




Interoffice Memorandum

DATE: September 27, 2024

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

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

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

SUBJECT: Adoption Public Hearing – October 8, 2024, Small-Scale Future
Land Use Ordinance
Applicant: Thomas Sullivan, GrayRobinson, P.A.
Corrected Ordinance for Case #'s: SS-24-01-117, SS-24-01-
FLUE-1, SS-24-01-FLUE-2
District 4

Please find the attached Ordinance for a Board adoption public hearing on October 8, 2024. This Ordinance is a corrected Ordinance from the August 13, 2024, Board hearing. The original Ordinance (Ord 24-19) contained language of a map and text amendment relating to a Large-Scale Future Land Use Amendment, whereas the associated case is a Small-Scale amendment consistent with criteria found in 163.3187. The Board adopted the associated amendments at the hearing on August 13, 2024. The requested action is to repeal Ordinance 24-19 and replace with the proposed Ordinance as a formality for the already approved amendment.

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

Small-Scale Amendment Ordinance Board Adoption Public Hearing
Corrected Ordinance for SS-24-01-117, SS-24-01-FLUE-1, SS-24-01-FLUE-2
October 8, 2024
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If the Board adopts the proposed Ordinance, 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, or Jason Sorensen, AICP, Chief Planner, Current Planning Section, at 407-836-5602 or Jason.Sorensen@ocfl.net.

**ACTION REQUESTED: Repeal Ordinance No. 2024-19; and
Adopt the Ordinance for Case SS-24-01-117, SS-24-01-
FLUE-1, SS-24-01-FLUE-2.
District 4**

AAV/jhs

ORDINANCE NO. 2024-_____

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 REPEALING AND REPLACING ORDINANCE NO. 2024-19 WITH A NEW ORDINANCE 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 (“Comprehensive Plan”); and

c. On August 13, 2024, the Board of County Commissioners adopted Ordinance No. 2024-19, after holding a public hearing on the adoption of proposed amendments to the Comprehensive Plan and deciding to adopt them; and

d. Ordinance No. 2024-19 included errors to both the Title Block and Section 5, necessitating a new ordinance to repeal and replace the erroneous Ordinance; and

31 e. On October 8, 2024, the Board of County Commissioners held a public hearing on
 32 the adoption of the proposed new ordinance that repeals and replaces Ordinance No. 2024-19 and
 33 includes amendments to the Comprehensive Plan, as described in this ordinance. The Board
 34 decided to repeal Ordinance No. 2024-19 and adopt the new ordinance.

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. Amendment to Future Land Use Map.** The Comprehensive Plan is hereby
 38 amended by amending the Future Land Use Map designation as described in **Appendix “A,”**
 39 attached hereto and incorporated herein.

40 **Section 4. Amendments to the Text of the Future Land Use Element.** The
 41 Comprehensive Plan is hereby further amended by amending the text of the Future Land Use
 42 Element to read as follows, with underlines showing new numbers and words, and strike-throughs
 43 indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the
 44 amendment number and editorial notes, and shall not be codified.)

45 * * *

46 **[Amendment SS-24-01-FLUE-1:]**

47 FLU8.1.4 The following table details the maximum densities and intensities for the
 48 Planned Development (PD) and Lake Pickett (LP) Future Land Use
 49 designations that have been adopted subsequent to January 1, 2007.

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

50 Such policy allows for a one-time cumulative density or intensity differential of 5% based
51 on ADT within said development program.

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53 * * *

54 **[Amendment SS-24-01-FLUE-2:]**

55 FLU1.2.4 The County will continue to monitor the Urban Service Area allocation.
56 Through this process, the following applicants have satisfied these requirements
57 and are recognized as expansions to the Urban Service Area.

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

59 * * *

60 ***Section 5. Effective Dates for Ordinance and Amendments.***

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

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

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

72 ADOPTED THIS 8th DAY OF OCTOBER, 2024.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____
Jerry L. Demings
Orange County Mayor

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84 ATTEST: Phil Diamond, CPA, County Comptroller
85 As Clerk to the Board of County Commissioners

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89 By: _____
90 Deputy Clerk

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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-24-01-117	Rural/Agricultural (R)	Planned Development – Commercial (PD-C) and Urban Service Area (USA) Expansion
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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