

CASE # RZ-19-07-023

Commission District: #3

GENERAL INFORMATION

APPLICANT	Nazem Sarkis, I.T.I.G., Inc.
OWNER	I.T.I.G., Inc.
HEARING TYPE	Planning and Zoning Commission Board-Called Hearing
REQUEST	C-1 (Retail Commercial District) to C-2 (General Commercial District)
LOCATION	7105 S. Orange Avenue, or generally located at the southeast corner of the intersection of S. Orange Avenue and Nela Avenue
PARCEL ID NUMBER	25-23-29-0000-00-013
TRACT SIZE	0.81-gross acre
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 and four (204) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Permitted C-2 uses

STAFF RECOMMENDATION

PLANNING

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

- 1) The following C-2 zoning district uses shall be prohibited:
 - a. New and Used Automobile Dealers;
 - b. Portable Food and Drink Vendors;
 - c. Open Air Markets; and
 - d. Automotive Repair, Auto Painting, and Body Shops
- 2) New billboards and pole signs shall be prohibited; 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 C-2 uses.

IMPACT ANALYSIS

Land Use Compatibility

The proposed C-2 (General Commercial District) zoning, subject to the recommended restrictions, 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-2 (General 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	Gas Station with Car Wash
Adjacent Zoning	N: C-1 (Retail Commercial District) (1966) E: C-2 (General Commercial District) (2003) W: I-1/I-5 (Industrial District) (1965) S: C-2 (General Commercial District) (2003) <i>*No restrictions placed on the zoning districts above.</i>
Adjacent Land Uses	N: Gas Station E: Access Road W: Warehousing, Industrial Manufacturing S: Restaurant

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 all residential districts)
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)

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

Subject Property Analysis

The subject property is located at 7105 S. Orange Avenue, or generally located at the southeast corner of the intersection of S. Orange Avenue and Nela Avenue within the Pine Castle neighborhood. Today, the property is developed with and operates a gas station with associated car wash. The surrounding area is comprised of varying levels of commercial development along the S. Orange Avenue corridor and single-family detached development to the east along the Nela Avenue corridor.

The applicant has applied to rezone the property from C-1 (Retail Commercial District) to C-2 (General Commercial District) to allow for the development and operation of permitted C-2 uses in order to create better marketability of the subject property. No single use has been proposed by the applicant.

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.

Overlay District Ordinance

This property is within the South Orange Avenue Corridor Overlay District. This overlay district prohibits the following uses:

- a. Labor pools and labor halls, as defined by F.S. § 448.22(1) and (3), respectively;
- b. Any business in which a material part of its services include loans secured by vehicle titles (often known as “car-title loans”), but not including financial institutions such as banks, credit unions, trust companies, consumer finance and retail installment lenders;
- c. Any business commonly known as “check cashing,” or any business in which a material part of its services includes future employment wages or other compensation (often known as “payday loans,” or “pay day advances”, but not including retail businesses which provide a check cashing service as an incidental

- part of their businesses and financial institutions such as banks, credit unions, and trust companies;
- d. Tattoo, body art, or body piercing businesses;
 - e. Pawnshops, as defined by F.S. § 539.001(2)(1);
 - f. Bail bond agencies, as defined by F.S. § 648.25(1);
 - g. Flea markets, except for those operating in conjunction with not-for-profit functions
 - h. Fortune tellers, tarot card readers, palm readers, psychics, and similar businesses; and
 - i. Bottle Clubs

Relatedly, this property is located within the proposed Pine Castle Overlay District. This proposed district will regulate the form of development within Pine Castle, as well as the permitted and prohibited uses. The proposed prohibited uses are as follows:

- a. Bars and lounges with no food service;
- b. Used Automobile Sales;
- c. Bottle Clubs;
- d. Bail bond agencies, as defined by F.S. § 648.25(1);
- e. Labor pools and labor halls, as defined by F.S. § 448.22(1) and (3), respectively;
- f. Any business in which a material part of its services include loans secured by vehicle titles (often known as “car-title loans”), but not including financial institutions such as banks, credit unions, trust companies, consumer finance and retail installment lenders;
- g. Any business commonly known as “check cashing,” or any business in which a material part of its services includes future employment wages or other compensation (often known as “payday loans,” or “pay day advances”, but not including retail businesses which provide a check cashing service as an incidental part of their businesses and financial institutions such as banks, credit unions, and trust companies; and
- h. Pawnshops, as defined by F.S. § 539.001(2)(1).

If the Pine Castle Overlay District is approved, the South Orange Avenue Corridor Overlay District will be concurrently rescinded.

Airport Noise Zone

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

Environmental

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

This project is located within the Orange County Alternative Mobility Area (AMA). A mobility analysis may be required at time of development.

Code Enforcement

There are no active Code Enforcement violations, liens, or hearings for the subject property.

Utilities

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	8-inch gravity main within the Nela Avenue right-of-way
Reclaim Water:	Orange County Utilities	Not 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 identify any 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 – (July 18, 2019)

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

- 1) The following C-2 zoning district uses shall be prohibited:
 - a. New and Used Automobile Dealers;
 - b. Portable Food and Drink Vendors;
 - c. Open Air Markets; and
 - d. Automotive Repair, Auto Painting, and Body Shops
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- 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 C-2 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-2 (General Commercial District) zoning, subject to three (3) restrictions.

Staff indicated that two hundred and four (204) notices were mailed to surrounding property owners within a buffer of 800 feet from the subject property, with one (1) commentary received in opposition to the request and zero (0) in favor. The applicant was present for the hearing and concurred with the majority of staff's recommendation, but did not agree with the proposed restriction to prohibit the use of new and used automobile sales. Two members of the public were present to speak on this request and raised concerns of the visual appearance of the site as it related to the gateway to Belle Isle, and concerns with C-2 uses.

After a brief discussion regarding the proposed development of the property, a motion was made by Commissioner Spears to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the C-2 (General Commercial District) zoning. Commissioner Wade seconded the motion, which then carried on an 8-0 vote.

Motion / Second

Gordon Spears / JaJa Wade

Voting in Favor

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

Voting in Opposition

None

Absent

Eddie Fernandez

(Eddie Fernandez entered late and recused himself from the vote.)