

Comprehensive Plan Amendment 2018-1-S-1-3
&
Rezoning LUP-17-08-247
Orange County Commission Meeting
June 5, 2018

Presented by:

Dana Crosby Collier
of



Attorney for neighbors, the Rustins

Project

- Comprehensive Plan Amendment 2018-1-S-1-3

Glen Pawlowski for Geraldine and Raymond Aldridge/Ergin Emercan

Low Density Residential (LDR) to Planned Development-Commercial (Assisted Living) PD-C (ALF)

- Rezoning LUP-17-08-247

Residential Country Estates (R-CE) to Planned Development-Commercial (Assisted Living Facility) (PD-C)(ALF)

46,000 sf commercial facility

64 beds (64 residents)

Full 24/7 AL staffing (416 staff hours per week)

24/7 commercially-operational facility

Surrounded by single family residential homes

Orange County Planning Division
Nicolas Thalmueller, Project Planner
Jason H. Sorensen, Project Planner

LPA Adoption Staff Report
Amendment 2018-1-S-1-3 (fka 2017-2-S-1-4)
Rezoning Case LUP-17-08-247

FUTURE LAND USE - CURRENT



FUTURE LAND USE - AS PROPOSED



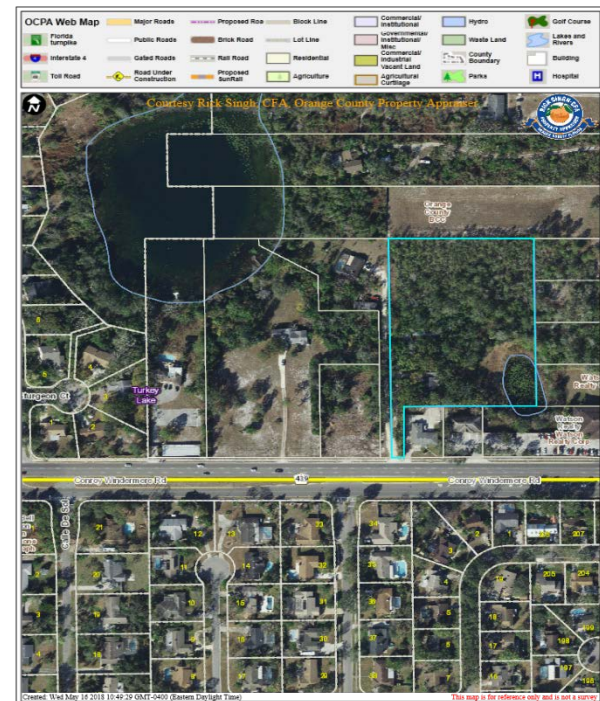
Rustins

The Rustins are neighbors and reside east of the project.

Access to the Rustin property is located adjacent to the ingress/egress point proposed in the commercial project.

This area is solidly residential and has been for decades (R-CE).

The Rustins and other residential neighbors will be personally and significantly impacted by this development.



Due Process

- Inadequate Notice
- Two properties -- 7753 and 7685 Conroy Windermere Road
 - Address in County's staff report for property located at 7685 Conroy Windermere Road is incorrect ("7865").
 - The property located at 7753 Conroy Windermere Road has never even been posted
 - The two notices placed at 7685 Conroy Windermere Road that have been on the ground since placed on Property



Noncompliance

- The County's comprehensive plan must comply with Part II, Ch. 163, Florida Statutes.
- Changes to the comprehensive plan must be *consistent* with goals and objectives in the County's own comprehensive plan.
- All development shall comply with the comprehensive policy plan (section 30-350, Orange County Code).
- This proposed amendment will allow a very high density/intensity 24/7 commercial use to be placed in the middle of a well-established residential area.
- Placing high density commercial use in an area surrounded by solid single family neighborhoods and homes will result in incompatibility, inconsistency, and noncompliance with the County's own comprehensive plan.

Inconsistency

- The proposed Land Use change from LDR to PD-Commercial is not consistent or compliant with the County's policies.
- County's written comp plan policies seek to:
 - Ensure that land use changes are compatible with nearby residentially zoned areas
 - FLU 1.4.2; OBJ N.1.1; FLU 8.2.1
 - Ensure commercial is concentrated at major intersections and in activity centers
 - FLU 1.4.3

Inconsistency

- Ensure any land use change will serve – and not harm -- existing neighborhoods
 - FLU 1.4.2
- Avoid disruption of residential areas
 - FLU 1.4.4
- Not allow for poorly located and designed commercial activities
 - FLU 1.4.4
- Not adversely impact existing or proposed neighborhoods
 - OBJ N.1.1

[illegible]

Inconsistency

- Historically smaller transitional “office” proposals were not allowed due to inconsistency with the Comprehensive Plan
- Amendment 2006-2-S-1-1 (this property)
 - 2006 - LDR to Office. *LPA recommended denial.*
- Amendment 2012-2-S-1-3 and Rezoning LUP 12-07-134 (this property)
 - 2012 – LDR to PD-O (6000 sf office). *Staff recommended denial.*
 - Inconsistent with the County’s own policies designed to protect the surrounding neighborhoods.
- Amendment 2017-1-S-1-3 and Rezoning 17-04-006 (4536 and 4606 Hiawasse Road)
 - 2017 – LDR to Office (20,000 sf office). *BCC was going to deny; applicant withdrew.*
 - Inconsistent with County’s policies
 - Policies designed to protect the “solidly residential” surrounding neighborhoods
 - Avoid the ‘non-residential creep’

Incompatibility

- Surrounding zoning is R-CE. Existing zoning of the parcel at issue is R-CE.
- No transitional land use or zoning is proposed.
 - Proposal places a non-residential use in a residential area.
- The requested land use change and rezoning is not compatible with the current land use, zoning patterns, or character of the surrounding area.
 - Applicant is proposing a 46,000 square foot commercial facility adjacent to homes in the residential - country estate district (R-CE)
 - Unreasonable densities and intensities of development are proposed
 - Negative impacts result from a 24/7 commercial use
 - Heavy commercial and other traffic, such as 24/7 commercial deliveries and emergency vehicles, is incompatible with a residential neighborhood
 - Proposed parking on the PD site plan is directly abutting single family homes
- Traffic impacts and proposed driveway cuts present a public safety hazard.
 - Intensity resulting from project will create very dangerous ingress/egress for the neighbors as discussed with County staff and at previous (2017) hearing

Conclusion

- Notice for this project has been inadequate
- The proposed high intensity commercial use is inconsistent with the county comprehensive plan and incompatible with the surrounding area
 - Property is currently zoned R-CE
 - Surrounding neighbors are residential and have been for decades
 - Neighbors on all sides are residential area
 - County enables this heavy commercial use with no transition from residential
- Proposed large-scale 24/7 commercial use (46,000 sf) is high intensity and incompatible with the single family character of the surrounding neighborhood
- Mr. Rustin will now offer specific testimony relating to his concerns