




Interoffice Memorandum

December 17, 2019

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 Hearings – 2019-2 Session II Continued Small-Scale Development Amendments and, where applicable, Concurrent Rezoning Requests

The 2019-2 Session II Continued **Small-Scale Development** Amendments and, where applicable, concurrent rezoning requests are scheduled for a BCC adoption public hearing on December 17, 2019. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption hearing on October 17, 2019 and were continued at the request of District 6 Commissioner Victoria Siplin. The reports are also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See:

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

The Session I **Regular Cycle** Amendments were heard by the BCC on November 12, 2019, and the 2019-2 Small-Scale Development Amendments (Session II) were heard by the BCC on December 3, 2019. A list of those amendments is also included in the attached schedule.

The 2019-2 Session II Continued Small-Scale Development Amendments scheduled for consideration on December 3 include three privately-initiated Future Land Use Map Amendments located in District 6, two of which (2019-2-S-6-1 and 2019-2-S-6-4) have concurrent rezoning requests. If the BCC adopts the proposed amendments, the Small-Scale Development Amendments will become effective 31 days after the public hearing, provided no challenges are brought forth for any of the amendments.

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 Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Gologowski@ocfl.net.

AAV/sw

Enc: 2019-2 Session II Continued Small-Scale Development Amendments – BCC Adoption Binder

c: Christopher R. Testerman, AICP, Assistant County Administrator
Joel Prinsell, Deputy County Attorney
Erin Hartigan, 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 SMALL SCALE
DEVELOPMENT
AMENDMENTS**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

**DATE: DECEMBER 17, 2019
ADOPTION PUBLIC HEARING**

PREPARED BY:
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



TABLE OF CONTENTS

INTRODUCTION Tab 1

SMALL-SCALE DEVELOPMENT AMENDMENTS Tab 2

Privately-Initiated Small-Scale Development Future Land Use Map (FLUM) Amendments and Where Applicable, Concurrent Rezoning Requests

| Amendment | | | Page |
|-----------|--|--|------|
| 1. | Amendment 2019-2-S-6-1 Powder Coating Factory | Commercial (C) and Low Density Residential (LDR) to Commercial (C) | 1 |
| | -and- | | |
| | Rezoning RZ-19-10-024 | C-3 (Wholesale Commercial District) to C-3 (Wholesale Commercial District) (Restricted) | |
| 2. | Amendment 2019-2-S-6-2 118 Ring Road | Low Density Residential (LDR) to Commercial (C) | 15 |
| 3. | Amendment 2019-2-S-6-4 Devon Storage Facility | Planned Development-Medium Density Residential (PD-MDR) to Commercial (C) | 25 |
| | -and- | | |
| | Rezoning RZ-19-10-043 | PD (Planned Development District) (Villages at Lake Lawne PD) to C-3 (Wholesale Commercial District) | |

Ordinance..... Tab 3

Community Meeting Summaries..... Tab 4

Facilities Analyses..... Tab 5

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 continued second session of the proposed Second Small-Scale Development Amendments (2019-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearings for the Session II Continued **Small-Scale Development** Amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on October 17, 2019, and are scheduled before the Board of County Commissioners (BCC) on December 17, 2019. These amendments were continued at the request of District 6 Commissioner Victoria Siplin.

Three Small-Scale Development Amendments scheduled for BCC consideration on December 17 were heard by the PZC/LPA at an adoption public hearing on October 17, 2019.

Please note the following modifications to this report:

| KEY TO HIGHLIGHTED CHANGES | |
|----------------------------|--|
| Highlight | When changes made |
| Pink | Following the LPA adoption public hearing (by staff) |

The 2019-2 Session II Continued Small-Scale Development Amendments scheduled for consideration on December 17 include three privately-initiated Future Land Use Map Amendments located in District 6, two of which (2019-2-S-6-1 and 2019-2-S-6-4) have concurrent rezoning requests. If the BCC adopts the proposed amendments, the Small-Scale Development Amendments will become effective 31 days after the public hearing, provided no challenges are brought forth for any of the amendments.

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 Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.

**2019-2 Comprehensive Plan Amendment Hearing Schedules
Session I**

| | Amendment No. | October 17, 2019 LPA November 12, 2019 BCC | Concurrent Rezoning or CDR Case No. | District |
|---|---------------------------------------|--|--|-----------------|
| 2019-2 Regular Cycle State-Expedited | 2019-2-A-1-1 | David Evans, Evans Engineering, Inc., for Hartzog Road Property, LLC/Westport Capital Partners | LUPA-18-12-405 | 1 |
| | 2019-2-A-4-2 | Tom Sullivan, Gray Robinson, P.A., for Chuck Hollow, Inc. et al | | 4 |
| | 2019-2-A-4-3 | Jim Hall, Hall Development Services, Inc., for SBEGC, LLC | | 4 |
| | 2019-2-B-FLUE-1 | Text amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County | | All |
| | 2019-2-B-FLUE-3 | Text amendment to Future Land Use Element addressing Accessory Dwelling Units (ADUs) not to be counted as density | | All |
| | 2019-2-B-FLUE-4 | Text amendment to Future Land Use Element regarding Assisted Living Facilities (ALFs) | | All |
| | 2019-2-B-FLUM-1 | Map Amendment removing Future Land Use Map designations for parcels previously annexed by incorporated jurisdictions within Orange County | | All |
| | 2019-2-B-FLUM-2 (fka 2019-2-S-5-1) | Map Amendment to the Future Land Use Map to change the designation for a Green PLACE property from Rural/Agricultural (R) to Preservation (PRES) | | 5 |
| | | | | |
| | Total | 8 Regular-Cycle Amendments | | |
| | Total Hearings: | 8 Regular Cycle Amendments | | |

**2019-2 Comprehensive Plan Amendment Hearing Schedules
Session II**

| | | October 17, 2019 LPA December 3, 2019 BCC | Concurrent Rezoning or CDR Case No. | District | |
|---------------------------|------------------------------------|---|---|--|-----------------|
| 2019-2 Small-Scale | 2019-2-S-1-1 | J Robert Reese, Brossier Corp., for Vurnell Vandever | | 1 | |
| | 2019-2-S-2-1 | Clifton McFadden for Vincent Contestabile and Empire Tire of Edgewater, LLC | | 2 | |
| | 2019-2-S-2-2 | Mario Golden for Deborah Postell | | 2 | |
| | 2019-2-S-2-3 | Quang Lam for Toolsie Persaud USA, LLC and Batrina Properties, Inc. | RZ-19-10-031 | 2 | |
| | 2019-2-S-2-4 | WITTDRAWN Jean M. All-Acorn for Lake Warehouse and Storage Tangerine, LLC | RZ-19-10-032 | 2 | |
| | 2019-2-S-2-5 | Tom Sullivan for ECP Grassmere, LLC | | 2 | |
| | 2019-2-S-2-6 (fka 2019-1-S-2-1) | Kenneth Patterson, design solutionsfl, inc., for George Dillon | | 2 | |
| | 2019-2-S-3-1 | Tuan Tran for Linh Pham | RZ-19-10-018 | 3 | |
| | 2019-2-S-3-2 | Rony Charles for Makandal Property Investments | RZ-19-10-029 | 3 | |
| | 2019-2-S-3-3 | Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., for East West Place LLC, Giovanni Fernandez | RZ-19-10-049 | 3 | |
| | 2019-2-S-3-4 | Maximo Reyes Arias for Maximo Reyes Arias and Viviana Estela Salvador Fernandez | RZ-19-10-028 | 3 | |
| | 2019-2-S-4-1 | Brooks A. Stickler, P. E., Kimley-Horn and Associates, Inc., for Judith S. Burton | | 4 | |
| | 2019-2-S-5-1 | Neel Shivcharran, Galleon Consulting Group, LLC, for 5565 Old Cheney, LLC | | 5 | |
| | 2019-2-S-5-2 | Craig Cooke for Wedgefield Golf and Restaurant LLC, Craig Cooke | RZ-19-10-030 | 5 | |
| | 2019-2-S-5-3 | Epoch Properties, Inc., for Aloma United Methodist Church, Inc. | LUP-19-07-236 | 5 | |
| | 2019-2-S-5-4 | Tom Sullivan for Winter Park Prime Properties, LLC | RZ-19-10-041 | 5 | |
| | | | October 17, 2019 LPA December 3, 2019 BCC | Concurrent Rezoning or CDR Case No. | District |
| | | 2019-2-S-6-1 | Al Tehrani, P.E., Tehrani Consulting Engineering, for Powder Coating Factory, LLC | RZ-19-10-024 | 6 |
| | | 2015-2-S-6-2 | Dianand Persaud for Persaud Brothers Holding, LLC | | 6 |
| | | 2019-2-S-6-4 | Scott Glass and George Dennison, Shutts & Bowen LLP, for Colonial Storage Holdings, LLC | RZ-19-10-043 | 6 |

**2019-2 Comprehensive Plan Amendment Hearing Schedules
Session II**

| | | October 17, 2019 LPA December 3, 2019 BCC | Concurrent Rezoning or CDR Case No. | District |
|--|-----------------------------|--|--|-----------------|
| | 2019-2-S- FLUE-1 | Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County | | All |
| | 2019-2-S- FLUE-2 | Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA) | | All |
| | Total | 20 Small-Scale Development Amendments | | |
| | Total Hearings: | 20 Small-Scale Development Amendments | | |

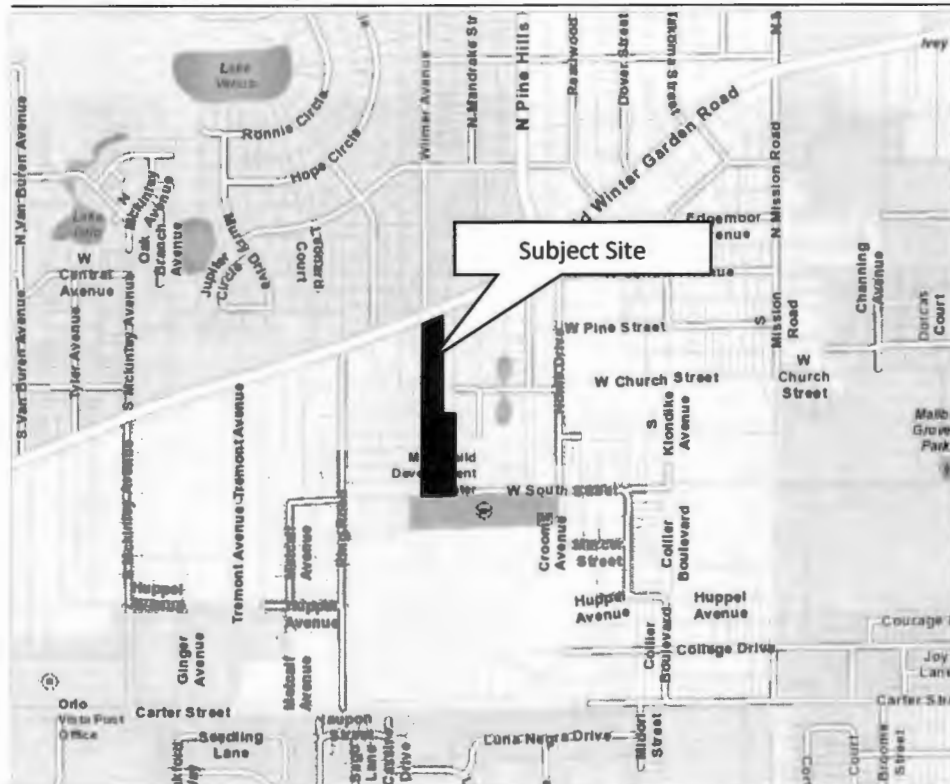
2019-2 Small Scale Development Comprehensive Plan Amendments

Privately Initiated Future Land Use Map Amendments

| Amendment Number | Concurrent Rezoning or Substantial Change | Owner | Agent | Parcel ID Number(s) | General Location / Comments | Future Land Use Map Designation FROM: | Future Land Use Map Designation TO: | Zoning Map Designation FROM: | Zoning Map Designation TO: | Acreage | Project Planner | Rezoner | Staff Rec | LPA Rec |
|---|---|--|---|-----------------------------------|---|---|-------------------------------------|--|--|----------------|------------------|-----------------|--|--|
| District 6 | | | | | | | | | | | | | | |
| 2019-2-S-6-1 Powder Coating Factory | RZ-19-10-024 | Powder Coating Factory, LLC | Al Tehrani, P.E., Tehrani Consulting Engineering | 30-22-29-0000-00-089 | 5206 Old Winter Garden Rd.; Generally located south of Old Winter Garden Rd., west of S. Pine Hills Rd., north of W. South St., and east of Ring Rd. | Commercial (C) and Low Density Residential (LDR) | Commercial (C) | C-3 (Wholesale Commercial District) | C-3 (Wholesale Commercial District) (Restricted) | 3.96 gross ac. | Sue Watson | Nathaniel Wicke | Adopt & Approve rezoning with 3 restrictions | Adopt & Approve rezoning with 3 restrictions (8-0) |
| 2019-2-S-6-2 118 Ring Rd | N/A | Persaud Brothers Holding, LLC | Dianand Persaud | 30-22-29-6244-09-100 | 118 Ring Rd.; Generally located on the west side of Ring Rd., south of Old Winter Garden Rd., north of W. South St., and east of Tremont Ave. | Low Density Residential (LDR) | Commercial (C) | N/A | N/A | 0.80 gross ac. | Sue Watson | N/A | Adopt | Adopt (8-0) |
| 2019-2-S-6-3 Michigan St Project | Expected | Bryan Alencar, Miner Group, LLC, Gugabele1, Inc., and Steven Johnson | Geoff Bacon | 03-23-29-0100-02-010/211/231/232 | 1006 26th St.; 1013 W. Michigan St.; 2606 S. Westmoreland Dr., and 2612 S. Westmoreland Dr. Generally located north of W. Michigan St., east of S. Westmoreland Dr., south of 28th St., and west of Woods St. | Neighborhood Activity Center (NAC); Low-Medium Density Residential (LMDR) | Neighborhood Center (NC) | C-2 (General Commercial District) and R-2 (Residential District) | NC (Neighborhood Center) | 0.78 gross ac. | Alyssa Henriquez | | | |
| 2019-2-S-6-4 Devon Storage Facility | RZ-19-10-043 | Colonial Storage Holdings, LLC | Scott Glass and George Dennison, Shutts & Bowen LLP | 19-22-29-0000-00-038 (portion of) | 4815 W. Colonial Dr.; Generally located north of W. Colonial Dr. and Home Folks Dr., east of La Grange Ave. | Planned Development-Medium Density Residential (PD-MDR) | Commercial (C) | PD (Planned Development District) (Villages at Lake Lawn PD) | C-3 (Wholesale Commercial District) | 0.25 gross ac. | Jennifer DuBois | Nate Wicke | Adopt & Approve rezoning with 3 restrictions | Adopt & Approve rezoning with 3 restrictions (8-0) |

ABBREVIATIONS INDEX:

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MHDR-Medium-High Density Residential; HDR-High Density Residential; PD-Planned Development; INST-Institutional; CONS-Wetland/Conservation; PRIOS-Parks/Recreation/Open Space; OS-Open Space; R-Rural/Agricultural; RS-Rural Settlement; RS 1/5-Rural Settlement 1/5; RS 1/2-Rural Settlement 1/2; RS 1/1-Rural Settlement 1/1; GC-Growth Center; USA-Urban Service Area; WB-Water Body; ACMU-Activity Center Mixed Use; EDU-Educational; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; TRAN-Transportation; LUP-Land Use Plan; RZ-Rezoning; A-1-Citrus Rural District; A-2-Farmland Rural District; R-T-Mobile Home Park District; R-CE-Country Estate District; R-1A-Single-Family Dwelling District; R-1-Single-Family Dwelling District; R-3-Multiple-Family Dwelling District; R-2-Residential District; R-T-2-Combination Mobile Home and Single-Family Dwelling District; P-O-Professional Office District; C-1-Retail Commercial District; C-2-General Commercial District; C-3-Wholesale Commercial District; I-1/1-S-Light Industrial District; PD-Planned Development District; RZ-Rezoning; LUP-Land Use Plan; CDR-Change Determination Request; SR-State Road; AC-Acres



Applicant/Owner:
 Al Tehrani, P.E., Tehrani
 Consulting Engineering

Location:
 5200 Old Winter Garden Rd.;
 Generally located south of Old
 Winter Garden Rd., west of S.
 Pine Hills Rd., north of W. South
 St., and east of Ring Rd.

Existing Use:
 Commercial warehouse

Parcel ID Number:
 30-22-29-0000-00-059

Tract Size:
 3.96 gross acres

| +The following meetings and hearings have been held for this proposal: | | Project Information |
|--|---|--|
| Report/Public Hearing | Outcome | Request: Commercial (C) and Low Density Residential (LDR) to Commercial (C) |
| ✓ Community Meeting August 19, 2019 (136 notices sent; 2 people in attendance) | Positive | Proposed Development Program: To allow for the development of commercial warehouse buildings and a 2,500-square-foot covered carport. |
| ✓ Staff Report | Recommend adoption of the proposed amendment and approval of the concurrent rezoning request, subject to 3 restrictions | Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. Transportation: The subject property is located within the County's Alternative Mobility Area, but not along a backlogged/constrained facility. The proposed amendment will result in a net decrease of 131 p.m. peak hour trips. Environmental: The site shall comply with all applicable local and state air pollution regulations. |
| ✓ LPA Adoption PZC Rezoning Hearing October 17, 2019 | Recommend adoption of the proposed amendment and approval of the concurrent rezoning request, subject to 3 restrictions (8-0) | Concurrent Rezoning: Yes – RZ-19-10-024 |
| ✓ BCC Adoption BCC Rezoning Hearing December 3, 2019 | Continue to December 17, 2019 (5-0) | Request: C-3 (Wholesale Commercial District) to C-3 (Wholesale Commercial District) (Restricted) |
| BCC Adoption BCC Rezoning Hearing | December 17, 2019 | |

SITE AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use Designation:
 Commercial (C) and Low Density Residential (LDR)

Special Area Information
 Planning Sector: Urban Service Area

JPA: N/A

Rural Settlement: N/A

Airport Noise Zone: N/A

FUTURE LAND USE - AS PROPOSED



Proposed Future Land Use Designation:
 Commercial (C)

ZONING - CURRENT

Current Zoning District:
 C-3 (Wholesale Commercial District)

Existing Uses:
 N: Little Learners Pre-School Academy
 S: Mt. Sinai Missionary Baptist Church
 E: Bud Lokey Auto Repairs and Mt. Sinai Missionary Baptist Church
 W: Greg's Complete Auto Sales & Repairs, undeveloped commercial, single-family residences, and undeveloped residential

ZONING - AS PROPOSED

Proposed Zoning District:
 C-3 (Wholesale Commercial District)
 (Restricted)

Staff Recommendations

If the requested Future Land Use Map Amendment is approved, the Board would then need to take action on the requested rezoning. These items need to be addressed as two separate motions by the Board. Below are the staff recommendations for each of these items.

1. **FUTURE LAND USE MAP AMENDMENT:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objective FLU8.2; Policies FLU1.1.5, FLU1.4.4, FLU8.2.1, and FLU8.2.10; and Neighborhood Element Objective N1.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-2-S-6-1, Commercial and Low Density Residential (LDR) to Commercial (C).
2. **REZONING:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objective FLU8.2; Policies FLU1.1.5, FLU1.4.4, FLU8.2.1, and FLU8.2.10; and Neighborhood Element Objective N1.1), and recommend **APPROVAL** of Rezoning Case RZ-19-10-024, C-3 (Wholesale Commercial District) to C-3 (Wholesale Commercial District) (Restricted), subject to the following three (3) restrictions:

Restrictions:

1. New billboards and pole signs shall be prohibited;
2. 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-3 uses; and
3. Access shall not be permitted from W. South Street.

Analysis

1. Background and Development Program

The applicant, Al Tehrani, P.E., Tehrani Consulting Engineering, has requested to change the Future Land Use Map (FLUM) designation of the 3.96-acre site from Commercial (C) and Low Density Residential (LDR) to Commercial (C). In conjunction with the FLUM Amendment, the applicant has applied for a rezoning of the site (Case RZ-19-10-024) from C-3 (Wholesale Commercial District) to C-3 (Wholesale Commercial District) (Restricted).

The subject parcel has two FLUM designations. Approximately 0.58-acre of the subject parcel is designated Commercial while the majority of the parcel, approximately 3.38 acres, is designated Low Density Residential. The entire parcel has been zoned C-3 since December 1, 1980, with a restriction of no access to W. South Street. A 5,050-square-foot commercial warehouse building, constructed in 1983, is located on the subject site within the Commercial-designated portion of the parcel and is currently used for office and warehousing for a powder coating factory business.

Several permits have been issued by the Orange County Division of Building Safety for the subject property in recent years. Permits for a 50' x 50' slab (B16904536) and for an awning to cover the slab (B16904597) were issued on September 27, 2017. On April 3, 2018, a permit for a 7,500-square-foot commercial warehouse building (B17904347) was issued. The slab, awning, and the commercial warehouse building have been constructed. The slab and the awning are located within the Commercial-designated portion of the property, however, the 7,500-square-foot commercial warehouse building is located within the LDR-designated portion of the property. Although the

permit for the commercial warehouse building was issued, the permit has since expired. In the meantime, Orange County Planning Division Staff reopened the permit for review and denied it until the inconsistency issue between the subject property's C-3 zoning classification and the LDR future land use designation is resolved. More recently, on January 30, 2019, the property owner has applied for a building permit (B19900443) for site work only to construct another 7,500-square-foot commercial warehouse building and a 2,500-square-foot covered carport on the subject site. These proposed structures are located within the LDR-designated portion of the property. Orange County Planning Division Staff has denied this permit as well because of the inconsistency issue. The owner discovered the property's inconsistency issue during the building permit process, and at this time he is seeking to resolve the inconsistency issue and bring the property's FLUM designation into conformance with its C-3 zoning classification. Although the property's C-3 zoning classification would allow for the construction of the commercial structures (two warehouses and covered carport), they are all located in the LDR-designated portion of the property, which does not allow for commercial uses. Approval of the FLUM Amendment and the rezoning requests would allow the property owner to obtain the building permits to construct the commercial structures.

A community meeting was held for the proposed FLUM Amendment and concurrent rezoning requests on August 19, 2019. There were two residents in attendance at the meeting. One resident's concern was flooding in the area. She wanted to know how the proposed development would impact the area because her property has experienced flooding issues. Mr. Tehrani told the resident that all stormwater must be retained on the subject property and he will adhere to the Best Management Practices (BMPs) to retain stormwater on the site. Mr. Celestin Pierre, Engineer II, Orange County Development Engineering Division, also stated that all stormwater must be retained on the site. District 6 County Commissioner Victoria Siplin stated she was in support of residential development on the LDR-portion of the site and asked the applicant why he could not build residential on that portion. Mr. Tehrani stated that they do not have access to W. South Street at the rear of the subject property so residential development is not viable. He stated W. South Street has been vacated and deeded to the neighboring church, Mt. Sinai Missionary Baptist Church. Other issues raised at the community meeting were tree removal, deliveries, and hours of operation. The owner, Mr. Avi Roitman, stated that it is his intent to retain the existing vegetation at the rear of the property to provide a natural buffer to separate the commercial zoning from the residentially-zoned properties. Mr. Roitman addressed the deliveries and the hours of operation by stating that the deliveries and the hours of operation would be between 8:00am – 5:00pm, Monday – Friday. He also told the residents that there would not be any weekend deliveries and that only pickup trucks would be used for deliveries, not semi trucks.

Project Analysis

Consistency

The requested FLUM Amendment and associated rezoning applications appear to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan and the development pattern of the surrounding area. The subject site is located on Old Winter Garden Road—a four-lane divided minor arterial roadway—characterized by commercial development to the north, east, and west. An automotive repair facility, Lokey's Automotive Repair, is located immediately east of the subject site. It is zoned C-3 and is designated Commercial and LDR. A used automobile sales and auto repair business,

Greg's Complete Auto Sales & Repairs, is located immediately west of the subject site. This property is zoned C-3 and has Commercial and LDR FLUM designations as well. Mt. Sinai Missionary Baptist Church, located immediately south and east of the subject parcel, is zoned R-1 (Single-Family Dwelling District) has corresponding LDR and Office (O) FLUM designations. A vacant C-3-zoned lot with a corresponding Commercial FLUM designation and single-family homes zoned R-1 are located west of the subject site. Little Learners Pre-School Academy, is located directly across the street on Old Winter Garden Road, north of the site. The property is zoned C-1 (Retail Commercial District) and has a corresponding Commercial FLUM designation. A vehicle repair facility is also located directly across the street on Old Winter Garden Road, north of the site. It is zoned C-2 (General Commercial District) and also has a corresponding Commercial FLUM designation.

As stated above, the applicant is seeking to construct two commercial warehouse buildings as well as a covered carport on the subject property for the expansion of his powder coating factory business. The proposed amendment and concurrent rezoning requests involve the development of an infill parcel within the Urban Service Area (USA), furthering Comprehensive Plan Future Land Use Element **Goal FLU2**, which encourages urban strategies such as infill development. The proposed FLUM Amendment and rezoning requests are also consistent with **Policy FLU1.1.5**, which states that Orange County shall encourage mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the USA. Also, the two requests are consistent with **Policy FLU1.4.4.**, which states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided, and **Neighborhood Element Objective N1.1**, which mandates that Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods. To protect the adjacent residential properties, a Type "B" buffer, consisting of a completely opaque six-foot high masonry wall, berm, planted and/or existing vegetation or any combination thereof, shall be required to separate C-3 uses from all adjacent residential uses. At the community meeting held for the proposed requests, the owner stated that he will retain the existing vegetation at the rear of the property to provide a natural buffer to separate the commercial zoning from the residentially-zoned properties.

Compatibility

Objective FLU8.2 states that compatibility will continue to be the fundamental consideration in all future land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development and development trend in the area. As mentioned previously, the subject property is located on Old Winter Garden Road, a four-lane divided minor arterial road, and is located in an area characterized by commercial development to the north, east, and west. Also, **Policy FLU8.2.1** allows for performance restrictions and/or conditions to be placed on the property to ensure compatibility but conditions how those controls can be implemented and states that no restrictions or conditions shall be placed on the FLUM change. Therefore, any performance standards necessary to ensure the project's compatibility with adjacent residential uses could be placed on the rezoning. The applicant has submitted a concurrent rezoning application to rezone the property's current C-3 zoning classification to a C-3-Restricted zoning classification. This will allow the County to place restrictions on the property to protect the adjacent residentially-zoned properties. As part of the approval of the rezoning application, a Type "B" buffer will be required to separate C-3 uses from all residential areas as well as no access will be permitted from W. South Street. To ensure land use compatibility with the residentially-zoned properties to the south and west, **Policy FLU8.2.10** states that properties adjacent to residential areas shall be subject

to performance standards including, but not limited to, building height restrictions, compatible architectural designs, floor area ratio limitations, lighting and location requirements, landscaping and buffering requirements, and parking design. These standards shall apply during the subsequent commercial site plan review stage of the project.

Approval of the two requests would be compatible with the existing development and uses in the surrounding area. Therefore, staff recommends approval of Amendment 2019-2-S-6-1, Commercial (C) and Low Density Residential (LDR) to Commercial (C) and Concurrent Rezoning Case RZ-19-10-024, C-3 (Wholesale Commercial District) to C-3 (Wholesale Commercial District) (Restricted).

Public Facilities and Services

Environmental The site shall comply with all applicable local and state air pollution regulations. Please reference Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control. The Orange County Environmental Protection Division (EPD) is the delegated air pollution permit granting authority by Florida Department of Environmental Protection (FDEP) so applicable permits and compliance with state and county air pollution regulations is required of all projects.

No person shall cause, let, suffer, allow, or permit the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities, such as loading, unloading, storing, or handling; without taking reasonable precautions to prevent such emissions including but not limited to application of water, dust suppressants, planting of vegetation, point of activity controls (hoods, filters, etc.) and other measures. Please reference Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 15-89.1 Air Pollution Prohibited 15-89.1(b), Unconfined Emissions of Particulate Matter and 15-89.1(b)(2) Reasonable Precautions and defined in the Florida Department of Environmental Protection 62-296.320(4)(c) for Unconfined Emissions of Particulate Matter adopted by Orange County Code 15-90. Adoption of state and federal rules by reference.

Utilities. The subject property lies within the Orlando Utilities Commission's potable water service area. Per Orange County Utilities (OCU), there is a 10-inch gravity main located within the Old Winter Garden Road right-of-way. Currently, there are no reclaimed water mains in the vicinity of the site.

Transportation. Based on trip generation estimates from the 10th Edition of the Institute of Transportation Engineers *Trip Generation Handbook*, it was determined that the maximum allowable development of up to 36,590 square feet of commercial uses (approximately 0.56-acre) and up to thirteen (13) single-family dwelling units (approximately 3.40 acres) based on the current land use designations of Commercial and Low Density Residential would generate approximately 158 p.m. peak hour trips, while the existing 18,101-square-foot existing warehouse, 7,500-square-foot proposed warehouse, and a 2,500-square-foot proposed carport under the requested Commercial future land use designation would generate 27 p.m. hour trips resulting in a net decrease of 131 new p.m. peak hour trips.

Alternative transportation modes within this area include: County maintained sidewalks along Old Winter Garden Road, and N. Pine Hills Road. There are no sidewalks on any of the other minor intersecting streets including W. Church Street, S. Pine Hills Road, Nome Drive, W. Central Avenue, W. Jackson Street, Mercer Street, S. Klondike Avenue, Ring Road, Rogers Street, Tremont Avenue, Leonard

Court, Jupiter Circle, Murry Drive, Hope Circle, W. Washington Street, N. Mandrake Street, Metcalf Avenue, Huppel Avenue, Quintard Avenue, Wilmer Avenue, and any of the associated subdivisions.

There are no Lynx routes or bus stops.

There are no signed bicycle routes/lanes within the project impact area.

Final permitting of any development on this site will be subject to review and approval by Transportation Planning.

Pine Hills Road at SR 408 EB exit. The purpose of this project is to install a traffic signal at Pine Hills Road and SR 408 EB exit to improve safety as requested by a citizen. The study is approximately half way completed.

The allowable development based on the approved future land use will generate 158 p.m. peak hour trips.

The proposed use will generate 27 p.m. peak hour trips resulting in a net decrease of 131 p.m. peak hour trips.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies.

Rezoning Analysis

SITE DATA

Adjacent Zoning

- N: C-1 (Retail Commercial District) (1957)
(Across Old Winter Garden Road)
- E: C-3 (Wholesale Commercial District) (1984)
R-1 (Single Family Dwelling District) (1957)
- W: C-3 (Wholesale Commercial District) (1981) (1987)
R-1 (Single Family Dwelling District) (1957)
- S: R-1 (Single Family Dwelling District) (1957)

Adjacent Land Uses

- N: Day Care
- E: Automotive Repair / Church
- W: Automotive Repair / Vehicle Sales / Single-Family Dwellings / Undeveloped Land
- S: Church

APPLICABLE C-3 (Wholesale Commercial District) DEVELOPMENT STANDARDS

- Minimum Lot Area: 12,000 sq. ft.
- Minimum Lot Width: 125 ft. (on major streets, see Article XV)
100 ft. (on all other streets)

Maximum Building Height: 75 ft. (35 ft. within 100 ft. of all residential districts)

Minimum Floor Area: 500 sq. ft.

Minimum Building Setbacks

Front: 25 feet (except on major streets as provided in Article XV)

Rear: 15 feet (20 ft. when abutting residential)

Side: 5 feet (25 ft. when abutting any residential district)

Side (Street): 15 feet

PERMITTED USES

The intent and purpose of the C-3 district is to implement and be consistent with the commercial land use designation of the future land use map. The C-3 district is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an overlay district.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Water / Wastewater / Reclaim

Existing service or provider

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities 10-inch gravity main within old Winter Garden right-of-way

Reclaimed: Orange County Utilities Not currently available

Schools

Orange County Pubic Schools (OCPS) did not comment on this case as it does not involve an increase in residential units or density.

Parks and Recreation

Orange County Parks and Recreation did not comment on this case as it does not involve an increase in residential units or density.

Code Enforcement

No code enforcement, special magistrate or lot cleaning issues on the subject property have been identified.

Specific Project Expenditure Report and Relationship Disclosure Forms

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

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

2. Policy References

Goal FLU2 — URBAN STRATEGIES. Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

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.

FLU1.1.5 – Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County’s desired urban framework. Infill is defined as development consistent with the *Infill Master Plan (2008)*.

FLU1.4.4 – Within the Urban Service Area, Orange County shall encourage a mixture of land uses within activity and mixed-use commercial centers. Office and residential land uses shall be part of the balanced land use mixture, in addition to the commercial component.

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.

OBJ 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



North

South

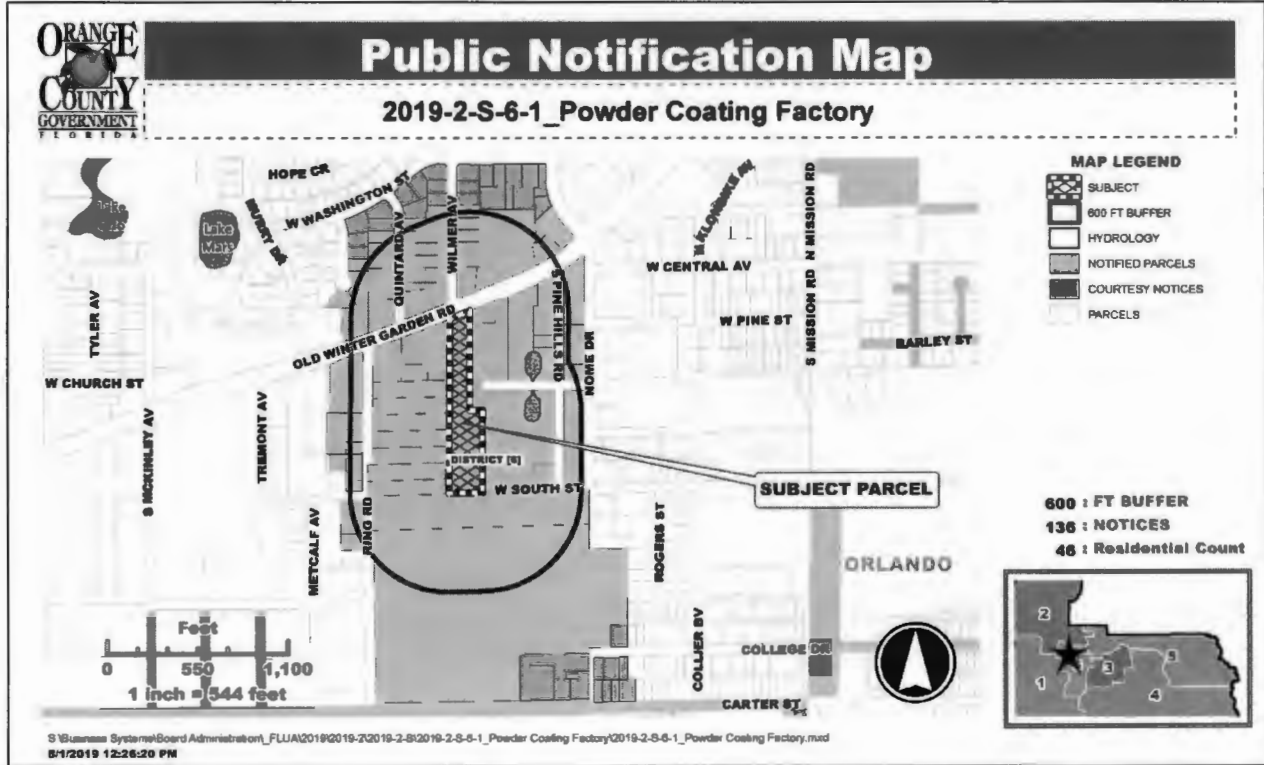


East

West



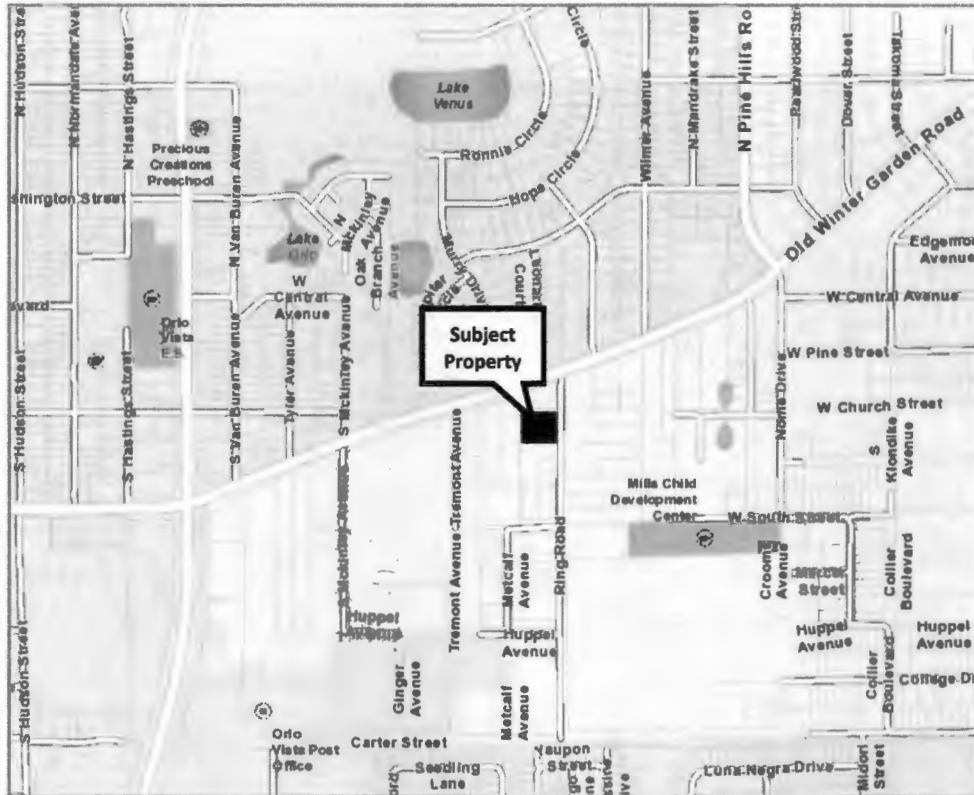
PUBLIC NOTIFICATION MAP



Notification Area

600 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site

136 notices sent



Applicant/Owner:
Dianand Persaud

Location:
118 Ring Rd.; Generally located on the west side of Ring Rd., south of Old Winter Garden Rd., north of W. South St., and east of Tremont Ave.

Existing Use:
Auto repair business

Parcel ID Number:
30-22-29-6244-09-100

Tract Size:
0.80 gross acre

| The following meetings and hearings have been held for this proposal: | | Project Information |
|--|-------------------------------------|---|
| Report/Public Hearing | Outcome | |
| ✓ Community Meeting August 19, 2019 (136 notices sent; 2 person in attendance) | Positive | Request: Low Density Residential (LDR) to Commercial (C) Proposed Development Program: To continue to use the existing warehouse building for an automotive repair business. Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. Environmental: The Orange County Environmental Protection Division regulates the management of hazardous waste as outlined in Florida Administrative Codes (FAC): such as 1) Used Oil: 62-710, 2) Hazardous Waste: 62-730, and 3) Universal Wastes (i.e.; batteries, fluorescent lamps, etc.): 62-737. Transportation: The subject property is not located within the Alternative Mobility Area (AMA) or along a backlogged/constrained facility. Concurrent Rezoning: No |
| ✓ Staff Report | Recommend Adoption | |
| ✓ LPA Adoption October 17, 2019 | Recommend Adoption (8-0) | |
| ✓ BCC Adoption December 3, 2019 | Continue to December 17, 2019 (5-0) | |
| BCC Adoption | December 17, 2019 | |

SITE AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use Designation:
Low Density Residential (LDR)

Special Area Information

Planning Sector: Urban Service Area

JPA: N/A

Rural Settlement: N/A

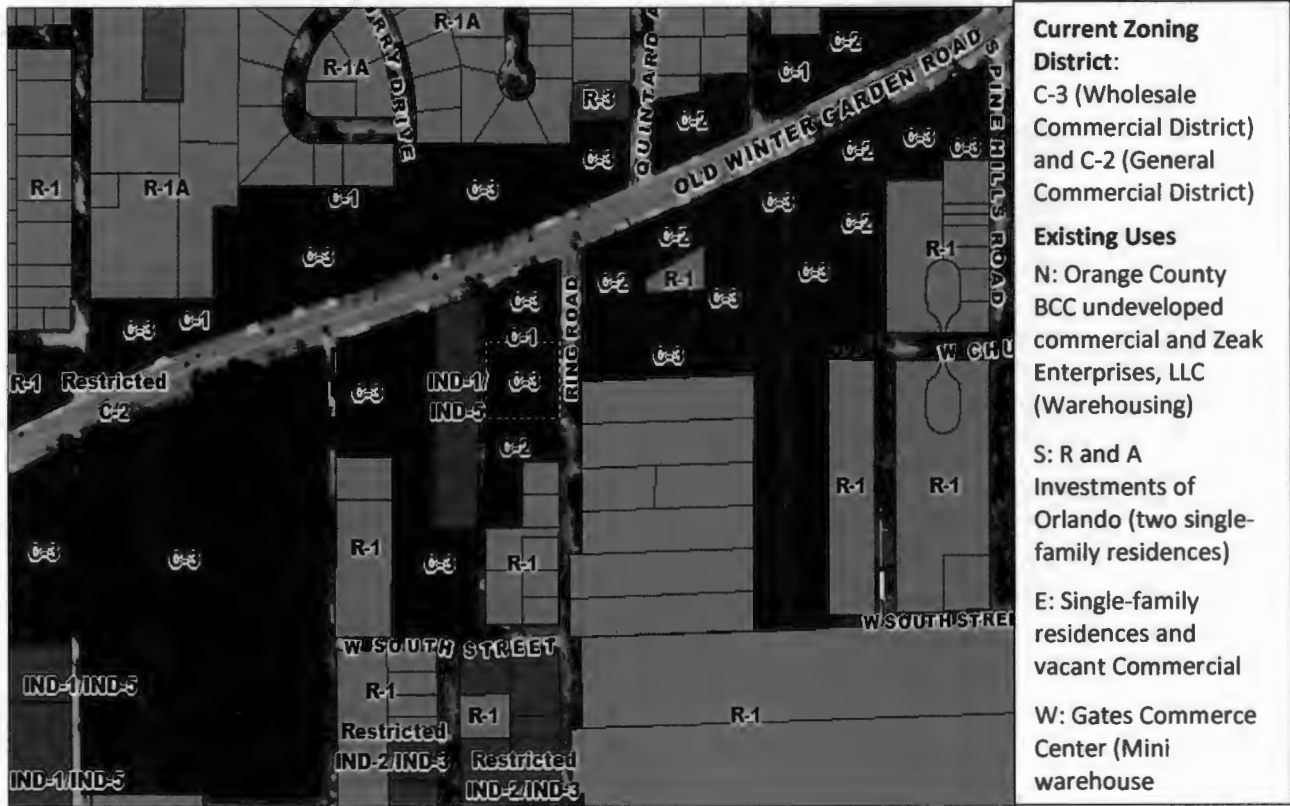
Airport Noise Zone: N/A

FUTURE LAND USE - AS PROPOSED



Proposed Future Land Use Designation:
Commercial (C)

ZONING - CURRENT



Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Objective FLU8.2, and Policies FLU1.1.5, FLU1.4.4, FLU1.4.6, and FLU8.2.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-2-S-6-2, Low Density Residential (LMDR) to Commercial (C).

Analysis

1. Background Development Program

The applicant, also the owner of the property, has requested to change the Future Land Use Map (FLUM) designation of the 0.80-acre subject property from Low Density Residential (LDR) to Commercial (C). The site is bordered by commercial development to the north and northeast, while industrial uses are located to the west. Although two single-family dwellings are located immediately south of the subject parcel, the adjacent property is zoned C-2 and has a corresponding Commercial FLUM designation. On January 24, 2017, the Board of County Commissioners (BCC) approved FLUM Amendment 2016-2-S-6-2 to change the FLUM designation of the adjacent property from LDR to Commercial, and approved Concurrent Rezoning Request RZ-16-10-029 to change the zoning designation from R-1 (Single-Family Dwelling District) to C-2 (General Commercial District). The owner's intent was to demolish the dilapidated residence to allow for the development of a 6,000-square-foot automobile repair facility, with the remaining home to be used as a caretaker's residence for the business. A vacant C-3-zoned lot and two single-family dwellings zoned R-1 are located across the street on Ring Road, east of the site.

A portion of the property (Lots 10-16 and Lots 59-61, Block I, Orange Heights Subdivision, Plat Book N, Page 8) has been zoned C-3 (Wholesale Commercial District) since October 20, 1980, and the remaining portion (Lots 55-58, Block I, Orange Heights Subdivision, Plat Book N, Page 8) has been zoned C-2 (General Commercial District) since August 31, 1982. A 3,000-square-foot commercial warehouse building, constructed in 1991 is currently located on the subject site and is used for automotive repair. Both the C-3 and C-2 zoning classifications are inconsistent with the property's LDR FLUM designation. At this time the applicant is seeking to resolve the inconsistency issue and bring the property into conformance with its C-3 and C-2 zoning classifications.

A community meeting was held for this proposed amendment on August 19, 2019. Two residents were in attendance and did not express any opposition to the request. One resident did express concerns about flooding in the area. The applicant told the resident that the County created swales in the area which should help with the drainage issues. District 6 County Commissioner Victoria Siplin expressed concerns about the appearance of the chain link fence and the landscaping on the property. She told the applicant that the subject site needs additional buffering to screen the cars from the right-of-way. She doesn't want the cars to be visible from the right-of-way. The applicant stated that he intends to plant additional hedges along Ring Road and he has painted the chain link fence as well. He also stated that most of the automotive repair work is done inside the existing metal building. The applicant has committed to making aesthetic improvements to the property.

Project Analysis

Consistency

The proposed FLUM Amendment appears to be **consistent** with the applicable Comprehensive Plan Goals, Objectives, and Policies. The requested amendment is consistent with **Future Land Use Element Policy FLU1.4.6**, which states that with respect to new development and redevelopment, the County is seeking more integrated forms of commercial and non-residential development, including vertical mixed-use design and complementary land uses in close proximity to one another, in its desired development pattern for the County's Urban Service Area (USA). As discussed previously, this request involves a C-3 and C-2-zoned site in the USA, featuring a commercial building, located within the Orange Heights neighborhood. If approved, the proposed FLUM change to Commercial will enable the applicant to resolve the property's zoning/future land use inconsistency issue and will allow for its continued use as an automotive repair facility.

The application is also consistent with **Policy FLU1.1.5**, which states that Orange County shall encourage mixed use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the USA. The subject property is located in an area characterized by a mix of commercial, industrial, and residential uses. As stated previously, it is the property owner's intent to use the site for an automotive repair facility.

In addition, the proposed Future Land Use Map Amendment is consistent with **Policy FLU1.4.4**, which mandates that the disruption of residential areas by poorly located and designed commercial activities shall be avoided. The commercially-zoned subject site and its previous commercial uses have coexisted with the adjacent single-family homes since the warehouse building was constructed in 1981. The continued use of the property for commercial purposes would not be out of character for the neighborhood.

Compatibility

The proposed FLUMA appears to be compatible with the development pattern of the surrounding area. **Future Land Use Element Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development trend in the area. A commercial warehouse, Orlando Electric/Electro Services of Central Florida, located north of the property, is zoned C-3 and has a corresponding Commercial FLUM designation. A mini warehouse, Gates Commerce Center, is located west of the site, is zoned I-1/I-5 (General Industrial District) and has an Industrial (IND) FLUM designation. As mentioned above, on January 24, 2017, the property located immediately to the south obtained approval from the BCC for FLUM Amendment and Concurrent Rezoning requests. It is currently zoned C-2 and has a corresponding Commercial FLUM designation. A vacant C-3-zoned parcel is located across the street on Ring Road, east of the subject site, has a Commercial FLUM designation. As stated previously, the subject site is currently zoned C-3 and has been used for commercial purposes since 1981. This FLUMA request is not a change in use, but is rather intended to bring the FLUM designation of the site into conformance with its C-3 and C-2 zoning classifications. Staff again emphasizes that the continued use of the property for commercial activity will not be out of character for the area.

Division Comments: Environmental, Public Facilities and Services

Environmental. Orange County Environmental Protection Division regulates the management of hazardous waste as outlined in Florida Administrative Codes (FAC): such as 1) Used Oil: 62-710, 2) Hazardous Waste: 62-730, and 3)

Universal Wastes (i.e.; batteries, fluorescent lamps, etc.): 62-737. For more information or guidance on proper management please contact the Orange County Environmental Protection Division Small Quantity Generator Program at 407-836-1400.

Utilities. The subject property lies within the Orlando Utilities Commission's potable water service area. Per Orange County Utilities (OCU), there is an 8-inch gravity main located within the Ring Road right-of-way. Currently, there are no reclaimed water mains in the vicinity of the site.

Transportation. Based on trip generation estimates from the 10th Edition of the Institute of Transportation Engineers *Trip Generation Handbook*, it was determined that the maximum allowable development of up to 52,272 square feet of commercial uses would generate approximately 208 p.m. peak hour trips, while the existing 3,000-square-foot warehouse used for vehicle repair under the requested Commercial future land use designation would generate no new p.m. peak hour trips resulting in a net decrease of 208 new p.m. peak hour trips.

Summary

The applicant is requesting to change 0.80 acres from Low Density Residential (LDR) to Commercial (C) for consistency with the existing on-site use.

The subject property is located within the County's Alternative Mobility Area but not along a backlogged/constrained facility.

Alternative transportation modes within this area include: County maintained sidewalks along Old Winter Garden Road, and the segment of Ring Road between the development and Old Winter Garden Road. There are no sidewalks on any of the other minor intersecting streets including S. McKinley Avenue, Tremont Avenue, S. Pine Hills Road, W. Church Street, W. South Street, Metcalf Avenue, Huppel Avenue, Quintard Avenue, Wilmer Avenue, and any of the associated subdivisions.

There are no Lynx routes or bus stops.

There are no signed bicycle routes/lanes within the project impact area.

Final permitting of any development on this site will be subject to further review and approval by Transportation Planning.

Policy References

OBJ FLU8.2 – 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.

FLU1.1.5 – Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County's desired urban framework. Infill is defined as development consistent with the *Infill Master Plan (2008)*.

FLU1.4.4 – The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.

FLU1.4.6 – The following guidelines illustrate different types of commercial and retail development consistent with the Orange County Comprehensive Plan. It is the goal of the 2030 CP to increase densities and intensities in the Urban Service Area in order to accommodate projected growth. The Commercial floor area ratio (FAR) shall be 1.50 unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code (See FLU1.1.4A, FLU2.2.4 – FLU2.2.7, and FLU3.2.1 – FLU3.2.13). The basis for increasing densities and intensities is the finding that productive use of vacant land within the Urban Service Area is critical to the County’s future urban form. Therefore, with respect to new development and redevelopment, the County is seeking more integrated forms of commercial and non-residential development, including vertical mixed use design and complementary land uses in close proximity to one another, in its desired development pattern for the County’s Urban Service Area.

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

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

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

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

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

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

FLU8.2.1 – Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

Site Visit Photos

Subject Site



North



South



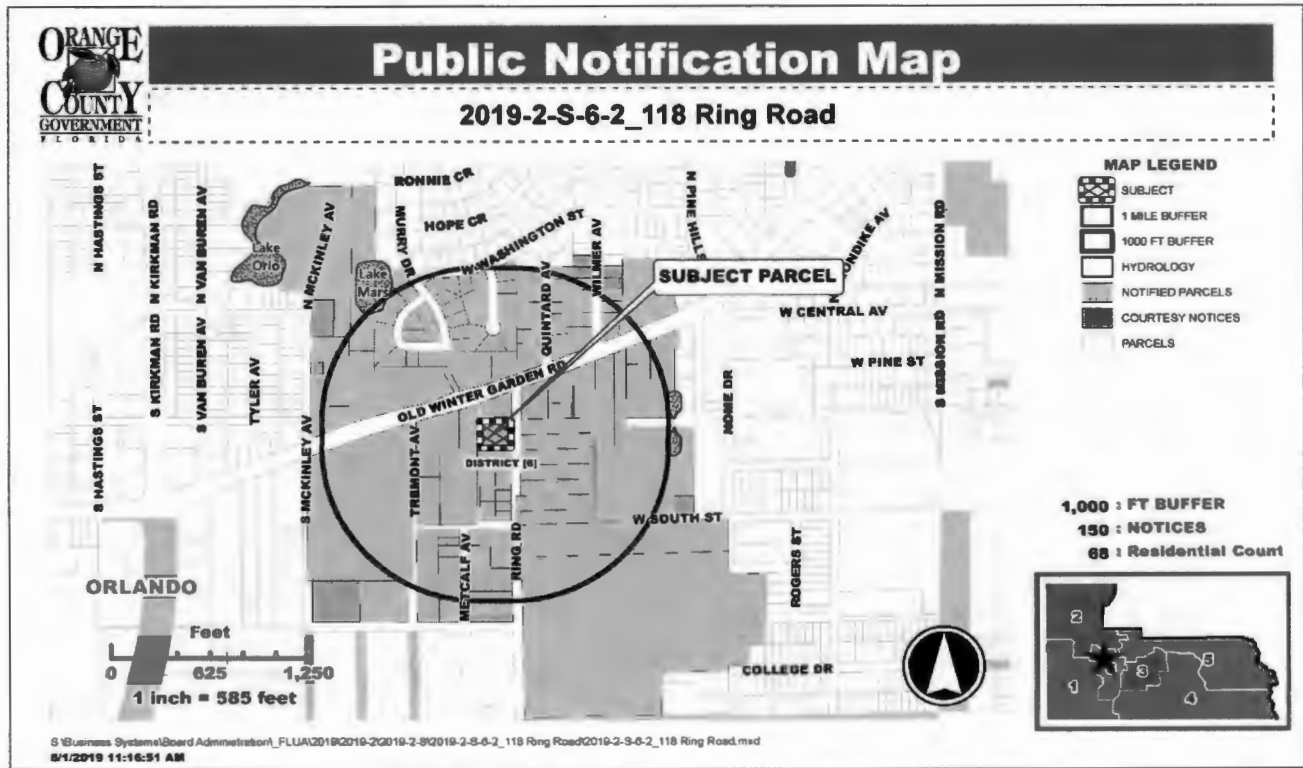
East



West



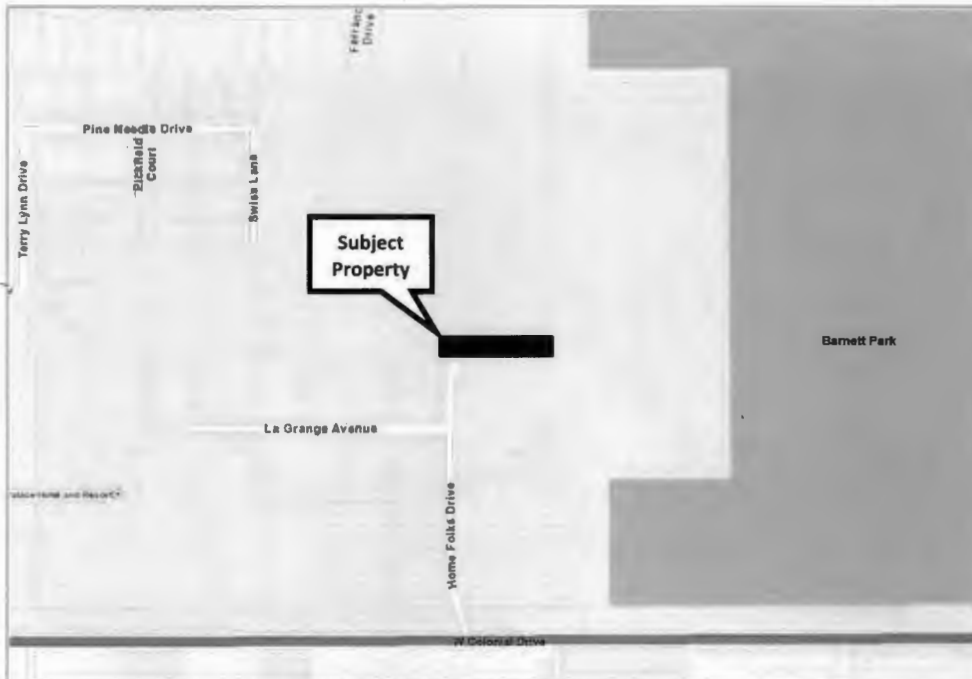
PUBLIC NOTIFICATION MAP



Notification Area

1,000 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site

150 notices sent



Applicant/Owner:
 Scott Glass and George Dennison, Shutts & Bowen LLP/Colonial Storage Holdings, LLC

Location:
 4815 W. Colonial Drive; generally located north of W. Colonial Drive and Home Folks Drive, east of La Grange Avenue.

Existing Use:
 Undeveloped land

Parcel ID Number:
 19-22-29-0000-00-038 (portion of)

Tract Size:
 0.25 gross/net developable acre

| The following meetings and hearings have been held for this proposal: | | Project Information | |
|---|---|---|--|
| Report/Public Hearing | Outcome | Request: Planned Development-Medium Density Residential (PD-MDR) to Commercial (C) | |
| ✓ A community meeting was held September 17, 2019, with one resident in attendance. | Positive | Proposed Development Program: Driveway and buffer area for a drive-through self-storage facility (proposed repurposing of the former Orlando Office Furniture building to the south) | |
| ✓ Staff Report | Recommend adoption of the proposed amendment and approval of the concurrent rezoning request, subject to three (3) restrictions | Concurrent Rezoning: Case RZ-19-10-043 PD (Planned Development District) (Villages at Lake Lawne PD/LUP) to C-3 (Wholesale Commercial District) A non-substantial change to the Villages at Lake Lawne PD Land Use Plan to reconfigure the PD boundary, Case CDR-19-08-289, is currently proceeding through the Development Review Committee (DRC) review process. | |
| ✓ LPA Adoption Hearing and PZC Rezoning Hearing October 17, 2019 | Recommend adoption and approval, subject to three (3) restrictions (8-0) | Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility. | |
| ✓ BCC Adoption Hearing and BCC Rezoning Hearing December 3, 2019 | Continue to December 17, 2019 (5-0) | Transportation: The subject property is located within the County's Alternative Mobility Area (AMA), but not along a backlogged or constrained facility. | |
| BCC Adoption Hearing and BCC Rezoning Hearing | December 17, 2019 | Utilities: The subject property is located within the Orlando Utilities Commission's (OUC's) potable water service area and Orange County Utilities' (OCU's) wastewater service area. Reclaimed water service is presently unavailable. | |

SITE AERIAL



FUTURE LAND USE – CURRENT



Current Future Land Use:
 Planned Development-Medium Density Residential (PD-MDR)

Special Area Information

Overlay District: The site is located within the Wekiva Study Area.

JPA: N/A

Rural Settlement: N/A

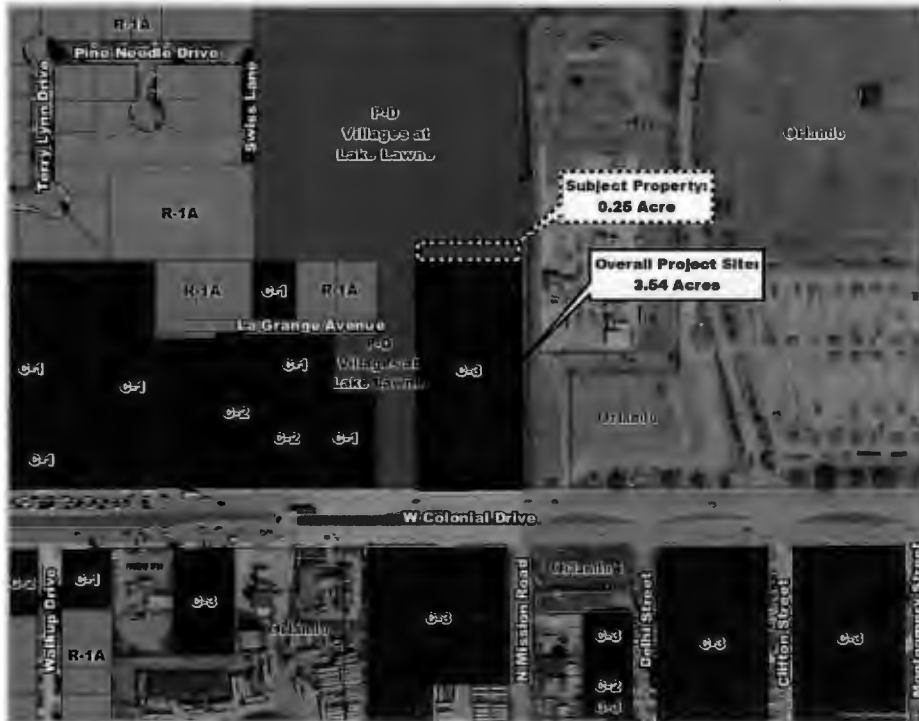
Airport Noise Zone: N/A

FUTURE LAND USE – AS PROPOSED



Proposed Future Land Use:
 Commercial (C)

ZONING – CURRENT

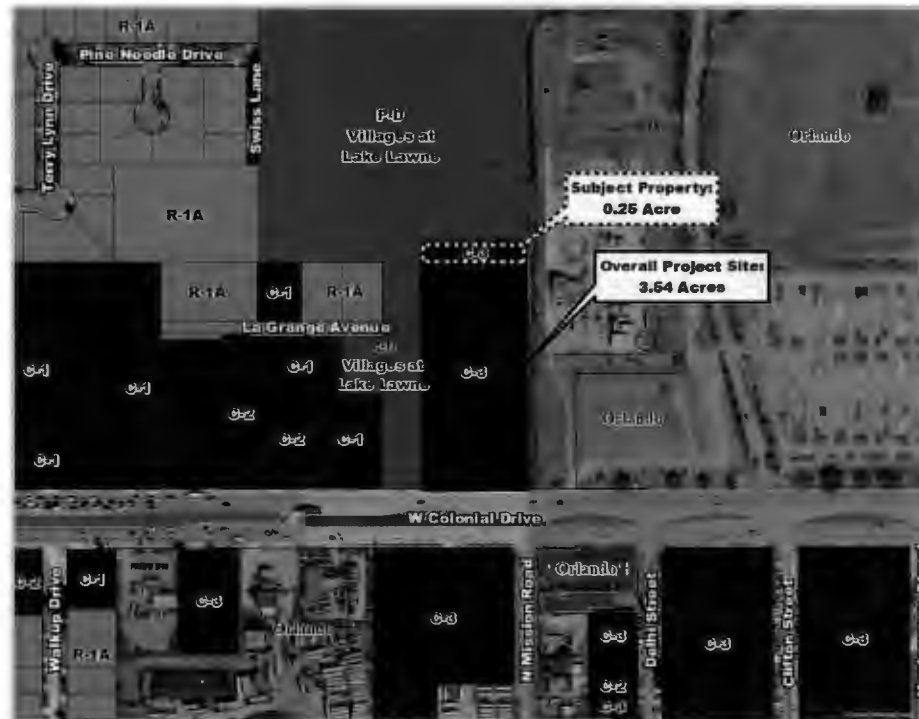


Zoning: PD (Planned Development District) (Villages at Lake Lawne PD/LUP)

Existing Uses:

- N: Undeveloped Villages at Lake Lawne PD/LUP
- S: Former Orlando Office Furniture store
- E: Orlando Utilities Commission (OUC) substation
- W: Undeveloped Villages at Lake Lawne PD/LUP and single-family homes

ZONING – AS PROPOSED



Proposed Zoning:
 C-3 (Wholesale Commercial District)

Staff Recommendations

If the requested Comprehensive Plan amendment is adopted, the Board will then need to take action on the requested rezoning. These items need to be addressed as two separate motions by the Board. Below are the staff recommendations for each of these items.

1. **COMPREHENSIVE PLAN AMENDMENT:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objectives FLU2.1 and FLU8.2, and Policies FLU1.1.5, FLU1.4.2, FLU1.4.4, and FLU8.2.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2019-2-S-6-4, Planned Development-Medium Density Residential (PD-MDR) to Commercial (C).
2. **REZONING:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objectives FLU2.1 and FLU8.2, and Policies FLU1.1.5, FLU1.4.2, FLU1.4.4, and FLU8.2.1) and **APPROVE** Rezoning Case RZ-19-10-043, PD (Planned Development District) (Villages at Lake Lawne PD/LUP) to C-3 (Wholesale Commercial District), subject to the following three (3) restrictions:

Restrictions:

- 1) New billboards and pole signs shall be prohibited.
- 2) 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-3 uses; and
- 3) Access to the north shall be prohibited.

Analysis

1. Background and Development Program

The applicants, Scott Glass and George Dennison, are seeking to change the Future Land Use Map (FLUM) designation of the 0.25-acre subject property from Planned Development-Medium Density Residential (PD-MDR) to Commercial (C). In conjunction with this request, the applicants are proposing to rezone the site from PD (Planned Development District) to C-3 (Wholesale Commercial District). At the time of application on June 27, 2019, the property was a portion of the 9.87-acre Parcel 19-22-29-0000-00-023, owned by Swiss Lane, LLC and comprising the majority of the 11.92-acre Villages at Lake Lawne PD. Originally approved on December 2, 2008, via the Orange County Board of County Commissioners' (BCC's) approval of Rezoning Case RZ-08-05-032 and last amended by the Orange County Development Review Committee (DRC) as a non-substantial change to the PD Land Use Plan (LUP) on October 5, 2016, the undeveloped Villages at Lake Lawne PD is entitled for the future construction of up to 205 multi-family residential units. The project was approved in accordance with the PD-MDR future land use designation, achieved via the BCC's December 18, 2007, approval of Future Land Use Map Amendment 2007-2-A-6-1.

On July 29, 2019, the present owner, Colonial Storage Holdings, LLC, acquired the 0.25-acre subject property, as well as the adjacent 1.51-acre Parcel 19-22-29-0000-00-038 and the 1.78-acre 19-22-29-0000-00-028 to the south, designated Commercial (C) on the Future Land Use Map and possessing a zoning classification of C-3 (Wholesale Commercial District). On September 13, 2019,

the applicants unified the subject property with the abutting Parcel 19-22-29-0000-00-038 through the Orange County Property Appraiser's Office. Together, the expanded Parcel 19-22-29-0000-00-038 and Parcel 19-22-29-0000-00-028 encompass 3.54 acres and front W. Colonial Drive, a six-lane principal arterial, with access to the north portion of the property achievable via Home Folks Drive, a 30-foot easement recorded in O.R. 3764, Page 294 and O. R. 903, Page 682 of the Public Records of Orange County.

The properties are currently the site of a vacant 110,203-square-foot two-story commercial building comprised of a showroom and warehouse, last used by Orlando Office Furniture. The prospective developer, Devon Self Storage Holdings, LLC, is proposing to repurpose the former furniture store for a drive-through self-storage facility. As stated in the application package, customers will enter the facility from W. Colonial Drive, unload or load items to or from their individual storage unit, and then exit the building at the north end of the property by means of a circular driveway. However, there is only approximately fourteen (14) feet between the building and the original north boundary of Parcel 19-22-29-0000-00-038, leaving insufficient area for a vehicle to turn west and then south to exit the property via Home Folks Drive. In addition, there is no room for the required 25-foot Type B landscape buffer between a C-3-zoned commercial site and abutting residential uses. Therefore, the applicants are seeking the removal of the .25-acre subject property—43.36 feet in depth and 250 feet in width—from the Villages at Lake Lawne PD and the approval of the same Commercial future land use designation and C-3 zoning classification that the rest of the project site already possesses. The granting of these two requests will allow for the construction of the driveway and the provision of the requisite buffer to help ensure compatibility with the Villages at Lake Lawne PD when it eventually develops.

In association with this proposed FLUM Amendment and rezoning application, the applicants have applied for a non-substantial change to the Villages at Lake Lawne PD Land Use Plan to reconfigure the PD boundary, reflecting the removal of the subject property, with the number of multi-family units remaining at 205. This application, Case CDR-19-08-289, is currently undergoing DRC review.

Community Meeting

A community meeting for the proposed amendment and concurrent rezoning was held September 17, 2019, at Mollie Ray Elementary School. While the one area resident in attendance did not appear to object to the use of the property for self-storage purposes, she had questions about the possibility of more intense uses on the site, access management, hours of operation, and security. In response, the applicants clarified that the facility will be used for personal self-storage only, with no outdoor storage or display permitted. Although personal vehicles and U-Hauls would be allowed on the site, semi-trailer trucks would not be permitted on the premises.

In regard to access management, the applicants explained that Devon Self Storage is proposing a drive-through facility, with lessees entering the property via W. Colonial Drive, visiting their respective storage unit, and then exiting the building by means of a circular driveway at the north end of the site that will link to Home Folks Drive, allowing customers to travel south to exit onto W. Colonial. The applicants confirmed that the project entails significant improvements to Home Folks Drive.

The applicants further stated that the inclusion of the 0.25-acre subject property in the self-storage project site would make construction of the circular drive possible and would allow lessees to safely exit the facility. Moreover, the incorporation of the subject property into the project boundary will

provide room for the installation of the required 25-foot Type “B” buffer to help ensure compatibility with the Villages at Lake Lawne multi-family community to the north when it develops.

The meeting attendee questioned whether Devon Self Storage would hire from the local population. The applicants replied that while the company is based in California, it will likely hire individuals from the Orlando area. While the specific number of employees for this location has not yet been determined, a manager, assistant manager, and maintenance staff will be needed.

With respect to safety, a Devon Self Storage representative, Grant Dennis, explained that while the hours of operation for this location have not been established, all entrance points to the storage units will be heavily-secured, with access achievable via keypad only, and that the facility will be subject to 24-hour video surveillance. The District 6 Commissioner’s Aide, Rose-Nancy Joseph, commented that several local self-storage facilities have experienced problems with lessees hosting parties in their individual units. Mr. Dennis asserted that his company will not tolerate such activity.

The applicants reiterated that approval of the requested Future Land Use Map Amendment and rezoning will allow for the construction of the circular driveway and the provision of the required buffer between the self-storage facility and the future multi-family development within the Villages at Lake Lawne PD.

The tone of the meeting was positive.

2. Project Analysis

Consistency

The proposed FLUM amendment and concurrent rezoning application appear to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

The proposed self-storage site is located along a section of the heavily-traveled W. Colonial Drive corridor characterized by a mix of commercial and public facility uses, including an Orlando Utilities Commission (OUC) electrical substation and Barnett Park, both situated immediately east of the property. It is staff’s position that the project site meets the definition of an infill parcel within the County’s Urban Service Area Boundary. Approval of the requested amendment and associated rezoning will allow for the renovation and repurposing of a vacant 110,203-square-foot building for a commercial use compatible with the activity along W. Colonial. Per the Orange County Tax Collector’s Office, the most recent tenant, Orlando Office Furniture, was declared “out of business” on July 14, 2015, as stated on Business Tax Receipt #1098673. It is staff’s belief that the reuse of a building that has been unoccupied for more than four years will benefit the surrounding area and will help further the County’s goal of promoting infill development and redevelopment within the Urban Service Area.

Staff finds the two requests consistent with **Future Land Use Element Goal FLU2**, which states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options, and **Objective FLU2.1**, which establishes that the County shall promote infill development for relatively small vacant and underutilized parcels within the County’s established core areas in the Urban Service Area. Staff also finds both applications consistent with **Future Land Use Element Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transit-oriented

development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. Staff notes that, if approved, the self-storage facility will use infrastructure that is already in place. Potable water service will be provided by the Orlando Utilities Commission (OUC), and central sewer service will be provided by Orange County Utilities (OCU), with no facility improvements necessary to maintain level of service standards. Moreover, the project would use the existing transportation network, which serves transit riders, pedestrians, and bicyclists as well as automobile drivers. A LYNX bus stop is located directly in front of the property, on W. Colonial Drive. Furthermore, the Florida Department of Transportation's (FDOT's) improvements to the adjacent segment of W. Colonial Drive have been completed, including the construction of sidewalks and bicycle lanes to help provide for the safety of pedestrians and cyclists.

Staff further finds the two applications consistent with **Future Land Use Element Policy FLU1.4.4**, which states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided, and with **Policy FLU1.4.2**, which requires that land use changes be compatible with and serve existing neighborhoods. Although the proposed self-storage site fronts W. Colonial Drive, along which commercial and public facility uses predominate, a cluster of single-family homes and a small church are located immediately west of the property, along La Grange Avenue. In addition, the Villages at Lake Lawne PD is entitled for the future development of up to 205 multi-family units. The drive-through self-storage facility is being designed to prevent disturbance to the nearby single-family homes and church and to avoid encroachment into the future Villages at Lake Lawne multi-family community. As stated previously, approval of these two requests will allow for the construction of a circular driveway that will allow lessees to safely exit the property and for the provision of the requisite 25-foot Type "B" buffer to help ensure compatibility with the Villages at Lake Lawne PD when it eventually develops.

Compatibility

The proposed Future Land Use Map Amendment and associated rezoning request appear to be **compatible** with the development pattern of the surrounding area.

Future Land Use Element Objective FLU8.2 states that compatibility will be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development and development trend in the area. As discussed earlier, the subject parcel is located along a stretch of W. Colonial Drive characterized by a mix of highway commercial development and community facility uses. The renovation and repurposing of the former Orlando Office Furniture showroom and warehouse for a drive-through self-storage facility would be compatible with the activity along W. Colonial. As stated previously, it is staff's belief that the reuse of a 110,203-square-foot building that has been unoccupied for more than four years will be positive for the surrounding area and will help further the County's goal of promoting infill development and redevelopment within the Urban Service Area.

The proposed inclusion of the 0.25-acre subject property in the self-storage project site will help prevent disruption to the neighboring single-family homes and church to the west and avoid encroachment into the future Villages at Lake Lawne multi-family community. As discussed earlier, the addition of the 43.36' x 250' parcel will allow for the construction of a circular driveway that will allow lessees to safely exit the drive-through facility and travel south to W. Colonial Drive, reducing the potential for intrusion onto La Grange Avenue or the Villages at Lake Lawne site. Moreover, the incorporation of the subject property into the project boundary will provide room for the

installation of the required 25-foot Type "B" buffer to help ensure compatibility with the Villages at Lake Lawne PD when it develops. To further protect surrounding properties, staff recommends the inclusion of rezoning restrictions stating that new billboards and pole signs shall be prohibited, that 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, and that access to the north (the Villages at Lake Lawne PD) shall be prohibited.

It is staff's belief that the proposed self-storage project is appropriate for the area in question and will contribute to the County's larger goals of promoting infill and redevelopment within the Urban Service Area, efficiently using existing infrastructure, reducing trip lengths, and encouraging accessibility via multiple modes of transportation. Staff, therefore, recommends adoption of this requested amendment and approval of the concurrent rezoning petition.

Division Comments

Environmental Protection Division. The subject property was included in Orange County Conservation Area Determination CAD-16-07-075, completed on September 21, 2016, for the Villages at Lake Lawne PD. The CAD delineated a Class I ditch with hydrological connection to Lake Lawne, located along the parent parcel's north boundary.

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 the Orange County Comprehensive Plan's Future Land Use Element, including, but not limited to, Objective FLU6.6 Wekiva and the related policies.

The subject property is vacant and vegetated. Development shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (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).

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

Transportation Planning Division: This site is located within the Alternative Mobility Area (AMA), but not along a backlogged or constrained facility.

There are multiple alternative transportation modes in the surrounding area. State-maintained sidewalks and bicycle lanes are in place along both sides of W. Colonial Drive. A County-maintained sidewalk/bicycle path exists along N. Pine Hills Road from W. Colonial Drive to Balboa Drive. There are seven (7) general bus stops and two (2) sheltered bus stops within the project's impact area. Transit service is provided via LYNX bus link #48 (W. Colonial Drive/Park Promenade Plaza), #49 (W. Colonial Drive/Pine Hills Road), #105 (W. Colonial Drive/Winter Garden), and #301 (LYNX 3D Pine Hills/Animal Kingdom).

Utilities Engineering Division: The subject site lies within the Orlando Utilities Commission's (OUC's) potable water service area. Per Orange County Utilities (OCU), 8-inch gravity mains are located onsite and within the La Grange Avenue right-of-way, and a 4-inch force main is in place within the Home Folks Drive right-of-way. Reclaimed water, however, is currently unavailable in the vicinity of the site. OCU has informed staff that no improvements to County facilities to maintain current level of service (LOS) standards are needed at this time.

3. Rezoning Request Analysis

SITE DATA

| | | |
|---------------------------|----|--|
| Adjacent Zoning | N: | PD (Planned Development District) (2008) (Villages at Lake Lawne PD) |
| | E: | P/W (Public Use / Wekiva Overlay District) (City of Orlando) |
| | W: | PD (Planned Development District) (2008) (Villages at Lake Lawne PD) |
| | S: | C-3 (Wholesale Commercial District) (1960)* *A buffer strip shall be required on the north; no exit road to the north |
| Adjacent Land Uses | N: | Undeveloped Land |
| | E: | Power Substation |
| | W: | Undeveloped Land |
| | S: | Furniture Store |

APPLICABLE C-3 (Wholesale Commercial District) DEVELOPMENT STANDARDS

| | |
|--------------------------|--|
| Minimum Lot Area: | 12,000 sq. ft. |
| Minimum Lot Width: | 125 ft. (on major streets, see Article XV) 100 ft. (on all other streets) |
| Maximum Building Height: | 75 ft. (35 ft. within 100 ft. of all residential districts) |
| Minimum Floor Area: | 500 sq. ft. |

Minimum Building Setbacks

| | |
|----------------|---|
| Front: | 25 feet (except on major streets as provided in Article XV) |
| Rear: | 15 feet (20 ft. when abutting residential) |
| Side: | 5 feet (25 ft. when abutting any residential district) |
| Side (Street): | 15 feet |

PERMITTED USES

The intent and purpose of the C-3 district is to implement and be consistent with the Commercial land use designation of the Future Land Use Map. The C-3 district is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

The subject property was included in Orange County Conservation Area Determination CAD-16-07-075, completed on September 21, 2016, for the Villages at Lake Lawne PD. The CAD delineated a Class I ditch with a hydrological connection to Lake Lawne, located along the parent parcel's north boundary.

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 the Orange County Comprehensive Plan's Future Land Use Element, including, but not limited to, Objective FLU6.6 Wekiva and the related policies.

The subject property is vacant and vegetated. Development shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (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).

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

Transportation / Access

This site is located within the Orange County Alternative Mobility Area (AMA). There are multiple alternative transportation modes within the project area. County-maintained sidewalks exist along the property frontage and run continuously to N. Pine Hills Road. A County-maintained

sidewalk/bicycle path exists along N. Pine Hills Road from W. Colonial Drive to Balboa Drive. State-maintained sidewalks and bicycle lanes are in place along W. Colonial Drive from N. Mission Road to N. Kirkman Road. Transit service is provided via LYNX bus link #48 (W. Colonial/Park Promenade Plaza), #49 (W. Colonial Drive/Pine Hills Road), #105 (W. Colonial Drive/Winter Garden), and #301 (LYNX 3D Pine Hills/Animal Kingdom). There are seven (7) bus stops and two (2) sheltered bus stops within the project area. Per the Transportation Planning Division, a mobility analysis may be required.

Water/Wastewater/Reclaimed Water

| | <u>Existing service or provider</u> | |
|------------------|-------------------------------------|--|
| Water: | Orlando Utilities Commission | |
| Wastewater: | Orange County Utilities | 8-inch gravity mains located onsite and within La Grange Avenue right-of-way; 4-inch force main located within Home Folks Drive right-of-way |
| Reclaimed Water: | Orange County Utilities | Currently unavailable |

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

Goal FLU2 – URBAN STRATEGIES. Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with

a range of choices and living options.

OBJ FLU2.1 INFILL. Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

OBJ FLU8.2 – Compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU1.1.5 – Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County's desired urban framework. Infill is defined as development consistent with the *Infill Master Plan (2008)*.

FLU1.4.2 – Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

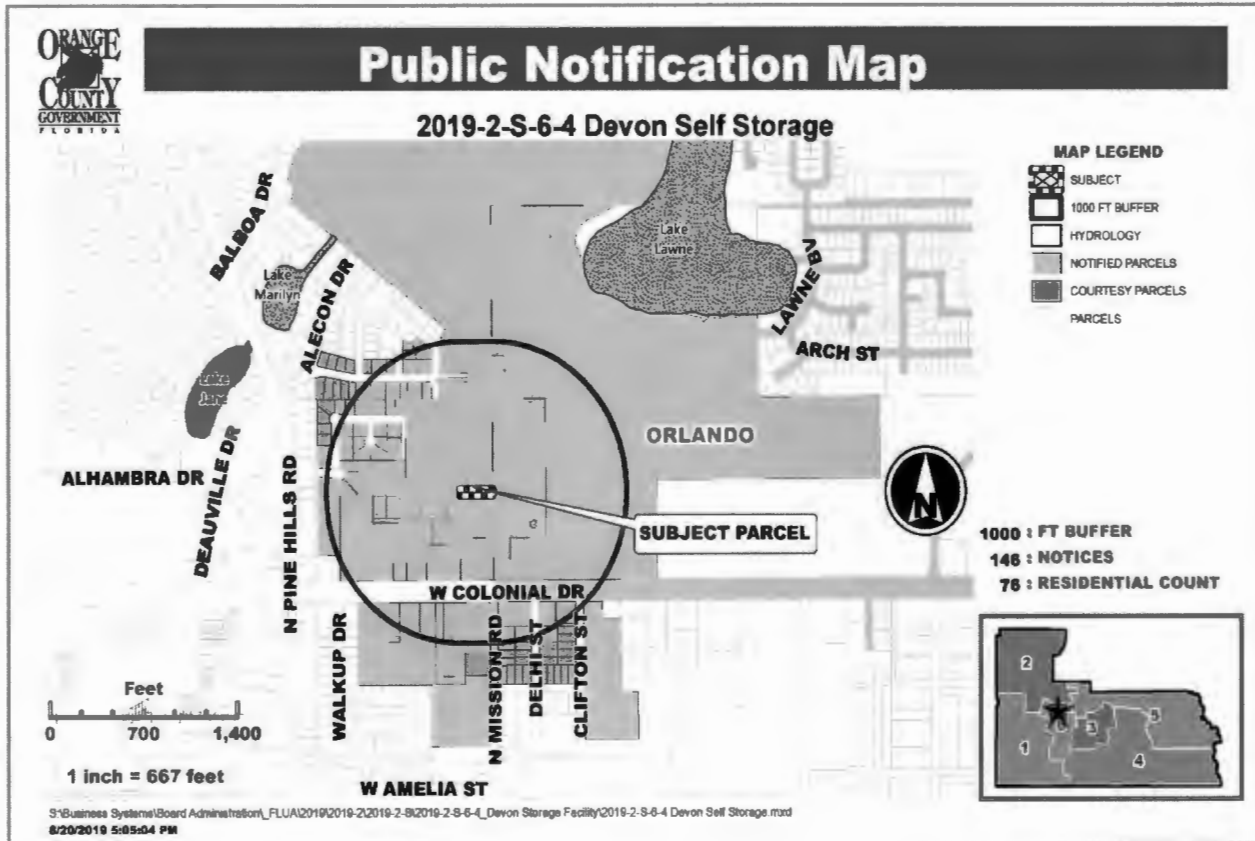
FLU1.4.4 – The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.

FLU8.2.1 – Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

Site Visit Photos



PUBLIC NOTIFICATION MAP



Notification Area

- 1,000 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site
- 146 notices sent

ORDINANCE NO. 2019-_____

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 AND RELATED TEXT 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

d. On December 3, 2019, the Orange County Board of County Commissioners ("Board") opened a public hearing on the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to continue the hearing on the adoption to December 17, 2019; and

32 e. On December 17, 2019, the Board held a public hearing on the adoption of the
33 proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to
34 adopt them.

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

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

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

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

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

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

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ADOPTED THIS 17th DAY OF DECEMBER, 2019.

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

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APPENDIX "A"

FUTURE LAND USE MAP AMENDMENTS

| Appendix A* | | |
|---|--|--|
| <i>Privately Initiated Future Land Use Map Amendments</i> | | |
| Amendment Number | Future Land Use Map Designation FROM: | Future Land Use Map Designation TO: |
| 2019-2-S-6-1 | Commercial (C) and Low Density Residential (LDR) | Commercial (C) |
| 2019-2-S-6-2 | Low Density Residential (LDR) | Commercial (C) |
| 2019-2-S-6-4 | Planned Development-Medium Density Residential (PD-MDR) | 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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Community Meeting Memorandum

DATE: August 20, 2019
TO: Alberto A. Vargas, MArch., Planning Manager
FROM: Sue Watson, Planner
SUBJECT: Amendment 2019-2-S-6-1 & Rezoning RZ-19-10-024 Community Meeting Synopsis
C: Project File

Location of Project: 5200 Old Winter Garden Rd.; Generally located south of Old Winter Garden Rd., west of S. Pine Hills Rd., north of W. South St., and east of Ring Rd.

Meeting Date and Location: Monday, August 19, 2019 at 6:00 PM at Ivey Lane Elementary School, 209 Silverton Street, Orlando, FL 32811

Attendance:

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| District Commissioner | District 6 Commissioner Victoria Siplin Rose-Nancy Joseph, Commissioner's Aide, District 6 |
| Orange County Staff | Sue Watson, Jennifer DuBois, Nate Wicke, Planning Division Celestin Pierre, Engineer II, Development Engineering Division |
| Applicant/ Owner | Al Tehrani, P.E., Tehrani Consulting Engineering Avi Roitman, Property Owner |
| Residents | 136 notices sent; 2 residents in attendance |

Overview of Project: The applicant, Al Tehrani, P.E., Tehrani Consulting Engineering, is requesting to change the Future Land Use Map (FLUM) designation of the 3.96-acre subject property from Commercial (C) and Low Density Residential (LDR) to Commercial (C) and to rezone the property from C-3 (Wholesale Commercial District) to C-3 (Wholesale Commercial District)(Restricted) to allow for the development of a 7,500-square-foot commercial warehouse building and a 2,500-square-foot covered carport.

Meeting Summary: Planner Sue Watson opened the meeting at 6:11 PM and introduced District 6 Commissioner Victoria Siplin, District 6 Commissioner's Aide, Rose-Nancy Joseph, Jennifer DuBois and Nate Wicke, Orange County Planning Division, Celestin Pierre, Engineer II, Development Engineering Division, and the applicant, Al Tehrani, Tehrani Consulting Engineering. Ms. Watson provided an overview of the project and informed those in attendance that the applicant is seeking to change the future land use designation of the subject site from C and LDR to C and to rezone the property from C-3 to C-3 (Restricted) to allow for the development of a 7,500-square-foot commercial warehouse building and a 2,500-square-foot covered carport. The proposed buildings will extend into the LDR portion of the property so the C FLUM designation is necessary in order for the buildings to be constructed. Ms. Watson informed the residents that the entire parcel was rezoned to C-3 on September 1980 (After reviewing the Board of County

Commissioners (BCC) minutes after the community meeting, the parcel was actually rezoned to C-3 on December 1, 1980). Ms. Watson also informed the residents that if the requests are approved there will be no access to South Street and additional buffering will be required where commercial zoning is adjacent to residentially zoned properties. Ms. Watson informed the residents that the FLUMA and Rezoning Applications will be heard concurrently.

Staff summarized the Future Land Use Map Amendment and Rezoning processes and the schedule for the LPA and BCC public hearings. Ms. Watson asked the citizens if they had any questions. There were no questions and staff turned the meeting over to the applicant, Mr. Tehrani and he provided an overview of the project. The proposal is to add a 7,500-square foot commercial warehouse building and a 2,500-square-foot covered carport on the subject property. He asked if there were any questions.

One resident concern was flooding in the area and she wanted to know how the proposed development would affect the area because her property has experienced flooding issues. Mr. Tehrani informed the resident that all stormwater has to be retained on the subject property and they will adhere to the Best Management Practices to retain stormwater on site. The proposed expansion will require an expanded retention area. Mr. Celestin informed the residents that all stormwater must be retained on site.

Commissioner Demostene also asked the applicant if he would consider changing the proposed office site to C-1. The applicant stated that the doctors like the idea of being able to park their vehicles overnight and he could not commit to that right now. Commissioner Demostene stated they can park their cars overnight in a C-1 zoning district. He stated he would speak to them about changing the zoning to C-1. There were no more questions and the meeting was adjourned at 6:46 P.M. The overall tone of the meeting was **POSITIVE**.



Community Meeting Memorandum

DATE: August 20, 2019
TO: Alberto A. Vargas, MArch., Planning Manager
FROM: Sue Watson, Planner
SUBJECT: Amendment 2019-2-S-6-2 Community Meeting Synopsis
C: Project File

Location of Project: 118 Ring Rd.; Generally located on the west side of Ring Rd., south of Old Winter Garden Rd., north of W. South St., and east of Tremont Ave.

Meeting Date and Location: Monday, August 19, 2019 at 6:00 PM at Ivey Lane Elementary School, 209 Silverton Street, Orlando, FL 32811

Attendance:

| | |
|-----------------------|--|
| District Commissioner | District 6 Commissioner Victoria Siplin Rose-Nancy Joseph, Commissioner's Aide, District 6 |
| Orange County Staff | Sue Watson, Jennifer DuBois, Nate Wicke, Planning Division Celestin Pierre, Engineer II, Development Engineering Division |
| Applicant | Dianand Persaud |
| Residents | 136 notices sent; 2 residents in attendance |

Overview of Project: The applicant, Dianand Persaud, is requesting to change the Future Land Use Map (FLUM) designation of the 0.80-acre subject property from Low Density Residential (LDR) to Commercial (C). The applicant is proposing to use the existing warehouse building for an automotive repair business.

Meeting Summary: Planner Sue Watson opened the meeting at 6:43 PM and informed the residents that this is the second of the two scheduled community meetings. The first scheduled community meeting was conducted for FLUMA 2019-2-S-6-1 prior to the beginning of this meeting. Ms. Watson only introduced the applicant, Dianand Persaud, since introductions of the Commissioner and County Staff were done at the earlier meeting. Ms. Watson provided an overview of the project and informed those in attendance that the applicant is seeking to change the future land use designation of the subject site from LDR to C to allow the existing 3,000-square-foot commercial warehouse building to be used as an automotive repair business. Ms. Watson stated that the subject property is currently zoned C-2 and C-3. The existing warehouse is being used as an automotive repair business and it is located in the C-3-portion of the site. The applicant is proposing to resolve the inconsistency between the Future Land Use Map designation and the Zoning designation. Ms. Watson stated that the applicant has an active Business Tax Receipt but if it lapses for six months or more, the owner will lose the

grandfathered status. The property has the zoning required for an automotive repair shop.

Staff summarized the Future Land Use Map Amendment process and the schedule for the LPA and BCC public hearings. Ms. Watson asked the citizens if they had any questions. There were no questions and staff turned the meeting over to the applicant, Mr. Persaud, and he provided an overview of the project. Mr. Persaud stated he purchased the property about a year ago with an active mechanic shop operating onsite. He found out that the property was designated LDR and he wishes to attain consistency and to allow the automotive repair use to continue. He stated there is an existing 3,000-square-foot metal building on the site. The applicant asked if there were any questions.

Questions/Concerns/Comments

Concern: Commissioner Siplin stated she had concerns about the existing chain link fence on the property. She did not like the appearance of it. She also stated that she would like to see additional buffering. She stated the applicant needs to screen the cars from the right-of-way. She stated that she doesn't want to see any cars from the right-of-way.

Response: The applicant stated that he intends to plant additional hedges along Ring Road and he has painted the fence as well. Also, the applicant stated that most of the automotive repair work is done inside the existing metal building.

Comment: Ms. Watson clarified that the applicant is only proposing to change the FLU designation of the property and the owner will retain the existing zoning classifications.

Concern: The residents were also concerned about flooding in the area.

Response: The applicant stated that the County has created swales in the area and they should help alleviate drainage issues in the area.

Comment: Commissioner Siplin stated the applicant should work on ensuring future improvements are made as the process moves forward.

Response: The applicant has committed to making aesthetic improvements to the property.

Ms. Watson thanked the attendees for their participation.

There were no more questions and the meeting was adjourned at 7:03 P.M. The overall tone of the meeting was **POSITIVE**.



Community Meeting Memorandum

DATE: October 8, 2019
TO: Alberto A. Vargas, MArch., Planning Manager
FROM: Jennifer DuBois, Senior Planner
SUBJECT: Amendment 2019-2-S-6-4 and Rezoning Case RZ-19-10-043 (Devon Storage Facility)
Community Meeting Synopsis
C: Project File

Location of Project: 4815 W. Colonial Drive; generally located north of W. Colonial Drive and Home Folks Drive, east of La Grange Avenue

Parcel ID Number: 19-22-29-0000-00-038 (portion of)

Meeting Date and Location: Tuesday, September 17, 2019 at 6:00 p.m. at Mollie Ray Elementary School, 2000 Beecher Street, Orlando, Florida 32808

Attendance:

| | |
|-----------------------|---|
| District Commissioner | Rose-Nancy Joseph, Commissioner's Aide, District 6 |
| Orange County Staff | Jennifer DuBois and Nathaniel Wicke, Planning Division Celestin Pierre, Development Engineering Division |
| Applicants | Scott Glass and George Dennison, Shutts & Bowen LLP, and Grant Dennis, Devon Self Storage |
| Residents | 146 notices sent; 1 resident in attendance |

Overview of Project: The applicants, Scott Glass and George Dennison, are seeking to change the Future Land Use Map (FLUM) designation of the 0.25-acre subject property from Planned Development-Medium Density Residential (PD-MDR) to Commercial (C). In conjunction with this request, the applicants are proposing to rezone the site from PD (Planned Development District) to C-3 (Wholesale Commercial District). At the time of application on June 27, 2019, the property was a portion of the 9.87-acre Parcel 19-22-29-0000-00-023, owned by Swiss Lane, LLC and comprising the majority of the 11.92-acre Villages at Lake Lawne PD. Originally approved on December 2, 2008, via the Orange County Board of County Commissioners' (BCC's) approval of Rezoning Case RZ-08-05-032 and last amended by the Orange County Development Review Committee (DRC) as a non-substantial change to the PD Land Use Plan (LUP) on October 5, 2016, the undeveloped Villages at Lake Lawne PD is entitled for the future construction of up to 205 multi-family residential units. The project was approved in accordance with the PD-MDR future land use designation, achieved via the BCC's December 18, 2007, approval of Future Land Use Map Amendment 2007-2-A-6-1.

On July 29, 2019, the present owner, Colonial Storage Holdings, LLC, acquired the 0.25-acre subject property, as well as the adjacent 1.51-acre Parcel 19-22-29-0000-00-038 and the 1.78-acre 19-22-29-0000-00-028 to the south, designated Commercial (C) on the Future Land Use Map and possessing a zoning classification of C-3 (Wholesale Commercial District). On September 13, 2019, the applicants unified the subject property with the abutting Parcel 19-22-29-0000-00-038 through the Orange County Property Appraiser's Office. Together, the expanded Parcel 19-22-29-0000-00-038 and Parcel 19-22-29-0000-00-028 encompass 3.54 acres and front W. Colonial Drive, a six-lane principal arterial, with access to the north portion of the property achievable via Home Folks Drive, a 30-foot easement recorded in O.R. 3764, Page 294 and O. R. 903, Page 682 of the Public Records of Orange County.

The properties are the currently the site of a vacant 110,203-square-foot two-story commercial building comprised of a showroom and warehouse, last utilized by Orlando Office Furniture. The prospective developer, Devon Self Storage Holdings, LLC, is proposing to repurpose the former furniture store for a drive-through self-storage facility. As stated in the application package, customers will enter the facility from W. Colonial Drive, unload or load items to or from their individual storage unit, and then exit the building at the north end of the property by means of a circular driveway. However, there is only approximately fourteen (14) feet between the building and the original north boundary of Parcel 19-22-29-0000-00-038, leaving insufficient area for a vehicle to turn west and then south to exit the property via Home Folks Drive. In addition, there is no room for the required 25-foot Type B landscape buffer between a C-3-zoned commercial site and abutting residential uses. Therefore, the applicants are seeking the removal of the .25-acre subject property—43.36 feet in depth and 250 feet in width—from the Villages at Lake Lawne PD and the approval of the same Commercial future land use designation and C-3 zoning classification that the rest of the project site already possesses. The granting of these two requests will allow for the construction of the driveway and the provision of the requisite buffer to help ensure compatibility with the Villages at Lake Lawne PD when it eventually develops.

In association with this proposed FLUM Amendment and rezoning application, the applicants have applied for a non-substantial change to the Villages at Lake Lawne PD Land Use Plan to reconfigure the PD boundary, reflecting the removal of the subject property, with the number of multi-family units remaining at 205. This application, Case CDR-19-08-289, is currently undergoing DRC review.

Meeting Summary: Planners Jennifer DuBois from the Comprehensive Planning Section and Nathaniel Wicke from the Development Review section opened the meeting and provided an overview of the requested Future Land Use Map Amendment and associated conventional rezoning application for the one resident in attendance. They informed the attendee, a representative of the Pine Hills Community Council, of the upcoming Local Planning Agency (LPA) and Board of County Commissioners (BCC) adoption public hearing dates.

The applicants, Scott Glass and George Dennison of Shutts & Bowen informed the meeting participant that their client, Devon Self Storage, is proposing to repurpose the former Orlando Office Furniture building, comprised of a showroom and warehouse with a combined area of 110,203 square feet, for a drive-through self-storage facility. Lessees would enter the property via W. Colonial Drive, visit their respective storage unit, and then exit the building by means of a circular driveway at the north end of the site that will link to Home Folks Drive, allowing customers to travel south to exit onto W. Colonial. Mr. Glass and Mr. Dennison confirmed that the project entails significant improvements to Home Folks Drive.

Mr. Glass and Mr. Dennison further stated that the inclusion of the 0.25-acre subject property in the self-storage project site would make construction of the circular drive possible and would allow lessees to safely exit the facility. Moreover, the incorporation of the subject property into the project boundary will provide room for the installation of the required 25-foot Type "B" buffer to help ensure compatibility with the Villages at Lake Lawne multi-family community to the north when it develops.

The meeting attendee questioned whether Devon Self Storage would hire from the local population. Mr. Glass replied that while the company is based in California, it will likely hire individuals from the Orlando area. While the specific number of employees for this location has not yet been determined, a manager, assistant manager, and maintenance staff will be needed.

With respect to safety, Devon Self Storage representative Grant Dennis explained that while the hours of operation for this location have not been established, all entrance points to the storage units will be heavily-secured, with access achievable via keypad only, and that the facility will be subject to 24-hour video surveillance. Rose-Nancy Joseph, aide to District 6 Commissioner Victoria Siplin, commented that several local self-storage facilities have experienced problems with lessees hosting parties in their individual units. Mr. Dennis asserted that his company will not tolerate such activity.

Mr. Glass and Mr. Dennison reiterated that approval of the requested Future Land Use Map Amendment and rezoning will allow for the construction of the circular driveway and for the provision of the required buffer between the self-storage facility and the future multi-family development within the Villages at Lake Lawnd PD.

Ms. DuBois and Mr. Wicke thanked the meeting attendee for her participation.

The meeting adjourned at 6:30 p.m., and the overall tone was **POSITIVE**.