



Interoffice Memorandum

December 14, 2023

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

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

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

SUBJECT: Adoption Public Hearing – January 9, 2024, Small-Scale Future
Land Use Map Amendment, Staff-Initiated Text Amendments,
and Concurrent Planned Development Rezoning Request
Applicant: Thomas Daly, Daly Design Group
SS-23-07-036; 23-07-FLUE-7; 23-07-FLUE-08; and LUP-23-
04-137
District 4

Please find the attached staff report and associated back-up material for the Small-Scale Future Land Use Map Amendment, Staff-Initiated Text Amendments, and Concurrent Rezoning request scheduled for a Board adoption public hearing on January 9, 2024.

The subject property is located at 14140 Boggy Creek Road; generally south of Lake Nona Boulevard on the west side of Boggy Creek Road. The request is 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) (Boggy Creek Self-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 130,000 square-foot self-storage facility and requesting two waivers from Orange County Code regarding setbacks and landscape buffer requirements along the southern property boundary.

A community meeting was held July 18, 2023, with four residents in attendance. Concerns were raised from the property owner to the north regarding the proposed setback reduction and the applicant has since removed the waiver for setback reductions along the north. Another concern was raised regarding the proposed cross-access connection to the property to the north, however at this time, the connection is not required until such time the northern property redevelops.

The adoption public hearing for Small-Scale Development Amendments SS-23-07-036, 23-07-FLUE-7, 23-07-FLUE-8, and PD rezoning LUP-23-04-137, were conducted before the Planning and Zoning Commission / Local Planning Agency on November 16, 2023. The requests were unanimously recommended for adoption after a short discussion involving the proposed use and setback reductions along the southern property line, as well as wetland impacts, which the applicant stated there were none proposed.

If the Board 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 any of the amendments.

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, at 407-836-5602 or Jason.Sorensen@ocfl.net.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and adopt the Planned Development-Commercial (PD-C) Future Land Use Map designation; adopt staff-initiated text amendment to Policy FLU1.2.4; adopt staff-initiated text amendment to Policy FLU8.1.4; approve the associated ordinance; and approve the PD (Planned Development District) zoning, subject to the nineteen conditions listed in the staff report, including two waivers from Orange County Code.
District 4**

AS/JHS:js
Attachment

c: Jon V. Weiss, P.E., Deputy County Administrator
Jeffery Newton, County Attorney
Whitney Evers, Senior 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-23-07-036

23-07-FLUE-7

23-07-FLUE-8

LUP-23-04-137

Commission District: #4

GENERAL INFORMATION

APPLICANT: Thomas Daly, Daly Design Group

OWNER: DMH BCR, LLC

HEARING TYPE: Small-Scale Future Land Use Map Amendment and Land Use Plan / Planned Development Rezoning

PROJECT NAME: Boggy Creek Self-Storage Planned Development / Land Use Plan (PD/LUP)

FLUM REQUEST: **Rural/Agricultural (R) to Planned Development-Commercial (PD-C)** with an Urban Service Area Boundary Expansion

TEXT AMENDMENTS: FLU8.1.4 Text Amendment – Establish Development Program
FLU1.2.4 Text Amendment – Urban Service Area Expansion

ZONING REQUEST: **A-2 (Farmland Rural District) to PD (Planned Development District)** (Boggy Creek Self-Storage PD)

The request also includes the following two (2) waivers from Orange County Code:

1. A waiver from Section 38-1272(a)(3) to allow a 10 ft PD boundary setback for 760 ft along the south property line as identified on sheet LUP-103, in lieu of a minimum 25 ft building setback.

Applicant Justification: *The rear wall of the storage unit buildings shall be utilized as a buffer wall along the south boundary. Where no buildings are present 6' fencing shall be incorporated between the buildings to secure the buffer from the adjacent property. Large native shrubs will be utilized in this buffer and will provide a "green screen". The remaining portion of the north boundary will adhere to the 25' building setback requirement. The need for this reduction is that due to the width of the property, adequate room needs to be provided for emergency vehicles and trucks turning movements. Adherence to the 25' building*

Case # SS-23-07-036 & LUP-23-04-137
Text Amendments # 23-07-FLUE-7 & 23-07-FLUE-8
Orange County Planning Division
BCC Hearing Date: January 9, 2024

setback would limit the turning movements for these large vehicles. The proposed self-storage on the site is a low intensity use, with low traffic volume and periodic activity reducing the need for the typical building setbacks,

2. A waiver from Section 24-5(a)(3) to allow a 10 ft buffer for approximately 760 feet on the south property line only as identified on sheet LUP-103, in lieu of a 15' Type "C" buffer.

Applicant Justification: *The rear of the 1-story buildings and fencing will provide a minimum 6' ht fence / wall and a native hedge that will provide a "green screen" to the adjacent property. The remaining portion of the south buffer will adhere to the 15' buffer requirement. The need for this reduction is that due to the width of the property, adequate room needs to be provided for emergency vehicles and trucks turning movements. Adherence to the 15' landscape buffer would limit the turning movements for these large vehicles. The proposed self-storage on the site is a low intensity use, with low traffic volumes and periodic activity reducing the need for typical landscape buffers.*

LOCATION: 14140 Boggy Creek Road, generally south of Lake Nona Boulevard on the west side of Boggy Creek Road.

PARCEL ID NUMBER: 33-24-30-0000-00-001

SIZE/ ACREAGE: 8.04-gross acres
6.07-net developable

PUBLIC NOTIFICATION: The notification area for this public hearing was 1,300 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred eighty-three (383) notices were mailed to those property owners and residents in the surrounding area.

COMMUNITY MEETING: An in-person community meeting was held on July 18, 2023, and summarized further in this report.

PROPOSED USE: 130,000 sq. ft. self-storage facility.

STAFF RECOMMENDATION

Future Land Use Map Amendment:

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Planned Development-Commercial (PD-C) Future Land Use Map designation, Urban Service Area Boundary Expansion FLU1.2.4 text amendment, and FLU8.1.4 text amendment establishing the development program.

Rezoning:

Development Review Committee – (September 20, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Boggy Creek Self-Storage Planned Development/ Land Use Plan (PD/LUP), subject to the following conditions of approval:

1. Development shall conform to the Boggy Creek Self-Storage Land Use Plan (LUP) dated "Received September 25, 2023," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received September 25, 2023," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. 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, or any other development order, 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.

Case # SS-23-07-036 & LUP-23-04-137
Text Amendments # 23-07-FLUE-7 & 23-07-FLUE-8
Orange County Planning Division
BCC Hearing Date: January 9, 2024

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).
8. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
9. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.

Case # SS-23-07-036 & LUP-23-04-137
Text Amendments # 23-07-FLUE-7 & 23-07-FLUE-8
Orange County Planning Division
BCC Hearing Date: January 9, 2024

10. Boggy Creek is designated an impaired water body, therefore, any portions of the project that will discharge into the surface water shall comply with the Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code.
11. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
12. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
13. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater systems have been designed to support all development (including hydraulically dependent development) within the PD.
14. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
15. Outdoor sales, storage, and display shall be prohibited.
16. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
17. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
18. A waiver from Orange County Code Section 38-1272(a)(3) is granted to allow a ten (10) foot PD boundary setback for 760 feet along the south property line, commencing 200 feet west of the east property line, in lieu of a minimum twenty-five (25) foot building setback.
19. A waiver from Orange County Code Section 24-5(a)(3) is granted to allow a ten (10) foot buffer width for approximately 760 feet on the south property line, commencing 200 feet west of the east property line, in lieu of a fifteen (15) foot buffer.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to amend the Future Land Use designation of the subject property located at 14140 Boggy Creek Road from Rural/Agricultural (R) to Planned Development-Commercial (PD-C) and rezone from A-2 (Farmland Rural District) to Planned Development (PD) to allow for the construction of a 130,000 sq. ft. self-storage facility. Additionally, the applicant is requesting two waivers from Orange County Code to reduce the PD building setback along the south property line and reduce the buffer width along the south property line.

The subject property is a single lot located to the west of Boggy Creek Road within the Boggy Creek Urban Service Area (USA) Expansion Area. The expansion area parcels along the Boggy Creek Road Corridor including parcels east of Boggy Creek Road to Happy Lane, and all outparcels and Rural Service Area enclaves west of Boggy Creek Road. The Board of County Commissioners held a public hearing on January 10, 2023, for the adoption of the Boggy Creek Expansion Area (Amendment 2022-2-B-FLUE-7) to allow for the expansion of the Urban Service Area for certain parcels along Boggy Creek Road without having to meet the typical criteria for a USA expansion and it allows this request to be considered as a small-scale amendment instead of a regular scale amendment.

Land Use Compatibility

The Planned Development-Commercial (PD-C) Future Land Use and PD zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

Rural Settlement

The subject property is not in a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not in a JPA.

Overlay District Ordinance

The subject property is not with an overlay zone.

Airport Noise Zone

The subject property is in Airport Noise Zone E and is subject to the Airport Noise Zoning Ordinance (Ord. 2000-07). Any required noise mitigation will be required at the time of permitting.

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

Through this request, the proposed Planned Development-Commercial (PD-C) Future Land Use is consistent with the proposed Planned Development zoning 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 trends 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.

FLU8.1.3.1 Development proposals within the area between Boggy Creek Road and Happy Lane, located in the Boggy Creek USA Expansion area depicted on Map 5a of the Future Land Use Map Series, shall require the concurrent consideration of a Planned Development (PD) Future Land Use Map (FLUM) amendment application and a corresponding Planned Development/Land Use Plan (PD/LUP) rezoning request. Such proposals shall be consistent with the Boggy Creek Road Corridor Development Standards in Table FLU8.1.3.1.

FLU8.1.5.2 Those properties within the Boggy Creek Urban Service Area (USA) Expansion Area, as depicted on Map 5a of the Future Land Use Map Series, have been determined to be consistent with the adopted USA, Objective FLU1.3, and associated policies and may apply for a Future Land Use Map (FLUM) amendment for urban land use designations consistent with FLU1.1.2 and FLU1.1.4A. Those properties along the Boggy Creek Road Corridor between Boggy Creek Road and Happy Lane shall submit a privately

Case # SS-23-07-036 & LUP-23-04-137
Text Amendments # 23-07-FLUE-7 & 23-07-FLUE-8
Orange County Planning Division
BCC Hearing Date: January 9, 2024

initiated Planned Development (PD) FLUM amendment application and corresponding Planned Development/Land Use Plan (PD/LUP) rezoning request, as established in Policies FLU1.1.4B. and FLU8.1.3.1 and shall be consistent with the Boggy Creek Road Corridor Development Standards in Table FLU8.1.3.1.

FLU1.2.2 Urban development during the 2007-2030 planning period, as identified in FLU1.2.1, will occur only in the Urban Service Area (USA) and the established boundary for the Horizon West SPA (Special Planning Area) Special Planning Area (SPA) (identified depicted on Map 2 in the Future Land Use Element of the Comprehensive Plan of the Future Land Use Map Series); the Innovation Way Overlay (depicted on Map 4 of the Future Land Use Map Series); and Growth Centers where urban services are available, as specified by Joint Planning Area Agreement or other agreement(s); and, upon Future Land Use Map amendment and associated USA boundary approval for urban land uses, the Boggy Creek USA Expansion Area (depicted on Map 5a of the Future Land Use Map Series).

OBJ FLU1.3 APPLICATION FOR URBAN SERVICE AREA EXPANSION. No new expansions to the Urban Service Area boundary, except for those planned for Horizon West, and the Innovation Way Overlay, and the Boggy Creek USA Expansion Area shall be permitted unless supported by data and analysis demonstrating consistency with Objectives FLU1.2 and FLU1.3 and associated policies. Orange County shall use the following process to evaluate Urban Service Area expansions, and as a means for achieving its goals with respect to accommodating growth within the USA and implementing the Comprehensive Plan.

FLU1.3.2 An application to expand the Urban Service Area shall be approved only when the application is found to be consistent with the Comprehensive Plan and complies with the following procedural steps and additional criteria, with the exception of those planned for Horizon West, and the Innovation Way Overlay, and the Boggy Creek USA Expansion Area.

FLU2.5.4 Properties within Rural Residential Enclaves shall be subject to the minimum net developable land area* requirements and corridor guidelines as specified below, and as depicted on Maps 25(a) through 25(d) 25(e) of the Future Land Use Map Series.

Staff-Initiated Text Amendment – Case # 23-07-FLUE-7

Establish Development Program for PD's

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment 23-07-FLUE-7.

The maximum development program for Amendment SS-23-07-036, if adopted, would be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>SS-23-07-036</u> <u>Boggy Creek</u> <u>Self-Storage PD</u>	<u>Planned</u> <u>Development-</u> <u>Commercial</u> <u>(PD-C)</u>	<u>Up to 130,000 square</u> <u>feet of self-storage</u>	<u>2024-</u>

Staff-Initiated Text Amendment – Case # 23-07-FLUE-8

Urban Service Area Expansion

The Urban Service Area expansion request associated with proposed Future Land Use Map Amendment SS-23-07-036 appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. As such, if approved, the expansion acreage will be recorded in Future Land Use Element Policy FLU1.2.4 as follows:

FLU1.2.4

Amendment Number	Name	Size (Acres)	Ordinance Number

<u>SS-23-07-036</u>	<u>Boggy Creek Self-</u> <u>Storage</u>	<u>8.04</u>	<u>2024-</u>

SITE DATA

Existing Use Vacant

Adjacent Zoning N: A-2 (Farmland Rural District) 1957
 E: A-2 (Farmland Rural District) 1957
 W: Planned Development (Boggy Creek Enclave PD) (2014)

Case # SS-23-07-036 & LUP-23-04-137
Text Amendments # 23-07-FLUE-7 & 23-07-FLUE-8
Orange County Planning Division
BCC Hearing Date: January 9, 2024

Adjacent Land Uses

S:	A-2 (Farmland Rural District) 1957
N:	Single-family residence and nursery
E:	Church
W:	Stormwater Pond
S:	Church

Planned Development (PD) Development Standards

PD Perimeter Setback	10-25 feet (waiver requested for 760' of south side)
Maximum FAR	1.5
Minimum Open Space	20%
Maximum Building Height:	35 feet

Minimum Building Setbacks

Boggy Creek Road Setback:	40 feet
North boundary Setback:	25 feet
South Setback:	10-25 feet
West Boundary Setback	25 feet
NHWE	50 feet

** These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

SPECIAL INFORMATION

Staff Comments

Environmental

CAD Complete - An Orange County Conservation Area Determination CAD-20-08-153 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 10/23/2020. The CAD identified 1.97 acres of Class I surface waters within the subject property boundaries. The applicant is not proposing any impacts to wetlands.

Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Impaired Waters Rule - Boggy Creek is designated an impaired water body. The Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code may increase the requirements for pollution abatement treatment of stormwater as part of future approvals of the associated Basin Management Action Plans related to this site and currently in development by the state Department of Environmental Protection (FDEP). The applicant is advised to follow related legislation in order to assure compliance with future regulations.

Solid Waste Disposal - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Recycling of materials is encouraged if applicable. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Transportation / Access Staff Report Summary

A traffic study was submitted for this case. Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed use will result in an increase in the number of pm peak trips and therefore will impact the area roadways.

Roadway Capacity Analysis:

The subject property is located along Lake Nona Blvd. Based on existing conditions, Boggy Creek Road from SR 417 to Osceola County Line is currently a deficient roadway segment within the project impact area. This information is dated and subject to change. The following segment is operating over capacity:

- Boggy Creek Road from SR 417 to Osceola County Line

These segments are projected to operate at Level of Service "F" as a result of background traffic and committed trips. However, the project traffic is considered insignificant consuming less than 1% of the maximum service volume.

The short term (Year 2028) as well as the long term (Year 2040) analysis under the proposed FLU designation showed that the following roadway segments are projected to operate at an adverse level of service due to background traffic:

- Boggy Creek Road from South Access Road to Osceola County Line
- SR 417 from Landstar Rd to Narcoossee Rd

The long-term analysis year 2040 resulted in the same failing roadway segments. Based on the analysis, the study roadway segments are projected to fail prior to the addition of project trips as a result of existing deficiency and high background or committed traffic on the remaining segments. The FLU change will not cause any additional deficiencies within the project impact area. The project traffic is considered insignificant, consuming less than 1% of the maximum service volume (0.3%). 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 in order 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.

Schools

The applicant is proposing to utilize the property for commercial purposes. Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Community Meeting Summary

A community meeting was held on July 18, 2023, at the Meadow Woods Recreation Center. Four (4) residents who are the current property owners of the north and south adjacent properties were in attendance. The property owners of the northern adjacent property expressed concerns regarding the 5-foot setback waiver proposed by the applicant stating that the 5-foot setback is encroaching too close to the neighbor's property line and the neighbor does not want the view of the storage buildings to close to their property. The northern adjacent property has both a single-family residence and active nursery business. The applicant has since removed the request for a setback reduction along the north property line.

The second concern from the northern neighbor is the proposed access point that was shown on the Land Use Plan and asked staff if the access point on the north side of the subject property is necessary. County staff informed that resident that they would reassess the location of the access point during technical review.

Utilities Service Area

Water: OUC
Wastewater: Orange County Utilities
Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within 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: 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.

Reclaimed water: 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.

ACTION REQUESTED

Local Planning Agency (LPA) / Planning and Zoning Commission (PZC)
Recommendation – November 16, 2023

Future Land Use Map and Text Amendments

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Planned Development – Commercial (PD-C) Future Land Use map designation and the associated FLU1.2.4 and FLU8.1.4 text amendments.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Boggy Creek Self-Storage Planned Development / Land Use Plan (PD/LUP), dated “Received September 25, 2023”, subject to nineteen (19) conditions including two waivers from Orange County Code.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS – November 16, 2023

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 Planned Development – Commercial (PD-C) Future Land Use designation and recommend APPROVAL of the associated Boggy Creek Self-Storage Planned Development / Land Use Plan rezoning.

To address one of the resident concerns who was not present at the hearing but submitted a letter of objection, the applicant provided an overview of the requested waivers and that there were no waivers requested for reductions of the PD Building setback along the north property line where the resident resides. The requested waivers are for the south property line.

There was some discussion regarding wetland impacts which the applicant stated that there were no proposed wetland impacts, and the proposed setback reductions along the south property boundary. A motion was made by Commissioner Pavon and seconded by Commissioner Arrington to recommend ADOPTION of the requested Planned Development – Commercial (PD-C) Future Land Use Map designation and associated text amendments, and APPROVAL of the Boggy Creek Self-Storage Planned Development / Land Use Plan (PD/LUP), dated “Received September 25, 2023”, subject to nineteen (19) conditions including two (2) waivers from Orange County Code. The motion carried on a 7-0 vote.

Motion / Second	<i>Walter Pavon / Michael Arrington</i>
Voting in Favor	<i>George Wiggins, Walter Pavon, Nelson Pena, Gordon Spears, Camille Evans, Michael Arrington, and David Boers</i>
Voting in Opposition	<i>None</i>
Absent	<i>Eddie Fernandez and Evelyn Cardenas</i>

SS-23-07-036



 Subject Property

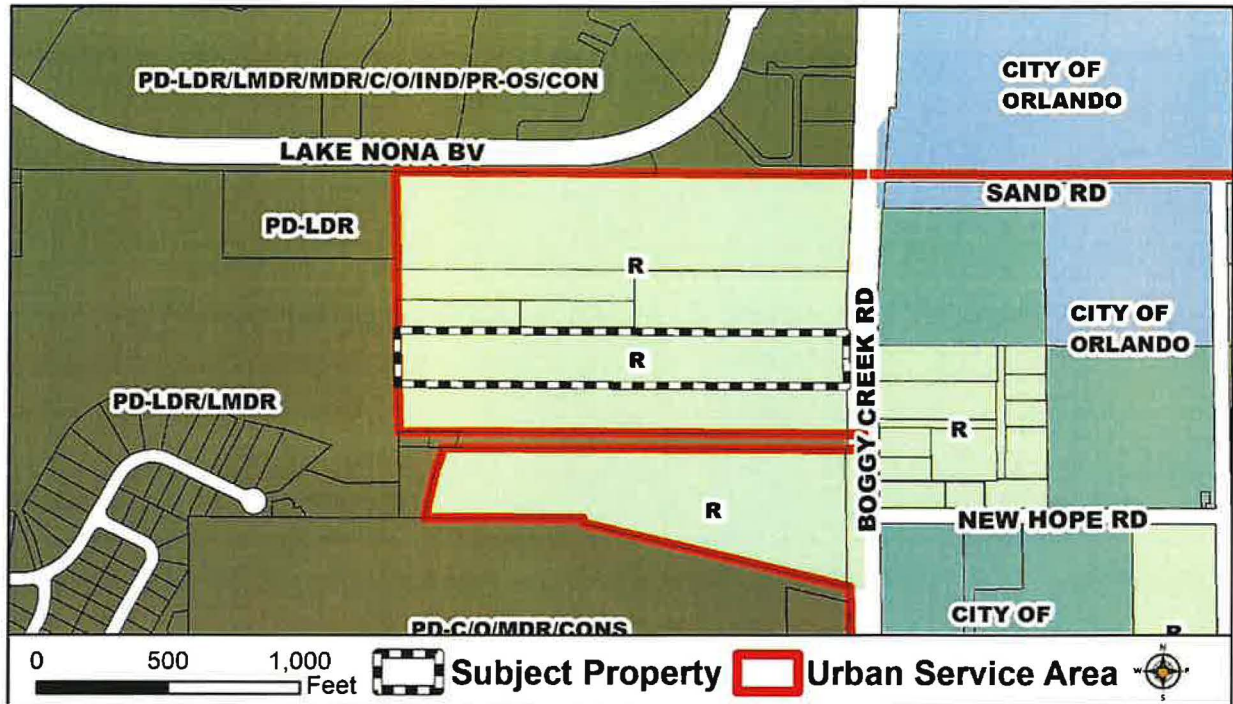


0 300 600 Feet



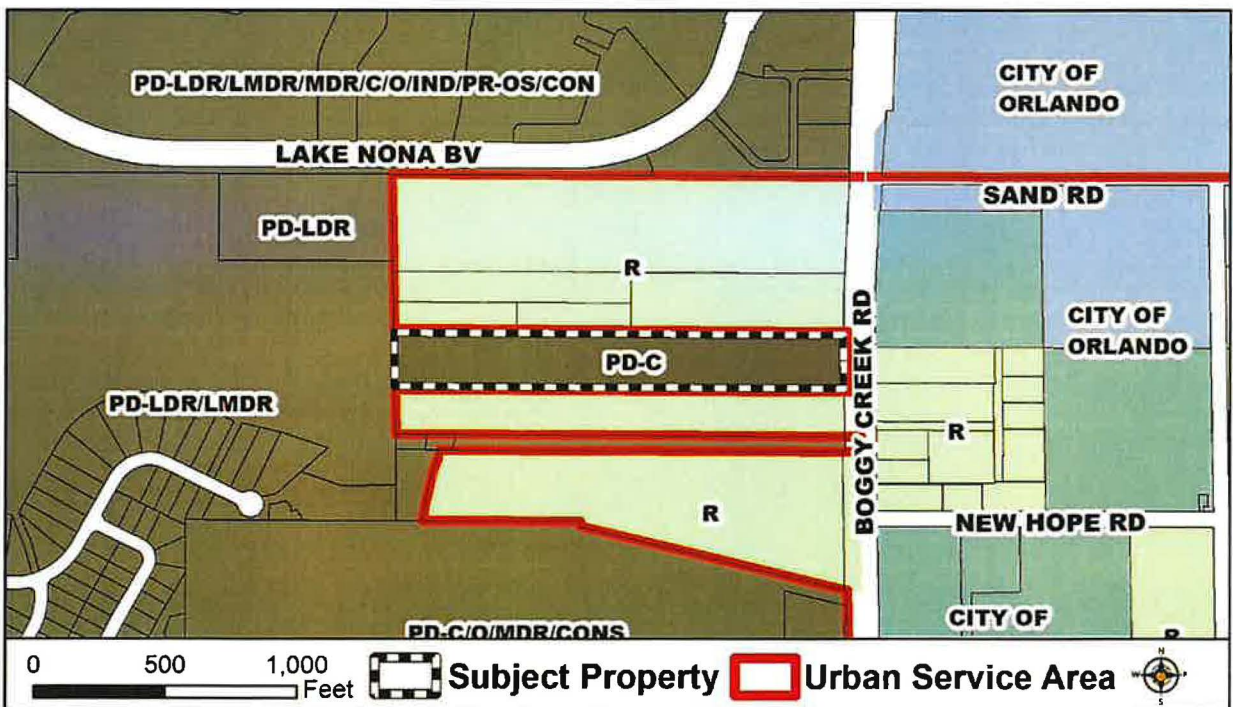
FUTURE LAND USE – CURRENT

Rural/Agricultural (R)



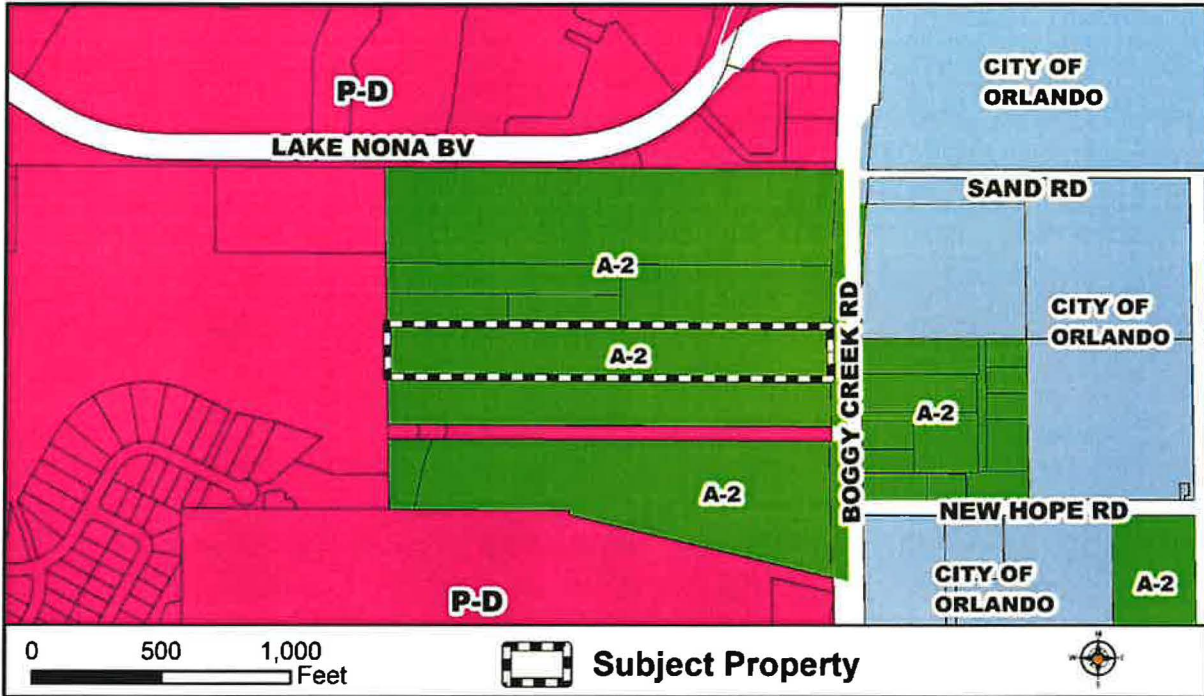
FUTURE LAND USE – PROPOSED

Planned Development- Commercial (PD-C)



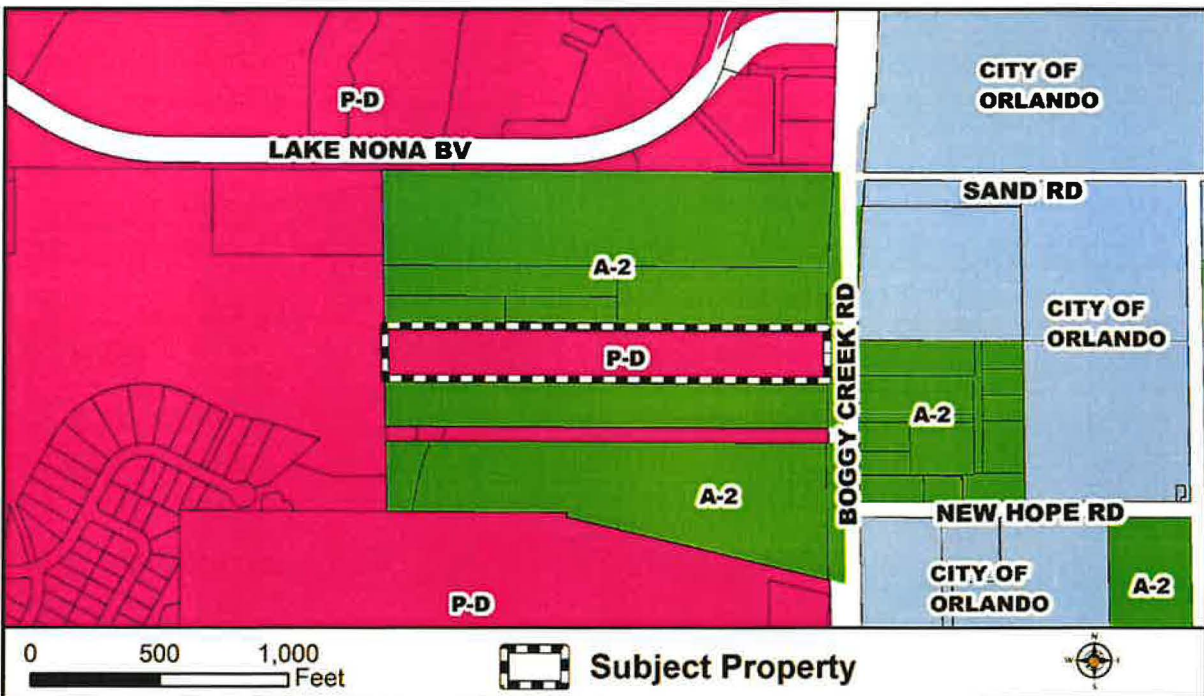
ZONING – CURRENT

A-2 (Farmland Rural District)



ZONING – PROPOSED

PD (Planned Development District)



LEGAL DESCRIPTIONS

THE SOUTH 204 FEET OF THE NORTH 806.2 FEET OF THE EAST 1,800 FEET OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 24 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, LESS ANY PORTION LYING WITHIN ROAD RIGHT-OF-WAY, ALSO LESS THAT PART TAKEN BY ORANGE COUNTY, FLORIDA, A POLITICAL SUBDIVISION, MORE PARTICULARLY DESCRIBED AS PARCEL 1009, IN THAT CERTAIN STIPULATED ORDER OF TAKING RECORDED IN INSTRUMENT NO. 20180047347, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 8.04 ACRES ±.

General Notes:

- Access to the site shall be provided via Right-In / Right-out Ingress and egress to Boggy Creek Road. The design and location of this access will be determined with the review of the Development Plan.
- Notwithstanding the existing utility lines located within recorded Easement on the eastern portion of the site adjacent to Boggy Creek Road, Utility infrastructure on site shall be owned and maintained by the Property Owners for water and wastewater services. All necessary access and maintenance easements shall be granted.
- Stormwater management will be provided with an onsite stormwater management pond. The stormwater management pond shall be permitted and constructed in accordance with Orange County and SFWMD standards.
- Based upon FIRM Map #12095C0050F a portion of the site is within a Flood Zone.
- Post Signs and Billboards shall be prohibited, all other signage shall comply with 31.5 of the Orange County Code.
- Water service will be provided by Orlando Utilities Commission and sewer service will be provided by Orange County Utilities.
- Fire Protection shall be provided by Orange County Fire and Rescue.
- Police Protection shall be provided by Orange County Sheriff's Department.
- In accordance with Section 38.1227, any variances from County Code minimum standards represented on this plan have that have not been expressly approved by the Orange County BCC is invalid.
- A CAD application (CAD 20-08-153) has been approved with Orange County EPD. All wetlands have been classified as Class 1.
- It is anticipated that finished floor grades along the project boundary may be more than 1' above or below existing grades. Finish floor grades shall be provided with final Engineering Plans.
- A tree survey / mitigation plan will be provided with the Development Plan Review.
- Lighting shall comply with Article XVI of Chapter 9 of the Orange County LDC.
- Onsite trash dumpster provided with private pickup.
- Final landscape plans are required to be submitted for review and approval prior to landscape construction. Landscape plans shall be in accordance with Orange County LDC Sec 24-4, 24-6 and 24-8 Commercial Developments.
- Potential cross access to the North and South if necessary, shall be provided in the general location as shown on sheet LUP-101. The exact location for cross access will be finalized with the Development Plan review.
- All easements regarding wetlands and buffers are considered approximate until finalized by a Consideration Area Determination and/or Consideration Area Impact permits. Reference OC Code Chapter 15 Environmental Control, Article X Wetland Conservation Areas.



**Boggy Creek Self Storage
Land Use Plan
LUP # 23-04-137
Parcel ID #'s 33-24-30-000-000-001**

Orange County, Florida
April 2023
Revised:

1	08/14/23	Revision Per County Comments	rlb
2	07/29/23	Revision Per Staff Comments dated 07/11/23	apm
3	08/16/23	Revision per Staff Comments dated 08/07/23	rlb
4	08/22/23	Revision per local 26/2023 LDC-making	apm



Location Map

TRIP GENERATION SUMMARY

Land Use	ITE Code	Size	Daily Generation				P.M. Peak Hour Generation			Total
			Rate	Trucks	Rate	Cross	Exit			
New Warehouse Self Storage	151	132 KSF*	1.45	100	0.15	9	11	20		

* KSF = 1,000 Square Feet
Source: ITE Trip Generation Manual 11th Edition

Team Members

Owner / Developer
DGH BCR LLC
PO Box 130
Winterdale FL 34786
(407) 908-0080
Contact: Mr. Alan Dudley

Applicant / Planner
Daly Design Group
913 N Pennsylvania Ave
Winter Park, Florida 32789
(407) 740-7373
Contact: Mr. Tom Daly

Environmental Consultant
Molloy and Associates
302 Mohawk Rd
Clematis, FL 34615
(352) 394-2000
Contact: Ms. Athena Walker

Surveyor
Bretman Surveys and Mapping, Inc.
33 West Palm Street
Winter Garden, FL 32787
(407) 955-8877
Contact: Mr. Aron Bretman

Traffic Engineer
Traffic Planning and Design
303 Vermont Drive
Maitland, FL 32751
(407) 828-0650
Contact: Mr. Turgut Derven

daly design group inc.
Urban Planning • Landscape Architecture • Project Management
913 N Pennsylvania Ave, Winter Park, FL 32789
Phone 407.740.7373 • www.dalydesign.com

RECEIVED
By DRC at 11:40 am, Sep 25, 2023

Sheet Index

- CVR - Cover
- LUP - 101 - FEMA and Soils MapPlan
- LUP - 102 - Proposed Land Use Plan
- LUP - 103 - Waiver Request Plan
- Survey



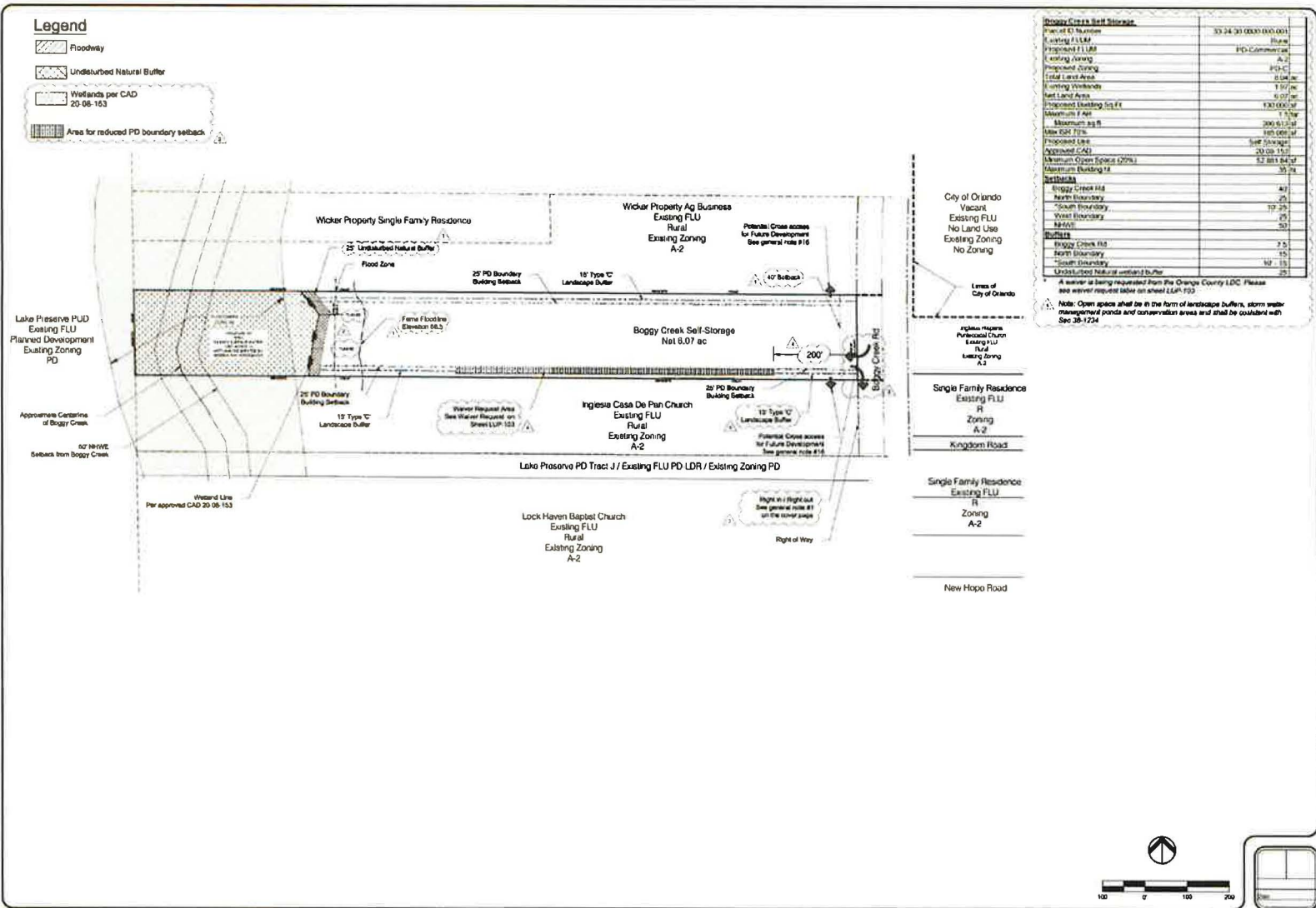
23208

Boggy Creek Self-Storage PD (Cover Sheet)

Case # SS-23-07-036 & LUP-23-04-137
Text Amendments # 23-07-FLUE-7 & 23-07-FLUE-8
Orange County Planning Division
BCC Hearing Date: January 9, 2024

Case # SS-23-07-036 & LUP-23-04-137
 Text Amendments # 23-07-FLUE-7 & 23-07-FLUE-8
 Orange County Planning Division
 BCC Hearing Date: January 9, 2024

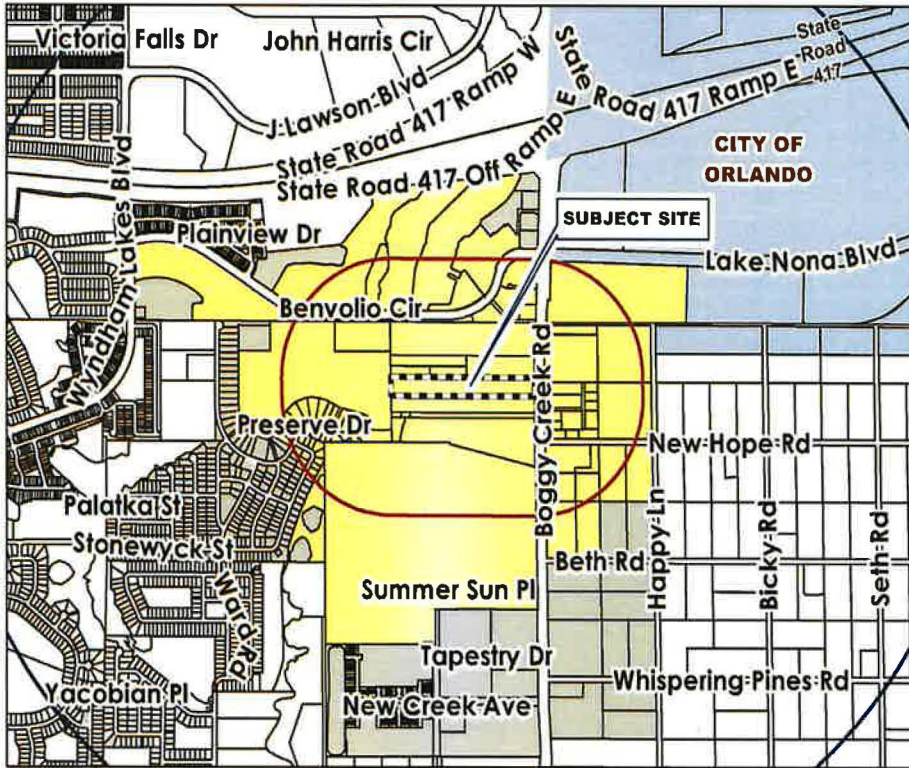
Boggy Creek Self-Storage PD (Land Use Plan)





Public Notification Map

SS-23-07-036 & LUP-23-04-137 Boggy Creek Self Storage



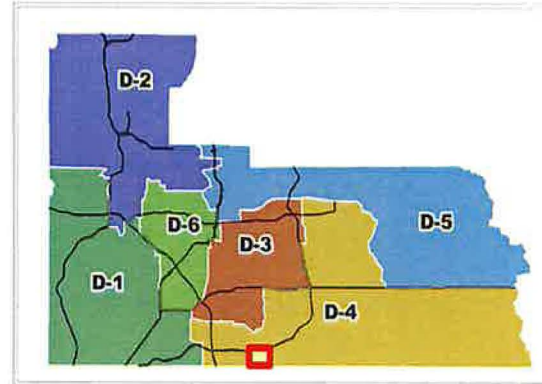
SUBJECT SITE



MAP LEGEND

- SUBJECT SITE
- 1300 FT BUFFER
- 1 MILE BUFFER
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS

BUFFER DISTANCE: 1300
OF NOTICES: 383



S:\Business Systems\Board Administration\2_PZC\2023\17-JULY\SS-23-07-036 & LUP-23-04-137 Boggy Creek Self Storage\SS-23-07-036 & LUP-

NOTIFICATION MAP

Case # SS-23-07-036 & LUP-23-04-137
 Text Amendments # 23-07-FLUE-7 & 23-07-FLUE-8
 Orange County Planning Division
 BCC Hearing Date: January 9, 2024

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 January 9, 2024, the Board of County Commissioners held a public hearing on the adoption of the proposed amendments 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. Amendment to the Text of the Future Land Use Element.** The
34 Comprehensive Plan is hereby further amended by amending the text of the Future Land Use
35 Element to read as follows, with underlines showing new numbers and words, and strike-throughs
36 indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the
37 amendment number and editorial notes, and shall not be codified.)

38 * * *

39 **[Amendment 23-07-FLUE-7:]**

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

43

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>SS-23-07-036</u> (<u>Boggy Creek Self-Storage PD</u>)	<u>Planned Development-Commercial</u> (<u>PD-C</u>)	<u>Up to 130,000 square feet of self-storage</u>	<u>2024-</u>

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

46 * * *

47
48 **[Amendment 23-07-FLUE-8:]**

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

52 * * *

Amendment Number	Name	Acreage	Ordinance Number
* * *	* * *	* * *	* * *
<u>SS-23-07-036</u>	<u>Boggy Creek Self-Storage</u>	<u>8.04</u>	<u>2024-</u>

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

55
56 style="text-align: center;">* * *

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

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

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

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

70
71 ADOPTED THIS 9th DAY OF JANUARY, 2024.

72
73

74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89

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

90 APPENDIX "A"

91 FUTURE LAND USE MAP AMENDMENT

92
93
94

<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-23-07-036	Rural / Agricultural (R)	Planned Development – Commercial (PD-C)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

95