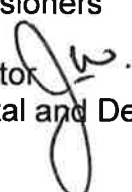





Interoffice Memorandum

DATE: December 17, 2019

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

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

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

SUBJECT: January 14, 2020 – Public Hearing
Planning and Zoning Commission: Board-Called Rezoning
Applicant: Khaled Hussein
Case # RZ-19-10-040 / District 3

This is a Board-called rezoning hearing, in which the applicant is seeking to rezone 31.29 gross acres of property located at 8247 Lake Underhill Road, generally north of Lake Underhill Road, south of Troxler Drive, west of S. Palermo Avenue, and east of S. Chickasaw Trail, from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to construct fifty-eight (58) single-family residential dwelling units. On October 17, 2019, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to three 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 requested R-1 (Single-Family Dwelling District) zoning, subject to the three restrictions listed under the PZC Recommendation in the Staff Report. District 3**

Attachments
JVW/EPR/nt

CASE # RZ-19-10-040

Commission District: #3

GENERAL INFORMATION

APPLICANT	Khaled Hussein
OWNER	Lake Underhill 38 Acres LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	8247 Lake Underhill Road; generally located north of Lake Underhill Road, south of Troxler Drive, west of S. Palermo Avenue, and east of S. Chickasaw Trail.
PARCEL ID NUMBER	25-22-30-0000-00-028
TRACT SIZE	31.29 gross acres / 16.9 net developable acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred sixty-three (163) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Approximately Fifty-Eight (58) Single-Family Residential Dwelling Units

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning, subject to the following restriction:

- 1) Development shall be limited to up to fifty-eight (58) single-family detached dwelling units;
- 2) All lots that abut the Pinar subdivision to the east shall conform to the R-1A (Single-Family Dwelling District) development standards; and
- 3) Vehicular connection to Purcell Drive shall be required.

IMPACT ANALYSIS

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR). The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the Low Density Residential (LDR) FLUM designation and the following Comprehensive Plan 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.

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.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1958) E: R-1A (Single-Family Dwelling District) (1958) W: PD (Planned Development District) (Expressway Center PD) (1987) S: R-1AA (Single-Family Dwelling District) (1957) <i>*No zoning restrictions apply to the above zoning districts</i>
Adjacent Land Uses	N: Single-Family Subdivision E: Wetland W: Single-Family Subdivision S: Single-Family Subdivision

R-1 (SINGLE-FAMILY DWELLING DISTRICT) DEVELOPMENT STANDARDS*

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.

** These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

Intent, Purpose, and Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 8247 Lake Underhill Road; or generally north of Lake Underhill Road, south of Troxler Drive, west of S. Palermo Avenue, and east of S. Chickasaw Trail. Through this request, the applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to construct fifty-eight (58) single-family residential dwelling units. The current zoning district would allow for the same number of residential units on the subject property, however, the R-1A zoning district requires lots with a minimum area of 7,500 square feet and a minimum width of 75 feet. The proposed R-1 zoning district allows for lots with a minimum area of 5,000 square feet and a minimum width of 50 feet.

The subject property and the surrounding area are designated on the Future Land Use Map (FLUM) as Low Density Residential (LDR), which allows up to four (4) dwelling units per acre. The surrounding area is characterized single-family residential subdivisions along Lake Underhill Road, with an employment center including a grocery store, retail plazas, medical offices, and a hospital located at the intersection of Lake Underhill Road and S. Chickasaw Trail.

The area west of the subject property is the Expressway Center Planned Development (PD), which was originally approved in 1972 and allows business park, retail commercial, and multi-family uses. However, the portion of the PD adjacent to the subject property is designated as a wetland conservation area on the Wal-Mart neighborhood market at Chickasaw Plat dated December 2004. To the north and east of the subject property is the Pinar Subdivision which is developed with single-family detached residences on 75' to 100' lots. South of the subject property, across Lake Underhill Road, is the Rio Pinar Estates Subdivision, which is developed with single-family detached residences on 100' to 150' lots, as well as a semi-private golf course.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low Density Residential Future Land Use Map (FLUM) designation.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Community Meeting Summary

A community meeting for this request was held on September 30, 2019, at Little River Elementary School. The meeting was attended by fifty three (53) residents. At the meeting, residents expressed concerns that the proposed development would raise property values and taxes in the area and that the homes would not be affordable to area residents. Several other residents expressed concerns about flooding, noting that the existing Pinar subdivision has historically had problems with drainage and flooding. Many other residents stated that there are significant issues with traffic in the area, particularly on this section of Lake Underhill Road, and that since the County has failed to provide adequate roads and drainage infrastructure, this project will worsen the situation.

Rural Settlement

The subject property is not within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not within a Joint Planning Area.

Overlay District Ordinance

The subject property is not located within an Overlay District

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

The net developable area (16.9 acres) is the gross area less the wetlands and surface waters area. The buildable area is the net developable acreage less protective buffer areas, berms and swales required to prevent adverse secondary impacts. The applicant is advised not to make financial decisions based upon development within the wetland or the upland protective buffer areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Class I and Class III wetlands and surface waters amounting to 20.4 acres are located onsite that extend offsite. Orange County Conservation Area Determination CAD-18-08-128 was completed for this property with a certified wetland boundary survey approved on January 11, 2019. The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners (BCC).

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

The project site is vacant and vegetated. Development shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Transportation / Access

This project is located within the Orange County Alternative Mobility Area. The following is a list of alternative modes within the project area: County maintained sidewalks exist along Lake Underhill Road from S. Econlockhatchee to S. Goldenrod Road and along S. Chickasaw TI from Lake Underhill Road to Pine Crossing Circle. LYNX Bus Link #212 Knight LYNX Red/Downtown Orlando; #15 - Curry Ford Road/Valencia Comm College East; #406 Orlando/Medical City Fastlink. There is (1) one bus stop within the project area. Multiple failing roadways are within the impact area and a mobility analysis is required.

Code Enforcement

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

Utilities

Water:	Orange County Utilities	12-inch and 20-inch water mains are located within the Lake Underhill right-of-way
Wastewater:	Orange County Utilities	An 18-inch forcemain within Lake Underhill right-of-way
Reclaim Water:	Orange County Utilities	Not Currently Available

Schools

Orange County Public Schools (OCPS) reviewed this request and determined that there is adequate capacity for the proposed development program.

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

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

Make a finding of consistency with the Comprehensive Plan and approve the requested R-1 (Single-Family Dwelling District) zoning, subject to the following restrictions:

1. Development shall be limited to up to fifty-eight (58) single-family detached dwelling units;
2. All lots that abut the Pinar subdivision to the east shall conform to the R-1A (Single-Family Dwelling District) development standards; and
3. Vehicular connection to Purcell Drive shall be required.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning, subject to three (3) restrictions. Staff indicated that nine hundred forty-two (942) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and nine (9) responses in opposition of the request. Those in opposition cited concerns of loss of wildlife habitat, and existing problems with traffic and flooding in the area. The applicant was present and agreed with the staff recommendation. Several residents were present and spoke in opposition to the request, citing the same concerns as those stated at the community meeting.

Discussion ensued regarding the extent of the wetlands on site, and concerns of environmental impacts and compatibility. Staff indicated that the majority of the western portion of the site was Class I wetland and the applicant was not proposing any impacts to that wetland area. Staff also indicated that, in order to address concerns of compatibility with the R-1A zoned lots in the subdivision to the east, staff had recommended a restriction that any lots in the proposed development on that abut the eastern boundary would also have to meet the standards of the R-1A zoning district. A motion was made by Commissioner Fernandez, and seconded by Commissioner Cantero to recommend approval of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 8-0 vote.

Motion / Second

Eddie Fernandez / Jose Cantero

Voting in Favor

Eddie Fernandez, Jose Cantero, Diane Velazquez, Jimmy Dunn, Gordon Spears, Carlos Nazario, Eddie Fernandez, and JaJa Wade

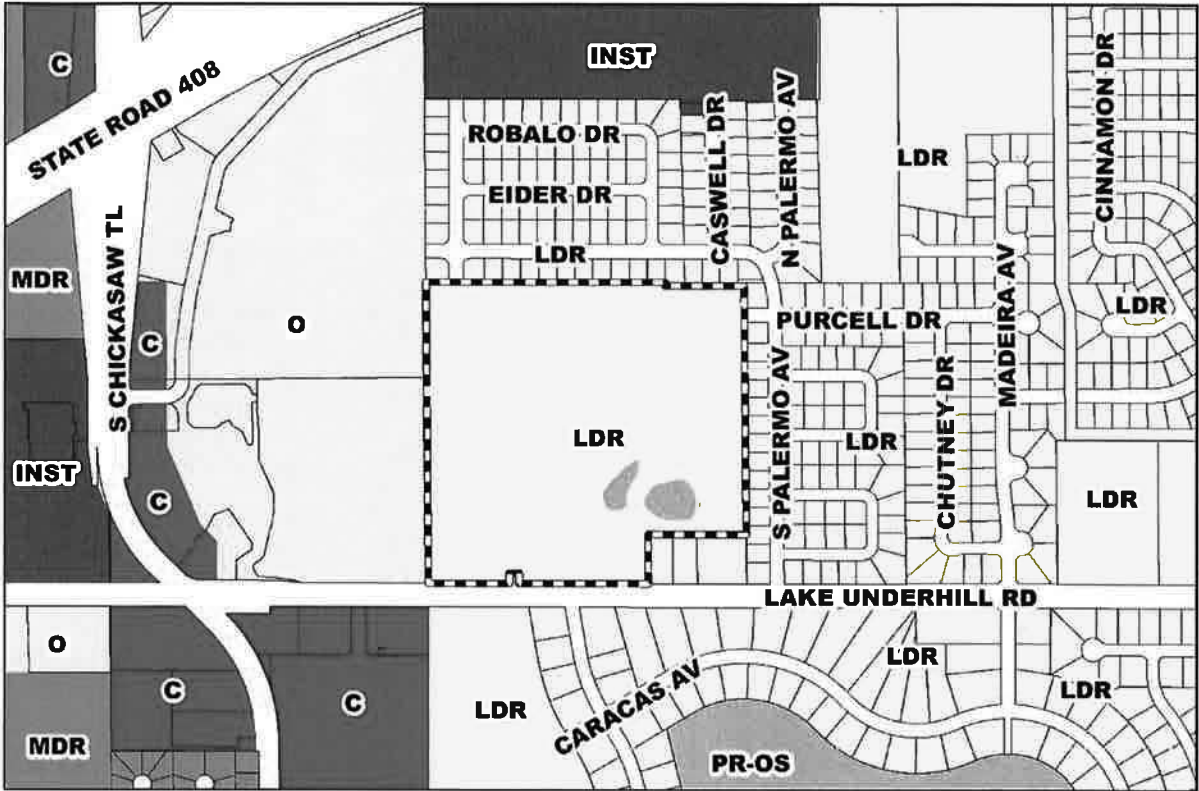
Voting in Opposition

None

Absent

Mohammed Abdallah

RZ-19-10-040



 Subject Property

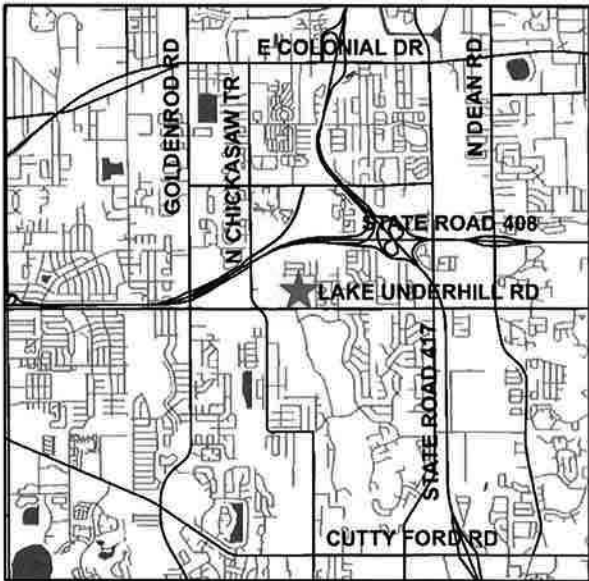


 Subject Property

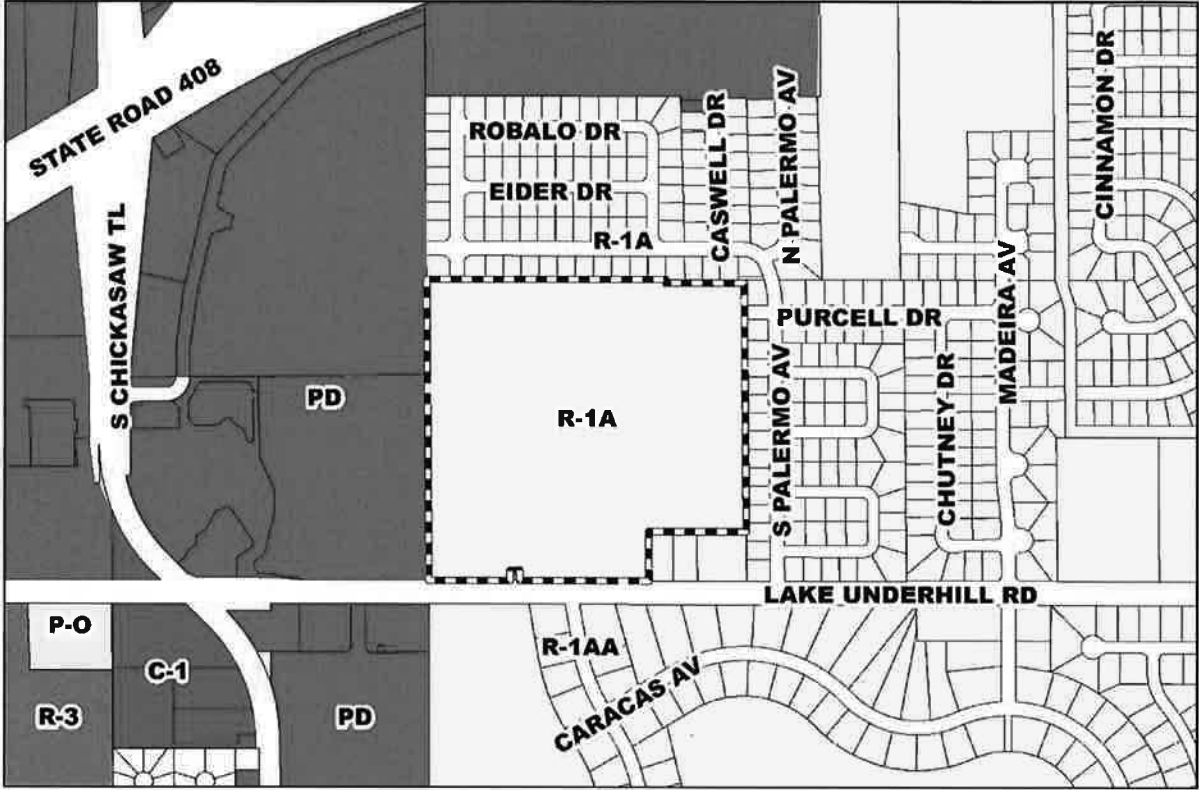
Future Land Use Map

FLUM: Low Density Residential (LDR)
APPLICANT: Khaled Hussein
LOCATION: 8247 Lake Underhill Road; generally located north of Lake Underhill Road, south of Troxler Drive, west of S. Palermo Avenue, and east of S. Chickasaw Trail.
TRACT SIZE: 31.29 gross acres / 16.9 net developable acres
DISTRICT: # 3
S/T/R: 25/22/30

1 inch = 650 feet



RZ-19-10-040



Subject Property



Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)

APPLICANT: Khaled Hussein

LOCATION: 8247 Lake Underhill Road; generally located north of Lake Underhill Road, south of Troxler Drive, west of S. Palermo Avenue, and east of S. Chickasaw Trail.

TRACT SIZE: 31.29 gross acres / 16.9 net developable acres

DISTRICT: # 3

S/T/R: 25/22/30

1 inch = 650 feet



RZ-19-10-040



 Subject Property



1 inch = 725 feet

Alternative Mobilty Area Context Map

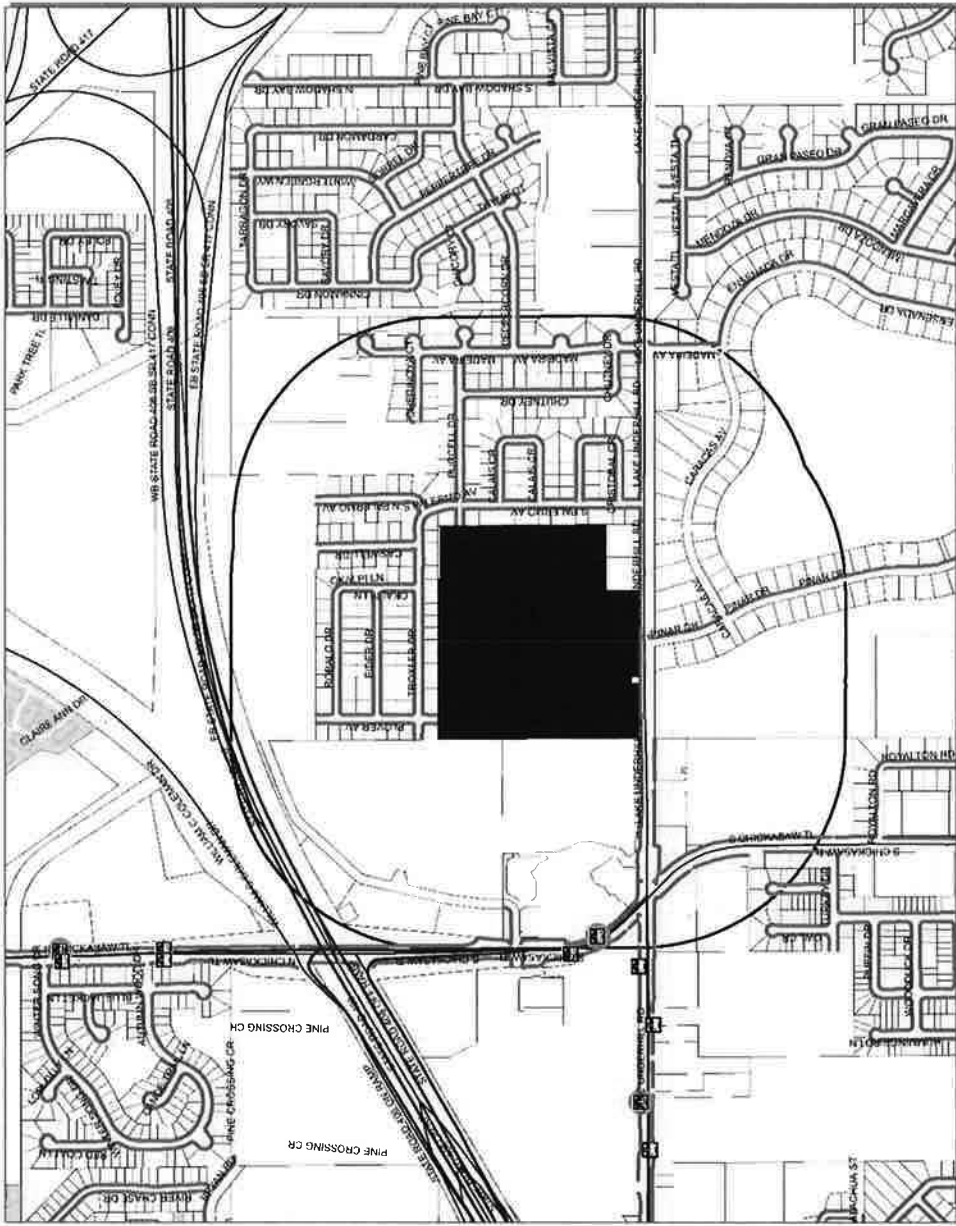
RZ-19-10-040
To rezone from R-1A
(Single-Family Dwelling
District) to R-1 (Single-
Family Dwelling District)
to construct fifty-eight
(58) SFRS.

Legend

- LYNX Bus Stops
- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Route Schedule
- Major Streets
- Roads Base
- Segment_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- PA_PARCELS_Buffer272
- Horizon West Boundary
- County Boundary
- Parcels



Date 6/26/2019

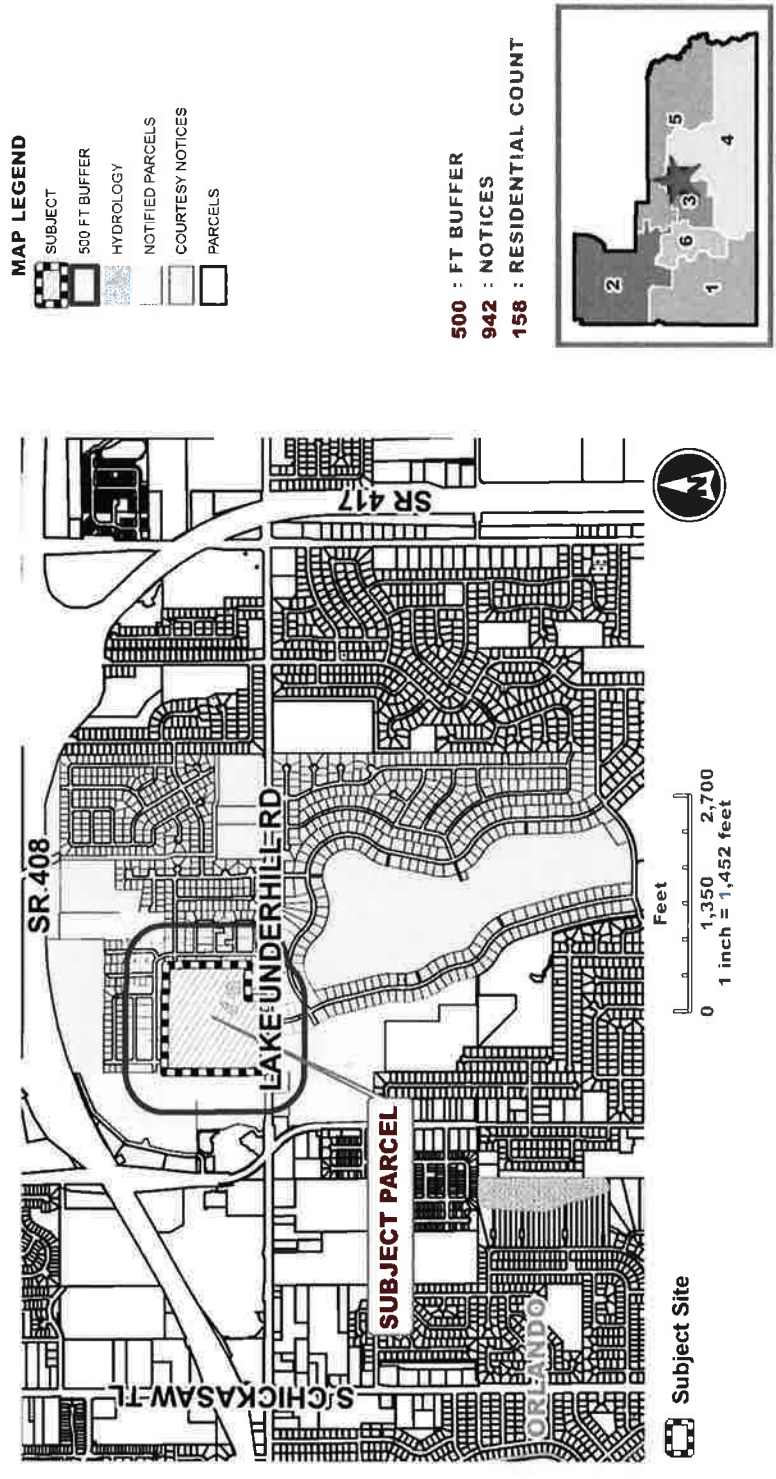


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Notification Map

Public Notification Map

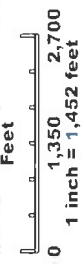
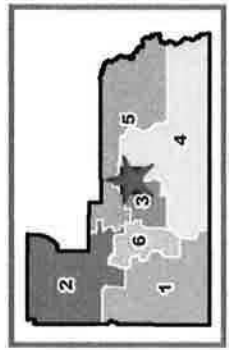
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MAP LEGEND

- SUBJECT
- 500 FT BUFFER
- HYDROLOGY
- NOTIFIED PARCELS
- COURTESY NOTICES
- PARCELS

500 : FT BUFFER
 942 : NOTICES
 158 : RESIDENTIAL COUNT



Subject Site

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