



**Interoffice Memorandum**

March 10, 2020

**TO:** Mayor Jerry L. Demings  
-AND-  
Board of 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:** 2019-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment  
Board of County Commissioners (BCC) Adoption Hearing – 2019-2-C-FLUE-2  
Withdrawal Request

The 2019-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment (2019-2-C-FLUE-2) that was scheduled to be heard for a Board of County Commissioners (BCC) adoption public hearing on March 10, 2020 will be postponed and rescheduled at a later date; therefore, the Regular Cycle Text Amendment will not be considered.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net) or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Gologowski@ocfl.net](mailto:Gregory.Gologowski@ocfl.net).

AAV/sw

Enc: 2019-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment - BCC Adoption

c: Christopher R. Testerman, AICP, Assistant County Administrator  
Joel Prinsell, Deputy County Attorney  
Erin Hartigan, Assistant County Attorney  
Whitney Evers, 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



# ORANGE COUNTY

PLANNING DIVISION

## 2019-2 SMALL-SCALE DEVELOPMENT AMENDMENTS

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY  
COMMISSIONERS**

**March 10, 2020  
ADOPTION PUBLIC HEARING**

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

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION



**2019-2 SMALL-SCALE DEVELOPMENT  
AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN  
BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK  
SESSION II CONTINUED**

**INTRODUCTION**

The 2019-2 Session II Continued Small-Scale Development Amendments 2019-2-S-2-2 and 2019-2-S-5-4 and concurrent Rezoning Request RZ-19-10-041 are scheduled for a BCC adoption public hearing on March 10, 2020. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption hearing on October 17, 2019, and was continued to March 10, 2020 at the January 14, 2020, BCC meeting. The applicant for Amendment 2019-2-S-2-2 and the applicant for 2019-2-S-5-4 have requested continuances to the May 5, 2020 BCC meeting.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net) or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Gologowski@ocfl.net](mailto:Gregory.Gologowski@ocfl.net).

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***Privately-Initiated Small-Scale Development Future Land Use Map (FLUM) Amendments and Where Applicable, Concurrent Rezoning Requests***

Amendment			Page
1.	Amendment 2019-2-S-2-2 Artisan at Forest Summit	Medium Density Residential (MDR) to Medium-High Density Residential (MHDR)	1
2.	Amendment 2019-2-S-5-4 1123 W Fairbanks	Low Medium Density Residential (LMDR) to Commercial	
	-and-		
	Rezoning RZ-19-10-041	R-1A (Single-Family Dwelling District) to C-1 (Retail Commercial District)	

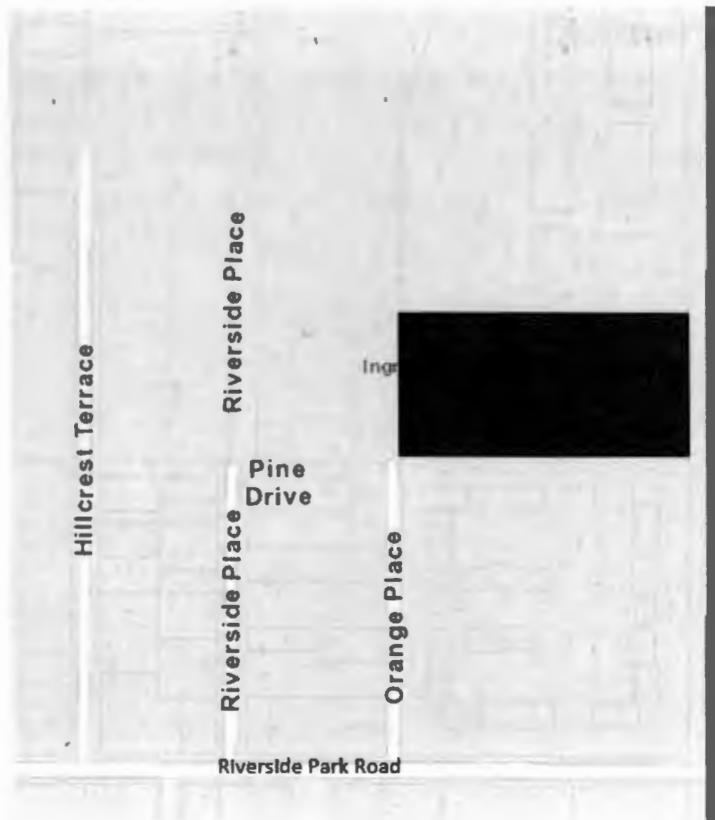
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**Agent/Owner:**  
Mario Golden/Deborah Postell

**Location:**  
7856 Forest City Rd.;  
Generally located north of Riverside Park Rd., east of Hillcrest Ter., south of Pembroke Dr., and west of Forest City Rd.

**Existing Use:**  
Private school

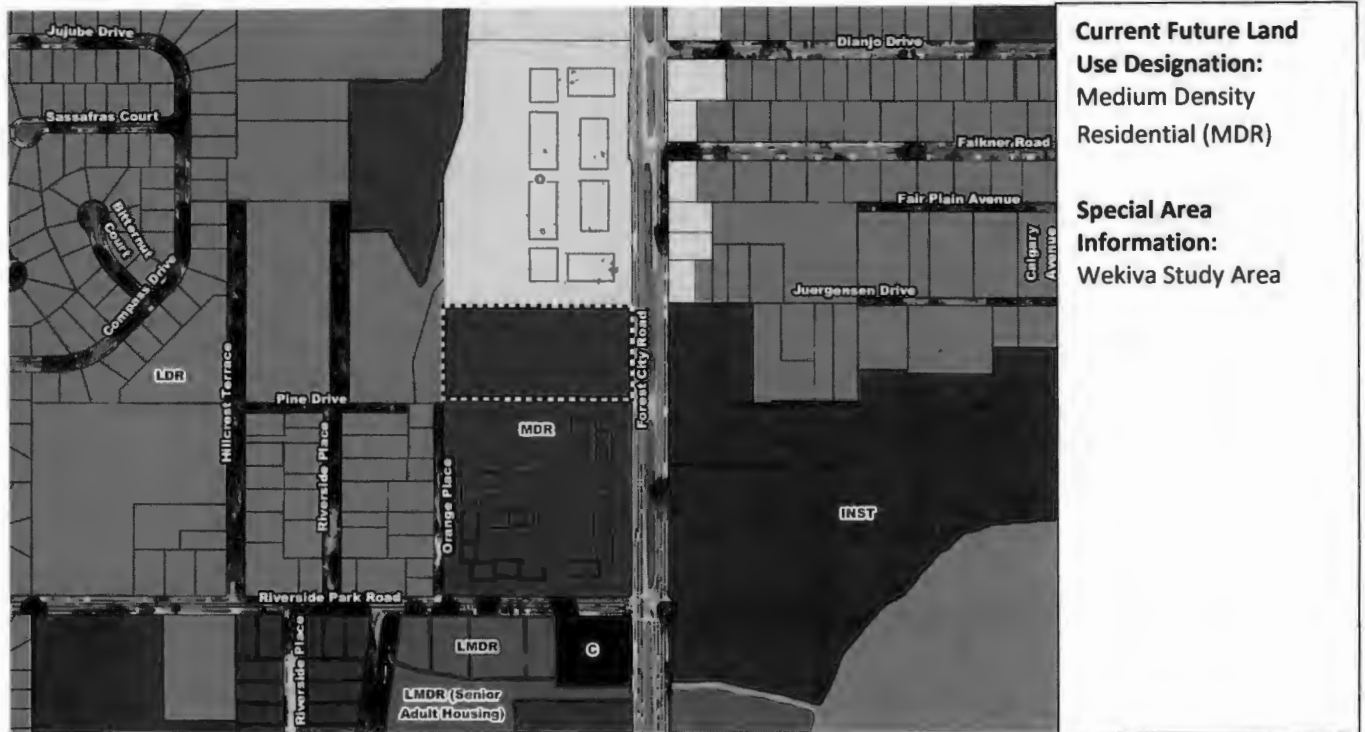
**Parcel ID Number(s):**  
28-21-29-0000-00-043

**Tract Size:**  
4.20 gross acres/developable acreage to be determined by CAD-19-07-095 (in progress)

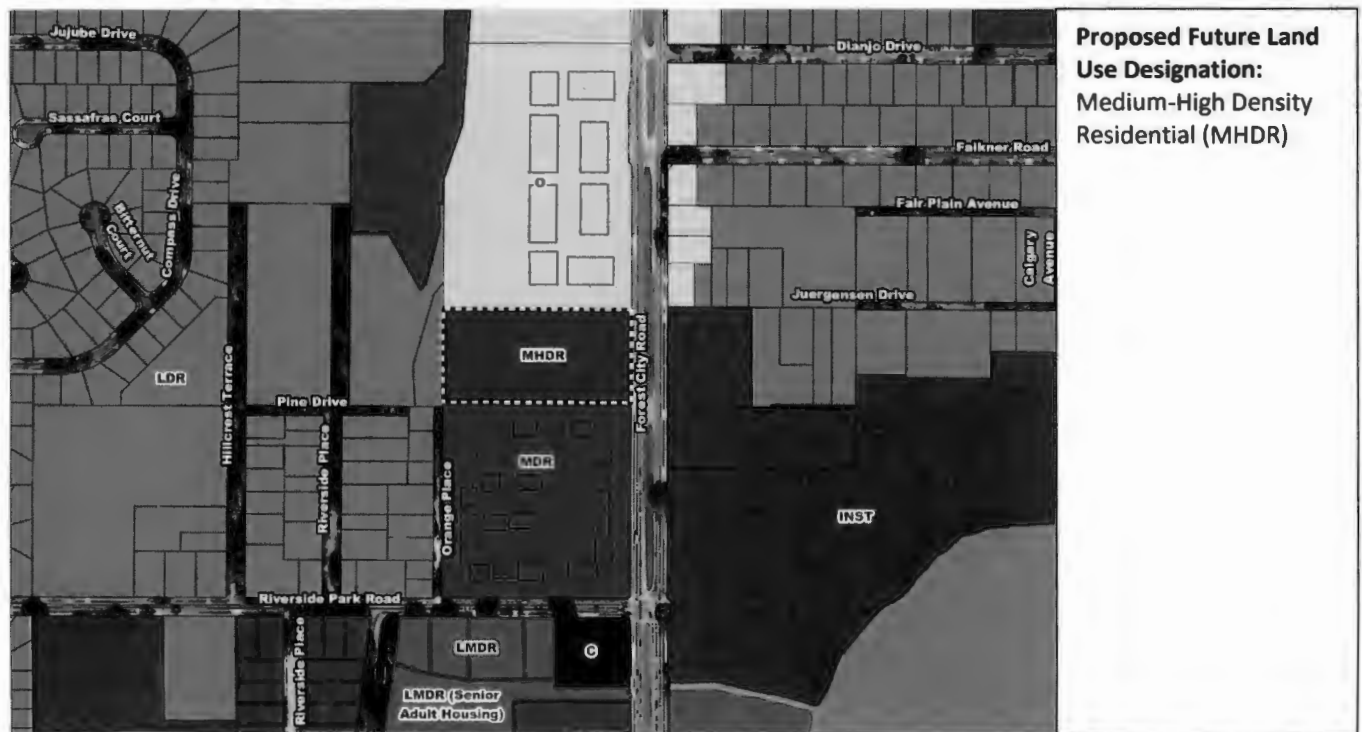
The following meetings/hearings have been held for this proposal:		Project Information	
Report/Public Hearing	Outcome		
✓ Community Meeting held August 28, 2019, with 19 members of the public in attendance.	Neutral	<b>Future Land Use Map Amendment Request:</b> Medium Density Residential (MDR) to Medium-High Density Residential (MHDR)	
✓ Staff Report	Recommend Adoption	<b>Proposed Development Program:</b> 147 multi-family dwelling units	
✓ LPA Adoption October 17, 2019	Recommend Adoption (9-0)	<b>Public Facilities and Services:</b> Please see Public Facilities Analysis Appendix for specific analysis of each public facility.	
✓ BCC Adoption December 3, 2019	Continue to January 14, 2020 (6-0)	<b>Environmental:</b> Wetlands may be located on site that extend offsite and have hydrological connection to the Little Wekiva River. Conservation Area Determination application CAD-19-07-095 was submitted for this project.	
✓ BCC Adoption January 14, 2020	Continue to March 10, 2020	<b>Transportation:</b> The proposed use will generate 83 pm peak hour trips, resulting in a net increase of 71 pm peak hour trips.	
BCC Adoption	March 10, 2020		



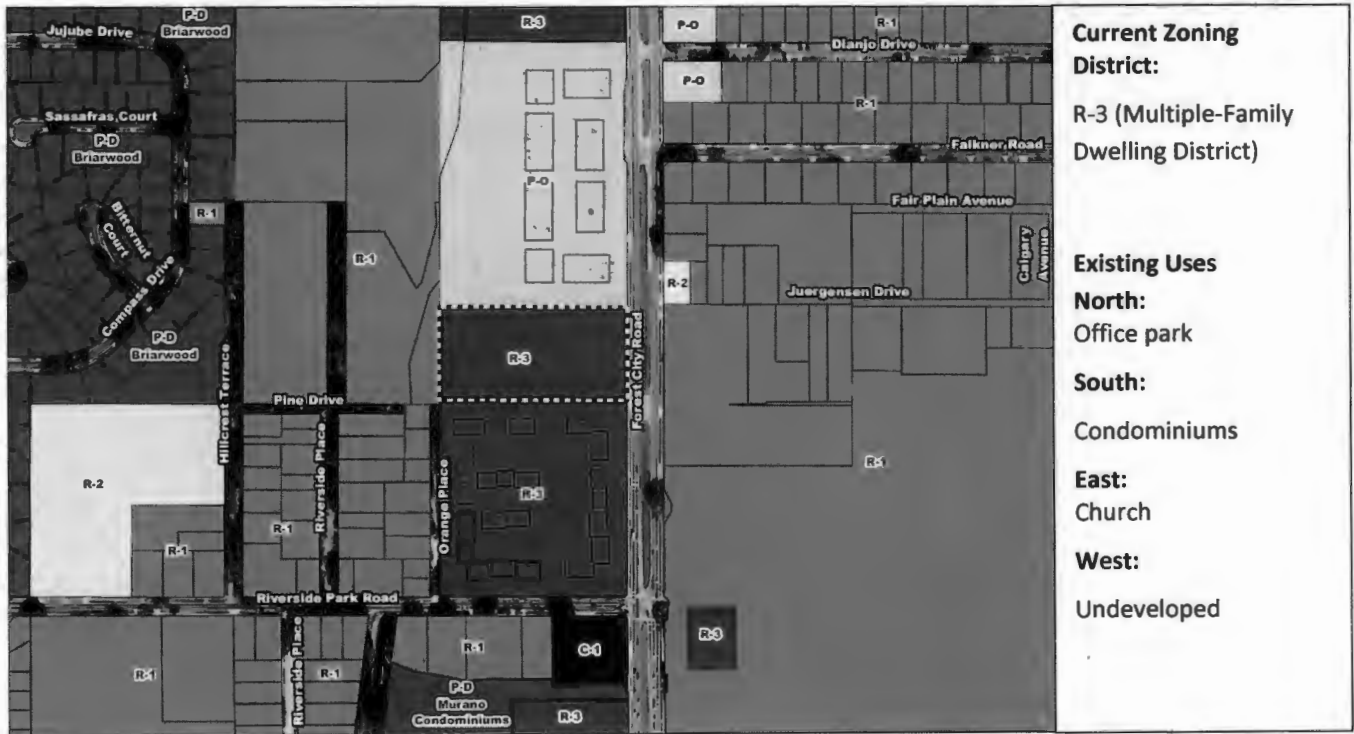
**FUTURE LAND USE - CURRENT**



**FUTURE LAND USE - PROPOSED**



**ZONING - CURRENT**





## Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see FLU 1, FLU 1.1, FLU 1.1.1, FLU 1.1.2B, FLU 1.2, FLU 1.4.2, FLU 8.2.1, FLU 8.2.11, H1, H1.1, H1.3.11, H1.3.15, C1, OS 1.3.1, OS 1.3.6), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-2-S-2-2, Medium Density Residential (MDR) to Medium-High Density Residential (MHDR).

## Analysis

### 1. Background and Development Program

The applicant, Mario Golden, has requested to change the Future Land Use Map (FLUM) designation of the 4.20-acre subject parcel from Medium Density Residential (MDR) to Medium-High Density Residential (MHDR). The property has been zoned R-3 (Multiple-Family Dwelling District) since 1973. The site is bordered by an office park to the north, Forest City Road to the east, 176 condominiums to the south, and vacant undeveloped land to the west.

The subject property is currently developed with a private school, Ingram's Academy. The applicant is proposing to build up to 147 affordable multi-family units. If adopted, the requested Medium-High Density Residential (MHDR) designation allows for the development of up to 35 dwelling units per acre, or up to 147 dwelling units on the subject property. The total number of units that may be developed on the subject site is dependent on the developable acreage determined by the Conservation Area Determination (CAD), which is currently being processed by the Orange County Environmental Protection Division. The applicant has submitted an application to certify the proposed project as a certified affordable housing development through the Orange County Housing and Community Development Division.

The community meeting was held on August 28, 2019, at Riverside Elementary School. The community meeting for this proposed amendment was held in conjunction with the community meeting for another proposed Future Land Use Map Amendment, 2019-2-S-2-1 (Empire Tire). Around 20 area residents were in attendance. An overview of the future land use and zoning of the subject parcel, an overview of the planning process, and the request were presented. The applicant, Mr. Mario Golden explained that the applicant team intended to develop the site with up to 147 affordable multi-family units. Residents had questions about the environmental impacts of the proposed project on the Little Wekiva River, which is in close proximity to the subject site. Other questions were asked about the square footage and pricing of the proposed units. Concerns about the traffic on Forest City Road were raised, as well as the potential noise that up to 147 units could produce. Several residents were in support of the project, but were concerned that the property could be sold and not well-maintained in the future. The applicant stated that the property would be family-owned and managed for the foreseeable future.

### 2. Future Land Use Map Amendment Analysis

#### **Consistency**

Future Land Use Element Goal **FLU1**, **OBJ FLU1.1**, and **Policies FLU1.1.1** describe Orange County's urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area (USA). As required by **FLU 1.1**, the proposed amendment is within the Urban Service Area, and the proposed FLUM designation of Medium-High Density Residential for the development of up to 147 multi-family units will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in Policy **FLU1.1.1**. The Medium-High Density Residential Land Use designation, as described in **Policy FLU1.1.2 B**, is

intended to recognize a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood serving amenities within a reasonable pedestrian walkshed. The Medium-High Density Residential Land Use designation recognizes a density of up to 35 dwelling units per acre (35 du/ac). The proposed project is surrounded by a 176-unit condominium complex (Medium Density Residential FLU designation) to the south, and an office complex (Office FLU designation) to the north. The proposed Medium-High Density Residential future land use designation could serve as a transitional residential use from the office complex to the north to the condominium complex to the south. The proposed development is in close proximity of several Lynx bus stops along both Forest City Road and Riverside Park Road, thus is supported by public transit within a reasonable pedestrian walkshed.

Additionally, the proposed Future Land Use Map Amendment is consistent with the existing zoning of R-3 (Multiple-Family Dwelling District).

**Objective FLU1.2** requires Orange County to use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. The USA shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development. The petitioned site is located within the USA.

The proposed Future Land Use Map Amendment upholds Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its current and future residents. The applicant's intent to develop up to 147 multi-family units is also applicable to **Housing Element Goal H1** and **Objective H1.1**, which states that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. The applicant has applied to certify the proposed project as a certified affordable housing project through the Orange County Housing and Community Development Division. The applicant's affordable housing certification application has indicated that 35% of units would be leased at  $\leq 50\%$  of the Metropolitan Statistical Area (MSA) Median Income, 15% of units at  $\leq 60\%$  MSA Median Income, and 50% of units would be leased at market rate rents. Pending action on the Future Land Use Map Amendment, the affordable housing certification could provide valuable affordable housing units, thus addressing Central Florida's growing affordable housing crisis.

**Housing Element Objective H 1.3.11** and **H 1.3.15** state Orange County shall encourage the development of affordable housing projects in the Urban Service area, and that affordable housing is allowed within all residential zoning categories. The subject site is located within the Urban Service Area, and currently has residential zoning and future land use designations.

**Conservation Goal C1** states that Orange County shall conserve, protect, and enhance the County's natural resources, specifying that lands located within the Wekiva Study Area shall be considered a high priority for protection, and all development shall meet the requirements of the Wekiva River Protection Act and the Wekiva Parkway and Protection Act. The subject site is within the Wekiva Study Area. Additionally, the proposed project is a residential land use within the urban service area, thus must dedicate 35% or more of the subject parcel towards the minimum open space requirement set forth by **Open Space Policy OS 1.3.6**. **OS 1.3.6** additionally states that any sensitive resource elements shall be permanently protected.

**Open Space Policy OS1.3.1** states that any proposed amendment to the Comprehensive Plan that proposes an increase in density or intensity of land use greater than that allowed under the Future Land Use Map shall ensure protection of identified sensitive resources. The total number of residential units that may be built on the site is dependent on the net developable acreage, which is

determined by the results of the Conservation Area Determination (CAD). The CAD is utilized to delineate wetlands and other sensitive environmental areas on the subject site, thus the proposed project must avoid development in these areas and ensure protection of the identified areas of the parcel.

### ***Compatibility***

**Policy FLU8.2.1** states that land use changes shall be required to be compatible with the existing development and development trends in the area. The development trend in this area is Medium Density Residential (MDR), Office (O), and Low Density Residential (LDR). The proposed land use for the subject parcel is Medium-High Density Residential (MHDR), which is compatible with the densities prescribed by the Medium Density Residential (MDR) designation to the south, and the Office (O) designation to the north. **Policy FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. The proposed future land use designation of Medium-High Density Residential (MHDR) for the subject property is not identical to the existing future land use designations surrounding it, but is compatible with the sizeable office park to the north, and the 176-unit condominium complex to the south. **Policy FLU1.4.2** states, Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods. The proposed land use change is compatible with the existing 176-unit condominium complex to the south, and would serve the existing neighborhood by providing a certified affordable housing option.

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

#### **Environmental Protection Division**

Wetlands may be located on site that extend offsite and have hydrological connection to the Little Wekiva River. Conservation Area Determination application CAD-19-07-095 was submitted for this project. The CAD needs to be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD), in accordance with Orange County Code Chapter 15, Article X Wetland Conservation Areas. Approval of this request does not authorize any direct or indirect conservation area impacts.

Until wetland permitting is complete, the developable acreage is uncertain. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The buildable area is the net developable acreage less protective buffer areas required to prevent adverse secondary impacts and less the required stream/canal front berm and swale (unless drainage is designed to flow away from the stream/canal). The applicant is advised not to make financial decisions based upon development within the wetland or the upland protective buffer areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD. Reference Comprehensive Plan Policy FLU1.1.2 C. Impacts to Class I conservation areas require approval from the Orange County Board of County Commissioners (BCC).

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations apply. 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. These requirements may reduce the total net developable acreage. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as 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).

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. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH. The Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiva Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP.

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.

#### Transportation Planning Division

The applicant is requesting a land use change for 4.20 acres from Low Density Residential to Medium-High Density Residential for development of 147 multifamily dwelling units.

- The subject property is located within the County's Alternative Mobility Area, but not along a backlogged/constrained facility.
- Planned/programmed improvements include All American Boulevard from Clarcona-Ocoee Rd to Kennedy Blvd. The project will consist of the construction of a new 4-lane roadway. Pedestrian safety will also be improved with the addition of sidewalks and bike lanes. Estimated completion is June 2022.
- The allowable development based on the approved future land use will generate 12 pm peak hour trips.
- **The proposed use will generate 83 pm peak hour trips resulting in a net increase of 71 pm peak hour trips.**
- Alternative transportation modes within this area include County maintained sidewalks along Riverside Park Road, Riverside Place, and Falkner Road. State maintained sidewalks exist along Forest City Road. Lynx serves the area with links #9 Winter Park/Rosemont and #23 Winter Park/Spring Village. There are (9) nine bus stops (0 sheltered) within the project area.
- **There are no signed bicycle routes/lanes within the project impact area.**

Final permitting of any development on this site will be subject to further review and approval by Transportation Planning.

**3. Policy References**

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

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

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

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

FLUM Designation	General Description	Density
<b>Urban Residential – Urban Service Area</b>		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single family to small lot single-family development.	0 to 4 du/ac
Low Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac
Medium-High Density Residential (MHDR)	Recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood serving amenities within a reasonable pedestrian walkshed.	0 to 35 du/ac
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac
(Amended 8/92, Ord. 92-24, Policy 1.1.11-r; Amended 11/17, Ord. 2017-19)		

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

**FLU1.4.2 - Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.**

**FLU 8.2.1 - Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.**

**FLU8.2.11-** 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.

**GOAL H1** - Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

**OBJ H1.1** - The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

**H1.3.11** - Affordable housing is allowed within all residential zoning categories.

**H1.3.15** - Orange County shall encourage the development of affordable housing projects in the Urban Service Area, Activity Centers, Rural Settlements consistent with Future Land Use Policy 2.1.10, by establishing and continuing to seek innovative incentives such as incentives to include density bonuses and transfer of development rights.

**GOAL C1** - 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. Lands located within the Wekiva Study Area shall be considered high priority for protection. All development shall meet the requirements of the Wekiva River Protection Act and the Wekiva Parkway and Protection Act.

#### **Open Space Element**

**OS1.3.1** - In addition to development or redevelopment of properties located within the Wekiva Study Area as specified in Future Land Use Element policies FLU6.6.8, FLU6.6.10 and FLU6.6.12, any proposed amendment to the Comprehensive Plan that proposes an increase in density or intensity of land use greater than that allowed for under the existing Future Land Use Map shall ensure protection of identified sensitive resources, including recharge areas, sensitive uplands, wetlands, Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub.

#### **OS1.3.6 - Residential land uses in the Urban Service Area (not in a Rural Settlement).**

Within the Urban Service Area in the Wekiva Study Area, any sensitive resource elements shall be permanently protected. Minimum open space shall be provided as follows:

- i. development with an overall size less than or equal to 100 acres – open space shall be 35% or greater;
- ii. development with an overall size greater than 100 acres – open space shall be 50% or greater.



Site Visit Photos

Subject Site – Private School



North – Undeveloped

South – Church



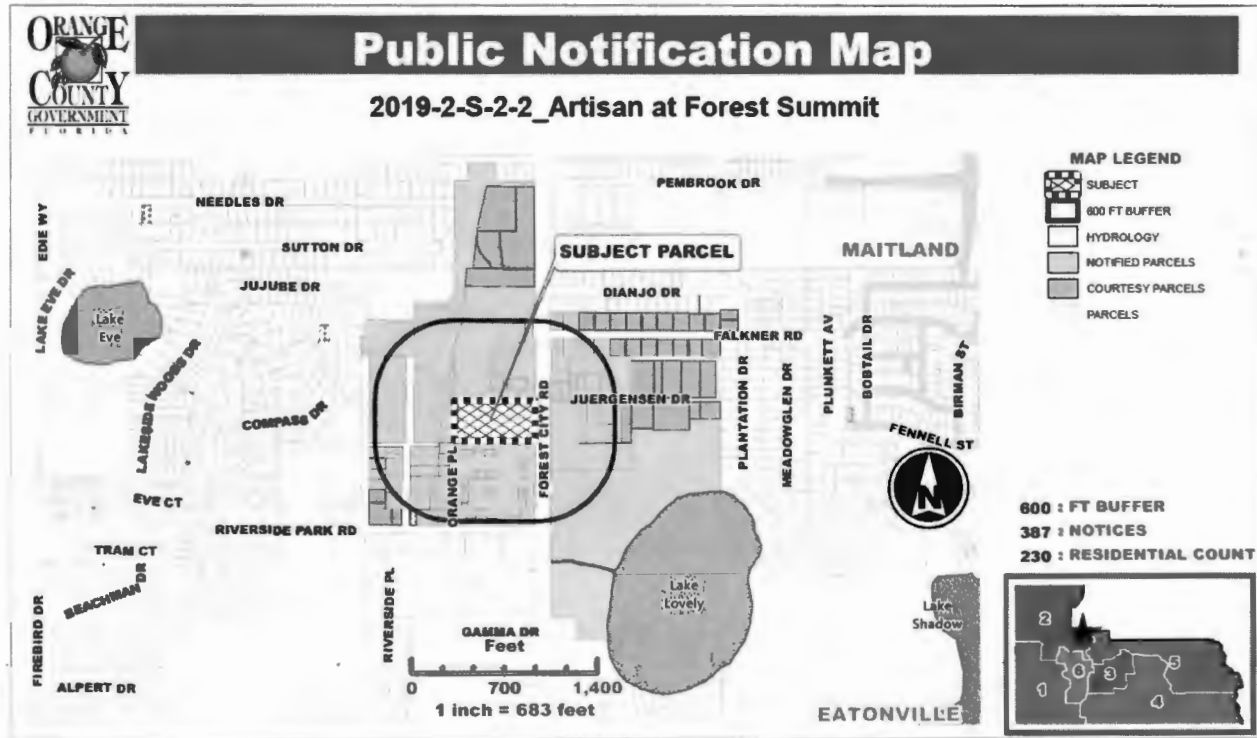
West – Condominiums



East – Office Park



**PUBLIC NOTIFICATION MAP**

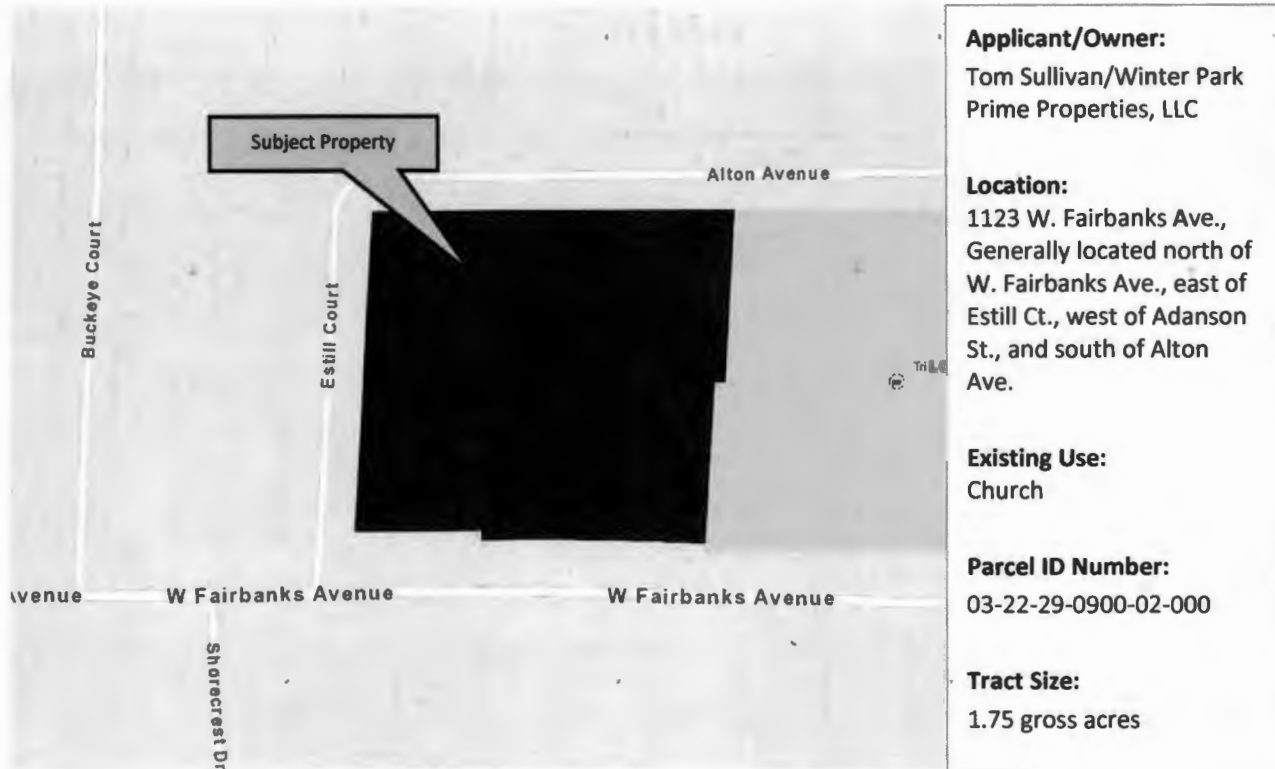


**Notification Area**

600 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site.

387 notices sent





The following meetings/hearings have been held for this proposal:		Project Information
Report/Public Hearing	Outcome	
✓ Community Meeting August 21, 2019 with 7 people in attendance.	Neutral	<b>Future Land Use Map Amendment Request:</b> Low-Medium Density Residential (LMDR) to Commercial (C)
✓ Staff Report	Recommend Adoption and Approval	<b>Rezoning:</b> R-1A (Single-Family Dwelling District) to C-1 (Retail Commercial District)
✓ LPA Adoption PZC Rezoning October 17, 2019	Recommend Adoption and Approval (7-0)	<b>Proposed Development Program:</b> Up to 114,345 square feet of C-1 commercial uses (1.50 FAR)
✓ BCC Adoption BCC Rezoning Hearing December 3, 2019	Continue to January 14, 2020 (6-0)	<b>Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.
✓ Community Meeting December 16, 2019	Neutral	<b>Environmental:</b> This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations may apply.
✓ BCC Adoption BCC Rezoning January 14, 2020	Continue to March 10, 2020	<b>Transportation:</b> Comments from the Transportation Planning Division were not available at the time of printing of this report
BCC Adoption BCC Rezoning	March 10, 2020	

**SITE AERIAL**



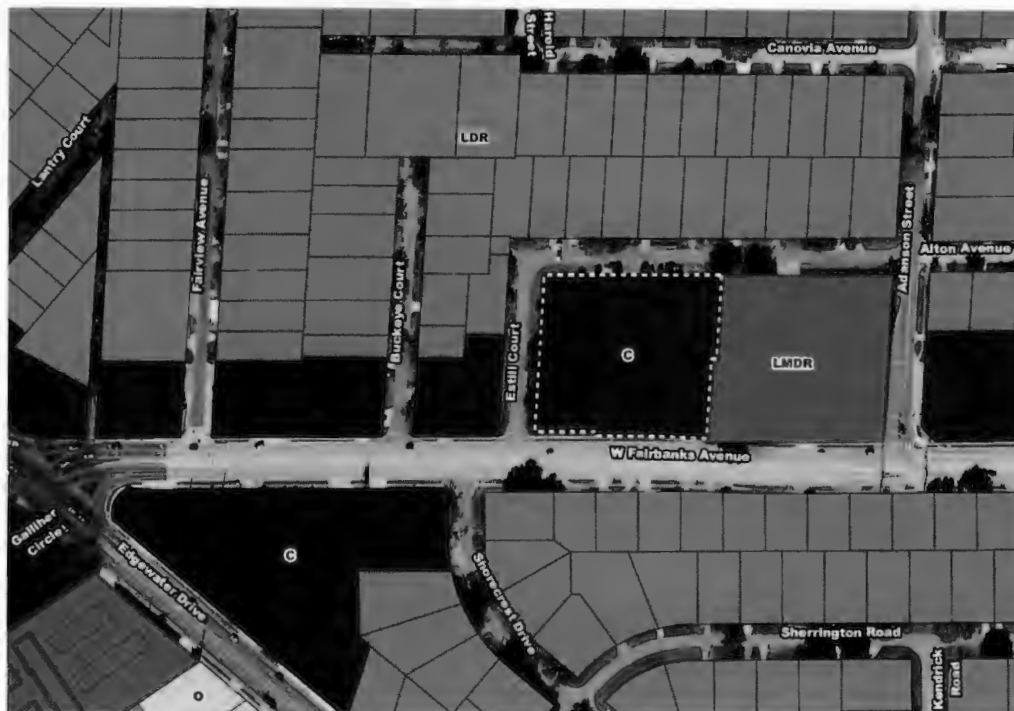
**FUTURE LAND USE - CURRENT**



**Current Future Land Use Designation:**  
Low-Medium Density Residential (LMDR)

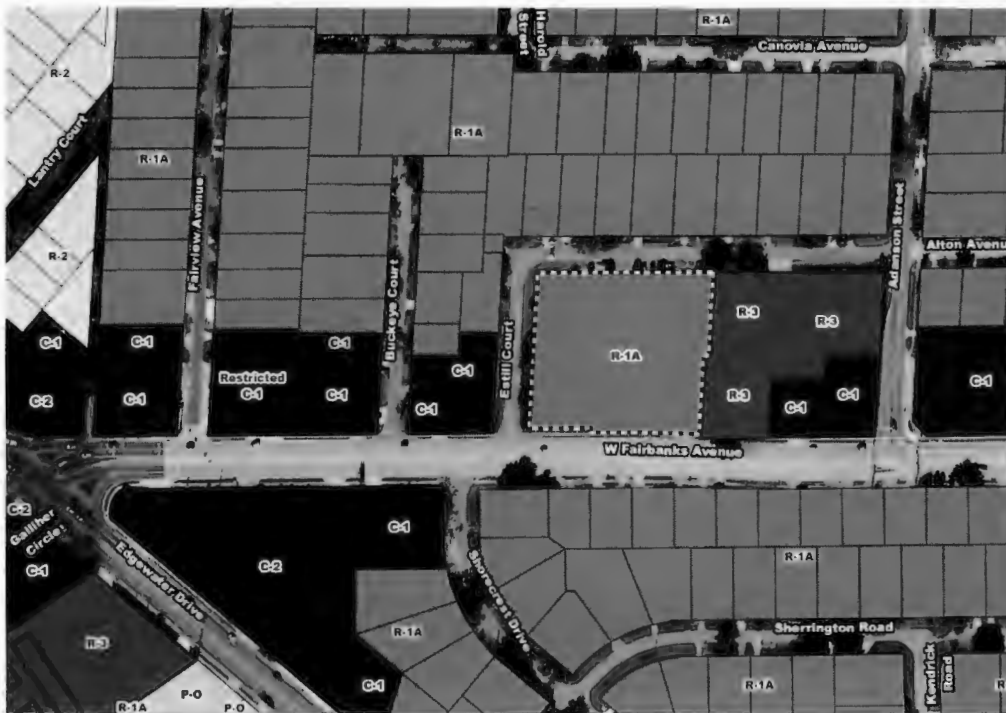
**Special Area Information:**  
Wekiva Study Area

**FUTURE LAND USE - AS PROPOSED**



**Proposed Future Land Use Designation:**  
Commercial (C)

**ZONING - CURRENT**



**Current Zoning District:**

R-1A (Single-Family Dwelling District)

**Existing Uses**

**North:**

Single-Family Residential

**South:**

Single-Family Residential

**East:**

Private School

**West:**

Vacant/Single-Family Residential

**ZONING - PROPOSED**



**Proposed Zoning District:**

C-1 (Retail Commercial District)

## Staff Recommendations

Staff recommends adoption of the amendment. If the requested Comprehensive Plan amendment is adopted, the Board would then need to take action on the requested rezoning. These items need to be addressed as two separate motions by the Board. Below are the staff recommendations for each of these items.

1. **FUTURE LAND USE MAP AMENDMENT:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Objectives and Policies FLU1.1, FLU1.1.1, FLU1.4.1, FLU1.4.2, FLU1.4.4, FLU1.4.10, FLU8.2, FLU8.2.1, FLU8.2.10, FLU8.2.11, Conservation Element Goal C1, Open Space Element Policy OS1.3.6, and Neighborhood Element Objective OBJ N1.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-2-S-5-4, Low-Medium Density Residential (LMDR) to Commercial (C).
2. **REZONING REQUEST:** Make a finding of **consistency** with the Comprehensive Plan and **APPROVE** Rezoning Case RZ-19-10-041, R-1A (Single-Family Dwelling District) to C-1 (Retail Commercial District), subject to the following restrictions:

### Restrictions

- 1) New billboards and pole signs shall be prohibited;
- 2) A Type "C" buffer shall be used to separate neighborhood commercial (C-1) uses from all residential areas, unless a variance to this restriction and buffer is approved by the Board of Zoning Adjustment (BZA). This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years;
- 3) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate C-1 uses; and
- 4) Access to Alton Avenue shall be prohibited.

## Analysis

### 1. Background and Development Program

The applicant, Thomas Sullivan, has requested to change the Future Land Use Map (FLUM) designation from Low-Medium Density Residential (LMDR) to Commercial (C). In conjunction with the FLUM amendment, the applicant has applied for a rezoning (RZ-19-10-041) from R-1A (Single-Family Dwelling District) to C-1 (Retail Commercial District).

The subject site is located on the north side of W Fairbanks Ave., south of Alton Ave., east of Estill Ct., and west of Adanson St. The subject site is bordered to the north, west, and south by single-

family residential homes, and to the east by a church. The site is also currently developed with a church.

The requested Commercial (C) FLUM designation would allow for consideration of neighborhood- and community-scale commercial and office development with a maximum floor area ratio (FAR) of 1.50, or specifically, up to 114,345 sq. ft. of retail commercial uses on the subject property.

The community meeting for the proposed amendment was held on August 21, 2019, at Killarney Elementary School. After an overview of the proposed Future Land Use Map Amendment and process were presented, the applicant, Tom Sullivan, provided an overview of the request. Mr. Sullivan noted there was no end user in mind, and the specific commercial use had not yet been identified. One of the primary concerns of residents was the proposed commercial use. Mr. Sullivan stated there was a possibility for a self-storage facility or office building. Residents were also concerned that the proposed development would be accessed through Alton Avenue and Estill Court, primarily residential streets. The applicant team's civil engineer noted that the proposed development would most likely have access off of Estill Court, mainly for emergency vehicles. He indicated the main access would be on W. Fairbanks Avenue, with no access off Alton Avenue.

One resident had concerns about the potential traffic impacts of the new development and the safety of children who play in the surrounding residential area. Other residents expressed that they would prefer a residential product or mixed-use product for live-work instead of commercial. Citizens made a request for a 6-foot-high wall along the perimeter of the proposed project where the commercial is adjacent to residential. Mr. Sullivan stated that the County requires buffering of commercial uses from residential uses. The overall tone of the community meeting was neutral.

## 2. Future Land Use Map Amendment Analysis

### *Consistency*

**Future Land Use Element Objective OBJ FLU1.1** and **Policy FLU1.1.1** hold that urban uses, including commercial development, shall be concentrated within the Urban Service Area (USA), except in areas with special requirements for urban style development such as Horizon west, Innovation way, Growth Centers, and Rural Settlements. The subject property is located inside of the USA.

Development of the subject property does not qualify as infill development. **Future Land Use Element Objective OBJ FLU2.1** calls for the County to encourage infill development on relatively small vacant and underutilized parcels within the Urban Service Area. The subject parcel is small, and while not vacant is ideal for redevelopment as infill development.

The site is located within an area characterized by office, commercial, and residential uses. The proposed FLUM amendment to change the site from Low Medium Density Residential (LMDR) to Commercial (C), which would be subject to an FAR of 1.50 (listed in **Policy FLU 1.1.4**) with a potential to develop up to 114,345 sq. ft. of retail commercial uses on the subject property.

**Policy FLU 1.4.2** requires the County to ensure that land use changes are compatible with and serve existing neighborhoods. **Policy FLU 1.4.1** promotes a range of living environments and employment opportunities in order to achieve a stable and diversified community. The proposed amendment is compatible with the existing commercial uses in the immediate vicinity along W Fairbanks Avenue. **Policy FLU 1.4.4** requires avoiding the disruption of residential areas by poorly located and designed commercial activities. The subject property will have direct access to W Fairbanks Avenue. The



applicant team's engineer noted at the community meeting that the primary access to the proposed development would be off of W Fairbanks Avenue.

**FLU Policy 1.4.10** discourages strip commercial land use patterns and encourages a mix of land use, or requires incorporating a buffer into the development's design. The subject site is located along a section of W Fairbanks Avenue that has developed as a commercial corridor. The parcel is currently developed with a church, but the applicant has proposed that the highest and best use for the subject property is to allow C-1 commercial uses, which is consistent and compatible with W Fairbanks Avenue while providing development standards, while maintaining a buffer between the residential areas to the north and east.

**Conservation Goal C1** states that Orange County shall conserve, protect, and enhance the County's natural resources, specifying that lands located within the Wekiva Study Area shall be considered a high priority for protection, and all development shall meet the requirements of the Wekiva River Protection Act and the Wekiva Parkway and Protection Act. The subject site is located within the Wekiva Study Area, and the proposed project is for a non-residential land use in the Urban Service Area- thus must dedicate 25% or more of the subject parcel towards the minimum open space requirement set forth by **Open Space Policy OS 1.3.6**. **OS 1.3.6** additionally states that any sensitive resource elements shall be permanently protected.

### ***Compatibility***

The proposed Future Land Use Map (FLUM) Amendment and rezoning request appear to be compatible with the development trends in the surrounding area, existing character, and evolving development trends in the area. As identified in **Future Land Use Element Objective OBJ FLU 8.2**, compatibility is the fundamental consideration in all land use and zoning decisions made by the County. **Future Land Use Element Policy FLU 8.2.11** states that compatibility does not mean a use that is identical to those uses that surround it, it does require consideration of the physical integration of a project and its function in the broader community, as well as its contribution toward Comprehensive Plan Goals and Objectives. In addition, **Future Land Use Element Policy FLU 8.2.1** requires land use changes to be compatible with the existing development and development trend in the area. The proposed amendment is not identical to the single family residences to the north and west, but the proposed commercial development is compatible and consistent with the existing commercial development along W Fairbanks Avenue. **Neighborhood Element Objective N 1.1** and **Future Land Use Element Policy FLU 1.4.2** further maintain that Orange County shall ensure that Future Land Use changes are compatible with, do not adversely impact, and serve existing or proposed neighborhoods. **Policy FLU8.2.10** establishes that office and commercial uses within residential neighborhoods are to be subject to strict performance standards, such as height restrictions, FAR limitations, lighting and location requirements, landscaping (buffer) and parking design to ensure land use compatibility with nearby residential areas. The proposed amendment will be subject to FAR limitations, height restrictions, buffer requirements, among other requirements and restrictions that may be placed on the proposed conventional rezoning.

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

#### **Environmental Protection Division**

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations may apply.

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. These requirements may reduce the total net developable acreage. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.

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. Please refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal, as well as the FDOH.

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

#### Transportation Planning Division

Comments from the Transportation Planning Division were not available at the time of printing of this report.

### 3. Rezoning Request Analysis

#### SITE DATA

<b>Adjacent Zoning</b>	N:	R-1A (Single-Family Dwelling District) (1957)
	E:	R-3 (Multiple-Family Dwelling District) (1960) (1970)
	W:	R-1A (Single-Family Dwelling District) (1957) C-1 (Retail Commercial District) (2015)*
		<i>*Billboards and pole signs are prohibited. Type "C" buffer is required.</i>
	S:	R-1A (Single-Family Dwelling District) (1957)
<b>Adjacent Land Uses</b>	N:	Single-Family Residence
	E:	Private School
	W:	Single-Family Residence, Undeveloped Land
	S:	Single-Family Residence

#### APPLICABLE C-1 (Retail Commercial District) DEVELOPMENT STANDARDS

Minimum Lot Area:	6,000 sq. ft.
Minimum Lot Width:	80 ft. (on major streets, see Article XV) 60 ft. (on all other streets)
Maximum Building Height:	50 ft. (35 ft. within 100 ft. of all residential districts)



Minimum Floor Area: 500 sq. ft.

Minimum Building Setbacks

Front: 25 feet  
Rear: 20 feet  
Side: 0 feet (15 ft. when abutting residential districts)  
Side (Street): 15 feet

**PERMITTED 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 is 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 policy 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 policy 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**

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is not located within an Airport Noise Zone.

**Environmental**

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations may apply.

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. These requirements may reduce the total net developable acreage. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.

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. The applicant is advised to refer to the Orange County Code. Sections 30-277 and 30-278.

**Transportation / Access**

This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes within the project area: State-maintained sidewalks exist along West Fairbanks Avenue from Edgewater Drive to South Wymore Road and along Edgewater Drive from Lee Road to Dowd Ave. LYNX bus service is provided via Link #23 Winter Park/Spring Village. There are five (5) bus stops within the project area. A mobility analysis may be required at a later date.

**Water / Wastewater / Reclaimed Water**

	<u>Existing service or provider</u>
Water:	City of Winter Park
Wastewater:	City of Winter Park
Reclaimed Water:	Orange County Utilities (currently unavailable)

**Schools**

Orange County Pubic Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

**Parks and Recreation**

Orange County Parks and Recreation did not comment on this case, as it does not involve an increase in residential units or density.

**Code Enforcement**

No code enforcement, special magistrate or lot cleaning issues on the subject property have been identified.

**Specific Project Expenditure Report and Relationship Disclosure Forms**

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

**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.

**4. Policy References**

**Future Land Use Element**

- OBJ FLU1.1     Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.
  
- FLU1.1.1     Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements. (Added 12/00, Ord. 00-24, Policy 1.1.1-r)
  
- FLU1.1.4     In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1. (Added 8/92, Ord. 92-24 8/93, Ord. 93-19, Policy 1.1.11-r; Amended 6/10, Ord. 10-07; Amended 12/14, Ord. 2014-30; Amended 11/17, Ord. 2017-19)

FLUM Designation	General Description	Density/Intensity
Urban Non-Residential – Predominantly urban in use		
Office (O)	Office uses include professional office and office park-style development. Office uses can be considered as a transitional use between two different types of land use or land use intensities.	1.25 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code
Commercial (C)	Commercial uses include neighborhood and commercial scale commercial and office development that serves neighborhood or community or village needs. Examples include neighborhood center, community center and village commercial.	1.50 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code
Industrial (I)	Industrial uses include the processing of both hazardous and nonhazardous materials ranging from light assembly and manufacturing to chemical processing.	0.75 FAR
Institutional (INST)	Institutional uses include public and private utilities, facilities, structures and lands that serve a public or quasi-public purpose. Public schools that have been designated Institutional may continue to maintain that designation.	2.0 FAR
Educational (EDU)	Educational includes public elementary, K-8, middle, and high schools and ninth grade centers.	2.0 FAR

- FLU1.4.1 Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- FLU1.4.2 Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- FLU1.4.4 The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.
- FLU1.4.10 Strip commercial land uses shall be defined as commercial uses adjacent to roadways that are located outside the reasonable zone of influence of the intersection to which they relate. They are characterized by individual curb and median cuts and lack visual landscaped buffers. Strip commercial land use patterns shall be avoided by requiring a transition of land uses, encouraging a mix of land uses, or requiring incorporation of a buffer into the development's design. Strip commercial land uses do not include outparcels in shopping centers, malls, or similar developments where access is provided internally from the shopping center/mall or similar development, or via a system of shared or common driveways. More compact, clustered pedestrian and transit-friendly development options shall be encouraged.
- OBJ FLU2.1 INFILL. Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.
- OBJ FLU8.2 COMPATIBILITY. Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.
- FLU8.2.1 Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.
- FLU8.2.10 To ensure land use compatibility with nearby residential zoned areas and protection of the residential character of those areas, office and commercial uses within residential neighborhoods shall be subject to strict performance standards, including but not limited to the following:
- A. Building height restrictions;
  - B. Requirements for architectural design compatible with the residential units nearby;
  - C. Floor area ratio (FAR) limitations;
  - D. Lighting type and location requirements;

- E. Tree protection and landscaping requirements including those for infill development;
- and
- F. Parking design.

FLU8.2.11 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.

#### **Housing Element**

OBJ N1.1 Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods.

#### **Conservation Element**

GOAL C1 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. Lands located within the Wekiva Study Area shall be considered high priority for protection. All development shall meet the requirements of the Wekiva River Protection Act and the Wekiva Parkway and Protection Act. (Amended 12/07, Ord. 2007-20)

#### **Open Space Element**

OS1.3.6 Non-residential land uses in the Urban Service Area.

New non-residential uses permitted in the Wekiva Study Area within the Urban Service Area shall be consistent with Goals, Objectives and Policies of the Comprehensive Plan and specifically with the Policies FLU1.4.3 through FLU1.4.25. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. (Added 6/10, Ord. 10-07; Amended 10/10, Ord. 2010-13)

Non-residential sites too small to accommodate the above requirements – generally existing lots of record – may apply for a waiver from some or all of these open space requirements, provided that competent and sufficient evidence is provided documenting that fulfilling these requirements either is not physically possible or would constitute an undue hardship rendering the property unusable under the land use designation in effect on July 1, 2006. (Added 12/07, Ord. 07-20, Policy 1.3.6-r; Amended 10-09, Ord. 2009-28)

Site Visit Photos

Subject Site – Church



North – Single Family Residential



South – Single Family Residential



West – Vacant



East – Private School



**PUBLIC NOTIFICATION MAP**



**Notification Area**

500-foot buffer plus neighborhood and homeowners' associations within a one-mile radius of the subject site

236 notices sent



ORDINANCE NO. 2020-\_\_\_\_\_

AN ORDINANCE PERTAINING TO COMPREHENSIVE  
PLANNING IN ORANGE COUNTY, FLORIDA;  
AMENDING THE ORANGE COUNTY COMPREHENSIVE  
PLAN, COMMONLY KNOWN AS THE “2010-2030  
COMPREHENSIVE PLAN,” AS AMENDED, BY  
ADOPTING SMALL SCALE DEVELOPMENT  
AMENDMENTS AND RELATED TEXT AMENDMENTS  
PURSUANT TO SECTION 163.3187, FLORIDA STATUTES;  
AND PROVIDING EFFECTIVE DATES.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
ORANGE COUNTY:

*Section 1. Legislative Findings, Purpose, and Intent.*

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for a local government in the State of Florida to adopt a comprehensive plan and amendments to a comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of Part II of Chapter 163, Florida Statutes, for amending Orange County’s 2010-2030 Comprehensive Plan;

c. On October 17, 2019, the Orange County Local Planning Agency (“LPA”) held a public hearing at which it reviewed and made recommendations regarding the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

d. On December 3, 2019, the Orange County Board of County Commissioners (“Board”) opened a public hearing on the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to continue the hearing on the adoption to January 14, 2020; and

32 e. On January 14, 2020, the Board opened a public hearing on the adoption of the  
33 proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to  
34 continue the hearing on the adoption again to March 10, 2020.

35 f. On March 10, 2020, the Board held a public hearing on the adoption of the  
36 proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to  
37 adopt them.

38 **Section 2. Authority.** This ordinance is adopted in compliance with and pursuant to  
39 Part II of Chapter 163, Florida Statutes.

40 **Section 3. Amendments to Future Land Use Map.** The Comprehensive Plan is  
41 hereby amended by amending the Future Land Use Map designations as described at **Appendix**  
42 **“A,”** attached hereto and incorporated herein.

43 **Section 4. Effective Dates for Ordinance and Amendments.**

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

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

51 (c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent  
52 zoning changes approved by the Board are contingent upon the related Comprehensive Plan  
53 amendment becoming effective. Aside from any such concurrent zoning changes, no

54 development orders, development permits, or land uses dependent on any of these amendments  
55 may be issued or commence before the amendments have become effective.

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59 ADOPTED THIS 10th DAY OF MARCH, 2020.

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**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

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By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

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

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By: \_\_\_\_\_  
Deputy Clerk

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## APPENDIX "A"

### FUTURE LAND USE MAP AMENDMENTS

<b>Appendix A*</b>		
<i>Privately Initiated Future Land Use Map Amendments</i>		
<b>Amendment Number</b>	<b>Future Land Use Map Designation FROM:</b>	<b>Future Land Use Map Designation TO:</b>
<b>2019-2-S-2-2</b>	<b>Medium Density Residential (MDR)</b>	<b>Medium-High Density Residential (MHDR)</b>
<b>2019-2-S-5-4</b>	<b>Low-Medium Density Residential (LMDR)</b>	<b>Commercial (C)</b>

**\*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.**

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## Community Meeting Memorandum

**DATE:** October 9, 2019  
**TO:** Greg Golgowski, Chief Planner, Planning Division  
**FROM:** Alyssa Henriquez, Planner II  
**SUBJECT:** Amendment 2019-2-S-2-2 – Community Meeting Notes  
**C:** Project file

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**Location of Project:** 7856 Forest City Rd.; Generally located north of Riverside Park Rd., east of Hillcrest Ter., south of Pembroke Dr., and west of Forest City Rd.

**Meeting Date and Location:** August 28, 2019, Riverside Elementary School

### Attendance:

District Commissioner	Christine Moore, Commissioner and Daniel Vanegas, Aide
Orange County staff	Alyssa Henriquez and Jennifer DuBois, Planning Division
Applicant team	Mario Golden
Property owner	Deborah Postell
Residents	388 notices sent; two residents in attendance

### Overview of Project:

The applicant's request is to amend the Future Land Use designation of the 4.20-acre subject property, presently the site of a private school, from **Medium Density Residential (MDR)** to **Medium-High Density Residential (MHDR)**. The proposed request is to develop up to 147 multi-family affordable dwelling units.

### Meeting Summary:

The community meeting was held on August 28, 2019 at Riverside Elementary School. The community meeting for this proposed amendment was held in conjunction with the community meeting for another proposed future land use map amendment, 2019-2-S-2-1 (Empire Tire). Around 20 area residents were in attendance. An overview of the future land use and zoning of the subject parcel, an overview of the planning process, and the request were presented. The applicant, Mr. Mario Golden explained that the applicant team intended to develop the site with up to 147 affordable multi-family units. Residents had questions about the environmental impacts of the proposed project on the Wekiva River, which is in close proximity to the subject site. Other questions were asked about the square footage and pricing of the proposed units. Concerns about the traffic on Forest City Road were raised, as well as the potential noise that up to 147 units could produce. Several residents were in support of the project, but were concerned that the property could be sold and not well-maintained in the future. The applicant stated that the property would be family-owned and managed for the foreseeable future.

The meeting adjourned at 6:45 pm. The overall tone of the meeting was **NEUTRAL**.



## Community Meeting Memorandum

**DATE:** August 27, 2019  
**TO:** Greg Golgowski, Chief Planner, Planning Division  
**FROM:** Alyssa Henriquez, Planner  
**SUBJECT:** Amendment 2019-2-S-5-4– 1123 W Fairbanks Ave Community Meeting Memo  
**C:** Project file

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**Location of Project:** 1123 W Fairbanks Avenue, Generally located north of W. Fairbanks Ave., east of Estill Ct., west of Adanson St., and south of Alton Ave.

**Meeting Date and Location:** August 21, 2019 at 6:00 pm at Killarney Elementary School

### Attendance:

Orange County staff: Alyssa Henriquez and Sue Watson, Planning Division  
Vernon Leeming, Development Engineering Division  
Applicant team: Tom Sullivan  
Residents: 236 notices sent; 7 residents in attendance

**Overview of Project:** The applicant's request is to amend the Future Land Use designation of the 1.75-acre subject property, presently undeveloped site, from **Low-Medium Density Residential (LMDR) and to Commercial (C)**. The applicant is proposing to develop the site with an unspecified neighborhood commercial use. The site is currently zoned R-1A, and will have a concurrent rezoning application to rezone the property to C-1.

### Meeting Summary:

Ms. Alyssa Henriquez provided an overview of the future land use and zoning of the subject parcel, an overview of the planning process, and presented the request. She noted the two upcoming public hearing dates- the Local Planning Agency (LPA) adoption hearing on Thursday October 17, 2019 and the Board of County Commissioners adoption hearing on November 12, 2019.

The applicant, Tom Sullivan, provided an overview of the request. Mr. Sullivan explained that there was no end user in mind, with no specific commercial use being proposed for the subject property. Mr. Sullivan explained that the proposed future land use designation of Commercial is consistent with the existing future land use designations along the Fairbanks Corridor. He also explained that he would be submitting an application to request to rezone the property from R-1A to C-1. Mr. Sullivan noted that the owner was considering building a self-storage facility or other office building.

7 residents were in attendance. Several residents had questions about the entrance/exit from the site. Residents were concerned that the proposed development would be accessed through

Alton Avenue and Estill Court, primarily residential streets. The applicant team's civil engineer noted that the proposed development would most likely have access off of Estill Court, mainly for emergency vehicles. He indicated the main access would be on W. Fairbanks Avenue, with no access off Alton Avenue.

One resident had concerns about the potential traffic impacts of the new development, and the safety of children who play in the surrounding residential area. Other residents expressed that they would prefer a residential product, or mixed-use product for live-work instead of commercial.

Mr. Sullivan answered questions about the specific use being proposed on the property, and asked residents if there were any uses they did not want on the property that could be written into the rezoning as a restriction. The residents did not provide specific uses they did not want on the subject parcel, but reiterated that they did not want commercial on the property and preferred residential.

One resident had concerns about traffic and the lack of street lighting on Fairbanks Ave. Mr. Leeming of Orange County Development Engineering state that a residential use would generate more traffic than a self-storage facility use.

Citizens made a request for a 6' high wall along the perimeter of the proposed project where the commercial is adjacent to residential. Mr. Sullivan stated that the County requires buffering of commercial uses from residential uses.

The meeting adjourned at 7:00 p.m. The overall tone of the meeting was **Neutral**.



## Community Meeting Memorandum

**DATE:** December 23, 2019  
**TO:** Greg Golgowski, Chief Planner, Planning Division  
**FROM:** Alyssa Henriquez, Planner  
**SUBJECT:** Amendment 2019-2-S-5-4– 1123 W Fairbanks Ave Community Meeting Memo  
**C:** Project file

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**Location of Project:** 1123 W Fairbanks Avenue, Generally located north of W. Fairbanks Ave., east of Estill Ct., west of Adanson St., and south of Alton Ave.

**Meeting Date and Location:** December 16, 2019 at 6:00 pm at Killarney Elementary School

### Attendance:

Orange County staff: Alyssa Henriquez, Sue Watson, Greg Golgowski; Planning Division  
Commissioner Emily Bonilla, Melissa Strassner; District 5 Commissioner  
Applicant team: Pedro Medina, Development Engineering Division  
Residents: Tom Sullivan  
236 notices sent; 15 residents in attendance

**Overview of Project:** The applicant's request is to amend the Future Land Use designation of the 1.75-acre subject property, presently undeveloped site, from **Low-Medium Density Residential (LMDR) and to Commercial (C)**. The applicant is proposing to develop the site with an unspecified neighborhood commercial use. The site is currently zoned R-1A, and will have a concurrent rezoning application to rezone the property to C-1.

### Meeting Summary:

Ms. Alyssa Henriquez provided an overview of the future land use and zoning of the subject parcel, an overview of the planning process, and presented the request. She noted that this was the second community meeting for this case, and noted the two public hearing dates- the Local Planning Agency (LPA) adoption hearing which was held on Thursday October 17, 2019, and the upcoming rescheduled Board of County Commissioners (BCC) adoption hearing on January 14, 2019.

The applicant, Tom Sullivan, provided an overview of the request. Mr. Sullivan explained that there was still no end user in mind, with no specific commercial use being proposed for the subject property. Mr. Sullivan explained that the proposed future land use designation of Commercial is consistent with the existing future land use designations along the Fairbanks Corridor.



Around 15 residents were in attendance. Several residents were concerned that the proposed development would be accessed through Alton Avenue and Estill Court, primarily residential streets. The applicant team's civil engineer noted that the proposed development would most likely have access off of Estill Court, mainly for emergency vehicles. He indicated the main access would be on W. Fairbanks Avenue, with no access off Alton Avenue.

One resident had concerns about the potential traffic impacts of the new development, and the safety of children who play in the surrounding residential area. Other residents expressed that they would prefer a residential product, or mixed-use product for live-work instead of commercial. Other residents indicated that they would prefer the property to be split as residential in the rear of the property (along Alton Ave), with commercial in the front of the property along Fairbanks Ave.

Residents expressed many concerns about the compatibility of a unknown commercial use with the existing single family neighborhood. Mr. Sullivan answered questions about the specific use being proposed on the property, and asked residents if there were any uses they did not want on the property that could be written into the rezoning as a restriction. The residents came up with several uses they did not want to see in the neighborhood- including gas stations.

Citizens made a request for a 6' high wall along the perimeter of the proposed project where the commercial is adjacent to residential. Mr. Sullivan stated that the County requires buffering of commercial uses from residential uses.

The meeting adjourned at 7:15 p.m. The overall tone of the meeting was **Negative**.