

**Applicant/Owner:** Kelly McLinden Mathiasmeier (applicant and owner)

**Location:** 2709 Greenleaf Drive; Generally located north of Greenleaf Drive, east of Forest City Road, south of Calloway Drive, and west of Doncaster Road

**Existing Use:** Undeveloped

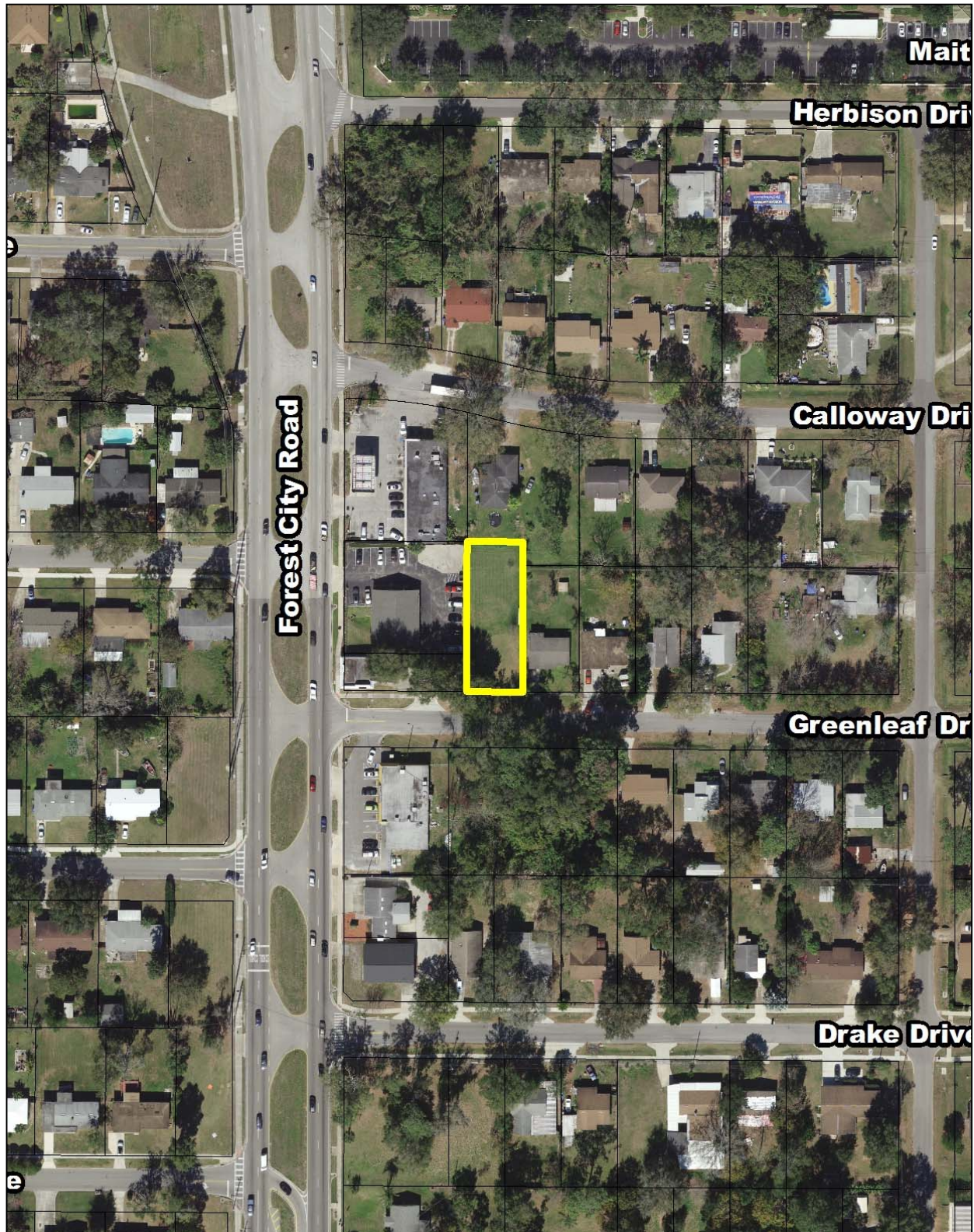
**Parcel ID Number:**  
28-21-29-9264-02-171

**Tract Size:** 0.22 gross acres

The following meetings and hearings have been held for this proposal:			Project Information
Report/Public Hearing	Outcome		Future Land Use Map Amendment: Low Density Residential (LDR) to Commercial (C)
✓ Community Meeting held October 5, 2017. See public notification map for notice area	A synopsis of the community meeting will be provided at the October 19, 2017 public hearing		<b>Concurrent Rezoning:</b> RZ-17-10-023, from R-1 (Single-Family Dwelling 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 4 restrictions		<b>Proposed Development Program:</b> Development program based on 3.0 FAR, which would allow for up to 28,749 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 4 restrictions (8-0)		<b>Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. <b>Environmental:</b> Within Wekiva Study Area, special regulations may apply <b>Transportation:</b> Within Alternative Mobility Area (AMA) and maximum development program of proposed land use change will result in 146 new pm peak hour trips
BCC Adoption BCC Rezoning Hearing	January 23, 2018		

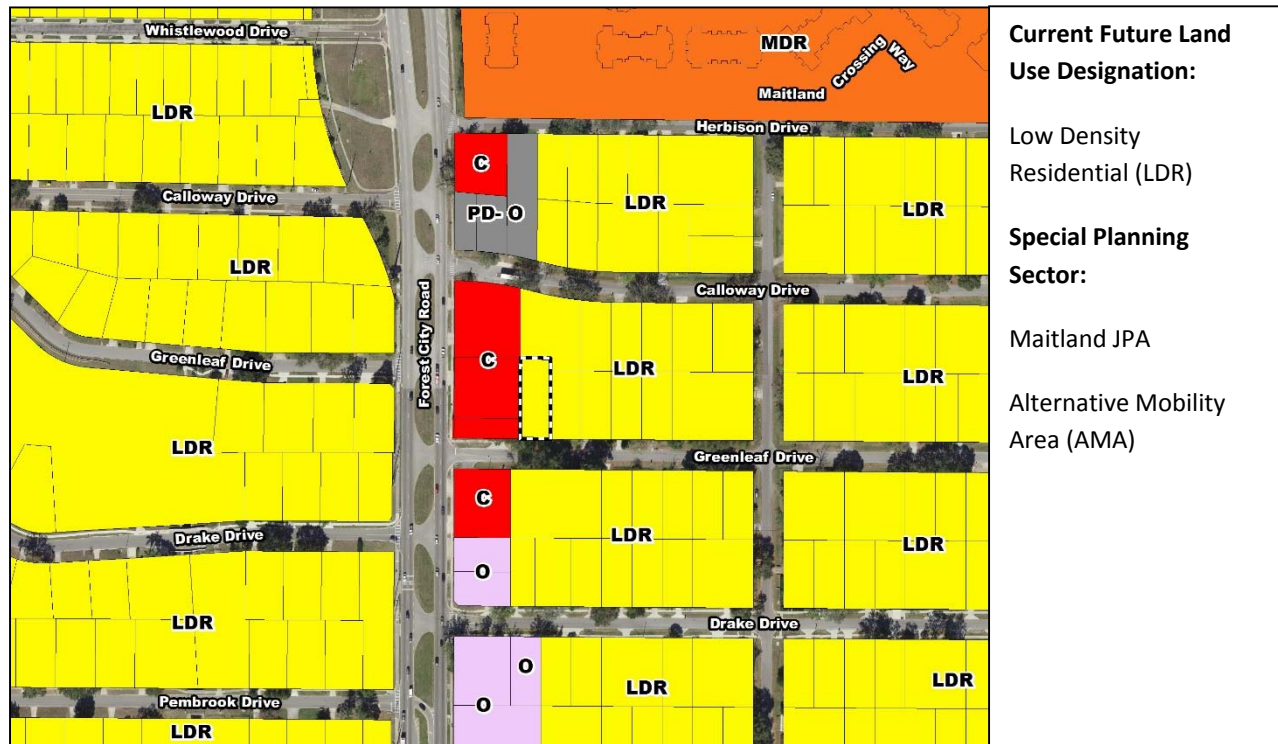


**SITE AERIAL**

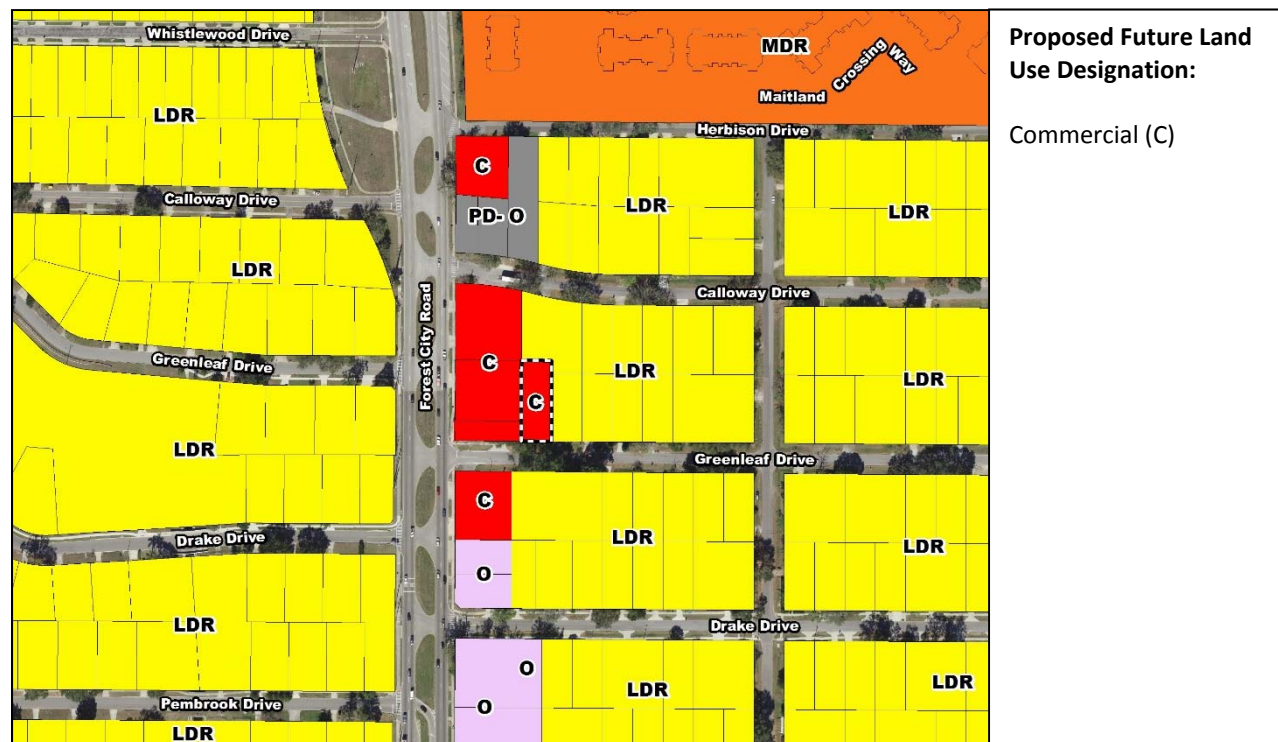




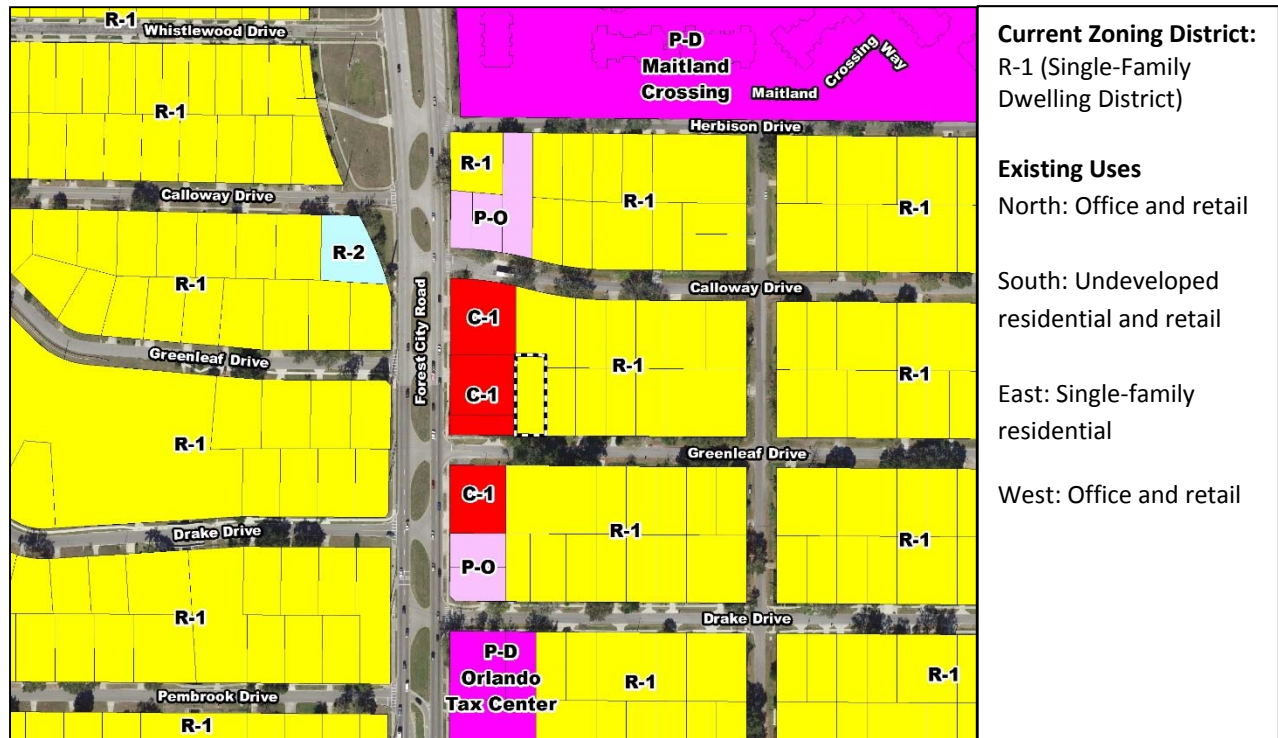
## FUTURE LAND USE - CURRENT



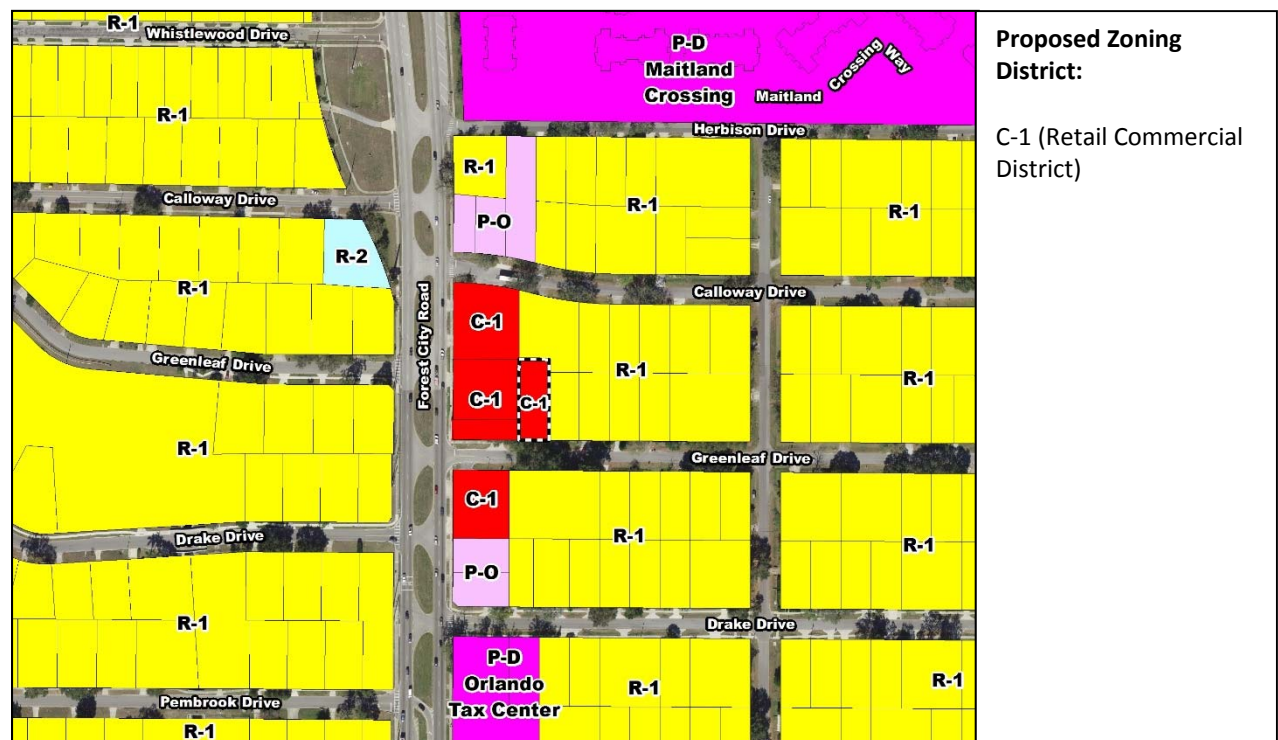
## FUTURE LAND USE - PROPOSED



## 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 Policy FLU1.1.5, FLU1.4.6, FLU8.2.1 and Transportation Element T2.3.2), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2017-2-S-5-1, Low Density Residential (LDR) 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; and
4. No additional vertical development shall be permitted unless and until the subject property and the adjacent commercial parcel (Parcel ID# 28-21-29-9264-02-200) are aggregated as one.

## Analysis

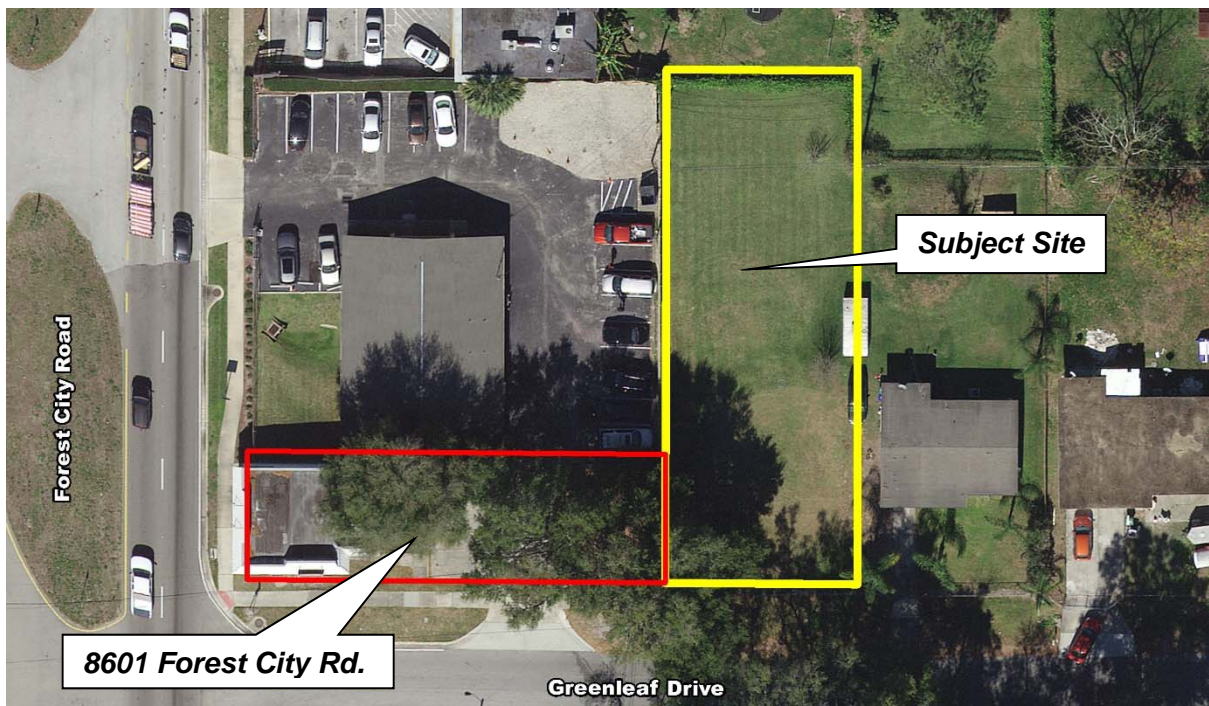
### 1. Background Development Program

The applicant and owner, Kelly McLinden Mathiasmeier, has requested to amend the Future Land Use Map (FLUM) designation for the undeveloped 0.22 gross-acre site from Low Density Residential (LDR) to Commercial (C). Currently, the property can be developed with one single-family home and 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 28,749 sq. ft. of development. In conjunction with the FLUM Amendment, an application for rezoning of the subject site has been submitted to change from R-1 (Single-Family District) to C-1 (Retail Commercial District).

The subject site fronts Greenleaf Drive, and is located on a 4.5 gross-acre block that is bounded by Forest City Road to the west, Calloway Drive to the north, Doncaster Road to the east and Greenleaf Drive to the south. Properties directly to the east and north of the subject site are developed with single-family residences and the properties fronting Forest City Road are developed with office and retail.



The owner and applicant of the requested land use change and rezoning also owns the 0.12-acre property on the northeast corner of the Forest City Road and Greenleaf Drive intersection and the 0.19-acre property directly to the east. The corner property to the west, located at 8601 Forest City Road (Parcel ID# 28-21-29-9264-02-200), was developed with a 1,458 sq. ft. retail store that has been demolished. This property was impacted by the planned Forest City Road widening. Currently, the state owned and maintained roadway is a four-lane divided facility and according to the Florida Department of Transportation (FDOT), the right-of-way acquisition for the planned widening occurred in 2016. This acquisition extended into the existing retail structure and was thus demolished. At 0.12 acres, or 5,227 square feet, the site is constrained as a commercial property because the minimum lot requirement for C-1 is 6,000 square feet. Therefore, the intent of the requested FLUM Amendment and rezoning is to combine the subject site and the corner lot to make the property viable for commercial development.



The site is subject to the Joint Planning Area (JPA) Interlocal Agreement between Orange County and the City of Maitland. The Agreement assigns the subject site with a land use designation of Single-Family Detached. Both the County and the City of Maitland have to approve an amendment to the JPA Agreement to change the land use designation of the property to General Commercial, which is primarily retail commercial, in the Interlocal Agreement. The Fourteenth Amendment to the Joint Planning Area Agreement Between Orange County and the City of Maitland was adopted by the Maitland City Council on October 23, 2017. The JPA Amendment will be considered by the Board of County Commissioners concurrently with this Future Land Use Map Amendment and rezoning request.

## 2. Project Analysis

### *Consistency*

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

**Policy FLU1.4.6** guides commercial-related future land use amendment requests within the Urban Service Area by categorizing commercial development based on square footage. With this request, the maximum square footage that could be accommodated by the 0.34 acre combines property would be considered “Neighborhood Center” or under 40,000 square feet. The policy states this size of commercial development would serve the needs of nearby residents within two to three miles.

The site subject to the proposed amendment and the site to the west that it will be combined with are the only vacant lots on the block. This is an infill redevelopment site and according to **Policy FLU1.1.5**, Orange County encourages the promotion of infill development and compact urban form within the Urban Service Area.

Although the property is bordered by residential properties to the east and north, **Policy FLU8.2.1** allows performance restrictions to be placed on the property to ensure compatibility. The restrictions associated with the rezoning ensure proper buffering to these homes.

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.

The applicant’s intent is to combine the subject site with 8601 Forest City Road to create a property viable for commercial use. Due to the configuration of the site and its size, a variance for reduced setbacks may be required from the adjacent commercial property to the northwest.

### *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.

The surrounding area is characterized by suburban-style residential neighborhoods with retail and office uses fronting Forest City Road. Approval of the proposed commercial FLUM and zoning for the subject site will allow the applicant to combine the site with the parcel directly to the west in order to make the property viable for commercial development. Commercial has always fronted Forest City Road with residential behind. The proposed use will carry this character and is therefore compatible with the surrounding area.

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

**Environmental Protection Division.** This site is 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.

All development is required to treat 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 the Little Wekiva Canal, a body of water designated as impaired by the Florida Department of Environmental Protection (FDEP impairment: dissolved oxygen, fecal coliform and nutrients). 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 the Wekiva Basin Management Action Plan (BMAP).

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.

Use caution to prevent erosion during construction along the boundary of the property, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

**Transportation Planning Division.** This parcel is located in the Alternative Mobility Area (AMA). Per **Policy T2.3.2** of the County's Comprehensive Plan, the proposed development is exempt from meeting transportation concurrency requirements.

The subject property is located within the County's Alternative Mobility Area, adjacent to Greenleaf Drive, a 2 lane local road, east of Forest City Road. Based on the Concurrency Management System database dated 09-05-17, all roadways within a one mile radius of the project are currently operating at acceptable levels of service except Maitland Boulevard from Orange Blossom Trail to Lake Destiny Drive. These segments are currently operating at level of service F and there is no available capacity. This information is dated and subject to change. In the short term or interim Year 2022, all roadways within the project impact area are projected to operate at acceptable levels of service however, Maitland Boulevard will continue to be deficient.

Based on the approved future land use of the subject property, the allowable development of 1 single family dwelling unit will generate 1 pm peak hour trip. The proposed 28,749 square feet of commercial use will generate 146 new pm peak hour trips resulting in a net increase of 145 new pm peak hour trips.

Based on LYNX's current bus schedule, transit service is available within a quarter mile walk distance along Forest City Road. The area is well served by an interconnected network of public sidewalks and the proposed development will connect to the existing sidewalk network. There is no signed bicycle route/lane within the project impact area.

Final permitting of any development on this site will be subject to further review and approval by Transportation Planning, and the applicant may be required to include site level mobility enhancements on the development plan for this project.

## Rezoning Analysis

### SITE DATA

<b>Adjacent Zoning</b>	N:	R-1 (Single-Family Dwelling District) (1957)
	E:	R-1 (Single-Family Dwelling District) (1957)
	W:	C-1 (Retail Commercial District) (1958)
	S:	R-1 (Single-Family Dwelling District) (1957)
<b>Adjacent Land Uses</b>	N:	Single-Family Residential
	E:	Single-Family Residential



W: Vacant  
S: Single-Family Residential

**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:

- (1) At intersections of collectors and/or arterials;
- (2) Where it will not direct commercial traffic through residential districts;
- (3) Where adequate public facilities and services are available, as defined in the comprehensive policy plan;
- (4) Where compatible with adjacent areas or where buffers can be provided to ensure compatibility; and
- (5) 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 located within the Maitland JPA. An amendment to the JPA is in process to reflect this request, as well as the FLUM amendment.

**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

<b>Water:</b>	Orange County Utilities	6-inch watermain located on the north side of Greenleaf Drive
<b>Wastewater:</b>	Orange County Utilities	Not currently available
<b>Reclaimed:</b>	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**

- FLU1.4.6 The following guidelines illustrate different types of commercial and retail development consistent with the Orange County Comprehensive Plan. It is the goal of the 2030 CP to increase densities and intensities in the Urban Service Area in order to accommodate projected growth. The Commercial floor area ratio (FAR) shall be 3.0 unless otherwise restricted by County policy or code (See FLU1.1.4A, FLU2.2.4 – FLU2.2.7, and FLU3.2.1 – FLU3.2.13). The basis for increasing densities and intensities is the finding that productive use of vacant land within the Urban Service Area is critical to the County's future urban form. Therefore, with respect to new development and redevelopment, the County is seeking more integrated forms of commercial and non-residential development, including vertical mixed use design and complementary land uses in close proximity to one another, in its desired development pattern for the County's Urban Service Area. (Policy 3.2.4 and 3.2.5-r; Amended 10/10, Ord. 10-13)

The following criteria are intended to serve as guidance for commercial-related future land use amendment requests within the Urban Service Area. Consistent with FLU1.4.5, Orange County may require a market study for Commercial and Office future land use requests. A mix of two or more uses will be encouraged where appropriate. (Amended 10/10, Ord. 10-13)

**Neighborhood Centers and Neighborhood Activity Nodes** – Neighborhood center commercial is intended to serve the needs of nearby residents, employees, visitors and businesses (within two to three miles).

**Village Centers** – Village Center commercial is intended to more centrally serve the needs of residents, employees, visitors and businesses within a community of neighborhoods (within three to five miles).

**Lifestyle Centers** – Lifestyle Centers are open-air shopping centers with a mix of national retailers and local boutiques and housing choices. These locations emphasize convenience and a mix of uses and choices.

**Wholesale/Retail** – Also may be referred to as Big Box retail or Power Centers. Big Box retail, as defined by County Ordinance 2007-1, is described as a retail wholesale commercial establishment (store) with more than seventy-five thousand (75,000) square feet of gross floor area, which may include a home improvement center or a membership warehouse club. The gross floor area of such a store includes outdoor storage areas and any outdoor area providing services. (Ord. 2007-1)

<i>Type</i>	<i>Size</i>	<i>Gross Leasable Area</i>	<i>FAR</i>
Neighborhood Center	4 acres	20,000 -40,000 SF	See applicable County policy or code
Community Center	10 acres	100-300,000 SF	See applicable County policy or code
Village Center	20 acres	200-400,000 SF	See applicable County policy or code
Lifestyle Centers	25 acres	400,000 SF	See applicable County policy or code
Wholesale/Retail Centers	See Ordinance 2007-1, Big Box Ordinance		
All commercial should have safe, adequate and appropriate access per FLU1.4.8. (Amended 10/10, Ord. 2010-13)			

- 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).



- 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.
- T2.3.2 All land use and development located within the AMA shall be exempt from transportation concurrency, and thus shall not be required to meet roadway level-of-service standards, based on their compliance with Objective T2.3 and related policies. Developments outside of the AMA that impact roadways within the AMA shall be required to meet transportation concurrency requirements and level of service standards.

**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 – Undeveloped Residential**



**North – Single-Family Residential**



**South – Undeveloped Residential**



**West – Vacant Commercial**



**East – Single-Family Residential**





## PUBLIC NOTIFICATION MAP

