PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

SEPTEMBER 21, 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
William Gusler	District #2
Tina Demostene	District #3
Pat DiVecchio	District #4
J. Gordon Spears	District #5
JaJa J. Wade Chairperson	District #6
Paul Wean	At Large
Yog Melwani	At Large
Jose Cantero	At Large

TABLE OF CONTENTS

Planning and Zoning Commission
September 21, 2017

Table of Contents viii

Table of Hearings ix

Site and Building Requirements x

Buffer Yard Requirements xiii

REZONING PUBLIC HEARINGS

RZ-17-09-034
District 5 1

RZ-17-09-036
District 6 13

TABLE OF HEARINGS

Planning and Zoning Commission

September 21, 2017

Case # Applicant	Request	Commission District	Recommendations Staff	Recommendations PZC	BCC Hearing Required
I. REZONING PUBLIC HEARINGS					
RZ-17-09-034 Marco A. Infante	*R-3 to P-O*	5	Approval with three (3) restrictions	Approval with three (3) restrictions	No
RZ-17-09-036 William J. Hess	*C-2 to C-2*	6	Approval with three (3) restrictions	Approval with three (3) restrictions	No
II. PLANNED DEVELOPMENT REZONING PUBLIC HEARINGS					
LUP-17-04-112 Eric Papalini (803 Pahoa Street PD)	*A-1 to PD*	6	Approval with twelve (12) conditions	**Continued to PZC October 19, 2017**	Yes

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) a	Min. rear yard (ft.) a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	5FR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	*a*
A-2	SFR - 21,780 (½ acre) 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	1,000	45 *c*	20 *h*	20 *h*	5 *h*	35	*a*
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 *d*	20 *h*	30	5 *h*	35	*a*
	Three DUs, 11,250	500 per DU	85 *j*	20 *h*	30	10	35	*a*
	Four or more DUs, 15,000	500 per DU	85 *j*	20 *h*	30	10 *b*	35	*a*
R-3	One-family dwelling, 4,500	1,000	45 *c*	20 *h*	20 *h*	5	35	*a*
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 *d*	20 *h*	20 *h*	5 *h*	35	*a*
	Three dwelling units, 11,250	500 per DU	85 *j*	20 *h*	30	10	35	*a*
	Four or more DUs, 15,000	500 per DU	85 *j*	20 *h*	30	10 *b*	35	*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 (prior to 1/29/73)	6,000	SFR 500 Min. mobile home size 8 ft. x 35 ft.	60	25	25	6	35	*a*
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	35	*a*

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

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

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

a 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.

b Side setback is 30 feet where adjacent to single-family district.

c 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.

d 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 7,50D 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.

e Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.

f Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.

g Corner lots shall be 150 [feet] on major streets (see Art. XV), 12S [feet] for all other streets.

h 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.

j 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.

k 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%.

m 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 # RZ-17-09-034

Commission District: # 5

GENERAL INFORMATION

APPLICANT	Marco A. Infante
OWNER	Happyland, Inc.
HEARING TYPE	Planning and Zoning Commission
REQUEST	**R-3** (Multiple-Family Dwelling District) ***to*** **P-O** (Professional Office District)
LOCATION	1925 N. Semoran Boulevard; or generally on the east side of N. Semoran Boulevard, approximately 800 feet north of Old Cheney Highway
PARCEL ID NUMBER	21-22-30-4084-03-120
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 700 feet [*Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet*]. One hundred fifty-eight (158) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.72-gross acre
PROPOSED USE	Increased signage for existing Child Care Facility

STAFF RECOMMENDATION

PLANNING

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

1) New billboards and pole signs shall be prohibited;

2) A Type "D" buffer 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 at least 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 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 P-O uses.

IMPACT ANALYSIS

Land Use Compatibility

The P-O (Professional Office 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 Office (O). The P-O (Professional Office District) zoning is consistent with the Office FLUM designation and 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.

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

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.

SITE DATA

Existing Use	Child Care Facility	
Adjacent Zoning	N:	P-O (Professional Office District) *(1984)*
	E:	P-O (Professional Office District) *(2008)* R-1A (Single-Family Dwelling District) *(1957)*
	W:	P-O (Professional Office District) *(1973)*
	S:	P-O (Professional Office District) *(1996)*
Adjacent Land Uses	N:	Professional Office Center
	E:	Undeveloped Residential, Single-Family Residential
	W:	Professional Office Center
	S:	Medical Care Facility

P-O (Professional Office District) Development Standards

Min. Lot Area:	10,000 sq. ft.
Min. Lot Width:	85 ft.
Max. Height:	35 ft.
Min. Floor Area:	500 sq. ft.
Building Setbacks:	
Front:	25 ft.
Rear:	30 ft.
Side:	10 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.*

The intent and purpose of the P-O (Professional Office District) zoning is to provide for and encourage development of a wide variety of high quality functional and attractive professional office centers in accordance with adopted county development plans and policies as well as establish standards which promote high quality site development of individual office structures and larger office centers, both of which are properly oriented toward arterial roads and compatible with adjoining properties. The P-O district also encourages the provision of professional services at the neighborhood and community levels, and to provide sites large enough to permit landscaped open spaces and off-street parking facilities.

Permitted Uses

The P-O (Professional Office District) zoning district is composed of lands and structures used primarily for the furnishing of commercial office locations.

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 1925 N. Semoran Boulevard; or generally on the east side of N. Semoran Boulevard, approximately 800 feet north of Old Cheney Highway. The property is currently developed with a 5,824 square foot child care facility that has been in operation since 1986.

The subject property's R-3 (Multiple-Family Dwelling District) zoning is inconsistent with its underlying Office (O) Future Land Use Map (FLUM) designation. Through this request, the applicant is seeking to rezone the subject parcel from R-3 (Multiple-Family Dwelling District) to P-O (Professional Office District) to bring the zoning into conformance with the underlying FLUM designation, and to allow for increased signage that is not permitted in the existing R-3 district.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Office (O) 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 S.R. 436/S.R. 50 Corridor Overlay District.

Airport Noise Zone

The subject property is located within Airport Noise Zone "D". The proposed use is subject to the land use restrictions stated in Orange County Code Article XV – "Airport

Noise Impact Areas".

Environmental

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

If a septic system is required or in use, the applicant will also be required to notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment.

This site discharges into the Lake Baldwin Outfall, a water body designated as impaired by the Florida Department of Environmental Protection (FDEP). The applicant is advised that discharged stormwater runoff shall not degrade receiving surface water bodies below the minimum conditions established by state water quality standards (F.A.C. 17-302 and 17-40.420). 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 will be required to 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 developer must also provide the original NOI form to the Florida Department of Environmental Protection.

Transportation / Access

This project is in the Alternative Mobility Area (AMA) and is exempt from transportation concurrency. The subject parcel is located within a quarter mile walk distance of LYNX Transit services which operate along Semoran Boulevard and E. Colonial Drive. The sidewalks in the area are complete; however, there is no signed bicycle route. Finally, approval from the Concurrency Management Office is required prior to obtaining a building permit.

Code Enforcement

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

Water / Wastewater / Reclaim

	Existing service or provider	
Water:	Orange County Utilities	A 12-inch water main is located within the Semoran Boulevard right-of-way.
Wastewater:	Orange County Utilities	A 4-inch forcemain is located adjacent to the north property line
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 – (September 21, 2017)

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

1) New billboards and pole signs shall be prohibited;

2) A Type "D" buffer 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 at least 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 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 P-O uses.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

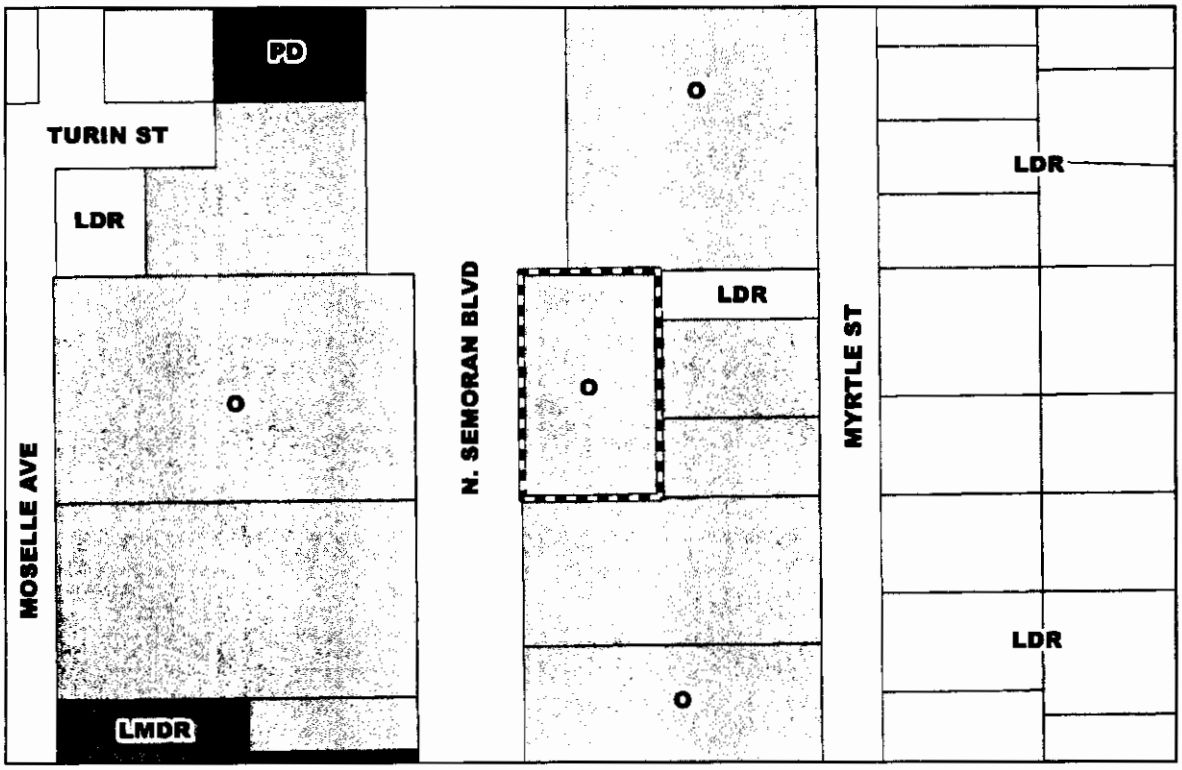
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested P-O (Professional Office District) zoning with three (3) restrictions.

Staff indicated that one hundred fifty-eight (158) 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 regarding required buffers, a motion was made by Commissioner Spears to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the P-O (Professional Office District) zoning, subject to three (3) restrictions. Commissioner Cantero seconded the motion, which was then carried on an 8-0 vote.

Motion / Second	*Gordon Spears / Jose Cantero*
Voting in Favor	*Gordon Spears, Jose Cantero, Tina Demostene, Yog Melwani, William Gusler, JaJa Wade, James Dunn, and Pat DiVecchio*
Absent	*Paul Wean*

RZ-17-09-034



Subject Property

★ Subject Property

Future Land Use Map

FLUM: Office (O)

APPLICANT: Marco A. Infante

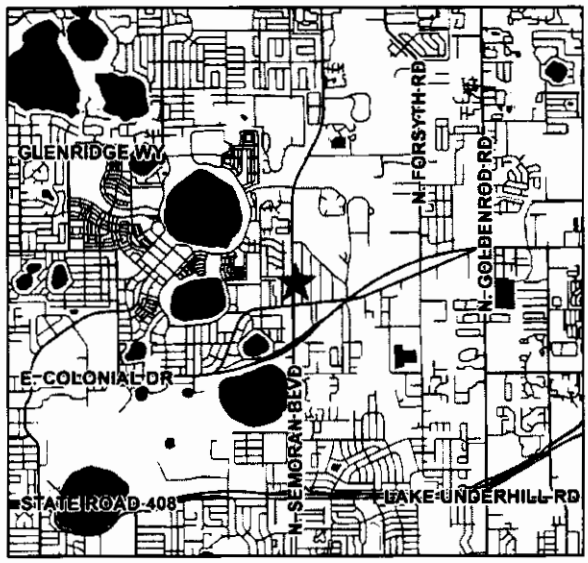
LOCATION: 1925 N. Semoran Boulevard; or generally on the east side of N. Semoran Boulevard, approximately 800 feet north of Old Cheney Highway

TRACT SIZE: 0.72-gross acre

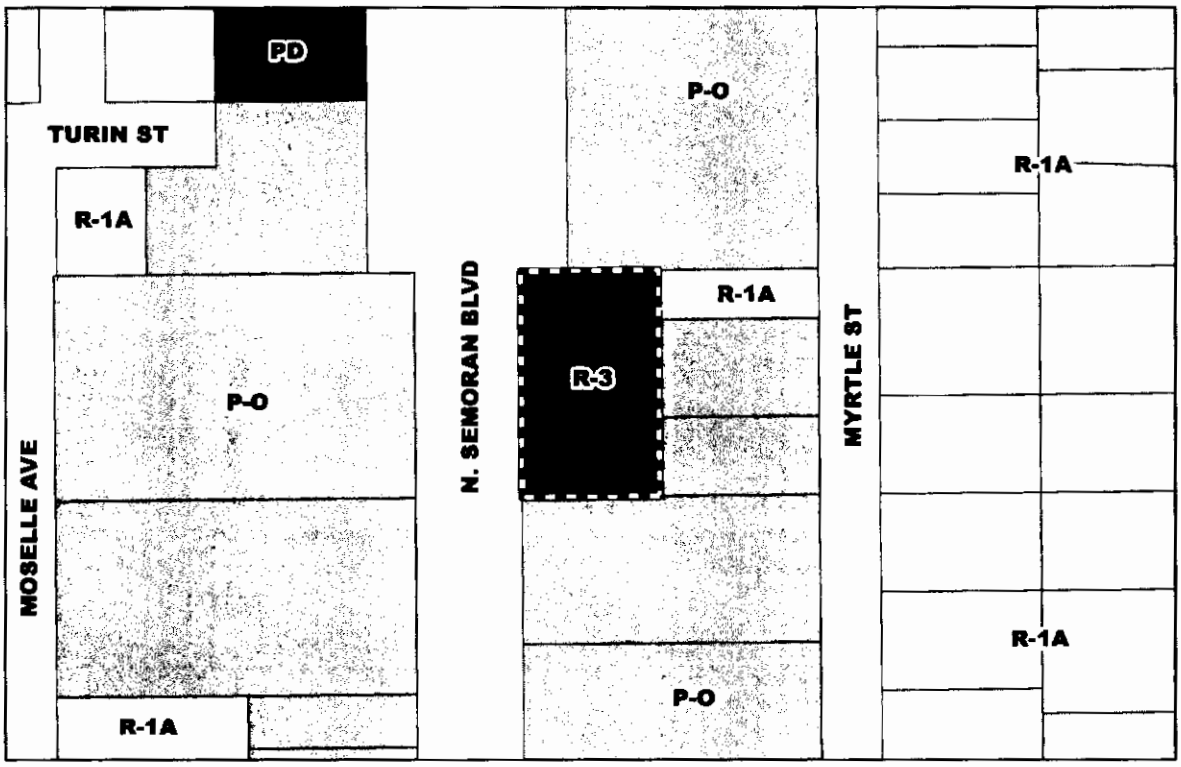
DISTRICT: # 5

S/T/R: 21/22/30

1 inch = 150 feet



RZ-17-09-034



Subject Property

Subject Property

Zoning Map

ZONING: R-3 (Multiple-Family Dwelling District) to P-O (Professional Office District)

APPLICANT: Marco A. Infante

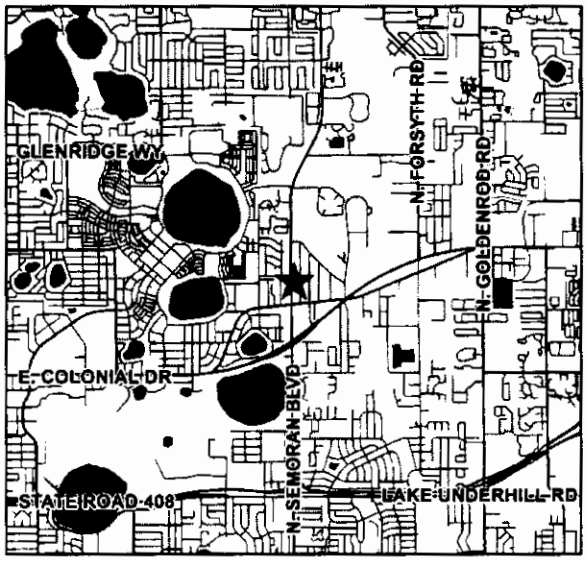
LOCATION: 1925 N. Semoran Boulevard; or generally on the east side of N. Semoran Boulevard, approximately 800 feet north of Old Cheney Highway

TRACT SIZE: 0.72-gross acre

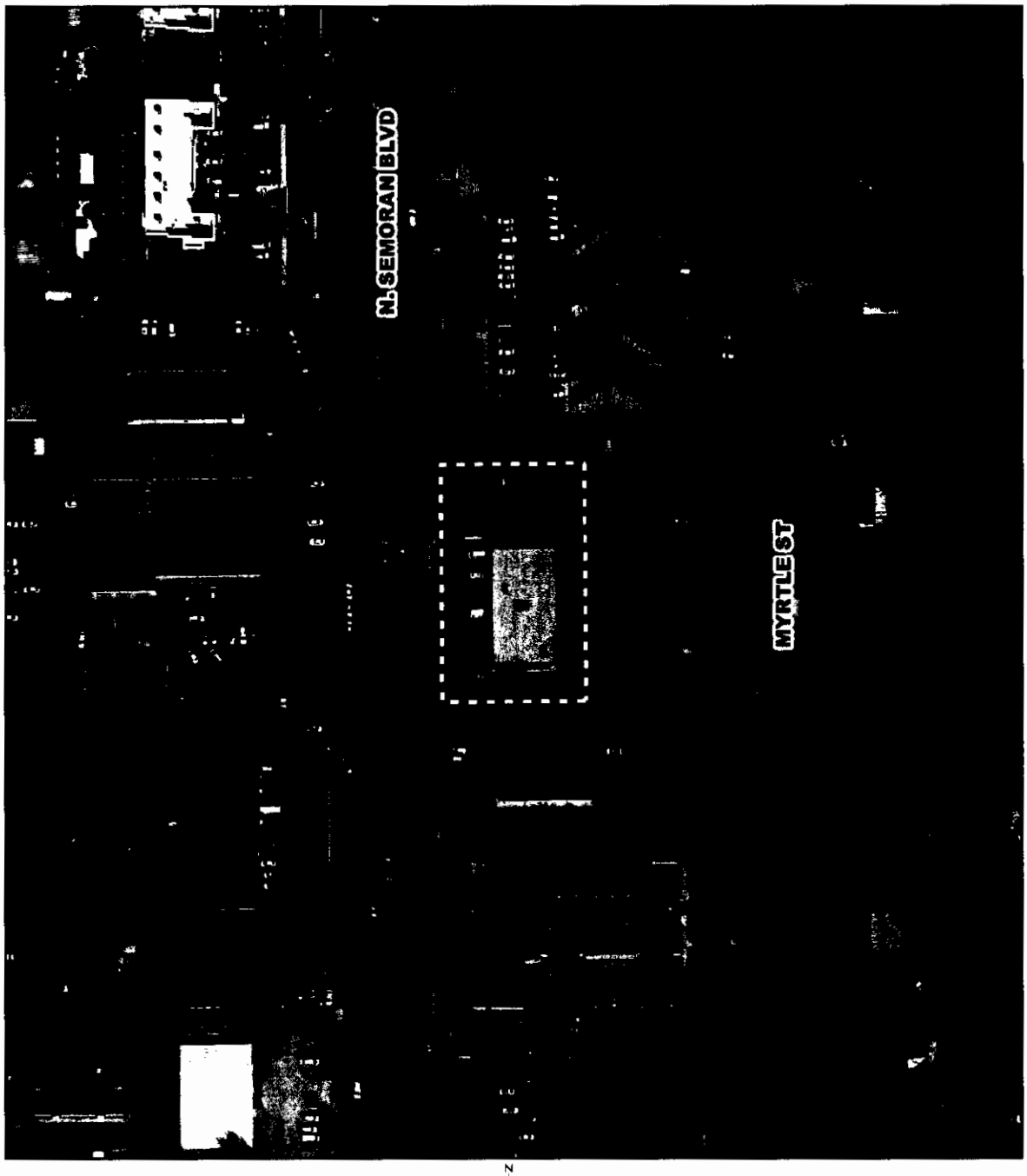
DISTRICT: # 5

S/T/R: 21/22/30

1 inch = 150 feet



RZ-17-09-034

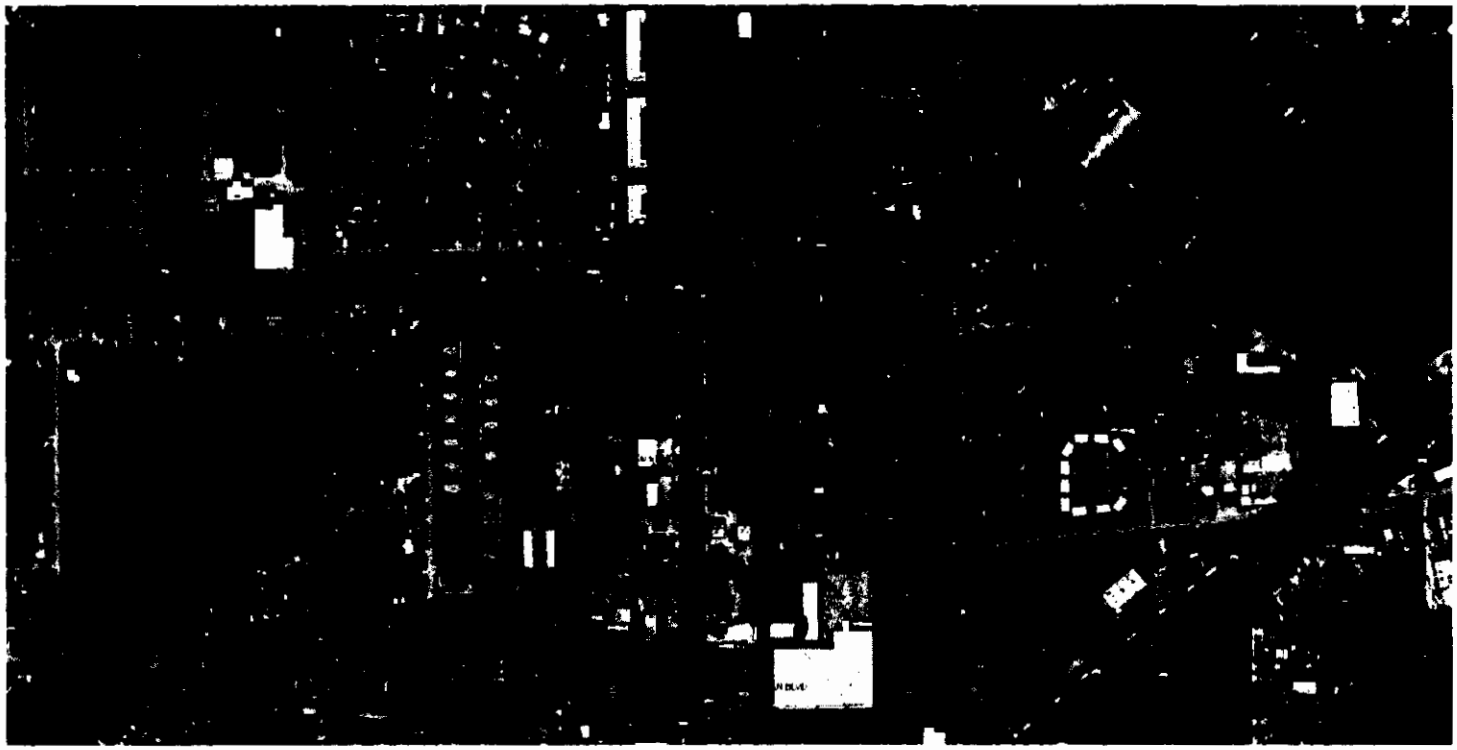


Subject Property

N
W E
S

1 inch = 125 feet

Alternative Mobility Area (AMA) Context Map



LEGEND *N*

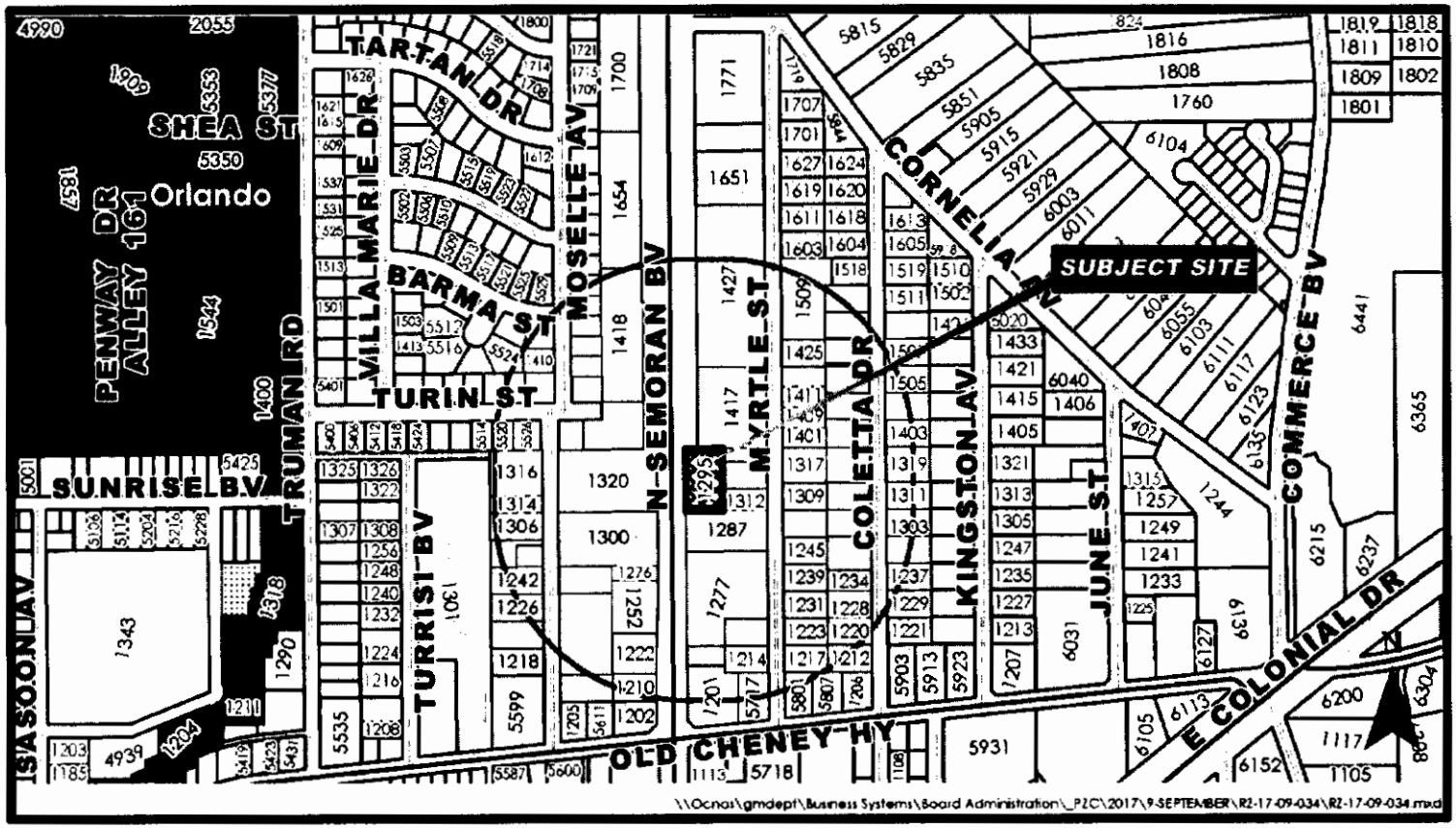
- LYNX Bus Route
- CIP Project
- Bicycle Route
- Complete Sidewalk (C
- Complete Sidewalk (State)

RZ-17-09-034
Planning Context Map

Public Notification Map

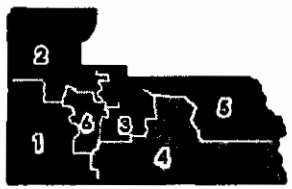
RZ-17-09-034

700 FT BUFFER, 158 NOTICES



MAP LEGEND

- SUBJECT
- 700 FT BUFFER
- NOTIFIED PARCELS
- COURTESY NOTICES
- PARCELS



1 inch = 517 feet

Feet

0 800 1,600

Notification Map

Case # RZ-17-09-034

Orange County Planning Division

PZC Hearing Date: September 21, 2017

CASE # RZ-17-09-036

Commission District: # 6

GENERAL INFORMATION

APPLICANT	William J. Hess
OWNER	WJH Veterinary Enterprises, Inc.
HEARING TYPE	Planning and Zoning Commission
REQUEST	**C-2** (Retail Commercial District) ***to*** **C-2** (General Commercial District)
LOCATION	6525 Old Winter Garden Road; or generally on the north side of Old Winter Garden Road; approximately 130 feet west of S. Lancelot Avenue
PARCEL ID NUMBER	25-22-28-0000-00-083
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 600 feet [*Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet*]. One hundred thirty-five (135) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.43-gross acre
PROPOSED USE	Animal Boarding Facility without Outdoor Runs

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning, subject to the following restrictions:

1) New billboards and pole signs shall be prohibited;

2) The uses of automobile sales, automobile repair, and outdoor storage shall be prohibited; and

3) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate C-2 uses.

IMPACT ANALYSIS

Land Use Compatibility

Given the presence of adjacent general commercial activity, and no abutting residentially zoned parcels, the proposed rezoning from C-1 (Retail Commercial District) to C-2 (General Commercial District) would allow for compatible development without any adverse impacts to adjacent properties.

Comprehensive Plan (CP) Consistency

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

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

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	Veterinary Clinic	
Adjacent Zoning	N:	PD (Planned Development District) (Wise PD) *(1995)*
	E:	C-3 (Wholesale Commercial District) *(1962)*
	W:	PD (Planned Development District) (Wise PD) *(1995)*
	S:	PD (Planned Development District) (Oakhill Village Center PD) *(1995)*
Adjacent Land Uses	N:	Undeveloped Commercial
	E:	Warehousing
	W:	Undeveloped Commercial
	S:	Shopping Center

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 6525 Old Winter Garden Road; or generally on the north side of Old Winter Garden Road; approximately 130 feet west of S. Lancelot Avenue. The property is currently developed with a 2,685 square foot veterinary clinic.

The subject property was rezoned in October 16, 1980 from R-3 (Multiple-Family Dwelling District) to C-2 (General Commercial District) in order to allow for the operation of a veterinary clinic. As part of that rezoning approval, this property was restricted only to the operation of the clinic. Today, the current property owner is seeking to expand permitted uses to include an animal boarding facility without outdoor runs.

Therefore, through this request, the applicant is seeking to rezone the subject parcel from C-2 (General Commercial District) *to* C-2 (General Commercial District) to revise the existing zoning restrictions by to allow all other C-2 uses, excluding automobile sales, automobile repair, and outdoor storage.

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

If a septic system is required or in use, the applicant is also required to notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment.

Per Orange County Code Section 30-277 and 30-278, all development is required to treat runoff for pollution abatement purposes. All discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

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

Transportation / Access
This project is within the Alternative Mobility Area (AMA) and is exempt from transportation concurrency.

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

Water / Wastewater / Reclaim

	Existing service or provider	
Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	There is a 24-inch forcemain on Old Winter Garden Road
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 – (September 21, 2017)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning, subject to the following restrictions:

1) New billboards and pole signs shall be prohibited;

2) The uses of automobile sales, automobile repair, and outdoor storage shall be prohibited; and

3) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate C-2 uses.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

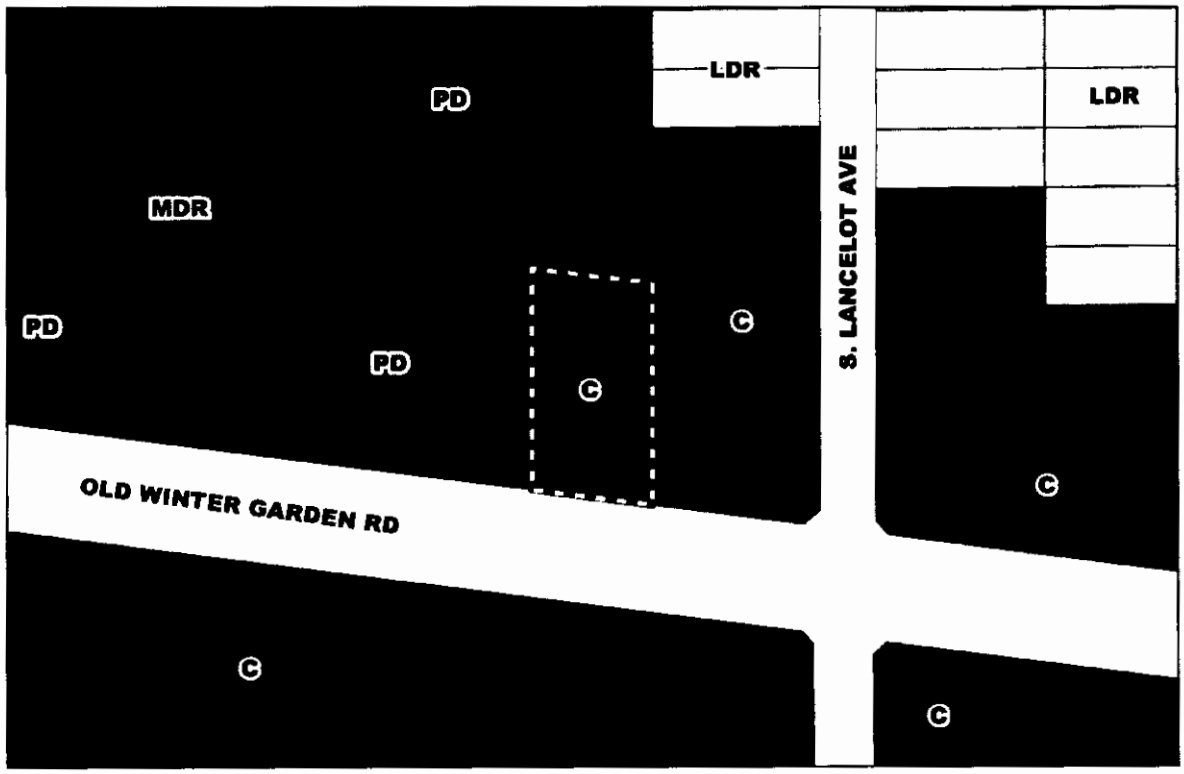
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested C-2 (General Commercial District) zoning subject to three (3) restrictions.

Staff indicated that one hundred thirty-five (135) notices were mailed to surrounding property owners within a buffer extending beyond 600 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 DiVecchio to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the C-2 (General Commercial District) zoning district, subject to three (3) restrictions. Commissioner Demostene seconded the motion, which was then carried on an 8-0 vote.

Motion / Second	*Pat DiVecchio / Tina Demostene*
Voting in Favor	*Pat DiVecchio, Tina Demostene, James Dunn, JaJa Wade, Jose Cantero, William Gusler, Gordon Spears, and Yog Melwani.*
Absent	*Paul Wean*

RZ-17-09-036



Subject Property

★ Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: William J. Hess

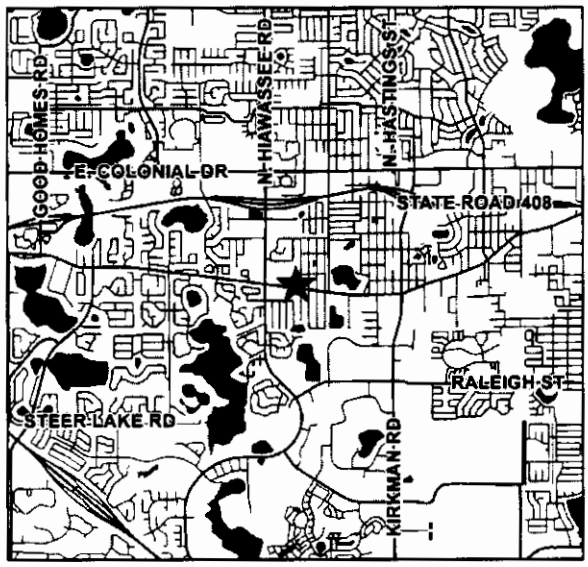
LOCATION: 6525 Old Winter Garden Road; or generally on the north side of Old Winter Garden Road; approximately 130 feet west of S. Lancelot Avenue

TRACT SIZE: 0.43-gross acre

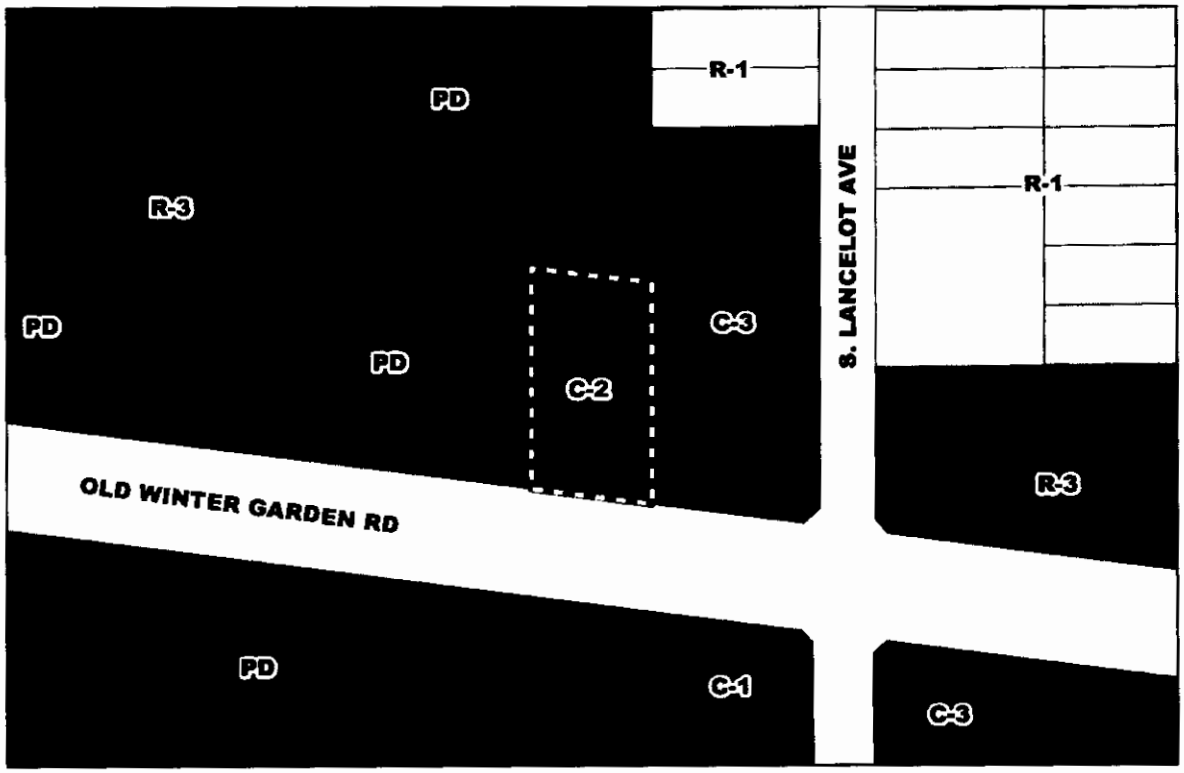
DISTRICT: # 6

S/T/R: 25/22/28

1 inch = 125 feet



RZ-17-09-036



Subject Property

Subject Property

Zoning Map

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

APPLICANT: William J. Hess

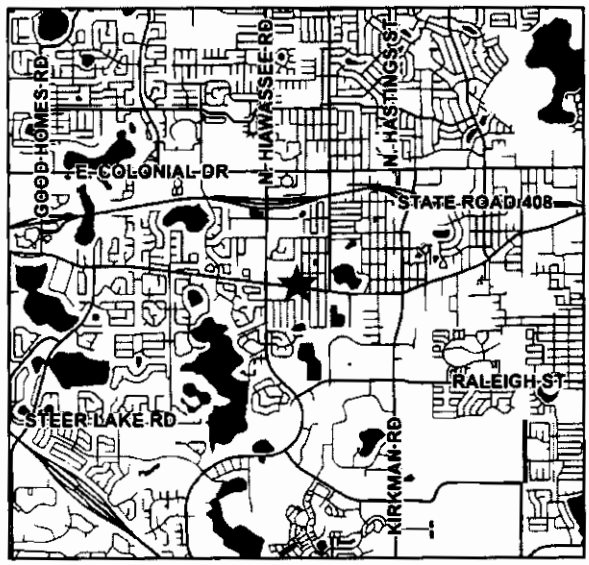
LOCATION: 6525 Old Winter Garden Road; or generally on the north side of Old Winter Garden Road; approximately 130 feet west of S. Lancelot Avenue

TRACT SIZE: 0.43-gross acre

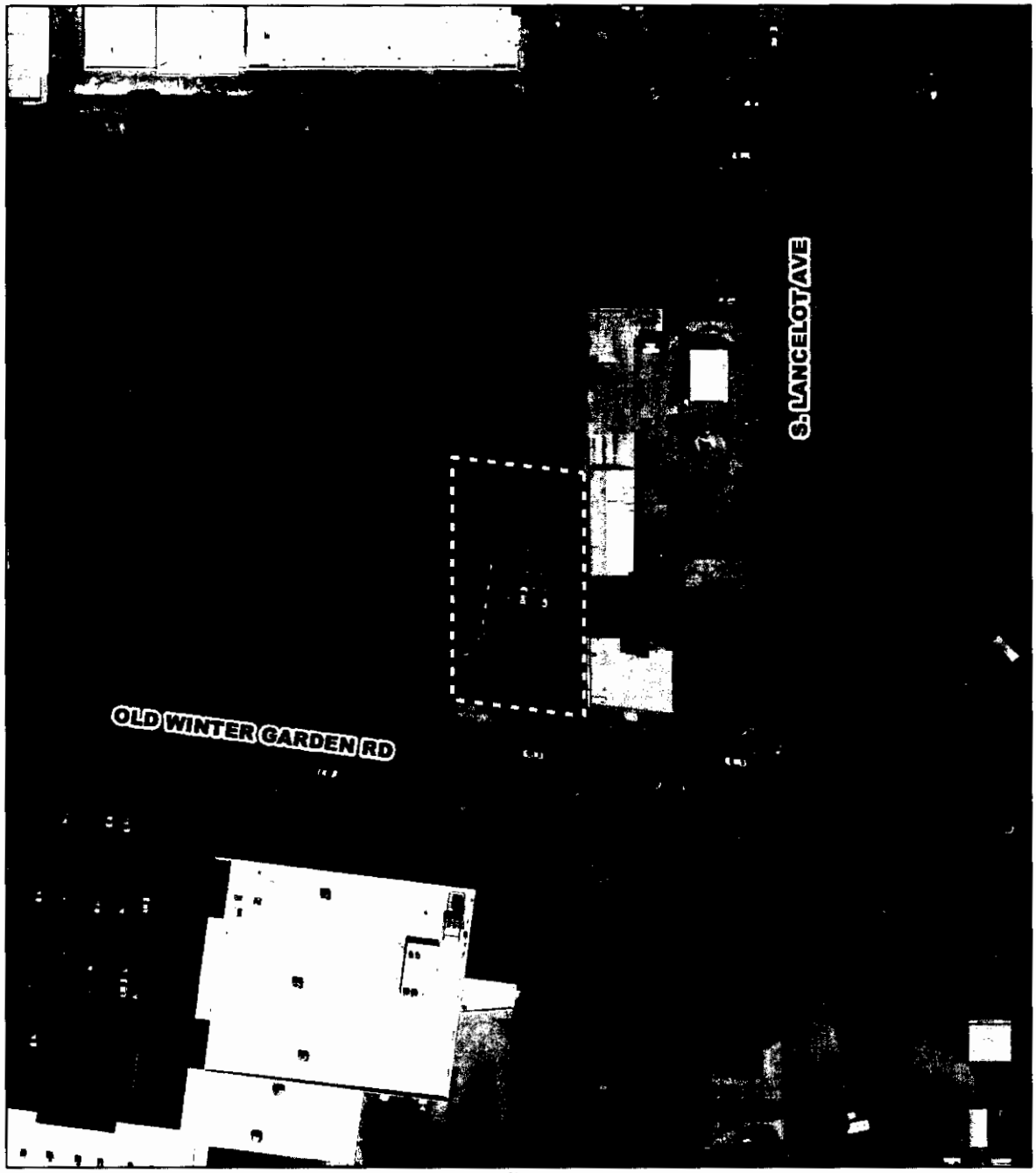
DISTRICT: # 6

S/T/R: 25/22/28

1 inch = 125 feet



RZ-17-09-036



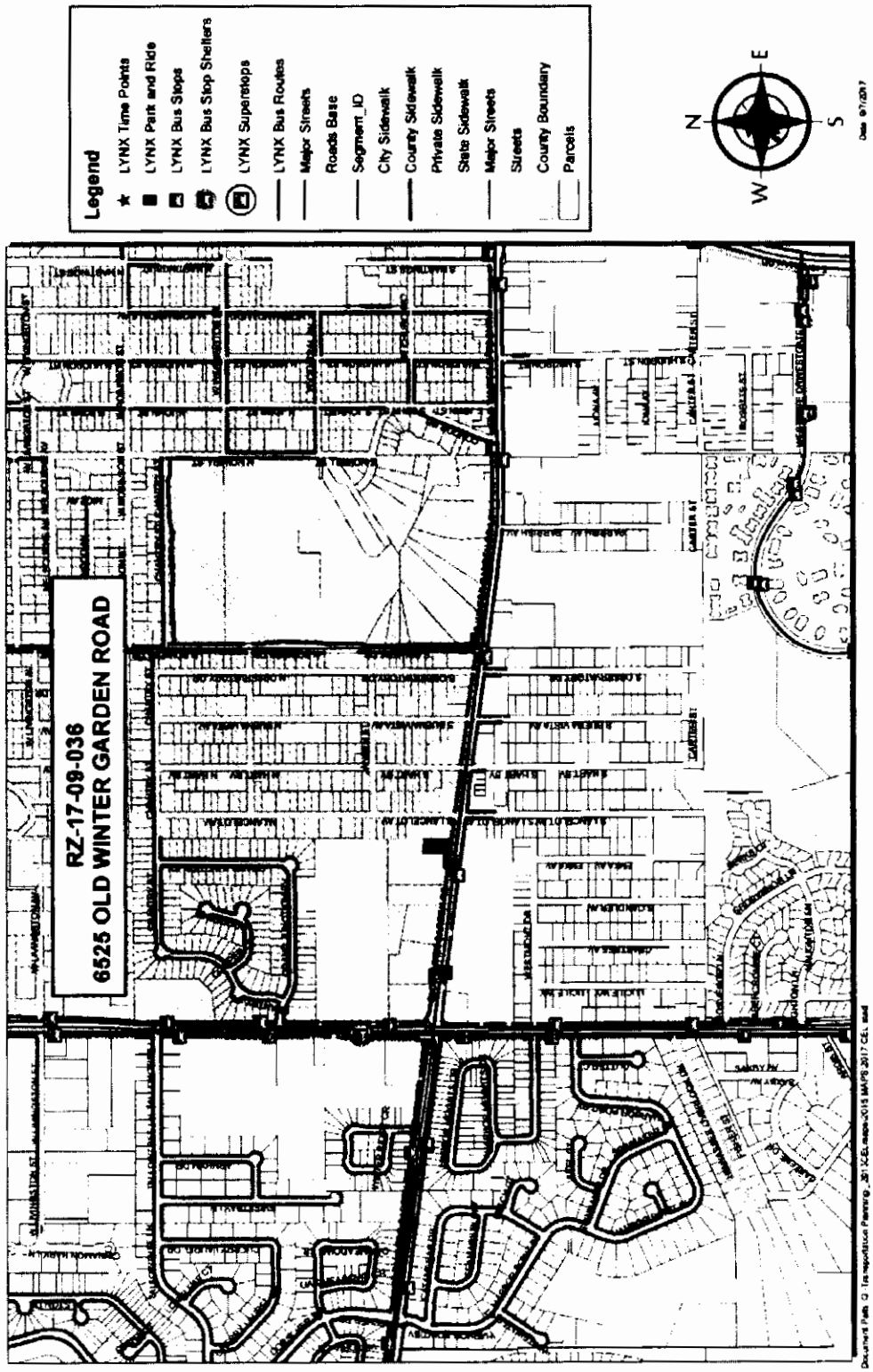
Subject Property

N
W E
S

1 inch = 100 feet

379

Alternative Mobility Area (AMA) Context Map

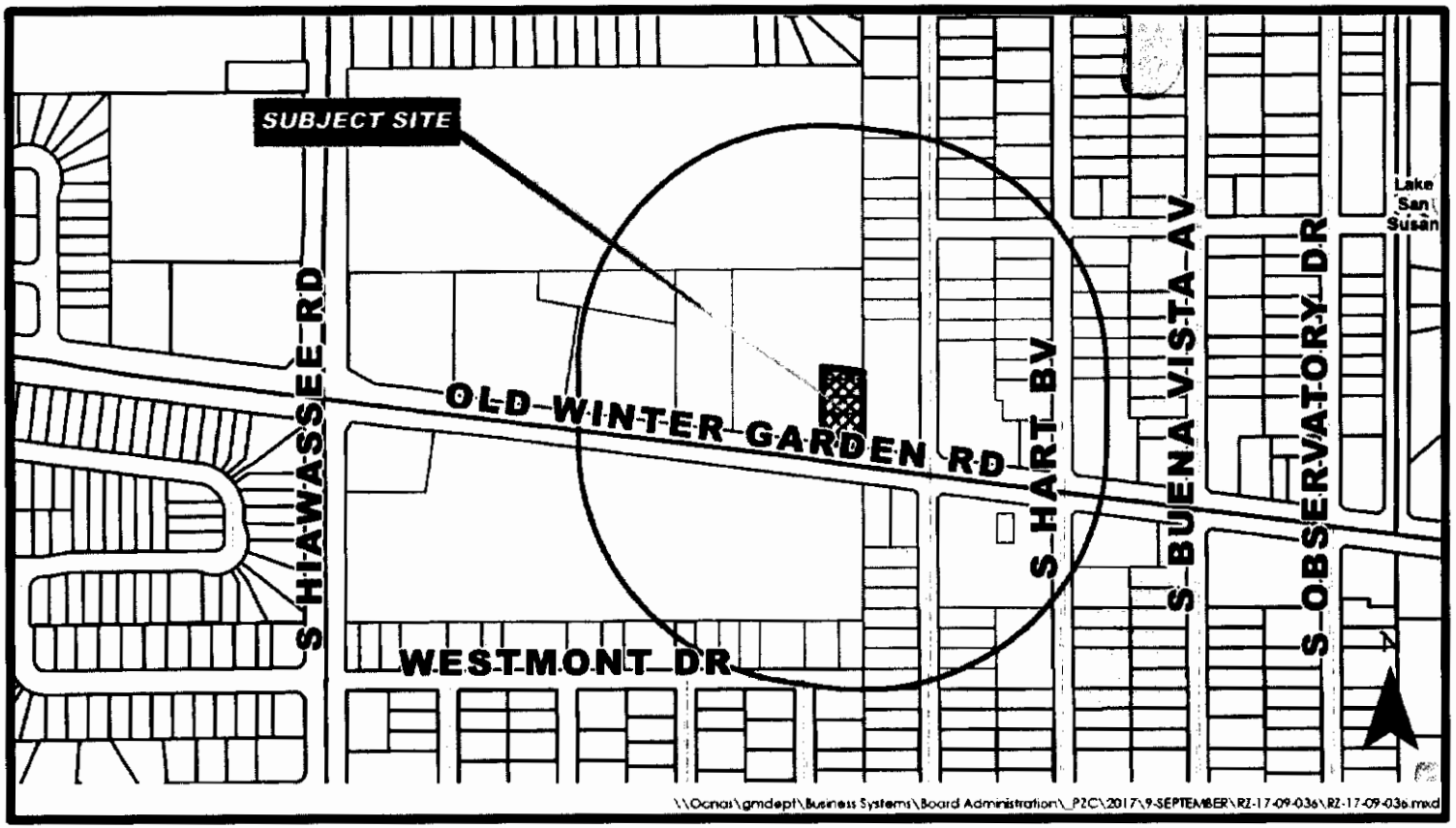


Notification Map

Case # RZ-17-09-036
Orange County Planning Division
PZC Hearing Date: September 21, 2017

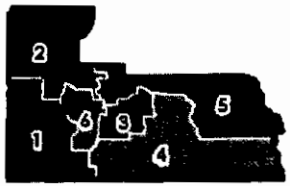
Public Notification Map

RZ-17-09-036
600 FT BUFFER, 135 NOTICES



MAP LEGEND

- SUBJECT
- 600 FT BUFFER
- HYDROLOGY
- NOTIFIED PARCELS
- COURTESY NOTICES
- PARCELS



1 inch = 346 feet
Feet
0 550 1,100