



ORANGE COUNTY

PLANNING DIVISION

SMALL SCALE

MONTHLY

AMENDMENT

SS-21-04-017 &

2010 - 2030 COMPREHENSIVE PLAN

RZ-21-04-018

BOARD OF COUNTY COMMISSIONERS

JUNE 8, 2021

ADOPTION PUBLIC HEARING

PREPARED BY:

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

DATE: June 8, 2021

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

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

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

SUBJECT: Adoption Public Hearing – June 8, 2021
Small-Scale Future Land Use Map Amendment and Concurrent Rezoning
Request SS-21-04-017 / RZ-21-04-018

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment** scheduled for a BCC adoption public hearing on June 8, 2021. The adoption public hearing for Small-Scale Development Amendment SS-21-04-017 and concurrent rezoning RZ-21-04-018 was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on April 15, 2021.

If the BCC adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for this amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at 407-836-5802 or Alberto.Vargas@ocfl.net, or Jason Sorensen, AICP, Chief Planner, Current Planning Section, at 407-836-5602 or Jason.Sorensen@ocfl.net.

JVW/AAV/JAH

Enc: Small-Scale Development Amendment BCC Adoption Binder

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

**Small-Scale Amendment and Rezoning Staff Report
Orange County Planning Division
BCC Hearing Date: June 8, 2021**

CASE # SS-21-04-017

RZ-21-04-018

Commission District: #5

GENERAL INFORMATION

APPLICANT	Michael Carmack
OWNER	Michael E. Carmack 10043, LLC
HEARING TYPE	Planning and Zoning Commission / Local Planning Agency
FLUM REQUEST	LMDR (Low-Medium Density Residential) to C (Commercial)
ZONING REQUEST	R-1A (Single-Family Dwelling District) & C-1 (Retail Commercial District) to C-2 Restricted (General Commercial District - Restricted)
LOCATION	10043 E. Colonial Drive, generally located on the north side of E. Colonial Drive, east of the Dean Road intersection and across the street from Downey Park.
PARCEL ID NUMBER	17-22-31-7400-00-230, 17-22-31-7400-00-231, and 17-22-31-7400-00-140
TRACT SIZE	1.1-gross acre (<i>overall</i>) 0.65-gross acre (<i>affected portion – Rezoning</i>) 0.23-gross acre (<i>affected portion – FLUM Amendment</i>)
PUBLIC NOTIFICATION	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eighteen (118) notices were mailed to those property owners in the mailing area. A virtual community meeting was held on April 6, 2021 with zero (0) residents in attendance.
PROPOSED USE	General C-2 uses

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 on the affected 0.23-acre portion of the subject property.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 Restricted (General Commercial District) zoning on the affected 0.65-acre portion of the subject property with the following restrictions:

- 1) Automotive repair, automotive sales, and automotive part sales related uses are prohibited.
- 2) Billboards and pole signs shall be prohibited.
- 3) A six (6)-foot masonry wall shall be required along the property line of any portion of the subject parcel abutting residentially-zoned property.
- 4) An access easement shall be provided between the subject property and the adjacent Commercial properties such that access can be provided to the adjacent properties should they be redeveloped in a way that would allow such access.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use on 0.23 acres of the subject property from LMDR (Low-Medium Density Residential) to C (Commercial) and to rezone 0.65 acres of the subject property from R-1A (Single-Family Dwelling District) and C-1 (Retail Commercial District) to C-2 Restricted (General Commercial District), in order to allow for general C-2 uses.

The proposed restriction is for the purpose of prohibiting automotive related uses. The applicant currently has a lawn care business interested in occupying the southern portion of the subject property.

The subject property is comprised of three lots. The proposal includes a FLUM change to Commercial on the south 0.23-acre portion of the existing northern residential lot. The north portion of that lot will remain as is, for the eventual development of a single-family home. The rezoning to C-2 Restricted would then apply to that same affected south portion of the north lot, as well as the two existing commercial lots which front along E. Colonial Drive. The immediate surrounding area is developed with single-family residences to the north, along Union Park Dr, while commercial uses exist to the south, east, and west, along E. Colonial Dr.

Existing FLUM Development Program

The existing development program of the north lot would allow for construction of one single-family residence permitted under the R-1A zoning district, consistent with the existing LMDR (Low-Medium Density Residential) land use designation. The existing development program of the south two lots would allow for up to 27,377 square feet of retail commercial uses permitted under the C-1 zoning district, consistent with the existing C (Commercial) land use designation

Proposed FLUM Development Program

The proposed C-2 Restricted (General Commercial District) zoning with the proposed Future Land Use Map designation of Commercial (C) will allow the applicant to utilize the south 0.65 acres of the property for general commercial uses, such as a lawn care company. The Commercial FLU allows for consideration of up to 1.5 Floor Area Ratio. If this request is approved, the lots would be reconfigured into one 0.45 residential lot along Union Park Drive and one 0.65 acre lot along E. Colonial Drive, which the applicant is in discussions to lease to a lawn care company.

Land Use Compatibility

The Commercial Future Land Use and C-2 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

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The proposed C-2 Restricted (Residential District - Restricted) zoning is consistent with the proposed C (Commercial) FLUM designation. The proposed request is consistent with the following Comprehensive Plan provisions:

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

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.

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Rezoning # RZ-21-04-018
Orange County Planning Division
BCC Hearing Date: June 8, 2021

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

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

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use Vacant commercial building

Adjacent	FLUM	Zoning
North	LMDR (Low-Medium Density Residential)	R-1A (Single-Family Dwelling District) (1967)
South	PR-OS (Parks/Recreation)	A-2 (Farmland Rural) (1957)
East	LMDR (Low-Medium Density Residential) C (Commercial)	C-1 (Retail Commercial District) (1957)
West	C (Commercial)	C-1 (Retail Commercial District) (2012)

Adjacent Land Uses N: Single Family Residential / Vacant
 E: Preschool
 W: Church
 S: Major Roadway / Park

C-2 (General Commercial District) Development Standards

Min. Lot Area: 8,000 square feet
 Min. Lot Width: 100 feet
 Max. Height: 35 feet
 Min. Floor Area: 500 square feet

Building Setbacks

Front: 70 feet (major street setbacks)
 Rear: 20 feet
 Side: 5 feet; or 25 feet adjacent to residential

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Intent, Purpose, and Uses

The C-2 general commercial district is composed of certain lands and structures used to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district will be encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood. Characteristically, this district occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district will be promoted within the urban service area or in rural settlements where uses of this intensity are already established. The general commercial district should not be located adjacent to single-family residential zoning 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

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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"/>	

* Based on the concurrency database dated 3/22/21, there are two (2) failing roadway segments within the project area. Econlockhatchee Trail from Colonial Drive to Trevathon Road and from Travathon road to the Central Florida Greenway. Capacities indicated are a snapshot and are subject to change at any time.

Community Meeting Summary

A virtual community meeting was held on April 6, 2021. There were zero (0) residents in attendance.

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

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Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. There are existing water and wastewater mains located within the East Colonial right-of-way. In accordance with Orange County Code Chapter 37:

- Potable Water: There is an existing 24-inch watermain within the E. Colonial Drive right-of-way. As this proposed development is within the Urban Service Area, connection is required.
- Wastewater: There is an existing 24-inch forcemain within the E. Colonial Drive right-of-way. The availability of wastewater and the requirement to connect to Orange County's wastewater system will be assessed during Final Engineering/Construction Plan permitting.
- 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 – (April 15, 2021)

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C (Commercial) Future Land Use on the affected 0.23-acre portion of the subject property.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 Restricted (General Commercial District – Restricted) zoning on the affected 0.65-acre portion of the subject property, with the following restrictions:

- 1) Automotive repair, automotive sales, and sales of auto parts shall be prohibited uses.

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- 2) Billboards and pole signs shall be prohibited.
- 3) A six (6)-foot masonry wall shall be required along the property line of any portion of the subject parcel abutting residentially-zoned property.
- 4) An access easement shall be provided between the subject property and the adjacent Commercial properties such that access can be provided to the adjacent properties should they be redeveloped in a way that would allow such access.

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 **ADOPTION** for the requested C (Commercial) Future Land Use Designation, and recommend **APPROVAL** of the C-2 Restricted (General Commercial District) zoning. The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred eighteen (118) notices were mailed to those property owners in the mailing area extending beyond 800 feet surrounding the property, and that staff received no comments in favor or opposition. During public comments no member of the public was present to speak.

Discussion ensued regarding the potential use of the property for a lawn care company. Commissioner Spears expressed concern for future redevelopment to have opportunities for cross access to adjacent commercial properties. After discussing compatibility with the surrounding area, and the applicant's presentation, the following motion was made:

A motion was made on the Future Land Use Map Amendment (SS-21-04-017), and Rezoning (RZ-21-04-018) by Commissioner Spears, and seconded by Commissioner Sorbo to recommend **ADOPTION** of the requested C (Commercial) Future Land Use designation, on the affected 0.23-acre portion of the subject property, and **APPROVAL** of the requested C-2 Restricted (General Commercial District) zoning designation on the affected 0.65-acre portion of the subject property, subject to four (4) restrictions. The motion carried on an 8-0 vote.

Motion / Second	<i>Gordon Spears / Trevor Sorbo</i>
Voting in Favor	<i>Gordon Spears, Trevor Sorbo, Sean McQuade, Carlos Nazario, JaJa Wade, Mohammed Abdallah, Evelyn Cardenas, and Nelson Pena</i>
Voting in Opposition	<i>None</i>
Absent	<i>Eddie Fernandez</i>

Small Scale Amendment # SS-21-04-017
Rezoning # RZ-21-04-018
Orange County Planning Division
BCC Hearing Date: June 8, 2021

SS-21-04-017/ RZ-21-04-018



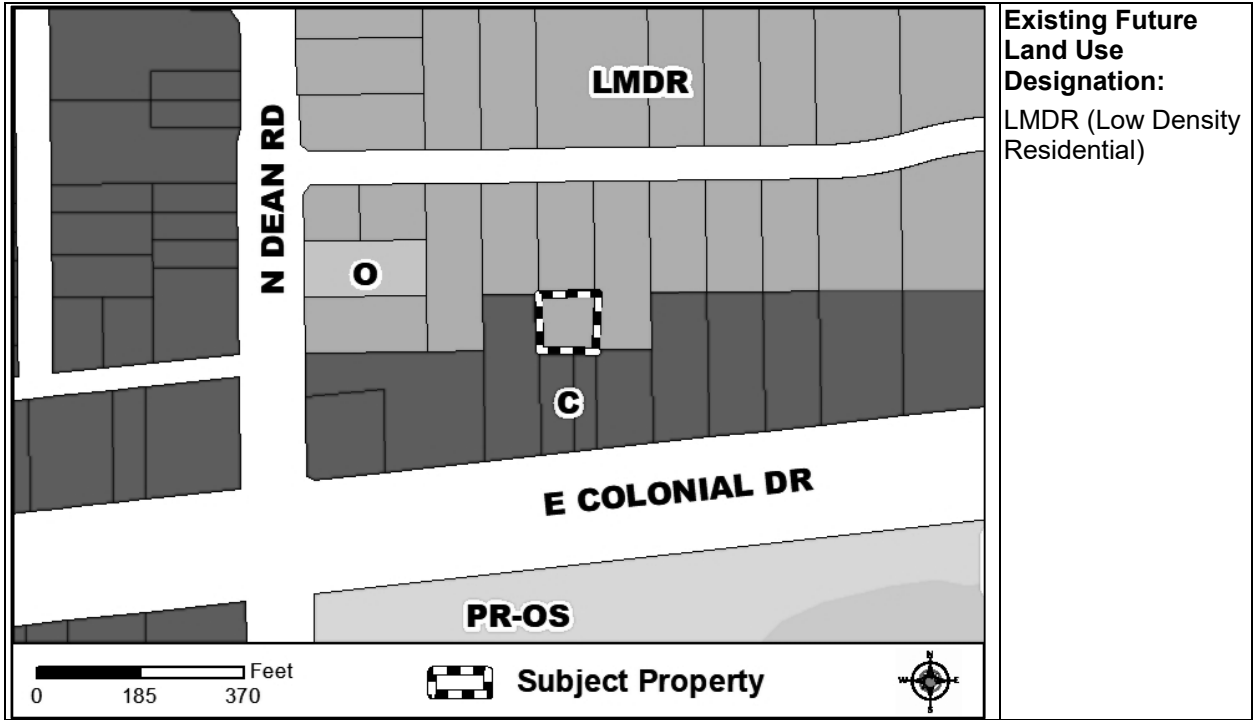
 Subject Property



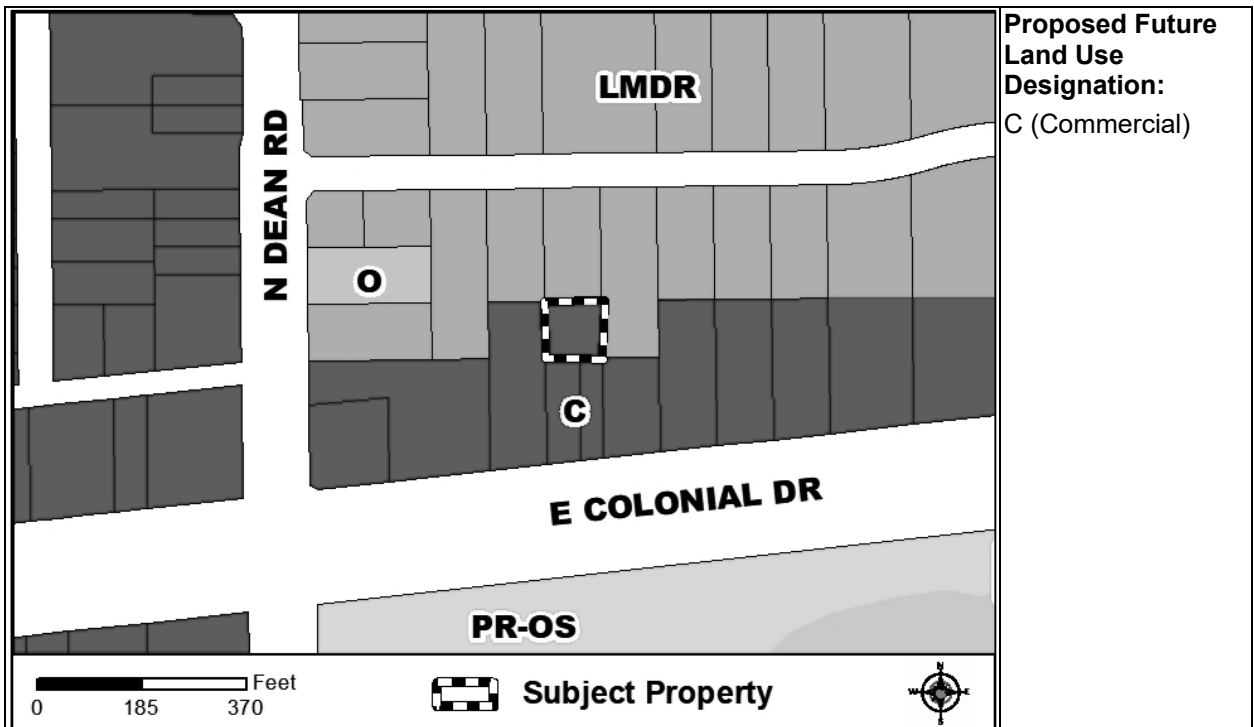
1 inch = 104 feet

The Sanborn Map Company

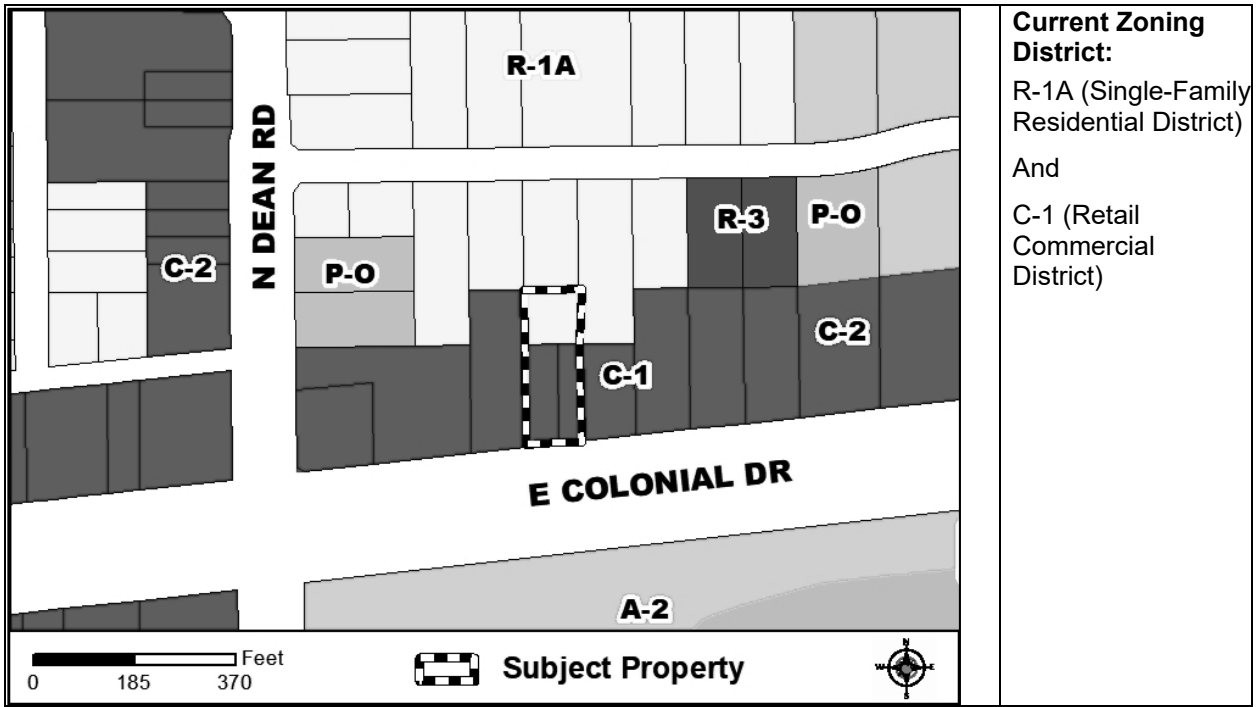
FUTURE LAND USE - CURRENT



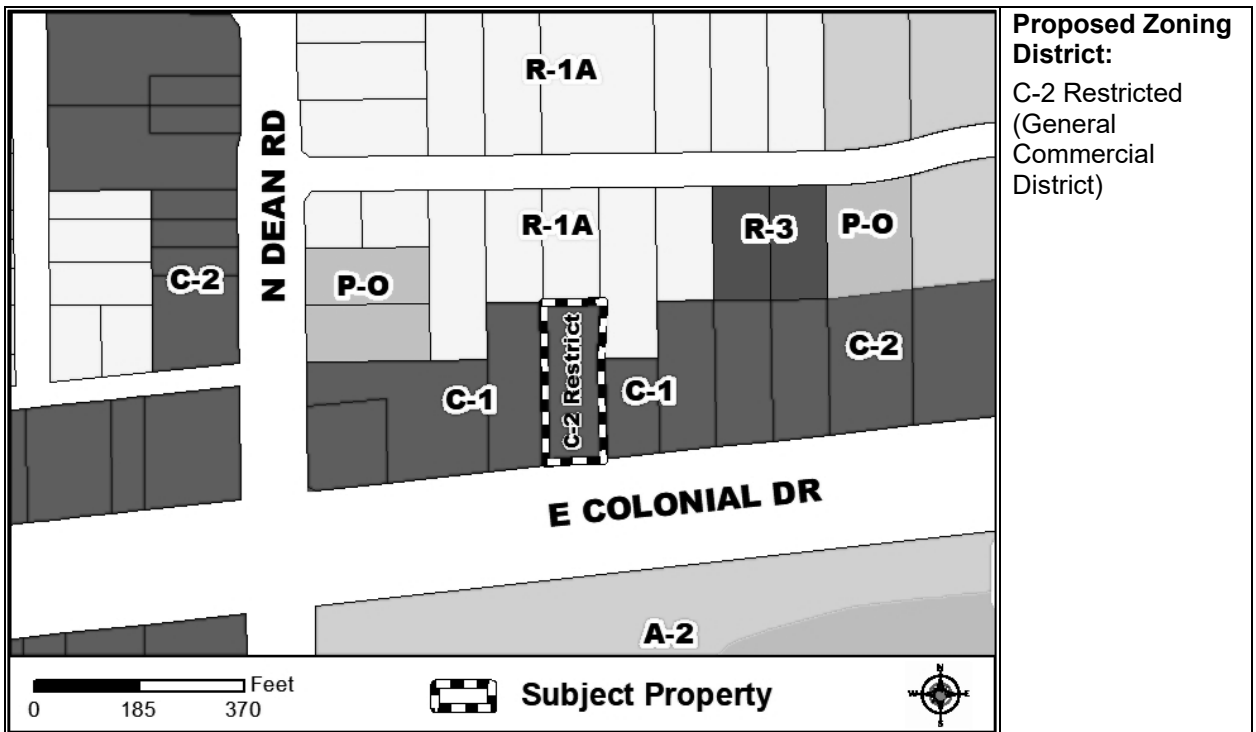
FUTURE LAND USE - PROPOSED



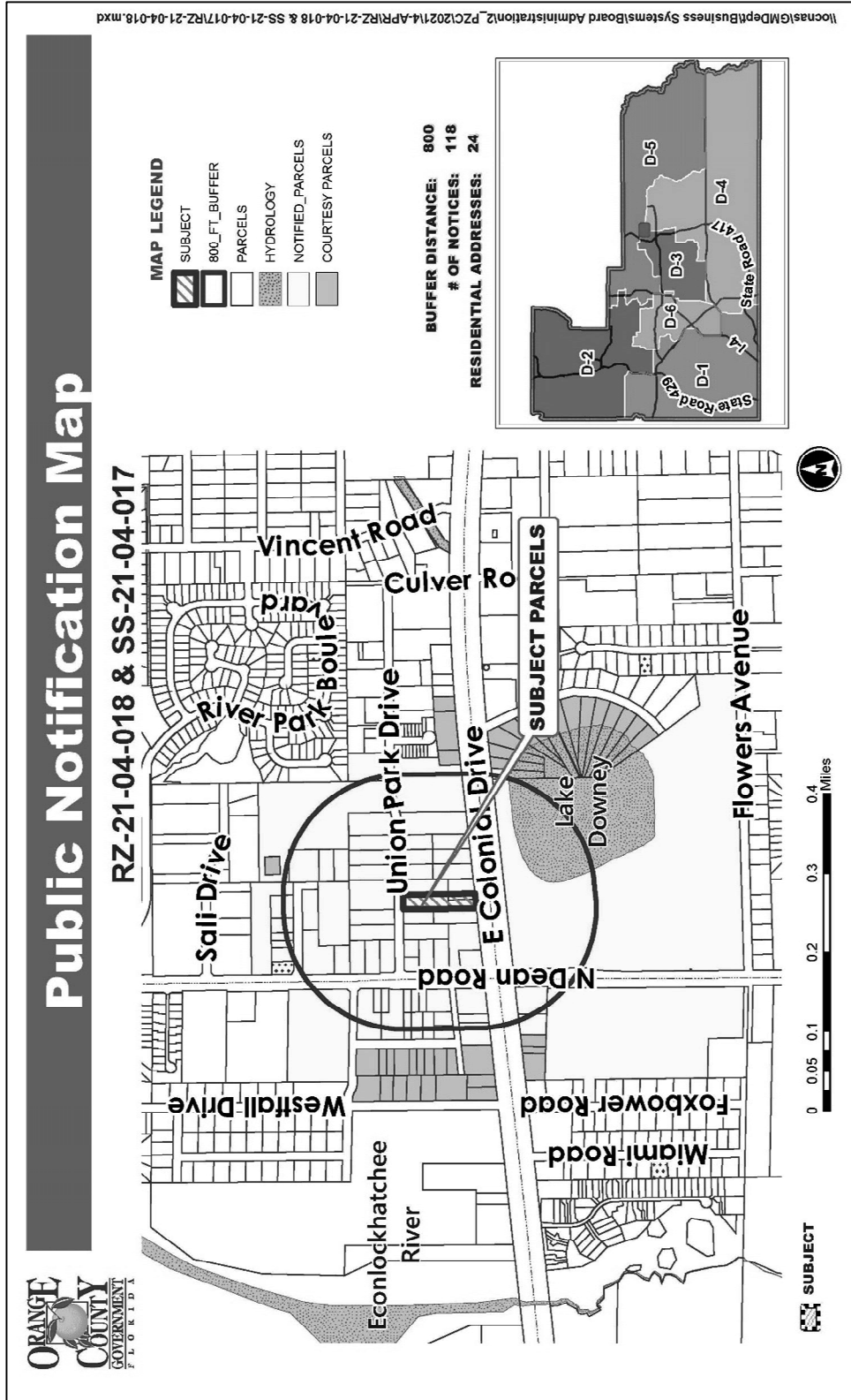
ZONING - CURRENT



ZONING - PROPOSED



Notification Map



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4 **ORDINANCE NO. 2021-_____**
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6 **AN ORDINANCE PERTAINING TO COMPREHENSIVE**
7 **PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING**
8 **THE ORANGE COUNTY COMPREHENSIVE PLAN,**
9 **COMMONLY KNOWN AS THE “2010-2030**
10 **COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING**
11 **SMALL SCALE DEVELOPMENT AMENDMENTS**
12 **PURSUANT TO SECTION 163.3187, FLORIDA STATUTES;**
13 **AND PROVIDING EFFECTIVE DATES.**
14

15 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
16 **ORANGE COUNTY:**

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

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

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

24 c. On June 8, 2021, the Board held a public hearing on the adoption of the proposed
25 amendment, as described in this ordinance, and decided to adopt it.

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

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

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Section 4. Effective Dates for Ordinance and Amendments.

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

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

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

ADOPTED THIS 8th DAY OF JUNE, 2021.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

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

By: _____
Deputy Clerk

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APPENDIX "A"
FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-21-04-017	Low Medium Density Residential (LMDR)	Commercial (C)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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