



Interoffice Memorandum

January 17, 2024

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Andres Salcedo, P.E., Acting Director *Andres*
Planning, Environmental, and Development Services
Department

**CONTACT PERSON: Jason Sorensen, AICP, Chief Planner
407-836-5602**

SUBJECT: Adoption Public Hearing – February 6, 2024, Small-Scale Future
Land Use Map Amendment, and Concurrent Rezoning Request
Applicant: Michael Quinn
SS-23-07-043 and RZ-23-07-044

Please find the attached staff report and associated back-up material for the Small-Scale Future Land Use Map Amendment and Concurrent Rezoning request scheduled for a Board adoption public hearing on February 6, 2024.

The subject property is located at 109 Lake Rose Drive (Parcel 27-22-28-7660-00-030) and 8516 Old Winter Garden Road (Parcel 27-22-28-7660-00-021); generally located on the southwest corner of Lake Rose Drive and Old Winter Garden Road and on the east side of Lake Rose Drive, south of Old Winter Garden Road. The request is to change the Future Land Use Map designation from Low Density Residential (LDR) to Commercial (C) on both parcels and rezone the property from C-3 (Wholesale Commercial District) to C-2 Restricted (General Commercial District) for parcel 27-22-28-7660-00-030 (109 Lake Rose Drive) only. The applicant is requesting to allow for C-2 uses on the 109 Lake Rose Drive parcel which includes outdoor storage and overnight parking of vehicles. For Parcel 27-22-28-7660-00-021 (8516 Old Winter Garden Road), the applicant is requesting consistency with the existing zoning district of C-1 and the proposed Commercial Future Land Use designation for the existing office building located at 8516 Old Winter Garden Road.

A community meeting was held on November 15, 2023, at Frangus Elementary School with 16 residents in attendance expressing concern for the proposed changes to the 109 Lake Rose Drive parcel. Residents were not supportive of the change and expressed a desire for the property to remain in its current use, and cited concerns for noise, incompatibility, delivery trucks, and traffic.

The adoption public hearing for Small-Scale Development Amendment SS-23-07-043 and rezoning RZ-23-07-044 were conducted before the Planning and Zoning Commission / Local Planning Agency on August 17, 2023. There was a lengthy discussion involving the proposed C-2 uses adjacent to existing residentially zoned properties and discussion of a statement made during a 2017 community meeting for a rezoning request of the self-storage facility located at 8550 Old Winter Garden Road where the owner at the time made a commitment to keep 109 Lake Rose Drive as open space for the residents in the surrounding residential area. A motion was made to recommend adoption of Commercial (C) Future Land Use for the subject property located at 8516 Old Winter Garden Road and recommend denial of Commercial (C) Future Land Use and C-2 Restricted (General Commercial District) zoning for the property located at 109 Lake Rose Drive. The vote passed 5-0.

If the Board adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for the amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at 407-836-5802 or Alberto.Vargas@ocfl.net, or Jason Sorensen, AICP, Chief Planner, at 407-836-5602 or Jason.Sorensen@ocfl.net.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and adopt the Commercial (C) Future Land Use Map designation for Parcel 27-22-28-7660-00-021 (8516 Old Winter Garden Road) only, approve the associated ordinance, and deny the Commercial (C) Future Land Use Map designation and C-2 Restricted (General Commercial District) zoning for Parcel 27-22-28-7660-00-030 (109 Lake Rose Drive).
District 6**

AS/JHS/jw
Attachment

c: Jon V. Weiss, P.E., Deputy County Administrator
Georgiana Holmes, Deputy County Attorney
Whitney Evers, Senior Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division

**CASE # SS-23-07-043
RZ-23-07-044**

Commission District: #6

GENERAL INFORMATION

APPLICANT: Michael Quinn

OWNER: Windermere Storage LLLP

HEARING TYPE: Small-Scale Future Land Use Map Amendment and Rezoning

**FLUM REQUEST:
(Both parcels)** **Low Density Residential (LDR) to
Commercial (C)**

**ZONING REQUEST:
(109 Lake Rose Dr only)** **C-3 (Wholesale Commercial District) to
C-2 Restricted (General Commercial District)**

LOCATION: 109 Lake Rose Drive and 8516 Old Winter Garden Road;
generally bounded by Red Rose Circle to the east, Old Winter
Garden Road to the north, Mileham Drive to the west and the
south.

PARCEL ID NUMBER: 27-22-28-7660-00-021 (8516 Old Winter Garden Road)
27-22-28-7660-00-030 (109 Lake Rose Drive)

SIZE/ ACREAGE: 0.32-gross acre (8516 Old Winter Garden Rd)
0.68-gross acre (109 Lake Rose Drive)

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 seven (207) notices were mailed to those
property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this request.

PROPOSED USE: Storage building and outdoor storage/parking of commercial
vehicles.

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use designation for both parcels and APPROVAL of the requested C-2 Restricted (General Commercial District) for parcel 27-22-28-7660-00-030 (109 Lake Rose Drive) only, subject to the following restriction(s):

- 1) Billboards and pole signs shall be prohibited; and
- 2) A fifty (50) foot landscape buffer shall be provided from all adjacent residential property lines, including the residential properties east of Paxton Road right-of-way.

SUBJECT PROPERTY ANALYSIS

Overview

The applicant is seeking to change the subject property's Future land Use map designation from Low-Density Residential (LDR) to Commercial (C) and rezone the 0.68-acre subject property located at 109 Lake Rose Drive to from C-3 (Wholesale Commercial District) to C-2 (General Commercial District) for allowance of a storage building and outdoor storage/parking of commercial vehicles. 8516 Old Winter Garden Road is currently zoned as C-1 (Retail Commercial District) which allows for a contractor's office with no outdoor storage or overnight parking, therefore no rezoning of this property is required for this request. Currently the subject property at 109 Lake Rose Drive is vacant and the subject property located at 8516 Old Winter Garden Road is developed on 0.32-gross acre. The existing office building is bounded by Old Winter Garden Road and west of Lake Rose Drive. The property owner intends to operate a roofing contractor's office on 8516 Old Winter Garden Road and use 109 Lake Rose Drive for outdoor storage and parking of commercial vehicles for the roofing business. Both lots are currently designated as Low Density Residential, therefore a future land use amendment is required prior to any approval of the proposed uses.

The surrounding area consists of commercial uses to the west of the subject properties such as a self-storage facility on six acres and is zoned C-2 (General Commercial District). The area also includes a religious institution to the south of the subject properties. Across Old Winter Garden Road to the north there is also nine acres owned by Orange County and used as stormwater and retention. In addition to these uses, land uses to the east and southeast consist of Low-Density Residential and R-1/R-1A zoning.

To achieve compatibility with the residential areas, 109 Lake Rose Drive will be down-zoned from C-3 (Wholesale Commercial District) to C-2 (General Commercial District) since planning staff does not support C-3 zoning to be adjacent to residential zoning districts. Orange County Code also requires landscape buffering for C-2 zoning (Type B Landscape Buffer per Zoning Code 24-5). Paxton Road is an unimproved right-of-way and measures 30-feet wide; this currently allows 30-feet of "buffer" between the single-family homes located to the east of Paxton Road and 109 Lake Rose Drive. If Paxton Rd is ever vacated, Orange County Code Section 24-5 – Buffer Yards will apply to achieve proper buffering for the single-family homes to the east.

Land Use Compatibility

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

Site Analysis

Rural Settlement

The subject property is not located in a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located in an Overlay District.

Airport Noise Zone

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

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

The proposed underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial. The proposed Commercial FLUM designation is consistent with the current C-1 (Retail Commercial District) and proposed C-2 (General Commercial District). The proposed request is consistent 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.

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

H1.3.8 states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Vacant lot (109 Lake Rose Drive) Roofing business (8516 Old Winter Garden Road)
Adjacent Zoning	N: Low Density Residential (LDR) E: Low Density Residential (LDR) W: Commercial S: Low Density Residential (LDR)
Adjacent Land Uses	N: single-family E: single-family W: storage facility S: single-family

C-2 (General Commercial District) Development Standards

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

Building Setbacks

Front:	25 ft.
Rear:	15 ft. (20 ft. when abutting residential)
Side:	5 ft. (25 ft. when abutting residential)

** 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.*

Intent, Purpose, and Uses

The intent and purpose of the C-2 zoning district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district is encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding

neighborhood, yet not adjacent to residential uses. This district typically occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district is only promoted within the urban service area where uses of this intensity have already been established.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code and include new and used automobile sales; car rental and leasing; auto painting and body shops; special trade contractors' offices (storage, equipment yards, and offices with outdoor storage); automobile parking lots and parking garages; outdoor storage and display of equipment, products, and merchandise; landscaping and irrigation businesses; commercial kennels; caterers; etc.

SPECIAL INFORMATION

Staff Comments

Environmental

Existing Septic and Well - 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. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Solid Waste Disposal - 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. Recycling of materials is encouraged if applicable. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Transportation / Access

The proposed use will not change the number of p.m. peak trips under the existing allowable uses and therefore will not impact the area roadways.

Schools

The applicant is proposing to utilize the property for commercial purposes. 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

No comments.

Community Meeting Summary

A community meeting was held on November 15, 2023, at Frangus Elementary School with 16 residents in attendance expressing concern for the proposed changes to the 109 Lake Rose Drive parcel. Residents were not supportive of the change and expressed a desire for the property to remain how it currently is, and cited concerns for noise, incompatibility, delivery trucks, and traffic.

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

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

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

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

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

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 – August 17, 2023

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the proposed Commercial (C) Future Land use of 8516 Old Winter Garden Road and,

Make a find of inconsistency with the Comprehensive Plan and recommend DENIAL of the proposed Commercial (C) future land use and concurrent C-2 (General Commercial District) rezoning of 109 Lake Rose Drive.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The applicant was present for the hearing and agreed with staff's recommendation to adopt the requested future land use amendment for both subject properties and approve concurrent rezoning to C-2 (General Commercial District) of 109 Lake Rose Drive with one restriction listed in the staff report. Five (5) residents appeared at the hearing to provide public comment. Each speaker stated concerns regarding compatibility with the surrounding development, environmental concerns as residents stated that wildlife such as gopher tortoises and peacocks have been seen on 109 Lake Rose Drive. Another concern was related to a statement made during a 2017 community meeting for a rezoning request of the self-storage facility located at 8550 Old Winter Garden Rd, the owner at the time made a commitment to keeping 109 Lake Rose Drive as open green space for the residents in the surrounding residential area.

Discussion ensued between the commissioners regarding the commitment made in 2017 during the community meeting. This commitment, however, was not recorded as a restriction or condition of approval for the request that was approved for 8550 Old Winter Garden Rd.

Staff indicated that two-hundred and seven (207) notices were sent to property owners within a 850-ft radius from the subject property, with zero (0) commentaries received in favor of the request and forty-three (43) commentaries received in opposition to the request. The residents who are opposed to this request stated that this request is incompatible with the residential area surrounding 109 Lake Rose Drive, environmental concerns as residents stated that wildlife such as gopher tortoises and peacocks have been seen on 109 Lake Rose Drive, and a statement that the previous owner made a commitment to keeping 109 Lake Rose Drive as open green space for the residents in the surrounding residential area. One of concerns brought up by District 6 LPA commissioner Camille Evans was the encroachment of commercial use in the established residential neighborhood to the east of 109 Lake Rose Drive.

A motion was made by Commissioner Evans and seconded by Commissioner Boers to recommend ADOPTION of the proposed Commercial (C) Future Land use of 8516 Old Winter Garden Road and recommend DENIAL of the proposed Commercial (C) Future Land Use and concurrent C-2 Restricted (General Commercial District) zoning of 109 Lake Rose Drive. The motion carried on a 5-0 vote.

Motion / Second

Camille Evans / David Boers

Voting in Favor

Camille Evans, David Boers, Michael Arrington, Nelson Pena, and Gordon Spears

Voting in Opposition

None

Absent

George Wiggins, Eddie Fernandez, Evelyn Cardenas, Walter Pavon

SS-23-07-043 & RZ-23-07-044



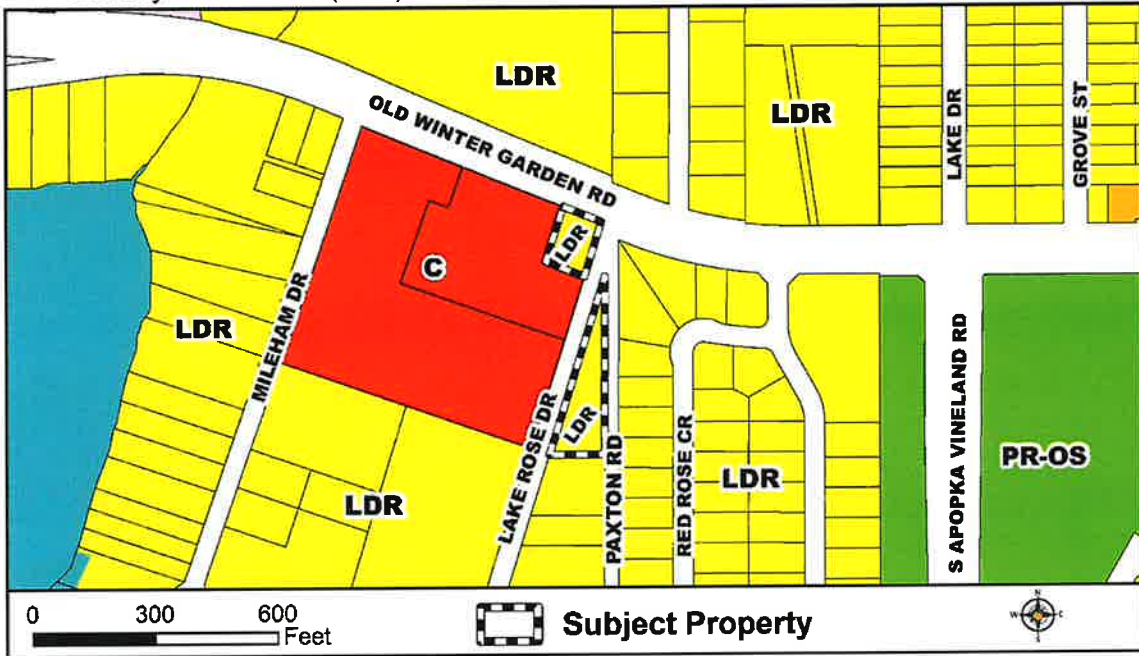
 Subject Property



0 100 200 Feet

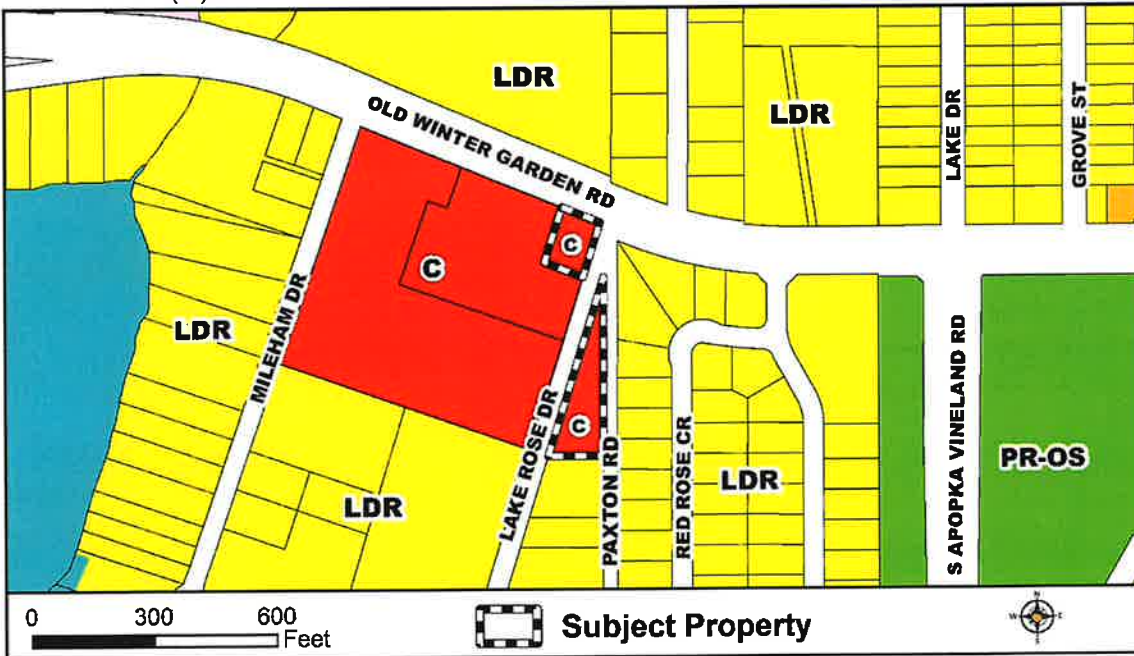
FUTURE LAND USE – CURRENT

Low Density Residential (LDR)



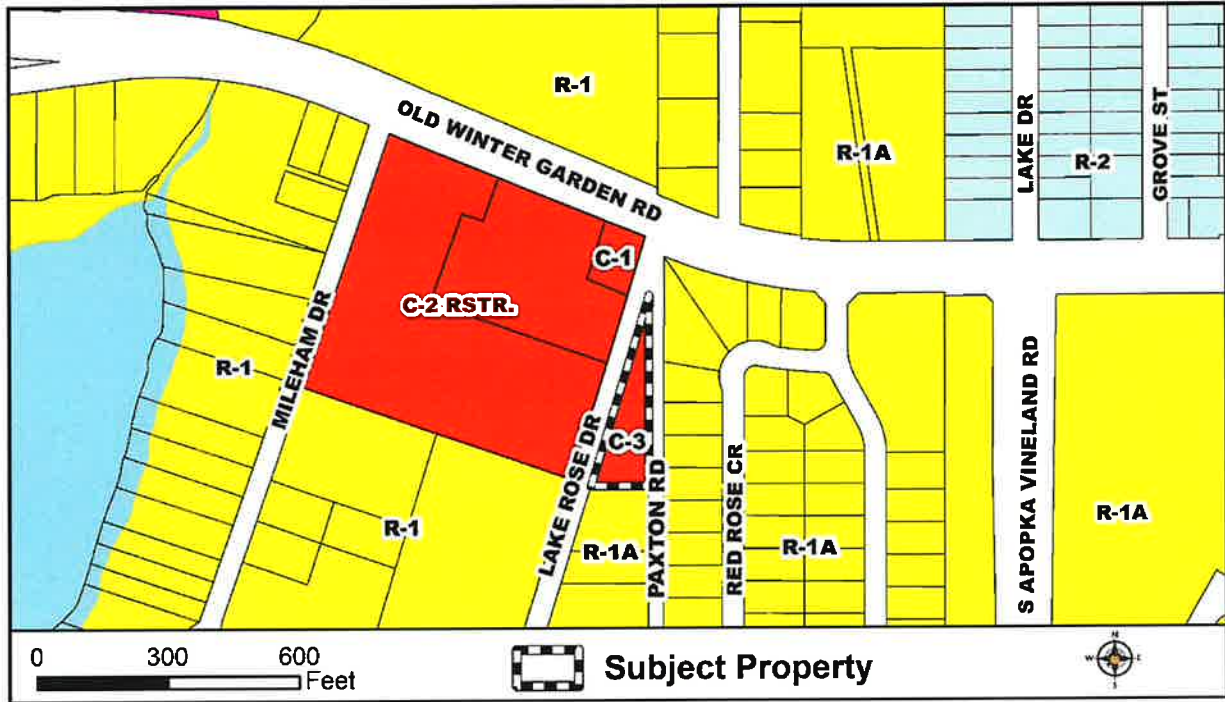
FUTURE LAND USE – PROPOSED

Commercial (C)



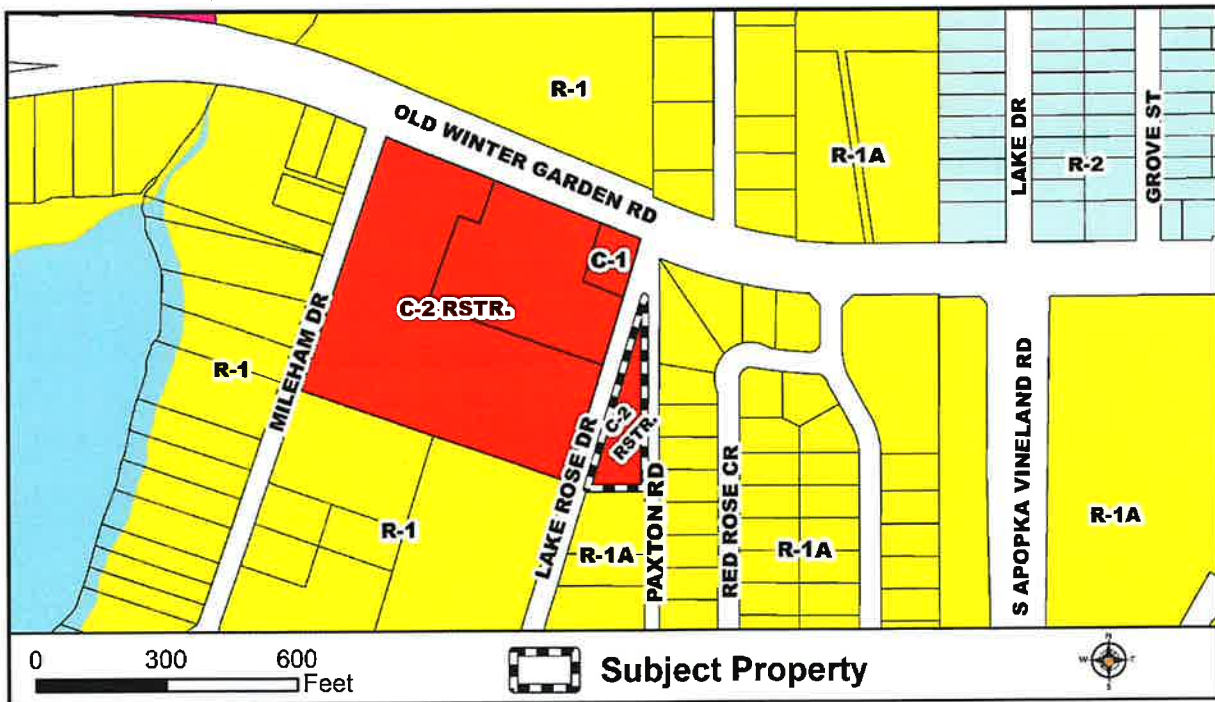
ZONING – CURRENT

C-3 (Wholesale Commercial District)



ZONING – PROPOSED (APPLIES TO 109 LAKE ROSE DRIVE ONLY)

C-2 Restricted (General Commercial District)



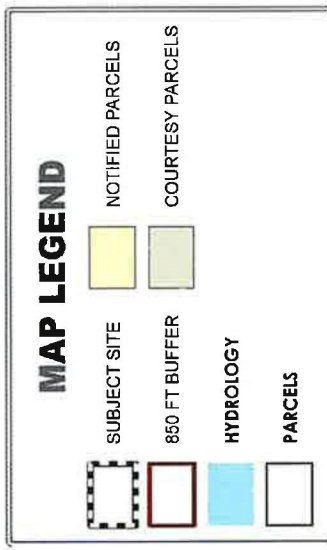
NOTIFICATION MAP



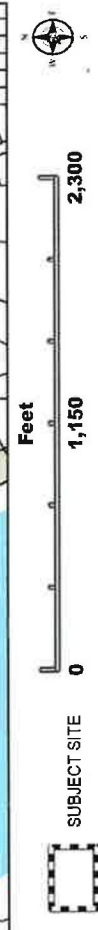
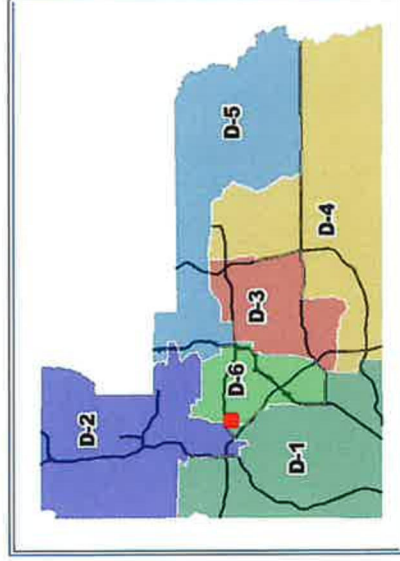
Public Notification Map

SS-23-07-043 & RZ-23-07-044

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BUFFER DISTANCE: 850
OF NOTICES: 207



ORDINANCE NO. 2024-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “2010-2030 COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Legislative Findings, Purpose, and Intent.

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for a local government in the State of Florida to adopt a comprehensive plan and amendments to a comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of Part II of Chapter 163, Florida Statutes, for amending Orange County’s 2010-2030 Comprehensive Plan; and

c. On October 10, 2023, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to adopt it.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to Part II of Chapter 163, Florida Statutes.

Section 3. Amendment to Future Land Use Map. The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

31 attached hereto and incorporated herein.

32 * * *

33 **Section 4. Effective Dates for Ordinance and Amendment.**

34 (a) This ordinance shall become effective as provided by general law.

35 (b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small scale development
36 amendment adopted in this ordinance may not become effective until 31 days after adoption.
37 However, if an amendment is challenged within 30 days after adoption, the amendment that is
38 challenged may not become effective until the Department of Commerce or the Administration
39 Commission issues a final order determining that the adopted amendment is in compliance.

40 (c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning
41 changes approved by the Board are contingent upon the related Comprehensive Plan amendment
42 becoming effective. Aside from any such concurrent zoning changes, no development orders,
43 development permits, or land uses dependent on this amendment may be issued or commence
44 before the amendment has become effective.

45 ADOPTED THIS 6TH DAY OF FEBRUARY, 2024.

46 **ORANGE COUNTY, FLORIDA**
47 By: Board of County Commissioners

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51 By: _____
52 Jerry L. Demings
53 Orange County Mayor

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55 ATTEST: Phil Diamond, CPA, County Comptroller
56 As Clerk to the Board of County Commissioners

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60 By: _____
61 Deputy Clerk

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APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-23-07-043	Low Density Residential (LDR)	Commercial (C)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

67