




Interoffice Memorandum

DATE: December 29, 2022

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

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

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

SUBJECT: Appeal Public Hearing – January 24, 2023, Small-Scale Future Land Use
Map Amendment and Concurrent Rezoning Request
Applicant: Alison Yurko
Appellant: Maria Hamilton
SS-22-04-030 and RZ-22-04-031

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 January 24, 2023.

The subject property is located at 8236 Conroy Windermere Road in the West Windermere Rural Settlement. The request is to change the Future Land Use Map designation from Rural Settlement 1/1 (RS 1/1) to Office (O) Rural Settlement (RS); and, to change the zoning from R-CE (Country Estate District) to P-O Restricted (Professional Office District) in order to allow for a vet clinic without outdoor runs.

Two community meetings were held for this request on August 11, 2022, with 33 residents in attendance and November 1, 2022, with 24 residents in attendance. The residents were unanimous in their opposition to the request stating concerns for noise, compatibility, and access.

The adoption public hearing for Small-Scale Development Amendment SS-22-04-030 (and concurrent rezoning RZ-22-04-031) was conducted before the Planning and Zoning Commission / Local Planning Agency on November 17, 2022. An appeal to the PZC/LPA decision was received by Maria Hamilton.

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, MArch, 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 Office (O) Rural Settlement (RS) Future Land Use map designation, approve the associated ordinance, and approve the P-O Restricted (Professional Office District) zoning subject to six restrictions as listed under PZC Recommendation in the staff report. District 1**

TB/JHS

c: 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: January 24, 2023

CASE # SS-22-04-030
RZ-22-04-031

Commission District: #1

GENERAL INFORMATION

APPLICANT	Alison Yurko
OWNER	Jasbir Kaur and Dr. Inderjit Singh
HEARING TYPE	Small-Scale Future Land Use Map (FLUM) Amendment / Rezoning
FLUM REQUEST	Rural Settlement 1/1 (RS 1/1) to Office (O) Rural Settlement (RS)
ZONING REQUEST	R-CE (Country Estate District) to P-O Restricted (Professional Office District)
LOCATION	8236 Conroy Windermere Road, generally located on the south side of Conroy Windermere Road, and west of Cleveland Avenue.
PARCEL ID NUMBER	15-23-28-9340-01-030; 15-23-28-9340-01-010
TRACT SIZE	1.54 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]. Two hundred (200) notices were mailed to property owners and residents in the mailing area.
COMMUNITY MEETING	Two community meetings were held on August 11, 2022, and November 1, 2022, and are further summarized in the report.
PROPOSED USE	P-O use including a Veterinary Clinic without outdoor runs.

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of inconsistency with the Comprehensive Plan and recommend DO NOT ADOPT of the requested Office (O) Rural Settlement (RS) Future Land Use.

Rezoning

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested P-O Restricted (Professional Office District) zoning.

ALTERNATIVE RECOMMENDATION

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Office (O) Rural Settlement (RS) Future Land Use.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested P-O Restricted (Professional Office District) zoning, subject to the following restrictions:

1. Outdoor animal runs shall be prohibited;
2. There shall be no animal containment facilities not located within an enclosed structure;
3. A Type D landscape buffer shall be provided along the southern property boundary;
4. A six (6) foot tall masonry wall shall be constructed along the western, southern, and eastern property boundaries;
5. Vehicular access to Cleveland Avenue and Edmondson Lane shall be prohibited;
6. Development shall be limited to a Floor Area Ratio (FAR) of 0.15; and
7. 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 Map (FLUM) designation of the 1.54-acre subject property from Rural Settlement 1/1 (RS 1/1) to Office (O) Rural Settlement (RS), and to rezone from R-CE (Country Estate District) to P-O Restricted (Professional Office District), in order to construct a veterinary clinic.

The subject property is undeveloped and comprised of two parcels located on the south side of Conroy Windermere Road in the West Windermere Rural Settlement. The subject property is surrounded by single-family residences to the north across Conroy Windermere Road, to the east across Cleveland Avenue and to the south, and bounded to the west by a County owned parcel used for stormwater retention. Additionally, one of the two property owners for the subject property owns the 0.73-acre vacant parcel to the immediate south, providing additional buffering to the subject property.

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

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uses that will support existing residential uses shall be permitted in Rural Settlements. The subject site is not located at an intersection and is surrounded by single-family homes. Although it is located on a four lane road, a veterinary clinic would be out of character with the surrounding area and therefore staff is recommending denial, however alternative recommendations are provided with restrictions.

Existing FLUM Development Program

The existing development program would allow for up to one single-family residence, consistent with the RS 1/1 Future Land Use Map designation.

Proposed FLUM Development Program

The FLUM designation of Office (O) and the proposed zoning of P-O Restricted will allow the applicant to construct a veterinary clinic.

Land Use Compatibility

The Office FLUM designation and P-O Restricted zoning would allow for a neighborhood commercial use that will serve the residents of the rural area and not primarily attract "pass-by" trips. However, the proposed use is inconsistent with the character of the surrounding area, and would adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	West Windermere Rural Settlement
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 FLUM designation of the subject property is Rural Settlement 1/1 (RS 1/1), which is consistent with the R-CE zoning. The proposed P-O Restricted zoning is consistent with the proposed Office (O) Rural Settlement (RS) FLUM designation. However, the proposed request is 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.

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.

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

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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

Vacant parcels

Adjacent	FLUM	Zoning
North	Rural Settlement 1/1 (RS 1/1) (1991)	R-CE (Country Estate District) (1990)
South	Rural Settlement 1/1 (RS 1/1) (1991))	R-CE (Country Estate District) (1968)
East	Low Density Residential (LDR) (1991)	R-1AA (Single-Family Dwelling District) (1985)
West	Rural Settlement 1/1 (RS 1/1) (1991)	R-CE (Country Estate District) (1968)

Adjacent Land Uses

- N: Single-family residences
- E: Single-family residences
- W: Orange County stormwater retention pond
- S: Single-family residences

P-O (Professional Office District) Development Standards

One-Family Dwelling

Min. Lot Area: 10,000 sq. ft.

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Min. Lot Width:	80 ft. on major streets; 60 for all other streets
Max. Height:	35 ft. (within 100 ft. of all residential districts)
Min. Living Area:	500 sq. ft.
Building Setbacks:	
Front:	25 ft.
Rear:	30 ft.
Side:	10 ft. (one/two story buildings)

** 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 purposes of the P-O professional office district is to provide for and encourage development of a wide variety of high quality functional and attractive professional office centers in accordance with adopted county development plans and policies.

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"/>	See comments below.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A traffic study will be needed at concurrency prior to obtaining a building permit.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sheriff's Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Environmental Comments:

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.

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

Community Meeting Summary

Two community meeting were held for this request. The first community meeting was held on August 11, 2022, and was attended by thirty-three (33) residents, and a second community meeting was held on November 1, 2022, and included participation from twenty-four (24) residents. The residents overwhelmingly opposed the proposed veterinary clinic and raised concerns over noise, site access, lightning, and the incompatibility of the proposed use with the surrounding residential neighborhood.

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

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 on this property will be reliant on septic tanks for wastewater disposal.

Reclaimed Water: Development within this property will be required to connect to Orange County Utilities reclaimed water 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 – (November 17, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Office (O) Rural Settlement (RS) Future Land Use and APPROVAL of the requested P-O Restricted (Professional Office District) zoning, subject to the following restrictions:

1. Outdoor animal runs shall be prohibited;
2. There shall be no animal containment facilities not located within an enclosed structure;
3. A Type B landscape buffer including a six (6) foot tall vinyl fence shall be provided along the southern and eastern property boundaries;
4. Vehicular access to Cleveland Avenue and Edmondson Lane shall be prohibited;
5. Development shall be limited to a Floor Area Ratio (FAR) of 0.13; and
6. 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 inconsistency with the Comprehensive Plan and recommend DO NOT ADOPT of the requested Office (O) Rural Settlement (RS) Future Land Use Designation, and DENIAL of the P-O Restricted (Professional Office District) zoning subject to seven restrictions. The applicant was present and did not agree with the staff recommendation. Thirteen (13) residents were present to speak in opposition of the request. After public comment, the PZC members discussed compatibility and buffering.

1st Motion (Failed):

A motion was made on the Future Land Use Map Amendment and Rezoning by Commissioner Sorbo and seconded by Commissioner Wade to recommend DO NOT ADOPT the requested Office (O) Rural Settlement (RS) Future Land Use designation and DENIAL of the requested P-O Restricted (Professional Office District) zoning subject to restrictions. The motion failed on a 3-4 vote.

Motion / Second	<i>Trevor Sorbo / Jaja Wade</i>
Voting in Favor	<i>Walter Pavon, Jaja Wade and Trevor Sorbo</i>
Voting in Opposition	<i>George Wiggins, Nelson Pena, Gordon Spears, Eddie Fernandez</i>
Absent	<i>Mohammed Abdallah and Evelyn Cardenas</i>

2nd Motion (Passed):

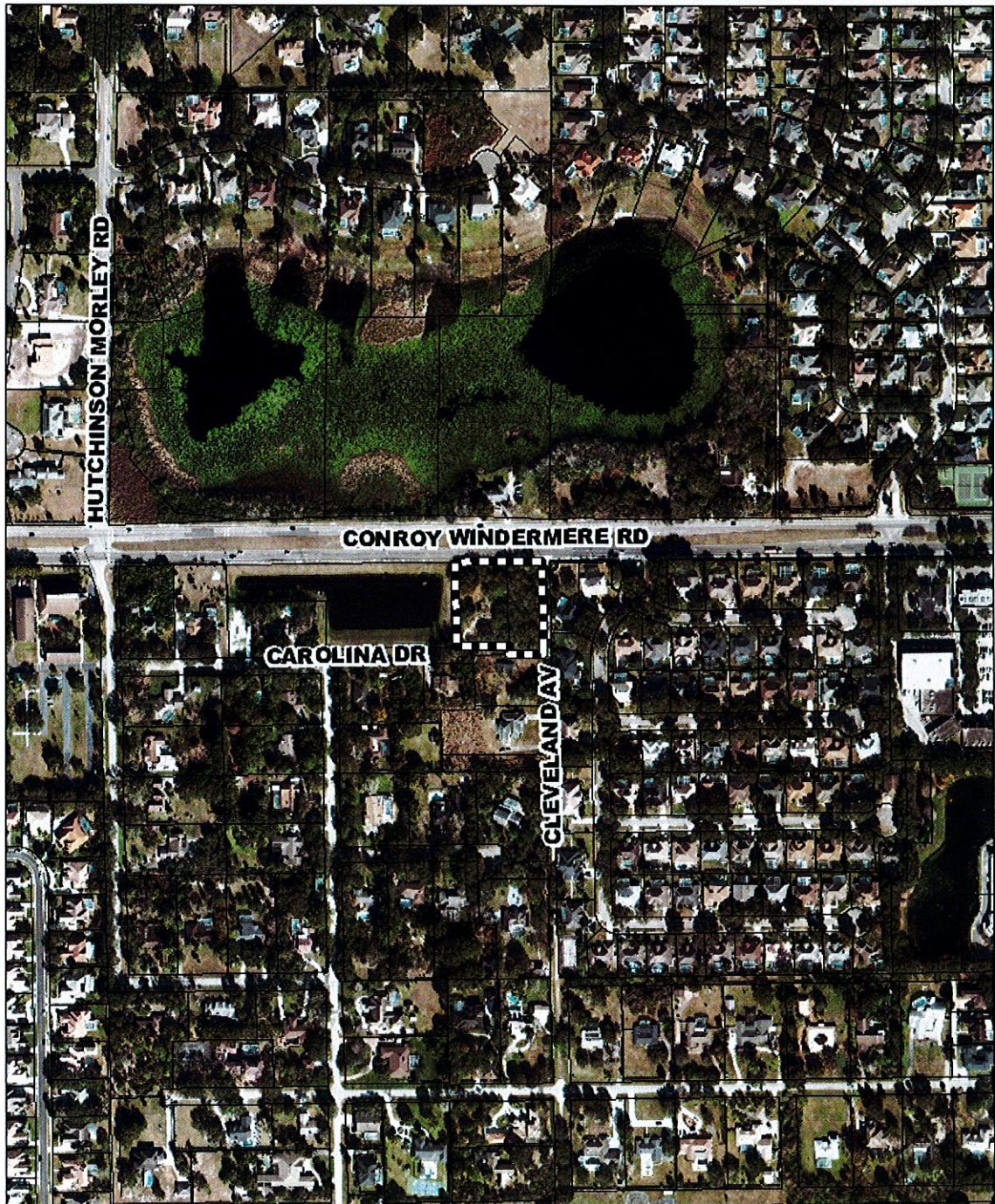
A second motion was made by Commissioner Wiggins, and seconded by Commissioner Sorbo to recommend ADOPTION of the requested Office (O) Rural Settlement (RS) Future Land Use

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designation and APPROVAL of the requested P-O Restricted (Professional Office District) zoning subject to six restrictions that were amended from the alternate staff recommendation after discussion by the Commission. The motion carried on a 5-2 vote.

Motion / Second	<i>George Wiggins / Trevor Sorbo</i>
Voting in Favor	<i>George Wiggins, Jaja Wade, Nelson Pena, Gordon Spears, and Eddie Fernandez</i>
Voting in Opposition	<i>Walter Pavon and Trevor Sorbo</i>
Absent	<i>Mohammed Abdallah and Evelyn Cardenas</i>

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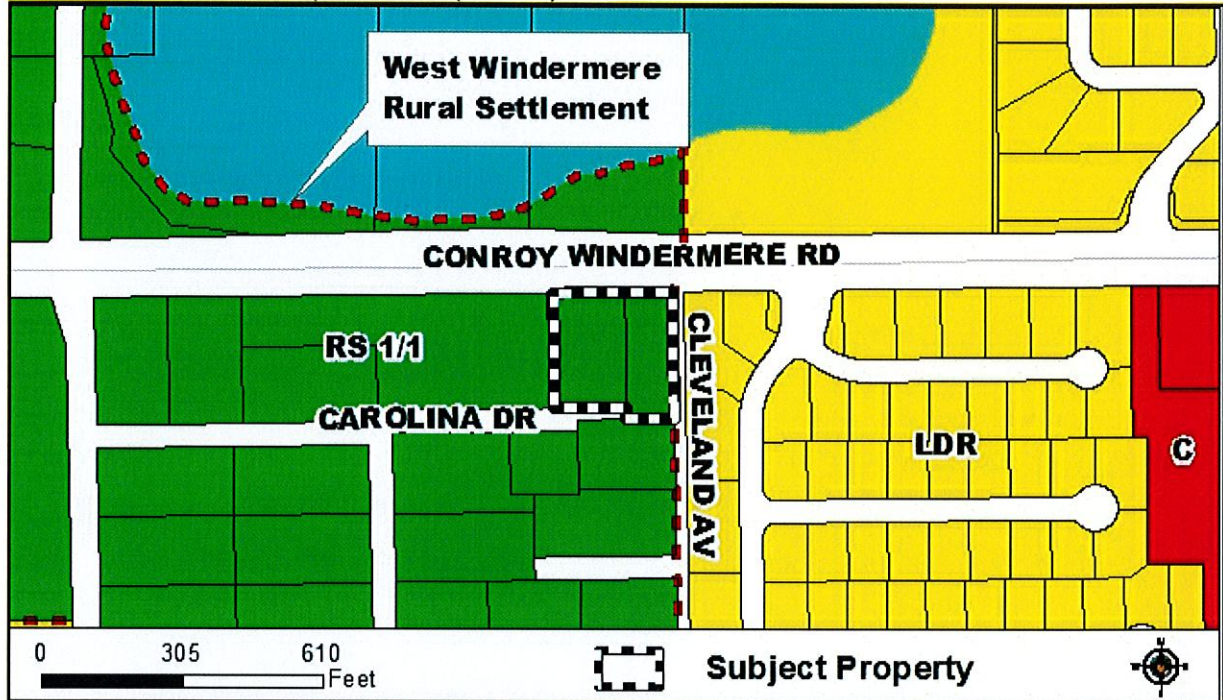
 Subject Property



1 inch = 375 feet

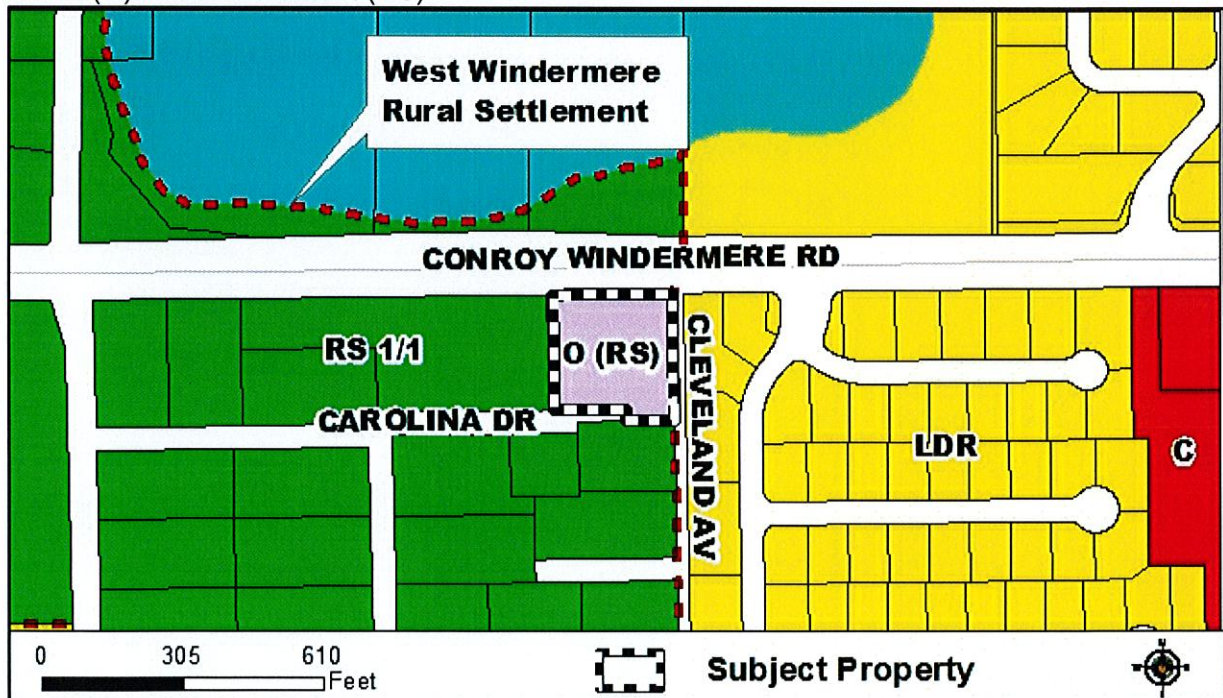
FUTURE LAND USE – CURRENT

Rural Settlement 1 unit per 1 acre (RS 1/1)



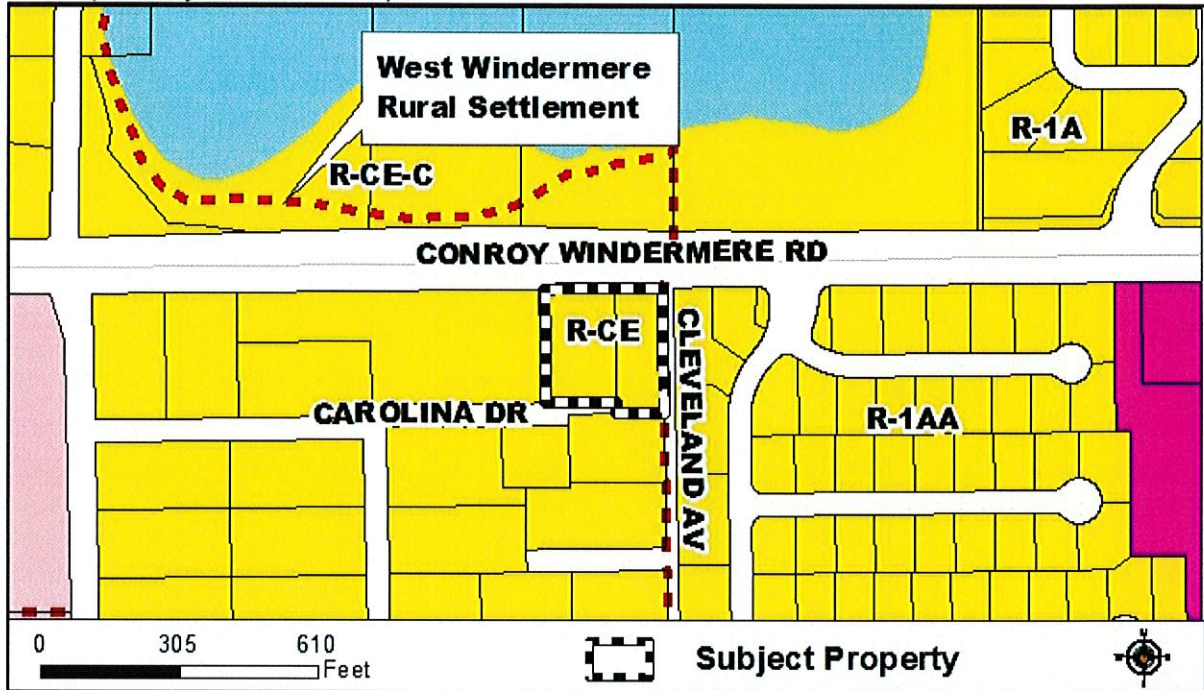
FUTURE LAND USE - PROPOSED

Office (O) Rural Settlement (RS)



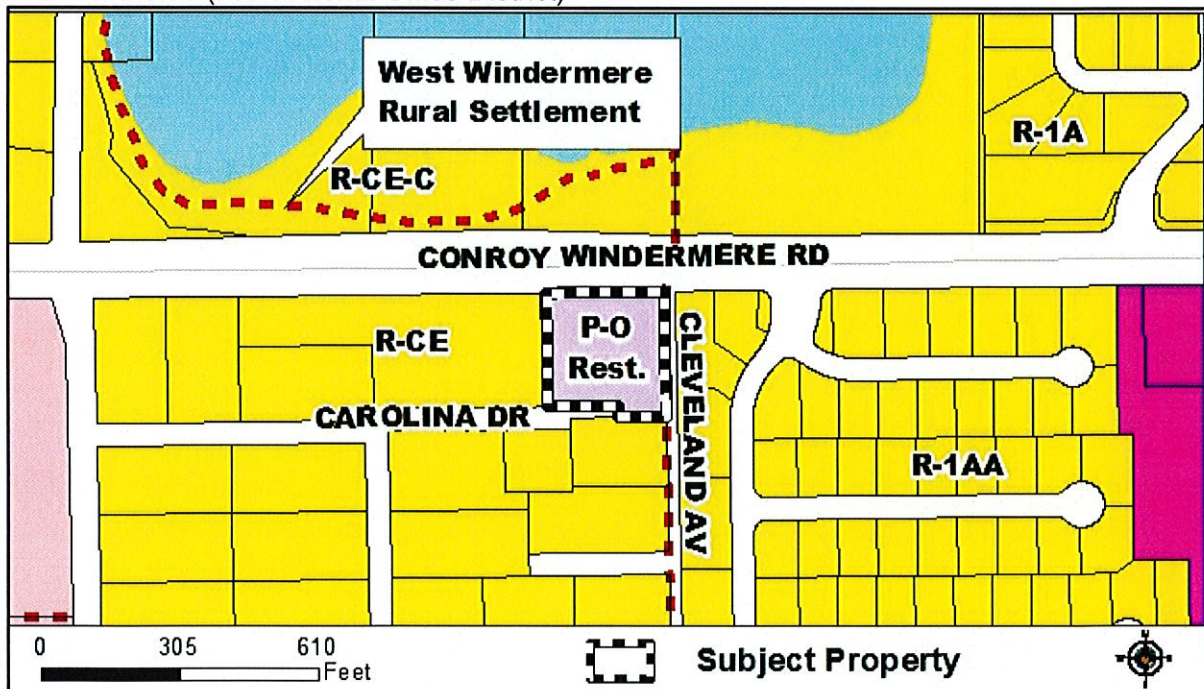
ZONING – CURRENT

R-CE (Country Estate District)



ZONING – PROPOSED

P-O Restricted (Professional Office District)

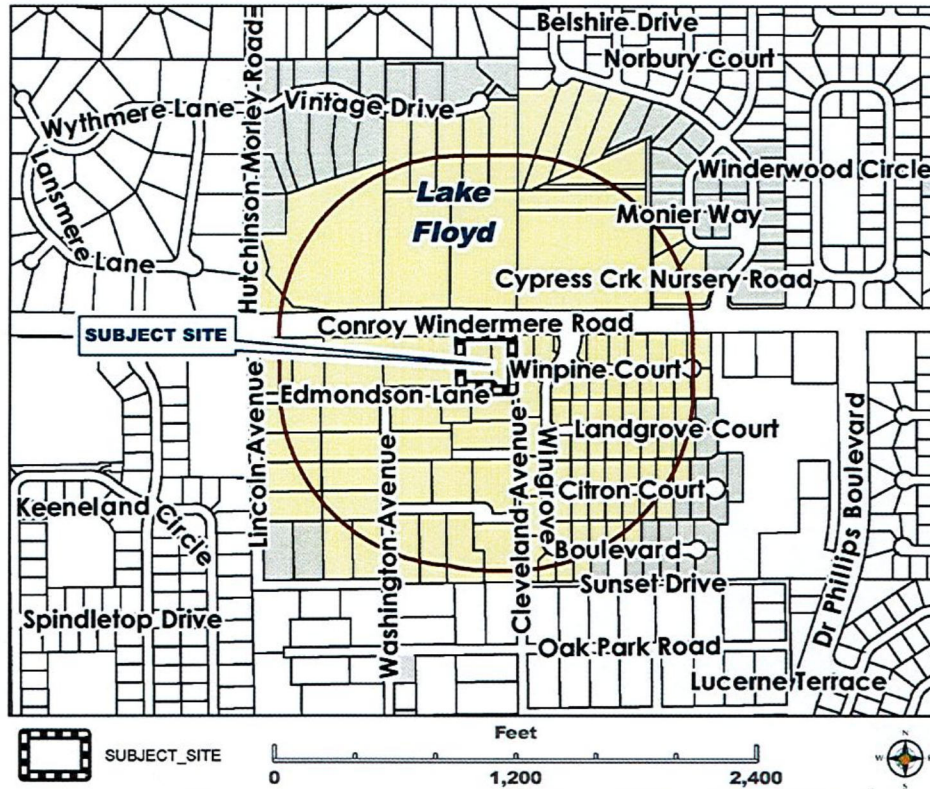




Public Notification Map

SS-22-04-030 & RZ-22-04-031

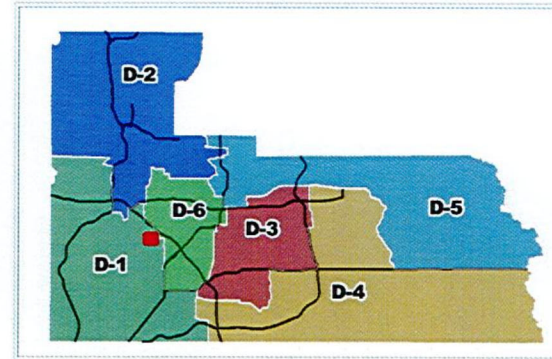
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MAP LEGEND

	SUBJECT_SITE		NOTIFIED_PARCELS
	900 FT BUFFER		COURTESY PARCELS
	1 MILE BUFFER		HYDROLOGY
	PARCELS		

BUFFER DISTANCE: 900
OF NOTICES: 200



Notification Map

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