




Interoffice Memorandum

February 13, 2023

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

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

THROUGH: Tim Boldig, Interim Director
Planning, Environmental, and Development Services Department

SUBJECT: 2023-1 Regular Cycle Comprehensive Plan
Amendment 2023-1-A-2-1
(6409 N. OBT)
Board of County Commissioners (BCC) Transmittal Public Hearing

2023-1 Regular Cycle Comprehensive Plan Amendment 2023-1-A-2-1 is scheduled for a BCC transmittal public hearing on February 21, 2023. This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 19, 2023, and recommended to not be transmitted.

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 2023-1 Regular Cycle Amendment scheduled for consideration on February 21 entails a privately-initiated map amendment located in District 2. The privately-initiated map amendment involves a change to the Future Land Use Map (FLUM) for a property over 10 acres in size.

In summary, the action item addressed by this memo for February 21 is:

- Amendment 2023-1-A-2-1 (6409 N. OBT)

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 March 2023. Pursuant to 163.3184, Florida Statutes, the proposed amendment must be adopted within 180 days of receipt of the comment letter. Adoption public hearings are tentatively scheduled for the LPA on April 20, 2023 and the BCC in May 2023.

2023-1 Regular Cycle Amendment 2023-1-A-2-1
BCC Transmittal Public Hearing
February 21, 2023
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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 Jason Sorensen, AICP, Chief Planner at (407) 836-5602 or Jason.Sorensen@ocfl.net.

AAV/sw

Enc: 2023-1 Regular Cycle Amendment 2023-1-A-2-1
BCC Transmittal Staff Report

c: Jon V. Weiss, P.E., Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division
Read File



ORANGE COUNTY

PLANNING DIVISION

2023-1 REGULAR

CYCLE

AMENDMENTS

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

FEBRUARY 21, 2023
TRANSMITTAL PUBLIC HEARING

PREPARED BY:
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



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2023-1 Regular Cycle State-Expedited Review Comprehensive Plan Amendment
Privately-Initiated Future Land Use Map Amendment

Amendment Number	Consistent Recording or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	BCC Consensus District	Future Land Use Map Designation FUDM	Future Land Use Map Designation TL	Zoning Map Designation FZM	Zoning Map Designation TZ	Acreage	Project Name	Staff Use	LPA No.
2023-1-0-2-1 100-0-0201	FD Existing Equivalent	Denny Motors, Inc.	Denny Motors	84-29-27-0005-00-021	988 1/2 Orange Blossom Tr., generally located east of S. Orange Blossom Tr., north of Thompsonville Hwy, and north of Whitesboro Rd.	2 - Christine Struss	Rural Boulevard VI (R3 VI)	Growth Center Low-Medium Density Residential (GC-LM20) "Adding the R3 Growth Center with low topography"	A-1 (Elite) Rural District	PD (Planned Development District)	11.13 gross ac.	Chris DeBenedictis	Transport	Do not Transact (4)

ABBREVIATIONS INDEX

ADDRESS TYPES: RES-1 (Residential), 2-Care Center, 3-Office, LDR Low Density Residential, LMR-Low-Medium Density Residential, MR-Medium Density Residential, HSR-High Density Residential, PD-Planned Development, SDU-Sustainable, CDW-Community Development, PUDS-Public/Community/Urban Space, OS-Other Space, R-Residential, RD-Rural Boulevard, ES-EX Rural Boulevard VI, EV-Village Boulevard VI, EL-D VI Rural Boulevard Low Density, EC-Citywide Center, LPA-Land Parcel, PD-Planned Development, OS-Other Space, HS-Higher Study, CP-Consolidation Plan, PLM-Future Land Use Map, PLM-Future Land Use Element, TRM-Transportation Element, BPS-Build, District, and Policies, OS-Other, A-2-Purposed Road District, 9-C-Country Estate District, R3-3-Rural Country Estate Residential District, PD-Planned Development District, PD-PP-Planned Development Preparing Plan, PD-PR-Planned Development-Rural Boulevard, OS-Rate Road, AC-Airport

2023 FIRST REGULAR CYCLE AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN TRANSMITTAL PUBLIC HEARING

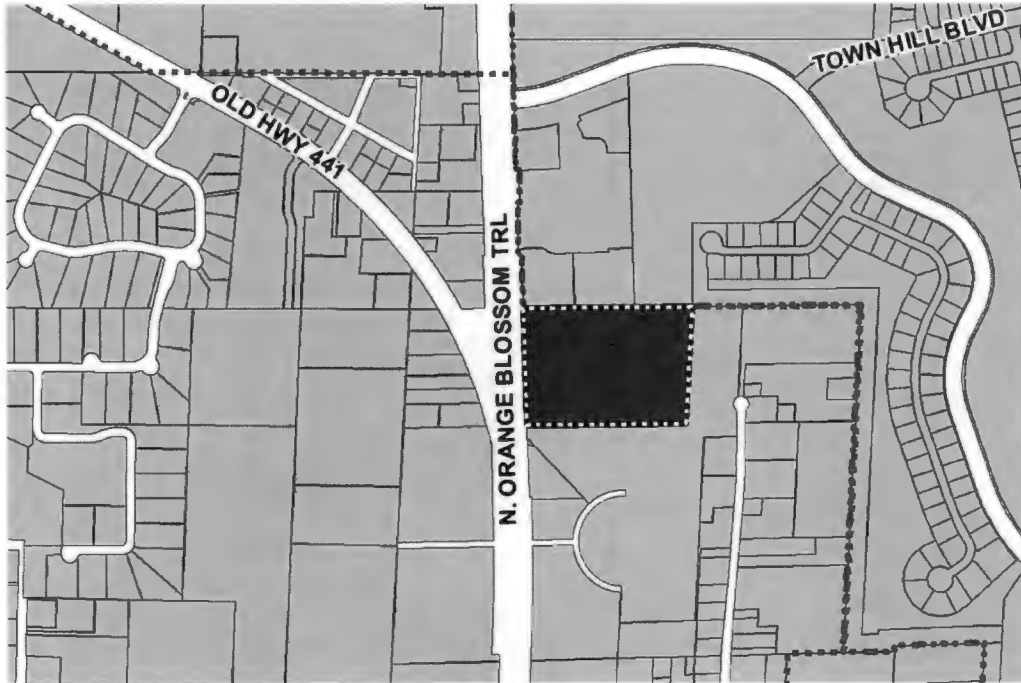
INTRODUCTION

This is the Board of County Commissioners (BCC) transmittal staff report for the First Regular Cycle Amendment 2023-1-A-2-1 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 19, 2023, and is scheduled for a transmittal public hearing before the BCC on February 21, 2023.

The above-referenced 2023-1 Regular Cycle Amendment entails a privately-initiated map amendment located in District 2. Since this is the transmittal stage for this amendment, 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 amendment and provide comments, expected in March 2023. Adoption public hearings are tentatively scheduled before the LPA on April 20, 2023 and before the BCC in May 2023.

Once the Regular Cycle amendment has been adopted by the BCC, it 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 June 2023, provided no challenges are brought forth for the amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch., Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net, or Jason Sorensen, AICP, Chief Planner, at (407) 836-5602 or Jason.Sorensen@ocfl.net.



Applicant/Owner:
Danny Martinez Inc.

Location: Generally located east of N. Orange Blossom Trail., south of Stoneybrook Hills Parkway., and north of Wadsworth Road.

Existing Use:
Undeveloped/Grazing Land

Parcel ID Numbers:
04-20-27-0000-00-021

Tract Size: 15.15 net acres

The following meetings and hearings have been held:		Project Information
Report/Public Hearing	Outcome	
✓ Community Meeting January 5, 2023	Participants expressed concern over the proposed density and traffic.	Request: Rural Settlement 1/1 (RS 1/1) to Growth Center–Low-Medium Density Residential (GC-LMDR)
✓ Staff Report	Recommend Transmittal	Proposed Development Program: Up to 75 single-family attached dwelling units (townhomes).
✓ LPA Transmittal January 19, 2023	Recommend Do Not Transmit (6-0)	Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. Environmental: A Binding Determination of Exemption CAD-22-08-167 was issued that included this property. No wetlands were determined to be located within the boundaries of this project site. This site is located within the Wekiva Study Area.
BCC Transmittal	February 21, 2023	Transportation: Based on existing conditions, there are currently no deficient roadway segments within the project’s impact area.
State Agency Comments	March 2023	Utilities: This property is within Florida Governmental Utility Authority's water service area. This property is within City of Mount Dora's wastewater and reclaimed water service area.
LPA Adoption	April 20, 2023	Concurrent Rezoning: A rezoning application is expected but has not been submitted by the applicant at this time for concurrent review.
BCC Adoption	May 2023	

SITE AERIAL



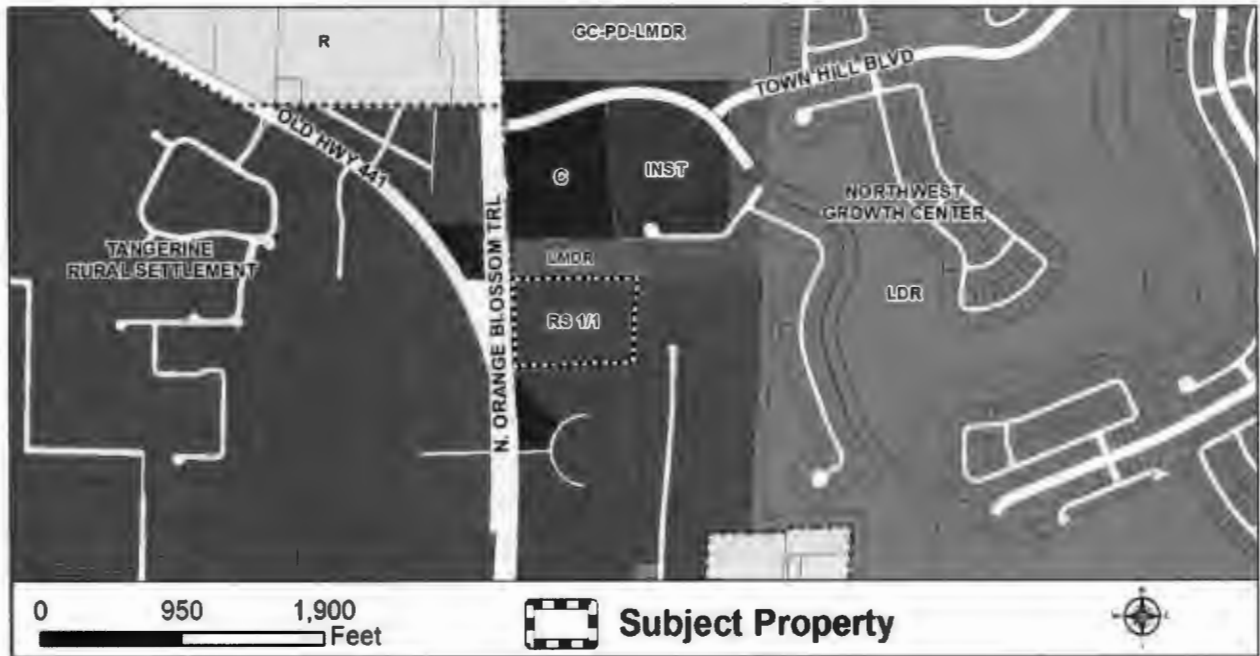
-  Subject Property
-  Northwest Growth Center
-  Tangerine Rural Settlement



0 800 1,600 Feet

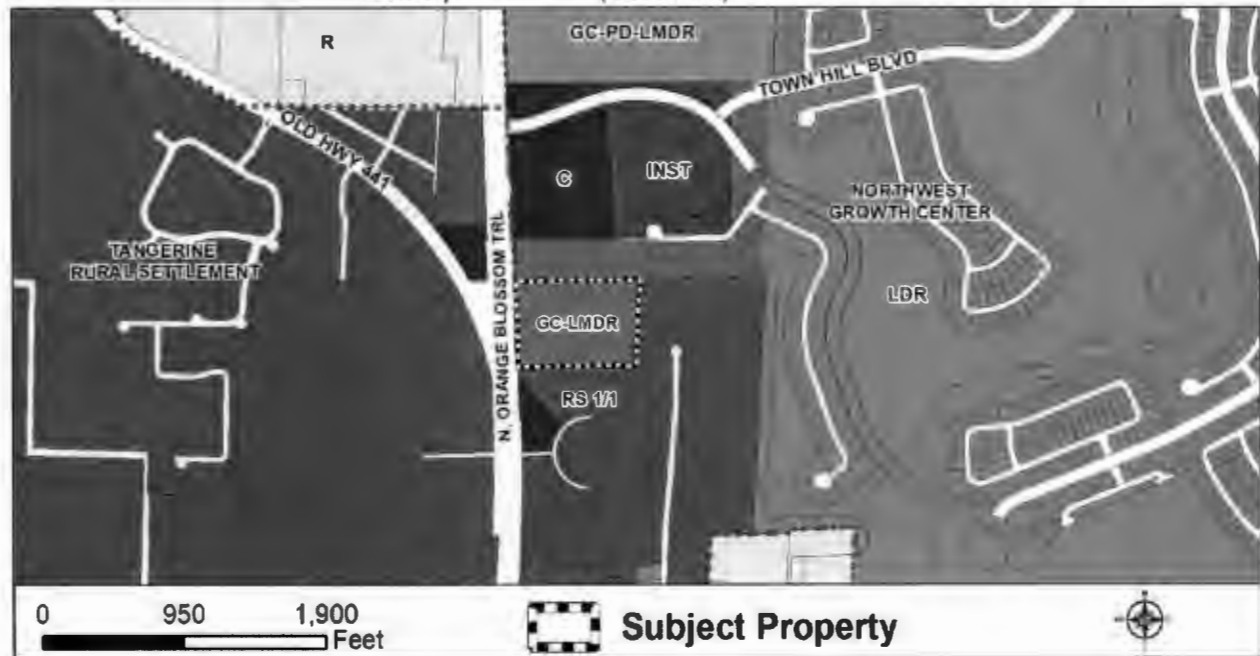
FUTURE LAND USE - CURRENT

Rural Settlement 1/1 (RS 1/1)



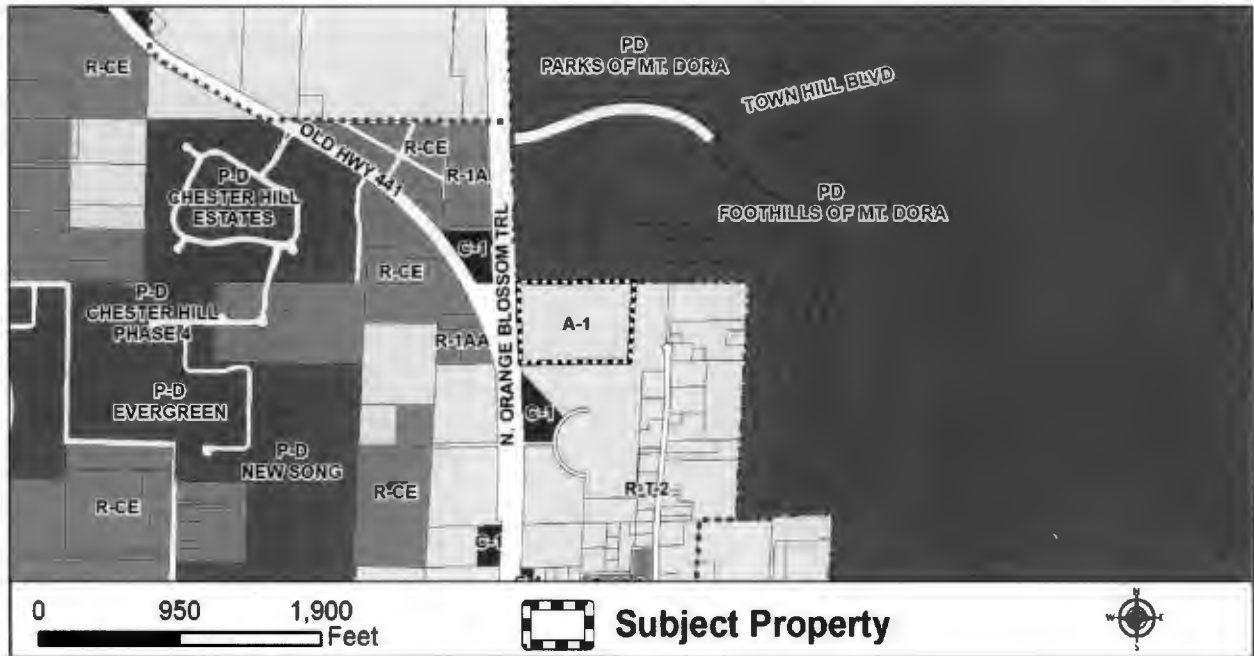
FUTURE LAND USE - PROPOSED

Growth Center–Low-Medium Density Residential (GC-LMDR)



ZONING – CURRENT

A-1 (Citrus Rural District)



STAFF RECOMMENDATION

1. **Future Land Use Map Amendment 2023-1-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, 2023-1-A-2-1, be **TRANSMITTED** to the state reviewing agencies.

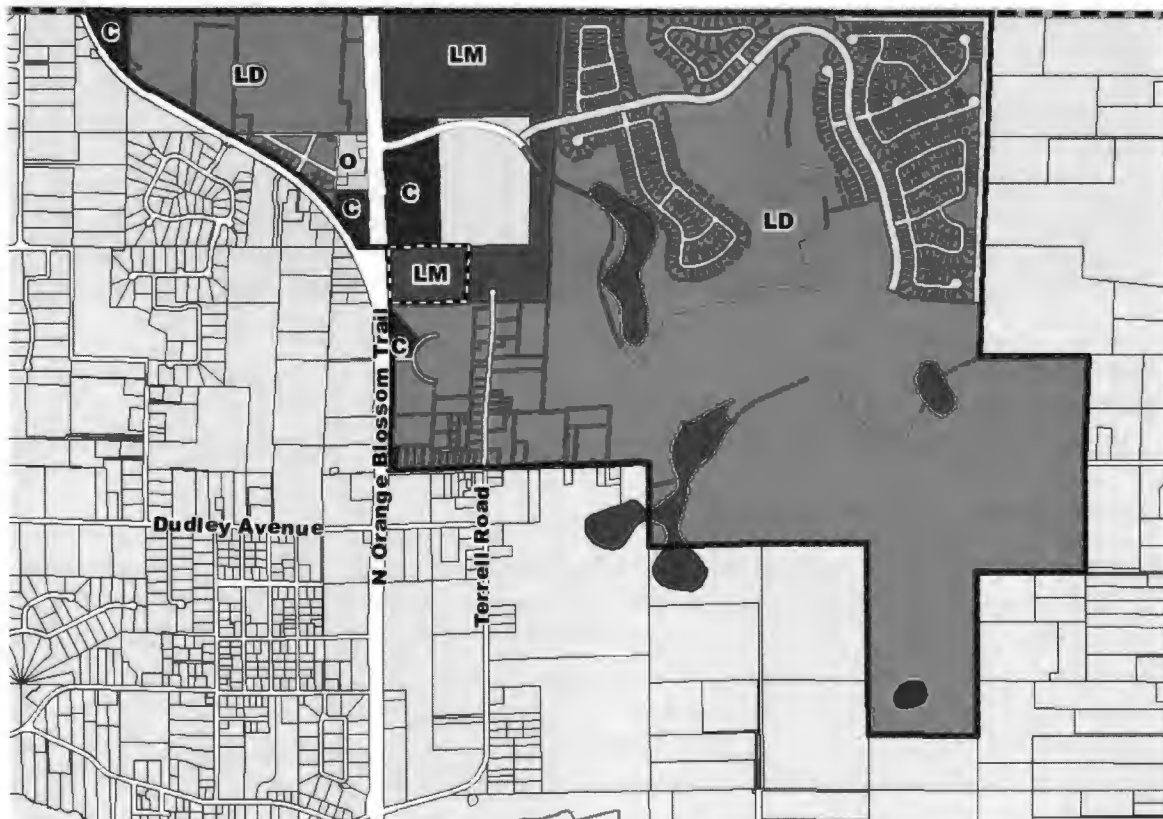
ANALYSIS

1. Background and Development Program

The applicant has requested to change the Future Land Use Map (FLUM) designation of the subject property from Rural Settlement 1/1 (RS 1/1) to Growth Center–Low-Medium Density Residential (GC-LMDR). This application includes a request to join the Northwest Growth Center. The applicant is proposing the construction of up to 75 single-family attached dwelling units (townhomes).

The 15.15-acre subject property is undeveloped and was previously used as a burrow pit. The site is located on the east side of N. Orange Blossom Trail, south of Stoneybrook Hills Parkway, and north of Wadsworth Road. Surrounding uses include the Publix Supermarket shopping center to the north, vacant parcels to the east and south, and single-family residences located across N. Orange Blossom Trail to the west.

Joint Planning Area Conceptual Land Use Map



The subject property is located within the Tangerine Rural Settlement and within the geographic boundaries of the Orange County/City of Mount Dora Joint Planning Area (JPA). The JPA conceptual land use map depicts the outlined subject property as approved for Low-Medium Density Residential

at a density of up to five (5) dwelling units per acre. The JPA boundary reflects the maximum limits of the Northwest Growth Center's expansion, as only properties located within the JPA are eligible to join the Growth Center, pursuant to **Future Land Use Element policy FLU7.4.1**, which states the establishment of new or extensions of existing Growth Centers shall only be accomplished through an amendment to the Comprehensive Plan, along with a Joint Planning Area agreement. Additionally, **Future Land Use Element policy FLU7.4.7**, states the Joint Planning Area between Orange County and the City of Mount Dora shall not be expanded.

The proposed FLUM designation of GC-LMDR would be limited to five (5) dwelling units per acre. The subject property is adjacent to the Northwest Growth Center along with surrounding parcels to the east and south along east side of N. Orange Blossom Trail.



The subject property has a zoning classification of A-1 (Citrus Rural District). A PD (Planned Development District) 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 if the FLUM amendment is transmitted to the state agencies for review.

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. A Petition for a Binding Determination of Exemption (CAD-22-08-167) was issued by the Orange County Environmental Protection Division (EPD) on October 11, 2022. The EPD determined that there are no wetlands or surface waters (conservation areas) on the subject property, and is exempt from Chapter 15, Article X of the Orange Code. Pursuant to this determination, the subject property has a total of 15.15 net developable acres.

COMMUNITY MEETING

A community meeting was held on Thursday, January 5, 2023 at the Tangerine Improvement Society Community Center. The discussion centered on the applicant's proposal to construct up to 75 single-family attached dwelling units (townhomes).

A total of 63 participants, all of whom appeared to reside in the Tangerine Rural Settlement, voiced their opposition to the adoption of the proposed Growth Center–Low-Medium Density Residential (GC-LMDR) FLUM designation. Participants expressed their concerns over the negative impacts that the proposal would have on the quality of life in this particular area of the county. The attendees also expressed concern over the subject property joining the Northwest Growth Center and the resulting increase in density on the 15.15 acre parcel from one (1) dwelling unit per acre under the current RS 1/1 designation, to five (5) dwelling units per acre under the GC-LMDR designation. Concerns were also expressed that the proposed development would bring additional traffic to N. Orange Blossom Trail and that current roadway conditions would worsen, particularly from vehicles exiting the subject property.

Overall, the attendees voiced concern and opposition to the proposed development.

2. Future Land Use Map Amendment 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 mentioned above, the applicant is requesting the GC-LMDR FLUM designation to allow the construction of up to 75 single-family attached dwelling units (townhomes).

The subject property is located within the Tangerine Rural Settlement, with the overall surrounding area, including the majority of the Northwest Growth Center, as characterized by low-density single-family development. The Stoneybrook Hills community (Foothills of Mt. Dora PD) located to the east and within the Northwest Growth Center, is approved for densities ranging from 1.0 to 3.7 dwelling units per acre. Staff finds the request consistent with **Future Land Use Element Policy FLU1.4.1**, which states Orange County shall promote a range of living environments and employment opportunities, and shall ensure that land use changes are compatible with and serve existing neighborhoods.

Staff finds the request consistent with **Future Land Use Element Policy FLU8.2.2**, which states that continuous stretches of similar housing types and density of units shall be avoided. The addition of single-family attached housing would further diversity housing options to current and future residents in Orange County.

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. The proposed FLUM amendment ensures that sufficient land is available to meet the identified housing needs of present and future residents.

The subject property is located within the Orange County/City of Mount Dora JPA and is proposed for inclusion in the Northwest Growth Center, and per **Future Land Use Element Policy FLU1.1.4 (F)**, a Growth Center is a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. **Future Land Use Element Objective OBJFLU7.4** 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 is proposing the construction of up to 75 single-family attached dwelling units (townhomes) under the “urban-scale” Growth Center-Low-Medium Density Residential (GC-LMDR) FLUM designation. This proposed development program is consistent with the urban style development permitted by the Growth Center Comprehensive Plan objectives and policies.

COMPATIBILITY

As identified in **Future Land Use Element Objective OBJFLU8.2**, 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 trends 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 proposed development of up to 75 single-family attached dwelling units (townhomes) at a density of five (5) dwelling units per acre will provide for a residential product that is similar to existing low density housing and continue a development trend of single-family development in the surrounding area.

The subject property is within the Wekiva Study Area, and as stipulated in **Open Space Element policy OS1.3.6.E(1)**, development located within the Northwest Growth Center and Wekiva Study Area with an overall size less than or equal to 100 acres shall provide open space of 35% or greater. Per **Open Space Element Policy OS1.3.4**, all new residential subdivisions or 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. Given the required minimum of 35% open space that is required by the Wekiva Study Area policies, the proposed development program associated with the GC-LMDR designation at a density of five (5) dwelling units per acre 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.

DIVISION COMMENTS: ENVIRONMENTAL, PUBLIC FACILITIES, AND SERVICES

Environmental:

Binding Determination of Exemption: A Binding Determination of Exemption (CAD-22-08-167) was issued that included this property. No wetlands were determined to be located within the boundaries of this project site.

Wekiva Study Area: 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, but are not limited to: septic tank criteria, open space, stormwater treatment and conservation, and

increased buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiwa River Protection.

Wekiva Priority Focus Area: This site is located within the Wekiva Priority Focus Area. If a septic system is required, the Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires advanced treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiwa Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP. Contact the Florida Department of Health (FDOH) for details of advanced septic treatment system requirements.

Erosion Control: Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2-inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping.

Fugitive Dust: No person shall cause, let, suffer, allow, or permit the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities, such as loading, unloading, storing, or handling; without taking reasonable precautions to prevent such emissions including but not limited to application of water, dust suppressants, planting of vegetation, point of activity controls (hoods, filters, etc.) and other measures. Reference Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 15-89.1 Air Pollution Prohibited 15-89.1(b) Unconfined emissions of particulate matter and 15-89.1(b)(2) Reasonable Precautions and defined in the Florida Department of Environmental Protection 62-296.320(4)(c) for Unconfined Emissions of Particulate matter adopted by Orange County Code 15-90 Adoption of state and federal rules by reference.

Habitat: Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

TRANSPORTATION:

Trip Generation (ITE 11 th Edition)			
Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use: 15 Single Family Residences	17	100%	17
Proposed Use: 75 Townhome Units	41	100%	41
Totals:	24		24

Net New Trips (Proposed Development less Allowable Development): 24

Future Roadway Network

Road Agreements: None

Planned and Programmed Roadway Improvements: Round Lake Road from King Avenue to Sadler Road: Design and Install 6,200 feet of missing sidewalk from King Avenue to Sadler Road. At the time

of this report, the project is 36% overall complete. Tangerine Community – Traffic Calming Analysis: Study underway and will be completed in Fall 2022. Sadler Road/Kelly Park Road from Orange Blossom Trail to Mt. Plymouth Road: County Partnership roadway identified in County LRTP.

Right of Way Requirements: None

Summary

The applicant is requesting to change 15.15 acres from RS 1/1 to GC-LMDR and rezone from A-1 to PD, to allow for the construction of single-family attached dwelling units (townhomes).

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed single-family attached dwelling units will result in an increase in the number of 24 pm peak trips and therefore will impact the area roadways. The development will undergo further evaluation and will be required to mitigate capacity deficiencies on the transportation network in accordance with the requirements of the Orange County Concurrency Management System.

Roadway Capacity Analysis

A Traffic Study was submitted with the case for review and comment. The subject property is located adjacent to Orange Blossom Trail. Based on existing conditions, there are currently no deficient roadway segments within the project's impact area. This information is dated and subject to change.

Based on the project trip distribution, 50% will be travelling northbound on Orange Blossom Trail out of the development.

UTILITIES

This property is within the Florida Governmental Utilities Authority service area for water, the City of Mount Dora service area for wastewater and the Orange County Utilities service area for reclaimed water. Reclaimed water is not available for the subject property.

ORANGE COUNTY PUBLIC SCHOOLS

The applicant submitted a formal school capacity determination to Orange County Public Schools (OC-22-063). Capacity is not available for the proposed 75 single-family attached dwelling units (townhomes). Each school serving students within the geographic area of the project site is currently over capacity with the proposed development resulting in the following number of seats to mitigate: Zellwood Elementary School (10 seats), Wolk Lake Middle School (5 seats), and Apopka High School (6 seats).

3. 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.

E. Residential land uses in the Urban Service Area and Northwest Growth Center (not in a Rural Settlement).

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

- 1) Development with an overall size less than or equal to 100 acres – open space shall be 35% or greater;
- 2) Development with an overall size greater than 100 acres – open space shall be 50% or greater.

ACTION REQUESTED

Local Planning Agency (LPA) Recommendation – (January 19, 2023)

Make a finding of inconsistency with the Comprehensive Plan and recommend DO NOT TRANSMIT to the state reviewing agencies.





LOCAL PLANNING AGENCY (LPA) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend amendment, 2023-1-A-2-1, be TRANSMITTED to the state reviewing agencies. The applicant was present and agreed with the staff recommendation. Ten (10) residents were present to speak in opposition of the request. After public comment, the PZC members discussed compatibility with the Comprehensive Plan, and the purpose and intent of Rural Settlements and Growth Centers.

A motion was made by Commissioner Wiggins and seconded by Commissioner Pavon, recommending **DO NOT TRANSMIT** and was unanimously passed by a vote of 6-0.

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

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>
