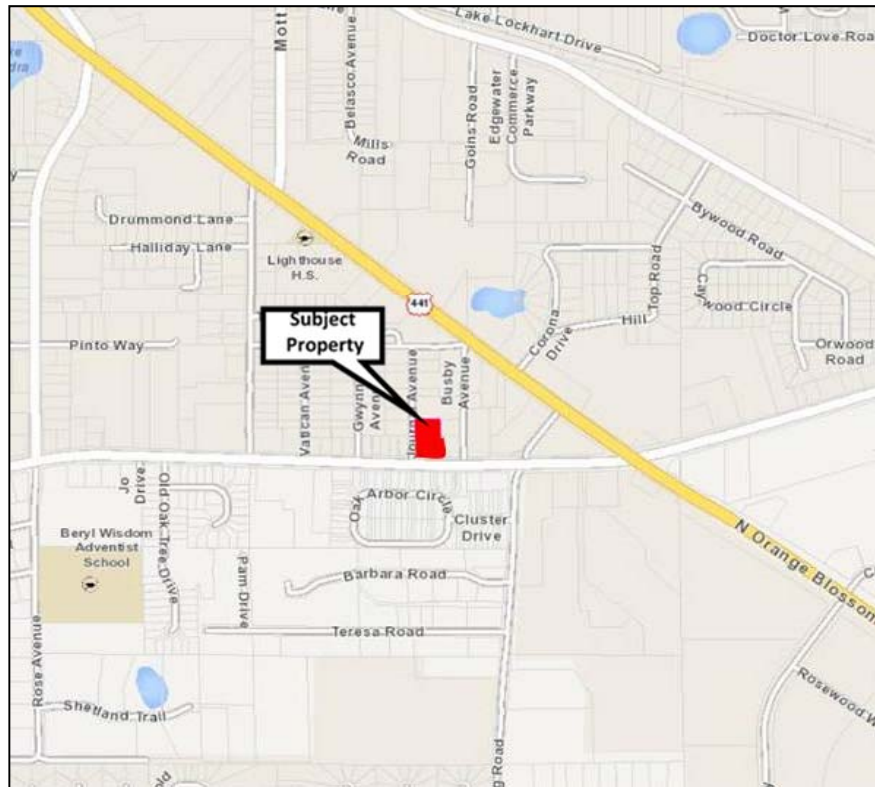




Applicant/Owner: Amy Walker / Vincent E. Robinson, Jr.

Location: 5167 Journal Avenue; 4545 and 4537 Clarcona Ocoee Road; Generally located north of Clarcona Ocoee Road, south of National Street, west of Busby Avenue and SR 441 (N. Orange Blossom Trail), and east of Pope Road

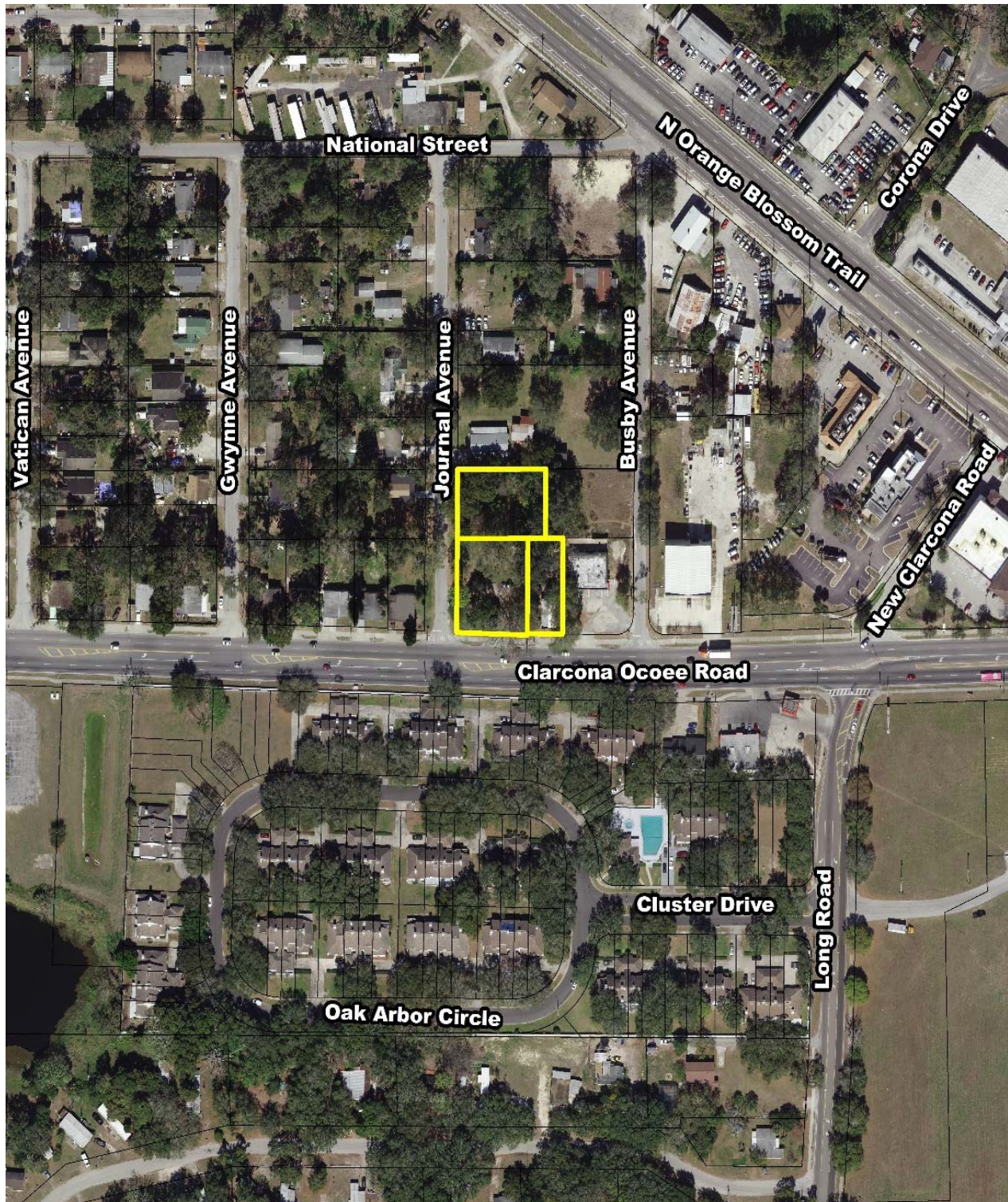
Existing Use: one mobile home and two undeveloped parcels

Parcel ID Numbers:
32-21-29-6080-00-160/180/410

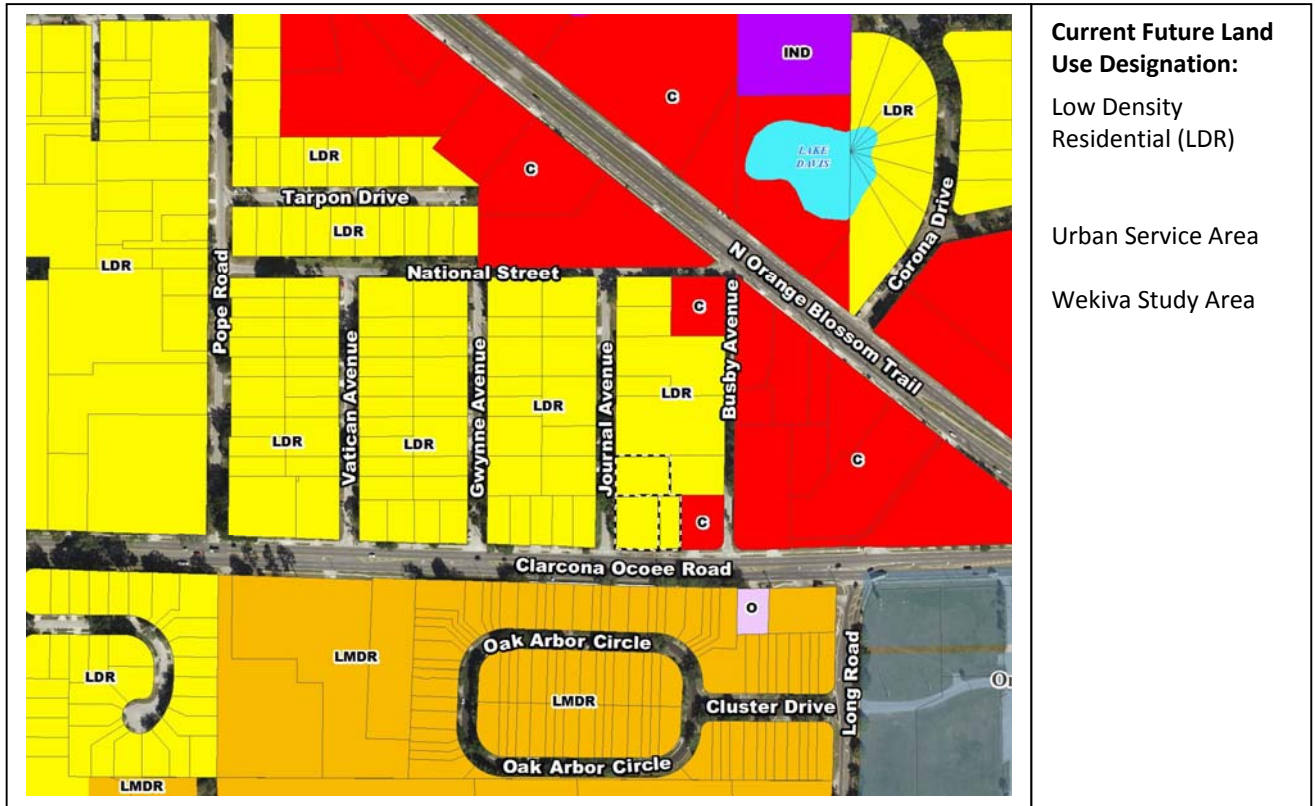
Tract Size: 0.838 gross acres

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Request: From Low Density Residential (LDR) to Commercial (C)	
✓	Community Meeting August 28, 2017	Neutral	Concurrent Rezoning: From R-1 (Single-Family Dwelling District) to C-2 (General Commercial District)	
✓	Staff Report	Recommending approval of the Commercial FLUM request and approval of the C-2 rezoning, but with restrictions to limit uses to those of C-1 and open air market.	Proposed Development Program: The Commercial (C) Future Land Use allows a FAR of 3.0 or up to 109,839 square feet of development	
✓	LPA Adoption	October 19, 2017 Recommended Adoption (8-0)	Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis on each public facility.	
✓	PZC Rezoning Hearing	October 19, 2017 Recommended Approval (8-0)	Environmental: The site is within the Wekiva Study Area. Special area regulations may apply. Please see the Public Facilities Analysis Appendix for specific comments.	
	BCC Adoption BCC Rezoning Hearing	November 14, 2017	Transportation: Site is not within the Alternative Mobility Area (AMA) or along a constrained corridor.	

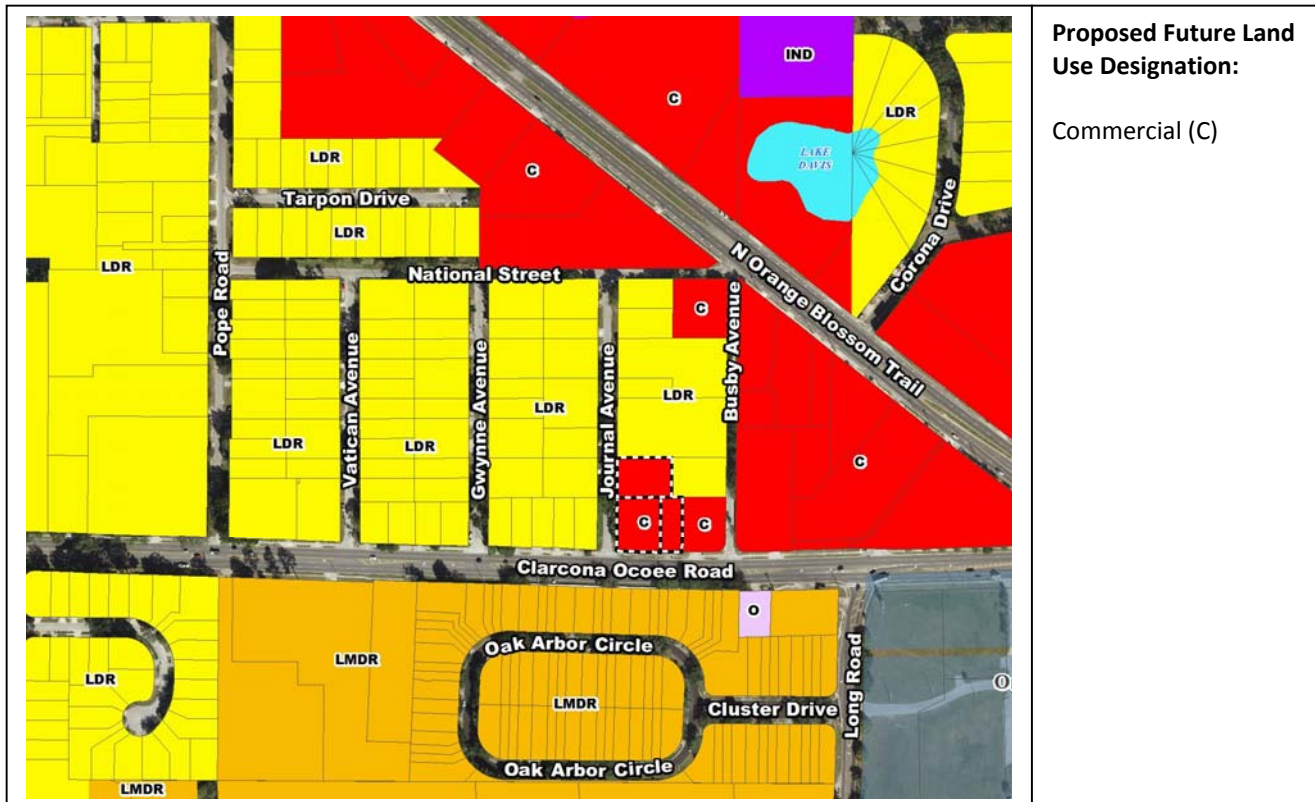
AERIAL



FUTURE LAND USE - CURRENT



FUTURE LAND USE - AS PROPOSED



ZONING – CURRENT



Current Zoning District:

R-1 (Single-Family Dwelling District)

Existing Uses:

N: Single-Family Residences

S: Huntley Park Townhomes

E: Commercial; convenience store, restaurants, retail

W: Single-Family Residences

ZONING – PROPOSED



Proposed Zoning District:

C-2 (General Commercial District)

Staff Recommendations

If the requested Future Land Use Map Amendment is approved, the Board would then need to take action on the requested rezoning. These items need to be addressed as two (2) separate motions by the Board. Below are the staff recommendations for each of these items.

- 1. FUTURE LAND USE MAP AMENDMENT:** The applicant, Amy Walker, has requested to change the Future Land Use Map (FLUM) designation for the 0.838-acre site from Low Density Residential (LDR) to Commercial (C). The applicant is proposing these changes to allow for the construction and operation of a community farmers market with fresh produce, bulk mulch and firewood, and related artisan products. The requested FLUM designation would allow for the consideration of neighborhood and community scale commercial and office development with a maximum Floor Area Ratio (FAR) of 3.0, allowing up to approximately one hundred nine thousand eight hundred thirty-nine square feet (109,839 sq. ft.) of development.

Recommendation: Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Objective FLU2.1; Policies FLU1.4.21, FLU8.2.1, FLU8.2.10, FLU8.2.11; and Neighborhood Element Objective N1.1), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2017-1-S-2-3, Low Density Residential (LDR) to Commercial (C).

- 2. REZONING REQUEST:**

In conjunction with the FLUM Amendment, the applicant submitted an application (RZ-17-10-022) to change from R-1 (Single-Family Dwelling District) to C-2 (General Commercial District). The applicant has requested C-2 Zoning to allow for the desired open-air market, which is not permitted in the C-1 (Retail Commercial District) Zoning, but is allowed in C-2 (General Commercial District). However, the staff believes that typical C-2 uses would not be appropriate for this location.

Recommendation: Staff recommends a finding of **consistency** with the Comprehensive Plan and **APPROVAL** of the C-2 (General Commercial District) zoning, subject to the following restrictions.

Restrictions:

1. Allowed uses shall be restricted to C-1 (Retail Commercial District) uses and Open Air Market. All other C-2 uses shall be prohibited;
2. New billboard and pole signs shall be prohibited;
3. A Type "C" buffer shall be used to separate neighborhood commercial (C-1) 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 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; and
4. 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.

Analysis

1. Background Development Program

As permitted by **Future Land Use Element Policy FLU8.8.2**, Vincent E. Robinson, Jr., submitted a request to change the Future Land Use Map (FLUM) designation on a 0.838-acre site located at 5167 Journal Avenue and 4537 and 4545 Clarcona Ocoee Road. The request is to amend the FLUM designation from Low Density Residential (LDR) to Commercial (C). The request would allow for the consideration of neighborhood and community scale commercial and office development with a maximum Floor Area Ratio (FAR) of 3.0, allowing up to approximately one hundred nine thousand eight hundred thirty-nine square feet (109,839 sq. ft.) of development. In conjunction with the FLUM Amendment, the applicant submitted an application to rezone the property (RZ-17-10-022) from R-1 (Single-Family Dwelling District) to C-2 (General Commercial District).

The applicant is proposing these changes to allow for the construction and operation of a community farmers market with fresh produce, bulk mulch and firewood, and related artisan products.

The petitioned parcels are located at the intersection of Journal Avenue and Clarcona Ocoee Road. The site is generally, bounded by North Orange Blossom Trail (US Highway 441) to the east and north, Pope Road to the west, and Clarcona Ocoee Road to the south.

Uses surrounding the site are primarily residential in nature with intermittent commercial uses. The uses abutting the site to the north and the east include single-family residences on lots that range in width from fifty feet (50') to one hundred twenty-five feet (125'). The property abutting the petitioned site to the east is a convenience store. Uses to the east of Busby Avenue are commercial in nature and include a drug store, a fast-food restaurant with a drive through, a restaurant, used auto sales, and a power systems supplier. Uses south of the site include Huntley Park townhomes, a convenience store with gas pumps, and the Fraternal Order of Eagles. Clarcona Ocoee Road, a five-lane major street, separates the petitioned site from these uses.

The petitioned sites have a Future Land Use designation of Low Density Residential (LDR) and are zoned R-1 (Single-Family Dwelling District). Staff examined the Future Land Uses and zoning of properties within a five hundred foot (500') buffer around the site. The majority of the parcels are residential. Commercial lots fronting along North Orange Blossom Trail (NOBT) and the triangular block caused by the juxtaposition of OBT and Clarcona Ocoee Road have a commercial future land use and zoning.

In addition to examining the future land uses and zoning of properties in the area, the staff identified three (3) future land use amendments that have been approved in the immediate area:

- **Amendment 2016-1-S-2-2**

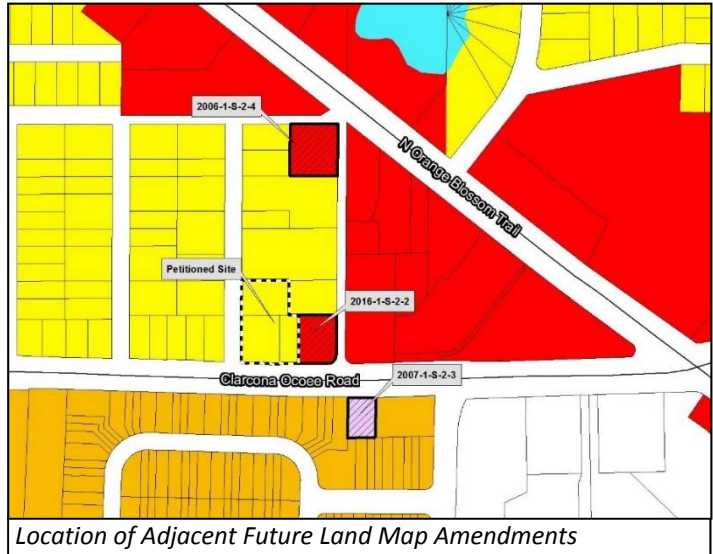
This request granted **approval** of a Future Land Use Map (FLUM) amendment on a 0.35 gross acre site located at 4525 Clarcona Ocoee Road (Parcel ID 32-21-29-6080-00-190) from Low Density Residential (LDR) to Commercial (C). The property has a zoning of C-2 (General Commercial) since April 9, 1962. The reason for the request was to correct the inconsistency between the future land use designation and the zoning designation to allow an existing commercial building to resume operations. This property abuts the petitioned property to the west.

- **Amendment 2007-1-S-2-3**

This request granted **approval** of a FLUM amendment on a 0.21 gross acre site located at 4522 Clarcona Ocoee Road (Parcel ID 32-21-29-0000-00-198) from Low-Medium Density Residential (LMDR) to Office (O). The property has a zoning of C-1 (Retail Commercial). The reason for the request was to make the use of the property consistent with the future land use designation.

- **Amendment 2006-1-S-2-4**

This request granted **approval** of a FLUM amendment on a 0.50 gross acre site located at 6448 North Orange Blossom Trail (Parcel ID 32-21-29-6080-00-290) from Low Density Residential (LDR) to Commercial (C). The property has a zoning of C-1 (Retail Commercial). The reason for the request was to make the use of the property consistent with the future land use designation. At the time of the request, the site was used as a storage yard. The site is currently undeveloped.



A community meeting for the current request occurred on Monday, August 28, 2017 at Rosemont Elementary School, which one (1) member of the public attended. The attendee was looking to learn more about the amendment process and to learn about the proposed use on the site. At this meeting the district County Commissioner, Bryan Nelson, voiced his concern with the proposed C-2 (General Commercial) zoning. Greater detail of the meeting is in the community-meeting memorandum found in the Community Meeting Summaries section of the 2017-2 Adoption Public Hearing Comprehensive Plan Amendments Book.

Following the community meeting, staff from the planning division and a staff member of the zoning division met with the applicant to further discuss the request. The applicant has requested C-2 Zoning; however, staff is recommending restricting the zoning to C-1 (Retail Commercial District) and Open Air Markets. The C-2 (General Commercial) district permits uses that are greater intensity than those uses allowed in the C-1 (Retail Commercial) District. Due to this, the location of a C-2 District adjacent to residential uses is concern to the staff. Greater detail of the meeting can be found in the meeting memorandum which is attached as an appendix to the staff report book.

2. Project Analysis

Consistency

The requested FLUM amendment and concurrent rezoning request appear to be consistent with the applicable Goals, Objectives, and Policies of the Orange County Comprehensive Plan.

Future Land Use Objective FLU2.1 encourages infill for relatively small, vacant, underutilized parcels within the County's core areas and Urban Service Area (USA). The properties subject to the request are presently underutilized as vacant office and a vacant residential structure. With the support of **Objective FLU2.1** and **Policy FLU1.4.21**, the property is prime for infill redevelopment because it is within an existing commercial corridor and proximate to a core area of the County, served by transit.

LYNX bus routes LINK #9 – Winter Park/Rosemont and LINK #443 – Lee Road – Crosstown, operates along Clarcona Ocoee Road and a bus stop is located 425 ft. south of the subject site.

Future Land Use Element Policy FLU1.4.21 states that Orange County will encourage the use of vacant land within the Urban Service Area for redevelopment to improve existing conditions on-site. The petitioned site is near the juxtaposition of North OBT and Clarcona Ocoee Road. The triangular area created by the intersection of the nonparallel roadways and which influences this site, has encouraged commercial uses oriented to the highway and discouraged residential development transitioning from commercial uses along North OBT to residential uses along Clarcona Ocoee Road. The vacant sites proposed relatively low intensity commercial use would serve as a transition of the commercial uses in the area and could serve the existing neighborhood.

Neighborhood Element Objective N1.1 states 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 abuts lots north of the site that are designated Low Density Residential (LDR), the commercial uses proposed represent a more neighborhood oriented commercial use. Two of the parcels on the petitioned site are undeveloped while the other is improved with a vacant mobile home that was constructed in 1977. Parcels to the east of the petitioned site, along North OBT, have commercial Future Land Use and zoning designations but these uses are not geared to serving neighborhood needs as they are convenience stores, fast-food restaurants, and other auto-oriented uses. There are two grocery stores in the area, one about a quarter mile to the east and another about one mile to the west.

Compatibility

Future Land Use Element Policy FLU2.3.6 contains criteria to use to evaluate whether the conversion of a residential use to a non-residential use could be permitted. As noted above, the petitioned site consists of three (3) parcels. Two of the parcels are vacant and the other is developed with a vacant mobile home. Because there is an existing residential use on the property, staff finds these criteria could be applied to the evaluation of the request. Below are the criteria along with staff analysis.

1. *There has been a significant change in area land use character;*

The area is characterized by commercial development along North OBT, which is a United States Highway and Trucking Route. Due to the growth in the area and the increase in traffic along North OBT, the area would benefit from a commercial use that is geared toward the residents.

2. *The adjacent road satisfies one or more of the following: is a major street, as identified in the Land Development Code¹; provides access to an existing mix of residential and non-residential uses; or will support a compatible mix of uses based on existing conditions;*

According to Orange County Transportation Division, Clarcona Ocoee Road is a four-lane collector road. This road provides access to an existing mix of residential and nonresidential uses.

¹ The Land Development Code (LCD) defines a Major Street as: “Major *street* shall mean a road functionally classified according to the standards provided in the Highway Classification Manual and the Florida Department of Transportation Quality/Level [sic] of Service Handbook as determined by the county engineer (Chapter 28, Article XV).” The LDC does not contain a list of the Major Streets in Orange County.

3. *The site satisfies one or more of the following: is adjacent to commercial or office uses that are consistent with the Comprehensive Plan and Land Development Code; adjoins an intersection of two streets; or adjoins wetlands, stormwater facilities or other features that serve to buffer the use from adjacent residential uses;*

The site is located adjacent to a commercial use that was approved under FLUM Amendment 2016-1-S-2-2. The site adjoins an intersection of two streets, Clarcona Ocoee Road and Journal Avenue. The site does not adjoin wetlands or stormwater facilities that serve to buffer the use from adjacent residential uses. The site would be required to provide a buffer twenty-five feet (25') wide and six feet (6') in height.

4. *Sufficient land area is available to support the land use intensity increase, such as the need for parking, stormwater retention, on-site maneuvering, and meeting minimum site and building standards of the requested zoning district;*

The petitioned site is made up of three (3) parcels consisting of thirty-six thousand six hundred thirteen square feet (36,613 sq. ft.). The minimum lot area requirement in the C-2 District is eight thousand square feet (8,000 sq. ft.).

5. *The converted use shall be compatible with adjacent land use;*

The applicant intends to operate a farmers market on the petitioned site. The existing mobile home could serve the customers. The proposed use is compatible with the adjacent convenience store.

6. *The conversion would provide a commercial or office use that has the potential to serve the neighborhood in which it is located;*

The conversion would provide a commercial use that has the potential to serve the neighborhood in which it is located as the applicant is proposing to open a farmers market.

7. *Outside traffic resulting from the converted use would not adversely affect the residential neighborhood;*

The conversion of a single-family use to a commercial use has the potential to increase traffic which could affect the residential neighborhood. However, the neighborhood is developed on a grid pattern giving users options of ingress and egress to the neighborhood.

8. *All other applicable policies detailed for non-residential use shall be met; and*

The staff details other applicable Comprehensive Plan policies in the report and finds that they are met.

9. *A mix of uses shall be encouraged. Office use, in a residential scale and character, may be considered to be a transitional use between commercial and residential uses. (Policy 3.6.5-r; Amended 6/12, Ord. 2012-14)*

The applicant is proposing to operate a farmers market on the site. Should the farmers market cease to be in business, the property owner could operate any permitted commercial use in a C- (Retail Commercial) district should the rezoning request be approved. Those uses in the C-1 zoning district are intended to serve the neighborhood.

Future Land Use Element Policy FLU8.2.1 states land use changes shall be required to be compatible with the existing development and development trend in the area. **Future Land Use Element Policy**

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, including physical integration of a project and its function in the broader community, as well as its contribution toward Comprehensive Plan goals and objectives.

The North OBT corridor has a mixture of commercial and industrial development and the Clarcona Ocoee Road corridor has a mixture of residential and commercial uses. The proposed Commercial (C) Future Land Use designation is compatible with the existing development in the area. Directly to the north, south, and west are residences that could be served by a neighborhood commercial use that is within walking distance and is of a lesser scale and impact than the surrounding commercial uses. The parcels to the east of the site are commercial.

Future Land Use Element Policy FLU8.2.10 states, to ensure compatibility with nearby residential areas commercial uses within neighborhoods shall be subject to strict performance standards such as building height restrictions, architectural design, lighting type, and parking design. The zoning standards for the proposed C-2 (General Commercial) District require a rear yard depth of twenty feet (20') when abutting a residential district, a side of depth of twenty-five feet (25') when abutting a residential district and a height limit of thirty-five feet (35') within one hundred feet (100') of all residential districts. A landscaping buffer, Type B, requires an opaque buffer from the ground to a height of six feet (6') and a minimum of twenty-five feet (25') wide. The permitted buffer types include a masonry wall, berm, planted and/or existing vegetation of any combination thereof which maintains a completely opaque buffer.

Divisional Comments: Environmental and Public Facilities and Services

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

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

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

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

All development is required to treat runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

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 Planning Division. Based on the concurrency management system database dated 09-05-17, there is one failing roadway within a one-mile radius of this project. This information is dated and is subject to change.

Based on trip generation estimates from the 9th edition of ITE, this project may generate more than 50 pm peak hour trips and as a result, a traffic study will be required prior to obtaining an approved capacity encumbrance letter and building permit.

Rezoning Analysis

SITE DATA

Adjacent Zoning	N:	R-1 (Single-Family Dwelling District) (1957)
	E:	C-3 (Wholesale Commercial District) (1989) C-2 (General Commercial District) (1962)
	W:	R-1 (Single-Family Dwelling District) (1957)
	S:	R-2 (Residential District) (1981)
Adjacent Land Uses	N:	Single-Family Residential
	E:	Convenience Store Undeveloped Commercial
	W:	Single-Family Residential
	S:	Townhomes

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. or 35 ft. within 100 feet of all residential districts
Minimum Floor Area:	500 sq. ft.

Minimum Building Setbacks

Front:	25 ft.
Rear:	20 ft.
Side:	0 ft. (15 ft. when abutting residential districts)
Side (Street):	15 ft.

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

PERMITTED USES

The 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 within these criteria:

- (1) At locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood.
- (2) 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.
- (3) Promoted within the urban service area or in rural settlements where uses of this intensity are already established.
- (4) 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 / Reclaim

Existing service or provider

Water: Orange County Utilities

8-inch watermain located on the north side of Clarcona Ocoee Road, 6-inch potable water main on Journal Avenue, approximately 130 feet north of the site

Wastewater: Orange County Utilities

Gravity sewer manhole, approximately 350 feet from the property, 6-inch forcemain located east of the intersection of Clarcona Ocoee and N. Orange Blossom Trail

Reclaimed: Orange County Utilities *(not currently available)*

Neighborhoods

Neighborhood Preservation & Revitalization Division does not support many of the uses allowed in C-2 for these parcels. If the comprehensive plan amendment is successful, staff recommends P-O or C-1 zoning.

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

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.

3. Policy References

FLU1.1.4 In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1.

A. OTHER URBAN RELATED OPTIONS – The following are non-residential Future Land Use designations that are predominately found in the Urban Service Area. These may also be located within Rural Settlements on a limited basis. (See specific policies within Chapter 5).

FLUM Designation	General Description	Density/Intensity
Urban Non-Residential – Predominantly urban in use		

FLUM Designation	General Description	Density/Intensity
Urban Non-Residential – Predominantly urban in use		
Office (O)	Office uses include professional office and office park-style development. Office uses can be considered as a transitional use between two different types of land use or land use intensities.	3.0 FAR
Commercial (C)	Commercial uses include neighborhood and commercial scale commercial and office development that serves neighborhood or community or village needs. Examples include neighborhood center, community center and village commercial.	3.0 FAR unless otherwise restricted by County policy or code
Industrial (I)	Industrial uses include the processing of both hazardous and non-hazardous materials ranging from light assembly and manufacturing to chemical processing.	0.75 FAR
Institutional (INST)	Institutional uses recognize local, regional, state or Federal public facilities, structures and lands.	2.0 FAR
Educational (EDU)	Educational recognizes public elementary, middle, and high schools and ninth grade centers. Future Land Use change required for all schools proposed for RSA, and for high schools and ninth grade centers proposed in Rural Settlements.	2.0 FAR

FLU1.4.21 Orange County will encourage the use of vacant land within the Urban Service Area for redevelopment to improve existing conditions on-site.

OBJ FLU2.1 INFILL. Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

FLU2.3.6 The County shall consider the following criteria when evaluating, on a case-by-case basis, whether conversion of residential use to non-residential use may be permitted:

1. There has been a significant change in area land use character;
2. The adjacent road satisfies one or more of the following: is a major street, a identified in the Land Development Code; provides access to an existing mix of residential and non-residential uses; or will support a compatible mix of uses based on existing conditions;
3. The site satisfies one or more of the following: is adjacent to commercial or office uses that are consistent with the Comprehensive Plan and Land Development Code;

adjoins an intersection of two streets; or adjoins wetlands, stormwater facilities or other features that serve to buffer the use from adjacent residential uses;

4. Sufficient land area is available to support the land use intensity increase, such as the need for parking, stormwater retention, on-site maneuvering, and meeting minimum site and building standards of the requested zoning district;

5. The converted use shall be compatible with adjacent land use;

6. The conversion would provide a commercial or office use that has the potential to serve the neighborhood in which it is located;

7. Outside traffic resulting from the converted use would not adversely affect the residential neighborhood;

8. All other applicable policies detailed for non-residential use shall be met; and

9. A mix of uses shall be encouraged. Office use, in a residential scale and character, may be considered to be a transitional use between commercial and residential uses. (Policy 3.6.5-r; Amended 6/12, Ord. 2012-14)

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.

FLU8.2.11 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 projects, 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 (Comprehensive Plan). The CP shall specifically allow for such a balance of considerations to occur.

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 – Vacant and One Mobile Home



North – Single-Family Residence



East – Convenience Store



South – Townhomes



West – Single-Family Residence



