




Interoffice Memorandum

September 19, 2023

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

THROUGH: Andres Salcedo, P.E., Acting Director   
Planning, Environmental, and Development Services Department

CONTACT PERSON: **Alberto A. Vargas, MArch., Manager, Planning Division**  
**(407) 836-5802**

SUBJECT: Adoption Public Hearing – October 10, 2023, Small-Scale Future  
Land Use Map Amendment  
Applicant: Momtaz Barq, Terra-Max Engineering, Inc.  
SS-23-07-046

Please find the attached staff report and associated back-up material for the Small-Scale Future Land Use Map Amendment scheduled for a Board adoption public hearing on October 10, 2023.

A community meeting was held on June 28, 2023, with seven residents in attendance who generally had no concerns regarding the request.

The subject property is located at 6091 and 6093 Silver Star Road; generally located north of Silver Star Road, east of N. Powers Drive, and west of Pioneer Road. The applicant's request is to change the Future Land Use Map designation from Office (O) to Commercial (C) in order to provide for consistency with the existing zoning and allow for retail commercial uses. The zoning is C-1 (Retail Commercial District) and is not proposed to change.

The adoption public hearing for Small-Scale Development Amendment SS-23-07-046 was conducted before the Planning and Zoning Commission / Local Planning Agency on August 17, 2023.

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

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

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and adopt the Commercial (C) Future Land Use map designation and approve the associated ordinance. District 2**

AS/AAV/jhs  
Attachment

c: Jon V. Weiss, P.E., Deputy County Administrator  
Joel D. 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  
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division

**CASE # SS-23-07-046**  
Commission District: #2

**GENERAL INFORMATION**

|                            |   |
|----------------------------|---|
| <b>APPLICANT</b>           | Momtaz Barq, Terra-Max Engineering, Inc.  |
| <b>OWNERS</b>              | Robinson Investment Partners, LLC   |
| <b>HEARING TYPE</b>        | Small-Scale Future Land Use Map (FLUM) Amendment / Rezoning   |
| <b>FLUM REQUEST</b>        | <b>Office (O) to<br/>Commercial (C)</b>   |
| <b>EXISTING ZONING</b>     | <b>C-1</b> (Retail Commercial District)   |
| <b>LOCATION</b>            | 6091 and 6093 Silver Star Road; generally bounded by Silver Star Road to the south, North Powers Drive to the west, Denson Drive to the north, and Pioneer Road to the east.  |
| <b>PARCEL ID NUMBER</b>    | 13-22-28-8058-00-210 and 13-22-28-8058-10-001   |
| <b>TRACT SIZE</b>          | 0.41 gross acre   |
| <b>PUBLIC NOTIFICATION</b> | The notification area for this public hearing was 900 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four hundred fifty-two (452) notices were mailed to those property owners in the mailing area. |
| <b>COMMUNITY MEETING</b>   | A community meeting was held on June 28, 2023, and is summarized further in this report.  |
| <b>PROPOSED USE</b>        | The applicant is proposing to change the future land use designation of the property to Commercial (C) to allow a fast food 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.**

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use Map (FLUM) designation of the 0.41-acre subject property from Office (O) to Commercial (C) in order to build a fast food restaurant. A rezoning is not needed as the property is already zoned C-1 (Retail Commercial District). This request is needed since a restaurant is considered a C-1 use.

The subject property consists of two parcels: a vacant parcel and some parking of approximately 0.40 acres in size (Parcel ID 13-22-28-8058-00-210) and a billboard on a parcel approximately 0.011 acres in size (Parcel ID 13-22-28-8058-10-001). The billboard is anticipated to remain on the property. The subject property is located at 6093 and 6091 Silver Star Road, bounded by Silver Star Road to the south, North Powers Drive to the west, Denson Drive to the north, and Pioneer Road to the east.

The immediate surrounding area is developed with commercial uses to the west, commercial and office uses to the east, and an Orange County stormwater pond to the north. To the south on Silver Star Road, there is an apartment complex.

**Existing FLUM Development Program**

The existing future land use designation would allow for office and medical office uses permitted under the P-O zoning district; however, the parcel has C-1 zoning that is inconsistent with the current Office (O) future land use designation.

**Proposed FLUM Development Program**

The existing C-1 zoning with the proposed Future Land Use Map designation of Commercial (C) will allow the applicant to construct a fast food restaurant. If this request is approved, it will allow for uses permitted under the proposed future land use designation of Commercial and the existing C-1 zoning classification.

**Land Use Compatibility**

The Commercial (C) future land use designation 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.

**Site Analysis**

|  | Yes                                 | No                                  | Information   |
|--|-------------------------------------|-------------------------------------|---|
| Rural Settlement                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |   |
| Joint Planning Area (JPA)                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |   |
| Overlay District Ordinance                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |   |
| Airport Noise Zone                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |   |
| Code Enforcement                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |   |
| Pine Hills Neighborhood Improvement District | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | This parcel is located within the Pine Hills Safe Neighborhood Partnership area and |

**Small Scale Amendment # SS-23-07-046**  
**Orange County Planning Division**  
**BCC Hearing Date: October 10, 2023**

|                   |                                     |                          |   |
|-------------------|-------------------------------------|--------------------------|---|
|                   |                                     |                          | the Pine Hills Neighborhood Improvement District. |
| Enterprise Zone   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |   |
| Wekiva Study Area | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See Environmental Comments below.                 |

**Comprehensive Plan (CP) Consistency**

As mentioned previously, the underlying Future Land Use Map (FLUM) designation of the subject property is Office (O), which is inconsistent with the existing C-1 (Retail Commercial District) zoning. The proposed Commercial (C) FLUM designation is consistent with surrounding land uses and the existing C-1 zoning. 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 Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

**SITE DATA**

**Existing Use**                      Vacant, parking and billboard

| <b>Adjacent</b> | <b>FLUM</b>  | <b>Zoning</b>  |
|-----------------|--|--|
| <b>North</b>    | Office (O) and Medium Density Residential (MDR) (1991) | C-1(Retail Commercial District) (3/13/1973 and 4/22/1973)<br>P-O (Professional Office District) (4/22/1975)<br>R-3 (Multiple-Family Dwelling District) (6/26/1967) |
| <b>South</b>    | Medium Density Residential (MDR) (1991)                | R-1A (Single-Family Dwelling District) (10/7/1957)   |
| <b>East</b>     | Office (O) (1991)                                      | C-1 (Retail Commercial District) (10/23/1980)  |
| <b>West</b>     | Commercial (C) (1991)                                  | C-1 (Retail Commercial District) (4/22/1975)   |

**Adjacent Land Uses**      N: Orange County BCC Stormwater Pond  
    E: Auto Repair Shop and Medical Offices  
    W: Nails & Spa and Silver Star Plaza  
    S: Southern Oaks Apartments

**C-1 (Retail Commercial District) Development Standards**

Min. Lot Area:              6,000 sq. ft.  
 Min. Lot Width:            80 ft.  
 Max. Height:              50 ft. or 35 ft. within 100 ft. of residential  
 Min. Floor Area:         1.5 FAR

**Building Setbacks**

Front:                        25 ft.  
 Rear:                         20 ft.  
 Side:                         0 ft. or 15 ft. side street

**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;



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- (3) Where adequate public facilities and services are available, as defined in the comprehensive 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 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><b>Existing Septic and Well</b> - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.</p> <p><b>Wekiva Study Area</b> - This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply, but are not limited to: septic tank criteria, open space, stormwater treatment and conservation, and increased buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.</p> <p><b>Wekiva Priority Focus Area</b> - This site is located within the Wekiva Priority Focus Area. If a septic system is required, the Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires advanced treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiwa 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</p> |

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|                         |                                     |                                     |  |
|-------------------------|-------------------------------------|-------------------------------------|--|
|                         |                                     |                                     | <p>enhancements within the BMAP. Contact the Florida Department of Health (FDOH) for individual determination and details of this advanced septic treatment system requirement.</p> <p><b>Pine Hills ROCC</b> - Portions of this PD site, including the entire area affected by this request and areas outside of this PD, are included in an Orange County Board of County Commissioners approved Resolution #2013-M-14 of April 23, 2013, regarding designating certain land as the Pine Hills ROCC (Redeveloping Orange County Communities) as a "Brownfield Area" for the purpose of environmental remediation, rehabilitation, economic development pursuant to criteria set forth in Section 376.80, Florida Statutes.</p>   |
| Transportation / Access | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <p>Analysis of the project trips from the currently approved future land use versus the proposed use indicates that the proposed commercial use will result in net decrease in the number of pm peak trips and therefore will not impact the area roadways. A traffic study is not required.</p> <p>Final permitting of any development on this site will be subject to review and approval under capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Plan.</p> |
| 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 community meeting was held on June 28, 2023, with 7 residents in attendance. Staff reviewed the applicant's request indicating they are asking for a Future Land Use designation of Commercial to be consistent with existing zoning on the property. Questions were asked about the process and who makes up the Local Planning Agency (LPA) and Planning and Zoning Commission (PZC) and whether the staff report is facts only or an analysis with staff recommendations. The audience was neutral and in support of additional restaurants in the area.



**Utilities**

|                         |                              |
|-------------------------|------------------------------|
| <b>Water:</b>           | Orlando Utilities Commission |
| <b>Wastewater:</b>      | Orange County Utilities      |
| <b>Reclaimed water:</b> | Orange County Utilities      |

**Detailed Utility Information:**

This property is within Orlando Utilities Commission Water Service Area.

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

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.

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**

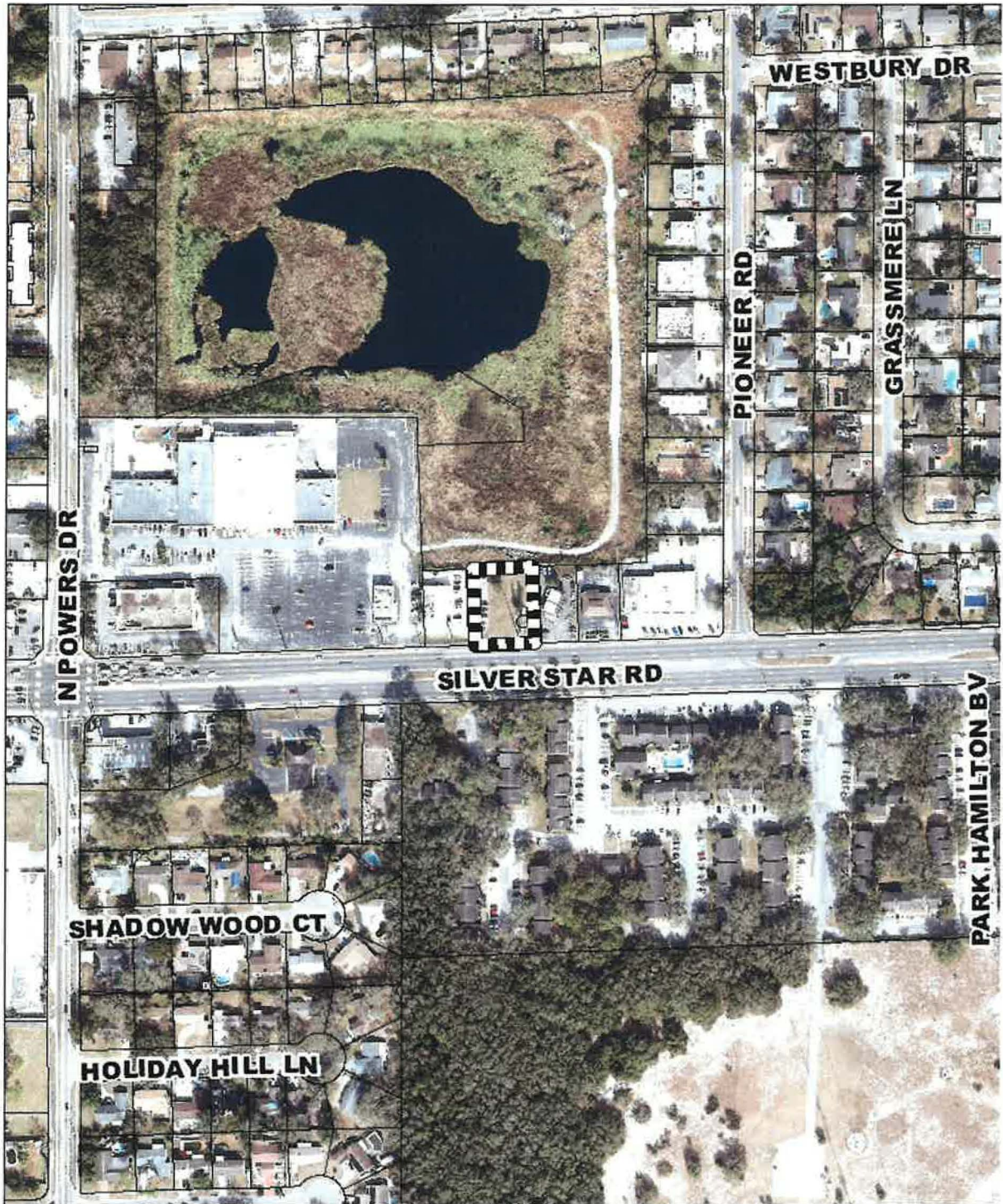
Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit 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.



SS-23-07-046



 Subject Property



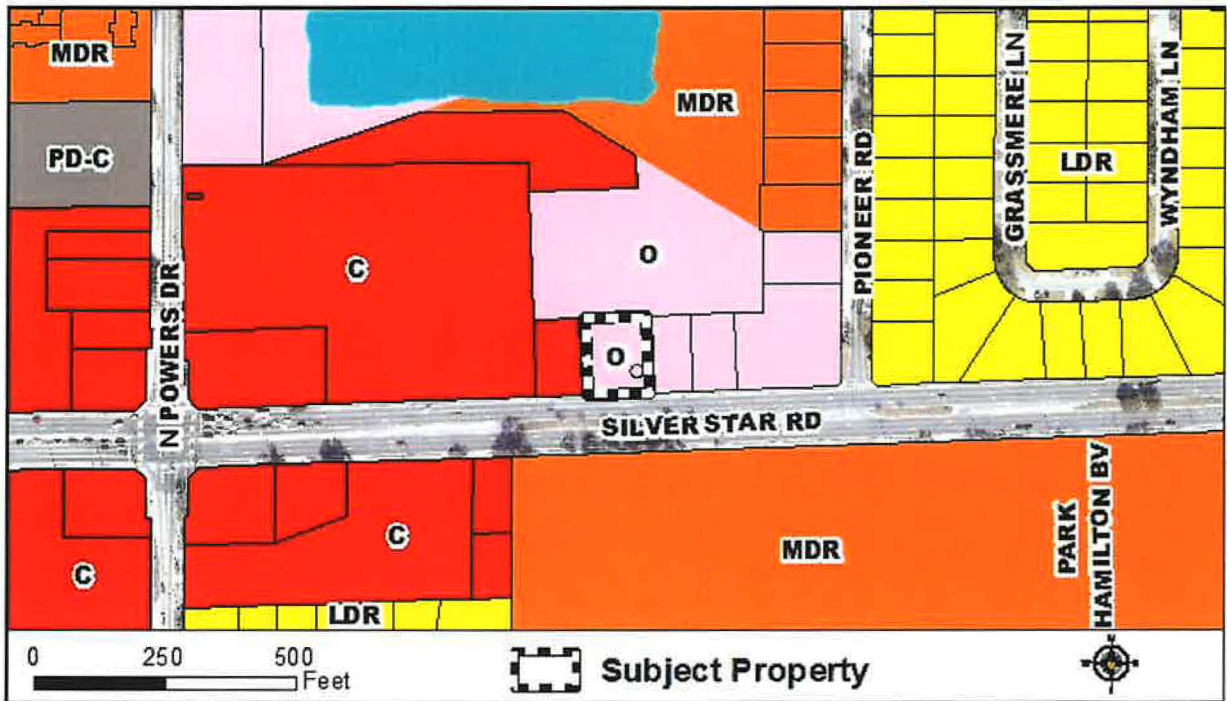
0 225 450 Feet

A horizontal scale bar with three segments. The first segment is labeled '0', the second '225', and the third '450'. The word 'Feet' is written at the right end of the bar.



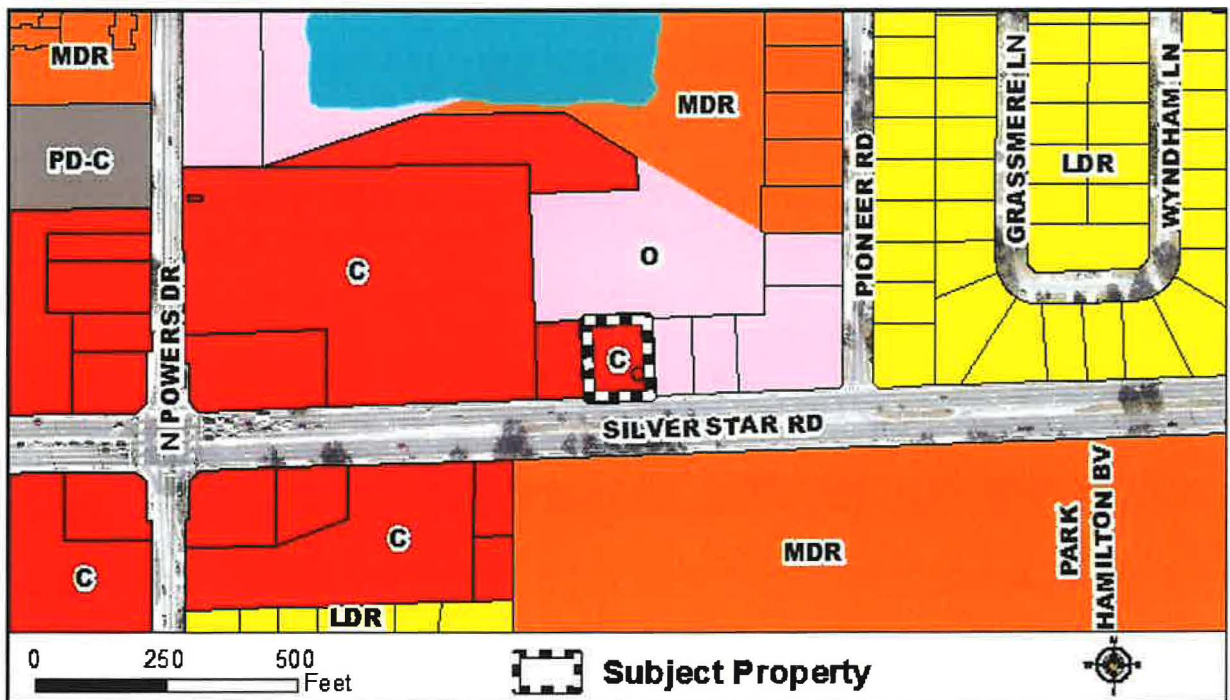
**FUTURE LAND USE - CURRENT**

Office (O)



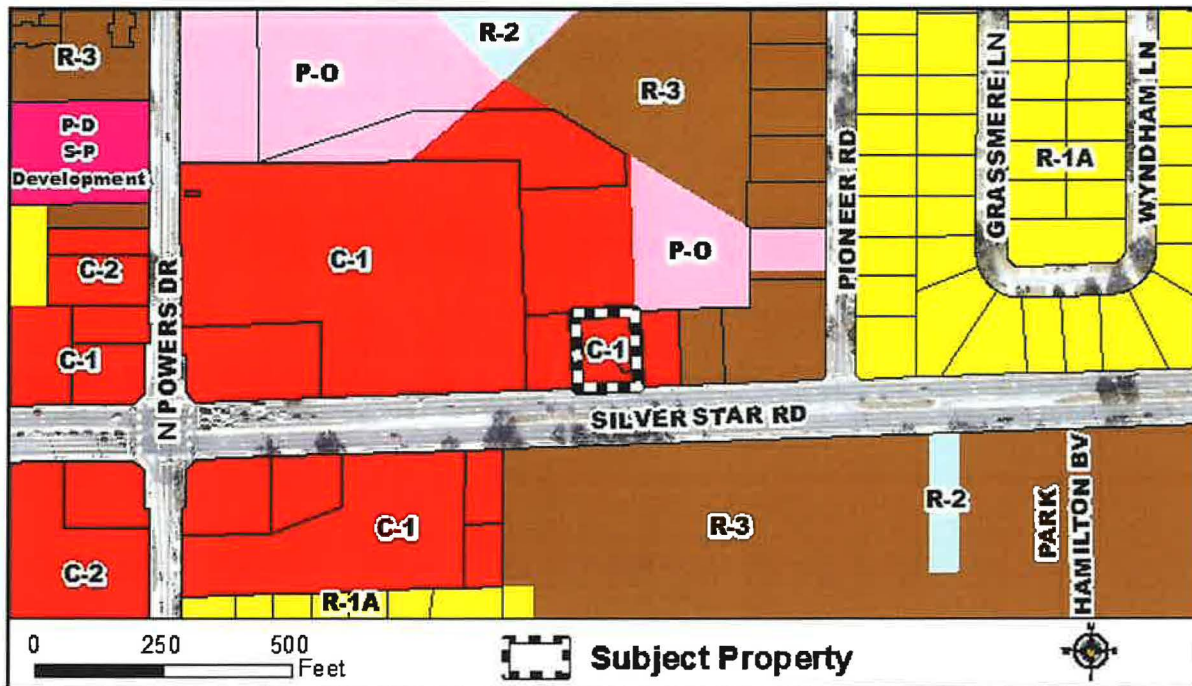
**FUTURE LAND USE - PROPOSED**

Commercial (C)



**ZONING – CURRENT**

C-1 (Retail Commercial District)

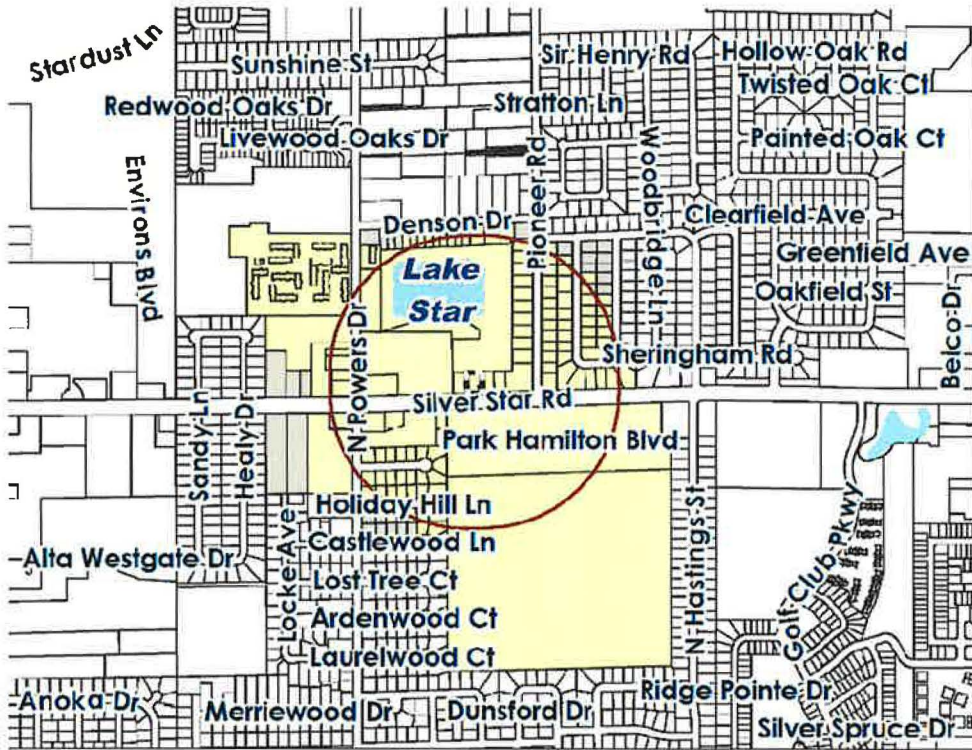






# Public Notification Map

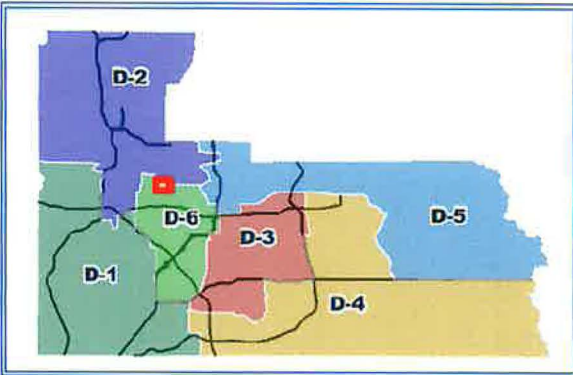
SS-23-07-046



### MAP LEGEND

|  |               |  |                  |
|--|---------------|--|------------------|
|  | SUBJECT SITE  |  | PARCELS          |
|  | 900FT BUFFER  |  | NOTIFIED PARCELS |
|  | 1 MILE BUFFER |  | COURTESY PARCELS |
|  | HYDROLOGY     |  |                  |

**BUFFER DISTANCE:** 900  
**# OF NOTICES:** 452



SUBJECT SITE



## Notification Map

Small Scale Amendment # SS-23-07-046  
Orange County Planning Division  
BCC Hearing Date: October 10, 2023



ORDINANCE NO. 2023-\_\_\_\_\_

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 AN EFFECTIVE DATE.

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 10, 2023, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, 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. Amendment to Future Land Use Map.** The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

31 attached hereto and incorporated herein.

32 \* \* \*

33 **Section 4. Effective Dates for Ordinance and Amendment.**

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

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

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

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47 ADOPTED THIS 10th DAY OF OCTOBER, 2023.

48

49 **ORANGE COUNTY, FLORIDA**  
50 By: Board of County Commissioners

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53  
54 By: \_\_\_\_\_  
55 Jerry L. Demings  
56 Orange County Mayor

57  
58 ATTEST: Phil Diamond, CPA, County Comptroller

59 As Clerk to the Board of County Commissioners

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62

63 By: \_\_\_\_\_

64 Deputy Clerk

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66  
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**APPENDIX "A"**

**FUTURE LAND USE MAP AMENDMENT**

| <b><i>Appendix A*</i></b>  |  |  |
|--|--|--|
| <b><i>Privately Initiated Future Land Use Map Amendment</i></b>  |  |  |
| <b>Amendment Number</b>  | <b>Future Land Use Map Designation FROM:</b> | <b>Future Land Use Map Designation TO:</b> |
| <b>SS-23-07-046</b>  | <b>Office (O)</b>                            | <b>Commercial (C)</b>                      |
| <b>*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.</b> |  |  |

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