




Interoffice Memorandum

February 13, 2023

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

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

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

SUBJECT: 2023-1 Regular Cycle Comprehensive Plan
Amendment 2023-1-A-2-2
(Special Hearts Farm)
Board of County Commissioners (BCC) Transmittal Public Hearing

2023-1 Regular Cycle Comprehensive Plan Amendment 2023-1-A-2-2 is scheduled for a BCC transmittal public hearing on February 21, 2023. This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 19, 2023, and recommended to be transmitted.

The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See:

<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>.

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

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

- Amendment 2023-1-A-2-2 (Special Hearts Farm)

Following the BCC transmittal public hearing, the proposed amendment will be transmitted to the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Staff expects to receive comments from DEO and/or the other State agencies in March 2023. Pursuant to 163.3184, Florida Statutes, the proposed amendment must be adopted within 180 days of receipt of the comment letter. Adoption public hearings are tentatively scheduled for the LPA on April 20, 2023, and the BCC in May 2023.

2023-1 Regular Cycle Amendment 2023-1-A-2-2
BCC Transmittal Public Hearing
February 21, 2023
Page 2

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

AAV/sw

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

c: Jon V. Weiss, P.E., Deputy County Administrator
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Read File



ORANGE COUNTY

PLANNING DIVISION

2023-1 REGULAR CYCLE AMENDMENTS

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

**FEBRUARY 21, 2023
TRANSMITTAL PUBLIC HEARING**

PREPARED BY:
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



TABLE OF CONTENTS

INTRODUCTION Tab 1

REGULAR CYCLE AMENDMENT Tab 2

Privately-Initiated Regular Cycle Future Land Use Map (FLUM) Amendment

Amendment			Page
1.	2023-1-A-2-2 Special Hearts Farm	Rural/Agricultural (R) to Institutional (INST)	1

Facilities Analyses.....Tab 3

Transportation Analysis.....Tab 4

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

INTRODUCTION

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

The above-referenced 2023-1 Regular Cycle Amendment entails a privately-initiated map amendment located in District 2. Since this is the transmittal stage for this amendment, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendment and provide comments, expected in March 2023. Adoption public hearings are tentatively scheduled before the LPA on April 20, 2023 and before the BCC in May 2023.

Once the Regular Cycle amendment has been adopted by the BCC, it will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in June 2023, provided no challenges are brought forth for the amendment.

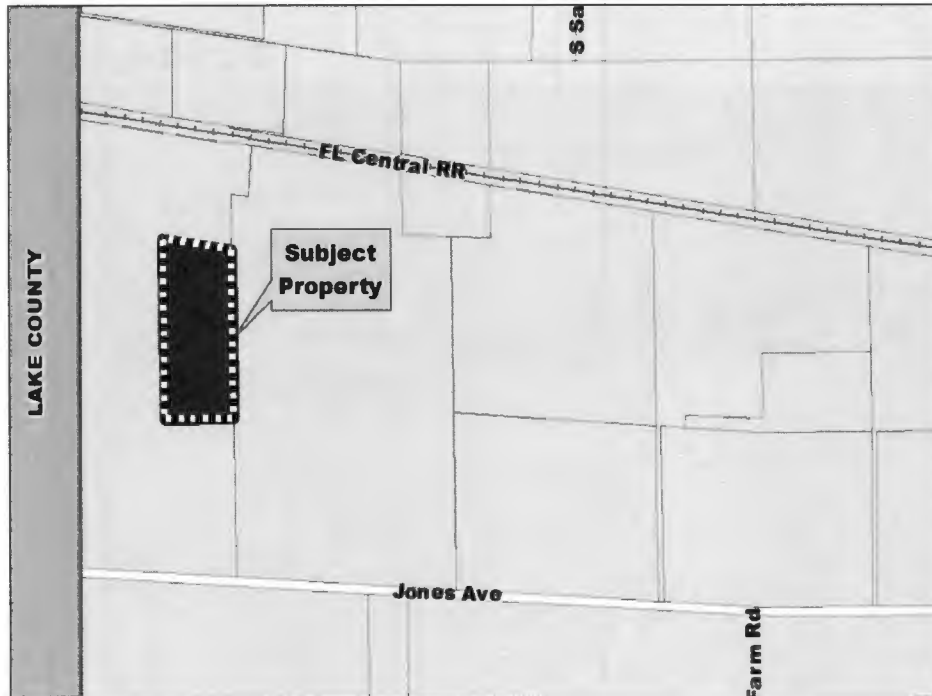
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2022-1 Regular Cycle State-Expedited Review Comprehensive Plan Amendment
Privately-Initiated Future Land Use Map Amendment

Amendment Number	Concurrent Recording or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	BCC Commission District	Future Land Use Map Designation PRIOR:	Future Land Use Map Designation TO:	Zoning Map Designation PRIOR:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
2023-0-0-0 Special Needs Park	LUP-23-10-021	Special Needs Park, Inc.	Jim Hall, Hall Development Services, Inc.	19-28-17-315-09-00	8551 James Ave., generally located north of James Ave., west of E. Orange Street, N. 71, south of Butler Rd., and east of the Range County-Lake County line	2 - Christian Moun	Residential/Cultural (R)	Institutional (RBT)	2-4 Professional Rural District	R2 (Planned Residential)/Special Needs Park PSLUP	14.88 gross ac.	Bob Wilson	Trajectory	Trajectory (6-R)

ABBREVIATIONS INDEX

[illegible]



Applicant/Owner: Jim Hall, Hall Development Services, Inc., for Special Hearts Farm, Inc.

Location: 8755 Jones Ave.; Generally located north of Jones Ave., west of N. Orange Blossom Trl., south of Sadler Rd., and east of the Orange County-Lake County line

Existing Use: Single-family home, manufactured home, and grazing pastureland

Parcel ID Number:
19-20-27-3752-00-093

Tract Size: 14.89 gross acres

The following meetings and hearings have been held for this proposal:		
Report/Public Hearing		Outcome
✓	Community Meeting	Not Required
✓	Staff Report	Recommend Transmittal
✓	LPA Transmittal January 19, 2023	Recommend Transmittal (7-0)
	BCC Transmittal	February 21, 2023
	State Agency Comments	March 2023
	LPA Adoption	April 20, 2023
	BCC Adoption	May 2023

Project Information
Request: Rural/Agricultural (R) to Institutional (INST)
Proposed Development Program: Training Facility: 25,000 sq. ft./50 residents/20 Staff; Residential Care: 25,000 sq. ft./50 residents; Event Barn: 6,000 sq. ft.; Barn: 2,400 sq. ft.; Caretaker’s Residence: Minimum 800 sq. ft., and agriculture related uses, such as growing crops and animal husbandry for farm animals
Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis on each public facility.
Transportation: The proposed uses will result in an increase of 9 p.m. peak trips and therefore will impact the area roadways. An in-house traffic study was conducted as part of Transportation Planning’s review.
Environmental: The subject property is located within the Wekiva Study Area.
Utilities: The subject property is located with the City of Apopka’s utility service area.
Concurrent Rezoning: Case LUP-22-10-328 A proposed rezoning from A-2 (Farmland Rural District) to PD (Planned Development District) (Special Hearts Farm PD/LUP) is proceeding through DRC review and is expected to be considered in conjunction with the requested Future Land Use Map Amendment during the adoption public hearing stage.

2023-1-A-2-2



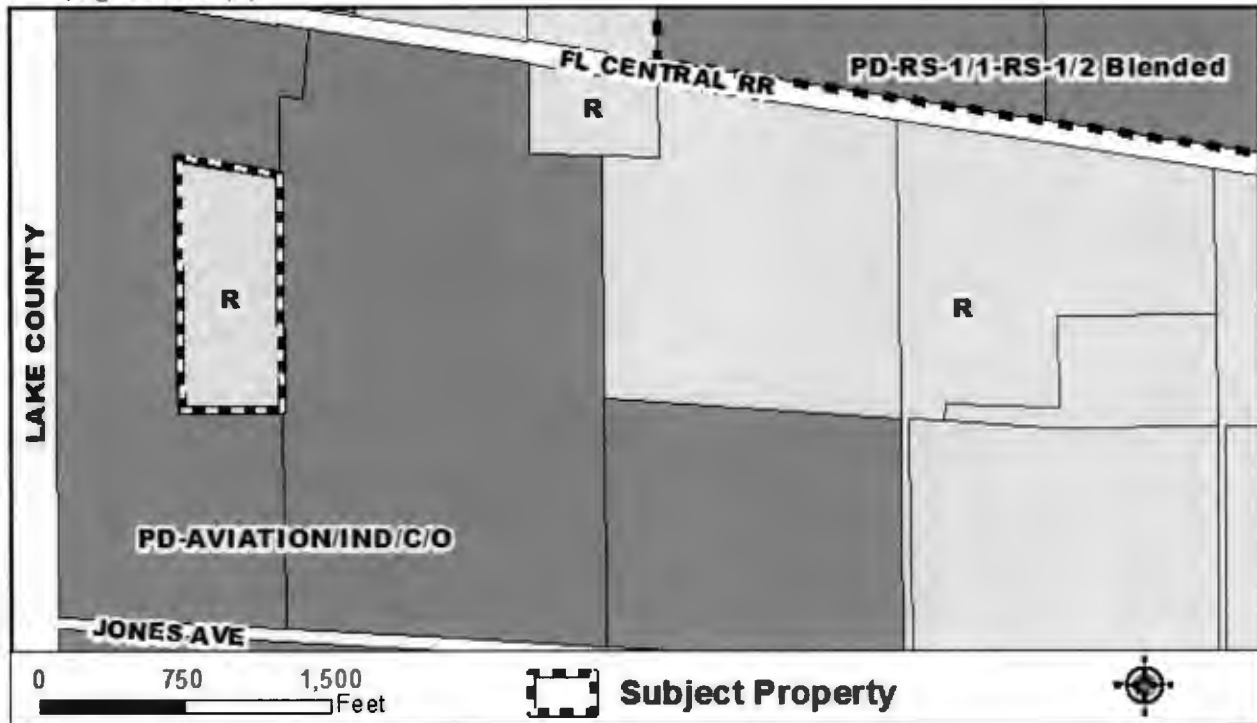
 Subject Property



1 inch = 500 feet

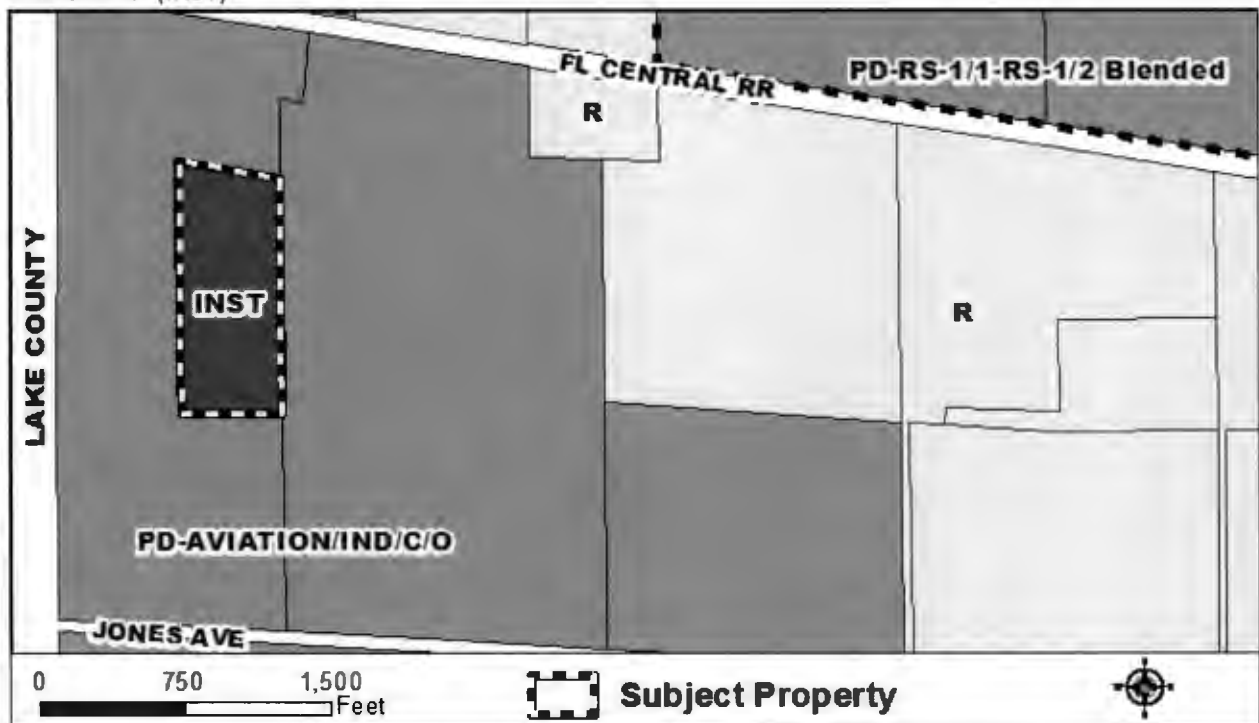
FUTURE LAND USE - CURRENT

Rural/Agricultural (R)



FUTURE LAND USE - PROPOSED

Institutional (INST)



ZONING – CURRENT

A-2 (Farmland Rural District)



STAFF RECOMMENDATION

1. **FUTURE LAND USE MAP AMENDMENT 2023-1-A-2-2:** Make a finding that the information contained in the application for the proposed amendment is sufficiently complete; that the proposed amendment as the potential to be found "in compliance," as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Local Planning Agency that the amendment, 2023-1-A-2-2, be **TRANSMITTED** to the state reviewing agencies.

ANALYSIS

1. Background and Development Program

The applicant has requested to change the Future Land Use Map (FLUM) designation of the 14.89-acre site from Rural/Agricultural (R) to Institutional (INST). The applicant is proposing a development program consisting of a 25,000-square-foot training facility for 50 students and 20 staff members, a 25,000-square-foot residential care building for 50 residents; a 6,000-square-foot event barn; a 2,400-square-foot barn; an 800-square-foot caretaker's residence, and agriculture related uses, such as growing crops and animal husbandry for farm animals. The Rural/ Agricultural (R) FLUM designation promotes long-term viability of agricultural uses as an economic asset while allowing single-family residential on large lots at a maximum density of one (1) dwelling unit per 10 acres. Compatible non-residential activity may be related to agribusiness. The Institutional (INST) Future Land Use Map (FLUM) designation recognizes institutional uses that include public and private utilities, facilities, structures and lands that serve a public or quasi-public purpose.

The subject property has a Rural/Agricultural FLUM designation and is zoned A-2 (Farmland Rural District), and is located in the Rural Service Area (RSA). Because the property is located in the RSA, there is little or no public facilities or services available and limited infrastructure. The subject site is located north of Jones Avenue, west of N. Orange Blossom Trail, south of Sadler Road, and east of the Orange County-Lake County line. Previously, a poultry (egg) farm existed on the subject property with several chicken coops, two manufactured homes, and a single-family home. Presently, a single-family home, a manufactured home, horse stable, two chicken coop buildings, and two accessory buildings are located on the site, as well as several farm animals (cows). The intent and purpose of the agricultural zoning districts is to provide for agricultural and ranching uses.

As shown on the current FLUM, the subject property is completely surrounded on all sides by the northern portion of the Aviation Growth Center (AGC), north of Jones Avenue. The AGC contains a total of 447 acres and is located both on the north and south sides of Jones Avenue. On June 21, 2011, the Board of County Commissioners (BCC) approved Amendment 2010-1-A-2-1, which changed the site's FLUM designation from Rural / Agricultural (R) to Planned Development - Aviation/Industrial/Commercial /Office (PD-Aviation/IND/C/O). The approved development program is 750,000 square feet of aviation related uses, 2,800,000 square feet of industrial uses, 50,000 square feet of commercial uses, and 150,000 square feet of office uses. The purpose of the AGC is to anticipate and coordinate development related to the future establishment of a general aviation facility within the West Orange Aviation District. Although the subject site is completely surrounded by the AGC's northern portion, it is not within it.

Agricultural uses, more specifically crop farming, abut the site to the north, south, east, and west, and they all have A-2 zoning classifications. H&A Farms, blueberry growers, is operating their crop farming

company on the surrounding adjacent parcels, both on the north and south sides of Jones Avenue. The Orlando North Airpark/Hangars, a municipal airport, is located southeasterly of the subject site. It is located within the AGC's southern portion, on the south side of Jones Avenue. It has an A-1 (Citrus Rural District) zoning classification. Further south and east of the subject property is the Lake Apopka North Shore Wild Life Drive, owned by the St. Johns River Water Management District (SJRWMD). The 12,252-acre site is also known as the SJRWMD Lake Apopka Restoration Area, and it has a Rural/Agricultural FLUM designation and an A-1 zoning classification. Large parcels of lands, located further north of the subject property, also possess Rural/Agricultural FLUM designations, and they have corresponding A-2 zoning classifications. These parcels are also being used for agricultural purposes, more specifically, agricultural greenhouse ornamental landscape and agricultural container nursery businesses. Further west of the subject property are additional large parcels of lands also used for crop farming. These parcels are located within Lake County's jurisdiction.

Special Hearts Farm Planned Development (PD)/Land Use Plan (LUP) (Case LUP-22-10-328)

The Orange County Zoning Division Staff determined that the proposed uses and the scale of the Special Hearts Farm, more specifically, the two main uses, residential care and job training, fall into categories that are not permitted within the A-2 zoning district. They determined the uses cannot be accommodated by Special Exception (SE). The Zoning Division Staff also determined that the farm is allowed in the A-2 zoning district and the event barn can be permitted by SE. The Zoning Division Staff tried to find a way to allow the proposed uses via the SE route, but the number of employees, attendees, and the services/activities conducted on site did not fall into a standard agricultural use, or even something that could be allowed via SE. The applicant was advised by County Staff to rezone the subject property from A-2 to Planned Development District (PD), and to request the INST FLUM designation, thus the reason for the FLUMA and rezoning applications. The PD zoning classification correlates to the INST FLUM designation. The applicant has submitted rezoning application, LUP-22-10-328, requesting to rezone the subject property from A-2 to PD to create the Special Hearts Farm PD. The proposed uses will be specified on the PD/LUP. The proposed uses are described more specifically on the PD/LUP as follows:

Adult Training Facility – A 25,000-square-foot building for training, education, and meals for the 50 residents in the program. It is anticipated that there will be 20 professional 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 – There will be 50 residents living onsite. The nature of the units will vary depending on the capabilities of the residents. Some will be sleeping quarters only and others will have simple food preparation area with a refrigerator, sink, and microwave. Overnight accommodations for up to four (4) staff members will also be included.

Event Barn – A 6,000-square-foot structure with a small store (up to 1,000 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 vegetables, eggs, and other 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. The applicant anticipates that the largest events will draw up to 300 people over a length of time.

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. Ultimately, a new 2,400-square-foot barn will replace the existing farm structures on the site.

Caretaker's Home – There will be an approximately 800-square-foot single-family home for a caretaker to be onsite.

The Special Hearts Farm's PD/LUP indicates that the proposed project will be constructed in multiple phases that will be determined at the Development Plan (DP)/Preliminary Subdivision Plan (PSP) stage. This is the transmittal stage of the proposed FLUMA request, so the PD rezoning application will not be considered at this time. Case LUP-22-10-328 is currently proceeding through DRC review and is expected to be considered concurrently with this requested FLUM Amendment during the adoption public hearing stage.

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. According to the applicant, the subject property was purchased in 2021, and the anticipated facilities will include an adult day training building, event barn, animal barns, and residential housing which will support 50 participants and 20 staff members.

Special Hearts Farm Programs

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.

COMMUNITY MEETING

A community meeting was not required for this proposed amendment. Per **Future Land Use Element Policy FLU8.4.2**, community meetings may be required for comprehensive planning processes that involve land use changes, including comprehensive plan amendments proposed by the private sector, to ensure public awareness of these processes and proposals.

2. Future Land Use Map Amendment Analysis

CONSISTENCY

The requested FLUM amendment initially appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

The 14.89-acre subject property is located in the Rural Service Area (RSA) in an area characterized mostly by agricultural farmland uses, more specifically crop farming, that completely surrounds the property. The adjacent parcels, located immediately north, south, east, and west, are within the northern portion of the Aviation Growth Center (AGC), north of Jones Avenue. The current zoning classifications of the properties located within the AGC are A-2, as well as the subject property. The subject property is the site of a former poultry (egg) farm that contained several chicken coops for the former agribusiness.

Staff finds the requested FLUM Amendment consistent with **Future Land Use Element Objective FLU1.1.4 (A)**, which states INST FLUM 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 housing component. More specifically, the applicant's proposed development program consists of a 25,000-square-foot training facility for 50 students and 20 staff members, a 25,000-square-foot residential care building for 50 residents; a 6,000-square-foot event barn; a 2,400-square-foot barn; an 800-square-foot caretaker's residence, 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.

The proposed project is 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 agricultural businesses located along Jones Avenue.

The subject property is located in an area characterized by agricultural uses, more specifically agricultural croplands and farmlands. As previously mentioned, the Special Hearts Farm's program provides individuals with disabilities and unique disabilities the opportunity to produce and sell products such as goat milk soap, rustic signs, growing crops and an animal husbandry for farm animals. The proposed amendment is consistent with **Future Land Use Element Policy FLU6.1.6**, which states

that Orange County shall promote agribusiness to accommodate uses such as vegetable and fruit packaging, ornamental horticulture operations, fish culture, and other new and innovative agribusiness and support functions. Also, the proposed amendment is consistent with **Future Land Use Element Policy FLU6.1.12**, which states Orange County shall continue to promote the long-term viability of agricultural uses, and agribusiness itself, as an economic asset. Furthermore, the proposed amendment is consistent with **Future Land Use Element Policy FLU6.1.13**, which states Orange County will support the creation and availability of fresh food initiatives and efforts, including local farmers markets, community vegetable gardens, and other small scale agricultural efforts that promote local sustainability. The applicant has stated that the residents and staff will grow field crops on site. The weekend farmer's markets will give the residents the opportunity to sell the vegetables, eggs, and other items that are produced on the site or 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. The farmer's market and the agricultural-related seasonal events held throughout the year will allow the residents to promote the agribusiness associated with Special Hearts Farm.

Economic Element Objective E1.2 states Orange County shall promote continuing education efforts to foster a workforce with the latest skills. The Special Hearts Farm in collaboration with Orange County Public Schools (OCPS) 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. The Special Hearts Farm provides adult day training, supported employment, and possible 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. The proposed FLUMA is also consistent with **Economic Element Policy E1.2.2**, which states the County shall support existing higher education programs with more non-degree training and continuing education. The Special Hearts Farm OCPS Transition Site program allows students the opportunity to continue the Adult Day Training/Supported Employment Program when they age out of school. Also, seasonal events held throughout the year will be opened to the public and will be staffed, in part, by the residents for additional job training and pay.

Regarding the residential portion of the FLUMA application, **Housing Element Objective 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 farmworkers, senior citizens, those afflicted with AIDS/HIV, the homeless, and physically or developmentally disabled persons. Per the applicant, there will be 50 residents living onsite. The nature of the units will vary depending on the capabilities of the residents. Some will be sleeping quarters only and others will have simple food preparation area with a refrigerator, sink, and microwave. Overnight accommodations for up to four (4) staff members will also be included. As stated above, because the property is located within the RSA, there is little or no public facilities or services available and limited infrastructure. Water will be provided by well and sewer by a septic system. Orange County Code Section 37-539, related to septic tank use without central water (e.g., using potable well), indicates for structures with three (3) or more units, an on-site sewage disposal system (OSDS) is not permitted. In addition, neither commercial nor industrial structures can be on an OSDS. However, the applicant contacted the Florida Department of Health (FDOH) regarding the prohibition and FDOH has no objection to the use of an OSDS for the proposed uses if it meets Florida Administrative Code, Section 62.6.008, which relates to system size determinations. The applicant has stated that the septic system will meet State standards and will obtain the necessary permits. The Orange County Public Works Development Engineering Division

informed the applicant that the septic tank permit needs to be submitted to the Orange County Division of Building Safety which would include the Health Department's review.

The subject property is located within the Wekiva Study Area and will be subject to additional guidelines for development. **Open Space Element Policy 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. The Special Hearts Farm proposed uses will be consistent with this policy. Since the subject property is located within the Wekiva Study Area, a minimum of 25% of open space must be reserved.

COMPATIBILITY

The proposed FLUM amendment appears to be **compatible** with the existing development and development trend 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 is completely surrounded by agricultural uses on the north, south, east, and west. H & A Farms, a blueberry farming company, is operating their crop farming business on the surrounding adjacent parcels, both on the north and south sides of Jones Avenue. Other agricultural related businesses, such as an ornamental landscape and an agricultural container nursery, are also operating in close proximity of the subject site. The proposed uses would not seem out of character in the surrounding area, there is an agricultural component, such as livestock and livestock care, field crops, gardening, and producing and selling agricultural products 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 agricultural uses, they will not be out of character with the existing development.

It is staff's belief that the proposed uses are compatible with the existing agricultural uses and businesses located along Jones Avenue.

DIVISION COMMENTS: ENVIRONMENTAL, PUBLIC FACILITIES, AND SERVICES

Environmental:

EPD Review Summary:

- This parcel is currently zoned rural and has a history of rural/agricultural uses. There are no conservation areas indicated on site.
- 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).

FLUM Amendment Comments:

1. Wekiva Study Area – This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply, but are not limited to: septic tank criteria, open space, stormwater treatment and conservation, and increased buffer widths. *Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.*
2. Existing Septic and Well – If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. *Reference OC Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.*
3. Jurisdictional Coordination – This environmental review only addresses Orange County environmental regulatory code, however, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, and the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS), and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one of the other agencies could deny the request even if the County approves it, or they may have other natural resource protective requirements. Therefore, it is imperative that this proposed request be addressed on a multi-agency basis.

Additional EPD Comments:

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

Design Criteria, Sec. 250 Open Drainage Facilities, (g).

2. Managed Public Lands – This site is in close proximity to the Lake Apopka Management Area managed by the St. Johns Water Management District. The nearby property may require the use of resource management practices that may result in periodic temporary conditions that may limit outdoor activities. These practices may include, but not 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.
3. Odor Sources – There are several sources of odors located within two miles of this proposed development including facilities for treating septic tank waste, processing fertilizer, cleaning hazardous chemicals, and a mushroom farm/processing plant.
4. Demolition – Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. *Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Sec.108 Notification procedure and requirements, Subsection A(1).*

Transportation:

Based on trip generation estimates from the 11th Edition of the Institute of Transportation Engineers Trip Generation Handbook, it was determined that the currently approved use based on the current future land use designation of Rural/Agricultural (R) would generate approximately 1 new p.m. peak hour trips, while the proposal to develop the work and training center/event barn, adult training school, animal barn, dormitory, and caretaker's house (50) students under the Institutional (INST) future land use designation will generate 10 new p.m. peak hour trips, resulting in an increase of 9 p.m. peak hour trips.

Future Roadway Network

Road Agreements: No

Planned and Programmed Roadway Improvements: No

Right of Way Requirements: No

Summary

The applicant is requesting to change ~14.89 acres from Rural (R) to Institutional (INST) and rezone from A-2 to PD to construct a work and training center/event barn, adult training school, animal barn, dormitory, and caretaker's house.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed work and training center/event barn, adult training school, animal barn, dormitory, and caretaker's house will result in an increase in the number of nine (9) p.m. peak trips and therefore will impact the area roadways.

Roadway Capacity Analysis

A Traffic Study was not submitted with the case for review and comment. The subject property is located adjacent to Jones Avenue. Based on existing conditions, there are multiple failing roadway segments within the project's impact area along Orange Blossom Trail from Ponkan Road to Sadler Road (1 segment) and from Earlwood Avenue to the Lake County Line (1 segment) are failing. This information is dated and subject to change.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order 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 Policy Plan.

Utilities:

The subject property lies within the City of Apopka's potable water, wastewater, and reclaimed water service areas.

Orange County Public Schools:

No comment as there are no school aged children generated from the proposed use.

3. Policy References

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 policies shall guide regulatory decisions that involve differing land uses.

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

OBJ H1.7 – Orange County shall continue to promote and facilitate housing production, to serve the population with special needs including but not limited to farmworkers, senior citizens, those afflicted with AIDS/HIV, the homeless, and physically or developmentally disabled persons.

FLU1.1.4 – OTHER URBAN RELATED OPTIONS – The following are non-residential Future Land Use designations that are predominantly found in the Urban Service Area. These may also be located within Rural Settlements on a limited basis. (See specific policies within OBJ FLU6.2.) Also, Institutional and Educational designations 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.

FLUM Designation	General Description	Density/Intensity
Urban Non-Residential – Predominantly urban in use		
Institutional (INST)	Institutional uses include public and private utilities, facilities, structures and lands that serve a public or quasi-public purpose. Public schools that have been designated Institutional may continue to maintain that designation.	2.0 FAR

FLU6.1.4 – Institutional uses, such as wastewater treatment and landfill facilities, 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 – Orange County shall promote agribusiness to accommodate uses such as vegetable and fruit packaging, ornamental horticulture operations, fish culture, and other new and innovative agribusiness and support functions.

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

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

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

FLU8.2.11 – Compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

FLU8.4.2 – Community meetings may be required for comprehensive planning processes that involve land use changes, including comprehensive plan amendments proposed by the private sector, to ensure public awareness of these processes and proposals. This policy shall not apply to staff-initiated amendments for countywide updates to the Future Land Use Map, such as for Institutional uses or amendments that address scrivener's errors or annexations on the Future Land Use Map.

E1.2.2 – The County shall support existing higher education programs with more non-degree training and continuing education.

OS1.3.6 – For that portion of the Wekiva Study Area located within the Joint Planning Area of the City of Apopka, Orange County shall require compliance with minimum open space and density requirements described by the Joint Planning Area Agreement (JPA) with the City of Apopka adopted on October 26, 2004 and as may be amended. If a discrepancy exists between the City of Apopka and Orange County in terms of requirements, the most stringent shall apply. The County shall adopt Land Development Regulations for these areas to provide for a pattern of development that protects most effective recharge areas, karst features, and sensitive natural habitats.

All areas shown as High Recharge Areas identified in the Data and Analysis of this element on Map 4 (aka Figure WSA-3) shall be recognizable by the presence of Type "A" Hydrologic Soil Group identifying the most effective recharge areas.

During the site planning process, a soil analysis shall be performed by a qualified professional to determine the location of most effective recharge areas, considered Type "A" Hydrologic soils described by the NRCS Soil Survey maps.

To maximize open space and preserve the natural environment within the Wekiva Study Area, all development shall conform to the following requirements.

An acceptable alternative plan to a configuration in which the required percentage of open space is located on site is a plan that ensures that the required percentage of open space is permanently preserved through the transfer of density credits, development rights, or property purchases (such off-site transfers shall be limited to property located within the Wekiva Springshed), and such open space

shall be permanently protected through conservation easements or similar binding mechanisms.

The following policies describes areas of Orange County that contain special criteria for open space. For these following areas, all open space shall be permanently protected and unless otherwise noted, the clustering of open space is required.

A. Residential land uses in the Rural Service Area.

Within all areas designated as Rural/Agricultural, the following standards shall apply:

- 1) Development with densities less than or equal to one unit per ten acres (1du/10ac) – open space shall be 50% or greater.

B. 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:

- 1) Development with densities less than or equal to one unit per acre (1du/ac) – open space shall equal 50% or greater;
- 2) Development with densities greater than one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall be 60% or greater;
- 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.

C. Residential land uses in Rural Settlements expansions.

For any Rural Settlement expansions in the Wekiva Study Area, 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:

- 1) Development with densities less than or equal to one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall equal 60% or greater;
- 2) Development with densities less than or equal to one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 70% or greater;
- 3) Development with densities greater than one unit per acre (1du/ac) in a development with an overall size less than or equal to 100 acres – open space shall be 70% or greater;
- 4) 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 80% or greater.

D. Residential land uses in Growth Centers.

Within Growth Centers in the Wekiva Study Area, any sensitive resource elements shall be permanently protected. Minimum open space shall be provided as follows.

- 1) Development with densities of less than or equal to one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall be 40% or greater;
- 2) Development with densities of less than or equal to one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 50% or

greater;

- 3) Development with densities greater than one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall be 60% or greater.
- 4) 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.

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

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

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

F. Vertical mixed-use in the Urban Service Area and Growth Center.

Vertical mixed-use (non-residential and residential land uses) within the Urban Service Area and Growth Centers in the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. To minimize impervious surfaces, shared parking shall be required to the greatest extent practicable between adjacent non-residential uses.

G. Non-residential land uses in the Rural Service Area and Rural Settlements.

New non-residential uses permitted in the Wekiva Study Area within the Rural Service Area (including Rural Settlements) generally shall be limited to neighborhood and community commercial uses including small offices, institutional uses, agricultural uses, public parks and public conservation lands. Land uses existing prior to adoption of this policy shall be recognized and allowed to develop according to the appropriate Land Development Code in place at the time of development permitting. Comprehensive plan map amendments may allow neighborhood or community commercial uses only at intersections of collector or arterial roadways, and such uses shall be restricted to neighborhood and low-intensity community commercial uses. Such commercial uses shall not be considered to be an impetus for increased residential densities in proximity to those commercial uses. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. To minimize impervious surfaces, shared parking shall be required to the greatest extent practicable between adjacent non-residential uses.

H. Non-residential land uses in the Urban Service Area.

New non-residential uses permitted in the Wekiva Study Area within the Urban Service Area shall be consistent with Goals, Objectives and Policies of the Comprehensive Plan and specifically with the Policies FLU1.4.3 through FLU1.4.25. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space.

Non-residential sites too small to accommodate the above requirements – generally existing lots of record – may apply for a waiver from some or all of these open space requirements, provided that competent and sufficient evidence is provided documenting that fulfilling these requirements either is not physically possible or would constitute an undue hardship rendering the property unusable under the land use designation in effect on July 1, 2006.

ACTION REQUESTED

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

Make a finding that the information contained in the application for the proposed amendment is sufficiently complete; that the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Local Planning Agency that the amendment, 2023-1-A-2-2, be TRANSMITTED to the state reviewing agencies.

LOCAL PLANNING AGENCY (LPA) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding with the Comprehensive Plan and recommend amendment, 2023-1-A-2-2, be transmitted to the state reviewing agencies. The applicant was present and agreed with the staff recommendation.

During public comment, ten (10) members of the public were present, with eight (8) speaking in support of the request and two (2) speaking in opposition of the request with concerns of fungicide and fertilizer spraying on the adjacent farm. After public comment, the PZC members discussed the compatibility of the proposed use with the surrounding agricultural uses. A motion was made by Commissioner Wiggins, and seconded by Commissioner Cardenas to recommend that the proposed amendment, 2023-1-A-2-2, be transmitted to the state reviewing agencies. The motion was carried on a 7-0 vote.

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

**Site Visit Photos
Subject Site**



**North – Agricultural Croplands
(H & A Farms, LLC)**



**South – Agricultural Croplands
(H & A Farms, LLC)**



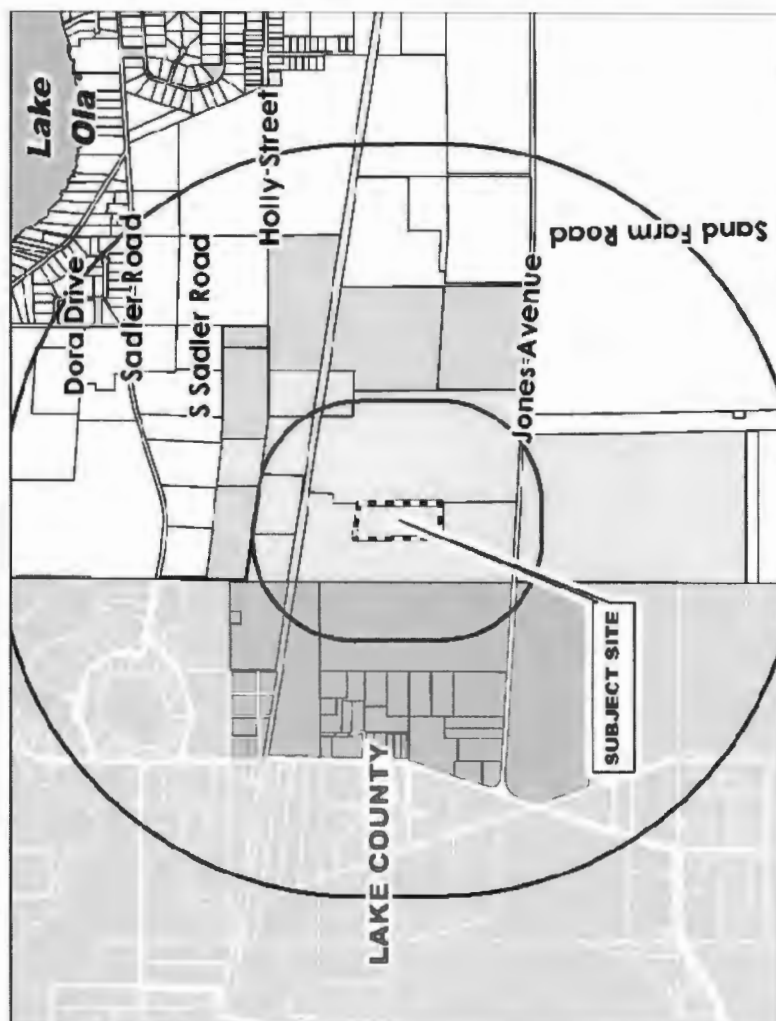
**East – Agricultural Croplands
(H & A Farms, LLC)**



**West – Agricultural Croplands
(H & A Farms, LLC)**



2023-1-A-2-2 (Special Hearts Farm)



MAP LEGEND

SUBJECT SITE	PARCELS
1500 FT BUFFER	NOTIFIED PARCELS
1 MILE BUFFER	COURTESY PARCELS
HYDROLOGY	LAKE COUNTY PARCELS

BUFFER DISTANCE:	1500
# OF NOTICES:	36

