




Interoffice Memorandum

DATE: October 1, 2024

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Tanya Wilson, AICP, Director 
Planning, Environmental, and Development Services
Department

CONTACT PERSON: **Jason Sorensen, AICP, Chief Planner**
407-836-5602

SUBJECT: Adoption Public Hearing – October 29, 2024, Small-Scale Future
Land Use Map Amendment and Concurrent PD Rezoning
Request
Applicant: Jim Hall
Case numbers: SS-24-03-006 and LUP-23-12-360
District 1

Please find the attached staff report and associated back-up material for the Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request scheduled for a Board adoption public hearing on October 29, 2024.

The subject property consists of 18.36 acres in size and is located at 4151 Avalon Road, generally located at the northeast corner of Avalon Road and Dangler Road in the Lake Avalon Rural Settlement. The request is to change the Future Land Use Map designation from Rural Settlement 1/5 (RS 1/5) to Institutional (INST) and change the zoning from A-1 (Citrus Rural District) to PD (Planned Development District) in order to allow for a non-profit educational program and residential care facility for persons with disabilities to provide life skills in agriculture and agribusiness at the farm. The non-profit is called Special Hearts Farm and the program consists of an 8,000 s.f. residential care building, 3,500 s.f. event barn, 1,712 caretaker's residence, 12,000 s.f. of barns, and 15,000 s.f. training facility. Thirty residents will live on the campus and the training facility will accommodate 50 students and 20 staff. The request includes one waiver from Orange County Code to allow for a certain number of unimproved parking spaces in lieu of paved parking spaces.

Two community meetings were held on May 30, 2024, and September 18, 2024, with 55 and 56 residents in attendance respectively who expressed concern about precedent setting and incompatibility with the rural settlement.

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The adoption public hearing for Small-Scale Development Amendment SS-24-03-006 (and concurrent rezoning LUP-23-12-360) was conducted before the Planning and Zoning Commission / Local Planning Agency on August 15, 2024. After discussion on the proposed use and the policies relating to the rural settlement, the request was recommended for approval on a 5-0 vote.

If the Board adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for this 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, Current Planning Section, at 407-836-5602 or Jason.Sorensen@ocfl.net.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and adopt the Institutional (INST) Future Land Use map designation, adopt the associated ordinance, and approve the PD (Planned Development District) zoning subject to nineteen conditions of approval including one waiver from Orange County Code.
District 1**

AAV/jhs

**Small-Scale Future Land Use Map Amendment and Rezoning Staff Report
Orange County Planning Division
BCC Hearing Date: October 29, 2024**

**CASE # SS-24-03-006
LUP-23-12-360**

Commission District: #1

GENERAL INFORMATION

APPLICANT: Jim Hall, Hall Development Services, Inc.

OWNER: Thoroughbred Dreams, LLC

HEARING TYPE: Local Planning Agency / Planning and Zoning Commission

PROJECT NAME: Special Hearts Farm Land Use Plan (LUP)

FLUM REQUEST: **Rural Settlement 1/5 (RS 1/5) to Institutional (INST)**

ZONING REQUEST: **A-1 (Citrus Rural District) to PD (Planned Development District)**

A request to rezone from A-1 (Citrus Rural District) to PD (Planned Development District) to construct a residential care development. The campus will include farming, a 15,000 square foot (SF) training facility for 50 students and 20 staff members, 12,000 SF animal and storage barns, a 1,712 SF care-taker home, a 3,500 SF event barn, and 8,000 SF residential care facility for 30 overnight student residents in the form of cottages. Residential care cottages will house up to 6 residents in a 3 bedroom and 3.5 bath cottage with a full kitchen and a common room.

The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1479(a) to allow up to 50 parking spaces in an unimproved parking area for overflow parking, in lieu of improved surface areas, for overflow parking related to special events and use of the Event Barn.

Applicant Justification: The application proposes to have sufficient paved parking for daily use. The unimproved parking area would be for special events.

LOCATION: 4151 Avalon Road; generally located at the northeast corner of Avalon Road and Dangler Road

PARCEL ID NUMBER: 06-23-27-4292-04-410

TRACT SIZE: 18.36 gross acres

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- PUBLIC NOTIFICATION:** The notification area for this public hearing was 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred and thirty-one (331) notices were mailed to those property owners in the mailing area and within the surrounding courtesy notice area.
- COMMUNITY MEETING:** A community meeting was held on May 30, 2024, and is summarized further in this report.
- PROPOSED USE:** Special Hearts Farms: A training and learning campus for challenged individuals including the following development program:
- 8,000 s.f. Residential Care (30 residents)
 - 3,500 s.f. Event Barn
 - 1,712 s.f. Caretakers' Residence
 - 12,000 s.f. Barns
 - 15,000 s.f. Training Facility

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Institutional (INST) Future Land Use Map (FLUM) designation.

Rezoning

Development Review Committee – (June 12, 2024)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Special Hearts Farm Planned Development / Land Use Plan (PD/LUP), dated "Received July 15, 2024", subject to the following conditions, including one (1) waiver from Orange County Code:

1. Development shall conform to the Special Hearts Farm Land Use Plan (LUP) dated "Received July 15, 2024" and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or

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modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received July 15, 2024," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's

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acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
8. Provide a traffic study at DP/PSP stage to address posted speeds, trip distribution, justification for access, and need for turn lane storage, traffic volume, turning movements, sight distance, safety, and other requirements per Orange County Section 30-248 (h).
9. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).
10. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
11. Wells located in a delineated area of groundwater contamination, as defined by the Florida Department of Environmental Protection, must be constructed in accordance with the South Florida Water Management District and Florida Department of Health regulations. Wells located in a delineated area of groundwater contamination must be tested for water quality before being cleared for potable and irrigation use in accordance with Chapter 62-524, "New Potable Water Well Permitting in Delineated Areas," of the Florida Administrative Code (FAC).
12. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive

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covenant, as applicable, that this site is located within a delineated area of groundwater contamination for ethylene dibromide (EDB) as defined by the Florida Department of Environmental Protection (FDEP).

13. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
14. This project shall be required to convey twenty-five (25) feet of right-of-way for Avalon Road. Such conveyance(s) shall be documented in an agreement negotiated with the County's Road Agreement Committee which must be approved by the Board of County Commissioners prior to or concurrently with the approval of the first PSP or DP for this PD. The date of valuation for any transportation impact fee credits awarded based on such conveyance(s) shall be the day before the date of County approval of the initial land use plan for this project, in accordance with Section 23-95(b)(2)b.1., Orange County Code, as may be amended.
15. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County/Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, coordinate with OCU to obtain information on the mounding produced by the RIBs, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.
16. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
17. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
18. Special events shall comply with Section 38-79(39) of Orange County code, as may be amended.
19. A waiver from Orange County Code Section 38-1479(a) is granted to allow up to 50 parking spaces in an unimproved parking area for overflow parking, in lieu of

improved surface areas, for overflow parking related to special events and use of the Event Barn.

SUBJECT PROPERTY ANALYSIS

Overview

The applicant has requested to change the Future Land Use Map (FLUM) designation of the 18.36-acre site from Rural Settlement 1/5 (RS 1/5) to Institutional (INST). The applicant is proposing a non-profit educational program and residential care facility for persons with disabilities to provide life skills in agriculture and agribusiness at the farm.

Accompanying the Future Land Use Map request is a request to rezone to Planned Development (PD) for a residential care development program consisting of 8,000 square feet of residential care, 3,500 square feet event barn, 1,712 square feet for the caretaker's residence, 12,000 square foot barn, and a 15,000 square foot training facility to construct a training and learning/living campus for challenged individuals. Thirty 30 residents will live on the campus within each of the residential care cottages. Additionally, the training facility will accommodate 50 students and 20 staff.

Located in the Lake Avalon Rural Settlement, the Future Land Use Map designation of Rural Settlement 1/5 (RS 1/5) recognizes and preserves existing development patterns, provides for a rural residential lifestyle, and manages the transition of rural areas near the USA. The Lake Avalon Rural Settlement, located in the Rural Service Area, was established in 2004 to maintain the rural character of Lake Avalon area as designated on the Future Land Use Map. The predominant Future Land Use designation within the Lake Avalon Rural Settlement shall be 1 dwelling unit per 5 acres to reflect the existing development pattern.

The Institutional (INST) Future Land Use Map designation recognizes institutional uses that include public and private utilities, facilities, structures and lands that serve a public or quasi-public purpose. Institutional uses may also be located within Rural Settlements and may be located within the Rural Service Area on a limited basis as may be expressly allowed by other goals, objectives and/or policies in this Comprehensive Plan. Institutional Uses allow a Floor Area Ratio of 2.0, however in the Rural Settlement it is limited to 0.15.

The subject property is a single 18.36-acre parcel located at 4151 Avalon Road, north of Dangler Road and east of Avalon Road, in District 1. The property is surrounded by agricultural uses, residential uses, and is located adjacent to Orange County's utility Conserv II Transmission Rapid Infiltration Basin (RIB) site. The property is currently vacant and was previously used as agricultural property, however is not currently being used for any agricultural uses. Special Exception, SE-18-07-069, was approved in the A-1 zoning district to allow an equestrian center with ancillary uses on the property.

Through this request the applicant is also seeking one (1) waiver from Orange County Code related to unimproved parking. The application proposes to have sufficient paved parking for daily use. The unimproved parking area would be for special events.

Existing FLUM Development Program

The existing Future Land Use Map (FLUM) designation is Rural Settlement 1/5 (RS 1/5), which allows 1 dwelling unit per 5 acres. As previously mentioned the property has previously been approved to allow an equestrian center and ancillary uses on the property. Existing uses on the property include the equestrian barn and residential home.

The Orange County Zoning Division Staff determined that the proposed uses and the scale of the Special Hearts Farm of the residential care development and training program, more specifically, the two main uses, residential care and job training, fall into categories that are not permitted within the A-1 zoning district. Institutional FLUM designation and a rezoning to PD is required for the proposed program.

Proposed FLUM Development Program

The proposed Institutional (INST) Future Land Use Map (FLUM) designation and PD zoning will allow the applicant to construct the residential care development and training program. If the FLUM request is approved with the PD rezoning request and waiver, it will allow for the following uses as described more specifically on the PD/LUP:

Information from the applicant's Justification Statement:

Adult Training Facility – A 15,000-square-foot building for training, education, and meals for the 50 students in the program. The development program provides for 20 staff members working in shifts so that there are professionals on the premises at all times. The facility will meet state requirements for design and construction.

Residential Care – A total of 8,000 square-foot residential care facility for 30 overnight student residents in the form of cottages. Residential care cottages will house up to 6 residents in a 3 bedroom/3.5 bath cottage with a full kitchen and a common room. There will be 30 residents living onsite. A staff person will stay overnight awake in the common area.

Event Barn – A 3,500 square-foot event barn with a small store (up to 500 square feet), public facilities and a large open space for events. Events will be for the public and will be staffed, in part, by residents as additional job training and pay. There will be weekend farmer's markets that will sell items produced on the site from the farm. There will also be seasonal events open to the public. These events will be based upon the season and/or domesticated farm animals raised on site by the residents.

Agriculture – There will be field crops grown on site and maintained by the residents and the staff. There will also be an animal husbandry for micro cows, goats, chickens, and sheep attended to by the residents and by staff. A total of 12,000 square-foot of barns, including the existing animal barn.

Caretaker's Home – A 1,712 square-foot residence which is existing for a caretaker to be onsite.

The DRC approved development program, as summarized above, allows for a total of 40,212 square feet for the residential care development and training program. This

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represents a FAR of .0465, and well below the FAR of 0.15 allowed in Rural Settlements for other non-residential uses such as Commercial and Office uses.

Special Hearts Farm Proposed Use Information

According to the Special Hearts Farm's website:

"The Special Hearts Farm," is a non-profit 501(c)3 organization and serves individuals with disabilities and unique abilities by providing adult day training, supported employment, and possible entrepreneur business opportunities related to farming and gardening experiences." The website further states, "the Special Hearts Farm is located in Winter Garden, Florida. A collaboration between Orange County Public Schools and the Special Hearts Farm [501(c)3], has created and features a "true transition opportunity" for students with disabilities to train and continue performing meaningful jobs once they age out of school. This transition opportunity is the first of its kind in the state of Florida. The Special Hearts Farm provides business opportunities for individuals with disabilities and unique abilities by producing and selling products such as goat milk soap, rustic signs, and hosting farm events and goat yoga. The Special Hearts Farm's goal is to promote health, happiness, and opportunity for individuals with disabilities and unique abilities within the West Orange Community.

Presently, the Special Hearts Farm is located at 1100 E. Maple Street, the site of the Old Maxey Elementary School, in Winter Garden, Florida. The Future Land Use Map designation on this site is Institutional, and it has a corresponding PD zoning classification (OCPS Northwest Maintenance Facility). The Special Hearts Farm has outgrown this location, thus the reason for the Future Land Use Map Amendment request.

Special Hearts Farm Programs (information provided by the applicant):

Adult Day Training/Supported Employment: Participants are trained to perform jobs including livestock care, woodworking, gardening, and making goat milk soap. Products that are created, marketed, and sold (goat milk, rustic signs, farm parties, goat yoga), provide an opportunity to promote community health and awareness.

Orange County Public Schools (OCPS) Transition Site: The Special Hearts Farm provides a transition site opportunity for students from Orange County Public Schools who qualify based on the OCPS Post-Secondary Transition Rubric. Participants are trained to perform jobs including livestock care, woodworking, gardening, and making goat milk soap. Students have the opportunity to continue in the Adult Day Training/Supported Employment program when they age out of school.

Land Use Compatibility

The proposed FLUM amendment appears to be **compatible** with the existing development and development trends of the surrounding area. **Future Land Use Element Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development pattern and development trends in the area. As mentioned above, the subject property has approved agricultural uses on the property and to the north is operating a container nursery business on the adjacent parcel to the north of Avalon Road. Other agricultural related businesses, such as an ornamental landscape and an agricultural container nursery, are also operating in

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close proximity of the subject site. The proposed uses would not seem out of character in the surrounding area, as there is an agricultural component, such as livestock and livestock care, field crops, gardening, and producing and selling agricultural products are proposed on site.

Future Land Use Element Policy FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surrounds it, and it also states that the design attributes of a project, its urban form, and the physical integration of a project may be considered in determining compatibility. The PD zoning serves as a tool to implement site standards, buffering, placement, and other requirements that further enable compatibility. Although the proposed uses are not identical to the adjacent uses, they will not be out of character with the existing development. Therefore, the proposed uses appear to be compatible with the existing agricultural uses and businesses located along Avalon Road.

Site Analysis

	Yes	No	Information
Rural Settlement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lake Avalon Rural Settlement
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wekiva Study Area; Lake Avalon Rural Settlement Commercial Design
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Rural Settlement 1/5 (RS 1/5) on the Future Land Use Map and is currently zoned A-1 (Citrus Rural District). The site is located within the Lake Avalon Rural Settlement, and within the Wekiva Study Area.

A FLUM amendment to Institutional (INST) will be necessary in order for the proposed Planned Development (PD) zoning to be compatible. If this amendment is approved, the proposed PD rezoning appears to be consistent with the Comprehensive Plan.

The requested FLUM Amendment to Institutional (INST) is consistent with **Future Land Use Element Objective FLU1.1.4 (A)**, which states INST Future Land Use Map designations may be located within the Rural Service Area (RSA) on a limited basis and includes facilities that serve a quasi-public purpose. As stated above, the applicant with this proposed amendment, is seeking to develop an adult day training building, event barn, animal barn, a residential care taker home and residential care facility, and agriculture related uses, such as growing crops and an animal husbandry for farm animals. The Special Hearts Farm is an existing educational facility, currently located in Winter Garden Florida, whose mission is to provide safe, meaningful, and beneficial farming and gardening experiences for individuals with disabilities and unique abilities who have been denied opportunities for college and supported employment.

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The proposed Future Land Use Map designation is also consistent with **Future Land Use Element Policy FLU6.1.4**, which states Institutional uses, whether operated by a local government or private enterprise, while allowed in the Rural Service Area shall not be an impetus for additional urban development in the Rural Service Area. One of the Special Hearts Farm's programs is providing individuals with disabilities and unique disabilities the opportunity to produce and sell products such as goat milk soap, rustic signs, hosting farm events and goat yoga. These uses can be considered agricultural related uses, and they would fit within the RSA. The proposed INST FLUM designation would not be out of character with the existing Special Exception use for the Equestrian Center and agricultural businesses (nurseries) located along Avalon Road and adjacent to the site.

Pursuant to **Future Land Use Element FLU6.2.3** and **FLU6.2.4** of the Comprehensive Plan, new Planned Developments within a Rural Settlement must meet specific criteria as outlined in the previously referenced Comp Plan Policies. The PD Land Use Plan maintains the sense of place where agricultural uses including farming continue, preserve views, open spaces and rural character of the property. Additionally, the development program of the PD is consistent with **FLU 6.2.5** provides for a FAR that is well below the FAR of 0.15 allowed in Rural Settlements for other non-residential uses, including Commercial and Office uses.

Additionally, the request is consistent with the following CP provisions:

FLU1.1.4 (A) states INST Future Land Use Map designations may be located within the Rural Service Area (RSA) on a limited basis and includes facilities that serve a quasi-public purpose.

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

FLU6.1.4 states Institutional uses, whether operated by a local government or private enterprise, while allowed in the Rural Service Area shall not be an impetus for additional urban development in the Rural Service Area.

FLU6.1.6 states that Orange County shall promote agribusiness to accommodate such uses vegetable and fruit packaging, ornamental horticulture operations, fish culture, and other new and innovative agribusiness and support functions.

FLU6.1.12 states Orange County shall continue to promote the long term viability of agricultural uses, and agribusiness itself, as an economic asset.

FLU6.1.13 states Orange County will support the creation and availability of fresh food initiatives and efforts, including local farmer markets, community vegetable gardens, and other small scale agricultural efforts that promote local sustainability.

FLU6.2.3 states that development proposals consisting of over 10% of the overall acreage of the Rural Settlement or *greater than 25 residential units* within a Rural Settlement shall have final approval as a Planned Development. The Planned

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Development shall reflect the intended rural character consistent with the criteria listed in Future Land Use Policies FLU6.2.4 and FLU6.2.5

FLU6.2.4 states that the County may use the Planned Development designation to ensure new development within the Rural Settlement contributes to the community's sense of place. These criteria shall include, but not be limited to, the following:

A. Designs for new roads, and alterations to existing roads, should ensure the physical impact on the natural and historic environment is kept to a minimum;

B. New roads or road improvements shall be designed to accommodate the anticipated volume and nature of traffic, but pavement shall be kept as narrow as safety allows while encouraging equestrian, bicycle, pedestrian, and other non-motorized, alternative means of transportation, preservation of wildlife corridors and habitat, and aesthetically pleasing landscape treatment; and,

C. New buildings and structures shall be located where their construction or access does not cause substantial modification to the topography and natural resources.

D. Provide for increased setbacks along roadways to preserve views, open space, and rural character; and provide guidelines for lot layout and cluster development for residential development to maintain open space and rural character.

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

E1.2 states Orange County shall promote continuing education efforts to foster a workforce with the latest skills.

Special Hearts Farm in collaboration with Orange County Public Schools (OCPS) has created a "true transition opportunity" for students with disabilities to train and continue performing meaningful jobs once they age out of school. The Special Hearts Farm provides adult day training, supported employment, and entrepreneur business opportunities relating to farming and gardening experiences. The participants are trained to perform jobs, including livestock care, woodworking, gardening, and making goat milk soap.

E1.2.2 states the County shall support existing higher education program with more non-degree training and continuing education.

The Special Hearts Farm OCPS Transition program allows students the opportunity to continue the Adult Day Training/Supported Employment Program when they age out of school. Seasonal events will be operated and staffed in part by the participants for additional job training and pay.

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H1.7 states that Orange County shall continue to promote and facilitate housing production, to serve the population with special needs including but not limited to Physically or developmentally disabled persons.

OS1.3.6 states that non residential uses permitted within the Rural Service Area shall be limited to neighborhood and low-intensity commercial uses, including small offices, institutional uses, agricultural uses, public parks and public conservation lands.

Special Hearts is consistent with this policy and is located within the Wekiva Study Area, a minimum of 25% open space must be provided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

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

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

FLU8.2.11 states that 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.

SITE DATA

Existing Use: The site includes an existing single family residence and large barn, that was previously used for an Equestrian Center.

Adjacent	FLUM	Zoning
North	Rural Settlement 1/1, 1/2, 1/5 (RS 1/1, 1/2, 1/5) (2004)	A-1 (Citrus Rural District) (1957)
South	Rural Settlement 1/2 (RS 1/2) (2004) and Institutional (INST) (1991)	A-1 (Citrus Rural District) (1957)

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East	Rural Settlement 1/5 (RS 1/5) (2004)	A-1 (Citrus Rural District) (1957)
West	Rural Settlement (RS 1/5) (2004)	A-1 (Citrus Rural District) (1957)

Adjacent Land Uses

N: Agricultural Container Nurseries
 E: Agricultural Grazing Improved Pasture
 W: Agricultural Grazing Improved Pasture
 S: Single Family and Orange County Utility (Water Conserv II
 Transmission Rapid Infiltration Basins)

APPLICABLE PD DEVELOPMENT STANDARDS

Building Setback: 25 feet

Building Height:

Event Barn 50 feet
 Farm Barn 50 feet
 Residential Care 35 feet
 Caretaker's Residence 35 feet

Max Lot Coverage: 70% of the gross land area or 13.20 acres

Building Separation: 20'

Wekiva Open Space: 25%

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See below.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See below.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No comments as there are no school aged children generated from the proposed use.
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sheriff's Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Environmental Protection Division Comments

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,

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stormwater treatment and conservation, and increased buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

Wekiva Priority Focus Area and BMAP Enhanced Septic/Sewer Requirement - This site is located within the Wekiwa/Rock Springs Basin Management Action Plan (BMAP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended;

Within a BMAP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required.

Contact the Florida Department of Health (FDH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

Potential Soil/ Groundwater Contamination - Due to the site's prior agricultural use, there is potential for contamination to be located within the property boundaries. EPD may request a Phase I Environmental Site Assessment (ESA) to be submitted prior to any plan or permit approvals.

Gopher Tortoise Burrowing Suitability - This site has soil that is suitable for gopher tortoise habitat. There is an increased likelihood for presence of gopher tortoise burrows. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations. Forward any related permits to the Orange County Environmental Protection Division.

Transportation Comments

The Applicant is requesting to change ~18.86 acres from R to INST and rezone from A-1 to PD to construct a training and learning campus for challenged individuals including an animal barn, residential care keeper residence, event barns, and residential care facility with 30 overnight residents as an institutional 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 an increase in the number of pm peak trips (36 trips) and therefore will impact the area roadways. The subject property is located on Avalon Road. Based on the Concurrency Management System (CMS) database February 23, 2024, multiple roadway segments currently operate at Level of Service F and capacity is not available to be encumbered. This information is dated and is subject to change

Additionally, twenty-five (25) feet of right-of-way is required for the future widening of Avalon Road. A Road Network Agreement will be needed for the twenty-five (25) feet of right-of-way needed for the future widening of Avalon Road (See Conditional #14 on the Land Use Plan).

Community Meeting Summary

A community meeting was held May 30, 2024 at Whispering Oaks Elementary School. There were over 55 residents in attendance who both in-favor and opposed. The main concern was the change in future land use to introduce Institutional uses within the Lake Avalon Rural Settlement and the concern of the precedent the change would establish. Additional concerns were raised regarding hours of operation, traffic, septic tanks and density.

A second community meeting was held on September 18, 2024, with Commisisoner Wilson and approximately 56 area residents in attendance. Similar to the first community meeting residents were concerned about the precedent changing the future land use would establish as well as additional concerns regarding allowing the residential care living quarters on-site, the hours of operation, septic tanks and traffic.

Utilities

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities

Reclaimed Water: Orange County Utilities

Detailed Utility Comments:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas:

Water: There are no watermains in the vicinity of this property. Development on this property will be reliant on wells for potable water.

Wastewater: Wastewater is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal.*

*The applicant has stated in their Justification Statement that wastewater will be treated by an Advanced Septic Tank System which may be a Distributed Wastewater Treatment Service by permit from the Florida Department of Environmental Protection.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

Local Planning Agency (LPA)/ Planning and Zoning Commission (PZC) Public Hearing Summary – (August 15, 2024)

Following the staff and Applicant presentations, public comment and discussion, the applicant requested a postponement of the public hearing. No vote was needed. During the public hearing, the Commission raised concerns about the request to change the Future Land Use designation from Rural Settlement 1/5 (RS 1/5) to Institutional (INST). The LPA/PZC recommended that the applicant team meet with staff to discuss alternative processes, such as a Special Exception, to determine the best path forward.

Special Hearts Farm Sunshine Meeting Summary (August 30, 2024)

A Sunshine Meeting was subsequently held on August 30, 2024, with members of the Development Review Committee. Zoning staff restated that under the Orange County Zoning Code, the proposed use constitutes a Residential Care Facility (SIC 8361), which is not permitted by right or by Special Exception in the A-1 Zoning District, or any Zoning Districts consistent with the Rural Settlement 1/5 Future Land Use Designation. Zoning Manager Jennifer Moreau clarified that the property does not qualify for the State Statute regarding agricultural building exemption, as it does not have a bona fide agricultural use exemption.

An alternative process discussed involved proposing a text amendment to the Use Table of the Orange County Code. The suggested new use could be "Rural Training Center with Onsite Residential Care." Staff expressed concerns with this approach as it would require the creation of a new use which would apply to all Rural Settlements in the County, which would create challenges due to the County's pending Vision 2050 / Orange Code.

The Applicant subsequently informed the Planning Division staff of their intent to proceed with their current Future Land Use Map amendment and PD rezoning applications.

ACTION REQUESTED

**Local Planning Agency (LPA)/ Planning and Zoning Commission (PZC)
Recommendation – (September 19, 2024)**

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Institutional (INST) Future Land Use Map (FLUM) designation.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Special Hearts Farm Planned Development / Land Use Plan (PD/LUP), dated “Received July 15, 2024”, subject to nineteen (19) conditions of approval listed under the Development Review Committee recommendation, including one (1) waiver from Orange County Code:

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

**Local Planning Agency (LPA)/ Planning and Zoning Commission (PZC)
Recommendation – (September 19, 2024)**

Following the staff and applicant presentations, twelve members of the public spoke on the recommended action with six (6) in support and six (6) in opposition. Concerns of those opposed included the precedence the change in use and zoning would establish. Area residents of the Lake Avalon Rural Settlement continued efforts to halt urban development into the rural settlement. While those opposed voiced their support of the mission of Special Hearts, they object to the change in future land use which opens the door to additional urban encroachment, allowing long term care and living quarters on site, traffic and reliance on septic tanks for wastewater disposal. While those opposed recommended finding a site more suitable, they would support approval through a Special Exception.

Those in support included members of the community with children at the farm, a member of the Special Hearts Board of Directors, and a former member of the County Commission who discussed how difficult it is to receive state funding. The funding is targeted specifically for the needs of this special needs community which includes a proper residential setting and home. Finally they pointed out that many of the participants in the program are from the Winter Garden area and that they have been trying to find a suitable site in the area for the last several years.

A discussion among Commissioners ensued and noted that the County staff determined that the development did not meet the criteria for a Special Exception and that future land use map requests in the area would continue. Commissioners recommended that staff include additional protection measures in the comprehensive plan for protection of the rural character of the Lake Avalon Rural Settlement and other Rural Settlements. The change in the comprehensive plan could potentially occur during the Vision 2050 plan update. A motion for approval of the requested action was made by Commissioner Boers and seconded by Commissioner Wiggins. The motion passed (5 to 0) with 4 members absent.

**Small Scale Amendment # SS-24-03-006
Rezoning Case # LUP-23-12-360
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BCC Hearing Date: October 29, 2024**

Motion / Second

David Boers / George Wiggins

Voting in Favor

Camille Evans, George Wiggins, Gordon Spears, David Boers, and Eric Gray

Voting in Opposition

None

Absent

Nelson Pena, Eddie Fernandez, Michael Arrington, and Evelyn Cardenas


Small Scale Amendment # SS-24-03-006
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Orange County Planning Division
BCC Hearing Date: October 29, 2024



 Subject Property

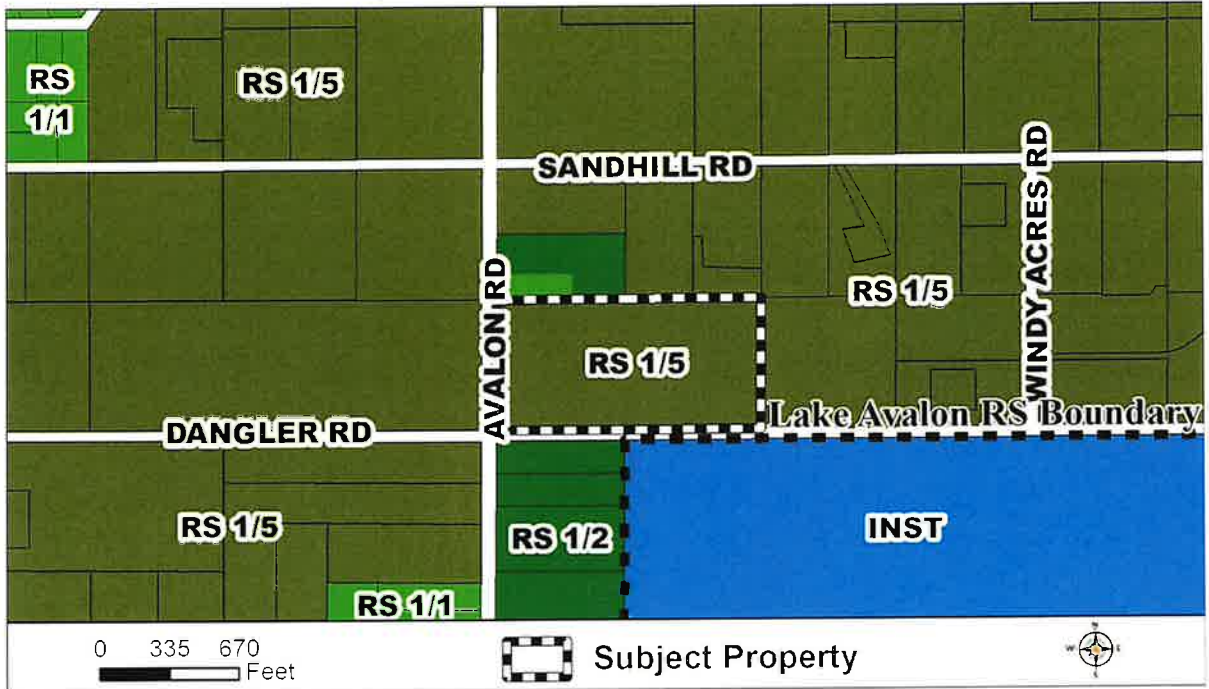


0 375 750 Feet

A horizontal scale bar with three segments, labeled '0', '375', and '750' at the ends, with the word 'Feet' at the far right end.

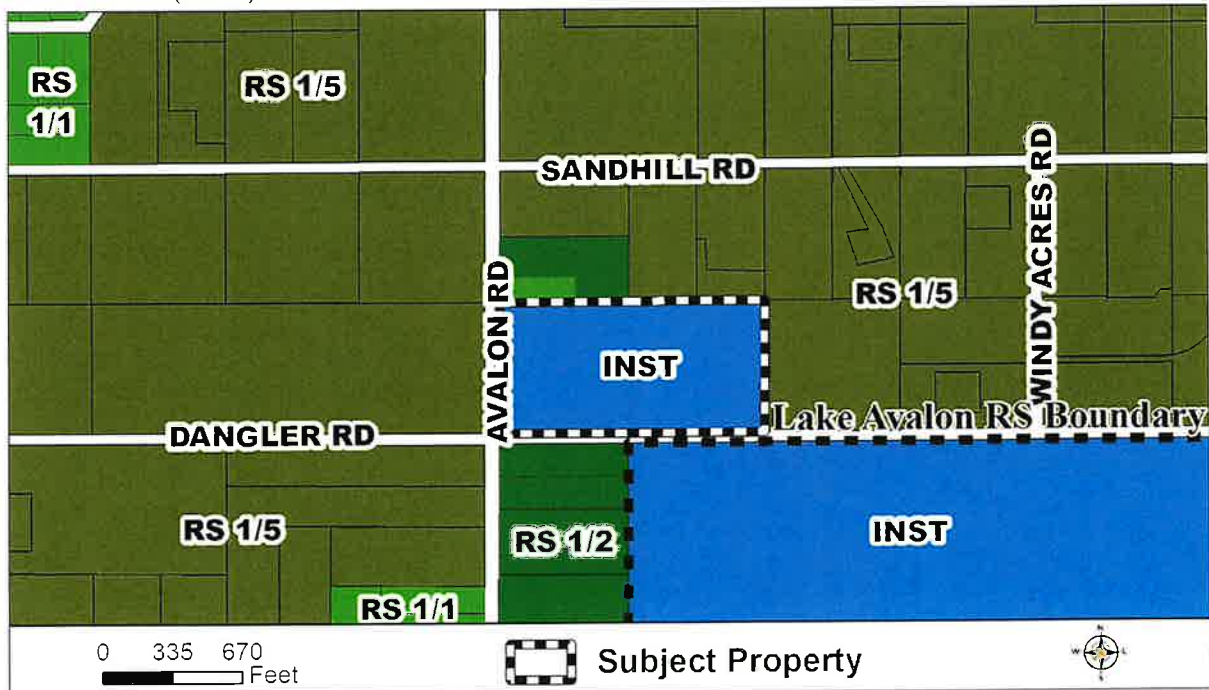
FUTURE LAND USE - CURRENT

Rural Settlement 1/5 (RS 1/5)



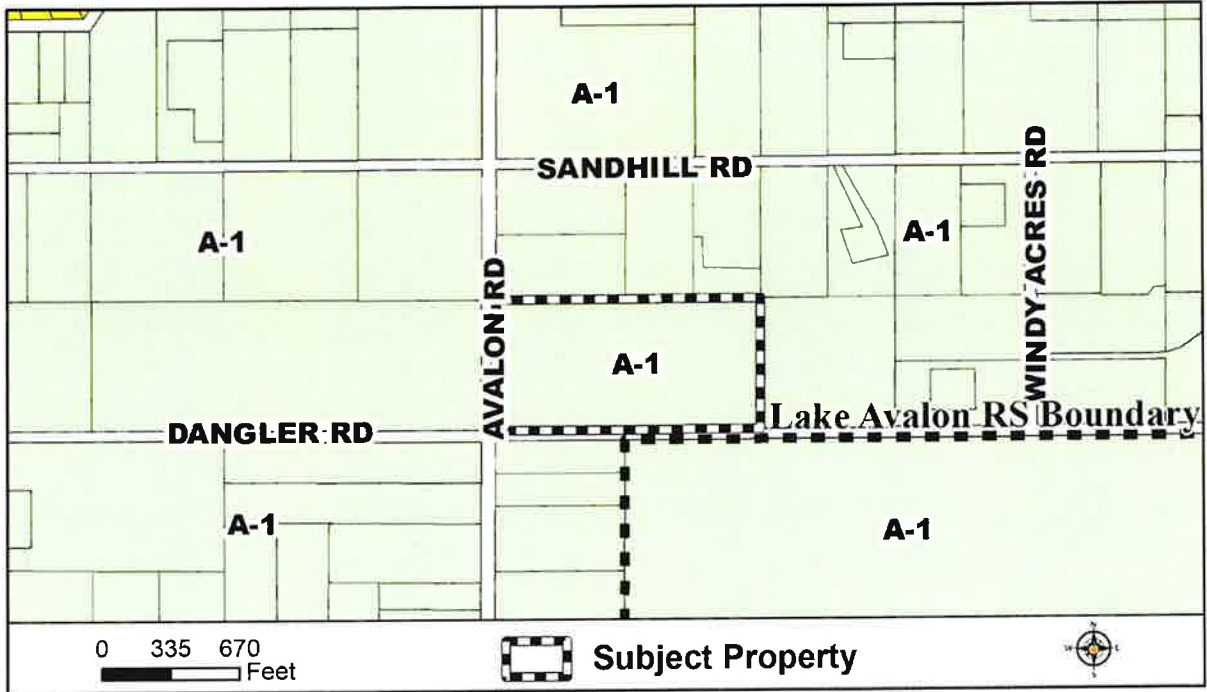
FUTURE LAND USE - PROPOSED

Institutional (INST)



ZONING – CURRENT

A-1 (Citrus Rural District)



ZONING – PROPOSED

PD (Planned Development District)



Special Hearts Farm PD / LUP (Cover Sheet)

Special Hearts Farm

Orange County, Florida

LUP: 23-12-360

Parcel ID: 06-23-27-4292-04-410

RECEIVED
By DRC at 9:26 am, Jul 03, 2024

Request: Training and learning campus for challenged individuals including an animal barn, residential caretaker home, an event barn, an adult training center and a residential care facility.

1. A waiver from Orange County Code Section 38-1479(a) to allow unimproved parking for overflow parking in lieu of improved surface areas, for overflow parking related to special events and use of the Event Barn.

Justification: The application proposes to have sufficient paved parking for daily use. The unimproved parking area would be for special events.

Legal Description: LAKE AVALON GROVES REPLAT J/90 LOTS 41D & 42D (LESS ANY PT WITHIN THE 35 FT FOR R/W AS DESC IN DB 402/314)

18.86 Acres

PD

Date Issued: 10/26/2023

Latest Issue: 07/01/2024

Applicant:

HALLDSI
1302 Osprey Ave
Orlando, FL 32803
Contact: Jim Hall
Email: jimhall@haldsi.com
Phone: 407.257.9235

Owner:

Thoroughbred Dreams LLC
615 East Harding Street
Orlando, Florida 32806

Attorney:

Rick Geller
Fishback Dominick
1947 Lee Road
Winter Park, Florida 32789

Sheet Index:

- Page 1: Cover
- Page 2: Environmental Conditions
- Page 3: Topo Survey
- Page 4: Site Datum
- Page 5: Project Details

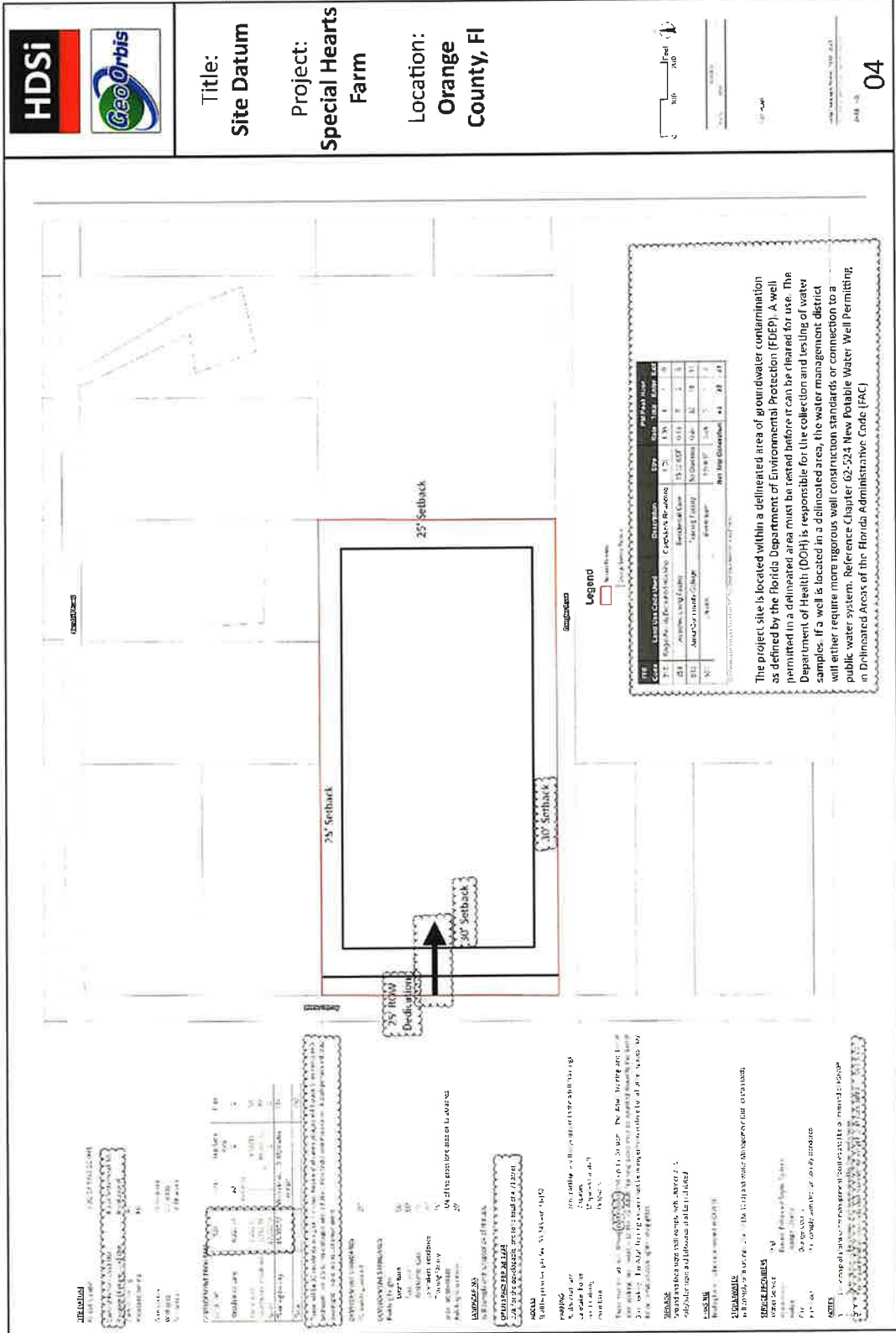


Ph: (246) 421-6875
www.geoorbis.com
Geospatial Project Management, Application Development, Basic Mapping

Hall Development Services Inc.

1302 Osprey Avenue Orlando, FL 32803
Ph: (407) 257-9235
Planning, Real Estate, and Implementation Strategies
www.haldsi.com

Special Hearts Farm PD / LUP



Title:
Site Datum

Project:
Special Hearts Farm

Location:
Orange County, FL

Scale: 1" = 100'

North Arrow

DATE: 10/29/24

04

NO.	DESCRIPTION	DATE	BY	FOR
1	PRELIMINARY	10/29/24	J. SMITH	PLANNING
2	FINAL	10/29/24	J. SMITH	PLANNING

The project site is located within a delineated area of groundwater contamination as defined by the Florida Department of Environmental Protection (FDEP). A well permitted in a delineated area must be tested before it can be cleared for use. The Department of Health (DOH) is responsible for the collection and testing of water samples. If a well is located in a delineated area, the water management district will either require more rigorous well construction standards or connection to a public water system. Reference Chapter 62-524 New Potable Water Well Permitting in Delineated Areas of the Florida Administrative Code (FAC).



LEGEND

- Property Boundary
- Setback
- 25' ROW Dedication
- 30' Setback
- 25' Setback
- 30' Setback

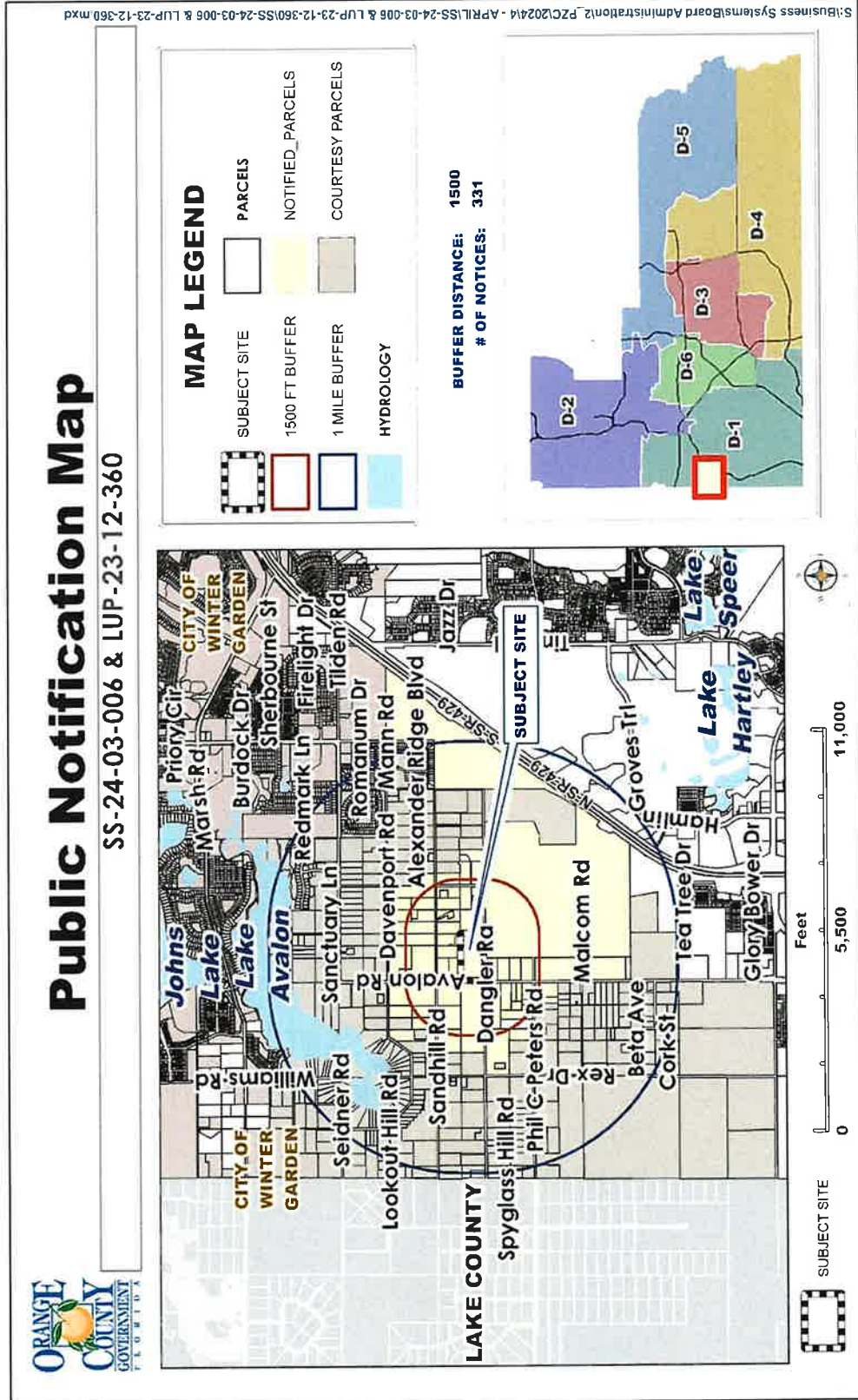
NOTES

1. This map is a site datum map and does not constitute a final plan.
2. All setbacks are measured from the exterior face of the structure.
3. The 25' ROW Dedication is shown at the bottom of the site.
4. The 30' Setback is shown at the bottom of the site.
5. The 25' Setback is shown on the left and right sides of the site.
6. The 30' Setback is shown on the top and bottom sides of the site.

Special Hearts Farm PD / LUP

 	<p>Title: Project Details</p> <p>Project: Special Hearts Farm</p> <p>Location: Orange County, FI</p>
<p>Project Details Here are the primary features for the Special Hearts Farm:</p> <p>Water and sewer service Water will be provided by well. Sewer will be an advanced septic system as permitted by the State Department of Health and the Building Department.</p> <p>Adult Training Facility A 15,000 square foot building for training, education and meals for 50 participants in the program. Staff is anticipated to be 20 professionals in shifts so that there are professionals on the premises at all times. The facility will meet state requirements for design and construction.</p> <p>Event Barn A 3,500 square foot structure with a small farm store (up to 500 square feet), public facilities and a large open space for events. Events will be for the public and will be staffed, in part, by residents as additional job training and pay. Weekend farmer's markets selling vegetables, eggs and items produced on site from the farm. There will also be seasonal events open to the public. These events will be based upon the season and/or the domesticated farm animals raised on site by the residents. The largest events are anticipated to draw up to 100 people over a length of time.</p> <p>Care Takers Home There will be one single family home for a care taker to be on site.</p> <p>Agriculture There will be field crops grown on site and maintained by the participants and the staff. There will also be animal husbandry for micro cows, goats, chickens, and sheep attended to by the participants and by staff. There will ultimately be a new barn for storage on site at 1,000 square feet.</p> <p>Residential Care There will be 30 residents living on site as a Residential Habilitation Center. There will be 5 cottages with 6 residents in each cottage. The cottage is a three bedroom, three and half bath with a full kitchen and a common area. One staff will stay over night in the common area of each cottage.</p>	
<p style="text-align: right;">05</p>	

Notification Map



ORDINANCE NO. 2024-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “2010-2030 COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Legislative Findings, Purpose, and Intent.

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for a local government in the State of Florida to adopt a comprehensive plan and amendments to a comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of Part II of Chapter 163, Florida Statutes, for amending Orange County’s 2010-2030 Comprehensive Plan; and

c. On October 29, 2024, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to adopt it.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to Part II of Chapter 163, Florida Statutes.

Section 3. Amendment to Future Land Use Map. The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

31 attached hereto and incorporated herein.

32 * * *

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

34 (a) This ordinance shall become effective as provided by general law.

35 (b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small scale development
36 amendment adopted in this ordinance may not become effective until 31 days after adoption.
37 However, if an amendment is challenged within 30 days after adoption, the amendment that is
38 challenged may not become effective until the Department of Commerce or the Administration
39 Commission issues a final order determining that the adopted amendment is in compliance.

40 (c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning
41 changes approved by the Board are contingent upon the related Comprehensive Plan amendment
42 becoming effective. Aside from any such concurrent zoning changes, no development orders,
43 development permits, or land uses dependent on this amendment may be issued or commence
44 before the amendment has become effective.

45 ADOPTED THIS 29TH DAY OF OCTOBER, 2024.

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

48
49
50
51 By: _____
52 Jerry L. Demings
53 Orange County Mayor

54
55 ATTEST: Phil Diamond, CPA, County Comptroller
56 As Clerk to the Board of County Commissioners

57
58
59
60 By: _____
61 Deputy Clerk

62
63
64
65
66

APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

Appendix A*		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-24-03-006	Rural Settlement 1/5 (RS 1/5)	Institutional (INST)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

67