



# **ORANGE COUNTY**

## **PLANNING DIVISION**

# **2021-1 REGULAR**

# **CYCLE**

# **AMENDMENTS**

2010 - 2030 COMPREHENSIVE PLAN

## **BOARD OF COUNTY**

## **COMMISSIONERS**

**MAY 11, 2021**  
**TRANSMITTAL PUBLIC HEARING**

**PREPARED BY:**  
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION





**2021-1 Regular Cycle State Expedited Review Comprehensive Plan Amendments  
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 1													
2021-1-A-4-1 (Bennett Place)		Shirley I Bennett, Trustee of the Bennett Family Revocable Trust	Mathew Gill-D15espie, P.E. Kimley-Horn and Associates, Inc.	34-24-30-6368-00-560/561/571	14727 and 14831 Boggy Creek Rd. Generally located on the east side of Boggy Creek Rd., south of Whispering Pines Rd., north of Simpson Rd., and west of Happy Ln.	Rural/Agricultural (R)	Planned Development- Commercial/Medium Density Residential (PD-C/MDR) and Urban Service Area (USA) Expansion	A-2 (Citrus Rural District)	P-D (Planned Development District)	22.66 gross ac./21.02 net developable ac.	Misty Mills	Transmit	Do not Transmit (3-3) Defacto Denial

**2021-1 Regular Cycle Comprehensive Plan Amendments  
Staff Initiated Comprehensive Plan Text Amendment**

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2021-1-B-FLUE-4 (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-4-1	Misty Mills	Transmit	Do not Transmit (3-3) Defacto Denial
2021-1-B-FLUE-5 (USA Expansion)	Planning Division	Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA), associated with Amendment 2021-1-A-4-1	Misty Mills	Transmit	Do not Transmit (3-3) Defacto Denial

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; V-Village; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; GB-Greenbelt; SPA-Special Planning Area; R-Rural/Agricultural; TS-Timeshare; RS-Rural Settlement; AC/MU-Activity Center Mixed Use; ACR-Activity Center Residential; GC-Growth Center; R-Resort; 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; LUP-Land Use Plan; LUPA-Land Use Plan Amendment; CDR-Change Determination Request; PD-Planned Development District; A-2-Farmland Rural District; A-1-Citrus Rural District; SR-State Road; AC-Acres



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	2021-1-B-FLUE-4 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-4-1	
	-and-		
	2021-1-B-FLUE-5 USA Expansion	Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA), associated with Amendment 2021-1-A-4-1	

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# **2021 FIRST REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN TRANSMITTAL PUBLIC HEARING**

## **INTRODUCTION**

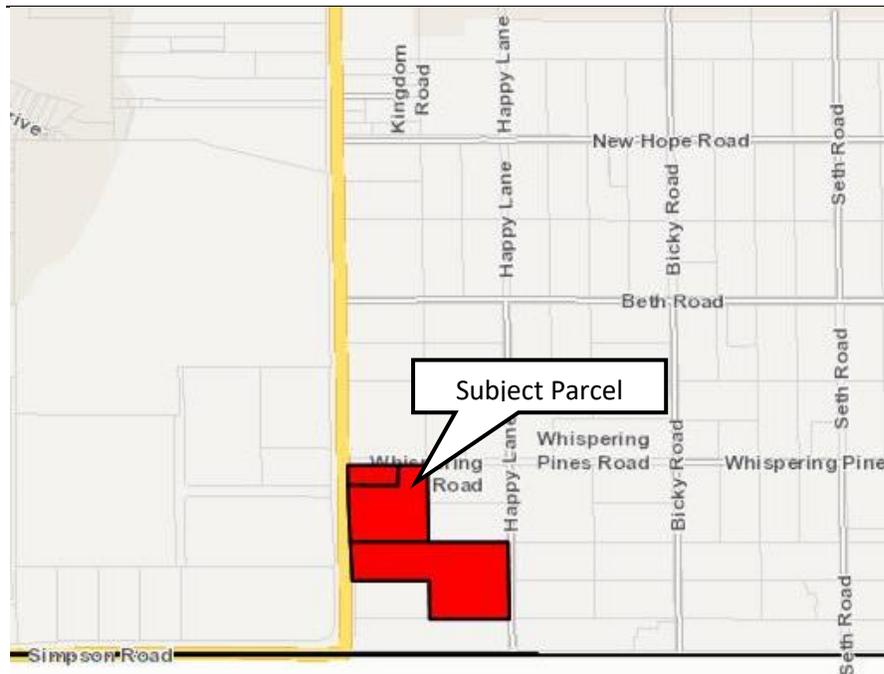
This is the Board of County Commissioners (BCC) transmittal public hearing staff report for proposed First Regular Cycle Amendments 2021-1-A-4-1, 2021-1-B-FLUE-4, and 2021-1-B-FLUE-5 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). These amendments were heard by the Local Planning Agency (LPA) during a transmittal public hearing held on January 21, 2021. The BCC transmittal hearing for these amendments were scheduled on March 23, 2021, but was subsequently continued to March 23, 2021.

The 2021-1 Regular Cycle Amendments entails one privately-initiated map amendment located in District 4 and two associated staff-initiated text amendments. 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, expected in June 2021. The adoption hearings will be scheduled before the LPA and the BCC at a future date.

Once the Regular Cycle amendments have been adopted by the BCC, they 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 July 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](mailto:Alberto.Vargas@ocfl.net), or Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).





**Applicant/Owner:**  
Matthew S. Gillespie, P.E.,  
Kimley-Horn and Associates, Inc.  
on behalf of the Bennett Family  
Revocable Trust

**Location:** 14727 and 14831  
Boggy Creek Road  
Generally bounded by Boggy  
Creek Road to the west, Beth  
Road to the north, Happy Lane  
to the east, and the Osceola County  
line to the south

**Existing Use:** Single-family and  
grazing

**Parcel ID Numbers:**  
34-24-30-6368-00-560/561/571

**Tract Size:** 22.66 gross/21.02 net  
acres

The following meetings and hearings have been held for this proposal:		Project Information
Report/Public Hearing	Outcome	
✓	Community Meeting	<p><b>Request:</b> Rural/Agricultural (R) to Planned Development – Commercial/Medium Density Residential (PD-C/MDR) and Urban Service Area (USA) expansion</p> <p><b>Proposed Development Program:</b> Up to 350 multi-family dwelling units, 15,000 sq. ft. commercial uses</p> <p><b>Division Comments:</b> <b>Environmental, Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. <b>Environmental:</b> Conservation Area Determination CAD-20-08-141 was issued December 7, 2020, and expires December 7, 2025. A Conservation Area Impact Permit application, CAI-21-01-002, is presently undergoing EPD review. <b>Transportation:</b> The proposed use will generate 582 pm peak hour trips, resulting in a net increase of 578 pm peak hour trips. The subject property is located adjacent to Boggy Creek Road. Based on the Concurrency Management System (CMS) database dated August 12, 2020, this roadway currently operates at Level of Service F, and capacity is not available to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service. <b>Schools:</b> Capacity is presently not available at the elementary, middle, or high schools that would serve the project. <b>Concurrent Rezoning:</b> Rezoning Case LUP-21-01-006 A proposed rezoning from A-2 (Farmland Rural District) to PD (Planned Development District) (Bennett Place PD/LUP) is currently proceeding through DRC review.</p>
✓	Staff Report	
✓	LPA Transmittal January 21, 2021	
✓	BCC Transmittal	
	BCC Transmittal	
	State Agency Comments	
	LPA Adoption	
	BCC Adoption	

**AERIAL**



### FUTURE LAND USE - CURRENT



Current Future Land Use Designation:

Rural/Agricultural (R)

### FUTURE LAND USE - PROPOSED



Proposed Future Land Use Designation:

Planned Development – Commercial/Medium Density Residential (PD-C/MDR)

**ZONING - CURRENT**



**Current Zoning District:**

A-2 (Farmland Rural District)

**Existing Uses**

North:

Landscaping

South:

Single-family residential and undeveloped

East:

Single-family residences

West:

Under construction (Tyson Ranch PD/LUP)

## Staff Recommendations

- 1. Future Land Use Map Amendment 2021-1-A-4-1:** Make a finding that the information contained in the application for the proposed amendment is sufficiently complete; that the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Local Planning Agency that the amendment, 2021-1-A-4-1, be **TRANSMITTED** to the state reviewing agencies.
- 2. FUTURE LAND USE TEXT AMENDMENT 2021-1-B-FLUE-4:** Make a finding the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Local Planning Agency that the Amendment 2021-1-B-FLUE-4, to include the development program for Amendment 2021-1-A-4-1 in Future Land Use Element Policy FLU8.1.4, be **TRANSMITTED** to the state reviewing agencies.
- 3. FUTURE LAND USE TEXT AMENDMENT 2021-1-B-FLUE-5:** Make a finding the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Local Planning Agency that the Amendment 2021-1-B-FLUE-5, to include in the Urban Service Area (USA) the subject property of Amendment 2021-1-A-4-1, expanding the USA boundary by 22.66 acres, be **TRANSMITTED** to the state reviewing agencies.

## January 21, 2021 LPA Meeting

The commissioners discussed the proposed amendment. One commissioner noted concerns with the requested amendment from Rural to and has consistently opposed USA expansion except in cases of infill. In this instance expanding it into an existing Rural Community meets the definition of sprawl. Staff explained that the USA is split along Boggy Creek Road and that on the west side is urban development and on the east is rural. Typically, you would not want to see urban on one side and rural on the other.

Another commissioner noted that while identifying and protecting the rural settlements and enclaves, which is important this is an area that is similar to the Narcoossee Corridor. The City of Orlando is building urban development on one side of the street and on the other preserving the rural nature. In this instance the City and County worked together to develop standards that allow commercial development along the roadway and retaining the rural nature along the lake. He noted that he hopes staff finds a way to preserve the rural nature for the residents while supporting commercial development along Boggy Creek. He noted that he supports the request.

Another commissioner noted that the USA boundary is established and that if it is an established boundary it should be kept that way.

The agent noted that the request reflects the approved Planned Development on the west of Boggy Creek and that this is keeping with the development patterns on the west of Boggy Creek.

A motion was made that the January 21, 2021, Local Planning Agency meeting of transmit and the motion was seconded. The result was a tie vote of 3-3, which results in a de facto denial.

### February 9, 2021 BCC Meeting

The Comprehensive Plan Amendment was continued at the February 9, 2021 Board of County Commissioners meeting to the March 23, 2021 meeting. The reason for this request is to allow staff an opportunity to conduct a study of the area to determine how this area should develop in the future.

The Town Hall Meeting for the South Market Area is scheduled for March 22, 2021.

### Marhc 23, 2021 BCC Meeting

The Comprehensive Plan Amendment was continued at the March 23, 2021 Board of County Commissioners meeting to the May 11, 2021 meeting. The reason for this request is to allow staff an opportunity to conduct a study of the area to determine how this area should develop in the future.

The charette for this area is scheduled for June 9 and 10, 2021.

### Proposed Development Program Revision

The applicant revised the proposed development program following the Local Planning Agency meeting. The original request reflected a proposed mix of uses that could be included on the site. It was not the intent of the applicant to include all of the proposed uses on the site. The reason for the request is at the Comprehensive Plan Amendment stage it is often too early to know exactly what will develop on the property. If an amendment is requesting a Planned Development Future Land Use Designation this requires a development program be adopted into the text of the Comprehensive Plan. Any changes to this development program require an amendment that could take up to one year to process. Staff advised the applicant to request for any potential uses on the site to avoid amending the request. The request was to allow for an option of a mix of uses and was used as the basis for the transportation and utility availability analyses. The table below compares the original request to the revised request. The staff report is updated to reflect the change in the delveopment program. The staff recommendation to transmit the request remains the same.

Future Land Use	Original Request	Revised Request
<b>Medium Density Residential (MDR) up to 20 du/acre</b>	350 multi-family units	350 multi-family units
<b>Commercial (C) 1.5 FAR</b>	25,000 sq. ft. commercial	15,000 sq. ft. of commercial space
	25,000 sq. ft. medical office	
	200 room hotel	
	150 bed hospital	

The applicant provided letters of no objection from three property owners in the area. The applicant also provided a map, on the following page, showing the place where the owners live and the map also shows the development occurring in the area.



Map 1 Created and Provided by Kimley Horn - Location of Bennett Place Amendment, letters of no objection for the proposed amendment (shown in green) and development along Bogy Creek Road.



## Analysis

### 1. Background and Development Program

The applicant, Matthew Gillespie, P.E., representing Shirley I. Bennett, Trustee of the Bennett Family Revocable Trust, is seeking to change the Future Land Use Map (FLUM) designation of a 22.66-acre site located at 14727 and 14831 Boggy Creek Road and is requesting a corresponding 22.66-acre expansion of the County’s Urban Service Area (USA) boundary. The subject property, comprised of three individual parcels, is part of the Orlando-Kissimmee Farms subdivision, created in 1926. The site’s existing FLUM designation is Rural/Agricultural (R). The requested FLUM designation is Planned Development-Commercial/Medium Density Residential (PD-C/MDR), with an Urban Service Area (USA) expansion (associated staff-initiated **Amendment 2021-1-B-FLUE-5**).

Future Land Use Map amendments requesting the Planned Development future land use designation must specify maximum densities and intensities for the proposed development scenario. If the requested amendment is adopted, the development program will be incorporated into **Future Land Use Element Policy FLU8.1.4** of the Comprehensive Plan, addressed in related staff-initiated **Amendment 2021-1-B-FLUE-4**. If approved, the development program would allow up to 350 multi-family residential units, 25,000 square feet of commercial retail uses, 25,000 square feet of medical office uses, a 200-room hotel, and a 150-bed hospital.

The subject property is developed with four-single-family residences, three barns, and open pastureland. The petitioned site is located within the Rural Service Area (RSA) and has a future land use designation of Rural/Agricultural (R). Per **Future Land Use Element Policy FLU6.1.3**, this designation permits a density of one (1) dwelling unit per ten (10) acres. The site has a zoning classification of A-2 (Farmland Rural District). The applicant has submitted an application to rezone the property to PD (Planned Development District) and create the mixed-use Bennett Place PD. This petition, Case LUP-21-01-006, is currently proceeding through DRC review. The table below provides a comparison of the existing and proposed development of the petitioned site.

*Table 1 Existing and Proposed Development*

	Existing	Proposed
Service Area	Rural Service Area (RSA)	Urban Service Area (USA)
Future Land Use	Rural/Agricultural	Planned Development-Commercial/Medium Density Residential (PD-C/MDR)
Zoning	A-2 (Farmland Rural District)	PD (Planned Development District) (Bennett Place PD/LUP)
Density	1 dwelling unit per 10 acres	Up to 20 dwelling units per acre 350 units on 17.5 acres
Intensity	Not applicable	1.5 FAR 15,000 sq. ft. on 3.52 acres

The subject property is located on the east side of Boggy Creek Road, adjacent to the Osceola County line. Boggy Creek Road is proposed to be widened from the existing two lanes to four lanes. with the construction slated to begin in 2021 and anticipated to be completed by 2025.

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Development in the area is rural in character but is transitioning to suburban. Properties to the north, south, and east of the petitioned site have a future land use designation of Rural/Agricultural (R). These parcels are typically improved with single-family residences on lots that range from 4.2 to 13 acres in size. The site to the north of the petitioned property is a nursery. Uses to the west of the petitioned site are approved with the Planned Development future land use designation, and each site has an approved development program. These uses include single-family residences, townhomes, multi-family, office, commercial, and an assisted living facility. These uses are separated from the subject site by Boggy Creek Road. About two miles north of the petitioned site is the edge of the Orlando International Airport (OIA), and northeast is Lake Nona's Medical City.

The County is divided into two major service areas, the *Urban Service Area (USA)* and the *Rural Service Area (RSA)*. The Urban Service Area (USA) boundary is used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development. The original Urban Service Area (USA) boundary was established in 1980; it included 113,976 acres with planned services until the year 2000. The Rural Service Area is that area which is excluded from the Urban Service Area and contains agricultural and rural residential developments which do not require urban levels of service. **Future Land Use Element Policy FLU6.1.1** establishes the future land use designation for the Rural Service Area as Rural/Agricultural (R).

A virtual community meeting was held Wednesday, October 28, 2020. There were approximately fifteen (15) residents in attendance. The primary concerns of those in attendance were the increase in traffic along Boggy Creek Road, additional development in the area, and the potential for suburban-style development to further encroach into the Orlando-Kissimmee Farms subdivision.

#### ***Boggy Creek Area Amendment History and Proposed Development***

The petitioned site is located in an area known as the Boggy Creek Area. In 2005, an application was submitted with a request to amend the Comprehensive Plan and the Future Land Use Map to create the 1,272-acre Boggy Creek Enclave. However, the eastern 622 acres was proposed to remain a large-lot single-family community, while the western portion was of a different character with relatively large land holdings. The western portion was considered compatible for urban development. The application request included expanding the Urban Service Area boundary to include the entire enclave and changing the future land use designation from Rural/Agricultural to Boggy Creek Neighborhood District, with policies in the Comprehensive Plan. Along with the policies, a conceptual master plan identifying land uses, densities, roadways, and parks was proposed. The overall goal was to ensure consistent development and interior pedestrian and vehicular circulation. It was noted that the eastern portion of the Boggy Creek Enclave was to remain in its current development framework and "limit future attempts at urban scale development applications in the eastern portion of the BCE." This proposal was not adopted. Since that time, development has occurred piecemeal as individual applications for Future Land Use Map amendments and Urban Service Area boundary expansions have been submitted.

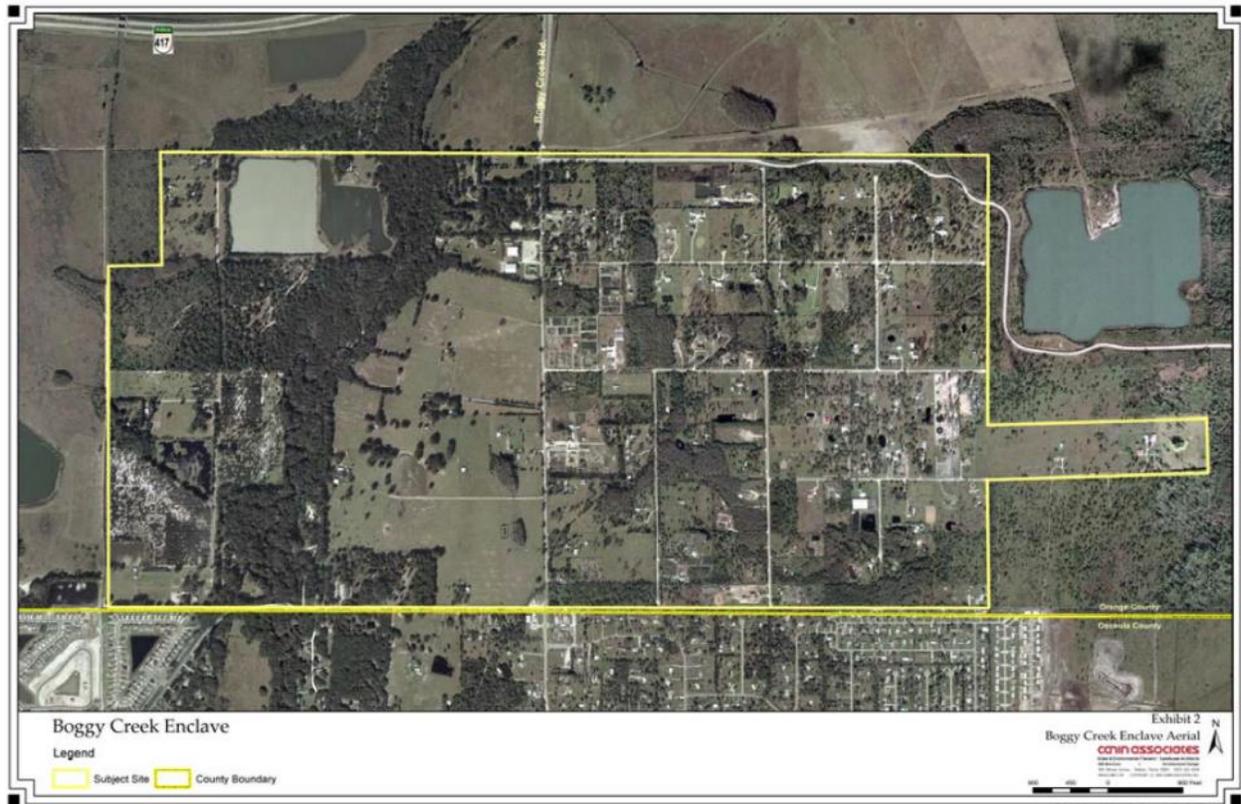


Figure 1 Boggy Creek Enclave. Source: Canin Associates Justification Statement, 2005

The map and table below depict recent Future Land Use Map amendments within Orange County, along with proposed annexations into the City of Orlando and development in the City of Orlando near the subject site. As shown on the map, development is occurring in the area surrounding the subject property, changing the landscape of the area from rural to suburban. Until recently, proposed development was along the west side of Boggy Creek Road. Two annexation requests are pending with the City of Orlando for two properties along Boggy Creek Road and New Hope Road. Additionally, the Poitras development was approved in 2008 for an approximately 1,807-acre site.

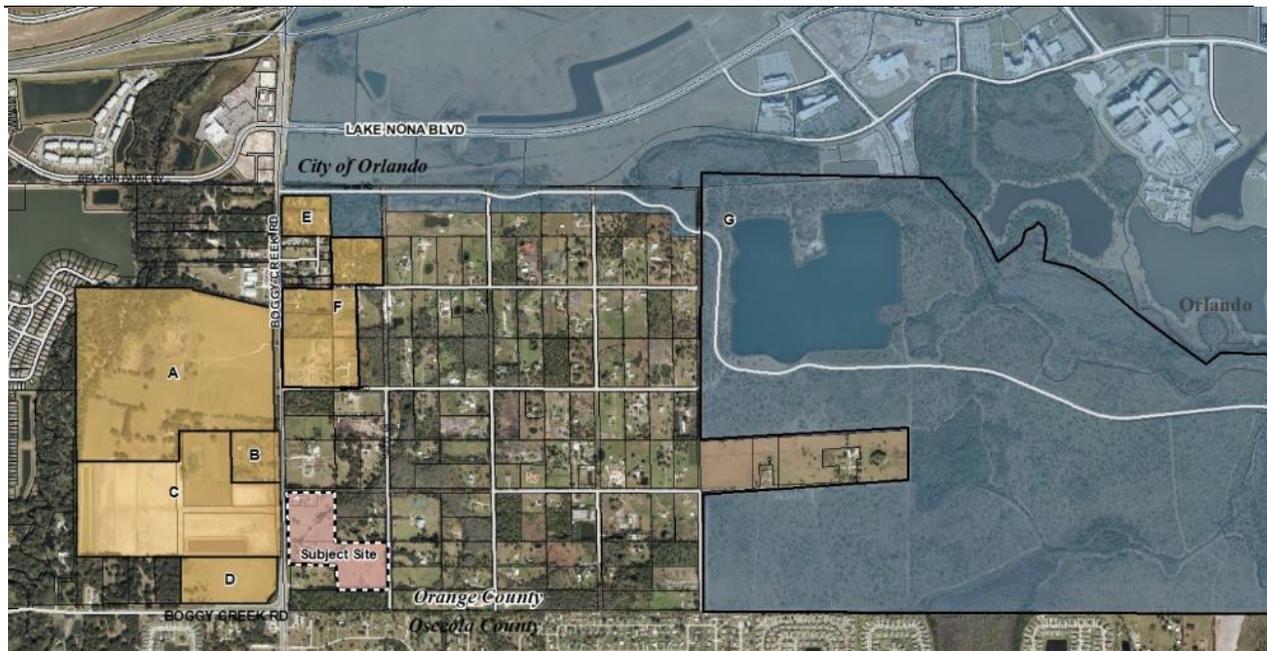


Table 2 Previous and Proposed Amendments in the Boggy Creek Area

Map Letter	Name	Proposed	Development Program
A	Nona West	Planned Development-Commercial/Office/Medium Density Residential/Conservation (PD-C/O/MDR/CONS)	150,000 sq. ft. of retail commercial uses, 150,000 sq. ft. of office uses, 762 multi-family residential units, 188 townhome units, 29-unit (58-bed) ALF, and 22.8 acres of conservation land
B	Bonnemaison	Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR)	50,000 sq. ft. of retail commercial, 100,000 sq. ft. office space, and 170 multi-family residences
C	Tyson Ranch	Planned Development-Industrial/Commercial/Office/Medium Density Residential (PD-IND/C/O/MDR)	100,000 sq. ft. commercial, 275,000 sq. ft. of office, 250 hotel rooms, 450 multi-family dwelling units, and 300 single-family dwelling units
D	Boggy Creek Crossing	Planned Development-Medium Density Residential (PD-MDR)	310 multi-family dwelling units
E	Boggy Creek Properties	Proposed Annexation Urban Village Land Use	Not provided
F	Beth Road Annexation	Proposed Annexation Urban Village Land Use	78,700 sq. ft. of non-residential uses, 380 multi-family units, and 92 townhomes
G	Poitras City of Orlando (entire site not shown on map)	Urban Village Conservation	2,400,000 sq. ft. of non-residential uses, 4,192 residential units, fire station, and airport support district including a vertiport

## 2. Amendment Analysis

The following Comprehensive Plan Goals, Objectives, and Policies appear to be most pertinent to the review of this amendment and are specifically discussed in the paragraphs below.

**Future Land Use Element Goal FLU1, Objective FLU1.1, and Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.4(A), and FLU1.1.4(B)** describe Orange County’s urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area. The **Medium Density Residential (MDR)** future land use designation is intended for urban-style multi-family residential development within the Urban Service Area with a density of up to twenty (20) dwelling units per net acre. The **Commercial (C)** future land use designation includes neighborhood- and community-scale commercial and office development that serves the surrounding population, with a maximum floor area ratio (FAR) of 1.50. The Planned Development (PD) future land use designation promotes adjacent land use compatibility and physical integration and design. Adoption of the proposed PD-C/MDR future land use designation and approval of the associated rezoning petition to create the Bennett Place PD will allow for a mix of residential, commercial, hotel, medical office, and hospital uses on the petitioned site, with specific design and development standards established to help ensure compatibility with neighboring development.

Staff finds the proposed amendment consistent with **Future Land Use Element Policies FLU8.1.2, FLU8.1.3, and FLU8.1.4**, which address Planned Developments (PDs). PDs are intended to incorporate a broad mix of uses under specific design standards, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map. Additionally, these policies require showing the designation on the Future Land Use Map and adopting the site-specific development plan into Policy FLU8.1.4.

**Future Land Use Element Objective FLU1.4 and Policies FLU1.4.1 and FLU1.4.2** contain location and development criteria that must be used to guide the distribution, extent, and location of urban land uses and encourage compatibility with existing neighborhoods. **Policy FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities to achieve a stable and diversified population and community. **Policy FLU1.4.2** ensures that land use changes are compatible with and serve existing neighborhoods. The requested mixed-use development program meets the intent of the aforementioned policies by promoting a range of “living environment and employment opportunities”. The proposal entails the development of up to 350 multi-family residential uses to balance and support the requested medical, commercial, and hotel uses that will create additional employment opportunities in Orange County.

**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 trends in the area. The development trend in this area is showing a change from rural uses to urban uses, as reflected in the previously-approved Future Land Use Map amendments along the west side of Boggy Creek Road, as proposed by the Boggy Creek Enclave study, which—while not adopted—serves as a guiding document for this area of the County. The recent proposed annexations into the City of Orlando along the east side of Boggy Creek Road, along with the Poitras development approved by Orlando in 2008, suggest increased development pressure from Orlando in the Orlando-Kissimmee Farms subdivision.

In a larger context, the property is near the south access to the Orlando International Airport (OIA) and approximately two miles from Lake Nona/Medical City. Lake Nona/Medical City has created a significant employment center for this area of the County, home to Nemours Children’s Hospital, Veterans Administration Hospital, UCF Medical School, and other medical-related businesses. Boggy Creek Road itself serves as a functional extension of SR 436 through OIA and provides direct access to

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the Kissimmee/St. Cloud area of Osceola County, giving it the potential to become an important urban corridor.

**Future Land Use Element Policy FLU8.2.10** ensures land use compatibility with residential-zoned areas and protection of the residential character of those areas through performance standards. These standards may be incorporated as conditions of approval as part of the Planned Development rezoning request.

**Future Land Use Element Policy FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that 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. The subject site is located in an area that is transitioning from rural to suburban. The request would provide housing, medical, commercial, and hotel uses in an area with development that is primarily rural single-family residential.

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

**Policy FLU2.3.7** states that access management controls, including joint driveways, frontage roads, and cross-access agreements shall be applied to all development proposals. The applicant states he will work with the County to establish cross access agreements and required roadway improvements along Boggy Creek Road.

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

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

Consistent with **FLU1.3.1** and **FLU1.3.2** the subject property abuts, and at least 25% of the property is contiguous to, the existing Urban Service Area boundary and does not protrude in a ribbonlike manner into the Rural Service Area. As previously discussed, the development trend for the immediate area within the current Urban Service Area boundary is characterized by suburban-style development. As such, adoption of this proposed amendment would allow for an continuation of the existing development trend.

Additionally, the sprawl indicators outlined in **FLU1.3.1(A)** include criteria to determine whether a proposed amendment will impact the efficient use, availability, and cost of providing infrastructure and services. Staff has determined that the location and proposed intensity of development coincide with the availability of infrastructure and services and do not constitute an inefficient extension.

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

**Amendment 2021-1-B-FLUE-4 (Policy FLU8.1.4 Amendment)**

**Future Land Use Element Policy FLU8.1.4** lists the development program for Planned Development (PD) Future Land Use Map designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into **Policy FLU8.1.4** via a staff-initiated text amendment (Amendment 2021-1-B-FLUE-4). The maximum development program for Amendment 2021-1-A-4-1, if adopted, would be up to 350 multi-family residential units, 25,000 square feet of commercial retail uses, 25,000 square feet of medical office uses, a 200-room hotel, and a 150-bed hospital.

Amendment Number	Adopted Designation	FLUM	Maximum Density/ Intensity	Ordinance Number
<u>2021-1-A-4-1</u> (Bennett Place)	Planned Development- Commercial/Medium Density Residential (PD- C/MDR)		Up to 350 multi-family residential units, 15,000 sq. ft. of commercial retail uses	<u>2021-</u>

**Amendment 2021-1-B-FLUE-5 (Urban Service Area Expansion)**

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

The Urban Service Area (USA) expansion request for Parcels 34-24-30-6368-00-560, 34-24-30-6368-00-561, and 34-24-6368-00-571 appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

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

Amendment Number	Name	Size (Acres)	Ordinance Number
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<u>2021-1-A-4-1</u>	<u>Bennett Place</u>	<u>22.66</u>	<u>2021-</u>

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***Compatibility***

The petitioned site is part of what is currently a rural enclave surrounded by existing and planned suburban development. As detailed above, previous Future Land Use Map Amendments and Planned Developments have been approved for a variety of urban uses to the west of the site. The development trend within the portion of the area within the County's Urban Service Area and the portion controlled by the City of Orlando is to allow for a transition from rural to suburban land uses. The current mixed-use proposal is consistent with this trend.

The requested amendment would allow land uses that are compatible with the permitted uses along the west side of Boggy Creek Road. The proposal is to construct up to 350 multi-family residential units, 15,000 square feet of commercial retail uses. The requested development program is consistent with the current trend along the west side of Boggy Creek Road and is compatible with activity in the larger context of Lake Nona and Poitras in the City of Orlando.

Staff recognizes, though, that the proposed project site is part of an existing rural area that continues to the east of the petitioned site with typical lots sizes of 4 acres developed with single-family residences. The commercial uses along the east side of Boggy Creek Road are consistent with uses allowed within the Rural Service Area, ag related and landscaping business/nursery. The proposed development program is consistent with the delveopment occurring along the west of Boggy Creek Road, the proposed development on parcels recently annexated into the City of Orlando along the east of Boggy Creek Road, in an area that was part of the County's Rural Service Area until annexation. The development trend in the area is for mixed-use development along the western side of Boggy Creek Road. The request is consistent with this trend and the development to the north that was recently annexed into the City of Orlando. Withi this in consideration, staff is concerned with ensuring that the residents in the Kissimmee Farms subdivision retain their rural lifestyle.

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***Division Comments: Environmental, Public Facilities, and Services***

**Environmental:**

**Note:** Following the receipt of the Environmental Protection Division's (EPD's) comments, Conservation Area Determination CAD-20-08-141 was issued December 7, 2020, delineating 1.64 acres of wetlands and surface water and 21.02 acres of uplands. This determination expires December 7, 2025. A Conservation Area Impact Permit application, CAI-21-01-002, entailing proposed impacts to the 1.64 acres of wetlands and surface water, was submitted January 14, 2021, and is presently undergoing EPD review.

**EPD Comments:**

Wetlands and surface waters are located onsite that extend offsite and are hydrologically connected to Boggy Creek. Conservation Area Determination CAD-20-08-141 application was submitted for these properties, and it is in progress. Prior to approval of this amendment request, the CAD needs to be completed, with a certified wetland boundary survey approved by the Environmental Protection Division (EPD), in accordance with Orange County Code Chapter 15, Article X, Wetland Conservation Areas.

Until wetland permitting is complete, the net developable acreage is an approximation. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The buildable area is the net developable acreage less protective buffer areas 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.

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable 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 Determination (CAD) and an approved Conservation Area Impact (CAI) Permit from the Orange County EPD. Please refer to Comprehensive Plan Policy FLU1.1.2 C. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

The removal, alteration, or encroachment within a Class I conservation area shall only be allowed in cases where no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners (BCC).

Development of the subject property shall comply with all state and federal regulations regarding wildlife and 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). Bald eagle nest OR078 is located north of this site within the 660-foot protection zone.

This project site has a prior agricultural land use (grazing) 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) 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.

Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County EPD. For more information contact the EPD Air Quality Management staff at 407-836-1400.

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. Please refer to Orange County Code Sections 30-277 and 30-278.

**Schools:**

The applicant was issued a formal capacity determination by Orange County Public Schools, OC-20-047 Bennett Place, which expired February 24, 2021. This determination indicated that there is no capacity at the supporting elementary, middle, or high schools.

**Transportation.**

**PROJECT SPECIFICS**

Parcel ID:	34-24-30-6368-00-560/561/571
Location:	14727 and 14831 Boggy Creek Road
Acreage:	22.66 acres/21.02 net acres
Request FLUM:	From: Rural/Agricultural (R) To: Planned Development-Commercial/Medium Density Residential (PD-C/MDR)
Request Zoning:	From: A-2 (Farmland Rural District) To: PD (Planned Development District)
Existing Development:	Undeveloped
Development Permitted Under Current FLUM:	Up to two single-family dwelling units or agricultural-related activities (1 du/10 acres)
Proposed Density/Intensity:	Up to 350 multi-family units (17.5 acres), 229,996 sq. ft. commercial (3.52 acres), 25,000 square feet of commercial, 25,000 square feet of medical office, 200 hotel rooms, and 150 hospital beds and 1.64 acres wetlands

**Trip Generation (ITE 10<sup>th</sup> Edition)**

Land Use Scenario	PM Hr. Trips	Pk. Trips	% New Trips	New PM Hr. Trips	Pk. Trips
Existing Use: Undeveloped	4		100%	4	
Proposed Use: Up to: 350 multi-family units (17.5 acres), 229,996 sq. ft. commercial (3.52 acres), 25,000 sq. ft. commercial, 25,000 sq. ft. medical office, 200 hotel rooms and 150 hospital beds and 1.64 acres wetlands	765		76%	582	
Net New Trips (Proposed Development less Allowable Development):					578

**Future Roadway Network**

Road Agreements: None

Planned and Programmed Roadway Improvements: Boggy Creek Road – South, Boggy Creek Road - Osceola County line to SR 417, Boggy Creek Road South will be widened from a two-lane roadway to a four-lane roadway from the Orange/Osceola County line to SR 417. The widening will include sidewalks, bicycle lanes, roadway lighting, and median landscaping. It is estimated to be approximately 39% complete. Construction is estimated to begin May 2021. This information is dated and may be subject to change.

Right of Way Requirements: None

### Summary

The applicant is requesting to change 22.66 acres from Rural to PD-C/MDR and request approval to develop 350 multi-family units (17.5 acres), 25,000 square feet of commercial, 25,000 square feet of medical office, 200 hotel rooms, and 150 hospital beds. Analysis of the project trips from the currently-approved future land use designation versus the proposed designation indicates that the proposed development will result in an **increase** in the number of pm peak trips and, therefore, impact the area roadways. However, based on the Concurrency Management System Database, several roadways within the project impact area do not operate at acceptable levels of service, and capacity is not available to be encumbered.

- 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 4 pm peak hour trips.
- The proposed use will generate 582 pm peak hour trips, resulting in a net increase of 578 pm peak hour trips.
- The subject property is located adjacent to Boggy Creek Road, a four-lane divided road. Based on the Concurrency Management System (CMS) database dated August 12, 2020, this roadway currently operates at Level of Service F and capacity is not available to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.
- Based on the concurrency management system database dated August 12, 2020, the following roadway segments are operating below the adopted level of service standard within the project impact area:
  1. Boggy Creek Road from Central Florida GreeneWay to Osceola County Line.

This information is dated and subject to change.

- Background traffic was developed based on the 3% and 5% annual growth rate associated with historical AADT within the project’s impact area. Committed trips were used if they exceed background traffic volumes developed with annual growth rates to account for growth in the area.
- Analysis of short-term 2025 (5-year) conditions indicate that all roadway segments within the project impact area will continue to operate at acceptable levels of service, with the exception of the following roadway segment:
  - Boggy Creek Road – from Central Florida GreeneWay to Osceola County Line (Daily and PM).
- Analysis of the long-term analysis year (2040) indicated that the same deficiencies will continue on the current deficient roadway segments, and the proposed project will impact the failing segments. Additionally, the following roadway segments are projected to operate below the adopted Level of Service standards:
  - Boggy Creek Road – from S Access Road to Central Florida GreeneWay (Daily and PM)
  - Boggy Creek Road – from Central Florida GreeneWay to Osceola County Line (Daily and PM)
  - Central Florida GreeneWay – from Landstar Boulevard to Boggy Creek Road (Daily and PM)
  - Central Florida GreeneWay – from Boggy Creek Road to Narcoossee Road (PM).

- The deficiencies on these roadway segments will occur with and without the addition of the proposed project trips due to background traffic. However, project traffic is significant on the failing roadways and will be subject to proportionate share contribution.
- 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. Finally, to ensure there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County’s Future Land Use Map or as a text amendment to the Comprehensive Plan.

### 3. Policy References

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

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

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

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

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

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

FLUM Designation	General Description	Density
Medium-High Density Residential (MHDR)	Recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood-serving amenities within a reasonable pedestrian walkshed.	0 to 35 du/ac
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac

**Policy FLU1.1.4** In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1.

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

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

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

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

**OBJ FLU1.3** APPLICATION FOR URBAN SERVICE AREA EXPANSION. No new expansions to the Urban Service Area boundary, except for those planned for Horizon West and the Innovation Way Overlay (Scenario 5), shall be permitted unless supported by data

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- and analysis demonstrating consistency with Objectives FLU1.2 and FLU1.3 and associated policies. Orange County shall use the following process to evaluate Urban Service Area expansions, and as a means for achieving its goals with respect to accommodating growth within the USA and implementing the Comprehensive Plan.
- Policy FLU1.3.1** All amendments to the Urban Service Area shall include a comprehensive review to ensure the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent development.
- Policy FLU1.3.2** An application to expand the Urban Service Area shall be approved only when the application is found to be consistent with the Comprehensive Plan and complies with the following procedural steps and additional criteria, with the exception of those planned for Horizon West and the Innovation Way Overlay (Scenario 5).
- Policy FLU1.3.3** All applications must be accepted as complete by the County for the application to be processed pursuant to Objective FLU1.3. The determination of completeness shall include the use of data that meets generally acceptable professional standards as well as addressing all issues required by this process. An accepted application does not bind staff or the LPA to an affirmative recommendation, or the BCC in its final decision on the Future Land Use Amendment request. An application request can be denied based on inadequate or inconsistent data with respect to the County's commitment to the 2030 vision.
- OBJ FLU1.4** The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP.
- Policy FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- Policy FLU1.4.2** Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- Policy FLU2.3.7** Access management controls, including but not limited to joint driveways, frontage roads and cross-access agreements along collector and arterial roadways, shall be applied to all development and redevelopment proposals consistent with the Land Development code.
- Policy FLU6.1.3** Residential uses in areas designated Rural shall be limited to a maximum density of 1 DU/10 acres. Density shall refer to the total number of units divided by developable land area, excluding natural water bodies and conservation areas (wetlands areas). Agriculturally zoned areas that do not have active agricultural use may be the subject of amendments to the comprehensive plan in order that such areas may be rezoned to an appropriate residential category. Cluster zoning shall not be permitted in the Rural Service Area except where required for protection of significant environmental features, such as Wekiva Study Area, Class I conservation areas or rare upland habitat.
- Policy FLU6.1.5** Agriculturally zoned land shall be rezoned to an appropriate residential district prior to subdivision for residential purposes.

**Policy FLU8.1.1(a)** The following zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities; market demand and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). Orange County’s **Zoning and Future Land Use Correlation** is referenced herein as follows:

<b>Zoning and Future Land Use Correlation</b>		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>
<b>Urban Residential</b>		
Medium Density Residential (MDR)	(0 to 20 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V

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

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

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

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

**Subject Site**



**Site Photos**

**North**



**East**



**South**



**West**





# Public Notification Map

2021-1-A-4-1



Figure 2 Map of the entire notice area for Amendment 2021-1-A-4-1. All properties within the red circle were provided notice of the community meeting and the public hearings. Courtesy notices were sent to properties within Orange County that are inside the blue circle of the community meeting and the Local Planning Agency hearing.

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