



Applicant/Owner:
 Scott Seward / 8550 OWG Partners, LLC

Location:
 8550 Old Winter Garden Road; Generally located south of Old Winter Garden Road, east of Mileham Drive and west of Lake Rose Drive.

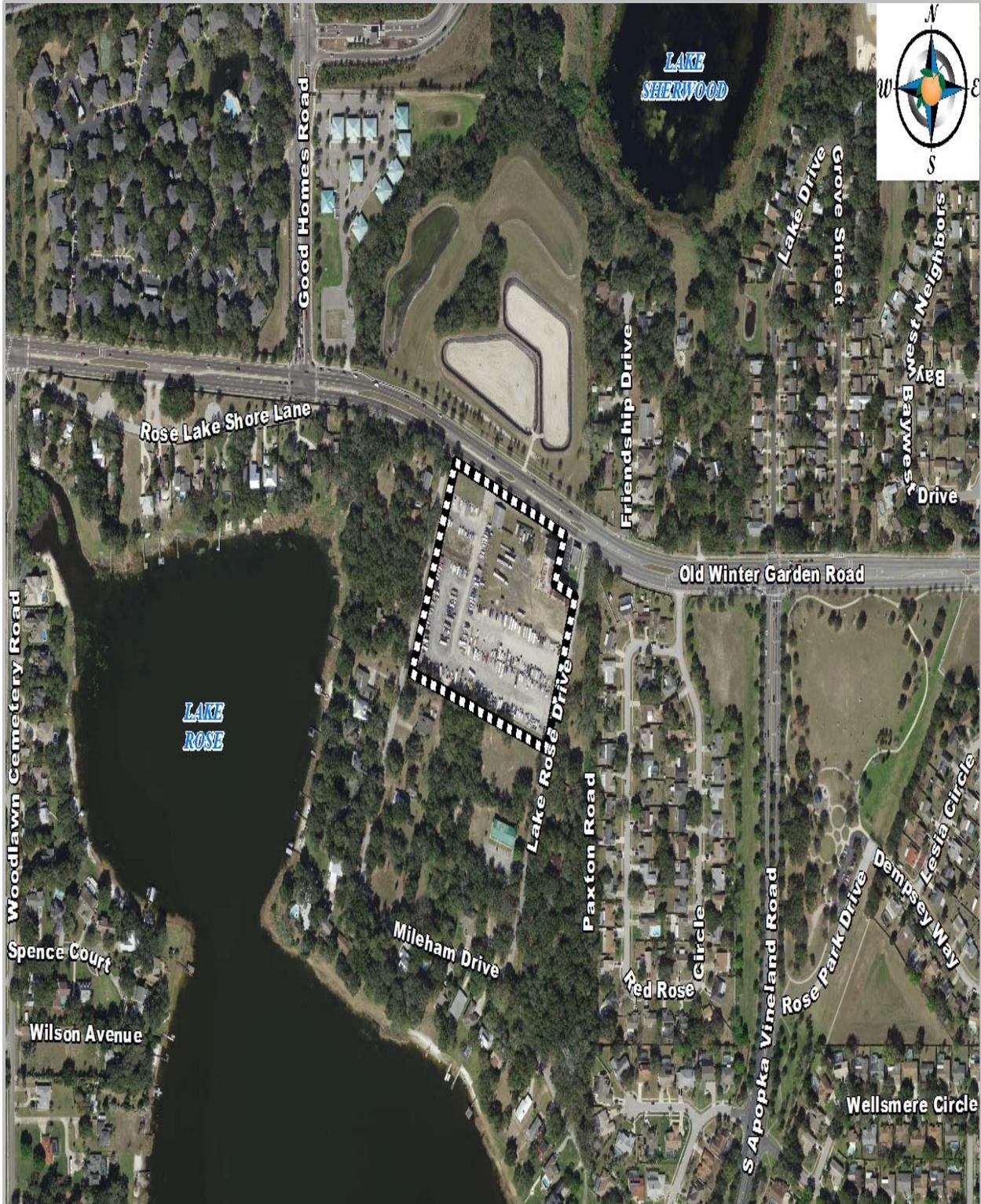
Existing Use:
 MoreSpace West Orange Boat & RV (outdoor boat and vehicle storage yard)

Parcel ID Number:
 27-22-28-7660-00-010

Tract Size:
 8.59 gross/net developable acres

The following meetings and hearings have been held for this proposal:		Project Information	
Report/Public Hearing	Outcome	Request: Low Density Residential (LDR) to Commercial (C)	
✓	A community meeting was held September 26, 2017, with seven (7) attendees. A second meeting was held October 24, 2017, with three (3) attendees.	Proposed Development Program: The addition of an enclosed self-storage facility to the existing outdoor boat and recreational vehicle storage site and the enlargement and reconfiguration of the current parking area. A maximum of 112,309 square feet of commercial space is proposed for the site.	
✓	Staff Report	Concurrent Rezoning: Case RZ-17-10-020 C-3 (Wholesale Commercial District) to C-2 (General Commercial District)	
✓	LPA Adoption Hearing	Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility.	
✓	PZC Rezoning Hearing	Transportation: There is one failing roadway segment within a one-mile radius of the subject property. Good Homes Road from White Road to W. Colonial Drive has no available capacity and is operating at Level of Service F. A traffic study will be required prior to the issuance of a Capacity Encumbrance Letter and building permit.	
	BCC Adoption Hearing	November 14, 2017	
	BCC Rezoning Hearing	November 14, 2017	

SITE AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use:
 Low Density Residential (LDR)

Special Area Information

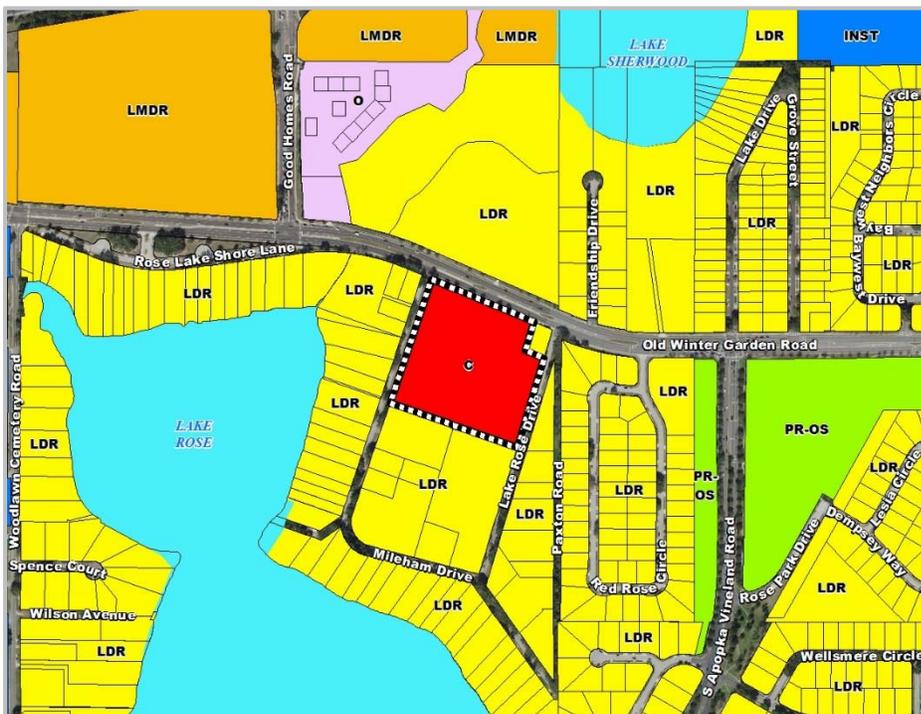
Overlay District: N/A

JPA: N/A

Rural Settlement: N/A

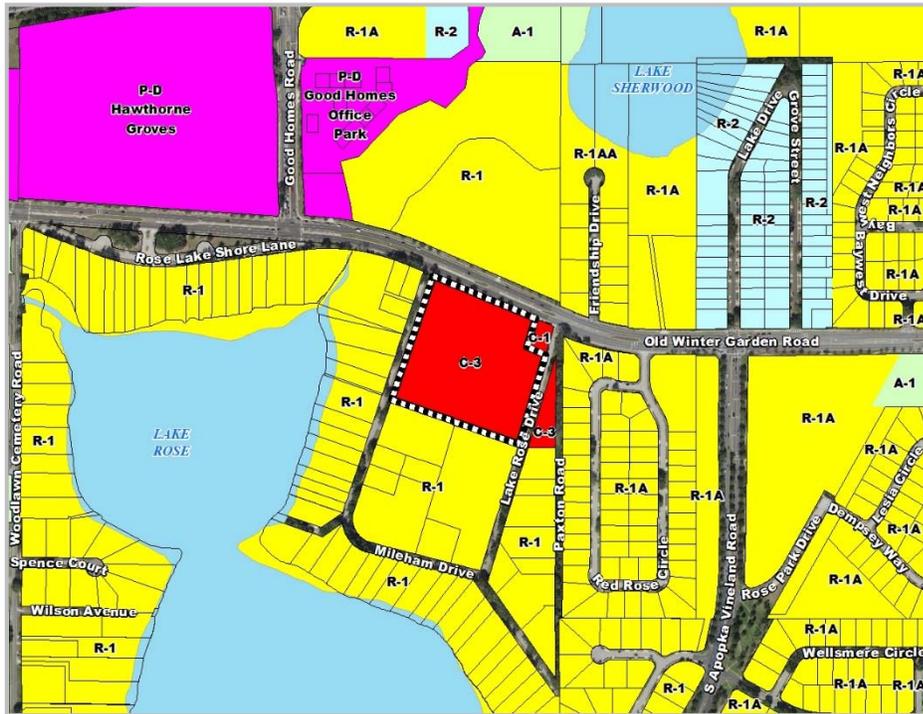
Airport Noise Zone: N/A

FUTURE LAND USE – PROPOSED



Proposed Future Land Use:
 Commercial (C)

ZONING - CURRENT



Zoning: C-3 (Wholesale Commercial District)

Existing Uses:

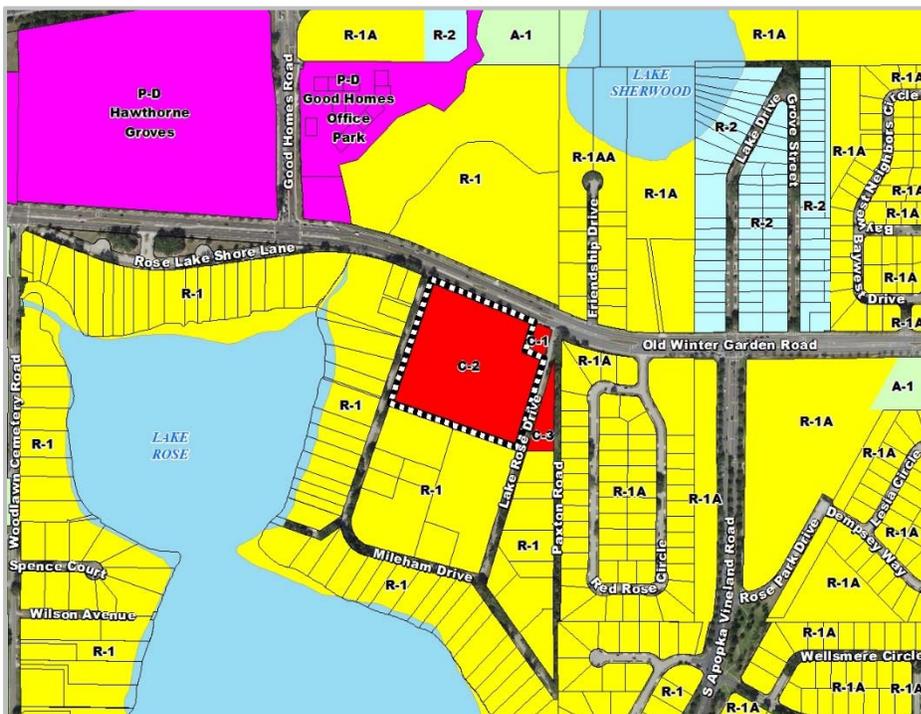
N: Orange County stormwater retention pond

S: First Korean Presbyterian Church of Orlando and single-family home

E: 8516 Office Center and undeveloped land

W: Single-family homes

ZONING – PROPOSED



Proposed Zoning:
 C-2 (General Commercial District)

Staff Recommendations

If the requested Comprehensive Plan amendment is approved, the Board will then need to take action on the requested rezoning. Below are the staff recommendations for each of these items.

1. **COMPREHENSIVE PLAN AMENDMENT:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objective FLU8.2; Policies FLU1.1.5, FLU1.4.4, FLU8.2.1, and FLU8.2.10; and Neighborhood Element Objective N1.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2017-2-S-1-1, Low Density Residential (LDR) to Commercial (C).
2. **REZONING:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objective FLU8.2; Policies FLU1.1.5, FLU1.4.4, FLU8.2.1, and FLU8.2.10; and Neighborhood Element Objective N1.1) and **APPROVE** Rezoning Case RZ-17-10-020, C-3 (Wholesale Commercial District) to C-2 (General Commercial District), subject to the following ~~five (5)~~ **six (6)** restrictions:

Restrictions:

1. New billboards and pole signs shall be prohibited, as well as the uses of automobile (including trucks and boats) sales and repair.
2. Primary access to the subject property shall be limited to Old Winter Garden Road, with access to Mileham Drive and Lake Rose Drive limited to emergency access only.
3. Building height shall be restricted to a maximum of three (3) stories.
4. A Type "B" buffer shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (I-2/I-3 and I-1/I-5) uses from all residential areas, unless a variance to this restriction and buffer is approved by the Board of Zoning Adjustment (BZA). 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.
5. 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.
6. The use of parking and storage of dual rear wheel vehicles shall be prohibited on the subject property.

Restriction 6 was added by the PZC during the October 19, 2017, public hearing (new text).

Analysis

1. Background and Development Program

The applicant, Scott Seward, is seeking to change the Future Land Use Map (FLUM) designation of the 8.59-acre subject property, currently the site of MoreSpace Boat & RV Storage, from Low Density Residential (LDR) to Commercial (C). The parcel lies within a small pocket of non-residential development surrounded by single-family residential activity. A professional office complex, 8516

Office Center, adjoins the property to the east, and the site is partially bounded to the south by the First Korean Presbyterian Church of Orlando.

The subject parcel, located at 8550 Old Winter Garden Road, was owned by the Karst Corporation from 1951 to June 2017 and was formerly the site of a citrus grove. In addition to the operation of the grove, the Karst Corporation utilized the property for a shop, office, and storage and maintenance of their agricultural equipment and vehicles. On July 20, 1971, the Board of County Commissioners (BCC) approved the rezoning of the parcel from C-1 (Retail Commercial District) and R-1 (Single-Family Dwelling District) to its current C-3 (Wholesale Commercial District) classification to allow for improvements to the site. Staff notes that this C-3 zoning designation was approved not only for the subject property (Parcel 27-22-28-7660-00-010), but also for the commonly-owned 0.67-acre parcel to the east (Parcel 27-22-28-7660-00-030), presently undeveloped and not included in this application. Although both parcels received their current Low Density Residential (LDR) FLUM designation—with which the C-3 zoning classification is inconsistent—via the July 1, 1991 adoption of the Orange County Comprehensive Policy Plan, the Karst Corporation was allowed to continue operating their agricultural business as a legally-existing, yet nonconforming, use.

Following the cessation of the property's use as a citrus grove in 1991, the Karst Corporation began operating AAA Mobile Storage on the premises, offering parking for recreational vehicles and boats. Although staff's search of the Orange County Tax Collector's and Building Safety Division's records revealed that neither a Business Tax Receipt (occupational license) nor a Use Permit was recorded for this business, the non-residential uses of the site have nonetheless coexisted with surrounding residential development for decades.

In June 2017, the present owner, 8550 OWG Partners, LLC, acquired the subject property and the adjacent unimproved Parcel 27-22-28-7660-00-030. As stated in the application package, the owner is now seeking to add an enclosed, climate-controlled self-storage facility to the existing outdoor boat and RV storage site and to enlarge and reconfigure the current parking area. Recognizing that the storage yard does not meet the County's current site design requirements for commercial development—including those pertaining to parking, on-site maneuvering, landscaping, buffering, lighting, and stormwater retention—the owner is further proposing to bring the property into compliance with the present development standards established in the Orange County Code.

To accomplish these objectives, the applicant is requesting the Commercial FLUM designation to eliminate the inconsistency between the property's LDR future land use designation and C-3 zoning classification. Following discussions with staff, the applicant is further seeking a concurrent downzoning of the site from C-3 to C-2 (General Commercial District), a modification from the initially-proposed C-1 (Retail Commercial District) category. As established in the amendment justification statement, the applicant is requesting this downzoning in recognition of the fact that neither the County nor the surrounding neighbors want this property developed for certain uses permitted by the C-3 designation, the least restrictive of the County's commercial zoning classifications.

Staff notes that the property is currently the subject of an active Orange County Code Enforcement case (Incident 495107). On August 16, 2017, 8550 OWG Partners, LLC was cited for the absence of proper buffers and screening between the storage yard and adjacent properties, the parking of dual rear wheel vehicles in rights-of-way, and operating without a Use Permit. Although the applicant has requested this FLUM Amendment to attain consistency between the property's future land use and zoning designations, staff emphasizes that it is only the first step in the resolution of the Code Enforcement case. Even if the proposed amendment and associated rezoning are ultimately

approved, all outstanding Code Enforcement issues—including securing the necessary building and use permits and complying with the County’s buffering and screening standards—must still be rectified.

Although Planning Division staff did not observe the parking of dual rear wheel vehicles within public rights-of-way, such vehicles are being stored on the subject site in addition to boats and RVs, as shown in the attached site visit photographs. Staff emphasizes that Business Tax Receipt 1187474, issued to MoreSpace West Orange Boat & RV Storage by the Orange County Tax Collector’s Office on August 25, 2017, was granted solely for boat and RV storage (Category 3100). Furthermore, the requested C-2 zoning classification does not allow for the parking of dual rear wheel vehicles, as established in Section 38-77, Use Table, of the Orange County Code. While staff recommends adoption of the proposed FLUM Amendment and approval of the concurrent rezoning petition and supports the owner’s efforts to bring the site into conformance with the County’s design and development standards, staff stresses that the continued parking of dual rear wheel vehicles on the premises will not be permitted.

A community meeting for the proposed amendment and concurrent rezoning was held on September 26, 2017, at Frangus Elementary School. While those in attendance did not appear to object to the use of the property for a combination of indoor and outdoor storage, they did express concern about architectural compatibility with neighboring residential development, building height, landscaping and buffering, hours of operation, site security, and the current storage of dual rear wheel vehicles on the property. In addition to the Code-mandated requirements regarding commercial site plan review and the utilization of a 25-foot Type “B” buffer adjacent to residential uses, staff has recommended restrictions stating that new billboards and pole signs shall be prohibited, as well as the uses of automobile (including trucks and boats) sales and repair; that primary access to the subject property shall be limited to Old Winter Garden Road, with access to Mileham Drive and Lake Rose Drive restricted to emergency access only; and that building height shall be capped at a maximum of three (3) stories. In addition, the applicant team pledged that the adjacent 0.68-acre Parcel 27-22-28-7660-00-030 (not included in the two applications) would remain undeveloped to provide additional separation between the site and abutting residential development to the east. They further promised to present a conceptual layout of the site, building elevations, and renderings at a second community meeting, which was held on October 24, 2017, at Frangus Elementary School.

2. Project Analysis

Consistency

The proposed FLUM amendment and the associated rezoning request appear to be **consistent** with the applicable Goals, Objectives, and Policies of the Orange County Comprehensive Plan. As discussed above, the applicant is seeking to resolve the subject property’s zoning/future land use inconsistency issue and outstanding Code Enforcement violations, add an enclosed, climate-controlled self-storage facility to the existing outdoor boat and recreational vehicle storage site, and enlarge and reconfigure the current parking area. Recognizing that the storage yard does not meet the County’s current site design requirements for commercial development—including those pertaining to parking, onsite maneuvering, landscaping, buffering, lighting, and stormwater retention—the owner is further proposing to bring the site into compliance with the present development standards established in the Orange County Code. If both applications are approved, uses will be limited to those permitted in the C-2 zoning district, which will prohibit the future

utilization of the property for the most intense commercial uses. Staff finds this proposal consistent with **Future Land Use Element Goal FLU2**, which states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options. In the same vein, staff finds the two requests consistent with **Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area (USA).

Furthermore, staff finds the two requests consistent with **Policy FLU1.4.4**, which states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided, and **Neighborhood Element Objective N1.1**, which establishes that Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods. As noted above, the owner is proposing to construct a climate-controlled self-storage facility on the subject site. The development of such a facility would provide a storage option for the residents of the neighboring residential communities, both in the unincorporated County and the Ocoee city limits. Likewise, the owner's intent to continue operating a boat and RV storage business on the premises will serve the surrounding residential population, who face the challenge of finding suitable storage space due to small lot sizes and/or the existence of prohibitive homeowners' association covenants. In addition, per the Orange County Code, the provision of a 25-foot Type "B" buffer will be necessary to separate the commercial project from abutting residential development, and primary access to the property will be achieved via Old Winter Garden Road, with entry onto Mileham Drive and Lake Rose Drive limited to emergency access only.

Staff notes that if approved, the project will use infrastructure that is already in place. Per Orange County Utilities (OCU), potable water, sewer, and reclaimed water service from OCU are available to serve the site, with no facility improvements necessary to maintain level of service standards. Moreover, the project would use the existing transportation network, which serves transit riders and pedestrians, as well as automobile drivers. A network of sidewalks is in place along Old Winter Garden Road and neighboring roadways, and a LYNX bus stop is located approximately 160 feet northwest of the property, near the signalized intersection of Old Winter Garden Road and Good Homes Road.

Compatibility

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

Future Land Use Element Objective FLU8.2 states that compatibility will be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development and development trend in the area. As mentioned previously, non-residential uses on the subject parcel have coexisted with neighboring residential development since 1951, with an outdoor boat and RV storage facility in operation on the premises since 1991. It is staff's belief that the owner's intent to utilize the site solely for the commercial uses of enclosed self-storage and boat and RV storage—uses that typically generate low volumes of traffic and noise and serve the surrounding residential population—would continue to prove beneficial to this area of Orange County.

As noted earlier though, the existing boat and RV storage facility does not comply with the County's current site design standards for non-residential development. However, the applicant intends to

redevelop the property in accordance with the commercial development regulations established in the Orange County Code, which will likely have a positive impact on the neighboring residential community. Staff notes that the developer will be required to proceed through the commercial plan review process, and the project will be subject to applicable performance standards to ensure compatibility, in accordance with **Policy FLU8.2.10**. These performance standards include, but are not limited to, building height restrictions, compatible architectural design, floor area ratio limitations, lighting and location requirements, landscaping and buffering requirements, and parking design. It is staff's belief that the proposed project is appropriate for the area in question and will contribute to the County's larger goals of promoting redevelopment and compact urban form within the Urban Service Area, efficiently using existing infrastructure, reducing trip lengths, and encouraging accessibility via multiple modes of transportation.

Staff recommends adoption of the proposed FLUM Amendment and approval of the concurrent downzoning of the subject property to C-2, which will eliminate the zoning/future land use inconsistency and prohibit the most intense commercial uses on the site. Staff further supports the owner's efforts to grow their business while simultaneously bringing the property into conformance with the County's current design and development standards. Staff emphasizes, however, that the continued parking of dual rear wheel vehicles on the premises will not be permitted and stresses that the owner shall be responsible for resolving all outstanding Code Enforcement issues associated with the property, including completing the site plan review process, obtaining all required building and use permits, and providing the necessary buffering and screening between the project and abutting residential development.

Division Comments: Environmental, Public Facilities, and Services

Environmental. The Orange County Environmental Protection Division (EPD) has informed staff that prior to demolition or construction activities associated with existing structures, the developer shall provide EPD with a Notice of Asbestos Renovation or Demolition form. For more information or to determine if an exemption applies, the developer should contact the EPD Air Quality Management staff at 407-836-1400.

This property abuts single-family residences. Fugitive dust emissions shall not be allowed from any activity, including vehicular movement, transportation of materials, construction, alteration, loading, unloading, storing, or handling, without taking reasonable precautions to prevent such emissions. Reasonable precautions include application of water, dust suppressants, and other measures defined in the Orange County Code, Chapter 15, Section 15-89.1, Air Pollution Prohibited.

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

All development is required to pretreat stormwater runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Prior to commencement of any earthwork or construction, if one acre of land or more 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.

This site has a prior land use that may have resulted in soil and/or groundwater contamination. Prior to construction plan approval, Orange County may require documentation to ensure compliance with FDEP Regulation 62-777, Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations.

Transportation. The subject property is not located within the County’s Alternative Mobility Area (AMA) or along a backlogged or constrained facility or multimodal corridor.

Based on the current Low Density Residential future land use designation of the subject property, the maximum allowable development of 34 single-family dwelling units would generate 40 new p.m. peak hour trips. The proposed development of up to 112,309 square feet of commercial space under the requested Commercial future land use designation will generate 434 p.m. peak hour trips, resulting in a net increase of 394 peak hour trips.

The subject property is located adjacent to Old Winter Garden Road, a four-lane minor arterial currently operating at Level of Service C from Bluford Road to Hiawassee Road.

Based on the Concurrency Management System database dated September 5, 2017, there is one failing roadway segment within a one-mile radius of the subject site. Good Homes Road from White Road to W. Colonial Drive currently has no available capacity and is operating at Level of Service F. This information is dated and is subject to change. A traffic study will be required prior to issuance of an approved Capacity Encumbrance Letter and building permit.

Analysis of the short-term or interim Year 2022 conditions indicates that with the exception of Good Homes Road from White Road to W. Colonial Drive, all roadways will continue to operate at acceptable levels of service.

Final permitting of any development on this site will be subject to review and approval under the capacity constraints of the County’s Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County’s Future Land Use Map or as a text amendment to the Comprehensive Plan.

Utilities. The subject property is located in Orange County Utilities’ (OCU’s) potable water, wastewater, and reclaimed water service areas, and OCU presently has sufficient plant capacity to serve the project. Per OCU, there is a 30-inch potable water main, a 20-inch wastewater force main, and a 16-inch reclaimed water main on Old Winter Garden Road.

3. Rezoning Analysis

SITE DATA

Adjacent Zoning	N:	R-1 (Single-Family Dwelling District) (1957)
	E:	C-1 (Retail Commercial District) (1957) C-3 (Wholesale Commercial District) (1971)
	W:	R-1 (Single-Family Dwelling District) (1957)
	S:	R-1 (Single-Family Dwelling District) (1957)

Adjacent Land Uses	N:	Single-Family Residential and RIB Site
	E:	Office and Undeveloped Commercial
	W:	Single-Family Residential
	S:	Single-Family Residential

APPLICABLE C-2 (GENERAL COMMERCIAL DISTRICT) DEVELOPMENT STANDARDS

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

Minimum Building Setbacks

Front:	25 feet (except on major streets, see Article XV)
Rear:	15 feet (20 ft. when abutting residential districts)
Side:	5 feet (25 ft. when abutting residential districts)
Side (Street):	15 feet

PERMITTED USES

The C-2 (General Commercial) district is composed of certain lands and structures used to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district will be encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood. Characteristically, this district 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 will be promoted within the urban service area or in rural settlements where uses of this intensity are already established. The general commercial district should not be located adjacent to single-family residential zoning 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

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.

Water / Wastewater / Reclaimed Water

Existing service or provider

Water:	Orange County Utilities	30-inch water main on the northeast side of Old Winter Garden Road
Wastewater:	Orange County Utilities	20-inch force main on the southwest side of Old Winter Garden Road
Reclaimed:	Orange County Utilities	8-inch reclaimed water main on the northeast side of Old Winter Garden Road

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.

Code Enforcement

The property is currently the subject of an active Orange County Code Enforcement case (Incident 495107). On August 16, 2017, 8550 OWG Partners, LLC was cited for the absence of proper buffers and screening between the storage yard and adjacent properties, the parking of dual rear wheel vehicles in rights-of-way, and operating without a Use Permit.

Specific Project Expenditure Report and Relationship Disclosure Forms

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

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.

4. Policy References

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

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

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

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

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

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

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

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

Site Visit Photos

Subject Site



North of Subject Site



South of Subject Site



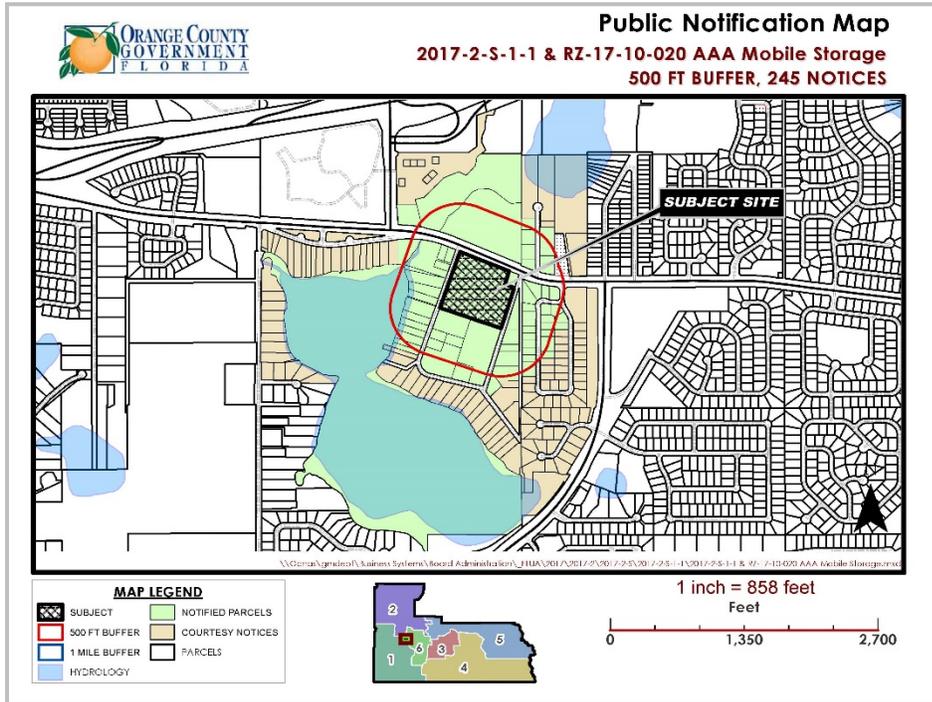
West of Subject Site



East of Subject Site



PUBLIC NOTIFICATION



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

245 notices sent

