

Applicant/Owner:

Susan Lorentz, Interplan, LLC /
Warren Dennis and Kelly Louis,
Phoenix Properties of Lockhart, Inc.

Location:

Generally located south of the
intersection of N. John Young
Parkway and Edgewater Drive.

Existing Use:

4,916-square-foot commercial
building (Quality Appliances), single-
family home, and unimproved land

Parcel ID Numbers:

04-22-29-0000-00-028/029, 04-22-
29-8764-02-060 (portion of), and
04-22-29-8764-03-
010/030/050/060

Tract Size:

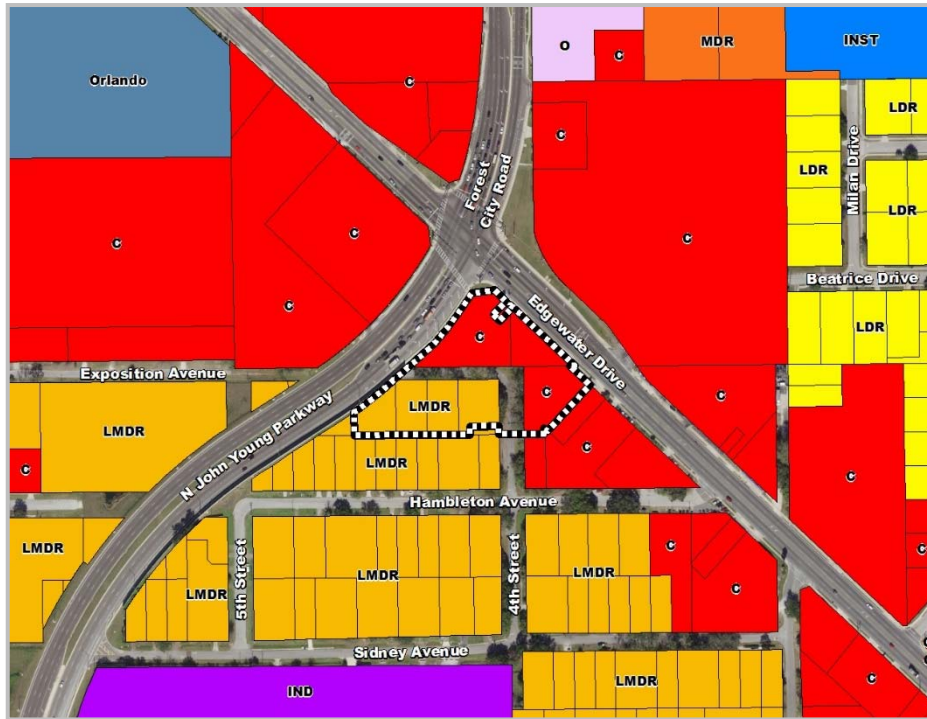
2.61 gross/net acres

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Request: Low-Medium Density Residential (LMDR) and Commercial (C) to Commercial (C)	
✓	A community meeting was held October 9, 2017, with three (3) members of the public in attendance	Positive	Proposed Development Program: Up to 341,075 square feet of commercial development	
✓	Staff Report	Recommend adoption of the proposed amendment and approval of the concurrent rezoning request, subject to four (4) restrictions	Concurrent Rezoning: Case RZ-17-10-028 R-2 (Residential District), C-1 (Retail Commercial District), and C-2 (General Commercial District) to C-1 (Retail Commercial District)	
✓	LPA Adoption Hearing	Recommend adoption (8-0)	Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility. Transportation: The subject property is located within the County's Alternative Mobility Area (AMA) and is therefore exempt from transportation concurrency requirements. The applicant may be required to include site-level mobility enhancements on the development plan for this project. The proposed project includes approximately 0.37 acre of Exposition Avenue and 4 th Street right-of-way. The applicant has submitted Petition to Vacate #PTV-17-09-035 for consideration with the amendment and rezoning requests. Environmental: The subject property is located within the Wekiva Study Area. Special area regulations may apply.	
✓	PZC Rezoning Hearing	Recommend approval, subject to four (4) restrictions (8-0)		
	BCC Adoption Hearing	November 14, 2017		
	BCC Rezoning Hearing	November 14, 2017		

SITE AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use:

Low-Medium Density Residential (LMDR) and Commercial (C)

Special Area Information

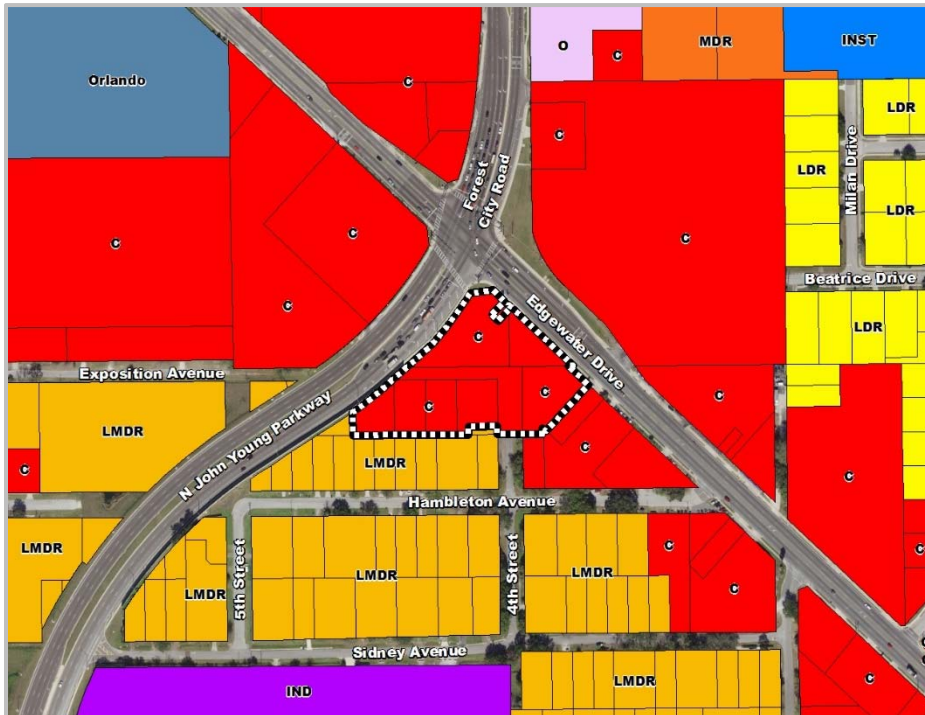
Overlay District: Wekiva Study Area

JPA: N/A

Rural Settlement: N/A

Airport Noise Zone: N/A

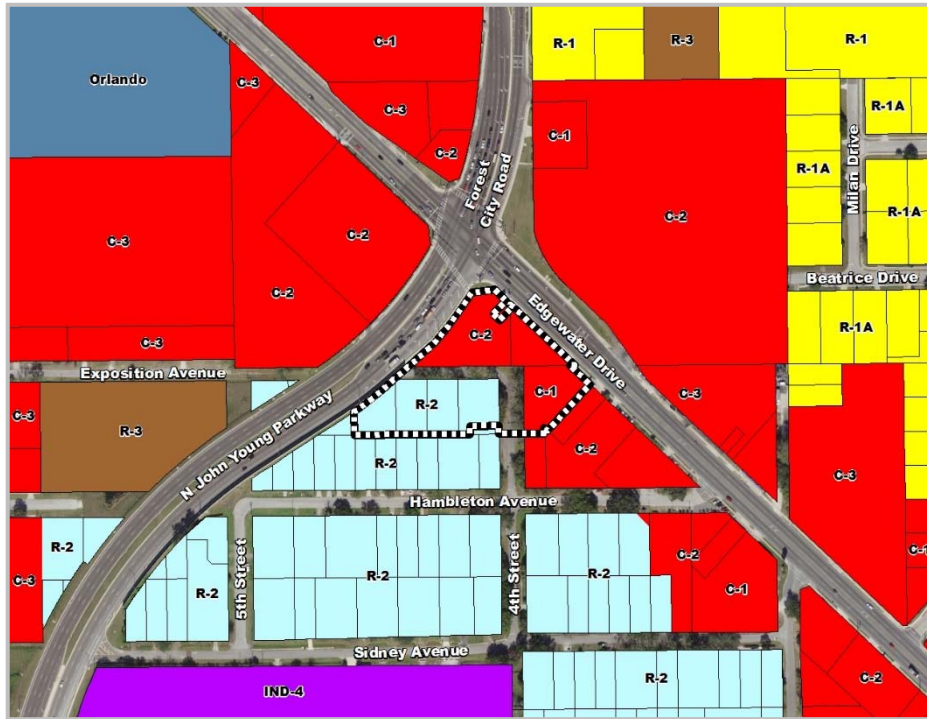
FUTURE LAND USE – PROPOSED



Proposed Future Land Use:

Commercial (C)

ZONING - CURRENT

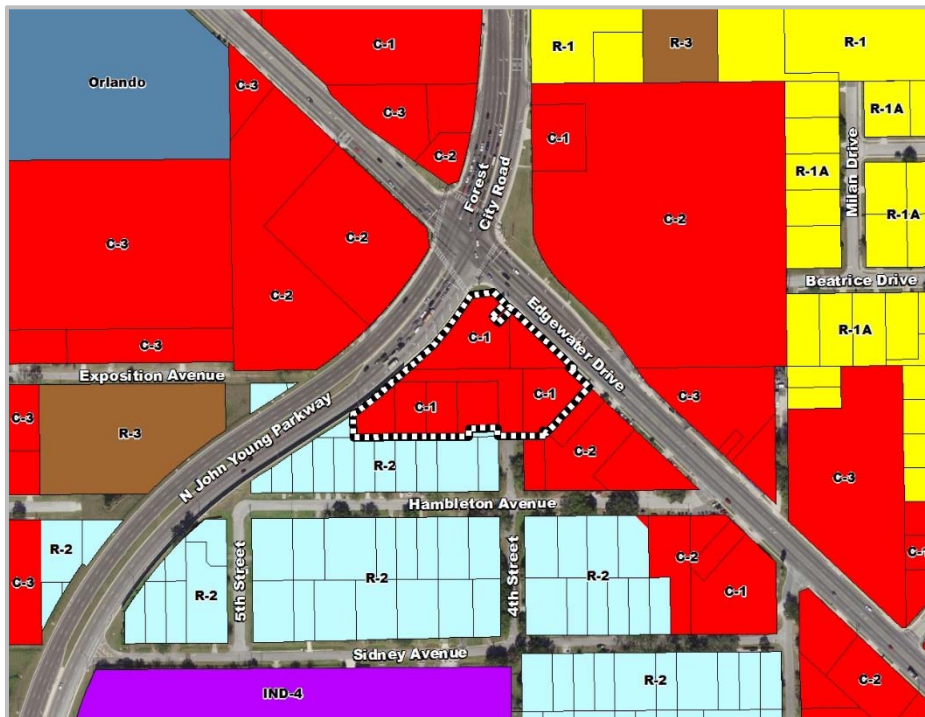


Zoning: R-2 (Residential District), C-1 (Retail Commercial District), and C-2 (General Commercial District)

Existing Uses:

N: Shopping center (Forest Edge Plaza)
S: Social organization (Warlocks MC Club), single-family and duplex development, and undeveloped land
E: Commercial (Dave's Auto Repair and window tinting business)
W: Commercial (Wawa convenience store)

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, 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-2-5, Low-Medium Density Residential (LMDR) and Commercial (C) 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, FLU8.2.1, and FLU8.2.10; and Neighborhood Element Objective N1.1) and **APPROVE** Rezoning Case RZ-17-10-028, R-2 (Residential District), C-1 (Retail Commercial District), and C-2 (General Commercial District) to C-1 (Retail Commercial District), subject to the following four (4) restrictions:

Restrictions:

1. New billboards and pole signs shall be prohibited.
2. Primary access to the subject property shall be limited to John Young Parkway and Edgewater Drive, with access to 4th Street limited to emergency access only.
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.
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 and Development Program

The applicant, Susan Lorentz, is seeking a Future Land Use Map (FLUM) Amendment for the 2.61-acre subject property, currently designated Low-Medium Density Residential (LMDR) and Commercial (C). The Commercial portion of the site is comprised of two C-1 (Retail Commercial District)-zoned parcels, home to a 4,916-square-foot appliance sales and service business, and an unimproved lot possessing the C-2 (General Commercial District) zoning classification, presently used as a parking area. As depicted on the aerial photograph, the three properties are situated south of the intersection of three major collector roadways: Edgewater Drive, N. John Young Parkway, and Forest City Road. While all four corners of the intersection have been developed for commercial purposes, the subject Commercial-designated parcels have limited potential for

redevelopment due to their size and configuration. To expand the building envelope and enable a prospective developer to comply with the County's site design requirements pertaining to parking, on-site maneuvering, landscaping, buffering, lighting, and stormwater retention (which the existing commercial development does not meet), the applicant is requesting the Commercial designation for the LMDR-classified portion of the site. The four subject LMDR-designated parcels consist of a single-family homesite and three unimproved lots, all currently zoned R-2 (Residential District). In addition, the applicant is proposing to vacate portions of two local roads—4th Street (an improved 60-foot right-of-way) and Exposition Avenue (an improved 30-foot right-of-way)—that separate the Commercial- and LMDR-classified lots. If the applicant's Petition to Vacate, PTV-17-09-035, is approved by the Board of County Commissioners (BCC) in conjunction with the proposed FLUM Amendment, the entire 2.61 acres will possess the Commercial FLUM designation.

In association with the requested FLUM Amendment and Petition to Vacate, the applicant is proposing to rezone the combined acreage to C-1, the least intense of the County's commercial zoning categories, to allow for the development of up to 341,075 square feet of commercial space, the maximum permitted under the Commercial FLUM designation's 3.0 floor area ratio (FAR) cap. As stated in the application package, approval of the C-1 classification would allow for the provision of additional convenience retail and services for the residents of the neighboring residential communities and the employees and customers of the various offices and businesses in the surrounding area.

A community meeting for the proposed amendment and concurrent rezoning was held October 9, 2017, at Lake Weston Elementary School. While those in attendance did not object to the use of the property for commercial purposes, staff recognizes that the site abuts single-family and duplex development to the south. 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 new billboards and pole signs shall be prohibited and that primary access shall be limited to John Young Parkway and Edgewater Drive, with access to 4th Street restricted to emergency access only, 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 341,075 square feet of neighborhood-serving commercial space on an underutilized 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. Staff notes that there is a proliferation of automobile sales and repair activity in the immediate vicinity of the subject property, which would not be permitted under the requested C-1 zoning classification. Staff believes that the proposed infill project, with uses limited to those permitted in the C-1 district, would expand and complement the commercial options available in this part of the County, as it would provide additional convenience retail and services for the residents of the neighboring residential communities, as well as 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 single-family and duplex development to the south, the provision of a 15-foot Type “C” buffer will be necessary to separate the commercial project from the neighboring residential community. In addition, primary access to the property will be achieved via N. John Young Parkway and Edgewater Drive, with entry onto 4th Street 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 from the Orlando Utilities Commission (OUC) and central sewer service from the City of Orlando 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, pedestrians, and bicyclists, as well as automobile drivers. The site is located at the signalized intersection of Edgewater Drive, N. John Young Parkway, and Forest City Road, and crosswalks extend across Edgewater Drive and N. John Young Parkway to help ensure the safety of pedestrians and bicyclists. In addition, N. John Young Parkway features a designated bicycle lane, and sidewalks are in place along Edgewater Drive, N. John Young Parkway, and Forest City Road. Furthermore, a LYNX bus stop is located on Edgewater Drive, approximately 310 feet southeast of the subject site, in front of the USA Shoe Company.

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 is located at the intersection of three major collector roadways, in an area characterized by a mix of commercial and residential activity. It is staff’s belief that the proposed development of up to 341,075 square feet of C-1 uses will provide additional convenience retail and services for the residents of the surrounding area, as well as the employees and customers of nearby offices and businesses.

As mentioned earlier, the existing appliance sales and repair business and adjacent parking area do not comply with the County’s current site design standards for non-residential development. However, the expansion of the commercial building envelope, if approved, will allow for redevelopment that meets the relevant provisions of the Orange County Code. Staff notes that the developer will be required to proceed through the commercial plan review process, and the infill

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

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

The site discharges into the Little Wekiva Canal, a body of water designated as impaired by the Florida Department of Environmental Protection (FDEP impairment: dissolved oxygen, fecal coliform, and nutrients). The Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code, may increase the requirements for pollution abatement treatment of stormwater as part of the Wekiva Basin Management Action Plan (BMAP).

Prior to commencement of 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.

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. Please refer to the 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, the applicant shall provide EPD with a Notice of Asbestos Renovation or Demolition form. For more information or to determine if an exemption applies, please contact the EPD Air Quality Management staff at 407-836-1400.

Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition debris shall be disposed of off-site according to the applicable solid waste and hazardous waste regulations. Please call the Orange County Solid Waste Hotline at 407-836-6601 for information.

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, Section 15-89.1, Air Pollution Prohibited.

Transportation. The subject property is located in the Alternative Mobility Area (AMA). Per Transportation Element Objective T2.3.2, the proposed development is exempt from meeting transportation concurrency requirements.

Based on trip generation estimates from the 9th Edition of the Institute of Transportation Engineers *Trip Generation Handbook*, it was determined that the current land use generates approximately 578 p.m. peak hour trips, while the maximum of 341,075 square feet of commercial space permitted under the requested Commercial future land use designation would generate 995 new p.m. peak hour trips, resulting in a net increase of 417 trips in the p.m. peak period.

Based on LYNX's current bus schedule, transit service is available within a quarter-mile walking distance along Edgewater Drive, Forest City Road, and Orange Blossom Trail.

The area is well-served by an interconnected network of public sidewalks, and the proposed development will connect to this sidewalk network. There is also a designated bicycle lane along N. John Young Parkway, within the project's impact area.

Final permitting of any development on this site will be subject to further review and approval by Transportation Planning, and the applicant may be required to include site-level mobility enhancements on the development plan for this project.

The Planning Division notes that the proposed project includes approximately 0.37 acre of Exposition Avenue and 4th Street right-of-way. The applicant has submitted Petition to Vacate #PTV-17-09-035 for concurrent consideration with the Future Land Use Map Amendment and rezoning requests.

Utilities. The subject property is located in the Orlando Utilities Commission's potable water service area and the City of Orlando's wastewater and reclaimed water service areas.

3. Rezoning Analysis

SITE DATA

Adjacent Zoning	N:	C-2 (General Commercial District) (1998)
	E:	C-2 (General Commercial District) (1972)
	W:	C-2 (General Commercial District) (1992)
	S:	C-2 (General Commercial District) (1970, 1998) R-2 (Residential District) (1957)

Adjacent Land Uses	N:	Billboards
	E:	Shopping Plaza
	W:	Convenience Store
	S:	Auto Repair, Duplex, and Single-Family Residential

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 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: Orlando Utilities Commission

Wastewater: City of Orlando

Reclaimed: City of Orlando

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.

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.

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



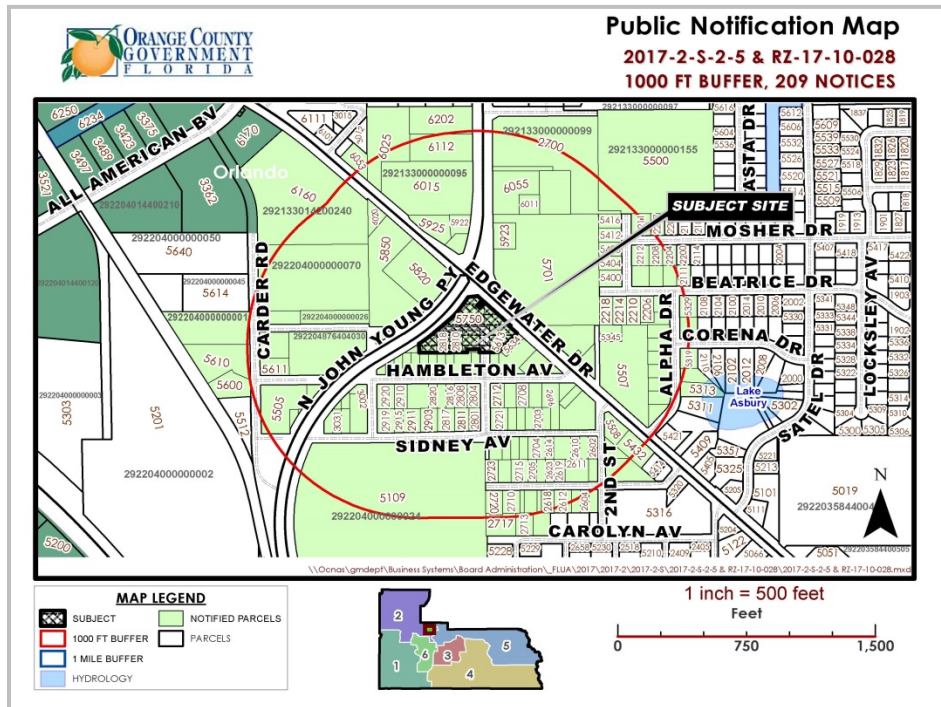
West of Subject Site



East of Subject Site



PUBLIC NOTIFICATION



Notification Area:
1,000 feet plus
neighborhood and
homeowners'
associations within a
one-mile radius of the
subject site

209 notices sent

