



PLANNING AND ZONING COMMISSION  
LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS

MARCH 16, 2023



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

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

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**March 16, 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>
<b>I. Conventional Rezoning Hearing</b>					
RZ-23-01-137 McGregor Love	<i>Amending zoning restrictions</i>	1	<i>Approval with six (6) restrictions</i>	<i>Approval with six (6) restrictions</i>	No
RZ-23-02-001 Zack Schwartz	<i>R-2 to NAC</i>	6	<i>Approval</i>	<i>Approval</i>	No
RZ-23-03-014 Jim Hall	<i>R-1A to C-1 Restricted</i>	3	<i>Approval with one (1) restriction</i>	<i>Approval with one (1) restriction</i>	No
RZ-23-03-015 Nicole Cates	<i>R-1 to R-2</i>	6	<i>Approval</i>	<i>Approval</i>	No
RZ-23-03-016 Dominic Rodriguez	<i>C-2 to NAC Restricted</i>	6	<i>Approval with one (1) restriction</i>	<i>Approval with one (1) restriction</i>	No
RZ-23-03-017 Brandy N. Diaz	<i>A-1 to R-1</i>	2	<i>Approval</i>	<i>Approval</i>	No
RZ-23-03-018 Cliff Alejos	<i>R-1A to R-1</i>	6	<i>Approval</i>	<i>Approval</i>	No
RZ-23-03-019 Ishkhan Hunanyan	<i>C-2 to C-3 Restricted</i>	2	<b><i>Continued to April 20, 2023 at 9:00am</i></b>	<b><i>Continued to April 20, 2023 at 9:00am</i></b>	No
RZ-23-01-143 Thomas Kerper	<i>C-1 to C-2 Restricted</i>	2	<i>Denial</i>	<i>Approval with two (2) restrictions</i>	No

# SITE and BUILDING REQUIREMENTS

## Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre)	850	100	35	50	10	35	A
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (½ acre)	850	100	35	50	10	35	A
	Mobile Home - 2 acres							
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

<i>District</i>	<i>Min. lot area (sq. ft.)<sup>m</sup></i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.)<sup>a</sup></i>	<i>Min. rear yard (ft.)<sup>a</sup></i>	<i>Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>	<i>Lake setback (ft.)</i>
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	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.) <sup>m</sup>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <sup>a</sup>	Min. rear yard (ft.) <sup>a</sup>	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 <sup>f</sup>	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 <sup>g</sup>	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

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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 constr***



**CASE # RZ-23-01-137**

Commission District: #1

**GENERAL INFORMATION**

**APPLICANT:** McGregor Love, Lowndes Law Firm

**OWNER:** Land-Ron, Inc.

**HEARING TYPE:** Planning and Zoning Commission

**REQUEST:** To amend the existing C-1 (Retail Commercial District) zoning restrictions to allow up to 1.5 Floor Area Ratio in lieu of 0.75 Floor Area Ratio of non-residential development in order to allow for a short-term rental or hotel development.

**LOCATION:** 6770 Turkey Lake Road; generally located on the west side of Turkey Lake Road, approximately 120 feet north of Wallace Road

**PARCEL ID NUMBER:** 26-23-28-0000-00-039

**ACREAGE:** 1.24-gross acres

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 900 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Ninety-three (93) notices were mailed to those property owners in the surrounding area.

**COMMUNITY MEETING:** An in-person community meeting was scheduled for February 13, 2023. A meeting summary is provided under the appropriate section.

**PROPOSED USE:** Short-term rental or hotel / Retail Commercial at 1.5 Floor Area Ratio (in lieu of 0.75 Floor Area Ratio)

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the request to allow for 1.5 Floor Area Ratio in lieu of the approved 0.75 Floor Area Ratio, subject to the following restrictions:**

1. Safe and adequate access to the property via Turkey Lake Road shall be provided in accordance with the City of Orlando's requirements.
2. Billboards and pole signs shall be prohibited.

3. Uses on the property shall be restricted to a maximum intensity of 0.75 Floor Area Ratio (FAR) unless the uses are limited to short-term rental only in which case the FAR shall be up to 1.5.
4. Prohibited uses shall include labor pools and labor halls; car-title loan establishments; check cashing/payday loan businesses; tattoo, body art, or body piercing businesses; pawnshops; bail bond agencies; flea markets; fortune tellers, tarot card readers, palm readers, psychics, and similar businesses, and bottle clubs, gas stations and drive-thru establishments.
5. Hours of operation shall be from 6:00 a.m. to midnight (not including hotel and short-term rental uses).
6. The applicant/developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of C-1 uses.

## **SUBJECT PROPERTY ANALYSIS**

### **Overview**

The property is generally located on the west side of Turkey Lake Road, approximately 120 feet north of Wallace Road and is currently undeveloped. The current zoning district C-1 Restricted (Commercial Retail) was approved in April 2014, subject to six (6) restrictions:

1. Safe and adequate access to the property via Turkey Lake Road shall be provided in accordance with the City of Orlando's requirements.
2. Billboards and pole signs shall be prohibited.
3. Uses on the property shall be restricted to a maximum intensity of 0.75 FAR.
4. Prohibited uses shall include labor pools and labor halls; car-title loan establishments; check cashing/payday loan businesses; tattoo, body art, or body piercing businesses; pawnshops; bail bond agencies; flea markets; fortune tellers, tarot card readers, palm readers, psychics, and similar businesses, and bottle clubs, gas stations and drive-thru establishments.
5. Hours of operation shall be from 6:00 a.m. to midnight (not including hotel and short-term rental uses).
6. No individual tenant to exceed 2,500 square feet.

During the 2014 public hearing concerns were expressed related to traffic, site access, and the compatibility of the proposed use to the surrounding area.

In May 2019, a follow up request was submitted to the Planning and Zoning Commission to amend restriction number six (6) to increase the maximum individual tenant area from 2,500 square feet to 3,000 square feet. The Commission reached a consensus to remove previous restriction #6 (which restricted the size of individual tenant spaces) all together. As such a motion was made to find the request to be consistent with the Comprehensive Plan and recommended Approval of the C-1 Restricted zoning district with a new proposed # 6 restriction:

6. The applicant/developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of C-1 uses.

The recommendation went before BCC as part of the recommendation booklet and received final approval upon consent June 2019.

Through this request the applicant is seeking to amend the existing restrictions to allow up to 1.5 Floor Area Ratio (81,021 square feet) in lieu of 0.75 Floor Area Ratio (40,510 square feet) of non-residential development in order to allow for a short-term rental or hotel development. C-1 zoning performance standards allows for a maximum Floor Area Ratio of 1.5. The applicant's intent is to construct an 80,917 square feet structure at a maximum height of 60 feet (6 stories).

The C-1 zoning district requires maximum height of 35 feet within 100 feet of any residential use or district. R-CE zoning district exist to the west of the subject site. The use is however a water plant for the City of Orlando Utilities Commission. Any deviation from Orange County Code will require a variance from the Board of Zoning Adjustment. The subject site was granted a special exception in 2015 (SE-15-01-092), to permit a three story commercial structure in excess of 35 feet in height within 100 feet of residentially zoned property to the west.

Staff is recommending a change to restriction number 3 from the previously approved restrictions to allow up to 1.5 Floor Area Ratio if the only use provided on the site is short-term rental. The applicant performed a trip analysis and it was determined that if only short-term rental is provided, in lieu of a mix of retail and short-term rental uses, the number of vehicle trips would not increase and would instead decrease from 84 peak PM trips to 39 peak PM trips.

#### **Land Use Compatibility**

The proposed request 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 Cases Found.

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial(C). C-1 Restricted zoning is consistent with the Commercial FLUM designation, therefore a CP amendment is not necessary. The proposed development 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.

**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>	Undeveloped
<b>Adjacent Zoning</b>	N: City of Orlando
	E: City of Orlando / Activity Center District
	W: R-CE (Country Estate District) (1968)
	S: City of Orlando

*\*No zoning restrictions apply to the above*

**Adjacent Land Uses**

N:	Professional Office
E:	Amusement Theme Park / Hotel
W:	Utilities warehouse
S:	Professional Office

**C-1 (Retail Commercial District) Development Standards**

Min. Lot Area:	6,000 sq. ft.
Min. Lot Width:	80 ft. (on major streets, see Article XV) 60 ft. (on all other streets)
Max. Height:	50 ft. (35 ft. within 100 ft. of residential)
Min. Floor Area:	500 sq. ft.
Max Floor Area:	... 1.50 (per Comp Plan Policy FLU1.1.2(B))

**Building Setbacks**

Front:	25 ft.
Rear:	20 ft. (20 ft. when abutting residential)
Side:	0 ft. (15 ft. when abutting residential)

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

**Intent, Purpose, and Uses**

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

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

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

## **SPECIAL INFORMATION**

### **Staff Comments**

#### **Environmental**

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

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).

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 Concurrency Management database (CMS) dated 12/13/2022, there are multiple failing roadway segments within the project's impact area. The Applicant will be required to comply with concurrency prior to obtaining a building permit. The Applicant may be required to submit a traffic study prior to obtaining an approved capacity encumbrance letter and building permit. The Applicant may be required to attend Roadway Agreement Committee to participate in Proportionate Share Agreement.

#### **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 reviewed the request and did not provide any objections to the proposed request as it is a commercial development.

### **Community Meeting Summary**

A community meeting was held for this application on February 13<sup>th</sup>, four (4) members of the community attended. The general tone of the meeting was neutral, as no one expressed concerns regarding the proposed short term rental use or intensity of the

development. A property owners on Manlie Street expressed concerns of possible increase in drive by traffic from the development onto Manlie St and possible increase of impact fees to nearby property owners.

**Utilities**

Water: Orlando Utilities Commission  
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 – March 16, 2023**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the request to allow for 1.5 Floor Area Ratio in lieu of the approved 0.75 Floor Area Ratio, subject to the following restrictions:**

1. Safe and adequate access to the property via Turkey Lake Road shall be provided in accordance with the City of Orlando's requirements.
2. Billboards and pole signs shall be prohibited.
3. Uses on the property shall be restricted to a maximum intensity of 0.75 Floor Area Ratio (FAR) unless the uses are limited to short-term rental only in which case the FAR shall be up to 1.5.
4. Prohibited uses shall include labor pools and labor halls; car-title loan establishments; check cashing/payday loan businesses; tattoo, body art, or body piercing businesses; pawnshops; bail bond agencies; flea markets; fortune tellers, tarot card readers, palm readers, psychics, and similar businesses, and bottle clubs, gas stations and drive-thru establishments.
5. Hours of operation shall be from 6:00 a.m. to midnight (not including hotel and short-term rental uses).
6. The applicant/developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of C-1 uses.

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

The staff report was presented to the PZC with the staff recommendation of APPROVAL of the request to allow for 1.5 Floor Area Ratio in lieu of the approved 0.75 Floor Area Ratio, subject to six (6) restrictions. The applicant's agent concurred with the staff recommendation and provided the Commission with some history on the previous 2014 request which came before the Commission to add 9,800 sq ft ground floor retail and short-term rental. The agent reiterated through this request the owner has no intention to include ground floor retail use. The traffic analysis provided to staff confirmed the removal of retail uses will reduce the number of PM peak hour trips. The analysis concluded this request will generate 39 PM trips for 62 short term rental units instead of the 84 PM trips originally generated from the retail use and short-term rental use proposed in 2014. No members of the public spoke during public comment of the request.

Discussion ensued regarding the proposed square footage of the structure. The applicant will be required to go through the Board of Zoning Adjustment for the proposed height of six (6) stories (currently limited to three (3) stories). A motion was made by Commissioner *Boers* and seconded by Commissioner *Pavon* to recommend APPROVAL of the request to allow for 1.5 Floor Area Ratio in lieu of the existing 0.75 Floor Area Ratio limitation, subject to six (6) restrictions. The motion passed unanimously.



**Motion / Second**

*David Boers / Walter Pavon*

**Voting in Favor**

*David Boers, Walter Pavon, Camille Evans, Gordon Spears,  
Michael Arrington, Nelson Pena, George Wiggins, and  
Evelyn Cardenas*

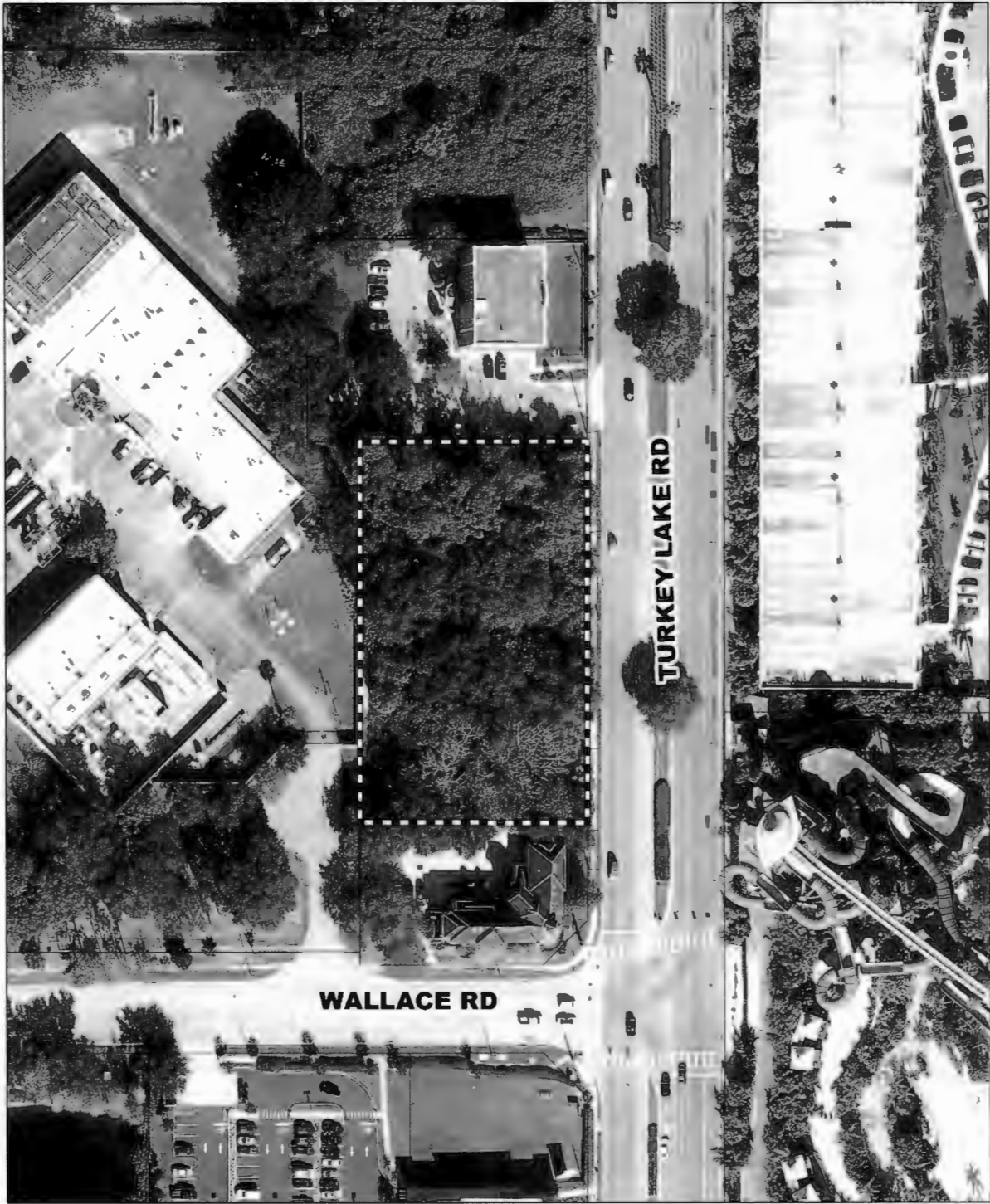
**Voting in Opposition**

*None*

**Absent**

*Eddie Fernandez*

RZ-22-12-137



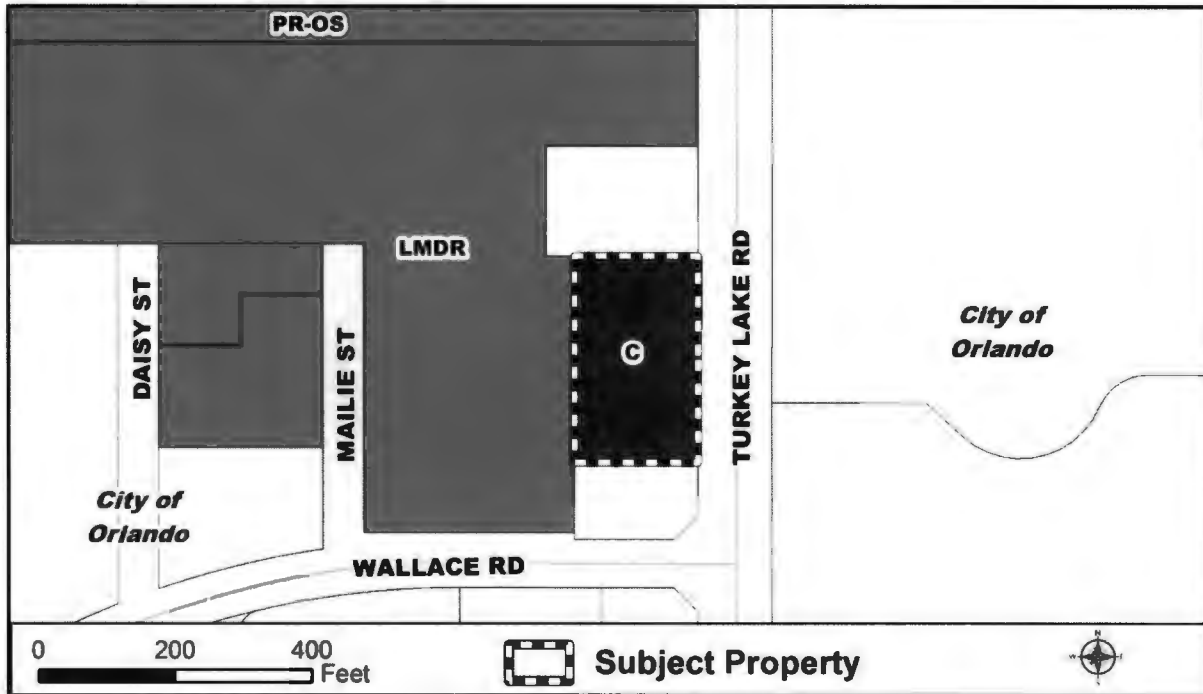
 Subject Property



1 inch = 100 feet

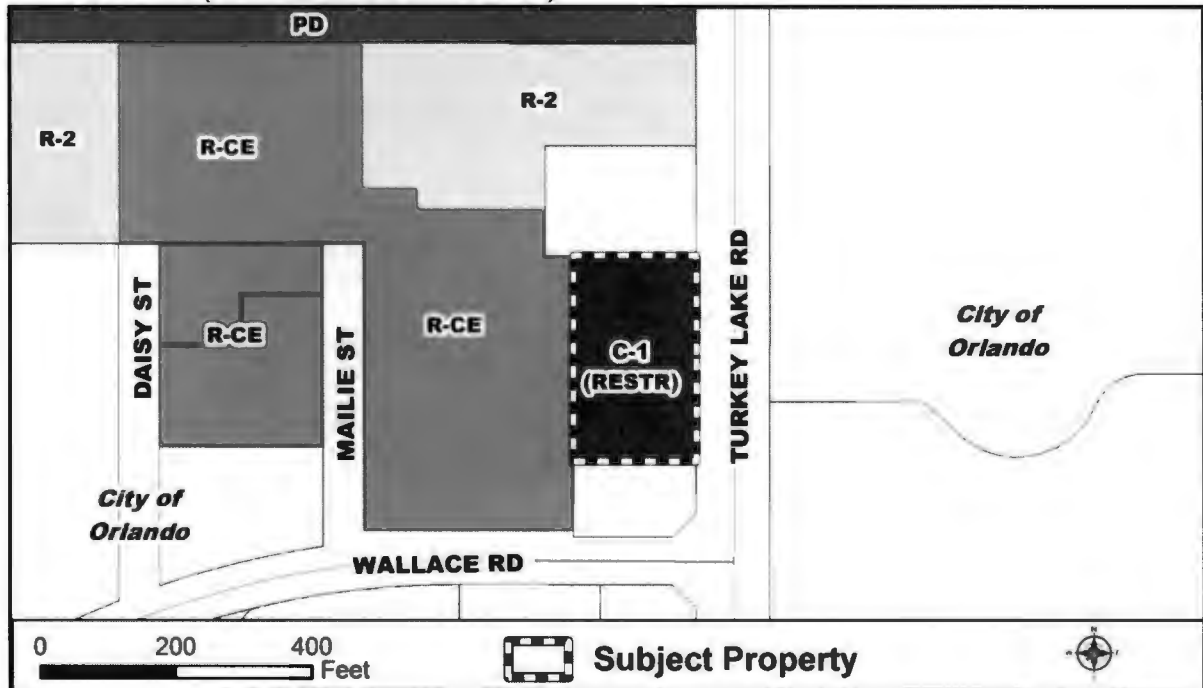
**FUTURE LAND USE – CURRENT**

Commercial



**ZONING – CURRENT (no change)**

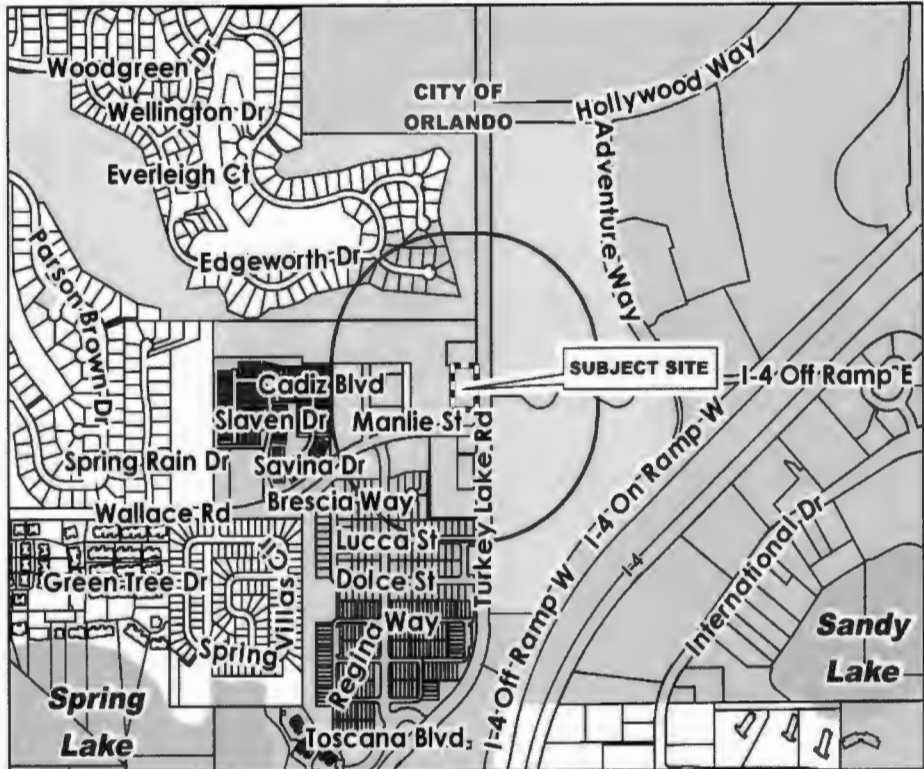
C-1 Restricted (Retail Commercial District)





# Public Notification Map

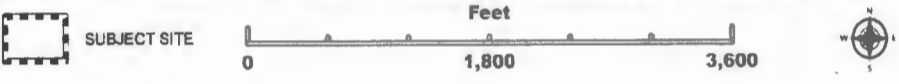
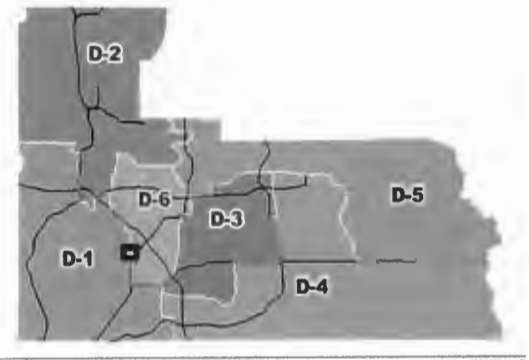
RZ-23-01-137



### MAP LEGEND

	SUBJECT SITE		NOTIFIED PARCELS
	900 FT BUFFER		HYDROLOGY
	1 MILE BUFFER		
	PARCELS		

BUFFER DISTANCE: 900  
 # OF NOTICES: 93



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## NOTIFICATION MAP

Case # RZ-23-01-137  
 Orange County Planning Division  
 PZC Hearing Date: March 16, 2023

**CASE # RZ-23-02-001**

Commission District: #6

**GENERAL INFORMATION**

**APPLICANT:** Zack Schwartz, ZASM, LLC

**OWNER:** Singh Latchman

**HEARING TYPE:** Planning and Zoning Commission

**REQUEST:** R-2 (Residential District) **to**  
NAC (Neighborhood Activity Corridor District)

**LOCATION:** 1248 W. Miller Avenue and 1229 18th Street; generally located approximately 180 feet east of S. Orange Blossom Trail, south of W. Miller Avenue and north of 18th Street.

**PARCEL ID NUMBERS:** 03-23-29-0180-06-070 and 03-23-29-0180-06-170

**ACREAGE:** 0.79-gross acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred fifteen (115) notices were mailed to those property owners and residence in the surrounding area.

**COMMUNITY MEETING:** An in-person community meeting was held on March 1, 2023, and is summarized further in this report

**PROPOSED USE:** Up to 16 Multi-Family Dwelling units

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested NAC (Neighborhood Activity Corridor) zoning.**

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant intends to rezone the subject property in order to construct up to 16 multi-family dwelling units on the property. The lots were platted as 50' lots as part of the Angebilt subdivision in 1965.

The subject property is located within the Holden Heights overlay district. Properties within the overlay boundary only have Future Land Use Map (FLUM) designations Neighborhood Activity Corridor (NAC), Neighborhood Center (NC) or Neighborhood Residential (NR).

The current R-2 zoning district is inconsistent with the NAC FLUM designation, therefore a rezoning is required prior to any development.

The Holden Height Overlay district is intended to provide a mixture of land uses along the main roadways serving an urban community in need of redevelopment. The NAC district is intended as a vital, pedestrian-oriented district that can support a variety of residential and support uses at an intensity greater than the surrounding neighborhoods, but less intense than the Neighborhood Center district. Per the comprehensive plan, the NAC district should contain a variety of multi-family units, including townhouses, apartments above offices and retail, and loft options, complemented by offices, commercial and residential support services, residential, and limited retail space.

The immediate area can be characterized as being developed with a mixture of single-family detached homes on varying lot sizes and commercial developments. The applicant's request meets the intentions for development in the NAC district.

The property is serviced by Orange County Utilities for wastewater and the development will be required to connect. Additionally, a school capacity determination is required, the applicant is currently working with OCPS to determine if they have sufficient capacity to accommodate the students projected to be generated by the proposed development.

**Land Use Compatibility**

The NAC (Neighborhood Activity Corridor) 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 located in the Holden Heights Overlay District.

**Airport Noise Zone**

The subject property is located in Airport Noise Zone E, and is subject to the Airport Noise Zoning Ordinance (Ord. 2000-07). Any sound mitigation will be required at the time of permitting.

**Code Enforcement**

1. Parcel ID: 03-23-29-0180-06-070  
Inspector: Joe Lebron  
Case #: SM-2021-419116Z / Incident #: 558243  
Description: Recreational Vehicle stored w/o permits. Fence in disrepair. Open outside storage.
  
2. Parcel ID: 03-23-29-0180-06-070

Inspector: Wilbert Ventura  
Case #: SM-2009-126743Z / Incident #: 265197  
Description: trash, junk and debris.

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Neighborhood Activity Corridor (NAC) which allows consideration of up to 25 dwelling units per acre. The proposed NAC zoning is consistent with the Neighborhood Activity Corridor (NAC) 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** Residential (Lot 170) / Vacant (070)

**Adjacent Zoning** N: C-3 (Wholesale Commercial District) (1957)  
E: R-2 (Residential District) (1957)  
W: C-2 (General Commercial District) (1978)  
S: R-2 (Residential District) (1957)

**Adjacent Land Uses** N: Motel  
E: Single-Family Residential Detached  
W: Retail Commercial  
S: R-2 (Residential District)

**NAC (Neighborhood Activity Corridor) Development Standards**

**Neighborhood Activity Corridor (*Four or More Dwelling Units*) District Summary**

Min. Lot Area: 1,000 sq. ft. plus 2,000 sq. ft. per dwelling unit  
Min. Lot Width: 85 ft.  
Max. Height: 50 ft. / 4 stories (65 ft. w/ ground floor retail)  
Min. Floor Area: 500 sq. ft. per dwelling unit  
Building Setbacks:  
Front: 20 ft.  
Rear: 20 ft.  
Side: 10 ft.  
Side Street: 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 intent of the NAC district is to provide a mix of land uses along the main roadways serving an urban community in need of redevelopment. The NAC district should contain a variety of multi-family units, townhouses, apartments above offices and retail, and loft options, complemented by offices, commercial and residential support services, residential, and limited retail space. 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**

Holden Heights ROCC - This site has an Orange County Board of Commissioners approved resolution 2007-M-31 approved on August 28, 2007 regarding designating certain land as the Holden Heights: ROCC (Redeveloping Orange County Communities)



Area and as a Brownfield Area for the purpose of environmental remediation, rehabilitation, and economic development pursuant to Section 376.80(2)(c), Florida Statutes.

**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.

**Demolition** - Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Sec.108 Notification procedure and requirements, Subsection A(1)

**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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

**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 01/20/2023, there are multiple failing roadway segments within the project's impact area. A Traffic Study and a Prop Share Agreement will be required at the time of permitting.

**Schools**

Capacity for this development is available at the elementary and middle schools, but is failing at the high school level (Jones High School). The project would change the adjusted utilization of the high school from 108.4% to 108.5% with 1.2 high school students generated from the project.

**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 required for this request and was held on March 1, 2023. Four (4) members of the community attended and expressed no concerns with the proposed development. Two members of the community were prospective developers who attended to gain information about what is required to develop in the Holden Heights area.

**Utilities**

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

**Detailed Utility Information:**

This property is within Orlando Utilities Commission's water service area.

This property is within the City of Orlando's reclaimed water service area.

This property is within Orange County Utilities Wastewater Service Area. 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.

**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 – March 16, 2023**

**Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested NAC (Neighborhood Activity Corridor) 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 NAC (Neighborhood Activity Corridor) 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 fifteen (115) notices were sent to property owners and residents extending beyond 700 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 Evans, and seconded by Commissioner Wiggins to recommend APPROVAL of the requested NAC (Neighborhood Activity Corridor District) zoning. The motion carried unanimously.

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

RZ-23-02-001

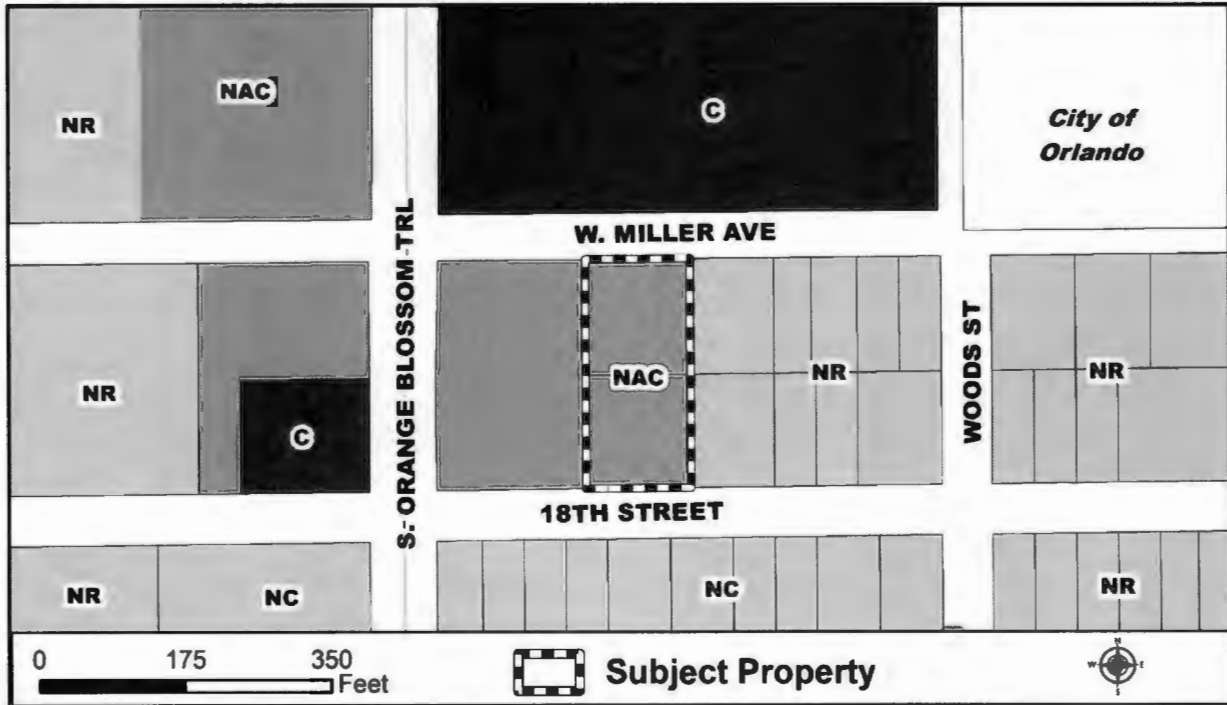


 Subject Property



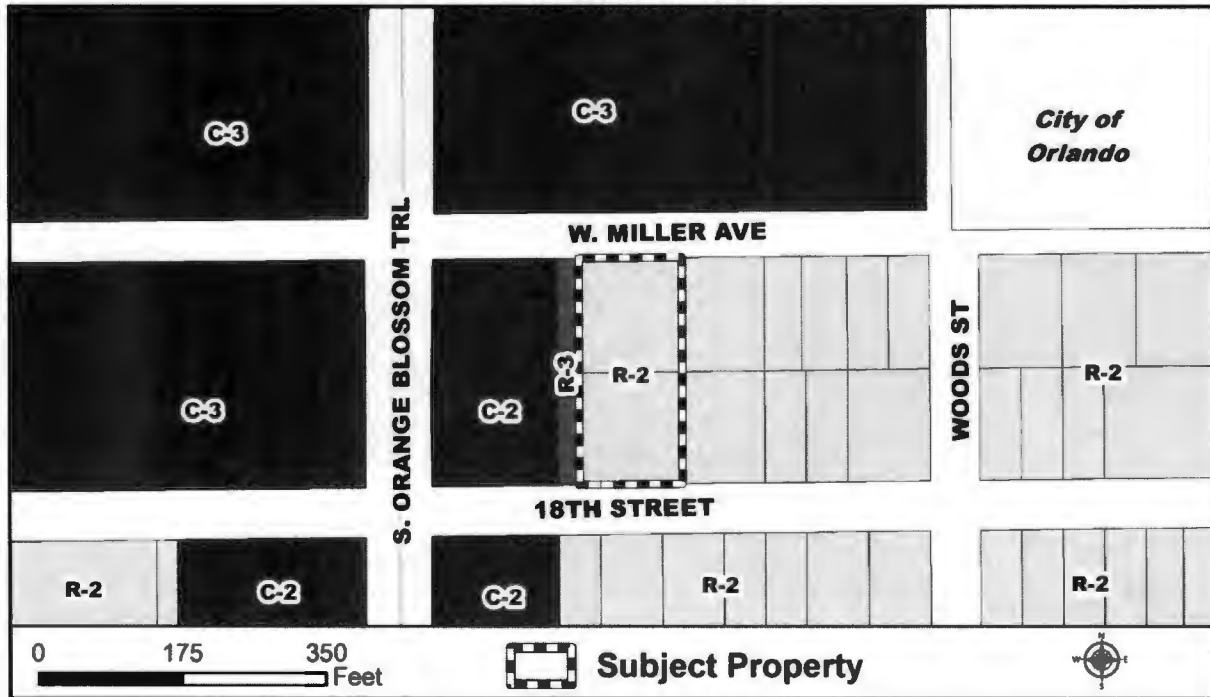
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**FUTURE LAND USE – CURRENT**  
Neighborhood Activity Corridor (NAC)



**ZONING – CURRENT**

R-2 (Residential District)



**ZONING – PROPOSED**

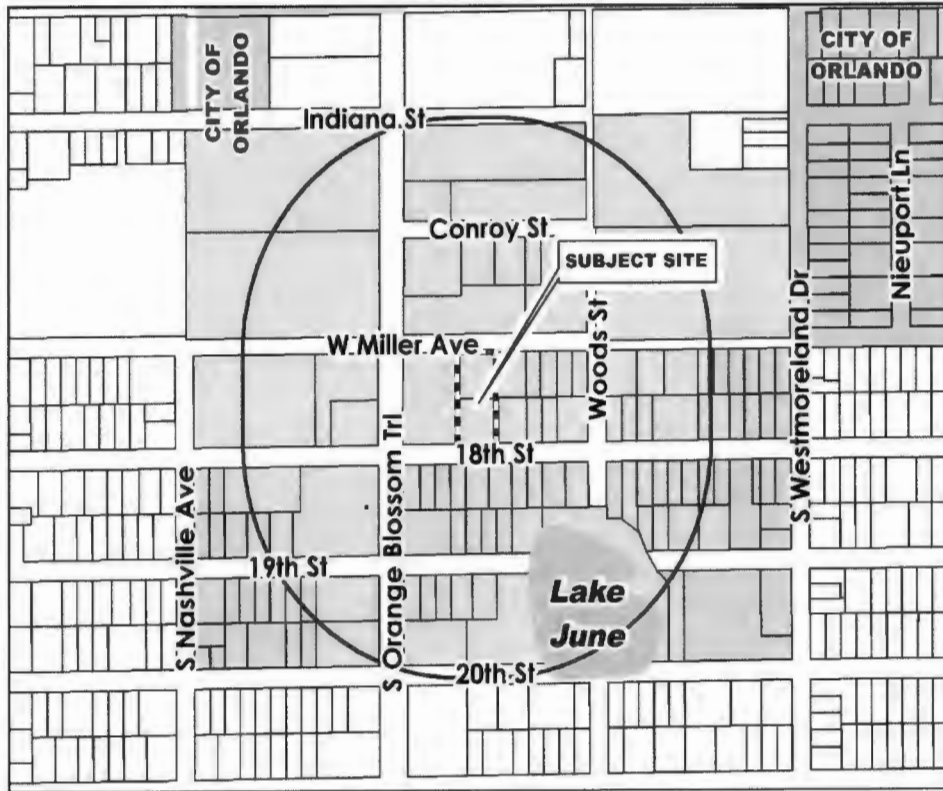
NAC (Neighborhood Activity Corridor)





# Public Notification Map

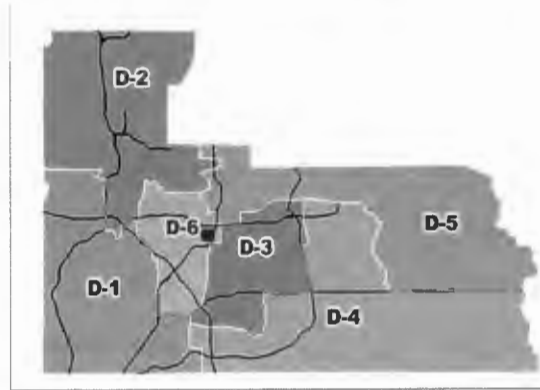
RZ-23-02-001



### MAP LEGEND

	SUBJECT_SITE		PARCELS
	700 FT BUFFER		NOTIFIED PARCELS
	1 MILE BUFFER		COURTESY PARCELS
	HYDROLOGY		

**BUFFER DISTANCE: 700**  
**# OF NOTICES: 115**



SUBJECT\_SITE



S:\B\Business\Board Administration\2\_PZC\2023\12-FEB\1RZ-23-02-001\1RZ-23-02-001.mxd

## NOTIFICATION MAP

**Case # RZ-23-02-001**  
**Orange County Planning Division**  
**PZC Hearing Date: March 16, 2023**

**CASE # RZ-23-03-014**

Commission District: #3

**GENERAL INFORMATION**

**APPLICANT:** Jim Hall, Hall Development Services, Inc.

**OWNER:** 105 Goldenrod, LLC

**HEARING TYPE:** Planning and Zoning Commission

**REQUEST:** **R-1A** (Single-Family Dwelling District) **to**  
**C-1** (Retail Commercial District)

**LOCATION:** 105 S. Goldenrod Road; generally located east of S. Goldenrod Rd and approximately 1,100 ft north of SR 408.

**PARCEL ID NUMBER:** 26-22-30-0000-00-064

**ACREAGE:** 2.34-gross acres

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 900 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred twenty-four (124) 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-1 Uses

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 (Retail Commercial District) zoning, subject to the following restrictions:**

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

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking to rezone the subject parcel to C-1 Restricted (Retail Commercial District) with the intent to construct local retail spaces on the front of the property and flex space on the rear for local businesses and to provide the consistency with the Future Land Use Designation. The subject property is currently undeveloped.



The immediate area surrounding the subject property consists of commercial uses to the north, south and vacant property to the east. The vacant parcel to the east is largely wetlands. There is also a storage facility directly adjacent to the north and south. Furthermore, the subject property is located within the State Road 551 North (Goldenrod Road) commercial corridor and can be directly accessed off Goldenrod Road.

**Land Use Compatibility**

The C-1 (Retail 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 located in Airport Noise Zone E, and is subject to the Airport Noise Zoning Ordinance (Ord. 2000-07). Any required noise mitigation will be required at the time of permitting.

**Code Enforcement**

No cases found.

**Comprehensive Plan (CP) Consistency**

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

<b>Existing Use</b>	Vacant
<b>Adjacent Zoning</b>	N: C-1 (Retail Commercial District) 1997 E: P-D (Planned Development) 1957 W: N/A S: C-1 (Retail Commercial District) 2003
<b>Adjacent Land Uses</b>	N: Storage E: Vacant Residential W: SR 551 South S: Storage

## **C-1 (RETAIL COMMERCIAL DISTRICT) DEVELOPMENT STANDARDS\***

Min. Lot Area:	6,000 sq. ft.
Min. Lot Width:	80 ft. (on major streets, see Article XV) 60 ft. (on all other streets)
Max. Height:	50 ft. (35 ft. within 100 ft. of all residential districts)
Min. Floor Area:	500 sq. ft.

**Building Setbacks:**

Front:	25 ft.
Rear:	20 ft.
Side:	0 ft. (15 ft. when abutting residential districts)
Side Street:	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.*

**Permitted Uses**

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

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

**SPECIAL INFORMATION**

**Staff Comments**

**Environmental**

**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.

**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.

**FUDS Orlando Range** - This site is located within the boundary of the Orlando Range & Chemical Yard formerly known as the Orlando Army Airfield (OAA) Toxic Gas & Decontamination Yard. The applicant should use caution in the event any unexploded ordinance or chemical residue is discovered during site studies, surveying or clearing. As a general safety precaution, all site workers should be trained if any suspicious items are located. The workers should utilize the recommended three Rs: Recognize (the item may be dangerous), Retreat (and do not touch it), and Report (the location to the local Sheriff's office immediately). For further information visit [www.saj.usace.army.mil](http://www.saj.usace.army.mil) or call 1-800-710-5184.

**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).

**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 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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

**Erosion Control** - Use caution to prevent erosion during construction along the boundary of the property, into surface waters, wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

**Transportation / Access**

Based on the Concurrency Management database (CMS) dated 2/10/2023, there are multiple failing roadway segments within the project's impact area along Lake Underhill Rd, from Semoran Blvd to Oxalis Ave and Oxalis Ave to Goldenrod Rd, from Goldenrod Rd to Madeira Ave (3 segment(s)). 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**

No comments.

**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:** 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 – March 16, 2023

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 Restricted (Retail 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**

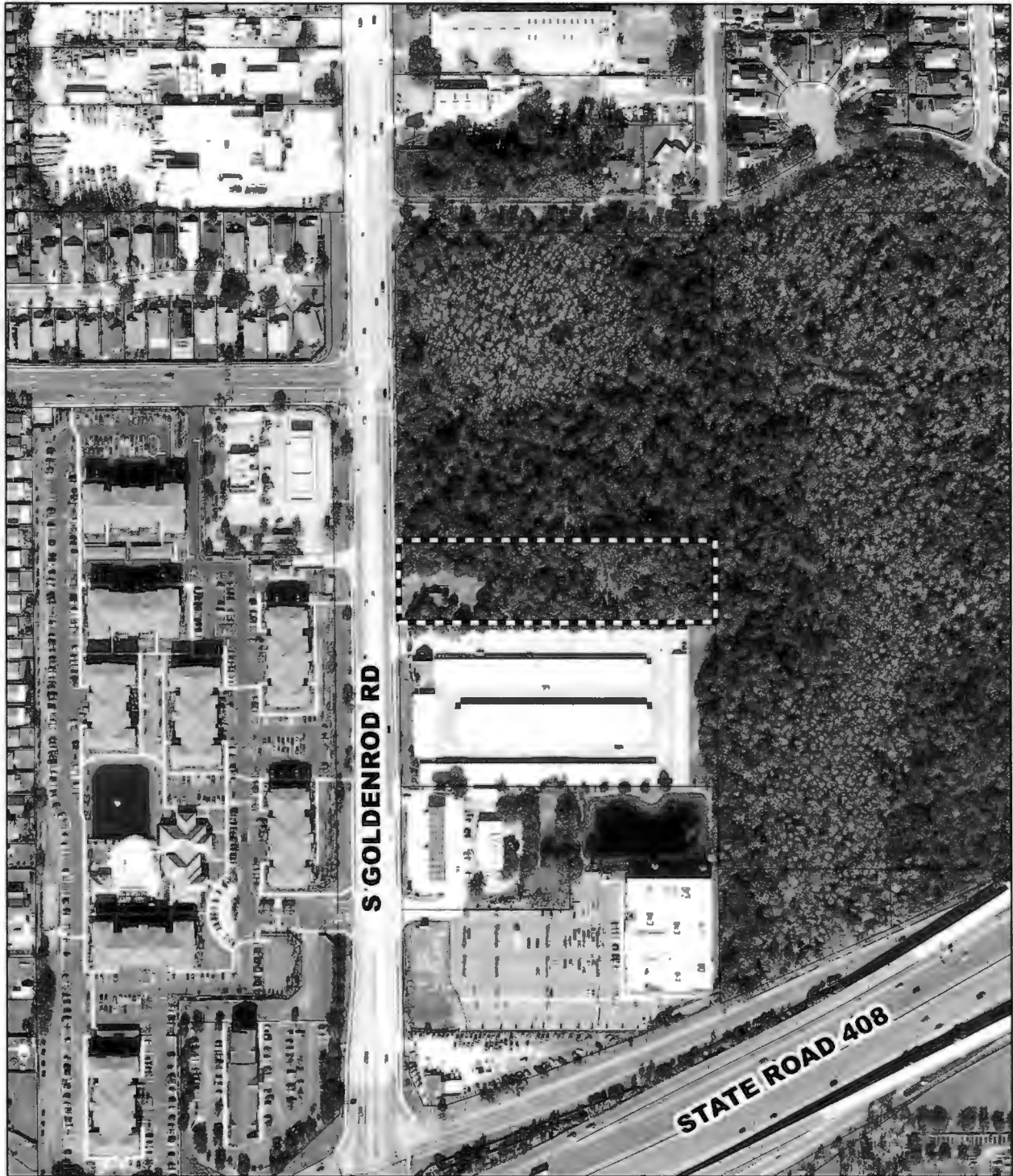
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public spoke during public comment of the request.

Staff indicated that one hundred twenty-four (124) notices were sent to property owners and residents extending beyond 900 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 Pavon, and seconded by Commissioner Spears to recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District) zoning subject to one (1) restriction. The motion carried unanimously.

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

RZ-23-03-014



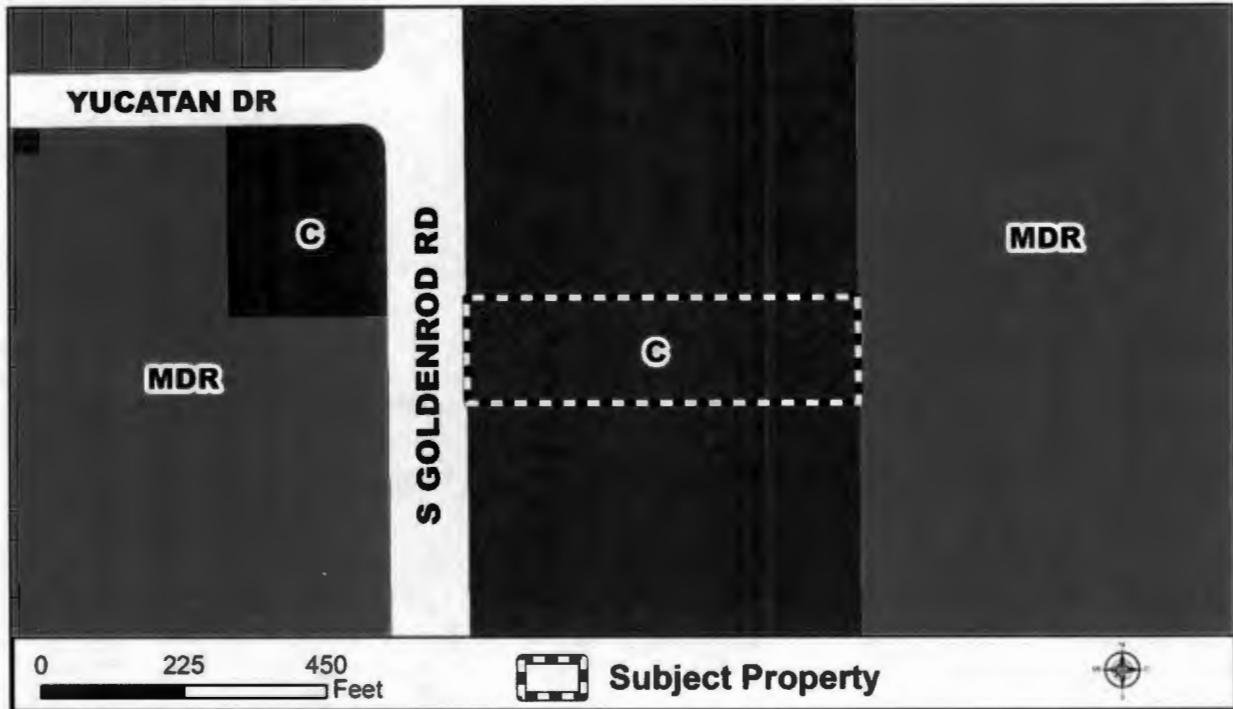
 Subject Property



1 inch = 250 feet

**FUTURE LAND USE – CURRENT**

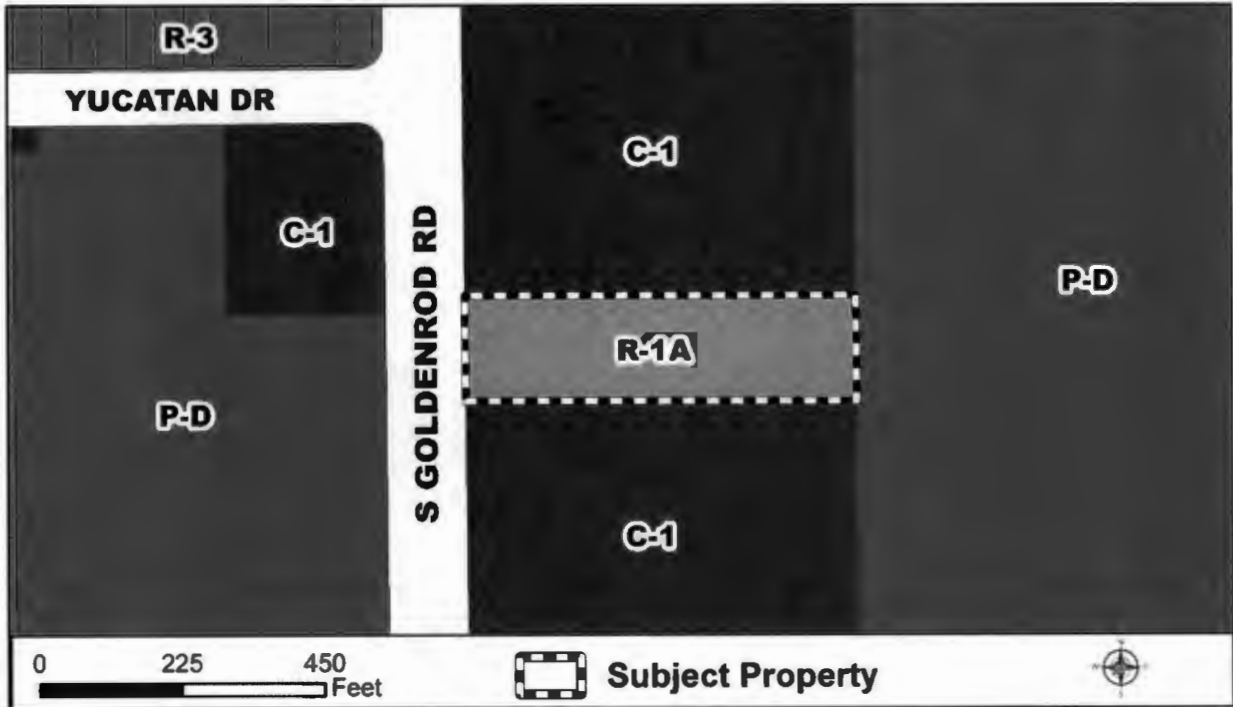
Commercial (C)





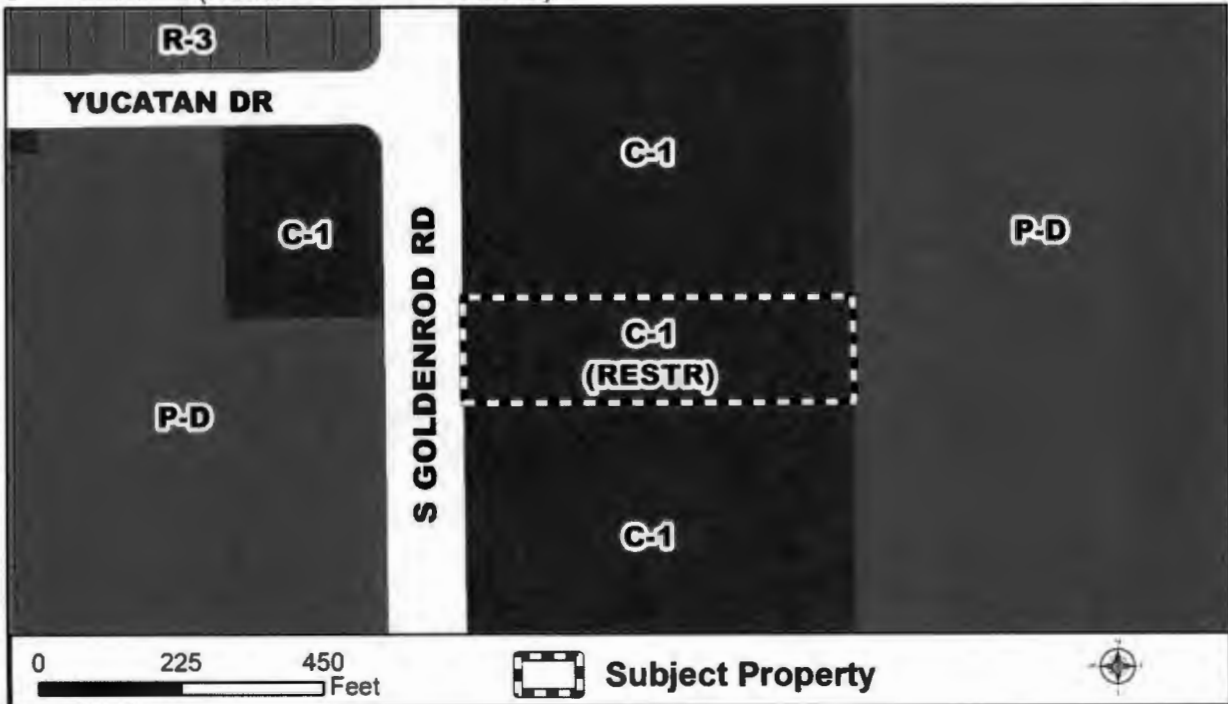
**ZONING – CURRENT**

R-1A (Single-Family Dwelling District)



**ZONING – PROPOSED**

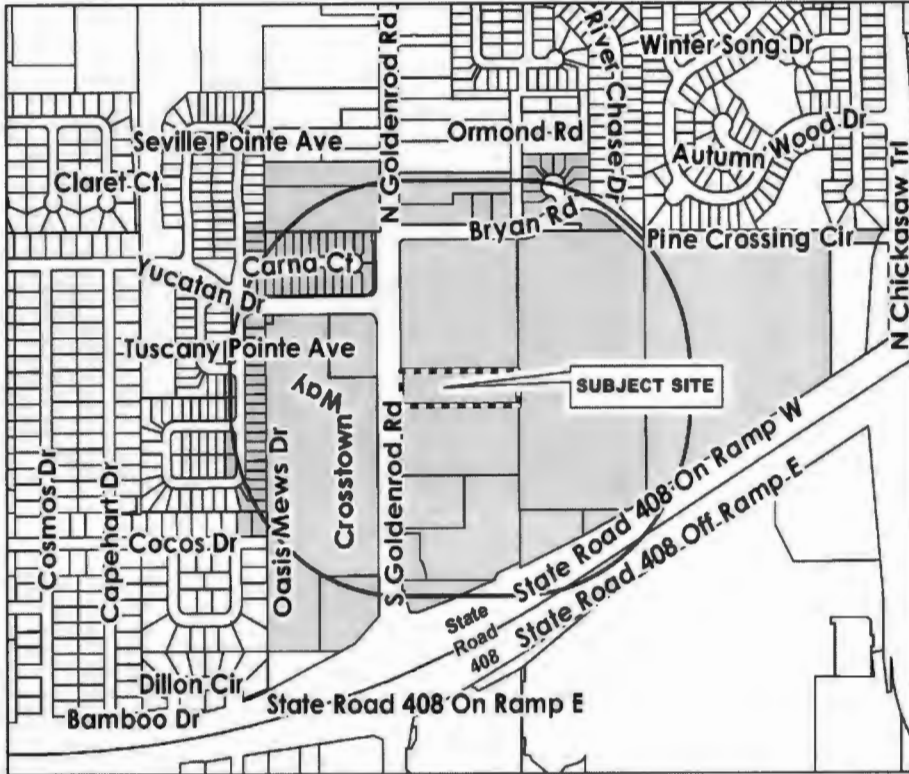
C-1 Restricted (Retail Commercial District)





# Public Notification Map

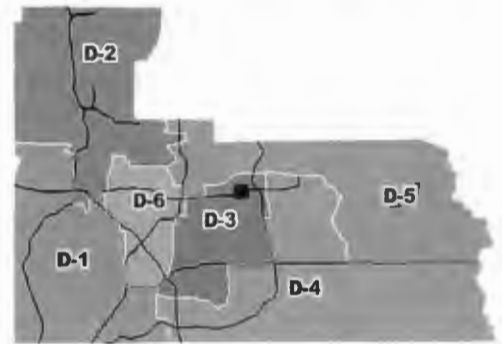
RZ-23-03-014



### MAP LEGEND

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

BUFFER DISTANCE: 900  
 # OF NOTICES: 124



S:\BusinessSystems\GIS\Projects\RZ-23-03-014\Map\Map\MapLegend.mxd

## NOTIFICATION MAP

**Case # RZ-23-03-014**  
**Orange County Planning Division**  
**PZC Hearing Date: March 16, 2023**

**CASE # RZ-23-03-015**

Commission District: #6

**GENERAL INFORMATION**

**APPLICANT:** Nicole Cates

**OWNER:** RC International, LLC

**HEARING TYPE:** Planning and Zoning Commission

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

**LOCATION:** 3526 W. Robinson Street; generally south of W. Robinson St,  
west of Ferguson Dr, and east of Link Ave.

**PARCEL ID NUMBER:** 28-22-29-7936-00-009

**ACREAGE:** 0.72-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 fourteen (114) notices were mailed to those property owners in the surrounding area.

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

**PROPOSED USE:** Two (2) attached Single-Family units (duplex).

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning.**

**SUBJECT PROPERTY ANALYSIS**

**Overview**

The subject parcel is currently vacant and has been platted in 1930 within the Blocks BCDE Serena Park. The lot width of the subject property measures as 125 feet and the lot area is 31,517 sq. ft., which is sufficient to allow 2 single-family attached units (duplex). The Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LMDR), which allows consideration of up to four (4) units per acre. The acreage of the subject property would allow for consideration of up to two (2) units since the property is 0.72-acre.

The surrounding area can be characterized as having a mixture of single-family detached residential dwelling units on 50' wide lots and larger. The proposed use of the subject property is considered a "missing middle housing" and mostly desired in Orange County as it promotes housing affordability.

**Land Use Compatibility**

The R-2 (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 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 code violations.

**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-2 (Residential District) 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>	Vacant Residential
<b>Adjacent Zoning</b>	N: N/A E: R-1 (Single-Family Dwelling District) 1957 W: R-1 (Single-Family Dwelling District) 1957 S: R-1 (Single-Family Dwelling District) 1957
<b>Adjacent Land Uses</b>	N: East-West Expressway 408 E: Single-Family Residential W: Single-Family Residential S: Single-Family 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.

*Side Street:* 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:  
*Front:* 20 ft.  
*Rear:* 20 ft.  
*Side:* 5 ft.  
*Side Street:* 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:  
*Front:* 20 ft.  
*Rear:* 30 ft.  
*Side:* 10 ft.  
*Side Street:* 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:  
*Front:* 20 ft.  
*Rear:* 30 ft.  
*Side:* 10 ft. (30 ft. where adjacent to single-family)  
*Side Street:* 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.

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**SPECIAL INFORMATION**

**Staff Comments**

**Environmental**

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).

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 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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

**Transportation / Access**

Based on the Concurrency Management database (CMS) dated 2/10/2023, there is a failing roadway segment within the project's impact area along John Young Pkwy, from Colonial Dr to Princeton St. This information is dated and subject to change. A duplex is de minimis.

**Schools**

Two residential units is de-minimus.

**Parks and Recreation**

No comments.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water:	OUC
Wastewater:	City of Orlando
Reclaim Water:	City of Orlando

**Detailed Utility Information:**

This property is within Orlando Utilities Commission Water Service Area.

This property is within the City of Orlando Wastewater and Reclaimed Water Service Area. Connection to wastewater is 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 – March 16, 2023**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning.**

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

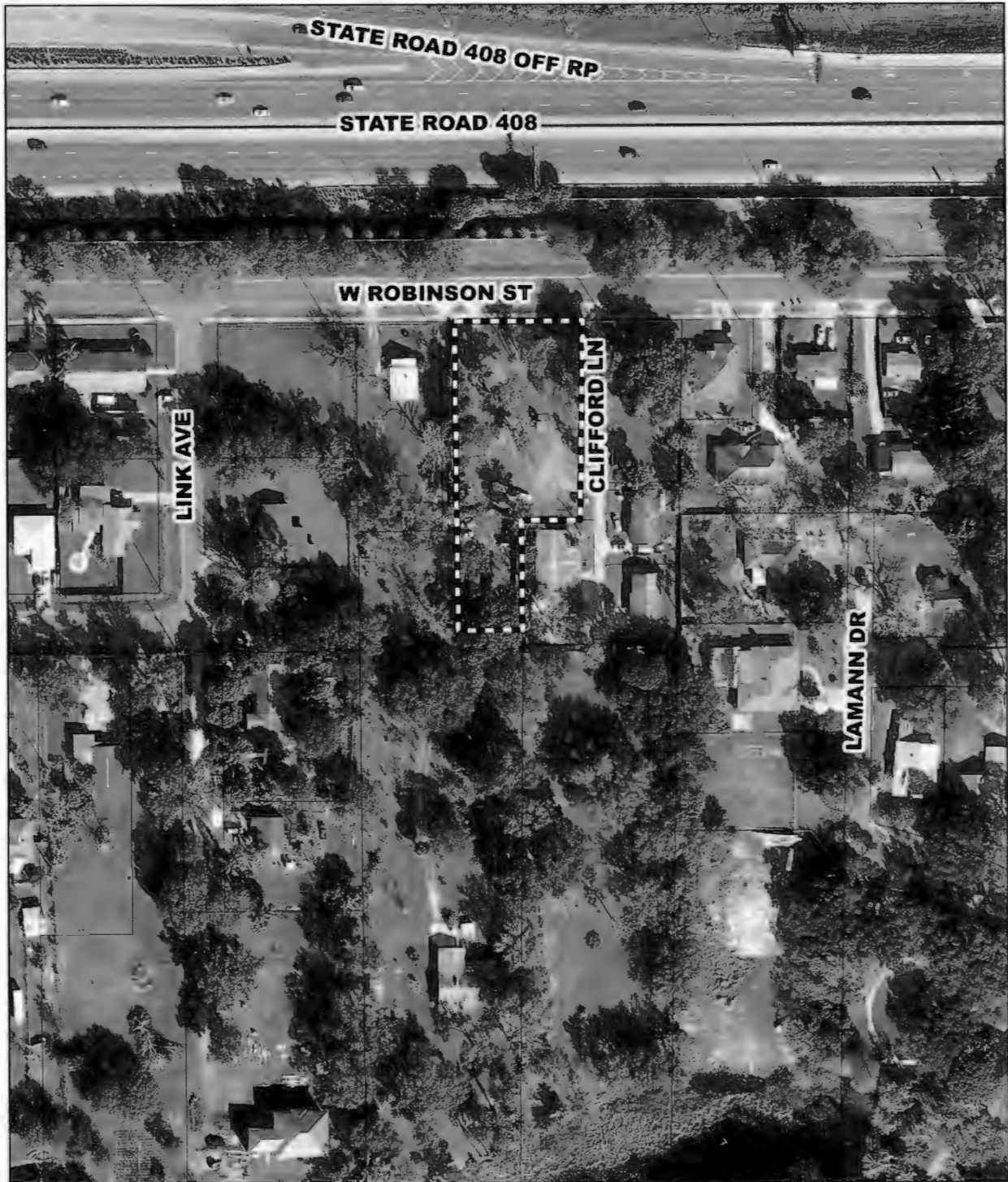
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public spoke during public comment of the request.

Staff indicated that one hundred fourteen (114) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received 0 (zero) responses in favor, and one (1) response in opposition of the request, stating that zoning change will affect the property values in the area.

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

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

RZ-23-03-015

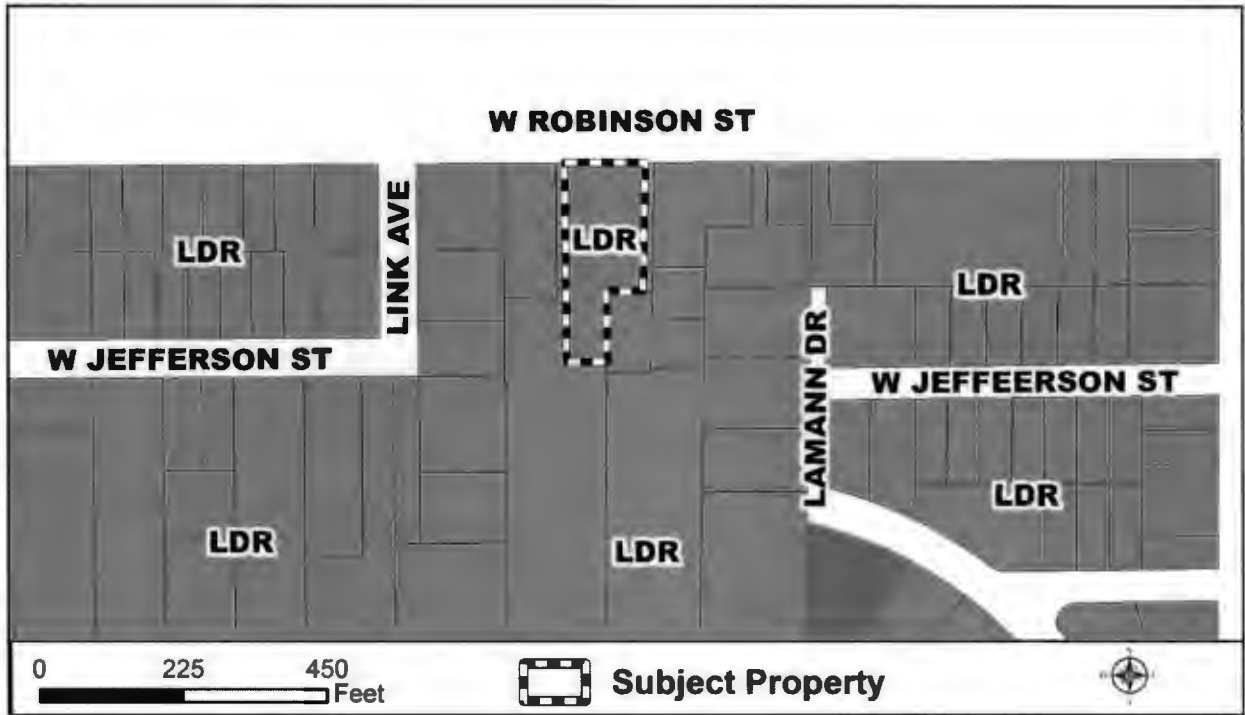


 Subject Property



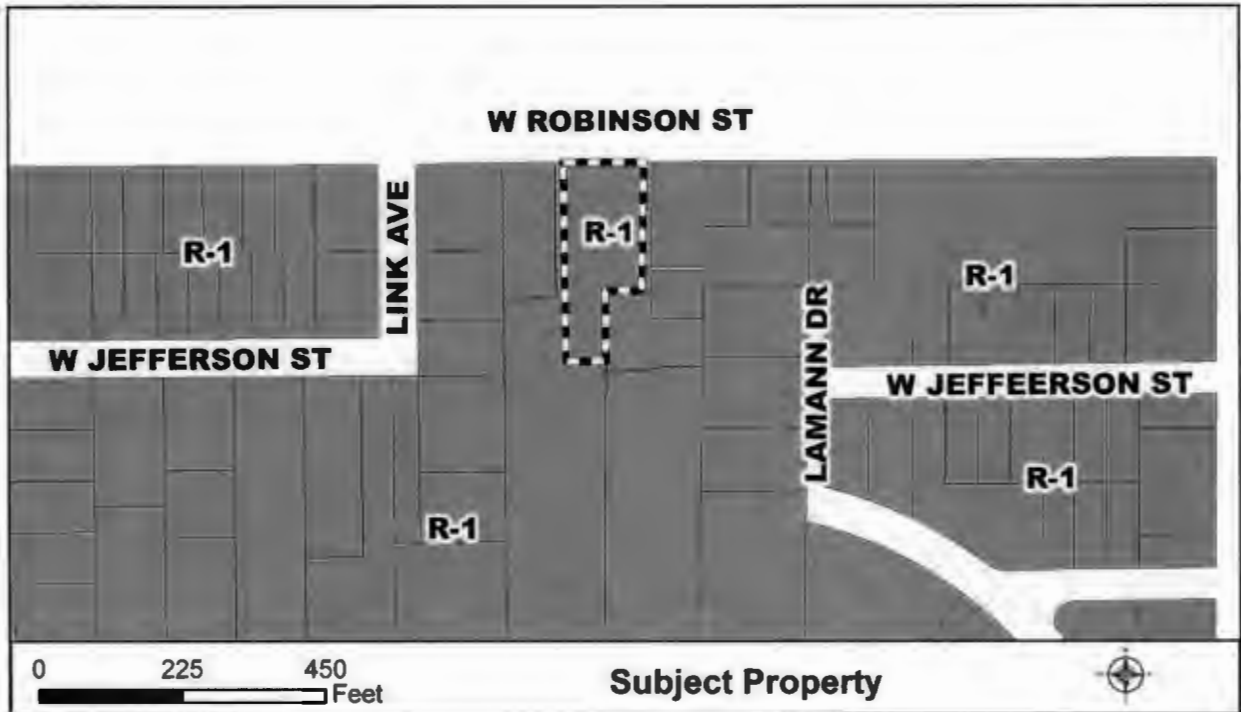
1 inch = 125 feet

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



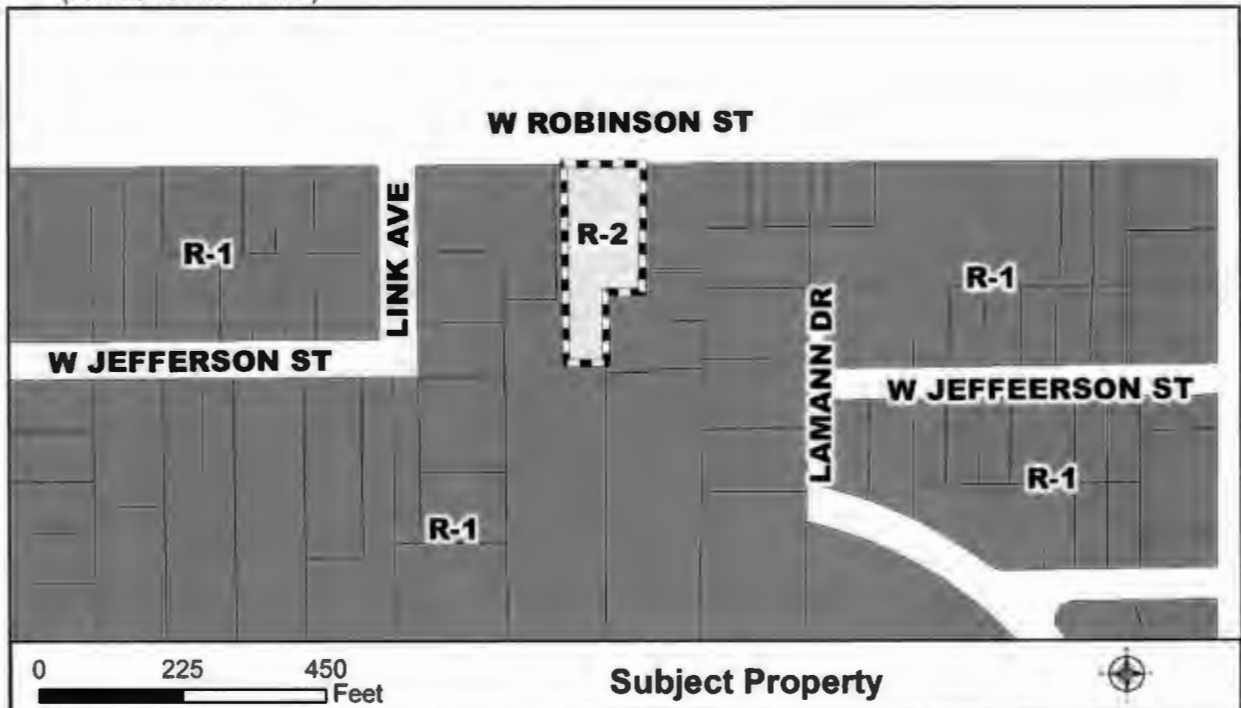
**ZONING – CURRENT**

R-1 (Single-Family Dwelling District)



**ZONING – PROPOSED**

R-2 (Residential District)





**CASE # RZ-23-03-016**

Commission District: #6

**GENERAL INFORMATION**

**APPLICANT:** Dominic Rodriguez

**OWNER:** Flamingo Freight, LLC

**HEARING TYPE:** Planning and Zoning Commission

**REQUEST:** C-2 (General Commercial District) to  
NAC Restricted (Neighborhood Activity Corridor District)

**LOCATION:** 1002 W. Michigan Street; generally located south of W. Michigan Street, west of S. Westmoreland Street, and approximately 142 feet north of 28th Street.

**PARCEL ID NUMBER:** 03-23-29-0180-60-010

**ACREAGE:** 0.28-gross acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred seventy-three (273) notices were mailed to those property owners in the surrounding area.

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

**PROPOSED USE:** Non-residential NAC uses

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NAC Restricted (Neighborhood Activity Corridor) zoning subject to the following restrictions:**

1. New billboards and pole signs shall be prohibited

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this rezoning request the applicant is seeking to rezone the 0.28-gross acre parcel from C-2 (General Commercial District) to NAC (Neighborhood Activity Corridor) to allow non-residential NAC uses. The applicant's intent for this request is to operate a logistics office, there will be no outdoor/overnight parking on-site. The Future Land Use designation of NAC (Neighborhood Activity Corridor) and the zoning district of C-2 (General Commercial District) zoning are inconsistent. The subject property has been

zoned as C-2 since 1964 and platted in 1923 within Angebilt Addition. A rezoning is required prior to any development within the Holden Heights Neighborhood Improvement District, and the proposed NAC zoning district would correct the Future Land Use inconsistency.

The surrounding area of the subject property is developed within NAC and C-2 zoning districts established along W. Michigan Street with lots developed as offices and non-conforming single-family homes. The adjacent property to the west of the subject property was rezoned from C-2 to NAC in 2012 (RZ-12-07-016). The proposed NAC zoning district would be compatible with the current future land use and zoning district established throughout the immediate area of W. Michigan Street.

Site improvements will be required. The applicant will need to provide a site plan to demonstrate compliance with Orange County Code requirements (including parking and landscaping) at the time of permitting. Due to residential use adjacent to the subject property, buffer yard requirements will be required to be met per Orange County Code Section 24-5 at the time of permitting.

**Land Use Compatibility**

The NAC (Neighborhood Activity Corridor) 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 located in the Holden Heights 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 NAC. The proposed NAC (Neighborhood Activity Corridor) zoning is consistent with the NAC 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>	Commercial use
<b>Adjacent Zoning</b>	N: C-2 (General Commercial District) E: C-2 (General Commercial District) W: NAC (Neighborhood Activity Corridor) S: C-2 (General Commercial District)
<b>Adjacent Land Uses</b>	N: Commercial vacant land E: Commercial use W: Residential use



S: Non-conforming residential use

**NAC (Neighborhood Activity Corridor) Development Standards**

**Non-Residential and  
Mixed Use Development\***

Min. Lot Area:	6,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	50 ft.
Min. Living Area:	500 sq. ft.

**Building Setbacks:**

Front:	0 ft., 10 ft. maximum (60% of building frontage must conform to maximum setback)
Rear:	15 ft. (20 ft. adjacent to single-family zoning district)
Side:	10 ft. (0 ft. if buildings are adjoining)

*\*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 of the NAC neighborhood activity corridor district is to provide a mixture of land uses along the main roadways serving an urban community in need of redevelopment. The NAC district is intended as a vital, pedestrian-oriented district that can support a variety of residential and support uses at an intensity greater than the surrounding neighborhoods, but less intense than the NC district. The NAC district should contain a variety of multi-family units, including townhouses, apartments above offices and retail, and loft options, complemented by offices, commercial and residential support services, residential, and limited retail space. This intent and purpose are consistent with Future Land Use Element Policy FLU8.3.1 of the Orange County 2010-2030 Comprehensive Plan. These NAC neighborhood activity corridor district regulations shall be administered by the county zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

A use shall be permitted in the NAC district if the use is identified by the letter "P" in the use table set forth in section 38-77. For master-planned redevelopment areas, defined as areas where lot assembly has taken place and a single site plan has been submitted for an area no less than five (5) acres, in the NAC district, permitted uses shall be consistent with Future Land Use Element Policy FLU 1.1.4C of the Orange County Comprehensive Plan.

**SPECIAL INFORMATION**

**Staff Comments**

**Environmental**

Holden Heights ROCC- This site has a Orange County Board of County Commissioners approved resolution (#2007-M-31) of August 28th, 2007 regarding designating certain land, as the Holden Heights: ROCC (Redeveloping Orange County Communities) and as a Brownfield Area for the purpose of environmental remediation, rehabilitation, economic development pursuant to Section 376.80(2)(c), Florida Statutes.

**Demolition** - Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Sec.108 Notification procedure and requirements, Subsection A(1)

**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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

**Erosion Control** - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

**Transportation / Access**

Based on the Concurrency Management database (CMS) dated 2/10/2023, capacity exists within the project's impact area. 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**

Fifteen or more multi-family residential units would require a school capacity determination. The project would only be permitted 7 units at 25 units per acre on the 0.28 acre site, so a capacity determination is not required.

**Neighborhoods**

Information: This parcel is located within the Orange Blossom Trail Development Board area.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

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

**Detailed Utility Information:**

This property is within Orlando Utilities Commission's water service area.

This property is within City of Orlando's reclaimed water service area.

This property is within Orange County Utilities Wastewater Service Area. 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.

**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 – March 16, 2023

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NAC Restricted (Neighborhood Activity Corridor District) zoning subject to the following restrictions:

- 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 NAC Restricted (Neighborhood Activity Corridor) zoning, subject to one restriction. 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 and seventy-seven (177) notices were sent to property owners in a 700 foot radius surrounding the subject 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 Evans, and seconded by Commissioner Pavon to recommend APPROVAL of the requested NAC Restricted (Neighborhood Activity Corridor District) zoning, subject to one restriction. The motion carried unanimously.

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

RZ-23-03-016

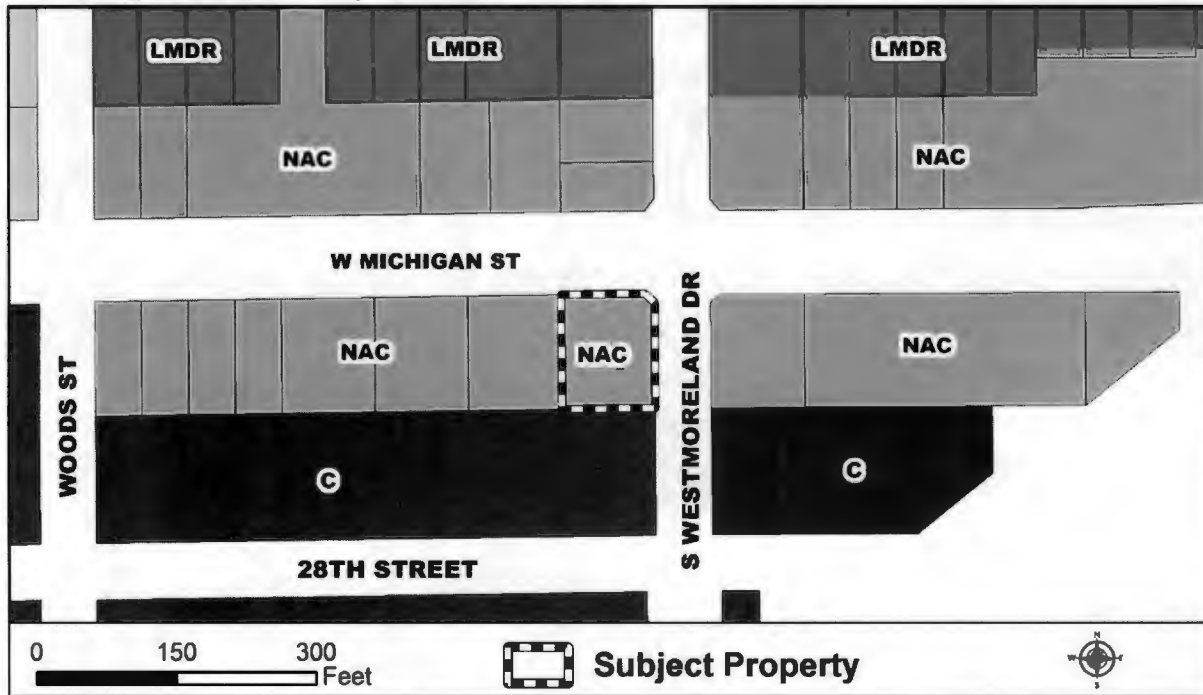


 Subject Property

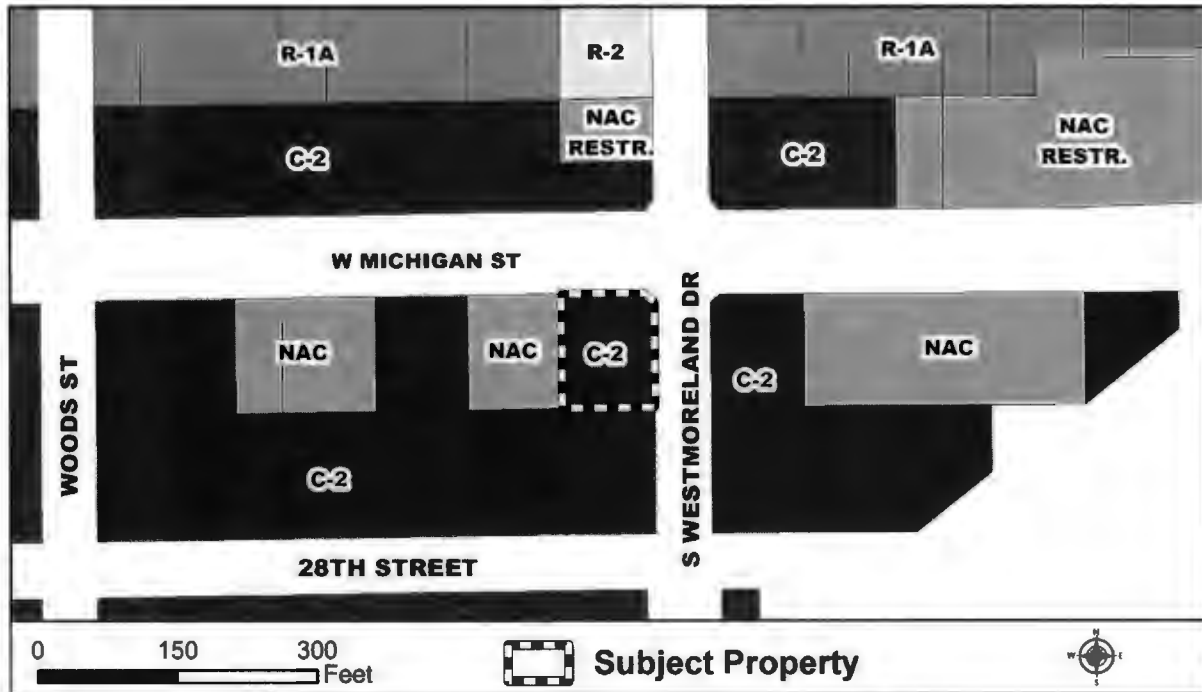


1 inch = 100 feet

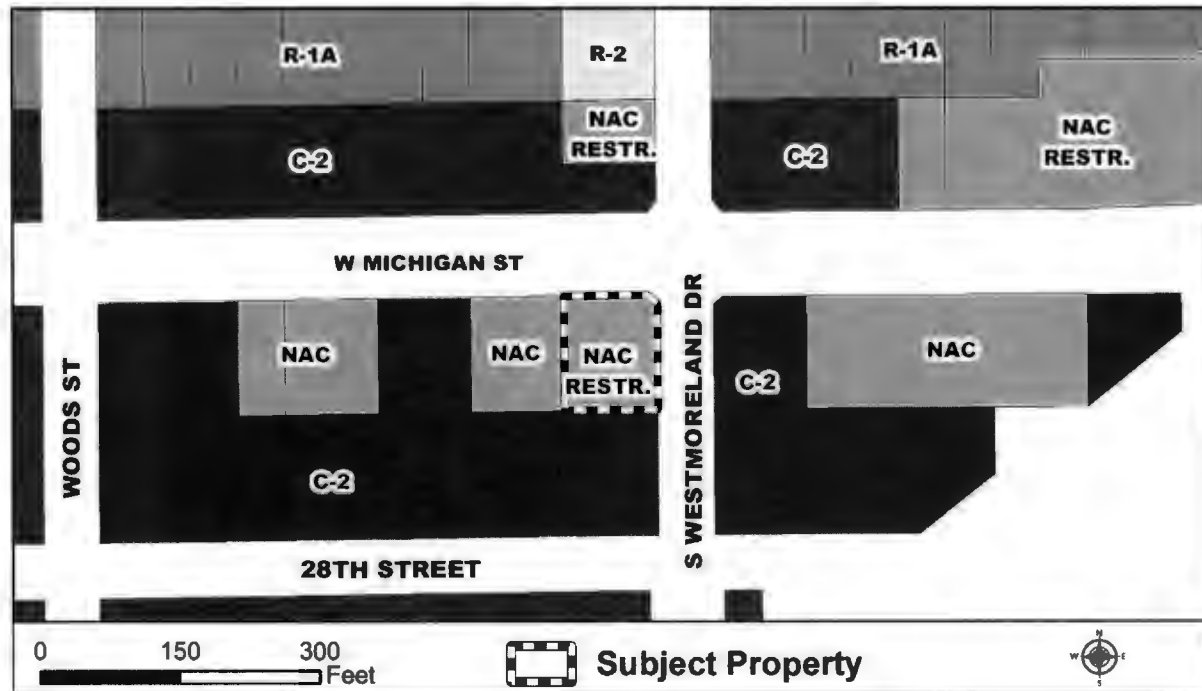
**FUTURE LAND USE – CURRENT**  
NAC (Neighborhood Activity Corridor)



**ZONING – CURRENT**  
C-2 (General Commercial District)



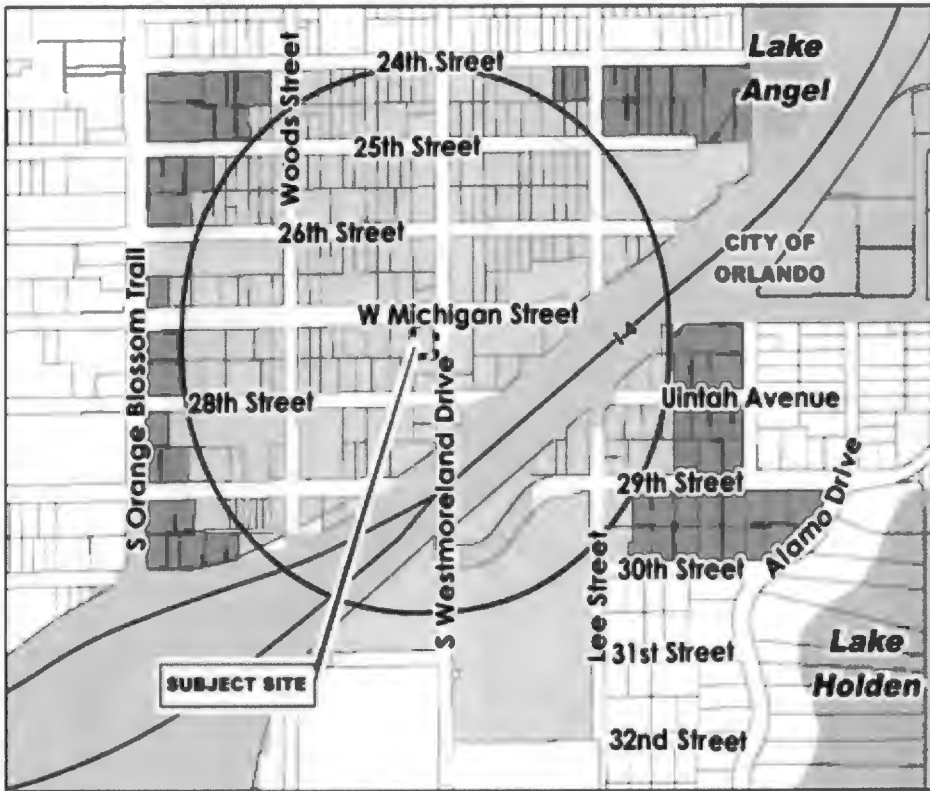
**ZONING – PROPOSED**  
NAC (Neighborhood Activity Corridor)





# Public Notification Map

RZ-23-03-016



SUBJECT SITE



## MAP LEGEND

- SUBJECT SITE
- 500 FT BUFFER
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS
- HYDROLOGY

BUFFER DISTANCE: 500  
# OF NOTICES: 273



S:\Info\GIS\Projects\Public\Map\PublicNotificationMap.aprx

## NOTIFICATION MAP

Case # RZ-23-03-016  
 Orange County Planning Division  
 PZC Hearing Date: March 16, 2023



**CASE # RZ-23-03-017**

Commission District: #2

**GENERAL INFORMATION**

**APPLICANT:** Brandy N. Diaz

**OWNER:** Brandy N. Diaz

**HEARING TYPE:** Planning and Zoning Commission

**REQUEST:** A-1 (Citrus Rural District) to  
R-1 (Single-Family Dwelling District)

**LOCATION:** 3676 Seminole St; located on the south side of Seminole St.  
and approximately 160 feet north of Crystal St. and 100 feet  
east of Division Ave.

**PARCEL ID NUMBER:** 28-22-28-6689-21-020

**ACREAGE:** 0.16-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 twenty-five (125) 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) detached single-family dwelling unit

**STAFF RECOMMENDATION**

**PLANNING**

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

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this rezoning request, the applicant is seeking to rezone the 0.16-gross acre parcel from A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District) to allow one (1) detached single-family dwelling unit. The rezoning is required as this property is not a Lot of Record due to contiguous ownership of the subject property and adjacent Lot 3 in 1990. Also, the current zoning and future land use designations are inconsistent. the proposed R-1 zoning will correct the future land use inconsistency.

The subject property was platted in 1926 as part of the Park Ridge plat and zoned as A-1 (Citrus Rural District) in 1957. The subject property is currently developed with a mobile home. However, the owner intends to demolish the structure and construct a new single-family home. The subject property is located within the Wekiva Priority Focus Area and requires advanced septic treatment at the time of permitting. The property owner will be required to work with the Department of Health and the Orange County Utilities Department regarding utilities service.

The surrounding area of the subject property is developed with single-family homes to the north, south, east, and west. These homes are developed on 50-54 feet wide lots within R-1 and A-1 zoning. The adjacent western lot, Lot 1, was rezoned in 2007 (RZ-07-08-076) from A-1 to R-1 to allow for the construction of one single-family home. Within the same block, Lots 8 and 9 were also rezoned from A-1 to R-1 Restricted to allow a maximum of two (2) detached single-family homes.

#### **Land Use Compatibility**

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

#### **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 cases found

#### **Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LDR. The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the LDR 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>	Mobile Home
<b>Adjacent Zoning</b>	N: A-1 (Citrus Rural District) R-1 (Single-Family Dwelling District) E: A-1 (Citrus Rural District) W: R-1 (Single-Family Dwelling District) S: A-1 (Citrus Rural District)
<b>Adjacent Land Uses</b>	N: Residential E: Residential W: Residential S: Residential

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

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

**Building Setbacks**

Front: 20 feet  
Rear: 20 feet  
Side: 5 feet

*\* 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-1 (Single-Family Dwelling District) zoning district is composed of lands and structures used primarily for single-family residential areas with large lots and low population densities.

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 Priority Focus Area** - This site is located within the Wekiva Priority Focus Area. If a septic system is required, the Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires advanced treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiwa Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP. Contact the Florida Department of Health (FDOH) for details of advanced septic treatment system requirements.

**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 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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

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 2/10/2023, capacity exists within the project's impact area. This information is dated and subject to change. A detached single-family dwelling unit is de minimis.

**Schools**

One single-family home is de-minimus.

**Parks and Recreation**

No comments.

**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:

There are no watermains in the vicinity of this property. Development on this property will be reliant on wells for potable water.

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 – March 16, 2023**

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

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

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public spoke during the public comment portion of the hearing.

Staff indicated that one hundred twenty-five (125) notices were sent to property owners and residents in a 500 foot 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 Wiggins, and seconded by Commissioner Evans to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District). The motion carried unanimously

**Motion / Second**

*George Wiggins / Camille Evans*

**Voting in Favor**

*George Wiggins, Camille Evans, Nelson Pena, Gordon Spears, Evelyn Cardenas, Michael Arrington, David Boers, and Walter Pavon*

**Voting in Opposition**

*None*

**Absent**

*Eddie Fernandez*


RZ-23-03-017



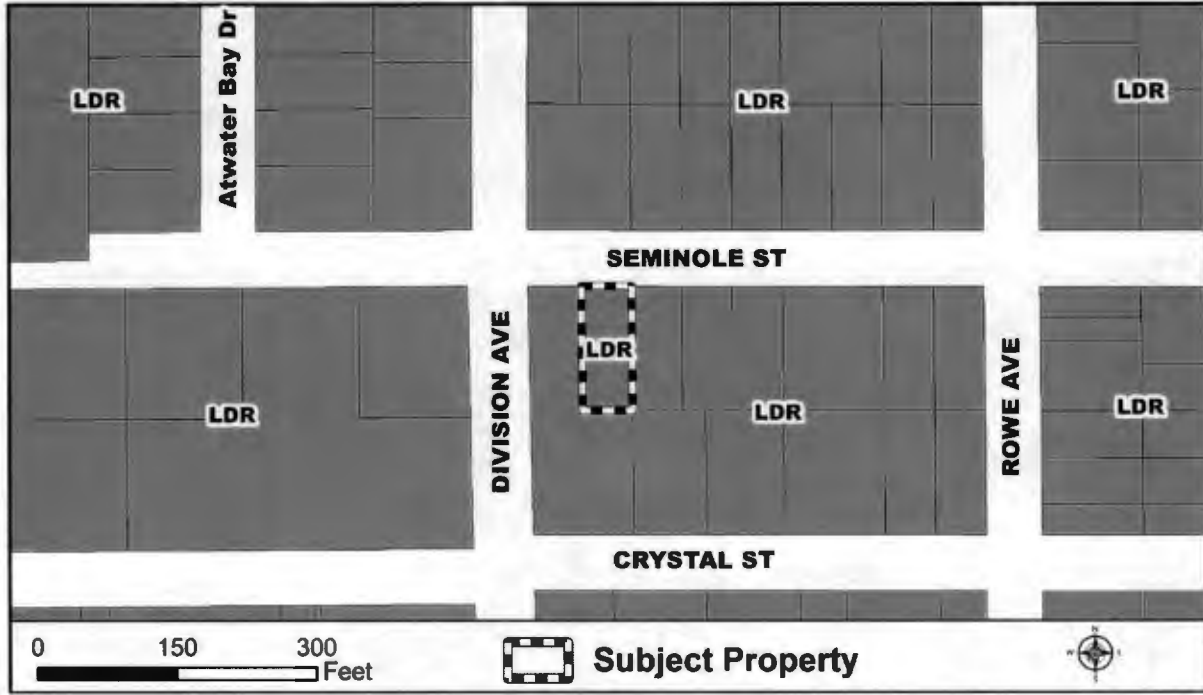
 Subject Property



0 100 200 Feet



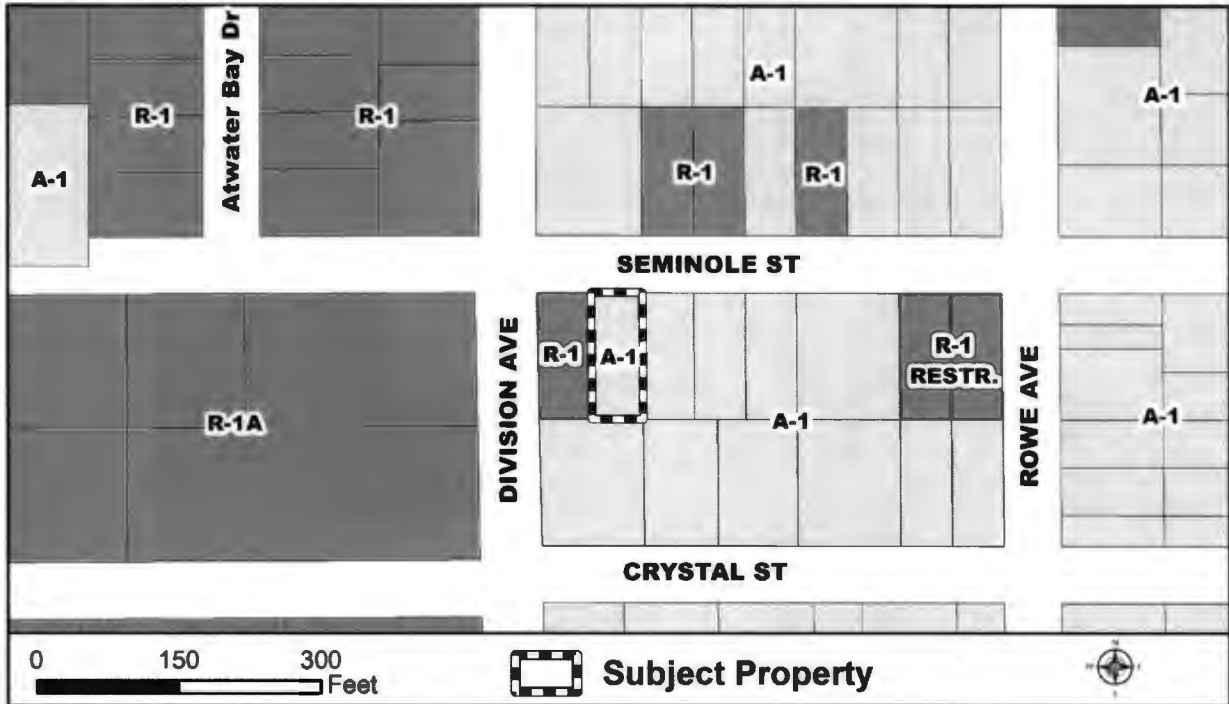
**FUTURE LAND USE – CURRENT**  
Low-Density Residential (LDR)





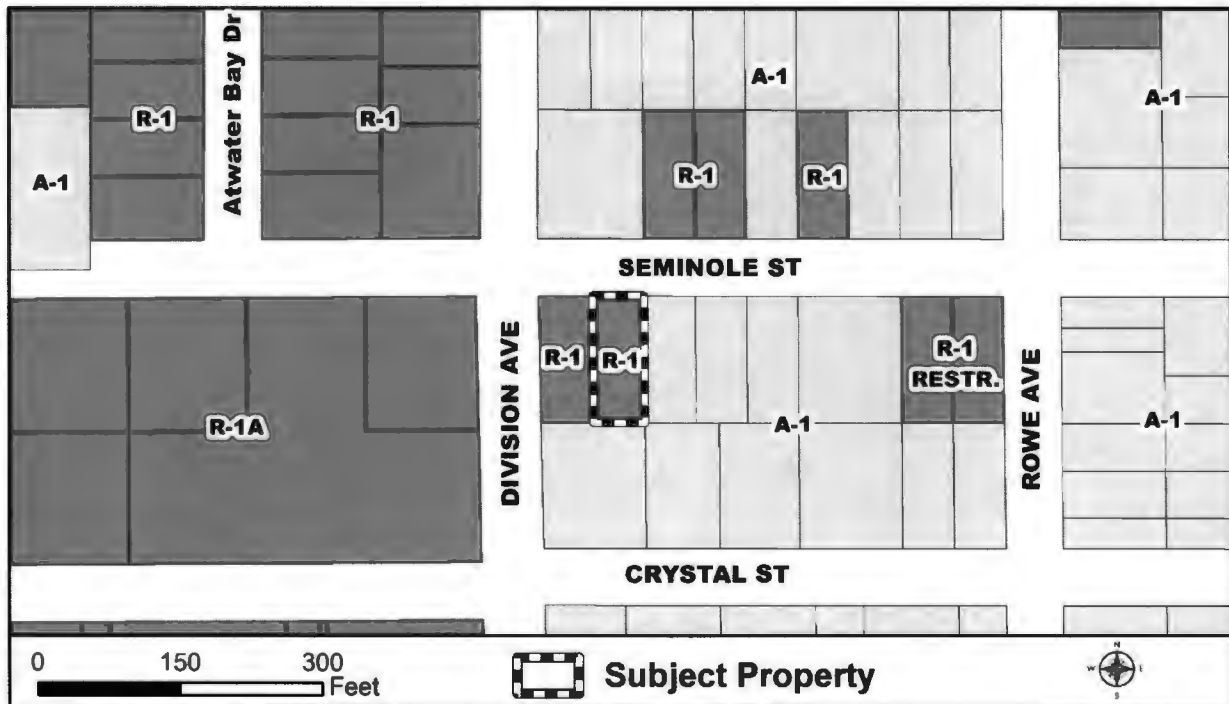
**ZONING – CURRENT**

A-1 (Citrus Rural District)



**ZONING – PROPOSED**

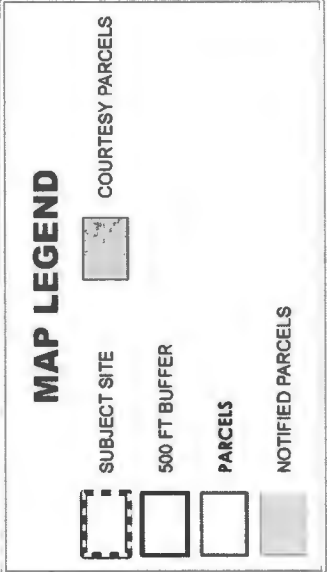
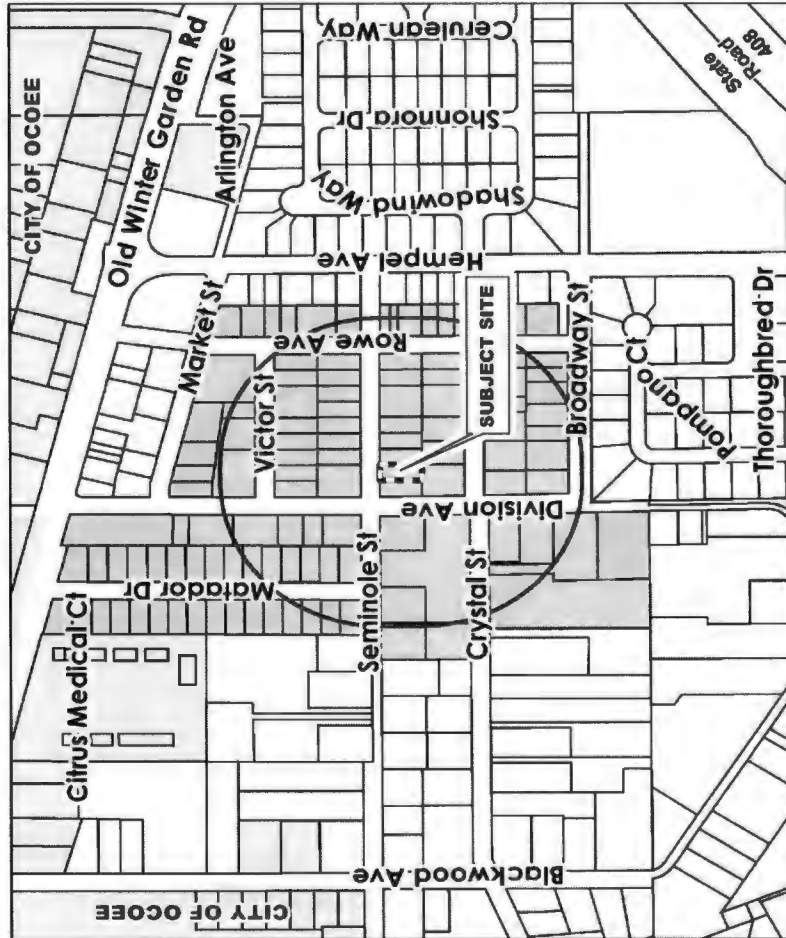
R-1 (Single-Family Dwelling District)



**NOTIFICATION MAP**

**Public Notification Map**

RZ-23-03-017



BUFFER DISTANCE: 500  
 # OF NOTICES: 125



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**CASE # RZ-23-03-018**

Commission District: #6

**GENERAL INFORMATION**

**APPLICANT:** Cliff Alejos

**OWNER:** Millenia Autosales, Inc.

**HEARING TYPE:** Planning and Zoning Commission

**REQUEST:** R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)

**LOCATION:** 34<sup>th</sup> Street; generally located approximately 315 feet west of Woods St, 230 feet east of S. Orange Blossom Trl and on the south side of 34th St.

**PARCEL ID NUMBER:** 03-23-29-0182-88-060

**ACREAGE:** 0.15-gross acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred seventy-three (173) 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) detached single-family dwelling unit, pending lot split approval

**STAFF RECOMMENDATION**

**PLANNING**

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

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to construct one (1) detached single-family dwelling unit. The applicant will request to split the lot by reverting to the underlying platted lot since the remainder of the parent parcel is Zoned C-2 with Commercial Future Land Use. The residential portion must be split from the parent parcel and rezoned to R-1 to meet the minimum site development standards prior to the approval of the commercial building permit currently in review for a new car dealership. Planning added a denial comment to the applicant's commercial permit stating that they

will either need to split the lot from the C-2 portion or change the FLUM designation and zoning to Commercial C-2 which would likely not be supported since the C-2 lot is adjacent to single-family development.

On December 14, 2021, the Board of County Commissioners approved an amendment to Comprehensive Plan Policy FLU8.1.1 which allows for a property with historical underlying platted lots to revert to those underlying platted lots so long as the zoning district standards are met without the need for a FLUM designation increase to address the density issue. In this case, because the property meets the requirements of the new policy a FLUM amendment is not necessary, however a rezoning is required to meet the R-1 zoning district standards. The current Future Land Use designation is Low-Density Residential, which is consistent with the proposed zoning.

The subject property containing 0.15-gross acre was platted in 1924 and zoned as R-1A in 1957. The subject property measures 50 feet in lot width and 6,750 square feet in lot size, making this lot consistent with the minimum zoning lot width and lot size requirements under the R-1 zoning site development standards outlined in Orange County Code Section 38-1501. The subject property will be reliant on septic and the applicant will be required to work with the Department of Health and Orange County Utilities after the lot split is approved.

The general surrounding area consists of single-family homes to the south and east, homes are developed on 50-foot wide lots. Commercial uses are established to the west along S. Orange Blossom Trail. The property to the north is owned by the Florida Department of Transportation.

**Land Use Compatibility**

The R-1 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 located in the Orange Blossom Trail 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 Low-Density Residential (LDR). The proposed R-1 zoning is consistent with the LDR

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.

**FLU8.1.1** states in the Zoning and Future Land Use correlation table that The maximum density requirement of four (4) units per acre shall not apply to a legal lot of record as recognized by the Zoning Division with a future land use designation of Low Density Residential (LDR) and which, as of December 14, 2021, is zoned R-1A, R-1, R-2, or R-T-1, or may be rezoned from one of those four zoning districts to another of those zoning districts in accordance with this policy, provided that each of the following criteria are met:

1. The subject property is located within the Urban Service Area;
2. The proposed density and/or lot sizes are similar and compatible to those in the surrounding area and consistent with the pattern of surrounding development;
3. The subject lot of record, or each resulting lot if a lot split is proposed, is accessed by an open and maintained County-approved roadway;

4. The proposed minimum lot size and lot width requirements comply with the underlying zoning district, unless a variance or rezoning is obtained in accordance herewith;
5. Any proposed lot split would revert to the configuration of the originally platted lots or legally subdivided lots prior to 1991; if a parcel of land contains two (2) or more lots of record in their entirety, lot lines may be reconfigured, so long as each resulting lot created is able to meet the minimum lot width and area requirements (subject to obtaining a variance if needed), and so long as the total number of lots created does not exceed the number of lots of record contained within the parcel as originally platted or legally subdivided; and
6. For R-2 zoned properties, the proposed use is single-family detached residential.

Also, provided the existing infrastructure is sufficient to support the lots created under this policy, a Preliminary Subdivision Plan (PSP), or an additional PSP, as the case may be, will not be required.

A property that needs to be rezoned in order to benefit from this policy may do so, provided: (1) it is rezoned from one of the above-referenced zoning districts to another of the above-referenced zoning districts, (2) the rezoning is necessary to ensure the proposed residential development of the property is consistent with the development pattern in the surrounding area, and (3) the zoning manager determines that any development, if built, would constitute a bona fide "urban infill" project in a manner consistent with the county's policies to encourage compact urban development and discourage urban sprawl.

### **SITE DATA**

<b>Existing Use</b>	Vacant land
<b>Adjacent Zoning</b>	N: State/FDOT E: R-1A (Single-Family Dwelling District) W: C-2 (General Commercial District) S: R-1A (Single-Family Dwelling District)
<b>Adjacent Land Uses</b>	N: State/FDOT E: Residential use W: Commercial use S: Residential use

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

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

**Building Setbacks**

Front: 20 feet  
Rear: 20 feet  
Side: 5 feet

*\* 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-1 (Single-Family Dwelling District) zoning district is composed of lands and structures used primarily for single-family residential areas with large lots and low population densities.

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**

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 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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into surface waters, wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

**Transportation / Access**

Based on the Concurrency Management database (CMS) dated 2/10/2023, there is a failing roadway segment within the project's impact area along Holden Ave, from Orange Blossom Tr to Orange Ave. This information is dated and subject to change. A detached single-family dwelling unit is de minimis.

**Schools**

One home is de-minimus.

**Parks and Recreation**

No further comments.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water: OUC

Wastewater: Orange County Utilities

Reclaim Water: City of Orlando

**Detailed Utility Information:**

This property is within Orlando Utilities Commission Water Service Area.

This property is within Orange County Utilities Wastewater. In accordance with Orange County Code Chapter 37:

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

This property is within City of Orlando Reclaimed Water Service Area.

**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 – March 16, 2023**

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

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

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public spoke during the public comment portion of the hearing. Discussion ensued between Commissioner Spears, the applicant and staff regarding wastewater connection and the reliance on septic for the subject property.

Staff indicated that one hundred seventy-three (173) notices were sent to property owners and residents in a 500 foot 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 Evans and seconded by Commissioner Pavon to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District). The motion carried on a 7 to 1 vote with Commissioner Spear voting in opposition.

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

RZ-23-03-018

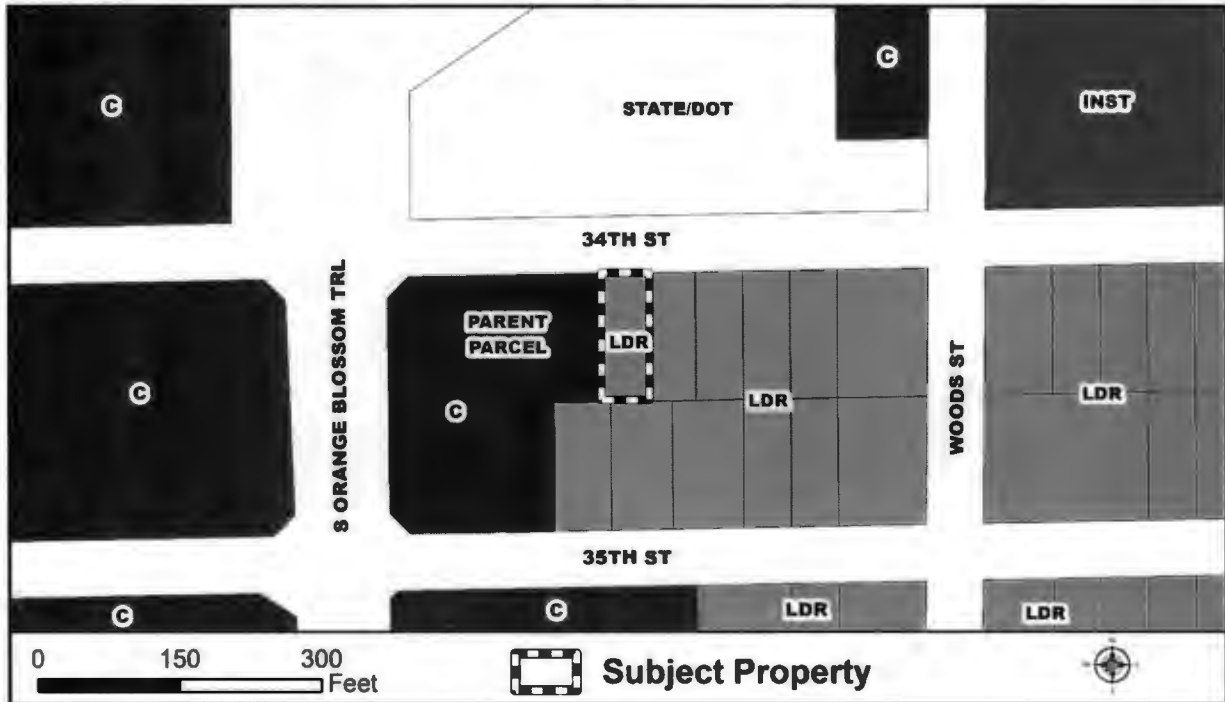


 Subject Property



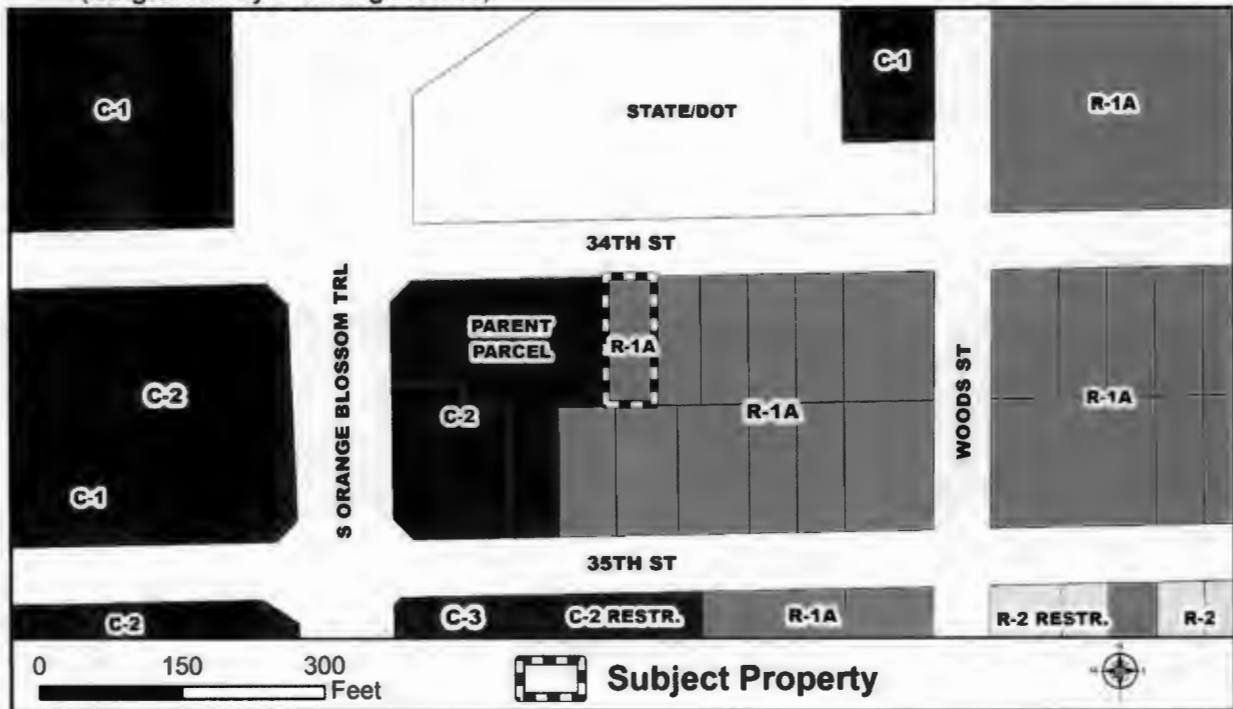
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**FUTURE LAND USE – CURRENT**  
LDR (Low Density Residential)



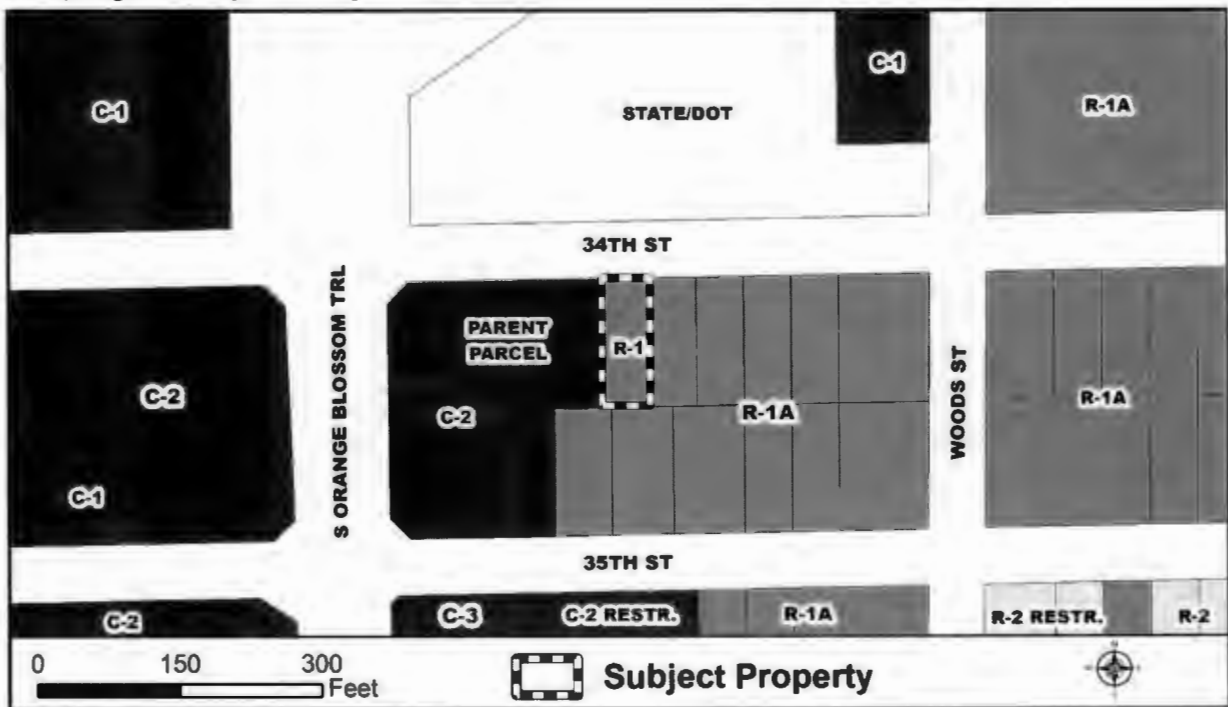
**ZONING – CURRENT**

R-1A (Single-Family Dwelling District)



**ZONING – PROPOSED**

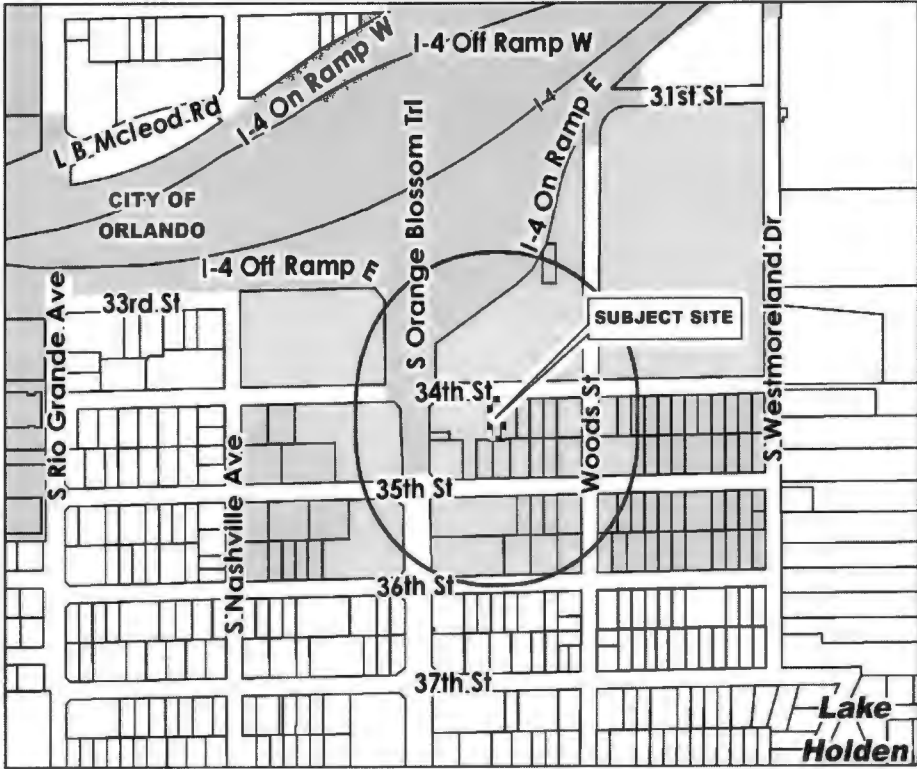
R-1 (Single-Family Dwelling District)





# Public Notification Map

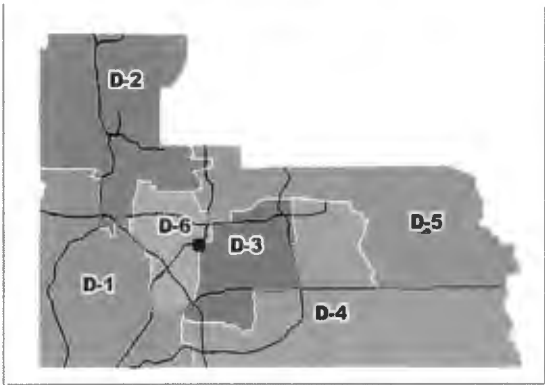
RZ-23-03-018



### MAP LEGEND

	SUBJECT SITE		COURTESY PARCELS
	500 FT BUFFER		HYDROLOGY
	PARCELS		
	NOTIFIED PARCELS		

**BUFFER DISTANCE: 500**  
**# OF NOTICES: 172**



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## NOTIFICATION MAP

**Case # RZ-23-03-018**  
**Orange County Planning Division**  
**PZC Hearing Date: March 16, 2023**

**CASE # RZ-23-01-143**

Commission District: #2

**GENERAL INFORMATION**

**APPLICANT:** Thomas Kerper, Affordable Salvaged Auto Parts

**OWNER:** Thomas W. Kerper

**HEARING TYPE:** Planning and Zoning Commission

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

**LOCATION:** 3001 N. Orange Blossom Trail; generally located on the  
northeast corner of Washington Street and N. Orange Blossom  
Trail.

**PARCEL ID NUMBER:** 22-20-27-2736-09-041

**ACREAGE:** 0.51-gross acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 900 feet  
[Chapter 30-40(c)(3a) of the Orange County Code requires 300  
feet]. Fifty-one (51) notices were mailed to those property  
owners in the surrounding area.

**COMMUNITY MEETING:** An in-person community meeting was held on February 20,  
2023, and is summarized further in this report.

**PROPOSED USE:** Auto Sales and Auto Repair

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning pursuant to Comprehensive Plan Policies FLU6.2.2, FLU6.2.5, FLU6.2.11, and FLU6.2.12.**

**SUBJECT PROPERTY ANALYSIS**

**Overview**

The applicant is seeking to rezone the 0.51-acre subject property to C-2 (General Commercial District) for allowance of used auto sales and auto repair. Currently the site operates to provide retail sales of auto parts, window tinting, service station lube work and auto sales. It is the owner's intent to continue operating the businesses on the premises. Of these activities, only the retail sale of auto parts and service station lube work (SIC 7549) are permitted under the current C-1 zoning district, as established in Section 38-77,

Use Table, of the Orange County Code. The window tinting, and automobile sales are prohibited in the C-1 zoning district and would instead require C-2 zoning. Research of County records for the subject property indicates that the property has not been issued any vested rights determination to allow for uses of window tinting, repairs and sales.

The subject property's location in the Zellwood Rural Settlement dictates that it is subject to the policies pertaining to commercial activity within Rural Settlements set forth in the Orange County Comprehensive Plan (CP). As established in the adopted 2030 CP update, Future Land Use Element Policy FLU6.2. states every effort shall be made to preserve the existing character of the Zellwood Rural Settlement and that intensities of land use within the Rural Settlement shall maintain their rural character.

Future Land Use Element Policy FLU6.2.11 states that neighborhood commercial and office uses shall be allowed in Rural Settlements designated for such on the Future Land Use Map. Only those commercial and office uses that will support existing residential uses, i.e. neighborhood commercial, 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, 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 Floor Area Ratios up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character. Staff notes that the applicant's C-2 request runs contrary to the provisions of this policy.

Furthermore, Future Land Use Element Policy FLU6.2.12 establishes that neighborhood commercial uses in Rural Settlements shall be developed according to the following criteria: (a) These uses shall be located to serve the residents of the rural area and not primarily to attract "pass-by" trips; and (b) these uses shall contain retail and personal services to serve the immediate population. It is the opinion of staff that the applicant's proposed uses, of auto sales and auto repair fail to meet the provisions of this policy.

The immediate area can be characterized as being developed with residential, commercial and industrial zoning districts. The commercial and industrial zoning districts were established prior to the adoption of the 2030 CP update. Rural Settlements were created to recognize and preserve existing development patterns at the time the Comprehensive Plan was adopted in 1991.

Due to the inconsistency of the request with CP Policies FLU6.2.2, FLU6.2.5, FLU6.2.11, and FLU6.2.12, staff recommends denial of this application.

**Land Use Compatibility**

The intensity of C-2 (General Commercial District) zoning would not allow for development that is compatible with the character of the rural settlement and would adversely impact adjacent properties. The proposed C-2 uses would generate "pass-by" trips; the uses of auto sales and auto repair are not exclusive to the immediate population of residents in the rural settlement.

## Site Analysis

### Rural Settlement

The subject property is located in the Zellwood 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. The proposed C-2 (General Commercial District) zoning is consistent with the Commercial FLUM designation, therefore a CP amendment is not necessary. The proposed request is however 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.

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

**FLU6.2.2** States every effort shall be made to preserve the existing character of the Christmas, Clarcona, Gotha, Tangerine, and Zellwood Rural Settlements as part of Orange County's heritage and historic preservation. Rural Settlements may be designated as Preservation Districts for the purposes of municipal annexation pursuant to the Orange County Charter, Article V.

**FLU6.2.5** States that the permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses.

**FLU6.2.11** states 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.

**FLU6.2.12** Neighborhood commercial uses in Rural Settlements shall be developed according to the following criteria: (a). These uses shall be located to serve the residents of the rural area and not primarily to attract "pass-by" trips; and, (b). These uses shall contain retail and personal services intended to serve the immediate population.

**SITE DATA**

**Existing Use**                      Retail Auto Parts, Lube Work, Window Tinting, Automobile Sales

**Adjacent Zoning**                N:    C-1 (Retail Commercial District) (1980)  
  E:    R-1 (Single-Family Dwelling District) (1990)  
  W:    I-4 (Industrial District - Heavy) (1967)  
  S:    C-1 (Retail Commercial District) (1981)

**Adjacent Land Uses**        N:    Undeveloped  
  E:    Undeveloped  
  W:    Storage/shipping Warehouse  
  S:    Undeveloped

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

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

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

**Intent, Purpose, and Uses**

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

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code and include new and used automobile sales; car rental and

leasing; auto painting and body shops; special trade contractors' offices (storage, equipment yards, and offices with outdoor storage); automobile parking lots and parking garages; outdoor storage and display of equipment, products, and merchandise; landscaping and irrigation businesses; commercial kennels; caterers; etc.

## **SPECIAL INFORMATION**

### **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.

**Wekiva Priority Focus Area** - This site is located within the Wekiva Priority Focus Area. If a septic system is required, the Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires advanced treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiwa Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP. Contact the Florida Department of Health (FDOH) for details of advanced septic treatment system requirements.

**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.

**Proximity to FDEP Cleanup Site** - Proximity to parcels with known FDEP cleanup sites associated with the Orange County Fire Department #20 located 0.1 miles to the northwest. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S

**Proximity to Managed Public Lands** - This site is located within 0.15 miles of the Lake Apopka Restoration Area managed by the St. Johns Rivers Water Management District. The nearby property may require the use of resource management practices that may result in periodic temporary conditions that may limit outdoor activities. These practices

may include, but not limited to, ecological burning, pesticide and herbicide usage, exotic plant and animal removal, usage of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.

**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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

**Transportation / Access**

Based on the Concurrency Management database (CMS) dated 1/06/2023, there is a failing roadway segment within the project's impact area. 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 community meeting was held for this request on February 20, 2023, at the Willow Street Community center in Zellwood. Four members of the community attended and expressed no concerns in regard to the request.

**Utilities**

Water: Apopka

Wastewater: Apopka

Reclaim Water: Apopka

**Detailed Utility Information:**

This property is within the City of Apopka's water Service Area.

This property is within the City of Apopka's Wastewater and Reclaimed Water Service Area. This property is not currently connected to the City's wastewater system but there is an existing 6" PVC FM along the east side of Washington St. Per the City of Apopka new developments or expansions on existing developments are required to connect to City's services.

**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 – March 16, 2023**

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

1. Billboards and pole signs shall be prohibited; and
2. Uses shall be limited to C-2 uses of auto sales and auto repair.

**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 Restricted (General Commercial District) Zoning pursuant to the referenced comprehensive plan policies. The applicant made a presentation and provided Business Tax Receipts (BTR) (2006-2009) from the previous owner (Daniel Brown) who managed a Hydraulic Equipment and Forklift repair shop under the current C-1 (Retail Commercial District) zoning. Additionally, pictures of the site past and present were shown along with neighboring businesses that were considered to be more of an intrusive use to the area. During public comment two (2) members of the community spoke in favor of the request along with two (2) members of the applicant's family.

Conversation ensued by the Commission on the proposed use. Clarification was given by staff on conforming and non-conforming uses currently taking place on the site and the applicant verified the property is on septic and not connected to the City of Apopka wastewater system.

The Commission asked staff to draft an alternative recommendation. The County Attorney drafted the following language: Make a finding of consistency with the comprehensive plan and recommend APPROVAL of the requested C-2 Restricted (General Commercial District) Zoning, subject to the following two restrictions:

1. Billboards and pole signs shall be prohibited
2. Uses shall be limited to C-2 uses of auto sales and auto repair.

After the March 16, 2023, hearing staff researched the BTR history provided by the applicant and confirmed use permits were granted for commercial space as a hydraulic parts and small repairs retail business and not a repair shop as previous stated by the applicant. The C-1 retail commercial district did allow the previous owner to operate Hydraulic Equipment and Forklift repair as it was deemed a conforming use and consistent with C-1 (Retail Commercial District) uses.

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

RZ-23-01-143

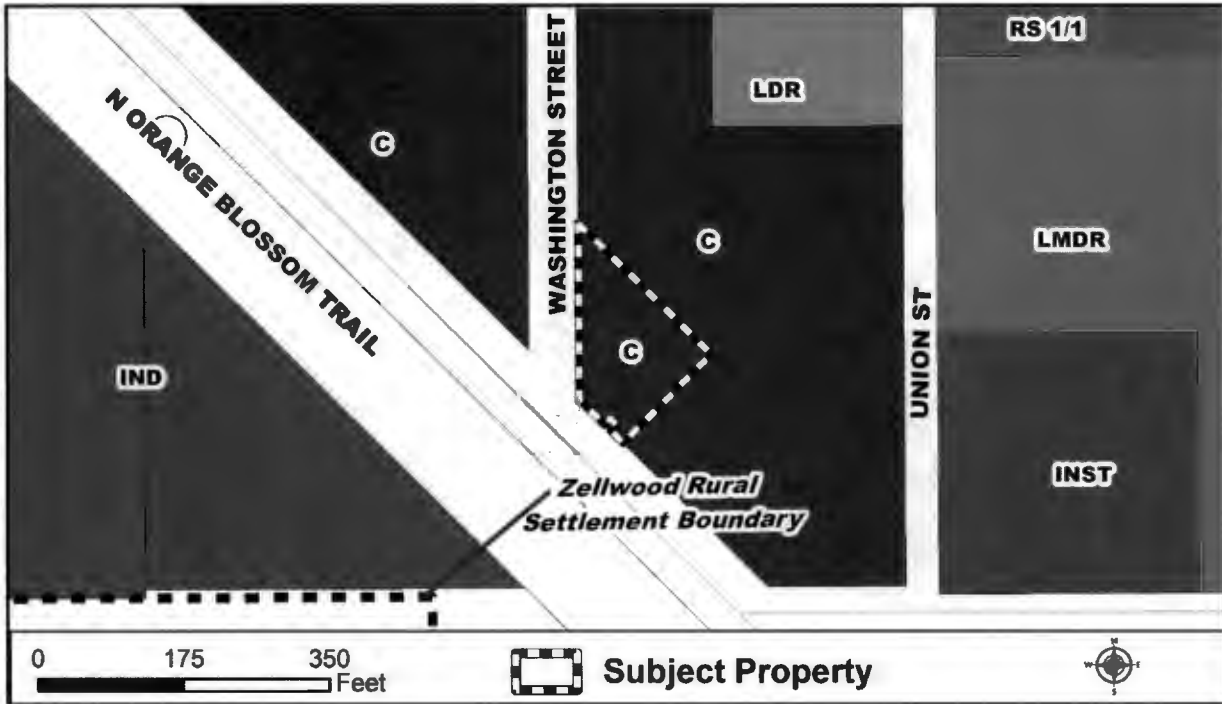


 Subject Property



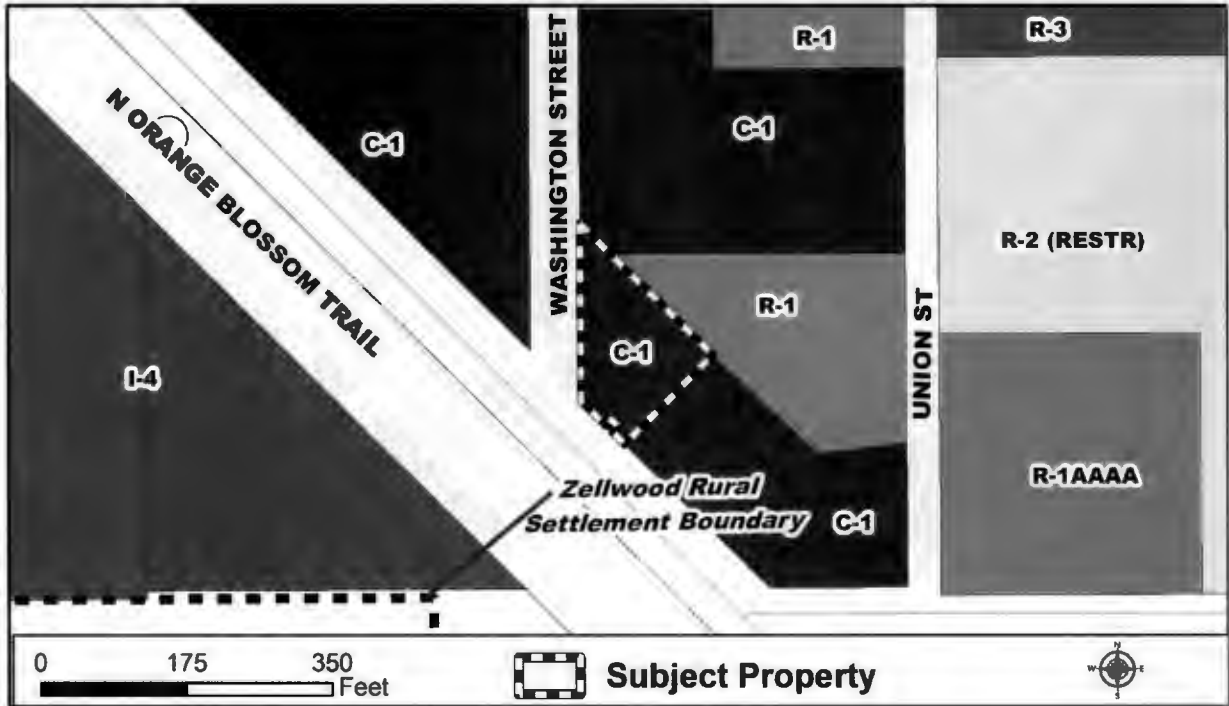
1 inch = 125 feet

**FUTURE LAND USE – CURRENT**  
Commercial (C)



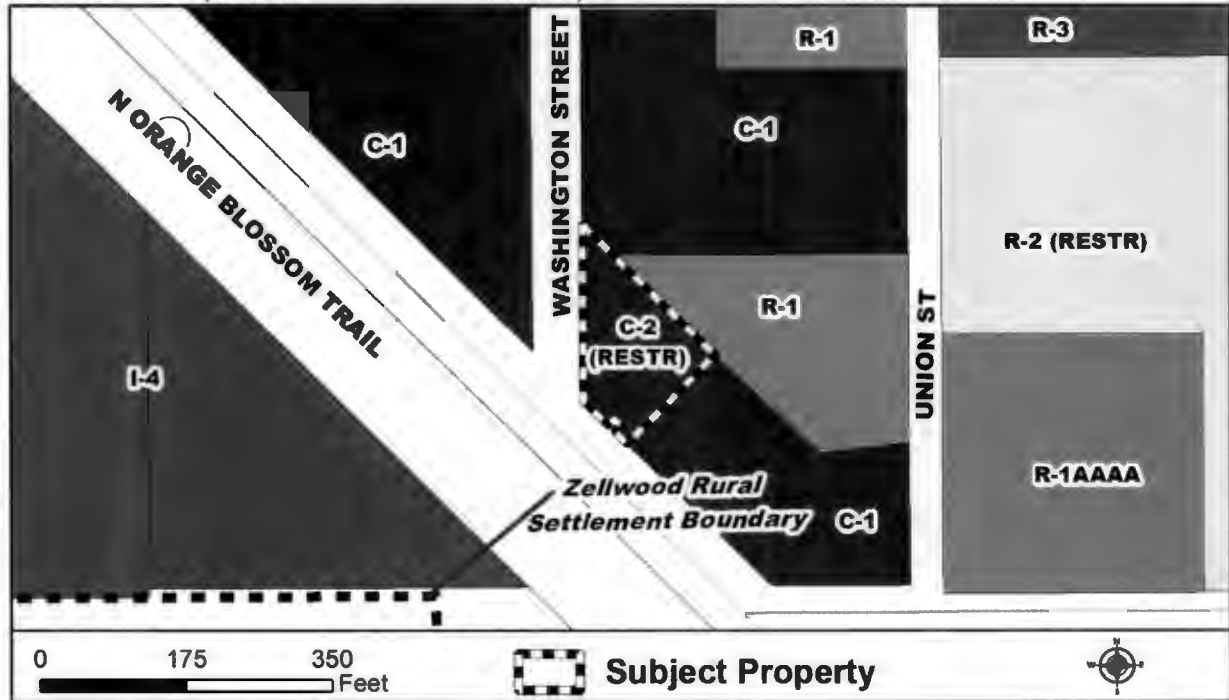
**ZONING – CURRENT**

C-1 (Retail Commercial District)



**ZONING – PROPOSED**

C-2 Restricted (General Commercial District)

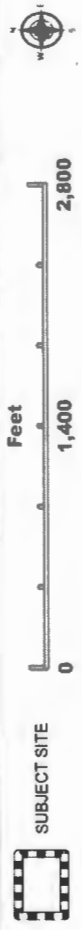
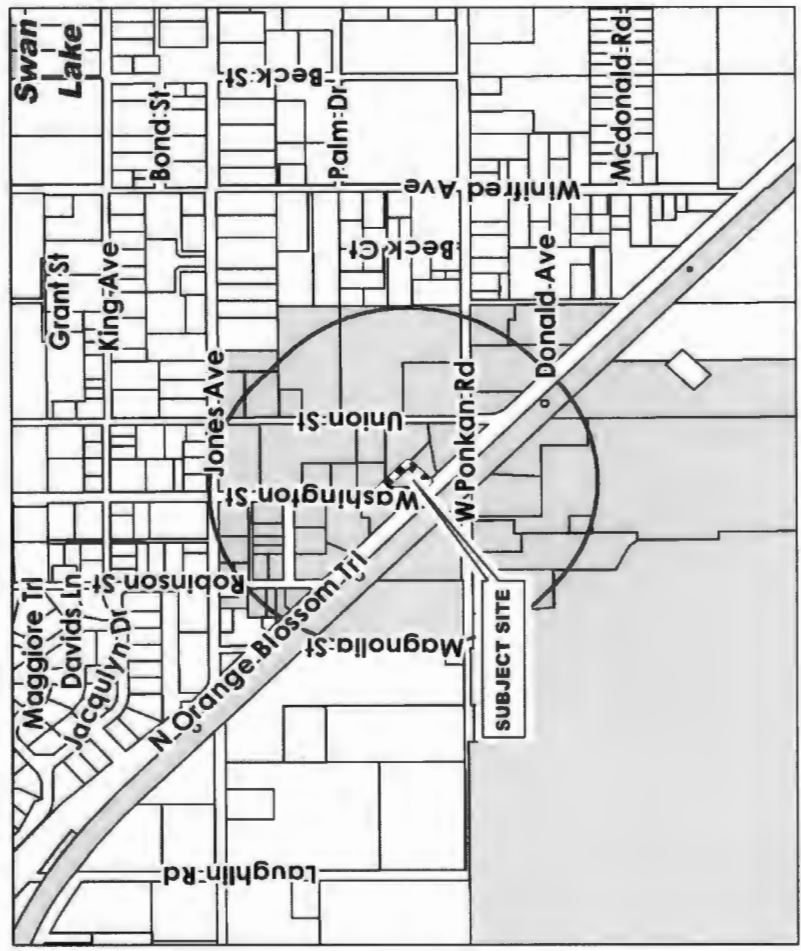




**NOTIFICATION MAP**

**Public Notification Map**

RZ-23-01-143



**MAP LEGEND**

	SUBJECT SITE		NOTIFIED PARCELS
	900 FT BUFFER		HYDROLOGY
	1 MILE BUFFER		
	PARCELS		

BUFFER DISTANCE: 900  
 # OF NOTICES: 51



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