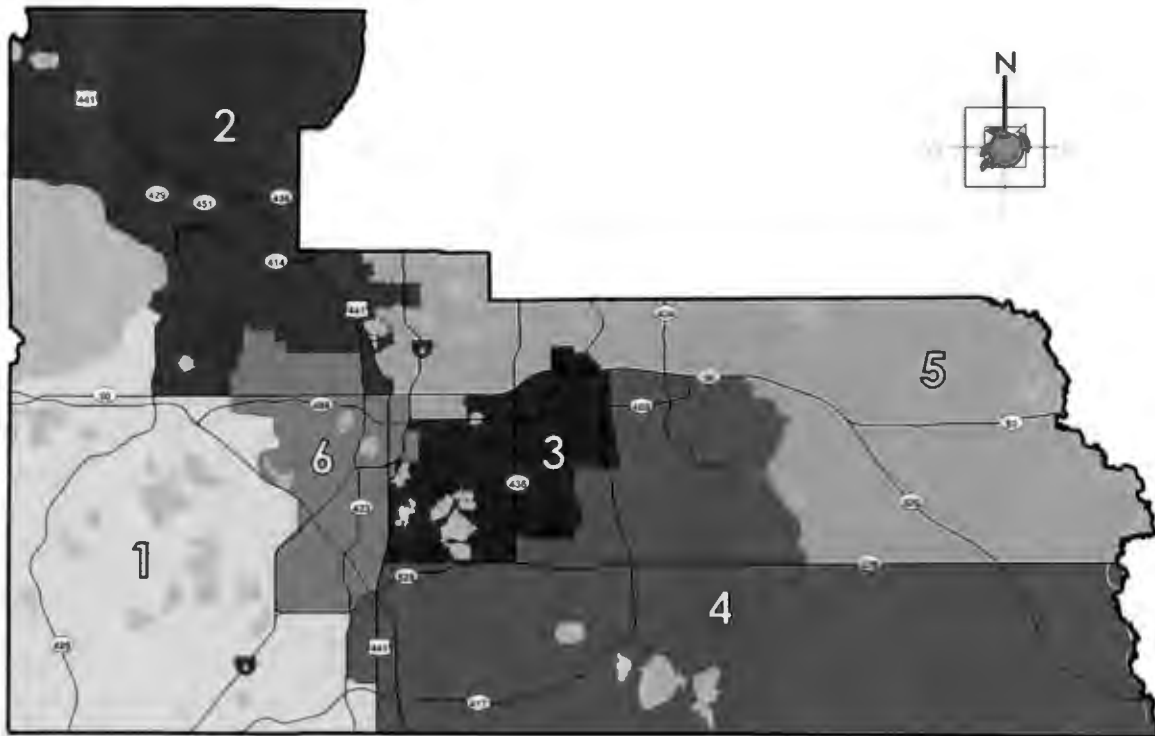




PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

OCTOBER 15, 2020



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

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

James Dunn District #1

Vacant District #2

Eddie Fernandez District #3
Vice Chairperson

Carlos D. Nazario, Jr. District #4

J. Gordon Spears District #5
Chairperson

JaJa J. Wade District #6

Mohammed Abdallah At Large

Evelyn Cardenas At Large

Nelson Pena At Large

TABLE OF CONTENTS
Planning and Zoning Commission
October 15, 2020

<u>Table of Contents</u>	i
<u>Table of Hearings</u>	ii
<u>Site and Building Requirements</u>	ii
<u>Buffer Yard Requirements</u>	iv
 CONVENTIONAL REZONING PUBLIC HEARINGS	
RZ-20-10-065 District 2	1
RZ-20-10-067 District 6	12

TABLE OF HEARINGS
Planning and Zoning Commission
October 15, 2020

<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-20-10-065 Manuel Carbaja Lopez	<i>A-1 to R-1AA</i>	2	Approval	Approval	No
RZ-20-10-067 Susan Swift	<i>I-2 / I-3 to C-3</i>	6	Approval	Approval	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 (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>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 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-20-10-065

Commission District: #2

GENERAL INFORMATION

APPLICANT	Mr. Manuel Carbajal Lopez Sr.
OWNERS	Mr. Manuel Carbajal Lopez Sr., and Manuel Carbajal Jr.
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-1 (Citrus Rural District) to R-1AA (Single-Family Dwelling District)
LOCATION	842 S. Lake Pleasant Road; or generally located on the west side of S. Lake Pleasant Road, approximately 1,880 feet south of E. Semoran Boulevard.
PARCEL ID NUMBER	14-21-28-0000-00-120
TRACT SIZE	1.08 gross acres
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]. Seventy-five (75) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	One (1) Single-Family Residential Dwelling (pending lot split approval)

STAFF RECOMMENDATION

PLANNING

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

SUBJECT PROPERTY ANALYSIS

Overview

This subject property is located on the west side of S. Lake Pleasant Road, approximately 1,880 feet south of E. Semoran Boulevard. Currently the 47,000 sq. ft. lot is undeveloped. Through this request the applicant proposes to construct a single-family dwelling unit on 1.08 gross acres.

The property's Future Land Use Map (FLUM) designation is Low Density Residential (LDR). The zoning is A-1, which is inconsistent with the LDR FLUM designation. In order to allow for the construction of a single-family home, the Zoning and FLUM designation must be consistent.

As for the subdivision of the subject property, according to Orange County Zoning records the parcel and the surrounding area are Metes and Bounds. This subject parcel was originally part of Lot 25, but in 2001 the lot was split to create the subject property as Lot 120 per the recorded Warranty Deed. Since this lot is not a Lot of Record, the applicant is required to subsequently apply for a lot split to rectify the unapproved lot split, prior to obtaining building permits. This rezoning is associated with construction plan B20003903.

The immediate area can be characterized as developed, with a mixture of single-family detached dwelling units on varying lot sizes. The residential district predominately consists of A-1 (Citrus Rural District) zoning which allows for 100-foot-wide lots. The subject property is within the Wekiva Study Area and is part of the Apopka Joint Planning Area.

Land Use Compatibility

The R-1AA (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.

Site Analysis

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

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR). The proposed R-1AA (Single-Family Dwelling District) zoning is consistent with the LDR FLUM designation and the following Comprehensive Plan provisions:

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.

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: A-1 (Citrus Rural District) (1957) E: A-1 (Citrus Rural District) (1957) W: A-1 (Citrus Rural District) (1957) S: A-1 (Citrus Rural District) (1957)
Adjacent Land Uses	N: Single-Family Residence E: Single-Family Residence W: Single-Family Residence S: Single-Family Residence

**No zoning restrictions apply to the above.*

R-1AA (Single-Family Dwelling District) Development Standards

Min. Lot Area: 10,000 sq. ft.
 Min. Lot Width: 85 feet
 Max. Height: 35 feet
 Min. Floor Area: 1,200 feet

Building Setbacks

Front: 25 feet
 Rear: 30 feet
 Side: 7.5 feet

Intent, Purpose, and Uses

The R-1AA (Single-Family Dwelling District) zoning district is composed of lands and structures used primarily for single-family residential areas with large lots and low population densities.

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

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See note below table*
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency database dated 9/15/2020, there are no failing roadways within the project area.
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Deminimus impact to OCPS. A capacity determination is not required.
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

*The Florida Springs and Aquifer Protection Act, 373.801, et. seq. F.S. (the "Act") requires Onsite Sewage Treatment and Disposal Systems ("OSTDS") capable of enhanced treatment of nitrogen loads in the Wekiwa Spring and Rock Springs Basin Management Action Plan dated June 2018, as may be amended ("BMAP"). Per this requirement, lots of less than one acre in size within the Priority Focus Area, as defined in the Act, must comply with the OSTDS Remediation Plan within the BMAP. Lots shall meet the requirements of the Act or of Article XVII (Individual On-Site Sewage Disposal) of Chapter 37 of the Orange County Code, whichever is more stringent. If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells.

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.

Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water:	City of Apopka
Waste Water:	City of Apopka
Reclaim Water:	City of Apopka

State of Florida Notice

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

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (October 15, 2020)

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

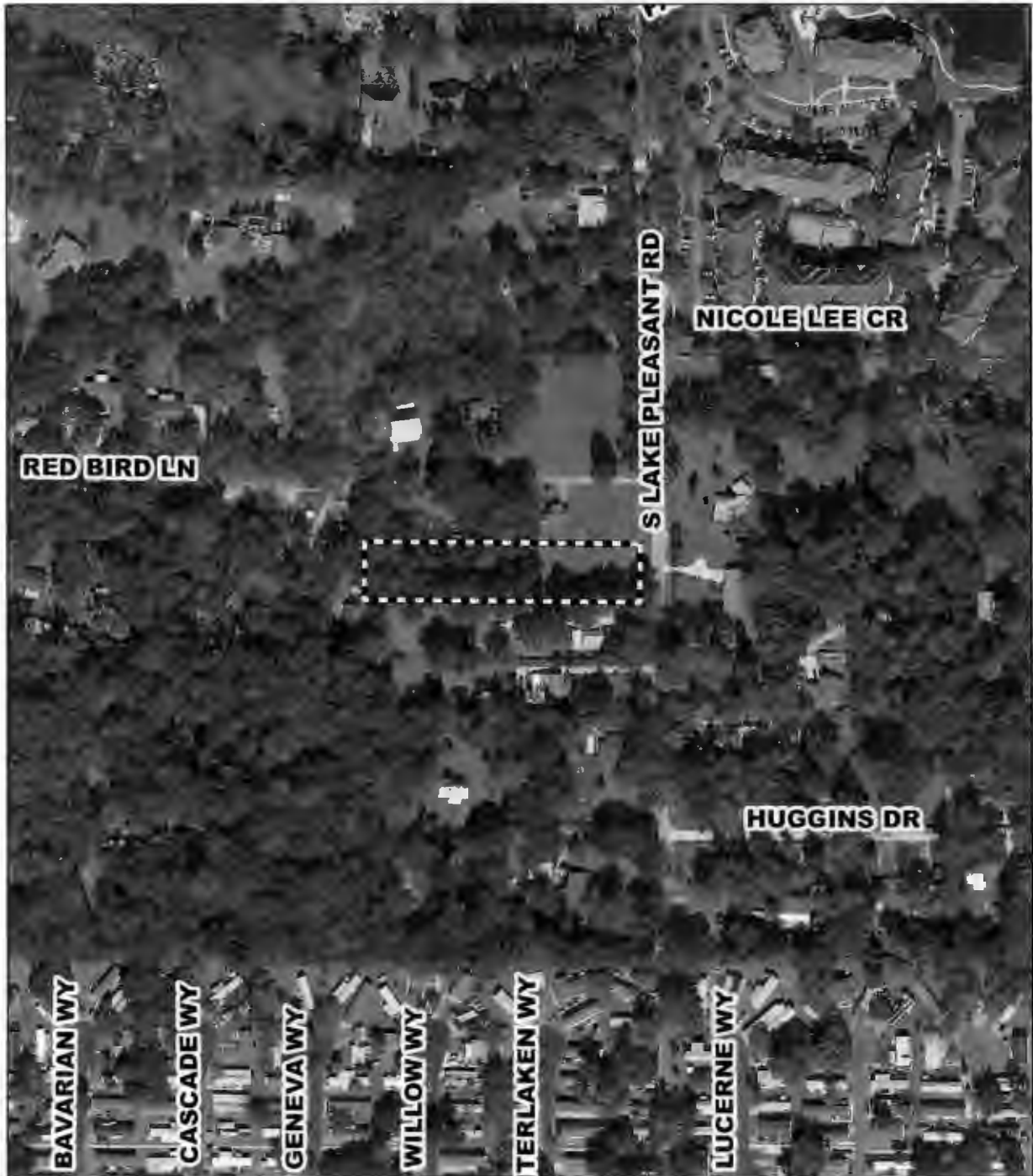
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1AA (Single-Family Dwelling District) zoning. The applicant was not present during the public hearing. No members of the public were present to speak during public comment on this request.

Staff indicated that seventy-five (75) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) response in opposition of the request.

A motion was made by Commissioner Dunn, and seconded by Commissioner Abdallah to recommend APPROVAL of the requested R-1AA (Single-Family Dwelling District) zoning. The motion carried unanimously with Commissioners Cardenas, Nazario, and Pena absent.

Motion / Second	<i>Jimmy Dunn / Mohammed Abdallah</i>
Voting in Favor	<i>Jimmy Dunn, Mohammed Abdallah, JaJa Wade, Gordon Spears, Eddie Fernandez</i>
Voting in Opposition	<i>None</i>
Absent	<i>Evelyn Cardenas, Carlos Nazario, and Nelson Pena</i>

RZ-20-10-065

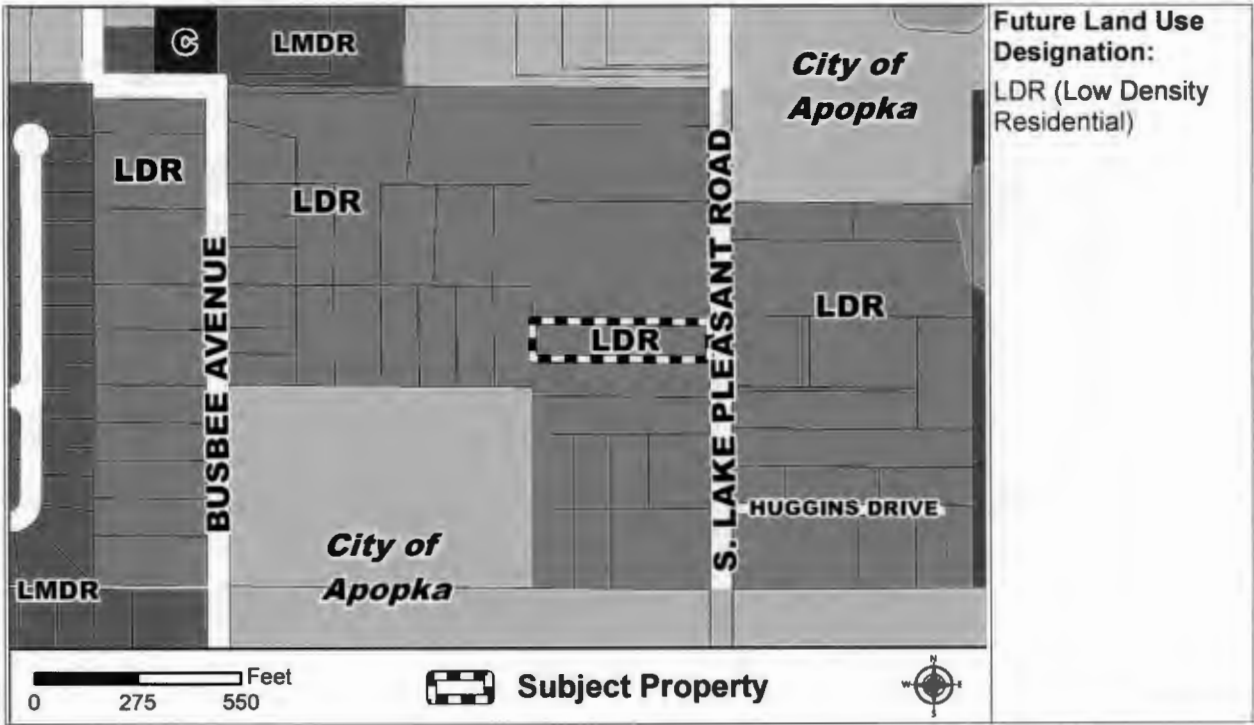


 Subject Property

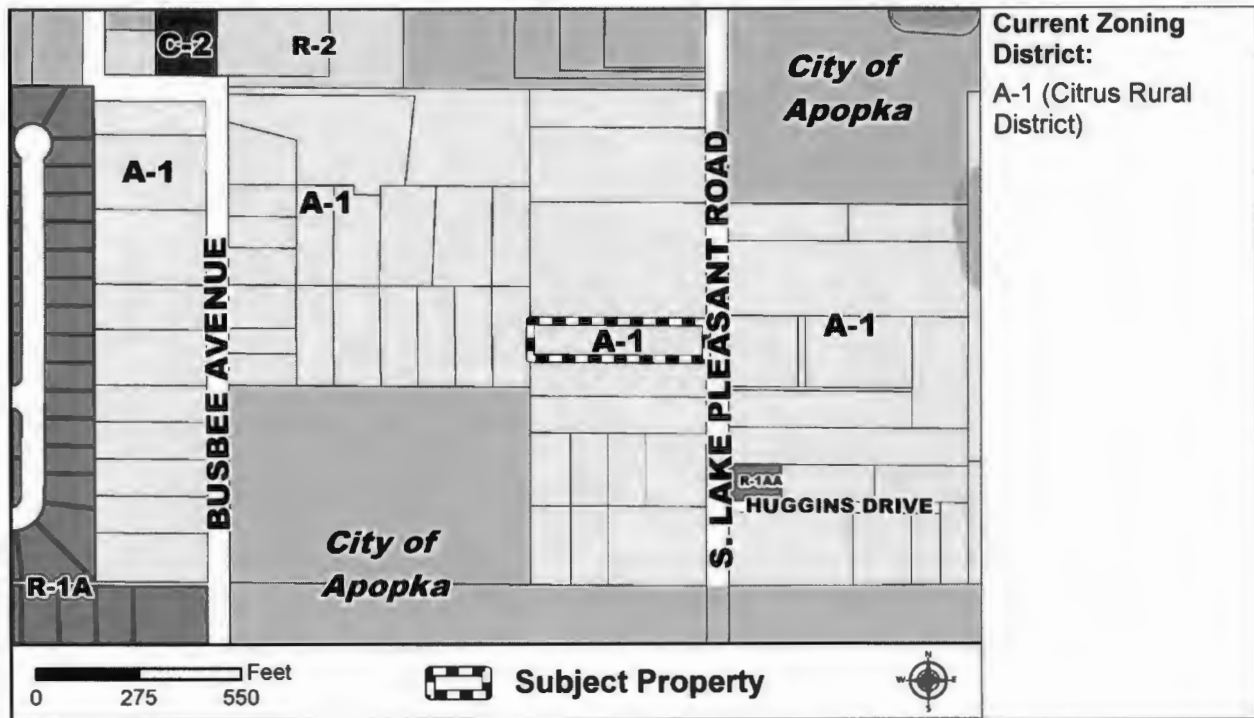


1 inch = 225 feet

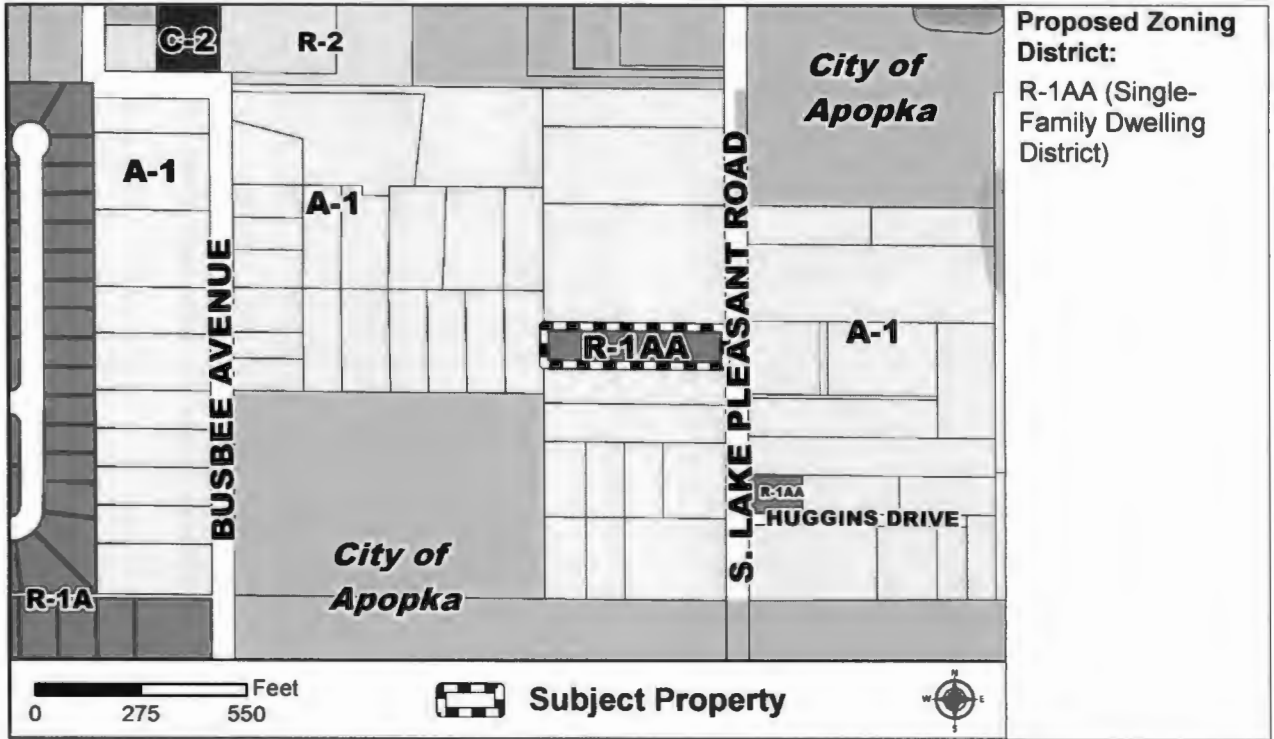
FUTURE LAND USE



ZONING - CURRENT



ZONING - PROPOSED



Alternative Mobility Area Context Map

RZ-20-10-065
 LK PLEASANT RD
 A-1 TO R1AA
 1 SFR

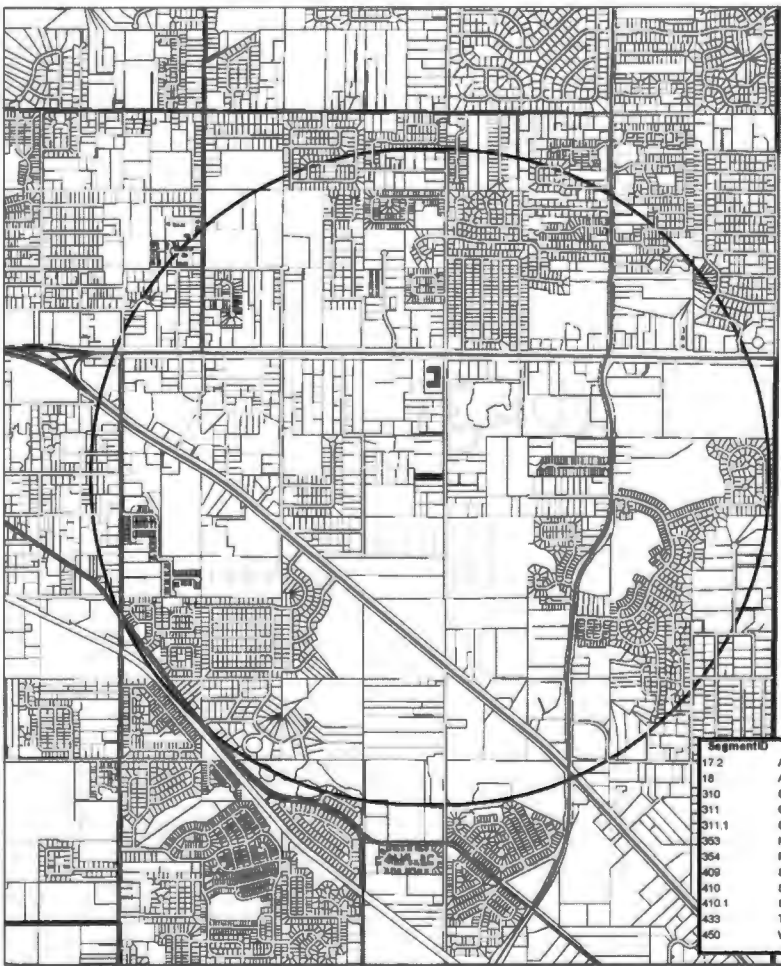
Legend

- Major Streets
- Roads Base
- Segment_ID
- Major Streets
- Streets
- PA_PARCELS_Buffer681
- Parcels
- URBAN
- County Boundary
- Parcels



Date: 9/15/2020

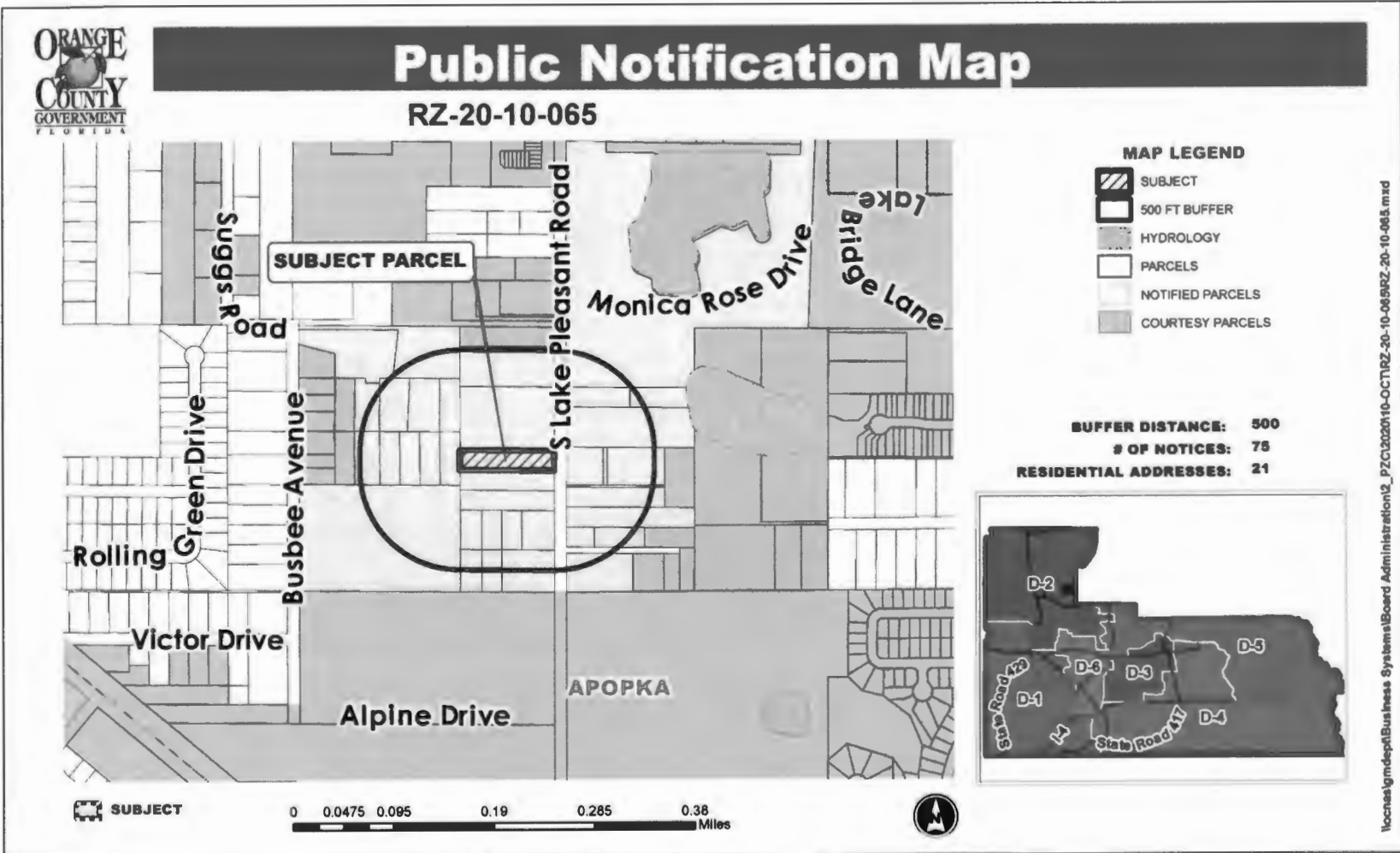
SegmentID	RoadName	From_	To_
17.2	Apopka Boulevard	Redmont-Walton Road	Sheater Road
18	Apopka Boulevard/Alab	Sheater Road	Orange Blossom Trail
310	Orange Blossom Trail	Seminole County Line	Redmont-Walton Road
311	Orange Blossom Trail	Redmont-Walton Road	Roger Williams Road
311.1	Orange Blossom Trail	Roger Williams Road	Seminole Boulevard
333	N. Hwy 60000 Road	Apopka Boulevard	Orange Blossom Trail
354	Redmont-Walton Road	Orange Blossom Trail	Seminole Boulevard
409	Seminole Boulevard	Orange Blossom Trail	Seminole County Line
410	Sheater Road	Keene Street	Apopka Boulevard
410.1	Sheater Road	Apopka Boulevard	Seminole Boulevard
433	Thompson Road	Seminole Boulevard	Votaw Road
450	Walton Springs Road	Seminole Boulevard	Center Club Trail



Document Path: U:\GIS\2018.mxd

Notification Map

locnas1\gmpdp\Business Systems\Administration\2_PZC\2020\10-10-OC10RZ-20-10-065RZ-20-10-065.mxd



CASE # RZ-20-10-067

Commission District: #6

GENERAL INFORMATION

APPLICANT	Mr. Randolph Elliott, R.S. Elliott Orlando, LLC
OWNERS	R.S. Elliot Orlando, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	I-2 / I-3 (Industrial District - General) <i>to</i> C-3 (Wholesale Commercial District)
LOCATION	2551 Mercy Drive; or generally located on the east side of Mercy Drive, approximately 200 feet south of Silver Star Road.
PARCEL ID NUMBER	17-22-29-5844-00-364
TRACT SIZE	3.05 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]. Fifty (50) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Distribution Center Expansion

STAFF RECOMMENDATION

PLANNING

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

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is requesting to rezone the subject property from I-2 / I-3 (Industrial District - General) to C-3 (Wholesale Commercial District) to add a 12,750 square foot distribution center expansion to the existing structure. The new development will include parking, expansion of the existing stormwater management areas, and other related site improvements.

The property is currently developed with a 20,000 square foot cement distribution center. Currently the site has an industrial zoning but is designated Commercial (C) on the Future Land Use Map (FLUM). In order to permit the expansion, the inconsistency needs to be corrected. Through this rezoning, the Future Land Use designation and Zoning would become consistent.

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.

Site Analysis

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

Comprehensive Plan (CP) Consistency

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

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.

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.

FLU8.2.5.1(A) states that a rezoning may not be required for properties with inconsistent zoning and Future Land Use Map (FLUM) designations under the following circumstances: For non-residential uses when the proposed use is permitted in the existing zoning district, and the same use is permitted in each of the zoning districts that are consistent with the adopted FLUM designation.

SITE DATA

Existing Use	Distribution Center
Adjacent Zoning	N: C-3 (Wholesale Commercial District) (1989) I-2 / I-3 (Industrial District) (1968) E: I-2 / I-3 (Industrial District) (1968) W: INST (Institutional) (1961) S: City of Orlando
Adjacent Land Uses	N: Religious Facility E: Commercial Use W: Educational Facility S: Distribution Center
	<i>*No zoning restrictions apply to the above.</i>

C-3 (Wholesale Commercial District) Development Standards

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

Building Setbacks

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

Intent, Purpose, and Uses

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

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

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p>Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.</p> <p>Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative mobility options within the project area: There are existing County maintained</p>

			sidewalks adjacent to the property located along Mercy Drive from Silver Star Road to W. Princeton Street. There are also existing State maintained sidewalks along Silver Star Road from Commerce Loop to N. Pine Hills Road. LYNX bus link #25 Mercy Drive/Shader Road; #302 LYNX 3D Rosemond/Magic Kingdom; #125 Silver Star Road Crosstown. There are (4) four existing bus stops within the project area.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orlando Utilities Commission

Waste Water: City of Orlando

Reclaim Water: City of Orlando

State of Florida Notice

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

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (October 15, 2020)

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

- 1) Billboards and pole signs shall be prohibited.

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, subject to the added restriction that billboards and pole signs be prohibited.

The applicant was present, made a presentation and agreed with the staff recommendation. No members of the public were present to speak during public comment on this request.

Staff indicated that fifty (50) notices were sent to property owners extending beyond 900 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) response in opposition of the request.

There was no discussion on the proposed expansion. A motion was made by Commissioner Wade, and seconded by Commissioner Abdallah to recommend APPROVAL of the requested C-3 (Wholesale Commercial District) zoning. The motion carried unanimously with Commissioners Cardenas, Pena, and Nazario absent.

Motion / Second	<i>JaJa Wade / Mohammed Abdallah</i>
Voting in Favor	<i>JaJa Wade, Mohammed Abdallah, Gordon Spears, Eddie Fernandez, and Jimmy Dunn</i>
Voting in Opposition	<i>None</i>
Absent	<i>Evelyn Cardenas, Nelson Pena, and Carlos Nazario</i>

RZ-20-10-067

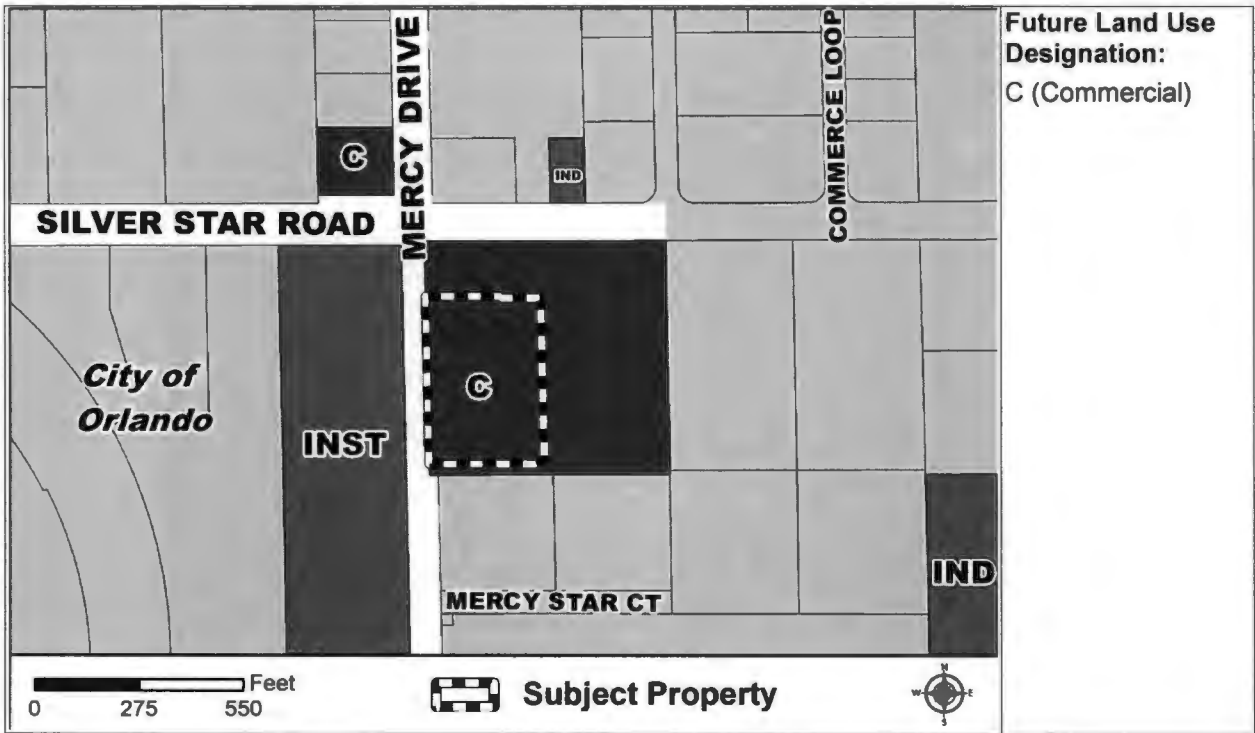


 Subject Property

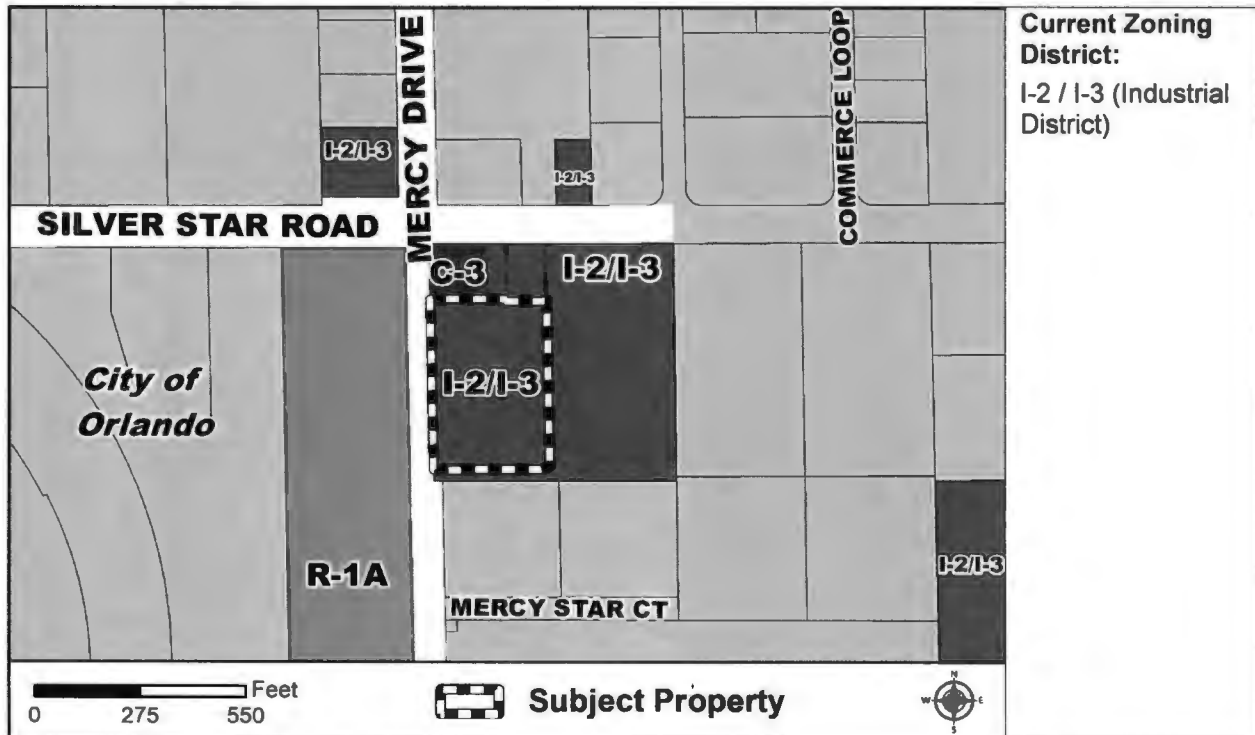


1 inch = 250 feet

FUTURE LAND USE



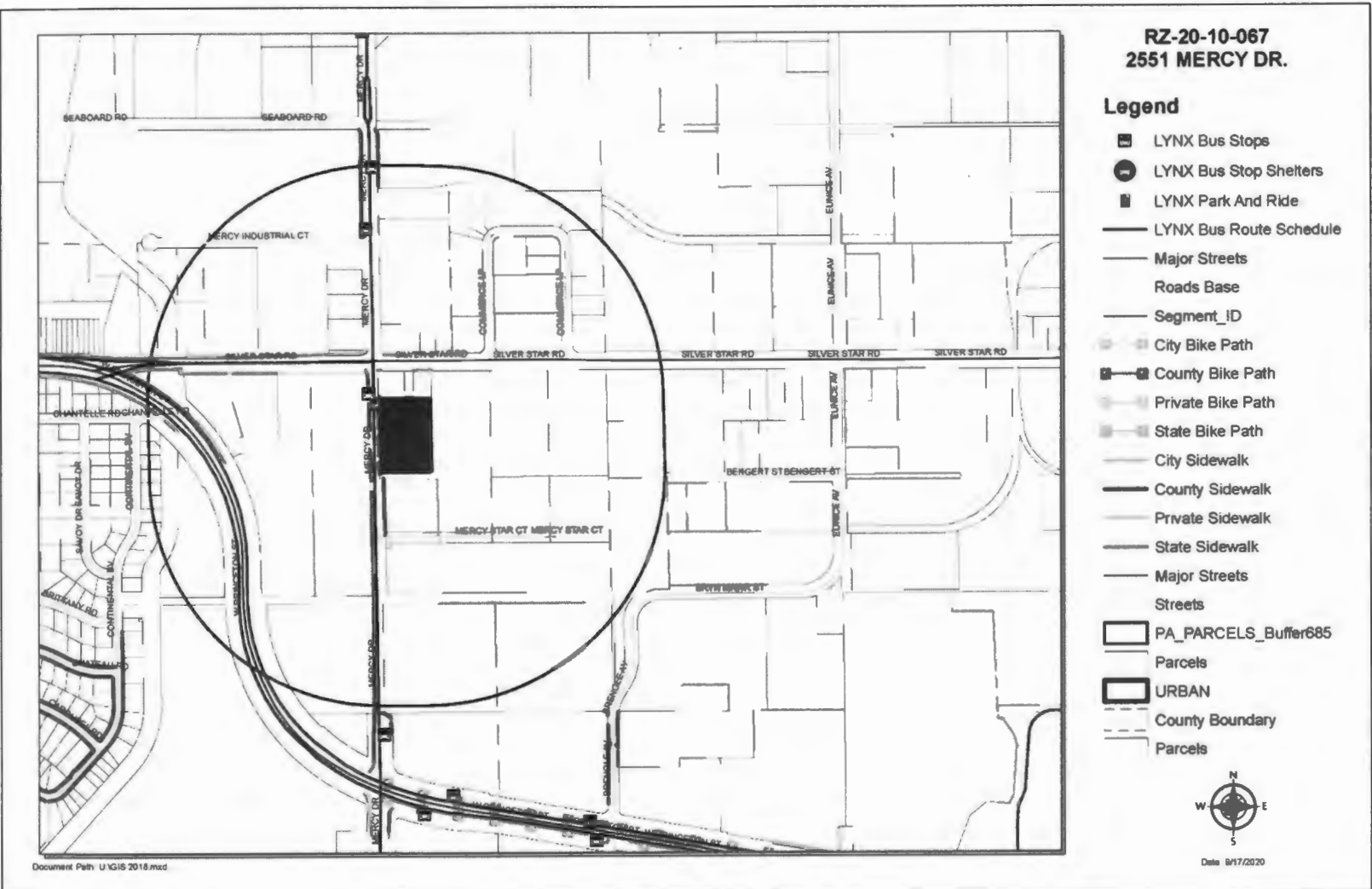
ZONING - CURRENT



ZONING - PROPOSED



Alternative Mobility Area Context Map



Notification Map

