



PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY


REZONING RECOMMENDATIONS

MAY 16, 2019



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

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



James Dunn	District #1
Diane Velazquez	District #2
Eddie Fernandez	District #3
Carlos D. Nazario, Jr.	District #4
J. Gordon Spears Vice Chairperson	District #5
JaJa J. Wade	District #6
Mohammed Abdallah	At Large
Yog Melwani Chairperson	At Large
Jose Cantero	At Large

TABLE OF CONTENTS
Planning and Zoning Commission
May 16, 2019

Table of Contents i

Table of Hearings ii

Site and Building Requirements i

Buffer Yard Requirements iv

CONVENTIONAL REZONING PUBLIC HEARINGS

RZ-19-04-004
District 1 1

RZ-19-05-007
District 3 14

RZ-19-05-008
District 3 25

RZ-19-05-010
District 2 36

TABLE OF HEARINGS
Planning and Zoning Commission
May 16, 2019

<u>Case #</u> <u>Applicant</u>	<u>Request</u>	<u>Commission</u> <u>District</u>	<u>Recommendations</u> <u>Staff</u>	<u>PZC</u>	<u>BCC Hearing</u> <u>Required</u>
I. REZONING PUBLIC HEARINGS					
RZ-19-04-003 Ossama Salama	C-2 to C-3	5	Denial	<i>Continue to July 18, 2019</i>	No
RZ-19-04-004 Solange Dao, P.E.	C-1 to C-1	1	Denial	Approval	No
RZ-19-05-007 Tomas M. Valle	A-2 to I-1/I-5	3	Approval with three (3) restrictions	Approval with three (3) restrictions	No
RZ-19-05-008 M. Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	R-1A to R-1	3	Approval	Approval	No
RZ-19-05-010 John Morell, Seaboard Group, LLC	C-1 to C-3	2	Approval with two (2) restrictions	Approval with two (2) restrictions	No

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.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (¼ acre)	850	100	35	50	10	35	a
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (¼ acre)	850	100	35	50	10	35	a
	Mobile Home - 2 acres							
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 ¼ 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>a</i>	Min. rear yard (ft.) <i>a</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.) ^a	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-19-04-004

Commission District: #1

GENERAL INFORMATION

APPLICANT	Solange Dao, P.E., Dao Consultants, Inc.
OWNERS	Gonzalo Sepulveda Lozano
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-1 (Retail Commercial District) (Restricted) to C-1 (Retail Commercial District) (Restricted)
LOCATION	6770 Turkey Lake Road, or generally located on the west side of Turkey Lake Road, approximately 120 feet north of Wallace Road.
PARCEL ID NUMBER	26-23-28-0000-00-039
TRACT SIZE	1.24 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 900 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred seventy-one (171) notices were mailed to those property owners in the mailing area. A community meeting was held on May 6, 2019 at Dr. Phillips Elementary School.
PROPOSED USE	Retail Commercial and Short-Term Rental

STAFF RECOMMENDATION

PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-1 (Retail Commercial District) zoning.

ALTERNATIVE RECOMMENDATION

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 (Retail Commercial District) zoning, subject to the following restrictions:

- 1) Safe and adequate access to the subject property via Turkey Lake Road shall be provided in accordance with the City of Orlando's requirements; and

- 2) Billboards and pole signs shall be prohibited; and
- 3) Uses on the property shall be restricted to a maximum intensity of 0.75 FAR; and
- 4) Prohibited uses shall include labor pools and labor halls; car-title loan establishments; check cashing / payday loan businesses; tattoo, body art, or body piercing businesses; pawnshops; bail bond agencies; flea markets; fortune tellers, tarot card reads, palm readers, psychics, and similar businesses; and bottle clubs, gas stations and drive thru establishments; and
- 5) Hours of operation shall be from 6:00 am to midnight (not including hotel and short-term rental uses); and
- 6) No individual tenant to exceed 3,000 square feet; and
- 7) 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.

IMPACT ANALYSIS

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.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). While the proposed C-1 (Retail Commercial District) zoning is consistent with the Commercial FLUM designation, the applicant's request 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.

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	Undeveloped Land
Adjacent Zoning	N: PD (Planned Development) (<i>City of Orlando</i>) E: AC-3 / MA (Metropolitan Activity Center District / Major Attraction Overlay District) (<i>City of Orlando</i>) W: R-CE (Country Estate District) (<i>1968</i>) S: PD (Planned Development) (<i>City of Orlando</i>)
Adjacent Land Uses	N: Medical Office E: Hotel W: Institutional (OUC Water Treatment Plant) S: Professional Office

C-1 (Retail Commercial District) Development Standards

Min. Lot Area:	6,000 sq. ft.
Min. Lot Width:	80 ft. (on major 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.
Side:	0 ft. (25 ft. when abutting residential)

Intent, Purpose, and Uses

Per Section 38-826 of the Orange County Code, the intent and purpose of the C-1 zoning district is to provide lands and structures used primarily for the furnishing of selected commodities and services at retail. This district will be encouraged to be

located at the intersections of collectors and/or arterials, where it will not direct commercial traffic through residential districts, where adequate public facilities and services are available, as defined in the comprehensive plan, where compatible with adjacent areas or where buffers can be provided to ensure compatibility, and 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 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

Subject Property Analysis

The subject property is located at 6770 Turkey Lake Road, or generally located on the west side of Turkey Lake Road, approximately 120 feet north of Wallace Road and is currently undeveloped. The City of Orlando is adjacent to the subject property on the north, east, and west property boundaries. The property adjacent to the west is located within Unincorporated Orange County and has a Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR) and a zoning designation of Country Estate District (R-CE).

The subject property was originally rezoned in 2014 as it was included in Rezoning Case RZ-14-04-006 to rezone the property from R-CE (Country Estate District) to C-1 Retail Commercial District) and a concurrent Comprehensive Plan Amendment #2014-1-S-1-3 to change the Future Land Use Map (FLUM) designation from Low-Medium Density Residential (LMDR) to Commercial (C). The Planning and Zoning Commission (PZC) heard the cases on April 17, 2014 and expressed concerns related to traffic, site access, and the compatibility of the proposed use to the surrounding area. The PZC made a recommendation of approval to the Board of County Commissioners (BCC), subject to two (2) restrictions. This recommendation was carried on a five (5) to three (3) vote.

Prior to being heard by the BCC on July 8, 2014, a community meeting was held on May 20, 2014. As a result of this community, three (3) additional restrictions were proposed by the applicant to be added to the two (2) restrictions included in the PZC recommendation. During the July 8, 2014 hearing, the applicant stated the retail aspects of the proposed development would be oriented to serve the guests of the short-term rental use and the adjacent office uses. Commissioner Boyd expressed concerns the retail would become oriented toward an expanded area. As a result, the applicant proposed an additional restriction limiting individual tenants to a maximum of 2,500 square feet. A motion of approval, subject to six (6) restrictions was made by Commissioner Boyd and seconded by Commissioner Edwards. This motion carried unanimously. The restrictions associated with the July 8, 2014 approval can be found in Exhibit A of this staff report.

Through this request, the applicant is seeking to rezone the subject parcel from C-1 (Retail Commercial District) (Restricted) to C-1 (Retail Commercial District) to amend

restriction number six (6) to increase the maximum individual tenant area from 2,500 square feet to 3,000 square feet.

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 May 6, 2019 at Dr. Phillips Elementary School. A summary of this community meeting will be included in staff's presentation to the Planning and Zoning Commission on May 16, 2019.

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

Development of the subject property shall comply with all state and federal regulations regarding endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

Prior to earth work or construction, if one acre or more will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection (FDEP).

All storm drain inlets constructed as part of new development projects in Orange County shall have metal medallion inlet markers installed. Text on the marker shall be evenly spaced and read "No Dumping, Only Rain in the Drain". Markers must be commercial grade stainless steel, aluminum, brass or bronze and either stamped from sheet metal or cast. Metal marker color must be non-reflective blue or green. Aquatic creature or symbol shown on marker shall be consistent throughout the subdivision. Markers must be affixed to a clean, prepared surface with adhesives, fasteners, or heat as recommended by the manufacturer. Markers shall be aligned with the center of drainage inlets at the top of the curb. Lettering must be between 0.4 - 0.5 inches and the total diameter of the marker between 3.75 - 4.25 inches.

Transportation / Access

Based on the Concurrency Management System database dated March 14, 2019 there are three (3) failing roadway segments within the project's impact area: Sand Lake Road from Dr. Phillips Boulevard to Turkey Lake Road, Turkey Lake Road from Sand Lake Commons Boulevard to Sand Lake Road and from Wallace Road to Vineland Road are currently operating below the adopted level of service and there is no available capacity. This information is dated and subject to change.

The Applicant will be required to comply with concurrency prior to obtaining a building permit. The Applicant may be required to submit a traffic study prior to obtaining an approved capacity encumbrance letter and building permit. The Applicant may be required to attend Roadway Agreement Committee to participate in Proportionate Share Agreement.

Code Enforcement

There are no active Code Enforcement violations associated with the subject property.

Utilities

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	8-inch gravity sewer within Road right-of-way, approximately 250 feet west of the intersection with Turkey Lake Road and 4-inch forcemain within Wallace Road right-of-way, approximately 600feet west of the intersection with Turkey Lake Road
Reclaim 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 -- (May 16, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 (Retail Commercial District) zoning, subject to the following restrictions:

- 1) Safe and adequate access to the subject property via Turkey Lake Road shall be provided in accordance with the City of Orlando's requirements; and
- 2) Billboards and pole signs shall be prohibited; and
- 3) Uses on the property shall be restricted to a maximum intensity of 0.75 FAR; and
- 4) Prohibited uses shall include labor pools and labor halls; car-title loan establishments; check cashing / payday loan businesses; tattoo, body art, or body piercing businesses; pawnshops; bail bond agencies; flea markets; fortune tellers, tarot card reads, palm readers, psychics, and similar businesses; and bottle clubs, gas stations and drive thru establishments; and
- 5) Hours of operation shall be from 6:00 am to midnight (not including hotel and short-term rental uses); and
- 6) 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 inconsistency with the Comprehensive Plan and recommend denial of the requested C-1 (Restricted) (Retail Commercial District) zoning.

Staff indicated that one hundred seventy-one (171) notices were mailed to surrounding property owners within a buffer of 900 feet from the subject property, with zero (0) responses received in favor or opposition of the request. Staff also noted eight (8) residents were in attendance at the community meeting held on May 6, 2019 at Dr. Phillips Elementary School. Those residents voiced concerns regarding traffic and permitted uses. The applicant was present for the hearing and concurred with staff's alternative recommendation of approval subject to seven (7) restrictions. No members of the public were present to speak on this request.

After discussion to clarify the request is due to market conditions, the history of the restriction requested to be amended, the proposed development program, and the appropriateness of regulating the allocation of space to individual tenants within an approved square footage, the consensus of the Commission was to remove previous restriction #6 (which restricted the size of individual tenant spaces) altogether. As such, a motion was made by Commissioner Dunn to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the C-1 (Retail Commercial District) zoning, subject to six (6) restrictions. Commissioner Cantero seconded the motion, which then carried on a 9-0 vote.

Motion / Second

Jimmy Dunn / Jose Cantero

Voting in Favor

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

Voting in Opposition

None

Absent

None

RZ-19-04-004



Subject Property



★ Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Solange Dao, P.E., Dao Consultants, Inc.

LOCATION: 6770 Turkey Lake Road, or generally located on the west side of Turkey Lake Road, approximately 120 feet north of Wallace Road.

TRACT SIZE: 1.24 gross acres

DISTRICT: # 1

S/T/R: 26/23/28

1 inch = 325 feet



RZ-19-04-004



 Subject Property



★ Subject Property

Zoning Map

ZONING: C-1 (Retail Commercial District) (Rest.) to C-1 (Retail Commercial District) (Rest.)

APPLICANT: Solange Dao, P.E., Dao Consultants, Inc.

LOCATION: 6770 Turkey Lake Road, or generally located on the west side of Turkey Lake Road, approximately 120 feet north of Wallace Road.

TRACT SIZE: 1.24 gross acres

DISTRICT: # 1

S/T/R: 26/23/28

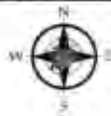
1 inch = 325 feet



RZ-19-04-004



 Subject Property



1 inch = 250 feet

Exhibit A RZ-14-04-006 Restrictions

Motion/Second: Commissioners Boyd/Edwards

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Sherri Fragomeni, Fragomeni Engineering, Inc. / Gonzalo Sepulveda Lozano, Case # RZ-14-04-006, to rezone from R-CE (Country Estate District) to C-1 (Retail Commercial District), on the described property, subject to the following restrictions:

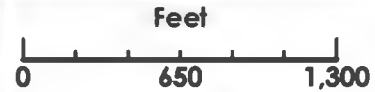
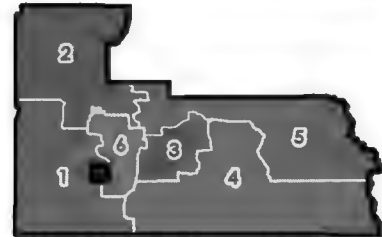
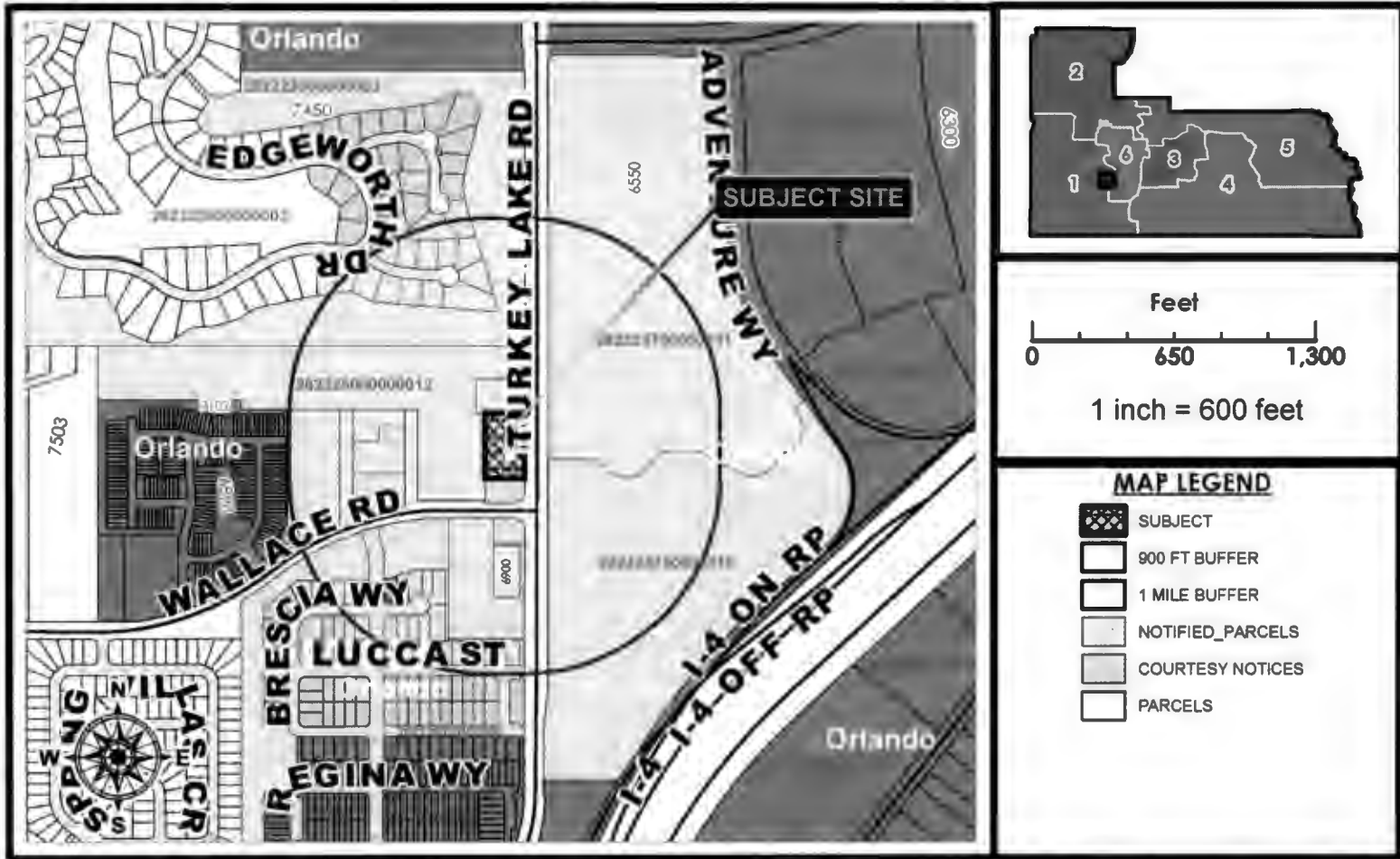
1. Safe and adequate access to the subject property via Turkey Lake Road shall be provided in accordance with the City of Orlando's requirements.
2. Billboards and pole signs shall be prohibited.
3. Uses on the property shall be restricted to a maximum intensity of 0.75 FAR.
4. Prohibited uses shall include labor pools and labor halls; car-title loan establishments; check cashing /payday loan businesses; tattoo, body art, or body piercing businesses; pawnshops; bail bond agencies; flea markets; fortune tellers, tarot card readers, palm readers, psychics, and similar businesses; and bottle clubs, gas stations and drive thru establishments.
5. Hours of operation shall be from 6:00 a.m. to midnight (not including hotel and short-term rental uses).
6. No individual tenant to exceed 2,500 square feet.



Public Notification Map

RZ-19-04-004

900 FT BUFFER, 171 NOTICES



1 inch = 600 feet

MAP LEGEND

-  SUBJECT
-  900 FT BUFFER
-  1 MILE BUFFER
-  NOTIFIED_PARCELS
-  COURTESY NOTICES
-  PARCELS

Notification Map

Case # RZ-19-04-004
 Orange County Planning Division
 PZC Hearing Date: May 16, 2019

CASE # RZ-19-05-007

Commission District: #3

GENERAL INFORMATION

APPLICANT	Tomas M. Valle
OWNERS	Hsin I. and Shao Chu
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to I-1/I-5 (Industrial District)
LOCATION	6050 Hoffner Avenue; generally located south of Hoffner Avenue, east of S. Semoran Boulevard, west of Patch Road, and north of Seminole Avenue.
PARCEL ID NUMBER	22-23-30-0000-00-021
TRACT SIZE	4.83 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]. Two hundred nineteen (219) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Truck Parking

STAFF RECOMMENDATION

PLANNING

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

- 1) New billboards and pole signs shall be prohibited; and
- 2) A Type "B" buffer shall be used to separate industrial (I-1 / I-5) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years; and

- 3) 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 non-residential uses on the property.

IMPACT ANALYSIS

Land Use Compatibility

The I-1/I-5 (Industrial 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 Industrial (IND). The proposed I-1/I-5 (Industrial District) zoning is consistent with the Industrial (IND) FLUM designation and the following Comprehensive Plan provisions:

FLU1.4.16 states the Future Land Use Map shall reflect appropriate locations for industrial use. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand and corresponding needs for job creation and economic development.

FLU1.4.17 states that Orange County seeks to retain an adequate supply of Industrial land uses during the 2030 planning horizon, consistent with the findings of the County's most current Industrial Lands Analysis and the desire to maintain jobs to housing balance within the County.

FLU1.4.18 states that the Future Land Use Map shall reflect a distribution of industrial areas throughout the Urban Service Area to reduce the journey to work, create more of a jobs/housing balance, avoid large concentrations of industrial traffic, provide adequate and sufficient locations for industrial uses, and provide a variety of locations with different transportation accessibility opportunities.

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	Single-Family Residence
Adjacent Zoning	N: R-1 (Single-Family Dwelling District) (1976) E: I-2/I-3 (Industrial District) (1997) <i>*100 foot landscape buffer along the south and east property lines adjacent to residential.</i> W: A-2 (Farmland Rural District) (1957) S: City of Orlando
Adjacent Land Uses	N: Single-Family Residence E: Auto Body Shop W: Auto Repair and Auto Parts Sales / Single-Family Residence / Truck parking S: Apartment Complex

I-1/I-5 (INDUSTRIAL DISTRICT) DEVELOPMENT STANDARDS

Floor Area Ratio:	≤0.75
Max. Height:	50 ft. (35 ft. within 100 ft. of a residential zoning district)

Building Setbacks

Front:	35 ft.
Rear:	25 ft.
Side:	25 ft.

Intent, Purpose, and Uses

The I-1/I-5 (Industrial District) zoning is composed of lands and structures used primarily for the operation of general industrial uses.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code. Permitted uses include, but are not limited to, religious institutions, warehouses, offices, contractors storage and offices, food processing and packaging; woodchipping, mulching, and composting; textile manufacturing; garment manufacturing; manufacturing of furniture and fixtures; manufacturing of medicinal

chemicals and botanical products; manufacturing of commercial and industrial machinery; motor vehicle assembly; boat manufacturing; aluminum recycling collection drop-off sites; community correction centers; juvenile correction homes; etc.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 6050 Hoffner Avenue; generally located south of Hoffner Avenue, east of S. Semoran Boulevard and west of Patch Road. Through this request, the applicant is seeking to rezone the subject property from A-2 (Farmland Rural District) to I-1/I-5 (Industrial District) to use the property for the parking and storage of dual rear wheel vehicles.

The subject property is located with an industrial corridor, which is established on the Future Land Use Map (FLUM), which extends along the south side of Hoffer Avenue between Semoran Boulevard and S. Goldenrod Road. There are several similar industrial uses surrounding the subject property along this industrial corridor. The parcel to the east was rezoned from A-2 (Farmland Rural District) to I-2/I-3 (Industrial District) in 1997, and is currently operating as an auto body repair shop. Other uses on surrounding parcels include automobile repair and sales, and warehousing. There are two parcels located to the west of the subject property which contain a single-family residences. However, the same LLC owns these two parcels and the parcel south of them, which is currently being used for automobile and truck parking and storage.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application as the requested zoning is consistent with the underlying Industrial (IND) 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 not required for this request.

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

Environmental

An Orange County Conservation Area Determination (CAD) must be completed to know if there are any jurisdictional wetlands onsite. Protection of wetlands and wetland buffers with easements or tracts will be determined during the wetland permitting process. If this site has had, or currently has, any existing above ground or underground fuel storage tanks then the site shall comply with the Florida Department of Environmental Protection (FDEP) regulations: Chapter 62-761, F.A.C. Petroleum Storage Systems (USTs), Chapter 62-762, F.A.C. Petroleum Storage Systems (ASTs), Chapter 62-770, F.A.C. Petroleum Contamination Site Cleanup Criteria, and Chapter 62-777, F.A.C. Contaminant Cleanup Target Levels.

Transportation / Access

The proposed request for truck parking is considered "de-minimis" and no additional transportation analysis is required.

Code Enforcement

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

Utilities

Water:	Orange County Utilities	A 16-inch watermain is located within the Hoffner right-of-way
Wastewater:	Orange County Utilities	An 8-inch forcemain is located within the Hoffner right-of-way
Reclaim 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 – (May 16, 2019)

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

- 1) New billboards and pole signs shall be prohibited;
- 2) A Type “B” buffer shall be used to separate industrial (I-1 / I-5) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years; and
- 3) 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 non-residential uses on the property.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested I-1/I-5 (Industrial District) zoning, subject to the restrictions listed in the staff report.

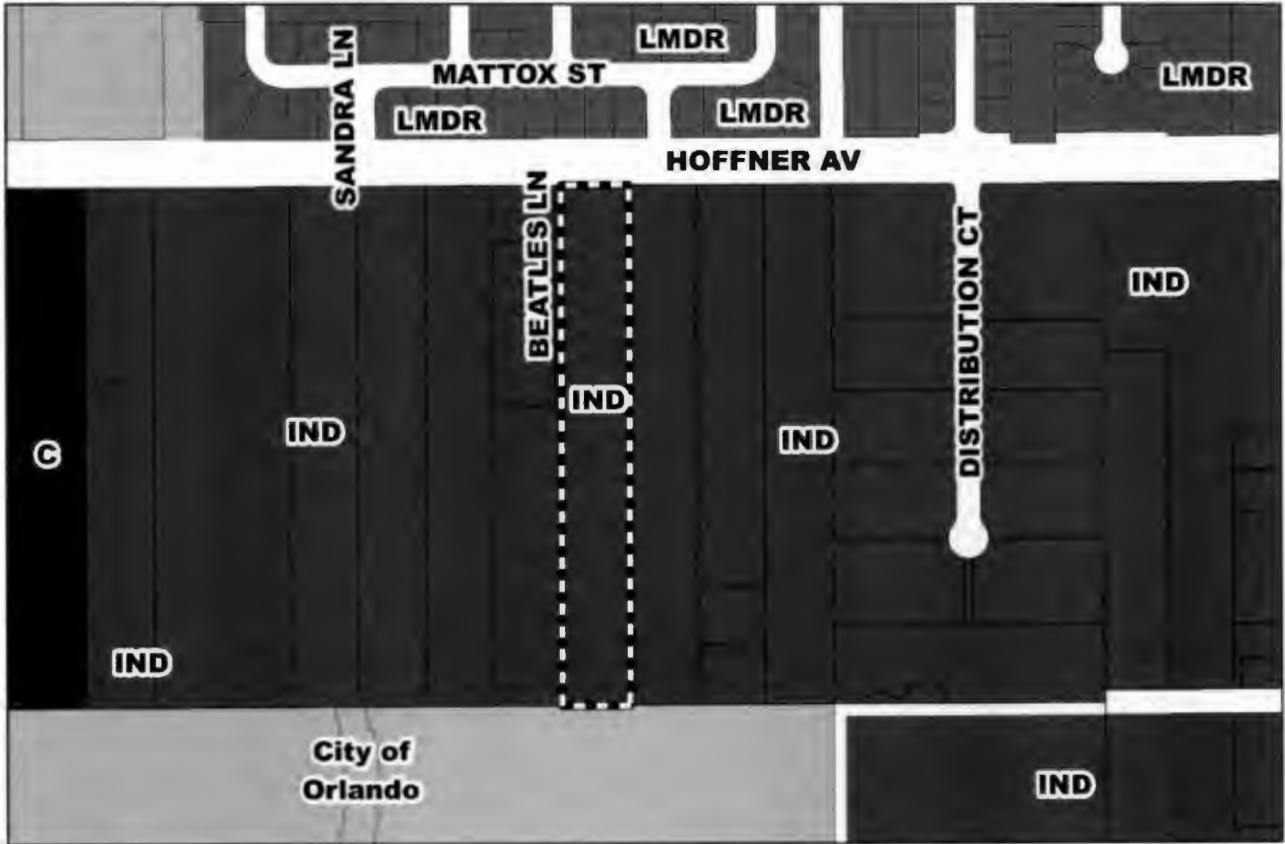
Staff indicated that two hundred nineteen (219) notices were mailed to surrounding property owners within a buffer extending 800 feet from the subject property, with one (1) commentary in favor of the request and three (3) in opposition. The applicant was present and agreed with the staff recommendation. Staff noted that the letter of support came from the adjacent property owner, who conditioned their support on the subject property not having access to the private driveway, Beatles Lane, which is owned by the adjacent property owner. The letters in opposition cited existing issues with truck traffic on Hoffner. Four (4) members of the public spoke in opposition to the request. All four were residents of the single-family subdivision across Hoffner Avenue to the north, who stated that trucks trying to turn left on Hoffner Avenue from Beatles Lane often drive through their residential subdivision. Staff clarified that other residents of the single-family subdivision had been in contact with the Orange County Traffic Engineering Division, which is looking into posting signs prohibiting truck traffic through the residential streets.

After a brief discussion clarifying that Hoffner Avenue is a state road, and that the residents would need to reach out to the Florida Department of Transportation to lobby for improvements to the roadway, a motion was made by Commissioner Fernandez to find the request to be consistent with the Comprehensive Plan and recommend

APPROVAL of the requested I-1/I-5 (Industrial District) zoning. Commissioner Cantero seconded the motion, which then carried on a 9-0 vote.

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

RZ-19-05-007



Subject Property



Subject Property

Future Land Use Map

FLUM: Industrial (IND)

APPLICANT: Thomas M. Valle

LOCATION: 6050 Hoffner Ave.; generally located south of Hoffner Ave., east of S. Semoran Blvd., west of Patch Rd., and north of Seminole Ave.

TRACT SIZE: 4.83 gross acre

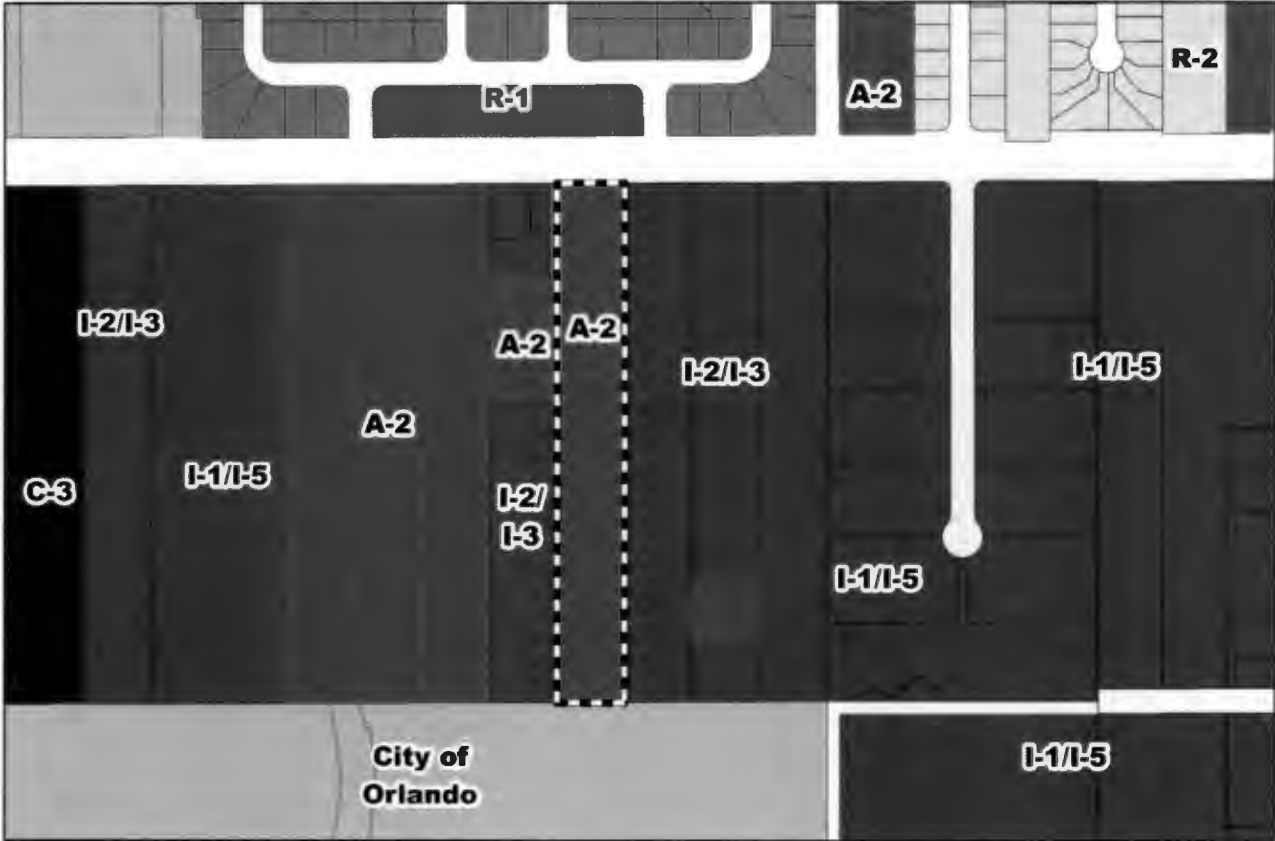
DISTRICT: # 3

S/T/R: 30/23/22

1 inch = 400 feet



RZ-19-05-007



 Subject Property



★ Subject Property

Zoning Map

ZONING: A-2 (Farmland Rural District) to I-1/I-5 (Industrial District)

APPLICANT: Thomas M. Valle

LOCATION: 6050 Hoffner Ave.; generally located south of Hoffner Ave., east of S. Semoran Blvd., west of Patch Rd., and north of Seminole Ave.

TRACT SIZE: 4.83 gross acre

DISTRICT: # 3

S/T/R: 30/23/22

1 inch = 400 feet



RZ-19-05-007



 Subject Property



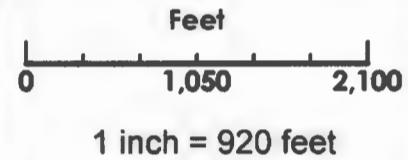
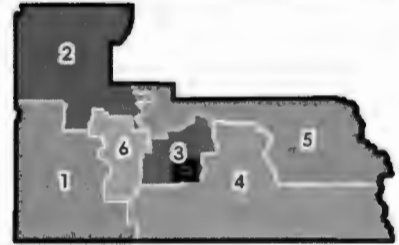
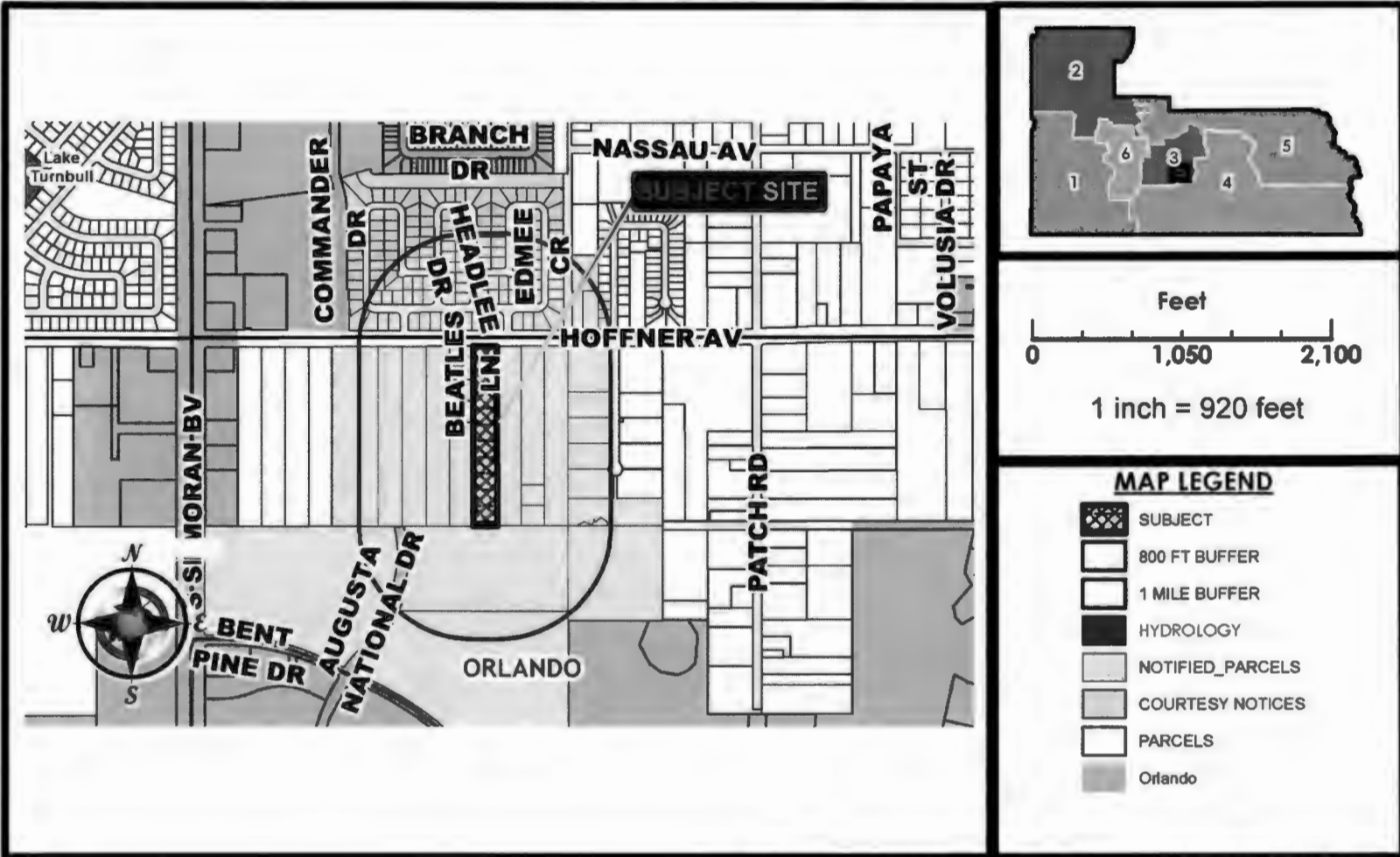
1 inch = 250 feet



Public Notification Map

RZ-19-05-007

800 FT BUFFER, 219 NOTICES



MAP LEGEND

- SUBJECT
- 800 FT BUFFER
- 1 MILE BUFFER
- HYDROLOGY
- NOTIFIED_PARCELS
- COURTESY NOTICES
- PARCELS
- Orlando

Notification Map

Case # RZ-19-05-007
 Orange County Planning Division
 PZC Hearing Date: May 16, 2019

CASE # RZ-19-05-008

Commission District: #3

GENERAL INFORMATION

APPLICANT	M. Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
OWNER	East West Place, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	2500 Curry Ford Road, or generally located on the southeast corner of the Curry Ford Road and Jessamine Avenue intersection.
PARCEL ID NUMBER	06-23-30-3328-01-010
TRACT SIZE	0.78-gross acre (<i>overall property</i>) 0.34-gross acre (<i>affected area</i>)
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred seventy-seven (277) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Off-site Commercial Parking Lot (<i>Subject to approval of a Special Exception</i>)

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

IMPACT ANALYSIS

Land Use Compatibility

The R-1 (Single-Family Dwelling 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 Low-Medium Density Residential (LMDR). The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the Low-Medium Density Residential FLUM designation and the following Comprehensive Plan provisions:

FLU1.1.5 states that Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. Infill is defined as development consistent with the Infill Master Plan (2008).

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

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

OBJ FLU2.1 states that Orange County shall promote and encourage infill development.

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	Brewery, Single-Family Dwelling
Adjacent Zoning	N: C-1 (Retail Commercial District) (2010) C-2 (General Commercial District) (1998) E: City of Orlando W: C-1 (Retail Commercial District) (1978) R-1 (Single-Family Dwelling District) (2018) S: R-1 (Single-Family Dwelling District) (2009)
Adjacent Land Uses	N: Insurance Office E: Retention Pond W: Restaurants, Off-site Parking Lot S: Off-site Parking Lot

R-1 (SINGLE-FAMILY DWELLING DISTRICT) DEVELOPMENT STANDARDS*

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.

* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.

Permitted Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

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

Subject Property Analysis

The subject property is located at 2500 Curry Ford Road, or generally located on the southeast corner of the Curry Ford Road and Jessamine Avenue intersection. The

property is currently developed with a commercial retail building operating as a brewery and one (1) single-family detached residential dwelling unit that was constructed in 1945. Additionally, an unpermitted commercial parking lot exists on the property today and is currently under Code Enforcement action.

Through this request, the applicant is seeking to rezone a 0.34-gross acre portion of the subject parcel from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District), in order to allow the applicant the ability to request a Special Exception and permit the currently unpermitted parking lot.

If this rezoning is approved, the applicant will also be required to apply for and receive a Special Exception. If the rezoning is approved, but the Special Exception denied, the property may still retain the existing structure or be redeveloped with a single-family detached dwelling.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low-Medium Density Residential (LMDR) 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 not required for this request.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA, but is located adjacent to the City of Orlando. Notice of this request was sent to the City and no comments were provided by the City as of the publication of this staff report.

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

Orange County Environmental Protection Division staff reviewed the rezoning request, but did not identify any issues or concerns.

Transportation / Access

This project is located within the Orange County Alternative Mobility Area. The following is a list of alternative modes within the project area:

- Existing County maintained sidewalks exist along Curry Ford Road from S. Crystal Lake Ave to S. Bumby Avenue and along S. Bumby Avenue from E. Kaley Avenue to Raehn Street.
- LYNX bus link #15 Curry Ford Road/Valencia Community Collage East. There are eight (8) bus stops within the project area.

Code Enforcement

There is one (1) active Code Enforcement case on the subject property. This case is filed under Incident #535846, which relates to the construction of a commercial parking lot without a permit. This violation is outstanding and is scheduled for the July 17, 2019 Code Enforcement Board hearing, pending the required approval of this rezoning and approval of a Special Exception to allow the commercial parking lot.

Utilities

Water: Orlando Utilities Commission
Wastewater: City of Orlando
Reclaim Water: City of Orlando

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it is considered “de minimis” and therefore exempt from capacity review.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the rezoning request, but did not identify any issues or concerns.

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 – (May 16, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

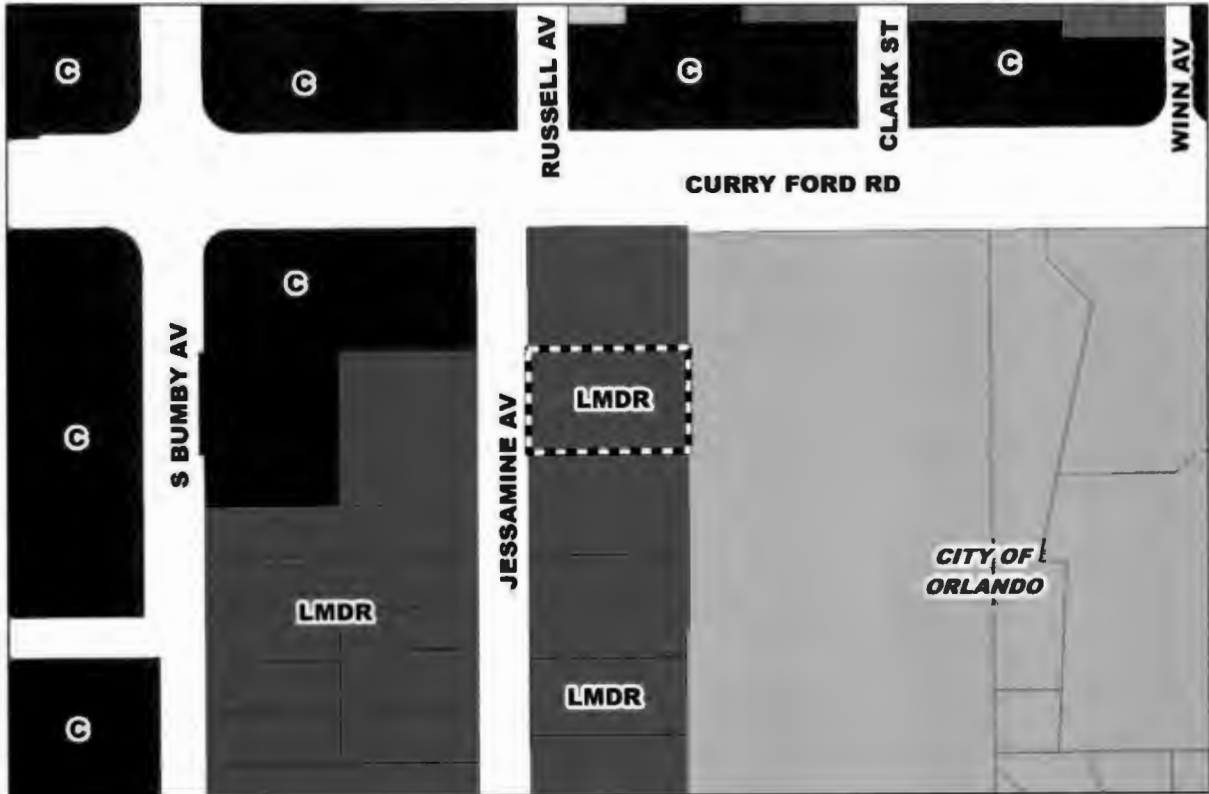
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested R-1 (Single-Family Dwelling District) zoning.

Staff indicated that two hundred seventy-seven (277) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, with eight (8) commentaries received in support and two (2) commentaries in opposition to the request. The applicant was present for the hearing and concurred with staff's recommendation. No members of the public were present to speak on this request.

After limited discussion regarding the parking lot and code violation, a motion was made by Commissioner Fernandez to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-1 (Single-Family Dwelling District) zoning. Commissioner Dunn seconded the motion, which then carried on a 9-0 vote.

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

RZ-19-05-008



Subject Property



Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: M. Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

LOCATION: 2500 Curry Ford Road, or generally located on the southeast corner of the Curry Ford Road and Jessamine Avenue intersection

TRACT SIZE: 0.78-gross acre (overall property)
 0.34-gross acre (affected area)

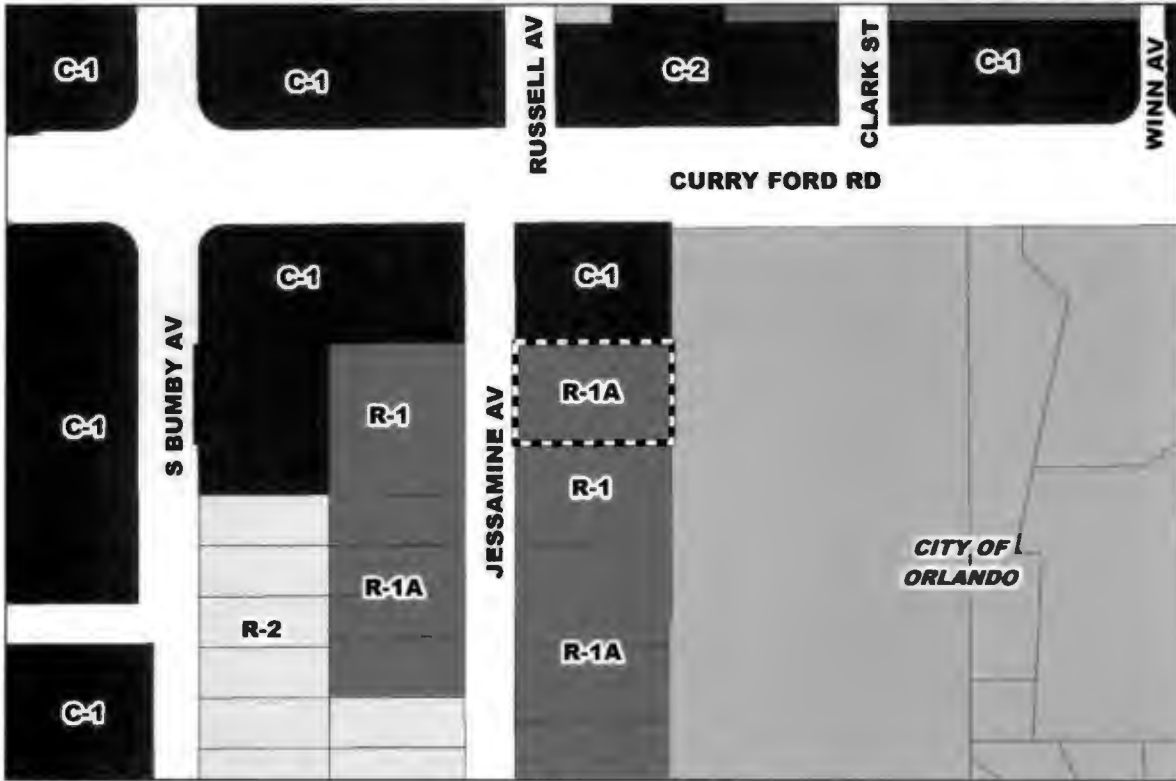
DISTRICT: # 3

S/T/R: 06/23/30

1 inch = 150 feet



RZ-19-05-008



Subject Property



Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)

APPLICANT: M. Rebecca Wilson, Lowmdes, Drosdick, Doster, Kantor & Reed, P.A.

LOCATION: 2500 Curry Ford Road, or generally located on the southeast corner of the Curry Ford Road and Jessamine Avenue intersection

TRACT SIZE: 0.78-gross acre (overall property)
 0.34-gross acre (affected area)

DISTRICT: # 3

S/T/R: 06/23/30

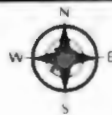
1 inch = 150 feet



RZ-19-05-008



 Subject Property



1 inch = 100 feet

Alternative Mobilty Area Context Map

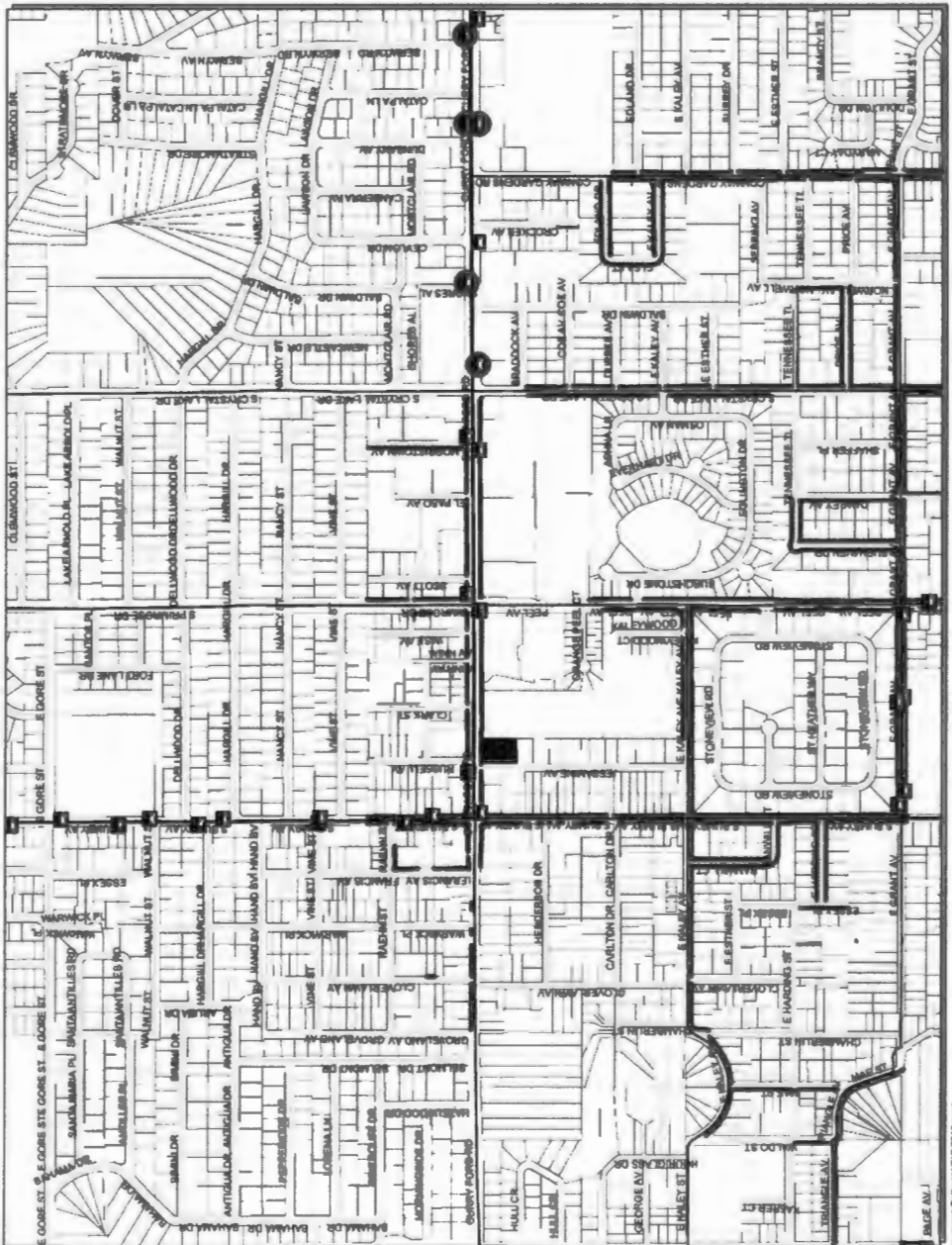
RZ-19-05-008

Legend

- LYNX Bus Stops
- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Route Schedule
- Major Streets
- Roads Base
- Segment_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- County Boundary
- Parcels



Date: 5/1/2019



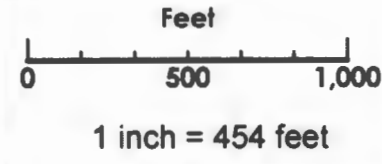
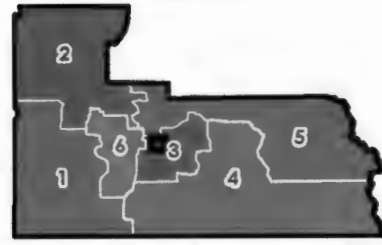
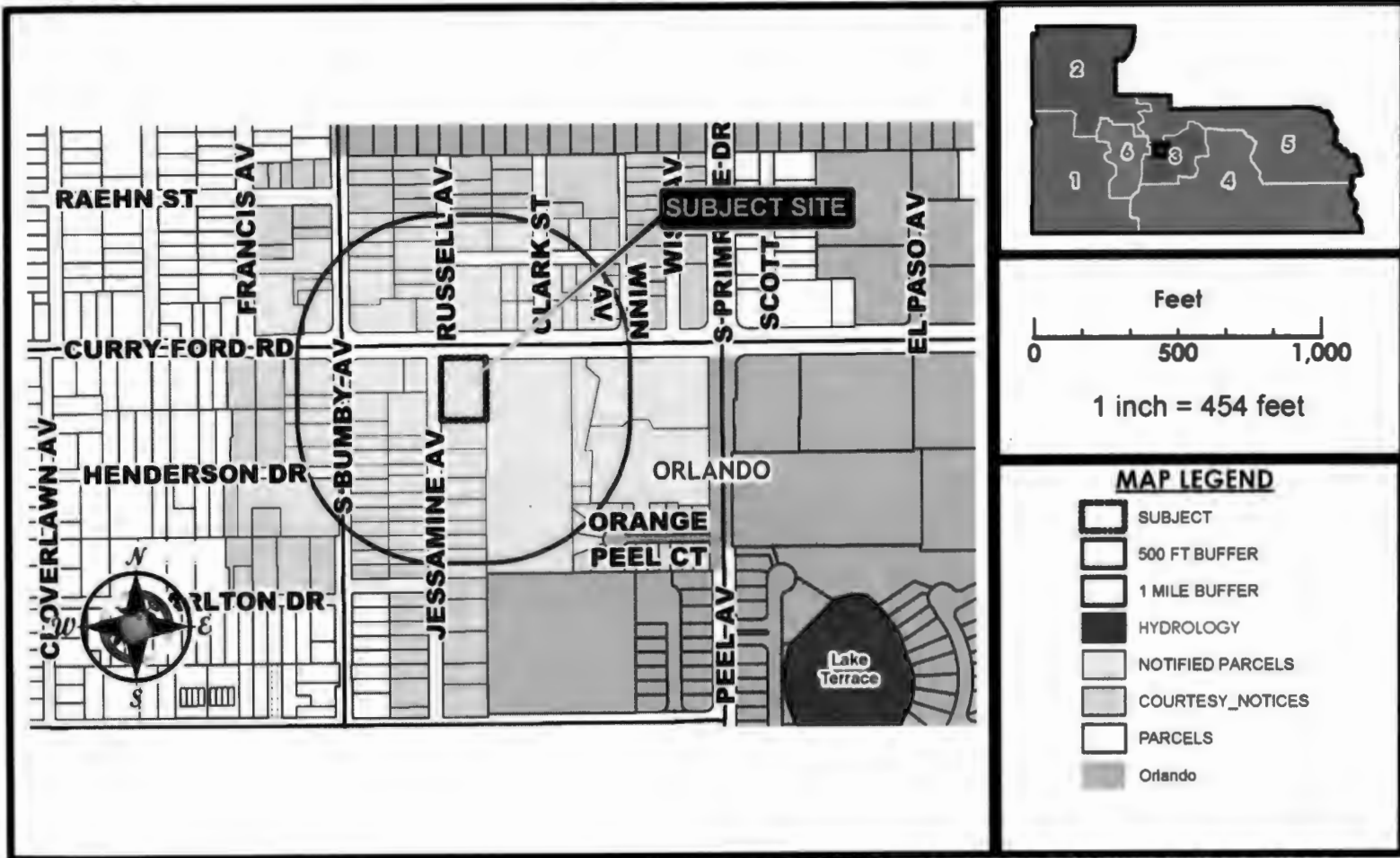
Document Path: U:\GIS 2019.mxd



Public Notification Map

RZ-19-05-008

500 FT BUFFER, 277 NOTICES



MAP LEGEND

	SUBJECT
	500 FT BUFFER
	1 MILE BUFFER
	HYDROLOGY
	NOTIFIED PARCELS
	COURTESY_NOTICES
	PARCELS
	Orlando

Notification Map

Case # RZ-19-05-008
 Orange County Planning Division
 PZC Hearing Date: May 16, 2019

D:\GIS\Projects\2019\19-05-008\19-05-008.mxd

CASE # RZ-19-05-010

Commission District: #2

GENERAL INFORMATION

APPLICANT	John Morell, Seaboard Group, LLC
OWNER	Seaboard Group, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-1 (Retail Commercial District) to C-3 (Wholesale Commercial District)
LOCATION	2600 S. Orange Blossom Trail, or generally located south of the intersection of S. Orange Blossom Trail and Floral Avenue.
PARCEL ID NUMBER	30-21-29-0000-00-060
TRACT SIZE	3.05 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,200 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred one (101) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Commercial Vehicle and Heavy Equipment Sales with Outdoor Storage and Display

STAFF RECOMMENDATION

PLANNING

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

- 1) 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-3 uses.

IMPACT ANALYSIS

Land Use Compatibility

The C-3 (Wholesale 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-3 (Wholesale 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

Undeveloped Land

Adjacent Zoning

N: I-2 / I-3 (Industrial District) (1972)
E: PD (Planned Development) (Polo Glen PD) (2008)
I-2/ I-3 (Industrial District) (1972)
W: I-1 / I-5 (Industrial District) (Rest.) (2008)
C-3 (Wholesale Commercial District (1982, 1986)
I-4 (Industrial District) (2001, 2003)
S: I-4 (Industrial District) (2003, 2005)

Adjacent Land Uses

N: Undeveloped Land
E: Auto Repair
Undeveloped Land
Aerospace Manufacturing
W: Auto Sales
Warehouse
Auto Part Sales
S: Salvage Yard

C-3 (Wholesale Commercial District) Development Standards

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

Building Setbacks

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

Intent, Purpose, and Uses

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

Specific uses shall be identified by the letter "P" in the use table set forth in section 38-77 of the Orange County Code and include storage yards for operable automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease, or not), new and used automobile sales, recreational and commercial vehicle sales and storage, auto part and tire dealers, outside storage, lumber and building material yards, and the

wholesale distribution of goods including industrial machinery equipment, electronics, farm and garden equipment, and furniture.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 2600 S. Orange Blossom Trail, or generally located south of the intersection of S. Orange Blossom Trail and Floral Avenue. The surrounding area is developed with varying intensities of industrial and commercial uses. The Polo Glen Planned Development (PD), which is approved for 480 multi-family dwelling units, is located adjacent on the northeast side of Orange Blossom Trail.

The subject property was previously included in Comprehensive Plan Amendment #2016-2-S-2-2, which changed the Future Land Use (FLU) from Industrial (IND) to Commercial (C). As part of this request, the property was concurrently rezoned (RZ-16-10-024) from I-2 / I-3 (Industrial District) to C-1 (Retail Commercial District). These cases were approved by the Board of County Commissioners (BCC) on November 15, 2016, subject to the following three (3) restrictions:

1. New billboards and pole signs shall be prohibited; and
2. Prior to or part of any formal site, building, or land use permit approvals, the existing on-site billboard shall be removed; and
3. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate C-1 uses.

Through this request, the applicant is requesting to rezone the subject property from C-1 (Retail Commercial District) to C-3 (Wholesale Commercial District) for a commercial vehicle and heavy equipment sales use.

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 not required.

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 apply. The applicant is advised to follow related legislation in order to assure compliance with regulations. Changes to regulations include, but are not limited to: septic tank criteria, open space requirements, stormwater treatment and conservation.

Transportation / Access

Based on the Concurrency Management System database dated April 9, 2019 there is one (1) failing roadway segment within the project's impact area. Maitland Boulevard from Orange Blossom Trail to Forest City Road is currently operating below the adopted level of service and there is no available capacity. This information is dated and subject to change. The Applicant will be required to comply with concurrency prior to obtaining a building permit. The Applicant may be required to submit a traffic study prior to obtaining an approved capacity encumbrance letter and building permit. The Applicant may be required to attend Roadway Agreement Committee to participate in Proportionate Share Agreement.

Code Enforcement

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

Utilities

Water:	Orange County Utilities	12-inch watermain within S. Orange Blossom Trail right-of-way
Wastewater:	Orange County Utilities	4-inch forcemain within S. Orange Blossom Trail right-of-way
Reclaim 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 – (May 16, 2019)

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

- 1) 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-3 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-3 (Wholesale Commercial District) zoning.

Staff indicated that one hundred one (101) notices were mailed to surrounding property owners within a buffer of 1,200 feet from the subject property, with zero (0) commentaries received in favor or opposition of the request. The applicant was present for the hearing and concurred with staff's recommendation. No members of the public were present to speak on this request.

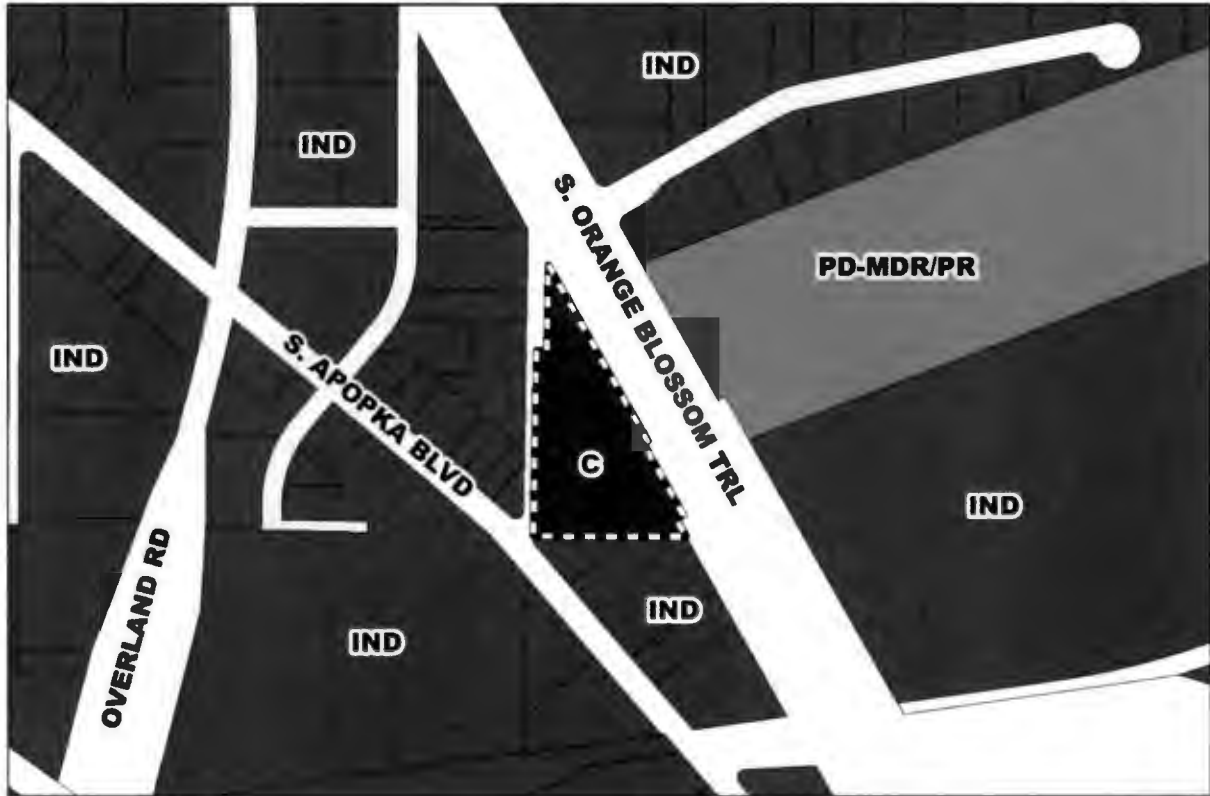
After a brief discussion regarding the nature of the adjacent Planned Development (PD), the proposed use, and landscaping requirements, a motion was made by Commissioner Velazquez to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the C-3 (Wholesale Commercial District) zoning. Commissioner Cantero seconded the motion, which then carried on a 9-0 vote.

Motion / Second

Diane Velazquez / Jose Cantero

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

RZ-19-05-010



Subject Property



Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: John Morell, Seaboard Group, LLC.

LOCATION: 2600 S. Orange Blossom Trail, or generally located south of the intersection of S. Orange Blossom Trail and Florida Avenue

TRACT SIZE: 3.05 gross acres

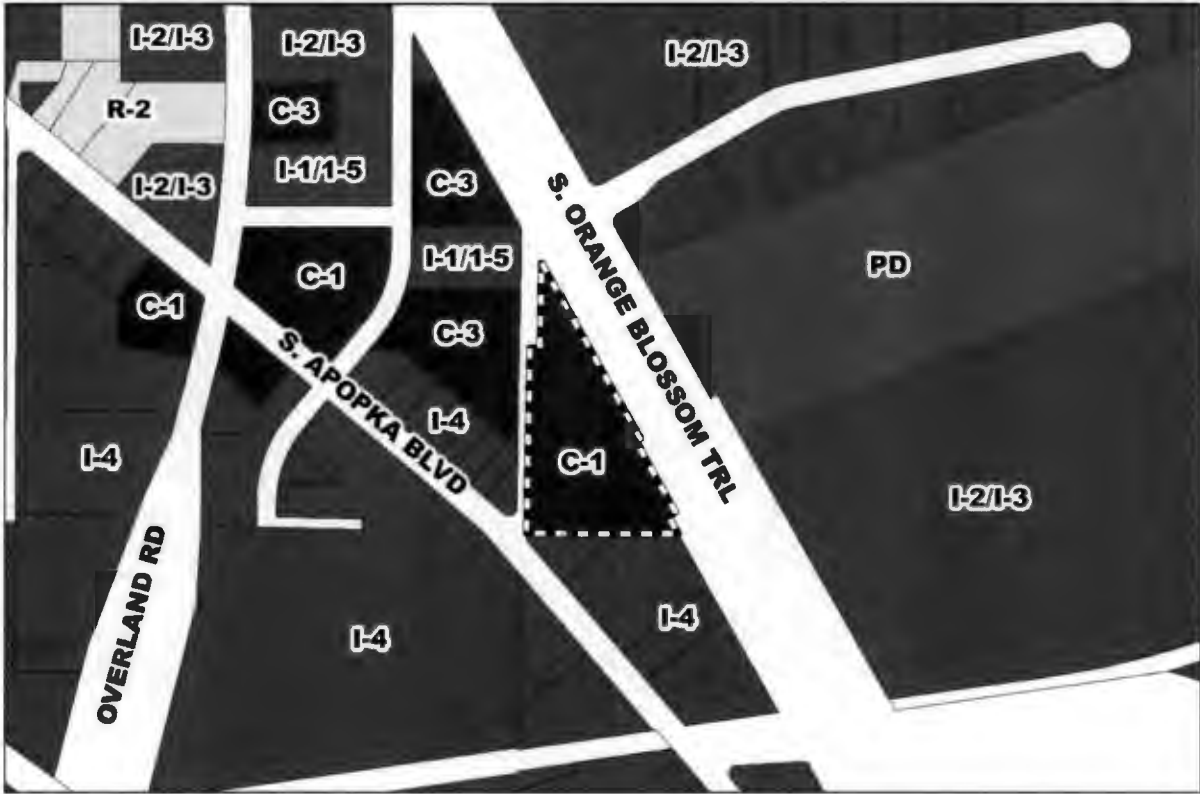
DISTRICT: # 2

S/T/R: 30/21/29

1 inch = 375 feet



RZ-19-05-010



Subject Property



Subject Property

Zoning Map

ZONING: C-1 (Retail Commercial District) (Rest.) to C-3 (Wholesale Commercial District)

APPLICANT: John Morell, Seaboard Group, LLC.

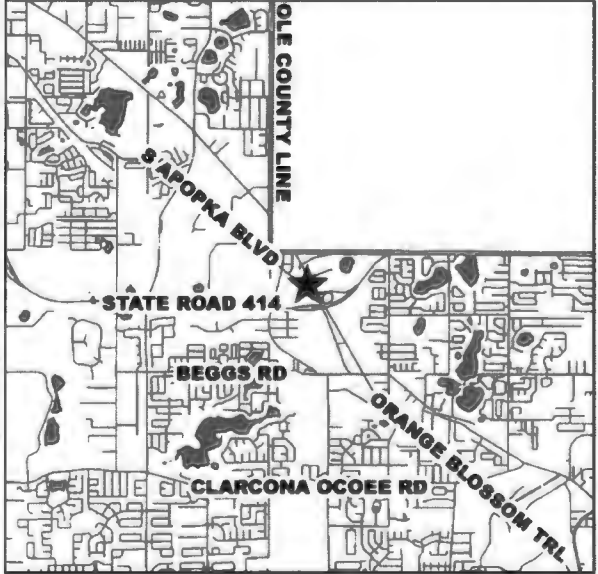
LOCATION: 2600 S. Orange Blossom Trail, or generally located south of the intersection of S. Orange Blossom Trail and Florida Avenue

TRACT SIZE: 3.05 gross acres

DISTRICT: # 2

S/T/R: 30/21/29

1 inch = 375 feet



RZ-19-05-010



 Subject Property



1 inch = 375 feet



Public Notification Map

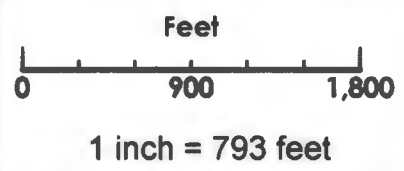
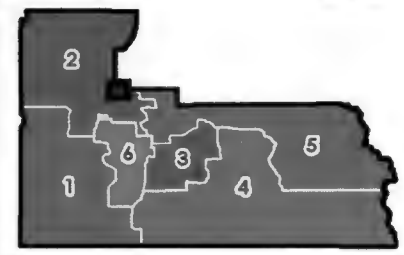
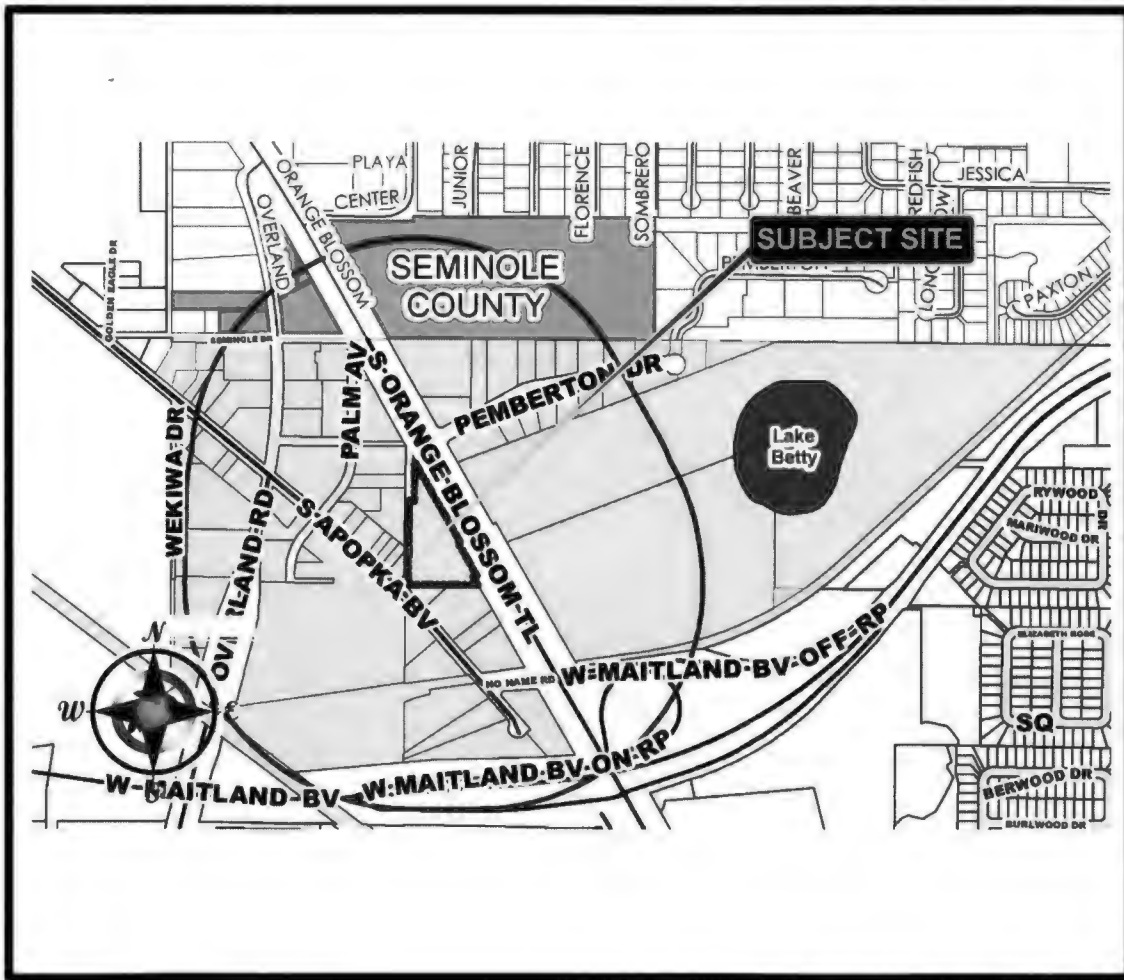
RZ-19-05-010

1200 FT BUFFER, 101 NOTICES

PZC Recommendation Book

46

May 16, 2019



MAP LEGEND

- COURTESY_NOTICES
- SUBJECT
- 1200_FT_BUFFER
- 1_MILE_BUFFER
- SEMINOLE_SELECTION
- HYDROLOGY
- NOTIFIED_PARCELS
- COURTESY_SELECTION
- PARCELS

Notification Map

Case # RZ-19-05-010
 Orange County Planning Division
 PZC Hearing Date: May 16, 2019

\\Gand\gndad\Business Systems\Board Administration\PZC\2019\5-MAY 16 2019\RZ-19-05-010\RZ-19-05-010.mxd