

Indian Trails Grove

Comprehensive Plan Text Amendment



Attachment E

Justification Statement



REQUEST

On behalf of the property owner, Palm Beach West Associates I, LLLP by Palm Beach West I Corporation, General Partner (hereinafter referred to as the applicant), Urban Design Kilday Studios (hereinafter referred to as the agent) has prepared and hereby respectfully submits this application for a Comprehensive Plan Text Amendment to allow the following:

- (1) Add new objective and policies to the Future Land Use Element (FLUE) to create the Indian Trails Grove Overlay;
- (2) Revise the Managed Growth Tier System Map LU 1.1 to identify the boundaries of the Indian Trail Grove Overlay (ITGO);
- (3) Revise the Service Areas Map LU 2.1 to show the subject property's removal from the rural service area and inclusion within the limited urban service area;
- (4) Revise the Special Planning Areas Map LU 3.1 to identify the location of the Indian Trails Grove Overlay;
- (5) Revise the Thoroughfare Right of Way Identification Map TE 14.1 to show the extension of 60th Street North as an 80' right of way west from Seminole Pratt Whitney Road to 190th Street
- (6) Revise the Thoroughfare Right of Way Identification Map TE 14.1 to show the extension of 190th Street as an 80' right of way north from 60th Street North to Orange Blvd;
- (7) Revise the Functional Classification of Roads Map TE 3.1 to show the extension of 60th Street North as an undefined right of way Seminole Pratt Whitney Road to 190th Street;
- (8) Revise the Functional Classification of Roads Map TE 3.1 to show the extension of 190th Street as an undefined right of way from 60th Street North to Orange Blvd; and
- (9) Creation of a new rural residential Future Land Use Atlas (FLUA) designation titled Rural Residential, 1 unit per 1.25 acres (RR-1.25) along with the establishment of the subject property as a LUSA.

The above application is being submitted concurrently with the following requests:

1. Designation of subject property as a Limited Urban Service Area (LUSA); and
2. To amend the Future Land Use Atlas (FLUA) designation of the subject property from AP, in part, and RR-10, in part, to Rural Residential, 1 unit per 1.25 acres (RR-1.25), in whole.

All of these requests are for a +/-4,929.304-acre property (hereinafter referred to as the subject property) located approximately two (2) miles west of the intersection of Seminole Pratt Whitney Road and Orange Boulevard. The subject property currently has a Future Land Use Atlas (FLUA) designation of Agricultural Production (AP), in part (approximately 1,278.54 acres), and Rural Residential, 1 unit per 10 acres (RR-10), in part (approximately 3,650.764 acres). The subject property is within the Agricultural Production (AP) Zoning District, in part, and the Agricultural Residential (AR) Zoning District, in part. The subject property is broken into two portions (hereinafter referred to as the northern portion and the southern portion) and is comprised of the following parcel control number's (PCN's):

- 00-39-42-25-00-000-1000
- 00-40-42-17-00-000-7000
- 00-40-42-18-00-000-7000
- 00-40-42-19-00-000-9000
- 00-40-42-20-00-000-9000
- 00-40-42-21-00-000-9000
- 00-40-42-22-00-000-1010
- 00-40-42-27-00-000-9000
- 00-40-42-30-00-000-9000
- 00-40-42-31-00-000-9000
- 00-40-42-34-00-000-1010
- 00-40-43-03-00-000-3020
- 00-40-43-04-00-000-9010

BACKGROUND

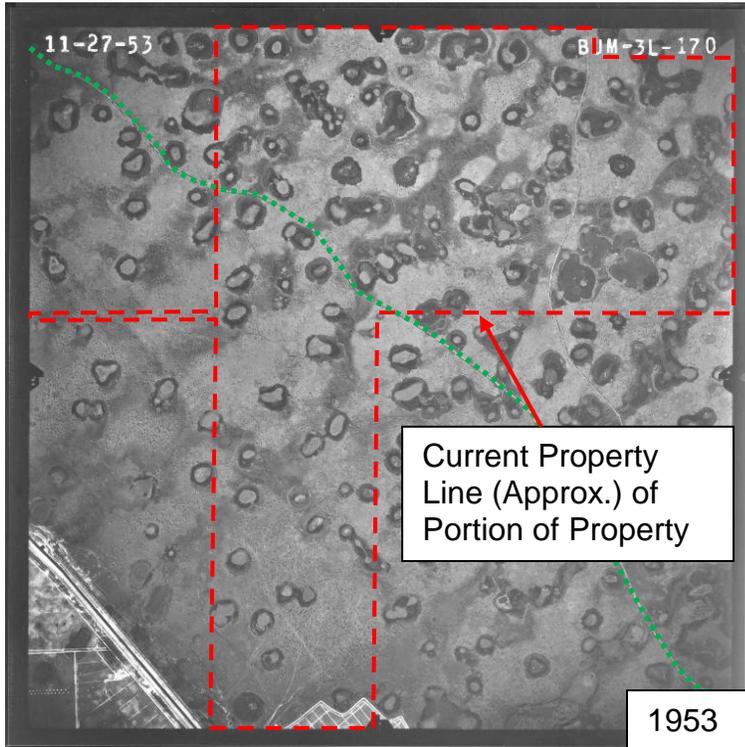
The subject property is located west of 180th Avenue North, south and east of the J.W. Corbett Wildlife Management Area and north and west of the “M” Canal. The +/- 4,929.304-acre subject property is primarily in active agricultural operation with accessory agriculture structures located in the southeast corner of the northern portion of the subject property.

The subject property is within the boundaries of the Cypress Grove Community Development District (CGCDD), which is a special district created by the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission, in 1993¹. The CGCDD has the authority to provide public infrastructure and services and to operate district facilities. While the subject property is within the CGCDD, the applicant has committed that the subject property, once developed with the proposed residential, single-family lots and accessory commercial square footage, will become an active member of the Indian Trail Improvement District (ITID) which is a special district created by the Florida Legislature in 1957². The applicant is thereby committing that the subject property, once developed, will pay the property assessment from ITID.

To the north and northwest of the subject property is the J.W. Corbett Wildlife Management Area, which is a 60,348-acre wildlife management area managed by the Florida Fish and Wildlife Conservation Commission (FWCC). In 1947³ the Florida Game and Freshwater Fish Commission (GFC) (predecessor to the FWCC) purchased approximately 52,000 acres from the Southern States Land and Timber Company and named it after James Wiley Corbett, a former commissioner. In 1993 another 2,331 acres were added to the wildlife management area with funds from the Conservation and Recreation Lands program and leased to the then GFC. These additional lands added in 1993 are the parcels due west of the subject property and were sold by Indian Trail Groves, Ltd. which was an entity controlled by Irving Cowan who was also the managing member of Indian Trail Groves, L.P., the entity that sold a portion of the subject property to the applicant.

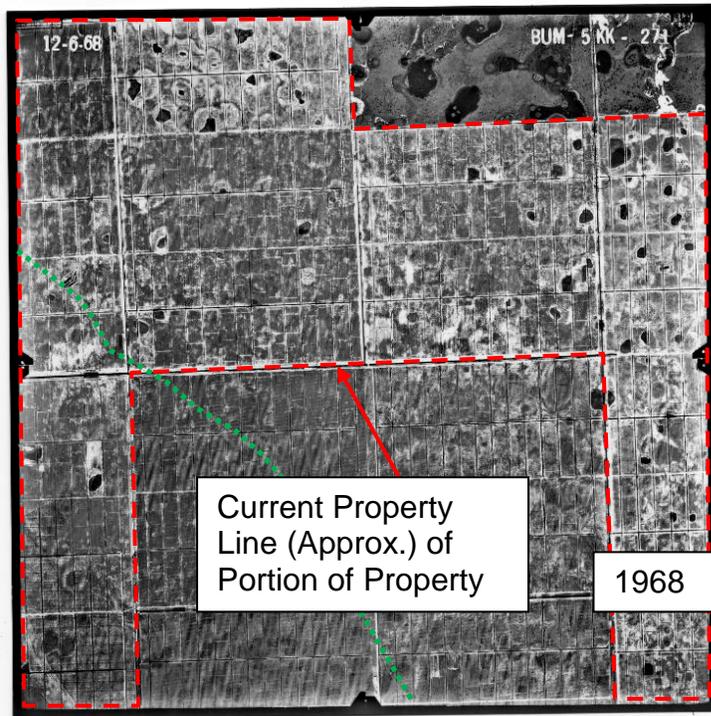
Abutting the property to the northeast, east and southeast are residential, single-family lots within what is commonly referred to as The Acreage. According to the Historical Society of Palm Beach County⁴, The Acreage was established in the early 1960's by Samuel Nathan Friedland's Royal Palm Beach Colony, Ltd., which began selling 1.25-acre lots on what was then swampland for \$5,000 per lot. Based on an analysis of aerials from 1953 and 1968 obtained from the University of Florida's George A. Smathers Libraries² it appears that the drainage canals on the subject property were dug at the same time as the development of The Acreage. As shown on the aerials⁵ provided below the subject property and the areas that became The Acreage were primarily wetlands in 1953. By 1968 roadways and drainage canals were in place so that The Acreage could be developed for residential, single-family lots and the subject property could be utilized for agriculture. For a frame of reference between the two aerials the approximate location of

what appears to have been a trail has been indicated in a green, dashed line.



There are a variety of other parcels surrounding the subject property and details of those (and additional details on the above parcels) are included in the “Surrounding Uses” section below.

The subject property has no previous FLUA Amendment approvals meaning that the FLUA designation on the subject property has remained consistent with the designation assigned in the 1989 PBC Comprehensive Plan. However, the subject property was included in the Central Western Communities (CWC) Sector Plan between August 1999 and November 2007 when the PBC BCC rescinded the Sector Plan during litigation with the Florida Department of Community Affairs (DCA) (predecessor to the Florida Department of Economic Opportunity [DEO]).



While the CWC Sector Plan proposed by the PBC Planning Division was never implemented following its rescission on November 26, 2007 (through Ordinance No. 2007-031), other properties in the original 53,000-acre CWC Sector Plan area have been approved by the PBC BCC in subsequent years, through standalone application requests, at, near or above the densities

and intensities called for in the CWC Sector Plan. Prior to rescission, the density for the CWC Sector Plan area approved by the PBC BCC through Ordinance No. 2005-034 had ranged from 1 unit per 5 acres (0.20 units per acre) to 1 unit per 1.25 acres (0.80 units per acre). Below is a summary of the approved densities/intensities for these other properties in chronological order.

- Sluggett Property
 - **Size:** 64.48 acres
 - **Approval:** Granted through PBC Ordinances No. 2008-050 on December 3, 2008 and 2010-030 on August 30, 2010
 - **FLUA Designation:** Commercial Low with an underlying Rural Residential 1 unit per 5 acres (CL/RR-5)
 - **Approved Residential:** 1 unit per 5 acres or 15 units
 - **Approved Non-Residential:** 280,875 s.f. of commercial uses.

- Lion Country Safari
 - **Size:** 637.16 acres
 - **Approval:** Granted through PBC Ordinance No. 2010-028 on August 30, 2010
 - **FLUA Designation:** Commercial Recreation with an underlying Rural Residential 1 unit per 2.5 acres (CR/RR-2.5)
 - **Approved Residential:** 1 unit per 2.5 acres or 254 units
 - **Approved Non-Residential:**
 - Drive-thru safari park;
 - Walk-thru amusement park;
 - Recreational vehicle campground; and
 - Commercial television tower.

- Minto West (aka Callery-Judge Groves)
 - **Size:** 3,788.6 acres
 - **Approval:** Granted through PBC Ordinance No. 2014-030 on October 29, 2014
 - **FLUA Designation:** Agricultural Enclave (AGE)
 - **Approved Residential:** 1.20 units per 1 acre or 4,546 units
 - **Approved Non-Residential:**
 - 500,000 s.f. of retail;
 - 1,050,000 s.f. of light industrial and research and development;
 - 450,000 s.f. of commercial offices uses;
 - 200,000 s.f. of civic uses;
 - 150 room hotel; and
 - 3,000 student college.

What the above summaries demonstrate is that entitlement approvals for the largest

undeveloped land areas within the original CWC Sector Plan were granted on an individual basis following the rescission of the CWC Sector Plan. Each of these approvals was granted with a preamble that confirmed that the proposed amendments complied with the Local Government Planning and Land Development Regulation Act or Community Planning Act, as were applicable at the time of adoption. The subject property is one of the last, remaining undeveloped properties within the original CWC Sector Plan area.

While the CWC Sector Plan was never implemented, the proposed density and intensity of the Indian Trails Grove property would be consistent with the original intent of the CWC Sector Plan. This project is to be developed as a Rural Residential Planned Development with a density of 1 unit per 1.25 acres (or 0.80 units per 1 acre). Furthermore, the proposed project is compatible with the character of existing and planned development in the vicinity, will conserve open space, promote environmental sustainability and manage water resources, all of which were guiding principles of the CWC Sector Plan.

COMPREHENSIVE PLAN TEXT AMENDMENTS

2. Requested Comprehensive Plan Text Amendments:
 - (1) Add new objective and policies to the Future Land Use Element (FLUE) to create the Indian Trails Grove Overlay;
 - (2) Revise the Managed Growth Tier System Map LU 1.1 to identify the boundaries of the Indian Trail Grove Overlay (ITGO);
 - (3) Revise the Service Areas Map LU 2.1 to show the subject property's removal from the rural service area and inclusion within the limited urban service area;
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 - (9) Creation of a new rural residential Future Land Use Atlas (FLUA) designation titled Rural Residential, 1 unit per 1.25 acres (RR-1.25) along with the establishment of the subject property as a LUSA.

3. **Justification:** The creation of the Indian Trails Grove Overlay, along with the necessary map amendments, will provide the regulatory framework to allow residential (and accessory commercial development) development on the subject property while also providing protective measures that will create a transition from rural/suburban development and other uses to existing and future conservation areas, specifically the J.W. Corbett Wildlife Management Area and Everglades restoration programs and projects. Next, the inclusion of 60th Street North on the Thoroughfare Right of Way Identification Map TE 14.1 and Functional Classification of Roads Map TE 3.1 will ensure that the subject property contains sufficient depth, width and frontage, or appropriate access thereto, a public street shown on the Thoroughfare Right of Way Identification Map per the Planned Unit Development (PUD) design objectives found in PBC Unified Land Development Code (ULDC) Article 3.E.1.C.1. Next, the request to exempt the Indian Trails Grove Overlay from Policy 3.5-d will provide the same flexibility provided to other large, unique projects in PBC including the Agricultural Enclave, the SR-7 Economic Development Overlay

(EDO) and the Inland Logistics Center. Next, the allowance of the Indian Trails Grove Overlay to be designated as a Limited Urban Service Area (LUSA), consistent with the same allowance for the Agricultural Enclave, will ensure that adequate facilities can be provided to the overlay. Lastly, the creation of a new rural residential Future Land Use Atlas (FLUA) designation titled Rural Residential, 1 unit per 1.25 acres (RR-1.25) will allow for residential density on the subject property consistent with the densities provided in the CWC Sector Plan.

4. **Consistency:** These Comprehensive Plan Text Amendments will ensure that the proposed project is compatible with the character of existing and planned development, conserve open space, promote environmental sustainability and manage water resources. More specifically, the requested Comprehensive Plan Text Amendments are consistent with the intent, objective and policies of the Comprehensive Plan (verbatim language from Plan is italicized) as follows:

OBJECTIVE 1.1 Managed Growth Tier System

Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers to:

1. *Ensure sufficient land, facilities and services are available to maintain a variety of housing and lifestyle choices, including urban, suburban, exurban, and rural living;*
2. *Preserve, protect, and improve the quality of natural resources, environmentally sensitive lands and systems by guiding the location, type, intensity, and form of development;*
3. *Accommodate future growth but prohibit further urban sprawl by requiring the use of compact forms of sustainable development;*
4. *Enhance existing communities to improve or maintain livability, character, mobility, and identity;*
5. *Facilitate and support infill development and revitalization and redevelopment activity through coordinated service delivery and infrastructure upgrades;*
6. *Protect agricultural land for farm uses, including equestrian uses;*
7. *Strengthen and diversify the County's economic base to satisfy the demands of the population for employment growth, and provide opportunities for agricultural operations and employment centers; and,*
8. *Provide development timing and phasing mechanisms in order to prioritize the delivery of adequate facilities and services to correct deficiencies in existing communities and accommodate projected growth in a timely and cost effective manner.*

Applicant's Consistency Statement: The proposed form of development, while compatible with the density of the surrounding communities, will provide different housing and lifestyle choices from what currently exists in the Rural Tier. Next,

as indicated in proposed Policy 1.12-f below, development within the Indian Trails Grove Overlay will be required to provide 50% open space of which a minimum of 25% of that open space is required to (1) be set aside in the form of contiguous area and shall be limited to preservation, conservation, passive recreation, wetlands, bona fide agriculture, regional water management, fallow land, and/or equestrian uses and (2) be clustered along the western edge of the Overlay. This open space will protect the natural resources and environmentally sensitive lands adjacent to the subject property by serving as a buffer between those resources and while also providing the opportunity to improve the quality of these resources through stormwater management. Next, as will be detailed in the concurrent FLUA Amendment application, the proposed development on the subject property does not encourage the proliferation of urban sprawl per Section 163.3177.(6).(a).9., Florida Statutes. Next, the Indian Trails Grove Overlay is adjacent to the western boundary of The Acreage. The proposed text amendments will ensure that development within this overlay is compatible with The Acreage by proposing a comparable density, not encroaching into the geographic boundaries of the neighborhood with development and respecting the social fabric. Next, as indicated in proposed Policy 1.12-f below, the required open space is allowed to include bona fide agriculture thus providing for the possible retention of agricultural operations within the overlay. Furthermore, the plan of development includes provisions for approximately 20 miles of equestrian trails that will provide a unique design feature that a long-standing element of the central western communities.

Policy 2.1-a: *The future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area, considering assessment of soil types, wetlands, flood plains, wellfield zones, aquifer recharge areas, committed residential development, the transportation network, and available facilities and services. Assignments shall not be made that underutilize the existing or planned capacities of urban services.*

Applicant's Consistency Statement: As will be detailed in the concurrent FLUA Amendment application the proposed FLUA designation of RR-1.25, after analyzing the adjacent natural resources, wellfield zone locations, infrastructure, etc., will not exceed the natural or manmade constraints of the area.

Policy 2.1-b: *The County shall utilize a range of residential future land use categories to plan for growth and non-residential land use designations to support and serve the residential and tourist populations as described in the FLUA Regulation Section of this Element. The entitlement, minimum, and maximum densities and the intensities allowed within each land use designation and category are specified in the FLUA Regulation Section.*

Applicant's Consistency Statement: The allowance of the new RR-1.25 FLUA designation will provide an appropriate and compatible residential category in the central western communities that will support and serve the residential and tourist populations.

Policy 2.1-c: *The Comprehensive Plan shall use population projections and associated dwelling unit projections to guide public and private entities in planning for urban development and redevelopment. The projections shall also guide the location, timing and capacity of urban services and facilities, where other regulatory planning tools do not apply.*

Applicant's Consistency Statement: As will be detailed in the concurrent FLUA Amendment application population projections were analyzed to justify the need for the proposed residential and non-residential uses.

Policy 2.1-d: *The future land use designation for individual parcels shall be limited to the designations identified by the applicable Tier in Table III.C. in the FLUA Regulation Section (unless otherwise specified within this Element) and shall be shown on the Official Future Land Use Atlas (FLUA) maintained by the Planning, Zoning and Building Department. The Atlas shall depict future land use designations for all parcels in unincorporated Palm Beach County, including underlying/alternative land uses, and the boundaries and ordinance numbers of all adopted FLUA amendments.*

Applicant's Consistency Statement: These proposed Comprehensive Plan Text Amendments propose adding the RR-1.25 FLUA designation to Table III.C to ensure consistency with this policy.

Policy 2.1-k: *Palm Beach County shall utilize a series of overlays to implement more focused policies that address specific issues within unique identified areas as depicted on the Special Planning Areas Map in the Map Series.*

Applicant's Consistency Statement: The main intent of the proposed language for the Indian Trails Grove Overlay is to provide focused policies that address specific issues related to that portion of the central western communities. Associated map amendments are also being requested.

5. All of the above will be accomplished through the following text amendments:

(1) Table of Contents – Future Land Use Element (add)

[Objective 1.12 Indian Trails Grove Overlay \(ITGO\)](#)

(2) **Amend Table 1.A Acreage by Existing Generalized Future Land Use**

Table 1.A Acreage by Existing Generalized Future Land Use

Unincorporated County

Generalized Future Land Use Acres

Low Residential 43,490

Medium Residential 21,120

High Residential 25,630

Rural Residential ~~61,690~~ 63,020

Commercial 4,070

Urban Center & Infill 650

Multiple Land Use 240

Commercial Recreation 1,990

Industrial 14,350

Institutional & Public Facilities 2,510

Utilities/Transportation & Spoil 5,440

Park 5,120

Conservation 346,280

Agricultural Enclave 3,700

Agricultural Reserve 20,350

Agricultural Production ~~469,700~~ 468,370

Lake Okeechobee (not a FLU) 157,360

Total Unincorporated County 1,183,690

(3) **OBJECTIVE 1.4 Rural Tier**

General: The Rural Tier includes agricultural land and rural settlements that range in density from primarily 1 dwelling unit per 5 acres to 1 dwelling unit per 20 acres, except in special planning areas such as, but not limited to, the Indian Trails Grove Overlay (ITGO). These areas support large agricultural operations as well as single-family homes with small family -owned agricultural businesses, including equestrian related uses. Due to the declining availability of land and the increase in population in the Urban and Exurban Tiers, the Rural Tier is beginning to experience pressure for urban densities and nonresidential intensities normally associated with a more urban area. The strategies in the Rural Tier are established to protect and enhance rural settlements that support agricultural uses and equestrian uses while also providing an alternative style of development in specific areas that further the goals of the Rural Tier.

Objective: Palm Beach County shall plan for the impacts of growth outside

of the Urban

Service Area, recognizing the existence of both large undeveloped tracts as well as areas containing densities equal to or less than 1 dwelling unit per 5 acres established prior to the adoption of the 1989 Comprehensive Plan located in proximity to environmentally sensitive natural areas while protecting the Rural Tier lifestyle. The Rural Tier shall be afforded rural levels of service, except in special planning areas such as, but not limited to, the Indian Trails Grove Overlay (ITGO).

Policy 1.4-a: The County shall protect and maintain the rural residential, equestrian and agricultural areas within the Rural Tier by:

1. Preserving and enhancing the rural landscape, including historic, cultural, recreational, agricultural, and open space resources;
2. Providing facilities and services consistent with the character of the area;
3. Preserving and enhancing natural resources; and,
4. Ensuring development is compatible with the scale, mass, intensity of use, height, and character of the rural community.

Policy 1.4-b: The Rural Residential (RR-5) Future Land Use category shall be established to maintain a rural residential lifestyle for the Rural Tier. The County will initiate an amendment to the Future Land Use Atlas to designate qualifying subdivisions which meet the criteria listed below, as RR-5:

1. The average lot size is less than 10 acres;
2. The number of lots eligible for further subdivision does not exceed 15% of the total number of existing lots, consistent with the County's 85% Rule described in the FLUA Regulation Section; and,
3. The number of potential new lots created has minimal impact on the transportation network as defined in Land Use Policy 3.5-d.

This future land use category shall recognize all existing lots as of the date of the designation, but shall require a minimum of 5 acres for all newly created lots thereafter, unless developed as a Rural Residential (RR) Cluster or Variable-Lot-Size development. Development Orders or Permits, which require a specific plan for development, shall comply with the provisions of the concurrency management system of the County.

Policy 1.4-c: To protect rural areas and provide for preservation of agriculture, minimum density requirements shall not be established in the Rural Tier.

Policy 1.4-d: Any parcel of land in the Rural Tier shall not be further subdivided to form additional parcels, nor reduced in size, unless: each parcel created is consistent with the minimum lot size required by its respective future land use designation or is developed as a Rural Residential (RR) Cluster or Variable-Lot-Size development or as a Rural Residential Planned Unit Development (RR PUD). Parcels may be subdivided for the purpose of enlarging other parcels in the subdivision. The overall number of units of the reconfigured lots may not exceed the original number of units calculated for the lots being reconfigured.

Policy 1.4-e: All contiguous lots which are owned by the same person or entity as of December 1, 1989 shall comply with the density requirement of the applicable land use designation under the Comprehensive Plan, as amended, unless exempted by the 85% Rule defined in the FLUA Regulation Section. A lot(s) not exempted under this policy shall be combined with another commonly owned contiguous lot(s) to:

1. Comply with the density requirement; or
2. Reduce the density inconsistency if there are not sufficient contiguous lots to fully comply with the density requirement.

Policy 1.4-f: The County shall prohibit new commercial future land use designations that do not have frontage on either: 1) one collector and one arterial roadway; or 2) two arterial roadways (as depicted on the Federal Functional Classification of Roads Map TE 3.1), unless it is shown that a vehicular cross connection can be established to an adjacent site with a non-residential future land use designation, or such development is planned as a Traditional Marketplace Development (TMD).

Policy 1.4-g: Non-residential development shall be designed in the form of a Traditional Marketplace, or the development shall comply with rural design standards in the ULDC to ensure protection of the character of the Tier and to minimize impacts on adjacent neighborhoods, except in special planning areas such as, but not

limited to, the Indian Trails Grove Overlay (ITGO). Standards for Traditional Marketplace Development shall also reflect the scale and character of the Rural Tier.

Policy 1.4-h: The County shall promote the development of central community places where feasible, considering the existing development pattern, by clustering and collocating neighborhood commercial uses, day care, places of worship, and public community-serving uses. Community-serving uses may include, but are not limited to, a mix of government satellite offices, meeting space, schools, parks and recreation facilities, and libraries. Buildings in these central community places should be sited to form a public common or green space for community use. Site planning, building orientation, architectural treatment, and landscaping of non-residential development should reflect the character of a rural community.

Policy 1.4-i: Future development in the Rural Tier shall be consistent with native ecosystem preservation and natural system restoration, regional water resource management protection, and incorporation of greenway/linked open space initiatives.

Policy 1.4-j: The existence of public facilities of any kind, including potable water, wastewater and/or reclaimed water pipelines, shall not be used as justification for making future land use decisions that increase density and/or intensity in the Rural Tier. In order to ensure system efficiency, properties within an area where a public or privately owned potable water, reclaimed water, and/or wastewater utility has been granted or assigned utility service area rights by Palm Beach County, the utility may extend lines and the properties may connect to the utility's system.

Policy 1.4-k: The County shall continue to assign areas with a RR20 Future Land Use designation as TDR sending areas as an incentive to preserve wetlands, consistent with Future Land Use Objective 2.4 regarding the TDR program.

Policy 1.4-l: The County shall continue to provide the rural zoning regulations for areas designated Rural Residential in order to protect and maintain the rural communities of present and future residents of these areas. The regulations shall, at a minimum:

1. Retain the Agricultural Residential zoning designation and the agricultural uses permitted by the Unified Land Development Code.
2. Provide for zoning districts, which appropriately accommodate residential and/or agricultural uses consistent with the applicable Rural Residential future land use category;
3. Provide assurances that agricultural uses shall be allowed in rural residential neighborhoods;
4. Guarantee the keeping of livestock;
5. Maintain specific regulations to restrict the types of non-residential and nonagricultural uses allowed and promote the rural character through design, and provide for locational criteria, which will prohibit the scattering of such uses throughout the Rural Tier;
6. Provide limitations on the types and number of uses permitted by the conditional use process;
7. Allow home occupation uses that will not degrade the rural character of the area;
8. Include provisions for non-conforming agricultural uses consistent with this Plan, while not violating the Right-to-Farm Act;
9. Include provisions that restrict clear-cutting for residential purposes to encourage: preservation of open space and protection of native vegetation and tree canopy in front, rear and side yards: preservation of environmental systems, protection of wildlife and retention of the rural character of the Rural Tier.
10. Provide protection for Rural Residential areas in the Rural Tier from the impacts associated with commercial mining operations and excavation, such as, but not limited to, hauling activity, blasting, vibration, noise, dust, and glare.
11. Provide for the enhancement and continuation of equestrian uses and facilities to support equestrian operations and events.

(4) OBJECTIVE 1.12 Indian Trails Grove Overlay (ITGO)

General: The Purpose of the Overlay is to provide a transition from rural/suburban development and other uses to existing and future conservation areas, specifically the J.W. Corbett Wildlife Management Area

and Everglades restoration programs and projects. The Overlay complements existing provisions in the Comprehensive Plan prohibiting the expansion of urban and suburban activities into conservation areas.

Objective: This Overlay encourages the appropriate transition between rural/suburban preservation and conservation areas while allowing for residential development at a density that is compatible with the surrounding area.

Policy 1.12-a: The Indian Trails Grove Overlay is depicted on the Special Areas Planning Map LU 3.1, in the Map Series and consists of approximately 4,929 acres of land generally located approximately one (1) mile west of the intersection of Seminole Pratt Whitney Road and Orange Boulevard.

Policy 1.12-b: The Rural Residential, 1 unit per 1.25 acres (RR-1.25) Future Land Use category shall be established to allow a compatible density with the existing rural residential lifestyle adjacent to the Indian Trails Grove Overlay. Any parcel of land in the RR-1.25 Future Land Use category shall be developed in accordance with the developments standards for RR-1.25 Planned Development District Planned Unit Development (RR-1.25 PDD's) found in the Unified Land Development Code.

Policy 1.12-c: Notwithstanding Table III.C of this Element, the Rural Residential, 1 unit per 1.25 acres (RR-1.25) shall be allowed only within the Indian Trails Grove Overlay.

Policy 1.12-d: Development shall only occur in the format of a Rural Residential 1.25 Planned Development District Planned Unit Development with a minimum gross land area of 900 acres.

Policy 1.12-e: For the purposes of contiguity, any land area within the Indian Trails Grove Overlay shall be considered contiguous so long as it is submitted under one unified plan of development.

Policy 1.12-f: In order to reduce urban sprawl and create a more sustainable land use pattern, the Rural Residential 1 unit per 1.25 acres (RR-1.25) shall be required to exhibit the following characteristics:

1. Open Space shall comprise a minimum of 50% of the gross acreage. A minimum of 25% of the 50% required open space

shall: (1) be set aside in the form of contiguous area and shall be limited to preservation, conservation, passive recreation, wetlands, bona fide agriculture, regional water management, fallow land, and/or equestrian uses; (2) be clustered along the western edge of the Overlay; and, (3) be depicted on the Conceptual Plan approved by the Board of County Commissioners.

Policy 1.12-g: Neighborhood-serving commercial uses are permitted up to a maximum of 225,000 square feet and shall comprise no more than 1% of the overall gross land area. This commercial uses shall: (1) comply with the commercial pod provisions for a Planned Unit Development (PUD) found in the Unified Land Development Code (ULDC); (2) notwithstanding the regulations of Table III.C.2. of the Future Land Use Element, utilize the property development regulations of the CC district in Table 3.D.1.A.-17 of the ULDC; and, (3) not be located within ¼ mile of any existing residential structure or unit on a lot less than 5.0 acres in size at the time of Conceptual Plan approval.

...

(5) **Policy 3.3-a:** The limited Urban Service Area: The following are designated as Limited Urban Service Areas:

1. the area described as the United Technology - Pratt and Whitney Overlay;
2. the area defined as the General Aviation Facility/ North County Airport;
3. the Agricultural Reserve; and
4. areas within the Exurban Tier where the Legislature has granted a special district the authority to provide urban levels of service for potable water and/or sewer following the installation of centralized water and/or sewer systems; installation of a force main to serve a single project shall not constitute justification for a LUSA designation;
5. the area east of the SFWMD L-8 Canal within the Glades Area Protection Overlay; ~~and~~
6. an Agricultural Enclave pursuant to Florida Statute section 163.3162(5)-; ~~and~~
7. the Indian Trails Grove Overlay.

...

(6) **Policy 3.5-d:** The County shall not approve a change to the Future Land Use

Atlas which:

...

**TABLE 3.5-1
Significant Impact**

Net Trip Generation**	Distance
1 – 50	No significant impact
51 – 1,000	Only address directly accessed link on first accessed major thoroughfare*
1,001 – 4,000	One (1) mile*
4,001 – 8,000	Two (2) miles*
8,001 – 12,000	Three (3) miles*
12,001 – 20,000	Four (4) miles*
20,001 – up	Five (5) miles*

* A project has significant traffic: (1) when net trip increase will impact FIHS and SIS facilities which are already exceeding the adopted LOS or cause the adopted LOS for FIHS or SIS facilities to be exceeded; and/or (2) where net trip increase impacting roads not on the FIHS or SIS is greater than one percent (1%) for volume to capacity ratio (v/c) of 1.4 or more, two percent (2%) for v/c of 1.2 or more and three percent (3%) for v/c of less than 1.2 of the level of service "D" capacity on an AADT basis of the link affected up to the limits set forth in this table. The laneage shall be as shown on the MPO's latest adopted LRTP.

** When calculating net trip increase, traffic associated with all prior Land Use Atlas amendment approvals for the property that has not yet received development order approvals, shall be cumulatively included in the analysis. Consideration will also be given to alternative modes of transportation (i.e. bicycle lanes, bicycle paths, bus lanes, fixed rail, and light rail facilities) in reducing the number of net trips. These alternative modes must either be operating at the time of the change to the Future Land Use Atlas or be included in both the Transportation Element (Mass Transit) and the Capital Improvement Element of the Comprehensive Plan.

or;

2) results in a project that fails Test 2 regulations adopted to implement TE Policy 1.1-b.

This policy shall not be applicable to an Agricultural Enclave pursuant to Florida Statutes section 163.3162(5). This policy shall not be applicable to the area designated as SR-7 Economic Development Overlay (EDO). This policy shall not be applicable to the area designated as Industrial in the Urban Service Area of the Glades Tier amended by FLUA Amendment Inland Logistics Center (LGA 2010-024). [This policy shall not be applicable to the Indian Trails Grove Overlay.](#)

...

- (7) Amend Table III.C., as follows:

Table III.C

Future Land Use	FLU Category	Tier				
		Urban/Sub & Glades USA	Exurban	Rural	Ag Reserve	Glades RSA ¹
Rural Residential	RR-20, RR-10	---	X	X	---	---
	RR-5	---	X	X	---	---
	RR-2.5	---	X	---	---	---
	<u>RR-1.25</u>	<u>---</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>---</u>
Urban Residential	LR, MR, HR	X	---	---	---	---

...

- (8) Amend Table III.C.1. as follows:

**Table III.C.1
RESIDENTIAL CATEGORIES & ALLOWED DENSITIES**

Category	Dwelling Units Per Gross Acre			
	Maximum	Standard ¹	Minimum	Entitlement ²
Special Agriculture	---	0.10 DU/AC	---	---
Agricultural Reserve	1.0 DU/AC	0.20 DU/AC	---	---
Agricultural Enclave ⁶	---	---	---	---
Rural Residential 20 Not to exceed 1 du per 20 acres	---	0.05 DU/AC	---	0.05 DU/AC
Rural Residential 10 Not to exceed 1 du per 10 acres	---	0.10 DU/AC	---	0.05 DU/AC
Rural Residential 5 Not to exceed 1 du per 5 acres	---	0.20 DU/AC	---	0.05 DU/AC
Rural Residential 2.5 Not to exceed 1 du per 2.5 acres	---	0.40 DU/AC	---	0.05 DU/AC
<u>Rural</u>	<u>---</u>	<u>0.80 DU/AC</u>	<u>---</u>	<u>0.05 DU/AC</u>

<u>Residential</u> <u>1.25</u> <u>Not to exceed 1</u> <u>du per 1.25</u> <u>acres</u>				
Low Residential 1 Not to exceed 1 du per 1 acre	---	1.0 DU/AC	---	0.1 DU/AC

UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

(1) Table 3.E.1.B., notes 1 and 2, as follows:

1. The minimum density in the RR FLU designation for a PUD are as follows:
 RR20 – 0.5 unit/20 acres; RR10 0.5 unit/10 acres; RR5 – 0.5 unit/5 acres;
 RR2.5 – 0.5 unit/2.5 acres; RR1.25 – 0.5 unit/1.25 acres.
2. The maximum density in the RR FLU designation for a PUD are as follows:
 RR20 – 1 unit/20 acres; RR10 1 unit/10 acres; RR5 1 unit/5 acres; RR2.5 – 1
 unit/2.5 acres; RR1.25 – 1 unit/1.25 acres.

(2) Table 3.E.2.C. – PUD Minimum Thresholds (Acreage), as follows:

Table 3.E.2.C - PUD Minimum Thresholds (Acreage)

	AGR	RR20, RR10, RR5, RR2.5	<u>RR1.25</u>	AGE	LR1	LR2	LR3	MR5	HR8	HR12	HR18
Minimum Acreage	40 (80/20)	100	<u>900</u>	100 (Rural TZ)	5	5	5	5	3	3	3
	250 (60/40)			3 (Suburban TZ)							

(3) Table 3.E.2.C. – PUD Land Use Mix, as follows:

Table 3.E.2.C - PUD Land Use Mix

	Res.	Civic (1)	Comm.	Rec.	OS (2)	Preserve Area	Dev. Area
MIN	60%	2% (1)	-	.006 acre	40%	80/20 AGR - 80%	-
						60//40 AGR - 60%	
MAX	-	65%	1%	-	-	-	80/20 AGR -25% (3)
						60/40 AGR - 40%	
[Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-001]							
Notes:							
1. Minimum civic pod requirement may be waived, subject to the following: Public civic may not be required where two percent of the gross acreage of a PDD is less than 1.5 acres in size, subject to FD&O approval; and, If located in a CCRT area, shall be labeled as private civic unless waived by the BCC.							
2. Calculation of open space may include recreation pods, civic pod and open space areas within residential. <u>Within the RR1.25 FLU, a minimum of 50% OS shall be provided.</u>							
3. See 80/20 option exception.							

(4) Table 3.E.2.D. – PUD Property Development Regulations:

Table 3.E.2.D - PUD Property Development Regulations

POD	Lot Dimensions			Density		FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min.	Max.			Front	Side	Side Street	Rear
Residential											
SF	Apply the RS district regulations in Table 3.D.1.A-17, Property Development Regulations, <u>with the exception of RR1.25 PUDs, which property development regulations shall be established in the conditions of approval and shown on the Conceptual Plan approved as part of the FLUA amendment.</u>										
ZLL	Refer to Article 3.D.2.B, Zero Lot Line (ZLL) .										
TH	Refer to Article 3.D.2.A, Townhouse .										
MF	Apply the RM district regulations in Table 3.D.1.A-17, Property Development Regulations.										
Civic											
Private	0.5 ac	100	100	-	-	-	30 percent	25	20	25	20
Public	1.5 ac.	100	200	-	-	-					
Commercial											
Commercial	Apply CC district regulations in Table 3.D.1.A-17, Property Development Regulations										
Recreation											
Recreation Pod	-	65	75	-	-	-	30 percent	25	15	25	15
Neighborhood Park	0.1	45	75	-	-	-	15 percent	15	15	15	15
Preservation (1)											
Preservation	Apply the AGR district regulations in Table 3.D.1.A, Property Development Regulations										
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037]											
Notes:											
1. Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.											
2. maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted.											

(5) Article 3, Chapter E, Section 2.E.1.a., as follows:

a. Range of Housing

A PUD in excess of 100 acres and 300 dwelling units shall provide a minimum of two residential use types. A minimum of ten percent of the residential dwellings in a PUD in excess of this threshold shall be of a second use type. This provision shall not apply to RR1.25 PUDs.

(6) Article 3, Chapter E, Section 2.E.2.b, as follows

Location

A commercial pod shall comply with the following location and design criteria:

1. Frontage

A commercial pod shall not have frontage on a public arterial or collector street traversing or bordering the PUD. Access shall be limited to an arterial or collector street internal to the PUD only.

a) Exception

1. A private arterial or collector street traversing the PUD is exempt from this requirement;

2. A commercial pod located within an RR1.25 PUD provided: (a) the location of the commercial pod is shown on the Conceptual Plan approved by the BCC as part of the FLUA amendment; and (b) at the time of approval of the commercial pod on the Preliminary Development Plan by the BCC, the commercial pod is not located within ¼ mile of any existing residential structure or unit on a lot less than 5.0 acres in size.

2. Setback

a) A commercial pod shall be setback a minimum of 1000 feet from the perimeter of the PUD; unless exempted pursuant to Art. 3.E.2.E.2.b.1.a).2, in which case the commercial pod may be located within 1000 feet the perimeter of the PUD.

b) A commercial pod shall be setback a minimum of 1000 feet from a public arterial or collector street traversing the PUD; unless exempted pursuant to Art. 3.E.2.E.2.b.1.a).2, in which case the commercial pod may be located within 1000 feet of a public arterial or collector street traversing the PUD.

(7) Article 3, Chapter E, Section, 2.G.1 (RR PUD), as follows:

1. Rural Residential

The following additional regulations apply to the PUDs in the RR FLU Designation, with the exception of RR1.25 PUDs, which shall follow the provisions of Art. 3.E.1 and Art. 3.E.2.A through Art. 3.E.2.E.

On behalf of the applicants, Urban Design Kilday Studios, respectfully requests approval of these Comprehensive Plan Text Amendment requests to allow for the proposed development on the subject property. The Project Manager at Urban Design Kilday Studios is Chris Barry, AICP CUD, Senior Planner who can be reached at (561) 366-1100 or via email at cbarry@udkstudios.com.

Footnotes

¹Legislation found at <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=420-1>

²Taken from http://www.indiantrail.com/index.asp?SEC=A570234C-62CC-409E-B24B-CD0FFB5ADFD8&Type=B_BASIC

³Taken from <http://myfwc.com/viewing/recreation/wmas/lead/jw-corbett/history/>

⁴Taken from <http://www.pbchistoryonline.org/page/the-acreage>

⁵Found at <http://ufdc.ufl.edu/aerials>