



Independent Living Cottages



Community Gardens



Entry from C.R. 535

A Senior Living Village



Assisted Living Wing

Mike Lynch

Jim Hall

A. Kurt Ardaman
Rick Geller



Hall Development Services Inc.

FISHBACK ♦ DOMINICK

ESTABLISHED 1935
ATTORNEYS AND COUNSELORS AT LAW

LPA: COMPATIBLE AND CONSISTENT -- TRANSMIT

Proposed FLU Amendment:

Text—not a map amendment

FLU 2.5.5. Clustering of residential units to accommodate smaller lot sizes than prescribed by Maps 25(a) through 25(d) of the Future Land Use Map Series shall be prohibited except within the Lake Mabel Rural Residential Enclave as may be authorized under Policy FLU 2.5.5.1.

FLU 2.5.5.1. Subject to approval of a Planned Development Zoning District, **senior adult housing and care facilities** may be permitted within the **Lake Mabel Rural Residential Enclave** when sited on a **minimum of ten (10) gross acres of which at least five (5) acres must be upland acres**, and where **public water and wastewater lines exist** in an abutting right-of-way. Senior adult housing and care facilities **must be designed in context with its rural setting, while ensuring compatibility with existing development and preserving important environmental features.** Cottages for independent living shall not exceed 1.9 units per developable acre and assisted living for more senior residents shall not exceed 110 beds, all integrated within the property as required by this Policy.

Beds ≠ units

- A Hybrid, Not Rural Location
- Arnold's are the Only Parcels Not Part of Royal Ranch Estates

Lakeside Village
(Horizon West)

Royal Ranch
Lake Mabel
Enclave

C.R.535



Cypress
Isle
Cypress
Shores

Cypress
Point

Lake Mabel Dr

Lake Mabel
Arlington
Bay

W. Beach Park

Lake Sheen Estates

Provence at Lake Sheen

The Arnold Family Properties
Sit at the Eastern End of the
Enclave at the Apex of
Suburban Development

South Lake

Cypress
Chase

Lake Sheen
Reserve

Pocket Lake

Google Earth

35,000 = Urban Volumes:

Apopka-Vineland Rd. (north of Sand Lake)
– 33,930

Turkey Lake Rd. (north of Sand Lake) –
35,481

Curry Ford Rd. (east of Semoran) – 35,883

Orlando Ave. (U.S. 17-92) (north of Horatio
in Maitland) – 33,271

Narcoosee Rd. (south of Moss Park) –
36,762

U.S. 441 (Main Street Apopka) – 36,090

AVERAGE ANNUAL DAILY TRAFFIC

AADT, Most Recent: **35,376**
AADT, 1999: **8,976**
AADT, 2000: **9,684**
AADT, 2001: **11,863**
AADT, 2002: **12,102**
AADT, 2003: **8,301**
AADT, 2004: **14,284**
AADT, 2005: **15,661**
AADT, 2006: **16,940**
AADT, 2007: **18,450**
AADT, 2008: **18,890**
AADT, 2009: **18,930**
AADT, 2010: **18,930**
AADT, 2011: **21,210**
AADT, 2012: **22,460**
AADT, 2013: **24,770**
AADT, 2014: **26,740**
AADT, 2015: **29,380**
AADT, 2016: **31,740**
AADT, 2017: **35,376**

Arlington Bay – a parcel away from
Arnold Properties

**Enclave policies prohibit buffer
wall from intense urban traffic**

Lake Sheen
Reserve



Cypress Isle Subdivision - [Across the Street](#)

Google Earth





Arlington Bay – separated from Arnold Properties by one lot

At least 660 feet of forest buffer to lake

No lake access.



Arnold Family Properties

Cypress Isle

660 ft

More than a quarter mile of forest/wetlands/ conservation easement between the furthest point of the Arnold Properties to Lake Mabel.

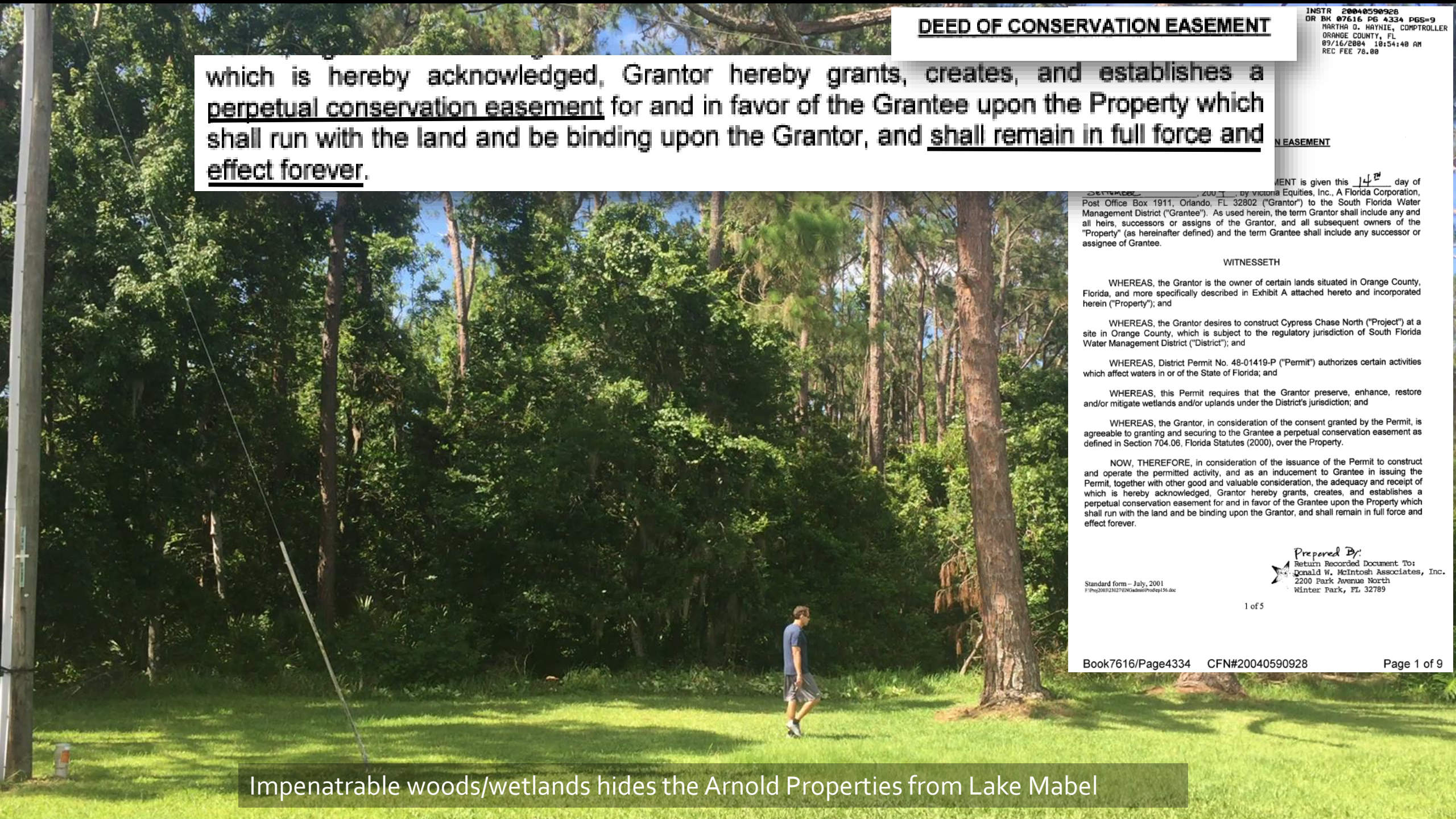
Photo with shoreline delineation: Orange County Property Appraiser website

Arlington Bay

DEED OF CONSERVATION EASEMENT

INSTR 20040590928
OR BK 07616 PG 4334 PGS-9
MARTHA D. HAYLIE, COMPTROLLER
ORANGE COUNTY, FL
09/16/2004 10:54:40 AM
REC FEE 78.00

which is hereby acknowledged, Grantor hereby grants, creates, and establishes a perpetual conservation easement for and in favor of the Grantee upon the Property which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.



EMENT is given this 14th day of SEPTEMBER, 2004, by Victoria Equities, Inc., A Florida Corporation, Post Office Box 1911, Orlando, FL 32802 ("Grantor") to the South Florida Water Management District ("Grantee"). As used herein, the term Grantor shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term Grantee shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in Orange County, Florida, and more specifically described in Exhibit A attached hereto and incorporated herein ("Property"); and

WHEREAS, the Grantor desires to construct Cypress Chase North ("Project") at a site in Orange County, which is subject to the regulatory jurisdiction of South Florida Water Management District ("District"); and

WHEREAS, District Permit No. 48-01419-P ("Permit") authorizes certain activities which affect waters in or of the State of Florida; and

WHEREAS, this Permit requires that the Grantor preserve, enhance, restore and/or mitigate wetlands and/or uplands under the District's jurisdiction; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permit, is agreeable to granting and securing to the Grantee a perpetual conservation easement as defined in Section 704.06, Florida Statutes (2000), over the Property.

NOW, THEREFORE, in consideration of the issuance of the Permit to construct and operate the permitted activity, and as an inducement to Grantee in issuing the Permit, together with other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, Grantor hereby grants, creates, and establishes a perpetual conservation easement for and in favor of the Grantee upon the Property which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

Prepared By:
Return Recorded Document To:
Donald W. McIntosh Associates, Inc.
2200 Park Avenue North
Winter Park, FL 32789

Standard form - July, 2001
F:\prog\001\21027\DKG\adms\tr\depl156.doc

Impenetrable woods/wetlands hides the Arnold Properties from Lake Mabel



**View from Lake Mabel Drive
in direction of Senior Living Village**



**Arnold Family
Properties**

Conservation
easement

Nearly a mile
across the lake
to Arnold
Properties

Lake Mabel Drive

Lake Mabel Dr

Royal Ranch Estates Has its Mile-Long Wall and Boat Ramp onto Lake Mabel



Existing Buffer Along the Winter Property Line

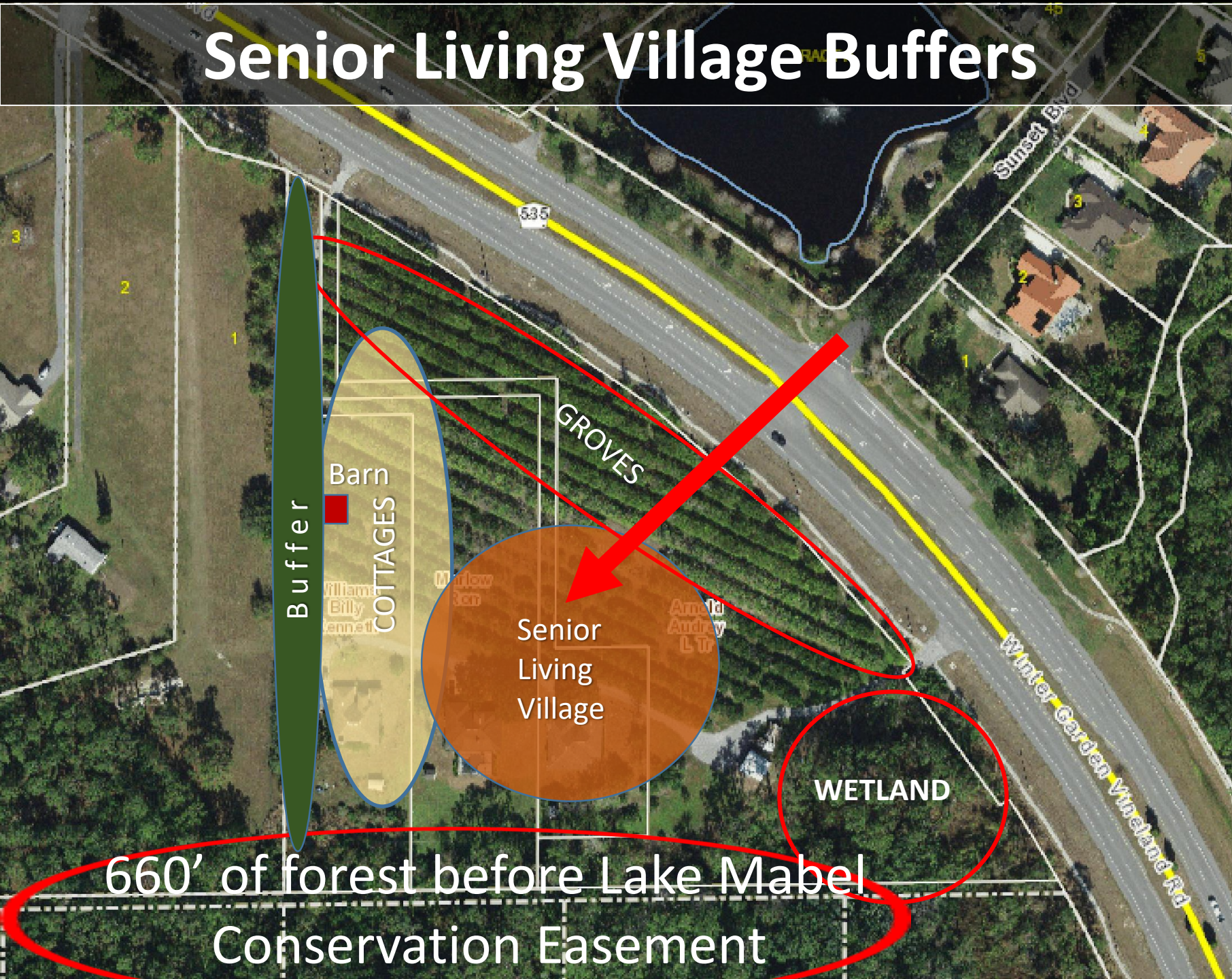


Thickets of trees, bushes, and hedgerows along the Winter Property line will be preserved and supplemented with **additional** thick plantings, at least 15 feet wide at gaps.



**Barn and Community Gardens –
Additional Buffer to Winter Property**

Senior Living Village Buffers



1. Preserve all wetlands + 25 ft. buffer;
2. Preserve groves along C.R. 535;
3. Cottages for independent living;
4. Dining hall and 8 assisted living wings;
5. Lush buffer along Winter Garden Wetland Rd

660' of forest before Lake Mabel Conservation Easement

Assisted Living is Not a Nursing Home

Assisted Living Facility (“Residential facility” – O.C.C. 38-1)	Nursing Home (“Health care facility” – O.C.C. 22-72)
Residents	Patients
Ambulatory	Bedridden
Assistance with personal care tasks, such as bathing and getting dressed	24 hour skilled nursing care—daily medical attention
Private apartments with full baths, kitchen, and locks on the front doors	Institutional rooms, single or non-private



ALF is a Residential Use

STAFF REPORT: Future Land Use Element FLUI.4.4 requires new commercial developments be designed and located in a way that does not disrupt established residential areas. The Orange County Code considers assisted living facilities, especially those with a nursing component, as a commercial use because of their more intensive on-site activities. This is despite the fact that such facilities display many of the characteristics of a multi-family residential use and in this case includes several detached senior housing units. Nonetheless, it is a more intensive use than adjacent, desired land uses.

COUNTY CODE:


ARTICLE I. - IN GENERAL

Sec. 38-1. - Definitions.

Assisted living facility shall mean any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, excluding a "nursing home" as defined in this section, or other residential facility, whether operated for profit or not, which is licensed by the State of Florida and undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or administrator.

(Ord. No. [2016-19](#), § 2, 9-13-16)

Sec. 38-77. - Use table.



Uses Per Zoning Code	SIC Group	Land Use	R-2	R-3
Assisted living facility	805		S	

The Orange County Code defines ALF as a “residential facility.”

Original Architectural Concept



Roof Line Dropped to 35 ft. + 4 ft. cupolas, 6,500 sf reduction, and green camouflage for lower profile



Enter through orange groves
and a covered bridge



Independent Living Cottages Reduced from 30 to 17



Assisted Living Wings—8 Winged Butterfly



Without this Amendment, An Alternative Development Pattern Has Started: Mobile Homes



Assisted Living Wings—8 Winged Butterfly



Representative Supportive Comments at Community Meeting – A Welcome, Not Disruptive Use

Hooman: “I had to drive 45 minutes to see my grandfather,” who “died due to neglect.” “We need to take care of the Greatest Generation.”

Jim: “I would love a place like this for Mom.”

Kathy: “No impact on schools.” “No lake access.” “No loud parties.”

June: “I support the project. This will not generate much traffic.”

Ashley: “The community will grow. Do a project like this. That’s where my parents would be.”

Gary: Doesn’t want his Dad in a 6 story nursing home.

Dennis: “We need this closer.”

Representative Supportive Comments from LPA Commissioners

“The development is already there. The road in front of this property has 35,000 trips. If this property doesn’t qualify for assisted living, I’m not sure which one does. Candidly the folks on the other side of the lake are not a part of the enclave, they’re not even included in the enclave, but they would impose their will upon the other owners on the other side of the lake and they can’t even see the facility. There’s a legitimate demand for this type of product.”

Jose Cantero, At-Large

“This property has been trying to develop for many years now. Something wanted to happen here, and we kicked the can down the road. There’s a lot of good in having diversity in most areas....even in rural areas. The plan is beautiful. That’s as nice an assisted living facility as anyone could ask for.”

Mohammad Abdullah, Mayor’s Representative

“For us to shut it down is unfair to the property owner.”

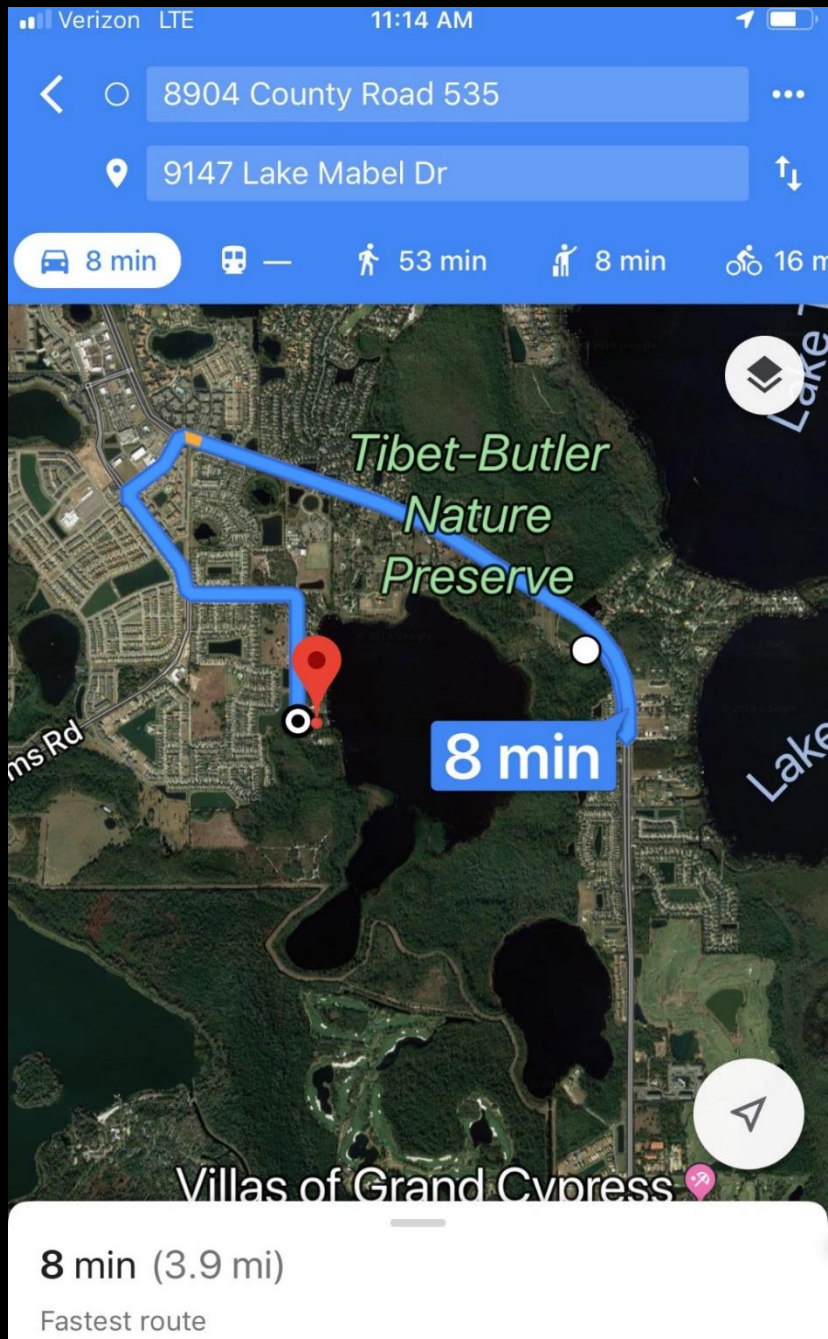
Diane Valazquez, District 2

Requests:

1. Opportunity for rebuttal;
2. Make a finding of consistency with the Comprehensive Plan; determine that the plan amendment is in compliance with Neighborhood Objective N.1, Future Land Use Objective 8.2 and FLU Policies 8.2.1, 8.2.11 and FLU 2.5.7; and recommend TRANSMITTAL of Amendment 2019-1-P-FLU-1, revising proposed new Future Land Use Element Policy FLU 2.5.5 and creating Policy FLU 2.5.5.1., to the Florida Department of Economic Opportunity.



Rebuttal Slides



3.9 miles – 8 minute drive
(NOT during rush hour) from
the Senior Living Village to the
end of Lake Mabel Drive



**View from across Lake Mabel from Lake Mabel Drive
Very tall trees on the eastern shore will block the view of the Senior Village**

**Text Amendment Will Not Set a Precedent
for Commercial Development in the Enclave**

1. Text amendment is limited to housing and care for the elderly—commercial development remains prohibited;
2. The Orange County Code defines ALF as a “residential” use, not commercial.
3. Cottages are a residential use.
4. Text amendment requires a minimum of 10 gross acres with 5 developable;
5. Text amendment requires a **PD**, which will require barns, community gardens, pathways, ponds, meadows, rural open areas, thickets of trees, bushes, wetlands, upland forests, hedgerows, or natural topography, or other natural elements;

**Text Amendment Will Not Set a Precedent
for Commercial Development in the Enclave**

6. Assisted living for the elderly is a unique use because of its minimal traffic impacts, unlike a religious institution or typical commercial development;
7. The Arnold Properties are at least 660 feet away and hidden from Lake Mabel and cannot justify development visible from Lake Mabel Drive;
8. The Tibet-Butler conservation corridor to the north is inappropriate for commercial development;
9. Only the Arnold Properties are in a hybrid location, abutting suburbia.

Environmental Pledges

1. No access to Lake Mabel--there exists between 550 feet to more than a quarter-mile of trees, vegetation and Class I wetlands between Lake Mabel and the Arnold Family Properties;
2. Retain and protect the wetlands + 25 foot wetland buffer. (A small sliver of wetlands exists along the south boundary);
3. Zero added surface water run-off;
4. Rain gardens and swales;
5. Plant lush native landscaping, including supplementing the northern property line;
6. Preserve mature trees where feasible;
7. Organic gardens—no pesticide run-off from agricultural operations;
8. Dark skies lighting.

Request:

Make a finding of consistency with the Comprehensive Plan; determine that the plan amendment is in compliance with Neighborhood Objective N.1, Future Land Use Objective 8.2 and FLU Policies 8.2.1, 8.2.11 and FLU 2.5.7; and recommend TRANSMITTAL of Amendment 2018-2-P-1-5, revising proposed new Future Land Use Element Policy FLU 2.5.5 and creating Policy FLU 2.5.5.1., to the Florida Department of Economic Opportunity.