




Interoffice Memorandum

October 27, 2020

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

FROM: Alberto A. Vargas, M.Arch., Manager, Planning Division 

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

SUBJECT: Adoption Public Hearing – October 27, 2020 Small-Scale Development  
Amendment and Concurrent Rezoning Request

Please find the attached staff report and associated back-up materials for the **Small-Scale Future Land Use Map Amendment** scheduled for a BCC adoption public hearing on October 27, 2020. This item was continued from the October 10, 2020 BCC hearing at the applicant's request. The adoption public hearing for this Small-Scale Development Amendment and concurrent rezoning was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on August 20, 2020.

If the BCC 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).

AAV/JVW/jhs

Enc: Small-Scale Development Amendment 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 CYCLE**  
**MONTHLY**  
**AMENDMENTS**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY**  
**COMMISSIONERS**

**OCTOBER 27, 2020**  
**PUBLIC HEARING**

**PREPARED BY:**  
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION



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**Planning and Zoning Commission**  
**October 27, 2020**

**SMALL SCALE AMENDMENTS & CONCURRENT REZONING PUBLIC HEARINGS**

SS-20-07-040 & RZ-20-07-041  
District 5.....1

Case Planner:  
James Hartsfield

Rezoning Staff Report  
Orange County Planning Division  
PZC Hearing Date: **October 27, 2020**

*PZC Recommendation Staff Report  
Commission District: # 5*

**GENERAL INFORMATION**

<b>APPLICANT</b>	Hanlex Development, LLC
<b>OWNERS</b>	J E Mora Properties, LLC
<b>HEARING TYPE</b>	Board of County Commissioners Hearing
<b>FLUM REQUEST</b>	<b>RS-1/1</b> (Rural Settlement 1/1) <b>to</b> <b>C</b> (Commercial)
<b>ZONING REQUEST</b>	<b>C-2</b> (Commercial General District) <b>and</b> <b>A-2</b> (Farmland Rural District) <b>to</b> <b>C-1</b> (Retail Commercial District)
<b>LOCATION</b>	24926 & 24918 E. Colonial Drive; or generally located the southwest corner of the intersection of E. Colonial Drive and St. Catherine Avenue. East of Cupid Avenue.
<b>PARCEL ID NUMBER</b>	34-22-33-1327-02-500, and 34-22-33-1327-02-510
<b>TRACT SIZE</b>	1.67 gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eighty-one (181) notices were mailed to those property owners in the mailing area.
<b>COMMUNITY MEETING</b>	A virtual community meeting was held on July 15, 2020.
<b>PROPOSED USE</b>	The applicant is proposing a Dollar General retail store.

**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 (Retail Commercial District) zoning. subject to the following restriction:**

- 1) New billboard and pole signs shall be prohibited.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use of the 1.67 acre subject property from RS – 1/1 (Rural Settlement 1 Unit/ 1 Acre) to C (Commercial) and to rezone from A-2 (Farmland Rural District) and C-2 (General Commercial District) to C-1 (Retail Commercial District) in order to allow construction of a Dollar General Store.

The subject property consists of two lots located on the southwest corner of East Colonial Drive and St. Catherine Avenue, in the Christmas Rural Settlement. The immediate surrounding area is developed with single-family residences to the north, east, and south on lots varying from one hundred (100) feet in width to one hundred fifteen (115) feet in width. Directly east is a general retail store. The zoning map designations for the subject properties were established prior to the adoption of the Comprehensive Plan. The existing future land use and zoning on the western parcel of the subject property is inconsistent and would need to be changed for any development to occur.

**Existing FLUM Development Program**

The property's C-2 (General Commercial District) zoning is inconsistent with the RS – 1/1 (Rural Residential 1 unit / 1 acre) Future Land Use Map designation, therefore a change in both zoning and future land use is required in order to develop the property for this parcel. The second parcel is currently zoned A-2 (Farmland Rural District), which does conform to the existing Future Land Use. The existing development program would allow for one single-family residence on this property.

**Proposed FLUM Development Program**

The proposed C-1 zoning with the Future Land Use Map designation of Commercial will allow the applicant to do neighborhood-serving commercial and office uses, such as neighborhood-serving retail, eating and drinking establishments, and personal services. If this request is approved, it will allow consideration construct a maximum of 10,900 square feet of commercial uses.

**Land Use Compatibility**

The Commercial 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.

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This property is within the Christmas Rural Settlement.
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 RS – 1/1 (Rural Settlement 1 Unit/ 1 Acre), which is consistent with the A-2 (Farmland Rural District) zoning, but is inconsistent with the C-2 (General 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.

**FLU6.2.9** states that 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** states that 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.

**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**                      Undeveloped / Single-Family Residential

Adjacent	FLUM	Zoning
North	RS – 1/1 (Rural Settlement 1 unit / 1 Acre)	A-2 (Farmland Rural District)
South	RS – 1/1 (Rural Settlement 1 unit / 1 Acre)	A-2 (Farmland Rural District)
East	RS – 1/1 (Rural Settlement 1 unit / 1 Acre) C (Commercial)	C-1 (Retail Commercial District) A -2 (Farmland Rural District)
West	RS – 1/1(Rural Settlement 1 unit / 1 Acre)	C-2 (General Commercial District)

**Adjacent Land Uses**    N: Single-Family Residential  
                                   E: Retail Commercial & Single-Family Residential  
                                   W: Vacant  
                                   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;
- (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"/>	*See comments below table
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency database dated 5/28/2020, there are no failing roadway segments within the project area.
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"/>	

\*Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of



imperiled species and obtain any required habitat permits of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).

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.

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 requirements of Individual On-Site Sewage Disposal as well as the FDOH. Contact both the FDOH and the St Johns River Water Management District (SJRWMD) for wells.

This site is located in close proximity to the Seminole Ranch Conservation Area, 0.25 mile to the north. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the adjacent land use includes publicly managed property. The notice shall indicate that the adjacent property will require the use of resource management practices that may result in periodic temporary conditions that may limit outdoor activities. These practices will include, but not be limited to, ecological burning, pesticide and herbicide usage, exotic plant and animal removal, usage of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.

**Community Meeting Summary**

Due to health restrictions a virtual community meeting was held on July 15, 2020. The meeting started at 6:00 p.m. with thirteen (13) WebEx participants in attendance. The reaction to the project was generally negative. Concerns were raised about drainage, access from St. Catherine Avenue, the project's overall viability in the community, the potential for this project to trigger more growth, and the potential for this project to put the neighboring general store out of business. The overall sentiment of the speakers was that they were opposed to the proposed change.

Additionally, staff has received forty-one (41) commentaries for this item, with fourteen (14) opposed to and twenty-seven (27) in support of the request, via the online feedback form and mailed comment cards.

**Utilities**

Water:	Unavailable
Wastewater:	Unavailable
Reclaim Water:	Unavailable

**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 – (August 20, 2020)**

**Future Land Use Map Amendment**

**Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION 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 (Retail Commercial District) zoning, subject to the following restriction:**

- 1) New billboard 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 (Retail Commercial District) zoning. The applicant was represented by Jeremy Anderson.

Staff indicated that one hundred and eighty-one (181) notices were mailed to those property owners in the mailing area extending beyond 1,000 feet surrounding the property, and that staff has received forty-one (41) commentaries for this item, with fourteen (14) opposed to and twenty-seven (27) in support of the request, via the online feedback form and mailed comment cards.

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-20-07-040) by Commissioner Spears, and seconded by Commissioner Nazario to recommend ADOPTION of the requested C (Commercial) Future Land Use designation. The motion carried on an 8-0 vote.

<b>Motion / Second</b>	<i>Gordon Spears / Carlos Nazario</i>
<b>Voting in Favor</b>	<i>Gordon Spears, Carlos Nazario, Jimmy Dunn, Mohammed Abdallah, Evelyn Cardenas, JaJa Wade, Diane Velazquez, and Eddie Fernandez</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>Nelson Pena</i>

**Rezoning**

A motion was made on the rezoning (RZ-20-07-041) by Commissioner Spears, and seconded by Commissioner Dunn to recommend APPROVAL of the requested C-1 (Retail Commercial District) zoning designation, subject to the one restriction. The motion carried on an 8-0 vote.

<b>Motion / Second</b>	<i>Gordon Spears / Jimmy Dunn</i>
<b>Voting in Favor</b>	<i>Gordon Spears, Carlos Nazario, Jimmy Dunn, Mohammed Abdallah, Evelyn Cardenas, JaJa Wade, Diane Velazquez, and Eddie Fernandez</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>Nelson Pena</i>

**SS-20-07-040 & RZ-20-07-041**

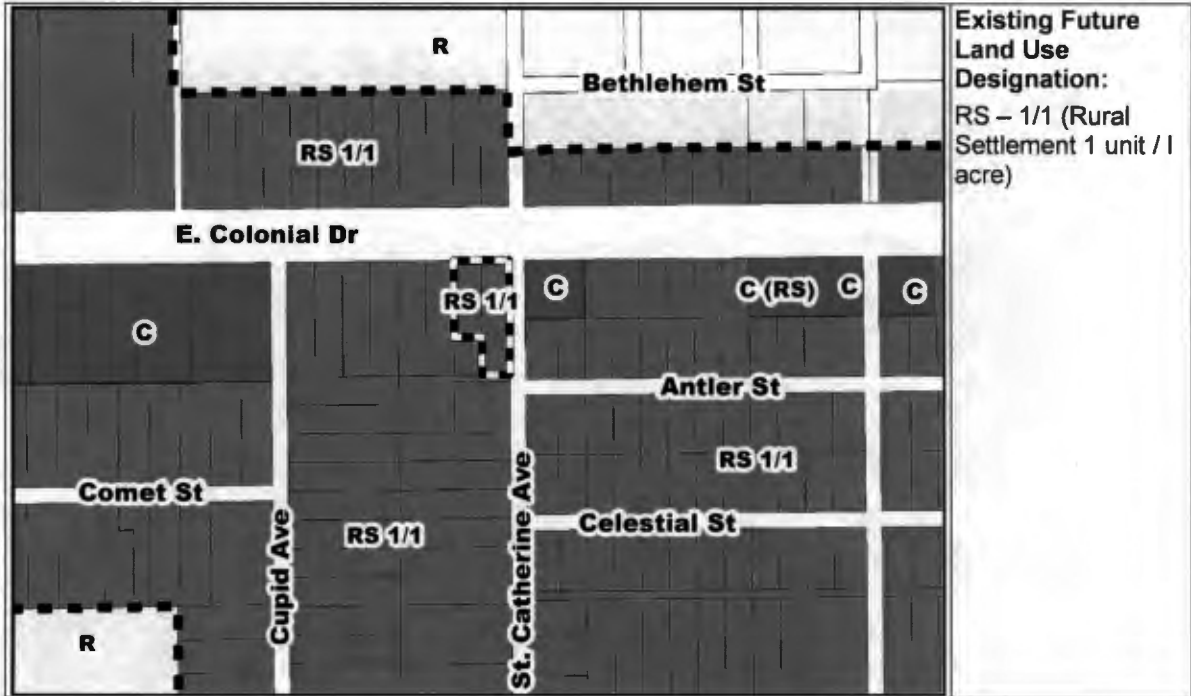


 Subject Property

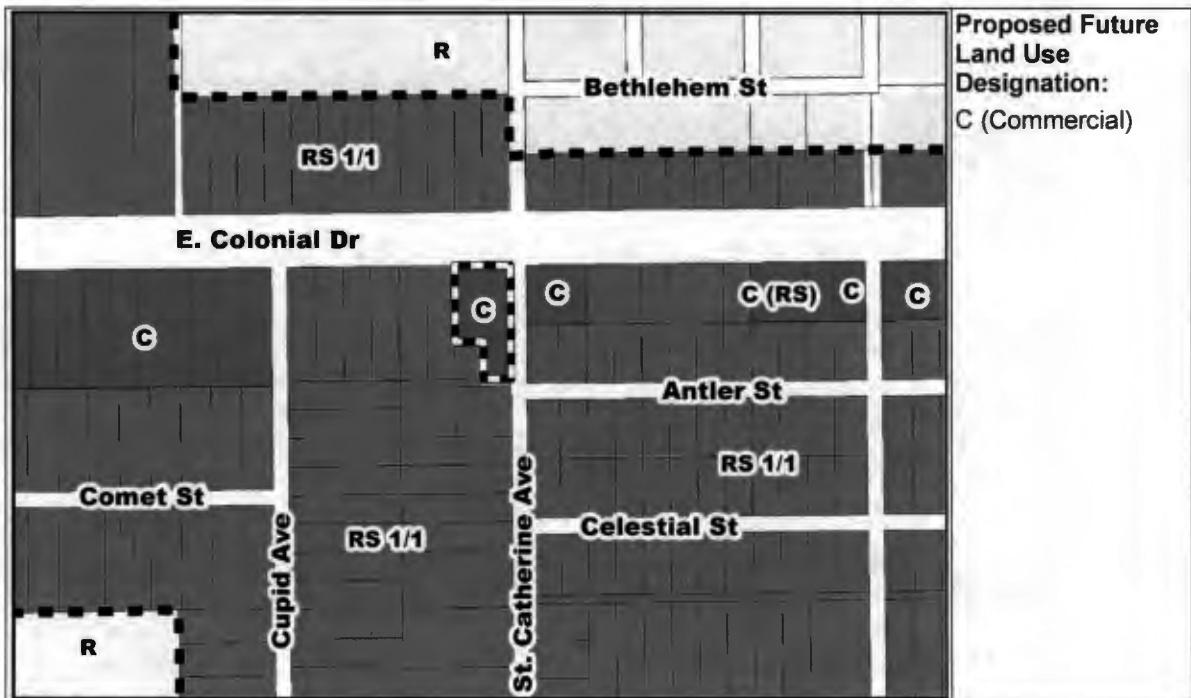


1 inch = 300 feet

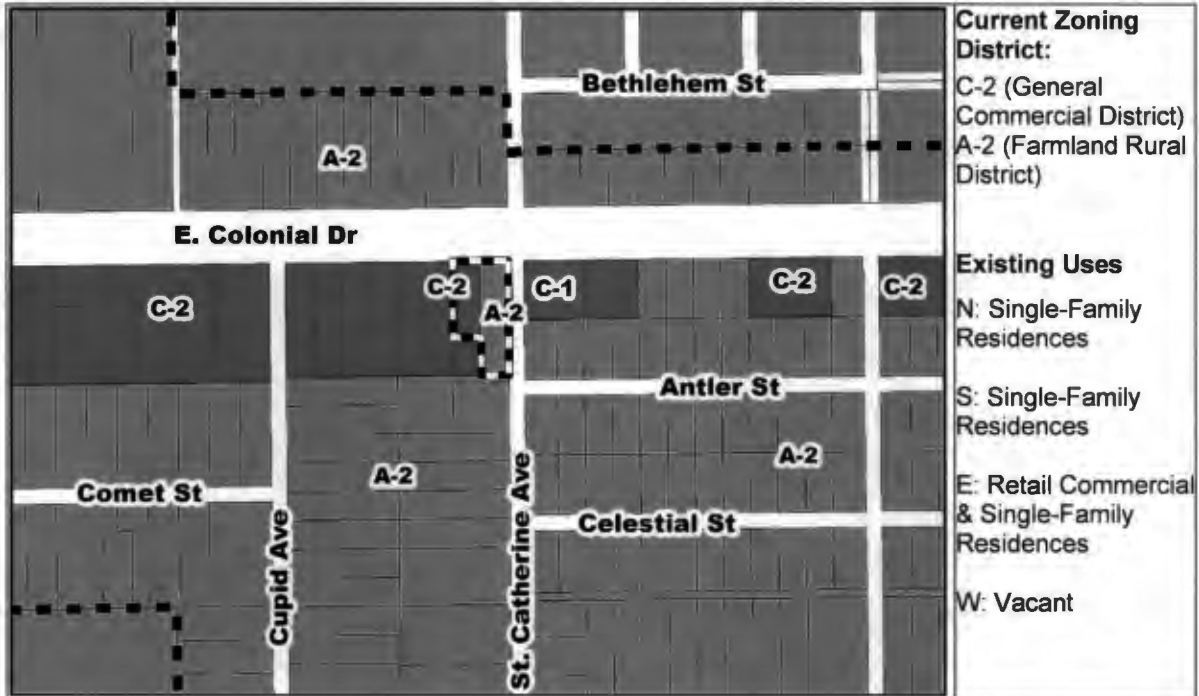
**FUTURE LAND USE – CURRENT**



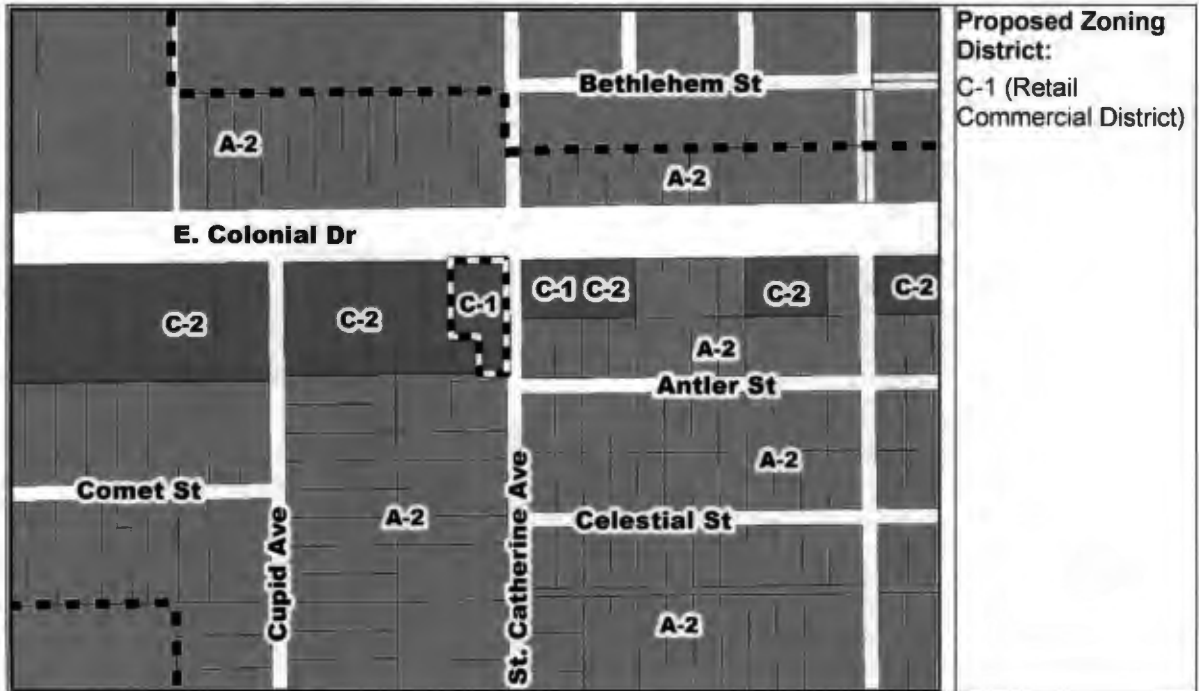
**FUTURE LAND USE - PROPOSED**



**ZONING - CURRENT**



**ZONING - PROPOSED**





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 October 27, 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.



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**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 27<sup>th</sup> DAY OF OCTOBER, 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: \_\_\_\_\_



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APPENDIX "A"

FUTURE LAND USE MAP AMENDMENTS

<b>Appendix A*</b>		
<i>Privately Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-20-07-040	Rural Settlement 1/1 (RS-1/1)	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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