



ORANGE COUNTY

PLANNING DIVISION

2016-2-S-6-2

SMALL SCALE AMENDMENT

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

JANUARY 24, 2017
ADOPTION PUBLIC HEARING

PREPARED BY:

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES


PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION





DATE: January 24, 2017

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners (BCC)

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

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

SUBJECT: 2016-2 Small Scale Development Comprehensive Plan Amendment and
Concurrent Rezoning Request Adoption Public Hearings Continued from
November 15, 2016

Please find attached a binder containing the staff report and associated back-up materials for the 2016-2 Small Scale Development Comprehensive Plan Amendment and concurrent rezoning request that was continued at the November 15, 2016 public hearing until January 24, 2017. This amendment was heard by the Planning and Zoning Commission/Local Planning Agency at an adoption hearing held on October 28, 2016.

The 2016-2 Continued Small Scale Development Amendment includes one privately-initiated Future Land Use Map Amendment (located in District 6) which has a concurrent rezoning request.

If the BCC adopts the proposed amendment, it will become effective 31 days after the public hearing. The amendment is expected to become effective in February 2017, so long as no challenges are brought forth for the 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 Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, Planning Division, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.

AAV/sgw

Enc: 2016-2 Small Scale Development Amendment Cont. Item BCC Adoption Binder

c: Christopher R. Testerman, AICP, Assistant County Administrator
Jon V. Weiss, P.E., Director, Community, Environmental, and Development
Services Department
John Smogor, Planning Administrator, Planning Division
Gregory Golgowski, Chief Planner, Planning Division

PLANNING DIVISION

ALBERTO A. VARGAS, MArch., *Planning Manager*

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2016 SECOND SMALL SCALE DEVELOPMENT

AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing book for the Second Small Scale Development Amendment (2016-2) to the Future Land Use Map (FLUM) that was continued at the November 15, 2016 public hearing until January 24, 2017. The PZC/LPA adoption public hearing was held on October 28, 2016.

The 2016-2 Continued Small Scale Development Amendment includes one privately-initiated Future Land Use Map Amendment (located in District 6) which has a concurrent rezoning request.

If the BCC adopts the proposed amendment, it will become effective 31 days after the public hearing. The amendment is expected to become effective in February 2017, so long as no challenges are brought forth for the 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 Gregory Gologowski, AICP, Chief Planner, Comprehensive Planning Section, Planning Division, at (407) 836-5624 or Gregory.Gologowski@ocfl.net.

2016-2 Small Scale Development Comprehensive Plan Amendments
Privately Initiated Future Land Use Map Amendments

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Desig. FROM:	Zoning Map Designation TO:	Gross Acres	Rural Settlement	JPA / City	Project Planner	Staff Rec	LPA Rec
District 6															
2016-2-S-6-2	Yes - Rezoning Case RZ-16-10-029	R & A Investments of Orlando, Inc.	Walter R. Persaud	30-22-29-6244-09-170	130 Ring Rd.; Generally located west of Ring Rd., south of Old Winter Garden Rd. and north of W. South St.	Low Density Residential (LDR)	Commercial (C)	R-1 (Single-Family Dwelling District)	C-2 (General Commercial District)	0.80 gross ac.	No	No	Jennifer DuBois	Adopt & Approve rezoning with three (3) restrictions	Adopt & Approve rezoning with three (3) restrictions (6-0)

ABBREVIATIONS INDEX: IND - Industrial; C - Commercial; O - Office; LDR - Low Density Residential; LMDR - Low-Medium Density Residential; MDR - Medium Density Residential; HDR - High Density Residential; PD - Planned Development; R - Rural / Agricultural; RS - Rural Settlement; RS 1/2 - Rural Settlement 1/2; USA - Urban Service Area; SAP - Specific Area Plan; CP - Comprehensive Plan; FLUM - Future Land Use Map; FLUE - Future Land Use Element; TRAN - Transportation Element; GOPS - Goals, Objectives, and Policies; OBJ - Objective; USA - Urban Service Area; SR - State Road; RZ - Rezoning; LUP - Land Use Plan; LUPA - Land Use Plan Amendment; CDR - Change Determination Request; A-2 - Farmland Rural District; R-CE - Country Estate District; R-1 - Single-Family Dwelling District; R-1A - Single-Family Dwelling District; R-2 - Residential District; R-3 - Multiple-Family Dwelling District; P-O - Professional Office District; C-1 - Retail Commercial District; C-2 - General Commercial District; C-3 - Wholesale Commercial District; P-D - Planned Development District; I-2/I-3 - Industrial District; AC - Acres



Applicant/Owner:

Walter R. Persaud, R & A Investments of Orlando, Inc.

Location:

130 Ring Road; Generally located west of Ring Road, south of Old Winter Garden Road and north of W South Street.

Existing Use:

Two single-family dwellings

Parcel ID Number:

30-22-29-6244-09-170

Tract Size:

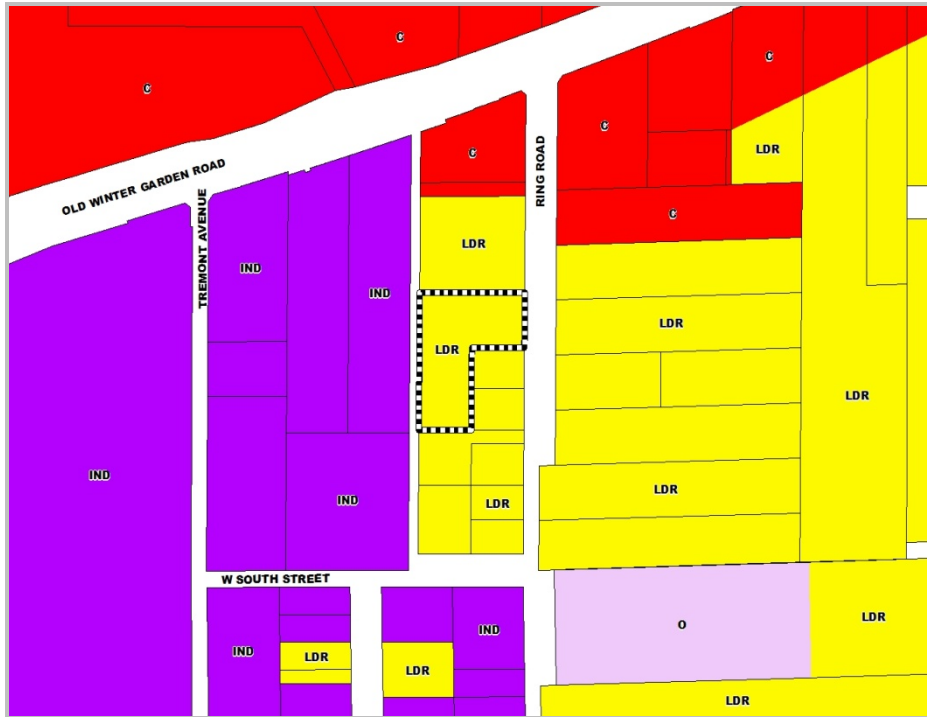
0.80 gross/net developable acre

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Request: Low Density Residential (LDR) to Commercial (C)	
✓	A community meeting September 19, 2016, with three residents in attendance.	Positive	Proposed Development Program: 6,000-square-foot automobile repair facility (new construction) and a 2,540-square-foot caretaker's residence (one currently-existing single-family dwelling)	
✓	Staff Report	Recommend adoption of the proposed amendment and approval of the concurrent rezoning request, subject to three (3) restrictions	Concurrent Rezoning: Case RZ-16-10-029 R-1 (Single-Family Dwelling District) to C-2 (General Commercial District)	
✓	LPA Adoption Hearing October 28, 2016	Recommend Adoption (6-0)	Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility.	
✓	PZC Rezoning Hearing October 28, 2016	Recommend Approval, subject to three (3) restrictions (6-0)	Transportation: The subject property is located within the County's Alternative Mobility Area (AMA). Per the Orange County Transportation Planning Division, the applicant will be required to include site-level mobility enhancements on the development plan for this project.	
✓	BCC Adoption BCC Rezoning Hearings	November 15, 2016 Continued to Jan 24, 2017	Environmental: Prior to demolition or construction activities associated with existing structures, the applicant shall provide the Orange County Environmental Protection Division with a Notice of Asbestos Renovation or Demolition form. If a septic system is required or in use, the applicant shall notify the Florida Department of Health's Environmental Health Division regarding any septic system permit application, modification, or abandonment.	
	BCC Adoption BCC Rezoning Hearings	January 24, 2017 (Continued)		



SITE AERIAL

FUTURE LAND USE - CURRENT



Current Future Land Use:
Low Density Residential (LDR)

Special Area Information

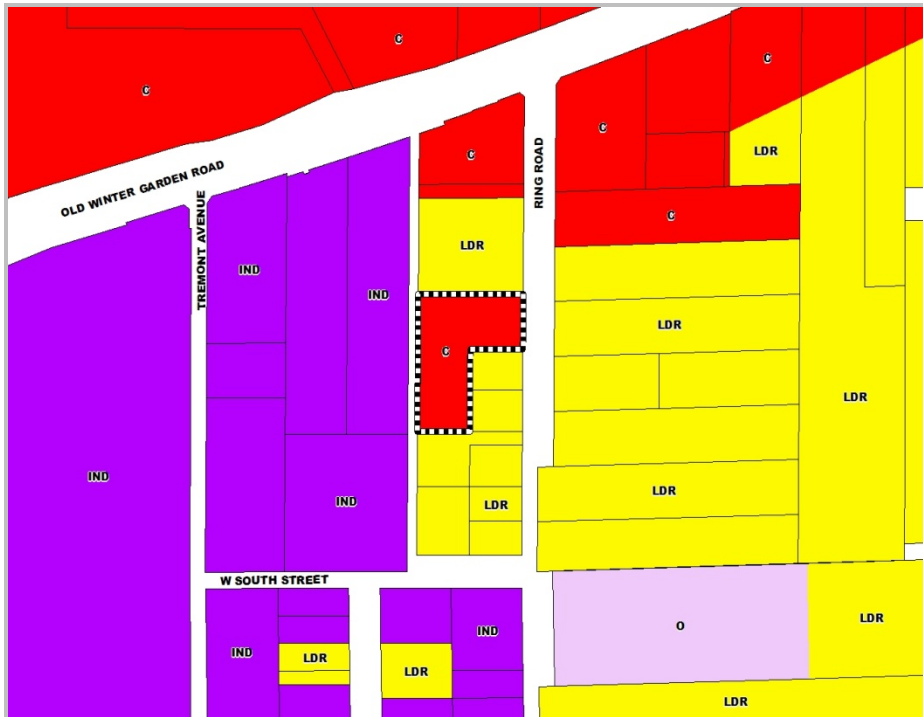
Overlay District: NA

JPA: N/A

Rural Settlement: N/A

Airport Noise Zone: N/A

FUTURE LAND USE – PROPOSED



Proposed Future Land Use:
Commercial (C)

ZONING - CURRENT



Zoning: R-1 (Single-Family Dwelling District)

Existing Uses:

N: Vehicle storage yard

S: Single-family dwellings

E: Single-family dwelling and undeveloped land

W: Gates Commerce Center (commercial/warehouse complex)

ZONING – PROPOSED



Proposed Zoning:
C-2 (General Commercial District)

Staff Recommendations

If the requested Comprehensive Plan amendment is approved, the Board will then need to take action on the requested rezoning. These items need to be addressed as two separate motions by the Board. Below are the staff recommendations for each of these items.

1. **COMPREHENSIVE PLAN AMENDMENT:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objectives FLU2.1 and FLU8.2; Policies FLU1.1.5, FLU1.4.4, FLU8.2.1, and FLU8.2.10; and Neighborhood Element Objective N1.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2016-2-S-6-2, Low Density Residential (LDR) to Commercial (C).
2. Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objectives FLU2.1 and FLU8.2; Policies FLU1.1.5, FLU1.4.4, FLU8.2.1, and FLU8.2.10; and Neighborhood Element Objective N1.1) and **APPROVE** Rezoning Case RZ-16-10-029, R-1 (Single-Family Dwelling District) to C-2 (General Commercial District), subject to the following three (3) restrictions:

Restrictions:

1. New billboards and pole signs shall be prohibited.
2. A Type "B" buffer shall be used to separate general commercial (C-2) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. This buffer may utilize a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years.
3. The applicant/developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate C-2 uses.

Analysis

1. Background and Development Program

The applicant, Walter Persaud, is seeking to change the Future Land Use Map (FLUM) designation of the 0.80-acre subject parcel from Low Density Residential (LDR) to Commercial (C). The property is currently the site of two single-family dwellings: a 2,540-square foot residence constructed in 1983 fronting Ring Road and a dilapidated 1,000-square-foot home built in 1950 on the south side of the site, with no visibility from the road. In conjunction with the proposed amendment, Mr. Persaud has applied for a concurrent rezoning of the parcel (Case RZ-16-10-029) from R-1 (Single-Family Dwelling District) to C-2 (General Commercial District). If these two requests are approved, it is his intent to demolish the substandard residence to allow for the development of a 6,000-square-foot automobile repair facility, with the remaining home proposed as a caretaker's residence for the business.

Staff notes that during the September 19, 2016, community meeting held for the two applications, neighboring residents and business owners expressed support for the proposed project, provided it

meets all applicable design and development standards established in the Orange County Code, including buffering the automobile repair business from adjacent residential uses. Attendees voiced concerns about crime and safety in the area and appeared comfortable with the inclusion of a caretaker's residence in the requested development program. Staff emphasized that Section 38-79(121) of the Code mandates that such a residence shall only be occupied by the owner, operator, or employee of the business, which Mr. Persaud acknowledged.

2. Project Analysis

Consistency

The proposed FLUM amendment and associated rezoning request appear to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

The subject parcel is located in an area characterized by a mix of commercial, industrial, residential, and religious institutional activity. The site is bordered to the north by vehicle storage yard currently zoned C-3 (Wholesale Commercial District), a classification inconsistent with its LDR future land use designation, and is bounded to the west by the Gates Commerce Center, an I-1/I-5 (Industrial District)-zoned commercial/warehouse complex with a corresponding Industrial (IND) future land use designation. Single-family homes abut the property to the south, and an undeveloped lot and single-family dwelling lie to the east. It is staff's belief that the applicant's proposal to redevelop the property for an automobile repair business with a caretaker's residence would be appropriate for the area, as the repair facility would have minimal visibility from Ring Road due to the orientation of the caretaker's home; would be screened from view from adjoining residential parcels to the south and east by existing vegetation, augmented by additional buffering, if needed; and would be less intense than the majority of the commercial and industrial uses in the surrounding neighborhood.

Staff finds the two requests consistent with **Future Land Use Element Goal FLU2**, which states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options. In the same vein, staff finds them consistent with **Future Land Use Element Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. Staff notes that if approved, the proposed redevelopment project will use infrastructure that is already in place. Per Orange County Utilities (OCU), potable water service will be provided by the Orlando Utilities Commission, while central sewer will be furnished by OCU, with no facility improvements necessary to maintain level of service standards.

Furthermore, staff finds the two applications consistent with **Future Land Use Element Policy FLU1.4.4**, which states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided, and **Neighborhood Element Objective N1.1**, which mandates that Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods. To ensure sufficient screening for any residents, staff has recommended the inclusion of a rezoning restriction stating that a Type "B" buffer, consisting of a completely opaque six-foot high masonry wall, fence, berm, planted and/or existing vegetation (or any combination thereof), shall be provided between the subject property and adjacent residentially-zoned properties.

Compatibility

The proposed Future Land Use Map Amendment and the associated rezoning request appear to be **compatible** with the development pattern of the surrounding area.

Future Land Use Element Objective FLU8.2 states that compatibility will be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development and development trend in the area. As discussed earlier, the subject parcel is located in an area characterized by a mix of commercial, industrial, residential, and religious institutional uses. The applicant intends to retain the existing single-dwelling fronting Ring Road as a caretaker's residence, with the remainder of the site—with little visibility from the road—to be utilized for automobile repair activity. In addition to the previously-mentioned recommended buffering restriction, added to provide protection to adjacent residential uses, the applicant will be required to proceed through the commercial plan review process, and both the automobile repair business and caretaker's residence will be subject to applicable performance standards to ensure compatibility, in accordance with **Policy FLU8.2.10**. These performance standards include, but are not limited to, building height restrictions, compatible architectural design, floor area ratio limitations, lighting and location requirements, landscaping and buffering requirements, and parking design. It is staff's belief that the proposed project is appropriate for the area in question and will contribute to the County's larger goals of promoting infill and compact urban form within the Urban Service Area and efficiently using existing infrastructure. Staff, therefore, recommends adoption of this requested amendment and approval of the concurrent rezoning petition.

Public Facilities and Services

Environmental. The Environmental Protection Division (EPD) has informed staff that prior to demolition or construction activities associated with existing structures, the applicant shall provide EPD with a Notice of Asbestos Renovation or Demolition form. For more information or to determine if an exemption applies, please contact Renee Parker at 407-835-1420.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification, or abandonment. Please refer to the Orange County Code, Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal, as well as the FDOH.

All development is required to treat runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Please reference the Orange County Code, Sections 30-277 and 30-278.

If new construction is proposed, the applicant shall use caution to prevent erosion along the boundary of the property and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

Transportation. The subject property is located in the Alternative Mobility Area (AMA). Per Transportation Element Objective T2.3.2, the proposed development is exempt from meeting transportation concurrency requirements. In accordance with Policy T2.3.7 of the Comprehensive Plan, a Transportation Context Study was conducted to determine the availability of alternative modes of transportation in the area and the level of connectivity among the various modes, including sidewalks, bicycle facilities, and transit service. This information will be used to help identify system-level and site-level strategies that would enhance mobility and accessibility within a quarter-mile radius of the project site.

Based on trip generation estimates from the 9th Edition of the Institute of Transportation Engineers *Trip Generation Handbook*, it was determined that the current land use generates approximately three p.m. peak hour trips, while the proposed automobile repair business and caretaker's residence would generate 26 new p.m. peak hour trips, resulting in a net increase of 23 trips in the p.m. peak period.

Based on the County's Concurrency Management System database dated September 1, 2016, all roadway segments within the project's impact area currently operate at acceptable levels of service. By Year 2021, all roadways will continue to operate at acceptable levels of service.

Based on LYNX's current bus schedule, transit service is available within a quarter-mile walking distance to the project site. Link #54 operates along Old Winter Garden Road every 60 minutes and from the super stop at West Oaks Mall on SR 50 to the LYNX Central Station, where passengers can make connections to other transit routes.

Other mobility options in the area are currently undeveloped. While sidewalks are in place along Old Winter Garden Road north of the subject property, there are presently no sidewalks in place along Ring Road to ensure pedestrian safety. In addition, there are no designated bicycle lanes or routes in the area to accommodate cyclists.

Final permitting of any development on this site will be subject to further review and approval by Transportation Planning, and the applicant will be required to include site-level mobility enhancements on the development plan for this project.

Utilities. The subject property lies within the Orlando Utilities Commission's potable water service area. Per Orange County Utilities (OCU), County wastewater service is available, as an 8-inch gravity main is in place on Ring Road at Old Winter Garden Road, and no facility improvements to maintain current level of service (LOS) standards are needed at this time. Reclaimed water service, however, is presently unavailable.

3. Policy References

Goal FLU2 – URBAN STRATEGIES. Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

OBJ FLU2.1 INFILL. Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

OBJ FLU8.2 – Compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU1.1.5 – Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County's desired urban framework. Infill is defined as development consistent with the *Infill Master Plan* (2008).

FLU1.4.4 – The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.




FLU8.2.1 – Land use changes shall be required to be compatible with the 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.

FLU8.2.10 To ensure land use compatibility with nearby residential zoned areas and protection of the residential character of those areas, office and commercial uses within residential neighborhoods shall be subject to strict performance standards, including but not limited to the following:

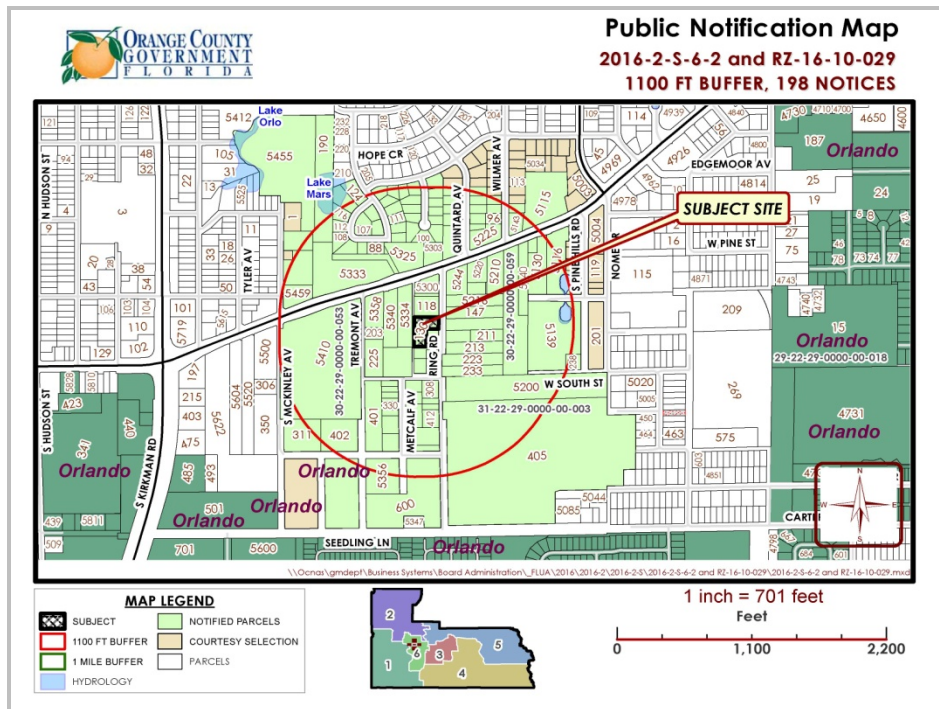
- A. Building height restrictions;
- B. Requirements for architectural design compatible with the residential units nearby;
- C. Floor area ratio (FAR) limitations;
- D. Lighting type and location requirements;
- E. Tree protection and landscaping requirements including those for infill development;
- and
- F. Parking design.

OBJ N1.1 – Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods.

Site Visit Photos

Subject Site	
	
North of Subject Site	South of Subject Site
	
West of Subject Site	East of Subject Site
	

PUBLIC NOTIFICATION



Notification Area:
1,100 feet plus
neighborhood and
homeowners'
associations within a
one-mile radius of the
subject site

198 notices sent

ORDINANCE NO. 2017-_____

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;

c. On October 28, 2016, the Orange County Local Planning Agency (“LPA”) held a
public hearing on the adoption of the proposed amendments to the Comprehensive Plan as
described in this ordinance;

d. On November 15, 2016, the Orange County Board of County Commissioners
(“Board”) held a public hearing on the adoption of the proposed amendment as described in this
ordinance, and decided to continue the hearing on the adoption to January 24, 2017; and

e. On January 24, 2017, the Board held a public hearing on the adoption of the proposed amendment as described in this ordinance, and decided to adopt the proposed amendment.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to 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 an 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 this amendment may be issued or commence before the amendment has become effective.

ADOPTED THIS 24th DAY OF JANUARY, 2017.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

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

By: _____
Deputy Clerk

APPENDIX “A”

FUTURE LAND USE MAP AMENDMENTS

<i>Appendix A *</i>		
<i>Privately Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2016-2-S-6-2	Low Density Residential (LDR)	Commercial (C)
.The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.		