

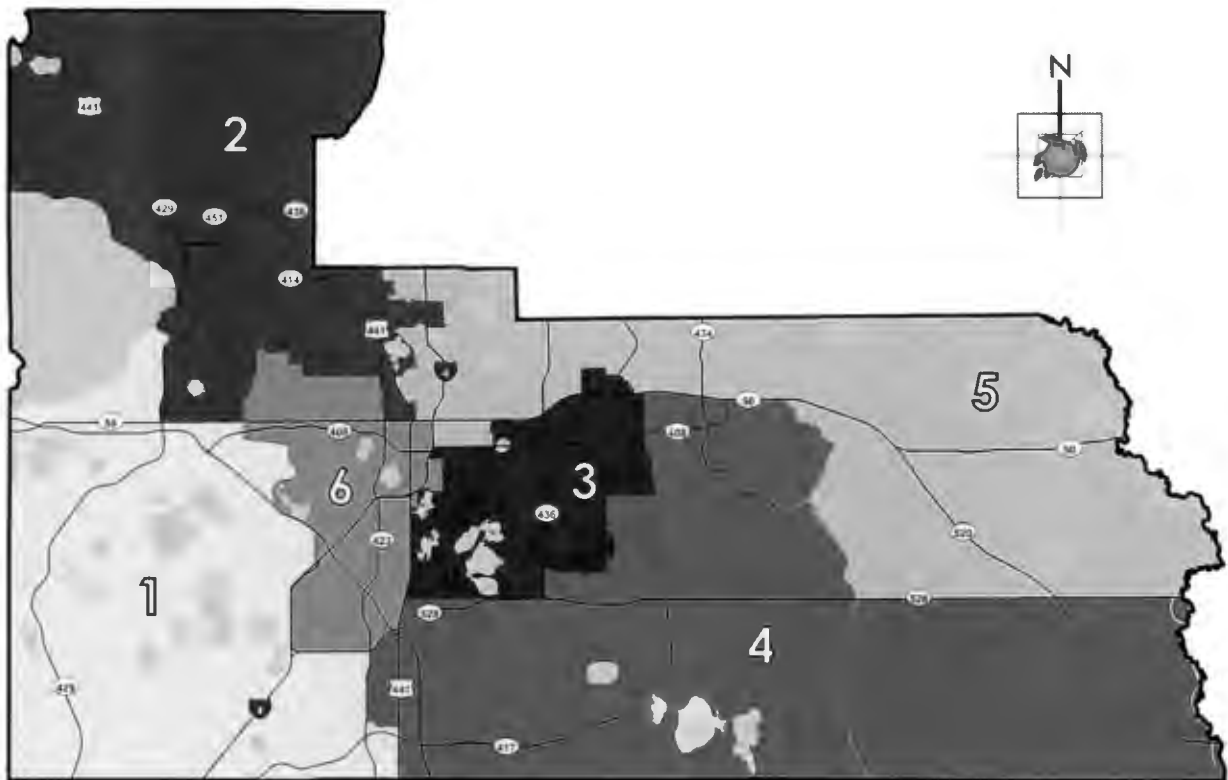


PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

APRIL 20, 2023



PREPARED BY:

ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

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

David Boers District #1

George Wiggins District #2

Eddie Fernandez District #3

Walter Pavon District #4

J. Gordon Spears District #5
Vice Chairperson

Camille Evans District #6

Michael Arrington At Large

Evelyn Cardenas At Large

Nelson Pena At Large
Chairman

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April 20, 2023

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<u>Case # Applicant</u>	<u>Request</u>	<u>Commission District</u>	<u>Recommendations Staff</u>	<u>PZC</u>	<u>BCC Hearing Required</u>
I. Conventional Rezoning Hearing					
RZ-23-01-019 Ishkhan Hunanyan	<i>C-2 to C-3 (Restricted)</i>	2	<i>Approval with three (3) restrictions</i>	<i>Approval with three (3) restrictions</i>	No
RZ-23-04-028 Mark Cross	<i>C-1 to C-3 (Restricted)</i>	3	<i>Approval with one (1) restriction</i>	<i>Approval with one (1) restriction</i>	No
RZ-23-04-029 Jonas Nunez	<i>R-1 to R-2</i>	5	<i>Approval</i>	<i>Approval</i>	No
LUP-22-08-274 Brandon Sansaricq Nadeen Tanmore II PD	<i>A-2 to PD</i>	1	<i>Approval with sixteen (16) conditions</i>	<i>Approval with sixteen (16) conditions</i>	Yes

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	A
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	A
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	A
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	A
R-CE-2	2 acres	1,200	250	45	50	30	35	A
R-CE-5	5 acres	1,200	185	50	50	45	35	A
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	A
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	A
R-1AA	10,000	1,200	85	25 <i>h</i>	30 <i>h</i>	7.5	35	A
R-1A	7,500	1,200	75	20 <i>h</i>	25 <i>h</i>	7.5	35	A
R-1	5,000	1,000	50	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	A
R-2	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	A
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	30	5 <i>h</i>	35	A
	Three DUs, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	A
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	A
R-3	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5	35	A
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	A
	Three dwelling units, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	A
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	A
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	A
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	35	A
R-T-1								
SFR	4,500 <i>c</i>	1,000	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	A
Mobile home	4,500 <i>c</i>	Min. mobile home size 8 ft. x 35 ft.	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	A
R-T-2 (prior to 1/29/73)	6,000	SFR 500 Min. mobile home size 8 ft. x 35 ft.	60	25	25	6	35	A
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	35	A

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

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

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

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

FOOTNOTES

- a** Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
- b** Side setback is 30 feet where adjacent to single-family district.
- c** For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
- d** For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that:
 - (i) are either platted or lots of record existing prior to 3/3/97, and
 - (ii) are 75 feet in width or greater, but are less than 90 feet, and
 - (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
- e** Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- f** Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- g** Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- h** For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
- j** Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
- k** Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
- m** Based on gross square feet.

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

BUFFER YARD REQUIREMENTS

Orange County Code Section 24-5.

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

(a) *Buffer classifications:*

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

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

CASE # RZ-23-03-019

Commission District: #2

GENERAL INFORMATION

APPLICANT: Ishkhan Hunanyan, HR Supplies, LLC

OWNER: 4420 Properties, LLC

HEARING TYPE: Planning and Zoning Commission

REQUEST: C-2 (General Commercial District) **to**
C-3 Restricted (Wholesale Commercial District)

LOCATION: 4420 N. Orange Blossom Trl.; generally located east of John Young Parkway, approximately 1,600 ft. south of Lee Rd.

PARCEL ID NUMBER: 09-22-29-9432-00-043

ACREAGE: 2.27-gross acres

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]. Forty-six (46) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was held for this application on March 29, 2023 and is summarized further in this report.

PROPOSED USE: Retail warehouse / showroom / storage of Tobacco supplies

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 restrictions:

- 1) Uses shall be limited to C2 uses plus the C-3 use of Tobacco warehousing and storage,
- 2) No outdoor storage and display of equipment, products and merchandise; and
- 3) New billboards and pole signs shall be prohibited.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is requesting to rezone the subject property from C-2 (General Commercial District) to C-3 Restricted (Wholesale Commercial District) for allowance of permitted uses as outlined in OC code 38-79 permitted use table. Specifically, for Tobacco Warehousing and Storage under SIC Group 4221. No manufacturing of tobacco products is proposed to take place on the subject property. The end users will utilize the space for warehousing and repackaging of retail products.

The property is currently developed with a 23,000 square foot concrete warehouse which was constructed in 2005. The immediate area is developed with C-2 commercial uses and I-2/I-3 industrial development. A restriction to prohibit outdoor storage and display of equipment, products and merchandise has been added to ensure the uses are contained inside the warehouse. The request appears to be compatible with the surrounding area.

Land Use Compatibility

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

Site Analysis

Rural Settlement

The subject property is located in the No 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 code violations.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial. The proposed C-3 zoning is consistent with the Commercial 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

Existing Use	Warehouse / Showroom
Adjacent Zoning	N: C-2 (General Commercial District) (1957) E: C-1 (Retail Commercial District) (1957) W: C-2 (General Commercial District) (1958) S: C-2 (General Commercial District) (1971) <i>*No restrictions apply to the above zoning</i>
Adjacent Land Uses	N: Wholesale- Warehouse E: Commercial - Warehouse W: Commercial - Vacant land S: Commercial - Tire Super Center

C-3 (Wholesale Commercial District) Development Standards

Min. Lot Area:	12,000 sq. ft.
Min. Lot Width:	100 ft. (125 ft. on major streets)
Max. Height:	75 ft. (35 ft. within 100 ft. of residential)
Min. Floor Area:	500 sq. ft.

Building Setbacks

Front:	25 ft. (except on major streets as provided in Art. XV)
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 (FLUM). 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.

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 storage yards for operable automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease, or not), new and used automobile sales, recreational and commercial vehicle sales and storage, auto part and tire dealers, outside storage, lumber and building material yards, and the wholesale distribution of goods including industrial machinery equipment, electronics, farm and garden equipment, and furniture.

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 conservation, and increased buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

Transportation / Access

Based on the Concurrency Management database (CMS) dated 2/15/2023, there is a failing roadway segment within the project's impact area along John Young Pkwy., from Princeton St. to Orange Blossom Tr. This information is dated and subject to change. Prior to building permit approval, a Concurrency Application through the Concurrency Management office will be required. A Traffic Study may be required at that time.

Schools

The applicant is proposing to utilize the property for commercial purposes. Orange County Public Schools (OCPS) did not comment on this case.

Parks and Recreation

Not required for non-residential development.

Community Meeting Summary

A virtual community meeting was held on March 29th for this request. No members of the community attended.

Utilities

Water: OUC

Wastewater: City of Orlando

This property is currently connected through City of Orlando

Reclaim Water: City of Orlando

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:

This property is within Orlando Utilities Commission Water Service Area.

This property is within City of Orlando Wastewater and Reclaimed Water Service Area. The property is currently connected to City of Orlando wastewater.

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 – April 20, 2023

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 restrictions:

- 1) Uses shall be limited to C-2 uses plus the C-3 use of Tobacco warehousing and storage;
- 2) No outdoor storage and display of equipment, products and merchandise; and
- 3) 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 Restricted (Wholesale Commercial District) zoning, subject to three (3) restrictions. The Applicant and owner was present and agreed with the staff recommendation. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that forty-six (46) 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 zero (0) responses in opposition of the request.

A motion was made by Commissioner Spears and seconded by Commissioner Boers to recommend APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning, subject to three restrictions.

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


RZ-23-03-019



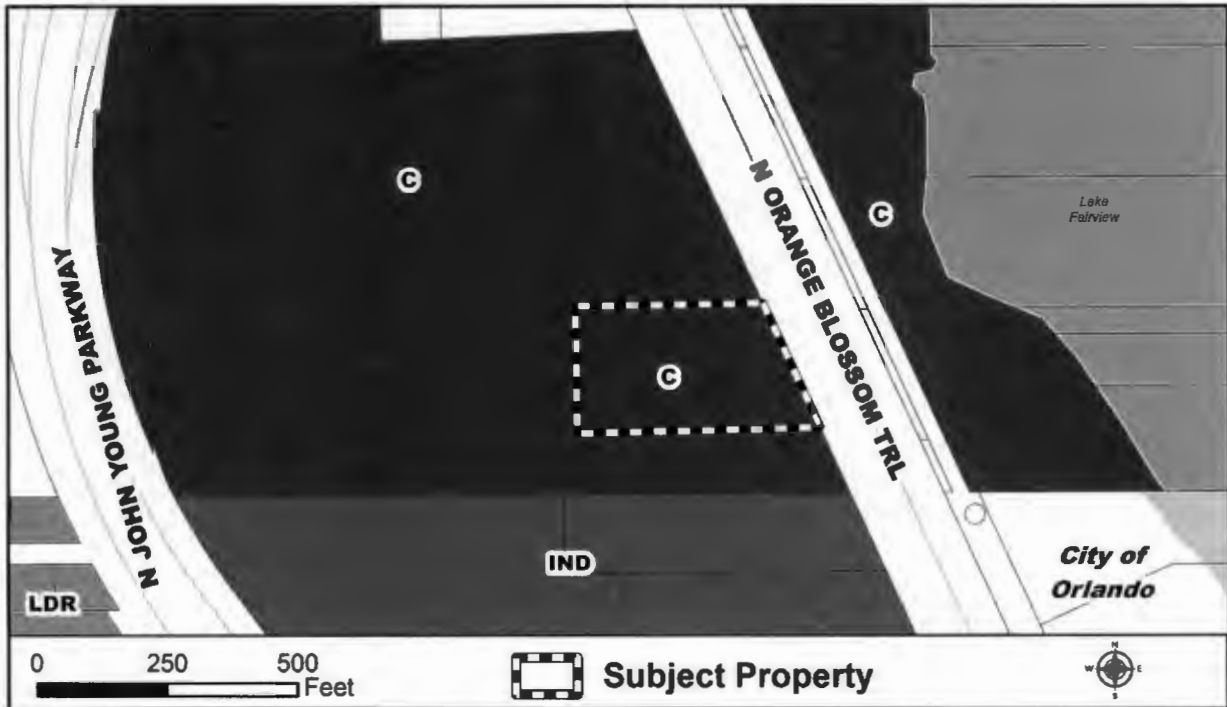
 Subject Property



0 150 300 Feet



FUTURE LAND USE – CURRENT
Commercial



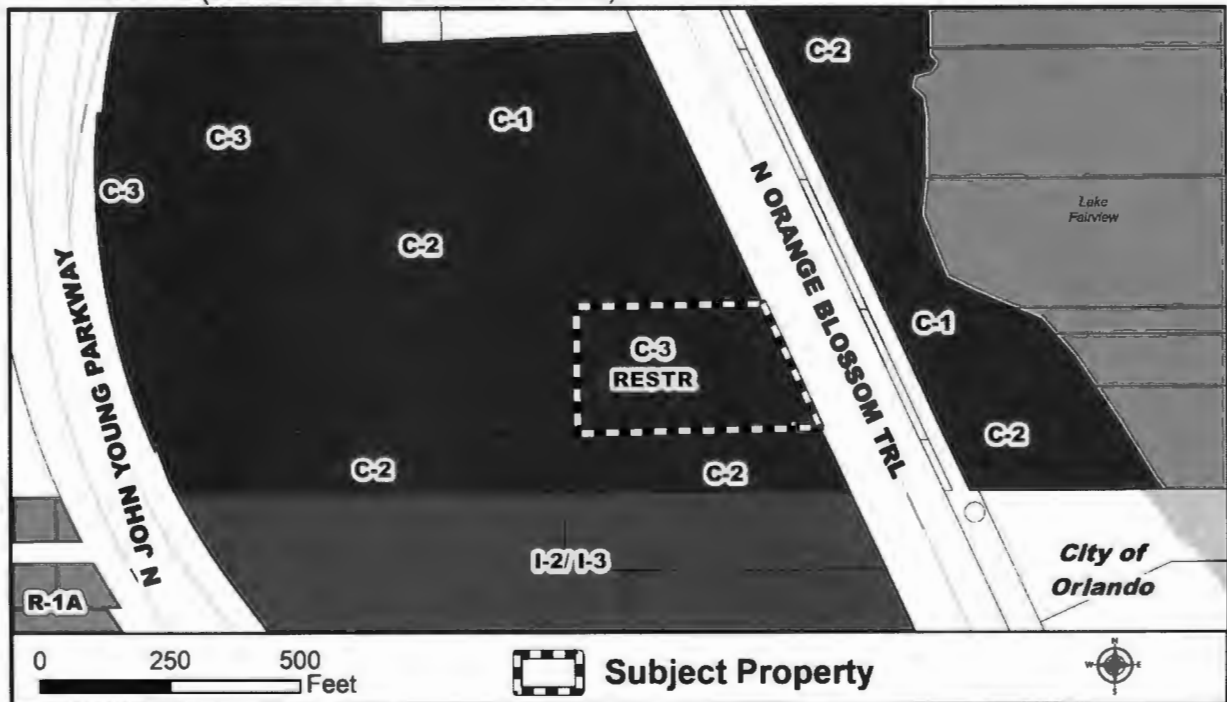
ZONING – CURRENT

C-2 (General Commercial District)



ZONING – PROPOSED

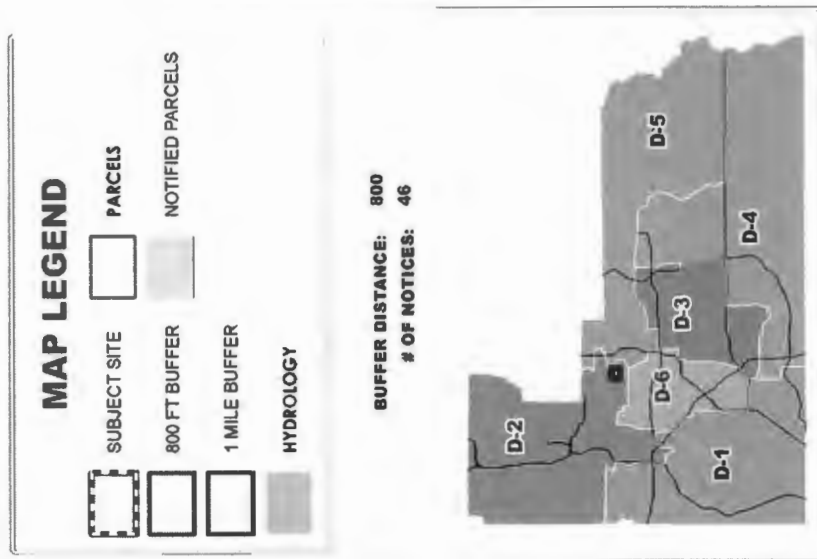
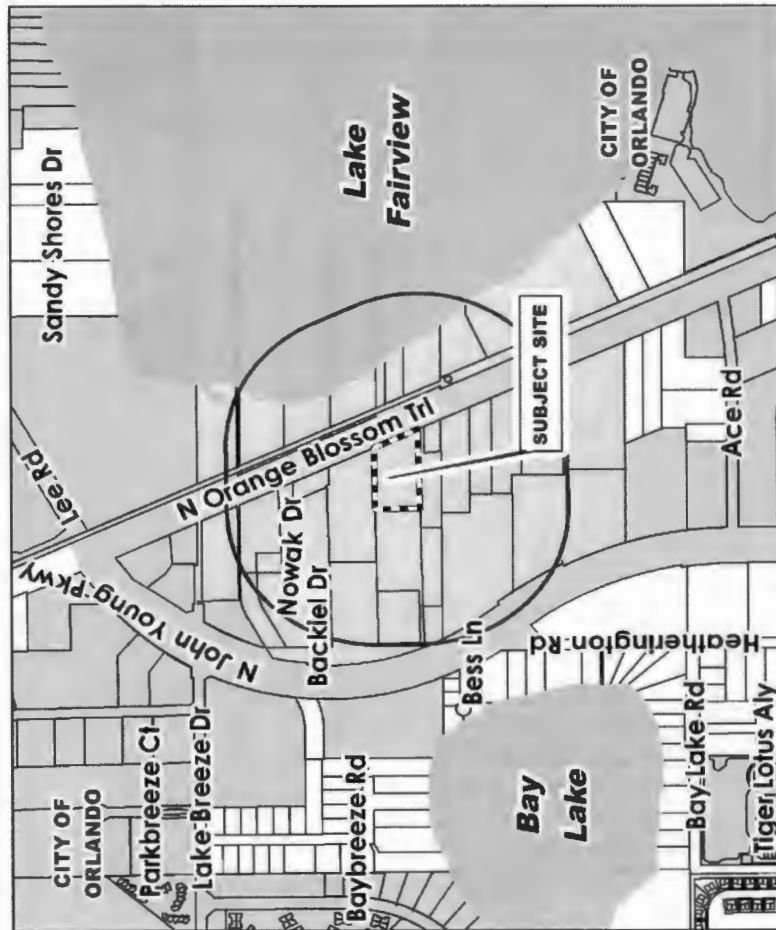
C-3 Restricted (Wholesale Commercial District)



NOTIFICATION MAP

Public Notification Map

RZ-23-03-019



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CASE # RZ-23-04-028

Commission District: #3

GENERAL INFORMATION

APPLICANT: Mark Cross

OWNER: Lyda Lane Properties, LLC

HEARING TYPE: Planning and Zoning Commission

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

LOCATION: 5808 and 5818 Lyda Lane; generally west of Lyda Ln, north of E. Oakridge Rd and south of Nanette Dr.

PARCEL ID NUMBERS: 24-23-29-6884-00-110 and 24-23-29-6884-00-150

SIZE/ ACREAGE: 0.45-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred fifty-four (154) notices were mailed to those property owners in the surrounding area.

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

PROPOSED USE: Boat and RV storage

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 requesting to rezone the subject property from C-1 (Retail Commercial District) to C-3 Restricted (Wholesale Commercial District) to allow Boat and RV storage.

The subject property is currently developed with an office that is being used by a general contractor, Marcope, LLC, who works as a commercial electrician. The current use is proposed to remain with the added outdoor storage.

The area surrounding the subject property mostly consists of commercial developments along Lyda Lane and E. Oak Ridge Road.

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

No violations found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-3 Restricted (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

Existing Use	General Contractor
Adjacent Zoning	N: C-3 (Wholesale Commercial District) (1986) E: C-3 (Wholesale Commercial District) (1995) W: C-3 (Wholesale Commercial District) (1984) S: C-3 (Wholesale Commercial District) (1984)
Adjacent Land Uses	N: Contractor Offices E: Juniper Landscaping W: Public Storage S: Public Storage

C-3 (Wholesale Commercial District) Development Standards

Min. Lot Area: 12,000 sq. ft.
Min. Lot Width: 100 ft. (125 ft. on major streets)
Max. Height: 75 ft. (35 ft. within 100 ft. of residential)
Min. Floor Area: 500 sq. ft.

Building Setbacks

Front: 25 ft. (except on major streets as provided in Art. XV)

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 (FLUM). 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. 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 storage yards for operable automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease, or not), new and used automobile sales, recreational and commercial vehicle sales and storage, auto part and tire dealers, outside storage, lumber and building material yards, and the wholesale distribution of goods including industrial machinery equipment, electronics, farm and garden equipment, and furniture.

Staff Comments

Environmental

Solid Waste Disposal - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Recycling of materials is encouraged if applicable. The applicant should call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Transportation / Access

Based on the capacity database dated 3/21/23, there are multiple failing roadway segments within the project area: Hoffner Avenue from Orange Avenue to Oak Island Road; Orange Avenue from S. Hansel Ave. to N. Hansel Ave; N. Hansel Ave to Holden Avenue. This information is dated and subject to change. Prior to building permit approval, a Concurrency Application through the Concurrency Management office will be required. A Traffic Study may be required at that time.

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

Parks and Recreation staff did not provide any comments or issues as this is a commercial development.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

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

Detailed Utility Information:

This property is within Orlando Utilities Commission Water Service Area.

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

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 – April 20, 2023

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 Restricted (Wholesale Commercial District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public spoke during public comment of the request.

Staff indicated that one hundred fifty-four (154) 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.

A motion was made by Commissioner Fernandez, and seconded by Commissioner Spears to recommend APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning subject to one (1) restriction. The motion carried unanimously.

Motion / Second

Eddie Fernandez / Gordon Spears

Voting in Favor

Eddie Fernandez, Gordon Spears, Nelson Pena, Evelyn Cardenas, David Boers

Voting in Opposition

None

Absent

Walter Pavon, George Wiggins, Camille Evans, Michael Arrington

RZ-23-04-028

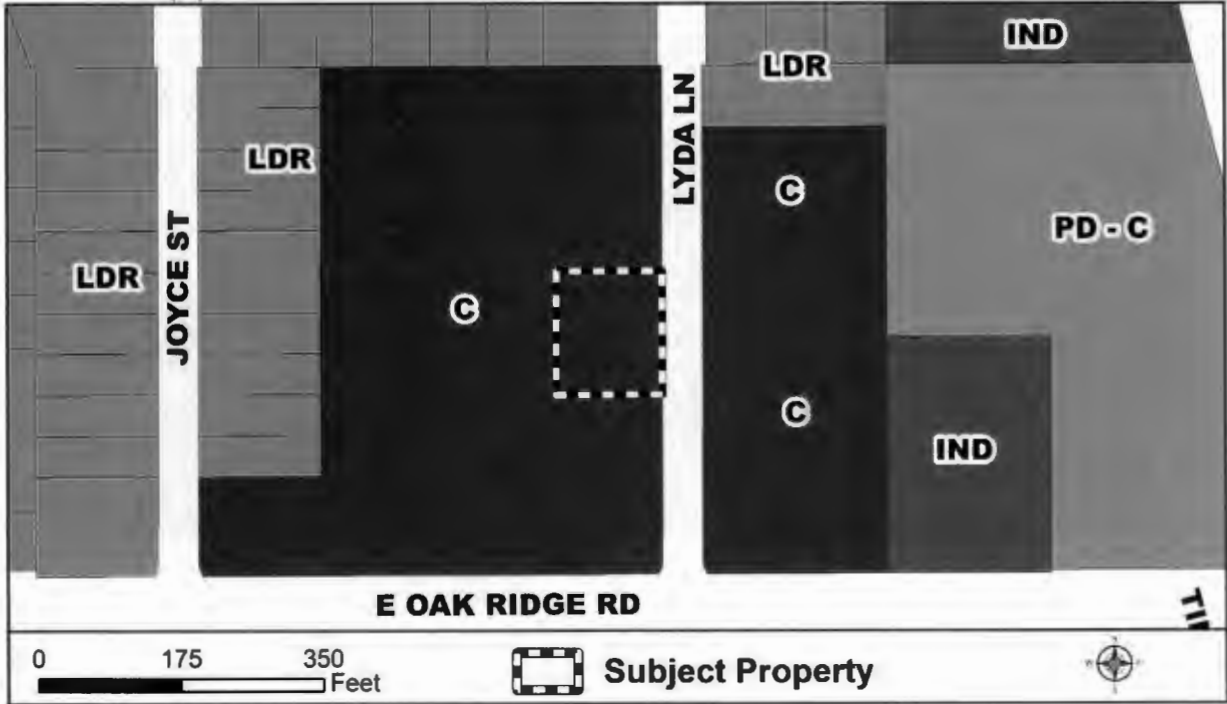


 Subject Property



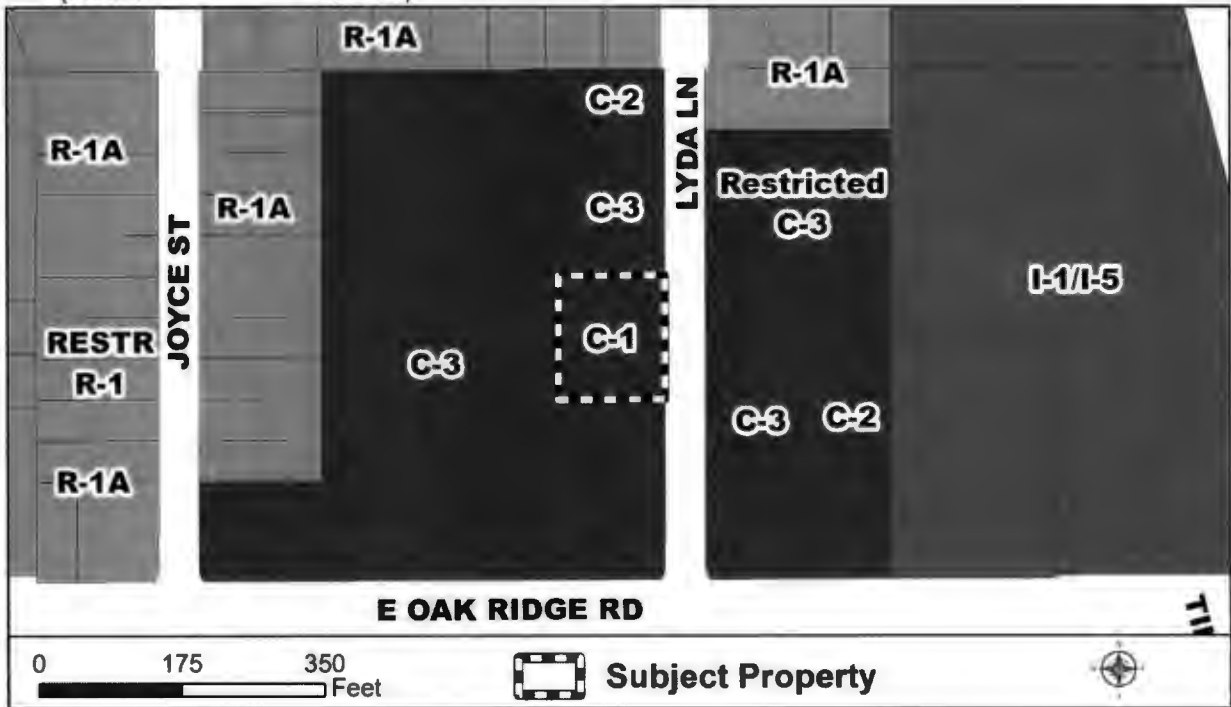
1 inch = 125 feet

FUTURE LAND USE – CURRENT
Commercial (C)



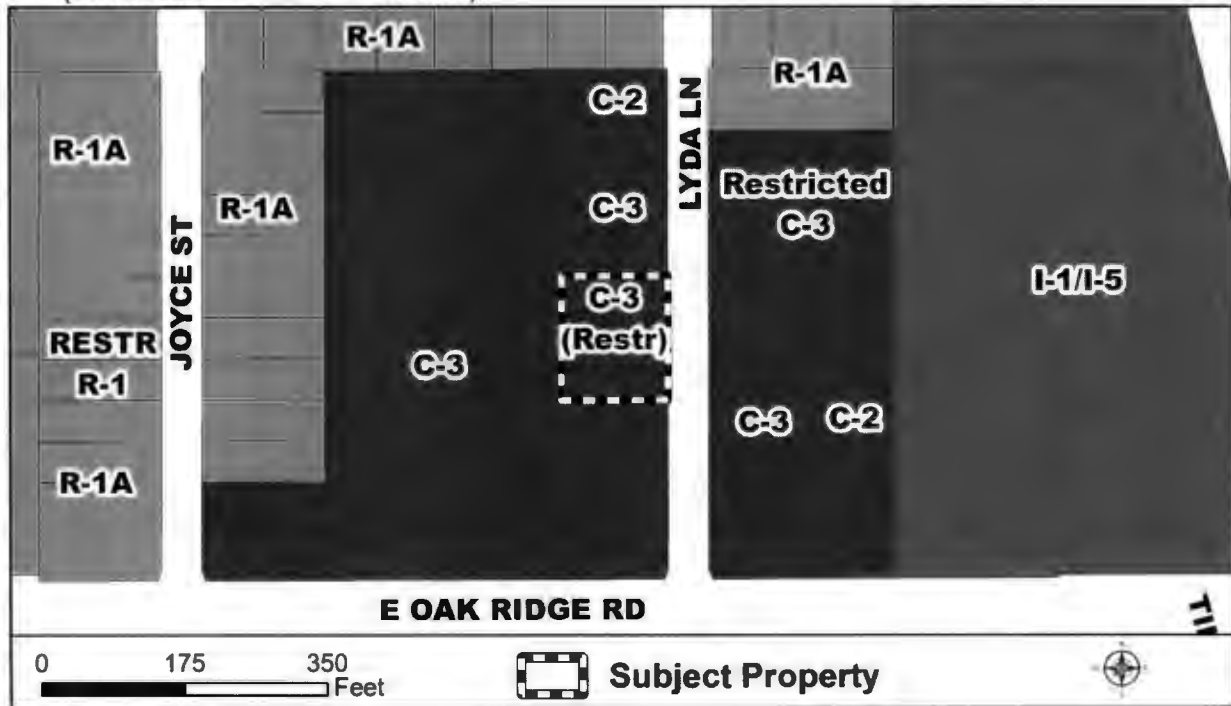
ZONING – CURRENT

C-1 (Retail Commercial District)



ZONING – PROPOSED

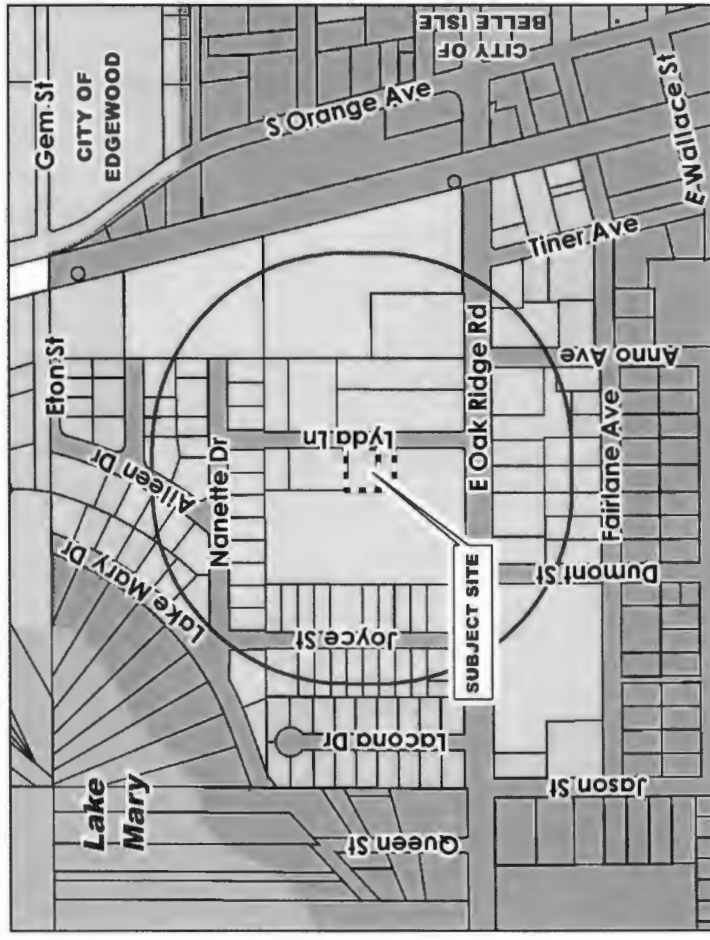
C-3 (Wholesale Commercial District)



NOTIFICATION MAP

Public Notification Map

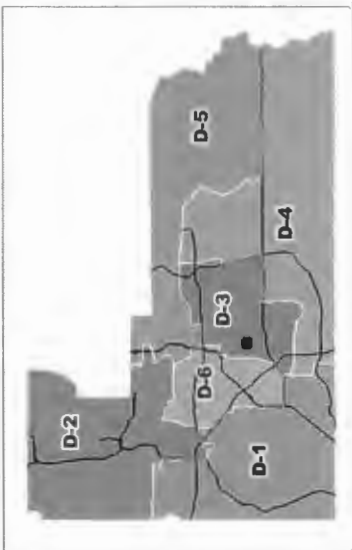
RZ-23-04-028



MAP LEGEND

- SUBJECT SITE
- 600FT_BUFFER
- PARCELS
- NOTIFIED_PARCELS
- COURTESY_PARCELS
- HYDROLOGY
- Pine Castle

BUFFER DISTANCE: 600
 # OF NOTICES: 154



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CASE # RZ-23-04-029

Commission District: #5

GENERAL INFORMATION

APPLICANT: Jonas Nunez

OWNER: Properties at Lake Pickett, LLC

HEARING TYPE: Planning and Zoning Commission

REQUEST: R-1 (Single-Family Dwelling District) to R-2 (Residential District)

LOCATION: Lake Pickett Rd; generally located east of Lake Pickett Rd, approximately 650 feet north of E. Colonial Dr.

PARCEL ID NUMBERS: 13-22-31-4208-04-050 and 13-22-31-4208-04-051

SIZE/ ACREAGE: 0.63-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred nine (109) notices were mailed to those property owners in the surrounding area.

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

PROPOSED USE: One (1) duplex (two residential units)

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 zoning.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant is seeking to rezone two (2) parcels of 0.63-gross acre from R-1 (Single-Family Dwelling District) to R-2 (Residential District) to allow for the construction of one (1) duplex. The subject property was zoned R-1 in 1957, the current zoning district does not permit a duplex therefore a rezoning is required to allow for the proposed use. The requested R-2 zoning district is consistent with the current Future Land Use designation of Low-Density Residential, so a future land use amendment is not required. The subject parcels will need to be aggregated to meet the minimum site development standards in R-2 for one duplex.

The subject parcels are currently vacant. Lots 5 and 6 were originally platted in 1956 as 101-foot wide lots and later subdivided into three separate 67-foot wide lots. The immediate area is developed with duplexes and single-family homes. Within the same block located north of the subject parcels, lot 2 was rezoned to R-2 (Residential District) (Z-02-050) to allow for a duplex. A hospital is located within a quarter of a mile to the west, and a variety of commercial retail uses are located along E. Colonial Drive. The development of a duplex would be compatible with the surrounding area and provide infill within the urban service area.

Land Use Compatibility

The R-2 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 violations found

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LDR. The proposed R-2 zoning is consistent with the LDR FLUM designation with a limit of four dwelling units per acre, 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

Existing Use	Vacant residential
Adjacent Zoning	N: R-1 (Single-Family Dwelling District) E: R-1 (Single-Family Dwelling District) W: Planned Development (PD) S: R-1 (Single-Family Dwelling District)
Adjacent Land Uses	N: Duplex E: Single-family residential W: Retention pond Hospital S: Vacant residential

R-2 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

Min. Lot Area:	8,000 sq. ft. / 9,000 sq. ft.
Min. Lot Width:	80 ft. / 90 ft.
Max. Height:	35 ft.
Min. Living Area:	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

Min. Lot Area:	11,250 sq. ft.
Min. Lot Width:	85 ft. (attached units only)
Max. Height:	35 ft.
Min. Living Area:	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

Min. Lot Area:	15,000 sq. ft.
Min. Lot Width:	85 ft.
Max. Height:	35 ft.
Min. Living Area:	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

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

Septic Systems - If septic is required, the lots shall be configured to accommodate requirements of the Individual On-Site Sewage Disposal Ordinance regarding setbacks, lot size, soils, distance to potable water supply wells, and elevations. Reference OC Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal, Section 37-540.

Transportation / Access

Based on the capacity database dated 3/21/23, there are several failing roadway segments within the project area: E. Colonial Drive from Woodbury Road to Lake Pickett Road; Lake Pickett Road to Avalon Park Blvd; Avalon Park Blvd to S. Tanner Road; Woodbury Road from Lake Underhill Road to Waterford Lakes Parkway; Waterford Lakes Parkway to Colonial Drive. This information is dated and subject to change.

Schools

Orange County Public School staff reviewed the proposal and determined that two units is considered de minimus.

Parks and Recreation

Parks and Recreation staff reviewed the request but did not identify any issues or concerns.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

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.

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 - April 20, 2023

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning. The applicant was present and agreed with the staff recommendation. Zero members of the public appeared during the public comment portion of the hearing.

Staff indicated that one hundred and nine (109) notices were sent to property owners and residents in a 500 ft radius surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request.

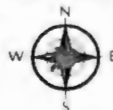
A motion was made by Commissioner Spears, and seconded by Commissioner Boers to recommend APPROVAL of the requested R-2 (Residential District) zoning. The motion carried unanimously.

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

RZ-23-04-029

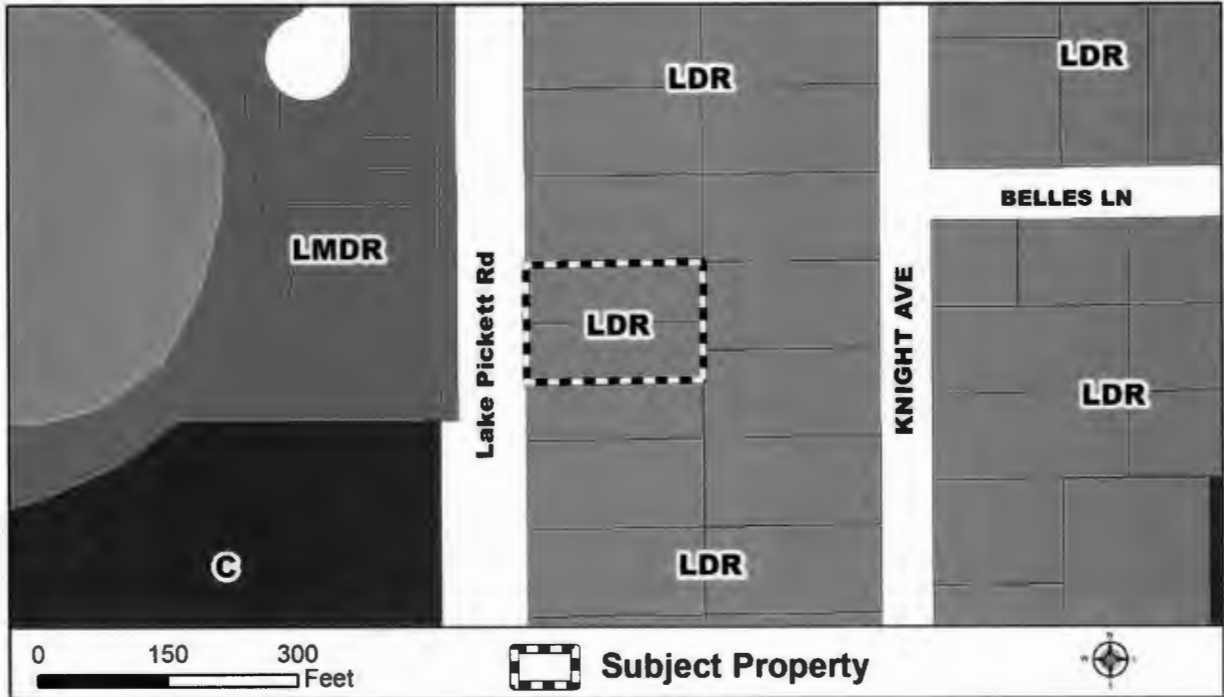


 Subject Property

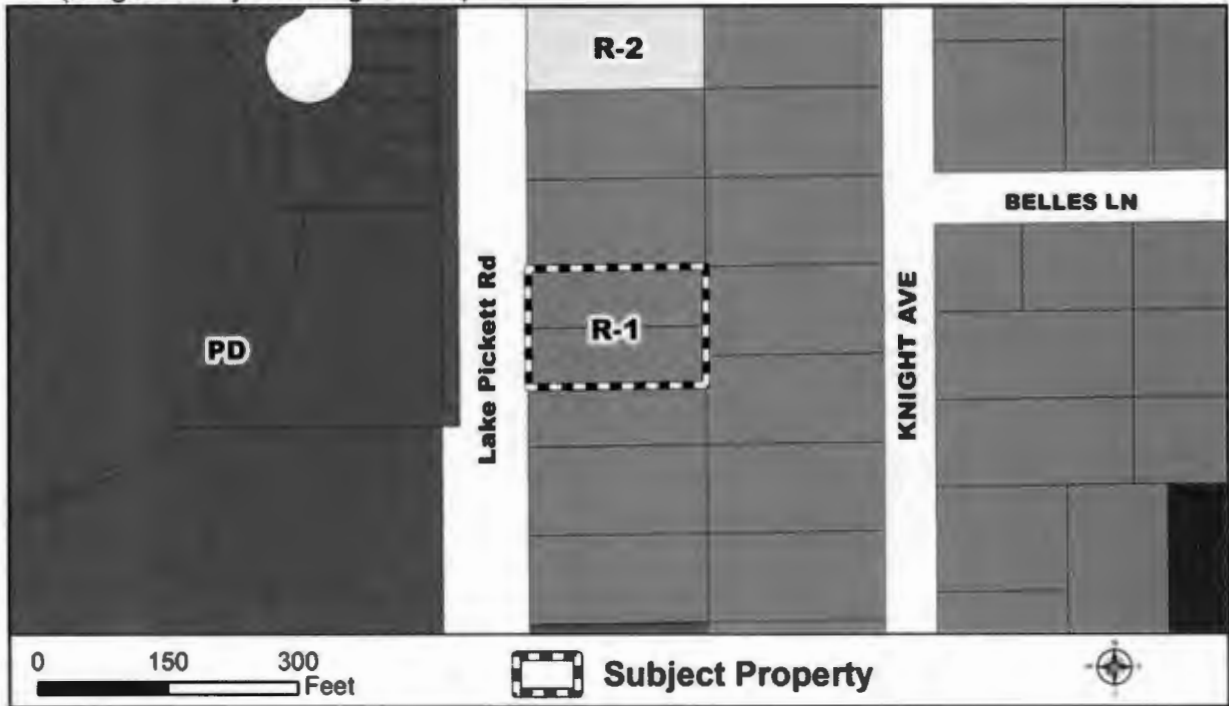


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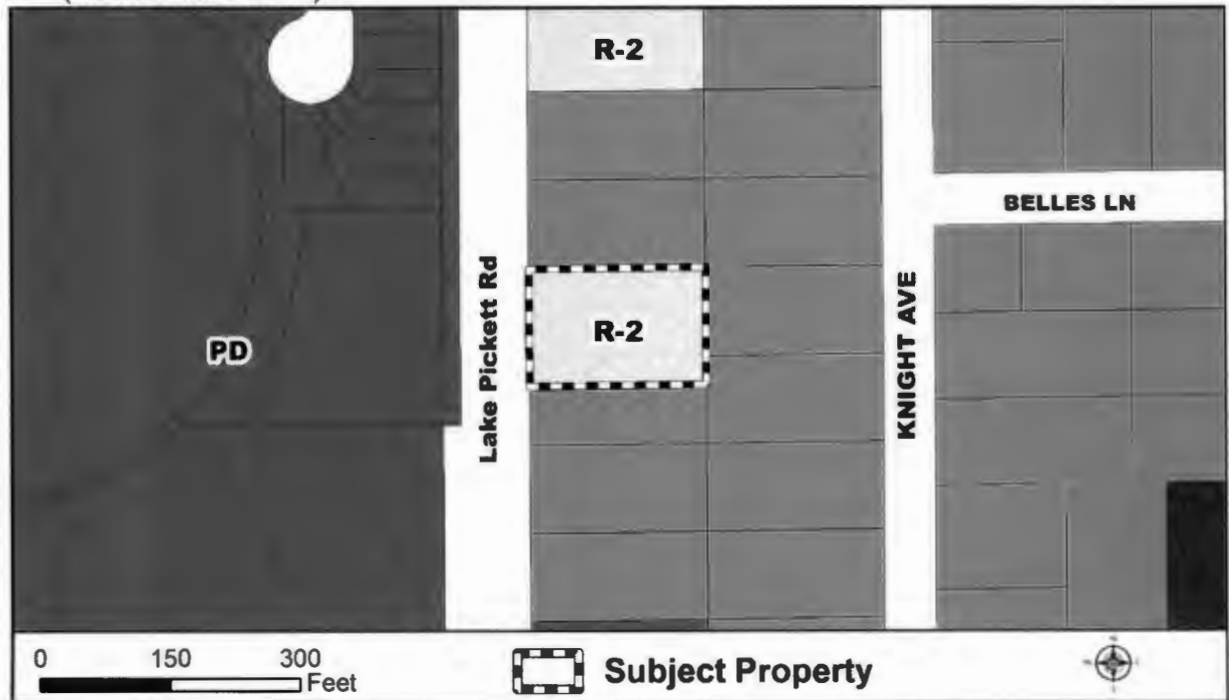
FUTURE LAND USE – CURRENT
Low-Density Residential (LDR)



ZONING – Current
R-1 (Single-Family Dwelling District)



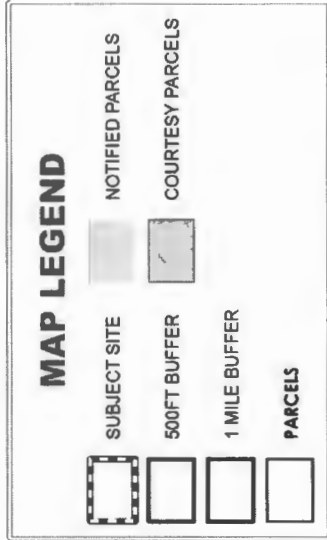
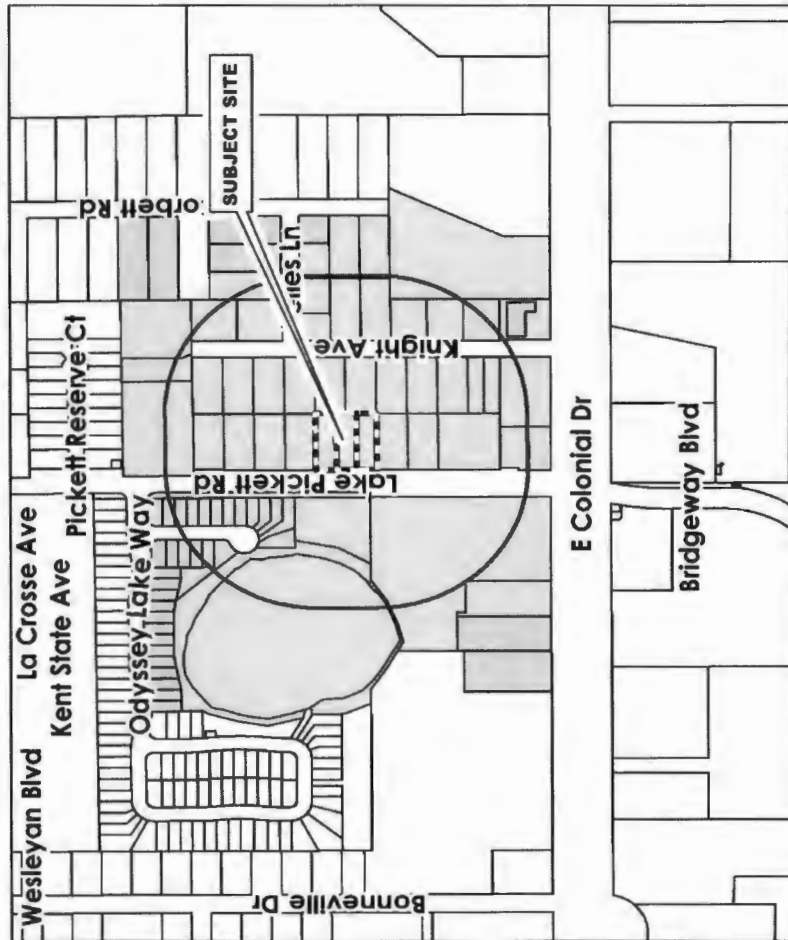
ZONING – PROPOSED
R-2 (Residential District)



NOTIFICATION MAP

Public Notification Map

RZ-23-04-029



BUFFER DISTANCE: 500
 # OF NOTICES: 109



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