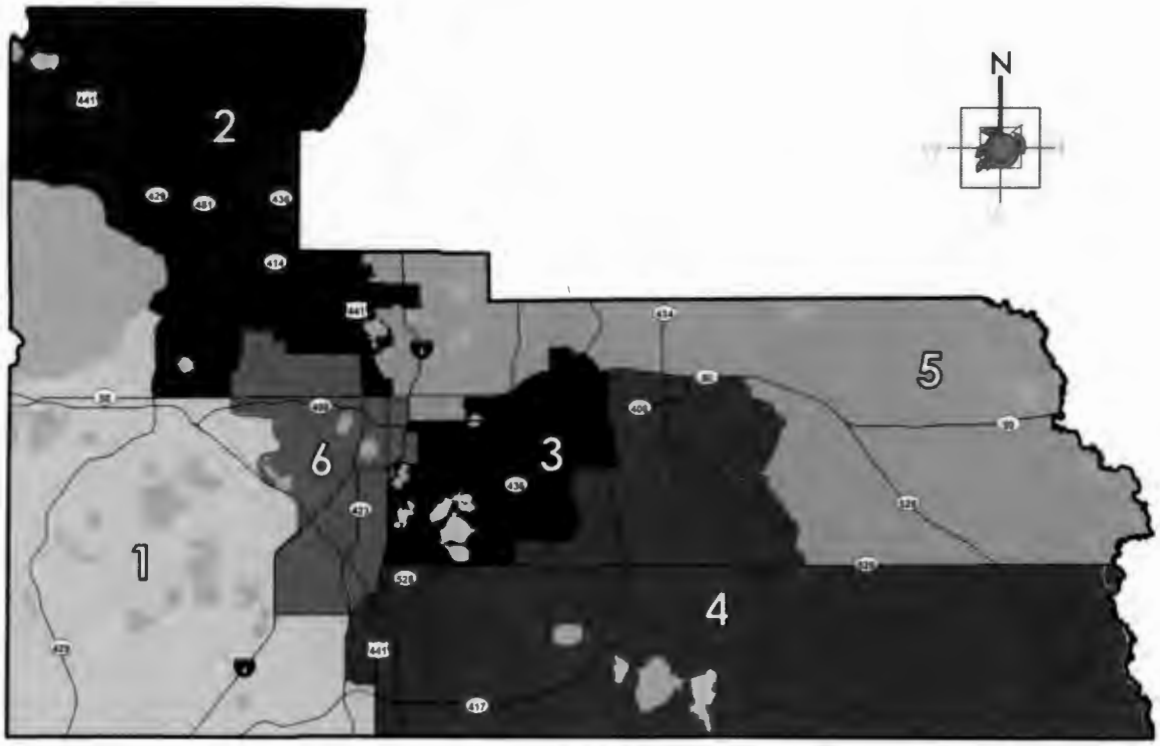
PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

FEBRUARY 21, 2019



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

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

James Dunn	District #1
Diane Velazquez	District #2
Eddie Fernandez	District #3
Carlos D. Nazario, Jr.	District #4
J. Gordon Spears Vice Chairperson	District #5
JaJa J. Wade	District #6
Mohammed Abdallah	At Large
Yog Melwani Chairperson	At Large
Jose Cantero	At Large

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Planning and Zoning Commission

February 21, 2019

Case # Applicant	Request	Commission District	Recommendations Staff	Recommendations PZC	BCC Hearing Required
I. REZONING PUBLIC HEARINGS					
RZ-19-01-063 Daniel Nazario	*A-2* ***to*** *R-T-2*	4	Approval	Approval	No
RZ-19-02-066 Christopher Michael Martin	*C-1* ***to*** *C-2*	2	Approval with Two (2) 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.) 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 setbock (ft.)*
A-1	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	*a*
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	*a*
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 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	35	*a*

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.)*
NR	One-family dwelling, 4,500	1,000	45 *c*	20	20	5	35/3 stories *k*	*a*
	Two DUs, 8,000	500 per DU	80/90 *d*	20	20	5	35/3 stories *k*	*a*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories *k*	*a*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories *k*	*a*
	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 *k*	*a*
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 *k*	*a*
	One-family dwelling, 4,500	1,000	45 *c*	20	20	5	35/3 stories *k*	*a*
	Two DUs, 11,250	500 per DU	80 *d*	20	20	5	35/3 stories *k*	*a*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories *k*	*a*
	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 *k*	*a*
	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 *k*	*a*
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 *k*	*a*
	One-family dwelling, 4,500	1,000	45 *c*	20	20	5	35/3 stories *k*	*a*
	Two DUs, 8,000	500 per DU	80 *d*	20	20	5	35/3 stories *k*	*a*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories *k*	*a*
	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 *k*	*a*
	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 *k*	*a*
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	*a*
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets *e*; 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	*a*

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 # RZ-19-01-063

Commission District: #4

GENERAL INFORMATION

APPLICANT	Daniel Nazario and Yaritza Matias
OWNERS	Daniel Nazario and Yaritza Matias
HEARING TYPE	Planning and Zoning Commission
REQUEST	**A-2** (Farmland Rural District) ***to*** **R-T-2** (Combination Mobile Home and Single-Family Dwelling District)
LOCATION	15540 Larkspur Street; or generally on the south side of Larkspur Street, approximately 358 feet east of Sunflower Trail and 824 feet west of Mercury Avenue.
PARCEL ID NUMBER	30-22-32-2338-06-040
TRACT SIZE	0.71-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Ninety-seven (97) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Mobile Home

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-2 (Combination Mobile Home and Single-Family Dwelling District) zoning.

ALTERNATIVE RECOMMENDATION

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-2 (Mobile Home and Single-Family Dwelling District) zoning, subject to the following restriction:

1) No new mobile homes shall be permitted.

IMPACT ANALYSIS

Land Use Compatibility

The R-T-2 (Combination Mobile Home and Single-Family Dwelling 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 Low Density Residential (LDR). The proposed R-T-2 (Mobile Home and Single-Family Dwelling District) zoning is consistent with the Low Density Residential 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.

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	Mobile Home	
Adjacent Zoning	N:	R-T-2 (Combination Mobile Home and Single-Family Dwelling District) *(1980)*
	E:	A-2 (Farmland Rural District) *(1957)*

	W:	A-2 (Farmland Rural District) *(1957)*
		R-T-2 (Mobile Home and Single-Family Dwelling District) *(1980)*
	S:	A-2 (Farmland Rural District) *(1957)*
Adjacent Land Uses	N:	Mobile Home
	E:	Single-Family Residence / Mobile Home
	W:	Single-Family Residence
	S:	Mobile Home

R-T-2 (Combination Mobile Home and Single-Family Dwelling District) Development Standards

Min. Lot Area:	6,000 sq. ft.
Min. Lot Width:	60 ft.
Max. Height:	35 ft.
Min. Floor Area:	500 sq. ft. (Single-Family Residence) 8 ft. x 35 ft. (Mobile Home)

Building Setbacks

Front:	25 ft.
Rear:	25 ft.
Side:	6 ft.

Intent, Purpose, and Uses

The intent and purposes of this district are to provide areas for the low density development of conventional single-family dwelling units, to provide areas for the low density development of mobile homes used as single-family dwelling units, and to provide for the combination of two (2) types of residential living within the same zoning district.

A use shall be permitted in the R-T-2 district if the use is identified by the letter "P" in the use table set forth in section 38-77.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 15540 Larkspur Street; or generally on the south side of Larkspur Street, approximately 358 feet east of Sunflower Trail and 824 feet west of Mercury Avenue. Located within the Sunflower Rural Settlement, the Future Land Use Map (FLUM) designates the subject property as Low Density Residential (LDR), which allows for up to four (4) dwelling units per acre. The subject property is currently zoned A-2 (Farmland Rural District) and is developed with a mobile home.

The subject property is platted and recorded in Plat Book V Page 143 (*see included exhibit A*) It is shown as lots four (4) and nineteen (19) on this plat. The applicant is requesting to rezone to R-T-2 (Combination Mobile Home and Single-Family Dwelling District) in order to apply for a plat reversion and construct a mobile home on the resulting parcel.

In 2018, rezoning case RZ-18-04-023 rezoned a 0.84 acre property with parcel ID 30-22-32-2338-06-040 located at the north east corner Larkspur Street and Sunflower Trail was rezoned from R-T-2 (Combination Mobile Home and Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District) in order to construct three single-family detached dwelling units. This rezoning case was approved with a restriction prohibiting new mobile homes.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low Density Residential (LDR) 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 located within the Sunflower Trail 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 (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.

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies.

Transportation / Access

Based on the Concurrency Management System database, dated December 18, 2018, there are four (4) failing roadway segments within the project's impact area. Chuluota Road from Colonial Drive to Lake Pickett Road, Colonial Drive from Woodbury Road to Lake Pickett Road, Colonial Drive from Avalon Park Boulevard to S. Tanner Road, and Colonial Drive from S. Tanner Road to Chuluota Road are 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 an approved capacity encumbrance letter and building permit.

Code Enforcement

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

Utilities

Water:	Orange County Utilities	A 30-inch watermain is located within the Sunflower Trail right-of-way
Wastewater:	Orange County Utilities	A 30-inch forcemain is located within the Sunflower Trail right-of-way
Reclaim Water:	Orange County Utilities	Not currently available

Schools

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

Parks and Recreation

Orange County Parks and Recreation did not provide any objections 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 – (February 21, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-2 (Combination Mobile Home and Single-Family Dwelling District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

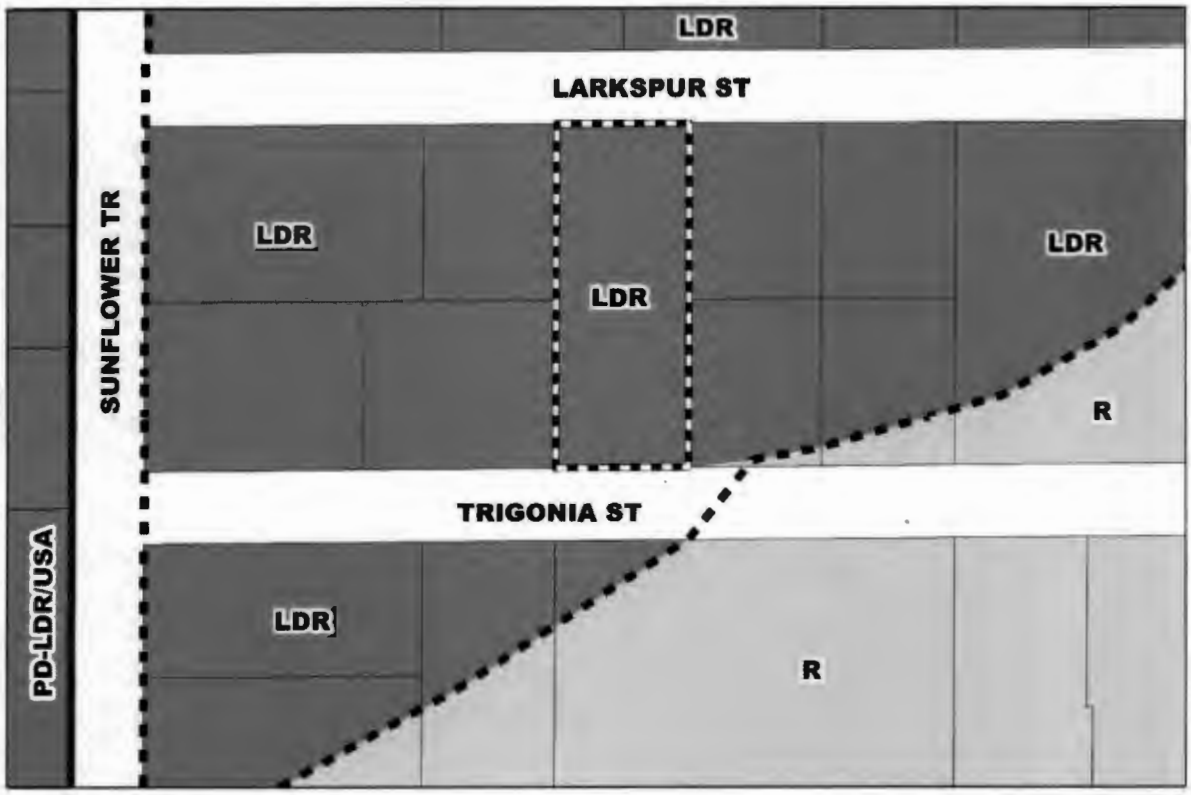
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested R-T-2 (Combination Mobile Home and Single-Family Dwelling District) zoning.

Staff indicated ninety-seven (97) notices were mailed to surrounding property owners within an area extending 700 feet from the subject property, with zero (0) commentaries received in favor of the request and two (2) commentaries recieved in opposition. The applicant was present and agreed with the staff recommendation.

After a brief discussion, a motion was made by Commissioner Nazario to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the requested R-T-2 (Combination Mobile Home and Single-Family Dwelling District) zoning. Commissioner Cantero seconded the motion, which then carried on a 9-0 vote.

Motion / Second	*Carlos Nazario / Jose Cantero*
Voting in Favor	*Carlos Nazario, Jose Cantero, Diane Velazquez, JaJa Wade, Gordon Spears, Jimmy Dunn, Eddie Fernandez, Mohammed Abdallah, and Yog Melwani*
Voting in Opposition	*None*
Absent	*None*

RZ-19-01-063



Subject Property

Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Daniel Nazario and Yaritza Matias

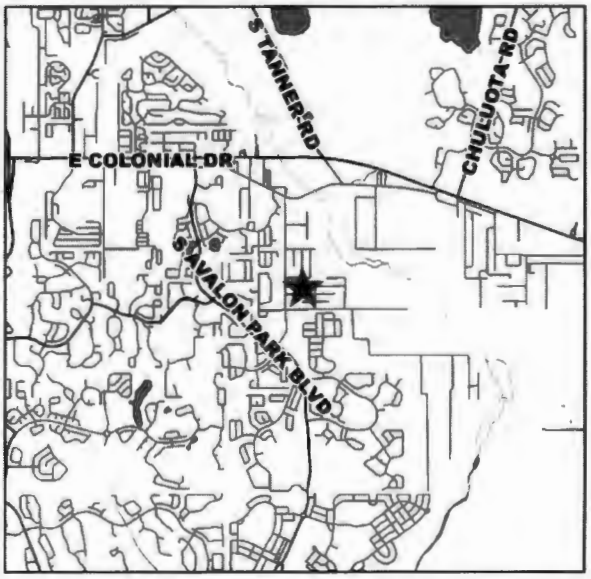
LOCATION: 15540 Larkspur Street; or generally on the south side of Larkspur street, approximately 358 feet east of Sunflower Trail and 824 feet west of Mercury Avenue.

TRACT SIZE: 0.71-gross acres

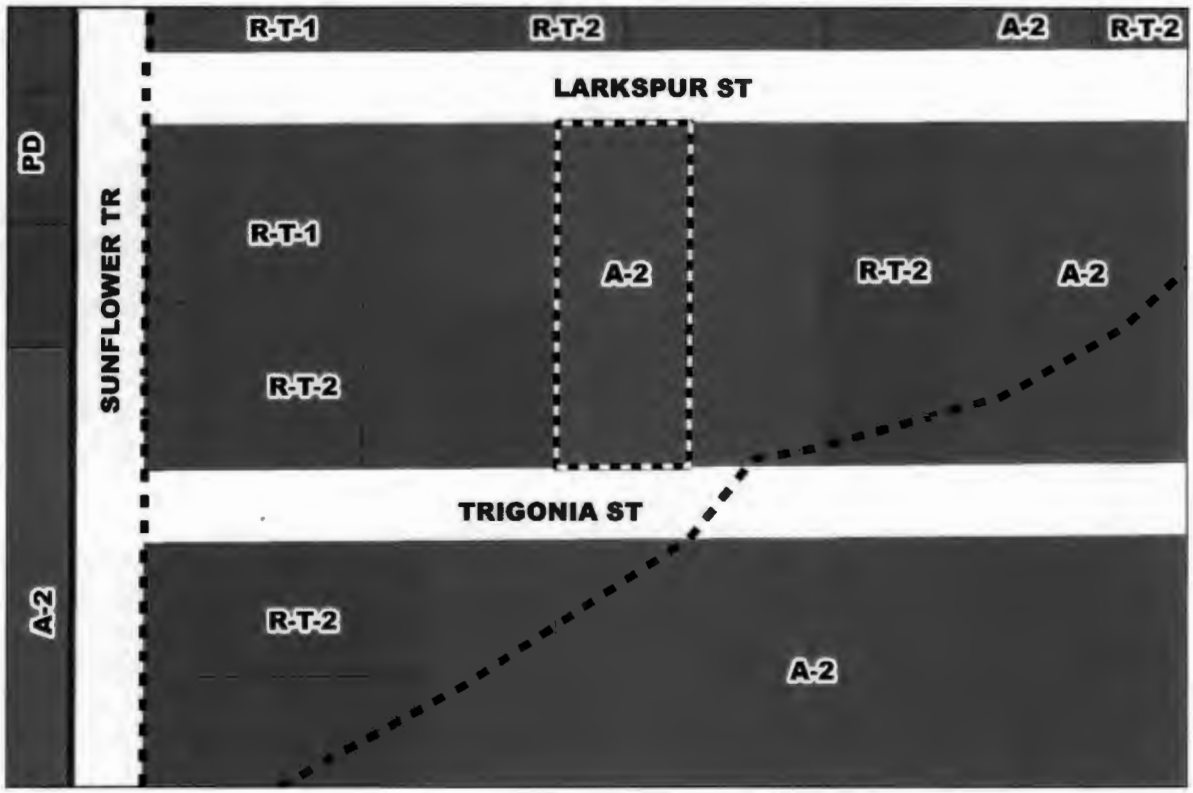
DISTRICT: # 4

S/T/R: 30/22/32

1 inch = 125 feet



RZ-19-01-063



Subject Property

Subject Property

Zoning Map

ZONING: A-2 (Farmland Rural District) to R-T-2 (Combination Mobile Home and Single-Family Dwelling District)

APPLICANT: Daniel Nazario and Yaritza Matias

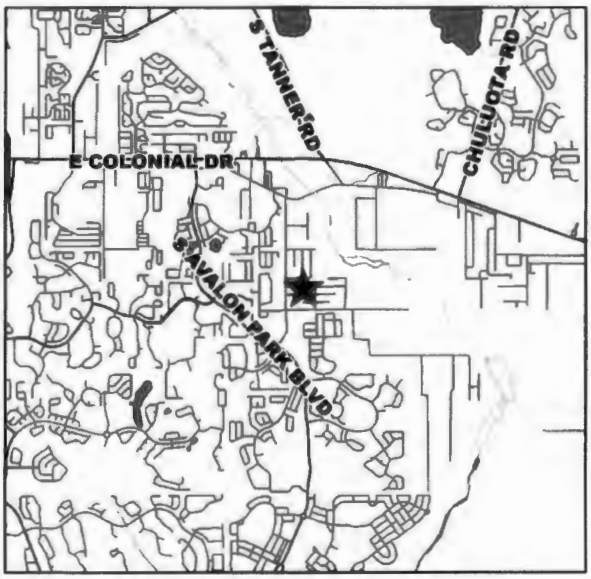
LOCATION: 15540 Larkspur Street; or generally on the south side of Larkspur street, approximately 358 feet east of Sunflower Trail and 824 feet west of Mercury Avenue.

TRACT SIZE: 0.71-gross acres

DISTRICT: # 4

S/T/R: 30/22/32

1 inch = 125 feet

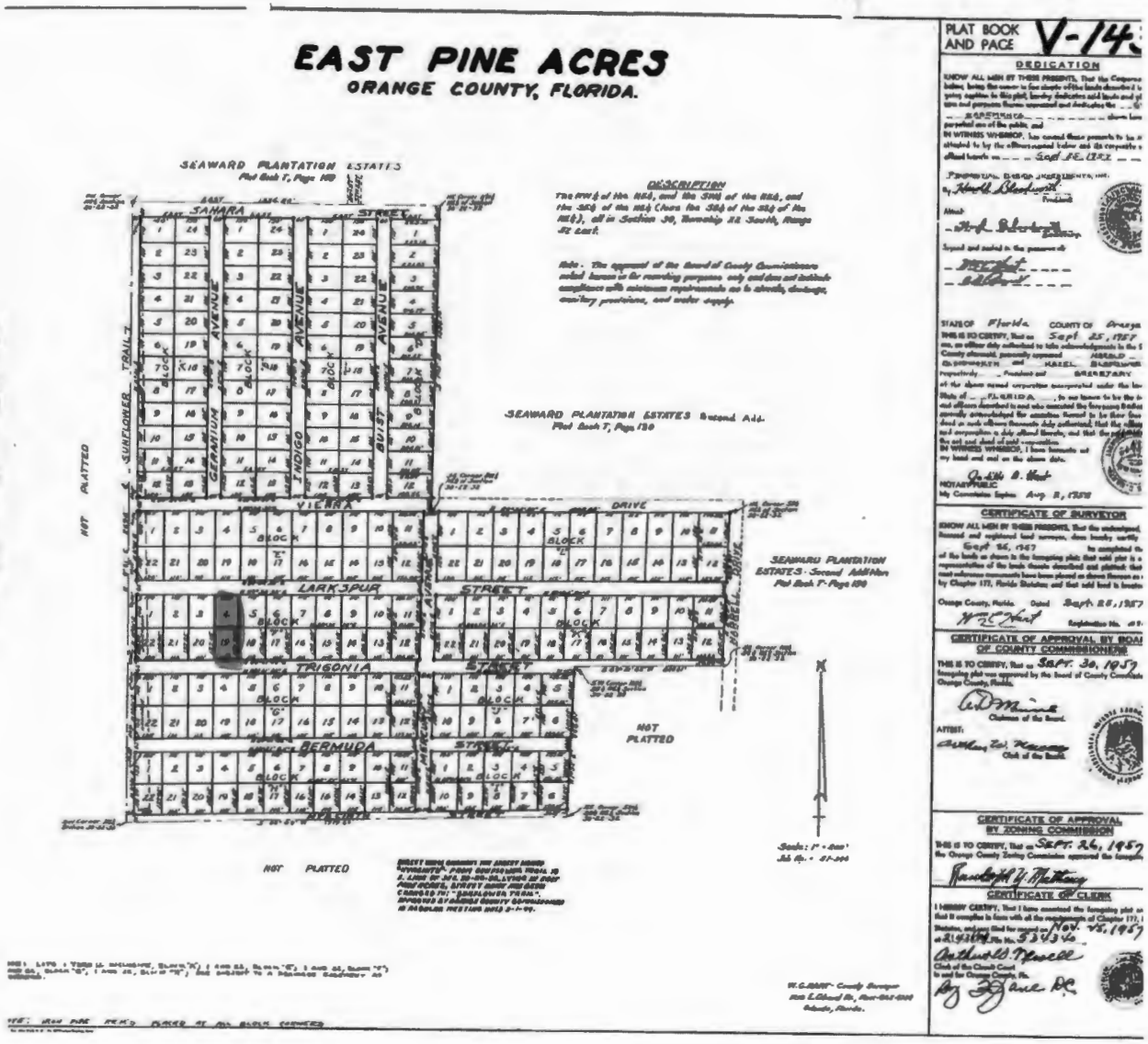


RZ-19-01-063

Subject Property

1 inch = 125 feet

Exhibit A – East Pine Acres Plat

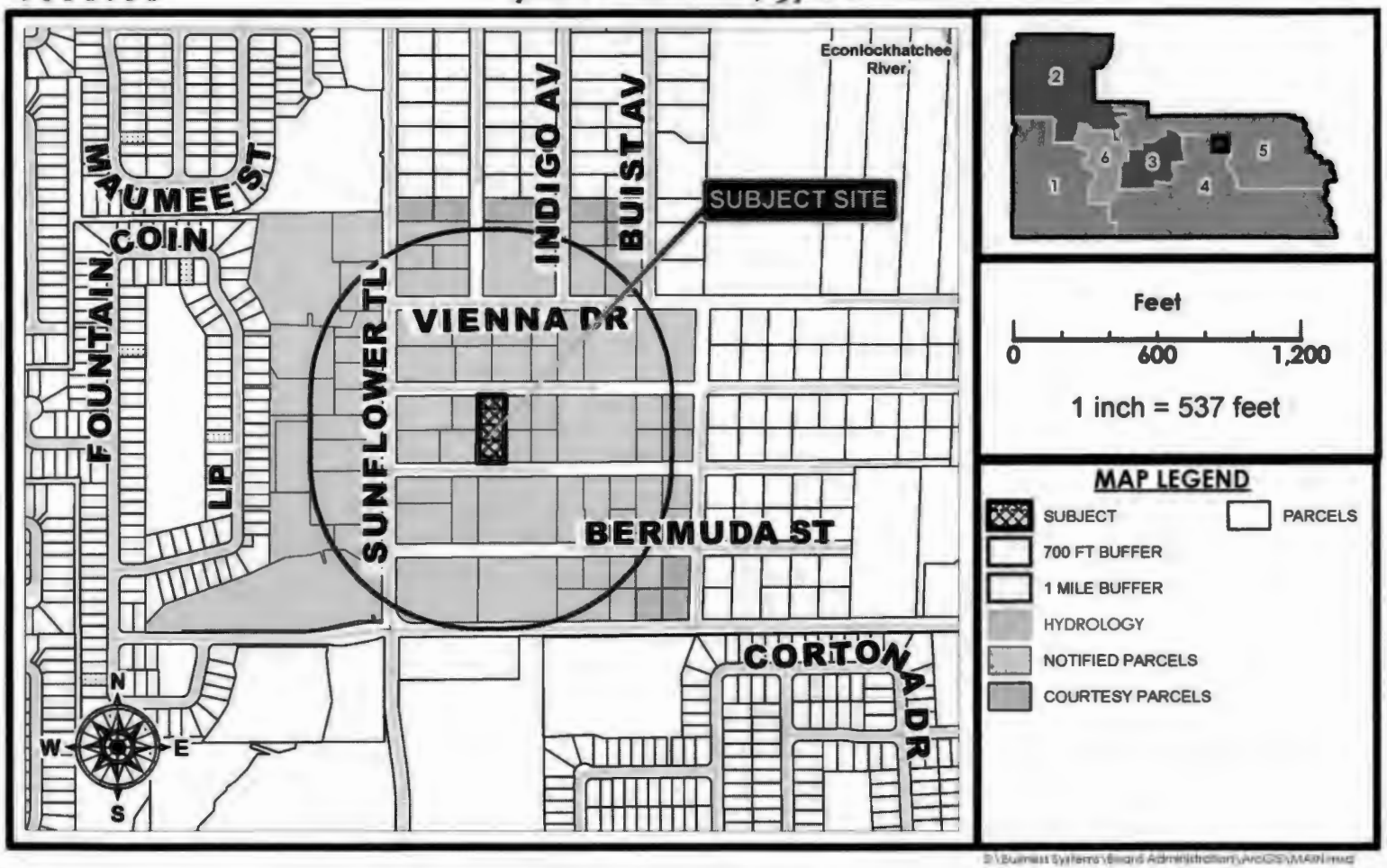


Notification Map

Public Notification Map

RZ-19-01-063 _ Lakspur Street

700 FT BUFFER, 97 NOTICES



Case #RZ-19-01-063
Orange County Planning Division
PZC Hearing Date: February 21, 2019

CASE # RZ-19-02-066

Commission District: #2

GENERAL INFORMATION

APPLICANT	Christopher Michael Martin, Green Valley Landscape Management, Inc.
OWNER	Green Valley Landscape Management, Inc.
HEARING TYPE	Planning and Zoning Commission
REQUEST	**C-1** (Retail Commercial District) **to** **C-2** (General Commercial District)
LOCATION	2975 W. Orange Blossom Trail; or generally located north of W. Orange Blossom Trail, east of T.L. Smith Road, and approximately 325 feet northwest of Plymouth Sorrento Road
PARCEL ID NUMBER	06-21-28-7172-01-180
TRACT SIZE	1.12 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]. One hundred fifty-eight (158) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Lawnmower sales and repair with outdoor storage and display of merchandise

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; and

2) 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 C-2 uses.

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 proposed C-2 (General 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	Lawnmower Sales and Repair
Adjacent Zoning	N: C-1 (Retail Commercial District) *(City of Apopka)*

	E:	Orange Blossom Trail Right-of-Way
	W:	PD (Planned Development District) (Cumberland Farms PD) *(1997)*
	S:	Zoning in Progress *(City of Apopka)*
Adjacent Land Uses	N:	Single-Family Dwelling
	E:	Right-of-Way
	W:	Convenience Store with Gas Pumps
	S:	Warehouse

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)

Intent, Purpose, and 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 2975 W. Orange Blossom Trail; or general located north of W. Orange Blossom Trail, east of T.L. Smith Road, and approximately 325 feet northwest of Plymouth Sorrento Road. The surrounding area is comprised of varying levels of commercial and industrial development within the City of Apopka and unincorporated Orange County. In 2017, the subject property went through a Future Land Use Amendment from Rural to Commercial (#2017-1-S-2-2) in order to bring the existing C-1 zoning into consistency with the property's Future Land Use.

The applicant has applied to rezone the property from C-1 (Retail Commercial District) to C-2 (General Commercial District) to allow the outdoor display and storage of merchandise on the property and to rectify outstanding Code Enforcement violations that include unpermitted outdoor storage and display.

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 for this request.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is located within the City of Apopka JPA. Notice of this rezoning was provided to the City for their review, but they did not provide any comment as of the publication of this report.

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 (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.

Transportation / Access

Based on the Concurrency Management System database dated January 4, 2019, there are no failing roadway segments within the project impact area and capacity is available to be encumbered. This information is dated and subject to change.

The applicant will be required to obtain an approved Capacity Encumbrance Letter (CEL) prior to obtaining a building permit. The applicant may be required to submit a traffic study prior to obtaining an approved CEL and building permit.

Code Enforcement

Recently, there were two (2) active Code Enforcement cases on the subject property. The first was filed Incident #526249, which relates to the property not having a valid use permit and having outdoor display. The second was filed under Incident #526250, which related to having unpermitted wall signs and advertising banners on the fence.

Per Code Enforcement, these violations have been removed, as the property was sold to the applicant, where code violations do not automatically transfer to new property owners, and the current owner is taking the necessary steps to bring the property into code compliance. This rezoning is required to bring the property into code compliance for the outdoor display of merchandise.

Utilities

Water:	City of Apopka
Wastewater:	City of Apopka
Reclaim Water:	City of Apopka

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 – (February 21, 2019)

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; and

2) 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 C-2 uses; and

3) The property shall be limited to C-1 uses and the C-2 uses of "Landscaping and irrigation business, lawn care, tree service" and "Lawnmower sales and repair" with associated, ancillary outdoor storage and display. All outdoor storage must be properly screened and buffered per Orange County Code prior to the accommodation and operation of the aforementioned C-2 uses. 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 Commerical District) zoning, subject to the two (2) restictions in the staff report, as well as an additional restriction limiting the proposed uses and adding buffering requirements.

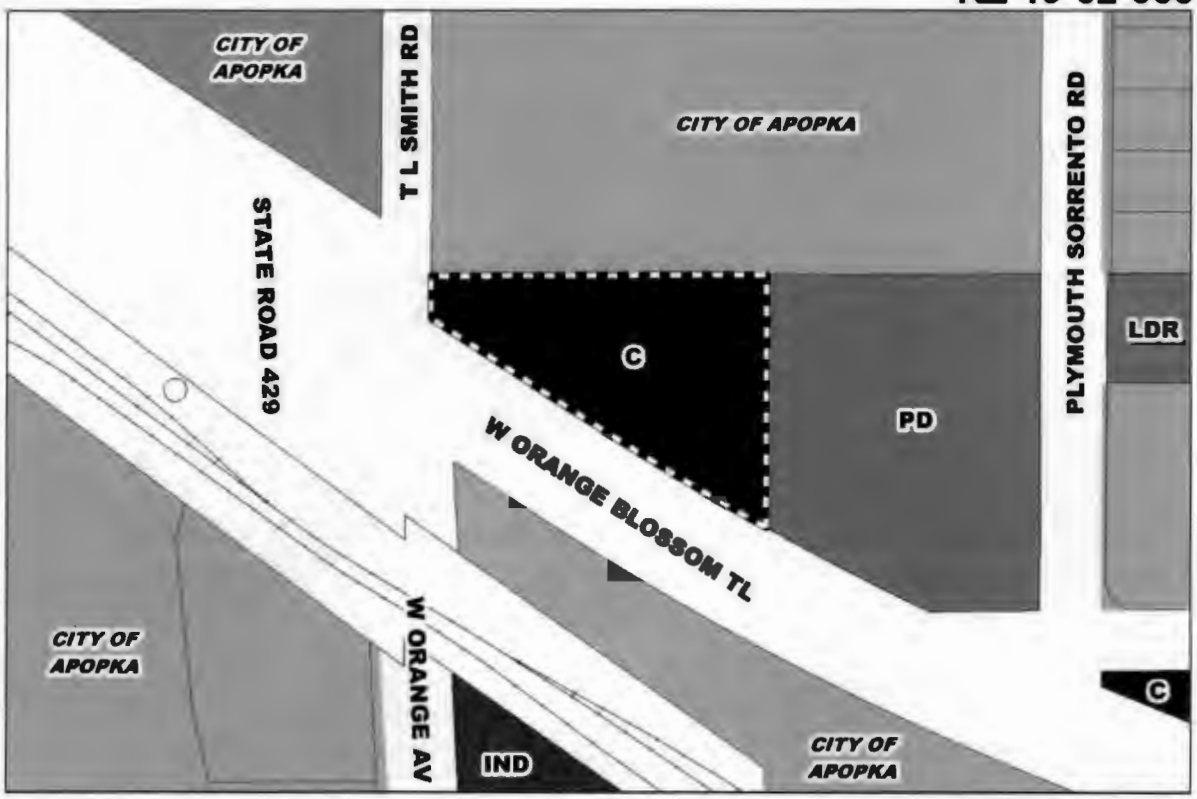
Staff indicated that one hundred fity-eight (158) notices were mailed to surrounding property owners within a buffer of 1,300 feet from the subject property, with zero (0) commentaries received in favor or in opposition to the request. Additionally, the City of Apopka was noticed of the request and provided a letter raising their concerns related to the future uses of the property, as well the visual impact to the Orange Blossom Trail corridor. The applicant was present and agreed with the staff recommendation, as well as the added restriction limiting the proposed uses and adding buffering requirements. There were no members of the public present to speak on this request.

After substantial discussion relating to the use, buffering, and Code Enforcement history of the property, a motion was made by Commissioner Velazquez to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the C-2 (General Commercial District) zoning, subject to three (3) restrictions.. Commissioner Cantero seconded the motion, which then carried on a 9-0 vote.

Motion / Second *Diane Velazquez / Jose Cantero*

Voting in Favor	*Diane Velazquez, Jose Cantero, Jimmy Dunn, JaJa Wade, Carlos Nazario, Gordon Spears, Mohammed Abdallah, Yog Melwani, and Eddie Fernandez*
Voting in Oppostion	*None*
Absent	*None*

RZ-19-02-066



Subject Property

Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Christopher Michael Martin, Green Valley Landscape Management, Inc.

LOCATION: 2975 W. Orange Blossom Trail; or generally located north of W. Orange Blossom Trail, east of T.L. Smith Road, and approximately 325 feet northwest of Plymouth Sorrento Road

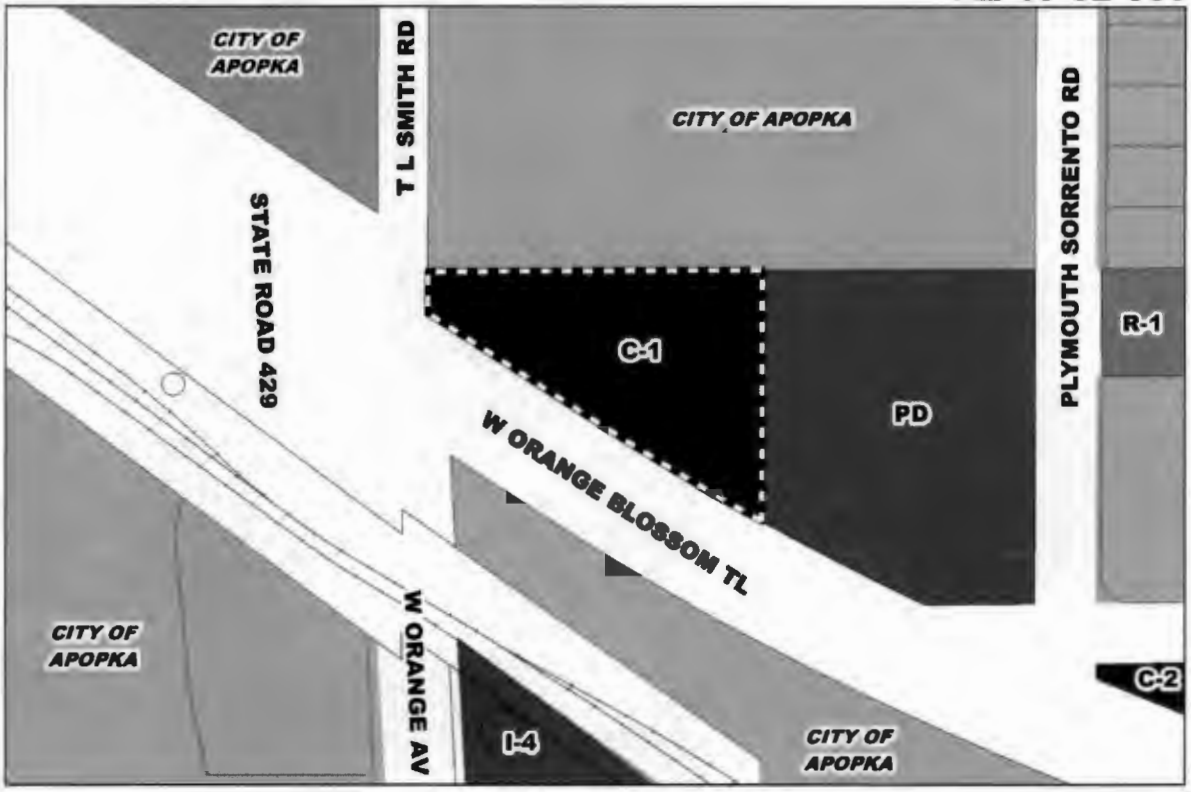
TRACT SIZE: 1.12 gross acres

DISTRICT: # 2

S/T/R: 06/21/28

1 inch = 150 feet

RZ-19-02-066



Subject Property

Subject Property

Zoning Map

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

APPLICANT: Christopher Michael Martin, Green Valley Landscape Management, Inc.

LOCATION: 2975 W. Orange Blossom Trail; or generally located north of W. Orange Blossom Trail, east of T.L. Smith Road, and approximately 325 feet northwest of Plymouth Sorrento Road

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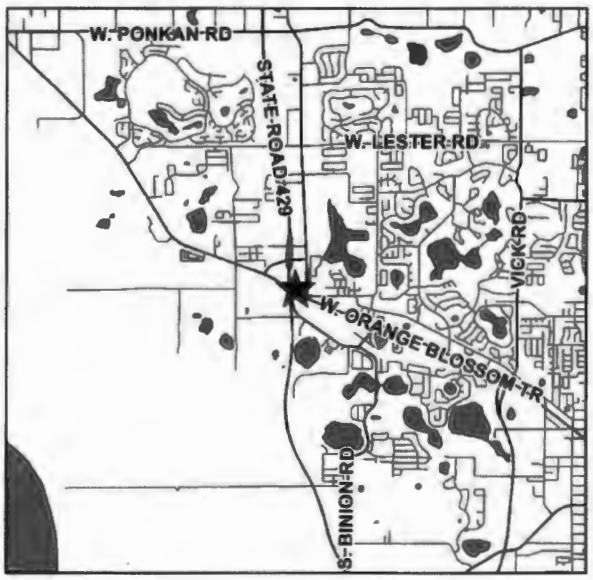
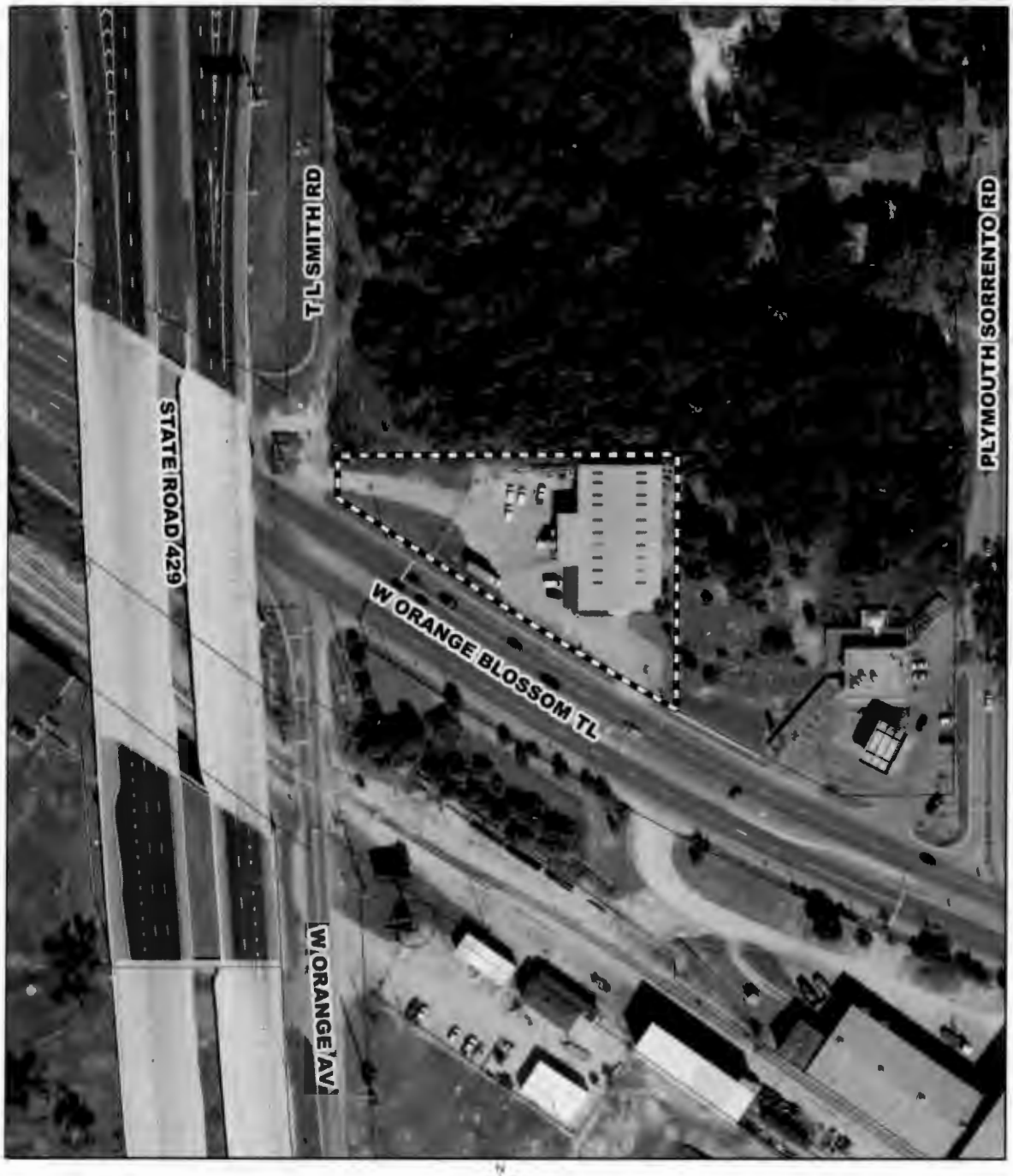


RZ-19-02-066



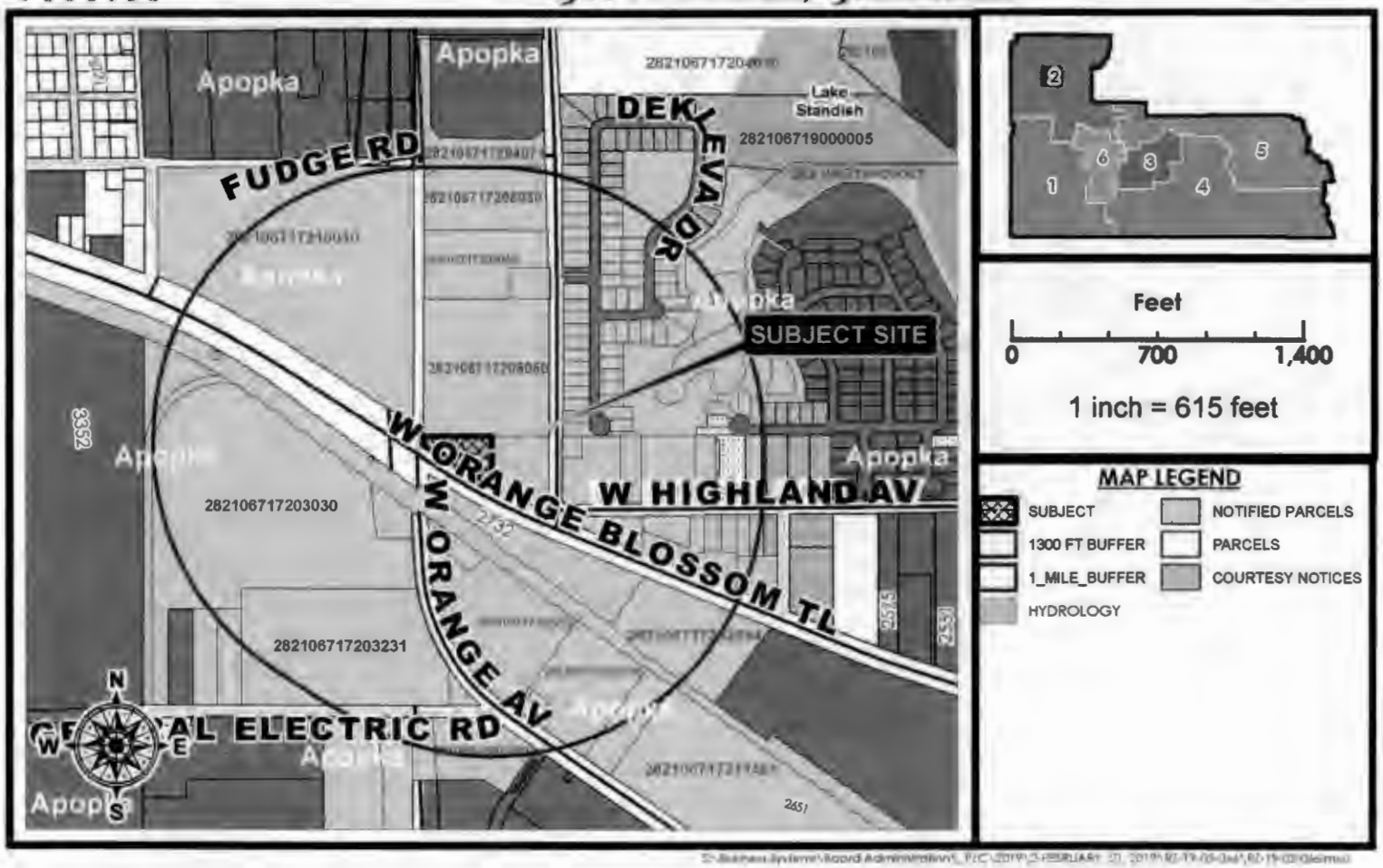
Subject Property

1 inch = 125 feet

Public Notification Map

RZ-19-02-066

1300 FT BUFFER, 158 NOTICES



Notification Map

Case # RZ-19-02-066
Orange County Planning Division
PZC Hearing Date: February 21, 2019