



**Applicant/Owner:**

Mark Brewer

**Location:** 10301 E. Colonial Dr.; Generally located on the north side of E. Colonial Dr., west of Culver Rd., south of Union Park Dr., and east of N. Dean Rd.

**Existing Use:** 35, 670 sq. ft. of Religious uses and school

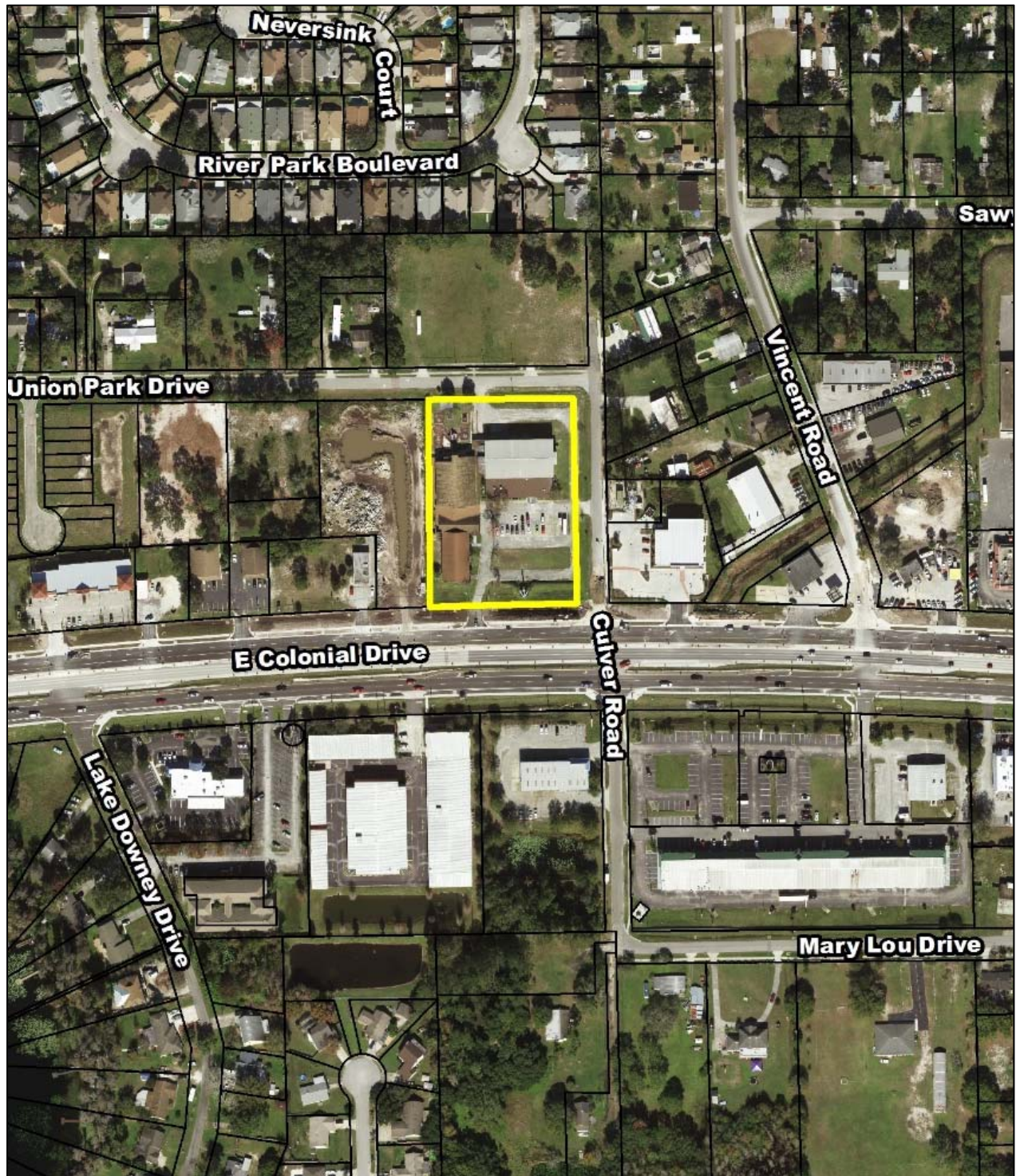
**Parcel ID Number:**  
17-22-31-0000-00-031

**Tract Size:** 2.39 gross acres

+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 28, 2017 (130 notices sent; 13 people in attendance)	Positive		<b>Proposed Development Program:</b> To allow an electronic message center (EMC) sign for the existing Grace Journey Community Church and its associated school.	
✓ Staff Report	Recommend adoption of the proposed amendment and approval of the concurrent rezoning request, subject to three (3) restrictions		<b>Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. <b>Transportation:</b> The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor. The proposed amendment will result in a reduction of 8 new p.m. peak hour trips.	
✓ LPA Adoption	Recommend Adoption (8-0)		<b>Environmental:</b> Environmental Protection Division (EPD) Staff reviewed the request and has no comments at this time.	
✓ PZC Rezoning Hearing	Recommend Approval, subject to three (3) restrictions (8-0)		<b>Concurrent Rezoning:</b> Yes – RZ-17-10-018	
BCC Adoption	November 14, 2017		<b>Request:</b> A-2 (Farmland Rural District) to C-1 (Retail Commercial District)	
BCC Rezoning Hearing	November 14, 2017			

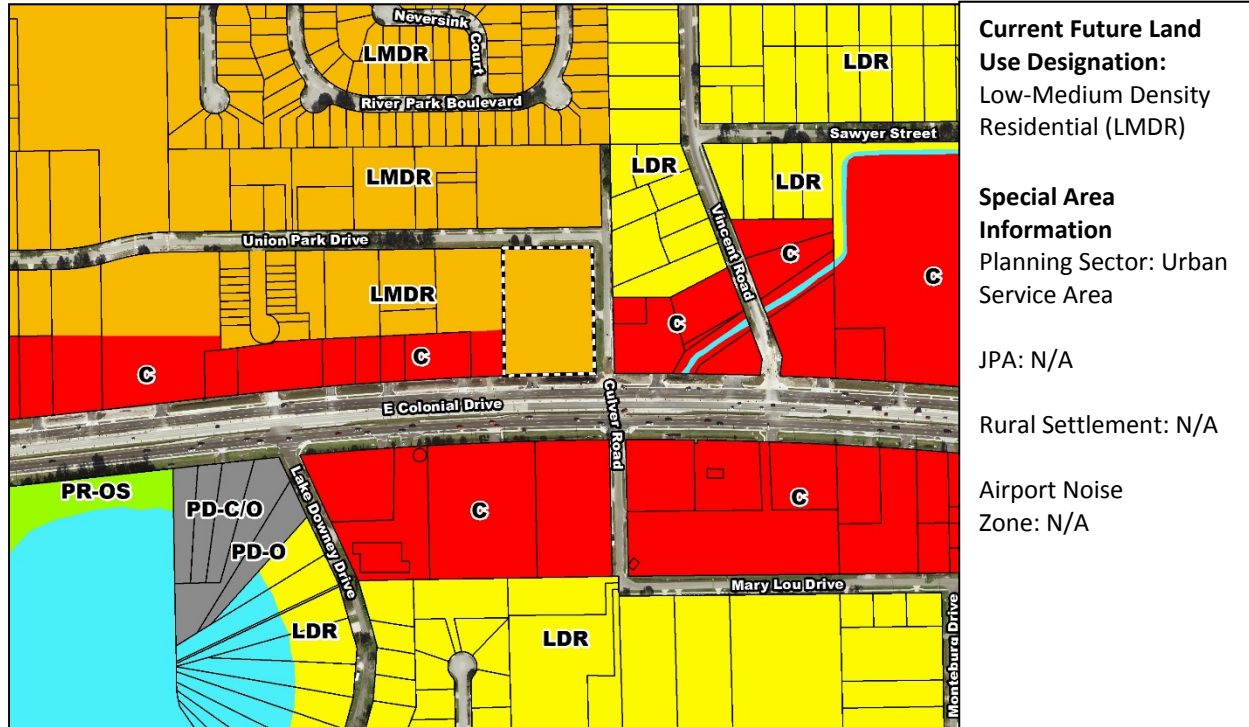


**SITE AERIAL**

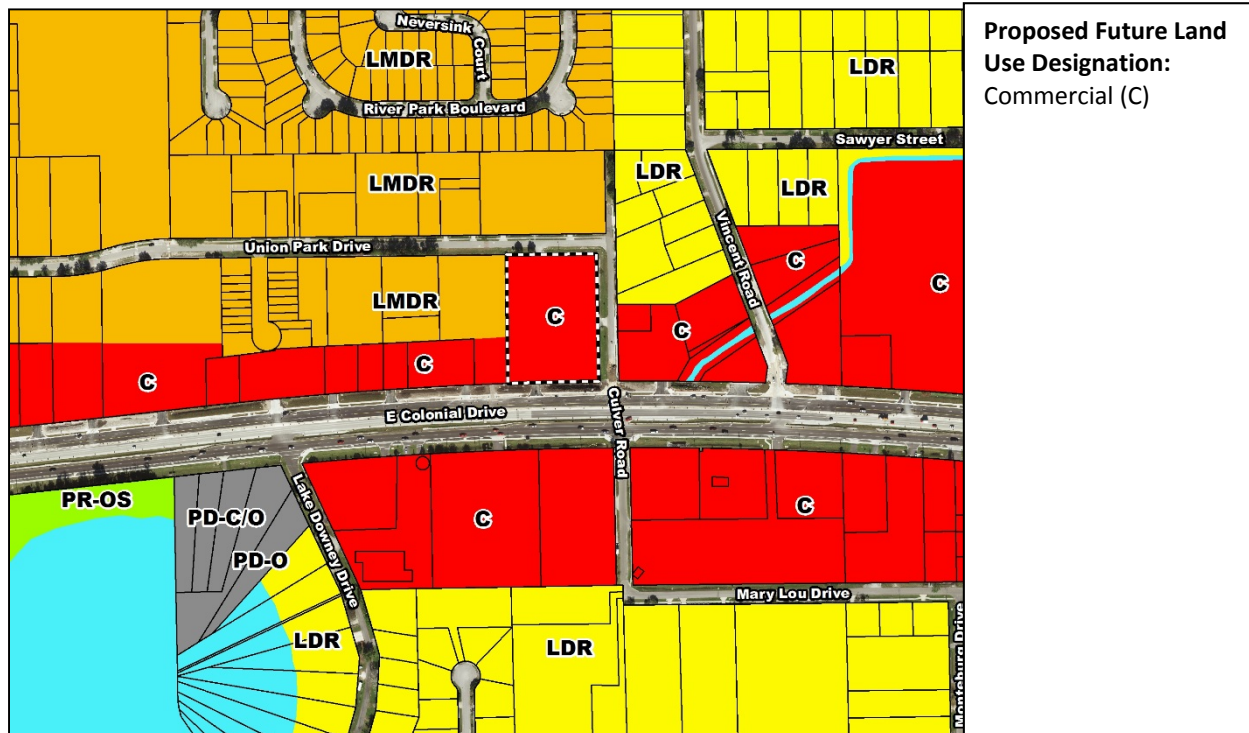




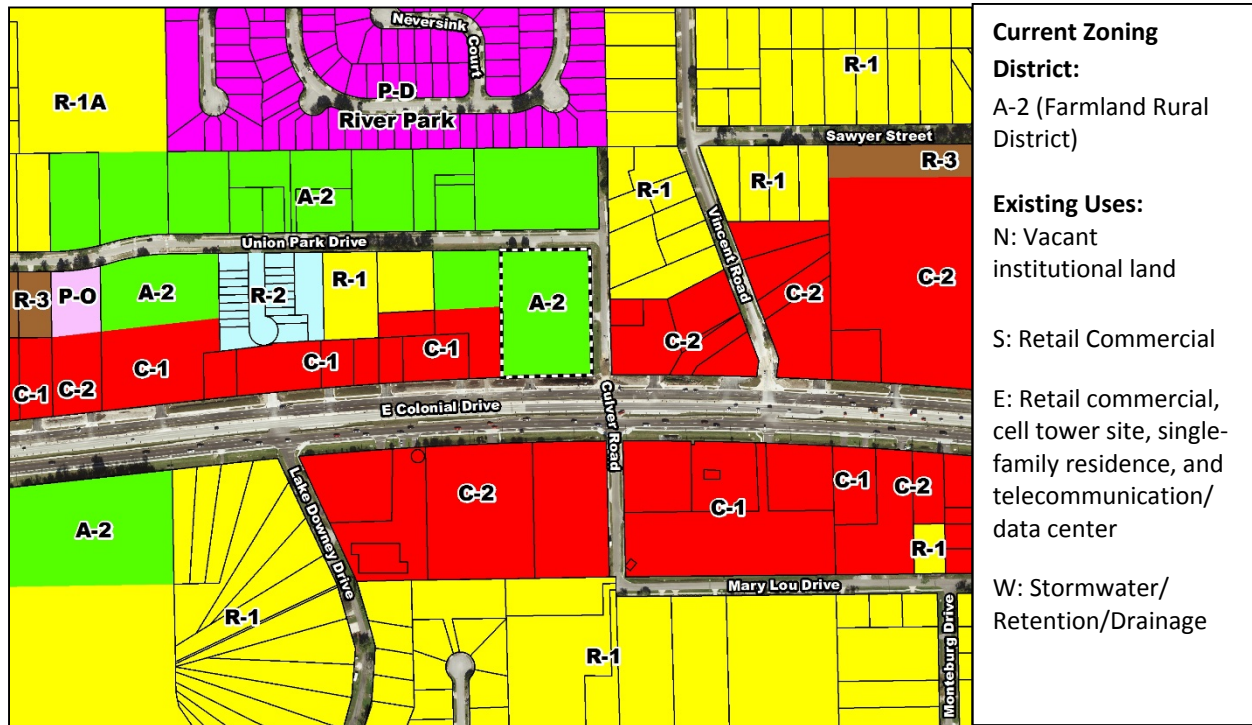
## FUTURE LAND USE - CURRENT



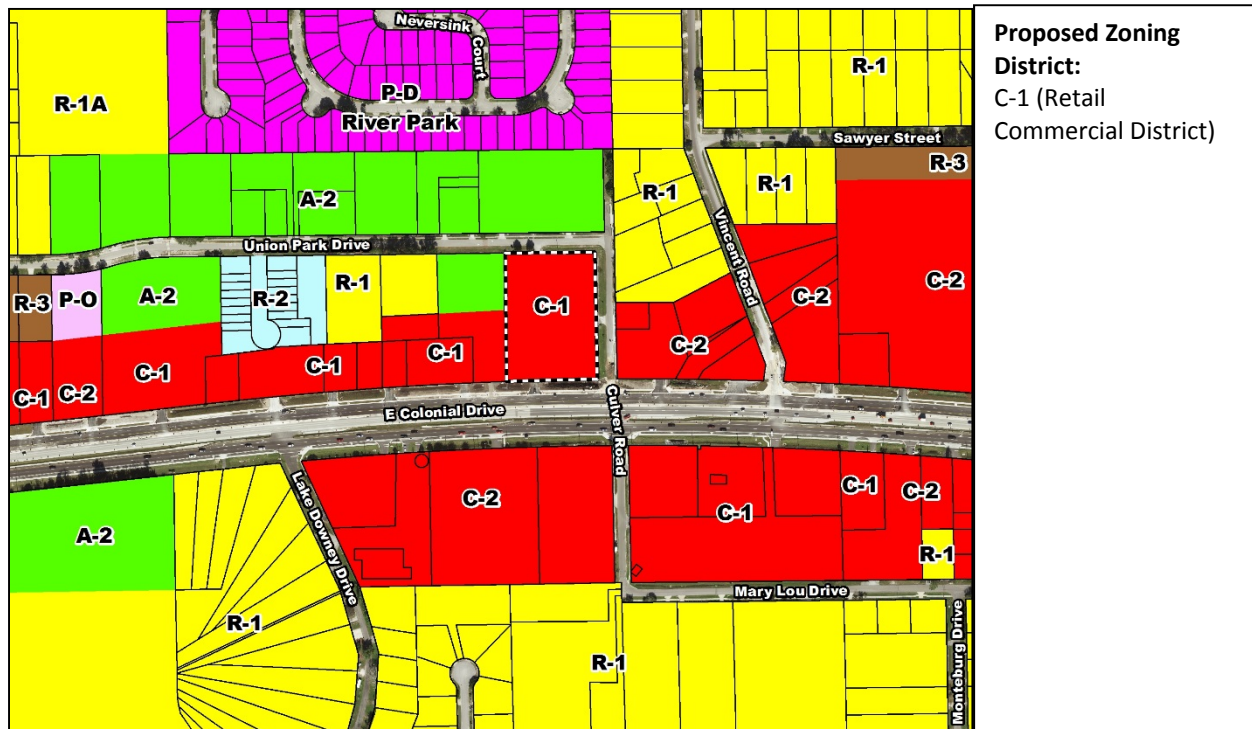
## FUTURE LAND USE - AS PROPOSED



## 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, and FLU8.2.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2017-2-S-5-2, 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, and FLU8.2.1), and recommend **APPROVAL** of Rezoning Case RZ-17-10-018, A-2 (Farmland Rural 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;
- 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, Mark Brewer, has requested to change the Future Land Use Map (FLUM) designation of the 2.39-acre site 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-17-10-018) from A-2 (Farmland Rural District) to C-1 (Retail Commercial District).

The subject property is located at the intersection of E. Colonial Drive and Culver Road. The requested Commercial 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. Presently, the site is developed with 35,670 square feet of religious uses, Grace Journey Community Church and Victory Academy School. The subject property is located in an area characterized by commercial development along E. Colonial Drive. An O'Reilly Auto Parts Store, Downey Food Mart/Citgo Convenience Store, First Choice Auto Sales/Classic Window Tinting, McDonald's Restaurant, and the 10505 E. Colonial Drive/Aldi's, DD's Discount Shopping Center are located across the street, east of the subject site. All the properties have Commercial FLUM designations and are zoned C-2 (General Commercial District). A Florida Department of Transportation (FDOT) Stormwater/Retention/Drainage Pond, medical office buildings, and Union Park Square Shopping

Center are located west of the subject property, and have Commercial FLUM designations and C-1 zoning, except the Stormwater/Retention/Drainage Pond has Commercial and LMDR FLUM designations and C-1 and A-2 zoning classifications. A Pepboys Auto Service & Tires Store and Union Park Self Storage, are located directly across the street on E. Colonial Drive, south of the subject site, and have Commercial FLUM designations and are zoned C-1. Reedy Plaza Shopping Center is located on E. Colonial Drive, southeasterly of the site, is zoned C-1 with a corresponding Commercial FLUM designation. A vacant lot used for recreational purposes for the church and school is located across the street on Union Park Drive, north of the subject site, and has a LMDR Future Land Use Map designation and an A-2 zoning classification. The property is also owned by the church.

The FLUM Amendment and rezoning are being requested at this time to allow for an electronic message center (EMC) sign to publicize events and activities for both the church and the school. An Orange County building permit (B06008157) was issued on May 11, 2006 for the church's existing monumental-style ground sign for 114.75 square feet of copy area. The applicant stated that the church's sign contractor attempted to obtain a building permit for the proposed EMC sign and was informed by Orange County Zoning Division's Staff that EMC signs are not allowed in the A-2 zoning district. Mr. Brewer stated at the August 28, 2017, community meeting that the church wants to replace the manual part (Reader Board) of the existing monumental-style ground sign with an electronic sign. The proposed EMC portion of the sign will be the same size as the existing reader board sign (3'4" x 13') and the church is not requesting additional copy area. Per Orange County Code, Section 31.5-16(a), an EMC sign shall be permitted only as a ground sign or pylon sign. Such a sign shall be permitted only in professional-office, commercial, and industrial zoned districts.

## 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. The Grace Journey Community Church site is located along a stretch of E. Colonial Drive—a principal arterial roadway—characterized by commercial development. There are shopping centers, auto parts and auto repair facilities, restaurants, and convenience stores located along E. Colonial Drive abutting the subject site. Although the church has been located on the subject property in the Union Park area for over fifty (50) years, it is the only parcel in the immediate vicinity of E. Colonial Drive that has a residential FLUM designation. It is staff's belief that the applicant's requests to change the FLUM designation from LMDR to Commercial and to rezone the property from A-2 to C-1 to allow an EMC sign would be appropriate for the area. The proposed amendment is consistent with 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 proposed FLUM change is consistent with **Policy FLU1.4.4**, which states the disruption of residential areas by poorly located and designed commercial activities shall be avoided. Although the subject site abuts parcels that are designated Low-Medium Density Residential to the west and north, and Low Density Residential (LDR) to the east, the property located to the west is used for Stormwater/Retention/Drainage, and the parcel located to the north is used for recreational purposes for the church and school. The property is also owned by the church. A single-family home, whose frontage faces Vincent Road, a Bright House telecommunications/Data Center building, and the church's Cornerstone Pregnancy Center Office

building, are located on Culver Road, east of the subject site, and have LDR FLUM designations and are zoned R-1. **Policy FLU8.2.1** allows performance restrictions and/or conditions to be placed on the property to ensure compatibility. The applicant is requesting a C-1 zoning designation which is a more restrictive zoning classification that does not permit any outdoor storage or display of merchandise and would allow an EMC sign.

### ***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. As mentioned previously, the Grace Journey Community Church site is located along a stretch of E. Colonial Drive characterized by commercial development and the church has been at this location for over fifty (50) years. As mentioned above, the applicant is seeking the Commercial FLUM designation and C-1 zoning to allow an EMC sign to be constructed on the existing monumental-style ground sign. Therefore, staff recommends approval of Amendment 2017-2-S-5-2, Low-Medium Density Residential (LMDR) to Commercial (C) and concurrent Rezoning Case RZ-17-10-018, A-2 (Farmland Rural District) to C-1 (Retail Commercial District).

### ***Division Comments: Environmental, Public Facilities and Services***

**Environmental Planning Division.** The Orange County Environmental Protection Division has no comments at this time. The request is to permit a sign with an electric message center.

**Utilities Division.** The subject property is located in Orange County Utilities' (OCU) potable water, wastewater, and reclaimed water service areas. Per OCU, there is a 24-inch potable water main on E. Colonial Drive, and a 4-inch force main stub located at E. Colonial Drive and Culver Road. Currently, there are no reclaimed water mains in the vicinity of the site.

**Transportation Planning Division.** 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 twenty-eight p.m. peak hour trips, while the 35,670 square feet of existing Religious Use permitted under the requested Commercial future land use designation would result in a reduction of 8 new p.m. peak hour trips.

The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor. It is located adjacent to East Colonial Drive, a six-lane principal arterial which, based on the concurrency management system database dated 09-05-17, is currently operating at acceptable levels. This information is dated and is subject to change.

The proposed request is considered de minimis and no further transportation analysis is required.

## **3. Rezoning Analysis**

### **SITE DATA**

<b>Adjacent Zoning</b>	N:	A-2 (Farmland Rural District) (1957)
	E:	R-1 (Single-Family Dwelling District) (1957)
		C-2 (General Commercial District) (1985)
	W:	A-2 (Farmland Rural District) (1957)



		C-1 (Retail Commercial District) (1961)
	S:	C-2 (General Commercial District) (1961) ( <i>across SR 50</i> )
Adjacent Land Uses	N:	Undeveloped Land
	E:	Single Family Residential / Retail Commercial
	W:	Retention Pond
	S:	Retail Commercial / Self Storage ( <i>across SR 50</i> )

**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**

<b>Water:</b>	Orange County Utilities	24-inch watermain located on E. Colonial Drive
<b>Wastewater:</b>	Orange County Utilities	4-inch forcemain located on E. Colonial Drive
<b>Reclaimed:</b>	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.

**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.

Site Visit Photos

Subject Site



North

South



East



West





## PUBLIC NOTIFICATION MAP

