

ORANGE COUNTY

PLANNING DIVISION

2021-1 REGULAR

TAB D-6

2021-1-A-2-1

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

FEBRUARY 9, 2021
TRANSMITTAL PUBLIC HEARING

PREPARED BY:
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

February 9, 2021

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

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

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

SUBJECT: 2021-1 Regular Cycle Comprehensive Plan
Amendments 2021-1-A-2-1 and 2021-1-B-FLUE-3 (Parks of Mt. Dora)
Board of County Commissioners (BCC) Transmittal Public Hearing

2021-1 Regular Cycle Comprehensive Plan Amendments 2021-1-A-2-1 and 2021-1-B-FLUE-3 are scheduled for a BCC transmittal public hearing on February 9, 2021. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 21, 2021.

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

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

The above-referenced 2021-1 Regular Cycle Amendments scheduled for consideration on February 9 include a privately-initiated Future Land Use Map Amendment located in District 2 and one associated staff-initiated text amendment. The privately-initiated map amendment involves a change to the Future Land Use Map (FLUM) for a property over 10 acres in size. The staff-initiated text amendment entails changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

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

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net or Greg

Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.

AAV/sw

Enc: 2021-1 Regular Cycle Amendments 2021-1-A-2-1 and 2021-1-B-FLUE-3 BCC
Transmittal Staff Report

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

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	-and-		
	2021-1-B-FLUE-3 PD Density and Intensity	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2021-1-A-2-1	

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

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
District 1													
2021-1-A-2-1 (Parks of Mt Dora)	Expected	Timothy J. Bailey	Timothy W. Green Green Consulting Group, Inc.	04-20-27-0000-00-001	6989 N. Orange Blossom Trl.; Generally located on the east side of N. Orange Blossom Trl., north of Stonybrook Hills Pkwy, south of Robie Ave., and west of Ansley Way	Growth Center-Planned Development- Office/Low-Medium Density Residential (GC-PD-O/LMDR)	Growth Center-Planned Development- Low-Medium Density Residential (GC-PD-LMDR)	A-1 (Citrus Rural District)	PD (Planned Development District)	63.51 gross ac.	Chris DeManche	Transmit	Transmit (5-0)

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

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2021-1-B-FLUE-3 (FLU8.1.4)	Planning Division	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County associated with Amendment 2021-1-A-2-1	Chris DeManche	Transmit	Transmit (5-0)

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MHDR-Medium-High Density Residential; HDR-High Density Residential; PD-Planned Development; V-Village; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; GB-Greenbelt; SPA-Special Planning Area; R-Rural/Agricultural; TS-Timshare; RS-Rural Settlement; ACMU-Activity Center Mixed Use; ACR-Activity Center Residential; GC-Growth Center; R-Resort; PD-Planned Development; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; TRAN-Transportation Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; LUP-Land Use Plan; LUPA-Land Use Plan Amendment; CDR- Change Determination Request; PD-Planned Development District; A-2- Farmland Rural District; A-1-Citrus Rural District; SR-State Road; AC-Acres

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

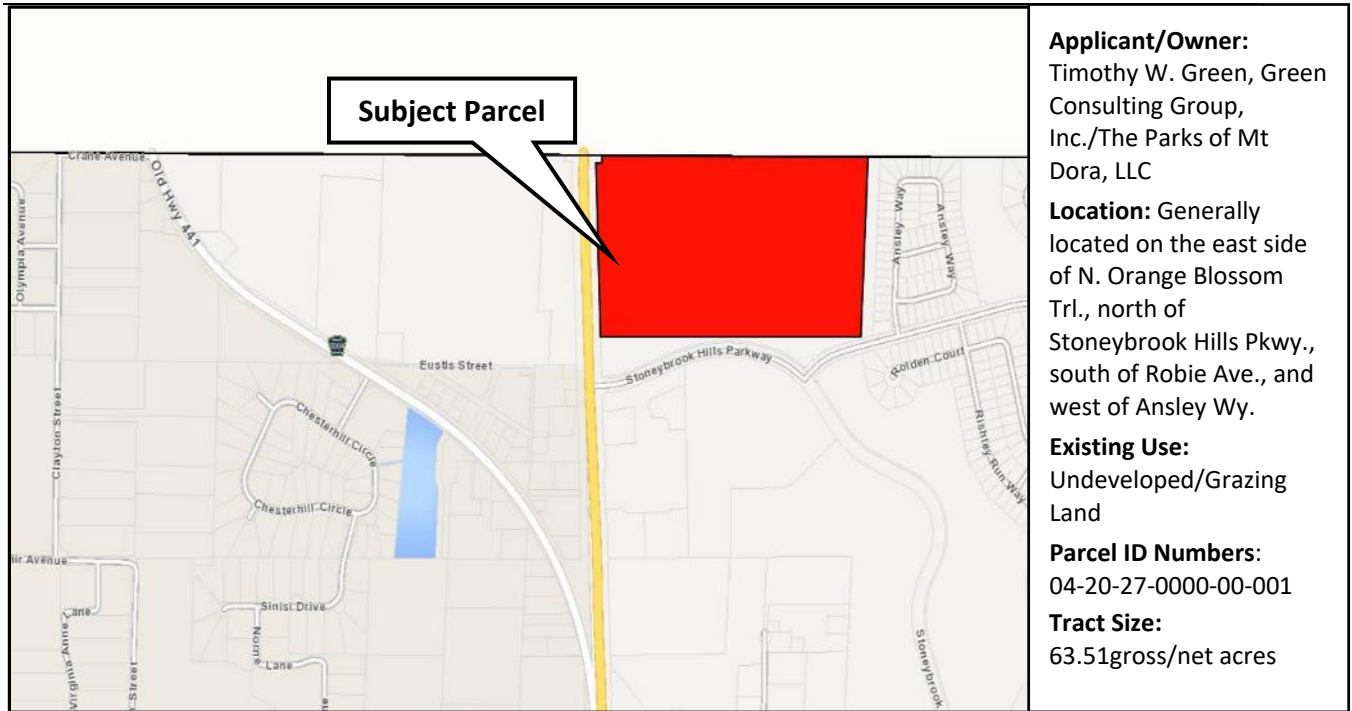
INTRODUCTION

This is the Board of County Commissioners (BCC) transmittal staff report for the First Regular Cycle Amendments 2021-1-A-2-1 and 2021-1-B-FLUE-3 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). These amendments were heard by the Local Planning Agency (LPA) during a transmittal public hearing held on January 21, 2021, and will go to the Board of County Commissioners (BCC) for a transmittal public hearing on February 9, 2021.

The above-referenced 2021-1 Regular Cycle Amendments include a privately-initiated map amendment located in District 2 and one staff-initiated text amendment. Since this is the transmittal stage for these amendments, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendments and provide comments, expected in March 2021. Adoption public hearings are tentatively scheduled before the LPA on April 15, 2021 and the BCC on May 11, 2021.

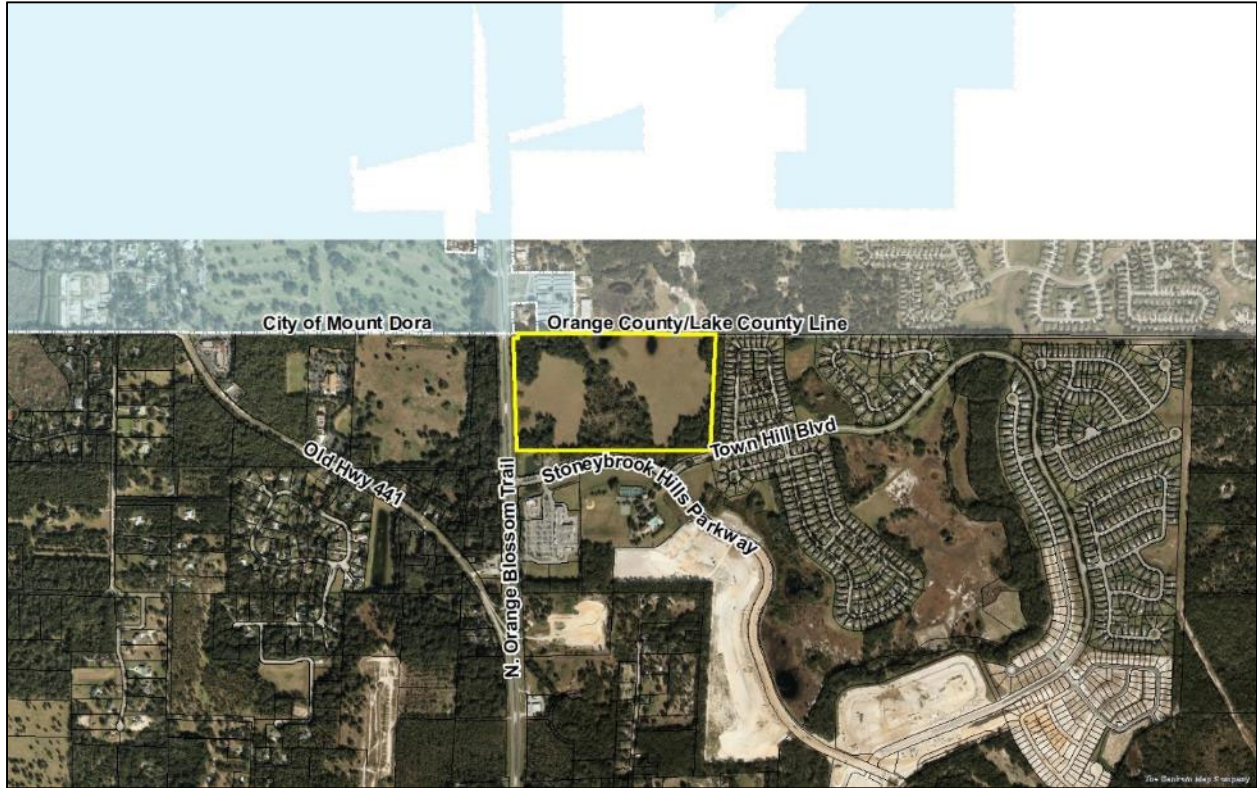
Once the Regular Cycle amendments have been adopted by the BCC, they will become effective 31 days after DEO notifies the County that the plan amendment package is complete. These amendments are expected to become effective in June 2021, provided no challenges are brought forth for any of the amendments.

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



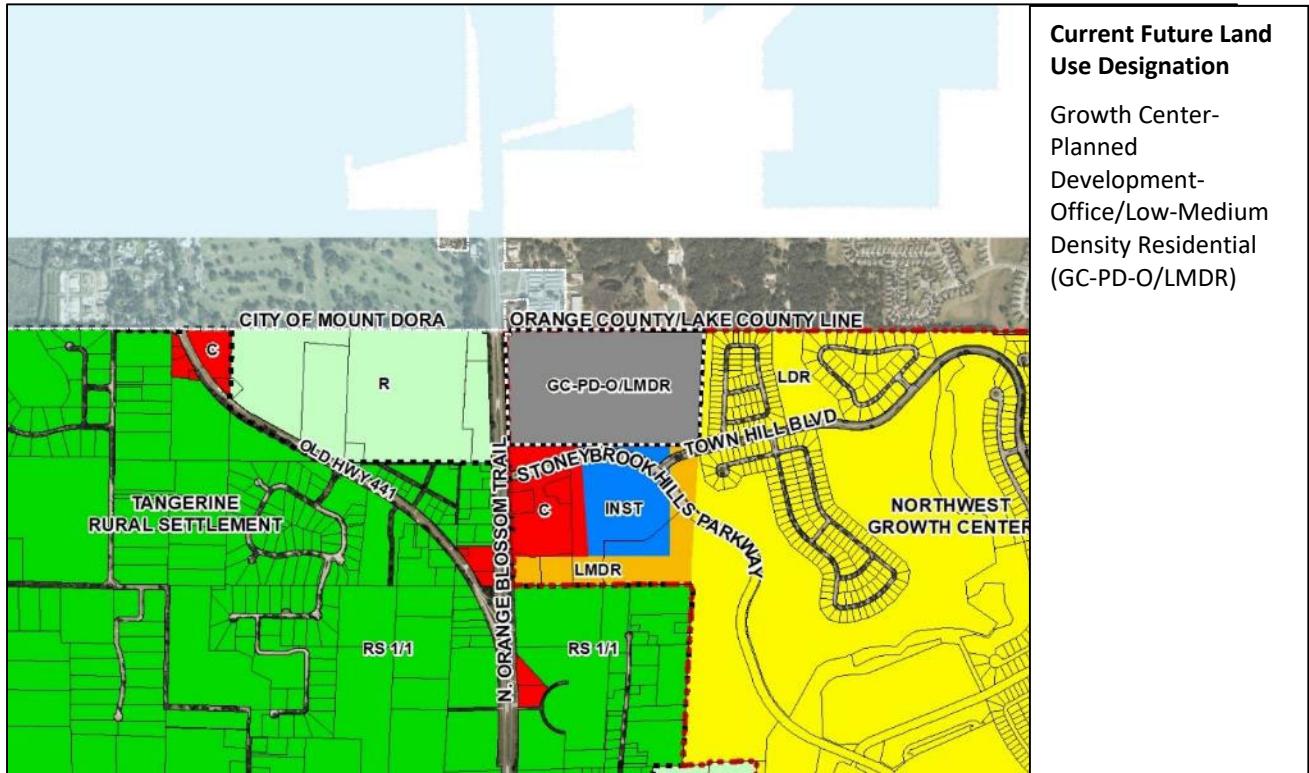
The following meetings and hearings have been held:		Project Information	
Report/Public Hearing	Outcome		
✓	A virtual community meeting was held December 9, 2020, with 36 members of the public in attendance	<p>Request: Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR) to Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR)</p> <p>Proposed Development Program: Up to 280 single-family attached dwelling units.</p>	
✓	Staff Report	<p>Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.</p>	
✓	LPA Transmittal January 21, 2021	<p>Environmental: 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>	
	BCC Transmittal	<p>Transportation: The subject property is not located within the County's Alternative Mobility Area (AMA) or along a backlogged/constrained roadway. There are currently four deficient roadway segments within the project's impact area.</p>	
	State Agency Comments	<p>Utilities: 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.</p>	
	LPA Adoption	<p>Concurrent Rezoning: A rezoning application is expected, but has not been submitted by the applicant at this time for concurrent review.</p>	
	BCC Adoption		

SITE AERIAL



Note: Mapping data is limited for areas within Lake County. Areas shaded blue are within the limits of the City of Mt. Dora; unshaded is unincorporated Lake County.

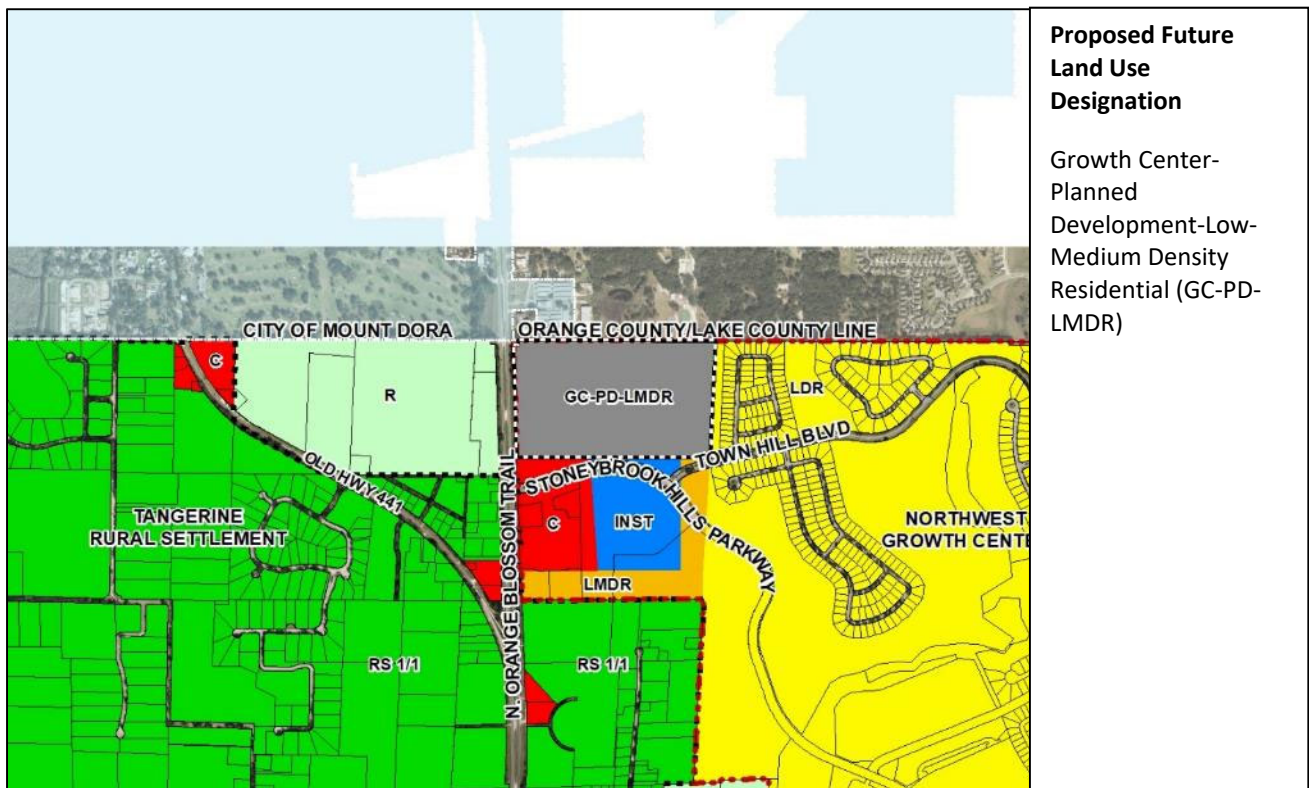
FUTURE LAND USE - CURRENT



Current Future Land Use Designation

Growth Center-Planned
Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR)

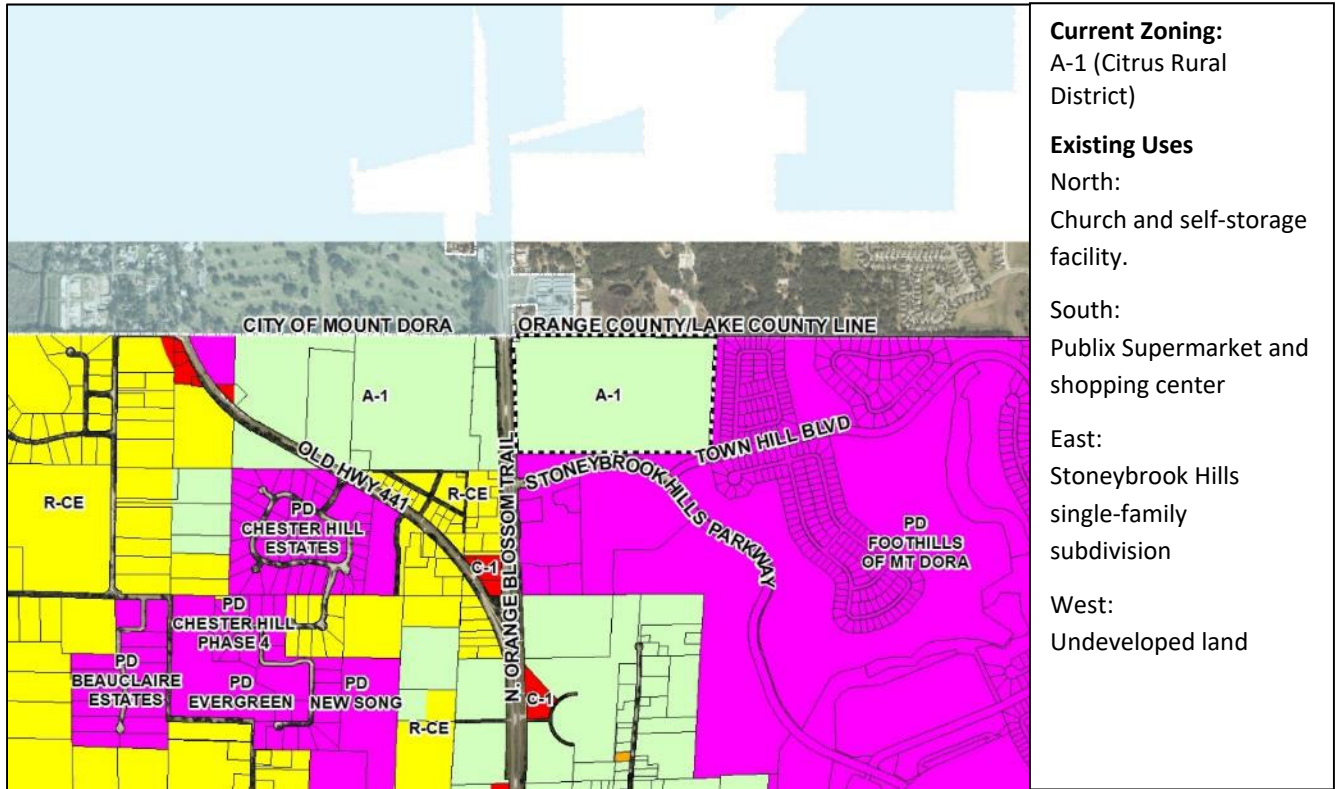
FUTURE LAND USE - PROPOSED



Proposed Future Land Use Designation

Growth Center-Planned
Development-Low-Medium Density Residential (GC-PD-LMDR)

ZONING – CURRENT



Current Zoning:
A-1 (Citrus Rural District)

Existing Uses

North:
Church and self-storage facility.

South:
Publix Supermarket and shopping center

East:
Stoneybrook Hills single-family subdivision

West:
Undeveloped land

Staff Recommendation

1. **Future Land Use Map Amendment 2021-1-A-2-1:** Make a finding that the information contained in the application for the proposed amendment is sufficiently complete; that the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Local Planning Agency that the amendment, 2021-1-A-2-1, be **TRANSMITTED** to the state reviewing agencies.
2. **Future Land Use Text Amendment 2021-1-B-FLUE-3:** Make a finding the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Local Planning Agency that the Amendment 2021-1-B-FLUE-3, be **TRANSMITTED** to the state reviewing agencies.

Analysis

1. Background & Development Program

The applicant, Timothy W. Green, with Green Consulting Group, Inc., has requested to change the Future Land Use Map (FLUM) designation of the subject property from Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR) to Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR). The proposed Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR) FLUM designation would result in the following changes to the current site entitlements: conversion of the 280 multi-family dwelling units to 280 single-family attached dwelling units, removal of the senior housing restriction, and the removal of 75,000 square feet of office uses.

The 63.51-acre subject site is located south of the Orange County/Lake County line on the east side of N. Orange Blossom Trail, north of Stoneybrook Hills Parkway, south of Robie Avenue, and west of Ansley Way. To the east of the subject property is the Stoneybrook Hills single-family subdivision, and to the west, across N. Orange Blossom Trail is undeveloped, agriculturally zoned land. South of the site, across Stoneybrook Hills Parkway, is a Publix Supermarket shopping center including a McDonalds, and to the north, across the county line, is a church/school and self-storage facility.

The subject property is located in the Northwest Growth Center and is within the Orange County/City of Mount Dora Joint Planning Area. Approval of the applicant’s proposal would result in not only a change to the subject property’s FLUM designation, but also to the Joint Planning Area (JPA) map. The JPA currently depicts the site as approved for 7.5 acres of Office uses and Low-Medium Density residential uses at a density of up to 5.0 dwelling units per acre.

The subject property is currently undeveloped and has a zoning designation of A-1 (Citrus Rural District). A PD (Planned Development) rezoning request is required for all new development within a Growth Center pursuant to Future Land Use Element policy FLU7.4.6. The applicant has indicated an intent to submit a PD rezoning application, but has not submitted at the time of this application.

The subject property has undergone review for two previous FLUM amendment applications. The current entitlements for the site were approved under the first application, 2010-1-A-2-2. Under this previous application, staff originally recommended approval for 350,000 square feet of commercial uses, 10,000 square feet of office uses, and 60 multi-family dwelling units. The City of Mount Dora through the JPA with Orange County, would not amend the JPA map to accommodate the proposed uses. The application was modified to match the JPA map and was adopted by the Orange County Board of County Commission as part of Ordinance 2010-13 on October 19, 2010, to allow the following:

- 75,000 square feet of office uses on 7.5 acres
- 280 multi-family dwelling units
- Senior housing restriction.

A second FLUM application, 2018-1-A-2-1, was filed in 2017 and proposed changes to the uses previously approved under Ordinance No. 2010-13. The application proposed the following:

- Conversion of the 75,000 square feet of office uses to 75,000 square feet of commercial uses.
- Increase the density from 280 dwellings (5 du/acre) to 500 dwellings (9 du/acre)
- Amend the location of the proposed commercial uses along US 441.
- Removal of senior housing restriction.

In addition to the proposals above, the applicant entered into a School Mitigation Agreement for Capacity Enhancement with the Orange County School Board.

After review by the Orange County Planning Division, the application was amended to request:

- 280 multi-family dwelling units
- Conversion of the 75,000 square feet of office uses to 75,000 square feet of commercial uses
- Removal of the senior housing restriction

The application was recommended for transmittal by the Local Planning Agency (9-0), and transmitted by the Orange County Board of County Commissioners (7-0), to the State Department of Economic Opportunity (DEO) for review. During the adoption hearings, the Local Planning Agency recommended adoption (9-0), and the Board of County Commissioners ultimately voted (7-0) not to adopt the FLUM amendment application.

Summary for each of the previous FLUM applications

Amendment Number	Adopted FLUM	Maximum Density/Intensity	Outcome
2010-1-A-2-2 The Parks at Mt Dora	Planned Development – Office/Low-Medium Density Residential (PD-O/LMDR) and Expansion of the Northwest Growth Center (GC)	75,000 s.f. Office 280 multi-family senior housing units	Adopted; Ordinance 2010-13
2018-1-A-2-1 The Parks of Mt Dora	Growth Center-Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR)	Up to 75,000 sq. ft. Commercial Up to 280 multi-family housing units *senior housing proposed for removal	Not Adopted

Conservation Area Determination

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units/square footage by the net developable land area. The net developable land area for density and FAR calculation (intensity) is defined as the gross land area, excluding surface waters and certain conservation areas from the land area calculations. Orange County Conservation Area Determination CAD 17-09-121, was completed with a certified survey of the conservation area boundary approved

on April 11, 2018, in accordance with Orange County Code Chapter 15, Article X Wetland Conservation Areas. The Conservation Area Determination is still valid and can be used for this application.

In order to include the 8.5 acres of Class III conservation areas in the density, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact permit from the Orange County Environmental Protection Division as per Future Land Use Element Policy FLU1.1.2(C). As of December 28, 2020, the applicant had not applied for a Conservation Area Impact permit. Without an approved Conservation Area Impact (CAI) permit, the net developable area for the petitioned site is 55 acres. While the site can be developed with up to 275 single-family attached dwelling units based on the current net developable acreage, the location of the existing Class III conservation areas and efforts to maximize the density based on gross acreage may require the submittal of a CAI permit. Approval of a CAI permit will need to be completed prior to the final adoption hearing before the Orange County Board of County Commissioners scheduled on May 11, 2021.

Virtual Community Meeting

Note: In lieu of a traditional in-person community meeting, a virtual community meeting was held on December 9, 2020, for this requested amendment. The discussion centered on the applicant's proposed development plan of converting the existing entitlements of 280 multi-family units to 280 single-family attached dwelling units, removing the senior housing restriction and removing 75,000 square feet of office uses.

The December 9 meeting participants, all of whom appeared to reside in the Stoneybrook Hill subdivision and the Tangerine Rural Settlement, voiced their belief that the adoption of the proposed Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR) FLUM designation and the subsequent development of a 280 single-family attached dwelling unit community would negatively impact the quality of life in this particular area of the county. While the applicant did present a conceptual site plan as to how the 63.51 acre site could be developed, the attendees expressed concern over the lack of protection for the large mature trees on the site and a lack of a design to incorporate this natural feature into the site design. Concerns were also expressed that the proposed development would cause additional traffic in the general area and exacerbate the amount of traffic entering onto N. Orange Blossom Trail.

Overall, the attendees voiced concern and opposition to the proposed development. The tone of the meeting was **negative**.

Project Analysis

Consistency

The requested FLUM amendment appears to be consistent with the applicable Comprehensive Plan goals, objectives, and policies, which are specifically discussed in the paragraphs below.

As noted above, the subject property is located within the Northwest Growth Center, and per **Future Land Use Element Policy FLU1.1.4 (F)**, Growth Center is a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. **Future Land Use Element Objective OBJ FLU7.4** goes on to define Growth Centers as planning tools intended to address and guide urban-scale uses that serve a regional market and require a location outside of the Urban Service Area (USA). Additionally, **Future Land Use Element Policy FLU7.4.4** permits urban densities and intensities within Growth Centers. In accordance with Policy FLU1.1.2 (A), the applicant has specified the maximum desired development program for the project, proposing 280 single-family attached dwelling units under the "urban-scale" Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR) FLUM designation. This proposed development program is

consistent with the urban style development permitted by the Growth Center Comprehensive Plan objectives and policies.

Policy FLU7.4.4 states that the approval of urban intensities within Growth Centers are contingent upon the availability of urban services from other sources, as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. The Mount Dora JPA requires the developer to enter into a service agreement with the City to provide water and wastewater services to properties within the Joint Planning Area. The subject property lies within the City of Mount Dora’s potable water and wastewater service area.

The proposed FLUM amendment and associated residential development program are consistent with Orange County’s commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. Staff finds that the development of single-family residential development on the subject property would be consistent with **Housing Element GOAL H1** and **Housing Element Objective OBJ H1.1**. These 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.

The subject property is located in an area characterized by low-density single-family development. The Stoneybrook Hills community located to the east of the subject property has an approved land use plan for 230 single-family residential lots at 2.3 units per acre. To the southwest of the subject property, the Tangerine Rural Settlement has a mixture of rural Future Land Use designations. Staff finds that single-family residential development is consistent with **Future Land Use Element Policy FLU1.4.1**, which states the County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community. 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 **Future Land Use Element Policy FLU1.1.1**.

Staff-Initiated Text Amendment

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) and Lake Pickett (LP) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment 2021-1-B-FLUE-3. The maximum development program for Amendment 2021-1-A-2-1 will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
2010-1-A-2-2 The Parks at Mount Dora	Planned Development – Office/ Low-Medium Density Residential (PD-O/ LMDR) and Expansion of the Northwest Growth Center (GC)	75,000 s.f. office 280 multi-family senior housing units	2010-13
***	***	***	***
2021-1-A-2-1 The Parks of Mt Dora	Growth Center-Planned Development – Low-Medium Density Residential (GC-PD-LMDR)	Up to 280 single-family attached dwelling units	2021-

Compatibility

As identified in **Future Land Use Element Objective OBJ FLU8.2**, compatibility will continue to be the fundamental consideration in all land use and zoning decisions that involve differing land uses. **Future Land Use Element Policy FLU8.2.1** states that land use changes shall be required to be compatible with the existing development and development trend in the area. However, as established in **Future Land Use Element Policy FLU8.2.11**, compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors to consider include the physical integration of a project and its function in the broader community, as well as its contribution toward Comprehensive Plan goals and objectives. As noted above, the subject property was previously incorporated into the Northwest Growth Center with a development program of 75,000 sq. ft. of office uses and 280 senior multi-family dwelling units. The removal of the office uses, the senior housing requirement and the conversion of multi-family dwellings to single-family attached dwelling units will provide for a residential product that is similar to existing housing types, while also being compatible to the residential development trend in the area.

The subject property is within the Wekiva Study Area, and as stipulated in **Open Space Element Policy OS1.3.6**, a proposed project with a density exceeding one dwelling unit per acre on a Growth Center-designated site with an overall size less than or equal to 100 acres is subject to a permanently-protected open space requirement of 60 percent or greater. Per **Open Space Element Policy OS1.3.4**, all new residential developments located entirely or partially in the Wekiva Study Area are required to cluster to the maximum extent feasible to preserve open space which, as mandated in **Open Space Element Policy OS1.3.2**, shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may, however, include permeable stormwater management areas using Best Management Practices. The minimum required quantity of open space within a development site shall be calculated over the net developable area of a parcel, defined as the total area of a parcel less wetlands and natural water bodies. The Foothills of Mt Dora Planned Development located to the south and east of the subject property contains a commercial component and Low Density Residential single-family development pattern. Given the significant open space that is required by the Wekiva Study Area policies, the proposed development program of Low-Medium Density Residential would be compatible and not disrupt the existing, surrounding community.

While conditions and/or restrictions cannot be placed on the property at the Comprehensive Plan amendment stage, the property must obtain Planned Development zoning. Specific standards and conditions/restrictions to require a smooth transition in density of uses to ensure managed growth consistent with the rural characteristics of the area will be determined through the Planned Development review process. Staff will work with the applicant throughout the Planned Development review processes to refine the proposed development program and to attempt to develop a transition of densities that will allow the proposed development to blend into and become compatible with the surrounding development.

Public Facilities and Services

Environmental

Class III wetlands and surface waters amounting to 8.5 acres are located onsite. Orange County Conservation Area Determination, CAD-17-09-121 was completed for this property on April 11, 2018. This determination is valid for a period of five years.

The net developable land area is 55 acres, defined as the gross land area less surface waters and wetlands. The buildable area is the net developable acreage less protective buffer areas if required to prevent adverse secondary impacts. The applicant is advised not to make financial decisions based

upon development within the wetland or the upland protective buffer areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Per Orange County Comprehensive Plan Policy FLU1.1.2 C, the Density and Floor Area Ratio (FAR) calculation is determined by dividing the total number of units/square footage by the net developable land 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 Impact (CAI) permit from the Orange County EPD in addition to an approved CAD. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area 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 state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.

Development of the subject property 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/or the Florida Fish & Wildlife Conservation Commission (FWC). The Environmental and Natural Resource Assessment dated May 25, 2018 reported the presence of gopher tortoise, potential habitat for eastern indigo snake and sand skink, and recommended physical surveys prior to construction and site disturbance.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. 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 dated June 2018, as may be amended ("BMAP"). Per this requirement, lots of less than one acre in size within the Priority Focus Area (PFA), 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.

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.

The subject property had a prior agricultural land use that may have resulted in soil 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 Division (EPD) and the Development Engineering (DE) Division. An environmental site assessment (ESA) to address potential contamination is not required at this time, but if an ESA has been completed for this site, please submit a copy with the application.

Transportation

Trip Generation (ITE 10th Edition)

Land Use Scenario	PM Pk. Hr.Trips	%New Trips	New PM Pk Hr.Trips
Existing Use: Undeveloped (280 DU/Age restricted/75K SF office)			
Proposed Use: 280 dwelling units Town Homes	148	100	148
Net New Trips (Proposed Development less Allowable Development):	-38		

Future Roadway Network

Road Agreements: None

Planned and Programmed Roadway Improvements: None

Right of Way Requirements: None

Summary

The applicant is requesting to change the land use from GC-PD-O/LMDR to GC-PD-LMDR to remove the Office land use. Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will result in a decrease in the number of pm peak trips and therefore will not impact the area roadways.

- The subject property is not located within the County's Alternative Mobility Area.
- The subject property is not located along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 186 pm peak hour trips.
- The proposed use will generate 148 pm peak hour trips resulting in a net decrease of 38 pm peak hour trips.
- Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

Utilities

The subject site is located in the City of Mount Dora's potable water, wastewater, and reclaimed water service areas.

Schools

A School Mitigation Agreement for Capacity Enhancement (OC-17-030) was previously approved by the School Board of Orange County on May 25, 2018. This approval was in response to the previous FLUM amendment application, 2018-1-A-2-1. Because the previous FLUM application was not adopted, the applicant has been directed to submit a new application for capacity enhancement. The application, OC-17-030-A1, is currently under review.

4. Policy References

Future Land Use Element

- FLU1.1.1** Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.
- FLU1.1.2 (A)** The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.
- FLU1.1.4 (F)** **GROWTH CENTER(S)** – Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide at a minimum that the County will not incur initial capital costs for utilities. Orange County has two Growth Centers – one in the northwest referred to as the Northwest Growth Center and one in the southeast referred to as Growth Center/Resort/PD.

FLUM Designation	General Description	Density/Intensity
Growth Center – Refer to Future Land Use Map and associated Growth Center policies		
Growth Center (Boundary)	Growth Center recognizes urban development outside and adjacent to the boundaries of unincorporated Orange County. New Growth Centers or extensions shall be established only as part of adopted JPAs. The initial capital costs will not be incurred by Orange County. APD is required.	PD
Growth Center/Resort PD (GC/RPD)	GC/RPD is similar to GC boundary in GC requirements, but it also must have a minimum of 200 acres. FLU7.4.7 states applicant must demonstrate clear rationale for separating from Horizon West. See FLU7.4.1 – FLU7.4.7. A PD is required.	PD

- FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- FLU1.4.2** Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- OBJ FLU7.4** Orange County shall recognize growth as a regional issue and shall use Growth Centers as an effective planning tool to allow, address and guide urban-scale, single-purpose public or quasi-public uses that serve a regional purpose or market and require a location outside the Urban Service Area. Growth Centers

established prior to June 21, 2011, and which would not be consistent with the provisions of this Objective or associated Policies, shall be permitted to continue subject to the FLU Goals, Objectives and Policies under which the Growth Center was originally approved.

FLU7.4.3

To ensure managed growth consistent with the rural characteristics and environmentally sensitive areas around the Northwest Growth Center, development within the Growth Center must provide a transition in land use density and intensity. In providing this internal transition, the Foothills of Mount Dora Planned Development (PD); and described herein, the area defined as "Parcel S-1" and "Parcel S-2" on the Foothills of Mount Dora PD/ Land Use Plan approved by the Board of County Commissioners on December 17, 2002, shall be limited to a net residential density of 1 dwelling unit per acre as required by the PD conditions. In addition, the Northwest Growth Center boundary, as adopted, shall not be expanded unless amendments to the Future Land Use Map and all applicable policies, including FLU7.4.3 are adopted. Furthermore, the Joint Planning Area between Orange County and the City of Mount Dora shall not be expanded.

FLU7.4.4

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

FLU7.4.6

Within a Growth Center, all new development must apply for Planned Development zoning, in order to specifically identify densities, intensities and mixture of land use. Additionally, all new development and substantial redevelopment in portions of Growth Centers located within the Wekiva Study Area shall adhere to the development standards adopted to implement the Wekiva Parkway and Protection Act, Ch. 369, Part III, FS.

Such standards shall include, but are not limited to: additional stormwater treatment and retention (maintenance of water quality and recharge); enhanced wastewater treatment; limitations of certain allowed uses within the most vulnerable portions of the Study Area; subdivision standards; open space requirements; "smart growth" roadway design standards; parking lot design standards, upland habitat protection, and such other measures as required to protect ground and surface water in the Wekiva Study 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. **FLU8.2.1**

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

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

FLU8.2.11 Compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

Housing Element

GOAL H1 Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

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

Open Space Element

OS1.3.2 Open space within the Wekiva Study Area (WSA) and Wekiva River Protection Ordinance area shall be defined as the land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of developable area remain preserved, which shall represent the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas using Best Management Practices. Golf courses shall be generally excluded with the exception that areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application may be credited toward the minimum open space requirement. The minimum required quantity of open space within a development site shall be calculated over the net developable area of a parcel, which is defined as the total area of a parcel less

wetlands and natural water bodies. Non-developable areas, including wetlands and natural water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement.

OS1.3.4

Development and redevelopment within the Wekiva Study Area shall provide as much open space as possible. All new residential subdivisions or developments that may be located entirely or partially within the Wekiva Study Area are required to cluster to the maximum extent feasible to preserve open space. Such clustering is intended to be density neutral, and lot sizes may be adjusted as needed to accommodate preserved open space. Priority for open space protection shall be given to the following resources required to be protected by the Wekiva Parkway and Protection Act: the most effective recharge areas; karst features; and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities.

The purposes of “open space design” within a development are to minimize site disturbance, reduce land development costs, reduce infrastructure costs, provide more cost-effective and efficient site infrastructure, provide better management of facilities, and permanently protect open space while remaining density and intensity neutral. By January 1, 2007, the Land Development Code shall include requirements and incentives for open space/conservation subdivision design including minimum open space requirements, maximum lot size and design standards.

Open space shall be primarily larger, contiguous parcels rather than in linear strips to encourage maintenance of rural views, lifestyles, and economies and shall be comprised mainly of existing undisturbed natural areas. To the extent possible, preserved open space shall be used to create corridors and larger parcels more suitable for passive recreation, low-intensity agriculture, silviculture, aquifer recharge protection, or wildlife and habitat management, so that remnant open space areas are not created that are unusable or function as private open space to only a small percentage of the development. If a project is located next to off-site open space whose primary function is conservation of natural resources, connection of open space with compatible functions is required. “Compatible” means similar or complementary such as uplands adjacent to wetlands or isolated wetlands within flatwoods or scrub areas.

Open space property shall be preserved through publicly recorded, permanent conservation easements or similar legal instruments to preclude future development or further subdivision of the land while ensuring maintenance of and appropriate access to the open space areas in perpetuity. Preserved areas shall be owned in common by a property owners’ association, a public agency, a land trust, or another appropriate entity. This open space shall be used for conservation, aquifer recharge protection, passive recreation, low intensity

agriculture, or silviculture. Agriculture and silviculture operations shall adhere to the appropriate BMPs as adopted by the Florida Department of Agriculture and Consumer Services.

Limited structures for common use or under common ownership may be allowed within the open space preserve areas, areas other than wetlands, conservation mitigation areas, conservation easements or wetland protective buffers. Homeowners' personal property and residential accessory structures shall be prohibited. Individual potable water wells shall be allowed in open space areas adjacent to homes if site conditions warrant and allow such.

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.

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.

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.

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.

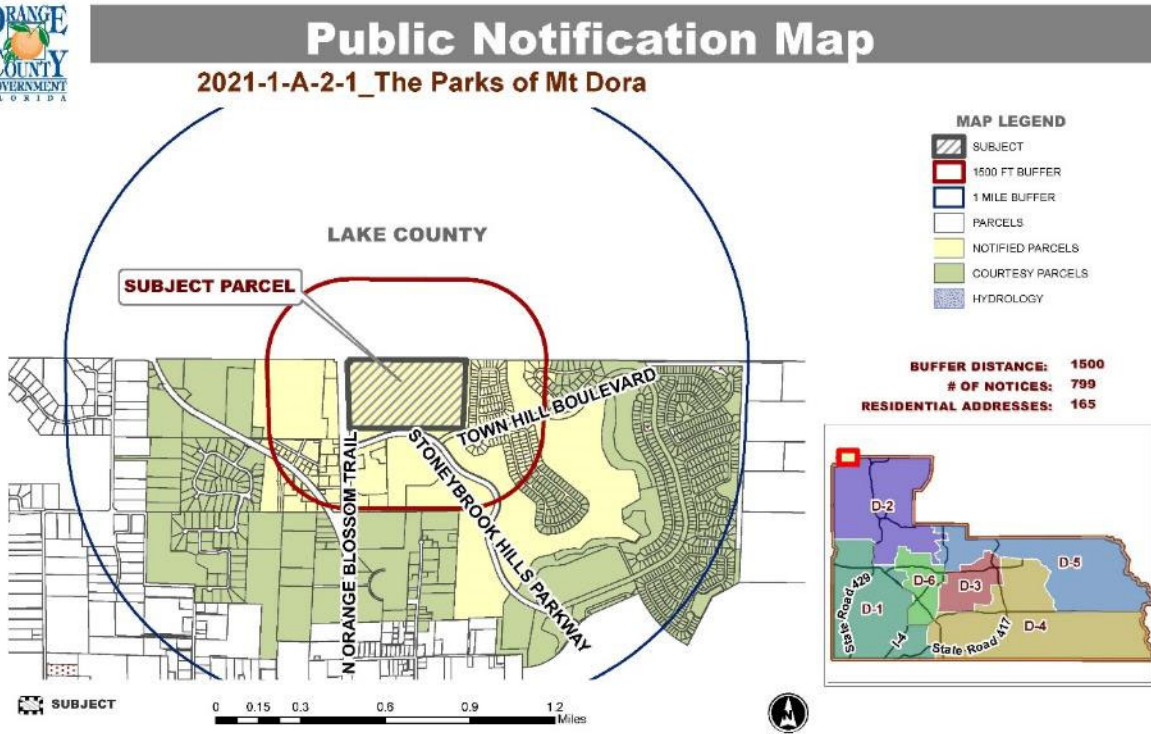
Residential land uses in Growth Centers.

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.

Site Visit Photos

<p>Subject Site</p>	<p>Subject Site -</p>
	
<p>North of Subject Site – Church/School</p>	<p>South of Subject Site – Publix Shopping Ctr</p>
	
<p>East of Subject Site – Stoneybrook Subdivision</p>	<p>West of Subject Site – Undeveloped Land</p>
	



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Notification Area

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

799 notices sent



Community Meeting Memorandum

DATE: December 10, 2020
TO: Greg Golgowski, Chief Planner, Planning Division
FROM: Chris DeManche, Planner III
SUBJECT: Amendment 2021-1-A-2-1– Community Meeting Notes
C: Project file

Location of Project: East side of N. Orange Blossom Trail., north of Stoneybrook Hills Parkway, south of Robie Ave., and west of Ansley Way.

Meeting Date: December 9, 2020, at 6:00 pm (Virtual Webex Event)

Attendance:

District Commissioner	Christine Moore, Daniel Vanegas, Kathy Marsh
Orange County staff	Chris DeManche and Greg Golgowski, Planning Division
Applicant team	Tim Green, Tim Bailey
Property owner	The Parks of Mt Dora, LLC
Residents	39 Total

Overview of Project: The applicant’s request is to amend the Future Land Use Map (FLUM) designation of the 63.51 gross acre parcel from Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR) to Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR). The proposed Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR) FLUM designation would result in the following changes to the current site entitlements: conversion of the 280 multi-family dwelling units to 280 single-family attached dwelling units, removal of the senior housing restriction, and the removal of 75,000 square feet of office uses.

Meeting Summary: Mr. DeManche provided an overview of the request, noting the application included a change to the Future Land Use Map designation of the subject property. Mr. DeManche explained the purpose of the Growth Center future land use designation, the Orange County/City of Mount Dora Joint Planning Area, and how the request would change the use of the site to allow the development of 280 SF attached dwelling units. Mr. DeManche explained the purpose of zoning. Maps of the subject property (aerial, FLUM – current, FLUM – proposed, Zoning - current) were shown with existing uses on adjoining parcels identified. Mr. DeManche informed the meeting attendees that two Transmittal public hearings would be held, along with two Adoption public hearings for this application – (Transmittal Hearings – January 21 and February 9/ Adoption Hearings – April 15 and May 11).

The applicant presented to meeting attendees and provided two conceptual development plans

– one consisting of single-family attached dwelling units, and one consisting of single-family detached dwelling units.

Attendees expressed concern over the lack of protection for the large mature trees on the site and a lack of a plan to incorporate this natural feature into the site design. Concerns were also expressed that the proposed development would cause additional traffic in the general area and exacerbate the amount of traffic entering onto N. Orange Blossom Trail. Overall, the attendees voiced concern and opposition to the proposed development.

The meeting adjourned at 8:30 p.m. The overall tone of the meeting was **NEGATIVE**.