



ORANGE COUNTY
PLANNING DIVISION
2021-2 REGULAR
CYCLE AMENDMENT
2021-2-A-2-1

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY
COMMISSIONERS

APRIL 5, 2022
ADOPTION PUBLIC HEARING

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






Interoffice Memorandum

April 5, 2022

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

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

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

SUBJECT: 2021-2 Regular Cycle Comprehensive Plan Amendment
2021-2-A-2-1 (Grassmere PD)
Board of County Commissioners (BCC) Adoption Public Hearing

2021-2 Regular Cycle Comprehensive Plan Amendment 2021-2-A-2-1 is scheduled for a BCC adoption public hearing on April 5, 2022. This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing on March 17, 2022. 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 2021-2 Regular Cycle State-Expedited Amendment was heard by the PZC/LPA at a transmittal public hearing on August 19, 2021, and by the BCC at a transmittal public hearing on January 11, 2022. This amendment has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On February 25, 2022, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. Therefore, this amendment is expected to become effective in May 2022, 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 Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.

AAV/sw

Enc: 2021-2 Regular Cycle Amendment 2021-2-A-2-1 BCC Adoption Staff Report

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

2021 SECOND REGULAR CYCLE

AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing staff report for the Second Regular Cycle Amendment 2021-2-A-2-1 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearing for this amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on March 17, 2022. This amendment is scheduled for an adoption public hearing before the BCC on April 5, 2022.

The 2021-2 Regular Cycle Amendment scheduled for BCC consideration on April 5 was heard by the PZC/LPA at a transmittal public hearing on August 19, 2021, and by the BCC at a transmittal public hearing on January 11, 2022.

Please note the following modifications to this report:

KEY TO HIGHLIGHTED CHANGES	
Highlight	When changes made
Light Blue	Following the DEO transmittal public hearing (by staff)

The 2021-2 **Regular Cycle State-Expedited Review Amendment** entails one privately-initiated Future Land Use Map Amendment located in District 2. The proposed Future Land Use Map Amendment involves a change to the Future Land Use Map for a property greater than ten acres in size.

The **Regular Cycle State-Expedited Review Amendment** has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On February 25, 2022, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be considered for adoption within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. Therefore, this amendment is expected to become effective in May 2022, provided no challenges are brought forth for the amendment.

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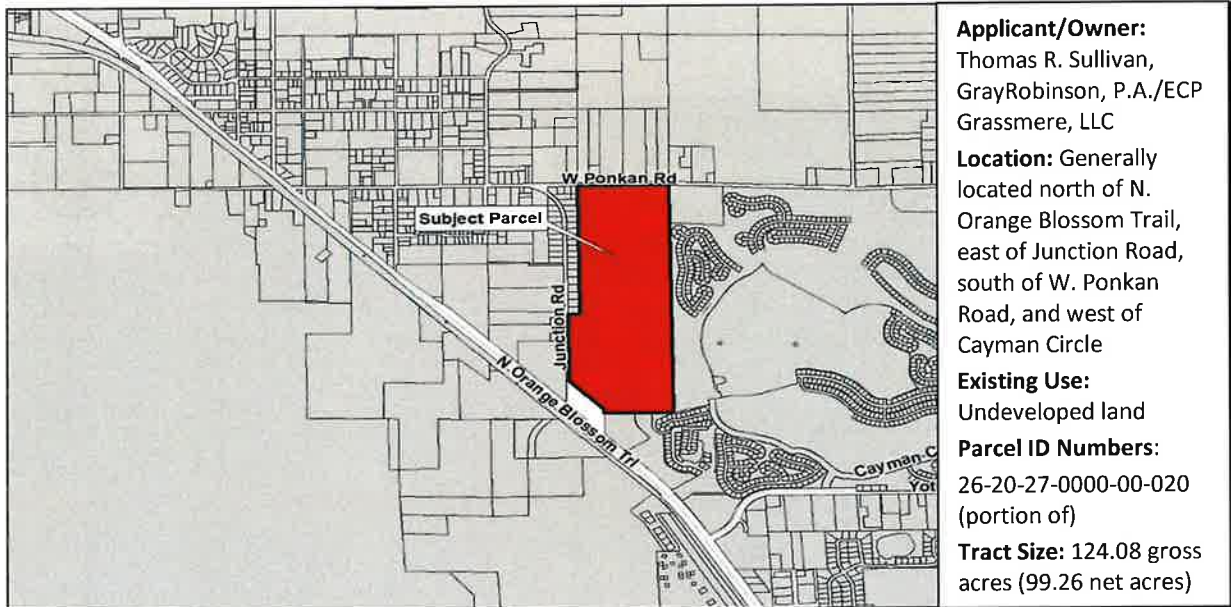
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2021-2 Regular Cycle State-Expedited Review Comprehensive Plan Amendment
Privately-Initiated Future Land Use Map Amendment

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM	Future Land Use Map Designation TO:	Zoning Map Designation FROM	Zoning Map Designation TO:	Acres	Project Planner	Staff Rec	LPA Rec
Status:													
2021-344-1 (Kreamers PD)	Expedited	ECF Grassman, LLC	Thomas R. Sullivan, CO CrayAddress, P.A.	28-2047 6606-00-670 (portion of)	2833 Jordan Rd, Generally located north of R. George Blanton IV, east of Jordan Rd., south of W. Porton Rd, and west of Canaan Rd.	Rural Settlement 1/1 (RS 1/1)	Rural Settlement Low Density (RSLD 2/1)	PD (Planned Development District)	PD (Planned Development District)	134.09 gross AC/65.29 net developable ac.	Chris DeBarthe	Adopt	Adopt (7-0)

ABBREVIATIONS INDEX

ABBREVIATIONS INDEX: W-Dinkelschell, C-Commercial, G-Office, LDR Low Density Residential, LMR Low Medium Density Residential, MDR Medium Density Residential, HDR High Density Residential, PD Planned Development, EDU Educational, COM
Retail/Commercial, PRD Public Recreation/Open Space, OS Open Space, R-Rural/Agriculture, RR Rural Settlement, RS 1/1 Rural Settlement 1/1, RS 1/2 Rural Settlement 1/2, RS 2/1 Rural Settlement Low Density, CC-Citizen Center, LR Local Retail, PO Planned
Development, USA/Union Service Area, PD-Planned Development, CP-Conservation Plan, FLUD-Future Land Use Map, FLUD-Future Land Use Element, TRM-Transportation Element, GDR-Gravel, Driveways, and Paths, GO-Office, A-2-Farmstead Rural District, K-CC-County
Estate District, RES-5-Rural County Estate Residential District, PD-Planned Development District, PD-R-Planned Development Regulating Plan, PD-RS-Planned Development Rural Settlement, SR-State Road, AC-Acres

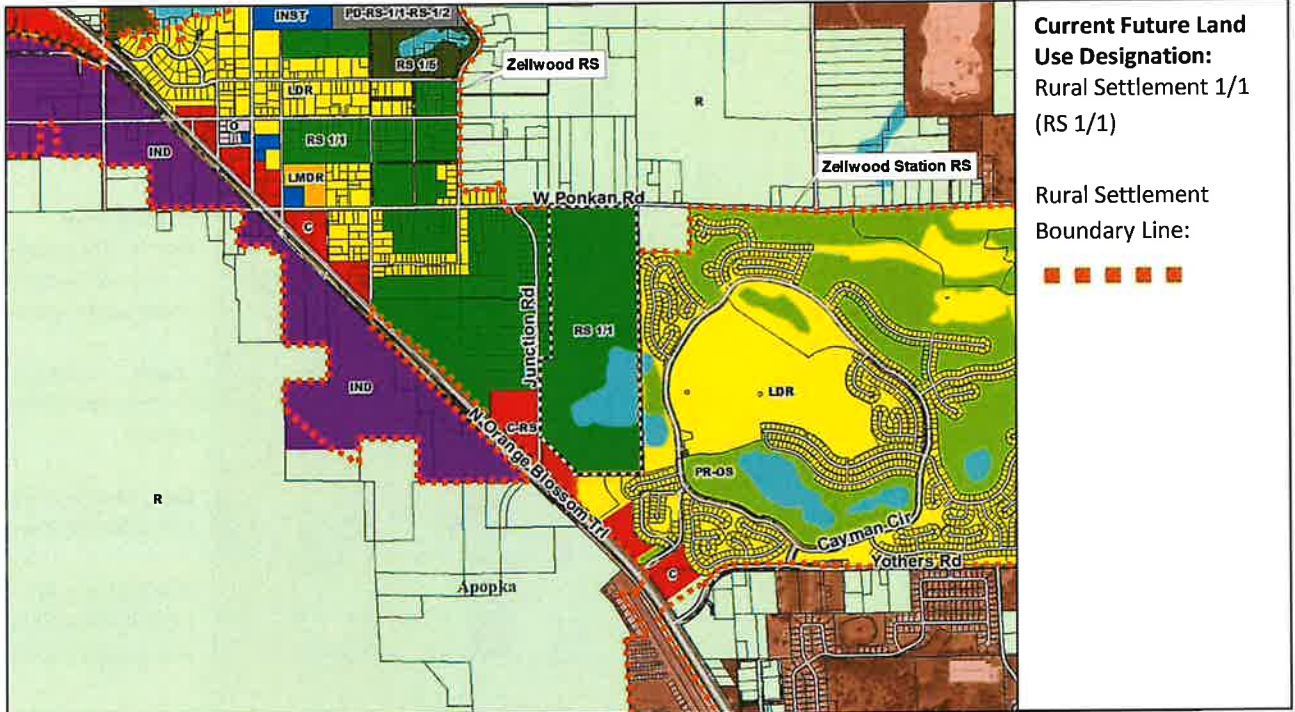


The following meetings and hearings have been held:		Project Information	
Report/Public Hearing	Outcome		
✓ Community Meeting May 18, 2021	Virtual Community meeting with 4 residents in attendance - Neutral	Request: Rural Settlement 1/1 (RS 1/1) to Rural Settlement Low Density (RSLD 2/1)	
✓ Staff Report	Recommend Do Not Transmit	Proposed Development Program: Up to 179 single-family detached dwelling units.	
✓ LPA Transmittal August 19, 2021	Recommend Do Not Transmit (6-0)	Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.	
✓ BCC Transmittal January 11, 2022 (Continued from September 14, 2021 and October 12, 2021)	Transmit (6-1)	Environmental: The site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act.	
✓ State Agency Comments February 25, 2022	No comments were received.	Schools: Capacity is currently not available for the proposed 179 single-family detached dwelling units, but relief is expected at the elementary and middle school levels in 2022.	
✓ LPA Adoption March 17, 2022	Recommend Adoption (7-0) (See the staff recommendation.)	Transportation: The subject property is not located within the County's Alternative Mobility Area or located along a backlogged/constrained facility or multimodal corridor. The proposed use will generate 177 pm peak hour trips, resulting in a net increase of 76 pm peak hour trips.	
BCC Adoption	April 5, 2022	Concurrent PD/LUP Substantial Change: A Change Determination Review (CDR) request to amend the current Grassmere Reserve PD Land Use Plan will be considered by the Board of County Commissioners (BCC) at a future date.	

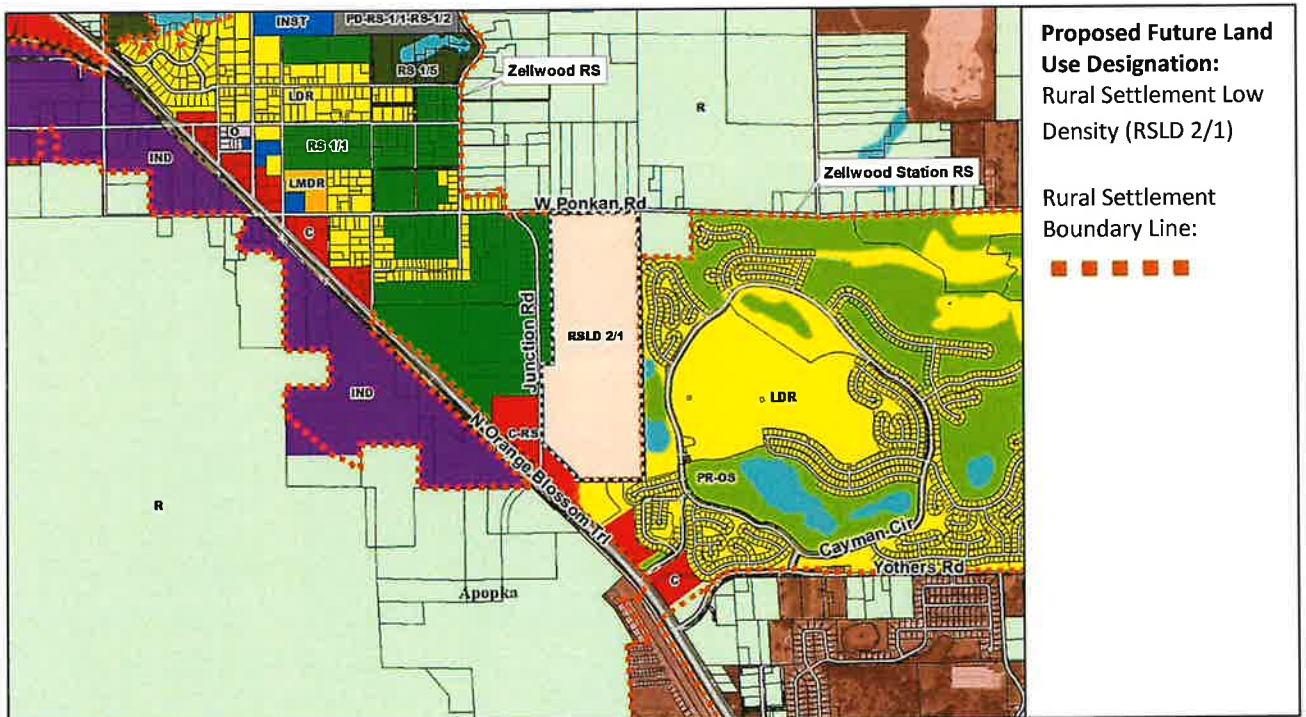
AERIAL



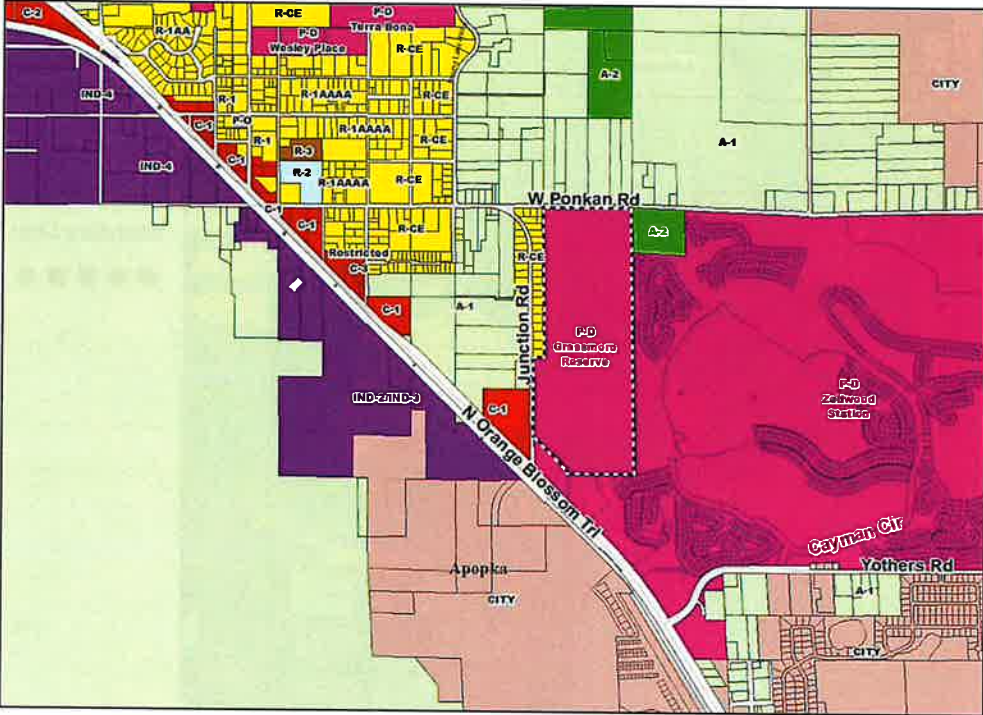
FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



ZONING – CURRENT



Current Zoning District:

PD (Planned Development District)
(Grassmere Reserve PD/LUP)

Existing Uses:

North: Single-family detached dwelling units/vacant parcels

South: Vacant parcel, church, and mobile homes.

East: Mobile homes (Zellwood Station)

West: Single-family detached dwelling units and vacant parcels

Staff Recommendation

Future Land Use Map Amendment 2021-2-A-2-1:

As reviewed against the current Comprehensive Plan, proposed Future Land Use Map Amendment 2021-2-A-2-1 (Grassmere PD) is inconsistent with the County's adopted Rural Settlement development policies, as discussed in this staff report. However, at its January 11, 2022, meeting, the Board acted to transmit Staff-Initiated Text Amendment 2021-2-C-FLUE-2. If ultimately adopted, this text amendment would provide the policy basis for the adoption of Amendment 2021-2-A-2-1.

As no objecting comments were received from the Florida Department of Economic Opportunity (DEO) or other state reviewing agencies following the Board's transmittal of both proposed amendments, staff therefore recommends **adoption** of requested Amendment 2021-2-A-2-1, provided Amendment 2021-2-C-FLUE-2 is first adopted.

Analysis

1. Background and Development Program

The applicant, Thomas Sullivan, representing ECP Grassmere, LLC, has requested to change the Future Land Use Map (FLUM) designation of the 124.08 gross acre site from Rural Settlement 1/1 (RS 1/1) to Rural Settlement Low Density (RSLD 2/1).

The subject property is located at 2523 Junction Road, north of N. Orange Blossom Trail, east of Junction Road, south of W. Ponkan Road, and west of Cayman Circle. Surrounding properties include vacant parcels, single-family detached dwelling units, a manufactured home community (Zellwood Station), and a church.

The subject property is located within the Zellwood Rural Settlement and is part of the Zellwood Preservation District. The basis for Rural Settlements is to recognize existing communities within the Rural Service Area which are the focal point of rural activity. The Zellwood Rural Settlement is characterized as a rural town, with residential and neighborhood-serving commercial uses generally concentrated in the area bounded by King Avenue, North Orange Blossom Trail, West Ponkan Road, and Round Lake Road.

The Zellwood Preservation District represents an existing historical and cohesive residential community. The boundaries of the preservation district coincide with the boundaries of the Zellwood Rural Settlement. In order to voluntarily annex any property or properties located within the Zellwood Preservation District, the Orange County Charter, Sec. 505, provides that:

Voluntary annexation in a preservation district may occur only if it is approved by a majority of the board of county commissioners after an advertised public hearing and by a majority of the registered electors residing within the boundaries of the preservation district in which the property or properties lie and voting on the question. The vote by the registered electors residing within the preservation district shall be conducted in accordance with Florida laws pertaining to annexation elections, and the board of county commissioners may adopt regulations and procedures to implement this method of voluntary annexation.

The subject property is vacant and consists of 99.26 acres of developable land and approximately 24.82 acres of wetlands. The project site represents a portion of an overall parcel comprised of 129.08 acres. The 5.00 acres not subject to the requested FLUM amendment are located contiguous to, and

south of, the project site along N. Orange Blossom Trail, and were approved for a land use designation change from Rural Settlement 1/1 (RS 1/1) to Commercial (C) Rural Settlement (RS) as part of FLUM Amendment 2019-2-S-2-5, approved by the Board of County Commissioners on February 11, 2020.

The subject property is zoned PD (Planned Development District) as part of the Grassmere Reserve PD Land Use Plan (LUP). The LUP for the entire PD was approved for a total of 100 single-family dwelling units at a density of 1 dwelling unit per acre on 101 net developable acres. The subject property was subsequently approved for a Preliminary Subdivision Plan (PSP-19-07-244), consisting of 98 single-family dwelling units on 99.26 net developable acres by the Board of County Commissioners on April 21, 2020.

The proposed RSLD 2/1 future land use designation is intended to recognize existing development patterns and rural and suburban lots at 2 DU/AC. The applicant is proposing to increase the total number of single-family detached dwelling units from 98 to 179.

Community Meeting

In lieu of a traditional in-person community meeting, a virtual community meeting was held on the evening of May 18, 2021. A total of 347 notices were mailed to properties within a 500-foot radius of the project site. The community meeting discussion centered on the applicant's proposed plan to amend the site's future land use designation from RS 1/1 to RSLD 2/1, in order to increase the total number of single-family detached dwelling units from 98 to 179. A total of four members of the public attended, all of whom appeared to reside within the vicinity of the project site. The applicant presented graphics detailing the subdivision layout of the approved Preliminary Subdivision Plan (PSP-19-07-244) for 98 dwelling units and a graphic delineating a proposed subdivision layout for 179 dwelling units.

Questions from the public covered a range of topics that included concerns over site connection to water/sewer from the City of Apopka, the location and number of access points for the site, the estimated price range and market sector of the housing project, and the presence of natural and enhanced buffering on the site.

Overall, the attendees did not express support for or opposition to the proposed FLUM amendment. The tone of the meeting was **neutral**.

2. Future Land Use Map Amendment Analysis

Consistency

The requested FLUM amendment appears to be inconsistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. The subject property is located within the Zellwood Station Rural Settlement. As mentioned above, the applicant is seeking the Rural Settlement Low Density (RSLD 2/1) FLUM designation in order to increase the number of single-family detached dwelling units from 98 to 179.

Staff finds the request inconsistent with **Future Land Use Element Policy FLU1.1.4 H**, which presents Future Land Use designations that are available for use in Rural Settlements. The requested designation of Rural Settlement Low Density (RSLD 2/1) is intended to recognize existing development patterns and rural and suburban lots at 2 DU/AC. However, this category may be suited for new residential projects abutting urban development in adjacent municipalities. The subject property

does not abut urban development in an adjacent municipality. Therefore, the request for a density increase is inconsistent with the Comprehensive Plan.

Staff finds the request inconsistent with **Future Land Use Element OBJ FLU6.2**, which states that Rural Settlements provide for a rural residential lifestyle and were intended to recognize and preserve existing development patterns at the time the Comprehensive Plan was adopted in 1991. The proposed increase in density from one dwelling unit per acre to two dwelling units per acre does not preserve the rural residential lifestyle intended by the creation of Rural Settlements or the existing development patterns at the time of the Comprehensive Plan's adoption in 1991.

Staff finds the request inconsistent with **Future Land Use Element Policy FLU6.2.2**, which states every effort shall be made to preserve the existing character of the Christmas, Clarcona, Gotha, Tangerine, and Zellwood Rural Settlements as part of Orange County's heritage and historic preservation. The proposed density increase associated with the RSLD 2/1 designation would disrupt the existing character and neighborhood development patterns of the Zellwood Rural Settlement. The majority of properties adjacent to or within close proximity of the project site maintain future land use designations of a similar or lower density than the current future land use designation of the site. Parcels located to the west maintain the RS 1/1 (1 du/ac) designation, while parcels to the north maintain the Rural/Agricultural (1 du/10 ac) designation. The only exception to these nearby density allowances is the Zellwood Station PD located east of the project site. The Zellwood Station PD is located within the Zellwood Station Rural Settlement and the Zellwood Station Preservation District and is largely comprised of manufactured homes. The Zellwood Station PD also includes a golf course and substantial open space areas. The site maintains future land use designations of Low Density Residential (LDR) (4 du/ac) and Parks and Recreation/Open Space (PR/OS). Zellwood Station was approved for residential development entitlements beginning on October 30, 1973, prior to the adoption of the Orange County Comprehensive Plan in 1991 and the subsequent creation of Rural Settlements, which recognize and preserve communities that existed prior to the Comprehensive Plan. The Zellwood Station PD is approved for a total of 2021 units at a density of 2.6 dwelling units per acre. The presence of existing higher density developments within Rural Settlements, such as the Zellwood Station PD, that predate the County Comprehensive Plan should not serve as an impetus for the allowance of new higher density development to occur within Rural Settlements.

Staffs finds the request inconsistent with **Future Land Use Element Policy FLU6.2.5**, which states 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). The proposed FLUM amendment would allow for the density of the project site per acre to double, and would thus impact the existing rural character of the Zellwood Rural Settlement.

The proposed FLUM amendment is inconsistent with **Future Land Use Element Policy FLU6.2.8**, which states residential development in a Rural Settlement may be permitted at up to two (2) dwelling units per acre in limited areas that are adjacent to higher density or intensity urban development located in adjacent municipal jurisdictions, provided site design standards are provided to ensure compatibility with the Rural Settlement. This provision is intended to serve as a buffer and transition. The Future Land Use designation of Rural Settlement Low Density shall be restricted to no more than 2 DU/AC. Parcels greater than 25 acres must be approved as a PD. Higher density shall only be recognized if it applies to parcels developed prior to the adoption of the Comprehensive Plan (1991), are otherwise vested from compliance with the Plan's defined densities, or involve parcels that are

adjacent to higher density or intensity urban development located in adjacent municipal jurisdictions. Adjacency requires a minimum of 25% contiguity of the property line. Such increased density shall not be an impetus for the provision of central services within Rural Settlements. The project site is not located adjacent to higher density or intensity urban development located in an adjacent municipal jurisdiction. The project site is adjacent to a single parcel located to the south and across N. Orange Blossom Trail in the City of Apopka. That parcel totals 9.86 acres and is improved with only one single-family detached dwelling unit. Additionally, the project site does not meet the 25% contiguity requirement, as it only maintains a limited contiguity of 6.7% with this parcel located in the City of Apopka.

Compatibility

Future Land Use Element Policy FLU8.2.1 requires land use changes be compatible with existing development and the development trend in the area. The proposed FLUM amendment would result in an increase to the project site's density to allow up to two dwelling units per acre. This density increase is not compatible with existing development and the development trend in the areas within close proximity of the project site. The only existing development within close proximity of the project site with a comparable density level is the Zellwood Station PD. As noted previously, the Zellwood Station PD is approved for a density of 2.6 dwelling units per acre and 2021 lots. These approvals predate the inception of the County Comprehensive Plan in 1991. The presence of Zellwood Station should not serve as an impetus to permit additional higher density development and is not supported by any specific Comprehensive Plan policy for properties located within Rural Settlements.

Future Land Use Element Policy FLU8.2.11 states 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. The proposed FLUM amendment to RSLD 2/1 does not further the applicable Goals and Objectives of the Comprehensive Plan. Furthermore, the request is not compatible with the specific criteria outlined in **Future Land Use Element Policy FLU6.2.8**, allowing up to two (2) dwelling units per acre in limited areas that are adjacent to higher density or intensity urban development located in adjacent municipal jurisdictions. The lack of existing higher density and intensity urban development on adjacent properties located within the City of Apopka and the site's limited contiguity of 6.7%—well short of the adjacency requirement of 25% contiguity—render the request inconsistent with this Policy.

Per **Open Space Element Policy OS1.3.4**, all new residential developments located entirely or partially in the Wekiva Study Area are required to cluster to the maximum extent feasible to preserve open space which, as mandated in **Open Space Element Policy OS1.3.2**, shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may 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, 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.

The subject property is located within the Wekiva Study Area, and as stipulated in **Open Space Element Policy OS1.3.6(B)(3)**, development with densities greater than one unit per acre (1du/ac) in

a development with an overall size greater than 100 acres (a density and acreage applicable to the requested amendment), open space shall be 70% or greater.

Division Comments: Environmental, Public Facilities, and Services

Environmental: The site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations apply. Regulations include, but are not limited to, septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed, and aquifer vulnerability. These requirements may reduce the total net developable acreage. In addition to the state regulations, local policies are included in the Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.

Conservation Area Determination - The project site was included in a completed Orange County Conservation Area Determination, CAD-19-03-038, with a certified wetland boundary survey approved by the Environmental Protection Division on August 9, 2019. CAD-19-03-038 expires August 9, 2024. The lake and edge wetlands are classified as a Class I wetland/surface water and cover 23.07 acres.

Conservation Area Impacts - Any wetland encroachments will require submittal of an application for a Conservation Area Impact (CAI) Permit to the Orange County Environmental Protection Division, as outlined in Chapter 15, Article X, Wetland Conservation Areas of the Orange County Code.

Wekiva Study Area wetland buffers - This site requires 50-foot wetland buffers. All plans shall show a 50-foot wetland buffer (alternative protections may also be considered) located landward of the approved wetland line, with natural vegetation retained. Wetland buffers will be labeled "50-foot Undisturbed Natural Buffer". Per Conservation Element Policy C2.2.1 of the Comprehensive Plan, an upland buffer a minimum of 25 feet and an average of 50 feet shall be required for all Class I, Class II, or Class III wetland systems/ conservation areas.

Clearing Limitation - No construction, clearing, filling, alteration, or grading is allowed within or immediately adjacent to a conservation area (wetland or wetland buffer) without first obtaining a wetland impact permit approved by the County and obtaining other applicable jurisdictional agency permits.

Lake Boundary – In addition to the approved wetland boundary survey line, all plans shall depict and label Lake Grassmere and indicate the Normal High Water Elevation (NHWE) of 113.08 feet (NAVD).

Watercraft Restriction – Lake Grassmere shall be limited to non-motorized watercraft per previous reviews of the DRC in response to public comments.

Conservation Easement/Tracts - All conservation areas (as defined in Chapter 15 of the Orange County Code) and their wetland setbacks shall be designated as conservation easements, according to Orange County Code Section 34-152(f)(1)b. Designate the ownership / maintenance by the Home Owner's Association and the development rights dedicated to Orange County.

Water Quality Protection Design - A pollution abatement swale upland of the Lake Grassmere lakeshore wetland buffer and the direction of drainage shall be shown on all plans in that area. Areas that drain away from the lakeshore do not require a swale. The swale shall be labeled as a pollution abatement easement and shall be included in the Tract/Easement Data Table on the PSP or DP.

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

Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible for determining the presence of listed species and obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). Previous gopher tortoise permitting status needs to be coordinated with the FWC.

Existing Dock - Renovation of the deteriorated existing dock will require additional permitting. Please contact the Orange County Environmental Protection Division for more information. Approval of this request does not constitute approval of a permit for the construction of an overlook dock or other similar structure within the wetland or below the Normal High Water Elevation. In accordance with Chapter 15, Article IX, Construction of Boat Dock Ordinance, the boat dock requires additional permitting and action by the Board of County Commissioners.

Solid Waste Management Facility Proximity - The county comprehensive policy plan states: "The County shall not support the siting of developments at urban residential densities that would be adversely impacted by existing solid waste management activities." This site is within one-half mile south of an existing Class III landfill from which odor complaints have been received. The covenants, conditions, and restrictions (CC&Rs) shall contain notification of the proximity to an existing landfill and reported odor complaints.

Prior Agricultural Use Documentation - This property has a prior agricultural land use that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizers, pesticides, or herbicides. A Phase I Environmental Site Assessment (ESA) report dated February 26, 2019, was submitted with the Preliminary Subdivision Plan that revealed no Recognized Environmental Conditions (RECs). It stated that while no Recognized Environmental Conditions (RECs) were identified, there is a non-REC Business Environmental Risk of historic agricultural use for citrus crop production and tree farming operations over several decades. The project is partially located within one of several zones associated with ethylene dibromide (EDB) groundwater contamination. Therefore, pursuant to Chapter 62-524, F.A.C., New Potable Water Well Permitting, any new potable wells constructed are required to comply with the regulatory guidelines. Irrigation wells shall use reclaimed water if available to avoid using local groundwater.

No activity will be permitted on the site that may disturb, influence, or interfere with areas of soil or groundwater contamination, 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 (EPD) 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 of s. 376.308, F.S.

Adjacent Uses – This site has a wildlife animal facility adjacent to the north, and other adjacent uses include an active vegetative mulch processing facility to the southwest across US 441. Two landfills (Class III construction, demolition, and vegetative debris) are within one-half mile to the north, a large soil excavation operation is 0.3 mile to the north, and landscape nurseries are located to the west.

These facilities may periodically create odors, noise, and/or dust depending upon weather and operational circumstances.

Managed Land Proximity - The Lake Apopka Restoration Area is located approximately 0.5 miles west of the subject property. 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 covenant, as applicable, that the adjacent land use includes publicly managed property. The notice shall indicate that the adjacent property will require the use of resource management practices that may result in periodic temporary conditions that may limit outdoor activities. These practices will include, but not be limited to, ecological burning, pesticide and herbicide usage, exotic plant and animal removal, usage of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.

This review does not release the applicant from complying with all other Federal, State, and Local rules and regulations. If this review conflicts with those of any other Agency, Department or Division, the permittee must comply with the most stringent requirements.

Schools: The applicant submitted a formal school capacity determination to OCPS (OC-21-021). Capacity is not available for the proposed 179 single-family dwelling units. Each school serving students within the geographic area of the project site is currently over capacity. The proposal would contribute students that would take these schools further over their capacities by the following: Zellwood Elementary School (11 seats), Wolf Lake Middle School (8 seats), and Apopka High School (11 seats). However, Zellwood Elementary and Wolf Lake Middle School are currently scheduled for relief from overcapacity, including the project’s contributions, in 2022.

Analysis of Proposed Development			
Students Generated	15.471	7.695	10.611
Adjusted Utilization	111.8%	144.0%	107.9%
PASS/FAIL	FAIL*	FAIL*	FAIL
Number of Seats to Mitigate	11.471	7.695	10.611

*School scheduled for relief in 2022.

Transportation:

Land Use Scenario	PM Pk. Hr. Trips	% New Trips Trips	New PM Pk. Hr. Trips
Existing Use: 98 SF DUs	101	100%	101
Proposed Use: Up to 179 SF DUs	177	100%	177
Net New Trips (Proposed Development less Allowable Development): 76			

Future Roadway Network

Road Agreements: None

Planned and Programmed Roadway Improvements: The Long Range Transportation Plan (LRTP) includes the planned extension and expansion of Sadler Road from Orange Blossom Trail to Rock Springs Road. The improvement is listed as a partnership road and is not currently funded for any phase of improvement

Right of Way Requirements: None

Summary

The applicant is requesting to change 124.08 acres from RS 1/1 to RSLD 2/1 to increase density to allow for up to an additional 81 single family detached dwelling units, for a total of 179 single-family detached dwelling units.

Analysis of the project trips under the currently-approved RS 1/1 future land use designation versus the proposed RSLD 2/1 classification indicates that the proposed development will result in an increase in the number of pm peak trips and will, therefore, impact the area roadways. However, based on the Concurrency Management System Database, several roadways within the project's impact area operate at acceptable levels of service, and capacity is available to be encumbered.

- The subject property is not located within the County's Alternative Mobility Area.
- The subject property is not located along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 101 pm peak hour trips.
- The proposed use will generate 177 pm peak hour trips, resulting in a net increase of 76 pm peak hour trips.
- The subject property is located northeast of Orange Blossom Trail and W. Ponkan Road. Based on the Concurrency Management System (CMS) database dated February 25, 2021, one roadway currently operates at Level of Service F, and capacity is not available to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.
- An analysis of existing conditions reveals that all roadway segments within the study area are currently operating at adequate levels of service.
- Analysis of projected conditions—2025 base conditions—indicates that the segment of Orange Blossom Trail from W. Ponkan Road to Sadler Road is projected to be deficient due to background traffic growth. The proposed FLUM amendment is not considered significant on the deficient roadway segment.
- Analysis of projected conditions—2040 base conditions—indicates that the segments of Orange Blossom Trail from the Western Beltway to Sadler Road are projected to be deficient due to background traffic growth. The proposed FLUM amendment is not considered significant on the deficient roadway segment.
- 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.

Final permitting of any development on this site will be subject to review and approval under the capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Plan.

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

3. Policy References

Future Land Use Element

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

FLU6.2.1 The following Rural Settlements shall be designated on the Future Land Use Map to meet the desire for a rural lifestyle. No new Rural Settlements or expansions to the existing Rural Settlement boundaries shall occur.

<i>Rural Settlements</i>	
Bithlo	North Christmas
Bridle Path	Otter Lake
Christmas	Paradise Heights
Clarcona	Rainbow Ridge
Corner Lake	Sunflower Trail/Seaward Plantation
Gotha	Tangerine
Lake Avalon	Tildenville
Lake Hart/Lake Whippoorwill	Wedgefield
Lake Mary Jane	West Windermere
Lake Pickett	Zellwood
North Apopka/Wekiva	Zellwood Station

Rural Settlements were implemented to recognize communities that existed at the time of the 1991 Comprehensive Policy Plan adoption. The intent of the prohibition of expansions of existing or the creation of new rural settlements is to focus development within the County’s Urban Service Area and discourage the proliferation of extended Rural Settlement boundaries. In addition, this policy will allow time for vacant and committed lands within existing Rural Settlements to develop as a means of satisfying this style of living.

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

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- FLU6.2.5** The permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(B).
- FLU6.2.6** The Future Land Use Map shall reflect the permitted densities of development within the Rural Settlements. Clustering of units with dedicated open space shall be allowed so long as the overall density does not exceed that specified on the Future Land Use Map. Density and Floor Area Ratio (FAR) calculations shall be defined as the language specified in the Future Land Use Element Policy FLU1.1.2(B). (Added 8/92, Ord. 92-24; Amended 8/93, Ord. 93-19; Amended 6/10, Ord. 10-07, Policy 1.1.11)
- Clustering shall be supported to maintain the rural character through preservation of open space and lot layout and design. Generally recognized and accepted conservation subdivisions can be used where they minimize impacts on areas with rural character provided their use is consistent with the overall intent of Rural Settlement boundaries.
- Clustering, with permanent protection of open space, shall be encouraged or required for all new development and redevelopment within the Wekiva Study Area, based on location, i.e., Urban Service Area, Rural Service Area, Rural Settlement, Growth Center and overall project acreage. The County shall evaluate incentives to further the implementation of open space preservation and maximum impervious surface ratios and include these in the Land Development Code.
- FLU6.2.8** Residential development in a Rural Settlement may be permitted up to two (2) dwelling units per acre in limited areas that are adjacent to higher density or intensity urban development located in adjacent municipal jurisdictions, provided site design standards are provided to ensure compatibility with the Rural Settlement. This provision is intended to serve as a buffer and transition. The Future Land Use designation of Rural Settlement Low Density Residential shall be restricted to no more than 2 DU/AC. Parcels greater than 25 Acres must be approved as a PD. Higher density shall only be considered if existing or vested development. Adjacency requires a minimum of 25% contiguity. Such increased density shall not be an impetus for the provision of central services within Rural Settlements.
- 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.

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

Open Space Element

OBJ OS1.3 Orange County shall protect the Wekiva Springshed and its natural resources by maximizing preserved open space within the Wekiva Study Area.

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.

A. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas.

B. Minimum required open space may include permeable stormwater management areas using Best Management Practices.

C. 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.

D. 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 A. 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:

1. the most effective recharge areas;
2. karst features; and
3. sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities.

B. 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. 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. (Amended 6/10, Ord. 10-07)

C. 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 nature-based 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. (Amended 6/10, Ord. 10-07)

D. 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.

E. 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(B)(3)

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

* * *

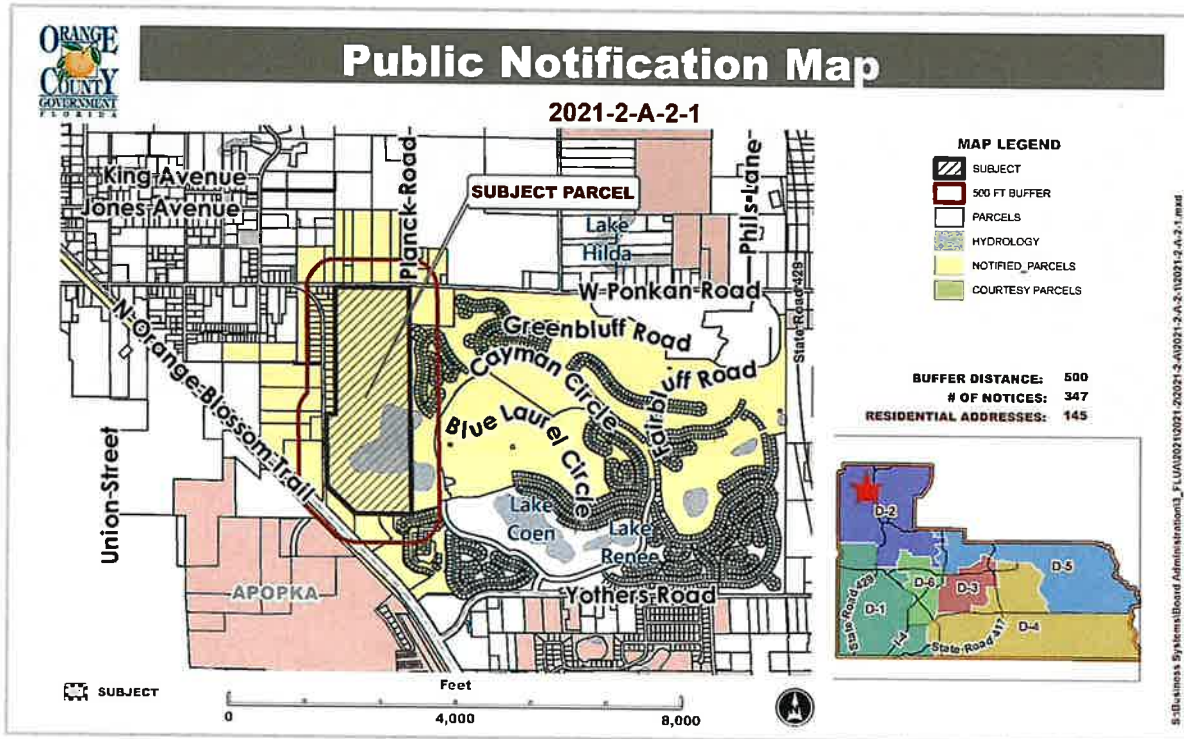
3) Development with densities greater than one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 70% or greater.

Site Photos

Subject Site - Undeveloped	Subject Site – Undeveloped
	
North of Subject Site – Single-Family Dwellings	North of Subject Site – Vacant Parcel
	

South of Subject Site – Church	South of Subject Site – Vacant Parcel
	
East of Subject Site – Zellwood Station	East of Subject Site – Zellwood Station
	

West of Subject Site – Single-Family Dwellings	West of Subject Site- Single-Family Dwellings
	



Notification Area:
 500-foot buffer
 347 notices sent

ORDINANCE NO. 2022- _____

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 AN AMENDMENT PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2021 CALENDAR YEAR (SECOND CYCLE); 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 April 5, 2022, 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,”**

32 attached hereto and incorporated herein.

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

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

35 (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment
36 adopted under this ordinance becomes effective until 31 days after the DEO notifies the County
37 that the plan amendment package is complete. However, if an amendment is timely challenged,
38 the amendment shall not become effective until the DEO or the Administration Commission issues
39 a final order determining the challenged amendment to be in compliance.

40 (c) No development orders, development permits, or land uses dependent on this
41 amendment may be issued or commence before this amendment, or before Comprehensive Plan
42 Amendment 2021-2-C-FLUE-2, which provided the policy basis for this amendment, have become
43 effective.

44

45 ADOPTED THIS 5th DAY OF APRIL, 2022.

46

47

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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49

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51

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By: _____

53

Jerry L. Demings
Orange County Mayor

54

55

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

58

59

60

61

By: _____

62

Deputy Clerk

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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:
2021-2-A-2-1	Rural Settlement 1/1 (RS 1/1)	Rural Settlement Low Density (RSLD 2/1)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

68



Community Meeting Memorandum

DATE: May 18, 2021
TO: Greg Golgowski, Chief Planner, Planning Division
FROM: Chris DeManche, Planner III
SUBJECT: Amendment 2021-2-A-2-1 – Community Meeting Notes
C: Project file

Location of Project: 2523 Junction Drive, north of N. Orange Blossom Trail, east of Junction Road, south of W. Ponkan Road, and west of Cayman Circle.

Meeting Date and Location: May 18, 2020 at 6:00 pm (Virtual Meeting)

Attendance:

District Commissioner	Daniel Vanegas, aide to District 2 Commissioner Christine Moore
Orange County staff	Chris DeManche and Nick Thalmueller, Planning Division
Applicant team	Thomas Sullivan, Jason Mahoney, Frank Bombeeck
Property owner	ECP Grassmere, LLC
Residents	347 notices sent; 4 residents in attendance

Overview of Project: The applicant, Thomas Sullivan, representing ECP Grassmere, LLC., has requested to change the Future Land Use Map (FLUM) designation of the 124.08 gross acre site from Rural Settlement 1/1 (RS 1/1) to Rural Settlement Low Density (RSLD 2/1). The applicant is proposing to increase the total number of single-family detached dwelling units from 98 to 179.

Meeting Summary: In lieu of a traditional in-person community meeting, a virtual community meeting was held on the evening of May 18, 2021. A total of 347 notices were mailed to properties within a 500-foot radius of the project site. The community meeting discussion centered on the applicant's proposed plan to amend the site's future land use designation from RS 1/1 to RSLD 2/1, in order to increase the total number of single-family detached dwelling units from 98 to 179. A total of four members of the public attended, all of whom appeared to reside within the vicinity of the project site. The applicant presented graphics detailing the subdivision layout of the approved preliminary subdivision plan (PSP-19-07-244) for 98 dwelling units, and a graphic delineating a proposed subdivision layout for 179 dwelling units.

Questions from the public included a range of topics that included concerns over site connection to water/sewer from the City of Apopka, the location and number of access points for the site, the estimated price range and market sector of the housing project, and the presence of natural and enhanced buffering on the site.

Overall, the attendees did not express support for or against the proposed FLUM amendment. The tone of the meeting was **neutral**.

