




Interoffice Memorandum

DATE: July 19, 2024

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

FROM: Tanya Wilson, AICP, Director   
Planning, Environmental, and Development Services  
Department

**CONTACT PERSON: Jason Sorensen, AICP, Chief Planner  
Planning Division  
407-836-5602**

SUBJECT: August 13, 2024, Adoption Public Hearing – Small-Scale Future  
Land Use Map Amendment, Staff-Initiated Text Amendments  
and Concurrent Planned Development Rezoning Request  
Applicant: Thomas Sullivan, GrayRobinson, P.A.  
SS-24-01-117, SS-24-01-FLUE-1, SS-24-01-FLUE-2 and  
LUP-23-11-319  
District 4

Please find the attached staff report and associated back-up material for the Small-Scale Future Land Use Map Amendment, Staff-Initiated Text Amendments, and Concurrent PD Rezoning request scheduled for a Board adoption public hearing on August 13, 2024.

The 4.56-acre subject property is located at 14411 Boggy Creek Road; generally located south of Beth Road and east of Boggy Creek Road. The request is to change the Future Land Use Map designation from Rural/Agricultural (R) to Planned Development-Commercial (PD-C) with an Urban Service Area (USA) Boundary Expansion, rezone the property from A-2 (Farmland Rural District) to PD (Planned Development District) (14411 Boggy Creek Road Public Storage Planned Development/Land Use Plan), and an associated staff-initiated text amendment to record the development program in Comprehensive Plan Policy FLU8.1.4. The applicant is proposing to construct a self-storage facility and C-1 (Retail Commercial District) uses, not exceeding 167,000 square feet (15,000 sq. ft. for C-1 uses and 152,000 sq. ft. for self-storage) and requesting one waiver from Orange County Code related to building height.

On April 10, 2024, the Development Review Committee recommended approval of the PD/LUP, subject to twenty conditions of approval.

A community meeting was held on February 22, 2024, with six members of the public in attendance. Residents expressed concern regarding the height of the development but later understood the waiver is for architectural reasons (parapets). They also expressed concerns regarding traffic and the saturation of self-storage uses in the area since there is an approved self-storage facility proposed across from the subject site.

The adoption public hearing for Small-Scale Development Amendments SS-24-01-117, SS-24-01-FLUE-1, SS-24-01-FLUE-2, and concurrent Rezoning Request LUP-23-11-319 were conducted before the Planning and Zoning Commission / Local Planning Agency on June 20, 2024, where the requests were unanimously recommended for approval after inquiring if the applicant is proposing to build anything else besides the self-storage facility. Staff indicated that two outparcels are also proposed for C-1 uses on subject property. The applicant further indicated that the proposed uses for the outparcels have not been determined at this time, but the uses will be compatible with the proposed storage facility.

If the Board adopts the proposed amendments, the Small-Scale Development Amendments will become effective 31 days after the public hearing, provided no challenges are brought forth for any of the amendments.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at 407-836-5354 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net), or Jason Sorensen, AICP, Chief Planner, at 407-836-5602 or [Jason.Sorensen@ocfl.net](mailto:Jason.Sorensen@ocfl.net).

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and ADOPT the Planned Development-Commercial (PD-C) Future Land Use Map designation (SS-24-01-117); ADOPT Staff-Initiated Text Amendment to Policy FLU1.2.4 (SS-24-01-FLUE-1); ADOPT Staff-Initiated Text Amendment to Policy FLU8.1.4 (SS-24-01-FLUE-2), ADOPT the associated ordinance; and APPROVE the concurrent PD (Planned Development District) (14411 Boggy Creek Road Public Storage PD/ LUP) zoning (LUP-23-11-319), subject to the twenty conditions of approval including one waiver from Orange County Code.  
District 4**

AS/JHS/KH

**Small-Scale Amendment and Rezoning Staff Report  
Orange County Planning Division  
BCC Hearing Date: August 13, 2024**

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**CASE # SS-24-01-117  
LUP-23-11-319  
SS-24-01-FLUE-1  
SS-24-01-FLUE-2  
Commission District: #4**

**GENERAL INFORMATION**

**APPLICANT:** Thomas Sullivan, Gray Robinson

**OWNER:** Parbattie Samlall

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

**PROJECT NAME:** 14411 Boggy Creek Road Public Storage Land Use Plan

**FLUM REQUEST:** **R** (Rural/Agricultural) **to**  
**PD-C** (Planned Development-Commercial) with an Urban Service Area Expansion

**TEXT AMENDMENTS:** FLU8.1.4 Text Amendment – Establish Development Program

FLU1.2.4 Text Amendment – Urban Service Area Expansion

**ZONING REQUEST:** **A-2** (Farmland Rural District) **to**  
**PD** (Planned Development District)

*To rezone 4.56 acres from A-2 to PD to allow for a self-storage facility and C-1 uses. The request also includes the following waiver from Orange County Code:*

1. A waiver from Section 38-1272(a)(5) to allow a maximum height of forty-five (45) feet for commercial buildings within one hundred (100) feet of any residential zoned property, in lieu of a maximum height of thirty-five (35) feet within one hundred (100) feet of any residential zoned property.

***Applicant Justification:*** *The requested waiver will allow for additional commercial development within the urban service area, consistent with the goals, objectives, and policies of the county's comprehensive plan. Additionally, the commercial building will be strategically placed within the property limits to maximize the setback of thirty (30) feet from the adjacent residential zoned property to the north.*

**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

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<b>LOCATION:</b>	14411 Boggy Creek Road; generally located south of Lake Nona Blvd, east of Boggy Creek Rd, West of Hidden Trail Rd, and north of Simpson Rd.
<b>PARCEL ID NUMBER:</b>	34-24-30-6368-00-400
<b>TRACT SIZE:</b>	4.56- gross acres
<b>PUBLIC NOTIFICATION:</b>	The notification area for this public hearing was 1500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One Hundred Eighty (180) notices were mailed to those property owners in the mailing area.
<b>COMMUNITY MEETING:</b>	An in-person community meeting was held on February 22, 2024, and is summarized further in this report.
<b>PROPOSED USE:</b>	Self-storage facility – Up to 152,000 Square Feet C-1 Uses – Up to 15,000 Square Feet

**STAFF RECOMMENDATION**

**PLANNING**

**Future Land Use Map Amendment**

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

**Rezoning**

**Development Review Committee – (April 10, 2024)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the 14411 Boggy Creek Road Public Storage Planned Development / Land Use Plan (PD/LUP), dated “Received May 17th, 2024”, subject to the following conditions:**

1. Development shall conform to the 14411 Boggy Creek Public Storage Land Use Plan (LUP) dated "Received May 17, 2024," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition

**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

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of approval and the land use plan dated "Received May 17, 2024," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. 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, or any other development order, 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. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a

**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

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later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
8. A mandatory pre-application/sufficiency review meeting for any Preliminary Subdivision Plan (PSP) shall be required prior to Technical Review Group (TRG)/Development Review Committee (DRC) submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the PSP to the DRC Office.
9. Any development associated within this Planned Development shall provide adequate off-site improvements as determined by the County Engineer to accommodate the project as proposed in any development plan and/or preliminary subdivision plan, including but not limited to improvement of Boggy Creek Road and Beth Road. Such off-site improvements within a publicly dedicated right-of-way must be submitted as an E-plan along with the required surety per Chapter 21-202 and 21-208.
10. A Declaration of Covenants, Conditions, and Restrictions (CC&Rs) shall be recorded and any necessary Property Owners Association (POA) be established simultaneously with the recording of the first plat, providing for, but not limited to, drainage easements, utility easements, and cross access easements as well as any other shared facilities located within the Planned Development.
11. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).
12. Necessary easements and/or right-of-way for Beth Road/Boggy Creek Road signal shall be provided at no cost to Orange County prior to issuance of any Certificate of Occupancy, temporary or permanent, associated with this PD.

**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

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13. The northern most access points on Beth Rd must be located at Development Plan and/or Preliminary Subdivision Plan so as to be in an alignment with the intersecting roadway to the north and acceptable to Orange County.
14. Beth Road must be constructed to commercial standards from Boggy Creek Road to the east boundary of this planned development prior to any Certificate of Occupancy. Any required right-of-way will be dedicated prior to platting.
15. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
16. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
17. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
18. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
19. The internal North-South cross access easement must align with the development connection located on the north side of Beth Road.
20. A waiver from Orange County Code Section 38-1272(a)(5) is granted to allow a maximum height of forty-five (45) feet for commercial buildings within one hundred (100) feet of any residential zoned property, in lieu of a maximum height of thirty-five (35) feet within one hundred (100) feet of any residential zoned property.

## **SUBJECT PROPERTY ANALYSIS**

### **Overview**

The applicant is seeking to change the Future Land Use of the subject property from Rural/Agricultural (R) to Planned Development-Commercial (PD-C) and expand the Urban Service Area boundary. The applicant is also requesting to rezone the subject parcels from A-2 (Farmland Rural District) to PD (Planned Development District). The requested development program is a self-storage facility and C-1 Uses, not exceeding 167,000 square feet (15,000 s.f. for C-1 uses and 152,000 s.f. for self-storage). The applicant is also seeking one (1) waiver from Orange County Code related to building height.

The subject property is a single lot located at the southeast intersection of Boggy Creek Rd and Beth Rd. The immediate surrounding area is mixed with single-family homes, multi-family apartments, and commercial uses. To the north and west are commercial and multifamily developments. The parcel to the east has a manufactured home and to

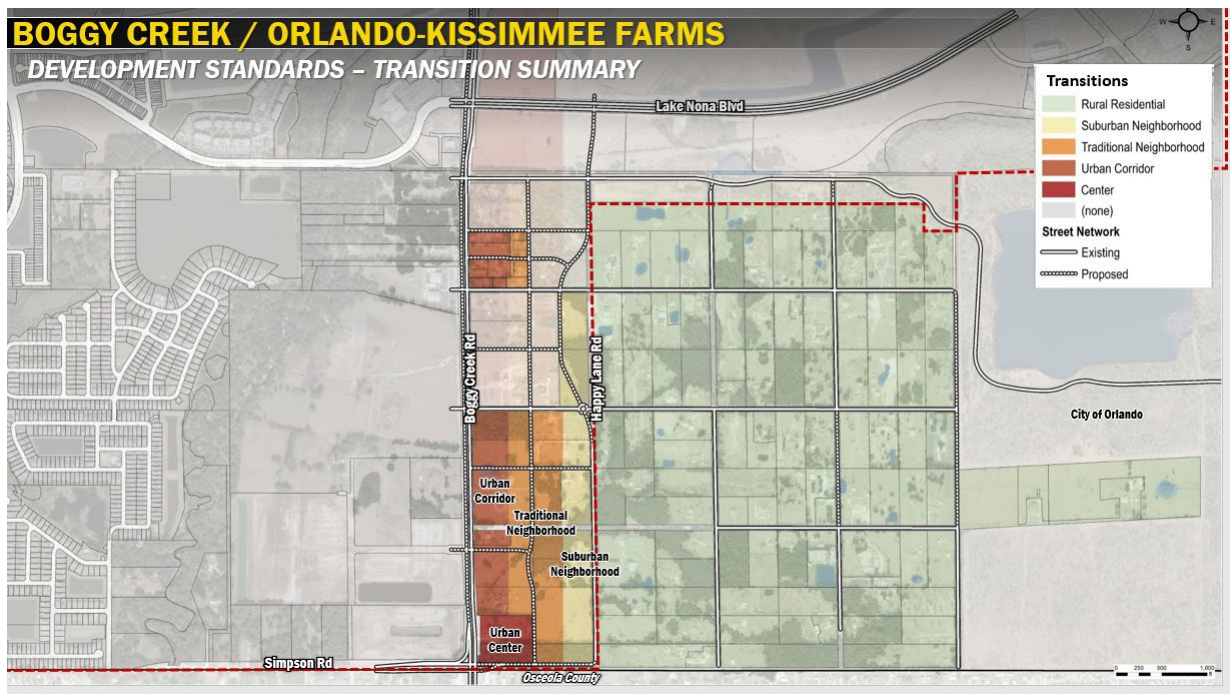
**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

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the south is agricultural land. The existing use of the property is vacant and zoned for agricultural and residential uses.

The subject property is located within an area known as the Bogg Creek Study Area which culminated in the Bogg Creek Expansion Area and Transition Area approved by the Board in 2022. The Bogg Creek Expansion Area, which the subject property is within, allows for properties to ask to expand the Urban Service Area without the need to meet all the Urban Service Area expansion criteria including adjacency and a small-area study and allows it to be processed as a small-scale amendment instead of a regular-scale amendment. The findings to allow for this was due to the increased development pressure along the Bogg Creek Corridor with proximity to Lake Nona and the Orlando International Airport. The expansion area was included as Map5a in the Future Land Use Element of the Comprehensive Plan. It includes an area south of SR 417 and north of Simpson Road, enclaves with the Urban Service Area west of Bogg Creek Road, and the properties on the west side of the corridor and to the east of the corridor to Happy Lane.

The Transition Area includes the area east of Bogg Creek Road and west of Happy Lane. It prescribes certain development standards which are listed in FLU Table FLU8.1.3.1. The subject property is split between the Urban Corridor and Traditional Neighborhood designations. The proposed development program is consistent with the Transition Area criteria.



**Existing FLUM Development Program**

The development program for the current FLUM designation (Rural/Agricultural) would allow for the consideration of one dwelling unit per 10 acres. The site is currently undeveloped.



**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

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**Proposed FLUM Development Program**

The proposed PD zoning with the Future Land Use Map designation of PD-C – will allow the applicant to construct a 152,000 square foot self-storage facility and create two outparcels that allow C-1 uses. If this request is approved with the requested waivers it will allow for a 45’ tall self-storage facility to be constructed.

**Land Use Compatibility**

The PD-C Future Land Use and PD 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Airport Noise Contour E. Any required noise mitigation will be required at the time of permitting.
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

The subject property has an underlying Future Land Use Map (FLUM) designation of Rural/Agricultural (R) which allows for one dwelling unit per 10 acres. The Residential/Agricultural FLUM does not normally allow for commercial development. The proposed PD zoning district and development program is inconsistent with the Rural/Agricultural FLUM designation. However, through concurrent FLUM amendment # SS-24-01-117, the applicant is seeking to change the FLUM designation to Planned Development-Commercial (PD-C). Additionally, the request is consistent with the following CP provisions:

**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.

**FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

**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

**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

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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 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.

**FLU8.1.3.1** Development proposals within the area between Boggy Creek Road and Happy Lane, located in the Boggy Creek USA Expansion area depicted on Map 5a of the Future Land Use Map Series, shall require the concurrent consideration of a Planned Development (PD) Future Land Use Map (FLUM) amendment application and a corresponding Planned Development/Land Use Plan (PD/LUP) rezoning request. Such proposals shall be consistent with the Boggy Creek Road Corridor Development Standards in Table FLU8.1.3.1 below.

**Table FLU8.1.3.1 Boggy Creek Road Corridor Development Standards**

Standards	Urban Corridor (Transition Zone 5)	Traditional Neighborhood (Transition Zone 4)	Suburban Neighborhood (Transition Zone 3)
<b>Land Use</b> <i>Development shall include a mix of integrated urban land uses that support a broad range of mobility options along the corridor</i>	Medium to high density residential, retail, office, and limited light industrial uses within multi-story buildings oriented around transit, and with a vertical mix encouraged	Low-medium to medium density residential and complimentary mix of neighborhood serving retail and services	Low density single-family (attached and detached) residential
<b>Block Configuration</b> <i>A combination of square and elongated blocks shall be formed by an interconnected street network</i>	Smaller blocks formed between interconnected mixed-use corridors and primary streets	Blocks formed between interconnected primary and secondary streets	Larger blocks formed between primary and secondary streets
<b>Density / Intensity</b>	<b>Max. 35 du/ac &amp; 3.0 FAR</b>	<b>Max. 20 du/ac &amp; 1.5 FAR</b>	<b>Max. 6 du/ac*</b>

**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

<b>Standards</b>	Urban Corridor (Transition Zone 5)	Traditional Neighborhood (Transition Zone 4)	Suburban Neighborhood (Transition Zone 3)
<i>A transition from higher to lower densities and intensities shall occur from the corridor eastward</i>			<i>*Areas within a 150' linear depth along the western edge of Happy Lane shall be limited to min. 150' lot widths that front Happy Lane.</i>
<b>Open &amp; Civic Space</b>			
<i>Functional public open space sized in the context of its surroundings (including civic uses and structures) shall be located along pedestrian pathways or adjacent to meaningful destinations</i>	Min. 15% [Subject to the qualifying open space requirements of Sec. 38-1234, except for 38-1234(3)]	Min. 20% [Subject to the qualifying open space requirements of Sec. 38-1234, except for 38-1234(3)]	Min. 30% [Subject to the qualifying open space requirements of Sec. 38-1234, except for 38-1234(3)]
<b>Building Placement</b>			
<i>Primary façades shall be oriented towards the corridor or primary street with setbacks or build-to-lines that result in a more predictable setting</i>	Building façades placed adjacent to sidewalk (subject to applicable setbacks)	Building façades placed generally close to sidewalks, but subject to applicable setbacks	Residential structures moderately setback from primary street (per Code), with some accessory dwelling units or garages recessed from rear lot line or alley
<b>Building Frontage</b>			
<i>Building frontage types vary by use and transition zone, but shall be designed to activate and shape the desired public realm</i>	70% min. frontage occupation, with use of terraces, stoops, common entries, arcades/colonnades, and galleries	60% min. frontage occupation, with use of porches, stoops, common entries, arcades/colonnades, and galleries	No min. frontage occupation. Use of porches and stoops
<b>Building Height</b>			
<i>Buildings shall transition in height from multi-story structures along the corridor to primarily one or two-story structures in single-family residential areas</i>	5 stories maximum	3 - 4 stories maximum* *3 story maximum building height within 550' of the Happy Lane right-of-way	2 stories maximum
<b>Access &amp; Connectivity</b>			
<i>Strong vehicular, bicycle, and pedestrian access and connectivity shall be provided within and between development projects, with an emphasis on safe and convenient pedestrian access to corridor transit stops</i>	Full, controlled, or emergency-only vehicular access to adjacent primary and secondary streets, and alleys, along with an integrated bicycle and pedestrian network	Direct and/or emergency-only vehicular access to adjacent primary and secondary streets, and alleys, along with an integrated bicycle and pedestrian network	Direct and/or emergency-only vehicular access to adjacent primary and secondary streets, and public sidewalks

**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

Parking			
<i>Vehicular parking areas shall be located on the street, located behind or between buildings, or in parking structures with "liner" units or buildings at street level</i>	Any combination of on-street angled and/or parallel parking, surface parking, and structured parking	Any combination of on-street angled and/or parallel parking, surface parking, and structured parking	Primarily on-site / parcel parking enhanced with on-street angled or parallel parking

**FLU8.1.5.2** Those properties within the Boggy Creek Urban Service Area (USA) Expansion Area, as depicted on Map 5a of the Future Land Use Map Series, have been determined to be consistent with the adopted USA, Objective FLU1.3, and associated policies and may apply for a Future Land Use Map (FLUM) amendment for urban land use designations consistent with FLU1.1.2 and FLU1.1.4A. Those properties along the Boggy Creek Road Corridor between Boggy Creek Road and Happy Lane shall submit a privately-initiated Planned Development (PD) FLUM amendment application and corresponding Planned Development/Land Use Plan (PD/LUP) rezoning request, as established in Policies FLU1.1.4B. and FLU8.1.3.1, and shall be consistent with the Boggy Creek Road Corridor Development Standards in Table FLU8.1.3.1.

**Staff-Initiated Text Amendment – Case # SS-24-01-FLUE-1**

**Establish Development Program for PD's**

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment SS-24-01-FLUE-1.

The maximum development program for Amendment SS-23-07-036, if adopted, would be as follows:

<b>Amendment Number</b>	<b>Adopted FLUM Designation</b>	<b>Maximum Density/Intensity</b>	<b>Ordinance Number</b>
<u>SS-24-01-117</u> <u>14411 Boggy Creek Self-Storage PD</u>	<u>Planned Development-Commercial (PD-C)</u>	<u>Up to 152,000 square feet of self-storage and 15,000 square feet of retail commercial uses</u>	<u>2024-</u>

**Staff-Initiated Text Amendment – Case # SS-24-01-FLUE-2**

**Urban Service Area Expansion**

The Urban Service Area expansion request associated with proposed Future Land Use Map Amendment SS-24-01-117 appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. As such, if approved, the expansion acreage will be recorded in Future Land Use Element Policy FLU1.2.4 as follows:

**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

**FLU1.2.4**

Amendment Number	Name	Size (Acres)	Ordinance Number
***			
<u>SS-24-01-117</u>	<u>14411 Boggy Creek Self-Storage</u>	<u>4.56</u>	<u>2024-</u>

**SITE DATA**

**Existing Use**                      Vacant/ Residential/ Agricultural

Adjacent	FLUM	Zoning
<b>North</b>	City of Orlando	City of Orlando
<b>South</b>	R (Rural/Agricultural)	A-2 (Farmland Rural District) (1957)
<b>East</b>	R (Rural/Agricultural)	A-2 (Farmland Rural District) (1957)
<b>West</b>	PD-C/O/MDR/CONS (Planned Development- Commercial/Office/Medium Density Residential/ Conservation)	PD (Planned Development District) (2007)

**Adjacent Land Uses**      N: City of Orlando  
    E: Manufactured Home/Agricultural  
    W: Vacant Commercial/Multifamily  
    S: Agricultural

**APPLICABLE PD DEVELOPMENT STANDARDS**

PD Perimeter Setback              25 feet

Maximum Building Height:        45 feet \*waiver requested.

**Minimum Building Setbacks**

North (Beth Rd - all other rights-of-way): 20 feet  
 East (PD Boundary):                      25 feet  
 South (PD Boundary):                      25 feet  
 West (Boggy Creek Rd- Arterial):        20 feet

**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 Protection Division Comments:**

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).

Gopher Tortoise Burrowing Suitability - This site has soil that is suitable for gopher tortoise habitat. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations. Forward any related permits to the Orange County Environmental Protection Division.

Eagle Nest Buffer - The site is located within the 660 ft buffer zone of an FWC identified eagle nest OR078. 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).

Solid Waste Disposal - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

**Transportation Division Comments:**

Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-

**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

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residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

Based on the Concurrency Management database (CMS) dated 11/16/2023, there are multiple failing roadway segments within the project's impact area along Boggy Creek Rd, from S. Access Rd to Osceola County Line (2 segment(s)). This information is dated and subject to change.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed use will result in an increase of 307 new pm peak trips and therefore will impact the area roadways.

*Roadway Capacity Analysis*

This traffic analysis was conducted in support of the Public Storage Property on Boggy Creek. The proposed development program comprises commercial land uses, including 152,000 square feet of self-storage and up to 15,000 square feet of fast-food restaurants or equivalent commercial uses. The site is located on Boggy Creek Road south of Beth Road, in Orange County, Florida.

- The development is projected to generate 4,269 new trips per day, of which 308 trips occur in the PM peak hour.
- The project's influence area was tested against the 3% significance threshold and was expanded beyond the initial 1-mile study area to include an additional segment of Boggy Creek Road.
- The capacity analysis of the study roadway segments indicates that the project will impact two failing segments of Boggy Creek Road.
- Development within the property will be subject to the requirements of the Concurrency Management System. Adverse impacts generated by each development application will be mitigated in accordance with the Concurrency Management System through a proportionate share mitigation agreement.

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

**Community Meeting Summary**

An in-person community meeting was held on February 22nd, 2024, and was attended by six (6) residents. Residents expressed concern regarding the height of the development, but through explanation understood the waiver was for architectural reasons (parapets). There was also concern regarding traffic and the saturation of this

**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

---

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use in the area as there is an approved self-storage facility proposed across from the subject site.

**Utilities**

Water: Orlando Utilities Commission – Connection is required.

Wastewater: Orange County – Connection is required

Reclaim Water: Orange County, not currently available

**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 – (June 20, 2024)**

**Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested PD-C (Planned Development-Commercial) Future Land Use, and recommend APPROVAL of the 14411 Boggy Creek Road Public Storage Planned Development / Land Use Plan (PD/LUP), dated “Received May 17th, 2024”, subject to the following conditions:**

1. Development shall conform to the 14411 Boggy Creek Public Storage Land Use Plan (LUP) dated "Received May 17, 2024," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition



**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

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of approval and the land use plan dated "Received May 17, 2024," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. 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, or any other development order, 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. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a

**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

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later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
8. A mandatory pre-application/sufficiency review meeting for any Preliminary Subdivision Plan (PSP) shall be required prior to Technical Review Group (TRG)/Development Review Committee (DRC) submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the PSP to the DRC Office.
9. Any development associated within this Planned Development shall provide adequate off-site improvements as determined by the County Engineer to accommodate the project as proposed in any development plan and/or preliminary subdivision plan, including but not limited to improvement of Boggy Creek Road and Beth Road. Such off-site improvements within a publicly dedicated right-of-way must be submitted as an E-plan along with the required surety per Chapter 21-202 and 21-208.
10. A Declaration of Covenants, Conditions, and Restrictions (CC&Rs) shall be recorded and any necessary Property Owners Association (POA) be established simultaneously with the recording of the first plat, providing for, but not limited to, drainage easements, utility easements, and cross access easements as well as any other shared facilities located within the Planned Development.
11. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).
12. Necessary easements and/or right-of-way for Beth Road/Boggy Creek Road signal shall be provided at no cost to Orange County prior to issuance of any Certificate of Occupancy, temporary or permanent, associated with this PD.

**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

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13. The northern most access points on Beth Rd must be located at Development Plan and/or Preliminary Subdivision Plan so as to be in an alignment with the intersecting roadway to the north and acceptable to Orange County.
14. Beth Road must be constructed to commercial standards from Boggy Creek Road to the east boundary of this planned development prior to any Certificate of Occupancy. Any required right-of-way will be dedicated prior to platting.
15. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
16. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
17. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
18. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
19. The internal North-South cross access easement must align with the development connection located on the north side of Beth Road.
20. A waiver from Orange County Code Section 38-1272(a)(5) is granted to allow a maximum height of forty-five (45) feet for commercial buildings within one hundred (100) feet of any residential zoned property, in lieu of a maximum height of thirty-five (35) feet within one hundred (100) feet of any residential zoned property.

**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 inconsistency with the Comprehensive Plan and recommend ADOPTION of the requested PD-C (Planned Development – Commercial) Future Land Use Map Designation and associated text amendments and APPROVAL of the Planned Development (PD) rezoning. The applicant was present and agreed with the staff recommendation. There were no members of the public who appeared during public comment.

Staff indicated that one hundred eighty (180) notices were sent to property owners extending beyond 1,500 feet surrounding the property, and that staff had received one (1) response with a question regarding the architectural standards.

Discussion ensued regarding the request and proposed uses. A motion was made by Commissioner Gray and seconded by Commissioner Spears to recommend ADOPTION of the requested Planned Development Commercial (PD-C) Future Land Use Map Designation

**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

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and associated text amendments and APPROVAL of the Planned Development (PD) zoning subject to twenty (20) conditions.

**Motion / Second**

*Eric Gray / Gordon Spears*

**Voting in Favor**

*George Wiggins, Eric Gray, Evelyn Cardenas, Camille Evans, Nelson Pena and Gordon Spears*

**Voting in Opposition**

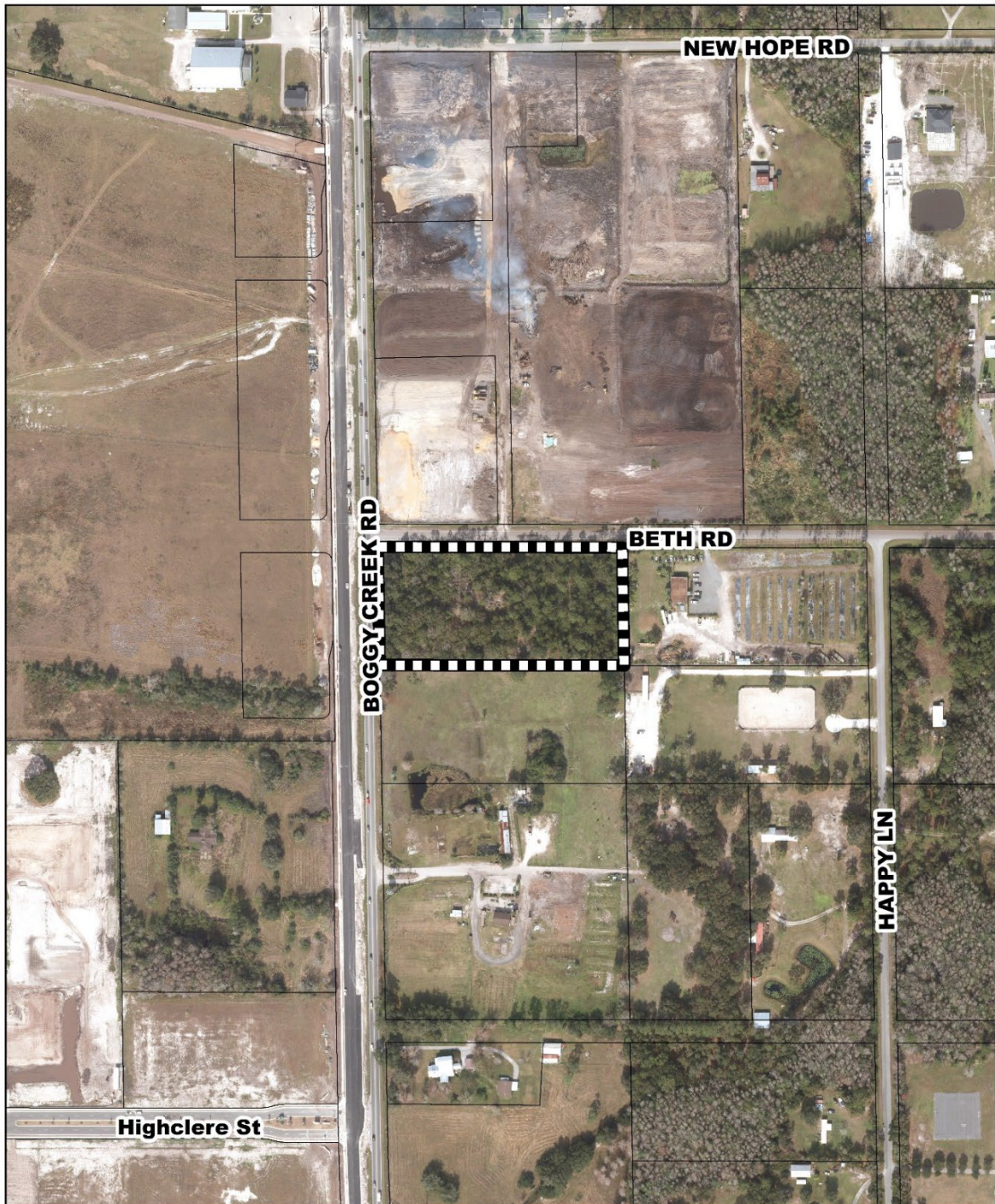
*None*

**Absent**

*Eddie Fernandez, Michael Arrington, and David Boers*

Rezoning Case # LUP-23-11-319  
Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2  
Orange County Planning Division  
BCC Hearing Date: August 13, 2024

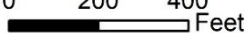
SS-24-01-117



 Subject Property



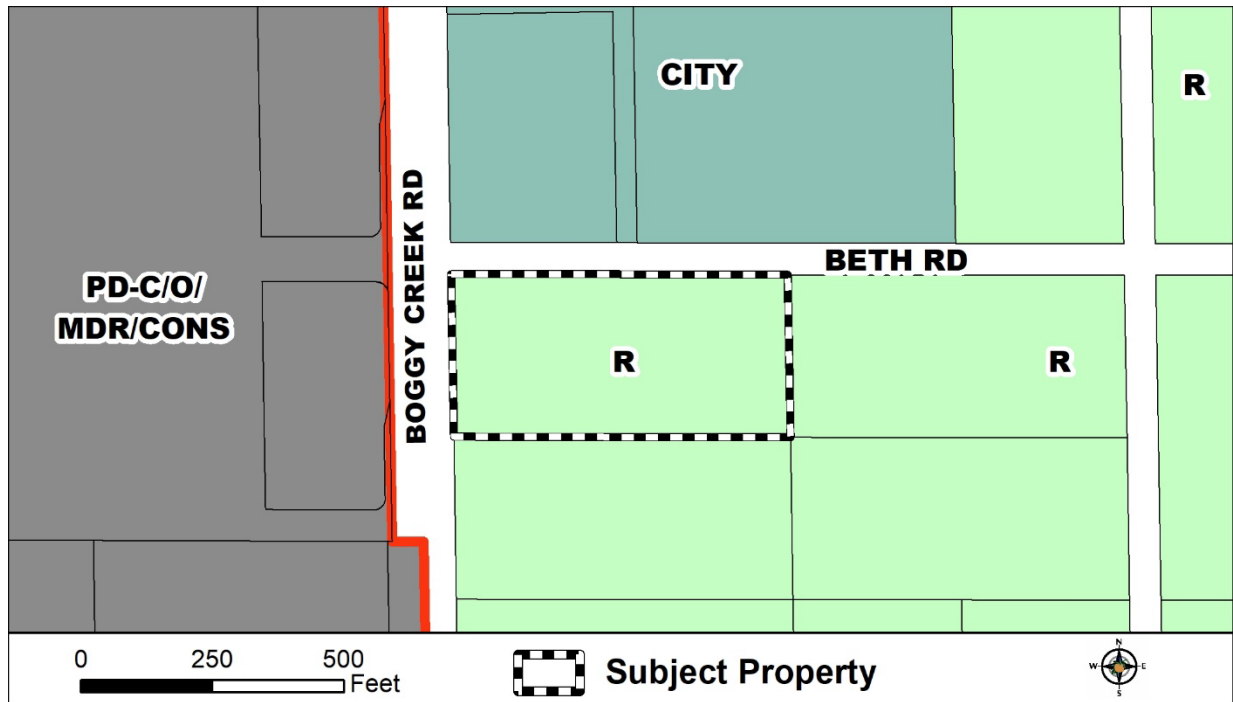
0 200 400 Feet

A horizontal scale bar with markings at 0, 200, and 400 feet.



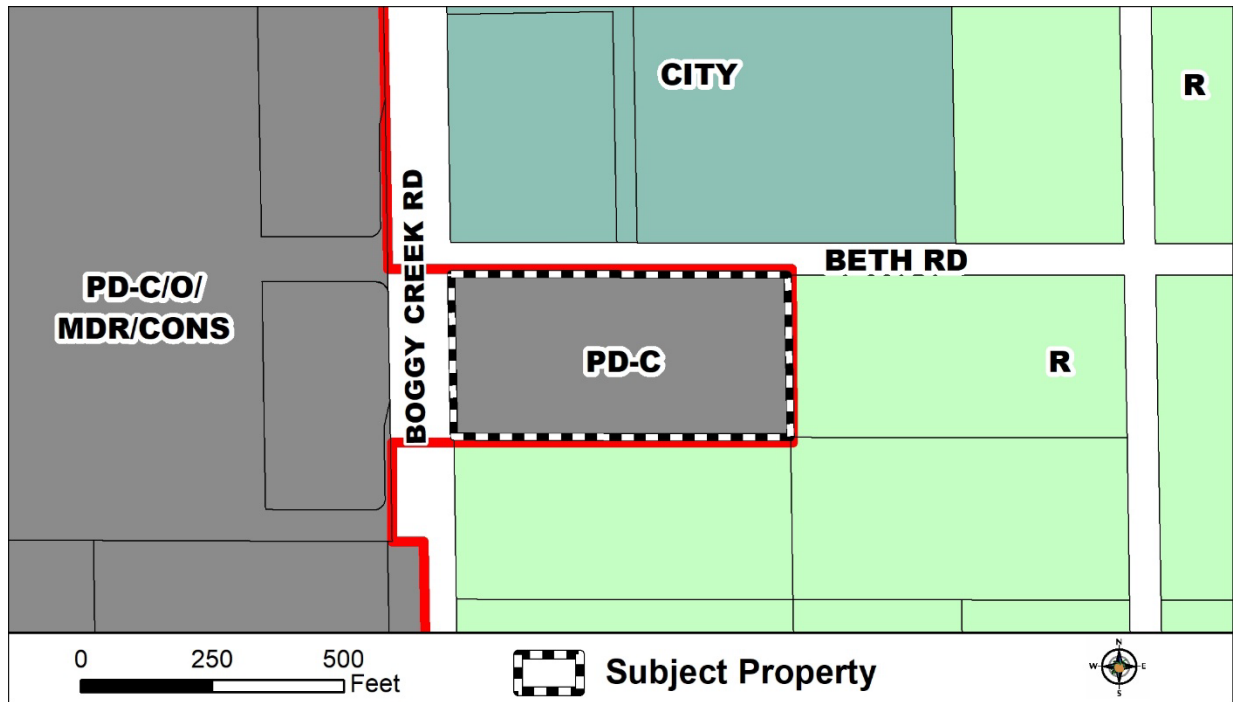
**FUTURE LAND USE - CURRENT**

Rural/ Agricultural (R)



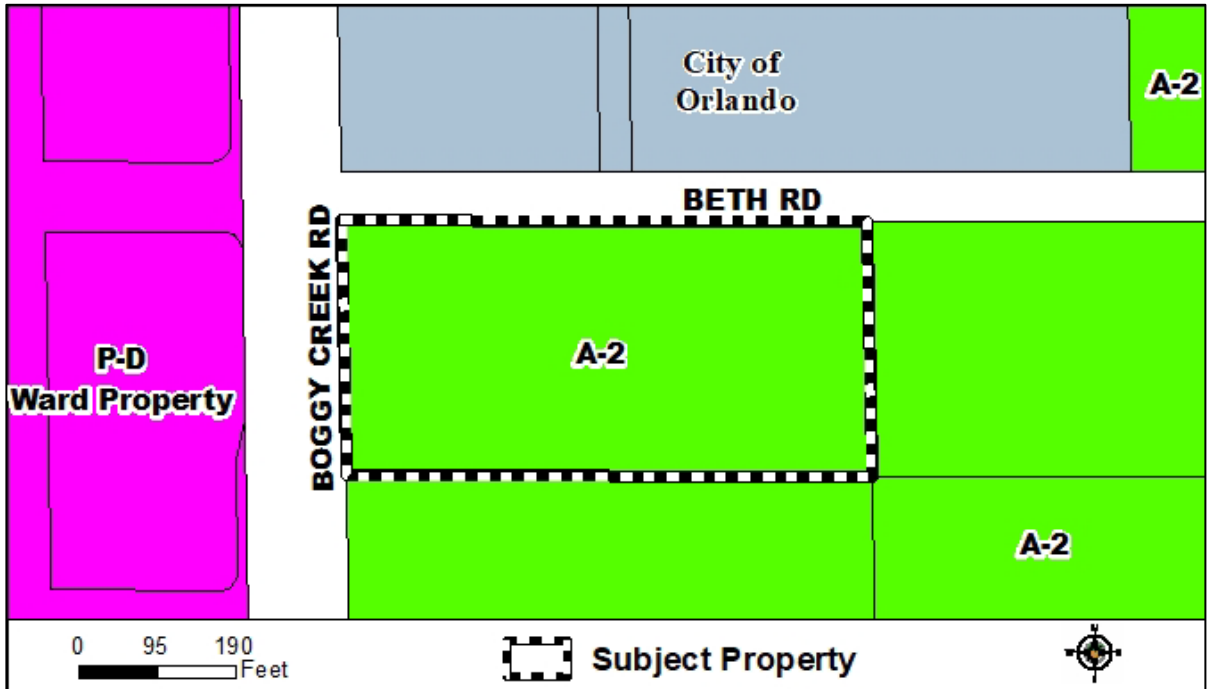
**FUTURE LAND USE - PROPOSED**

Planned Development – Commercial (PD-C) with Urban Service Area Expansion



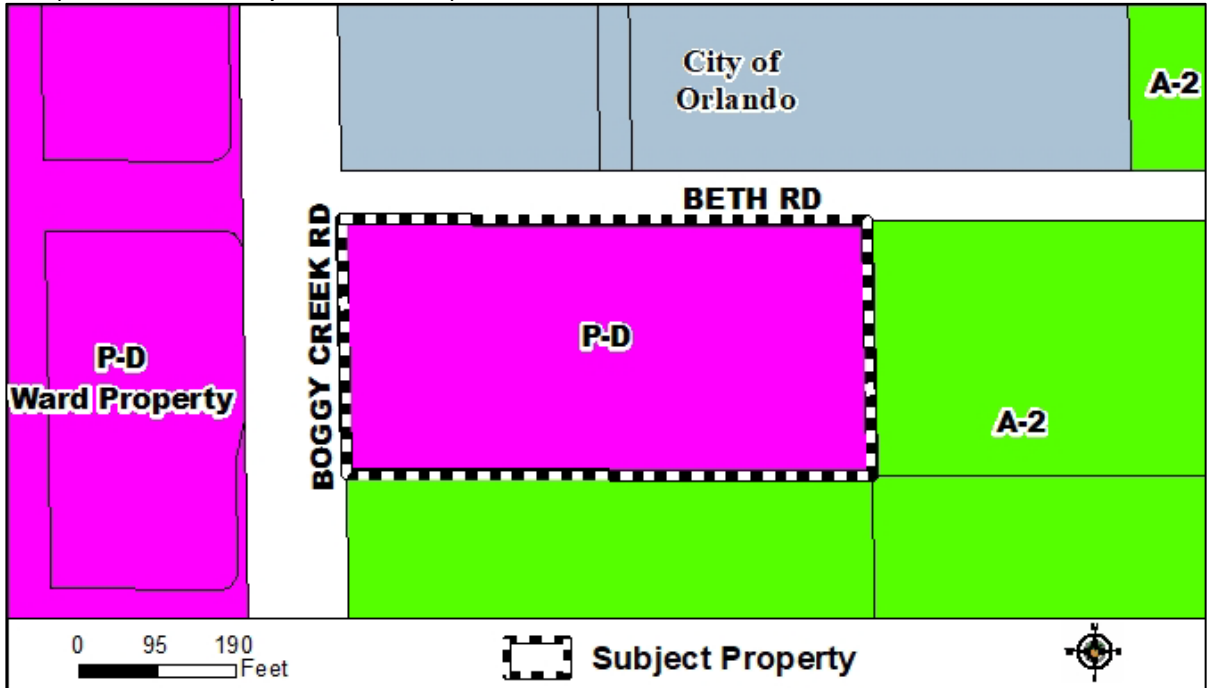
**ZONING – CURRENT**

A-2 (Farmland Rural District)



**ZONING – PROPOSED**

PD (Planned Development District)

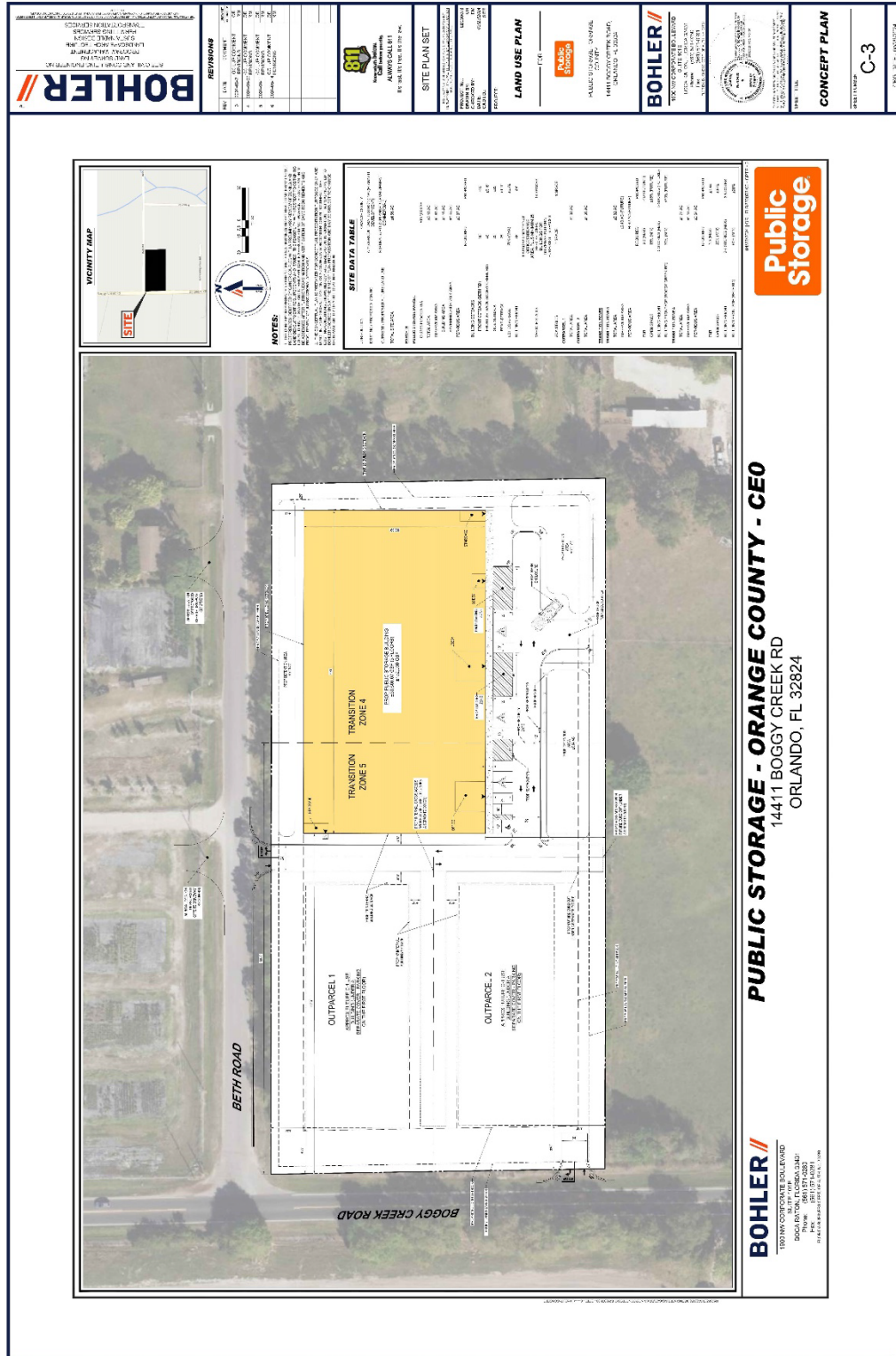






**Rezoning Case # LUP-23-11-319**  
**Small Scale Amendments # SS-24-01-117, SS-24-01-FLUE-1 & SS-24-01-FLUE-2**  
**Orange County Planning Division**  
**BCC Hearing Date: August 13, 2024**

## 14411 Boggy Creek Road Public Storage PD / LUP



## Notification Map

