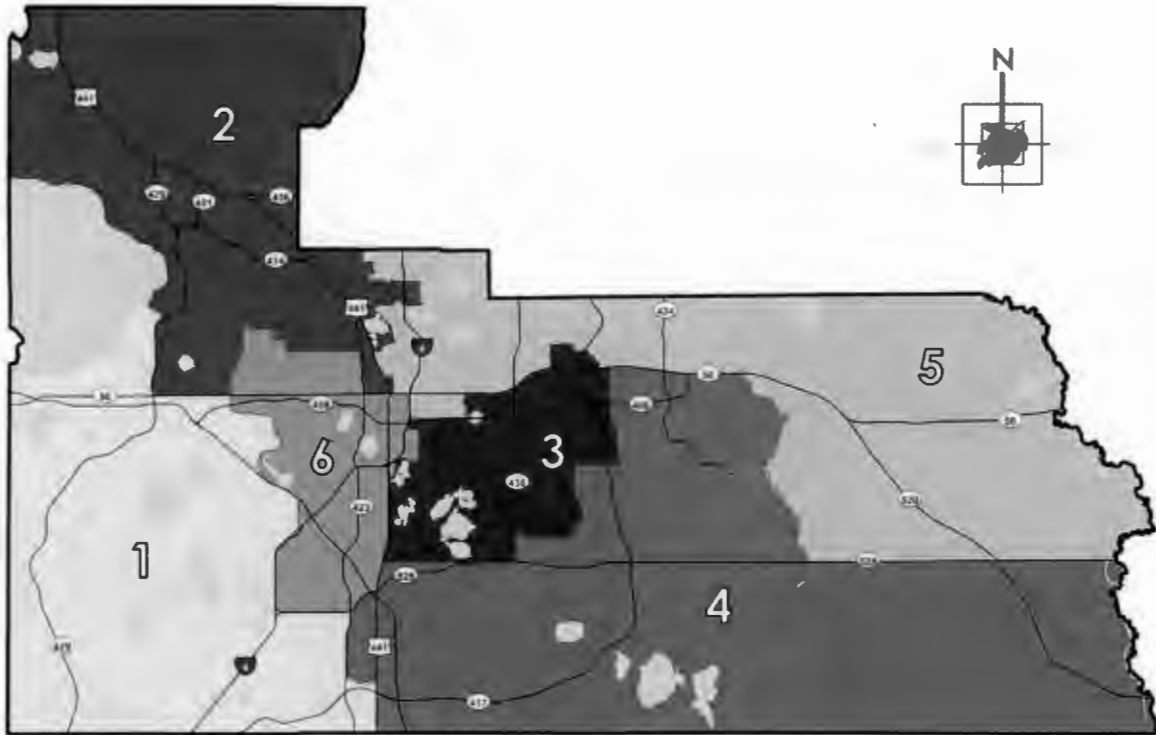




PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

SEPTEMBER 19, 2019



PREPARED BY:

ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

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

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Diane Velazquez District #2

Eddie Fernandez District #3

Carlos D. Nazario, Jr. District #4

J. Gordon Spears District #5
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JaJa J. Wade District #6

Mohammed Abdallah At Large

Yog Melwani At Large
Chairperson

Jose Cantero At Large

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<u>Case #</u> <u>Applicant</u>	<u>Request</u>	<u>Commission District</u>	<u>Recommendations Staff</u>	<u>PZC</u>	<u>BCC Hearing Required</u>
I. REZONING PUBLIC HEARINGS					
RZ-19-09-033 George E. Foote, Jr.	<i>R-3 & C-1 to C-1 & C-2</i>	6	Approval w/ 2 variances and 4 restrictions	Approval w/ 2 variances and 4 restrictions	No
RZ-19-09-034 Pablo Rodriguez	<i>A-2 to R-1</i>	3	Approval	Approval	No
RZ-19-09-035 Debica Lachman	<i>R-1 to I-2/I-3</i>	6	Approval with 2 restrictions	Approval with 2 restrictions	No
RZ-19-09-036 Aidil Victoria Estevez	<i>C-1 to C-2</i>	5	Denial	Approval with 3 restrictions	No
II. PLANNED DEVELOPMENT PUBLIC HEARINGS					
LUP-18-01-037 Raymond C. Stangle II, Rouse Road Villas LUP	<i>R-1 to PD</i>	5	Denial	<i>Continue to October 17, 2019 PZC</i>	Yes
LUP-18-10-355 Kathy Hattaway Withers Land Use Plan	<i>A-1& A-2 to PD</i>	1	Approval with 6 waivers and 25 conditions	Approval with 6 waivers and 25 conditions	Yes
LUP-18-07-223 Kathy Hattaway KRPC Hartzog Road LUP	<i>R-T-2 to PD</i>	1	Approval with 19 conditions	Approval with 19 conditions	Yes
LUP-18-07-225 Kathy Hattaway Lake Mac LUP	<i>A-1 & A-2 to PD</i>	1	Approval with 14 waivers and 23 conditions	Approval with 14 waivers and 23 conditions	Yes

LUP-18-11-386
Bryan Potts
Rouse Road Townhomes
PD/LUP

R-1 to PD

5

Approval with
16 conditions
and 1 waiver

Approval
with 16
conditions
and 1 waiver

Yes

LUP-19-03-088
Chris Dougherty
Wise Colonial LUP

C-3 to PD

5

Approval with
2 waivers and
18 conditions

Approval with
2 waivers
and 18
conditions

Yes

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

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 <i>(b)</i>
A-1	SFR - 21,780 (½ acre)	850	100	35	50	10	35	<i>a</i>
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (½ acre)	850	100	35	50	10	35	<i>a</i>
	Mobile Home - 2 acres							
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	<i>a</i>
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	<i>a</i>
R-CE-2	2 acres	1,200	250	45	50	30	35	<i>a</i>
R-CE-5	5 acres	1,200	185	50	50	45	35	<i>a</i>
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	<i>a</i>
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	<i>a</i>
R-1AA	10,000	1,200	85	25 <i>h</i>	30 <i>h</i>	7.5	35	<i>a</i>
R-1A	7,500	1,200	75	20 <i>h</i>	25 <i>h</i>	7.5	35	<i>a</i>
R-1	5,000	1,000	50	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
R-2	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	30	5 <i>h</i>	35	<i>a</i>
	Three DUs, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>
R-3	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5	35	<i>a</i>
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
	Three dwelling units, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	<i>a</i>
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	<i>a</i>
R-T-1								
SFR	4,500 <i>c</i>	1,000	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
Mobile home	4,500 <i>c</i>	Min. mobile home size 8 ft. x 35 ft.	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
R-T-2	6,000	SFR 500	60	25	25	6	35	<i>a</i>
(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	<i>a</i>
		Min. mobile home size 8 ft. x 35 ft.						

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80/90 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 11,250	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail <i>k</i>	<i>a</i>
	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	<i>a</i>
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	<i>a</i>

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ^f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	^a
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	^a

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-4	35	10	25	50, or 35 within 100 ft. of any residential use or district

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

^a	Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
^b	Side setback is 30 feet where adjacent to single-family district.
^c	For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
^d	For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that: <ul style="list-style-type: none"> (i) are either platted or lots of record existing prior to 3/3/97, and (ii) are 75 feet in width or greater, but are less than 90 feet, and (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
^e	Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
^f	Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
^g	Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
^h	For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
^j	Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
^k	Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
^m	Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

BUFFER YARD REQUIREMENTS

Orange County Code Section 24-5.

Buffer yards prescribed are intended to reduce, both visually and physically, any negative impacts associated with abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

(a) *Buffer classifications:*

- (1) **Type A, opaque buffer:** This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
- (2) **Type B, opaque buffer:** This buffer classification shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (general and light) (I-2/I-3 and I-1/I-5) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (3) **Type C, opaque buffer.** This buffer classification shall be used to separate neighborhood retail commercial (C-1) and industrial-restricted (I-1A) from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (4) **Type D, opaque buffer:** This buffer classification shall be used to separate professional office (P-O) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (5) **Type E, mobile home and RV park buffer:** This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.
- (6) **Type F, residential subdivision buffer:** See subdivision regulations (Chapter 34, Orange County Code).

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

CASE # RZ-19-09-033

Commission District: #6

GENERAL INFORMATION

APPLICANT	George E. Foote, Jr.
OWNERS	George E. Foote, Jr. and Agnes Youngblood Foote
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-3 (Multiple-Family Dwelling District) and C-1 (Retail Commercial District) to C-1 (Retail Commercial District) and C-2 (General Commercial District)
LOCATION	5829 Old Winter Garden Road; generally at the northwest corner of the intersection of Old Winter Garden Road and S. Normandale Avenue, east of S. Hudson Street, and south of W. Church Street.
PARCEL ID NUMBERS	25-22-28-6424-04-160, 25-22-28-6424-04-230, and 25-22-28-6424-04-220
TRACT SIZE	0.37-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 twenty-nine (129) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	General C-1 and 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 for Parcel I.D. Numbers 25-22-28-6424-04-230 and 25-22-28-6424-04-220, and the requested C-1 (Retail Commercial District) zoning for Parcel I.D. Number 25-22-28-6424-04-160 subject to the following variances and restrictions:

Variances:

- 1) A variance from Orange County Code Section 38-1501 for Parcel 25-22-28-6424-04-160, to allow for a minimum lot width of 50 feet, in lieu of the required 60-foot lot width in the C-1 zoning district; and
- 2) A variance from Orange County Code Section 38-1501 for Parcels 25-22-28-6424-04-230 and 25-22-28-6424-04-220, to allow for a minimum lot width of 80 feet, in lieu of the required 100-foot lot width in the C-2 zoning district.

Restrictions

- 1) New billboards and pole signs shall be prohibited;
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any non-residential uses;
- 3) Parcels 25-22-28-6424-04-230 and 25-22-28-6424-04-220 shall be aggregated into one (1) lot prior to the issuance of any use permit; and
- 4) A six (6) foot masonry wall shall be constructed along the north property line adjacent to residential uses.

IMPACT ANALYSIS

Land Use Compatibility

The C-1 (Retail Commercial District) and C-2 (Wholesale Commercial District) zoning would allow for development that is compatible with the character of the surrounding area.

Comprehensive Plan (CP) Consistency

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

Tire Sales

Adjacent Zoning

N: R-3 (Multiple-Family Dwelling District) (1957)

E: P-O (Professional Office District) (1957)

W: C-2 (General Commercial District) (1987)

**Outdoor storage is prohibited*

C-2 ((General Commercial District) (2010)

** A six (6) foot masonry wall or PVC (vinyl) fence is required adjacent to residential properties.*

S: City of Orlando

Adjacent Land Uses

N: Single-Family Residence

E: Garage Door Sales

W: Printing and Design Shop

S: Audio Equipment Sales

C-1 (Retail Commercial District) Development Standards

Min. Lot Area:	6,000 sq. ft.
Min. Lot Width:	80 ft. (on major streets, see Article XV) 60 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:	20 ft. (20 ft. when abutting residential)
Side:	0 ft. (15 ft. when abutting residential)

Intent, Purpose, and Uses

The intent and purpose of this C-1 retail commercial district are as follows: this district is composed of lands and structures used primarily for the furnishing of selected commodities and services at retail. This district is encouraged:

- (1) At intersections of collectors and/or arterials;
- (2) Where it will not direct commercial traffic through residential districts;
- (3) Where adequate public facilities and services are available, as defined in the comprehensive policy plan;
- (4) Where compatible with adjacent areas or where buffers can be provided to ensure compatibility; and
- (5) To a limited extent in rural settlements throughout the county to meet the needs of an identified community, or in growth centers as defined in the comprehensive policy plan.
Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

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)

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 5829 Old Winter Garden Road; or generally at the northwest corner of the intersection of Old Winter Garden Road and S. Normandale Avenue, east of S. Hudson Street, and south of W. Church Street. Through this request, the applicant is seeking to rezone two parcels (Parcels ID #'s 25-22-28-6424-04-230 and 25-22-28-6424-04-220) from C-1 (Retail Commercial District) to C-2 (General Commercial District), and one parcel (Parcel ID # 25-22-28-6424-04-160) from R-3 (Multiple Family Dwelling District) to C-1 (Retail Commercial District) for the purpose of allowing general C-2 uses on the southern two parcels and ancillary parking on the northern C-1 parcel. A pet grooming business previously operated on Parcel 25-22-28-6424-04-220; however, the structure that the business operated out of has since been demolished. A tire shop is currently operating out of the commercial building on Parcel 25-22-28-6424-04-230, and Parcel 25-22-28-6424-04-160 has previously been used for parking and storage without permits.

This rezoning application was submitted in response to several Code Enforcement violations on all three subject parcels which have been used by the Tire Shop. Orange County Code Enforcement (Incident #s 543912, 544713, and 544528) cited the property for operating a tire shop without the proper Orange County Use Permit, for erecting a sign for the tire shop without a permit, for operating the tire shop and storing tires and other materials outdoors on all three parcels, and for an unpermitted fence in disrepair. The property owner has obtained a Use Permit but has not received a Certificate of Occupancy.

The area surrounding the subject property is characterized by various commercial uses along Old Winter Garden Road, transitioning to single-family residential neighborhood to the north. Commercial uses in the area include a garage door sales shop, a printing and design shop, a meat and produce market, and general retail uses. There have also been several commercial rezonings on surrounding properties in recent years. The property east of northern parcel was rezoned as part of a rezoning

from C-2 and R-3 to C-2 to allow for general C-2 uses in 2010 with the requirement that a six (6) foot masonry wall or a six (6) foot PVC (vinyl) fence shall be constructed along the north and east property lines adjacent to residential uses. The property further to the east, across S. Hudson Street, was rezoned from R-3 to C-1 to allow for a retail store in 2006 with requirement that a 6' masonry wall be constructed along the north property line and a 6' PVC fence be constructed along the west property line.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Commercial (C) Future Land Use Map (FLUM) designation.

State of Florida Notice

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

Community Meeting Summary

A community meeting was not required for this request.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area.

Overlay District Ordinance

The subject property is not located within an overlay district.

Airport Noise Zone

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

Environmental

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment. Also, the applicant is advised to refer to Orange County Code Chapter 37, Article XVII for requirements of Individual On-Site Sewage Disposal as well as the FDOH.

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).

Transportation / Access

This project is located within the Orange County Alternative Mobility Area and is not subject to concurrency requirements. However, a mobility analysis may be required at development plan approval.

Code Enforcement

Orange County Code Enforcement (incident #s 543912, 544713, and 544528) cited the property for operating a tire shop without the proper Orange County Use Permit, for erecting a sign for the tire shop without a permit, for operating the tire shop and storing tires and other materials outdoors on all three parcels, and for an unpermitted fence in disrepair. The property owner has obtained a Use Permit but has not received a Certificate of Occupancy. All three properties will be scheduled for a Special Magistrate hearing in the near future.

Utilities

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities An 8-inch gravity main is located within the S. Normandale right-of-way, near the intersection with Old Winter Garden Road

Reclaim Water: Orange County Utilities Not Currently Available

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

Neighborhood Services Division

The subject parcels are located within the Orlo Vista Safe Neighborhood area.

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 – (September 19, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning for Parcel I.D. Numbers 25-22-28-6424-04-230 and 25-22-28-6424-04-220, and the requested C-1

(Retail Commercial District) zoning for Parcel I.D. Number 25-22-28-6424-04-160 subject to the following variances and restrictions:

Variances:

1. A variance from Orange County Code Section 38-1501 for Parcel 25-22-28-6424-04-160, to allow for a minimum lot width of 50 feet, in lieu of the required 60-foot lot width in the C-1 zoning district; and
2. A variance from Orange County Code Section 38-1501 for Parcels 25-22-28-6424-04-230 and 25-22-28-6424-04-220, to allow for a minimum lot width of 80 feet, in lieu of the required 100-foot lot width in the C-2 zoning district.

Restrictions

1. New billboards and pole signs shall be prohibited;
2. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any non-residential uses;
3. Parcels 25-22-28-6424-04-230 and 25-22-28-6424-04-220 shall be aggregated into one (1) lot prior to the issuance of any use permit; and
4. A six (6) foot masonry wall shall be constructed along the north property line adjacent to residential 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 for Parcel I.D. Numbers 25-22-28-6424-04-230 and 25-22-28-6424-04-220, and the requested C-1 (Retail Commercial District) zoning for Parcel I.D. Number 25-22-28-6424-04-160 subject to two (2) variances and four (4) restrictions.

Staff indicated that one hundred twenty-nine (129) notices were mailed to the surrounding property owners within a buffer extending 600 feet from the subject property, with zero (0) responses in support of the rezoning and zero (0) in opposition. Staff noted that the rezoning request was the result of code enforcement violations incurred by the tire shop operating on the subject property. The property owner has since terminated the lease of the tire shop and worked to bring the property up to code. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak on this request.

After a brief discussion regarding the proposed use of the subject property, where the applicant indicated he wanted to market the property for the use of an auto-oriented business, a motion was made by Commissioner Wade and seconded by

Commissioner Cantero to recommend approval of the requested C-2 (General Commercial District) zoning for Parcel I.D. Numbers 25-22-28-6424-04-230 and 25-22-28-6424-04-220, and the requested C-1 (Retail Commercial District) zoning for Parcel I.D. Number 25-22-28-6424-04-160 subject to the variances and restrictions listed in the staff report. The motion carried on a 7-0 vote.

Motion / Second

JaJa Wade / Jose Cantero

Voting in Favor

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

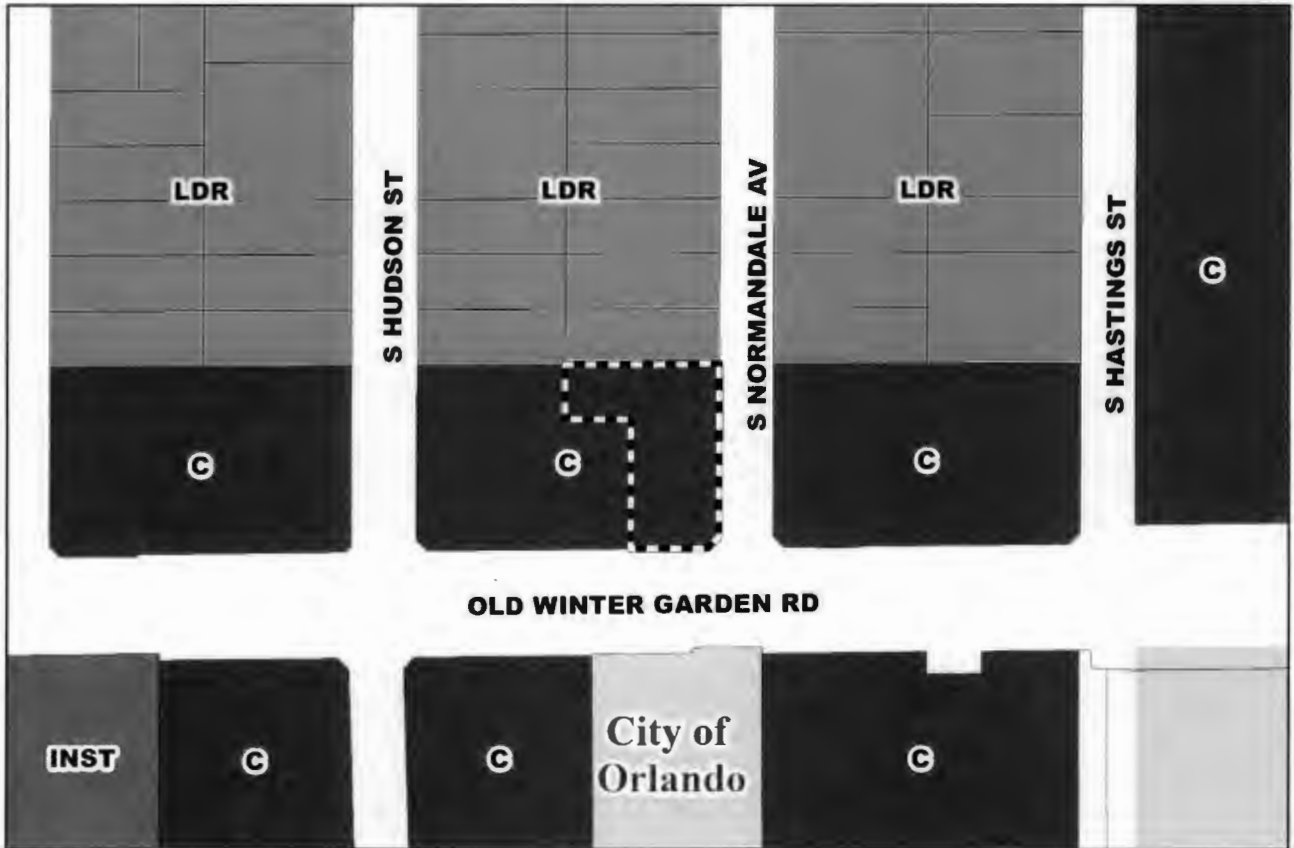
Voting in Opposition

None

Absent

Carlos Nazario and Mohammed Abdallah

RZ-19-09-033



Subject Property



★ Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: George E. Foote, Jr.

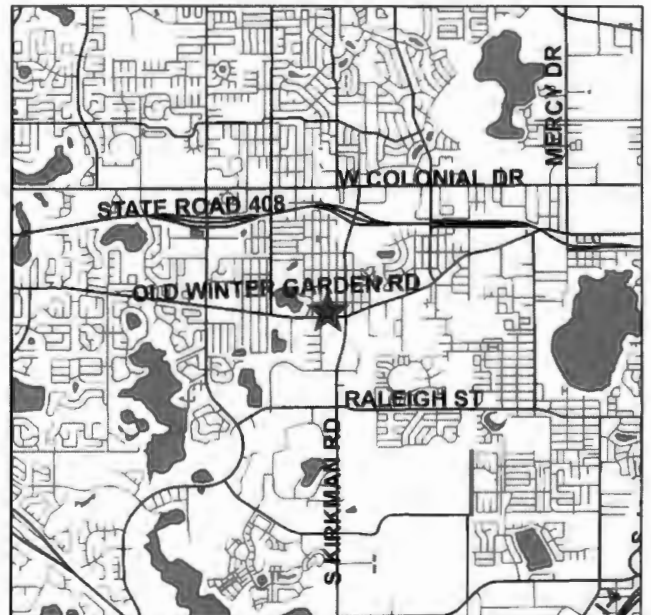
LOCATION: 5829 Old Winter Garden Road; generally located at the northwest corner of the intersection of Old Winter Garden Road and S. Normandale Avenue, east of S. Hudson Street, and south of W. Church Street.

TRACT SIZE: 0.37-gross acre

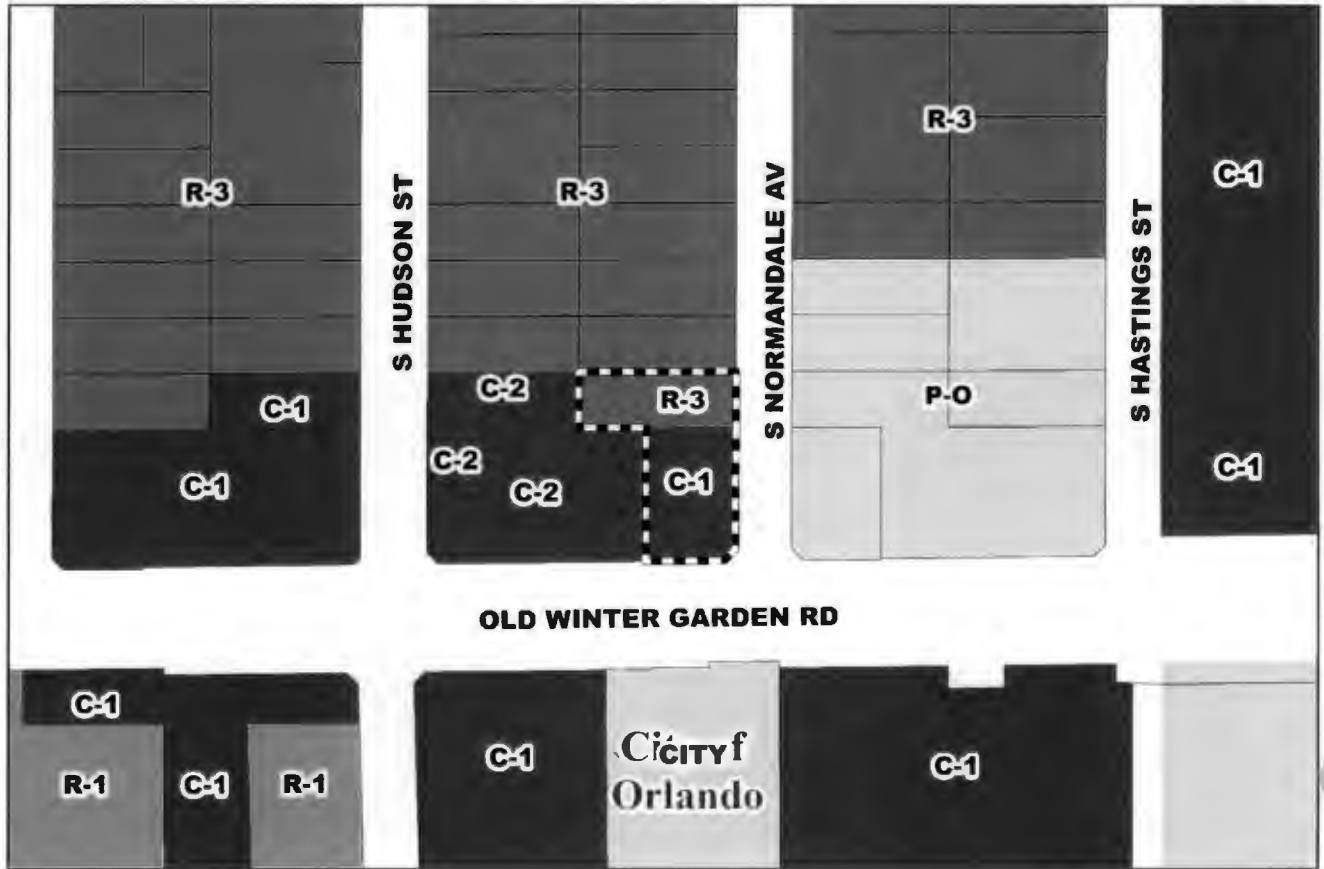
DISTRICT: # 6

S/T/R: 25/22/28

1 inch = 150 feet



RZ-19-09-033



Subject Property



★ Subject Property

Zoning Map

ZONING: R-3 (Multiple-Family Dwelling District) and C-1 (Retail Commercial District) to C-1 (Retail Commercial District) and C-2 (General Commercial District)

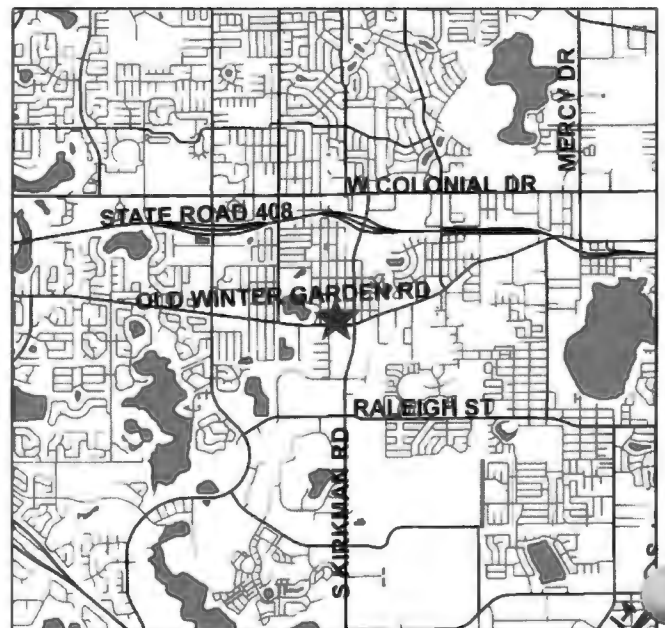
APPLICANT: George E. Foote, Jr.

LOCATION: 5829 Old Winter Garden Road; generally located at the northwest corner of the intersection of Old Winter Garden Road and S. Normandale Avenue, east of S. Hudson Street, and south of W. Church Street.

TRACT SIZE: 0.37-gross acre

DISTRICT: # 6

S/T/R: 25/22/28
 1 inch = 150 feet



RZ-19-09-033



 Subject Property

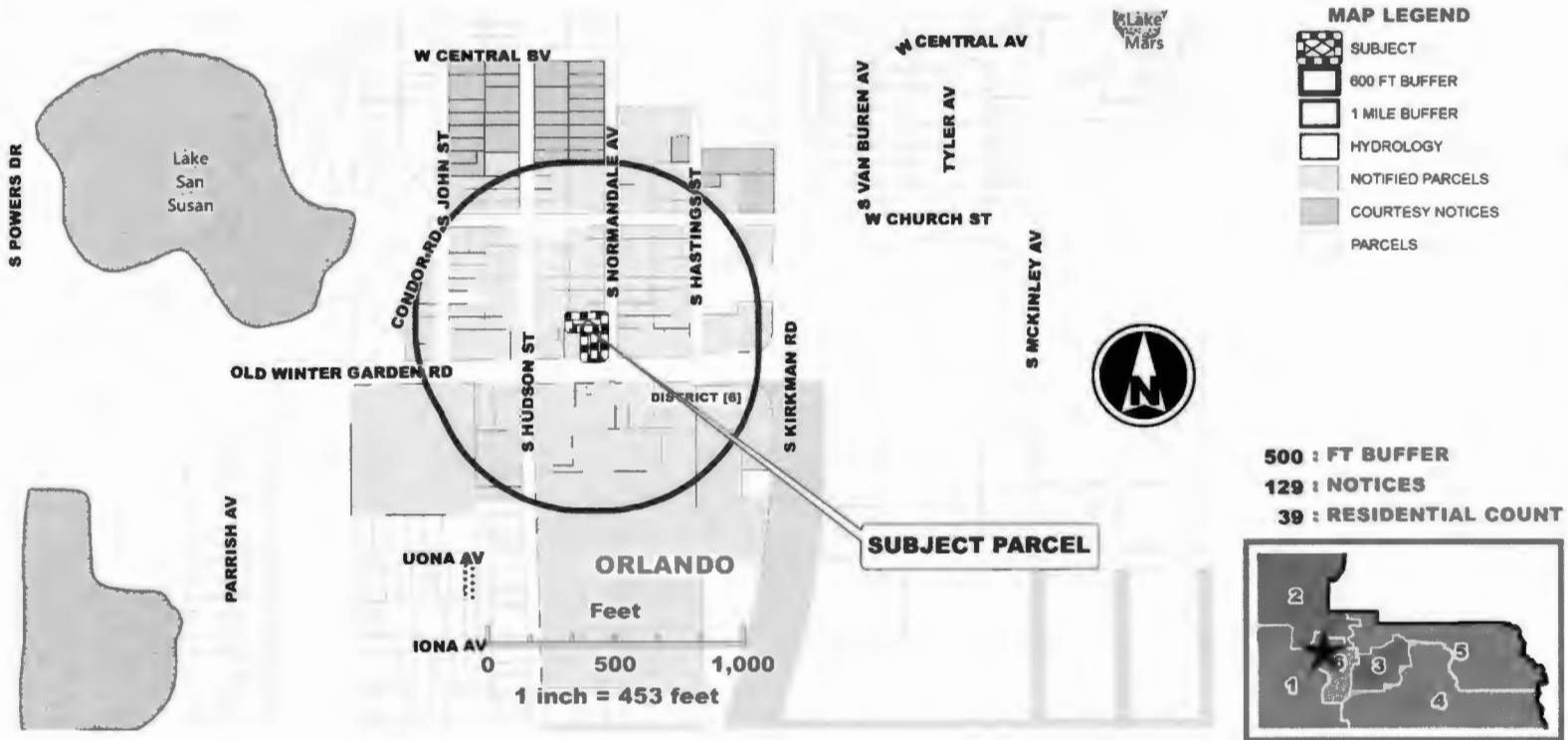


1 inch = 225 feet



Public Notification Map

RZ-19-09-033



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8/8/2019 4:33:18 PM

Notification Map

Orange County Planning Division
PZC Hearing Date: September 19, 2019

Case # RZ-19-09-033

CASE # RZ-19-09-034

Commission District: #3

GENERAL INFORMATION

APPLICANT	Pablo Rodriguez, P & J Homes, LLC
OWNERS	Andrae Singh and Elymar Torres
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District)
LOCATION	1504 Selma Avenue, generally located west of Selma Avenue, approximately 1,110 feet south of E. Colonial Drive
PARCEL ID NUMBER	19-22-31-2872-05-100
TRACT SIZE	0.15 gross acre
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 thirty-six (236) 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 Dwelling Unit

STAFF RECOMMENDATION

PLANNING

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

IMPACT ANALYSIS

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Comprehensive Plan (CP) Consistency

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

FLU1.4.2 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	Vacant
Adjacent Zoning	N: A-2 (Farmland Rural District) (1957)
	E: A-2 (Farmland Rural District) (1957)
	W: R-1 (Single-Family Dwelling District) (1957)
	S: A-2 (Farmland Rural District) (1957)

Adjacent Land Uses

N:	Single-Family Dwelling Unit
E:	Mobile Home
W:	Single-Family Dwelling Unit
S:	Mobile Home

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

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.

Building Setbacks

Front:	20 ft.
Rear:	20 ft.
Side:	5 ft.

Intent, Purpose, and Uses

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

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

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 1504 Selma Avenue, or generally located west of Selma Avenue, approximately 1,110 feet south of E. Colonial Drive. The subject property was previously developed with a manufactured home. This structure was removed by demolition permit B15000959 in 2015. The immediate area is developed with single-family dwelling units with commercial parcels located along the E. Colonial Drive and N. Econlockhatchee Trail corridors.

Through this request, the applicant is seeking to rezone the 0.15 acre property from A-2 (Farmland Rural District) to R-1 (Single-Family Residential District). This would allow the applicant to construct a single-family home with setbacks that are consistent with the character of the area.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low-Medium Density Residential (LMDR) Future Land Use Map (FLUM) designation.

State of Florida Notice

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

Community Meeting Summary

A community meeting was not required for this request.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Environmental

Any existing septic tanks or wells (potable or irrigation water supply wells) onsite shall be properly abandoned prior to earthwork or construction. Contact the Department of Health (DOH) for the septic system and both DOH 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. There are specific guidelines and limitations for commercial and industrial uses.

Transportation / Access

This project is within the Orange County Alternative Mobility Area. The following is a list of alternative options within the project area: State maintained sidewalks along E. Colonial Drive from N. Econlockhatchee Trail to Constantine Street, County maintained sidewalks exist along N. Econlockhatchee Trail from Millinockett Lane to E. Colonial Drive, LYNX bus link #104 E. Colonial Drive/UCF. There are (8) eight bus stops within the project area.

Code Enforcement

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

Utilities

Water:	Orange County Utilities	8-inch watermain within Selma Avenue right-of-way
Wastewater:	Orange County Utilities	8-inch gravity wastewater main within Selma Avenue right-of-way
Reclaim Water:	Orange County Utilities	Not currently available

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (September 19, 2019)

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

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

Staff indicated that two hundred thirty-six (236) notices were mailed to the surrounding property owners within a buffer extending 500 feet from the subject property, with zero (0) responses in support of the rezoning and zero (0) in opposition. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak on this request.

After a brief discussion, a motion was made by Commissioner Fernandez and seconded by Commissioner Spears to recommend approval of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 8-0 vote.

Motion / Second

Eddie Fernandez / Gordon Spears

Voting in Favor

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

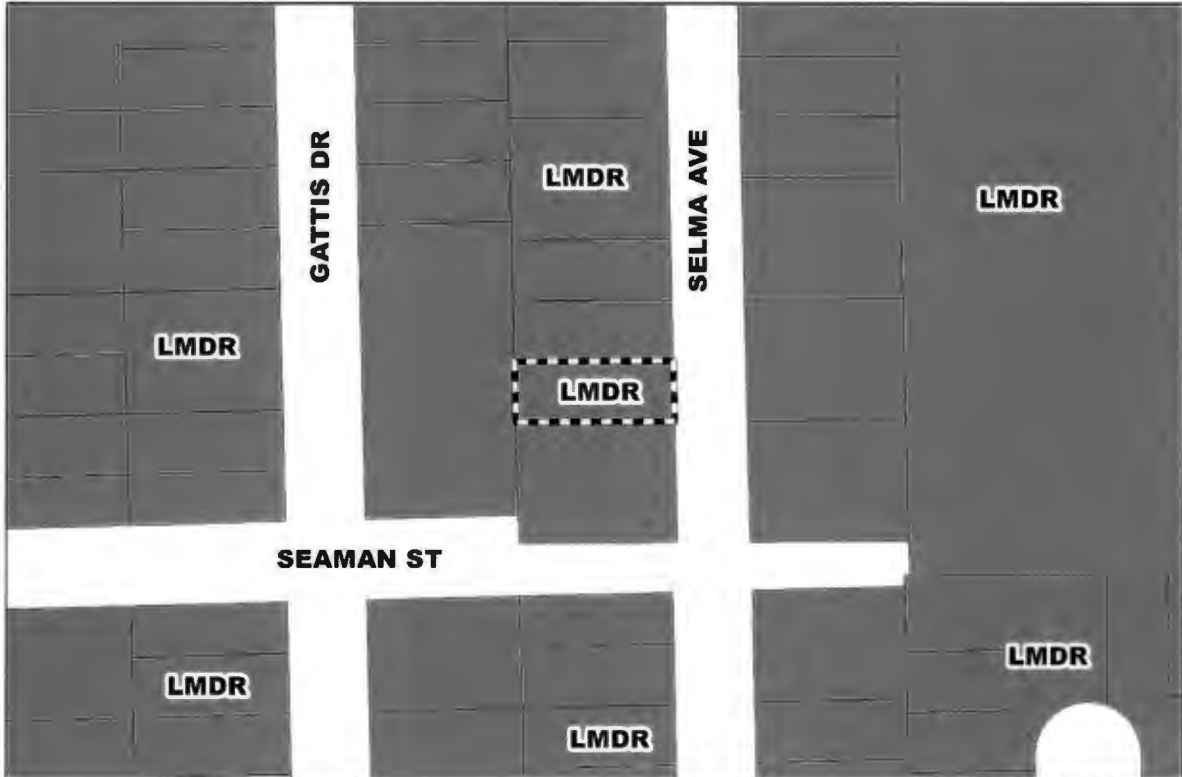
Voting in Opposition

None

Absent

Carlos Nazario

RZ-19-09-034



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Pablo Rodriguez

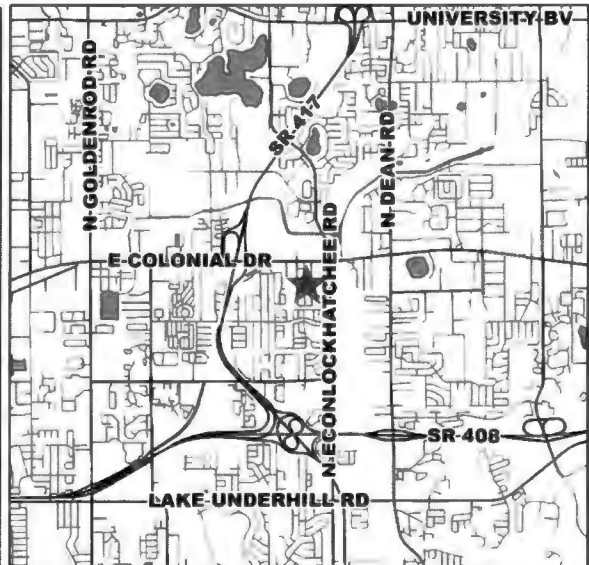
LOCATION: 1504 Selma Avenue, generally located west of Selma Avenue, approximately 1,110 feet south of E. Colonial Drive

TRACT SIZE: 0.15-gross acre

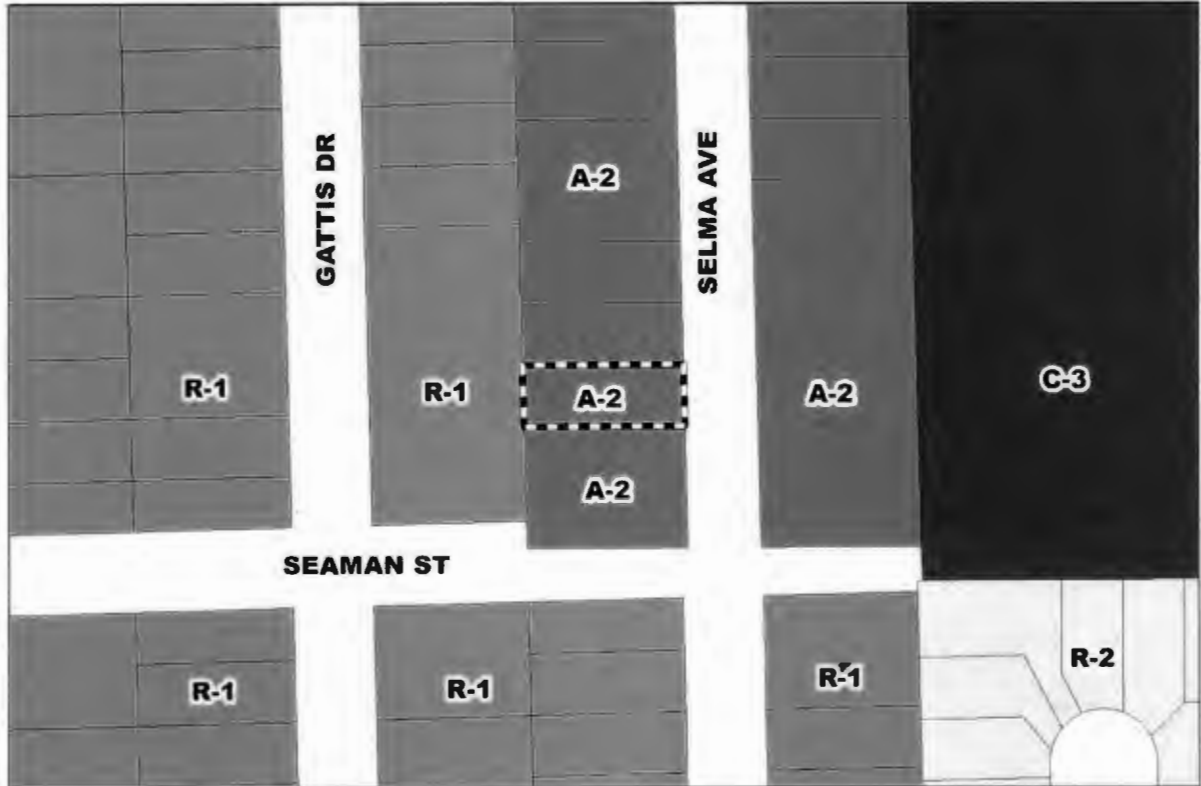
DISTRICT: # 3

S/T/R: 19/22/31

1 inch = 125 feet



RZ-19-09-034



Subject Property



Subject Property

Zoning Map

ZONING: A-2 (Farmland Rural District) to R-1 (Single-Family Residential District)

APPLICANT: Pablo Rodriguez

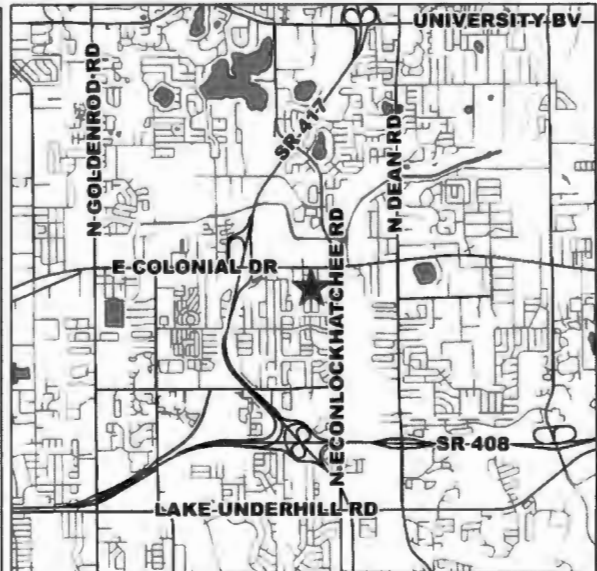
LOCATION: 1504 Selma Avenue, generally located west of Selma Avenue, approximately 1,110 feet south of E. Colonial Drive

TRACT SIZE: 0.15-gross acre

DISTRICT: # 3

S/T/R: 19/22/31

1 inch = 125 feet



RZ-19-09-034



 **Subject Property**



1 inch = 125 feet

Alternative Mobilty Area Context Map

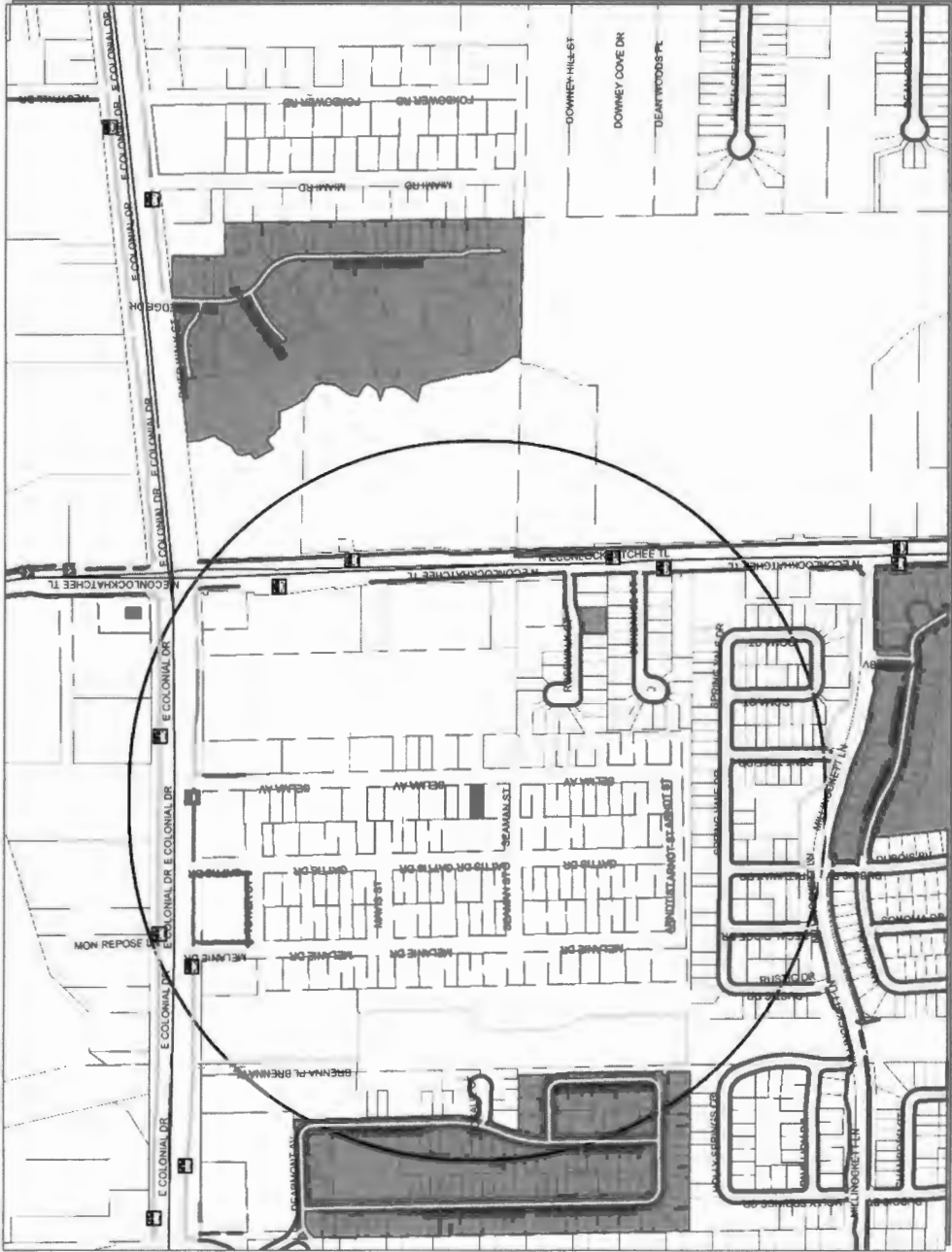
RZ-19-09-034

Legend

- LYNX Park and Ride
- LYNX Bus Stops
- Major Streets
- Roads Base
- Segment_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- PA_PARCELS_Buffer241
- PA_PARCELS_Buffer240
- County Boundary
- Parcels



Date: 7/26/2019

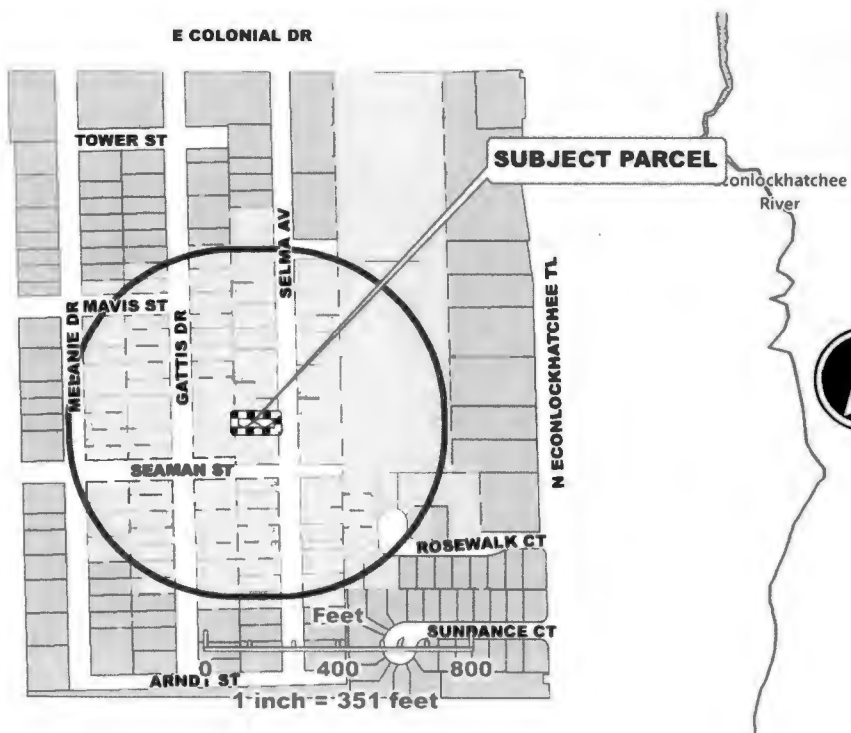


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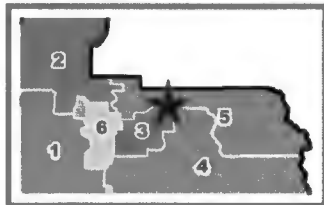
Notification Map

Public Notification Map

RZ-19-09-034



500 : FT BUFFER
236 : NOTICES
73 : RESIDENTIAL COUNT



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CASE # RZ-19-09-035

Commission District: #6

GENERAL INFORMATION

APPLICANT	Debica Lachman
OWNER	Debica Lachman
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1 (Single Family Dwelling District) to I-2/I-3 (Industrial District)
LOCATION	310 and 302 Metcalf Avenue; generally west of Metcalf Avenue, east of Tremont Avenue, north of Huppel Avenue, approximately 783 feet south of Old Winter Garden Road.
PARCEL ID NUMBERS	30-22-29-6244-03-030 and 30-22-29-6244-03-010
TRACT SIZE	0.31-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seventy-six (76) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Truck Parking

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-2/I-3 (Industrial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any non-residential uses on the property.

IMPACT ANALYSIS

Land Use Compatibility

The I-2/I-3 (Industrial District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Industrial (IND). The proposed I-2/I-3 (Industrial District) zoning is consistent with the Industrial FLUM designation and the following Comprehensive Plan provisions:

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

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

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

FLU8.1.1 states that the zoning and Future Land Use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

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

Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Single-Family Residential
Adjacent Zoning	N: C-3 (Wholesale Commercial District) (1977) E: I-2/I-3 (Industrial District) (2009) <i>* Landfills, Gas Stations, Jails, and Drive-in Theaters are Prohibited.</i> W: R-1 (Single Family Dwelling District) (1957) S: R-1 (Single Family Dwelling District) (1957)
Adjacent Land Uses	N: Undeveloped Land E: Auto Towing and Storage W: Outdoor Storage S: Undeveloped Land

I-2/I-3 (INDUSTRIAL DISTRICT) DEVELOPMENT STANDARTS

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

Building Setbacks

Front: 25 ft.
Rear: 10 ft.
Side: 15 ft.

Intent, Purpose, and Uses

The intent and purpose of the I-2/I-3 (Industrial District) is as follows:

1. To provide space for those industries which require locations near compatible neighbors, good transportation facilities and utilities;
2. To establish and maintain regulations which will allow the continued development of certain existing industrially zoned property and certain lands adjacent thereto where there exist lots, structures and uses of land which were lawful before the adoption of this article but which may be prohibited by the requirements of the I-1A and I-1/I-5 industrial districts;
3. To establish and maintain standards that will promote the development of a wide variety of general industrial and related activities which require a pleasant environment, compatible surroundings, and intensive use of land; and

4. To establish and maintain standards which will protect adjacent residential and commercial developments.

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

Permitted uses include, but are not limited to, truck terminal facilities, automobile dealers and repair facilities, metal fabrication, wholesale food production, cardboard and paper manufacturing, trade shops, storage yards, commercial plant nurseries, on-site fuel storage, community centers, private educational facilities, and miscellaneous repair services.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 310 and 302 Metcalf Avenue; generally west of Metcalf Avenue, east of Tremont Avenue, north of Huppel Avenue, approximately 783 feet south of Old Winter Garden Road. Through this request, the applicant is seeking to rezone the subject property from R-1 (Single-Family Dwelling District) to I-1/I-3 (Industrial District) to use the property for the parking and storage of dual rear wheel vehicles.

The subject property is located within an industrial corridor, which is established on the Future Land Use Map (FLUM) and extends along Old Winter Garden Road between N. Kirkman Road and Ring Road. There are several similar industrial uses surrounding the subject property including outdoor storage, truck parking, and warehousing. There have been several industrial rezoning's on adjacent properties in recent years. The roughly three (3) acre area which includes the majority of the block to the east of the subject property across Metcalf avenue, as well as a parcel to the south on the west side of Metcalf avenue was rezoned in 2009 from R-1 (Single-Family Dwelling District) to I-1/I-3 (Industrial District) to bring the site into conformance with the Industrial FLUM designation, and to allow general industrial uses on the property. The southern portion of the eastern half of Metcalf Avenue was also rezoned from R-1 (Single-Family Dwelling District) to I-1/I-3 (Industrial District) in 2004 to allow for outdoor storage of construction equipment and general industrial uses.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Industrial (IND) Future Land Use Map (FLUM) designation.

State of Florida Notice

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

result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Community Meeting Summary

A community meeting was not required for this request.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Environmental

The Orange County Environmental Protection Division reviewed this request, but did not provide any objections or comments.

Transportation / Access

This project is located within the Orange County Alternative Mobility Area. The following is a list of alternative modes within the project area: County maintained sidewalks exist along Old Winter Garden Road from S. Kirkman Road to N. Pine Hills Road. LYNX Bus link #54 Old Winter Garden Road. There are four (4) bus stops within the project area. A mobility analysis may be required for this project.

Code Enforcement

Orange County Code Enforcement (incident # 545285) cited the property owner for utilizing property without proper permits. The applicant was instructed to obtain the proper land use permit.

Utilities

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	An 8-inch gravity main is located at the intersection of South St. and Ring Rd.
Reclaim Water:	Orange County Utilities	Not Currently Available

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

Neighborhood Services Division

The subject parcels are located within the Orlo Vista Safe Neighborhood area.

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 – (September 19, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-2/I-3 (Industrial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any non-residential uses on the property.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested I-2/I-3 (Industrial District) zoning, subject to two (2) restrictions. Staff indicated that the rezoning request was the result of code enforcement action citing the property for operating the existing truck parking use without the proper use permits.

Staff indicated that seventy-six (76) notices were mailed to surrounding property owners within a buffer of 1,000 feet from the subject property, with zero (0) commentaries received in opposition to the request and zero (0) in favor. The applicant was present for the hearing and agreed with staff's recommendation. No members of the public were present to speak on this request.

After a brief discussion regarding the surrounding industrial uses with inconsistent land use and zoning designations, a motion was made by Commissioner Wade, and seconded by Commissioner Cantero to find the request to be consistent with the Comprehensive Plan and recommend approval of the requested I-2/I-3 (Industrial District) zoning, subject to two (2) restrictions, which carried on an 8-0 vote.

Motion / Second

JaJa Wade / Jose Cantero

Voting in Favor

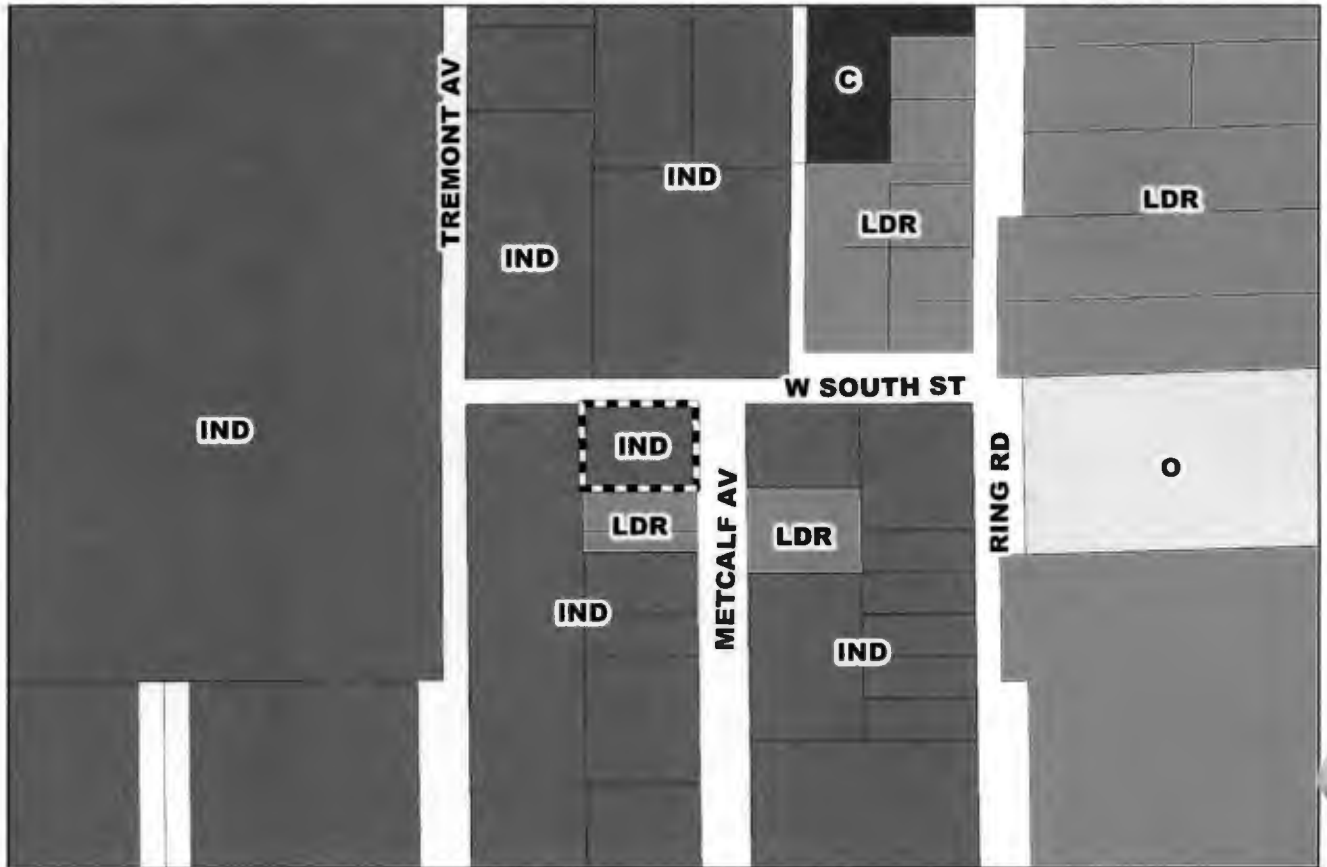
JaJa Wade, Jose Cantero, Yog Melwani, Diane Velazquez, Jimmy Dunn, Mohammed Abdallah, Gordon Spears and Eddie Fernandez

Voting in Opposition

None

Absent

Carlos Nazario



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Industrial (IND)

APPLICANT: Debica Lachman

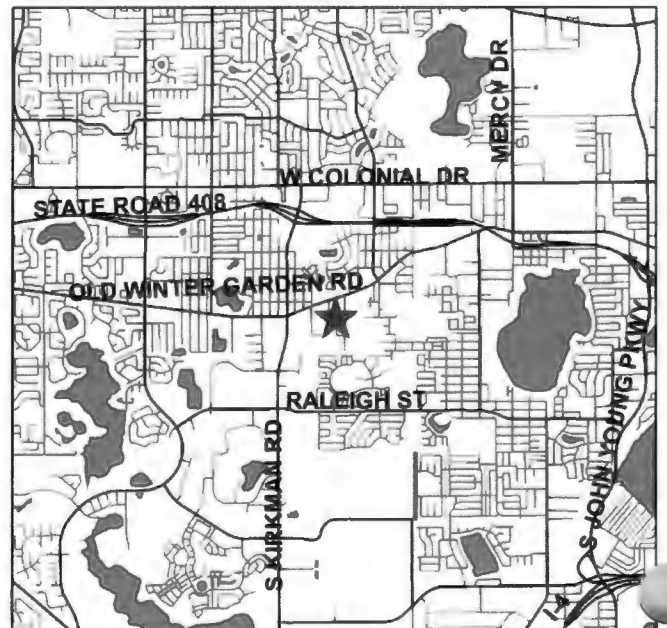
LOCATION: 310 and 302 Metcalf Avenue; generally located west of Metcalf Avenue, east of Tremont Avenue, north of Huppel Avenue, approximately 783 feet south of Old Winter Garden Road

TRACT SIZE: 0.31-gross acre

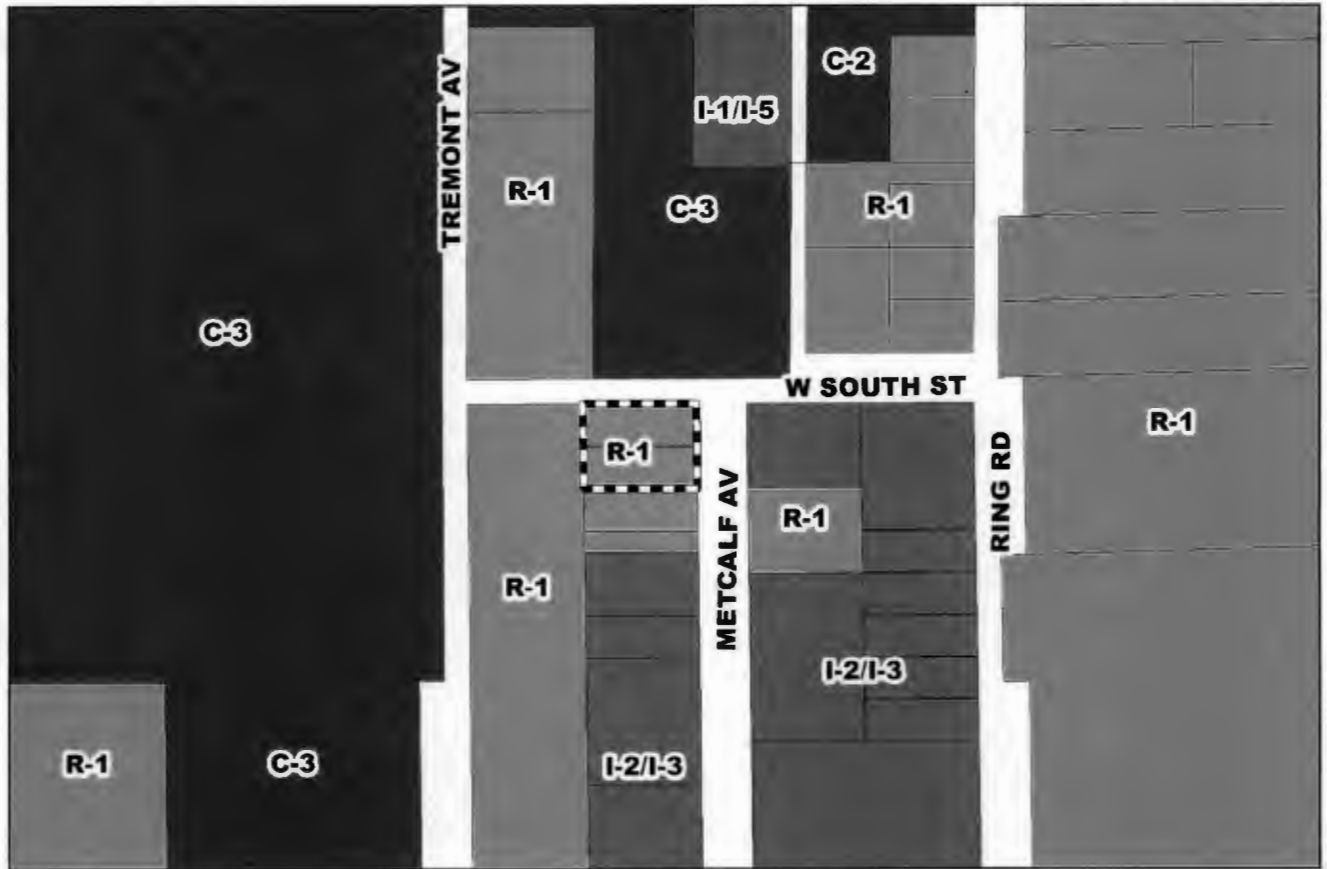
DISTRICT: # 6

S/T/R: 30/22/29

1 inch = 200 feet



RZ-19-09-035



 Subject Property



★ Subject Property

Zoning Map

ZONING: R-1 (Single Family Dwelling District) to I-2/I-3 (Industrial District)

APPLICANT: Debica Lachman

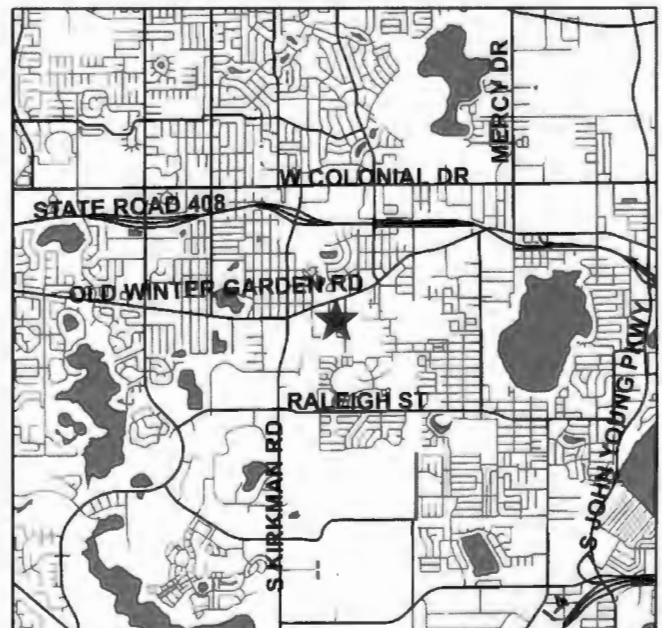
LOCATION: 310 and 302 Metcalf Avenue; generally located west of Metcalf Avenue, east of Tremont Avenue, north of Huppel Avenue, approximately 783 feet south of Old Winter Garden Road

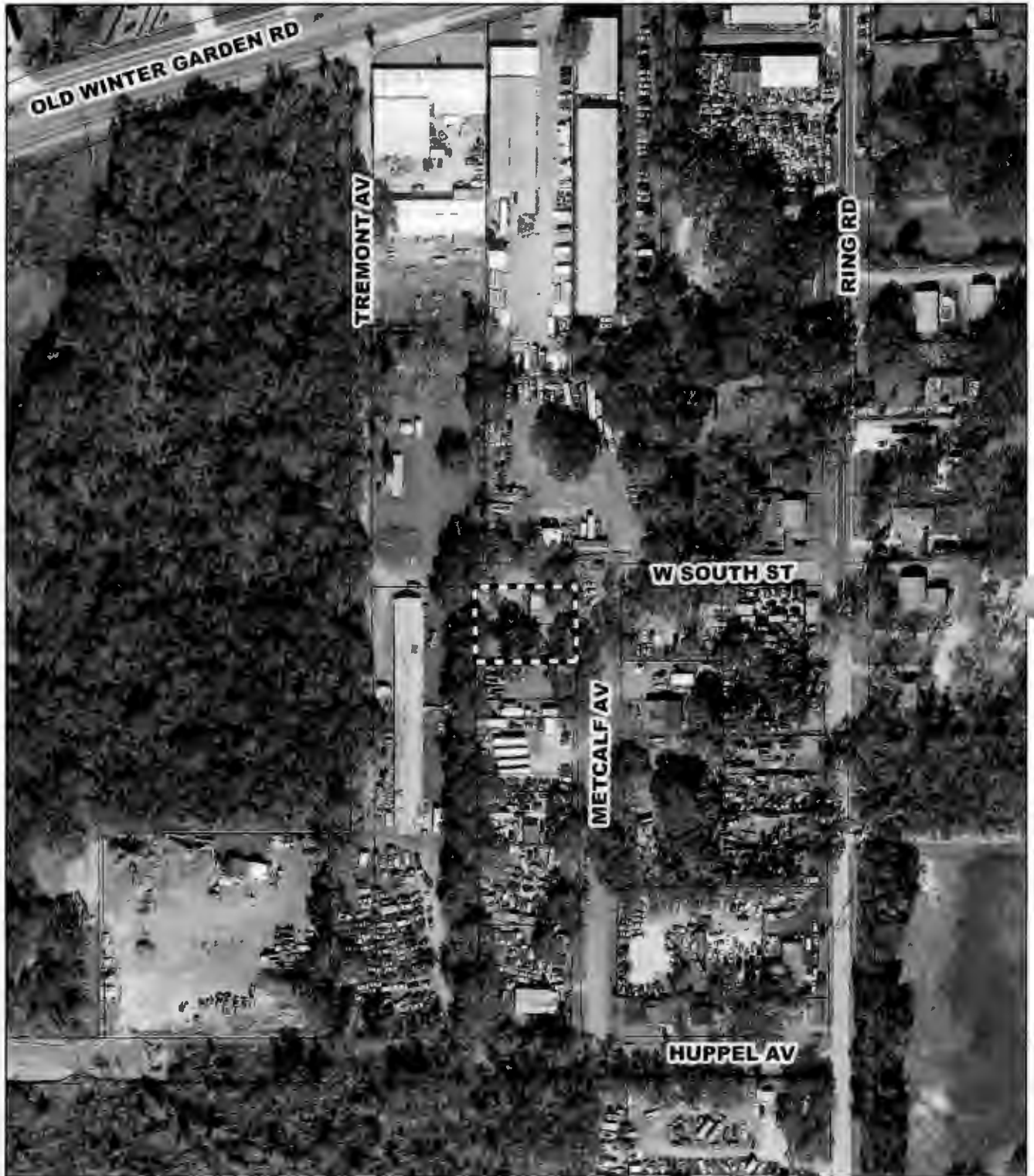
TRACT SIZE: 0.31-gross acre

DISTRICT: # 6

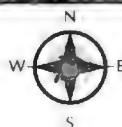
S/T/R: 30/22/29

1 inch = 200 feet





 Subject Property



1 inch = 175 feet

Alternative Mobility Area Context Map

**RZ-19-09-035
 302 METCALF AVE
 REZONE FROM R-1 TO
 I-2/I-3 FOR TRUCK
 PARKING USE**

Legend

- LYNX Bus Stops
- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Route Schedule
- Major Streets
- Roads Base
- Segment_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- PA_PARCELS_Buffer252
- Horizon West Boundary
- County Boundary
- Parcels



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Public Notification Map

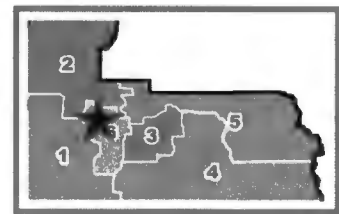
RZ-19-09-035



MAP LEGEND

	SUBJECT
	1000 FT BUFFER
	HYDROLOGY
	NOTIFIED PARCELS
	PARCELS

500 : FT BUFFER
76 : NOTICES
19 : RESIDENTIAL COUNT



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Notification Map

Case # RZ-19-09-035
Orange County Planning Division
PZC Hearing Date: September 19, 2019

CASE # RZ-19-09-036

Commission District: #5

GENERAL INFORMATION

APPLICANT	Aidil Victoria Estevez
OWNERS	Lidia Paulino, Pofirio Estevez, and Galaxy Auto Service, Inc.
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-1 (Retail Commercial District)* to C-2 (General Commercial District) <i>*With Use Variance for Used Car Dealership</i>
LOCATION	4455 - 4461 Edgewater Drive; or generally on the northeast side of Edgewater Drive, approximately 415 feet southeast of Goddard Avenue.
PARCEL ID NUMBER	03-22-29-2638-04-002, 03-22-29-2638-04-006, 03-22-29-2648-06-090
TRACT SIZE	0.92-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 seventy-four (174) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Used Automobile Sales

STAFF RECOMMENDATION

PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning.

ALTERNATIVE RECOMMENDATION

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) New billboards and pole signs shall be prohibited;
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-2 uses; and
- 3) The property shall be restricted to C-1 uses and the C-2 use of Automobile Sales only.

IMPACT ANALYSIS

Land Use Compatibility

The C-2 (Wholesale Commercial District) zoning would allow for development that may be incompatible with the character of the surrounding area and may adversely impact adjacent properties.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). While the proposed C-2 (General Commercial District) zoning is consistent with the Commercial FLUM designation, it is inconsistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

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

Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Used Automobile Sales
Adjacent Zoning	N: R-2 (Residential District) (1957) C-1 (Retail Commercial District) (1971) E: R-3 (Multiple-Family Dwelling District) (1960) W: C-1 (Retail Commercial District) (1957) P-O (Professional Office District) (1983) S: C-1 (Retail Commercial District) (1957/1960)
Adjacent Land Uses	N: Office / Retention Pond E: Multiple-Family Dwelling Units W: Professional Office S: Indoor Club

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)

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 4455 - 4461 Edgewater Drive; or generally on the northeast side of Edgewater Drive, approximately 415 feet southeast of Goddard Avenue. The surrounding area is developed with varying levels of commercial and office uses along the Edgewater Drive corridor between Goddard Avenue and Sherrington Road. The areas adjacent to this corridor consist contains scattered residential development.

The subject property was rezoned in 1960 to C-1 (Retail Commercial District) with a use variance to permit a used car dealership. This variance is embedded in the approved zoning and will continue to run with the land until the property is rezoned. Today, Orange County Code does not provisions for use variances and the use today is a legally non-confirming use, as Automobile Dealerships are not permitted in the C-1 zoning district.

The applicant has applied to rezone from C-1 (Retail Commercial District) to C-2 (General Commercial District) to formalize the use under the current standards and remove the use non-conformity from the property.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Commercial (C) Future Land Use Map (FLUM) designation.

State of Florida Notice

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

Community Meeting Summary

A community meeting was not required for this request.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Environmental

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

Transportation / Access

This project is located in the Orange County Alternative Mobility Area. The following is a list of alternative options within the project area: There are State maintained sidewalks along Edgewater Drive from W. Fairbanks Ave to Lee Road. The area is served by LYNX Bus Link #23: Winter Park/Spring Village. There are four (4) bus stops within the project area. A mobility analysis may be required for this project.

Code Enforcement

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

Utilities

Water: City of Winter Park

Wastewater: City of Winter Park

Reclaim Water: City of Winter Park

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (September 19, 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) New billboards and pole signs shall be prohibited;
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-2 uses; and
- 3) The property shall be restricted to C-1 uses and the C-2 use of Automobile Sales only.

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 DENIAL of the requested C-2 (General Commercial District) zoning.

Staff indicated that one hundred seventy-four (174) notices were mailed to the surrounding property owners within a buffer extending 600 feet from the subject property, with one (1) response in support of the rezoning and zero (0) in opposition. The applicant was present and agreed with the staff's alternative recommendation. No members of the public were present to speak on this request.

After a brief discussion regarding the current use of the property, future site improvements, alternative zoning options, and permitted ancillary uses, a motion was made by Commissioner Spears and seconded by Commissioner Fernandez to recommend approval of the requested C-2 (General Commercial District) zoning, subject to restrictions. The motion carried on a 8-0 vote.

Motion / Second

Gordon Spears / Eddie Fernandez

Voting in Favor

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

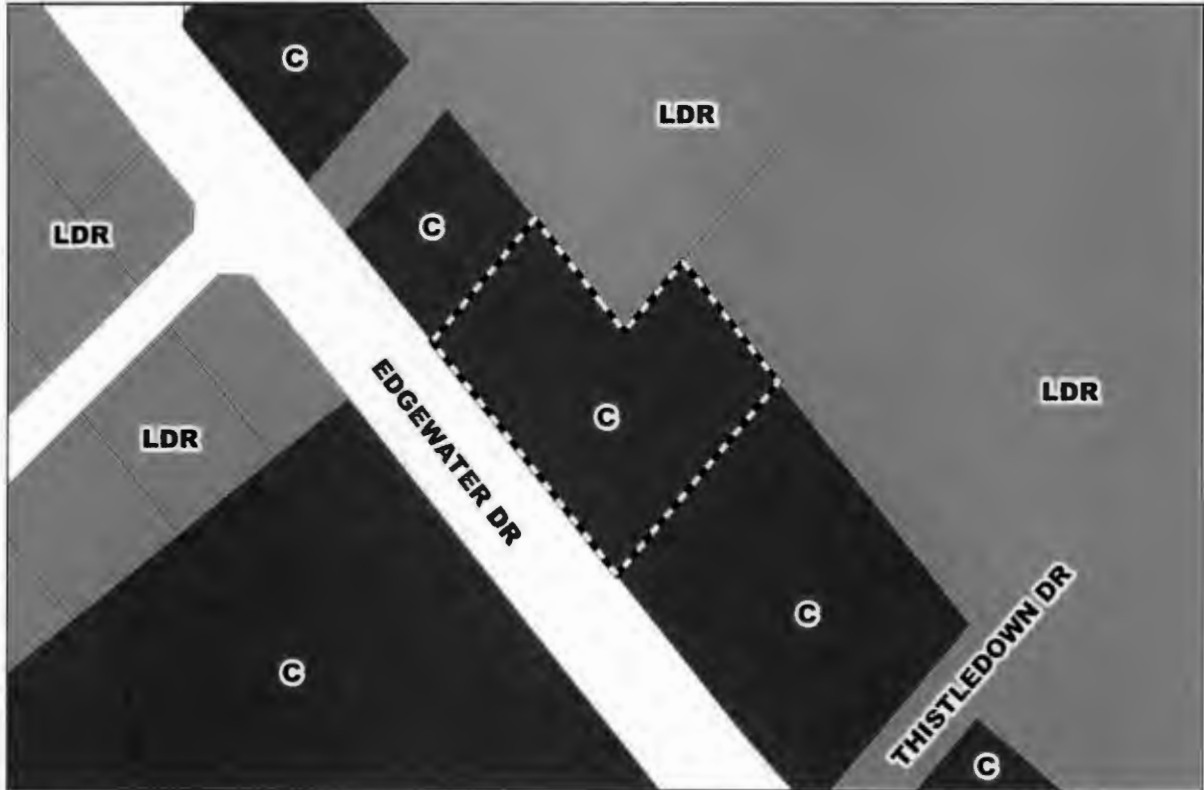
Voting in Opposition

None

Absent

Carlos Nazario

RZ-19-09-036



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Commercial

APPLICANT: Aidil Victoria Estevez

LOCATION: 4455 - 4461 Edgewater Drive; or generally located on the northeast side of Edgewater Drive, approximately 415 feet southeast of Goddard Avenue.

TRACT SIZE: 0.92 gross acres

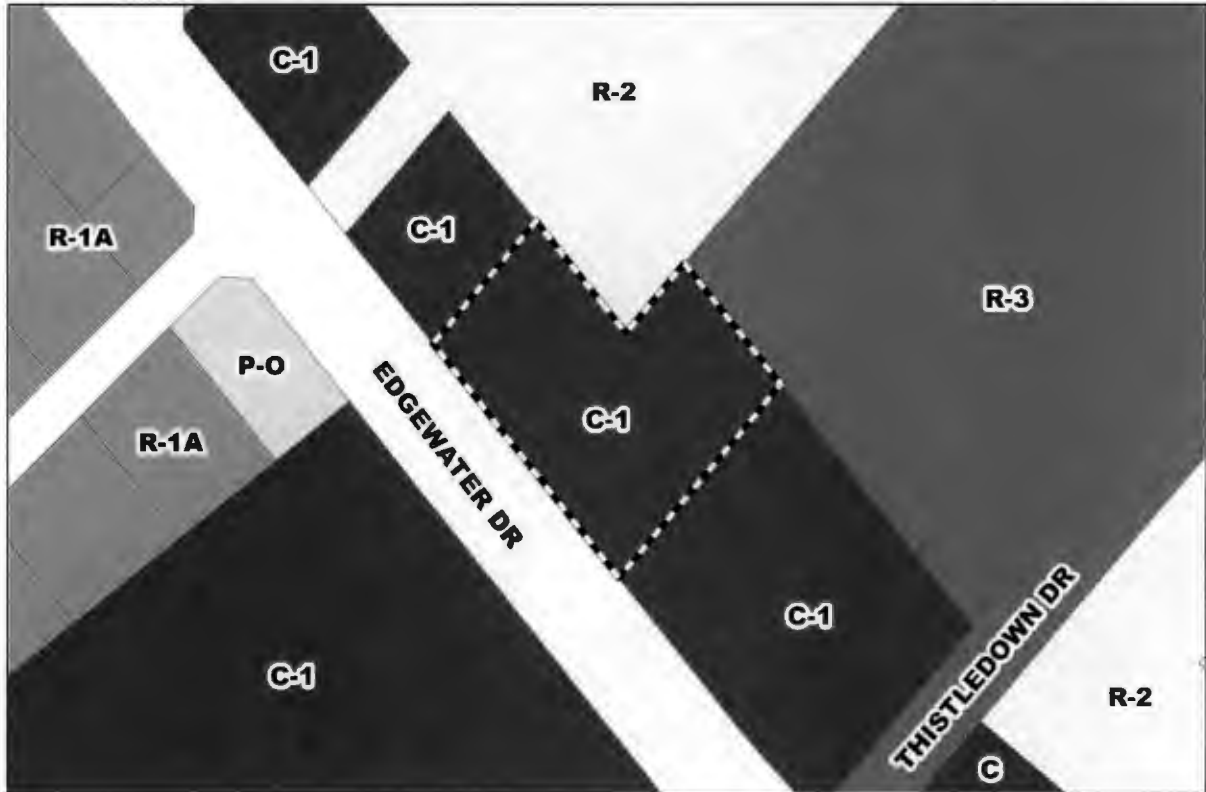
DISTRICT: # 5

S/T/R: 03/22/29

1 inch = 125 feet



RZ-19-09-036



Subject Property



Subject Property

Zoning Map

ZONING: C-1 (Retail Commercial District)* to C-2 (General Commercial District)
 *With Variance for Used Car Dealership Use

APPLICANT: Aidil Victoria Estevez

LOCATION: 4455 - 4461 Edgewater Drive; or generally located on the northeast side of Edgewater Drive, approximately 415 feet southeast of Goddard Avenue.

TRACT SIZE: 0.92 gross acres

DISTRICT: # 5

S/T/R: 03/22/29

1 inch = 125 feet



RZ-19-09-036



 Subject Property



1 inch = 125 feet

Alternative Mobility Area Context Map

RZ-19-09-036
4461 EDGEWATER DR
03-22-29-2638-04-002
03-22-29-2638-04-006
03-22-29-2648-06-090
REZONE C-1 TO C-2

Legend

- LYNX Bus Stops
- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Route Schedule
- Major Streets
- Roads Base
- Segment_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- PA_PARCELS_Buffer253
- Horizon West Boundary
- County Boundary
- Parcels

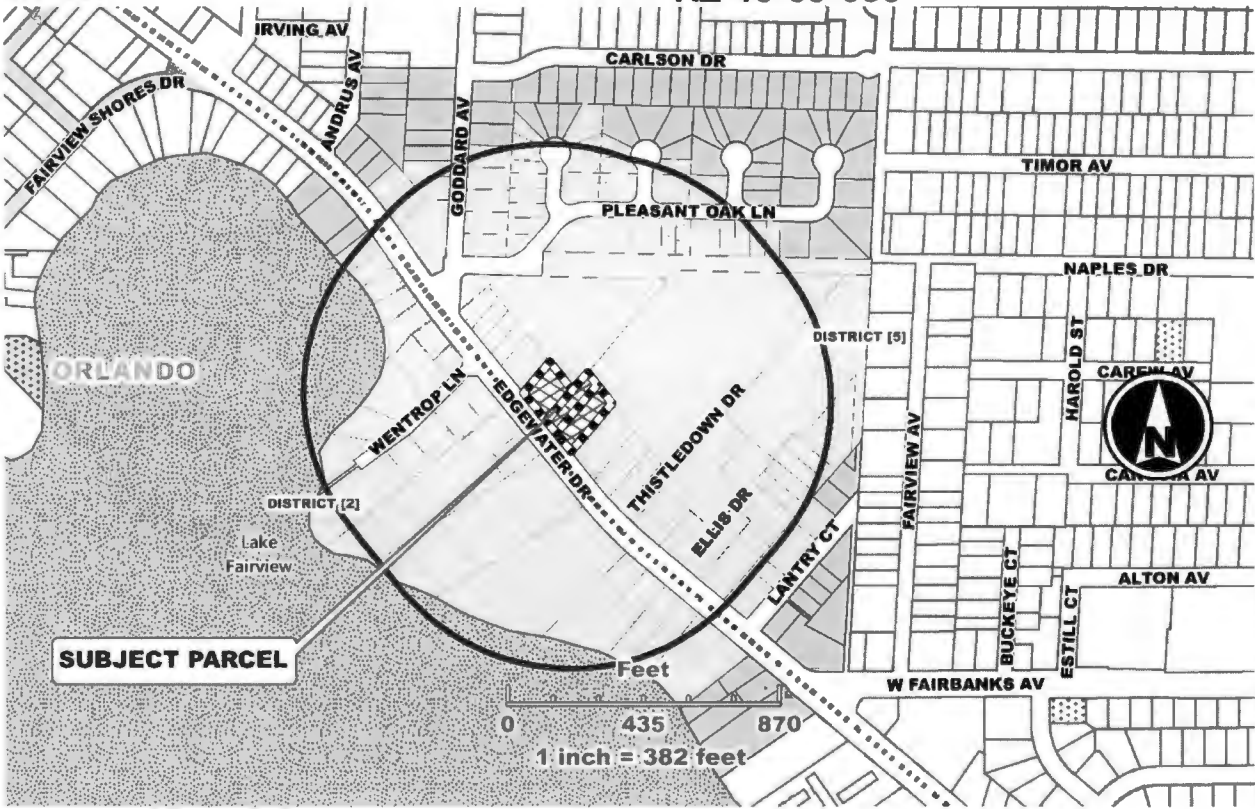


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Public Notification Map

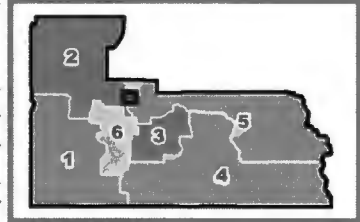
RZ-19-09-036



MAP LEGEND

- SUBJECT
- 600_FT_BUFFER
- HYDROLOGY
- NOTIFIED_PARCELS
- COURTESY NOTICES
- PARCELS

600 : FT BUFFER
 174 : NOTICES
 52 : RESIDENTIAL COUNT



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Notification Map

Case # RZ-19-09-036
 Orange County Planning Division
 PZC Hearing Date: September 19, 2019

Case Planner:
Steven Thorp

**Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: September 19, 2019**
