




Interoffice Memorandum

DATE: August 30, 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 – September 24, 2024, Small-Scale
Future Land Use Map Amendment and Concurrent Rezoning
Request
Applicant: Richard Geller
Case numbers: SS-24-06-035 and RZ-24-06-036
District 3

Please find the attached staff report and associated back-up material for the Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request scheduled for a Board adoption public hearing on September 24, 2024.

The subject property is located at 6500 Old Cheney Highway and measures 0.51 acres. The request is to change the Future Land Use Map designation from Medium Density Residential (MDR) to Commercial (C) and to change the zoning from R-3 (Multiple-Family Dwelling District) to C-2 (General Commercial District) in order to allow for C-2 uses, more specifically the expansion of the existing business to the east for ancillary parking. A community meeting was held on June 24, 2024, with three residents in attendance, with one resident in support of the request and two residents desiring to see enhanced screening.

The adoption public hearing for Small-Scale Development Amendment SS-24-06-035 (and concurrent rezoning RZ-24-06-036) was conducted before the Planning and Zoning Commission / Local Planning Agency on August 15, 2024. After a brief discussion on the proposed use, the request was recommended for approval unanimously.

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.

Small-Scale Amendment Board Adoption Public Hearing
Case numbers SS-24-06-035 and RZ-24-06-036
September 24, 2024
Page 2

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: Make a finding of consistency with the Comprehensive Plan and adopt the Commercial (C) Future Land Use map designation, adopt the associated ordinance, and approve the C-2 (General Commercial District) zoning. District 3

AAV/jhs

CASE# SS-24-06-035 & RZ-24-06-036
Commission District: #3

GENERAL INFORMATION

APPLICANT: Richard S. Geller

OWNER: Alonsos of Orlando, Inc.

HEARING TYPE: Local Planning Agency / Planning & Zoning Commission

FLUM REQUEST: **Medium Density Residential (MDR) to Commercial (C)**

ZONING REQUEST: **R-3 (Multiple-Family Dwelling District) to C-2 (General Commercial District)**

LOCATION: 6500 Old Cheney Highway; generally located north of Argyle St., east of Farwell Ave., south of Old Cheney Highway.

PARCEL ID NUMBER: 22-22-30-0228-01-030

TRACT SIZE: 0.51 gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred sixteen (216) notices were mailed to those property owners in the mailing area.

COMMUNITY MEETING: A community meeting was scheduled and held on June 24, 2024. The applicant and three members of the public were present. None were opposed but raised concerns related to screening and beautification of the site.

PROPOSED USE: C-2 Uses including Ancillary Parking for Auto Repair Business

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.

Small-Scale Amendment & Rezoning # SS-24-06-035 / RZ-24-06-036
Orange County Planning Division
BCC Hearing Date: September 24, 2024

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested C-2 (General Commercial District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is requesting a Small-Scale Future Land Use Map (FLUM) Amendment to change the FLUM designation of the subject property from Medium Density Residential (MDR) to Commercial (COM) to allow for parking ancillary to the existing, adjacent auto repair use.

The subject property is currently undeveloped. This section of Old Cheney Highway is predominantly C-2 and C-3 uses. This request includes one of four existing R-3 parcels that front on Old Cheney Highway.

This item was continued from the July 18, 2024, PZC hearing due to the applicant unable to attend.

Existing FLUM Development Program

The existing development program would allow for residential development, potentially, at a rate of up to twenty (20) dwelling units per acre. The existing R-3 zoning district does not allow for parking ancillary to a Commercial use.

Proposed FLUM Development Program

The proposed Commercial FLU designation would allow for a Floor Area Ratio up to 1.5.

Land Use Compatibility

The proposed C-2 zoning would allow for development that is compatible with the character of the surrounding area, consistent with adjacent uses, 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"/>	

Comprehensive Plan (CP) Consistency

The proposed C-2 zoning is consistent with the proposed Commercial designation. Additionally, the proposed request is consistent with the following Comprehensive Plan provisions:

Small-Scale Amendment & Rezoning # SS-24-06-035 / RZ-24-06-036
Orange County Planning Division
BCC Hearing Date: September 24, 2024

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

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.

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: Single-family residence

Adjacent	FLUM	Zoning
North	COM	C-3 (Wholesale Commercial)
South	MDR	R-3 (Multiple-Family Dwelling District)
East	COM	C-3 (Wholesale Commercial)
West	MDR	R-3 (Multiple-Family Dwelling District)

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

Small-Scale Amendment & Rezoning # SS-24-06-035 / RZ-24-06-036

Orange County Planning Division

BCC Hearing Date: September 24, 2024

C-2 [General Commercial] Development Standards

Min. Lot Area: 8,000 sq. ft. (0.2 acre)
Min. Lot Width: 80 ft.
Max. Height: 50 ft. (35 ft. within 100 ft. of a residential use)
Min. Living Area: N/A

Building Setbacks

Front: 25 ft.
Rear: 15 ft. (20 ft. when abutting residential district)
Side: 5 ft. (25 ft. when abutting residential district)
Side Street Yard: 15 ft.

Intent, Purpose, and Uses

Per Section 38-851 of the Orange County Code, the intent and purpose of the C-2 general commercial district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district will be encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood.

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"/>	See comments below table.
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"/>	

***Environmental Comments:**

Gopher Tortoise Burrowing Suitability - This site has soil that is suitable for gopher tortoise habitat. There is an increased likeliness for presence of gopher tortoise burrows. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations. Forward any related permits to the Orange County Environmental Protection Division.

Solid Waste Disposal - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage,

Small-Scale Amendment & Rezoning # SS-24-06-035 / RZ-24-06-036
Orange County Planning Division
BCC Hearing Date: September 24, 2024

and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

***Transportation Comments:**

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will result in an increase in the number of pm peak trips (18 trips) and therefore will impact the area roadways. The subject property is located on Old Cheney Highway. Based on the Concurrency Management System (CMS) database dated 06/03/2024, Colonial Dr from Semoran Blvd to Goldenrod Rd, and Semoran Blvd from Lake Underhill Rd to Colonial Dr currently operate at Level of Service F and capacity is not available to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.

A Traffic Study was not submitted with the case for review and comment. 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 Policy Plan.

Community Meeting Summary

A community meeting was held on June 24th. The applicant and three members of the community were in attendance. One person supported continuing improvement of the site. Two people wanted to see enhanced screening and/or fencing. Additionally, one letter of opposition was received from the owner of a non-adjacent property on Argyle St.

Utilities

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities

Reclaimed Water: Orange County Utilities

Detailed Utility Comments:

This property is within the Orlando Utilities Commission Water Service Area.

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

Wastewater: Wastewater is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal.

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (August 15, 2024)

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 Map designation.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning.

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 Map designation and recommend APPROVAL of the requested C-2 (General Commercial District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public spoke during public comment of the request.

After a brief discussion regarding the proposed use, a motion was made by Commissioner Fernandez and seconded by Commissioner Evans to recommend ADOPTION of the requested Commercial (C) Future Land Use and APPROVAL of the requested C-2 (General Commercial District) zoning. The motion carried unanimously.

Motion / Second

Eddie Fernandez / Camille Evans

Voting in Favor

Evelyn Cardenas, Eddie Fernandez, Camille Evans, George Wiggins, Gordon Spears, Michael Arrington, David Boers, and Eric Gray

Voting in Opposition

None

Absent

Nelson Pena

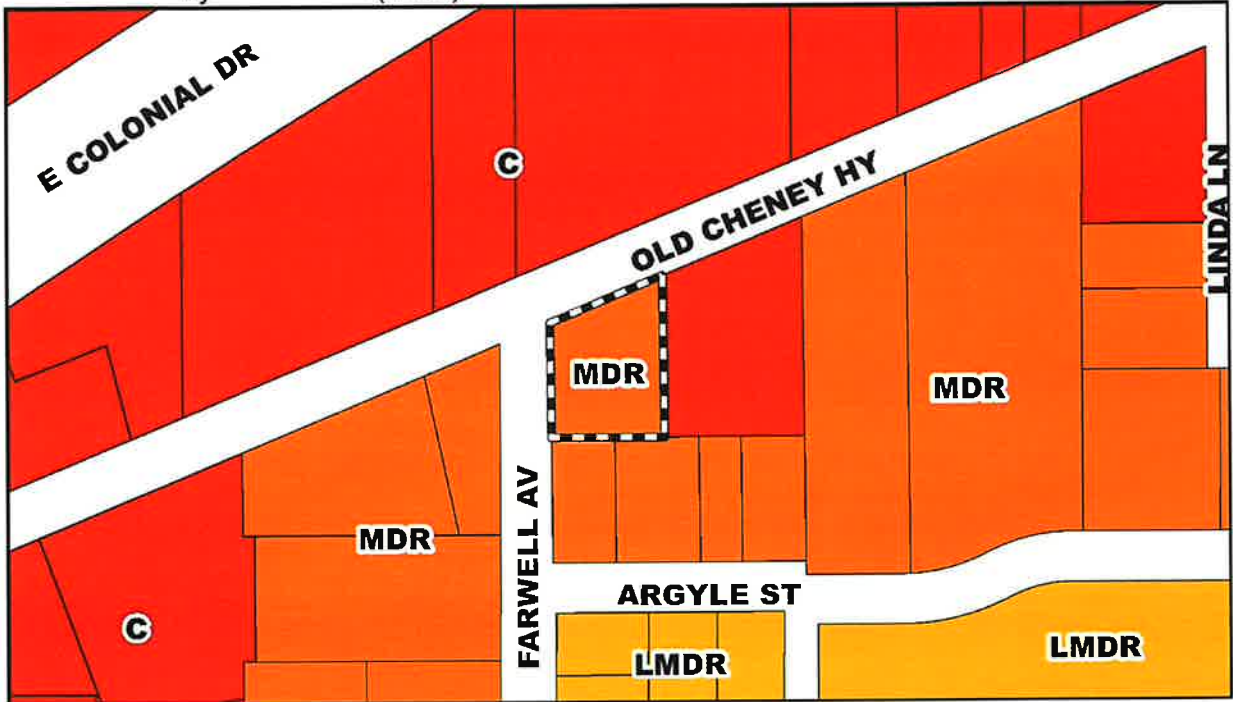
Small-Scale Amendment & Rezoning # SS-24-06-035 / RZ-24-06-036
Orange County Planning Division
BCC Hearing Date: September 24, 2024

Aerial View



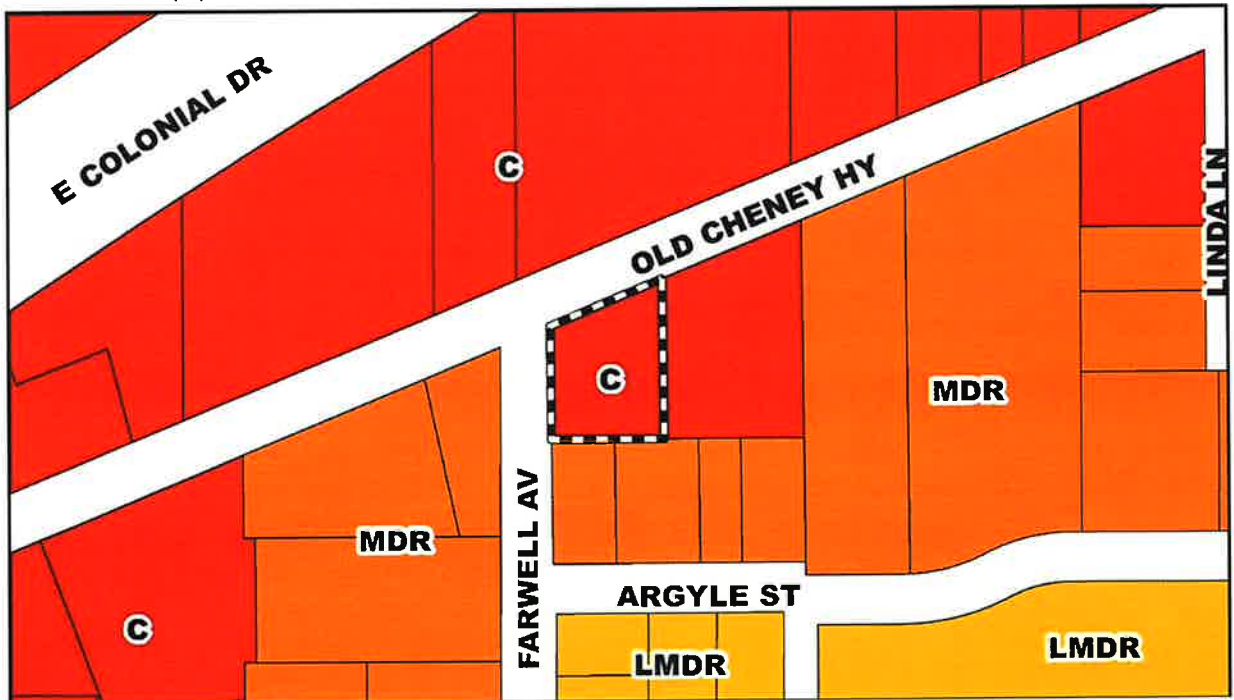
FUTURE LAND USE - CURRENT

Medium Density Residential (MDR)



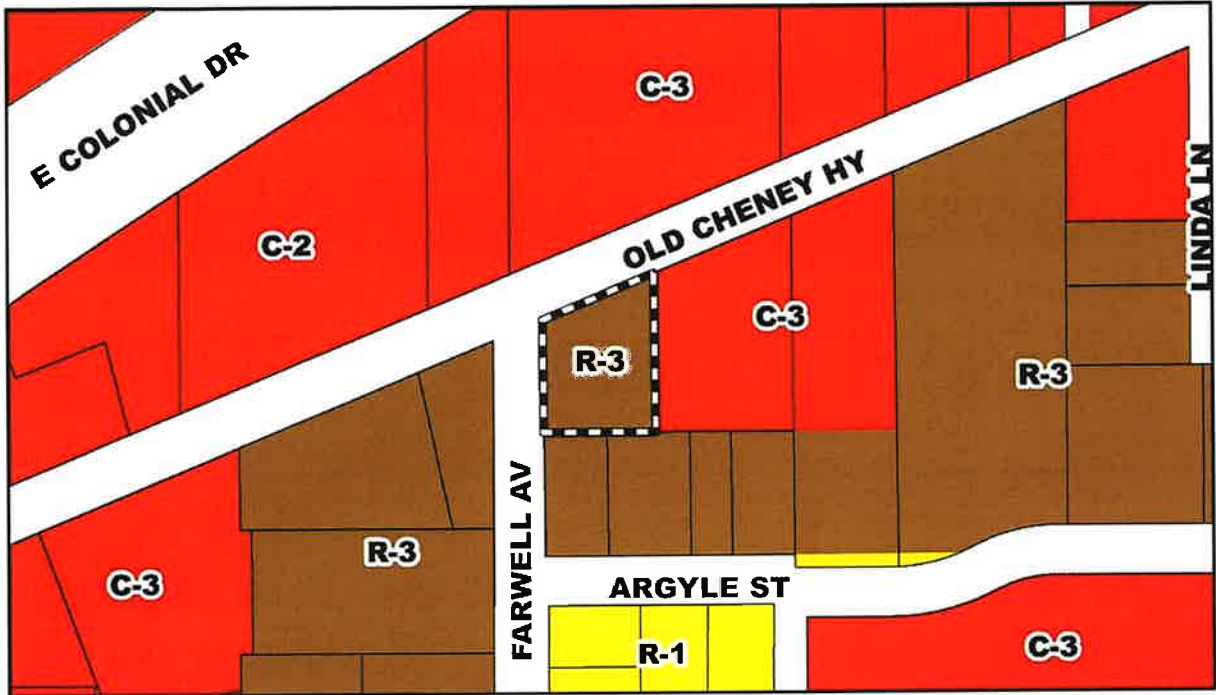
FUTURE LAND USE - PROPOSED

Commercial (C)



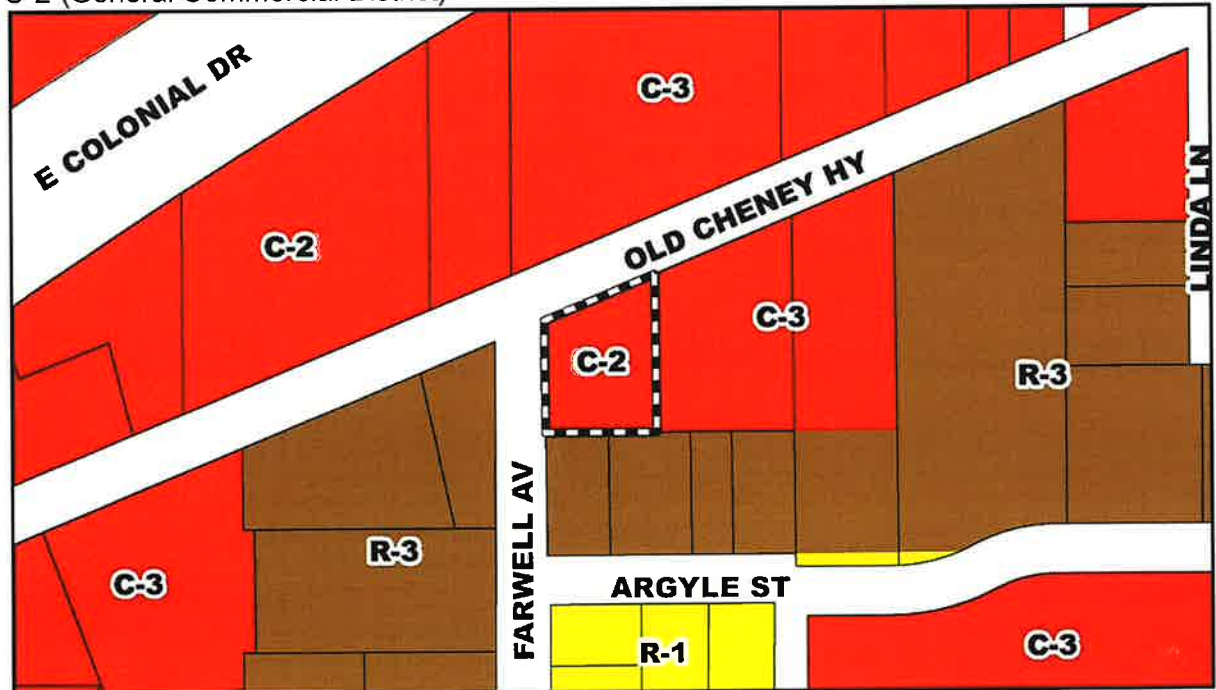
ZONING – CURRENT

R-3 (Multiple-Family Dwelling District)



ZONING – PROPOSED

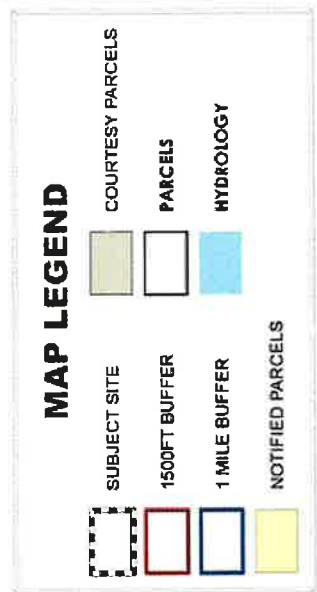
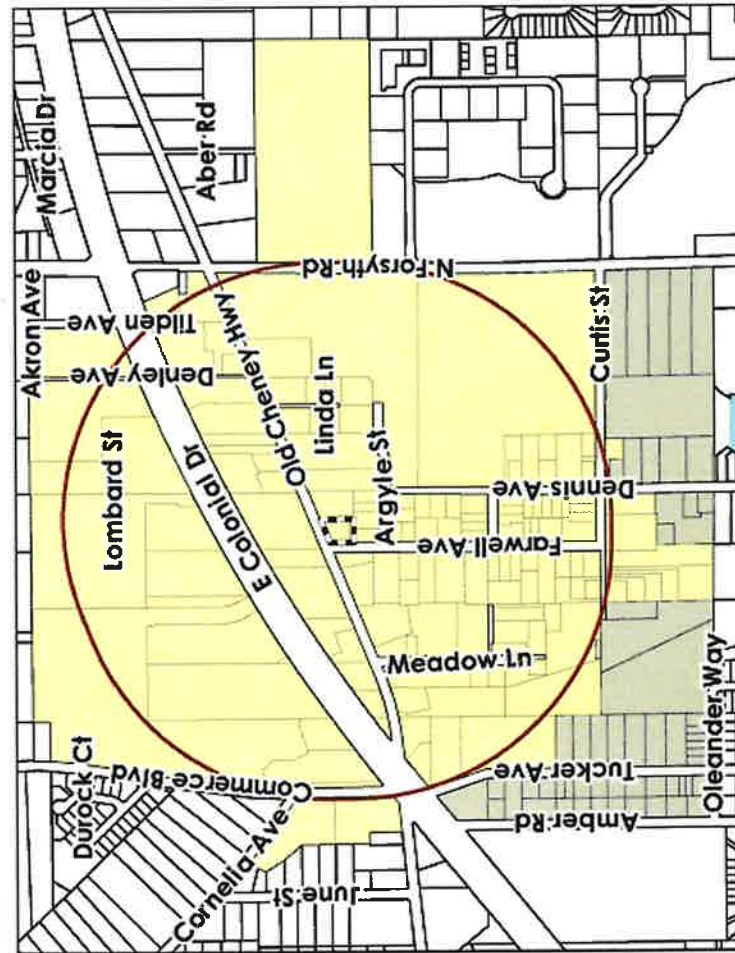
C-2 (General Commercial District)



Notification Map

Public Notification Map

SS-24-06-035 & RZ-24-06-036



BUFFER DISTANCE: 1500
OF NOTICES: 216



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 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; and

c. On September 24, 2024, 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.

45 ADOPTED THIS 24TH DAY OF SEPTEMBER, 2024.

46 **ORANGE COUNTY, FLORIDA**
47 By: Board of County Commissioners

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51 By: _____
52 Jerry L. Demings
53 Orange County Mayor

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55 ATTEST: Phil Diamond, CPA, County Comptroller
56 As Clerk to the Board of County Commissioners

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60 By: _____
61 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-24-06-035	Medium Density Residential (MDR)	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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