



Interoffice Memorandum

DATE: July 22, 2019

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental and Development
Services Department

CONTACT PERSON: **Eric Raasch, DRC Chairman**
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: August 20, 2019 – Public Hearing
Planning and Zoning Commission Appeal
Applicant: James R. Morrison, Florida Manufactured Home
Sales, LLC
Appellant: James R. Morrison, Florida Manufactured Home
Sales, LLC
Case # RZ-19-06-015 / District 5

This request is an appeal of the July 18, 2019, Planning and Zoning Commission (PZC) decision to recommend denial of the aforementioned rezoning application.

The applicant is seeking to rezone a 0.52-gross acre property located at 25140 E. Colonial Drive, within the Christmas Rural Settlement, from C-1 (Retail Commercial District) to C-2 (General Commercial District) for the operation of an outdoor sales, display, and storage of mobile homes and sheds use. A community meeting was not required for this request. This appeal was received from the appellant on June 28, 2019.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of inconsistency with the Comprehensive Plan and deny the requested C-2 (General Commercial District) zoning. District 5

JVW/EPR/stt
Attachments

CASE # RZ-19-06-015

Commission District: #5

GENERAL INFORMATION

APPLICANT	James R. Morrison, Florida Manufactured Home Sales, LLC
APPELLANT	James R. Morrison, Florida Manufactured Home Sales, LLC
OWNER	Florida Manufactured Homes Sales, LLC
HEARING TYPE	Planning and Zoning Commission Appeal
REQUEST	C-1 (Retail Commercial District) to C-2 (General Commercial District)
LOCATION	25140 E. Colonial Drive; or generally located on the south side of E. Colonial Drive, approximately 325 feet west of St. Anne Avenue
PARCEL ID NUMBER	34-22-33-1327-13-090
TRACT SIZE	0.52-gross acre
PUBLIC NOTIFICATION	<p>The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred sixty-two (262) notices were mailed to those property owners in the mailing area.</p> <p>A community meeting was not required for this application.</p>
PROPOSED USE	Outdoor sales, display and storage of mobile homes and sheds

STAFF RECOMMENDATION

PLANNING

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

IMPACT ANALYSIS

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-2 (General Commercial District) zoning is consistent with the Commercial FLUM designation, but is not compatible with the following Comprehensive Plan provisions:

FLU1.4.2 states that land use 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.

FLU6.2.9 states that Neighborhood commercial and office uses shall be allowed in Rural Settlements in areas designated for such on the Future Land Use Map. Only those commercial and office uses that will support existing residential uses, 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, 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.***

FLU6.2.10 states 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 intended to serve the immediate population.

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

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

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

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

OBJ N1.1 states that future land use changes are shall be compatible with or do not adversely impact existing or proposed neighborhoods.

SITE DATA

Existing Use	Undeveloped Commercial
Adjacent Zoning	N: A-2 (Farmland Rural District) (1957) E: C-2 (General Commercial District) (1998) W: A-2 (Farmland Rural District) (1957) S: A-2 (Farmland Rural District) (1957)
Adjacent Land Uses	N: Single-Family Dwelling (<i>across E. Colonial Drive</i>) E: Manufactured Home Sales W: Undeveloped S: Single-Family Dwelling

C-2 (General Commercial District) Development Standards

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

Building Setbacks

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

Intent, Purpose, and Uses

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

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

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 25140 E. Colonial Drive; or generally located on the south side of E. Colonial Drive, approximately 325 feet west of St. Anne Avenue, within the Christmas Rural Settlement. The E. Colonial Drive corridor is developed with a mixture of single-family dwellings, grazing land, and varying intensities of commercial uses.

Through this request, the applicant is seeking to rezone the subject property from C-1 (Retail Commercial District) to C-2 (General Commercial District) in order to allow the outdoor sales, display and storage of mobile homes and sheds. This is consistent with the existing use operated by the applicant directly to the east of the subject property. The applicant intends to expand their mobile home business onto the subject property.

Although the subject parcel is located adjacent to existing C-2 zoned property, staff has determined that the proposed request to rezone the subject property to C-2 zoning district would adversely impact the adjacent single-family development to the south of the subject property and may encourage the advancement of additional C-2 or C-3 zoning adjacent into the Christmas Rural Settlement, contrary to the intent of the Comprehensive Plan.

Furthermore, Orange County Code Section 38-851, states that the C-2 zoning district should not be located adjacent to single-family residential zoning districts. This is because of the variety of uses that are permitted in the C-2 zoning district that are incompatible with single-family zoned properties, such as outdoor storage, vehicle repair, outdoor sales, etc.

While there are C-2 and C-3 parcels located adjacent to and near the single-family development to the south of the subject parcel, all of the existing C-2 and C-3 zoned parcels have been zoned in their current state prior to the adoption of the C-2 and C-3 residential adjacency requirements in 1995.

Lastly, Orange County Comprehensive Plan Policies FLU 1.4.2 and 1.4.4 require that all land use changes be compatible with existing neighborhoods and that poorly located / designed commercial activities near residential areas be avoided and Policy FLU 6.2.9 states that commercial uses within Rural Settlements shall be limited to neighborhood serving C-1 uses. Given this analysis, staff is recommending denial of this application.

Comprehensive Plan (CP) Amendment

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

State of Florida Notice

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

Community Meeting Summary

A community meeting was not required for this request.

Rural Settlement

The subject property is located within the Christmas Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Environmental

Orange County Environmental Protection Division (EPD) reviewed this request, but did not identify any issues or concerns.

Transportation / Access

The proposed use will generate three (3) net P.M. peak hour trips. The trip generation of the proposed project does not exceed one (1) percent of the maximum volume at

the adopted Level of Service on affected transportation facilities. This project will not create an impact on the roadway network.

Code Enforcement

There are not active Code Enforcement cases on the subject property.

Utilities

Water: Orange County Utilities Not Available

Wastewater: Orange County Utilities Not Available

Reclaim Water: Orange County Utilities Not Available

Schools

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

Parks and Recreation

Orange County Parks and Recreation did not comment on this case, as it does not involve an increase in residential units or density.

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 – (June 20, 2019)

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

Staff indicated that two hundred sixty-two (262) notices were mailed to surrounding property owners within a buffer of 700 feet from the subject property, with three (3) commentaries received in favor of the request and two (2) in opposition. The applicant was present for the hearing and disagreed with staff's recommendation. No members of the public were present to speak on this request.

After a brief discussion regarding the preservation of the Rural Settlements and compliance with Rural Settlement policies, a motion was made by Commissioner Spears to find the request to be inconsistent with the Comprehensive Plan and recommend

DENIAL of the C-2 (General Commercial District) zoning. Commissioner Dunn seconded the motion, which then carried on a 4-3 vote.

Motion / Second

Gordon Spears / Jimmy Dunn

Voting in Favor

Gordon Spears, Jimmy Dunn, Carlos Nazario, and Diane Velazquez

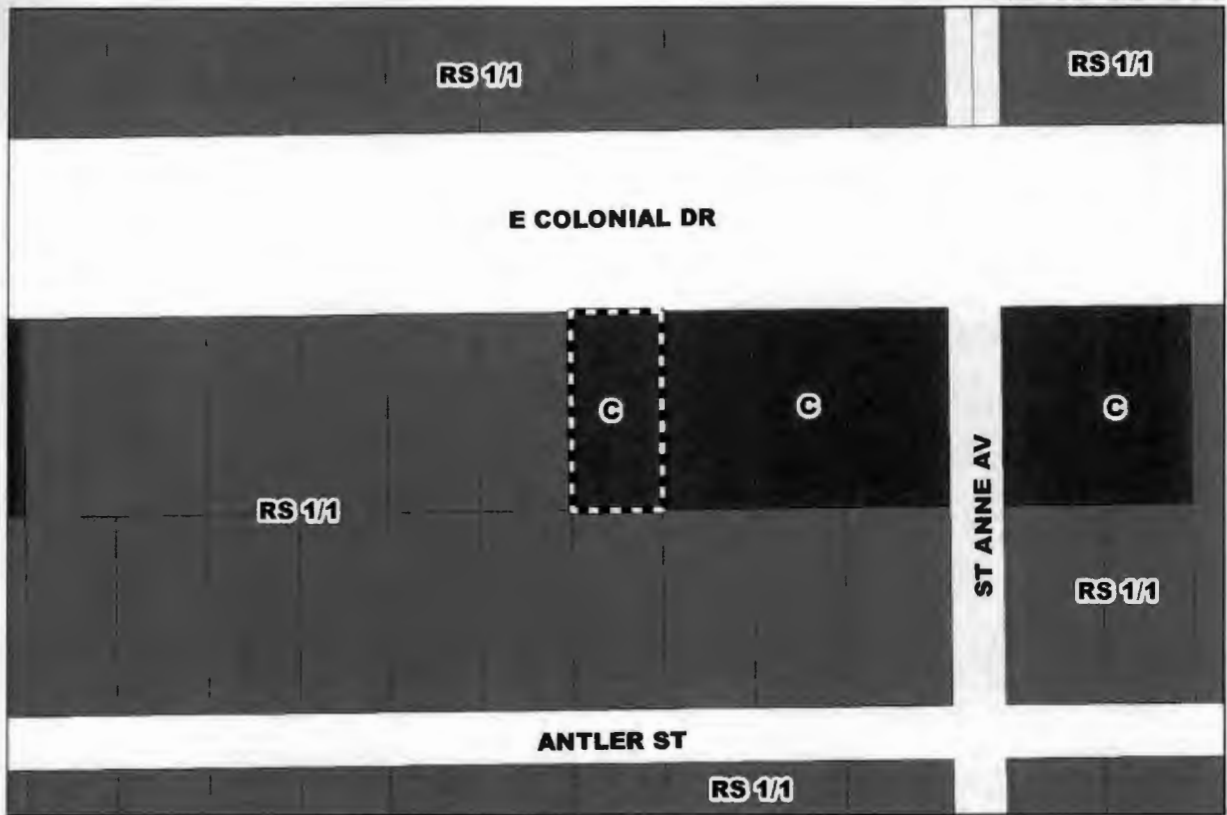
Voting in Opposition

Jose Cantero, Eddie Fernandez, and Yog Melwani

Absent

JaJa Wade and Mohammed Abdallah

RZ-19-06-015



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: James R. Morrison,
Florida Manufactured Home Sales, LLC

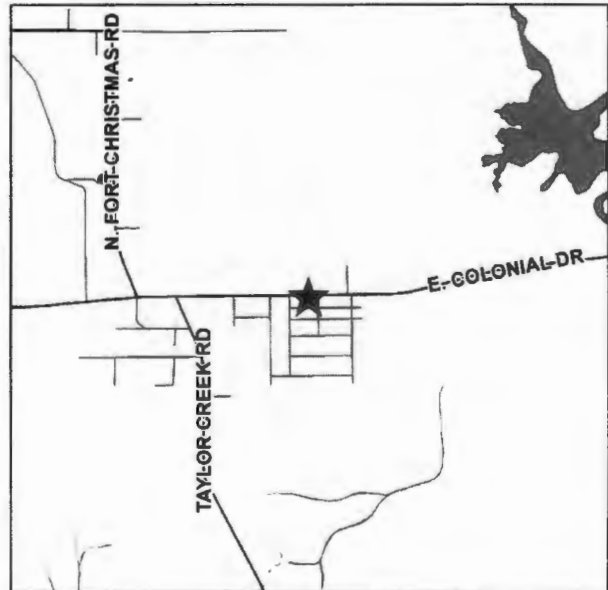
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Drive, approximately 325 feet west of St.
Anne Avenue

TRACT SIZE: 0.52-gross acre

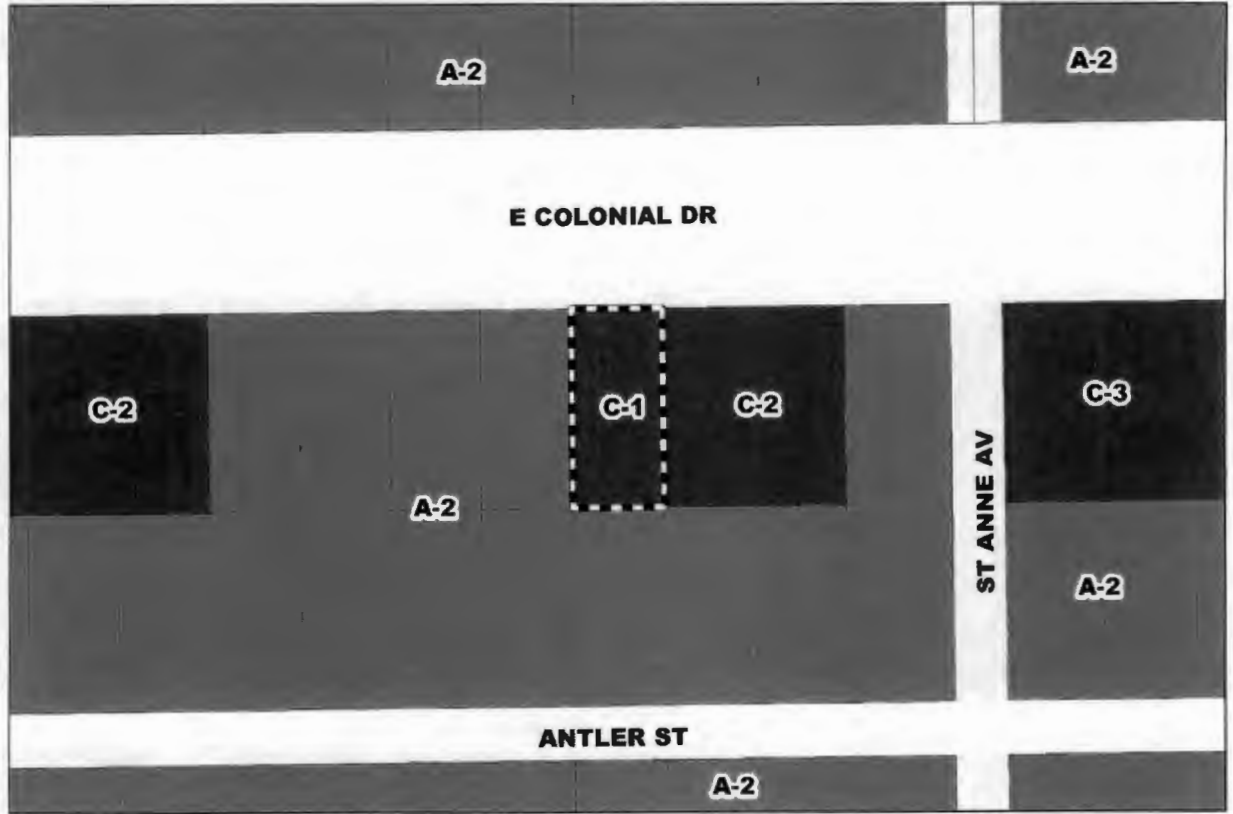
DISTRICT: # 5

S/T/R: 34/22/33

1 inch = 175 feet



RZ-19-06-015



 Subject Property



★ Subject Property

Zoning Map

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

APPLICANT: James R. Morrison,
Florida Manufactured Home Sales, LLC

LOCATION: 25140 E. Colonial Drive; or generally located on the south side of E. Colonial Drive, approximately 325 feet west of St. Anne Avenue

TRACT SIZE: 0.52-gross acre

DISTRICT: # 5

S/T/R: 34/22/33

1 inch = 175 feet



RZ-19-06-015



 Subject Property



1 inch = 100 feet

15 days to file



PLANNING & ZONING COMMISSION
REZONING APPEAL APPLICATION

Orange County Planning Division
201 South Rosalind Avenue, 2nd Floor,
Post Office Box 1393
Orlando, Florida 32802-1393

Main Line: (407) 836-5600
P&ZC Secretary: (407) 836-5632

RECEIVED

JUN 28 2019

Planning Division

Date: 6/26/2019

Appellant: James R. Morrison
(Print or type name)

Representing: Florida Manufactured Home Sales, LLC
(Print or type company, group, or organization name)

Address: 25164 E Colonial Dr.
Christmas, FL 32709

Telephone: 407-509-8262 Fax: _____ E-mail: lmorrison@sonntemh.com

Respectfully request an appeal of the decision regarding rezoning number RZ - 19-26-015,
the Applicant being owner/James R Morrison, rendered by the Orange
(Print or type Applicant name)
County Planning & Zoning Commission on 6/20/2019.

Reason for appeal (provide a brief summary or attach additional documentation if necessary): <u>C-2 Zoning should be granted Based on C-2</u> <u>Zoning as consistent with area</u>

Signature [Signature] Date 6/26/19

FEE: \$483.00 Planning & Zoning Commission appeals. Make check payable to the
Orange County Board of County Commissioners
NOTE: The Clerk of the Board will notify you of the date of your appeal.

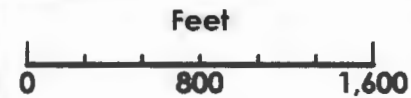
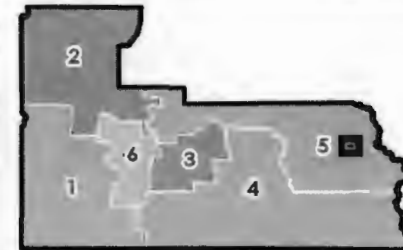
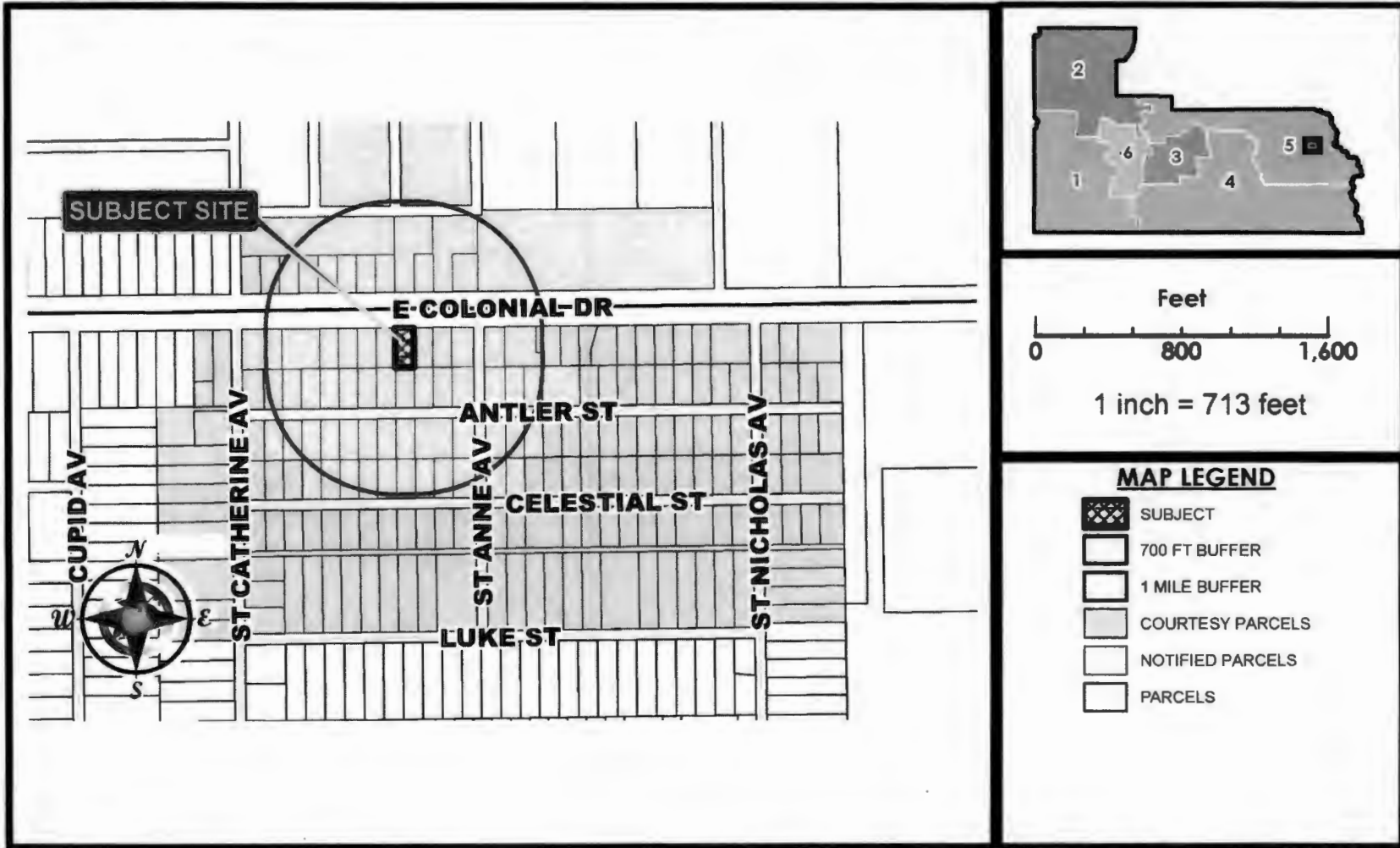


Public Notification Map

RZ-19-06-015


700 FT BUFFER, 262 NOTICES

12



1 inch = 713 feet

MAP LEGEND

-  SUBJECT
-  700 FT BUFFER
-  1 MILE BUFFER
-  COURTESY PARCELS
-  NOTIFIED PARCELS
-  PARCELS

Notification Map

Case # RZ-19-06-015
 Orange County Planning Division
 BCC Hearing Date: August 20, 2019