

ORANGE COUNTY
PLANNING DIVISION
**2020-2 REGULAR
CYCLE
AMENDMENTS**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

**NOVEMBER 10, 2020
TRANSMITTAL PUBLIC HEARING**

PREPARED BY:
ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



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Privately Initiated Future Land Use Map Amendment

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
District 2													
2020-2-A-2-1 Bailey's Community	PD/LUP rezoning pending	Bailey's Real Estate, LLP	Momtaz Barq, P.E. Terra-Max Engineering, Inc.	34-21-28-0000-00-064/090/097/100/108/110/114	8001 Clarcona-Ocoee Rd. and 5850 and 5854 Gilliam Rd.; Generally located north of Clarcona-Ocoee Rd., west of Gilliam Rd., and east of N. Apopka-Vineland Rd.	Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5)	Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)	A-1 (Citrus Rural District) and A-2 (Farmland Rural District)	PD (Planned Development District)	47.94 gross/net developable acres	Jennifer DuBois	Do Not Transmit	Do Not Transmit (8-0)

2020-2 Regular Cycle Comprehensive Plan Amendments

Staff Initiated Comprehensive Plan Map and Text Amendment

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2020-2-B-FLUE-1	Planning Division	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	Jennifer DuBois	Do not Transmit	Do Not Transmit (8-0)

ABBREVIATIONS INDEX:

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MDHR-Medium High Density Residential; HDR-High Density Residential; PD-Planned Development; INST-Institutional; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; R-Rural/Agricultural; RS-Rural Settlement; RS 1/5-Rural Settlement 1/5; RS 1/2-Rural Settlement 1/2; RS 1/1-Rural Settlement 1/1; GC-Growth Center; USA-Urban Service Area; WB-Water Body; ACMU-Activity Center Mixed Use; EDU-Educational; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; TRAN-Transportation; ALF-Assisted Living Facility; A-1-Citrus Rural District; A-2-Farmland Rural District; R-T-Mobile Home Park District; R-CE-Country Estate District; R-1A-Single-Family Dwelling District; R-1-Single-Family Dwelling District; R-3-Multiple-Family Dwelling District; R-2-Residential District; R-T-2-Combination Mobile Home and Single-Family Dwelling District; P-O-Professional Office District; C-1-Retail Commercial District; C-2-General Commercial District; C-3-Wholesale Commercial District; I-1/I-5-Light Industrial District; I-2/I-3-General Industrial District; PD-Planned Development District; RZ-Rezoning; LUP-Land Use Plan; CDR-Change Determination Request; SR-State Road; AC-Acres

2020 SECOND REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN TRANSMITTAL PUBLIC HEARING

INTRODUCTION

These are the Board of County Commissioners (BCC) transmittal staff reports for the Second Regular Cycle Amendments (2020-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). These amendments were continued at the October 13, 2020, BCC transmittal hearing to November 10, 2020. They were heard by the Local Planning Agency (LPA) during a transmittal public hearing held on September 17, 2020.

The 2020-2 Regular Cycle Amendments include one privately-initiated map amendment located in District 2 and one staff-initiated text amendment.

Since this is the transmittal stage for these amendments, 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 amendments and provide comments, which are expected in December 2020. Adoption public hearings are tentatively scheduled for the LPA on January 21, 2021, and the BCC on February 23, 2021.

Once the Regular Cycle amendments have been adopted by the BCC, the amendments will become effective 31 days after DEO notifies the County that the plan amendment package is complete. These amendments are expected to become effective in March 2021, so long as no challenges are brought forth for any of the amendments.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch., Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net, or Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.



Applicant/Owner: Momtaz Barq, P.E., Terra-Max Engineering, Inc., for Bailey's Real Estate, LLP

Location: Generally located north of Clarcona-Ocoee Road, west of Gilliam Road, and east of N. Apopka-Vineland Road.

Existing Use: Golden Gate Equestrian, single-family residence, and manufactured home

Parcel ID Numbers: 34-21-28-0000-00-064/090/097/100/108/110/114

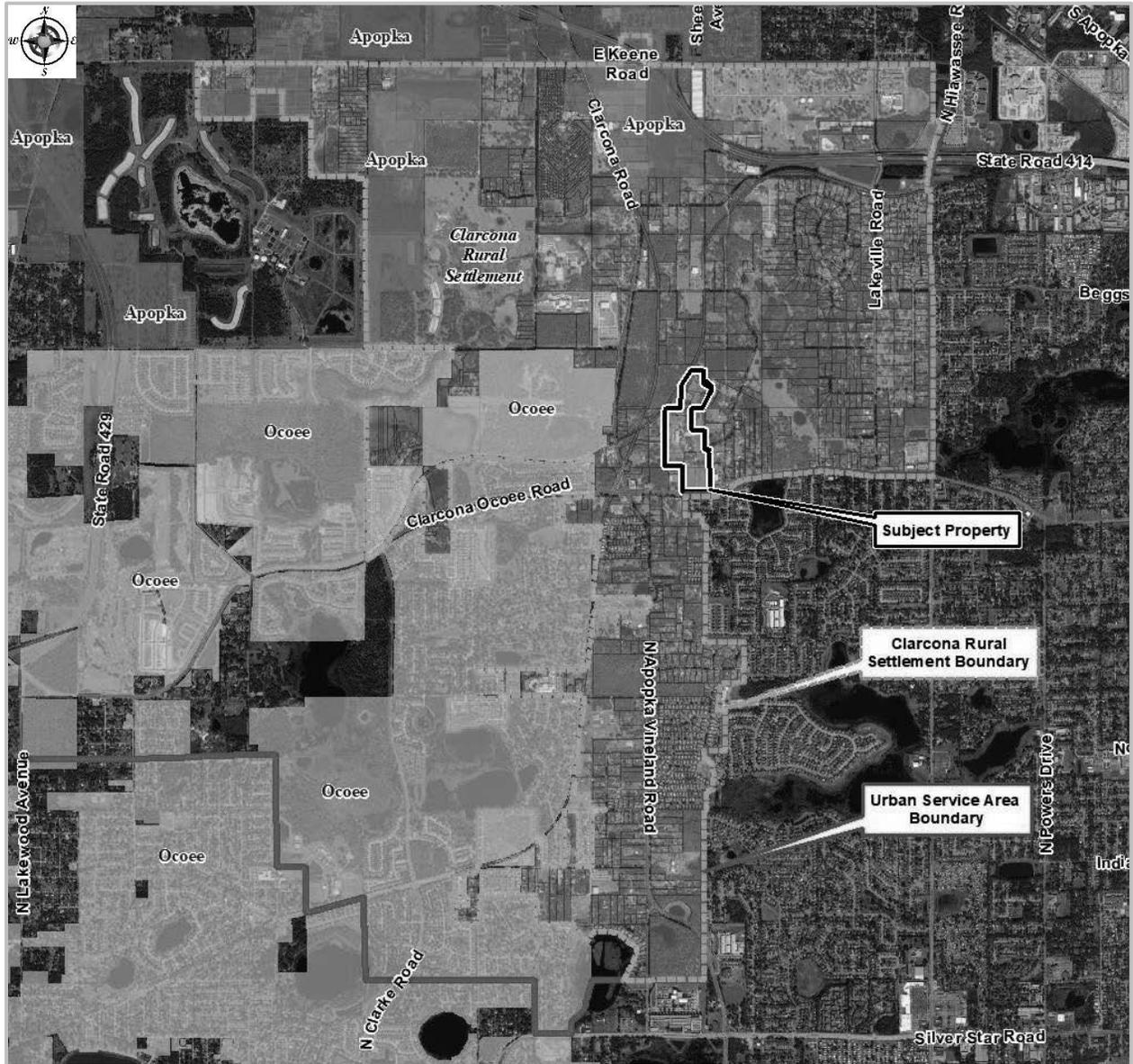
Tract Size: 47.94 gross/net acres

The following meetings and hearings have been held:		Project Information
Report/Public Hearing	Outcome	
✓	A virtual community meeting was held August 6, 2020, with 49 members of the public in attendance.	Request: Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5) to Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)
✓	Staff Report	Proposed Development Program: Adult care community with a maximum development program of a 250-bed assisted living facility, 30 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities
✓	LPA Transmittal August 20, 2020	Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.
✓	LPA Transmittal September 17, 2020	Environmental: The subject property is located within the Wekiva Study Area, in which special area regulations apply. The site also has a history of agricultural use that may have resulted in soil and/or groundwater contamination.
	BCC Transmittal	Transportation: The subject property is not located within the County's Alternative Mobility Area (AMA) or along a backlogged/constrained roadway. There are currently four deficient roadway segments within the project's impact area.
	State Agency Comments	Utilities: The subject property is located within Orange County Utilities' (OCU's) water and wastewater service areas. Reclaimed water, however, is currently unavailable in the vicinity of the site.
	LPA Adoption	Concurrent Rezoning: A rezoning to PD (Planned Development District) will be required. If this proposed amendment is transmitted, staff expects that a concurrent PD rezoning request will be considered during the adoption public hearing stage.
	BCC Adoption	

SITE AERIAL



CLARCONA RURAL SETTLEMENT MAP



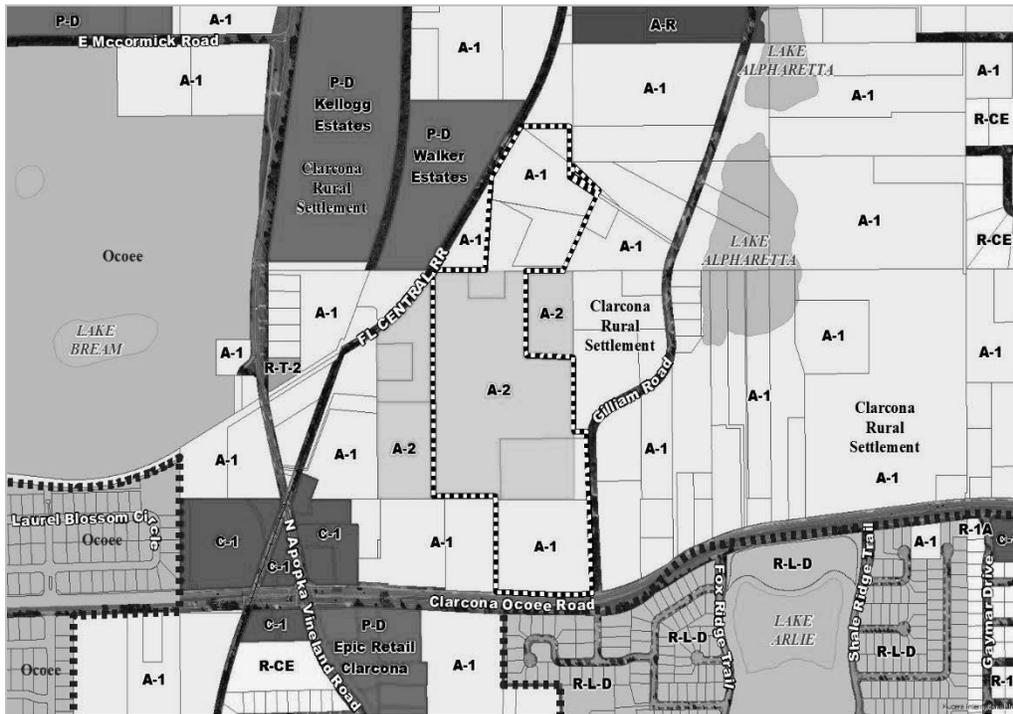
FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



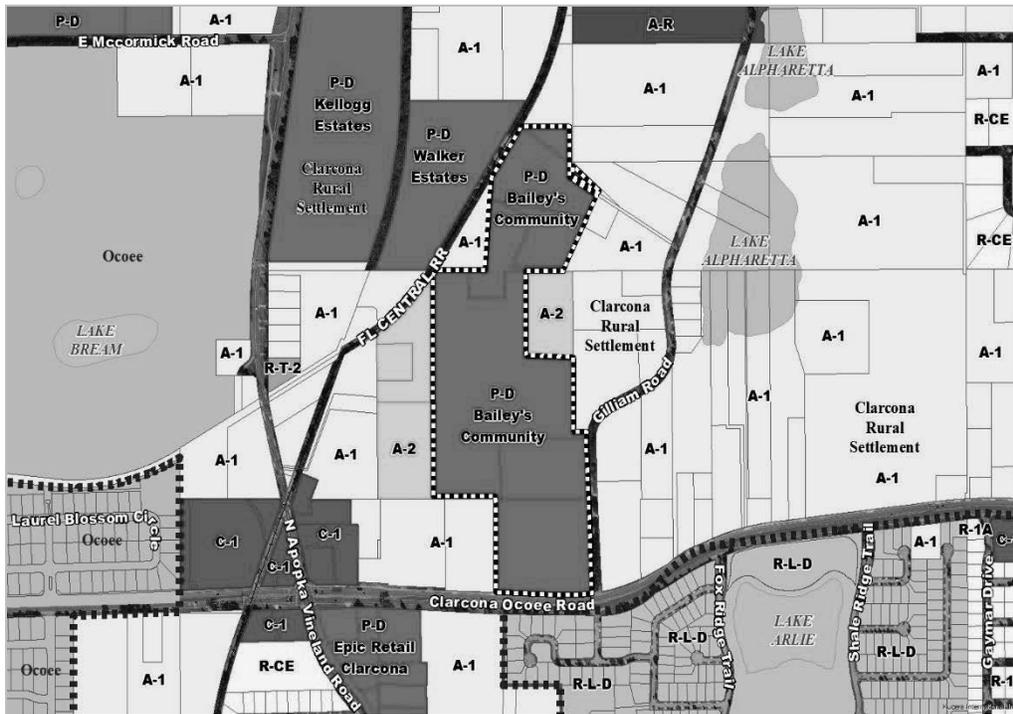
ZONING – CURRENT



Current Zoning:
 A-1 (Citrus Rural District) and A-2 (Farmland Rural District)

Existing Uses
N: Single-family homes and Koinonia Ministries of Central Florida
S: Robinson Hills (single-family residential subdivision) and Canine Companions for Independence
E: Freedom Fellowship Church and single-family homes
W: Radiant Life Assembly of God, Radiant Life Academy (pre-K – 8 school), single-family homes, and Florida Central Railroad tracks

ZONING – PROPOSED



Proposed Zoning:
 PD (Planned Development District) (Bailey's Community PD/LUP)

Staff Recommendation

Make a finding that the information contained in the application for the proposed amendment is not sufficiently complete; that the proposed amendment does not have the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Board of County Commissioners that Amendment 2020-2-A-2-1 **NOT BE TRANSMITTED** to the reviewing agencies.

Analysis

1. Background & Development Program

The applicant, Momtaz Barq, is requesting to change the Future Land Use Map (FLUM) designation of the 47.94-acre subject property—located within the Clarcona Rural Settlement, the County’s Rural Service Area, and the Wekiva Study Area—from Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5) to Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS). The property, comprised of seven individual parcels, is presently the site of Golden Gate Equestrian, a facility specializing in riding lessons and horse training, boarding, quarantining, and sales. A single-family residence and a manufactured home are also located on the premises.

As illustrated on the Future Land Use Map, the south 35.64 acres of the site possess the Rural Settlement 1/2 future land use designation, with a maximum permitted density of one dwelling unit per two net acres. The remaining north 12.30 acres are classified as Rural Settlement 1/5, with a maximum allowable density of one dwelling unit per five net acres. The applicant is seeking the Planned Development-Commercial/Assisted Living Facility (Rural Settlement) future land use designation for the combined 47.94 acres to allow for the development of an adult care community featuring a three-story, 250-bed assisted living facility, 30 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities. Staff notes that this requested development program—modified following the August 6, 2020, community meeting—is a reduction from the initial proposal of a four-story, 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities.

As shown on the area map, the subject property is situated in the center of the Clarcona Rural Settlement, a community characterized by a mix of large-lot residential development, agricultural activity, and institutional and recreational uses. While the property fronts Clarcona-Ocoee Road, a four-lane collector, and lies within Orange County Utilities’ (OCU’s) potable water and wastewater service areas, it is surrounded by land uses typical of a Rural Settlement that has largely maintained its integrity over the years, despite relatively recent annexation activity by the City of Ocoee and the City of Apopka (neither of which are contiguous to the site). The property is bordered to the north by individual single-family homesites, several with ancillary agricultural uses, and a small church, Koinonia Ministries of Central Florida. Freedom Fellowship Church and single-family homesites abut the property to the east. Radiant Life Assembly of God and its affiliated school, Radiant Life Academy, additional single-family homes, and the Florida Central Railroad tracks lie to the west of the site, and Canine Companions for Independence’s Southeast Region Training Center is located south of the property. In addition to the Canine Companions for Independence facility, the subject site is bounded to the south by Robinson Hills, a single-family residential subdivision outside the Clarcona Rural Settlement, within the County’s Urban Service Area. Staff notes that this development possesses a future land use designation of Low Density Residential (LDR), with a maximum allowable density of four dwelling units per net acre. This category is permitted only

within the County’s Urban Service Area, pursuant to **Future Land Use Element Policy FLU1.1.2(B)**, rather than the Rural Service Area, in which the subject property lies.

Staff believes the site’s current equestrian and residential uses are compatible with the history and development pattern of the surrounding Rural Settlement but views the proposed combination of a 250-bed assisted living facility, 30 adult independent living cottages, and 12,320-square-foot community clubhouse—along with required parking areas for residents, visitors, and staff—as urban in character. While senior living facilities are essential to the attainment of a healthy mix of housing opportunities in the County, the mixed-use adult care community proposed in this amendment application is not consistent with the character and scale of development in the Clarcona Rural Settlement or the Rural Service Area, despite the applicant’s modification of the requested development program. Rather, it would be better suited to a site within the Urban Service Area boundary.

Staff-Initiated Text Amendment

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) and Lake Pickett (LP) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment 2020-2-B-FLUE-1. While staff recommends that this requested amendment, Amendment 2020-2-A-2-1, not be transmitted to the reviewing agencies, the maximum development program for this amendment, if ultimately adopted by the Board of County Commissioners, will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2020-2-A-2-1</u> <u>Bailey’s Community</u>	<u>Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)</u>	<u>Adult care community: 250-bed assisted living facility, 30 adult independent living cottages, 12,320-square-foot community clubhouse, and equestrian amenities</u>	<u>2021-</u>

Virtual Community Meeting

Note: In lieu of a traditional in-person community meeting, an August 6, 2020, virtual community meeting was held for this requested amendment. The discussion centered on the originally-requested development program of a four-story, 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities. The modified development program, submitted on September 1, 2020, has not been discussed by the community as of September 3, the time of this writing.

The August 6 meeting participants, all of whom appear to reside in the Clarcona Rural Settlement, voiced their belief that the adoption of the proposed Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS) future land use designation and the subsequent development of an adult care community in accordance with the applicant team’s presentation would compromise the integrity of the Rural Settlement and the rural lifestyle they value. While several meeting attendees deemed the applicant’s concept positive, they asserted that a project of this scale is appropriate for a site in the County’s Urban Service Area, rather than a Rural Settlement that has largely maintained its historic character.

Several meeting participants stated that an adult care community of this size would exacerbate traffic and congestion on area roads. While the applicant team maintained that most residents would not have cars, instead relying on community-provided transportation, some in attendance disagreed, noting that based on their experience, most individuals residing in assisted and independent living facilities drive. Several attendees stated that the applicant team has underestimated the anticipated number of visitors and the medical, administrative, maintenance, and equestrian care staff necessary for the operation of the adult care community, as proposed, who would collectively add to the existing congestion problem. Other area residents added that the problem would be worsened by high ambulance and fire/rescue vehicle traffic into the community, adding that these vehicles would also increase the level of noise in a relatively quiet Rural Settlement.

In answer to several meeting participants, the applicant team verified that the existing equestrian facilities would be a community amenity and accessible to its residents. Some attendees expressed their belief that the horses could be dangerous to a senior population and questioned whether the community's owner would be able to obtain liability insurance.

A number of meeting attendees voiced their worry about the project's potential environmental impacts, expressing concern about possible negative impacts on habitat and species. Others raised questions about stormwater retention and the potential for flooding, noting that a portion of the property, near its north boundary, lies within a flood zone. The members of the applicant team, in return, noted that approximately 40 percent of the site would be set aside as open space. The applicant team added that the required environmental studies would be conducted and stormwater management permits obtained, emphasizing that all stormwater must be retained onsite.

Overall, those in attendance asserted that the proposed adult care community, as presented, would be incompatible in scale and character with the large residential homesites and low-intensity agricultural and institutional uses that predominate in the Rural Settlement. The tone of the meeting was **negative**.

Project Analysis

Consistency

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

In the justification statement submitted with the application, the applicant writes:

Orange County has long recognized and is actively seeking to balance the reality of growth and development pressures in the area with the desire to protect the Rural Settlement and provide a workable transition from these higher intensity uses.

As these development pressures continue to increase, the properties along the north and south side of the 4-laned Clarcona-Ocoee Road cannot, realistically, retain a rural settlement character. Instead, the most logical and appropriate solution to the inevitable growth in the area is to allow these properties to be developed in a way which seeks to provide optimal buffering, protection, and transition into the Rural Settlement.

Staff disagrees with the above statement. As discussed previously, the subject property is situated in the center of the Clarcona Rural Settlement, an area characterized by a mix of low-intensity residential development, agricultural activity, and recreational and institutional uses. **Future Land Use Element Goal FLU6** directs the County to conserve rural assets and values, including Rural Settlements. **Objective FLU6.2** supports the conservation of rural assets and values within Rural Settlements by recognizing and preserving existing development patterns and providing for a rural

residential lifestyle. Staff notes that the Clarcona Rural Settlement is among a group of five Rural Settlements designated in the Comprehensive Plan for heightened preservation efforts. **Future Land Use Element Policy FLU6.2.2** mandates that every effort shall be made to preserve the existing character of the Clarcona Rural Settlement as part of Orange County's heritage and historic preservation. Staff believes that the adoption of the requested Planned Development-Commercial/Assisted Living Facility (Rural Settlement) land use designation and the subsequent development of the proposed adult care community on the subject site would not be in keeping with the character and history of the Rural Settlement. Rather, as noted earlier, it would introduce a mix of uses of an urban scale and intensity into the heart of the Rural Settlement.

Land use restrictions and limitations on the scale and intensity of non-residential development are among the tools utilized by the County to preserve a community's character and history. Staff finds this requested amendment inconsistent with **Open Space Element Policy OS1.3.6**, which establishes that new non-residential uses permitted in the Wekiva Study Area within the Rural Service Area 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. The subject property, however, is not situated at the intersection of two major roads. Although Clarcona-Ocoee Road is a four-lane collector roadway, the intersecting Gilliam Road is a two-lane rural road that extends north into the interior of the Clarcona Rural Settlement. As illustrated on the aerial photograph, Gilliam is lined by large residential homesites, agricultural and religious institutional uses, and undeveloped land. The development of the proposed adult care community—which does not meet the definition of a neighborhood or low-intensity community commercial use—at this location would not meet the purpose and intent of this policy.

Lastly, staff finds the proposed amendment inconsistent with **Future Land Use Element Policy FLU6.2.12**, which states that any proposed use within a Rural Settlement intended for the new construction of a structure with a gross buildable area of 50,000 square feet (on a cumulative basis) or more or projected to have a weekly trip rate of 10,000 total trips may be considered inappropriate for a Rural Settlement if the following conditions exist:

- The proposed use is located in a Rural Settlement that has maintained a rural and historic character, consistent with the intent of Rural Settlements.
- It is determined that the proposed use(s) by size, massing and traffic, will unduly impact the historic and rural character of the Rural Settlement;
- The use, as determined by a market study, is primarily intended for those whose daily life activities do not occur within the Rural Settlement.
- It is not demonstrated that other potential sites were evaluated as being suitable.

As discussed above, proposed project—comprised of a three-story, 250-bed assisted living facility, 30 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities, will exceed the gross buildable area cap of 50,000 square feet, which staff believes would unduly impact the historic and rural character of the Clarcona Rural Settlement. Although the applicant has modified the requested development program—eliminating the 66,000-square-foot adult independent living facility, lowering the height of the assisted living facility from four to three stories, and reducing the number of adult independent living cottages from 50 to 30—staff is still of the opinion that the project is urban in scale and character. Staff also notes that the project analysis included in the amendment application package was conducted solely for the subject property, and

no updated analysis has been submitted to date. It does not appear that any alternative sites have been evaluated for potential suitability for the development of the adult care community, further rendering this application inconsistent with the Comprehensive Plan.

Compatibility

The requested Future Land Use Map Amendment appears to be **incompatible** with the development pattern 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 and development trend in the area. Staff further finds the proposed amendment inconsistent with **Future Land Use Element Policy FLU6.2.5**, which establishes that the permitted densities and intensities of land uses within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses.

As discussed previously, staff does not support the redevelopment of the 47.94-acre site for the proposed adult care community. The requested project, featuring a three-story, 250-bed assisted living facility; 30 adult independent living cottages; a 12,320-square-foot community clubhouse; and sufficient parking for residents, visitors, and staff, is not comparable in intensity, height, or character to existing development within the Clarcona Rural Settlement. Despite the applicant's intent to reduce the height of the assisted living facility, prohibit public and employee access from Gilliam Road, preserve approximately 40 percent of the site as open space—thus exceeding the minimum 25 percent Wekiva Study Area open space requirement—and provide equestrian amenities, walking paths, and gardens, the project would ultimately result in an abrupt and inappropriate increase in intensity between the neighboring Rural Settlement 1/5-, Rural Settlement 1/2-, and Rural Settlement 1/1-classified parcels to the north, south, east, and west.

It is staff's belief that adoption of the requested Future Land Use Map Amendment and the subsequent approval of a PD rezoning application would result in the creation of a senior living community that, while suitable for a site within the County's Urban Service Area, could ultimately erode the character of the tranquil Rural Settlement. Staff, therefore, recommends denial of this amendment application.

Public Facilities and Services

Environmental. 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. These requirements may further reduce the total net developable acreage. Regulations include, but are not limited to, septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed, and aquifer vulnerability. In addition to the state regulations, local policies are established in the Orange County Comprehensive Plan, including Objective FLU6.6, Wekiva, and the related policies.

The Florida Springs and Aquifer Protection Act, §373.801, et. seq. F.S. (the "Act") requires Onsite Sewage Treatment and Disposal Systems ("OSTDS") capable of enhanced treatment of nitrogen loads in the Wekiwa Spring and Rock Springs Basin Management Action Plan ("BMAP") dated June 2018, as may be amended. Per this requirement, lots of less than one acre in size within the Priority Focus Area, as defined in the Act, must comply with the OSTDS Remediation Plan within the BMAP. Lots shall meet the requirements of the Act or of Article XVII (Individual On-Site Sewage Disposal) of Chapter 37 of the Orange County Code, whichever is more stringent. Any person desiring to construct a new septic system, or to modify or repair an existing system, shall apply for a permit to the Florida Department of Health. (Note: Per Orange County Utilities, there are existing water and

wastewater mains within the Clarcona-Ocoee Road right-of-way, and the applicant would be allowed to connect.)

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 ensure 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. An environmental site assessment (ESA) is not required at this time, but if an ESA has been completed for this site, please submit a copy with the application.

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as imperiled (endangered, threatened, or species of special concern). The applicant is responsible for determining the presence of imperiled species and obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).

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

Transportation.

Note: The Transportation Planning Division's comments below are based on the originally-proposed development program of a four-story, 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities. As the applicant submitted the reduced development program shortly before the publication of this staff report, Transportation Planning has not analyzed the updated request. However, their comments will be incorporated into all future staff reports for this proposed amendment.

The Transportation Planning Division has informed staff that development of the site for 19 single-family homes under its current Rural Settlement 1/2 and Rural Settlement 1/5 future land use designations would generate 18 p.m. peak hour trips, while the proposed development of a 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities under the requested Planned Development-Commercial/Assisted Living Facility (Rural Settlement) designation would generate 178 new p.m. peak hour trips, resulting in a net increase of 160 p.m. peak hour trips.

- Per Transportation Planning, the subject property is not located within the County's Alternative Mobility Area (AMA) or along a backlogged/constrained facility. The subject property is adjacent to Clarcona-Ocoee Road. Based on existing conditions, there are currently four (4) deficient roadway segments within the project's impact area. This information is dated and subject to change. The following segments are operating above their Maximum Service Volume (MSV):
 - Apopka-Vineland Rd from A.D. Mims Road to Clarcona-Ocoee Road;
 - Clarcona Road from Gilliam Road to Keene Road;
 - Clarke Road from A.D. Mims Road to Clarcona-Ocoee Road;
 - N. Apopka-Vineland Road from Clarcona-Ocoee Road to Gilliam Road.

- Based on the project's trip distribution, 60% are projected to travel eastbound on Clarcona-Ocoee Road, while 40% are expected to travel westbound.
- The short-term analysis (Year 2025) revealed that no additional roadway segments are projected to operate above their MSV. The four (4) deficient segments mentioned above will still be over capacity.
- The long-term analysis (Year 2030) revealed that no additional roadway segments are projected to operate above their MSV. The four (4) deficient segments mentioned above will still be over capacity.

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

Utilities. The subject site is located in the Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas. Per OCU, there is a 24" water main and a 36" forcemain within the right-of-way of Clarcona-Ocoee Road. Reclaimed water, however, is presently unavailable in the vicinity of the subject site. OCU currently has sufficient plant capacity to serve the amendment.

2. Policy References

GOAL FLU6 PROTECTION OF RURAL LAND RESOURCES AND OTHER ASSETS. The County will manage land uses within the Rural Service Area, including agricultural lands, environmental land including the Wekiva Area, historic resources and Rural Settlements, so as to conserve these assets and their values.

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

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

FLU6.2.5 – The permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C).

FLU6.2.12 – Any proposed use within a Rural Settlement intended for the new construction of a structure with a Gross Buildable Area of 50,000 square feet (on a cumulative basis) or more or projected to have a weekly trip rate of 10,000 total trips may be considered inappropriate for a Rural Settlement if the following conditions exist:

- The proposed use is located in a Rural Settlement that has maintained a rural and historic character, consistent with the intent of Rural Settlements.
- It is determined that the proposed use(s) by size, massing and traffic, will unduly impact the historic and rural character of the Rural Settlement;

- The use, as determined by a market study, is primarily intended for those whose daily life activities do not occur within the Rural Settlement.
- It is not demonstrated that other potential sites were evaluated as being suitable. (Amended 11/17, Ord. 2017-19)

FLU6.6.8 – Land uses within the Rural Service Area portion of the Wekiva Study Area shall be limited to very low and low intensity uses to the greatest extent possible. Existing land uses are recognized but density and intensity shall not be increased through a future land use change unless there is substantial evidence that the change will satisfy a demonstrated need in the community or area.

Any petitioner for a future land use map amendment must submit documentation substantiating that a particular need exists in the community or area in which the change is being proposed. This documentation shall clearly identify the particular need and clearly describe how the proposed change is anticipated to satisfy that need.

Evidence and documentation indicating need and indicating that the proposed development would satisfy that need must be submitted from a third party objective source. In preparing such documentation, the petitioner shall keep in mind that market demand does not necessarily constitute need.

The following evaluation factors shall be used to determine consistency with this policy. To ensure environmental protection, projects shall identify whether a site is located in an environmentally sensitive area and whether locations in areas of lower vulnerability or areas that already allow the proposed land use are not available within a reasonable distance.

Applicants must demonstrate that the proposed land use is compatible with existing land uses and community character and is the least intensive to meet the demonstrated need. Additionally, the project will be evaluated based upon whether community or economic benefits are derived from the proposed land use at that location, as well as whether the proposed use benefits the environment (such as projects that will be designed and constructed using conservation design and green principles).

Residential projects shall demonstrate the need for additional residential development using analytical tools such as population projections and availability of existing or already approved vacant lots and/or units. Additional considerations will include housing affordability and impacts on public services and facilities.

Non-residential and mixed-use projects shall demonstrate that the proposed land use will not generate hazardous materials and waste. Additionally, factors such as support for forestry, agriculture, fishing and natural resource-based outdoor recreation industries, as well as dependence on site-specific natural resources will be evaluated for the proposed land use.

OBJ FLU8.2 COMPATIBILITY. Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.

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

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. 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 by January 1, 2007 for these areas to provide for a pattern of development that protects most effective recharge areas, karst features, and sensitive natural habitats. (Amended 6/10, Ord. 10-07)

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

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

To maximize open space and preserve the natural environment, 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. (Added 10/10, Ord. 2010-13)

The following text 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.

Residential land uses in the Rural Service Area.

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

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

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:

- i. development with densities less than or equal to one unit per acre (1du/ac) – open space shall equal 50% or greater;
- ii. 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;
- iii. 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.

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:

- i. 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;

- ii. 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;
- iii. 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;
- iv. 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.

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.

- i. 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;
- ii. 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;
- iii. 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.
- iv. 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. (Amended 6/10, Ord. 10-07)

Residential land uses in the Urban Service Area (not in a Rural Settlement).

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

- i. development with an overall size less than or equal to 100 acres – open space shall be 35% or greater;
- ii. development with an overall size greater than 100 acres – open space shall be 50% or greater.

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. (Added 6/10, Ord. 10-07)

Non-residential land uses in the Rural Service Area.

New non-residential uses permitted in the Wekiva Study Area within the Rural Service Area 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. (Amended 6/10, Ord. 10-07)

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. (Added 6/10, Ord. 10-07; Amended 10/10, Ord. 2010-13)

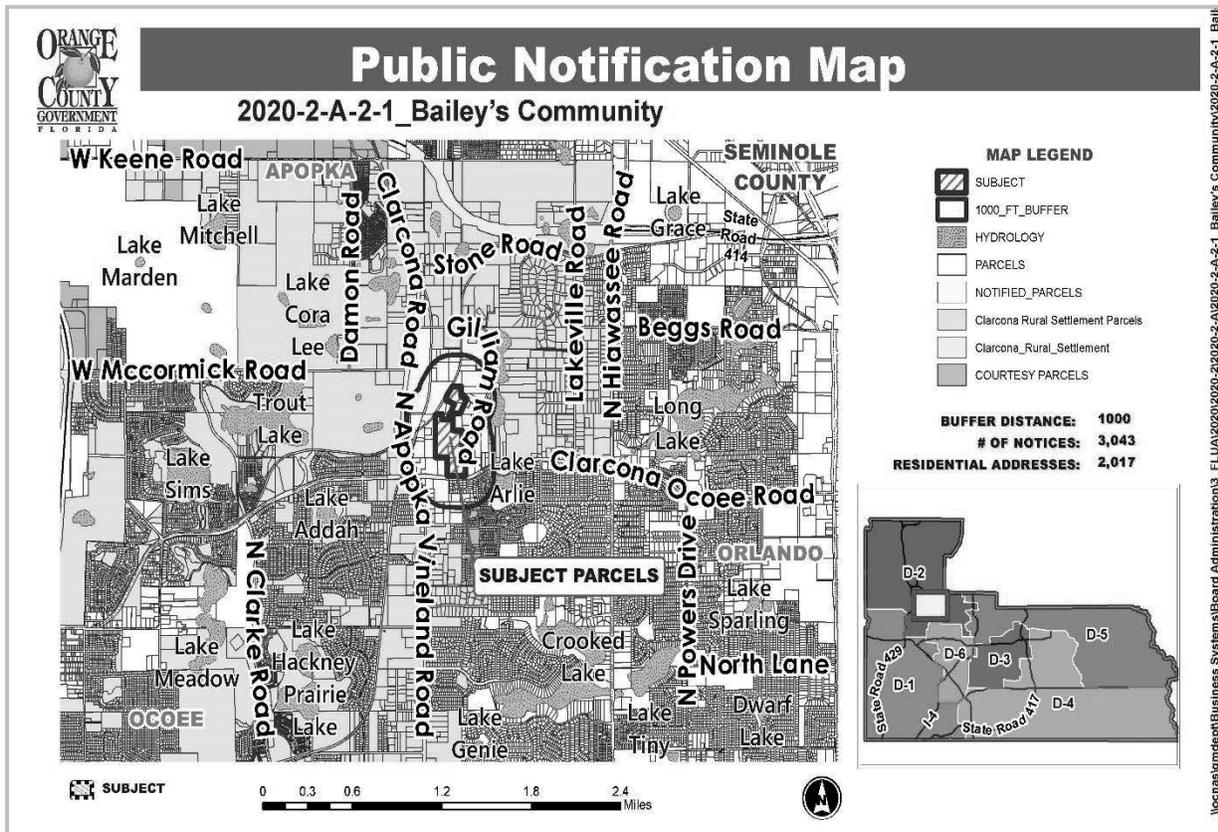
Non-residential sites too small to accommodate the above requirements – generally existing lots of record – may apply for a waiver from some or all of these open space requirements, provided that competent and sufficient evidence is provided documenting that fulfilling these requirements either is not physically possible or would constitute an undue hardship rendering the property unusable under the land use designation in effect on July 1, 2006. (Added 12/07, Ord. 07-20, Policy 1.3.6-r; Amended 10-09, Ord. 2009-28)

Site Visit Photos

<p>Subject Site</p>	<p>Subject Site</p>
	
<p>Subject Site</p>	<p>Subject Site</p>
	
<p>North of Subject Site</p>	<p>North of Subject Site</p>
	

<p>South of Subject Site</p>	<p>South of Subject Site</p>
	
<p>East of Subject Site</p>	<p>West of Subject Site</p>
	
<p>West of Subject Site</p>	<p>West of Subject Site</p>
	

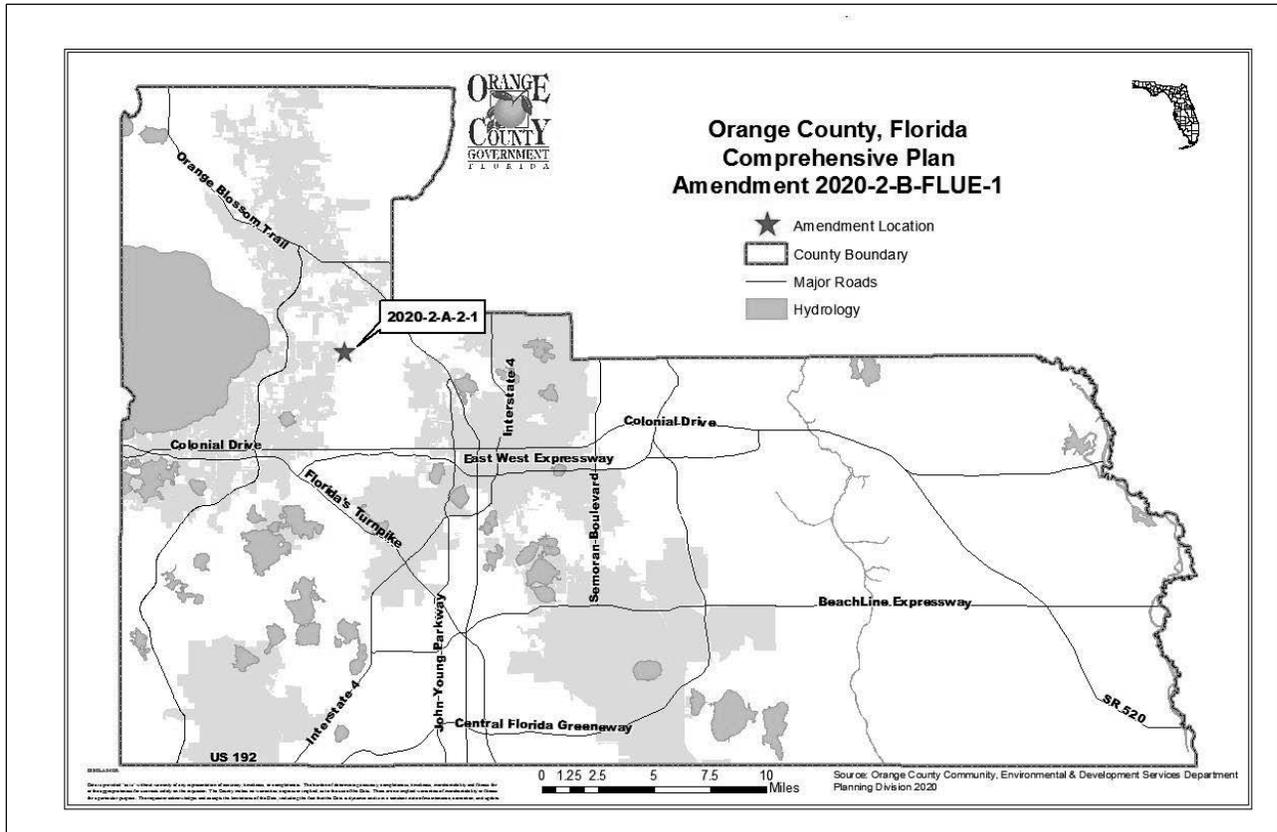
PUBLIC NOTIFICATION MAP



Notification Area

1,000 feet plus expanded notification area and all neighborhood and homeowners' associations within a one-mile radius of the subject site

3,043 notices sent



The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing		Outcome	Title: Amendment 2020-2-B-FLUE-1	
✓	Staff Report	Do Not Transmit	Division: Planning	
✓	LPA Transmittal August 20, 2020	Continue to September 17, 2020	Request: Amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	
✓	LPA Transmittal September 17, 2020	Recommend Do Not Transmit (8-0)		
	BCC Transmittal	November 10, 2020 (Continued from October 13, 2020)		
	Agency Comments	December 2020		
	LPA Adoption	January 21, 2021		
	BCC Adoption	February 23, 2021	Revision: FLU8.1.4	

Staff Recommendation

Make a finding of inconsistency with the Comprehensive Plan, determine that the plan amendment is not in compliance, and recommend that Amendment 2020-2-B-FLUE-1 **NOT BE TRANSMITTED** to include the development program for Amendment 2020-2-A-2-1 in Future Land Use Element Policy FLU8.1.4.

A. Background

The Orange County Comprehensive Plan (CP) allows for a Future Land Use designation of Planned Development. While other Future Land Use designations define the maximum dwelling units per acre for residential land uses or the maximum floor area ratio (FAR) for non-residential land uses, this is not the case for the Planned Development (PD) designation. Policy FLU8.1.3 establishes the basis for PD designations such that “specific land use designations...may be approved on a site-specific basis”. Furthermore, “such specific land use designation shall be established by a comprehensive plan amendment that identifies the specific land use type and density/intensity”. Each comprehensive plan amendment involving a PD Future Land Use designation involves two amendments: the first to the Future Land Use Map and the second to Policy FLU8.1.4. The latter serves to record the amendment and the associated density/intensity established on a site-specific basis. Any change to the uses and/or density and intensity of approved uses for a PD Future Land Use designation requires an amendment of FLU8.1.4.

Staff has received one application for the 2020-2 Regular Cycle requesting the PD Future Land Use designation: proposed Amendment 2020-2-A-2-1 (Bailey’s Community). Staff recommends the Local Planning Agency make a finding that the information contained in the application for the proposed amendment is not sufficiently complete; that the proposed amendment does not have the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Board of County Commissioners that Amendment 2020-2-A-2-1 **NOT BE TRANSMITTED** to the reviewing agencies. Accordingly, staff recommends that the development program associated with this amendment not be added to Policy FLU8.1.4. For specific references of inconsistency with the Comprehensive Plan, please refer to the staff report for this amendment.

B. Policy Amendments

Following are the policy changes proposed by this amendment.

Staff recommends that privately-initiated Future Land Use Map Amendment 2020-2-A-2-1 (Bailey’s Community) not be transmitted. However, should the Board ultimately adopt this amendment, the associated development program will be noted in the Policy FLU8.1.4 table, as shown below in underline/strikethrough format.

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

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number

<u>2020-2-A-2-1 Bailey's Community</u>	<u>Planned Development- Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)</u>	<u>Adult care community: 250-bed assisted living facility, 30 adult independent living cottages, 12,320-square- foot community clubhouse, and equestrian amenities</u>	<u>2021-</u>



VIRTUAL COMMUNITY MEETING NOTICE

2020-2 REGULAR CYCLE FUTURE LAND USE MAP AMENDMENT

Thursday, August 6, 2020 – 6:30 to 7:30 PM

To pre-register and join this LIVE event, please visit www.bit.ly/ocmeetings and select the item:

**Amendment 2020-2-A-2-1
Bailey’s Community**

Commission District #2
Christine Moore, Commissioner

Case Planner:
Jennifer DuBois, Planner
407-836-5396
Jennifer.DuBois@ocfl.net

Please join the District Commissioner, Orange County staff, and your neighbors at a virtual community meeting where the applicant will present their request and answer your questions. **We encourage you to pre-register for this event via the link above in order to receive priority status for public comment during the virtual community meeting.**

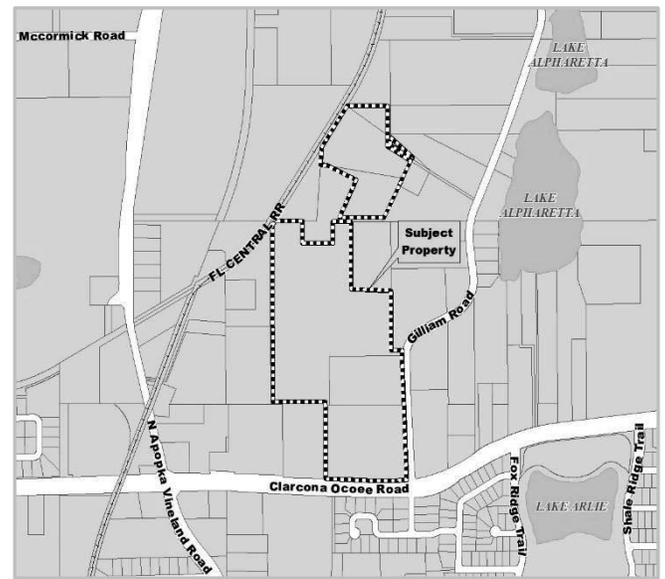
REQUEST

Future Land Use Map (FLUM) Amendment: 2020-2-A-2-1

From: Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5)
To: Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)

Project Name: Bailey’s Community
Owner: Bailey’s Real Estate, LLP
Applicant: Momtaz Barq, P.E., Terra-Max Engineering, Inc.
Parcel ID: 34-21-28-0000-00-064/090/097/100/108/110
Acreage: 43.36 gross/net developable acres
Location: 8001 Clarcona-Ocoee Road and 5850 and 5854 Gilliam Road; generally located north of Clarcona-Ocoee Road, west of Gilliam Road, and east of N. Apopka-Vineland Road.

SUBJECT PROPERTY LOCATION



SUMMARY OF REQUEST

The proposal is to change the Future Land Use Map designation of the subject property, located within the Clarcona Rural Settlement, from **Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5)** to **Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)** to allow for the development of an adult care community with a maximum development program of a 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities.

Public hearings for this request will be held before the Orange County Local Planning Agency (LPA) / Planning & Zoning Commission (PZC) and Board of County Commissioners (BCC). Each public hearing will be advertised in the *Orlando Sentinel*. Please note that the hearing dates shown on the second page of this announcement are tentative and subject to change.

FREQUENTLY ASKED QUESTIONS

Q: Will there be a traditional, in-person community meeting?

Due to the COVID-19 health emergency, Orange County is unable to conduct traditional community meetings at this time. In lieu of such a meeting, we are conducting a live, virtual community meeting to allow the presentation of information on the amendment proposal, the public review process, and to receive and respond to questions from those attending. A recording of the meeting will subsequently be made available for viewing for a limited period through a web folder available at www.bit.ly/ocpublic. Questions or comments may also be submitted through the feedback form which is included with the case materials at that address, or via email to the Case Planner(s) listed on the first page of this notice.

Q: How can I participate in the development review process?



Residents are encouraged to pre-register for the live virtual community meeting where an opportunity for limited public comment and questions will be provided. If you are unable to participate in the Virtual Community Meeting or access the web folder listed above, written comments or requests may be mailed or emailed to the Case Planner. Please note that the dates of the transmittal and adoption hearings listed above are tentative and are subject to change. However, if you received this mailed notice, similar notice will be provided in advance of each transmittal and adoption hearing date. More specific property information can also be obtained by accessing the Orange County Property Appraiser's website at www.ocpafi.org or the OCFL Atlas at www.OCFL.net/Atlas.

Q: Where will the public hearings be held?

To comply with the CDC's Social Distancing Guidelines and keep our citizens safe, the Orange County Local Planning Agency (LPA) / Planning & Zoning Commission (PZC) and the Board of County Commissioners (BCC) will conduct public hearings virtually until further notice. However, Orange County remains committed to providing alternative public comment platforms. All comments directed to the LPA/PZC may be submitted through feedback forms which are included with the case materials (shared folders are located at www.bit.ly/ocpublic), or by mailing or emailing the Case Planner listed on the first page of this notice. Comments directed to the BCC may be emailed to the Mayor and/or District Commissioners (mayor@ocfl.net; District1@ocfl.net; District2@ocfl.net; District3@ocfl.net; District4@ocfl.net; District5@ocfl.net; and District6@ocfl.net).

Q: What is the difference between Future Land Use and Zoning?

Future Land Use Map designations indicate the general use or "vision" for a property, and regulate the types of activity or development that may ultimately be allowed on it, including maximum allowable residential and non-residential development. Future Land Use Map designations are adopted as part of the County's Comprehensive Plan, with oversight by the State. Zoning districts are more descriptive planning classifications, but must be consistent with Future Land Use Map designations. Zoning categories regulate more specific development aspects, such as allowed uses, building sizes, setbacks, or parking.

Q: What type of activity or development could take place on the subject site today?

The County's adopted 2010-2030 Future Land Use Map designates the subject property, located within the Clarcona Rural Settlement, as **Rural Settlement 1/2 (RS 1/2)** and **Rural Settlement 1/5 (RS 1/5)**, which provide for a rural residential lifestyle and development at a maximum density of one (1) dwelling unit per two (2) net acres and one (1) dwelling unit per five (5) net acres, respectively. The site currently possesses the consistent agricultural zoning classifications of **A-1 (Citrus Rural District)** and **A-2 (Farmland Rural District)**.

Q: What type of activity could be considered if the Board of County Commissioners adopted the request?

If approved, the requested **Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)** future land use designation will allow for the development of an adult care community with a maximum development program of a 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities, with a corresponding rezoning to PD (Planned Development District) required.

Any party requesting additional information regarding the proposed amendment should contact the Orange County Planning Division at 201 S. Rosalind Ave., 2nd Floor, Orlando, FL, 32801, (407) 836-5600, or via email at planning@ocfl.net.

In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this proceeding should contact the Orange County Communications Division no later than two (2) business days prior to the proceeding at 201 S. Rosalind Ave., 3rd Floor, Orlando, FL, 32801, (407) 836-6568

Para más información, favor de comunicarse con la División de Planificación, al número (407) 836-3111

Pou plis enfòmasyon, kontakté Dépatman Planifikasyon, nan nimewo (407) 836-3111.
