




Interoffice Memorandum

April 27, 2021

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

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development Services Department

THROUGH: Alberto A. Vargas, MArch., Manager, Planning Division 

SUBJECT: Adoption Public Hearing – April 27, 2021
Small-Scale Future Land Use Map Amendment and Concurrent Rezoning
Request SS-21-03-006 / RZ-21-01-082

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment** scheduled for a BCC adoption public hearing on April 27, 2021. The adoption public hearing for Small-Scale Development Amendment SS-21-03-006 and concurrent rezoning RZ-21-01-082 was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on March 18, 2021.

If the BCC 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 this 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, Current Planning Section, at 407-836-5602 or Jason.Sorensen@ocfl.net.

JVW/AAV/JSH

Enc: Small-Scale Development Amendment BCC Adoption Binder

c: Christopher R. Testerman, AICP, Assistant County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Eric P. Raasch, AICP, Planning Administrator, Planning Division



ORANGE COUNTY

PLANNING DIVISION

SMALL SCALE

MONTHLY

AMENDMENT

SS-21-03-006

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

APRIL 27, 2021

ADOPTION PUBLIC HEARING

PREPARED BY:

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



Case Planner:
James Hartsfield & Sapho Vatel

Small-Scale Amendment and Rezoning Staff Report
Orange County Planning Division
BCC Hearing Date: April 27, 2021

CASE # SS-21-03-006
RZ-21-01-082

Commission District: #3

GENERAL INFORMATION

APPLICANT	Paul Jazczenski; Crash Crew Construction
OWNERS	Rodney Starcevich and Kathy Starcevich
HEARING TYPE	Planning and Zoning Commission / Local Planning Agency
FLUM REQUEST	LMDR (Low-Medium Density Residential) to C (Commercial) (Parcel # 25-23-29-0000-00-080)
ZONING REQUEST	C-1 (Retail Commercial District) to C-2 Restricted (General Commercial District - Restricted) (All three parcels)
LOCATION	7323 S. Orange Avenue; generally located on the east side of S. Orange Avenue, approximately 799 feet south of Nela Avenue.
PARCEL ID NUMBERS	25-23-29-0000-00-024, 25-23-29-0000-00-023, and 25-23-29-0000-00-080
TRACT SIZE	1.57 gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred and sixty-three (163) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A community meeting was held on March 4th, 2021, and is summarized further in this staff report.
PROPOSED USE	Restaurant with an outdoor dog park (C-1 uses plus a dog park (C-2))

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use for Parcel 25-23-29-0000-00-080 only.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 Restricted (General Commercial District - Restricted) zoning for all three parcels, subject to the following restrictions:

- 1) Billboards and polesigns shall be prohibited.
- 2) Uses shall be restricted to all C-1 uses and the C-2 use of an outdoor dog park.
- 3) A masonry wall, eight (8) feet in height, shall be installed along the length of the northern property line as well as along the eastern portion of the overall site, in a north/south configuration in the upland area, so as to limit noise pollution across the lake.
- 4) Hours of operation for the outdoor dog park shall be limited to 8:00 a.m. to 10:00 p.m.
- 5) Hours of operation for the restaurant shall be limited to 8:00 a.m. to 12:00 a.m.
- 6) A pedestrian connection to Datura Drive shall be provided.
- 7) Outdoor audio speakers must be oriented away from residential properties, not be in use between 10pm and 9am, and adhere to Section 15-182 of the Orange County Code which sets maximum permissible sound levels.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use of the 0.32-acre portion of the subject property from LMDR (Low-Medium Density Residential) to C (Commercial) and to rezone the entire 1.57 acres from C-1 (Retail Commercial District) to C-2 Restricted (General Commercial District - Restricted) in order to create a restaurant with an outdoor dog park.

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Rezoning Case # RZ-21-01-082
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The subject property is three lots with 271 feet of frontage on the east side of South Orange Avenue and is currently developed with a vacant restaurant. The rear of the property borders Swann Lake. The immediate surrounding area is developed with single-family residences to the north and east across Swann Lake, industrial uses to the west, and commercial uses to the north and south.

The restrictions listed above are proposed for this request. These restrictions were formulated after meeting with area residents on March 4th. The residents are generally supportive of the request as long as there are restrictions in place to ensure compatibility.

Existing FLUM Development Program

The property's current C-1 (Retail Commercial District) zoning, and proposed C-2 Restricted (General Commercial District - Restricted) zoning, is inconsistent with the LMDR (Low-Medium Density Resident) Future Land Use Map designation for Parcel 25-23-29-0000-00-080, therefore a change to the FLU designation is required this parcel in order to incorporate the parcel into the overall development and to be consistent with the proposed underlying zoning of C-2 Restricted.

Proposed FLUM Development Program

The proposed C-2 Restricted zoning along with the Future Land Use Map designation of Commercial would allow the applicant to construct the proposed restaurant and dog park as well as C-1 uses.

Land Use Compatibility

The Commercial (C) Future Land Use and C-2 Restricted 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 checked="" type="checkbox"/>	<input type="checkbox"/>	The subject site is within the South Orange Avenue Corridor Overlay District and the Sand Lake Station Overlay District. Both overlay districts allow for the proposed use.
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 a portion of the subject property is LMDR (Low-Medium Density Residential), which is inconsistent with the

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existing C-1 (Retail Commercial District) and proposed C-2 Restricted (General Commercial District) zoning. However, the proposed Commercial (C) FLUM the proposed C-2 zoning districts are consistent with one another. 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.

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 / Single-Family Residential**

Adjacent	FLUM	Zoning
North	C (Commercial) LMDR (Low-Medium Density Residential)	C-2 (General Commercial District) (1998) R-1 (Single-Family Dwelling District) (1959)
South	C (Commercial)	C-2 (General Commercial District) (1957)
East	LMDR (Low-Medium Density Residential)	R-1A (Single-Family Dwelling District) (1957)
West	IND (Industrial)	I-1/I-5 (Industrial District Light) (1965)

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Adjacent Land Uses N: Retail Commercial
 E: Swann Lake & Single-Family Residential
 W: Industrial Warehouse
 S: Auto Repair

C-2 (General Commercial District) Development Standards

Min. Lot Area: 8,000 sq. ft.
 Min. Lot Width: 100 ft.
 Max. Height: 50 ft. (35 ft. within 100 feet of all residential districts)
 Min. Floor Area: 500 sq. ft.

Building Setbacks

Front: 70 ft. (Principal Arterial, urban Class I) (65 ft. for parking areas)
 Rear: 15 ft. (20 ft. when abutting residential district)
 Side: 5 ft. (25 when abutting residential district)

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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, 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> <p>A portion of Swann Lake is within parcel 25-23-29-0000-00-080. A Conservation Area Determination may be required prior to construction.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*See comments below table
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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Neighborhoods	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This parcel is located within the Pine Castle Safe Neighborhood area.
Sheriff's Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Transportation Comments:

The applicant is requesting to change 0.32 acres from LMDR to Commercial and rezone the property from C-1 to C-2 to use this parcel in conjunction with two adjacent parcels for food, beverage and retail sales. This site will be used for outdoor seating and a dog park.

The subject property is located in the AMA, but not along a backlogged or constrained roadway. Based on the change of use, there will be no additional impacts to the roadway network. The impact of this change in land use is de minimus.

NOTE: This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit; provided, however, if the County removes the Alternative Mobility Area from its Code prior to approval of the first building permit, then this project shall comply with the County's then-current transportation concurrency requirements.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

Community Meeting Summary

A virtual community meeting was held on March 4th with seven (7) residents in attendance. Concerns expressed included noise travelling across the lake and to nearby properties, hours of operation, outdoor activities, parking, and water quality. Suggestions from residents included providing a wall so that sound does not travel across the lake or to nearby properties and limiting the hours that the dog park would be open. Residents were supportive of a sidewalk connection to Datura Drive. Overall, residents were generally supportive of the applicant's request as long as restrictions were in place to ensure compatibility.

Utilities

Water:	OUC	30-inch water-main is located within Sunflower Trail right-of-way
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Wastewater:	Orange County Utilities	30-inch gravity main within Orange Avenue right-of-way, 4-inch forcemain near the intersection of Orange and Perkins.
Reclaim Water:	Orange County Utilities	Not currently available

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 – (March 18, 2021)

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use for Parcel 25-23-29-0000-00-080 only.

Rezoning

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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 ADOPTION for the requested C (Commercial) Future Land Use designation and APPROVAL of the C-2 Restricted (General Commercial District) zoning. The applicant was present to answer questions from the LPA Commissioners.

Staff indicated that one hundred and sixty-three (163) notices were mailed to those property owners in the notification area extending beyond 600 feet surrounding the property, and that staff received four (4) comments from individuals, two (2) in favor, two (2) offering conditions of approval for the project, and none in opposition. During public comments no member of the public was present to speak.

After discussion addressing the proposed use of the property, compatibility with the surrounding area, and the applicant's presentation, the following motion was made:

A motion was made on the Future Land Use Map Amendment (SS-21-03-006) and Rezoning (RZ-21-01-082) by Commissioner Cardenas, and seconded by Commissioner Spears to recommend **ADOPTION** of the requested C (Commercial) Future Land Use designation and **APPROVAL** of the requested C-2 Restricted (General Commercial District) zoning designation subject to seven (7) restrictions. The motion carried on a 7-0 vote.

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

RZ-21-01-082



 Subject Property



1 inch = 175 feet

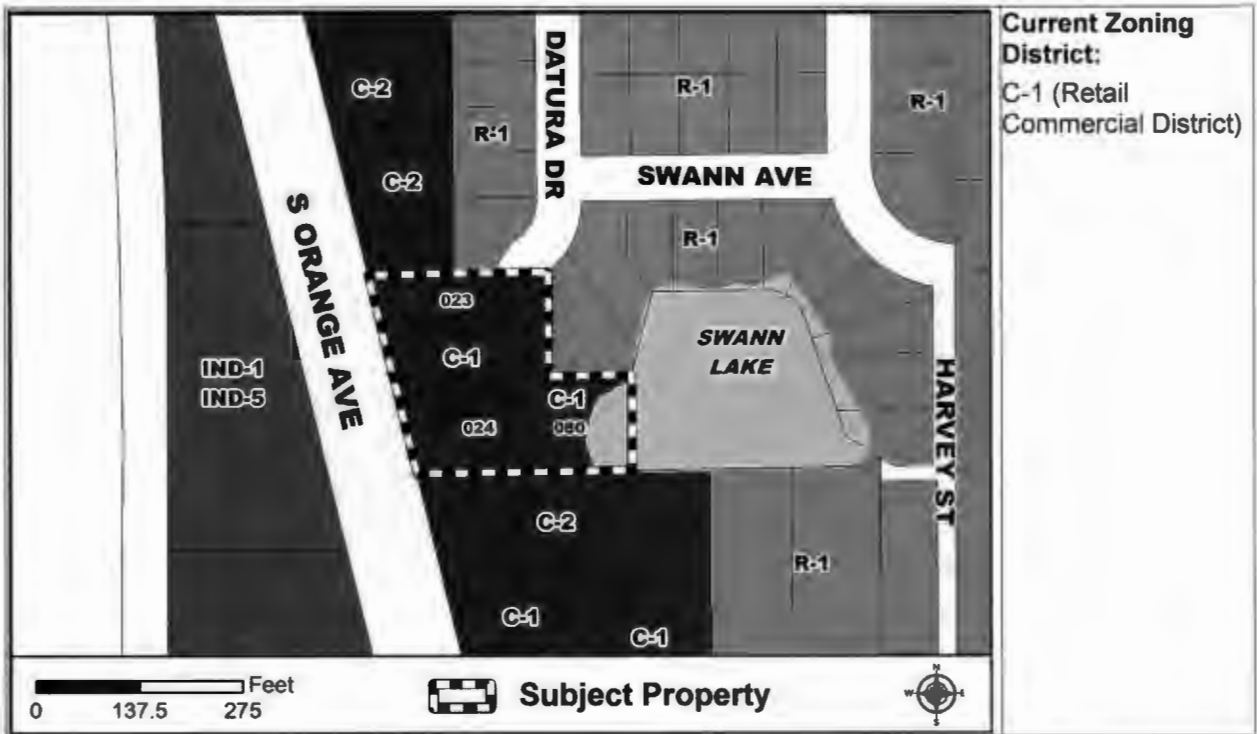
FUTURE LAND USE – CURRENT



FUTURE LAND USE - PROPOSED



ZONING - CURRENT



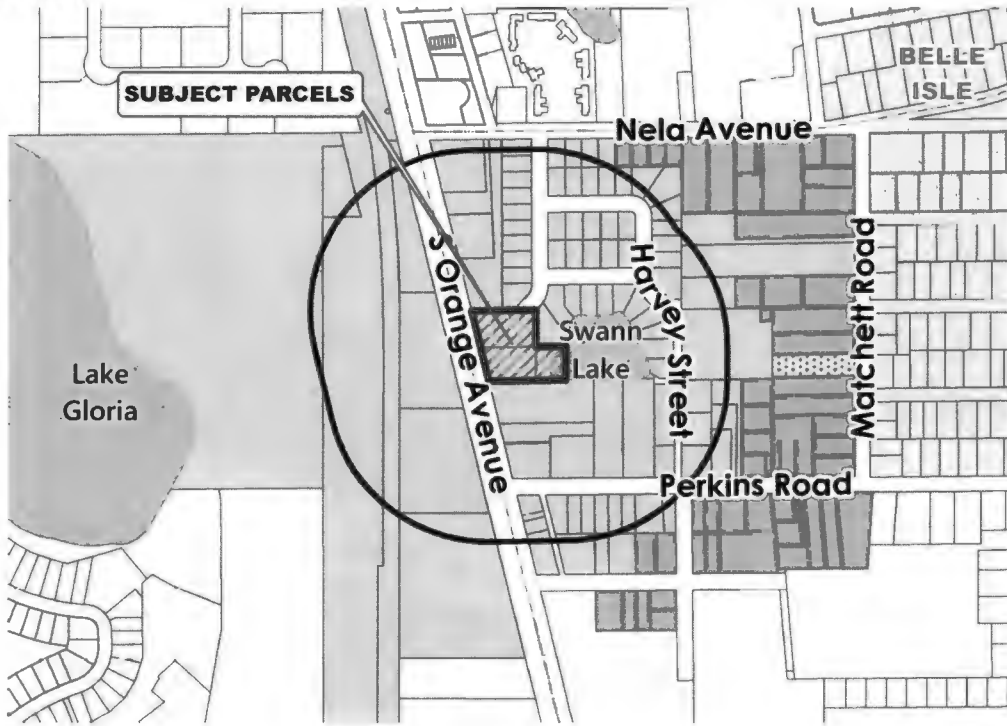
ZONING - PROPOSED





Public Notification Map

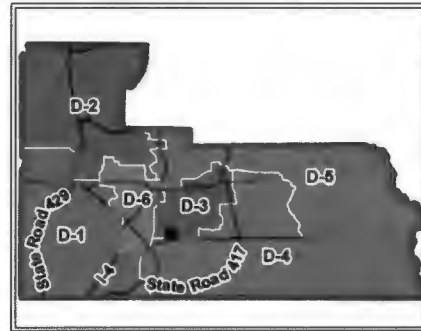
RZ-21-01-082



MAP LEGEND

- SUBJECT
- 600 FT BUFFER
- HYDROLOGY
- PARCELS
- NOTIFIED_PARCELS
- COURTESY PARCELS

BUFFER DISTANCE: 600
OF NOTICES: 163
RESIDENTIAL ADDRESSES: 63



SUBJECT



P:\GIS\Projects\2021\01-082\Map\Public\PublicMap.mxd

Notification Map

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 Orange County Planning Division
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* * *

Section 4. Effective Dates for Ordinance and Amendments.

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

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

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

ADOPTED THIS 27th DAY OF APRIL, 2021.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

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

By: _____
Deputy Clerk

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APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

Appendix A*		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-21-03-006	Low-Medium Density Residential (LMDR)	Commercial (C)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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