	
		<b>Concurrent Rezoning:</b> N/A



**AERIAL**



**FUTURE LAND USE - CURRENT**



**Current Future Land Use Designation:**

Industrial (IND)

**Special Area Information:**

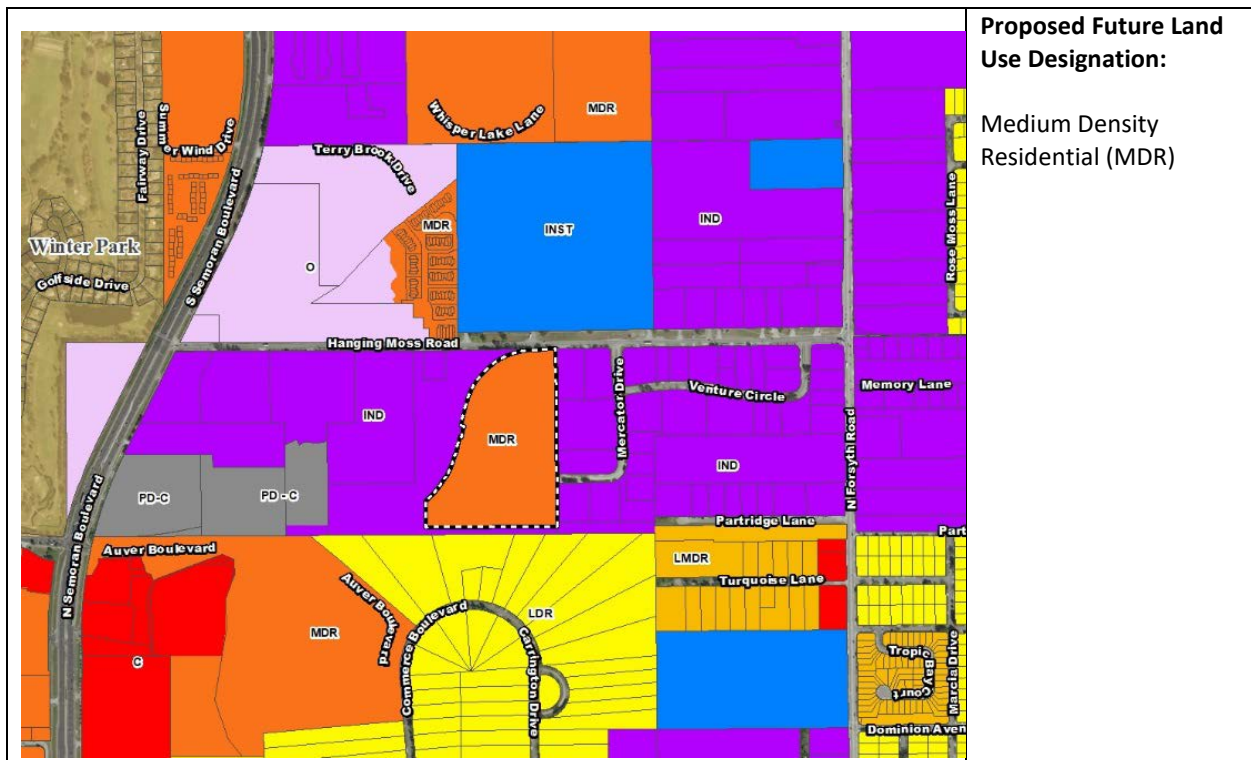
JPA: N/A

Rural Settlement: N/A

Overlay District: N/A

Airport Noise Zone: E

**FUTURE LAND USE - PROPOSED**

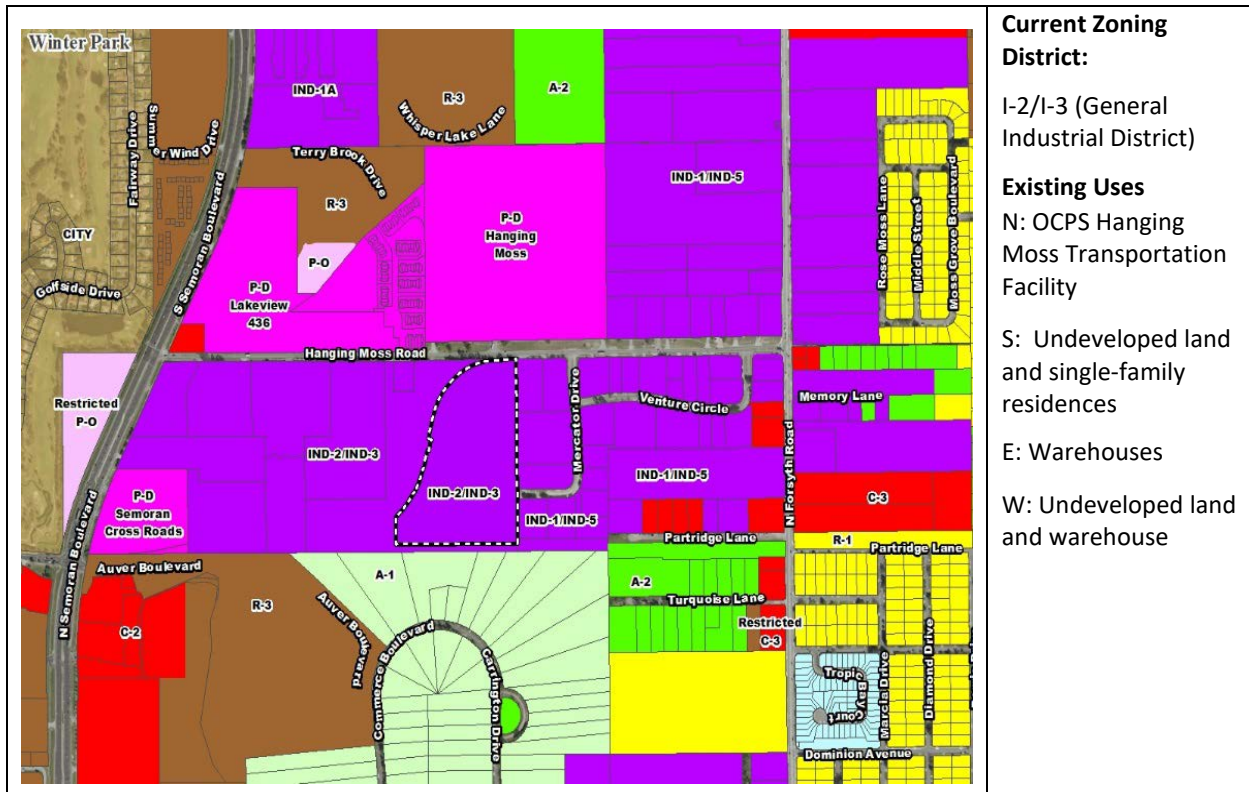


**Proposed Future Land Use Designation:**

Medium Density Residential (MDR)



**ZONING – CURRENT**



**Current Zoning District:**  
 I-2/I-3 (General Industrial District)

**Existing Uses**  
 N: OCPS Hanging Moss Transportation Facility  
 S: Undeveloped land and single-family residences  
 E: Warehouses  
 W: Undeveloped land and warehouse

## Staff Recommendation

**FUTURE LAND USE MAP AMENDMENT 2020-2-A-5-1:** Make a finding that the information contained in the application for the proposed amendment is sufficiently complete; that the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Board of County Commissioners that Amendment 2020-2-A-5-1 be **TRANSMITTED** to the reviewing agencies.

## Analysis

### 4. Background and Development Program

The applicant, James G. Willard, Shutts & Bowen, LLP, has requested to change the Future Land Use Map (FLUM) designation of the 18.15-acre subject site from Industrial (IND) to Medium Density Residential (MDR). The applicant is proposing a development program of up to 348 multi-family dwelling units on the subject site. The MDR Future Land Use Map designation allows for a maximum density of twenty (20) dwelling units per acre.

The subject property consists of two contiguous parcels which have an Industrial (IND) FLUM designation and are zoned I-2/I-3 (General Industrial District). The subject site is located south of Hanging Moss Road, east of N. Semoran Boulevard, north of Commerce Boulevard, and west of Mercator Drive. Presently, a concrete crushing facility is operating on the property. Per the applicant, the concrete crushing facility has been operating on the property for about eleven (11) years and the current owner, Mr. Steve Pece, has owned the property for eight (8) years.

The subject property is situated in an area characterized by a mix of industrial, institutional, office, and residential uses and a variety of housing types including single-family detached homes, condominiums, and apartments. Industrial uses are located east, west, and north of the subject site. These properties have Industrial (IND) FLUM designations and corresponding I-1/I-5 (Light Industrial District) and I-2/I-3 zoning classifications. Orange County Public Schools’ Hanging Moss Transportation Facility is located immediately across the street on Hanging Moss Road, north of the subject property. It has an Institutional FLUM designation and is zoned PD (Planned Development District) (Hanging Moss PD). Lakeview Office Park, an existing office park, is located further west of the subject site at the northeast intersection of N. Semoran Boulevard and Hanging Moss Road. It has an Office (O) FLUM designation and is zoned PD (Lakeview 436 PD). Single-family homes, located within the Leawood 1st Addition Subdivision, are located immediately south of the subject site. The residential lots are zoned A-1 (Citrus Rural District) and have a corresponding Low Density Residential (LDR) FLUM designation. The Avenues of Baldwin Park, an existing 480-unit apartment complex, is also located immediately south and possesses an MDR FLUM designation and is zoned R-3 (Multiple-Family Dwelling District). Via Lago at Hanging Moss Condominiums, a 78-unit residential condominium complex, located northwesterly of the site on Hanging Moss Road, is zoned PD (Lakeview 436 PD) and has a corresponding MDR FLUM designation. Other offices, light industrial manufacturing, warehousing and flex space buildings are located west of the subject property, along the south side of Hanging Moss Road. These properties have Industrial (IND) Future Land Use Map designations and are zoned I-2/I-3. Baldwin Park Emergency Room, located at the southeast corner of N. Semoran Boulevard and Hanging Moss Road, is zoned I-2/I-3 and has a corresponding Industrial (IND) Future Land Use Map designation.

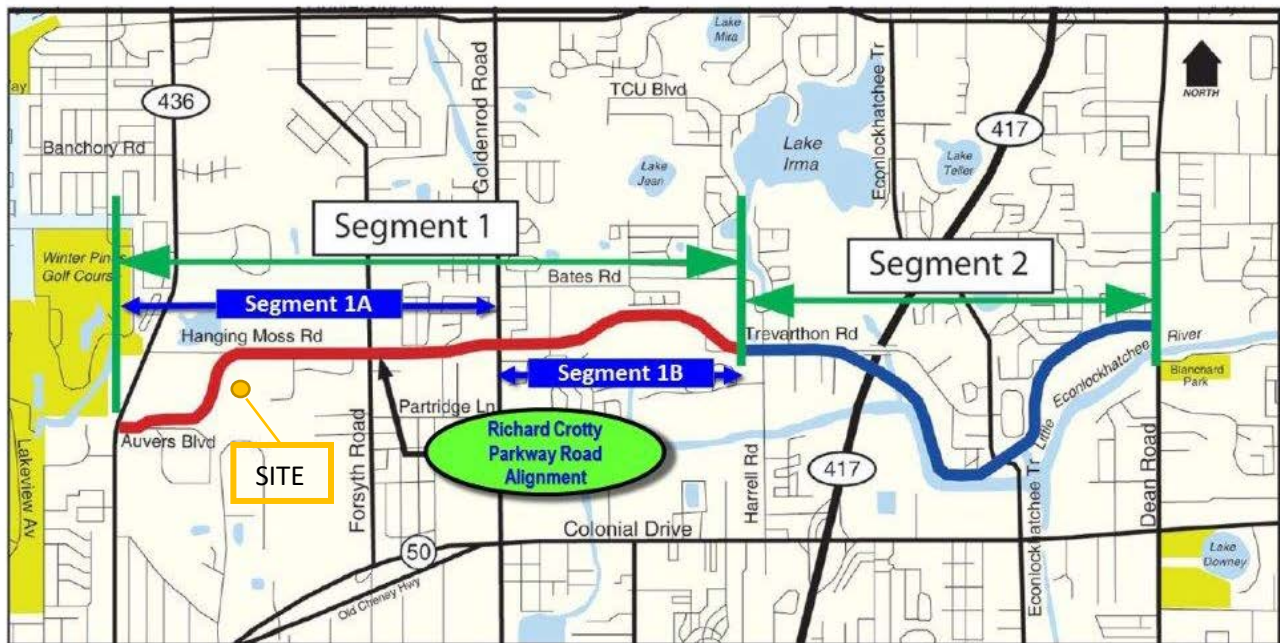
### Community Meeting

A virtual community meeting was held for this proposed amendment on July 16, 2020. Two residents were in attendance and both residents were in favor of the proposed amendment. One resident, the

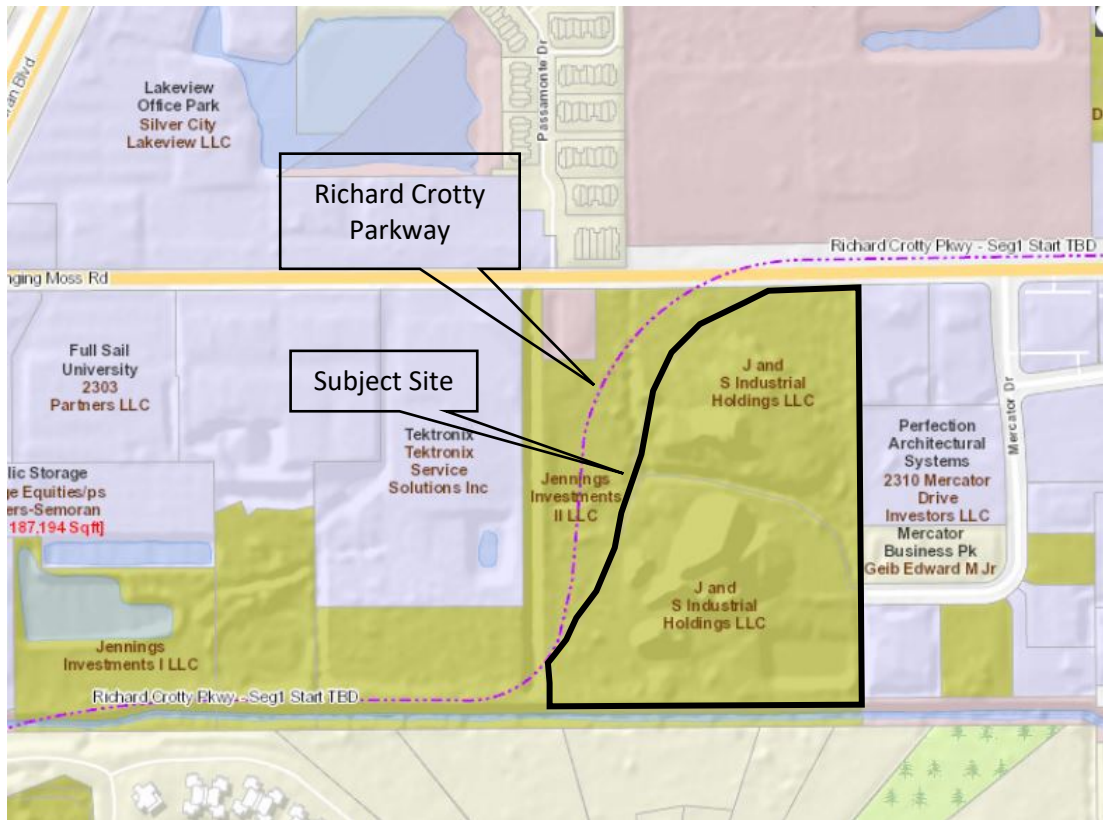
owner of an adjacent business, stated she was excited to have the apartments built next to her business. She wanted to know the timeframe of completion for the construction of the proposed apartments. The applicant stated they were in the early stages of the process and the apartments' construction timetable depend on the new parkway road construction schedule.

Another resident, who lives at the southeast corner of the subject property, within the Leawood 1st Addition Subdivision, requested that the applicant provide a vegetative buffer along the south property line in order to create a buffer between the proposed apartments and the existing single-family homes. He suggested that the applicant plant bamboo because the trees can reach 20 to 30 feet in height. The applicant stated he will take the vegetative buffer into consideration.

The applicant stated the reason for the proposed amendment is because of the impending construction of the Richard Crotty Parkway from Semoran Boulevard to Goldenrod Road which will be located adjacent to the west side of the subject property. He stated that a multi-family use will be a more appropriate use for the property with the new parkway. The applicant also stated that a rezoning application to change the property's zoning classification from I-2/I-3 to R-3 will be submitted when the new road is under construction. Until then, the concrete crushing facility will continue to operate. The map below, Map 1, shows the road alignment of Richard Crotty Parkway between Semoran Boulevard and Dean Road. Map 2 shows the alignment of Richard Crotty Parkway on the west side of the subject property.



Map 1 Richard Crotty Parkway Road Alignment



Map 2 Richard Crotty Parkway Road Alignment

A Public Information Presentation, in lieu of a traditional community meeting, was made available to the public on August 10, 2020, and was ~~will be~~ available until August 19, 2020.

If this proposed amendment is adopted by the Board of County Commissioners (BCC), a rezoning application will be required to change the current zoning from I-2/I-3 to R-3 to allow for the 348 multi-family dwelling units.

### Future Land Use Map Amendment Analysis

#### Consistency

The requested FLUM amendment initially appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. The subject property is located within the County's Urban Service Area (USA) Boundary and is located in an area characterized by a mix of industrial, institutional, office, and residential uses and a variety of housing types including single-family detached homes, condominiums, and apartments. As mentioned above, the applicant is seeking the MDR Future Land Use Map designation to allow for the development of up to 348 multi-family dwelling units.

Staff finds this proposal consistent with **Future Land Use Element Goal FLU2**, which states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options.

Also applicable is **Future Land Use Element Objective FLU2.1**, which establishes that Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

The requested amendment is consistent with **Future Land Use Element Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. As noted previously, the subject property is surrounded by industrial, institutional, office, and residential uses and is considered to be an infill development.

With the proposal to develop 348 multi-family dwelling units, the proposed FLUM amendment 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. 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**. Further, **Future Land Use Element Policy FLU1.4.1** states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

Lastly, **Conservation-related OBJ C1.4** and its supporting policies call for the protection of wetlands and existing native wildlife (flora and fauna). Per the Orange County Environmental Protection Division, Conservation Area Determination CAD 02-005 identified streams and ditches resulting in 17.51 net-developable acres. The CAD has no expiration date, but the wetland survey will need to be updated to obtain acreages needed for impacts and to verify that it accurately shows wetlands that will need to be shown on all plans and permits.

As explained in **Future Land Use Element Policy FLU 1.1.2(C)**, density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. The net developable land area is defined as the gross land area, less surface waters and wetland areas. The CAD completed by EPD in 2002 identified 17.51 net developable acres. The proposed development program is based on the 17.51 net developable acres which results in a maximum number of 350 dwelling units. The applicant is proposing 348 dwelling units.

In order to include Class I, II, and III conservation areas in the density and FAR calculations, prior to the adoption of the FLUM amendment, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD as per **Future Land Use Element Policy FLU1.1.2(C)**.

Inclusion of the 0.64 acres of wetlands in the density calculations would require an approved Conservation Area Impact (CAI) permit, or an updated wetland survey that has been reviewed and approved by EPD, staff is limited to including currently recognized net developable acreage in the density calculations. The Conservation Area Determination (CAD) recognizes 17.51 acres of upland on the site.

### ***Compatibility***

The proposed FLUM amendment appears to be **compatible** with the existing development and 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. Per Orange County Transportation Planning Division's facility analysis, Richard Crotty Parkway from Semoran Boulevard to Goldenrod Road will begin construction in February 2021 and end February 2024. The parkway will be a new four-lane roadway with sidewalks, bicycle lanes, roadway lighting, and median landscaping. The new road will be located adjacent to the west side of the subject property. As mentioned previously, a concrete crushing facility is currently being



operated on the site. With the construction of the new parkway, the proposed apartments would be a more appropriate use than the existing concrete crushing facility. The proposed apartments would be more compatible with the existing single-family homes and the Avenues of Baldwin Park apartments, located immediately south of the subject property.

**Future Land Use Element Policy FLU1.4.16** addresses two concerns: potentially incompatible land use designations adjacent to industrial land use designations; and, potential impacts to the long-term viability of surrounding industrial uses due to a change from industrial to residential or commercial land use. In this case, the proposed Medium Density Residential (MDR) would locate a residential land use adjacent to an established industrial land use which, in some circumstances, could result in incompatibility. However, the character of the industrial uses to the east, west, and north of the subject site reduces the potential incompatibility. Some have been developed as industrial parks that contain office, warehouse and flex space buildings. These types of buildings accommodate light industrial, warehousing and business office operations rather than heavy industrial operations that could give rise to noise, emissions and other concerns associated with such operations. The other buildings that are not within an industrial park are also being used as offices, warehouse and flex spaces.

Further, the change from industrial to residential land use would have little to no impact to the long-term viability of surrounding industrial uses. Again, some of the surrounding industrial uses have been developed as industrial parks; as such, the parcels within each industrial park function in relation to the other parcels and infrastructure within the developments and do not rely on surrounding land uses outside the developments for viability.

***Division Comments: Environmental, Public Facilities, and Services***

**Environmental:** These parcels were included in Orange County Conservation Area Determination CAD 02-005 that identified streams and ditches. The CAD has no expiration date, but the wetland survey will need to be updated to obtain the acreages needed for planned impacts and to verify that it accurately shows wetlands that will need to be shown on all plans and permits. Prior applications have reported that the site also has permits from the St. John's River Water Management District SJRWMD #16-095-74860-3 and the Army Corps of Engineers ACOE #2003-06084 (JD-EB).

The net developable acreage is obtained by subtracting the wetland and surface water acreages shown in the CAD survey from the gross acreage, currently shown as 17.51. Verification will be required. Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD.

In addition to any state or federal wetland permitting requirements, the applicant shall satisfy Orange County's wetland permitting requirements. To avoid delays in permit or development plan approvals, submit an application for a Conservation Area Impact (CAI) Permit for proposed conservation area encroachments or adverse secondary impacts as soon as possible to the Orange County Environmental Protection Division, as outlined in Chapter 15, Article X Wetland Conservation Areas. There are existing Orange County Conservation Area Impact permits CAI 09-005 and CAI-16-05-022. These shall be listed on all plan submittals, however, the design will require an additional impact permit through Orange County. The site also has Conservation Area Authorization permit CAA-17-02-005 for vegetation reduction dated 2/14/2017 from within ditches on the property as a maintenance activity.



The plan information submitted indicates an intention to remove all existing internal on-site ditches/streams. The site design will have to address the continuation of hydrological flow and flooding concerns that are currently handled by the on-site ditches, in coordination with the Water Management District, Army Corps of Engineers, and Orange County Public Works Development Engineering. The design will have to also indicate measures to protect and maintain the canal edge stability along the southern boundary of this project.

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

Although this proposed use for multi-family residential units is very different than the prior request for a recycling processing facility, prior community meetings regarding development activity on this site have consistently surfaced neighbor's concerns with construction and operation of any project on this location and various environmental effects such as dust, noise, traffic, and erosion on the existing uses. There are residential uses to the north and south, and institutional/commercial uses on the north, east and west. These concerns will require strict compliance with regulations during construction and operation of the proposed multi-family dwelling units. Plans should add notes that will indicate specific measures and design features that the proposal will utilize to assure mutual compatibility.

This project site has a prior land use that may have resulted in soil and/or groundwater contamination. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions. An environmental site assessment (ESA) is not required at this time, but if an ESA has been completed for this site, please submit a copy.

Due to potential or known contamination on this property, the applicant should consider this site for designation as a brownfield redevelopment area. For information regarding financial incentives and regulatory benefits contact the Orange County Environmental Protection Division (EPD), Brownfields Coordinator. Also contact the Florida Department of Environmental Protection Central District.

**Schools:** On June 29, 2020 Orange County Public Schools (OCPS) determined in the review of School Capacity Determination application number OC-20-016, that school capacity **is not available for the middle school.**

The applicant was notified on June 30, 2020 by OCPS staff, that the School Board will no longer approve CEA's for capacity determination applications submitted after July 1, 2019 due to the effects of 2019 House Bill 7103.

Staff-Initiated Text Amendment 2020-2-C-PSFE-1 is currently going through the amendment process to address this issue. It is a text amendment to Public Schools Facilities Element Policy PS6.3.1 addressing the ability of the Board of County Commissioners (BCC) to consider school overcrowding when reviewing certain rezoning and Comprehensive Plan amendment requests. If the amendment is adopted, the proposed amendment to Policy PS6.3.1 will provide for continued cooperation between the County and OCPS to address the issues of school overcrowding while allowing for the development of additional housing for Orange County's growing residential population. Adoption of this amendment may also prompt County staff to propose future amendments to Chapter 30, Planning and Development, of the Orange County Code and, potentially, to the Interlocal Agreement. The proposed amendment was heard by the PZC/LPA at a transmittal public hearing on July 16, 2020, and by the BCC at a transmittal public

hearing on July 28, 2020. The amendment has been transmitted to the Department of Economic Opportunity (DEO), as well as other state and regional agencies for review. Staff expects to receive comments from DEO and other state and regional agencies in August 2020. The adoption public hearings for Amendment 2020-2-C-PSFE-1 are tentatively scheduled for the LPA on September 17, 2020 and the BCC on September 22, 2020.

If the text amendment is adopted it will require the County to consider the severity of any overcrowding. This means, the BCC in the review of the proposed Future Land Use Map Amendment will determine if the overcrowding impact is severe enough to not adopt. The County Attorney is working on standards for this review. Staff anticipates this will be finalized prior to the December 15, 2020 BCC Adoption public hearing.

**Utilities:** The subject property lies within the City of Winter Park's potable water, wastewater, and reclaimed water service areas.

**Transportation:** Based on trip generation estimates from the 10<sup>th</sup> Edition of the Institute of Transportation Engineers *Trip Generation Handbook*, it was determined that the maximum allowable development of up to 572,051 square feet of industrial uses based on the current future land use designation of Industrial (IND) would generate approximately 597 p.m. peak hour trips, while the proposal to develop up to 348 multi-family dwelling units under the requested Medium Density Residential (MDR) future land use designation would generate 153 p.m. peak hour trips resulting in a net decrease of 444 new p.m. peak hour trips.

#### **Future Roadway Network**

**Road Agreements:** None

**Planned and Programmed Roadway Improvements:** Richard Crotty Parkway from Semoran Boulevard to Goldenrod Road. Richard Crotty Parkway will be a new four-lane roadway with sidewalks, bicycle lanes, roadway lighting, and median landscaping. Construction is anticipated to begin February 2021 and end February 2024.

**Right-of-Way Requirements:** Parks indicated that this parcel will give the needed ROW for the trail along the south side.

#### **Summary**

The Applicant is requesting a FLU amendment for the subject property from the Industrial (IND) to a Medium Density Residential (MDR) designation for the 18.15-acre property. The existing Industrial designation currently allows a floor area ratio (FAR) of 0.75 and for the following zoning: Restricted Industrial District (I-1A), Industrial District (Light) (I-1/I-5), Industrial District (General) (I-2/I-3), and Industrial District (Heavy) (I-4). The proposed MDR designation allows for up to 20 DU/acre in residential development.

The subject property is not located within the County's Alternative Mobility Area (AMA) nor along a backlogged/constrained facility.

The allowable development based on the approved future land use will generate 597 p.m. peak hour trips.

The proposed use will generate 153 p.m. peak hour trips resulting in a net decrease of 444 p.m. peak hour trips.

The subject property is located adjacent to Hanging Moss Road. Based on existing conditions, this facility currently has one (1) deficient roadway segment within the project impact area. This information is

dated and subject to change. The following segment is operating above its Maximum Service Volume (MSV):

Colonial Dr E. from Forsyth Road to Goldenrod Road

Based on the project trip distribution, 68% will be travelling EB on Hanging Moss Road while 32% will be projected to travel WB.

The short term analysis year 2020 revealed that no additional roadway segments are projected to operate above their MSV. The one (1) deficient segment mentioned above will still be over capacity.

The long term analysis year 2030 revealed in addition to the one (1) segment mentioned above, the following five (5) segments will be operating above their MSV:

Colonial Dr E. from Semoran Boulevard to Forsyth Road

Goldenrod Road from Colonial Drive to Bates Road

Goldenrod Road from Bates Road to University Boulevard

Semoran Boulevard from Colonial Drive to Hanging Moss Road

Semoran Boulevard from Hanging Moss Road to University Boulevard

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.

### 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 H1.1** – The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

**Goal FLU2 – URBAN STRATEGIES.** Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

**OBJ FLU2.1 – INFILL.** Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

**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.

**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 (C)** – Density and Floor Area Ratio (FAR) calculation is determined by dividing the total number of units/square footage by the net developable land area. Accessory Dwelling Units (ADUs) shall not be included in density calculations. The net developable land area for density and FAR calculation (intensity) is defined as the gross land area, excluding surface waters and certain conservation areas from the land area calculations. In order to include new Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact permit from the Orange County Environmental Protection Division

**FLU1.1.5** – Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County’s desired urban framework. Infill is defined as development consistent with the *Infill Master Plan* (2008).


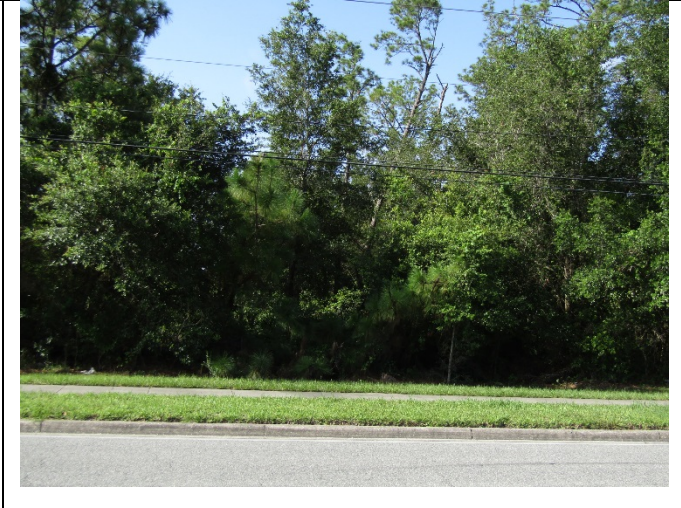




**FLU1.4.1** – Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

**FLU1.4.16** – The Future Land Use Map shall reflect appropriate locations for industrial use. Potentially incompatible land use designations, such as residential or neighborhood commercial, shall not be established adjacent to industrial land use designations. Proposed land use changes from industrial to residential or commercial shall be evaluated in the context of potential impacts to long-term viability of surrounding industrial uses and of freight transportation corridors included in the National Freight Network or identified in state and regional freight plans, such as the Florida Department of Transportation’s *Freight Mobility and Trade Plan* and the MetroPlan Orlando *Regional Freight Study*. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand, freight movement and efficiency, and corresponding needs for job creation and economic development.

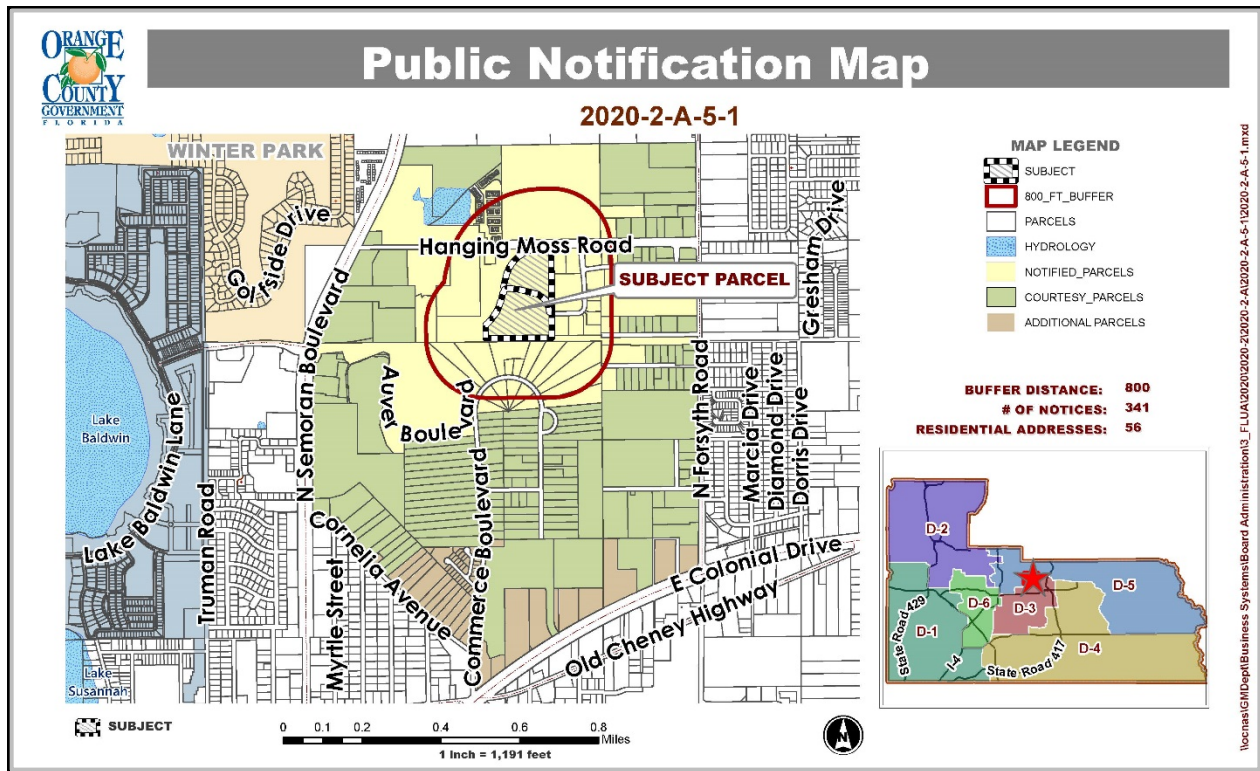
**FLU8.2.1** – Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

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

Site Visit Photos

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





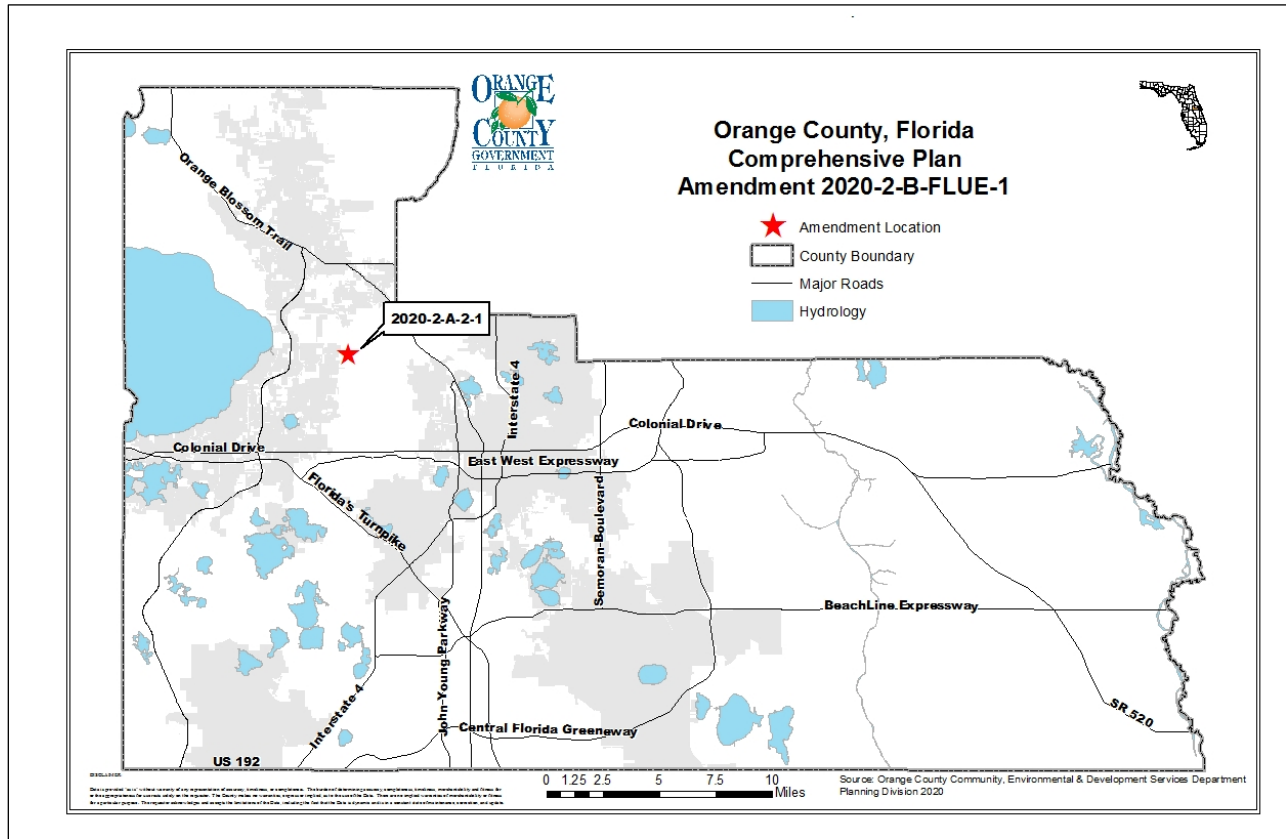
**Notification Area:**

800 feet, plus homeowners' associations within a one-mile radius of the subject site

341 notices sent







The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
<b>Report/Public Hearing</b>		<b>Outcome</b>	<b>Title:</b> Amendment 2020-2-B-FLUE-1	
✓	Staff Report	Do Not Transmit	<b>Division:</b> Planning	
✓	LPA Transmittal August 20, 2020	Continued to September 17, 2020	<b>Request:</b> Amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	
	BCC Transmittal	October 13, 2020		
	Agency Comments	November 2020		
	LPA Adoption	December 17, 2020		
	BCC Adoption	January 12, 2020		
			<b>Revision:</b> FLU8.1.4	

### Staff Recommendation

Make a finding of inconsistency with the Comprehensive Plan, determine that the plan amendment is not in compliance, and recommend that Amendment 2020-2-B-FLUE-1 **NOT BE TRANSMITTED** to include the development program for Amendment 2020-2-A-2-1 in Future Land Use Element Policy FLU8.1.4.

## A. Background

The Orange County Comprehensive Plan (CP) allows for a Future Land Use designation of Planned Development. While other Future Land Use designations define the maximum dwelling units per acre for residential land uses or the maximum floor area ratio (FAR) for non-residential land uses, this is not the case for the Planned Development (PD) designation. Policy FLU8.1.3 establishes the basis for PD designations such that “specific land use designations...may be approved on a site-specific basis”. Furthermore, “such specific land use designation shall be established by a comprehensive plan amendment that identifies the specific land use type and density/intensity”. Each comprehensive plan amendment involving a PD Future Land Use designation involves two amendments: the first to the Future Land Use Map and the second to Policy FLU8.1.4. The latter serves to record the amendment and the associated density/intensity established on a site-specific basis. Any change to the uses and/or density and intensity of approved uses for a PD Future Land Use designation requires an amendment of FLU8.1.4.

Staff has received one application for the 2020-2 Regular Cycle requesting the PD Future Land Use designation: proposed Amendment 2020-2-A-2-1 (Bailey’s Community). Staff recommends the Local Planning Agency make a finding that the information contained in the application for the proposed amendment is not sufficiently complete; that the proposed amendment does not have the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Board of County Commissioners that Amendment 2020-2-A-2-1 **NOT BE TRANSMITTED** to the reviewing agencies. Accordingly, staff recommends that the development program associated with this amendment not be added to Policy FLU8.1.4. For specific references of inconsistency with the Comprehensive Plan, please refer to the staff report for this amendment.

## B. Policy Amendments

Following are the policy changes proposed by this amendment.

Staff recommends that privately-initiated Future Land Use Map Amendment 2020-2-A-2-1 (Bailey’s Community) not be transmitted. However, should the Board ultimately adopt this amendment, the associated development program will be noted in the Policy FLU8.1.4 table, as shown below in ~~underline/strikethrough~~ format.

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.

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
***			
<u>2020-2-A-2-1 Bailey's Community</u>	<u>Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)</u>	<u>Adult care community: 250-bed assisted living facility, 66,000-square-foot adult independent living facility, 50 adult independent living cottages, 12,320-square-foot community clubhouse, and equestrian amenities</u>	<u>2020-</u>





# VIRTUAL COMMUNITY MEETING NOTICE

## 2020-2 REGULAR CYCLE FUTURE LAND USE MAP AMENDMENT

Thursday, August 6, 2020 – 6:30 to 7:30 PM

To pre-register and join this LIVE event, please visit [www.bit.ly/ocmeetings](http://www.bit.ly/ocmeetings) and select the item:

**Amendment 2020-2-A-2-1  
Bailey's Community**

**Commission District #2**  
Christine Moore, Commissioner

**Case Planner:**  
Jennifer DuBois, Planner  
407-836-5396  
[Jennifer.DuBois@ocfl.net](mailto:Jennifer.DuBois@ocfl.net)

Please join the District Commissioner, Orange County staff, and your neighbors at a virtual community meeting where the applicant will present their request and answer your questions. **We encourage you to pre-register for this event via the link above in order to receive priority status for public comment during the virtual community meeting.**

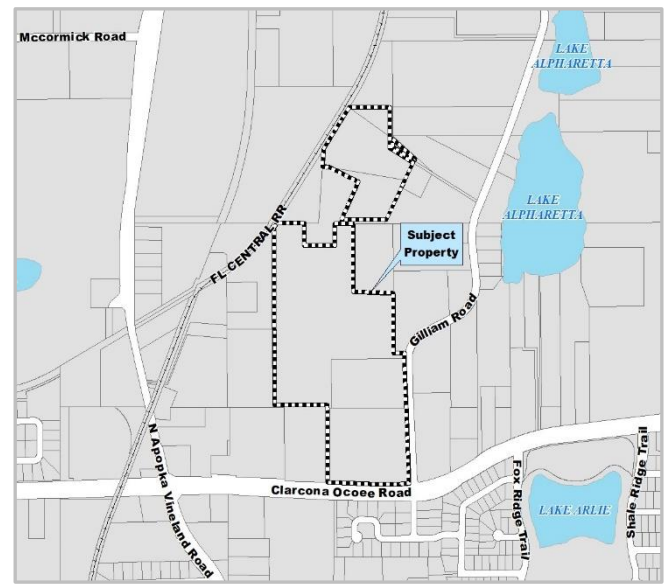
### REQUEST

**Future Land Use Map (FLUM) Amendment:** 2020-2-A-2-1

**From:** Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5)  
**To:** Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)

**Project Name:** Bailey's Community  
**Owner:** Bailey's Real Estate, LLP  
**Applicant:** Momtaz Barq, P.E., Terra-Max Engineering, Inc.  
**Parcel ID:** 34-21-28-0000-00-064/090/097/100/108/110  
**Acreage:** 43.36 gross/net developable acres  
**Location:** 8001 Clarcona-Ocoee Road and 5850 and 5854 Gilliam Road; generally located north of Clarcona-Ocoee Road, west of Gilliam Road, and east of N. Apopka-Vineland Road.

### SUBJECT PROPERTY LOCATION



### SUMMARY OF REQUEST

The proposal is to change the Future Land Use Map designation of the subject property, located within the Clarcona Rural Settlement, from **Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5)** to **Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)** to allow for the development of an adult care community with a maximum development program of a 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities.

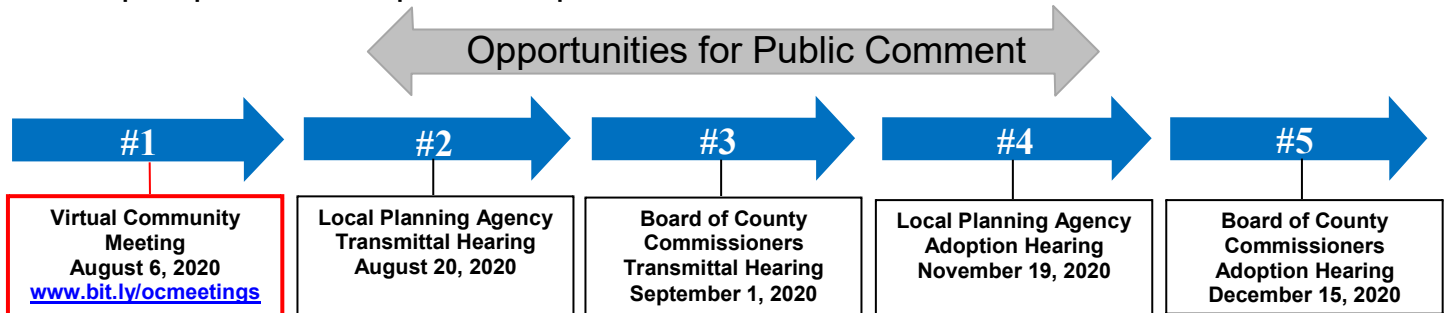
Public hearings for this request will be held before the Orange County Local Planning Agency (LPA) / Planning & Zoning Commission (PZC) and Board of County Commissioners (BCC). Each public hearing will be advertised in the *Orlando Sentinel*. Please note that the hearing dates shown on the second page of this announcement are tentative and subject to change.

## FREQUENTLY ASKED QUESTIONS

### Q: Will there be a traditional, in-person community meeting?

Due to the COVID-19 health emergency, Orange County is unable to conduct traditional community meetings at this time. In lieu of such a meeting, we are conducting a live, virtual community meeting to allow the presentation of information on the amendment proposal, the public review process, and to receive and respond to questions from those attending. A recording of the meeting will subsequently be made available for viewing for a limited period through a web folder available at [www.bit.ly/ocpublic](http://www.bit.ly/ocpublic). Questions or comments may also be submitted through the feedback form which is included with the case materials at that address, or via email to the Case Planner(s) listed on the first page of this notice.

### Q: How can I participate in the development review process?



Residents are encouraged to pre-register for the live virtual community meeting where an opportunity for limited public comment and questions will be provided. If you are unable to participate in the Virtual Community Meeting or access the web folder listed above, written comments or requests may be mailed or emailed to the Case Planner. Please note that the dates of the transmittal and adoption hearings listed above are tentative and are subject to change. However, if you received this mailed notice, similar notice will be provided in advance of each transmittal and adoption hearing date. More specific property information can also be obtained by accessing the Orange County Property Appraiser's website at [www.ocpafi.org](http://www.ocpafi.org) or the OCFL Atlas at [www.OCFL.net/Atlas](http://www.OCFL.net/Atlas).

### Q: Where will the public hearings be held?

To comply with the CDC's Social Distancing Guidelines and keep our citizens safe, the Orange County Local Planning Agency (LPA) / Planning & Zoning Commission (PZC) and the Board of County Commissioners (BCC) will conduct public hearings virtually until further notice. However, Orange County remains committed to providing alternative public comment platforms. All comments directed to the LPA/PZC may be submitted through feedback forms which are included with the case materials (shared folders are located at [www.bit.ly/ocpublic](http://www.bit.ly/ocpublic)), or by mailing or emailing the Case Planner listed on the first page of this notice. Comments directed to the BCC may be emailed to the Mayor and/or District Commissioners ([mayor@ocfl.net](mailto:mayor@ocfl.net); [District1@ocfl.net](mailto:District1@ocfl.net); [District2@ocfl.net](mailto:District2@ocfl.net); [District3@ocfl.net](mailto:District3@ocfl.net); [District4@ocfl.net](mailto:District4@ocfl.net); [District5@ocfl.net](mailto:District5@ocfl.net); and [District6@ocfl.net](mailto:District6@ocfl.net)).

### Q: What is the difference between Future Land Use and Zoning?

Future Land Use Map designations indicate the general use or "vision" for a property, and regulate the types of activity or development that may ultimately be allowed on it, including maximum allowable residential and non-residential development. Future Land Use Map designations are adopted as part of the County's Comprehensive Plan, with oversight by the State. Zoning districts are more descriptive planning classifications, but must be consistent with Future Land Use Map designations. Zoning categories regulate more specific development aspects, such as allowed uses, building sizes, setbacks, or parking.

### Q: What type of activity or development could take place on the subject site today?

The County's adopted 2010-2030 Future Land Use Map designates the subject property, located within the Clarcona Rural Settlement, as **Rural Settlement 1/2 (RS 1/2)** and **Rural Settlement 1/5 (RS 1/5)**, which provide for a rural residential lifestyle and development at a maximum density of one (1) dwelling unit per two (2) net acres and one (1) dwelling unit per five (5) net acres, respectively. The site currently possesses the consistent agricultural zoning classifications of **A-1 (Citrus Rural District)** and **A-2 (Farmland Rural District)**.

### Q: What type of activity could be considered if the Board of County Commissioners adopted the request?

If approved, the requested **Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)** future land use designation will allow for the development of an adult care community with a maximum development program of a 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities, with a corresponding rezoning to PD (Planned Development District) required.

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*Any party requesting additional information regarding the proposed amendment should contact the Orange County Planning Division at 201 S. Rosalind Ave., 2nd Floor, Orlando, FL, 32801, (407) 836-5600, or via email at [planning@ocfl.net](mailto:planning@ocfl.net).*

*In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this proceeding should contact the Orange County Communications Division no later than two (2) business days prior to the proceeding at 201 S. Rosalind Ave., 3rd Floor, Orlando, FL, 32801, (407) 836-6568*

*Para más información, favor de comunicarse con la División de Planificación, al número (407) 836-3111*

*Pou plis enfòmasyon, kontakté Dépatman Planifikasyon, nan nimewo (407) 836-3111.*

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## Community Meeting Memorandum

**DATE:** July 17, 2020  
**TO:** Alberto A. Vargas, MArch., Planning Manager  
**FROM:** Sue Watson, Planner  
**SUBJECT:** Amendment 2020-2-A-5-1 Virtual Community Meeting Synopsis  
**C:** Project File

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**Location of Project:** 6739 Hanging Moss Rd. and 2308 Mercator Dr.; or generally on the south side of Hanging Moss Rd., east of N. Semoran Blvd., north of Commerce Blvd., and west of Mercator Dr.

**Meeting Date and Location:** Thursday, July 16, 2020 at 6:00 PM - Virtual Community Meeting using WebEx Event

**Attendance:**

District Commissioner	District 5 Commissioner Emily Bonilla Melissa Strassner, Commissioner's Aide, District 5
Orange County Staff	Sue Watson, Greg Gologowski, Jennifer DuBois, Jason Sorensen, Planning Division County Staff from Transportation Planning and Environmental Protection Divisions
Applicant/ Owner	James Johnston on behalf of the applicant, James G. Willard, Shutts & Bowen, LLP Steve Pece, owner, J and S Industrial Holdings, LLC
Residents	341 notices sent; 2 residents in attendance

**Overview of Project:** The applicant, James G. Willard, Shutts & Bowen, LLP, is requesting to change the Future Land Use Map (FLUM) designation of the 18.15-acre subject property from Industrial (IND) to Medium Density Residential (MDR) to allow for the development of up to 348 multi-family dwelling units.

**Meeting Summary:** Planner Sue Watson opened the virtual community meeting at 6:05 PM and introduced District 5 Commissioner Emily Bonilla, District 5 Commissioner's Aide, Melissa Strassner, Gregory Gologowski, Chief Planner, Orange County Planning Division, Jason Sorensen, Chief Planner, Orange County Planning Division, and Jennifer DuBois, Senior Planner, Orange County Planning Division, County Staff representative from the Transportation Planning, County Staff representatives from the Environmental Protection Division, and the applicant's coworker, who would be standing in for the applicant, James Johnston, Shutts & Bowen, LLP, and the property owner, Steve Pece, J and S Industrial Holdings, LLC.

Commissioner Bonilla welcomed everyone and thanked the residents for attending the virtual community meeting. She provided her email address and stated that if any of the residents have

any questions or comments to contact her.

Ms. Watson began the virtual community meeting presentation by stating that Mr. Sorensen would serve as the moderator of the virtual community meeting and she discussed the virtual community meeting procedures and process. Ms. Watson provided an overview of the project and informed those in attendance that the applicant is seeking to change the future land use designation of the subject site from IND to MDR to allow for the development of up to 348 multi-family dwelling units on the 18.15-acre subject property. She also discussed what is Future Land Use and Zoning.

Staff summarized the Large-Scale FLUMA process and the schedule for the LPA and BCC public hearings. Ms. Watson also told the residents how they could provide comments or ask questions by accessing the link to the proposed amendment folder on the County's website. Staff turned the meeting over to the applicant, Mr. Johnston.

Mr. Johnston stated he was representing the property owner, Mr. Pece. Currently, there is a concrete crushing plant that has been operating on the property for about 11 years. Mr. Pece has owned the property for 8 years. Mr. Johnston stated the reason for the proposed FLUMA is because of the impending construction of the Richard Crotty Parkway which will be located on the west side of the property. The proposed road has been fully designed and funded and the construction will move forward in about a year or two. He stated that a multi-family use will be a more appropriate use of the property with the new parkway. Mr. Johnston stated that the rezoning application will be submitted when the road is under construction. Until then, the concrete crushing plant will continue to operate. He stated the proposal is for a maximum development of a 348 multi-family units. Mr. Johnston asked if any of the residents have any questions or comments.

One resident, Ms. Patti Teate, owner of an adjacent business, American Kitchen, stated that she was excited to have apartments built next to her business. She asked Mr. Johnston about the timeframe of completion for the construction of the apartments. Mr. Johnston told her that they were in the early stages of the process and the apartment construction timetable depends on the new parkway road construction schedule.

Another resident, Erick Aguirre, who stated that he lives at the southeast corner of the subject property, stated he was relieved and excited to hear about the apartments being built. He asked if the applicant could take into consideration of providing a vegetative buffer along the south property line to create a buffer between the proposed apartments and the existing single-family homes. He suggested planting bamboo because the trees can reach 20 to 30 feet in height. Mr. Johnston stated that he will take the vegetative buffer into consideration.

There were no more questions and Mr. Johnston turned the meeting back over to Ms. Watson. Ms. Watson turned the meeting over to Commissioner Bonilla to provide final comments. She provided her contact information again and reiterated that if any residents have any questions or comments about the proposed amendment to contact her. Ms. Watson thanked the residents for their participation. The meeting was adjourned at 6:28 P.M. The overall tone of the meeting was **POSITIVE**.