

Applicant/Owner:
Ed Avellaneda for Di
Development, LLC

Location: 12800 E. Colonial
Dr.; Generally located south
of Bonneville Dr., east of
SR408, and east of
Bridgeway Blvd.

Existing Use: Undeveloped

Parcel ID Number: Portion
of
23-22-31-0000-00-046

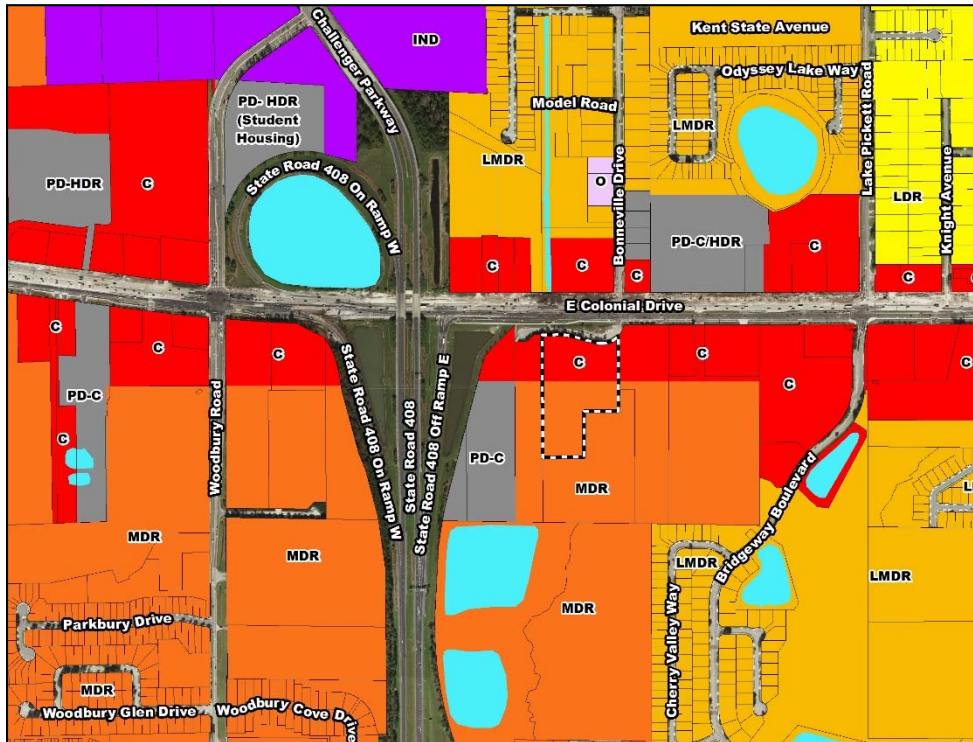
Tract Size: 6.50 gross acres

The following meetings and hearings have been held for this proposal:			Project Information
Report/Public Hearing	Outcome		Future Land Use Map Amendment Request: Commercial (C) and Medium Density Residential (MDR) to Commercial (C)
✓ Community Meeting held August 30, 2017, with four members of the public in attendance. See public notification map for notice area	Neutral		Concurrent Rezoning: RZ-17-10-035, from C-1 (Retail Commercial District) and C-2 (General Commercial 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		Proposed Development Program: Up to 849,420 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 (8-0)		Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. Environmental: Class I and III wetlands are located on the parcel, and CAD-16-06-069 has been completed for this site.
BCC Adoption BCC Rezoning Hearing	November 14, 2017		Transportation: Proposed development will generate 27 net pm peak hour trips.

SITE AERIAL



FUTURE LAND USE - CURRENT



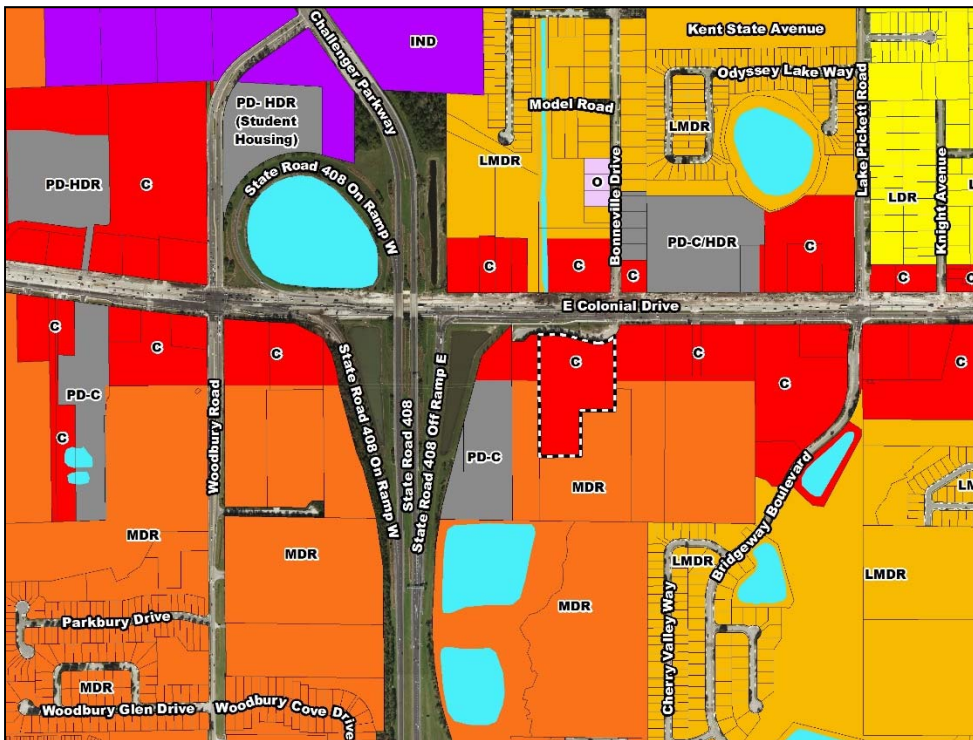
Current Future Land Use Designation:

Commercial (C) and
Medium Density
Residential (MDR)

Special Planning Sector:

N/A

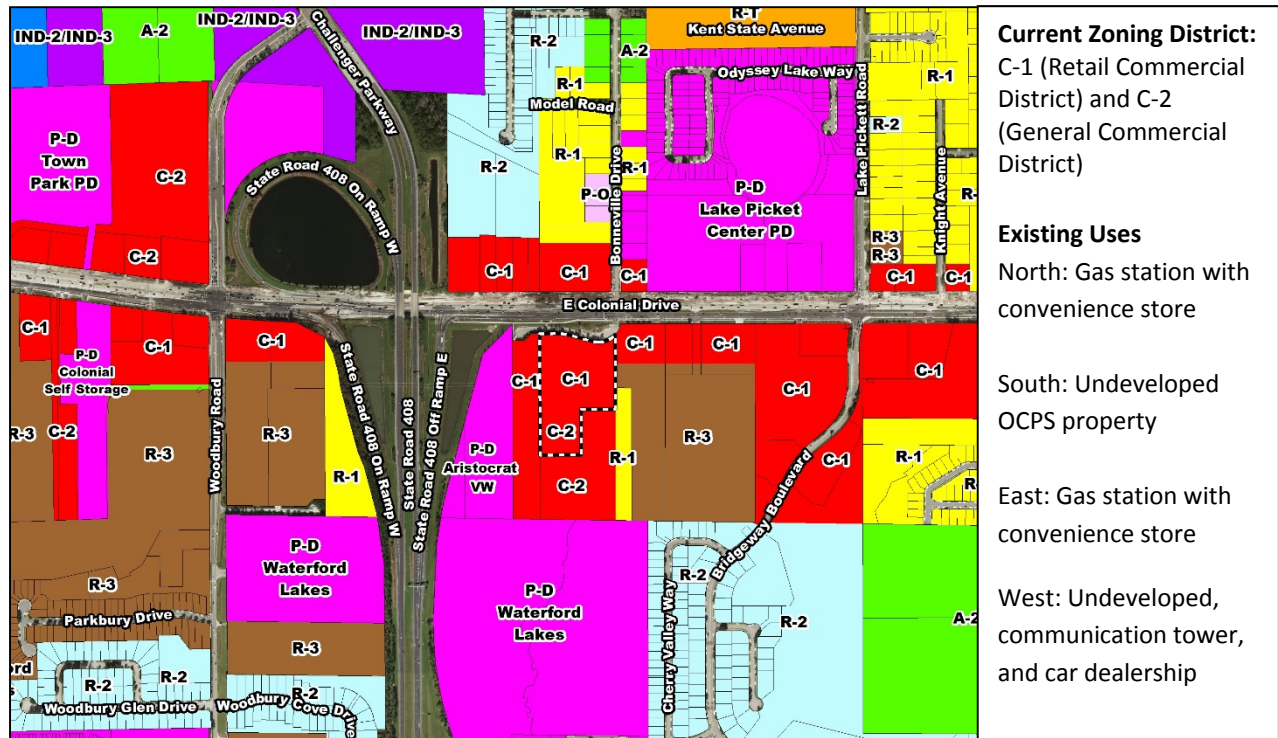
FUTURE LAND USE - PROPOSED



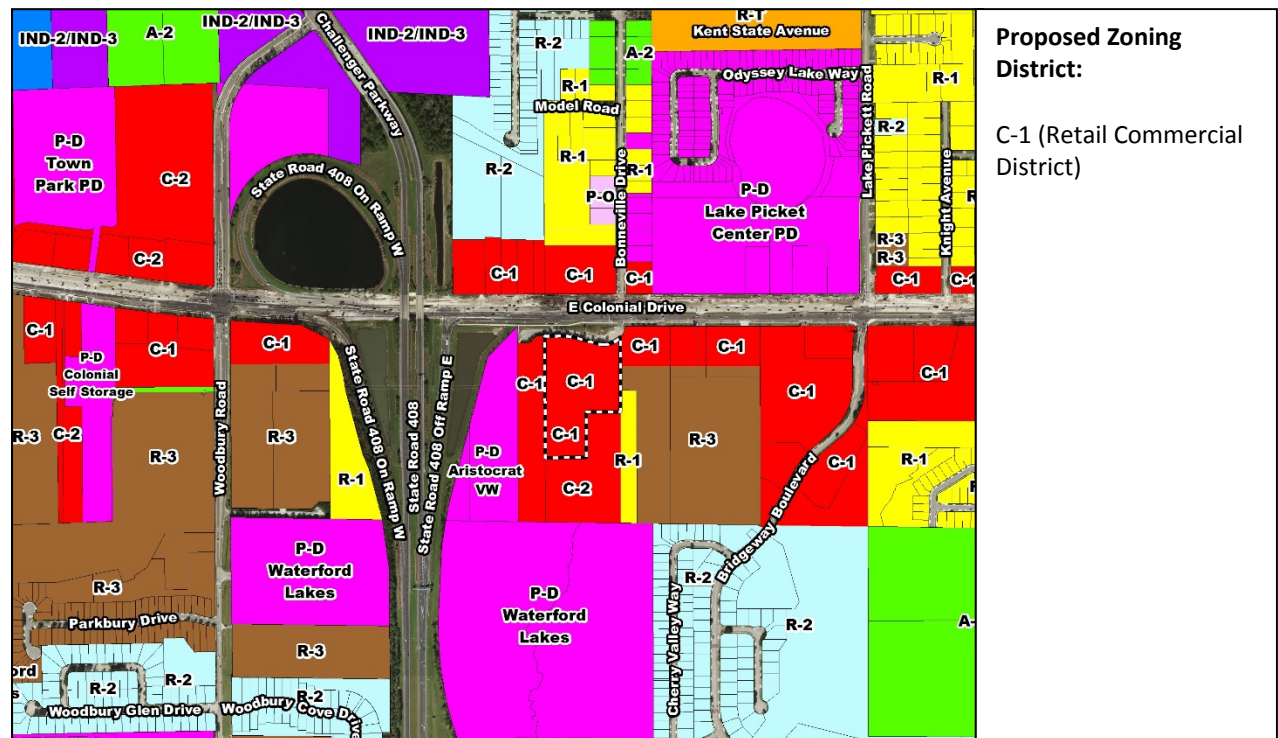
Proposed Future Land Use Designation:

Commercial (C)

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, and FLU8.2.1), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2017-2-S-4-1, Commercial (C) and Medium Density Residential (MDR) to Commercial (C).
2. **REZONING REQUEST:** Make a finding of **consistency** with the Comprehensive Plan and recommend **APPROVAL** 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;
 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, Ed Avellaneda, has requested to change the Future Land Use Map (FLUM) designation for the undeveloped 6.50 gross-acre site from Commercial (C) and Medium Density Residential (MDR) 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 849,420 sq. ft. of development. In conjunction with the FLUM Amendment, an application to rectify the split zoning of the subject site has been submitted to change from C-1 (Retail Commercial District) and C-2 (General Commercial District) to C-1 (Retail Commercial District). The applicant has stated the intent of the proposal is to make the property viable for a hotel development with associated retail.

The subject site is located south of E. Colonial Drive and south of Bonneville Drive, east of the SR 408 interchange. This segment of E. Colonial Drive is characterized as a corridor with retail commercial activity fronting Colonial Drive and single-family or multi-family residential located behind the commercial businesses. Directly abutting the subject site to the east is a gas station with convenience store, to the south is undeveloped property owned by Orange County Public Schools (OCPS), and to the west is undeveloped land with a communication tower. To the north, across E. Colonial Drive, is a gas station with convenience store and a small multi-tenant retail center.

2. Project Analysis

Consistency

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

First, the land use change and rezoning 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 Urban Service Area (USA). 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 currently vacant and is bordered by commercial development to the east, north, and west. Allowing the commercial to extend further into the property will make the site viable for a hotel development with associated retail.

Second, the subject site is located at the signalized intersection of Bonneville Drive and E. Colonial Drive. According to **Policy FLU1.4.3**, location of commercial development shall be concentrated at major intersections within the USA and therefore the site is consistent.

Finally, **Policy FLU1.4.4** does not allow for the disruption of residential areas by poorly located and designed commercial activities. As shown on the Future Land Use Map, the remainder of the parcel that is not subject to this amendment will retain its Medium Density Residential (MDR) designation and C-2 (General Commercial District) zoning. At this time, this portion of the property is not likely to be developed due to the inconsistent future land use and zoning. Furthermore, the Conservation Area Determination (CAD) completed for the property identifies this portion as a Class I wetland. Impacts to this area would be cost prohibitive for development. Therefore, this acts as a natural buffer to the residential subdivision to the south, located along Cherry Valley Way.

The proposal is consistent with the Comprehensive Plan because it is an infill site located on a major intersection that will not disrupt the surrounding residential areas.

Compatibility

Policy FLU8.2.1 states land use changes shall be required to be compatible with the existing development and development trend in the area.

This section of the E. Colonial Drive corridor is currently characterized by commercial along the roadway with residential neighborhoods established behind. Many of these large parcels with split Commercial (C) and Medium Density Residential (MDR) future land use are undeveloped and those with development have the commercial activity directly abutting the roadway. There is a huge wetland system that runs through this property and the two parcels directly abutting it to the east and west. Their residential portions are also not likely to be developed. Therefore, the proposed amendment and rezoning are compatible with the existing development trend of the area.

The development trend of the area is highly related to the recent widening of E. Colonial Drive, which will make properties directly abutting the roadway not appropriate for single-family residential development. Commercial will continue to develop along E. Colonial Drive and residential will be set back from this major roadway.

Therefore, the proposed land use amendment and rezoning are compatible with the existing and trending development patterns of the area.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division. Class I wetlands (7.81 acres) and Class III wetlands (0.05 acres) are located on the subject parcel (14.1 gross acres). The wetlands extend offsite and are hydrologically connected to the Big Econlockhatchee River. Orange County Conservation Area Determination CAD-16-06-069 was completed for this property with a certified wetland boundary survey approved on January 20, 2017. This determination is binding for a period of five years.

This property is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply. Reference Orange County Code Chapter 15 Article XI Section 15-442. The basin-wide regulations include, but are not limited to, wetlands and protective buffers, wildlife habitat, stormwater, and landscaping with native plant species.

Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers. If conservation area encroachments are proposed, submit an application for a Conservation Area Impact (CAI) Permit as soon as possible to the Orange County Environmental Protection Division (EPD), consistent with Chapter 15, Article X Wetland Conservation Areas.

The removal, alteration or encroachment within a Class I Conservation Area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners.

Density and Floor Area Ratio (FAR) calculation is determined by dividing the total number of units/square footage by the net developable land area. The net developable land area for density and FAR calculation (intensity) is defined as the gross land area, less surface waters and wetland areas. In order to include new Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact permit from the Orange County Environmental Protection Division. Reference Orange County Comprehensive Plan Policy FLU1.1.2 C.

Development of the subject property shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

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.

The site discharges into a body of water designated as impaired by the Florida Department of Environmental Protection (FDEP). 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 a Basin Management Action Plan (BMAP).

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.

Transportation Planning Division. The applicant is requesting to change 3.0 acres of the 5.58 acre property from Low/Medium Density Residential use to Commercial use and approval to develop a 124 room hotel.

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. within the project impact area.

Based on the concurrency management system database dated 09-05-17, there are three failing roadway segments within a 1 mile radius of this project. Colonial Drive from Woodbury Road to Lake Pickett Road, Lake Pickett Road from Colonial Drive to Percival Road and Woodbury Road from Waterford Lakes Parkway to Colonial Drive are all currently capacity deficient and operating at level of service F. This information is dated and is subject to change.

Based on the approved future land use of the subject property, the allowable development of 54 single family dwelling units will generate 60 pm peak hour trips. The proposed 124 room hotel will use will generate 87 pm peak hour trip resulting in a net increase of 27 pm peak hour trips. These trips will impact the deficient roadway segments within the project impact area. Therefore, a traffic study will be required prior to issuance of an approved capacity encumbrance letter and building permit.

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

Adjacent Zoning	N:	C-1 (Retail Commercial District) (1963) (<i>across SR 50</i>)
	E:	C-1 (Retail Commercial District) (1987)
		R-1 (Single-Family Dwelling District) (1957)
		R-3 (Multiple-Family Dwelling District) (1987)
	W:	C-1 (Retail Commercial District) (1961)
	S:	C-1 (General Commercial District) (1967)
Adjacent Land Uses	N:	Gas Station / Convenience Store (<i>across SR 50</i>)
	E:	Gas Station / Convenience Store
	W:	Communication Tower
	S:	Undeveloped 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. (35 ft. within 100 ft. of all residential districts)

Minimum Floor Area: 500 sq. ft.

Minimum Building Setbacks

Front: 25 feet

Rear: 20 feet

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

Side (Street): 15 feet

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	24-inch watermain located on E. Colonial Drive
Wastewater:	Orange County Utilities	30-inch forcemain located on E. Colonial Drive
Reclaimed:	Orange County Utilities	Not currently available

Schools

Orange County Public 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.
- 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.

Site Visit Photos

Subject Site – Undeveloped



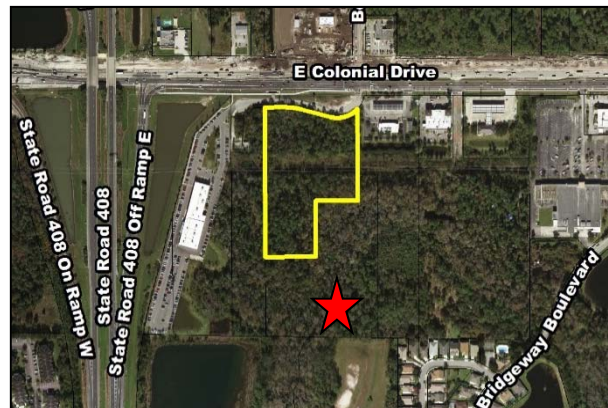
North – Gas Station



West – Undeveloped and Communication Tower



South – Undeveloped



East – Gas Station



PUBLIC NOTIFICATION MAP

