

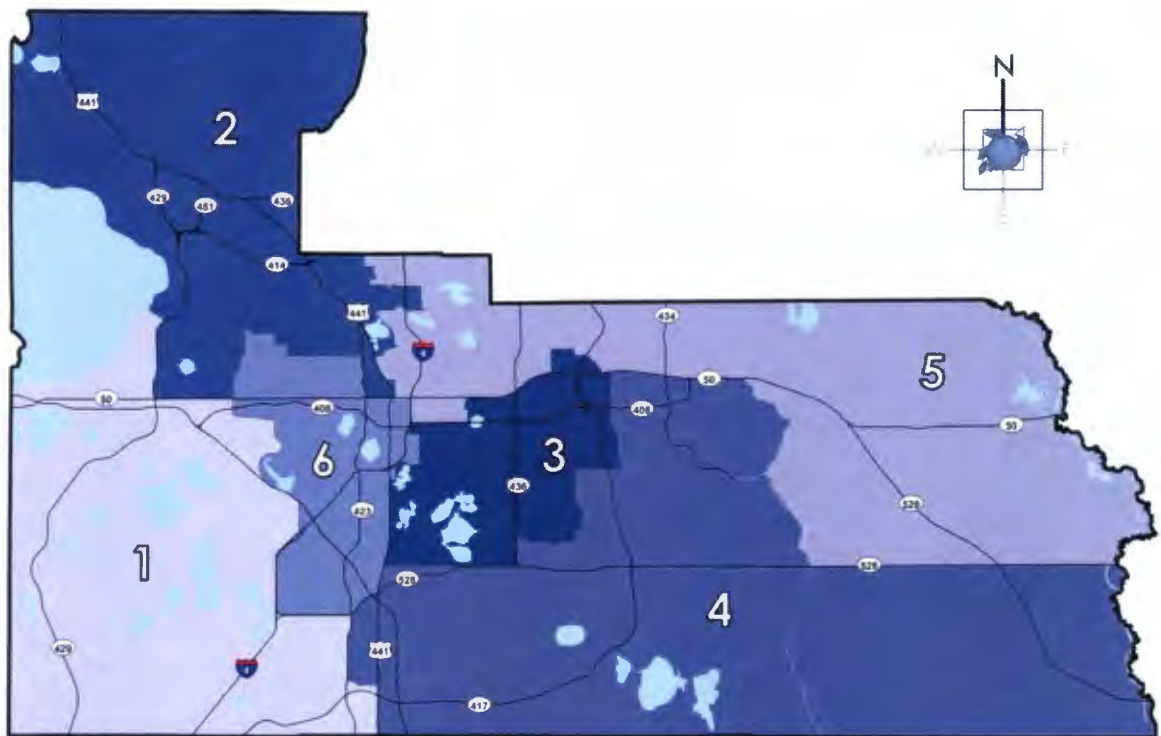


PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

MAY 17, 2018



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

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

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TABLE OF CONTENTS
Planning and Zoning Commission
May 17, 2018

<u>Table of Contents</u>	i
<u>Table of Hearings</u>	ii
<u>Site and Building Requirements</u>	iii
<u>Buffer Yard Requirements</u>	vi

REZONING PUBLIC HEARINGS

RZ-18-05-026 District 2	1
RZ-18-05-027 District 4	11
RZ-18-05-028 District 1	21
RZ-18-05-029 District 3	32

TABLE OF HEARINGS
Planning and Zoning Commission
May 17, 2018

<u>Case #</u> <u>Applicant</u>	<u>Request</u>	<u>Commission</u> <u>District</u>	<u>Recommendations</u> <u>Staff</u>	<u>PZC</u>	<u>BCC Hearing</u> <u>Required</u>
I. REZONING PUBLIC HEARINGS					
RZ-18-05-026 Alison M. Yurko	<i>C-1 to C-2</i>	2	Denial	<i>Continued to June 21, 2018 PZC</i>	No
RZ-18-05-027 Juan Edgardo Quiroz Fuentez	<i>C-3 to I-1 / I-5</i>	4	Approval with two (2) restrictions	Approval with two (2) restrictions	No
RZ-18-05-028 David E. Modetz	<i>R-CE to R-1AAA</i>	1	Denial	Denial	No
RZ-18-05-029 Ziad N. Shami	<i>C-1 to C-2</i>	3	Approval with two (2) restrictions	Approval with three (3) restrictions	No

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 (ft.)
A-1	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	<i>a</i>
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	<i>a</i>
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.						

<i>District</i>	<i>Min. lot area (sq. ft.) m</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.) a</i>	<i>Min. rear yard (ft.) a</i>	<i>Min. side yard (ft.)</i>	<i>Max. building height (ft.) k</i>	<i>Lake setback (ft.)</i>
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>
NC	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>
	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>
P-O	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>
	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	<i>a</i>
	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:
 - (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-18-05-027

Commission District: # 4

GENERAL INFORMATION

APPLICANT	Juan E. Quiroz Fuentes
OWNERS	Bus & Truck Repairs, Inc.
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-3 (Wholesale Commercial District) to I-1/I-5 (Industrial District)
LOCATION	9655 S. Orange Ave; or generally on the east side of S. Orange Ave., west of 1 st Ave., south of 6 th St., and north of Tradeport Dr.
PARCEL ID NUMBER	01-24-29-8516-60-601
PUBLIC NOTIFICATION	The notification area for this public hearing was 900 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One-hundred fifteen (115) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	3.46 gross acres
PROPOSED USE	Truck Parking

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1/I-5 (Industrial District) zoning, subject to the following restrictions:

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 expansion of any existing structures or new site improvements to accommodate I-1/I-5 uses.

IMPACT ANALYSIS

Land Use Compatibility

The I-1/I-5 (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-1/I-5 (Industrial District) zoning is consistent with the Industrial (IND) 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 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	Truck Parking
Adjacent Zoning	N: I-1/I-5 (Industrial District) (2011) & C-3 (Wholesale Commercial District) (1957) E: R-T-1 (Mobile Home Subdivision District) (1985) W: C-3 (Wholesale Commercial District) (1972) S: C-3 (Wholesale Commercial District) (1986) & I-1/I-5 (Industrial District) (1965)
Adjacent Land Uses	N: Truck Sales E: Undeveloped Land W: Stormwater Pond S: Religious/Church & Fuel Storage

I-1/I-5 (INDUSTRIAL DISTRICT) DEVELOPMENT STANDARDS *

Floor Area Ratio:	≤0.75
Max. Height:	50 ft. (35 ft. within 100 ft. of a residential zoning district)
Building Setbacks:	
Front:	35 ft.
Rear:	25 ft.
Side:	25 ft.

* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.

Permitted Uses

I-1/I-5 (Industrial District) zoning is composed of lands and structures used primarily for the operation of general industrial uses.

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, religious institutions, warehouses, offices, contractors storage and offices, food processing and packaging; woodchipping, mulching, and composting; textile manufacturing; garment manufacturing; manufacturing of furniture and fixtures; manufacturing of medicinal chemicals and botanical products; manufacturing of commercial and industrial machinery; motor vehicle assembly; boat manufacturing; aluminum recycling collection drop-off sites; community correction centers; juvenile correction homes; etc.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located 9655 S. Orange Ave; or generally on the east side of S. Orange Ave., west of 1st Ave., south of 6th St., and north of Tradeport Dr. Situated in the Taft community, the subject property is within an established industrial corridor. The surrounding area can be characterized as generally commercial and industrial uses to the east of 1st Avenue, and single-family residential uses to the west.

The applicant purchased the subject property with the intent to use the property for its existing truck parking use. However, the Future Land Use Map identifies the subject property as Industrial, with which its present C-3 zoning classification is inconsistent. If approved, the rezoning to I-1/I-5 will bring the site into conformance with its Future Land Use Map designation and allow the property owner to obtain a business license. In 2008, the parcel to the north of the subject property on the corner of S. Orange Avenue and 6th Street was also rezoned from C-1 to I-1/I-5 to bring the zoning and Future Land Use of the site into conformance. That site is currently developed with a truck sales use.

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.

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

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 applicant has been advised to use caution to prevent erosion during construction

along the boundary of the property, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. The entry area shall be designed to prevent trucks from tracking soil onto roadways. Periodic street sweeping may be required. Adjacent drainage ditches and affected storm drains shall be protected.

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. The applicant has been advised to review Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH.

Prior to commencement of any earth work or construction, if one acre or more will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the FDEP by the developer.

Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations.

Transportation / Access

Based on the concurrency management system database dated April 12, 2018, there are no deficient roadway segments within a one-mile radius of this project. This information is dated and subject to change.

The proposed rezoning request is to bring the existing use in compliance and is considered "de minimis". No further transportation analysis is required.

Code Enforcement

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

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>	
Water:	Taft Water Association	
Wastewater:	Orange County Utilities	An 8-inch forcemain is located within the Orange 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

PZC Recommendation – (May 17, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1/I-5 (Industrial 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 expansion of any existing structures or new site improvements to accommodate I-1/I-5 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 **I-1/I-5** zoning district.

Staff indicated that one hundred eleven (115) notices were mailed to surrounding property owners within a buffer extending 900 feet from the subject property, with two (2) commentaries received in favor of the request and (1) in opposition. The applicant was present and agreed with the staff recommendation of approval.

Members of the Planning and Zoning Commission confirmed that the applicant understood that he would be required to bring the subject property up to code prior to using the site for any I-1/I-5 uses. A motion was made by Commissioner DiVecchio to find the request consistent with the Comprehensive Plan and Recommend APPROVAL of the I-1/I-5 (Industrial District) zoning. Commissioner Cantero seconded the motion, which then carried on a 6-2 vote.

Motion / Second

Pat DiVecchio / Jose Cantero

Voting in Favor

Pat DiVecchio, Jose Cantero, Paul Wean, Gordon Spears, Yog Melwani, and James Dunn

Voting in Opposition

Tina Demostene and William Gusler

Absent

JaJa Wade

RZ-18-05-027



Subject Property



Subject Property

Future Land Use Map

FLUM: Industrial (IND)

APPLICANT: Juan E. Quiroz Fuentes

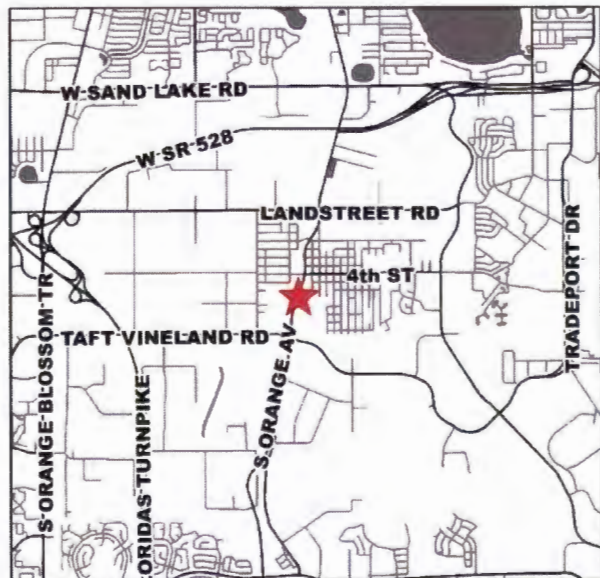
LOCATION: 9655 S. Orange Ave; or generally on the east side of S. Orange Ave., west of 1st Ave., south of 6th St., and north of Tradeport Dr.

TRACT SIZE: 3.46 gross acres

DISTRICT: #4

S/T/R: 29/24/01

1 inch = 425 feet



RZ-18-05-027



Subject Property



Subject Property

Zoning Map

ZONING: C-3 (Wholesale Commercial District) to I-1/I-5 (Industrial District)

APPLICANT: Juan E. Quiroz Fuentes

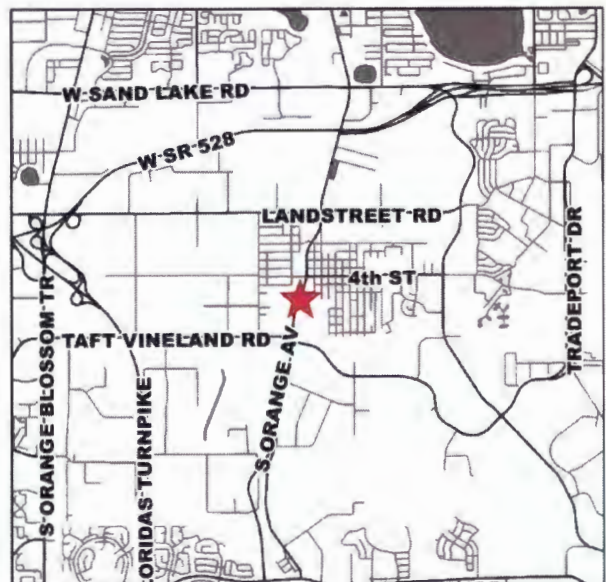
LOCATION: 9655 S. Orange Ave; or generally on the east side of S. Orange Ave., west of 1st Ave., south of 6th St., and north of Tradeport Dr.

TRACT SIZE: 3.46 gross acres

DISTRICT: # 4

S/T/R: 29/24/01

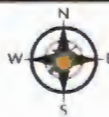
1 inch = 425 feet



RZ-18-05-027



Subject Property



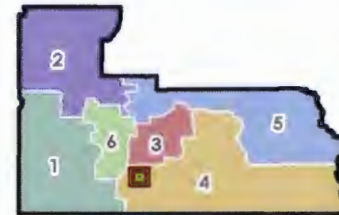
1 inch = 400 feet



Public Notification Map

RZ-18-05-027

900 FT BUFFER, 115 NOTICES

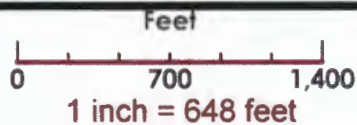


MAP LEGEND

- SUBJECT
- 900 FT BUFFER
- 1 MILE BUFFER
- NOTIFIED PARCELS
- COURTESY SELECTION
- PARCELS

Notification Map

Case # RZ-18-05-027
Orange County Planning Division
PZC Hearing Date: May 17, 2018



CASE # RZ-18-05-028

Commission District: # 1

GENERAL INFORMATION

APPLICANT	David E. Modetz
OWNER	David E. and Angelina P. Modetz
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-CE (Country Estate District) to R-1AAA (Residential Urban District)
LOCATION	5466-5472 Palm Lake Circle; or generally on the west side of Palm Lake Circle, approximately 225 feet north of Palm Lake Drive.
PARCEL ID NUMBER	22-23-28-6564-01-072 and 22-23-28-6564-01-071
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,000 feet [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Two hundred thirty-three (233) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	1.77 gross acres
PROPOSED USE	Two (2) Single-Family Detached Dwellings (<i>validation of existing parcel lines via formal lot split</i>)

STAFF RECOMMENDATION

PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested R-1AAA (Residential Urban District) zoning district.

IMPACT ANALYSIS

Land Use Compatibility

The R-1AAA (Residential Urban District) zoning would allow for development that is incompatible with the adjacent residential neighborhood and could adversely impact adjacent properties.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is

Low Density Residential (LDR). While the requested R-1AAA (Residential Urban District) zoning is consistent with the LDR FLUM designation, it is inconsistent with the following Comprehensive Plan provisions:

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

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.

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.

SITE DATA

Existing Use	Single-Family Residential, Undeveloped Residential
Adjacent Zoning	N: R-CE (Country Estate District) (1968) E: R-CE (Country Estate District) (1968) W: R-CE (Country Estate District) (1968) S: R-CE (Country Estate District) (1968)
Adjacent Land Uses	N: Undeveloped Residential E: Single-Family Residential W: Single-Family Residential S: Single-Family Residential

R-1AAA (RESIDENTIAL URBAN DISTRICT) DEVELOPMENT STANDARDS*

Min. Lot Area:	14,520 sq. ft. (1/3 acre)
Min. Lot Width:	95 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,500 sq. ft.

Building Setbacks:	
Front:	30 ft.
Rear:	35 ft.
Side:	10 ft.

* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.

Permitted Uses

Per Section 38-326 of the Orange County Code, the intent and purpose of the R-1AAA residential urban district is to provide for single-family homes of a low density within the existing or planned urban service area.

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 5466-5472 Palm Lake Circle; or generally on the west side of Palm Lake Circle, approximately 225 feet north of Palm Lake Drive. The immediate area can be characterized as being developed with single-family detached dwellings with large lots of varying sizes. Parcel 22-23-28-6564-01-071 (5466 Palm Lake) is currently developed with a single-family dwelling and Parcel 22-23-28-6564-01-072 (5472 Palm Lake) is currently undeveloped.

Property History

The property is within the plat of Park Lake Manor First Addition (Pat Book U, Page 140), which was recorded on August 28, 1956. This plat created lots of approximately one (1) acre in size. The subject property as a whole was platted as Lot 7 of the subdivision.

The subject property, as well as the surrounding areas, received an initial zoning of A-1 (Citrus Rural District) when Orange County adopted its zoning map in 1957. The development standards of the A-1 zoning district are the same as the standards today, requiring a minimum lot area of one-half (1/2) acre and a minimum lot width of 100 feet.

The subject parcels have existed in their current condition since at least September 3, 1959, as evidenced by a recorded warranty deed (OR 601, PG 255). The parcels do currently meet the A-1 zoning standards then and today.

The subject parcels, as well as the surrounding area, were administratively rezoned by Orange County to R-CE (Country Estate District) on June 24, 1968. This zoning district requires parcels to be at least one (1) acre in size and requires a minimum lot width of 130 feet. The subject parcels, due to this rezoning, became non-conforming.

Lot of Record Information

Per Orange County Code Section 38-1401, the subject properties are subject to the following substandard lot of record regulations:

- (a) If two (2) or more adjoining lots with continuous frontage were under single ownership on or after October 7, 1957, and one (1) or more of such adjoining lots has a frontage or lot area less than what is required by the zoning district in which such lot or lots are located, such substandard lot or lots shall be aggregated so as to create one (1) or more new lots, each of which shall conform to the minimum frontage and minimum lot area requirements of the zoning district in which the substandard lot or lots are located, and the lots so aggregated shall be considered one (1) tract.
- (c) No development permits may be issued for any lot or parcel which has a size or width less than what is required by the zoning district in which such lot or parcel is located, unless the lot or parcel is aggregated with adjacent property so that the required size or width complies with the zoning requirements.

Since there is no documentation that the parcel lines have existed prior to October 7, 1957, Orange County cannot verify that the parcels are lots of record and can be developed as such. As the applicant acquired the two subject parcels at two separate times (1996 and 2003), and per the lot of record regulations, a determination by Orange County Zoning was made that, as a whole, the subject properties meet the R-CE zoning standards, only one house can be permitted to be built and the parcels as a whole are considered by Orange County as one lot. Additionally, the lots shall be aggregated together prior to any additional building permits can be issued.

Staff Analysis

As the applicant wants to ensure that a single-family dwelling can be built on each parcel and each parcel able to be sold independently of each other, the applicant has applied to rezone the subject property from R-CE (Country Estate District) to R-1AAA (Residential Urban District). This rezoning would allow the validation of existing parcel lines and permit construction of the single-family dwellings. If approved, the applicant will need to process a formal lot split application through the Zoning Division.

As there are no parcels zoned R-1AAA within the surrounding neighborhood, and as the existing lots surrounding the subject property are on properties that meet the existing R-CE zoning regulations, staff has concluded that a rezoning to R-1AAA can be determined to be spot zoning and that the request could set a precedent for similar rezoning applications in the established neighborhood, therefore staff is recommending denial of the request.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low Density Residential (LDR) 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.

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

Developable upland acreage is unknown until a County Conservation Area Determination (CAD) is completed. A completed CAD, including an approved boundary survey, shall be required prior to future building or development plan approvals.

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or conservation easement/tract (includes the conservation area and the protective setback/buffer) without first obtaining a Conservation Area Impact permit approved by the county and obtaining other applicable jurisdictional agency permits. Reference Orange County Code Chapter 15, Article X, Section 15-376. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

Shoreline clearing can only occur with proper permitting. Any clearing of vegetation, wetland enhancement, or altering of the shoreline in the upland buffer, wetland, or below the NHWE shall require approval by the Orange County Environmental Protection Division.

It is not known from the information provided if the site is currently on a septic system or if sewer is available. If this site has an existing septic system, the applicant shall notify the Department of Health (DOH) about modification of the septic system permit. If septic is required then the applicant shall refer to Orange County code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the DOH.

Any existing septic tanks or wells (potable or irrigation water supply wells) onsite shall be properly abandoned prior to earthwork or construction. Permits shall be applied for

and issued by the appropriate agencies.

Residential lots shall be configured to accommodate requirements of the Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal regarding (but not limited to the applicant is advised to reference the entire related code) setbacks, lot size (lake front lots have specific requirements), soils, distance to potable water supply wells; and elevations above the 100-year flood elevation and above the normal wet season water table. Especially note setbacks: no less than 75 feet from jurisdictional wetlands and the design high water level of normally wet drainage systems and stormwater retention areas; 150 feet from the NHWE of surface water bodies and 75 feet from all potable wells.

Confirmation of proper permitting of the existing boat dock will need to be discussed with the Orange County Environmental Protection Division. Any person desiring to construct these types of structures within the County in water, wetlands, wetland buffer areas, or on a shoreline shall apply for an Orange County Dock Construction Permit prior to clearing and installation. Application shall be made to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction.

This review does not release the applicant from complying with all other Federal, State, and Local rules and regulations.

The design plans for all categories of development shall include a note that an erosion control plan will be submitted to the County Engineer for approval prior to the pre-construction conference, per Orange County Code Chapter 30-282(c)(5).

Transportation / Access

The proposed rezoning request and approval to construct two (2) single family dwelling units will generate 2 PM peak hour trips. This trip generation will not have any significant impact on the roadways within a one (1) mile radius of this project. No further transportation analysis is required.

Code Enforcement

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

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>	
Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	18-inch gravity main on Dr. Phillips Boulevard
Reclaim Water:	Orange County Utilities	16-inch reclaimed water main on Dr. Phillips Boulevard

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it is considered "de minimis" and therefore exempt from capacity review.

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not provide any 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 – (May 17, 2018)

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested R-1AAA (Residential Urban District) zoning district.

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 inconsistency with the Comprehensive Plan and recommend denial of the requested R-1AAA (Residential Urban District) zoning.

Staff indicated that two hundred thirty-three (233) notices were mailed to surrounding property owners within a buffer extending 1,000 feet from the subject property, with one (1) commentary received in favor of the request and twelve (12) in opposition. The applicant was present and disagreed with the staff recommendation. Seven (7) members of the public spoke in opposition to the request.

After limited discussion regarding the compatibility with the neighborhood, a motion was made by Commissioner Wean to find the request to be inconsistent with the Comprehensive Plan and recommend DENIAL of the R-1AAA (Residential Urban District) zoning. Commissioner Demostene seconded the motion, which then carried on an 8-0 vote.

Motion / Second

Paul Wean / Tina Demostene

Voting in Favor

Paul Wean, Tina Demostene, Gordon Spears, Pat DiVecchio, Jose Cantero, James Dunn, Yog Melwani, and William Gusler

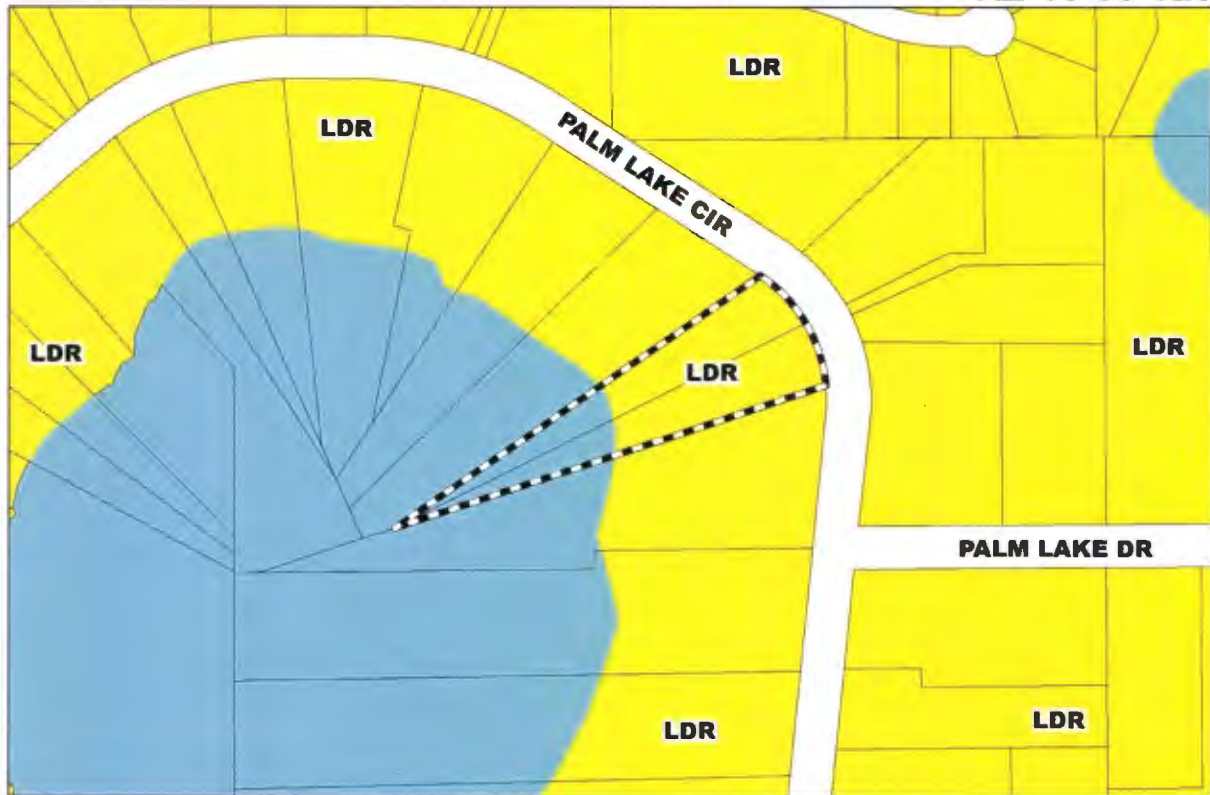
Voting in Opposition

n/a

Absent

JaJa Wade

RZ-18-05-028



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: David E. Modetz

LOCATION: 5466-5472 Palm Lake Circle; or generally
on the west side of Palm Lake Circle,
approximately 225 feet north of Palm Lake
Drive

TRACT SIZE: 1.77 gross acres

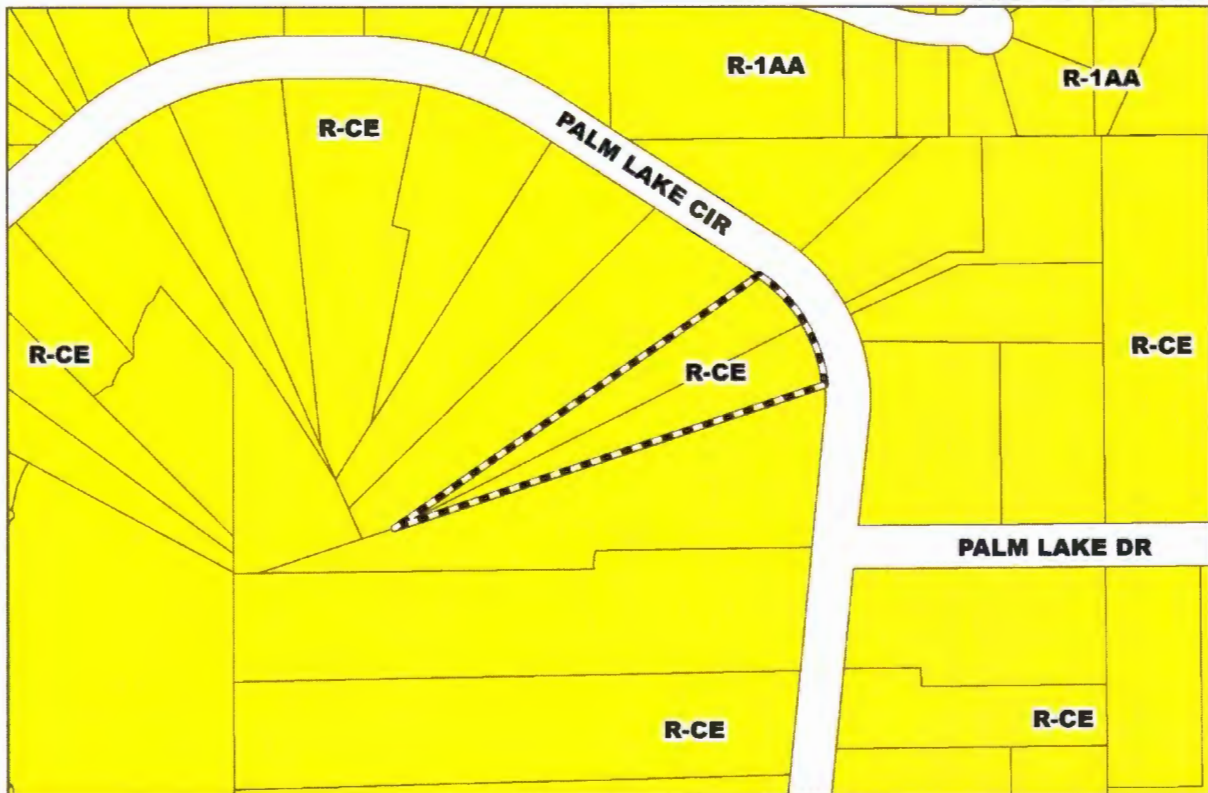
DISTRICT: # 1

S/T/R: 22/23/28

1 inch = 250 feet




RZ-18-05-028



 Subject Property



 Subject Property

Zoning Map

ZONING: R-CE (Rural County Estate District) to
R-1AAA (Residential Urban District)

APPLICANT: David E. Modetz

LOCATION: 5466-5472 Palm Lake Circle; or generally
on the west side of Palm Lake Circle,
approximately 225 feet north of Palm Lake
Drive

TRACT SIZE: 1.77 gross acres

DISTRICT: # 1

S/T/R: 22/23/28

1 inch = 250 feet



RZ-18-05-028



 Subject Property



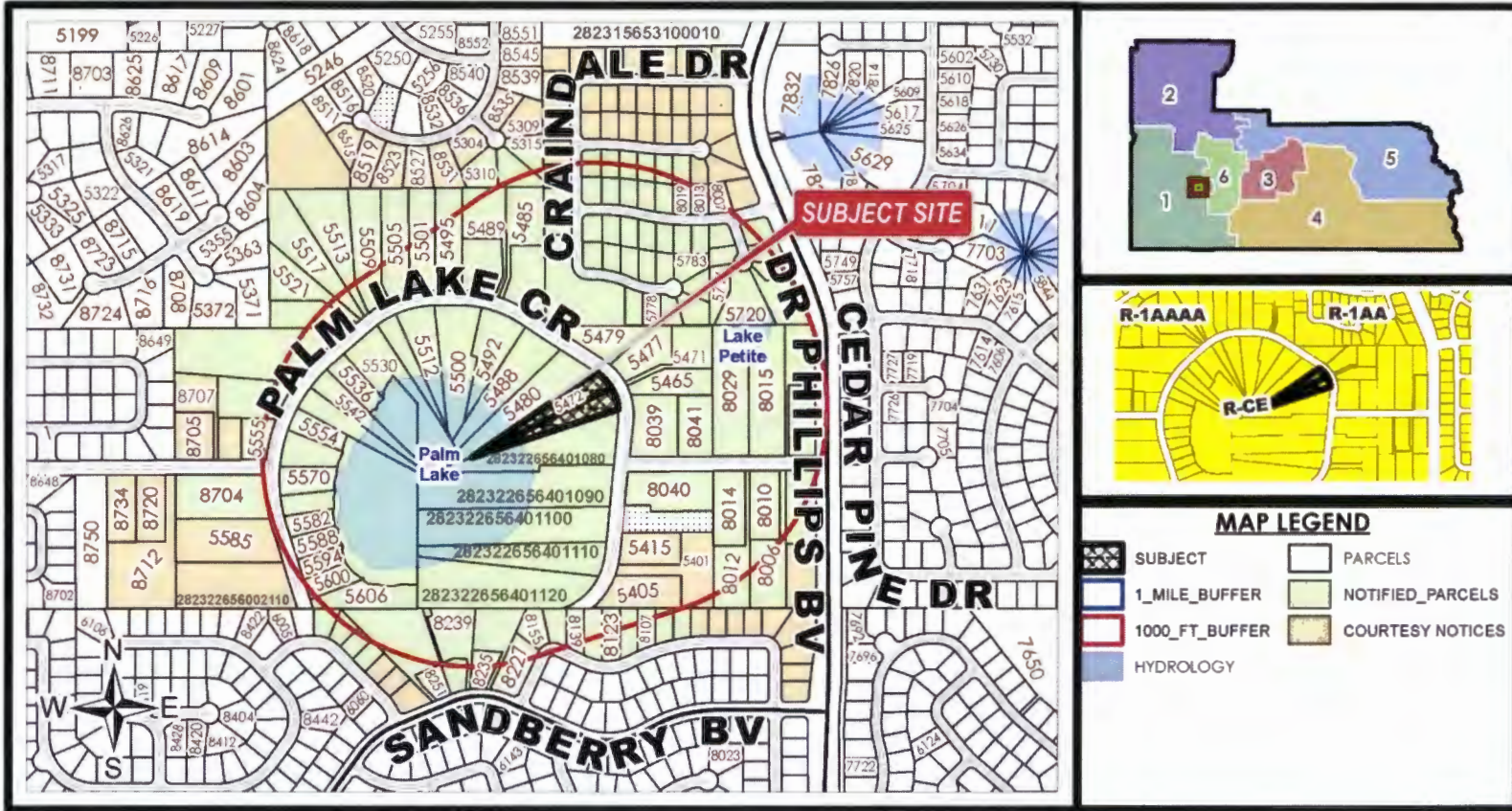
1 inch = 200 feet



Public Notification Map

RZ-18-05-028

1000 FT BUFFER, 233 NOTICES



Notification Map

Case # RZ-18-05-028
Orange County Planning Division
PZC Hearing Date: May 17, 2018

CASE # RZ-18-05-029

Commission District: # 3

GENERAL INFORMATION

APPLICANT	Ziad N. Shami
OWNERS	Victoria Spellman Trust 1/2 Int. Lloyd-Goldenrod LLC 1/2 Int.
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-1 (Retail Commercial District) to C-2 (General Commercial District)
LOCATION	217 S. Goldenrod Rd. or generally on the northeast corner of the intersection of S. Goldenrod Road and State Road 408.
PARCEL ID NUMBER	26-22-30-0000-00-087
PUBLIC NOTIFICATION	The notification area for this public hearing was 1500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred seventy-one (271) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.927-gross acre
PROPOSED USE	Existing automobile sales use

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:

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 expansion of any existing structures or new site improvements to accommodate C-2 uses.

IMPACT ANALYSIS

Land Use Compatibility

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

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

Automobile Sales

Adjacent Zoning	N:	C-1 (Retail Commercial District) (1972)
	E:	C-1 (Retail Commercial District) (1972)
	W:	C-1 (Retail Commercial District) (1986)
	S:	C-1 (Retail Commercial District) (1979)
Adjacent Land Uses	N:	Undeveloped Land
	E:	Expressway
	W:	Hotel
	S:	Expressway

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)

* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.

Permitted 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 217 S. Goldenrod Rd. or generally on the northeast corner of the intersection of S. Goldenrod Road and State Road 408. The surrounding area is comprised of undeveloped commercial properties, and commercial uses including a hotel, gas station, and self-storage. In 2017, the 17-acre property to the northwest of the subject site underwent a Future Land Use Map amendment and rezoning from commercial to multi-family to allow for an apartment complex.

The property is currently zoned C-1, and has continually been utilized as a car lot since before its current zoning designation was put in place in 1972. Per Chapter 38 Article III of the Orange County Code, the existing use was permitted as a non-conforming use. However, the current property owner failed to renew their occupational license for the auto sales use within six (6) months and lost the nonconforming status. The applicant has applied to rezone the subject site to C-2 in order to resume the automobile sales use.

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.

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

Prior to commencement of any earth work or construction, any existing septic tanks or wells shall be properly abandoned. Permits shall be applied for and issued by the

appropriate agencies. The developer shall contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.

Prior to commencement of any earth work or construction, if one acre or more will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the FDEP by the developer.

The applicant has been advised to use caution to prevent erosion along the boundary of the property and into open drainage facilities. Construction will require Best Management Practices (BMPs) for erosion control. The entry area shall be designed to prevent vehicles from tracking soil onto roadways. Periodic street sweeping may be required. Adjacent drainage ditches and affected storm drains shall be protected.

Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations.

This subject property is within the boundary of the Orlando Range & Chemical Yard formerly known as the Orlando Army Airfield (OAA) Toxic Gas & Decontamination Yard. The applicant has been advised to use caution in the event any suspicious items, unexploded ordinance or chemical residue is discovered on the property. As a general safety precaution, all site workers should be trained if any suspicious items are located. Should anyone encounter or suspect they have found munitions, it is vitally important that they follow the U.S. Army Corps of Engineers recommended "3 Rs": Recognize the item may be dangerous, Retreat and do not touch it, and Report the location to the local Sheriff's office immediately. For further information visit www.saj.usace.army.mil and click on Formerly Used Defense Sites (FUDS) and then click on the Orlando Range and Chemical Yard link or call 1-800-291-9413.

Transportation / Access

The purpose of this rezoning is to resume operation of an existing business on the subject property. No further transportation analysis is required.

Code Enforcement

On November 9, 2017 Orange County Code Enforcement incident # 498797 cited the property owner for operating an auto lot on the subject property. The auto lot had previously been permitted as a non-conforming use, but lost that status due to a lapse in business license payments. The case went to the Code Enforcement Board on April 21, 2018 (Case # CEB-2018-359263Z) and the property owner was found in violation of the Orange County Code and instructed to cease use and remove all vehicles from the property. Rezoning the property to C-2 will bring the use into conformance with the Orange County Code.

Water / Wastewater / Reclaim

Existing service or provider

Water:	Orange County Utilities	A 16-inch watermain is located within S. Goldenrod right-of-way
Wastewater:	Orange County Utilities	An 8-inch forcemain is located at the intersection of Yucatan and S. Goldenrod.
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

PZC Recommendation – (May 17, 2018)

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:

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 ~~expansion of any existing structures or new site improvements to accommodate C-2~~ accommodation of C-2 uses; and
- 3) All vehicle storage and display shall be on paved surfaces.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

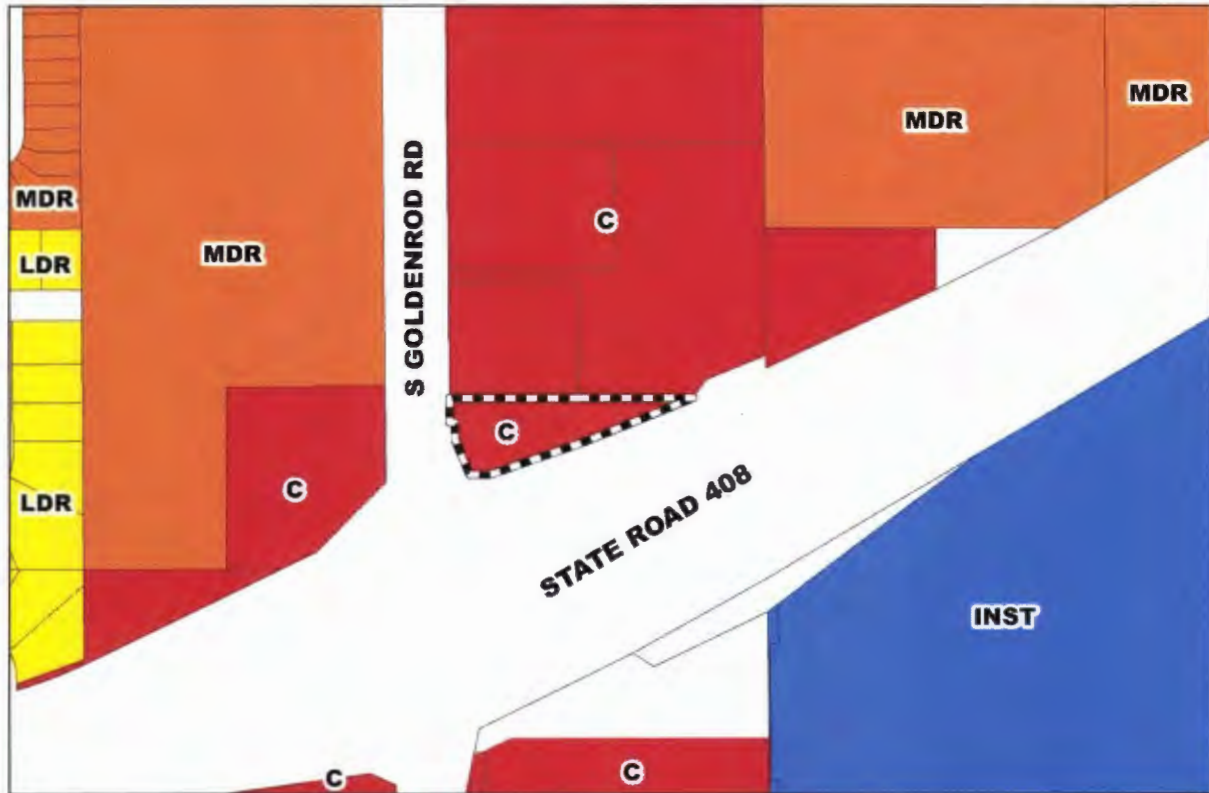
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested C-2 (General Commercial District) zoning, subject to two (2) restrictions.

Staff indicated that one hundred forty-eight (271) notices were mailed to surrounding property owners within a buffer extending beyond 1,500 feet from the subject property, with zero (0) commentaries received in opposition to this request, and zero (0) received in support. The applicant was present and agreed with the staff recommendation of approval. There were no members of the public present to speak about this request.

Following limited discussion regarding site compliance with the new use, a motion was made by Commissioner Demostene to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the C-2 (General Commercial District) zoning district, subject to three (3) restrictions. Commissioner Melwani seconded the motion, which was then carried on a 8-0 vote.

Motion / Second	<i>Tina Demostene / Yog Melwani</i>
Voting in Favor	<i>Tina Demostene, Yog Melwani, Gordon Spears, Pat DiVecchio, Paul Wean, James Dunn, William Gusler, and Jose Cantero</i>
Voting in Opposition	<i>n/a</i>
Absent	<i>JaJa Wade</i>

RZ-18-05-029



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Ziad N. Shami

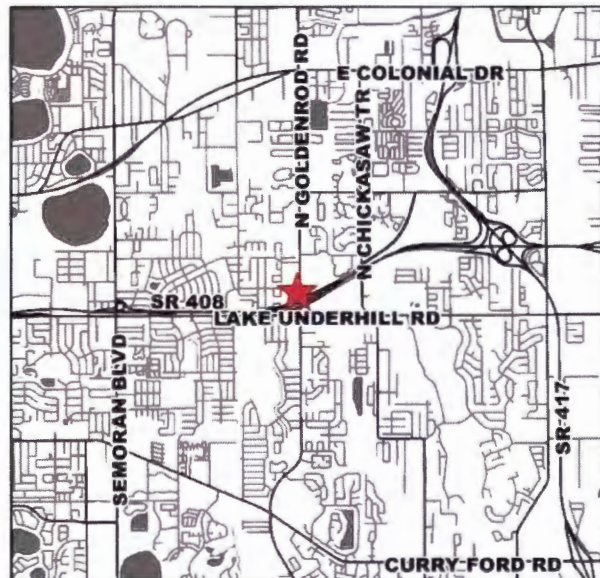
LOCATION: 217 S. Goldenrod Rd. or generally on the
northeast corner of the intersection of
S. Goldenrod Road and State Road 408.

TRACT SIZE: 0.927-gross acre

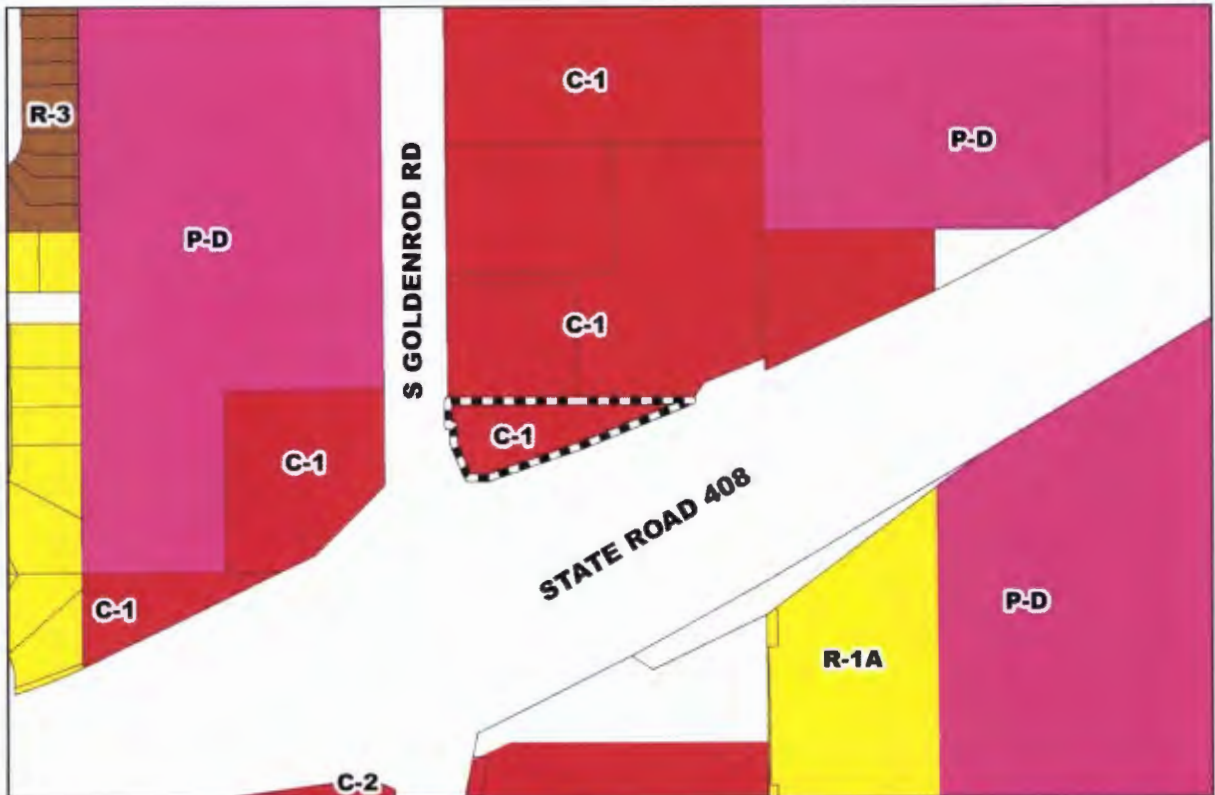
DISTRICT: # 3

S/T/R: 26/22/30

1 inch = 300 feet




RZ-18-05-029



 Subject Property



 Subject Property

Zoning Map

ZONING: C-1 (Retail Commercial District) to
C-2 (General Commercial District)

APPLICANT: Ziad N. Shami

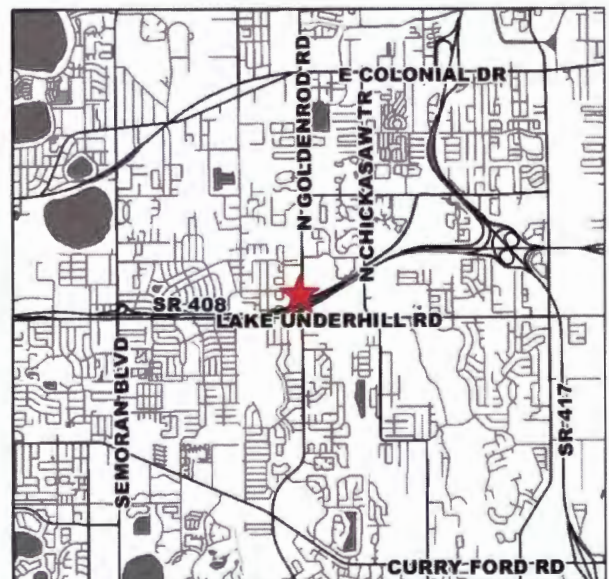
LOCATION: 217 S. Goldenrod Rd. or generally on the
northeast corner of the intersection of
S. Goldenrod Road and State Road 408.

TRACT SIZE: 0.927-gross acre

DISTRICT: # 3

S/T/R: 26/22/30

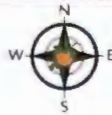
1 inch = 300 feet



RZ-18-05-029



 Subject Property



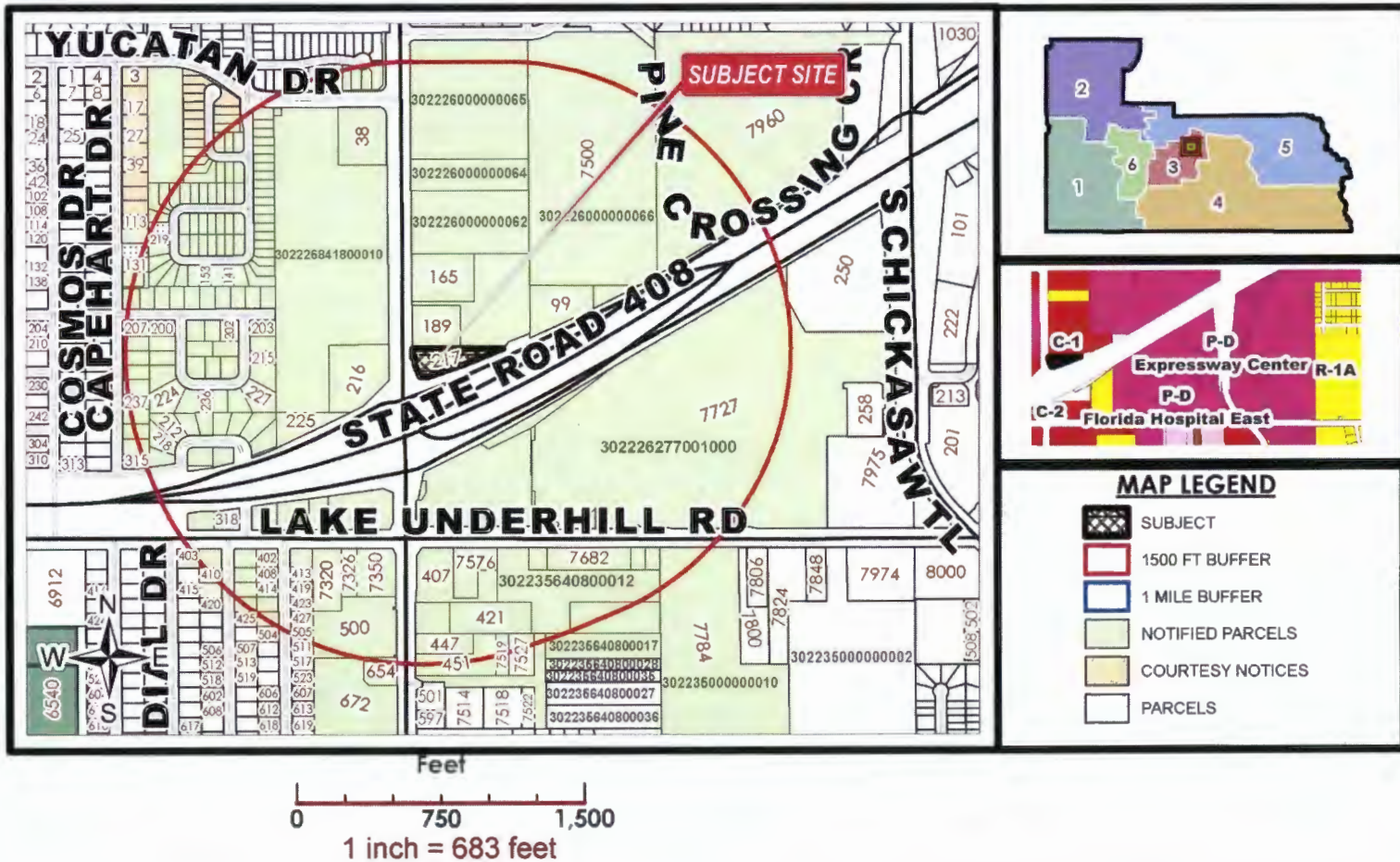
1 inch = 300 feet



Public Notification Map

RZ-18-05-029

1500 FT BUFFER, 271 NOTICES



Notification Map

Case # RZ-18-05-029
Orange County Planning Division
PZC Hearing Date: May 17, 2018

Case Planner:
Jason Sorensen

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: May 17, 2018
