




Interoffice Memorandum

April 13, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

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

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

SUBJECT: Adoption Public Hearing – April 13, 2021 Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request SS-21-02-001

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment** scheduled for a BCC adoption public hearing on April 13, 2021. The adoption public hearing for Small-Scale Development Amendment SS-21-02-001 (and concurrent rezoning RZ-21-02-002) was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on February 18, 2021.

If the BCC adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for this 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 Jason Sorensen, AICP, Chief Planner, Current Planning Section, at 407-836-5602 or Jason.Sorensen@ocfl.net.

JVW/JHS/JAH

Enc: Small-Scale Development Amendment BCC Adoption Binder

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



ORANGE COUNTY

PLANNING DIVISION

SMALL SCALE

MONTHLY

AMENDMENT

SS-21-02-001

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

APRIL 13, 2021

ADOPTION PUBLIC HEARING

PREPARED BY:

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION

COMPREHENSIVE PLANNING SECTION



Case Planner:
James Hartsfield

Small-Scale Amendment and Rezoning Staff Report
Orange County Planning Division
BCC Hearing Date: April 13, 2021

CASE # SS-21-02-001
RZ-21-02-002

Commission District: #2

GENERAL INFORMATION

APPLICANT	William Burkett; Burkett Engineering, Inc.
OWNERS	VRBO Enterprises, Inc.
HEARING TYPE	Planning and Zoning Commission / Local Planning Agency
FLUM REQUEST	LDR (Low Density Residential) to C (Commercial)
ZONING REQUEST	A-1 (Citrus Rural District) to C-1 Restricted (Retail Commercial District -Restricted)
LOCATION	25 E. Lester Road; Generally located on the north side of E. Lester Road, west of Rock Springs Road, south of Sebastian Springs Lane, east of Emerald Springs Drive
PARCEL ID NUMBER	28-20-28-0000-00-094
TRACT SIZE	1.92 gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eighty-five (185) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A virtual community meeting was held on February 11 th , 2020. A summary is provided further in this staff report.
PROPOSED USE	General C-1 uses including a proposed self-storage facility.

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District - Restricted) zoning subject to the following restriction:

- 1) Billboards and Polesigns shall be prohibited.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use of the 1.92 acre subject property from LDR (Low Density Residential) to Commercial (C) and to rezone from A-1 (Citrus Rural District) to C-1 (Retail Commercial District) in order to allow for a self-storage facility.

The subject property is a single lot located on the north side of East Lester Road, west of Rock Springs Road. The adjacent eastern parcels are currently vacant and are within the City of Apopka and have approved development plans for retail commercial use. Single-family residences, also within the City of Apopka, are to the west, and there is a mobile home park to the south, which is in unincorporated County.

If this request is approved, any development would be held to a Type "C" buffer which requires a 15-foot wide landscape buffer adjacent to all residential uses.

Existing FLUM Development Program

The property's LDR (Low Density Residential) Future Land Use and A-1 (Citrus Rural District) currently allows for up to three single family residential units, but the parcel's geometry would likely limit that development to two units. The maximum development program for the existing FLUM designation would be 7 residential units.

Proposed FLUM Development Program

The proposed C-1 zoning with the Future Land Use Map designation of Commercial will allow the applicant to do a maximum of 125,452 square feet of retail commercial uses.

Land Use Compatibility

The Commercial Future Land Use and C-1 zoning would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties.

Site Analysis

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

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

Comprehensive Plan (CP) Consistency

The requested Commercial (C) Future Land Use Map (FLUM) designation for the subject property is consistent with the requested C-1 (Retail Commercial District) zoning designation. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

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

FLU8.2.11 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, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use Single-Family Residential

Adjacent	FLUM	Zoning
North	LDR (Low Density Residential)	A-1 (Citrus Rural District) (1959)
South	LMDR (Low-Medium Density Residential)	R-T (Mobile Home Park District) (1973)
East	City of Apopka	City of Apopka

Case # RZ-21-02-002
 Small Scale Amendment # SS-21-02-001
 Orange County Planning Division
 BCC Hearing Date: April 13, 2021

West	City of Apopka	City of Apopka
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Adjacent Land Uses

N: Vacant, single-family residential
 E: Vacant commercial
 W: Single-family residential
 S: Single-family residential (mobile home)

C-1 (Retail Commercial District) Development Standards

Min. Lot Area: 6,000 sq. ft.
 Min. Lot Width: 60 ft.
 Max. Height: 50 ft. (35 ft. within 100 ft. of residential districts)
 Min. Floor Area: 500 sq. ft.

Building Setbacks

Front: 25 ft.
 Rear: 20 ft.
 Side: 0 ft. (15 ft. when abutting a residential district or side street)

Intent, Purpose, and Uses

The intent and purpose of this C-1 retail commercial district are as follows: this district is composed of lands and structures used primarily for the furnishing of selected commodities and services at retail. This district will be encouraged:

- (1) At intersections of collectors and/or arterials;
- (2) Where it will not direct commercial traffic through residential districts;
- (3) Where adequate public facilities and services are available, as defined in the comprehensive plan;
- (4) Where compatible with adjacent areas or where buffers can be provided to ensure compatibility; and
- (5) To a limited extent in rural settlements throughout the county to meet the needs of an identified community, or in growth centers as defined in the comprehensive plan.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*See comments below table

Case # RZ-21-02-002
Small Scale Amendment # SS-21-02-001
Orange County Planning Division
BCC Hearing Date: April 13, 2021

Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*See comments below table
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sheriff's Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Rescue	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The property is within the jurisdiction of the Apopka Fire Department per an interlocal agreement between Orange County and the City of Apopka.

Transportation Comments:

The applicant is requesting to change 1.92 acres from LDR to Commercial and rezone the property from A-1 to C-1 to develop 125,452.8 SF of commercial uses (intended as self storage).

The subject property is not within the AMA nor a backlogged or constrained roadway. Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will result in a increase in the number of pm peak trips and therefore will impact the area roadways.

- The allowable development based on the approved future land use will generate 7 pm peak hour trips.
- The proposed use will generate 431 pm peak hour trips resulting in a net increase of 424 pm peak hour trips.

The short term (Year 2025) as well as the long term (Year 2040) analysis under the proposed FLU designation showed that the Walsh Rd from Rock Spring Rd to Thompson Rd is projected to operate at an adverse level of service due to background traffic:

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

Environmental Comments:

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Chapter 369, Part III, Florida Statutes (F.S.), and within the Wekiva Springs and Rock Springs Priority Focus Area, as established by the Florida Springs and Aquifer Protection Act, Chapter 373, Part VIII, F.S. Special area regulations apply that may reduce the total net developable acreage. Regulations include, but are not limited to: septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed, and aquifer vulnerability.

Case # RZ-21-02-002
Small Scale Amendment # SS-21-02-001
Orange County Planning Division
BCC Hearing Date: April 13, 2021

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 to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

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

Fugitive dust emissions shall not be allowed from any activity including: vehicular movement, transportation of materials, construction, alteration, loading, unloading, storing or handling, without taking reasonable precautions to prevent such emissions. Reasonable precautions include application of water, dust suppressants, and other measures defined in Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 15-89.1 Air Pollution Prohibited.

Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

Community Meeting Summary

A virtual community meeting was held on February 11th, 2021. Three residents were in attendance who expressed no concerns related to the requested project.

Utilities

Water:	City of Apopka
Wastewater:	City of Apopka
Reclaim Water:	City of Apopka

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (February 18, 2021)

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District - Restricted) zoning subject to the following restrictions:

- 1) Billboards and Polesigns shall be prohibited.**

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of both applications for the requested C (Commercial) Future Land Use Designation, and the C-1 Restricted (Retail Commercial District – Restricted) zoning, subject to one condition. The applicant was present.

Staff indicated that one hundred eighty-five (185) notices were mailed to those property owners in the mailing area extending beyond 500 feet surrounding the property, and that staff received no comments in favor or opposition. During public comments no member of the public was present to speak.

After discussion addressing the proposed use of the property, and compatibility with the surrounding area, a motion was made by Commissioner McQuade, and seconded by

Case # RZ-21-02-002
Small Scale Amendment # SS-21-02-001
Orange County Planning Division
BCC Hearing Date: April 13, 2021

Commissioner Nazario to recommend ADOPTION of the requested C (Commercial) Future Land Use designation and APPROVAL of the requested C-1 Restricted (Retail Commercial District – Restricted) zoning designation, subject to one restriction. The motion carried on a 8-0 vote.

Motion / Second

Sean McQuade / Carlos Nazario

Voting in Favor

Sean McQuade, Carlos Nazario, JaJa Wade, Trevor Sorbo, Eddie Fernandez, Evelyn Cardenas, Gordon Spears and Mohammed Abdallah

SS-21-02-001 & RZ-21-02-002

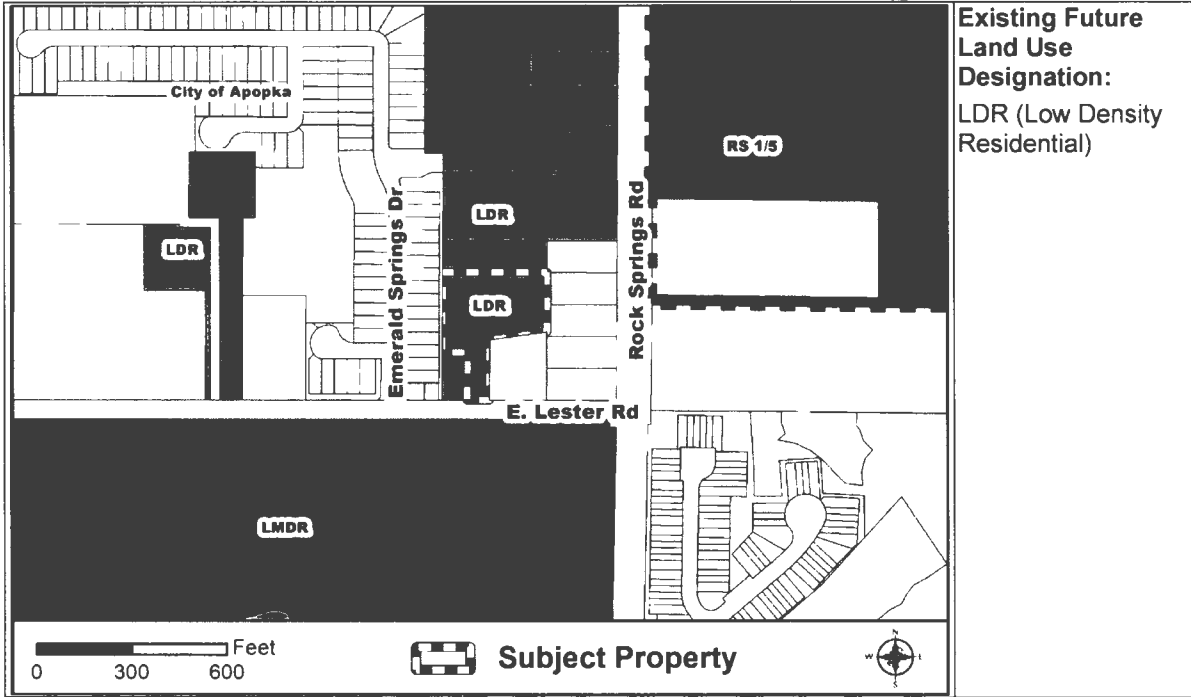


 Subject Property

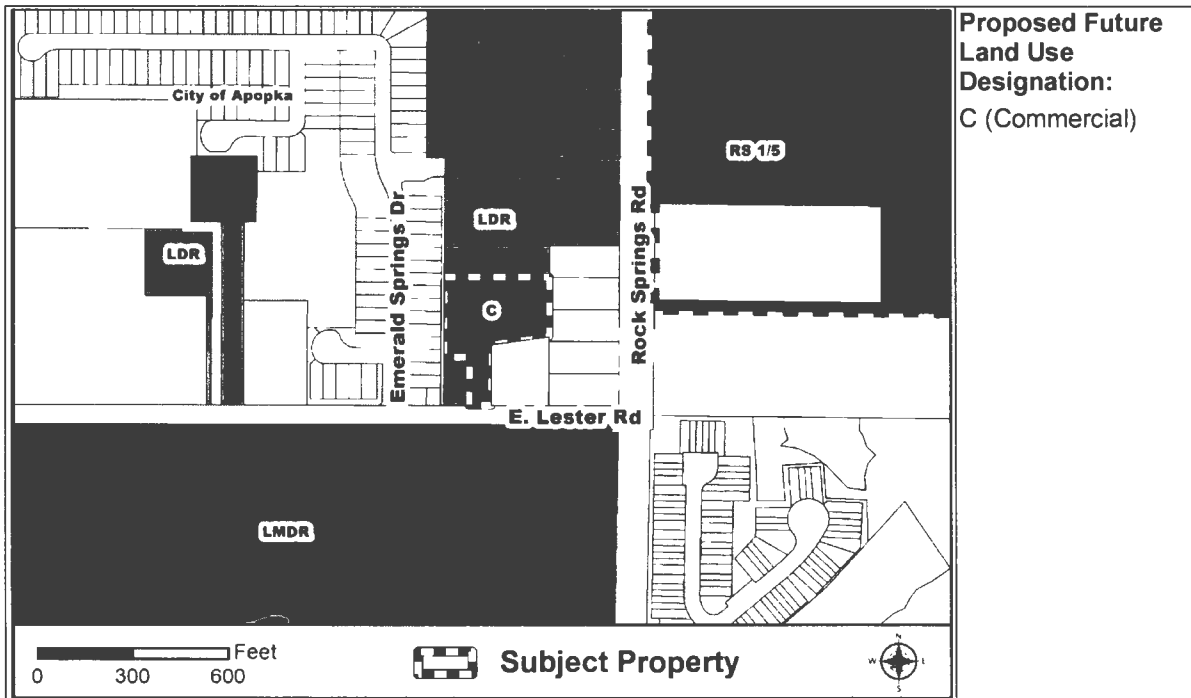


1 inch = 400 feet

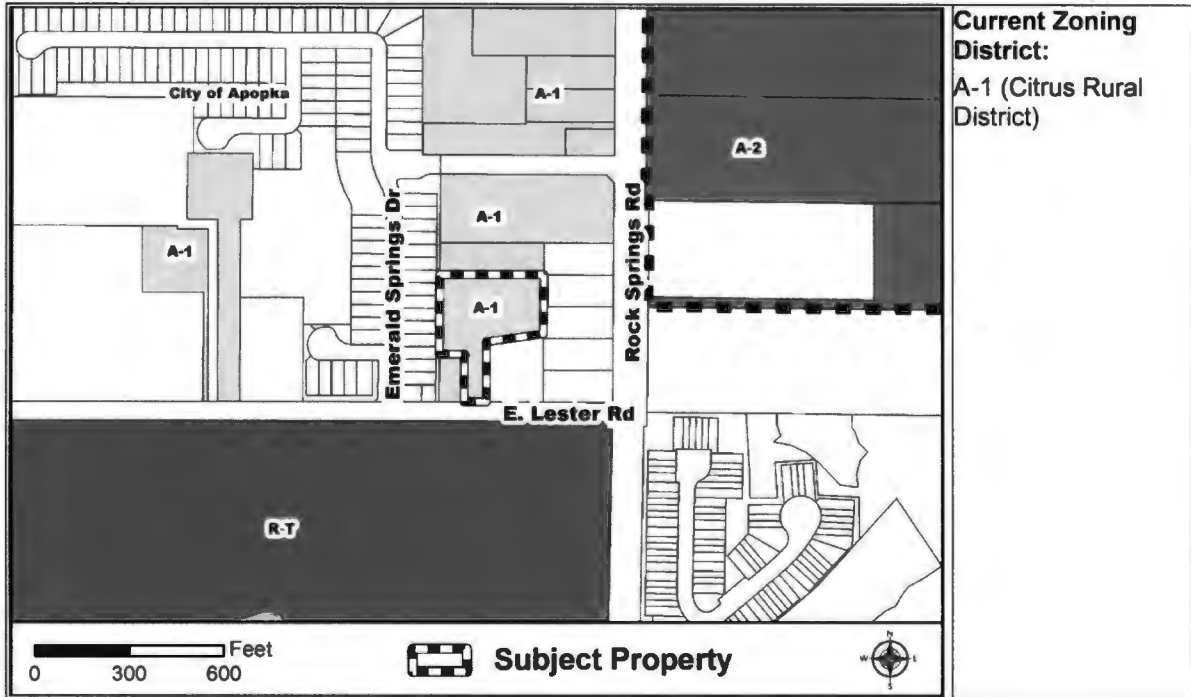
FUTURE LAND USE – CURRENT



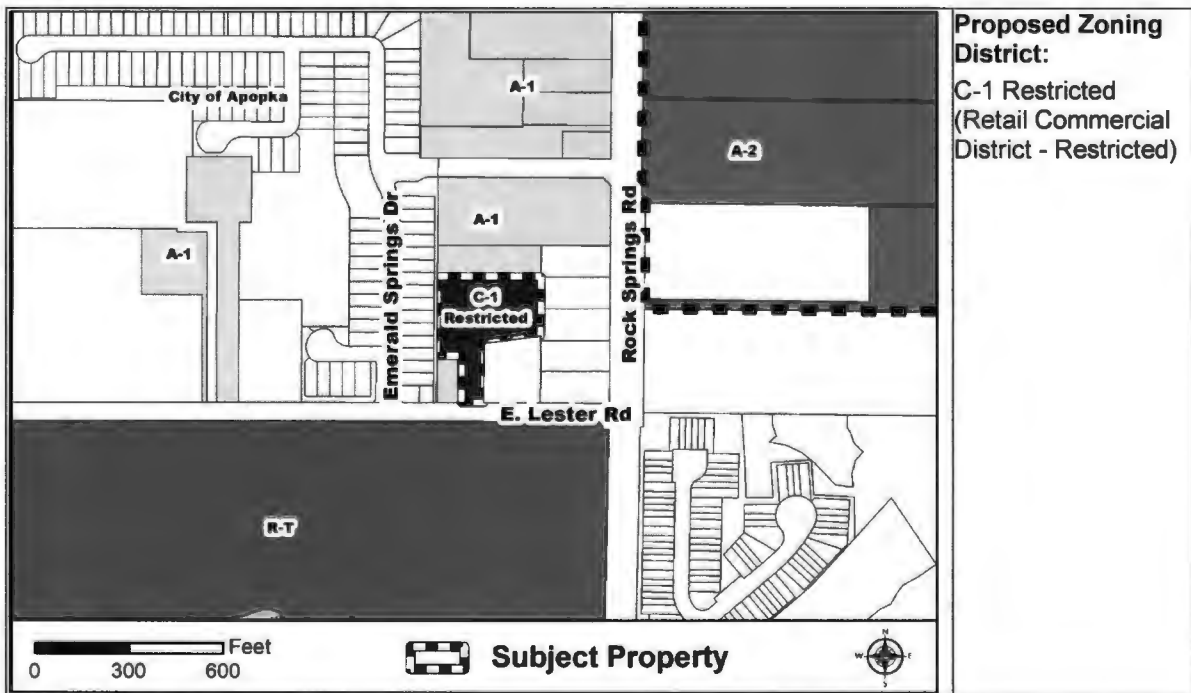
FUTURE LAND USE - PROPOSED



ZONING - CURRENT



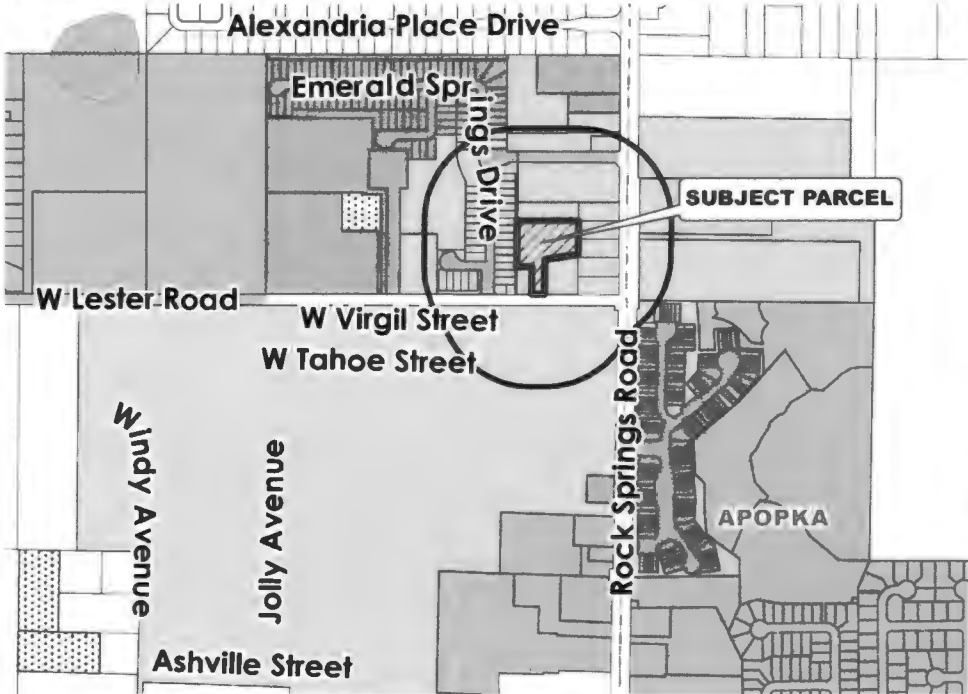
ZONING - PROPOSED





Public Notification Map

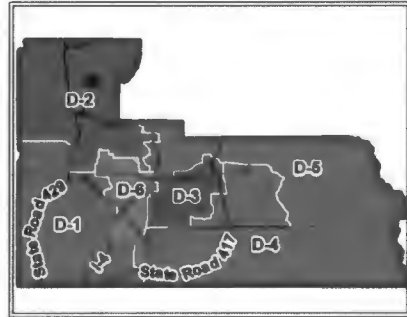
RZ-21-02-002 & SS-21-02-001



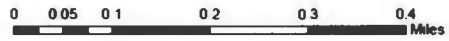
MAP LEGEND

- SUBJECT
- 500 FT BUFFER
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS
- HYDROLOGY

BUFFER DISTANCE: 500
OF NOTICES: 185
RESIDENTIAL ADDRESSES: 11



SUBJECT



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Notification Map

Case # RZ-21-02-002
 Small Scale Amendment # SS-21-02-001
 Orange County Planning Division
 BCC Hearing Date: April 13, 2021

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Section 4. Effective Dates for Ordinance and Amendments.

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

(b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small-scale development amendment adopted in this ordinance may not become effective until 31 days after adoption. However, if the amendment is challenged within 30 days after adoption, the amendment that is challenged may not become effective until the Department of Economic Opportunity or the Administration Commission issues a final order determining that the adopted amendment is in compliance.

(c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning changes approved by the Board are contingent upon the related Comprehensive Plan amendment becoming effective. Aside from any such concurrent zoning changes, no development orders, development permits, or land uses dependent on any of these amendments may be issued or commence before the amendments have become effective.

ADOPTED THIS 13th DAY OF APRIL, 2021.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

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

By: _____
Deputy Clerk

63
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67

APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-21-02-001	Low Density Residential (LDR)	Commercial (C)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

68