



Applicant/Owner:
Parviz Farzaneh

Location:
5930 Turkey Lake Road;
Generally located west
of Turkey Lake Road and
Universal Studios Plaza,
south of Westmar Drive,
and north of Woodgreen
Drive.

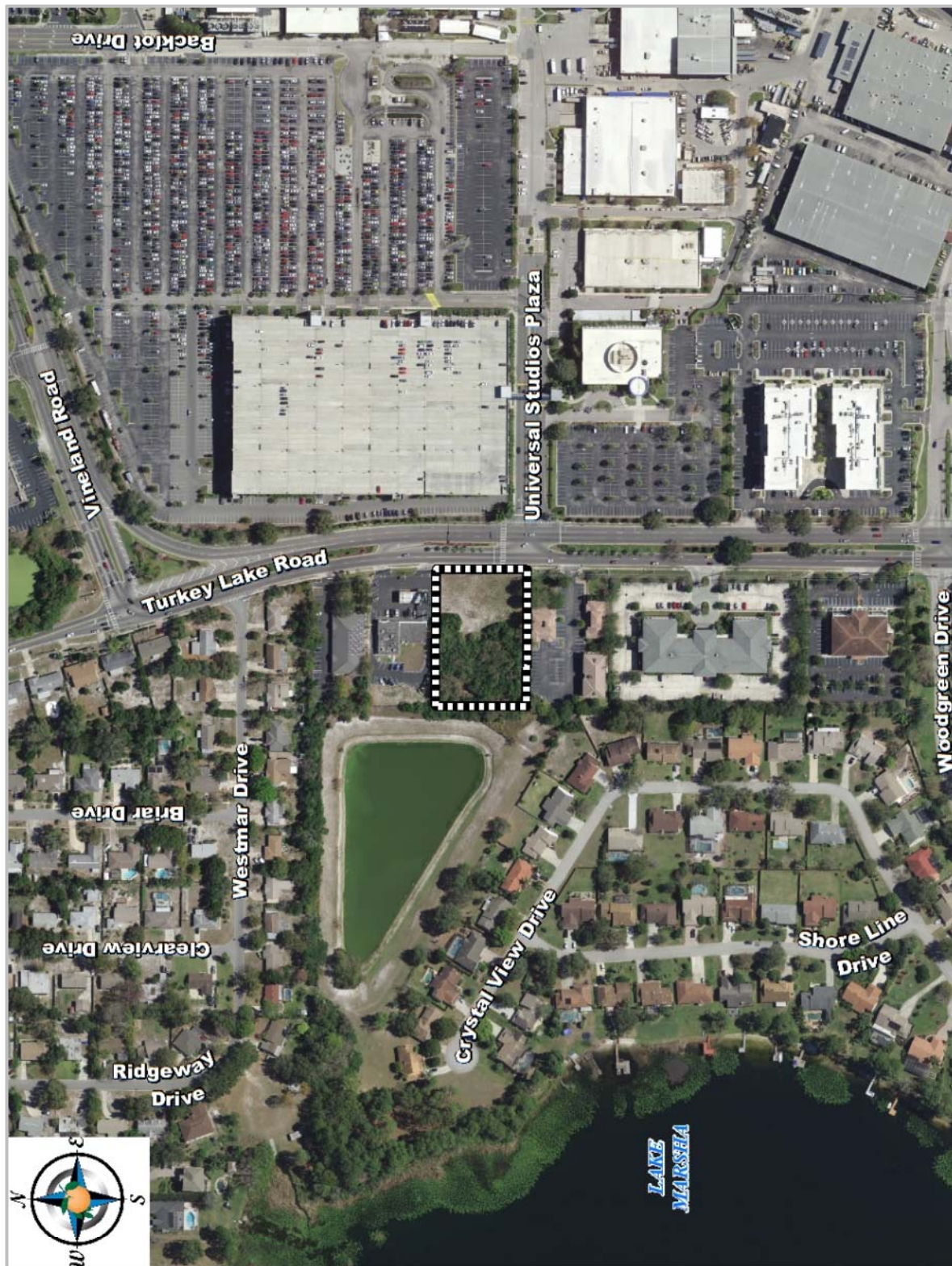
Existing Use:
Undeveloped land

Parcel ID Number:
23-23-28-0000-00-001

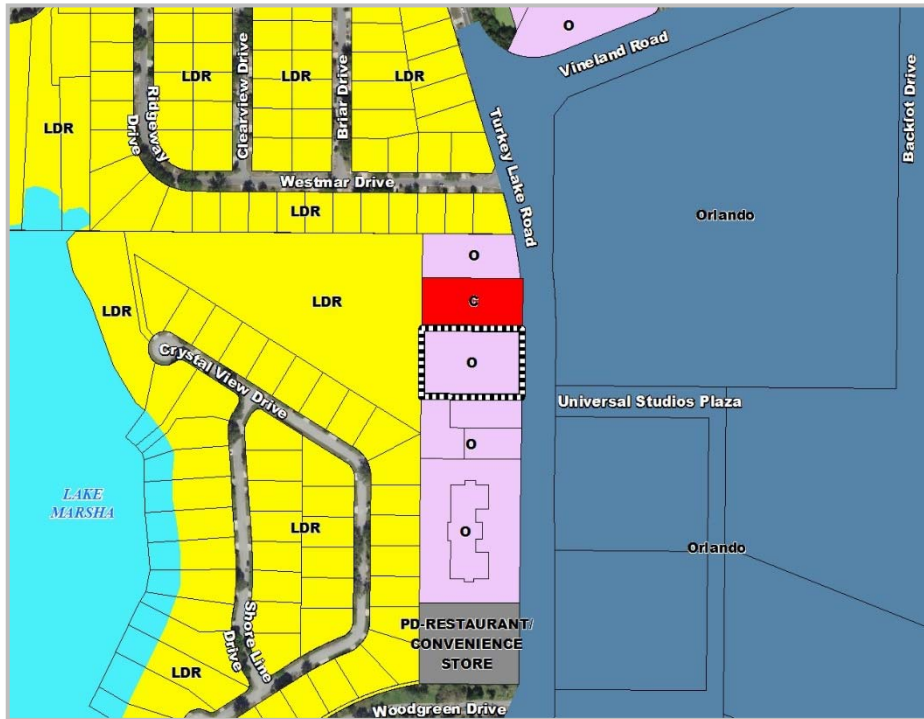
Tract Size:
1.41 gross/net
developable acres

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Request: Office (O) to Commercial (C)	
✓	A community meeting was held March 8, 2017, with six (6) residents in attendance.	Mixed - Attendees voiced concerns about compatibility with neighboring residential development, landscaping and buffering, and hours of operation.	Proposed Development Program: Up to 40,000 square feet of C-1 (Retail Commercial District) uses	
✓	Staff Report	Recommend adoption of the proposed amendment and approval of the concurrent rezoning request, subject to five (5) restrictions	Concurrent Rezoning: Case RZ-17-04-004 P-O (Professional Office District) to C-1 (Retail Commercial District)	
✓	LPA Adoption Hearing	Recommend adoption (9-0)	Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility. Transportation: The proposed 40,000 square feet of commercial development will generate 181 p.m. peak hour trips, resulting in a net reduction of 81 p.m. peak hour trips. Despite this reduction in p.m. peak hour trips, a traffic study will be required to determine the impacts of the project on the deficient segment of Turkey Lake Road within its impact area. Turkey Lake Road from Vineland Road to Conroy Road currently has no available capacity and is operating at Level of Service F. A proportionate share agreement to mitigate any transportation impacts may be necessary.	
✓	PZC Rezoning Hearing	Recommend approval, subject to five (5) restrictions (9-0)		
	BCC Adoption Hearing	November 14, 2017		
	BCC Rezoning Hearing	November 14, 2017		

SITE AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use:
Office (O)

Special Area Information

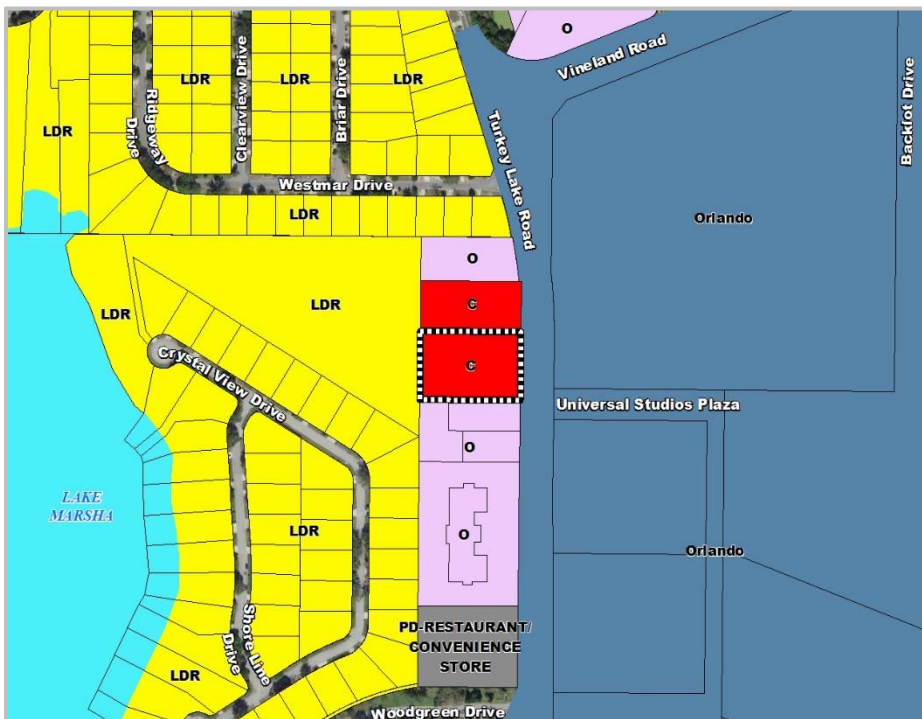
Overlay District: The site is located within the Dr. Phillips Urban Preservation District.

JPA: N/A

Rural Settlement: N/A

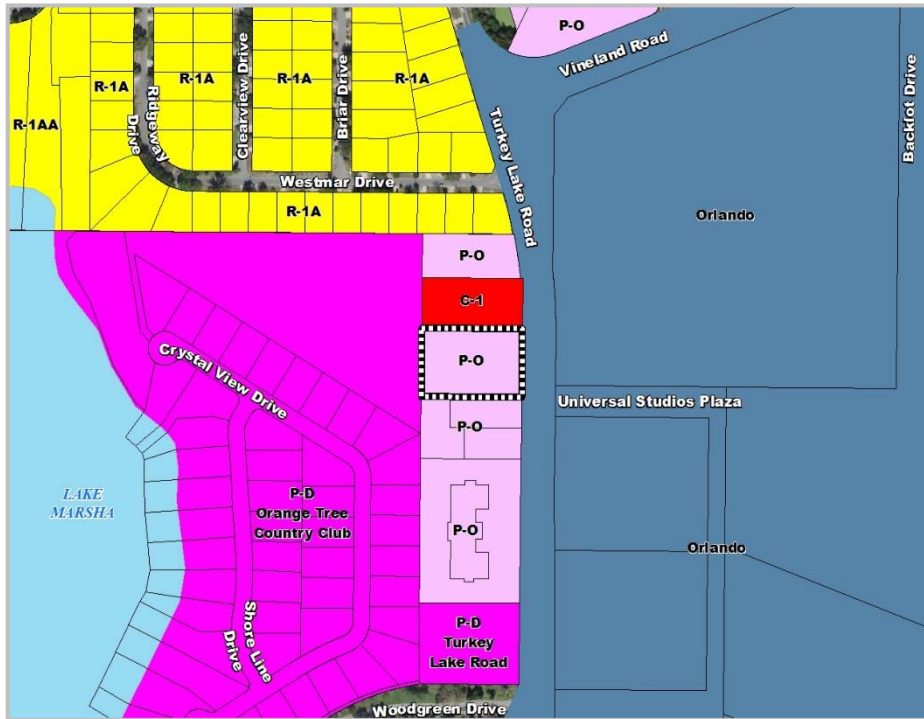
Airport Noise Zone: N/A

FUTURE LAND USE – PROPOSED



Proposed Future Land Use:
Commercial (C)

ZONING



Zoning: P-O
 (Professional Office
 District)

Existing Uses:

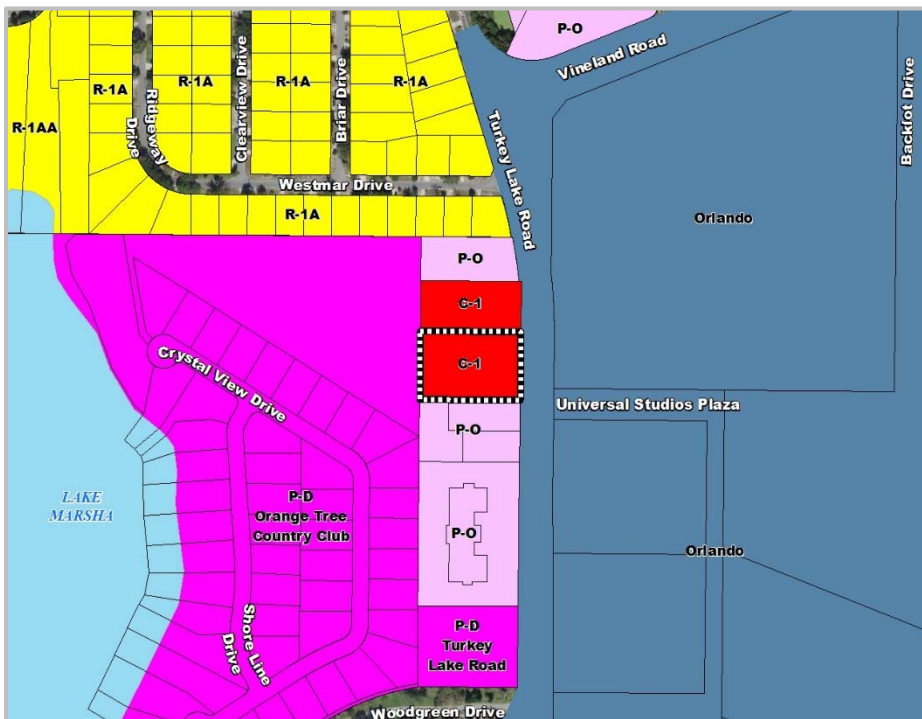
N: Shell gas
 station/convenience
 store/Subway/Papa
 John's

S: Venetian Pointe
 (professional office
 complex)

E: Universal Orlando
 Administration Services
 building and parking
 garage

W: Orange Tree Country
 Club retention pond

ZONING – PROPOSED



Proposed Zoning:

C-1 (Retail Commercial
 District)

Staff Recommendations

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

1. **COMPREHENSIVE PLAN AMENDMENT:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objective FLU8.2; Policies FLU1.1.5, FLU1.4.4, FLU1.4.6, and FLU8.2.1; and Neighborhood Element Objective N1.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2017-2-S-1-5 (fka 2017-1-S-1-2), Office (O) 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, FLU1.4.6, and FLU8.2.1; and Neighborhood Element Objective N1.1) and **APPROVE** Rezoning Case RZ-17-04-004, P-O (Professional Office District) to C-1 (Retail Commercial District), subject to the following five (5) restrictions:

Restrictions:

1. New billboards and pole signs shall be prohibited.
2. A Type "C" buffer shall be used to separate retail commercial (C-1) uses from all residential uses, 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 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.
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-1 uses.
4. All businesses shall close to the public by 9:30 p.m.
5. All building heights shall not exceed 35 feet/~~two~~ three stories.

Restriction 5 was modified by the PZC during the October 19, 2017, public hearing (~~deleted text~~; new text).

Analysis

1. Background and Development Program

The applicant, Parviz Farzaneh, is seeking to change the Future Land Use Map (FLUM) designation of the 1.41-acre subject property from Office (O) to Commercial (C). In conjunction with this proposed FLUM Amendment, Mr. Farzaneh has applied for a rezoning of the site from P-O (Professional Office District) to C-1 (Retail Commercial District). If both requests are approved, it is his intent to develop up to 40,000 square feet of commercial space, with uses limited to those permitted in the C-1 zoning district, as established in Section 38-77, Use Table, of the Orange County Code.

The currently-vacant site is located along a stretch of Turkey Lake Road characterized by a mix of general and tourist commercial activity (most notably, Universal Orlando), professional office development, and single-family residential communities. A commercial center comprised of a Shell gas station and convenience store, Subway, and Papa John's borders the subject property to the

north and possesses the same Commercial FLUM designation and C-1 zoning classification requested by the applicant. The Venetian Pointe professional office complex adjoins the site to the south, and a stormwater retention pond for the Orange Tree Country Club single-family residential subdivision lies immediately to the west. Universal Orlando's Administration Services building and associated parking garage are situated directly east of the subject parcel.

On November 28, 2000, the Board of County Commissioners (BCC) approved the rezoning of the subject property from R-CE (Country Estate District) to its present P-O classification. However, the site was not subsequently developed for professional office use. In his application, the applicant notes that the surrounding area is highly saturated with office space. He states that given the parcel's proximity to existing neighborhood commercial development, residential communities, and Universal Orlando, approval of the Commercial future land use designation and C-1 zoning classification would be suitable for this part of the County.

A community meeting for the proposed amendment and concurrent rezoning was held March 8, 2017, at Palm Lake Elementary School. While those in attendance did not appear to object to the use of the property for commercial purposes, they did express concern about landscaping and buffering adjacent to the neighboring Orange Tree Country Club subdivision, maximum building height, and hours of operation. In addition to the Code-mandated requirements regarding commercial site plan review and the utilization of a 15-foot Type "C" buffer adjacent to residential uses, staff has recommended restrictions stating that all businesses shall close to the public by 9:30 p.m., that building heights shall not exceed 35 feet/**two three** stories, and that billboards and pole signs shall be prohibited, as discussed at the community meeting.

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 develop up to 40,000 square feet of commercial space on a vacant infill site within the County's Urban Service Area Boundary. If both applications are approved, uses will be limited to those permitted in the C-1 zoning district, the least intense of the County's commercial categories. 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).

The requested amendment and concurrent rezoning also appear consistent with **Policy FLU1.4.6**, which states that the County is seeking more integrated forms of commercial and non-residential development, including vertical mixed-use design and complementary land uses in close proximity to one another. As the site is located in an area characterized by a mix of general and tourist commercial activity (including an abutting commercial complex and Universal Orlando), professional office development, and residential communities, development of a commercial infill project would be a logical use of the property. Staff believes the desired 40,000 square feet of new commercial

space would prove compatible with the existing development pattern, as it would serve the residents of nearby residential communities, visitors to the theme park, and the employees and customers of the various offices and businesses in the surrounding area.

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. While the subject site is immediately adjacent to the Orange Tree Country Club single-family residential subdivision, it is physically separated from the homes within that subdivision by a large stormwater retention pond, as depicted in the aerial and site visit photographs. In addition, per the Orange County Code, the provision of a 15-foot Type “C” buffer will be necessary to separate the commercial project from the neighboring residential community.

Staff notes that if approved, the project will use infrastructure that is already in place. Per Orange County Utilities (OCU), potable water and central sewer 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. The site is located west of the signalized intersection of Turkey Lake Road and Universal Studios Plaza, and a crosswalk extends across Turkey Lake Road between the property and the Universal Orlando employee parking garage to help ensure pedestrian safety. Furthermore, sidewalks are in place along Turkey Lake Road and nearby Vineland Road and Woodgreen Drive, and LYNX bus stops are located on Turkey Lake Road near the northeast corner of the subject site and immediately opposite the property, in front of the parking garage.

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 continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development and development trend in the area. As discussed previously, the subject property lies along a stretch of Turkey Lake Road characterized by a mix of general and tourist commercial activity, professional office development, and single-family residential communities. It is staff’s belief that the proposed 40,000 square feet of commercial uses will provide additional convenience retail and services for the residents of neighboring residential communities, visitors to Universal Orlando, and the employees and customers of the various offices and businesses in the surrounding area. Furthermore, the project would contribute to the County’s larger goals of promoting infill 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, therefore, recommends adoption of this requested amendment and approval of the concurrent rezoning petition.

Division Comments: Environmental, Public Facilities, and Services

Environmental. The Environmental Protection Division (EPD) notes that prior to commencement of any earthwork or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County

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

Transportation. The subject property is located adjacent to Turkey Lake Road, a two-lane minor arterial from Central Florida Parkway to Vineland Road and a two-lane minor arterial from Vineland Road to Conroy-Windermere Road. Turkey Lake Road is a constrained facility from Vineland Road to Conroy-Windermere Road and from Central Florida Parkway to Sand Lake Road. Therefore, the applicant must comply with the development requirements listed in Policy T2.2.4 of the Comprehensive Plan.

Based on the current future land use designation of the subject property, the maximum allowable development of 84,258 square feet of office space would generate 262 new p.m. peak hour trips. The proposed 40,000 square feet of commercial uses will generate 181 p.m. peak hour trips, resulting in a net reduction of 81 p.m. peak hour trips.

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. Turkey Lake Road from Vineland Road to Conroy Road currently has no available capacity and is operating at Level of Service F. This information is dated and is subject to change. Although the proposed commercial project will result in a reduction in p.m. peak hour trips, a traffic study will be required to determine its impact on the deficient segment of Turkey Lake Road. This 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 Turkey Lake Road will continue to be deficient within the project area. All other 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 an 8-inch potable water main on Turkey Lake Road and an 8-inch gravity sewer main on Woodgreen Drive. Reclaimed water, however, is currently unavailable in the vicinity of the site.

3. Rezoning Analysis

SITE DATA

Adjacent Zoning	N:	C-1 (Retail Commercial District) (1972)
	E:	O-2 (Medium Intensity Office - Residential) (City of Orlando)
	W:	PD (Planned Development District) (Orange Tree Country Club) (1972)
	S:	P-O (Professional Office District) (2002)

Adjacent Land Uses	N:	Gas Station / Convenience Store
	E:	Universal Studios
	W:	Retention Pond
	S:	Medical Offices

APPLICABLE C-1 (RETAIL COMMERCIAL DISTRICT) DEVELOPMENT STANDARDS

Minimum Lot Area:	6,000 sq. ft.
Minimum Lot Width:	80 ft. (on major streets, see Article XV)
	60 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
Rear:	20 feet
Side:	0 feet (15 ft. when abutting residential districts)
Side (Street):	15 feet

PERMITTED USES

The intent and purpose of this C-1 (Retail Commercial) district are as follows: this district is composed of lands and structures used primarily for the furnishing of selected commodities and services at retail. This district is encouraged:

- (1) At intersections of collectors and/or arterials;
- (2) Where it will not direct commercial traffic through residential districts;
- (3) Where adequate public facilities and services are available, as defined in the comprehensive policy plan;
- (4) Where compatible with adjacent areas or where buffers can be provided to ensure compatibility; and
- (5) To a limited extent in rural settlements throughout the county to meet the needs of an identified community, or in growth centers as defined in the comprehensive policy plan.

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 located within the Dr. Phillips Urban Preservation District (Ordinance No. 98-08).

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	8-inch water main located on Turkey Lake Road
Wastewater:	Orange County Utilities	4-inch force main located on Turkey Lake Road
Reclaimed:	Orange County Utilities	Not currently available

Schools

Orange County Pubic 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

No code enforcement, special magistrate, or lot cleaning issues on the subject property have been identified.

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.

FLU1.4.6 – The following guidelines illustrate different types of commercial and retail development consistent with the Orange County Comprehensive Plan. It is the goal of the 2030 CP to increase densities and intensities in the Urban Service Area in order to accommodate projected growth. The Commercial floor area ratio (FAR) shall be 3.0 unless otherwise restricted by County policy or code (See FLU1.1.4A, FLU2.2.4 – FLU2.2.7, and FLU3.2.1 – FLU3.2.13). The basis for increasing densities and intensities is the finding that productive use of vacant land within the Urban Service Area is critical to the County's future urban form. Therefore, with respect to new development and redevelopment, the County is seeking more integrated forms of commercial and non-residential development, including vertical mixed-use design and complementary land uses in close proximity to one another, in its desired development pattern for the County's Urban Service Area.

The following criteria are intended to serve as guidance for commercial-related future land use amendment requests within the Urban Service Area. Consistent with FLU1.4.5, Orange County may require a market study for Commercial and Office future land use requests. A mix of two or more uses will be encouraged where appropriate.

Neighborhood Centers and Neighborhood Activity Nodes – Neighborhood center commercial is intended to serve the needs of nearby residents, employees, visitors and businesses (within two to three miles).

Village Centers – Village Center commercial is intended to more centrally serve the needs of residents, employees, visitors and businesses within a community of neighborhoods (within three to five miles).

Lifestyle Centers – Lifestyle Centers are open-air shopping centers with a mix of national retailers and local boutiques and housing choices. These locations emphasize convenience and a mix of uses and choices.

Wholesale/Retail – Also may be referred to as Big Box retail or Power Centers. Big Box retail, as defined by County Ordinance 2007-1, is described as a retail wholesale commercial establishment (store) with more than seventy-five thousand (75,000) square feet of gross floor area, which may include a home improvement center or a membership warehouse club. The gross floor area of such a store includes outdoor storage areas and any outdoor area providing services.

Type	Size	Gross Leasable Area	FAR
Neighborhood Center	4 acres	20,000 -40,000 SF	See applicable County policy or code
Community Center	10 acres	100-300,000 SF	See applicable County policy or code
Village Center	20 acres	200-400,000 SF	See applicable County policy or code
Lifestyle Centers	25 acres	400,000 SF	See applicable County policy or code
Wholesale/Retail Centers	See Ordinance 2007-1, Big Box Ordinance		
All commercial should have safe, adequate and appropriate access per FLU1.4.8.			

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

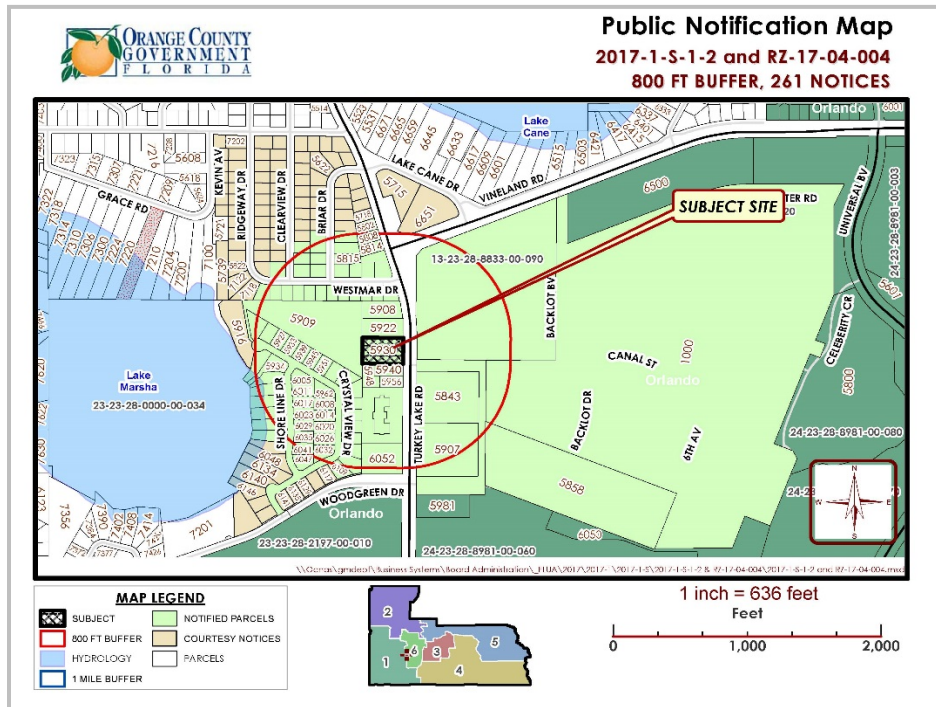
property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

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

261 notices sent