

ORANGE COUNTY

PLANNING DIVISION

2021-1 REGULAR

TAB D-9

2021-1-B-FLUM-1

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

FEBRUARY 9, 2021
TRANSMITTAL PUBLIC HEARING

PREPARED BY:
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

February 9, 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 Amendment
2021-1-B-FLUM-1 (Green PLACE)
Board of County Commissioners (BCC) Transmittal Public Hearing

2021-1 Regular Cycle Comprehensive Plan Amendment 2021-1-B-FLUM-1 is scheduled for a BCC transmittal public hearing on February 9, 2021. This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 21, 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 above-referenced 2021-1 Regular Cycle Amendment scheduled for consideration on February 9 entails a staff-initiated Future Land Use Map Amendment located in Districts 4 and 5. The staff-initiated map amendment involves a change to the Future Land Use Map (FLUM) for a property over 10 acres in size.

Following the BCC transmittal public hearing, the proposed amendment will be transmitted to the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Staff expects to receive comments from DEO and/or the other State agencies in March 2021. Pursuant to 163.3184, Florida Statutes, the proposed amendment must be adopted within 180 days of receipt of the comment letter. The adoption hearings are tentatively scheduled before the LPA on April 15, 2021, and before the BCC on May 11, 2021.

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 Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Gologowski@ocfl.net.

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AAV/sw

Enc: 2021-1 Regular Cycle Amendment 2021-1-B-FLUM-1
BCC Transmittal Staff Report

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

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

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2021-1-B-FLUM-1 (Green PLACE)	Environmental Protection Division and Planning Division	Map amendment to the Future Land Use Map consistent with Conservation Element Policy C1.4.4 to change the designation of three Green PLACE properties totaling 122.81 acres from Rural/Agricultural (R) to Preservation (PRES)	Beth Jackson/ Jennifer DuBois	Transmit	Transmit (6-9)

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; ACMU-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

2021 FIRST REGULAR CYCLE AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN TRANSMITTAL PUBLIC HEARING

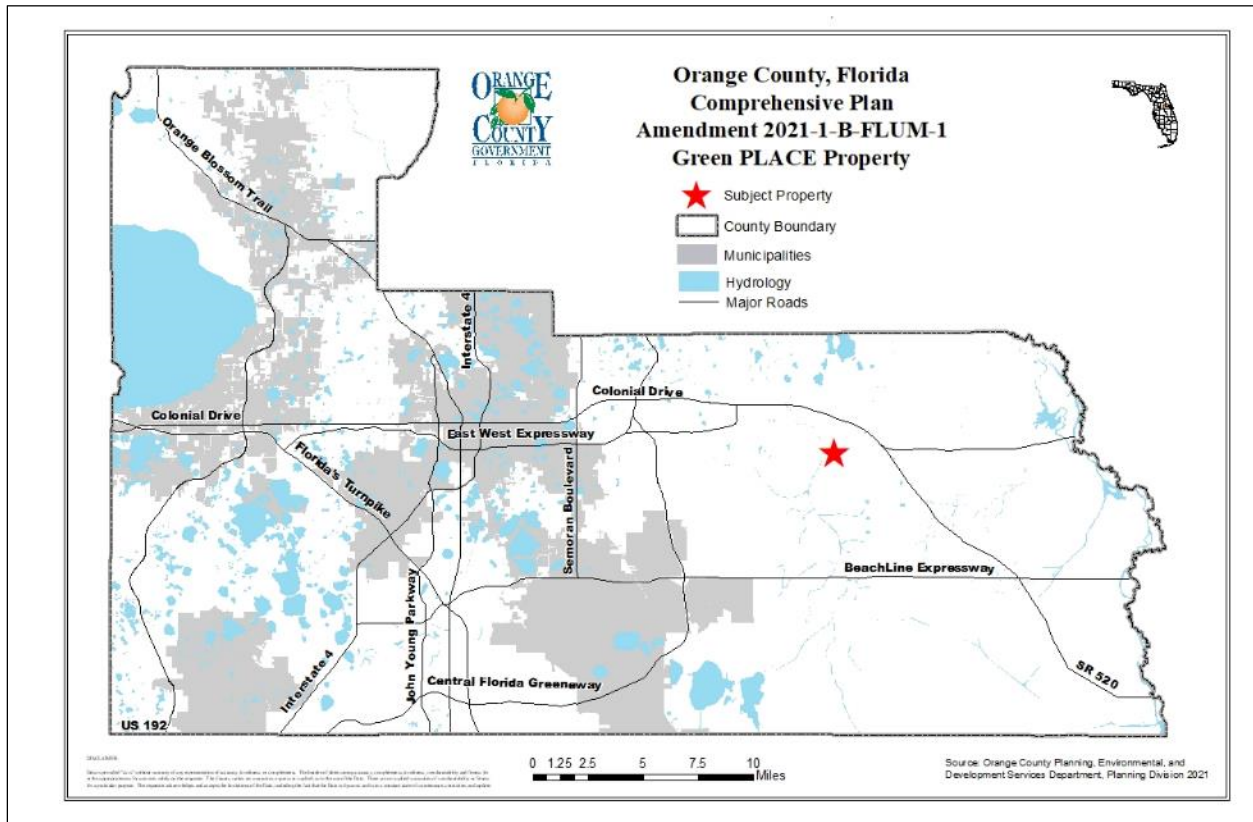
INTRODUCTION

This is the Board of County Commissioners (BCC) transmittal staff report for the First Regular Cycle Amendment 2021-1-B-FLUM-1 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 21, 2021.

The above-referenced 2021-1 Regular Cycle Amendment entails a staff-initiated map amendment located in Districts 4 and 5. Since this is the transmittal stage for this amendment, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendment and provide comments, expected in March 2021. Adoption public hearings are tentatively scheduled before the LPA on April 15, 2021 and the BCC on May 11, 2021.

Once the Regular Cycle amendment has been adopted by the BCC, it will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in June 2021, provided no challenges are brought forth for the amendment.

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.



The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing	Outcome		Title: Amendment 2021-1-B-FLUM-1	
✓	Staff Report	Recommend transmittal	Division: Environmental Protection	
✓	LPA Transmittal January 21, 2021	Recommend transmittal (6-0)	Request: Map amendment to the Future Land Use Map consistent with Conservation Element Policy C1.4.4 to change the designation of three Green PLACE properties totaling 122.81 acres from Rural/Agricultural (R) to Preservation (PRES)	
	BCC Transmittal February 9, 2021			
	Agency Comments March 2021			
	LPA Adoption April 15, 2021			
	BCC Adoption May 11, 2021		Revision: Orange County Future Land Use Map	

Staff Recommendation

Make a finding 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 Amendment 2021-1-B-FLUM-1 be **TRANSMITTED** to the state reviewing agencies.

A. Description/Justification

Since the mid-1990s, Orange County has been acquiring environmentally-sensitive land through its Green PLACE (Park Land Acquisition for Conservation and Environmental Protection) program. The mission of Green PLACE is “to preserve and manage environmentally sensitive lands, protect water resource lands and to provide a quality passive recreational experience for existing and future generations”. To date, the County has acquired roughly 23,190 acres independently or in partnership with such agencies as the Florida Parks and Recreation Division of the Florida Department of Environmental Protection, St. Johns River Water Management District, South Florida Water Management District, and the Florida Fish and Wildlife Conservation Commission. The Orange County Environmental Protection Division (EPD) has recently received three contiguous environmentally-sensitive parcels totaling 122.81 acres via donation by JEL Land Development, LLC, which it proposes to add to the Green PLACE program. The applicant, Beth Jackson of EPD, is seeking to change the Future Land Use Map (FLUM) designation of these parcels from Rural/Agricultural (R) to Preservation (PRES) to attain consistency with **Conservation Element Policy C1.4.4** of the Orange County Comprehensive Plan.

Policy C1.4.4 states, “The future land use designation of Preservation shall be established to recognize publicly or privately owned lands of significant environmental importance for the purposes of environmental protection. Publicly owned lands designated Preservation shall be lands owned by federal, state or local governments acquired for environmental preservation, rehabilitation or management. Privately owned lands such as wetland mitigation banks, Regional Offsite Mitigation Areas, and environmentally-sensitive properties owned by the Florida Audubon Society, Nature Conservancy or similar types of non-profit entities may be designated as Preservation so long as formal consent is provided.

Compatible very-low impact recreational or educational uses, such as hiking, non-motorized boating, bird watching, horseback riding, fishing, primitive camping, and nature study, that use natural amenities of the site for public benefit are allowable uses in the Preservation designation, so long as these uses avoid development encroachment into warranted, environmentally-sensitive areas. All other uses are prohibited. Furthermore, development within areas designated Preservation cannot exceed a 0.1 Floor Area Ratio.” It is staff’s belief that this proposed Future Land Use Map Amendment is consistent with the purpose and intent of **Policy C1.4.4**.

B. Map Amendment

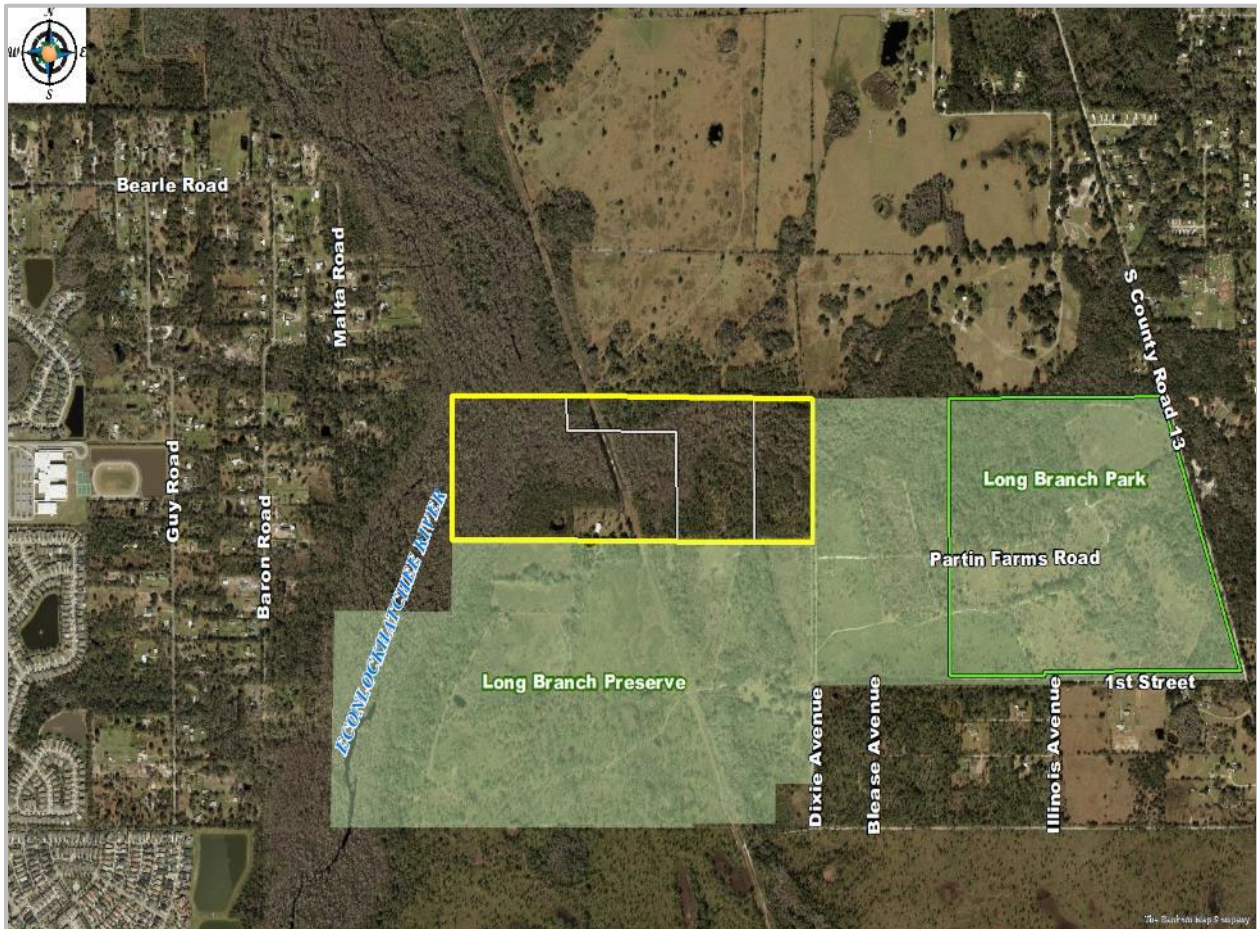
The proposed map amendment entails a requested change from Rural/Agricultural (R) to Preservation (PRES) for the following Green PLACE properties: Parcel 33-22-32-0000-00-002 (67.61 acres), Parcel 33-22-32-0000-00-006 (35.27 acres) and Parcel 33-22-32-0000-00-007 (20.03 acres). The combined 122.81 acres are presently undeveloped, with the exception of a now-vacant single-family home on the west side of the property. As shown on the accompanying aerial photograph, the heavily-wooded site is primarily comprised of upland vegetation and forested wetlands associated with the Econlockhatchee River and its Long Branch tributary, which flow through the site. The property is bounded to the east and south by the 559-acre Long Branch Preserve, a Preservation-designated Green PLACE property that includes the 163-acre Long Branch Park, an Orange County facility, and 396 acres of preservation land jointly owned by the County and the St. Johns River Water Management District. A 470-acre former cattle ranch with the Rural/Agricultural future land use designation is located north of the property, with the Econlockhatchee River and its wetland system bordering the site to the west. As illustrated on the zoning map, the subject property is zoned A-2 (Farmland Rural District), a classification it will retain if the proposed map amendment is adopted.

In addition to its consistency with **Policy C1.4.4**, staff finds this proposed amendment consistent with **Future Land Use Element Policy FLU1.1.4(G)**, which establishes future land use designations, including the requested designation of Preservation, for the creation of permanent open space, conservation, and recreation areas. As set forth in **Policy FLU1.1.4(G)**, the Preservation category recognizes publicly- or privately-owned lands of significant environmental importance for the purpose of environmental protection. This policy mandates that publicly-owned lands shall be lands owned by federal, state, or local governments acquired for environmental preservation, rehabilitation, or management. **Policy FLU1.1.4(G)** further specifies that the utilization of Preservation-designated properties shall be limited to those compatible, very-low-impact recreational or educational uses that use natural amenities of the site for public benefit. This requested amendment entails the incorporation of the 122.81-acre subject property, through which the Econlockhatchee River and its Long Branch tributary flow, into EPD's Green PLACE program for preservation in perpetuity, while allowing for public education and enjoyment through engagement in low-impact recreational activities.

In addition, staff finds this request consistent with **Conservation Element Goal C1**, which mandates that Orange County shall conserve, protect, and enhance the County's natural resources, including air, surface water, groundwater, vegetative communities, wildlife listed as threatened, endangered, or species of special concern, soils, floodplains, recharge areas, wetlands, and energy resources to ensure that these resources are preserved for the benefit of present and future generations. EPD's Green PLACE program furthers **Goal C1** by preserving and managing environmentally-sensitive lands and protecting water resources. As noted previously, the subject site is immediately adjacent to the 559-acre Long Branch Preserve, an existing Green PLACE property that includes Orange County's 163-acre Long Branch Park and an additional 396 acres of preservation land jointly owned by the County and the St. Johns River Water Management District. The inclusion of 122.81 contiguous acres of environmentally-sensitive land in the Green PLACE program will provide a wealth of opportunity for the protection and enhancement of surface water, wetland and upland vegetative communities, wildlife habitat, and other natural resources in this area of the County. Similarly, **Open Space Element Goal OS1** states it is a goal of Orange County to protect and preserve valuable open space resources. Perpetual preservation of the site while simultaneously allowing for its use by the public for passive recreation and education will help advance this goal and foster awareness of the importance of conserving and enhancing these critical resources among present and future generations.

Based on its consistency with Policy C1.4.4 and the supporting Comprehensive Plan policies discussed above, staff recommends **transmittal** of this requested amendment.

AERIAL



FUTURE LAND USE



Current Future Land Use Designation:
 Rural/Agricultural (R)

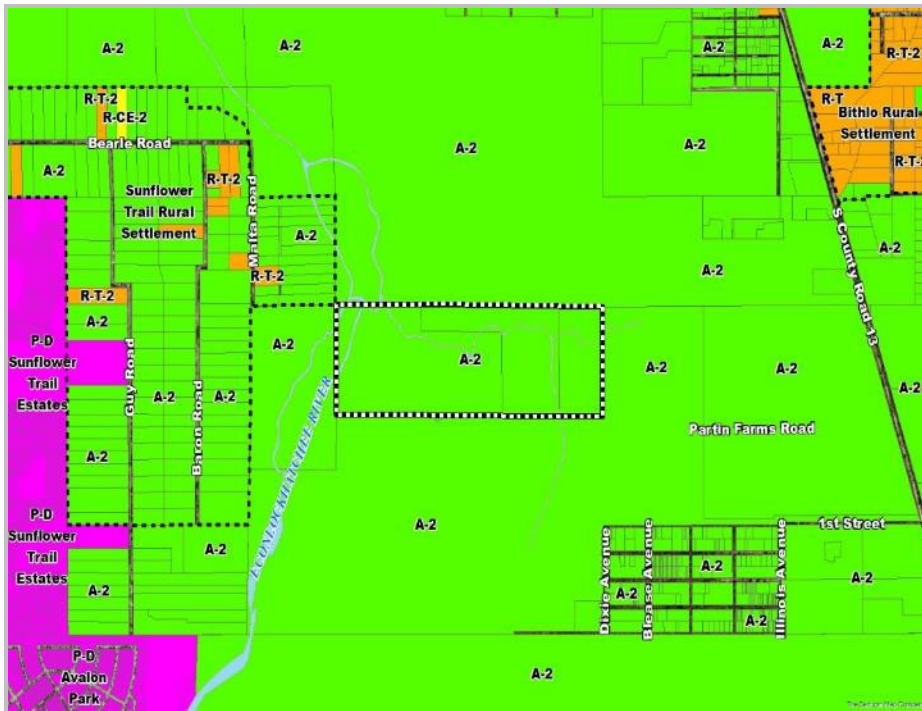
Special Area Information:
 The subject property is located within the Econlockhatchee River Protection Area.

FUTURE LAND USE – PROPOSED



Proposed Future Land Use Designation:
 Preservation (PRES)

ZONING



Current Zoning Classification:
A-2 (Farmland Rural District)

Site Visit Photos

Subject Site

