



Interoffice Memorandum

DATE: November 27, 2018

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

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

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

SUBJECT: December 18, 2018 – Public Hearing
Planning and Zoning Commission Board-Called Public Hearing
Applicant: Audee Sneek
Case # RZ-18-09-044 / District 3

This request was pulled from the October 16, 2018 Board of County Commissioners (BCC) consent agenda by District 3 Commissioner Pete Clarke for further consideration of the aforementioned rezoning application which was recommended for denial on September 20, 2018, by the Planning and Zoning Commission (PZC).

The applicant is seeking to rezone the 0.45-gross acre property located at 907 N. Goldenrod Road, from C-1 (Retail Commercial District) to C-2 (General Commercial District), in order operate an automobile sales use on the subject property. A community meeting was not required for this request.

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 3

ALTERNATIVE ACTION: Make a finding of consistency with the Comprehensive Plan and APPROVE the requested C-2 (General Commercial District) zoning subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-2 uses.

Attachments
JVW/EPR/nt

CASE # RZ-18-09-044

Commission District: # 3

GENERAL INFORMATION

APPLICANT	Audee Sneek
OWNERS	HML, Inc. (Audee Sneek)
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-1 (Retail Commercial District) to C-2 (General Commercial District)
LOCATION	907 N. Goldenrod Road, or generally on the east side of N. Goldenrod Road, north of Valencia College Lane, and south of Timber River Circle.
PARCEL ID NUMBER	23-22-30-0000-00-131
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]. Ninety-two (92) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.456-gross acre
PROPOSED USE	Automobile Sales

STAFF RECOMMENDATION

PLANNING

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

Restrictions

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-2 uses.

IMPACT ANALYSIS

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-2 (General Commercial District) zoning is consistent with the Commercial FLUM designation and the following Comprehensive Plan provisions:

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

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

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

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

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

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

SITE DATA

Existing Use	Bar and Tavern
Adjacent Zoning	N: C-1 (Retail Commercial District) (1960)
	E: C-1 (Retail Commercial District) (1960)
	W: C-1 (Retail Commercial District) (2005)
	S: C-1 (Retail Commercial District) (1960)
Adjacent Land Uses	N: Multi-tenant Warehouse
	E: Child Care Center
	W: Undeveloped Land
	S: Martial Arts School

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:	
<i>Front:</i>	25 ft.
<i>Rear:</i>	15 ft. (20 ft. when abutting residential)
<i>Side:</i>	5 ft. (25 ft. when abutting residential)

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

Permitted Uses

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

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

garages; outdoor storage and display of equipment, products, and merchandise; landscaping and irrigation businesses; commercial kennels; caterers; etc.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 907 N. Goldenrod Road, or generally on the east side of N. Goldenrod Road, north of Valencia College Lane, and south of Timber River Circle. There are several scattered, small-scale commercial buildings located along the east side of N Goldenrod Road. To the north of the subject property, across the partially improved right-of-way that was dedicated to the county in 1963, two 12,960 square foot multi-tenant warehouses are currently proceeding through commercial permitting. Located on the two parcels to the south of the subject property is the Wah Lum Kung Fu & Tai Chi school and museum. The parcel to the east, which is accessed from Valencia College Lane, is a child care facility. On the east of the child care center is the Colonial 9th Grade Center. In 2005, the parcel to the west, across N. Goldenrod Avenue was rezoned from R-3 (Multiple-Family Dwelling District) to C-1 (Retail Commercial District) for an unspecified commercial use, and is currently undeveloped.

The subject property has been developed with the existing structure since 1964 and operated as Betty's Laughing Horse Tavern from 2004 until closing in July 2018. The applicant has recently purchased the subject property and, through this rezoning, intends to develop the property for an auto sales use.

Comprehensive Plan (CP) Amendment

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

State of Florida Notice

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

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Environmental

The Environmental Protection Division reviewed this request, but did not provide any objections or comments.

Transportation / Access

This project is located within the Orange County Alternative Mobility Area and is exempt from concurrency requirements. Based on the most recent LYNX System Map, there is no transit service available within a quarter mile walk distance. The sidewalks in the area are complete however, there is no signed bicycle route.

Code Enforcement

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

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>	
Water:	Orange County Utilities	A 16-inch watermain is located within the Goldenrod Road right-of-way.
Wastewater:	Orange County Utilities	An 8-inch gravity sewer is located within the Goldenrod Road right-of-way.
Reclaim Water:	Orange County Utilities	Not currently available.

Schools

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

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (September 20, 2018)

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

ALTERNATIVE ACTION:

Make a finding of consistency with the Comprehensive Plan APPROVE the requested C-2 (General Commercial District) zoning, subject to the following restrictions:

Restrictions

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-2 uses.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

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

Staff indicated that two ninety-two (92) notices were mailed to the surrounding property owners within a buffer extending 500 feet from the subject property, with zero (0) commentaries received in favor and one (1) in opposition. The applicant was present and agreed with the staff recommendation. There were no members of the public present to speak on this request.

After a brief discussion regarding the intrusion of C-2 uses into the residential neighborhood, a motion was made by Commissioner Demostene to find the request to be inconsistent with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning. Commissioner Gusler seconded the motion, which carried on an 8-1 vote.

Motion / Second

Tina Demostene / William Gusler

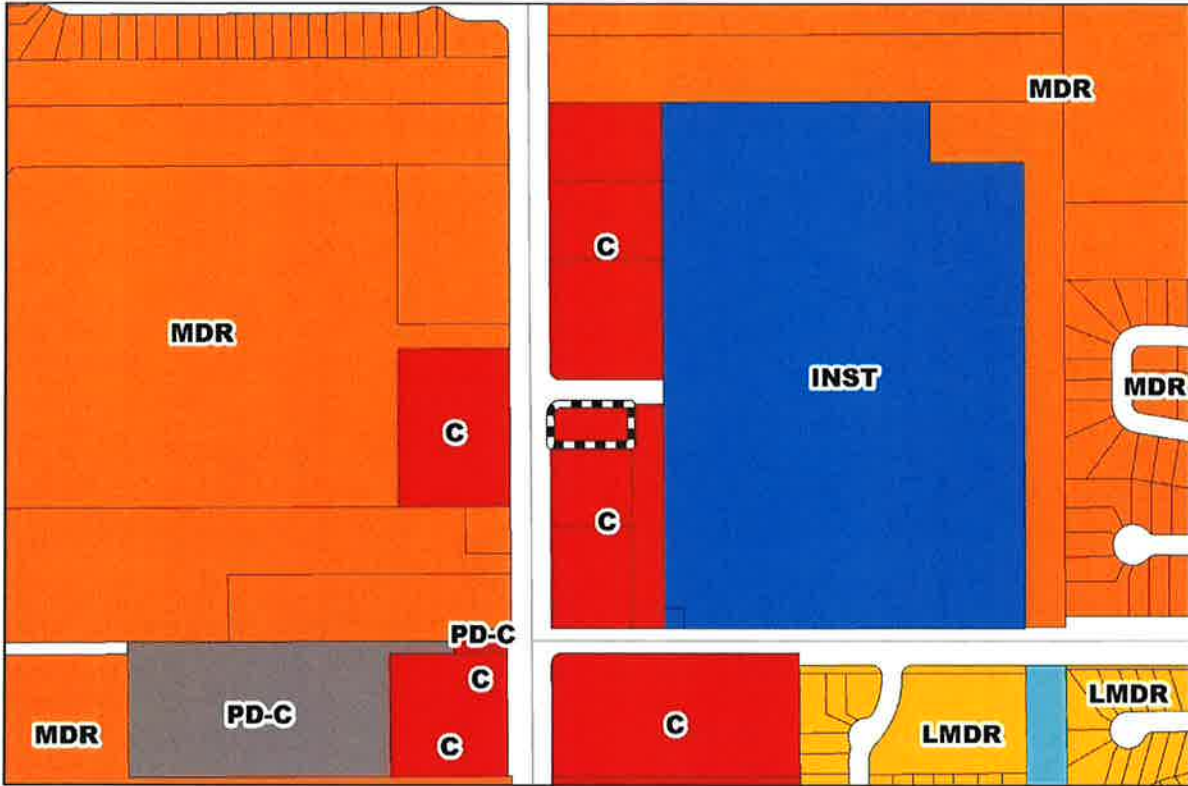
Voting in Favor

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

Voting In Opposition

Gordon Spears

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Subject Property



Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Audee Sneek

LOCATION: 907 N. Goldenrod Rd., or generally on the east side of N. Goldenrod Rd., north of Valencia College Ln., and south of Timber River Cir.

TRACT SIZE: 0.456-gross acre

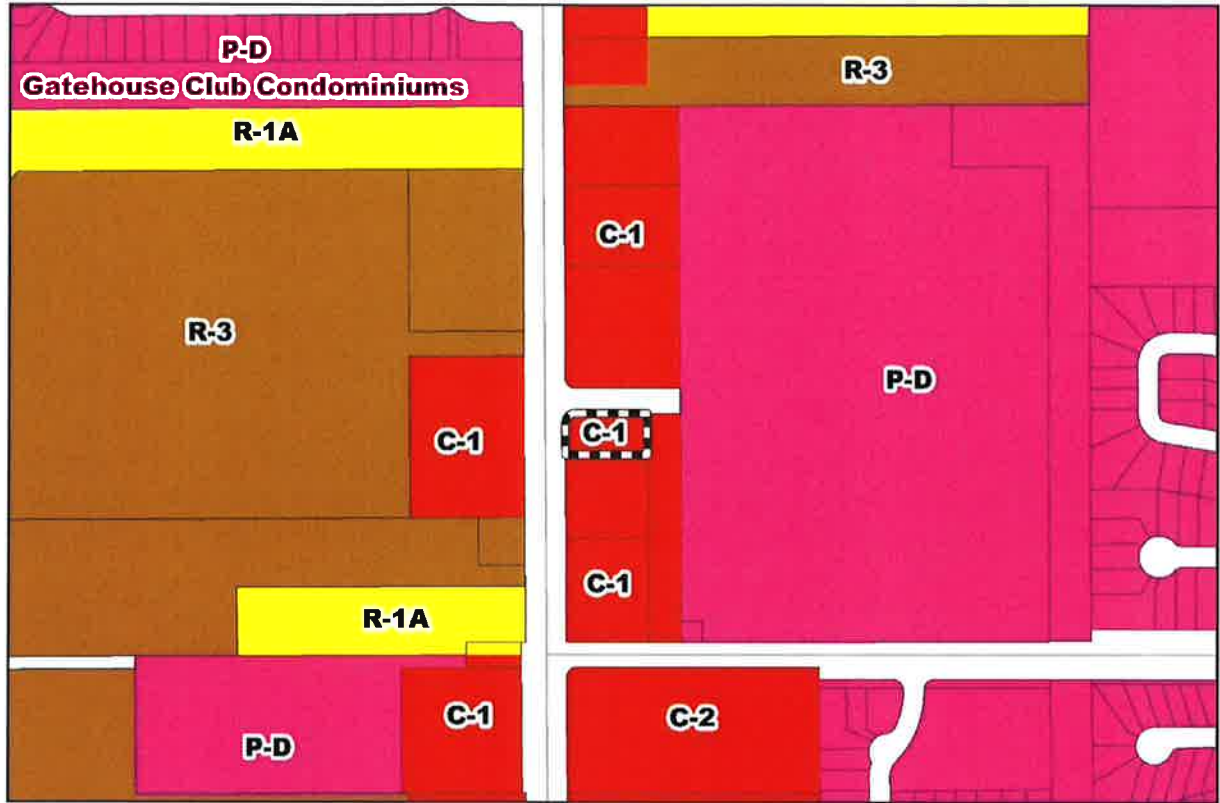
DISTRICT: # 3

S/T/R: 23/22/30

1 inch = 375 feet



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Subject Property



Subject Property

Zoning Map

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

APPLICANT: Audee Sneek

LOCATION: 907 N. Goldenrod Rd., or generally on the east side of N. Goldenrod Rd., north of Valencia College Ln., and south of Timber River Cir.

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1 inch = 375 feet



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 Subject Property



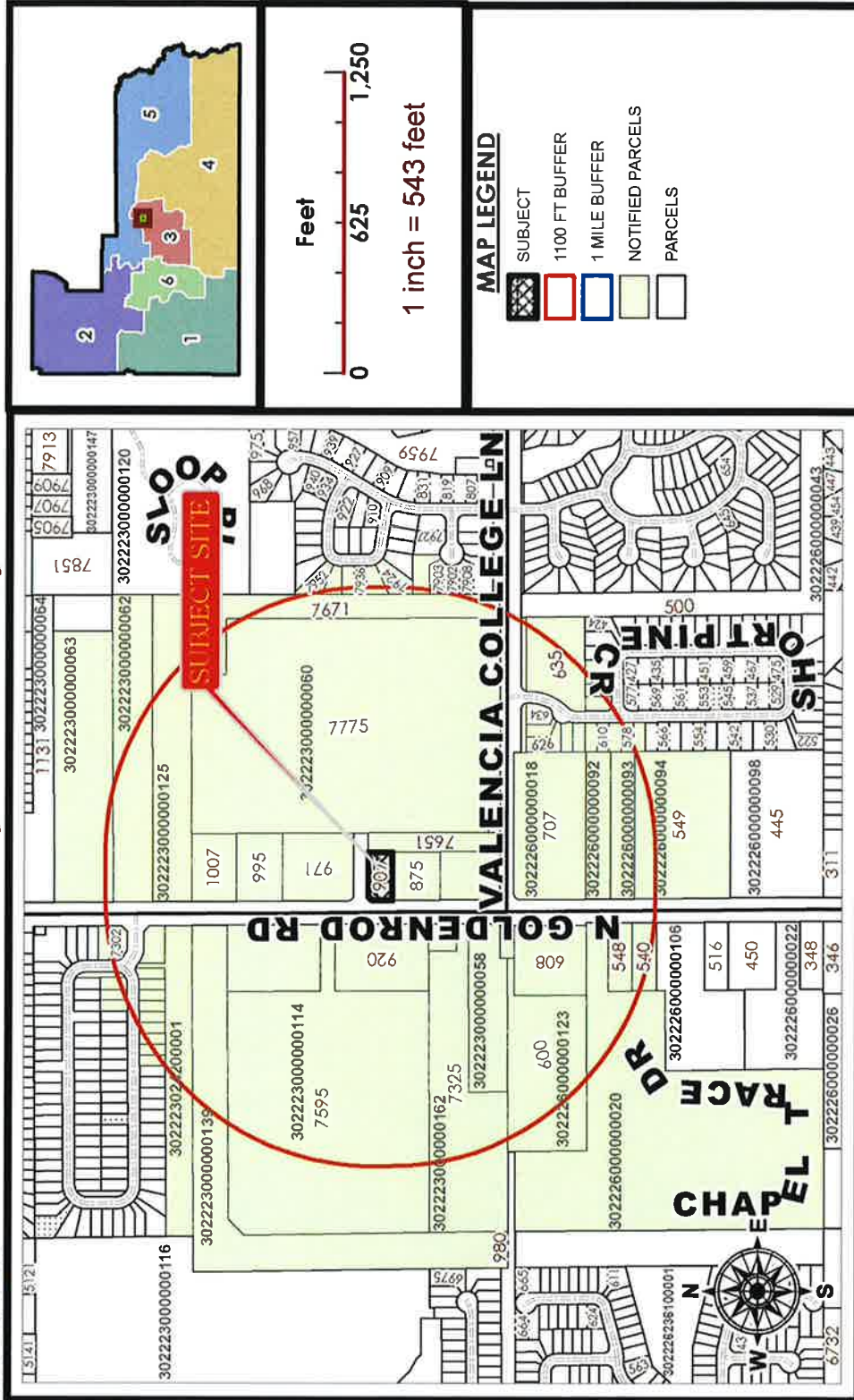
1 inch = 225 feet



Public Notification Map

RZ-18-09-044
 500FT BUFFER, 92 NOTICES

Notification Map



1 inch = 543 feet

MAP LEGEND

- SUBJECT
- 1100 FT BUFFER
- 1 MILE BUFFER
- NOTIFIED PARCELS
- PARCELS

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