

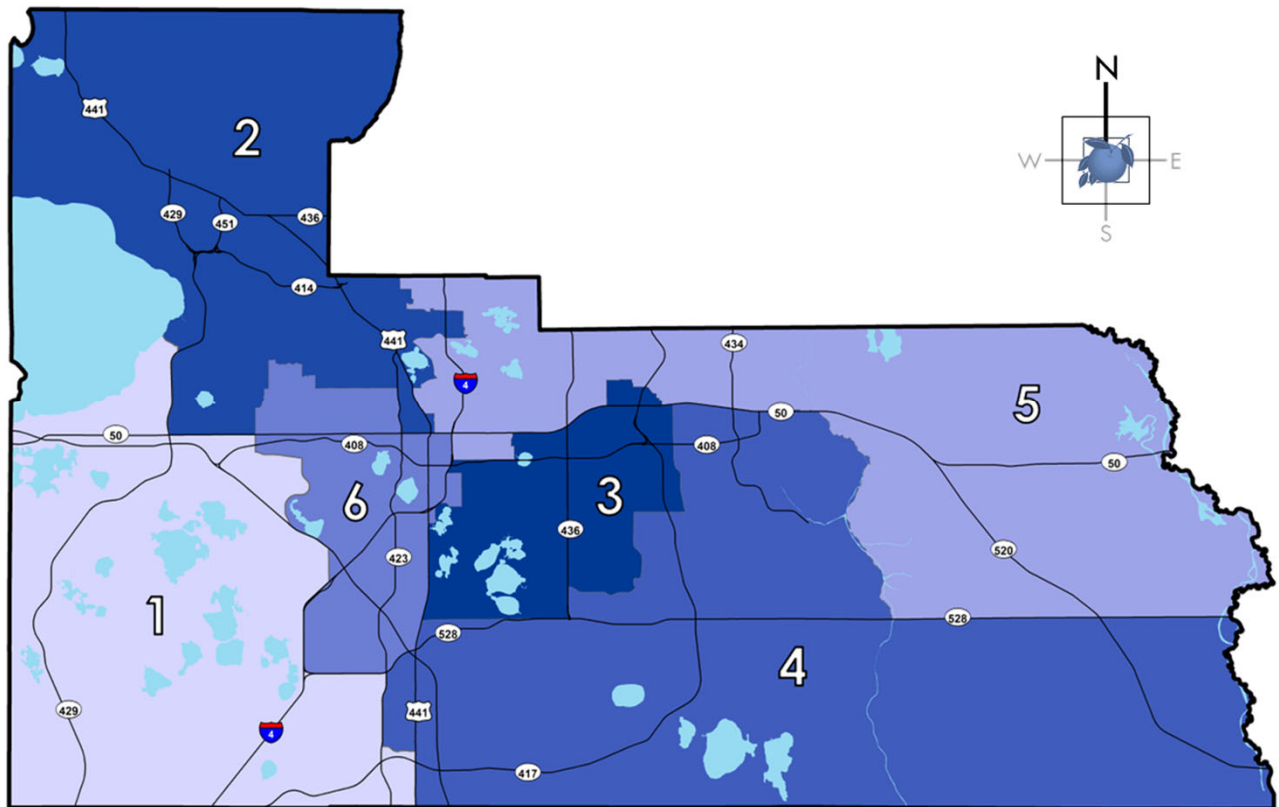


PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS

AUGUST 15, 2024



PREPARED BY:

ORANGE COUNTY GOVERNMENT  
PLANNING DIVISION | CURRENT PLANNING SECTION

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

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George Wiggins District #2

Eddie Fernandez District #3

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Vice Chairperson

Camille Evans District #6

Michael Arrington At Large

Evelyn Cardenas At Large

Nelson Pena At Large  
Chairman



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**August 15, 2024**

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<b><u>Case #</u> <u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Commission</u> <u>District</u></b>	<b><u>Recommendations</u> <u>Staff</u></b>	<b><u>PZC</u></b>	<b><u>BCC Hearing</u> <u>Required</u></b>
<b>I. Conventional Rezoning Hearing</b>					
RZ-24-07-047 Sandra Lee Newson	C-1 <b>to</b> C-3 Restricted	2	Approval with one (1) restriction	Approval with one (1) restriction	No
RZ-24-01-122 Carlos Ruiz	R-CE <b>to</b> R-1AAAA Restricted	3	Approval	Approval with one (1) restriction	No
RZ-24-06-042 Rosemary Hayes	A-2 <b>to</b> I-1/I-5 Restricted	5	Approval with one (1) restriction	Approval with one (1) restriction	No
RZ-24-07-044 Ethan Trusty	R-3 <b>to</b> R-2 Restricted	2	Approval with one (1) restriction	Approval with one (1) restriction	No
RZ-24-07-045 Kendell Keith	C-1 <b>to</b> C-2 Restricted	5	Denial	Approval with two (2) restrictions	

## SITE & BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Site and Principal Building Requirements

District	Min. Lot Area <sup>M</sup> (sq. ft.)	Min. Living Area/floor area (sq. ft.)	Min. Lot width (ft.)	<sup>A</sup> Min. Front yard (ft.)	<sup>A</sup> Min. Rear yard (ft.)	<sup>A</sup> Min. Side yard (ft.)	<sup>A</sup> Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/Density sq. ft./du/ac	Additional Standards
A-1	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50 <sup>A</sup>	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50 <sup>A</sup>	L	
A-2	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50 <sup>A</sup>	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50 <sup>A</sup>	L	
A-R	108,900 (2½ acres)	950	270	35	50	25	15	35	50 <sup>A</sup>	L	
R-CE	43,560 (1 acre)	1,500	130	35	50	10	15	35	50 <sup>A</sup>	L	
R-CE-2	2 acres	1,200	185	45	50	30	15	35	50 <sup>A</sup>	L	
R-CE-5	5 acres	1,200	250	50	50	45	15	35	50 <sup>A</sup>	L	
R-1AAAA	21,780(½ acre)	1,500	110	30	35	10	15	35	50 <sup>A</sup>	L	
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	15	35	50 <sup>A</sup>	L	
R-1AA	10,000	1,200	85	25/30 <sup>H</sup>	30/35 <sup>H</sup>	7.5	15	35	50 <sup>A</sup>	L	
R-1A	7,500	1,200	75	20/25 <sup>H</sup>	25/30 <sup>H</sup>	7.5	15	35	50 <sup>A</sup>	L	
R-1	5,000	1,000	50	20/25 <sup>H</sup>	20/25 <sup>H</sup>	5/6 <sup>H</sup>	15	35	50 <sup>A</sup>	L	
R-2	One-family dwelling, 4,500	1,000	45 <sup>C</sup>	20/25 <sup>H</sup>	20/25 <sup>H</sup>	5/6 <sup>H</sup>	15	35	50 <sup>A</sup>	L	38-456
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit <sup>D</sup>	80/90 <sup>D</sup>	20/25 <sup>H</sup>	25	5/6 <sup>H</sup>	15	35	50 <sup>A</sup>	L	38-456
	Three dwelling units, 11,250	500 per dwelling unit	85 <sup>J</sup>	20/25 <sup>H</sup>	30	10	15	35 <sup>E</sup>	50 <sup>A</sup>	L	38-456
	Four or more dwelling units, 15,000	500 per dwelling unit	85 <sup>J</sup>	20/25 <sup>H</sup>	30	10 <sup>B</sup>	15	35 <sup>E</sup>	50 <sup>A</sup>	L	38-456; limited to 4 units per building
R-3	One-family dwelling, 4,500	1,000	45 <sup>C</sup>	20/25 <sup>H</sup>	20/25 <sup>H</sup>	5	15	35	50 <sup>A</sup>	L	38-481
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit <sup>D</sup>	80/90 <sup>D</sup>	20/25 <sup>H</sup>	20/25 <sup>H</sup>	5/6 <sup>H</sup>	15	35	50 <sup>A</sup>	L	38-481
	Three dwelling units, 11,250	500 per dwelling unit	85 <sup>J</sup>	20/25 <sup>H</sup>	30	10	15	35 <sup>E</sup>	50 <sup>A</sup>	L	38-481
	Four or more dwelling units, 15,000	500 per dwelling unit	85 <sup>J</sup>	20/25 <sup>H</sup>	30	10 <sup>B</sup>	15	35 <sup>E</sup>	50 <sup>A</sup>	L	38-481
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10 <sup>S</sup>	15	35 <sup>Q</sup>	50 <sup>A</sup>	L	38-605

District	Min. Lot Area <sup>M</sup> (sq. ft.)	Min. Living Area/floor area (sq. ft.)	Min. Lot width (ft.)	<sup>A</sup> Min. Front yard (ft.)	<sup>A</sup> Min. Rear yard (ft.)	<sup>A</sup> Min. Side yard (ft.)	<sup>A</sup> Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/Density sq. ft./du/ac	Additional Standards
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	15	35	50 <sup>A</sup>	L	38-578
R-T-1 SFR	4,500 <sup>C</sup>	1,000	45	20	20	5	15	35	50 <sup>A</sup>	L	
Mobile Home	4,500 <sup>C</sup>	Min. mobile home size 8 ft. x 35 ft.	45	20	20	5	15	35	50 <sup>A</sup>	L	
R-T-2 (zoned prior to 1/29/73)	6,000	SFR 500 Min. mobile home size 8 ft. x 35 ft.	60	25	25	6	15	35	50 <sup>A</sup>	L	
(zoned after 1/29/73)	21,780	SFR 600 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	15	35	50 <sup>A</sup>	L	
NR	One family dwelling, 4,500	1,000	45 <sup>C</sup>	20	20	5	15	35/3 stories	50 <sup>A</sup>	L	38-1748
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 <sup>A</sup>	L	38-1748
	Three dwelling, 11,250	1,000	45 <sup>C</sup>	20	20	5	15	35/3 stories	50 <sup>A</sup>	L	38-1748
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	50/4 stories	50 <sup>A</sup>	L	38-1748
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 <sup>A</sup>	L	38-1748
NAC	Nonresidential and mixed use development, 6,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single-family zoning district	10,0 if buildings are adjoining	15	50 feet	50 <sup>A</sup>	L	38-1741
	One family dwelling, 4,500	1,000	45 <sup>C</sup>	20	20	5	15	35/3 stories	50 <sup>A</sup>	L	38-1741
	Two dwelling units, 11,250	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 <sup>A</sup>	L	38-1741
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50 <sup>A</sup>	L	38-1741
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	50 feet/4 stories, 65 feet with ground floor retail	50 <sup>A</sup>	L	38-1741
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 <sup>A</sup>	L	38-1741

District	Min. Lot Area <sup>M</sup> (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	<sup>A</sup> Min. Front yard (ft.)	<sup>A</sup> Min. Rear yard (ft.)	<sup>A</sup> Min. Side yard (ft.)	<sup>A</sup> Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
NC	Nonresidential and mixed use development, 8,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single-family zoning district	10,0 if buildings are adjoining	15	65 feet	50 <sup>A</sup>	L	38-1734
	One family dwelling, 4,500	1,000	45 <sup>C</sup>	20	20	5	15	35/3 stories	50 <sup>A</sup>	L	38-1734
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 <sup>A</sup>	L	38-1734
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50 <sup>A</sup>	L	38-1734
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	65 Feet, 80 feet with ground floor retail	50 <sup>A</sup>	L	38-1734
	Townhouse 1,800	N/A	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 <sup>A</sup>	L	38-1734
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 feet for each add. story	15	35	50 <sup>A</sup>	L	38-806
C-1	6,000	500		25	20	0; or 15 ft. when abutting residential district	15	50; or 35 within 100 ft. of any residential use or district	50 <sup>A</sup>	L	38-830
C-2	8,000	500		25	15; or 25 when abutting residential district	5; or 25 when abutting residential district	15	50; or 35 within 100 ft. of any residential use or district	50 <sup>A</sup>	L	38-855
C-3	12,000	500		25	15; or 30 when abutting residential district	5; or 25 when abutting residential district	15	75; or 35 within 100 ft. of any residential use or district	50 <sup>A</sup>	L	38-880
I-1A	N/A	N/A	N/A	35	25, or 30 ft. when abutting residential district <sup>N</sup>	25, or 30 ft. when abutting residential district <sup>N</sup>	15	50; or 35 within 100 feet of any residential use or district	50 <sup>A</sup>	L	38-907



District	Min. Lot Area <sup>M</sup> (sq. ft.)	Min. Living Area/floor area (sq. ft.)	Min. Lot width (ft.)	<sup>A</sup> Min. Front yard (ft.)	<sup>A</sup> Min. Rear yard (ft.)	<sup>A</sup> Min. Side yard (ft.)	<sup>A</sup> Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/Density sq. ft./du/ac	Additional Standards
I-1/I-5	N/A	N/A	N/A	35	25, or 50 ft. when abutting residential district <sup>N</sup>	25, or 50 ft. when abutting residential district <sup>N/O</sup>	15	50; or 35 within 100 feet of any residential use or district	50 <sup>A</sup>	L	38-932
I-2/1-3	N/A	N/A	N/A	25	10, or 60 ft. when abutting residential district <sup>P</sup>	15, or 60 ft. when abutting residential district <sup>P</sup>	15	50; or 35 within 100 feet of any residential use or district	50 <sup>A</sup>	L	38-981
I-4	N/A	N/A	N/A	35	10, or 75 ft. when abutting residential district <sup>N</sup>	25, or 75 ft. when abutting residential district <sup>N</sup>	15	50; or 35 within 100 feet of any residential use or district	50 <sup>A</sup>	L	38-1008
U-R-3	Four or more dwelling units, 15,000	500 per dwelling unit	85 <sup>J</sup>	20/25 <sup>H</sup>	30	10 <sup>B</sup>	15	35	50 <sup>A</sup>	L	

**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	<p>Setbacks shall be measured 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 Chapter 15, Article VII, Lakeshore Protection, and Chapter 15, Article X, Wetland Protection, 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 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.</p> <p>A lot which is part of a subdivision, the plat of which has been lawfully recorded, or a parcel of land, the deed of which was lawfully recorded on or before August 31, 1982, either of which has a depth of less than one hundred fifty (150) feet above the normal high water elevation contour, shall be exempt from the fifty-foot setback requirement set forth in section 38-1501. Instead, the setbacks under the respective zoning district requirements shall apply as measured from the normal high water elevation contour.</p>
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. feet 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, the minimum duplex lot size is 8,000 square feet, and the minimum living area is 500 square feet. For detached units, the minimum duplex lot width is 90 feet, the minimum duplex lot size is 9,000 square feet, and minimum living area is 1,000 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. Existing developed duplex lots that are either platted or lots of record existing prior to 3/3/97 and are at least 75 feet in width and have a lot size of 7,500 square feet or greater, shall be deemed to be vested and shall be considered as conforming lots for width and/or size.
E	Multifamily residential buildings in excess of one story in height within 100 feet of the property line of any single-family dwelling district and use (exclusive of 2 story single family and 2 story two-family dwellings), requires a special exception.
F	Reserved.
G	Reserved.
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.

<i>J</i>	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.
<i>K</i>	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%.
<i>L</i>	Subject to the Future Land Use designation.
<i>M</i>	Developable land area.
<i>N</i>	Rear yards and side yards may be reduced to zero (0) when the rear or side property lines about the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities.
<i>O</i>	One of the side yards may be reduced to zero (0) feet, provided the other side yard on the lot shall be increased to a minimum building setback of fifty (50) feet. This provision cannot be used if the side yard that is reduced is contiguous to a residential district.
<i>P</i>	Rear yards and side yards may be reduced to zero when the rear or side property lines about the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities; however, no trackage shall be located nearer than three hundred (300) feet from any residential district.
<i>Q</i>	The maximum height of any structure shall be two stories or thirty-five (35) feet; provided, that no structure (exclusive of single-family and two-family dwellings) shall exceed one story in height within one hundred (100) feet of the side or rear lot line of any existing single-family residential district.
<i>R</i>	A ten-foot front setback may also be permitted for the dwelling unit when a front entry garage is set back at least twenty (20) feet from the front property line.
<i>S</i>	Minimum side building separation is ten (10) feet. The side setback may be any combination to achieve this separation. However, if the side setback is less than five (5) feet, the standards in section 38-605(b) of this district shall apply.

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

# BUFFER YARD REQUIREMENTS

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## 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-24-07-047**

Commission District: #2

**GENERAL INFORMATION**

**APPLICANT:** Sandra Lee Newson

**OWNER:** Sandra L. Newson Revocable Living Trust

**HEARING TYPE:** Planning and Zoning Commission

**REQUEST:** **C-1** (Retail Commercial District) **to**  
**C-3 Restricted** (Wholesale Commercial District)

**LOCATION:** 3209 Overland Rd; generally south of Apopka Ln, east of Overland Rd, north of Beggs Rd.

**PARCEL ID NUMBER:** 30-21-29-3588-00-230

**SIZE / ACREAGE:** 1.40-gross acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred ninety-eight (198) notices were mailed to those property owners in the surrounding area.

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

**PROPOSED USE:** C-3 uses

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested C-3 Restricted (Wholesale Commercial District) zoning, subject to the following restriction:**

- 1) New billboards and pole signs shall be prohibited.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking to rezone the subject property from C-1 (Retail Commercial District) to C-3 Restricted (Wholesale Commercial District) in order to allow C-3 uses including the parking of repossessed cars until removal.

The 1.40-gross acre property is currently developed with one structure; the existing use is a tire service. The surrounding area is developed with mixed uses including commercial uses zoned C-3 and C-1 to the east for a mobile park. There are also several mobile homes in the area zoned R-T and R-T-1. The property two lots to the east is zoned C-3 Restricted with two restrictions to prohibit pole signs and billboards and to require a Type "B" buffer adjacent to any residentially zoned properties. This is a current Code requirement and a restriction on the subject property would be redundant. The request appears to be compatible with the surrounding area.

There is currently a code enforcement violation that would be corrected through this rezoning request.

**Land Use Compatibility**

The C-3 (Wholesale Commercial District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

**Site Analysis**

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located in a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

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

**Code Enforcement**

Parcel#: 30-21-29-3588-00-230

Incident#: 638727

Inspector: Tracey Greene

Description: unimproved portion of lot being used for storage of junk vehicles/tow company

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-3 (Wholesale Commercial District) zoning is consistent with the Commercial (C) FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

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

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

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

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

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

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

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

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

**SITE DATA**

<b>Existing Use</b>	Tire Service, Warehouse
<b>Adjacent Zoning</b>	N: C-3 (Wholesale Commercial District) 1983 R-T-1 (Mobile Home Subdivision District) 1957 E: C-3 Restricted (Wholesale Commercial District) 2015 W: C-3 (Wholesale Commercial District) 1980 S: C-3 (Wholesale Commercial District) 1980 R-T (Mobile Home Park) 1972
<b>Adjacent Land Uses</b>	N: Commercial paving, Mobile Home E: Mobile Home Park W: Contractor offices S: Mobile Home

**C-3 (Wholesale Commercial District) Development Standards**

Min. Lot Area:	12,000 sq. ft.
Min. Lot Width:	125 ft. (on major streets, see Article XV) 100 ft. (on all other streets)
Max. Height:	75 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-3 district is to implement and be consistent with the commercial land use designation of the future land use map. The C-3 district is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

**SPECIAL INFORMATION**

**Staff Comments**

**Environmental**

Wekiva Study Area - This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply, but are not limited to: septic tank criteria, open space, stormwater treatment and wetlands/surface waters, and upland buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

Wekiva Priority Focus Area and BMAP Enhanced Septic/Sewer Requirement - This site is located within the Wekiwa/Rock Springs and Wekiva River/Rock Springs Run/Little Wekiva Canal Basin Management Action Plan (BMAP) Areas and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended;

Within a BMAP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

Existing Septic and Well - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment

prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

General Noise Compliance - No person shall produce, or allow to be produced, any sound within any private or public property, including a right-of-way, which sound, when measured pursuant to section 15-183, exceeds the sound levels in Orange County Code Chapter 15 Environmental Control, Article V Noise Pollution Control, Section 15-182 Maximum permissible sound levels.

Solid Waste Disposal - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

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

**Transportation / Access**

Based on the Concurrency Management database (CMS) dated 06/27/2024, there is a failing roadway segment within the project's impact area along Maitland Blvd, from Orange Blossom Tr to Forest City Rd. This information is dated and subject to change. This information is dated and subject to change. Prior to any building permit approval, a Concurrency Application through the Concurrency Management office may be required, [concurrency@ocfl.net](mailto:concurrency@ocfl.net).

**Schools**

The applicant is proposing to utilize the property for commercial purposes. Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

**Parks and Recreation**

No comments.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities Service Area (Availability of services may vary)**

Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaim Water:	Orange County Utilities



**Detailed Utility Information:**

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

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

Wastewater is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

**State of Florida Notice**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – August 15, 2024**

**Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested C-3 Restricted (Wholesale Commercial District) zoning, subject to the following restriction:**

- 1) New billboards and pole signs shall be prohibited.

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

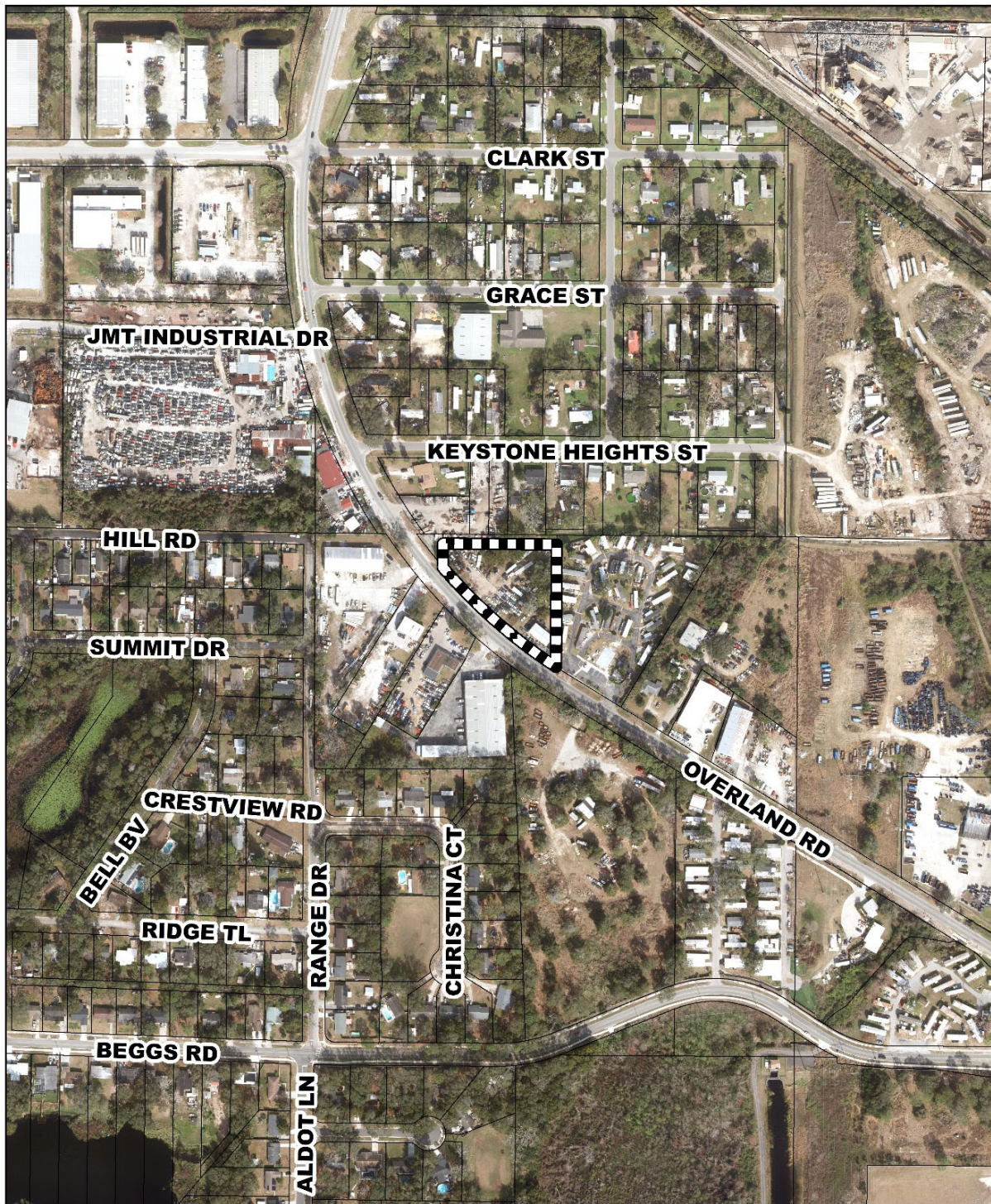
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 (Wholesale Commercial District) zoning. The applicant was present for the hearing and agreed with the staff's recommendation. No speakers were present to speak during the public comment.

Staff indicated that one hundred ninety-eight (198) notices were sent to the property owners and residents extending beyond 800 feet surrounding the property, and that staff had received three (3) responses in favor and zero (0) responses in opposition of the request.

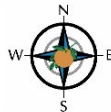
After discussion regarding the current and proposed use and existing code violation, a motion was made by Commissioner Wiggins and seconded by Commissioner Arrington to recommend APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning. The motion carried on a 7-0 vote.

<b>Motion / Second</b>	<i>George Wiggins / Michael Arrington</i>
<b>Voting in Favor</b>	<i>George Wiggins, Michael Arrington, Gordon Spears, Evelyn Cardenas, Camille Evans, Eddie Fernandez and Eric Gray</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>Nelson Pena and David Boers</i>

RZ-24-07-047



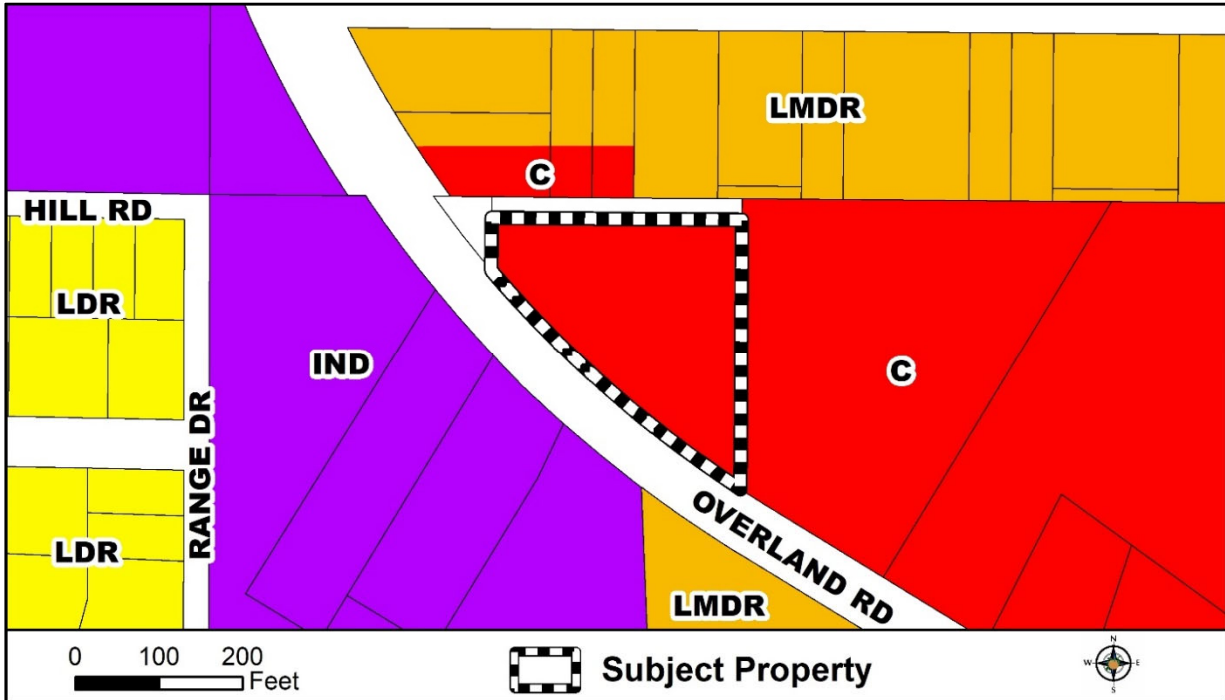
 Subject Property



0 200 400  
Feet

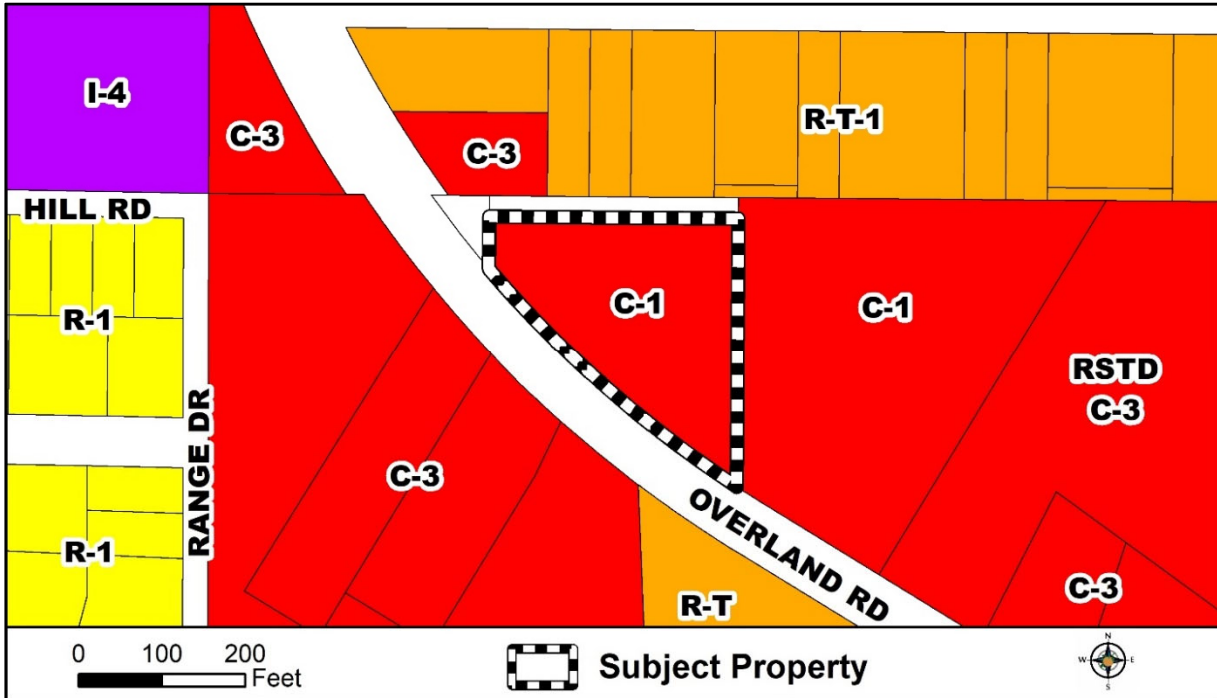
**FUTURE LAND USE – CURRENT**

Commercial (C)



**ZONING – CURRENT**

C-1 (Retail Commercial District)



**ZONING – PROPOSED**

C-3 Restricted (Wholesale Commercial District)





# Public Notification Map

RZ-24-07-047

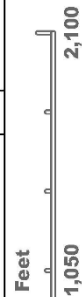
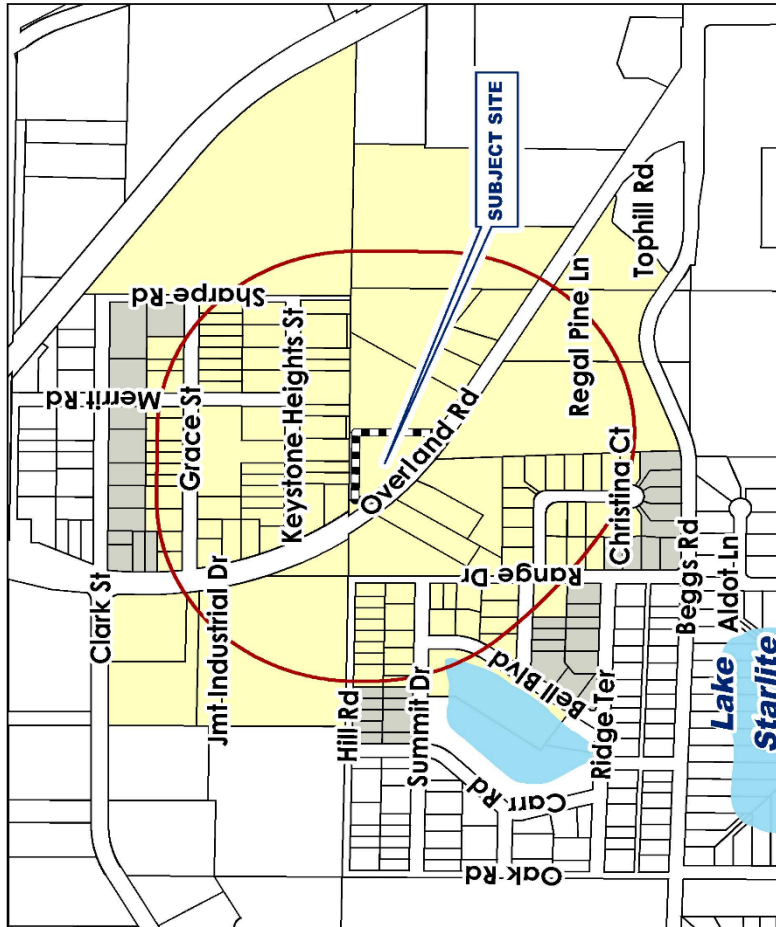
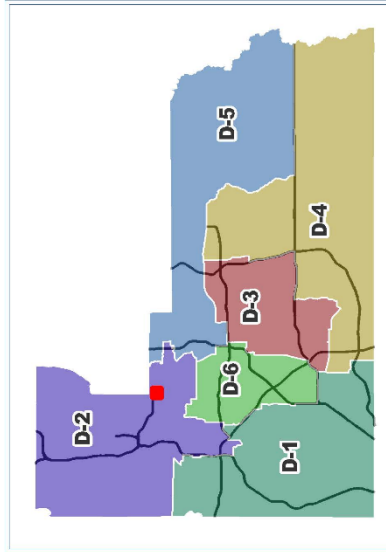
## NOTIFICATION MAP

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**MAP LEGEND**

	SUBJECT SITE		NOTIFIED PARCELS
	800 FT BUFFER		COURTESY PARCELS
	HYDROLOGY		PARCELS

BUFFER DISTANCE: 800  
 # OF NOTICES: 198



**CASE # RZ-24-01-122**

Commission District: #3

**GENERAL INFORMATION**

<b>APPLICANT:</b>	Carlos Ruiz
<b>OWNERS:</b>	Maria Luisa Davila and Jose Pineda
<b>HEARING TYPE:</b>	Planning and Zoning Commission
<b>REQUEST:</b>	<b>R-CE</b> (Country Estate District) <b>to</b> <b>R-1AAAA</b> (Residential Urban District)
<b>LOCATION:</b>	831 S Econlockhatchee Trl; generally located north of Sunderson Rd, east of S Econlockhatchee Trl, and west of Central Florida Greenway. Approximately 2,017 ft. south of Lake Underhill Rd.
<b>PARCEL ID NUMBER:</b>	31-22-31-0000-00-075
<b>SIZE/ ACREAGE:</b>	2.38- gross acres
<b>PUBLIC NOTIFICATION:</b>	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred twenty-two (122) notices were mailed to those property owners in the surrounding area.
<b>COMMUNITY MEETING:</b>	An in-person community meeting was held on July 31, 2024, and is summarized further in this report.
<b>PROPOSED USE:</b>	Three detached single-family homes, pending lot split approval

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-1AAAA (Residential Urban District) zoning.**

**SUBJECT PROPERTY ANALYSIS**

**Overview**

The subject property was zoned R-CE (Country Estate District) in 1968, prior to the implementation of the Orange County Comprehensive Plan. Today the lot has one existing detached single-family home. The current zoning designation of R-CE is inconsistent with the Future Land Use designation of Low Density Residential (LDR). Only those properties

with R-CE zoning and which are located within a Rural Residential Enclave are consistent with the FLU of LDR.

Through this request, the applicant is seeking to rezone the subject property from R-CE (Country Estate District) to R-1AAAA (Residential Urban District) to allow for the development of two additional detached single-family homes pending lot split approval on 2.38- gross acre.

The immediate area is developed with detached single-family homes. The surrounding area has zoning designations of R-CE (Country Estate District), R-1A (Single-Family Dwelling District), and R-1AA (Single-Family Dwelling District). Lot widths in the area range from around 85 ft to 145 ft. The subject property has a lot width of 637 feet. If divided into three lots, each lot would be required to have a minimum lot width of 110 feet and a size requirement of ½-acre per the requirements of the requested R-1AAAA district. The surrounding R-CE district zoning has a minimum requirement of 1-acre and 130 feet in width.

This property is within the Orange County service area, connection to water is required but wastewater is considered unavailable. This property will be reliant on septic and is subject to enhanced septic tank requirements.

**Land Use Compatibility**

The R-1AAAA zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

**Site Analysis**

**Rural Settlement**

The subject property is not within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located in a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

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

**Code Enforcement**

No cases found.

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LDR (Low Density Residential). The proposed R-1AAAA zoning is consistent with the LDR (Low Density Residential) FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:



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

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

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

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

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

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

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

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

**SITE DATA**

<b>Existing Use</b>	Residential
<b>Adjacent Zoning</b>	N: R-CE (Country Estate District) 1968 E: R-CE (Country Estate District) 1968 W: R-CE (Country Estate District) 1968 S: R-1A (Single-Family Dwelling District) 2003
<b>Adjacent Land Uses</b>	N: Single-Family Residential

- E: Single-Family Residential
- W: Single-Family Residential
- S: Orange County Fire Station

**R-1AAAA Development Standards**

Min. Lot Area: 21,780 sq. ft.  
Min. Lot Width: 110 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.*

**Intent, Purpose, and Uses**

The intent and purpose of the R-1AAAA residential urban district is to provide for single-family homes in low density areas within the existing or planned urban service area.

A use shall be permitted in the R-1AAAA district if the use is identified by the letter "P" in the use table set forth in section 38-77.

**SPECIAL INFORMATION**

**Staff Comments**

**Environmental**

WD Complete - An Orange County Wetland Determination CAD-24-02-033 was completed with a certified survey of the wetland boundary approved by the Environmental Protection Division (EPD) on 6/19/2024. The WD identified 0.012 acres of wetlands and 0.074 acres of surface waters within the subject property boundaries.

No Clearing - No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to [wetlandpermitting@ocfl.net](mailto:wetlandpermitting@ocfl.net). Reference OC Code Chapter 15, Article X Wetland Conservation Areas.

Enhanced Septic/Sewer Requirement - This site is located within the Bacteria Pollution Control Plan for the Little Econlockhatchee River Pollution Reduction Plan (PRP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended;

Within a BMAP Area, a RAP Area, or a PRP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required.

Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

**Existing Septic and Well** - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

**Solid Waste Disposal** - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

**Noise Proximity Highway** - Portions of this site are immediately adjacent to the SR417 that produces noise levels above the normal neighborhood ambient sound. Construction of residential units should consider housing construction techniques and design features to minimize interior noise to the residents.

**Transportation / Access**

Two single family residences are a de minimis impact on the roadways.

**Schools**

Three homes is de minimis.

**Parks and Recreation**

No comments.

**Community Meeting Summary**

A community meeting was held on July 31<sup>st</sup>, 2024, at Cypress Springs Elementary School from 6-7pm. Two residents were in attendance along with a representative from Commissioner Uribe's office, transportation planning, and the applicant team. The residents in attendance were looking for more information and were not in opposition to the project. They just wanted to understand the projected timeline if the rezoning request were to be approved.

**Utilities Service Area (Availability of services may vary)**

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

**Detailed Utility Information:**

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

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

Wastewater: Wastewater is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal and subject to enhanced septic requirements.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

**State of Florida Notice**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – August 15, 2024**

**Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-1AAAA Restricted (Residential Urban District) zoning, subject to the following restriction:**

- 1) Lot size for each split from the parent parcel shall be less than 1-acre.

**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-1AAAA (Residential Urban District) zoning. The applicant was present for the hearing and agreed with staff's recommendation. One speaker was present to speak in opposition of the project during public comment. She raised concerns about traffic, retaining the rural R-CE zoning designation, and the current construction on S Econlockhatchee Rd.

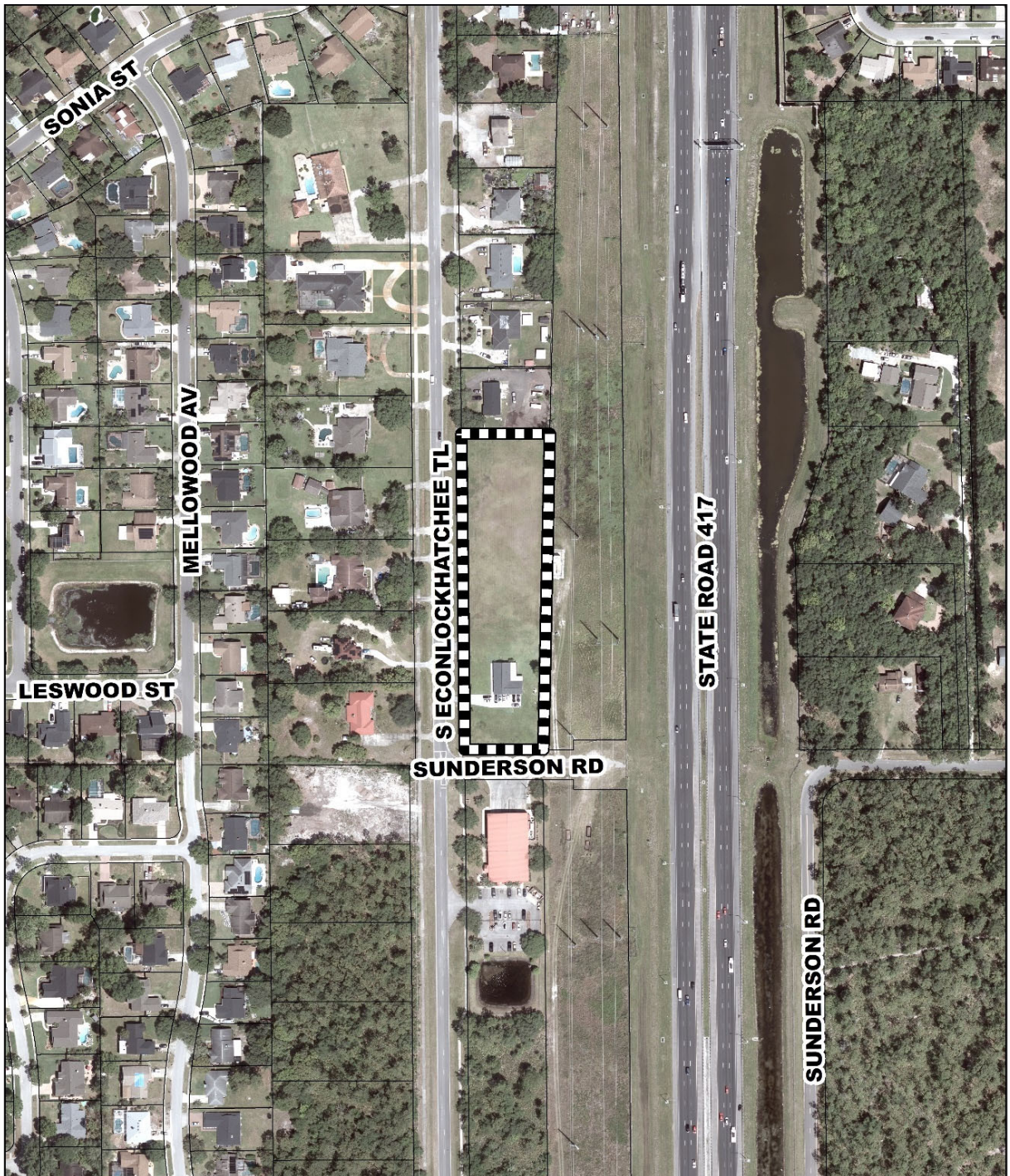
Staff indicated that one hundred and twenty-two (122) notices were sent to property owners and residents extending beyond 600 feet surrounding the property, and that staff had received zero (0) responses in favor and one (1) response in opposition of the request, questioning the public notification process.

Commissioner Spears voiced his concerns about the applicant splitting the parent parcel into lots over an acre, because the advanced treatment septic system requirement is not applicable to lots over one acre. The applicant clarified the intent was to create lots slightly over half an acre. The lot size requirements for R-1AAAA were clarified by staff. The applicant agreed to add a restriction to require that each lot be less than 1-acre so that advanced septic would be required.

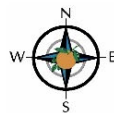
A motion was made by Commissioner Fernandez and seconded by Commissioner Evans to recommend APPROVAL of the requested R-1AAAA Restricted (Residential Urban District) zoning. The motion carried on a 7-0 vote.

<b>Motion / Second</b>	<i>Eddie Fernandez / Camille Evans</i>
<b>Voting in Favor</b>	<i>Eddie Fernandez, Camille Evans, Gordon Spears, Evelyn Cardenas, Eric Gray, Michael Arrington and George Wiggins</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>Nelson Pena and David Boers</i>

RZ-24-01-122



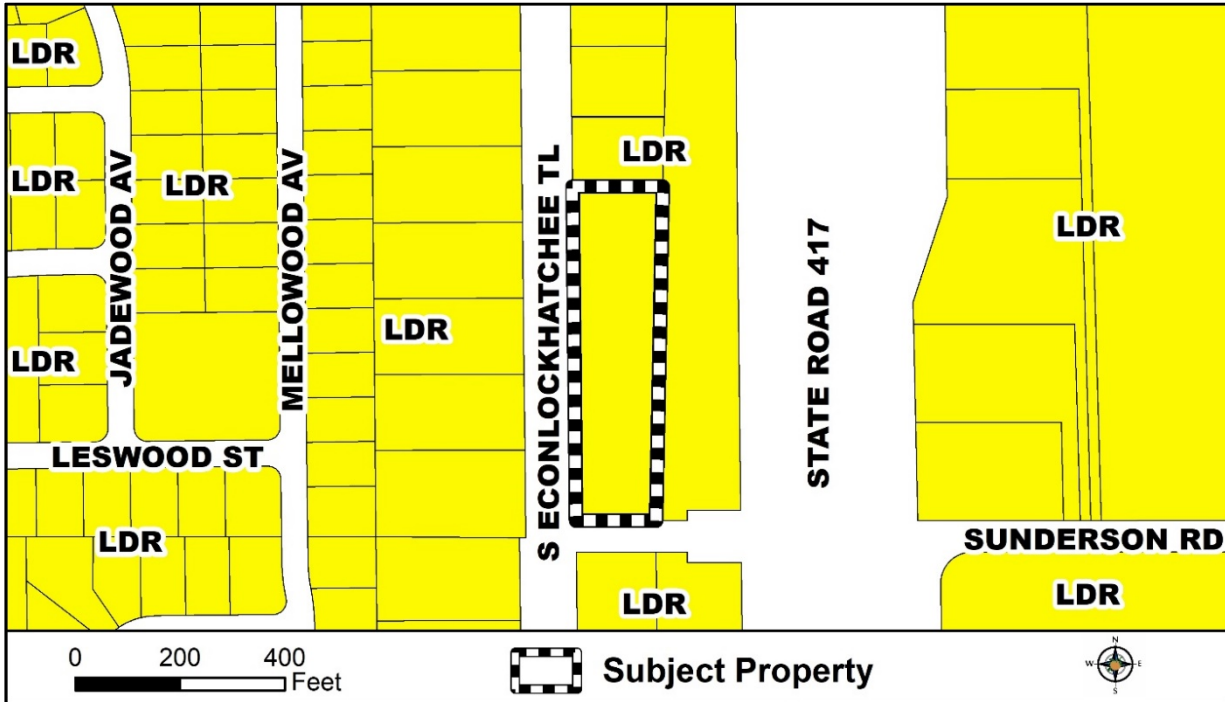
 Subject Property



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Feet

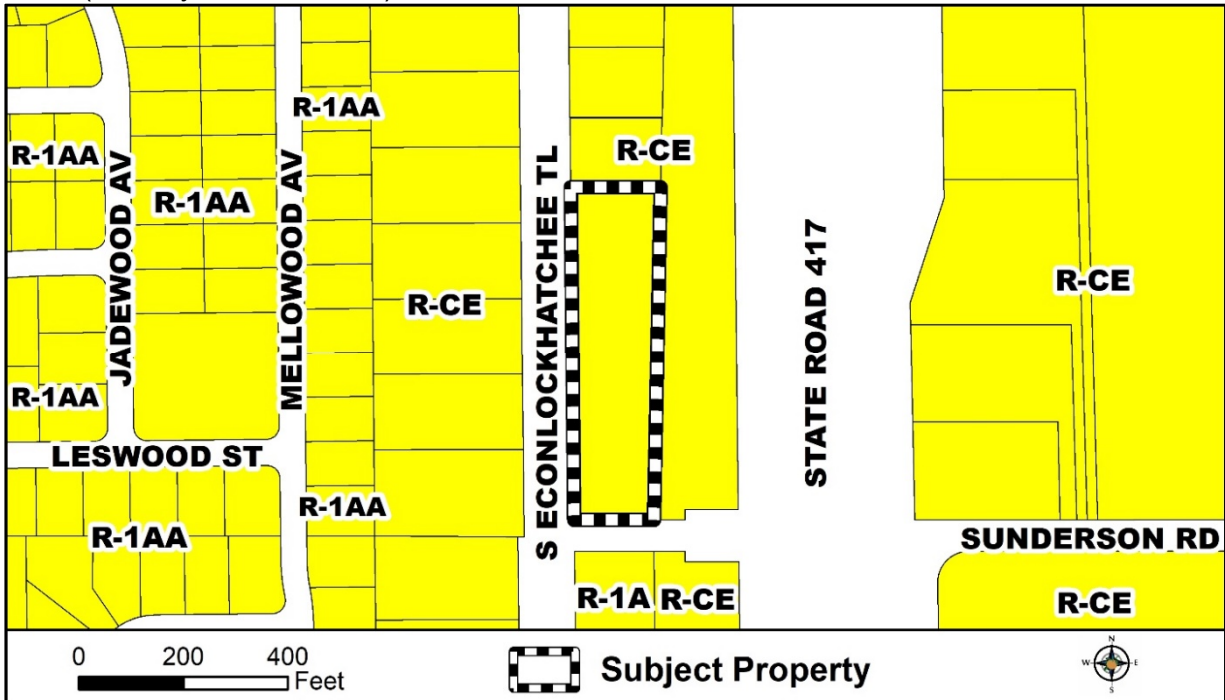
**FUTURE LAND USE – CURRENT**

Low Density Residential (LDR)



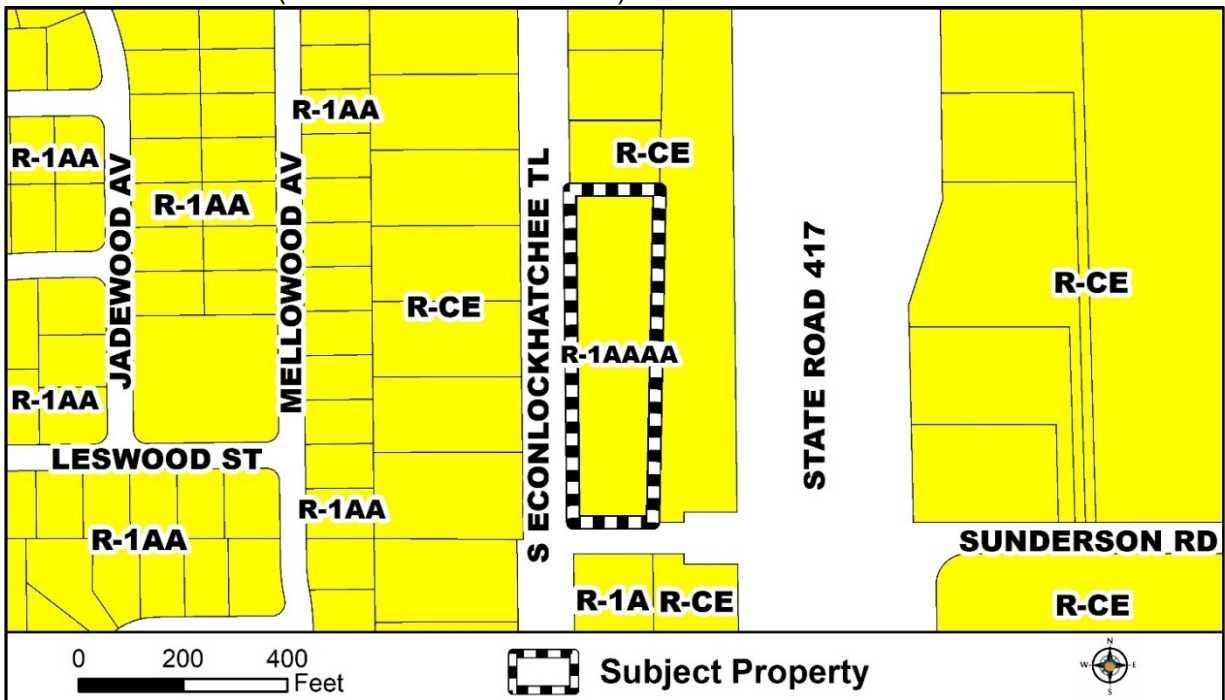
**ZONING – CURRENT**

R-CE (Country Estate District)



**ZONING – PROPOSED**

R-1AAAA Restricted (Residential Urban District)

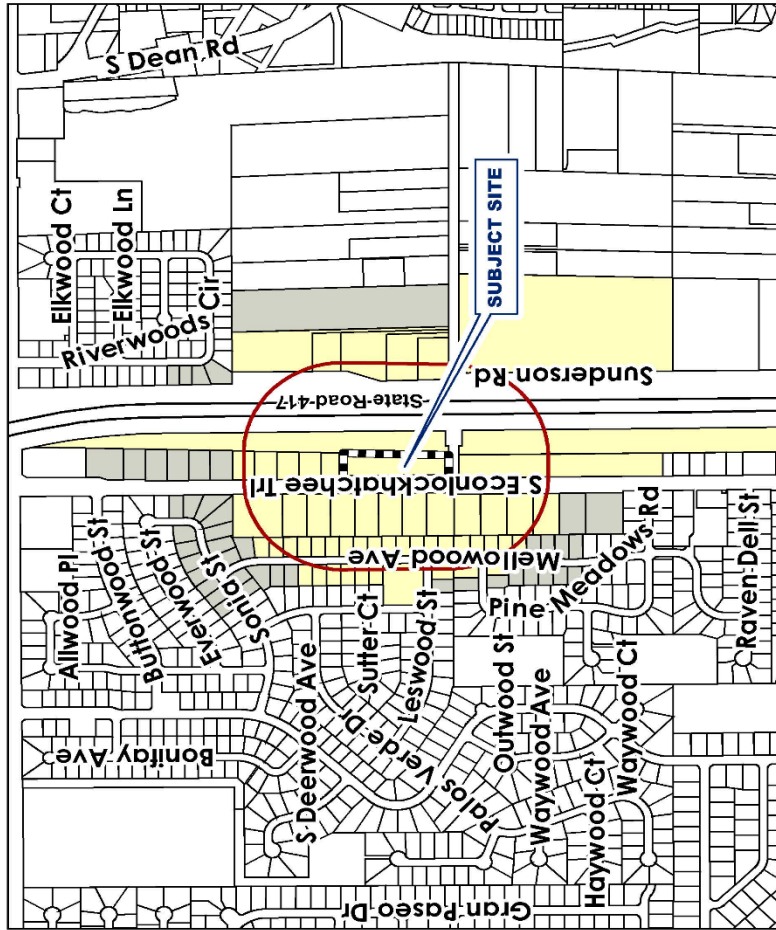




**NOTIFICATION MAP**

**Public Notification Map**

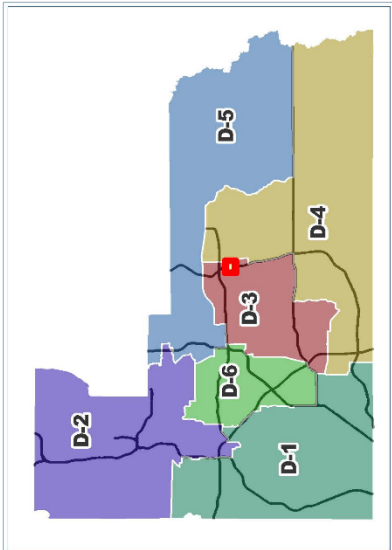
RZ-24-01-122



**MAP LEGEND**

- SUBJECT\_SITE
- 600 FT BUFFER
- PARCELS
- NOTIFIED\_PARCELS
- COURTESY PARCELS

BUFFER DISTANCE: 600  
 # OF NOTICES: 122



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**CASE # RZ-24-06-042**

Commission District: #5

**GENERAL INFORMATION**

<b>APPLICANT:</b>	Rosemary Hayes
<b>OWNER:</b>	Jason Meredith
<b>HEARING TYPE:</b>	Planning and Zoning Commission
<b>REQUEST:</b>	<b>A-2</b> (Farmland Rural District) <b>to</b> <b>I-1 / I-5 Restricted</b> (Industrial District Light)
<b>LOCATION:</b>	7100 Astro Street; generally located west of N. Goldenrod Rd, south of University Blvd, east of N. Forsyth Rd, and north of East Colonial Dr.
<b>PARCEL ID NUMBER:</b>	11-22-30-0000-00-122
<b>SIZE/ ACREAGE:</b>	0.67- gross acre
<b>PUBLIC NOTIFICATION:</b>	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred sixty-two (362) notices were mailed to those property owners in the surrounding area.
<b>COMMUNITY MEETING:</b>	An in-person community meeting was held on July 22, 2024, and is summarized further in this report.
<b>PROPOSED USE:</b>	I-1 / I-5 Uses Including Warehouse with Office Space

**STAFF RECOMMENDATION**

**PLANNING**

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

1. Billboards and pole signs shall be prohibited.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

The subject property was zoned A-2 (Farmland Rural District) in 1957 prior to the implementation of the Orange County Comprehensive Plan. The current zoning designation is inconsistent with the Future Land Use designation of Industrial (IND).

Through this request, the applicant is seeking to rezone from A-2 (Farmland Rural District) to I-1/I-5 Restricted (Industrial District - Light) for the construction of a warehouse with office space and is proposing to combine the subject property with the lot to the west. The property to the west is also zoned I-1/I-5 and has one restriction which is the prohibition of billboards and pole signs.

The immediate area is developed with industrial uses, mobile homes, and detached single-family homes with a variety of zoning designations including I-1/I-5 (Industrial District - Light), R-2 (Residential District), R-3 (Multiple-Family Dwelling District), and A-2 (Farmland Rural District). All the I-1/I-5 Restricted properties in the vicinity have a restriction against billboards and pole signs, the restricted property to the east also restricts outdoor storage of material and equipment.

The subject property is within the City of Winter Park service area for water and wastewater. Connection to water is available and required. Connection to wastewater is considered unavailable. This property is subject to advanced septic requirements.

A Wetland Determination (formerly referred to as a Conservation Area Determination) is required prior to any permits being issued.

**Land Use Compatibility**

The I-1 / I-5 Restricted (Industrial District - Light) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

**Site Analysis**

**Rural Settlement**

The subject property is not located in a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located in a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

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

**Code Enforcement**

No cases found.

**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 Restricted (Industrial District - Light) zoning is consistent with the Industrial (IND) FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

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

**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 trends 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**

<b>Existing Use</b>	Manufactured Home
<b>Adjacent Zoning</b>	N: R-2 (Residential District) 1980 E: A-2 (Farmland Rural District) 1957 W: Restricted I-1/I-5 (Industrial District Light) 2005 S: I-1/I-5 (Industrial District Light) 1975
<b>Adjacent Land Uses</b>	N: Single-Family Residential E: Manufactured Home W: Office S: Industrial

### **I-1 /I-5 (Industrial District Light) Development Standards**

Min. Lot Area:	NA
Min. Lot Width:	NA
Max. Height:	50; or 35 within 100 feet of any residential use or district.
Min. Floor Area:	NA

Building Setbacks

Front: 35 ft.  
Rear: 25, or 50 ft. when abutting residential district<sup>N</sup>  
Side: 25, or 50 ft. when abutting residential district<sup>N/O</sup>

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

**Intent, Purpose, and Uses**

The intent and purposes of the I-1/I-5 industrial district are as follows:

To provide areas for light manufacturing and industry. It is intended that this district will provide low intensity industrial development which will have minimal impact on the surrounding areas.

(2) To provide space for those industries which require locations accessible to major transportation facilities.

(3) To establish and maintain standards which will protect adjacent residential and commercial developments.

(4) To provide space for those industries and other uses of land which require a location in close proximity to airports.

(5) To provide locations for those industries which employ the processing of bulk material, and which require space for open storage of materials.

(6) To allow industrial uses where proximity to residential or commercial districts makes it desirable to limit the manner and extent of industrial operations.

(7) To establish and maintain standards which promote development of a wide variety of industrial and related activities.

A use shall be permitted in the I-1/I-5 district if the use is identified by the letter "P" in the use table set forth in section 38-77.

**SPECIAL INFORMATION**

**Staff Comments**

**Environmental**

Industrial Septic Prohibition - An OSDS may be allowed if the following criteria under Chapter 37, Article XVII Individual On-site Sewage Disposal, Sec. 37-538(6) are met.

Enhanced Septic/Sewer Requirement - This site is located within the Crane Strand Drain Bacteria Pollution Reduction Plan (PRP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended;

Within a BMAP Area, a RAP Area, or a PRP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required.

Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

CAD Required - An Orange County Conservation Area Determination (CAD) is required to determine the developable acreage. EPD has no record of a CAD for this site. If a CAD has been obtained, or if historical documents are located, then submit a copy to EPD. Otherwise, submit a new CAD application for review by mail or email to [wetlandpermitting@ocfl.net](mailto:wetlandpermitting@ocfl.net). Reference OC Code Chapter 15, Article X Wetland Conservation Areas.

Wetland Code Update - Modifications to OC Code Ch. 15, Article X were adopted on December 12, 2023, with an effective date of June 1, 2024. The updated ordinance can be accessed at <https://www.ocfl.net/Environment/Wetlands.aspx>, linked under "Wetland Code Final." Be advised that the new wetland code may be effective for your development. Final determination of the applicability of the new code requirements on your development may be reviewed by the Orange County's Attorney's Office. Contact [wetlandpermitting@ocfl.net](mailto:wetlandpermitting@ocfl.net) with any questions.

#### **Transportation / Access**

Based on the Concurrency Management database (CMS) dated 05/24/2024, there is a failing roadway segment within the project's impact area along Semoran Blvd, from University Blvd to Seminole County Line. This information is dated and subject to change. Prior to any building permit approval, a Concurrency Application through the Concurrency Management office will be required, [concurrency@ocfl.net](mailto:concurrency@ocfl.net). A traffic study may be required at this time.

#### **Schools**

No comments.

#### **Parks and Recreation**

No comments.

#### **Community Meeting Summary**

A community meeting was held on July 22<sup>nd</sup>, 2024, at Cheney Elementary School. 13 residents were in attendance. Some of the main concerns from residents were flooding and stormwater, property values, traffic, and the inconsistent zoning designations. Residents who live along Astro Street were concerned that their zoning would be affected by this request and residents within the subdivision to the north were concerned with hearing/seeing an industrial warehouse from their backyards and increased traffic this development may bring.

**Utilities Service Area (Availability of services may vary)**

Water: Winter Park

Wastewater: Winter Park

Reclaim Water: Orange County Utilities

**Detailed Utility Information:**

This property is within the City of Winter Park Water and Wastewater Service Area.

Water: Water is available, the City of Winter Park will require connection.

Wastewater: Wastewater connection is considered unavailable. This property is subject to advanced septic requirements.

This property is within Orange County Utilities Reclaimed Water Service Area. In accordance with Orange County Code Chapter 37,

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

**State of Florida Notice**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – August 15, 2024**

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

- 1) Billboards and pole signs shall be prohibited.

**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 Restricted (Industrial District - Light) zoning, subject to one restriction. The applicant was present for the hearing and agreed with staff's recommendation. One speaker was present to speak in opposition of the project during public comment. She raised concerns about this property relying on septic and questioned if this was the best use for the property as housing is needed in Orange County.

Staff indicated that three hundred and sixty-two (362) notices were sent to property owners and residents extending beyond 800 feet surrounding the property, and that staff had received zero (0) responses in favor and two (2) responses in opposition of the request, voicing concerns that this development will lower property values and will increase traffic.

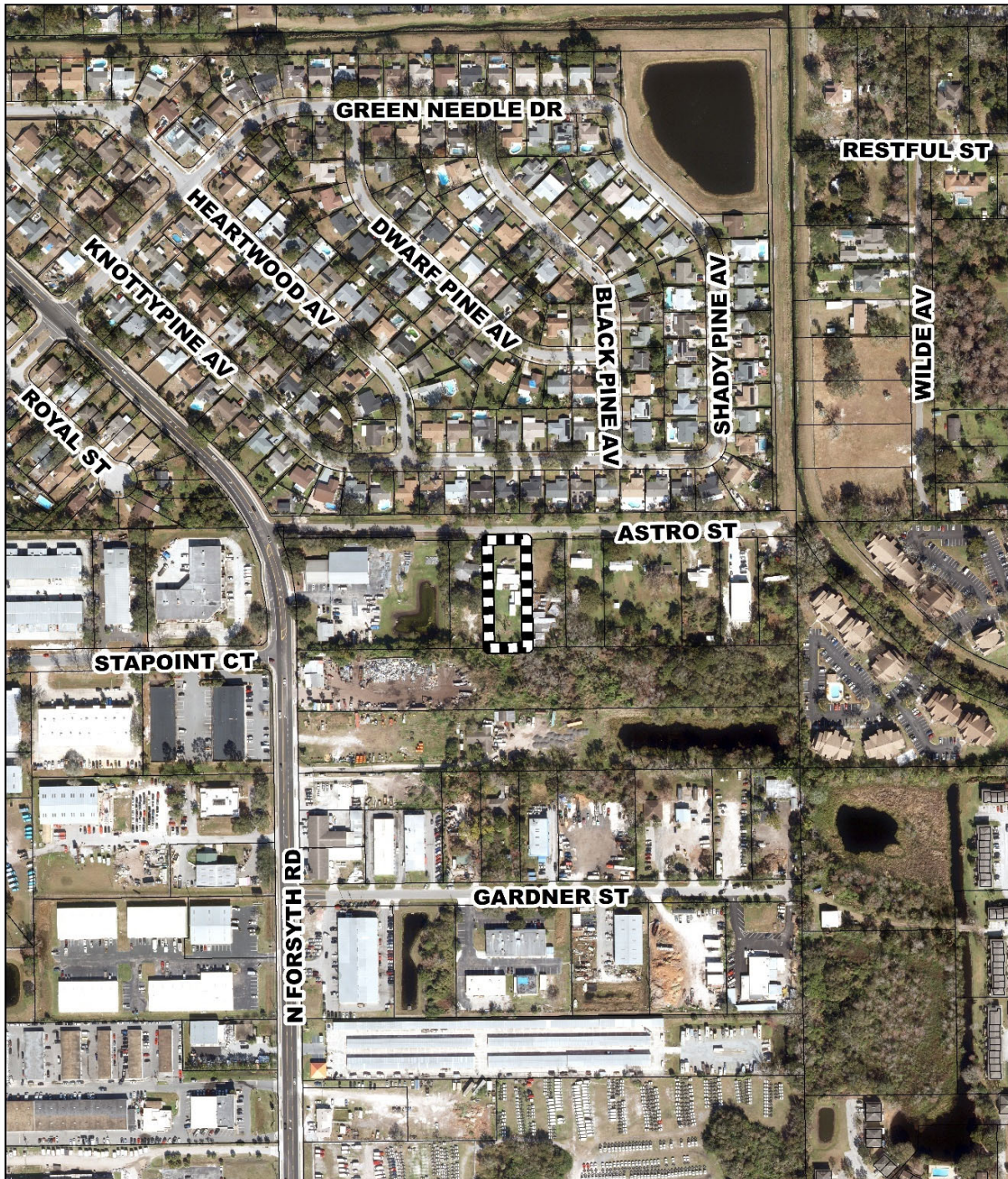
A short discussion ensued about the residential subdivision to the north and the existing fences and landscaping. Commissioner Spears noticed south of the property appears to be wetlands, staff clarified that a wetland determination will be required by Orange County EPD prior to any permit approvals. Staff also clarified the zoning and future land use inconsistency before a motion was made.

A motion was made by Commissioner Spears and seconded by Commissioner Fernandez to recommend approval of the requested I-1/I-5 Restricted (Industrial District - Light) zoning. The motion carried on a 7-0 vote.

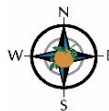
<b>Motion / Second</b>	<i>Gordon Spears / Eddie Fernandez</i>
<b>Voting in Favor</b>	<i>Gordon Spears, Eddie Fernandez, Michael Arrington, Camille Evans, Evelyn Cardenas, Eric Gray, and George Wiggins</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>Nelson Pena and David Boers</i>



RZ-24-06-042



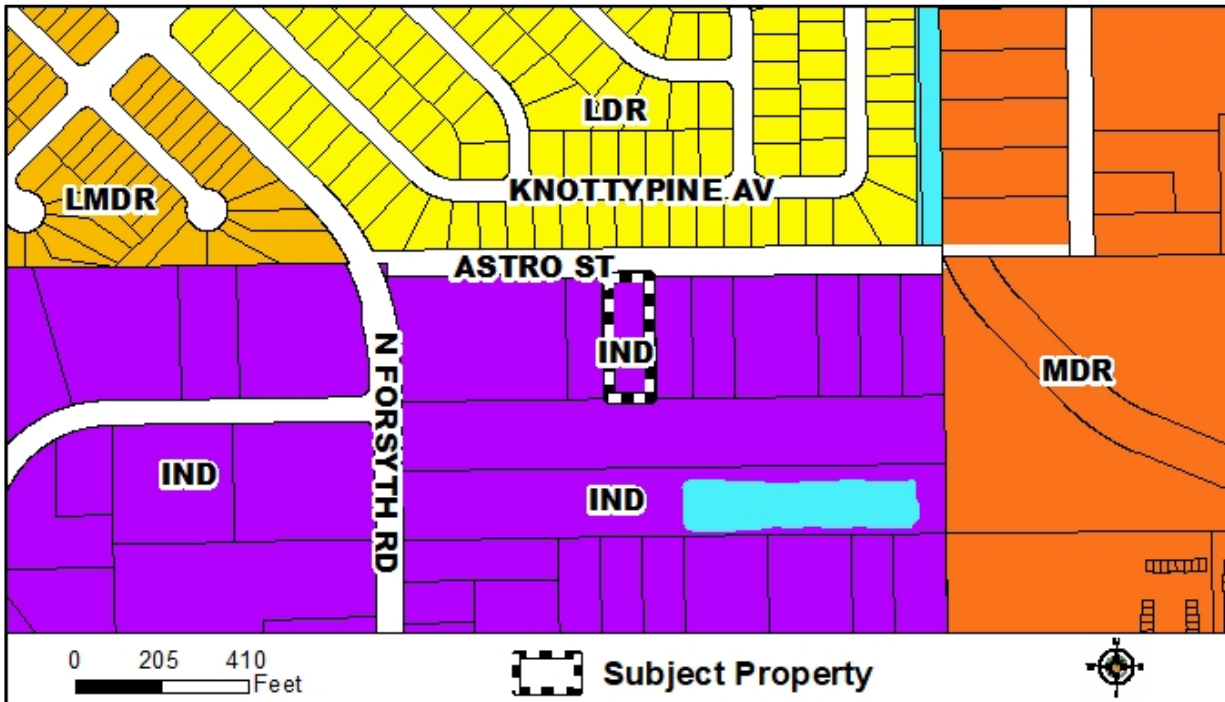
 Subject Property



0 200 400  
Feet

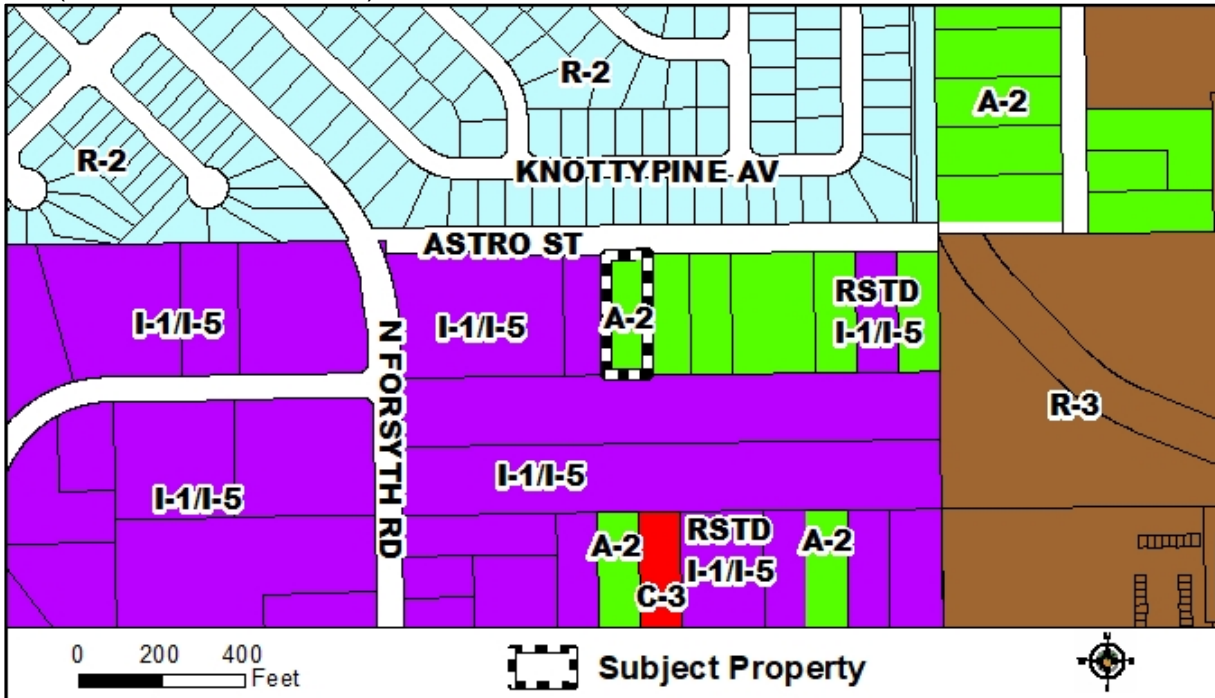
**FUTURE LAND USE – CURRENT**

Industrial (IND)



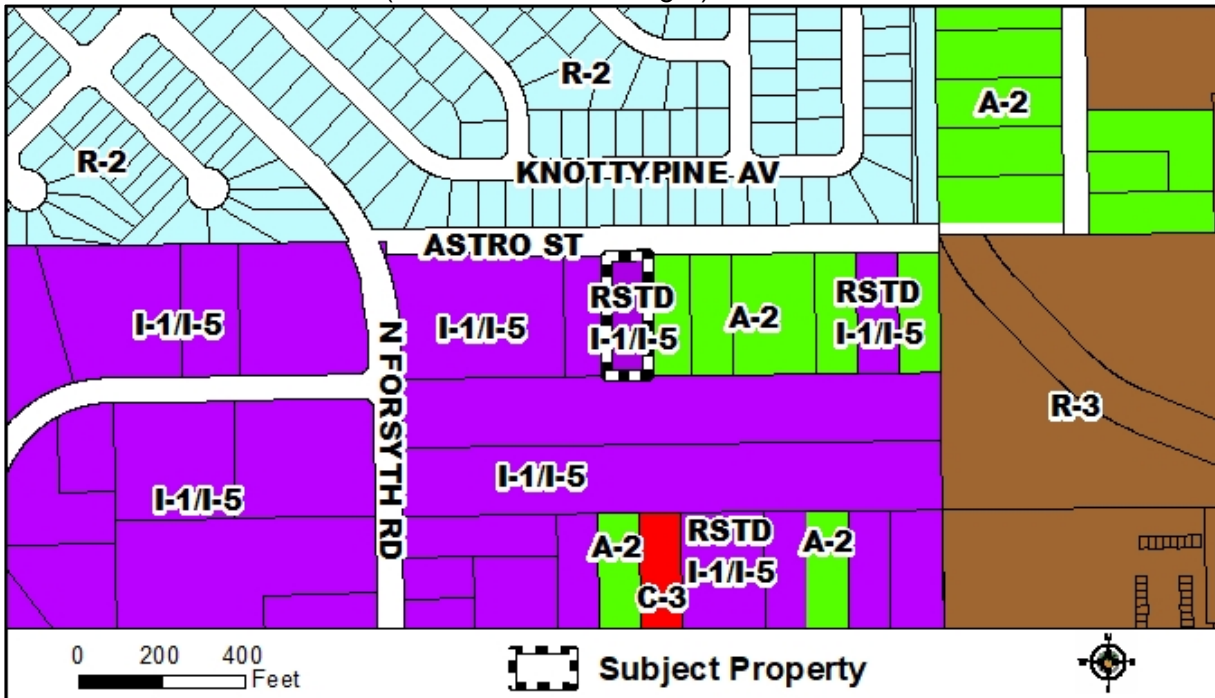
**ZONING – CURRENT**

A-2 (Farmland Rural District)



**ZONING – PROPOSED**

Restricted I-1 / I-5 Restricted (Industrial District - Light)









# Public Notification Map

RZ-24-06-042

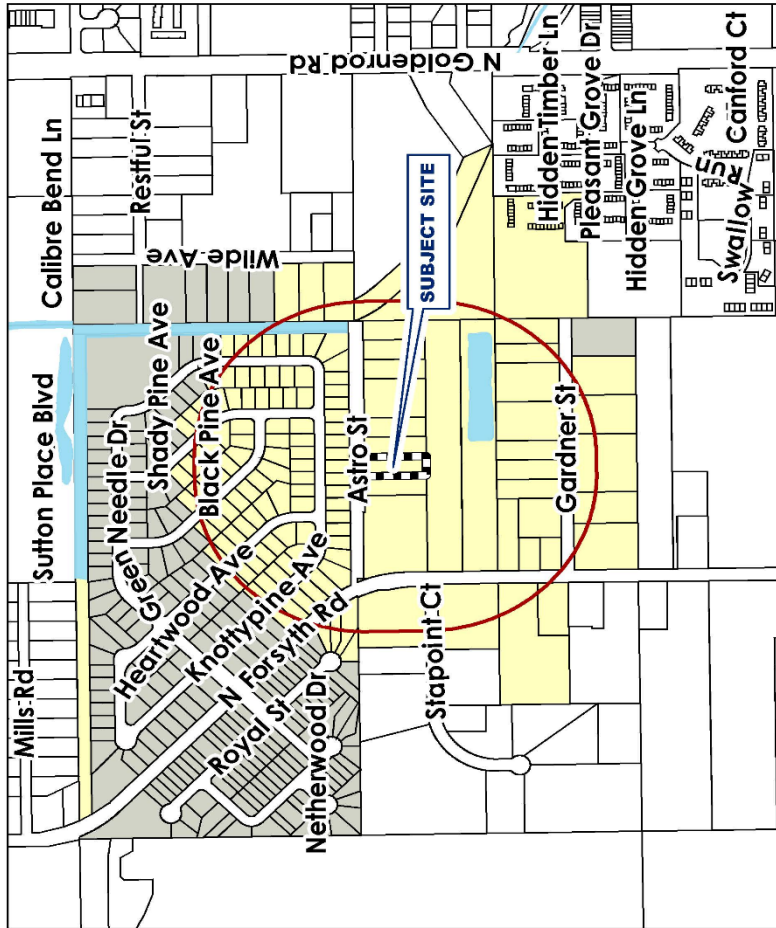
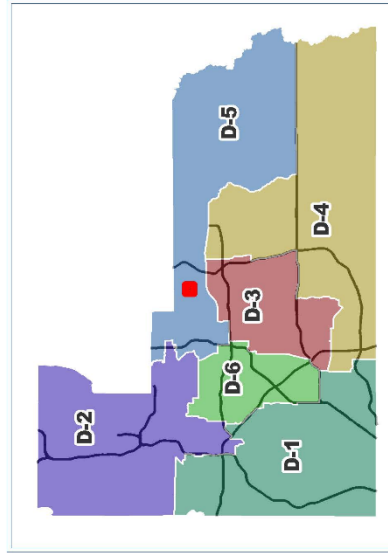


## NOTIFICATION MAP

**MAP LEGEND**

	SUBJECT SITE		NOTIFIED PARCELS
	800 FT BUFFER		COURTESY PARCELS
	HYDROLOGY		
	PARCELS		

BUFFER DISTANCE: 800  
 # OF NOTICES: 362



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**CASE # RZ-24-07-044**

Commission District: #2

**GENERAL INFORMATION**

<b>APPLICANT:</b>	Ethan Trusty
<b>OWNERS:</b>	Nanouh S. Paul and Max J. Paul
<b>HEARING TYPE:</b>	Planning and Zoning Commission
<b>REQUEST:</b>	<b>R-3</b> (Multiple-Family Dwelling District) <b>to</b> <b>R-2 Restricted</b> (Residential District)
<b>LOCATION:</b>	1357 S. Central Ave, generally located south of E. 13th Street, west of Clarcona Rd, east of Marvin C. Zanders Ave, and north of E. Cleveland Street.
<b>PARCEL ID NUMBER:</b>	16-21-28-0000-00-059
<b>SIZE/ ACREAGE:</b>	2.34- gross acre
<b>PUBLIC NOTIFICATION:</b>	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 twenty-two (222) notices were mailed to those property owners in the surrounding area.
<b>COMMUNITY MEETING:</b>	An in-person community meeting was held on July 30, 2024.
<b>PROPOSED USE:</b>	Eight (8) Single-Family Detached Homes

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-2 Restricted (Residential District) zoning, subject to one restriction:**

1. Development shall be limited to eight (8) detached single-family units.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

The subject property was zoned R-3 (Multiple-Family Dwelling District) in 1957, prior to the implementation of the Orange County Comprehensive Plan. Today the lot is undeveloped. The current zoning designation of R-3 is inconsistent with the Future Land Use designation of Low Medium Density Residential (LMDR).

Through this request, the applicant is seeking to rezone the subject property from R-3 (Multiple-Family Dwelling District) to R-2 Restricted (Residential District) to allow for the development of eight detached single-family homes on 2.34- gross acre. The Future Land Use Map designation is Low-Medium Density Residential (LMDR) which allows for consideration of up to ten (10) units per acre. The subject property is within the Wekiva Study Area which requires 35% open space for the development. Since the property is dependent on septic tanks (advanced) and due to compatibility, a restriction to limit development to eight (8) detached homes is proposed. Additionally, a School Capacity Determination is not required for 8 units, however would be required if development was 10 or more. A rezoning is required because the existing R-3 zoning is inconsistent with the LMDR Future Land Use.

The immediate area is developed with detached single-family homes and religious institutions. The surrounding area has zoning designations of R-3 (Multiple-Family Dwelling District), R-2 (Residential District), and C-1 (Retail Commercial District). Lot widths in the area range from around 50 ft to 110 ft. The adjacent parcel to the south was rezoned to Restricted R-2 in 2020. The restriction is "Development shall be no less than three (3) single-family dwelling units."

This property is within the City of Apopka Joint Planning Area, the City had no comments on this project.

This property is within the City of Apopka service area, connection to water is required but wastewater is considered unavailable. This property will be reliant on septic and is subject to enhanced septic tank requirements.

**Land Use Compatibility**

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

**Site Analysis**

**Rural Settlement**

The subject property is not located in a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is located in the City of Apopka JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

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

**Code Enforcement**

No cases found.

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LMDR (Low-Medium Density Residential). The proposed R-2 Restricted (Residential District) zoning is consistent with the LMDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

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

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

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

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

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

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

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

**SITE DATA**

<b>Existing Use</b>	Vacant Residential
<b>Adjacent Zoning</b>	N: R-3 (Multiple-Family Dwelling District) 1957
	E: R-3 (Multiple-Family Dwelling District) 1957
	W: R-3 (Multiple-Family Dwelling District) 1957

	S: Restricted R-2 (Residential District) 2020
<b>Adjacent Land Uses</b>	N: Detached Single-Family
	E: Detached Single-Family
	W: Detached Single-Family
	S: Vacant Residential

**R-2 (Residential District) Development Standards**

**One-Family Dwelling**

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Living Area:	1,000 sq. ft.

**Building Setbacks:**

<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.
<i>Side Street:</i>	15 ft.

**Two Dwelling Units**

<i>Min. Lot Area:</i>	8,000 sq. ft. / 9,000 sq. ft.
<i>Min. Lot Width:</i>	80 ft. / 90 ft.
<i>Max. Height:</i>	35 ft.
<i>Min. Living Area:</i>	500 sq. ft. / 1,000 sq. ft.

**Building Setbacks:**

<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.
<i>Side Street:</i>	15 ft.

**Three Dwelling Units**

<i>Min. Lot Area:</i>	11,250 sq. ft.
<i>Min. Lot Width:</i>	85 ft. (attached units only)
<i>Max. Height:</i>	35 ft.
<i>Min. Living Area:</i>	500 sq. ft. per dwelling unit

**Building Setbacks:**

<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft.
<i>Side Street:</i>	15 ft.

**Four or More Dwelling Units**

<i>Min. Lot Area:</i>	15,000 sq. ft.
<i>Min. Lot Width:</i>	85 ft.
<i>Max. Height:</i>	35 ft.
<i>Min. Living Area:</i>	500 sq. ft. per dwelling unit

**Building Setbacks:**

<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft. (30 ft. where adjacent to single-family)
<i>Side Street:</i>	15 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.*

### **Intent, Purpose, and Uses**

The R-2 (Residential District) zoning district is composed of lands and structures used primarily for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building and associated residential 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.

## **SPECIAL INFORMATION**

### **Staff Comments**

#### **Environmental**

**Wekiva Study Area** - This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply, but are not limited to: septic tank criteria, open space, stormwater treatment and wetlands/surface waters, and upland buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

**Wekiva Priority Focus Area and BMAP Enhanced Septic/Sewer Requirement** - This site is located within the Wekiwa/Rock Springs and Wekiva River/Rock Springs Run Basin Management Action Plan (BMAP) Areas and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended; Within a BMAP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required.

Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

**Gopher Tortoise Burrowing Suitability** - This site has soil that is highly suitable for gopher tortoise habitat. There is an increased likeliness for presence of gopher tortoise burrows. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations regarding gopher tortoises and all other listed species found on site. Forward any related permits to the Orange County Environmental Protection Division.

**Waste Management Facility Proximity** - This site is located less than one mile from the Keene Road Landfill and the City of Apopka Wastewater Treatment Facility. Potential odor and noise disturbance to residents should be considered during design. Prospective property owners should be notified of this proximity. Reference OC Comprehensive Plan, Solid Waste Element SW1.7.4.

**Transportation / Access**

Based on the Concurrency Management database (CMS) dated 06/17/2024, there are multiple failing roadway segments within the project's impact area along Orange Blossom Tr, from Semoran Blvd to Western Bltwy (2 segment(s)). This information is dated and subject to change. Prior to any building permit approval, a Concurrency Application through the Concurrency Management office may be required, concurrency@ocfl.net.

**Schools**

Eight (8) homes does not require a Capacity Determination. Ten (10) or more units would require a Capacity Determination.

**Parks and Recreation**

No comments.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities Service Area (Availability of services may vary)**

Water: Apopka

Wastewater: Apopka

Reclaim Water: Apopka

**Detailed Utility Information:**

This property is within the City of Apopka Water, Wastewater and Reclaimed Water Service Area.

Water: Water is available, and connection is required.

Wastewater: Wastewater is considered unavailable, and the subject property will be reliant on septic and subject to advanced septic requirements.

**State of Florida Notice**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – August 15, 2024**

**Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-2 Restricted (Residential District) zoning, subject to one restriction:**

- 1) Development shall be limited to eight (8) detached single-family units.

**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-2 Restricted (Residential District) zoning, subject to one restriction. The applicant was present for the hearing and agreed with staff's recommendation. Two speakers were present to speak in opposition of the project during public comment. They were concerned in the change of request, traffic, lack of renderings from the applicant, and this project changing the character of the neighborhood.

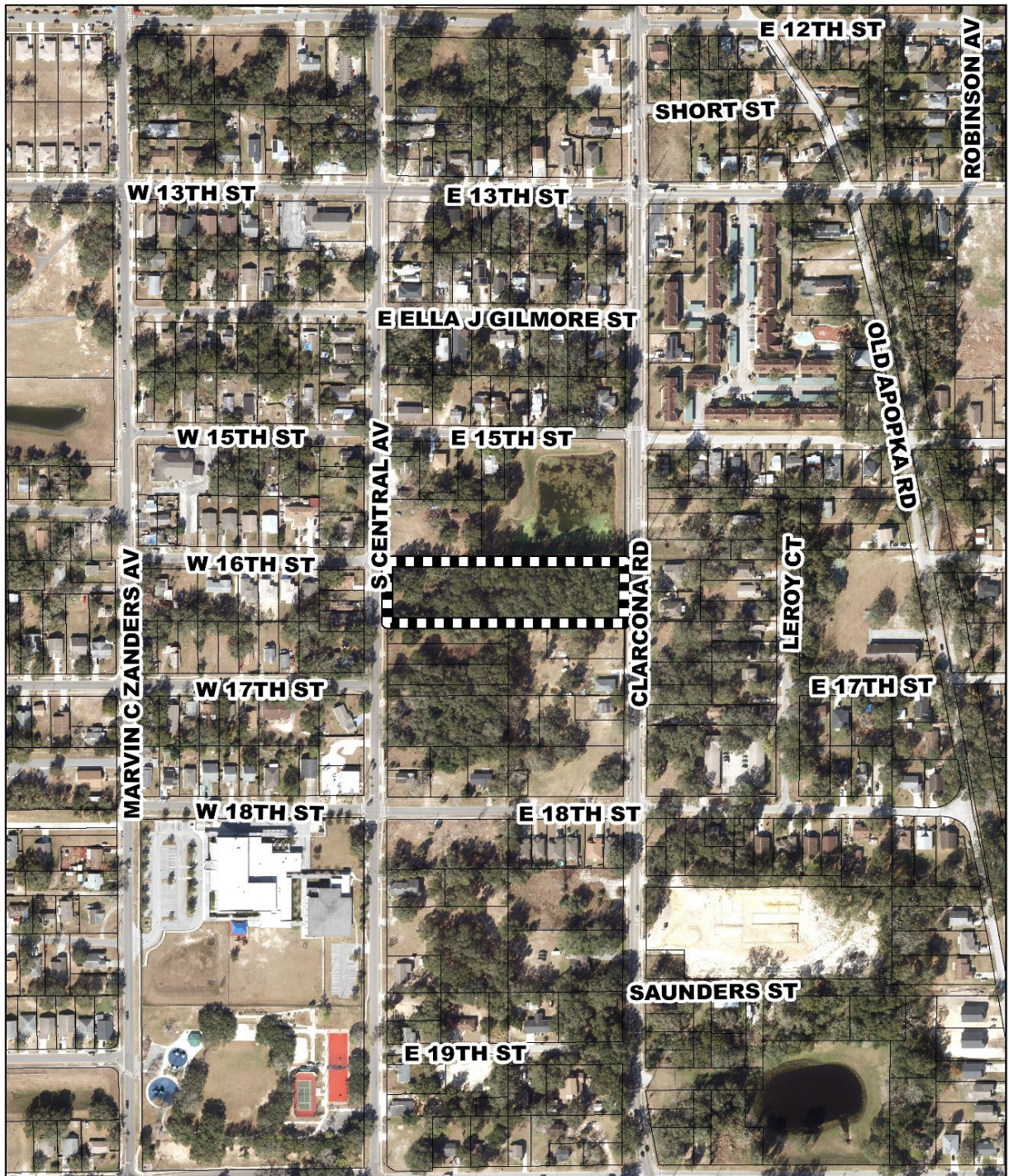
Staff indicated that two hundred and twenty-two (222) notices were sent to property owners and residents extending beyond 600 feet surrounding the property, and that staff had received zero (0) responses in favor and zero (0) responses in opposition of the request.

Clarification was given after the public comment portion about the advertisement of this project. Commissioner Wiggins questioned the lot width, open space requirements, and advanced septic eligibility, 35% open space will be required at the preliminary subdivision plan stage. Commissioner Evans clarified to the public speakers that the purpose of the Planning and Zoning Commission is to determine consistency and compatibility with these requests and the comprehensive plan and subdivision plans are not required at this level. Some history was given behind the zoning and future land use inconsistencies in the County which requires properties to go through the rezoning process in order to develop.

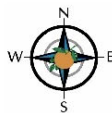
A motion was made by Commissioner Wiggins and seconded by Commissioner Evans to recommend approval of the requested R-2 Restricted (Residential District) zoning. The motion carried on a 7-0 vote.

<b>Motion / Second</b>	<i>George Wiggins / Camille Evans</i>
<b>Voting in Favor</b>	<i>George Wiggins, Camille Evans, Michael Arrington, Evelyn Cardenas, Gordon Spears, Eric Gray, and Eddie Fernandez</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>Nelson Pena and David Boers</i>

RZ-24-07-044



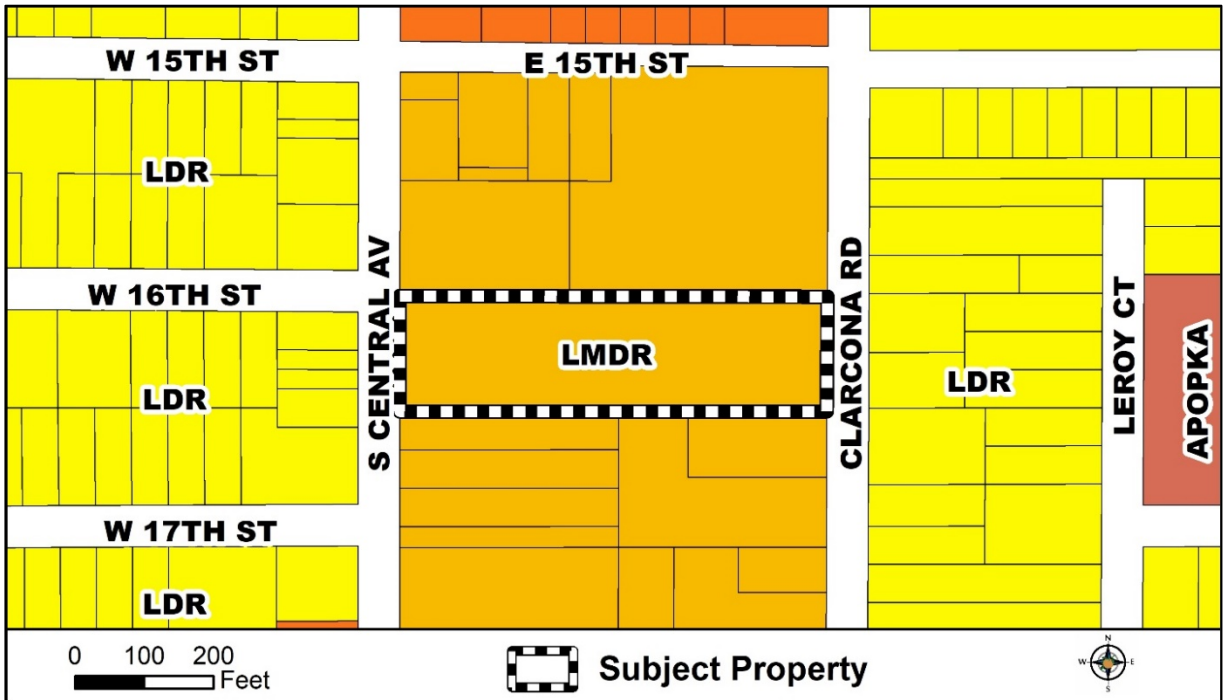
 Subject Property



0 200 400  
Feet

**FUTURE LAND USE – CURRENT**

LMDR (Low-Medium Density Residential)

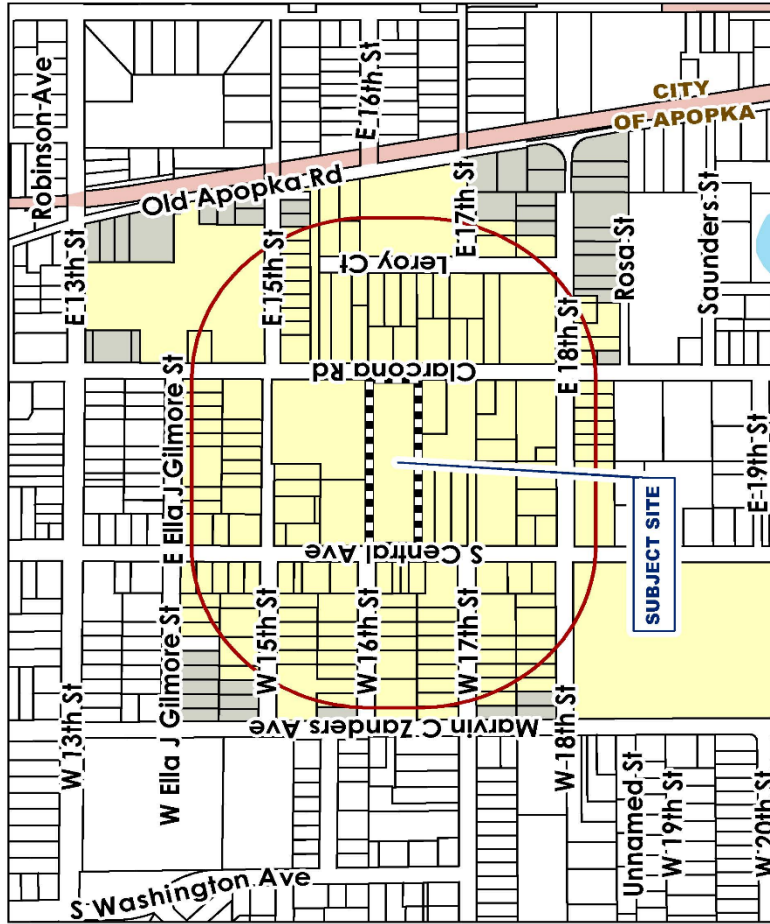




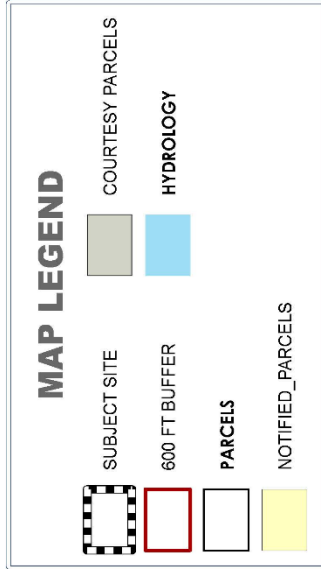
**NOTIFICATION MAP**

**Public Notification Map**

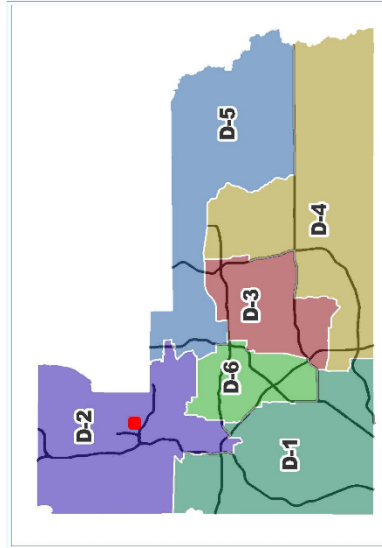
RZ-24-07-044



SUBJECT SITE



BUFFER DISTANCE: 600  
 # OF NOTICES: 222



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**CASE # RZ-24-07-045**

Commission District: #5

**GENERAL INFORMATION**

<b>APPLICANT:</b>	Kendell Keith
<b>OWNER:</b>	Panafric, LLC
<b>HEARING TYPE:</b>	Planning and Zoning Commission
<b>REQUEST:</b>	<b>C-1</b> (Retail Commercial District) <b>to</b> <b>C-2</b> (General Commercial District)
<b>LOCATION:</b>	16870 Old Cheney Hwy., generally located south of Old Cheney Hwy, west of River Falcons Way, north of of East River High school.
<b>PARCEL ID NUMBER:</b>	20-22-32-4910-00-030
<b>SIZE/ ACREAGE:</b>	8.20 gross acres
<b>PUBLIC NOTIFICATION:</b>	The notification area for this public hearing was greater than 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three thousand one hundred fifty (3,150) notices were mailed to those property owners in the surrounding area.
<b>COMMUNITY MEETING:</b>	An in-person community meeting was held on July 23, 2024, and is summarized further in this report.
<b>PROPOSED USE:</b>	RV and Boat Parking (including the existing self-storage business)

**STAFF RECOMMENDATION**

**PLANNING**

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

*If the Planning and Zoning Commission moves to recommend approval, the following restrictions are recommended by staff:*

1. Development shall be limited to C-1 uses and the C-2 use of RV and boat parking;
2. Parking of RV's shall be limited to ten (10) spaces and ten (10) spaces for boats.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

The subject property is currently developed with a public storage facility. Through this request, the applicant is seeking to rezone the subject property from C-1 (Retail



Commercial District) to C-2 (General Commercial District) in order to permit overnight recreational vehicle (RV) and boat parking.

In September 1981, the property consisted of 18.7 acres and was rezoned from A-2 to C-1 restricted to a restaurant and lounge with entertainment. The Board amended the restriction to "Restaurant and lounge only, with entertainment, but no topless entertainment." In December 2001, the restriction was removed to allow all C-1 uses. The northern portion of the property was subdivided and developed with several retail uses such as a drug store, 2 fast food restaurants and a bank. The southern portion (the subject property) stayed vacant until 2023 at which time it was developed with a self-storage facility.

Currently, the subject property consists of 8.20 gross acres and is located within the Bithlo Rural Settlement, outside of Urban Service area. Nearby are the Corner Lake Rural Settlement and the Sunflower Trail Rural Settlement. Rural Settlements were implemented to recognize communities that existed at the time of the 1991 Comprehensive Policy Plan adoption. They were intended to recognize and preserve existing development patterns, to recognize the need to maintain agricultural areas and rural uses in the Rural Service Area, while providing for rural communities.

The subject property is north of East River High School and in close proximity to the Chuluota Road and E. Colonial Drive intersection. The property is surrounded on three sides by C-1 zoning and A-2 zoning is to the west. The properties to the north of along E. Colonial and are developed with C-1 uses. The A-2 property to the west is undeveloped. In 2017, a property to the northeast along E. Colonial Drive was approved for C-3 zoning with two restrictions prohibiting new billboards and pole signs, and requiring a site plan prior to the expansion of any existing structures or new site improvements to accommodate C-3 uses.

Per the Comprehensive Policy FLU6.2.11, neighborhood commercial and office uses shall be allowed in Rural Settlements in areas designated for such on the Future Land Use Map. Only those commercial and office uses that will support existing residential uses shall be permitted in Rural Settlements. The scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement. Corner stores or professional services that utilize existing structures and small-scale personal services permitted within agricultural zoning are the type of non-residential uses consistent with Rural Settlements. Limited C-1 zoning uses and FARs up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character.

Staff is recommending denial of this application due to the nature of the business and it's inconsistency with the Policy FLU6.2.11. The intent of Rural Settlements is provide for low intensity, neighborhood serving uses. The proposed storage of RV's and boats would likely be used by others outside of the Rural Settlement. There would be no means by which to regulate parking of RV's and boats to only those living in the Rural Settlement.

**Land Use Compatibility**

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

**Site Analysis**

**Rural Settlement**

The subject property is located in the Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located in a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

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

**Code Enforcement**

No cases found

**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 (C) FLUM designation, therefore a CP amendment is not necessary. However, the proposed request 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.

**FLU6.2.11** states that neighborhood commercial and office uses shall be allowed in Rural Settlements in areas designated for such on the Future Land Use Map. Only those commercial and office uses that will support existing residential uses shall be permitted in Rural Settlements. The scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement. Corner stores or professional services that utilize existing structures and small-scale personal services permitted within agricultural zoning are the type of non-residential uses consistent with Rural Settlements. Limited C-1 zoning uses and FARs up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character.

**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.

**SITE DATA**

<b>Existing Use</b>	Public Storage Facility
<b>Adjacent Zoning</b>	N: C-1 (Retail Commercial District) 2001 E: C-1 (Retail Commercial District) 1985 W: A-2 (Farmland Rural District) 1957 S: C-1 (Retail Commercial District) 2001
<b>Adjacent Land Uses</b>	N: Retail, fast food restaurant, bank E: Fast food restaurant W: Government Vacant Land S: Pond

**C-2 (General Commercial District) Development Standards**

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

**Building Setbacks**

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

**Intent, Purpose, and Uses**

The intent and purpose of the C-2 zoning district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district is encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood, yet not adjacent to residential uses. This district typically occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district is only promoted within the urban service area where uses of this intensity have already been established.

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

## **SPECIAL INFORMATION**

### **Staff Comments**

#### **Environmental**

Conservation Adjacent - This site is located adjacent to Conservation Tract B associated with PB 63 P 18 and recorded conservation easement B 8248 P 2821.

Econ River Ordinance - This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. Reference OC Code Chapter 15, Article XI Econlockhatchee River Protection.

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#### **Transportation / Access**

Based on the Concurrency Management database (CMS) dated 06/17/2024, there are multiple failing roadway segments within the project's impact area. Chuluota Rd, from Colonial Dr to Lake Pickett Rd (1 segment(s)), Colonial Dr (E), and from Lake Pickett Rd to Chuluota Rd (3 segment(s)), are failing. This information is dated and subject to change. This information is dated and subject to change. Prior to any building permit approval, a Concurrency Application through the Concurrency Management office may be required, [concurrency@ocfl.net](mailto:concurrency@ocfl.net). A parking study may be required.

#### **Schools**

The applicant is proposing to utilize the property for commercial purposes. Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

#### **Parks and Recreation**

No comments.

### **Community Meeting Summary**

A community meeting was held on July 23<sup>rd</sup> at Corner Lake Middle School with an attendance of 8 residents. The residents had two major concerns regarding too much outside storage existing in the Rural Settlement and that the proposed use of RV and boat parking would be for customers outside of the Rural Settlement. The applicant stated that their current customer base for the self-storage is within 1-3 miles. An area of 1-3 miles would include areas outside of the Rural Settlement.

It was discussed whether the proposed use would be allowed in the Rural Settlement given policy language that says the use should be neighborhood serving and

neighborhood type commercial uses. Staff stated that there are C-2 and C-3 uses existing in the Rural Settlement and that there is a policy that says development needs to be compatible with the development trend in the area which includes existing C-2 and C-3 uses. However, the policy also states that uses should be neighborhood serving.

**Utilities Service Area (Availability of services may vary)**

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

**Detailed Utility Information:**

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas.

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

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

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

**State of Florida Notice**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

Planning and Zoning Commission (PZC) Recommendation – August 15, 2024

**Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested C-2 Restricted (General Commercial District) zoning.**

- 1) Development shall be limited to C-1 uses and the C-2 use of RV and boat parking;  
and
- 2) Parking of RV's and boats shall be limited to the south and west portions of 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 inconsistency with the Comprehensive Plan and recommend Denial of the requested C-2 (General Commercial District) zoning. The applicant was present for the hearing and disagreed with the staff's recommendation. Two speakers were present to speak in apposition during the public comment.

Staff indicated that three thousand one hundred fifty (3,150) notices were sent to the property owners and residents extending beyond 800 feet surrounding the property, and that staff had received three (3) responses in favor and twenty-two (22) responses in opposition of the request. Some opposed residents are concerned that this property is located in a rural settlement that is supposed to be protected and if this rezoning gets approved it can happen to other rural settlements. Other residents commented that the intersection is already busy, and the request will not serve the community.

The applicant made a presentation stating that there are no physical changes requested on the property except the stripes placed on existing paved areas, which would make for approximately 75 parking spaces.

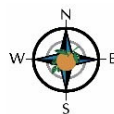
There was discussion regarding the current and proposed use. Commissioners expressed concern regarding the ability of RV's to maneuver through the site. The applicant's site plan was not engineered so it was not a good example of what the parking spaces would look like. Commissioners expressed the desire to limit parking to the west and south portions of the site. A motion was made by Commissioner Spears and seconded by Commissioner Evans to recommend APPROVAL of the requested C-2 Restricted (General Commercial District) zoning with two restrictions. The motion carried on a 6-1 vote.

<b>Motion / Second</b>	<i>Gordon Spears / Camille Evans</i>
<b>Voting in Favor</b>	<i>Gordon Spears, Camille Evans, Michael Arrington, Eric Gray, Eddie Fernandez, and Evelyn Cardenas</i>
<b>Voting in Opposition</b>	<i>George Wiggins</i>
<b>Absent</b>	<i>Nelson Pena and David Boers</i>

RZ-24-07-045



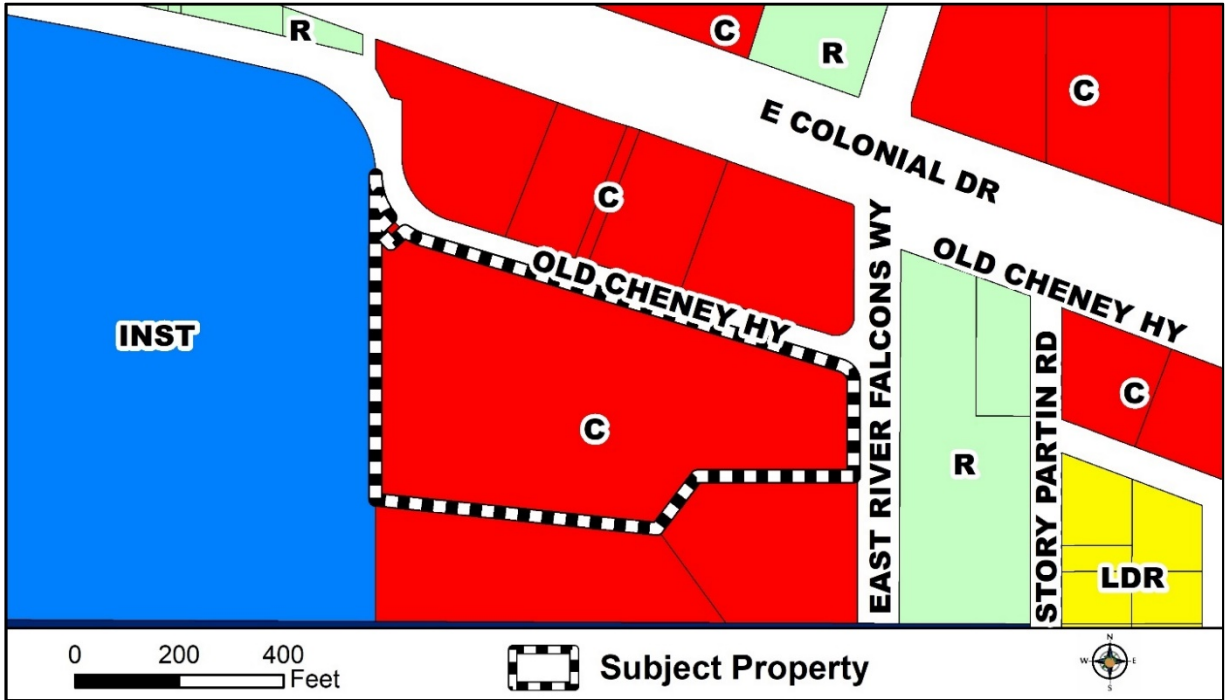
 Subject Property



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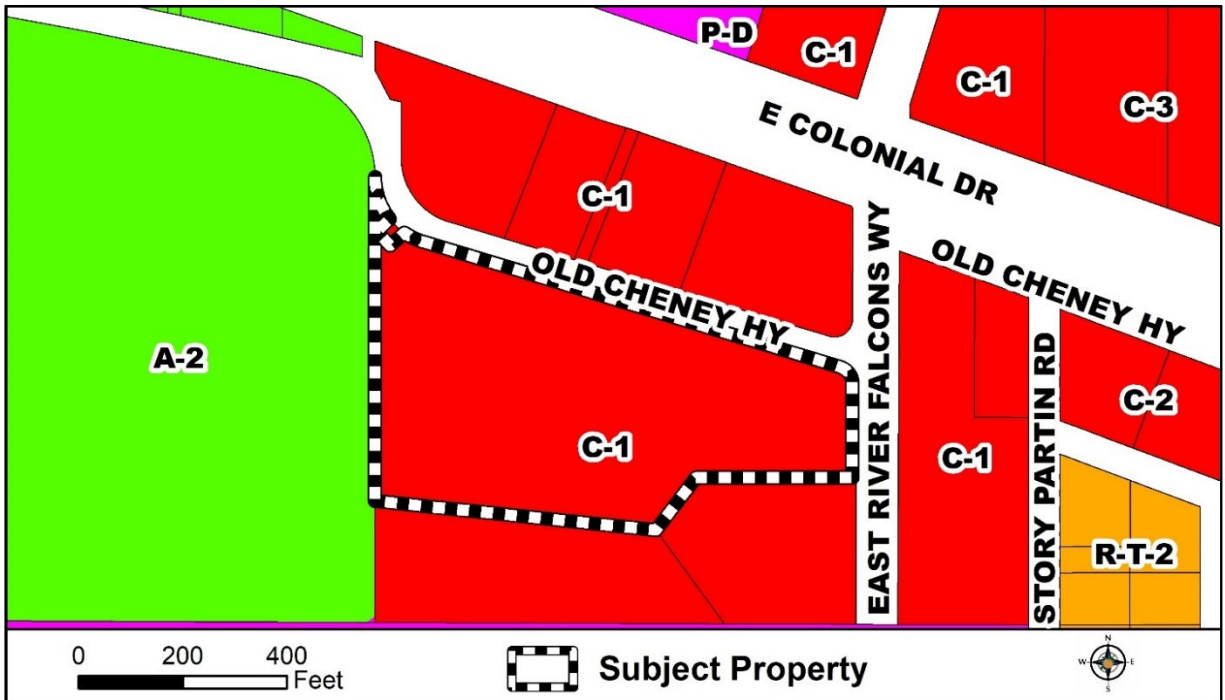
**FUTURE LAND USE – CURRENT**

Commercial (C)



**ZONING – CURRENT**

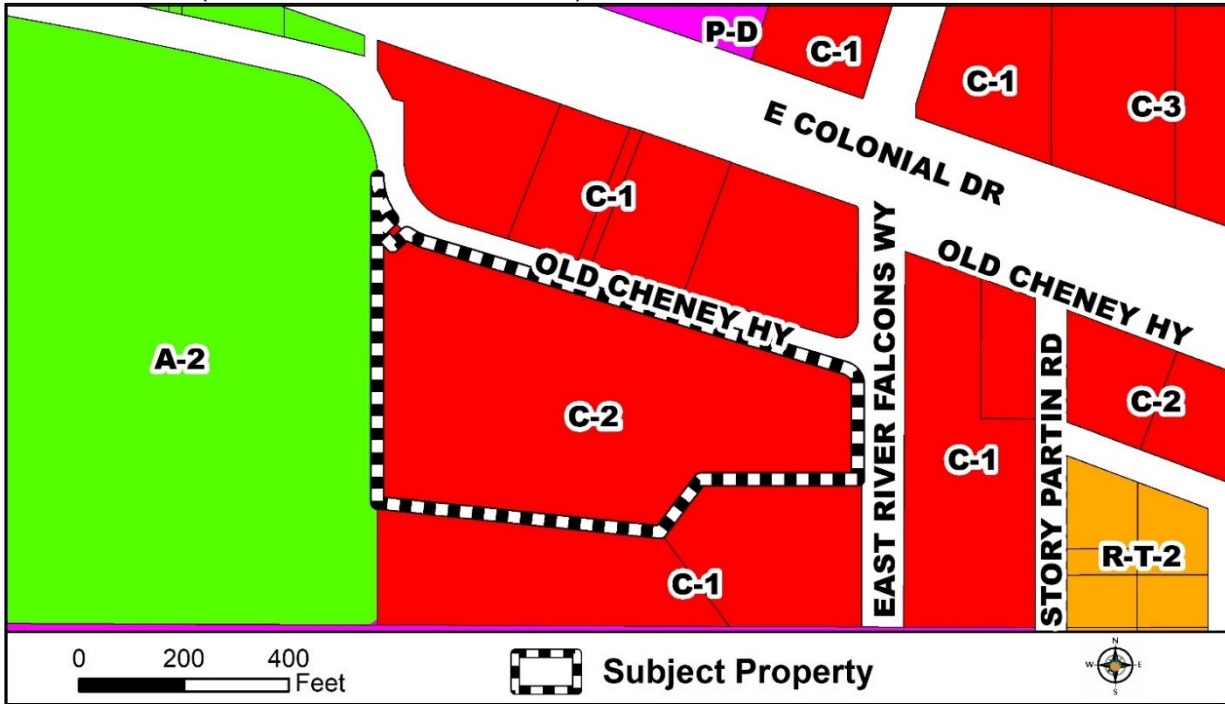
C-1 (Retail Commercial District)





**ZONING – PROPOSED**

C-2 Restricted (General Commercial District)



# Public Notification Map

RZ-24-07-045



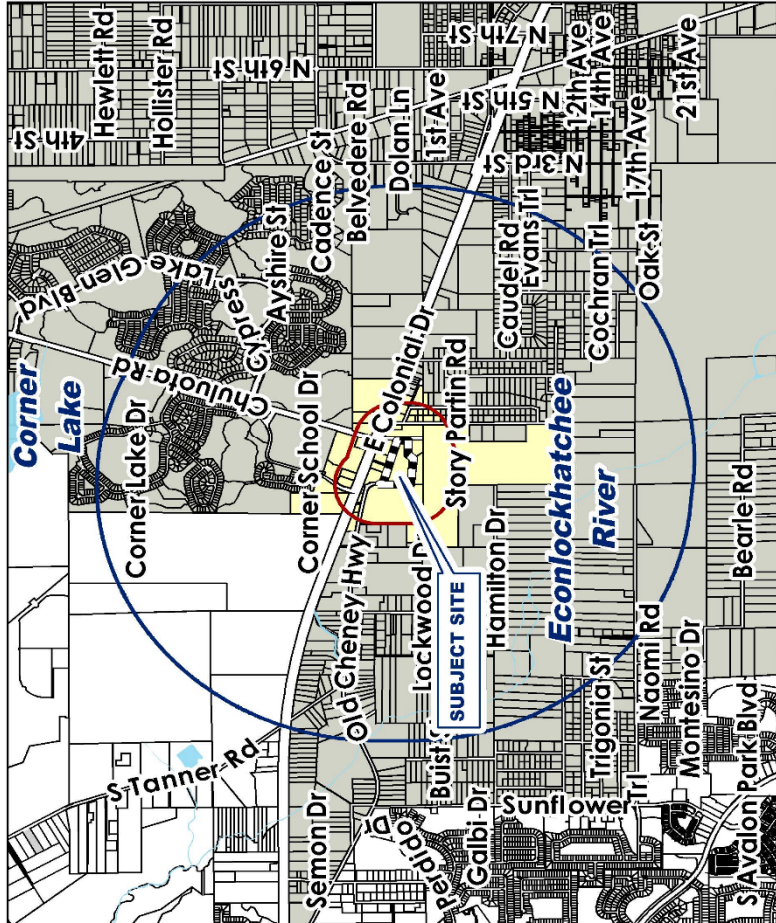
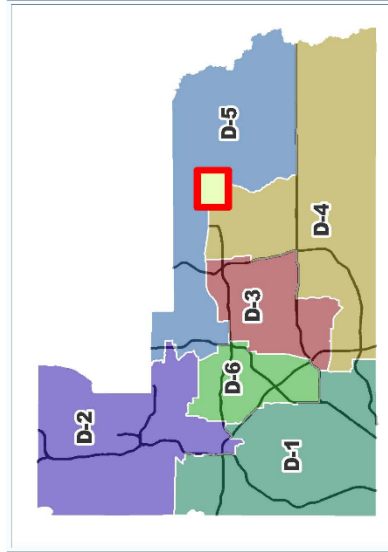
## NOTIFICATION MAP

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**MAP LEGEND**

	SUBJECT SITE		PARCELS
	800 FT BUFFER		NOTIFIED PARCELS
	1 MILE BUFFER		COURTESY PARCELS
	HYDROLOGY		

BUFFER DISTANCE: 800  
 # OF NOTICES: 3150



Feet

SUBJECT SITE



*Project Manager:*  
Bari Snyder

**Rezoning Staff Report**  
**Orange County Planning Division**  
**PZC Hearing Date: August 15, 2024**

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