Interoffice Memorandum



DATE:

February 19, 2019

TO:

Mayor Jerry L. Demings

-AND-

Board of County Commissioners

FROM:

Jon V. Weiss, P.E., Director

Planning, Environmental, and Development

Services Department

CONTACT PERSON:

Eric Raasch, Interim DRC Chairman

Development Review Committee

Planning Division (407) 836-5523

SUBJECT:

March 12, 2019 - Public Hearing

Rob Stephenson, Curry Ford Car Wash, LLC RaceTrac – Curry Ford Planned Development

Case # LUPA-18-09-294 / District 4

The RaceTrac – Curry Ford Planned Development (PD) is generally located on the south side of Curry Ford Road, approximately 315 feet east of State Road 417. The applicant is seeking to rezone one parcel containing 2.75 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) and incorporate the parcel into the RaceTrac – Curry Ford PD, in order to construct a 5,000 square foot car wash and associated infrastructure.

On January 17, 2019, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to 14 conditions. A community meeting was not required for this application.

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 and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan (CP) and approve the RaceTrac - Curry Ford Planned Development / Land Use Plan (PD/LUP) dated "Received October 31, 2018", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 4

Attachments JVW/EPR/stt

PZC Recommendation Staff Report Commission District: # 4

GENERAL INFORMATION

APPLICANT

Rob Stephenson, Curry Ford Car Wash, LLC

OWNER

Curry Ford Car Wash, LLC

PROJECT NAME

RaceTrac – Curry Ford Planned Development (PD)

HEARING TYPE

Planned Development / Land Use Plan (PD / LUP)

REQUEST

A-2 (Farmland Rural District) **and PD** (Planned Development District) **to PD** (Planned Development District)

A request to rezone one (1) parcel containing 2.75 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) and incorporate the parcel into the RaceTrac – Curry Ford PD in order to construct a 5,000

square foot car wash and associated infrastructure.

LOCATION

Generally located on the south side of Curry Ford Road,

approximately 315 feet east of State Road 417

PARCEL ID NUMBERS

07-23-31-0000-00-001 (existing PD parcel) and 07-23-31-0000-00-016 (parcel to be aggregated)

TRACT SIZE

2.27 gross acres (existing PD)

2.75 gross acres (parcel to be aggregated)
5.02 gross acres (overall aggregated PD)

PUBLIC NOTIFICATION

The notification area for this public hearing was 1,100 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred twenty-two (122) notices were mailed to those property owners in the mailing area. A community

meeting was not required for this application.

PROPOSED USE

5,000 square foot car wash and associated infrastructure

STAFF RECOMMENDATION

Development Review Committee – (December 5, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the RaceTrac – Curry Ford Planned Development / Land Use Plan (PD/LUP), dated "Received October 31, 2018", subject to the following conditions:

- 1. Development shall conform to the RaceTrac Curry Ford Land Use Plan dated "Received October 31, 2018," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received October 31, 2018," the condition of approval shall control to the extent of such conflict or inconsistency.
- This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
- 3. 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.
- 4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's

obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

- 5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
- 6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
- 7. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- 8. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
- Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
- 10. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- 11. Outside sales, storage, and display shall be prohibited.
- 12. <u>Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.</u>

- 13. Property shall be aggregated through the Orange County Property Appraiser into one parcel prior to submitting for any building permits.
- 14. All existing structures shall be demolished prior to first vertical building permit.

IMPACT ANALYSIS

Land Use Compatibility

The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development-Commercial (PD-C), which allows for retail commercial development at a FAR of 1.5 and Medium Density Residential (MDR), of which for this particular request, allows for commercial stormwater retention as a Special Exception use. As the use is being requested through the PD review process, this acts as the Special Exception review. The proposed PD zoning district and development program is consistent with the Planned Development - Commercial and Medium Density Residential FLUM designations and the following CP provisions:

- **FLU1.4.1** states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- **FLU1.4.2** states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.
- **GOAL FLU2** states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.
- **FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.
- **OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.
- **FLU8.2.1** states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

Community Meeting Summary

A community meeting was not required for this request.

SITE DATA

Existing Use

Undeveloped Land

Adjacent Zoning

N: PD (Planned Development District) (Econ Landing PD)

(2004)

E: PD (Planned Development District) (Weber Lakes PD)

(2002)

W: PD (Planned Development District) (Covered Bridge PD)

(1974) (across State Road 417)

S: A-2 (Farmland Rural District) (1957)

Adjacent Land Uses

N: Self-Storage, Wetland

E: Wetland

W: State Road 417, Church

S: Wetland, Stormwater Pond

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback:

25 feet

Maximum Building Height:

50 feet

Minimum Lot Width:

100 feet

Maximum Floor to Area Ratio:

1.5 FAR

Proposed Floor Area:

5,000 Square Feet (0.05 FAR)

Minimum Building Setbacks

Front Setback:

40 feet

Rear Setback:

25 feet

Side Setback:

25 feet, or 60 feet from State Road 417

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone one (1) parcel containing 2.75 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) and incorporate the parcel into the RaceTrac – Curry Ford PD in order to construct a 5,000 square foot car wash and associated infrastructure, such as stormwater retention. There are no waivers associated with this request.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation of Planned Development - Commercial (PD-C) and Medium Density Residential (MDR). The proposed use is consistent with this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

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

Orange County Conservation Area Determination, CAD-17-11-144, was completed for this project site with a certified wetland boundary survey approved on January 16, 2018. The CAD delineated a Class I wetland and surface water that is a portion of the Little Econlockhatchee River. There are no wetland impacts proposed with this development.

Transportation / Concurrency

Based on the Concurrency Management System database dated October 3, 2018, there is one failing roadway within a one-mile radius of this project. Dean Road from Curry Ford Road to Lake Underhill Road is operating at Level of Service (LOS) "F" and there is no available capacity. A traffic study will be required prior to obtaining and approved Capacity Encumbrance Letter.

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Water / Wastewater / Reclaim

Existing service or provider

Water:

Orange County Utilities

Wastewater:

Orange County Utilities

Reclaimed:

Orange County Utilities

Schools

Orange County Public Schools did not provide any comments as this request does not impact school capacity.

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not identify any issues or concerns.

Code Enforcement

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

Specific Project Expenditure Report and Relationship Disclosure Forms

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

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

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 RaceTrac – Curry Ford Planned Development (PD), subject to fourteen (14) DRC recommended conditions.

Staff indicated that one hundred twenty-two (122) notices were mailed to surrounding property owners in an area extending beyond 1,100 feet from the subject property, with zero (0) commentaries received in favor or in opposition of the request. The applicant was present and agreed with the staff recommendation. There were no members of the public present to speak on this request.

After limited discussion, a motion was made by Commissioner Spears to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the RaceTrac - Curry Ford PD, subject to the fourteen (14) DRC recommended conditions. Commissioner Cantero seconded the motion, which then carried on a 6-0 vote.

Motion / Second

Gordon Spears / Jose Cantero

Voting in Favor

Gordon Spears, Jose Cantero, Yog Melwani, Diane

Velazquez, Eddie Fernandez, and Jimmy Dunn

Voting in Opposition

None

Absent

JaJa Wade and Carlos Nazario

(Mohammed Abdallah declared a conflict of interest and recused himself from the vote.)

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (January 17, 2019)

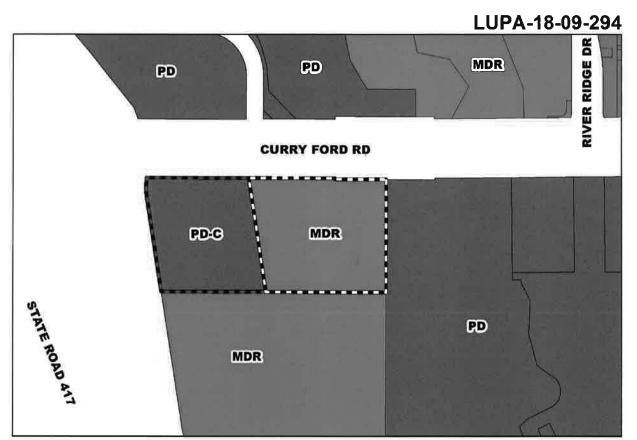
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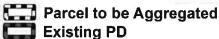
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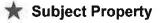
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- 13. <u>Property shall be aggregated through the Orange County Property Appraiser into one parcel prior to submitting for any building permits.</u>
- 14. All existing structures shall be demolished prior to first vertical building permit.









Future Land Use Map

FLUM:

Planned Development - Commercial (C) &

Medium Density Residential (MDR)

APPLICANT: Rob Stephenson,

Curry Ford Car Wash, LLC

LOCATION: Generally located on the south side of Curry Ford Road, approximately 315 feet

east of State Road 417

TRACT SIZE: 2.27 gross acres (existing PD)

2.75 gross acres (aggregated parcel) 5.02 gross acres (overall aggregated PD)

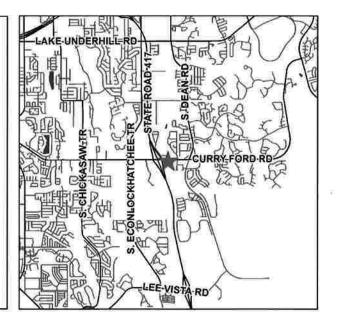
DISTRICT:

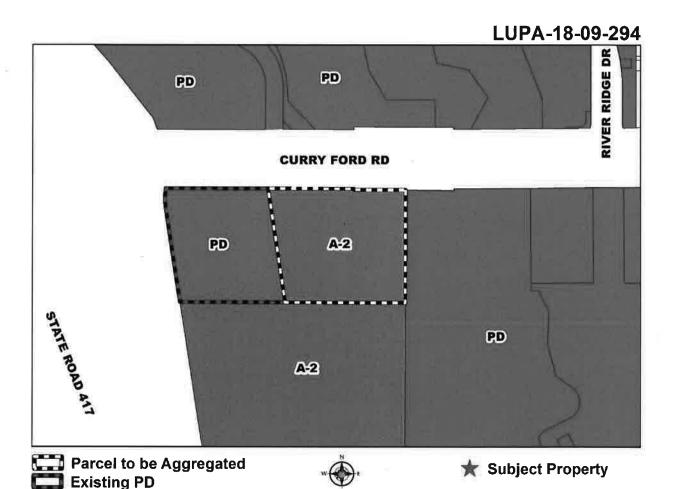
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S/T/R:

07/23/31

1 inch = 225 feet





Zoning Map ZONING:

A-2 (Farmland Rural District) and

PD (Planned Development District) to PD (Planned Development District)

APPLICANT: Rob Stephenson,

Curry Ford Car Wash, LLC

LOCATION: Generally located on the south side of

Curry Ford Road, approximately 315 feet

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TRACT SIZE: 2.27 gross acres (existing PD)

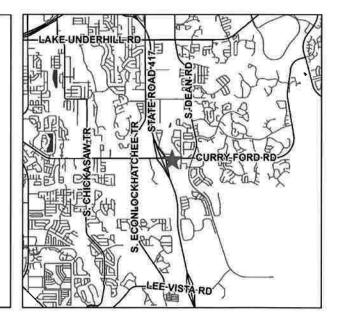
2.75 gross acres (aggregated parcel)

5.02 gross acres (overall aggregated PD)

DISTRICT: #4

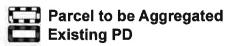
S/T/R: 07/23/31

1 inch = 225 feet



LUPA-18-09-294

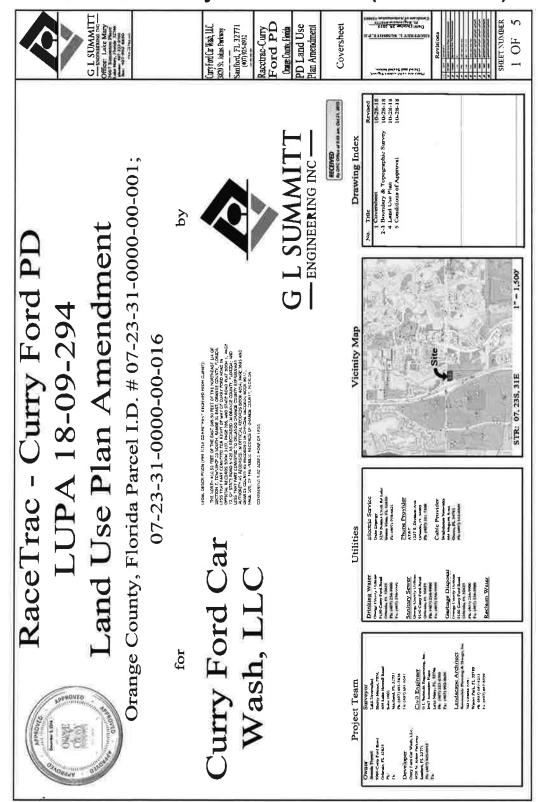




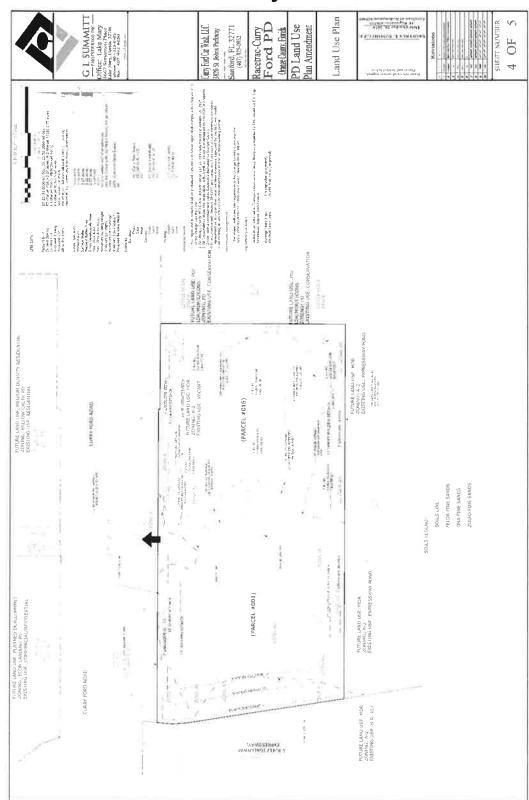


1 inch = 150 feet

RaceTrac - Curry Ford PD / LUP (Cover Sheet)



RaceTrac - Curry Ford PD / LUP



Notification Map

