



PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS

AUGUST 17, 2017





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



|                                |             |
|--------------------------------|-------------|
| James Dunn<br>Vice-Chairperson | District #1 |
|--------------------------------|-------------|

|                |             |
|----------------|-------------|
| William Gusler | District #2 |
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|                |             |
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| Tina Demostene | District #3 |
|----------------|-------------|

|               |             |
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| Pat DiVecchio | District #4 |
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|                  |             |
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| J. Gordon Spears | District #5 |
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|                             |             |
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| JaJa J. Wade<br>Chairperson | District #6 |
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|           |          |
|-----------|----------|
| Paul Wean | At Large |
|-----------|----------|

|             |          |
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| Yog Melwani | At Large |
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|              |          |
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| Jose Cantero | At Large |
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**Planning and Zoning Commission**  
**August 17, 2017**

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**REZONING PUBLIC HEARINGS**

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**TABLE OF HEARINGS**  
**Planning and Zoning Commission**  
**August 17, 2017**

| <b><u>Case #</u></b><br><b><u>Applicant</u></b> | <b><u>Request</u></b> | <b><u>Commission</u></b><br><b><u>District</u></b> | <b><u>Recommendations</u></b><br><b><u>Staff</u></b> | <b><u>PZC</u></b>                        | <b><u>BCC Hearing</u></b><br><b><u>Required</u></b> |
|---|-----------------------|--|--|--|---|
| <b>I. REZONING PUBLIC HEARINGS</b>              |                       |  |  |  |   |
| RZ-17-07-016<br>Oanh Vo                         | <i>A-2 to R-T-1</i>   | 5  | Approval   | Approval<br>with one (1)<br>restriction  | No  |
| RZ-17-08-030<br>Herman Rhyne                    | <i>A-1 to I-4</i>     | 2  | Approval<br>with two (2)<br>restrictions             | Approval<br>with two (2)<br>restrictions | No  |
| RZ-17-08-032<br>Robert E. Carrigan, Jr.         | <i>A-2 to C-3</i>     | 5  | Approval<br>with two (2)<br>restrictions             | Approval<br>with two (2)<br>restrictions | No  |



# SITE and BUILDING REQUIREMENTS

## Orange County Code Section 38-1501. Basic Requirements

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



| <i>District</i> | <i>Min. lot area (sq. ft.)<sup>m</sup></i>       | <i>Min. living area (sq. ft.)</i> | <i>Min. lot width (ft.)</i>   | <i>Min. front yard (ft.)<sup>a</sup></i>                            | <i>Min. rear yard (ft.)<sup>a</sup></i>          | <i>Min. side yard (ft.)</i>  | <i>Max. building height (ft.)</i>                            | <i>Lake setback (ft.)</i> |
|-----------------|--|-----------------------------------|---|---|--|--|--|---------------------------|
| NR              | One-family dwelling, 4,500                       | 1,000                             | 45 <i>c</i>   | 20  | 20   | 5  | 35/3 stories <i>k</i>  | <i>a</i>                  |
|                 | Two DUs, 8,000                                   | 500 per DU                        | 80/90 <i>d</i>  | 20  | 20   | 5  | 35/3 stories <i>k</i>  | <i>a</i>                  |
|                 | Three DUs, 11,250                                | 500 per DU                        | 85  | 20  | 20   | 10   | 35/3 stories <i>k</i>  | <i>a</i>                  |
|                 | Four or more DUs, 1,000 plus 2,000 per DU        | 500 per DU                        | 85  | 20  | 20   | 10   | 50/4 stories <i>k</i>  | <i>a</i>                  |
|                 | 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 <i>k</i>  | <i>a</i>                  |
| 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 <i>k</i>   | <i>a</i>                  |
|                 | One-family dwelling, 4,500                       | 1,000                             | 45 <i>c</i>   | 20  | 20   | 5  | 35/3 stories <i>k</i>  | <i>a</i>                  |
|                 | Two DUs, 11,250                                  | 500 per DU                        | 80 <i>d</i>   | 20  | 20   | 5  | 35/3 stories <i>k</i>  | <i>a</i>                  |
|                 | Three DUs, 11,250                                | 500 per DU                        | 85  | 20  | 20   | 10   | 35/3 stories <i>k</i>  | <i>a</i>                  |
|                 | 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 <i>k</i> | <i>a</i>                  |
| NC              | 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 <i>k</i>  | <i>a</i>                  |
|                 | 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 <i>k</i>   | <i>a</i>                  |
|                 | One-family dwelling, 4,500                       | 1,000                             | 45 <i>c</i>   | 20  | 20   | 5  | 35/3 stories <i>k</i>  | <i>a</i>                  |
|                 | Two DUs, 8,000                                   | 500 per DU                        | 80 <i>d</i>   | 20  | 20   | 5  | 35/3 stories <i>k</i>  | <i>a</i>                  |
|                 | Three DUs, 11,250                                | 500 per DU                        | 85  | 20  | 20   | 10   | 35/3 stories <i>k</i>  | <i>a</i>                  |
| P-O             | 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 <i>k</i>           | <i>a</i>                  |
|                 | 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 <i>k</i>  | <i>a</i>                  |
|                 | 10,000   | 500                               | 85  | 25  | 30   | 10 for one- and two-story bldgs., plus 2 for each add. story         | 35   | <i>a</i>                  |
|                 | 6,000  | 500                               | 80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 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        | <i>a</i>                  |
|                 |  |                                   |   |   |  |  |  |                           |



| District | Min. lot area (sq. ft.) <sup>m</sup> | Min. living area (sq. ft.) | Min. lot width (ft.)   | Min. front yard (ft.) <sup>a</sup>                 | Min. rear yard (ft.) <sup>a</sup>            | 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 <sup>f</sup>  | 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 | <sup>a</sup>       |
| C-3      | 12,000                               | 500                        | 125 on major streets (see Art. XV); 100 for all other streets <sup>g</sup> | 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 | <sup>a</sup>       |

| 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 any residential use or district |
| I-1 / I-5 | 35                     | 25                    | 25                    | 50, or 35 within 100 ft. of any residential use or district |
| I-2 / I-3 | 25                     | 10                    | 15                    | 50, or 35 within 100 ft. of any residential use or district |
| I-4       | 35                     | 10                    | 25                    | 50, or 35 within 100 ft. of any residential use or district |

**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

- <sup>a</sup> 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.
- <sup>b</sup> Side setback is 30 feet where adjacent to single-family district.
- <sup>c</sup> 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.
- <sup>d</sup> 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:
  - (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.
- <sup>e</sup> Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- <sup>f</sup> Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- <sup>g</sup> Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- <sup>h</sup> For lots platted on or after 3/3/97, or unplatted 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.
- <sup>j</sup> 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.
- <sup>k</sup> 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%.
- <sup>m</sup> 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

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## 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:  
Jason H. Sorensen

Rezoning Staff Report  
Orange County Planning Division  
PZC Hearing Date: August 17, 2017

**CASE # RZ-17-07-016**

Commission District: # 5

**GENERAL INFORMATION**

|                            |   |
|----------------------------|---|
| <b>APPLICANT</b>           | Oanh Vo   |
| <b>OWNER</b>               | Thuc Cong Pham  |
| <b>HEARING TYPE</b>        | Planning and Zoning Commission  |
| <b>REQUEST</b>             | A-2 (Farmland Rural District) <del>to</del><br>R-T-1 (Mobile Home Subdivision District)   |
| <b>LOCATION</b>            | 14522 Liberty Street; or generally on the south side of Liberty street and on the east side of Frank Street, approximately 435 feet north of East Colonial Drive.   |
| <b>PARCEL ID NUMBER</b>    | 24-22-31-1068-01-010  |
| <b>PUBLIC NOTIFICATION</b> | 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 thirty-two (132) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application. |
| <b>TRACT SIZE</b>          | 0.96-gross acre   |
| <b>PROPOSED USE</b>        | Two (2) manufactured homes<br>(one per parcel, pending lot spit)  |

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning.**

**IMPACT ANALYSIS**

**Land Use Compatibility**

The R-T-1 (Mobile Home Subdivision District) zoning would allow for development that is compatible with the character of the surrounding area 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). The LMDR FLUM designation allows consideration of up to ten (10) dwelling units per developable acre, and through this request the applicant is seeking to split the subject property into two separate parcels for the purposes of allowing a manufactured home on each lot. The proposed R-T-1 (Mobile Home Subdivision District) zoning is consistent with the LMDR FLUM designation and the following CP 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**

|                     |                           |
|---------------------|---------------------------|
| <b>Existing Use</b> | One (1) Manufactured Home |
|---------------------|---------------------------|



|                           |    |   |
|---------------------------|----|---|
| <b>Adjacent Zoning</b>    | N: | A-2 (Farmland Rural District) (1957)<br>R-T-1 (Mobile Home Subdivision District) (2007) |
|                           | E: | A-2 (Farmland Rural District) (1957)  |
|                           | W: | R-T (Mobile Home Park District) (1985)  |
|                           | S: | R-2 (Residential District) (2008)<br>A-2 (Farmland Rural District) (1957)               |
| <b>Adjacent Land Uses</b> | N: | Single-Family Residential and Manufactured Home   |
|                           | E: | Undeveloped Land  |
|                           | W: | Manufactured Home   |
|                           | S: | Single-Family Residential   |

**R-T-1 (MOBILE HOME SUBDIVISION DISTRICT) DEVELOPMENT STANDARDS\***

|                           |                         |
|---------------------------|-------------------------|
| Max. Height:              | 35 ft.                  |
| Minimum Size Mobile Home: | 8 ft. x 35 ft. (280 sf) |
| Minimum Lot Width:        | 45 ft.                  |
| Building Setbacks:        |                         |
| Front:                    | 25 ft.                  |
| Rear:                     | 25 ft.                  |
| Side:                     | 5 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**

R-T-1 (Mobile Home Subdivision District) zoning is composed of lands and structures used primarily for the use of manufactured homes.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code. Permitted uses include, but are not limited to, single-family uses, mobile homes, and family day care homes.

**SPECIAL INFORMATION**

**Subject Property Analysis**

The subject property is located at 14522 Liberty Street; or generally on the south side of Liberty street and on the east side of Frank Street, approximately 435 feet north of East Colonial Drive. Through this request, the applicant is seeking to rezone the subject parcel from A-2 (Farmland Rural District) to R-T-1 (Mobile Home Subdivision District).



There are currently two manufactured homes located on the subject property. Through this rezoning request, the applicant intends to split the property into 2 parcels, resulting in one manufactured home on each parcel.

**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 JPA.

**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**

Environmental Planning Division (EPD) staff reviewed the rezoning request, but did not identify any issues or concerns.

**Transportation / Access**

The proposed lot split is located adjacent to Frank Street, a two-lane local road. Development of the proposed mobile homes will not cause any significant impact on the adjacent roadway.

**Code Enforcement**

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

**Water / Wastewater / Reclaim**

|        |                                     |  |
|--------|-------------------------------------|--|
|        | <u>Existing service or provider</u> |  |
| Water: | Orange County Utilities             | An 8-inch water main is located on Frank Street. |



|                |                         |   |
|----------------|-------------------------|---|
| Wastewater:    | Orange County Utilities | A 30-inch force main is located on East Colonial Drive. |
| Reclaim Water: | Orange County Utilities | Reclaim water service is not available.                 |

**Schools**

Orange County Public Schools (OCPS) did not comment on this case, as it is considered de minimis and therefore exempt from capacity review.

**Parks and Recreation**

Orange County Parks and Recreation staff reviewed the rezoning request, but did not identify any issues or concerns.

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (August 17, 2017)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning, subject to the following restrictions**

1. Only one lot split of the subject property (resulting in two lots) shall be permitted, with each resulting lot area containing no less than 20,000 square feet.



**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-T-1 (Mobile Home Subdivision District) zoning with no restrictions.

Staff indicated that one hundred thirty-two (132) notices were mailed to surrounding property owners within a buffer extending beyond 700 feet from the subject property, with no commentaries received in opposition or in support. The applicant was present and agreed with the staff recommendation of approval. No members of the public were present to speak in favor or opposition.

Following limited discussion, a motion was made by Commissioner Spears to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the R-T-1 (Mobile Home Subdivision District) zoning with an added restriction that allowed only one lot split of the subject property (resulting in two lots), with each resulting lot area containing no less than 20,000 square feet. Commissioner Wean seconded the motion, which was then carried on an 8-0 vote.

**Motion / Second**

*Gordon Spears / Paul Wean*

**Voting in Favor**

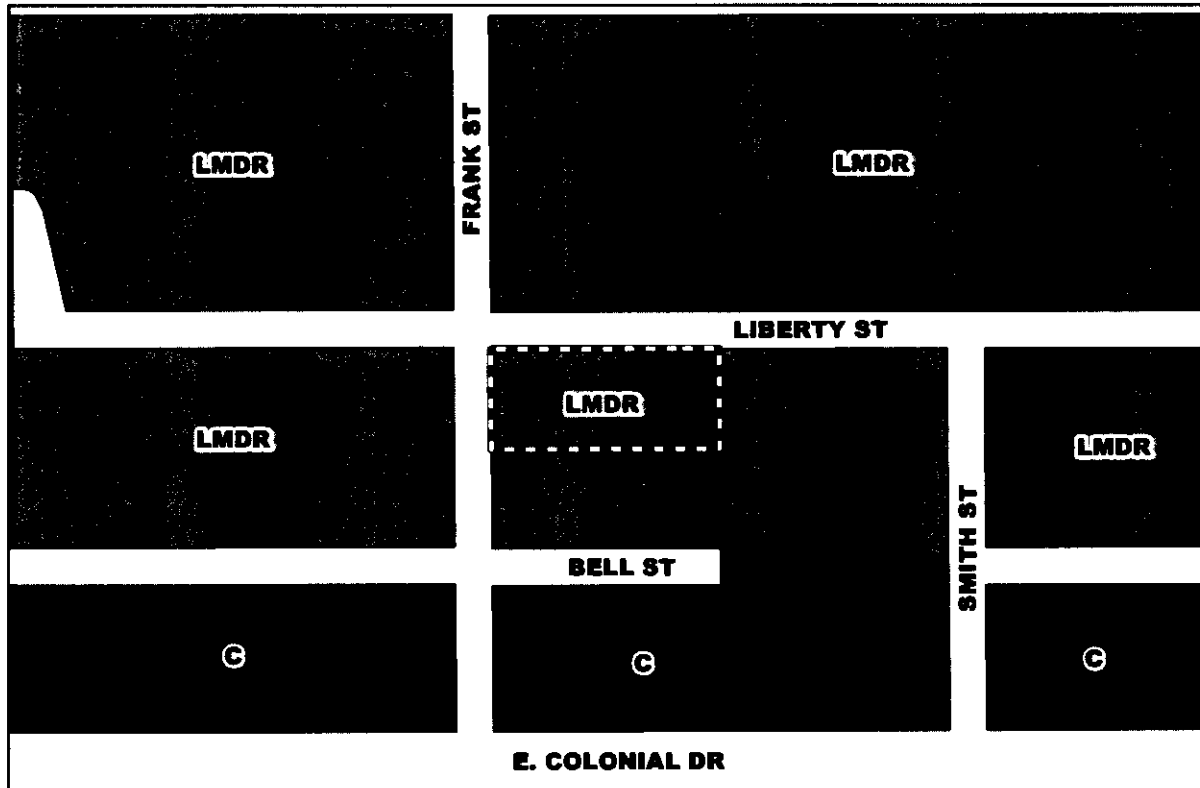
*Gordon Spears, Paul Wean, Jose Cantero, JaJa Wade, William Gusler, Pat DiVecchio, James Dunn, and Yog Melwani*

**Absent**

*Tina Demostene*



RZ-17-07-016



 Subject Property



★ Subject Property

### Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Oahn Vo

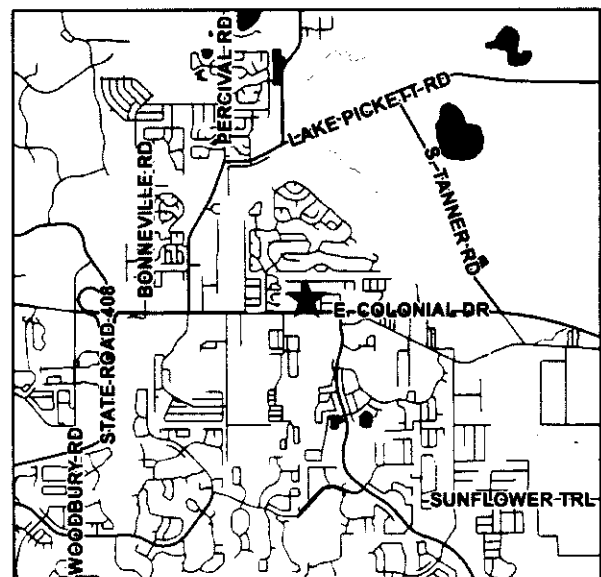
LOCATION: 14522 Liberty Street; or generally on the south side of Liberty Street and east of Frank Street

TRACT SIZE: 0.96 gross acre

DISTRICT: # 5

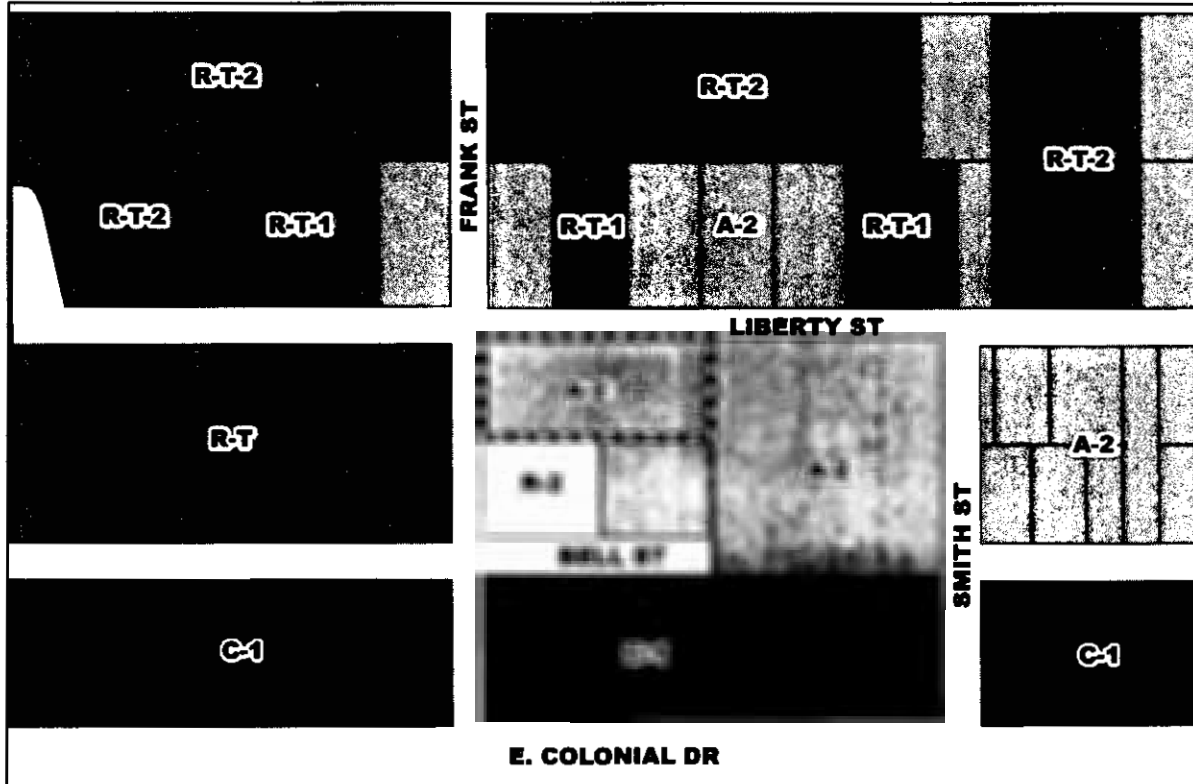
S/T/R: 24/22/31

1 inch = 208 feet





RZ-17-07-016



 Subject Property



★ Subject Property

### Zoning Map

**ZONING:** A-2 (Farmland Rural District) to  
 R-T-1 (Mobile Home Subdivision District)

**APPLICANT:** Oahn Vo

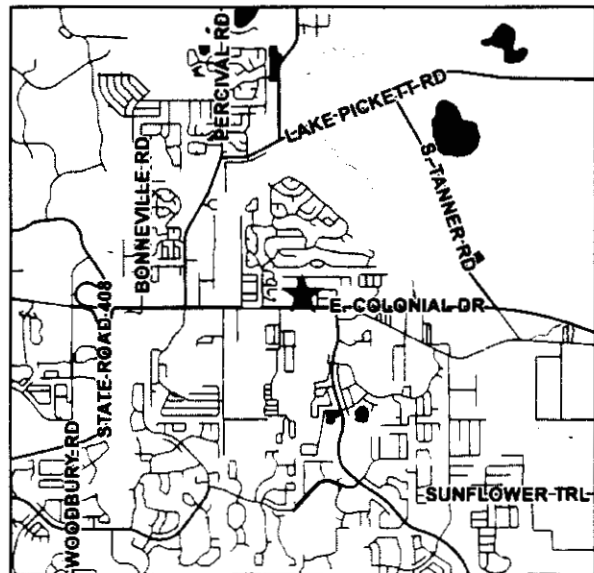
**LOCATION:** 14522 Liberty Street; or generally on the  
 south side of Liberty Street and east of  
 Frank Street

**TRACT SIZE:** 0.96 gross acre

**DISTRICT:** # 5

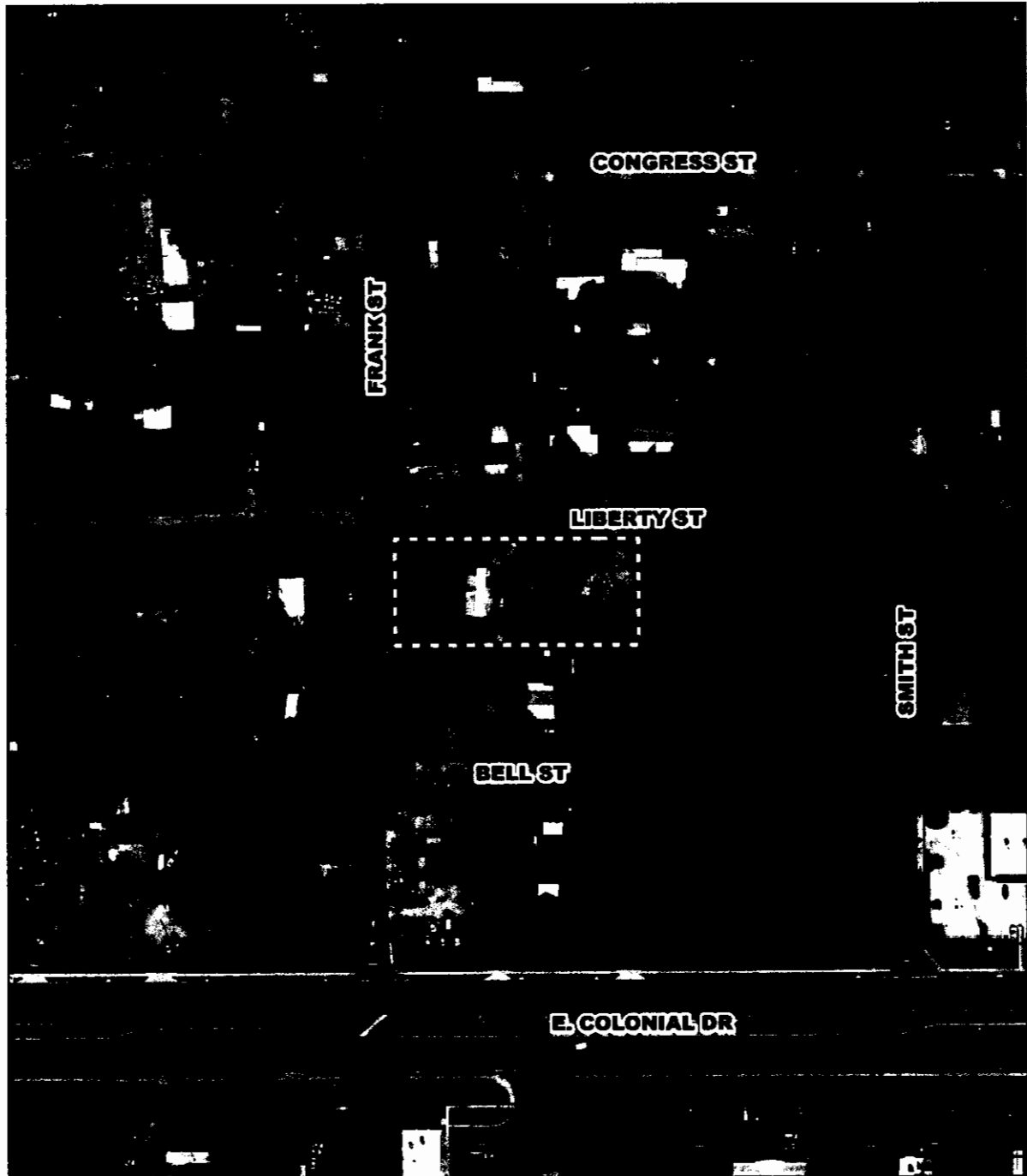
**S/T/R:** 24/22/31

1 inch = 208 feet





RZ-17-07-016



 Subject Property

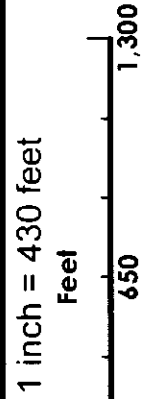
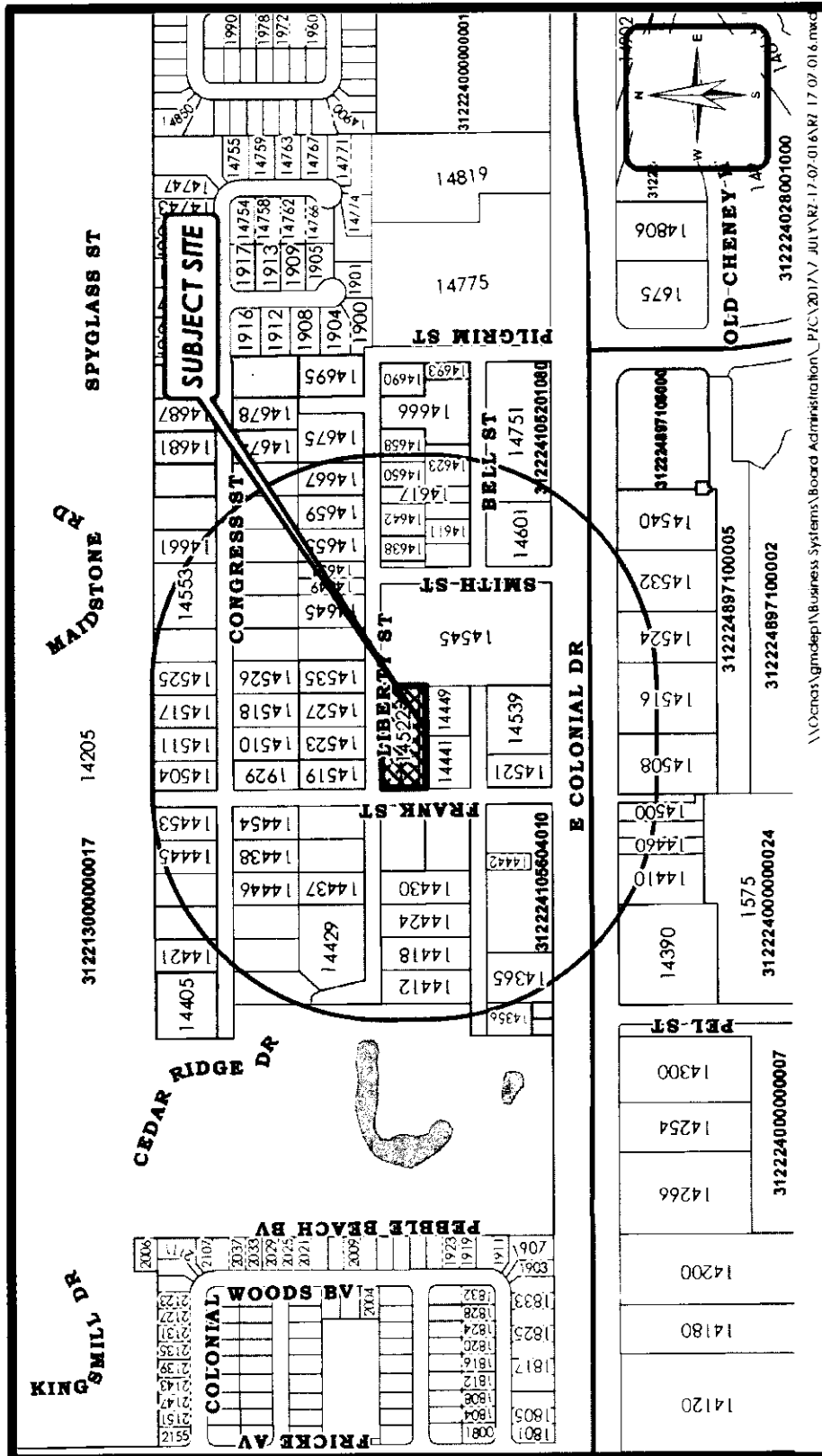
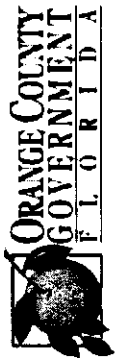


1 inch = 167 feet



# Notification Map

## Public Notification Map RZ-17-07-016 700 FT BUFFER, 132 NOTICES



**MAP LEGEND**

- ☒ 700 FT BUFFER
- ☐ NOTICE MAP
- ☒ PARCELS selection
- ☐ COURTESY NOTICES
- ☐ HYDROLOGY
- ☐ PARCELS



Case Planner:  
Steven Thorp

Rezoning Staff Report  
Orange County Planning Division  
PZC Hearing Date: August 17, 2017

**CASE # RZ-17-08-030**

Commission District: # 2

**GENERAL INFORMATION**

|                            |  |
|----------------------------|--|
| <b>APPLICANT</b>           | Herman Rhyne   |
| <b>OWNERS</b>              | Barbara C. Maples  |
| <b>HEARING TYPE</b>        | Planning and Zoning Commission   |
| <b>REQUEST</b>             | A-1 (Citrus Rural District) <del>to</del><br>I-4 (Industrial District)   |
| <b>LOCATION</b>            | 2001 Apopka Boulevard; or generally on the east side of Apopka Boulevard, approximately 500 feet southeast of N. Hiawasse Road   |
| <b>PARCEL ID NUMBERS</b>   | 24-21-28-6488-07-012   |
| <b>PUBLIC NOTIFICATION</b> | The notification area for this public hearing extended beyond 1,000 feet [ <i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i> ]. One hundred fifty-two (152) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application. |
| <b>TRACT SIZE</b>          | 5.16 gross acres   |
| <b>PROPOSED USE</b>        | On-site truck storage and general warehousing uses   |

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-4 (Industrial District) zoning, subject to the following restrictions:**

1. New billboards and pole signs shall be prohibited; and
2. 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 I-4 uses.



## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The I-4 (Industrial District) zoning would allow for development that is compatible with the character of the surrounding area 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 Industrial (IND). The IND FLUM designation is generally used to designate those areas of concentrated industrial development that involve the processing of both hazardous and non-hazardous / toxic and non-toxic materials and create a measurable degree of impact to the surrounding environment. However, the varying types and intensity of industrial activity is governed by the more specific industrial zoning district. In this case, the proposed I-4 (Industrial District) zoning is consistent with the IND FLUM designation and the following CP provisions:

**FLU1.4.16** states the Future Land Use Map shall reflect appropriate locations for industrial use. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand and corresponding needs for job creation and economic development.

**FLU1.4.18** states that the Future Land Use Map shall reflect a distribution of industrial areas throughout the Urban Service Area to reduce the journey to work, create more of a jobs/housing balance, avoid large concentrations of industrial traffic, provide adequate and sufficient locations for industrial uses, and provide a variety of locations with different transportation accessibility opportunities.

**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**

|                           |   |
|---------------------------|---|
| <b>Existing Use</b>       | Single-Family Detached Dwelling, Manufactured Home  |
| <b>Adjacent Zoning</b>    | N: C-1 (Retail Commercial District) ( <i>City of Apopka</i> )<br>I-1 (Restricted Industrial District) ( <i>City of Apopka</i> )<br>I-2 (General Industrial District) ( <i>City of Apopka</i> )<br>E: I-1 (Restricted Industrial District) ( <i>City of Apopka</i> )<br>W: A-1 (Citrus Rural District) (1957)<br>S: I-4 (Industrial District) (1989) |
| <b>Adjacent Land Uses</b> | N: Undeveloped Industrial, Rehabilitation Facility, Industrial Research and Development, Warehousing<br>E: Warehousing<br>W: Undeveloped Industrial<br>S: Warehousing   |

## **I-4 (INDUSTRIAL DISTRICT) DEVELOPMENT STANDARDS\***

|                    |   |
|--------------------|---|
| Floor Area Ratio:  | ≤ 0.75  |
| Max. Height:       | 50 ft. (35 ft. within 100 ft. of a residential zoning district) |
| Building Setbacks: |   |
| Front:             | 35 ft.  |
| Rear:              | 10 ft.  |
| Side:              | 25 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 intent and purpose of the I-4 (Industrial District) are as follows:

1. To provide for industrial operations of all types, which may produce such by-products such as odor, smoke, dust, and noise;
2. To provide space for industries which employ the processing of bulk materials and which require space for open storage of materials;



3. To establish and maintain standards which will permit a wide variety of processing activities; and
4. To establish and maintain standards which will protect adjacent residential and commercial developments.

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

Permitted uses include, but are not limited to, truck terminal facilities, automobile dealers and repair facilities, metal fabrication, wholesale food production, cardboard and paper manufacturing, trade shops, storage yards, commercial plant nurseries, on-site fuel storage, community centers, private educational facilities, and miscellaneous repair services.

## **SPECIAL INFORMATION**

### **Subject Property Analysis**

The subject property is located at 2001 Apopka Boulevard; or generally on the east side of Apopka Boulevard, approximately 500 feet southeast of N. Hiawasse Road. The property is currently developed with a single-family detached dwelling unit built in 1973 and an occupied manufactured home built in 1998.

Through this request, the applicant is seeking to rezone the subject parcel from A-1 (Citrus Rural District) to I-4 (Industrial District) in order develop on-site truck storage and/or warehousing uses. The applicant has indicated that this parcel will be developed in conjunction with the I-4 zoned parcel to the south, which is owned by the applicant. The existing structures on the property will be demolished as part of the redevelopment of the site.

### **Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Industrial (IND) 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 located within the City of Apopka Joint Planning Area (JPA). The City has been notified of this request, but no comments or concerns have been received to date.

**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**

Aerial photographs and soil maps indicate that there are wetlands or surface waters on site. Prior to issuance of any permits or development approvals, the applicant shall complete a Conservation Area Determination (CAD), as required by the Orange County Environmental Protection Division (EPD) and consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

The subject property 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. Special area regulations may apply. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva.

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.

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.

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

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

**Transportation / Access**

Based on the Concurrency Management System database dated July 19, 2017, capacity is available to be encumbered for this project. This information is dated and is subject to



change. Should the proposed rezoning from A-1 to I-4 uses to accommodate general warehouse activity and truck storage generate more than 50 PM peak hour trips, a traffic study may be required prior to obtaining a Capacity Encumbrance Letter (CEL) and building permit.

#### **Code Enforcement**

There are currently two (2) outstanding and active code enforcement violations on the subject property. The 1<sup>st</sup> Code Enforcement (CE) incident (#475630) is related to the illegal erection of accessory buildings without permits, abandoned or inoperative vehicles on agriculturally zoned properties, illegal storage of a recreational vehicle, illegal habitation of the recreational vehicle, and open, and outside storage of garbage and debris. On April 19, 2017 the Code Enforcement Board (CEB-2017-328563Z) determined that the property owner was in violation of all six (6) cited code infractions. The 2<sup>nd</sup> Code Enforcement (CE) incident (#482228) is related to unsafe structures on the property that are unfit for human occupancy, occupancy of structures that are unfit for human occupancy, lack of barrier around the swimming pool, unclean maintenance of exterior of the property, unmaintained swimming pool, and the closing of vacant structures. On July 19, 2017 the Code Enforcement Board (CEB-2017-314463H) determined that the property owner was in violation of all nine (9) cited code infractions.

Should the proposed rezoning be approved, with the owner/applicant razing or improving all on-site structures, and correcting all other issues in order to bring the property into compliance with Orange County Code, all outstanding Code Enforcement violations would be resolved.

#### **Water / Wastewater / Reclaim**

|                | <u>Existing service or provider</u> |  |
|----------------|-------------------------------------|--|
| Water:         | Orange County Utilities             | A 16-inch water main is located on S. Apopka Boulevard |
| Wastewater:    | Orange County Utilities             | A 12-inch force main is located on S. Apopka Boulevard |
| Reclaim Water: | Orange County Utilities             | Reclaim water service is not available.                |

#### **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 – (August 17, 2017)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-4 (Industrial District) zoning, subject to the following restrictions:**

1. New billboards and pole signs shall be prohibited; and
2. 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 I-4 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 approval of the requested I-4 (Industrial District) zoning, subject to two (2) restrictions.

Staff indicated that one hundred fifty-two (152) notices were mailed to surrounding property owners within a buffer extending beyond 1,000 feet from the subject property, with three (3) commentaries received in opposition and zero (0) in support. The applicant was present and agreed with the staff recommendation of approval. There were no members of the public present to speak in favor or opposition.

Following limited discussion about the compatibility and possible code violations, a motion was made by Commissioner Gusler to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the I-4 (Industrial District) zoning. Commissioner DiVecchio seconded the motion, which was then carried on an 8-0 vote.

**Motion / Second**

*William Gusler / Pat DiVecchio*

**Voting in Favor**

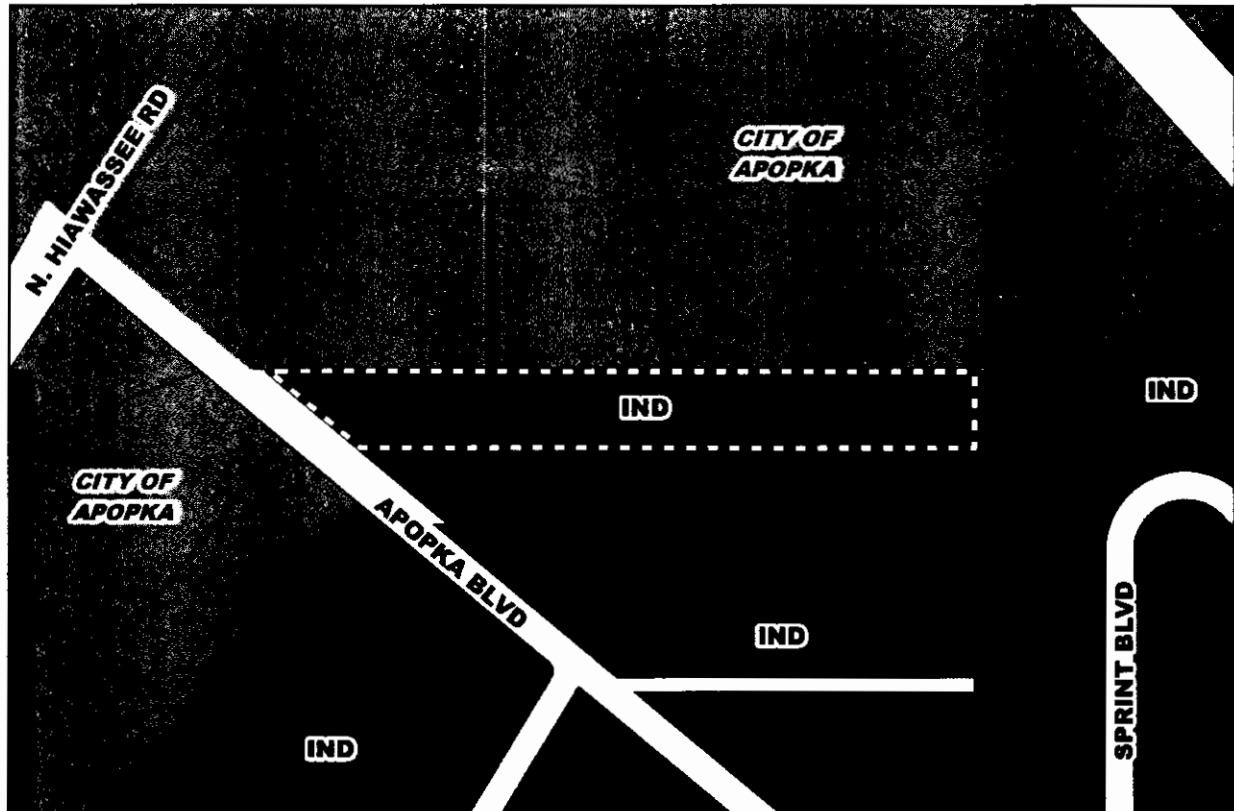
*William Gusler, Pat DiVecchio, James Dunn, Yog Melwani, JaJa Wade, Paul Wean, Gordon Spears, and Jose Cantero*

**Absent**

*Tina Demostene*



RZ-17-08-030



Subject Property



Subject Property

### Future Land Use Map

FLUM: Industrial (IND)

APPLICANT: Herman Rhyne

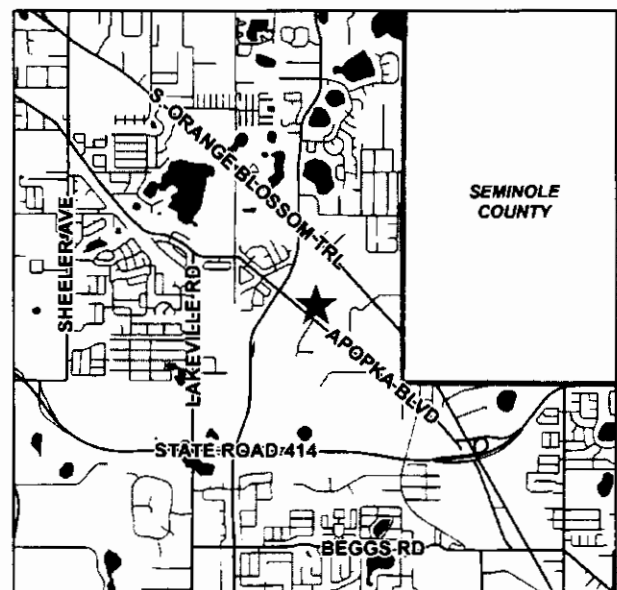
LOCATION: 2001 Apopka Boulevard; or generally on the east side of Apopka Boulevard, approximately 500 feet southeast of N. Hiwassee Road

TRACT SIZE: 5.16 gross acres

DISTRICT: # 2

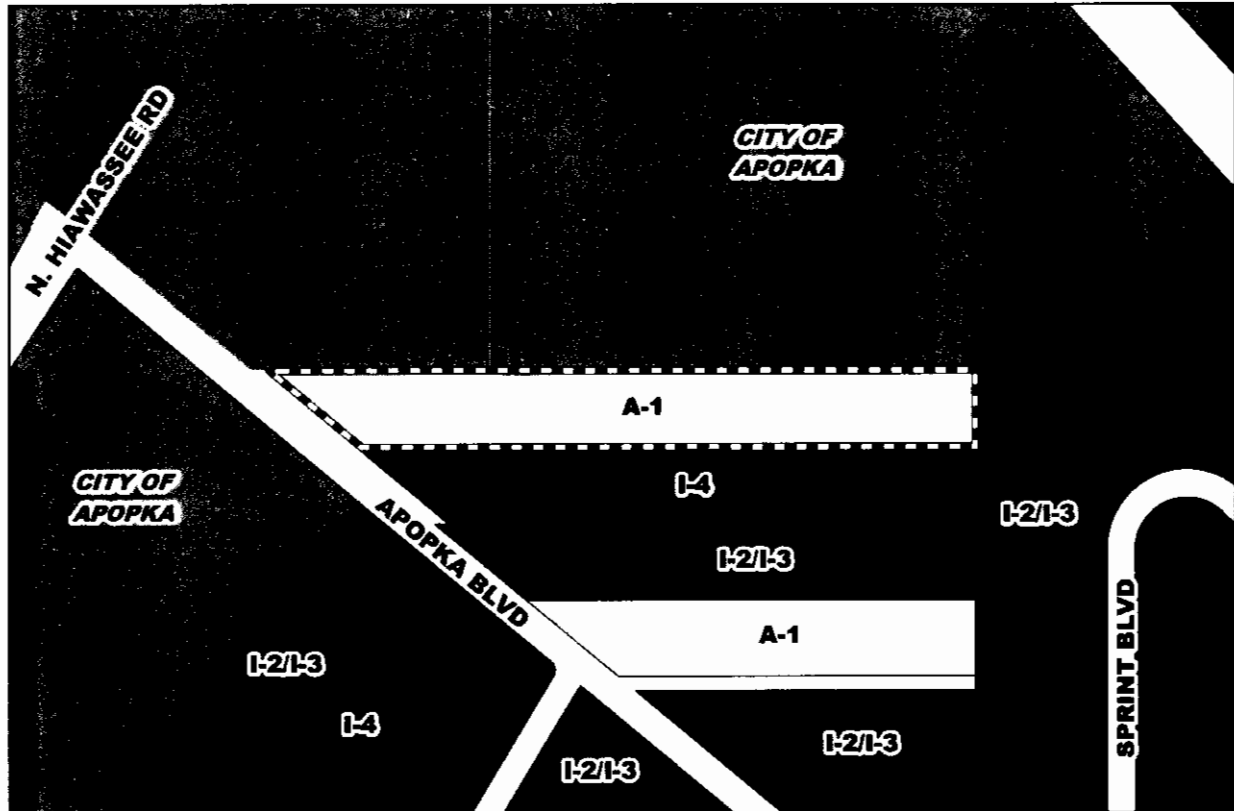
S/T/R: 24/21/28

1 inch = 333 feet





RZ-17-08-030



Subject Property



Subject Property

### Zoning Map

**ZONING:** A-1 (Citrus Rural District) to  
 I-4 (Industrial District)

**APPLICANT:** Herman Rhyne

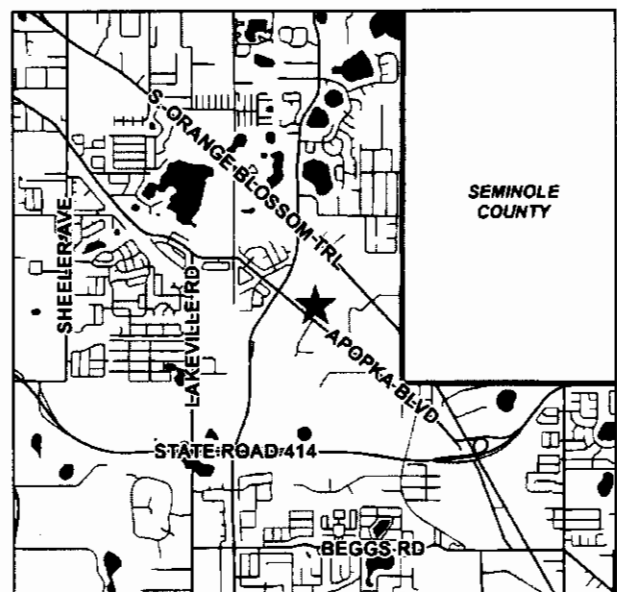
**LOCATION:** 2001 Apopka Boulevard; or generally on  
 the east side of Apopka Boulevard,  
 approximately 500 feet southeast of N.  
 Hiwassee Road

**TRACT SIZE:** 5.16 gross acres

**DISTRICT:** # 2

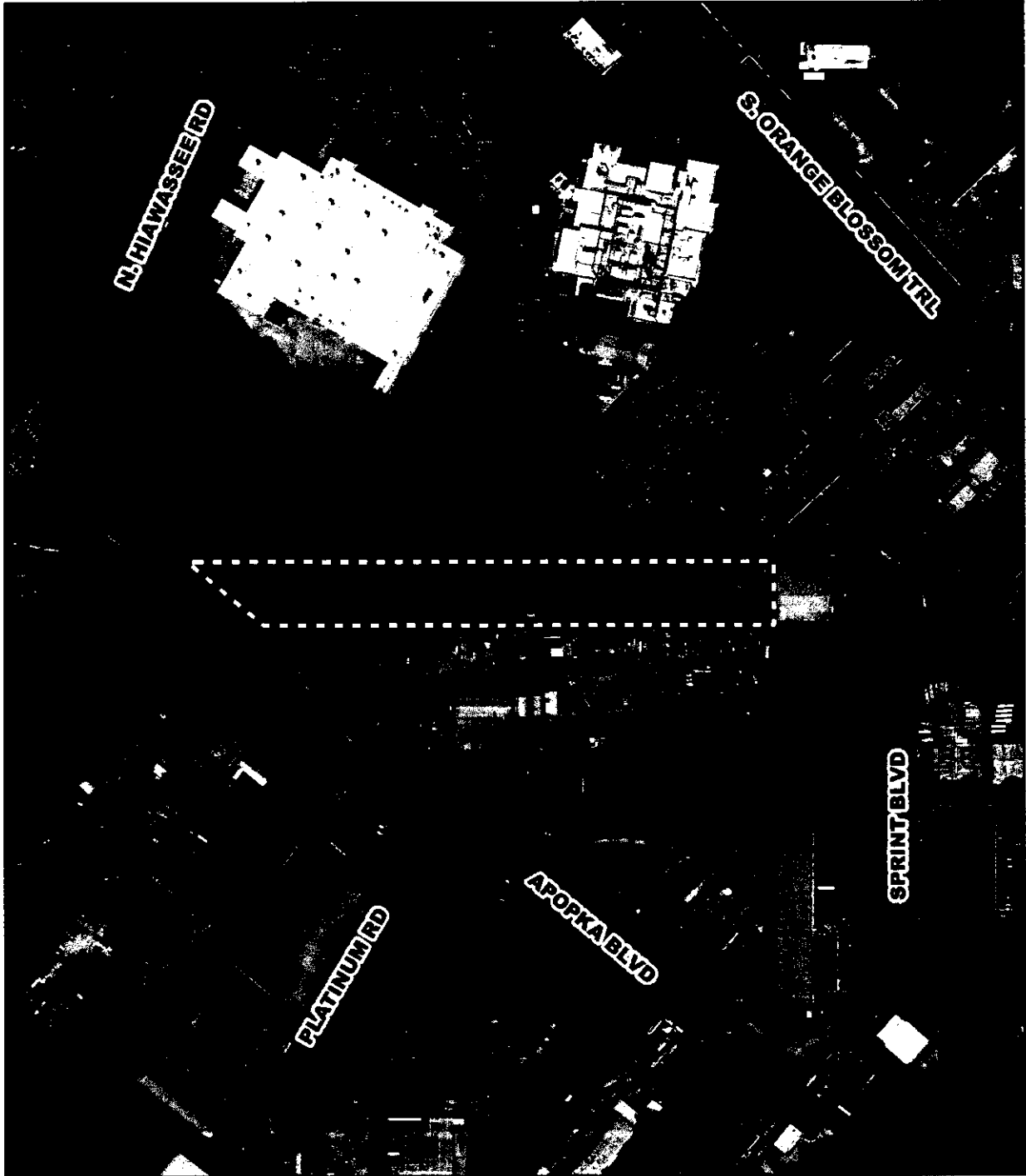
**S/T/R:** 24/21/28

1 inch = 333 feet

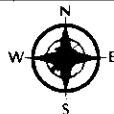




RZ-17-08-030



 Subject Property



1 inch = 333 feet

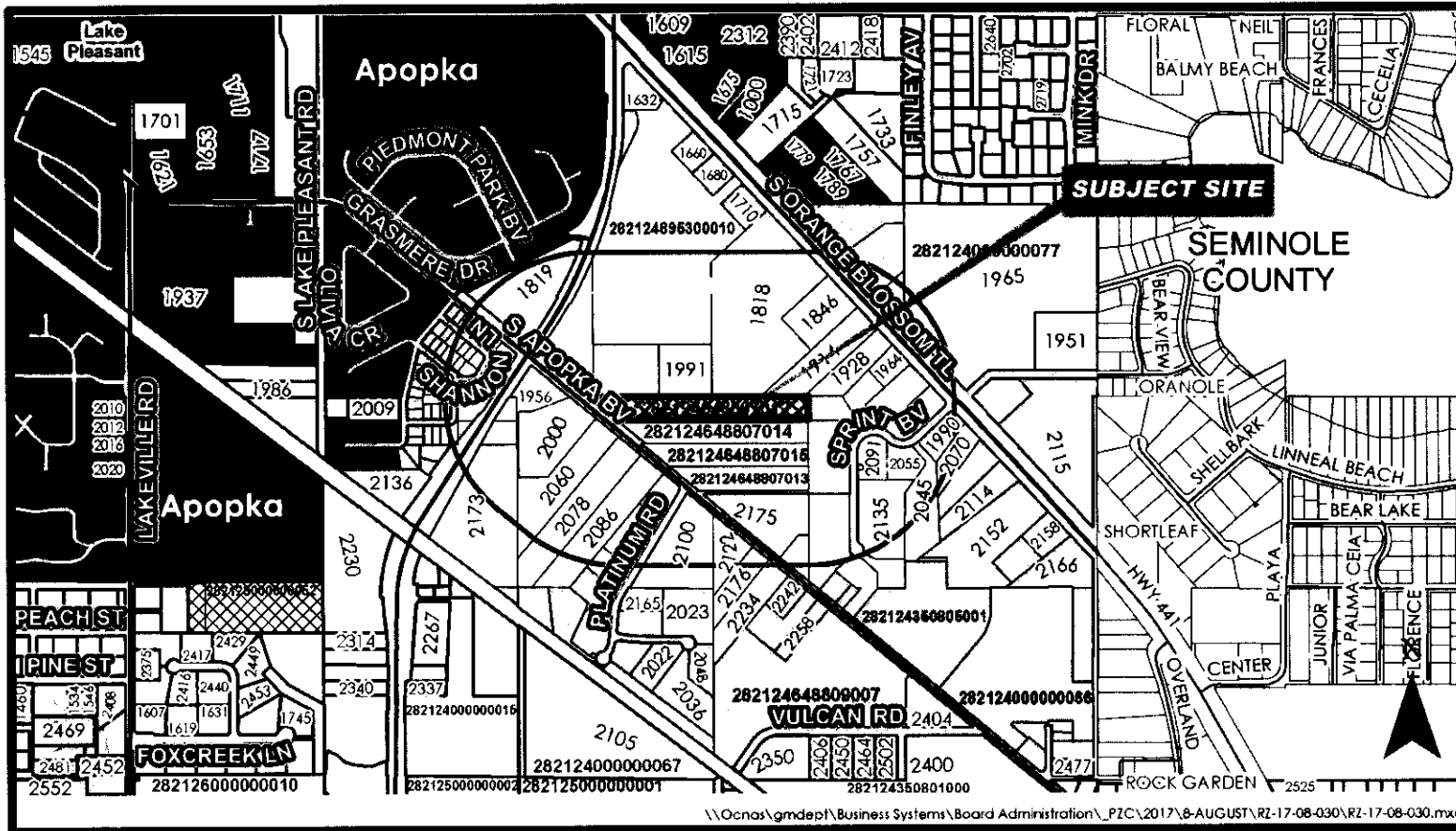




# Public Notification Map

RZ-17-08-030

1000 FT BUFFER, 154 NOTICES



\\Ocnas\gmdepl\Business Systems\Board Administration\\_PZC\2017-8-AUGUST\RZ-17-08-030\RZ-17-08-030.mxd

## MAP LEGEND

- |                  |                    |
|------------------|--------------------|
| SUBJECT          | COURTESY SELECTION |
| 1000 FT BUFFER   | PARCELS            |
| HYDROLOGY        |                    |
| NOTIFIED PARCELS |                    |



1 inch = 978 feet  
Feet



Case # RZ-17-08-030  
Orange County Planning Division  
PZC Hearing Date: August 17, 2017



Case Planner:  
Steven Thorp

**CASE # RZ-17-08-032**

Commission District: # 5

**GENERAL INFORMATION**

|                            |   |
|----------------------------|---|
| <b>APPLICANT</b>           | Robert E. Carrigan, Jr.   |
| <b>OWNERS</b>              | Marianne Buzzitta (1/4 Int.), Ellierose LTD (1/4 Int.),<br>Antoinette Maura (1/4 Int.), and Mario Maura, Jr. (1/4 Int.)   |
| <b>HEARING TYPE</b>        | Planning and Zoning Commission  |
| <b>REQUEST</b>             | A-2 (Farmland Rural District) <b>to</b><br>C-3 (Wholesale Commercial District)  |
| <b>LOCATION</b>            | 17201 E. Colonial Drive; or generally on the north side of E.<br>Colonial Drive, approximately 1,200 feet southeast of<br>Chuluota Road   |
| <b>PARCEL ID NUMBERS</b>   | 21-22-32-0000-00-065  |
| <b>PUBLIC NOTIFICATION</b> | The notification area for this public hearing extended beyond<br>900 feet [ <i>Chapter 30-40(c)(3a) of the Orange County Code<br/>requires 300 feet</i> ]. One hundred fifty-seven (157) notices were<br>mailed to those property owners in the mailing area. A<br>community meeting was not required for this application. |
| <b>TRACT SIZE</b>          | 7.88 gross acres ( <i>overall parcel</i> )<br>4.16 gross acres ( <i>affected portion only</i> )   |
| <b>PROPOSED USE</b>        | Truck Transportation Facility   |

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 (Wholesale Commercial District) zoning, subject to the following restrictions:**

1. New billboards and pole signs shall be prohibited; and
2. 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-3 uses.



## **IMPACT ANALYSIS**

### **Land Use Compatibility**

Given the presence of adjacent C-3 (General Wholesale District) activity, with no abutting residentially zoned parcels, the proposed rezoning from A-2 (Farmland Rural District) to C-3 (General Wholesale District) would allow for development that is compatible with the character of the surrounding area 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 Commercial (C). The Commercial FLUM designation, within the Bithlo Rural Settlement, allows for the consideration of development of up to 543,628 square feet of commercial uses within the proposed area being rezoned. The proposed C-3 (Wholesale Commercial District) zoning is consistent with the Commercial FLUM designation and the following CP 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.

**FLU1.4.2** states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

**FLU 6.2.5** states that the permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C).

**FLU6.2.9** states that neighborhood commercial and office uses shall be allowed in Rural Settlements in areas designated for such on the Future Land Use Map. Only those commercial and office uses that will support existing residential uses, i.e., neighborhood commercial, shall be permitted in Rural Settlements. The scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement. Corner stores, professional services that utilize existing structures, small scale personal services permitted within agricultural zoning are the type of non-residential uses consistent with Rural Settlements. Limited C-1 zoning uses and FARs up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character.

**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.

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

## **SITE DATA**

|                           |   |
|---------------------------|---|
| <b>Existing Use</b>       | Demolished Concrete Batch Plant   |
| <b>Adjacent Zoning</b>    | N: PD (Planned Development District) (Cypress Lakes PD) (2003)<br>E: C-3 (Wholesale Commercial District) (1977)<br>W: C-3 (Wholesale Commercial District) (1977)<br>S: C-2 (General Commercial District) (1977) |
| <b>Adjacent Land Uses</b> | N: Stormwater Retention<br>E: Used Auto Part Sales, Automobile Storage Yard<br>W: Used Auto Part Sales, Automobile Storage Yard<br>S: Warehousing, Used Automobile Sales  |

### **C-3 (Wholesale Commercial District) Development Standards\***

|                    |   |
|--------------------|---|
| Min. Lot Area:     | 12,000 sq. ft.  |
| Min. Lot Width:    | 125 ft. (150 ft. corner lot) (on major streets, see Article XV) |
| Max. Height:       | 75 ft. (35 ft. within 100 ft. of all residential districts)     |
| Min. Floor Area:   | 500 sq. ft.   |
| Building Setbacks: |   |



|                     |   |
|---------------------|---|
| <i>Front:</i>       | 25 ft.  |
| <i>Rear:</i>        | 15 ft. (20 ft. when abutting residential districts) |
| <i>Side:</i>        | 5 ft. (25 ft. when abutting residential districts)  |
| <i>Side Street:</i> | 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 intent and purpose of the C-3 district is to implement and be consistent with the commercial land use designation of the Future Land Use Map (FLUM). The C-3 district is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

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 17201 E. Colonial Drive; or generally on the north side of E. Colonial Drive, approximately 1,200 feet southeast of Chuluota Road within the Bithlo Rural Settlement.

The subject property was initially zoned C-3 (Wholesale Commercial District) on August 25, 1977 after the Town of Bithlo was dissolved. On September 21, 1989, the property was then rezoned to A-2 (Farmland Rural District) in order to allow for a Special Exception permit for a temporary concrete batch plant.

The initial Special Exception for the plant was approved by the Board of Zoning Adjustment (BZA) on December 7, 1989 for a period of 10 years with an expiration date of June 3, 1999. The approval was renewed twice by the BZA, with expiration dates of January 16, 2009 and January 16, 2019. The plant has since been demolished. Aside from scattered remnants of the former concrete batch plant, the property is predominately vacant. A significant portion of the property has an improved impervious surface, with another area of the property used as an existing stormwater pond.

Through this request, the applicant is seeking to rezone the southernmost 4.16 acres of the subject parcel (the former concrete batch plant site) from A-2 (Farmland Rural District) to C-3 (Wholesale Retail District) in order to develop a truck transportation facility. According to the applicant, the proposed truck facility would be located on the existing improved surface on site.

In this unique situation, given the previous use and the existing conditions of the site, along with the existing activity of surrounding parcels, the subject property is better suited for more intense non-residential activity. The proposed use is in-line with the historical character of the Bithlo Rural Settlement, and the general commercial development patterns found within this segment of E. Colonial Drive.



Although Policy FLU6.2.9 infers that Rural Settlements are intended for neighborhood commercial (C-1 zoning) and office uses, including those uses that support existing residential uses; it also states that "the scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement." Staff has determined that the proposed use and zoning district is compatible with development pattern of the rural settlement and is consistent with this Comprehensive Plan policy.

The northern portion of the property is not being rezoned, in order to provide a vegetated buffer to the subdivision to the north and restrict any further development of the property. Finally, and if the development requires the use of the existing stormwater pond on the A-2 zoned portion of the property, the applicant has been advised that a Special Exception application through the Board of Zoning Adjustment (BZA) would be necessary.

**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 located within the Bithlo Rural Settlement.

**Joint Planning Area (JPA)**

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

**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**

Aerial photographs and soil maps indicate that there are wetlands or surface waters on site. Prior to issuance of any permits or development approvals, the applicant shall complete a Conservation Area Determination (CAD), as required by the Orange County



Environmental Protection Division (EPD) and consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply. Basin regulations include, but are not limited to, wetlands and protective buffers, wildlife habitat, stormwater, and landscaping with native plant species. The applicant may submit a request in writing to the Orange County EPD for a determination of applicability of these regulations per Section 15-440.

The applicant shall provide documentation to support that the pond onsite is permitted for stormwater discharge. Use of this pond for commercial stormwater retention purposes may require Special Exception approval by the Board of Zoning Adjustment (BZA).

The site discharges into the Econlockhatchee River, a body of water impaired by fecal coliform as established by the Florida Department of Environmental Protection (FDEP). The Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code, may increase the requirements for pollution abatement treatment of stormwater as part of a Basin Management Action Plan (BMAP).

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.

If a septic system is required or in use, the applicant shall 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.

Fuel storage tanks and on-site fuel handling activities that could result in spills shall comply with all applicable state code. These activities shall include but are not limited to protection from fuel spills caused by delivery trucks, fuel transfer activities or fuel system malfunctions. If any new storage tanks are planned for this location, or if any storage tanks have been installed without proper permitting, then the site shall comply with the Florida Department of Environmental Protection (FDEP) regulations: Chapter 62-761, F.A.C. Petroleum Storage Systems (USTs), Chapter 62-762, F.A.C. Petroleum Storage Systems (ASTs), Chapter 62-780, F.A.C. Petroleum Contamination Site Cleanup Criteria, and Chapter 62-777, F.A.C. Contaminant Cleanup Target Levels.

#### **Transportation / Access**

This project is outside the Urban Service Area. Based on the Concurrency Management System database dated July 19, 2017, there are multiple failing roadways within a 2.5 mile radius of this project. More specifically, the roadway segments of Chuluota Road and East Colonial Drive between Lake Pickett Road and Chuluota Road are currently



operating at Level of Service (LOS) "F", with no further cap and there is no available capacity. This information is dated and subject to change.

Due to the identified transportation deficiencies, a traffic study will be required prior to obtaining a building permit. Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies.

#### **Code Enforcement**

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

#### **Water / Wastewater / Reclaim**

|                |                                     |   |
|----------------|-------------------------------------|---|
|                | <u>Existing service or provider</u> |   |
| Water:         | Orange County Utilities             | A 12-inch water main located on the south side of E. Colonial Drive |
| Wastewater:    | Orange County Utilities             | Wastewater service is not available.                                |
| Reclaim Water: | Orange County Utilities             | Reclaim water service is not available.                             |

#### **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 – (August 17, 2017)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 (Wholesale Commercial District) zoning, subject to the following restrictions:**

1. New billboards and pole signs shall be prohibited; and
2. 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-3 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 approval of the requested C-3 (Wholesale Commercial District) zoning, subject to two (2) restrictions.

Staff indicated that one hundred fifty-seven (157) notices were mailed to surrounding property owners within a buffer extending beyond 900 feet from the subject property, with five (5) commentaries received in support and one (1) in opposition. The applicant was present and agreed with the staff recommendation of approval. No members of the public were present to speak in favor or opposition.

A motion was made by Commissioner Spears to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the C-3 (Wholesale Commercial District) zoning. Commissioner Dunn seconded the motion, which was then carried on an 8-0 vote.

**Motion / Second**

*Gordon Spears /James Dunn*

**Voting in Favor**

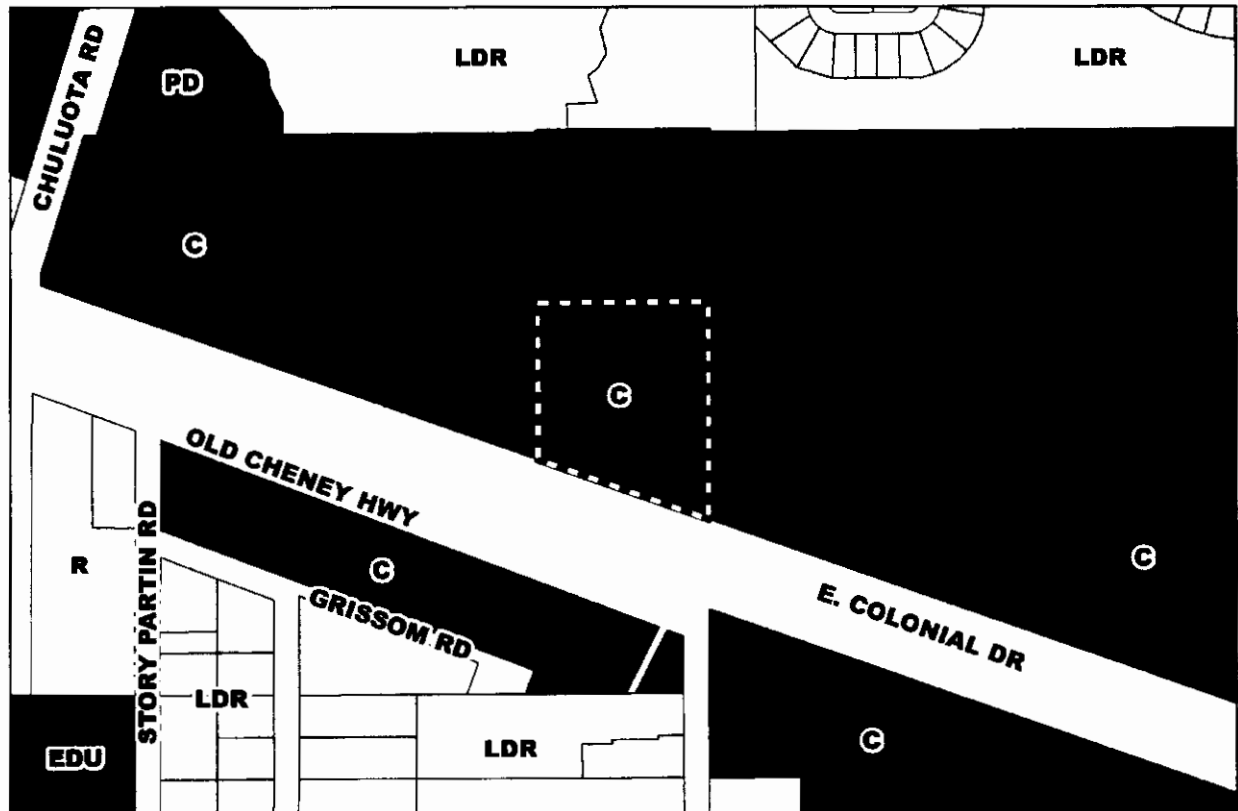
*Gordon Spears, James Dunn, Paul Wean, JaJa Wade, Yog Melwani, Pat DiVecchio, William Gusler, and Jose Cantero*

**Absent**

*Tina Demostene*



RZ-17-08-032



Subject Portion of Parcel

Overall Parcel



★ Subject Property

### Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Robert E. Carrigan, Jr.

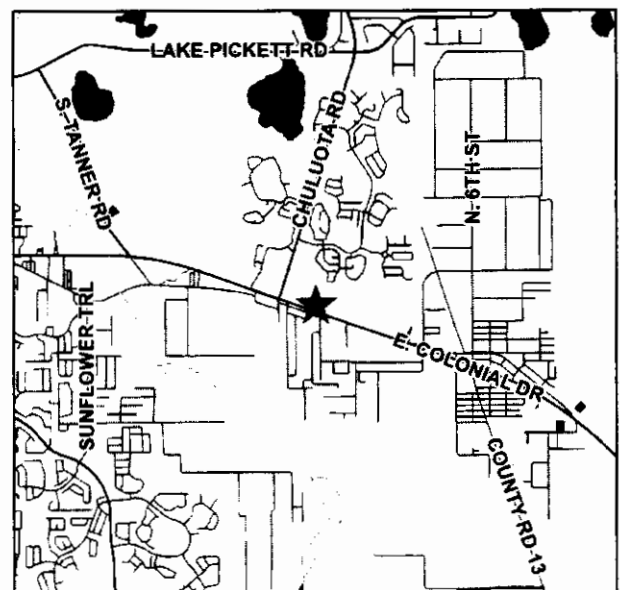
LOCATION: 17201 E. Colonial Drive; or generally on the north side of E. Colonial Drive, approximately 1,200 feet southeast of Chuluota Road

TRACT SIZE: 7.88 gross acres (overall parcel)  
 4.16 gross acres (affected portion only)

DISTRICT: # 5

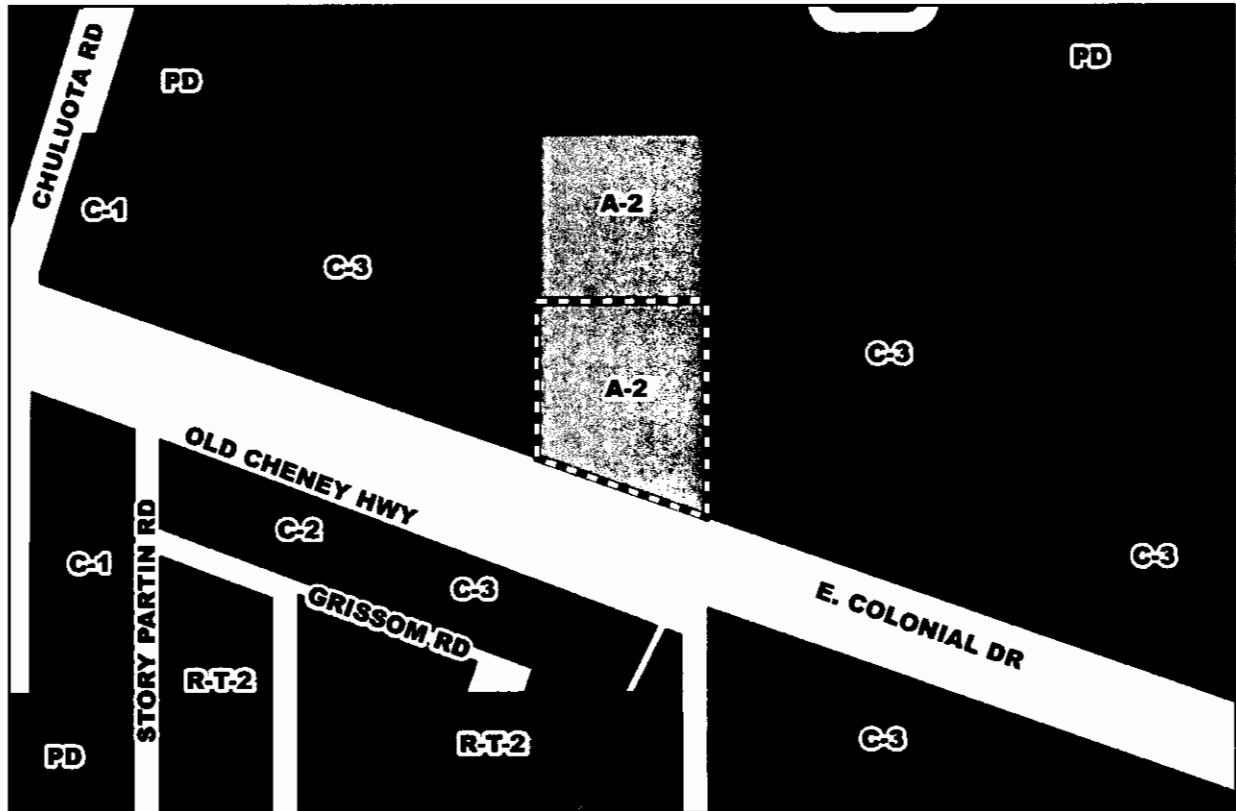
S/T/R: 21/22/32

1 inch = 375 feet





RZ-17-08-032



Subject Portion of Parcel

Overall Parcel



★ Subject Property

### Zoning Map

**ZONING:** A-2 (Farmland Rural District) to  
 C-3 (Wholesale Commercial District)

**APPLICANT:** Robert E. Carrigan, Jr.

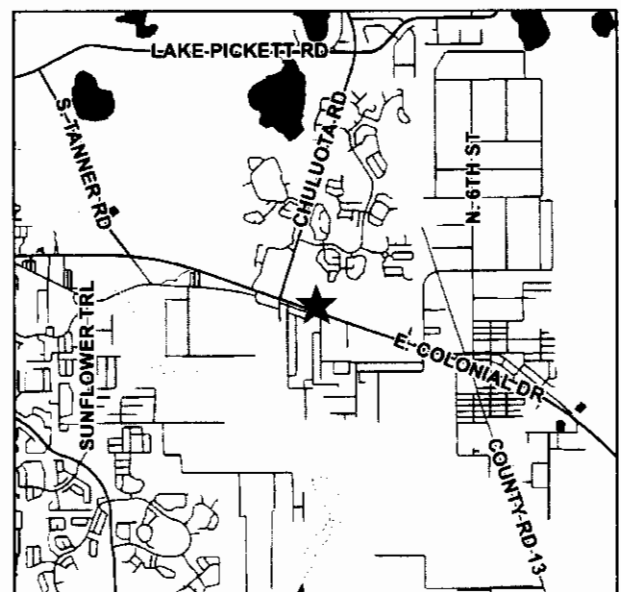
**LOCATION:** 17201 E. Colonial Drive; or generally on  
 the north side of E. Colonial Drive,  
 approximately 1,200 feet southeast of  
 Chuluota Road

**TRACT SIZE:** 7.88 gross acres (overall parcel)  
 4.16 gross acres (affected portion only)

**DISTRICT:** # 5

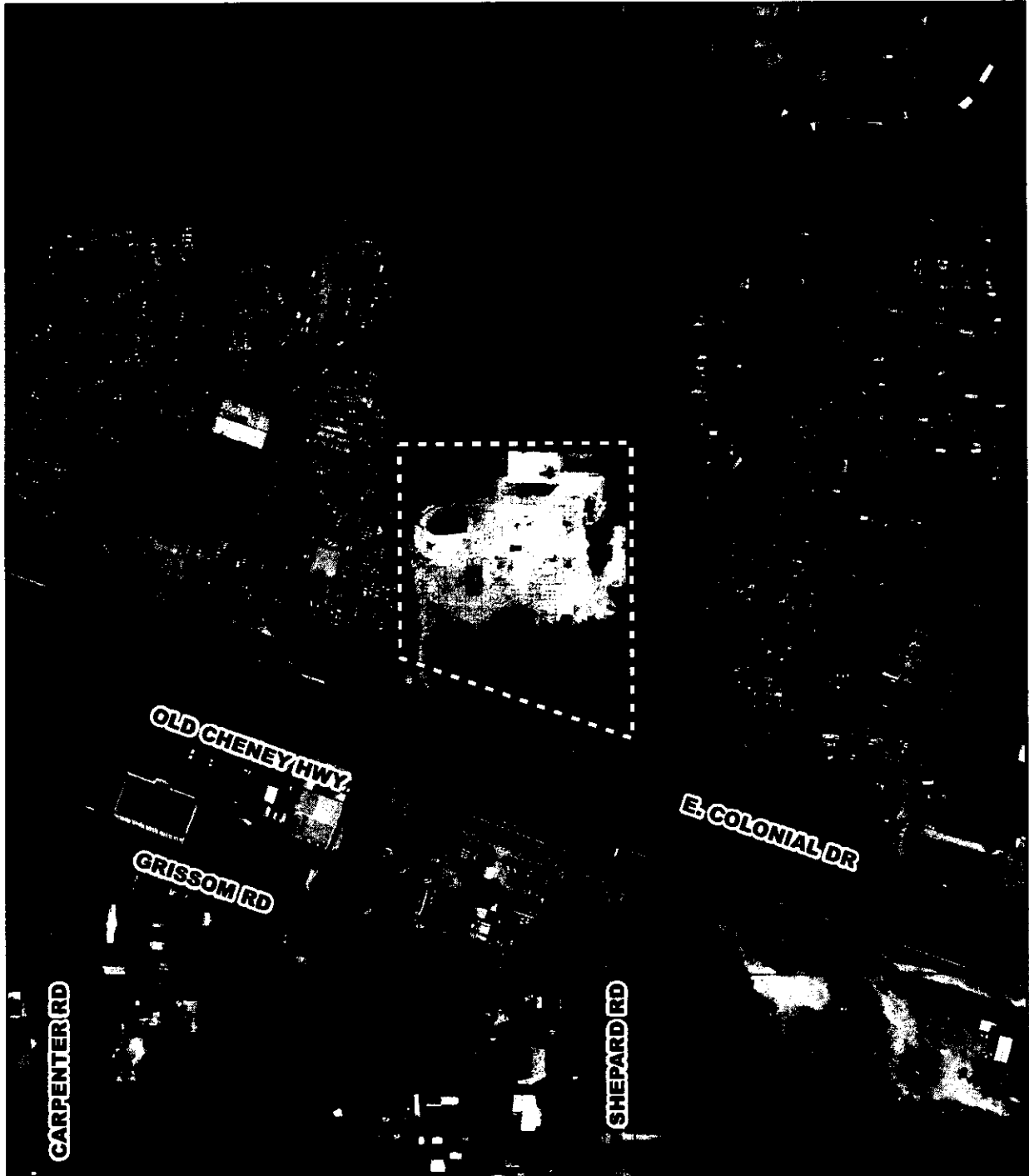
**S/T/R:** 21/22/32

1 inch = 375 feet

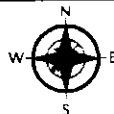




RZ-17-08-032



-  Subject Portion of Parcel  
 Overall Parcel



1 inch = 229 feet

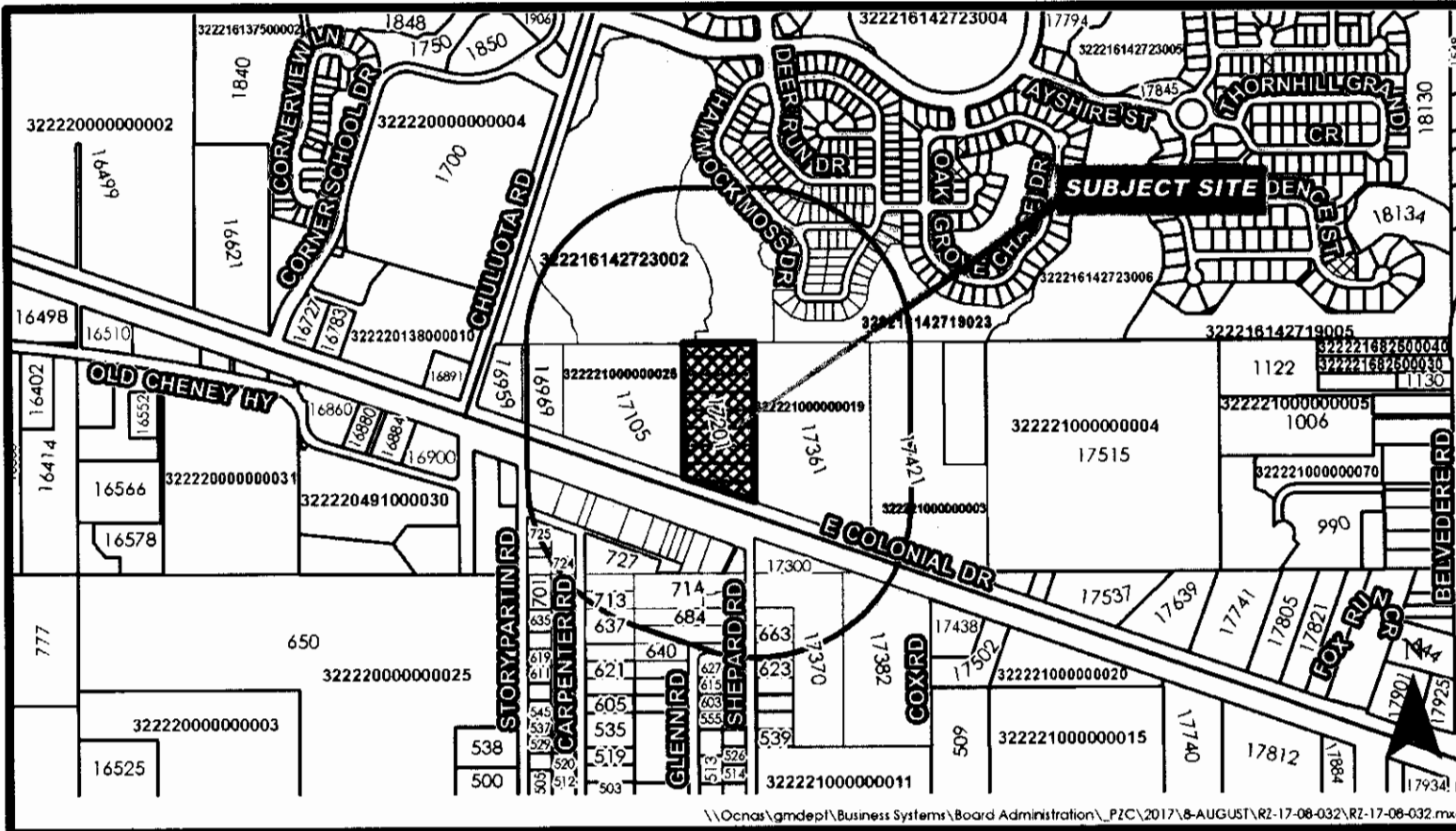




# Public Notification Map

RZ-17-08-032

900 FT BUFFER, 157 NOTICES



## MAP LEGEND

- SUBJECT
- 900 FT BUFFER
- NOTIFIED\_PARCELS
- COURTESY NOTICES
- PARCELS



1 inch = 822 feet

Feet

