



Applicant/Owner:
Bob Ziegenfuss

Location:
4330 S. John Young Pkwy.; generally located at the intersection of S. John Young Pkwy. and Cathy St.

Existing Use:
Undeveloped land

Parcel ID Number:
09-23-29-9454-06-100

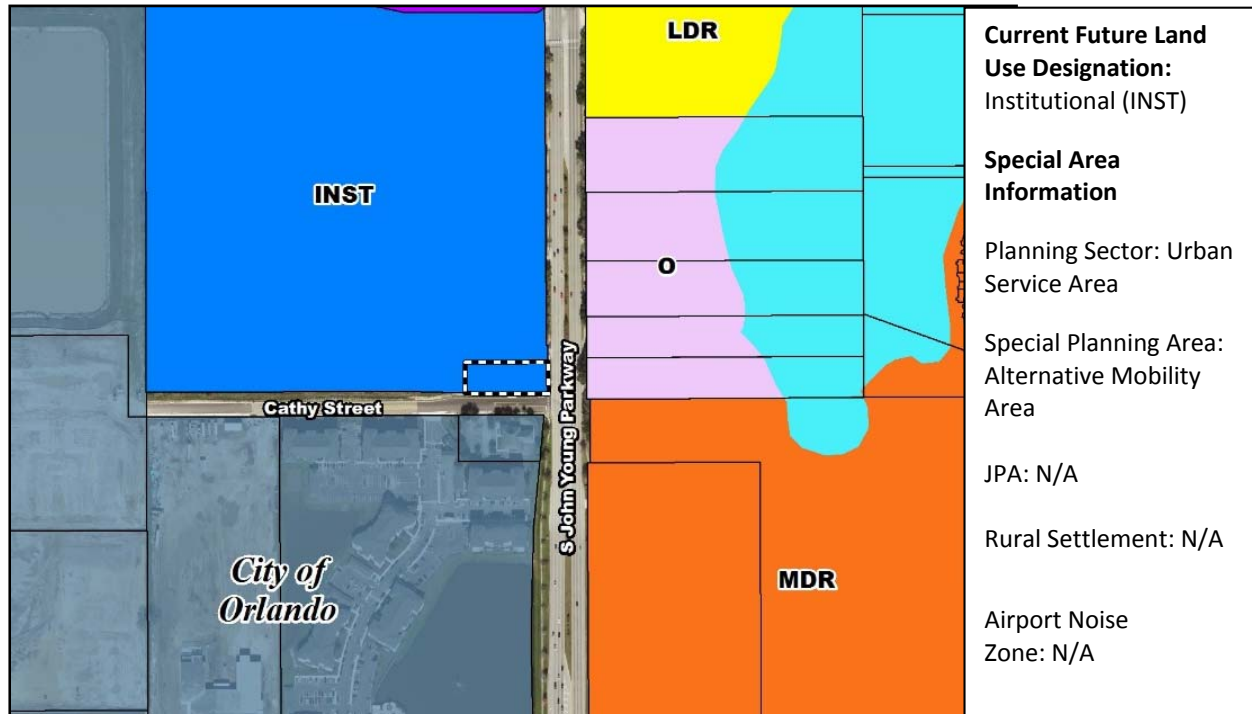
Tract Size:
0.63 gross acre

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Request: Institutional (INST) to Industrial (IND)	
✓	Community Meeting August 23, 2017 (174 notices sent; 0 people in attendance)	Positive	Proposed Development Program: Up to 5,000 sq. ft. Dunkin' Donuts Restaurant.	
✓	Staff Report	Recommend Adoption	Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.	
✓	LPA Adoption	Recommend Adoption (7-0)	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	Transportation: The subject property is located within the Alternative Mobility Area (AMA) and is exempt from meeting transportation concurrency requirements. However, the applicant may be required to include site-level mobility enhancements on the development plan.	
			Concurrent Rezoning: No	

SITE AERIAL



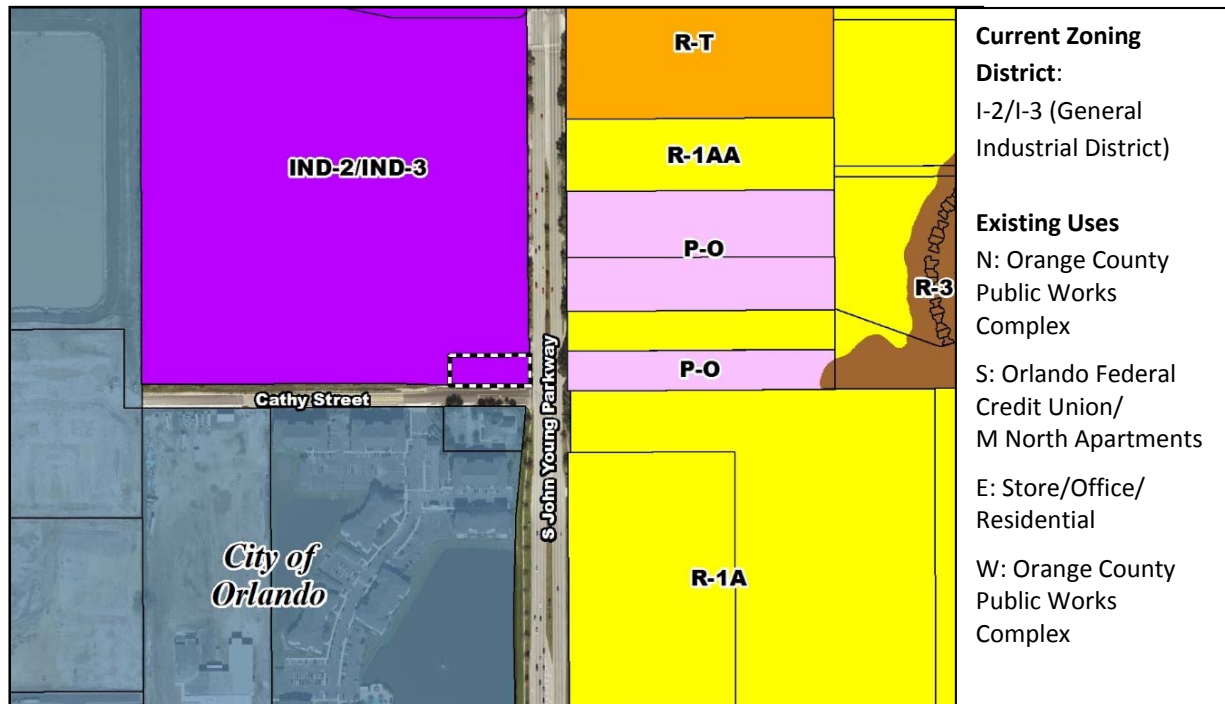
FUTURE LAND USE - CURRENT



FUTURE LAND USE - AS PROPOSED



ZONING - CURRENT



Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Objective FLU8.2; Policies FLU1.1.5, FLU1.4.21, FLU1.4.24, FLU1.4.25, FLU8.2.1, and FLU8.2.11), determine that the amendment is in compliance, and **ADOPT** Amendment 2017-2-S-6-1, Institutional (INST) to Industrial (IND).

Analysis

1. Background Development Program

The applicant, Bob Ziegenfuss, has requested to change the Future Land Use Map (FLUM) designation on the 0.63-acre subject parcel from Institutional (INST) to Industrial (IND). The currently-vacant site is located at the corner of S. John Young Parkway and Cathy Street. Presently, the site is designated Institutional on the Orange County Future Land Use Map and has a corresponding zoning classification of I-2/I-3 (General Industrial District). The subject property is situated in a developed area characterized by a mix of institutional, industrial, commercial, office, and residential uses. The Orange County Public Works Complex, located north and west of the subject site has an Institutional FLUM designation and is zoned I-2/I-3. The Orange County Correctional Facility is located northeasterly of the site and also possesses an Institutional FLUM designation and has multiple zoning classifications: C-1 (Retail Commercial District), R-1AA (Single-Family Dwelling District), R-1A (Single-Family Dwelling District), and R-1 (Single-Family Dwelling District), and R-T (Mobile Home Park District). An Orlando Federal Credit Union Bank and the M North Apartments, a 288-unit multi-family apartment complex are located across the street, south of the subject property. An elementary school, Millenia Gardens Elementary School, and a 292-unit apartment complex, Addison on Millenia, currently under construction, are located southwesterly of the site. Office FLUM designations are located directly across the street on S. John Young Parkway, east of the subject site. Properties used for industrial and retail purposes, such as Lapin Sheet Metal (warehouse building) and RaceTrac Convenience Store are located north of the subject site, along John Young Parkway, and are zoned I-2/I-3 and possess Industrial FLUM designations. Cox Plaza, a multi-tenant retail center, also located north of the site is designated Industrial and has a corresponding zoning of I-1/I-5.

Institutional FLUM designations recognize local, regional, state, and federal public facilities, structures, and lands. It is the applicant's intent to construct a Dunkin' Donuts Restaurant up to 5,000 square feet in size if the proposed FLUM Amendment request is approved. Restaurants are prohibited in the Institutional future land use designations. As mentioned above, the property is currently zoned I-2/I-3, a category that permits restaurants as established in Section 38-77, Use Table, of the Orange County Code. The I-2/I-3 zoning classification is consistent with the Industrial FLUM designation.

A community meeting was held for this request on August 23, 2017, which no members of the public attended.

2. Project Analysis

Consistency

The proposed FLUM amendment appears to be **consistent** with the applicable Comprehensive Plan Goals, Objectives, and Policies. The vacant subject property is located in a developed area characterized by a mix of institutional, industrial, commercial, office, and residential uses. The applicant is seeking the Industrial future land use designation to allow for the future development of a Dunkin' Donuts Restaurant up to 5,000 square feet in size. Staff finds this proposed amendment consistent with Future Land Use Element **Policy FLU1.4.24**, which states that Orange County shall not approve industrial uses that produce or emit noises, significant vibrations, or noxious/hazardous wastes/fumes resulting in adverse impacts to adjacent residential uses, unless such impacts are mitigated. Also, the proposed amendment is consistent with Future Land Use Element **Policy FLU1.4.25**, which establishes that Orange County may require appropriate design controls for each industrial district including but not limited to, building setbacks, lot size building coverage ratios, impervious surface limitations, and landscaping provisions to ensure industrial districts are compatible with surrounding areas. The subject property's I-2/I-3 zoning designation has been in place since July 19, 1965, and November 24, 1970, when portions of Woodhaven 1st Addition Subdivision was rezoned. The proposed restaurant is not considered an adverse use that will emit noise or noxious waste that impacts adjacent residential uses. It is a commercial use that is permitted in the I-2/I-3 zoning district. The subject parcel's north and west property line abuts the Orange County Public Works Complex and the apartment complex, located south of the site, is separated from the site by Cathy Street whose right-of-way width varies from seventy to eighty feet. The proposed restaurant will serve the residents as well as the surrounding institutional and industrial land uses. This request 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 Urban Service Area (USA). The subject property is surrounded by institutional, commercial, industrial, office, and residential uses, and is also considered to be an infill development. Staff notes that if approved, the proposed Dunkin' Donuts Restaurant will use infrastructure that is already in place. Furthermore, the proposed amendment is consistent **Policy FLU1.4.21**, which states that Orange County will encourage the use of vacant land in the USA for redevelopment to improve existing conditions on-site.

Compatibility

The proposed Future Land Use Map Amendment appears 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 trend in the area. As mentioned above, the subject parcel is located in an area characterized by a mix of institutional, industrial, commercial, office, and residential uses. The applicant's intent to develop the 0.63-acre infill parcel for restaurant use would not be out of character for this area. Properties used for industrial and retail purposes, such as Lapin Sheet Metal (warehouse building), RaceTrac Convenience Store, and Orlando Federal Credit Union Bank are located north and south of the subject site, along John Young Parkway, and are zoned I-2/I-3 and possess Industrial FLUM designations. Cox Plaza, a multi-tenant retail center, also located north of the site is designated Industrial and has a corresponding zoning of I-1/I-5. **Policy FLU8.2.11** notes that compatibility may

not necessarily be determined to be a land use that is identical to those uses that surround it. **Policy FLU8.2.11** also notes the physical integration of the property and the proposal's contribution to the goals and objectives of the Comprehensive Plan may be considered. The applicant's request involves the use of an existing site within the Urban Service Area which is consistent with the overall goal of the Comprehensive Plan to direct development to the Urban Service Area, and although it is not identical to adjacent residential uses, it is not out of character with the existing development pattern. Therefore, Staff recommends adoption of this requested amendment.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division. 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.

Utilities Division. The subject property lies within the Orlando Utilities Commission's (OUC's) potable water service area. Per Orange County Utilities (OCU), there is an 8-inch gravity main on Cathy Street and a 30-inch gravity main on John Young Parkway. Currently, there are no reclaimed water mains in the vicinity of the site.

Transportation Planning Division. 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 rates from the 9th Edition of the Institute of Transportation Engineers *Trip Generation Handbook*, it was determined that the maximum use of the property under its current INST future land use designation will generate 66 new p.m. peak hour trips, while the proposed 5,000 square feet restaurant use will generate 124 new p.m. peak hour trips, resulting in an increase of 58 trips in the p.m. peak period.

Based on the Concurrency Management System database dated 09-05-17, all roadways within a one mile radius of the project is currently operating at acceptable levels of service. This information is dated and subject to change.

In the short term or interim Year 2022, all roadways within the project impact area are projected to operate at acceptable levels of service, however, John Young Parkway from Oakridge Road to Americana Boulevard is projected to be deficient.

Based on LYNX's current bus schedule, transit service is available within a quarter mile walk distance along John Young Parkway and Americana Blvd.

The area is well served by an interconnected network of public sidewalks and the proposed development will connect to the existing sidewalk network.

There is a signed bicycle route/lane within the project impact area along John Young Parkway.

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.

3. Policy References

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).

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

FLU1.4.24 – Orange County shall not approve industrial uses that produce or emit noises, significant vibrations or noxious/hazardous wastes/fumes resulting in adverse impacts to adjacent residential uses, unless such impacts are mitigated.

FLU1.4.25 – Orange County may require appropriate design controls for each industrial district such as, but not limited to, building setbacks, lot size building coverage ratios, impervious surface limitations and landscaping provisions to ensure industrial districts are compatible with surrounding areas.

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.

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 project, 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. The CP shall specifically allow for such a balance of considerations to occur.

Site Visit Photos

Subject Site



North

South



East

West



Public Notification Map

2017-2-S-6-1
1500 FT BUFFER, 174 NOTICES

MAP LEGEND

- 1 MILE BUFFER
- SUBJECT
- 1500 FT BUFFER
- HYDROLOGY
- NOTIFIED PARCELS
- COURTESY NOTICES
- PARCELS

1 inch = 777 feet
Feet
0 1,200 2,400

1,500 feet plus
neighborhood and
homeowners'
associations within a
one-mile radius of the
subject site

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