



Interoffice Memorandum

DATE: March 14, 2022

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

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

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

SUBJECT: Adoption Public Hearing – March 22, 2022 Small-Scale Future Land Use Map Amendments

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment** scheduled for a BCC adoption public hearing on March 22, 2022. The adoption public hearing for Small-Scale Development Amendment SS-22-01-102 was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on January 20, 2022.

If the BCC adopts the proposed amendments, the Small-Scale Development Amendments 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.

JVW/AAV/jhs

Enc: Small-Scale Development Amendment BCC Adoption Binder

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

CASE # SS-22-01-102

Commission District: #5

GENERAL INFORMATION

APPLICANT	Beth Jackson, Orange County Environmental Protection Division
OWNER	Orange County BCC
HEARING TYPE	Small-Scale Future Land Use Map (FLUM) Amendment
FLUM REQUEST	R (Rural) <i>to</i> PRES (Preservation)
EXISTING ZONING	A-2 (Farmland Rural District)
LOCATION	Weomi Court; generally located north of Lake Pickett Rd., east of N Tanner Rd., and south of Weomi Ct.
PARCEL ID NUMBER	12-22-31-0000-00-077
TRACT SIZE	9.97 gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eighty (80) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A community meeting was not required for this application.
PROPOSED USE	Environmental preservation, rehabilitation, or management.

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested Preservation (PRES) Future Land Use.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the Environmental Protection Division (EPD) is requesting a Small-Scale Future Land Use Map (FLUM) Amendment to change the designation of 9.97 gross acre property from Rural (R) to Preservation (PRES), in order to designate the subject property as publicly-owned preservation land under the Green PLACE program. The Green PLACE program will provide for protection of the environmentally sensitive areas of the subject property, as well as provide nature-based recreational opportunities for Orange County residents and visitors.

This parcel was donated to Orange County and the BCC approved the donation contract on July 28, 2020 and the county acquired the parcels on March 1, 2021, after all of the conditions of the Donation agreement were met.

This parcel is part of an existing ecological corridor of 1,000 plus acres of both publicly and privately owned conservation parcels. The parcel is directly adjacent to the Ken Bosserman Econlockhatchee River preserve and the newly acquired Bagshaw Hampton parcel. Additionally, the Econlockhatchee River (an Outstanding Florida Waterway) runs through it.

Orange County has been acquiring environmentally sensitive lands since the mid 1990's and to date has acquired over 23,000 acres independently or in partnership with other state agencies such as the Florida Parks and Recreation Division of the Florida Department of Environmental Protection, St. Johns River Water Management District, South Florida Water Management District and the Florida Fish and Wildlife Conservation Commission.

Amending the Future Land Use designation will add an additional layer of protection to the site.

Existing FLUM Development Program

The existing development program would allow for single-family residential at a rate of one (1) dwelling units per 10 acres. The existing A-2 zoning district and existing Future Land Use Map (FLUM) designation would allow for a maximum buildout of one (1) single-family residence.

Proposed FLUM Development Program

The proposed Preservation future land use designation recognizes lands of significant environmental importance for the purposes of environmental protection, and allowing for environmental preservation, rehabilitation, or management, and limited very-low impact recreational or educational uses.

Land Use Compatibility

The proposed Preservation designation and A-2 zoning would allow for preservation of the property, which has been determined to be of significant environmental importance. The proposed use is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

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

Comprehensive Plan (CP) Consistency

As mentioned previously, the current A-2 zoning is consistent with the proposed Preservation (PRES) designation. Additionally, the proposed request is consistent with the following Comprehensive Plan provisions:

GOAL C1 states that Orange County shall conserve, protect, and enhance the County's natural resources including air, surface water, groundwater, vegetative communities, wildlife listed as threatened, endangered, or species of special concern, soils, floodplains, recharge areas, wetlands, and energy resources to ensure that these resources are preserved for the benefit of present and future generations.

GOAL OS1 states the goal of Orange County to protect and preserve valuable open space resources

FLU1.1.4 describes the Open Space Related designations, including the requested designation of Preservation (PRES).

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

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.

SITE DATA

Existing Use Undeveloped Land

Adjacent	FLUM	Zoning
North	Low Density Residential	R-1AAAA (Residential Urban District)
South	Preservation	A-2 (Farmland Rural District)
East	Preservation	A-2 (Farmland Rural District)
West	Rural	A-2 (Farmland Rural District)

Adjacent Land Uses

- N: Single-family residential
- E: Vacant parcel
- W: Vacant parcel
- S: Vacant parcel

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation / Access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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 Comments:**

Econ River Ordinance - This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations apply. Reference Chapter 15 Article XI.

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

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Orange County Planning Division
BCC Hearing Date: March 22, 2022

Outstanding FL Waters - FDEP 62-302.700 Special Protection, Outstanding Florida Waters, Outstanding Natural Resource Waters. No degradation of water quality, other than that allowed in Rule 62-4.242(2) and (3), F.A.C., is to be permitted in Outstanding Florida Waters and Outstanding national Resource Waters, respectively, notwithstanding any other Department rules that allow water quality lowering.

Mitigation - CAI 10-030 utilized 0.57 acre of this parcel for mitigation (ORB Book 10627, Page 5438).

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orange County

Wastewater: Orange County

Reclaim Water: Orange County

***Utilities Comments:**

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

Preservation future land use does not permit any development that would generate water, wastewater, or reclaimed water demand.

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.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (January 20, 2022)

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested Preservation (PRES) Future Land Use.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested Preservation (PRES) Future Land Use Designation. The applicant, Beth Jackson, from the Orange County Environmental Protection Division was present and agreed with the staff recommendation.

Staff indicated that eighty (80) notices were mailed to those property owners in the mailing area extending beyond 1,000 feet surrounding the property, and that staff received no comments in favor or opposition. During public comments no member of the public was present to speak.

After a brief discussion, a motion was made on the Future Land Use Map Amendment by Commissioner Spears, and seconded by Commissioner Abdallah to recommend ADOPTION of the requested Preservation (PRES) Future Land Use designation. The motion carried on a 8-0 vote.

Motion / Second	<i>Gordon Spears / Mohammed Abdallah</i>
Voting in Favor	<i>Nelson Pena, George Wiggins, Mohammed Abdallah, Eddie Fernandez, JaJa Wade, Trevor Sorbo, Walter Pavon, and Gordon Spears</i>
Voting in Opposition	<i>None</i>
Absent	<i>Evelyn Cardenas</i>

SS-22-01-102

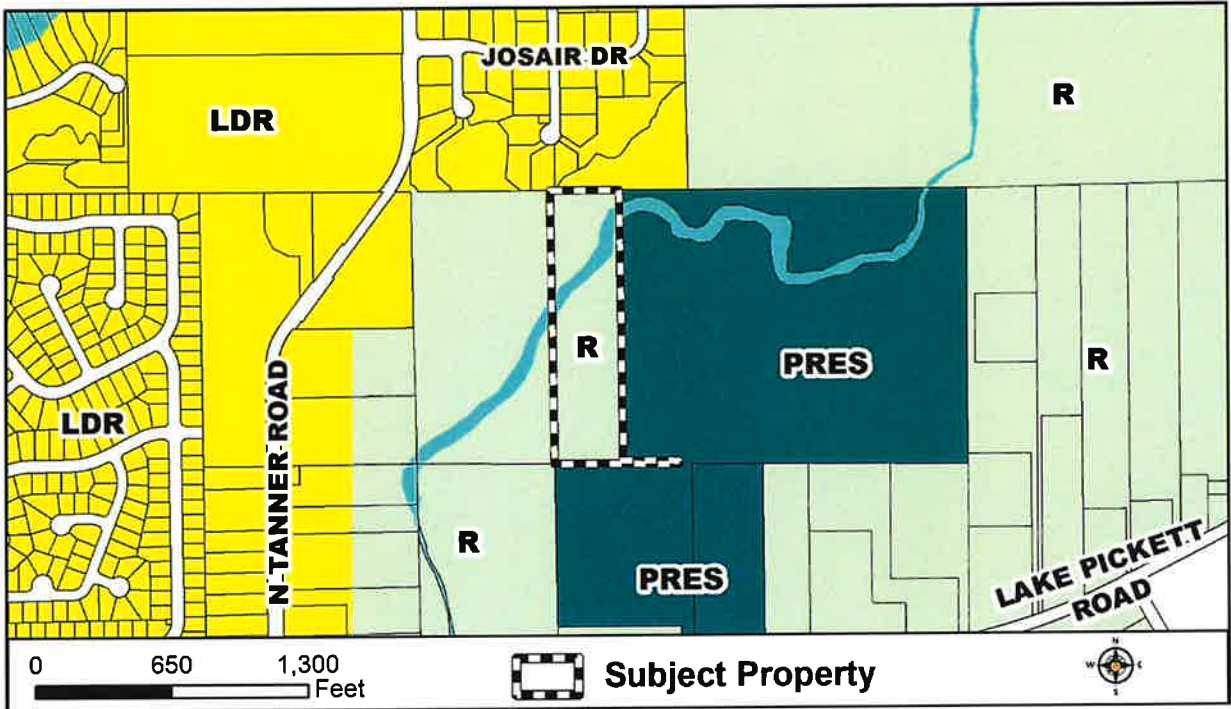


 Subject Property

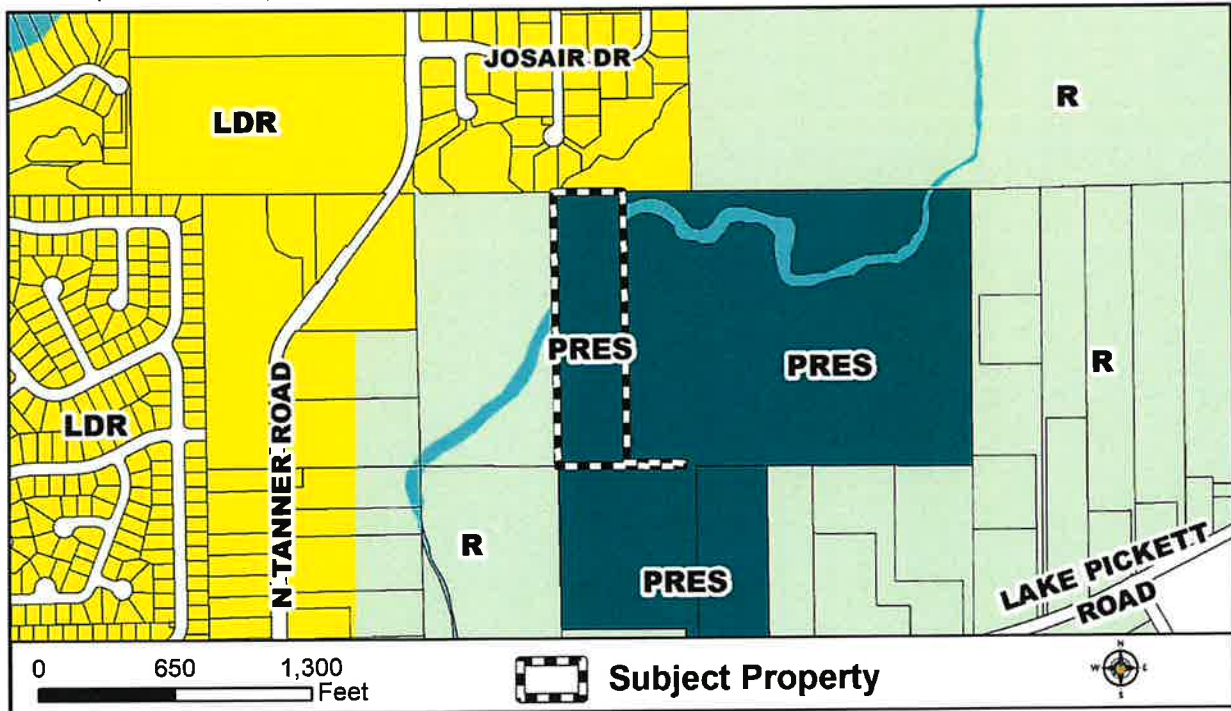


1 inch = 400 feet

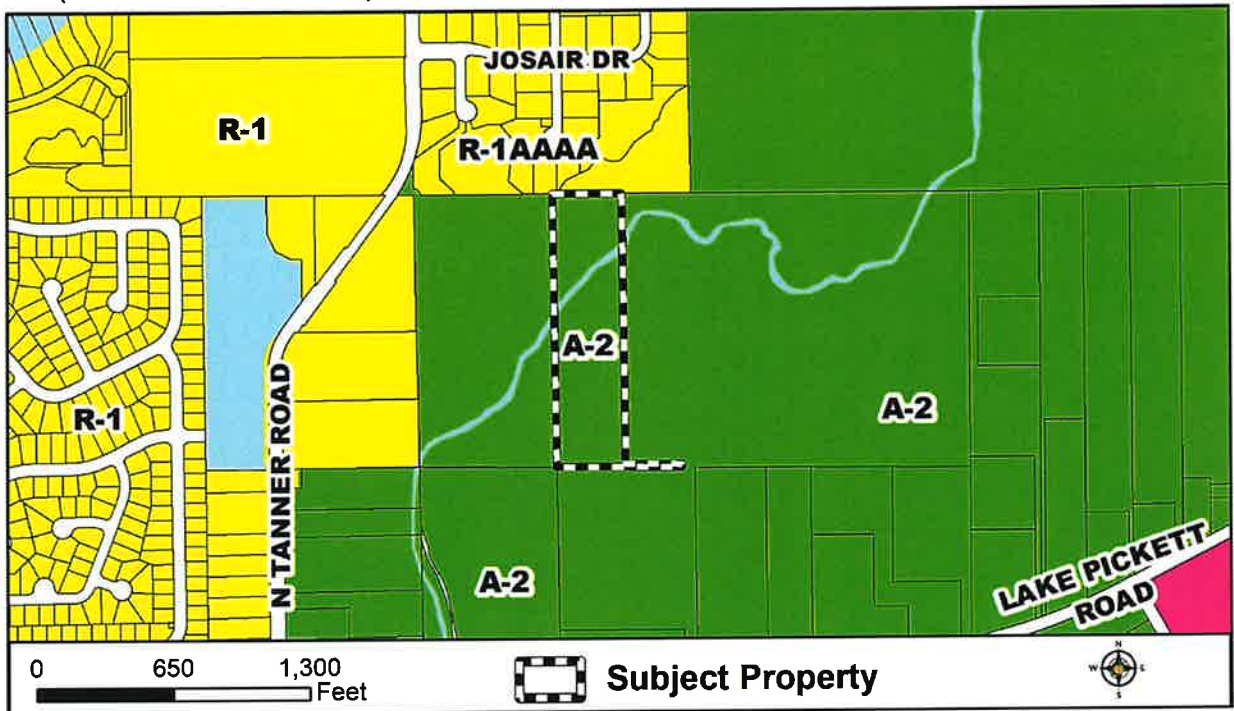
FUTURE LAND USE - CURRENT
R (Rural)



FUTURE LAND USE - PROPOSED
PRES (Preservation)



ZONING – CURRENT
A-2 (Farmland Rural District)



Notification Map

