

ORANGE COUNTY

PLANNING DIVISION

2018-1-C-3-1

&

RZ-18-06-031

**SMALL SCALE
AMENDMENT**

**BOARD OF COUNTY
COMMISSIONERS**

JULY 10, 2018

ADOPTION PUBLIC HEARING

PREPARED BY:

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION

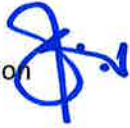




Interoffice Memorandum

July 10, 2018

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners (BCC)

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

THROUGH: Jon V. Weiss, P.E., Director
Community, Environmental, and Development Services Department

SUBJECT: 2018-1 Out-of-Cycle Small Scale Development Comprehensive Plan Amendment and
Concurrent Rezoning Request (2018-1-C-3-1)
Board of County Commissioners (BCC) Adoption Public Hearing

The 2018-1 Out-of-Cycle Small Scale Development Comprehensive Plan Amendment is scheduled for a BCC adoption public hearing on July 10, 2018. This amendment was heard by the Local Planning Agency (LPA) at an adoption public hearing held on June 21, 2018.

The report is also available under the **Amendment Cycle** section of the County's Comprehensive Planning webpage:

<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>

The Out-of-Cycle Small Scale Development Comprehensive Plan Amendment includes one privately-initiated map amendment (located in District 3) which has a concurrent rezoning request.

If the BCC adopts the proposed amendment, it will become effective 31 days after the public hearing. The amendment is expected to become effective in August 2018, so long as no challenges are brought forth for the amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch., Manager, Planning Division, at (407) 836-5354 or Alberto.Vargas@ocfl.net, or Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, Planning Division, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.

AAV/sgw

Enc: 2018-1 Out-of-Cycle Small Scale Development Amendment BCC Adoption Binder

c: Christopher R. Testerman, AICP, Assistant County Administrator
Joel Prinsell, Deputy County Attorney
Roberta Alfonso, Assistant County Attorney
Whitney Evers, Assistant County Attorney
John Smogor, Planning Administrator, Planning Division
Gregory Golgowski, Chief Planner, Planning Division
Olan D. Hill, AICP, Chief Planner, Planning Division
Read file

2018-1 OUT-OF-CYCLE SMALL SCALE DEVELOPMENT

AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing book for the 2018-1 Out-of-Cycle Small Scale Development Amendment (2018-1) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP) (2018-1-C-3-1). This amendment was heard by the Local Planning Agency (LPA) during an adoption public hearing held on June 21, 2018 and will go to the Board of County Commissioners (BCC) for an adoption public hearing on July 10, 2018.

The 2018-1 Out-of-Cycle Small Scale Development Comprehensive Plan Amendment includes one privately-initiated Future Land Use Map Amendment (located in District 3) which has a concurrent rezoning request.

If the BCC adopts the proposed amendment, it will become effective 31 days after the public hearing. This amendment is expected to become effective in August 2018, so long as no challenges are brought forth for the amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch., Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net, or Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.

2018-2 Out-of-Cycle Small-Scale Development Comprehensive Plan Amendment

Privately-Initiated Future Land Use Map Amendment

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Desig. FROM:	Zoning Map Designation TO:	Gross Acres	Project Planner	Staff Rec	LPA Rec
District 3													
2018-1-C-3-1	RZ-18-06-031	Clermont Investments, LLC	Jonathan Huels	29-23-30-0000-00-030	West of Conway Road, north of McCoy Road West, east of Daetwyler Drive, and south of Monarch Drive	Medium Density Residential (MDR) and Commercial (C)	Commercial (C)	R-3 (Multiple-Family Residential) and C-1 (Retail Commercial District)	C-1 (Retail Commercial)	2.98 gross ac.	Misty Mills	Adopt & Approve rezoning with 3 restrictions	Adopt & Approve rezoning with 3 restrictions (9-0)

ABBREVIATIONS INDEX:

ABBREVIATIONS INDEX: C - Commercial; MDR - Medium Density Residential; CP - Comprehensive Plan; FLUM - Future Land Use Map; FLUE - Future Land Use Element; GOPS - Goals, Objectives, and Policies; OBJ - Objective; SR - State Road; RZ - Rezoning; C-1 - Retail Commercial District; R-3 - Multiple-Family Dwelling District; SR - State Road; AC - Acres

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INTRODUCTION.....Tab 1

SMALL-SCALE DEVELOPMENT OUT OF CYCLE AMENDMENTTab 2

Out of Cycle Future Land Use Map Amendment (Hotel on Conway) and Concurrent Rezoning Request

Amendment			Page
1.	2018-1-C-3-1 Hotel on Conway	Medium Density and Commercial (C) to Commercial (C)	1
	-and-		
	Rezoning RZ-18-06-031	R-3 (Multiple-Family Dwelling District) and C-1 (Retail Commercial District)	

Ordinance.....Tab 3



Applicant/Owner: Jonathan Huels for Clermont Investments, LLC

Location: Generally located west of Conway Road, north of McCoy Road West, east of Daetwyler Drive, and south of Monarch Drive

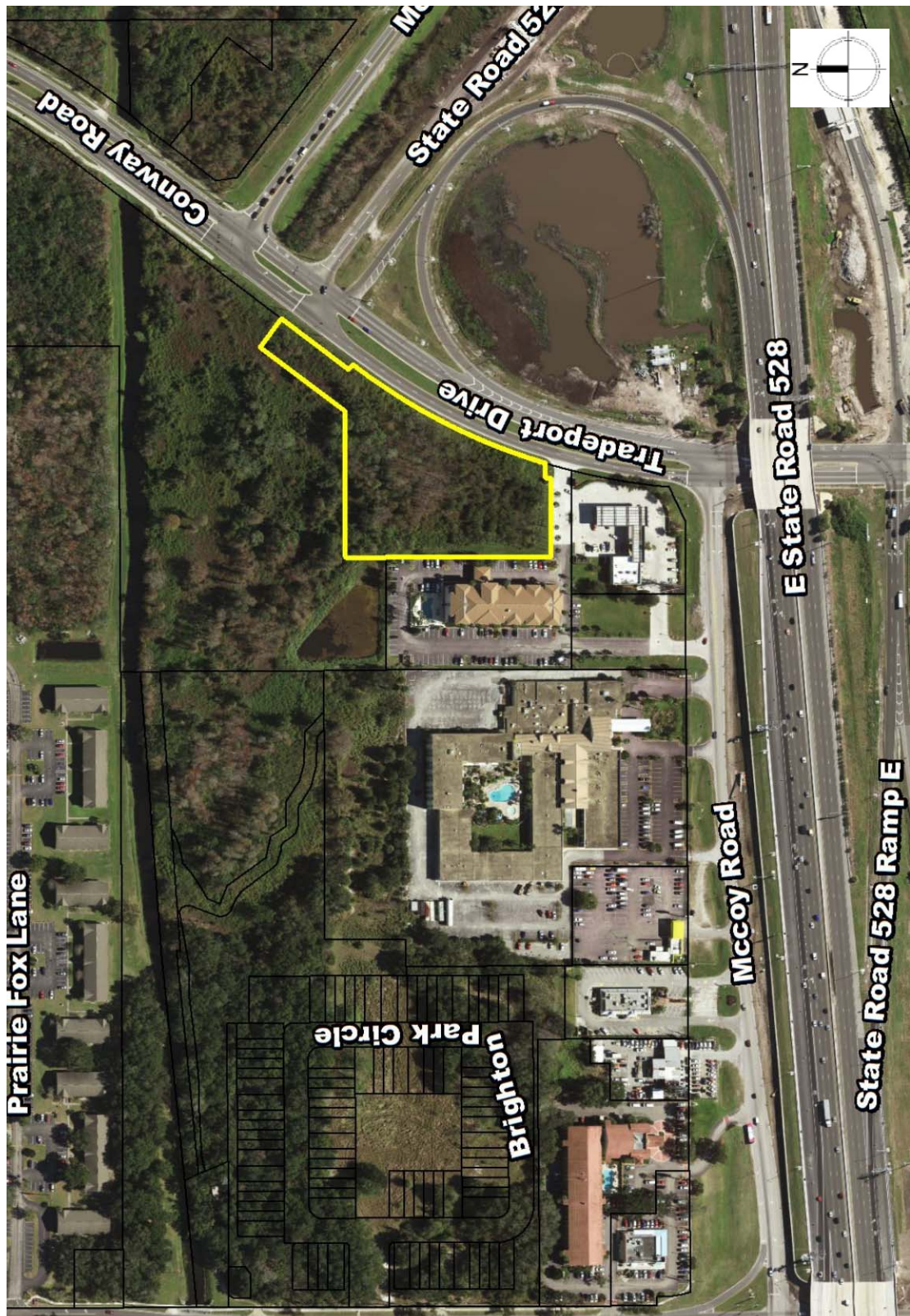
Existing Use: Undeveloped land

Parcel ID Number(s): 29-23-30-0000-00-030

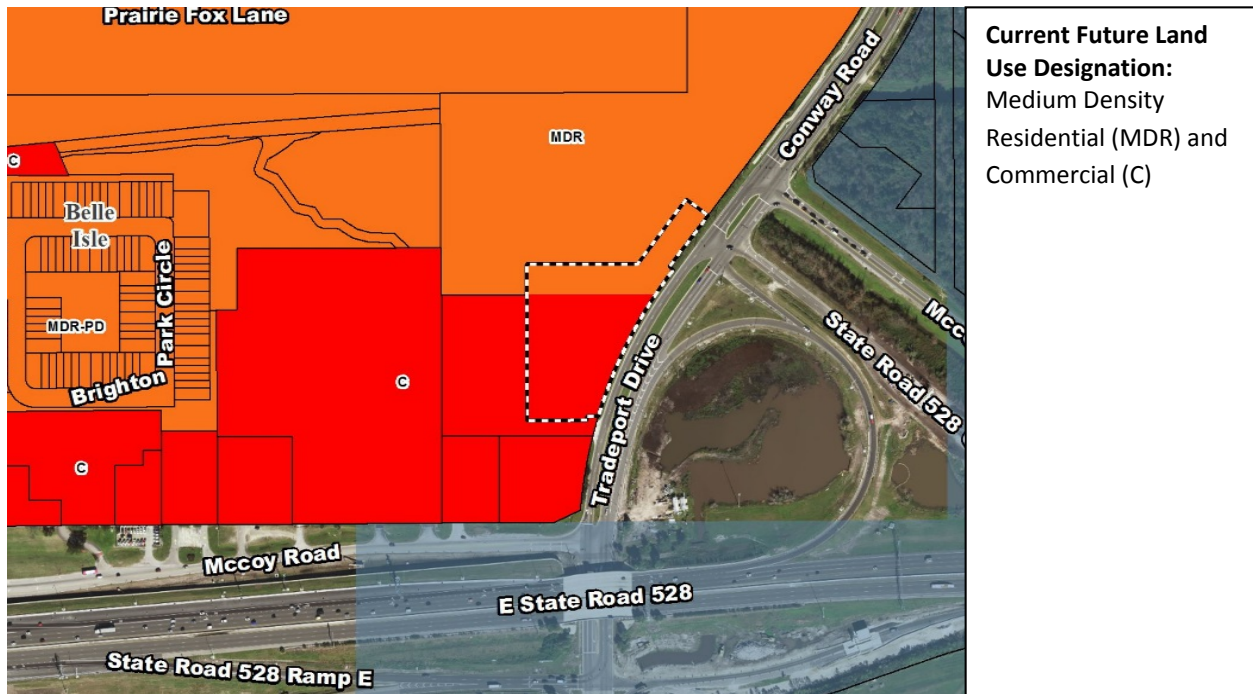
Tract Size: 2.98 gross acres

The following meetings/hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Future Land Use Map Amendment Request: Medium Density Residential (MDR) and Commercial (C) to Commercial (C)	
✓	Community Meeting was not required for this request		Concurrent Rezoning: R-3 (Multiple-Family Residential) and C-1 (Retail Commercial District) to C-1 (Retail Commercial)	
✓	Staff Report	Recommend adoption of the proposed amendment and approval of the concurrent rezoning request.	Proposed Development Program: Two (2) hotels with a total of 200 rooms	
✓	LPA Adoption PZC Rezoning Hearing June 21, 2018	Recommend adoption of the proposed amendment and approval of the concurrent rezoning request. 9-0	Public Facilities and Services: Public Facilities and Services review was not required for this amendment	
	BCC Adoption BCC Rezoning Hearing July 10, 2018		Environmental: CAI-18-02-009 scheduled for BCC on July 10, 2018	
			Transportation: No analysis required.	

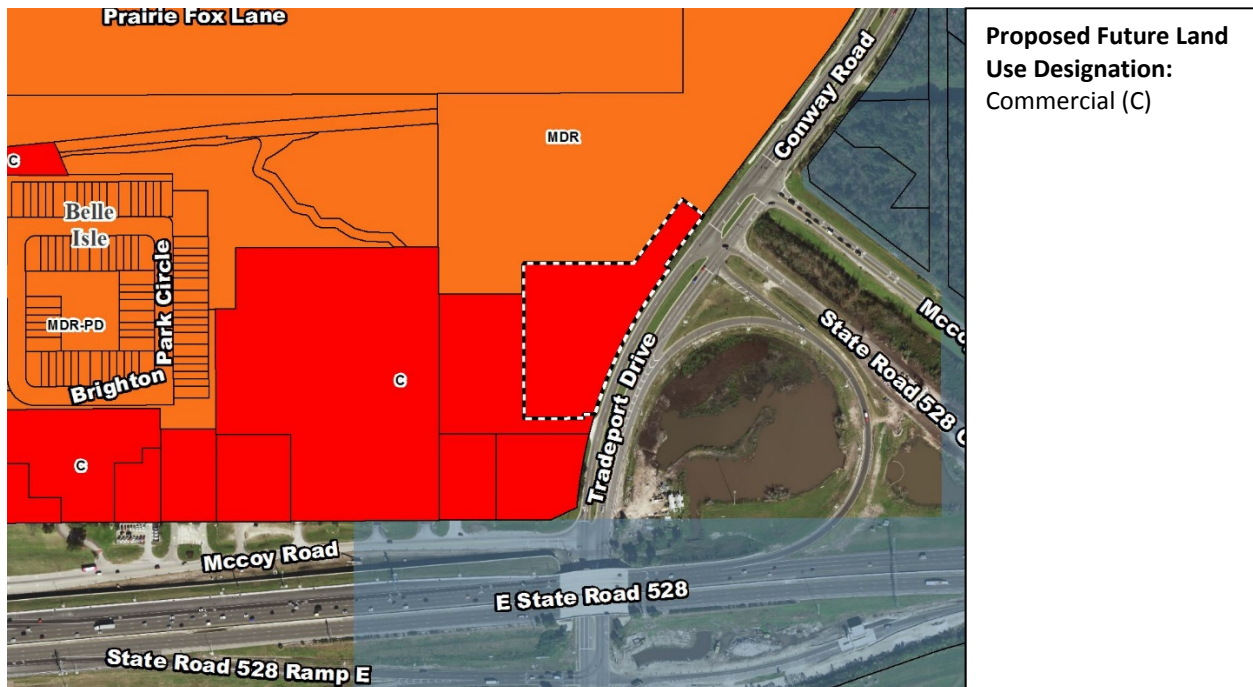
SITE AERIAL



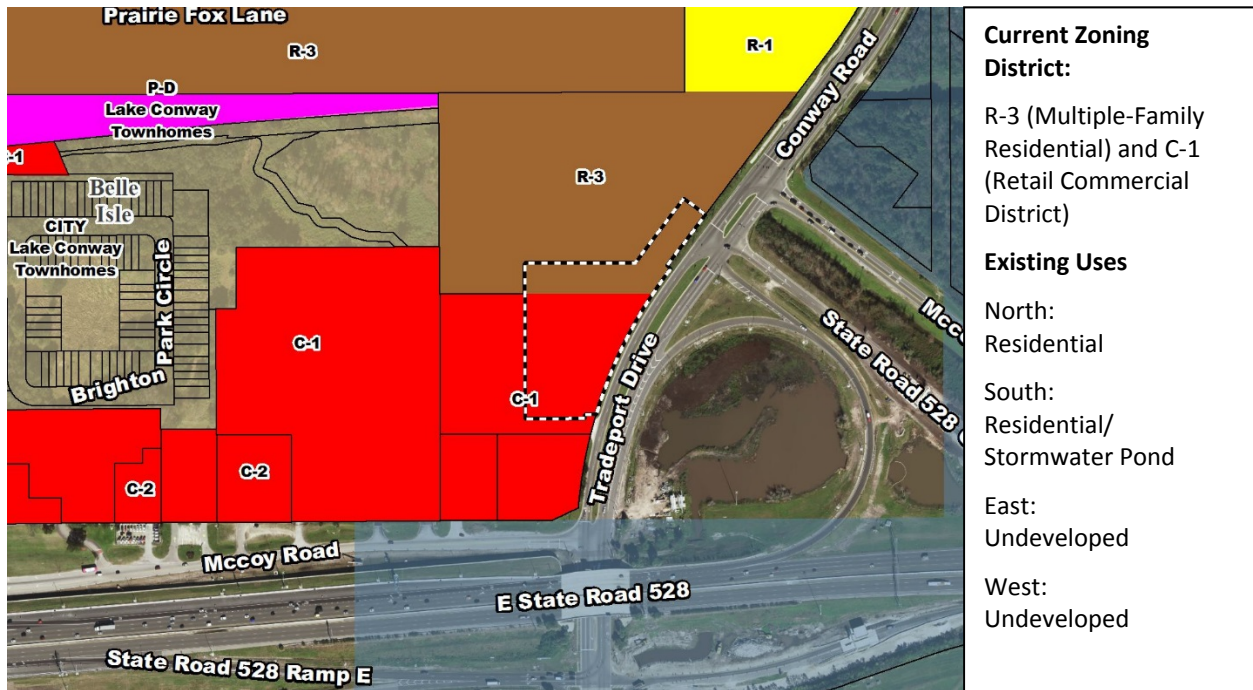
FUTURE LAND USE - CURRENT



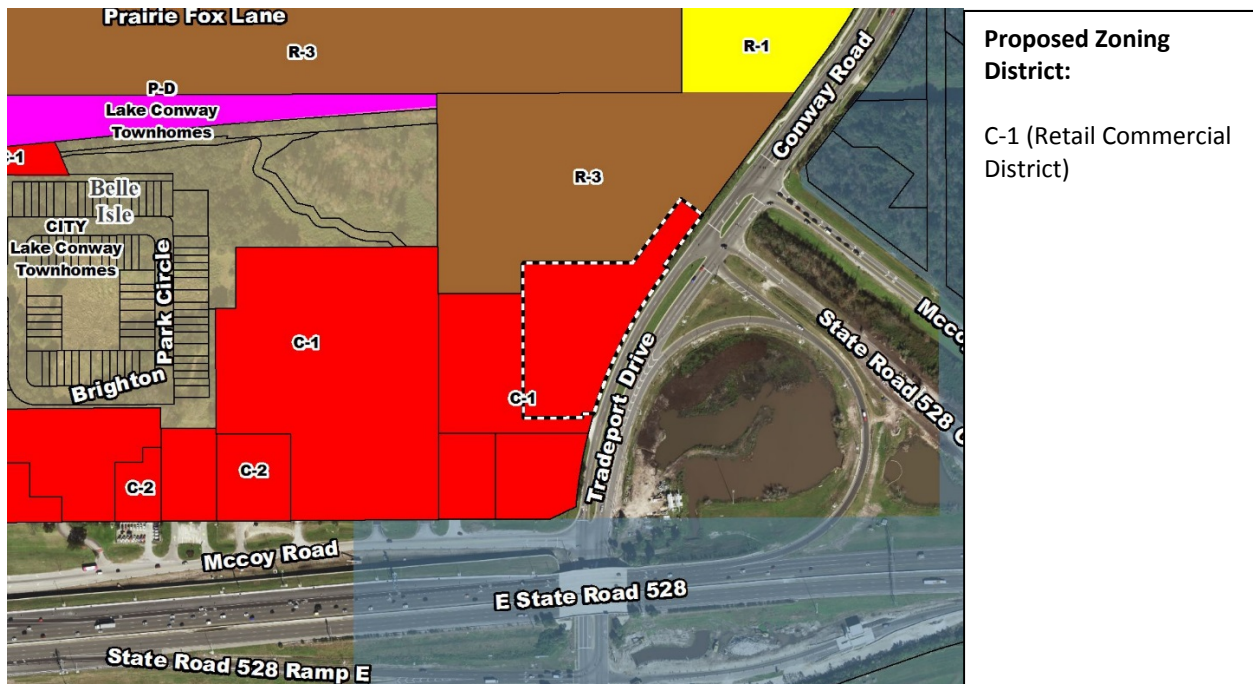
FUTURE LAND USE - AS PROPOSED



ZONING - CURRENT



ZONING – AS PROPOSED



Staff Recommendations

If the requested Comprehensive Plan amendment is adopted, action would then be appropriate for the requested rezoning. Therefore the Local Planning Agency (LPA) and the Planning and Zoning Commission (PZC) must recommend positions for the Board of County Commissioners to consider on both requests; amendment and rezoning. 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 Objectives FLU1.4 and FLU8.2 Policies FLU1.4.3, FLU 1.4.9, FLU8.2.1, and FLU8.2.10 and Neighborhood Element Objective N1.1 and FLU OBJ8.2), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2018-1-C-3-1, Medium Density Residential (MDR) and Commercial (C) to Commercial (C).
2. **REZONING REQUEST:** Make a finding of **consistency** with the Comprehensive Plan and recommend **APPROVAL** of the C-1 (Retail Commercial) zoning, subject to the following restrictions:
 1. New billboards 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

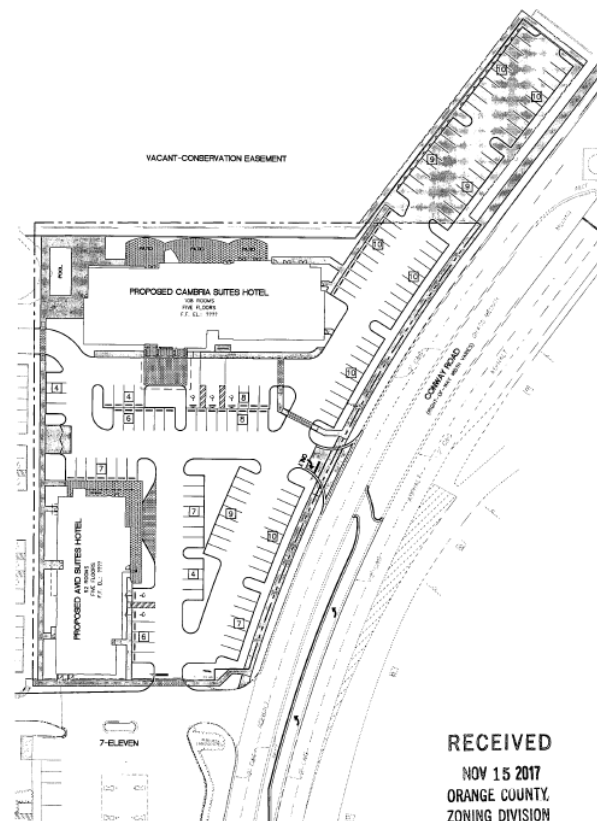
1. Background of Development Program

The owner, Clermont Investments, LLC and applicant, Jonathan Huels, have requested to change the Future Land Use Map (FLUM) designation of the subject property from Medium Density Residential (MDR) and Commercial (C) to Commercial (C). In conjunction with the FLUM Amendment, the applicant has applied for a rezoning of the site (RZ-18-06-031) from R-3 (Multiple-Family Residential) and C-1 (Retail Commercial District) to C-1 (Retail Commercial District). The requested Commercial (C) Future Land Use Map designation and rezoning to C-1 (Retail Commercial) would allow for the consideration of up to 194,712 square feet of commercial development. The applicant is proposing two (2) hotels with a total of 200 rooms.

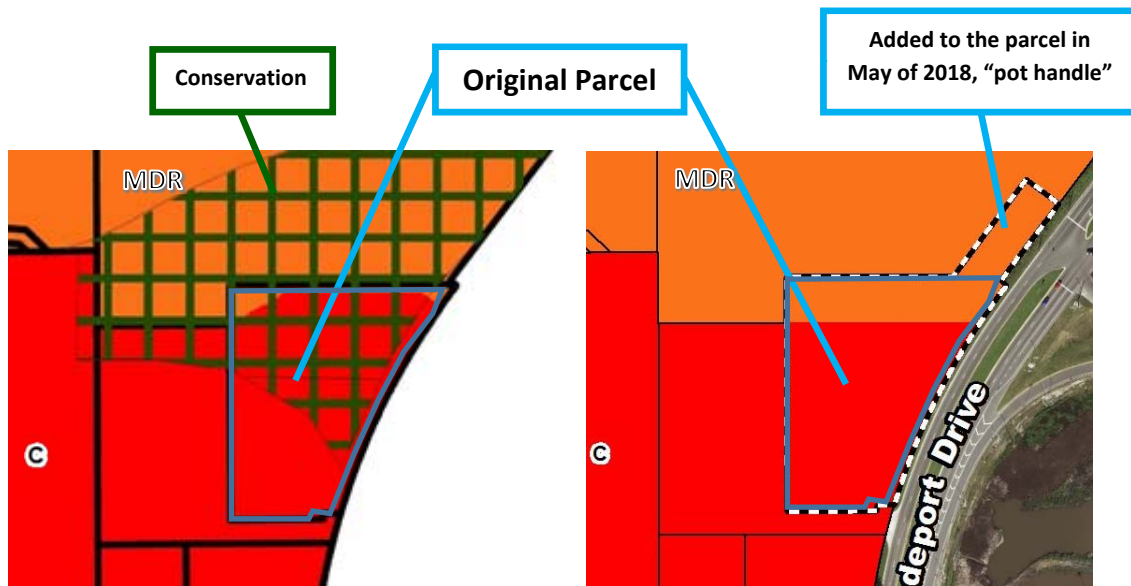
The site is generally located west of Conway Road, north of McCoy Road West, east of Daetwyler Drive, and south of Monarch Drive. Immediate uses surrounding the subject site include commercial to west and south and undeveloped land to the north and east. The commercial uses near the site include three hotels, car rentals, used car sales, fast-food restaurants, and a convenience store.

The subject site was originally two parcels (29-23-30-0000-00-030) (29-23-30-0000-00-031). A lot reconfiguration was approved, on or about May 22, 2018, combining parcel 29-23-30-0000-00-030 and a part of 29-23-30-0000-00-031 into the subject site for a parcel consisting of 2.98 gross acres.

A variance and special exception were granted on the subject site by the Board of Zoning Adjustment January 4, 2018. The variance granted a height of one hotel to be seventy feet (70') and the other hotel to be sixty-five feet (65'). The special exception granted thirty-eight (38) off-street parking spaces on the R-3 portion of the property. The agent states in the letter to the Local Planning Agency that subsequent to the approval of the variance and special exception, the future land use and the zoning on the subject site were incorrectly shown on the County's online GIS map, InfoMap.



The image below and to the left is from the July 2017 Future Land Use Map Series and the one to the right is the current future land use as shown in InfoMap. The mapping error that appears to have occurred is along the northern portion of the original parcel. The request had been to change the land use from MDR to commercial along an irregular line, as shown in the left hand diagram. However, the official map amendment showed the land use boundary being squared off in a way that excluded parts of the change, with the “pot handle” portion of the subject site remaining Medium Density Residential (MDR). The mapping error occurs only along the northern portion of what was the original parcel.



Map 1 July 2017 Future Land Use Map

Map 2 Future Land Use on InfoMap, accessed May 15, 2018

The request is in two parts: one to correct the mapping error and the other to change the Future Land Use and Zoning on the entire “pot handle” portion of the subject site from medium Density Residential (MDR) to Commercial (C). Similarly, a rezoning will change the designation for this area from R-3 to C-1. Approval of these changes will allow the use of this area for hotel related parking.

It is important to note that the subject areas have also been determined to be wetland conservation areas. **Approval of the land use and zoning changes are independent of any consideration of whether these lands are suitable for actual development and should not be a factor in making a determination of whether to authorize resource impacts.**

The subject site is located at the intersection of Tradeport Drive/Conway Road and the Martin Anderson Beachline Expressway access ramp. McCoy Road West, a two-lane minor street, is located south of the site and provides the primary access to the commercial development located near the site. The Orlando International Airport is located southeast of the subject site.

The future land uses surrounding the petitioned site include Medium Density Residential (MDR) on undeveloped to the north and west, Commercial (C) on property developed with various commercial uses to the south.

The subject site is located in an enclave with the City of Belle Isle to the west and the City of Orlando to the north, east, and south, as shown in the map below.



A community meeting was not required for this amendment.

2. Future Land Use Map Amendment Analysis

Consistency

The requested Future Land Use Map (FLUM) amendment appears to be consistent with the applicable Comprehensive Plan goals, objectives, and policies, which are specifically discussed in the paragraphs below.

Future Land Use Objective FLU1.4 provides location and development criteria to be used to guide the distribution, extent, and location of urban land uses and encourage compatibility with existing neighborhoods. Two policies under this objective that support the request as **Future Land Use Policies FLU1.4.3 and FLU1.4.9**. **FLU1.4.3** requires the *location* of commercial development at major intersections while **FLU1.4.9** states that the full retail/general commercialization of an intersections shall be *avoided* unless sufficient justification of need is provided. Office, hotel and multi-family uses can be used to avoid the full commercialization of an intersection. The subject site is proposed to be developed with two (2) hotels with a total of 200 rooms, which is consistent with the requirements of the aforementioned policies.

Neighborhood Element Objective N1.1 states that Orange County shall ensure that Future Land Use changes are compatible with or do not adversely impact existing or proposed neighborhoods. The subject site is primarily has a Commercial (C) Future Land Use. The request is to correct a mapping error and to extend the Commercial (C) into the recently reconfigured portion of the parcel. This request is consistent with this objective as the surrounding uses are commercial. Further, the close proximity of the site to the Orlando International Airport could serve visitors to the area.

Compatibility

The proposed Future Land Use Map (FLUM) Amendment and rezoning request appear to be compatible with the development trends in the surrounding area, the existing character, and development trends in the area.

OBJ FLU8.2 addresses compatibility of proposed FLUM amendments requiring compatibility to continue to be the fundamental consideration in all land use and zoning decisions. Specifically, **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 proposed FLUM amendment and rezoning would be compatible with the existing development and development trend in the area in that the request is to permit two (2) hotels with 200 rooms in an area that is characterized with commercial development that serves travelers.

The site is located near existing commercial development. However, the parcel to the north has a Future Land Use of Medium Density Residential (MDR) and a zoning of R-3 (Multi-Family Residential). **Future Land Use Element Policy FLU8.2.10** ensures compatibility with residential areas by requiring performance standards such as building height restrictions, architectural design, lighting type, and parking design. Further, the zoning standards require buffers between commercial and residential development.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division

The Environmental Protection Division is reviewing a Conservation Area Impact (CAI-18-02-009) Permit for Class I wetland impacts. It is scheduled to go before the Board of County Commissioners on July 10, 2018.

Transportation Planning Division

The subject property was not subject to transportation planning review.

3. Rezoning Request Analysis

SITE DATA

Adjacent Zoning	N:	R-3 (Multiple-Family Dwelling District) (1957)
	E:	N/A (Right-of-Way)
	W:	C-1 (Retail Commercial District) (1971)
	S:	C-1 (Retail Commercial District) (1971)
Adjacent Land Uses	N:	Undeveloped Land
	E:	Right-of-Way
	W:	Hotel
	S:	Hotel Access, Convenience Store with Gas Pumps

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 not located within a JPA.

Overlay District Ordinance

The subject property is located Conway Road / Hoffner Avenue Corridor Overlay District.

Airport Noise Zone

The subject property is located within an Airport Noise Zone D.

Water / Wastewater / Reclaim

Existing service or provider

Water: Orlando Utilities Commission

Wastewater: City of Orlando

Reclaimed: City of Orlando

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.

4. Policy References

OBJ FLU1.4 The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP. (Obj. 3.2-r)

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. (Added 12/00, Ord. 00-25, Policy 3.2.1-r)

FLU1.4.9 The full retail/general commercialization of an intersection shall be avoided unless sufficient justification of need is provided. Office, hotel, and multi-family uses can be used to avoid the full commercialization of an intersection. (Policy 3.2.13)

OBJ FLU8.2 COMPATIBILITY. Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses.

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.

Objective N1.1 Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods..

Site Visit Photos

Subject Site – Undeveloped



North – Undeveloped



South – Commercial



East – Right of way and stormwater pond



West – Hotel



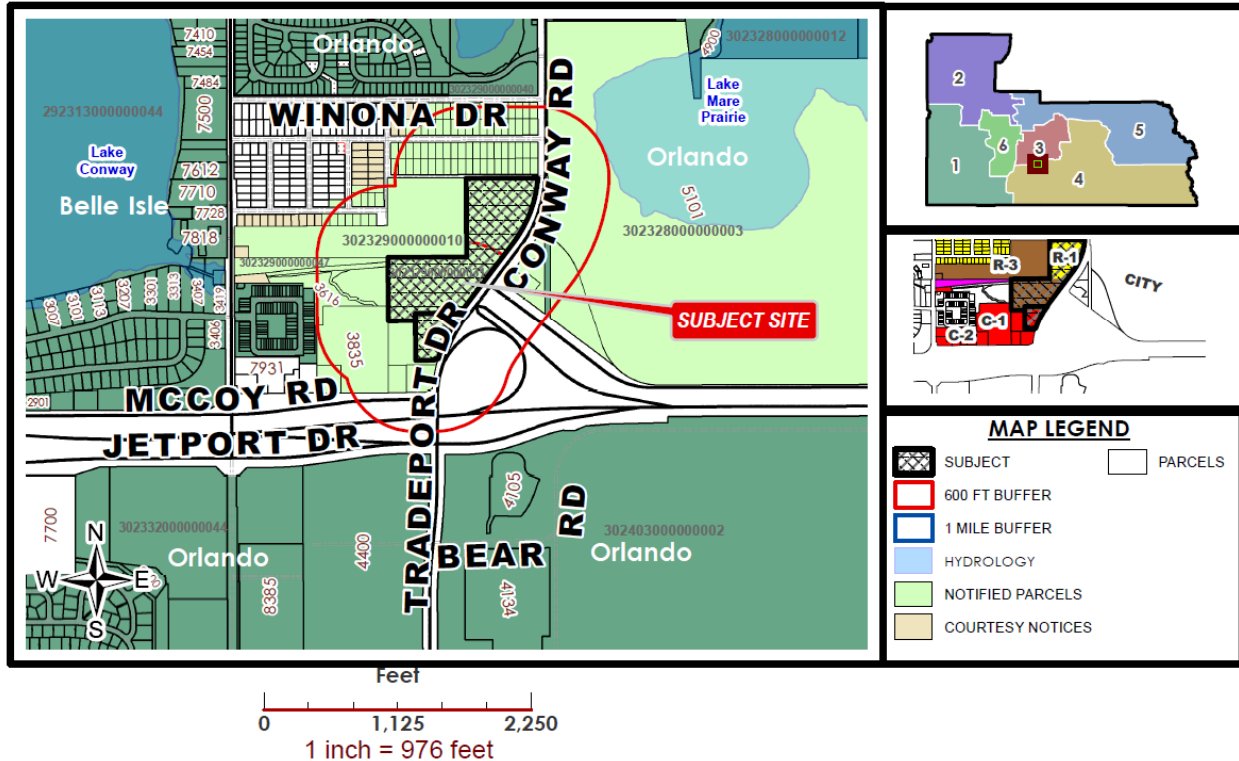
PUBLIC NOTIFICATION MAP



Public Notification Map

RZ-18-06-031

600 FT BUFFER, 160 NOTICES



Notification Area

600 ft. plus homeowner associations within a 1 mile radius of the subject site

160 notices sent

ORDINANCE NO. 2018-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE
PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING
THE ORANGE COUNTY COMPREHENSIVE PLAN,
COMMONLY KNOWN AS THE “2010-2030
COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING
A SMALL SCALE DEVELOPMENT AMENDMENT
PURSUANT TO SECTION 163.3187, FLORIDA STATUTES;
AND PROVIDING EFFECTIVE DATES.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ORANGE COUNTY:

Section 1. Legislative Findings, Purpose, and Intent.

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for
a local government in the State of Florida to adopt a comprehensive plan and amendments to a
comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of
Part II of Chapter 163, Florida Statutes, for amending Orange County’s 2010-2030 Comprehensive
Plan;

c. On June 21, 2018, the Orange County Local Planning Agency (“LPA”) held a
public hearing at which it reviewed and made a recommendation regarding the adoption of the
proposed amendment to the Comprehensive Plan as described in this ordinance; and

d. On July 10, 2018, the Orange County Board of County Commissioners (“Board”) held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan as described in this ordinance, and decided to adopt it.

30 **Section 2. Authority.** This ordinance is adopted in compliance with and pursuant to
31 Part II of Chapter 163, Florida Statutes.

32 **Section 3. Amendments to Future Land Use Map.** The Comprehensive Plan is
33 hereby amended by amending the Future Land Use Map designations as described at **Appendix**
34 **“A,”** attached hereto and incorporated herein.

35 **Section 4. Effective Dates for Ordinance and Amendments.**

36 (a) This ordinance shall become effective as provided by general law.

37 (b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small scale development
38 amendment adopted in this ordinance may not become effective until 31 days after adoption.
39 However, if an amendment is challenged within 30 days after adoption, the amendment that is
40 challenged may not become effective until the Department of Economic Opportunity or the
41 Administration Commission issues a final order determining that the adopted amendment is in
42 compliance.

43 (c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning
44 changes approved by the Board are contingent upon the related Comprehensive Plan amendment
45 becoming effective. Aside from any such concurrent zoning changes, no development orders,
46 development permits, or land uses dependent on this amendment may be issued or commence
47 before the amendment has become effective.

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ADOPTED THIS 10th DAY OF JULY, 2018.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk to the Board of County Commissioners

By: _____
Deputy Clerk

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APPENDIX “A”

FUTURE LAND USE MAP AMENDMENTS

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2018-1-C-3-1	Medium Density Residential (MDR) and Commercial (C)	Commercial (C)
*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.		

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