

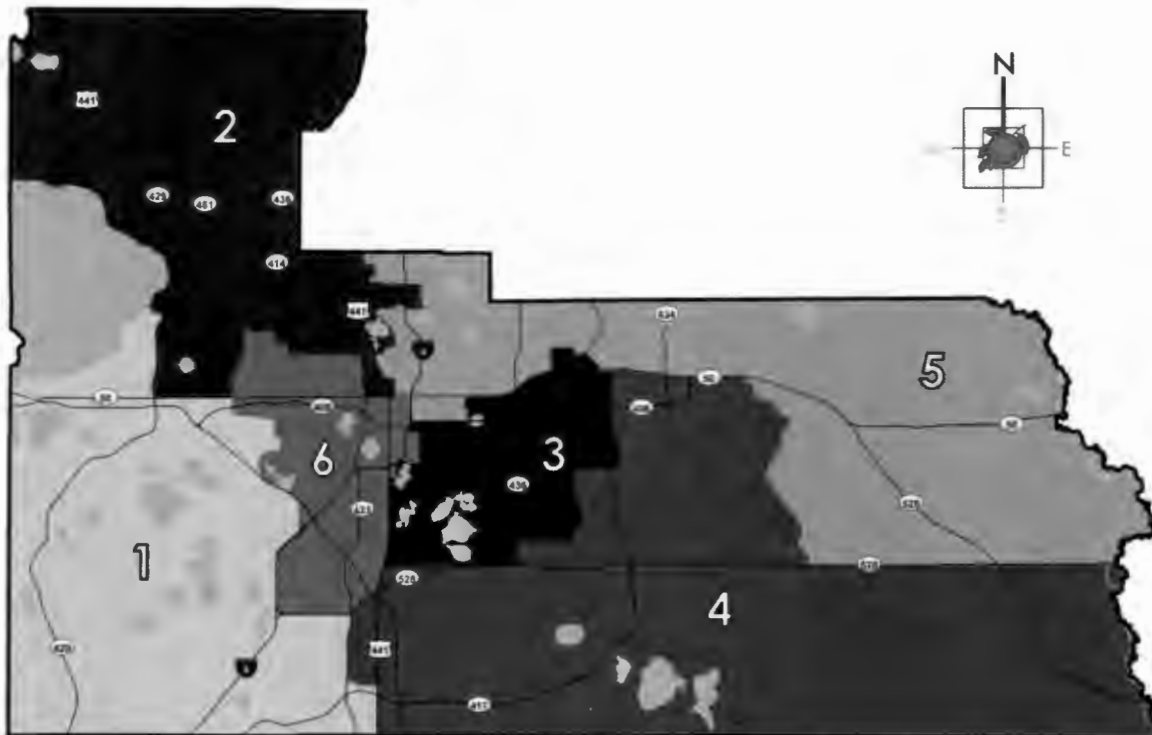


PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

OCTOBER 18, 2018



PREPARED BY:
ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

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



James Dunn Chairperson	District #1
William Gusler	District #2
Tina Demostene	District #3
Pat DiVecchio	District #4
J. Gordon Spears	District #5
JaJa J. Wade	District #6
Paul Wean	At Large
Yog Melwani Vice Chairperson	At Large
Jose Cantero	At Large

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Planning and Zoning Commission
October 18, 2018

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REZONING PUBLIC HEARINGS

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TABLE OF HEARINGS
Planning and Zoning Commission
October 18, 2018

<u>Case #</u> <u>Applicant</u>	<u>Request</u>	<u>Commission</u> <u>District</u>	<u>Recommendations</u> <u>Staff</u>	<u>PZC</u>	<u>BCC Hearing</u> <u>Required</u>
I. REZONING PUBLIC HEARINGS					
RZ-18-10-048 Lemane Touze	<i>R-2 to C-3</i>	6	Approval with Three (3) Restrictions	Approval with Three (3) restrictions	No
RZ-18-10-049 Wanda Perkins	<i>A-2 to I-1/I-5</i>	3	Approval with Three (3) Restrictions	Approval with Three (3) restrictions	No

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

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

<i>District</i>	<i>Min. lot area (sq. ft.)^m</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.)^a</i>	<i>Min. rear yard (ft.)^a</i>	<i>Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>	<i>Lake setback (ft.)</i>
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.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	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 ^f	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	^a
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	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	^a

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

- ^a 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.
- ^b Side setback is 30 feet where adjacent to single-family district.
- ^c 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.
- ^d 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.
- ^e Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- ^f Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- ^g Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- ^h 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.
- ^j 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.
- ^k 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%.
- ^m 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

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 Planner:
Nathaniel Wicke

CASE # RZ-18-10-048

Commission District: #6

GENERAL INFORMATION

APPLICANT	Lemane Touze
OWNERS	Lemane Touze
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-2 (Residential District) to C-3 (Wholesale Commercial District)
LOCATION	15 N. Ohio Street, or generally on the east side of N. Ohio Street, north of West Central Boulevard, south of West Washington Street, and west of Barlow Street.
PARCEL ID NUMBER	28-22-29-8928-00-281
TRACT SIZE	0.21 Acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred twelve (112) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Automobile Storage

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 (Wholesale Commercial District) zoning, subject to the following restrictions:

- 1) Billboards and pole signs shall be prohibited;
- 2) A Type "B" buffer shall be used to separate commercial (C-3) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years; and

- 3) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any nonresidential uses.

IMPACT ANALYSIS

Land Use Compatibility

The C-3 (Wholesale 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 proposed C-3 (Wholesale Commercial District) zoning is consistent with the Commercial FLUM designation and the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses 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.

SITE DATA

Existing Use	Vacant
Adjacent Zoning	N: C-3 (Wholesale Commercial District) (2004) E: R-2 (Residential District) (1957) W: R-2 (Residential District) (1957) S: R-2 (Residential District) (1957)
Adjacent Land Uses	N: Automobile Towing and Storage E: Undeveloped W: Single-Family Residential S: Single-Family Residential

Wholesale Commercial District Development Standards

Min. Lot Area:	12,000 sq. ft.
Min. Lot Width:	100 ft. (on major streets, see Article XV) 100 ft. (on all other streets)
Max. Height:	75 ft. 35 ft. (within 100 feet of all residential districts)
Min. Floor Area:	500 sq. ft.

Building Setbacks

Front:	25 ft. (except on major streets as provided in Art. XV)
Rear:	15 ft. 20 ft. (when abutting residential district)
Side:	5 ft. 25 ft. (when abutting residential district)

Intent, Purpose, and Uses

The intent and purpose of the C-3 district is to implement and be consistent with the commercial land use designation of the Future Land Use Map (FLUM). The C-3 district is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

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 storage yards for operable automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease, or not), new and used automobile sales, recreational and commercial vehicle sales and storage, auto part and tire dealers, outside storage, lumber and building material yards, and the wholesale distribution of goods including industrial machinery equipment, electronics, farm and garden equipment, and furniture.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 15 N. Ohio Street, or generally on the east side of N. Ohio Street, north of West Central Boulevard, south of West Washington Street, and West of Barlow Street. The applicant is requesting to rezone the parcel from R-2 (Residential District) to C-3 (Wholesale Commercial District). More specifically, the property owner has indicated their intent to use the property for an automobile storage use.

Currently, the subject property's zoning designation of R-2 (Residential District) is inconsistent with the Future Land Use Map (FLUM) designation of Commercial (C). There are several parcels in the area, specifically to the north of the subject parcel, that are currently zoned C-3 (Wholesale Commercial District) and are developed primarily with automobile and outdoor storage uses. This includes the parcel adjacent to the north of the subject property, which is used for automobile towing and storage. The parcels to the south and west are developed as single-family residential, and the parcel to the east is vacant.

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.

Community Meeting Summary

A community meeting was not required.

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

Any miscellaneous garbage, hazardous waste, yard waste, and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations.

Transportation / Access

This project is located within the Orange County Alternative Mobility Area (AMA) and is therefore exempt from transportation concurrency. The Applicant may be required to submit a mobility analysis study prior to obtaining an approved capacity encumbrance letter and building permit.

Code Enforcement

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

Utilities

Water: Orlando Utilities Commission

Wastewater: City of Orlando

Reclaim Water: City of Orlando

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 any 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 – (October 18, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 (Wholesale Commercial District) zoning, subject to the following restrictions:

- 1) Billboards and pole signs shall be prohibited;
- 2) A Type "B" buffer shall be used to separate commercial (C-3) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum,

plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years; and

- 3) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any nonresidential uses.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

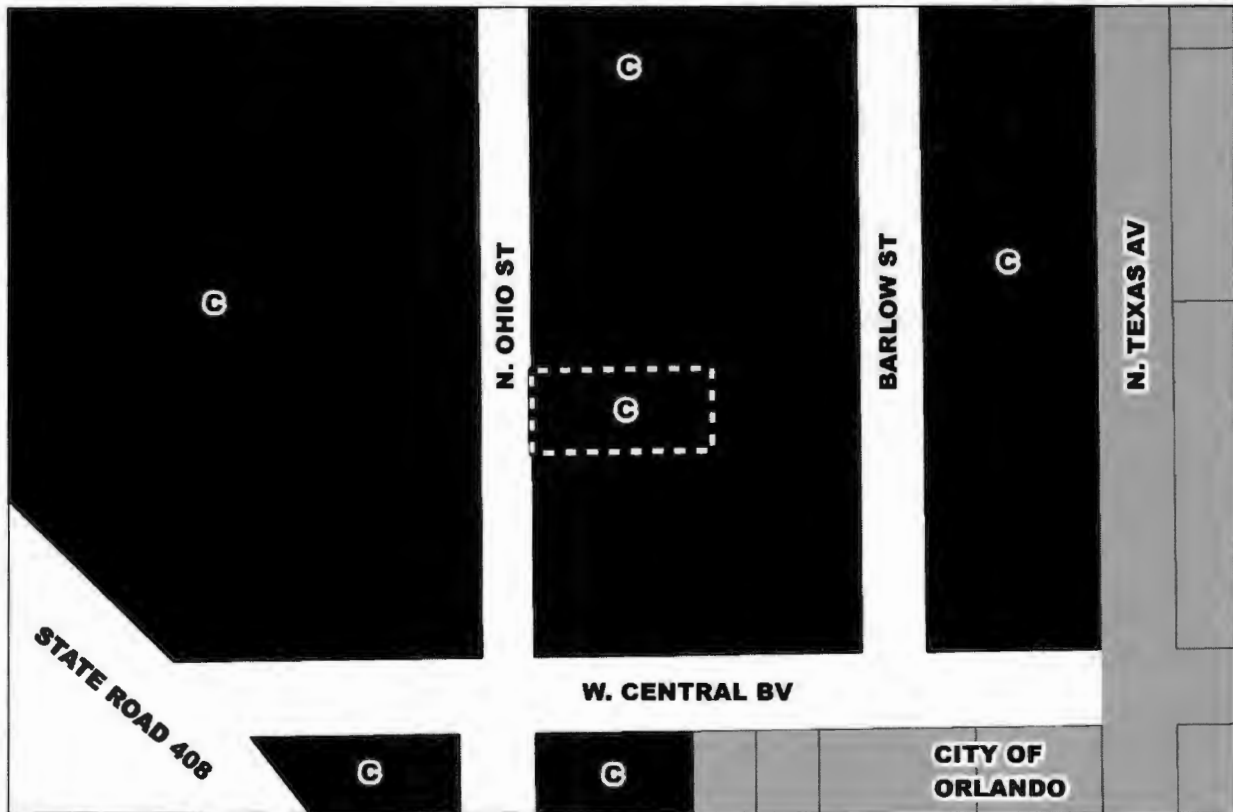
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 (Wholesale Commercial District) zoning.

Staff indicated that one hundred twelve (112) notices were mailed to the surrounding property owners within a buffer extending 800 feet from the subject property, with zero (0) commentaries received. The applicant was present and agreed with the staff recommendation. There were no members of the public present to speak on this request.

After a brief discussion, a motion was made by Commissioner Wade to make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 (Wholesale Commercial District) zoning, subject to three (3) restrictions. Commissioner Gusler seconded the motion, which carried on a 8-0 vote.

Motion / Second	<i>JaJa Wade / William Gusler</i>
Voting in Favor	<i>JaJa Wade, William Gusler, Tina Demostene, Yog Melwani, James Dunn, Jose Cantero, Gordon Spears, and Paul Wean</i>
Voting in Opposition	<i>None</i>
Absent	<i>Pat Divecchio</i>

RZ-18-10-048



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Lemane Touze

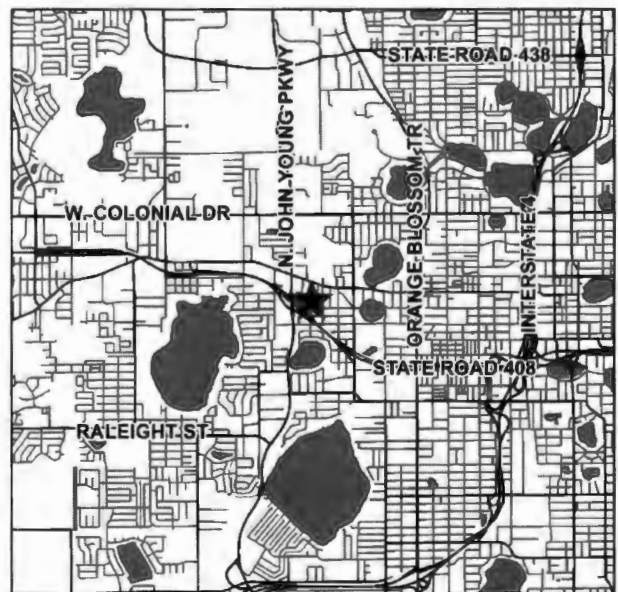
LOCATION: 15 N Ohio Street, or generally on the east side of N. Ohio Street, north of West Central Boulevard, south of West Washington Street, and west of Barlow Street.

TRACT SIZE: 0.21-gross acre

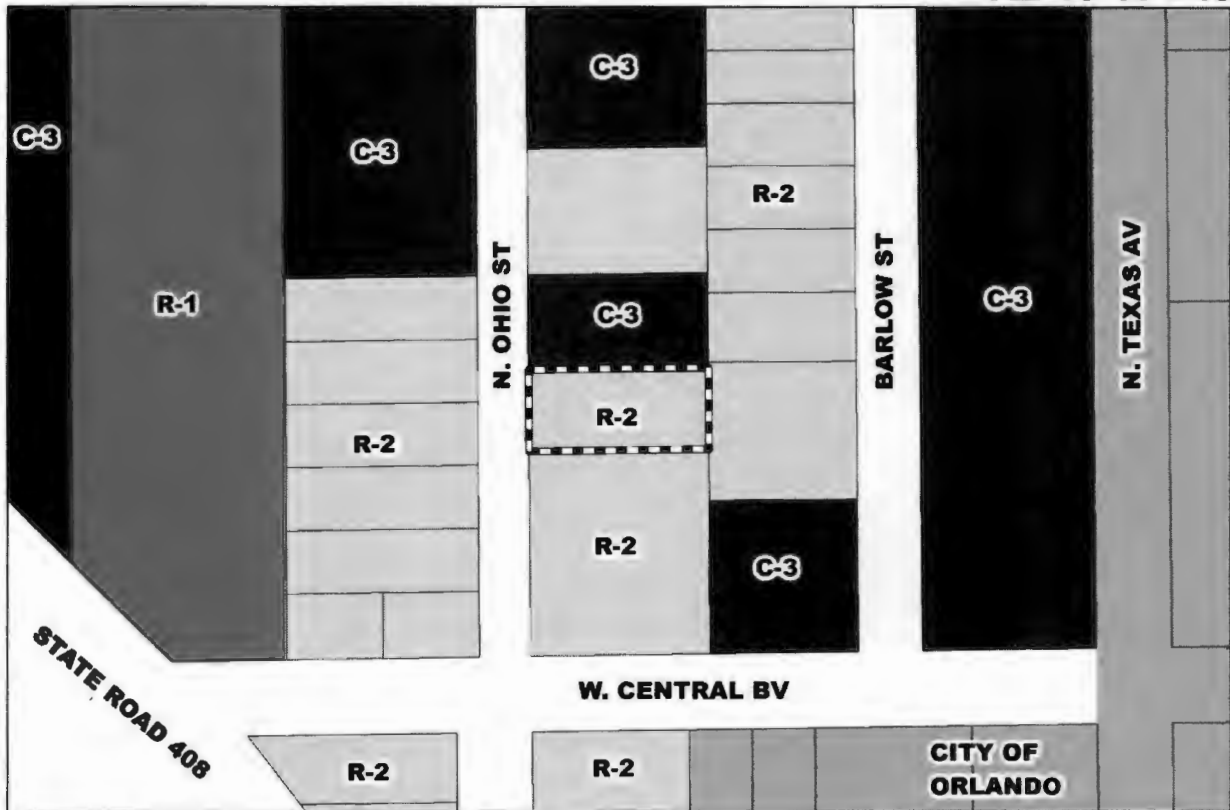
DISTRICT: # 6

S/T/R: 28/22/29

1 inch = 125 feet



RZ-18-10-048

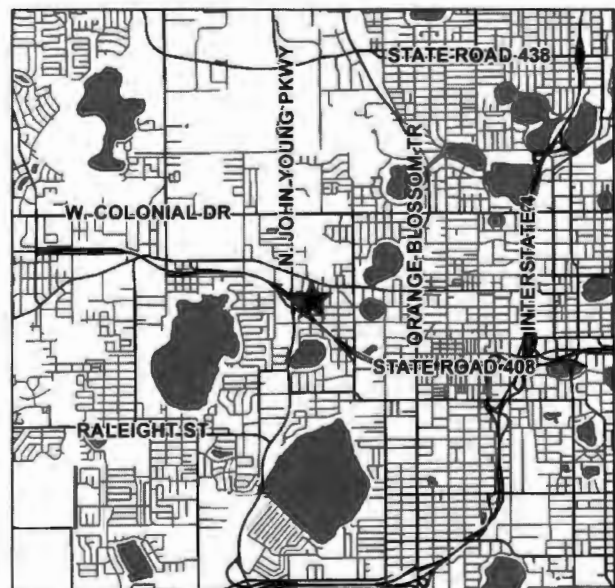


Subject Property



★ Subject Property

Zoning Map	
Zoning:	R-2 (Residential District) C-3 (Wholesale Commercial District)
APPLICANT:	Lemane Touze
LOCATION:	15 N Ohio Street, or generally on the east side of N. Ohio Street, north of West Central Boulevard, south of West Washington Street, and west of Barlow Street.
TRACT SIZE:	0.21-gross acre
DISTRICT:	# 6
S/T/R:	28/22/29
1 inch = 125 feet	



RZ-18-10-048

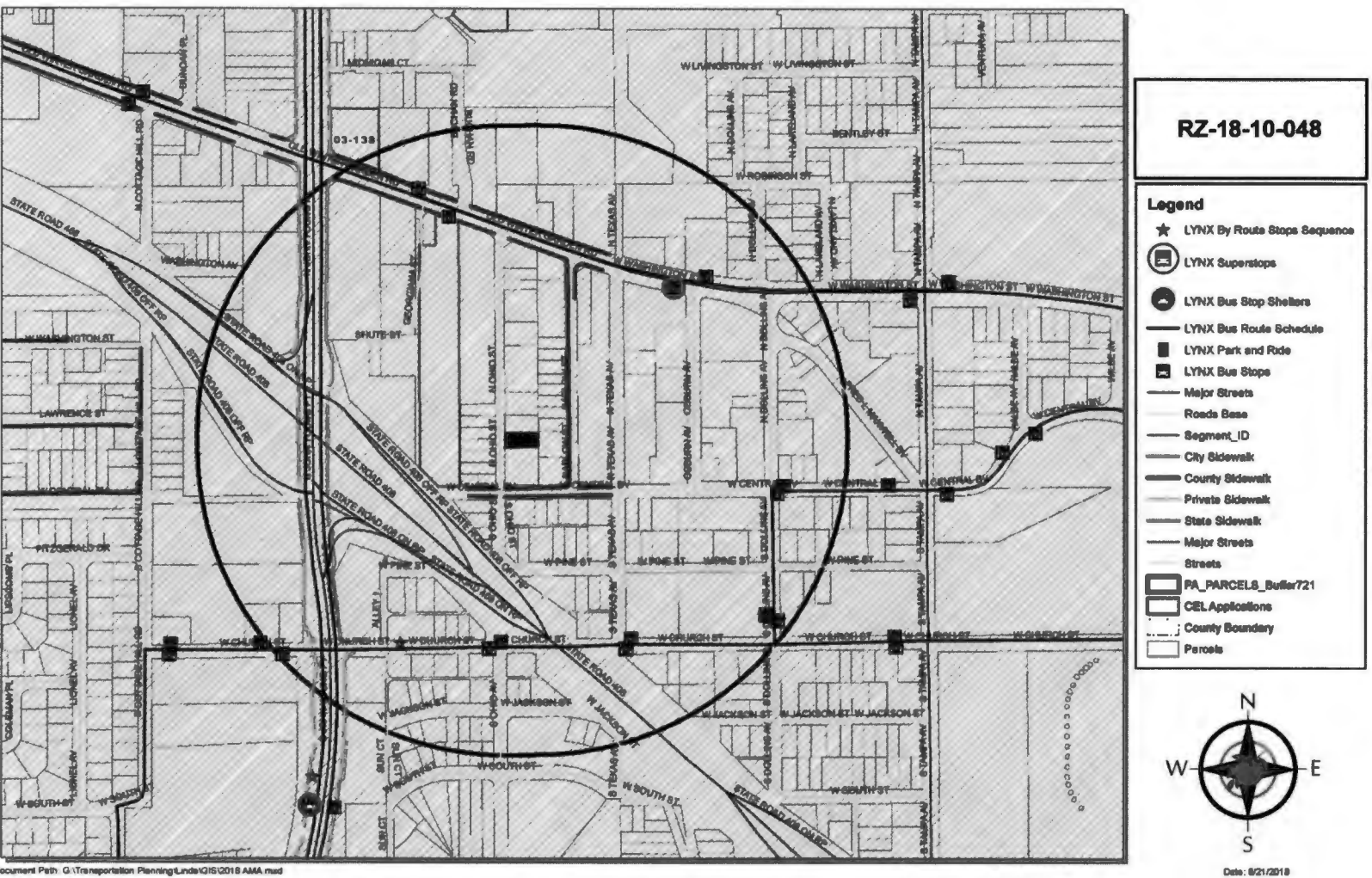


 Subject Property



1 inch = 125 feet

Alternative Mobility Area Context Map

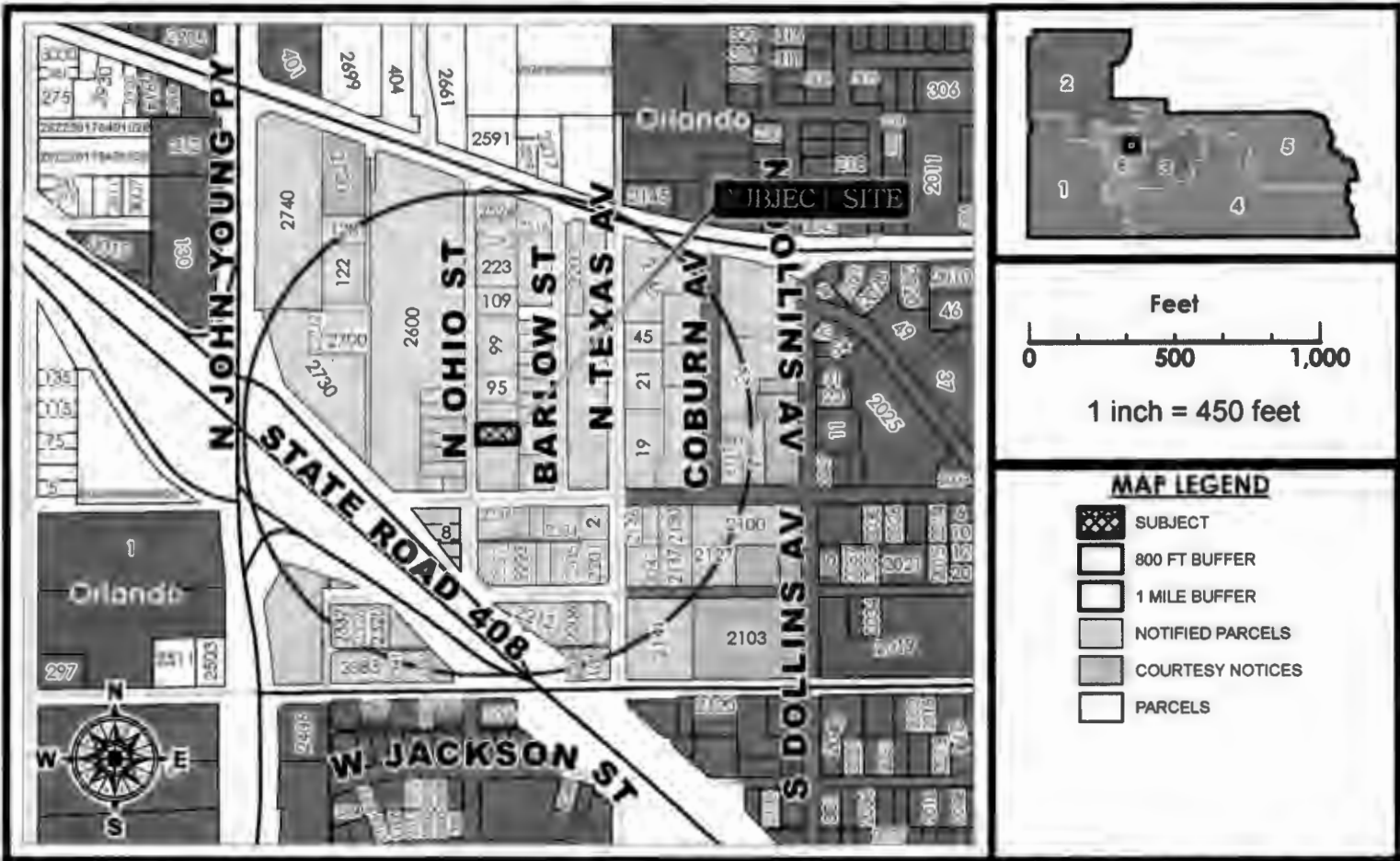




Public Notification Map

RZ-18-10-048

800 FT BUFFER, 112 NOTICES



Notification Map

Case # RZ-18-10-048
Orange County Planning Division
PZC Hearing Date: October 18, 2018

CASE # RZ-18-10-049

Commission District: #3

GENERAL INFORMATION

APPLICANT	Wanda Perkins, Commercial, Homes & Land, Inc.
OWNERS	Lucy Ruth Morris, Betty Jean Kennedy, and Thomas Wayne Perkins
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to I-1/I-5 (Industrial District)
LOCATION	5283 Patch Road; or generally on the west side of Patch Road, approximately 2,000 feet south of Hoffner Avenue.
PARCEL ID NUMBER	14-23-30-5240-09-071
TRACT SIZE	3.18 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,300 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seventy-three (73) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Industrial Uses

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1/I-5 (Industrial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited;
- 2) A Type "B" buffer shall be used to separate industrial (I-1 / I-5) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years; and

- 3) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any non-residential uses on the property.

IMPACT ANALYSIS

Land Use Compatibility

The I-1/I-5 (Industrial 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 Industrial (IND). The proposed I-1/I-5 (Industrial District) zoning is consistent with the Industrial (IND) FLUM designation and the following Comprehensive Plan provisions:

FLU1.4.16 states the Future Land Use Map shall reflect appropriate locations for industrial use. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand and corresponding needs for job creation and economic development.

FLU1.4.17 states that Orange County seeks to retain an adequate supply of Industrial during the 2030 planning horizon, consistent with the findings of the County's most current Industrial Lands Analysis and the desire to maintain jobs to housing balance within the County.

FLU1.4.18 states that the Future Land Use Map shall reflect a distribution of industrial areas throughout the Urban Service Area to reduce the journey to work, create more of a jobs/housing balance, avoid large concentrations of industrial traffic, provide adequate and sufficient locations for industrial uses, and provide a variety of locations with different transportation accessibility opportunities.

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.

SITE DATA

Existing Use	Single-Family Residence
Adjacent Zoning	N: I-1/I-5 (Industrial District) / A-2 (Farmland Rural District) E: City of Orlando (Conservation / Airport Noise Overlay) W: I-1/I-5 (Industrial District) S: I-1/I-5 (Industrial District)
Adjacent Land Uses	N: Warehouse / Single-Family Residence E: Wetland W: Paving and Construction Business Office S: Single-Family Residence / Paving and Construction Business Office

I-1/I-5 (INDUSTRIAL DISTRICT) DEVELOPMENT STANDARDS

Floor Area Ratio:	≤0.75
Max. Height:	50 ft. (35 ft. within 100 ft. of a residential zoning district)

Building Setbacks

Front:	35 ft.
Rear:	25 ft.
Side:	25 ft.

Intent, Purpose, and Uses

The I-1/I-5 (Industrial District) zoning is composed of lands and structures used primarily for the operation of general industrial 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. Permitted uses include, but are not limited to, religious institutions, warehouses, offices, contractors storage and offices, food processing and packaging; woodchipping, mulching, and composting; textile manufacturing; garment manufacturing; manufacturing of furniture and fixtures; manufacturing of medicinal chemicals and botanical products; manufacturing of commercial and industrial machinery; motor vehicle assembly; boat manufacturing; aluminum recycling collection drop-off sites; community correction centers; juvenile correction homes; etc.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 5283 Patch Road; or generally on the west side of Patch Road, approximately 2,000 feet south of Hoffner Avenue. The Future Land Use Map (FLUM) establishes an Industrial corridor along Patch Road and the surrounding area. Since the adoption of the FLUM, the majority of the properties within this area have rezoned to light and general industrial zoning districts. The subject property is located in a remnant enclave of A-2 (Farmland Rural District) zoning that is inconsistent with the underlying Industrial (IND) Future Land Use. Currently, three single-family homes remain within the A-2 zoned enclave. These include one on the subject property, one on the parcel to the south along Patch Road owned by the same family, and one on the parcel to the northwest.

Existing development along Patch Road, which does not connect to Corporate Center Boulevard and the City of Orlando to the south, is primarily characterized by warehouses, contractors storage, and other light industrial uses. Through this request, the applicant is seeking to rezone the subject property to I-1/I-5 (Industrial District) to use the property for industrial uses.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application as the requested zoning is consistent with the underlying Industrial (IND) 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.

Community Meeting Summary

A community meeting was not required for this request.

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 located in Airport Noise Zone "C". However, airport noise mitigation criteria would not apply to non-residential development if the proposed rezoning request is approved.

Environmental

Wetlands that extend offsite are located on the rear of this property. Prior to any Orange County permits or development approvals, the Environmental Protection Division (EPD) will require a Conservation Area Determination (CAD) completed with a certified wetland boundary survey. No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area without first obtaining permission from EPD. The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters, wetlands, or conservation areas that may occur as a result of development of the site. Preventive measures include but are not limited to: 25-foot average undisturbed upland buffer along the wetland boundary, signage, pollution abatement swales, split rail fence, retaining wall or native plantings adjacent to the wetlands.

The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers. All development is required to pretreat storm water runoff for pollution abatement purposes, and discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as imperiled (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).

Prior to demolition or construction activities associated with existing structures, the applicant has been advised to provide a Notice of Asbestos Renovation or Demolition form to the Orange County EPD. Any miscellaneous garbage, hazardous waste, yard waste 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 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 Concurrency Management System database dated September 14, 2018, there is one (1) failing roadway segment within the project's impact area. Goldenrod

Road from Narcoossee Road to Pershing Avenue is currently operating below the adopted level of service and there is no available capacity. This information is dated and subject to change. The Applicant will be required to comply with concurrency prior to obtaining a building permit. The Applicant may be required to submit a traffic study prior to obtaining an approved capacity encumbrance letter and building permit. The Applicant may also be required to attend Roadway Agreement Committee to participate in Proportionate Share Agreement.

Code Enforcement

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

Utilities

Water:	Orange County Utilities	A 12-inch watermain is located within the Patch Road right-of-way, approximately 1,300 linear feet north of the property
Wastewater:	Orange County Utilities	A 4-inch force main is located within the Patch Road right-of-way, approximately 1,750 linear feet north of the property
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 any 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 – (October 18, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1/I-5 (Industrial District) zoning, subject to the following restrictions:

Restrictions

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

- 2) A Type "B" buffer shall be used to separate industrial (I-1 / I-5) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years; and
- 3) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any non-residential uses on the property.

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 I-1/I-5 (Industrial District) zoning, subject to three (3) restrictions.

Staff indicated that seventy-three (73) notices were mailed to surrounding property owners within a buffer extending beyond 1,300 feet from the subject property, with two (2) commentaries received in opposition to this request, and zero (0) received in support. Staff noted that one opposition was from another property owner along Patch Road who cited traffic issues and safety concerns, and the other was from the property owner of a development tract within the City of Orlando to the south who requested uses on the subject property be restricted. 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 regarding site compliance with the new use, a motion was made by Commissioner Demostene to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the I-1/I-5 (Industrial District) zoning district, subject to three (3) restrictions. Commissioner Melwani seconded the motion, which then carried on a 9-0 vote.

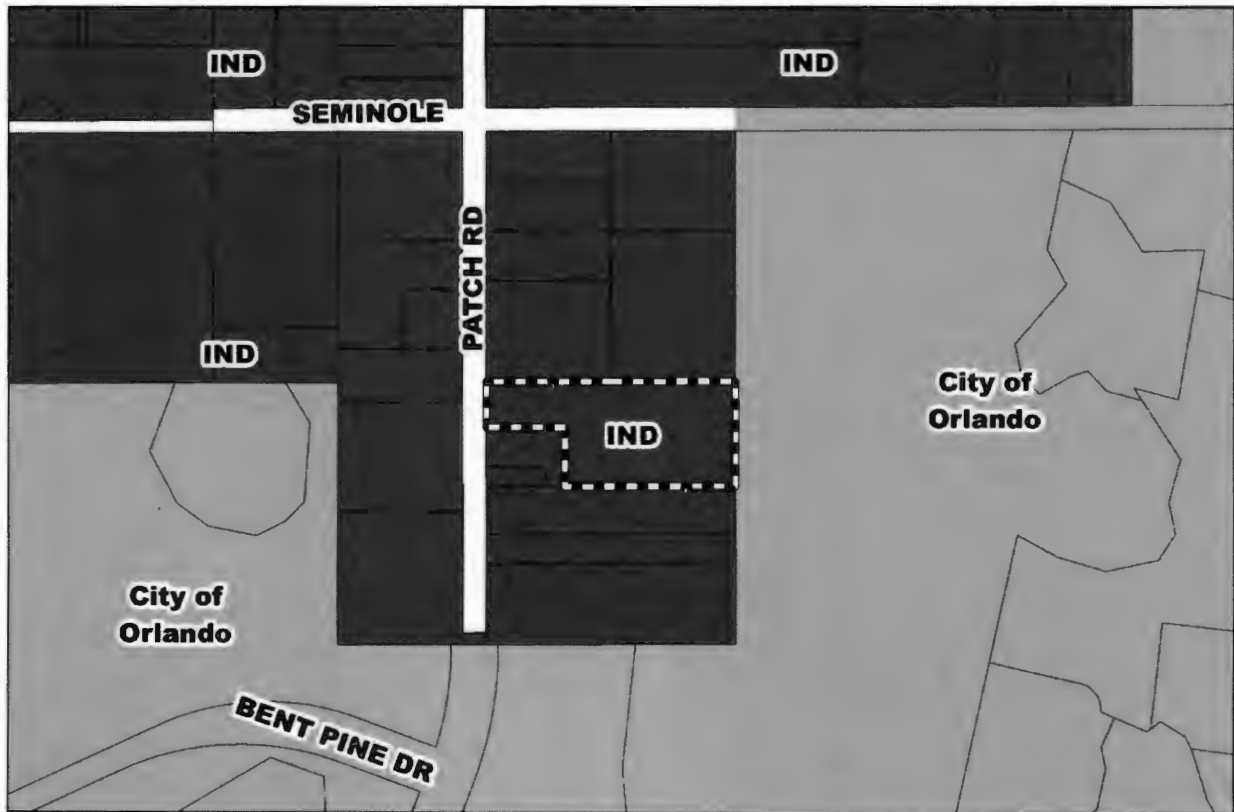
Motion / Second *Tina Demostene / Yog Melwani*

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

Voting in Opposition *None*

Absent *None*

RZ-18-10-049



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Industrial

APPLICANT: Wanda Perkins

LOCATION: 5283 Patch Road; or generally on the west side of Patch Road, approximately 2,000 feet south of Hoffner Avenue.

TRACT SIZE: 3.18 gross acres

DISTRICT: # 3

S/T/R: 14/23/30

1 inch = 400 feet



RZ-18-10-049



 Subject Property



★ Subject Property

Zoning Map

ZONING: A-2 (Farmland Rural District)
 I-1/I-5 (Industrial District)

APPLICANT: Wanda Perkins

LOCATION: 5283 Patch Road; or generally on the west side of Patch Road, approximately 2,000 feet south of Hoffner Avenue.

TRACT SIZE: 3.18 gross acres

DISTRICT: # 3

S/T/R: 14/23/30

1 inch = 400 feet



RZ-18-10-049



 Subject Property



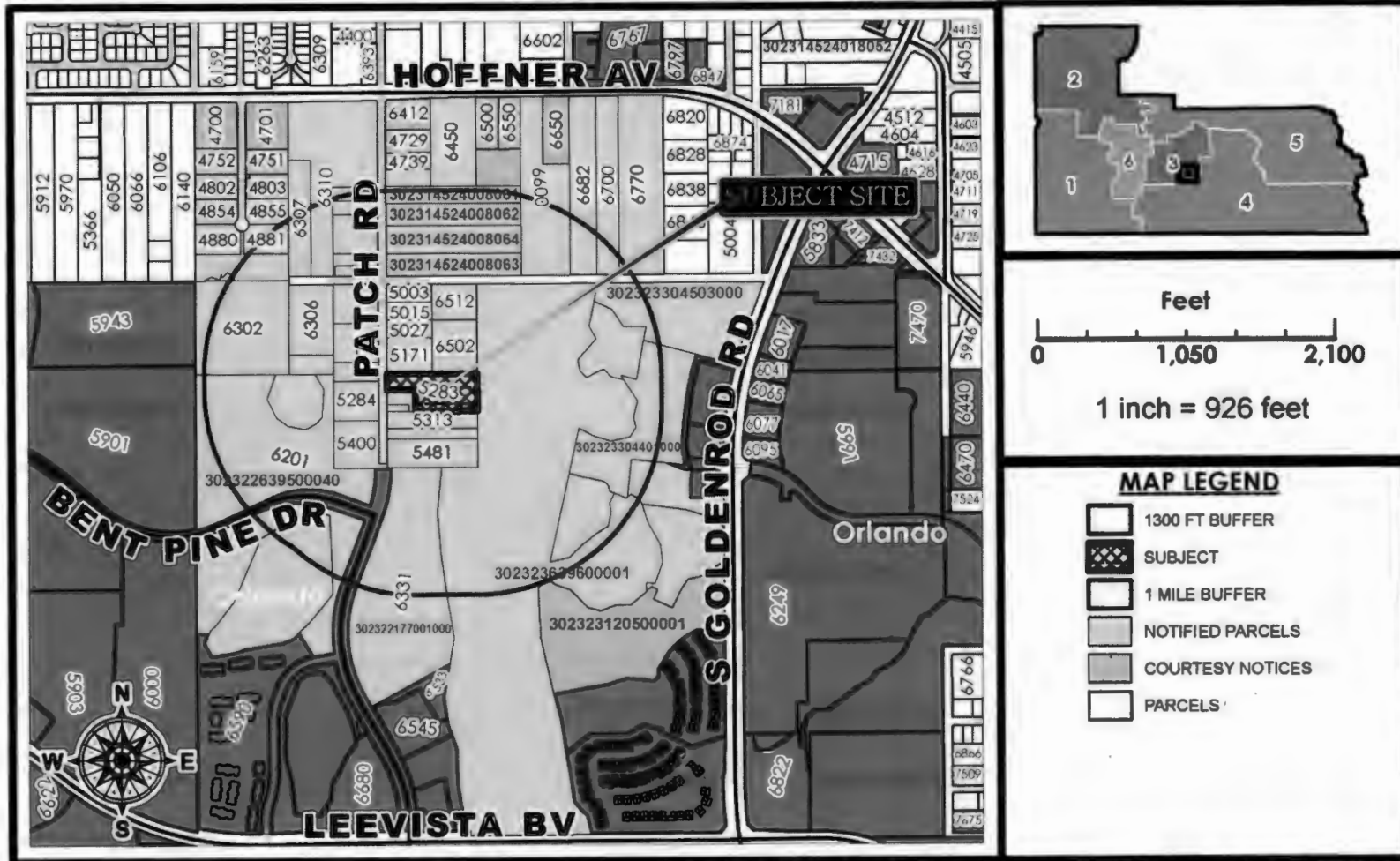
1 inch = 350 feet



Public Notification Map

RZ-18-10-049

1300 FT BUFFER, 73 NOTICES



Notification Map

Case # RZ-18-10-049
Orange County Planning Division
PZC Hearing Date: October 18, 2018

