



## Interoffice Memorandum

DATE: June 13, 2022

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

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

THROUGH: Alberto A. Vargas, MArch., Manager, Planning Division

SUBJECT: Adoption Public Hearing – June 21, 2022 Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment** scheduled for a Board adoption public hearing on June 21, 2022. The adoption public hearing for Small-Scale Development Amendment SS-22-03-019 (and concurrent rezoning RZ-22-03-020) was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on April 21, 2022, where the request was recommended for approval.

The subject property is located on the west side of S. Goldenrod Road, approximately 1,900 feet south of Pershing Avenue. The applicant's request is to change the Future Land Use Map designation from Low-Medium Density Residential (LMDR) to Commercial (C) and change the zoning from A-2 (Farmland Rural District) to C-2 Restricted (General Commercial District) with six restrictions in order to allow for automotive repair and service. A community meeting was held on April 7, 2022, with two residents in attendance with no opinion on the request.

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

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

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and:**  
**(a) Adopt the Commercial (C) Future Land Use map designation;**  
**(b) Approve the associated ordinance; and**  
**(c) Approve the C-2 Restricted (General Commercial District) zoning subject to the restrictions listed in the staff report.**  
**District 3**

Attachments  
JVW/AAV/jhs

c: Christopher R. Testerman, AICP, Deputy 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  
Nik Thalmueller, AICP, Planning Administrator, Planning Division

**Small-Scale Amendment and Rezoning Staff Report**  
**Orange County Planning Division**  
**BCC Hearing Date: June 21, 2022**

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**CASE # SS-22-03-019**  
**RZ-22-03-020**

Commission District: #3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Jane-Lisa Manera
<b>OWNERS</b>	Miguel Maitin / Gladys Maitin
<b>HEARING TYPE</b>	Planning and Zoning Commission / Local Planning Agency
<b>FLUM REQUEST</b>	<b>Low-Medium Density Residential (LMDR) to Commercial (C)</b>
<b>ZONING REQUEST</b>	<b>A-2 (Farmland Rural District) to C-2 Restricted (General Commercial District)</b>
<b>LOCATION</b>	S. Goldenrod Road; generally located on the west side of S. Goldenrod Road, and north of Sun Vista Way.
<b>PARCEL ID NUMBER</b>	14-23-30-0000-00-002
<b>TRACT SIZE</b>	0.95 gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred fifty-six (356) notices were mailed to those property owners in the mailing area.
<b>COMMUNITY MEETING</b>	A community meeting was held on April 7, 2022, and is summarized further in this report.
<b>PROPOSED USE</b>	C-1 Uses plus the C-2 use of Automotive Repair and Service

**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-2 Restricted (General Commercial District) zoning, subject to the following restrictions:**

- 1) The subject property shall be limited to C-1 District uses and the C-2 use of repair and service of diesel engine trucks;
- 2) All repair and service work shall be restricted to indoor service bays;
- 3) Any service bays shall be rear-entry loaded and not visible from S. Goldenrod Road;
- 4) The building location of the repair facility shall be situated as closely to the minimum front yard setback as permitted by the C-2 zoning district and otherwise practicable;
- 5) A masonry wall six (6) feet in height shall be located along the entire length of the north property line; and
- 6) Billboards 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 0.95 gross acre subject property from Low-Medium Density Residential (LMDR) to Commercial (C) and to rezone from A-2 (Farmland Rural District) to C-2 Restricted (General Commercial District) in order to allow for the operation of an automotive repair facility specializing in diesel trucks.

The subject property is comprised of one parcel, located along the west side of S. Goldenrod Road. Surrounding uses include vacant parcels to the north, a Uhaul dealership and Family Dollar store to the south, single-family residences along the east side of S. Goldenrod Road, and an FDOT stormwater retention pond to the west.

**Existing FLUM Development Program**

The existing development program would allow for low to medium-density residential development within the Urban Service Area, including single-family and multi-family development.

**Proposed FLUM Development Program**

The proposed C-2 Restricted zoning with the Future Land Use Map designation of Commercial will allow the applicant to construct an automotive repair facility specializing in diesel trucks.

**Land Use Compatibility**

The Commercial Future Land Use and C-2 Restricted zoning would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties. Properties to the immediate south have C-2

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zoning and a FLUM designation of Commercial. Existing single-family residences would be separated from the proposed use by S. Goldenrod Road, a four-lane roadway. Vacant parcels to the north with a FLUM designation of Low-Medium Density Residential would be buffered by a six (6) foot high and twenty-five (25) foot-wide Type B, opaque buffer, located along the subject property's north boundary line.

**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**

As mentioned previously, the underlying Comprehensive Plan FLUM designation of the subject property is Office (O), which is consistent with the P-O (Professional Office District) zoning. The proposed C-2 Restricted (General Commercial District) zoning is consistent with the proposed Commercial (C) FLUM designation, and is subsequently consistent with the following Comprehensive Plan provisions:

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

**FLU1.4.4** states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.2.1** states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

**FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project

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and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

**SITE DATA**

**Existing Use**                      Vacant parcel

<b>Adjacent</b>	<b>FLUM</b>	<b>Zoning</b>
<b>North</b>	Low-Medium Density Residential (LMDR) (1991)	A-2 (Farmland Rural District) (1957)
<b>South</b>	Commercial (C) (1991)	C-2 (General Commercial District) (1979)
<b>East</b>	Low Density Residential (LDR) (1991)	R-1 (Single-Family Dwelling District) (1959)
<b>West</b>	Low-Medium Density Residential (LMDR) (1991)/ Commercial (C) (1991)	A-2 (Farmland Rural District) (1957)/ C-2 (General Commercial District) (1969)

**Adjacent Land Uses**      N:    Vacant Parcel  
   E:    Single-Family Residences  
   W:    FDOT Property (Stormwater Retention)  
   S:    Commercial

**C-2 (General Commercial District) Development Standards**

Min. Lot Area:            8,000 sq. ft.  
Min. Lot Width:        100 ft. on major streets; 80 ft. on others  
Max. Height:            50 ft.; 35 ft. within 100 ft of residential districts  
Min. Floor Area:        500 ft.

**Building Setbacks**

Front:                      25 ft. except on major streets  
Rear:                        15 ft.; 20 ft. when abutting residential district  
Side:                        5 ft.; 25 ft. when abutting residential district

**Intent, Purpose, and Uses**

The intent and purpose of this C-2 general commercial district are as follows: is composed of certain lands and structures used 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.



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Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

**SPECIAL INFORMATION**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Contamination - Known Petroleum Cleanup Site located adjacent to the South. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.</p> <p>Conservation - There is no record that a CAD or impact permit application has been received by EPD. If these permits have been obtained, or if historical documents are located, then submit a copy to EPD. If the applicant feels that this land is exempt from the conservation area determination then the steps as outlined in Orange County Code Chapter 15 Article X then the applicant shall submit an application to Petition For Binding Determination of Exemption (BDE), in accordance with Orange County Code Chapter 15 - Environmental Control, Article X - Wetland Conservation Areas, Section 15-381(a).</p> <p>Habitat - 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 &amp; Wildlife Conservation Commission (FWC).</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Analysis of the project trips from the currently approved trips indicates that the proposed

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			Commercial designation at maximum buildout (62,073 square feet) will result in an increase in the number of P.M. Peak Trips by 176, and therefore impact the area roadways. There is a failing roadway segment within the project's impact area along Goldenrod Road from Pershing Avenue to Curry Ford Road.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sheriff's Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Community Meeting Summary**

A community meeting was held on April 7, 2022, with two (2) residents in attendance seeking information on the request. There was no expression of support or opposition for the request.

**Utilities**

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

**\*Detailed Utility Information:**

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

Potable Water: Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

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**

**Planning and Zoning Commission (PZC) Recommendation – (April 21, 2022)**

**Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use and APPROVAL of the requested C-2 Restricted (General Commercial District) zoning subject to the following restrictions:**

- 1) The subject property shall be limited to C-1 District uses and the C-2 use of repair and service of diesel engine trucks;
- 2) All repair and service work shall be restricted to indoor service bays;
- 3) Any service bays shall be rear-entry loaded and not visible from S. Goldenrod Road;
- 4) The building location of the repair facility shall be situated as closely to the minimum front yard setback as permitted by the C-2 zoning district and otherwise practicable;
- 5) A masonry wall six (6) feet in height shall be located along the entire length of the north property line; and
- 6) Billboards 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 Commercial (C) Future Land Use map designation, and the C-2 Restricted (General Commercial District) zoning. The applicant was present and agreed with the staff recommendation.

Staff indicated that three hundred fifty-six (356) notices were mailed to those property owners in the mailing area extending beyond 600 feet surrounding the property, and that staff received no comments in favor or opposition. During public comments no member of the public was present to speak.

After a brief discussion, a motion was made on the Future Land Use Map Amendment and Rezoning by Commissioner Abdallah, and seconded by Commissioner Pavon to recommend ADOPTION of the requested Commercial (C) Future Land Use Map designation and

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APPROVAL of the C-2 Restricted (General Commercial District) zoning subject to six (6) restrictions. The motion carried on a 6-0 vote.

**Motion / Second**

*Mohammed Abdallah / Walter Pavon*

**Voting in Favor**

*Gordon Spears, Mohammed Abdallah, Walter Pavon,  
Nelson Pena, George Wiggins, and Trevor Sorbo*

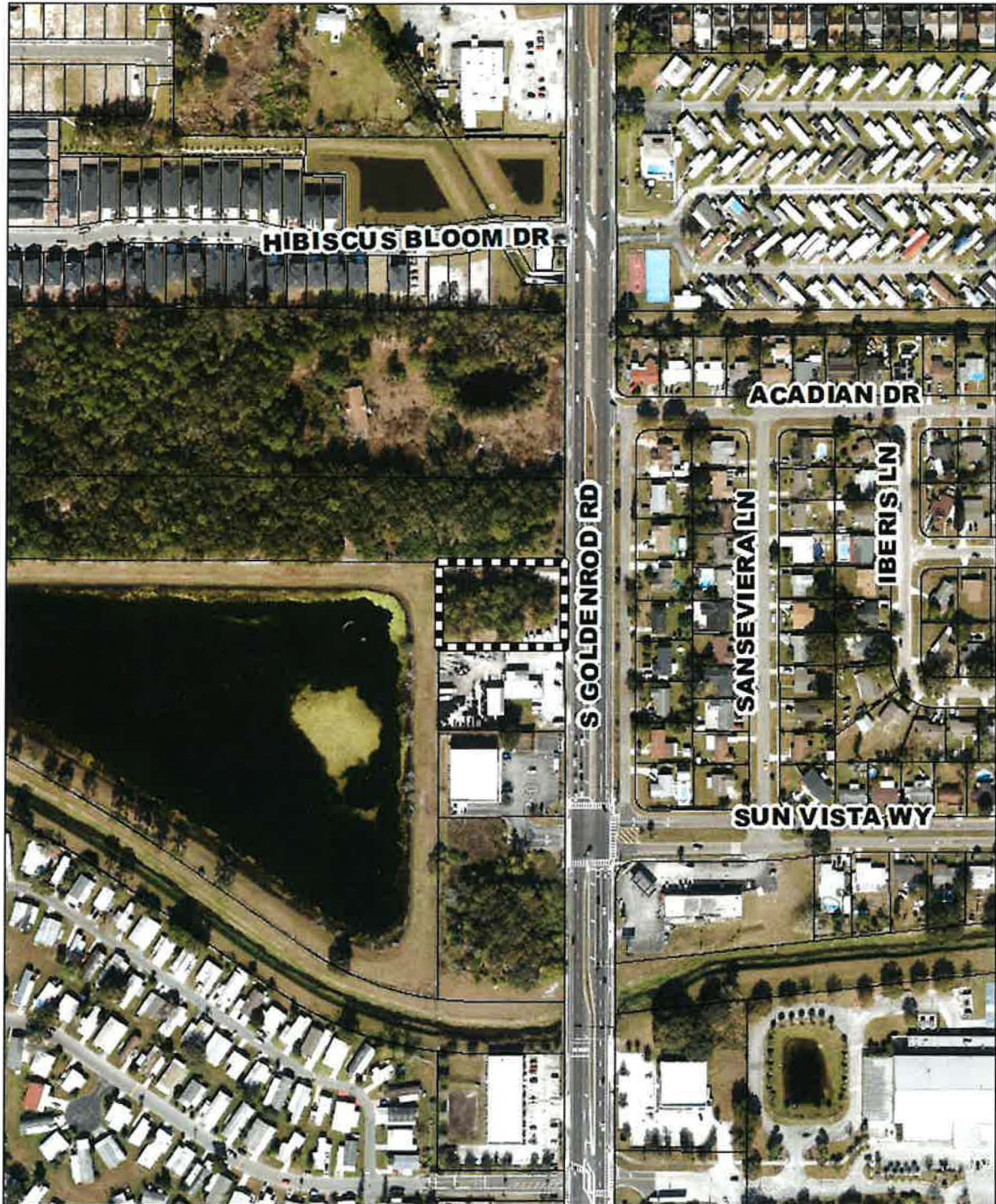
**Voting in Opposition**

*None*

**Absent**

*Evelyn Cardenas, Jaja Wade, and Eddie Fernandez*

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 Subject Property

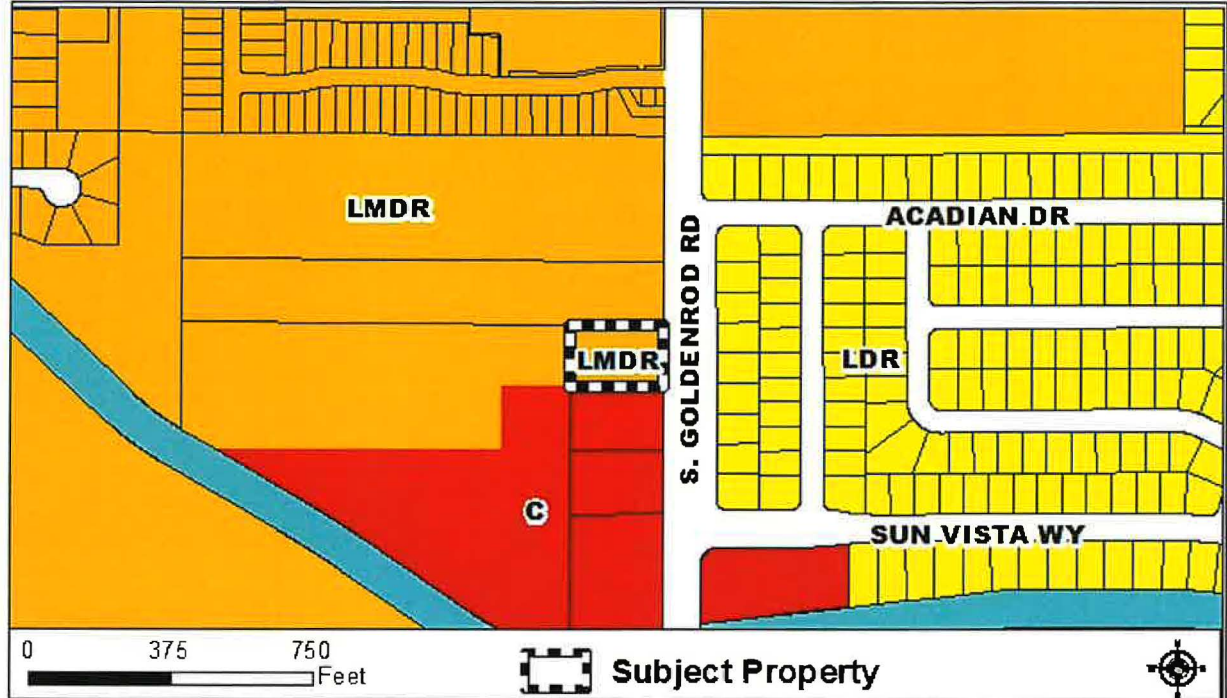


1 inch = 250 feet



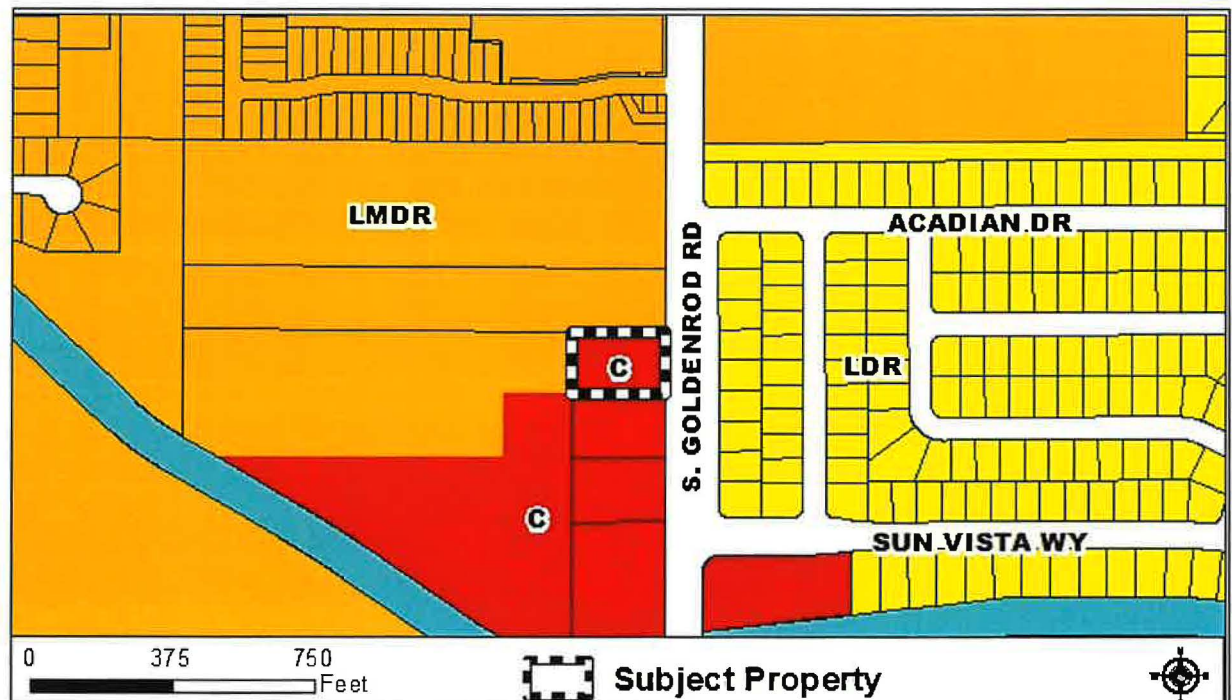
**FUTURE LAND USE - CURRENT**

Low-Medium Density Residential



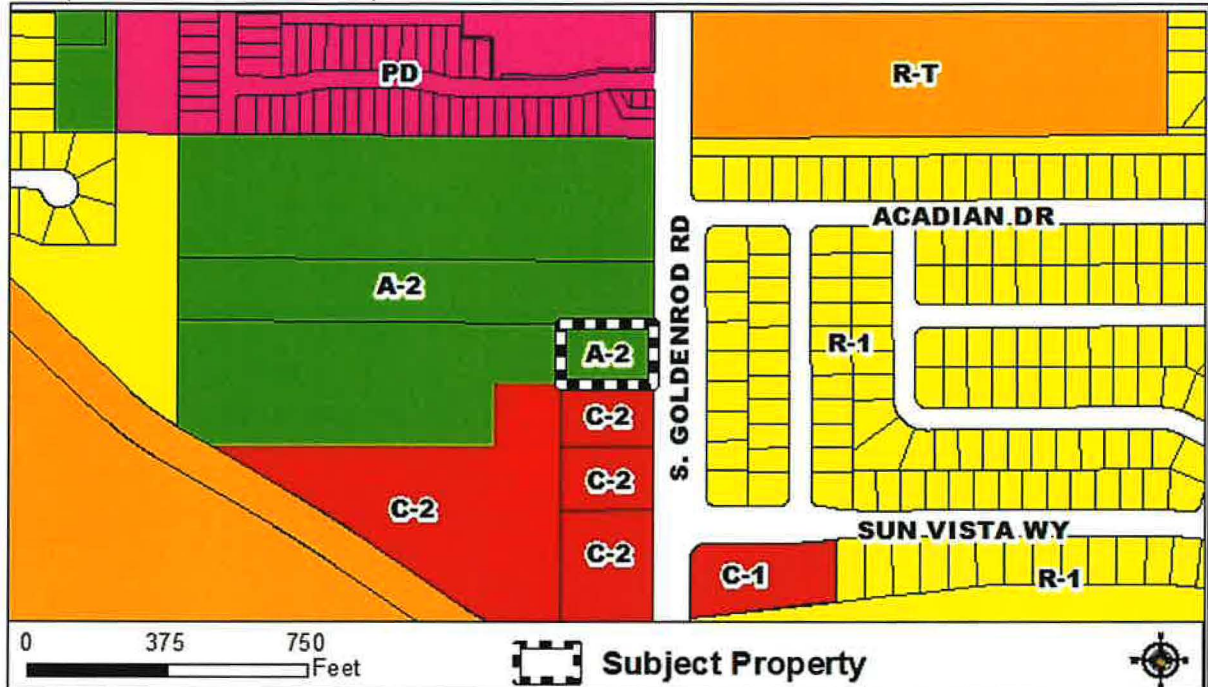
**FUTURE LAND USE - PROPOSED**

Commercial



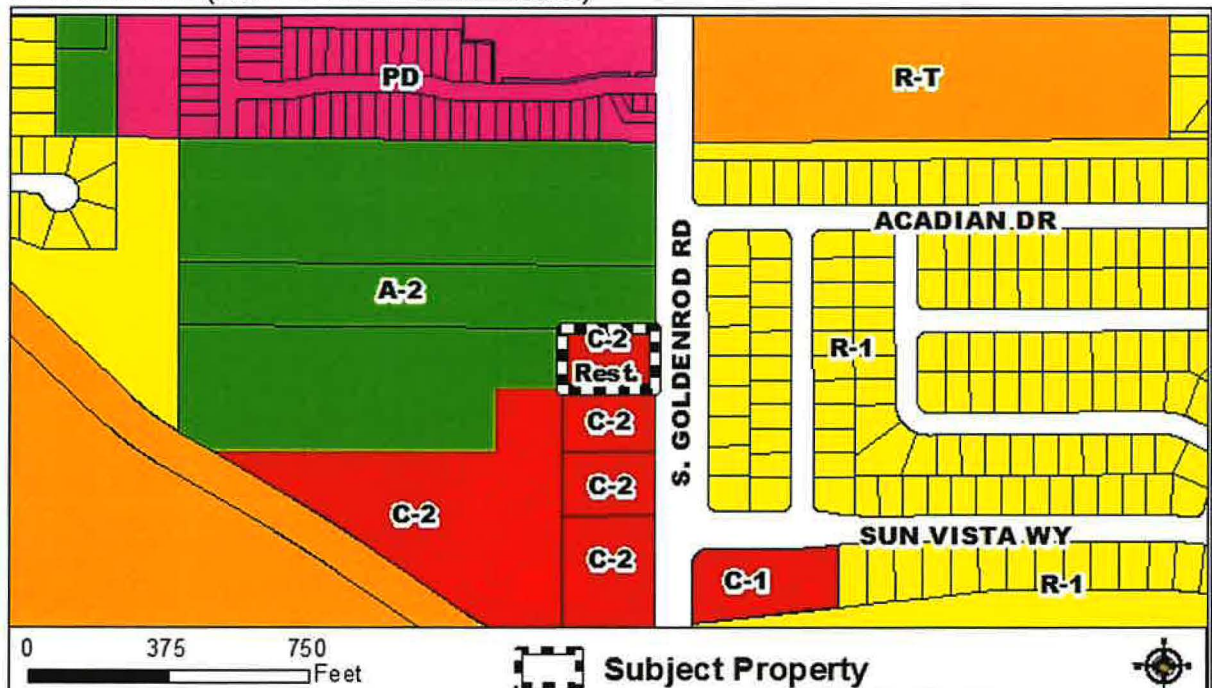
## ZONING – CURRENT

A-2 (Farmland Rural District)



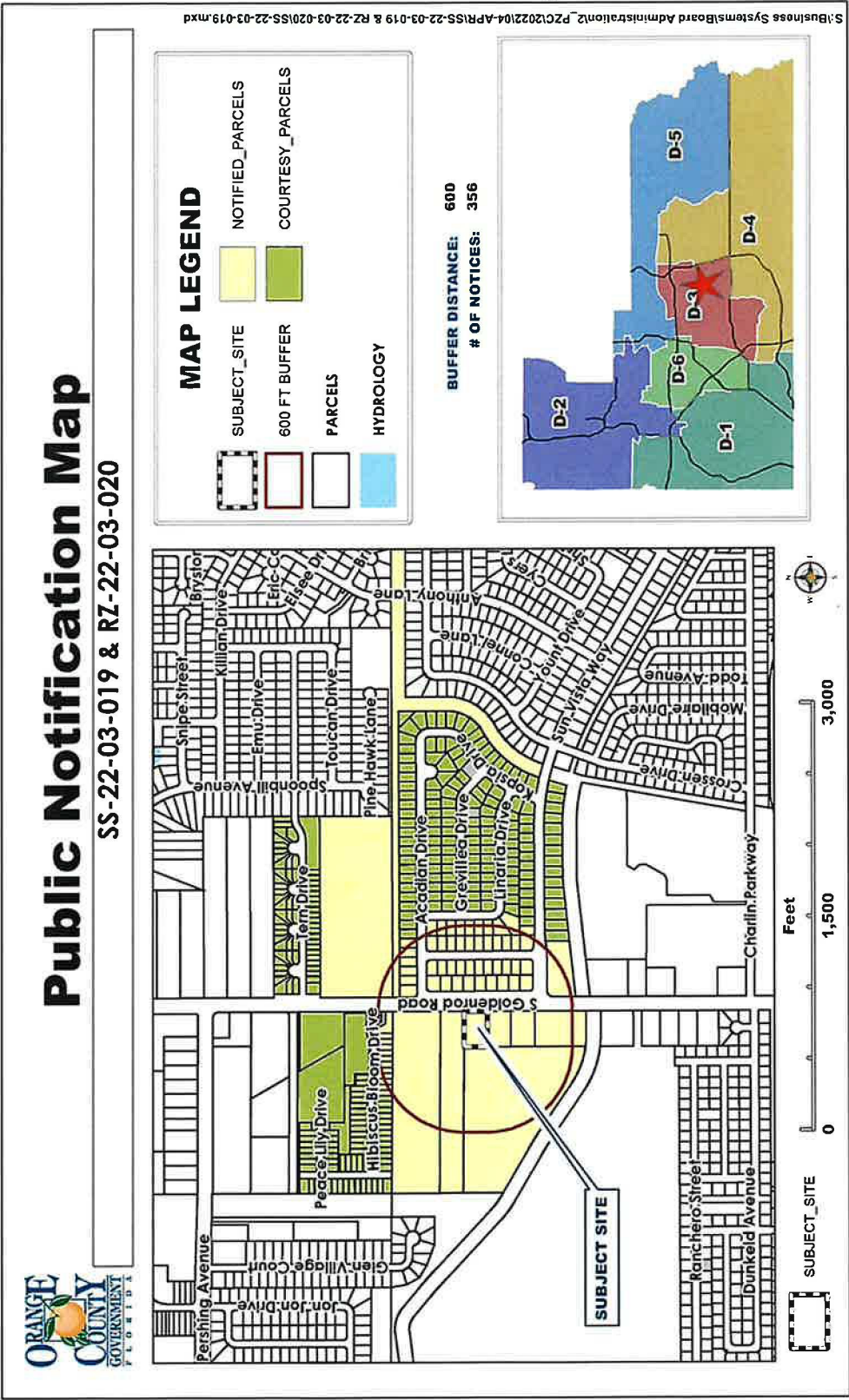
## ZONING – PROPOSED

C-2 Restricted (General Commercial District)





Notification Map





ORDINANCE NO. 2022-\_\_\_\_\_

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 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 June 21, 2022, the Board held a public hearing on the adoption of the proposed  
amendment, 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. Amendments to Future Land Use Map.*** The Comprehensive Plan is  
hereby amended by amending the Future Land Use Map designation as described at **Appendix**  
“A,” attached hereto and incorporated herein.

**APPENDIX "A"**

**FUTURE LAND USE MAP AMENDMENT**

<b><i>Appendix A*</i></b>		
<b><i>Privately Initiated Future Land Use Map Amendment</i></b>		
<b>Amendment Number</b>	<b>Future Land Use Map Designation FROM:</b>	<b>Future Land Use Map Designation TO:</b>
<b>SS-22-03-019</b>	<b>Low-Medium Density Residential (LMDR)</b>	<b>Commercial (C)</b>
<b>*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.</b>		