



Interoffice Memorandum

September 24, 2021

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

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

CONTACT PERSON: **Ted Kozak, AICP, Chief Planner,  
Zoning Division  
(407) 836-5537**

SUBJECT: October 26, 2021 – Board called and Appeal Public Hearing  
Applicant/ Appellant: Orlando Speedworld (Kelsey Weiss)  
BZA Case #SE-21-07-039, July 1, 2021; District 5

Board of Zoning Adjustment (BZA) Case # SE-21-07-039, located at 19164 E. Colonial Drive, Orlando, FL 32820, in District 5, is a Board called and Appeal public hearing. The applicant is requesting an amendment to an existing special exception for an existing race track in the A-2 zoning district to allow for a revised site plan that includes additional associated accessory structures. The subject property is located west of the intersection of E. Colonial Dr. and S.R. 520.

At the July 1, 2021 BZA hearing, staff recommended approval of the amendment to an existing special exception. The BZA unanimously recommended approval of the requested amendment to an existing special exception with 12 conditions of approval by a 4-0 vote.

The applicant/ appellant objects to the recommended condition of approval pertaining to hours of operation.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Ted Kozak, AICP at (407) 836-5537.

**ACTION REQUESTED: Deny the applicant's requests; or approve the applicant's requests with conditions. District 5.**

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT  
ZONING DIVISION PUBLIC HEARING REPORT**

**October 26, 2021**

The following is a public hearing before the Board of County Commissioners on October 26, 2021 at 2:00 p.m.

**APPELLANT/APPLICANT:** ORLANDO SPEEDWORLD (KELSEY WEISS)

**REQUEST:** Amendment to an existing Special Exception for an existing race track in the A-2 zoning district to allow for a revised site plan that includes additional associated accessory structures.  
This is the result of Code Enforcement action.

**LOCATION:** 19164 E. Colonial Drive, Orlando, FL 32820, west of the intersection of E. Colonial Dr. and S.R. 520.

**TRACT SIZE:** 112.68 acres

**ZONING:** A-2

**DISTRICT:** #5

**PROPERTIES NOTIFIED:** 1003

**BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:**

Staff described the proposal, including the location of the property, the history of operations and prior approvals, the site plan, the proposed improvements and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff noted that one (1) comment was received in support, two (2) comments were received in neutrality and two (2) comments were received in opposition, including one comment received after the staff report was published.

The applicant stated that the race track facility has been operating for over 50 years and the request is to allow the restroom, storage building, truck parking and improvements installed without permits. They contended that the operations are not expanding beyond its current extent of operations and noted that the owner has committed to be a good neighbor, including enforcement of the noise levels due to music and customer noise.

Six neighbors spoke in favor to the request and 13 neighbors spoke in opposition to the request, citing concerns about the traffic, noise, air quality, late hours of operation and the use being incompatible with the area. They also noted that the business has dramatically expanded over the past several years and desired additional buffering and landscaping to the perimeter to lessen noise impacts.

The applicant noted that the owner is not proposing any expansion to the race facility, only minor site improvements unrelated to car racing and reiterated the Noise Ordinance exemption for the race track operations. The applicant indicated that the owner was in support of all the proposed conditions except for Condition 8, related to hours of operation.

The BZA noted the complaints received at the community meeting, discussed the hours of operation, the history of the site, and discussed the need for a condition for restating the hours of operation that were provided by the owner.

The BZA unanimously recommended approval of the special exception amendment by a 4-0 vote, with one abstention, subject to the twelve (12) conditions in the staff report, and an amendment to Condition 8, which states "Hours of operation for all race track operations, including special seasonal racing events, Monday through Thursday 5 p.m. to 11:30 p.m., 5 p.m. to midnight Friday, noon to midnight Saturday and 9 a.m. to 6 p.m. Sunday."

#### **BZA HEARING DECISION:**

A motion was made by Wes A. Hodge, seconded by Thomas Moses and unanimously carried to recommend APPROVAL of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (4 in favor, none opposed, 1 abstention):

1. Development shall be in accordance with the site plan and elevations dated May 27, 2021, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. 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.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Use of the property is limited to race track operations. Drag strip events and oval race events shall not run concurrently due to the available number of parking spaces.
5. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
6. The owner shall use best management practices to reduce noise impacts not attributed to its race track operations through enforcement of patrons with security personnel and continue to work with local law enforcement agencies such as the Orange County Sheriff's office to educate and reduce off-site street racing activities.
7. Noise warning signs shall be installed, or replaced as needed for legibility, throughout the property that provides verbiage that non-compliance of excessive noise will result in removal and/ or trespass from the property.
8. Hours of operation for all race track operations, including special seasonal racing events, shall be as follows: Monday through Thursday 10 a.m. to 11:30 p.m., 5 p.m. to midnight Friday, noon to midnight Saturday and 9 a.m. to 6 p.m. Sunday.
9. Permits shall be obtained for all unpermitted structures and improvements, within 3 years of final action on this application by Orange County or this approval is null and void, except as explicitly stated in conditions #10, #11 and 12. The zoning manager may extend the time limit if proper justification is provided for such an extension.
10. The Media Trailer at the front of the site shall be removed within 6 months of final approval of this request.
11. A permit shall be obtained for the bus parking area, as indicated on the site plan, and shall be improved with a durable all-weather surface as per County Code Section 38-1479, within 1 year of final approval of this request.
12. Concrete debris piles shall be removed within 6 months of final approval of this request.



ORANGE COUNTY ZONING DIVISION  
201 South Rosalind Avenue, 1<sup>st</sup> Floor, Orlando, Florida 32801  
Phone: (407) 836-3111 Email: [Zoning@ocfl.net](mailto:Zoning@ocfl.net)  
[www.orangecountyfl.net](http://www.orangecountyfl.net)

Board of Zoning Adjustment (BZA) Appeal Application

**Appellant Information**

Name: Orlando Speed World (Owned by RBSJR, Inc.)

Address: 19164 E. Colonial Drive, Orlando FL 32820

Email: kweiss@mateerharbert.com Phone #: (407) 425-9044

BZA Case # and Applicant: SE-21-07-039; Kelsey Weiss

Date of BZA Hearing: 2021-07-01

Reason for the Appeal (provide a brief summary or attach additional pages of necessary):

Condition of approval #8 limiting the hours of operation should be removed. The hours of operation provided by the Applicant to the Zoning Division represent the typical hours of operation, however these hours can vary based on weather conditions and certain events. This Condition is not reasonably related to the requested Amendment to the existing Special Exception. The Applicant's request seeks approval for the addition of a bathroom facility, a storage building, and two paved areas. There is no nexus between these improvements to the property and a condition imposing limitations on the hours of operation. As the Staff Report states, the Applicant's request meets all six criteria of Code Sec. 38-78.

Signature of Appellant: [Signature] Date: 7/16/21

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 16 day of July, 2021, by Osvaldo Moya who is personally known to me or who has produced FL Drivers Lic. as identification and who did not take an oath.

[Signature]  
Notary Public Signature

Notary Stamp:



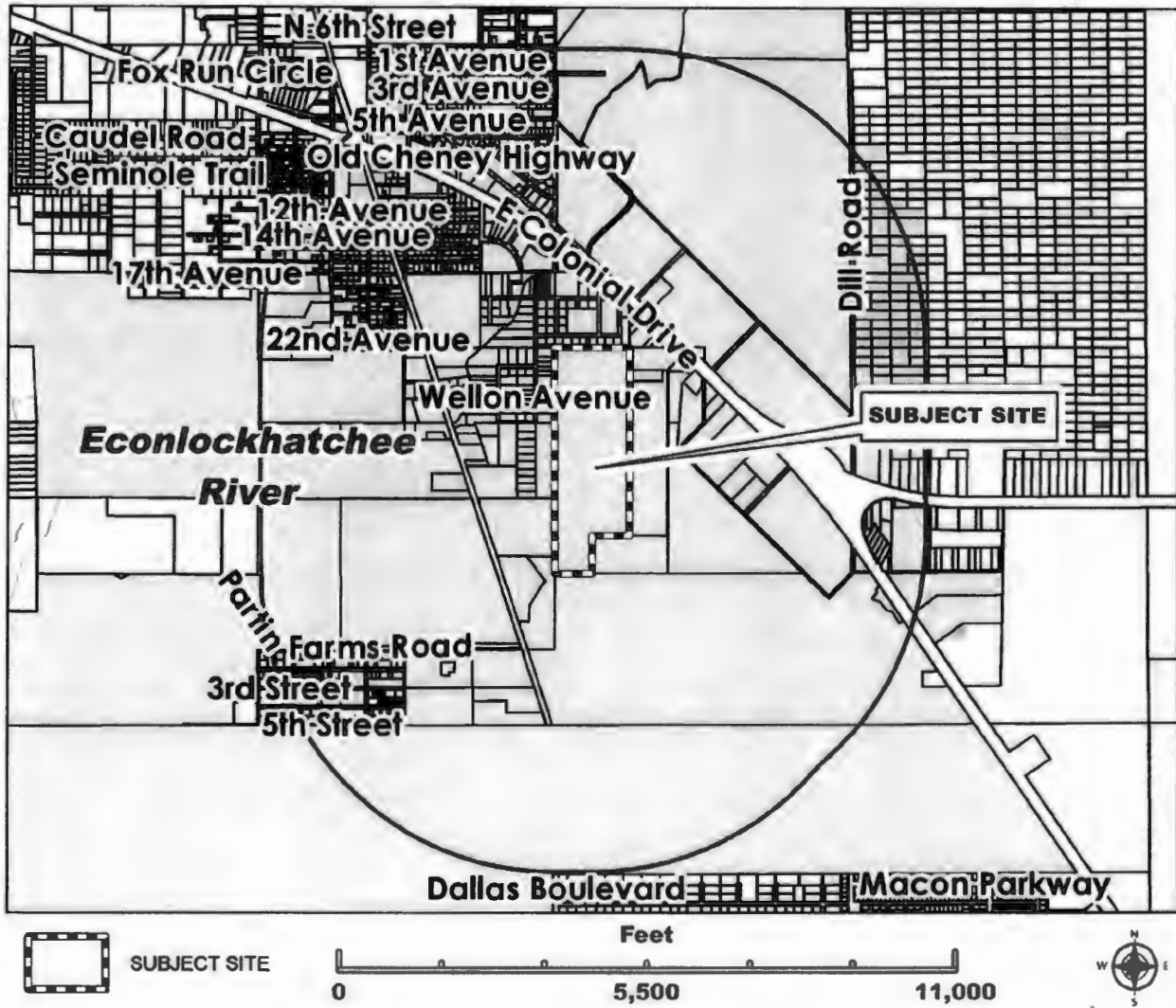
**NOTICE:** Per Orange County Code Section 30-45, this form must be submitted within 15 days after the Board of Zoning Adjustment meeting that the application decision was made.

Fee: \$691.00 (payable to the Orange County Board of County Commissioners)

Note: Orange County will notify you of the hearing date of the appeal. If you have any questions, please contact the Zoning Division at (407) 836-3111.

See Page 2 of application for the Appeal Submittal Process.

# 1 Mile Public Notification Area Map



# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 01, 2021**

Case Planner: **Ted Kozak, AICP**

Case #: **SE-21-07-039**

Commission District: **#5**

## GENERAL INFORMATION

APPLICANT(s): **ORLANDO SPEEDWORLD (KELSEY WEISS)**

OWNER(s): **R B S J R INC**

REQUEST: Amendment to an existing Special Exception for an existing race track in the A-2 zoning district to allow for a revised site plan that includes additional associated accessory structures.

This is the result of Code Enforcement action.

PROPERTY LOCATION: 19164 E. Colonial Drive, Orlando, FL 32820, west of the intersection of E. Colonial Dr. and S.R. 520.

PARCEL ID: 26-22-32-0000-00-015

LOT SIZE: 112.68 acres

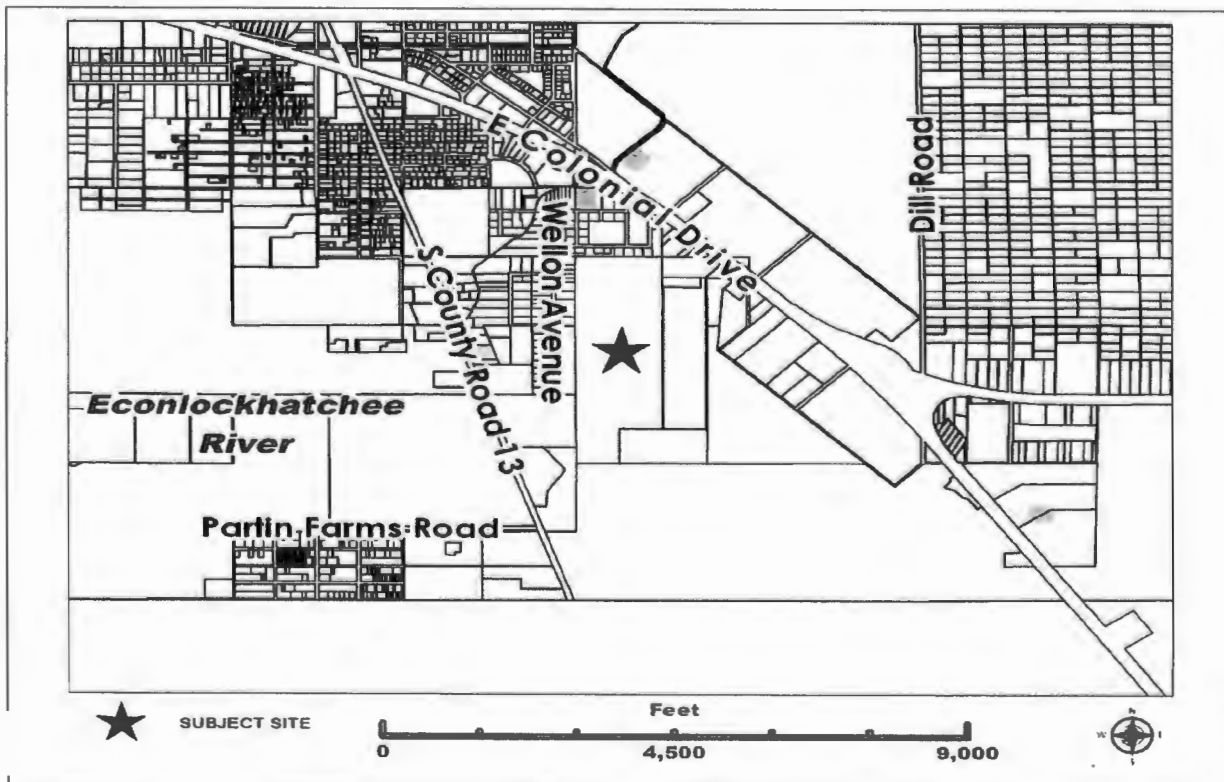
NOTICE AREA: 1 mile

NUMBER OF NOTICES: 1,003

## STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

## LOCATION MAP



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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	A-2	R-T-2, A-2	A-2	A-2	R-T-2
Future Land Use	R	LDR, R	Pres	R	R, RS 1/1 Bithlo Rural Settlement
Current Use	Race Track	Mobile Homes	County preservation and retention areas	Motocross racing	Mobile Homes, Single-Family residences, Paint Ball business

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The property is located in the A-2 Farmland Rural zoning district, which allows agricultural and residential uses including mobile homes and single-family homes on larger lots. In addition, uses associated with outdoor amusement, such as horse and car racing (SIC Group 7948), are permitted through the Special Exception process.

The area consists of single-family residences, mobile homes, an adjacent motocross operation to the east, and an Orange County retention area to the southwest. The subject property is unplatted and is considered to be a conforming lot of record. The applicant purchased the property in 2014.

The Orlando Speedworld business has been in operation as a rack track with drag strip since 1965. Current operations include motor vehicle racing on a racing oval with stands and a practice track towards the east side of the site with associated accessory structures and a main drag strip with stands, a tower with offices, a truck parking area and associated accessory structures such as restrooms and storage buildings. Hours of operation are year-round, Tuesday through Thursday 5 p.m. to 11:30 p.m., Friday 5 a.m. to midnight, Saturday noon to midnight and Sunday 9 a.m. to 6 p.m. and Monday closed. According to the applicant, Tuesdays and Thursdays only operate occasionally for special racing events and the vast majority of the racing events occur during the winter months. Only the drag strip operates regular events during the summer rainy months. The site is accessed from East Colonial Drive via a perpetual access easement, OR 3896, PG 4844, 800 feet to the east.

The property has an extensive history of Special Exception approvals of the car racing operations dating back to 1965, as follows:

- May 18, 1965 (item #13) – Original special exception in A-2 zone for Bithlo Speedway recommended for approval by the BZA (covering drag strip).
- March 2, 1972 (item #25) – BZA recommended approval of a Special exception in A-2 zone for a privately owned 1/3 mile oval race track, rodeos, circuses, etc. with 2 conditions: 1. A guard rail



is erected; 2. A 10 ft. space is provided between the guardrail and a required 10 ft. high wheel fence – to be installed.

- January 5, 1978 (item #20) – request to the BZA to determine if Special Exceptions originally approved should be rescinded or modified. The hearing was called for by the BCC and a petition with approx. 80 signatures was submitted by area residents based on noise concerns. The case was continued until February 2, 1978.
- February 2, 1978 – (item #20) - request to the BZA to determine if Special Exception originally approved should be rescinded or modified. BZA recommended denial of the petition to rescind or modify the actions.
- April 11, 1978 – George E. Atwood appealed the BZA decision. The BCC continued the case to September 1, 1981.
- September 1, 1981 – The BCC held a public hearing. The BCC found that the use of the land had gone beyond the intent of original approvals, had become a detriment to the health, safety and welfare of the general public, had an adverse impact on the general public interest, and therefore, modified the original approvals to include: specifying hours of operation, restricting jet car racing to afternoon hours, prohibiting rock concerts, and requiring security and control over spectators to ensure orderly conduct and evacuation of the area immediately after 11 p.m.
- September 3, 1981 – The BCC rescinded its motion of September 1, 1981 and authorized scheduling of a public hearing on October 20, 1981.
- October 20, 1981 – The BCC upheld the decision of the BZA and granted Special Exception in the A-2 district for BZA previously approved on May 18, 1965, March 2, 1972, and February 2, 1978, and further denied the petition to rescind or modify the action.

As stated previously, the site contains two open stands, one for the drag strip, located near the northwest portion of the site, labeled on the site plan and one for the racing oval, located in the north central portion of the site, also labeled on the site plan. Each of the stands can hold a maximum of 6,500 customers for race events.

Further, not including the open stands for the drag strip and the racing oval, the site is developed with the following building square footage, as follows:

1,071 sq. ft., 12.7 ft. high medical/ bar building, labeled on the site plan as Building 1, constructed in 1977 with a permit  
1,230 sq. ft., 16.7 ft. high gift store/ concession building, labeled as Building 2, constructed in 1977 with a permit  
1,030 sq. ft., 12.7 ft. high restroom building, labeled as Building 3, constructed in 1977 with a permit  
1,650 sq. ft., 13.1 ft. high storage building, labeled as Building 4 constructed in 1967 with a permit  
312 sq. ft., 10 ft. high restroom building, labeled as Building 5 was constructed in 1977 with a permit  
647 sq. ft., 30 ft. high building containing the offices and main tower labeled as Building 6, constructed in 1977 with a permit  
640 sq. ft., 13 ft. high restroom building, labeled as Building 7, constructed in 1972 with a permit  
502.7 sq. ft., 13 ft. high restroom building, labeled as Building 8, constructed in 1972 with a permit  
2,424 sq. ft., 19 ft. high storage building, labeled as Building 9, constructed in 2015 without a permit  
2 500 sq. ft., 12.3 ft. new restroom building, labeled as Building 10, under construction without a permit

Code Enforcement cited the owner in December 2020 for modifying a race track operation without an

amendment to a Special Exception, and for building and structure additions without permits. (Incident 581759).

The applicant is requesting approval of a modification of the site plans to include additional improvements to allow the issuance of site work permits to allow the concrete parking area which recently replaced the prior unimproved parking area located in the northwest portion of the site adjacent to the drag strip to remain, to allow the paved drift track practice area for the adjacent oval and to allow the issuance of building permits for unpermitted structures, a 2,500 sq. ft. restroom (Building 10 on the site plan) currently under construction and a 2,424 sq. ft. storage building (Building 9 on the site plan), to remain.

The location of the unpaved general event parking areas for the drag strip and the oval track remains as previously approved as well as all other buildings and structures approved and unapproved, as listed below, remain unchanged as approved. Currently there is an unpermitted mobile trailer, currently used for media access, located near the main entrance to the site, which is proposed to be removed. Staff also observed concrete debris piles near the County retention area and preserve areas at the rear of the site that will be required to be removed.

Currently approximately 30 people are employed by the company, including 7 full-time employees. The applicant states that the days and hours of operation will continue as existing: closed on Monday, Tuesday through Thursday 5 p.m. to 11:30 p.m., 5 p.m. to midnight Friday, noon to midnight Saturday and 9 a.m. to 6 p.m. Sunday.

Based upon the maximum site occupancy, the total parking spaces required is approximately 4,678 spaces. The site contains a total area available for 4,000 grass parking spaces, including overflow lots at the southwest portion of the site, and the 1,000 spaces located west of the drag strip, plus 13 paved accessible parking spaces for a total of 5,022 spaces, thus meeting the parking code requirement. The applicant will continue to use the grass parking and drive aisle areas for general public parking, as originally approved by the BCC in 1965 and as has been used for the past 50 years.

On Monday, June 21, 2021, a Community Meeting was held at East River High School to allow for input. The meeting was attended by the applicant, County staff, and 30 attendees. Five of the neighbors spoke negatively about the operations. Comments included concerns about the truck parking along the west side of the property, the smoke or exhaust from car racing and the need for an air pollution study, hours of operation, noise level impacts due to racing and car music and the noise ordinance exemptions, drag racing on Avalon Road, and septic and aquifer issues. Three of the residents spoke in favor of the business, stating that it was operating normally as over the past 50 years, was a benefit to the community, and that the restroom and storage buildings are needed.

Over the years, several options to potentially abate past community noise concerns have been discussed, including, but not limited to: the racing of vehicles on tracks – owner to voluntarily restrict hours of operation for the drag strip and jet car racing to coincide with hours of operation for the oval loop; the playing of loud music from vehicles – owner to install signs indicating that playing loud music is prohibited and ask that they trespass anyone who doesn't comply; illegal drag racing on Colonial Drive – owner to coordinate with OCSO if patrols can be increased.

On October 15, 1995 the BCC adopted an exemption in the County Code for race tracks. Chapter 15, Article V

noise Pollution Control), Section 15-185(18) provides an exemption for “Any motor vehicle engaged in professional or amateur sanctioned, competitive sports event for which admission or entry fee is charged, or practice of time trials for such event, at a facility being used for such purposes as of October 15, 1995.”

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	12.3 ft., Restroom Building 9 19 ft., Storage Building 10
Min. Lot Width:	100 ft.	1,336.69 ft.
Min. Lot Size:	1/2 acre	112.68 acres

**Building Setbacks (that apply to structure in question) (Measurements in feet)**

	Code Requirement	Proposed
Front:	35 ft.	636.4 ft., Restroom Building 9 638.5 ft., Storage Building 10 (North)
Rear:	50 ft.	3,300 ft., Restroom Building 9 3,299.7 ft., Storage Building 10 (South)
Side:	10 ft.	220 ft., Restroom Building 9 181.3 ft., Storage Building 10 (West) 1,070 ft., Restroom Building 9 1,079.4 ft., Storage Building 10 (East)

**STAFF FINDINGS**

**SPECIAL EXCEPTION CRITERIA**

**Consistent with the Comprehensive Plan**

Amusement facilities such as race track operations are permitted in the A-2 zoning district through the Special Exception process. As such, with the approval of a Special Exception, the proposed use will be consistent with the Comprehensive Plan.

**Similar and compatible with the surrounding area**

The property has been used as a race facility for over 50 years. The site is large and the closest new structures are located over 181 ft. from the nearest residential property line. The addition of several structures on site will not impact the overall current use of the site.

**Shall not act as a detrimental intrusion into a surrounding area**

The proposed location of the new structures for the existing race track operations on the subject property will not negatively impact the surrounding area, since the existing use and operations has been in existence for over 5 decades and all new improvements will meet Code. Further, the owner will use best management practices to

ever car music noise impacts through enforcement of patrons with security personnel and will continue to work

with local law enforcement agencies such as Orange County Sheriff to educate and reduce off-site street racing activities.

**Meet the performance standards of the district**

With no changes to the existing the grassed parking, drive aisles for the customers, the location of the new structures, the proposed modification of the truck parking area at the northwest and the paved practice area, the use will meet the performance standards of the district.

**Similar in noise, vibration, dust, odor, glare, heat production**

The applicant has not proposed any additional activity on the property that is dissimilar to the existing conditions and that would generate noise, vibration, dust, odor or heat beyond that what has been approved by the Board of County Commissioners in the past since the only site modifications include the construction of three new buildings and replacement of vehicle paving areas at the west side of the property. Further, the majority of the perimeter of the site is currently heavily vegetated and buffered, which will offset any potential impacts of the new improvements.

**Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code**

The provided 10 ft. landscape buffer that surrounds the entire perimeter is existing as originally approved and has been enhanced with new trees and scrubs over the years, which meets the requirements Chapter 24 (Landscaping).

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### CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plans and elevations dated May 27, 2021, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. 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.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Use of the property is limited to race track operations. Drag strip events and oval race events shall not run concurrently due to the available number of parking spaces.  
  
The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
6. The owner shall use best management practices to reduce noise impacts not attributed to its race track operations through enforcement of patrons with security personnel and continue to work with local law enforcement agencies such as the Orange County Sheriff's office to educate and reduce off-site street racing activities.
7. Noise warning signs shall be installed, or replaced as needed for legibility, throughout the property that provides verbiage that non-compliance of excessive noise will result in removal and/ or trespass from the property.
8. Hours of operation for all race track operations, including special seasonal racing events on Tuesday and Thursday shall be as follows: Wednesday Thursday 5 p.m. to 11:30 p.m., 5 p.m. to midnight Friday, noon to midnight Saturday and 9 a.m. to 6 p.m. Sunday and closed on Monday. On Tuesday and Thursday practice sessions shall be from 10 a.m.-to 5p.m. or from 4 p.m. to 11 p.m.
9. Permits shall be obtained for all unpermitted structures and improvements, within 3 years of final action on this application by Orange County or this approval is null and void, except as explicitly stated in conditions in conditions #10, #11 and 12. The zoning manager may extend the time limit if proper justification is provided for such an extension.
10. The Media Trailer as the front of the site shall be removed within 6 months of final approval or prior to permitting of other onsite accessory structures.

11. A permit shall be obtained for the bus parking area, as indicated on the site plan, and shall be improved with a durable all-weather surface as per County Code Section 38-1479, within 1 year of final approval of this request.
12. Concrete debris piles shall be removed within 6 months of final approval of this request.

C: Kelsey Weiss  
225 E Robinson St. Suite 600  
Orlando, FL 32801

Osvaldo Moya  
16877 E. Colonial Dr., #407  
Orlando, FL 32820

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COVER LETTER

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MEMORANDUM

**TO:** Orange County Zoning Division and the Board of Zoning Adjustment

**FROM:** Kelsey A. Weiss, Esq.

**DATE:** May 12, 2021

**RE:** Amended Narrative for SE 21-07-039 on behalf of RBSJR, Inc.

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**I. PRELIMINARY STATEMENT.**

Orlando Speed World ("OSW") is located at 19164 E. Colonial Drive, Orlando FL, 32820 in an unincorporated area of Orange County with a property tax identification number of 26-22-32-0000-00-015. This property is made up of approximately 113 acres and is zoned A-2 by Orange County. The designated use of the property has been "race car racing" (SIC 7948) since the Orange County Board of Zoning Adjustment ("BZA") recommended approval of the original special exception in 1965 for a drag strip. In 1972, the BZA recommended approval of a special exception allowing for an oval racetrack (among other approved uses).<sup>1</sup> The Orange County Board of County Commissioners ("BCC") upheld these approvals on October 20, 1981 by denying a petition to rescind or modify the earlier special exceptions. This application seeks to amend the existing

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<sup>1</sup> Based on information from the Orange County Zoning Division, on September 13, 1994, the Orange County Board of County Commissioners approved a special exception application, SE94-08-029, for RBSJR, Inc., allowing it to expand, inter alia, the uses of the Orange County Raceway (oval racetrack and motocross facilities) and hours of operation. At the time of the application, J.L. Richards was RBSJR, Inc.'s principal. Application SE94-08-29 related to that certain parcel of property having Tax I.D. No. Parcel #35-22-32-0000-00-01. Tax I.D. Parcel No. #35-22-32-0000-00-01 describes the adjacent parcel of property to the east, the East Orange Motocross site, now owned by the Elizabeth Ann Neilson Family Trust. RBSJR, Inc.'s property has Tax I.D. Parcel No. #26-22-32-0000-00-015, the Tax I.D. Parcel No. referenced in the Orange County Code Enforcement violation sheet attached to this application.

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special exception to allow an accessory structure housing additional bathrooms and two paved areas to remain on the property.

In 1987, the property was sold to RBSJR, Inc., which began leasing the property to DCOM Motor Sports, Inc. in 2011. DCOM Motor Sports, Inc. operates several racetracks in the southeastern United States. Both RBSJR, Inc. and DCOM Motor Sports, Inc. are owned and operated by Osvaldo and Maria Moya ("the Moyas"). Mr. Moya became the President of OSW in 2017 (after completing a purchase of RBSJR, Inc.'s property and assets). Since then, the Moyas have continued to operate OSW with the goal of bringing families together to safely enjoy the sport of racing and generate tourism in District 5 of Orange County. The events held at OSW relate only to motorsports. The property is not utilized as a venue for any sort of concert events. Further, the Moyas hope to make a difference in the community by offering a safe, legal option for racing so as to discourage the illegal drag racing that frequently takes place on S.R. 50.

When the Moyas began operating OSW, they understood that a special exception applied to the property that would allow them to do the following: (1) enhance the dilapidated pit parking that previously existed on the property; (2) add an additional paved area for overflow parking of oversized vehicles and occasional tire warmup for amateur drift racing participants; and (3) install a structure to provide additional bathrooms for OSW patrons' use. On December 20, 2020, RBSJR, Inc. received notice that these improvements violated sections of the Orange County Code (the "Code") because they were erected without prior approval. The Moyas immediately began working with Orange County Code Enforcement officers to verify this information and develop a plan to bring the property into compliance.

On March 1, 2021, a public hearing was held before a Special Magistrate whereby an extension of time was granted to bring the property into compliance with the Code. The Moyas



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were instructed to seek a new special exception. In accordance with the Special Magistrate's directives, RBSJR, Inc. hereby submits this Application requesting an amendment to the Special Exception for an existing raceway to permit an accessory structure housing additional bathrooms and two paved areas to remain on the property and, thereby, bring the property into compliance with the Code.

### II. PURPOSE OF THE REQUEST.

#### 1. Size, height, and number of buildings (existing structures):<sup>2</sup>

Building	Use	Size per Survey in sq. ft.	Size Per Bldg Report in sq. ft.	Height in ft.	Date Constructed or Operational	Description	Primary or Accessory
1	Office Building/Bar	1071	1605	12.7	1977	One story concrete block building.	Primary
2	Gift Store/Concession	1230	1736	16.7	1977	One story concrete block building.	Primary
3	Restrooms	1030	1605	12.7	1977	One story concrete block building.	Primary
4	Storage (Tech building for pre and post-race inspection)	1650	1920	13.1	1967	One story metal building	Primary
5	Restrooms	312	262	10	1977	One story concrete block building.	Accessory
6	Office/Main Tower	647	1200	30	1977	Two story wood building (pole barn)	Primary

<sup>2</sup> Eight of these buildings have been on the property for over forty years and the Orange County Property Appraiser website has building reports for these buildings which will be submitted with this Application. However, the permit reports only go back as far as 1980. According to the Orange County Property Appraiser website, "[t]here is an ongoing effort to enter the history of development projects into the County system and as information is compiled it will become available." All information related to these buildings in the possession of the Applicant are contained in this chart, the Survey, and the County Reports. The only known unpermitted structure (besides the bathroom building subject to this Application) is Building #9 on this list. Plans for this building will be submitted with this Application

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7	Restrooms	640	640	13	1972	One story concrete block building.	Accessory
8	Restrooms	502.7	483	13	1972	One story concrete block building.	Accessory
9	Storage (unpermitted - plans to be submitted with application)	2424	NA	19	2015	One story metal building.	Accessory

This BZA Application, if granted, will also permit an additional one-story, 2500 sq. ft. concrete building with a height of 12.3 ft. for the purpose of creating additional restrooms. The property also has several bleachers for seating capacity as noted on the Survey attached to this Application.

### **2. Number of employees:**

Currently, OSW has three (3) full time employees, not including the Moyas, and approximately seventeen (17) part time employees. OSW employs up to thirty (30) seasonal employees during peak times of the year. Most of these employees were not working during a significant portion of 2020 as OSW was closed due to the Covid-19 pandemic.

### **3. Hours of Operation:**

The current hours of operation for OSW are as follows:

- Monday – Closed
- Tuesday – Seasonal/occasional events
- Wednesday – 5pm – 11:30pm
- Thursday – Seasonal/occasional events
- Friday – 5pm – 12am
- Saturday – 12pm – 12am
- Sunday – 9am – 6pm

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#### **4. Provided Services:**

OSW is a racing facility that has been hosting events since 1966. The facility houses a National Hot Rod Association (NHRA) sanctioned drag strip track and an oval track and continues to host events specifically related to motor sports.<sup>3</sup> OSW does not host or rent out the property as a venue for any form of concert related events.

#### **5. Proposed outdoor events/activities:**

- Events related to drifting, drag, or oval track racing.
- Seasonal/traveling events.
- Recurring weekly events: Whoop Azz Wednesday Night, Friday Night Frenzy, Central Florida Motorcycle Riders Drag Night, Import Race, and FunDay Sunday.

#### **6. Information Requested on Pages 2 and 3 of BZA Application due to limited space:**

##### **Q3. What is the size of the proposed structure(s) in feet and/or square footage:**

- The proposed bathroom building is 50 ft. x 50 ft. (2500 sq. ft). Height is 12.3 ft. See sheet 2 of Survey for reference.
- Concrete truck parking area (pit parking) in the northwest corner of the site is approximately 97,000 sq. ft. See sheets 1-3 of Survey for reference.
- The drift track is approx. 113,200 sq. ft. located south of the oval track in the southwesterly corner of the property. See sheets 12-14 of Survey for reference. This drift track is not used for any actual events and is only utilized for warm-up (seven second maximum) and overflow parking for large trucks.

##### **Q4. Distance (in feet) of the proposed structure from the affected property line(s):**

- Proposed bathroom building is located 213.5 ft. east of the west property line and 636.4 ft. south of the north property line.
- The pit parking is 45 ft. east of the west property line on the north end and 49 ft. east of the west property line on the south end.

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<sup>3</sup> The Moyas have recently hosted an NHRA event at their racetrack location in Valdosta, Georgia resulting in at least a twenty-million-dollar positive impact to that community. Once OSW is brought up to Code, the Moyas hope to host a similar NHRA event at OSW with an estimated forty-million-dollar positive impact to District 5 of Orange County.

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- The drift track is on the northeast corner and 47 ft. west of the east property line at the northeast corner and 36 ft. West at the southeast corner. The drift track is 444 ft. north of the south property line.

**7. Additional Information requested by the Zoning Division:**

**A. Confirmation of Landscape Buffer:**

Landscape buffer requirements were not in place when OSW was built. However, there is a buffer around the entire property that exceeds ten (10) feet and primarily consists of grass and palm trees. The items sought for approval in this Application are not in proximity to the perimeter of the property lines. Please see the survey accompanying this Application.

**B. Boat Storage at Southeast Corner of Site:**

On occasion, OSW has hosted an event known as "Crash-O-Rama." Community members donate abandoned, unused boats for this purpose. The boat storage identified by the Zoning Division in its request for more information is actually general equipment storage for use at during this event. Boats or vehicles stored on property are not registered, tagged, insured, or in-use.

**C. Onsite Parking:**

General parking in the larger field can accommodate 4,000 vehicles. This does not include the paved drift track parking area. OSW can accommodate another 1,000 vehicles for race participants. Almost all parking at OSW is un-paved, and there are currently no paved drive aisles.

**D. Capacity:**

During drag racing events, OSW's capacity is 14,000 standing or 6,500 seated. For oval track racing, OSW's capacity is 11,000 standing or 6,500 seated. Capacity has never been reached (or even come close to it).

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### III. JUSTIFICATION FOR MEETING SPECIAL EXCEPTION CRITERIA.

Under Section 38 – 78 of the Orange County Code:

Subject to section 30 - 43 of this Code, in reviewing any request for a special exception, the following criteria shall be met [by the applicant]:

- 1) The use shall be consistent with the comprehensive plan.
- 2) The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
- 3) The use shall not act as a detrimental intrusion into a surrounding area.
- 4) The use shall meet the performance standards of the district in which the use is permitted.
- 5) The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.
- 6) Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

The proposed special exception permitting the structure housing bathrooms, the pit parking, and the paved drift track meets the six special exception criteria of Section 38-78 of the Orange County Code as detailed below.

OSW has been operating as a racetrack facility on this property for over 54 years. This request for a special exception concerns only a building housing additional bathroom facilities and two areas that have been paved (a pit parking area for trucks and a drift track utilized by amateur participants for tire warmup and as additional parking for large vehicles). While OSW can continue to operate without them, these improvements serve to enhance the experience of both spectators and participants at OSW.

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**1. The use is consistent with the comprehensive plan.**

OSW is located in District 5 of Orange County in what is commonly referred to as the Bithlo area just west of the city of Christmas. The entrance for OSW is located on the eastbound (south) side of S.R. 50, otherwise known as East Colonial Drive. The property is zoned A-2 (Farmland Rural District) and is mostly surrounded by other A-2 zoned properties with two C-2 (General Commercial District) properties to the northeast of the property. Several R-T-2 (Combination Mobile Home and Single-Family Dwelling District) parcels of property are located northeast of the property. The southern border of the property abuts to property owned by the BCC which is also zoned as A-2.

The Orange County Zoning Division has identified the building housing the bathroom facility as an "accessory structure". Pursuant to the use table located at Code Section 38-77, as referenced by Article V, Section III (pertaining to A-2 Farmland Rural District), Section 38-137, "Accessory buildings, uses and structures" contain the designation "P/S" meaning that the "use *shall* be permitted as a special exception." (emphasis added). See Code Sec. 38-137. Therefore, the Code contemplates that the proposed bathroom building is an accessory structure permitted by special exception.

The paved pit parking has been utilized as pit parking for decades. Therefore, allowing this area to be paved will enhance, but will not change the use in any way. The paved drift track is an addition to the already permitted racing activities allowed onsite. This paved drift track will not change the use of the property and it is not and will never be used for actual racing events. Amateur drifters on occasion use this track to warm up their tires (for a maximum of seven seconds at a time). Otherwise, this paved area serves mainly as much needed additional parking for oversized

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vehicles. All drift racing and spectating thereof occurs within the oval track as allowed by the current special exception.

The proposed special exception permitting the bathroom structure and additional paved areas is consistent with the comprehensive plan. The bathroom structure is an accessory building contemplated by the Code and both the paved pit parking and the paved drift track only serve to enhance the permitted services already provided on the property.

**2. The use is similar and compatible with the surrounding area and is consistent with the pattern of surrounding development.**

The OSW property is zoned A-2 and is surrounded mostly by properties also zoned A-2 or C-2. This application seeks permission for an accessory structure contemplated by the Code in A-2 zoning districts. Further, the two paved areas merely add to the already permitted use on the property. The requested amendment to the special exception is, therefore, both compatible and consistent with these surrounding A-2 and C-2 zoned areas.

A pocket of R-T-2 zoned properties is located to the northeast of OSW. The Orange County Property Appraiser's website establishes that the majority (if not all) of the homes in this neighborhood were constructed well after OSW began operating as a raceway. The addition of an accessory structure housing restrooms and two paved areas will have no impact on this neighborhood and is, therefore, compatible with this surrounding area.

**3. The use will not act as a detrimental intrusion into the surrounding area.**

First, the bathroom building (an existing structure on the property) is a one-story building situated 213.5 ft. east of the west property line and 636.4 ft. south of the north property line. This building is enclosed and situated close to the racetrack to provide additional restrooms for spectators and participants at OSW. The addition of this building does not impact nor intrude upon

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the surrounding areas. Currently, OSW utilizes portable restroom facilities during large events to accommodate spectators at the facility. The requested restroom facility will prove to be less of an intrusion into the surrounding area as a permanent structure will reduce the odor emitted by portable restrooms and will reduce the truck traffic bringing in and removing the portable restrooms. Finally, the permanent restroom facility will be much more sanitary – a much needed benefit considering the impacts of the Covid-19 pandemic.

Second, the two paved areas at issue do not act as a detrimental intrusion into the surrounding area. The paved pit parking area has been utilized as a parking area for decades. Paving this area will not intrude on the surrounding areas and will instead help to reduce any mud/dirt created by the previous parking arrangement. The paved drift track will also not act as a detrimental intrusion because it is not actually used as a drift track. Amateur participants use this track to warm up their tires on occasion (for a maximum of seven seconds at a time). Otherwise, this paved area serves mainly as additional parking for oversized vehicles. All actual drift racing and spectating occurs within the oval track. This paved area, at its farthest-reaching point, is located 47 ft. west of the east property line at the northeast corner and 36 ft. west at the southeast corner. A significant portion of this drift track abuts Battlefield Orlando Paintball. Therefore, this drift track is not intruding on any surrounding area.

- 4. The use will be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.**

The accessory restroom facility will not add any noise vibration, dust, odor, glare, or any other characteristics associated with the fifth enumerated special exception criteria. As stated above, this building is situated in close in proximity to the oval racetrack facility and is an enclosed



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concrete block building. This building will instead reduce the noise and odor currently associated with rented portable restroom facilities. This building will also facilitate cleanliness.

The two paved pit areas are similar in noise, vibration, dust, odor, glare, heat producing, and other characteristics associated with the uses permitted in the zoning district. First, as mentioned above, the paved pit parking area was already being utilized as parking (without paving) and the paved drift track serves mainly as additional parking for oversized vehicles. On rare occasions, this drift track is utilized as a warm-up space for amateur participants in short bursts. Therefore, the paving will actually serve to reduce noise, vibration, dust, odor, etc. by reducing the amount of dirt/mud that is stirred up when this area is used. Further, the noise, vibration, dust, etc. given off by the two paved areas will be essentially the same as the already existing uses in proximity to the paved pit area and drift track.

OSW already uses an oval racetrack allowed pursuant to a special exception on the property for the raceway dating back several decades. Moreover, East Orange Motorcross is located directly to the west of OSW and Battlefield Orlando Paintball is located along the south east border of OSW. S.R. 50 is just to the North and is a very busy highway. Finally, all of the land to the south of OSW is vacant and owned by the BCC. The paved pit parking and the drift track will not generate noise, odor, vibration, dust, etc. which is dissimilar to the generated from the approved existing uses in the area. In fact, arguably, the paved parking and drift track serve to reduce the overall noise, vibration, odor, etc. by reducing the amount of dust from participants and spectators parking in grassy areas as they have been for decades. Further, these additional uses serve to encourage legal, safe racing with the hopes of reducing the amount of illegal street racing already occurring on S.R. 50.

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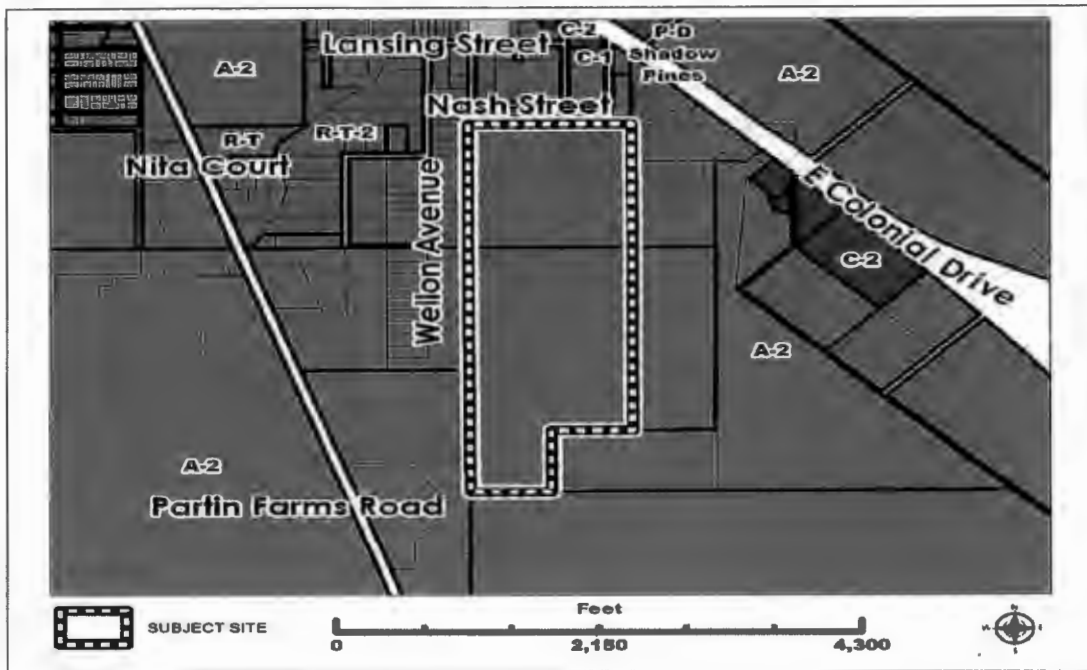
**5. The use will meet the performance standards of the district in which the use is permitted; and landscape buffer yards will be in accordance with section 24-5 of the Orange County Code.**

Finally, in submitting this BZA Application, RBSJR, Inc. understands and acknowledges the performance standards of District 5 and the landscape buffer yard requirements of Code Section 24-5 and will comply with such standards and requirements if it is determined that such standards and requirements apply to the property.

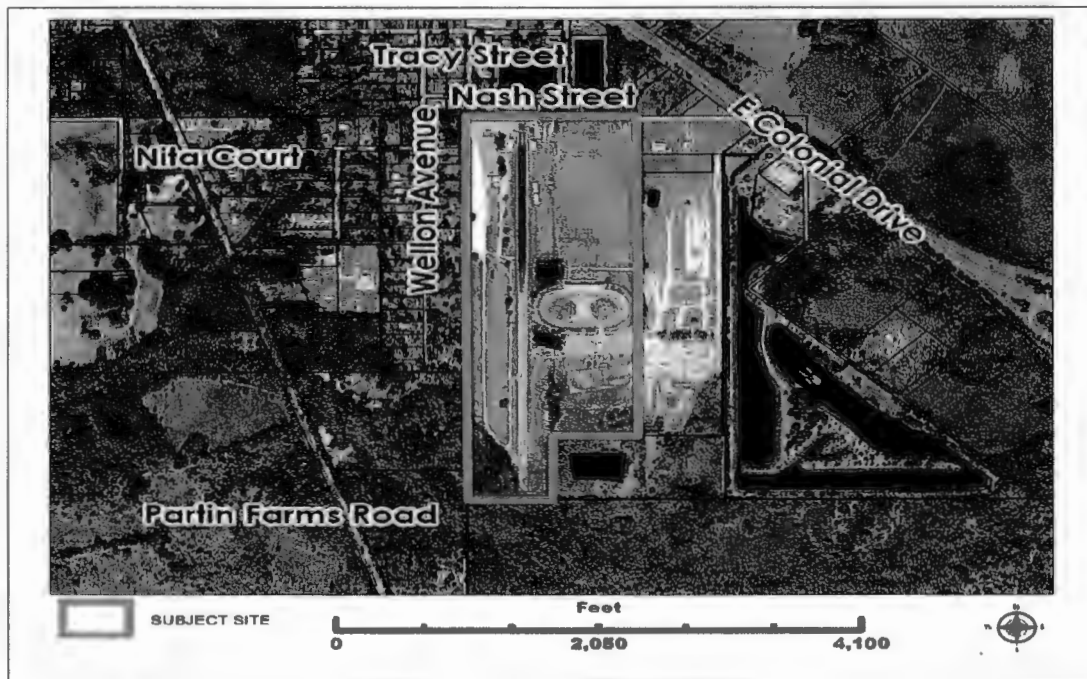
#### **IV. CONCLUSION**

Since 1965, the OSW has benefitted the Orange County community, specifically District 5, by bringing tourism to the east side of the County and by providing an outlet for racing in a safe, controlled environment. By way of this Application to amend the existing special exception, OSW is merely seeking permission to enhance the experience of spectators and participants by adding an additional restroom facility and two paved areas. These proposed uses meet the special exception criteria outlined in Section 38-78 of the Code as detailed above. Along with this cover letter/narrative, RBSJR, Inc. has submitted a completed BZA Application for an amendment to the special exception, a complete survey of the property as requested, and has provided additional information requested by the Zoning Division within this cover letter/narrative. Therefore, RBSJR, Inc. respectfully requests BZA approval of its application to amend the special exception currently in place on the property.

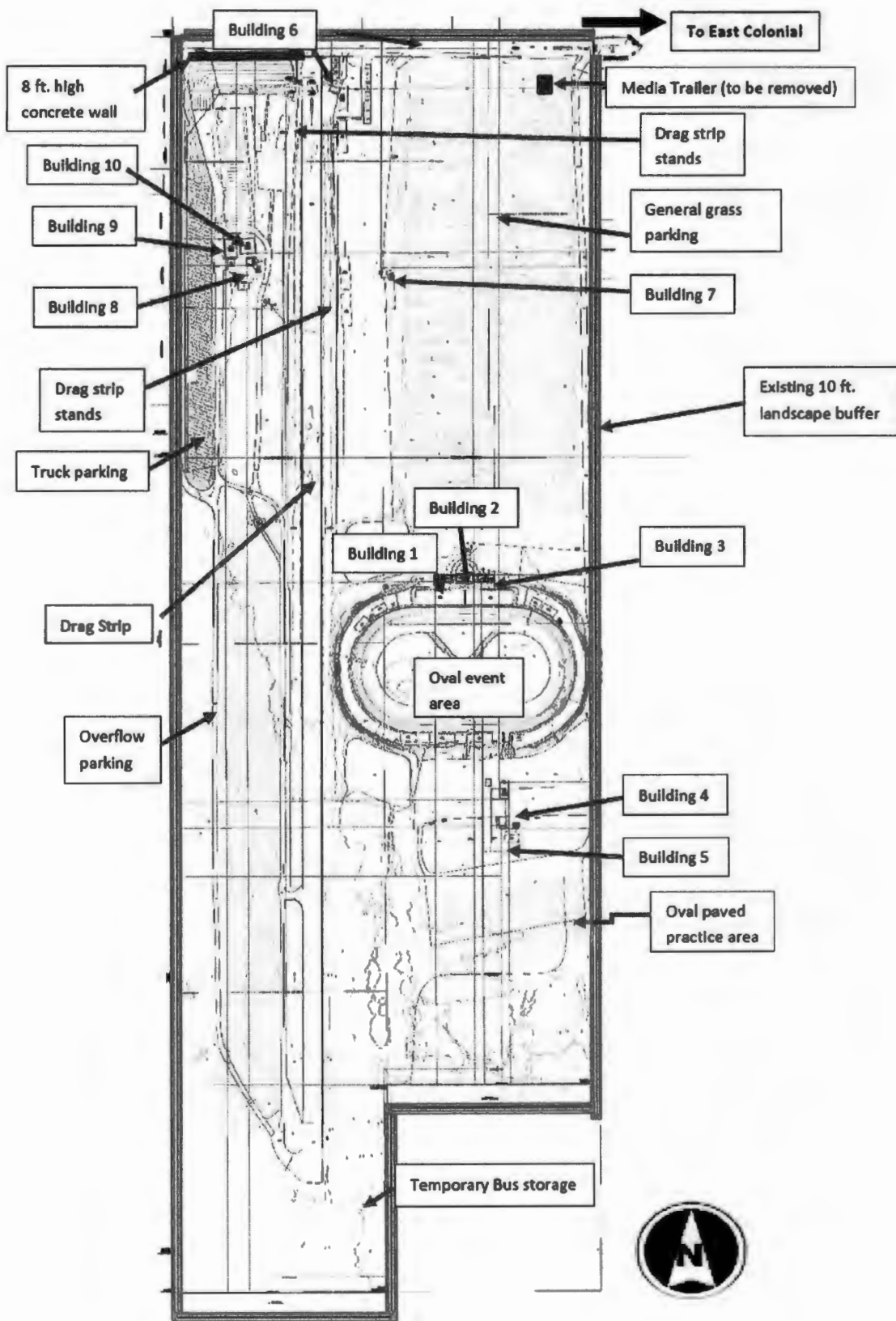
## ZONING MAP



## AERIAL MAP



## SURVEY WITH SITE IMPROVEMENTS



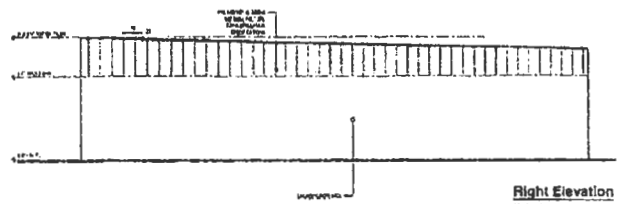
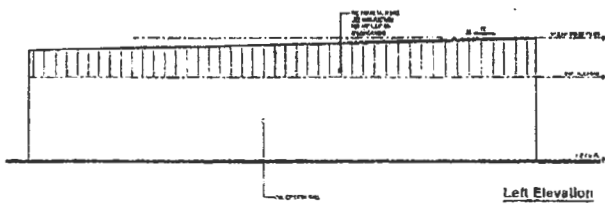
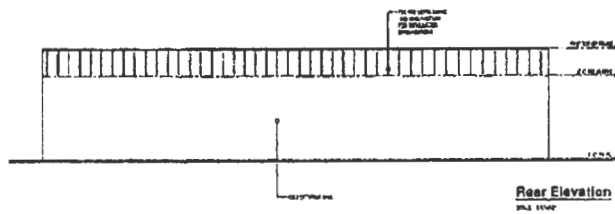
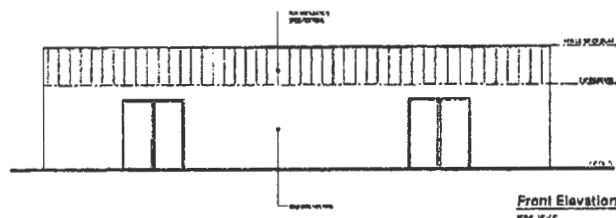
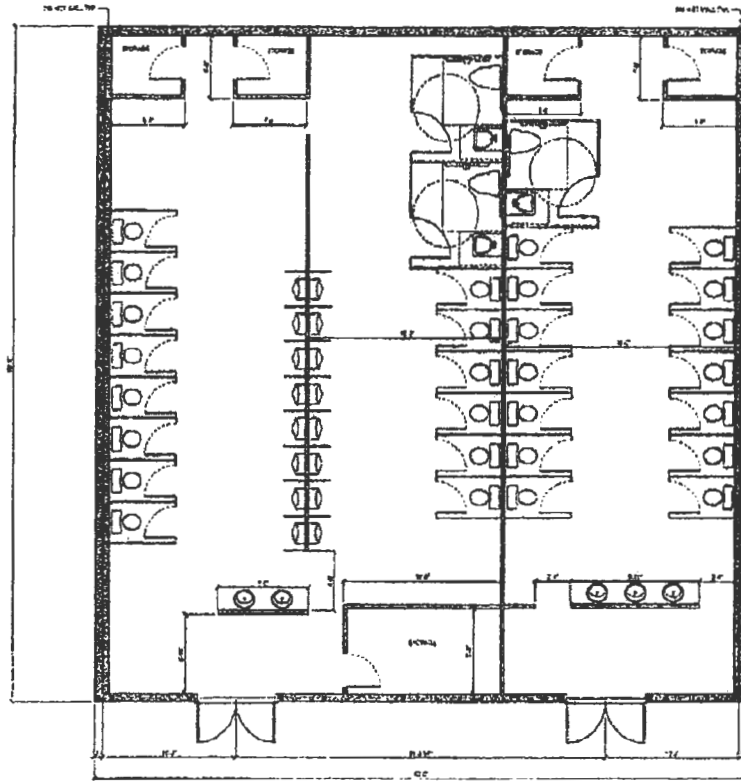
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**SITE AERIAL**

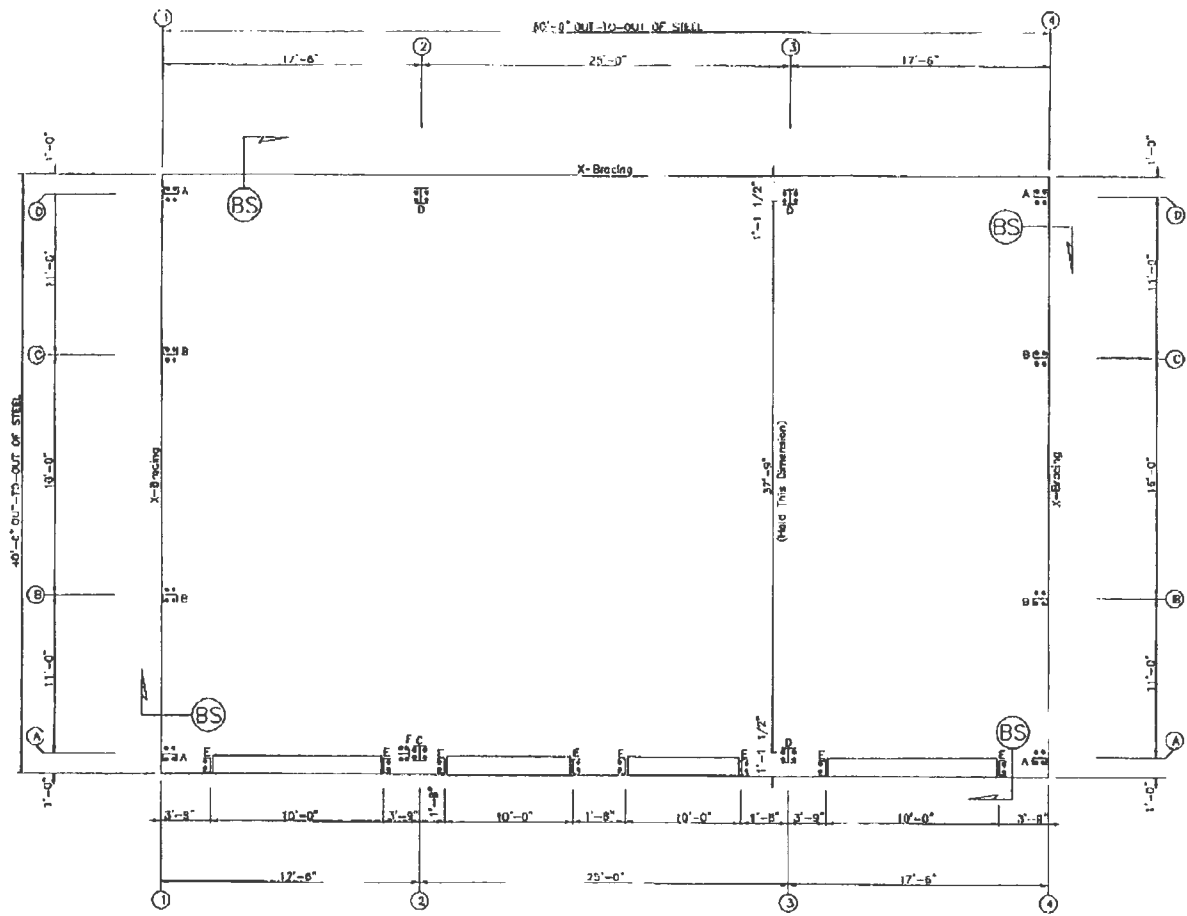
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# BUILDING 10 - RESTROOM FLOOR PLAN AND ELEVATION



# BUILDING 9 - STORAGE BUILDING FLOOR PLAN AND ELEVATION



## SITE PHOTOS



**Entrance from East Colonial Dr. facing west**



**North property line facing west with existing 10 ft. landscape buffer**



## SITE PHOTOS



**Northeast corner of site facing south, paved truck parking is to the left, Buildings 10 & 11 in background**



**Northeast corner of site facing east, 8 ft. high concrete wall is to the right, Building 6 in background**

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**SITE PHOTOS**

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**8 ft. high wall facing west, drag strip stands and tower in background**



**South property line facing north at end of drag strip, overflow parking in background to the left**

## SITE PHOTOS



**Paved oval practice area with Oval stands in background facing northwest from east property line**



**Inside Oval track facing west**

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**SITE PHOTOS**

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**General parking area facing northwest from east property line**



**Drag strip stands facing west with Building 7 restrooms in foreground**



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**SITE PHOTOS**

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**Drag strip main stands in the background to the left and general parking to the right, facing north**



**Unpermitted Storage Building 9 facing east from truck parking area**

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**SITE PHOTOS**

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**Storage Building 9, Restroom Building 8, unfinished Restroom Building 10 facing northwest**



**Overflow parking with new paved truck parking facing south with west landscape buffer to the right**