




Interoffice Memorandum

January 14, 2020

TO: Mayor Jerry L. Demings
 -AND-
 Board of County Commissioners (BCC)

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

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

SUBJECT: Adoption Public Hearings – 2019-2 Session II Continued Small-Scale Development Amendments and, where applicable, Concurrent Rezoning Requests

The 2019-2 Session II Continued Small-Scale Development Amendments and, where applicable, concurrent rezoning requests are scheduled for a BCC adoption public hearing on January 14, 2020. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption hearing on October 17, 2019, and were continued to January 14 at the December 3, 2019, BCC meeting. The reports for the amendments are available under the Amendment Cycle section of the County's Comprehensive Planning webpage. Please see:

<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>

The 2019-2 Session II Continued Small-Scale Development Amendments scheduled for consideration on January 14 include four privately-initiated Future Land Use Map Amendments located in Districts 2 and 5, one of which (Amendment 2019-2-S-5-4) has a concurrent rezoning request (Rezoning Case RZ-19-10-041). If the BCC adopts the proposed Small-Scale Development Amendments, they 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, Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Gologowski@ocfl.net.

AAV/jmd

Enc: 2019-2 Session II Continued Small-Scale Development Amendments – BCC Adoption Binder

c: Christopher R. Testerman, AICP, Assistant County Administrator
Joel Prinsell, Deputy County Attorney
Erin Hartigan, Assistant County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Gregory Gologowski, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Eric P. Raasch, AICP, Planning Administrator, Planning Division
Read File



ORANGE COUNTY
PLANNING DIVISION
**2019-2 SMALL SCALE
DEVELOPMENT
AMENDMENTS**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

**January 14, 2020
ADOPTION PUBLIC HEARING**

PREPARED BY:
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



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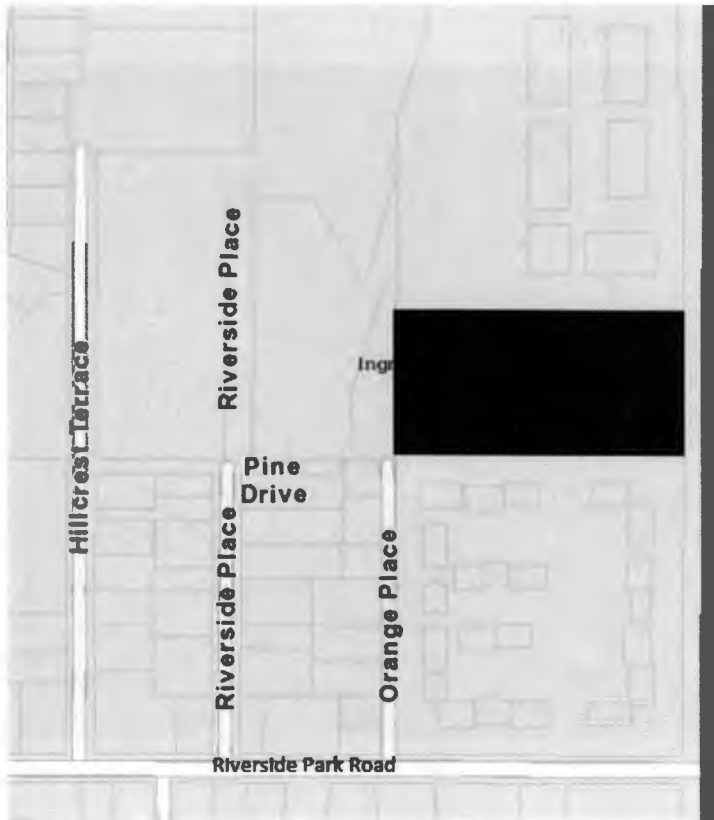
2019-2 SMALL-SCALE DEVELOPMENT AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK SESSION II CONTINUED

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing book for the continued second session of the proposed Second Small-Scale Development Amendments (2019-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearings for the Session II Small-Scale Development Amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on October 17, 2019, and before the Board of County Commissioners (BCC) on December 3, 2019. During the December 3, 2019, public hearings, the BCC continued these amendments to January 14, 2020.

The 2019-2 Session II Continued Small-Scale Development Amendments scheduled for consideration on January 14 include four privately-initiated Future Land Use Map Amendments located in Districts 2 and 5, one of which (Amendment 2019-2-S-5-4) has a concurrent rezoning request (Rezoning Case RZ-19-10-041). If the BCC adopts the proposed Small-Scale Development Amendments, they 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) 836-5802 or Alberto.Vargas@ocfl.net or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Gologowski@ocfl.net.



Agent/Owner:
 Mario Golden/Deborah Postell

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

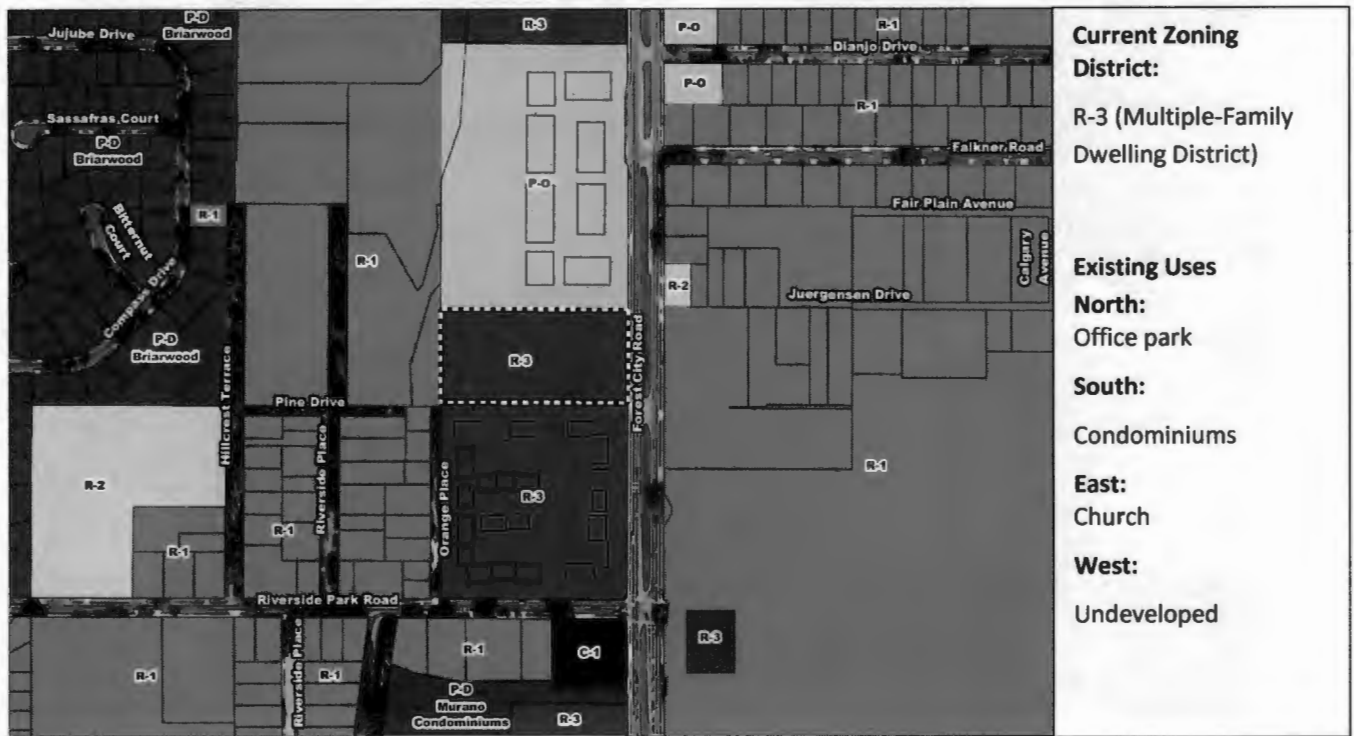
Existing Use:
 Private school

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

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

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

ZONING - CURRENT



Staff Recommendation

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

Analysis

1. Background and Development Program

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

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

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

2. Future Land Use Map Amendment Analysis

Consistency

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

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

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

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

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

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

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

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

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

Compatibility

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

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division

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

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

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

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations apply. Regulations include, but are not limited to: septic tank criteria, open space requirements,

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

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH. The Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiva Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP.

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

Transportation Planning Division

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

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

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

3. Policy References

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

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

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

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

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

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

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

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

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

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

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

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

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

GOAL C1 - Orange County shall conserve, protect, and enhance the County's natural resources including air, surface water, groundwater, vegetative communities, wildlife listed as threatened, endangered, or species of special concern, soils, floodplains, recharge areas, wetlands, and energy resources to ensure that these resources are preserved for the benefit of present and future generations. Lands located within the Wekiva Study Area shall be considered high priority for protection. All development shall meet the requirements of the Wekiva River Protection Act and the Wekiva Parkway and Protection Act.

Open Space Element

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

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

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

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

Site Visit Photos

Subject Site – Private School



North – Undeveloped

South – Church



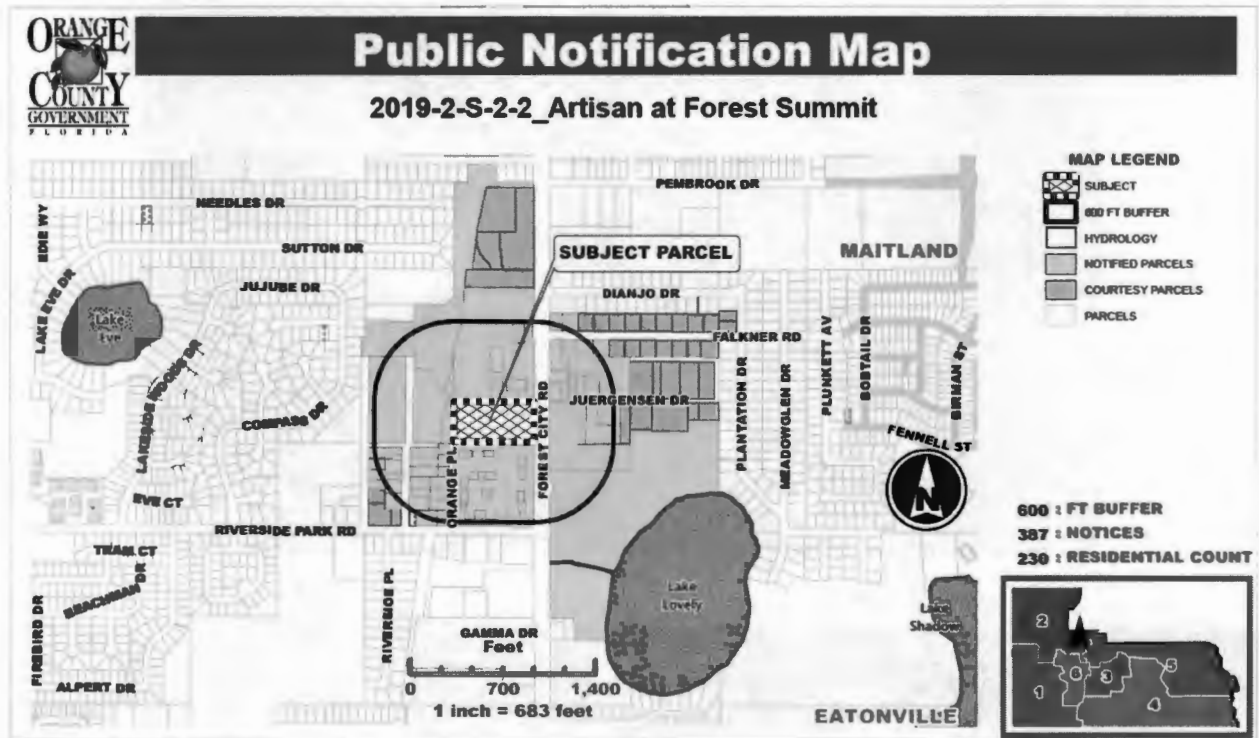
West – Condominiums



East – Office Park



PUBLIC NOTIFICATION MAP



Notification Area

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

387 notices sent

SITE AERIAL



FUTURE LAND USE - CURRENT



FUTURE LAND USE - AS PROPOSED



ZONING - CURRENT



Staff Recommendations

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

FUTURE LAND USE MAP AMENDMENT: Make a finding of **inconsistency** with the Comprehensive Plan (see Future Land Use Policies OBJ FLU6.2, FLU6.2.1, FLU6.2.2, FLU6.2.9, FLU6.2.10, FLU6.6.8, FLU6.6.10, and FLU8.2.1, and Open Space Policies OBJ OS1.3, and OS1.3.2, and OS1.3.6), determine that the amendment is not in compliance, and recommend **DO NOT ADOPT** of Amendment 2019-2-S-2-5, Rural Settlement 1/1/ (RS 1/1) to Commercial (C) Rural Settlement (RS).

The Local Planning Agency recommended **ADOPTION** of proposed Future Land Use Map Amendment 2019-2-S-2-5 at the October 17, 2019 meeting. Support for the amendment was given for reasons that members of the community were not opposed, and this is part of an approved 98 unit single-family subdivision.

Analysis

1. Background and Development Program

The applicant, Thomas Sullivan on behalf of the owner ECP Grassmere, LLC., has requested to change the Future Land Use Map (FLUM) designation of the 5 acre subject property from Rural Settlement 1/1 (RS 1/1) to Commercial (C) Rural Settlement (RS). The petitioned property is undeveloped. The requested designation would allow for the consideration of neighborhood serving commercial uses that do not attract "pass-by" trips with a maximum floor area ratio (FAR) of 0.15 or up to 32,670 square feet of commercial development.

The subject site is zoned PD (Planned Development District) as part of the Grassmere Reserve PD. The Land Use Plan for the entire PD was approved for 100 single-family dwelling units at a density of 1 unit an acre on 100 net developable acres. The petitioned site is shown on the approved Preliminary Subdivision Plan as Tract O, Proposed County Park/Open Space. The Preliminary Subdivision Plan approved 98 single-family residences.

Change Determination Review request CDR-19-04-133 proposed to remove a January 8, 2019, Board of County Commissioners' Condition of Approval #18b which required a 5-acre park at the Preliminary Subdivision Plan stage. The park counted towards the applicant's recreation requirements. The BCC approved this request August 20, 2019.

The applicant submitted a Preliminary Subdivision Plan, PSP-19-07-244, July 17, 2019, to subdivide 129.08 acres to construct 98 single-family residences. The portion of the site that is the subject of the current Future Land Use Map Amendment is shown as Tract 'A' proposed open space. The net developable acres approved on the Land Use Plan and shown on the Preliminary Subdivision Plan is 100.92 acres. Should the request to amend the Future Land Use Map from Rural Settlement 1/1 to Commercial Rural Settlement be approved, the number of dwelling units would depend upon the remaining net developable acres in the part of the Grassmere Land Use Plan that has a Rural Settlement 1/1 future land use designation.

The subject site is located at 2523 Junction Road, at the intersection of Junction Road and Orange Blossom Trail. Orange Blossom Trail (State Road 441) is a four-lane divided road. There is a median

cut at Junction and Orange Blossom Trail with a dedicated left turn lane. There are sidewalks along Orange Blossom Trail and Junction Road.

The petitioned site is located within the Zellwood Rural Settlement. The basis for rural settlements is to recognize existing communities within the Rural Service Area that are the focal point of rural activity. The location of the Zellwood Rural Settlement is shown on **Map 1**.

The Zellwood Rural Settlement is characterized as a rural town, with residential and neighborhood-serving commercial generally concentrated in the area bounded by King Avenue, Orange Blossom Trail, West Ponkan Road, and Round Lake Road. It is within this area that the post office, Zellwood Community Center and commercial uses are located. Uses to the west of Orange Blossom Trail are industrial in nature with an Industrial (IND) future land use designation.



The property abutting the site to the **north** has a future land use designation of Rural Settlement 1/1 (RS 1/1) and is zoned PD (Planned Development District) (Grassmere Reserve Land Use Plan). As mentioned above, the land use plan is approved for 98 single-family dwelling units. The property is currently undeveloped.



Figure 1 Surrounding Parcels

The property to the east of the subject property is located in the Zellwood Station Rural Settlement. The 6.63-acre site is improved with a church. The future land use is Low Density Residential (LDR), and the zoning is PD (Planned Development District) (Zellwood Station).

The four properties to the **south** of the subject site are located in the City of Apopka. The properties are in common ownership, two are undeveloped and the other is developed with a single-family residence built in 1920.

The 11.58-acre property to the **west** of the subject site is undeveloped. The future land use on the site is Commercial (C) Rural Settlement (RS),

and the zoning is C-1 (Retail Commercial District). The Board of County Commissioners approved the Future Land Use Map Amendment and rezoning November 17, 2015 (2015-2-A-2-1 and RZ-15-10-041).

Community Meeting

A community meeting held Monday, August 26, 2019, at the Zellwood Community Center had approximately 17 people in attendance. The applicant explained the request, stating that the owner does not have an end user. The residents voiced their concern with the traffic in the area and the need for a traffic light at US 441 and Junction Road. The overall tone of the meeting was neutral.

2. Future Land Use Map Amendment Analysis

Consistency

The requested FLUM Amendment appears to be inconsistent with the applicable Comprehensive Plan Goals, Objectives, and Policies, which are specifically discussed in the paragraphs below.

Orange County adopted the Growth Management Policy in May 20, 1980. The Policy created a Development Framework that was divided into three major sections: Countywide, Urban Service Area, and Rural Service Area. Each of the areas were divided into categories related to development pattern, provision of services, and development regulations. The Rural Service Area was the land outside of the Urban Service Area and not designated as Conservation area that generally contains agricultural and rural residential developments that do not require urban levels of service. Rural Settlements were defined as “those existing communities within the Rural Service Area, which have become a focal point of rural activity.” It was noted that these areas “may contain neighborhood convenience commercial development, provided that it is consistent with the rural character of these areas.” The 1980 Policy recognizes six (6) historic settlements, including Zellwood. The Neighborhood Convenience Commercial services, adopted in the Policy, were characterized as those goods which are needed immediately and often are purchased where it is most convenient for the shopper. The general characteristics of such a development includes a store of 3,000-5,000 square feet, parking for 12-18 cars, access for adjacent residential areas via a sidewalk or bike path, and buffering to avoid negative impacts on any abutting residential use.

The Growth Management Policy and maps were adopted as part of the Comprehensive Plan in 1990. The Future Land Use Map that was part of the 1980 Growth Management Plan was also adopted as the 1990 Future Land Use Map. The Policy understood that these areas existed prior to the creation of the Rural Service Area and that these places needed special recognition and policies to continue as they were originally developed.

The Comprehensive Plan recognized the Rural Service Area as largely being reserved for rural uses. It recognized those Rural Settlements identified in the 1985 Policy. The 1990 Plan allowed for neighborhood commercial land uses to be permitted in the Rural Settlements, but only at the neighborhood serving level and included criteria:

These uses shall be located to serve the residents of the rural area and not primarily to attract “pass-by” trips; and,

These uses shall contain retail and personal services intended to serve the immediate population. (1990 Comprehensive Plan Future Land Use Element Policy 2.1.16.)

The 1990 Plan defined Neighborhood commercial as intended to serve the needs of nearby residents, employees, visitors, and businesses (within two to three miles), with a usual minimum site area of 3 acres, with a minimum support population of 2,500 – 30,000 people.

The 2010-2030 Comprehensive Plan continues to recognize Rural Settlements as those areas designated on the Future Land Use Map to meet the desire for a rural lifestyle. Future Land Use Element Objective OBJ FLU6.2 recognizes rural settlements as a place to provide for a rural residential lifestyle, intended to recognize and preserve existing development patterns at the time the Comprehensive Plan was adopted in 1991. The objective recognizes 22 Rural Settlements, with five recognized for their cultural character.

Future Land Use Element FLU6.2.2 states:

Every effort shall be made to preserve the existing character of the Tangerine, Clarcona, Christmas, Zellwood, and Gotha rural settlements as part of Orange County's heritage and historic preservation. Rural Settlements may be designated as Preservation Districts for the purposes of municipal annexation pursuant to the Orange County Charter, Article V.

Future Land Use Element Policy FLU6.2.9 and Policy FLU6.2.10 contain criteria specific to neighborhood commercial and office uses in Rural Settlements. These policies include the following (staff responses are in italics):

- Allow neighborhood commercial and office uses in Rural Settlements in areas designated for such on the Future Land Use Map
The applicant requests to amend the Future Land Use Map from Rural Settlement 1/1 (RS 1/1) to Commercial (C) Rural Settlement (RS) to create additional commercial land.
- Only those commercial and office uses what will support existing residential uses shall be permitted in Rural Settlements
The applicant has not provided a development program. However, the bulk of residential development is located on the east side of Orange Blossom Trail. The petitioned site is on the east side and is part of a proposed residential development.
- The scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement
Up to 39,073 square feet of commercial could be allowed on the petitioned site.
- Corner stores, professional services that utilize existing structures, and small-scale personal services permitted within agricultural zoning are the type of non-residential uses consistent with Rural Settlements.
- Limited C-1 zoning uses and FARs up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character.
The building is limited to a FAR of 0.15 or up to 32,670 square feet.
- Neighborhood commercial uses in Rural Settlements shall be developed according to the following:
 - These uses shall be located to serve the residents of the rural area and not primarily to attract "pass-by" trips; and,
 - These uses shall contain retail and personal services intended to serve the immediate population.*The subject site is located along Orange Blossom Trail. The scale of proposed development rivals the entire amount of existing commercial development, which adversely impacts the historic and rural character of the Zellwood community by shifting the focus of activity away*

from the historic core. The proposed land use change could shift the character of the corridor to a ribbon of commercial development typical of suburban, not rural, areas.

The Future Land Use Element recognizes commercial uses in Rural Settlements. However, it has continually been County policy that the commercial uses be neighborhood-serving and not primarily to attract “pass-by” trips. The location of the proposed commercial use along Orange Blossom Trail does not meet this policy. Instead, the amendment, if approved, could set a precedent for other commercial uses along Orange Blossom Trail, which could affect the rural character of the area.

The subject site is located within the Wekiva Study Area. **Open Space Element Objective OBJ OS1.3** requires Orange County to protect the Wekiva Springshed and its natural resources by maximizing preserved open space within the Wekiva Study Area. **Open Space Policy OS1.3.2** defines open space within the Wekiva Study Area as the land area that remains undeveloped or minimally developed as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of developable are remain preserved, which shall represent the minimum open space requirements. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas using Best Management Practices.

Open Space Element Policy OS1.3.6, non-residential land uses in the Rural Service Area, requires:

New non-residential uses permitted in the Wekiva Study Area within the Rural Service Area generally shall be limited to neighborhood and community commercial uses, including small offices, institutional uses, agricultural uses, public parks, and public conservation lands. Land uses existing prior to adoption of this policy shall be recognized and allowed to develop according to the appropriate Land Development Code in place at the time of development permitting. **Comprehensive plan map amendments may allow neighborhood or community commercial uses only at intersections of collector or arterial roadways, and such uses shall be restricted to neighborhood and low-intensity community commercial uses.** Such commercial uses shall not be considered to be an impetus for increased residential densities in proximity to those commercial uses. **Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space.** (emphasis added)

Orange Blossom Trail is an arterial roadway, while Junction Road is not. As mentioned, the proposed land use change would shift the character of the corridor to a ribbon of commercial development typical of suburban sprawl and not rural.

The minimum amount of permanently protected open space required on the subject site per Wekiva Springshed protection standards is 54,450 square feet.

Compatibility

Future Land Use Element Policy FLU8.2.1 requires land use changes be compatible with the existing development and development trend in the area. The map on the following page outlines the Zellwood Rural Settlement. There are a number of future land use categories represented in the Zellwood Rural Settlement, such as Office (O), Low-Medium Density Residential (LMDR), and Institutional (INST). Future Land Use category Rural Settlement 1/5 (RS 1/5) is predominately located north of Sadler Road to Lake Maggiore and Lake Minore. The residential lots within the center of Zellwood have a future land use of Low Density Residential (LDR) and Rural Settlement 1/1 (RS 1/1). Land use to the west of Orange Blossom Trail is Industrial (IND), which is reflective of the

existing industrial uses in the area. Residential areas directly across 441 to the west have been annexed by Apopka, but currently maintain their Rural 1:10 density. On the east of Orange Blossom Trail is Commercial (C) future land use and Rural Settlement 1/1 (RS 1/1).

One Future Land Use Map Amendment has been approved in the Zellwood Rural Settlement. On November 17, 2015, the Board of County Commissioners approved a Future Land Use Map Amendment and concurrent rezoning (2015-2-A-2-1 and RZ-15-10-041) for property located at 2301 North Orange Blossom Trail, adjacent to the current site. This approval changed the future land use designation from Rural Settlement 1/1 (RS 1/1) to Commercial (C) Rural Settlement (RS) and rezoned the site from A-1 (Citrus Rural District) to C-1 (Retail Commercial District). Staff and the Local Planning Agency recommended that the amendment not be adopted. This site remains undeveloped.

On the south side of the proposed site, the Zellwood Station PD included two commercially-designated parcels fronting on US 441. These parcels remain undeveloped.

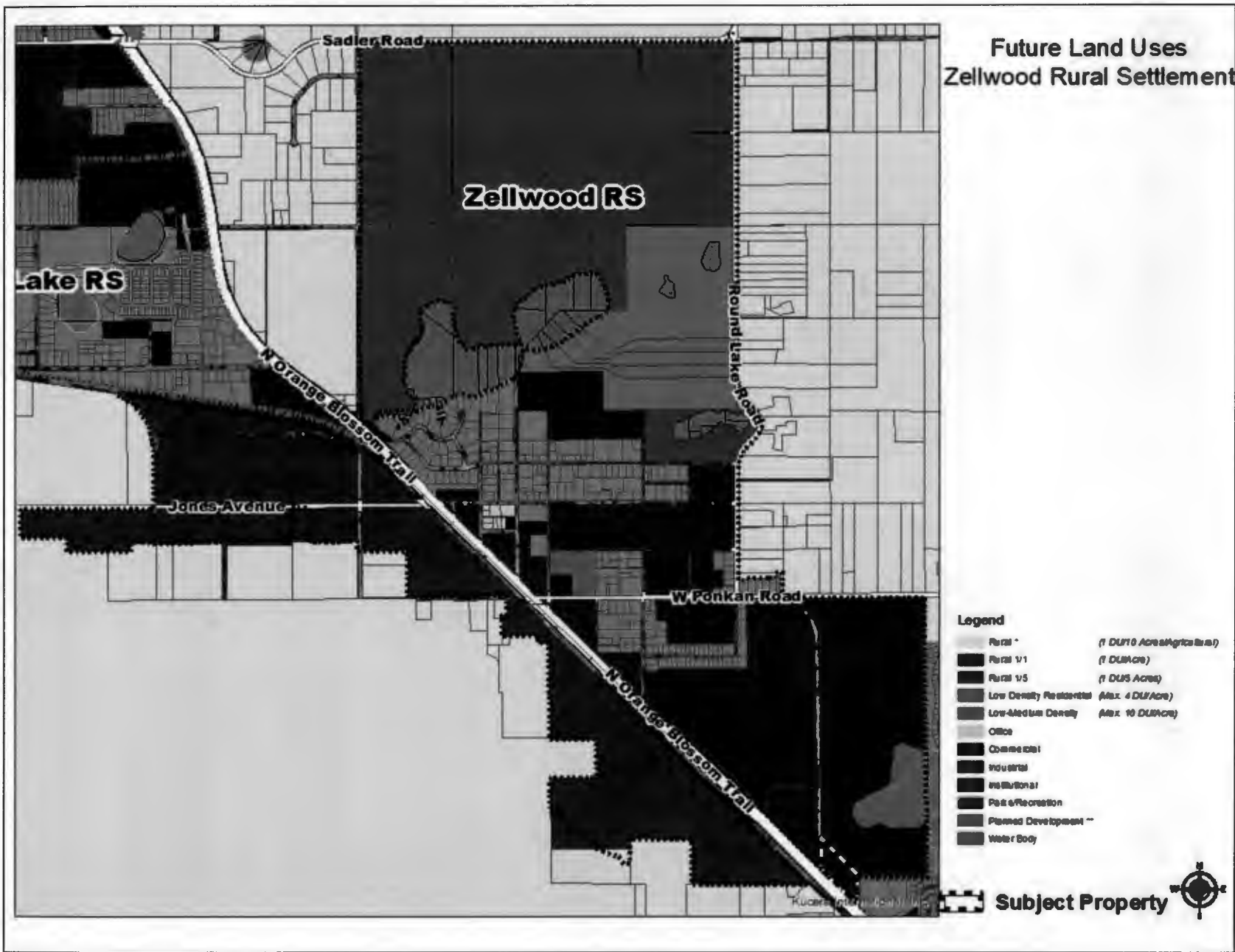
The Zellwood Rural Settlement includes a cluster of existing commercial uses along Orange Blossom Trail at the core of the historic Zellwood community located within an approximately one-mile corridor between Winnifred Avenue and Jones Avenue. The individual square footage of these uses is less than 10,000 square feet, with the range between 441 square feet and 8,248 square feet. The uses include retail, restaurant, convenience stores, auto repair, auto store, and a Family Dollar Store. The uses in the area maintain the rural character of the area.

Staff is concerned that approval of the current proposal will promote a pattern of highway-oriented commercial along US 441, detracting from the continued viability of the Zellwood core commercial and increasing traffic friction along the highway. Further, the proposed site is located between three parcels of approved highway commercial uses that have yet to attract any outlying commercial development. Staff concludes that the current proposal is inconsistent with desired development patterns. At best, the proposal is premature for this market area.



Figure 2 – Nearby Undeveloped Commercial (Red)

Future Land Uses
 Zellwood Rural Settlement



Parcel ID	Future Land Use	Zoning	Year Built	Size	Use
22-20-27-2736-07-060	Commercial	C-1			Undeveloped
22-20-27-2736-07-010	Commercial	C-1	1950	460 sq. ft.	Business
22-20-27-2736-12-002	Commercial	C-1	1945	1,764 sq. ft.	Retail
22-20-27-2736-11-163	Commercial	C-1	1920 1986	2,620 sq. ft. 1,476 sq. ft.	Restaurants
22-20-27-2736-11-011	Commercial	C-1			Undeveloped
22-20-27-2736-11-013	Commercial	C-1	1946	1,600 sq. ft.	Retail
22-20-27-2736-11-012	Commercial	C-1	1957	520 sq. ft.	Barber Shop
22-20-27-2736-11-040	Commercial	C-1			Undeveloped
22-20-27-2736-11-060	Commercial	C-1			Undeveloped
22-20-27-2736-11-161	Commercial	C-1	1940	1,014 sq. ft.	Auto Repair
22-20-27-2736-11-070	Commercial	C-1	1947	2,236 sq. ft.	Retail
22-20-27-2736-11-080	Commercial	C-1	1943	1,419 sq. ft.	Restaurant
22-20-27-2736-10-041	Commercial	C-1	2014	8,248 sq. ft.	Family Dollar
22-20-27-8600-00-220	Commercial	C-1			Manufactured Homes
22-20-27-8600-00-190	Commercial	R-1	1945	1,085 sq. ft.	Residence
22-20-27-2736-10-043	Commercial	C-1	1980	4,207 sq. ft.	Office (Bank)
22-20-27-2736-10-051	Commercial	C-1	1960	1,333 sq. ft.	Retail

22-20-27-2736-09-031	Commercial	C-1			Undeveloped
22-20-27-2736-09-043	Commercial	C-1			Undeveloped
22-20-27-2736-09-041	Commercial	C-1	1966	2,740 sq. ft.	Auto Repair
22-20-27-2736-09-042	Commercial	C-1			Undeveloped
22-20-27-2736-09-061	Commercial	C-1	1999	6,765 sq. ft.	Auto Parts Store
22-20-27-2736-09-050	Commercial	R-1			Undeveloped
22-20-27-2736-09-044	Commercial	C-1			Undeveloped
27-20-27-0000-00-009	Commercial	C-1	1958	1,200 sq. ft.	Retail
27-20-27-0000-00-010	Commercial	C-1	1954	1,631 sq. ft.	Residence
27-20-27-0000-00-066	Commercial	C-1			Undeveloped
27-20-27-0000-00-011	Commercial	C-1			Undeveloped
27-20-27-0560-01-100	Commercial	C-3			Undeveloped
27-20-27-0560-01-152	Commercial	C-3			Undeveloped
27-20-27-0560-01-151	Commercial	C-3			Undeveloped
27-20-27-0560-01-140	Commercial	C-3			Undeveloped
27-20-27-0560-01-131	Commercial	C-3			Undeveloped
27-20-27-0560-01-112	Commercial	C-3			Undeveloped
27-20-27-0560-01-122	Commercial	C-3			Undeveloped
27-20-27-0560-01-111	Commercial	C-3			Undeveloped

27-20-27-0560-01-121	Commercial	C-3			Conv. Store
27-20-27-0000-00-046	RS 1/1	C-1	1955 1955 1960	1,106 sq. ft. 2,580 sq. ft. 441 sq. ft.	Truck Stop Restaurant Auto Repair
26-20-27-0000-00-022	Commercial	C-1			Undeveloped

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division

The subject area was previously reviewed as part of the Development Review Committee (DRC) Grassmere Reserve Land Use Plan (LUP) and Preliminary Subdivision Plan (PSP). Refer to the staff comments and conditions of approval submitted for those reviews.

The project site was included in Orange County Conservation Area Determination CAD-19-03-038 completed for the PD, with a certified wetland boundary survey approved by the Environmental Protection Division on August 9, 2019. No conservation area was claimed within the amendment area.

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations apply. Regulations include, but are not limited to, septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed, and aquifer vulnerability. These requirements may reduce the total net developable acreage. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible for determining the presence of listed species and obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

This property has a prior agricultural land use that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide, or herbicide. A Phase I Environmental Site Assessment (ESA) report dated February 26, 2019, was submitted with the Preliminary Subdivision Plan.

No activity will be permitted on the site that may disturb, influence, or interfere with areas of soil or groundwater contamination, any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Orange County Environmental Protection Division (EPD). An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in Section 376.308, F.S.

The PD has a wildlife animal facility adjacent to the north, two landfills (Class III construction, demolition and vegetative debris) within one mile to the north, a large soil excavation operation 0.3 miles to the north, landscape nurseries to the west, and a mulch processing facility to the southwest across US 441. These facilities may periodically create odors, noise, and/or dust depending upon weather and operational circumstances.

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

4. Policy References

OBJ FLU6.2 RURAL SETTLEMENTS. Rural Settlements provide for a rural residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the CP was adopted in 1991. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the Rural Service Area, while providing for rural communities.

FLU6.2.1 The following Rural Settlements shall be designated on the Future Land Use Map to meet the desire for a rural lifestyle. No new Rural Settlements or expansions to the existing Rural Settlement boundaries shall occur; however, within 18 months, Orange County shall complete a study to determine whether the existing Rural Settlements should be expanded.

<i>Rural Settlements</i>	
Bithlo	North Christmas
Bridle Path	Otter Lake
Christmas	Paradise Heights
Clarcona	Rainbow Ridge
Corner Lake	Sunflower Trail/Seaward Plantation
Gotha	Tangerine
Lake Avalon	Tildenville
Lake Hart/Lake Whippoorwill	Wedgefield
Lake Mary Jane	West Windermere
Lake Pickett	Zellwood
North Apopka/Wekiva	Zellwood Station

The basis of this policy is that Rural Settlements were implemented to recognize communities that existed at the time of the 1991 CPP adoption. This policy change is being implemented as part of this update’s strategy to focus development within the County’s USA and discourage the proliferation of extended Rural Settlement boundaries. In addition this policy will allow time for vacant and committed lands within existing Rural Settlements to develop as a means of satisfying this style of living. This policy will be monitored and evaluated as part of the 2014 EAR.

FLU6.2.2 Every effort shall be made to preserve the existing character of the Tangerine, Clarcona, Christmas, Zellwood, and Gotha rural settlements as part of Orange County’s heritage and historic preservation. Rural Settlements may be designated as Preservation Districts

for the purposes of municipal annexation pursuant to the Orange County Charter, Article V.

FLU6.2.9 Neighborhood commercial and office uses shall be allowed in Rural Settlements in areas designated for such on the Future Land Use Map. Only those commercial and office uses that will support existing residential uses, i.e., neighborhood commercial, shall be permitted in Rural Settlements. The scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement. Corner stores, professional services that utilize existing structures, small scale personal services permitted within agricultural zoning are the type of non-residential uses consistent with Rural Settlements. Limited C-1 zoning uses and FARs up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character.

FLU6.2.10 Neighborhood commercial uses in Rural Settlements shall be developed according to the following criteria:

- A. These uses shall be located to serve the residents of the rural area and not primarily to attract "pass-by" trips; and,
- B. These uses shall contain retail and personal services intended to serve the immediate population.

FLU6.6.8 Land uses within the Rural Service Area portion of the Wekiva Study Area shall be limited to very low and low intensity uses to the greatest extent possible. Existing land uses are recognized but density and intensity shall not be increased through a future land use change unless there is substantial evidence that the change will satisfy a demonstrated need in the community or area.

Any petitioner for a Future Land Use Map Amendment must submit documentation substantiating that a particular need exists in the community or area in which the change is being proposed. This documentation shall clearly identify the particular need and clearly describe how the proposed change is anticipated to satisfy that need.

Evidence and documentation indicating need and indicating that the proposed development would satisfy that need must be submitted from a third party objective source. In preparing such documentation, the petitioner shall keep in mind that market demand does not necessarily constitute need.

The following evaluation factors shall be used to determine consistency with this policy. To ensure environmental protection, projects shall identify whether a site is located in an environmentally sensitive area and whether locations in areas of lower vulnerability or areas that already allow the proposed land use are not available within a reasonable distance.

Applicants must demonstrate that the proposed land use is compatible with existing land uses and community character and is the least intensive to meet the demonstrated need. Additionally, the project will be evaluated based upon whether community or economic benefits are derived from the proposed land use at that location, as well as whether the proposed use benefits the environment (such as projects that will be designed and constructed using conservation design and green principles).

Residential projects shall demonstrate the need for additional residential development using analytical tools such as population projections and availability of existing or

already approved vacant lots and/or units. Additional considerations will include housing affordability and impacts on public services and facilities.

Non-residential and mixed-use projects shall demonstrate that the proposed land use will not generate hazardous materials and waste. Additionally, factors such as support for forestry, agriculture, fishing and natural resource-based outdoor recreation industries, as well as dependence on site-specific natural resources will be evaluated for the proposed land use.

FLU8.2.1 Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change. (Policy 3.2.25)

OBJ OS1.3 Orange County shall protect the Wekiva Springshed and its natural resources by maximizing preserved open space within the Wekiva Study Area.

OS1.3.2 Open space within the Wekiva Study Area (WSA) and Wekiva River Protection Ordinance area shall be defined as the land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of developable area remain preserved, which shall represent the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas using Best Management Practices. Golf courses shall be generally excluded with the exception that areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application may be credited toward the minimum open space requirement. The minimum required quantity of open space within a development site shall be calculated over the net developable area of a parcel, which is defined as the total area of a parcel less wetlands and natural water bodies. Non-developable areas, including wetlands and natural water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement.

OS1.3.6 For that portion of the Wekiva Study Area located within the Joint Planning Area of the City of Apopka, Orange County shall require compliance with minimum open space and density requirements described by the Joint Planning Area Agreement (JPA) with the City of Apopka adopted on October 26, 2004. If a discrepancy exists between the City of Apopka and Orange County in terms of requirements, the most stringent shall apply. The County shall adopt Land Development Regulations by January 1, 2007 for these areas to provide for a pattern of development that protects most effective recharge areas, karst features, and sensitive natural habitats. (Amended 6/10, Ord. 10-07)

All areas shown as High Recharge Areas identified in the Data and Analysis of this element on Map 4 (aka Figure WSA-3) shall be recognizable by the presence of Type "A" Hydrologic Soil Group identifying the most effective recharge areas. (Amended 6/10, Ord. 10-07)

During the site planning process, a soil analysis shall be performed by a qualified professional to determine the location of most effective recharge areas, considered Type "A" Hydrologic soils described by the NRCS Soil Survey maps. (Amended 6/10, Ord. 10-07).

To maximize open space and preserve the natural environment, all development shall conform to the following requirements.







An acceptable alternative plan to a configuration in which the required percentage of open space is located on site is a plan that ensures that the required percentage of open space is permanently preserved through the transfer of density credits, development rights, or property purchases (such off-site transfers shall be limited to property located within the Wekiva Springshed), and such open space shall be permanently protected through conservation easements or similar binding mechanisms. (Added 10/10, Ord. 2010-13)

The following text describes areas of Orange County that contain special criteria for open space. For these following areas, all open space shall be permanently protected and unless otherwise noted, the clustering of open space is required.

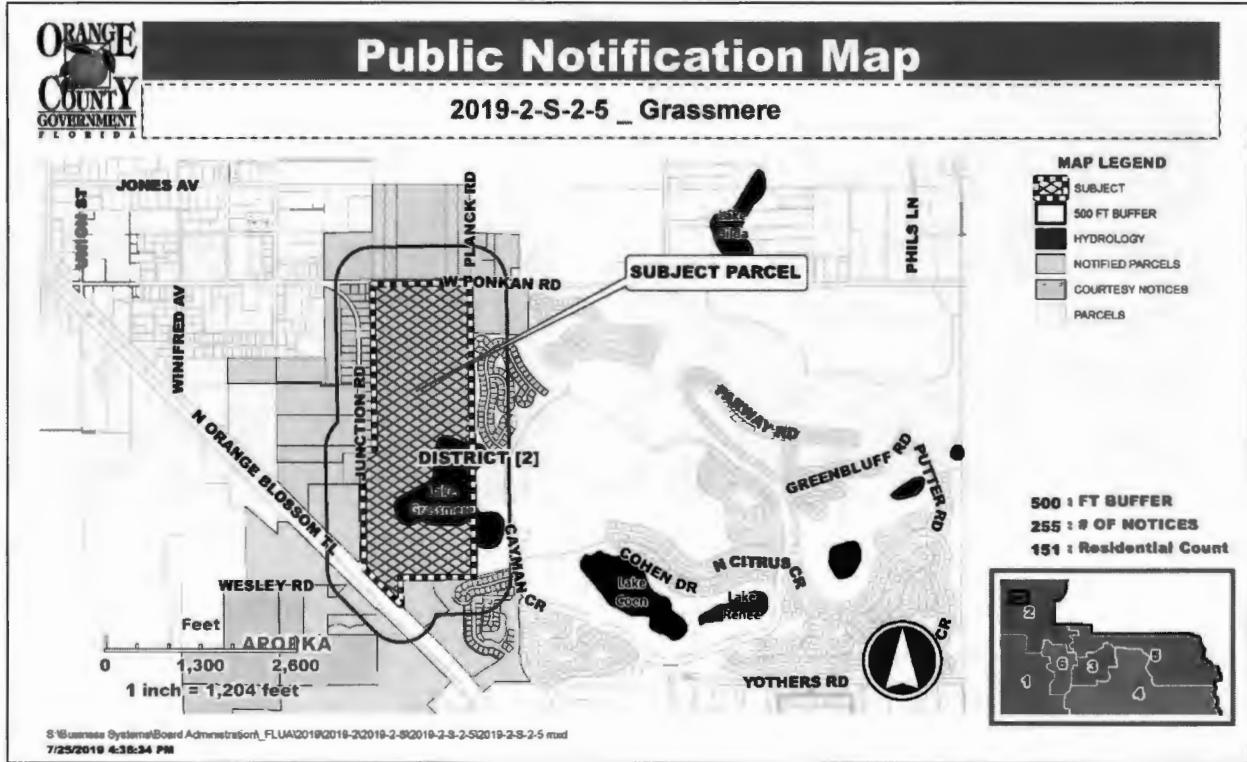
Non-residential land uses in the Rural Service Area.

New non-residential uses permitted in the Wekiva Study Area within the Rural Service Area generally shall be limited to neighborhood and community commercial uses including small offices, institutional uses, agricultural uses, public parks and public conservation lands. Land uses existing prior to adoption of this policy shall be recognized and allowed to develop according to the appropriate Land Development Code in place at the time of development permitting. Comprehensive plan map amendments may allow neighborhood or community commercial uses only at intersections of collector or arterial roadways, and such uses shall be restricted to neighborhood and low-intensity community commercial uses. Such commercial uses shall not be considered to be an impetus for increased residential densities in proximity to those commercial uses. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. To minimize impervious surfaces, shared parking shall be required to the greatest extent practicable between adjacent non-residential uses. (Amended 6/10, Ord. 10-07)

Site Visit Photos

Subject Site	
	
North of Subject Site	South of Subject Site
	
West of Subject Site	East of Subject Site
	

PUBLIC NOTIFICATION MAP



Notification Area

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

255 notices sent



Applicant/Owner:

Neel Shivcharran, Galleon Consulting Group, LLC / 5565 Old Cheney, LLC

Location:

5565 Old Cheney Highway; Generally located north of Old Cheney Highway, east of Turrilli Boulevard, and west of Moselle Avenue.

Existing Use:

Fort Pitt Plaza (multi-tenant commercial building) and undeveloped land

Parcel ID Number:

21-22-30-0000-00-011

Tract Size:

1.13 gross/net developable acres

The following meetings and hearings have been held for this proposal:		Project Information
Report/Public Hearing	Outcome	Request: Low-Medium Density Residential (LMDR) to Commercial (C) and Medium Density Residential (MDR)
✓ A community meeting was held September 18, 2019, with eight (8) residents in attendance.	Mixed Concern about the number of proposed townhomes, compatibility with existing homes, and crime in the surrounding neighborhood.	<p>Proposed Development Program: Up to 8,000 square feet of commercial development, with uses limited to those permitted in the C-1 (Retail Commercial) zoning district, and ten (10) townhomes</p> <p>Concurrent Rezoning: LUP-19-06-225 – R-3 (Multiple-Family Dwelling District) and R-1A (Single-Family Dwelling District) to PD (Planned Development District) (Old Cheney Townhomes PD/LUP). The associated PD Land Use Plan (LUP) is proceeding through DRC review and is expected to be considered at a future date.</p> <p>Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility.</p> <p>Airport Noise Zone: The proposed townhome portion of the project is located within Zone D. A waiver of claim shall be required prior to the issuance of any building permits, and design for sound level reduction of 25db shall be necessary. The existing commercial plaza is located within Zones C and D. Per Section 9-604(2) of the Orange County Code, however, aircraft noise/land use control zone regulations shall not apply to existing non-residential development.</p> <p>Transportation: The site is located within the Alternative Mobility Area (AMA).</p>
✓ Staff Report	Recommend adoption of the proposed amendment	
✓ LPA Adoption Hearing October 17, 2019	Recommend adoption of the proposed amendment (8-0)	
✓ BCC Adoption Hearing December 3, 2019	Continue to January 14, 2020 (6-0)	
BCC Adoption Hearing	January 14, 2020	

SITE AERIAL



FUTURE LAND USE – CURRENT



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

Special Area Information:
 Overlay District: State Road 436/State Road 50 Corridor Overlay District

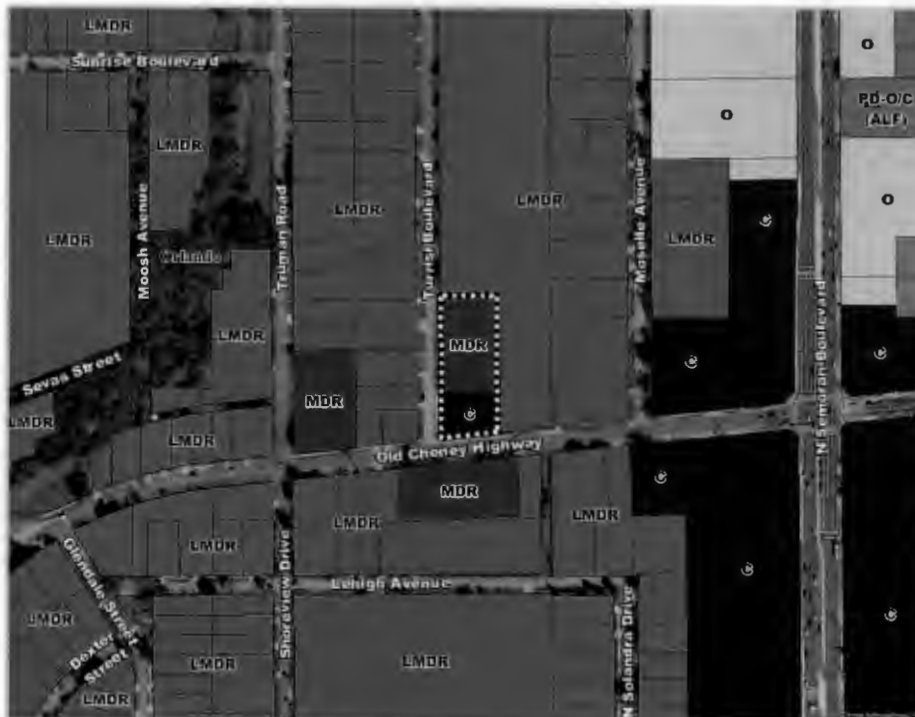
Airport Noise Zone:
 Proposed Medium Density Residential portion: Zone D

Proposed Commercial portion: Zones C and D

JPA: N/A

Rural Settlement: N/A

FUTURE LAND USE – AS PROPOSED



Proposed Future Land Use:
 Commercial (C) and Medium Density Residential (MDR)

ZONING – CURRENT

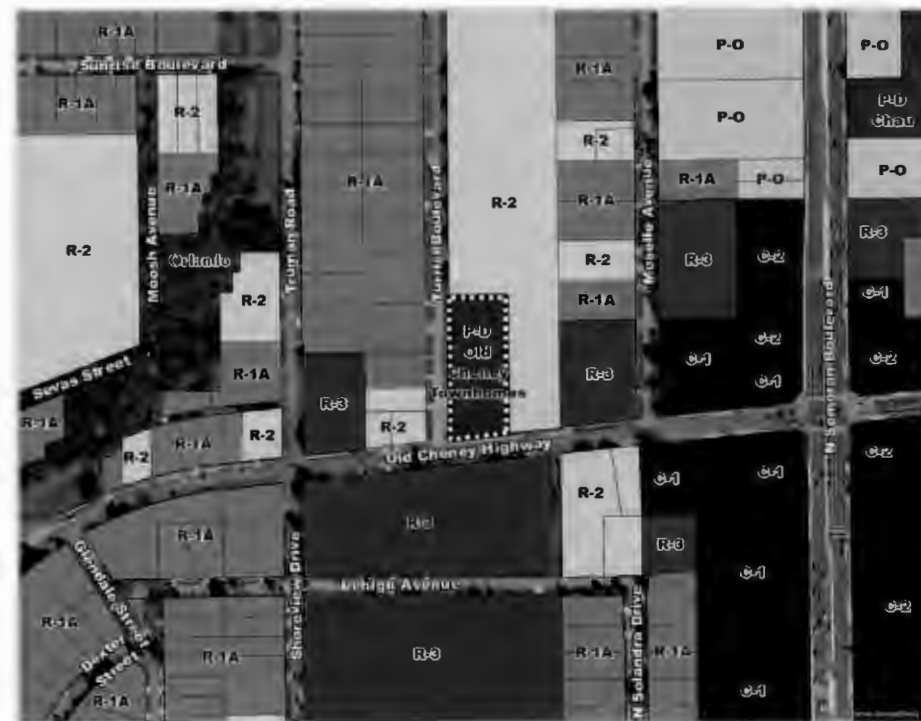


Zoning: R-3 (Multiple-Family Dwelling District) and R-1A (Single-Family Dwelling District)

Existing Uses:

- N: Citrus Gardens Apartments
- S: Undeveloped land
- E: Citrus Gardens Apartments
- W: Single-family homes

ZONING – AS PROPOSED



Proposed Zoning: PD (Planned Development District) (Old Cheney Townhomes PD/LUP)

Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.1 and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU2.4.3, FLU8.2.1, and FLU8.2.2; and Housing Element Goal H1 and Objective H1.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-2-S-5-1, Low-Medium Density Residential (LMDR) to Commercial (C) and Medium Density Residential (MDR).

Analysis

1. Background and Development Program

The applicant, Neel Shivcharran, is requesting to change the Future Land Use Map (FLUM) designation of the south 0.35 acre of the 1.13-acre subject property from Low-Medium Density Residential (LMDR) to Commercial (C) and to change the classification of the north 0.78 acre from Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR). In conjunction with this proposed amendment, the applicant has applied for a concurrent rezoning of the property from R-3 (Multiple-Family Dwelling District) and R-1A (Single-Family Dwelling District) to PD (Planned Development District) to create the mixed-use Old Cheney Townhomes PD, featuring up to 8,000 square feet of commercial space, with uses limited to those permitted in the C-1 (Retail Commercial) zoning district, and ten (10) townhomes. This request, Rezoning Case LUP-19-06-225, is currently undergoing review by the Orange County Development Review Committee (DRC).

The subject property is currently the site of the Fort Pitt Plaza, a two-story, multi-tenant commercial building constructed in 1923 as the Fort Pitt Grocery and Coin Laundry. It is the intent of the present owner, Luke Wickham of 5565 Old Cheney, LLC, to continue using the building, which predates the majority of the surrounding residential development, for commercial purposes. Since his acquisition of the property on February 11, 2019, Mr. Wickham has made considerable improvements to the building, now home to a restaurant, Chinchorro 75. As communicated during the September 18, 2019, community meeting held for the two applications, he is seeking to attract additional tenants and anticipates that the Fort Pitt Plaza will continue to coexist with and serve the neighboring community.

As illustrated on the aerial photograph, the Fort Pitt Plaza occupies only the south third of the subject property. The applicant is requesting the Commercial future land use designation for this south 0.35 acre to resolve the inconsistency between the historic use of the site and the residential Future Land Use Map classification assigned to the property via the July 1, 1991, adoption of the Orange County Comprehensive Plan. The remainder of the 1.13-acre subject parcel was formerly a citrus grove that supplied produce to the Fort Pitt Grocery. Following the discontinuation of the citrus operation, no development has occurred on the north 0.78-acre portion of the site. Adoption of the desired MDR future land use designation—with a maximum permitted density of twenty (20) dwelling units per net acre—would allow for the construction of the ten (10) proposed townhomes as a residential infill project within the County's Urban Service Area (USA) boundary.

The subject property is located within an established residential neighborhood characterized by a variety of housing types, including single-family detached homes, duplexes, and apartments. The parcel is also situated approximately 730 feet west of the heavily-traveled N. Semoran Boulevard commercial and office corridor and roughly 1,100 feet east of the multi-purpose Cady Way Trail. As depicted on the existing and proposed future land use maps, the property lies in close proximity to two properties that were granted the MDR future land use designation during the 2015-1 Small-

Scale Amendment Cycle based on their suitability for residential infill development. The 0.87-acre property to the west, Parcel 21-22-30-0000-00-048, was the subject of Future Land Use Map Amendment 2015-1-S-5-3 (Fekany Bros Enterprises, Inc.), adopted on June 16, 2015. The BCC subsequently approved Preliminary Subdivision Plan #PSP-16-08-235 for the ten-unit Old Cheney 10 townhome subdivision on August 1, 2017. This project is currently proceeding through the platting process. The 0.97-acre property directly to the south (Parcel 12-22-30-4312-01-021, formerly comprised of six individual parcels), likewise received the MDR future land use designation via the BCC's approval of Amendment 2015-1-S-5-2 (New Cheney 1, LLC). Although the owners have not yet commenced PSP or site plan review for their 19-unit townhome or multi-family development, staff nonetheless supports the approval of the MDR designation for the residential component of this request, as it entails the development of an underutilized parcel in an area in which the requisite infrastructure is already in place.

Community Meeting

A community meeting for the proposed amendment was held September 18, 2019, at Glenridge Middle School. During the meeting, attended by eight (8) area residents, the applicant noted the reduction in the number of proposed townhomes from the fifteen (15) requested in the application to ten (10). He explained that as the conceptual design for the residential portion of the project evolved, the original number of units was determined to be too intense for the 0.78-acre site. While several meeting attendees expressed their support for the townhome development, commending the prospective developer for committing to the provision of additional housing in an area that has remained relatively affordable over the years, particularly in comparison to nearby Baldwin Park, others voiced their belief that the ten units units requested under the MDR designation is still excessive. These individuals asserted that he should be satisfied with the seven he could construct in accordance with the existing LMDR classification.

The property owner informed the meeting participants that he is a local resident who wishes to see the Fort Pitt Plaza—the subject of the commercial component of the project—remain a gathering place for the community. Several attendees expressed their appreciation for his improvements to the commercial center and his efforts to attract new tenants. Other area residents questioned the need for the Commercial future land use designation and asked why the owner is seeking approval for up to 8,000 square feet of commercial space when the Fort Pitt Plaza has an area of roughly 6,128 square feet. Staff explained that the commercial building is a legally-existing, but nonconforming, use under its present LMDR future land use designation and R-3 zoning classification. The owner would, therefore, be limited to normal maintenance and repair of the building, and the future land use and zoning inconsistency would preclude any desired substantial alteration, expansion, or—in the event of a disaster—reconstruction. Those in opposition asserted that the Fort Pitt Plaza should continue to operate in accordance with its “grandfathered” status. In response, the owner stated that he does not intend to demolish the Fort Pitt Plaza, and staff clarified that adoption of the requested Future Land Use Map Amendment and subsequent approval of the PD rezoning application would eliminate the inconsistency while definitively establishing the development program and site design standards for the mixed-use project.

The topic of crime in the surrounding neighborhood was also discussed. All in attendance, including the applicant and owner, acknowledged that crime has been an issue in the area. District 5 Commissioner Emily Bonilla informed the meeting participants that she has asked the Orange County Sheriff's Office to visit the neighborhood more frequently and noted that the community's crime rate has decreased.

The tone of the meeting was mixed.

2. Future Land Use Map Amendment Analysis

Consistency

The proposed FLUM Amendment appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Orange County Comprehensive Plan.

As discussed above, the applicant is seeking conforming status for the Fort Pitt Plaza, which has served the surrounding community since 1923, and is requesting to develop up to ten (10) townhomes on the undeveloped 0.78-acre north portion of the site, previously the site of a citrus grove that served the former Fort Pitt Grocery. Staff finds both the commercial and residential components of this application consistent with Future Land Use Element **Goal FLU2**, which states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options. In the same vein, the request is consistent with Future Land Use Element **Objective FLU2.1**, which establishes 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. The subject property is also situated within a portion of the State Road 436/State Road 50 Corridor Overlay District that has recently begun to experience reinvestment, both through new construction and the rehabilitation of formerly-blighted properties. It is staff's belief that this proposed amendment is consistent with Future Land Use Element **Policy FLU2.4.3**, which states that land use decisions in the State Road 436/State Road 50 Area Redevelopment Plan Study Area shall reinforce community preservation and enhancement. As stated previously, the property owner has made significant improvements to the Fort Pitt Plaza, with the expectation that it will continue to play a vital role in the surrounding residential neighborhood, in addition to drawing cyclists and pedestrians utilizing the Cady Way Trail and owners and customers of nearby businesses on Semoran Boulevard. As noted during the community meeting, the development of ten (10) townhomes would add to the available housing stock in an area of Orange County that has remained relatively affordable over time.

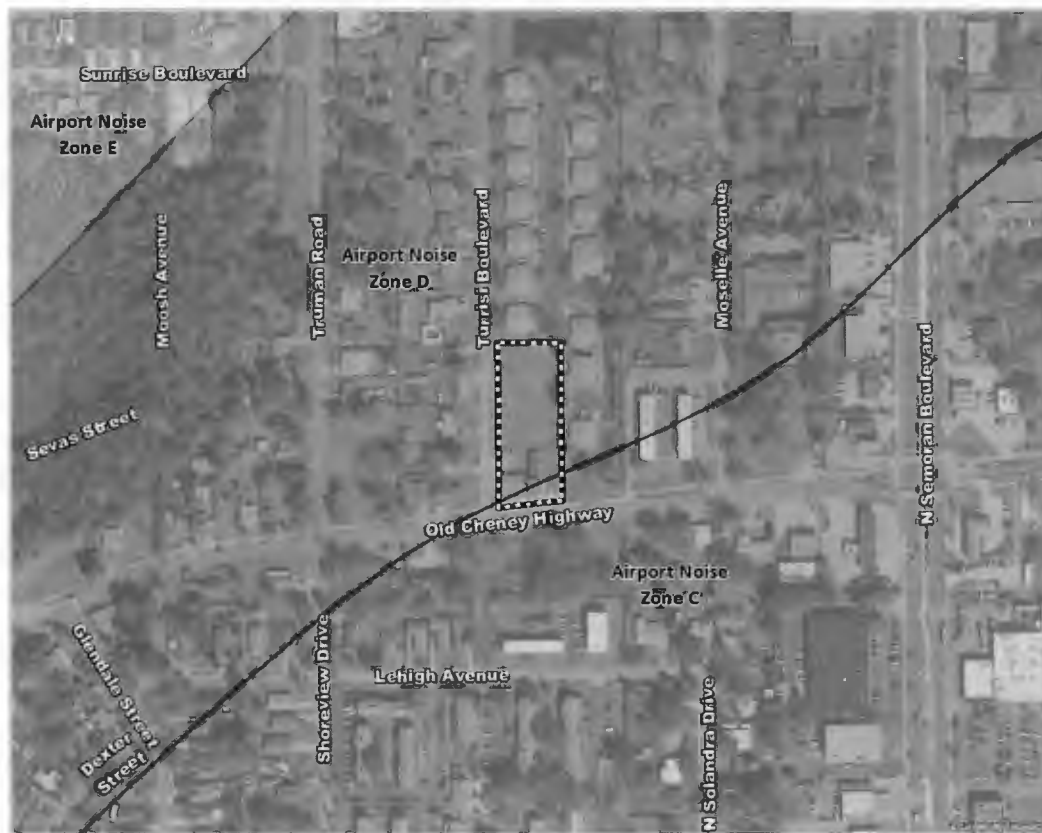
Staff further finds this request consistent with Future Land Use Element **Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. Staff notes that, if approved, the residential project will use infrastructure that is already in place. Per Orange County Utilities (OCU), potable water and central sewer service will be provided by OCU, with no facility improvements necessary to maintain level of service standards. Moreover, the project would use the existing transportation network, which serves transit riders, pedestrians, and bicyclists, as well as automobile drivers. LYNX bus stops are located along N. Semoran Boulevard—within a quarter-mile walking distance of the subject property—and the Cady Way Trail lies approximately 1,100 feet west of the site. In addition, sidewalks are currently in place along the north side of Old Cheney Highway, adjacent to the subject parcel, to help provide for the safety of pedestrians and cyclists.

As discussed previously, the subject property is located in an area characterized by a variety of housing types, including single-family detached homes, duplexes, and apartment communities. The proposed residential component of the FLUM Amendment is consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its

present and future residents. The applicant's intent to construct up to ten (10) townhomes is consistent with Housing Element **GOAL H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. Similarly, Future Land Use Element **Policy FLU8.2.2** directs that continuous stretches of similar housing types and density of units shall be avoided. It is staff's belief that the proposed townhome development will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in Future Land Use Element **Policy FLU1.1.1**.

The subject property is located within a noise/land use control zone for the Orlando Executive Airport (OEA). As depicted on the map below, the proposed residential portion of the site lies within Zone D and is, therefore, subject to the development standards established in Chapter 9, Article XV, Airport Noise Impact Areas, of the Orange County Code. Coordination with the Greater Orlando Aviation Authority (GOAA) and adherence to the applicable standards of Chapter 9, Article XV of the Code shall be necessary. Pursuant to Section 9-604, a waiver of claim is required prior to the issuance of any building permits, and design for sound level reduction of 25 decibels (db) is mandatory.

Airport Noise/Land Use Control Zone Map



As illustrated, the existing Fort Pitt Plaza is located within Zones C and D. Per Section 9-604(2) of the Orange County Code, however, aircraft noise/land use control zone regulations shall not apply to existing non-residential development.

Compatibility

The proposed Future Land Use Map Amendment appears to be **compatible** with the development pattern of the surrounding area. Future Land Use Element **Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development pattern and development trends in the area. As discussed earlier, the applicant is seeking conforming status for the Fort Pitt Plaza, which has served the surrounding community since 1923. The property owner has made significant improvements to the commercial center, with the expectation that it will continue to play a central role in the residential neighborhood, as well as attracting cyclists and pedestrians utilizing the Cady Way Trail and owners and customers of nearby businesses on Semoran Boulevard.

As stated above, the subject property is located in an established residential neighborhood featuring a mix of housing types and supporting utility and transportation infrastructure. Approval of the MDR future land use designation and the subsequent development of the proposed ten-unit townhome community on the undeveloped portion of the subject parcel would not be out of character for this area. It is staff's belief that the mixed-use project would contribute to the County's larger goals of promoting infill and compact urban form within the Urban Service Area, providing for a range of living options, efficiently using existing infrastructure, reducing trip lengths, and encouraging accessibility via multiple modes of transportation. In addition, the revitalization of the Fort Pitt Plaza and development of the proposed townhomes would continue the recent reinvestment trend in this area. Staff, therefore, recommends adoption of this requested amendment.

Division Comments:

Environmental. The Orange County Environmental Protection Division (EPD) has reviewed this request and has no comments at this time.

Transportation Planning Division: The subject property is located within the County's Alternative Mobility Area, but not along a backlogged or constrained facility. Planned/programmed improvements include installing new sidewalks and drainage/driveway replacements between Old Cheney Highway to Turing Street. The project is near completion.

A survey of the existing sidewalks and crosswalks was conducted using aerial photography and information from Orange County GIS mapping (Info Map). Five-foot sidewalks in place on Semoran Boulevard and some sections of Old Cheney Highway. In addition, crosswalks are provided at the intersection of Semoran Boulevard and Old Cheney Highway and at the intersection of Old Cheney Highway and Beach Street. All sidewalks and crosswalks appear to be in reasonable condition.

The study roadways and local roadway network were surveyed to identify any dedicated bicycle facilities that may be available to facilitate bicycle travel in the area. The study area was reviewed using recent aerial photography to identify and verify the bicycle facilities. There are no bicycle lanes along the area roadways in the general vicinity of the project site. (However, The Planning Division notes that the subject property is located in the immediate vicinity of the Cady Way Trail.)

The project area is served by the LYNX public transportation system. The services and facilities available in the project's study area were inventoried. This neighboring area is served by two LYNX fixed routes, Links 436S and 29, which both travel on Semoran Boulevard. Aerial photography and

Orange County Info Map analysis of the roadways within a quarter-mile distance of the subject site revealed five (5) bus stops in close proximity to the property.

Final permitting of any development on this site will be subject to review and approval under the 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.

Utilities Engineering Division: The subject property is located in Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas, and OCU presently has sufficient plant capacity to serve the project. Per OCU, a 12-inch potable water main is located in the Old Cheney Highway right-of-way, and an 8-inch potable water main is in place within the Turrisi Boulevard right-of-way. With respect to wastewater service, there is an 8-inch gravity main within the Turrisi boulevard right-of-way. Reclaimed water, however, is currently unavailable in the vicinity of the site.

Schools: Per Orange County Public Schools (OCPS), the proposed project will have a de minimis impact on area public schools. No Capacity Enhancement Agreement (CEA) will be required.

3. Policy References

Goal FLU2 – URBAN STRATEGIES. Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

OBJ FLU2.1 INFILL. Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

OBJ FLU8.2 – Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses.

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

FLU1.1.5 – Orange 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. The County may require minimum FARs and densities in its Land Development Code to achieve the County's desired urban framework. Infill is defined as development consistent with the *Infill Master Plan (2008)*.

FLU2.4.3 – Land use decisions in the State Road 436/SR 50 Area Redevelopment Plan Study Area shall reinforce community preservation and enhancement and promote new social, recreational and business opportunities.

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

FLU8.2.2– Continuous stretches of similar housing types and density of units shall be avoided. A

diverse mix of uses and housing types shall be promoted.

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

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

Site Visit Photos

Subject Site



North of Subject Site



South of Subject Site



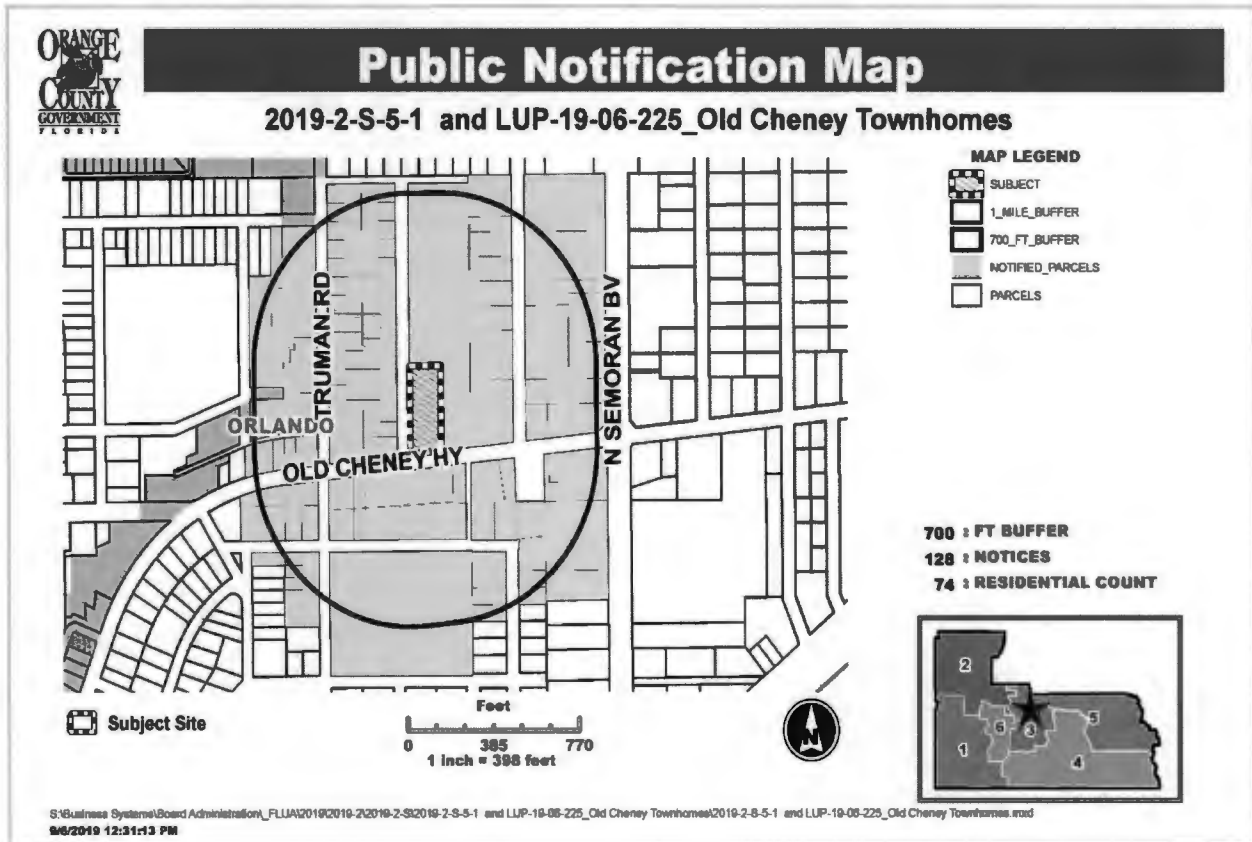
West of Subject Site



East of Subject Site

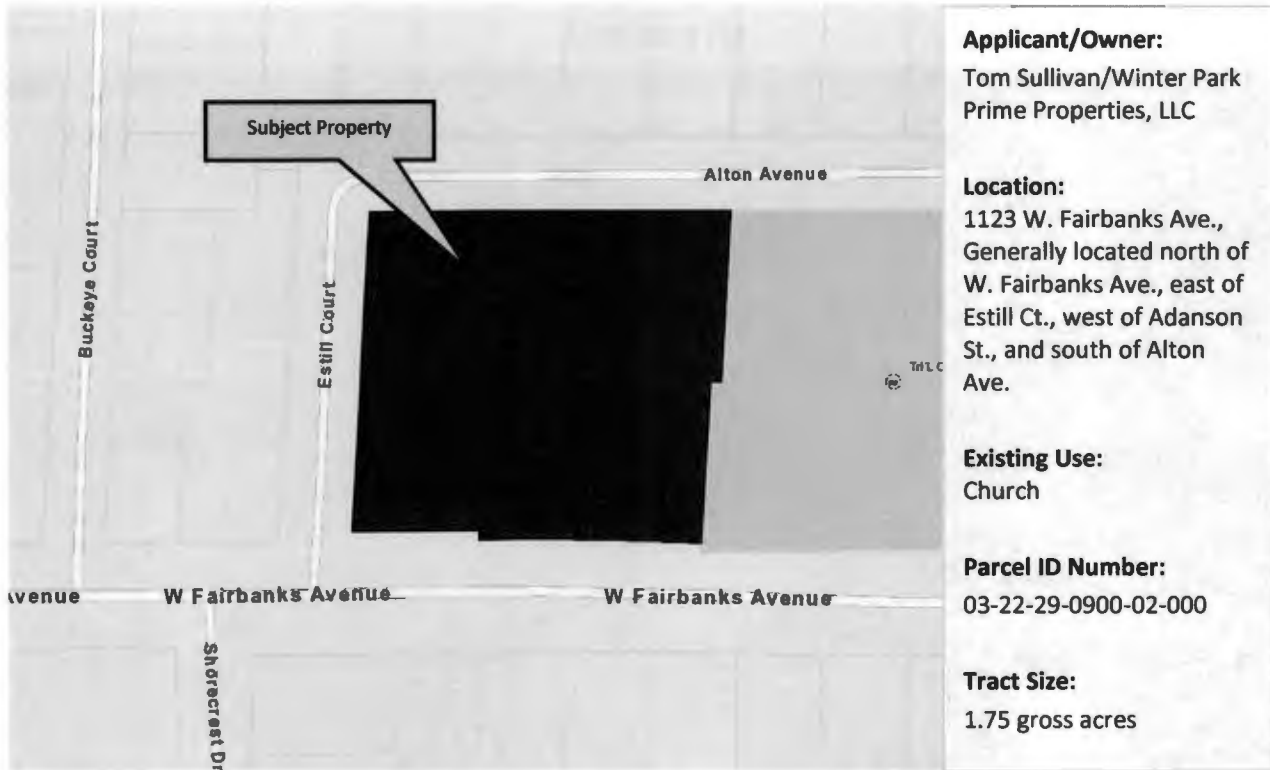


PUBLIC NOTIFICATION MAP



Notification Area

- 700 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site
- 74 notices sent



Applicant/Owner:
 Tom Sullivan/Winter Park
 Prime Properties, LLC

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

Existing Use:
 Church

Parcel ID Number:
 03-22-29-0900-02-000

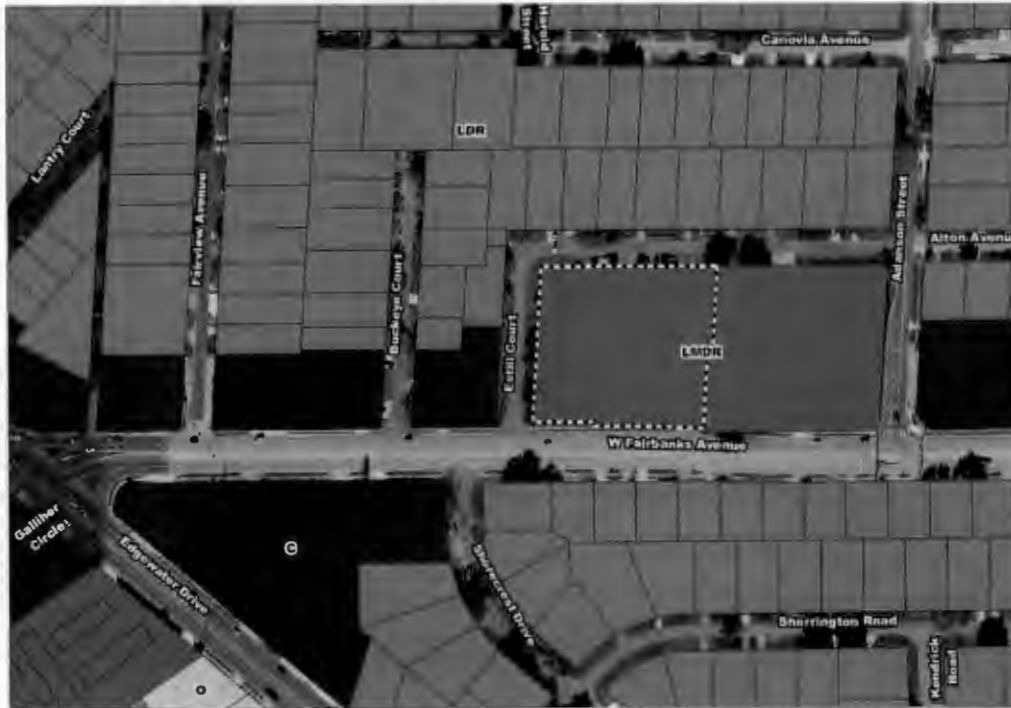
Tract Size:
 1.75 gross acres

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

SITE AERIAL



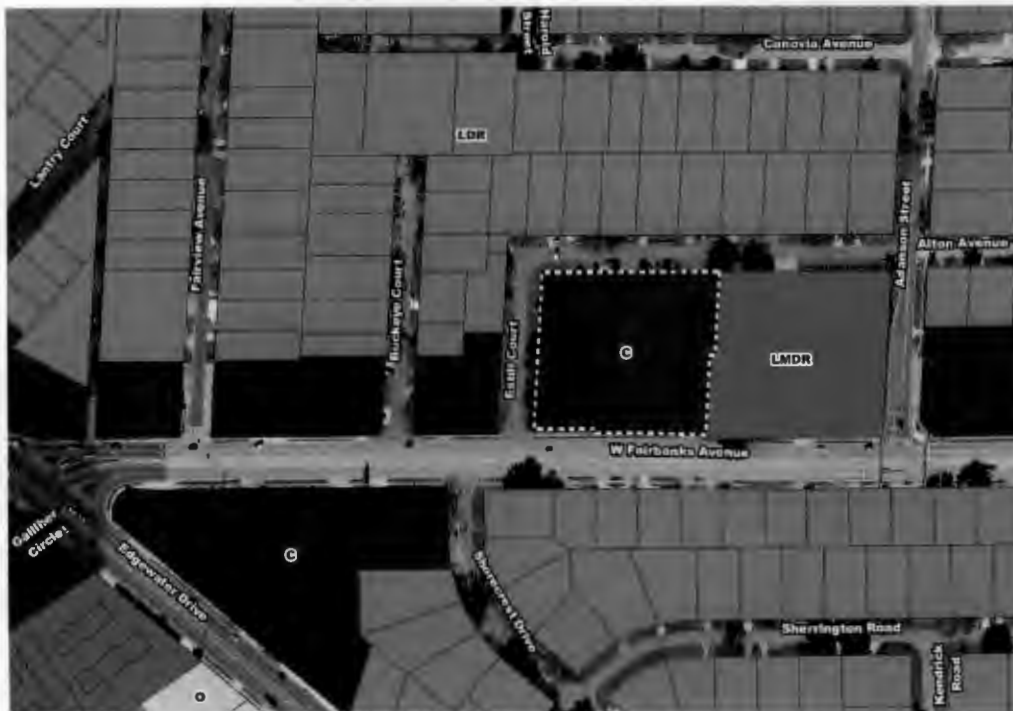
FUTURE LAND USE - CURRENT



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

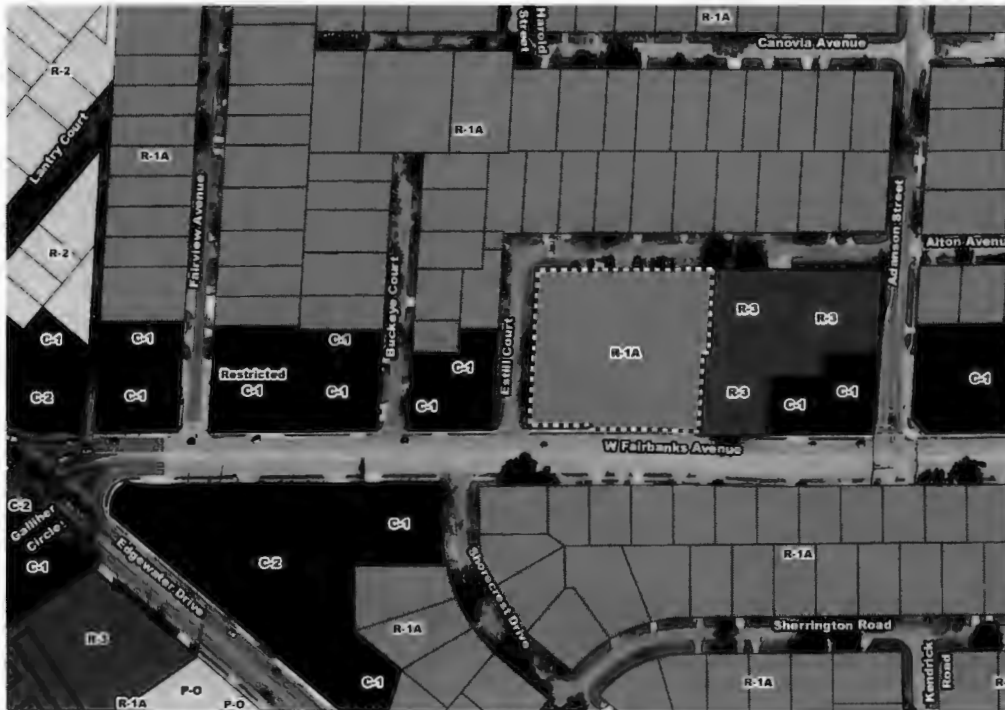
Special Area Information:
Wekiva Study Area

FUTURE LAND USE - AS PROPOSED



Proposed Future Land Use Designation:
Commercial (C)

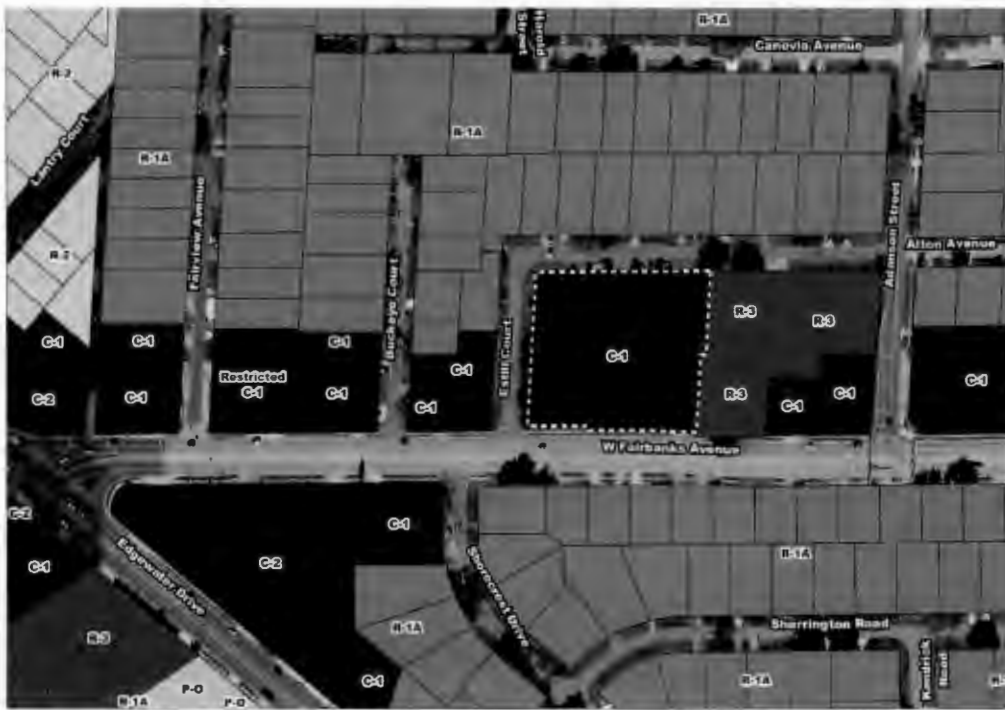
ZONING - CURRENT



Current Zoning District:
 R-1A (Single-Family Dwelling District)

Existing Uses
North:
 Single-Family Residential
South:
 Single-Family Residential
East:
 Private School
West:
 Vacant/Single-Family Residential

ZONING – PROPOSED



Proposed Zoning District:
 C-1 (Retail Commercial District)

Staff Recommendations

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

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

Restrictions

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

Analysis

1. Background and Development Program

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

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

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

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

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

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

2. Future Land Use Map Amendment Analysis

Consistency

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

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

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

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

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

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

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

Compatibility

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

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division

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

Regulations include, but are not limited to, septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed, and aquifer vulnerability. These requirements may reduce the total net developable acreage. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification, or abandonment. Please refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal, as well as the FDOH.

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

Transportation Planning Division

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

3. Rezoning Request Analysis

SITE DATA

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

APPLICABLE C-1 (Retail Commercial District) DEVELOPMENT STANDARDS

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

Minimum Floor Area: 500 sq. ft.

Minimum Building Setbacks

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

PERMITTED USES

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

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

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

SPECIAL INFORMATION

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Environmental

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations may apply. Regulations include, but are not limited to, septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed,

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

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

Transportation / Access

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

Water / Wastewater / Reclaimed Water

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

Schools

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

Parks and Recreation

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

Code Enforcement

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

Specific Project Expenditure Report and Relationship Disclosure Forms

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

State of Florida Notice

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

4. Policy References

Future Land Use Element

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

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

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

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

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

Housing Element

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

Conservation Element

GOAL C1 Orange County shall conserve, protect, and enhance the County's natural resources including air, surface water, groundwater, vegetative communities, wildlife listed as threatened, endangered, or species of special concern, soils, floodplains, recharge areas, wetlands, and energy resources to ensure that these resources are preserved for the benefit of present and future generations. Lands located within the Wekiva Study Area shall be considered high priority for protection. All development shall meet the requirements of the Wekiva River Protection Act and the Wekiva Parkway and Protection Act. (Amended 12/07, Ord. 2007-20)

Open Space Element

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

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

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

Site Visit Photos

Subject Site – Church



North – Single Family Residential



South – Single Family Residential



West – Vacant



East – Private School



PUBLIC NOTIFICATION MAP



Notification Area

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

236 notices sent



Community Meeting Memorandum

DATE: October 8, 2019
TO: Alberto A. Vargas, MArch., Planning Manager
FROM: Jennifer DuBois, Senior Planner
SUBJECT: Amendment 2019-2-S-5-1 and Rezoning Case LUP-19-06-225 (Old Cheney Townhomes PD/LUP) Community Meeting Synopsis
C: Project File

Location of Project: 5565 Old Cheney Highway; generally located north of Old Cheney Highway, east of Turrisi Boulevard, and west of Moselle Avenue

Parcel ID Number: 21-22-30-0000-00-011

Meeting Date and Location: Wednesday, September 18, 2019 at 6:00 p.m. at Glenridge Middle School, 2900 Upper Park Road, Orlando, Florida 32814

Attendance:

District Commissioner	District 5 Commissioner Emily Bonilla Melissa Strassner, Commissioner's Aide, District 5
Orange County Staff	Jennifer DuBois and Sue Watson, Planning Division Carol Merkel, Development Engineering Division
Applicants	Neel Shivcharran, Galleon Consulting Group, LLC, and Luke Wickham, 5565 Old Cheney, LLC
Residents	74 notices sent; 8 residents in attendance

Overview of Project: The applicant, Neel Shivcharran, is requesting to change the Future Land Use Map (FLUM) designation of the south 0.35 acre of the 1.13-acre subject property from Low-Medium Density Residential (LMDR) to Commercial (C) and to change the classification of the north 0.78 acre from Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR). In conjunction with this proposed amendment, the applicant has applied for a concurrent rezoning of the property from R-3 (Multiple-Family Dwelling District) and R-1A (Single-Family Dwelling District) to PD (Planned Development District) to create the mixed-use Old Cheney Townhomes PD, featuring up to 8,000 square feet of commercial space, with uses limited to those permitted in the C-1 (Retail Commercial) zoning district, and ten (10) townhomes. This request, Rezoning Case LUP-19-06-225, is currently undergoing review by the Orange County Development Review Committee (DRC).

The subject property is currently the site of the Fort Pitt Plaza, a two-story, multi-tenant commercial building constructed in 1923 as the Fort Pitt Grocery and Coin Laundry. It is the intent of the present owner, Luke Wickham of 5565 Old Cheney, LLC, to continue using the

building, which predates the majority of the surrounding residential development, for commercial purposes. Since his acquisition of the property on February 11, 2019, Mr. Wickham has made considerable improvements to the building, now home to a restaurant, Chinchorro 75. As communicated during the September 18, 2019, community meeting held for the two applications, he is seeking to attract additional tenants and anticipates that the Fort Pitt Plaza will continue to coexist with and serve the neighboring community.

The Fort Pitt Plaza occupies only the south third of the subject property. The applicant is requesting the Commercial future land use designation for this south 0.35 acre to resolve the inconsistency between the historic use of the site and the residential Future Land Use Map classification assigned to the property via the July 1, 1991, adoption of the Orange County Comprehensive Plan. The remainder of the 1.13-acre subject parcel was formerly a citrus grove that supplied produce to the Fort Pitt Grocery. Following the discontinuation of the citrus operation, no development has occurred on the north 0.78-acre portion of the site. Adoption of the desired MDR future land use designation—with a maximum permitted density of twenty (20) dwelling units per net acre—would allow for the construction of the ten (10) proposed townhomes as a residential infill project within the County's Urban Service Area (USA) boundary.

Meeting Summary: Senior Planner Jennifer DuBois from the Comprehensive Planning Section opened the meeting and provided an overview of the requested Future Land Use Map Amendment and associated conventional rezoning application for the eight area residents in attendance. She informed the meeting attendees of the upcoming Local Planning Agency (LPA) and Board of County Commissioners (BCC) adoption public hearing dates.

The applicant, Neel Shivcharran of Galleon Consulting Group, also outlined the proposed amendment and rezoning petition, noting the reduction in the number of proposed townhomes from the fifteen (15) requested in the application to ten (10). Mr. Shivcharran explained that as the conceptual design for the residential portion of the project evolved, the original number of units was determined to be too intense for the 0.78-acre site. While several meeting attendees expressed their support for the townhome development, commending the prospective developer, Luke Wickham, for committing to the provision of additional housing in an area that has remained relatively affordable over the years, particularly in comparison to nearby Baldwin Park, others voiced their belief that the ten units units requested under the MDR designation is still excessive. These individuals asserted that Mr. Wickham should be satisfied with the seven he could construct in accordance with the existing LMDR classification.

Mr. Wickham informed the meeting participants that he is a local resident who wishes to see the Fort Pitt Plaza—the subject of the commercial component of the project—remain a gathering place for the community. Several attendees expressed their appreciation for Mr. Wickham's improvements to the commercial center and his efforts to attract new tenants. Other area residents questioned the need for the Commercial future land use designation and asked why the owner is seeking approval for up to 8,000 square feet of commercial space when the Fort Pitt Plaza has an area of roughly 6,128 square feet. Ms. DuBois explained that the commercial building is a legally-existing, but nonconforming, use under its present LMDR future land use designation and R-3 zoning classification. Mr. Wickham would, therefore, be limited to normal maintenance and repair of the building, and the future land use and zoning inconsistency would preclude any desired substantial alteration, expansion, or—in the event of a disaster—full reconstruction. Those in opposition asserted that the Fort Pitt Plaza should continue to operate in accordance with its "grandfathered" status. In response, Mr. Wickham stated that he does not intend to demolish the Fort Pitt Plaza, and

Ms. DuBois clarified that adoption of the requested Future Land Use Map Amendment and subsequent approval of the PD rezoning application would eliminate the inconsistency while definitively establishing the development program and site design standards for the mixed-use project.

The topic of crime in the surrounding neighborhood was also discussed. All in attendance, including Mr. Shivcharran and Mr. Wickham, acknowledged that crime has been an issue in the area. District 5 Commissioner Emily Bonilla informed the meeting participants that she has asked the Orange County Sheriff's Office to visit the neighborhood more frequently and noted that the community's crime rate has decreased.

Commissioner Bonilla and Ms. DuBois thanked the meeting attendees for their participation.

The meeting adjourned at 7:05 p.m., and the overall tone was **MIXED**.



Community Meeting Memorandum

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

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

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

Attendance:

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

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

Meeting Summary:

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

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

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

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

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

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

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



Community Meeting Memorandum

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

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

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

Attendance:

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

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

Meeting Summary:

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

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

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

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

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

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

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

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

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

ORDINANCE NO. 2020-_____

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

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

Section 1. Legislative Findings, Purpose, and Intent.

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

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

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

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

32 e. On January 14, 2020, the Board held a public hearing on the adoption of the
33 proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to
34 adopt them.

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

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

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

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

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

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

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ADOPTED THIS 14th DAY OF JANUARY, 2020.

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 AMENDMENTS

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2019-2-S-2-2	Medium Density Residential (MDR)	Medium-High Density Residential (MHDR)
2019-2-S-2-5	Rural Settlement 1/1 (RS 1/1)	Commercial (C) Rural Settlement (RS)
2019-2-S-5-1	Low-Medium Density Residential (LMDR)	Commercial (C) and Medium Density Residential (MDR)
2019-2-S-5-4	Low-Medium Density Residential (LMDR)	Commercial (C)

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

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Community Meeting Memorandum

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

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

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

Attendance:

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

Overview of Project:

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

Meeting Summary:

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

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



Community Meeting Memorandum

DATE: August 27, 2019
TO: Greg Golgowski, Chief Planner, Planning Division
FROM: Misty Mills, Planner II
SUBJECT: Amendment 2019-2-S-2-5 – Community Meeting Notes
C: Project file

Location of Project: 2523 Junction Rd.; Generally located north of Orange Blossom Trl., east of Junction Rd., south of W. Ponkan Rd., and west of Cayman Cir.

Meeting Date and Location: August 26, 2019 at 6:00 pm at Zellwood Community Center

Attendance:

District Commissioner	Kathy Marsh, aide to District 2 Commissioner Christine Moore
Orange County staff	Greg Golgowski, Chief Planner; Misty Mills, Planner II; Alyssa Henriquez, Planner II; Steven Thorp, Planner III; Romel Seepaul, Engineer II, Public Works
Applicant team	Thomas Sullivan (applicant)
Property owner	Frank Bombeeck, ECP Grassmere, LLC
Residents	255 notices sent; approximately 17 residents in attendance

Overview of Project: The applicant's request is to amend the Future Land Use designation of the 5-acre subject property from **Rural Settlement 1/1 (RS 1/1)** to **Commercial Rural Settlement (C) (RS)**. The property is part of the Grassmere Planned Development. The Land Use Plan, as approved, would allow for 98 single-family dwelling units. The applicant proposes to construct up to 32,670 square foot commercial development.

Meeting Summary: Ms. Mills provided an overview of the request. She noted the hearing dates and the location of the upcoming meetings, the first before the Local Planning Agency (LPA) on October 17, 2019, and the second before the BCC on November 12, 2019.

The applicant, Thomas Sullivan, explained that the 5-acre portion is part of a larger site that is approved as the Grassmere Planned Development that is currently entitled for 98 single-family dwelling units. He stated the 5-acre portion is located along Orange Blossom Trail (441) and the proposal is to amend the future land use map to allow for commercial development. He stated he thinks the area needs neighborhood commercial and at this time the developer does not have an end user.

Questions from the residents:

One resident asked if the future land use could revert back to Rural Settlement 1/1 (RS 1/1) if market demand changed. Mr. Sullivan explained that if the owner wanted to change the future

land use back, they would be required to go through the amendment process again.

Another question asked for clarification about the 5-acre subject site being required to be a park. Mr. Sullivan explained that the park was required as part of a condition of approval in 2006. He stated in 2007 the State of Florida passed the Wekiva Open Space requirements. He stated the 5-acre subject site is different from the previously required 5-acre park. (The park requirement was removed at the August 20, 2019 BCC meeting under CRD-19-04-133.)

Questions were asked about roadway improvements and a traffic light at 441 and Junction Road. It was explained that turn-lane improvements would be made as part of the development and a traffic signal is unlikely to be warranted. Residents stressed that this is a dangerous intersection.

There were questions specific to the development on the site, including location of houses, water providers, and amenities. Mr. Sullivan and Mr. Bombeck answered these questions stating that the houses would be located internal to the site, with the goal of retaining open space and trees and keeping the area around the lake as open space. They stated that 441 is not an ideal location for residential. The City of Apopka will be the water provider. Amenities will include a club house, pool, and tot lot and the development will not be gated.

Mr. Golgowski concluded the meeting by reminding the residents of the upcoming meeting dates. The meeting adjourned at 6:30 p.m. The overall tone of the meeting was **NEUTRAL**.