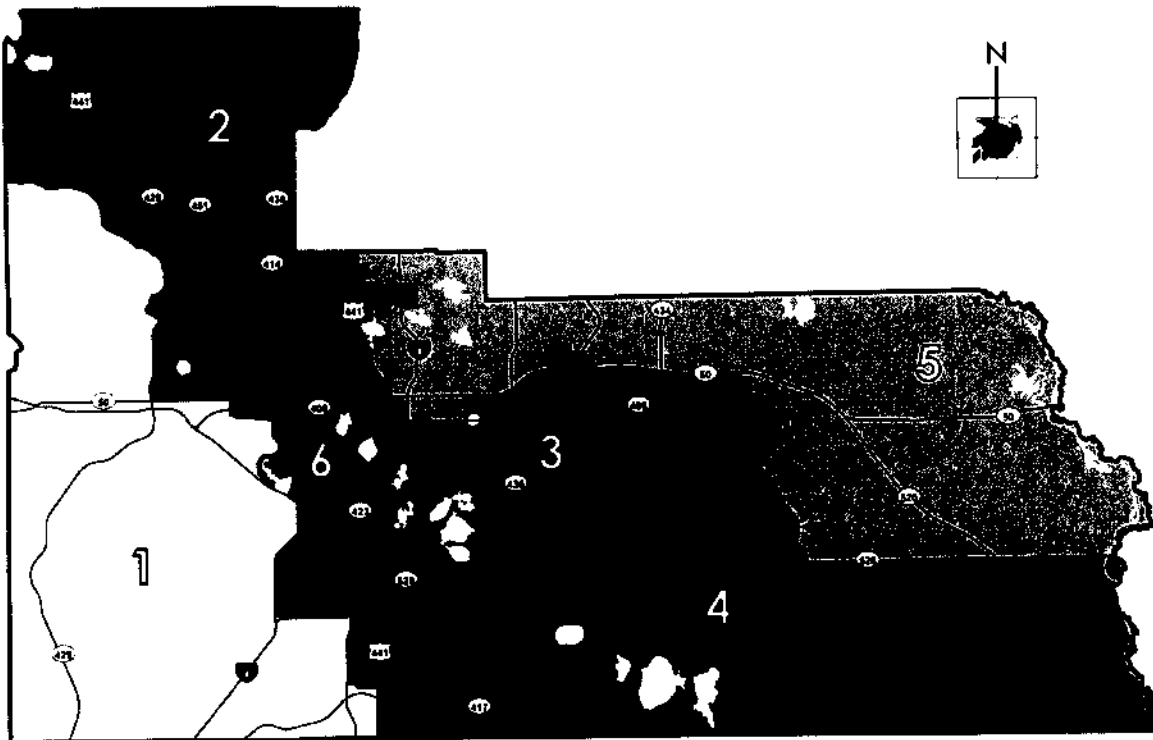




PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

AUGUST 15, 2019



PREPARED BY:

ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

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

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Diane Velazquez District #2

Eddie Fernandez District #3

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<u>Case # Applicant</u>	<u>Request</u>	<u>Commission District</u>	<u>Recommendations Staff</u>	<u>PZC</u>	<u>BCC Hearing Required</u>
I. CONVENTIONAL REZONING PUBLIC HEARINGS					
RZ-19-04-003 Ossama Salama	C-2 to C-3	5	Denial	Approval with 4 restrictions	No
RZ-19-07-021 Susan Lott	C-1 to C-2	2	Approval with 2 restrictions	Approval with 2 restrictions	No
II. PLANNED DEVELOPMENT PUBLIC HEARINGS (NOT INCLUDED IN RECOMMENDATION BOOK – WILL BE SCHEDULED FOR FUTURE BCC PUBLIC HEARINGS)					
LUP-18-09-308 Darcy Unroe Engineering, Paradise Cove LUP	A-2 to PD	1	Approval with 23 conditions and 4 waivers	Approval with 23 conditions and 4 waivers	Yes
LUP-19-01-045 Julie C. Salvo, OCPS, OCPS Northwest Maintenance Facility LUP	R-2 to PD	1	Approval with 7 conditions	Approval with 7 conditions	Yes
LUP-19-02-063 Larry Poliner, RCE Consultants, LLC, Four Corners Plaza LUP	A-1 to PD	1	Approval with 10 conditions and 5 waivers	Approval with 10 conditions and 5 waivers	Yes

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^e	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	a
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	a
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	a
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, 4,500	1,000	45 c	20 h	20 h	5 h	35	a
	Two dwelling units (DUs), 8,000/9,000	500/1,000 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, 15,000	500 per DU	85 j	20 h	30	10 b	35	a
R-3	One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5	35	a
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 d	20 h	20 h	5 h	35	a
	Three dwelling units, 11,250	500 per DU	85 j	20 h	30	10	35	a
	Four or more DUs, 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 garage, 20 for front entry garage	15	0 to 10	35	a
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 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 home 4,500 c	Min. mobile home size 8 ft. x 35 ft.	45	25/20 k	25/20 k	5	35	a
R-T-2	6,000	SFR 500	60	25	25	6	35	a
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.						
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600	100	35	50	10	35	a
		Min. mobile home size 8 ft. x 35 ft.						

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

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^e	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ^f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	^a
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	^a

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-4	35	10	25	50, or 35 within 100 ft. of any residential 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, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 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.

BUFFER YARD REQUIREMENTS

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:*

- (1) **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-19-04-003

Commission District: #5

GENERAL INFORMATION

APPLICANT	Ossama Salama, Sam's Towing, Inc.
OWNER	Sam's Towing, Inc.
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-2 (General Commercial District) to C-3 (Wholesale Commercial District)
LOCATION	6139 E. Colonial Drive, generally located northwest of E. Colonial Drive, north of Old Cheney Highway, west of Commerce Boulevard, east of June Street, and south of Cornelia Avenue.
PARCEL ID NUMBER	22-22-30-0000-00-029
TRACT SIZE	2.04 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,000 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 mailing area. A community meeting was not required for this application.
PROPOSED USE	Automobile towing and junk yard

STAFF RECOMMENDATION

PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-3 (Wholesale Commercial District) zoning.

IMPACT ANALYSIS

Land Use Compatibility

The C-3 (Wholesale Commercial District) zoning would allow for development that is incompatible with the character of the surrounding area and may adversely impact adjacent properties.

In 1961, the property owner of the southern portion of the current subject property submitted an affidavit to the Orange County Zoning Division identifying that the property had been used for auto parts storage and sale (junk yard) since 1954. Board minutes indicate that the northern portion of the current subject property, which were originally Lots 1 and 2 of the Leawood residential subdivision to the north have been an extension of the existing junk yard use since at least the early 1980s. The subject property has consistently been used alternatively as an auto parts storage and sale, aluminum recycling center, and junk yard since 1954. Although none of these uses are permitted in the existing C-2 zoning district, they have been permitted as non-conforming uses.

Orange County Code Section 38-36 provides that the lawful use of any building, structure or land existing at the time of adoption of or amendments to Orange County Code Chapter 38 (Zoning) may be continued although such use, building or structure does not conform with the provisions of Chapter 38 or amendments thereto. However, Orange County Code Section 38-50 states that buildings, structures, or uses of land which are nonconforming shall not be extended or enlarged, unless the use can be extended in a way which will make such use conform to current regulations for the district in which it is located.

The applicant has applied to rezone the subject property to C-3 (Wholesale Commercial District) in order to add an automobile towing use to the existing junk yard use. While an automobile towing service use is permitted as a special exception on lands zoned C-3 (Wholesale Commercial District), there are several restrictions for this use in the C-3 District. These include the limitation that wrecked or inoperable vehicles may not be stored onsite for more than thirty (30); that no vehicles may be stored on site for more than fifty (50) days; that vehicle stacking is prohibited; and that a Type B landscape buffer is required if the use is adjacent to any residential use or residentially zoned lands. If the requested C-3 zoning were approved for this property, the property would also need to get approval of a special exception as well as variances for these restrictions. If either were not granted then the proposed automobile towing, plus junk yard use, would require I-4 (Industrial District) zoning, which is not consistent with the subject property's Commercial (C) FLUM designation. In this scenario, in order to accommodate the proposed use, the applicant would need a small scale Comprehensive Plan amendment to change the subject property's FLUM designation to Industrial (IND) and to rezone to I-4 (Industrial District).

Staff maintains that both the I-4 (Industrial District) and C-3 (Wholesale Commercial District) are incompatible with the adjacent residential neighborhood. Orange County Code defines areas zoned C-3 as composed of land and structures where more intense commercial activity is located, and states that this district must be located away from residential districts. The subject property does abut properties with residential zoning, which are occupied with single-family dwelling units.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The requested C-3 (Wholesale Commercial District) zoning is consistent with the Commercial FLUM designation, but inconsistent with the following Comprehensive Plan provisions:

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

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

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

GOAL N1 states that the County shall maintain the residential character of neighborhoods through land use regulations.

GOAL N3 states the County shall improve the quality and appearance of existing and new neighborhoods.

OBJ N3.1 states the integrity of neighborhoods shall be protected the integrity of neighborhoods through the enforcement of County codes.

SITE DATA

Existing Use	Junk yard
Adjacent Zoning	N: C-2 (General Commercial District) (1987) E: C-2 (General Commercial District) (1989) and R-1A (Single-Family Dwelling District) (1957) W: C-3 (General Commercial District) (1965) and R-1A (Single-Family Dwelling District) (1957) S: C-2 (General Commercial District) (1971) (1979) and C-3 (General Commercial District) (1987)
Adjacent Land Uses	N: Church E: Collision Repair Center W: Plumbing Business and Single-Family Residences

S: Auto Sales and Auto Repair

C-3 (Wholesale Commercial District) Development Standards

Min. Lot Area: 12,000 sq. ft.
Min. Lot Width: 100 ft. (on major streets, see Article XV)
100 ft. (on all other streets)
Max. Height: 75 ft.
35 ft. (within 100 feet of all residential districts)
Min. Floor Area: 500 sq. ft.

Minimum Building Setbacks

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

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 includes 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

Subject Property Analysis

This request was continued from the July 18, 2019 Planning & Zoning Commission (PZC) agenda to allow the applicant more time to consider alternatives.

The subject property is located at 6139 E. Colonial Drive, generally northwest of E. Colonial Drive, north of Old Cheney Highway, and west of Commerce Boulevard. The Future Land Use Map (FLUM) designates the subject property and adjacent parcels to the north and southwest as Commercial (C) and the area north and west of the subject property as Low Density Residential (LDR). The parcels adjacent to the subject property are developed with auto sales and repair uses along E. Colonial Drive, and residential uses to the north and west. There have been several commercial rezonings that have affected the subject property and the surrounding area over the past several decades, although the area to the northwest has remained a stable residential neighborhood.

History of the Subject Property

In June 1961 the existing sale and storage of used auto parts and junk cars on Parcel 22-22-30-0000-00-029 was recognized as a nonconforming use that has been in operation on the property since 1954, prior to the October 1957 establishment of the zoning code. At the time, this parcel was zoned C-1 (Retail Commercial District) and was an approximately 0.81-acre area portion of the parcel as it exists today.

In 1986, this 0.81-acre parcel and the parcel to the north, Parcel 15-22-30-5024-00-010, which included Lots 1 and 2 of the Leawood Subdivision (Plat Book S, Page 52), were rezoned from R-1A (Single-Family Dwelling District) and C-1 (Retail Commercial District) to C-2 (General Commercial District). The purpose of the rezoning was to allow for a retail auto parts store and service center where the salvage yard was currently doing business. On appeal, the BCC approved the C-2 zoning with the requirement of a six foot high concrete wall adjacent to the residentially zoned properties.

The subject property was issued a use permit by the County for an aluminum collection and recycling use in 1991 and 1992, for a junk yard and wholesale recycling center use in 1997, and for a junk yard use, "East Colonial U Pull & Pay", after the site's purchase by the current owner in 2016, which is active as of 2018. Also, in 2016, Parcel 15-22-30-5024-00-010 was combined with Parcel 22-22-30-0000-00-029 to create the current 2.04 acre parcel.

North

The parcel immediately to the north of the subject property was rezoned in 1987 from R-1A (Single-Family Dwelling District) to C-2 (General Commercial District) to allow the existing outdoor storage use to remain. The PZC recommended approval with the requirement of a six foot high concrete wall adjacent to the residentially zoned properties. This parcel is currently undeveloped and has been combined with the church property to the north, which received approval as a special exception in 1986 and now has split R-1A (Single Family Dwelling District) and C-2 (General Commercial District) zoning.

West

The parcel immediately to the west of the subject property (PID 22-22-30-0000-00-030) was rezoned from C-2 (General Commercial District) to C-3 (Wholesale Commercial District) in June 1965 to allow for the sales, service, and storage of heating and air conditioning equipment and television repair. A vehicle repair and used vehicle sales use is currently operating on the property. The parcel west of this property (PID 22-22-30-0000-00-173) was rezoned in February 1987 from R-1A (Single-Family Dwelling District) to C-2 (General Commercial District) to expand the existing plumbing business next door, which was rezoned from R-1A (Single-Family Dwelling District) to C-2 (General Commercial District) in May 1981. A plumbing business still operates on the property.

East

The property to the east, across Commerce Boulevard, was rezoned to from C-1 (Retail Commercial District) and R-1A (Single-Family Dwelling District) to C-2 (General Commercial District) in 1989 with a restriction limiting one access point onto Commerce Boulevard and one access onto E. Colonial Drive. The applicant had originally requested C-3 (Wholesale Commercial District) zoning; however, staff argued that the extension

of heavy commercial uses along Commerce Boulevard would be incompatible with the residentially zoned lots to the west.

South

The property to the southwest of the subject property, between E. Colonial Drive and Old Cheney Highway, was rezoned from R-1A (Single-Family Dwelling District) to C-2 (General Commercial District) in 1979, and an auto sales business currently operates on the property. The parcels to the southeast of the subject property, across E. Colonial Drive, were rezoned in 1971 and 1976 from C-1 (Retail Commercial District) to C-2 (General Commercial District) and C-3 (Wholesale Commercial District), and vehicle repair establishments are currently operating on the properties.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Commercial (C) Future Land Use Map (FLUM) designation. However, the proposed use of automobile towing and junk yard is only permitted in the I-4 (Industrial District) zoning classification, which would require a concurrent submittal and approval of a FLUM amendment to change the designated of the subject property to Industrial (IND).

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.

Community Meeting Summary

A community meeting was not required for this request.

Rural Settlement

The subject property is not within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not within a Joint Planning Area.

Overlay District Ordinance

The subject property is located within the S.R. 436 / S.R. 50 Corridor Overlay District which prohibits several land uses such as labor pools, check cashing businesses, tattoo/body art shop, pawnshops, bail bond agencies, fortune tellers, and bottle clubs. Junk yards and auto related uses are not prohibited uses within this Overlay District.

Airport Noise Zone

The subject property is located in Airport Noise Zone "D". However, airport noise mitigation criteria would not apply to non-residential development if the proposed rezoning request is approved.

Environmental

The Environmental Protection Division (EPD) reviewed this request, but did not provide any objections or comments.

Transportation / Access

This project is in the Alternative Mobility Area and is exempt from transportation concurrency. Transit service is available within a quarter-mile walking distance along E. Colonial Drive. However, the sidewalk adjacent to the subject parcel along Commerce Boulevard is incomplete and does not connect to sidewalk along E. Colonial Drive. There is no signed bicycle route in the area.

Code Enforcement

There are no active Code Enforcement violations on the subject property.

Utilities

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	An 18-inch gravity sewer main is located within the Commerce Boulevard right-of-way.
Reclaimed Water:	Orange County Utilities	Not currently available.

Schools

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

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

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 – (August 15, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 (Wholesale Commercial District), subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited;
- 2) Vehicle stacking shall be prohibited;
- 3) The applicant / developer shall provide a 6' concrete wall, with a gate, and 4' hedges on the southern property line between the existing building and the western property boundary; and
- 4) The applicant / developer shall provide a 6' concrete wall on the southern 50' of the property line along Commerce Boulevard.

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 (Wholesale Commercial District) zoning.

Staff indicated that one hundred sixty-three (163) notices were mailed to surrounding property owners within a buffer of 1,000 feet from the subject property, with three (3) commentaries received in opposition to the request and zero (0) in favor. No reasons were given for those in opposition. Staff detailed the history of the subject property and the surrounding area and explained that the requested C-3 zoning would not permit the proposed use outright. The applicant will be required to apply for a special exception and several variances to the Board of Zoning Adjustment (BZA). If the special exception or variances are denied, the applicant would need to change the Future Land Use Map (FLUM) designation of the property to Industrial (IND) and rezone to I-4 (Industrial District). Staff further explained that at the direction of the PZC at the previous month's hearing, staff and the applicant met and drafted four restrictions to address compatibility and code compliance concerns. The applicant was present for the hearing and disagreed with the staff recommendation of denial but indicated support for the additional restrictions. No members of the public were present to speak on this request.

After a discussion regarding compatibility, non-conforming history of the use, and precedent setting, a motion was made by Commissioner Spears to find the request to be inconsistent with the Comprehensive Plan and recommend denial of the requested C-3 (Wholesale Commercial District) zoning. The motion failed for a lack of a second. After further discussion, a motion was made by Commissioner Cantero to find the request consistent with the Comprehensive Plan and recommend approval of the requested C-3 (Wholesale Commercial District) zoning subject to the four restrictions proffered by the applicant. Commissioner Velazquez seconded the motion, which carried on a 7-1 vote, with Commissioner Spears voting in opposition.

Motion / Second

Jose Cantero / Diane Velazquez

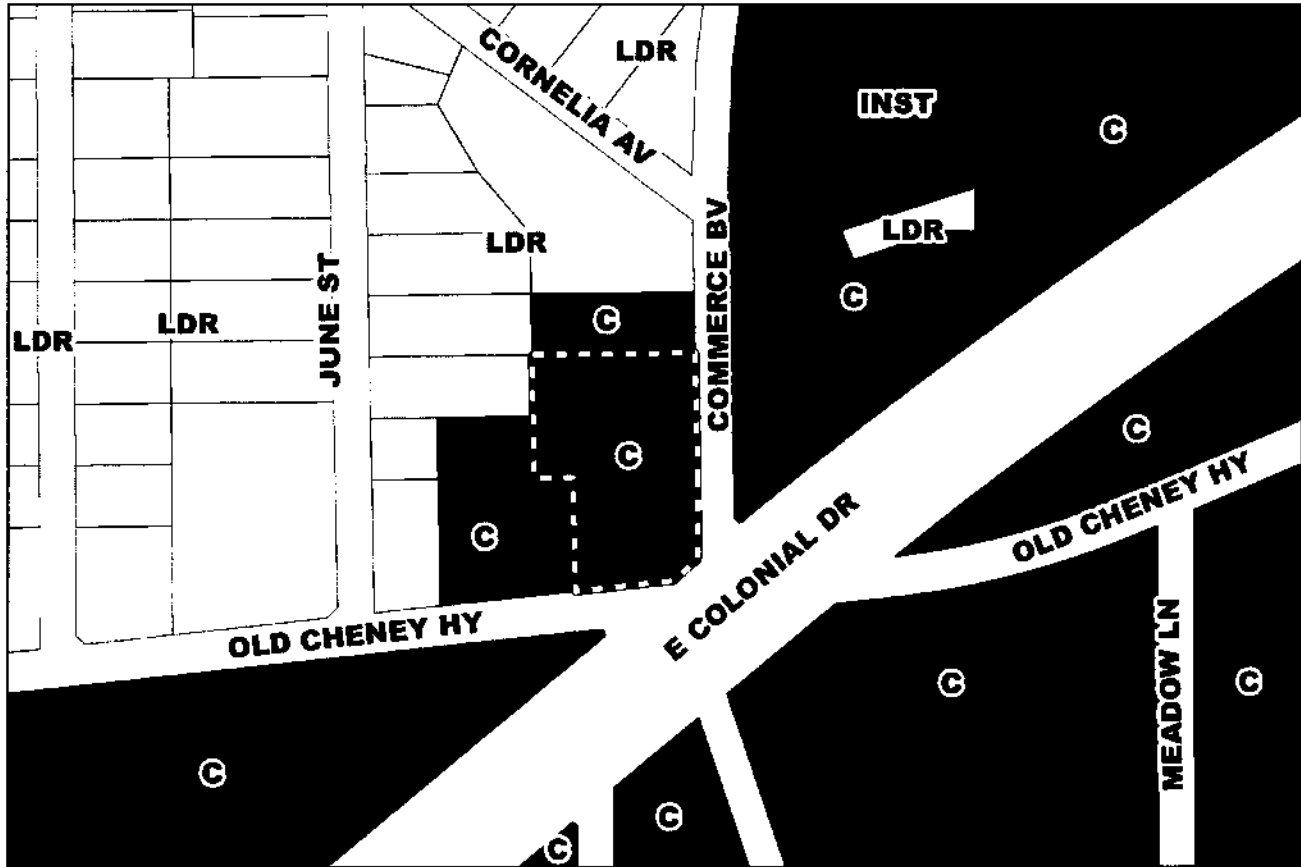
Voting in Favor

Jose Cantero, Diane Velazquez, Yog Melwani, Carlos Nazario, Jimmy Dunn, Mohammed Abdallah, and Eddie Fernandez

Voting in Opposition *Gordon Spears*

Absent *JaJa Wade*

RZ-19-04-003



Subject Property



Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Ossama Samala, Sam's Towing, Inc.

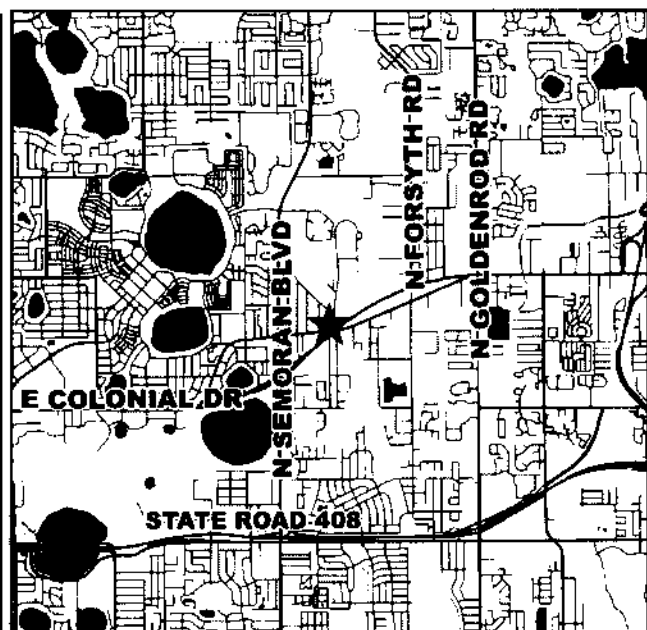
LOCATION: 6139 E. Colonial Drive, generally located northwest of Colonial Drive, north of Old Cheney Highway, west of Commerce Boulevard, east of June Street, and south of Cornelia Avenue

TRACT SIZE: 2.04 gross acres

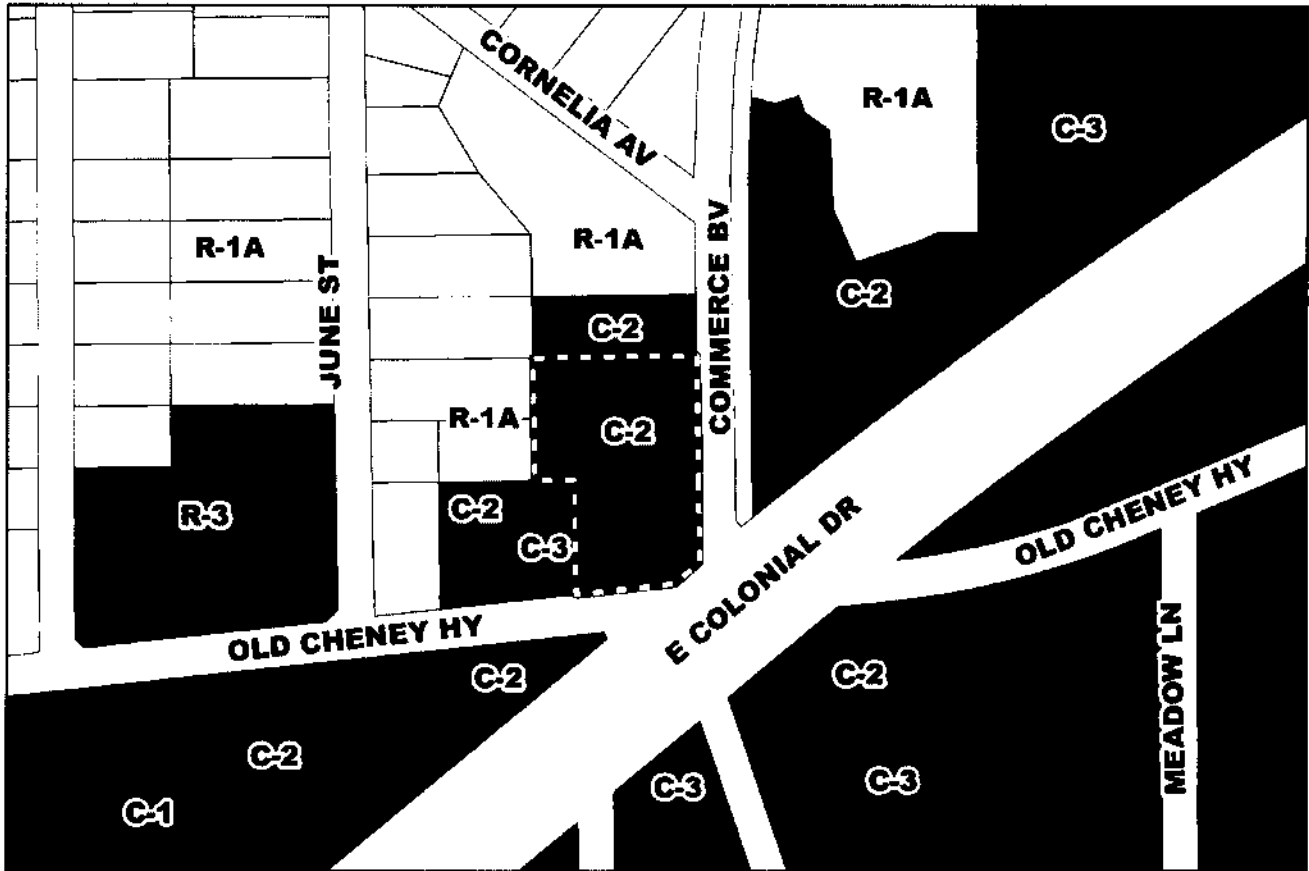
DISTRICT: # 5

S/T/R: 22/22/30

1 inch = 275 feet



RZ-19-04-003



Subject Property



Subject Property

Zoning Map

ZONING: C-2 (General Commercial District) to
 C-3 (Wholesale Commercial District)

APPLICANT: Ossama Samala, Sam's Towing, Inc.

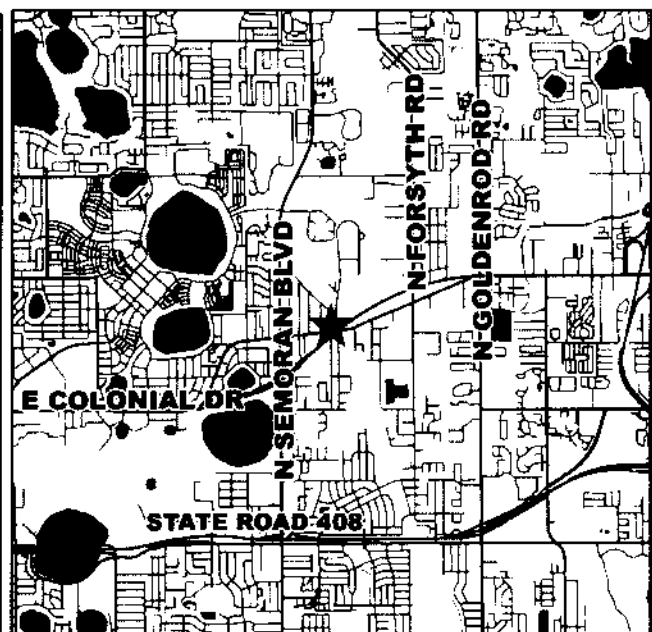
LOCATION: 6139 E. Colonial Drive, generally located
 northwest of Colonial Drive, north of Old
 Cheney Highway, west of Commerce
 Boulevard, east of June Street, and south
 of Cornelia Avenue

TRACT SIZE: 2.04 gross acres

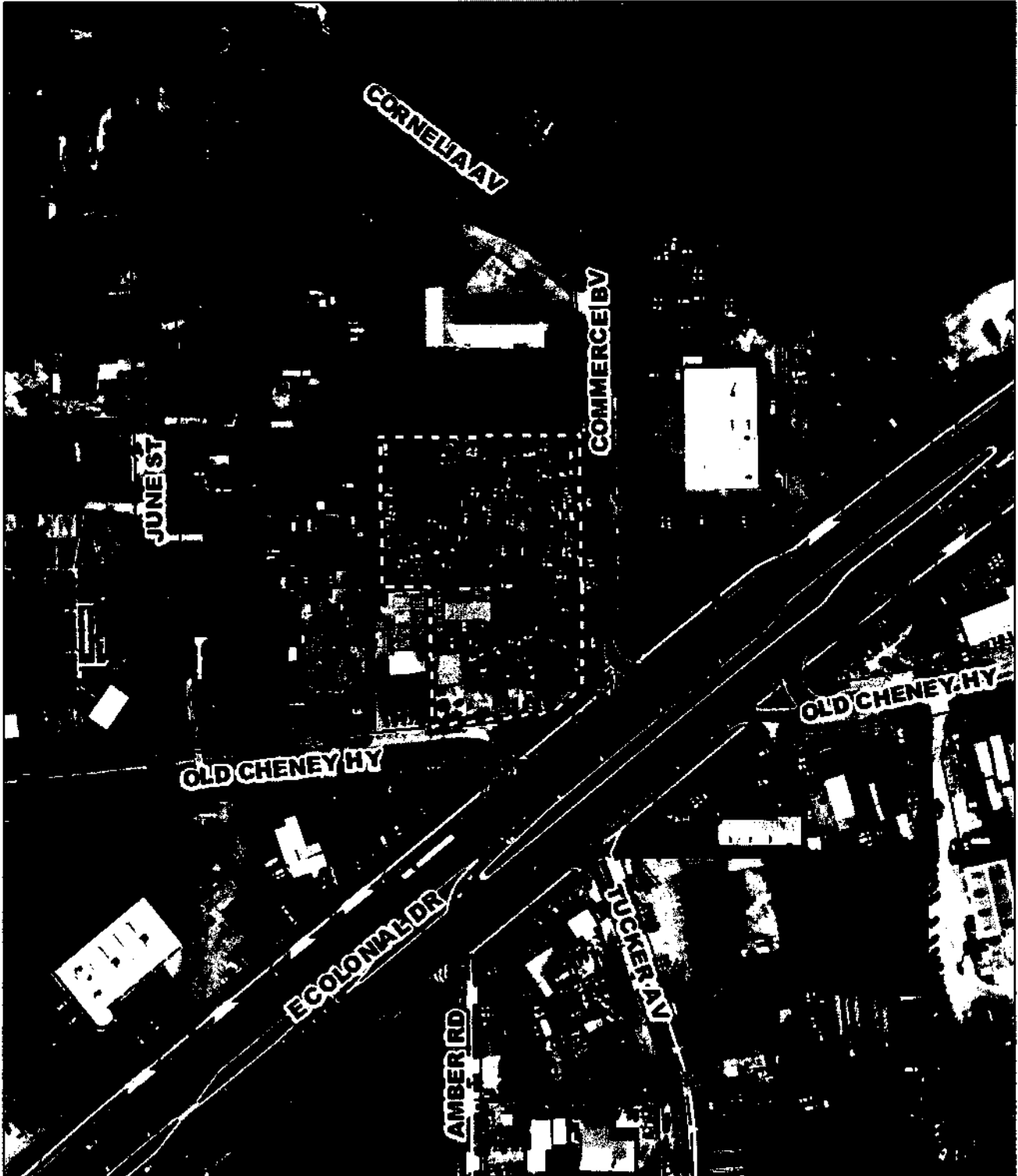
DISTRICT: # 5

S/T/R: 22/22/30

1 inch = 275 feet



RZ-19-04-003

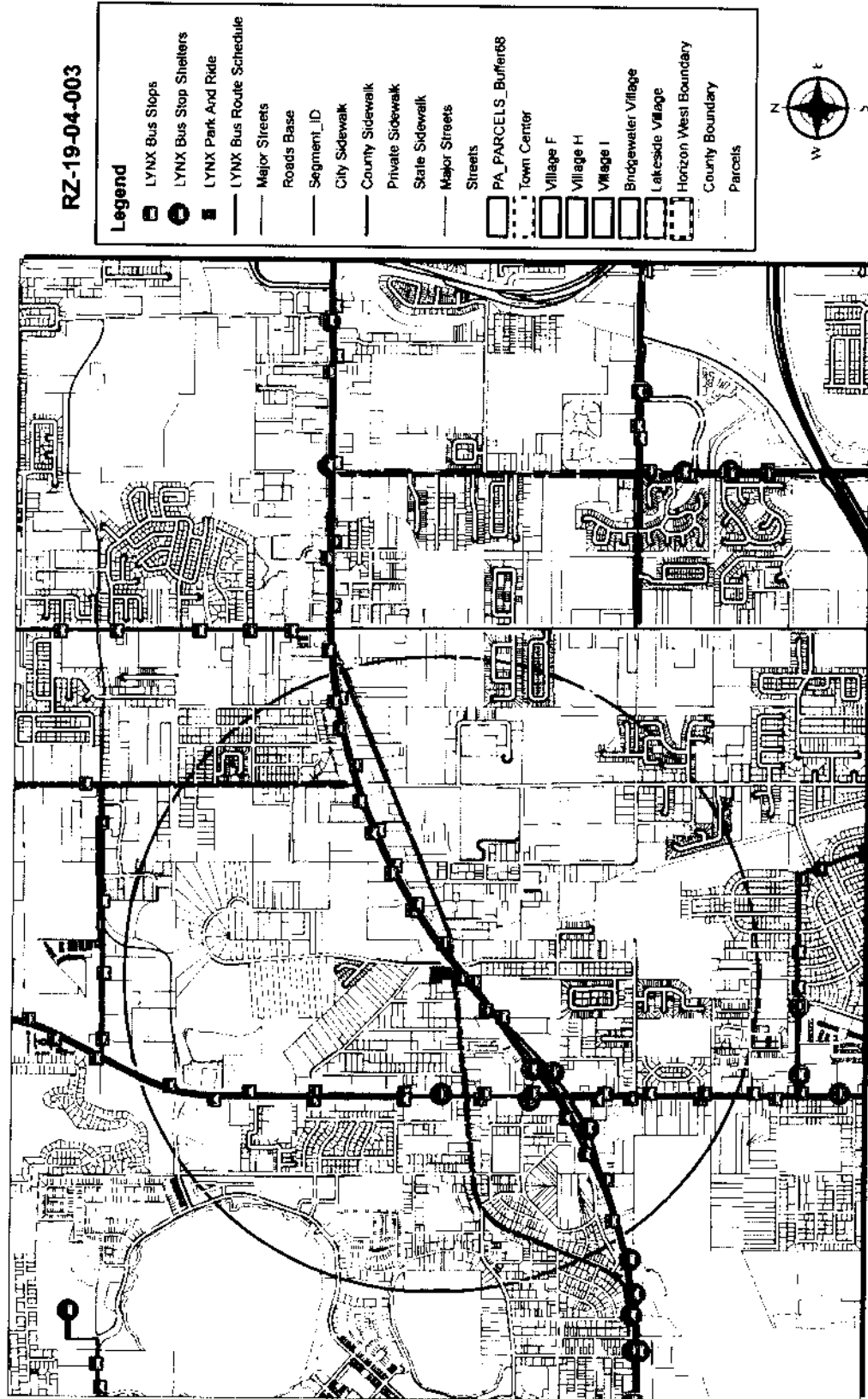


 Subject Property



1 inch = 175 feet

Alternative Mobilty Area Context Map





Public Notification Map

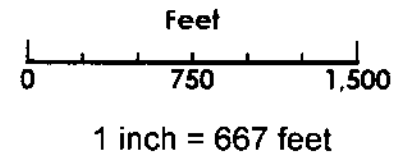
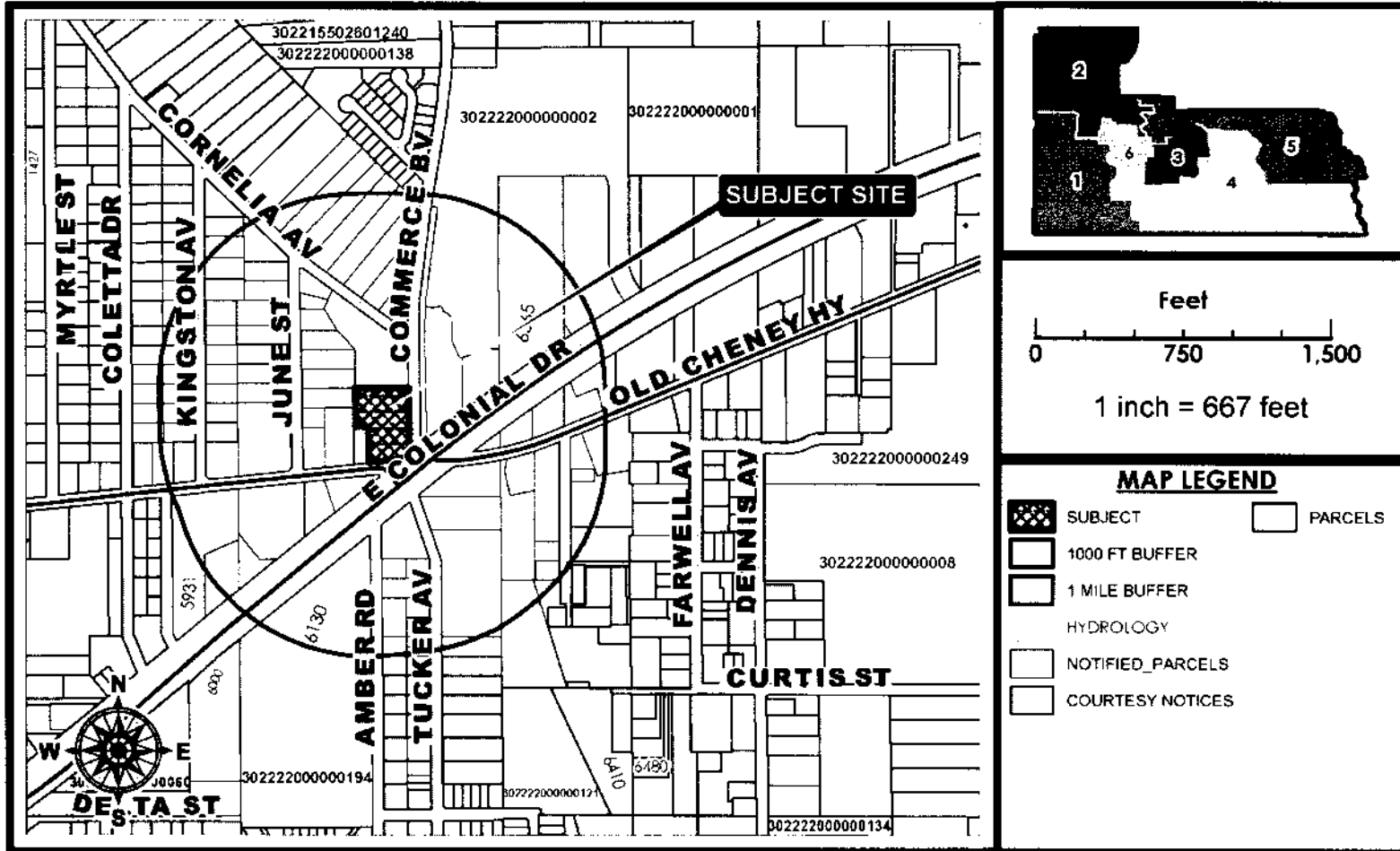
RZ-19-04-003

1000 FT BUFFER, 163 NOTICES

PZC Recommendation Book

14

August 15, 2019



MAP LEGEND

- SUBJECT
- 1000 FT BUFFER
- 1 MILE BUFFER
- HYDROLOGY
- NOTIFIED_PARCELS
- COURTESY NOTICES
- PARCELS

Notification Map

Case # RZ-19-04-003
Orange County Planning Division
PZC Hearing Date: July 18, 2019

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CASE # RZ-19-07-021

Commission District: #2

GENERAL INFORMATION

APPLICANT	Susan Lott
OWNERS	Camden Fisher Trust and Libby Dog LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-1 (Retail Commercial District) to C-2 (General Commercial District)
LOCATION	1325 Lee Road, or generally located on the north side of Lee Road, 265 feet east of Goddard Avenue.
PARCEL ID NUMBER	03-22-29-0000-00-042
TRACT SIZE	0.71-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]. One hundred twelve (112) notices were mailed to those property owners in the mailing area. A community meeting was held on July 22, 2019 as summarized on page 4 of this report.
PROPOSED USE	General C-2 Uses

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) 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 C-2 uses.

IMPACT ANALYSIS

Land Use Compatibility

The C-2 (General Commercial District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-2 (General 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.

FLU8.2.11 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

Retail

Adjacent Zoning N: P-O (Professional Office District) (1974)
 E: C-2 (General Commercial District) (2005)
 W: C-1 (Retail Commercial District) (1960)
 S: C-1 (Retail Commercial District) (1959) and
 C-2 (General Commercial District) (Rest.)* (1959)
 *Limited to C-1 uses.

Adjacent Land Uses N: Parking Lot
 E: Vacant
 W: Retail
 S: Office

C-2 (General Commercial District) Development Standards

Min. Lot Area: 8,000 sq. ft.
Min. Lot Width: 100 ft. (on major streets, see Article XV)
 80 ft. (on all other streets)
Max. Height: 50 ft. (35 ft. within 100 ft. of residential)
Min. Floor Area: 500 sq. ft.

Minimum Building Setbacks

Front: 25 ft.
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-2 zoning district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district is encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood, yet not adjacent to residential uses. This district typically occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district is only promoted within the urban service area where uses of this intensity have already been established.

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 new and used automobile sales; car rental and leasing; auto painting and body shops; special trade contractors' offices (storage, equipment yards, and offices with outdoor storage); automobile parking lots and parking garages; outdoor storage and display of equipment, products, and merchandise; landscaping and irrigation businesses; commercial kennels; caterers; etc.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 1325 Lee Road, or generally located on the north side of Lee Road, 265 feet east of Goddard Avenue. The Lee Road corridor is developed with varying levels of commercial development with the areas adjacent to this corridor to the north and south transitioning to primarily residential development.

Through this request, the applicant is seeking to rezone the subject property from C-1 (Retail Commercial District) to C-2 (General Commercial District) in order to allow for general C-2 uses. No specific use has been proposed by the applicant.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Commercial (C) Future Land Use Map (FLUM) designation.

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.

Community Meeting Summary

A community meeting was held on July 22, 2019 at Lockhart Middle School. Zero (0) area residents were in attendance.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Environmental

This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations may apply.

Transportation / Access

This project is located within the Orange County Alternative Mobility Area (AMA) and is exempt from concurrency requirements. However, a mobility analysis may be required at time of permitting.

Code Enforcement

There are no active Code Enforcement violations on the subject property.

Utilities

Water: City of Winter Park

Wastewater: City of Winter Park

Reclaim Water: City of Winter Park

Schools

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

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

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 – (August 15, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) 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 C-2 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-2 (General Commercial District) zoning, subject to two (2) restrictions.

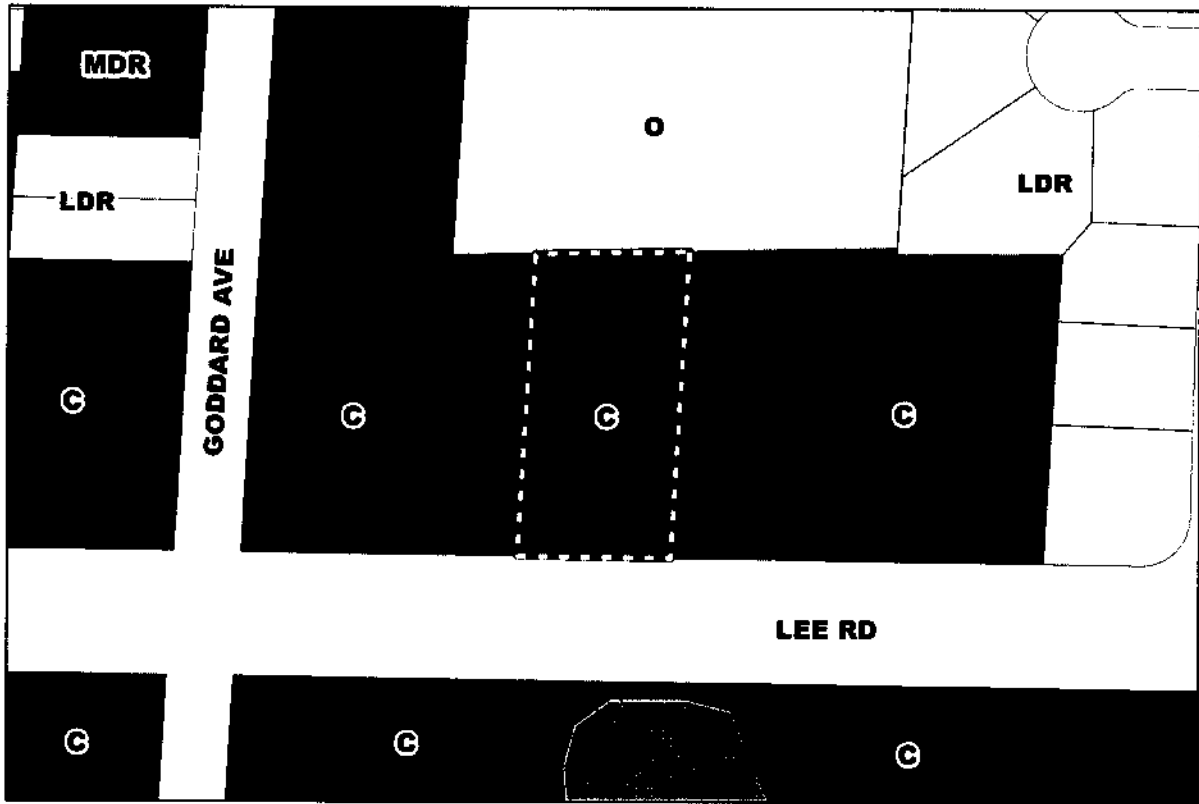
Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: August 15, 2019

Staff indicated that one hundred twelve (112) notices were mailed to surrounding property owners within a buffer of 1,000 feet from the subject property, with one (1) commentary received in opposition to the request and zero (0) in favor. The opposition was due to the uses allowed by the C-2 zoning district and a preference for the subject property to remain C-1. The applicant was present for the hearing and agreed with staff's recommendation. No members of the public were present to speak on this request.

After a brief discussion to clarify the purpose of the request, a motion was made by Commissioner Velazquez to find the request to be consistent with the Comprehensive Plan and recommend approval of the requested C-2 (General Commercial District) zoning subject to the two (2) restrictions listed in the staff report. Commissioner Cantero seconded the motion, which carried on a 8-0 vote.

Motion / Second	<i>Diane Velazquez / Jose Cantero</i>
Voting in Favor	<i>Diane Velazquez, Jose Cantero, Yog Melwani, Eddie Fernandez, Yog Melwani, Jimmy Dunn, Gordon Spears, and Carlos Nazario</i>
Voting in Opposition	<i>None</i>
Absent	<i>JaJa Wade</i>

RZ-19-07-021



Subject Property

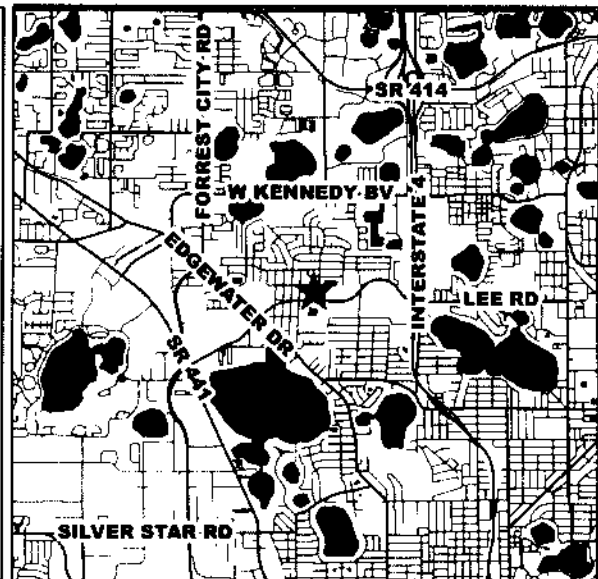


Subject Property

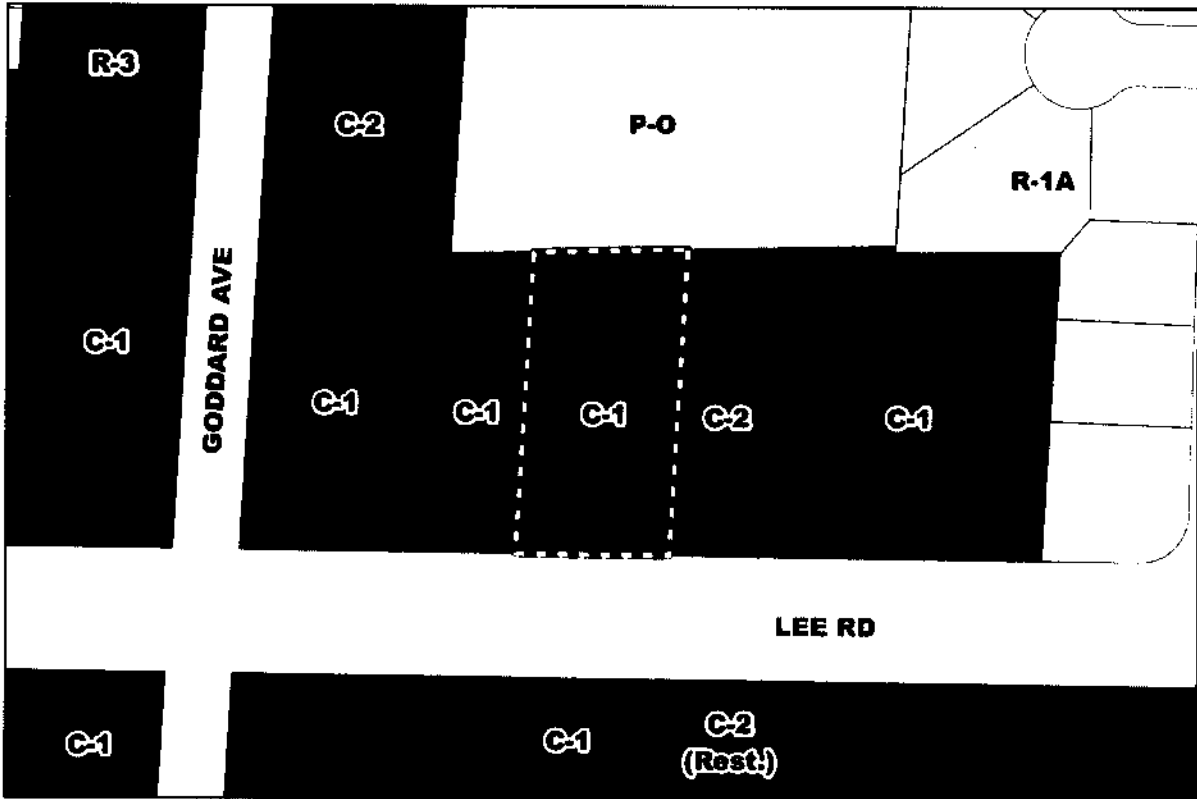
Future Land Use Map

FLUM: Commercial (C)
APPLICANT: Susan Lott
LOCATION: 1325 Lee Road, or generally located on the north side of Lee Road, 265 feet east of Goddard Avenue.
TRACT SIZE: 0.71 gross acres
DISTRICT: # 2
S/T/R: 03/22/29

1 inch = 125 feet



RZ-19-07-021



 Subject Property



 Subject Property

Zoning Map

ZONING: C-1 (Retail Commercial District) to C-2 (General Commercial District)

APPLICANT: Susan Lott

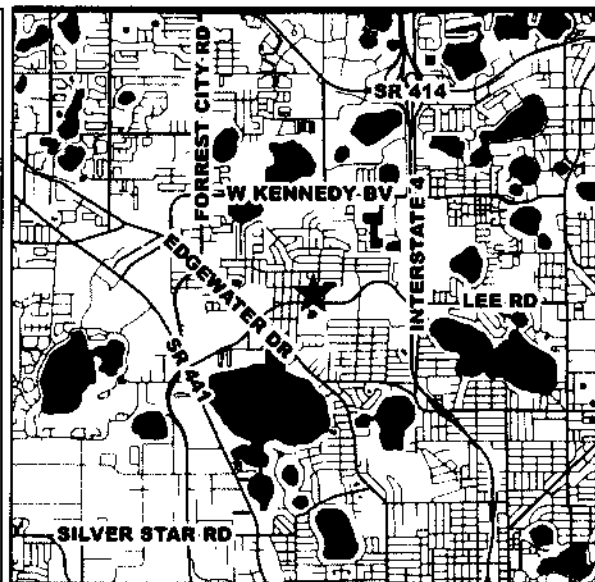
LOCATION: 1325 Lee Road, or generally located on the north side of Lee Road, 265 feet east of Goddard Avenue.

TRACT SIZE: 0.71 gross acres

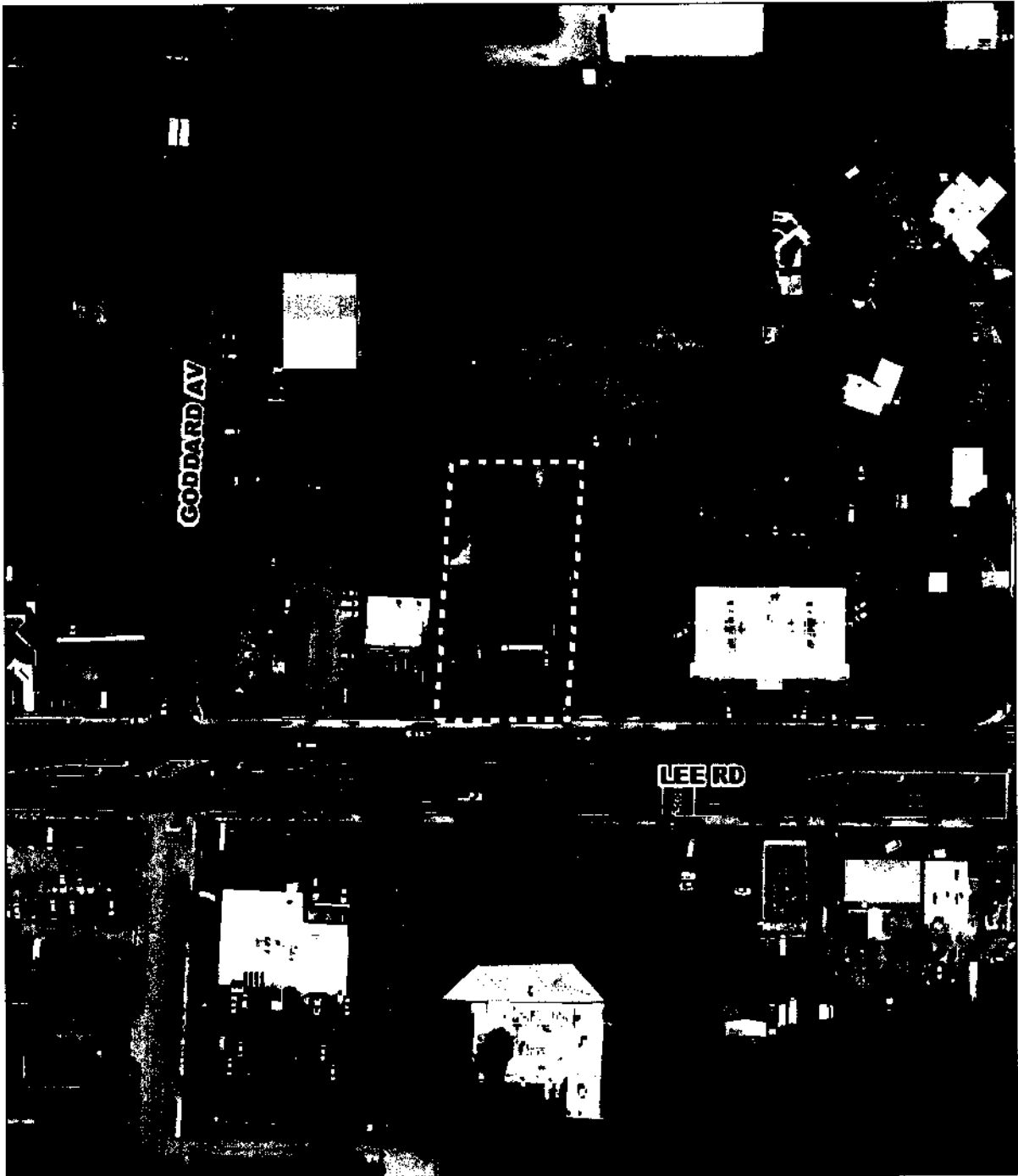
DISTRICT: # 2

S/T/R: 03/22/29

1 inch = 125 feet



RZ-19-07-021



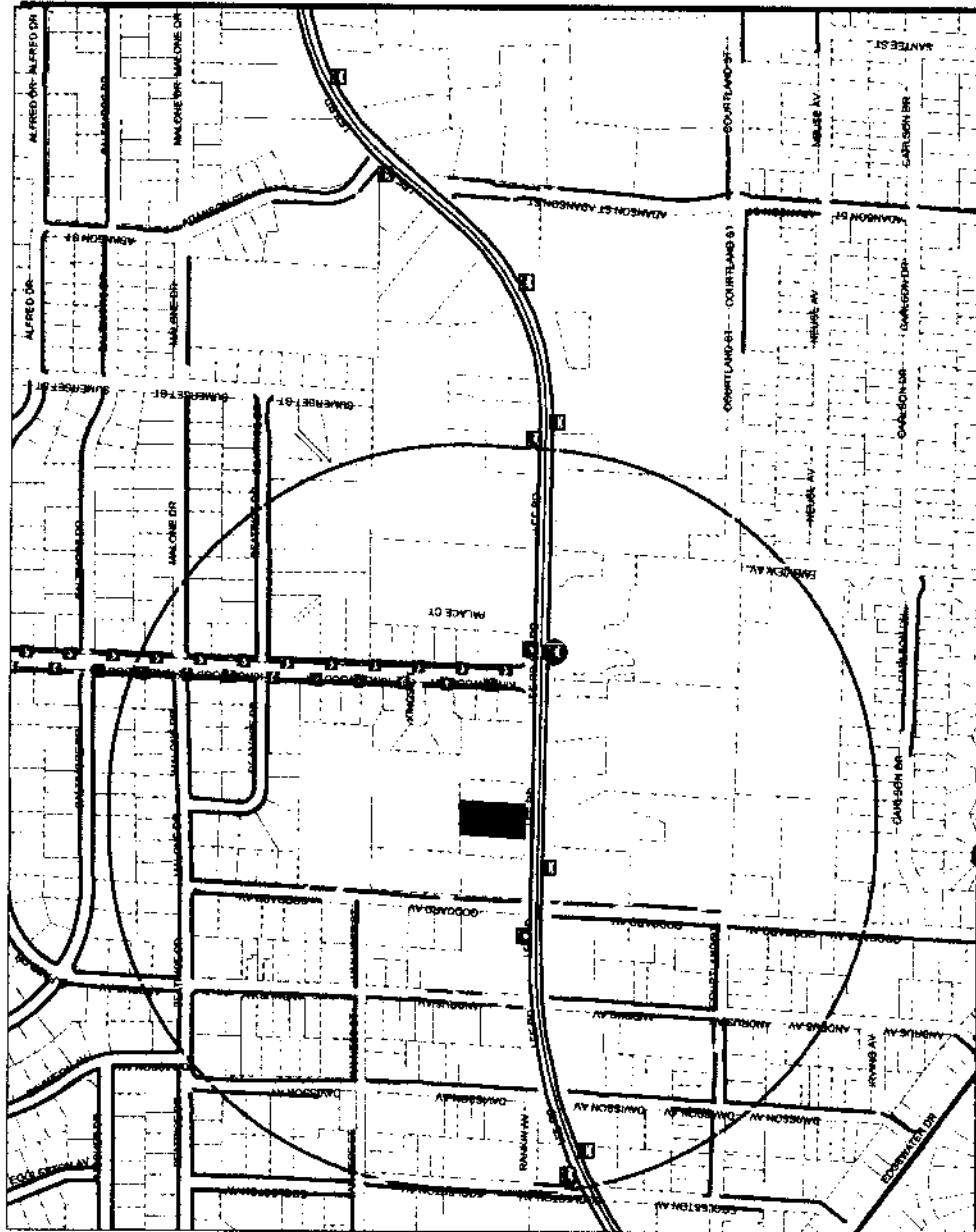
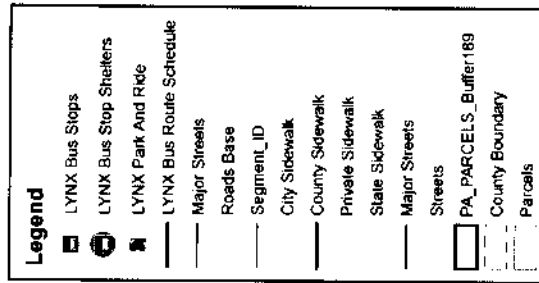
 Subject Property



1 inch = 125 feet

Alternative Mobilty Area Context Map

RZ-19-07-021
03-22-29-0000-00-042
REZONE FROM C-1 TO
C-2 USES.



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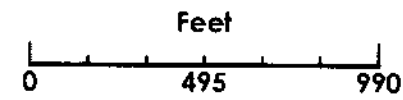
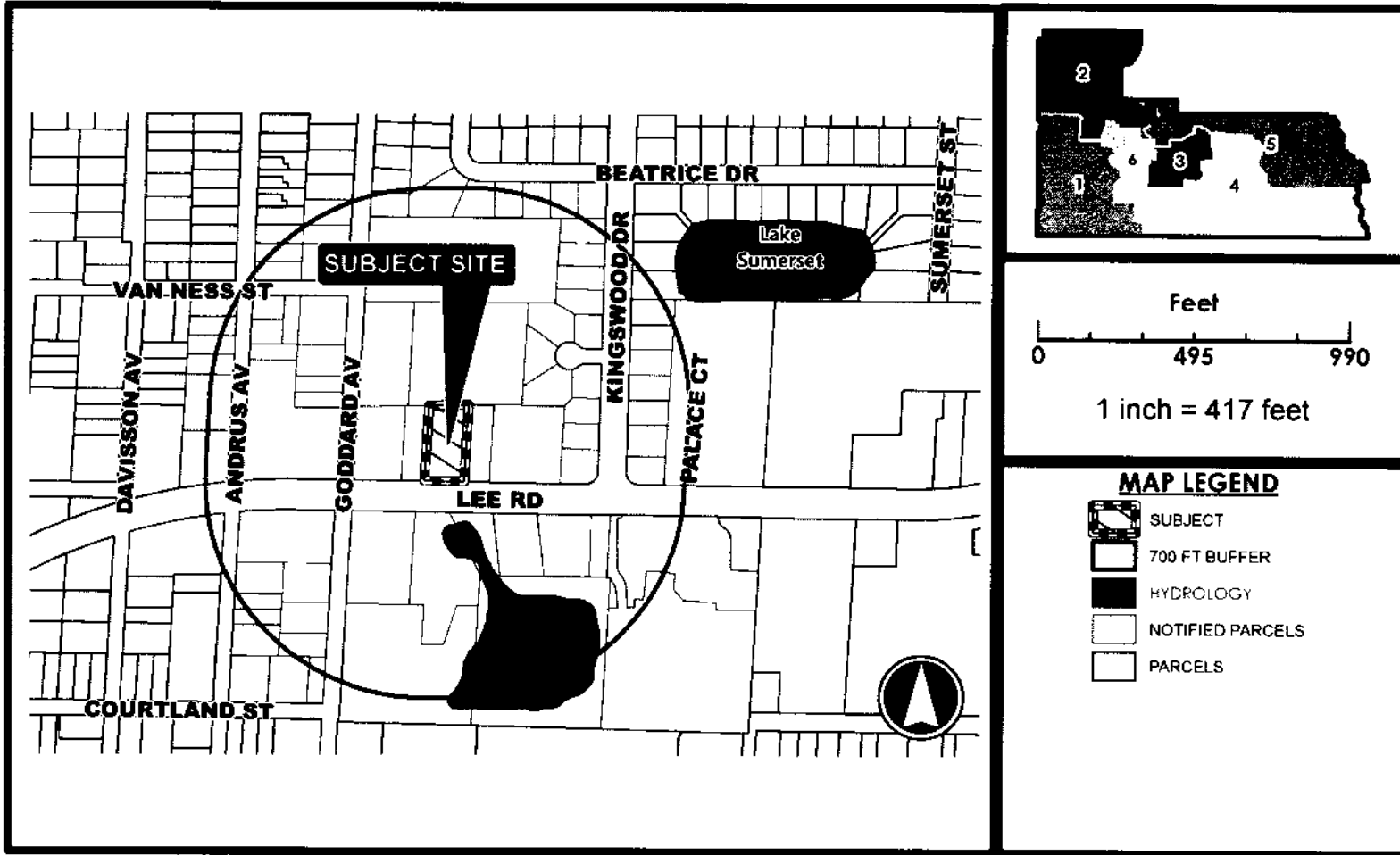


Public Notification Map

RZ-19-07-021






700 FT BUFFER, 112 NOTICES

[Residential Count: 75]



1 inch = 417 feet

MAP LEGEND

-  SUBJECT
-  700 FT BUFFER
-  HYDROLOGY
-  NOTIFIED PARCELS
-  PARCELS

Notification Map

Rezoning Staff Report
 Orange County Planning Division
 PZC Hearing Date: August 15, 2019

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