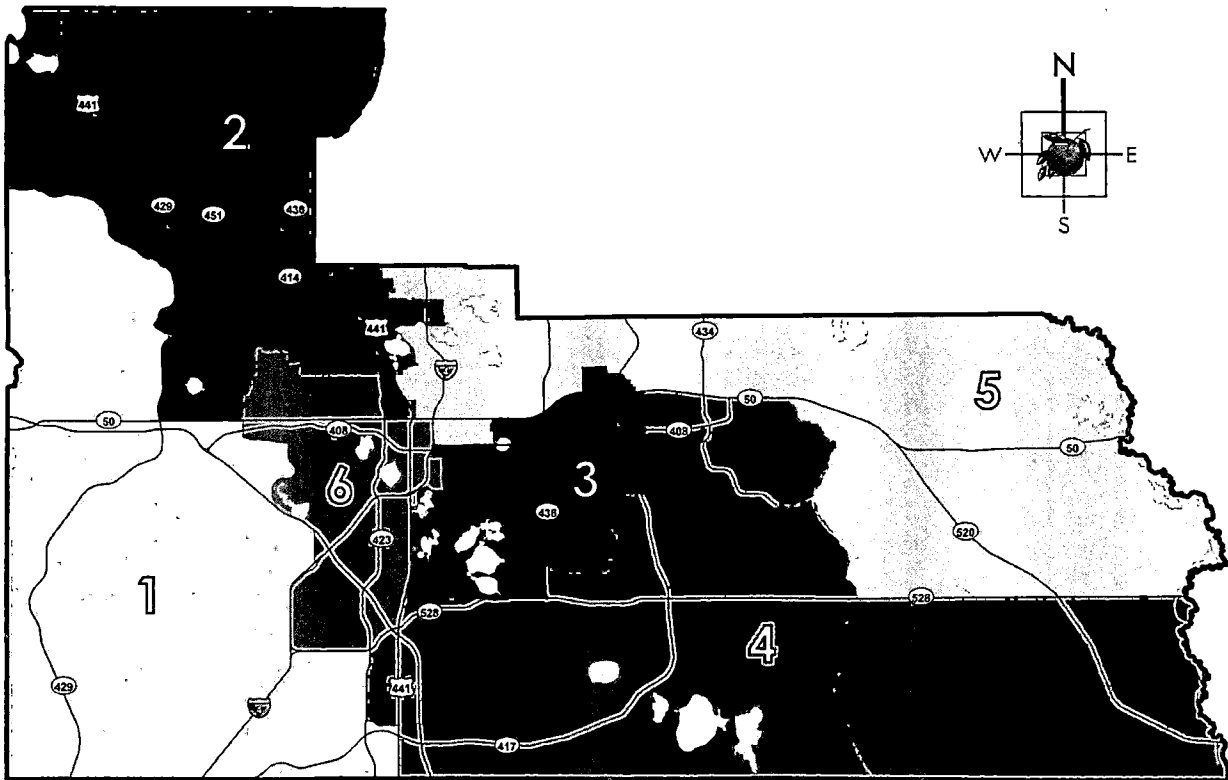


REZONING RECOMMENDATIONS

MAY 18, 2017



PREPARED BY:
ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

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



James Dunn Vice-Chairperson	District #1
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William Gusler	District #2
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Tina Demostene	District #3
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Pat DiVecchio	District #4
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J. Gordon Spears	District #5
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JaJa J. Wade Chairperson	District #6
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Paul Wean	At Large
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Yog Melwani	At Large
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Jose Cantero	At Large
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Planning and Zoning Commission
May 18, 2017

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CONVENTIONAL REZONING PUBLIC HEARINGS

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TABLE OF HEARINGS
Planning and Zoning Commission
May 18, 2017

<u>Case #</u> <u>Applicant</u>	<u>Request</u>	<u>Commission</u> <u>District</u>	<u>Recommendations</u> <u>Staff</u>	<u>PZC</u>	<u>BCC Hearing</u> <u>Required</u>
I. CONVENTIONAL REZONING PUBLIC HEARINGS					
RZ-17-05-013 Madeline Beauchamp	<i>R-1A to R-2</i>	3	Approval	Approval	No
RZ-17-05-014 Fitsum Araia	<i>R-1A to NAC</i>	6	Approval with three (3) restrictions	Approval with three (3) restrictions	No
RZ-17-05-015 Steven Sandvik	<i>C-1 to C-2</i>	6	Denial	Denial	No

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) †††	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.)	Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	21,780 (½ acre)	850	100	35	50	10	35	*
A-2	21,780 (½ acre)	850	100	35	50	10	35	*
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	*
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	*
R-CE-2	2 acres	1,200	250	45	50	30	35	*
R-CE-5	5 acres	1,200	185	50	50	45	35	*
R-1AAAA	21,780 (½ acre)	1,500	110	30	35	10	35	*
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	*
R-1AA	10,000	1,200	85	25†	30†	7.5	35	*
R-1A	7,500	1,200	75	20†	25†	7.5	35	*
R-1	5,000	1,000	50	20†	20†	5†	35	*
R-2	One-family dwelling, 4,500	1,000	45*****	20†	20†	5†	35	*
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90*****	20†	20†	5†	35	*
	Three DUs, 11,250	500 per DU	85†	20†	30	10	35**, ***	*
	Four or more DUs, 15,000	500 per DU	85†	20†	30	10****	35**, ***	*
R-3	One-family dwelling, 4,500	1,000	45*****	20†	20†	5	35	*
	Two DUs, 8,000/9,000	500/1,000 per DU	80/90*****	20†	20†	5†	35	*
	Three dwelling units, 11,250	500 per DU	85†	20†	30	10	35**, ***	*
	Four or more DUs, 15,000	500 per DU	85†	20†	30	10****	35**, ***	*
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35***	*
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	N/A	*
R-T-1								
SFR	4,500*****	45*****	1,000	25/20 ††	25/20 ††	5	35	*
Mobile home	4,500*****	45*****	Min. mobile home size 8 ft. x 35 ft.	25/20 ††	25/20 ††	5	35	*
R-T-2	6,000 (prior to 1/29/73) (after 1/29/73)	60	SFR 500	25	25	6	N/A	*
			Min. mobile home size 8 ft. x 35 ft.					
			SFR 600					
	21,780 ½ acre	100	Min. mobile home size 8 ft. x 35 ft.	35	50	10	N/A	*

District	Min. lot area (sq. ft.) †††	Min. living area (sq. ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
NR	One-family dwelling, 4,500	1,000	45*****	20	20	5	35/3 stories ††	*
	Two DUs, 8,000	500 per DU	80/90*****	20	20	5	35/3 stories ††	*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ††	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories ††	*
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ††	
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet ††	*
	One-family dwelling, 4,500	1,000	45*****	20	20	5	35/3 stories ††	*
	Two DUs, 8,000	500 per DU	80*****	20	20	5	35/3 stories ††	*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ††	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail ††	*
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ††	*
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet ††	*
	One-family dwelling, 4,500	1,000	45*****	20	20	5	35/3 stories ††	*
	Two DUs, 8,000	500 per DU	80*****	20	20	5	35/3 stories ††	*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ††	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail ††	*
	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ††	*
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35** ***	*
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets#; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	*

District	Min. lot area (sq. ft.) + + +	Min. living area (sq. ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ##	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	*
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ###	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	*

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts
I-4	35	10	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

*	Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
**	Buildings in excess of 35 feet in height may be permitted as a special exception.
***	Buildings in excess of 1 story in height within 100 feet of the property line of any single-family residential district may be permitted as a special exception.
****	Side setback is 30 feet where adjacent to single-family district.
*****	For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
*****	For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that: <ul style="list-style-type: none"> (i) are either platted or lots of record existing prior to 3/3/97, and (ii) are 75 feet in width or greater, but are less than 90 feet, and (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
#	Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
##	Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
###	Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
‡	For lots platted on or after 3/3/97, or un-platted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
†	Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.

++	Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
+++	Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

BUFFER YARD REQUIREMENTS

Orange County Code Section 24-5.

Buffer yards prescribed are intended to reduce, both visually and physically, any negative impacts associated with abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

(a) *Buffer classifications:*

- (1) **Type A, opaque buffer:** This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
- (2) **Type B, opaque buffer:** This buffer classification shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (general and light) (I-2/I-3 and I-1/I-5) 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. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (3) **Type C, opaque buffer.** This buffer classification shall be used to separate neighborhood retail commercial (C-1), industrial-restricted (I-1A) and multi-family 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 fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (4) **Type D, opaque buffer:** This buffer classification shall be used to separate professional office (P-O) 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 ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (5) **Type E, mobile home and RV park buffer:** This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.
- (6) **Type F, residential subdivision buffer:** See subdivision regulations (Chapter 34, Orange County Code).

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

Case Planner:
Steven Thorp

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: May 18, 2017

CASE # RZ-17-05-013

Commission District: # 3

GENERAL INFORMATION

APPLICANT	Madeline Beauchamp
OWNERS	Madeline and Nathan Beauchamp
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-2 (Residential District)
LOCATION	2801 S. Shine Avenue; or generally on the southeast corner of S. Shine Avenue and E. Illiana Street, approximately 150 feet west of S. Fern Creek Avenue
PARCEL ID NUMBER	01-23-29-3834-00-630
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 500 feet [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. One hundred thirty-eight (138) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.26 gross acre
PROPOSED USE	Two (2) single family detached residential dwelling units

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning.

IMPACT ANALYSIS

Land Use Compatibility

The R-2 (Residential District) zoning would allow for development that is compatible with the adjacent residential neighborhood and would not adversely impact adjacent properties.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR) which allows consideration of up to ten (10) residential dwelling units per developable acre. The requested R-2 (Residential District)

zoning is consistent with the "LMDR" FLUM designation and with the following Comprehensive Plan provisions:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

GOAL FLU2 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.

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

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

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

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

SITE DATA

Existing Use	Two (2) Single-Family Detached Residential Dwellings
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1957)
	E: P-O (Professional Office District) (1990)
	W: R-2 (Residential District) (1989)
	S: R-2 (Residential District) (1990)

Adjacent Land Uses N: Single-Family Residential
 E: Single-Family Residential
 W: Single-Family Residential
 S: Single-Family Residential

R-2 (Residential District) Development Standards

One-Family Dwelling

Min. Lot Area: 4,500 sq. ft.
Min. Lot Width: 45 ft.

Max. Height: 35 ft.
Min. Living Area: 1,000 sq. ft.
Building Setbacks:
 Front: 20 ft.
 Rear: 20 ft.
 Side: 5 ft.
 Side Street: 15 ft.

Two Dwelling Units

Min. Lot Area: 8,000 sq. ft. / 9,000 sq. ft.
Min. Lot Width: 80 ft. / 90 ft.

Max. Height: 35 ft.
Min. Living Area: 500 sq. ft. / 1,000 sq. ft.
Building Setbacks:
 Front: 20 ft.
 Rear: 20 ft.
 Side: 5 ft.
 Side Street: 15 ft.

Three Dwelling Units

Min. Lot Area: 11,250 sq. ft.
Min. Lot Width: 85 ft. (attached units only)

Max. Height: 35 ft.
Min. Living Area: 500 sq. ft. per dwelling unit
Building Setbacks:
 Front: 20 ft.
 Rear: 30 ft.
 Side: 10 ft.
 Side Street: 15 ft.

Four or More Dwelling Units

Min. Lot Area: 15,000 sq. ft.

Min. Lot Width:	85 ft.
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
Front:	20 ft.
Rear:	30 ft.
Side:	10 ft. (30 ft. where adjacent to single-family)
Side Street:	15 ft.

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

Permitted Uses

The R-2 (Residential District) zoning district is composed of lands and structures used primarily for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building and associated residential uses.

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

Subject Property Analysis

The subject property is located at 2801 S. Shine Avenue; or generally on the southeast corner of S. Shine Avenue and E. Illiana Street, approximately 150 feet west of S. Fern Creek Avenue. The property is currently developed with two (2) single-family detached residential dwelling units that were constructed in 1952 and 1956. Although both homes are currently located within one parcel, they are considered as legal non-conforming structures because they existed prior to the adoption of Orange County Code Chapter 38 (Zoning).

The subject parcel was originally platted as two 40' x 140' lots within the Interlake Park 2nd Addition subdivision. The plat for the Interlake Park 2nd Addition Subdivision was recorded on March 2, 1923. Today, the subdivision can be characterized as having a mixture of single-family detached residential dwelling units, with professional office development located along the S. Fern Creek Road corridor.

Through this request, the applicant is seeking to rezone the subject parcel from R-1A (Single-Family Dwelling District) to R-2 (Residential District), and with the intent to formally split the existing parcel into two parcels that would face E. Illiana Street.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low-Medium Density Residential (LMDR) Future Land Use Map (FLUM) designation.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a

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

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

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

Overlay District Ordinance

The subject property is not located within an overlay district.

Airport Noise Zone

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

Environmental

If a septic system is required or in use, the applicant must notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment. The applicant must also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH, including any applicable exemption criteria.

Prior to demolition or construction activities associated with existing structures, the applicant is required to provide the Orange County Environmental Protection Division (EPD) with a Notice of Asbestos Renovation or Demolition form.

Transportation / Access

This parcel is located within the Alternative Mobility Area (AMA) and is exempt from transportation concurrency. The proposed lot split accommodates 2 single family dwelling units which will generate 3 pm peak hour trips. Transit service is available within a quarter mile walking distance to Michigan Avenue where Link # 3 operates. The sidewalks in the area are not continuous and there is no signed bicycle route.

Code Enforcement

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

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orlando Utilities Commission
Wastewater:	City of Orlando
Reclaim Water:	City of Orlando

Schools

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

Parks and Recreation

Orange County Parks and Recreation did not comment on this case, as it does not involve an increase in residential units or density.

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 – (May 18, 2017)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning.

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 R-2 (Residential District) zoning.

Staff indicated that one hundred and thirty-eight (138) notices were mailed to surrounding property owners within a buffer extending beyond 500 feet from the subject property, with one (1) response in support and nine (9) in opposition received. The applicant was present and agreed with the staff recommendation of approval.

Following limited discussion about the applicant's intended use of the property, a motion was made by Commissioner Demostene to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the R-2 (Residential District) zoning. Commissioner Dunn seconded the motion, which was then carried on a 9-0 vote.

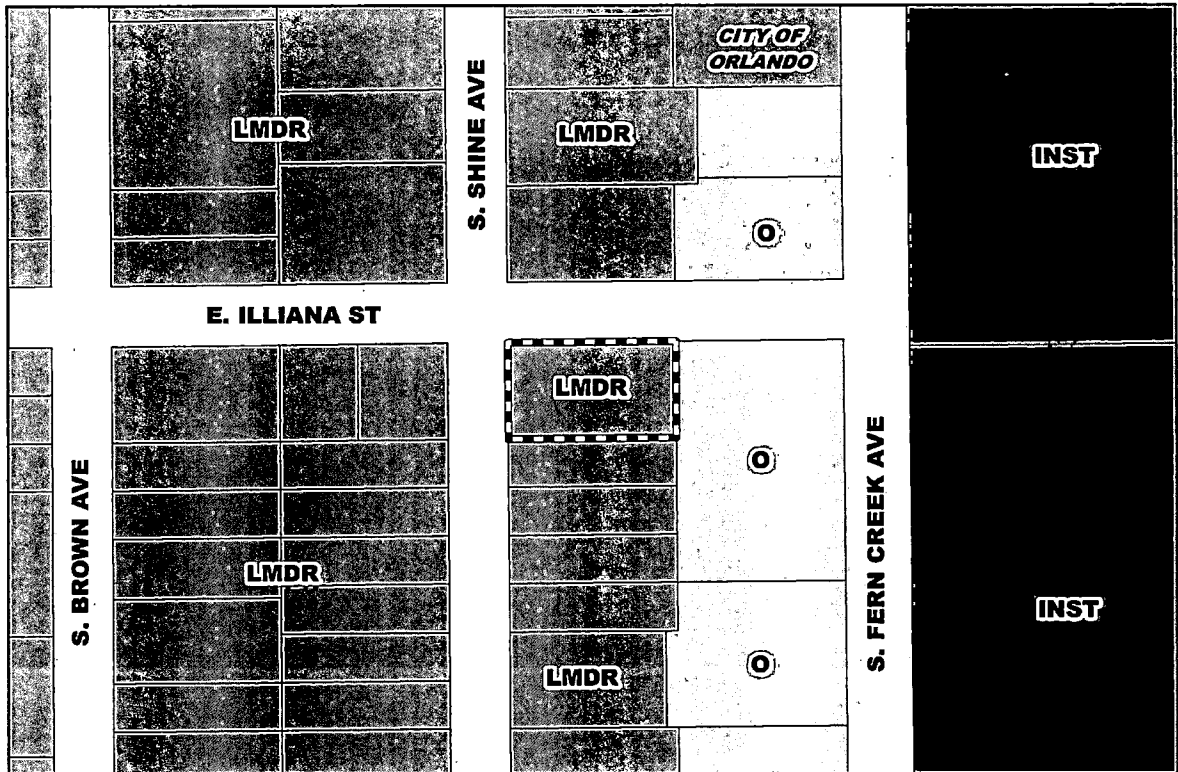
Motion / Second

Tina Demostene / James Dunn

Voting in Favor

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

RZ-17-05-013



Subject Property



★ **Subject Property**

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Madeline Beauchamp

LOCATION: 2801 S. Shine Avenue; generally on the southeast corner of S. Shine Avenue and E. Illiana Street, approximately 150 feet west of S. Fern Creek Avenue

TRACT SIZE: 0.257 gross acre

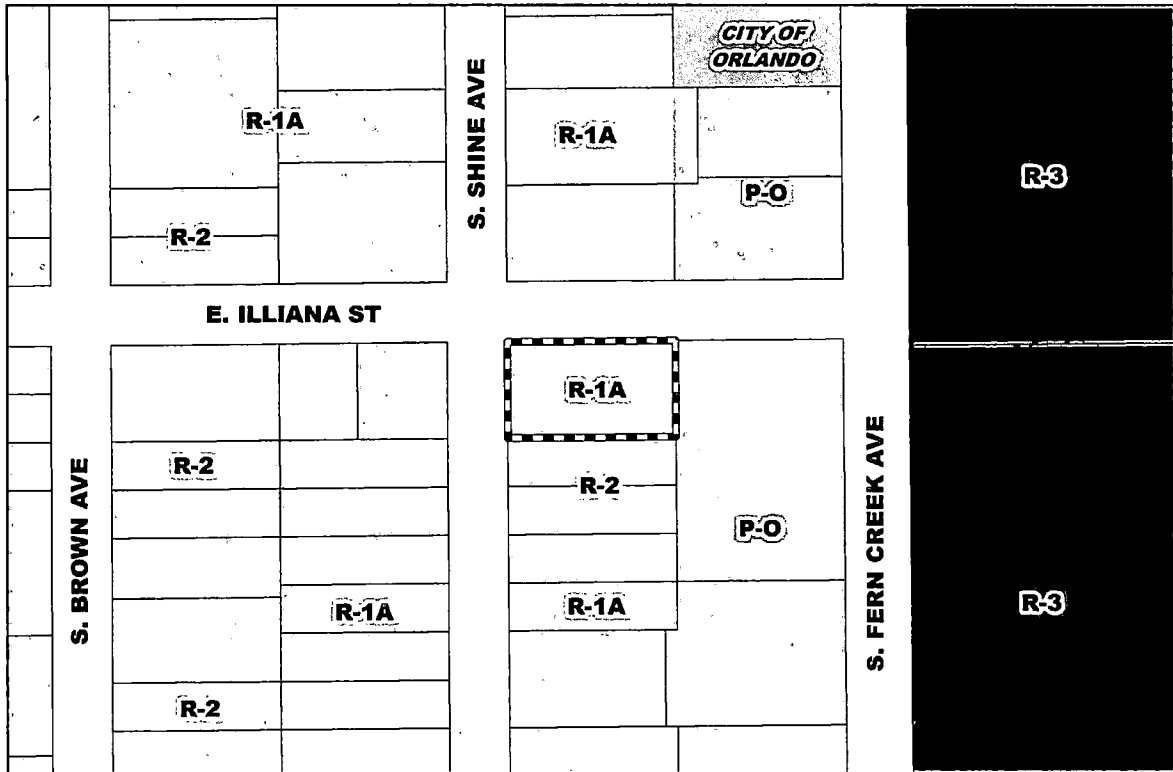
DISTRICT: # 3

S/T/R: 01/23/29

1 inch = 125 feet



RZ-17-05-013



Subject Property



Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to
 R-2 (Residential District)

APPLICANT: Madeline Beauchamp

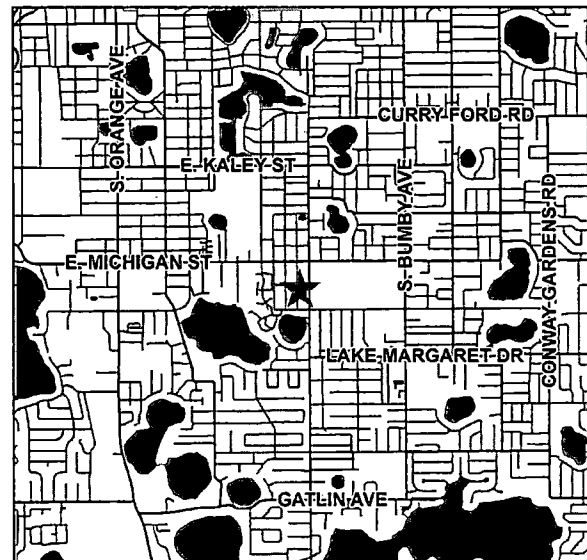
LOCATION: 2801 S. Shine Avenue; generally on the
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 west of S. Fern Creek Avenue

TRACT SIZE: 0.257 gross acre

DISTRICT: # 3

S/T/R: 01/23/29

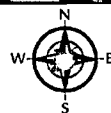
1 inch = 125 feet



RZ-17-05-013

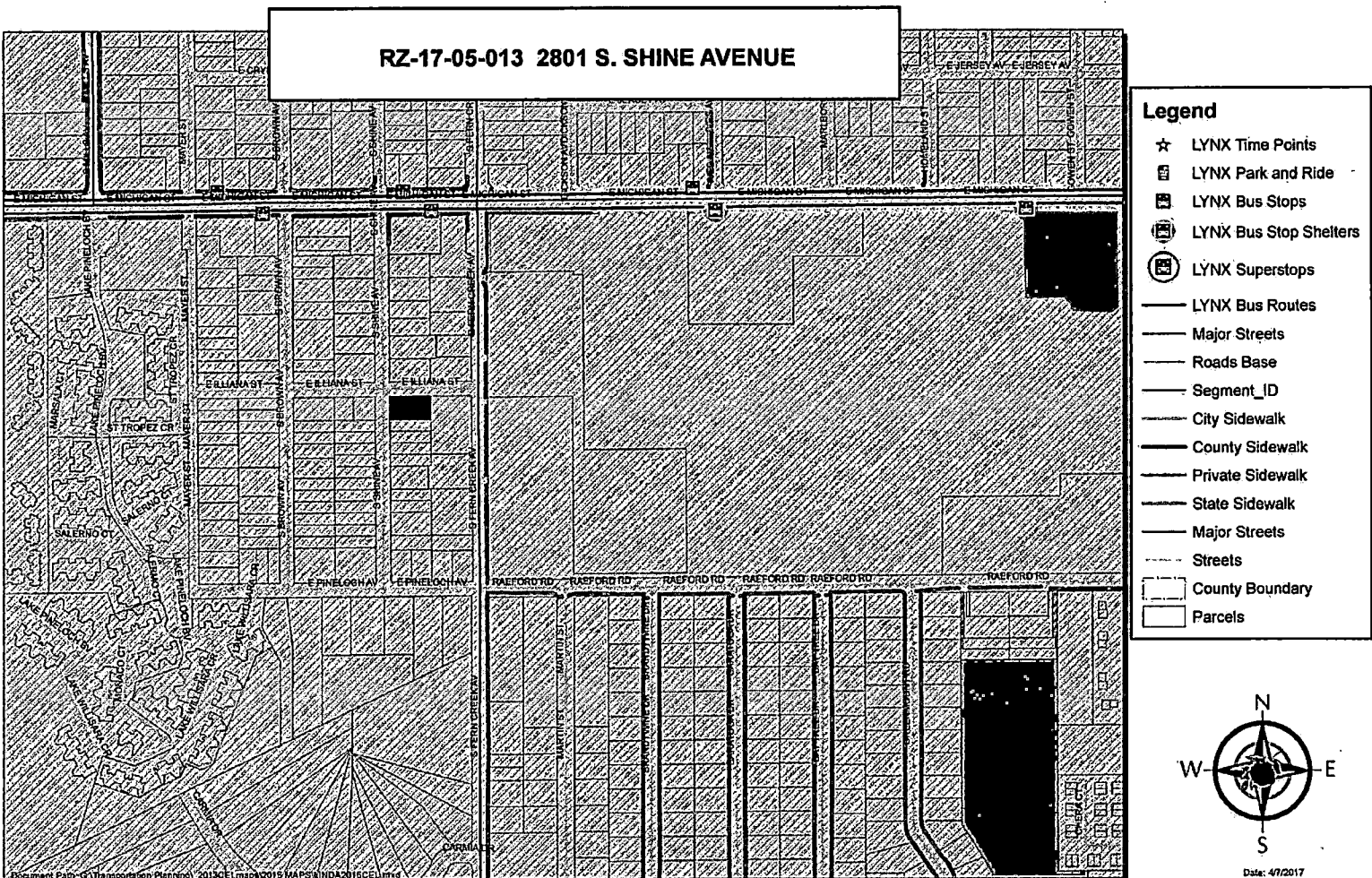


 Subject Property



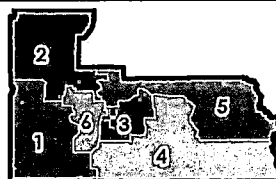
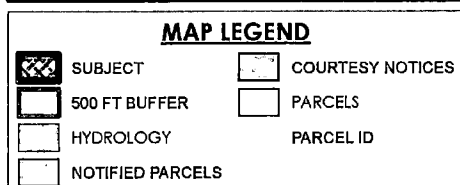
1 inch = 83 feet

Alternative Mobility Area (AMA) Map

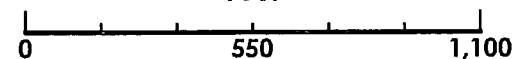




Case # RZ-17-05-013
Orange County Planning Division
PZC Hearing Date: May 18, 2017



1 inch = 347 feet



Case Planner:
Steven Thorp

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: May 18, 2017

CASE # RZ-17-05-014

Commission District: # 6

GENERAL INFORMATION

APPLICANT	Fitsum Araia
OWNER	Sunshine Property of Orlando, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to NAC (Neighborhood Activity Corridor District)
LOCATION	1418 30th Street; or generally on the south side of 30 th Street, approximately 300 feet east of S. Rio Grande Avenue
PARCEL ID NUMBERS	03-23-29-0182-74-060
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 500 feet [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Eighty-two (82) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.17 gross acre
PROPOSED USE	One (1) single family detached residential dwelling unit

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NAC (Neighborhood Activity Corridor District) zoning, subject to the following restrictions:

1. New billboards and pole signs shall be prohibited;
2. A Type "C" buffer, as defined in Orange County Code Sections 24-5(a)(3) and 38.1741(6)(c), shall be used to separate non-single-family residential Neighborhood Activity Corridor District (NC) uses from Neighborhood Residential District (NR) and all other residential uses, unless a variance to this restriction and buffer is approved by the Board of Zoning Adjustment (BZA). The buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of five (5) feet wide. This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and

be capable of attaining full height and opacity within three (3) years; and

3. The applicant / developer shall submit a building permit or 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 NAC uses.

IMPACT ANALYSIS

Land Use Compatibility

The NAC (Neighborhood Activity Corridor District) zoning would allow for development that is compatible with the adjacent neighborhood and would not adversely impact adjacent properties.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Neighborhood Activity Corridor (NAC). The NAC FLUM designation allows for pedestrian-oriented development that can support a variety of residential and support uses, including single-family residential, multi-family residential, apartment development above offices and retail - including loft options, complemented by offices, commercial and residential support services. The requested NAC (Neighborhood Activity Corridor District) zoning is consistent with the "NAC" FLUM designation and with the following Comprehensive Plan provisions:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

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.

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.

FLU8.3.3 states that Orange County shall follow the specific development regulations to implement the Neighborhood Center, Neighborhood Activity Center, and Neighborhood Residential land use designations consistent with the intent of promoting neighborhood serving goals.

FLU8.3.4 states that Orange County will reinforce the residential character of the Holden Heights neighborhood by encouraging the planning and design of new development to complement the architectural design and features with the existing neighborhood character.

SITE DATA

Existing Use	Undeveloped
Adjacent Zoning	N: NAC (Neighborhood Activity Corridor District) (2007) E: NAC (Neighborhood Activity Corridor District) (2007) W: R-1A (Single-Family Dwelling District) (1957) S: R-1A (Single-Family Dwelling District) (1957)
Adjacent Land Uses	N: Undeveloped Institutional E: Church W: Undeveloped S: Stormwater Retention

NAC (NEIGHBORHOOD ACTIVITY CORRIDOR DISTRICT) DEVELOPMENT STANDARDS*

Non-Residential and Mixed Use Development

Min. Lot Area:	6,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	50 ft.
Min. Living Area:	500 sq. ft.
Building Setbacks:	
<i>Front:</i>	0 ft., 10 ft. maximum (60% of building frontage must conform to maximum setback)
<i>Rear:</i>	15 ft. (20 ft. adjacent to single-family zoning district)
<i>Side:</i>	10 ft. (0 ft. if buildings are adjoining)

One Dwelling Unit

Min. Lot Area: 4,500 sq. ft.
Min. Lot Width: 45 ft.

Max. Height: 35 ft.
Min. Living Area: 1,000 sq. ft.
Building Setbacks:
Front: 20 ft.
Rear: 20 ft.
Side: 5 ft.

Two Dwelling Units

Min. Lot Area: 11,250 sq. ft.
Min. Lot Width: 80 ft.

Max. Height: 35 ft.
Min. Living Area: 500 sq. ft.
Building Setbacks:
Front: 20 ft.
Rear: 20 ft.
Side: 5 ft.

Three Dwelling Units

Min. Lot Area: 11,250 sq. ft.
Min. Lot Width: 85 ft.

Max. Height: 35 ft.
Min. Living Area: 500 sq. ft. per dwelling unit
Building Setbacks:
Front: 20 ft.
Rear: 20 ft.
Side: 10 ft.

Four or More Dwelling Units

Min. Lot Area: 1,000 sq. ft. plus 2,000 per dwelling unit
Min. Lot Width: 85 ft.

Max. Height: 50 ft. (65 ft. with ground level retail)
Min. Living Area: 500 sq. ft. per dwelling unit
Building Setbacks:
Front: 20 ft.
Rear: 20 ft.
Side: 10 ft.

Townhouse

Min. Lot Area: 1,800 sq. ft.
Min. Lot Width: 20 ft.

Max. Height:	40 ft.
Min. Living Area:	750 sq. ft. per dwelling unit
Building Setbacks:	
Front:	25 ft., 15ft. for rear entry driveway
Rear:	20 ft., 15 ft. for rear entry garage
Side:	0 ft. (10 ft. for end units)

* 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.

The intent of the NAC neighborhood activity corridor district is to provide a mixture of land uses along the main roadways serving an urban community in need of redevelopment. The NAC district is intended as a vital, pedestrian-oriented district that can support a variety of residential and support uses at an intensity greater than the surrounding neighborhoods, but less intense than the NC district. The NAC district should contain a variety of multi-family units, including townhouses, apartments above offices and retail, and loft options, complemented by offices, commercial and residential support services, residential, and limited retail space. This intent and purpose are consistent with Future Land Use Element Policy FLU8.3.1 of the Orange County 2010-2030 Comprehensive Plan. These NAC neighborhood activity corridor district regulations shall be administered by the county zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

Permitted Uses

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

For master-planned redevelopment areas, defined as areas where lot assembly has taken place and a single site plan has been submitted for an area no less than five (5) acres, in the NAC district, permitted uses shall be consistent with Future Land Use Element Policy FLU 1.1.4C of the Orange County Comprehensive Plan.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 1418 30th Street; or generally on the south side of 30th Street, approximately 300 feet east of S. Rio Grande Avenue. The property is currently undeveloped.

The subject parcel is also located within Block 74 of the Angebuilt Addition No. 2 Subdivision, which was platted and recorded on November 29, 1924. Today, the subdivision can be characterized as having a mixture of single-family detached residential dwelling units, scattered religious (institutional) uses, and commercial and multi-family residential uses along the Rio Grande Avenue corridor.

Through this request, the applicant is seeking to rezone the subject property from R-

1A (Single-Family Dwelling District) to NAC (Neighborhood Activity Center District), with the intent of constructing one (1) single-family detached residential dwelling unit.

Orange County Comprehensive Plan Policy 8.1.11 states that no building permit may be issued for property that has inconsistent future land use and zoning, unless certain exceptions, such as grandfathered status or vesting of the use on the property, are present. Without meeting the exception criteria, the applicant is seeking to resolve the land use and zoning inconsistency of the subject parcel by rezoning to NAC, which in turn will then allow them to pursue a building permit for the construction of a single family detached dwelling unit.

Comprehensive Plan (CP) Amendment

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

State of Florida Notice

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

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

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

Overlay District Ordinance

The subject property is located within the Holden Heights overlay district.

Airport Noise Zone

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

Environmental

The development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible for determining the presence of listed species and obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

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

as well as the FDOH.

Finally, this property is located within the Holden Heights ROCC (Redeveloping Orange County Communities) Brownfield Area.

Transportation / Access

The parcel is located within a designated Alternative Mobility Area (AMA) and is therefore exempt from transportation concurrency. The proposed rezoning request for one single family home will generate 2 PM peak hour trips which will not impact the adjacent two-lane local roadway. Transit services are available within a 1/4 mile walking distance from the property. Finally, sidewalks have been constructed in the area, but there is no signed bicycle route.

Code Enforcement

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

Water / Wastewater / Reclaim

Water:	<u>Existing service or provider</u> Orlando Utilities Commission	
Wastewater:	Orange County Utilities	An 8-inch gravity main adjacent to parcel
Reclaim Water:	City of Orlando	

Schools

Orange County Public Schools (OCPS) considers the impact to affected public schools to be "de minimus"; therefore a Capacity Enhancement Agreement (CEA) is not required.

Parks and Recreation

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

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 – (May 18, 2017)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NAC (Neighborhood Activity Corridor District) zoning, subject to the following restrictions:

1. New billboards and pole signs shall be prohibited;

2. A Type "C" buffer, as defined in Orange County Code Sections 24-5(a)(3) and 38.1741(6)(c), shall be used to separate non-single-family residential Neighborhood Activity Corridor District (NC) uses from Neighborhood Residential District (NR) and all other residential uses, unless a variance to this restriction and buffer is approved by the Board of Zoning Adjustment (BZA). The buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of five (5) feet wide. This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years; and
3. The applicant / developer shall submit a building permit or 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 NAC uses.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend NAC of the requested NAC (Neighborhood Activity Corridor District) zoning, subject to three (3) restrictions.

Staff indicated that eighty-two (82) notices were mailed to surrounding property owners within a buffer extending beyond 500 feet from the subject property, with zero (0) responses in support and zero (0) in opposition received. The applicant was present and agreed with the staff recommendation of approval.

Following limited discussion, a motion was made by Commissioner Wean to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the NAC (Neighborhood Activity Corridor District) zoning. Commissioner Demostene seconded the motion, which was then carried on a 9-0 vote.

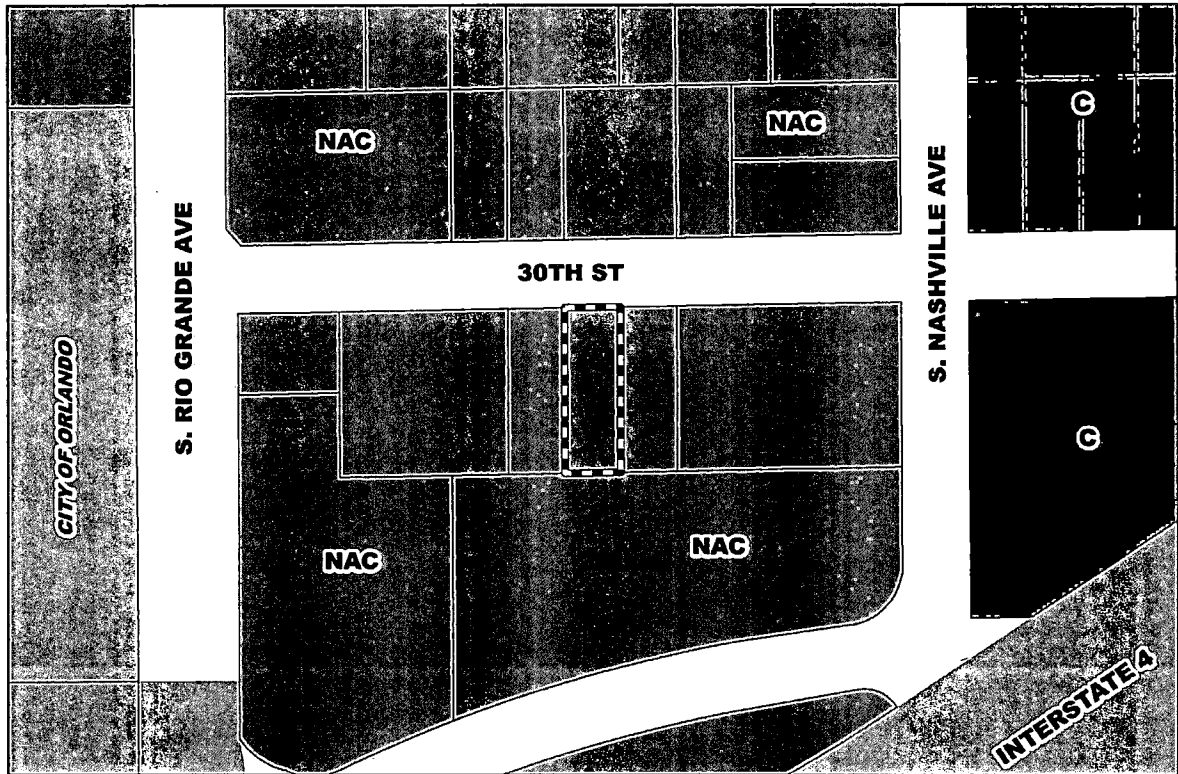
Motion / Second

Paul Wean / Tina Demostene

Voting in Favor

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

RZ-17-05-014



 Subject Property



★ Subject Property

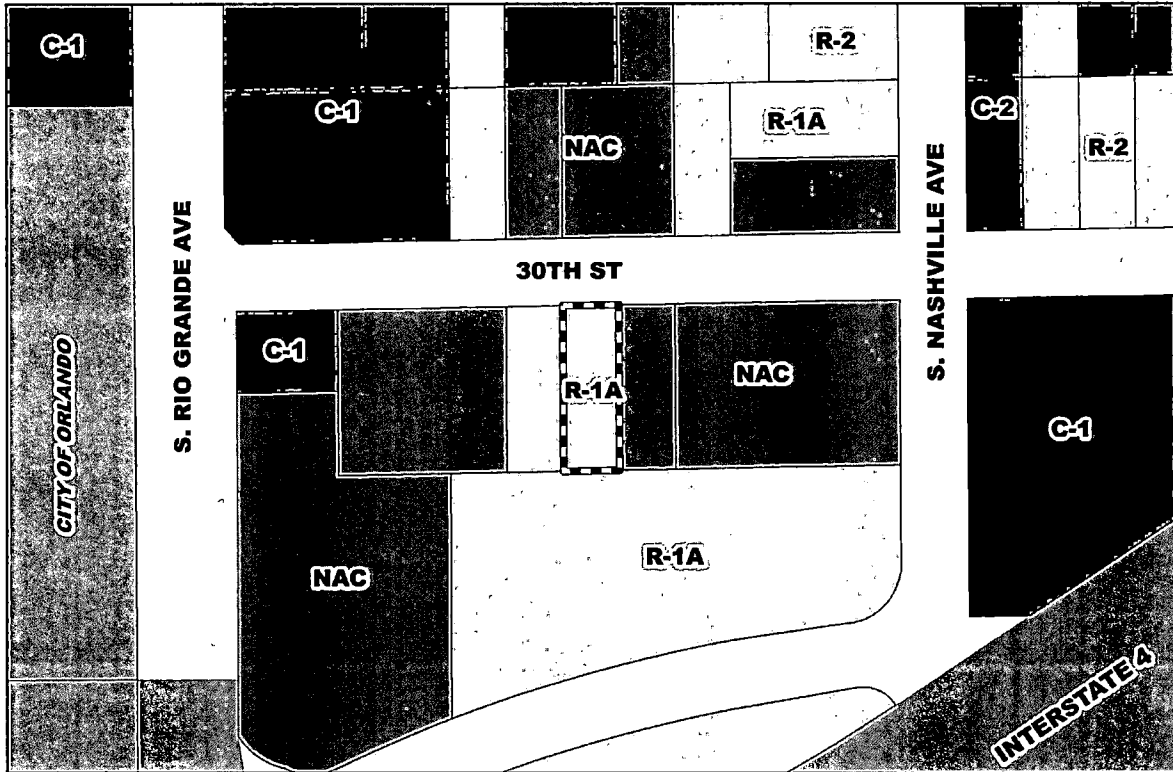
Future Land Use Map

FLUM: Neighborhood Activity Corridor (NAC)
APPLICANT: Fitsum Araia
LOCATION: 1418 30th Street; generally on the south side of 30th Street, approximately 300 feet east of S. Rio Grande Avenue
TRACT SIZE: 0.168 gross acre
DISTRICT: # 6
S/T/R: 03/23/29

1 inch = 133 feet



RZ-17-05-014



Subject Property



★ Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to
 NAC (Neighborhood Activity Corridor
 District)

APPLICANT: Fitsum Araia

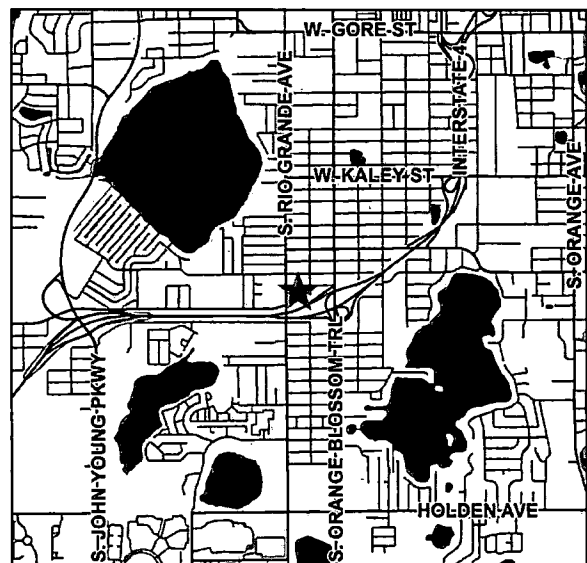
LOCATION: 1418 30th Street; generally on the south
 side of 30th Street, approximately 300 feet
 east of S. Rio Grande Avenue

TRACT SIZE: 0.168 gross acre

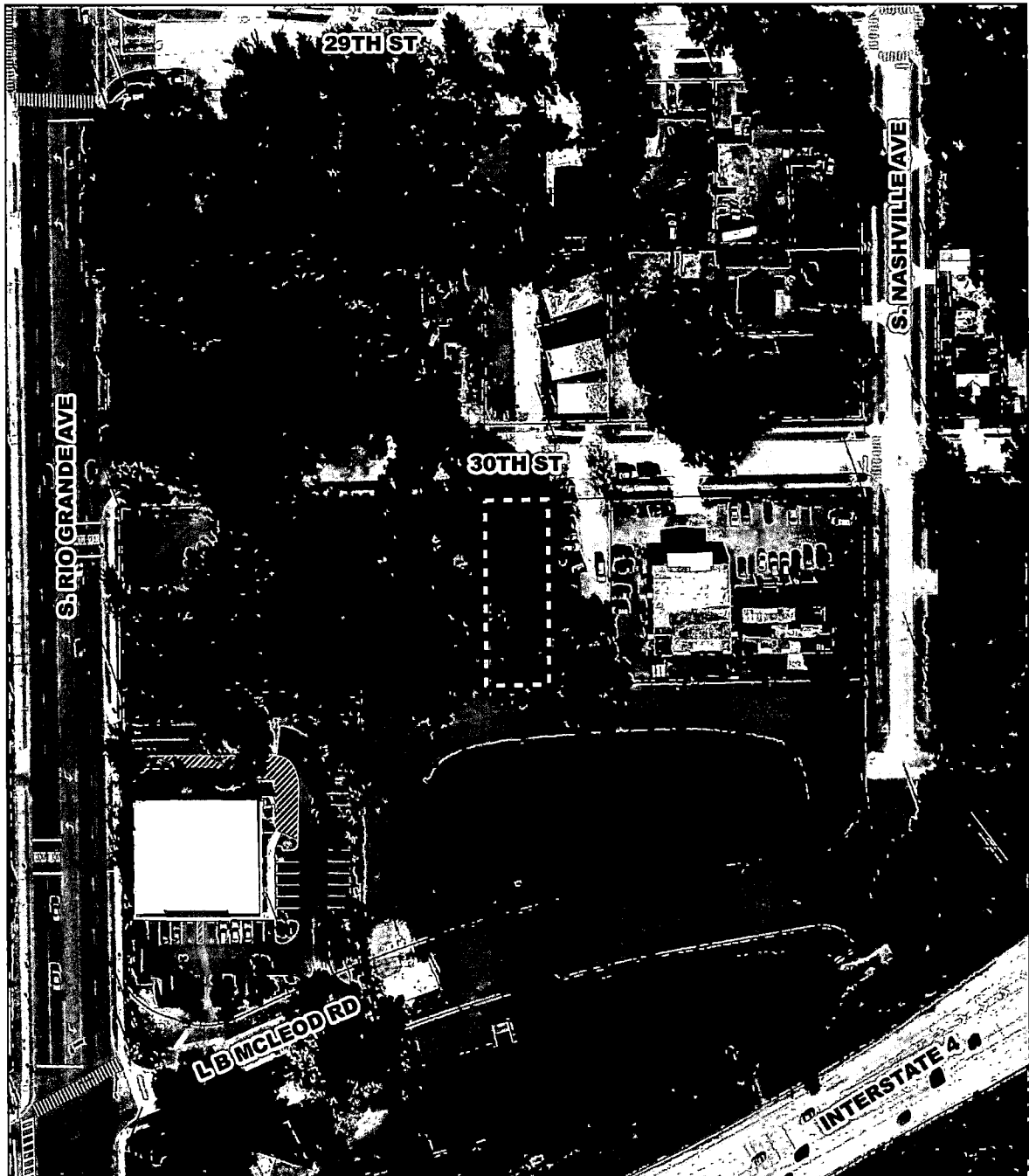
DISTRICT: # 6

S/T/R: 03/23/29

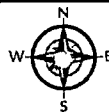
1 inch = 133 feet



RZ-17-05-014

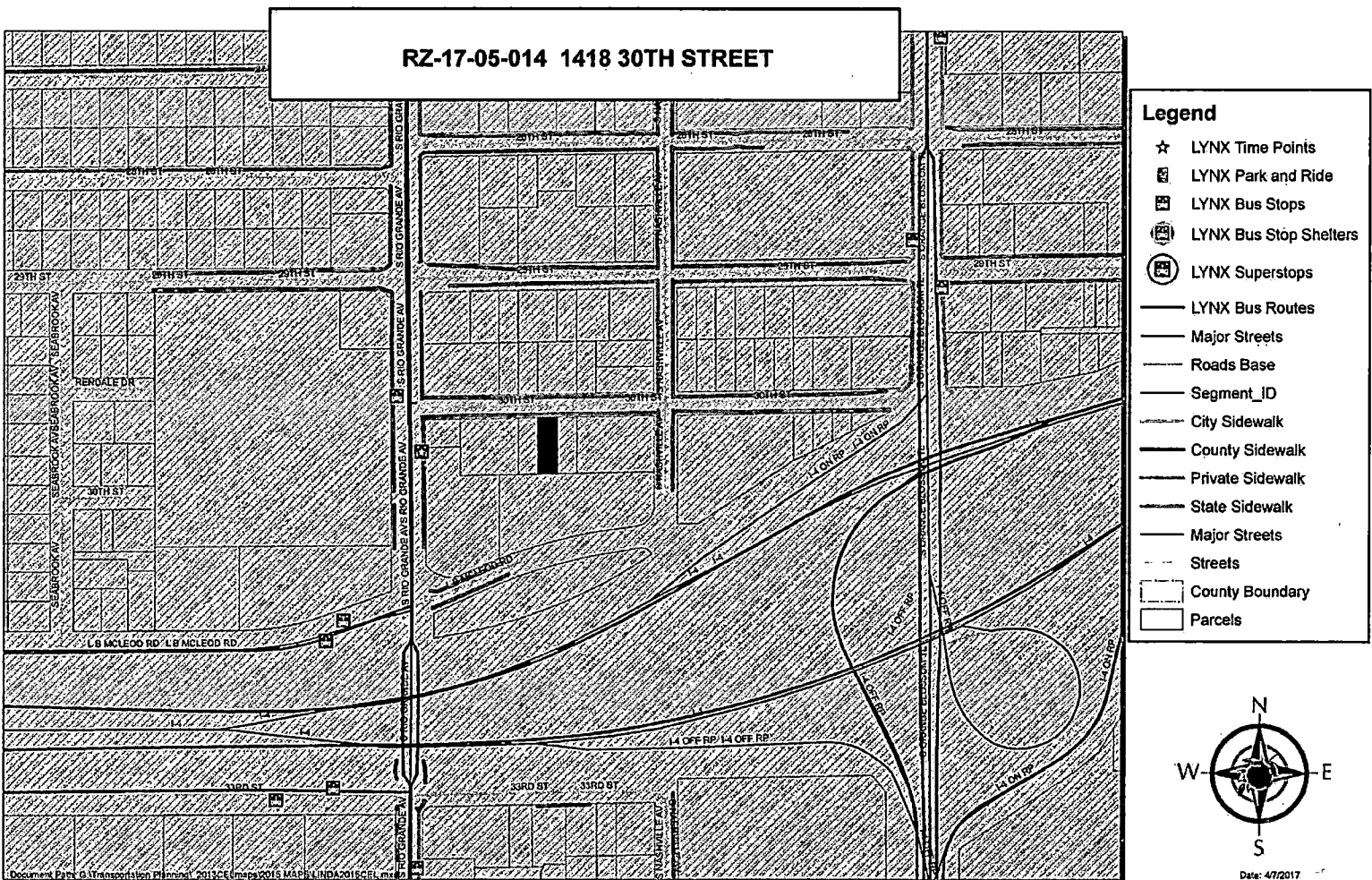


 Subject Property



1 inch = 104 feet

Alternative Mobility Area (AMA) Map

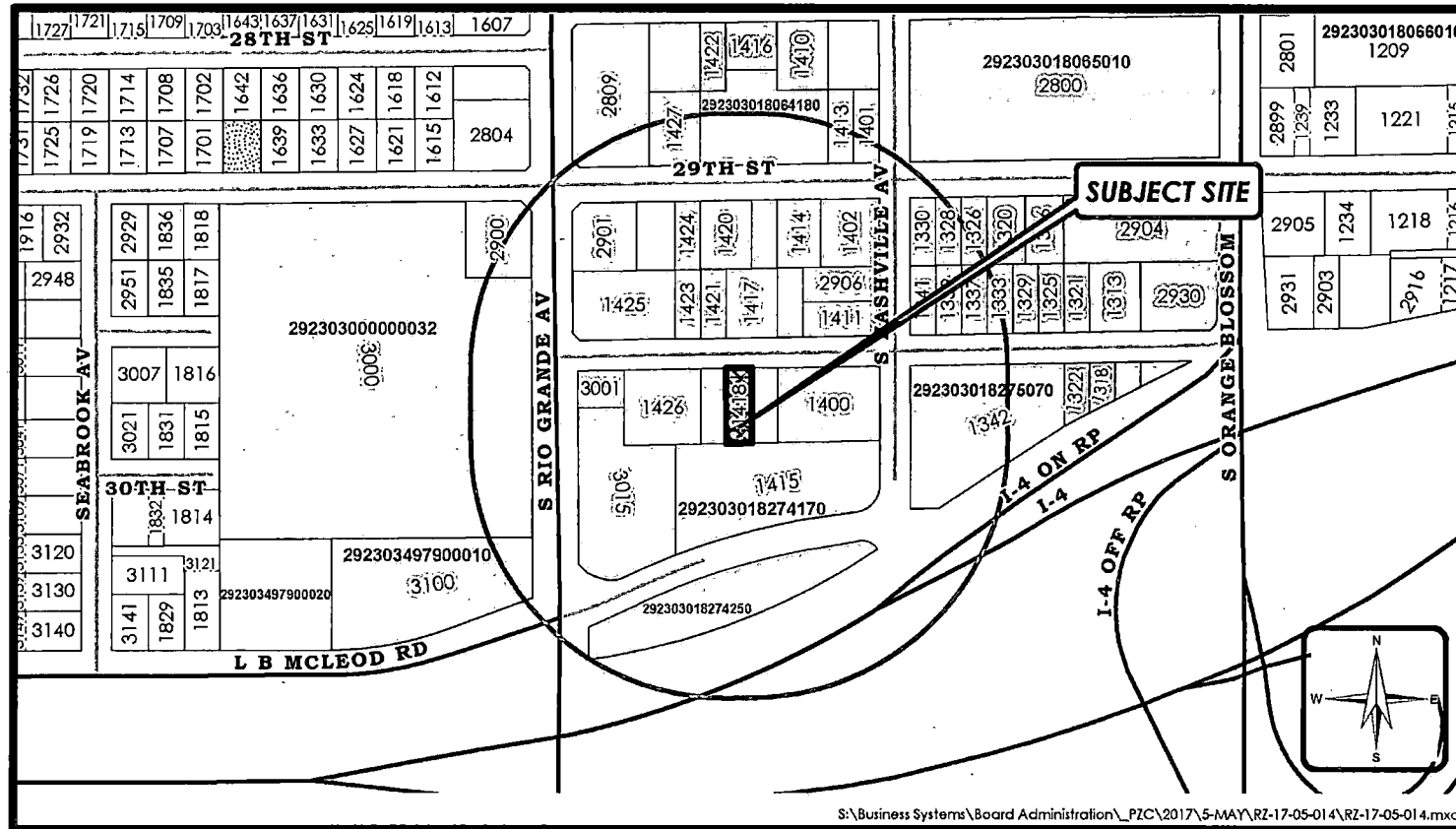




Public Notification Map

RZ-17-05-014

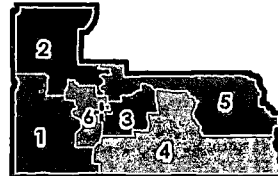
500 FT BUFFER, 82 NOTICES



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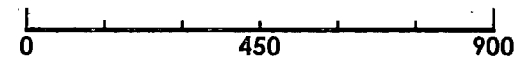
MAP LEGEND

	SUBJECT		PARCELS
	500_FT_BUFFER		PARCEL ID
	NOTIFIED_PARCEL		
	COURTESY_NOTICES		



1 inch = 278 feet

Feet



Notification Map

Case # RZ-17-05-014
Orange County Planning Division
PZC Hearing Date: May 18, 2017

Case Planner:
Steven Thorp

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: May 18, 2017

CASE # RZ-17-05-015

Commission District: # 6

GENERAL INFORMATION

APPLICANT	Steven Sandvick
OWNERS	Randall Merle Osinga
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-1 (Retail Commercial District) to C-2 (General Commercial District)
LOCATION	6150 Silver Star Road; or generally on the south side of Silver Star Road, approximately 300 feet east of N. Powers Drive
PARCEL ID NUMBERS	13-22-28-0000-00-011
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 700 feet [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. One hundred twenty-one (121) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	2.45 gross acres
PROPOSED USE	Used automobile sales with outdoor display, as an extension to an existing pawn shop

STAFF RECOMMENDATION

PLANNING

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

IMPACT ANALYSIS

Land Use Compatibility

The C-2 (General Commercial District) zoning would allow for development that is incompatible with the adjacent residential neighborhood and would adversely impact adjacent properties.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). While the requested C-2 (General Commercial District) zoning is

consistent with the "C" FLUM designation, it is inconsistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that land use 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.

FLU6.6.10 states that development and redevelopment within the Wekiva Study Area shall provide as much open space as possible. Priority for open space protection shall be given to the following resources, as required to be protected by the Wekiva Act: the most effective recharge areas, karst features, and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities. A minimum of fifty percent (50%) of any sensitive natural habitat occurring shall be preserved on-site.

The purposes of open space design development are to minimize site disturbance, reduce land development costs, reduce infrastructure costs, provide more cost effective and efficient site infrastructure, provide better management of facilities, and permanently protect open space providing assured environmental protection, while remaining density and intensity neutral.

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.

OBJ N1.1 states that future land use changes shall be compatible with or do not adversely impact existing or proposed neighborhoods.

SITE DATA

Existing Use	Pawn Shop with no outdoor storage and display
Adjacent Zoning	N: C-1 (Retail Commercial District) (1966, 1967)
	E: C-1 (Retail Commercial District) (1966)
	W: C-2 (General Commercial District) (1990) - Limited to C-1 uses with outdoor storage
	S: R-1A (Single-Family Residential District) (1957)
Adjacent Land Uses	N: Shopping Plaza
	E: Cosmetology School
	W: Auto Repair and Part Distribution Warehouse
	S: Single-Family Residential

C-2 (GENERAL COMMERCIAL DISTRICT) DEVELOPMENT STANDARDS*

Min. Lot Area:	8,000 sq. ft.
Min. Lot Width:	100 ft. (on major streets, see Article XV) 80 ft. (on all other streets)
Max. Height:	50 ft. (35 ft. within 100 ft. of all residential districts)
Min. Floor Area:	500 sq. ft.
Building Setbacks:	
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.

Permitted Uses

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

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

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 6150 Silver Star Road; or generally on the south side of Silver Star Road, approximately 300 feet east of N. Powers Drive. The site is also developed with a pawn shop, and is located within the Pine Hills community.

Through this request, the applicant is seeking to rezone the property from C-1 (Retail Commercial District) to C-2 (General Commercial District) in order to expand the types of permitted commercial uses, and more specifically to allow used automobile sales with outdoor display, as an extension to the existing pawn shop.

Staff has determined that the proposed request to rezone to C-2 zoning district would adversely impact adjacent single-family neighborhoods and Pine Hills community. This finding is supported by Orange County Comprehensive Plan Policies FLU 1.4.2 and 1.4.4 which respectfully require that all land use changes are compatible with existing neighborhoods and that poorly located / designed commercial activities near residential areas be avoided.

Furthermore, Orange County Code Section 38-851, states that the C-2 zoning district should be located away from residential districts because of compatibility concerns. Lastly, the request is inconsistent with Pine Hills Neighborhood Improvement District (NID) Goal #4 which encourages the development of attractive and functional community corridors, including Silver Star Road.

Comprehensive Plan (CP) Amendment

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

State of Florida Notice

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

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

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

Overlay District Ordinance

The subject property is not located within an overlay district.

Airport Noise Zone

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

Environmental

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. The applicant is advised that special area regulations may apply. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030 Destination 2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva.

This project may be impacted by soil and/or groundwater contamination resulting from former operations at the adjacent property on 6224 Silver Star Rd, Allied Tire Store #13. No activity will be permitted that may disturb, influence, or otherwise interfere with areas of soil and/or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area. Such activities include, but are not limited to, the use of potable or irrigation wells and dewatering. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in Section 376.308 of the Florida Statutes.

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

Prior to demolition or construction activities associated with existing structures, provide the Orange County Environmental Protection Division (EPD) with a Notice of Asbestos Renovation or Demolition form.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Finally, prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental

Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection (FDEP) by the developer.

Transportation / Access

This project is within a designated Alternative Mobility Area (AMA) and is therefore exempt from transportation concurrency. Based on the size of the proposed development, a mobility analysis may be required prior to obtaining a building permit.

Code Enforcement

There is an active Code Enforcement violation on the subject property (Incident #480932) relating to violations for outdoor storage and display of merchandise and lack of a current use permit. The violation is scheduled for the July 10, 2017 Code Enforcement Board hearing.

Neighborhood Preservation and Revitalization

The subject property is located within the Pine Hills Neighborhood Improvement District which was established to help enhance on-going revitalization and efforts along commercial corridors. The Orange County Neighborhood Preservation and Revitalization Division has expressed that the applicant's intended use of the site is inconsistent with the long-term vision for Pine Hills.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>	
Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	An 8-inch gravity main and 10-inch forcemain are located on Powers Drive
Reclaim Water:	Orange County Utilities	There are no reclaim water mains located in the area.

Schools

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

Parks and Recreation

Orange County Parks and Recreation did not comment on this case, as it does not involve an increase in residential units or density.

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 – (May 18, 2017)

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

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 denial of the requested C-2 (General Commercial District) zoning.

Staff indicated that one hundred and twenty-one (121) notices were mailed to surrounding property owners within a buffer extending beyond 700 feet from the subject property, with two hundred thirty-four (234) responses in support and three (3) in opposition received. All responses in support of the request were received via fax from the applicant's business, including 14 of which were from property owners residing within the formal notification area. The applicant was present and opposed the staff recommendation of denial, and provided extensive testimony in support of the request.

Following public testimony, and limited discussion regarding C-2 uses and the adjacency to a residential neighborhood, a motion was made by Commissioner Wade to find the request to be inconsistent with the Comprehensive Plan and recommend **DENIAL** of the C-2 (General Commercial District) zoning. Commissioner Wean seconded the motion, which was then carried on a 9-0 vote.

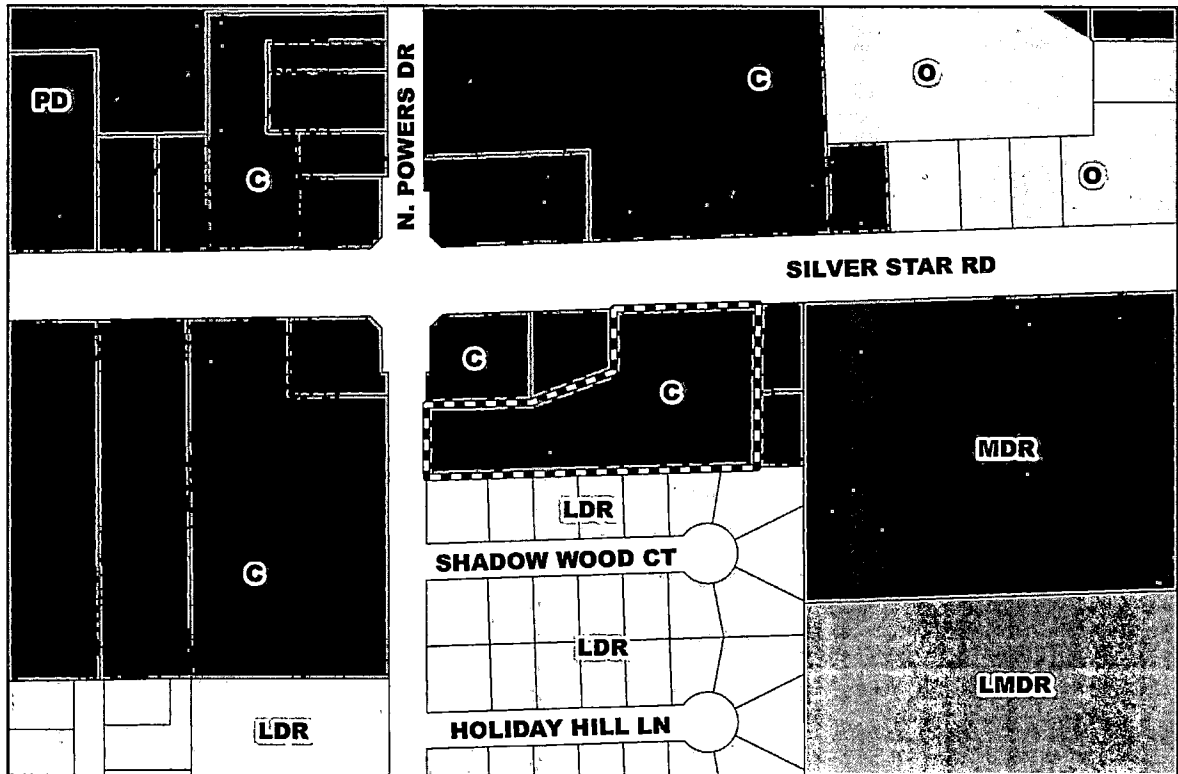
Motion / Second

JaJa Wade / Paul Wean

Voting in Favor

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

RZ-17-05-015



Subject Property



★ Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Steven Sandvik

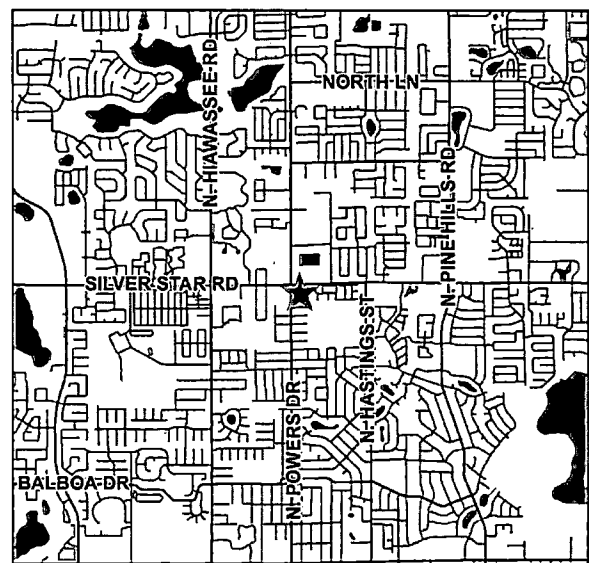
LOCATION: 6150 Silver Star Road; generally on the south side of Silver Star Road, approximately 300 feet east of N. Powers Drive

TRACT SIZE: 2.45 gross acres

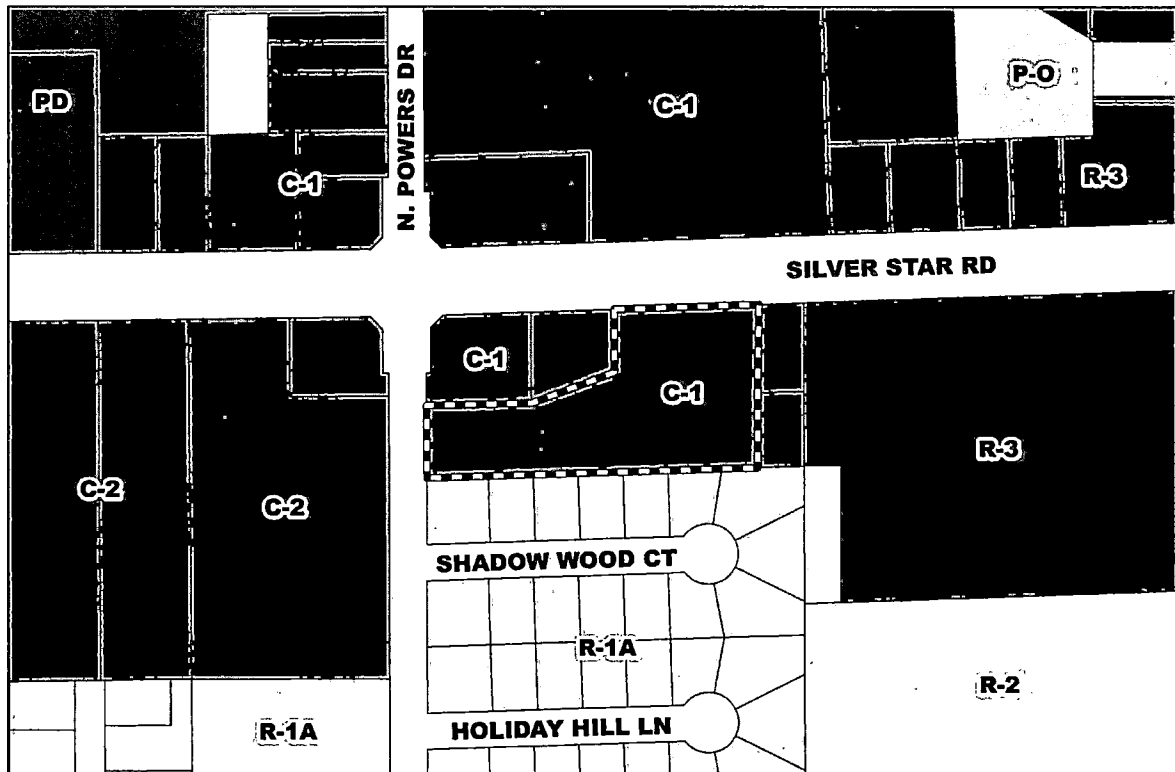
DISTRICT: # 6

S/T/R: 13/22/28

1 inch = 250 feet



RZ-17-05-015



Subject Property



★ Subject Property

Zoning Map

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

APPLICANT: Steven Sandvik

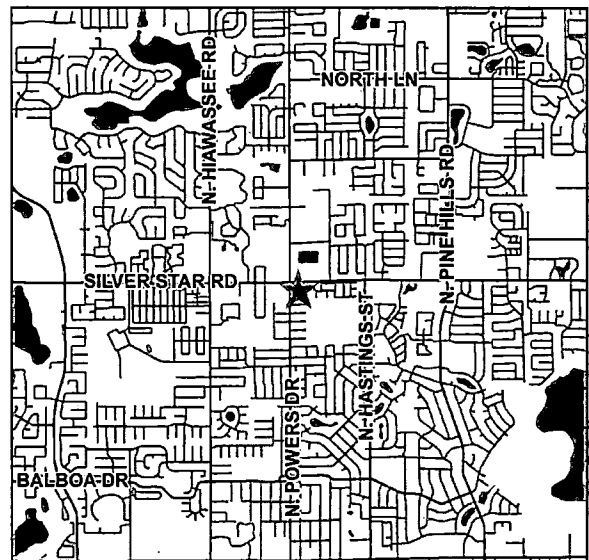
LOCATION: 6150 Silver Star Road; generally on the
 south side of Silver Star Road,
 approximately 300 feet east of N.
 Powers Drive

TRACT SIZE: 2.45 gross acres

DISTRICT: # 6

S/T/R: 13/22/28

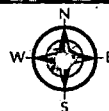
1 inch = 250 feet



RZ-17-05-015

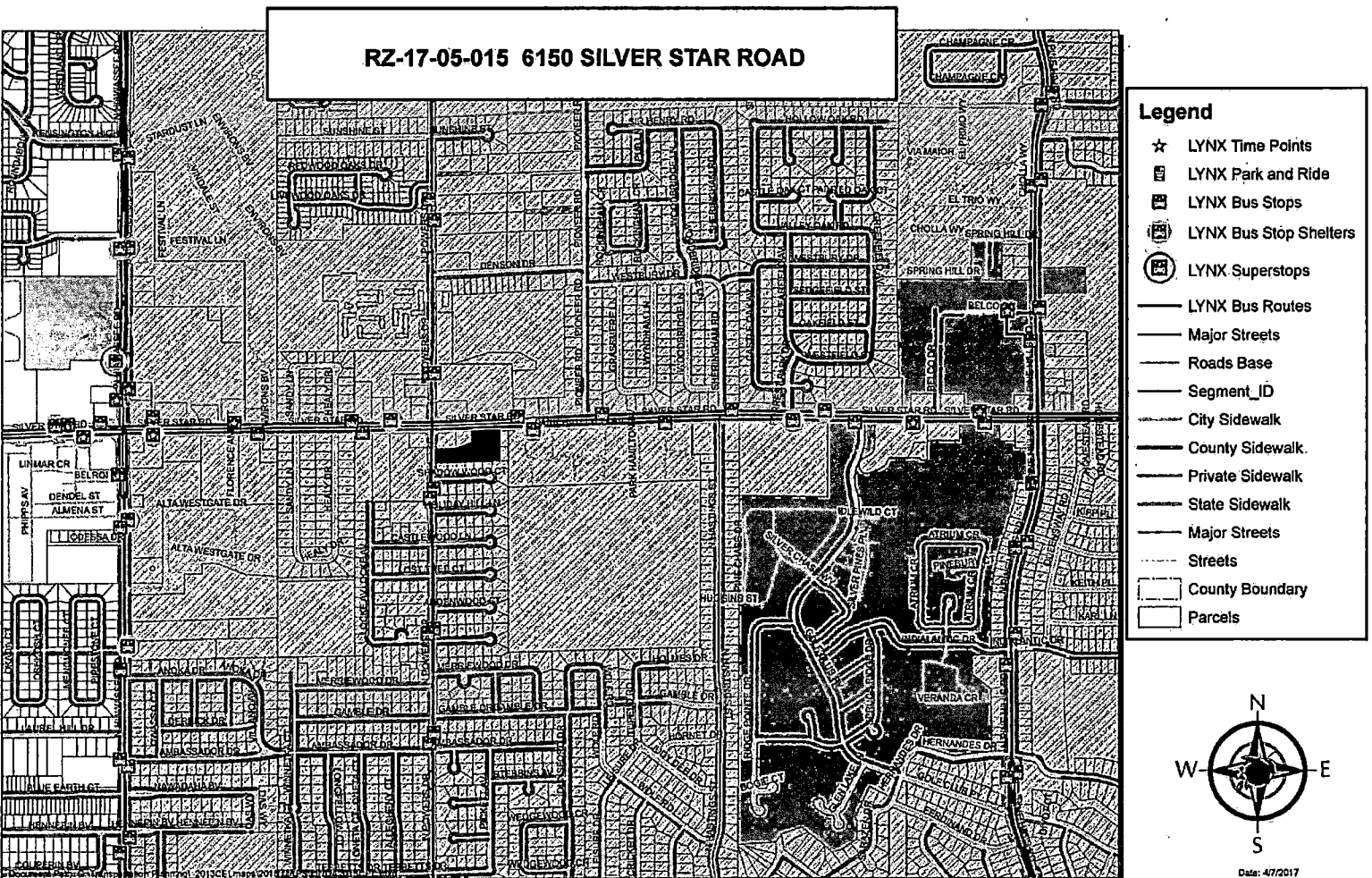


 Subject Property



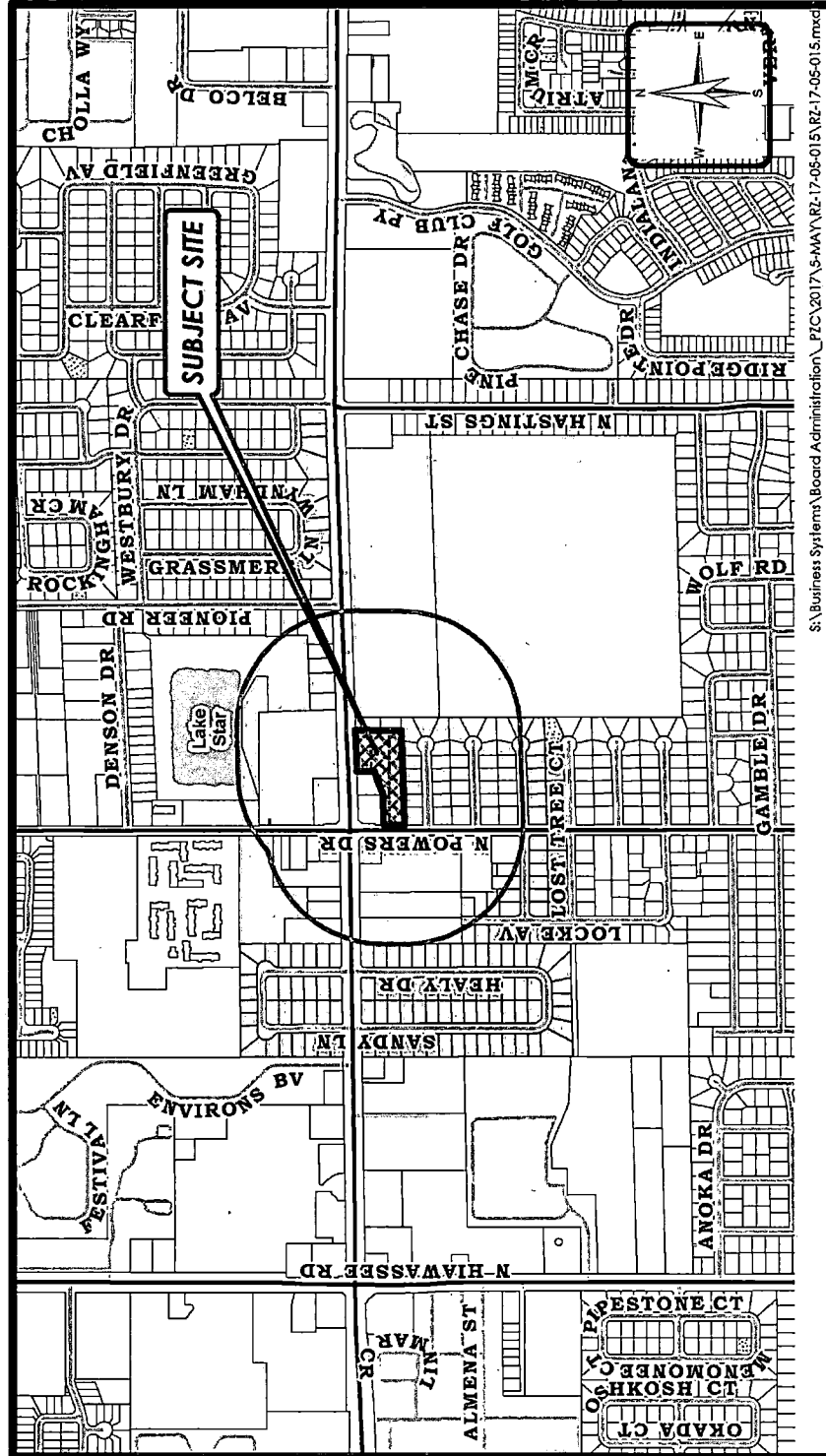
1 inch = 208 feet

Alternative Mobility Area (AMA) Map



Notification Map

Public Notification Map RZ-17-05-015 700 FT BUFFER, 121 NOTICES



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