



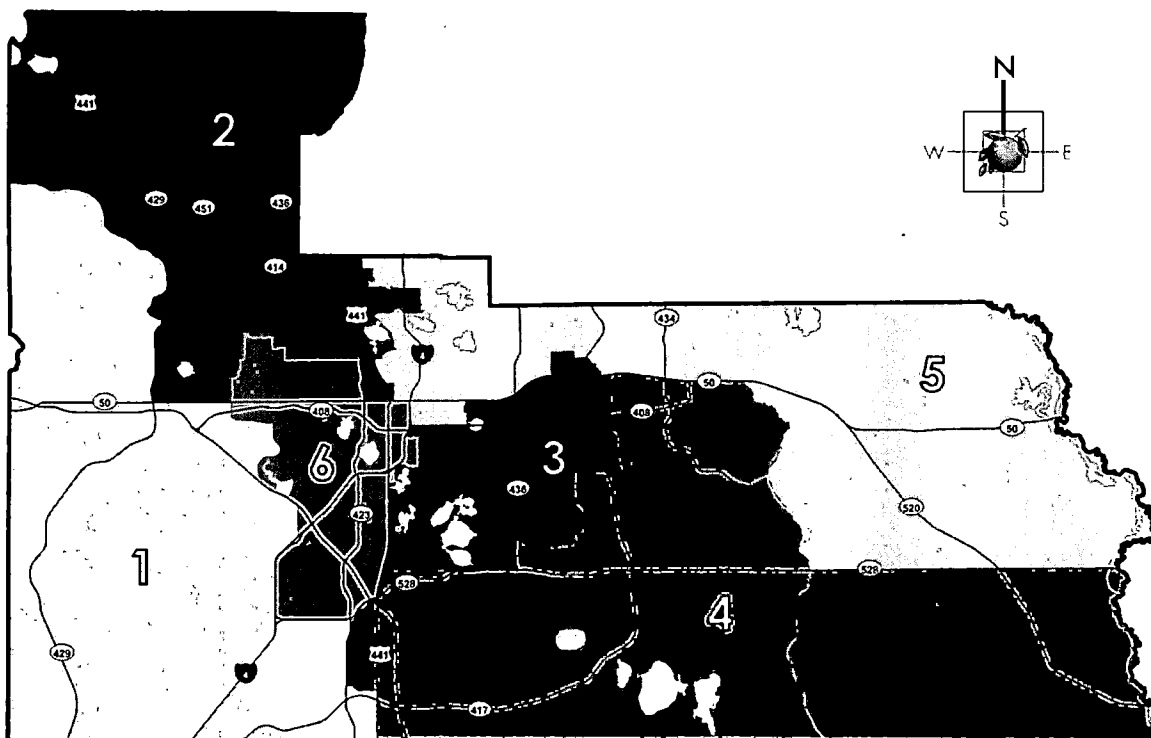
PLANNING AND ZONING COMMISSION

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LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS

DECEMBER 21, 2017



## **Planning and Zoning Commission / Local Planning Agency (PZC / LPA)**



James Dunn Vice-Chairperson	District #1
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William Gusler	District #2
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Tina Demostene	District #3
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Pat DiVecchio	District #4
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J. Gordon Spears	District #5
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JaJa J. Wade Chairperson	District #6
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Paul Wean	At Large
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Yog Melwani	At Large
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Jose Cantero	At Large
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**Planning and Zoning Commission**  
**December 21, 2017**

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**TABLE OF HEARINGS**  
**Planning and Zoning Commission**  
**December 21, 2017**

<b><u>Case #</u></b> <b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Commission</u></b> <b><u>District</u></b>	<b><u>Recommendations</u></b> <b><u>Staff</u></b>	<b><u>PZC</u></b>	<b><u>BCC Hearing</u></b> <b><u>Required</u></b>
<b>I. REZONING PUBLIC HEARINGS</b>					
RZ-17-10-041 James Johnston	<i>C-1 to C-2</i>	2	Approval with four (4) restrictions	Approval with four (4) restrictions	No
RZ-17-12-048 Eric Papalini	<i>A-1 to R-2</i>	6	Approval with one (1) restriction	Approval with one (1) restriction	No

# SITE and BUILDING REQUIREMENTS

## Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) <sup>m</sup>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <sup>a</sup>	Min. rear yard (ft.) <sup>a</sup>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre)	850	100	35	50	10	35	a
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (½ acre)	850	100	35	50	10	35	a
	Mobile Home - 2 acres							
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	a
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	a
R-CE-2	2 acres	1,200	250	45	50	30	35	a
R-CE-5	5 acres	1,200	185	50	50	45	35	a
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	a
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	a
R-1AA	10,000	1,200	85	25 h	30 h	7.5	35	a
R-1A	7,500	1,200	75	20 h	25 h	7.5	35	a
R-1	5,000	1,000	50	20 h	20 h	5 h	35	a
R-2	One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5 h	35	a
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 d	20 h	30	5 h	35	a
	Three DUs, 11,250	500 per DU	85 j	20 h	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 j	20 h	30	10 b	35	a
R-3	One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5	35	a
	Two DUs, 8,000/9,000	500/1,000 per DU	80/90 d	20 h	20 h	5 h	35	a
	Three dwelling units, 11,250	500 per DU	85 j	20 h	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 j	20 h	30	10 b	35	a
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	a
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	35	a
R-T-1								
SFR	4,500 c	1,000	45	25/20 k	25/20 k	5	35	a
Mobile home	4,500 c	Min. mobile home size 8 ft. x 35 ft.	45	25/20 k	25/20 k	5	35	a
R-T-2	6,000	SFR 500	60	25	25	6	35	a
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.						
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600	100	35	50	10	35	a
		Min. mobile home size 8 ft. x 35 ft.						

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80/90 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 11,250	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail <i>k</i>	<i>a</i>
	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	<i>a</i>
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	<i>a</i>

District	Min. lot area (sq. ft.) <sup>m</sup>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <sup>a</sup>	Min. rear yard (ft.) <sup>a</sup>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets <sup>f</sup>	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	<sup>a</sup>
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets <sup>g</sup>	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	<sup>a</sup>

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-4	35	10	25	50, or 35 within 100 ft. of any residential use or district

**NOTE:** These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

#### FOOTNOTES

<sup>a</sup>	Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
<sup>b</sup>	Side setback is 30 feet where adjacent to single-family district.
<sup>c</sup>	For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
<sup>d</sup>	For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that: (i) are either platted or lots of record existing prior to 3/3/97, and (ii) are 75 feet in width or greater, but are less than 90 feet, and (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
<sup>e</sup>	Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
<sup>f</sup>	Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
<sup>g</sup>	Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
<sup>h</sup>	For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
<sup>j</sup>	Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
<sup>k</sup>	Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
<sup>m</sup>	Based on gross square feet.

***These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.***

# BUFFER YARD REQUIREMENTS

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## Orange County Code Section 24-5.

Buffer yards prescribed are intended to reduce, both visually and physically, any negative impacts associated with abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

### (a) *Buffer classifications:*

- (1) **Type A, opaque buffer:** This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
- (2) **Type B, opaque buffer:** This buffer classification shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (general and light) (I-2/I-3 and I-1/I-5) uses from all residential uses. 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 twenty-five (25) feet wide. The type B 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 four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (3) **Type C, opaque buffer.** This buffer classification shall be used to separate neighborhood retail commercial (C-1) and industrial-restricted (I-1A) from all residential uses. 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) **Type D, opaque buffer:** This buffer classification shall be used to separate professional office (P-O) uses from all residential uses. 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 ten (10) feet wide. The type D 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.
- (5) **Type E, mobile home and RV park buffer:** This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.
- (6) **Type F, residential subdivision buffer:** See subdivision regulations (Chapter 34, Orange County Code).

***These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.***



**CASE # RZ-17-10-041**

Commission District: # 2

**GENERAL INFORMATION**

<b>APPLICANT</b>	James Johnston, Shutts & Bowen, LLP
<b>OWNER</b>	Orlando Executive Park, LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>C-1</b> (Retail Commercial District) <b>to</b> <b>C-2</b> (General Commercial District)
<b>LOCATION</b>	5405-5421 Diplomat Circle; or generally on the east side of Diplomat Circle and the west side of Interstate 4, approximately 750 feet north of Lee Road
<b>PARCEL ID NUMBERS</b>	02-22-29-6304-02-000, 02-22-29-6304-03-000, and 02-22-29-6304-04-000
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing extended beyond 700 feet [ <i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i> ]. One hundred forty-eight (148) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>TRACT SIZE</b>	5.42 gross acres
<b>PROPOSED USE</b>	Automobile Dealership with Ancillary Uses

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning, subject to the following restrictions:**

- 1) New billboards and pole signs shall be prohibited;
- 2) There shall be no open service bay doors facing toward the west property line;
- 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-2 uses; and
- 4) The subject property shall be limited to C-1 (Retail Commercial District) uses, as well as the C-2 (General Commercial District) use of automobile sales with ancillary automobile repair. All other C-2 uses shall be prohibited.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The C-2 (General Commercial District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

### **Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The C-2 (General Commercial District) zoning is consistent with the Commercial FLUM designation and the following applicable CP provisions:

**FLU1.4.1** states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

**FLU1.4.2** states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.2.1** states that land use changes shall be required to be compatible with 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.

**FLU8.2.11** 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, 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.

**GOAL OS1** states that it is a goal of Orange County to protect and preserve valuable open space resources.

**OBJ OS1.3** states that Orange County shall protect the Wekiva Springshed and its natural resources by maximizing preserved open space within the Wekiva Study Area.

**OS1.3.6** states that within the Urban Service Area in the Wekiva Study Area, new non-residential land uses shall provide a minimum of 25% permanently protected open space.

**SITE DATA**

<b>Existing Use</b>	Office Park
<b>Adjacent Zoning</b>	N: I-1 (Light Industrial) ( <i>Town of Eatonville</i> ) E: C-3 (Wholesale Commercial District) (2009) C-3 (Commercial District) ( <i>Town of Eatonville</i> ) C-3 (Commercial District) ( <i>City of Winter Park</i> ) W: C-1 (Retail Commercial District) (1959) S: C-2 (General Commercial District) (2002)
<b>Adjacent Land Uses</b>	N: Light Manufacturing, Surface Parking, Undeveloped Industrial E: TV Broadcasting, Automobile Dealership W: Parking Lot, Future Diplomat Drive Extension S: Home Improvement Store ( <i>Home Depot</i> )

**C-2 (GENERAL COMMERCIAL DISTRICT) DEVELOPMENT STANDARDS\***

Min. Lot Area:	8,000 sq. ft.
Min. Lot Width:	100 ft. (on major streets, see Article XV) 80 ft. (on all other streets)
Max. Height:	50 ft. (35 ft. within 100 ft. of all residential districts)
Min. Floor Area:	500 sq. ft.
Building Setbacks:	
Front:	25 ft.
Rear:	15 ft. (20 ft. when abutting residential)
Side:	5 ft. (25 ft. when abutting residential)

\* 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 intent and purpose of the C-2 zoning district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district is encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood, yet not adjacent to residential uses. This district typically occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district is only promoted within the urban service area where uses of this intensity have already been established.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code and include new and used automobile sales; car rental and leasing; auto painting and body shops; special trade contractors' offices (storage,

equipment yards, and offices with outdoor storage); automobile parking lots and parking garages; outdoor storage and display of equipment, products, and merchandise; landscaping and irrigation businesses; commercial kennels; caterers; etc.

## **SPECIAL INFORMATION**

### **Subject Property Analysis**

The subject property is located at 5405-5421 Diplomat Circle; or generally on the east side of Diplomat Circle and the west side of Interstate 4, approximately 750 feet north of Lee Road.

The subject area was developed with an office park (Orlando Executive Park) in the 1970's which is now today comprised of three (3) office buildings with a gross area of 142,284 square feet. Also, there is one billboard on site that is permitted through Orange County (Tag #OCG10338) that is not being proposed to be removed.

Through this request, the applicant is seeking to rezone the subject property from C-1 (Retail Commercial District) to C-2 (General Commercial District) in order to redevelop the office park site with a new automobile dealership with associated ancillary uses. The applicant, in order to increase compatibility with the existing residential neighborhood to the west, is self-imposing a restriction ensuring there are no service bay doors associated with the automobile dealership that face the west property line, towards the residential subdivision.

Additionally, buffering will be provided along the western property line of the subject property by two tracts adjacent to, but separate from, this request: a platted landscaping tract adjacent to the residential subdivision to the west and a platted right-of-way tract to be used for the connection of Lake Destiny Drive to Diplomat Circle. Though the right-of-way tract can today be used for employee and visitor parking according to a developer's agreement, once the right-of-way is developed, additional landscaping will be required along the subject property boundary. This landscaping will not only provide screening of the business from the right-of-way, but will also provide increased buffering from the residential subdivision to the west.

### **Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Commercial (C) Future Land Use Map (FLUM) designation.

### **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.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a Joint Planning Area, but is adjacent to the Town of Eatonville. The town has been notified, but has not provided any comments as of the publication of this report.

**Overlay District Ordinance**

The subject property is located within the Wekiva Study Area. The developer will be required to provide a minimum of 25% permanently protected open space per Orange County Comprehensive Plan Policy OS1.3.6.

**Airport Noise Zone**

The subject property is not located within an airport noise zone.

**Environmental**

In the event that any existing structures will be removed, the developer shall provide Orange County Environmental Protection Division (EPD) with a Notice of Asbestos Renovation or Demolition form.

The applicant shall 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. This may require periodic street sweeping.

There are nearby residential areas. 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 Orange County Code Section 15-89.1.

Construction Noise to Abutting Property is limited by Orange County Code Chapter 15 Environmental Control, Article V Noise Pollution Control, Section 15-185 Exemptions that allows for construction or demolition activities between 7:00 am and 10:00 pm. Any construction after 10:00 PM and prior to 7:00 AM needs to comply with the requirements of the ordinance. In addition, dewatering pumps shall be shielded from exposure to the adjacent residential units and located as far away as possible to minimize adverse noise level impacts.

This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations may apply. Changes to regulations include, but are not limited to: septic tank criteria, open space requirements, and stormwater treatment.

All development will be required to treat the required volume of runoff in accordance with section 30-277(c) for pollution abatement purposes. Orange County Code Chapter 30 Planning and Development, Article VIII Site Development, Division 2 Stormwater Standards, 30-277 General Design Standards and 30-278 Disposition of runoff.

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 solid waste and hazardous waste regulations.

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Florida Department of Environmental Protection.

**Transportation / Access**

This project is located within the Orange County Alternative Mobility Area and is exempt from concurrency requirements. However, the applicant will be required to submit a concurrency application to address existing mobility strategies. A Mobility Analysis may be required prior to development approval.

**Code Enforcement**

There are no active Code Enforcement violations on the subject property.

**Water / Wastewater / Reclaim**

	<u>Existing service or provider</u>
Water:	City of Winter Park
Wastewater:	City of Winter Park
Reclaim Water:	City of Winter Park

**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.

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (December 21, 2017)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning, subject to the following restrictions:**

- 1) New billboards and pole signs shall be prohibited;
- 2) There shall be no open service bay doors facing toward the west property line;
- 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-2 uses; and
- 4) The subject property shall be limited to C-1 (Retail Commercial District) uses, as well as the C-2 (General Commercial District) use of automobile sales with ancillary automobile repair. All other C-2 uses shall be prohibited.

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested C-2 (General Commercial District) zoning, subject to four (4) restrictions.

Staff indicated that one hundred forty-eight (148) notices were mailed to surrounding property owners within a buffer extending beyond 700 feet from the subject property, with zero (0) commentaries received in support or in opposition to the request. The applicant was present and agreed with the staff recommendation of approval. There were no members of the public present to speak about this request.

Following limited discussion, a motion was made by Commissioner Gusler to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the C-2 (General Commercial District) zoning district, subject to four (4) restrictions. Commissioner Cantero seconded the motion, which was then carried on a 9-0 vote.

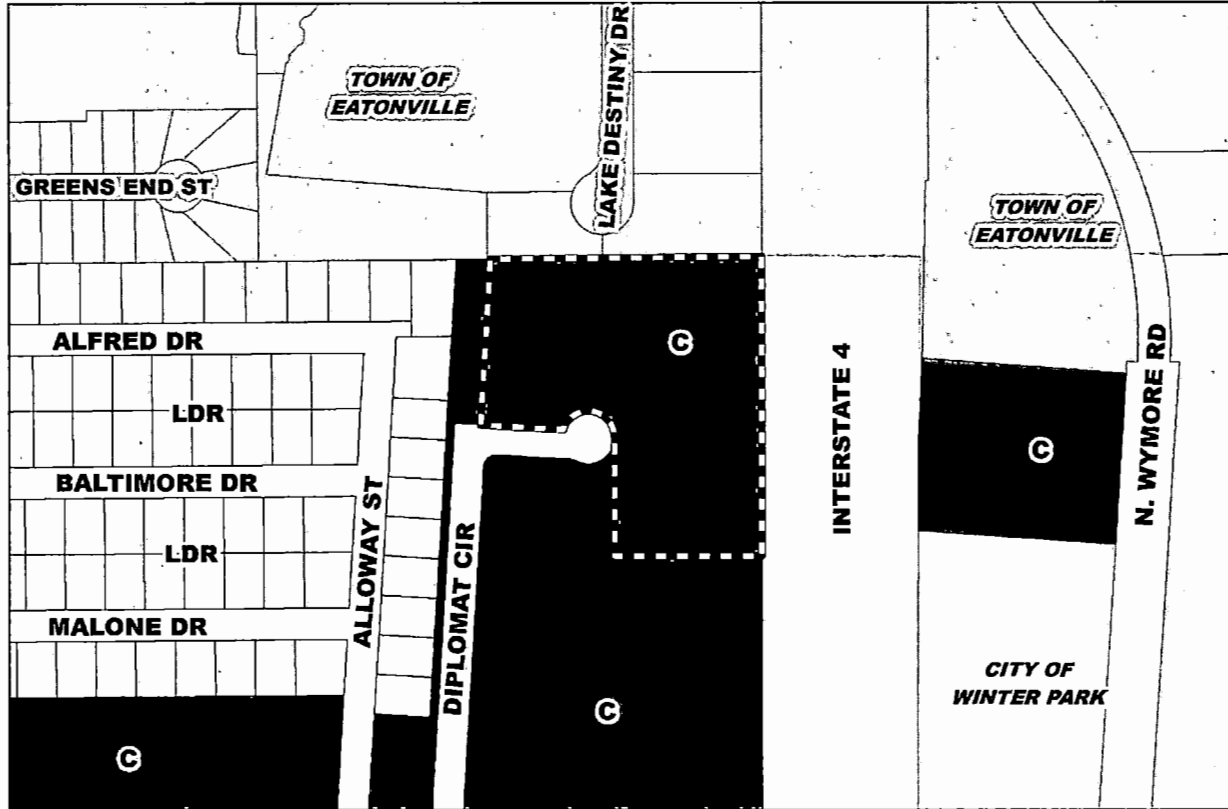
**Motion / Second**

*William Gusler / Jose Cantero*

**Voting in Favor**

*William Gusler, Jose Cantero, James Dunn, Yog Melwani, Pat DiVecchio, Tina Demostene, Gordon Spears, Paul Wean, and JaJa Wade*

RZ-17-10-041



Subject Property



Subject Property

### Future Land Use Map

FLUM: Commercial (C)

APPLICANT: James Johnston, Shutts & Bowen, LLP

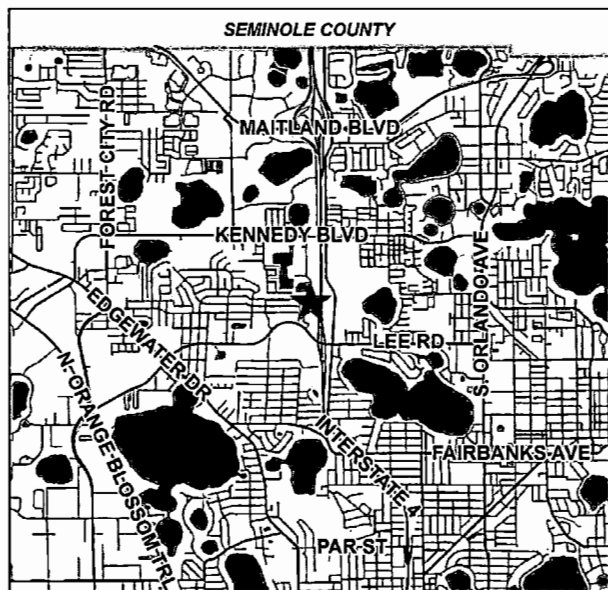
LOCATION: 5405-5421 Diplomat Circle; or generally on the east side of Diplomat Circle and the west side of Interstate 4, approximately 750 feet north of Lee Road

TRACT SIZE: 5.42 gross acres

DISTRICT: # 2

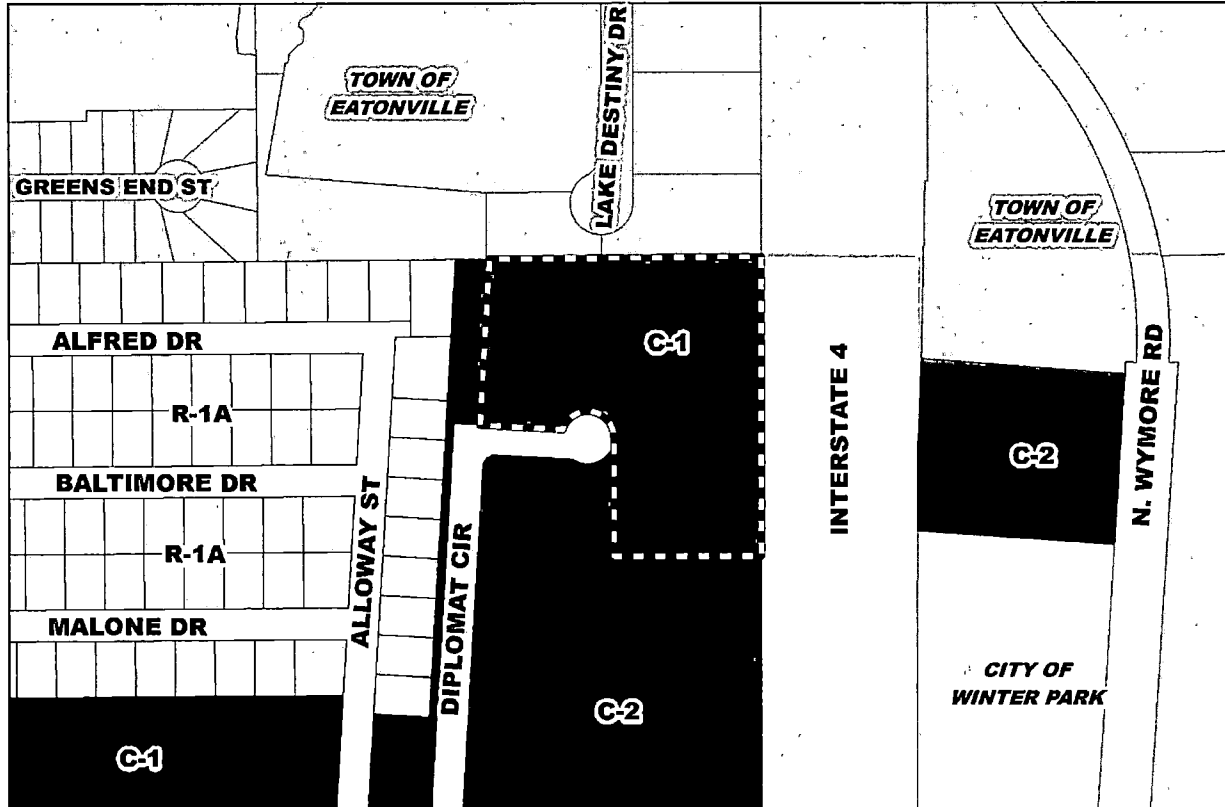
S/T/R: 02/22/29

1 inch = 300 feet





RZ-17-10-041



Subject Property



Subject Property

### Zoning Map

**ZONING:** C-1 (Retail Commercial District) to  
 C-2 (General Commercial District)

**APPLICANT:** James Johnston, Shutts & Bowen, LLP

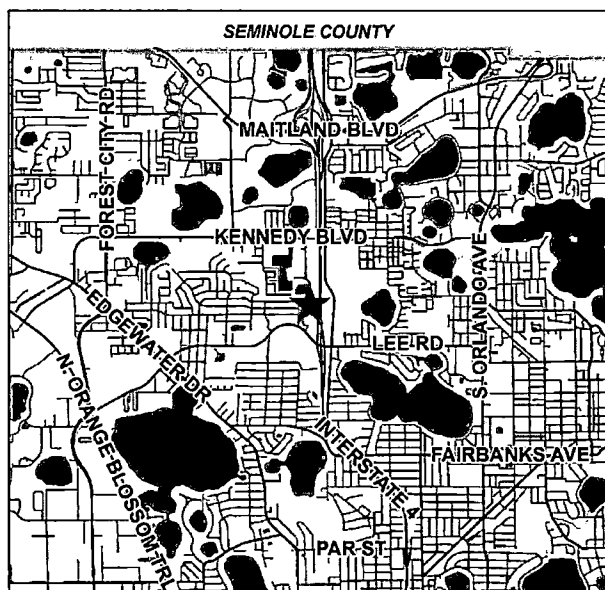
**LOCATION:** 5405-5421 Diplomat Circle; or generally on  
 the east side of Diplomat Circle and the  
 west side of Interstate 4, approximately  
 750 feet north of Lee Road

**TRACT SIZE:** 5.42 gross acres

**DISTRICT:** # 2

**S/T/R:** 02/22/29

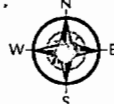
1 inch = 300 feet



RZ-17-10-041

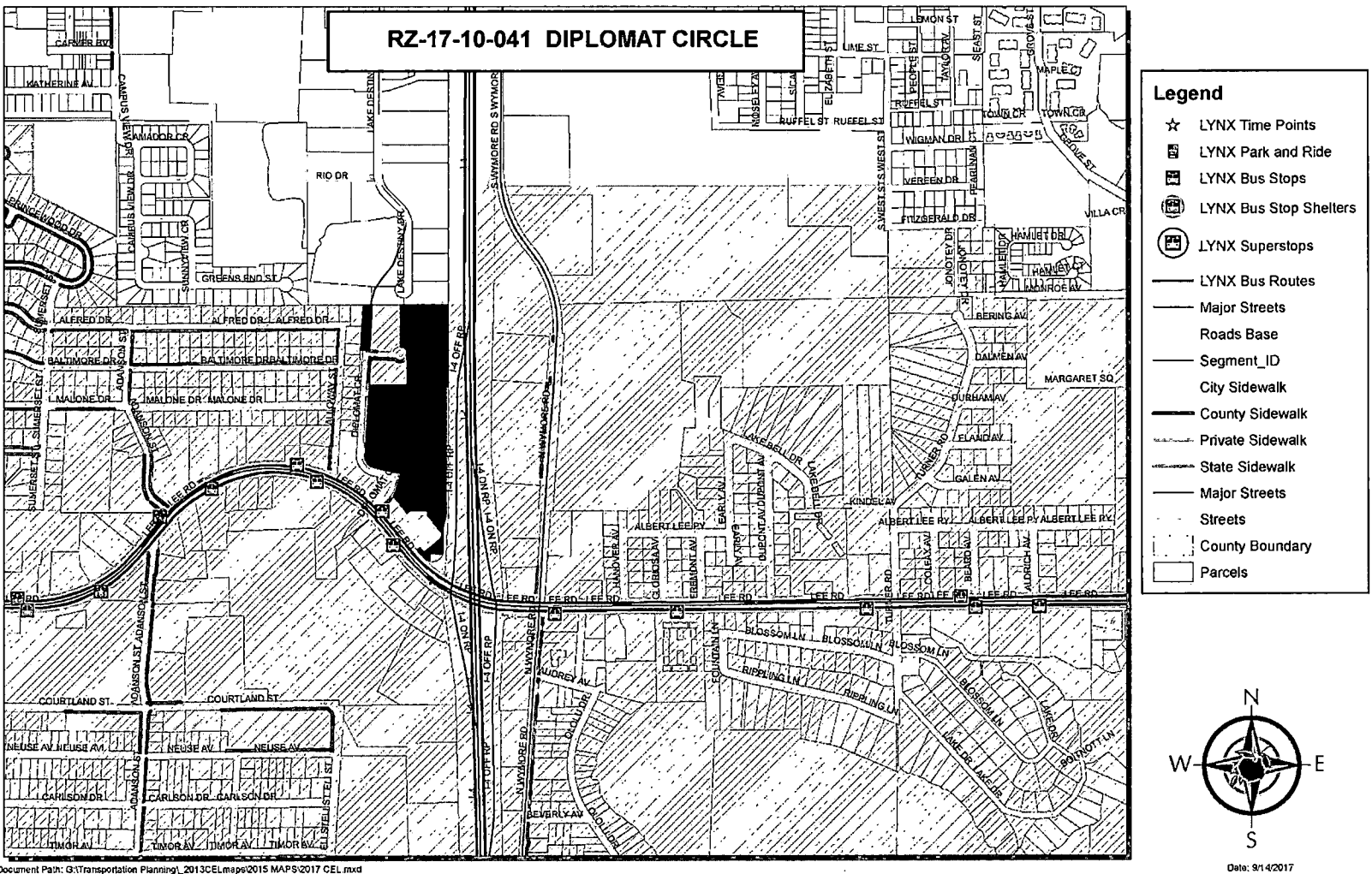


 Subject Property



1 inch = 200 feet

## Alternative Mobility Area (AMA) Context Map

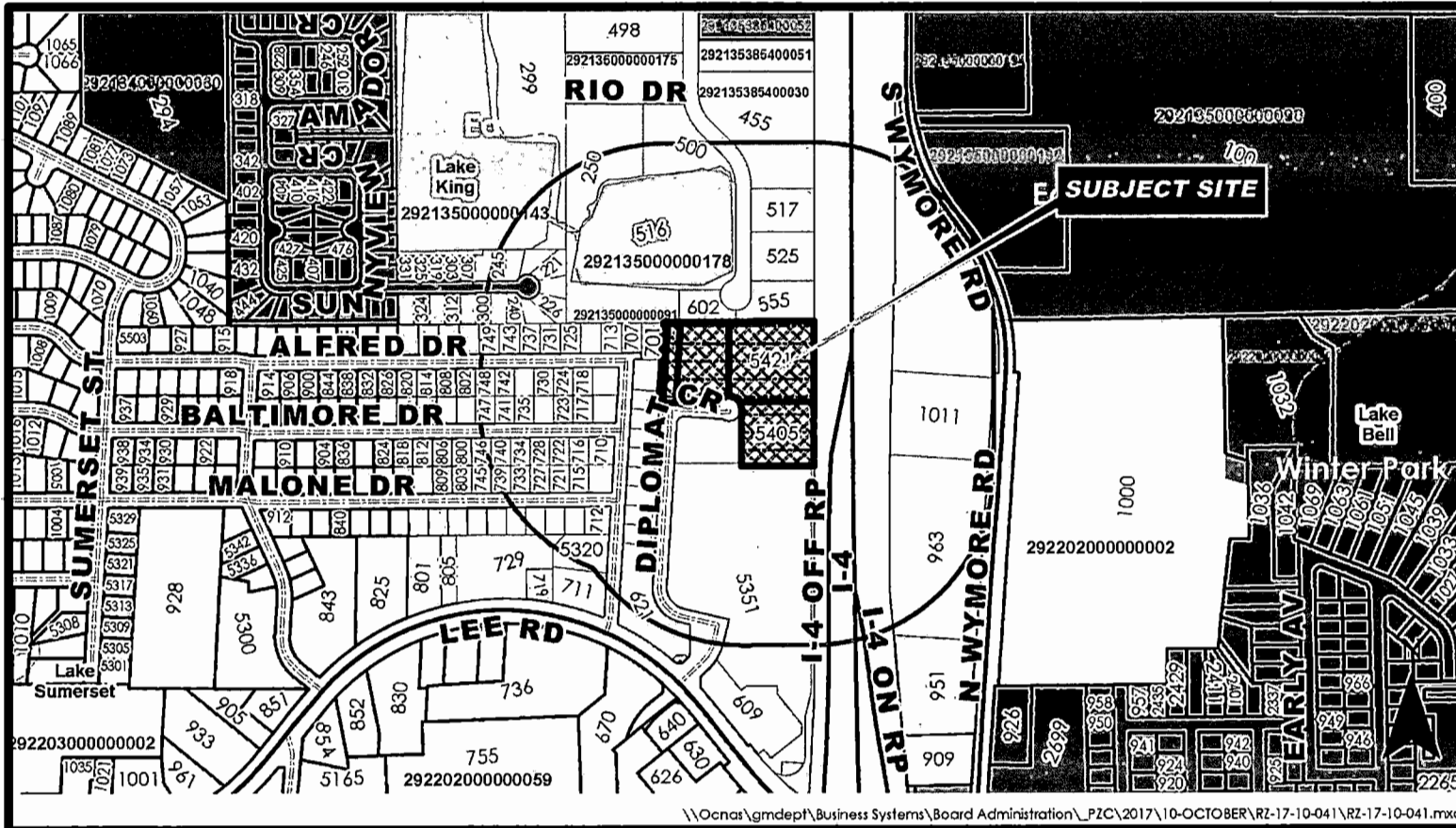




# Public Notification Map

RZ-17-10-041

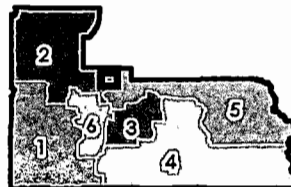
700 FT BUFFER, 148 NOTICES



\\Ocnas\gmdept\Business Systems\Board Administration\PZC\2017\10-OCTOBER\RZ-17-10-041\RZ-17-10-041.mxd

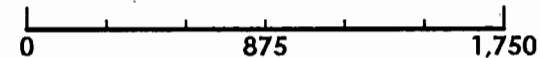
## MAP LEGEND

	SUBJECT		PARCELS selection
	700 FT BUFFER		PARCELS
	HYDROLOGY		
	NOTIFIED PARCELS		



1 inch = 556 feet

Feet



## Notification Map

Orange County Planning Division  
PZC Hearing Date: December 21, 2017

Case # RZ-17-10-041

**CASE # RZ-17-12-048**

Commission District: #6

**GENERAL INFORMATION**

<b>APPLICANT</b>	Eric Papalini
<b>OWNERS</b>	Eric Papalini
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>A-1 (Citrus Rural District) to R-2 (Residential District)</b>
<b>LOCATION</b>	803 Pahoa Street; or generally on the east side of Pahoa Street, approximately 200 feet north of W. Colonial Drive and 500 feet east of Good Homes Road
<b>PARCEL ID NUMBER</b>	22-22-28-8932-04-030
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing extended beyond 900 feet [ <i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i> ]. One hundred ninety-four (194) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>TRACT SIZE</b>	1.05 gross acre
<b>PROPOSED USE</b>	Four (4) single family detached residential dwelling units

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning, subject to the following restriction:**

- 1) Development shall be limited to four (4) single-family detached residential dwelling units.

**IMPACT ANALYSIS**

**Land Use Compatibility**

The R-2 (Residential District) zoning would allow for development that is compatible with the adjacent residential neighborhood and would not adversely impact adjacent properties.

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Medium Density Residential (MDR) which allows consideration of up to twenty (20) residential dwelling units per developable acre. The requested R-2 (Residential District) zoning is consistent with the "MDR" FLUM designation and with the following Comprehensive Plan provisions:

**FLU1.4.1** states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

**GOAL FLU2** 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.

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.2.1** states that land use changes shall be required to be compatible with 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.

**FLU8.2.11** 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, 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.

**FLU8.2.2** states that continuous stretches of similar housing types and density of uses shall be avoided. A diverse mix of uses and housing types shall be promoted.

**Objective H1.1** states that the County will support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

**SITE DATA**

**Existing Use**                      Single-Family Dwelling

**Adjacent Zoning**                N:    A-1 (Citrus Rural District) (1957)

	E:	A-1 (Citrus Rural District) (1957)
	W:	PD (Planned Development District) (Centennial American Properties PD (1995)
	S:	A-1 (Citrus Rural District) (1957)
<b>Adjacent Land Uses</b>	N:	Single Family Residential
	E:	Lake Sherwood
	W:	Shopping Center
	S:	Vacant Residential

**R-2 (Residential District) Development Standards**

**One-Family Dwelling**

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Living Area:	1,000 sq. ft.
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.
<i>Side Street:</i>	15 ft.

**Two Dwelling Units**

Min. Lot Area:	8,000 sq. ft. / 9,000 sq. ft.
Min. Lot Width:	80 ft. / 90 ft.
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. / 1,000 sq. ft.
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.
<i>Side Street:</i>	15 ft.

**Three Dwelling Units**

Min. Lot Area:	11,250 sq. ft.
Min. Lot Width:	85 ft. (attached units only)
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.

Side: 10 ft.  
Side Street: 15 ft.

**Four or More Dwelling Units**

Min. Lot Area: 15,000 sq. ft.  
Min. Lot Width: 85 ft.  
  
Max. Height: 35 ft.  
Min. Living Area: 500 sq. ft. per dwelling unit  
Building Setbacks:  
    Front: 20 ft.  
    Rear: 30 ft.  
    Side: 10 ft. (30 ft. where adjacent to single-family)  
    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 R-2 (Residential District) zoning district is composed of lands and structures used primarily for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building and associated residential uses.

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**

**Subject Property Analysis**

The subject property is located at 803 Pahoa Street; or generally on the east side of Pahoa Street, approximately 200 feet north of W. Colonial Drive and 500 feet east of Good Homes Road. The property is currently developed with one (1) single-family detached residential dwelling unit that was constructed in 1976.

The subject parcel was originally platted as three 50' x 210' lots, a platted park, and the south half of a vacated 70' right-of-way (Ukulele Avenue) within the Waikiki Beach subdivision. The plat for the Waikiki Subdivision was recorded on September 14, 1923. Today, the subdivision can be characterized as having a mixture of single-family detached residential dwelling units, with commercial development along the Good Homes Road corridor.

Through this request, the applicant is seeking to rezone the subject parcel from A-1 (Citrus Rural District) to R-2 (Residential District), and with the intent to develop four (4) single-family detached residential dwellings.

**Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Medium Density Residential (MDR) Future Land Use Map (FLUM) designation.



**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.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a Joint Planning Area.

**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.

**Environmental**

This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations apply. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Objective FLU6.6 Wekiva, and the related policies.

The applicant clearly indicate and label the flood zone line and the Normal High Water Elevation (NHWE) of Lake Sherwood in all development plans and permit applications, as established in the Lake Index of Orange County.

Pollution abatement swales shall be provided upland of streams, canals and lakes, per Orange County Code 34-132(c)(2). Areas that drain away from lakes do not require a swale. Show the location of swales in all development plans and permit applications, and include a "typical" cross section. The swale shall be labeled on the plans and included on the plat in a pollution abatement easement.

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 must notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment. The applicant must also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH, including any applicable exemption criteria.

Prior to demolition or construction activities associated with existing structures, the

applicant is required to provide the Orange County Environmental Protection Division (EPD) with a Notice of Asbestos Renovation or Demolition form.

This property is located within a Florida Department of Environmental Protection (FDEP) delineated zone of groundwater contamination by ethylene dibromide (EDB, a soil fumigant). Any new water wells will require special permitting per Florida Administrative Code FAC 62-524.

Prior to commencement of any earth work 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 by the developer.

**Transportation / Access**

Based on the 10th Edition of ITE, the proposed request to develop 4 single family dwelling homes will generate 4 P.M. peak hour trips. Based on the concurrency management system database dated November 14, 2017, there is one failing roadway segment within the project impact area: Good Homes Road from White Road to Colonial Drive is currently operating at level of service F and there is no available capacity on this roadway segment. However, the trip generation of the proposed project does not exceed one (1) percent of the maximum volume at the adopted Level of Service on affected transportation facility. No further transportation analysis is required.

**Code Enforcement**

There are no active Code Enforcement violations on the subject property.

**Water / Wastewater / Reclaim**

Water:	<u>Existing service or provider</u> Orange County Utilities	18-inch watermain located in the W. Colonial Drive right-of-way, and 8-inch watermain located in the Abha Avenue right-of-way.
Wastewater:	Orange County Utilities	8-inch gravity main located in the Pahoia Street right-of-way.
Reclaim Water:	Orange County Utilities	Not currently available.

**Schools**

Orange County Public Schools (OCPS) considers the impact to affected public schools be "de minimus"; therefore a Capacity Enhancement Agreement (CEA) is not required.

**Parks and Recreation**

Orange County Parks and Recreation did not identify any issues related to this request.

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

### **ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (December 21, 2017)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning, subject to the following restriction:**

- 1) Development shall be limited to four (4) single-family detached residential dwelling units.

### **PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested R-2 (Residential District) zoning, subject to one (1) restriction.

Staff indicated that one hundred ninety-four (194) notices were mailed to surrounding property owners within a buffer extending beyond 900 feet from the subject property, with five (5) commentaries and a twenty-six (26) signature petition received in opposition of the request and zero (0) in support. The applicant was present and agreed with the staff recommendation of approval. There was one (1) member of the public present to speak about this request.

Following limited discussion, a motion was made by Commissioner DiVecchio to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the R-2 (Residential District) zoning district, subject to one (1) restriction. Commissioner Melwani seconded the motion, which was then carried on a 9-0 vote.

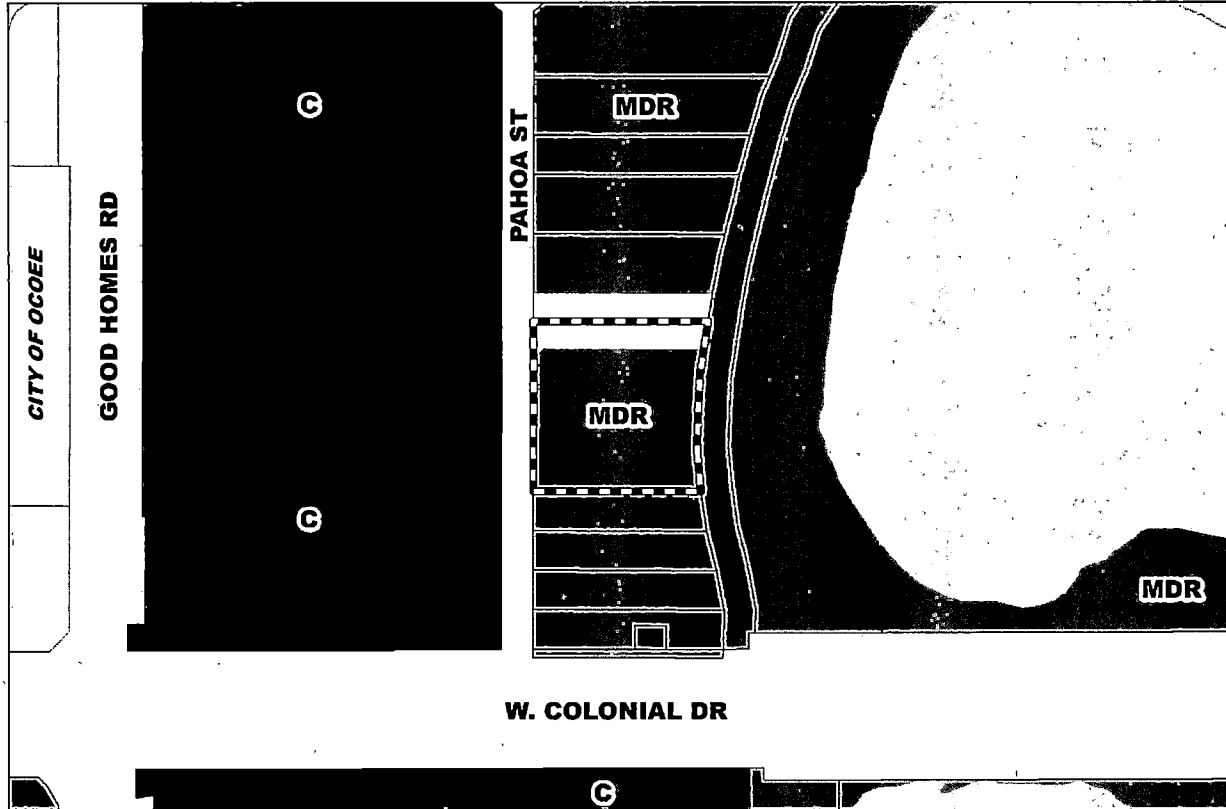
**Motion / Second**

*Pat DiVecchio / Yog Melwani*

**Voting in Favor**

*Pat DiVecchio, Yog Melwani, William Gusler, Tina Demostene, Gordon Spears, Paul Wean, Jose Cantero, James Dunn, and JaJa Wade*

RZ-17-12-048



Subject Property



Subject Property

### Future Land Use Map

FLUM: Medium Density Residential (MDR)

APPLICANT: Eric Papalini

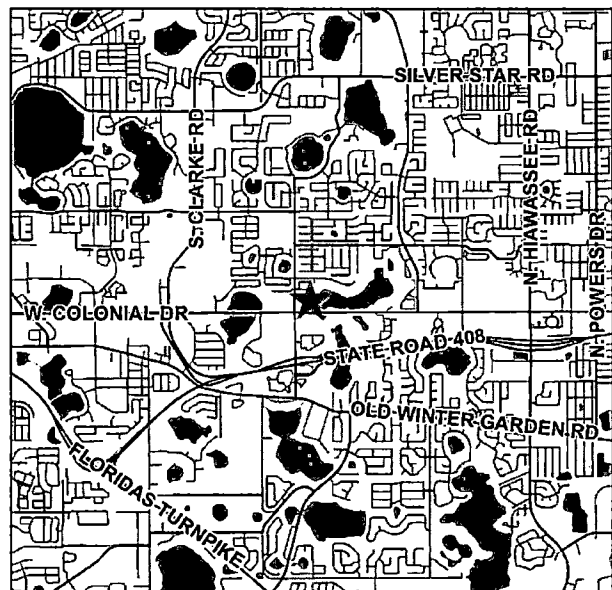
LOCATION: 803 Pahoa Street; or generally on the east side of Pahoa Street, approximately 200 feet north of W. Colonial Drive and 500 feet east of Good Homes Road

TRACT SIZE: 1.05 gross acres

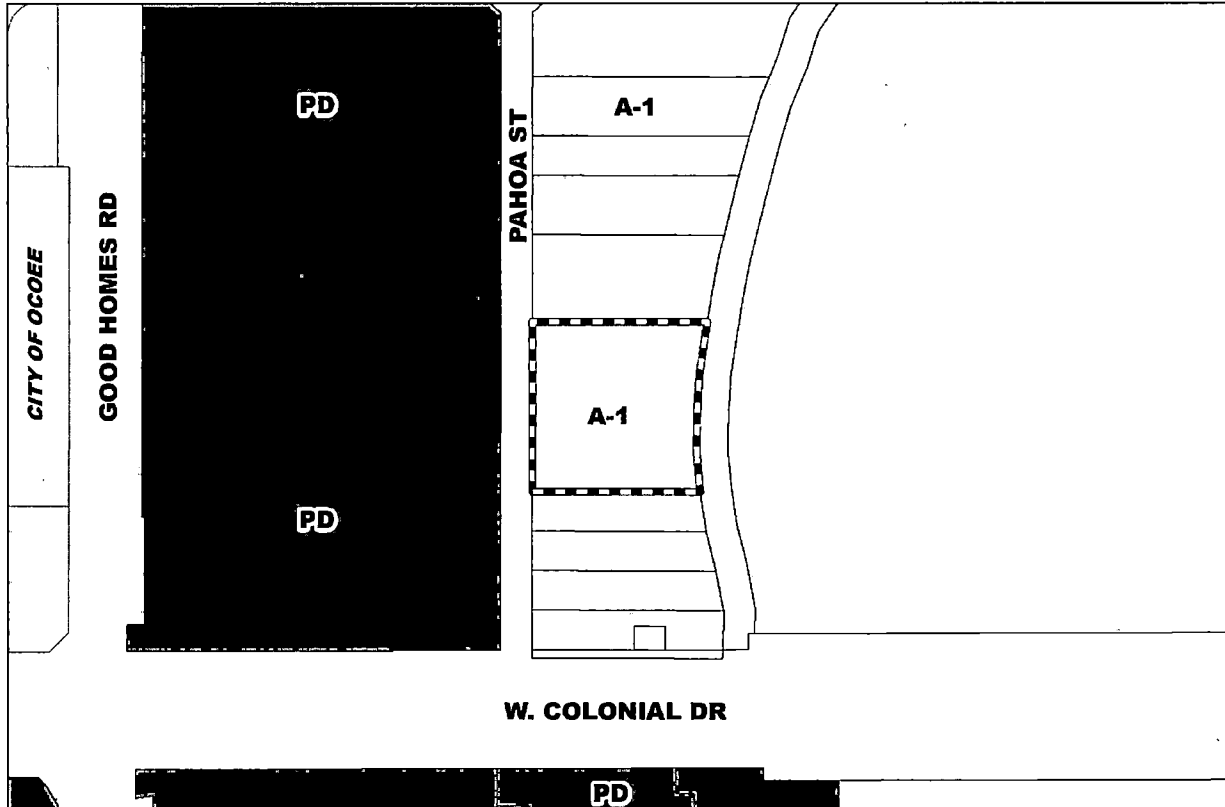
DISTRICT: # 6

S/T/R: 22/22/28

1 inch = 200 feet



RZ-17-12-048



 Subject Property



★ Subject Property

### Zoning Map

**ZONING:** A-1 (Citrus Rural District) to  
 R-2 (Residential District)

**APPLICANT:** Eric Papalini

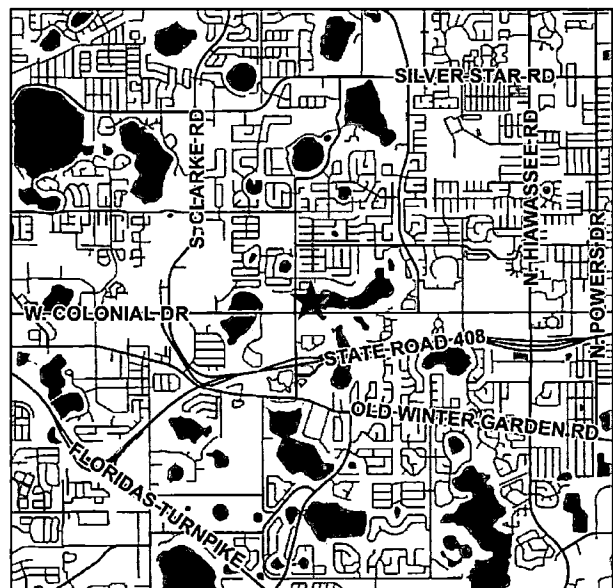
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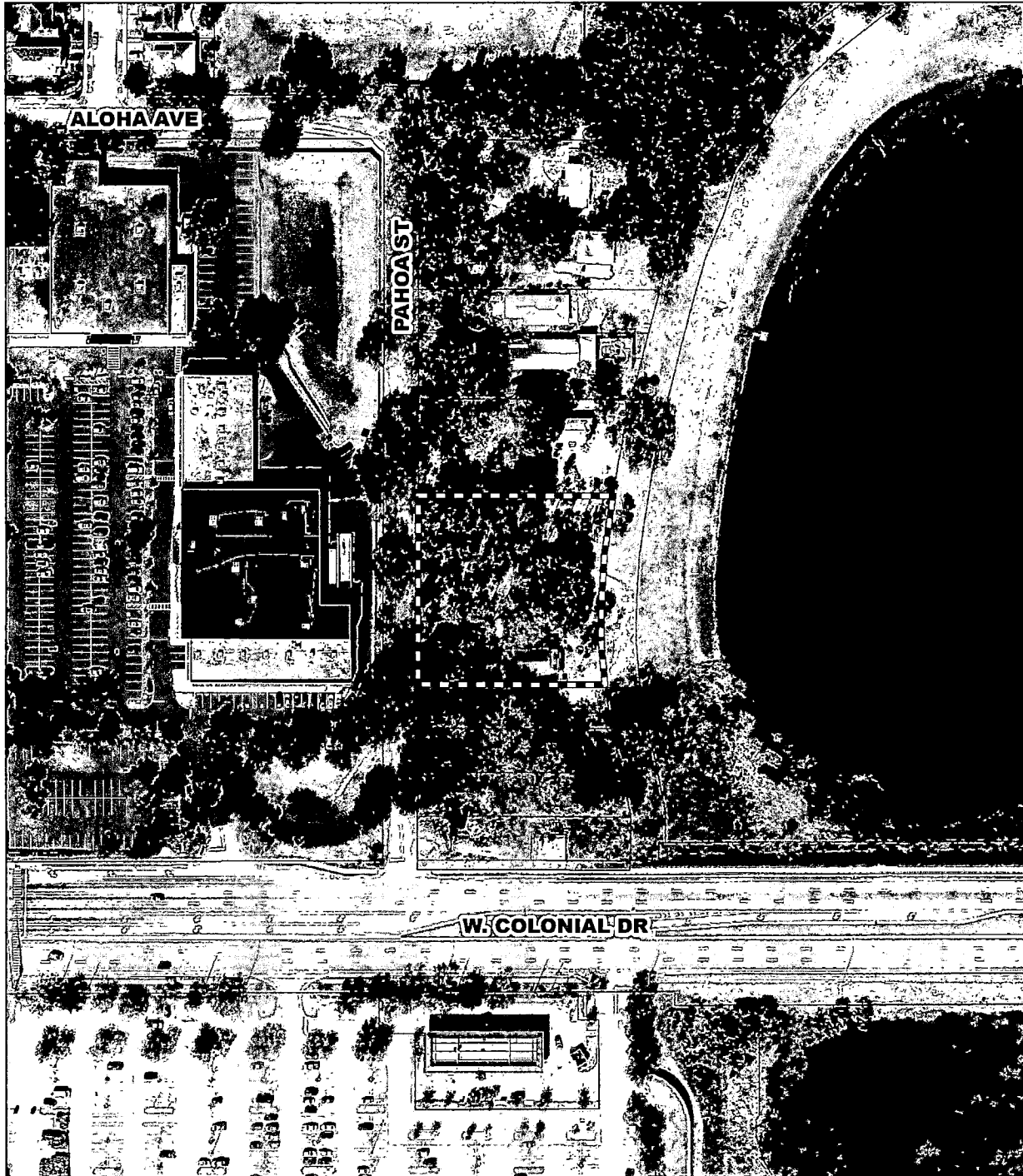
**DISTRICT:** # 6

**S/T/R:** 22/22/28

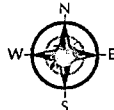
1 inch = 200 feet



RZ-17-12-048



 Subject Property



1 inch = 150 feet



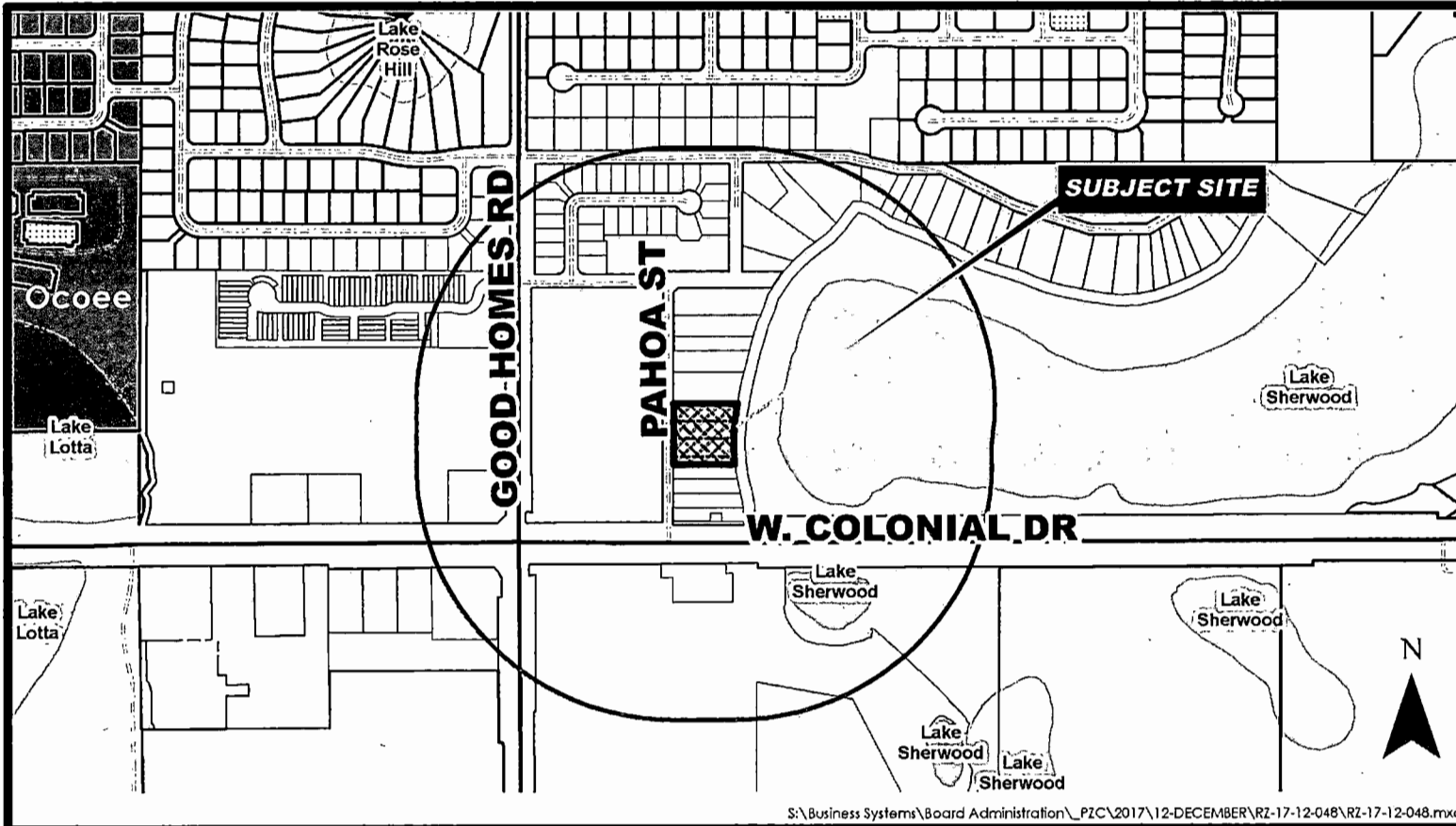
# Public Notification Map

RZ-17-12-048

900 FT BUFFER, 194 NOTICES

## Notification Map

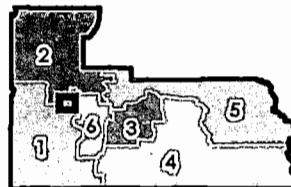
Case # RZ-17-12-048  
Orange County Planning Division  
PZC Hearing Date: December 21, 2017



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### MAP LEGEND

	SUBJECT		COURTESY_NOTICES
	900_FT_BUFFER		PARCELS
	HYDROLOGY		
	NOTIFIED_PARCELS		



1 inch = 500 feet

Feet

