



Interoffice Memorandum

DATE: December 29, 2022

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

FROM: Tim Boldig, Interim Director
Planning, Environmental and Development
Services Department

CONTACT PERSON: **Jason H. Sorensen, AICP**
Chief Planner
Orange County Planning Division
(407) 836-5602

SUBJECT: January 24, 2023 – Public Hearing
Planning and Zoning Commission: Board-Called Rezoning
Applicant: Mark Shukwit
Case # RZ-22-10-106

This is a Board-called rezoning hearing in which the applicant is seeking to rezone 1.22 acres from C-2 (General Commercial District) and C-1 (Retail Commercial District) to C-2 Restricted (General Commercial District) in order to allow for vehicle storage and parking at the subject property located at 7210 Edgewater Drive which is generally located on the southwest corner of Edgewater Drive and Mott Avenue.

On October 20, 2022, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to six restrictions. A community meeting was not required for this application.

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 consistency with the Comprehensive Plan (CP) and approve the requested C-2 Restricted (General Commercial District) zoning subject to the restrictions listed under the PZC Recommendation in the Staff Report. District 2

Attachments
TB/JHS

GENERAL INFORMATION

APPLICANT: Mark Shukwit

OWNER: 7210 Edgewater Dr, LLC

HEARING TYPE: Board-Called Rezoning

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

LOCATION: 7210 Edgewater Dr; generally located on the southwest corner of Edgewater Drive and Mott Avenue.

PARCEL ID NUMBER: 32-21-29-0000-00-069

SIZE/ ACREAGE: 1.22 gross acres

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 forty-one (141) notices were mailed to those property owners in the surrounding area.

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

PROPOSED USE: Vehicle storage and parking

STAFF RECOMMENDATION

PLANNING

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) New billboards and pole signs shall be prohibited;
- 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 non-residential uses;

- 3) Vehicular access and exit shall be the minimum required for ingress and egress and only permitted from Mott Avenue. Vehicular access from Edgewater Drive shall be prohibited except as needed for emergency vehicles;
- 4) A six (6) foot fence shall be constructed along the southern property line;
- 5) Parking and storage of vehicles shall be on-site only. Parking and storage of vehicles off-site shall be prohibited; and
- 6) Uses shall be limited to C-1 uses, plus the C-2 use of vehicle parking and storage. Material and equipment storage shall be prohibited.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the eastern part of subject property from C-1 (Retail Commercial District) to C-2 (General Commercial District) to allow for vehicle storage and parking.

The subject property is split zoned with the C-2 and C-1 zoning districts and is currently used for car sales and storage. The C-1 zoning portion does not allow for vehicle storage and parking. Currently, there are several code violations: all parking not being maintained on the parcel, tow truck unloading vehicles on sidewalk, site development without permit/RV storage (office trailer). The proposed restrictions intend to fix most of these violations.

The area surrounding the subject property is characterized by commercial activity. The Edgewater Drive corridor is developed with a mixture of commercial properties of varying intensities as well as single-family residential neighborhoods.

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.

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

Parcel ID: 32-21-29-0000-00-069

Incident #: 601641 / Case #: SM-2022-461851Z

Inspector: Jose Ortiz

Description: Site development without permit/RV storage(office trailer), all parking not being maintained on their parcel, tow truck unloading vehicles on sidewalk.

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, 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 Vehicle storage and parking

Adjacent Zoning N: C-2 (General Commercial District) (1987)

 E: C-2 (General Commercial District) (1981)

 W: C-3 (Wholesale Commercial District) (1994)

 S: C-3 (Wholesale Commercial District) (1981)

Restricted to a 50-ft. setback on East property line and on South property line of Lot 5

Adjacent Land Uses N: Plumbing Service

 E: Automobile sales

 W: Office

 S: Rail road

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)

** 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 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.

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 09/14/2022, capacity exists within the project's impact area. A Capacity Encumbrance Letter (CEL) application will be required prior to permit approval and a traffic study may be required prior to building permit approval.

Schools

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

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 – (October 20, 2022)

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. New billboards and pole signs shall be prohibited;
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 non-residential uses;
3. Vehicular access and exit shall be the minimum required for ingress and egress and only permitted from Mott Avenue. Vehicular access from Edgewater Drive shall be prohibited except as needed for emergency vehicles;
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6. Uses shall be limited to C-1 uses, plus the C-2 use of vehicle parking and storage. Material and equipment storage 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-2 Restricted (General Commercial District) zoning. The applicant was present and agreed with the staff recommendation. Zero members of the public appeared during the public comment portion of the hearing.

Staff indicated that one hundred and forty-one (141) 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 Abdallah to recommend APPROVAL of the requested C-2 Restricted (General Commercial District) zoning subject to six restrictions. The motion carried unanimously.

Motion / Second

George Wiggins / Mohammed Abdallah

Voting in Favor

George Wiggins, Trevor Sorbo, Mohammed Abdallah, Gordon Spears, Nelson Pena, JaJa Wade, and Evelyn Cardenas

Voting in Opposition

None

Absent

Walter Pavon and Eddie Fernandez

RZ-22-10-106



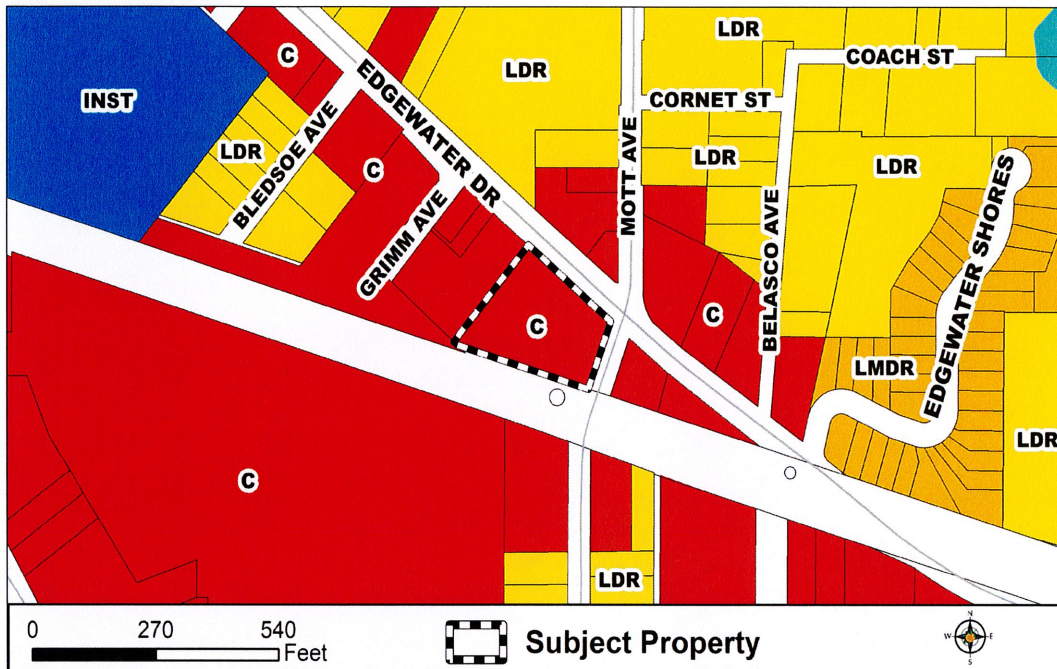
 Subject Property



1 inch = 167 feet

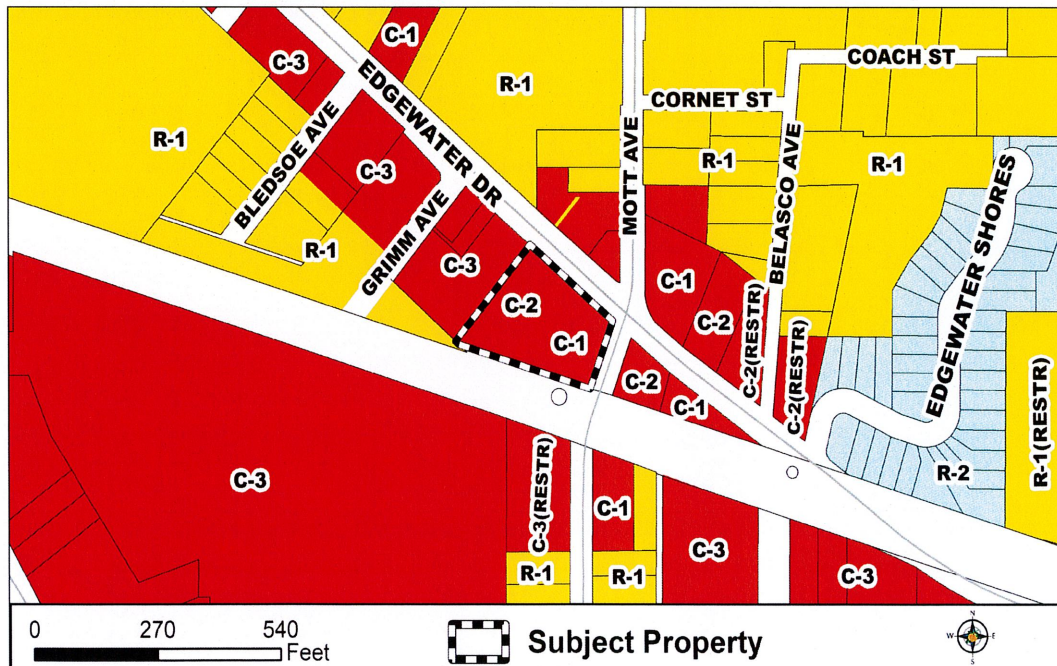
FUTURE LAND USE – CURRENT

C (Commercial)

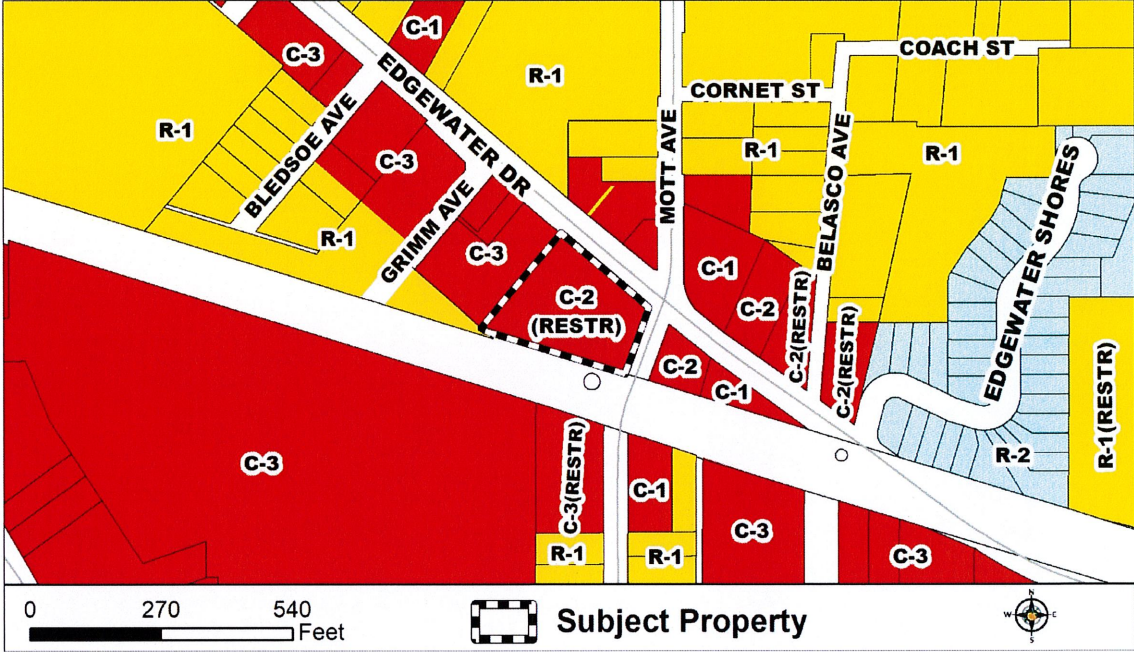


ZONING – CURRENT

C-2 (General Commercial District) and C-1 (Retail Commercial District)



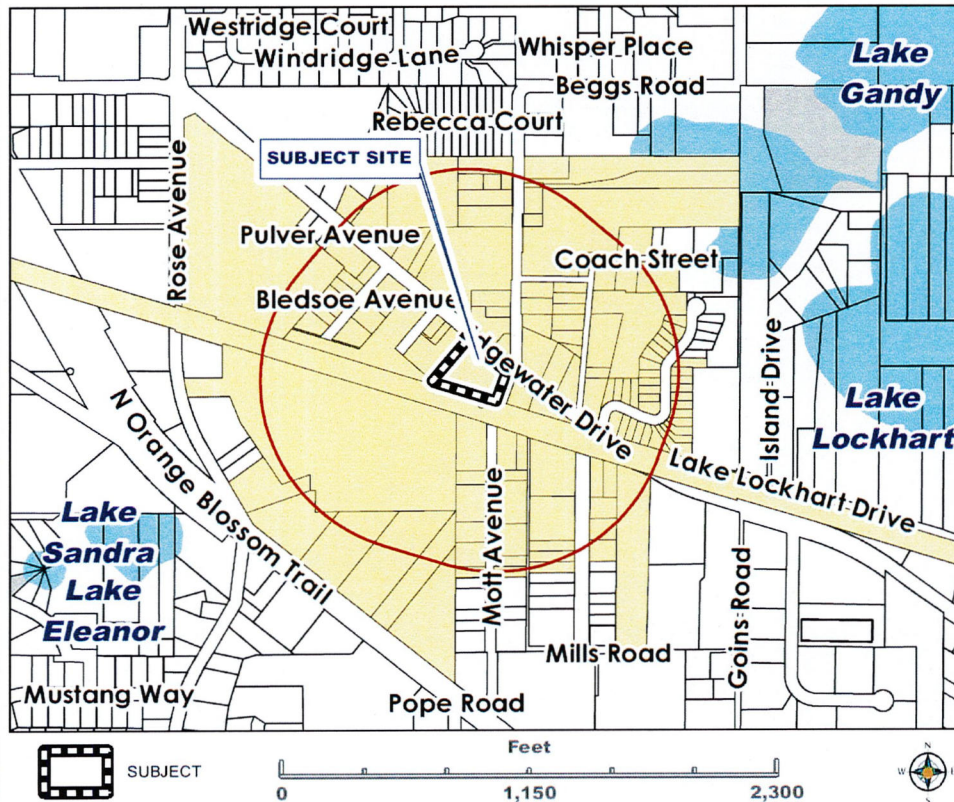
ZONING – PROPOSED
C-2 Restricted (General Commercial District)





Public Notification Map

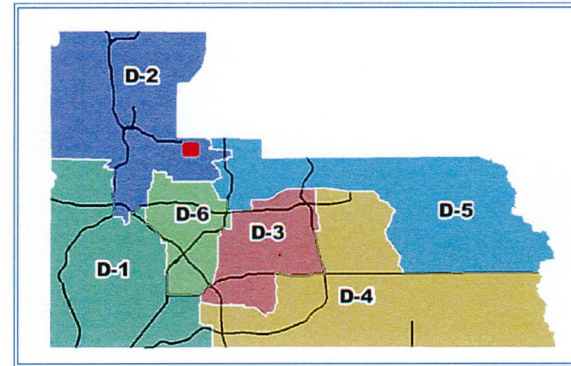
RZ-22-10-106



MAP LEGEND



BUFFER DISTANCE: -
OF NOTICES: -



NOTIFICATION MAP

Rezoning Staff Report
Case # RZ-22-10-106
BCC Hearing Date: January 24, 2023