



Interoffice Memorandum

February 11, 2020

TO: Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners (BCC)

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

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

SUBJECT: Adoption Public Hearing – 2019-2 Session II Continued Small-Scale Development Amendment (2019-2-S-2-5)

The 2019-2 **Session II Continued Small-Scale Development** Comprehensive Plan Amendment (2019-2-S-2-5) is scheduled for a BCC adoption public hearing on February 11, 2020. This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption hearing on October 17, 2019 and was continued by the BCC from January 14, 2020 to February 11, 2020. The report for is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See:

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

The 2019-2 Session II **Continued Small-Scale Development** Amendment scheduled for consideration on February 11 includes one privately-initiated Future Land Use Map Amendment located in District 2.

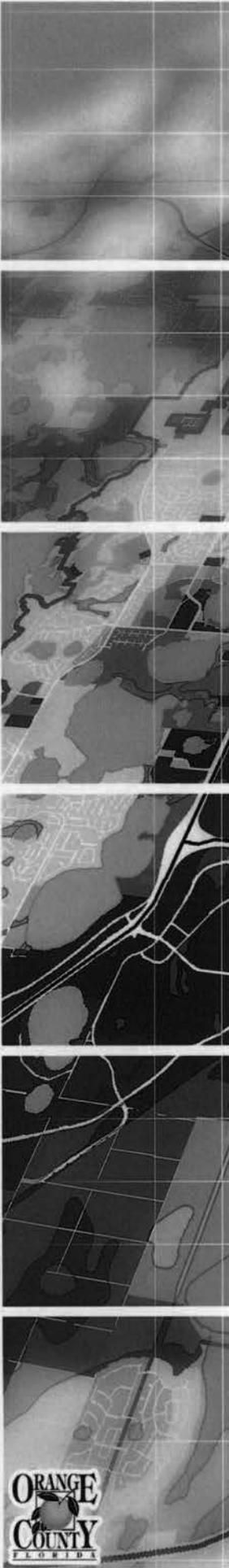
If the BCC adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for the amendment.

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](mailto:Alberto.Vargas@ocfl.net) or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Gologowski@ocfl.net](mailto:Gregory.Gologowski@ocfl.net).

AAV/sgw

Enc: 2019-2 Session II Continued Small-Scale Development Amendment (2019-2-S-2-5) –  
BCC Adoption Binder

- c: Christopher R. Testerman, AICP, Assistant County Administrator  
Joel Prinsell, Deputy County Attorney  
Erin Hartigan, Assistant County Attorney  
Roberta Alfonso, Assistant County Attorney  
Whitney Evers, Assistant County Attorney  
Gregory Gologowski, AICP, Chief Planner, Planning Division  
Olan D. Hill, AICP, Assistant Manager, Planning Division  
Eric P. Raasch, AICP, Planning Administrator, Planning Division  
Read File



**ORANGE COUNTY**  
PLANNING DIVISION

**2019-2 SESSION II**  
**CONTINUED**  
**SMALL SCALE AMENDMENT**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY**  
**COMMISSIONERS**

**February 11, 2020**  
**ADOPTION PUBLIC HEARING**

**PREPARED BY:**  
ORANGE COUNTY PLANNING, ENVIRONMENTAL,  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION



**2019-2 SMALL-SCALE DEVELOPMENT  
AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN  
BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK  
SESSION II CONTINUED**

**INTRODUCTION**

This is the Board of County Commissioners (BCC) adoption public hearing book for the proposed Continued Session II Small-Scale Development Amendment (2019-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearings for the amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on October 17, 2019, and is scheduled before the Board of County Commissioners (BCC) on February 11, 2020. The 2019-2 Session II Continued Small-Scale Development Amendment (2019-2-S-2-5) was continued by the BCC from January 14, 2020 to February 11, 2020.

The 2019-2 Session II ***Continued Small-Scale Development*** Amendment scheduled for public hearing on February 11 include one privately-initiated Future Land Use Map Amendment located in District 2.

If the BCC adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for the amendment.

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# TABLE OF CONTENTS

**INTRODUCTION** ..... Tab 1

**SMALL SCALE DEVELOPMENT AMENDMENTS**.....Tab 2

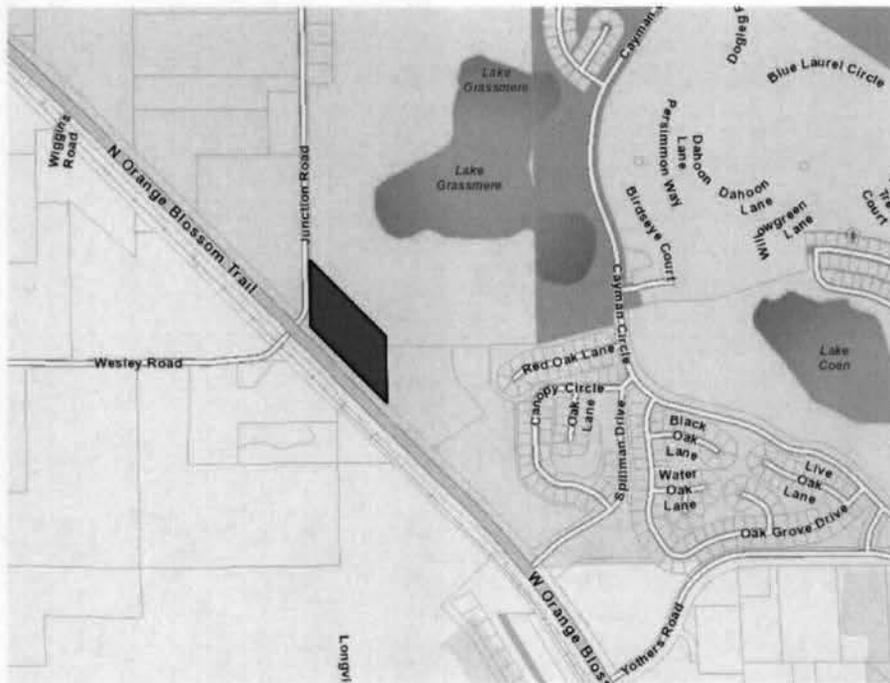
***Privately-Initiated Small Scale Development Future Land Use Map (FLUM) Amendment***

Amendment			Page
1.	Amendment 2019-2-S-2-5 Grassmere	Rural Settlement 1/1 (RS 1/1) to Commercial (C) Rural Settlement (RS)	1

**Ordinance**.....Tab 3

**Community Meeting Summary**.....Tab 4





**Applicant/Owner:**  
Thomas Sullivan/ECP  
Grassmere, LLC

**Location:**  
2523 Junction Road;  
Generally located north of  
Orange Blossom Trl., east  
of Junction Rd., south of W.  
Ponkan Rd., and west of  
Cayman Cir.

**Existing Use:**  
Undeveloped

**Parcel ID Number(s):**  
26-20-27-0000-00-020  
(portion of)

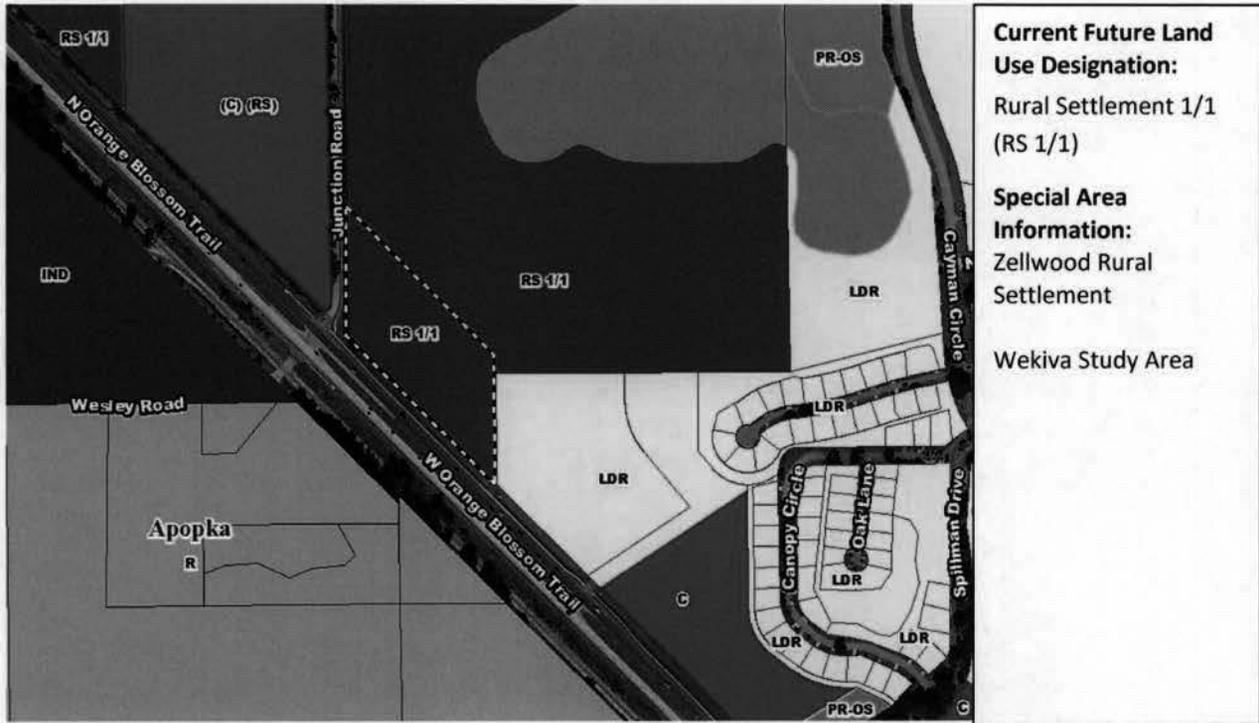
**Tract Size:**  
5.0 acres

The following meetings/hearings have been held for this proposal:		Project Information
Report/Public Hearing	Outcome	
✓ Community Meeting held August 26, 2019, with 17 members of the public in attendance.	Neutral	<p><b>Future Land Use Map Amendment Request:</b> From Rural Settlement 1/1 (RS 1/1) to Commercial (C) Rural Settlement (RS)</p> <p><b>Proposed Development Program:</b> Up to 32,670 sq. ft. of commercial development</p> <p><b>Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.</p> <p><b>Environmental:</b> CAD-19-03-038, Wekiva Study Area</p> <p><b>Transportation:</b> Awaiting updates</p> <p><b>Orange County Public Schools:</b> A CEA is not required for commercial.</p>
✓ Staff Report	Recommend Do Not Adopt	
✓ LPA Adoption October 17, 2019	Recommend Adoption (9-0)	
✓ BCC Adoption December 3, 2019	Continue to January 14, 2020 (6-0)	
✓ BCC Adoption January 14, 2020	Continue to February 11, 2020 (6-0)	
BCC Adoption	February 11, 2020	

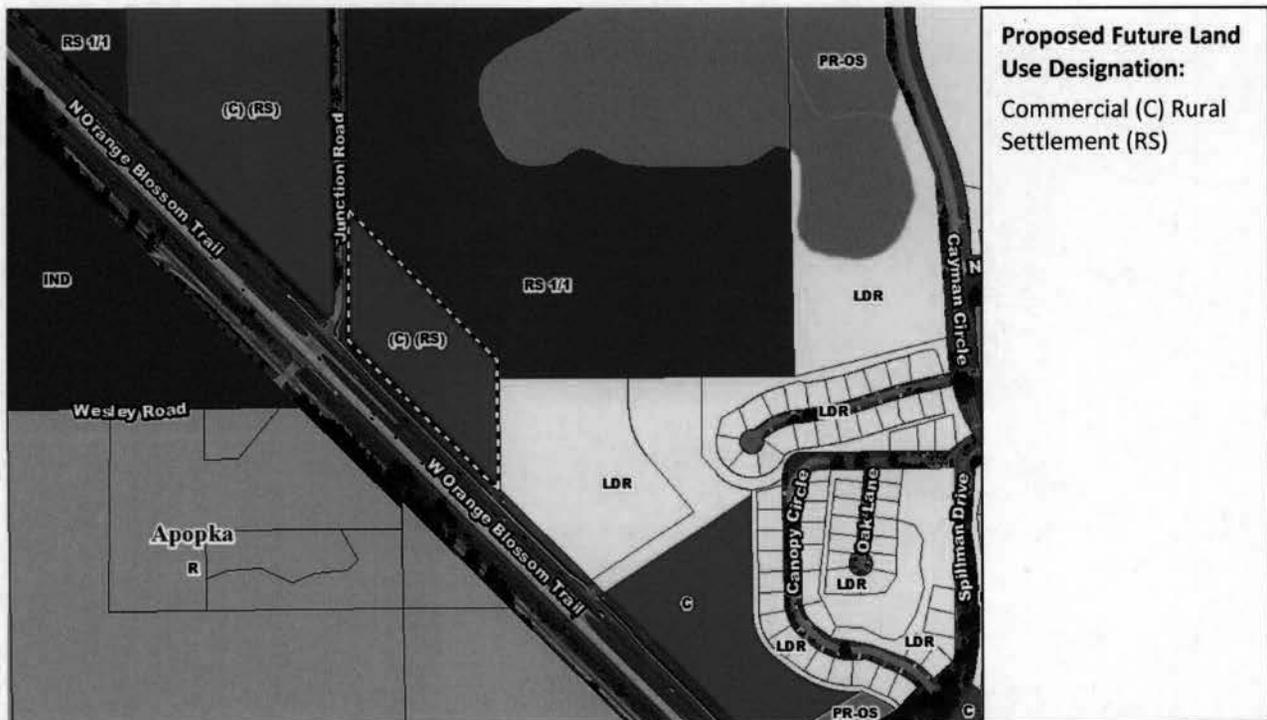
SITE AERIAL



**FUTURE LAND USE - CURRENT**



**FUTURE LAND USE - AS PROPOSED**



**ZONING - CURRENT**



## Staff and LPA Recommendations

**FUTURE LAND USE MAP AMENDMENT:** Make a finding of **inconsistency** with the Comprehensive Plan (see Future Land Use Policies OBJ FLU6.2, FLU6.2.1, FLU6.2.2, FLU6.2.9, FLU6.2.10, FLU6.6.8, FLU6.6.10, and FLU8.2.1, and Open Space Policies OBJ OS1.3, and OS1.3.2, and OS1.3.6), determine that the amendment is not in compliance, and recommend **DO NOT ADOPT** of Amendment 2019-2-S-2-5, Rural Settlement 1/1 (RS 1/1) to Commercial (C) Rural Settlement (RS).

The Local Planning Agency recommended **ADOPTION** of proposed Future Land Use Map Amendment 2019-2-S-2-5 at the October 17, 2019, meeting. Support for the amendment was given for reasons that members of the community were not opposed, and this is part of an approved 98-unit single-family subdivision.

## Analysis

### 1. Background and Development Program

The applicant, Thomas Sullivan, on behalf of the owner, ECP Grassmere, LLC., has requested to change the Future Land Use Map (FLUM) designation of the 5-acre subject property from Rural Settlement 1/1 (RS 1/1) to Commercial (C) Rural Settlement (RS). The petitioned property is undeveloped. The requested designation would allow for the consideration of neighborhood-serving commercial uses that do not attract "pass-by" trips with a maximum floor area ratio (FAR) of 0.15, or up to 32,670 square feet of commercial development.

The subject site is zoned PD (Planned Development District) as part of the Grassmere Reserve PD. The Land Use Plan for the entire PD was approved for 100 single-family dwelling units at a density of 1 unit per acre on 100 net developable acres. The petitioned site is shown on the approved Preliminary Subdivision Plan as Tract O, Proposed County Park/Open Space. The Preliminary Subdivision Plan approved 98 single-family residences.

Change Determination Review request CDR-19-04-133 proposed to remove a January 8, 2019, Board of County Commissioners' Condition of Approval #18b that required a 5-acre park at the Preliminary Subdivision Plan stage. The park counted towards the applicant's recreation requirements. The BCC approved this request August 20, 2019.

The applicant submitted a Preliminary Subdivision Plan, PSP-19-07-244, July 17, 2019, to subdivide 129.08 acres to construct 98 single-family residences. The portion of the site that is the subject of the current Future Land Use Map Amendment is shown as Tract 'A' proposed open space. The net developable acreage approved on the Land Use Plan and shown on the Preliminary Subdivision Plan is 100.92 acres. Should the request to amend the Future Land Use Map from Rural Settlement 1/1 to Commercial (Rural Settlement) be approved, the number of dwelling units would depend upon the remaining net developable acres in the part of the Grassmere Land Use Plan designated Rural Settlement 1/1.

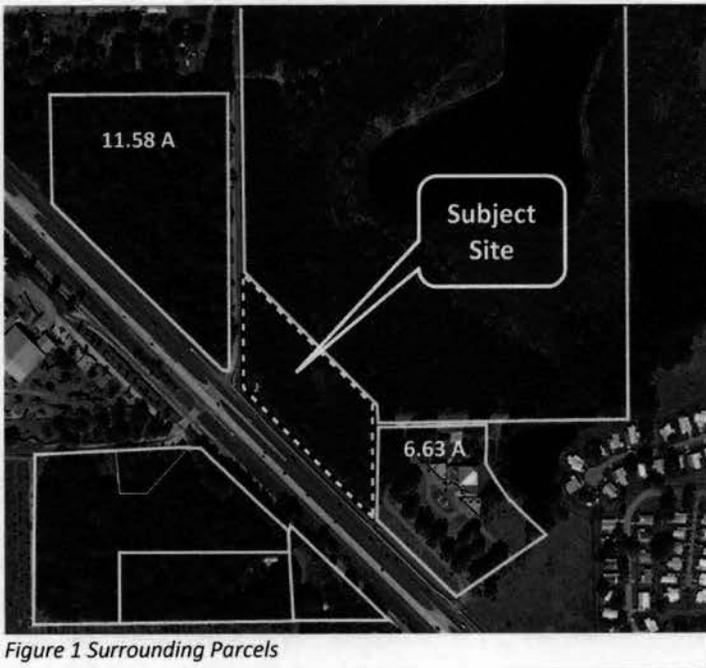
The subject site is located at 2523 Junction Road, at the intersection of Junction Road and Orange Blossom Trail. Orange Blossom Trail (State Road 441) is a four-lane divided road. There is a median cut at Junction and Orange Blossom Trail with a dedicated left turn lane. There are sidewalks along Orange Blossom Trail and Junction Road.

The petitioned site is located within the Zellwood Rural Settlement. The basis for Rural Settlements is to recognize existing communities within the Rural Service Area that are the focal point of rural activity. The location of the Zellwood Rural Settlement is shown on **Map 1**.

The Zellwood Rural Settlement is characterized as a rural town, with residential and neighborhood-serving commercial generally concentrated in the area bounded by King Avenue, Orange Blossom Trail, West Ponkan Road, and Round Lake Road. It is within this area that the post office, Zellwood Community Center and commercial uses are located. Uses to the west of Orange Blossom Trail are industrial in nature with an Industrial (IND) future land use designation.



The property abutting the site to the **north** has a future land use designation of Rural Settlement 1/1 (RS 1/1) and is zoned PD (Planned Development District) (Grassmere Reserve Land Use Plan). As mentioned above, the Land Use Plan is approved for 98 single-family dwelling units. The property is currently undeveloped.



The property to the **east** of the subject property is located in the Zellwood Station Rural Settlement. The 6.63-acre site is improved with a church. The future land use is Low Density Residential (LDR), and the zoning is PD (Planned Development District) (Zellwood Station).

The four properties to the **south** of the subject site are located in the City of Apopka. The properties are in common ownership. Two are undeveloped and two are developed with single-family dwellings.

The 11.58-acre property to the **west** of the subject site is undeveloped. The future land use on the site is Commercial (C) Rural Settlement (RS), and the zoning is C-1 (Retail

Commercial District). The Board of County Commissioners approved the Future Land Use Map Amendment and rezoning November 17, 2015 (2015-2-A-2-1 and RZ-15-10-041).

## Community Meeting

A community meeting held Monday, August 26, 2019, at the Zellwood Community Center had approximately 17 people in attendance. The applicant explained the request, stating that the owner does not have an end user. The residents voiced their concern with the traffic in the area and the need for a traffic light at US 441 and Junction Road. The overall tone of the meeting was neutral.

## 2. Future Land Use Map Amendment Analysis

### *Consistency*

The requested FLUM Amendment appears to be inconsistent with the applicable Comprehensive Plan Goals, Objectives, and Policies, which are specifically discussed in the paragraphs below.

Orange County adopted the Growth Management Policy in May 20, 1980. The Policy created a Development Framework that was divided into three major sections: Countywide, Urban Service Area, and Rural Service Area. Each of the areas were divided into categories related to development pattern, provision of services, and development regulations. The Rural Service Area was the land outside of the Urban Service Area and not designated as Conservation area that generally contains agricultural and rural residential developments that do not require urban levels of service. Rural Settlements were defined as "those existing communities within the Rural Service Area, which have become a focal point of rural activity." It was noted that these areas "may contain neighborhood convenience commercial development, provided that it is consistent with the rural character of these areas." The 1980 Policy recognizes six (6) historic settlements, including Zellwood. The Neighborhood Convenience Commercial services, adopted in the Policy, were characterized as those goods which are needed immediately and often are purchased where it is most convenient for the shopper. The general characteristics of such a development includes a store of 3,000-5,000 square feet, parking for 12-18 cars, access for adjacent residential areas via a sidewalk or bike path, and buffering to avoid negative impacts on any abutting residential use.

The Growth Management Policy and maps were adopted as part of the Comprehensive Plan in 1990. The Future Land Use Map that was part of the 1980 Growth Management Plan was also adopted as the 1990 Future Land Use Map. The Policy understood that these areas existed prior to the creation of the Rural Service Area and that these places needed special recognition and policies to continue as they were originally developed.

The Comprehensive Plan recognized the Rural Service Area as largely being reserved for rural uses. It recognized those Rural Settlements identified in the 1985 Policy. The 1990 Plan allowed for neighborhood commercial land uses to be permitted in the Rural Settlements, but only at the neighborhood serving level and included criteria:

These uses shall be located to serve the residents of the rural area and not primarily to attract "pass-by" trips; and,

These uses shall contain retail and personal services intended to serve the immediate population. (1990 Comprehensive Plan Future Land Use Element Policy 2.1.16.)

The 1990 Plan defined Neighborhood commercial as intended to serve the needs of nearby residents, employees, visitors, and businesses (within two to three miles), with a usual minimum site area of 3 acres, with a minimum support population of 2,500 – 30,000 people.

The 2010-2030 Comprehensive Plan continues to recognize Rural Settlements as those areas designated on the Future Land Use Map to meet the desire for a rural lifestyle. Future Land Use

Element Objective OBJ FLU6.2 recognizes Rural Settlements as a place to provide for a rural residential lifestyle, intended to recognize and preserve existing development patterns at the time the Comprehensive Plan was adopted in 1991. The objective recognizes 22 Rural Settlements, with five recognized for their cultural character.

**Future Land Use Element FLU6.2.2** states:

Every effort shall be made to preserve the existing character of the Tangerine, Clarcona, Christmas, Zellwood, and Gotha Rural Settlements as part of Orange County's heritage and historic preservation. Rural Settlements may be designated as Preservation Districts for the purposes of municipal annexation pursuant to the Orange County Charter, Article V.

**Future Land Use Element Policy FLU6.2.9 and Policy FLU6.2.10** contain criteria specific to neighborhood commercial and office uses in Rural Settlements. These policies include the following (staff responses are in italics):

- Allow neighborhood commercial and office uses in Rural Settlements in areas designated for such on the Future Land Use Map  
*The applicant requests to amend the Future Land Use Map from Rural Settlement 1/1 (RS 1/1) to Commercial (C) Rural Settlement (RS) to create additional commercial land.*
- Only those commercial and office uses what will support existing residential uses shall be permitted in Rural Settlements  
*The applicant has not provided a development program. However, the bulk of residential development is located on the east side of Orange Blossom Trail. The petitioned site is on the east side and is part of a proposed residential development.*
- The scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement  
*Up to 39,073 square feet of commercial could be allowed on the petitioned site.*
- Corner stores, professional services that utilize existing structures, and small-scale personal services permitted within agricultural zoning are the type of non-residential uses consistent with Rural Settlements.
- Limited C-1 zoning uses and FARs up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character.  
*The building is limited to a FAR of 0.15 or up to 32,670 square feet.*
- Neighborhood commercial uses in Rural Settlements shall be developed according to the following:
  - These uses shall be located to serve the residents of the rural area and not primarily to attract "pass-by" trips; and,
  - These uses shall contain retail and personal services intended to serve the immediate population.

*The subject site is located along Orange Blossom Trail. The scale of proposed development rivals the entire amount of existing commercial development, which adversely impacts the historic and rural character of the Zellwood community by shifting the focus of activity away from the historic core. The proposed land use change could shift the character of the corridor to a ribbon of commercial development typical of suburban, not rural, areas.*

The Future Land Use Element recognizes commercial uses in Rural Settlements. However, it has continually been County policy that the commercial uses be neighborhood-serving and not primarily to attract "pass-by" trips. The location of the proposed commercial use along Orange Blossom Trail

does not meet this policy. Instead, the amendment, if approved, could set a precedent for other commercial uses along Orange Blossom Trail, which could affect the rural character of the area.

The subject site is located within the Wekiva Study Area. **Open Space Element Objective OBJ OS1.3** requires Orange County to protect the Wekiva Springshed and its natural resources by maximizing preserved open space within the Wekiva Study Area. **Open Space Policy OS1.3.2** defines open space within the Wekiva Study Area as the land area that remains undeveloped or minimally developed as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of developable area remain preserved, which shall represent the minimum open space requirements. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas using Best Management Practices.

**Open Space Element Policy OS1.3.6**, non-residential land uses in the Rural Service Area, requires:

New non-residential uses permitted in the Wekiva Study Area within the Rural Service Area generally shall be limited to neighborhood and community commercial uses, including small offices, institutional uses, agricultural uses, public parks, and public conservation lands. Land uses existing prior to adoption of this policy shall be recognized and allowed to develop according to the appropriate Land Development Code in place at the time of development permitting. **Comprehensive plan map amendments may allow neighborhood or community commercial uses only at intersections of collector or arterial roadways, and such uses shall be restricted to neighborhood and low-intensity community commercial uses.** Such commercial uses shall not be considered to be an impetus for increased residential densities in proximity to those commercial uses. **Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space.** (emphasis added)

Orange Blossom Trail is an arterial roadway, while Junction Road is not. As mentioned, the proposed land use change would shift the character of the corridor to a ribbon of commercial development typical of suburban sprawl and not rural.

The minimum amount of permanently protected open space required on the subject site per Wekiva Springshed protection standards is 54,450 square feet.

### ***Compatibility***

**Future Land Use Element Policy FLU8.2.1** requires land use changes be compatible with the existing development and development trend in the area. The map on the following page outlines the Zellwood Rural Settlement. There are a number of future land use categories represented in the Zellwood Rural Settlement, including Office (O), Low-Medium Density Residential (LMDR), and Institutional (INST). Future Land Use category Rural Settlement 1/5 (RS 1/5) is predominately located north of Sadler Road to Lake Maggiore and Lake Minore. The residential lots within the center of Zellwood have a future land use of Low Density Residential (LDR) and Rural Settlement 1/1 (RS 1/1). Land use to the west of Orange Blossom Trail is Industrial (IND), which is reflective of the existing industrial uses in the area. Residential areas directly across 441 to the west have been annexed by Apopka, but currently maintain their Rural 1:10 density. On the east of Orange Blossom Trail is Commercial (C) future land use and Rural Settlement 1/1 (RS 1/1).

One Future Land Use Map Amendment has been approved in the Zellwood Rural Settlement. On November 17, 2015, the Board of County Commissioners approved a Future Land Use Map Amendment and concurrent rezoning (2015-2-A-2-1 and RZ-15-10-041) for property located at 2301 North Orange Blossom Trail, adjacent to the current site. This approval changed the future land use designation from Rural Settlement 1/1 (RS 1/1) to Commercial (C) Rural Settlement (RS) and rezoned the site from A-1 (Citrus Rural District) to C-1 (Retail Commercial District). Staff and the Local Planning Agency recommended that the amendment not be adopted. This site remains undeveloped.

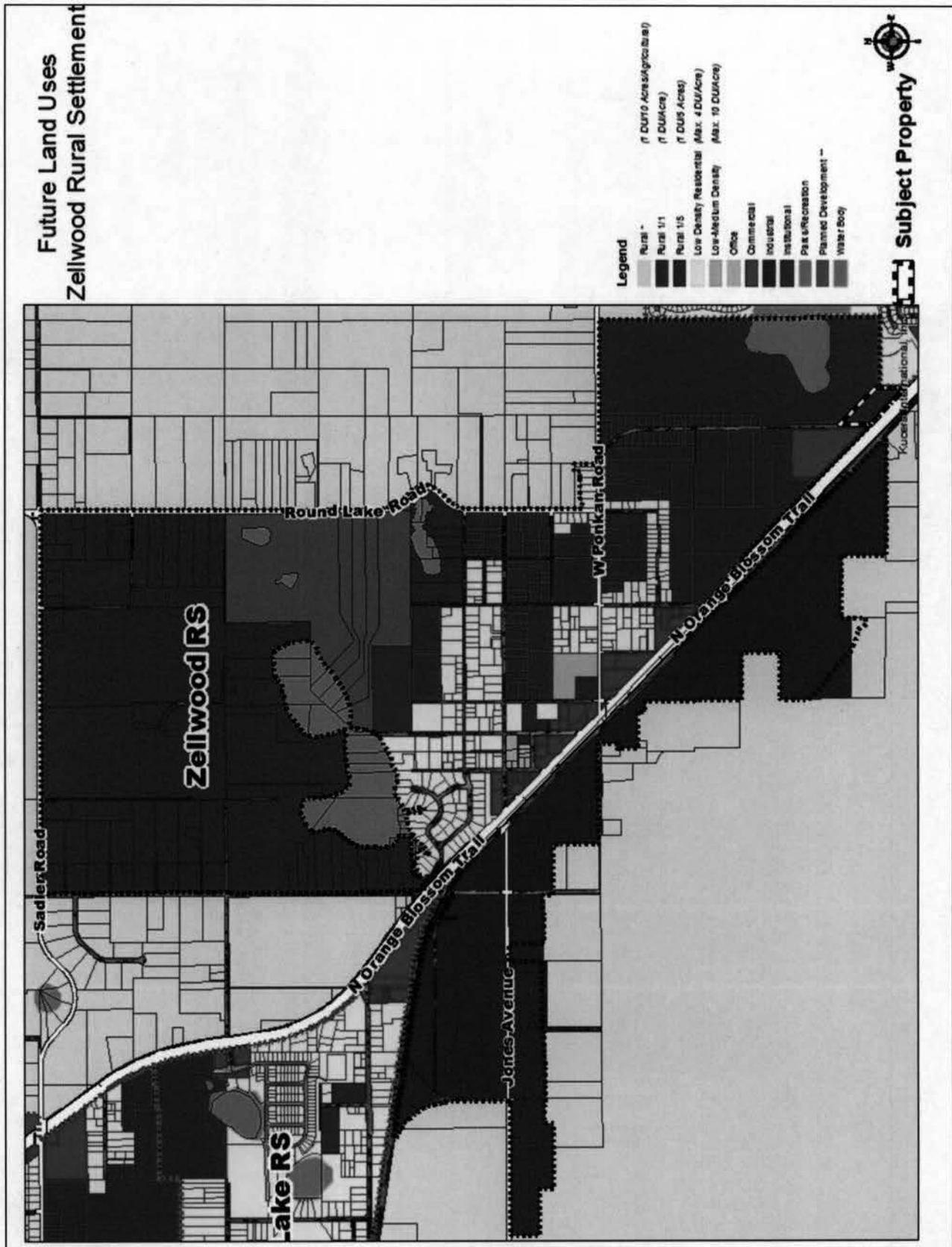
On the south side of the proposed site, the Zellwood Station PD included two commercially-designated parcels fronting on US 441. These parcels remain undeveloped.

The Zellwood Rural Settlement includes a cluster of existing commercial uses along Orange Blossom Trail at the core of the historic Zellwood community located within an approximately one-mile corridor between Winnifred Avenue and Jones Avenue. The individual square footage of these uses is less than 10,000 square feet, with the range between 441 square feet and 8,248 square feet. The uses include retail, restaurant, convenience stores, auto repair, auto store, and a Family Dollar Store. The uses in the area maintain the rural character of the area.

Staff is concerned that approval of the current proposal will promote a pattern of highway-oriented commercial along US 441, detracting from the continued viability of the Zellwood core commercial and increasing traffic friction along the highway. Further, the proposed site is located between three parcels of approved highway commercial uses that have yet to attract any outlying commercial development. Staff concludes that the current proposal is inconsistent with desired development patterns. At best, the proposal is premature for this market area.



Figure 2 – Nearby Undeveloped Commercial (Red)



Parcel ID	Future Land Use	Zoning	Year Built	Size	Use
<b>22-20-27-2736-07-060</b>	<b>Commercial</b>	<b>C-1</b>			<b>Undeveloped</b>
22-20-27-2736-07-010	Commercial	C-1	1950	460 sq. ft.	Business
<b>22-20-27-2736-12-002</b>	<b>Commercial</b>	<b>C-1</b>	<b>1945</b>	<b>1,764 sq. ft.</b>	<b>Retail</b>
22-20-27-2736-11-163	Commercial	C-1	1920 1986	2,620 sq. ft. 1,476 sq. ft.	Restaurants
<b>22-20-27-2736-11-011</b>	<b>Commercial</b>	<b>C-1</b>			<b>Undeveloped</b>
22-20-27-2736-11-013	Commercial	C-1	1946	1,600 sq. ft.	Retail
<b>22-20-27-2736-11-012</b>	<b>Commercial</b>	<b>C-1</b>	<b>1957</b>	<b>520 sq. ft.</b>	<b>Barber Shop</b>
22-20-27-2736-11-040	Commercial	C-1			Undeveloped
<b>22-20-27-2736-11-060</b>	<b>Commercial</b>	<b>C-1</b>			<b>Undeveloped</b>
22-20-27-2736-11-161	Commercial	C-1	1940	1,014 sq. ft.	Auto Repair
<b>22-20-27-2736-11-070</b>	<b>Commercial</b>	<b>C-1</b>	<b>1947</b>	<b>2,236 sq. ft.</b>	<b>Retail</b>
22-20-27-2736-11-080	Commercial	C-1	1943	1,419 sq. ft.	Restaurant
<b>22-20-27-2736-10-041</b>	<b>Commercial</b>	<b>C-1</b>	<b>2014</b>	<b>8,248 sq. ft.</b>	<b>Family Dollar</b>
22-20-27-8600-00-220	Commercial	C-1			Manufactured Homes
<b>22-20-27-8600-00-190</b>	<b>Commercial</b>	<b>R-1</b>	<b>1945</b>	<b>1,085 sq. ft.</b>	<b>Residence</b>
22-20-27-2736-10-043	Commercial	C-1	1980	4,207 sq. ft.	Office (Bank)
<b>22-20-27-2736-10-051</b>	<b>Commercial</b>	<b>C-1</b>	<b>1960</b>	<b>1,333 sq. ft.</b>	<b>Retail</b>

22-20-27-2736-09-031	Commercial	C-1			Undeveloped
<b>22-20-27-2736-09-043</b>	<b>Commercial</b>	<b>C-1</b>			<b>Undeveloped</b>
22-20-27-2736-09-041	Commercial	C-1	1966	2,740 sq. ft.	Auto Repair
<b>22-20-27-2736-09-042</b>	<b>Commercial</b>	<b>C-1</b>			<b>Undeveloped</b>
22-20-27-2736-09-061	Commercial	C-1	1999	6,765 sq. ft.	Auto Parts Store
<b>22-20-27-2736-09-050</b>	<b>Commercial</b>	<b>R-1</b>			<b>Undeveloped</b>
22-20-27-2736-09-044	Commercial	C-1			Undeveloped
<b>27-20-27-0000-00-009</b>	<b>Commercial</b>	<b>C-1</b>	<b>1958</b>	<b>1,200 sq. ft.</b>	<b>Retail</b>
27-20-27-0000-00-010	Commercial	C-1	1954	1,631 sq. ft.	Residence
<b>27-20-27-0000-00-066</b>	<b>Commercial</b>	<b>C-1</b>			<b>Undeveloped</b>
27-20-27-0000-00-011	Commercial	C-1			Undeveloped
<b>27-20-27-0560-01-100</b>	<b>Commercial</b>	<b>C-3</b>			<b>Undeveloped</b>
27-20-27-0560-01-152	Commercial	C-3			Undeveloped
<b>27-20-27-0560-01-151</b>	<b>Commercial</b>	<b>C-3</b>			<b>Undeveloped</b>
27-20-27-0560-01-140	Commercial	C-3			Undeveloped
<b>27-20-27-0560-01-131</b>	<b>Commercial</b>	<b>C-3</b>			<b>Undeveloped</b>
27-20-27-0560-01-112	Commercial	C-3			Undeveloped
<b>27-20-27-0560-01-122</b>	<b>Commercial</b>	<b>C-3</b>			<b>Undeveloped</b>
27-20-27-0560-01-111	Commercial	C-3			Undeveloped

<b>27-20-27-0560-01-121</b>	<b>Commercial</b>	<b>C-3</b>			<b>Conv. Store</b>
27-20-27-0000-00-046	RS 1/1	C-1	1955 1955 1960	1,106 sq. ft. 2,580 sq. ft. 441 sq. ft.	Truck Stop Restaurant Auto Repair
<b>26-20-27-0000-00-022</b>	<b>Commercial</b>	<b>C-1</b>			<b>Undeveloped</b>

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

**Environmental Protection Division**

The subject area was previously reviewed as part of the Development Review Committee (DRC) Grassmere Reserve Land Use Plan (LUP) and Preliminary Subdivision Plan (PSP). Refer to the staff comments and conditions of approval submitted for those reviews.

The project site was included in Orange County Conservation Area Determination CAD-19-03-038 completed for the PD, with a certified wetland boundary survey approved by the Environmental Protection Division on August 9, 2019. No conservation area was claimed within the amendment area.

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 apply. Regulations include, but are not limited to, septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed, and aquifer vulnerability. These requirements may reduce the total net developable acreage. 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 and the related policies.

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

This property has a prior agricultural land use that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide, or herbicide. A Phase I Environmental Site Assessment (ESA) report dated February 26, 2019, was submitted with the Preliminary Subdivision Plan.

No activity will be permitted on the site that may disturb, influence, or interfere with areas of soil or groundwater contamination, any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Orange County Environmental Protection Division (EPD). An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in Section 376.308, F.S.

The PD has a wildlife animal facility adjacent to the north, two landfills (Class III construction, demolition and vegetative debris) within one mile to the north, a large soil excavation operation 0.3 miles to the north, landscape nurseries to the west, and a mulch processing facility to the southwest across US 441. These facilities may periodically create odors, noise, and/or dust depending upon weather and operational circumstances.

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 the Orange County Code, Sections 30-277 and 30-278.

**4. Policy References**

**OBJ FLU6.2 RURAL SETTLEMENTS.** Rural Settlements provide for a rural residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the CP was adopted in 1991. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the Rural Service Area, while providing for rural communities.

**FLU6.2.1** The following Rural Settlements shall be designated on the Future Land Use Map to meet the desire for a rural lifestyle. No new Rural Settlements or expansions to the existing Rural Settlement boundaries shall occur; however, within 18 months, Orange County shall complete a study to determine whether the existing Rural Settlements should be expanded.

<i>Rural Settlements</i>	
Bithlo	North Christmas
Bridle Path	Otter Lake
Christmas	Paradise Heights
Clarcona	Rainbow Ridge
Corner Lake	Sunflower Trail/Seaward Plantation
Gotha	Tangerine
Lake Avalon	Tildenville
Lake Hart/Lake Whippoorwill	Wedgfield
Lake Mary Jane	West Windermere
Lake Pickett	Zellwood
North Apopka/Wekiva	Zellwood Station

The basis of this policy is that Rural Settlements were implemented to recognize communities that existed at the time of the 1991 CPP adoption. This policy change is being implemented as part of this update’s strategy to focus development within the County’s USA and discourage the proliferation of extended Rural Settlement boundaries. In addition this policy will allow time for vacant and committed lands within existing Rural Settlements to develop as a means of satisfying this style of living. This policy will be monitored and evaluated as part of the 2014 EAR.

**FLU6.2.2** Every effort shall be made to preserve the existing character of the Tangerine, Clarcona, Christmas, Zellwood, and Gotha rural settlements as part of Orange County’s heritage and historic preservation. Rural Settlements may be designated as Preservation Districts

for the purposes of municipal annexation pursuant to the Orange County Charter, Article V.

FLU6.2.9 Neighborhood commercial and office uses shall be allowed in Rural Settlements in areas designated for such on the Future Land Use Map. Only those commercial and office uses that will support existing residential uses, i.e., neighborhood commercial, shall be permitted in Rural Settlements. The scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement. Corner stores, professional services that utilize existing structures, small scale personal services permitted within agricultural zoning are the type of non-residential uses consistent with Rural Settlements. Limited C-1 zoning uses and FARs up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character.

FLU6.2.10 Neighborhood commercial uses in Rural Settlements shall be developed according to the following criteria:

- A. These uses shall be located to serve the residents of the rural area and not primarily to attract "pass-by" trips; and,
- B. These uses shall contain retail and personal services intended to serve the immediate population.

FLU6.6.8 Land uses within the Rural Service Area portion of the Wekiva Study Area shall be limited to very low and low intensity uses to the greatest extent possible. Existing land uses are recognized but density and intensity shall not be increased through a future land use change unless there is substantial evidence that the change will satisfy a demonstrated need in the community or area.

Any petitioner for a Future Land Use Map Amendment must submit documentation substantiating that a particular need exists in the community or area in which the change is being proposed. This documentation shall clearly identify the particular need and clearly describe how the proposed change is anticipated to satisfy that need.

Evidence and documentation indicating need and indicating that the proposed development would satisfy that need must be submitted from a third party objective source. In preparing such documentation, the petitioner shall keep in mind that market demand does not necessarily constitute need.

The following evaluation factors shall be used to determine consistency with this policy. To ensure environmental protection, projects shall identify whether a site is located in an environmentally sensitive area and whether locations in areas of lower vulnerability or areas that already allow the proposed land use are not available within a reasonable distance.

Applicants must demonstrate that the proposed land use is compatible with existing land uses and community character and is the least intensive to meet the demonstrated need. Additionally, the project will be evaluated based upon whether community or economic benefits are derived from the proposed land use at that location, as well as whether the proposed use benefits the environment (such as projects that will be designed and constructed using conservation design and green principles).

Residential projects shall demonstrate the need for additional residential development using analytical tools such as population projections and availability of existing or

already approved vacant lots and/or units. Additional considerations will include housing affordability and impacts on public services and facilities.

Non-residential and mixed-use projects shall demonstrate that the proposed land use will not generate hazardous materials and waste. Additionally, factors such as support for forestry, agriculture, fishing and natural resource-based outdoor recreation industries, as well as dependence on site-specific natural resources will be evaluated for the proposed land use.

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. (Policy 3.2.25)

OBJ OS1.3 Orange County shall protect the Wekiva Springshed and its natural resources by maximizing preserved open space within the Wekiva Study Area.

OS1.3.2 Open space within the Wekiva Study Area (WSA) and Wekiva River Protection Ordinance area shall be defined as the land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of developable area remain preserved, which shall represent the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas using Best Management Practices. Golf courses shall be generally excluded with the exception that areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application may be credited toward the minimum open space requirement. The minimum required quantity of open space within a development site shall be calculated over the net developable area of a parcel, which is defined as the total area of a parcel less wetlands and natural water bodies. Non-developable areas, including wetlands and natural water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement.

OS1.3.6 For that portion of the Wekiva Study Area located within the Joint Planning Area of the City of Apopka, Orange County shall require compliance with minimum open space and density requirements described by the Joint Planning Area Agreement (JPA) with the City of Apopka adopted on October 26, 2004. If a discrepancy exists between the City of Apopka and Orange County in terms of requirements, the most stringent shall apply. The County shall adopt Land Development Regulations by January 1, 2007 for these areas to provide for a pattern of development that protects most effective recharge areas, karst features, and sensitive natural habitats. (Amended 6/10, Ord. 10-07)

All areas shown as High Recharge Areas identified in the Data and Analysis of this element on Map 4 (aka Figure WSA-3) shall be recognizable by the presence of Type "A" Hydrologic Soil Group identifying the most effective recharge areas. (Amended 6/10, Ord. 10-07)

During the site planning process, a soil analysis shall be performed by a qualified professional to determine the location of most effective recharge areas, considered Type "A" Hydrologic soils described by the NRCS Soil Survey maps. (Amended 6/10, Ord. 10-07).

To maximize open space and preserve the natural environment, all development shall conform to the following requirements.

An acceptable alternative plan to a configuration in which the required percentage of open space is located on site is a plan that ensures that the required percentage of open space is permanently preserved through the transfer of density credits, development rights, or property purchases (such off-site transfers shall be limited to property located within the Wekiva Springshed), and such open space shall be permanently protected through conservation easements or similar binding mechanisms. (Added 10/10, Ord. 2010-13)

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.

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

New non-residential uses permitted in the Wekiva Study Area within the Rural Service Area generally shall be limited to neighborhood and community commercial uses including small offices, institutional uses, agricultural uses, public parks and public conservation lands. Land uses existing prior to adoption of this policy shall be recognized and allowed to develop according to the appropriate Land Development Code in place at the time of development permitting. Comprehensive plan map amendments may allow neighborhood or community commercial uses only at intersections of collector or arterial roadways, and such uses shall be restricted to neighborhood and low-intensity community commercial uses. Such commercial uses shall not be considered to be an impetus for increased residential densities in proximity to those commercial uses. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. To minimize impervious surfaces, shared parking shall be required to the greatest extent practicable between adjacent non-residential uses. (Amended 6/10, Ord. 10-07)

Site Visit Photos

Subject Site	
	
North of Subject Site	South of Subject Site
	
West of Subject Site	East of Subject Site
	

**PUBLIC NOTIFICATION MAP**



**Notification Area**

500 ft. plus neighborhood and homeowners' associations within a one-mile radius of the subject site

255 notices sent

ORDINANCE NO. 2020-\_\_\_\_\_

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 SMALL SCALE DEVELOPMENT AMENDMENTS 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 October 17, 2019, the Orange County Local Planning Agency ("LPA") held a public hearing at which it reviewed and made recommendations regarding the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

e. On December 3, 2019, the Board opened a public hearing on the adoption of proposed Future Land Use Map Amendment 2019-2-S-2-5, as described in this ordinance, and decided to continue the hearing on the adoption to January 14, 2020; and

30 f. On January 14, 2020, the Board opened a public hearing on the adoption of  
31 proposed Future Land Use Map Amendment 2019-2-S-2-5, as described in this ordinance, and  
32 decided to continue the hearing on the adoption again to February 11, 2020; and

33 g. On February 11, 2020, the Board held a public hearing on the adoption of the  
34 proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to  
35 adopt them.

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

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

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

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

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

49 (c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning  
50 changes approved by the Board are contingent upon the related Comprehensive Plan amendment  
51 becoming effective. Aside from any such concurrent zoning changes, no development orders,

52 development permits, or land uses dependent on any of these amendments may be issued or  
53 commence before the amendments have become effective.

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57 ADOPTED THIS 11th DAY OF FEBRUARY, 2020.

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**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

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By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

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

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By: \_\_\_\_\_  
Deputy Clerk

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## APPENDIX "A"

### FUTURE LAND USE MAP AMENDMENTS

<b>Appendix A*</b>		
<i>Privately Initiated Future Land Use Map Amendments</i>		
<b>Amendment Number</b>	<b>Future Land Use Map Designation FROM:</b>	<b>Future Land Use Map Designation TO:</b>
<b>2019-2-S-2-5</b>	<b>Rural Settlement 1/1 (RS 1/1)</b>	<b>Commercial (C) Rural Settlement (RS)</b>
<b>*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.</b>		

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## Community Meeting Memorandum

**DATE:** August 27, 2019  
**TO:** Greg Golgowski, Chief Planner, Planning Division  
**FROM:** Misty Mills, Planner II  
**SUBJECT:** Amendment 2019-2-S-2-5 – Community Meeting Notes  
**C:** Project file

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**Location of Project:** 2523 Junction Rd.; Generally located north of Orange Blossom Trl., east of Junction Rd., south of W. Ponkan Rd., and west of Cayman Cir.

**Meeting Date and Location:** August 26, 2019 at 6:00 pm at Zellwood Community Center

### Attendance:

District Commissioner Orange County staff	Kathy Marsh, aide to District 2 Commissioner Christine Moore Greg Golgowski, Chief Planner; Misty Mills, Planner II; Alyssa Henriquez, Planner II; Steven Thorp, Planner III; Romel Seepaul, Engineer II, Public Works
Applicant team	Thomas Sullivan (applicant)
Property owner	Frank Bombeeck, ECP Grassmere, LLC
Residents	255 notices sent; approximately 17 residents in attendance

**Overview of Project:** The applicant's request is to amend the Future Land Use designation of the 5-acre subject property from **Rural Settlement 1/1 (RS 1/1)** to **Commercial Rural Settlement (C) (RS)**. The property is part of the Grassmere Planned Development. The Land Use Plan, as approved, would allow for 98 single-family dwelling units. The applicant proposes to construct up to 32,670 square foot commercial development.

**Meeting Summary:** Ms. Mills provided an overview of the request. She noted the hearing dates and the location of the upcoming meetings, the first before the Local Planning Agency (LPA) on October 17, 2019, and the second before the BCC on November 12, 2019.

The applicant, Thomas Sullivan, explained that the 5-acre portion is part of a larger site that is approved as the Grassmere Planned Development that is currently entitled for 98 single-family dwelling units. He stated the 5-acre portion is located along Orange Blossom Trail (441) and the proposal is to amend the future land use map to allow for commercial development. He stated he thinks the area needs neighborhood commercial and at this time the developer does not have an end user.

Questions from the residents:

One resident asked if the future land use could revert back to Rural Settlement 1/1 (RS 1/1) if market demand changed. Mr. Sullivan explained that if the owner wanted to change the future

land use back, they would be required to go through the amendment process again.

Another question asked for clarification about the 5-acre subject site being required to be a park. Mr. Sullivan explained that the park was required as part of a condition of approval in 2006. He stated in 2007 the State of Florida passed the Wekiva Open Space requirements. He stated the 5-acre subject site is different from the previously required 5-acre park. (The park requirement was removed at the August 20, 2019 BCC meeting under CRD-19-04-133.)

Questions were asked about roadway improvements and a traffic light at 441 and Junction Road. It was explained that turn-lane improvements would be made as part of the development and a traffic signal is unlikely to be warranted. Residents stressed that this is a dangerous intersection.

There were questions specific to the development on the site, including location of houses, water providers, and amenities. Mr. Sullivan and Mr. Bombeeck answered these questions stating that the houses would be located internal to the site, with the goal of retaining open space and trees and keeping the area around the lake as open space. They stated that 441 is not an ideal location for residential. The City of Apopka will be the water provider. Amenities will include a club house, pool, and tot lot and the development will not be gated.

Mr. Golgowski concluded the meeting by reminding the residents of the upcoming meeting dates. The meeting adjourned at 6:30 p.m. The overall tone of the meeting was **NEUTRAL**.