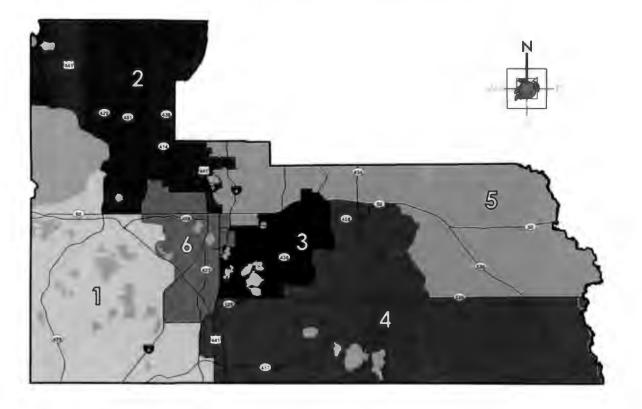


PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS JANUARY 20, 2022



PREPARED BY: ORANGE COUNTY GOVERNMENT PLANNING DIVISION | CURRENT PLANNING SECTION

## Planning and Zoning Commission / Local Planning Agency (PZC / LPA)

| 10001                                 |             |
|---------------------------------------|-------------|
| Trevor Sorbo                          | District #1 |
| George Wiggins                        | District #2 |
| Eddie Fernandez<br>Chairperson        | District #3 |
| Walter Pavon                          | District #4 |
| J. Gordon Spears                      | District #5 |
| JaJa J. Wade                          | District #6 |
| Mohammed Abdallah<br>Vice Chairperson | At Large    |
| Evelyn Cardenas                       | At Large    |
| Nelson Pena                           | At Large    |

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## CONVENTIONAL & PLANNED DEVELOPMENT REZONING PUBLIC HEARINGS

| RZ-22-01-105<br>District 6 | <br> | 5  |
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|    | Case #<br><u>Applicant</u>                       | <u>Request</u>                              | Commission<br><u>District</u> | Recomme<br><u>Staff</u>                  | ndations<br><u>PZC</u>                        | BCC Hearing<br><u>Required</u> |
|----|--|---|-------------------------------|--|---|--------------------------------|
| I. | Conventional Rezo                                | oning Hearing                               |                               |  |   |                                |
|    | RZ-22-01-105<br>(RZ-21-12-089)<br>Loren Williams | R-1 and C-3 <b>to</b><br>I-1/I-5 Restricted | 6                             | Approval with<br>two (2)<br>restrictions | Approval<br>with two (2)<br>restrictions      | No                             |
| F  | RZ-21-12-091<br>arhad Mohebban                   | A-2 to C-1<br>Restricted                    | 3                             | Approval with<br>two (2)<br>restrictions | Approval<br>with two (2)<br>restrictions      | No                             |
|    | RZ-21-11-075<br>Alison M. Yurko                  | C-2 <b>to</b> C-3<br>Restricted             | 3                             | Denial                                   | Approval<br>with eight<br>(8)<br>restrictions | No                             |

## SITE and BUILDING REQUIREMENTS

## Orange County Code Section 38-1501. Basic Requirements

| District                       | Min. lot area (sq. ft.) m                      | Min. living<br>area (sq. ft.)                         | Min. lot width<br>(ft.)                    | Min. front yard<br>(ft.) a                                   | Min. rear<br>yard (ft.) o | Min. side yard<br>(ft.) | Max. building<br>height (ft.) | Lake<br>setback<br>(ft.) |
|--------------------------------|--|---|--|--|---------------------------|-------------------------|-------------------------------|--------------------------|
| A-1                            | SFR - 21,780 (½ acre)<br>Mobile Home - 2 acres | 850   | 100  | 35   | 50                        | 10                      | 35                            | A                        |
| A-2                            | SFR - 21,780 (½ acre)<br>Mobile Home - 2 acres | 850   | 100  | 35   | 50                        | 10                      | 35                            | A                        |
| A-R                            | 108,900 (2½ acres)                             | 1,000   | 270  | 35   | 50                        | 25                      | 35                            | Α                        |
| R-CE                           | 43,560 (1 acre)                                | 1,500   | 130  | 35   | 50                        | 10                      | 35                            | A                        |
| R-CE-2                         | 2 acres  | 1,200   | 250  | 45   | 50                        | 30                      | 35                            | A                        |
| R-CE-5                         | 5 acres  | 1,200   | 185  | 50   | 50                        | 45                      | 35                            | A                        |
| R-1AAAA                        | 21,780 (1/2 acre)                              | 1,500   | 110  | 30   | 35                        | 10                      | 35                            | A                        |
| R-1AAA                         | 14,520 (1/3 acre)                              | 1,500   | 95   | 30   | 35                        | 10                      | 35                            | A                        |
| R-1AA                          | 10,000   | 1,200   | 85   | 25 h   | 30 h                      | 7.5                     | 35                            | A                        |
| R-1A                           | 7,500  | 1,200   | 75   | 20 h   | 25 h                      | 7.5                     | 35                            | A                        |
| R-1                            | 5,000  | 1,000   | 50   | 20 h   | 20 h                      | 5 h                     | 35                            | A                        |
| R-2                            | One-family dwelling,<br>4,500                  | 1,000   | 45 c                                       | 20 h   | 20 h                      | 5 h                     | 35                            | A                        |
|                                | Two dwelling units<br>(DUs), 8,000/9,000       | 500/1,000<br>per DU                                   | 80/90 d                                    | 20 h   | 30                        | 5 h                     | 35                            | A                        |
|                                | Three DUs, 11,250                              | 500 per DU  | 85 j                                       | 20 h   | 30                        | 10                      | 35                            | A                        |
|                                | Four or more DUs,<br>15,000                    | 500 per DU  | 85 j                                       | 20 h   | 30                        | 10 b                    | 35                            | A                        |
| R-3                            | One-family<br>dwelling, 4,500                  | 1,000   | 45 c                                       | 20 h   | 20 h                      | 5                       | 35                            | A                        |
|                                | Two DUs, 8,000/ 9,000                          | 500/1,000<br>per DU                                   | 80/90 d                                    | 20 h   | 20 h                      | 5 h                     | 35                            | A                        |
|                                | Three dwelling<br>units, 11,250                | 500 per DU  | 85 j                                       | 20 h   | 30                        | 10                      | 35                            | A                        |
|                                | Four or more DUs,<br>15,000                    | 500 per DU  | 85 j                                       | 20 h   | 30                        | 10 b                    | 35                            | A                        |
| R-L-D                          | N/A  | N/A   | N/A  | 10 for side entry<br>garage, 20 for<br>front entry<br>garage | 15                        | 0 to 10                 | 35                            | A                        |
| R-T                            | 7 spaces per gross acre                        | Park size<br>min. 5 acres                             | Min. mobile<br>home size<br>8 ft. x 35 ft. | 7.5  | 7.5                       | 7.5                     | 35                            | A                        |
| R-T-1                          |  |   |  |  |                           |                         |                               |                          |
| SFR                            | 4,500 c  | 1,000   | 45   | 25/20 k  | 25/20 k                   | 5                       | 35                            | A                        |
| Mobile<br>home                 | 4,500 c  | Min. mobile<br>home size 8<br>ft. x 35 ft.            | 45   | 25/20 k  | 25/20 k                   | 5                       | 35                            | A                        |
| R-T-2<br>(prior to<br>1/29/73) | 6,000  | SFR 500<br>Min. mobile<br>home size 8<br>ft. x 35 ft. | 60   | 25   | 25                        | 6                       | 35                            | A                        |
| R-T-2<br>(after<br>1/29/73)    | 21,780<br>½ acre                               | SFR 600<br>Min. mobile<br>home size 8<br>ft. x 35 ft. | 100  | 35   | 50                        | 10                      | 35                            | A                        |

| District | Min. lot area (sq. ft.) m                              | Min. living<br>area (sq. ft.) | Min. lot width<br>(ft.)   | Min. front yard<br>(ft.) a  | Min. rear<br>yard (ft.) a                                 | Min. side yard<br>(ft.)  | Max. building<br>height (ft.)                                     | Lake<br>setback<br>(ft.) |
|----------|--|-------------------------------|---|---|---|--|---|--------------------------|
| NR       | One-family dwelling,<br>4,500                          | 1,000                         | 45 c  | 20  | 20  | 5  | 35/3 stories k  | A                        |
|          | Two DUs, 8,000   | 500 per DU                    | 80/90 d   | 20  | 20  | 5  | 35/3 stories k  | A                        |
|          | Three DUs, 11,250                                      | 500 per DU                    | 85  | 20  | 20  | 10   | 35/3 stories k  | A                        |
|          | Four or more DUs,<br>1,000 plus 2,000 per<br>DU        | 500 per DU                    | 85  | 20  | 20  | 10   | 50/4 stories k  | A                        |
|          | Townhouse, 1,800                                       | 750 per DU                    | 20  | 25, 15 for rear<br>entry driveway   | 20, 15 for<br>rear entry<br>garage                        | 0, 10 for end<br>units   | 40/3 stories k  | A                        |
| NAC      | Non-residential and<br>mixed use<br>development, 6,000 | 500                           | 50  | 0/10 maximum,<br>60% of building<br>frontage must<br>conform to max.<br>setback | 15, 20<br>adjacent to<br>single-family<br>zoning district | 10, 0 if<br>buildings are<br>adjoining   | 50 feet <i>k</i>  | A                        |
|          | One-family dwelling,<br>4,500                          | 1,000                         | 45 c  | 20  | 20  | 5  | 35/3 stories k  | A                        |
|          | Two DUs, 11,250  | 500 per DU                    | 80 d  | 20  | 20  | 5  | 35/3 stories k  | A                        |
|          | Three DUs, 11,250                                      | 500 per DU                    | 85  | 20  | 20  | 10   | 35/3 stories k  | A                        |
|          | Four or more DUs,<br>1,000 plus 2,000 per<br>DU        | 500 per DU                    | 85  | 20  | 20  | 10   | 50 feet/4<br>stories, 65<br>feet with<br>ground floor<br>retail k | A                        |
|          | Townhouse, 1,800                                       | 750 per DU                    | 20  | 25, 15 for rear<br>entry driveway   | 20, 15 for<br>rear entry<br>garage                        | 0, 10 for end<br>units   | 40/3 stories k  | A                        |
| NC       | Non-residential and<br>mixed use<br>development, 8,000 | 500                           | 50  | 0/10 maximum,<br>60% of building<br>frontage must<br>conform to max.<br>setback | 15, 20<br>adjacent to<br>single-family<br>zoning district | 10, 0 if<br>buildings are<br>adjoining   | 65 feet <i>k</i>  | A                        |
|          | One-family dwelling,<br>4,500                          | 1,000                         | 45 c  | 20  | 20  | 5  | 35/3 stories k  | A                        |
|          | Two DUs, 8,000   | 500 per DU                    | 80 d  | 20  | 20  | 5  | 35/3 stories k  | A                        |
|          | Three DUs, 11,250                                      | 500 per DU                    | 85  | 20  | 20  | 10   | 35/3 stories k  | A                        |
|          | Four or more DUs,<br>1,000 plus 2,000 per<br>DU        | 500 per DU                    | 85  | 20  | 20  | 10   | 65 feet, 80<br>feet with<br>ground floor<br>retail k              | A                        |
|          | Townhouse  | 750 per DU                    | 20  | 25, 15 for rear<br>entry driveway   | 20, 15 for<br>rear entry<br>garage                        | 0, 10 for end<br>units   | 40/3 stories k  | A                        |
| P-O      | 10,000   | 500                           | 85  | 25  | 30  | 10 for one- and<br>two-story<br>bldgs., plus 2<br>for each add.<br>story         | 35  | A                        |
| C-1      | 6,000  | 500                           | 80 on major<br>streets (see<br>Art. XV); 60 for<br>all other<br>streets e; 100<br>ft. for corner<br>lots on major<br>streets (see<br>Art. XV) | 25  | 20  | 0; or 15 ft.<br>when abutting<br>residential<br>district; side<br>street, 15 ft. | 50; or 35<br>within 100 ft.<br>of all<br>residential<br>districts | A                        |

| District  | Min. lot area (sq. ft.) m | Min. living<br>area (sq. ft.) | Min. ld<br>(ft.) | ot width          | Min. front yo<br>(ft.) a                              | rd   | Min. rear<br>yard (ft.) o                                | Min. side yard<br>(ft.)   | Max. building<br>height (ft.)                                      | Lake<br>setback<br>(ft.) |
|-----------|---------------------------|-------------------------------|------------------|-------------------|---|--|--|---|--|--------------------------|
| C-2       | 8,000                     | 500                           | streets          | /); 80 for<br>er  | 25, except or<br>major streets<br>provided in A<br>XV | as   | 15; or 20<br>when<br>abutting<br>residential<br>district | 5; or 25 when<br>abutting<br>residential<br>district; 15 for<br>any side street | 50; or 35<br>within 100<br>feet of all<br>residential<br>districts | A                        |
| C-3       | 12,000                    | 500                           | streets          | v); 100<br>other  | 25, except or<br>major streets<br>provided in A<br>XV | as   | 15; or 20<br>when<br>abutting<br>residential<br>district | 5; or 25 when<br>abutting<br>residential<br>district; 15 for<br>any side street | 75; or 35<br>within 100<br>feet of all<br>residential<br>districts | A                        |
| District  | Min. front yard (feet)    | Min. rear yard                | (feet)           | Min. sic          | le yard (feet)  | M  | ax. building heig  | ht (feet)   |  |                          |
| I-1A      | 35                        | 25                            | 25               |                   |   | 50   | , or 35 within 10  | 0 ft. of any residenti  | al use or district   |                          |
| 1-1/1-5   | 35                        | 25                            |                  | 25 50, or 35 with |   | 0, or 35 within 100 ft. of any residential use or district |  |   |  |                          |
| 1-2 / 1-3 | 25                        | 10                            |                  | 15                |   | 50   | , or 35 within 10  | 0 ft. of any residenti  | al use or district   |                          |
| 1-4       | 35                        | 10                            |                  | 25                |   | 50   | , or 35 within 10  | 0 ft. of any residenti  | al use or district   |                          |

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

#### FOOTNOTES

a Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.

b Side setback is 30 feet where adjacent to single-family district.

c For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.

d For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that:

(i) are either platted or lots of record existing prior to 3/3/97, and

(ii) are 75 feet in width or greater, but are less than 90 feet, and

(iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.

- e Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- f Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- g Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- h For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet, front, 25 feet, front, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
- j Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
- k Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.

m Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

#### Orange County Code Section 24-5.

Buffer yards prescribed are intended to reduce, both visually and physically, any negative impacts associated with abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

- (a) Buffer classifications:
  - Type A, opaque buffer: This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
  - (2) Type B, opaque buffer: This buffer classification shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (general and light) (I-2/I-3 and I-1/I-5) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
  - (3) Type C, opaque buffer. This buffer classification shall be used to separate neighborhood retail commercial (C-1) and industrial-restricted (I-1A) from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
  - (4) Type D, opaque buffer: This buffer classification shall be used to separate professional office (P-O) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
  - (5) *Type E, mobile home and RV park buffer:* This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.
  - (6) Type F, residential subdivision buffer: See subdivision regulations (Chapter 34, Orange County Code).

## These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

## CASE # RZ-22-01-105 Commission District: #6

## **GENERAL INFORMATION**

| APPLICANT           | Loren Robertson Williams  |
|---------------------|---|
| OWNERS              | OWG Properties, LLC   |
| HEARING TYPE        | Planning and Zoning Commission  |
| REQUEST             | <ul> <li>R-1 (Single-Family Residential District) and C-3 (Wholesale Commercial District) to</li> <li>I-1 / I-5 Restricted (Industrial District- Light)</li> </ul>  |
| LOCATION            | 5358 Old Winter Garden Road and 203 Tremont Avenue;<br>generally located north of W. south street, east of S.<br>Kirkman Rd., approximately 269 feet south of Old Winter<br>Garden Rd   |
| PARCEL ID NUMBER    | 30-22-29-0000-00-081, 30-22-29-0000-00-054  |
| TRACT SIZE          | 1.35-gross acres  |
| PUBLIC NOTIFICATION | The notification area for this public hearing was 1000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eighty-three (183) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application. |
| PROPOSED USE        | Industrial Uses, Parking and Storage  |

## STAFF RECOMMENDATION

## PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1 / I-5 Restricted (Industrial District- Light) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any I-1 / I-5 uses on the site.

### SUBJECT PROPERTY ANALYSIS

#### **Overview**

The subject property's Industrial Future Land Use designation is inconsistent with the current R-1 and C-3 zoning classification on the site. Through this request, the proposed I-1 / I-5 (Industrial District-Light) restricted zoning will correct the inconsistency.

The site is developed with two structures. The warehouse structures were constructed in 1973 and 1978 consisting of manufacturing automotive engine parts and granite countertops. The structures are scheduled to remain. Parking and storage is proposed for the southern portion of the site (Parcel #30-22-29-0000-00-081). Per Orange County Code Section 38-932(9) and 38-981(12), the subject property is required to maintain an increased setback/buffer of fifty (50) feet when abutting residential.

The existing uses are compatible with the surrounding area. The immediate area can be categorized as being developed with mostly heavy commercial and industrial uses along the Old Winter Garden Rd corridor. To the south and east of the subject property is the R-1 residential zoning district, established in 1957. The C-3 commercial zoning district for the subject parcel was established in 1972. Requests to rezone from C-3 to industrial for parcels within the immediate area has been approved by the BCC in 2010.

#### Land Use Compatibility

The I-1 / I-5 (Industrial District-Light) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact most adjacent properties.

|                            | Yes | No          | Information   |
|----------------------------|-----|-------------|---|
| Rural Settlement           |     | $\boxtimes$ |   |
| Joint Planning Area (JPA)  |     | $\square$   |   |
| Overlay District Ordinance |     | $\square$   |   |
| Airport Noise Zone         |     | $\boxtimes$ |   |
| Code Enforcement           |     |             | Parcel ID: 30-22-29-0000-00-081<br>Case #: SM-2022-456413Z / Incident #:<br>598082<br>Inspector: Nichole Holton<br>Description: Granite business with a<br>dumpster. Land use and/or building permits<br>violation. |

#### Site Analysis

#### Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Industrial (IND). The proposed zoning is consistent with the industrial FLUM designation and 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.

**FLU1.4.21** states that Orange County will encourage the use of vacant land within the Urban Service Area for redevelopment to improve existing conditions on-site.

**FLU1.4.24** states that Orange County shall not approve industrial uses that produce or emit noises, significant vibrations or noxious/hazardous wastes/fumes resulting in adverse impacts to adjacent residential uses, unless such impacts are mitigated.

**FLU1.4.24** states that Orange County may require appropriate design controls for each industrial district such as, but not limited to, building setbacks, lot size building coverage ratios, impervious surface limitations and landscaping provisions to ensure industrial districts are compatible with surrounding areas.

**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.

**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    | Indu | Industrial Warehouse                            |  |  |  |  |
|-----------------|------|---|--|--|--|--|
| Adjacent Zoning | N:   | C-3 (Wholesale Commercial District) (1972)      |  |  |  |  |
|                 | E:   | C-3 (Wholesale Commercial District) (1977)      |  |  |  |  |
|                 | W:   | C-3 (Wholesale Commercial District) (1980)      |  |  |  |  |
|                 | S:   | R-1 (Single-Family Residential District) (1957) |  |  |  |  |

- E: Industrial Warehouse
- W: Commercial (Vacant)
- S: Single-Family Residence

\*No zoning restrictions apply to the above.

#### I-1/I-5 (Industrial District Light) Development Standards

Max. Height: 50 ft. (35 within 100 ft. of residential use or district)

Building Setbacks\*

Front:35 ft.Rear:25 ft.Side:25 ft.\*50 feet required setback when abutting residential zoning.

#### Intent, Purpose, and Uses

The intent and purposes of the I-1/I-5 industrial district are as follows:

- (1) To provide areas for light manufacturing and industry. It is intended that this district will provide low intensity industrial development which will have minimal impact on the surrounding areas.
- (2) To provide space for those industries which required locations accessible to major transportation facilities.
- (3) To establish and maintain standards which will protect adjacent residential and commercial developments.
- (4) To provide space for those industries and other uses of land which require a location in close proximity to airports.
- (5) To provide locations for those industries which employ the processing of bulk material and which require space for open storage of materials.
- (6) To allow industrial uses where proximity to residential or commercial districts makes it desirable to limit the manner and extent of industrial operations.
- (7) To establish and maintain standards which promote development of a wide variety of industrial and related activities.

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

## SPECIAL INFORMATION

#### Staff Comments

|                            | Yes         | No | Information   |
|----------------------------|-------------|----|---|
| Environmental              | $\boxtimes$ |    | Waste Material Disposal - Any miscellaneous<br>garbage, waste and construction debris or demolition<br>debris, or waste material found on site during clearing<br>and grading shall be properly disposed of off-site<br>according to the solid waste and hazardous waste<br>regulations. Call the Orange County Solid Waste<br>Hotline at 407-836-6601 for information.   |
| Transportation /<br>Access |             |    | This project is located in the Alternative Mobility Area<br>(AMA) and, therefore, shall be required to provide for<br>alternative mobility strategies related to the<br>development. The applicant must submit a Mobility<br>Analysis to be reviewed and approved by the<br>Transportation Planning Division prior to obtaining a<br>building permit; provided, however, if the County<br>removes the Alternative Mobility Area from its Code<br>prior to approval of the first building permit, then this<br>project shall comply with the County's then-current<br>transportation concurrency requirements. |
| Neighborhood<br>Review     |             |    | Information: This parcel is located within the Orlo<br>Vista United Safe Neighborhood. Ensure appropriate<br>buffering between the proposed use and adjacent<br>residential uses.   |

#### **Community Meeting Summary**

A community meeting was not required for this request.

#### 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: 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 I-1 / I-5 Restricted (Industrial District- Light) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any I-1 / I-5 uses on the site.

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

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1 / I-5 Restricted (Industrial District- Light) zoning. The applicant was present and agreed with the staff recommendation. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that one hundred eighty-three (183) notices were sent to property owners extending beyond 1000 feet surrounding the property, and that staff had received one letter in support of the request, zero (0) received in opposition.

A motion was made by Commissioner Pena, and seconded by Commissioner Sorbo to recommend APPROVAL of the requested I-1 / I-5 Restricted (Industrial District- Light), subject to two (2) restrictions. The motion carried unanimously.

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

OLD WINTER GARDEN RD 2 DNG 2 WSOUTH ST

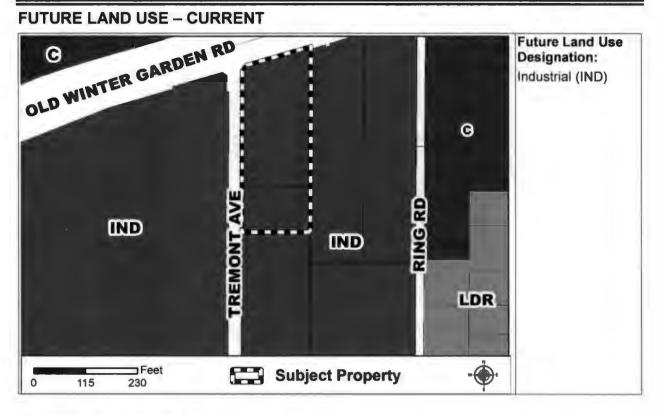
RZ-22-01-105

Subject Property

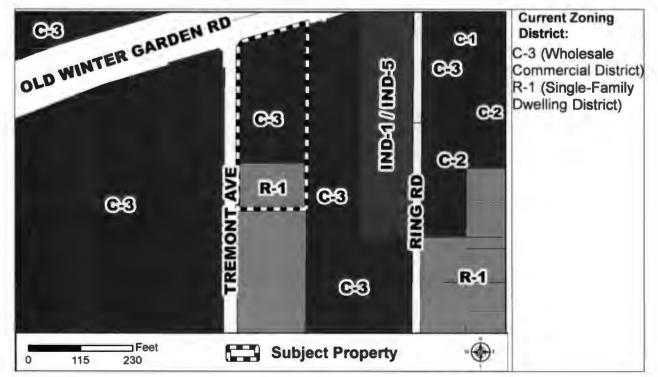


1 inch = 167 feet

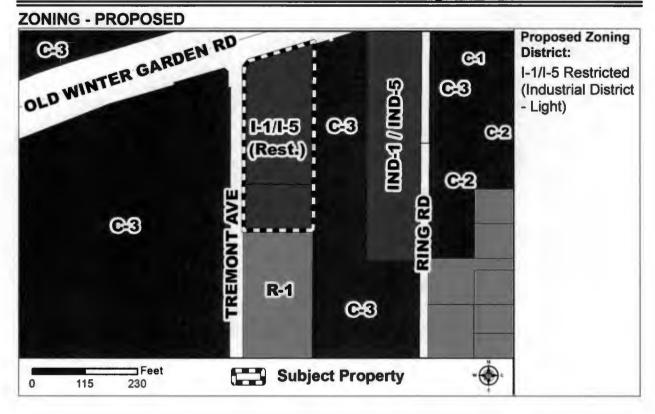
## Case # RZ-22-01-105 Orange County Planning Division PZC Hearing Date: December 16, 2021



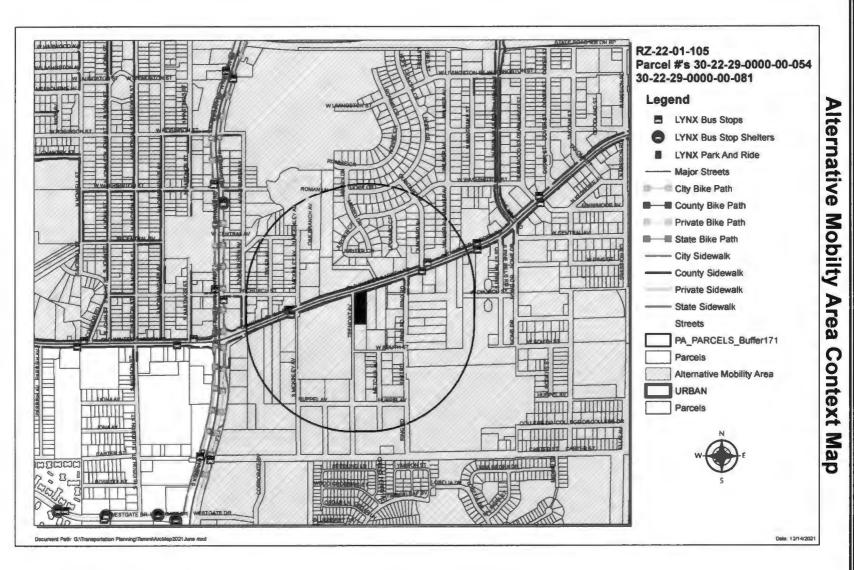
**ZONING - CURRENT** 



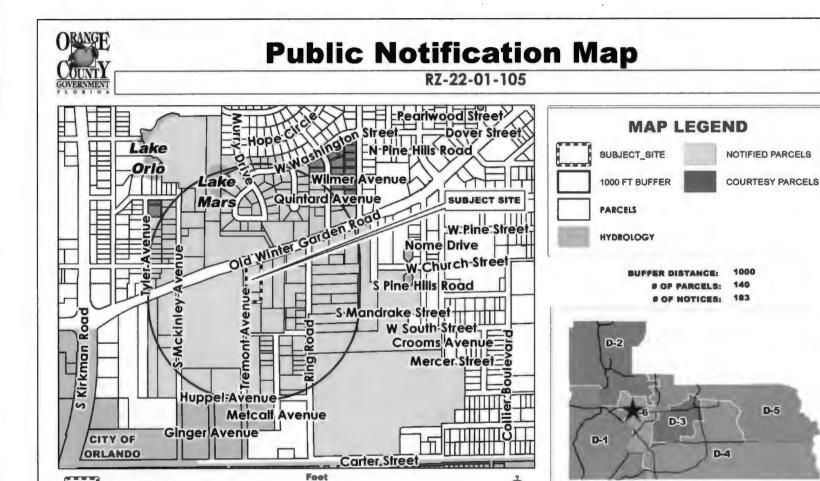
## Case # RZ-22-01-105 Orange County Planning Division PZC Hearing Date: December 16, 2021







Case # RZ-22-01-105 Orange County Planning Division PZC Hearing Date: December 16, 2021



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NZ-22-01-010

mly RZ-21-12-005

PZC12021/12-DECVRZ-22-01-105 (for

9

D-5

Notification

Map

SUBJECT\_SITE

0

## CASE # RZ-21-12-091 Commission District: #3

## **GENERAL INFORMATION**

| APPLICANT           | Farhad Mohebban  |
|---------------------|--|
| OWNERS              | Farhad Mohebban  |
| HEARING TYPE        | Planning and Zoning Commission   |
| REQUEST             | A-2 (Farmland Rural District) to<br>C-1 Restricted (Retail Commercial District)  |
| LOCATION            | 4500 Old Goldenrod Road; generally east of S. Goldenrod<br>Road, south and west of Old Goldenrod Road, and north<br>of Hoffner Avenue  |
| PARCEL ID NUMBER    | 14-23-30-5240-19-031   |
| TRACT SIZE          | 1.001-gross acres  |
| PUBLIC NOTIFICATION | The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred sixty-three (163) notices were mailed to those property owners in the surrounding area. A community meeting was held on January 4 <sup>th</sup> and is summarized further in this report. |
| PROPOSED USE        | C-1 permitted uses   |

## **STAFF RECOMMENDATION**

#### PLANNING

#### Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 Restricted (Retail 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 and paved surfaces) prior to the accommodation of any C-1 uses.

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## SUBJECT PROPERTY ANALYSIS

#### Overview

Through this rezoning request the applicant is seeking to rezone the 1.001-acre parcel from A-2 (Farmland Rural District) to C-1 Restricted (Retail Commercial District) to allow C-1 permitted uses as outlined in Orange County Code Sec. 38-77 Use Table. The applicant has not identified a specific use for the site.

The area surrounding the subject property is within unincorporated Orange County and the City of Orlando, and predominately developed with various levels of commercial activity to the south and west; however, the area located to the north and east of Old Goldenrod Road is residential in nature. The property adjacent to the south of the subject property was rezoned from A-2 (Farmland Rural District) to C-1 (Retail Commercial District) in 2016. The proposed C-1 zoning district would provide for an appropriate transition in land uses between commercial and residential zoning districts to the north and east of the subject parcel.

#### Land Use Compatibility

The C-1 (Retail Commercial District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

#### Site Analysis

|                            | Yes | No | Information   |
|----------------------------|-----|----|---|
| Rural Settlement           |     |    |   |
| Joint Planning Area (JPA)  |     |    |   |
| Overlay District Ordinance |     |    |   |
| Airport Noise Zone         |     |    | The subject property is located within "D"<br>airport noise zone. Any required noise<br>mitigation will be required at the time of<br>permitting. |
| Code Enforcement           |     |    |   |

#### **Comprehensive Plan (CP) Consistency**

The underlying Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-1 Restricted (Retail Commercial District) zoning is consistent with the Commercial FLUM designation, and 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.

**FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

**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 Land |                                       |  |
|--------------------|-------------|---------------------------------------|--|
| Adjacent Zoning    | N:          | City of Orlando                       |  |
|                    | E:          | R-T (Mobile Home Park District) 2006  |  |
|                    | <b>W</b> :  | City of Orlando                       |  |
|                    | S:          | C-1 (Retail Commercial District) 2016 |  |
| Adjacent Land Uses | N:          | FL DOT Retention Pond                 |  |
|                    | E:          | Vacant Land                           |  |
|                    | <b>W</b> :  | Vacant Commercial                     |  |
|                    | S:          | Car Wash                              |  |

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

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

#### **Building Setbacks**

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

#### Intent, Purpose, and Uses

The intent and purpose of this C-1 retail commercial district are as follows: this district is composed of lands and structures used primarily for the furnishing of selected commodities and services at retail. This district is encouraged:

- (1) At intersections of collectors and/or arterials;
- (2) Where it will not direct commercial traffic through residential districts;
- (3) Where adequate public facilities and services are available, as defined in the comprehensive policy plan;
- (4) Where compatible with adjacent areas or where buffers can be provided to ensure compatibility; and
- (5) To a limited extent in rural settlements throughout the county to meet the needs of an identified community, or in growth centers as defined in the comprehensive policy plan.

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

### SPECIAL INFORMATION

#### Staff Comments

|               | Yes | No | Information  |
|---------------|-----|----|--|
| Environmental |     |    | Any miscellaneous garbage, hazardous<br>waste, yard waste (including excess<br>fertilizers, herbicides and pesticides), and<br>construction or demolition debris shall be<br>disposed of off-site according to the solid<br>waste and hazardous waste regulations.<br>Call the Orange County Solid Waste<br>Hotline at 407-836-6601 for information.<br>Be advised there is an active DEP cleanup<br>site located less than 0.5 mi to the South.<br>Reference Facility ID 8513517, the Three<br>Points Station facility was a former |

|                         |             |             | gasoline station and a known petroleum-<br>contaminated site.  |
|-------------------------|-------------|-------------|--|
| Transportation / Access | $\boxtimes$ |             | Based on the CMS information above,<br>there are no failing roadways at this time, if<br>the change in use will generate 50 p.m.<br>peak trips then a traffic study will be<br>required. |
| Schools                 |             | $\boxtimes$ |  |
| Parks and Recreation    |             | $\boxtimes$ |  |

#### **Community Meeting Summary**

A community meeting was held for this request on January 4, 2022, no members of the community attended.

#### Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

#### \*Detailed Utility Information:

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

Potable Water: Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Wastewater: 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-1 Restricted (Retail 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 and paved surfaces) prior to the accommodation of any C-1 uses.

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

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District) zoning subject to the two (2) restrictions outlined by staff. The applicant's representative was present and agreed with the staff recommendation. The representative asked the Commission if the standard billboard and pole signs restriction could be removed as it would serve as a source of revenue for the proposed development. Discussion ensued and staff provided clarification of the Code definition of monument signs versus pole signs. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that one hundred sixty-three (163) notices were sent to property owners and residents extending beyond 800 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) response in opposition of the request.

A motion was made by Commissioner Fernandez, and seconded by Commissioner Sorbo to recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District) subject to two (2) restrictions. The motion carried unanimously.

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

RZ-21-12-091



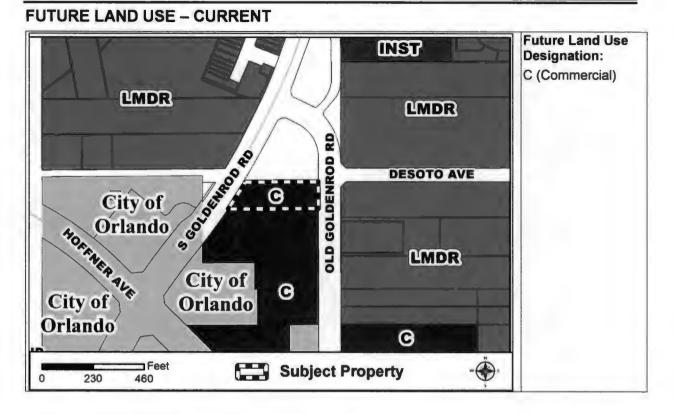




1 inch = 208 feet

PZC Recommendation Book

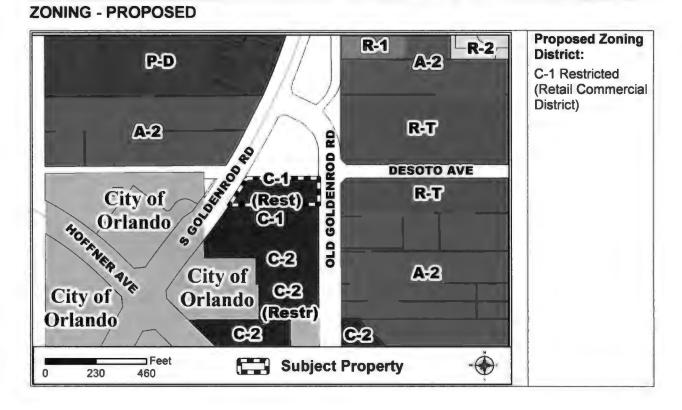
January 20, 2022

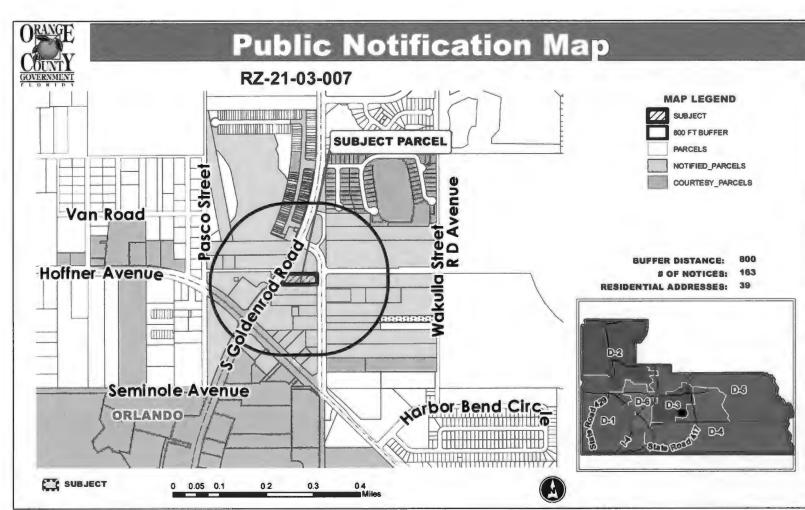


## **ZONING - CURRENT**



PZC Recommendation Book





**Notification Map** Orange County Planning Division PZC Hearing Date: January 20, 2022

Case # RZ-21-12-091

PZC Recommendation Book

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January 20, 2022

## CASE # RZ-21-11-075 Commission District: #3

## **GENERAL INFORMATION**

| APPLICANT           | Alison M. Yurko  |
|---------------------|--|
| OWNERS              | Lubenique Lubin  |
| HEARING TYPE        | Planning and Zoning Commission   |
| REQUEST             | <b>C-2</b> (General Commercial District) <b>to</b><br><b>C-3 Restricted</b> (Wholesale Commercial District)  |
| LOCATION            | 7427 Chancery Lane; generally south of Chancery Lane,<br>west of Boice Street and approximately 475 ft east of S.<br>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 <sup>th</sup> 2021 for this request and is summarized further in this report. |
| PROPOSED USE        | Outdoor storage and overnight parking of semi-truck head<br>and dump truck. A variance from Orange County Code to<br>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.

#### ALTERNATIVE RECOMMENDATION:

Make a finding of consistency with the Comprehensive Plan and 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 the following restrictions:

- 1) New billboards and pole signs shall be prohibited;
- 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;
- A masonry wall eight (8) feet in height shall be constructed along the southern 137 linear feet of the eastern property line prior to commencement of the C-3 use of dual rear wheel vehicle parking;
- 4) 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, except for the eastern portion where the wall is required, prior to commencement of the C-3 use of dual rear wheel vehicle parking;
- 5) Uses shall be limited to C-2 uses plus the C-3 use of overnight parking of dual rear wheel vehicles;
- 6) 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; and,
- 7) No semi-truck trailers shall be parked on the subject property.

#### APPLICANT PROPOSED RESTRICTIONS:

- 1) New billboards and pole signs shall be prohibited;
- The applicant / developer shall demonstrate compliance with all Orange County Code requirements (including landscaping, buffering, and paved surfaces) prior to the accommodation of any C-3 uses;
- 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;
- 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.

## 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.

|                            | Yes | No          | Information |
|----------------------------|-----|-------------|-------------|
| Rural Settlement           |     | $\boxtimes$ |             |
| Joint Planning Area (JPA)  |     | $\boxtimes$ |             |
| Overlay District Ordinance |     | $\boxtimes$ |             |
| Airport Noise Zone         |     | $\boxtimes$ |             |
| Code Enforcement           |     | $\boxtimes$ |             |

#### Site Analysis

#### 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 lo | 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.

<u>Building Setbacks</u> 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              | $\boxtimes$ |           | *See note below table.  |
| Transportation /<br>Access |             |           | This project is located in the Alternative Mobility Area<br>(AMA) and, therefore, shall be required to provide for<br>alternative mobility strategies related to the<br>development. The applicant must submit a Mobility<br>Analysis to be reviewed and approved by the<br>Transportation Planning Division prior to obtaining a<br>building permit; provided, however, if the County<br>removes the Alternative Mobility Area from its Code<br>prior to approval of the first building permit, then this<br>project shall comply with the County's then-current<br>transportation concurrency requirements.<br>Based on the Concurrency Management database<br>(CMS) dated 9/30/2021, there are multiple failing<br>roadway segments within the project's impact area<br>along Orange Blossom Trail, from Landstreet Road to<br>Sand lake Road and along Sand lake Road from<br>Chancellor Drive to Orange Blossom Trail. This<br>information is dated and subject to change. |
| Schools                    |             | $\square$ |   |
| Parks and<br>Recreation    |             |           |   |

\* 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 ½ 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: 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)

The staff report was presented to the PZC with three (3) recommendations to consider. Staff recommended the Commission 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.

## 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 Commisison 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 by Commisisoner 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 the following restrictions:

- 1) New billboards and pole signs shall be prohibited;
- 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;
- 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 visiual buffer from the surrounding area.
- 8) A vegetative buffer of ten feet (10') wide shall be provided along the southern 137 feet of the property.

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

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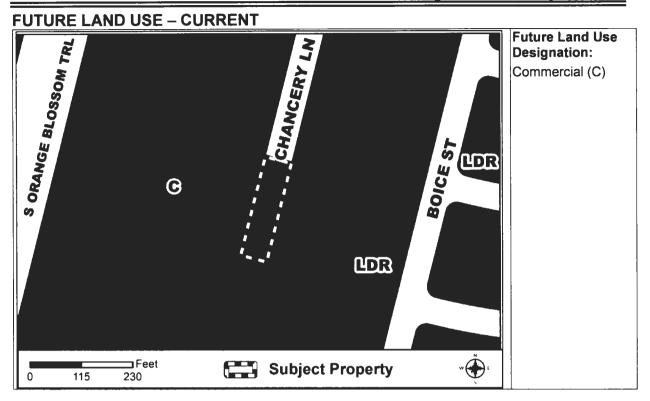


Subject Property

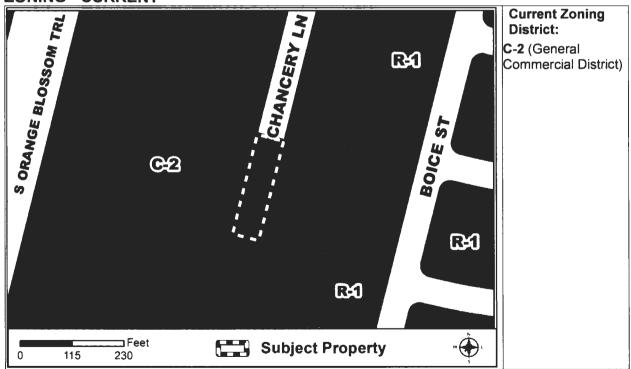


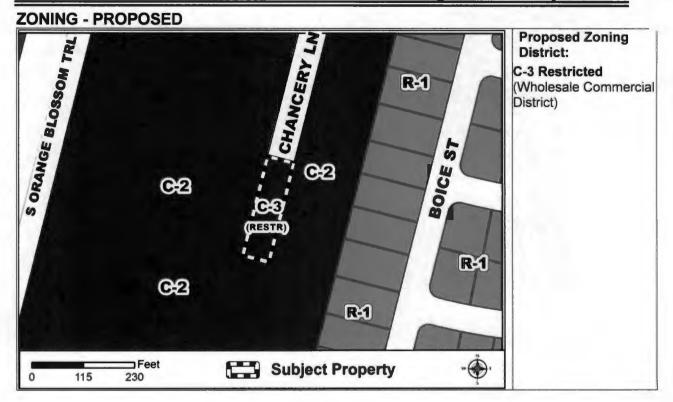
1 inch = 125 feet

PZC Recommendation Book

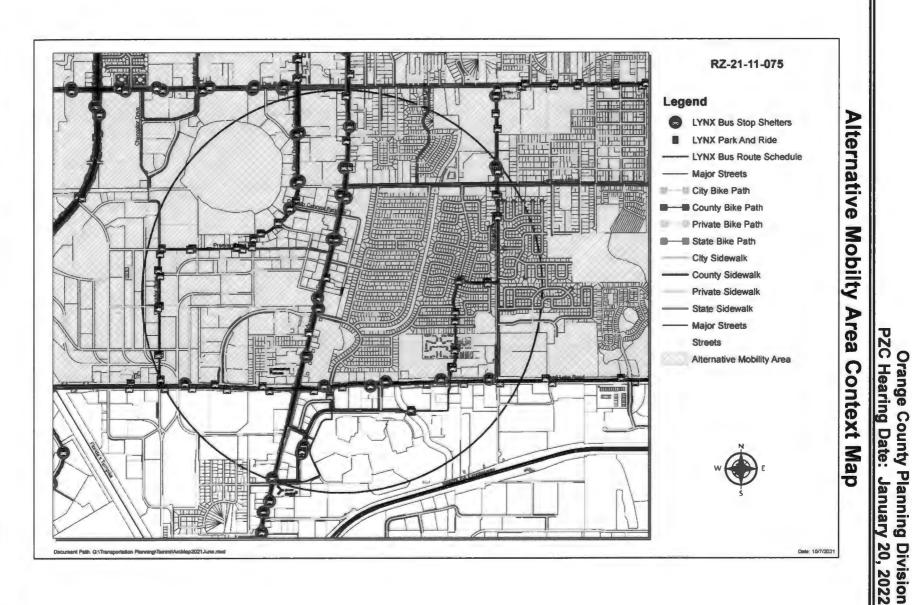


**ZONING - CURRENT** 





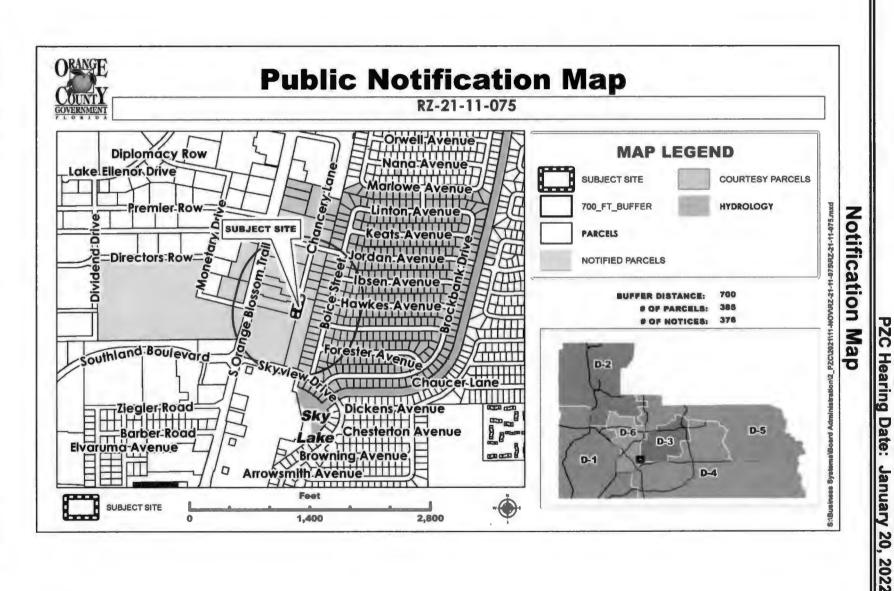




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