



Osceola County Board of County Commissioners

1 Courthouse Square, Suite 1100

Kissimmee, FL 34741

407-742-0200

08/20/12

Item Number

ORD12-18 for CPA12-0001

*Joint Land Use Study (JLUS)
for Avon Park Air Force
Range (APAFR)*

Type of Application

Comprehensive Plan
Amendment (CPA)
*Large-Scale Text and Map
Amendment*

Applicant & Agent

Osceola County
Community Development

Location

Southwest Osceola County

Commission District

5 – Fred Hawkins, Jr.

Project Planner

Joshua DeVries, AICP

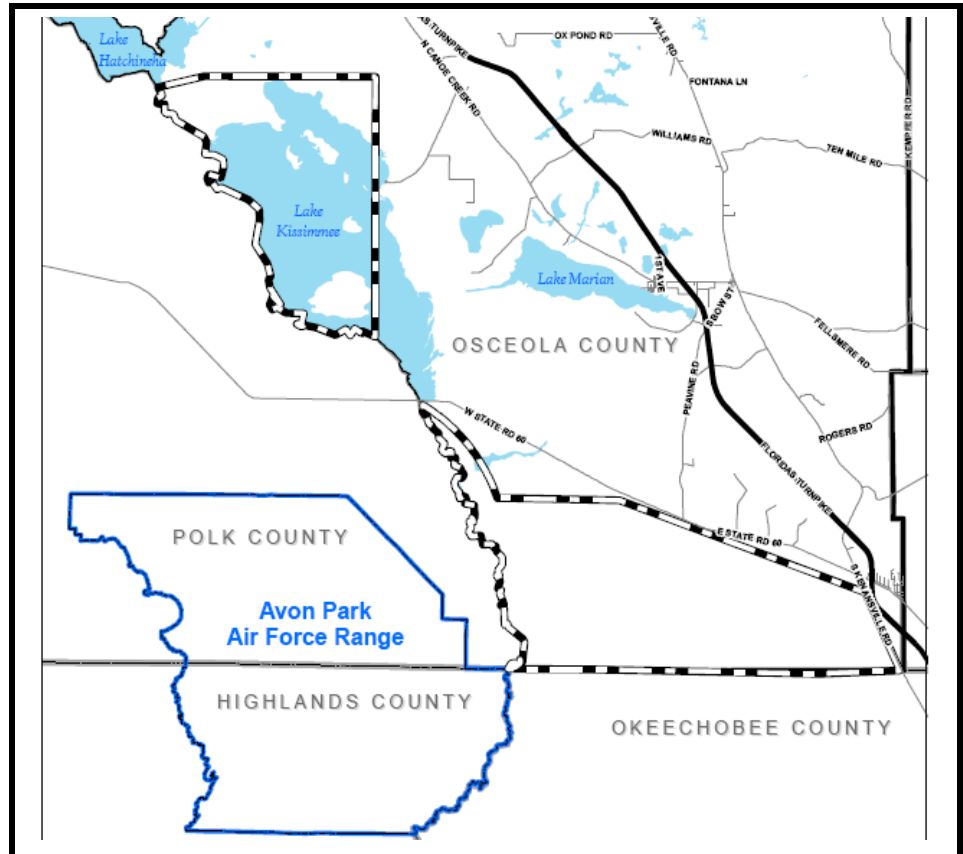
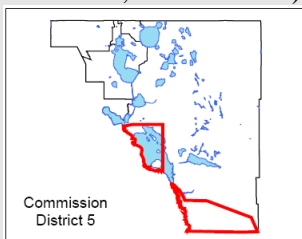
Requested Action

Enact ORD12-18 to adopt
CPA12-0001 and approve
the JLUS 2012

Recommendation

Continued from 08/13/12
BCC

Approval (DRC 5/15/12,
PC 6/7/12, BCC 6/18/12)



ITEM SUMMARY:

The Applicant requests authorization to enact Ordinance 12-18 to adopt CPA12-0001, a large-scale amendment to the Osceola County Comprehensive Plan to amend the text of the Future Land Use Element (FLUE) and the text and the maps of the Transportation Element (TRNE) to ensure compatibility with the training and operational missions of the Avon Park Air Force Range, military installation, pursuant to Section 163.3175 and 163.3177, F.S. As part of the Comprehensive Plan Ordinance, the JLUS 2012 is ratified and approved. The affected areas of the County are located in the southwest portion of Osceola County. The eastern boundary is generally west of Florida's Turnpike, the northern boundary is between the northern shore of Lake Kissimmee and southern shore of Lake Hatchineha, and the western and southern boundaries extend to the County's jurisdictional lines.

Findings

In its review of the proposed amendment to the 2025 Comprehensive Plan, staff has determined:

1. The proposed amendment is consistent with the GOPs of the Osceola County 2025 Comprehensive Plan.
2. The proposed amendment is compliant with the Land Development Code.
3. The proposed amendment is consistent with Florida Statutes (F.S.).

PUBLIC NOTICE:

Notice of public hearing is published in the Orlando Sentinel prior to the public hearing. As of the date of this report, comment letters have been received from the state reviewing agencies, but the County has not received any new comments since the package was transmitted to the Department of Economic Opportunity (DEO). The letters of no objection have been included within **Attachment C**. Additional oral and written comments may be presented at the public hearings.

COMMUNITY OUTREACH:

A community meeting was held with the affected ranching community and the Avon Park Air Force Range (APAFR) on February 8, 2012. A second community meeting was held on March 7, 2012 to discuss this amendment with affected land owners, the ranching community, and the APAFR. A meeting with the Growth Management Task Force was held on May 24, 2012 to discuss this amendment and the attached documents.

STRATEGIC PLAN 2012:

The proposed large-scale amendment to the Osceola County Comprehensive Plan and associated Osceola County Joint Land Use Study (JLUS 2012) is consistent with the Osceola County Strategic Plan 2012 Goal 2: Cost Effective and High Performing County Government, Objective 2: Deliver County services in an efficient and cost effective manner. The JLUS 2012 was prepared in-house by county staff, which saves the County tax payers the cost of outside consultant fees. The JLUS 2012 furthers the goals of the Strategic Plan by maintaining uses in agricultural areas, which will Grow and Diversify the County's Economy. The JLUS 2012 provides for compatibility with the APAFR, which creates Great Neighborhoods for the Future: Safe and Livable (Goal 4). This Comprehensive Plan Amendment and associated JLUS 2012 will have the effect of protecting property values, providing reasonable development standards, and ensuring continued compatibility with military operations.

PROJECT DESCRIPTION:

The proposed large-scale amendment to the Osceola County Comprehensive Plan includes text modifications to the Future Land Use Element (FLUE) and Transportation Element (TRNE), including FLUE Policy 1.7.3, FLUE Policy 1.7.4, FLUE Policy 5.1.5, and TRNE Policy 1.10.6. Several of these policies reference Military Operations Areas (MOAs), Restricted Airspace (R 2901 E), and Military Blast Zone (MBZ-130), which are summarized below, and further defined in the Osceola County JLUS 2012.

Military Operations Areas (MOAs) are areas that experience overhead military activities such as low level military aircraft flight and night vision training. These areas are also open to general aviation. The MOAs within Osceola County include the Avon North MOA, Avon East MOA, Marion

MOA, and the Lake Placid MOA. The Restricted Airspace (R 2901 E) is an area with the above activities, that is also closed to general aviation.

- **Avon North MOA:** Airspace Floor 4,000 ft. above sea level.
Also contains Restricted Airspace (R 2901 E)
 - **R 2901 E:** Airspace Floor 1,000 ft. above sea level. Airspace ceiling 4,000 ft. above sea level.
- **Avon East MOA:** Airspace Floor 500 ft. above ground level.
- **Marion MOA:** Airspace Floor 500 ft. above ground level.
- **Lake Placid MOA:** Airspace Floor 7,000 ft. above sea level.

Military Blast Zone (MBZ) is an area that could experience blast noise emanating from APAFR. **MBZ-130** as defined herein may experience noise level between 115-130 decibels.

The MOAs are currently illustrated in the Comprehensive Plan Map Series. As part of this amendment, the Map TRN 10: Air Transportation Facilities & Special Planning Areas – 2025 (Transportation Element), will be updated to include the current MOA, Restricted Airspace, and their associated airspace floors. It will also be updated to include MBZ data from the JLUS 2012, as well as updated Local Airport Facilities in accordance with the February 9, 2012 Federal Aviation Administration Miami Sectional Aeronautical Chart. This proposed amendment to the text and maps of the Comprehensive Plan ensures compatibility with the training and operational missions of the Avon Park Air Force Range, military installation, pursuant to Chapter 163.3175 and 163.3177, F.S.

The proposed modifications to the Comprehensive Plan and the associated data and analysis that support the amendment are included in the following attachments to this Staff Report.

Attachment A – Summary of Modifications, which includes a detailed paragraph-level summary of the proposed modifications to the Goals, Objectives, and Policies of the Future Land Use Element (FLUE) and the Transportation Element (TRNE) and Maps. The FLUE and the TRNE remain otherwise unchanged, except as explained in the Summary of Modifications. Proposed text amendments are illustrated in strike-through and underline format, with ~~striketrough-text~~ denoting proposed deletions and underlined text denoting proposed additions.

Attachment B – Adoption Ordinance, which includes the proposed amendments to the FLUE and TRNE text as well as recommended changes to the Map TRN 10: Air Transportation Facilities & Special Planning Areas – 2025. The proposed text amendments are illustrated in strike-through and underline format, with ~~striketrough-text~~ denoting proposed deletions and underlined text denoting proposed additions.

Attachment C – Other Supporting Documents, which includes the comment letters from the state reviewing agencies.

Attachment D – Osceola County Joint Land Use Study (JLUS 2012), the data and analysis necessary to support the proposed amendment to the Osceola County Comprehensive Plan including seven (7) recommendations for implementation of compatibility with the APAFR. This comprehensive

plan amendment is one of the first steps in formally implementing compatibility. The recommendations are outlined in the JLUS Executive Summary with detailed explanation of each in sections 2 and 3 of the JLUS. The JLUS 2012 includes several appendices, which are listed below.

Appendix A - Map Series

Appendix B - Statutory Requirements

Appendix C - Comprehensive Plan Policies

Appendix D - Land Development Code

Appendix E - Public Involvement

Appendix F - JLUS Data & Analysis

BACKGROUND:

The Joint Land Use Study (JLUS) program is typically managed by the Office of Economic Adjustment (OEA), under the Office of the Secretary of Defense. It is a Department of Defense (DoD) initiative providing grants to state and local governments to participate with military installations in developing land use plans compatible with their mission. The JLUS program should encourage cooperative land use planning between military installations and the adjacent communities so future community growth and development are compatible with the training and operational missions of the installation.

Osceola County participated in the initial JLUS process coordinated by the Central Florida Regional Planning Council (CFRPC). This initial process ran from late 2008 until the CFRPC printed their final “August 2010 JLUS”. After the CFRPC printed the August 2010 JLUS, Osceola County began evaluating different implementation approaches that would ensure compatibility between the strategic mission of the base, public safety, and the economic vitality associated with the base’s operations, while also respecting private property rights and not being unduly restrictive on those rights. In order to accomplish this goal in a manner that would be more specific to and appropriate for Osceola County, the August 2010 JLUS was evaluated, and the data and analysis contained therein was utilized to create the “Osceola County JLUS 2012”. The Board of County Commissioners did not ratify or adopt the August 2010 JLUS, rather this Osceola County JLUS 2012 was created through collaborative efforts between the public, the APAFR, and Osceola County staff to supplement and provide county-specific recommendations. This collaborative effort was conducted through a number of stakeholder meetings and public hearings, which are identified and summarized within **Appendix E**.

The County gathered information from the CFRPC, and has been actively working with the APAFR, the local property owners, and the ranching community in an effort to ensure an open line of communication as part of the process leading up to the recommendations included in the final Osceola County JLUS 2012. A summary of the public involvement efforts dating back to 2008 are included in **Appendix E** of **Attachment D**, the *Osceola County JLUS 2012*. The recommendations contained in this staff report, the proposed policies, and the Osceola County JLUS 2012 reflect a

collaborative planning effort that supports the growth and expansion of Osceola County. The proposed amendment to the Osceola County Comprehensive Plan safeguard the ability of the military services and homeland security agencies to provide needed training, while still protecting the public health, safety, welfare, and private property rights of Osceola County residents and property owners.

JUSTIFICATION / TECHNICAL REVIEW:

1. Consistency with the Osceola County Comprehensive Plan

In preparing the recommendations, staff identified the Goals, Objectives, and Policies of the Osceola County 2025 Comprehensive Plan that support military compatibility and the implementation of the Osceola County JLUS Study. Those policies are outlined in Appendix C of **Attachment D**, the *Osceola County JLUS 2012*.

2. Compliance with the Land Development Code

The proposed modifications to the Comprehensive Plan were reviewed by the Development Review Committee (DRC) on February 29, 2012 and May 16, 2012 for compliance with the Land Development Code (LDC). DRC comments have been incorporated herein. The public notification requirements for this amendment are in compliance with the LDC. Subsequent development applications are required prior to development in this area. At that time, staff will provide additional review for compliance with the LDC and these recommended policies. For specific LDC citations, see Appendix D of **Attachment D**, the *Osceola County JLUS 2012*.

3. Consistency with Florida Statutes (F.S.)

The proposed JLUS 2012 is being conducted in an effort to ensure consistency with Section 163, Florida Statutes. For specific statutory citations, see Appendix B of **Attachment D**, the *Osceola County JLUS 2012*. The project was transmitted to the DEO and state reviewing agencies for interagency review consistent with Florida Statutes. The recommended amendments to the policies and map of the comprehensive plan are requested to be adopted via Ordinance consistent with the requirements of Florida Statutes.

STAFF RECOMMENDATION:

There have been no changes to the Comprehensive Plan text or map since the amendment was transmitted to the DEO. Staff recommends approval to enact ORD12-18 to adopt CPA12-0001, a large scale comprehensive plan text and map amendment, including approval of the Osceola County JLUS 2012.

PLANNING COMMISSION RECOMMENDATION:

On June 7, 2012, the Planning Commission recommended approval to transmit CPA12-0001, the Osceola County JLUS 2012, to the DEO and state reviewing agencies for interagency review, with the additional changes recommended by Staff in response to comments presented by the APAFR

Commander (Motion by Couch / Second by Romack, 7-0)

At the Planning Commission Meeting, Lt. Col. Paul Neidhardt of the Avon Park Air Force Range, as an Ex Officio Member of the Planning Commission, indicated his support for the revisions recommended by Staff.

BOARD OF COUNTY COMMISSIONERS:

On June 18, 2012, the Board of County Commissioners recommended approval to transmit CPA12-0001, the Osceola County JLUS 2012, to the DEO and state reviewing agencies for interagency review, with the changes recommended by Staff (Motion by Hawkins / Second by Attkisson, 5-0)

On August 13, 20112, the Board of County Commissioners continued this item.

STATE AGENCY REVIEW COMMENTS:

The County received letters of no objection from the following reviewing agencies. These letters are included in **Attachment C**.

- Department of Economic Opportunity (DEO)
- Department of Defense APAFR Commander, Paul Neidhardt (DoD)
- Florida Fish and Wildlife Conservation Commission (FWC)
- South Florida Water Management District (SFWMD)
- St. Johns River Water Management District (SJRWMD)
- Florida Department of Transportation (FDOT)
- Florida Department of Education (FDOE)
- Florida Department of Agriculture and Consumer Services (FDACS)

ATTACHMENTS:

Attachment A – Summary of Modification

Attachment B – ORD12-18, Adoption Ordinance, including amendments to the text and maps of the Osceola County Comprehensive Plan.

Attachment C – Other Supporting Documents, including the comment letters from the state reviewing agencies.

Attachment D – Osceola County Joint Land Use Study (JLUS 2012)

Appendix A - Map Series

Appendix B - Statutory Requirements

Appendix C - Comprehensive Plan Policies

Appendix D - Land Development Code & Land Use Compatibility Chart

Appendix E - Public Involvement

Appendix F - JLUS Data & Analysis