

ORANGE COUNTY

PLANNING DIVISION

2021-1 REGULAR CYCLE

AMENDMENTS

2021-1-A-2-1

2021-1-B-FLUE-3

REZONING

LUP-21-04-119

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

OCTOBER 12, 2021
ADOPTION PUBLIC HEARING

PREPARED BY:
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

October 12, 2021

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

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

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

SUBJECT: 2021-1 Regular Cycle Comprehensive Plan
Amendments 2021-1-A-2-1 and 2021-1-B-FLUE-3 and Concurrent Rezoning Request
LUP-21-04-119 (Parks of Mount Dora PD/LUP)
Board of County Commissioners (BCC) Adoption Public Hearings

The 2021-1 Regular Cycle Comprehensive Plan Amendments 2021-1-A-2-1 and 2021-1-B-FLUE-3 are scheduled for a BCC adoption public hearing on October 12, 2021. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing on September 16, 2021.

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

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

The 2021-1 Regular Cycle State-Expedited Amendments scheduled for consideration on October 12 include one privately-initiated Future Land Use Map Amendment located in District 2 with a concurrent rezoning request and one associated staff-initiated text amendment. The proposed Future Land Use Map Amendment entails a change to the Future Land Use Map for a property greater than ten acres in size. The staff-initiated amendment entails changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2021-1 Regular Cycle State-Expedited Review Amendments were Amendments were heard by the PZC/LPA at transmittal public hearings on January 21, 2021, and by the BCC at transmittal public hearings on February 91, 2021. These amendments reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On April 23, 2021, DEO issued a comment letter, which did not contain any concerns about the amendments undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. The Regular Cycle Amendments undergoing the State-Expedited Review process 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 November 2021, provided no challenges are brought forth for any of the amendments.

2021-1 Regular Cycle Amendments 2021-1-A-2-1 and 2021-1-B-FLUE-3 and Concurrent Rezoning
Request LUP-21-04-119
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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 Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.

AAV/sw

Enc: 2021-1 Regular Cycle Amendments 2021-1-A-2-1 and 2021-1-B-FLUE-3 and Concurrent Rezoning Request LUP-21-04-119 - BCC Adoption Staff Report

c: Christopher R. Testerman, AICP, Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Roberta Alfonso, Assistant County Attorney
Whitney Evers, Assistant County Attorney
Eric P. Raasch, AICP, Planning Administrator, Planning Division
Gregory Golgowski, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Read File

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	-and-		
	2021-1-B-FLUE-3 PD Density and Intensity	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2021-1-A-2-1	
	-and-		
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**2021-1 State-Expedited Review Comprehensive Plan Amendments
Privately-Initiated Future Land Use Map Amendments**

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													
2021-1-A-2-1 (Parks of Mt Dora)	LUP-21-04-119	Timothy J. Bailey	PD (Planned Development District) (Parks of Mt. Dora PD/LUP)	04-20-27-0000-00-001	6989 N. Orange Blossom Trl.; Generally located on the east side of N. Orange Blossom Trl., north of Stoneybrook Hills Pkwy, south of Robie Ave., and west of Ansley Wy.	Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-OLMDR)	Growth Center-Planned Development-Low- Medium Density Residential (GC-PD-LMDR)	A-1 (Citrus Rural District)	PD (Planned Development District) (Parks of Mt. Dora PD)	63.51 gross ac.	Chris DeManche	Adopt & Approve rezoning with 17 conditions	Adopt & Approve rezoning with 17 conditions (7-0)

ABBREVIATIONS INDEX:

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MHDR-Medium-High Density Residential; HDR-High Density Residential; PD-Planned Development; EDU-Educational; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; R-Rural/Agricultural; RS-Rural Settlement; ACMU-Activity Center Mixed Use; GC-Growth Center; PD-Planned Development; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; TRAN-Transportation Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; PD-Planned Development District; RZ-Rezoning; LUP-Land Use Plan; SR-State Road; AC-Acres

**2021-1 Regular Cycle Comprehensive Plan Amendments
Staff-Initiated Comprehensive Plan Map and/or Text Amendments**

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2021-1-B-FLUE-3 (FLU8.1.4)	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 associated with Amendment 2021-1-A-2-1	Chris DeManche	Adopt	Adopt (7-0)

ABBREVIATIONS INDEX:

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2021 FIRST REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS ADOPTION PUBLIC HEARING

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing staff report for the First Regular Cycle Amendments 2021-1-A-2-1 and 2021-1-B-FLUE-3 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearing for these amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on September 16, 2021. These amendments are scheduled for an adoption public hearing before the BCC on October 12, 2021.

The 2021-1 Regular Cycle Amendments scheduled for BCC consideration on October 12 were heard by the PZC/LPA at a transmittal public hearing on January 21, 2021, and by the BCC at a transmittal public hearing on February 9, 2021.

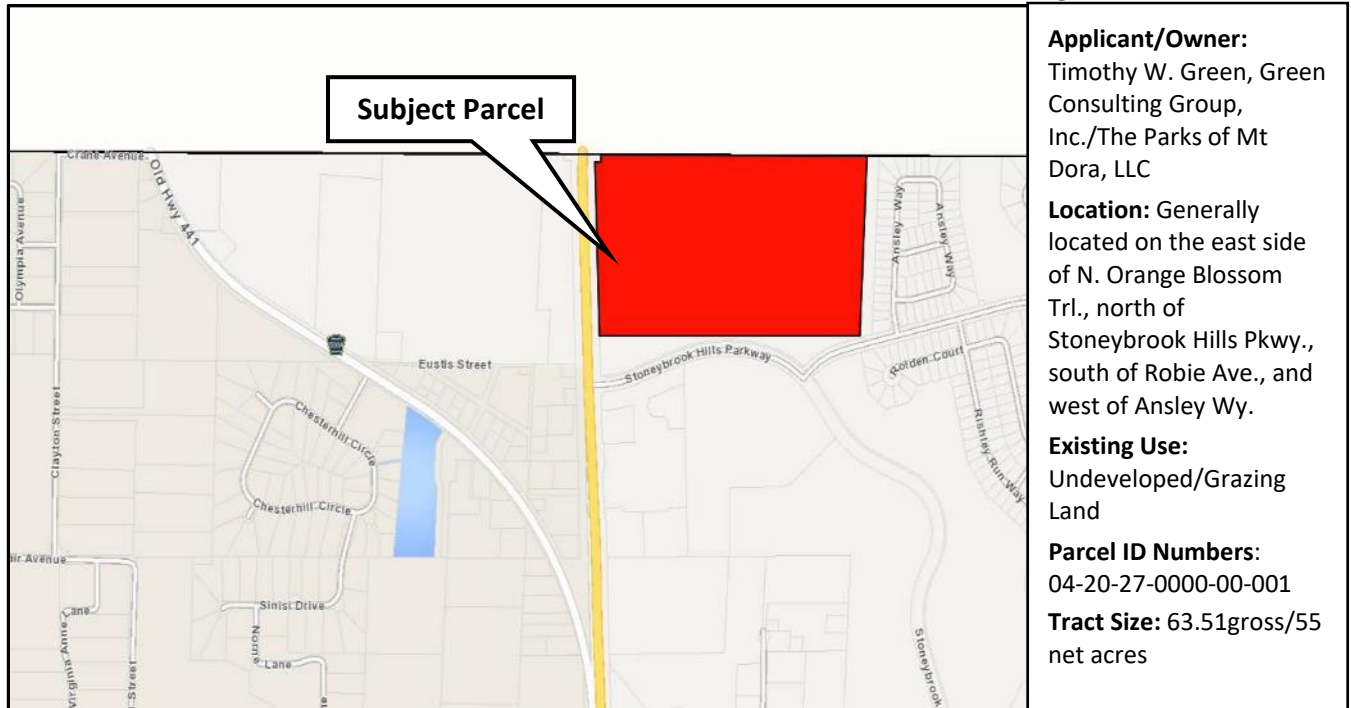
Please note the following modifications to this report:

KEY TO HIGHLIGHTED CHANGES	
Highlight	When changes made
Pink	Following the LPA adoption public hearing (by staff)

The 2021-1 Regular Cycle – State-Expedited Review Amendments scheduled for consideration on October 12 include one privately-initiated Future Land Use Map Amendment located in District 2 with a concurrent rezoning request and one associated staff-initiated text amendment. The proposed Future Land Use Map Amendment entails a change to the Future Land Use Map for a property greater than ten acres in size. The staff-initiated amendment entails changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The Regular Cycle – State-Expedited Review Amendments were reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On April 23, 2021, DEO issued a comment letter, which did not contain any concerns about the amendments undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. The Regular Cycle Amendments undergoing the State-Expedited Review process 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 November 2021, provided 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:
 Timothy W. Green, Green Consulting Group, Inc./The Parks of Mt Dora, LLC

Location: Generally located on the east side of N. Orange Blossom Trl., north of Stoneybrook Hills Pkwy., south of Robie Ave., and west of Ansley Wy.

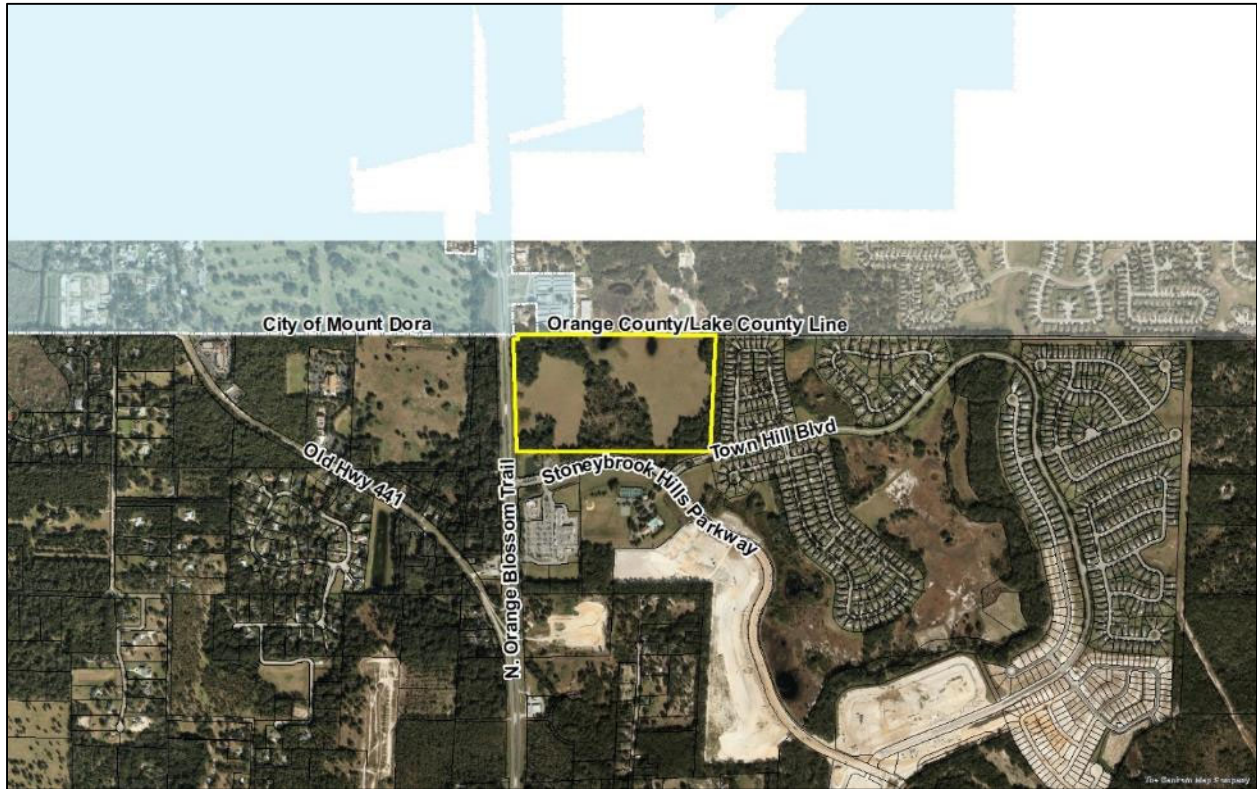
Existing Use:
 Undeveloped/Grazing Land

Parcel ID Numbers:
 04-20-27-0000-00-001

Tract Size: 63.51gross/55 net acres

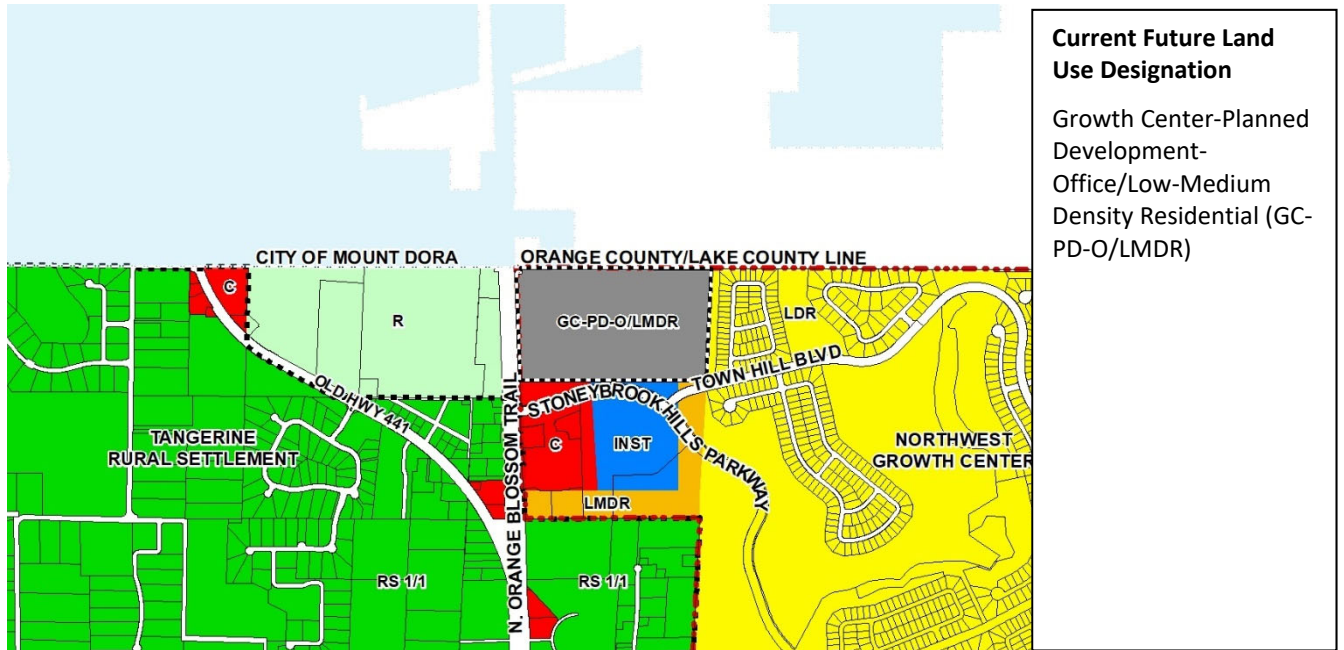
The following meetings and hearings have been held:		Project Information	
Report/Public Hearing	Outcome	Request:	Proposed Development Program:
✓	A virtual community meeting was held December 9, 2020, with 36 members of the public in attendance	Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR) to Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR)	Up to 188 single-family detached dwelling units.
✓	Staff Report		
✓	LPA Transmittal January 21, 2021		Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.
✓	BCC Transmittal		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.
✓	State Agency Comments		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.
	LPA Adoption September 16, 2021		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.
			Concurrent Rezoning: From: A-1 (Citrus Rural District) to PD (Planned Development District) (Parks of Mount Dora PD/LUP) DRC recommended approval of LUP-21-04-119 on August 25, 2021, subject to adoption of the Comprehensive Plan Amendment referenced in this report as well as 17 conditions of approval.

SITE AERIAL

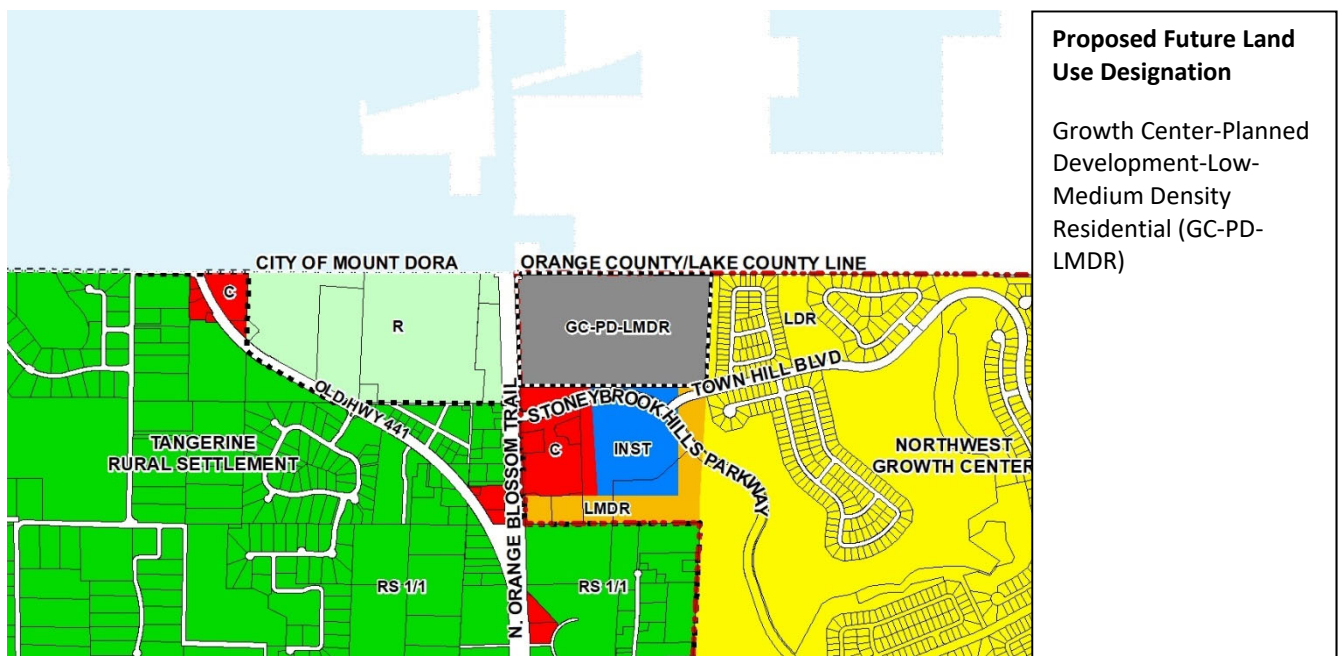


Note: Mapping data is limited for areas within Lake County. Areas shaded blue are within the limits of the City of Mt. Dora; unshaded is unincorporated Lake County.

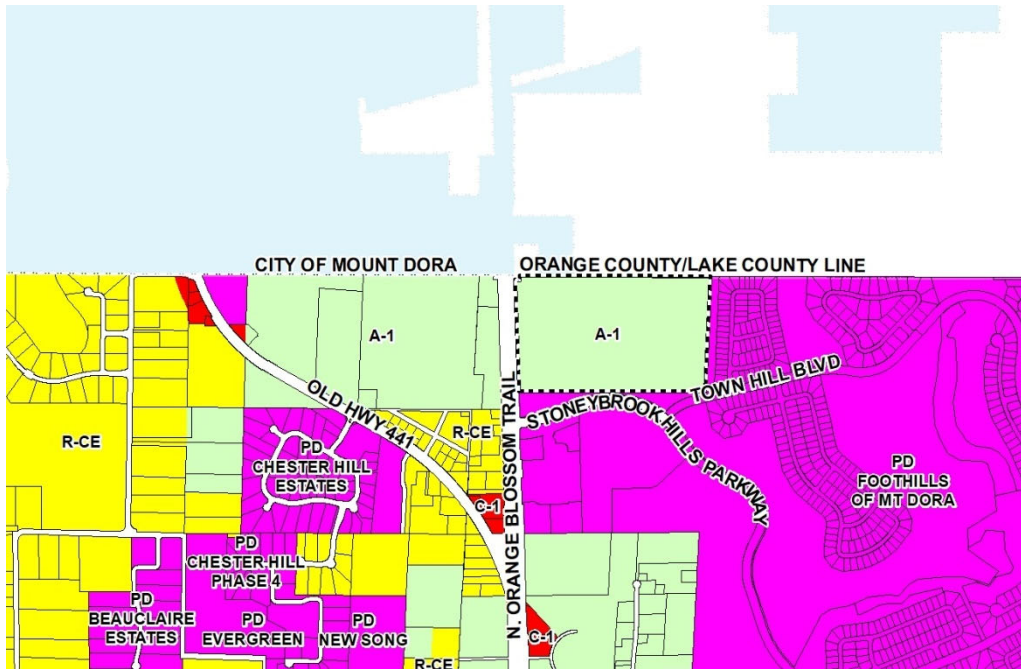
FUTURE LAND USE - CURRENT



FUTURE LAND USE - PROPOSED



ZONING – CURRENT



Current Zoning:
 A-1 (Citrus Rural District)

Existing Uses

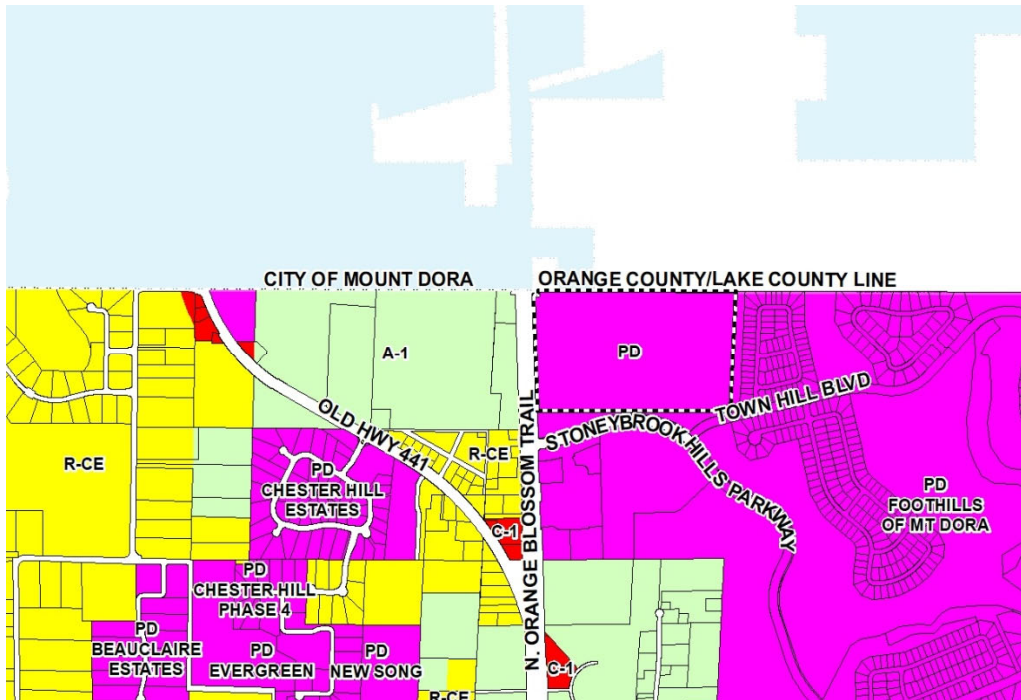
North:
 Church and self-storage facility.

South:
 Publix Supermarket and shopping center

East:
 Stoneybrook Hills single-family subdivision

West:
 Undeveloped land

ZONING – PROPOSED



Proposed Zoning:
 PD (Planned Development District)

Existing Uses

North:
 Church and self-storage facility.

South:
 Publix Supermarket and shopping center

East:
 Stoneybrook Hills single-family subdivision

West:
 Undeveloped land

Staff Recommendation

1. **Future Land Use Map Amendment 2021-1-A-2-1:** Make a finding of consistency with the Comprehensive Plan (See Future Land Use Element Objectives FLU7.4 and FLU8.2, Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.4(F), FLU1.4.1, FLU1.4.2, FLU7.4.3, FLU7.4.4, FLU7.4.6, FLU8.2.1 and FLU8.2.11; Housing Element Goal H1, Objective H.1.1; Open Space Element Policies OS1.3.2, OS1.3.4 and OS1.3.6), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2021-1-A-2-1, Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR) to Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR).
2. **Future Land Use Text Amendment 2021-1-B-FLUE-3:** Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and recommend **ADOPTION** of Amendment 2021-1-B-FLUE-3.
3. **Planned Development Rezoning Case # LUP-21-04-119:** (August 25, 2021 DRC Recommendation) Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the Parks of Mount Dora Planned Development/Land Use Plan (PD/LUP), dated "Received August 12, 2021", subject to the following conditions of approval, as amended, contingent upon completion and approval of the associated CAI Permit, approval of amended JPA agreement with the City of Mount Dora as well as adoption of Text Amendments (2021-1-B-FLUE-3), (2021-1C-OS-1), and Comprehensive Plan Amendment (2021-1-A-2-1):
 1. Development shall conform to the Parks at Mount Dora Land Use Plan (LUP) dated "Received *," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received *," the condition of approval shall control to the extent of such conflict or inconsistency.
 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such

promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.

7. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
8. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
9. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
10. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
11. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
12. Development shall connect to central water and wastewater service from City of Mt Dora.
13. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
14. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
15. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
16. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive

covenant, as applicable, that potable wells using local groundwater will be prohibited on this site.

17. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of April 9, 2019.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the zero (0) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third-party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

Analysis

1. Background & Development Program

The applicant, Timothy W. Green, with Green Consulting Group, Inc., has requested to change the Future Land Use Map (FLUM) designation of the subject property from Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR) to Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR). The proposed Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR) FLUM designation would result in the following changes to the current site entitlements: conversion of the 280 multi-family dwelling units to 188 single-family detached dwelling units, removal of the senior housing restriction, and the removal of 75,000 square feet of office uses.

The 63.51-acre subject site is located south of the Orange County/Lake County line on the east side of N. Orange Blossom Trail, north of Stoneybrook Hills Parkway, south of Robie Avenue, and west of Ansley Way. To the east of the subject property is the Stoneybrook Hills single-family subdivision, and

to the west, across N. Orange Blossom Trail is undeveloped, agriculturally zoned land. South of the site, across Stoneybrook Hills Parkway, is a Publix Supermarket shopping center including a McDonalds, and to the north, across the county line, is a church/school and self-storage facility.

The subject property is located in the Northwest Growth Center and is within the Orange County/City of Mount Dora Joint Planning Area. Approval of the applicant's proposal would result in not only a change to the subject property's FLUM designation, but also to the Joint Planning Area (JPA) map. The JPA currently depicts the site as approved for 7.5 acres of Office uses and Low-Medium Density residential uses at a density of up to 5.0 dwelling units per acre.

The subject property is currently undeveloped and has a zoning designation of A-1 (Citrus Rural District). A PD (Planned Development) rezoning request is required for all new development within a Growth Center pursuant to Future Land Use Element policy FLU7.4.6. The applicant has submitted a PD rezoning application, and the request will be considered concurrently with the FLUM amendment application before the Local Planning Agency and the Board of County Commissioners.

The subject property has undergone review for two previous FLUM amendment applications. The current entitlements for the site were approved under the first application, 2010-1-A-2-2. Under this previous application, staff originally recommended approval for 350,000 square feet of commercial uses, 10,000 square feet of office uses, and 60 multi-family dwelling units. The City of Mount Dora through the JPA with Orange County, would not amend the JPA map to accommodate the proposed uses. The application was modified to match the JPA map and was adopted by the Orange County Board of County Commission as part of Ordinance 2010-13 on October 19, 2010, to allow the following:

- 75,000 square feet of office uses on 7.5 acres
- 280 multi-family dwelling units
- Senior housing restriction.

A second FLUM application, 2018-1-A-2-1, was filed in 2017 and proposed changes to the uses previously approved under Ordinance No. 2010-13. The application proposed the following:

- Conversion of the 75,000 square feet of office uses to 75,000 square feet of commercial uses.
- Increase the density from 280 dwellings (5 du/acre) to 500 dwellings (9 du/acre)
- Amend the location of the proposed commercial uses along US 441.
- Removal of senior housing restriction.

In addition to the proposals above, the applicant entered into a School Mitigation Agreement for Capacity Enhancement with the Orange County School Board.

After review by the Orange County Planning Division, the application was amended to request:

- 280 multi-family dwelling units
- Conversion of the 75,000 square feet of office uses to 75,000 square feet of commercial uses
- Removal of the senior housing restriction

The application was recommended for transmittal by the Local Planning Agency (9-0), and transmitted by the Orange County Board of County Commissioners (7-0), to the State Department of Economic Opportunity (DEO) for review. During the adoption hearings, the Local Planning Agency recommended adoption (9-0), and the Board of County Commissioners ultimately voted (7-0) not to adopt the FLUM amendment application.

Summary for each of the previous FLUM applications

Amendment Number	Adopted FLUM	Maximum Density/Intensity	Outcome
2010-1-A-2-2 The Parks at Mt Dora	Planned Development – Office/Low-Medium Density Residential (PD-O/LMDR) and Expansion of the Northwest Growth Center (GC)	75,000 s.f. Office 280 multi-family senior housing units	Adopted; Ordinance 2010-13
2018-1-A-2-1 The Parks of Mt Dora	Growth Center-Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR)	Up to 75,000 sq. ft. Commercial Up to 280 multi-family housing units *senior housing proposed for removal	Not Adopted

Conservation Area Determination

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units/square footage by the net developable land area. The net developable land area for density and FAR calculation (intensity) is defined as the gross land area, excluding surface waters and certain conservation areas from the land area calculations. Orange County Conservation Area Determination CAD 17-09-121, was completed with a certified survey of the conservation area boundary approved on April 11, 2018, in accordance with Orange County Code Chapter 15, Article X Wetland Conservation Areas. The Conservation Area Determination is still valid and can be used for this application.

In order to include the 8.5 acres of Class III conservation areas in the density, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County Environmental Protection Division as per Future Land Use Element Policy FLU1.1.2(C).

County Environmental Protection Division, to permit the impact of approximately 1.537 acres of Class III conservation areas. The permit will need to be approved prior to the adoption hearing scheduled before the Board of County Commissioners on October 12, 2021. Upon approval of the permit, the site’s net developable land area will total 56.53 acres.

Virtual Community Meeting

Note: In lieu of a traditional in-person community meeting, a virtual community meeting was held on December 9, 2020, for this requested amendment. The discussion centered on the applicant’s initial proposed development plan of converting the existing entitlements of 280 multi-family units to 280 single-family attached dwelling units, removing the senior housing restriction and removing 75,000 square feet of office uses.

The December 9 meeting participants, all of whom appeared to reside in the Stoneybrook Hill subdivision and the Tangerine Rural Settlement, voiced their belief that the adoption of the proposed Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR) FLUM designation and the subsequent development of a 280 single-family attached dwelling unit community would negatively impact the quality of life in this particular area of the county. While the applicant

did present a conceptual site plan as to how the 63.51 acre site could be developed, the attendees expressed concern over the lack of protection for the large mature trees on the site and a lack of a design to incorporate this natural feature into the site design. Concerns were also expressed that the proposed development would cause additional traffic in the general area and exacerbate the amount of traffic entering onto N. Orange Blossom Trail.

Overall, the attendees voiced concern and opposition to the proposed development. The tone of the meeting was **negative**.

2. Future Land Use Map Amendment Analysis

Consistency

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

As noted above, the subject property is located within the Northwest Growth Center, and per **Future Land Use Element Policy FLU1.1.4 (F)**, Growth Center is a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. **Future Land Use Element Objective OBJ FLU7.4** goes on to define Growth Centers as planning tools intended to address and guide urban-scale uses that serve a regional market and require a location outside of the Urban Service Area (USA). Additionally, **Future Land Use Element Policy FLU7.4.4** permits urban densities and intensities within Growth Centers. In accordance with Policy FLU1.1.2 (A), the applicant has specified the maximum desired development program for the project, proposing 188 single-family detached dwelling units under the “urban-scale” Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR) FLUM designation. This proposed development program is consistent with the urban style development permitted by the Growth Center Comprehensive Plan objectives and policies.

Policy FLU7.4.4 states that the approval of urban intensities within Growth Centers are contingent upon the availability of urban services from other sources, as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. The Mount Dora JPA requires the developer to enter into a service agreement with the City to provide water and wastewater services to properties within the Joint Planning Area. The subject property lies within the City of Mount Dora’s potable water and wastewater service area.

The proposed FLUM amendment and associated residential development program are consistent with Orange County’s commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. Staff finds that the development of single-family residential development on the subject property would be consistent with **Housing Element GOAL H1** and **Housing Element Objective OBJ H1.1**. These state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs.

The subject property is located in an area characterized by low-density single-family development. The Stoneybrook Hills community located to the east of the subject property has an approved land use plan for 230 single-family residential lots at 2.3 units per acre. To the southwest of the subject property, the Tangerine Rural Settlement has a mixture of rural Future Land Use designations. Staff finds that single-family residential development is consistent with **Future Land Use Element Policy FLU1.4.1**, which states the County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community. The proposed project will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Future Land Use Element Policy FLU1.1.1**.

3. 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 2021-1-B-FLUE-3. The maximum development program for Amendment 2021-1-A-2-1 will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
2010-1-A-2-2 The Parks at Mount Dora	Planned Development – Office/ Low-Medium Density Residential (PD-O/LMDR) and Expansion of the Northwest Growth Center (GC)	75,000 s.f. office 280 multi-family senior housing units	2010-13
***	***	***	***
<u>2021-1-A-2-1</u> The Parks of Mt Dora	<u>Growth Center-Planned Development – Low-Medium Density Residential (GC-PD-LMDR)</u>	<u>Up to 188 single-family detached dwelling units</u>	<u>2021-</u>

Compatibility

As identified in **Future Land Use Element Objective OBJ FLU8.2**, compatibility will continue to be the fundamental consideration in all land use and zoning decisions that involve differing land uses. **Future Land Use Element Policy FLU8.2.1** states that land use changes shall be required to be compatible with the existing development and development trend in the area. However, as established in **Future Land Use Element Policy FLU8.2.11**, compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors to consider include the physical integration of a project and its function in the broader community, as well as its contribution toward Comprehensive Plan goals and objectives. As noted above, the subject property was previously incorporated into the Northwest Growth Center with a development program of 75,000 sq. ft. of office uses and 280 senior multi-family dwelling units. The removal of the office uses, the senior housing requirement and the conversion of multi-family dwellings to single-family detached dwelling units will provide for a residential product that is similar to existing housing types, while also being compatible to the residential development trend in the area.

The subject property is within the Wekiva Study Area, and as stipulated in **Open Space Element Policy OS1.3.6**, a proposed project with a density exceeding one dwelling unit per acre on a Growth Center-designated site with an overall size less than or equal to 100 acres is subject to a permanently-protected open space requirement of 60 percent or greater. Per **Open Space Element Policy OS1.3.4**, all new residential developments located entirely or partially in the Wekiva Study Area are required to cluster to the maximum extent feasible to preserve open space which, as mandated in **Open Space Element Policy OS1.3.2**, shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may, however, include permeable stormwater management areas using Best Management Practices. The minimum required quantity of open space within a development site shall be calculated over the net

developable area of a parcel, defined as the total area of a parcel less wetlands and natural water bodies. The Foothills of Mt Dora Planned Development located to the south and east of the subject property contains a commercial component and Low Density Residential single-family development pattern. Given the significant open space that is required by the Wekiva Study Area policies, the proposed development program of Low-Medium Density Residential would be compatible and not disrupt the existing, surrounding community.

While conditions and/or restrictions cannot be placed on the property at the Comprehensive Plan amendment stage, the property must obtain Planned Development zoning. Specific standards and conditions/restrictions to require a smooth transition in density of uses to ensure managed growth consistent with the rural characteristics of the area will be determined through the Planned Development review process. Staff will work with the applicant throughout the Planned Development review processes to refine the proposed development program and to attempt to develop a transition of densities that will allow the proposed development to blend into and become compatible with the surrounding development.

4. Division Comments: Environmental, Public Facilities and Services

Environmental

Class III wetlands and surface waters amounting to 8.5 acres are located onsite. Orange County Conservation Area Determination, CAD-17-09-121 was completed for this property on April 11, 2018. This determination is valid for a period of five years.

The net developable land area is 55 acres, defined as the gross land area less surface waters and wetlands. The buildable area is the net developable acreage less protective buffer areas if required to prevent adverse secondary impacts. The applicant is advised not to make financial decisions based upon development within the wetland or the upland protective buffer areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Per Orange County Comprehensive Plan Policy FLU1.1.2 C, the Density and Floor Area Ratio (FAR) calculation is determined by dividing the total number of units/square footage by the net developable land area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Impact (CAI) permit from the Orange County EPD in addition to an approved CAD. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area 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 state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.

Development of the subject property 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 to determine the presence of imperiled species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). The Environmental and Natural Resource Assessment dated May

25, 2018 reported the presence of gopher tortoise, potential habitat for eastern indigo snake and sand skink, and recommended physical surveys prior to construction and site disturbance.

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. 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 dated June 2018, as may be amended ("BMAP"). Per this requirement, lots of less than one acre in size within the Priority Focus Area (PFA), 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.

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.

The subject property had a prior agricultural land use that may have resulted in soil 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 Division (EPD) and the Development Engineering (DE) Division. An environmental site assessment (ESA) to address potential contamination is not required at this time, but if an ESA has been completed for this site, please submit a copy with the application.

Transportation

Trip Generation (ITE 10th Edition)

Land Use Scenario	PM Pk. Hr.Trips	%New Trips	New PM Pk Hr.Trips
Existing Use: Undeveloped (280 DU/Age restricted/75K SF office)	186	100	186
Proposed Use: 280 dwelling units Town Homes	148	100	148
Net New Trips (Proposed Development less Allowable Development): -			38

Future Roadway Network

Road Agreements: None

Planned and Programmed Roadway Improvements: None

Right of Way Requirements: None

Summary

The applicant is requesting to change the land use from GC-PD-O/LMDR to GC-PD-LMDR to remove the Office land use. Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will result in a decrease in the number of pm peak trips and therefore will not impact the area roadways.

- The subject property is not located within the County’s Alternative Mobility Area.

- The subject property is not located along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 186 pm peak hour trips.
- The proposed use will generate 148 pm peak hour trips resulting in a net decrease of 38 pm peak hour trips.
- Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county’s Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County’s Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

Utilities

The subject site is located in the City of Mount Dora’s potable water, wastewater, and reclaimed water service areas.

Schools

A School Mitigation Agreement for Capacity Enhancement (OC-17-030) was previously approved by the School Board of Orange County on May 25, 2018. This approval was in response to the previous FLUM amendment application, 2018-1-A-2-1. The applicant under FLUM amendment application, 2021-1-A-2-1, has reentered into a School Mitigation Agreement for Capacity Enhancement (OC-17-030 A1). The agreement was approved by the School Board of Orange County on April 28, 2021.

5. Rezoning Request Analysis

IMPACT ANALYSIS

Overview

The applicant is seeking to rezone the subject parcels from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct 188 single family detached dwelling units. This request is associated with regular cycle amendment 2021-1-A-2-1 to change the underlying Future Land Use to Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR) with a maximum development plan of 280 single-family residential units. The subject property is located in the Northwest Growth Center and is within the Orange County/City of Mount Dora Joint Planning Area.

Land Use Compatibility

The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	City of Mount Dora JPA

Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

SITE DATA

Existing Use Undeveloped Land / Farm Land

Adjacent Zoning

N: Lake County Line

E: PD (Foothills of Mt. Dora Planned Development) (1991)

W: A-1 (Citrus Rural District) (1957)

S: PD (Foothills of Mt. Dora Planned Development) (1991)

Adjacent Land Uses

N: Church, Self-storage, Fuel supply

E: Single family residential

W: Vacant

S: Retail commercial

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback 25 feet

Maximum Building Height: 35 feet

Minimum Lot Size: 5400 sf

Minimum Lot Width: 45 feet

Minimum Living Area: 1200 Square Feet (under HVAC)

Minimum Building Setbacks

Front Setback: 20 feet (15 ft to porch)

Rear Setback: 15 feet

Side Setback: 5 feet (15 to street)

SPECIAL INFORMATION

Community Meeting Summary

A community meeting was not required for this application. However, a virtual community meeting was held on December 9, 2020, for the associated regular cycle amendment. Attendees expressed desire for protection for the large mature trees on the site and a site design that incorporated existing natural features. Concerns were also expressed that the proposed development would cause additional traffic in the general area and exacerbate the amount of traffic entering onto N. Orange Blossom Trail.

Overall, the attendees voiced concern and opposition to the proposed development.

Environmental

Conservation Area Determination CAD-17-09-121 was completed for this property on April 11, 2018. This determination is valid for a period of five years.

CAI Required - Per Orange County Comprehensive Plan Policy FLU1.1.2 C, the Density calculation is determined by dividing the total number of units by the net developable land area. In order to include Class I, II and III conservation areas in the density calculations, the parcels shall have an approved Conservation Area Impact (CAI) permit from the Orange County EPD in addition to an approved CAD. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers. A CAI-21-05-034 is currently under review.

Habitat- 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 to determine the presence of imperiled species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). The Environmental and Natural Resource Assessment dated May 25, 2018 reported the presence of gopher tortoise, potential habitat for eastern indigo snake and sand skink, and recommended physical surveys prior to construction and site disturbance.

Stormwater

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.

Land Use Plan Contamination Concern - This site is planned for residential use. Pursuant to OC Comp Plan Policy C1.5.7, development in, or near, contaminated soils shall properly address the contamination prior to approvals allowing disturbance of the contaminated soils with land clearing (including grubbing, or demolition), mass grading and or construction. Therefore, because of the site's prior land use, a Phase I Environmental Site Assessment is required prior to approvals that include alterations of the land's surface. Depending on the results of the Phase I, limited sampling or a full Phase II Environmental Site Assessment will be required. In order to allow for other parts of the project to move forward, a protective activity setback buffer can be established around any found sources of contamination in order to allow simultaneous remediation and other adjacent site development activity in a phased manner to proceed on a case by case basis

Transportation / Concurrency

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	City of Mount Dora
Wastewater:	City of Mount Dora
Reclaimed:	City of Mount Dora

Schools

A CEA amendment (OC-17-030 A1) has been processed and recorded for this project that covers the number of units requested.

6. Policy References

Future Land Use Element

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.

FLU1.1.2 (A) 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.

FLU1.1.4 (F) **GROWTH CENTER(S)** – Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide at a minimum that the County will not incur initial capital costs for utilities. Orange County has two Growth Centers – one in the northwest referred to as the Northwest Growth Center and one in the southeast referred to as Growth Center/Resort/PD.

FLUM Designation	General Description	Density/Intensity
Growth Center – Refer to Future Land Use Map and associated Growth Center policies		
Growth Center (Boundary)	Growth Center recognizes urban development outside and adjacent to the boundaries of unincorporated Orange County. New Growth Centers or extensions shall be established only as part of adopted JPAs. The initial capital costs will not be incurred by Orange County. APD is required.	PD
Growth Center/Resort PD (GC/RPD)	GC/RPD is similar to GC boundary in GC requirements, but it also must have a minimum of 200 acres. FLU7.4.7 states applicant must demonstrate clear rationale for separating from Horizon West. See FLU7.4.1 – FLU7.4.7. A PD is required.	PD

- 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.
- FLU1.4.2** Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- OBJ FLU7.4** Orange County shall recognize growth as a regional issue and shall use Growth Centers as an effective planning tool to allow, address and guide urban-scale, single-purpose public or quasi-public uses that serve a regional purpose or market and require a location outside the Urban Service Area. Growth Centers established prior to June 21, 2011, and which would not be consistent with the provisions of this Objective or associated Policies, shall be permitted to continue subject to the FLU Goals, Objectives and Policies under which the Growth Center was originally approved.
- FLU7.4.3** To ensure managed growth consistent with the rural characteristics and environmentally sensitive areas around the Northwest Growth Center, development within the Growth Center must provide a transition in land use density and intensity. In providing this internal transition, the Foothills of Mount Dora Planned Development (PD); and described herein, the area defined as "Parcel S-1" and "Parcel S-2" on the Foothills of Mount Dora PD/ Land Use Plan approved by the Board of County Commissioners on December 17, 2002, shall be limited to a net residential density of 1 dwelling unit per acre as required by the PD conditions. In addition, the Northwest Growth Center boundary, as adopted, shall not be expanded unless amendments to the Future Land Use Map and all applicable policies, including FLU7.4.3 are adopted. Furthermore, the Joint Planning Area between Orange County and the City of Mount Dora shall not be expanded.
- FLU7.4.4** Urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. If services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.
- FLU7.4.6** Within a Growth Center, all new development must apply for Planned Development zoning, in order to specifically identify densities, intensities and mixture of land use. Additionally, all new development and substantial redevelopment in portions of Growth Centers located within the Wekiva Study Area shall adhere to the development standards adopted to implement the Wekiva Parkway and Protection Act, Ch. 369, Part III, FS.

Such standards shall include, but are not limited to: additional stormwater treatment and retention (maintenance of water quality and recharge); enhanced wastewater treatment; limitations of certain allowed uses within the most vulnerable portions of the Study Area; subdivision standards; open space requirements; “smart growth” roadway design standards; parking lot design standards, upland habitat protection, and such other measures as required to protect ground and surface water in the Wekiva Study Area.

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.

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.

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

Housing Element

GOAL H1 Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

OBJ H1.1 The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

Open Space Element

OS1.3.2 Open space within the Wekiva Study Area (WSA) and Wekiva River Protection Ordinance area shall be defined as the land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that

a minimum quantity of developable area remain preserved, which shall represent the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas using Best Management Practices. Golf courses shall be generally excluded with the exception that areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application may be credited toward the minimum open space requirement. The minimum required quantity of open space within a development site shall be calculated over the net developable area of a parcel, which is defined as the total area of a parcel less wetlands and natural water bodies. Non-developable areas, including wetlands and natural water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement.

OS1.3.4

Development and redevelopment within the Wekiva Study Area shall provide as much open space as possible. All new residential subdivisions or developments that may be located entirely or partially within the Wekiva Study Area are required to cluster to the maximum extent feasible to preserve open space. Such clustering is intended to be density neutral, and lot sizes may be adjusted as needed to accommodate preserved open space. Priority for open space protection shall be given to the following resources required to be protected by the Wekiva Parkway and Protection Act: the most effective recharge areas; karst features; and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities.

The purposes of “open space design” within a development are to minimize site disturbance, reduce land development costs, reduce infrastructure costs, provide more cost-effective and efficient site infrastructure, provide better management of facilities, and permanently protect open space while remaining density and intensity neutral. By January 1, 2007, the Land Development Code shall include requirements and incentives for open space/conservation subdivision design including minimum open space requirements, maximum lot size and design standards.

Open space shall be primarily larger, contiguous parcels rather than in linear strips to encourage maintenance of rural views, lifestyles, and economies and shall be comprised mainly of existing undisturbed natural areas. To the extent possible, preserved open space shall be used to create corridors and larger parcels more suitable for passive recreation, low-intensity agriculture, silviculture, aquifer recharge protection, or wildlife and habitat management, so that remnant open space areas are not created that are unusable or function as private open space to only a small percentage of the development. If a project is

located next to off-site open space whose primary function is conservation of natural resources, connection of open space with compatible functions is required. "Compatible" means similar or complementary such as uplands adjacent to wetlands or isolated wetlands within flatwoods or scrub areas.

Open space property shall be preserved through publicly recorded, permanent conservation easements or similar legal instruments to preclude future development or further subdivision of the land while ensuring maintenance of and appropriate access to the open space areas in perpetuity. Preserved areas shall be owned in common by a property owners' association, a public agency, a land trust, or another appropriate entity. This open space shall be used for conservation, aquifer recharge protection, passive recreation, low intensity agriculture, or silviculture. Agriculture and silviculture operations shall adhere to the appropriate BMPs as adopted by the Florida Department of Agriculture and Consumer Services.

Limited structures for common use or under common ownership may be allowed within the open space preserve areas, areas other than wetlands, conservation mitigation areas, conservation easements or wetland protective buffers. Homeowners' personal property and residential accessory structures shall be prohibited. Individual potable water wells shall be allowed in open space areas adjacent to homes if site conditions warrant and allow such.

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.

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

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

To maximize open space and preserve the natural environment, 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 Growth Centers.

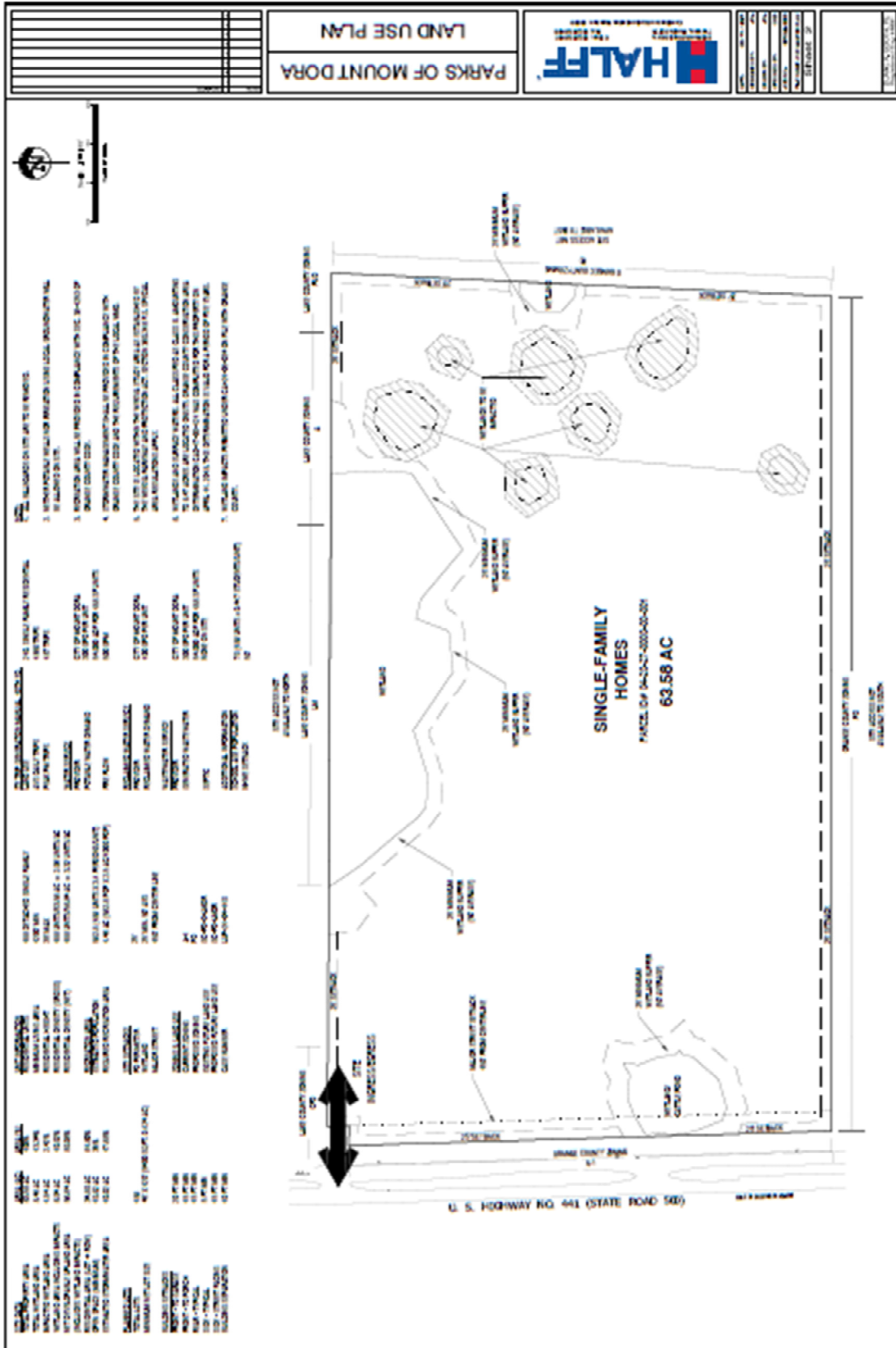
Within Growth Centers in the Wekiva Study Area, any sensitive resource elements shall be permanently protected. Minimum open space shall be provided as follows.

- 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.

Site Visit Photos

Subject Site	Subject Site -
	
North of Subject Site – Church/School	South of Subject Site – Publix Shopping Ctr
	
East of Subject Site – Stoneybrook Subdivision	West of Subject Site – Undeveloped Land
	

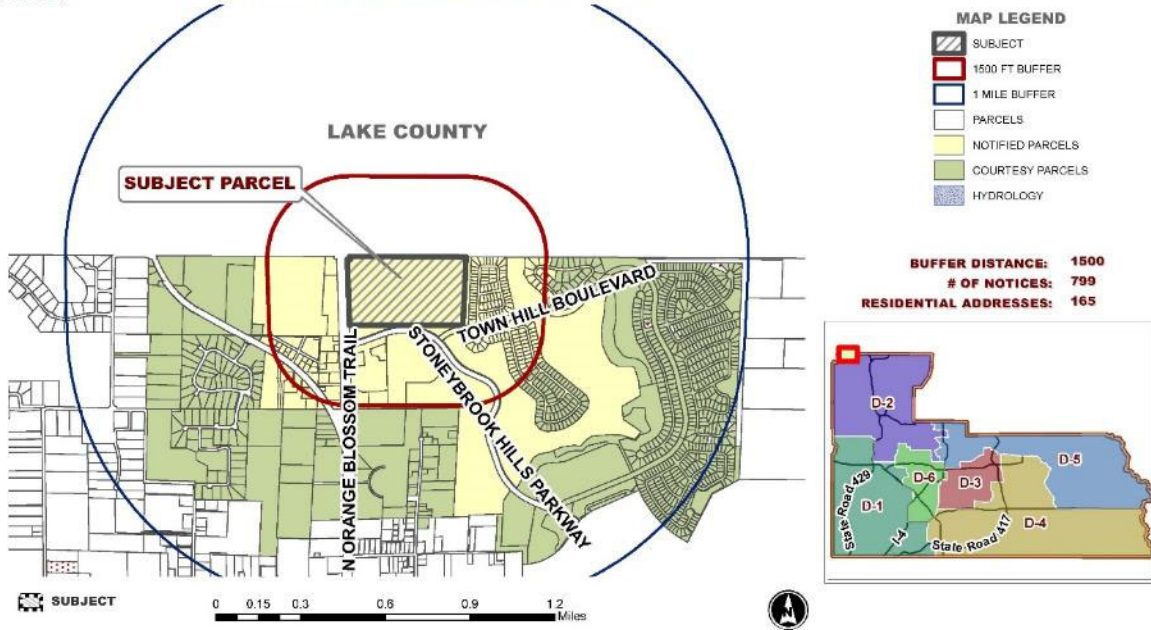
Land Use Plan





Public Notification Map

2021-1-A-2-1_The Parks of Mt Dora



I:\GIS\mxd\Business Systems\Board Administrations\3_FUA\2021\2021-1-A-2-1_The Parks of Mt Dora\2021-1-A-2-1.mxd

Notification Area

1,500 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site

799 notices sent



Community Meeting Memorandum

DATE: December 10, 2020
TO: Greg Golgowski, Chief Planner, Planning Division
FROM: Chris DeManche, Planner III
SUBJECT: Amendment 2021-1-A-2-1– Community Meeting Notes
C: Project file

Location of Project: East side of N. Orange Blossom Trail., north of Stoneybrook Hills Parkway, south of Robie Ave., and west of Ansley Way.

Meeting Date: December 9, 2020, at 6:00 pm (Virtual Webex Event)

Attendance:

District Commissioner	Christine Moore, Daniel Vanegas, Kathy Marsh
Orange County staff	Chris DeManche and Greg Golgowski, Planning Division
Applicant team	Tim Green, Tim Bailey
Property owner	The Parks of Mt Dora, LLC
Residents	39 Total

Overview of Project: The applicant’s request is to amend the Future Land Use Map (FLUM) designation of the 63.51 gross acre parcel from Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR) to Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR). The proposed Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR) FLUM designation would result in the following changes to the current site entitlements: conversion of the 280 multi-family dwelling units to 280 single-family attached dwelling units, removal of the senior housing restriction, and the removal of 75,000 square feet of office uses.

Meeting Summary: Mr. DeManche provided an overview of the request, noting the application included a change to the Future Land Use Map designation of the subject property. Mr. DeManche explained the purpose of the Growth Center future land use designation, the Orange County/City of Mount Dora Joint Planning Area, and how the request would change the use of the site to allow the development of 280 SF attached dwelling units. Mr. DeManche explained the purpose of zoning. Maps of the subject property (aerial, FLUM – current, FLUM – proposed, Zoning - current) were shown with existing uses on adjoining parcels identified. Mr. DeManche informed the meeting attendees that two Transmittal public hearings would be held, along with two Adoption public hearings for this application – (Transmittal Hearings – January 21 and February 9/ Adoption Hearings – April 15 and May 11).

The applicant presented to meeting attendees and provided two conceptual development plans

– one consisting of single-family attached dwelling units, and one consisting of single-family detached dwelling units.

Attendees expressed concern over the lack of protection for the large mature trees on the site and a lack of a plan to incorporate this natural feature into the site design. Concerns were also expressed that the proposed development would cause additional traffic in the general area and exacerbate the amount of traffic entering onto N. Orange Blossom Trail. Overall, the attendees voiced concern and opposition to the proposed development.

The meeting adjourned at 8:30 p.m. The overall tone of the meeting was **NEGATIVE**.

ORDINANCE NO. 2021-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “2010-2030 COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2021 CALENDAR YEAR (FIRST CYCLE); AND PROVIDING EFFECTIVE DATES.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Legislative Findings, Purpose, and Intent.

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for a local government in the State of Florida to adopt a comprehensive plan and amendments to a comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of Part II of Chapter 163, Florida Statutes, for amending Orange County’s 2010-2030 Comprehensive Plan;

c. On October 12, 2021, the Board of County Commissioners held a public hearing on the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to adopt them.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to Part II of Chapter 163, Florida Statutes.

Section 3. Amendment to Future Land Use Map. The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

31 attached hereto and incorporated herein.

32 **Section 4. Amendment to the Text of the Future Land Use Element.** The
33 Comprehensive Plan is hereby further amended by amending the text of the Future Land Use
34 Element to read as follows, with underlines showing new numbers and words, and strike-throughs
35 indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the
36 amendment number and editorial notes, and shall not be codified.)

37 * * *

38 **[Amendment 2021-1-B-FLUE-3:]**

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

42

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
* * *	* * *	* * *	* * *
2010-1-A-2-2 The Parks at Mount Dora	Planned Development— Office/Low-Medium Density Residential (PD-O/ LMDR) and Expansion of the Northwest Growth Center (GC)	75,000 s.f. office 280 multi-family senior housing units	2010-13
* * *	* * *	* * *	* * *
<u>2021-1-A-2-1</u> <u>The Parks of</u> <u>Mt. Dora</u>	<u>Growth Center-Planned</u> <u>Development-Low-Medium</u> <u>Density Residential (GC-</u> <u>PD-LMDR)</u>	<u>Up to 188 single-family</u> <u>detached dwelling units</u>	<u>2021-</u>

43 Such policy allows for a one-time cumulative density or intensity differential of 5% based on
44 ADT within said development program

45 * * *

46
47
48 **Section 5. Effective Dates for Ordinance and Amendments.**

49 (a) This ordinance shall become effective as provided by general law.

50 (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment
51 adopted under this ordinance becomes effective until 31 days after the DEO notifies the County
52 that the plan amendment package is complete. However, if an amendment is timely challenged,
53 the amendment shall not become effective until the DEO or the Administration Commission issues
54 a final order determining the challenged amendment to be in compliance.

55 (c) No development orders, development permits, or land uses dependent on either of
56 these amendments may be issued or commence before the amendments have become effective.

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59 ADOPTED THIS 12th DAY OF OCTOBER, 2021.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____
Jerry L. Demings
Orange County Mayor

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70 ATTEST: Phil Diamond, CPA, County Comptroller
71 As Clerk to the Board of County Commissioners

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75 By: _____
76 Deputy Clerk

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APPENDIX “A”
FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately-Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2021-1-A-2-1	Growth Center-Planned Development- Office/Low-Medium Density Residential (GC-PD-O/LMDR)	Growth Center-Planned Development- Low-Medium Density Residential (GC-PD-LMDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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