



# **ORANGE COUNTY**

## **PLANNING DIVISION**

2010 - 2030 COMPREHENSIVE PLAN

### **SMALL SCALE MONTHLY REPORTS SS-20-12-080**

**BOARD OF COUNTY  
COMMISSIONERS**

**MARCH 9, 2021  
ADOPTION PUBLIC HEARING**

**PREPARED BY:**

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

March 9, 2021

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

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

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

SUBJECT: Adoption Public Hearing – March 9, 2021 Small-Scale Future Land Use  
Map Amendment and Concurrent PD Rezoning Request SS-20-12-080

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment** scheduled for a BCC adoption public hearing on March 9, 2021. The adoption public hearing for Small-Scale Development Amendment SS-20-12-080 (and concurrent PD rezoning RZ-21-01-087) was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on January 21, 2021.

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 this 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 Jason Sorensen, AICP, Chief Planner, Current Planning Section, at 407-836-5602 or [Jason.Sorensen@ocfl.net](mailto:Jason.Sorensen@ocfl.net).

JVW/AAV/JAH

Enc: Small-Scale Development Amendment BCC Adoption Binder

c: Christopher R. Testerman, AICP, Assistant County Administrator  
Joel Prinsell, Deputy County Attorney  
Whitney Evers, Assistant County Attorney  
Roberta Alfonso, Assistant County Attorney  
Jason Sorensen, AICP, Chief Planner, Planning Division  
Olan D. Hill, AICP, Assistant Manager, Planning Division  
Eric P. Raasch, AICP, Planning Administrator, Planning Division

Case Planner:  
James Hartsfield

**Small-Scale Amendment and Rezoning Staff Report**  
**Orange County Planning Division**  
**BCC Hearing Date: March 9, 2021**

***PZC Recommendation Staff Report***  
***Commission District: # 2***

**GENERAL INFORMATION**

<b>APPLICANT</b>	Martin Rodriguez, Los Girasoles Supermarket, LLC
<b>OWNERS</b>	415 Old Dixie, LLC
<b>HEARING TYPE</b>	Board of County Commissioners Hearing
<b>FLUM REQUEST</b>	<b>LMDR</b> (Low-Medium Density Residential) <b>to</b> <b>C</b> (Commercial)
<b>ZONING REQUEST</b>	<b>C-1</b> (Retail Commercial District) <b>to</b> <b>C-1 Restricted</b> (Retail Commercial District)
<b>LOCATION</b>	415 Old Dixie Hwy: generally located on the eastern corner of Old Dixie Highway and N. Maine Avenue, west of N. New Hampshire Avenue.
<b>PARCEL ID NUMBER</b>	09-21-28-5908-03-010
<b>TRACT SIZE</b>	0.42 gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred thirty-one (131) notices were mailed to those property owners in the mailing area.
<b>COMMUNITY MEETING</b>	A virtual community meeting was held on December 7th, 2020 and is summarized further in this report.
<b>PROPOSED USE</b>	Neighborhood Commercial Uses (Grocery Store).

**STAFF RECOMMENDATION**

**PLANNING**

**Future Land Use Map Amendment**

**Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use.**

**Rezoning**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District – Restricted) zoning, subject to the following restrictions:**

- 1) Access shall be restricted to N. Maine Avenue only; no access to Old Dixie Highway shall be permitted;
- 2) In addition to any required landscape buffers, a 6-foot masonry wall shall be provided adjacent to residentially zoned properties;
- 3) Sidewalks meeting minimum Code width and design standards shall be installed on the southern and western portions of the site; such sidewalks may be installed within the right-of-way, provided all County requirements for such installation are met;
- 4) Permitted uses are restricted to the following neighborhood commercial uses: Grocery stores, fruit and vegetable markets, retail bakeries, specialty food stores, and restaurants with no drive-thru or walk-up windows;
- 5) Billboards and pole signs shall be prohibited; and
- 6) Hours of operation shall be limited to 6:00 a.m. – 10:00 p.m. eastern standard time.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use of the 0.42 acre subject property from LMDR (Low-Medium Density Residential) to C (Commercial) while also requesting a C-1 Restricted (Retail Commercial District - Restricted) zoning in order to allow for the construction of limited neighborhood serving commercial uses. The rezoning from C-1 to C-1 Restricted is necessary in order to place restrictions on the property.

The subject property is a single lot and is currently vacant. The inconsistency between this property's zoning and Future Land Use was created with the adoption of the Comprehensive Plan in 1991. The immediate surrounding area is developed with single-family residences to the north and east, and commercial uses to the south and west along State Road 441.

**Existing FLUM Development Program**

The C-1 Zoning designation is not consistent with the existing FLUM designation. The property is currently undevelopable until the future land use and zoning are consistent. If the property were rezoned to accommodate the existing FLUM designation it could be developed to a maximum of 4 residential units.

**Proposed FLUM Development Program**

The C-1 Restricted zoning district with the proposed Future Land Use Map designation of Commercial would allow retail commercial uses to a maximum of 27,442 square feet.

**Land Use Compatibility**

The Commercial Future Land Use and C-1 Restricted zoning would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties.

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	City of Apopka: While the Zoning may be C-1 Commercial, the City staff recommends that the Land Use should remain residential and the zoning be changed to reflect that land use. All uses on the north side of Old Dixie Hwy. are residential and that provides a better buffer for commercial to the south, rather than directly next door.
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

As mentioned previously, the underlying Future Land Use Map (FLUM) designation of the subject property is LMDR (Low-Medium Density Residential), which is inconsistent with the C-1 (Retail Commercial District) zoning. The proposed C (Commercial) FLUM designation would correct the inconsistency. The proposed request is consistent with the following Comprehensive Plan provisions:

**FLU1.4.2** states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

**FLU1.4.4** states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.2.1** states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to

**Small-Scale Amendment # SS-20-12-080**  
**Rezoning # RZ-21-01-087**  
**Orange County Planning Division**  
**BCC Hearing Date: March 9, 2021**

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ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

**FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

**SITE DATA**

**Existing Use**                      Vacant

<b>Adjacent</b>	<b>FLUM</b>	<b>Zoning</b>
<b>North</b>	LMDR (Low-Medium Density Residential)	R-1 (Single-Family Dwelling District) (1957), A-1 (Citrus Rural District) (1962)
<b>South</b>	C (Commercial), City	R-1 (Single-Family Dwelling District) (1957)
<b>East</b>	LMDR (Low-Medium Density Residential), City	R-1 (Single-Family Dwelling District) (1957)
<b>West</b>	LMDR (Low-Medium Density Residential), City	C-1 (Retail Commercial District) (1957)

**Adjacent Land Uses**      N:    Vacant, Single-Family Residential  
   E:    Vacant, Single-Family Residential  
   W:    Vacant, Gas Station  
   S:    Vacant, Office

**C-1 (Retail Commercial District) Development Standards**

Min. Lot Area:                6,000 sq. ft.  
Min. Lot Width:              80 ft. (on major streets, see Article XV)  
   60 ft. (on all other streets)  
Max. Height:                 50 ft. (35 ft. within 100 ft. of residential)  
Min. Floor Area:             500 sq. ft.

**Building Setbacks**

Front:                         25 ft.  
Rear:                           20 ft. (20 ft. when abutting residential)  
Side:                           0 ft. (15 ft. when abutting residential)

**Intent, Purpose, and 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**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As the property has commercial zoning, a traffic study will be required at building permit stage.  The case was sent to the Traffic Engineering Department for a preliminary review. Traffic Engineering provided the following comment: From a safety perspective and based on the location we were provided, the only access point that Traffic could approve would be on N. Maine Ave as far as possible from the intersection with Old Dixie Hwy. Due to the existing conflicts on Old Dixie Hwy and the shape of the parcel, a curb cut on Old Dixie Hwy would not be safe.

			Based on the Concurrency Management Database, there are failing roadway segments within the project's impact area along Orange Blossom Trail. This information is dated and subject to change.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Neighborhoods	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sheriff's Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Rescue	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Does not meet the established travel time benchmark for Urban High population density. The location on Old Dixie Highway is within an enclave surrounded by the City of Apopka, and no additional fire stations are planned for this area.

**Community Meeting Summary**

Planning staff held a community meeting on December 7th, 2020, there were zero (0) residents in attendance. The event was recorded and posted to receive commentary from residents who were unable to attend on the evening of the 7th.

Additionally, staff has received two (2) commentaries for this item, with one (1) opposed to and one (1) of neutral support of the request, via online feedback and mailed comment cards.

**Utilities**

Water: City of Apopka

Wastewater: City of Apopka

Reclaim Water: City of Apopka

**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.

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.



**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (January 21, 2021)**

**Future Land Use Map Amendment**

**Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use.**

**Rezoning**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District – Restricted) zoning, subject to the following restrictions:**

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- 5) Billboards and pole signs shall be prohibited; and
- 6) Hours of operation shall be limited to 6:00 a.m. – 10:00 p.m. eastern standard time.

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of both applications for the requested C (Commercial) Future Land Use designation, and the C-1 Restricted (Retail Commercial District) zoning. The applicant was not present at the time of the hearing.

Staff indicated that two hundred fifty (250) notices were mailed to those property owners in the mailing area extending beyond 600 feet surrounding the property, and that staff has received two (2) commentaries for this item. After discussion addressing the proposed use of the property, compatibility with the surrounding area, and the applicant's presentation, a motion was made by Commissioner McQuade to make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested C (Commercial) Future

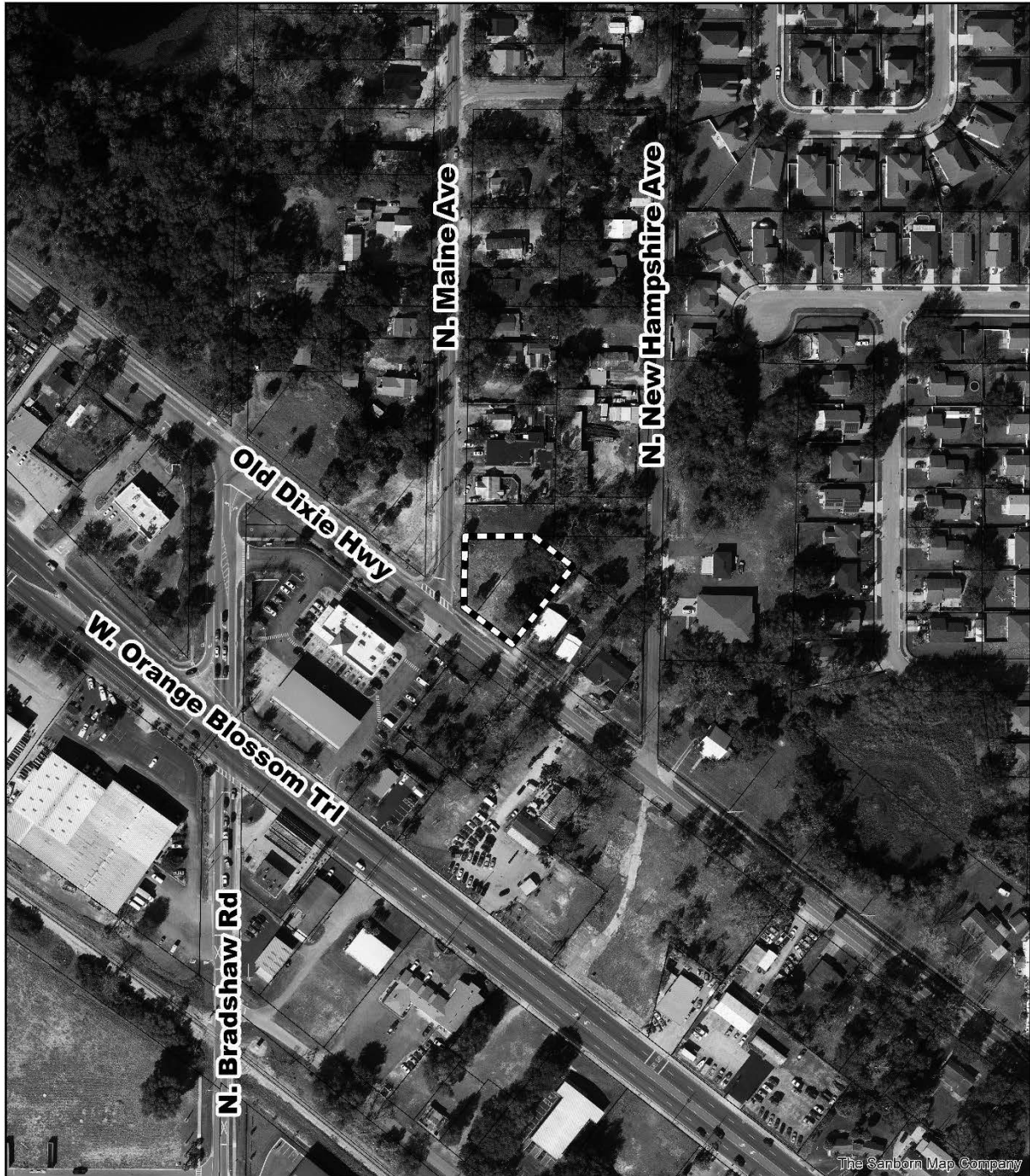
**Small-Scale Amendment # SS-20-12-080**  
**Rezoning # RZ-21-01-087**  
**Orange County Planning Division**  
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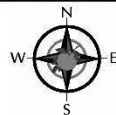
Land Use Map designation and APPROVAL of the requested C-1 Restricted (Retail Commercial District) zoning with six (6) restrictions. The motion was seconded by Commissioner Wade and carried on a 6-0 vote.

<b>Motion / Second</b>	<i>Sean McQuade / JaJa Wade</i>
<b>Voting in Favor</b>	<i>Sean McQuade, Trevor Sorbo, JaJa Wade, Gordon Spears, Eddie Fernandez and Mohammed Abdallah</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>Nelson Pena, Carlos Nazario, and Evelyn Cardena</i>

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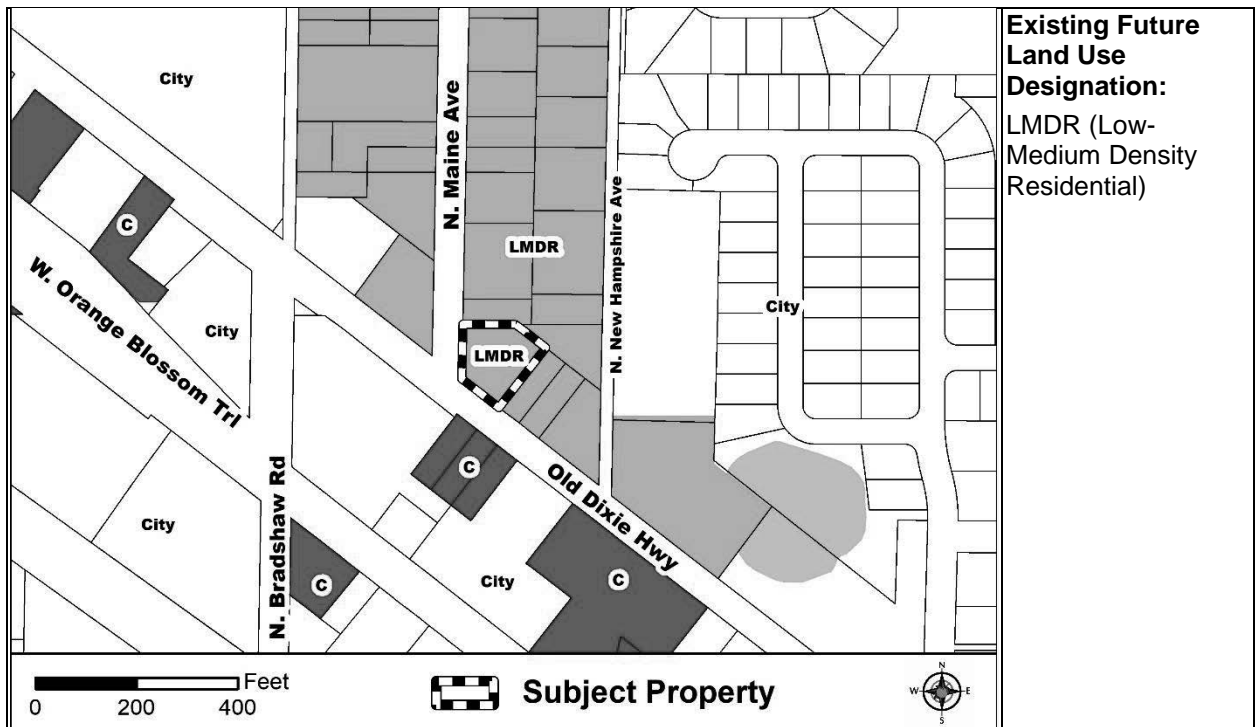


 Subject Property

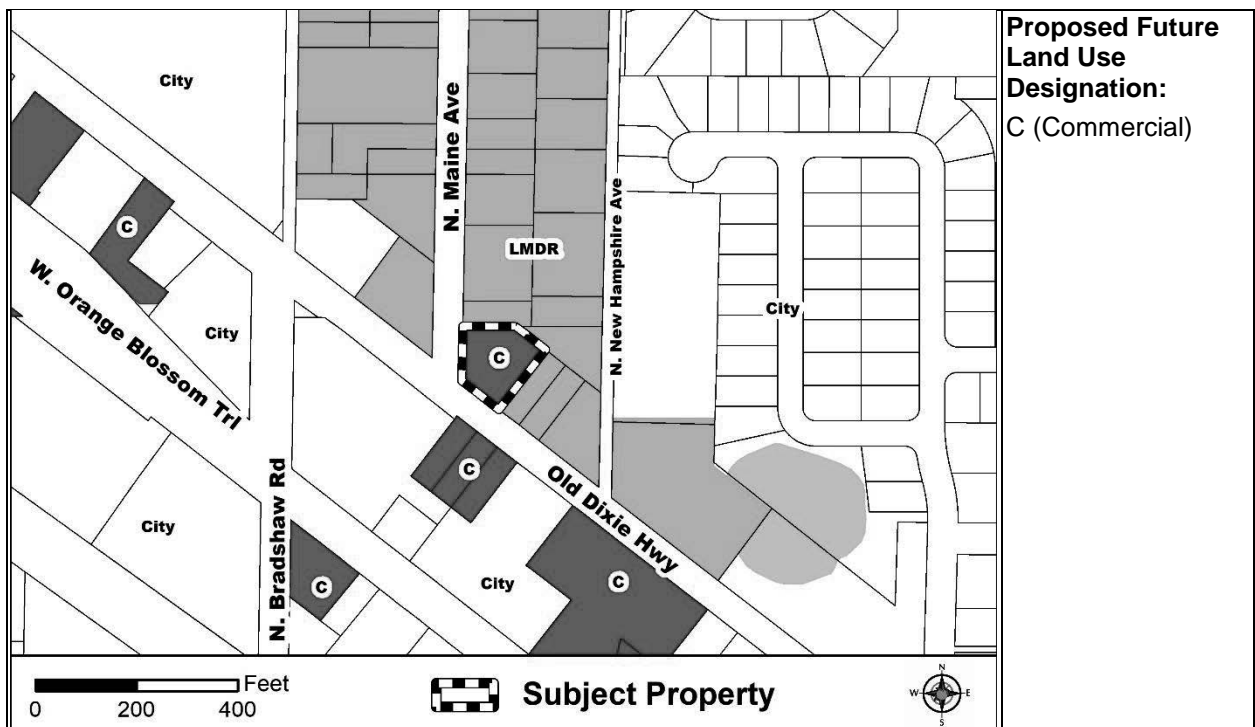


1 inch = 200 feet

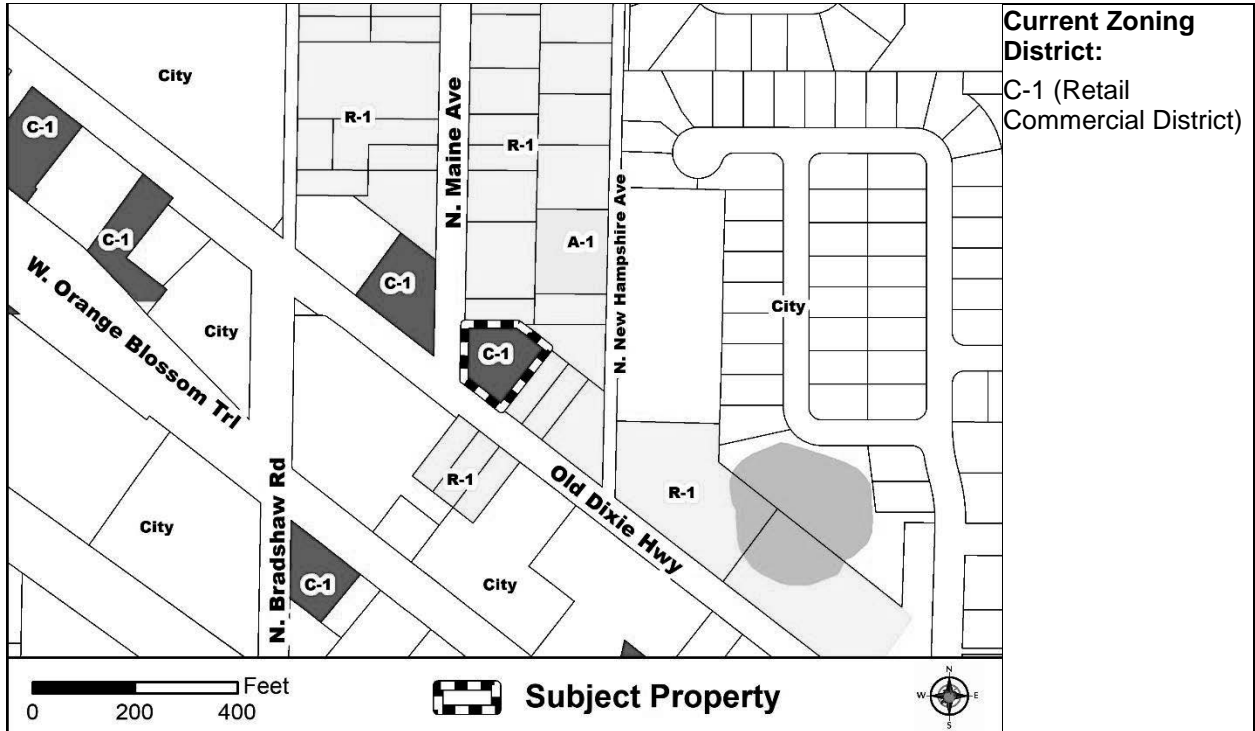
**FUTURE LAND USE – CURRENT**



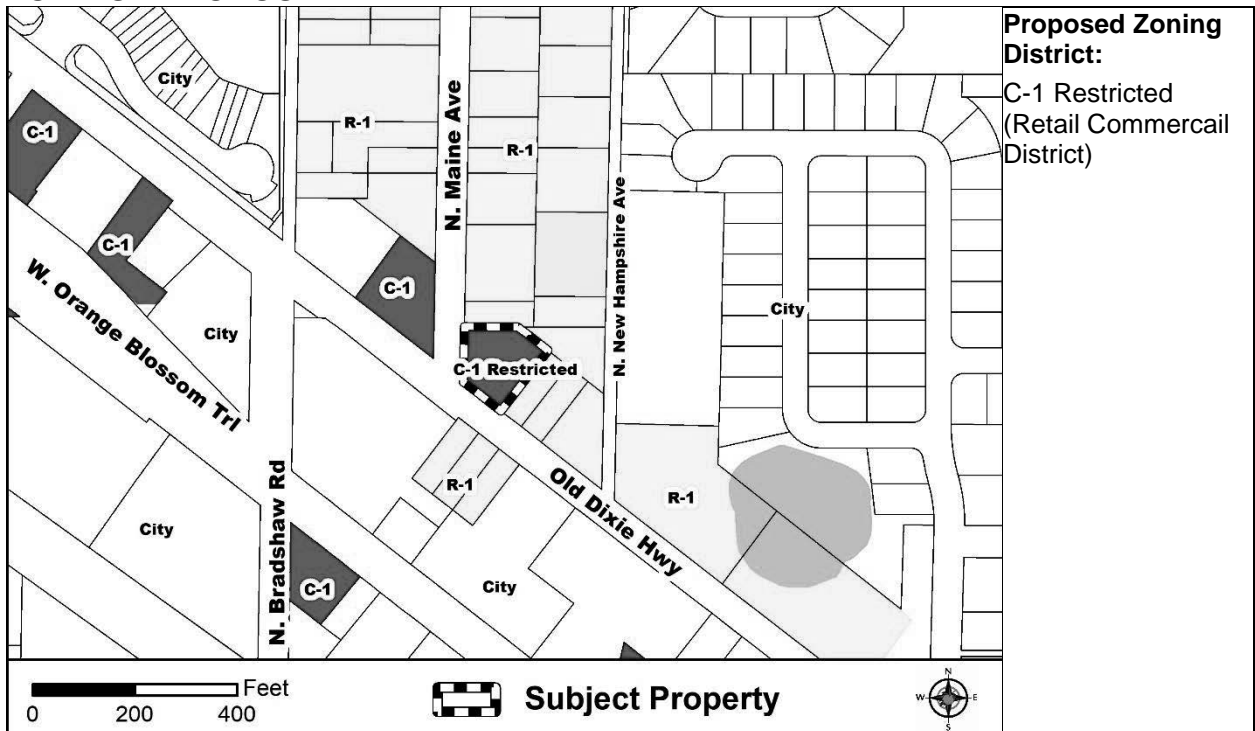
**FUTURE LAND USE - PROPOSED**



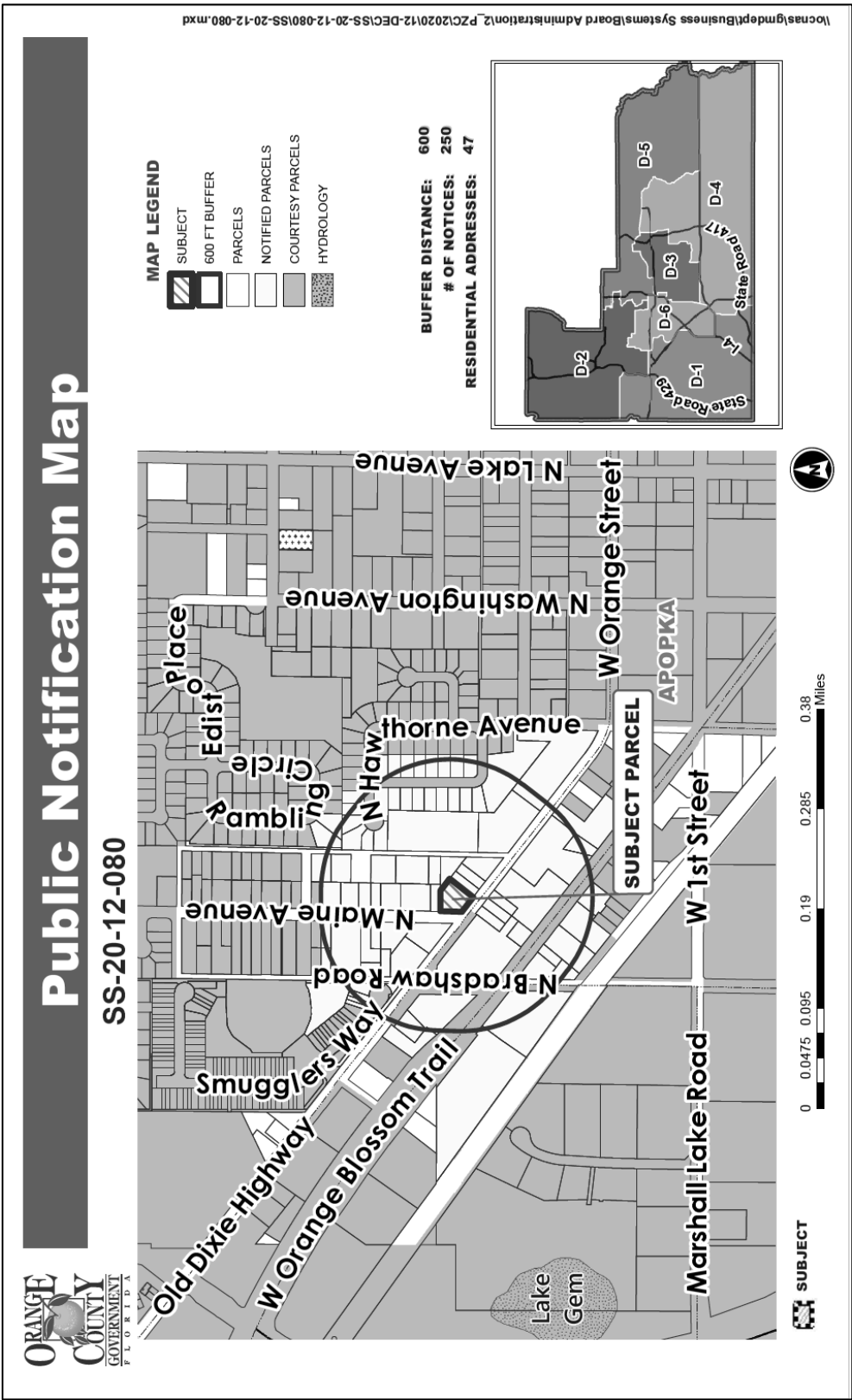
**ZONING - CURRENT**



**ZONING - PROPOSED**



# Notification Map



ORDINANCE NO. 2021-\_\_\_\_\_

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; and

c. On March 9, 2021, the Board held a public hearing on the adoption of the proposed  
amendment, as described in this ordinance, and decided to adopt it.

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

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

\* \* \*

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

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

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

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

ADOPTED THIS 9<sup>th</sup> DAY OF MARCH, 2021.

**ORANGE COUNTY, FLORIDA**

By: Board of County Commissioners

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

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

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



## APPENDIX “A”

### FUTURE LAND USE MAP AMENDMENT

<b><i>Appendix A*</i></b>		
<b><i>Privately Initiated Future Land Use Map Amendment</i></b>		
<b>Amendment Number</b>	<b>Future Land Use Map Designation FROM:</b>	<b>Future Land Use Map Designation TO:</b>
<b>SS-20-12-080</b>	<b>Low-Medium Density Residential (LMDR)</b>	<b>Commercial (C)</b>
<b>*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.</b>		