



Applicant/Owner:

Daniel Kennerly

Location: 2615 Homeland St.; Generally located on the east side of Homeland St., north of E. Michigan St., west of Gowen St., and south of E. Jersey Ave.

Existing Use: One (1) single-family residence

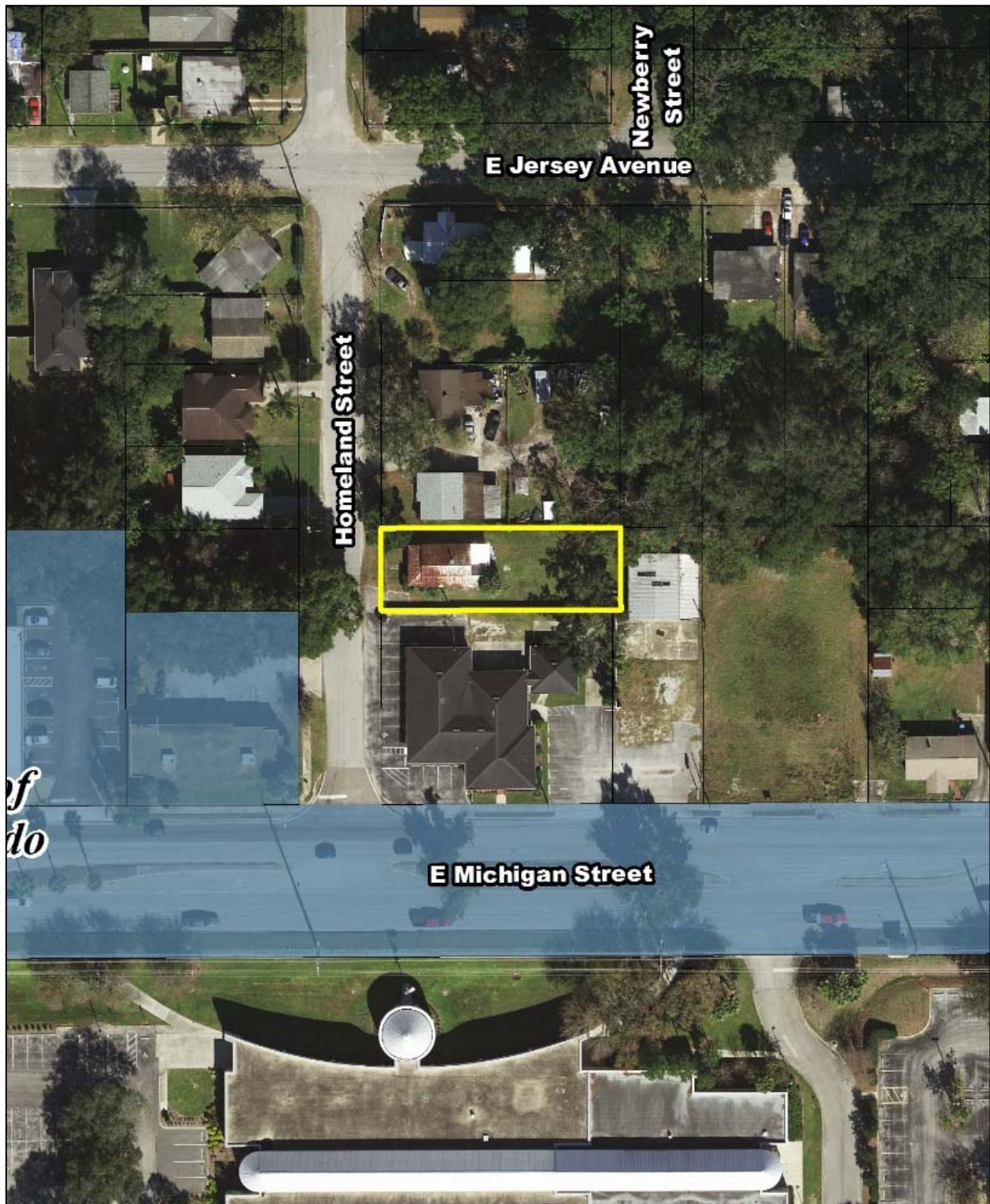
Parcel ID Number:

06-23-30-1424-06-050

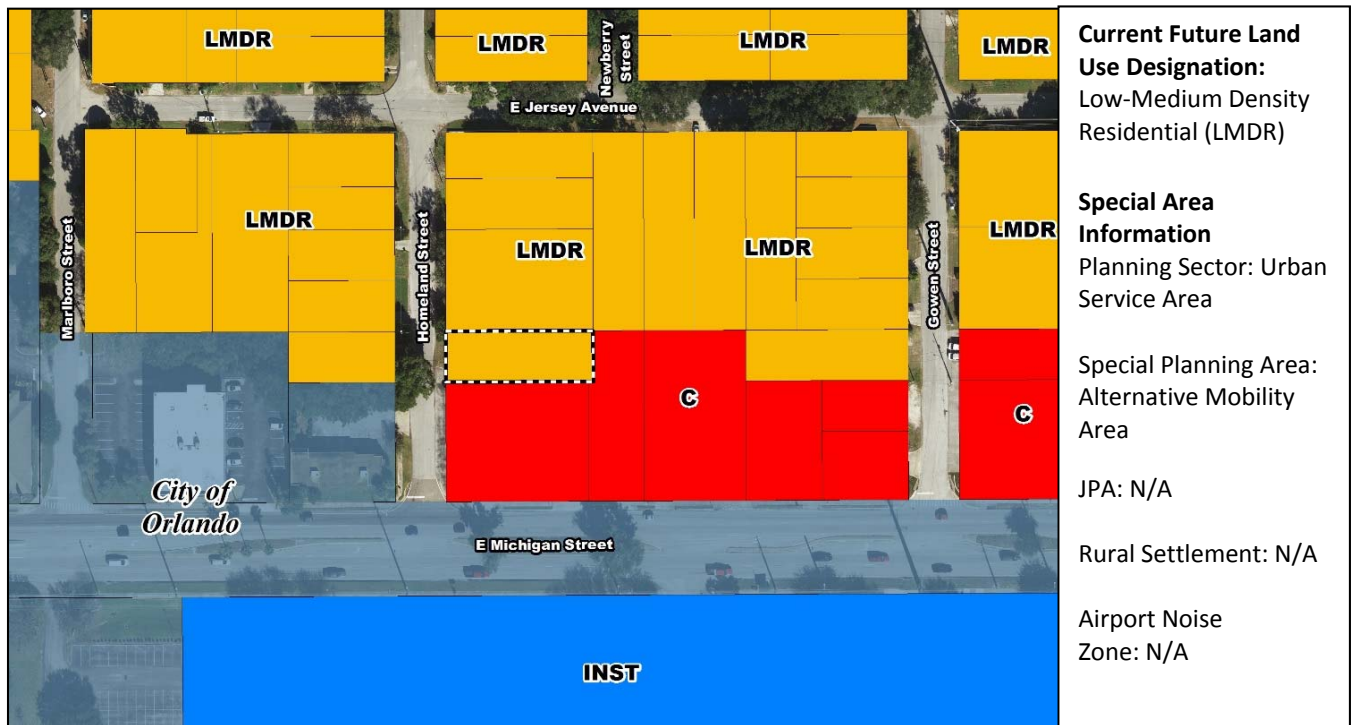
Tract Size: 0.17 gross acre

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Request: Low-Medium Density Residential (LMDR) to Commercial (C)	
✓	Community Meeting August 24, 2017 (260 notices sent; 2 people in attendance)	Positive	Proposed Development Program: Additional parking and a driveway for an adjacent proposed office building.	
✓	Staff Report	Recommend adoption of the proposed amendment and approval of the concurrent rezoning request, subject to three (3) restrictions	Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.	
✓	LPA Adoption	Recommend Adoption (8-0)	Transportation: The subject property is located within the Alternative Mobility Area (AMA) and is exempt from meeting transportation concurrency requirements.	
✓	PZC Rezoning Hearing	Recommend Approval, subject to three (3) restrictions (8-0)	Environmental: Use caution to prevent erosion during construction along the boundary of the property and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.	
	BCC Adoption	November 14, 2017	Concurrent Rezoning: Yes – RZ-17-10-027	
	BCC Rezoning Hearing	November 14, 2017	Request: R-3 (Multiple-Family Dwelling District) to C-1 (Retail Commercial District)	

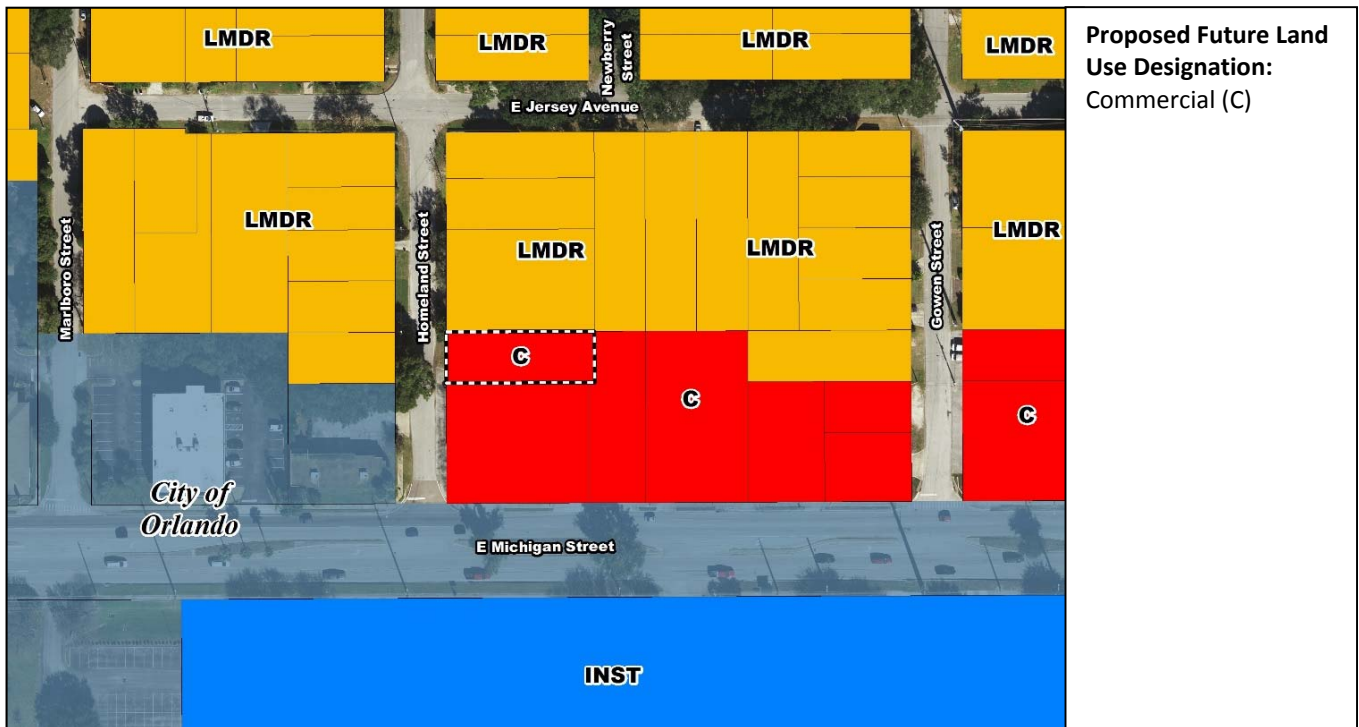
SITE AERIAL



FUTURE LAND USE - CURRENT



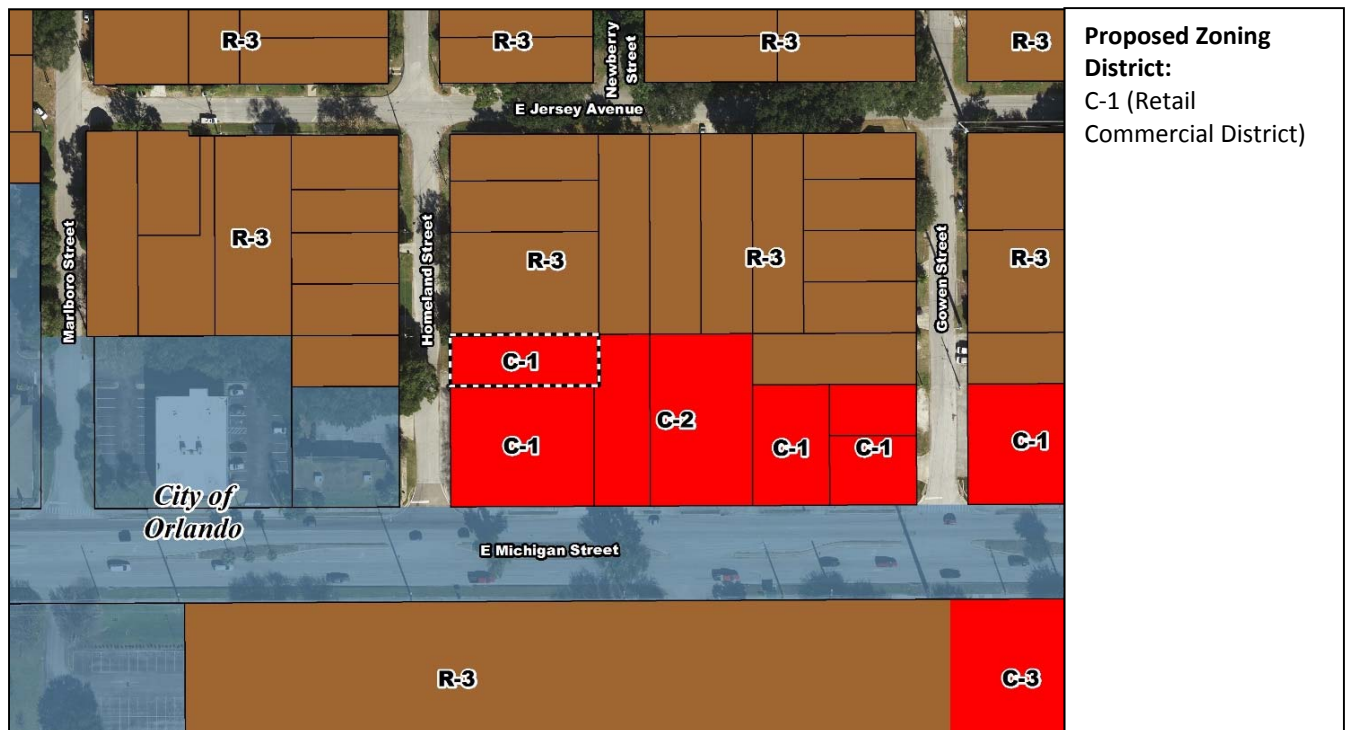
FUTURE LAND USE - AS PROPOSED



ZONING - CURRENT



ZONING - AS PROPOSED



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 separate motions by the Board. Below are the staff recommendations for each of these items.

1. **FUTURE LAND USE MAP 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), determine that the amendment is in compliance, and **ADOPT** Amendment 2017-2-S-3-1, Low-Medium Density Residential (LMDR) 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 recommend **APPROVAL** of Rezoning Case RZ-17-10-027, R-3 (Multiple-Family Dwelling District) to C-1 (Retail Commercial District), subject to the following three (3) restrictions:

Restrictions:

- 1) New billboards and pole signs shall be prohibited;
- 2) 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
- 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.

Analysis

1. Background and Development Program

The applicant, Daniel Kennerly, has requested to change the Future Land Use Map (FLUM) designation of the 0.17-acre subject property from Low-Medium Density Residential (LMDR) to Commercial (C). In conjunction with the FLUM Amendment, the applicant has applied for a rezoning of the site (Case RZ-17-10-027) from R-3 (Multiple-Family Dwelling District) to C-1 (Retail Commercial District).

The subject property is located on Homeland Street, 115 feet north of E. Michigan Street. Currently, a vacant, dilapidated single-family home occupies the site. The subject property is located in an area characterized by a mix of commercial, office, institutional, and residential uses. Woodley Plaza, a multi-tenant retail building, zoned C-1 is located immediately south of the site and a warehouse building zoned C-2 is located east of the subject property. Both properties possess a Commercial Future Land Use Map designation. A professional office building is located west of the subject site

at the northwest corner of E. Michigan Street and Homeland Street. Residential homes are located north and west of the subject site, and have LMDR designations and are zoned R-3. The Orange County Juvenile Justice Center is located across the street on E. Michigan Street, south of the subject property, and has an Institutional FLUM designation and possess C-3 (Wholesale Commercial District) and R-3 zoning classifications.

The intent of the proposed FLUM Amendment and concurrent rezoning is to demolish the existing dilapidated residential home and construct additional parking and a driveway for an adjacent proposed medical office building that will be constructed east of the subject site on property on which the existing C-2-zoned warehouse building is currently located. At the August 24, 2017, community meeting held for the two applications, Mr. Kennerly stated that the adjacent existing warehouse building will be demolished to make room for the approximately 75' x 90' proposed medical office building. He stated the proposed medical office building will meet the required number of parking spaces for the site and the subject property is needed for additional parking. The owners would like to construct approximately thirteen (13) additional angled parking spaces and a driveway on the subject site. Mr. Kennerly stated the patients would enter the property on E. Michigan Street and exit left onto Homeland Street, with no right turn, directing traffic away from the adjacent residentially-zoned area.

Staff notes that a community meeting was held for the two applications on August 24, 2017. There were two residents in attendance and they did not have any objections to the proposed project.

2. Project Analysis

Consistency

The requested FLUM Amendment and associated rezoning application appear to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan and the development pattern of the surrounding area. As stated above, the applicant is seeking to demolish the existing dilapidated residential home on the subject site and to redevelop it with additional parking and a driveway for an adjacent proposed medical office building. The proposed amendment involves the redevelopment of an infill parcel within the Urban Service Area (USA), furthering Comprehensive Plan Future Land Use Element **Goal FLU2**, which encourages urban strategies such as infill development. This proposed FLUM amendment is also consistent with **Policy FLU1.1.5**, which states that 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 USA. The requested FLUM Amendment is further consistent with **Policy FLU1.4.4**, which states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided. Although the subject site abuts parcels that are designated LMDR to the north and west, **Policy FLU8.2.1** allows performance restrictions and/or conditions to be placed on the property to ensure compatibility. In addition, the project shall be required to comply with all landscaping and buffering requirements established in Chapter 24 of the Orange County Code (Landscaping, Buffering, and Open Space) to minimize its impact on neighboring residential uses. As previously mentioned, the area surrounding the subject site is characterized by a mix of commercial, office, institutional, and residential uses, including retail establishments, a commercially-zoned warehouse, office buildings, and the Orange County Juvenile Justice Center. Approval of these requests and the subsequent redevelopment of the site for a parking lot and driveway would be consistent with the development trend in the area.

Compatibility

Objective FLU8.2 states that compatibility will continue to be the fundamental consideration in all future 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. The E. Michigan Street corridor has a mixture of commercial, office, and institutional uses. The proposed Commercial FLUM and C-1 zoning is compatible with the existing development in the area. Directly to the south and east are C-1 and C-2-zoned properties. To ensure land use compatibility with the residentially-zoned properties to the north and west, **Policy FLU8.2.10** states that properties adjacent to residential areas shall be subject to performance standards including, but not limited to, building height restrictions, compatible architectural designs, floor area ratio limitations, lighting and location requirements, landscaping and buffering requirements, and parking design. These standards shall apply during the subsequent commercial site plan review stage of the project. Staff notes that the applicant stated at the community meeting that the Type “C” buffer required to separate neighborhood commercial (C-1) uses from residential uses would be provided. As the development trend for the area is commercial, the proposed amendment and rezoning are compatible with the existing development pattern and uses in the area. Therefore, Staff recommends adoption of this requested amendment and its associated rezoning application.

Division Comments: Environmental, Public Facilities, and Services

Environmental. Prior to demolition or construction activities associated with existing structures, the applicant shall 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.

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.

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.

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

Utilities. Per Orange County Utilities (OCU), the subject property lies within the Orlando Utilities Commission’s (OUC) potable water service area and the City of Orlando’s wastewater and reclaimed water service areas.

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 one p.m. peak hour trip, while the proposed parking lot permitted under the requested Commercial future land use designation is an ancillary use used in conjunction with an adjacent future medical building and would not generate any new p.m. peak hour trips.

Based on LYNX's current bus schedule, transit service is available within a quarter mile walk distance along Michigan Avenue.

The area is well served by an interconnected network of public sidewalks along Michigan Avenue; however, there is no continuous sidewalk on Homeland Street. The proposed development will connect to the existing sidewalk network.

There is no signed bicycle route/lane within the project impact area.

The proposed use is a parking lot to be used by an adjacent future medical building. This is an ancillary use and will not have any impacts to the surrounding roadway network. No additional transportation analysis is required.

3. Rezoning Analysis

SITE DATA

Adjacent Zoning	N:	R-3 (Multiple-Family Dwelling District) (1957)
	E:	C-2 (General Commercial District) (2016)
	W:	R-3 (Multiple-Family Dwelling District) (1957)
	S:	C-1 (Retail Commercial District) (1963)
Adjacent Land Uses	N:	Single-Family Residential
	E:	Warehouse
	W:	Single-Family Residential
	S:	Multi-Tenant Retail

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 / Reclaim

Existing service or provider

Water: Orlando Utilities Commission

Wastewater: City of Orlando

Reclaimed: City of Orlando

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.

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.

Site Visit Photos

Subject Site



North



East



South



West



PUBLIC NOTIFICATION MAP

