



Applicant/Owner:

Doug Kelly, GAI Consultants /
Daryl Carter, Trustee Carter-
Orange Ward Road Land
Trust

Location: 14950 and 14958
Ward Rd.;

Generally described as on
the north side of Simpson
Rd. (Osceola County line),
east of Gold Bridge Dr.,
south of Stoneywyck St., and
west of Ward Rd.

Existing Use: Agriculture

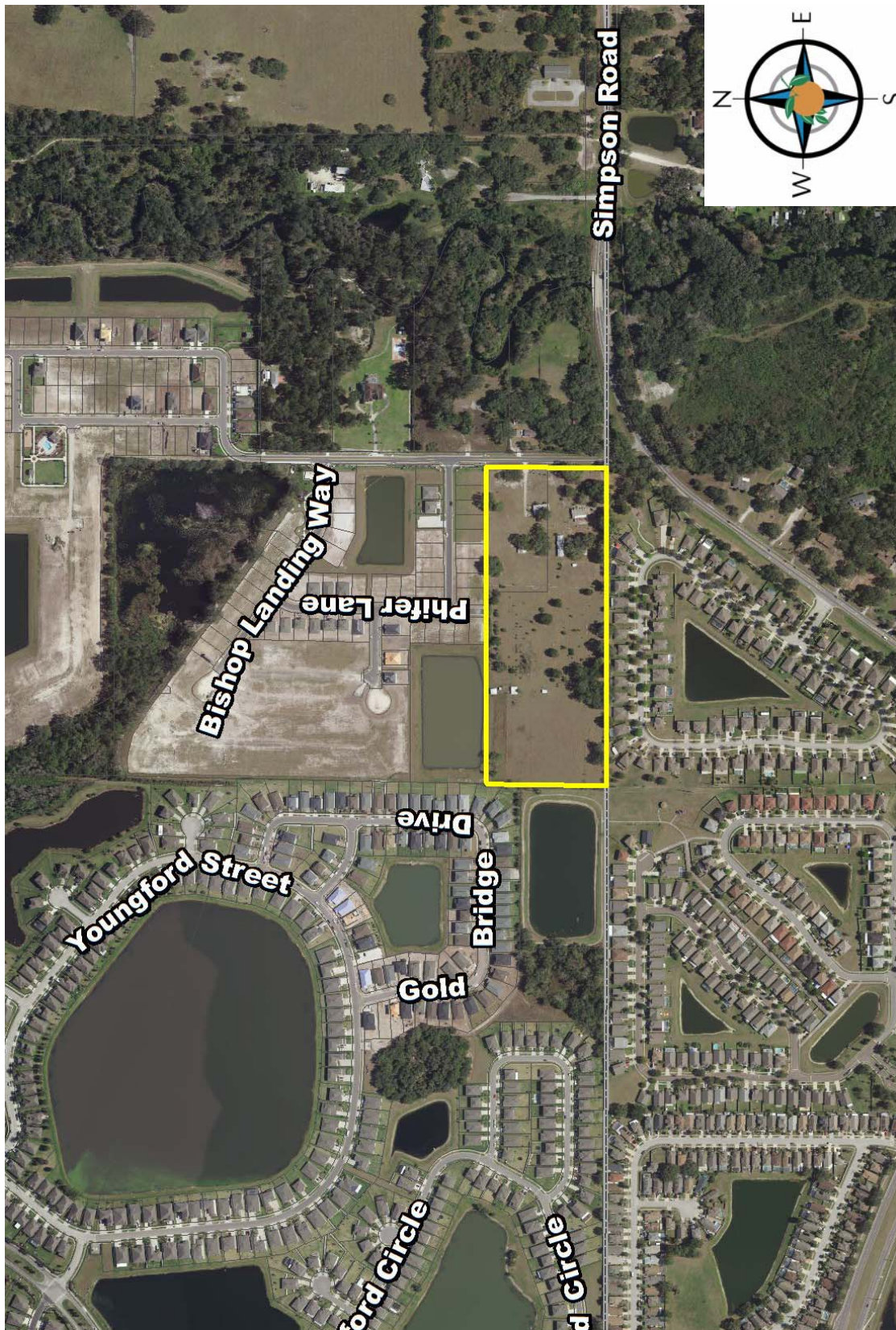
Parcel ID Numbers:

33-24-30-0000-00-023 &
33-24-30-0000-00-046

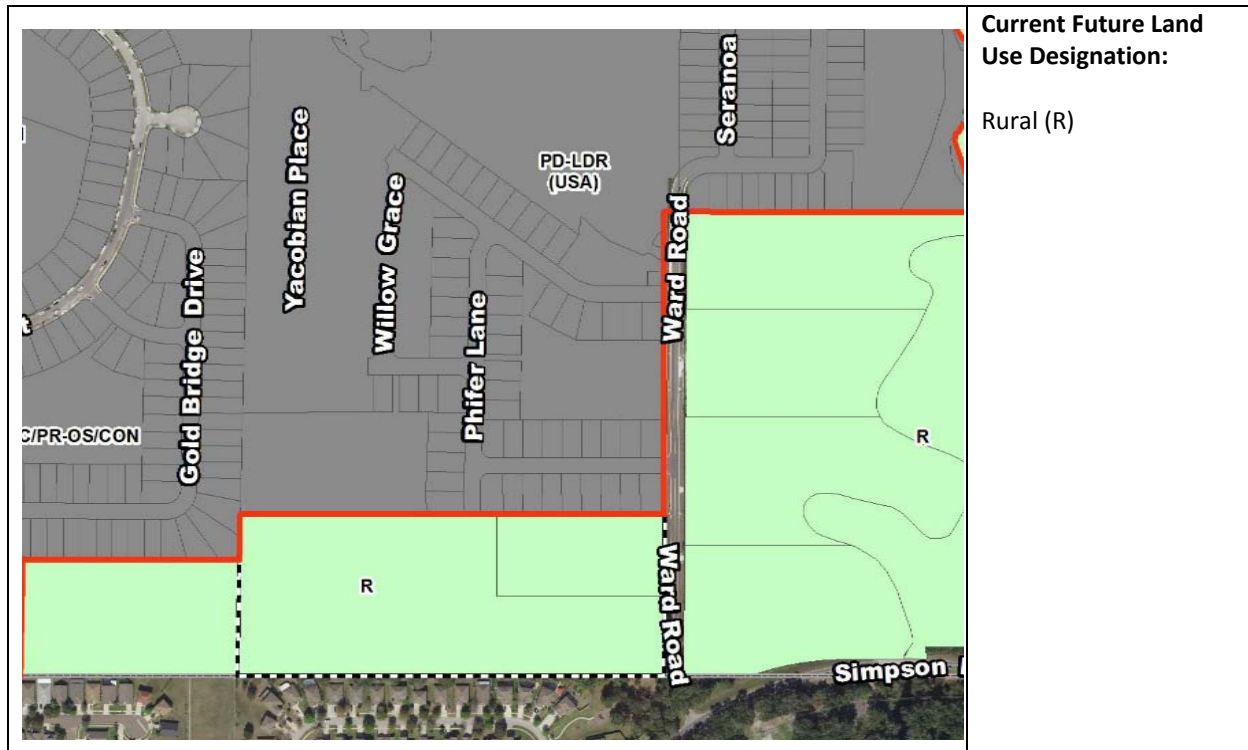
Tract Size: 14.8 gross acres

+The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Request: Rural (R) 1/10 to Planned Development – Low Density Residential (PD-LDR) and Urban Service Area (USA) expansion	
✓	Community Meeting	October 19, 2017 Neutral	Proposed Development Program: Up to 47 single-family residences.	
✓	Staff Report	Recommend Transmittal	Division Comments: Environmental, Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis on each public facility. Environmental: Site has as prior agricultural land use that may have resulted in soil and/or groundwater contamination. Shall provide documentation to assure compliance with FDEP regulation 62-777 Transportation: Capacity is not available and there are failing roadway segments within the project's impact area.	
✓	LPA Transmittal December 21, 2017	Recommend Transmittal (8-0)		
	BCC Transmittal	January 23, 2018		
	State Agency Comments	Early March 2018		
	LPA Adoption	April 19, 2018		
	BCC Adoption	June. 2018	Concurrent Rezoning: Not at this time.	

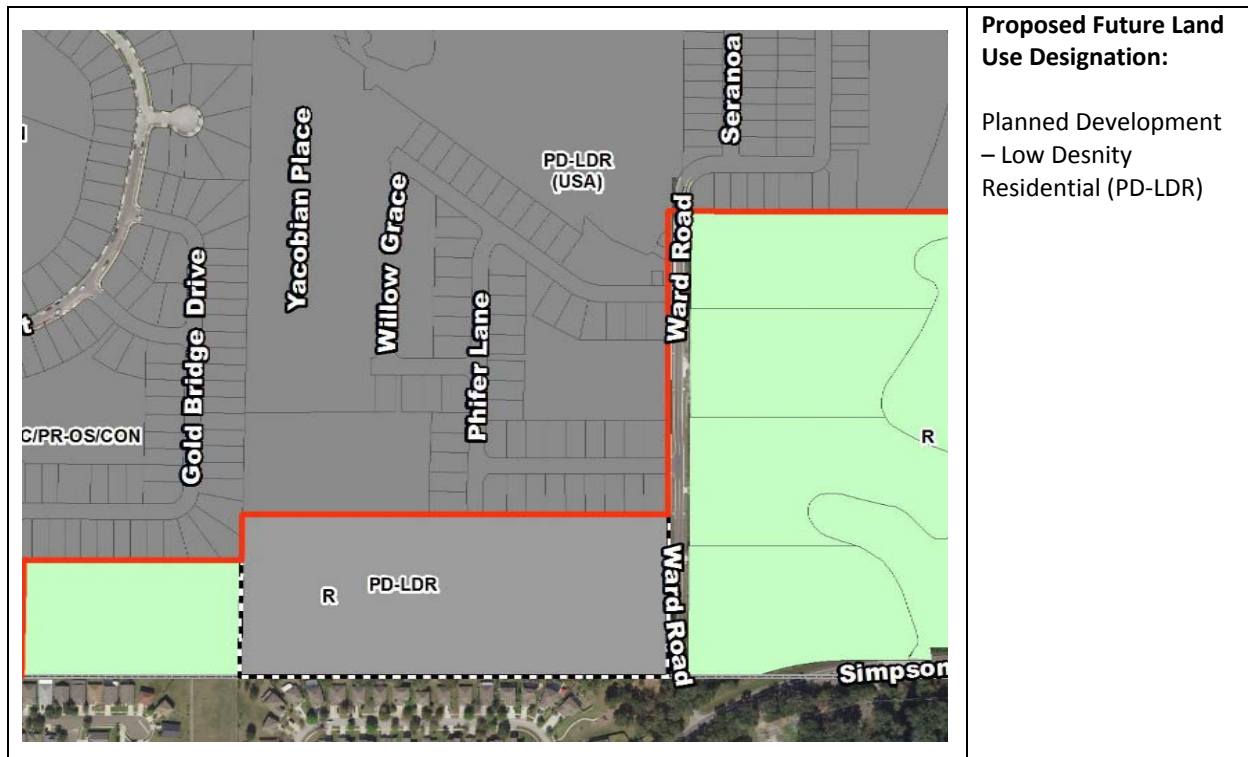
AERIAL



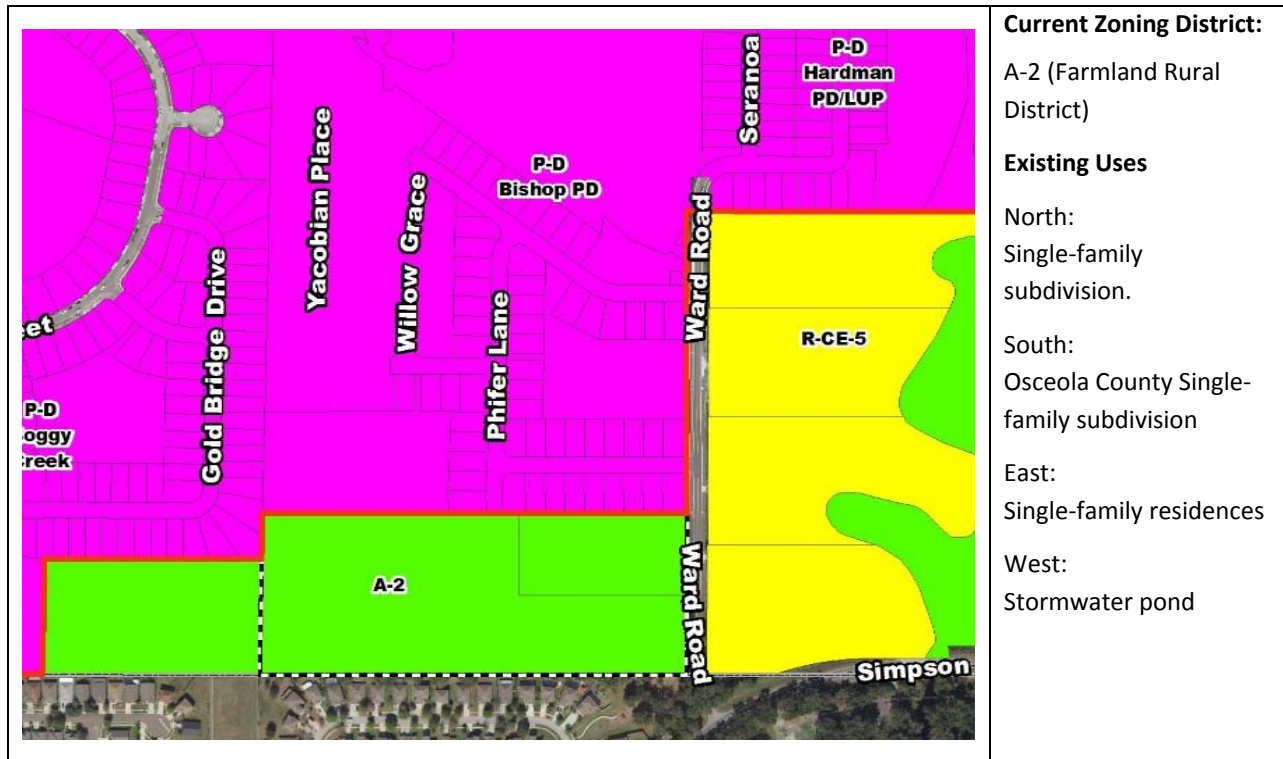
FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



ZONING - CURRENT



Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Goal FLU1, Objective OBJ FLU1.1, FLU1.2 and FLU1.3, FLU1.4, Policies FLU1.1.1, FLU1.1.2A, FLU1.1.2.B, FLU1.1.4.B, FLU1.2.4, FLU1.3.1, FLU1.3.1(C), FLU1.4.1, FLU1.4.2, FLU6.1.3, FLU6.1.5, FLU8.1.1, FLU8.1.2 FLU8.1.4, FLU8.2.1 FLU8.8.2), determine that the amendment is in compliance, and **TRANSMIT** Amendment 2018-1-A-4-1, Rural/Agricultural (R) to Planned Development-Low Density Residential (PD-LDR) and expand the Urban Service Area (USA) to include the subject property.

Analysis

1. Background Development Program

Consistent with **Future Land Use Element Policy FLU8.8.2**, Daryl Carter, Trustee for the Carter-Orange Ward Road Land Trust, submitted an application requesting to change the Future Land Use Map (FLUM) designation and to expand the Urban Service Area Boundary for a 14.8-acre site located at 14950 and 14958 Ward Road.

The site is developed with three (3) manufactured homes, one (1) single-family residence, and five (5) sheds. The property is used as pastureland. The subject site is located within the Rural Service Area (RSA) and has a future land use designation of Rural/Agricultural (R). As per **Future Land Use Element FLU6.1.3** this designation permits a density of one (1) dwelling unit per ten (10) acres. The site has a zoning designation of A-2 (Farmland Rural District).

The subject property is located on the west side of Ward Road, adjacent to the Osceola County line, with approximately 492 feet of frontage on Ward Road. Ward Road is a two-lane minor arterial roadway. Development in the area is rural/suburban in character.

Abutting properties to the north of the subject site have future land use designations of Planned Development-Low Density Residential (PD-LDR) and a maximum development program of 400 units. This development is known as Bishops Landing and consists of Phase I and II. The property currently under review is proposed for Phase III of this development. Uses to the east of the site include single-family residences on lots that range from 4.9 to 6.2 acres in size with future land use designations of Rural/Agricultural (R). These uses are separated from the subject site by Ward Road. Abutting properties to the south are located in Osceola County. The development is suburban subdivision consisting entirely of single-family residences. This development immediately abuts the subject site. The property to the west has future land use designation of Rural/Agricultural (R). This site is a stormwater pond that is owned by Heritage Lake Homeowners Association and serves Heritage Lakes, a gated development to the south in Osceola County.

The request is to amend the Future Land Use Map (FLUM) designation from Rural/Agricultural (R) to Planned Development Low Density Residential (PD-LDR). The requested designation would allow for the consideration of up to forty-seven (47) dwelling units or 3.17 dwelling unit per acre. The applicant intends to submit a rezoning application after the transmittal stage of the application process. The table below provides a comparison of the existing and proposed development of the subject site.

Table 1 Existing and Proposed Development

	<i>Existing</i>	<i>Proposed</i>
<i>Service Area</i>	Rural Service Area (RSA)	Urban Service Area (USA)
<i>Future Land Use</i>	Rural/Agricultural	Planned Development Low Density Residential
<i>Zoning</i>	A-2 (Farmland Rural District)	Planned Development
<i>Density</i>	1 dwelling unit per acre	3.17 dwelling units per acre

The county is divided into two (2) service areas, the *Urban Service Area (USA)* and the *Rural Service Area (RSA)*. The Urban Service Area (USA) boundary is used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development. The original Urban Service Area (USA) boundary was established in 1980; it included 113,976 acres with planned services until the year 2000. At the time the 1990 Comprehensive Plan was adopted the Urban Service Area boundary, and its acreage allocation was based on the supply of usable land needed to accommodate the County's population and employment forecast by Year 2030. **Future Land Use Element Policy FLU1.2.2** states that urban development during the 2007-2030 planning period will occur only in the Urban Service Area. The Rural Service Area is that area which is excluded from the Urban Service Area and contains agricultural and rural residential developments which do not require urban levels of service. **Future Land Use Element Policy FLU6.1.1** establishes the future land use for the Rural Service Area as Rural/Agricultural (R).

The subject site is located within the Rural Service Area. As per **Future Land Use Element Policy FLU1.1.2(B) and Policy FLU6.1.1**, Low Density Residential (LDR) is permitted only within the Urban Service Area. Therefore, the proposed Future Land Use Map Amendment requires an expansion of the Urban Service Area boundary to include the subject site before the proposed Future Land Use Designation can be considered. Staff analysis for the requested Urban Service Area boundary is contained below in the section titled Consistency. The request to amend the Comprehensive Plan to expand the Urban Service Area boundary expansion is found in staff report 2018-1-B-FLUE-1.

Future Land Use Element FLU8.1.2 describes Planned Development (PD) Future Land Uses as intended to incorporate a broad mixture of uses under specific design standards provided the Planned Development land uses are consistent with the cumulative densities identified on the Future Land Use Map. The proposal does not include a broad mixture of uses as it is solely single-family residential development. However, any increase in residential density that increases school capacity is required to change the Future Land Use Designation and zoning to Planned Development. One reason for this is the county can only condition a planned development rezoning to ensure the developer enters into the Capacity Enhancement Agreement (CEA) to ensure that public school capacity will be available to serve the students to be generated by the proposed Future Land Use Map Amendment.

The request for a Planned Development will require an amendment to the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4**. This request is under a separate staff report, 2018-1-B-FLUE-2.

The applicant is requesting to:

- 1) Expand the Urban Service Area
 - a) Text Amendment to the Comprehensive Plan to include the additional acreage in **Future Land Use Element Policy 8.1.4** being reviewed as 2018-1-B-FLUE-1
- 2) Amend the Future Land Use Map
 - a) Text Amendment to the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4** being reviewed as 2018-1-B-FLUE-2

If the proposed amendments are adopted, the Planned Development-Low Density Residential (PD-LDR) future land use designation will require a rezoning from the current zoning of A-2 (Farmland Rural District) to PD (Planned Development). This would be consistent with **Future Land Use Element Policy FLU6.1.5** that requires agriculturally zoned land be rezoned to an appropriate residential district prior to subdivision for residential purposes. The applicant intends to submit a rezoning application after the transmittal stage of the application process.

A community meeting for the proposed Future Land Use Amendment was held Thursday, October 19, 2017. There were six (6) residents in attendance. The primary concern of those in attendance was existing and potential increase of congestion at the intersection of Ward Road and Simpson Road in Osceola County along with increased traffic on Ward Road in Orange County and Simpson Road in Osceola County.

Boggy Creek Area Amendment History

The project site is located in an area known as the Boggy Creek Area. To better understand the request and the overall development pattern in the area, previous amendments are detailed below. The applicant mentions in the justification statement that the “general area has been the subject of local government planning and analysis efforts over the past 20 years with a number of land use changes approved...” The applicant also notes “development to the north and west of the subject property and along the west side of Boggy Creek Road” as support for the proposed amendment. The request involves two (2) parcels with a total of 14.8 acres. It is part of a larger development program known as the Boggy Creek Area. Please refer to **Map 1** for a location reference.

2005 Boggy Creek Enclave Study

Boggy Creek Conceptual Master Plan (Not Adopted)



The Boggy Creek Enclave Study was used as the justification statement prepared for Amendment 2005-2-A-4-2 by the applicant, Jim Hall with Canin Associates. The applicant's position was that the Urban Service Area should be expanded to include all the parcels within the Boggy Creek Enclave (BCE) (a total of 1,272 acres) and a new future land use designation be created specific to this area (Boggy Creek Neighborhood District), shown above. The study describes the BCE as rural land completely surrounded by existing and proposed urban development including the Orlando International Airport. The study proposed policies and a Conceptual Master Plan (CMP). The proposal was that future development would be required to seek PD (Planned Development) zoning in conformance with the policies and CMP.

The Board of County Commissioners **did not** adopt the proposed future land use designation, nor did it adopt the proposed policies that would have included a provision that lands in the BCE west of Boggy Creek Road would be subject to a Conceptual Master Plan as approved by the Orange County Board of County Commissioners. Instead, the Board of County Commissioners adopted PD future land uses and expanded the Urban Service Area for only two (2) parcels within the Boggy Creek Enclave. Therefore, the Boggy Creek Enclave Study and the accompanying Conceptual Master Plan/Boggy Creek Assemblage Master Plan are historic reference documents only, and are not officially adopted documents.

Map 1 Boggy Creek Area Future Land Use Map Amendments

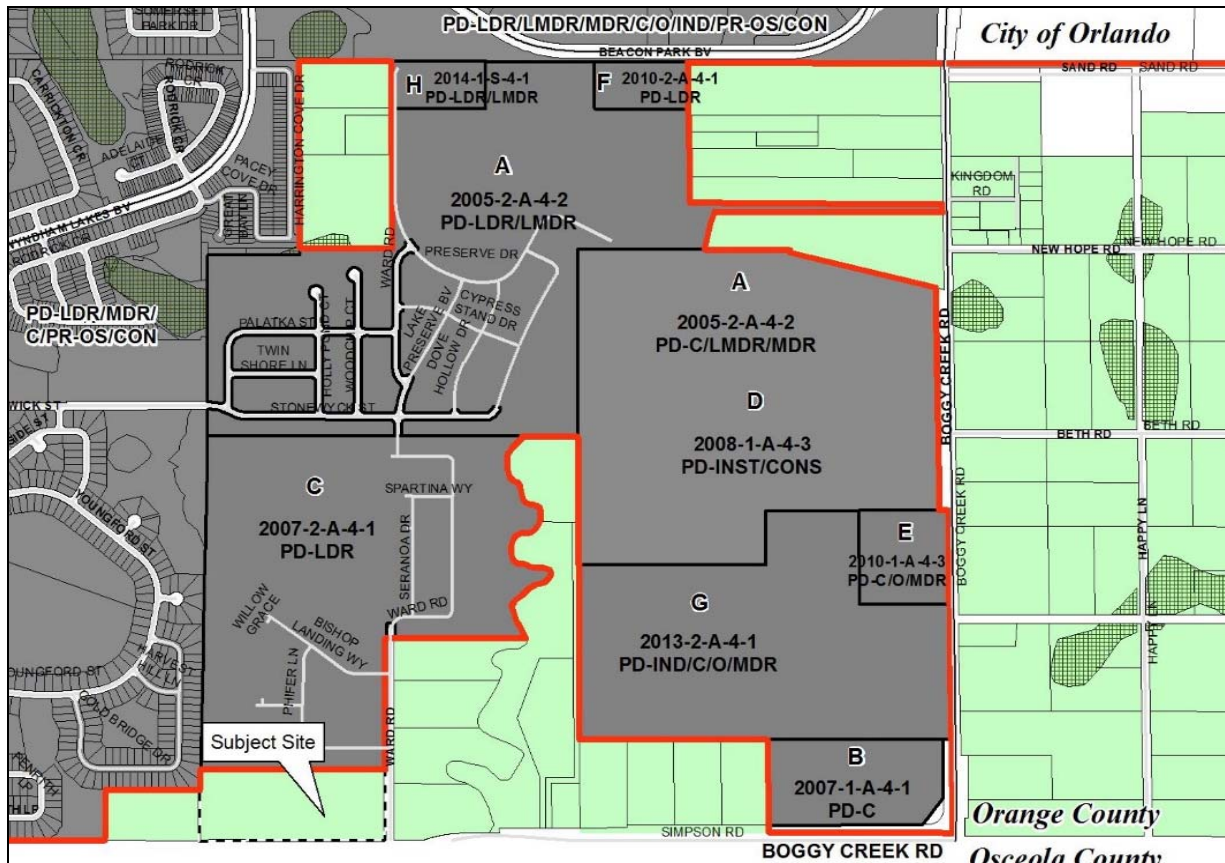


Table 2 Previous Amendments in the Boggy Creek Area

Map Letter	FLUM Amendment	Parcel 33-24-30-0000-00	From/To	Gross Acreage	PD Rezoning
A	2005-2-A-4-2	-021 -005	R to PD-C/LMDR/MDR R to PD-LDR/LMDR	116.84 135.11	Ward Property Boggy Creek Enclave
B	2007-1-A-4-1	-015	R to PD-C	19.58	Boggy Creek Crossing
C	2007-2-A-4-1	-010 -044 -034 -011 -009	R to PD-LDR	100.22	Hardman Bishop
D	2008-1-A-4-3	-021	PD-C/LMDR/MDR to PD-INST/CONS	116.84	Ward Property
E	2010-1-A-4-3	-035	LMDR to PD-C/O/MDR	9.54	A-2 Zoning
F	2010-2-A-4-1	-039	R to PD-LDR	5.0	Ginn Property
G	2013-2-A-4-1	-036 -038	R to PD-IND/C/O/MDR	75.32	A-2 Zoning
H	2014-1-S-4-1	-012	R to PD-LDR/LMDR	5.0	Boggy Creek Enclave
Total Acres				466.61	

Summary of Previous Boggy Creek Area Amendments

A. Amendment 2005-2-A-4-2 (Boggy Creek Enclave):

- Changed the Future Land Use of two (2) parcels and expanded the Urban Service Area Boundary:

Parcels	From	To	Acreage	Uses
33-24-30-0000-00-021	R	PD-C/LMDR/MDR & USA expansion*	116.84	1,051 units
33-24-30-0000-00-005	R	PD-LDR/LMDR & USA expansion	135.11	470 units

- Amendment 2005-2-A-4-2 had requested FLUM amendment for 622 acres west of Boggy Creek Road and Urban Service Area expansion for 1,272 acres east and west of Boggy Creek Road. These areas were ultimately not included.
- Canin Associates prepared a justification statement also being called the “Boggy Creek Enclave Study” to support Amendment 2005-2-A-4-2. The justification statement included a USA Expansion Study that indicated a need for 12,167 more acres of residential Urban Service Area land.
- The “Boggy Creek Enclave Study” includes a conceptual master plan (also called the Boggy Creek Assemblage Master Plan), showing primarily residential uses with neighborhood serving commercial uses.
- Proposed that the “Western Enclave” portion of the amendment would be subject to a Conceptual Master Plan as approved by the Board of County Commissioners.
- The Board of County Commissioners approved a Planned Development rezoning in August 2007, known as the “Ward Property PD” for Parcel 33-24-30-0000-00-021 – Development Program: 184 townhouses, 865 multifamily units and 36,000 sq. ft. of commercial.
- Amended Parcel 33-24-30-0000-00-021 to PD-INST/CONS with Amendment 2008-1-A-4-3; see below Letter D for greater detail.

B. Amendment 2007-1-A-4-1 (Boggy Creek Retail):

- Changed the Future Land Use of one (1) parcel and expanded the Urban Service Area Boundary:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-015	R	PD-C & USA expansion	19.58	170,000 sq. ft. commercial

- Staff recommended approval based on consistency with the conceptual land use plan for the Boggy Creek Enclave Area.
- Staff recommended the non-contiguous Urban Service Area expansion based on the parcel (identified as P-18 on the Boggy Creek Enclave Study conceptual map) being part of an overall plan to include the general area in the Urban Service Area boundary – this being accomplished on a parcel-by-parcel basis and eventually all parcels within the approved study area will be within the Urban Service Area.
- Adoption of Amendment 2007-1-A-4-1 created a gap in the Urban Service Area boundary.

C. Amendment 2007-2-A-4-1

- Changed the Future Land Use of five (5) parcels and expanded the Urban Service Area (USA) Boundary:

Parcels	From	To	Acreage	Uses
33-24-30-0000-00-010 33-24-30-0000-00-044 33-24-30-0000-00-034 33-24-30-0000-00-011 33-24-30-0000-00-009	R	PD-LDR/USA	100.22	Residential- 100 acres at 4 dwelling units per acre and a maximum development program of 400 units.

- Staff analysis indicated the proposed land use designation would allow land uses that were compatible with the existing development or trends in the area.
- Staff recommended approval based on consistency with the conceptual land use plan for the Boggy Creek Enclave Area.
- Two approved Planned Development rezonings, Hardman (LUP-13-06-159) and Bishops (LUP-13-10-264).
- *This Future Land Use Amendment is abuts the subject site along the north property line.*

D. Amendment 2008-1-A-4-3 (Boggy Creek Road aka Ward Property):

- Changed Future Land Use of one (1) parcel:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-021	PD-C/LMDR/MDR	PD-INST/CONS	116.84	1,000,000 sq. ft. hospital and internalized or physically connected support uses; 450 multifamily dwelling units; 250 hotel rooms; 100,000 sq. ft. retail; 299,000 sq. ft. office; heliport; cell tower and related facilities

- Staff analysis indicated the proposed land use designation would allow land uses that are compatible with the existing development or trends in the area.
- Property owner dedicated 60 ft. wide right-of-way as part of Boggy Creek Road widening.

E. Amendment 2010-1-A-4-3 (Bonnemaison):

- Changed Future Land Use of one (1) parcel:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-035	LMDR	PD-C/O/MDR	9.54	50,000 sq. ft. commercial; 100,000 sq. ft. office; and 86 dwelling units

- Staff recommended approval based on compatibility with trends in the area, noting the proposed mix of uses could be complimentary to the medical center allowed for to the north (Ward Property, Amendment 2008-1-A-4-3).
- Staff analysis noted the potential for an activity center if the mix of uses on this site, the proposed medical center to the north, and other adjoining parcels within the Boggy Creek

Enclave Study area are well designed and coordinated (through a well-connected internal roadway network).

- The applicant's justification statement notes that with the adoption of the hospital use with Amendment 2008-1-A-4-3 (Ward Property), the original "Boggy Creek Master Plan" no longer had the balance of land uses as initially intended; and, the request was more consistent with a major hospital use, to provide complimentary land uses to a hospital and meet market demand for employment centers in the area.
- The applicant included a revised "Boggy Creek Assemblage Master Plan" in the justification statement to reflect the Ward Property hospital site and the subject property, noting, "At some point, it is appropriate to undertake a re-examination of the Boggy Creek Master Plan. The rapid surrounding employment growth, the Airport entry road and future hospital are significant new trends which substantially change the base assumptions of the original Boggy Creek Master Plan."
- Zoning has not been changed from A-2 (Farmland Rural) to a PD Land Use Plan Amendment to reflect the PD-INST/CONS future land use designation.

F. Amendment 2010-2-A-4-1

- Changed Future Land Use of one (1) parcel:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-039	R	PD-LDR	5	Stormwater management pond

- Proposed stormwater management pond for the residential planned development to the north of the subject site.
- A Land Use Plan Amendment was approved LUPA-13-05-112 rezoning the property to Planned Development (PD) and incorporating it into the existing Ginn Property Planned Development.

G. Amendment 2013-2-A-4-1

- Changed Future Land Use of two (2) parcels:

Parcels	From	To	Acreage	Uses
33-24-30-0000-00-036 33-24-30-0000-00-038	R	PD- IND/C/O/MDR	75.32	820000 sq. ft. of airport and medical support uses; 250 hotel rooms; 450 multi-family dwelling units; 300 single-family dwelling units; 100,000 sq. ft. commercial; and 275,000 sq. ft. of office

- Staff recommended approval based on compatibility with trends in the area, noting the proposed mix of uses could be complimentary to the medical center allowed for to the north and that the amendment allows for the transition of a rural enclave to urban land uses consistent with previous amendments in the surrounding area..
- Staff recommended a phased development program limited by the number of trips available on Boggy Creek Road after the facility is widened to four lanes.

- Staff recommended Phase Two of the development program be linked to the **completion of a small area study**. This study would update the Boggy Creek Enclave Study and focus on land use and transportation issues.
 - The Small area study would update the Boggy Creek Enclave Study and focus on land use and transportation issues.

H. Amendment 2014-1-S-4-1

- Changed Future Land Use of one (1) parcel:

Parcel	From	To	Acreage	Uses
33-24-30-0000-00-012	R	PD-LDR/LMDR	5	Adding property to the Boggy Creek Enclave PD for stormwater and single-family residential use. PD was originally approved for 470 residential units, later amended to 400 units.

- The justification for the proposed amendment was to add the 5-acre parcel to the existing, adjacent Boggy Creek Enclave Planned Development and incorporate it into the site.
- The subject site was part of a rural enclave created by previous Urban Service Area Boundary expansions.
- The Preliminary Subdivision Plan is approved for 296 units. This proposal does not exceed the number of units approved through the PD zoning

2. Project Analysis

Consistency

The requested Future Land Use Map amendment appears to be consistent with the applicable Comprehensive Plan goals, objectives, and policies, which are specifically discussed in the paragraphs below.

Future Land Use Element Goal FLU1, OBJ FLU1.1, and Policies FLU1.1.1, FLU1.1.2A and FLU1.1.2B describe Orange County's urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area. Low Density Residential (LDR) Future Land Use Designation is intended for new residential projects where urban services are present or planned at densities of up to four (4) dwelling units per acre. The subject site is located along a boundary of the Urban Service Area and the Rural Service Area. In order to amend the future land use map to allow for the Planned Development-Low Density Residential Future Land Use Designation, the Urban Service Area Boundary must first be expanded. This is addressed below. As for the application of the proposed Future Land Use Designation, this would be in keeping with the residential development pattern to the north. The existing Bishop Planned Development has an approved residential density of four (4) dwelling units an acre.

Future Land Use Element Policies FLU1.3.1 and FLU1.3.2 ensure the efficient provision of infrastructure, protection of the environment, land use compatibility with adjacent land development, consistency with the Comprehensive Plan and compliance with procedural steps and additional criteria for the expansion of the Urban Service Area boundary, which is provided in greater detail below.

The proposed amendment allows for the logical expansion of a previously approved residential development. The Bishop Planned Development land use plan approved one hundred fifteen (115) single-family residences. Amending the Future Land Use designation from Rural (R) to Planned Development-Low Density Residential (PD-LDR) and expanding the Urban Service Area boundary to include the subject property, allows for incorporation into an existing development. Further, it eliminates a rural enclave.

Future Land Use Element Policy FLU1.1.4B allows the Planned Development (PD) Future Land Use Designation as an urban option. The Planned Development (PD) designation ensures adjacent land use compatibility and physical integration and design. The Planned Development (PD) designation requires establishment of the development program at the Future Land Use Amendment stage, and the adoption of a text amendment to the Comprehensive Plan to specify the maximum intensity and density for a project. The proposed amendment includes a development program, of a maximum of forty-seven (47) single family dwelling units, which will be incorporated into Policy FLU8.1.4 as a separate staff report for the required text amendment.

Future Land Use Element Policy FLU6.1.5 requires that agriculturally zoned land be rezoned to an appropriate residential district prior to subdivisions for residential purposes. This policy will be met when the applicant submits the rezoning application.

Future Land Use Element Policy FLU8.1.4 lists the development program for Planned Development Future Land Use Map designations adopted since January 1, 2007. The proposed amendment would require the policy be amended to include the entitlements of Planned Development Low Density Residential (PD-LDR) forty-seven (47) single-family residences. Should this requested Future Land Use Map Amendment be approved, the table must be amended to reflect the approved development program. This is achieved through a staff initiated amendment, 2018-1-B-FLUE-2.

Policy FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trends in the area. The development trend in this area anticipates a change from rural uses to urban uses, as reflected and allowed for by previous Comprehensive Plan Amendments beginning with the 2005 Boggy Creek Enclave Study.

In a larger context, the property is near the south access to Orlando International Airport, and approximately 2 miles from Lake Nona/Medical City. Lake Nona/Medical City has created a significant employment center for this area of the County, home to Nemours Children Hospital, Veterans Administration Hospital, UCF Medical School, Sanford Burnham Prebys Medical Discovery Institute and other medical related businesses.

In summary, the proposed amendment allows for the transition of a rural land use to a suburban land uses consistent with previous amendments in the surrounding area.

Urban Service Area Expansion

Section 163.3177(6)(a).9, Florida Statutes, requires that the future land use element shall discourage the proliferation of urban sprawl. This section contains indicators to evaluate a request for the expansion of an Urban Service Area, contained in Section 163.3177(6)(a).9.a(I)-(XIII). These requirements are reflected in **Future Land Use Element Objective FLU1.3**. It is stated that no new expansions to the Urban Service Area boundary shall be permitted unless supported by data and analysis demonstrating consistency with the Objectives FLU1.2 and FLU1.3 and associated policies.

The Urban Service Area (USA) expansion request for Parcels 33-24-30-0000-00-023 and 33-24-30-0000-00-046 appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

Future Land Use Element Objective OBJ FLU1.3 and its associated policies outline the process by which proposed expansions of the Urban Service Area shall be evaluated. **Future Land Use Element Policy FLU1.3.1** calls for a comprehensive review to ensure that proposed amendments would allow for the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent land development. **Future Land Use Element Policy FLU1.3.2** provides additional procedural steps and criteria required for consideration of proposed Urban Service Area expansions.

Consistent with **FLU1.3.1** and **FLU1.3.2** the subject property abuts and at least 25% of the property is contiguous to the existing USA boundary, and does not protrude in a ribbon like manner into the Rural Service Area (RSA). As previously discussed, the development trend for the immediate area within the current Urban Service Area boundary is characterized by urban style development. As such, adoption of this proposed amendment would allow for an expansion of the existing development trend without leaving large swaths of undeveloped land in the area and infact, remove an enclave of rural area.

Additionally, the sprawl indicators outlined in **FLU1.3.1(A)** include critieria to determine whether efficient use, availability, and cost of providing infrastructure and services. Staff has determined that the location and proposed intensity of development coincide with the availability of infrastructure and services and do not constitute an inefficient extension. The proposed expansion is a part the Boggy Creek Enclave, that has seen incremental expansion of the Urban Service Area through past amendments detailed above.

Future Land Use Element Policy FLU1.3.1(C) requires the County to consider additional factors when evaluating development proposals for inclusion within the Urban Service Area. Consistent with the components of this policy, staff has previously discussed how the proposed development program would contribute to the urban goals and strategies of the Comprehensive Plan.

Future Land Use Element Policy FLU8.1.4 lists the development program for Planned Development (PD) Future Land Use Map designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into **Policy FLU8.1.4** via a staff-initiated text amendment (Amendment 2018-1-B-FLUE-2). The maximum development program for Amendment 2018-1-A-4-1, if adopted, would be up to forty-seven (47) single-family residential dwelling units.

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
<u>2018-2-A-4-1 Bishop Landing, Ph. 3</u>	<u>PD- LDR</u>	<u>47 single-family dwelling units</u>	<u>2017-</u>

Compatibility

The subject site is part of what is currently a rural enclave surrounded by urbanizing development to the north, south, and west. As detailed above, previous Future Land Use Map Amendments and Planned Developments have been approved for residential uses around the site. The most immediate amendment involves the property to the north of the subject site which is the first and second phase of residential development which would, if this request is approved, be extended to

the subject site. The development trend in the area is to allow for a transition from rural to urban land uses, and this proposal is consistent with this trend.

The proposed amendment would allow land uses that are compatible with the allowed uses in the area. The proposal is to construct forty-seven (47) single-family residences as an extension of the existing Bishop Planned Development increasing the number of single-family residences from one hundred fifteen (115) to one hundred sixty-two (162). The proposal is consistent with the existing suburban style developments to the north, west, and south. There is rural development to the east of the subject site where the development is for single-family homes on larger parcels of approximately five (5) acres in size. The proposal does not include commercial development. This is keeping with the trend in the area. Much of the area development consists of segregated land uses restricting uses to residential, commercial, or office with clear delineation of these uses through roadways, buffering or landscaping.

Division Comments: Environmental, Public Facilities, and Services

Environmental: Prior to demolition or construction activities associated with existing structures, provide Orange County Environmental Protection Division (EPD) with a Notice of Asbestos Renovation or Demolition form. For more information or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

The site discharges into Boggy Creek, a body of water designated as impaired by the Florida Department of Environmental Protection (FDEP impairment: bacteria fecal coliform). The Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code may increase the requirements for pollution abatement treatment of stormwater as part of the Lake Okeechobee Basin Management Action Plan (BMAP).

Prior to commencement of any earthwork or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

This project site has a prior agricultural land use that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions.

Schools: This project requires a capacity enhancement agreement. The applicant has submitted a formal capacity determination to Orange County Public Schools, ID#CEA-OC-17-031 Bishop Landing Phase 3.

Transportation.

Trip Generation (ITE 9th Edition)

Land Use Scenario	PM. Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Maximum use of current FLUM: 1 Single-Family Dwelling Unit	1	100%	1
Proposed use 47 Single-Family Dwelling units	53	100%	53
Net New Trips (Proposed Development - Allowable Development) : 53-1 = 52			

Road Agreements: None

Planned and Programmed Roadway Improvements:

- Boggy Creek Road South – Programmed roadway improvement to widen to 4 lanes from the Osceola County Line to the Greenway. This project is currently in the design phase and construction is scheduled to begin October 2020. This is a designated INVEST project.
- Boggy Creek Road North – Programmed roadway improvement to widen to 4 lanes from Wetherbee Road to South Access Road. This project is currently under construction and is scheduled to be completed by May 2019. This is a designated INVEST project.

Right-of-Way Requirements: Right-of-way may be required for intersection improvements at Ward Road and Simpson Road.

The applicant is requesting to change 14.83 acres from Rural to Planned Development-Low Density Residential and request approval to develop 47 single-family dwelling units. The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor. It is located adjacent to Ward Road, a two-lane local roadway which connects to Simpson Road in Osceola County.

The allowable development based on the approved future land use will generate 1 pm peak hour trip. The proposed use will generate 53 pm peak hour trips resulting in a net increase of 52 pm peak hour trips. Based on the Concurrency Management System database dated November 28, 2017, there is one failing roadway segment within a two-and-a-half-mile radius of this project. Boggy Creek Road from the Central Florida Greenway to the Osceola County Line is currently operating at level of service F and there is no available capacity on this roadway segment.

A traffic study will be required prior to issuance of an approved capacity encumbrance letter and building permit. This information is dated and is subject to change.

Analysis of short-term (Year 2022) and long-term (Year 2040) conditions indicates that Boggy Creek Road will continue to be deficient within the project area with and without the proposed amendment. All other roadways within the project area will continue operate at acceptable levels of service.

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 Plan.

3. Policy References

GOAL FLU1 URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

Policy FLU1.1.1 Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

Policy FLU1.1.2A. The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.

Policy FLU1.1.2B. The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single family to small lot single family development.	0 to 4 du/ac
Low Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac

Policy FLU1.1.4.B - In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use

designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1.

B. URBAN MIXED USE OPTIONS – The following Future Land Use designations allow for a mix of uses. Per a settlement agreement with the State Department of Community Affairs, Orange County’s Planned Development Future Land Use designation now requires an adopted text amendment to specify the maximum intensity and density of a project. See Policy FLU8.1.4. Mixed-Use Corridors are a staff initiated option intended to complement the County’s Alternative Mobility Areas and Activity Center policies.

FLUM Designation	General Description	Density/ Intensity
Urban Mixed Use– Urban Service Area		
Planned Development (PD)	The PD designation ensures that adjacent land use compatibility and physical integration and design. Development program established at Future Land Use approval may be single or multiple use. See FLU8.1.4. Innovation Way is another large planning area similar in some respects to the planning process for Horizon West. Developments within the Innovation Way Overlay (Scenario 5) are processed as Planned Developments. Innovation Way is being implemented through the policies found in Chapter 4.	Must establish development program at Future Land Use amendment stage per FLU8.1.4.

OBJ FLU1.2 URBAN SERVICE AREA (USA) CONCEPT; USA SIZE AND MONITORING. Orange County shall use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. The Urban Service Area shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development.

Policy FLU1.2.4 The County will continue to monitor the Urban Service Area allocation. Through this process, the following applicants have satisfied these requirements and are recognized as expansions to the Urban Service Area.

OBJ FLU1.3 APPLICATION FOR URBAN SERVICE AREA EXPANSION. No new expansions to the Urban Service Area boundary, except for those planned for Horizon West and the Innovation Way Overlay (Scenario 5), shall be permitted unless supported by data and analysis demonstrating consistency with Objectives FLU1.2 and FLU1.3 and associated policies. Orange County shall use the following process to evaluate Urban Service Area expansions, and as a means for achieving its goals with respect to accommodating growth within the USA and implementing the Comprehensive Plan.

Policy FLU1.3.1 All amendments to the Urban Service Area shall include a comprehensive review to ensure the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent development.

Policy FLU1.3.1(A) Per Section 163.3177(6)(a)(9)(a), Florida Statutes, amendments to the Comprehensive Plan, including Urban Service Area expansion requests, shall discourage urban sprawl. The primary indicators used to evaluate whether a plan or plan amendment encourages the proliferation of urban sprawl are listed below.

1. Promotes, allows, or designates substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need;
2. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development;
3. Promotes, allows, or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments;
4. Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems;
5. Fails to adequately protect adjacent agricultural areas and activities, including active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils;
6. Fails to maximize use of existing public facilities and services;
7. Fails to maximize use of future public facilities and services;
8. Allows for land use patterns or timing that disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government;
9. Fails to provide a clear separation between rural and urban uses;
10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities;
11. Fails to encourage a functional mix of uses;
12. Results in poor accessibility among linked or related land uses;
13. Results in the loss of significant amounts of functional open space.

Policy FLU1.3.1(C) In addition to the sprawl criteria outlined in FLU1.3.1A and FLU1.3.1B, the County shall consider the following factors when evaluating development proposals for inclusion within the Urban Service Area:

1. The extent to which the proposed development contributes to the urban strategies and urban form identified in the CP;
2. Whether the proposal will consist of a Traditional Neighborhood Development (TND), sector plan, or mixed use planned development that uses traditional neighborhood development, including minimum residential densities, school-centered design, diversity of housing types, and price ranges that reduce vehicle dependency, protect natural environmental features, and create a sense of community and place through urban design principles and the arrangement of land uses;
3. The supply of vacant land within the Urban Service Area, the rate of building permit approvals as compared to the absorption of committed and pending land use

- inventory supply, and the timing and need for development with respect to the current building inventory and supply approved to date;
4. Whether the project demonstrates the ability to meet Orange County's adopted Level of Service (LOS) standards as required by the Concurrency Management provisions of Article XII, Sec. 30-500 of the Orange County Code. Adequate public facilities and services to support the development shall include, but not be limited to, roads, water and sewer facilities, solid waste, recreational lands, stormwater, and schools;
 5. Whether the proposal can be deemed to have a prevailing public benefit such as:
 - a. establishment of a new major employer or relocation or expansion of an existing major employer, where such establishment, relocation or expansion is endorsed and/or sponsored by the State of Florida, or
 - b. Consistent with Activity Center provisions as identified in the Future Land Use, Urban Design, or Economic elements;
 6. The extent to which the proposal furthers workforce housing and the transit readiness of the County;
 7. Compatibility with the targeted urban densities/intensities provided for in FLU1.1.4 and provision of the following:
 - a. sustainable development program allowing for a balanced mix of residential/non-residential uses;
 - b. appropriate timing of development complementing and coinciding with surrounding developments allowing for adequate provision of infrastructure and services;
 - c. jobs to housing balance; and,
 - d. adequate assessment of the environmental impacts of the project as well as how the site integrates with the surrounding built environment at the time of the application.

OBJ FLU1.4 The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP.

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

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

Policy FLU6.1.3 Residential uses in areas designated Rural shall be limited to a maximum density of 1 DU/10 acres. Density shall refer to the total number of units divided by developable land area, excluding natural water bodies and conservation areas (wetlands areas). Agriculturally zoned areas that do not have active agricultural use may be the subject of amendments to the comprehensive plan in order that such areas may be rezoned to an appropriate residential category. Cluster zoning shall not be permitted in the Rural Service Area except where required for protection of significant environmental features, such as Wekiva Study Area, Class I conservation areas or rare upland habitat.

Policy FLU6.1.5 Agriculturally zoned land shall be rezoned to an appropriate residential district prior to subdivision for residential purposes.

Policy FLU8.1.1(a) The following 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. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). Orange County's **Zoning and Future Land Use Correlation** is referenced herein as follows:

<i>Zoning and Future Land Use Correlation</i>		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>
Urban Residential		
Low Density Residential (LDR)	(0 to 4 du/ac)	R-CE* R-1, R-2**, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T-1, R-T-2, R-L-D, PD, U-V * R-CE is not available as a rezoning request in USA.

Policy FLU8.1.2 Planned Developments (PDs) intended to incorporate a broad mixture of uses under specific design standards shall be allowed, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map. (Policy 3.1.19)

Policy FLU8.1.4 The following table details the maximum densities and intensities for the Planned Development (PD) Future Land Use designations that have been adopted subsequent to January 1, 2007.

Policy 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.

Policy FLU8.8.2 Requests for Future Land Use Map amendments and text amendments to the Comprehensive Plan shall be considered only upon the submittal of an application meeting the County's requirements. Proposed map and text amendments must be reviewed prior to submittal as part of a pre-application meeting with staff. Staff shall have the authority to request additional information and documentation related to amendment applications.

Subject Site



Site Visit Photos

North



East



South



West

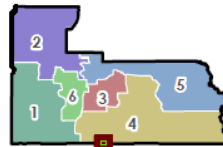
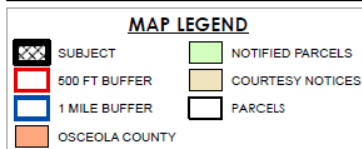
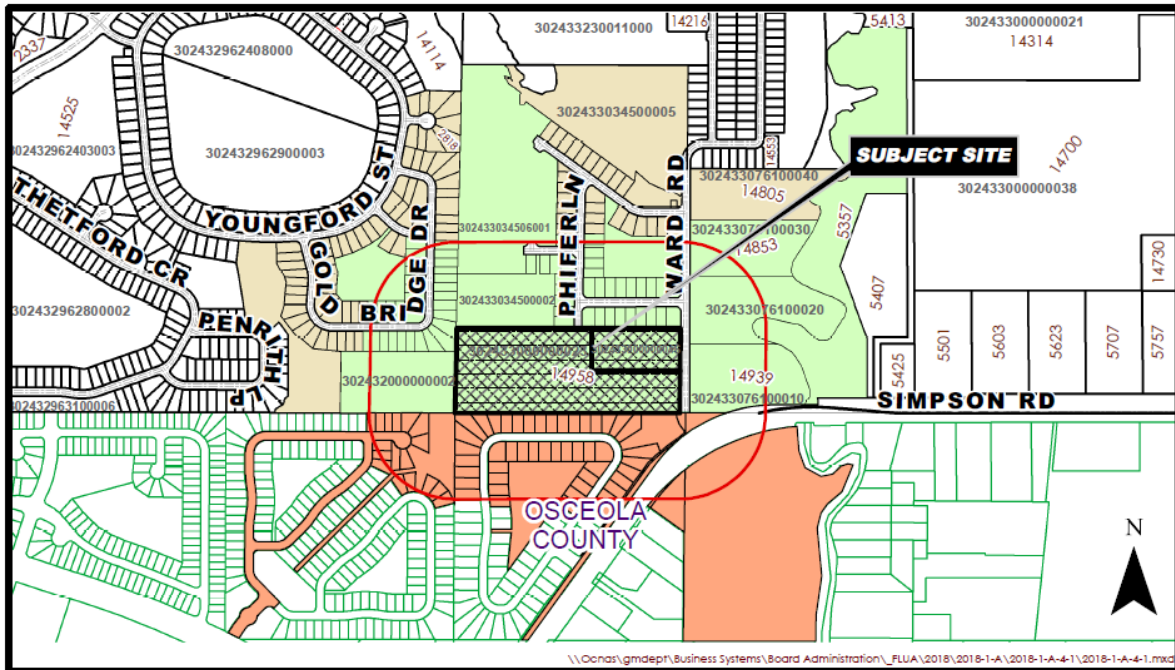




Public Notification Map

2018-1-A-4-1

500 FT BUFFER, 209 NOTICES



1 inch = 666 feet
Feet

0 1,050 2,100

Notification Area:

500' buffer

209 notices sent