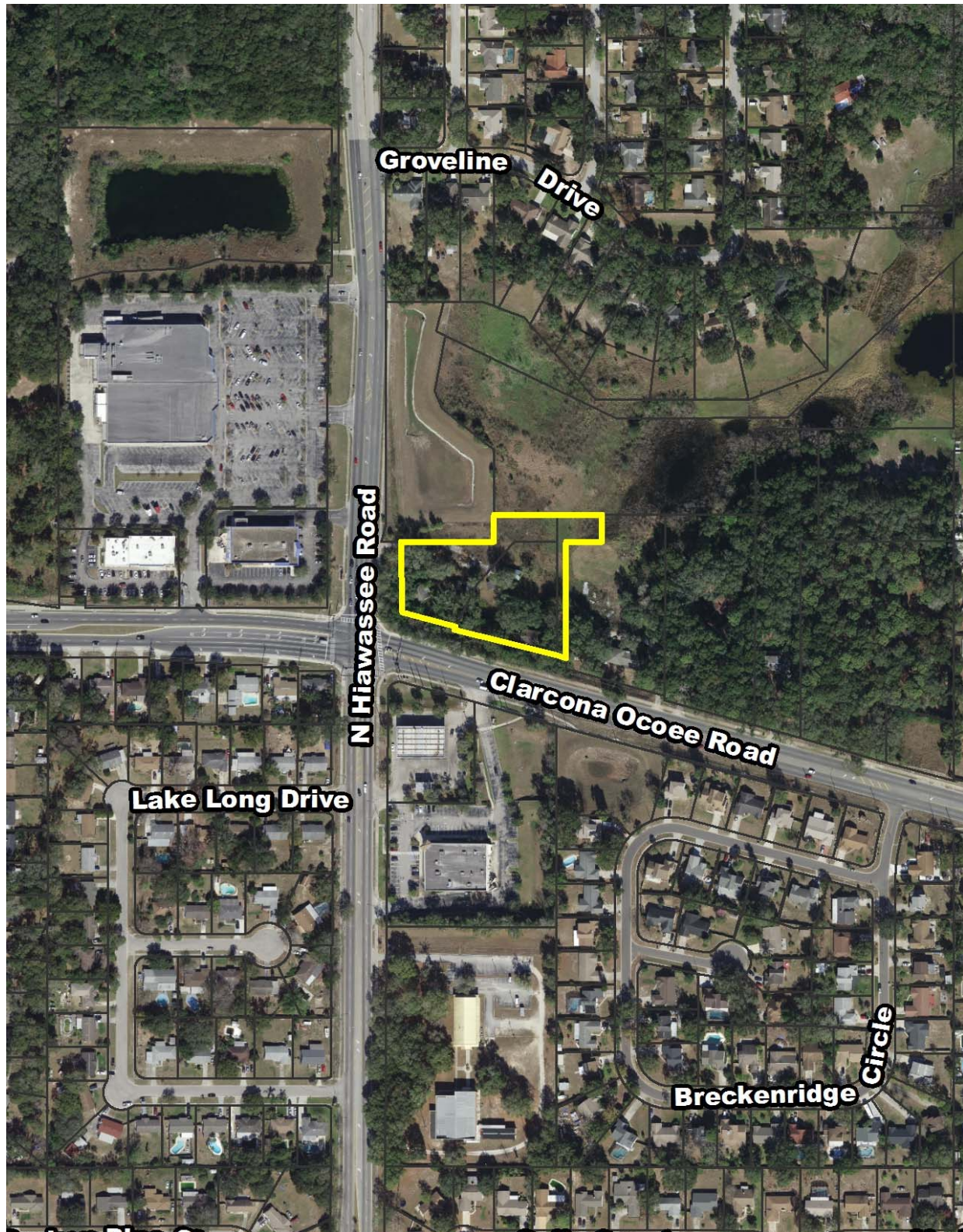


The following meetings and hearings have been held for this proposal:			Project Information
Report/Public Hearing	Outcome		<b>Future Land Use Amendment Request:</b> Low Density Residential (LDR) to Commercial (C)
✓ Community Meeting held September 12, 2017, with 6 members of the public in attendance. See public notification map for notice area	Negative/Neutral		<b>Concurrent Rezoning:</b> A-1 (Citrus Rural District) to C-1 (Retail Commercial District)
✓ Staff Report	Recommend Adoption of the Future Land Use Map Amendment and Approval of the Rezoning Request, subject to 3 restrictions		<b>Proposed Development Program:</b> No proposed development program at this time. Development of the site would be limited to a 3.0 Floor Area Ratio (FAR), which would allow for up to 270,507 sq. ft. of commercial development
✓ LPA Adoption PZC Rezoning Hearing October 19, 2017	Recommend Adoption of the Future Land Use Map Amendment and Approval of the Rezoning Request, subject to 3 restrictions (7-0)		<b>Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. <b>Environmental:</b> Site is located within the Wekiva Study Area and may be subject to Wekiva Study Area requirements.
BCC Adoption BCC Rezoning Hearing	November 14, 2017		<b>Transportation:</b> Proposed commercial will generate 820 net pm peak hour trips

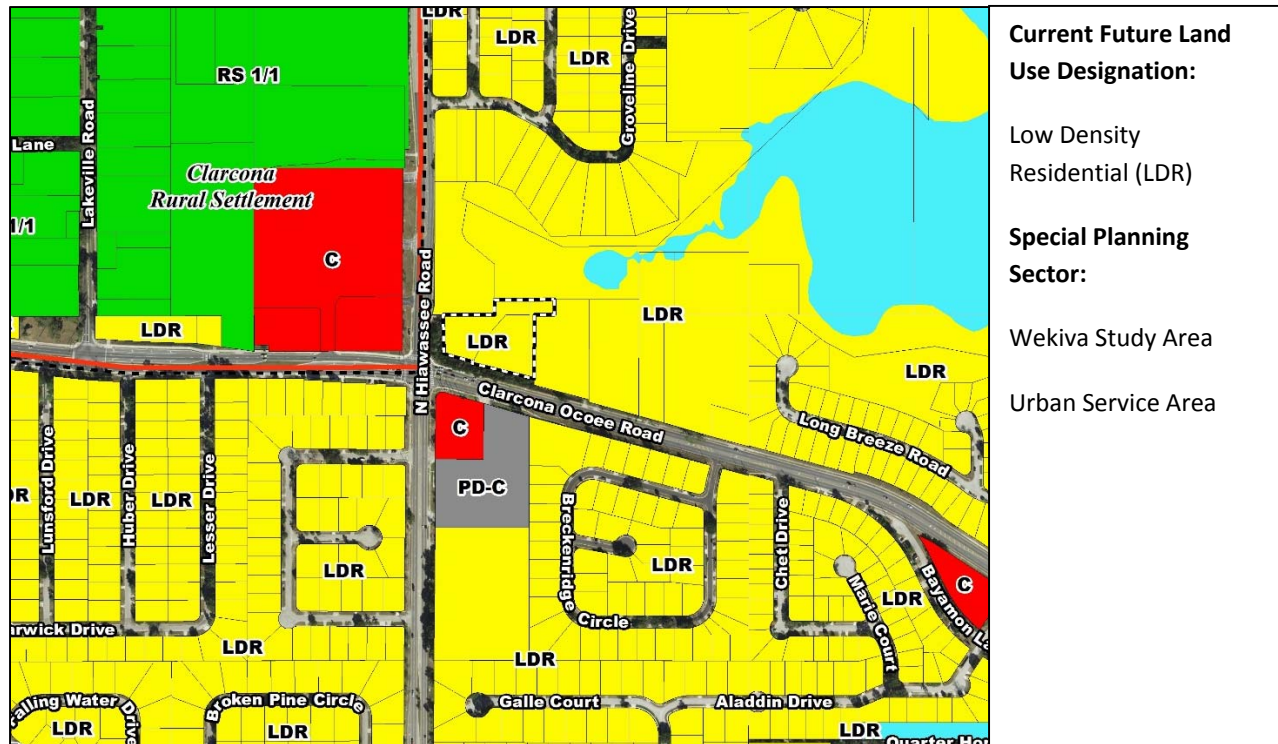


**SITE AERIAL**

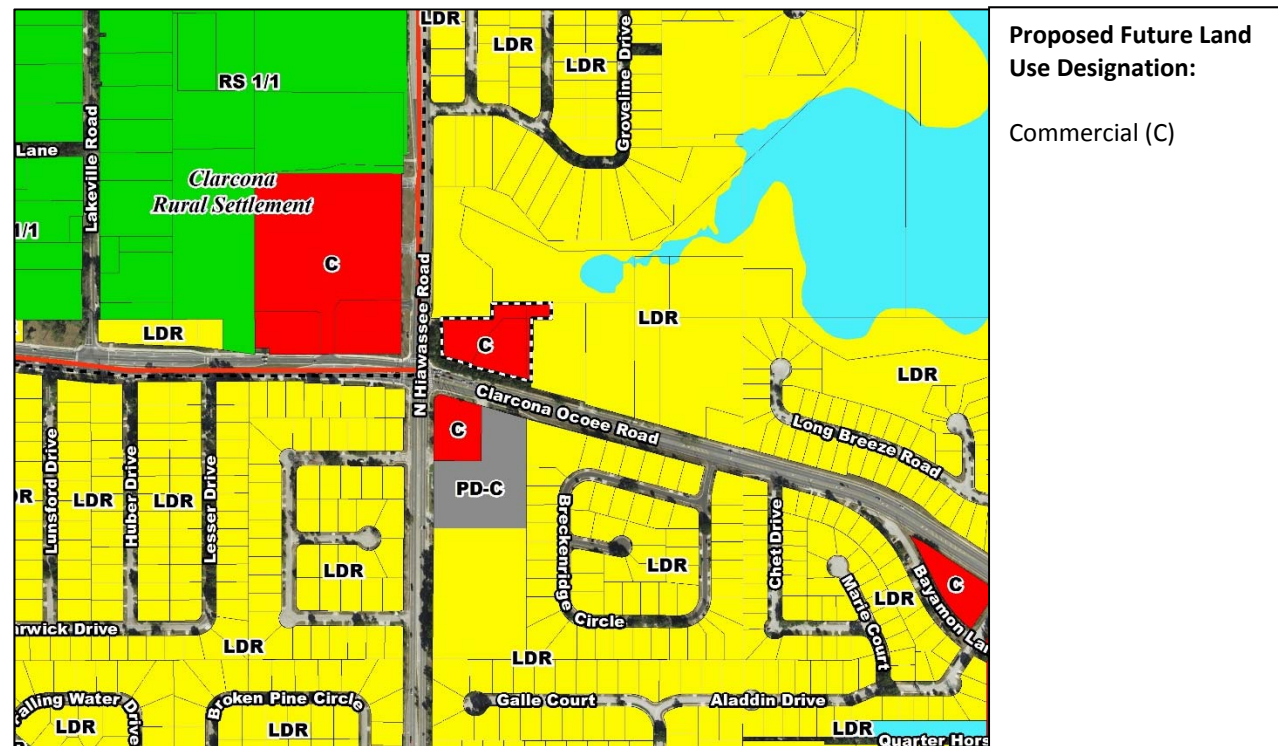




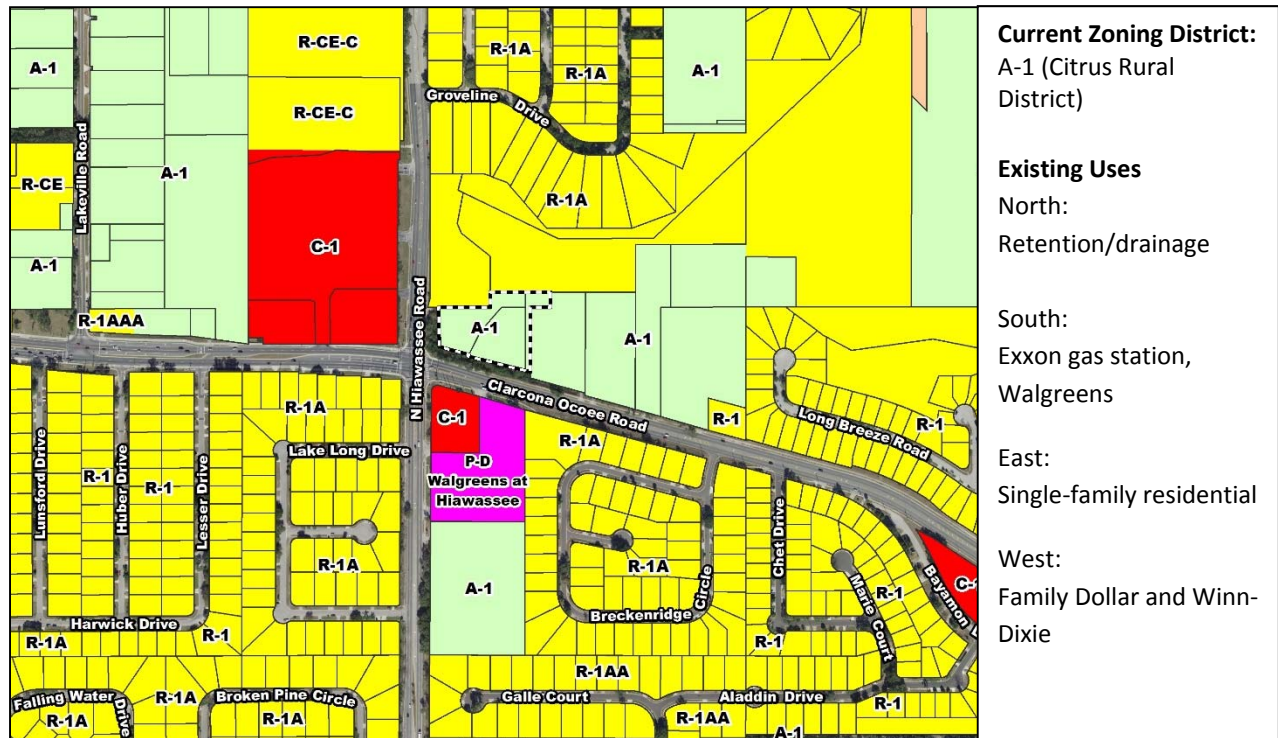
## FUTURE LAND USE - CURRENT



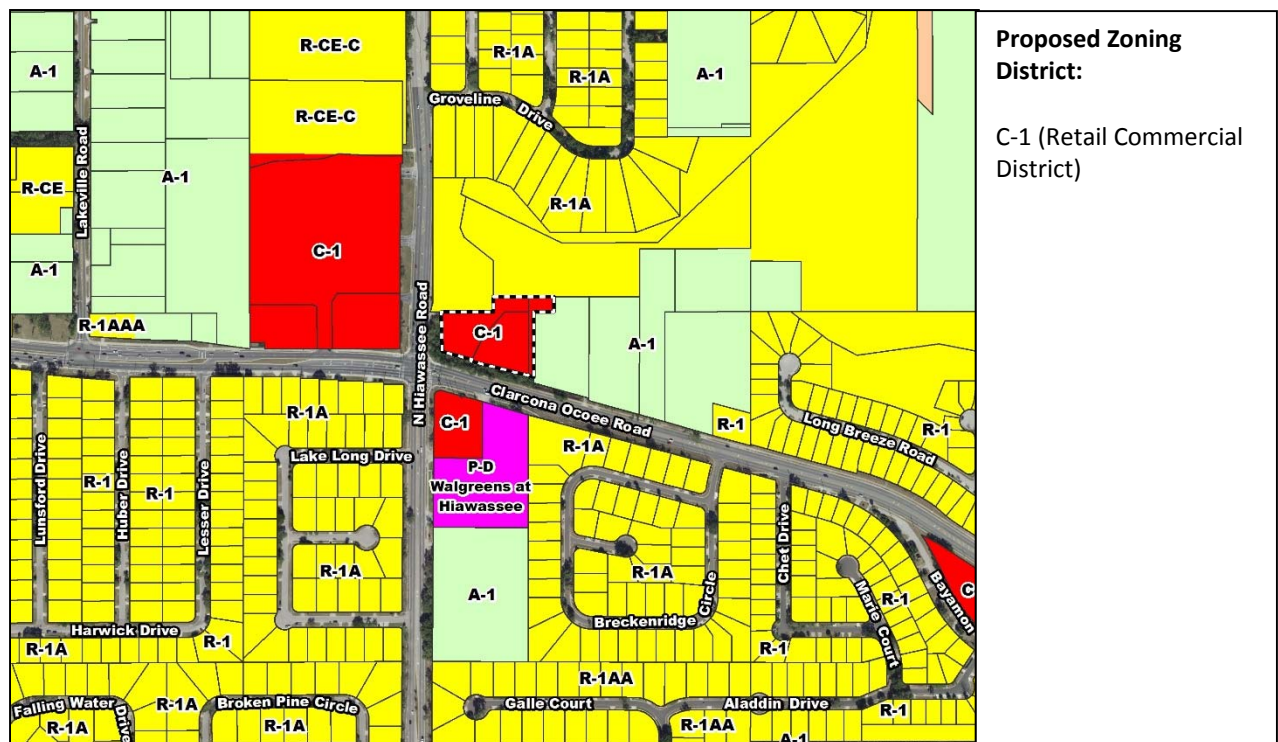
## FUTURE LAND USE - PROPOSED



## ZONING – CURRENT



## ZONING – PROPOSED





## Staff Recommendations

If the requested Future Land Use Map Amendment is approved, the Board would then need to take action on the requested rezoning. These items need to be addressed as two separate motions by the Board. Below are the staff recommendations for each of these items.

1. **FUTURE LAND USE MAP AMENDMENT:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Policies FLU1.1.5, FLU1.4.3, FLU1.4.4, FLU2.2.1, FLU8.2.10, and **Open Space Element Policy OS1.3.6**), determine that the amendment is in compliance, and **ADOPT** Amendment 2017-2-S-2-6, Low Density Residential (LDR) to Commercial (C).
2. **REZONING REQUEST:** Make a finding of **consistency** with the Comprehensive Plan and **APPROVE** of the C-1 (Retail Commercial District) zoning, subject to the following restrictions:  
**Restrictions:**
  1. New billboard and pole signs shall be prohibited;
  2. A Type "C" buffer shall be used to separate neighborhood commercial (C-1) uses from all residential areas, unless a variance to this restriction and buffer is approved by the Board of Zoning Adjustment (BZA). This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years; and
  3. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate C-1 uses.

## Analysis

### 1. Background Development Program

The applicant, Kevin Moyer, has requested to change the Future Land Use Map (FLUM) designation for the 2.07 gross-acre site from Low Density Residential (LDR) to Commercial (C). The requested C FLUM designation would allow for the consideration of neighborhood and community scale commercial and office development with a maximum Floor Area Ratio (FAR) of 3.0, allowing up to approximately 270,507 sq. ft. of development. In conjunction with the FLUM Amendment, an application for rezoning of the subject site has been submitted to change from A-1 (Citrus Rural District) to C-1 (Retail Commercial District).

The subject site is located on the northeast intersection of two four-lane minor arterial roadways, N. Hiawasse Road and Clarcona Ocoee Road, in an area characterized by suburban residential neighborhoods with retail commercial on two corners of the intersection. Directly north of the subject site is a county owned and maintained retention pond, with a single-family residential neighborhood just north of the pond. Abutting the site to the east is a single-family home on a 1.70-acre property. To the south, across Clarcona Ocoee Road, is an Exxon Mobile gas station and Walgreens. To the west, across N. Hiawasse Road, is a Family Dollar, Winn-Dixie, and a multi-tenant retail center. Within 200' of the site are two LYNX bus stops that service Route 44 – Clarcona/Zellwood, which provides a north-south connection along Hiawasse Road.

The intent of the requested FLUM Amendment and concurrent rezoning request is to make the property marketable for sale or lease to a commercial developer or tenant.

## 2. Project Analysis

### *Consistency*

The requested FLUM amendment and concurrent rezoning request appear to be consistent with the applicable Goals, Objectives, and Policies of the Orange County Comprehensive Plan.

The location of the subject site is appropriate for commercial development. According to **Policy FLU1.4.3**, the location of commercial development shall be concentrated at major intersections within the Urban Service Area (USA). The subject site is located on the corner of a signalized intersection, which makes the proposed future land use designation consistent with this policy. Additionally, **Policy FLU1.4.4** states the disruption of residential areas by poorly located and designed commercial uses shall be avoided. The County owned and maintained retention pond acts as a buffer between any prospective commercial activity on the subject site and the single-family residential neighborhood to the north, decreasing the potential for disruption to the established neighborhood.

As defined within the 2008 *Infill Master Plan*, “infill” is the development of vacant or underutilized land within the Orange County USA. The subject site is underutilized as abandoned single-family and as stated previously, is appropriate for commercial development. The proposed FLUM Amendment would allow for the efficient use of land and infrastructure, consistent with **Policy FLU1.1.5**, which encourages the promotion of compact urban form within the USA. The site is served by LYNX transit, which allows for the efficient use of existing infrastructure. Furthermore, introducing a new commercial project into the immediate area will be consistent with **Policy FLU2.2.1**, which encourages a mixture of land uses within the USA. The site can support a neighborhood retail project, which will serve the surrounding neighborhoods.

The subject site is within the Wekiva Study Area and subject to the open space requirements stated in **Policy OS1.3.6**. According to this policy, non-residential land uses in the USA shall provide a minimum of 25% permanently protected open space.

### *Compatibility*

**Policy FLU8.2.1** states that land use changes shall be required to be compatible with the existing development and development trend in the area. The existing development in the immediate area is a mixture of land uses, specifically single-family residential and commercial. To ensure potential commercial development on the site does not disrupt the existing residential neighborhoods, new development will be subject to the design standards outlined within **Policy FLU8.2.10**. These standards include building height restrictions, architectural design compatibility, floor area ratio (FAR) limitations, lighting type and location requirements, tree protection and landscaping requirements, and parking design.

In summation, a Commercial future land use designation and C-1 zoning district is appropriate for the subject site because it is located on a signalized intersection, proximate to transit, and has the potential to serve the surrounding neighborhoods.

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

**Environmental Protection Division.** Aerial photographs, soil and vegetation maps indicate that there are wetlands on site connected to Long Lake. Prior to issuance of any permits or development

approvals, the Environmental Protection Division (EPD) will require a completed Conservation Area Determination (CAD), consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

The Normal High Water Elevation (NHWE) of Long Lake was established at 66.9 feet NAVD 88 in the Lake Index of Orange County. Clearly label and indicate the NHWE line of the lake on all development plans and permit applications, in addition to any wetland, floodplain and setback lines.

The subject properties are located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations may apply. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva.

The properties are located within a zone of groundwater contamination by ethylene dibromide (EDB, a soil fumigant) delineated by the Florida Department of Environmental Protection (FDEP). Any new potable water wells require special permitting per Florida Administrative Code FAC 62-524.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection (FDEP) by the developer.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also, refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH. 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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Prior to demolition or construction activities associated with existing structures, provide Orange County Environmental Protection Division (EPD) with a Notice of Asbestos Renovation or Demolition form. For more information or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.

**Transportation Planning Division.** The applicant is requesting to change 2.07 acres from Low Density Residential use to Commercial and approval to develop up to 270,507 square feet of commercial development.

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 Clarcona Ocoee Road, a 4 lane collector road which is currently operating at level of service C from Apopka-Vineland Road to Pine hills Road.

Based on the approved future land use of the subject property, the allowable development of 8 single family dwelling units will generate 8 pm peak hour trips. The proposed 280,507 square feet of commercial use will generate 828 new pm peak hour trips resulting in a net increase of 820 pm peak hour trips.

Based on the concurrency management system database dated 09-05-17, there are no failing roadway segments within a one mile radius of this project and capacity is available to be encumbered. This information is dated and is subject to change. A traffic study will be required prior to issuance of an approved capacity encumbrance letter and building permit.

In the short term or interim Year 2022, all roadways within the project impact area are projected to operate at acceptable levels of service.

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.

### Rezoning Analysis

#### SITE DATA

<b>Adjacent Zoning</b>	N:	R-1A (Single-Family Dwelling District) (1983)
	E:	A-1 (Citrus Rural District) (1957)
	W:	C-1 (Retail Commercial District) (1994)
	S:	C-1 (Retail Commercial District) (1957)
		P-D (Planned Development District) (2001)
<b>Adjacent Land Uses</b>	N:	Pond / Undeveloped Land
	E:	Single-Family Residential
	W:	Retail Commercial
	S:	Retail Commercial

#### APPLICABLE C-1 (Retail Commercial District) DEVELOPMENT STANDARDS\*

Minimum Lot Area:	6,000 sq. ft.
Minimum Lot Width:	80 ft. (on major streets, see Article XV) 60 ft. (on all other streets)
Maximum Building Height:	50 ft.
Minimum Floor Area:	500 sq. ft.

#### Minimum Building Setbacks

Front:	25 ft.
Rear:	20 ft.



Side: 0 ft. (15 ft. when abutting residential districts)  
Side (Street): 15 ft.

*\*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.*

#### **PERMITTED USES**

The intent and purpose of this C-1 retail commercial district are as follows: this district is composed of lands and structures used primarily for the furnishing of selected commodities and services at retail. This district is encouraged:

- (6) At intersections of collectors and/or arterials;
- (7) Where it will not direct commercial traffic through residential districts;
- (8) Where adequate public facilities and services are available, as defined in the comprehensive policy plan;
- (9) Where compatible with adjacent areas or where buffers can be provided to ensure compatibility; and
- (10) To a limited extent in rural settlements throughout the county to meet the needs of an identified community, or in growth centers as defined in the comprehensive policy plan.

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

#### **SPECIAL INFORMATION**

##### **Rural Settlement**

The subject property is not located within a Rural Settlement.

##### **Joint Planning Area (JPA)**

The subject property is not located within a JPA.

##### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

##### **Airport Noise Zone**

The subject property is not located within an Airport Noise Zone.

##### **Water / Wastewater / Reclaim**

###### Existing service or provider

**Water:** Orange County Utilities  
20-inch watermain on Clarcona Ocoee Road

**Wastewater:** Orange County Utilities  
24-inch forcemain on Clarcona Ocoee Road

**Reclaimed:** Orange County Utilities  
*Not currently available*

**Schools**

Orange County Pubic Schools (OCPS) did not comment on this case as it does not involve an increase in residential units or density.

**Parks and Recreation**

Orange County Parks and Recreation did not comment on this case as it does not involve an increase in residential units or density.

**Code Enforcement**

No code enforcement, special magistrate or lot cleaning issues on the subject property have been identified.

**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.

**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.

**3. Policy References**

- FLU1.1.5 Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County's desired urban framework. Infill is defined as development consistent with the Infill Master Plan (2008).
- FLU1.4.3 The location of commercial development shall be concentrated at major intersections and within Activity Centers and Neighborhood Activity Nodes within the Urban Service Area.
- 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.
- FLU2.2.1 Within the Urban Service Area, Orange County shall encourage a mixture of land uses within activity and mixed-use commercial centers. Office and residential land uses shall be part of the balanced land use mixture, in addition to the commercial component.
- 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 Parking design.

**OS1.3.6**

\*\*\*

The following text describes areas of Orange County that contain special criteria for open space. For these following areas, all open space shall be permanently protected and unless otherwise noted, the clustering of open space is required.

\*\*\*

**Non-residential land uses in the Urban Service Area.**

New non-residential uses permitted in the Wekiva Study Area within the Urban Service Area shall be consistent with Goals, Objectives and Policies of the Comprehensive Plan and specifically with the Policies FLU1.4.3 through FLU1.4.25. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space.

Non-residential sites too small to accommodate the above requirements – generally existing lots of record – may apply for a waiver from some or all of these open space requirements, provided that competent and sufficient evidence is provided documenting that fulfilling these requirements either is not physically possible or would constitute an undue hardship rendering the property unusable under the land use designation in effect on July 1, 2006.



**Site Visit Photos**

**Subject Site – Single-Family**



**North – Retention**



**West – Retail Center**



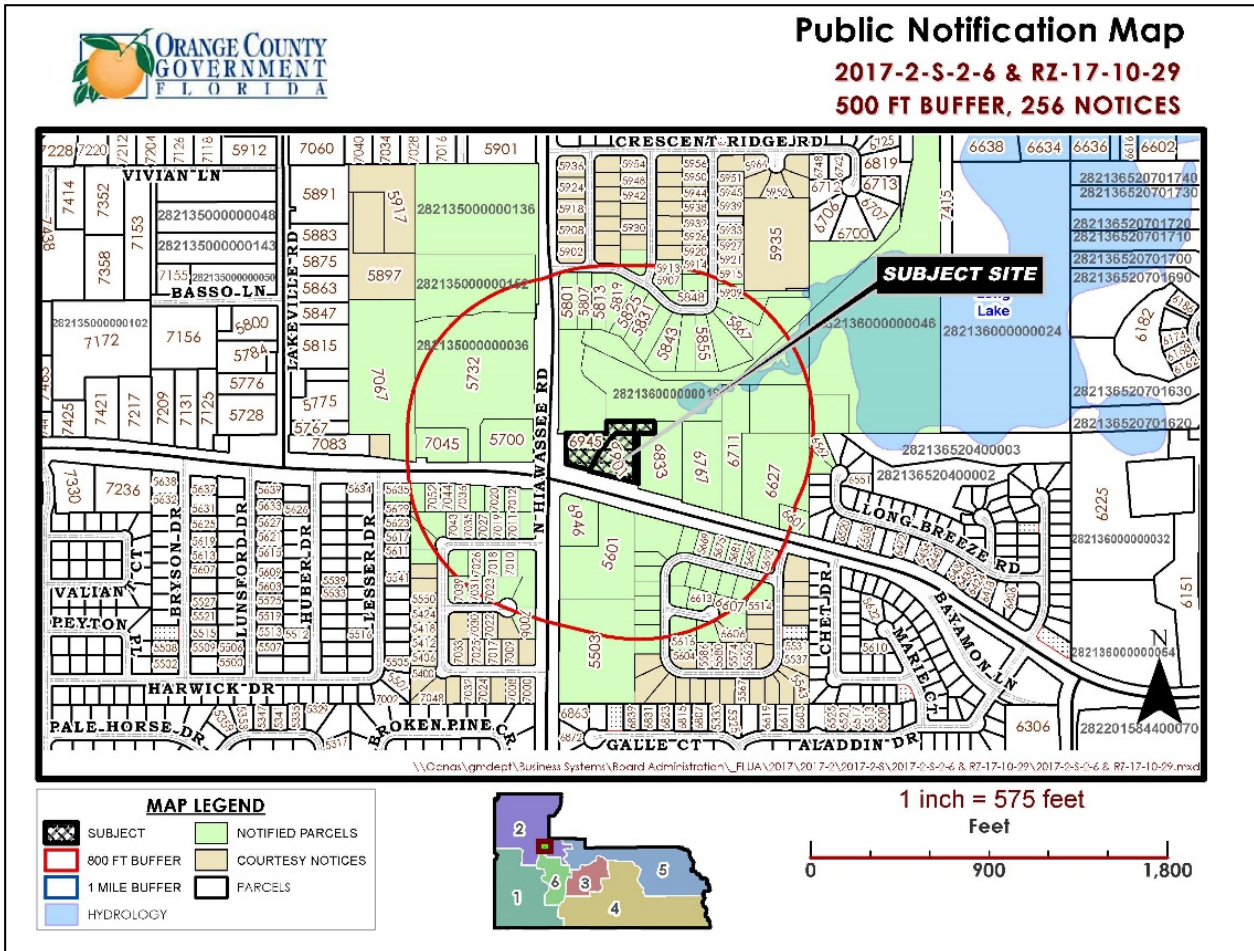
**South – Gas Station**



**East – Single-Family Residential**



## PUBLIC NOTIFICATION MAP



### Notification Area

500 ft. plus homeowner associations within a one-mile radius of the subject site

164 notices sent

