



**Applicant/Owner:** Thomas Sullivan, Gray Robinson P.A/151 Col, Inc.

**Location:** 15169 E. Colonial Dr. Generally located north of E. Colonial Dr., west of Townsend Oaks Cir., and east of Sandy Creek Ln.

**Existing Use:** Mobile Home Park

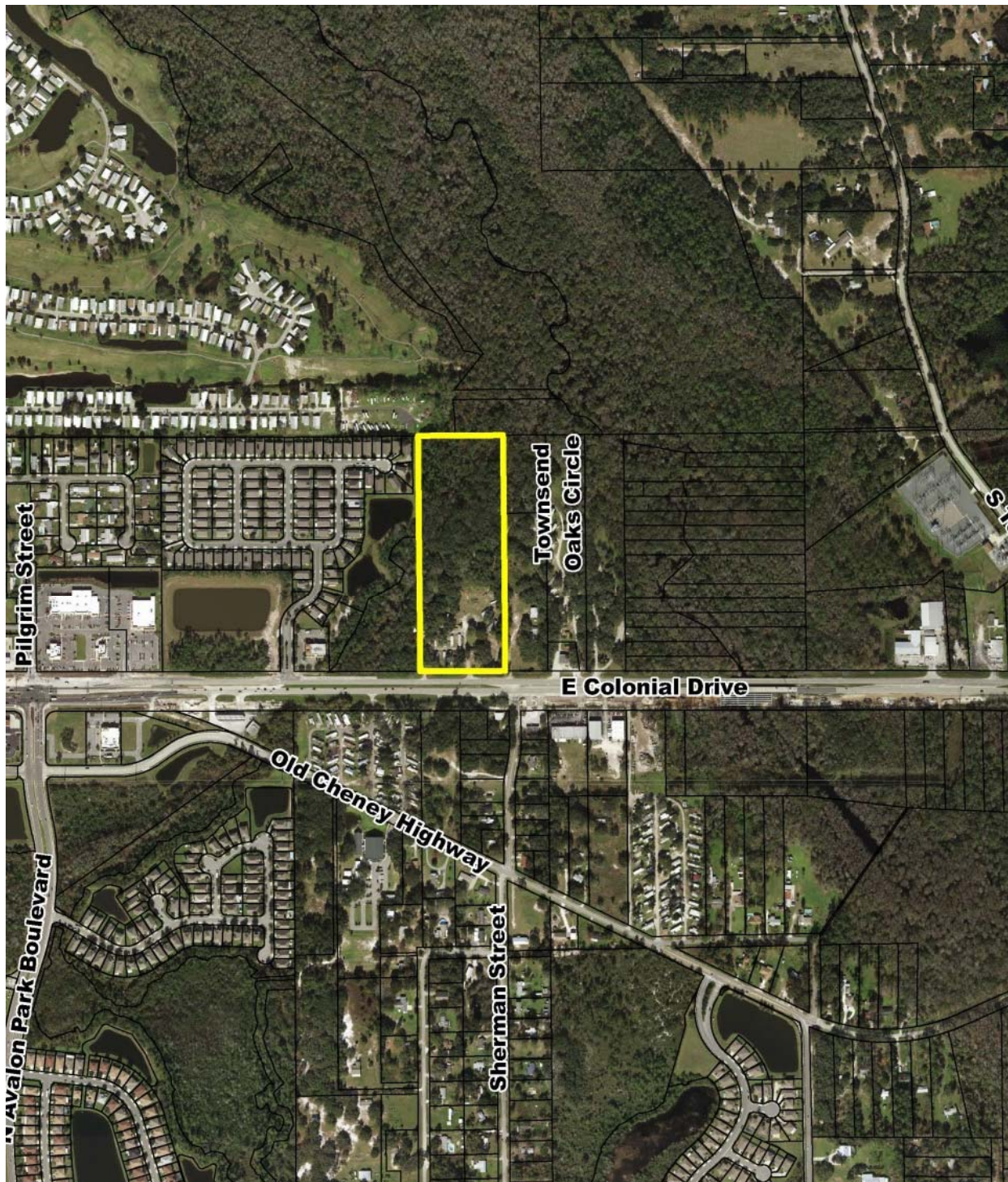
**Parcel ID Number:** 19-22-32-7976-00-020

**Tract Size:** 12.10 gross acres

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	<p><b>Future Land Use Map Amendment:</b> Rural (R) to Planned Development-Commercial / Conservation (PD-C/CONS) and Urban Service Area (USA) expansion</p> <p><b>Concurrent Rezoning:</b> LUP-17-06-196; to rezone from R-T (Mobile Home Park District) to PD (Planned Development District)</p> <p><b>Proposed Development Program:</b> Up to 60,000 SF of C-1 uses.</p> <p><b>Public Facilities and Services:</b> Please see Public Facilities Analysis Appendix for specific analysis on each public facility.</p> <p><b>Environmental:</b> This site is located within the geographical limits of the Econlockhatchee River Protection ordinance area. Basin-wide regulations apply. An Orange County Conservation Area Determination (CAD) must be completed before subdivision or development plan submittal. Until wetland permitting is complete (actual acreages to be determined in that process) the net developable acreage is only an approximation.</p> <p><b>Transportation:</b> The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor. The proposed use of 60,000 square feet of commercial will generate a net increase of 261 pm peak hour trips</p>	
✓	Community Meeting held November 29, 2016 with four (4) members of the public in attendance. See public notification map for notice area.	Positive		
✓	Staff Report	Recommend Transmittal		
✓	LPA Transmittal December 15, 2016	Recommend Transmittal (6-0)		
✓	BCC Transmittal January 24, 2017	Transmit (7-0)		
✓	Agency Comments	March 2017		
✓	LPA Adoption October 19, 2017	Recommend Adoption (9-0)		
✓	PZC Rezoning October 19, 2017	Recommend Approval (9-0)		
	BCC Adoption BCC Rezoning Hearing	November 14, 2017		

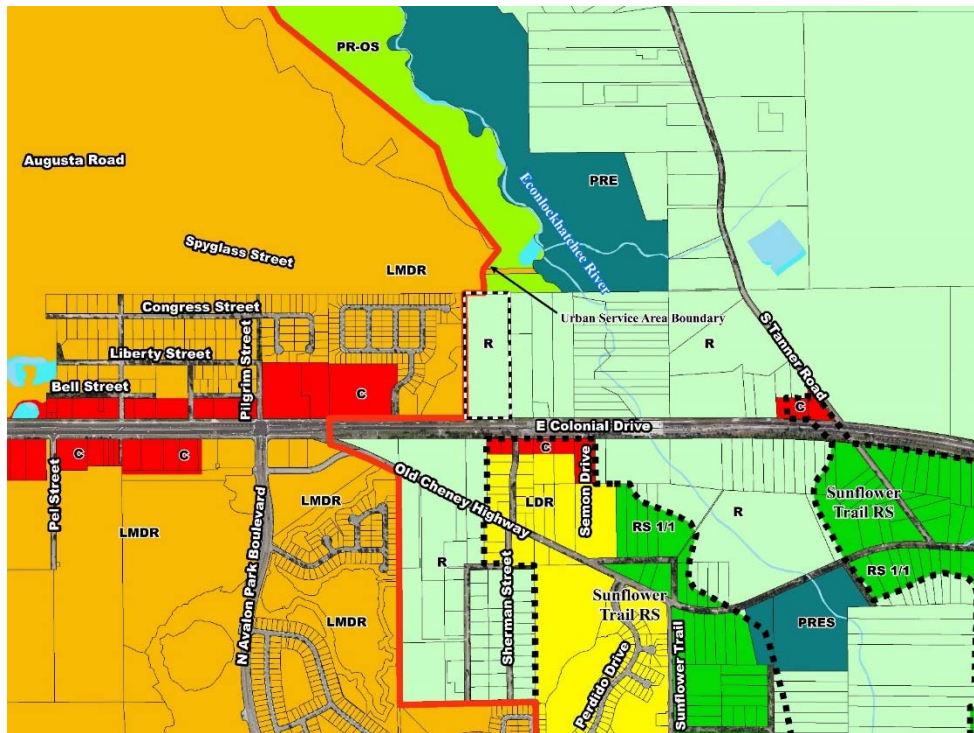


**AERIAL**





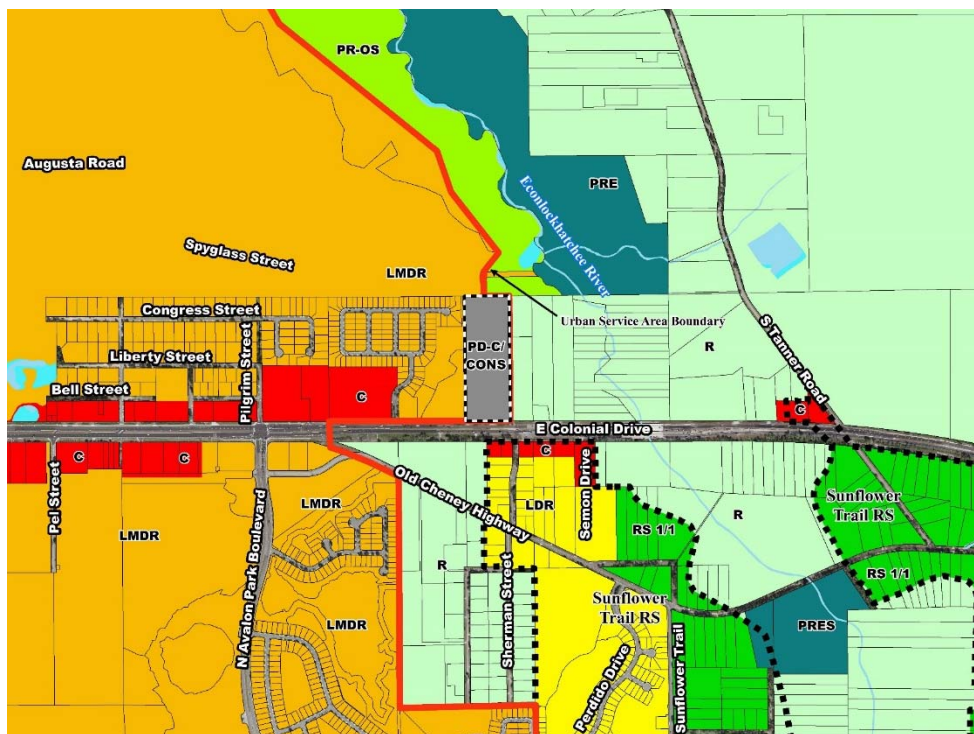
## FUTURE LAND USE – CURRENT



Current Future Land  
 Use Designation:

Rural (R)

## FUTURE LAND USE – PROPOSED

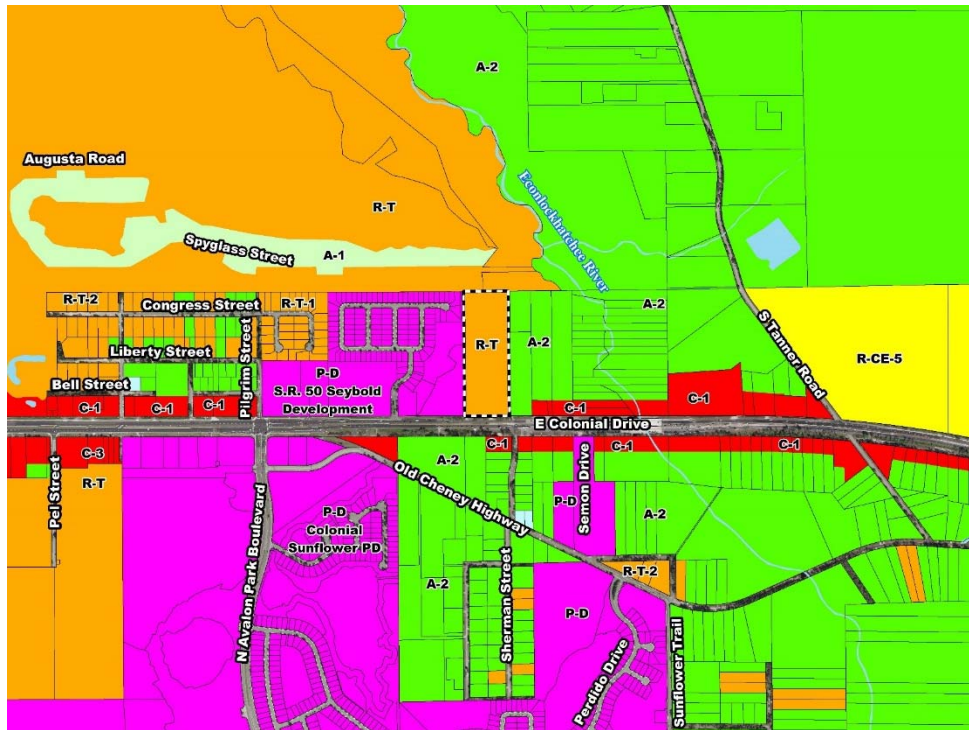


Proposed Future Land  
 Use Designation:

Planned Development-  
 Commercial/Conservation  
 (PD-C/CONS)



## ZONING – CURRENT



### Current Zoning

**District:** R-T (Mobile Home Park District)

### Existing Uses

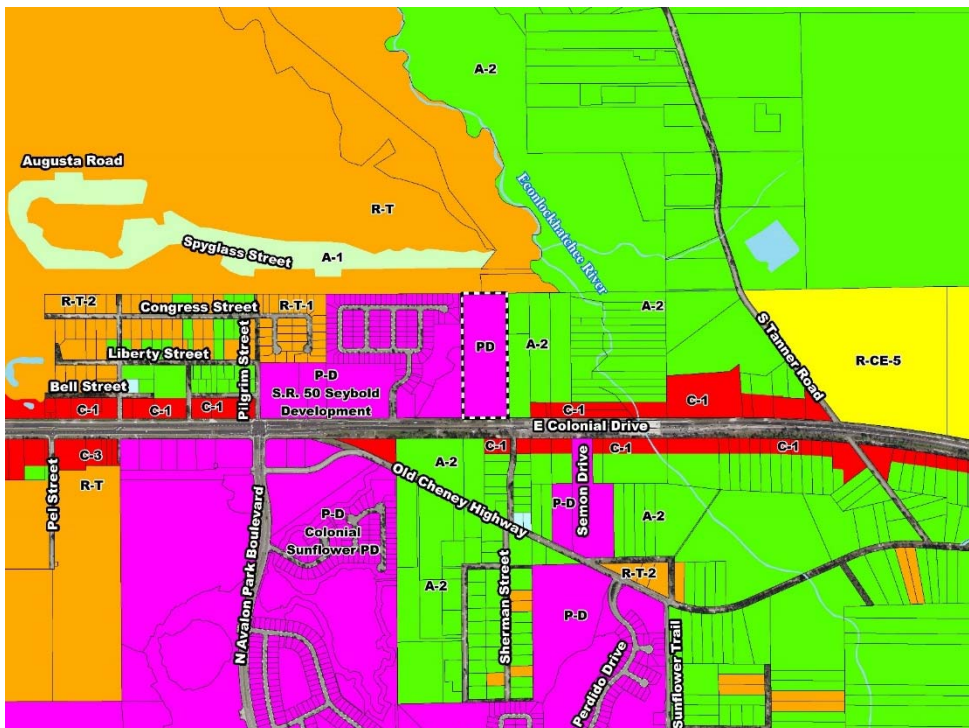
N: Senior Mobile Home Park

S: Mobil Home Park / Commercial

E: Single family residential

W: Single family residential

## ZONING – Proposed



### Proposed Zoning

**District:** PD (Planned Development District)



## Staff Recommendations

1. **FUTURE LAND USE MAP AMENDMENT:** Make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objective OBJ FLU1.3, Policies FLU1.4.4, FLU1.4.2, FLU1.3.1, FLU1.3.2, FLU8.2.1, FLU8.2.10, FLU8.2.11, and Neighborhood Element Objective OBJN1.1), determine that the amendment is in compliance, and ADOPT Amendment 2017-1-A-5-1, Rural (R) to Planned Development-Commercial/Conservation (PD-C/CONS).
2. **REZONING (Development Review Committee – September 20 2017):** Make a finding of **consistency** with the Comprehensive Plan and APPROVE the 151Col Planned Development/Land Use Plan (PD/LUP), dated “Received September 25, 2017,” subject to the following conditions:
  1. Development shall conform to the 151Col Planned Development/Land Use Plan (PD/LUP), dated “Received September 25, 2017” 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 \*,” 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 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.
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. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
  7. 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.
  8. 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.

9. 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 & Wildlife Conservation Commission (FWC).
10. 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.
11. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
12. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
13. Outside sales, storage, and display shall be prohibited.
14. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
15. 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.

## **Analysis**

### **1. Background Development Program**

The applicant, Thomas Sullivan, has requested to change the Future Land Use Map (FLUM) designation of the subject property from Rural (R) to Planned Development-Commercial / Conservation (PD-C/CONS) and to expand the Urban Service Area (USA) by 12.1 acres. The proposed development program is up to 60,000 square feet of C-1 (Retail Commercial District) uses. The property owner has indicated their intent to develop small commercial outparcels along East Colonial and designate the remainder of the property as conservation lands.

This amendment was originally part of the 2017-1 Regular Amendment cycle. At the January 24, 2017 Board of County Commissioners (BCC) hearing it received a vote to transmit the amendment to the State Department of Economic Opportunity for review. Prior to the LPA adoption hearing on April 20 2017, the applicant requested a continuance to the 2017-2 Regular Amendment cycle allowing the Future Land Use and rezoning requests to proceed concurrent. The applicant has since applied to



rezone the site from R-T (Mobile Home Park District) to PD (Planned Development District) to create the 15169 E. Colonial PD (LUP-17-06-196).

Located north of East Colonial Drive, west of Townsend Oaks Circle, and east of Sandy Creek Lane, the subject property consists of one parcel totaling 12.1 acres, of which approximately 4 acres are wetland. The Orlando East Mobile Home Park, which is comprised of 15 mobile home units, currently occupies the site. To the northwest of the subject property is the Econlockhatchee River and the Fairway Village Mobile Home Park is located to the northeast. Another mobile home park, the Shady Oaks Mobile Home Park, borders the site to the east and to the west is the Sandy Creek single-family subdivision. The properties across East Colonial Drive to the south include a mix of small-scale commercial uses and the Big Oaks Mobile Home Park.

A community meeting for the Future Land Use Amendment took place on Tuesday, November 29, 2016 at which four (4) residents attended. Two of the attendees were adjacent property owners, both of whom expressed support for the proposed amendment. The only questions raised focused on the availability of water and wastewater infrastructure and the potential layout of the future S.R. 408 expansion. A second community meeting for the concurrent Planned Development rezoning took place on Tuesday, August 8, 2017. Thirteen (13) residents attended the meeting and expressed concerns about potential development impacting the community to the west of the subject property and the Econlockhatchee River. The applicant responded to these concerns by stating that the Land Use Plan will delineate the northernmost portion of the subject property as conservation/wetland and that development would only occur on the southern portion along E. Colonial Drive.

## **Project Analysis**

### ***Consistency***

The requested FLUM amendment appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

As previously stated, the applicant and property owner have indicated that their intent is to develop small commercial outparcels along East Colonial Drive and preserve the northern portion of the property as conservation land. The subject parcel is located in an area characterized by a trend of small scale retail commercial uses along East Colonial Drive and residential uses set back from East Colonial behind the commercial properties. The requested FLUM change is consistent with **Future Land Use Element Policy FLU1.4.4**, which states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided. It is staff's position that approval of the proposed Future Land Use amendment would be consistent with the land use and development trend, as there are several small commercially zoned properties along East Colonial Drive in the surrounding area. The location of the subject site is appropriate for small-scale neighborhood-serving commercial development, and the existing character of the area will be maintained by the proposed changes.



In addition, **Neighborhood Element Objective OBJN1.1** and **Future Land Use Element Policy FLU1.4.2**, maintain that Orange County shall ensure FLUM changes are compatible with, do not adversely impact, and serve existing or proposed neighborhoods. Although the subject site abuts lots that have residential FLUM and Zoning designations, it is staff's position that the location of the subject property along East Colonial Drive will not create any disruption to the existing neighborhoods in the area. Further, Staff finds that approval of the commercial element of the request will allow for commercial uses that would provide a useful non-residential element to the area, and would thus be compatible with and serve existing neighborhoods.

#### **Urban Service Area Expansion**

The Urban Service Area (USA) expansion request for Parcel 19-22-32-7976-00-020 appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

**Future Land Use Element Objective OBJ FLU1.3** and its associated policies outline the process by which proposed expansions of the USA shall be evaluated. **Future Land Use Element Policy FLU1.3.1** calls for a comprehensive review to ensure that proposed amendments would allow for the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent land development. **Future Land Use Element Policy FLU1.3.2** provides additional procedural steps and criteria required for consideration of proposed USA expansions.

It is staff's position that the proposed Urban Service Area Expansion does not encourage the proliferation of urban sprawl. Consistent with **FLU1.3.1** and **FLU1.3.2** the subject property abuts and at least 25% of the property is contiguous to the existing USA boundary, and does not protrude in a ribbon like manner into the Rural Service Area (RSA). As previously discussed, the development trend for the immediate area within the current USA boundary is characterized by urban style development. As such, adoption of this proposed amendment would allow for an expansion of the existing development trend without leaving large swaths of undeveloped land in the area or create an enclave of rural area. Further, this amendment would allow for the redevelopment of the subject property which will add to the functional mix of uses in the immediate area.

Additionally, the sprawl indicators outlined in **FLU1.3.1(A)** include whether efficient use, availability, and cost of providing infrastructure and services. Staff has determined that the location and proposed intensity of development coincide with the availability of infrastructure and services and do not constitute an inefficient extension. The Orange County Utilities Division has indicated that water and wastewater mains are located in the vicinity of the site, which will allow for the efficient provision of water and wastewater infrastructure.

Staff has also concluded that the proposed amendment is consistent with the requirements in **FLU1.3.1** and **FLU1.3.2** that call for proposed development to protect and conserve natural lands and resources. The proposed development program for the FLUM amendment includes Conservation (CONS) which will be implemented on the northern portion of the property which is located near the Econlockhatchee River. Therefore, the proposed amendment sufficiently acts to conserve and protect natural resources, including wetlands, native vegetation, environmentally sensitive areas, and other significant natural systems.



Finally, **Future Land Use Element Policy FLU1.3.1(C)** requires the County to consider additional factors when evaluating development proposals for inclusion within the Urban Service Area. Consistent with the components of this policy, staff has previously discussed how the proposed development program would contribute to the urban goals and strategies of the Comprehensive Plan.

**Future Land Use Element Policy FLU8.1.4** lists the development program 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 staff-initiated text amendment (Amendment 2017-1-B-FLUE-1). The maximum development program for Amendment 2017-1-A-5-1, if adopted, would be up to 60,000 square feet of C-1 Commercial uses.

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
<u>2017-2-A-5-1</u>	<u>PD- C/CONS</u>	<u>Up to 60,000 square feet of C-1 uses.</u>	<u>2017-</u>

#### ***Compatibility***

Per **Future Land Use Element Policy FLU8.2.1** the proposed Planned Development – Commercial/Conservation (PD-C/CONS) land use designation and Urban Service Area (USA) Expansion would allow land uses that are compatible with the existing development and trends in the area. To be clear, as established in **Future Land Use Element Policy FLU8.2.11**, compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors, including physical integration of a project and its function in the broader community, as well its contribution toward Comprehensive Plan goals and objectives contribute to the compatibility of a project with its surrounding uses. It is staff’s belief that the development of small scale commercial uses along East Colonial will blend into the surrounding area and further the goals and objectives of the Comprehensive Plan by promoting the integration of and diverse mix of land uses, as well as serving the needs of existing and future residents.

To ensure the anticipated commercial development on the subject property site does not disrupt the existing residential neighborhoods, new development will be subject to the design standards outlined within **Future Land Use Element Policy FLU8.2.10**, which requires proposed commercial and office uses within residential areas to be subject to performance standards. Such standards shall include, but not be limited to, building height restrictions, compatible architectural design, floor area ratio (FAR) limitations, lighting and location requirements, landscaping and buffering requirements, and parking design. These site design and development standards designed to protect neighboring residents and businesses are established through PD Rezoning and development plan review processes.



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***Division Comments: Environmental, Public Facilities and Services***

**Environmental:** An Orange County Conservation Area Determination (CAD) must be completed before subdivision or development plan submittal, as directed in Orange County Code Chapter 34 Subdivision Regulations Article IV Specifications for Plans and Plats, Section 34-131(d)(2). Until wetland permitting is complete (actual acreages to be determined in that process), the net developable acreage is only an approximation. The developable acreage is the gross acreage less the wetlands and surface waters. The buildable area is the gross acreage less the wetlands and protective buffer areas if required to prevent secondary wetland impacts and surface waters.

This site is located within the geographical limits of the Econlockhatchee River Protection ordinance area. Basin-wide regulations apply. Reference the Econlockhatchee River Protection ordinance in Chapter 15 Article XI. All plans submitted must acknowledge this with a note on the plan and must comply with all protection ordinance codes.

Project plans should indicate the Econlockhatchee River corridor protection zone located on this development site at the 1,100 foot distance landward from the stream's edge (i.e. waterward extent of the forested wetlands) of the Econ main channel (per OCC 15-443), and at least 550 feet landward as measured from the stream's edge of the major tributaries, and 50 feet of uplands landward of the landward edge of the wetlands abutting the main river channel and the named tributaries.

Discharged stormwater runoff shall not degrade receiving surface water bodies below the minimum conditions established by state water quality standards. All development is required to pretreat runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Any development on this site will have to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) for off-site sediment and erosion control including a Stormwater Pollution Prevention Plan (SWPPP). Construction will require Best Management Practices (BMPs) for erosion control.

The developer must create provisions for wildlife connectivity across or under roadways that traverse wetland systems and associated buffers. Road and pedestrian crossings of the wetland and environmentally sensitive corridors shall be minimized over wetlands and floodplains and be designed to allow for unimpeded passage of wildlife. 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 & Wildlife Conservation Commission (FWC).

**Transportation:** The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor. It is located adjacent to East Colonial Drive, a 6 lane principal arterial from Alafaya Trail to Avalon Park Blvd. and 4 lanes from Avalon Park Blvd. to SR 520. The approved future land use of the subject property, the allowable development of 1 single-family dwelling unit will generate 2 pm peak hour trips. The proposed 60,000 square feet of commercial development use will generate 263 new pm peak hour trips resulting in a net increase of 261 new pm peak hour trips.



Based on the County's Concurrency Management System database dated 10-02-17, there are multiple failing roadway segments within the project impact area. Chuluota Road from East Colonial Drive to Lake Pickett Road, East Colonial Drive from Avalon Park Blvd. to Chuluota Road to Lake Pickett Drive, Lake Percival Road from Colonial Drive to Percival Road and Woodbury Road from Waterford Lakes Parkway to Colonial Drive are currently operating at level of service F and there is no capacity available. These deficiencies are projected to continue in the short term or by year 2020 as well as the long term or year 2030. The proposed development will impact these failing roadway segments, specifically those along East Colonial Drive where the project is directly adjacent. As a result, the applicant will be required to mitigate these deficiencies prior to obtaining an approved Capacity Encumbrance Letter and building permit.

Final permitting of any development on this site will be subject to review and approval under the capacity constraints of the county's Transportation Concurrency Management System and the applicant will be required to mitigate any deficiencies identified as well as and coordinate a proportionate share agreement with the County's Road Agreement Committee prior to obtaining an approved capacity encumbrance letter and building permit.

**Utilities:** As of today OCU has sufficient plant capacity to serve the subject amendment. This capacity is available to projects within OCU's service area and will be reserved upon payment of capital charges in accordance with county resolutions and ordinances. The subject site associated with this amendment is outside the Urban Service Area, but abuts the Urban Service Area boundaries, and water and wastewater mains are located in the vicinity of the site. If the Urban Service Area boundary is expanded to encompass this site, or if the extension of water and wastewater mains outside the Urban Service Area to serve this site is already compatible with Policies PW1.4.2, PW1.5.2, and the equivalent wastewater policies, water and wastewater demands and connection points to existing OCU transmission systems will be addressed as the project proceeds through the DRC and construction permitting process.

## 2. Policy References

**FLU1.1.1** Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

**OBJ FLU1.2 URBAN SERVICE AREA (USA) CONCEPT; USA SIZE AND MONITORING.** Orange County shall use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. The Urban Service Area shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development.

**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 (Scenario 5), 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.

**FLU1.3.1** All amendments to the Urban Service Area shall include a comprehensive review to ensure the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent development.

**FLU1.3.1(A)** Per Section 163.3177(6)(a)(9)(a), Florida Statutes, amendments to the Comprehensive Plan, including Urban Service Area expansion requests, shall discourage urban sprawl. The primary indicators used to evaluate whether a plan or plan amendment encourages the proliferation of urban sprawl are listed below.

1. Promotes, allows, or designates substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need;
2. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development;
3. Promotes, allows, or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments;
4. Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems;
5. Fails to adequately protect adjacent agricultural areas and activities, including active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils;
6. Fails to maximize use of existing public facilities and services;
7. Fails to maximize use of future public facilities and services;
8. Allows for land use patterns or timing that disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government;
9. Fails to provide a clear separation between rural and urban uses;
10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities;
11. Fails to encourage a functional mix of uses;
12. Results in poor accessibility among linked or related land uses;
13. Results in the loss of significant amounts of functional open space.



**FLU1.2.1** The Urban Service Area boundary, and its acreage allocation, shall be based on the supply of usable land needed to accommodate the County's population and employment forecasts by Year 2030 with respect to the County's desired development pattern, the County's ability to provide urban services and facilities, and the County's urban strategies to achieve its desired development pattern.

**FLU1.3.1(C)** In addition to the sprawl criteria outlined in FLU1.3.1A and FLU1.3.1B, the County shall consider the following factors when evaluating development proposals for inclusion within the Urban Service Area:

1. The extent to which the proposed development contributes to the urban strategies and urban form identified in the CP;
2. Whether the proposal will consist of a Traditional Neighborhood Development (TND), sector plan, or mixed use planned development that uses traditional neighborhood development, including minimum residential densities, school-centered design, diversity of housing types, and price ranges that reduce vehicle dependency, protect natural environmental features, and create a sense of community and place through urban design principles and the arrangement of land uses;
3. The supply of vacant land within the Urban Service Area, the rate of building permit approvals as compared to the absorption of committed and pending land use inventory supply, and the timing and need for development with respect to the current building inventory and supply approved to date;
4. Whether the project demonstrates the ability to meet Orange County's adopted Level of Service (LOS) standards as required by the Concurrency Management provisions of Article XII, Sec. 30-500 of the Orange County Code. Adequate public facilities and services to support the development shall include, but not be limited to, roads, water and sewer facilities, solid waste, recreational lands, stormwater, and schools;
5. Whether the proposal can be deemed to have a prevailing public benefit such as:
  - a. establishment of a new major employer or relocation or expansion of an existing major employer, where such establishment, relocation or expansion is endorsed and/or sponsored by the State of Florida, or
  - b. Consistent with Activity Center provisions as identified in the Future Land Use, Urban Design, or Economic elements;
6. The extent to which the proposal furthers workforce housing and the transit readiness of the County;
7. Compatibility with the targeted urban densities/intensities provided for in FLU1.1.4 and provision of the following:
  - a. a sustainable development program allowing for a balanced mix of residential/non-residential uses;



- b. appropriate timing of development complementing and coinciding with surrounding developments allowing for adequate provision of infrastructure and services;
  - c. jobs to housing balance; and,
  - d. adequate assessment of the environmental impacts of the project as well as how the site integrates with the surrounding built environment at the time of the application.
- FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- FLU1.4.2** Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- FLU1.4.4** The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.
- FLU8.2.1** Land use changes shall be required to be compatible with the 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.
- FLU8.2.10** To ensure land use compatibility with nearby residential zoned areas and protection of the residential character of those areas, office and commercial uses within residential neighborhoods shall be subject to strict performance standards, including but not limited to the following:
- A. Building height restrictions;
  - B. Requirements for architectural design compatible with the residential units nearby;
  - C. Floor area ratio (FAR) limitations;
  - D. Lighting type and location requirements;
  - E. Tree protection and landscaping requirements including those for infill development; and
  - F. Parking design.
- FLU8.2.11** 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.
- OBJN.1.1** Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods.



### 3. Rezoning – Land Use Plan Analysis

<b>APPLICANT</b>	Thomas Sullivan, Gray Robinson, P.A.
<b>OWNER</b>	151Col, Inc.
<b>PROJECT NAME</b>	151Col Planned Development (PD)
<b>REQUEST</b>	<b>R-T</b> (Mobile Home Park District) <b>to PD</b> (Planned Development District)  <i>A request to rezone 12.13 gross acres from R-T to PD, in order to construct up to 60,000 square feet of C-1 (Retail Commercial District) uses.</i>
<b>LOCATION</b>	15169 East Colonial Drive, or generally north of East Colonial Drive (S.R. 50) and west of Tanner Road.
<b>PARCEL ID NUMBERS</b>	19-22-32-7976-00-020
<b>TRACT SIZE</b>	12.13 gross acres
<b>PROPOSED USE</b>	Retail Commercial

#### SITE DATA

<b>Existing Use</b>	Mobile Home Park
<b>Adjacent Zoning</b>	N: R-T (Mobile Home Park District) (1969) E: A-2 (Farmland Rural District) (1957) W: PD (S.R. 50 Seybold Planned Development) (1999) S: C-1 (Retail Commercial District) (1957)
<b>Adjacent Land Uses</b>	N: Undeveloped Land E: Mobile Home Park W: Single-Family Residential S: Retail Commercial / Undeveloped Land



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**APPLICABLE PD DEVELOPMENT STANDARDS**

*PD Perimeter Setback* 25 feet

Maximum Building Height: 50 feet

**Minimum Building Setbacks**

Front Setback: 40 feet

Rear Setback: 25 feet

Side Setback: 25 feet

**SPECIAL INFORMATION**

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area**

The subject property is not located within a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District

**Water / Wastewater / Reclaim**

Water: Orange County Utilities

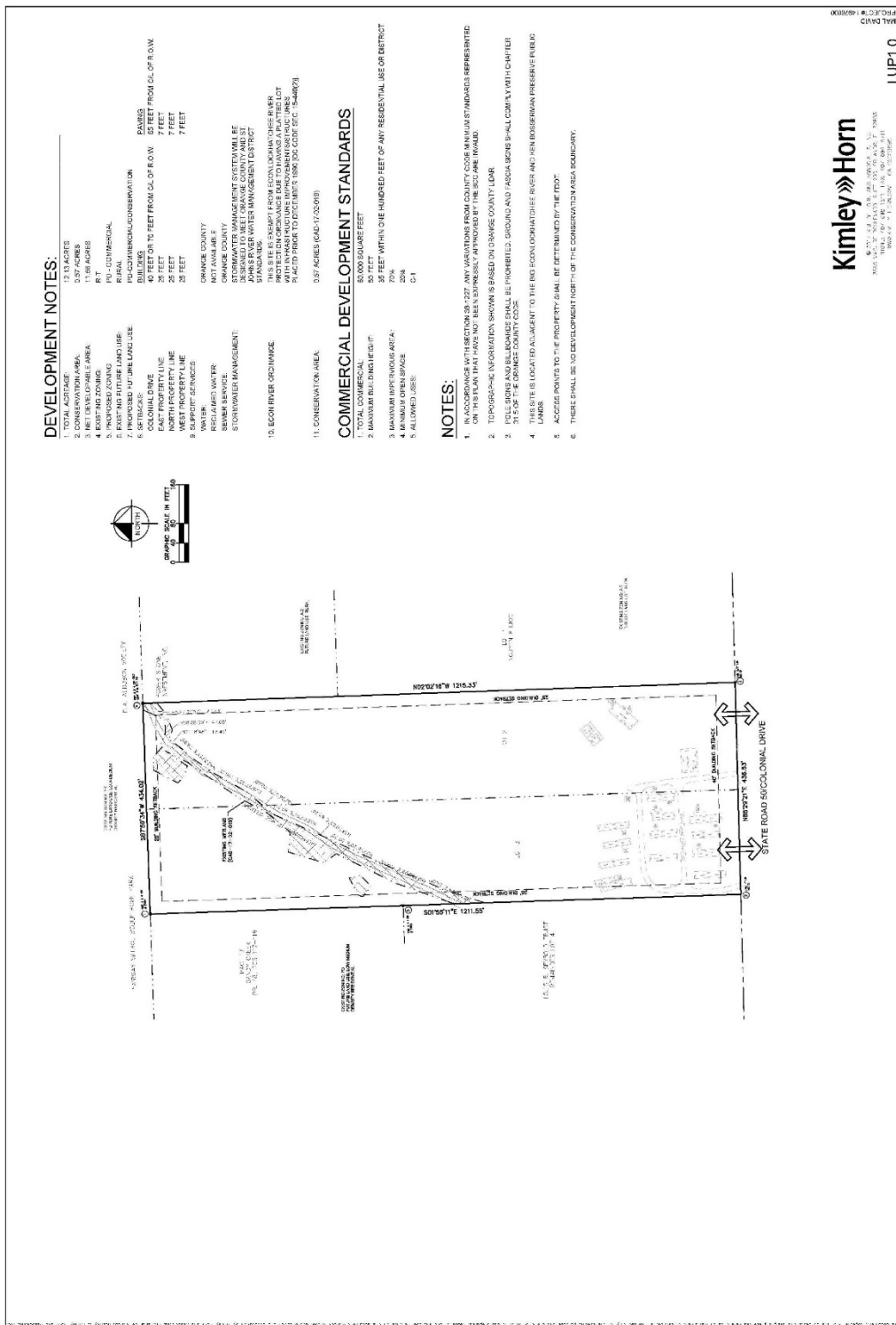
Wastewater: Orange County Utilities

Reclaim: Not Available

**Specific Project Expenditure Report and Relationship Disclosure Forms**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.







Site Visit Photos

Subject Site



North

South



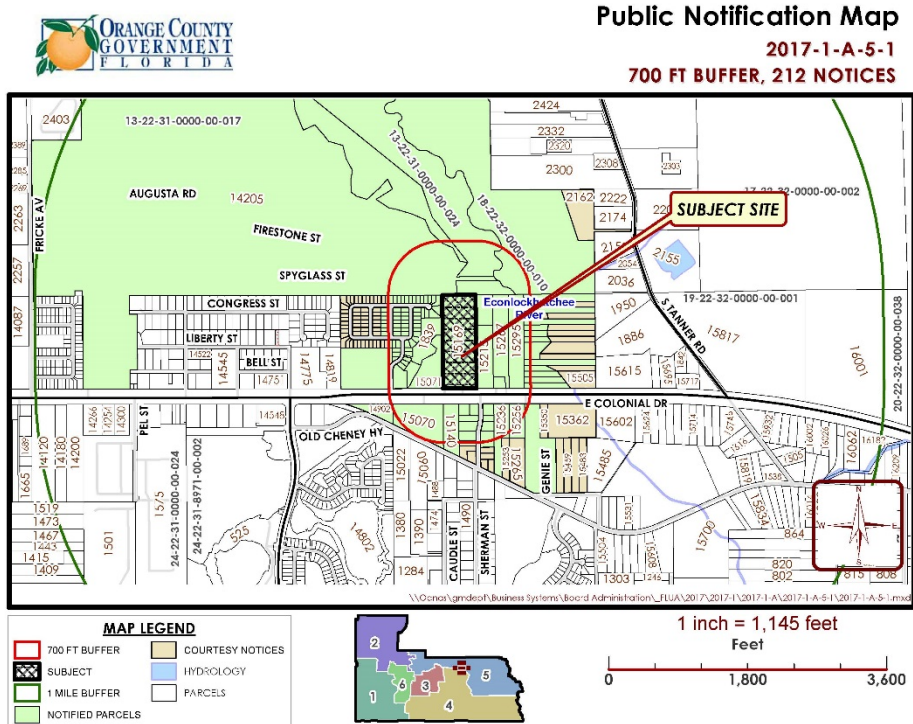
East

West





**PUBLIC NOTIFICATION MAP**



**Notification Area**

700 Foot Buffer

212 Notices Sent