



**Interoffice Memorandum**

**DATE:** February 18, 2020

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

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

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

**SUBJECT:** March 10, 2020 – Public Hearing  
Planning and Zoning Commission Board-Called Rezoning  
Applicant: Stephen Allen, Civil Corp Engineering  
Case # RZ-19-10-044 / District 3

This is a Board-called rezoning hearing, in which the applicant is seeking to rezone 3.90 gross acres located at 5177 Hoffner Avenue; or generally located on the west side of Petroff Avenue, 230 feet north of Hoffner Avenue, from R-2 (Residential District) (Restricted) to R-2 (Residential District). Through this request, the applicant is seeking to remove a restriction limiting the subject property to five dwelling units per acre plus a 25 percent Affordable Housing Density Bonus per Future Land Use Policy 1.1.11, to allow for the consideration of up to 38 single-family attached dwelling units. On December 19, 2019, the Planning and Zoning Commission recommended approval of the request.

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-2 (Residential District) zoning. District 3**

JVW/EPR/nsw  
Attachment

**CASE # RZ-19-10-044**

Commission District: #3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Mr. Stephen Allen, Civil Corp Engineering, Inc.
<b>OWNERS</b>	Service Invest, LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-2 (Residential District) (Rest.) to R-2 (Residential District)</b>
<b>LOCATION</b>	5177 Hoffner Ave; or generally located on the west side of Petroff Avenue, 230 feet north of Hoffner Avenue
<b>PARCEL ID NUMBER</b>	16-23-30-0000-00-032
<b>TRACT SIZE</b>	3.90-gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred thirty four (234) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application
<b>PROPOSED USE</b>	Thirty-eight (38) single-family attached residential dwelling units

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning.**

**SUBJECT PROPERTY ANALYSIS**

**Overview**

The subject property is located at 5177 Hoffner Ave; or generally located on the west side of Petroff Avenue, approximately 230 feet north of Hoffner Avenue and is currently undeveloped. The immediate area is developed with varying levels of residential development to the north, east, and south. The area west of the subject property remains mostly undeveloped.

In 1993, the Planning and Zoning Commission approved a rezoning from A-1 (Citrus Rural District), R-2 (Residential District), and P-O (Professional Office District) to R-2 (Residential District) restricted to five (5) dwelling units per acre plus a twenty five (25) percent Affordable Housing Density Bonus per Future Land use Policy 1.1.11.

Through this request, the applicant is seeking to rezone from R-2 (Residential District) (Restricted) to R-2 (Residential District) in order to construct thirty-eight (38) single-family attached residential dwelling units. This case was continued from the October 17, 2019 Planning and Zoning Commission meeting in order for the applicant to complete a Capacity Determination with Orange County Public Schools (OCPS). The Capacity Determination has since been completed and shows adequate school capacity.

**Land Use Compatibility**

The R-2 (Residential 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The subject property is partially located within the Conway Road and Hoffner Avenue Corridor Overlay District.
Airport Noise Zone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The subject property is located within Airport Noise Zone "D". Any required noise mitigation will be required at permitting.
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 Low-Medium Density Residential (LMDR). The proposed R-2 (Residential District) zoning is consistent with the Low-Medium Density Residential FLUM designation and the following Comprehensive Plan provisions:

**FLU1.1.5** states that Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. Infill is defined as development consistent with the Infill Master Plan (2008).

**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.

**OBJ FLU2.1** states that Orange County shall promote and encourage infill development.

**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.

**OBJ H1.1** states that the County will support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

## **SITE DATA**

<b>Existing Use</b>	Undeveloped Land
<b>Adjacent Zoning</b>	N: R-1A (Single-Family Dwelling District) (1957) E: R-1A (Single-Family Dwelling District) (1957) W: A-1 (Citrus Rural District) (1977) R-2 (Residential District) (1993)* <i>*Restricted to five (5) dwelling units per acre plus a twenty five (25) percent Affordable Housing Density Bonus per Future Land use Policy 1.1.11.</i>

S: P-O (Professional Office District) (1984)

**Adjacent Land Uses**

N: Single-Family Residences  
E: Single-Family Residences  
W: Undeveloped Land  
S: Undeveloped Land

**R-2 (Residential District) Development Standards**

One-Family Dwelling

Min. Lot Area: 4,500 sq. ft.  
Min. Lot Width: 45 ft.  
Max. Height: 35 ft.  
Min. Living Area: 1,000 sq. ft.  
Building Setbacks:  
    *Front:* 20 ft.  
    *Rear:* 20 ft.  
    *Side:* 5 ft.  
    *Side Street:* 15 ft.

Two Dwelling Units

Min. Lot Area: 8,000 sq. ft. / 9,000 sq. ft.  
Min. Lot Width: 80 ft. / 90 ft.  
Max. Height: 35 ft.  
Min. Living Area: 500 sq. ft. / 1,000 sq. ft.  
Building Setbacks:  
    *Front:* 20 ft.  
    *Rear:* 20 ft.  
    *Side:* 5 ft.  
    *Side Street:* 15 ft.

Three Dwelling Units

11,250 sq. ft.  
Min. Lot Area:  
Min. Lot Width: 85 ft. (attached units only)  
Max. Height: 35 ft.  
Min. Living Area: 500 sq. ft. per dwelling unit  
Building Setbacks:  
    *Front:* 20 ft.  
    *Rear:* 30 ft.  
    *Side:* 10 ft.  
    *Side Street:* 15 ft.

Four or More Dwelling Units

Min. Lot Area: 15,000 sq. ft.  
Min. Lot Width: 85 ft.  
Max. Height: 35 ft.

Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft. (30 ft. where adjacent to single-family)
<i>Side Street:</i>	15 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**

The R-2 (Residential District) zoning district is composed of lands and structures used primarily for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building and associated residential uses.

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**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See note below table*
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are multiple failing segments in the impact area.
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The applicant received a Capacity Determination (OC-19-089) from Orange County Public Schools (OCPS). This Capacity Determination shows there is adequate capacity to accommodate this request and a Capacity Enhancement Agreement (CEA) is not necessary.
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

\*Environmental Notes: Two Orange County Conservation Area Determinations (CAD) were completed for this project site: 06-196 issued on October of 2006, and 93-005 issued on February of 1993. No conservation areas were claimed as jurisdictional to Orange County.

This environmental review only addresses Orange County environmental regulatory code, however, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, and the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one

of the other agencies could deny the request even if the County approves it, or they may have other natural resource protective requirements. Therefore, it is imperative that this proposed plan be addressed on a multi-agency basis.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Due to the occupied adjacent residential units note that construction noise is limited by Orange County Code Chapter 15 Environmental Control, Article V Noise Pollution Control, Section 15-185 Exemptions that allows for construction or demolition activities between 7:00 am and 10:00 pm. Any construction after 10:00 PM and prior to 7:00 AM needs to comply with the requirements of the ordinance. In addition, dewatering pumps shall be shielded from exposure to the adjacent residential units and located as far away as possible to minimize adverse noise level impacts.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water:	Orange County Utilities	16-inch watermain is located within Hoffner Avenue right-of-way
Wastewater:	Orange County Utilities	8-inch forcemain is located within Hoffner Avenue right-of-way
Reclaim Water:	Orange County Utilities	Not currently available

**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** – (December 19, 2019)

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning.**

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

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) Zoning. The applicant was present and agreed with the staff recommendation.

Staff indicated that two hundred thirty-four (234) notices were sent to property owners extending beyond 600 feet surrounding the property, and that staff had received zero (0) responses in favor, and four (4) responses in opposition of the request. Those in opposition stated concerns related to traffic, density, privacy, and compatibility. One member of the public was present and spoke in opposition to the request.

After a brief discussion addressing the proposed Preliminary Subdivision Plan and wetlands, a motion was made by Commissioner Abdallah, and seconded by Commissioner Velazquez to recommend approval of the requested R-2 zoning. The motion carried on an 8-0 vote.

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