

**Small Scale Amendment and Rezoning Staff Report**  
**Orange County Planning Division**  
**BCC Hearing Date: January 27, 2026**

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**CASE # SS-25-11-017**

**RZ-25-11-017**

Commission District: #2

**GENERAL INFORMATION**

**APPLICANT:** Mary D. Solik, Doty Solik Law

**OWNER:** DEO Towing, LLC

**HEARING TYPE:** Planning and Zoning Commission / Local Planning Agency

**FLUM REQUEST:** Low Density Residential (LDR) **to** Commercial (C)

**ZONING REQUEST:** C-3 (Wholesale Commercial District) **to** C-3 **Restricted** (Wholesale Commercial District)

**LOCATION:** 5176 Busby Ave.; generally located on the west side of Busby Ave., north of Clarcona Ocoee Rd., south of National St., and east of Journal Ave.

**PARCEL ID NUMBER:** 32-21-29-6080-00-210

**TRACT SIZE:** 0.32 gross acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 1,200 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred thirty-seven (337) notices were mailed to property owners and residents in the mailing area.

**COMMUNITY MEETING:** A community meeting was held on December 3, 2025, and is summarized further in this report.

**PROPOSED USE:** C-2 uses and the following C-3 uses: furniture stripping and repair, furniture refinishing, welding shop, and machine shop.

**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 Map designation.**

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**Rezoning**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning classification, subject to the following restrictions:**

1. Billboards and pole signs shall be prohibited;
2. Uses shall be limited to C-2 (General Commercial District) uses and the following C-3 uses: furniture stripping and repair, furniture refinishing, welding shop, and machine shop;
3. All automobile repair, including small truck repair, and welding must be done in an enclosed building;
4. All bay doors shall face east or south;
5. Inoperable vehicle storage on-site shall be prohibited;
6. Parking and storage of dual rear wheel vehicles shall be prohibited;
7. Automobile towing service shall be prohibited; and
8. Automobile sales shall be prohibited.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking a Small-Scale Future Land Use Map Amendment to change the Future Land Use Map (FLUM) designation of the 0.32-acre subject property from Low Density Residential (LDR) to Commercial (C) and to rezone from C-3 (Wholesale Commercial District) to C-3 Restricted (Wholesale Commercial District) to allow for C-2 (General Commercial District) uses and the following C-3 uses: furniture stripping and repair, furniture refinishing, welding shop, and machine shop. **Future Land Use Element Policy FLU8.2.1** states that no restrictions or conditions shall be placed on a Future Land Use Map change thus the rezoning from C-3 to C-3 Restricted is necessary in order to place restrictions on the property.

The subject property is undeveloped and is located on the west side of Busby Avenue, north of Clarcona Ocoee Road, south of National Street, and east of Journal Avenue. The subject site is located in an area of existing commercial and residential uses. A vacant retail convenience store, located directly south of the subject site, is zoned C-2 (General Commercial District). A manufactured home, also located immediately south of the subject site is zoned C-2 Restricted. Undeveloped C-2 Restricted-zoned property is located directly west of the subject property. A single-family home and vacant residentially-zoned lots, located immediately north of the subject site, are zoned R-1 (Single-Family Dwelling District). An industrial warehouse, zoned C-3, is located directly across the street on Busby Avenue, east of the subject property.

The applicant is now seeking to develop the subject property with C-2 (General Commercial District) uses and C-3 (Wholesale Commercial District) Restricted uses.

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More specifically, the applicant's proposal entails the construction of a 2,500-square-foot commercial building to be used for automobile and small truck repair and welding. The applicant has stated and agreed that all automobile, including small truck repair work and welding, shall be done in an enclosed building. Also, the applicant has stated that most of the property owner's welding will be done off-site. The applicant is also requesting the following C-3 uses: furniture stripping and repair, furniture refinishing, and machine shop if the FLUM Amendment and rezoning petitions are approved.

#### **Existing FLUM Development Program**

The existing Low Density Residential Future Land Use Map designation and C-3 (Wholesale Commercial District) zoning classification are not consistent with one another. Therefore, the site is currently undevelopable until the future land use and zoning are compatible.

#### **Proposed FLUM Development Program**

If approved, the requested Commercial (C) Future Land Use Map designation and C-3 Restricted (Retail Commercial District) zoning classification will allow the applicant to construct a 2,500-square-foot commercial building to be used for automobile and small truck repair and welding. Also, the following C-3 uses will be allowed: furniture stripping and repair, furniture refinishing, and machine shop. A minimum of 25% of permanently protected open space is required due to the subject's property's location within the Wekiva Study Area. New non-residential uses permitted within the Wekiva Study Area within the Urban Service Area (USA) shall provide a minimum of 25% permanently protected open space per **Open Space Element Policy OS1.3.6**.

#### **Land Use Compatibility**

The requested Commercial Future Land Use Map designation and C-3 Restricted zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

#### **Site Analysis**

	<b>Yes</b>	<b>No</b>	<b>Information</b>
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"/>	No open cases.
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wekiva Study Area

#### **Comprehensive Plan (CP) Consistency**

As mentioned previously, the underlying Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR), which is inconsistent with the

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C-3 (Wholesale Commercial District) zoning. The proposed Commercial (C) FLUM designation would correct the inconsistency. The proposed C-3 Restricted Zoning classification is consistent with the proposed Commercial (C) FLUM designation. The request is consistent with the following Comprehensive Plan provisions:

**FLU1.1.5** states that the County shall encourage mixed-use development, infill development and transit oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area.

**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. Primary access to single-family residential development through a multi-family development shall be avoided.

**OBJ FLU2.1 – INFILL.** States that 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.

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

**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 trends 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** states that 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** 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

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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.

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

## **SITE DATA**

Existing Use		Undeveloped
Adjacent	FLUM	Zoning
North	Low Density Residential (LDR) (1991)	R-1 (Single-Family Dwelling District) (10/7/1957)
South	Commercial (C) (2016) and (2017)	C-2 (General Commercial District) (4/9/1962) and C-2 Restricted (General Commercial District) (10/19/2017)
East	Commercial (C) (1991)	C-3 (Wholesale Commercial District) (2/27/1961)
West	Commercial (C) (2017)	C-2 Restricted (General Commercial District) (10/19/2017)

<b>Adjacent Land Uses</b>	N: Single-family residence and vacant residential
	E: Industrial warehouse
	W: Vacant commercial
	S: Retail convenience store (vacant)

### **C-3 (Wholesale Commercial District) Development Standards\***

Min. Lot Area:	12,000 sq. ft.
Max. Height:	75 ft. (35 ft. within 100 ft. of any residential use or district)
Min. Floor Area:	500 sq. ft.
Building Setbacks:	
Front:	25 ft.
Rear:	15 ft. (30 ft. when abutting residential district)
Side:	5 ft. (25 ft. when abutting residential district)
Side Street:	15 ft.

\* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.

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**Intent, Purpose, and Uses**

The intent and purpose of the C-3 (Wholesale Commercial District) district is to implement and be consistent with the commercial land use designation of the future land use map. The C-3 district is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

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**

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

**Environmental Comments:**

EPD Contacts - Environmental Protection Division (EPD) staff reviewed the plan dated received 10/23/2025. Refer any questions regarding the Environmental Protection Division (EPD) review comments to Jonathan Dressler at Jonathan.Dressler@ocfl.net, 321-689-2588 or EPDPlanReview@ocfl.net, 407-836-1400.

Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Wekiva Study Area - This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply, but are not limited to: septic tank criteria, open space, stormwater treatment and wetlands/surface waters, and upland buffer widths. Reference Orange County Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

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Wekiva Priority Focus Area and BMAP Enhanced Septic/Sewer Requirement - This site is located within the Wekiwa/Rock Springs Basin Management Action Plan (BMAP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended;

Within a BMAP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a). On lots of one acre or less within a BMAP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

**Transportation Comments:**

The Applicant is requesting to change ~0.32 acre from Low Density Residential (LDR) to Commercial (C) and rezone from C-3 (Wholesale Commercial District) to C-3 Restricted (Wholesale Commercial District).

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 an increase of 17 pm peak trips and therefore will impact the area roadways. The subject property is located at 5176 Busby Avenue. Based on the Concurrency Management System (CMS) database dated 11/04/2025, Orange Blossom Trail from John Young Parkway to Clarcona Ocoee Road currently operates at Level of Service F and capacity is not available to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.

**Roadway Capacity Analysis**

A Traffic Study was not submitted with the case for review and comment.

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 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.

**Community Meeting Summary**

A community meeting was held for these applications on December 3, 2025, at Rosemont Elementary School, with approximately 19 residents in attendance. Many of the residents spoke in opposition to the requests, while one resident spoke in favor of the requests. Concerns were expressed about the proposed uses (auto and small truck repair and welding). Several residents spoke in opposition to the proposed uses. Other concerns were expressed about the effect of the proposed development on the residential properties in the vicinity, in particular the potential for increased traffic, noise, and property values.

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**Utilities**

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaimed Water: Orange County Utilities

**Detailed Utility Information:**

This property is within Orange County Utilities' (OCUs) Potable Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Potable Water: Development within this property will be required to connect to OCU's Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Wastewater: Wastewater is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal.

Reclaimed Water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

**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 – (December 18, 2025)**

### **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 Map designation.**

### **Rezoning**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning, subject to the following restrictions:**

1. Billboards and pole signs shall be prohibited;
2. Uses shall be limited to C-2 (General Commercial District) uses and the following C-3 uses: welding shop and machine shop;
3. All automobile repair, including small truck repair, and welding must be done in an enclosed building;
4. All bay doors shall face east or south;
5. Inoperable vehicle storage on-site shall be prohibited;
6. Parking and storage of dual rear wheel vehicles shall be prohibited;
7. Automobile towing service shall be prohibited; and
8. Automobile sales 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 Commercial (C) Future Land Use Designation, and the C-3 Restricted (Wholesale Commercial District) zoning, subject to eight (8) restrictions. The applicant was present and agreed with the staff recommendation.

Staff indicated that three hundred thirty-seven (337) notices were mailed to those property owners in the mailing area extending 1,200 feet of the surrounding property, and that staff received nine comments in favor and two commentaries in opposition. During public comments, three members of the public spoke in opposition to the requests. Their concerns focused mainly on the proposed uses, noise, and traffic. Also, the property owner, Mr. Deolall Persaud, spoke about the nature of his welding business, which currently is primarily mobile along with future auto and small truck repair services. After discussion about the proposed uses, building size,

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parking, and access, the PZC modified Restriction #2 to remove the uses of furniture stripping and repair and furnishing refinishing from the list of allowable C-3 uses. The applicant agreed to the modification to Restriction #2:

2. Uses shall be limited to C-2 (General Commercial District) uses and the following C-3 uses: furniture stripping and repair, furniture refinishing, welding shop, and machine shop.

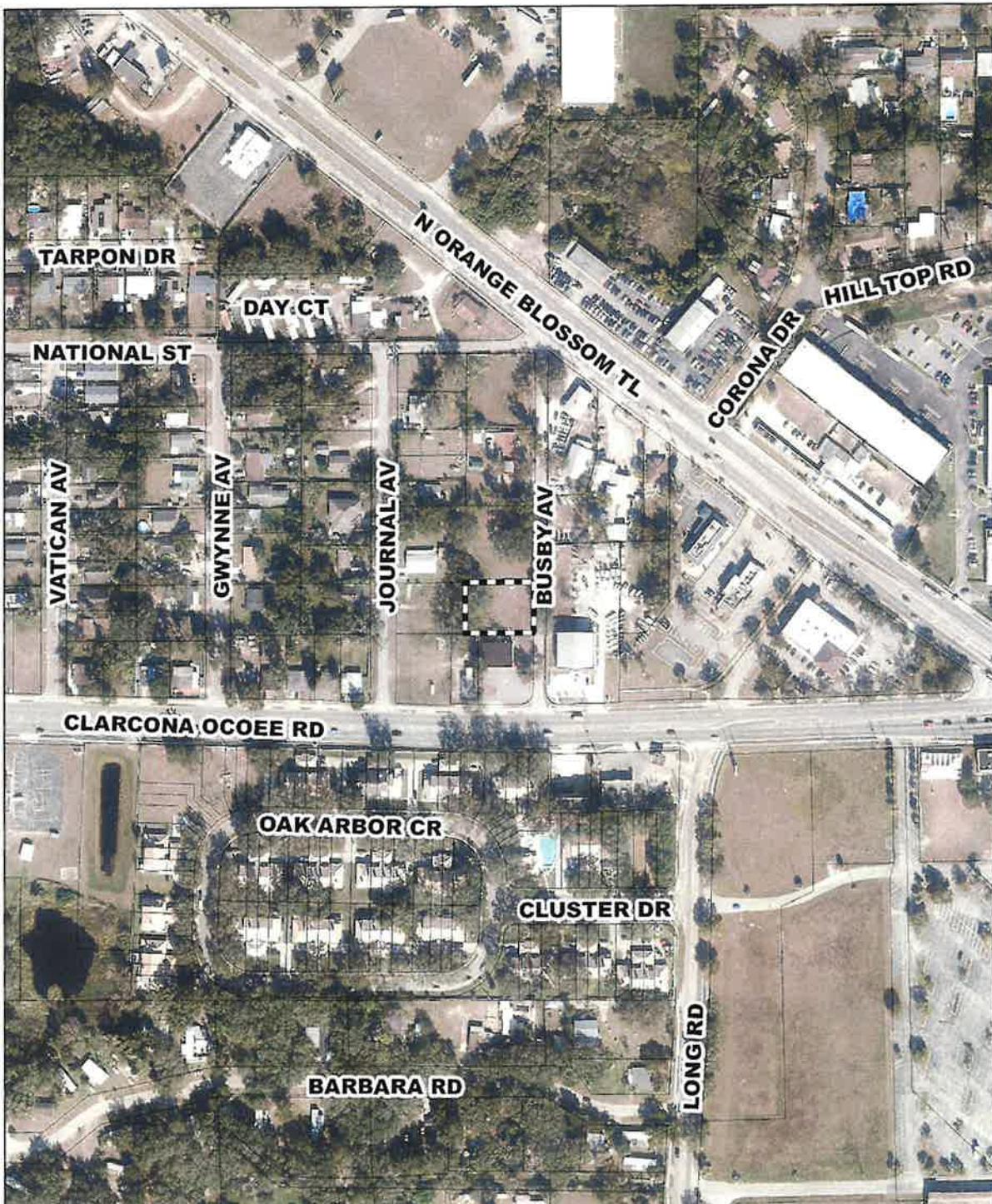
A motion was made on the Future Land Use Map Amendment by Commissioner George Wiggins and seconded by Commissioner David Boers to recommend **ADOPTION** of the requested Commercial (C) Future Land Use Map designation and **APPROVAL** of the requested C-3 Restricted (Wholesale Commercial District) zoning, subject to eight (8) restrictions. The motion carried on a 7-0 vote.

**Future Land Use Map Amendment and Rezoning**

<b>Motion / Second</b>	<i>George Wiggins / David Boers</i>
<b>Voting in Favor</b>	<i>David Boers, George Wiggins, Eddie Fernandez, Eric Gray, Marjorie Holt, Camille Evans, and Nelson Pena</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>Michael Arrington and Evelyn Cardenas</i>

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SS-25-11-017 & RZ-25-11-017



Subject Property

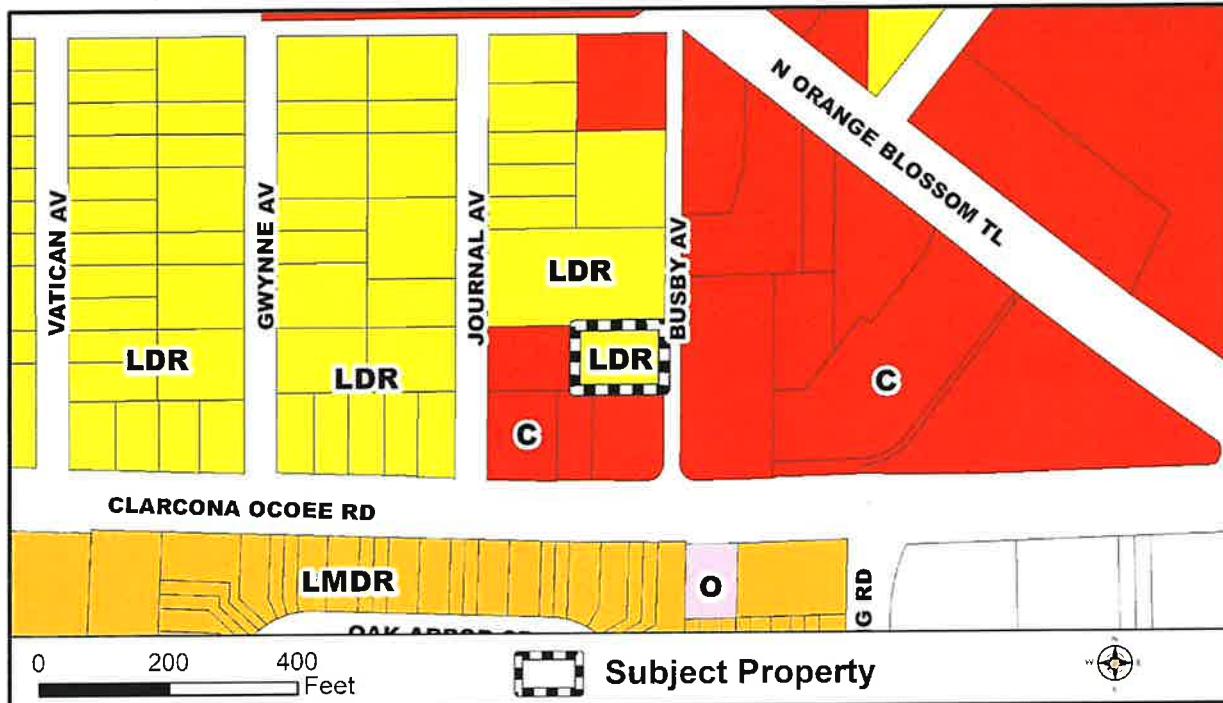


0 225 450 Feet

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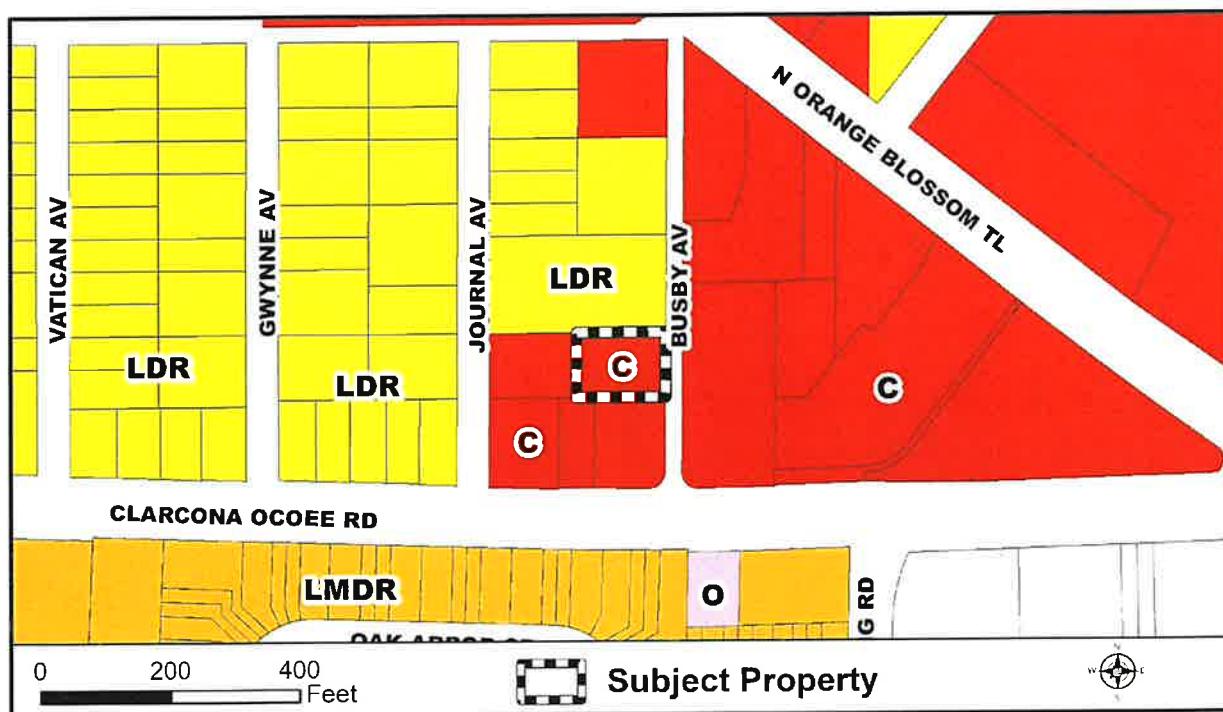
**FUTURE LAND USE – CURRENT**

Low Density Residential (LDR)



**FUTURE LAND USE - PROPOSED**

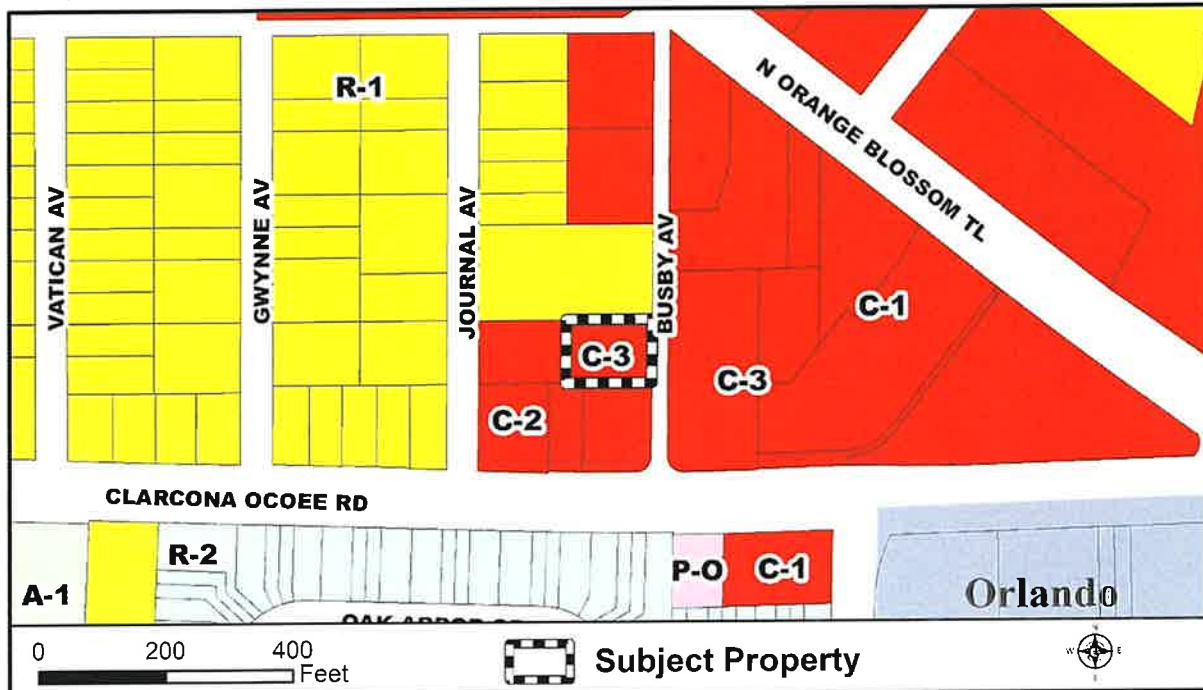
Commercial (C)



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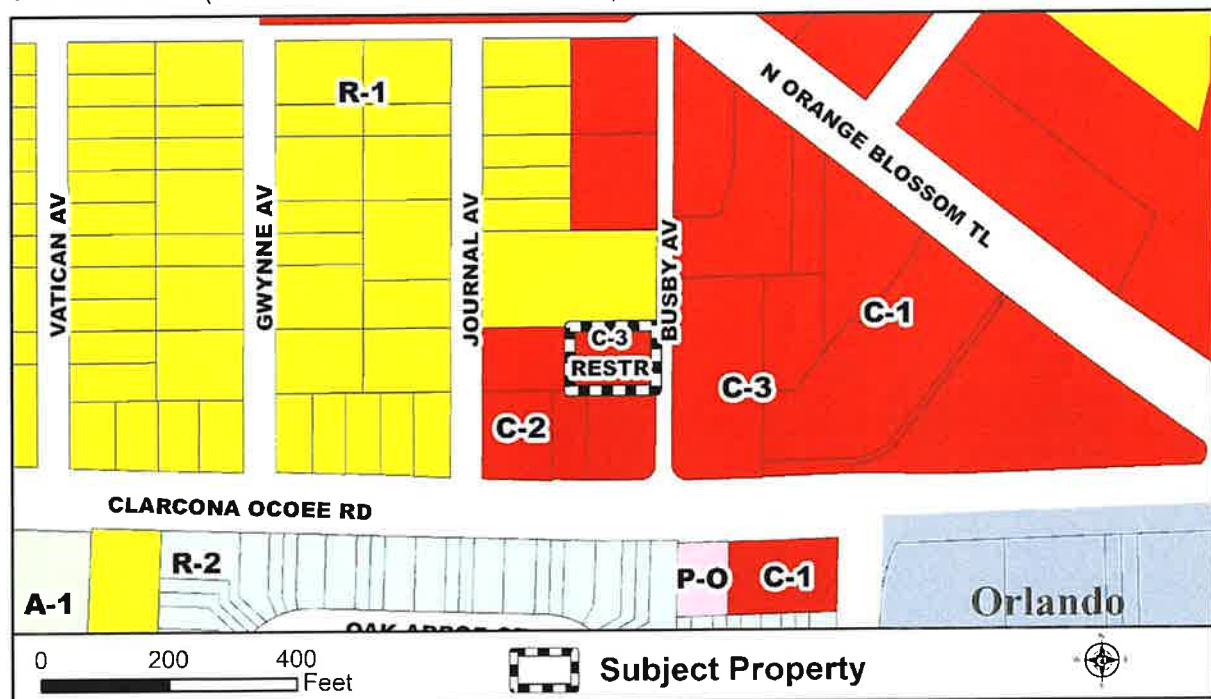
**ZONING – CURRENT**

C-3 (Wholesale Commercial District)



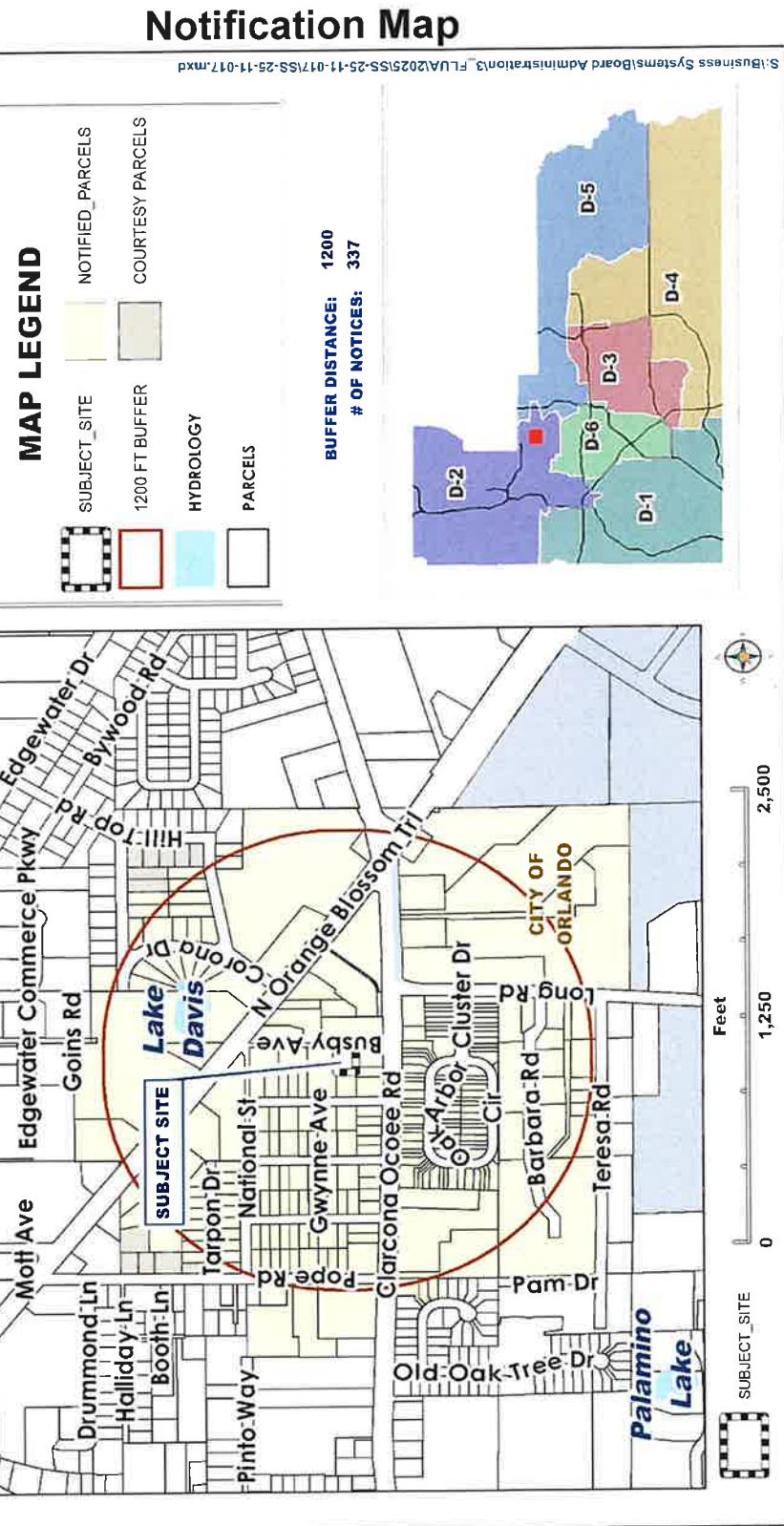
**ZONING – PROPOSED**

C-3 Restricted (Wholesale Commercial District)



## Public Notification Map

SS-25-11-017 & RZ-25-11-017



**ORDINANCE NO. 2026-\_\_\_\_\_**

**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 A SMALL SCALE DEVELOPMENT AMENDMENT PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.**

**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; and

c. On January 27, 2026, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to adopt it.

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

***Section 3. Amendment to Future Land Use Map.*** The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

31 attached hereto and incorporated herein.

32 \* \* \*

33 ***Section 4. Effective Dates for Ordinance and Amendment.***

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

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

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

45 ADOPTED THIS 27TH DAY OF JANUARY, 2026.

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

50  
51 By: \_\_\_\_\_  
52 Jerry L. Demings  
53 Orange County Mayor

54  
55 ATTEST: Phil Diamond, CPA, County Comptroller  
56 As Clerk to the Board of County Commissioners

57  
58  
59  
60 By: \_\_\_\_\_  
61 Deputy Clerk

## APPENDIX "A"

### FUTURE LAND USE MAP AMENDMENT

<b><i>Appendix A*</i></b>		
<b><i>Privately Initiated Future Land Use Map Amendment</i></b>		
<b>Amendment Number</b>	<b>Future Land Use Map Designation FROM:</b>	<b>Future Land Use Map Designation TO:</b>
SS-25-11-017	Low Density Residential (LDR)	Commercial (C)
<b>*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.</b>		