



**Interoffice Memorandum**

**DATE:** June 9, 2021

**TO:** Mayor Jerry L. Demings  
-AND-  
County Commissioners

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

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

**SUBJECT:** June 22, 2021 – Public Hearing  
Planning and Zoning Commission: Board-called Rezoning  
Applicant: Breck L. Johnson  
Case # RZ-21-04-020 / District 2

This is a Board-called rezoning hearing in which the applicant is requesting to rezone 0.55-gross acre property, generally located on the southeast corner of S. Thompson Road and E. Semoran Boulevard, from C-1 (Retail Commercial District) to C-2 Restricted (General Commercial District) to allow for General Commercial (C-2) uses. On April 15, 2021, the Planning and Zoning Commission recommended approval of the C-2 Restricted (General Commercial District) zoning, subject to restrictions.

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

**ACTION REQUESTED:** Make a finding of consistency with the Comprehensive Plan and approve the C-2 Restricted (General Commercial District) zoning, subject to the restrictions listed in the staff report. District 2

JVW/EPR/IAP  
Attachment

**GENERAL INFORMATION**

<b>APPLICANT</b>	Breck L. Johnson
<b>OWNER</b>	LB Land Holdings, Inc.
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>C-1 (Retail Commercial District) to C-2 Restricted (General Commercial District)</b>
<b>LOCATION</b>	1220 E. Semoran Boulevard, generally on the southeast corner of S. Thompson Road and E. Semoran Boulevard
<b>PARCEL ID NUMBER</b>	11-21-28-0000-00-277
<b>TRACT SIZE</b>	0.55-gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred thirty-two (232) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	General Commercial Uses (i.e. mechanical shop, auto sales, lawn mower shop, etc.)

**STAFF RECOMMENDATION**

**PLANNING**

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

- 1) New billboards and pole signs shall be prohibited;
- 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) Outdoor storage, except for operable cars for sale, shall be screened and not visible from the public right of way.

- 4) For any use other than a gas station, the gas pump canopy must be removed prior to the commencement of a new use.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is requesting to rezone the subject property from C-1 (Retail Commercial District) to C-2 Restricted (General Commercial District) to allow for uses such as a mechanical shop, car sales lot, or a lawn mower shop.

The subject property is developed with a gas station, which is not currently in operation. The area surrounding the subject property is intended for commercial uses and identified as a commercial corridor along E. Semoran Boulevard. The neighboring properties to the south, east and west have C-2 zoning and therefore, the rezoning request is compatible with the surrounding area.

**Land Use Compatibility**

The C-2 Restricted (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.

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Apopka Joint Planning Area
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-2 Restricted (General Commercial District) zoning is consistent with the Commercial FLUM designation, therefore a CP amendment is not necessary. The request is consistent with 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**

<b>Existing Use</b>	Former Gas Station
<b>Adjacent Zoning</b>	N: C-1 (Retail Commercial District) 1984 E: C-2 Restricted* (General Commercial District) 2005 <i>*Restrictions: 1) The ingress/egress being determined by the County Engineer; 2) A six (6) ft. masonry wall shall be constructed along the most southerly property line;</i> W: C-2 Restricted* (General Commercial District) 1989 <i>*Restrictions: 1) A six (6) ft. high masonry/block wall adjacent to residentially zoned property; 2) Access to be provided as determined by the County Engineering Department.</i> S: C-2 Restricted* (General Commercial District) 2005 <i>*Restrictions: 1) The ingress/egress being determined by the County Engineer. 2) A six (6) ft. masonry wall shall be constructed along the most southerly property line.</i>
<b>Adjacent Land Uses</b>	N: Retail Store Orange County Library E: Animal Hospital

W: Vehicle Repair  
S: Commercial Vacant Land

**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 residential)  
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**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*See below
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency database dated March 23, 2021, there is one failing roadway segment within the project area. Orange Blossom Trail from Semoran Boulevard to Park Avenue is failing. A traffic study will be required prior to building permit approval.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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\*This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply.

This property is located in the Wekiva Priority Focus Area. If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

DEP cleanup site located to the southwest associated with Palace Dry Cleaners. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.

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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water: City of Apopka

Wastewater: City of Apopka

Reclaim Water: City of Apopka

**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.

**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 – (April 15, 2021)**

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

- 1) New billboards and pole signs shall be prohibited;
- 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) Outdoor storage, except for operable cars for sale, shall be screened and not visible from the public right of way.
- 4) For any use other than a gas station, the gas pump canopy must be removed prior to the commencement of a new use.

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

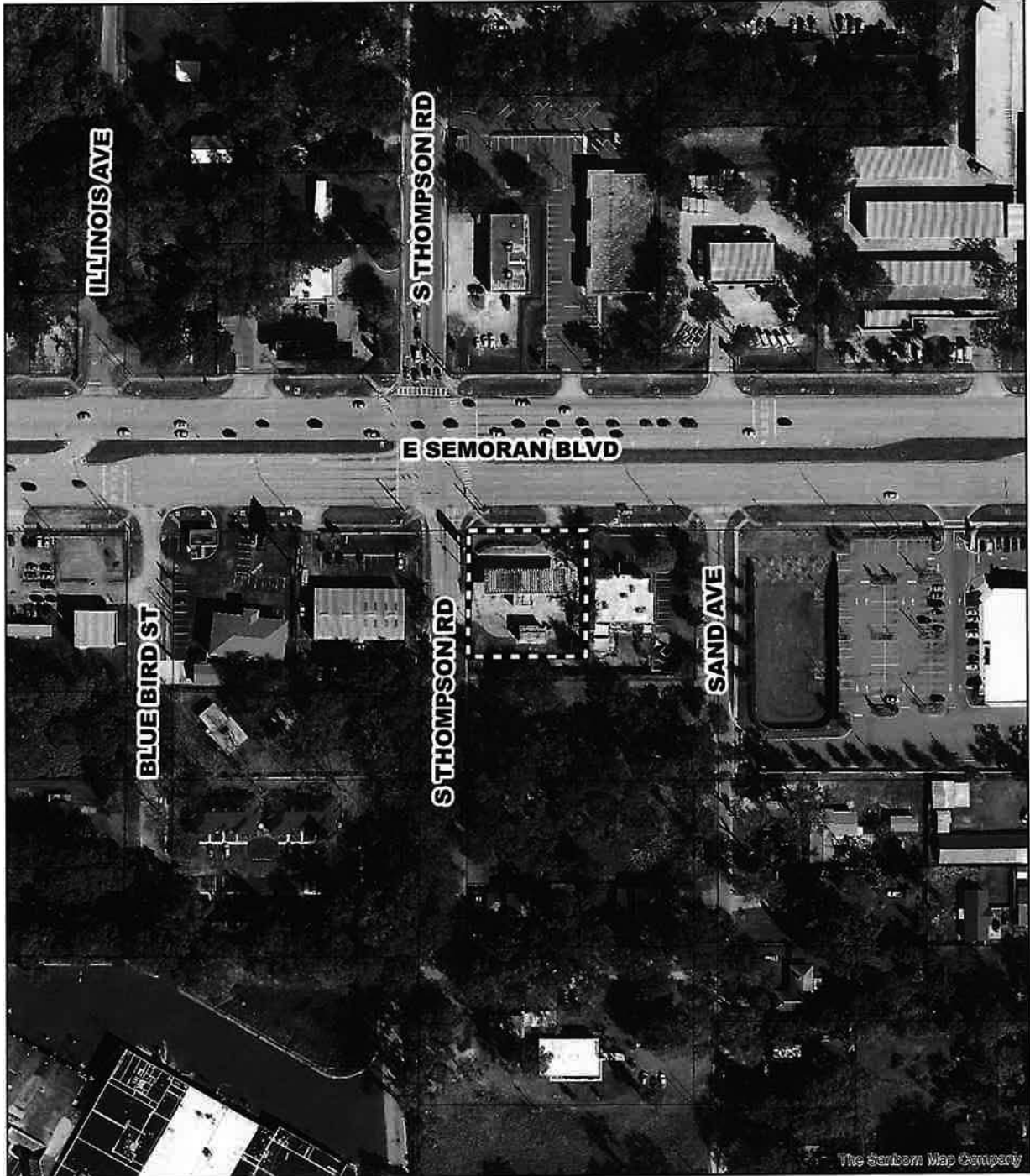
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested C-2 Restricted (General Commercial District) zoning. The applicant was present and agreed with the staff recommendation.

Staff indicated that two hundred thirty-two (232) notices were sent to property owners within 500-foot area surrounding the subject property, and that staff has received two (2) responses in opposition and one (1) in support of this request. Those in opposition stated concerns of impacts to the neighborhood. After discussion addressing restrictions from adjacent properties and the proposed development of the property, a motion was made by Commissioner McQuade and seconded by Commissioner Wade to recommend approval of the requested C-2 Restricted (General Commercial District) zoning, subject to restrictions. The motion carried on an 8-0 vote.

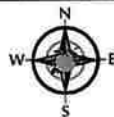
<b>Motion / Second</b>	<i>Sean McQuade / JaJa Wade</i>
<b>Voting in Favor</b>	<i>Sean McQuade, JaJa Wade, Evelyn Cardenas, Carlos Nazario, Nelson Pena, Mohammed Abdallah, Gordon Spears, and Trevor Sorbo</i>
<b>Voting in Opposed</b>	<i>None</i>
<b>Absent</b>	<i>Eddie Fernandez</i>



RZ-21-04-020

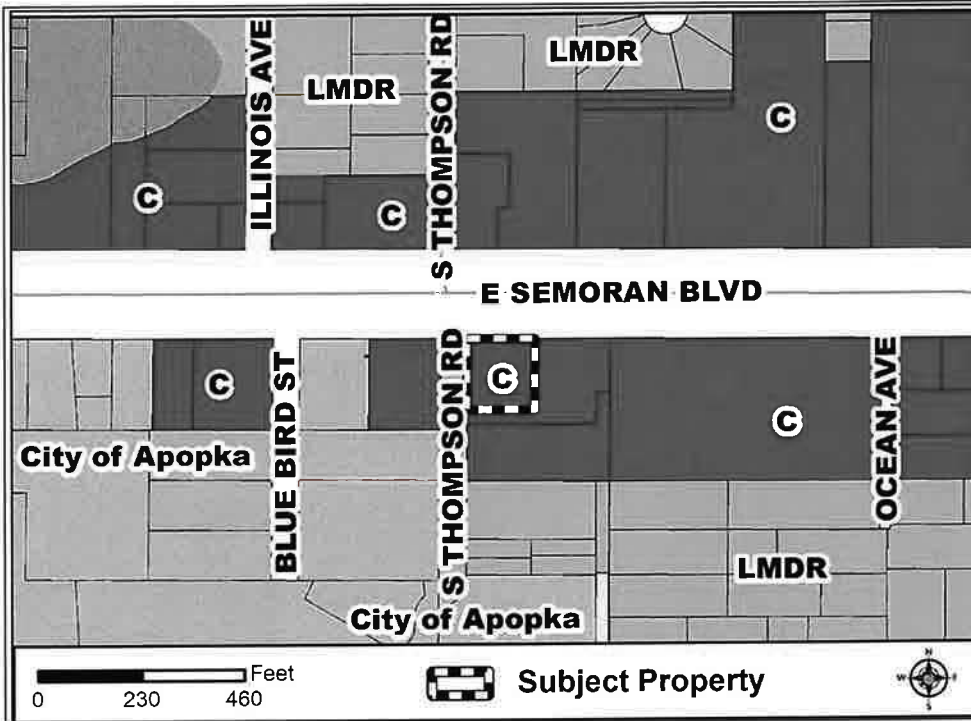


 Subject Property



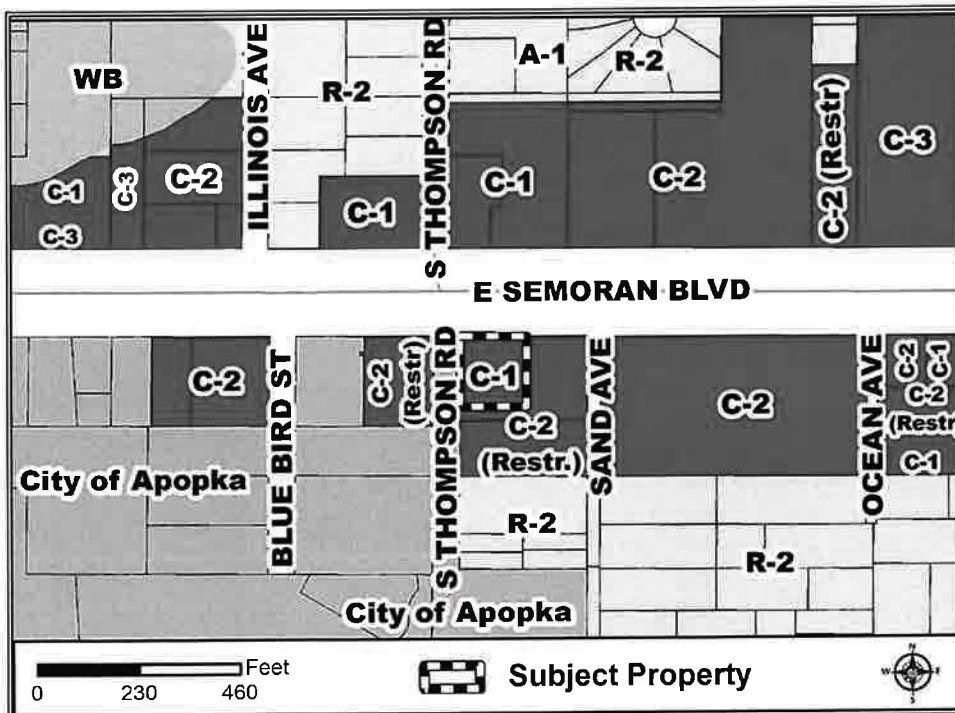
1 inch = 167 feet

**FUTURE LAND USE – CURRENT**



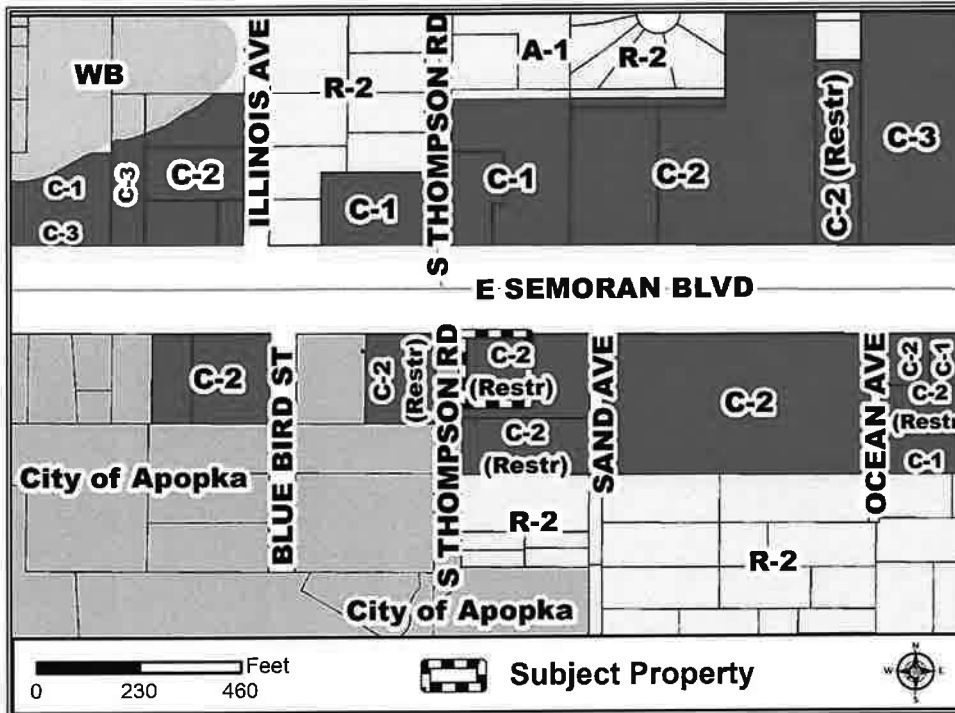
**Future Land Use Designation:**  
C (Commercial)

**ZONING - CURRENT**



**Current Zoning District:**  
C-1 (Retail Commercial District)

ZONING - PROPOSED



**Proposed Zoning District:**  
C-2 Restricted  
(General Commercial District)

# Notification Map

