



Interoffice Memorandum

DATE: October 16, 2018

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: Eric Raasch, Interim DRC Chairman
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: November 13, 2018 – Public Hearing
Planning and Zoning Commission Appeal
Appellant: Paul S. Pabla and Daljit L. Pabla
Applicant: Paul S. Pabla and Daljit L. Pabla
Case # RZ-18-09-045 / District 3

This request is an appeal of the September 20, 2018, Planning and Zoning Commission (PZC) decision to recommend denial of the aforementioned rezoning application.

The applicant is seeking to rezone 0.26 acres of property located at 4925 S. Orange Blossom Trail, from C-1 (Retail Commercial District) to C-2 (General Commercial District), in order to operate an automobile sales use on the subject property. A community meeting was not required for this request.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning. District 3

Attachments
JVW/JS/stt

Case # RZ-18-09-045

Commission District: # 3

GENERAL INFORMATION

APPLICANT	Paul S. Pabla and Daljit L. Pabla
APPELLANT	Paul S. Pabla and Daljit L. Pabla
OWNERS	Paul S. Pabla and Daljit L. Pabla
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-1 (Retail Commercial District) to C-2 (General Commercial District)
LOCATION	4925 S. Orange Blossom Trail; or generally located on the east side of S. Orange Blossom Trail, approximately 1,600 feet south of Holden Avenue.
PARCEL ID NUMBER(S)	15-23-29-0000-00-027
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred sixty-one (261) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.26-gross acre
PROPOSED USE	Automobile Sales

STAFF RECOMMENDATION

PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning.

IMPACT ANALYSIS

Land Use Compatibility

The C-2 (General Commercial District) zoning would allow for development that is incompatible with the character of the surrounding area and may impact adjacent properties.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject properties is Commercial (C). While the requested C-2 (General Commercial District) zoning is consistent with the "C" FLUM designation, it is inconsistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that land use changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

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.

OBJ N1.1 states that future land use changes are shall be compatible with or do not adversely impact existing or proposed neighborhoods.

SITE DATA

Existing Use	Unused Commercial (Previously an Unpermitted Restaurant and Lounge)
Adjacent Zoning	N: C-1 (Retail Commercial District) (<i>City of Edgewood</i>)
	E: C-1 (Retail Commercial District) (<i>City of Edgewood</i>)
	W: C-1 (Retail Commercial District) (1957)

S: C-2 (General Commercial District) (1988)

Adjacent Land Uses N: Undeveloped Commercial
E: Undeveloped Commercial
W: Restaurant, Retail and Tire Sales and Installation
S: Strip Retail Center

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:	
<i>Front:</i>	25 ft.
<i>Rear:</i>	15 ft. (20 ft. when abutting residential)
<i>Side:</i>	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 4925 S. Orange Blossom Trail; or generally located on the east side of S. Orange Blossom Trail, approximately 1,600 feet south of Holden Avenue.

Through this request, the applicant is seeking to rezone the subject property from C-1 (Retail Commercial District) to C-2 (General Commercial District) for the development of an automobile sales use. The property is currently developed with a 1,866 square feet warehouse building that was used for a restaurant and lounge without a use permit, which resulted in a code enforcement violation that is further described in a subsequent section of this report.

This particular segment of Orange Blossom Trail can be described as a commercial corridor with varying intensities of commercial development. The adjacent property to north is located within the City of Edgewood and has a Commercial (C) Future Land Use Map designation. The adjacent property to the east is also in the City, but has a Medium Density Residential (MDR) Future Land Use Map designation.

Due to the extent of commercial activities permitted in the C-2 zoning district and their potentially adverse impacts to residential properties, Orange County Code Section 38-851 states that the district "should not be located next to residential zoning districts". Examples of more intense C-2 uses include outdoor storage, vehicle repair, and outdoor sales.

While the adjacent property within the City of Edgewood has yet to develop, it is anticipated, per the City of Edgewood, that residential development will occur on site. For this reason, along with the criteria of Code Section 38-851 and the compatibility provisions of Objectives FLU8.2 and N1.1, staff is recommending that the requested C-2 zoning district be denied.

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 it adjacent to the City of Edgewood. Notice of the public hearing has been sent to the City, but no comments have been received from the City as of publication of this staff report.

Overlay District Ordinance

The subject property is located within the Orange Blossom Trail Overlay District. This overlay prohibits new billboards from being constructed and regulates the design and replacement of existing billboards.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

Prior to demolition or construction activities associated with existing structures, the applicant shall provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD).

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.

Transportation / Access

This project is located within the Orange County Alternative Mobility Area (AMA) and is exempt from transportation concurrency requirements. A mobility analysis may be required prior to obtaining an approved Capacity Encumbrance Letter (CEL) and the issuance of any building permit.

Code Enforcement

There are two (2) active Code Enforcement cases on the subject parcel. The first is Incident #478275, which relates a restaurant and lounge operating from this property without an approved use permit. This violation was found guilty by the Code Enforcement Board (SM-2017-332684Z) on May 1, 2017 and placed a lien on the property. On May 7, 2018, the Code Enforcement Board initiated foreclosure proceedings.

The second is Incident #508224, which is related to a damaged fence and building fire damage. This violation is outstanding and has a Code Enforcement Board (CEB) hearing scheduled for November 15, 2018.

The requested rezoning has no bearing on these violations nor the outcome of the CEB hearing.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>	
Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	A 15-inch gravity main is located within the S. Orange Blossom Trail right-of-way.
Reclaim Water:	Orange County Utilities	Not currently available.

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 reviewed this request, but did not provide and objections or comments.

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 – (September 20, 2018)

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning.

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 inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning.

Staff indicated that two hundred sixty-one (261) notices were mailed to the surrounding property owners within a buffer extending 1,500 feet from the subject property, with zero (0) commentaries received in favor and four (4) in opposition. The applicant was not present. There were no members of the public present to speak on this request.

After a brief discussion regarding the proliferation of automobile sales uses on Orange Blossom Trail, a motion was made by Commissioner Demostene to find the request to be inconsistent with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning. Commissioner Wean seconded the motion, which carried on a 8-0 vote.

Motion / Second

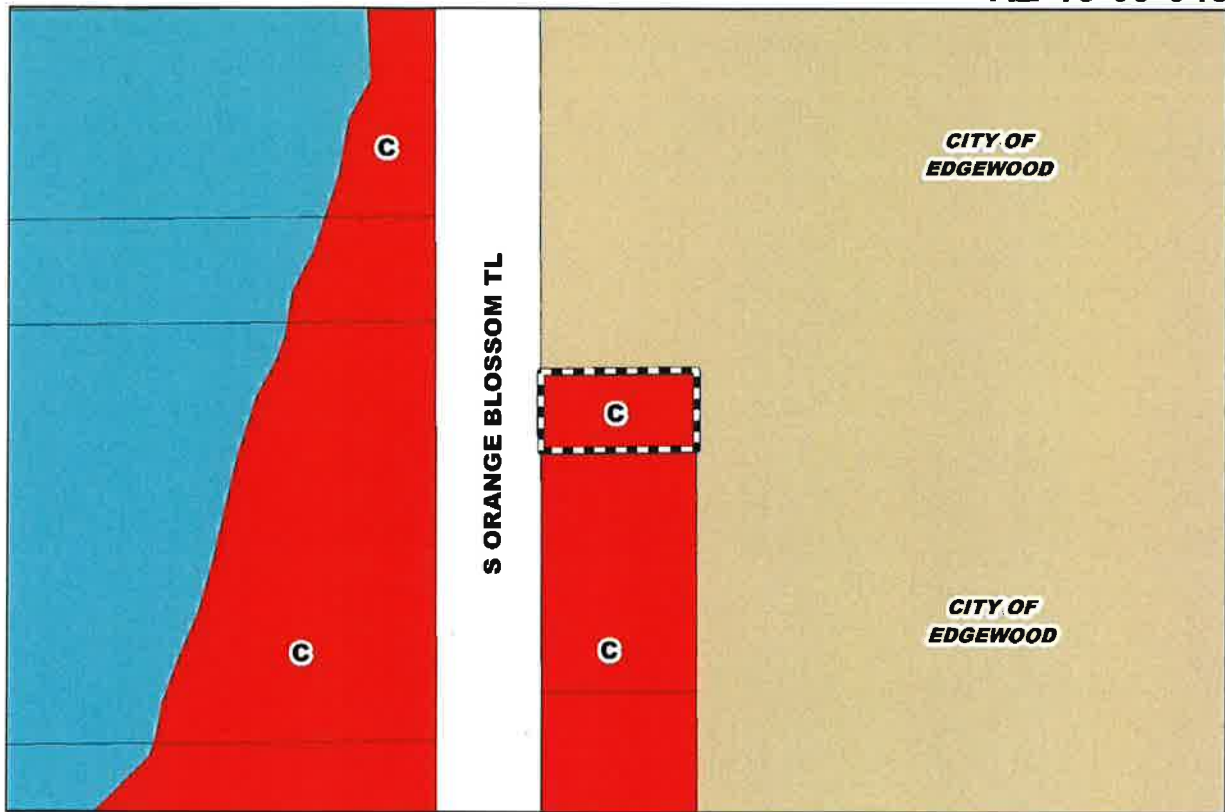
Tina Demostene / Paul Wean

Voting in Favor

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

(Gordon Spears declared a conflict of interest and recused himself from the vote.)

RZ-18-09-045



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Paul S. Pabla and Daljit L. Pabla

LOCATION: 4925 S. Orange Blossom Trail; or generally located on the east side of S. Orange Blossom Trail, approximately 1,600 feet south of Holden Avenue

TRACT SIZE: 0.26-gross acre

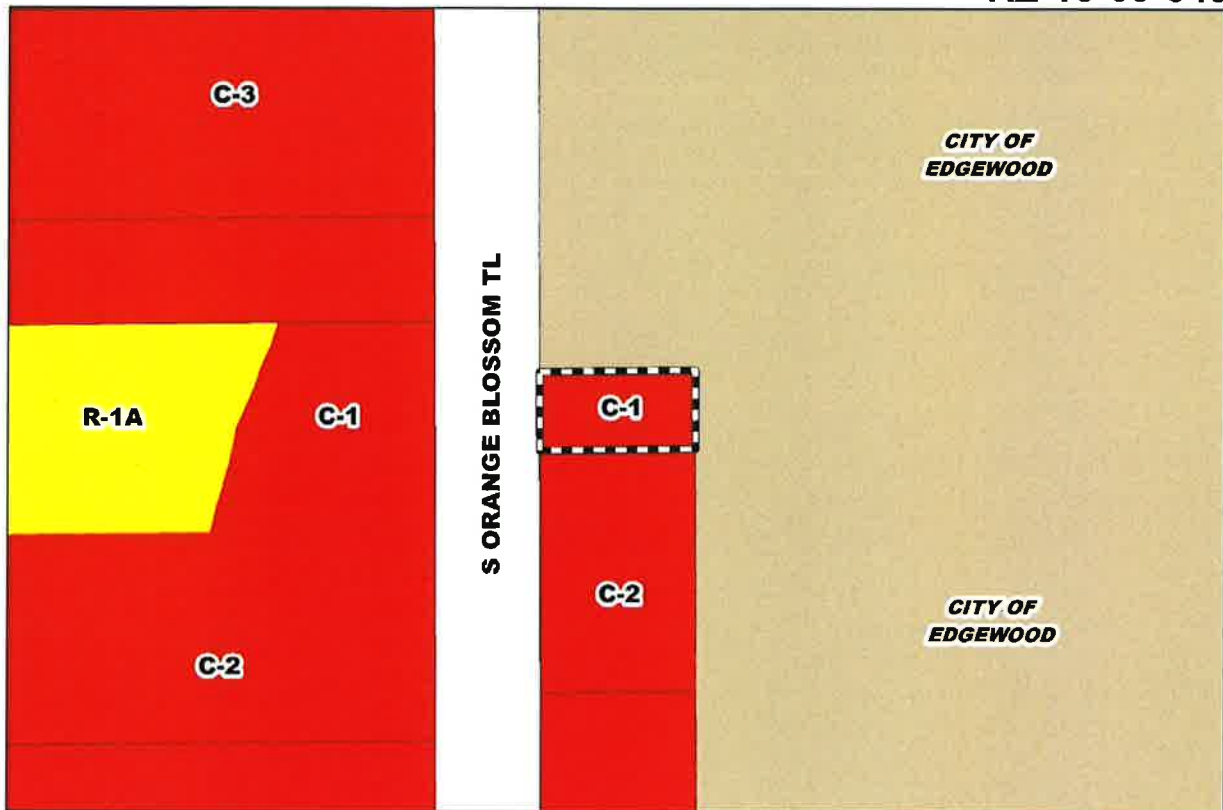
DISTRICT: # 3

S/T/R: 15/23/29

1 inch = 150 feet



RZ-18-09-045



Subject Property



Subject Property

Zoning Map

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

APPLICANT: Paul S. Pabla and Daljit L. Pabla

LOCATION: 4925 S. Orange Blossom Trail; or generally
 located on the east side of S. Orange
 Blossom Trail, approximately 1,600 feet
 south of Holden Avenue

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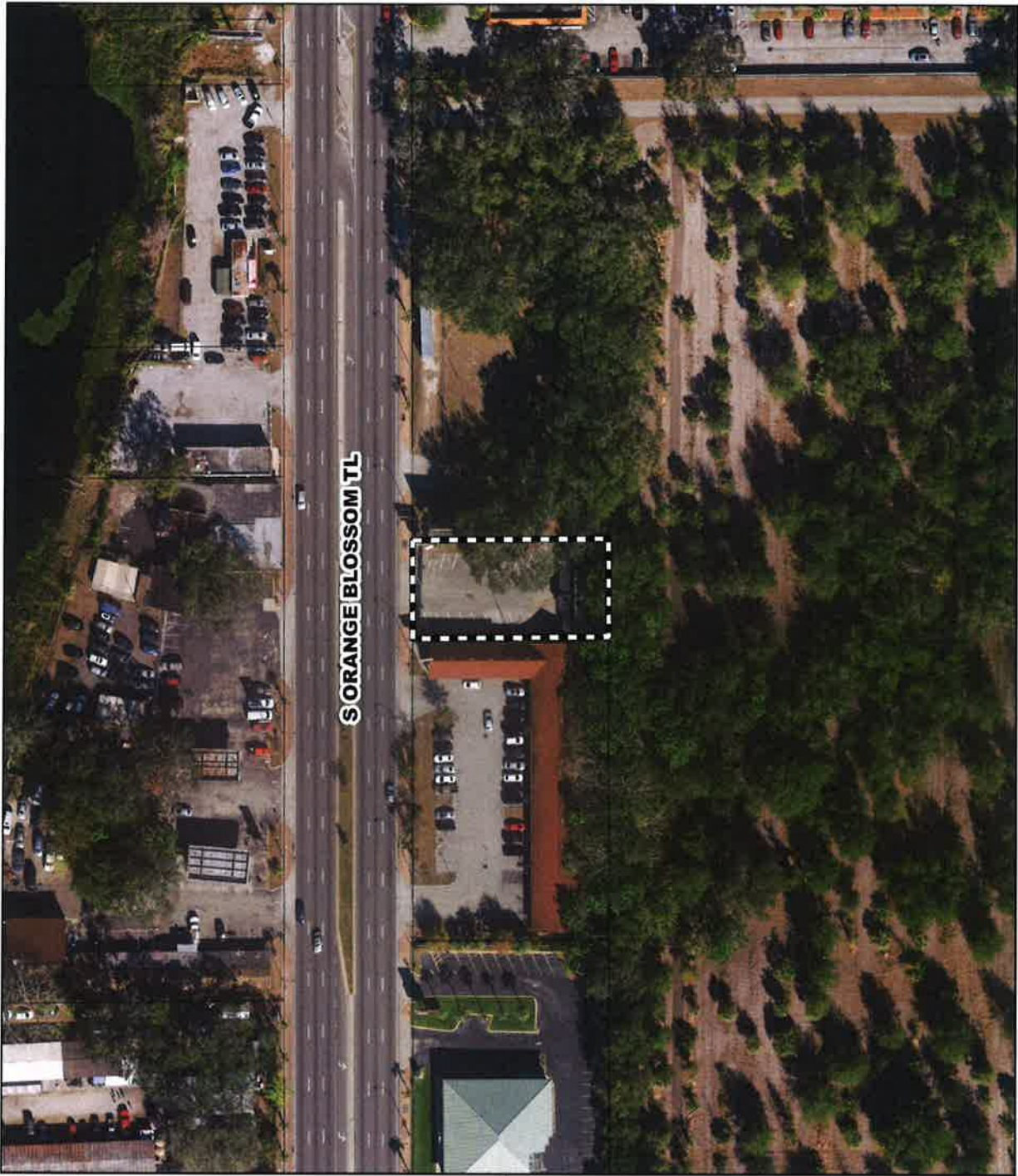
DISTRICT: # 3

S/T/R: 15/23/29

1 inch = 150 feet



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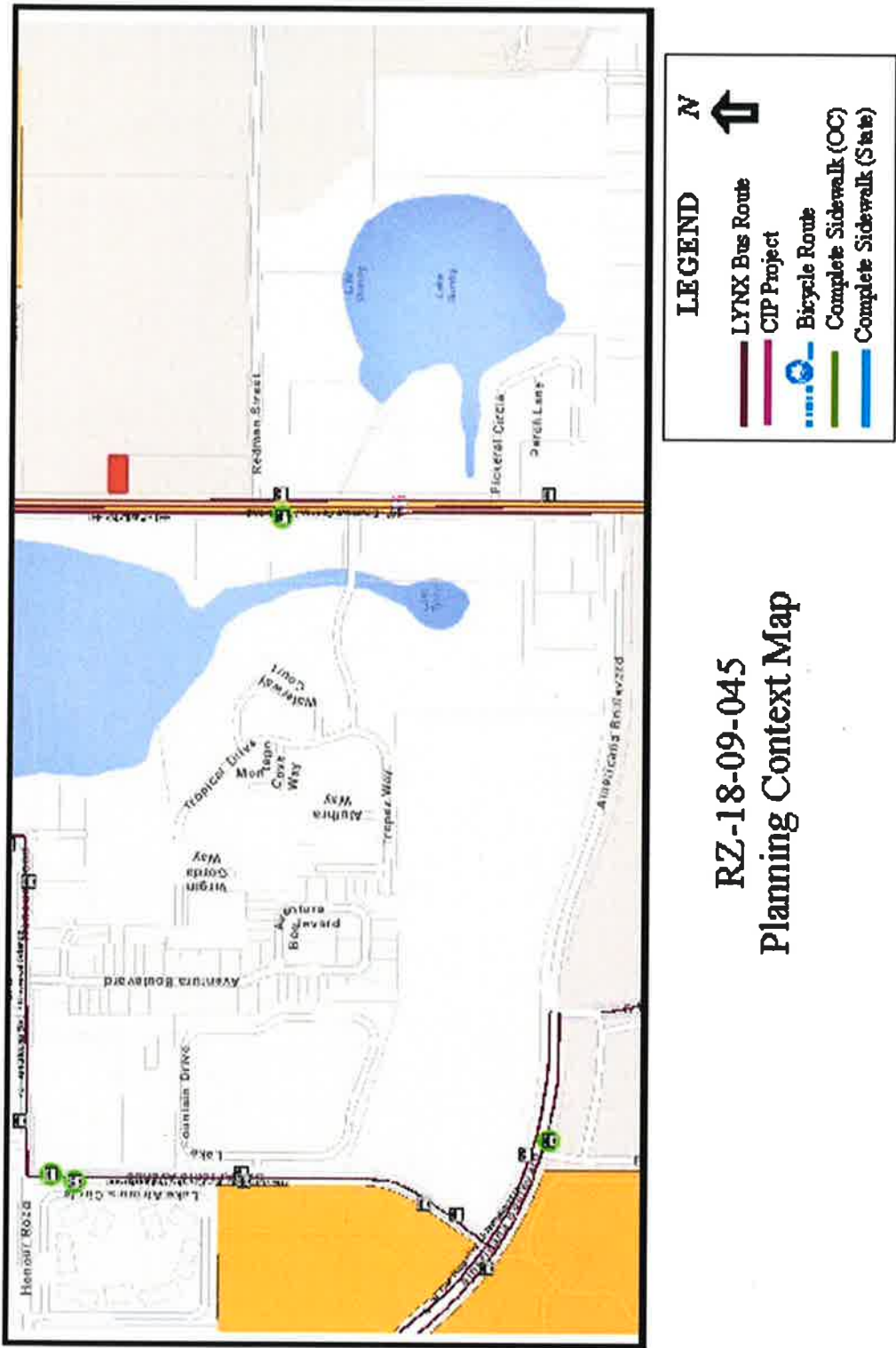


Subject Property



1 inch = 100 feet

Alternative Mobilty Area (AMA) Context Map



RZ-18-09-045
Planning Context Map

Submitted Appeal Application



PLANNING & ZONING COMMISSION REZONING APPEAL APPLICATION

Orange County Planning Division
201 South Rosalind Avenue, 2nd Floor
Post Office Box 1393
Orlando, Florida 32802-1393

Main Line: (407) 836-5600
P&ZC Secretary: (407) 836-5632

RECEIVED

OCT 03 2018

Planning Manager

Date: October 2, 2018

Appellant: Paul S. Pabla and Dajit L. Pabla

(Print or type name)

Representing: Owners

(Print or type company, group, or organization name)

Address: 9101 Wickham Way, Orlando, FL 32836

Telephone: (321) 246-3396

Fax: _____

E-mail: DollyPabla@Gmail.com

Respectfully request an appeal of the decision regarding rezoning number RZ - 1 8 - 0 9 - 0 4 - 5

the Applicant being Paul S. Pabla and Daljit L. Pabla

(Print or type Applicant name)

rendered by the Orange

County Planning & Zoning Commission on September 20, 2018

Reason for appeal (provide a brief summary or attach additional documentation if necessary):

Applicant's C-2 re-zoning application was declined based on staff recommendation the property is incompatible with the character of the surrounding property and may impact adjacent properties. Applicants were late to the hearing and were not heard. The property is already zoned C-1 and has been and can be used as a restaurant lounge, but the applicants would like to use the property as a used car lot instead - which they believe would impact adjacent property less than a night club. The property to the South on OBT is already zoned C-2 and the property to the North is situated in Edgewood with a commercial zoning classification. This area of South OBT is already predominantly medium density commercial and this request is consistent with other existing uses in the area.

Signature

Paul Pabla

Date

October 2, 2018

FEE: \$483.00 Planning & Zoning Commission appeals. Make check payable to the Orange County Board of County Commissioners

NOTE: The Clerk of the Board will notify you of the date of your appeal.

05/2017



Public Notification Map

RZ-18-09-045
 1500 FT BUFFER, 261 NOTICES

Notification Map

