




Interoffice Memorandum

December 15, 2020

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

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

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

SUBJECT: Adoption Public Hearing – December 15, 2020 Small-Scale Future Land Use Map Amendments and Concurrent Rezoning Request SS-20-10-062

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 December 15, 2020. The adoption public hearing for Small-Scale Development Amendment SS-20-10-062 (and concurrent rezoning RZ-20-10-063) was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on October 10, 2020.

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.

AAV/JWW/jhs

Enc: Small-Scale Development Amendments BCC Adoption Binder

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



ORANGE COUNTY

PLANNING DIVISION

SMALL SCALE

MONTHLY

AMENDMENT

SS-20-10-062

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

DECEMBER 15, 2020
ADOPTION PUBLIC HEARING

PREPARED BY:
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



**Rezoning and Small-Scale Amendment Staff Report
Orange County Planning Division
BCC Hearing Date: December 15, 2020**

**CASE # SS-20-10-062
RZ-20-10-063**

Commission District: #4

GENERAL INFORMATION

APPLICANT	Jim Hall, Hall Development Services, Inc.
OWNERS	Grovigation Investments, LLC
HEARING TYPE	Planning and Zoning Commission / Local Planning Agency
FLUM REQUEST	LMDR (Low-Medium Density Residential) <i>to</i> C (Commercial).
ZONING REQUEST	A-2 (Farmland Rural District) & R-2 (Residential Dwelling District) <i>to</i> C-1 (Retail Commercial District)
LOCATION	14088 E. Colonial Drive; or generally located southwest of the E. Colonial Drive and Fricke Avenue intersection.
PARCEL ID NUMBERS	24-22-31-0000-00-013 (portion of) 24-22-31-0000-00-067 (portion of)
TRACT SIZE	1.76 gross acres (<i>overall</i>) 0.90-gross acres (<i>affected portion</i>)
PUBLIC NOTIFICATION	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred thirty-seven (237) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A virtual community meeting was held on October 5, 2020, and is summarized further in this report.
PROPOSED USE	Commercial Retail Uses

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use on the affected 0.90 acre portion of the subject property.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 (Retail Commercial District) zoning, on the affected 0.35 acre portion of the subject property.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Future Land Use Map Amendment to change the Future Land Use of the north 0.90 acres of the subject property from LMDR (Low-Medium Density Residential) to C (Commercial), and to change the Zoning designation on .35 acres from A-2 (Farmland Rural District) and R-2 (Residential Dwelling District) to C-1 (Retail Commercial District) in order to allow for retail commercial uses.

The subject property is two vacant parcels, located on the southwest corner of East Colonial Drive and Fricke Avenue. The immediate surrounding area is developed with commercial to east and west for parcels fronting East Colonial, single-family residences do exist to the east, south and southeast. The proposed commercial designation is only applicable to the north 0.90 acres of the subject property, a portion of which is already zoned C-1, and development will not encroach into the easement containing overhead powerlines.

Existing FLUM Development Program

The subject property currently contains A-2, R-2, and C-1 zoning designations. While the R-2 portion is consistent with the LMDR land use designation, the A-2 and C-1 zoned portions are not. As a result, a change in both zoning and future land use is required in order to develop the property.

Proposed FLUM Development Program

The proposed C-1 zoning with the Future Land Use Map designation of Commercial will allow the applicant to develop the north portion of the property, which fronts a major thoroughfare, for retail commercial uses. If this request is approved, it will allow for uses currently permitted under the C-1 zoning district. The southern portion of the property would maintain its residential land use and zoning designation.

Land Use Compatibility

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

Small Scale Amendment & Rezoning Staff Report
Case # SS-20-10-062 & RZ-20-10-063
Orange County Planning Division
BCC Hearing Date: December 15, 2020

Site Analysis

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

Comprehensive Plan (CP) Consistency

As mentioned previously, the underlying CP Future Land Use Map (FLUM) designation of the subject property is LMDR (Low Medium Density Residential), which is consistent with the R-2 (Residential Dwelling District), but inconsistent with the A-2 Farmland Rural District and C-1 (Retail Commercial District) zoning. However, the proposed C-1 (Retail Commercial District) zoning is consistent with the proposed C (Commercial) FLUM designation. The proposed request is consistent with the following Comprehensive Plan provisions:

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

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

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

Small Scale Amendment & Rezoning Staff Report
Case # SS-20-10-062 & RZ-20-10-063
Orange County Planning Division
BCC Hearing Date: December 15, 2020

Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use Vacant

Adjacent	FLUM	Zoning
North	LMDR (Low Medium Density Residential)	A-2 (Farmland Rural District)
South	LMDR (Low Medium Density Residential)	R-2 (Residential Dwelling District) & A-2 (Farmland Rural District)
East	C (Commercial)	C-2 (General Commercial District)
West	C (Commercial)	C-1 (Retail Commercial District)

Adjacent Land Uses N: Major Roadway (East Colonial Drive)
 E: Single-Family Residential & Vacant land
 W: Auto collision center
 S: Single-Family Residential

C-1 (Retail Commercial District) Development Standards

Min. Lot Area: 6,000 sq. ft.
 Min. Lot Width: 100 ft. (Corner lot on major streets)
 Max. Height: 35 ft. (within 100 ft. of residential districts)
 Min. Floor Area: 500 sq. ft.

Building Setbacks

Front: 25 ft.
 Rear: 20 ft.
 Side: 15 ft. (abutting a residential district)

Intent, Purpose, and 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 will be 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 plan;

**Small Scale Amendment & Rezoning Staff Report
Case # SS-20-10-062 & RZ-20-10-063
Orange County Planning Division
BCC Hearing Date: December 15, 2020**

(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 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

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>This request is limited to the northern 0.90 acre portion of the subject parcels, adjacent to E. Colonial Drive. Any development proposed on the portion south of the power easement will require an Orange County Conservation Area Determination, consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas.</p> <p>This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply per Orange County Code Chapter 15 Article XI Section 15-442.</p> <p>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.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency database dated 9/9/20, there are two (2) failing roadway segments within the project area. E. Colonial Drive from Woodbury Road to Lake Pickett road; Avalon Park Blvd to S. Tanner Road. A traffic study and proportionate share road agreement will be required for this project at the time of permitting.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Neighborhoods	<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"/>	

Small Scale Amendment & Rezoning Staff Report
Case # SS-20-10-062 & RZ-20-10-063
Orange County Planning Division
BCC Hearing Date: December 15, 2020

Community Meeting Summary

A virtual community meeting was held on October 5, 2020. One resident attended and expressed concern about access to their home on Fricke Avenue. The Applicant ensured future development would not inhibit their access. The general tone of the meeting was neutral.

Utilities

Water:	Orange County Utilities	24-inch watermain within E. Colonial right-of-way
Wastewater:	Orange County Utilities	30-inch forcemain within E. Colonial right-of-way
Reclaim Water:	Orange County Utilities	Not currently available

State of Florida Notice

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

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (October 15, 2020)

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use on the affected 0.90 acre portion of the subject property.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 (Retail Commercial District) zoning, on the affected 0.35 acre portion of the subject property.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use Designation on the affected 0.90 acres, and APPROVAL of the C-1 (Retail Commercial District) zoning on the affected 0.35 acres. The applicant was represented by Jim Hall.

Staff indicated that two hundred thirty seven (237) notices were mailed to those property owners in the mailing area extending beyond 600 feet surrounding the property, and that staff has received one (1) commentary, neither in support or denial of the request, via email. No members of the public were present to speak during public comments.

After discussion addressing the proposed use of the property, compatibility with the surrounding area, and the applicant's presentation, the following motions were made:

Future Land Use Map Amendment

A motion was made on the Future Land Use Map Amendment (SS-20-10-062) by Commissioner Dunn, and seconded by Commissioner Wade to recommend **ADOPTION** of the requested Commercial (C) Future Land Use designation on the affected 0.90 acre portion of the subject property. The motion carried on a 5-0 vote.

Motion / Second

Jimmy Dunn / Jaja Wade

Voting in Favor

Jimmy Dunn, Jaja Wade, Gordon Spears, Mohammed Abdallah, and Eddie Fernandez

Voting in Opposition

None

Absent

Nelson Pena, Evelyn Cardenas, and Carlos Nazario

Small Scale Amendment & Rezoning Staff Report
Case # SS-20-10-062 & RZ-20-10-063
Orange County Planning Division
BCC Hearing Date: December 15, 2020

Rezoning

A motion was made on the rezoning (RZ-20-10-063) by Commissioner Dunn, and seconded by Commissioner Wade to recommend **APPROVAL** of the requested C-1 (Retail Commercial District) zoning, on the effected 0.35 acre portion of the subject property. The motion carried on a 5-0 vote

Motion / Second

Jimmy Dunn / Jaja Wade

Voting in Favor

Jimmy Dunn, JaJa Wade, Gordon Spears, Mohammed Abdallah, and Eddie Fernandez

Voting in Opposition

None

Absent

Nelson Pena, Evelyn Cardenas, and Carlos Nazario

**Grovigation - 14088 E. Colonial Drive
SS-20-10-062 & RZ-20-10-063**

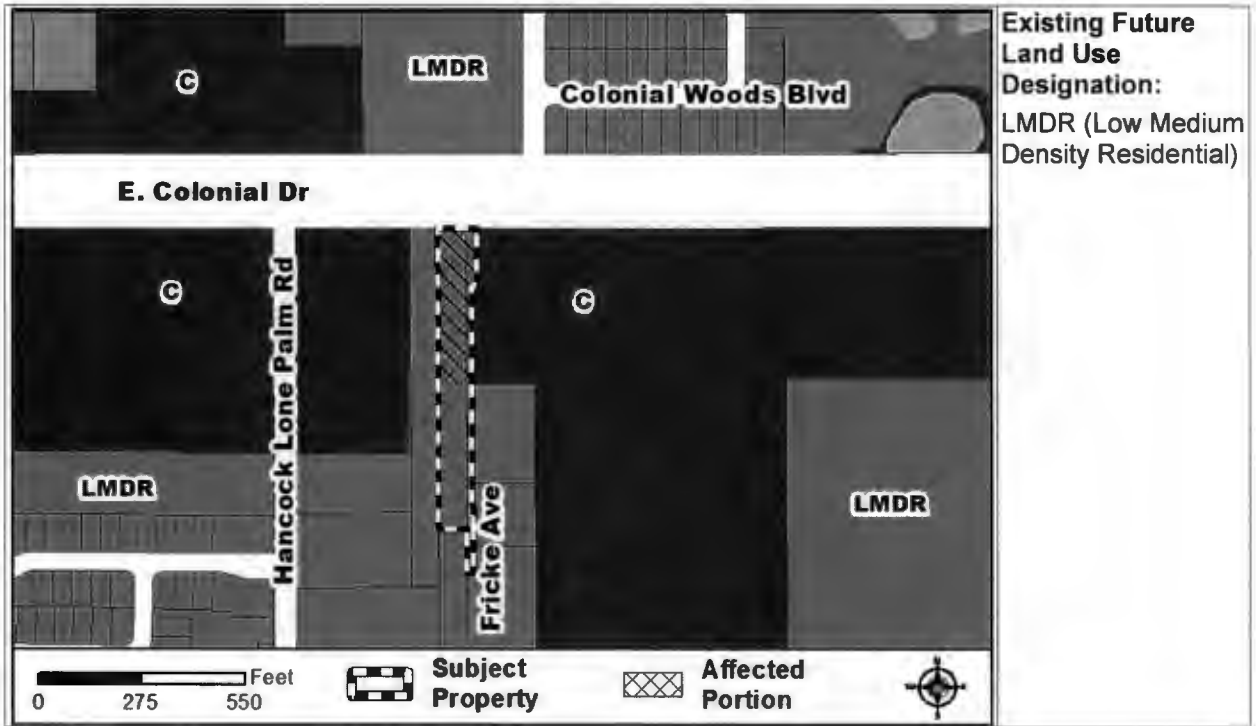
Location Map



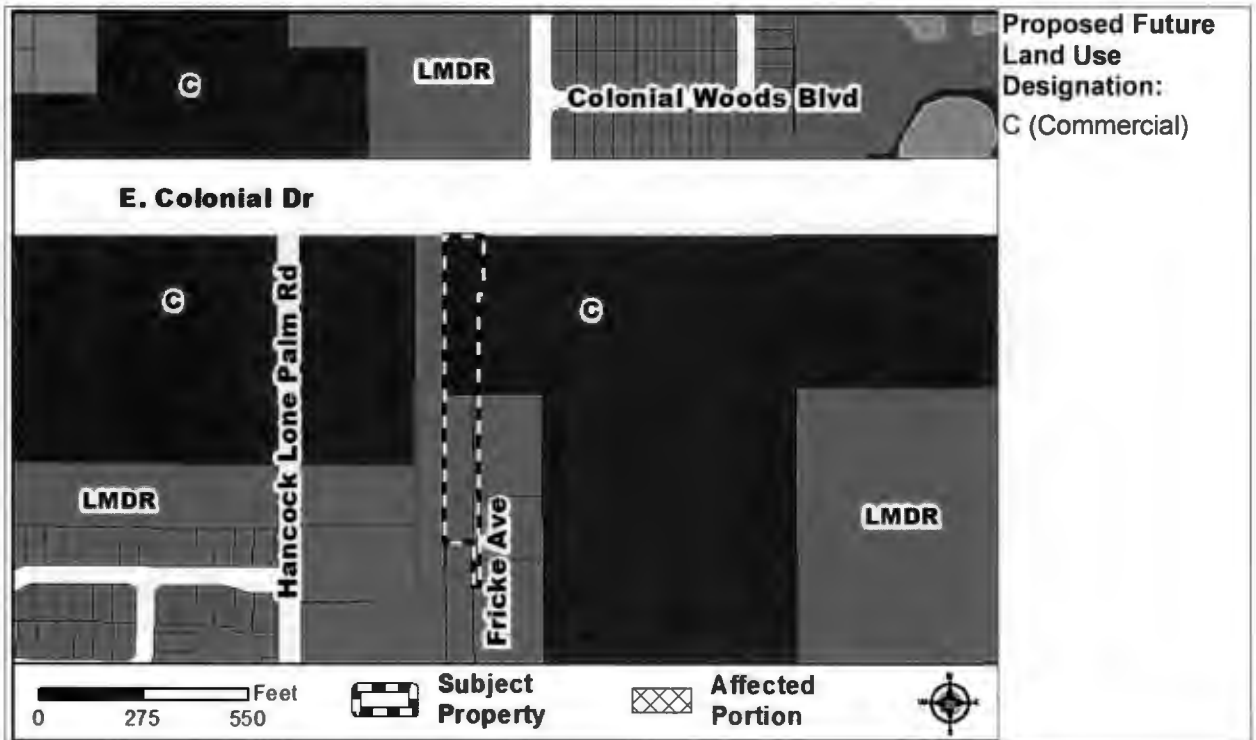
— Affected Area  Subject Property

Small Scale Amendment & Rezoning Staff Report
Case # SS-20-10-062 & RZ-20-10-063
Orange County Planning Division
BCC Hearing Date: December 15, 2020

FUTURE LAND USE – CURRENT

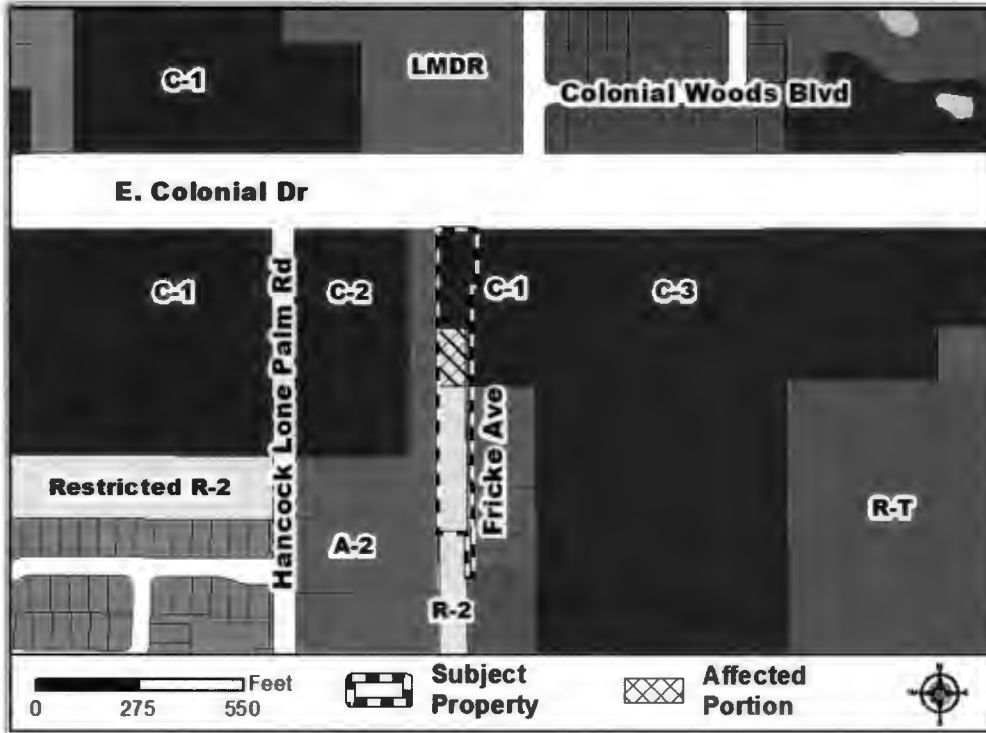


FUTURE LAND USE - PROPOSED



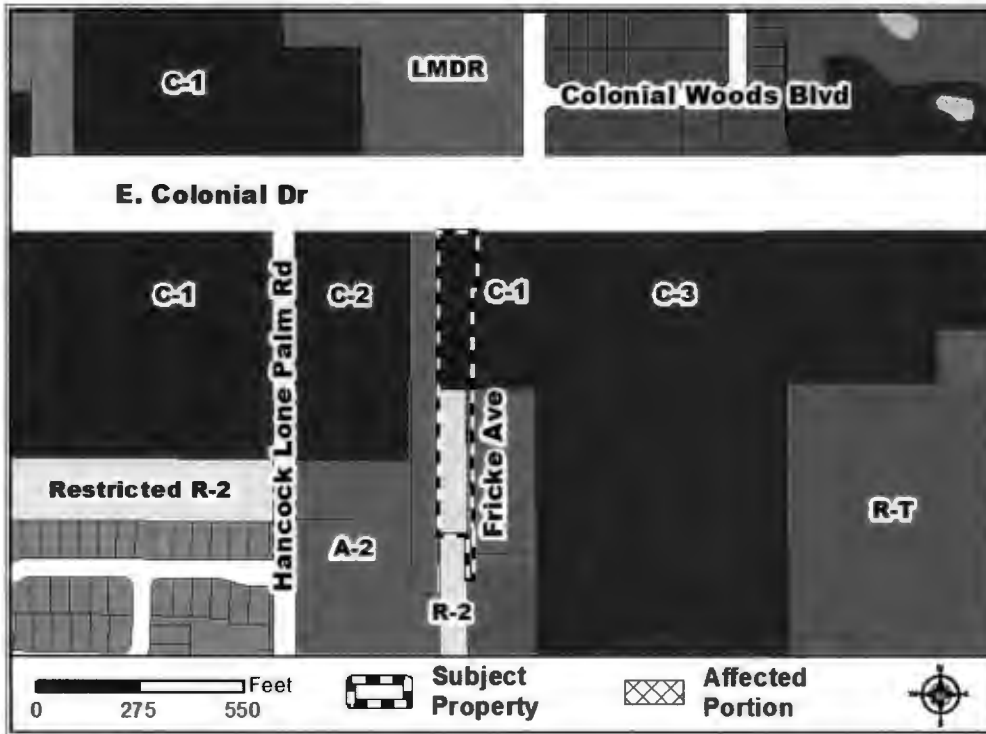
Small Scale Amendment & Rezoning Staff Report
Case # SS-20-10-062 & RZ-20-10-063
Orange County Planning Division
BCC Hearing Date: December 15, 2020

ZONING - CURRENT



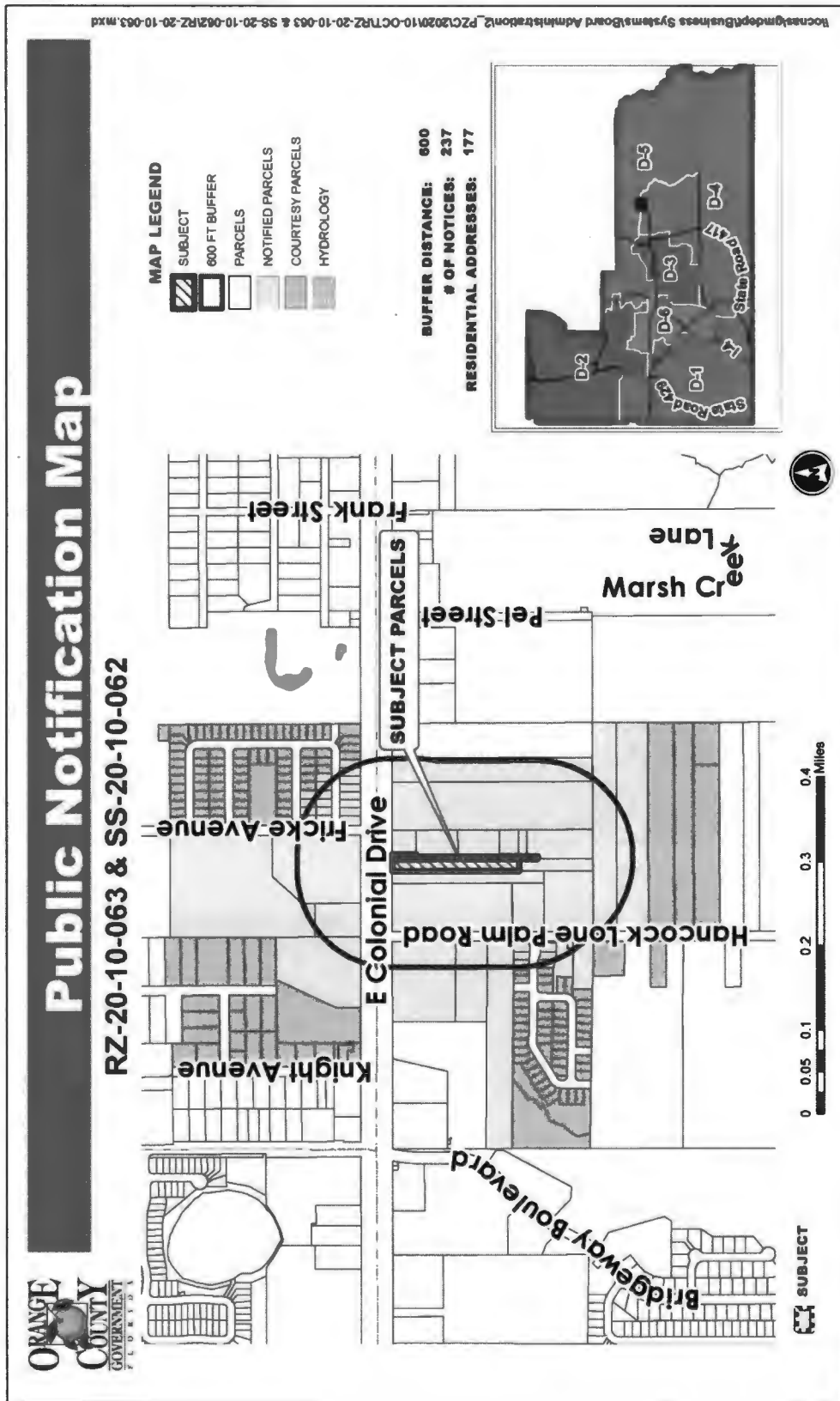
Current Zoning District:
 C-1 (Retail Commercial District),
 A-2 (Farmland Rural District), &
 R-2 (Residential Dwelling District)

ZONING - PROPOSED



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

Notification Map



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
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 December 15, 2020, the Board held a public hearing on the adoption of the proposed amendments, as described in this ordinance, and decided to adopt them.

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 designations as described at Appendix "A," attached hereto and incorporated herein.

31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

* * *

Section 4. Effective Dates for Ordinance and Amendments.

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

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

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

ADOPTED THIS 15th DAY OF DECEMBER, 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

63
64
65
66
67

APPENDIX "A"

FUTURE LAND USE MAP AMENDMENTS

Appendix A*		
<i>Privately Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-20-09-059	Planned Development – Mini Storage (PD)	Medium-High Density Residential (MHDR)
SS-20-10-062	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.		

68