



Interoffice Memorandum

DATE: September 6, 2022

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

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

FROM: Alberto A. Vargas, MArch., Manager, Planning Division

SUBJECT: Adoption Public Hearing – September 27, 2022, Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request
Applicant: Joseph B. Bricklmyer, P.A.
SS-22-06-058 and RZ-22-06-059

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment** scheduled for a Board adoption public hearing on September 27, 2022. The subject properties totaling 1.04 gross acres are located at 15 Quintard Avenue and 5225 Old Winter Garden Road, or generally north of Old Winter Garden Road and east of Quintard Avenue. The request is to change the Future Land Use map designation from Low Density Residential (LDR) to Commercial (C) on the 0.14 gross acre property and change the zoning for both properties from R-1A (Single-Family Dwelling District) to C-2 Restricted (General Commercial District) subject to five restrictions. The applicant is requesting to allow for auto sales.

A virtual community meeting was held on June 20, 2022. In addition to attendance by Commissioner Siplin and staff, two members of the public attended the meeting. There were concerns with the compatibility with adjacent residential to the north, access to Quintard and providing adequate buffering. Also of concern was that the land use change could open up the property to more C-2 uses adjacent to residential.

The adoption public hearing for Small-Scale Development Amendment SS-22-06-058 (and concurrent rezoning RZ-22-06-059) was conducted before the Planning and Zoning Commission / Local Planning Agency on August 18, 2022, where the request was recommended for approval, subject to five restrictions.

If the Board adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for this amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, Manager, Planning Division, at 407-836-5802 or Alberto.Vargas@ocfl.net, or Jason Sorensen, AICP, Chief Planner, Current Planning Section, at 407-836-5602 or Jason.Sorensen@ocfl.net.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and adopt the Commercial (C) Future Land Use map designation, approve the associated ordinance, and approve the C-2 Restricted (General Commercial District) zoning, subject to five restrictions listed under the PZC Recommendation in the Staff Report.
District 6**

JWW/AAV/jhs

c: Christopher R. Testerman, AICP, Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Nik Thalmueller, AICP, Planning Administrator, Planning Division

Rezoning and Small-Scale Amendment Staff Report
Orange County Planning Division
BCC Hearing Date: September 27, 2022

CASE # SS-22-06-058

RZ-22-06-059

Commission District: #6

GENERAL INFORMATION

APPLICANT	Joseph B. Bricklemyer; Joseph B. Bricklemyer Law, P.A.
OWNERS	Interstate Auto Center LLC
HEARING TYPE	Small-Scale Future Land Use Map (FLUM) Amendment / Rezoning
FLUM REQUEST	Low Density Residential (LDR) to Commercial (C)
ZONING REQUEST	R-1A (Single-Family Dwelling District) to C-2 Restricted (General Commercial District)
LOCATION	15 Quintard Avenue and 5225 Old Winter Garden Road; generally located on the east side of Quintard Avenue, north of Old Winter Garden Road, and west of Wilmer Avenue
PARCEL ID NUMBER	30-22-29-2752-05-020 (FLUM Amendment) 30-22-29-2752-05-020 and 30-22-29-2752-06-030 (REZONING)
TRACT SIZE	0.14 gross acre (FLUM Amendment) 1.04 gross acres (Rezoning)
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 sixty-four (164) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A Virtual Community Meeting was held on June 20, 2022 and is summarized further in this report.
PROPOSED USE	The applicant is proposing to change the future land use designation to Commercial in order to use the existing residential structure as an office for the adjacent Interstate Auto Center.

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use.

Rezoning

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 restrictions:

1. The use of the property shall be limited to C-1 (Retail Commercial District) uses and the C-2 use of auto sales;
2. A Type B landscape buffer shall be provided along the northern property line;
3. Access to Quintard Avenue shall be prohibited;
4. A unified Development Plan shall be required; and
5. New billboards and pole signs shall be prohibited.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use of the 0.14-acre subject property from **Low Density Residential (LDR)** to **Commercial (C)** and to rezone from **R-1A (Single-Family Dwelling District)** to **C-2 Restricted (General Commercial District)** in order to allow the use of the existing residential structure as an office for the adjacent Interstate Auto Center. The proposed Commercial (C) future land use designation would allow a Floor Area Ratio (FAR) of 1.5 or up to an additional 9,147 square feet of commercial uses.

The property that is requested to change from LDR to C Future Land Use is one lot, and has an existing single family dwelling of 1,092 square feet on the site. The immediate area is developed with single-family residences to the north and to the west, the vacant commercial site of the Interstate Auto Center to the south and east, and commercial uses south of the subject property on Old Winter Garden Road. The rezoning application includes the adjacent Interstate Auto Center 0.90-acre parcel for a total of 1.04 acres to allow the aggregation of the two parcels and to ensure the zoning restrictions are applied to the unified development plan for the Interstate Auto Center.

Existing FLUM

Today the subject property has a Future Land Use Designation (FLUM) of Low Density Residential (LDR) which allows up to 4 single family dwellings per acre. Based on the substandard size of the parcel (less than 0.25 acres) and the policy of the County which allows a single-family residence per lot of record, the subject property is entitled to a single family residence. This is consistent with what exists on the property now.

Proposed FLUM

The proposed C-2 zoning with the Future Land Use Map designation of Commercial will allow the applicant to consolidate the lot with the adjacent Interstate Auto Center property and use the residential structure as an office for the Interstate Auto Center.

Land Use Compatibility

The Commercial Future Land Use and C-2 zoning with the recommended restrictions would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

As mentioned previously, the underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR), which is consistent with the R-1A (Single-Family Dwelling District) zoning. However, the proposed C-2 (General Commercial District) zoning is consistent with the proposed Commercial (C) FLUM designation. Restrictions are proposed with the rezoning to ensure compatibility with adjacent residential and will include a requirement for a Unified Development Plan to consolidate the lot, development program, access and other design requirements with the adjacent Interstate Auto Center.

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.

FLU8.2.11 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.

GOAL N2 states the County's goal to improve public safety in neighborhoods to provide a secure environment for residents.

OBJ N2.1 states the County objective to support Crime Prevention Programs.

Policy N2.1.1 states that the County shall coordinate with the Sheriff's Office for projects in Safe Neighborhood Target Areas.

Policy N2.1.2 states that residents and neighborhood organizations shall be encouraged to participate in the Neighborhood Crime Watch and Citizens on Patrol Programs by publicizing the program through various neighborhood initiatives.

Policy N.2.1.3 states that ongoing public education programs shall be supported for all interested neighborhoods.

Policy N.2.1.4 states that community policing and off duty patrols shall be advocated for high crime areas.

Policy N.2.1.5 states that designated County and Sheriff's Office staff shall meet at least quarterly to explore whether opportunities exist to assist one another through existing programs or procedures.

SITE DATA

Existing Use

Single Family Residence and Vacant Commercial

Adjacent	FLUM	Zoning
North	Low Density Residential (LDR)	R-1A (Single-Family Dwelling District) (10/7/1957)
South	Commercial (C)	C-2 (General Commercial District) and R-1(Single-Family Dwelling District) (10/7/1957), and C-3

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Orange County Planning Division
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		(Wholesale Commercial District) (5/26/1981)
East	Commercial (C)	C-1 (Retail Commercial District) (10/7/1957)
West	Low Density Residential (LDR) and Commercial (C)	R-3 (Multiple-Family Dwelling District) (7/24/1989) and C-3 (Wholesale Commercial District) (5/15/1986)

Adjacent Land Uses N: Vacant Single-Family
 E: Commercial
 W: Single-Family and Commercial
 S: Commercial

C-2 (General Commercial District) Development Standards

Min. Lot Area: 8,000 sq. ft.
 Min. Lot Width: 100 ft. on major streets; 80 ft. on others
 Max. Height: 50 ft.; 35 ft. within 100 ft of residential districts
 Min. Floor Area: 500 ft.

Building Setbacks

Front: 25 ft. except on major streets
 Rear: 15 ft.; 20 ft. when abutting residential district
 Side: 5 ft.; 25 ft. when abutting residential district

Intent, Purpose, and Uses

The intent and purpose of this C-2 general commercial district are as follows: is composed of certain lands and structures used to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district will be encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood.

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

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The applicant is requesting to change ~0.14 acres from LDR to Commercial and rezone from R-1A to C-2 to develop up to 9,147.6 sq. ft. commercial uses.</p> <ul style="list-style-type: none"> • The subject property is not located along a backlogged/constrained facility or multimodal corridor. <p>Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed commercial use at an FAR of 1.5 will result in an increase of 33 pm peak hour trips and therefore the proposal will impact the area roadways.</p> <p>Roadway Capacity Analysis</p> <p>The subject property is located just north of Old Winter Garden Road on the east side of Quintard Avenue. Based on the concurrency management (CMS) database dated 5/24/2022, capacity exists within the project's impact area. This information is dated and subject to change.</p> <p>Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies.</p>
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

***Environmental Division:**

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, Section 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).

Dust Control - No person shall cause, let, suffer, allow, or permit the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities, such as loading, unloading, storing, or handling; without taking reasonable precautions to prevent such emissions including but not limited to application of water, dust suppressants, planting of vegetation, point of activity controls (hoods, filters, etc.) and other measures. Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 89.1 Air Pollution Prohibited, Subsection B

Community Meeting Summary

A Virtual Community Meeting was held on June 20, 2022. In addition to attendance by Commissioner Siplin and staff, two members of the public attended the meeting. There were concerns with the compatibility with adjacent residential to the north, access to Quintard and providing adequate buffering. Also of concern was that the land use change could open up the property to more C-2 uses adjacent to residential. A recommendation was made to limit the C-2 uses that would be permitted on the property to just the auto sales, office and parking for the adjacent Interstate Auto Center.

Utilities

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

Wastewater: This property is within Orange County Utilities Wastewater and Reclaimed Water Service Areas. 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: This property is within Orange County Utilities Wastewater and Reclaimed Water Service Areas. There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

State of Florida Notice

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

shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (August 18, 2022)

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Future Land Use.

Rezoning

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 restrictions:

1. The use of the property shall be limited to C-1 (Retail Commercial District) uses and the C-2 use of auto sales;
2. A Type B landscape buffer shall be provided along the northern property line;
3. Access to Quintard Avenue shall be prohibited;
4. A unified Development Plan shall be required; and
5. 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 both applications for the requested Commercial (C) Future Land Use map designation, and the C-2 Restricted (General Commercial District) zoning subject to five restrictions. The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred sixty-four (164) notices were mailed to those property owners in the mailing area extending beyond 700 feet surrounding the property. During public comments one (1) member of the public was present to speak in opposition to the request stating concerns for how the applicant has maintained another property elsewhere as well as concerns for the commercial use on the subject property.

After a brief discussion, a motion was made on the Future Land Use Map Amendment and Rezoning by Commissioner Wade, and seconded by Commissioner Sorbo to recommend ADOPTION of the requested Commercial (C) Future Land Use Map designation and APPROVAL of the C-2 Restricted (General Commercial District) zoning subject to five (5) restrictions. The motion carried on a 7-0 vote.

Motion / Second

Jaja Wade / Trevor Sorbo

Voting in Favor

Jaja Wade, Mohammed Abdallah, Walter Pavon, Nelson Pena, Evelyn Cardenas, George Wiggins, and Trevor Sorbo

Voting in Opposition

None

Absent

Gordon Spears and Eddie Fernandez

AERIAL



FUTURE LAND USE - CURRENT
Low Density Residential (LDR)

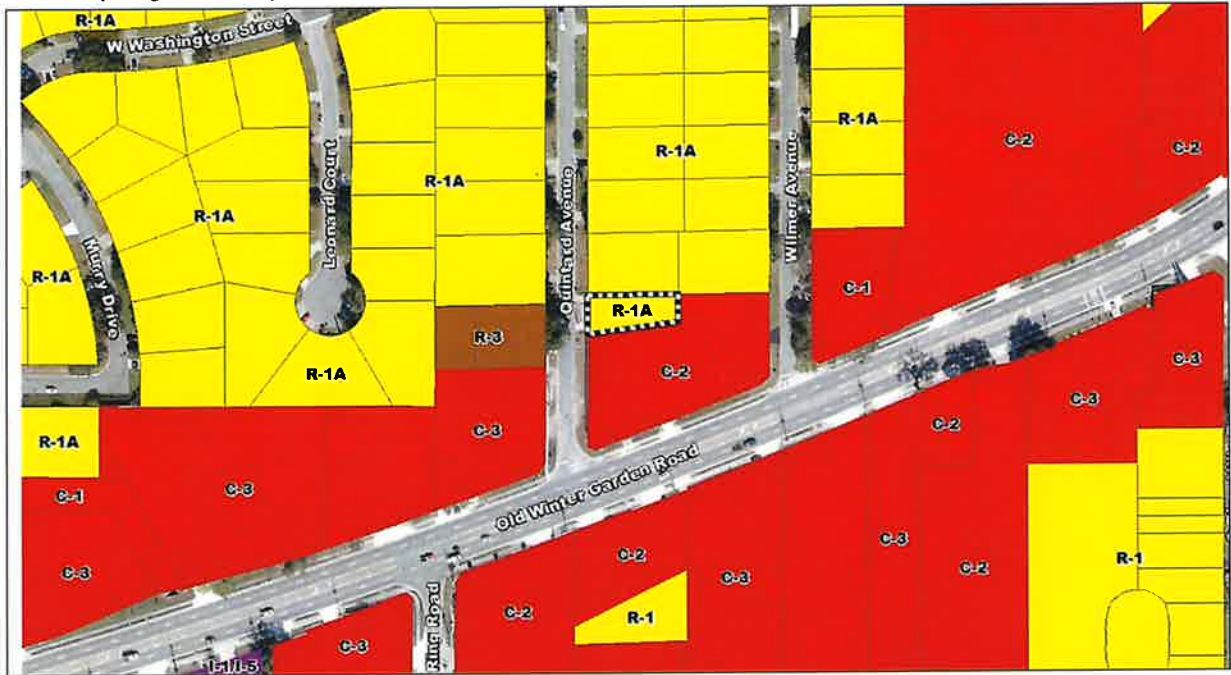


FUTURE LAND USE - PROPOSED
Commercial (C)



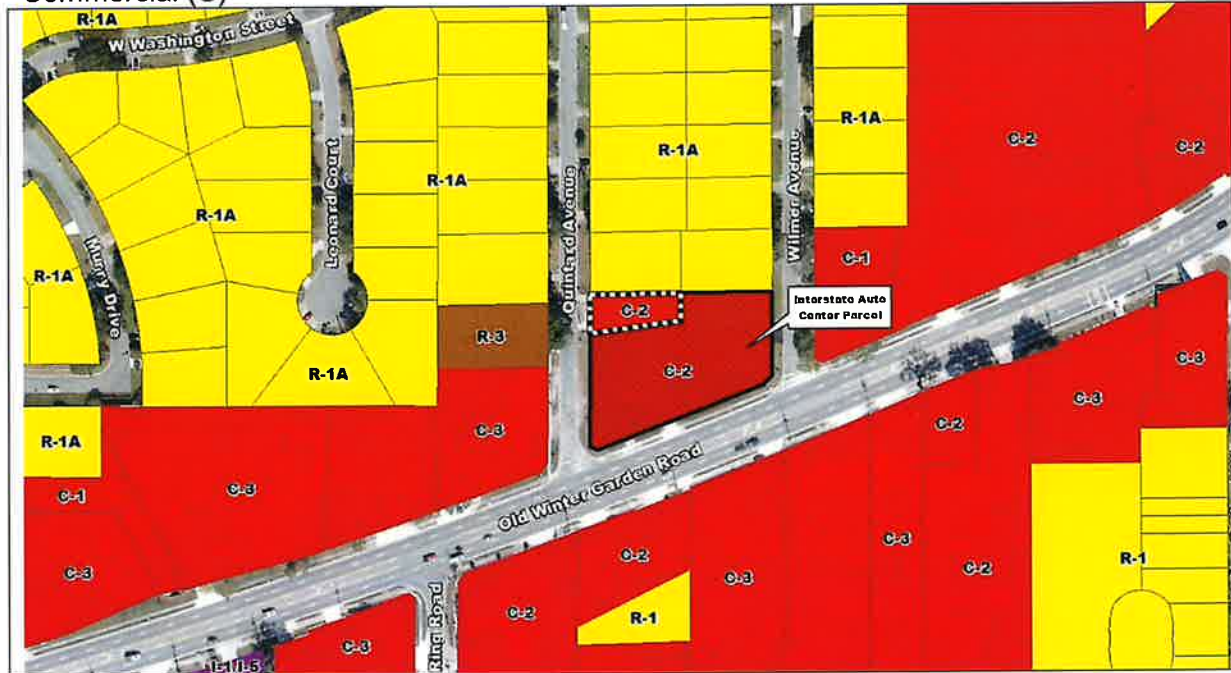
ZONING – CURRENT

R-1A (Single-Family Dwelling District)



ZONING – PROPOSED

Commercial (C)



**Small Scale Amendment # SS-22-06-058
Rezoning Case # RZ-22-06-059
Orange County Planning Division
BCC Hearing Date: September 27, 2022**



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

*Chairman:
Nelson Pena
At-Large*

*Vice-Chairman:
Trevor Sorbo
District 1*

*Commissioners:
George Wiggins
District 2*

*Eddie Fernandez
District 3*

*Walter Pavon
District 4*

*J. Gordon Spears
District 5*

*JaJa Wade
District 6*

*Mohammed Abdallah
At-Large*

*Evelyn Cardenas
At-Large*

DATE: September 8, 2022

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

FROM: Nelson Pena, Chairman

SUBJECT: Case SS-22-06-058 / RZ-22-06-059 PZC/LPA Hearing Summary

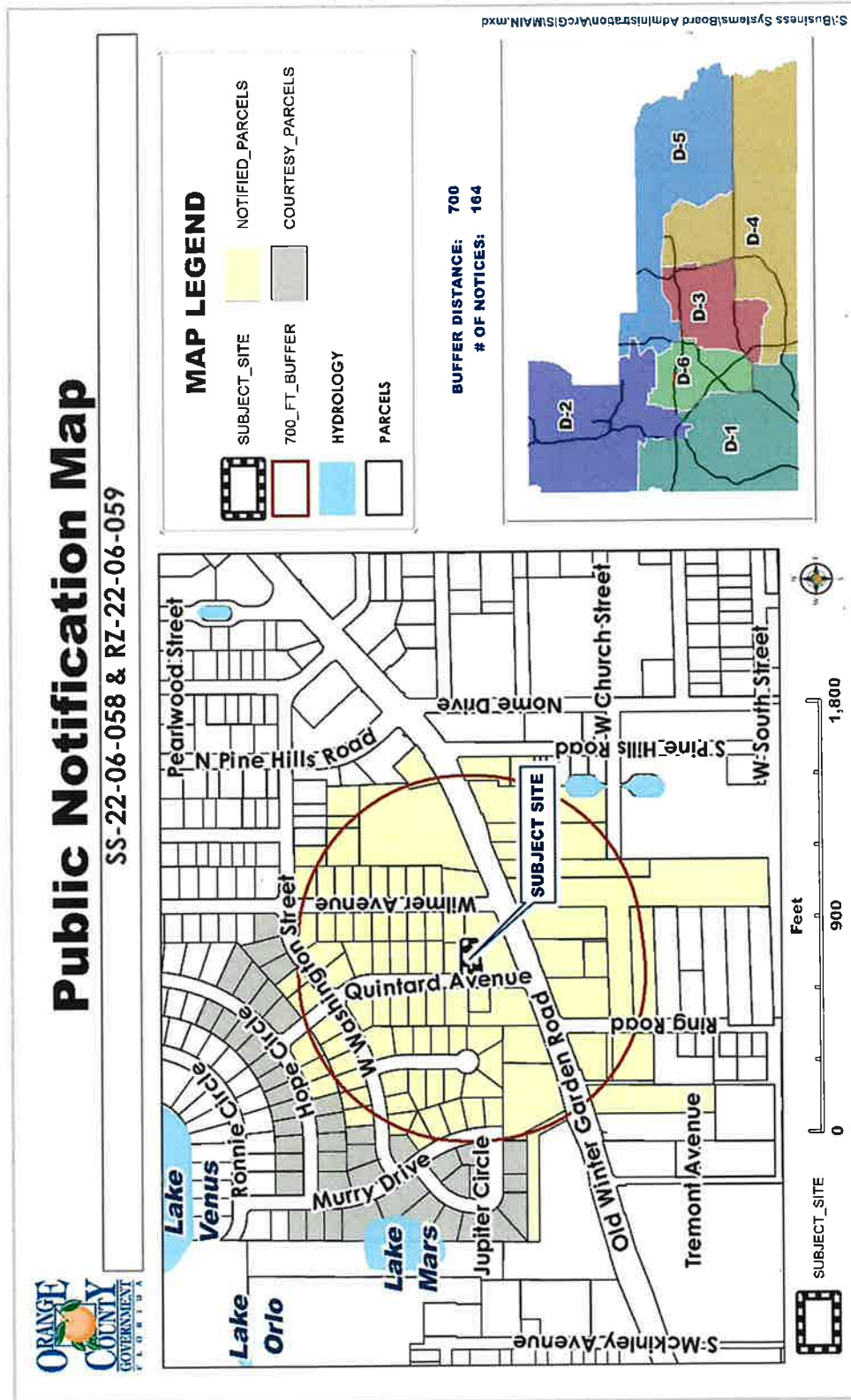
At the August 18, 2022 Planning and Zoning Commission / Local Planning Agency (Commission) hearing, the applicant's request to change the Future Land Use Map designation for Case SS-22-06-058 from Low Density Residential to Commercial and to rezone the subject property for Case RZ-22-06-059 from R-1A to C-2 Restricted was reviewed.

The applicant was present for the hearing and agreed to staff's recommendation for approval. During public comments one (1) member of the public was present to speak in opposition to the request stating concerns for how the applicant has maintained another property elsewhere as well as concerns for the commercial use on the subject property.

After a brief discussion regarding the resident's concerns of maintenance to which the applicant clarified that the trailer that is on-site due to the previous owner, a motion was made by Commissioner Wade, and seconded by Commissioner Sorbo, to recommend APPROVAL of the requested Commercial Future Land Use and C-2 Restricted (General Commercial District) zoning, subject to five restrictions. The motion carried on a 7 to 0 vote.

NP/JHS

NOTIFICATION MAP



ORDINANCE NO. 2022-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE
PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING
THE ORANGE COUNTY COMPREHENSIVE PLAN,
COMMONLY KNOWN AS THE "2010-2030
COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING
A SMALL SCALE DEVELOPMENT AMENDMENT
PURSUANT TO SECTION 163.3187, FLORIDA STATUTES;
AND PROVIDING EFFECTIVE DATES.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ORANGE COUNTY:

Section 1. Legislative Findings, Purpose, and Intent.

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for
a local government in the State of Florida to adopt a comprehensive plan and amendments to a
comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of
Part II of Chapter 163, Florida Statutes, for amending Orange County's 2010-2030 Comprehensive
Plan; and

c. On September 27, 2022, the Board held a public hearing on the adoption of the
proposed amendment, as described in this ordinance, and decided to adopt it.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to
Part II of Chapter 163, Florida Statutes.

Section 3. Amendments to Future Land Use Map. The Comprehensive Plan is
hereby amended by amending the Future Land Use Map designation as described at **Appendix**
"A," attached hereto and incorporated herein.

* * *

Section 4. Effective Dates for Ordinance and Amendments.

(a) This ordinance shall become effective as provided by general law.

(b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small-scale development amendment adopted in this ordinance may not become effective until 31 days after adoption. However, if the amendment is challenged within 30 days after adoption, the amendment that is challenged may not become effective until the Department of Economic Opportunity or the Administration Commission issues a final order determining that the adopted amendment is in compliance.

(c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning changes approved by the Board are contingent upon the related Comprehensive Plan amendment becoming effective. Aside from any such concurrent zoning changes, no development orders, development permits, or land uses dependent on any of these amendments may be issued or commence before the amendments have become effective.

ADOPTED THIS 27th DAY OF SEPTEMBER, 2022.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk to the Board of County Commissioners

By: _____
Deputy Clerk

APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-22-06-058	Low Density Residential (LDR)	Commercial (C)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		