



Interoffice Memorandum

DATE: March 14, 2022

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

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

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

SUBJECT: Adoption Public Hearing – March 22, 2022 Small-Scale Future Land Use Map Amendments and Concurrent Rezoning Request

Please find the attached staff reports and associated back-up materials for the **Small-Scale Future Land Use Map Amendment** scheduled for a BCC adoption public hearing on March 22, 2022. The adoption public hearing for Small-Scale Development Amendment SS-21-12-096 (and concurrent rezoning RZ-21-12-095) was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on January 20, 2022.

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

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

JVW/AAV/jhs

Enc: Small-Scale Development Amendment BCC Adoption Binder

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

Small-Scale Amendment and Rezoning Staff Report
Orange County Planning Division
BCC Hearing Date: March 22, 2022

CASE # SS-21-12-096
RZ-21-12-095

Commission District: #3

GENERAL INFORMATION

APPLICANT	Michelle Carlton
OWNERS	LCV, LLC
HEARING TYPE	Small-Scale Future Land Use Map (FLUM) Amendment / Rezoning
FLUM REQUEST	Office (O) to Commercial (C)
ZONING REQUEST	P-O (Professional Office District) to C-1 Restricted (Retail Commercial District)
LOCATION	S. Goldenrod Road; Generally located on the east side of S. Goldenrod Road and 350 feet south of Lake Underhill Road.
PARCEL ID NUMBER	35-22-30-6408-00-003
TRACT SIZE	0.68 gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Five hundred and twenty-seven (527) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A virtual community meeting was held on December 15, 2021 and is summarized further in this report.
PROPOSED USE	The applicant is proposing to develop the site with a quick service restaurant.

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

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

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District) zoning, subject to the following restrictions:

- 1) Billboards and pole signs shall be prohibited.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Future Land Use Map Amendment to change the designation of the 0.68 acre subject property from Office (O) to Commercial (C) and to rezone from P-O (Professional Office District) to C-1 Restricted (Retail Commercial District) in order to allow for site development with a Taco Bell quick service restaurant.

The subject property is an undeveloped parcel, located on the east side of S. Goldenrod Road, just south of Lake Underhill Road. The immediate surrounding area to the north, south, east and west is developed with a mix of commercial uses that include a gas station, a child care center, a tire center, and financial institutions.

Existing FLUM Development Program

The existing P-O zoning and Office Future Land Use allows for office and office park-style development. This allows the site to be developed with up to 37,026 square feet of office uses.

Proposed FLUM Development Program

The proposed C-1 Restricted zoning with the Future Land Use Map designation of Commercial will allow the applicant to develop the site for commercial uses, specifically a Taco Bell quick service restaurant. If this request is approved, the site can be developed with up to 44,431 square feet of office and commercial uses.

Land Use Compatibility

The Commercial Future Land Use and C-1 Restricted zoning would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties.

Site Analysis

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

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Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

As mentioned previously, the underlying CP Future Land Use Map (FLUM) designation of the subject property is Office (O), which is consistent with the P-O (Professional Office) zoning. However, the proposed Commercial (C) FLUM is consistent with the proposed C-1 Restricted (Retail Commercial District) zoning. The proposed request is consistent with the following Comprehensive Plan provisions:

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

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

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

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

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

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

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

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SITE DATA

Existing Use Vacant

Adjacent	FLUM	Zoning
North	Commercial (1991)	C-1 (Retail Commercial District) (1987)
South	Commercial (1991)	C-1 Restricted (Retail Commercial District) (1990)
East	Medium Density Residential (1991)	R-3 (Multiple Family Residential District) (1988)
West	Commercial (1991)	C-1 (Retail Commercial District) (1957)

Adjacent Land Uses N: Commercial
 E: Commercial
 W: Commercial
 S: Commercial

C-1 (Retail Commercial District) Development Standards

Min. Lot Area: 6,000 sq. ft.
 Min. Lot Width: 60 ft.
 Max. Height: 50 ft. (35 ft. within 100 of residential districts)
 Min. Floor Area: 500 sq. ft.

Building Setbacks

Front: 25 ft.
 Rear: 20 ft.
 Side: 0 ft. (15 ft when abutting residential district or side street)

Intent, Purpose, and Uses

A use shall be permitted in the C-1 District if the use is identified by the letter "P" in the use table set forth in Section 38-77.

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

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Waste Material Disposal - Any miscellaneous garbage, waste and construction debris or demolition

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			<p>debris, or waste material found on site during clearing and grading shall be properly disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.</p> <p>Erosion Control - Use caution to prevent erosion during construction along the boundary of the property and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g). This may require periodic street sweeping.</p> <p>CAD - A historic Orange County Conservation Area Determination CAD # 96-127 has been completed that included this property. No wetlands were determined within this parcel.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The change in land use will generate more than 50 PM Peak Trip Ends.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sheriff's Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A virtual community meeting was held on December 15, 2021, with one attendee expressing no opinion of the request.

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

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***Detailed Utility Information:**

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

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

Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

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

State of Florida Notice

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

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (January 20, 2022)

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C (Commercial) Future Land Use.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District) zoning, subject to the following restriction:

- 1) Billboards and pole signs shall be prohibited.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of both applications for the requested C (Commercial) Future Land Use Designation, and the C-1 Restricted (Retail Commercial District) zoning. The applicant was present and agreed with the staff recommendation.

Staff indicated that five hundred and twenty-seven (527) notices were mailed to those property owners in the mailing area extending beyond 1,000 feet surrounding the property, and that staff received no comments in favor or opposition. During public comments no member of the public was present to speak.

After a brief discussion, a motion was made on the Future Land Use Map Amendment and Rezoning by Commissioner Fernandez, and seconded by Commissioner Spears to recommend ADOPTION of the requested C (Commercial) Future Land Use designation and APPROVAL of the C-1 Restricted (Retail Commercial District) zoning. The motion carried on an 8-0 vote.

Motion / Second

Eddie Fernandez / Gordon Spears

Voting in Favor

Gordon Spears, Eddie Fernandez, Trevor Sorbo, Walter Pavon, Nelson Pena, Jaja Wade, George Wiggins, and Mohammed Abdallah

Voting in Opposition

None

Absent

Evelyn Cardenas

SS-21-12-096 & RZ-21-12-095



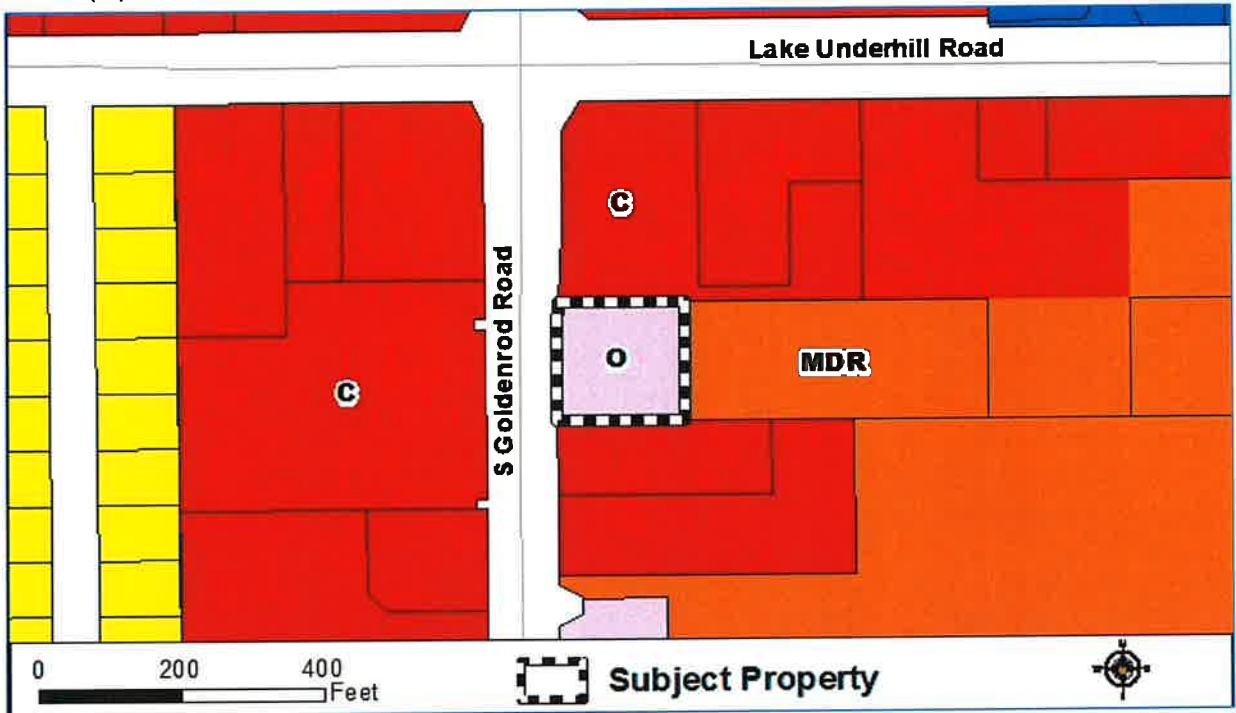
 Subject Property



1 inch = 125 feet

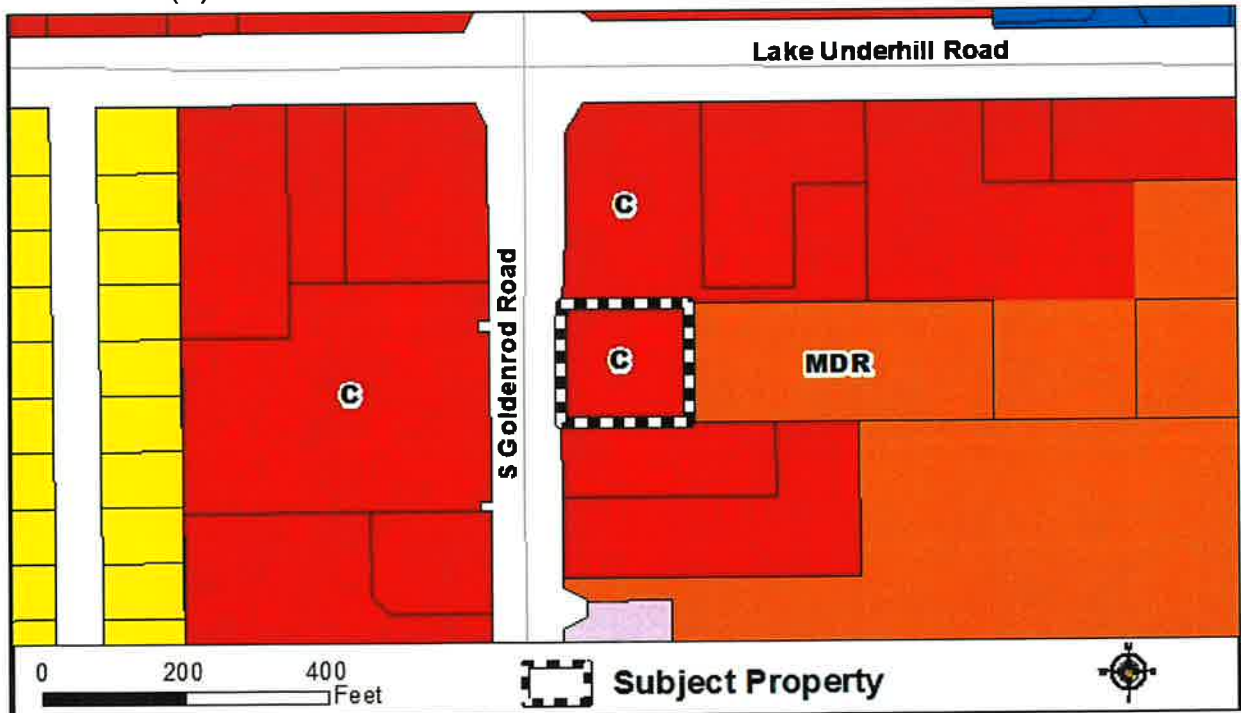
FUTURE LAND USE - CURRENT

Office (O)

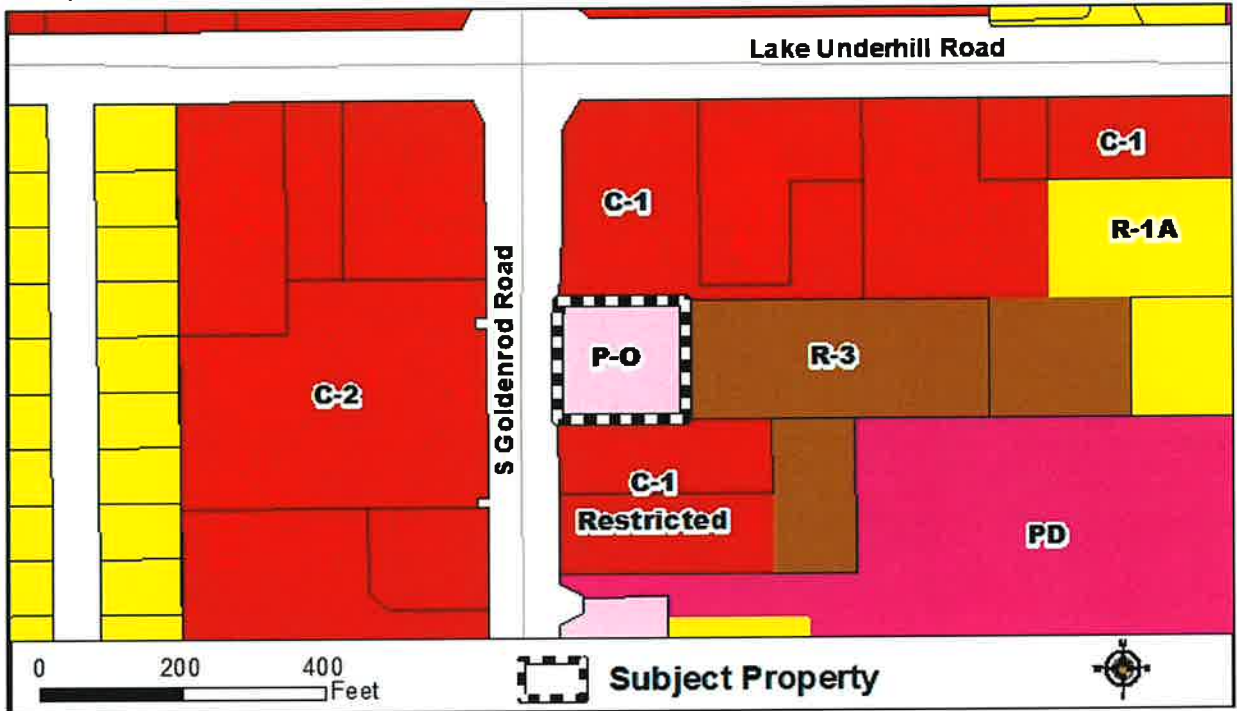


FUTURE LAND USE - PROPOSED

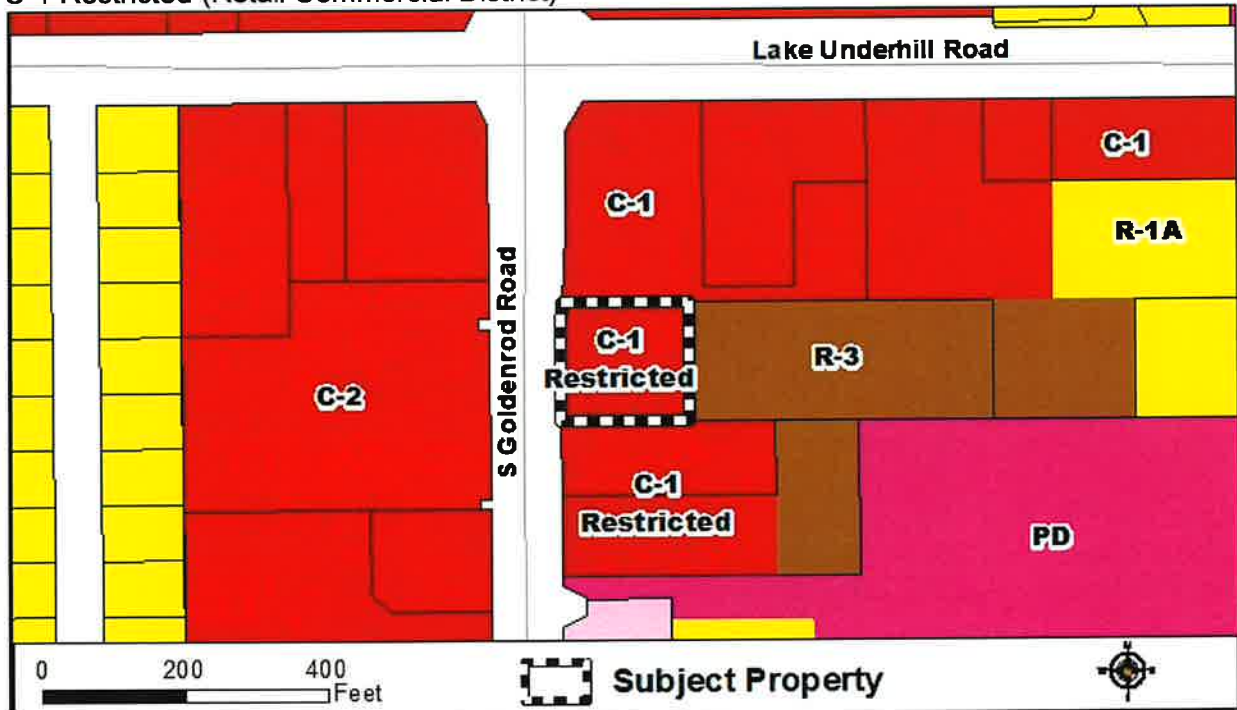
Commercial (C)



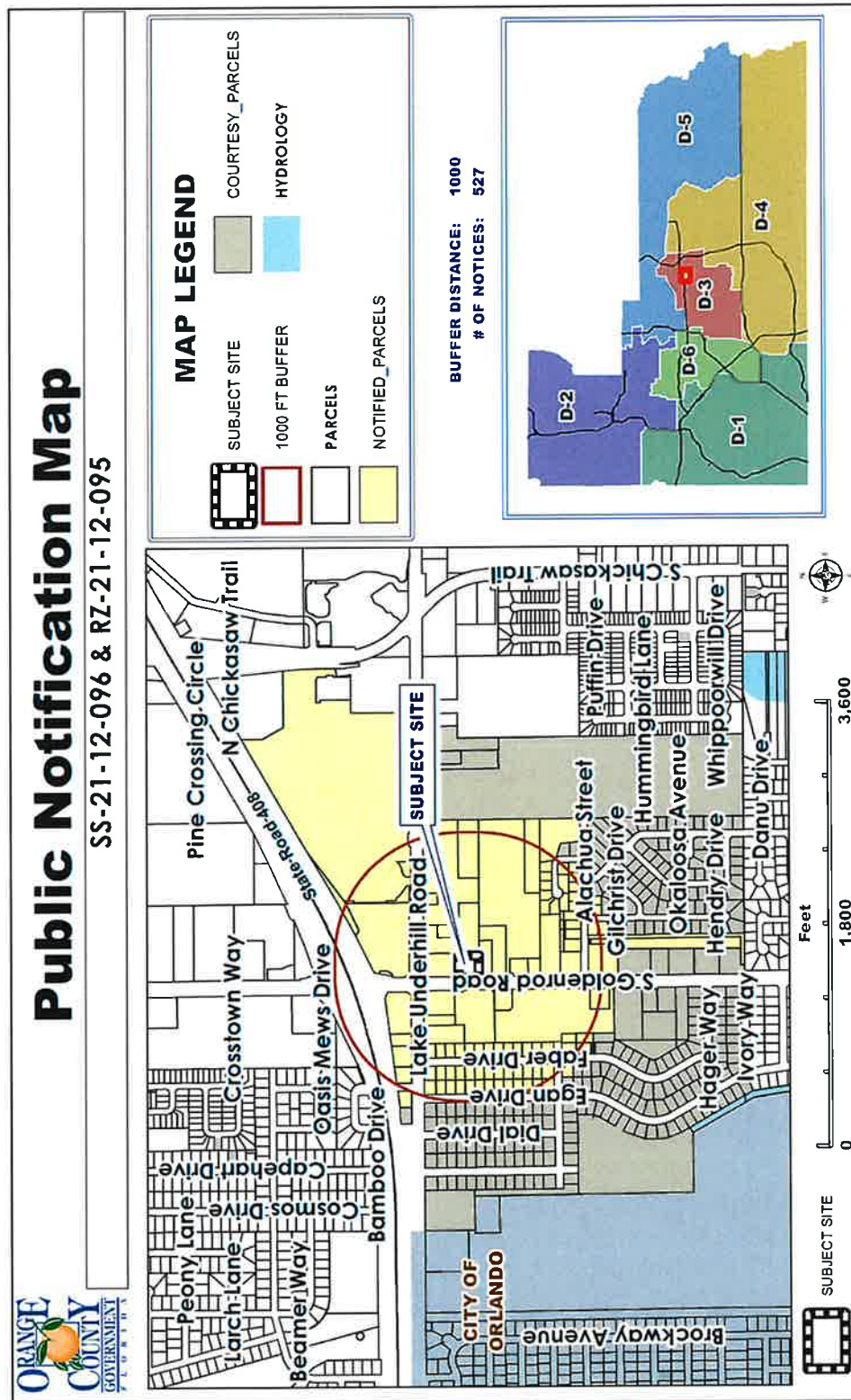
ZONING – CURRENT
P-O (Professional Office)



ZONING – PROPOSED
C-1 Restricted (Retail Commercial District)



Notification Map



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ORDINANCE NO. 2022- _____

**AN ORDINANCE PERTAINING TO COMPREHENSIVE
PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING
THE ORANGE COUNTY COMPREHENSIVE PLAN,
COMMONLY KNOWN AS THE "2010-2030
COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING
A SMALL SCALE DEVELOPMENT AMENDMENT
PURSUANT TO SECTION 163.3187, FLORIDA STATUTES;
AND PROVIDING 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; and

c. On March 22, 2022, the Board held a public hearing on the adoption of the proposed amendment, as described in this ordinance, and decided to adopt it.

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

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

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APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-21-12-096	Office (O)	Commercial (C)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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