



Interoffice Memorandum

DATE: March 10, 2022

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

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

CONTACT PERSON: **Jason H. Sorensen, AICP**
Chief Planner
Orange County Planning Division
(407) 836-5602

SUBJECT: March 22, 2022 – Public Hearing
Planning and Zoning Commission: Board-called Rezoning
Applicant: Alison M. Yurko.
Case # RZ-21-011-075 / District 3

This is a Board-called rezoning hearing in which the applicant is seeking to rezone a 0.11-gross acre property located at 7427 Chancery Lane from C-2 (General Commercial District) to C-3 (Wholesale Commercial District) to allow outdoor storage and overnight parking of a semi-truck head and dump truck. An in-person community meeting was held for this request on December 6, 2021, with three residents in attendance expressing concerns for compatibility.

On January 20, 2022, the Planning and Zoning Commission recommended the approval of the requested C-3 restricted (Wholesale Commercial District) zoning, subject to eight restrictions.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve the C-3 (Wholesale Commercial District) zoning, subject to the restrictions listed in the staff report.**
District 3

JVW/JHS/SFV
Attachment

GENERAL INFORMATION

APPLICANT	Alison M. Yurko
OWNERS	Lubenique Lubin
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-2 (General Commercial District) to C-3 Restricted (Wholesale Commercial District)
LOCATION	7427 Chancery Lane; generally south of Chancery Lane, west of Boice Street and approximately 475 ft east of S. Orange Blossom Trail.
PARCEL ID NUMBER	27-23-29-0000-00-057
TRACT SIZE	0.311-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred seventy-six (376) notices were mailed to those property owners in the surrounding area. An in-person community meeting was held on December 7 th 2021 for this request and is summarized further in this report.
PROPOSED USE	Outdoor storage and overnight parking of semi-truck head and dump truck. A variance from Orange County Code to allow 60-foot lot width in lieu of 100 feet is requested.

STAFF RECOMMENDATION

PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-3 (Wholesale Commercial District) zoning and variance request pursuant to CP policies FLU1.4.2, FLU1.4.4, OBJ FLU8.2 and FLU8.2.1.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the subject parcel from C-2 (General Commercial District) to C-3 (Wholesale Commercial District) with the intent to allow outdoor storage and parking of two (2) dual rear wheel vehicles, such as a semi-truck head and a dump truck.

As part of this request, the applicant has requested a variance from OC Code 38-1501 to allow 60 feet lot width in lieu of 100 feet. Staff requested a truck turning analysis for the site as part of this request to illustrate that the vehicles do not need to use the right-of-way to perform full turns. The applicant provided staff with a video which demonstrates there is sufficient room on the site to navigate both trucks within the site.

The subject site is a remnant lot of the right-of-way with a lot width of 60 feet and total acreage of 0.31. It is situated between a R-1 single-family residential community to the east and C-2 commercial uses to the north and south. There are two (2) stormwater retention ponds adjacent to the subject property to the east and west.

The immediate area surrounding the subject property is characterized by various commercial and residential uses. The commercial uses along S. Orange Blossom Trail are primarily zoned C-2 (Wholesale Commercial District), with no other C-3 (Wholesale Commercial District) zoning classifications within the area.

Staff is recommending denial of the proposed request, however an alternative recommendation is provided with restrictions. The applicant has also provided restrictions. The main differences are the underlined language as well as the deletion of the wall requirement (#3 restriction in the staff alternative restrictions), and the deletion of the requirement to submit a site plan (#2) and instead just “demonstrate” compliance.

Land Use Compatibility

The requested C-3 Restricted (Wholesale Commercial District), zoning would not allow for development that is compatible with the character of the surrounding area and the proposed use would adversely impact the character of the area.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-3 (Wholesale Commercial District) zoning is consistent with the Commercial FLUM designation and therefore a CP amendment is not necessary. While the proposed C-3 (Wholesale Commercial District) zoning is consistent with the Commercial FLUM designation, it is inconsistent with the following Comprehensive Plan provisions:

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

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

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

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

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

H1.3.8 states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

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

SITE DATA

Existing Use	Vacant lot
Adjacent Zoning	N: C-2 (General Commercial District) (1958) E: C-2 (General Commercial District) (1958)

W: C-2 (General Commercial District) (1958)
 S: C-2 (General Commercial District) (1958)

Adjacent Land Uses

N: Right of Way (ROW)
 E: Stormwater retention pond
 W: Parking / Stormwater retention pond
 S: Retail

C-3 (Wholesale Commercial District) Development Standards

Min. Lot Area: 12,000 sq. ft.
 Min. Lot Width: 100 ft. (125 ft. on major streets)
 Max. Height: 75 ft. (35 ft. within 100 ft. of residential)
 Min. Floor Area: 500 sq. ft.

Building Setbacks

Front: 25 ft. (except on major streets as provided in Art. XV)
 Rear: 15 ft. (20 ft. when abutting residential)
 Side: 5 ft. (25 ft. when abutting residential)

Intent, Purpose, and 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 (FLUM). 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 and include storage yards for operable automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease, or not), new and used automobile sales, recreational and commercial vehicle sales and storage, auto part and tire dealers, outside storage, lumber and building material yards, and the wholesale distribution of goods including industrial machinery equipment, electronics, farm and garden equipment, and furniture.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*See note below table.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit; provided, however, if the County removes the Alternative Mobility Area from its Code

			<p>prior to approval of the first building permit, then this project shall comply with the County's then-current transportation concurrency requirements.</p> <p>Based on the Concurrency Management database (CMS) dated 9/30/2021, there are multiple failing roadway segments within the project's impact area along Orange Blossom Trail, from Landstreet Road to Sand lake Road and along Sand lake Road from Chancellor Drive to Orange Blossom Trail. This information is dated and subject to change.</p>
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

* Waste Material Disposal - Any miscellaneous garbage, waste and construction debris or demolition debris, or waste material found on site during clearing and grading shall be properly disposed of off-site according to the solid waste and hazardous waste regulations. The applicant can call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Fugitive Dust - Fugitive dust emissions shall not be allowed from any activity including: vehicular movement, transportation of materials, construction, alteration, loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. Reasonable precautions defined in Orange County Code Chapter 15-89.1.

Use caution to prevent erosion during construction along the boundary of the property and into open drainage facilities. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto roadways. Periodic street sweeping may be required. Adjacent drainage ditches and affected storm drains shall be protected.

Community Meeting Summary

A community meeting was held for this request on December 7, 2021. Three (3) members of the community were in attendance. Residents expressed concerns on compatibility and use, stating they believed the use can create a justification for future C-3 uses and may depreciate the value of the area.

Utilities

Water: Orlando Utilities Commission

Waste Water: Orange County Utilities

Reclaim Water: Orange County Utilities

***Detailed Utility Information:**

This property is within Orlando Utilities Commission's water service area.

This property is within Orange County Utilities Wastewater and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Wastewater: Applicable development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

State of Florida Notice

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

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (January 20, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning, subject to the following 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, buffering, and paved surfaces) prior to the accommodation of any C-3 uses;
- 3) An opaque fence six (6) feet in height shall be provided with an entrance gate along the perimeter of the southern 137 feet portion of the subject property, prior to commencement of the C-3 use of dual rear wheel vehicle parking;
- 4) Uses shall be limited to C-2 used plus the C-3 use of overnight parking of dual rear wheel vehicles, restricted to two (2) dual rear wheel vehicles;
- 5) Only two (2) dual rear wheel vehicles shall be allowed to park on the subject property and must only be parked on the southern 137 feet of the subject property in order to ensure continuing access to adjacent parcels;
- 6) In order to ensure that the two (2) allowable dual rear wheel vehicles do not back up on adjacent parcels or road right of way, no semi-truck trailers shall be parked on the subject property;
- 7) The opaque six (6) foot fence shall have a dark green or similar dark cover on on it at all times, which shall be maintained in good condition along with said fence in order to provide a permanent visual buffer from the surrounding area; and
- 8) A vegetative buffer of ten feet (10') wide shall be provided along the southern 137 feet of the property.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

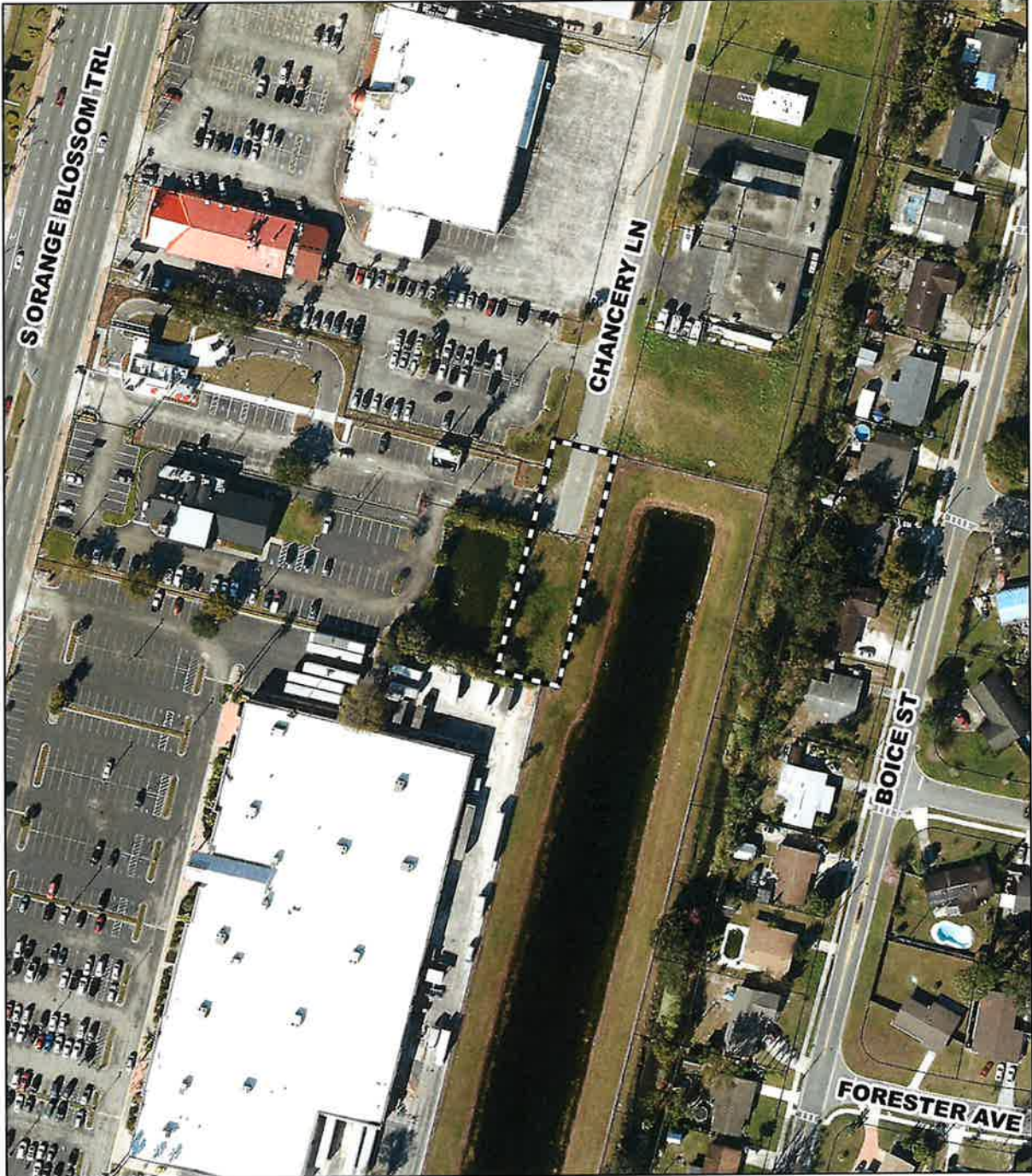
The staff report was presented to the PZC with the recommendation that they make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-3 Restricted (Wholesale Commercial District) zoning and variance for 60 foot wide lot width in lieu of 100 feet. The applicant was present and disagreed with the staff recommendation. A presentation was made by the applicant, a handout was given to the Commission with clarified conditions to demonstrate compatibility and consistency.

Two (2) members of the public appeared in opposition during public comment of the request. Leghthly discussion ensued regarding the request. The Commission discussed the complexity of the site, compatibility with the surrounding area, and if the proposed use would adversely impact the residential area to the east. The Commission compared staff's proposed recommendation versus the ones provided by the applicant.

A motion was made by Commissioner Fernandez, and seconded by Commissioner Pena to recommend APPROVAL of the C-3 Restricted (Wholesale Commercial District) zoning and variance for 60 foot wide lot width in lieu of 100 feet, subject to eight (8) restrictions:

Motion / Second	<i>Eddie Fernandez / Nelson Pena</i>
Voting in Favor	<i>Eddie Fernandez, Nelson Pena, Mohammed Abdallah, JaJa Wade, George Wiggins, Walter Pavon, Trevor Sorbo, and Gordon Spears</i>
Voting in Opposition	<i>None</i>
Absent	<i>Evelyn Cardenas</i>

RZ-21-11-075

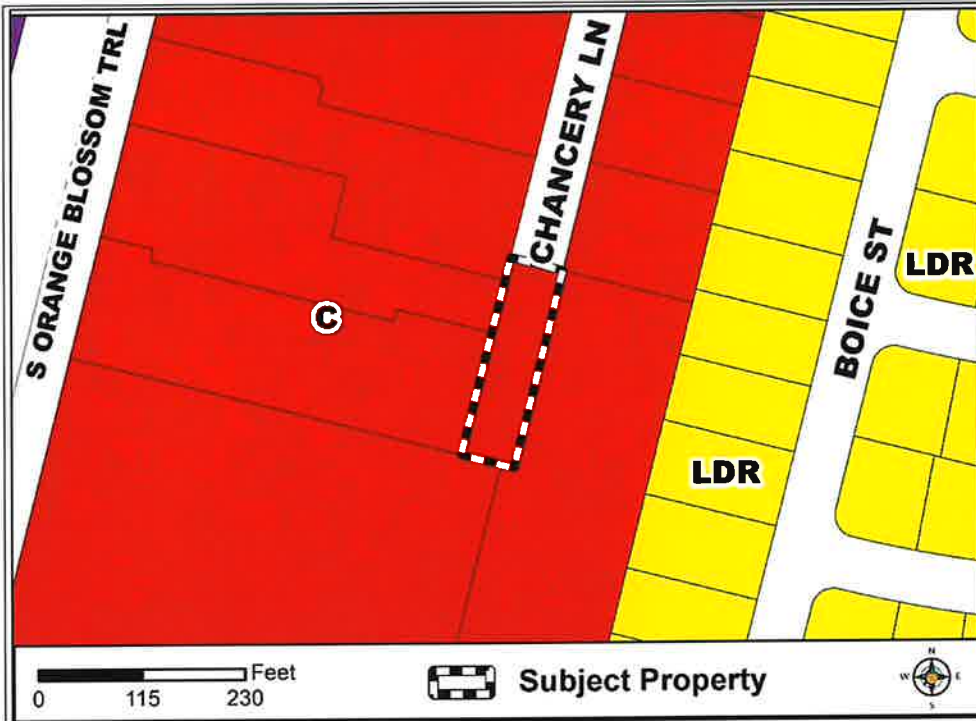


 Subject Property



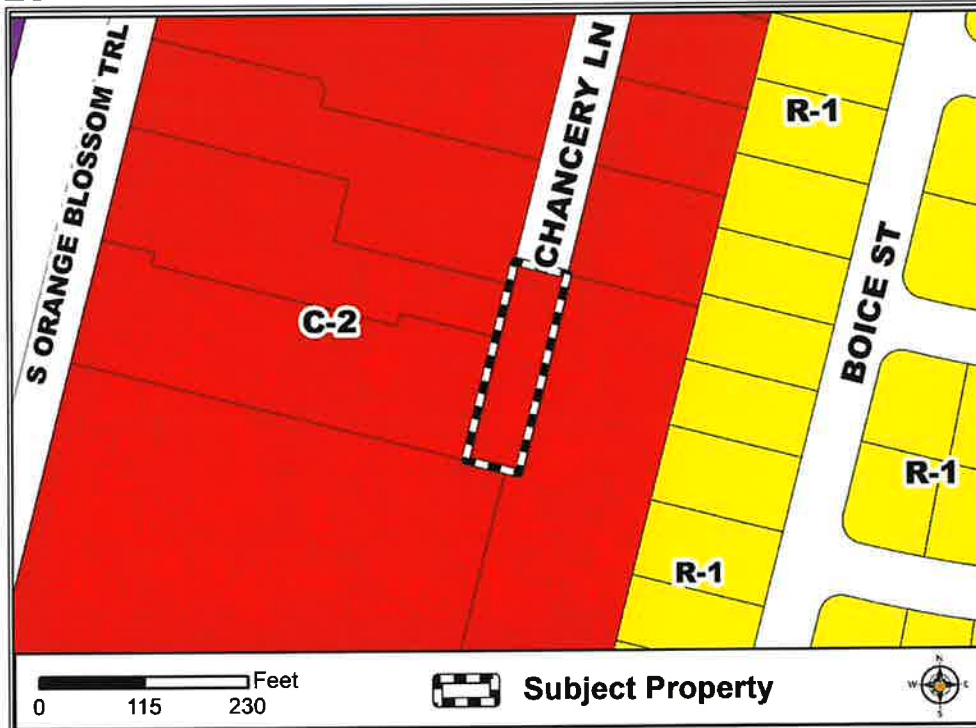
1 inch = 125 feet

FUTURE LAND USE – CURRENT



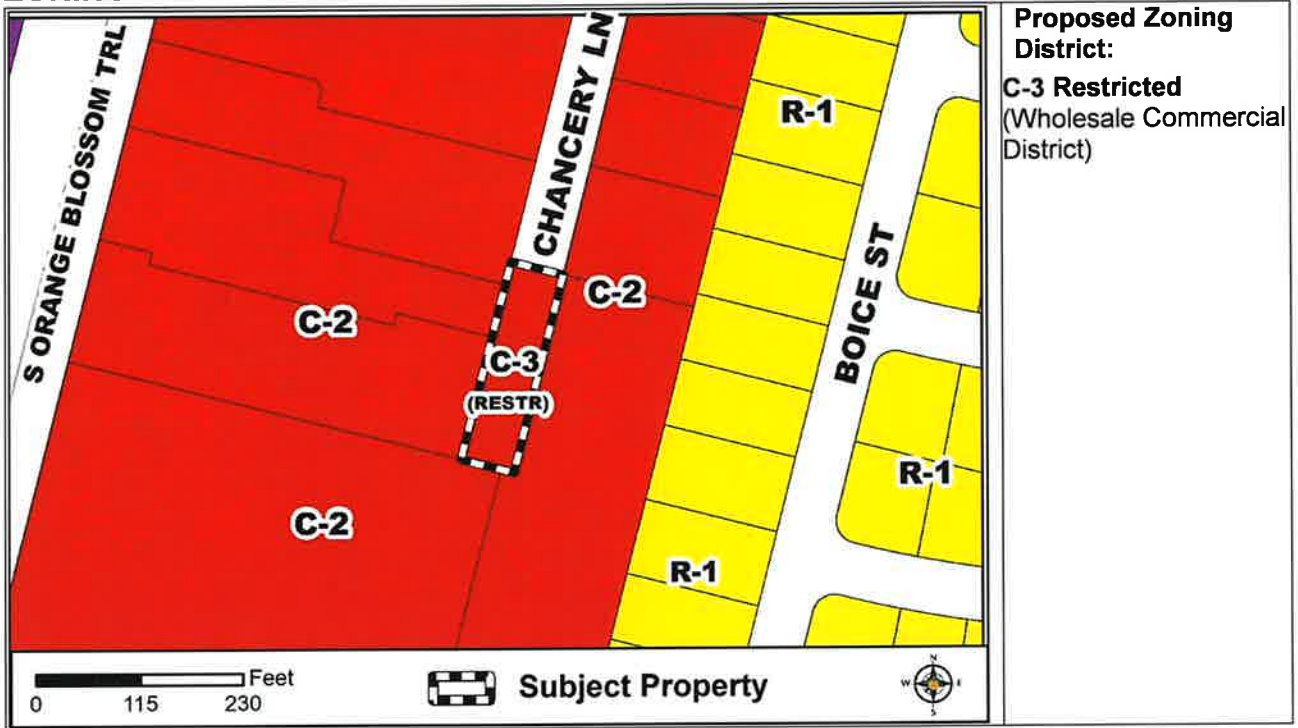
Future Land Use Designation:
Commercial (C)

ZONING - CURRENT

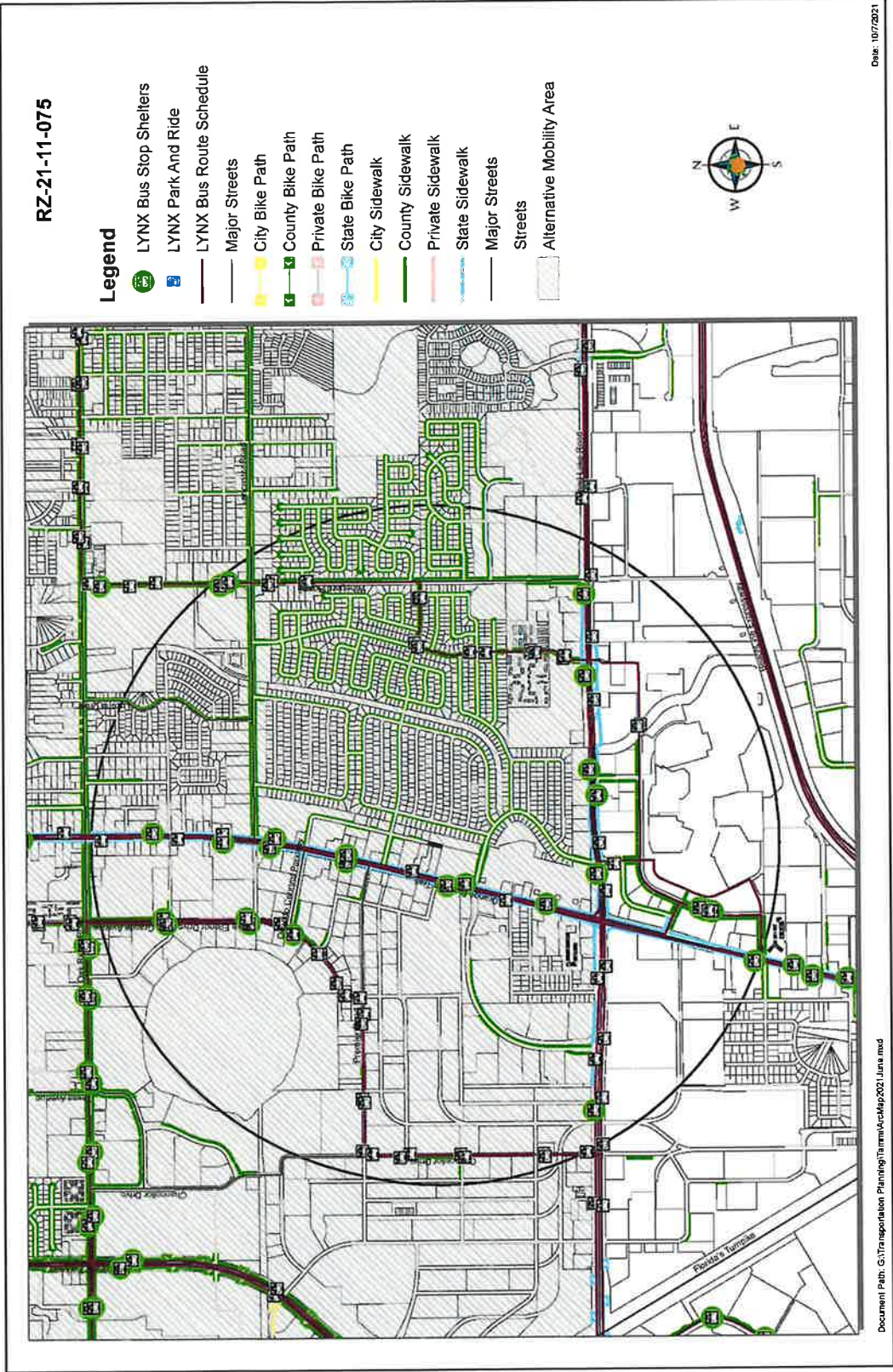


Current Zoning District:
C-2 (General Commercial District)

ZONING - PROPOSED



Alternative Mobility Area Context Map



Notification Map

